

**CPA 2004-10
HAWKS HAVEN
AMENDMENT
TO THE**

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LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

**LPA Public Hearing Document
For The
May 23, 2005 Public Hearing**

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

May 18, 2005

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2004-10**



Text Amendment



Map Amendment

	This document contains the following reviews:
✓	Staff Review
	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board Of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: May 18, 2005

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

Hawks Haven Investment LLC
Represented by Matt Uhle of Knott, Consoer, Edeline, Hart & Swett, P.A.
1625 Hendry Street Third Floor
Fort Myers, FL 33902

2. REQUEST:

Amend the Future Land Use Map series, Map 1 for 1,727 acres of land in Sections 25, 26, 27, 34, 35, 36 of Township 43 Range 26 from Rural and Suburban to Outlying Suburban. To amend Table 1 (a) of the Lee Plan to limit the area to a maximum residential density of 2 units per acre.

Amend Footnote 6 of Table 1(a), the density table to add the following language:

The property that is the subject of CPA2004-10 is eligible for an increase from 1,999 to 2,999 dwelling units upon the execution of a development agreement, which legally obligates the developer of the property to pay a proportionate share of the cost of six-laning State Road 80 from State Road 31 to Buckingham Road. No development orders may be issued for the additional units

until the construction of the improvement is included in the first three years of the County's Capital Improvement Program or the Florida Department Of Transportation Work Program.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Staff recommends that the amendment **not** be transmitted as proposed by the applicant.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The property has already been approved for 1,598 dwelling units in a Residential Planned Development. The applicant has not demonstrated a need for more dwelling units in this area.
- The property has only one access point which is onto State Road 80.
- The applicant has not justified the need for more future urban acreage in the County.
- The proposed amendment would double the residential density on land near the Hickey Creek Mitigation Park.
- The Fort Myers Shores Planning Community currently does not have any land allocated to the Outlying Suburban Future Land Use Category on Lee Plan Table 1(b).
- The proposed amendment will cause the adopted level of service to be exceeded on several roadway links.
- The proposed amendment would create enclaves of land that do not match the future land use category on the subject property.
- The application is internally inconsistent in describing the amount of wetlands and uplands on the subject property.
- The proposed amendment impacts SR 80 and Hickey Creek Mitigation Park, which are both regional facilities.
- To address transportation deficiencies, the applicant is proposing Development of Regional Impact (DRI)-like conditions but without performing a DRI analysis.

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: 1,978 acres.

PROPERTY LOCATION: The property is located in Sections 25, 26, 27, 34, 35, 36 of Township 43 Range 26. The property is located south of State Road 80 and east of Buckingham Road. The property abuts the northern boundary of Lehigh Acres and is

located west of the Hickey Creek Mitigation Park. The park is separated from the property by a canal owned by the East Lee County Water Control District.

EXISTING USE OF LAND: The majority of the parcel is vacant pastureland. Portions have been cleared and infrastructure to support the residential development approved under Z-99-56 is under construction.

CURRENT ZONING: AG-2 and RPD. The RPD zoning was created in October 1999 by Zoning Resolution Z-99-56. The resolution created a residential planned development and approved 1,598 dwelling units.

CURRENT FUTURE LAND USE CLASSIFICATION: Rural, Suburban, and Wetland

2. INFRASTRUCTURE AND SERVICES

WATER & SEWER:

Potable Water: The property is located in the Lee County Future Water Service area.

Sewer: The property is located in the Lee County Future Sewer Service Area, but receives sewer service from the City of Fort Myers Raleigh Street Waste Water Treatment Plant via an inter-local agreement.

FIRE:

The property is in the Fort Myers Shores Fire District. Fire service is currently provided from a station approximately 3 miles west of the subject property and EMS service is provided from a location 4 miles west of the subject property.

TRANSPORTATION: Access to the property is currently from State Road 80. This is the only access proposed by the applicant. LeeTran route 100 runs along State Road 80 in front of the entrance to the property.

SOLID WASTE FRANCHISE: ONYX Waste Services

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

This proposed amendment is one of several pending applications for the subject property. The Hawks Haven Residential Planned Development was approved in 1999 by Zoning Resolution Z-99-056. This resolution approved a total of 1,598 residential units. As of this report, the subject property is under review to amend the governing Master Concept Plan to allow an additional 401 residential units. If this proposed amendment to the Lee Plan is adopted, further increases in density would require an application to amend the Master Concept Plan of the Hawks Haven Residential Planned Development. The traffic impacts from the density generated by the proposed Lee Plan Amendment would negatively impact State Road 80 and Buckingham road, lowering the level of service to an unacceptable level for sections of those roads.

There is a discrepancy in the exact acreage of wetland and uplands within the property. The acreage allocation represented in the application is not consistent with other sources provided by the applicant. The original application lists 1,648 acres in the Rural category, 79 acres in the Suburban category and 251 acres in the Wetland category. The Environmental Resource Permit from the South Florida Water Management District (SFWMD) lists 1,797 acres total with 242 acres of wetland. The electronic data received from the applicant shows 1,727 acres of Rural. The applicant is requesting a maximum of 2,999 residential units on the property, which is less than the number of units resulting from any of the estimates. Therefore the exact wetland acreage does not affect the number of residential units permitted on the property.

The applicant is also proposing to amend Lee Plan Table 1(a) to add the following language:

The property that is the subject of CPA2004-10 is eligible for an increase from 1,999 to 2,999 dwelling units upon the execution of a development agreement, which legally obligates the developer of the property to pay a proportionate share of the cost of six-laning State Road 80 from State Road 31 to Buckingham Road. No development orders may be issued for the additional units until the construction of the improvement is included in the first three years of the County's Capital Improvement Program or the Florida Department Of Transportation Work Program.

By including this language, the applicant is voluntarily adopting a mitigation methodology similar to that used in the DRI process. The proposed amendment is not undergoing a DRI review.

PROJECT SUMMARY

The applicant proposes to redesignate the Rural and Suburban portions of the subject property to Outlying Suburban with a maximum of 2 du/acre. The areas designated as in the Wetland category are not part of the proposed amendment. The applicant also proposes to amend footnote 6 of Table 1 (a) of the Lee Plan to address the impact of the increased density upon nearby roadways. Future development of parcels beyond the 1,999 limit proposed by this amendment would not be possible until the developer of the parcels shared the cost of six laning a section of SR 80 between SR 31 and Buckingham Road.

COMPREHENSIVE PLAN BACKGROUND

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the majority of the subject property was part of the Rural land use category. Maximum standard density for the Rural category was established by the 1984 plan with a standard density range of 1 du/acre. The Rural land use category was described as areas that "are to remain predominately rural, that is, low density residential use and minimal non-residential land uses that are needed to serve the rural community."

According to the application, 79 acres of the property were designated Suburban on the 1984 FLUM. The standard density range for Suburban category is 1-6 du/acre. The Suburban category is intended to provide housing near the more urban areas but not the full mix of land uses typical of urban areas.

There are several areas in the Wetland Future Land Use Category within the subject property. The exact acreage is not known due to discrepancies in the amendment application. The application lists 251 acres of wetland but the Environmental Resource Permit from the SFWMD lists 242 acres of wetland. The standard density range is 1 du/20 acres. The category permits residential and recreational uses that do not adversely affect the ecological functioning of these areas.

ADJACENT ZONING AND USES

Zoning: The property abuts RS-1 zoned lands in Lehigh acres to the south. Property to the east is zoned AG-2. Property to the northeast is zoned RM-2. Property north of the subject property and south of SR80 is AG-2, and the property to the west is zoned AG-2, RPD, RS-1, and RM-2.

Adjacent Land Uses: North of the subject property the land is developed for low density single family residences and agriculture. The Hickey Creek Mitigation Park (HCMP) is located on the eastern border of the property. The park is separated from the subject property by a large canal owned on the south end by the East Lee County Water Control District. The Lehigh Acres property to the south consists of vacant single family lots. To the southwest the land is vacant, but has been approved for residential development.

POPULATION ACCOMMODATION CAPACITY DISCUSSION

The Hawks Haven RPD is currently approved for 1,598 dwelling units. If the proposed amendment is adopted, the total potential number of units within the project will increase to 2,999. This would amount to an increase of 1,401 units. At 2.09 people per dwelling unit, the proposed amendment would add 2,928 people to the Future Land Use Map.

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

The property is within the Fort Myers Shores Planning Community. In this community, 257 acres are allocated for commercial uses and 391 acres allocated for industrial uses. There are 783 acres allocated for residential uses in the Rural Future Land Use Category of which 328 are existing. This leave 455 acres available for development before 2020. There are 1,803 acres allocated for residential use in the Suburban category of which 1,264 acres are existing and 539 acres are still available for development before 2020. No acreage has been allocated to residential uses in the Outlying Suburban category in the Fort Myers Shores Planning Community. Adopting the proposed amendment would necessitate an amendment allocating residential acreage to the Outlying Suburban Future Land Use Category within the Fort Myers Shore Planning Community.

TRANSPORTATION ISSUES

In a memo from Lee County Department of Transportation staff state:

The analysis of 2020 conditions included modification to the 2020 growth forecasts for the traffic analysis zones (TAZs) in which the applicant's development proposal is located, TAZs 154 and 180. The growth forecasts in those zones were also modified to account for a number of other recently-approved developments in the area, namely Buckingham Gardens, Buckingham 320, Portico, and Tuscany. We felt the applicant's configuration of TAZ180 (i.e., centroid location, centroid connections) did not result in a reasonable assignment of trips consistent with the way those particular developments within it are configured and access the surrounding road network. Based on the trip generation information, Hawks Haven represents about 57% of the total trips coming from TAZ 180, and it only has access to SR 80. Therefore DOT staff reran the FSUTMS to assign 57% of the traffic from TAZ 180 to SR 80, meaning the rest of the trips were assigned west to Buckingham Road and South to Lehigh Acres. The net result was that two other road links, besides the section of SR 80 identified by the applicant would be expected to exceed their adopted level of service standard in 2020 even given planned improvements. The additional segments are SR 80 from Buckingham Road to Old Olga Road, which is projected at level of service "C" (exceeding the standard of "B"), and Buckingham Road from Orange River Boulevard to Bird Road, which is projected at level of service "F."

The expected improvement costs for the three segments could not be accommodated in the current 2020 Financially Feasible Plan without sacrificing other needed projects already in the plan. The County's plan amendment application suggests that if the necessary improvements cannot be accommodated within the financially feasible limits of the plan, the requested land use change should be denied. To avoid a recommendation of denial, the applicant has the option of making the commitment to cover the full cost of these improvements that go beyond the 2020 Financially Feasible Plan, or scaling back his proposal to the point that additional improvements to the affected roads are not needed. The applicant's suggestion to limit his development level until he has paid a proportionate share of the cost of one of the improvements and that the improvement is actually programmed is innovative from a comprehensive plan standpoint, but if the County were to accept it the proposal would have to be expanded to cover the additional impacted road segments. Staff would note that if the project is a DRI the applicant would be under the obligation to pay a proportionate share for his transportation impacts anyway.

Another planning issue is the access for the Hawks Haven project, which is currently limited to a single entrance onto a major arterial (SR 80). County codes require more than one access for a project of this size, and Exhibit F.2.(a) includes the statement, "The applicant is exploring the feasibility of providing a secondary access through Lehigh Acres." The traffic circulation analysis for the amendment also indicates on page 6 that the applicant will construct site-related improvements, "Along the southern property boundary as required to provide access to Sunshine Boulevard and Cemetery Road." However, no specific commitment has been made by the applicant to provide this secondary access and no site plan has been provided which indicates how such secondary access will be achieved. DOT staff cannot recommend that the County allow an increase in density for this site without a specific plan for multiple access points being included.

PUBLIC SAFETY ISSUES

Emergency Management - Hurricane Evacuation/Shelter Impacts

Hawks Haven is within category 2, 3, and 4 storm surge zones. The portion of the property located in section 27 is in the category 2 storm surge zone as is a wetland area lying in sections 34 and 35. The southeast portion of section 35 is in the category 4 storm surge zone and the rest of the property is either in category 3 or extends beyond the hurricane model limit.

Emergency Medical Services (EMS)

In a letter dated February 23, 2004, Lee County Emergency Medical Services staff stated that current and planned budgetary projections for additional EMS resources should meet increased demand from the subject parcel.

Sheriff's Office Impact

In a letter dated February 20, 2004, Sheriff's Office staff state that they anticipate receiving reasonable and necessary funding to support growth in demand.

Fire Service Impact

In a letter dated February 23, 2004, Fort Myers Shores Fire District Staff requests that the developer work with the fire district in securing land for a new station within or close to the property. The reason given is that growth in the east end of the county will create new demand for fire protection services.

SCHOOL IMPACTS

The Lee County School District owns an approximately 20-acre parcel of land within the subject property (STRAP # 27-43-26-00-00003.0030) and plans to build an elementary school there with a planned capacity of one thousand students. In a letter from the Lee County School District dated February 17, 2004, staff noted that an increase of 1,430 units would result in 503 students. This would necessitate 23 new classrooms. Existing schools are at or above capacity levels so a new school site is required. Another school, in addition to the planned new school, will be necessary to support the projected increase in student population.

SOILS

The soil map submitted by the applicant draws its data from the 1981 Soil Survey of Lee County published by the Soil Conservation Service. The map is consistent with plate 15 of the soil survey. There are 20 soil types listed in the soil survey map for the property.

ENDANGERED SPECIES

In a memo dated September 7, 2004 Lee County Parks and Recreation staff state the proposed amendment is inconsistent with the Lee Plan. Policies 77.23.3 and 77.2.10 address the prevention of impacts to hydrological systems and the protection of natural areas. Policies 77.4.1, 77.4.2, 77.4.3, and 77.4.4 concern the protection of endangered species. Objective 77.11 and policies 77.11.1 through 77.11.6 detail Lee County's commitment to the protection of the Florida Panther and Black bear, both of which have been documented at Hickey Creek Mitigation Park.

Hickey Creek Mitigation Park is a regional facility that is affected by the proposed amendment. The impact of the proposed density has not undergone review under the DRI process.

Environmental Services staff have not provided comment on the applicants proposed amendment.

PARKS, RECREATION AND OPEN SPACE

Community Parks

Hawks Haven is located in Community Park Impact Fee District #3, East Fort Myers. The minimum regulatory standard for community parks in Lee County is 0.8 acres per one thousand population, and the desired level of service standard is 2 acres per thousand population. As of the September 2004 concurrency report, there were 147 acres of developed community park land in District #3, with 36 more acres planned with the Veterans Park expansion in Lehigh Acres. The regulatory standard in District #3 in 2004 based on the existing population was 55 acres and the desired level was 137 acres. The increase in potential residential units on the site is approximately 2,928, residents which would translate into an additional regulatory requirement of 1.6 acres of Community Park, or a desired level of 4 acres.

Regional Parks

The standard for regional parks is applied county wide and is 7 acres per thousand population for the regulatory standard, and 8 acres per thousand population for the desired level of service. The additional 1,400 units created by the proposed amendment would generate a need for 14 acres at the regulatory standard and 16 acres at the desired level of service. According to the last concurrency report, the county had 5,857 acres of existing park and another 890 acres of potential additions. With a County populations of 500,000, the regulatory standard for regional parks would be 3,500 acres and the desired level of service would be 4,000 acres.

DRAINAGE/SURFACE WATER MANAGEMENT

As the property occupies the same "footprint" as The Hawks Haven Residential Planned Development, Surface water management measures were addressed by the master concept plan approved under zoning resolution Z-99-056 and under Environmental Resource Permit No. 36-04006-P. If the number of units permitted on the property is increased, by virtue of this plan amendment, the South Florida Water Management District, the Army Corps of Engineers, and Lee County Staff must review a new master concept plan for the property.

MASS TRANSIT

In a letter dated February 23, 2004, Lee County Transit Division Staff stated that although bus service direct to the property is not available, service on State Road 80 is available. This makes public transportation available to the westernmost portions of the property. The service is provided seven days a week and has a high frequency, creating sufficient capacity to add more riders. The closest stop to the property is at State Road 80 and Old Olga Road.

UTILITIES

Potable Water: Daily consumption of potable water is estimated to be 711,436 gallons per day. The project will require connection to a 24" force main on the north side for SR80 for potable water service. This line is anticipated to have adequate capacity and pressure to serve the project and is currently supplied by the Olga Water Plant. The Olga Plant is nearing capacity but a new water plant in North Fort Myers is anticipated to come online. This plant will be connected to the Olga Plant and will have adequate capacity to serve the project.

Sewer: The estimated average daily production of wastewater 711,436 gallons per day. The current plant capacity is 11 MGD with a 3 month average of 9.14 MGD. The system currently has capacity for the

project. The project will require construction of a 14" force main along SR80 from the project entrance to the intersection of Buckingham Road, approximately 4,300 feet. Water and sewer services are provided to the property as part of the currently approved RPD zoning.

SOLID WASTE

In an email dated March 24, 2004, Lee County Solid Waste Division Staff stated that they had no objection to the proposed amendment.

B. CONCLUSIONS

The Hawks Haven subdivision is adequately served by public safety services. Future capacity is available to serve the proposed increase in residential units. The public school system will need another school site to accommodate the proposed number of units. The anticipated impact of the increased units upon the transportation network would reduce the level of service on three different road links to unacceptable levels. The applicant has voluntarily proposed DRI-like measures to mitigate traffic impacts but without performing a DRI review. The Fort Myers Shore Planning Community currently has no residential acreage allocated to the Outlying Suburban Future Land Use Category. If the proposed amendment is adopted, the planning community must have residential acreage allocated to the Outlying Suburban Future Land Use Category on Lee Plan Table 1 (b), Planning Community Year 2020 Allocations.

C. STAFF RECOMMENDATION

Staff recommends that the board **not** transmit the amendment proposed by the applicant.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: May 23, 2005

A. LOCAL PLANNING AGENCY REVIEW

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT
SUMMARY**

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

MATT BIXLER

DEREK BURR

RONALD INGE

CARLTON RYFFEL

FRED SCHILFFARTH

RAYMOND SCHUMANN

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

TAMMY HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: _____

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

- B. STAFF RESPONSE**

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

TAMMY HALL

RAY JUDAH

BOB JANES

DOUG ST. CERNY

**CPA 2004-10
HAWKS HAVEN
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

LPA Hearing Report

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

May 9, 2005

*Please
consider
enclosed
suggestions
DMC.*

*Rest to
Glover*

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2004-10**



Text Amendment



Map Amendment

	This document contains the following reviews:
✓	Staff Review
	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board Of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: May 9, 2005

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

Hawks Haven Investment LLC
Represented by Matt Uhle of Knott, Consoer, Edeline, Hart & Swett, P.A.
1625 Hendry Street Third Floor
Fort Myers, FL 33902

2. REQUEST:

Amend the Future Land Use Map series, Map 1 for 1,727 acres of land in Sections 25, 26, 27, 34, 35, 36 of Township 43 Range 26 from Rural and Suburban to Outlying Suburban. To amend Table 1 (a) of the Lee Plan to limit the ~~subject~~ area to a maximum residential density of 2 units per acre.

Amend Footnote 6 of Table 1(a), the density table to add the following language:

The property that is the subject of CPA2004-10 is eligible for an increase from 1,999 to 2,999 dwelling units upon the execution of a development agreement, which legally obligates the developer of the property to pay a proportionate share of the cost of six-laning State Road 80 from State Road 31 to Buckingham Road. No development orders may be issued for the additional units

*Notice?
to summary
prop amendments*

until the construction of the improvement is included in the first three years of the County's Capital Improvement Program or the Florida Department Of Transportation Work Program.

There should be a finding regarding access to the site

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Staff recommends that the amendment not be transmitted as proposed by the applicant.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The ~~subject area~~ ^{property} has already been approved for 1,598 dwelling units in a Residential Planned Development. The applicant has not demonstrated a need for more dwelling units in this area.
- The applicant has not justified the need for more future urban acreage in the County.
- The proposed amendment would double the residential density on land near a Hickey Creek Mitigation Park.
- The Fort Myers Shores Planning Community does not ~~contain any areas~~ ^{include any land} in the Outlying Suburban Future Land Use Category.
- The proposed amendment will overly burden State Road 80 and Buckingham Road, reducing ~~their~~ ^{the} level of service below the threshold mandated by the Florida Department Of Transportation in the case of State Road 80 and the Lee County Department of Transportation in the case of Buckingham Road.
- The proposed amendment would create enclaves of land ~~which~~ ^{that} do not match the future land use category on the subject property.
- The application is internally inconsistent in describing the amount of wetlands and uplands on the ~~subject property~~.
- The proposed amendment impacts SR 80 and Hickey Creek Mitigation Park ~~which~~ ^{are} both regional facilities.
- According to Florida Statutes sections 380.06 (2) (c) and 380.651(3)(i) and 28 FAC 24.032, the proposed amendment qualifies as a Development of Regional Impact (DRI) status ~~and~~ has not been reviewed under the DRI process. ~~to allow for~~ ^{which would provide for a full and detailed analysis of the proposed impacts, and appropriate mitigation protocol, and access}

The proposal

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: ~~The subject property is a total of~~ 1,978 acres.

PROPERTY LOCATION: ~~The subject property is located in~~ Sections 25, 26, 27, 34, 35, 36 of Township 43 Range 26. The property is south of State Road 80 and east of

located

Buckingham Road. The property abuts the northern boundary of Lehigh Acres and is west of the Hickey Creek Mitigation Park.

EXISTING USE OF LAND: The majority of the subject parcel is vacant pastureland. Portions of the property have been cleared and infrastructure for previously approved residential zoning is under construction.

CURRENT ZONING: The subject property is zoned AG-2 and RPD. The RPD zoning was created in October 1999 by Zoning Resolution Z-99-56. The resolution created a residential planned development and approved 1,598 dwelling units.

CURRENT FUTURE LAND USE CLASSIFICATION: The subject property currently is designated Rural, Suburban, and Wetland on The Future Land Use Map of the Lee Plan.

2. INFRASTRUCTURE AND SERVICES

WATER & SEWER:

Potable Water: The subject property is located in the Lee County Utilities Sewer service area.

Sewer: The property is in the East Lee County Sewer District but receives sewer service from the City of Fort Myers Raleigh Street Waste Water Treatment Plant via an inter-local agreement.

FIRE:

The subject property is in the Fort Myers Shores Fire District. Fire service is currently provided from a station approximately 3 miles west of the subject property and EMS service is provided from a location 4 miles west of the subject property.

TRANSPORTATION: Access to the property is currently from State Road 80. LeeTran route 100 runs along State Road 80 in front of the entrance to the subject property.

SOLID WASTE FRANCHISE: ONYX Waste Services

It should be noted here that there is only one access to the property.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

This proposed amendment is one of several pending applications for the subject property. The Hawks Haven Residential Planned Development was approved in 1999 by Zoning Resolution Z-99-056. This resolution approved a total of 1,598 residential units. As of this report, the subject property is under review to amend its Master Concept Plan to allow an additional 401 residential units. If this proposed amendment is adopted, any further increases in density would require changes in the Master Concept Plan of the Hawks Haven Residential Planned Development. The traffic impacts from the proposed density would negatively impact State Road 80 and Buckingham road, lowering the level of service to an unacceptable level for sections of those roads.

There is a discrepancy in the exact acreage of wetland and uplands within the subject property. The submitted application is inconsistent with other sources from the applicant, concerning the exact acreage of wetlands and uplands on the property. The original application lists 1,648 acres in the Rural category, 79 acres in the Suburban category and 251 acres in the Wetland category. The Environmental Resource Permit from the South Florida Water Management District lists 1,797 acres total with 242 acres of that being wetland. The electronic data received from the applicant shows 1,727 acres of Rural. The applicant is requesting a maximum of 2,999 residential units on the subject property which is less than the number of units resulting from any of the estimates. Therefore the exact wetland acreage is moot as far as the number of permitted residential units. *permitted on the property*

According to communications from the County Attorneys Office, this project qualifies as a Development of Regional Impact (DRI) under the provisions of Florida Statutes sections 380.06(2) (c) and 380.651(3)(i) and Florida Administrative Code 28-24.032. The proposed amendment is project-specific and impacts regional facilities, namely SR 80. The proposed amendment therefore should submit to the DRI review process.

PROJECT SUMMARY

The applicant proposes to redesignate the Rural and Suburban portions of the subject property to Outlying Suburban with a maximum of 2 du/acre. The areas in the Wetland category in the subject parcel are not part of the proposed amendment. The applicant also proposes to amend footnote 6 of Table 1.(a) of the Lee Plan to address the impact of the increased density upon nearby roadways. Future development of parcels beyond the 2,999 limit proposed by this amendment would not be possible until the developers of said parcels shared the cost of six laning a section of SR 80 between SR 31 and Buckingham Road.

COMPREHENSIVE PLAN BACKGROUND

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the majority of the subject property was part of the Rural land use category. Maximum standard density for the Rural category was established by the 1984 plan with a standard density range of 1 du/acre. The Rural land use category was described as areas that "are to remain predominately rural, that is, low density residential use and minimal non-residential land uses that are needed to serve the rural community."

Moreover, the DRI/Comp Plan amendment cycle would provide for enhanced notice to the surrounding community of the proposed intensification of density. This notice would afford greater community participation in the evaluation of anticipated impacts and ~~and proper conditioning of~~ the crafting of conditions of approval to address the mitigation of all impacts anticipated from the proposal.

~~mechanism to enforce the mitigation necessary to~~
the

When are you going with this paragraph
According to the application, 79 acres of the ~~subject~~ ^{was} property were designated Suburban on the 1984 FLUM. The standard density range for Suburban category is 1-6 du/acre. The Suburban category is intended to provide housing near the more urban areas, but not the full mix of land uses typical of urban areas.

Give us a bull figure on the number of Wetland acres.
There are several areas in the Wetland Future Land Use Category ~~within the subject property~~ ^{accreage}. The exact amount is not known due to discrepancies in the amendment application. The standard density range is 1 du/20 acres. The category permits residential and recreational uses that are intended to not adversely affect the ecological functioning of these areas.

ADJACENT ZONING AND USES

~~The property abuts RS-1 zoned lands to the south.~~
Zoning: The property abutting the subject property to the south is a part of Lehigh Acres and is zoned RS-1. The property to the east is zoned AG-2. The property to the northeast is zoned RM-2. The property north of the subject property and south of SR80 is AG-2, and the property ~~to~~ ^{to the south} to the west is AG-2, RPD, RS-1, and RM-2.

~~developed~~ ^{used}
Adjacent Land Uses: North of the subject property the land is used for low density single family residences and agriculture. ~~To the east of the subject property is the Hickey Creek Mitigation Park (HCMP). The park is separated from the subject property by a large canal that is owned on the south end by the East Lee County Water Control District. To the south of the subject property is Lehigh Acres with many vacant single family lots. To the southwest the land is currently vacant but has been approved for residential development.~~
~~is located on the eastern border of the property~~
^{conservation}

POPULATION ACCOMMODATION CAPACITY DISCUSSION

The Hawks Haven RPD is currently approved for 1,598 dwelling units. If the proposed amendment is adopted, the total number of units will increase to 2,999, an increase of 1,401 units. For this discussion, ~~the wetland and upland acreage listed in the~~ ^{potential within the project} ~~potential~~ ^{This would amount to}

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

The ~~subject~~ ^{subject} property is within the Fort Myers Shores Planning Community. In this community there are 257 acres allocated for commercial uses and 391 acres allocated for industrial uses.

Within the Fort Myers Shores community there are 783 acres allocated for residential uses in the Rural Future Land Use Category, and 1,803 acres allocated for residential use in the Suburban category. ~~There is currently no acreage allocated to residential uses in the Outlying Suburban category in the Fort Myers Shores Planning Community. Adopting the proposed amendment would require allocating residential acreage for the Outlying Suburban Future Land Use Category within the Fort Myers Shore Planning Community.~~
^{has been} ^{necessary with an amendment}

TRANSPORTATION ISSUES

In a memo from Lee County Department of Transportation staff state:

The analysis of 2020 conditions included modification to the 2020 growth forecasts for the traffic analysis zones (TAZs) in which the applicant's development proposal is located, TAZs 154 and 180. The growth forecasts in those zones were also modified to account for a number of other recently-approved developments in the area, namely Buckingham

Gardens, Buckingham 320, Portico, and Tuscany. We felt the applicant's configuration of TAZ180 (i.e., centroid location, centroid connections) did not result in a reasonable assignment of trips consistent with the way those particular developments within it are configured and access the surrounding road network. Based on the trip generation information, Hawks Haven represents about 57% of the total trips coming from TAZ 180, and it only has access to SR 80. Therefore DOT staff reran the FSUTMS to assign 57% of the traffic from TAZ 180 to SR 80, meaning the rest of the trips were assigned west to Buckingham Road and South to Lehigh Acres. The net result was that two other road links, besides the section of SR 80 identified by the applicant would be expected to exceed their adopted level of service standard in 2020 even given planned improvements. The additional segments are SR 80 from Buckingham Road to Old Olga Road, which is projected at level of service "C" (exceeding the standard of "B"), and Buckingham Road from Orange River Boulevard to Bird Road, which is projected at level of service "F."

The expected improvement costs for the three segments could not be accommodated in the current 2020 Financially Feasible Plan without sacrificing other needed projects already in the plan. The County's plan amendment application suggests that if the necessary improvements cannot be accommodated within the financially feasible limits of the plan, the requested land use change should be denied. To avoid a recommendation of denial, the applicant has the option of making the commitment to cover the full cost of these improvements that go beyond the 2020 Financially Feasible Plan, or scaling back his proposal to the point that additional improvements to the affected roads are not needed. The applicant's suggestion to limit his development level until he has paid a proportionate share of the cost of one of the improvements and that and that improvement is actually programmed is innovative from a comprehensive plan standpoint, but if the County were to accept it the proposal would have to be expanded to cover the additional impacted road segments. Staff would note that if the project is a DRI the applicant would be under the obligation to pay a proportionate share for his transportation impacts anyway.

Another planning issue is the access for the Hawks Haven project, which is currently limited to a single entrance onto a major arterial (SR 80). County codes require more than one access for a project of this size, and Exhibit F.2.(a) includes the statement, "The applicant is exploring the feasibility of providing a secondary access through Lehigh Acres." The traffic circulation analysis for the amendment also indicates on page 6 that the applicant will construct site-related improvements, "Along the southern property boundary as required to provide access to Sunshine Boulevard and Cemetery Road." However, no specific commitment has been made by the applicant to provide this secondary access and no site plan has been provided which indicates how such secondary access will be achieved. DOT staff cannot recommend that the County allow an increase in density for this site without a specific plan for multiple access points being included.

Bold this sentence

PUBLIC SAFETY ISSUES

Emergency Management - Hurricane Evacuation/Shelter Impacts

Hawks Haven is within both the category 2, 3, and 4 storm surge zones. The portion of the subject property located in section 27 is in the category 2 storm surge zone as is a wetland area lying in sections

Tie these zones to acreages if you can!

34 and 35. The southeast portion of section 35 is in the category 4 storm surge zone and the rest of the property is either in category 3 or extends beyond the hurricane model limit.

Emergency Medical Services (EMS)

In a letter dated February 23, 2004, Lee County Emergency Medical Services staff stated that current and planned budgetary projections for additional EMS resources should meet increased demand from the subject parcel.

Sheriff's Office Impact

In a letter dated February 20, 2004, Sheriff's Office staff state that they anticipate receiving reasonable and necessary funding to support growth in demand.

Fire Service Impact

In a letter dated February 23, 2004, Fort Myers Shores Fire District Staff requests that the developer work with the fire district in securing land for a new station within or close to the ~~subject~~ property. The reason given is that growth in the east end of the county will create new demand for fire protection services.

SCHOOL IMPACTS

The Lee County School District owns an approximately 20^{plus} acre parcel of land within the ~~subject~~ property (STRAP # 27-43-26-00-00003.0030) and ~~is planning~~ *plans* to build an elementary school there with a planned capacity of one thousand students. In a letter from the Lee County School District dated February 17, 2004, staff noted that an increase of 1,430 units would result in 503 students. This would necessitate 23 new classrooms. Existing schools are at or above capacity levels so a new school site is required. Another school ~~in~~ *in addition* to the planned new school will be ~~required to serve~~ *necessary to support* the projected increase in student population.

SOILS

The soil map submitted by the applicant draws ~~its~~ *data* from the 1981 Soil Survey of Lee County published by the Soil Conservation Service. The map is consistent with plate 15 of the soil survey. There are 20 soil types listed in the soil survey map for the ~~subject~~ property.

ENDANGERED SPECIES

Environmental services staff have not provided comment on the applicants ~~proposed~~ *ed* amendment.

In a memo dated September 7, 2004 Lee County Parks and Recreation staff stated the proposed amendment is inconsistent with the Lee Plan. Policies 77.23.3 and 77.2.10 address the prevention of impacts to hydrological systems and the protection of natural areas. Policies 77.4.1, 77.4.2, 77.4.3, and 77.4.4 concern the protection of endangered species. Objective 77.11 and policies 77.11.1 through 77.11.6 detail Lee County's commitment to the protection of the Florida Panther and Black bear, both of which have been documented at Hickey Creek Mitigation Park.

Hickey Creek Mitigation Park is a regional facility that is affected by the proposed amendment. The impact of the proposed density has not undergone review under the DRI process.

PARKS, RECREATION AND OPEN SPACE

Community Parks

Hawks Haven is located in Community Park Impact Fee District #3, East Fort Myers. The minimum regulatory standard for community parks in Lee County is 0.8 acres per one thousand population, and the desired level of service standard is 2 acres per thousand population. As of the September 2004 concurrency report, there were 147 acres of developed community park land in District #3, with 36 more acres planned with the Veterans Park expansion in Lehigh Acres. The regulatory standard in District #3 in 2004 based on the existing population was 55 acres and the desired level was 137 acres. The increase in potential units on the site is approximately 2,000 residents which would translate into an additional regulatory requirement of 1.6 acres of Community Park, or a desired level of 4 acres.

Regional Parks

The standard for regional parks is applied county wide and is 7 acres per thousand population for the regulatory standard, and 8 acres per thousand population for the desired level of service. The additional 2,000 units created by the proposed amendment would generate a need for 14 acres at the regulatory standard and 16 acres at the desired level of service. According to the last concurrency report, the county had 5,857 acres of existing park and another 890 acres of potential additions. With a County populations of 500,000, the regulatory standard for regional parks would be 3,500 acres and the desired level of service would be 4,000 acres.

DRAINAGE/SURFACE WATER MANAGEMENT

As the ~~subject~~ property occupies the same "footprint" as The Hawks Haven Residential Planned Development, Surface water management measures were addressed by the master concept plan. approved under zoning resolution Z-99-056 and under Environmental Resource Permit No. 36-04006-P. If the number of units permitted on the ~~subject~~ property is increased, a new master concept plan will need to be submitted for review by the South Florida Water Management District, the Army Corps of Engineers, and Lee County Staff.

must review a new master concept plan for the property

by virtue of this plan amendment

MASS TRANSIT

In a letter dated February 23, 2004, Lee County Transit Division Staff stated that although bus service direct to the ~~subject~~ property is not available, service on State Road 80 is available. This makes public transportation available to the westernmost portions of the ~~subject~~ property. The service is provided seven days a week and has a high frequency, creating sufficient capacity to add more riders. The closest stop to the ~~subject~~ property is at State Road 80 and Old Olga Road.

How far away is this?

UTILITIES

Potable Water: Daily consumption of potable water is estimated to be 711,436 gallons per day. The project will require connection to a 24" force main on the north side fo SR80 for potable water service. This line is anticipated to have adequate capacity and pressure to serve the project and is currently supplied by the Olga Water Plant. The Olga Plant is nearing capacity but a new water plant in North Fort Myers is anticipated to come online. This plant will be connected to the Olga Plant and will have adequate capacity to serve this project.

Sewer: The estimated average daily production of wastewater 711,436 gallons per day. The current plant capacity is 11 MGD with a 3 month average of 9.14 MGD The system currently has capacity for the project. The project will require construction of a 14" force main along SR80 from the project entrance to the intersection of Buckingham Road, approximately 4,300 feet. Water and sewer services are already being provided to the ~~subject~~ property as part of the currently approved RPD zoning.

SOLID WASTE

In an email dated March 24, 2004, Lee County Solid Waste Division Staff stated that they had no objection to the proposed amendment.

B. CONCLUSIONS

The Hawks Haven subdivision is adequately served by public safety services and future capacity exists to serve an increased number of units. The public school system would require another school site to accommodate an increased number of units. Future increases in density would occupy the same footprint as approved residential development. Many of the impacts of increased density would be addressed through the zoning and development order processes. The impact of the increased units upon the transportation network would reduce the level of service on three different links to unacceptable levels. The proposed amendment impacts regional facilities such as SR 80 and Hickey Creek Mitigation Park but has not undergone the DRI review process. The Fort Myers Shore Planning Community currently has no residential acreage allocated to the Outlying Suburban Future Land Use Category. If the proposed amendment is adopted, the planning community will need to have residential acreage allocated to the Outlying Suburban Future Land Use Category on Lee Plan Table 1 (b), Planning Community Year 2020 Allocations..

C. STAFF RECOMMENDATION

Staff recommends not to transmit the amendment as proposed by the applicant.

that the Board not

Frank Hermine,

and updated

Future capacity is available to serve the proposed increase in residential units.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: May XX, 2005

A. LOCAL PLANNING AGENCY REVIEW

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT
SUMMARY**

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

MATT BIXLER

DEREK BURR

DAN DELISI

RICHARD DOWNES

RONALD INGE

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

TAMMY HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: _____

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**
- B. STAFF RESPONSE**

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

RAY JUDAH

BOB JANES

DOUG ST. CERNY

**Hawk's Haven Comprehensive Plan Amendment Request No. CPA2004-10
Scheduled June 1, 2005**

**The Hickey/Oak Creek Community Does Not Support
the Requested Land Use Change**

Background:

The recently approved 1999 Hawk's Haven project committed to **1,598 units**, 1 unit per acre

New developer purchased additional 150 acres (which we believed would add only 150 more units). By maximizing the density of 80 acres of Suburban land use on SR 80 they further increased their density to **1,999 units, which is acceptable** to the Hickey/Oak Creek Community.

New developer requesting comprehensive land use change to the Outlying Suburban category (committed to a maximum of 1.5 units per acre) – would increase units by 1,000 or **2,999 units** (1,400 more units than the originally proposed development).

Hickey/Oak Creek Community does not support the requested land use change for the following reasons:

- **Does not conform to the Caloosahatchee Shores Community Plan** – One common theme that was reiterated by residents throughout the planning process was that growth and development are acceptable as long as the density is compatible with existing density, and the rapid increase in development does not place an undue burden on the existing communities. During the Community Plan workshops and charettes discussions were held to revisit Hawks Haven to be sure 1 unit per acre was appropriate - **no changes for the land use or the density were supported or approved** in the Community Plan for the Hawks Haven property.
- **Incompatible with surrounding existing rural communities** - Surrounding current and future land use to the north and east is Rural and serves as transition to rural Alva (see attached). Although the property is adjacent to Lehigh Acres, it is geographically divided from Lehigh Acres by a large canal.
- **Density is inappropriate** – Oak Creek/Frank Road neighborhood to north deed restricted to **1 unit to 2.5 acres minimum**, many built properties are 5 and 10 acre parcels
- **Negative impact on wildlife** - including Hickey Creek Mitigation Park (connected to Hawks Haven by a bridge) and Hickey Swamp (a former 2020 Conservation candidate that will hopefully be revisited for nomination), although developer will build within existing Hawks Haven plan footprint, increased human activity (1,000 additional units) will have negative impact on wildlife
- **Overburdens transportation network including SR 80 and Buckingham Road** - DOT staff reran the Hawks Haven traffic model. The net result was that two other road links, besides the section of SR 80 from Buckingham Road to SR 31 identified by the applicant, would be expected to exceed their adopted level of service standard in 2020 even given planned improvements. The additional segments are SR 80 from Buckingham Road to Old Olga Road, which is projected at level of service "C" (exceeding the standard of "B"), and Buckingham Road from Orange River Boulevard to Bird Road, which is projected at level of service "F".

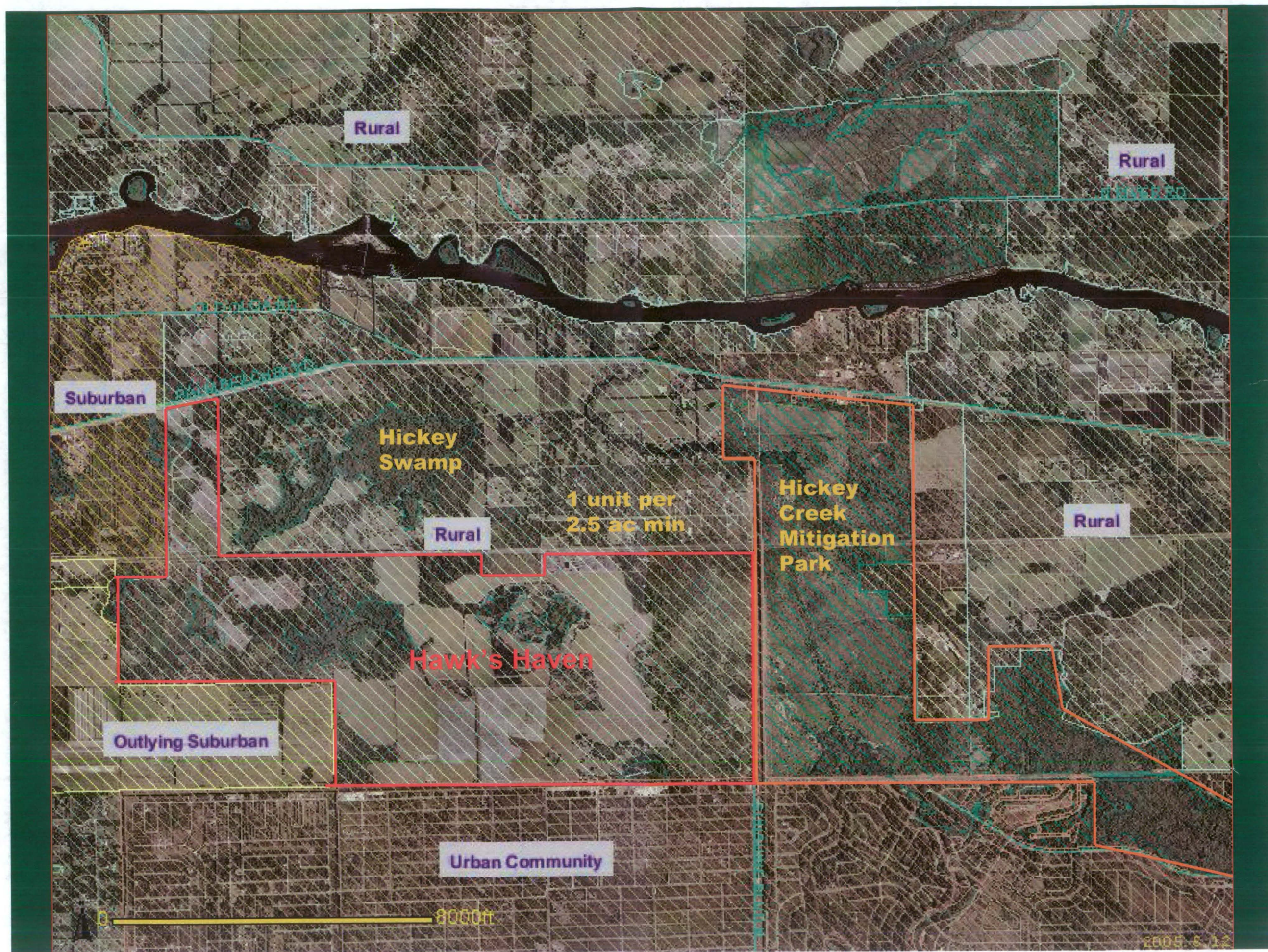
We respectfully request the Local Planning Agency Committee recommend denial of **Hawks Haven request for a comprehensive land use change** to Outlying Suburban that will add 1,000 additional units to this recently approved development.

Kris Cella McGuire
17371 Oak Creek Road
Alva, Florida 33920

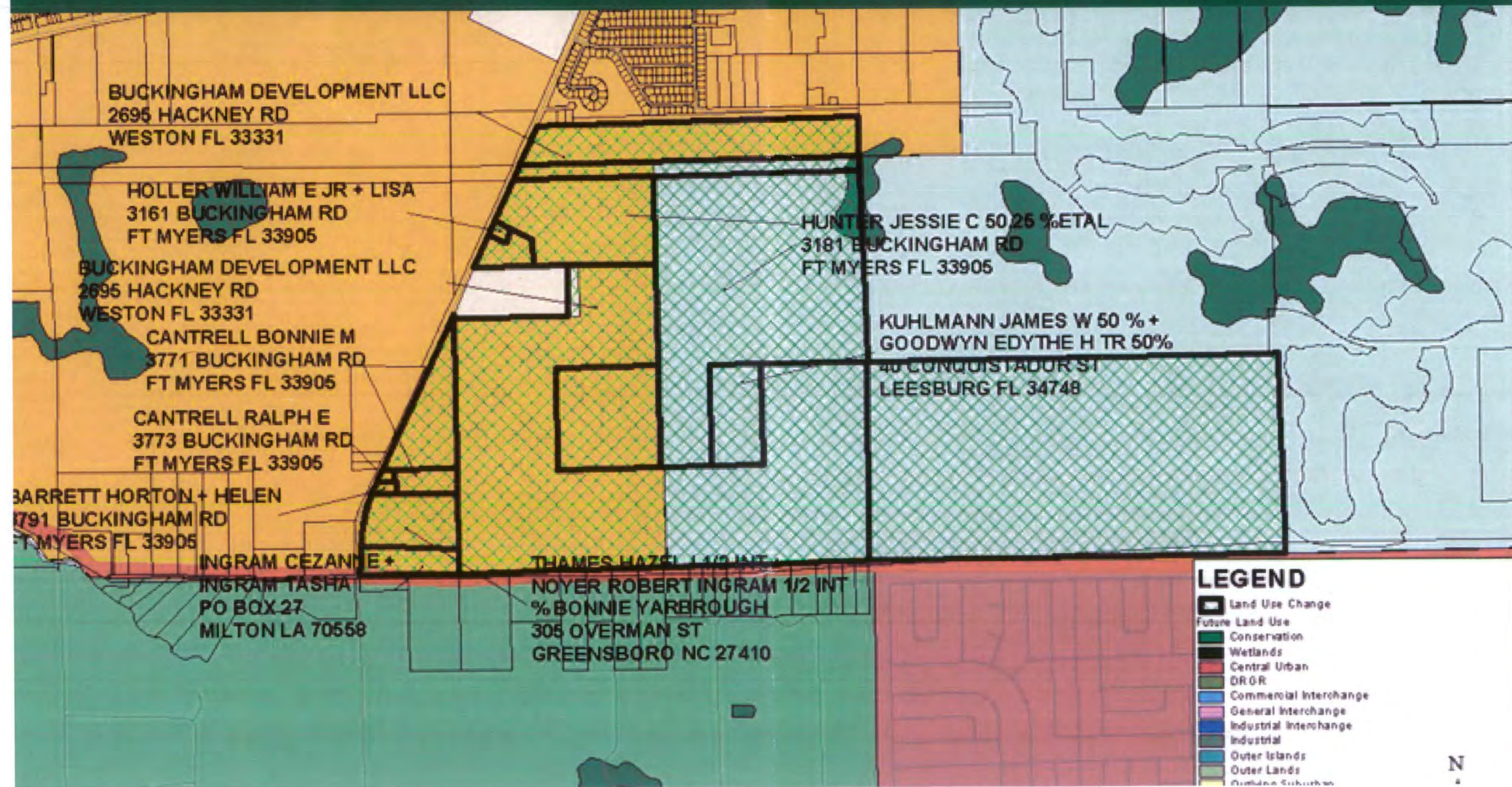
Not in Conformance with Caloosahatchee Shores Community Plan

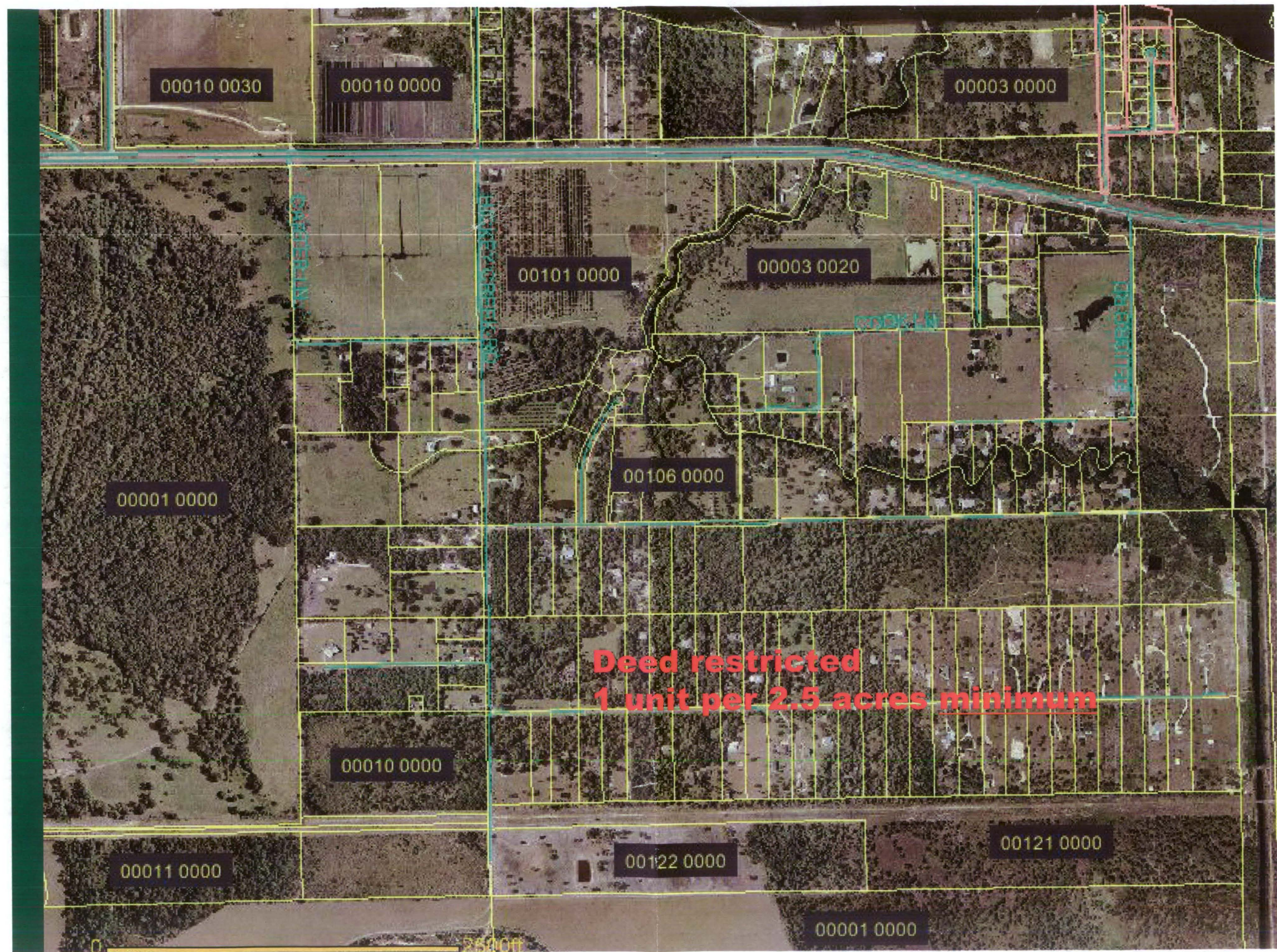
The idea of creating a community plan originated with the rezoning of the 320-acre property originally proposed for a total of 1,320 units. Residents rallied against the rezoning based on concerns for residential density, compatibility with the surrounding communities, and the Buckingham Rural Preserve land use category which is directly to the south of the property.

Therefore, one common theme that was reiterated by residents throughout the planning process was that growth and development are acceptable as long as the density is compatible with existing density, and the rapid increase in development does not place an undue burden on the existing communities.

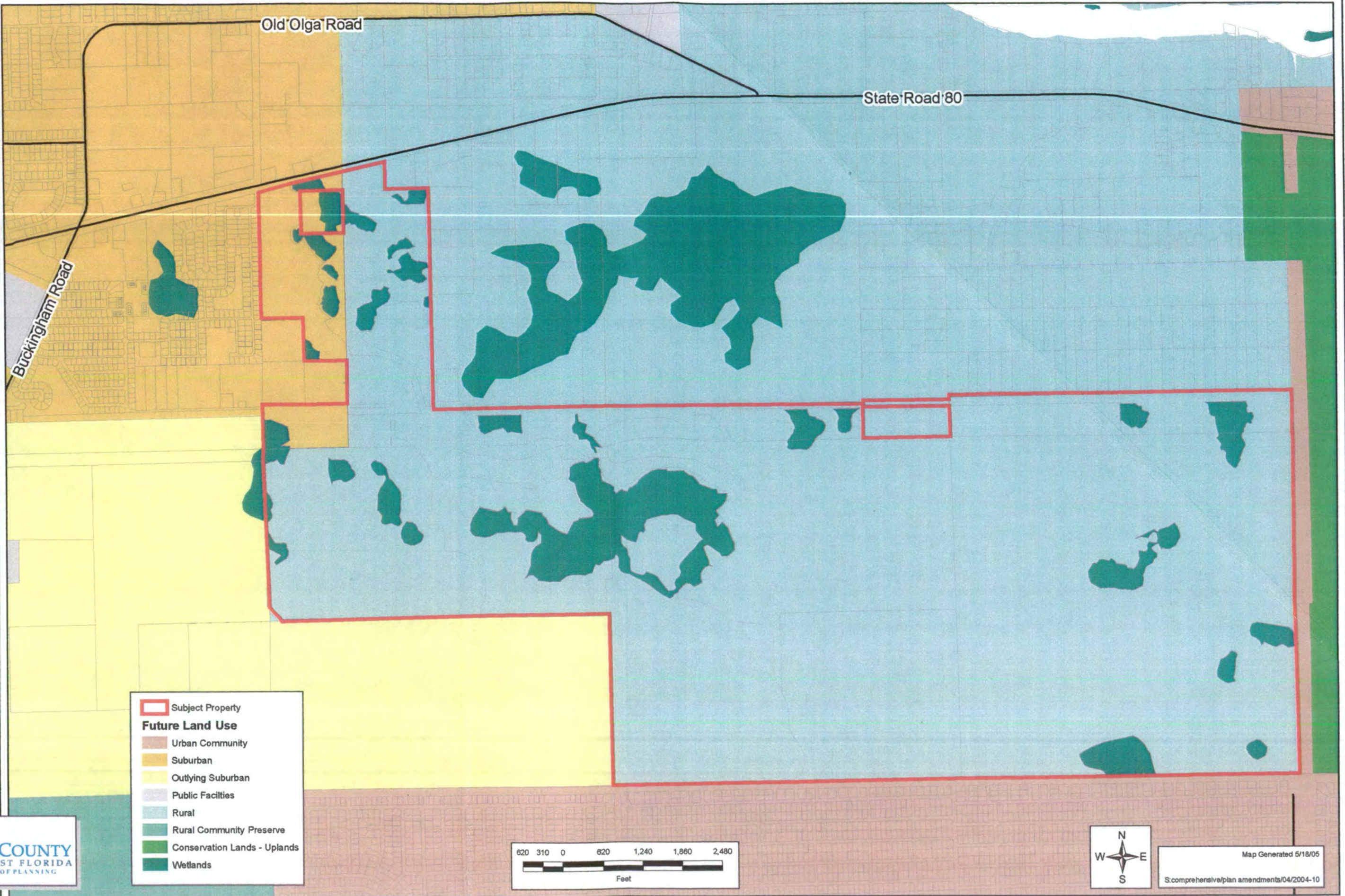


Community Plan initiated change to Outlying Suburban actually REDUCED the number of units by 677

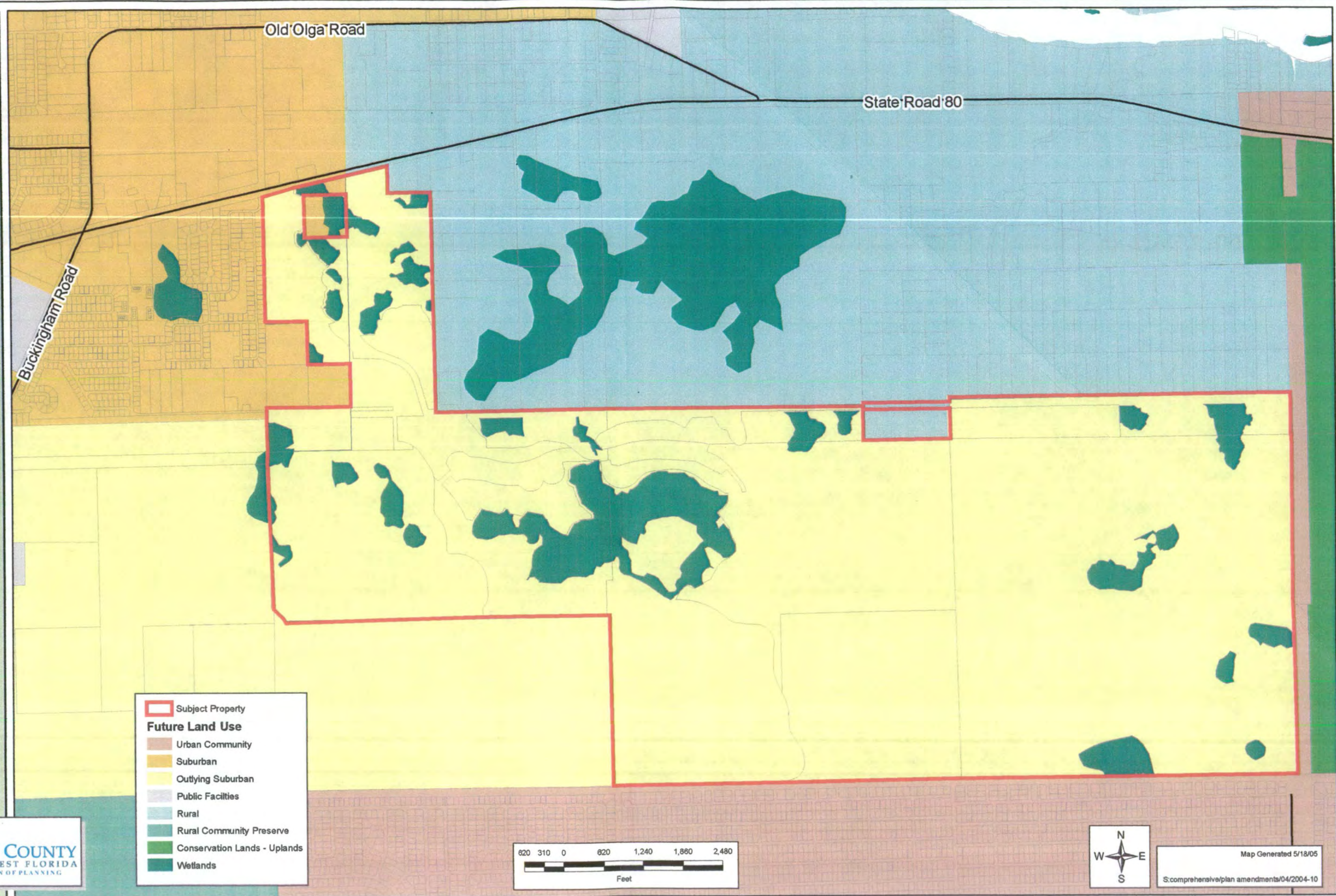




**Deed restricted
1 unit per 2.5 acres minimum**



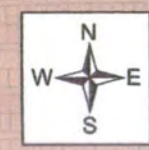
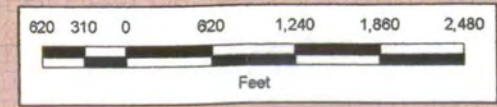
CPA 2004-10 Hawks Haven
Proposed Future Land Use Category



Subject Property

Future Land Use

- Urban Community
- Suburban
- Outlying Suburban
- Public Facilities
- Rural
- Rural Community Preserve
- Conservation Lands - Uplands
- Wetlands



Map Generated 5/18/05
S:\comprehensive\plan amendments\04\2004-10

Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Manager, Transportation Planning *DL*

Date: May 16, 2005

Subject: CPA 2004-00010 (Hawks Haven)

The Department of Transportation has reviewed the above-referenced application, which proposes changing the land use designation of approximately 1,647 acres from "Rural" and 79 acres from "Suburban" to "Public Facilities" and "Outlying Suburban" with a density limit of 2 units per acre, subject to text limiting the site to 2,999 units and prohibiting any density increases above 1,999 units until the developer is legally obligated to pay a DRI-type proportionate share of the cost of six-laning SR 80 between SR 31 and Buckingham Road *and* the entire funding for the road improvement is included in the first three years of the County's CIP or FDOT's Work Program. The link to the SR 80 improvement is based on the applicant's identification of that as the only failing road segment in his analysis of 2020 conditions on the planned roadway network. It is our understanding that the project proposal may well be considered a Development of Regional Impact (DRI), requiring submittal of a DRI Application for Development Approval in conjunction with the plan amendment request. In regards to the submitted plan amendment request, we note the following concerns.

The analysis of 2020 conditions included modification to the 2020 growth forecasts for the traffic analysis zones (TAZs) in which the applicant's development proposal is located, TAZs 154 and 180. The growth forecasts in those zones were also modified to account for a number of other recently-approved developments in the area, namely Buckingham Gardens, Buckingham 320, Portico, and Tuscany. We felt the applicant's configuration of TAZ 180 (i.e., centroid location, centroid connections) did not result in a reasonable assignment of trips consistent with the way those particular developments within it are configured and access the surrounding road network. Based on the trip generation information, Hawks Haven represents about 57% of the total trips coming from TAZ 180, and it only has access to SR 80. Therefore DOT staff reran the FSUTMS to assign 57% of the traffic from TAZ 180 to SR 80, meaning the rest of the trips were assigned west to Buckingham Road and south to Lehigh Acres. The net result was that two other road links, besides the section of SR 80 identified by the applicant would be expected to exceed their adopted level of service standard in 2020 even given planned improvements. The additional segments are SR 80 from Buckingham Road to Old Olga Road, which is projected at level of service "C" (exceeding the standard of "B"), and Buckingham Road from Orange River Boulevard to Bird Road, which is projected at level of service "F".

The expected improvement costs for the three segments could not be accommodated in the current 2020 Financially Feasible Plan without sacrificing other needed projects already in the plan. The County's plan amendment application suggests that if the necessary improvements cannot be accommodated within the financially feasible limits of the plan, the requested land use change should be denied. To avoid a recommendation of denial, the applicant has the option of making the commitment to cover the full cost of these improvements that go beyond the 2020 Financially Feasible Plan, or scaling back his proposal to the point that additional improvements to the affected roads are not needed. The applicant's suggestion to limit his development level until he has paid a proportionate share of the cost of one of the improvements and that improvement is actually programmed is innovative from a comprehensive plan standpoint, but if the County were to accept it the proposal would have to be expanded to cover the additional impacted road segments. The plan amendment language should also make clear that it would be a DRI-type proportionate share analysis. Staff would note that if the project is a DRI the applicant would be under the obligation to pay a proportionate share for his transportation impacts anyway.

Another planning issue is the access for the Hawks Haven project, which is currently limited to a single entrance onto a major arterial (SR 80). County codes require more than one access for a project of this size, and Exhibit F.2.(a) includes the statement "The applicant is exploring the feasibility of providing a secondary access through Lehigh Acres". The traffic circulation analysis for the amendment also indicates on page 6 that the applicant will construct site-related improvements "along the southern property boundary as required to provide access to Sunshine Boulevard and Cemetery Road". However, no specific commitment has been made by the applicant to provide this secondary access and no site plan has been provided which indicates how such secondary access will be achieved. DOT staff cannot recommend that the County allow an increase in density for this site without a specific plan for multiple access points being included.

Thank you for this opportunity to comment. Please let me know if you have any questions.

DML/mlb

cc: Matt Noble
Peter Blackwell
Donna Marie Collins
Matt Uhle
Ted Treesh



LEE COUNTY
PARKS AND RECREATION

3410 Palm Beach Blvd
Fort Myers, FL 33916
Phone 239-461-7400 Fax 239-461-7450

LEE COUNTY
RECEIVED

SEP -8 PM 1:04

DEV.
FED. WILDS. CNTR.
FLOOR

Memorandum

To: Matthew Noble, Principal Planner

From: John Yarbrough, Department Director

Date: September 7, 2004

Subject: Amendment to Hawk's Haven Residential Development #DCI 12004-00054

As you are aware, the Hickey's Creek Mitigation Park (HCMP) is located east of the proposed Hawk's Haven housing development in east Lee County. Lee County and the Florida Fish and Wildlife Conservation Commission manage HCMP jointly. It is our understanding that this development has applied for an amendment to double the density from one unit/acre to two units /acres.

In the past, we have worked with consultants of the former owner and addressed our concerns regarding the Florida scrub jay (Federally Threatened) and gopher tortoise (State Species of Special Concern) both of which have been documented on the Hawks Haven site. Florida scrub jays have been documented flying across the Hickey's Creek canal from HCMP to the Hawk's Haven site. A sixty-acre parcel in the southwestern corner of the development had been set aside as a gopher tortoise preserve. It is unclear what measures have been taken to preserve scrub jay habitat. With the doubling of density on this project, we are concerned about the impact on the two above listed species and how this development will change the hydrological regime of both Hickey's Creek and HCMP. We are aware that large quantities of water being drawn from the aquifer may influence the surface hydrology up to a mile away from a development.

It is our contention that the proposed change in the density of the Hawks Haven development is inconsistent with the Lee Plan. Policies #77.23.3 and #77.2.10 within this plan address the prevention of impacts to hydrological systems and the protection of natural areas. Policies #77.4.1, #77.4.2, #77.4.3, and #77.4.4 allude to the protection of Endangered and Threatened Species. Objective #77.11 and policies #77.11.1 through 77.11.6 detail Lee County's commitment to the protection of the Florida panther and black bear, both of which have been documented at HCMP.

For these reasons, the Lee County Department of Parks and Recreation opposes doubling the density of the Hawks Haven development.

If you have any questions or wish to discuss the issue further please do not hesitate to give me a call at 461-7410.

FT. MYERS SHORES FIRE DISTRICT

12345 PALM BEACH BLVD.

FT. MYERS, FL. 33905

February 23, 2004

VIA FACSIMILE 334-1446

Michael E. Roeder, AICP
KNOTT, CONSOER, EBELINI,
HART, & SWETT, P.A.
P.O. Box 2449
Ft. Myers, FL 33902-2449

RE: Hawk's Haven

Dear Mr. Roeder,

The Hawk's Haven project is completely in the Ft. Myers Shores Fire District. The growth in the east end of the District will require a new station to be located in the area of Palm Beach Blvd. and Linwood Ave. The District has been looking for land to place a station for about a year. Approximately 1-2 acres would be needed to house fire and EMS equipment. So far we have been unable to find a parcel that meets our needs or our budget.

With the increase in units for this project a station will become even more necessary to provide fire protection and EMS service. Currently fire service is provided out of the station located approximately 3 miles to the west and EMS service over 4 miles to the west. Our current ISO rating for the area of your project is a Class 9. With the addition of water and a station the rate would drop to a Class 4. This represents a considerable savings in insurance rates in addition to response times being greatly reduced. A station in or near this project will be a great asset for the area as well as a selling point for the project.

We would ask that the developer work with the fire district in securing land for a station in the project or closely located to the project. This might be done by a number of different methods not limited to land donation or land for impact credit. With the approval of change for this development will come an increase in land values and scarcity of land for a new station.

The District looks forward to be able to work with on this. Thank you.

Sincerely,


Douglas R. McGeachie, Fire Chief



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

239-335-1604

Writer's Direct Dial Number: chrish@leegov.com

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

February 18, 2004

Mr. Michael E. Roeder, AICP
Director of Zoning & Land Use Planning
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Fort Myers, FL 33901

**Re: Written Determination of Adequacy for EMS Services for a
land use plan amendment for Hawk's Haven, a residential
development.**

Dear Mr. Roeder:

Lee County Emergency Medical Services has reviewed your letter dated February 11, 2004; reference to a proposed land use plan amendment for the Hawk's Haven development on SR-80.

The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities.

If you would like to discuss this further, please call me at the above referenced number.

Sincerely,

DIVISION OF PUBLIC SAFETY/EMS

Chief H.C. "Chris" Hansen
EMS Manager
Lee County Emergency Medical Services

/GDW

**LEE COUNTY**
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

239-277-5012 x2233

Writer's Direct Dial Number: _____

Bob Jones
District OneDouglas R. St. Cerny
District TwoRay Judah
District ThreeAndrew W. Coy
District FourJohn E. Albion
District FiveDonald D. Stilwell
County ManagerJames G. Yaeger
County AttorneyDiana M. Parker
County Hearing
Examiner

February 23, 2004

Mr. Michael E. Roeder, AICP
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Third Floor
Fort Myers, FL 33902-2449

RE: LEE PLAN AMENDMENT FOR HAWK'S HAVEN

Dear Mr. Roeder:

Thank you for your correspondence with Lee County Transit in regards to your service availability request for a Lee County Land Use Map change. While we will not be able to provide direct service to the subject property located on State Road 80, we do currently provide service on SR-80 East to Buckingham Road. This makes public transportation available to at least the westernmost portion of the subject property. The seven-day a week service we provide is with our route 100 and the high frequency of this route allows for sufficient capacity to add more riders. The closest bus stop to the subject property is located at Palm Beach Boulevard (SR-80) and Old Olga Road. Future residents of the current Hawk's Haven Development may be able to utilize public transportation as a "Park and Ride" service or they could access the bus by foot or by bicycle.

If you have any further questions or comments, please call me or e-mail me at mhorsting@leegov.com.

Sincerely,

TRANSIT DIVISION

Michael Horsting
Transit Planner

Office of the Sheriff
Rodney Shoap



County of Lee
State of Florida

February 20, 2004

Knott, Consoer, Ebelini
Hart & Swett, P.A.
1625 Hendry Street
P.O. Box 2449
Fort Myers, Florida 33902-2449

RECEIVED
Knott, Consoer, Ebelini
Hart & Swett, P.A.

AM FEB 24 2004 PM
7 8 9 10 11 12 1 2 3 4 5 6

RE: Lee Plan Amendment for Hawk's Haven

Dear Mr. Michael Roeder:

The proposed development in Lee County Florida, is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

We anticipate that we will receive the reasonable and necessary funding to support growth in demand. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Johnson".

Major Dan Johnson
Planning and Research

Copy: File
DJ/jr



14750 Six Mile Cypress Parkway Fort Myers, Florida 33912-4406



BOARD OF COUNTY COMMISSIONERS

239-277-5012 x2233

Writer's Direct Dial Number: _____

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

February 23, 2004

Mr. Michael E. Roeder, AICP
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Third Floor
Fort Myers, FL 33902-2449

RE: LEE PLAN AMENDMENT FOR HAWK'S HAVEN

Dear Mr. Roeder:

Thank you for your correspondence with Lee County Transit in regards to your service availability request for a Lee County Land Use Map change. While we will not be able to provide direct service to the subject property located on State Road 80, we do currently provide service on SR-80 East to Buckingham Road. This makes public transportation available to at least the westernmost portion of the subject property. The seven-day a week service we provide is with our route 100 and the high frequency of this route allows for sufficient capacity to add more riders. The closest bus stop to the subject property is located at Palm Beach Boulevard (SR-80) and Old Olga Road. Future residents of the current Hawk's Haven Development may be able to utilize public transportation as a "Park and Ride" service or they could access the bus by foot or by bicycle.

If you have any further questions or comments, please call me or e-mail me at mhorsting@leegov.com.

Sincerely,

TRANSIT DIVISION

Michael Horsting
Transit Planner

DRAFT 5/25/05

Conditions for CPA 2004-10-Hawks Haven

- The applicant will not allow an ingress/egress access point to be established on Hickey Creek Road
- The applicant agrees to a southern access point to offer a second access for the project that will connect to 75th Street West and travel east to tie into Sunshine Boulevard.
- Applicant agrees to complete improvements from the connection of the project to 75th Street West to Sunshine Boulevard and for 2.0 miles south on Sunshine Boulevard in return for impact fee credits. The improvements will be complete prior to a certificate of occupancy of the 2000th unit provided the applicant is able to secure increased density through the re-zoning process for density above 1999 units.
- IF IMPROVEMENTS LIMITED TO 1.1 MILES, RESULTS WOULD NOT BE CREDIBLE
- The applicant will limit the number of residential units to 2999 or 1.5 units to the acre.
- The applicant will up front \$1.5 million dollars to help fund and advance the PDE study of SR 80 between Buckingham Road and SR 31. The \$1.5 million will be made available upon approval of the re-zoning of the project above 1999 units. The \$1.5 million will not be impact fee creditable provided 2999 units are approved at the time of re-zone. If less than 2999 units are approved then each unit not approved between 1999 and 2999 (1000 units) will be eligible for impact fee credits. For example if an additional 500 units are approved then \$750,000 will be eligible for impact fee credits and the other \$750,000 will not.
- CONTRACT ZONING?
- WHAT HAPPENS TO PROP SHARE FOR ENTIRE PROJECT COST?
- No development orders may be issued for the additional units from 1999 to 2999 until the construction of the improvements of SR 80 between SR 31 and Buckingham road is included in the first three years of the County's Capital Improvement Program or the Florida Department of Transportation Work Program.
- STILL DOESN'T ADDRESS THE OTHER IMPACTS
- The conservation acreage amounts will not be decreased.

Dave,
Applicant submitted this at
our meeting...

Draft 5/25/05

Applicant-Proposed Conditions for CPA2004-10 Hawks Haven

LCDOT 5/31/05 comments provided in italics.

The applicant will not allow an ingress/egress access point to be established on Hickey Creek Road.

- *This is a condition to address a fear of the residents along Hickey Creek Road, but the Developer has not proposed a connection there and the County has not asked for one, so it is just a "feel good" measure.*

The applicant agrees to a southern access point to offer a second access for the project that will connect to 75th Street West and travel east to tie into Sunshine Boulevard.

- *DOT staff was looking for a definitive commitment to provide a secondary access to the project, because it would be foolhardy to approve an increase in density for this property and have a 2999 unit project with one entrance to a critical state arterial. This statement partially addresses that concern, but staff is looking for some details on how the connection is going to be made.*

Applicant agrees to complete improvements from the connection of the project to 75th Street West to Sunshine Boulevard and for 2.0 miles south on Sunshine boulevard in return for impact fee credits. The improvements will be complete prior to a certificate of occupancy of the 2000th unit provided the applicant is able to secure increased density through the re-zoning process for density above 1,999 units.

- *First of all, improvements to a site access are typically treated as site-related, meaning they would be ineligible for road impact fee credits. Also, improvements such as resurfacing would not be eligible, because they aren't capacity-increasing improvements.*
- *Assuming these conditions become comprehensive plan policies, it seems awkward to link an improvement to a guarantee of increased density through re-zoning in the comp plan (i.e., contract zoning?).*

The Applicant will limit the number of residential units to 2,999 or 1.5 units per acre.

The applicant will up front \$1.5 million dollars to help fund and advance the PDE study or SR 80 between Buckingham Road and SR 31. The \$1.5 million will be made available upon approval of the rezoning of the project above 1,999 units. The \$1.5 million will not be impact fee creditable [sic] provided 2,999 units are approved at the time of re-zone. If less than 2,999 units are approved then each unit not approved between 1,999 and 2,999 (1000 units) will be eligible for impact fee credits. For example if an additional 500 units are approved the \$750,000 will be eligible for impact fee credits and the other \$750,000 will not

- *Again, the commitment is tied to the re-zoning, which does not seem to make good comprehensive plan policy.*
- *Making the contribution over and above impact fees (sort of) helps resolve one DOT staff concern, the policy question of whether the Board wants to allow developers to apply funds owed to the County to improvements on SIS facilities, which are now the focus of 75% of the state's funding and which are awarded on a "needs" basis. If the funds spent*

on the SIS road are over and above the impact fees owed to the County, then the concern is addressed.

- However, the commitment to provide \$1.5 million for the PD&E Study seems to be less, potentially a lot less, than the previous commitment to provide a DRI-type proportionate share contribution toward the full cost (all phases) of 6-laning SR 80 between SR 31 and Buckingham Road, and it doesn't address the impacts staff had identified on the two other road segments, SR 80 between Buckingham Road and the project entrance, and Buckingham Road between Orange River Boulevard and Bird Road.*
- It is also not clear where the balance of the needed funding to make these improvements would come from. As noted in DOT's comments of May 16th, the comp plan amendment package suggests that if the improvements needed by 2020 cannot be accommodated within the financially feasible limits of the plan, the requested land use should be denied. To avoid a recommendation of denial, the applicant has the option of making the commitment to cover the full cost of the needed improvements. The applicant's offer only partially addresses the need, which makes it impossible to amend the County's financially feasible transportation plan to accommodate the impacts of this project request and other development in the area.*

No development orders may be issued for the additional units from 1,999 to 2,999 until the construction of the improvements of SR 80 between SR 31 and Buckingham Road is included in the first three years of the County's Capital Improvement Program or the Florida Department of Work Program.

- This condition attempts to address the lack of funding commitment by limiting the amount of development that can proceed until at least one of the improvements is programmed (presumably with someone else's money), but again, the impacts on the other segment of SR 80 and on Buckingham Road are not addressed. This concept may work as a concurrency/timing issue, but it doesn't address the financial feasibility of the long range transportation plan.*

The conservation acreage amounts will not be decreased.

**REGULAR MEETING
OF THE
LOCAL PLANNING AGENCY**

**Monday, May 23, 2005
Board of County Commission Chambers
The meeting will commence at 8:30 a.m.**

AGENDA

- ✓1. Call to Order; Certification of Affidavit of Publication
- ✓2. Pledge of Allegiance
- ✓3. Public Forum
- ✓4. Approval of Minutes from April 25, 2005
- ✓5. Park Impact Fee Update

Passed 7-0
AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC) TO AMEND CHAPTER 2 (ADMINISTRATION), ARTICLE VI (IMPACT FEES), DIVISION 3 (REGIONAL PARKS IMPACT FEE); AMENDING COMPUTATION OF AMOUNT (§2-306); AMENDING DIVISION 4 (COMMUNITY PARKS IMPACT FEE); COMPUTATION OF AMOUNT (§2-346); BENEFIT DISTRICTS ESTABLISHED (§2-348); AND AMENDING APPENDIX L - COMMUNITY PARK IMPACT FEE BENEFIT DISTRICT DESCRIPTIONS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

Passed 7-0
6. Review Capital Improvement Program for Fiscal Year ending 2006/2010

7. 2004/2005 Regular Round Plan Amendment Review:

At the conclusion of each of the following amendments, the Local Planning Agency will vote to recommend that the Board of County Commissioners transmit or not transmit each amendment.

Greg Squary should have been a game show host

Greg Reports w/ Planning SITE PLAN ISSUES RURAL IS AROUND
A. CPA2004-04 – Fitzgerald Tract – William Fitzgerald, Trustee, privately sponsored amendment - Amend the Lee Plan Map series Map 1, the Future Land Use Map for a portion of a 54-acre tract in Section 27, Township 45, Range 25 from Rural to Outlying Suburban. The subject property abuts I-75 on the East and is approximately one mile south of Daniels Parkway.

NO CURRENT USES IS GOING TO PRESERVE MUCH LAND NORMALLY 12-14 AC
B. CPA2004-10 – Hawks Haven – Hawks Haven Investment, LLC, privately sponsored amendment - Amend the Lee Plan Map series Map 1, The Future Land Use Map for parcels in Sections 27, 34, 35 and 36, Township 43 Range 46 from Rural and Suburban to Outlying Suburban with a density limit of 2 units per acre. Amend Footnote 6 of Table 1(a), the density table to add the following language:

CAUTION move (? second)

Passed 5-2

The property that is the subject of CPA2004-10 is eligible for an increase from 1,999 to 2,999 dwelling units upon the execution of a development agreement which legally obligates the developer of the property to pay a proportionate share of the cost of six-laning State Road 80 from State Road 31 to Buckingham Road. No development orders may be issued for the additional units until the construction of the improvement is included in the first three years of the County's Capital Improvement Program or the Florida Department Of Transportation Work Program.

- C. CPA2004-12 - Boca Grande – Board of County Commissioners sponsored amendment - Amend the Future Land Use Element of the Lee Plan to incorporate the recommendations of the Boca Grande Community Planning effort. Establish a new Vision Statement and a new Goal, including Objectives and Policies specific to Boca Grande.**
- D. CPA2004-13 - I-75 and S.R. 80 Interchange - Board of County Commissioners sponsored amendment - Evaluate the future land use designations of Map 1, the Future Land Use Map, for the Interstate 75 and State Road 80 Interchange to balance existing and future land use designations in this area.**
- E. CPA2004-15 - Fort Myers Shores Table 1b Update - Board of County Commissioners sponsored amendment - Text Amendment to revise the Lee Plan Land Use Allocation Table (Table 1b) for the Fort Myers Shores Planning Community to address the establishment of the Outlying Suburban future land use category within the Planning Community.**
- F. CPA2004-16 – Pine Island Compromise – Board of County Commissioners sponsored amendment - The compromise proposes to amend the Lee Plan as follows:**

Amend the Future Land Use Map series for specified parcels of land (total of approximately 157 acres) located in Section 31, Township 43 South, Range 22 East to change the Future Land Use classification shown on Map 1 from "Coastal Rural" to "Outlying Suburban." The property is generally located in the Bokeelia area south of Barrancas Avenue and north of Pinehurst Road.

Amend the Pine Island Vision Statement and Goal 14 to recognize the value of preserving agricultural activities on the island;

Amend the Future Land Use Element Policy 1.4.7, the Coastal Rural Policy, to allow the retention of active or passive agriculture in lieu of habitat restoration to regain density;

Amend the current percentages of preserved or restored uplands in Policy 1.4.7;

Amend the Lee Plan to add a policy that further defines the restoration standards referred to in Policy 1.4.7;

Amend Housing Element Policy 100.2.3 to incorporate a reference to the Coastal Rural future land use category;

Amend the Pine Island Vision Statement, Goal 14, Table 1(a) footnote 4, the Definition of Density in the Glossary, and any other Plan provisions to create a new transfer of development rights program for Pine Island; Amend the definition of Density to allow mixed use projects to retain some or all of their residential density that is typically lost to commercial acreage, if Pine Island TDRs are utilized to regain density; Amend the Mixed Use definition in the Glossary to better define mixed use projects;

Evaluate creating a concurrency exception area for a portion of Pine Island Center; and,

Evaluate establishing additional Urban Infill areas on the mainland portion of the County to be receiving areas for Pine Island TDRs. Evaluate increasing allowable bonus densities in specific locations based on a point system that incorporates several criteria.

9. Other Business

10. Adjournment

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(8)(b), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 479-8583.

Subject Property Owners List

- | | | |
|-----|---|------------------------|
| 1. | Hawks Haven Developers, LLC
2971 Hickey Creek Rd., Alva, FL 33920 | 25-43-26-00-00122.0000 |
| 2. | Hawks Haven Developers, LLC
2970 Hickey Creek Rd., Alva, FL 33920 | 26-43-26-00-00011.0000 |
| 3. | Hawks Haven Developers, LLC
Access Undetermined, Ft. Myers, FL 33905 | 27-43-26-00-00003.0020 |
| 4. | Hawks Haven Developers, LLC
Reserved, Hawks Haven, Alva, FL 33920 | 34-43-26-00-00001.0030 |
| 5. | Hawks Haven Developers, LLC
Access Undetermined, Alva, FL 33920 | 34-43-26-00-00001.0010 |
| 6. | Hawks Haven Developers, LLC
Access Undetermined, Alva, FL 33920 | 35-43-26-00-00001.0000 |
| 7. | Hawks Haven Developers, LLC
Reserved | 35-43-26-00-00001.0010 |
| 8. | Hawks Haven Developers, LLC
Access Undetermined, Alva, FL 33920 | 35-43-26-00-00002.0000 |
| 9. | Hawks Haven Developers, LLC
Access Undetermined, Alva, FL 33920 | 36-43-26-00-00001.0000 |
| 10. | Levitt and Sons at Hawks Haven
Access Undetermined, Alva, FL 33920 | 27-43-26-00-00003.0010 |
| 11. | Levitt and Sons at Hawks Haven
Access Undetermined, Alva, FL 33920 | 27-43-26-00-00016.0000 |
| 12. | Levitt and Sons at Hawks Haven
Access Undetermined, Alva, FL 33920 | 34-43-26-00-00001.0020 |
| 13. | Lee County District School Board
Access Undetermined, Alva, FL 33920 | 27-43-26-00-00003.0030 |

Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Manager, Transportation Planning *DL*

Date: May 16, 2005

Subject: CPA 2004-00010 (Hawks Haven)

The Department of Transportation has reviewed the above-referenced application, which proposes changing the land use designation of approximately 1,647 acres from "Rural" and 79 acres from "Suburban" to "Public Facilities" and "Outlying Suburban" with a density limit of 2 units per acre, subject to text limiting the site to 2,999 units and prohibiting any density increases above 1,999 units until the developer is legally obligated to pay a DRI-type proportionate share of the cost of six-laning SR 80 between SR 31 and Buckingham Road *and* the entire funding for the road improvement is included in the first three years of the County's CIP or FDOT's Work Program. The link to the SR 80 improvement is based on the applicant's identification of that as the only failing road segment in his analysis of 2020 conditions on the planned roadway network. It is our understanding that the project proposal may well be considered a Development of Regional Impact (DRI), requiring submittal of a DRI Application for Development Approval in conjunction with the plan amendment request. In regards to the submitted plan amendment request, we note the following concerns.

The analysis of 2020 conditions included modification to the 2020 growth forecasts for the traffic analysis zones (TAZs) in which the applicant's development proposal is located, TAZs 154 and 180. The growth forecasts in those zones were also modified to account for a number of other recently-approved developments in the area, namely Buckingham Gardens, Buckingham 320, Portico, and Tuscany. We felt the applicant's configuration of TAZ 180 (i.e., centroid location, centroid connections) did not result in a reasonable assignment of trips consistent with the way those particular developments within it are configured and access the surrounding road network. Based on the trip generation information, Hawks Haven represents about 57% of the total trips coming from TAZ 180, and it only has access to SR 80. Therefore DOT staff reran the FSUTMS to assign 57% of the traffic from TAZ 180 to SR 80, meaning the rest of the trips were assigned west to Buckingham Road and south to Lehigh Acres. The net result was that two other road links, besides the section of SR 80 identified by the applicant would be expected to exceed their adopted level of service standard in 2020 even given planned improvements. The additional segments are SR 80 from Buckingham Road to Old Olga Road, which is projected at level of service "C" (exceeding the standard of "B"), and Buckingham Road from Orange River Boulevard to Bird Road, which is projected at level of service "F".

The expected improvement costs for the three segments could not be accommodated in the current 2020 Financially Feasible Plan without sacrificing other needed projects already in the plan. The County's plan amendment application suggests that if the necessary improvements cannot be accommodated within the financially feasible limits of the plan, the requested land use change should be denied. To avoid a recommendation of denial, the applicant has the option of making the commitment to cover the full cost of these improvements that go beyond the 2020 Financially Feasible Plan, or scaling back his proposal to the point that additional improvements to the affected roads are not needed. The applicant's suggestion to limit his development level until he has paid a proportionate share of the cost of one of the improvements and that improvement is actually programmed is innovative from a comprehensive plan standpoint, but if the County were to accept it the proposal would have to be expanded to cover the additional impacted road segments. The plan amendment language should also make clear that it would be a DRI-type proportionate share analysis. Staff would note that if the project is a DRI the applicant would be under the obligation to pay a proportionate share for his transportation impacts anyway.

Another planning issue is the access for the Hawks Haven project, which is currently limited to a single entrance onto a major arterial (SR 80). County codes require more than one access for a project of this size, and Exhibit F.2.(a) includes the statement "The applicant is exploring the feasibility of providing a secondary access through Lehigh Acres". The traffic circulation analysis for the amendment also indicates on page 6 that the applicant will construct site-related improvements "along the southern property boundary as required to provide access to Sunshine Boulevard and Cemetery Road". However, no specific commitment has been made by the applicant to provide this secondary access and no site plan has been provided which indicates how such secondary access will be achieved. DOT staff cannot recommend that the County allow an increase in density for this site without a specific plan for multiple access points being included.

Thank you for this opportunity to comment. Please let me know if you have any questions.

DML/mlb

cc: Matt Noble
Peter Blackwell
Donna Marie Collins
Matt Uhle
Ted Treesh

MATT/POTER - BEFORE I FINALIZE THIS I WANTED TO GIVE YOU AN
OPPORTUNITY TO REVIEW LET ME KNOW WHAT YOU THINK.³
DRAFT-DNE

Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Manager, Transportation Planning

Date: May 13, 2005

Subject: CPA 2004-00010 (Hawks Haven)

The Department of Transportation has reviewed the above-referenced application, which proposes changing the land use designation of approximately 1,647 acres from "Rural" and 79 acres from "Suburban" to "Public Facilities" and "Outlying Suburban" with a density limit of 2 units per acre, subject to text limiting the site to 2,999 units and prohibiting any density increases above 1,999 units until the developer is legally obligated to pay a DRI-type proportionate share of the cost of six-laning SR 80 between SR 31 and Buckingham Road *and* the entire funding for the road improvement is included in the first three years of the County's CIP or FDOT's Work Program. The link to the SR 80 improvement is based on the applicant's identification of that as the only failing road segment in his analysis of 2020 conditions on the planned roadway network. It is our understanding that the project proposal may well be considered a Development of Regional Impact (DRI), requiring the plan amendment to be withdrawn and resubmitted in conjunction with a DRI Application for Development Approval. On the expectation that the applicant may resubmit the same analysis for the plan amendment, we note the following concerns.

The analysis of 2020 conditions included modification to the 2020 growth forecasts for the traffic analysis zones (TAZs) in which the applicant's development proposal is located, TAZs 154 and 180. The growth forecasts in those zones were also modified to account for a number of other recently-approved developments in the area, namely Buckingham Gardens, Buckingham 320, Portico, and Tuscany. We felt the applicant's configuration of TAZ 180 (i.e., centroid location, centroid connections) did not result in a reasonable assignment of trips consistent with the way those particular developments within it are configured and access the surrounding road network. Based on the trip generation information, Hawks Haven represents about 57% of the total trips coming from TAZ 180, and it only has access to SR 80. Therefore DOT staff reran the FSUTMS to assign 57% of the traffic from TAZ 180 to SR 80, meaning the rest of the trips were assigned west to Buckingham Road and south to Lehigh Acres. The net result was that two other road links, besides the section of SR 80 identified by the applicant would be expected to exceed their adopted level of service standard in 2020 even given planned improvements. The additional segments are SR 80 from Buckingham Road to Old Olga Road, which is projected at level of service "C" (exceeding the standard of "B"), and Buckingham Road from Orange River Boulevard to Bird Road, which is projected at level of service "F".

The expected improvement costs for the three segments could not be accommodated in the current 2020 Financially Feasible Plan without sacrificing other needed projects already in the plan. The County's plan amendment application suggests that if the necessary improvements cannot be accommodated within the financially feasible limits of the plan, the requested land use change should be denied. To avoid a recommendation of denial, the applicant has the option of making the commitment to cover the full cost of these improvements that go beyond the 2020 Financially Feasible Plan, or scaling back his proposal to the point that additional improvements to the affected roads are not needed. The applicant's suggestion to limit his development level until he has paid a proportionate share of the cost of one of the improvements and that improvements is actually programmed is innovative from a comprehensive plan standpoint, but if the County were to accept it the proposal would have to be expanded to cover the additional impacted road segments. Staff would note that if the project is a DRI the applicant would be under the obligation to pay a proportionate share for his transportation impacts anyway.

Another planning issue is the access for the Hawks Haven project, which is currently limited to a single entrance onto a major arterial (SR 80). County codes require more than one access for a project of this size, and Exhibit F.2.(a) includes the statement "The applicant is exploring the feasibility of providing a secondary access through Lehigh Acres". The traffic circulation analysis for the amendment also indicates on page 6 that the applicant will construct site-related improvements "along the southern property boundary as required to provide access to Sunshine Boulevard and Cemetery Road". However, no specific commitment has been made by the applicant to provide this secondary access and no site plan has been provided which indicates how such secondary access will be achieved. DOT staff cannot recommend that the County allow an increase in density for this site without a specific plan for multiple access points being included.

Thank you for this opportunity to comment. Please let me know if you have any questions.

DML/mlb

From: Peter Blackwell
To: Noble, Matthew
Date: 5/5/05 3:04PM
Subject: Now?

CPA2004-04

Amend the Lee Plan Map series Map 1, The Future Land Use Map for a portion of a 54-acre tract in Section 27 Township 45 Range 25 from Rural to Outlying Suburban. The subject property abuts I-75 on the East and is approximately one mile south of Daniels Parkway.

CPA2004-10

Amend the Lee Plan Map series Map 1, The Future Land Use Map for 1,647 acres of land designated Rural and 79 acres of land designated Suburban to Outlying Suburban with a density limit of 2 units per acre. Further, to amend the Lee Plan text limiting the site to 2,999 units and prohibiting any density increases above 2,999 units until the developer is legally obligated to pay a proportionate share of the cost of six-laning State Road 80 from State Road 31 to Buckingham Road and the entire funding for the road improvement is included in the first three years of the County's Capital Improvement Program or the FDOT work program. The subject property is in sections 27, 34, 35, and 36 of Township 44 Range 26 south of State Road 80 and east of Buckingham Road.

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS - AT - LAW

George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

MUhle@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Nady Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

MEMORANDUM

TO: Peter Blackwell

FROM: Matt Uhle

DATE: April 1, 2005

RE: Hawks Haven Lee Plan Amendment

Further to our March 11th resubmittal, enclosed please find Traffic Circulation Analysis and CD.

Enclosures

MDU/zw

Knott, Consoer, Ebelini
Hart & Swett, P.A.
A T T O R N E Y S - A T - L A W

George H. Knott *+
George L. Consoer, Jr. **
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H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

AStowe@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Natly Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

M E M O R A N D U M

TO: Luis Machado

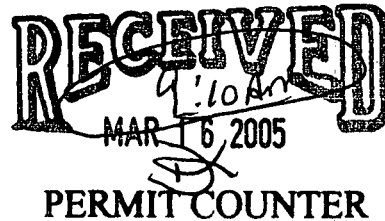
FROM: Alison Stowe

DATE: March 15, 2005

RE: Hawks' Haven Comp Plan Amendment / CPA2004-00010

Luis, attached please find 4 copies of the legal description on 8.5 x 11, as you requested, for the above referenced case. If you have any questions or request additional information, please do not hesitate to contact me.

/ams
Enclosures



RECEIVED

MAR 16 2005

ZONING

EXHIBIT A.5

Legal Description

Parcel in
Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East
Lee County, Florida

A tract or parcel of land lying in Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Southeast corner of said Section 34 run N00°59'34"W along the East line of the Southeast Quarter (SE 1/4) of said Section 34 for 2,654.70 feet to the East Quarter Corner of said Section 34; thence run S89°15'30"W along the North line of the South Half (S 1/2) of said Section 34 for 5,100.92 feet to a point on a non-tangent curve at the intersection with the Easterly line of lands described in a deed recorded in Official Record Book 4107, at Page 886, Lee County Records; thence run northwesterly along said Easterly line and along an arc of curve to the left of radius 240.00 feet (delta 21°30'24") (chord bearing N34°21'11"W) (chord 89.56 feet) for 90.09 feet to a point of tangency; thence run N45°06'23"W along said Easterly line for 156.71 feet to a point of curvature; thence run northwesterly along said Easterly line and along an arc of curve to the left of radius 240.00 feet (delta 06°54'55") (chord bearing N48°33'50"W) (chord 28.95 feet) for 28.97 feet to an intersection with the West line of the Northwest Quarter (NW 1/4) of said Section 34; thence run N00°49'55"W along said West line for 2,437.57 feet to the Southwest Corner of said Section 27; thence run N00°49'48"W along the West line of the Southwest Quarter (SW 1/4) of said Section 27 for 659.59 feet to the Southwest corner of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of said Section 27; thence run N89°06'39"E along the South line of the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of said Section 27 for 1,316.66 feet to the Southeast corner of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of said Section 27; thence run N00°50'33"W along the East line of said Fraction for 660.48 feet to the Northeast Corner of said Fraction; thence run S89°04'20"W along the North line of said Fraction for 659.26 feet to the Southeast corner of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section 27; thence run N00°50'10"W along the East line of said Fraction for 660.23 feet to the Northeast Corner of said Fraction; thence run S89°02'22"W along the North line of said Fraction for 659.19 feet to an intersection with the West line of the Southwest Quarter (SW 1/4) of said Section 27; thence run N00°49'48"W along said West line for 659.85 feet to the West Quarter Corner of said Section 27; thence run N00°47'16"W along the West line of the Northwest Quarter (NW 1/4) of said Section 27 for 1,328.51 feet to an intersection with the Southerly right of way line of State Road 80, (150 feet wide); thence run N77°10'14"E along the Southerly right of way line for 2,020.27 feet to an intersection with the West line of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said Section 27; thence run S00°50'17"E along said West line for 421.56 feet to the Southwest Corner of said Fraction, being designated as POINT "A"; thence run

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N88°54'52"E along the South line of said Fraction for 658.74 feet to an intersection with the West line of the East Half (E ½) of said Section 27; thence run S00°51'17"E along said West line for 3,420.35 feet to an intersection with the North line of the South 50 feet of said former Seaboard All Florida Railroad right of way (100 feet wide); thence run N89°00'08"E along said North line for 7,949.61 feet to an intersection with the West line of the Southwest Quarter (SW 1/4) of said Section 25; thence run N00°33'55"W along said West line for 50.00 feet to an intersection with the Northerly right of way line of the former Seaboard All Florida Railroad (100 feet wide); thence run N89°00'08"E along said right of way line for 5,295.61 feet to an intersection with the East line of the Southeast Quarter (SE 1/4) of said Section 25; thence run S01°39'28"E along said East line for 629.62 feet to the Northeast Corner of said Section 36 being designated as POINT "B"; thence run S00°16'51"E along the East line of the Northeast Quarter (NE 1/4) of said Section 36 for 2,647.36 feet to the East Quarter Corner of said Section 36; thence run S00°45'42"E along the East line of the Southeast Quarter (SE 1/4) of said Section 36 for 2,644.68 feet to the Southeast Corner of said Section 36; thence run S89°12'27"W along the South line of the Southeast Quarter (SE 1/4) of said Section 36 for 2,644.62 feet to the South Quarter Corner of said Section 36; thence run S89°11'43"W along the South line of the Southwest Quarter (SW 1/4) of said Section 36 for 2,643.63 feet to the Southeast Corner of said Section 35; thence run S88°54'06"W along the South line of the Southeast Quarter (SE 1/4) of said Section 35 for 2,643.62 feet to the South Quarter Corner of said Section 35; thence run S88°53'41"W along the South line of the Southwest Quarter (SW 1/4) of said Section 35 for 2,642.70 feet to the POINT OF BEGINNING.

LESS and EXCEPT the following described parcels:

From the point designated as POINT "A" run S88°54'52"W along the South line of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said Section 27 for 858.74 feet to the Northeast Corner of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of said Section 27 and POINT OF BEGINNING.

From said Point of Beginning run S00°49'17"E along the East line of said Fraction for 660.13 feet to the Southeast Corner of said Fraction; thence run S88°57'38"W along the South line of said Fraction for 658.93 feet to the Southwest Corner of said Fraction; thence run N00°48'16"W along the West line of said Fraction for 659.60 feet to the Northwest Corner of said Fraction; thence run N88°54'52"E along the North line of said Fraction for 658.74 feet to the POINT OF BEGINNING.

AND

From the point designated as POINT "B" run S88°44'46" along the South line of the Southeast Quarter (SE 1/4) for said Section 25 for 2,674.22 feet to the South Quarter Corner of said Section 25, run S89°12'44"W along the South line of the Southwest Quarter (SW 1/4) of said Section 25 for 2,633.46 feet to the Southeast Corner of said Section 26 and POINT OF BEGINNING.

From said Point of Beginning run S89°14'15"W along the South line of the Southeast Quarter (SE 1/4) of said Section 26 for 1,327.50 feet to the Southwest Corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 26; thence run N00°23'46"W along the West line of said Fraction for 526.48 feet to an intersection with the Southerly right of way line of the former Seaboard All Florida Railroad (100 feet wide); thence run N89°00'08"E along said Southerly right of way line for 1,325.98 feet to

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an intersection with the East line of the Southeast Quarter (SE 1/4) of said Section 26; thence run S00°33'55"E along said East line for 531.91 feet to the POINT OF BEGINNING.

Containing a Total Area of 1,978.44 Acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the west line of the Northwest Quarter (NW 1/4) of said Section 34 to bear N00°49'55"W.

Applicant's Legal Checked

by Lgm 3/19/2005.

CPA 2004-00010



TRAFFIC CIRCULATION ANALYSIS
PREPARED FOR A
COMPREHENSIVE PLAN AMENDMENT
FOR
HAWKS HAVEN

PROJECT NO. 0403.07

PREPARED BY:
Metro Transportation Group, Inc.
12651 McGregor Boulevard, Suite 4-403
Fort Myers, Florida 33919-4489
239-278-3090

March 15, 2005



CONTENTS

- I. INTRODUCTION**
- II. EXISTING CONDITIONS**
- III. PROPOSED PLAN AMENDMENT**
- IV. IMPACTS OF PROPOSED PLAN AMENDMENT**
- V. CONCLUSION**



I. INTRODUCTION

Metro Transportation Group, Inc. (Metro) has conducted a traffic circulation analysis pursuant to the requirements outlined in the application document for Comprehensive Plan Amendment requests. The analysis will examine the impact of the requested land use change from Rural to Suburban. The approximately 1,978 acre property is located on the south side of Palm Beach Boulevard (State Route 80), east of Buckingham Road and west of Hickey Creek in Lee County, Florida. The existing land use designation on the property is Rural (approximately 1,647 acres), Suburban (approximately 79 acres) and Wetlands (approximately 251 acres).

The following report will examine the impacts of changing the future land use category from the two existing land uses (Rural and Suburban) to Outlying Suburban and Public Facilities.

II. EXISTING CONDITIONS

The subject site is currently vacant. The site is bordered to the north by S.R. 80, to the east, west and south by vacant land.

Palm Beach Boulevard (S.R. 80) is a four-lane divided arterial roadway that extends through central Lee County on the south side of the Caloosahatchee River. Palm Beach Boulevard has a posted speed limit of 55 mph adjacent to the subject site and is under the jurisdiction of the Florida Department of Transportation (FDOT). Palm Beach Boulevard has been designated by FDOT as a Federal Intrastate Highway System (FIHS) route. FDOT is currently reclassifying all FIHS routes to be called Strategic Intermodal System routes, or SIS routes. Due to this designation, the adopted Level of Service for this roadway is higher pursuant to Florida Administrative Code. This is also adopted in the Lee County Comprehensive Plan (Lee Plan). Currently, the adopted Level of Service on Palm Beach Boulevard east of Buckingham Road to the Lee County/Hendry County line is LOS "B". West of Buckingham Road, the LOS standard is LOS "C".



III. PROPOSED PLAN AMENDMENT

The proposed Comprehensive Plan Amendment would change the future land use designation on the subject site from Rural and Suburban to Outlying Suburban and Public Facilities. Based on the permitted uses within the Lee Plan for these land use designations, the change would result in the subject site being permitted to be developed with approximately 1,341 more residential dwelling units than would be permitted under the existing land use designation.

With the proposed land use change, the residential density would be increased to 2.0 units per acre. The existing Rural designation allows 1.0 unit per acre and the Suburban category permits up to 6.0 units per acre. Based on the application documents, the existing land uses could support up to 2,023 residential units. Based on the developable acreage and the proposed land use category of Outlying Suburban, up to 3,364 residential dwelling units could be constructed. However, the Developer has limited the requested map change to permit the development of up to 2,999 residential dwelling units. The Developer is also proposing to designate 20 acres in the project as "Public Facilities" for a future Lee County School site.

Table 1 highlights the intensity of uses that could be constructed under the existing land use designation and the intensity of uses under the proposed land use designation.

Table 1
Hawks Haven
Land Uses

Land Use Category	Intensity
Public Facilities	20 Acres
Outlying Suburban	2,999 Units



IV. IMPACTS OF PROPOSED PLAN AMENDMENT

The transportation related impacts of the proposed comprehensive plan amendment were evaluated pursuant to the criteria in the application document. This included an evaluation of the long range impact (20-year horizon) and short range (5-year horizon) impact the proposed amendment would have on the existing and future roadway infrastructure.

Long Range Impacts (20-year horizon)

The Lee County Metropolitan Planning Organization's (MPO) long range transportation travel model was reviewed to determine the impacts the amendment would have on the surrounding area. The subject site lies within Traffic Analysis Zones (TAZ) 154 and 180. The model has both productions and attractions included in this zone. The productions include the existing single family homes that are located to the north and east of the subject site as well. The attractions include some, but very little commercial employment and service (retail) employment. **Table 3** identifies the land uses currently contained in the long range travel model utilized by the MPO and Lee County for the Long Range Transportation Analysis.

Table 3
TAZ 154 & 180
Land Uses in Existing Travel Model (2020)

Land Use Category	Intensity
Single Family Homes	994 Units
Multi-Family Homes	55 Units
Services (Retail & Office)	343 Employees
School Population	1,038 students

Several recent re-zonings in the area have increased the available density within the two Traffic Analysis Zones in which Hawks Haven lies. These include Buckingham Gardens, Buckingham 320, Portico, Tuscany as well as the current units available in the Hawks Haven project (Zoning approved in 2000 for a total of 1,589 units). **Table 4** outlines the



number of units within the two TAZ's based on the current approved zoning cases within the two zones.

Table 4
Based on Current Approved Zonings within TAZ 154 & 180
Land Uses in Modified Travel Model (2020)

Land Use Category	Intensity
Single Family Homes	4,006 Units
Multi-Family Homes	674 Units
Services (Retail & Office)	343 Employees
School	2,038 Students

The proposed amendment to add an additional 1,401 units to the Hawks Haven project were divided up between the two TAZ's. It was assumed that 80% of the residential units would be single family units and 20% would be multi-family units. **Table 5** indicates the revised TAZ data for zone 154 and 180 with the proposed density requested with this Map Amendment. The population data for each TAZ is included in the Appendix for reference.

Table 5
Based on Proposed Map Amendment within TAZ 154 & 180
Land Uses in Modified Travel Model (2020)

Land Use Category	Intensity
Single Family Homes	5,052 Units
Multi-Family Homes	935 Units
Services (Retail & Office)	343 Employees
School	2,038 Students

The modifications made to the TAZ data, including ZDATA1 and ZDATA2 files, are attached to the Appendix for reference. It should be noted that there are only two TAZ's created in this geographical area. These two TAZ's include multiple residential and commercial projects. TAZ 154 includes the shopping center in the southeast corner of SR 80 and Buckingham Road as well as two existing residential communities. TAZ 180 includes three large residential communities as well as other smaller Planned Unit Developments as well as an existing school. These communities include Hawks Haven, Portico and the Buckingham 320 parcel (now 340 acres). These three projects alone are currently approved for over 3,300 residential dwelling units. Portico and Buckingham



320 both have direct access only to Buckingham Road while Hawks Haven currently only has access to SR 80. With this amendment, two separate connections from Hawks Haven to the existing road network to the south will be created to allow Hawks Haven traffic to travel south and access Cemetery Road to Buckingham Road or access Sunshine Boulevard that connects to Lee Boulevard. The model input files were adjusted to reflect this connection. The location of the Node for TAZ 180 in the model input file is also very sensitive as to the results of the model file output. In the final model runs, over 80% of the traffic from TAZ 180 was assigned to Buckingham Road or SR 80 and the remaining trips were assigned to the roadway network to the south leading into Lehigh.

The Long Range Transportation model (FSUTMS) was run with the data shown in Table 4 then compared to runs with the data from Table 5 to indicate what additional improvements above and beyond those needed to support the units already approved by zoning. Based on this analysis, the segment of SR 80 between SR 31 and Buckingham Road is the only segment shown to operate below the adopted Level of Service standard in the year 2020. This condition will exist with or without the proposed comprehensive plan amendment. The analysis with the approved zonings indicates that this segment of SR 80 will need to be widened to six lanes in order to support the growth anticipated from projects already approved. The proposed comprehensive plan amendment for Hawks Haven will only increase the daily trips on this link by less than 1,000 trips per day, or approximately 1% of the adopted Level of Service standard (LOS "C").

The future roadway network included evaluation of the financially feasible plan (FF). These improvements are identified in the exhibits attached to this report for reference. There are no significant improvements identified in the MPO's 2020 Financially Feasible Plan that would impact the subject site.

Short Range Impacts (5-year horizon)

The Lee County Capital Improvement Program for Fiscal Year 2004/2005 to 2008/2009 was reviewed, as well as the FDOT Work Program for Fiscal Year 2005/2006 to 2009/2010 to determine the short term impacts the proposed land use change would have



on the surrounding roadways.

There are no roadway improvements in the FDOT Work program or the Lee County work program that provide additional capacity in the next five years in the area of the subject site. FDOT is currently widening S.R. 80 from Hickey Creek to the Lee County/Hendry County line from a two-lane to a four-lane divided roadway. This improvement should be completed in 2005.

Recommendations to the Long Range Transportation Plan

Based on the analysis, the segment of SR 80 between SR 31 and Buckingham Road will need to be six lanes to support the development that has previously been approved. Lee County is currently in the process of evaluating the long range transportation needs as part of the update to the Long Range Transportation Plan. This update will formulate the 2030 Long Range Transportation Plan. Recommendations will be given to the Metropolitan Planning Organization and a 2030 Financially Feasible and 2030 Needs Plan will be adopted. It is anticipated that this could occur by the end of 2005. Lee County and MPO staff have indicated that there will be no further modifications to the 2020 Long Range Transportation Plan, therefore, the widening of SR 80 between SR 31 and Buckingham Road should be implemented in the 2030 Long Range Plan.

The Hawks Haven project will construct site related improvements as required along SR 80 and along the southern property boundary as required to provide access to Sunshine Boulevard and Cemetery Road. The project is anticipated to pay approximately \$5.8 Million in impact fees from the residential units being approved.



V. CONCLUSION

The proposed comprehensive plan amendment is to modify the future land use from Rural and Suburban to Outlying Suburban and Public Facilities on approximately 1,727 acres located on the south side of S.R. 80 east of Buckingham Road. An analysis of the Long Range Transportation Plan with the approved zonings and developments in the area indicate that the segment of SR 80 between SR 31 and Buckingham Road will operate below the adopted Level of Service standard in 2020 without modification to the Long Range Transportation Plan. The MPO and Lee County are currently updating the Long Range Transportation Plan to a 2030 horizon year. The 2030 Plan is recommended to contain the recommendation to widen SR 80 from four lanes to six lanes from SR 31 to Buckingham Road. This improvement should be placed on the Financially Feasible Plan due to the fact that the improvement is shown to be needed based on approved projects, some of which are in the process of applying for a Development Order in Lee County to begin construction.

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**PROJECTED LEVEL OF SERVICE
DETERMINATION**

**2020 Traffic Conditions with Proposed Density at Hawks Haven
Existing Plus Programmed Road Network**

<u>ROADWAY</u>	<u>SEGMENT</u>	# Of Lanes	LOS Std.	Raw FSUTMS PSWDT	PCS #	PSWDT/AADT Factor	2020 AADT	K-100 Factor	D Factor	Total Traffic Pk Direction	LOS Serv. Volume	LOS
Bayshore Rd. (SR 78)	E. of SR 31	2LN	E	11,550	11	1.063	10,865	0.102	0.53	587	900	C
Buckingham Road	S. of State Road 80	2LN	E	7,068	11	1.063	6,649	0.102	0.53	359	900	C
Palm Beach Blvd. (S.R. 80)	E. of I-75	6LD	C	43,559	5	1.143	38,109	0.093	0.6	2,127	2850	B
	E. of S.R. 31	4LD	B	40,761	5	1.143	35,661	0.093	0.6	1,990	1630	F
	E. of Buckingham Rd.	4LD	B	32,323	5	1.143	28,279	0.093	0.6	1,578	1630	B
State Route 31	N. of Palm Beach	2LN	E	15,779	5	1.143	13,805	0.093	0.6	770	900	D

EXISTING 2020 FINANCIALLY FEASIBLE PLAN

Z-DATA 1 File

TAZ	Single Family Data	Multi-Family Data	Hotel
1 0 154	358 12 12 873 2 26 72	13 27 0 18 2 26 72	0 86 0
1 0 180	636 40 32 1062 2 20 78	42 29 29 88 2 20 78	0 82 0

Population:

	TAZ 154	TAZ 180
Single Family:	1.7 persons/unit	2.4 persons/unit
Multi Family:	1.4 persons/unit	2.1 persons/unit

Z_DATA 2 file

	Indust.	Comm.	Serv.	Tot	School
TAZ	Emp.	Emp.	Emp.	Emp	Enr.
2 154	0	134	36	170	0 0 0
2 180	0	34	139	173	1038 0 0

**MODIFIED 2020 FINANCIALLY FEASIBLE PLAN
BASED ON APPROVED ZONINGS/PROJECTS**

Z-DATA 1 File

TAZ	Single Family Data						Multi-Family Data						Hotel	
1 0 154	756	12	12	1843	2 26 72	412 27 0 568	2 26 72	0 86	0					
1 0 180	3250	40	32	7800	2 20 78	262 29 29 548	2 20 78	0 82	0					

Population:

	TAZ 154	TAZ 180
Single Family:	2.4 persons/unit	2.4 persons/unit
Multi Family:	1.4 persons/unit	2.1 persons/unit

Z_DATA 2 file

	TAZ	Indust. Emp.	Comm. Emp.	Serv. Emp.	Tot Emp	School Enr.		
2	154	0	134	36	170	1000	0	0
2	180	0	34	139	173	1038	0	0

**MODIFIED 2020 FINANCIALLY FEASIBLE PLAN
WITH PROPOSED COMP PLAN CHANGE**

Z-DATA 1 File

TAZ	Single Family Data	Multi-Family Data	Hotel
1 0 154	522 12 12 1273 2 26 72	353 27 0 487 2 26 72	0 86 0
1 0 180	4530 40 3210872 2 20 78	582 29 29 1219 2 20 78	0 82 0

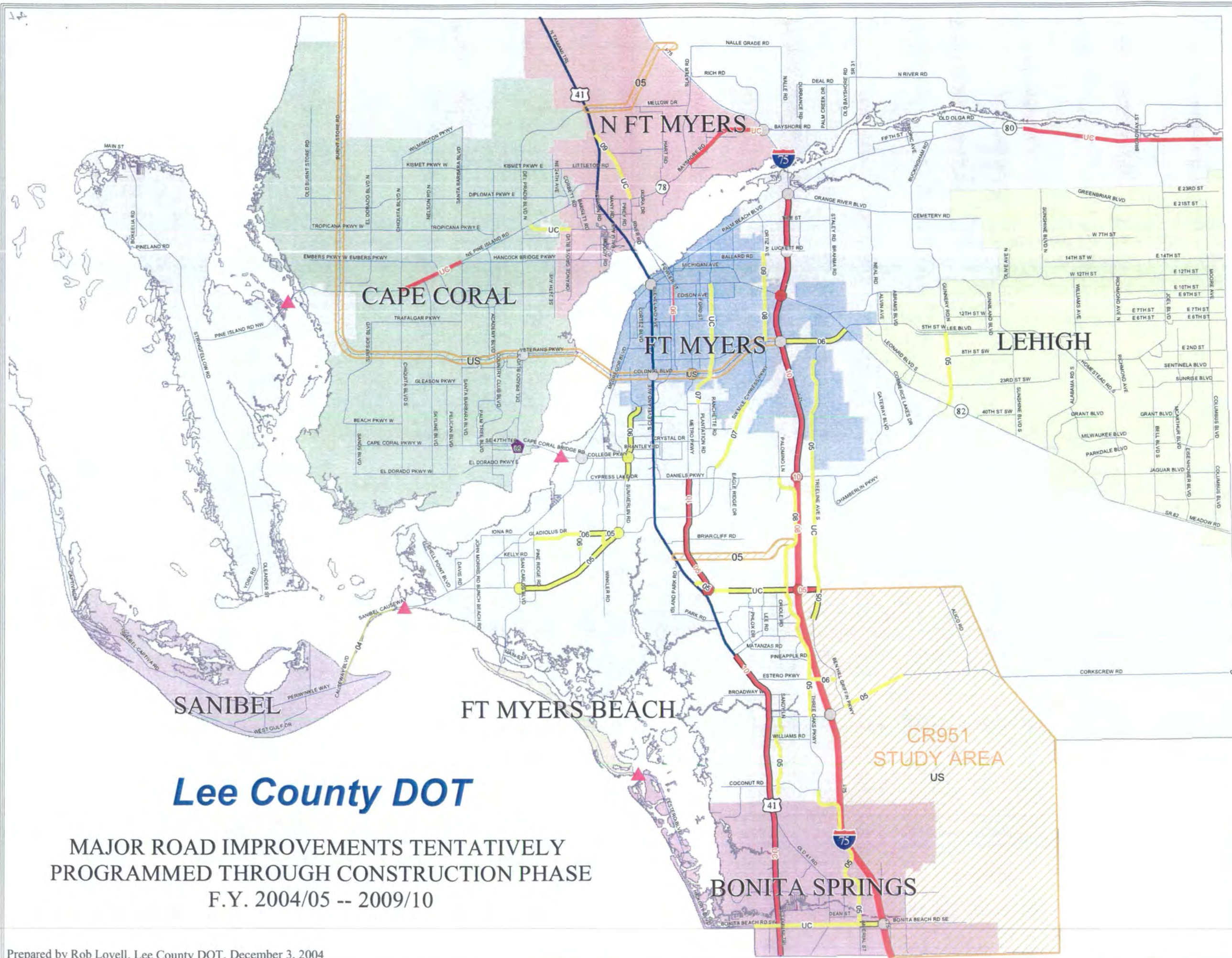
Population:

	TAZ 154	TAZ 180
Single Family:	2.4 persons/unit	2.4 persons/unit
Multi Family:	1.4 persons/unit	2.1 persons/unit

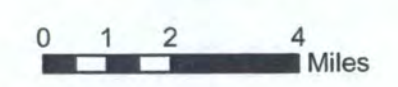
Z_DATA 2 file

	Indust.	Comm.	Serv.	Tot	School
TAZ	Emp.	Emp.	Emp.	Emp	Enr.
2 154	0	134	36	170	1000 0 0
2 180	0	34	139	173	1038 0 0

LEE COUNTY CIP
FY 04/05 TO 08/09



- Legend**
- COUNTY ROAD PROJECTS**
- 2 Lanes
 - 3 Lanes
 - 4 Lanes
 - 6 Lanes
- STATE ROAD PROJECTS**
- 3 Lanes
 - 4 Lanes
 - 6 Lanes
 - 8 Lanes
- COUNTY CORRIDOR STUDIES**
- INTERSECTION IMPROVEMENTS**
- INTERCHANGES**
- Under Study
 - County
 - State
 - Existing
 - Bridge Improvements



NOTE: All Projects are Subject to Change.

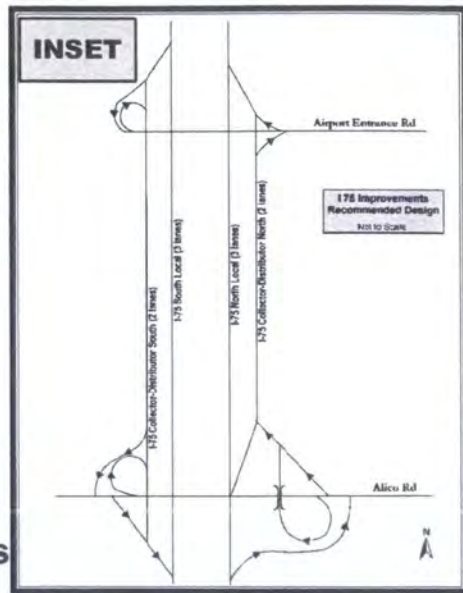
US - Under Study
 UC - Under Construction
 04-09 - Year Construction Begins



Lee County DOT

MAJOR ROAD IMPROVEMENTS TENTATIVELY
 PROGRAMMED THROUGH CONSTRUCTION PHASE
 F.Y. 2004/05 -- 2009/10

**LEE COUNTY 2020 FINANCIALLY
FEASIBLE PLAN**



Existing & Committed Roads

- 2 Lanes
- 3 Lanes (2+1 Lanes)
- 4 Lanes
- 6 Lanes
- 8 Lanes

Financially Feasible Improvements

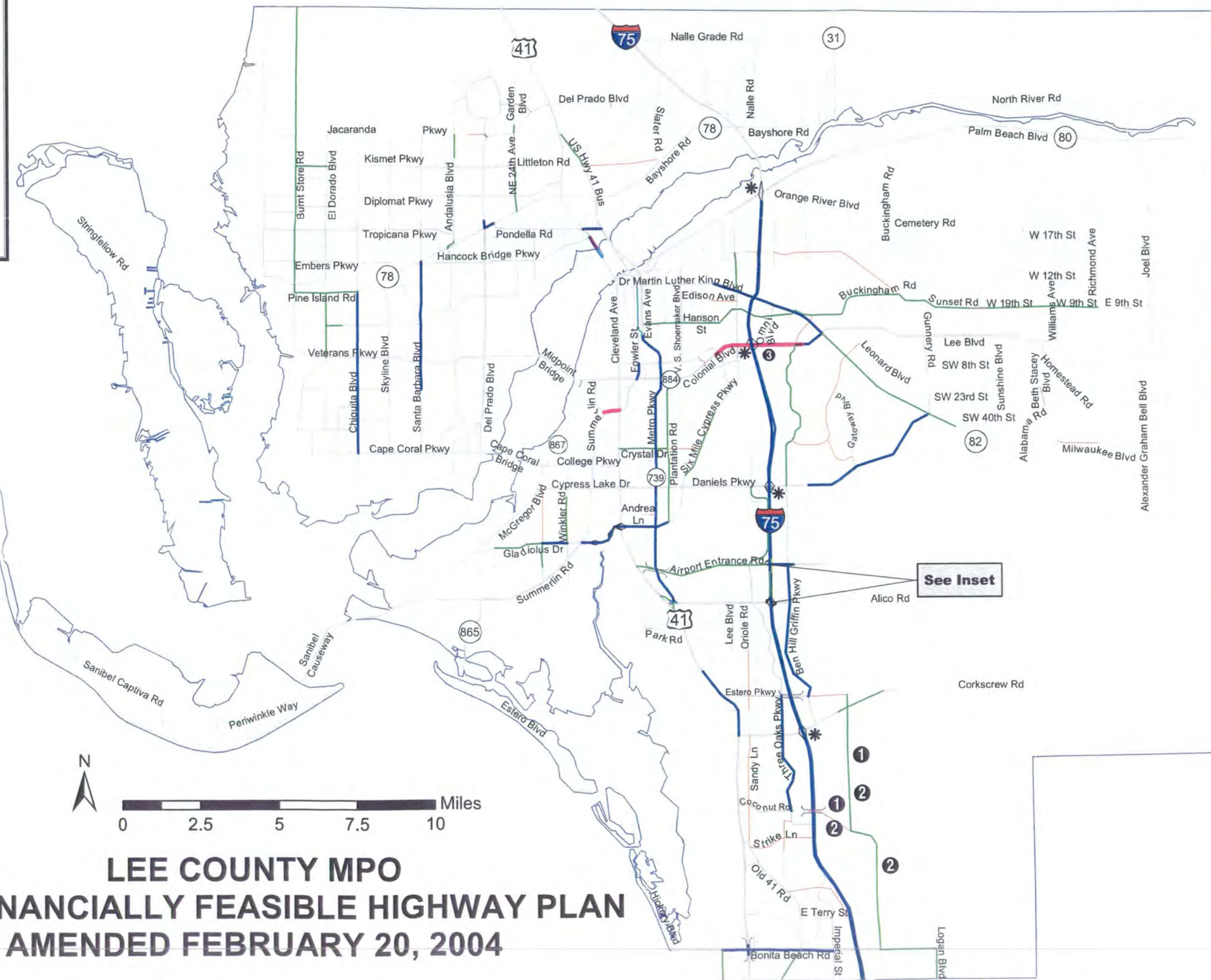
- New Interchanges
- 2 Lanes
- 3 Lanes (2+1 Lanes)
- 3 Lanes (One Way)
- 4 Lanes
- 5 Lanes (3+2 Lanes)
- 6 Lanes
- 7 Lanes (4+3 Lanes)
- 8 Lanes

- Overpass
- Interchange Improvements
- Future Corridor Evaluation

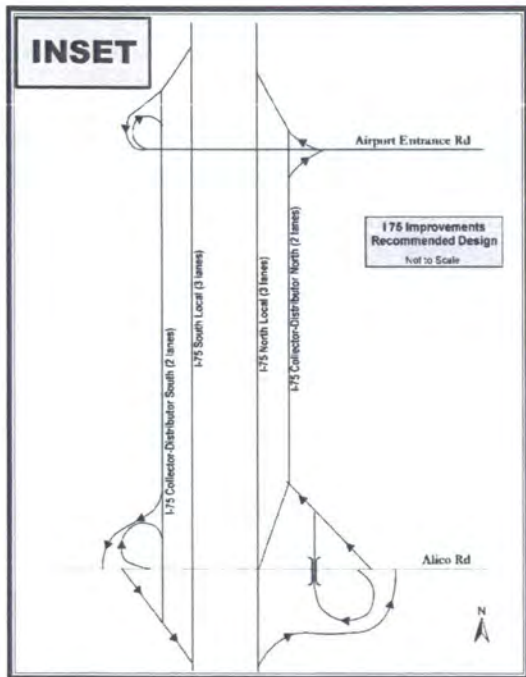
The lines on this plan represent only the general routes. Specific alignments will be determined through corridor and design studies.

NOTES APPLYING TO SPECIFIC IMPROVEMENTS

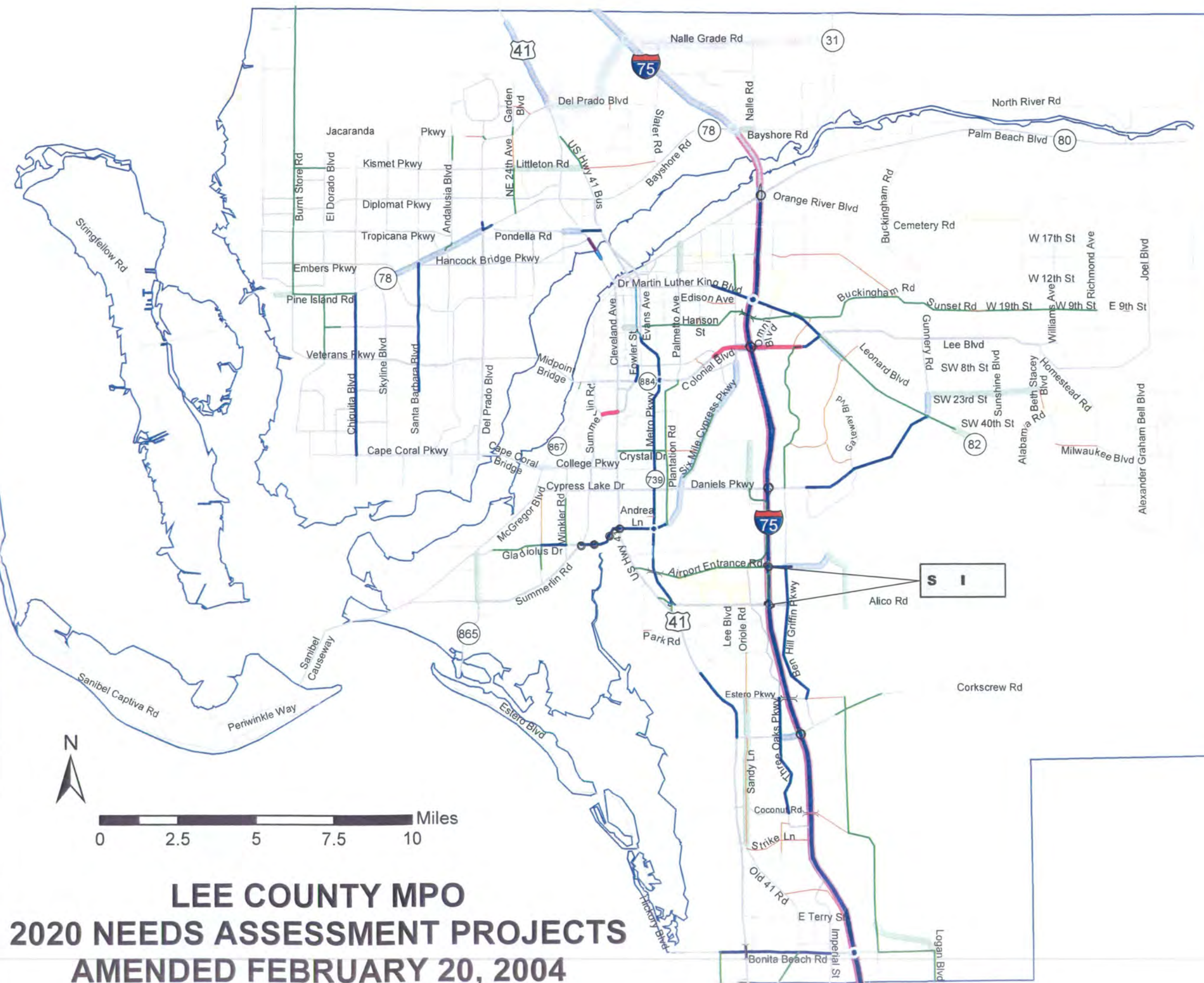
- 1 No access should be permitted to these roads east of I-75, south of Corkscrew Road, and north of the Bonita Springs city limits.
- 2 The feasibility and alignment of these roads should be determined through studies that adequately address their growth management and environmental impacts, including their secondary and cumulative effects on wildlife, wetlands, and water management. Extending Strike Lane should be evaluated as an alternative to extending Coconut Road east of I-75.
- 3 A 4 lane toll expressway, open to transponder users only, with no access points en route, is to be constructed within the median of Colonial Boulevard from west of Winkler Avenue to east of Treeline Avenue.



LEE COUNTY 2020 NEEDS PLAN



The lines on the map represent only the general routes. Specific alignments will be determined through corridor and design studies.



**LEE COUNTY GENERALIZED
SERVICE VOLUMES**

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

d:\nos02\input1

Uninterrupted Flow Highway						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	100	340	680	970	1,300
2	Divided	990	1,610	2,330	3,010	3,420
3	Divided	1,490	2,410	3,490	4,510	5,130

Arterials						
Class I (>0.00 to 1.99 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	280	760	900	920
2	Divided	450	1,630	1,900	1,950	**
3	Divided	670	2,490	2,850	2,920	**
4	Divided	890	3,220	3,610	3,700	**

Class II (>2.00 to 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	210	660	850	900
2	Divided	*	490	1,460	1,790	1,890
3	Divided	*	760	2,240	2,700	2,830
4	Divided	*	1,000	2,970	3,490	3,670

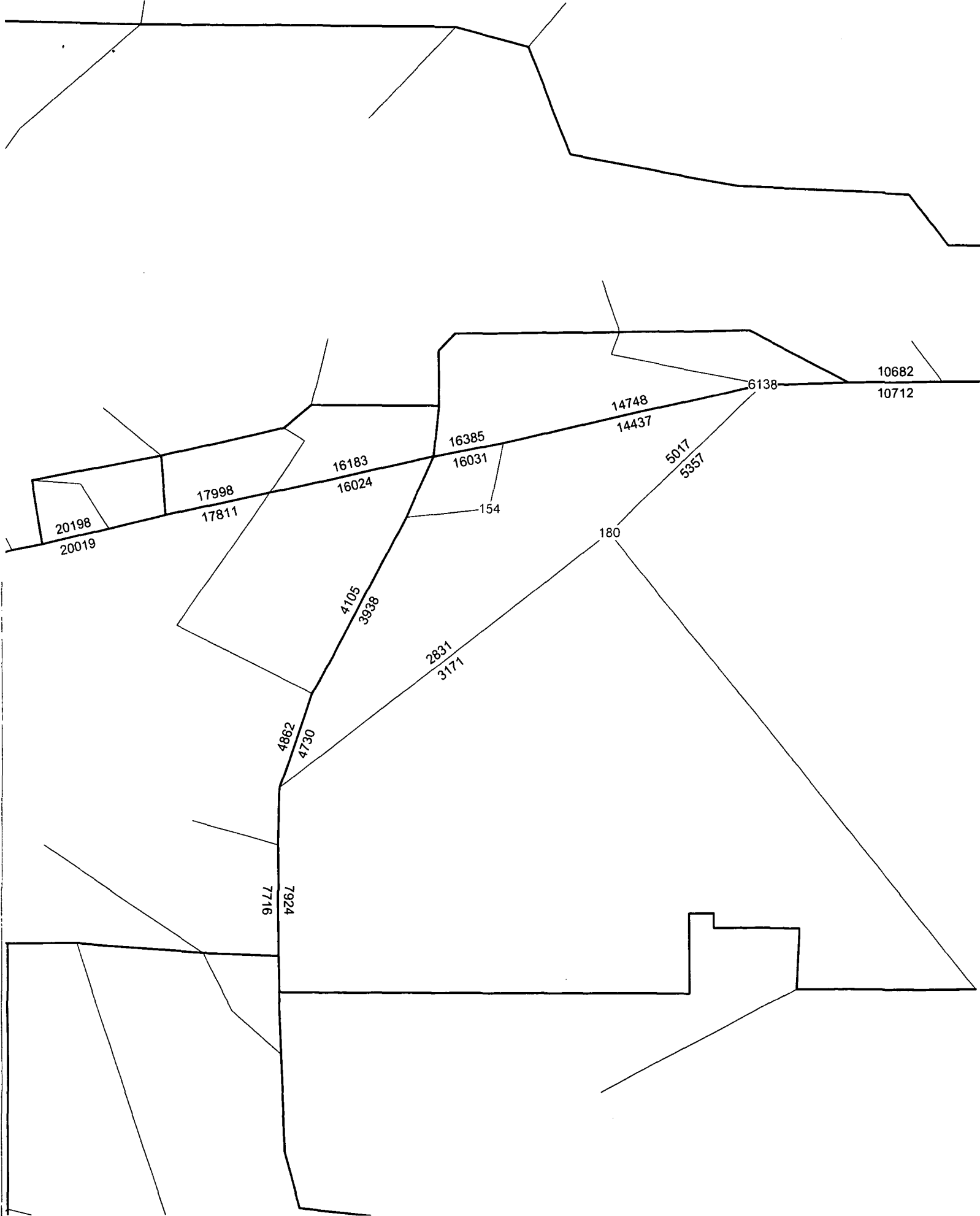
Class III (more than 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	370	720	850
2	Divided	*	*	870	1,640	1,790
3	Divided	*	*	1,340	2,510	2,690
4	Divided	*	*	1,770	3,270	3,480

Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	120	740	930	960	**
2	Divided	270	1,620	1,970	2,030	**
3	Divided	410	2,490	2,960	3,040	**

Collectors						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	530	800	850
1	Divided	*	*	560	840	900
2	Undivided	*	*	1,180	1,620	1,710
2	Divided	*	*	1,240	1,710	1,800

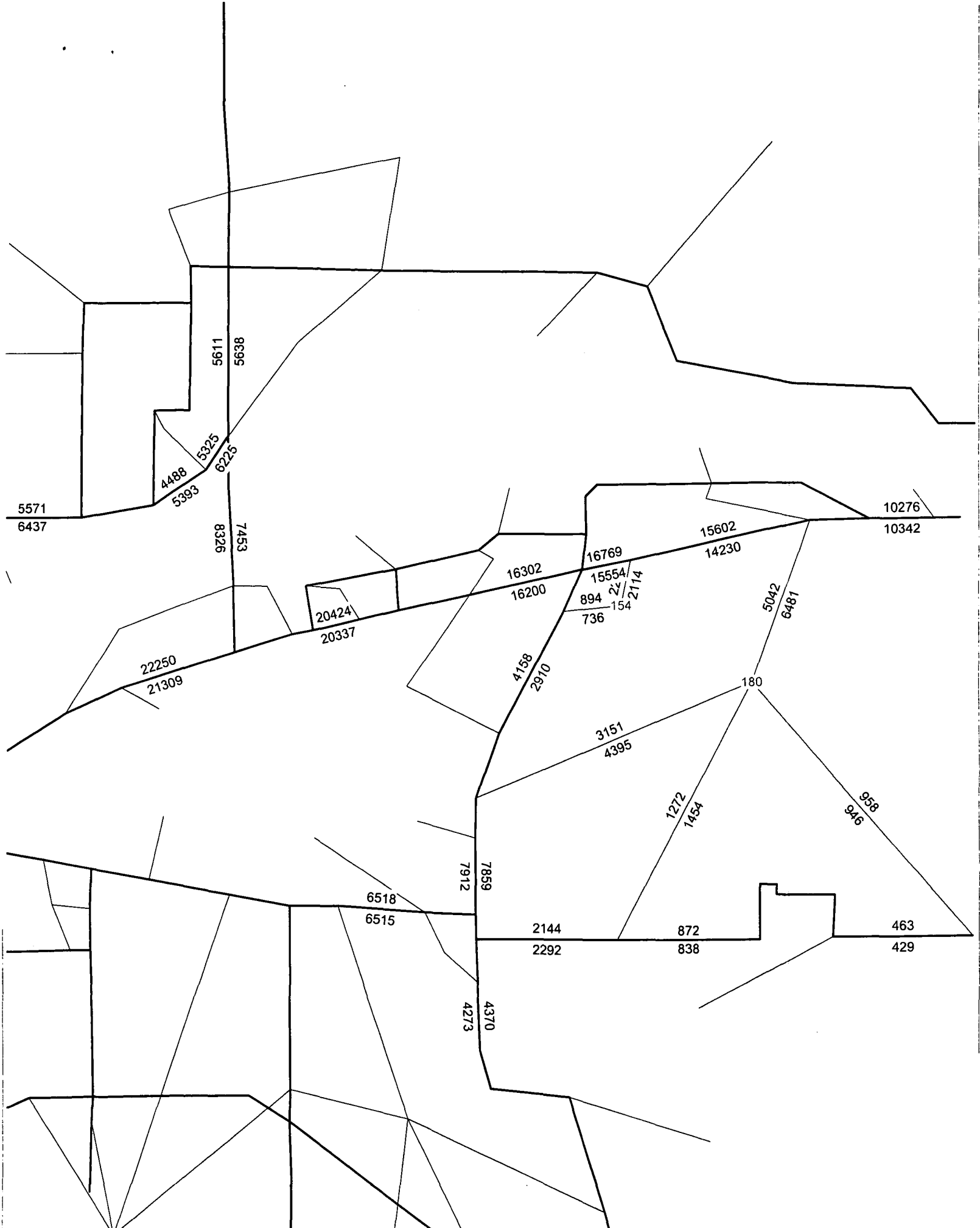
Note: the service volumes for I-75 (freeway) should be from FDOT's most current version of LOS Handbook.

**FSUTMS PLOTS WITH CURRENT
APPROVED ZONINGS**



2020 Plan W/Current Zoning Approvals
Includes Buck. 320, Portico, Hawks Haven (1,589), ect.

**FSUTMS PLOTS WITH PROPOSED
COMP PLAN CHANGE**



**LEE COUNTY IMPACT FEE
SCHEDULE**

<u>Land Use Type</u>	<u>Unit</u>	<u>Roads Impact Fee Due at 100% of Actual Full Cost</u>
<u>Residential</u>		
Single-family residence	Dwelling Unit	\$ 2,971
Multiple-family building, Duplex, Townhouse, Two-family attached	Dwelling Unit	\$ 2,059
Mobile Home(1)/RV Park	Pad/Park Site	\$ 1,488
Elderly/Disabled Housing	Dwelling Unit	\$ 1,017
Adult Congregate Living Facility (ACLF)	Dwelling Unit	\$ 670
Hotel/Motel or Timeshare	Room/Unit	\$ 2,237
<u>Retail Commercial</u>		
Shopping Center	1,000 sq. ft.	\$ 5,063
Bank	1,000 sq. ft.	\$ 8,038
Car Wash, Self-Service	Stall	\$ 1,683
Convenience Store w/Gas Sales	1,000 sq. ft.	\$11,250
Golf Course (open to public) (2)	Acre	\$ 862
Movie Theater	1,000 sq. ft.	\$ 7,427
Restaurant, Standard	1,000 sq. ft.	\$ 6,504
Restaurant, Fast Food	1,000 sq. ft.	\$12,763
<u>Office/Institutional</u>		
Office, General	1,000 sq. ft.	\$ 2,336
Office, Medical	1,000 sq. ft.	\$ 7,716
Hospital	1,000 sq. ft.	\$ 3,582
Nursing Home	1,000 sq. ft.	\$ 1,004
Church	1,000 sq. ft.	\$ 1,467
Day Care Center	1,000 sq. ft.	\$ 4,107
Elementary/Secondary School (Private)	1,000 sq. ft.	\$ 643
<u>Industrial</u>		
Industrial Park or General Industrial	1,000 sq. ft.	\$ 2,050
Warehouse	1,000 sq. ft.	\$ 1,461
Mini-Warehouse	1,000 sq. ft.	\$ 508

Notes:

- (1) Mobile homes not located within an established mobile home park will be treated as a single-family residence for impact fee calculation purposes.
- (2) Impact fees for the a golf course (i.e., tees, fairways, greens, accessory structures such as golf cart houses etc) are due and payable prior to the issuance of the development order for the golf course. The golf course club house and related club house facilities will not be included in the impact fee calculation for the golf course. Impact fees for the club house and related facilities will be calculated separately, at the time of building permit issuance for these facilities, based upon the uses encompassed by the club house facility.

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS - AT - LAW

George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

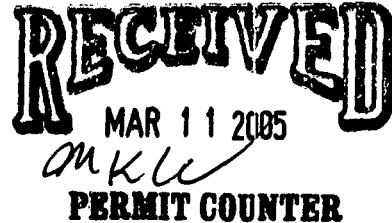
Telephone (239) 334-2722
Telecopier (239) 334-1446

MUhle@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Nady Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

March 11, 2005



Mr. Peter Blackwell
Lee County Division of Planning
P.O. Box 398
Fort Myers, FL 33902

Re: Hawks Haven Lee Plan Amendment - ⁶⁰⁰CPA2004-10

Please be advised that the applicant has acquired property adjacent to Hawks Haven since the application was filed in February, 2004. We have also determined that additional measures are necessary to address the LOS issue with SR 80. As a result, the application has been revised in the following manner:

1. The application has been revised to include the new Hawks Haven acreage. All of the acreage figures, and all of the computations based on those figures have been revised accordingly. We are also providing a new survey, a new legal description, a variety of new maps with the corrected boundary, and a species survey which addresses the new parcel.
2. The revised request also includes a proposed text amendment which limits the maximum amount of units permitted on the site to 2,999 and ties the density increase to the payment of a proportionate share for improvements to SR 80, as well as the availability of funds to make the entire improvement. The public facilities analyses generated by the applicant have been changed to be consistent with the new maximum density figure. The analyses submitted by other service providers have not been revised; however, since they err on the conservative side, it is not necessary to change them at this time.

A check in the amount of \$2,500 for the text amendment is included in this package. Some items that were provided previously (e.g., service provider letters, environmental

information, state and regional plan analysis, and rationale are not included in the package. Otherwise, we would respond to your original sufficiency items as follows:

1. While the original version of the amendment did not require a text amendment, we have submitted one, as noted above, to address the LOS issue.
2. A description of the existing land uses is included in the resubmittal package.
3. A description of the zoning in the area is included in the resubmittal package.
4. A new survey and legal description is included, as well as a revised list of STRAP numbers. The wetland/upland map was previously provided to you by Carl Barraco's office.
5. All of the deeds to the property are included in the package.
6. Authorizations from all of the owners within Hawks Haven are included in the package.
7. The School Board letter is included. The calculations in the letter are, of course, overly conservative in light of the reduced number of unity in the revised request. The school site description in the letter was conveyed to the School Board in 2004.
8. There are no historic districts or site on the property.
9. The archaeological sensitivity map is included in the package.
10. The required population discussion is included in the package.
11. A Lee Plan analysis is included in the package.
12. The document entitled "Rationale" was intended to address Section G.

The applicant will provide a traffic analysis based on 2,999 units within the next several days. The delay in providing this information is due largely to the unavailability of

Peter Blackwell
March 11, 2005

DOT comments throughout the process. The application should, therefore, be processed in the ongoing amendment cycle.

If you have any questions, please let us know.

Sincerely,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.

A handwritten signature in cursive script, appearing to read "Matt Uhle".

Matthew D. Uhle

MDU/ams

cc: Jim Harvey
Grady Miars
Greg Morris
Tom Holmlund
Carl Barraco
Ken Passarella
Ted Treesh

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8585

Bob Janes
District One

January 24, 2005

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Mr. Matthew D. Uhle
c/o Knott, Consoer, Ebelini, Hart & Swett PA
1625 Hendry Street
Fort Myers, Florida 33901

RE: CPA2004-10, Lee Plan Future Land Use Amendment

Dear Mr. Uhle:

Planning staff finds the above mentioned submittal is insufficient and further information is needed. The following applies to Part IV of the application:

- A. 1. Staff finds the applicant has not submitted a proposed text amendment addressing the intended density cap of 2 units per acre.
- A. 3. Staff finds the applicant has not submitted a description of the subject property's and surrounding properties existing land uses. If the parcels are being utilized today for agricultural uses such as unimproved pasture/grazing, please indicate so.
- A. 4. Staff finds the applicant has not submitted a description of zoning on the subject property and surrounding properties.
- A. 5. Staff finds the current legal description to be insufficient and inconsistent with the maps of the subject property. The list of STRAP numbers is also incomplete. Please submit a single metes and bounds description of the subject property as a single parcel, recognizing any wetlands present. The description should clearly differentiate between those upland areas affected by the proposed amendment and the wetland areas that are not affected by the proposed changes. This description should also include the portion of the project owned by the Lee County School District.
- A. 6. Staff finds that the applicant has not submitted all of the relevant deeds for the subject property. Staff is requesting that the applicant submit the most recent deeds for every parcel within the subject property.
- A. 8. Staff finds that the letter of authorization submitted by the applicant has not been signed by all of the current owners of the subject property.

- B. 3. e Staff finds the applicant has not submitted a letter from the Lee County School District concerning the proposed amendment.
- D. 1. Staff finds the applicant has not submitted a map showing any historic districts and /or sites located on the subject property or adjacent properties.
- D. 2. Staff finds the applicant has not submitted a map showing the subject property location on the archeological sensitivity map for Lee County.
- E. 1. Staff finds the applicant has not submitted a discussion of how the proposed amendment affects the established Lee County population projections, Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
- E. 2. Staff finds the applicant has not submitted a list of all goals, objectives and policies of the Lee Plan that are affected by the proposed amendment.
- G. Staff finds that the applicant has submitted a sheet entitled "Rationale." Staff does not know if this is meant to address section G. Please submit a document clarifying this.

Staff is still reviewing Traffic Analysis Zone data. Staff will be providing a followup letter to the applicant within a few days.

If I can be of any assistance or if you have any questions, please do not hesitate to call me at 479-8312.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT, DIVISION OF PLANNING



Peter Blackwell
Planner

cc: Planning file: CPA2004-04

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

LEE COUNTY
RECEIVED

07 JUL 30 AM 11:54

PLANNING DEPT.
HAWKS CRK. CNTR.
FIVE FLOOR

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

Dear Mr. Noble:

The Hickey/Oak Creek Neighborhood spent a lot of time and worked very hard with the original developer of Hawk's Haven during their 1999 rezoning to minimize the impacts to our community. We were marginal at best in supporting the original development but we did offer our support to the Hearing Examiner and the Board of County Commissioners for the project. The original Hawk's Haven project committed to 1,598 units. There is now a new developer and apparently they have purchased an additional 150 acres that will increase the density under the current zoning (according to their application) to 2,023 units. The adopted land use plan shows 1,623 acres in the Rural Land Use category and 79 acres in the Suburban Land Use category.

The new developer has requested a comprehensive land use change to the Outlying Suburban category which allows for 2 units per acre or a total request for 3,364 units. If approved, this would add 1,341 additional units but from the 1999 zoning it actually adds 1,766 more units than the originally proposed development.

The East Lee County Council sponsored the development of the Caloosahatchee Shores Community Plan that includes the Hawks Haven property. Property owners within the Community Plan area worked on the community plan and evaluated the large parcels of property that have not been developed and made recommendations about the land use changes that would be compatible for the community. Density was increased on several large parcels. We believe that Hawks Haven, as approved in 1999, is an appropriate density for the surrounding rural neighborhoods and therefore, no changes for the land use or the density were approved in the Community Plan for the Hawks Haven property.

We are convinced that the Lee County Board of County Commissioners (current and future) will stand by our Community Plan and not bend to developers for comprehensive land use changes such as this when they are inconsistent with the adopted Community Plan.

The Hickey/Oak Creek neighborhood does NOT support the request for a comprehensive land use change to increase the allowable densities on the Hawks Haven property. We believe the infrastructure needed to support the request for increased density is not there - including water, sewer, groundwater for irrigation and roadway capacity on SR 80. The Hawks Haven property is adjacent to our neighborhood which is very rural in nature (2 to 10 acre residences) and adjacent to the Hickey Creek Mitigation Park, a gem of a natural environmental park purchased with 2020 Conservation funds.

Please take our opinion and the Caloosahatchee Shores Community Plan into consideration when making your recommendation.

Sincerely,



Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

LEE COUNTY
RECEIVED

04 JUL 30 AM 11:54

PLANNING DEPT.
S. CONTR.
70

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

Dear Mr. Noble:

The Hickey/Oak Creek Neighborhood spent a lot of time and worked very hard with the original developer of Hawk's Haven during their 1999 rezoning to minimize the impacts to our community. We were marginal at best in supporting the original development but we did offer our support to the Hearing Examiner and the Board of County Commissioners for the project. The original Hawk's Haven project committed to 1,598 units. There is now a new developer and apparently they have purchased an additional 150 acres that will increase the density under the current zoning (according to their application) to 2,023 units. The adopted land use plan shows 1,623 acres in the Rural Land Use category and 79 acres in the Suburban Land Use category.

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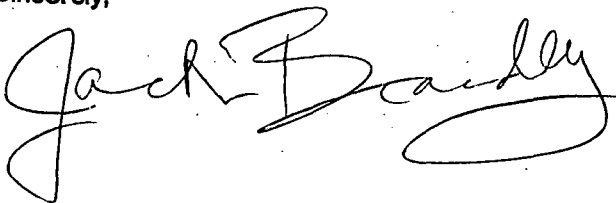
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We are convinced that the Lee County Board of County Commissioners (current and future) will stand by our Community Plan and not bend to developers for comprehensive land use changes such as this when they are inconsistent with the adopted Community Plan.

The Hickey/Oak Creek neighborhood does NOT support the request for a comprehensive land use change to increase the allowable densities on the Hawks Haven property. We believe the infrastructure needed to support the request for increased density is not there - including water, sewer, groundwater for irrigation and roadway capacity on SR 80. The Hawks Haven property is adjacent to our neighborhood which is very rural in nature (2 to 10 acre residences) and adjacent to the Hickey Creek Mitigation Park, a gem of a natural environmental park purchased with 2020 Conservation funds.

Please take our opinion and the Caloosahatchee Shores Community Plan into consideration when making your recommendation.

Sincerely,



Cc: Lee County Board Of County Commissioners

July 14, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

Dear Mr. Noble:

The Hickey/Oak Creek Neighborhood spent a lot of time and worked very hard with the original developer of Hawk's Haven during their 1999 rezoning to minimize the impacts to our community. We were marginal at best in supporting the original development but we did offer our support to the Hearing Examiner and the Board of County Commissioners for the project. The original Hawk's Haven project committed to 1,598 units. There is now a new developer and apparently they have purchased an additional 150 acres that will increase the density under the current zoning (according to their application) to 2,023 units. The adopted land use plan shows 1,623 acres in the Rural Land Use category and 79 acres in the Suburban Land Use category.

The new developer has requested a comprehensive land use change to the Outlying Suburban category which allows for 2 units per acre or a total request for **3,364** units. If approved, this would add 1,341 additional units but from the 1999 zoning it actually adds **1,766 more units than the originally proposed development.**

The East Lee County Council sponsored the development of the Caloosahatchee Shores Community Plan that includes the Hawks Haven property. Many of my neighbors, myself and other property owners within the Community Plan area worked on the community plan and evaluated the large parcels of property that have not been developed and made recommendations about the land use changes that we felt would be compatible for the community. We increased the density and uses on several large parcels. We believe that Hawks Haven, as approved in 1999, is an appropriate density for the surrounding rural neighborhoods and therefore, no changes for the land use or the density were approved in the Community Plan for the Hawks Haven property.

We are convinced after a recent candidate forum at the East Lee County Council, that the Lee County Board of County Commissioners (current and future) will stand by our Community Plan (they publicly stated they would) and not bend to developers for comprehensive land use changes such as this when they are inconsistent with the adopted Community Plan.

The Hickey/Oak Creek neighborhood does NOT support the request for a comprehensive land use change to increase the allowable densities on the Hawks Haven property. We believe the infrastructure needed to support the request for increased density is not there - including water, sewer, groundwater for irrigation and roadway capacity on SR 80. The Hawks Haven property is adjacent to our neighborhood which is very rural in nature (2 to 10 acre residences) and adjacent to the Hickey Creek Mitigation Park, a gem of a natural environmental park purchased with 2020 Conservation funds.

Please take our opinion and the Caloosahatchee Shores Community Plan into consideration when making your recommendation.

Sincerely,



Kris Cella

Cc: Lee County Board Of County Commissioners

RECEIVED
JUL 15 2004

COMMUNITY DEVELOPMENT

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

LEE COUNTY
RECEIVED

04 JUL 29 AM 11:52

CLERK DEPT.
PUB. WORKS. CNTR.
SECOND FLOOR

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

Dear Mr. Noble:

The Hickey/Oak Creek Neighborhood spent a lot of time and worked very hard with the original developer of Hawk's Haven during their 1999 rezoning to minimize the impacts to our community. We were marginal at best in supporting the original development but we did offer our support to the Hearing Examiner and the Board of County Commissioners for the project. The original Hawk's Haven project committed to 1,598 units. There is now a new developer and apparently they have purchased an additional 150 acres that will increase the density under the current zoning (according to their application) to 2,023 units. The adopted land use plan shows 1,623 acres in the Rural Land Use category and 79 acres in the Suburban Land Use category.

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Please take our opinion and the Caloosahatchee Shores Community Plan into consideration when making your recommendation.

Sincerely,

Asja E. Morello

Cc: Lee County Board Of County Commissioners

LEE COUNTY
RECEIVED

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

04 JUL 29 AM 11:52

COMM. DEV/
PUB. WORKS. CNTR.
SECOND FLOOR

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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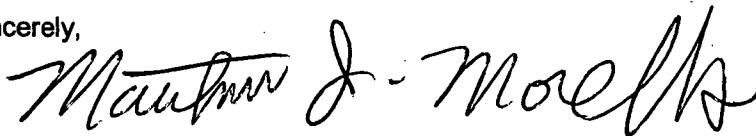
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Please take our opinion and the Caloosahatchee Shores Community Plan into consideration when making your recommendation.

Sincerely,



Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

LEE COUNTY
RECEIVED

04 JUL 29 AM 11:52

COUNCIL DEV/
PUB. WORKS. CNTR.
SECOND FLOOR

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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Sincerely,



Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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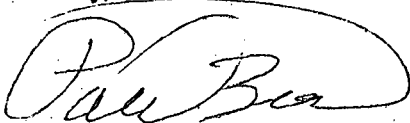
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Please take our opinion and the Caloosahatchee Shores Community Plan into consideration when making your recommendation.

Sincerely,



2630 Hickey creek rd.
Alva FL 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

Dear Mr. Noble:

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Please take our opinion and the Caloosahatchee Shores Community Plan into consideration when making your recommendation.

Sincerely,

Debra Spine

171650 Oak Creek Rd
Alva, FL 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

Dear Mr. Noble:

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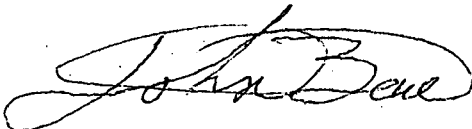
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Please take our opinion and the Caloosahatchee Shores Community Plan into consideration when making your recommendation.

Sincerely,



17650 Oak Creek Rd
Alva, FL 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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Sincerely,

Shirley J. Bari

*2630 Hickey Ck rd
Alva Fl. 33920*

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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Sincerely,

Thatie Watkins

*17711 Oak Creek Rd.
Alva, FL. 33920*

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

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Sincerely,



17111 Oak Creek Road
Alva, Florida 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

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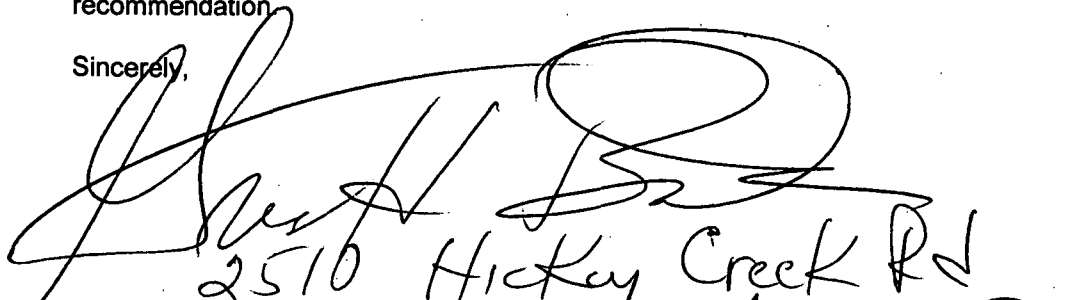
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Sincerely,


2510 Hickey Creek Rd
ALVA, FL

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

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Sincerely,

Stuart A. Watkins

*17911 Oak Creek Road
Olivia, Florida 33920*

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

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Sincerely,

Kelly Jo Fort
2222 Hickey Creek Rd.
Alva, Fla. 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

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Sincerely,


17281 OAK Creek Rd

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

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Sincerely,

Evdyr Kennedy
17281 Oak Creek Rd

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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Sincerely,

Erwin E. Schick

17900 OAK CREEK RD.

ALVA, FL. 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
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COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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Sincerely,

Dr. Joann Schmidt
17900 OAK CREEK RD.
ALVA, FL 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

John Geomann
17221 Oak Creek Rd
Alva, FL 33920

RECEIVED
AUG - 6 2004

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

COMMUNITY DEVELOPMENT

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Sincerely,

The current land use plan must be adhered to, otherwise, why have one! Our whole neighborhood will be harmed in many ways if land use, densities aren't kept at the present levels-

Cc: Lee County Board Of County Commissioners

kept at the present levels-

John Geomann July 22/04

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
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The East Lee County Council sponsored the development of the Caloosahatchee Shores Community Plan that includes the Hawks Haven property. Property owners within the Community Plan area worked on the community plan and evaluated the large parcels of property that have not been developed and made recommendations about the land use changes that would be compatible for the community. Density was increased on several large parcels. We believe that Hawks Haven, as approved in 1999, is an appropriate density for the surrounding rural neighborhoods and therefore, no changes for the land use or the density were approved in the Community Plan for the Hawks Haven property.

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Please take our opinion and the Caloosahatchee Shores Community Plan into consideration when making your recommendation.

Sincerely,

Ruthann Yeaman
17221 Oak Creek Rd
Alva FL 33920
Owner of
Blakes Border
Shop down
town

Cc: Lee County Board Of County Commissioners

Current land use plan

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

Dear Mr. Noble:

The Hickey/Oak Creek Neighborhood spent a lot of time and worked very hard with the original developer of Hawk's Haven during their 1999 rezoning to minimize the impacts to our community. We were marginal at best in supporting the original development but we did offer our support to the Hearing Examiner and the Board of County Commissioners for the project. The original Hawk's Haven project committed to 1,598 units. There is now a new developer and apparently they have purchased an additional 150 acres that will increase the density under the current zoning (according to their application) to 2,023 units. The adopted land use plan shows 1,623 acres in the Rural Land Use category and 79 acres in the Suburban Land Use category.

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Please take our opinion and the Caloosahatchee Shores Community Plan into consideration when making your recommendation.

Sincerely,



DANIEL W. SUBBERT
17690 OAK CREEK RD
ALVA, FL 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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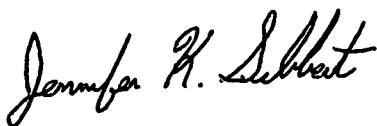
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Sincerely,



JENNIFER K. SUBBERT
17690 OAK CREEK RD
ALVA, FL 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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Sincerely,

Jeff McCool
17781 OAK Creek Rd.
ALVA, FL.
33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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Sincerely,

Erik Bowers

17540 Oak Creek Rd Alva, FL 33424

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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Sincerely,

Terry Weiss

17540 Oak Creek Road, Alva 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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Sincerely,

James P. Fungalo
17691 Oak Creek Rd
A/Va, FL 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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Sincerely,

Katrina J. Jorgensen
17691 Oak Creek Rd
Alva, FL 33920.

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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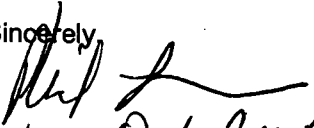
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17691 Oak Creek Rd
Alva, FL 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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Sincerely,

Jessie McCoal
17781 Oak Creek Rd
Alva FL 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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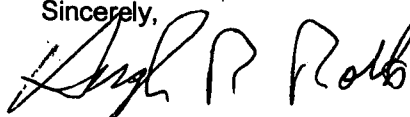
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Sincerely,


17341 OAK CREEK RD
ALVA, FL 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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Sincerely,

Angie Patterson
17341 Oak Creek Rd
Alva

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

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The East Lee County Council sponsored the development of the Caloosahatchee Shores Community Plan that includes the Hawks Haven property. Property owners within the Community Plan area worked on the community plan and evaluated the large parcels of property that have not been developed and made recommendations about the land use changes that would be compatible for the community. Density was increased on several large parcels. We believe that Hawks Haven, as approved in 1999, is an appropriate density for the surrounding rural neighborhoods and therefore, no changes for the land use or the density were approved in the Community Plan for the Hawks Haven property.

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Please take our opinion and the Caloosahatchee Shores Community Plan into consideration when making your recommendation.

Sincerely,

Ante M.
330 Hickey Creek Rd
ALWA, FL 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

Dear Mr. Noble:

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Please take our opinion and the Caloosahatchee Shores Community Plan into consideration when making your recommendation.

Sincerely,

Steven
2550 Hickey Creek Rd
AWA FL 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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Sincerely,

Mrs. Louie Cope
17721 FRANK RD
ALVA, FL 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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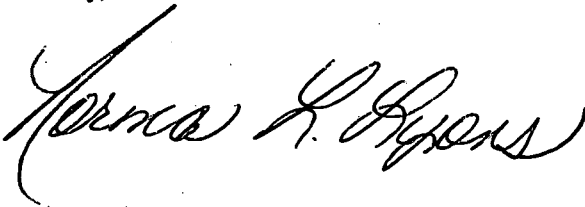
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Sincerely,



Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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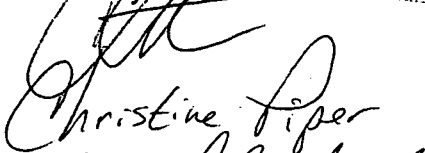
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Please take our opinion and the Caloosahatchee Shores Community Plan into consideration when making your recommendation.

Sincerely,


Christine Piper
17301 Palm Beach Blvd Blvd

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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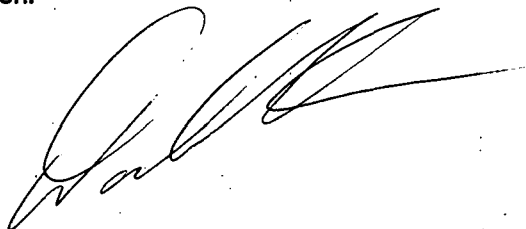
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Sincerely,

A handwritten signature in black ink, appearing to be "D. Noble", written over a horizontal line.

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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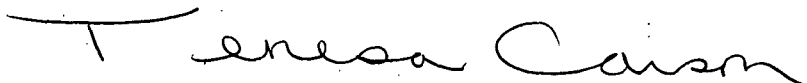
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Sincerely,



Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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Sincerely,



Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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Sincerely,

Beth Carson

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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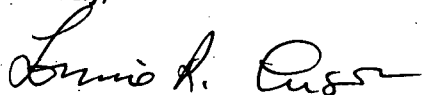
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Sincerely,



Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
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COMMUNITY DEVELOPMENT

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Please take our opinion and the Caloosahatchee Shores Community Plan into consideration when making your recommendation.

Sincerely,

Lindsay Morris

*17630 Oak Creek Rd
Awa, FL 33920*

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
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COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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Sincerely,

Shari L. Harris
17630 Oak Creek Rd.
Alva, FL 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

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Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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The Hickey/Oak Creek Neighborhood spent a lot of time and worked very hard with the original developer of Hawk's Haven during their 1999 rezoning to minimize the impacts to our community. We were marginal at best in supporting the original development but we did offer our support to the Hearing Examiner and the Board of County Commissioners for the project. The original Hawk's Haven project committed to 1,598 units. There is now a new developer and apparently they have purchased an additional 150 acres that will increase the density under the current zoning (according to their application) to 2,023 units. The adopted land use plan shows 1,623 acres in the Rural Land Use category and 79 acres in the Suburban Land Use category.

The new developer has requested a comprehensive land use change to the Outlying Suburban category which allows for 2 units per acre or a total request for 3,364 units. If approved, this would add 1,341 additional units but from the 1999 zoning it actually adds 1,766 more units than the originally proposed development.

The East Lee County Council sponsored the development of the Caloosahatchee Shores Community Plan that includes the Hawks Haven property. Property owners within the Community Plan area worked on the community plan and evaluated the large parcels of property that have not been developed and made recommendations about the land use changes that would be compatible for the community. Density was increased on several large parcels. We believe that Hawks Haven, as approved in 1999, is an appropriate density for the surrounding rural neighborhoods and therefore, no changes for the land use or the density were approved in the Community Plan for the Hawks Haven property.

We are convinced that the Lee County Board of County Commissioners (current and future) will stand by our Community Plan and not bend to developers for comprehensive land use changes such as this when they are inconsistent with the adopted Community Plan.

The Hickey/Oak Creek neighborhood does NOT support the request for a comprehensive land use change to increase the allowable densities on the Hawks Haven property. We believe the infrastructure needed to support the request for increased density is not there - including water, sewer, groundwater for irrigation and roadway capacity on SR 80. The Hawks Haven property is adjacent to our neighborhood which is very rural in nature (2 to 10 acre residences) and adjacent to the Hickey Creek Mitigation Park, a gem of a natural environmental park purchased with 2020 Conservation funds.

Please take our opinion and the Caloosahatchee Shores Community Plan into consideration when making your recommendation.

Sincerely,

Charles Morris

17630 OAK Creek Rd

ALVA FL 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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Please take our opinion and the Caloosahatchee Shores Community Plan into consideration when making your recommendation.

Sincerely,



17540 oak creek rd A142 FL 33920

Cc: Lee County Board Of County Commissioners

July 22, 2004

Mr. Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG - 6 2004

COMMUNITY DEVELOPMENT

Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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Sincerely,

Cheryl Kook

Cheryl Kook

17540 OAK Creek Rd. ALVA, FL, 33920

Cc: Lee County Board Of County Commissioners

RECEIVED
AUG - 6 2004

July 22, 2004

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Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

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Subject: Hawk's Haven Comprehensive Plan Amendment CPA2004-10

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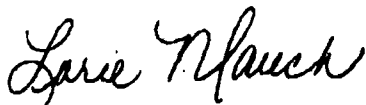
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Sincerely,



Cc: Lee County Board Of County Commissioners

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: April 7, 2004

TO: Don Blackburn
Kim Trebatoski
Matt Noble
Brad vance

FROM:

Josh Philpott
Planner

RE: ADD2004-00067
Hawks Haven

Attached are the proposed and approved MCP for case number ADD2004-00067. The administrative amendment is to try and match the approved WMD and Army Corp permits for the site. They have redrawn the Open Space and conservation areas to that which was approved by the above stated permits. The applicant has also redrawn the MCP to show how it will work with the conservation/ OS areas. There are many changes to the MCP which need to be reviewed by various departments. If you could please review the attached plans and make comments to me by April 23, 2004.

Any questions feel free to give me a call.

Attachments:

1. Proposed MCP
2. Approved MCP
3. Zoning Resolution Z-99-056

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

WHEREAS, Matthew D. Uhle, Esquire, filed an application on behalf of the property owner, William Schulman, Trustee, Calverton Links, to rezone a parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Hawk's Haven; and

WHEREAS, a public hearing was advertised and held on August 18, 1999 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #99-03-066.03Z 01.01; and

WHEREAS, a second public hearing was advertised and held on October 18, 1999 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone 1,797.45± total acres of land from AG-2 to RPD to permit a maximum of 1,598 dwelling units in a mix of housing types, within a golf course community. Buildings are not to exceed 35 feet in height within a maximum of three stories. The property is located in the Rural, Suburban and Wetlands Land Use Category and described in attached Exhibit A. The request is APPROVED in accordance with the conditions and deviations specified in Sections B and C.

SECTION B. CONDITIONS:

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Hawk's Haven," stamped received July 15, 1999, last revised 07/02/99, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

a. Schedule of Uses

Accessory Uses and Structures
Administrative Office

10/18/99

Agricultural Uses (cattle raising in undeveloped phases prior to development and nursery operations for plantings used on-site only)

Club - country and private

Consumption on Premises - limited to one in the clubhouse area

Dwelling Units - maximum of 1,598 units to be comprised of single-family, two-family attached, townhouse, multiple-family, zero-lot-line units (densities may not be shifted between land use categories unless a new public hearing occurs and the provisions of Policy 5.1.11 of the Lee Plan are followed.

Entrance Gates and Gatehouse

Excavation, Water Retention

Fences and Walls

Golf Course

Golf and Tennis Pro Shops (limited to ancillary use in clubhouse)

Golf Driving Range

Golf Training Facility

Model Home and Model Unit - must be in compliance with LDC §34-1954 only,

Model Display Center, must be in compliance with LDC § 34-1955, limited to one which must be located in the sales center area shown on the MCP and must only serve this project

Parks, Group I

Real Estate Sales Office - limited to sales of lots, homes or units within the development, except as may be permitted in § 34-1951 *et seq.* The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding ten years from the date the Certificate of Occupancy for the sales office is issued [if Deviation (2) is approved, otherwise the Real Estate Sales Office use is valid for five years from the date the Certificate of Occupancy for the sales office is issued]. The director may grant one 2-year extension at the same location.

Recreational Facilities - Private, On-site only

Residential Accessory Uses - In compliance with LDC §622(c)42 and LDC Article VII, Division 2

Signs, in compliance with LDC Chapter 30

Storage, Open, recreational vehicles, boats and similar items for residents only, limited to locations shown on the MCP and must be shielded behind a continuous visual screening at least eight feet in height when visible from any residential use, and six feet in height when visible from any street right-of-way or street easement

- b. **Site Development Regulations** - Limited to the standards shown in Attachment B, except that a minimum of 20 feet will be maintained for stacking in driveways.

Maximum Height: Three stories, or 45 feet, whichever is the lesser amount

c. **Commercial uses are limited to the following:**

If the Golf Driving Range is open after daylight hours, all lighting must comply with LDC §34-936(g), be of the lowest intensity meeting life safety codes, and shielded and directed away from any adjacent residential area.

3. The following conditions address environmental issues:

- a. The "American Alligator Management Plan" provided as part of the "Protected Species Management Plan for Schulman Parcel" counter stamped May 19, 1999 is hereby adopted. Prior to local development order approval, the location of the American alligator management plan signage must be delineated on the development order plans for Division of Planning, Environmental Sciences review and approval. The warning signs must be placed where there is potential for human/alligator interaction. These signs must discourage the feeding or harassment of alligators.
- b. The "Gopher Tortoise Management Plan" provided as part of the "Protected Species Management Plan For Shulman Parcel" counter stamped May 19, 1999 is hereby adopted. If gopher tortoises are moved out of harm's way utilizing the "bucket trapping method," all buckets must be checked for tortoises a minimum of three times a day. An alternative method of tortoise relocation may be proposed (with details) at the time of local development order submittal. Any revisions to the tortoise management plan are subject to Division of Planning, Environmental Sciences review and approval.
- c. The "Florida Burrowing Owl Management Plan" provided as part of the "Protected Species Management Plan For Schulman Parcel" counter stamped May 19, 1999 must be revised for Division of Planning, Environmental Sciences staff review and approval at the time of local development order submittal. The plan must either commit to preserving the existing burrowing owl burrows in place with a buffer per LDC Appendix H, or commit to a detailed relocation management plan. Should the Applicant demonstrate it is necessary to impact the burrows, the management proposal must provide details about where appropriate replacement habitat for the owls will be provided, how the owls will be attracted to this area, and how it will be protected during construction activities on the site.
- d. A final detailed scrub jay management plan must be provided to the Division of Planning, Environmental Sciences for review and approval at the time of local development order submittal. This plan must follow the general guidelines of the "Florida Scrub Jay Management Plan" provided as part of the "Protected Species Management Plan For Schulman Parcel" counter stamped May 19, 1999. The finalized scrub jay management plan must be approved by the Florida Fish and Wildlife Conservation Commission (FWC) prior to local development order approval.
- e. Open space must be provided per the open space table on the MCP counter

stamped July 15, 1999. The open space table provides 643.9 acres of preserve area and lakes. The golf course tract provides 531 acres of open space. All individual tracts, excluding tracts of single-family lots greater than 6,500 square feet, must provide a minimum of 10 percent open space within the tract. Individual tract open space may be met with private open space.

- f. Indigenous open space must be provided per the "Impact and Mitigation Plan" dated February 22, 1999 revised May 5, 1999. The preserves must be delineated on the local development order plans when they are within or adjacent to the development phase or tract being developed.
 - g. Every effort must be made in the final design of the golf course and residential tracts to preserve large native trees. An on-site preconstruction meeting must be held with Division of Planning/Environmental Sciences Staff prior to the issuance of a vegetation removal permit for any phase of development to confirm preservation and barricading requirements prior to the initiation of site clearing.
4. The following recommendations are presented in order to mitigate future hurricane damage and/or loss of life, as well as to ensure compliance with comprehensive plan objectives.
- a. The Applicant must establish a homeowners' or residents' association that will provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, who will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.
 - b. The Applicant must formulate an emergency hurricane notification and evacuation plan, which will be subject to review and approval by the Lee County Office of Emergency Management.
 - c. If access to this development or any portions thereof, is through a security gate or similar device, which is not manned 24 hours a day, it must be equipped with an override strip installed in a glass covered box to be used by drivers of emergency vehicles to gain entry, consistent with LDC § 34-1749.
 - d. The Developer must cooperate with the Division of Public Safety/Emergency Management in determining and participating in a means to lessen hurricane shelter impacts on the County's hurricane preparedness process and public safety. Those "means" could include the provision of equipment, monies in lieu of equipment, or such other goods, materials or actions deemed appropriate by Emergency Management that results in the provision of additional shelters, or improvement of roads for use as additional evacuation routes. The choice of "means" will rest with the Developer, so long as the choice adequately mitigates the adverse impacts.

5. The following conditions are included to address Lee Plan consistency issues:
- a. The portion of the property within the Rural future land use category must maintain densities of one dwelling unit per acre or less. No more than 1,499 dwelling units may be constructed in the Rural designated areas of the project.
 - b. Given the limited existing available Rural 2020 Planning Community Acreage Allocation at the time of rezoning, the available Rural allocation must be determined by the Planning Division, prior to any development order approval for residential use in the Rural portions of the site. No development order will be issued or approved if the acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Lee Plan Table 1(b), Acreage Allocation Table (per Lee Plan Policy 1.7.6). In order to develop more Rural acreage with residential uses, the Lee Plan must be amended to change the Rural residential acreage allocation for the Fort Myers Shores planning community in Table 1(b). Adequate data and analysis to support this amendment must be submitted by the Applicant at the time of the request for the Lee Plan amendment. Development in excess of the current Table 1(b) allocations will not be permitted until Table 1(b) is amended accordingly.
6. The following conditions are included to address concerns about the golf course:
- a. Fertilizers with a low leaching potential (slow release) must be used, must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels; and
 - b. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan which includes an integrated pest management (IPM) program and a nutrient management program such that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the US Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. No turf managed areas (including fairways, tees, and greens) are permitted within 35 feet of wetlands or preserve areas. This chemicals management plan must be submitted to and approved by Lee County Planning Division Staff prior to the development order approval.

- c. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
- d. The utilization of a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM is required. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.
- e. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.
- f. The golf course must comply with the "Best Management Practices for Golf Course Maintenance Departments," prepared by the Florida Department of Environmental Protection, May 1995, as amended.
- g. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;
- h. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.
- i. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system.
- j. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.
- k. An annual monitoring report of ground water and surface water quality is required for the golf course operation. The monitoring program must include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report to the Lee County Planning Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 17-302, F.A.C., water quality standards.
- l. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and should the pollution be caused by the

application of fertilizers, herbicides or pesticides to the golf course, the application must cease until there is a revised management plan. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County must be implemented by the Developer.

7. Model units and homes are permitted in compliance with the following conditions:
 - a. Each model must be a unique example. Multiple examples of the same unit are not permitted; and
 - b. All model sites must be designated on the development order plans; and
 - c. Prior to constructing model homes within Hawk's Haven, the lots upon which the model homes will be constructed will have been shown on a preliminary plat filed concurrently with the required local development order for this project. Such model home(s) will comply with all setbacks set forth within the Property Development Regulations for Hawk's Haven or the LDC, whichever applies. Should setback problems arise after construction of a model home, it will be the responsibility of the owner/developer to resolve the setback problem.
 - d. Dry models are prohibited.
8. In addition to the single access from S.R. 80, the developer must submit for review and subsequent approval, a plan that demonstrates whether there is a need for an emergency access to the project prior to the approval of any development orders for dwelling units after the first 584 units have been approved. If an emergency access is deemed to be necessary, documents must be submitted with the plan that demonstrate the project's legal ability to provide emergency access. The emergency access, if deemed to be necessary, will provide a connection to Buckingham Road. Any road used for emergency access must be constructed or improved to the degree required for the use of emergency vehicles. If it is determined that no emergency access is needed, the Applicant will meet the provision of LDC §10-291(3) LDC with the single access from S.R. 80.
9. Bona fide agricultural uses that are now in existence may continue until the development commences. However, no development activity of any kind may occur on the property, including clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with all applicable Lee County regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.
10. Construction traffic must enter and exit this project from S.R. 80 until 200 units have been constructed in the project. Thereafter, construction access may be permitted from Buckingham Road (if the Applicant has maintained such an access). In no event, will construction traffic be permitted on Hickey Creek Road.

11. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).
12. Approval of this zoning request does not address access onto S.R. 80, since Lee County has no jurisdiction over that roadway. The Developer must pursue this access approval with the Florida Department of Transportation (FDOT). Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
13. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).
14. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
15. The applicant is required to design the project in a manner that will provide the internal "outparcels" (separate tracts encapsulated by the project property) the ability to obtain reasonable and practicable access through the subject property, unless the applicant provides a circuit court order indicating that the internal outparcels are not legally entitled to access through the subject property. However, this rezoning does not obviate the applicant/developer's responsibility to provide access to the internal "outparcels" in accordance with Florida law.
16. If the Developer constructs structures other than conventional single-family homes within 100 feet of any of the "out parcels," the Developer must provide a 25-foot-wide enhanced vegetative buffer completely around the out parcel. In addition, the enhanced vegetative buffer must utilize native vegetation, indigenous to the plant community in which it is to be planted. The vegetation must be installed prior to any vertical construction and it must be installed according to the following density and size:
 - a. Six trees per 100 linear feet - At installation, trees must be a minimum of 12 to 14 feet tall, with a 2½-inch minimum caliper and a 5-foot minimum canopy. No palm trees, or completely deciduous trees may be used to meet the requirements of this enhanced buffer.
 - b. Thirty-three shrubs per 100 linear feet - 1) At installation, all shrubs must be 18 to 24 inches in height, 3-gallon pots, and spaced 30 to 36 inches on center; and 2) all shrubs used to meet the enhanced buffer requirements must reach a mature height in excess of six feet under normal growing conditions.

If these "out parcels" come under the control of the Developer prior to construction within the 100-foot-wide area, then compliance with this condition is not required.

17. Vehicle access from the northern boundary of the subject property over and across Hickory Creek Road is prohibited.

SECTION C. DEVIATIONS:

Deviation (1) seeks relief from the LDC §10-385(d)(3)(a) requirement to provide a maximum fire hydrant spacing of 800 feet in the one- and two-dwelling unit area, to eliminate this requirement in areas along the spine road where no homes exist. This deviation is PARTIALLY APPROVED to allow the placement of a hydrant at the midpoint of each section along the "spine" road only where no homes will exist. For purposes of this Deviation, "section" is defined as the distance along the spine roadway between intersection roadways, measured along and from the roadway centerlines.

Deviation (2) seeks relief from the LDC §34-934, Note 23 requirement limiting the operation of a Real Estate Sales Office to five years, to allow the Sales Office to operate for a period of ten years to coincide with the expected buildout of the project. This deviation is APPROVED.

SECTION D. EXHIBITS:

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

- Exhibit A: The legal description and STRAP number of the property.
- Exhibit B: The Master Concept Plan
- Exhibit C: Zoning Map

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The requested zoning, as conditioned:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area; and
 - d. will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the development will be served by streets with the capacity to carry the traffic the development generates.

4. The proposed use or mix of uses is appropriate at the subject location.
5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest.
6. The recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
7. The requested deviations:
 - a. enhance the achievement of the objectives of the planned development;
 - b. preserve and promote the general intent of LDC Chapter 34 to protect the public health, safety and welfare.
8. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

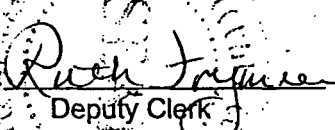
The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner John E. Manning, seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

Ray Judah	AYE
John E. Albion	AYE
John E. Manning	AYE
Douglas R. St. Cerny	AYE
Andrew Coy	AYE

DULY PASSED AND ADOPTED this 18th day of October, 1999.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Deputy Clerk

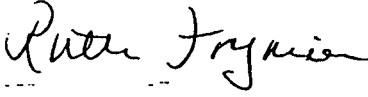
BY: 
Chairman

Approved as to form by:

 10/19/99
County Attorney's Office

MINUTES OFFICE

CASE NO:99-03-066.03Z 01.01


FILED OCT 21 1999

Z-99-056
PAGE 10 OF 10

EXHIBIT "A"

LEGAL DESCRIPTION

ALL OF THAT LAND DESCRIBED IN OFFICIAL RECORDS BOOK 976, PAGE 551-554, LEE COUNTY PUBLIC RECORDS, LYING SOUTH OF STATE ROAD 80, ALL IN TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 1: THE NW-1/4, OF THE SW-1/4, OF THE NW-1/4, OF SECTION 27, SUBJECT TO AN EASEMENT TO FLORIDA POWER & LIGHT, AS DESCRIBED IN DEED BOOK 208, PAGE 67, LEE COUNTY RECORDS.

PARCEL NO. 2: THE NE-1/4, OF THE NE-1/4, OF THE SW-1/4, OF SECTION 27.

PARCEL NO. 5: THE S-1/2, OF THE S-1/2, OF THE SE-1/4, OF SECTION 25, LYING SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD AIRLINE RAILROAD COMPANY RIGHT-OF-WAY, SUBJECT TO A 50' EASEMENT TO FLORIDA POWER AND LIGHT AS DESCRIBED IN DEED BOOK 234, PAGE 26, LEE COUNTY RECORDS.

PARCEL NO. 6: ALL THAT PART OF THE S-1/2, OF THE SW-1/4, OF THE SE-1/4, AND THE S-1/2, OF THE S-1/2, OF THE SW-1/4, OF SECTION 26, WHICH LIES SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD ALL FLORIDA RAILROAD COMPANY RIGHT-OF-WAY, SUBJECT TO A 50' EASEMENT TO FLORIDA POWER AND LIGHT AS DESCRIBED IN DEED BOOK 234, PAGE 26, LEE COUNTY RECORDS.

PARCEL NO. 7:

- (A) ALL THAT PART OF THE S-1/2, OF THE S-1/2, OF THE SE-1/4, OF SECTION 27, WHICH LIES SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD AIRLINE RAILROAD COMPANY RIGHT-OF-WAY.
- (B) THAT PART OF THE S-1/2, OF THE SW-1/4, OF THE SW-1/4, OF SECTION 27, WHICH LIES SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD AIRLINE RAILROAD RIGHT-OF-WAY, IN SECTION 27.
- (C) THE SE-1/4, OF THE SE-1/4, OF THE SW-1/4, IN SECTION 27, LESS THE FORMER (NOW ABANDONED) SEABOARD ALL FLORIDA RAILROAD COMPANY RIGHT-OF-WAY, SUBJECT TO A 50' EASEMENT TO FLORIDA POWER AND LIGHT AS DESCRIBED IN DEED BOOK 234, PAGE 26, LEE COUNTY RECORDS AND SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 8: THAT PORTION OF THE NW-1/4, OF THE NW-1/4, OF SECTION 27, LYING

SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80.

PARCEL NO.9: THAT PORTION OF THE W-1/2, OF THE NE-1/4, OF THE NW-1/4 OF SECTION 27, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80, SUBJECT TO A 70' LATERAL DITCH EASEMENT LEFT OF STATION 595+20, AS DESCRIBED IN DEED BOOK 175, PAGE 445.

PARCEL NO. 10: THE N-1/2, OF THE SE-1/4, OF THE NW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 11:

- (A) THE SE-1/4, OF THE SE-1/4, OF THE NW-1/4, OF SECTION 27, LESS THAT PORTION OF SECTION 27, ALONG THE EAST LINE OF THE WEST ONE-HALF THEREOF, TO THE SOUTH LINE OF THE SE-1/4, OF THE SE-1/4, OF THE NW-1/4, THEREOF; DEDICATED AS A PUBLIC COUNTY ROAD.
- (B) THE SW-1/4, OF THE SE-1/4, OF THE NW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 12: THE S-1/2, OF THE SW-1/4, OF THE NW-1/4, OF SECTION 27.

PARCEL NO. 13: THE N-1/2, OF THE NW-1/4, OF THE SW-1/4, OF SECTION 27.

PARCEL NO. 14: THE SE-1/4, OF THE NW-1/4, OF THE SW-1/4, OF SECTION 27.

PARCEL NO. 15: THE W-1/2, OF THE NE-1/4, OF THE SW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 16: THE SE-1/4, OF THE NE-1/4, OF THE SW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 17: THE N-1/2, OF THE SE-1/4, OF THE SW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 18: THAT PORTION OF THE S-1/2, OF THE SW-1/4, OF THE SW-1/4, OF SECTION 27, NORTH OF THE SEABOARD ALL FLORIDA RAILROAD COMPANY RIGHT-OF-WAY.

PARCEL NO. 19: THE N-1/2 OF SECTION 34.

PARCEL NO. 20: THE N-1/2 AND THE SW-1/4 AND THE S-1/2, OF THE SW-1/4, OF THE SE-1/4, IN SECTION 35.

PARCEL NO. 21: ALL OF SECTION 36.

AND FROM OFFICIAL RECORDS BOOK 843, PAGES 855-861, BY THE QUIT CLAIM DEED IN OFFICIAL RECORDS BOOK 976, PAGE 549, ALL IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE FOLLOWING DESCRIBED LAND:

PARCEL NO. 22: NORTH 50 FEET OF RAILROAD RIGHT-OF-WAY FROM WEST LINE OF SECTION 27 TO CENTER LINE OF SECTION 27.

PARCEL NO. 24: THAT PORTION OF THE ABANDONED SEABOARD AIR LINE RAILROAD COMPANY RIGHT-OF-WAY BETWEEN FORT MYERS AND ALVA, FLORIDA, LYING AND BEING IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 26 EAST; AND THE SOUTHERLY 50 FEET OF SAID RIGHT-OF-WAY LYING IN SECTIONS 26 AND 27, TOWNSHIP 43 SOUTH, RANGE 26 EAST.

CONTAINING 1,797.449 ACRES.

SUBJECT TO THE FOLLOWING:

- (a) THE PROPERTY HEREIN IS SUBJECT TO AN EASEMENT TO THE FLORIDA POWER & LIGHT COMPANY RECORDED IN DEED BOOK 280, PAGE 67, LEE COUNTY PUBLIC RECORDS, AND UTILITY EASEMENTS TO FLORIDA POWER & LIGHT COMPANY RECORDED IN DEED BOOK 234, PAGE 26, DEED BOOK 234, PAGE 28, DEED BOOK 262, PAGE 143, DEED BOOK 230, PAGE 106, AS MODIFIED BY AMENDMENT TO RIGHT-OF-WAY AGREEMENT FILED NOVEMBER 15, 1956, IN MISC. BOOK 43, PAGE 37 AND THE UNRECORDED EASEMENT DATED JANUARY 16, 1958.
- (b) OUTFALL DITCHES AS SET FORTH IN DEEDS TO THE STATE OF FLORIDA RECORDED IN DEED BOOK 175, PAGE 445, AND DEED BOOK 175, PAGE 492, LEE COUNTY PUBLIC RECORDS, WHICH AFFECT PARCEL NOS. 8, 9 AND 10 HEREIN.
- (c) RIGHT-OF-WAY FOR ROAD TWENTY (20) FEET WIDE ALONG SOUTH AND WEST SIDE OF THE TRACT DESCRIBED HEREIN, WHICH AFFECTS PARCEL NO. 11
- (d) EASEMENT RESERVATION AS SET FORTH IN DEED FROM N. H. HUNTER et al TO LEE-DADE PROPERTIED, INC., DATED NOVEMBER 15, 1956, RECORDED IN DEED BOOK 263, PAGE 186, INVOLVING A ONE SQUARE ACRE PARCEL IN THE SW CORNER OF THE N-1/2 OF SECTION 34, WHICH AFFECTS PARCEL NO. 19 HEREIN.

- (e) EASEMENT FOR INGRESS AND EGRESS THROUGH SECTION 27 FROM ROUTE 80 TO THE NORTH LINE OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST BY MARTIN BLUM AND BEN M. BELON, AS TRUSTEES, AND EMMETT J. KELLY AND A. DOUGLAS GRACE, JR., AS TRUSTEES, RECORDED IN OFFICIAL RECORD BOOK 843, PAGE 862, LEE COUNTY PUBLIC RECORDS.
- (f) 100 FOOT EASEMENT ROAD ALONG SECTIONS 28 AND 33 BOUNDARY FROM BUCKINGHAM-OLGA ROAD TO EAST LINE OF SECTIONS 289 AND 33. (FROM DEED BOOK 263, PAGE 186, LEE COUNTY PUBLIC RECORDS)

The applicant has indicated that the STRAP numbers for the subject property are :

27-43-26-00-00003.0000, 25-43-26-00-00121.0000, 34-43-26-00-00001.0010,
35-43-26-00-00001.0000, 36-43-26-00-00001.0000 and 26-43-26-00-00011.0000

ZONING MAP

N

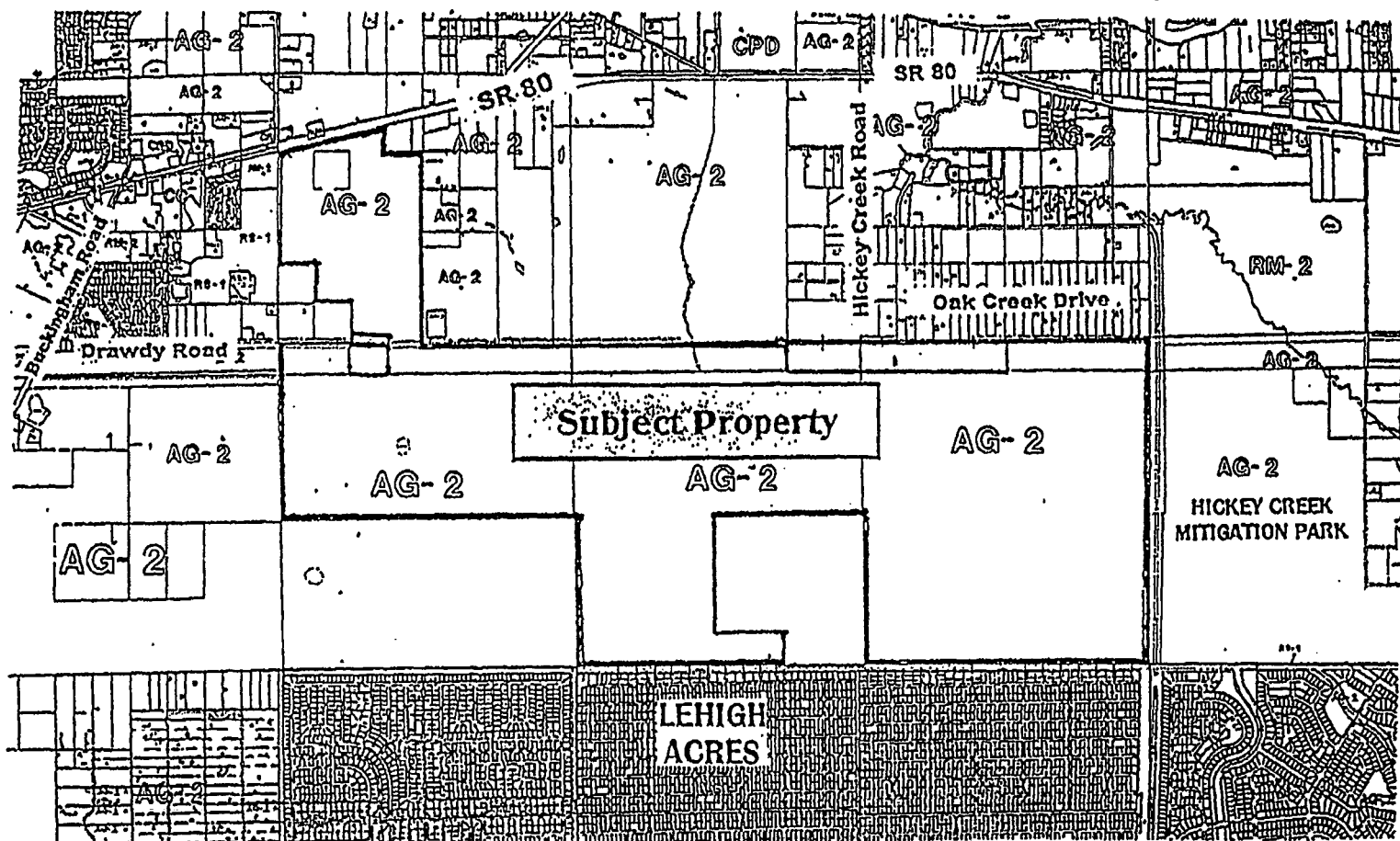


EXHIBIT C

From: Lindsey Sampson
To: Noble, Matthew
Date: 3/24/04 6:53PM
Subject: Re: 2004 Lee Plan Private Amendments - Summaries...

Matt,

I don't have any objections to the requested amendments that are summarized below.

Lindsey

Lindsey J. Sampson
Lee County Solid Waste Division
sampsolj@leegov.com
Ph. 239-338-3302
Fax 239-461-5871

>>> Matthew Noble 03/23/04 07:50AM >>>
Good morning all,

Here is a brief summary for the Plan amendments that I email late yesterday:

1. CPA 2004-01 - Small Scale Amendment (from General Commercial Interchange to Central Urban)- Leeward Yacht Club L.L.C., Leeward Yacht Club Mixed Use Planned Development (Hansen's Marina property @ S.R. 80 & I-75).

(EAR ROUND OF AMENDMENTS PRIVATE REQUESTS:)

2. CPA 2004-02 - Text Amendment, Sue Murphy, AICP, Estero, allow outdoor storage over one acre within a portion of the General Interchange land use category at Corkscrew & I-75.

3. CPA 2004-03 - Text and FLUM Amendment, Weeks Landing L.L.C., Michele Pessin, Manager, Creation of the "Public Marine Mixed Use" category and application to Weeks Fish Camp property (23 acres).

4. CPA 2004-04 - FLUM Amendment, William Fitzgerald, Trustee, Amend from Outlying Suburban to Urban Community (54 acres) from Rural to Outlying Suburban (55 acres), located near Daniels Parkway & I-75.

5. CPA 2004-05 - Text Amendment, Pine Island, Pine Island Agriculture & Landowners' Association, Inc., Amend Policy 14.2.2.

6. CPA 2004-06 - FLUM and Text Amendment, Florida Citrus Corporation, North East Lee County (Alva), Creation of the Rural Village land use category, Amend from Rural and Open Lands to the new Rural Village category for a 3,713 acre property.

7. CPA 2004-07 - Text Amendment, Watermen Development Group Corp., Buckingham, Amend Policy 17.1.3 to "allow lots to be clustered as part of an Agricultural Planned Development."

8. CPA 2004-08 - FLUM Amendment, Advance Homes, Inc., Mill Creek Florida Properties No. 3, L.L.C., Richard D. Fernandez, SW Florida Land 411 L.L.C., Development known as Oak Creek, Amend Rural to Suburban (10 acres), and Suburban to Rural (10 acres), North Fort Myers (near Raymond Lumber)

9. CPA 2004-09 - Text Amendment, Captiva Community Panel, Captiva, Proposing six additional policies.

10. CPA 2004-10 - FLUM Amendment, Hawks Haven Investment, L.L.C., East Lee County (off S.R. 80),

Amend approximately 1,623 acres of Rural and 79 acres of Suburban to Outlying Suburban with a density limit of 2 units per acre and Public Facilities (20 acres).

Matthew A. Noble, Principal Planner
Lee County Department of Community Development
Division of Planning
Email: noblema@bocc.co.lee.fl.us
(239) 479-8548
(941) 479-8319 FAX

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

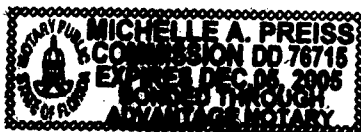
The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as See attached Exhibit A
(Strap # See attached Exhibit A) and legally described in exhibit A attached herelo.

The property described herein is the subject of an application for zoning or development. We hereby designate Knott, Consoer, Ebelini, Hart & Swett, P.A. 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 authorizing 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 authorization is delivered to Lee County.

Hawks Haven Investment LLC
Owner*
by: [Signature]
Name Gregory M. Morris
Title Ex. Vice President

STATE OF FLORIDA)
COUNTY OF LEE)

Gregory M. Morris Sworn to (or affirmed) and subscribed before me this 25 day of Feb, 2004 by Gregory M. Morris, as Ex. V. P. of Hawks Haven Investment LLC, a Florida corporation, on behalf of the corporation. He is personally known to me or has produced n/a as identification.



[Signature]
Notary Public
Michelle A. Preiss
(Name typed, printed or stamped)

*If more than one owner then all owners must sign. See explanation on back.

EXHIBIT "A"

Site Address: **See below**

Strap:

125-43-26-00-00121.0000	17750, Alva, Florida 33920
226-43-26-00-00011.0000	2970 Hickey Creek Rd, Alva, Florida 33920
326-43-26-00-00011.0010	Reserved, Florida
427-43-26-00-00003.0010 ***	Access Undetermined
527-43-26-00-00003.0020 ***	Access Undetermined
627-43-26-00-00016.0000	Access Undetermined
734-43-26-00-00001.0010	Access Undetermined
834-43-26-00-00001.0020	Reserved, Florida
936-43-26-00-00001.0000	Access Undetermined
1035-43-26-00-00001.0010	Reserved, Florida
1135-43-26-00-00001.0000	Access Undetermined
1235-43-26-00-00002.0000	Access Undetermined

Legal: **See attached Special Warranty Deed dated September 30, 2003, Warranty Deed dated November 26, 2003, and Warranty Deed dated January 20, 2004.**

6.00
8071.00 DIS
8077.



This instrument Prepared by and Return to:
Box 4
RICHARD W. WINESETT
Avery, Whigham & Winesett, P.A.
2248 FIRST STREET
FORT MYERS, FL 33901
STRAP #: 35-43-26-00-00002.0000

INSTR # 6117155
OR BK 04177 Pg 1383; (1pg)
RECORDED 01/21/2004 10:39:09 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 6.00
DEED DOC 8,071.00
DEPUTY CLERK L Ambrosio

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED made the 20th day of January, A.D. 2004 by KENNETH RALPH BOND and ROBERT WILLIAM WILSON, herein called the grantor, to HAWKS HAVEN INVESTMENT, LLC, a Florida limited liability company, whose post office address is 12800 University Dr, Suite 275, Fort Myers FL 33907, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of entities)

WITNESSETH: That the grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in LEE County, State of Florida, viz:

The East 1/2 of the Southeast 1/4 and the Northwest 1/4 of the Southeast 1/4 and the North 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 35, Township 43 South, Range 26 East, Lee County, Florida.

Subject to restrictions, reservations, and easements of record, if any and taxes for the year 2004 and subsequent years.

The above described property is not the homestead of either of the grantors, nor is it contiguous to the homestead of either grantor, but in fact is vacant land.

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

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

AND, the grantor hereby covenants with said grantees that the grantor warrants the title against all persons against the lawful claims of all such persons whomsoever.

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

Signed, sealed and delivered in the presence of:

Richard W. Winesett
Witness Signature

Richard W. Winesett
Printed Name

GREGG S. TRUXTON
Witness Signature

GREGG S. TRUXTON
Printed Name

Kenneth Ralph Bond L.S.
KENNETH RALPH BOND

Robert William Wilson L.S.
ROBERT WILLIAM WILSON

STATE OF FLORIDA:
COUNTY OF LEE:

The foregoing instrument was acknowledged before me this 20th day of January, 2004 by Fact for KENNETH RALPH BOND and ROBERT WILLIAM WILSON, who are ☒ personally known to me or have produced ☐ as identification.

SEAL



Richard W. Winesett
Notary Signature

Printed Name

15.00-12
1250.00 013
4.00 00
1064.00



This instrument was prepared by:
Gregg S. Truxton, Esquire
Bolaños Truxton, P.A.
12800 University Drive, Suite 340
Fort Myers, Florida 33907

Parcel Identification No.
27-43-26-00-00016.0000

INSTR # 6061387
OF BK 04133 Pgs 2322 - 2324; (3pgs)
RECORDED 12/01/2003 02:22:27 PM
CARMELA GARCIA, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 15.00
DEED DOC 1,000.00
DEPUTY CLERK L AMBROSIO

-----[Space above this line for recording data]-----

WARRANTY DEED
(STATUTORY FORM - SECTION 689.02, F.S.)

THIS INDENTURE, made this 26 day of November, 2003, between **Martha W. Pruyn and Catherine Haslam Sanderson, individually and as Co-Trustees of the Martha W. Pruyn Revocable Trust, dated August 5, 1999, collectively as Grantor, to Hawks Haven Investment, L.L.C., a Florida limited liability company, as Grantee, whose mailing address is 12800 University Drive, Suite 275, Fort Myers, Florida 33907.**

WITNESSETH that said Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt and sufficiency whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

A parcel of land located in Section 27, Township 43, Range 26 and more particularly described as the Southwest quarter of the Southeast quarter of the Southwest quarter of said Section 27, except the railroad right-of-way and ditch.

and this conveyance is subject to: (1) zoning restrictions and ordinances imposed by governmental authority; (2) public utility easements of record; (3) real estate taxes for the year 2003 and subsequent years.

Grantors warrant that at the time of this conveyance, the Property is not the homestead of Grantor or any member of Grantor's family within the meaning set forth in the constitution of the State of Florida, nor is it contiguous to or a part of homestead property.

And said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

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

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

Grantor:

Kendall Sanderson
Print Name:

Martha W. Pruyn
Martha W. Pruyn, individually and as Co-Trustee of the Martha W. Pruyn Revocable Trust, dated August 5, 1999

Christine Thomas
Print Name:

Kendall Sanderson
Print Name:

Catherine Haslam Sanderson
Catherine Haslam Sanderson, individually and as Co-Trustee of the Martha W. Pruyn Revocable Trust, dated August 5, 1999

Christine Thomas
Print Name:

State of Florida
County of Brevard

The foregoing instrument was acknowledged before me this 26 day of November, 2003, by Martha W. Pruyn, individually and as Co-Trustee of the Martha W. Pruyn Revocable Trust, dated August 5, 1999, who is personally known to me or (✓) has produced _____ as identification.



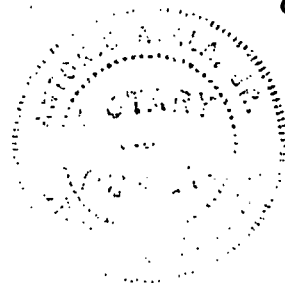
ANTONIO AYALA, JR.
MY COMMISSION # DD 254135
EXPIRES: October 12, 2007
Bonded Thru Budget Notary Services

My commission expires: October 12, 2007

ANTONIO AYALA JR

Notary Public, State of Florida at Large
Print Notary Name:

Commission Expires: October 12, 2007
DD 254135



State of FLORIDA
County of Brevard



The foregoing instrument was acknowledged before me this 26 day of November, 2003, by **Catherine Haslam Sanderson, individually and as Co-Trustee of the Martha W. Pruyn Revocable Trust, dated August 5, 1999**, who is personally known to me or (✓) has produced _____ as identification.



ANTONIO AYALA, JR.
MY COMMISSION # DD 254135
EXPIRES: October 12, 2007
Bonded Thru Budget Notary Services

ANTONIO AYALA JR.

My commission expires: October 12, 2007

Notary Public, State of Florida at Large
Print Notary Name:

L:\law\Haven Investment, L.L.C. (906)\Pruyn Parcel (06)\Closing Docs\Warranty Deed.doc

24.00 - R
209,818.70
209,842.70

6.00 cut copy

Return to and prepared by:
James T. Humphrey
FOWLER WHITE BOGGS BANKER PA
2201 Second Street, 5th Floor
Fort Myers, Florida 33901
(239) 334-7892
Box:43

INSTR # 5990912
Official Records BK 04077 PG 4790
RECORDED 10/01/2003 11:34:04 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 24.00
DEED DOC 209,818.70
DEPUTY CLERK J Miller

Property Identification: 25-43-26-00-00121.0000

SPECIAL WARRANTY DEED

THIS INDENTURE made this th30 day of September, 2003, between F C HAWKS HAVEN, INC., a Florida corporation, herein referred to as Grantor, whose mailing address is 730 Terminal Tower, 50 Public Square, Cleveland, Ohio 44113-2267, and HAWKS HAVEN INVESTMENT, LLC, a Florida limited liability company, herein referred to as Grantee, whose mailing address is 12800 University Drive, Suite 275, Fort Myers, Florida 33907.

WITNESSETH:

That said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's successors and assigns forever, the following described land situate, lying and being in Lee County, Florida, to wit:

As described on Exhibit "A" attached hereto and incorporated herein by reference.

TOGETHER with all tenements, hereditaments, easements and appurtenances thereto belonging or in anywise appertaining; Together with that certain non-exclusive easement for ingress and egress created by grant and Warranty Deed recorded in Official Records Book 263 at Page 187 of the Public Records of Lee County, Florida.

THIS CONVEYANCE IS SUBJECT TO:

1. Taxes for the year 2003.
2. Conditions, easements and restrictions of record.

Grantor does hereby covenant with 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 and will warrant the title and defend the same against the lawful claims and demands of all persons claiming by, through or under Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

FC HAWKS HAVEN, INC.,
a Florida corporation

Susanna Grossi
1st Witness
Print Name: Susanna Grossi

By: Robert F. Monchein
Print Name: Robert F. Monchein
Its: Vice President

Rose Ann Foliano
2nd Witness
Print Name: Rose Ann Foliano

STATE OF OHIO)
COUNTY OF CUYAHOGA)

The foregoing instrument was acknowledged before me on this 26th day of September, 2003, by Robert F. Monchein, Vice President of*. He/She is personally known to me. ~~or who has produced~~-----~~as identification.~~

*FC HAWKS HAVEN, INC., a Florida corporation



ROSE ANN FOLIANO, Notary Public
(Seal) STATE OF OHIO
My Commission Expires July 14, 2006

Rose Ann Foliano
Notary Public
Print Name: _____

Best Image Available
SCANNER'S MEMO

Exhibit "A"

All of that land (described in Official Records Book 978, pages 551 to 554, Incl., Lee County public records, lying South of State Road 80, all in Township 43 South, Range 28 East, Lee County, Florida, and being more particularly described as follows:

PARCEL NO. 1:

The Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 27.

PARCEL NO. 2:

The Northeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 27.

PARCEL NO. 5:

The South 1/2 of the South 1/2 of the Southeast 1/4 of Section 25, lying South of the former (now abandoned) Seaboard Airline Railroad Company right-of-way.

PARCEL NO. 6:

All that part of the South 1/2 of the Southwest 1/4 of the Southeast 1/4, and the South 1/2 of the South 1/2 of the Southwest 1/4, of Section 26, which lies South of the former (now abandoned) Seaboard All Florida Railroad Company right-of-way.

PARCEL NO. 7:

(A) All that part of the South 1/2 of the South 1/2 of the Southeast 1/4 of Section 27, which lies South of the former (now abandoned) Seaboard Airline Railroad Company right-of-way.

(B) That part of the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 27, which lies South of the former (now abandoned) Seaboard Airline Railroad right-of-way, in Section 27.

(C) The Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4, in Section 27, LESS the former (now abandoned) Seaboard All Florida Railroad Company right-of-way.

PARCEL NO. 8:

That portion of the Northwest 1/4 of the Northwest 1/4 of Section 27, lying South of the South right-of-way line of State Road 80.

PARCEL NO. 9:

That portion of the West 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 27, lying South of the South right-of-way line of State Road 80.

PARCEL NO. 10:

The North 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 27.

PARCEL NO. 11:

(A) The Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27, LESS that portion of Section 27, along the East line of the West 1/2 thereof, to the South line of the Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4

Exhibit "A"

thereof, dedicated as a public County Road.

(B) The Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27.

PARCEL NO. 12:

The South 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 27.

PARCEL NO. 13:

The North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 27.

PARCEL NO. 14:

The Southeast 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 27.

PARCEL NO. 15:

The West 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 27.

PARCEL NO. 16:

The Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 27.

PARCEL NO. 17:

The North 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 27.

PARCEL NO. 18:

That portion of the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 27, North of the Seaboard All Florida Railroad Company right-of-way.

PARCEL NO. 19:

The North 1/2 of Section 34.

PARCEL NO. 20:

The North 1/2 and the Southwest 1/4 and the South 1/2 of the Southwest 1/4 of the Southeast 1/4 in Section 35.

PARCEL NO. 21:

All of Section 36.

And from Official Records Book 843, pages 855 to 861, incl., by the Quit Claim Deed recorded in Official Records Book 976, page 549, all in the public records of Lee County, Florida, the following described land:

PARCEL NO. 22:

The North 50 feet of railroad right-of-way from the West line of Section 27 to the center line of Section 27.

Exhibit "A"

PARCEL NO. 24:

That portion of the Abandoned Seaboard Air Line Railroad Company right-of-way between Fort Myers, and Alva, Florida, lying and being in Section 25, Township 43 South, Range 28 East, and the Southerly 50 feet of said right-of-way lying in Sections 26 and 27, Township 43 South, Range 26 East.

Knott, Consoer, Ebelini
Hart & Swett, P.A.
A T T O R N E Y S - A T - L A W

George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

MRoeder@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Nady Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

February 11, 2004

Chief Doug McGeachie
Fort Myers Shores Fire Dept.
12345 Palm Beach Blvd.
Fort Myers, FL 33905

Re: Lee Plan Amendment for Hawk's Haven

Dear Chief McGeachie:

The Hawk's Haven Development on SR-80 in East Lee County is currently under contract to be sold to LandMar Group, LLC of Tampa. An additional 148 acres has been added to the property, and an application will be filed shortly to amend the site plan to incorporate that additional acreage into the Hawk's Haven development approval. The original developer of Hawk's Haven had envisioned two very low density golf course communities at less than 1 unit per acre gross density. The new owners are looking to develop three separate communities on the property, partly in recognition of the fact that Verandah is also developing two low density golf course communities to the west of the site, and there is a limit to how much golf oriented development the community will absorb. The new owners are looking to build a single golf course community along the lines originally envisioned, as well as an age restricted community with significant amenities (but not golf), and a third community targeted primarily to families. They believe that this will better meet the demands of the market and allow for the more efficient utilization of the site.

With the additional acreage, the site is approximately 1,945 acres, of which 230 acres are wetlands. The upland acreage is divided between 1,636 acres of Rural designated land and 79 acres of Suburban designated land. The Rural designated land allows up to 1 unit per acre and the Suburban land would theoretically allow up to 6 units per acre. The proposed land use amendment is to change the uplands at Hawk's Haven from Rural and Suburban to Outlying

Chief Doug McGeachie
Fort Myers Shores Fire Dept.
February 11, 2004

Suburban with a maximum density of 2 units per acre. This would allow up to 3,430 units to be requested for the property, but it is the owner's intention to maintain the density below 3,000 total units.

As mentioned in the first paragraph, 148 acres will be added to Hawk's Haven regardless of the current land use amendment request, and this will bring the density for the existing project close to 2,000 units. If the requested land use amendment is approved, the new density of Hawk's Haven will be something less than 3,000 units. Therefore, the actual net increase in density as a result of this requested amendment will be approximately 1,000 units, although this application must evaluate the theoretical maximum impacts of an additional 1,430 units.

This increase of up to 1,430 units is the change in the Land Use Map for which we would ask your agency to provide comments in regard to your ability to provide service. The units will be a mixture of housing types, but predominantly single-family. For the purposes of your response, you can assume a net increase from this amendment of approximately 3,000 residents, and the proportion of school age children should be about average, given the different types of housing envisioned. We would appreciate a letter from your agency commenting on your ability to provide service to an additional 3,000 residents in this location at your earliest convenience. Please do not hesitate to contact me if you have any questions.

Very truly yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.



Michael E. Roeder, AICP
Director of Zoning & Land Use Planning

MER/zw

Knott, Consoer, Ebelini
Hart & Swett, P.A.
A T T O R N E Y S - A T - L A W

George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

MRoeder@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Naty Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

February 11, 2004

Lindsey Sampson, Director
Lee County Solid Waste Division
19559 Buckingham Road
Fort Myers, FL 33905

Re: Lee Plan Amendment for Hawk's Haven

Dear Mr. Sampson:

The Hawk's Haven Development on SR-80 in East Lee County is currently under contract to be sold to LandMar Group, LLC of Tampa. An additional 148 acres has been added to the property, and an application will be filed shortly to amend the site plan to incorporate that additional acreage into the Hawk's Haven development approval. The original developer of Hawk's Haven had envisioned two very low density golf course communities at less than 1 unit per acre gross density. The new owners are looking to develop three separate communities on the property, partly in recognition of the fact that Verandah is also developing two low density golf course communities to the west of the site, and there is a limit to how much golf oriented development the community will absorb. The new owners are looking to build a single golf course community along the lines originally envisioned, as well as an age restricted community with significant amenities (but not golf), and a third community targeted primarily to families. They believe that this will better meet the demands of the market and allow for the more efficient utilization of the site.

With the additional acreage, the site is approximately 1,945 acres, of which 230 acres are wetlands. The upland acreage is divided between 1,636 acres of Rural designated land and 79 acres of Suburban designated land. The Rural designated land allows up to 1 unit per acre and the Suburban land would theoretically allow up to 6 units per acre. The proposed land use amendment is to change the uplands at Hawk's Haven from Rural and Suburban to Outlying Suburban with a maximum density of 2 units per acre. This would allow up to 3,430 units to

Lindsey Sampson, Director
Lee County Solid Waste Division
February 11, 2004

be requested for the property, but it is the owner's intention to maintain the density below 3,000 total units.

As mentioned in the first paragraph, 148 acres will be added to Hawk's Haven regardless of the current land use amendment request, and this will bring the density for the existing project close to 2,000 units. If the requested land use amendment is approved, the new density of Hawk's Haven will be something less than 3,000 units. Therefore, the actual net increase in density as a result of this requested amendment will be approximately 1,000 units, although this application must evaluate the theoretical maximum impacts of an additional 1,430 units.

This increase of up to 1,430 units is the change in the Land Use Map for which we would ask your agency to provide comments in regard to your ability to provide service. The units will be a mixture of housing types, but predominantly single-family. For the purposes of your response, you can assume a net increase from this amendment of approximately 3,000 residents, and the proportion of school age children should be about average, given the different types of housing envisioned. We would appreciate a letter from your agency commenting on your ability to provide service to an additional 3,000 residents in this location at your earliest convenience. Please do not hesitate to contact me if you have any questions.

Very truly yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.



Michael E. Roeder, AICP
Director of Zoning & Land Use Planning

MER/zw

Knott, Consoer, Ebelini
Hart & Swett, P.A.
A T T O R N E Y S - A T - L A W

George H. Knott *+
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1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

MRoeder@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Nady Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

February 11, 2004

Chief H.C. "Chris" Hansen, EMS Mgr.
and John Wilson
Lee County Emergency Medical Services
P.O. Box 398
Ft. Myers, FL 33902-0398

Re: Lee Plan Amendment for Hawk's Haven

Dear Chief Hansen and Mr. Wilson:

The Hawk's Haven Development on SR-80 in East Lee County is currently under contract to be sold to LandMar Group, LLC of Tampa. An additional 148 acres has been added to the property, and an application will be filed shortly to amend the site plan to incorporate that additional acreage into the Hawk's Haven development approval. The original developer of Hawk's Haven had envisioned two very low density golf course communities at less than 1 unit per acre gross density. The new owners are looking to develop three separate communities on the property, partly in recognition of the fact that Verandah is also developing two low density golf course communities to the west of the site, and there is a limit to how much golf oriented development the community will absorb. The new owners are looking to build a single golf course community along the lines originally envisioned, as well as an age restricted community with significant amenities (but not golf), and a third community targeted primarily to families. They believe that this will better meet the demands of the market and allow for the more efficient utilization of the site.

With the additional acreage, the site is approximately 1,945 acres, of which 230 acres are wetlands. The upland acreage is divided between 1,636 acres of Rural designated land and 79 acres of Suburban designated land. The Rural designated land allows up to 1 unit per acre and the Suburban land would theoretically allow up to 6 units per acre. The proposed land use amendment is to change the uplands at Hawk's Haven from Rural and Suburban to Outlying

Chief H.C. "Chris" Hansen, EMS Mgr.
and John Wilson
Lee County Emergency Medical Services
February 11, 2004

Suburban with a maximum density of 2 units per acre. This would allow up to 3,430 units to be requested for the property, but it is the owner's intention to maintain the density below 3,000 total units.

As mentioned in the first paragraph, 148 acres will be added to Hawk's Haven regardless of the current land use amendment request, and this will bring the density for the existing project close to 2,000 units. If the requested land use amendment is approved, the new density of Hawk's Haven will be something less than 3,000 units. Therefore, the actual net increase in density as a result of this requested amendment will be approximately 1,000 units, although this application must evaluate the theoretical maximum impacts of an additional 1,430 units.

This increase of up to 1,430 units is the change in the Land Use Map for which we would ask your agency to provide comments in regard to your ability to provide service. The units will be a mixture of housing types, but predominantly single-family. For the purposes of your response, you can assume a net increase from this amendment of approximately 3,000 residents, and the proportion of school age children should be about average, given the different types of housing envisioned. We would appreciate a letter from your agency commenting on your ability to provide service to an additional 3,000 residents in this location at your earliest convenience. Please do not hesitate to contact me if you have any questions.

Very truly yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.



Michael E. Roeder, AICP
Director of Zoning & Land Use Planning

MER/zw

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
A T T O R N E Y S - A T - L A W

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Naty Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

February 11, 2004

Michael Horsting
Transit Planner
LeeTran
6035 Landing View Rd.
Fort Myers, 33907

Re: Lee Plan Amendment for Hawk's Haven

Dear Mr. Horsting:

The Hawk's Haven Development on SR-80 in East Lee County is currently under contract to be sold to LandMar Group, LLC of Tampa. An additional 148 acres has been added to the property, and an application will be filed shortly to amend the site plan to incorporate that additional acreage into the Hawk's Haven development approval. The original developer of Hawk's Haven had envisioned two very low density golf course communities at less than 1 unit per acre gross density. The new owners are looking to develop three separate communities on the property, partly in recognition of the fact that Verandah is also developing two low density golf course communities to the west of the site, and there is a limit to how much golf oriented development the community will absorb. The new owners are looking to build a single golf course community along the lines originally envisioned, as well as an age restricted community with significant amenities (but not golf), and a third community targeted primarily to families. They believe that this will better meet the demands of the market and allow for the more efficient utilization of the site.

With the additional acreage, the site is approximately 1,945 acres, of which 230 acres are wetlands. The upland acreage is divided between 1,636 acres of Rural designated land and 79 acres of Suburban designated land. The Rural designated land allows up to 1 unit per acre and the Suburban land would theoretically allow up to 6 units per acre. The proposed land use amendment is to change the uplands at Hawk's Haven from Rural and Suburban to Outlying Suburban with a maximum density of 2 units per acre. This would allow up to 3,430 units to

Michael Horsting, Transit Planner
Lee Tran
February 11, 2004

be requested for the property, but it is the owner's intention to maintain the density below 3,000 total units.

As mentioned in the first paragraph, 148 acres will be added to Hawk's Haven regardless of the current land use amendment request, and this will bring the density for the existing project close to 2,000 units. If the requested land use amendment is approved, the new density of Hawk's Haven will be something less than 3,000 units. Therefore, the actual net increase in density as a result of this requested amendment will be approximately 1,000 units, although this application must evaluate the theoretical maximum impacts of an additional 1,430 units.

This increase of up to 1,430 units is the change in the Land Use Map for which we would ask your agency to provide comments in regard to your ability to provide service. The units will be a mixture of housing types, but predominantly single-family. For the purposes of your response, you can assume a net increase from this amendment of approximately 3,000 residents, and the proportion of school age children should be about average, given the different types of housing envisioned. We would appreciate a letter from your agency commenting on your ability to provide service to an additional 3,000 residents in this location at your earliest convenience. Please do not hesitate to contact me if you have any questions.

Very truly yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.



Michael E. Roeder, AICP
Director of Zoning & Land Use Planning

MER/zw

Knott, Consoer, Ebelini
Hart & Swett, P.A.
A T T O R N E Y S - A T - L A W

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Fort Myers, Florida 33902-2449

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MRoeder@knott-law.com

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Naty Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

February 11, 2004

Kathy Babcock
Long Range Planner
The School District of Lee County
3800 Canal Street
Fort Myers, FL 33916

Re: Lee Plan Amendment for Hawk's Haven

Dear Ms. Babcock:

The Hawk's Haven Development on SR-80 in East Lee County is currently under contract to be sold to LandMar Group, LLC of Tampa. An additional 148 acres has been added to the property, and an application will be filed shortly to amend the site plan to incorporate that additional acreage into the Hawk's Haven development approval. The original developer of Hawk's Haven had envisioned two very low density golf course communities at less than 1 unit per acre gross density. The new owners are looking to develop three separate communities on the property, partly in recognition of the fact that Verandah is also developing two low density golf course communities to the west of the site, and there is a limit to how much golf oriented development the community will absorb. The new owners are looking to build a single golf course community along the lines originally envisioned, as well as an age restricted community with significant amenities (but not golf), and a third community targeted primarily to families. They believe that this will better meet the demands of the market and allow for the more efficient utilization of the site.

With the additional acreage, the site is approximately 1,945 acres, of which 230 acres are wetlands. The upland acreage is divided between 1,636 acres of Rural designated land and 79 acres of Suburban designated land. The Rural designated land allows up to 1 unit per acre and the Suburban land would theoretically allow up to 6 units per acre. The proposed land use amendment is to change the uplands at Hawk's Haven from Rural and Suburban to Outlying

Kathy Babcock
Long Range Planner
The School District of Lee County
February 11, 2004

Suburban with a maximum density of 2 units per acre. This would allow up to 3,430 units to be requested for the property, but it is the owner's intention to maintain the density below 3,000 total units.

As mentioned in the first paragraph, 148 acres will be added to Hawk's Haven regardless of the current land use amendment request, and this will bring the density for the existing project close to 2,000 units. If the requested land use amendment is approved, the new density of Hawk's Haven will be something less than 3,000 units. Therefore, the actual net increase in density as a result of this requested amendment will be approximately 1,000 units, although this application must evaluate the theoretical maximum impacts of an additional 1,430 units.

This increase of up to 1,430 units is the change in the Land Use Map for which we would ask your agency to provide comments in regard to your ability to provide service. The units will be a mixture of housing types, but predominantly single-family. For the purposes of your response, you can assume a net increase from this amendment of approximately 3,000 residents, and the proportion of school age children should be about average, given the different types of housing envisioned. We would appreciate a letter from your agency commenting on your ability to provide service to an additional 3,000 residents in this location at your earliest convenience. Please do not hesitate to contact me if you have any questions.

Very truly yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.



Michael E. Roeder, AICP
Director of Zoning & Land Use Planning

MER/zw

FT. MYERS SHORES FIRE DISTRICT

12345 PALM BEACH BLVD.

FT. MYERS, FL. 33905

February 23, 2004

VIA FACSIMILE 334-1446

Michael E. Roeder, AICP
KNOTT, CONSOER, EBELINI,
HART, & SWETT, P.A.
P.O. Box 2449
Ft. Myers, FL 33902-2449

RE: Hawk's Haven

Dear Mr. Roeder,

The Hawk's Haven project is completely in the Ft. Myers Shores Fire District. The growth in the east end of the District will require a new station to be located in the area of Palm Beach Blvd. and Linwood Ave. The District has been looking for land to place a station for about a year. Approximately 1-2 acres would be needed to house fire and EMS equipment. So far we have been unable to find a parcel that meets our needs or our budget.

With the increase in units for this project a station will become even more necessary to provide fire protection and EMS service. Currently fire service is provided out of the station located approximately 3 miles to the west and EMS service over 4 miles to the west. Our current ISO rating for the area of your project is a Class 9. With the addition of water and a station the rate would drop to a Class 4. This represents a considerable savings in insurance rates in addition to response times being greatly reduced. A station in or near this project will be a great asset for the area as well as a selling point for the project.

We would ask that the developer work with the fire district in securing land for a station in the project or closely located to the project. This might be done by a number of different methods not limited to land donation or land for impact credit. With the approval of change for this development will come an increase in land values and scarcity of land for a new station.

The District looks forward to be able to work with on this. Thank you.

Sincerely,


Douglas R. McGeachie, Fire Chief



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

239-335-1604

Writer's Direct Dial Number: chrish@leegov.com

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

February 18, 2004

Mr. Michael E. Roeder, AICP
Director of Zoning & Land Use Planning
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Fort Myers, FL 33901

**Re: Written Determination of Adequacy for EMS Services for a
land use plan amendment for Hawk's Haven, a residential
development.**

Dear Mr. Roeder:

Lee County Emergency Medical Services has reviewed your letter dated February 11, 2004; reference to a proposed land use plan amendment for the Hawk's Haven development on SR-80.

The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities.

If you would like to discuss this further, please call me at the above referenced number.

Sincerely,

DIVISION OF PUBLIC SAFETY/EMS

Chief H.C. "Chris" Hansen
EMS Manager
Lee County Emergency Medical Services

/GDW



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

239-277-5012 x2233

Writer's Direct Dial Number: _____

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

February 23, 2004

Mr. Michael E. Roeder, AICP
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Third Floor
Fort Myers, FL 33902-2449

RE: LEE PLAN AMENDMENT FOR HAWK'S HAVEN

Dear Mr. Roeder:

Thank you for your correspondence with Lee County Transit in regards to your service availability request for a Lee County Land Use Map change. While we will not be able to provide direct service to the subject property located on State Road 80, we do currently provide service on SR-80 East to Buckingham Road. This makes public transportation available to at least the westernmost portion of the subject property. The seven-day a week service we provide is with our route 100 and the high frequency of this route allows for sufficient capacity to add more riders. The closest bus stop to the subject property is located at Palm Beach Boulevard (SR-80) and Old Olga Road. Future residents of the current Hawk's Haven Development may be able to utilize public transportation as a "Park and Ride" service or they could access the bus by foot or by bicycle.

If you have any further questions or comments, please call me or e-mail me at mhorsting@leegov.com.

Sincerely,

TRANSIT DIVISION

Michael Horsting
Transit Planner

*Office of the Sheriff
Rodney Shoap*



*County of Lee
State of Florida*

February 20, 2004

Knott, Consoer, Ebelini
Hart & Swett, P.A.
1625 Hendry Street
P.O. Box 2449
Fort Myers, Florida 33902-2449

RECEIVED
Knott, Consoer, Ebelini
Hart & Swett, P.A.
AM FEB 24 2004 PM
7 8 9 10 11 12 1 2 3 4 5 6
4

RE: Lee Plan Amendment for Hawk's Haven

Dear Mr. Michael Roeder:

The proposed development in Lee County Florida, is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

We anticipate that we will receive the reasonable and necessary funding to support growth in demand. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Johnson".

Major Dan Johnson
Planning and Research

Copy: File
DJ/jr



14750 Six Mile Cypress Parkway Fort Myers, Florida 33912-4406

**LEE COUNTY**
SOUTHWEST FLORIDA**BOARD OF COUNTY COMMISSIONERS**Writer's Direct Dial Number: 239-277-5012 x2233Bob Janes
District OneDouglas R. St. Cerny
District TwoRay Judah
District ThreeAndrew W. Coy
District FourJohn E. Albion
District FiveDonald D. Stilwell
County ManagerJames G. Yaeger
County AttorneyDiana M. Parker
County Hearing
Examiner

February 23, 2004

Mr. Michael E. Roeder, AICP
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Third Floor
Fort Myers, FL 33902-2449

RE: LEE PLAN AMENDMENT FOR HAWK'S HAVEN

Dear Mr. Roeder:

Thank you for your correspondence with Lee County Transit in regards to your service availability request for a Lee County Land Use Map change. While we will not be able to provide direct service to the subject property located on State Road 80, we do currently provide service on SR-80 East to Buckingham Road. This makes public transportation available to at least the westernmost portion of the subject property. The seven-day a week service we provide is with our route 100 and the high frequency of this route allows for sufficient capacity to add more riders. The closest bus stop to the subject property is located at Palm Beach Boulevard (SR-80) and Old Olga Road. Future residents of the current Hawk's Haven Development may be able to utilize public transportation as a "Park and Ride" service or they could access the bus by foot or by bicycle.

If you have any further questions or comments, please call me or e-mail me at mhorsting@leegov.com.

Sincerely,

TRANSIT DIVISION

Michael Horsting
Transit Planner

Amend approximately 1,623 acres of Rural and 79 acres of Suburban to Outlying Suburban with a density limit of 2 units per acre and Public Facilities (20 acres).

Matthew A. Noble, Principal Planner
Lee County Department of Community Development
Division of Planning
Email: noblema@bocc.co.lee.fl.us
(239) 479-8548
(941) 479-8319 FAX

From: Peter Blackwell
To: Noble, Matthew
Date: 2/14/05 10:02AM
Subject: Approval Numbers

Matt,

Hawks Haven Is approved for 1,598 units by Z-99-56.

This proposal takes 79 acres of Suburban (474 units) and 1,623 acres of Rural (1,623 units) for a total of 2,097 units and turns it all into Outlying Suburban with a 2 unit/acre cap totaling 3,404 units. This is an increase of 1,307 units just from the FLUM change. It is an increase of 1,806 units from that approved by Z-99-56.

These calculations are based on the applicants acreage numbers. The final wetland acreage could change the final numbers.

Peter C. Blackwell
Planner, Division of Planning
Blackwpc@leegov.com
(941) 479-8312
FAX (941) 479-8319

From: Peter Blackwell
To: Noble, Matthew
Date: 2/14/05 10:48AM
Subject: Approved PD uits

DCI1999-24 (Buckingham Gardens) 300 MF units / *712 154*
DCI2004-31 (Portico) 1,178 units: 1,058 SF and 120 townhomes)
DCI2004-73 (Tuscany) 35 SF units
Z-00-29 (Buckingham 320) 640 SF units

420 MF
1,733 SF
2,153 total approved PD units.

Peter C. Blackwell
Planner, Division of Planning
Blackwpc@leegov.com
(941) 479-8312
FAX (941) 479-8319

Year	Single Family	Multi Family	Total
154			
1998	307	38	345
1999	342	38	380
2000	379	38	417
2001	390	38	428
2002	393	38	431
2003	399	38	437
2020	358	13	371
180			
1998	195	6	201
1999	224	6	230
2000	240	6	246
2001	252	8	260
2002	274	8	282
2003	304	8	312
2020	636	42	678

New TAZ numbers using previous units plus approved units

1,000 student.

TAZ 154			
Year	Single Family	Multi Family	Total
2020	756	412	1168

358

2,438

13

1.38

TAZ 180			
Year	Single Family	Multi Family	Total
2020	3250	262	3512

636

1.38

42

2.09

New TAZ numbers with CPA2004-10 factored in.

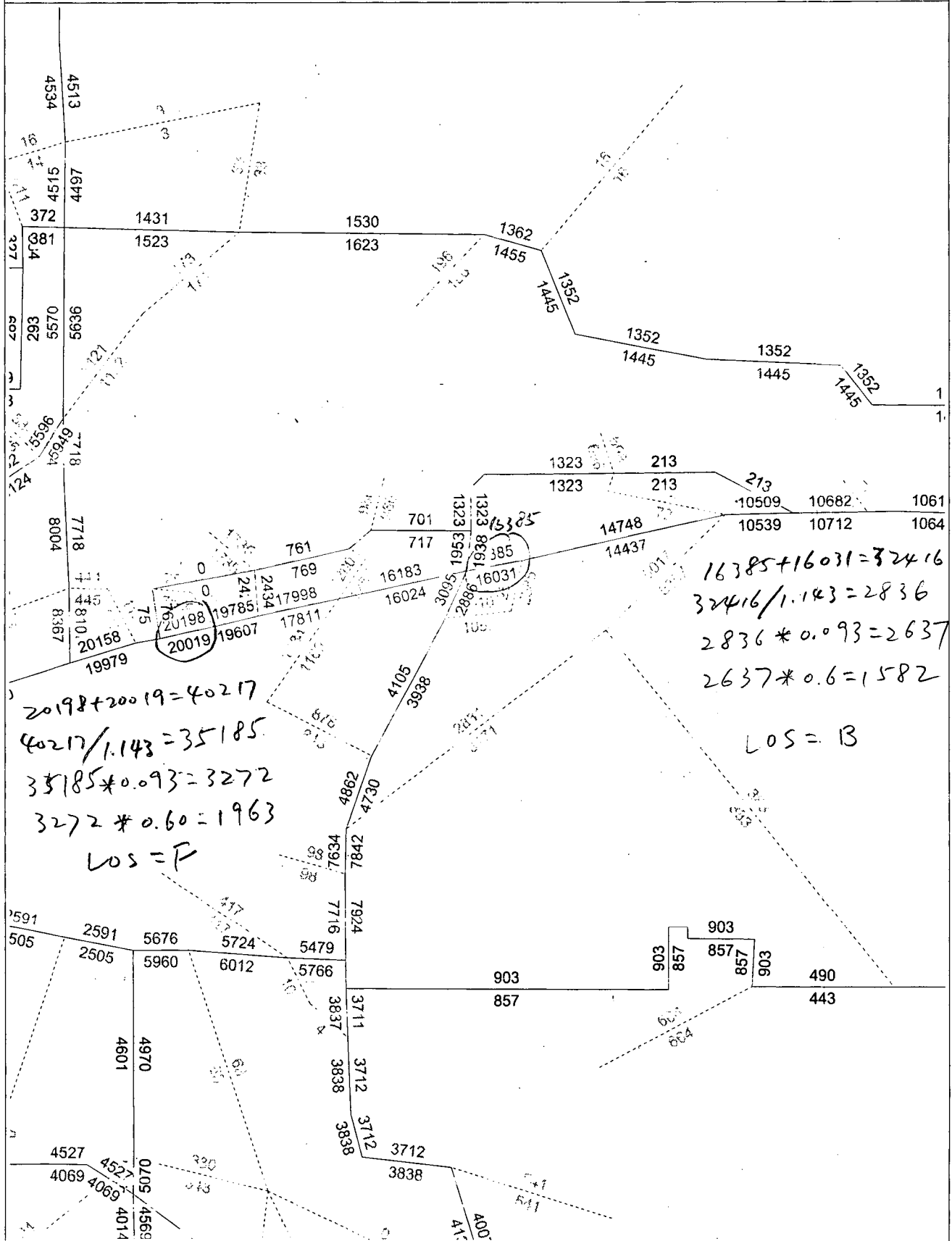
TAZ 154			
Year	Single Family	Multi Family	Total
2020	522	353	875

TAZ 180			
Year	Single Family	Multi Family	Total
2020	4530	582	5112

4530 x 2.4 = 10872

[illegible]**viper**

Licensed to Florida Department of Transportation



Wed 16 Feb 2005 1:43 PM

viper

Licensed to Florida Department of Transportation

viper

New TAZ numbers using previous units plus approved units

TAZ 154			
Year	Single Family	Multi Family	Total
2020	756	412	1168

TAZ 180			
Year	Single Family	Multi Family	Total
2020	3250	262	3512

Traffic Analysis Zone Data for 2020

5/13/2004

<u>TAZ</u>	154	<u>CENSUS TRA</u>	302		
<u>Single Family Units</u>	358	<u>NSF UNITS</u>	13	<u>HM ROOMS</u>	0.00
<u>VNP SF</u>	0.12	<u>VNP NSF</u>	0.27	<u>HOTEL OR</u>	0.86
<u>V SF</u>	0.12	<u>V NSF</u>	0.00	<u>HM OCCUPAN</u>	0
<u>PV SF</u>	0.31	<u>PV NSF</u>	0.00	<u>IND EMP</u>	0
<u>PPH SF</u>	2.77	<u>PPH NSF</u>	1.90	<u>SERV EMP</u>	36
<u>SF POP</u>	873	<u>NSF POP</u>	18	<u>COM EMP</u>	134
		<u>MF VA 0</u>	2	<u>TOT EMP</u>	170
		<u>MF VA 1</u>	26	<u>SCHOOL ENR</u>	0
		<u>MF VA 2</u>	72		

<u>TAZ</u>	180	<u>CENSUS TRA</u>	402		
<u>Single Family Units</u>	636	<u>NSF UNITS</u>	42	<u>HM ROOMS</u>	0.00
<u>VNP SF</u>	0.40	<u>VNP NSF</u>	0.29	<u>HOTEL OR</u>	0.82
<u>V SF</u>	0.32	<u>V NSF</u>	0.29	<u>HM OCCUPAN</u>	0
<u>PV SF</u>	0.32	<u>PV NSF</u>	0.36	<u>IND EMP</u>	0
<u>PPH SF</u>	2.78	<u>PPH NSF</u>	2.95	<u>SERV EMP</u>	139
<u>SF POP</u>	1,062	<u>NSF POP</u>	88	<u>COM EMP</u>	34
		<u>MF VA 0</u>	2	<u>TOT EMP</u>	173
		<u>MF VA 1</u>	20	<u>SCHOOL ENR</u>	1,038
		<u>MF VA 2</u>	78		

Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (239) 479-8585
FAX: (239) 479-8519

**APPLICATION FOR A
COMPREHENSIVE PLAN AMENDMENT**

RECEIVED
FEB 27 2004

(To be completed at time of intake)

PERMIT COUNTER

DATE REC'D 2-27-04

REC'D BY: AMK

APPLICATION FEE
NO: 45364.00

TIDEMARK
CPA 2004-00010

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☒

Designation on FLUM

(To be completed by Planning Staff)

Plan Amendment Cycle: ☐ Normal ☒ Small Scale ☐ DRI ☐
Emergency

Request No: _____

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is:

Submit **6** copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

2/27/04 M. A. White

DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

Hawks Haven Investment, L.L.C.

APPLICANT

12800 University Drive, Suite 275

ADDRESS

Fort Myers

Florida

33907

CITY

STATE

ZIP

239-590-9066

239-590-9065

TELEPHONE NUMBER

FAX NUMBER

Matthew D. Uhle

AGENT*

1625 Hendry Street

ADDRESS

Fort Myers

Florida

33901

CITY

STATE

ZIP

239-334-2722

239-334-8458

TELEPHONE NUMBER

FAX NUMBER

Hawks Haven Investment, L.L.C.

OWNER(S) OF RECORD

12800 University Drive, Suite 275

ADDRESS

Fort Myers

Florida

33907

CITY

STATE

ZIP

239-590-9066

239-590-9065

TELEPHONE NUMBER

FAX NUMBER

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

* This will be the person contacted for all business relative to the application.

II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)

A. TYPE: (Check appropriate type)

☐

Text Amendment



Future Land Use Map Series Amendment
(Maps 1 thru 20)

List Number(s) of Map(s) to be amended

1

B. SUMMARY OF REQUEST (Brief explanation):

This is the approved Hawk's Haven development to which has been added

approximately 150 acres of new property. This is a request to change

approximately 1623 acres of Rural designated land and 79 acres of Suburban

land to Outlying Suburban with a density limit of 2 units per acre and

Public Facilities (20 Acres).

III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY (for amendments affecting development potential of property)

A. Property Location:

1. Site Address: various parcels-please see attached Exhibit A

2. STRAP(s):

Various strap numbers, please see attached Exhibit A

B. Property Information

Total Acreage of Property: **1,945 acres**

Total Acreage included in Request: **1,702 acres**

Area of each Existing Future Land Use Category: **1,623 acres Rural and 79 acres Suburban**

Total Uplands: **1,702 acres**

Total Wetlands: **243 acres**

Current Zoning: **RPD and AG-2**

Current Future Land Use Designation: **Rural and Suburban (wetlands)**

Existing Land Use: **vacant pasture/native woodland**

- C. State if the subject property is located in one of the following areas and if so how does the proposed change effect the area:

Lehigh Acres Commercial Overlay: na

Airport Noise Zone 2 or 3: na

Acquisition Area: na

Joint Planning Agreement Area (adjoining other jurisdictional lands): na

Community Redevelopment Area: na

- D. Proposed change for the Subject Property:

It is proposed to change the uplands in the rural and Suburban categories to Outlying Suburban with a maximum density of 2 units per acre and Public Facilities (20 acres).

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density **2,023**

Commercial intensity **na**

Industrial intensity **na**

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density **3,364**

Commercial intensity **na**

Industrial intensity **na**

IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided

by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

A. General Information and Maps

NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

1. Provide any proposed text changes.
2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
3. Map and describe existing land *uses* (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.
4. Map and describe existing zoning of the subject property and surrounding properties.
5. The legal description(s) for the property subject to the requested change.
6. A copy of the deed(s) for the property subject to the requested change.

7. An aerial map showing the subject property and surrounding properties.
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

B. Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).

1. Traffic Circulation Analysis

The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

Long Range – 20-year Horizon:

- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
- b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);
- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff.

DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;

- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
- e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;
Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area

with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;

- d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

2. Provide an existing and future conditions analysis for:

- a. Sanitary Sewer
- b. Potable Water
- c. Surface Water/Drainage Basins
- d. Parks, Recreation, and Open Space.

Analysis should include (but is not limited to) the following:

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2020 LOS under existing designation;
- Projected 2020 LOS under proposed designation;
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:

- a. Fire protection with adequate response times;

- b. Emergency medical service (EMS) provisions;
- c. Law enforcement;
- c. Solid Waste;
- d. Mass Transit; and
- e. Schools.

In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.

C. Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
5. A table of plant communities by FLUCCS with the potential to contain species

(plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

D. Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archeological sensitivity map for Lee County.

E. Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

F. Additional Requirements for Specific Future Land Use Amendments

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
 - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
 - b. Provide data and analysis required by Policy 2.4.4,
 - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area
 - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.
1. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
2. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

Item 1: Fee Schedule

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

AFFIDAVIT

I, _____, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

Signature of owner or owner-authorized agent

Date

Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this _____ day of _____ 19____,
by _____, who is personally known to me or who has produced _____ as identification.

(SEAL)

Signature of notary public

Printed name of notary public

RATIONALE

The requested amendment from Suburban and Rural to Outlying Suburban (maximum density of 2du/a) and Public Facilities should be granted, for the following reasons.

1. The site currently contains both urban and non-urban lands, which make devising an appropriate development plan difficult.
2. The amendment is a logical extension of the property designated Outlying Suburban which lies immediately to the west of the subject parcel.
3. The subject parcel is already zoned and permitted. A more intense use with a wider range of housing types can be placed within the site without materially changing its development footprint.
4. The amendment will facilitate the construction of a badly-needed elementary school, which will serve the residents of Hawk's Haven and the surrounding area and which could provide additional storm shelter space.
5. As noted throughout the application, the property has access to adequate public facilities.
6. The impact of the change on the capacity of the FLUM will be negligible, partially in light of the projected 10 year increase in the horizon of the Lee Plan.

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5. As noted throughout the application, the property has access to adequate public facilities.
6. The impact of the change on the capacity of the FLUM will be negligible, partially in light of the projected 10 year increase in the horizon of the Lee Plan.

RESPONSE TO URBAN SPRAWL QUESTIONS

The proposed amendment from Suburban and Rural to Outlying Suburban (2 du/a maximum) and Public Facilities does not constitute urban sprawl, for the following reasons:

1. The Outlying Suburban FLUM category is not a single-use district. The project will include a school site and a variety of housing types.
2. The amendment will not promote "leapfrog development," as a portion of the property is already designated Suburban, the parcel is abutted to the west by tracts designated Outlying Suburban, and the amendment will simply increase density within a development footprint that has already been approved by Lee County, SFWMD, and the ACOE.
3. As noted above, the project has been permitted by SFWMD and ACOE. The applicant is not proposing to materially change the development footprint on the property.
4. The property has access from S.R.80. The applicant is exploring the feasibility of providing a secondary access through Lehigh Acres.
5. The project will continue to exceed the LDC requirements for open space after the proposed increase density.
6. The proposed density increase will result in a more efficient use of public water and sewer facilities that are currently underutilized.

CONSISTENCY WITH STATE AND REGIONAL PLANS

The proposed amendment is consistent with the following provisions of the State and Regional plans:

State Plan:

1. Land Use Policy 3: The increase in density, with the addition of the school site, will create an attractive and functional mix of uses.
2. Public Facilities Policy 1: The additional density within the approved development footprint will maximize the use of existing and underutilized public facilities.

Regional Plan

1. Affordable Housing Goal 1: The increased density will permit a wider range of housing types in various price ranges.
2. Affordable Housing Goal 2, Strategy 1, Action 1: Adding units within an approved development footprint constitutes infill development.
3. Emergency Preparedness Goal 6, Strategy 1, Action 2: The proposed amendment will direct units away from the portion of the property that is located in the category 2 evacuation area into more secure areas.
4. Emergency Preparedness Goal 7: The new school can serve as a storm shelter.
5. Regional Transportation Goal 2, Strategy 1, Action 4: The amendment will promote higher density and a variety of housing types on the subject parcel.

EXHIBIT A.1

Proposed Text Amendment

The amendment is to footnote 6 of Table 1(a), the density table. The following language would be added:

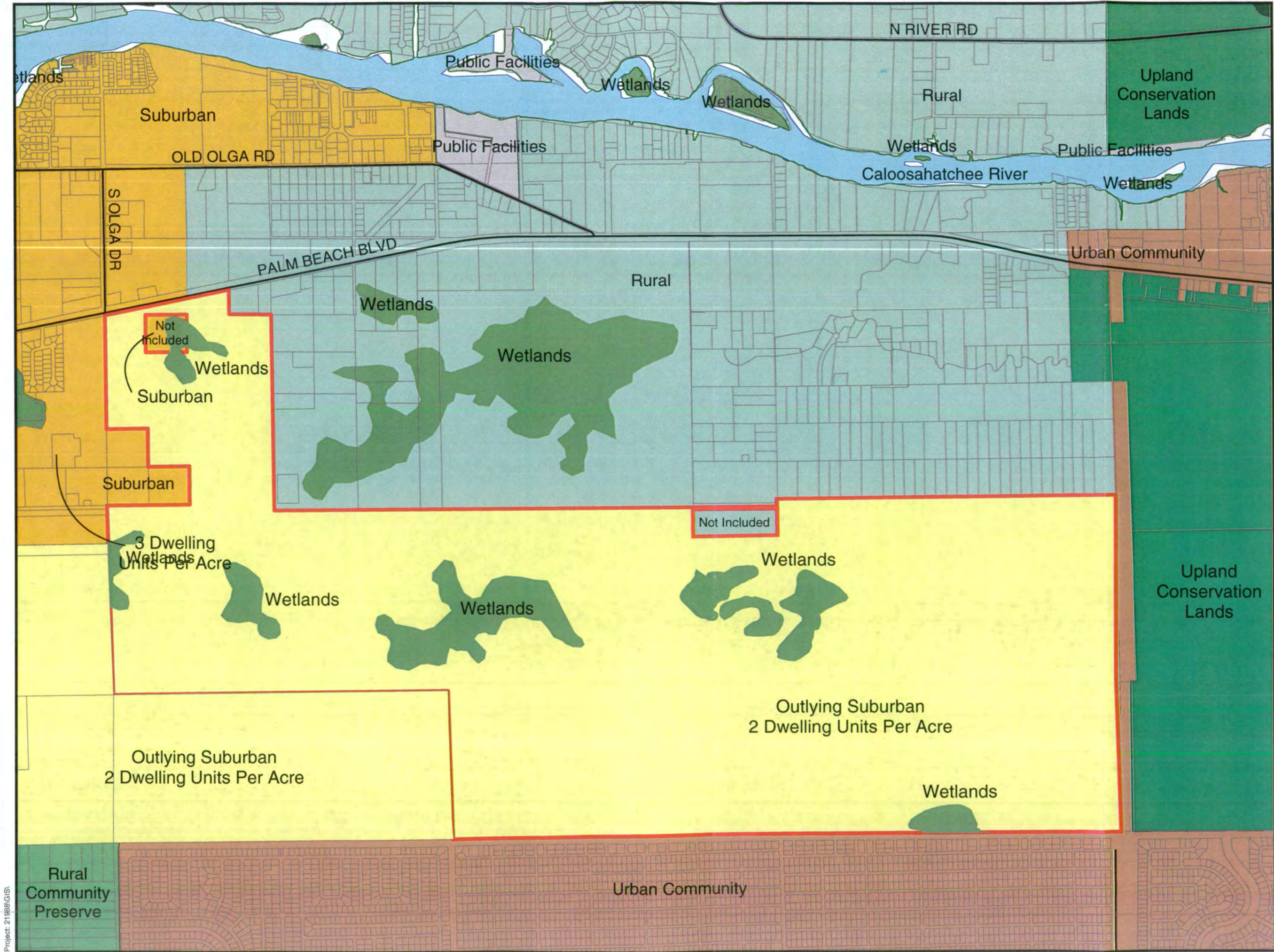
The property that was the subject of CPA2004-10 is eligible for an increase from 1,999 to 2,999 dwelling units upon the execution of a development agreement which legally obligates the developer of the property to pay a proportionate share of the cost of six-laning SR 80 from SR 31 to Buckingham Road. No development orders may be issued for the additional units until the construction of the improvement is included in the first three years of the County's CIP or the FDOT Work Program.

EXHIBIT A.1

RATIONALE FOR TEXT AMENDMENT

The proposed text amendment is intended to modify and limit the impacts of the map amendment by reducing the number of potential units on the site to 2,999 and by postponing the effectiveness of the density increase which would be otherwise permitted by the map amendment until all of the funds that are necessary to widen SR 80 from SR 31 to Buckingham Road are available within the first three years of the County's CIP or the FDOT work program. In addition, the developer of Hawks Haven is obligated to pay a proportionate share of the cost of this improvement using DRI traffic methodology (in addition to the payment of impact fees) notwithstanding the fact that the project, with the density increase, will not be a DRI.

This amendment will address any potential issue regarding the internal consistency of the map amendment with Map 3A of the Lee Plan by keeping SR 80 at an adequate level of service both prior and subsequent to the effective date of the density increase. It also puts the burden on the applicant to generate the funds for the road improvement which will not come from the proportionate share payment from other appropriate sources; otherwise, the density increase will never occur.



Project: 21986/GIS/1



PROPOSED FUTURE LAND USE MAP HAWK'S HAVEN Lee, County Florida

Exhibit

Source: Lee County Property Appraiser



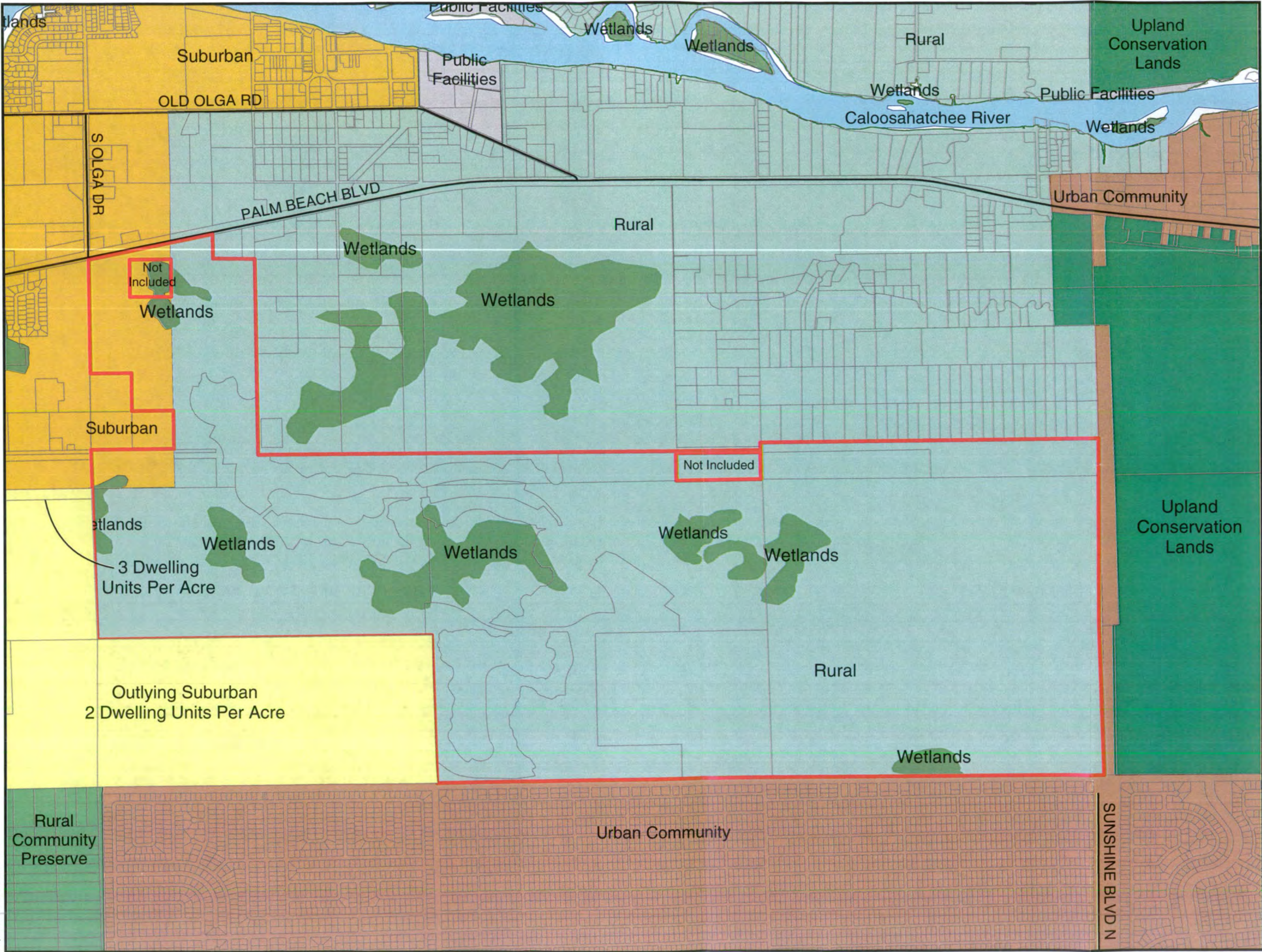
It is the responsibility of the user to verify the data contained in this document

Barraco
and Associates, Inc.

EXHIBIT A.3

EXISTING USES

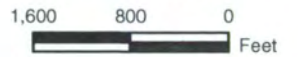
Property to the north of the subject site is used for agricultural and single-family residential purposes. The area to the south consists of single-family residential lots in Lehigh Acres, the vast majority of which are vacant. The Hickey Creek Mitigation Park is located east of the subject property. The area to the west consists of existing and future residential projects.



EXISTING FUTURE LAND USE MAP
HAWK'S HAVEN
Lee, County Florida

Exhibit

Source: Lee County Property Appraiser



It is the responsibility of the user to verify the data contained in this document

Barraco
and Associates, Inc.

EXHIBIT A.4

ZONING

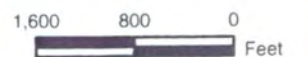
The subject property is zoned AG-2 and RPD. As noted on the existing Land Use/Zoning map, the property abutting the subject tract to the south is zoned RS-1 and AG-2; the property immediately to the east is zoned AG-2; the property to the northeast is RM-2; the property north of the subject parcel and south of SR80 is AG-2; and the property to the west is AG-2, RPD, RS-1, and RM-2.



EXISTING LAND AND USES/ZONING MAP
HAWK'S HAVEN
Lee, County Florida

Exhibit

Source: Lee County Property Appraiser



it is the responsibility of the user to verify the data contained in this document

Barraco

and Associates, Inc.

Subject Property Owners List

- | | | |
|-----|---|------------------------|
| 1. | Hawks Haven Developers, LLC
2971 Hickey Creek Rd., Alva, FL 33920 | 25-43-26-00-00122.0000 |
| 2. | Hawks Haven Developers, LLC
2970 Hickey Creek Rd., Alva, FL 33920 | 26-43-26-00-00011.0000 |
| 3. | Hawks Haven Developers, LLC
Access Undetermined, Ft. Myers, FL 33905 | 27-43-26-00-00003.0020 |
| 4. | Hawks Haven Developers, LLC
Reserved, Hawks Haven, Alva, FL 33920 | 34-43-26-00-00001.0030 |
| 5. | Hawks Haven Developers, LLC
Access Undetermined, Alva, FL 33920 | 34-43-26-00-00001.0010 |
| 6. | Hawks Haven Developers, LLC
Access Undetermined, Alva, FL 33920 | 35-43-26-00-00001.0000 |
| 7. | Hawks Haven Developers, LLC
Reserved | 35-43-26-00-00001.0010 |
| 8. | Hawks Haven Developers, LLC
Access Undetermined, Alva, FL 33920 | 35-43-26-00-00002.0000 |
| 9. | Hawks Haven Developers, LLC
Access Undetermined, Alva, FL 33920 | 36-43-26-00-00001.0000 |
| 10. | Levitt and Sons at Hawks Haven
Access Undetermined, Alva, FL 33920 | 27-43-26-00-00003.0010 |
| 11. | Levitt and Sons at Hawks Haven
Access Undetermined, Alva, FL 33920 | 27-43-26-00-00016.0000 |
| 12. | Levitt and Sons at Hawks Haven
Access Undetermined, Alva, FL 33920 | 34-43-26-00-00001.0020 |
| 13. | Lee County District School Board
Access Undetermined, Alva, FL 33920 | 27-43-26-00-00003.0030 |

EXHIBIT A.5

Legal Description

Parcel in

Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East
Lee County, Florida

A tract or parcel of land lying in Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Southeast corner of said Section 34 run N00°59'34"W along the East line of the Southeast Quarter (SE 1/4) of said Section 34 for 2,654.70 feet to the East Quarter Corner of said Section 34; thence run S89°15'30"W along the North line of the South Half (S 1/2) of said Section 34 for 5,100.92 feet to a point on a non-tangent curve at the intersection with the Easterly line of lands described in a deed recorded in Official Record Book 4107, at Page 886, Lee County Records; thence run northwesterly along said Easterly line and along an arc of curve to the left of radius 240.00 feet (delta 21°30'24") (chord bearing N34°21'11"W) (chord 89.56 feet) for 90.09 feet to a point of tangency; thence run N45°06'23"W along said Easterly line for 156.71 feet to a point of curvature; thence run northwesterly along said Easterly line and along an arc of curve to the left of radius 240.00 feet (delta 06°54'55") (chord bearing N48°33'50"W) (chord 28.95 feet) for 28.97 feet to an intersection with the West line of the Northwest Quarter (NW 1/4) of said Section 34; thence run N00°49'55"W along said West line for 2,437.57 feet to the Southwest Corner of said Section 27; thence run N00°49'48"W along the West line of the Southwest Quarter (SW 1/4) of said Section 27 for 659.59 feet to the Southwest corner of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of said Section 27; thence run N89°06'39"E along the South line of the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of said Section 27 for 1,316.66 feet to the Southeast corner of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of said Section 27; thence run N00°50'33"W along the East line of said Fraction for 660.48 feet to the Northeast Corner of said Fraction; thence run S89°04'20"W along the North line of said Fraction for 659.26 feet to the Southeast corner of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section 27; thence run N00°50'10"W along the East line of said Fraction for 660.23 feet to the Northeast Corner of said Fraction; thence run S89°02'22"W along the North line of said Fraction for 659.19 feet to an intersection with the West line of the Southwest Quarter (SW 1/4) of said Section 27; thence run N00°49'48"W along said West line for 659.85 feet to the West Quarter Corner of said Section 27; thence run N00°47'16"W along the West line of the Northwest Quarter (NW 1/4) of said Section 27 for 1,328.51 feet to an intersection with the Southerly right of way line of State Road 80, (150 feet wide); thence run N77°10'14"E along the Southerly right of way line for 2,020.27 feet to an intersection with the West line of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said Section 27; thence run S00°50'17"E along said West line for 421.56 feet to the Southwest Corner of said Fraction, being designated as POINT "A"; thence run

N88°54'52"E along the South line of said Fraction for 658.74 feet to an intersection with the West line of the East Half (E ½) of said Section 27; thence run S00°51'17"E along said West line for 3,420.35 feet to an intersection with the North line of the South 50 feet of said former Seaboard All Florida Railroad right of way (100 feet wide); thence run N89°00'08"E along said North line for 7,949.61 feet to an intersection with the West line of the Southwest Quarter (SW 1/4) of said Section 25; thence run N00°33'55"W along said West line for 50.00 feet to an intersection with the Northerly right of way line of the former Seaboard All Florida Railroad (100 feet wide); thence run N89°00'08"E along said right of way line for 5,295.61 feet to an intersection with the East line of the Southeast Quarter (SE 1/4) of said Section 25; thence run S01°39'28"E along said East line for 629.62 feet to the Northeast Corner of said Section 36 being designated as POINT "B"; thence run S00°16'51"E along the East line of the Northeast Quarter (NE 1/4) of said Section 36 for 2,647.36 feet to the East Quarter Corner of said Section 36; thence run S00°45'42"E along the East line of the Southeast Quarter (SE 1/4) of said Section 36 for 2,644.68 feet to the Southeast Corner of said Section 36; thence run S89°12'27"W along the South line of the Southeast Quarter (SE 1/4) of said Section 36 for 2,644.62 feet to the South Quarter Corner of said Section 36; thence run S89°11'43"W along the South line of the Southwest Quarter (SW 1/4) of said Section 36 for 2,643.63 feet to the Southeast Corner of said Section 35; thence run S88°54'06"W along the South line of the Southeast Quarter (SE 1/4) of said Section 35 for 2,643.62 feet to the South Quarter Corner of said Section 35; thence run S88°53'41"W along the South line of the Southwest Quarter (SW 1/4) of said Section 35 for 2,642.70 feet to the POINT OF BEGINNING.

LESS and EXCEPT the following described parcels:

From the point designated as POINT "A" run S88°54'52"W along the South line of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said Section 27 for 858.74 feet to the Northeast Corner of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of said Section 27 and POINT OF BEGINNING.

From said Point of Beginning run S00°49'17"E along the East line of said Fraction for 660.13 feet to the Southeast Corner of said Fraction; thence run S88°57'38"W along the South line of said Fraction for 658.93 feet to the Southwest Corner of said Fraction; thence run N00°48'16"W along the West line of said Fraction for 659.60 feet to the Northwest Corner of said Fraction; thence run N88°54'52"E along the North line of said Fraction for 658.74 feet to the POINT OF BEGINNING.

AND

From the point designated as POINT "B" run S88°44'46" along the South line of the Southeast Quarter (SE 1/4) for said Section 25 for 2,674.22 feet to the South Quarter Corner of said Section 25, run S89°12'44"W along the South line of the Southwest Quarter (SW 1/4) of said Section 25 for 2,633.46 feet to the Southeast Corner of said Section 26 and POINT OF BEGINNING.

From said Point of Beginning run S89°14'15"W along the South line of the Southeast Quarter (SE 1/4) of said Section 26 for 1,327.50 feet to the Southwest Corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 26; thence run N00°23'46"W along the West line of said Fraction for 526.48 feet to an intersection with the Southerly right of way line of the former Seaboard All Florida Railroad (100 feet wide); thence run N89°00'08"E along said Southerly right of way line for 1,325.98 feet to

an intersection with the East line of the Southeast Quarter (SE 1/4) of said Section 26; thence run S00°33'55"E along said East line for 531.91 feet to the POINT OF BEGINNING.

Containing a Total Area of 1,978.44 Acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the west line of the Northwest Quarter (NW 1/4) of said Section 34 to bear N00°49'55"W.



INSTR # 6308169
 OR BK 04326 Pgs 2072 - 2075; (4pgs)
 RECORDED 06/07/2004 02:01:21 PM
 CHARLIE GREEN, CLERK OF COURT
 LEE COUNTY, FLORIDA
 DEED DOC 7,949.90
 DEPUTY CLERK J Miller

Prepared by and return to:
 THOMAS H. GUNDERSON
 Attorney at Law
 HENDERSON, FRANKLIN, STARNES & HOLT, P.A. (Fort Myers)
 1715 Monroe St. P. O. Box 280
 Fort Myers, FL 33902

File Number: THG ALANDA SCHO
 Will Call No.: 12

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Special Warranty Deed

This Special Warranty Deed made this 3rd day of June, 2004, between **HAWKS HAVEN INVESTMENT, L.L.C.**, a Florida limited liability company, whose post office address is 12800 University Drive, Suite 275, Fort Myers, FL 33907, grantor, and **The School Board of Lee County, Florida**, whose post office address is 2055 Central Avenue, Fort Myers, FL 33901, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

See Exhibit "A" attached hereto.

Parcel Identification Number: 27-43-26-00-00003.0020

Subject to taxes for 2004 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

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 claiming by, through or under grantors.

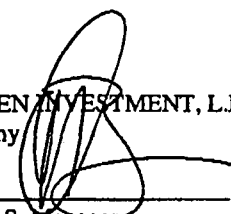
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

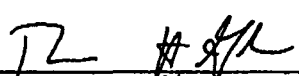
DoubleTimee

Signed, sealed and delivered in our presence:


Witness Name: Gregory Moretti

HAWKS HAVEN INVESTMENT, L.L.C., a Florida limited liability company

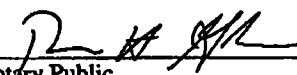
By: 
OJ BUIGAS, Manager


Witness Name: Thomas H. Gunderson

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 2nd day of June, 2004 by OJ BUIGAS, Manager of HAWKS HAVEN INVESTMENT, L.L.C., a Florida limited liability company, on behalf of the company. He ☒ is personally known to me or ☐ has produced a driver's license as identification.

[Notary Seal]


Notary Public

Printed Name: _____
My Commission Expires: _____

 Thomas H. Gunderson
MY COMMISSION # DD228549 EXPIRES
March 24, 2008
BONDED THRU TROY FAIR INSURANCE, INC.

EXHIBIT "A" - LEGAL DESCRIPTION:

PARCEL ONE

LEGAL DESCRIPTION:

A TRACT OR PARCEL OF LAND IN SECTION 27, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 27 RUN S00°51'17"E ALONG THE EAST LINE OF THE WEST HALF (W 1/2 OF SAID SECTION 27 FOR 3,388.11 FEET TO THE POINT OF BEGINNING. FROM SAID BEGINNING POINT RUN S00°51'17"E FOR 1,304.79 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF A FLORIDA POWER AND LIGHT CO. EASEMENT, 100 FEET WIDE, RECORDED IN DEED BOOK 230, PAGE 106, LEE COUNTY RECORDS; THENCE RUN S89°00'02"W FEET ALONG SAID NORTHERLY LINE FOR 112.74 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE RUN NORTHERLY ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 700.00 FEET (DELTA 02°05'16") (CHORD BEARING N17°11'08"W) (CHORD 25.50 FEET) FOR 25.51 FEET TO A POINT OF TANGENCY; THENCE RUN N16°08'30"W FOR 429.10 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 550.00 FEET (DELTA 53°24'45") (CHORD BEARING N42°50'52"W) (CHORD 494.36 FEET) FOR 512.72 FEET TO A POINT OF TANGENCY; THENCE RUN N69°33'15"W FOR 283.26 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 700.00 FEET (DELTA 34°14'28") (CHORD BEARING N52°26'01"W) (CHORD 412.14 FEET) FOR 418.33 FEET; THENCE RUN N84°07'47"E FOR 87.43 FEET; THENCE RUN N82°52'46"E FOR 49.35 FEET; THENCE RUN S86°33'52"E FOR 89.92 FEET THENCE RUN N12°58'58"E FOR 61.88 FEET; THENCE RUN N33°25'14"E FOR 36.18 FEET; THENCE RUN N23°32'56"E FOR 47.94 FEET; THENCE RUN N03°55'13"W FOR 56.03 FEET; THENCE RUN N07°58'00"E FOR 35.55 FEET; THENCE RUN N71°47'56"E FOR 48.67 FEET; THENCE RUN N88°44'23"E FOR 23.42 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE RUN NORTHEASTERLY ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 175.00 FEET (DELTA 102°58'00") (CHORD BEARING N52°06'03"E) (CHORD 273.85 FEET) FOR 314.49 FEET; THENCE RUN N69°32'12"E FOR 112.75 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE RUN NORTHERLY ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 366.19 FEET (DELTA 02°13'10") (CHORD BEARING N03°58'21"E) (CHORD 14.18 FEET) FOR 14.19 FEET; THENCE RUN N89°59'57"E FOR 290.94 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE RUN SOUTHERLY ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 294.98 FEET (DELTA 04°38'23") (CHORD BEARING S04°29'11"W) (CHORD 23.88 FEET) FOR 23.89 FEET TO A POINT ON A NON-TANGENT

1 of 2

CURVE; THENCE RUN SOUTHERLY ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 76.19 FEET (DELTA 50°10'58") (CHORD BEARING S18°17'18"E) (CHORD 64.62 FEET) FOR 66.73 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE RUN SOUTHEASTERLY ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 544.11 FEET (DELTA 28°08'56") (CHORD BEARING S29°19'44"E) (CHORD 264.64 FEET) FOR 267.32 FEET; THENCE RUN N89°09'06"E FOR 37.27 FEET TO THE POINT OF BEGINNING.

2 of 2



7800
133,700.00

Prepared by and return to:
THOMAS H. GUNDERSON
Attorney at Law
HENDERSON, FRANKLIN, STARNES & HOLT, P.A. (Fort Myers)
1715 Monroe St. P. O. Box 280
Fort Myers, FL 33902

INSTR # 6439573
OR BK 04429 Pgs 2959 - 2967; (9pgs)
RECORDED 09/14/2004 04:01:07 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 78.00
DEED DOC 133,700.00
DEPUTY CLERK J Miller

File Number: THG HAWK LANDMA
Will Call No.: 12

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Special Warranty Deed

This Special Warranty Deed made this 1st day of June, 2004, between HAWKS HAVEN INVESTMENT, L.L.C., a Florida limited liability company, whose post office address is 12800 University Drive, Suite 275, Fort Myers, FL 33907, grantor, and HAWK'S HAVEN DEVELOPERS, LLC, a Delaware limited liability company, whose post office address is 10161 Centurion Pkwy. N., Ste.190, Jacksonville, FL 32256, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

See Exhibit "A" attached hereto.

Parcel Identification Number: 27-43-26-00-00003.0010

Subject to taxes for 2004 and subsequent years and those matters set forth on Exhibit "B" attached hereto (collectively, the "Permitted Exceptions").

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 claiming by, through or under grantors.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

DoubleTime®

Signed, sealed and delivered in our presence:

Deborah A. Greer
Witness Name: Deborah A. Greer

Christine King
Witness Name: Christine King

HAWKS HAVEN INVESTMENT, L.L.C., a Florida limited liability company

By: [Signature]
OJ BUIGAS, Manager

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this _____ day of _____, 2004, by OJ BUIGAS, Manager of HAWKS HAVEN INVESTMENT, L.L.C., a Florida limited liability company, on behalf of the company. He ☒ is personally known to me or ☐ has produced n/a as identification.

[Notary Seal]



Michelle A. Preiss
Notary Public

Printed Name: Michelle A. Preiss

My Commission Expires: 12-5-05

DESCRIPTION

Parcel in
Sections 27, 34 and 35, Township 43 South, Range 26 East
Lee County, Florida

A tract or parcel of land lying in Sections 27, 34 and 35, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Southeast corner of said Section 34 run N00°59'34"W along the East line of the Southeast Quarter (SE ¼) of said Section 34 for 2,654.70 feet to the East Quarter Corner of said Section 34; thence run S89°15'30"W along the North line of said Fraction for 1,982.06 feet; thence run N00°44'13"W for 145.68 feet to a point on a non-tangent curve; thence run northerly along an arc of curve to the left of radius 295.00 feet (delta 45°41'55") (chord bearing N20°27'40"E) (chord 229.10 feet) for 235.29 feet to a point of tangency; thence run N02°23'18"W for 177.28 feet to a point of curvature; thence run northwesterly along an arc of curve to the left of radius 470.00 feet (delta 86°38'22") (chord bearing N45°42'28"W) (chord 644.90 feet) for 710.71 feet to a point of tangency; thence run N89°01'39"W for 100.75 feet to a point of curvature; thence run northwesterly along an arc of curve to the right of radius 60.00 feet (delta 88°15'45") (chord bearing N44°53'48"W) (chord 83.56 feet) for 92.43 feet to a point of tangency; thence run N00°45'54"W for 156.54 feet to a point of curvature; thence run northerly along an arc of curve to the left of radius 540.00 feet (delta 39°03'47") (chord bearing N20°17'47"W) (chord 361.07 feet) for 368.16 feet to a point of tangency; thence run N39°49'41"W for 48.28 feet to a point of curvature; thence run northerly along an arc of curve to the right of radius 155.00 feet (delta 41°03'37") (chord bearing N19°17'53"W) (chord 108.72 feet) for 111.08 feet to a point of tangency; thence run N01°13'55"E for 406.49 feet to a point of curvature; thence run northerly along an arc of curve to the left of radius 445.00 feet (delta 34°38'18") (chord bearing N16°05'14"W) (chord 264.95 feet) for 269.03 feet to a point of tangency; thence run N33°24'23"W for 235.07 feet to a point of curvature; thence run northwesterly along an arc of curve to the left of radius 445.00 feet (delta 55°01'01") (chord bearing N60°54'53"W) (chord 411.07 feet) for 427.30 feet; thence run N00°59'58"W along a non-tangent line for 386.31 feet to an intersection with the Southerly right of way line of the former Seaboard All Florida Railroad (100 feet wide) and Florida Power & Light Co. Easement (100 feet wide), described in a deed recorded in Deed Book 230, at Page 106, Lee County Records; thence run N89°00'08"E along said Southerly right of way line for 414.92 feet to a point on a non-tangent curve; thence run northerly along an arc of curve to the right of radius 800.00 feet (delta 07°26'15") (chord bearing N19°51'38"W) (chord 103.77 feet) for 103.85 feet to a point of tangency; thence run N16°08'30"W for 429.10 feet to a point of curvature; thence run northwesterly along an arc of curve to the left of radius 450.00 feet (delta 53°24'45") (chord bearing N42°50'53"W) (chord 404.47 feet) for 419.50 feet to a point of tangency; thence run N69°33'15"W for 226.50 feet; thence run N88°31'58"W for 453.33 feet; thence run N02°37'49"W for 109.36 feet; thence run N46°42'37"W for 46.66 feet; thence run N37°23'07"W for 110.93 feet to a point of curvature; thence run northwesterly along an arc of curve to the left of radius 345.00 feet (delta 23°55'25") (chord bearing N49°20'50"W) (chord 143.01 feet) for 144.05 feet to a point of reverse curvature; thence run northwesterly along an arc of curve to the right of radius 355.00 feet (delta 44°23'40") (chord bearing N39°06'43"W) (chord 268.23 feet) for 275.06 feet; thence run N71°02'11"E along a non-tangent line for 106.40 feet to an intersection with the Westerly line of Conservation Easement CE-4, described in a deed recorded in Official Record Book 3492, at Page 568, Lee County Records; thence run along said westerly line the following courses: N56°03'31"W for 81.29 feet; N51°58'34"W for 88.69 feet; N35°55'44"W for 50.30 feet; N19°01'12"W for 51.03 feet; N28°08'50"E for 15.14 feet; N67°28'24"W for 54.60 feet; N40°22'45"E for 83.42 feet; N13°51'45"W for 39.43 feet; N29°24'12"E for 61.07 feet; N00°11'58"E for 26.46 feet;

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

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DESCRIPTION (Cont.)

N06°44'11"W for 44.73 feet; N19°51'05"E for 35.96 feet; N42°02'59"E for 44.50 feet; N14°41'15"W for 44.20 feet; N66°31'38"W for 15.06 feet; N51°22'28"W for 24.25 feet; N39°19'27"W for 25.82 feet; N26°06'11"W for 29.75 feet; N17°07'21"W for 29.53 feet; N09°24'11"W for 27.08 feet; N12°12'54"E for 24.53 feet; N20°13'01"E for 42.51 feet; N05°02'49"E for 24.02 feet; N50°59'07"W for 13.24 feet; and N42°25'54"E for 89.53 feet; thence run N59°10'43"E along said westerly line and the extension thereof for 54.20 feet to an intersection with the Westerly line of Conservation Easement CE-2, described in a deed recorded in Official Record Book 3492, at Page 568, Lee County Records; thence run along said westerly line the following courses: N83°55'02"W for 54.55 feet; N40°22'37"W for 56.04 feet; N51°29'37"W for 50.40 feet; N48°01'27"W for 70.47 feet; N12°39'03"W for 43.78 feet; N53°32'22"W for 22.35 feet; N61°10'41"W for 46.11 feet; N37°43'45"W for 52.46 feet; N31°01'59"W for 50.46 feet; N29°34'38"W for 54.97 feet; N19°52'21"W for 32.97 feet; S37°25'01"W for 17.76 feet; S39°40'24"W for 30.36 feet; S50°35'06"W for 81.49 feet; N56°29'59"W for 86.75 feet; N20°36'58"W for 68.28 feet; N00°41'08"E for 118.61 feet; N41°34'25"E for 55.37 feet; S72°15'21"E for 45.73 feet; N46°06'54"E for 45.04 feet; N34°19'51"E for 37.84 feet; and S67°22'42"E for 26.56 feet to an intersection with the West line of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of said Section 27; S00°48'16"E along said West line for 147.35 feet to the Southwest Corner of said Fraction; thence run N88°57'38"E along the South line of said Fraction for 658.93 feet to the Southeast Corner of said Fraction; thence run N00°49'17"W along the East line of said Fraction for 660.13 feet to the Northeast Corner of said Fraction; thence run S88°54'52"W along the North line of said Fraction for 658.74 feet to the Northwest Corner of said Fraction; thence run S00°48'16"E along said West line of said Fraction for 8.21 feet to an intersection with the Southwesterly line of Conservation Easement CE-1, described in a deed recorded in Official Record Book 3492, at Page 568, Lee County Records; thence run along said Southwesterly line the following courses: S88°34'22"W for 6.40 feet; S84°59'50"W for 22.15 feet; S82°42'24"W for 16.75 feet; S75°41'35"W for 14.76 feet; N68°16'17"W for 58.31 feet; N67°46'48"W for 44.69 feet; N02°45'57"E for 54.10 feet; and N13°08'59"W for 35.88 feet to an intersection with the Southerly right of way line of State Road 80, (150 feet wide); thence run N77°10'14"E along said Southerly right of way line for 1,509.10 feet to an intersection with the West line of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of said Section 27; thence run S00°50'17"E along said West line for 421.56 feet to the Southwest Corner of said Fraction; thence run N88°54'52"E along the South line of said Fraction for 658.74 feet to an intersection with the West line of the East Half (E ½) of said Section 27; thence run S00°51'17"E along said West line for 2,065.72 feet to an intersection with the Southwesterly line of Conservation Easement CE-5, described in a deed recorded in Official Record Book 3492, at Page 568, Lee County Records; thence run along said Southwesterly line the following courses: S89°09'06"W for 37.27 feet to a point on a non-tangent curve; northwesterly along an arc of curve to the left of radius 544.11 feet (delta 28°08'56") (chord bearing N29°19'43"W) (chord 264.63 feet) for 267.31 feet to a point on a non-tangent curve; northerly along an arc of curve to the right of radius 76.19 feet (delta 50°10'58") (chord bearing N18°17'17"W) (chord 64.62 feet) for 66.73 feet to a point on a non-tangent curve; and northerly along an arc of curve to the left of radius 294.98 feet (delta 04°38'23") (chord bearing N04°29'11"E) (chord 23.88 feet) for 23.89 feet; thence run S89°59'57"W along a non-tangent line for 290.94 feet to a point on a non-tangent curve and an intersection with the Southerly line of Conservation Easement CE-6, described in a deed recorded in Official Record Book 3492, at Page 568, Lee County Records;

DESCRIPTION (Cont.)

thence run along said Southerly line the following courses: southerly along an arc of curve to the left of radius 366.19 feet (delta 02°13'10") (chord bearing S03°58'21"W) (chord 14.18 feet) for 14.19 feet; S69°32'12"W along a non-tangent line for 112.75 feet to a point on a non-tangent curve; southwesterly along an arc of curve to the left of radius 175.00 feet (delta 102°58'00") (chord bearing S52°06'04"W) (chord 273.85 feet) for 314.49 feet; S88°44'23"W along a non-tangent line for 23.42 feet; S71°47'56"W for 48.67 feet; S07°58'00"W for 35.55 feet; S03°55'13"E for 56.03 feet; S23°32'56"W for 47.94 feet; S33°25'14"W for 36.18 feet; S12°58'58"W for 61.88 feet; N86°33'52"W for 89.92 feet; and S82°52'46"W for 49.35 feet; thence run S84°07'47"W along said Southerly line and the extension thereof for 87.43 feet to a point on a non-tangent curve; thence run southeasterly along an arc of curve to the left of radius 700.00 feet (delta 34°14'28") (chord bearing S52°26'02"E) (chord 412.14 feet) for 418.33 feet to a point of tangency; thence run S69°33'15"E for 283.26 feet to a point of curvature; thence run southeasterly along an arc of curve to the right of radius 550.00 feet (delta 53°24'45") (chord bearing S42°50'53"E) (chord 494.36 feet) for 512.72 feet to a point of tangency; thence run S16°08'30"E for 429.10 feet to a point of curvature; thence run southerly along an arc of curve to the left of radius 700.00 feet (delta 02°04'24") (chord bearing S17°10'43"E) (chord 25.33 feet) for 25.33 feet to an intersection with the Northerly right of way line of the former Seaboard All Florida Railroad (100 feet wide) and Florida Power & Light Co. Easement (100 feet wide), described in a deed recorded in Deed Book 230, at Page 106, Lee County Records; thence run N89°00'08"E along a non-tangent line and said Northerly right of way line for 112.79 feet to an intersection with the West line of the East Half (E ½) of said Section 27; thence run S00°51'17"E along said West line for 50.00 feet to an intersection with the North line of the South 50 feet of said former Seaboard All Florida Railroad right of way (100 feet wide); thence run N89°00'08"E along said North line for 477.60 feet; thence run S00°59'52"E for 100.00 feet to an intersection with the Westerly line of Conservation Easement CE-10, described in a deed recorded in Official Record Book 3492, at Page 568, Lee County Record; thence run S38°28'34"E along said Westerly line for 343.15 feet; thence run S61°25'03"E along said westerly line for 89.36 feet; thence run S00°01'01"W for 20.16 feet; thence run S89°58'59"E for 8.21 feet; thence run S00°01'01"W for 129.00 feet; thence run S89°58'59"E for 261.37 feet to a point of curvature; thence run easterly along an arc of curve to the right of radius 190.00 feet (delta 09°48'12") (chord bearing S85°04'53"E) (chord 32.47 feet) for 32.51 feet to a point of reverse curvature; thence run easterly along an arc of curve to the left of radius 198.00 feet (delta 09°48'12") (chord bearing S85°04'53"E) (chord 33.84 feet) for 33.88 feet to a point of tangency; thence run S89°58'59"E for 79.52 feet to a point of curvature; thence run easterly along an arc of curve to the left of radius 223.00 feet (delta 12°33'45") (chord bearing N83°44'09"E) (chord 48.80 feet) for 48.89 feet to a point of tangency; thence run N77°27'16"E for 12.39 feet to a point of curvature; thence run easterly along an arc of curve to the right of radius 277.00 feet (delta 12°33'46") (chord bearing N83°44'09"E) (chord 60.61 feet) for 60.73 feet to a point of tangency; thence run S89°58'59"E for 41.35 feet to a point of curvature; thence run easterly along an arc of curve to the left of radius 374.00 feet (delta 31°56'56") (chord bearing N74°02'33"E) (chord 205.86 feet) for 208.55 feet to a point of reverse curvature; thence run easterly along an arc of curve to the right of radius 290.00 feet (delta 40°00'56") (chord bearing N78°04'34"E) (chord 198.45 feet) for 202.54 feet to a point of tangency; thence run S81°54'58"E for 212.22 feet to a point of curvature; thence run southeasterly along an arc of curve to the right of radius 250.00 feet (delta 31°27'37") (chord bearing S66°11'10"E) (chord 135.55 feet) for 137.27 feet to a point of tangency; thence run S50°27'22"E for 226.84 feet to a point of curvature; thence run easterly along an arc of curve to the left of radius 310.00 feet (delta 43°01'09") (chord bearing S71°57'56"E) (chord 227.33 feet) for 232.76 feet to a point of tangency; thence run N86°31'29"E for 81.40 feet; thence run S38°34'30"E for 22.21 feet;

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Page 3

DESCRIPTION (Cont.)

thence run S05°08'03"E for 142.76 feet to a point of curvature; thence run easterly along an arc of curve to the left of radius 313.00 feet (delta 132°03'02") (chord bearing S71°09'34"E)(chord 571.99 feet) for 721.38 feet to a point of tangency; thence run N42°48'55"E for 86.85 feet to a point of curvature; thence run northeasterly along an arc of curve to the right of radius 300.00 feet (delta 41°00'25") (chord bearing N63°19'08"E)(chord 210.16 feet) for 214.71 feet to a point of tangency; thence run N83°49'20"E for 247.09 feet to a point of curvature; thence run easterly along an arc of curve to the right of radius 700.00 feet (delta 48°28'37") (chord bearing S71°56'21"E)(chord 574.75 feet) for 592.26 feet to a point of reverse curvature; thence run southeasterly along an arc of curve to the left of radius 470.00 feet (delta 23°02'27") (chord bearing S59°13'16"E) (chord 187.73 feet) for 189.00 feet to a point of reverse curvature; thence run southeasterly along an arc of curve to the right of radius 580.00 feet (delta 20°04'37") (chord bearing S60°42'11"E) (chord 202.20 feet) for 203.24 feet to an intersection with the Easterly line of Conservation Easement CE-11, described in a deed recorded in Official Record Book 3492, at Page 568, Lee County Record; thence run N89°41'00"E along a non-tangent line and said Easterly line for 44.92 feet; thence run S01°26'15"E along said Easterly line and the extension thereof for 119.11 feet to a point on a non-tangent curve; thence run southwesterly along an arc of curve to the right of radius 275.00 feet (delta 37°18'58") (chord bearing S36°04'36"W) (chord 175.96 feet) for 179.10 feet to a point of tangency; thence run S54°44'05"W for 62.76 feet; thence run S35°15'55"E along said Easterly line and the extension thereof for 280.67 feet; thence run along said Easterly line the following courses: S19°19'23"E for 164.33 feet; S29°53'23"E for 105.07 feet; and S01°46'45"E for 128.83 feet; thence run S42°51'02"W along said Easterly line and the extension thereof for 151.65 feet to a point on a non-tangent curve; thence run southwesterly along an arc of curve to the left of radius 220.00 feet (delta 52°51'01") (chord bearing S57°15'21"W) (chord 195.81 feet) for 202.93 feet to a point of tangency; thence run S30°49'51"W for 249.11 feet; thence run S63°13'10"W along said easterly line and the extension thereof for 321.49 feet; thence run along said Easterly line the following courses: N45°49'22"W for 53.51 feet; N81°28'11"W for 45.51 feet; S56°09'54"W for 41.84 feet; and S44°31'05"W for 98.50 feet; thence run S27°42'22"W along said Easterly line and the extension thereof for 143.13 feet to a point on a non-tangent curve; thence run easterly along an arc of curve to the right of radius 1,060.00 feet (delta 42°49'43") (chord bearing S71°48'16"E) (chord 774.03 feet) for 792.35 feet to a point of tangency; thence run S50°23'25"E for 72.19 feet to a point of curvature; thence run southeasterly along an arc of curve to the left of radius 340.00 feet (delta 32°54'18") (chord bearing S66°50'33"E)(chord 192.59 feet) for 195.26 feet to a point of tangency; thence run S83°17'42"E for 139.74 feet to a point of curvature; thence run easterly along an arc of curve to the left of radius 340.00 feet (delta 04°30'17") (chord bearing S85°32'51"E)(chord 26.72 feet) for 26.73 feet to a point of tangency; thence run S87°47'59"E for 114.71 feet to a point of curvature; thence run southeasterly along an arc of curve to the right of radius 285.00 feet (delta 93°14'34") (chord bearing S41°10'42"E)(chord 414.29 feet) for 463.81 feet to a point of tangency; thence run S05°26'35"W for 88.98 feet to a point of curvature; thence run southerly along an arc of curve to the left of radius 340.00 feet (delta 05°26'37") (chord bearing S02°43'16"W)(chord 32.29 feet) for 32.30 feet to a point of tangency; thence run S00°00'03"E for 231.94 feet to a point of curvature; thence run southerly along an arc of curve to the left of radius 540.00 feet (delta 24°55'08") (chord bearing S12°27'37"E)(chord 233.01 feet) for 234.86 feet to a point of tangency; thence run S24°55'11"E for 289.32 feet to a point of curvature; thence run southerly along an arc of curve to the right of radius 660.00 feet (delta 22°22'21") (chord bearing S13°44'00"E)(chord 256.08 feet) for 257.71 feet to a point of tangency; thence run S02°32'50"E for 159.42 feet to a point of curvature;

DESCRIPTION (Cont.)

thence run southerly along an arc of curve to the left of radius 340.00 feet (delta 31°31'00") (chord bearing S18°18'20"E)(chord 184.67 feet) for 187.02 feet to a point of tangency; thence run S34°03'50"E for 230.14 feet to a point of curvature; thence run southerly along an arc of curve to the right of radius 260.00 feet (delta 31°56'27") (chord bearing S18°05'37"E)(chord 143.07 feet) for 144.94 feet to a point of tangency; thence run S02°07'23"E for 78.82 feet to a point of curvature; thence run southwesterly along an arc of curve to the right of radius 260.00 feet (delta 91°01'29") (chord bearing S43°23'21"W)(chord 370.97 feet) for 413.06 feet; thence run S01°05'54"E along a radial line for 37.91 feet to an intersection with the South line of the Southeast Quarter (SE ¼) of said Section 35; thence run S88°54'06"W along said South line for 74.07 feet to the South Quarter Corner of said Section 35; thence run S88°53'41"W along the South line of the Southwest Quarter (SW ¼) of said Section 35 for 2,642.70 feet to the POINT OF BEGINNING.

Containing 490.83 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the East line of the Southeast Quarter (SE ¼) of said Section 34 to bear N00°59'34"W.

Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

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EXHIBIT B
Permitted Exceptions

1. Utility Easements to Florida Power and Light Company recorded in Deed Book 234, page 26, Deed Book 262, page 143 ; and Deed Book 230, page 106, as modified by Amendment to Right-of-Way Agreement filed November 15, 1956, in Misc. Book 43, page 37, all of the public records of Lee County, Florida.
2. Outfall ditches as set forth in Deed to the State of Florida recorded in Deed Book 175, page 445 and Deed Book 175, page 492, of the public records of Lee County, Florida.
3. Restrictions or reservations affecting rights in Oil, Gas or any other Minerals, lying upon or beneath the lands insured hereby, pursuant to that instrument recorded in Deed Book 233, page 240, of the public records of Lee County, Florida. (as to Parcels 22 and 24 as shown on Barraco & Associates, Inc. survey dated June 3, 2004, File No. 21988S03.DWG)
4. Notice of Claim recorded in Official Records Book 1158, page 169, of the public records of Lee County, Florida. (as to Parcels 22 and 24 as shown on Barraco & Associates, Inc. survey dated June 3, 2004, File No. 21988S03.DWG)
5. Subject land lies within the boundaries for mandatory Garbage Collection, Lee County Ordinance No. 86-14 and will be subject to future assessments.
6. Terms, conditions, restrictive covenants and easements recited in the Conservation Easement Agreement to Lee County, a political subdivision of the State of Florida, with third party enforcement rights to the South Florida Water Management District, recorded September 27, 2001, in Official Records Book 3492, page 568, of the public records of Lee County, Florida.
7. Terms, conditions and easements recited in that certain Drainage Easement granted to the State of Florida Department of Transportation, recorded February 2, 2001, in Official Records Book 3359, page 1635, of the public records of Lee County, Florida.
8. Restrictive Covenant recorded February 2, 2001, in Official Records Book 3359, page 1649, of the public records of Lee County, Florida.
9. Rights of way for access, if any, over and across the lands described in Schedule A, as to those individual parcels shown as "Not Included" on that Survey by Con Sul-Tech Surveying & Mapping, Inc., dated June 19, 2003, DWG NO C-509. The "Not Included" parcels appear to be landlocked. (affects only the property labeled "Hoffmeister")

10. Terms, covenants, conditions and other matters contained in that certain Bond-Wilson grazing lease dated February 10, 2002 as amended and assigned.
12. Covenant of Unified Control recorded in Official Records Book 3186, page 1151, of the public records of Lee County, Florida.
13. Declaration and Grant of Easement (Spine Road Easement) recorded in Official Records Book 4326, Page 1851, of the Public Records of Lee County, Florida.
14. Memorandum of Agreement recorded in Official Records Book 4326, Page 1955, Public Records of Lee County, Florida.
15. Tree Removal Easement Agreement recorded in Official Records Book 4326, Page 1922, Public Records of Lee County, Florida.
16. Drainage Swale Easement Agreement recorded in Official Records Book 4326, Page 1935, Public Records of Lee County, Florida.
17. Declaration of Covenants and Restrictions (Buffer Parcel) recorded in Official Records Book 4326, Page 1837, of the Public Records of Lee County, Florida.
18. Drainage Easement Agreement recorded in Official Records Book 4326, Page 1903, Public Records of Lee County, Florida.
19. Declaration of Covenants and Restrictions (Levitt Related) recorded in Official Records Book 4326, Page 1890, of the Public Records of Lee County, Florida.

NOTE: Notice of Development Order Approval recorded September 25, 2001, in Official Records Book 3490, page 2636, of the Public Records of Lee County, Florida.



Prepared by and return to:

THOMAS H. GUNDERSON

Attorney at Law

HENDERSON, FRANKLIN, STARNES & HOLT, P.A. (Fort Myers)

1715 Monroe St. P. O. Box 280

Fort Myers, FL 33902

INSTR # 6308127

DR BK 04326 Pgs 1883 - 1889; (7pgs)

RECORDED 06/07/2004 01:45:37 PM

CHARLIE GREEN, CLERK OF COURT

LEE COUNTY, FLORIDA

DEED DOC 87,780.00

DEPUTY CLERK J Miller

File Number: THG HAWK LEVITT

Will Call No.: 12

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Special Warranty Deed

This Special Warranty Deed made this 2nd day of June, 2004, between HAWKS HAVEN INVESTMENT, L.L.C., a Florida limited liability company, whose post office address is 12800 University Drive, Suite 275, Fort Myers, FL 33907, grantor, and LEVITT AND SONS AT HAWK'S HAVEN, LLC, a Florida limited liability company, whose post office address is 7777 Glades Road, Suite 410, Boca Raton, FL 33434, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witneseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

See Exhibit "A" attached hereto.

Parcel Identification Number: 27-43-26-00-00003.0010

Subject to taxes for 2004 and the matters set forth on Exhibit "B" attached hereto, and subject to the following:

The Property may only be developed as an age-restricted community in compliance with all federal, state and local exemptions regarding age-restricted communities. Such restriction may be enforced at law and in equity by Grantor, or a party designated by Grantor in the Public Records of Lee County, Florida, as entitled to enforce such restriction.

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 claiming by, through or under grantors.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

DoubleTime®

Signed, sealed and delivered in our presence:

[Signature]
Witness Name: Carolyn Michael

[Signature]
Witness Name: Thomas H. Gunderson

HAWKS HAVEN INVESTMENT, L.L.C., a Florida limited liability company

By: [Signature]
OJ BUIGAS, Manager

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 2nd day of June, 2004 by OJ BUIGAS, Manager of HAWKS HAVEN INVESTMENT, L.L.C., a Florida limited liability company, on behalf of the company. He ☒ is personally known to me or ☐ has produced _____ as identification.

[Notary Seal]

[Signature]
Notary Public

Printed Name: _____

My Commission Expires: _____



Thomas H. Gunderson
MY COMMISSION # DD298549 EXPIRES
March 24, 2008
BONDED THRU TROY FAIR INSURANCE, INC.

Exhibit A

DESCRIPTION

Parcel in
Sections 27 and 34, Township 43 South, Range 26 East
Lee County, Florida

A tract or parcel of land lying in Sections 27 and 34, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Northwest corner of said Section 34 run N00°49'48"W along the West line of the Southwest Quarter (SW ¼) of said Section 27 for 659.59 feet to the Southwest corner of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section 27; thence run N89°06'39"E along the South line of the North Half (N ½) of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section 27 for 1,318.66 feet to the Southeast corner of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section 27; thence run N00°50'33"W along the East line of said Fraction for 660.48 feet to the Northeast Corner of said Fraction; thence run S89°04'20"W along the North line of said Fraction for 659.26 feet to the Southeast corner of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section 27; thence run N00°50'10"W along the East line of said Fraction for 660.23 feet to the Northeast Corner of said Fraction; thence run S89°02'22"W along the North line of said Fraction for 659.19 feet to an intersection with the West line of the Southwest Quarter (SW ¼) of said Section 27; thence run N00°49'48"W along said West line for 659.85 feet to the West Quarter Corner of said Section 27; thence run N00°47'16"W along the West line of the Northwest Quarter (NW ¼) of said Section 27 for 1,328.51 feet to an intersection with the Southerly right of way line of State Road 80, (150 feet wide); thence run N77°10'14"E along said Southerly right of way line for 511.16 feet; thence run S13°08'59"E along the Southwesterly line of Conservation Easement CE-1 described in a deed recorded in Official Record Book 3492, at Page 568, Lee County Records, for 35.88 feet; thence run S02°45'57"W along said Southwesterly line for 54.10 feet; thence run S67°46'48"E along said Southwesterly line for 44.69 feet; thence run S68°16'17"E along said Southwesterly line for 58.31 feet; thence run N75°41'35"E along said Southwesterly line for 14.76 feet; thence run N82°42'24"E along said Southwesterly line for 16.75 feet; thence run N84°59'50"E along said Southwesterly line for 22.15 feet; thence run N88°34'22"E along said Southwesterly line for 6.40 feet to an intersection with the West line of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of said Section 27; thence run S00°48'16"E along said West Line for 504.04 feet; thence run N67°22'42"W along the Westerly line of Conservation Easement CE-2, described in a deed recorded in Official Record Book 3492, at Page 568, Lee County Records, for 26.56 feet; thence run S34°19'51"W along said Westerly line for 37.84 feet; thence run S46°06'54"W along said Westerly line for 45.04 feet; thence run N72°15'21"W along said Westerly line for 45.73 feet; thence run S41°34'25"W along said Westerly line for 55.37 feet; thence run S00°41'08"W along said Westerly line for 118.61 feet; thence run S20°36'58"E along said Westerly line for 68.28 feet; thence run S56°29'59"E along said Westerly line for 86.75 feet; thence run N50°35'06"E along said Westerly line for 81.49 feet; thence run N39°40'24"E along said Westerly line for 30.36 feet; thence run N37°25'01"E along said Westerly line for 17.76 feet; thence run S19°52'21"E along said Westerly line for 32.97 feet; thence run S29°34'38"E along said Westerly line for 54.97 feet; thence run S31°01'59"E along said Westerly line for 50.46 feet; thence run S37°43'45"E along said Westerly line for 52.46 feet; thence run S61°10'41"E along said Westerly line for 46.11 feet; thence run S53°32'22"E along said Westerly line for 22.35 feet;

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

1 of 3

DESCRIPTION (Cont.)

thence run S12°39'03"E along said Westerly line ^{for} 43.78 feet; thence run S48°01'27"E for 70.47 feet; thence run S51°29'37"E along said Westerly line for 50.40 feet; thence run S40°22'37"E along said Westerly line for 56.04 feet; thence run S83°55'02"E along said Westerly line and the extension thereof for 54.55 feet; thence run S59°10'43"W for 54.20 feet; thence run S42°25'54"W along the Westerly line of Conservation Easement CE-4, described in a deed recorded in Official Record Book 3492, at Page 568, Lee County Records, for 89.53 feet; thence run S50°59'07"E along said Westerly line for 13.24 feet; thence run S05°02'49"W along said Westerly line for 24.02 feet; thence run S20°13'01"W along said Westerly line for 42.51 feet; thence run S12°12'54"W along said Westerly line for 24.53 feet; thence run S09°24'11"E along said Westerly line for 27.08 feet; thence run S17°07'21"E along said Westerly line for 29.53 feet; thence run S26°06'11"E along said Westerly line for 29.75 feet; thence run S39°19'27"E along said Westerly line for 25.82 feet; thence run S51°22'28"E along said Westerly line for 24.25 feet; thence run S66°31'38"E along said Westerly line for 15.06 feet; thence run S14°41'15"E along said Westerly line for 44.20 feet; thence run S42°02'59"W along said Westerly line for 44.50 feet; thence run S19°51'05"W along said Westerly line for 35.96 feet; thence run S06°44'11"E along said Westerly line for 44.73 feet; thence run S00°11'58"W along said Westerly line for 26.46 feet; thence run S29°24'12"W along said Westerly line for 61.07 feet; thence run S13°51'45"E along said Westerly line for 39.43 feet; thence run S40°22'45"W along said Westerly line for 83.42 feet; thence run S67°28'24"E along said Westerly line for 54.60 feet; thence run S28°08'50"W along said Westerly line for 15.14 feet; thence run S19°01'12"E along said Westerly line for 51.03 feet; thence run S35°55'44"E along said Westerly line for 50.30 feet; thence run S51°58'34"E along said Westerly line for 88.69 feet; thence run S56°03'31"E along said Westerly line for 81.29 feet; thence run S71°02'11"W leaving said Westerly line for 106.40 feet to a point on a non-tangent curve; thence run southeasterly along an arc of curve to the left of radius 355.00 feet (delta 44°23'40") (chord bearing S39°06'43"E) (chord 268.23 feet) for 275.06 feet to a point of reverse curvature; thence run southeasterly along an arc of curve to the right of radius 345.00 feet (delta 23°55'25") (chord bearing S49°20'50"E) (chord 143.01 feet) for 144.05 feet to a point of tangency; thence run S37°23'07"E for 110.93 feet; thence run S46°42'37"E for 46.66 feet; thence run S02°37'49"E for 109.36 feet; thence run S88°31'58"E for 453.33 feet to an intersection with the Westerly right of way line of a proposed road; thence run S69°33'15"E along said Westerly right of way line for 226.50 feet to a point of curvature; thence run southeasterly along said Westerly right of way line along an arc of curve to the right of radius 450.00 feet (delta 53°24'45") (chord bearing S42°50'53"E) (chord 404.47 feet) for 419.50 feet to a point of tangency; thence run S16°08'30"E along said Westerly right of way line for 429.10 feet to a point of curvature; thence run southerly along an arc of curve to the left of radius 800.00 feet (delta 07°26'15") (chord bearing S19°51'38"E) (chord 103.77 feet) for 103.85 feet to an intersection with the Southerly right of way line of the former Seaboard All Florida Railroad (100 feet wide) and Florida Power & Light Co. Easement (100 feet wide), described in a deed recorded in Deed Book 230, at Page 106, Lee County Records; thence run S89°00'08"W along said Southerly right of way line for 414.92 feet; thence run S00°59'58"E for 386.31 feet to a point on a non-tangent curve; thence run southeasterly along an arc of curve to the right of radius 445.00 feet (delta 55°01'01") (chord bearing S60°54'53"E) (chord 411.07 feet) for 427.30 feet to a point of tangency; thence run S33°24'23"E for 235.07 feet to a point of curvature; thence run southerly along an arc of curve to the right of radius 445.00 feet (delta 34°38'18") (chord bearing S16°05'14"E) (chord 264.95 feet) for 269.03 feet; thence run S01°13'55"W for 406.49 feet to a point of curvature; thence run southerly along an arc of curve to the left of radius 155.00 feet (delta 41°03'37") (chord bearing S19°17'53"E) (chord 108.72 feet) for 111.08 feet to a point of tangency;

DESCRIPTION (Cont.)

thence run S39°49'41"E for 48.28 feet to a point of curvature; thence run southerly along an arc of curve to the right of radius 540.00 feet (delta 39°03'47") (chord bearing S20°17'48"E)(chord 361.07 feet) for 368.16 feet to a point of tangency; thence run S00°45'54"E for 156.54 feet to a point of curvature; thence run southeasterly along an arc of curve to the left of radius 60.00 feet (delta 88°15'45") (chord bearing S44°53'47"E)(chord 83.56 feet) for 92.43 feet to a point of tangency; thence run S89°01'39"E for 100.75 feet to a point of curvature; thence run southeasterly along an arc of curve to the right of radius 470.00 feet (delta 86°38'22") (chord bearing S45°42'28"E)(chord 644.90 feet) for 710.71 feet to a point of tangency; thence run S02°23'18"E for 177.28 feet to a point of curvature; thence run southerly along an arc of curve to the right of radius 295.00 feet (delta 45°41'55") (chord bearing S20°27'40"W)(chord 229.10 feet) for 235.29 feet; thence run S00°44'13"E along a non-tangent line for 145.68 feet to an intersection with the south line of the north half (N ½) of said section 34; thence run S89°15'30"W along said south line for 3,118.86 feet to a point on a non-tangent curve at the intersection with the Easterly line of lands described in a deed recorded in Official Record Book 4107, at Page 886, Lee County Records; thence run northwesterly along said Easterly line and along an arc of curve to the left of radius 240.00 feet (delta 21°30'24") (chord bearing N34°21'11"W) (chord 89.56 feet) for 90.09 feet to a point of tangency; thence run N45°06'23"W along said Easterly line for 156.71 feet to a point of curvature; thence run northwesterly along said Easterly line and along an arc of curve to the left of radius 240.00 feet (delta 06°54'55") (chord bearing N48°33'50"W)(chord 28.95 feet) for 28.97 feet to an intersection with the West line of the Northwest Quarter (NW ¼) of said Section 34; thence run N00°49'55"W along said West line for 2,437.57 feet to the POINT OF BEGINNING.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the west line of the Northwest Quarter (NW ¼) of said Section 34 to bear N00°49'55"W.

Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

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EXHIBIT "B"
Permitted Exceptions

- 1 Taxes and assessments for the year 2004 and subsequent years.
- 2 Easement(s) granted to Florida Power and Light Corporation, recorded in Deed Book 280, page 67; together with Utility Easements to Florida Power and Light Company recorded in Deed Book 234, page 26, Deed Book 262, page 143 and Deed Book 230, page 106, as modified by Amendment to Right-of-Way Agreement filed November 15, 1956, in Misc. Book 43, page 37, all of the public records of Lee County, Florida.
- 3 Reservations affecting rights in Oil, Gas or any other Minerals, lying upon or beneath the land insured hereby, pursuant to that instrument recorded in Deed Book 233, page 240, of the public records of Lee County, Florida (as to Parcels 22 and 24 depicted on that certain survey prepared by Barraco and Associates, Inc., Project/File No. 21988, Survey Date 5/29/04, and which Parcels are coextensive with the 100' Florida Power Easement recorded in O.R. Book 230, Page 106, of the public records of Lee County, Florida).
- 4 Notice of Claim recorded in Official Records Book 1158, page 169, of the public records of Lee County, Florida (as to Parcels 22 and 24 depicted on that certain survey prepared by Barraco and Associates, Inc., Project/File No. 21988, Survey Date 5/29/04, and which Parcels are coextensive with the 100' Florida Power Easement recorded in O.R. Book 230, Page 106, of the public records of Lee County, Florida).
- 5 Subject land lies within the boundaries for mandatory Garbage Collection, Lee County Ordinance No. 86-14 and will be subject to future assessments.
- 6 Terms, conditions, restrictive covenants and easements recited in the Conservation Easement Agreement to Lee County, a political subdivision of the State of Florida, with third party enforcement rights to the south Florida Water Management District, recorded September 27, 2001, in Official Records Book 3492, page 568, of the public records of Lee County, Florida.
- 7 Covenant of Unified Control recorded in Official Records Book 3186, page 1151, of the public records of Lee County, Florida.
- 8 Drainage Easement Agreement (Lakes) by and between Hawk's Haven Investment, L.L.C., a Delaware limited liability company, and Levitt and Sons at Hawk's Haven, LLC, a Florida limited liability company, recorded concurrently herewith in the public records of Lee County, Florida.
- 9 Declaration and Grant of Easement by Hawk's Haven Investment, L.L.C., a Florida limited liability company, recorded concurrently herewith in the public records of Lee County, Florida.

- 10 Drainage Swale Easement Agreement by and between Hawk's Haven Investment, L.L.C., a Delaware limited liability company, and Levitt and Sons at Hawk's Haven, LLC, a Florida limited liability company, recorded concurrently herewith in the public records of Lee County, Florida.
- 11 Tree Removal Easement Agreement by and between Hawk's Haven Investment, L.L.C., a Delaware limited liability company, and Levitt and Sons at Hawk's Haven, LLC, a Florida limited liability company, recorded concurrently herewith in the public records of Lee County, Florida.
- 12 Memorandum of Agreement by and between Hawk's Haven Developers, LLC, a Delaware limited liability company, and Levitt and Sons at Hawk's Haven, LLC, a Florida limited liability company, recorded concurrently herewith in the public records of Lee County, Florida.

NOTE: Notice of Development Order Approval recorded September 25, 2001, in Official Records Book 3490, page 2636, of the public records of Lee County, Florida.



6100
133,000.00

Prepared by and return to:
THOMAS H. GUNDERSON
 Attorney at Law
HENDERSON, FRANKLIN, STARNES & HOLT, P.A. (Fort Myers)
 1715 Monroe St. P. O. Box 280
 Fort Myers, FL 33902

INSTR # 6439577
 OR BK 04429 Pgs 3008 - 3006; (7pgs)
 RECORDED 09/14/2004 04:01:07 PM
 CHARLIE GREEN, CLERK OF COURT
 LEE COUNTY, FLORIDA
 RECORDING FEE 61.00
 DEED DOC 133,000.00
 DEPUTY CLERK J Miller

File Number: THG HAWK GOLF
 Will Call No.: 12

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this 1st day of June, 2004, between **HAWKS HAVEN INVESTMENT, L.L.C.**, a Florida limited liability company, whose post office address is 12800 University Drive, Suite 275, Fort Myers, FL 33907, grantor, and **HAWK'S HAVEN GOLF COURSE COMMUNITY DEVELOPERS, LLC**, a Delaware limited liability company whose post office address is 10161 Centurion Pkwy.N., Ste. 190, Jacksonville, FL 32256, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

See Exhibit "A" attached hereto.

Parcel Identification Number: 27-43-26-00-00003.0010

Subject to taxes for 2004 and subsequent years and those matters set forth on Exhibit "B" attached hereto (collectively, the "Permitted Exceptions").

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 claiming by, through or under grantors.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

DoubleTimes

Signed, sealed and delivered in our presence:

Deborah A. Greer
Witness Name: Deborah A. Greer

Christine King
Witness Name: Christine King

HAWKS HAVEN INVESTMENT, L.L.C., a Florida limited liability company

By: [Signature]
OJ BUIGAS, Manager

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 19 day of aug, 2004 by OJ BUIGAS, Manager of HAWKS HAVEN INVESTMENT, L.L.C., a Florida limited liability company, on behalf of the company. He ☒ is personally known to me or ☐ has produced h/9 as identification.

[Notary Seal]



Michelle A. Preiss
Notary Public

Printed Name: Michelle A. Preiss

My Commission Expires: 12-5-05

DESCRIPTION

Parcel in
Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East
Lee County, Florida

A tract or parcel of land lying in Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Southeast Corner of said Section 36; run S89°12'27"W along the South line of the Southeast Quarter (SE ¼) of said Section 36 for 2,644.62 feet the South Quarter Corner of said Section 36; thence run S89°11'43"W along the South line of the Southwest Quarter (SW ¼) of said Section 36 for 2,643.63 feet to the Southeast Corner of said Section 35; thence run S88°54'06"W along the South line of the Southeast Quarter (SE ¼) of said Section 35 for 2,569.55 feet; thence run N01°05'54"W along a radial line for 37.91 feet to a point on a non-tangent curve; thence run northeasterly along an arc of curve to the left of radius 260.00 feet (delta 91°01'29") (chord bearing N43°23'21"E) (chord 370.97 feet) for 413.06 feet to a point of tangency; thence run N02°07'23"W for 78.82 feet to a point of curvature; thence run northerly along an arc of curve to the left of radius 260.00 feet (delta 31°56'27") (chord bearing N18°05'37"W) (chord 143.07 feet) for 144.94 feet to a point of tangency; thence run N34°03'50"W for 230.14 feet to a point of curvature; thence run northerly along an arc of curve to the right of radius 340.00 feet (delta 31°31'00") (chord bearing N18°18'20"W) (chord 184.67 feet) for 187.02 feet to a point of tangency; thence run N02°32'50"W for 159.42 feet to a point of curvature; thence run northerly along an arc of curve to the left of radius 660.00 feet (delta 22°22'21") (chord bearing N13°44'00"W) (chord 256.08 feet) for 257.71 feet to a point of tangency; thence run N24°55'11"W for 289.32 feet to a point of curvature; thence run northerly along an arc of curve to the right of radius 540.00 feet (delta 24°55'08") (chord bearing N12°27'37"W) (chord 233.01 feet) for 234.86 feet to a point of tangency; thence run N00°00'03"W for 231.94 feet to a point of curvature; thence run northerly along an arc of curve to the right of radius 340.00 feet (delta 05°26'37") (chord bearing N02°43'16"E) (chord 32.29 feet) for 32.30 feet to a point of tangency; thence run N05°26'35"E for 88.98 feet to a point of curvature; thence run northwesterly along an arc of curve to the left of radius 285.00 feet (delta 93°14'34") (chord bearing N41°10'42"W) (chord 414.29 feet) for 463.81 feet to a point of tangency; thence run N87°47'59"W for 114.71 feet to a point of curvature; thence run westerly along an arc of curve to the right of radius 340.00 feet (delta 04°30'17") (chord bearing N85°32'51"W) (chord 26.72 feet) for 26.73 feet to a point of tangency; thence run N83°17'42"W for 139.74 feet to a point of curvature; thence run northwesterly along an arc of curve to the right of radius 340.00 feet (delta 32°54'18") (chord bearing N66°50'33"W) (chord 192.59 feet) for 195.26 feet to a point of tangency; thence run N50°23'25"W for 72.19 feet to a point of curvature; thence run westerly along an arc of curve to the left of radius 1,060.00 feet (delta 42°49'43") (chord bearing N71°48'16"W) (chord 774.03 feet) for 792.35 feet; thence run N27°42'22"E along a non-tangent line for 143.13 feet; thence run N44°31'05"E along the Easterly line of Conservation Easement CE-11, described in a deed recorded in Official Record Book 3492, at Page 568, Lee County Records for 98.50 feet; thence run N56°09'54"E along said Easterly line for 41.84 feet; thence run S81°28'11"E along said Easterly line for 45.51 feet; thence run S45°49'22"E along said Easterly line for 53.51 feet; thence run N63°13'10"E along said Easterly line and then extension thereof for 321.49 feet; thence run N30°49'51"E for 249.11 feet to a point of curvature; thence run northeasterly along an arc of curve to the right of radius 220.00 feet (delta 52°51'01") (chord bearing N57°15'21"E) (chord 195.81 feet) for 202.93 feet; thence run N42°51'02"E along a non-tangent line for 151.65 feet to a point on said Easterly line of said Conservation easement; thence run N01°46'45"W along said Easterly line for 128.83 feet;

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

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DESCRIPTION (Cont.)

thence run N29°53'23"W along said Easterly line for 105.07 feet; thence run N19°19'23"W along said Easterly line and the extension thereof for 164.33 feet; thence run N35°15'55"W for 280.67 feet; thence run N54°44'05"E for 62.76 feet to a point of curvature; thence run northeasterly along an arc of curve to the left of radius 275.00 feet (delta 37°18'58") (chord bearing N36°04'36"E)(chord 175.96 feet) for 179.10 feet; thence run N01°26'15"W along a non-tangent line for 119.11 feet to a point on said Easterly line; thence run S89°41'00"W along said Easterly line for 44.92 feet to a point on a non-tangent curve; thence run northwesterly along an arc of curve to the left of radius 580.00 feet (delta 20°04'37") (chord bearing N60°42'11"W) (chord 202.20 feet) for 203.24 feet to a point of reverse curvature; thence run northwesterly along an arc of curve to the right of radius 470.00 feet (delta 23°02'27") (chord bearing N59°13'16"W) (chord 187.73 feet) for 189.00 feet to a point of reverse curvature; thence run westerly along an arc of curve to the left of radius 700.00 feet (delta 48°28'37") (chord bearing N71°56'21"W) (chord 574.75 feet) for 592.26 feet to a point of tangency; thence run S83°49'20"W for 247.09 feet to a point of curvature; thence run southwesterly along an arc of curve to the left of radius 300.00 feet (delta 41°00'25") (chord bearing S63°19'08"W)(chord 210.16 feet) for 214.71 feet to a point of tangency; thence run S42°48'55"W for 86.85 feet to a point of curvature; thence run westerly along an arc of curve to the right of radius 313.00 feet (delta 132°03'02") (chord bearing N71°09'34"W)(chord 571.99 feet) for 721.38 feet to a point of tangency; thence run N05°08'03"W for 142.76 feet; thence run N38°34'30"W for 22.21 feet; thence run S86°31'29"W for 81.40 feet to a point of curvature; thence run westerly along an arc of curve to the right of radius 310.00 feet (delta 43°01'09") (chord bearing N71°57'56"W)(chord 227.33 feet) for 232.76 feet to a point of tangency; thence run N50°27'22"W for 226.84 feet to a point of curvature; thence run northwesterly along an arc of curve to the left of radius 250.00 feet (delta 31°27'37") (chord bearing N66°11'10"W)(chord 135.55 feet) for 137.27 feet to a point of tangency; thence run N81°54'58"W for 212.22 feet to a point of curvature; thence run westerly along an arc of curve to the left of radius 290.00 feet (delta 40°00'56") (chord bearing S78°04'34"W)(chord 198.45 feet) for 202.54 feet to a point of reverse curvature; thence run westerly along an arc of curve to the right of radius 374.00 feet (delta 31°56'56") (chord bearing S74°02'33"W) (chord 205.86 feet) for 208.55 feet to a point of tangency; thence run N89°58'59"W for 41.35 feet to a point of curvature; thence run westerly along an arc of curve to the left of radius 277.00 feet (delta 12°33'46") (chord bearing S83°44'09"W)(chord 60.61 feet) for 60.73 feet to a point of tangency; thence run S77°27'16"W for 12.39 feet to a point of curvature; thence run westerly along an arc of curve to the right of radius 223.00 feet (delta 12°33'45") (chord bearing S83°44'09"W)(chord 48.80 feet) for 48.89 feet to a point of tangency; thence run N89°58'59"W for 79.52 feet to a point of curvature; thence run westerly along an arc of curve to the right of radius 198.00 feet (delta 09°48'12") (chord bearing N85°04'53"W)(chord 33.84 feet) for 33.88 feet to a point of reverse curvature; thence run westerly along an arc of curve to the left of radius 190.00 feet (delta 09°48'12") (chord bearing N85°04'53"W) (chord 32.47 feet) for 32.51 feet to a point of tangency; thence run N89°58'59"W for 261.37 feet; thence run N00°01'01"E for 129.00 feet; thence run N89°58'59"W for 8.21 feet; thence run N00°01'01"E for 20.16 feet; thence run N61°25'03"W along the Westerly line of Conservation Easement CE-10, described in a deed recorded in Official Record Book 3492, at Page 568, Lee County Records for 89.36 feet; thence run N38°28'34"W along said Westerly line for 343.15 feet; thence run N00°59'52"W for 100.00 feet to an intersection with the North line of the South 50 feet of the former Seaboard All Florida Railroad (100 feet wide) and Florida Power & Light Co. Easement (100 feet wide), described in a deed recorded in Deed Book 230, at Page 106, Lee County Records; thence run N89°00'08"E along said North line for 7,472.01 feet to an intersection with the West line of the Southwest Quarter (SW ¼) of said Section 25;

DESCRIPTION (Cont.)

thence run N00°33'55"W along said West line for 50.00 feet to an intersection with the Northerly right of way line of said former Seaboard All Florida Railroad (100 feet wide); thence run N89°00'08"E along said right of way line for 5,295.61 feet to an intersection with the East line of the Southeast Quarter (SE ¼) of said Section 25; thence run S01°39'28"E along said East line for 629.62 feet to the Northeast Corner of said Section 36 being designated as POINT "A"; thence run S00°16'51"E along the East line of the Northeast Quarter (NE ¼) of said Section 36 for 2,647.36 feet to the East Quarter Corner of said Section 36; thence run S00°45'42"E along the East line of the Southeast Quarter (SE ¼) of said Section 36 for 2644.68 feet to the POINT OF BEGINNING.

LESS and EXCEPT the following described parcel.

From the point designated as POINT "A" run S88°44'46"W along the South line of the Southeast Quarter (SE ¼) of said Section 25 for 2,674.22 feet to the South Quarter Corner of said Section 25 and POINT OF BEGINNING.

From said Point of Beginning run S89°12'44"W along the South line of the Southwest Quarter (SW ¼) of said Section 25 for 2,633.46 feet to the Southeast Corner of said Section 26; thence run S89°14'15"W along the South line of the Southeast Quarter (SE ¼) of said Section 26 for 1,327.50 feet to the Southwest Corner of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of said Section 26; thence run N00°23'46"W along the West line of said Fraction for 526.48 feet to an intersection with the Southerly right of way line of the former Seaboard All Florida Railroad (100 feet wide); thence run N89°00'08"E along said Southerly right of way line for 3,955.59 feet to an intersection with the East line of the Southwest Quarter (SW ¼) of said Section 25; thence run S00°58'43"E along said East line for 541.54 feet to the POINT OF BEGINNING.

Containing a Total Area of 1,167.13 Acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the East line of the Southeast Quarter (SE ¼) of said Section 36 to bear S00°45'42"E.

Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

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EXHIBIT B
PERMITTED EXCEPTIONS

1. Utility Easements to Florida Power and Light Company recorded in Deed Book 234, page 26, ; Deed Book 262, page 143 ; and Deed Book 230, page 106, as modified by Amendment to Right-of-Way Agreement filed November 15, 1956, in Misc. Book 43, page 37, all of the public records of Lee County, Florida.
2. Restrictions or reservations affecting rights in Oil, Gas or any other Minerals, lying upon or beneath the lands insured hereby, pursuant to that Instrument recorded in Deed Book 233, page 240, of the public records of Lee County, Florida. (as to Parcel 24 only as shown on Barraco & Associates, Inc. survey dated June 3, 2004, File no. 21988S04.DWG)
3. Notice of Claim recorded in Official Records Book 1158, page 169, of the public records of Lee County, Florida. (as to Parcel 24 only as shown on Barraco & Associates, Inc. survey dated June 3, 2004, File no. 21988S04.DWG)
4. Subject land lies within the boundaries for mandatory Garbage Collection, Lee County Ordinance No. 86-14 and will be subject to future assessments.
5. Terms, conditions, restrictive covenants and easements recited in the Conservation Easement Agreement to Lee County, a political subdivision of the State of Florida, with third party enforcement rights to the South Florida Water Management District, recorded September 27, 2001, in Official Records Book 3492, page 568, of the public records of Lee County, Florida.
6. Terms, conditions and easements recited in that certain Drainage Easement granted to the State of Florida Department of Transportation, recorded February 2, 2001, in Official Records Book 3359, page 1635, of the public records of Lee County, Florida.
7. Restrictive Covenant recorded February 2, 2001, in Official Records Book 3359, page 1649, of the public records of Lee County, Florida.
8. Terms, covenants, conditions and other matters contained in that certain Bond-Wilson grazing lease dated February 10, 2002 as amended and assigned.
9. Terms, conditions, restrictive covenants and easements recited in the Conservation Easement to The Florida Fish and Wildlife Conservation Commission recorded in Official Records Book 3504, page 3311, of the public records of Lee County, Florida.
10. Covenant of Unified Control recorded in Official Records Book 3186, page

1151, of the public records of Lee County, Florida.

11. Terms and conditions of that certain Declaration and Grant of Easement (Spine Road Easement) recorded in Official Records Book 4326, Page 1851, of the Public Records of Lee County, Florida, as assigned by Assignment and Assumption of Declarant's Rights as to Spine Road to be recorded.
12. Memorandum of Agreement recorded in Official Records Book 4326, Page 1955, Public Records of Lee County, Florida.
13. Tree Removal Easement Agreement recorded in Official Records Book 4326, Page 1922, Public Records of Lee County, Florida.
14. Drainage Swale Easement Agreement recorded in Official Records Book 4326, Page 1935, Public Records of Lee County, Florida.
15. Declaration of Covenants and Restrictions (Buffer Parcel) recorded in Official Records Book 4326, Page 1837, of the Public Records of Lee County, Florida, as assigned by Assignment and Assumption of Declarant's Rights as to Spine Road to be recorded.
16. Drainage Easement Agreement recorded in Official Records Book 4326, Page 1903, Public Records of Lee County, Florida.
17. Declaration of Covenants and Restrictions (Levitt Related) recorded in Official Records Book 4326, Page 1890, of the Public Records of Lee County, Florida.

NOTE: Notice of Development Order Approval recorded September 25, 2001, in Official Records Book 3490, page 2636, of the Public Records of Lee County, Florida.

RECORDED 11/16/00 10:36 AM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 132.00
DOC TAX PD(F.S.201.02) 40,500.00
DEPUTY CLERK K Cartwright

Prepared By and return to:
David N. Sowerby, Esquire
MELVILLE & SOWERBY, P.I.
2940 South 25th Street
Fort Pierce, Florida 34981-5605

PARCEL I.D. NO. (multiple)

[Space Above This Line For Recording Data]

WARRANTY DEED

This Indenture made and executed this 8th day of November, 2000, by and between **WILLIAM SCHULMAN, Individually and as Trustee**, (hereinafter "Grantor"), and **FC Hawks Haven, Inc., a Florida corporation**, whose post office address is 730 Terminal Tower, 50 Public Square, Cleveland, Cuyahoga County, Ohio 44113, (hereinafter "Grantee").

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to wit:

**SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN
BY REFERENCE**

SUBJECT TO restrictions, reservations and easements of record, if any, which are not reimposed hereby, and real estate taxes subsequent to December 31, 1999;

RESERVING UNTO GRANTOR a non-exclusive easement for ingress and egress from State Road 80 over and across all streets and roads to be developed on the Property conveyed herein for the benefit of the land described in Exhibit "B" attached hereto and incorporated herein by reference. Until such time as the streets and roads are sufficiently constructed so as to provide uninterrupted motor vehicle access to the land described in Exhibit "B", such ingress and egress easement shall be construed to encumber the entirety of the Property conveyed herein. All maintenance of the easement shall be the responsibility of the Grantee and the easement shall run with the Property and the land.

FURTHER RESERVING UNTO GRANTOR a non-exclusive easement for utilities (both private and public) over and across all utility easements to be dedicated on the Property conveyed herein, which reserved easement shall be for the benefit for

[Space Above This Line For Recording Data]

the land described in Exhibit "B" attached hereto and incorporated herein by reference. Until such time as the utility easements are sufficiently dedicated within the Project to be developed on the Property so as to provide uninterrupted utility services to the land described in Exhibit "B", the utility easement reserved herein shall be construed to encumber the entirety of the Property conveyed herein. All maintenance of the easement shall be the responsibility of the Grantee and the easement shall run with the Property and the land.

and the Grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

Patricia A Clark
Print Name: Patricia A Clark

Jeann Schulman
Print Name: Jeann Schulman

William Schulman
WILLIAM SCHULMAN, Individually
and as Trustee
450 Seventh Avenue
New York, NY 10123

STATE OF NEW YORK
COUNTY OF SUFFOLK

The foregoing instrument was acknowledged before me, this 7th day of November, 2000, by WILLIAM SCHULMAN, Individually and as Trustee, ☒ who is personally known to me, or ☐ who produced his driver's license as identification.

Patricia A Clark
Notary Public
STATE OF NEW YORK
My Commission Expires:

(NOTARY SEAL)

PATRICIA A. CLARK
Notary Public, State of New York
No. 5711005
Qualified in Suffolk County
Commission Expires September 30, 2002

**EXHIBIT A
LEGAL DESCRIPTION**

THAT PORTION OF THAT LAND DESCRIBED IN OFFICIAL RECORDS BOOK 976, PAGE 551-554, LEE COUNTY PUBLIC RECORDS, ALL IN TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 1: THE NW-1/4, OF THE SW-1/4, OF THE NW-1/4, OF SECTION 27.

PARCEL NO. 2: THE NE-1/4, OF THE NE-1/4, OF THE SW-1/4, OF SECTION 27.

THAT PORTION OF PARCEL NO. 6: (DESCRIBED AS THAT PART OF THE S-1/2, OF THE SW-1/4, OF THE SE-1/4, AND THE S-1/2, OF THE S-1/2, OF THE SW-1/4, OF SECTION 26, WHICH LIES SOUTH OF THE FORMER [NOW ABANDONED] SEABOARD ALL FLORIDA RAILROAD COMPANY RIGHT-OF-WAY), LYING WEST OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 89°14'23" EAST, ALONG THE SOUTH LINE OF SAID SECTION 26, 128.86 FEET, TO THE POINT OF BEGINNING OF THE LINE HEREIN DESCRIBED:

**THENCE NORTH 28°04'43" EAST, 25.79 FEET;
THENCE NORTH 46°04'54" EAST, 32.36 FEET;
THENCE NORTH 32°36'36" EAST, 70.49 FEET;
THENCE NORTH 42°03'35" EAST, 26.99 FEET;
THENCE NORTH 08°12'25" EAST, 39.59 FEET;
THENCE NORTH 30°34'12" EAST, 35.40 FEET;
THENCE NORTH 19°53'50" WEST, 20.86 FEET;
THENCE NORTH 25°39'43" WEST, 60.48 FEET;
THENCE NORTH 26°05'51" WEST, 56.07 FEET;
THENCE NORTH 16°51'58" WEST, 53.77 FEET;
THENCE NORTH 37°00'02" WEST, 37.77 FEET;**

THENCE NORTH 50°16'01" WEST, 186.05 FEET, TO THE SOUTH LINE OF THE ABANDONED SEABOARD AIRLINE RAILROAD RIGHT-OF-WAY, AND THE END OF SAID LINE.

PARCEL NO. 7:

- (A) ALL THAT PART OF THE S-1/2, OF THE S-1/2, OF THE SE-1/4, OF SECTION 27, WHICH LIES SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD AIRLINE RAILROAD COMPANY RIGHT-OF-WAY.
- (B) THAT PART OF THE S-1/2, OF THE SW-1/4, OF THE SW-1/4, OF SECTION 27, WHICH LIES SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD AIRLINE RAILROAD RIGHT-OF-WAY, IN SECTION 27.
- (C) THE SE-1/4, OF THE SE-1/4, OF THE SW-1/4, IN SECTION 27, LESS THE FORMER (NOW ABANDONED) SEABOARD ALL FLORIDA RAILROAD COMPANY RIGHT-OF-WAY,

THAT PORTION OF PARCEL NO. 8: *(DESCRIBED AS THE NW-1/4, OF THE NW-1/4, OF SECTION 27)*, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80.

THAT PORTION OF PARCEL NO. 9: *(DESCRIBED AS THE W-1/2, OF THE NE-1/4, OF THE NW-1/4, OF SECTION 27)*, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80.

PARCEL NO. 10: THE N-1/2, OF THE SE-1/4, OF THE NW-1/4, OF SECTION 27.

PARCEL NO. 11:

- (A) THE SE-1/4, OF THE SE-1/4, OF THE NW-1/4, OF SECTION 27, LESS THAT PORTION OF SECTION 27, ALONG THE EAST LINE OF THE WEST ONE-HALF THEREOF, TO THE SOUTH LINE OF THE SE-1/4, OF THE SE-1/4, OF THE NW-1/4, THEREOF; DEDICATED AS A PUBLIC COUNTY ROAD.

(B) THE SW-1/4, OF THE SE-1/4, OF THE NW-1/4, OF SECTION 27.

PARCEL NO. 12: THE S-1/2, OF THE SW-1/4, OF THE NW-1/4, OF SECTION 27.

PARCEL NO. 13: THE N-1/2, OF THE NW-1/4, OF THE SW-1/4, OF SECTION 27.

PARCEL NO. 14: THE SE-1/4, OF THE NW-1/4, OF THE SW-1/4, OF SECTION 27.

PARCEL NO. 15: THE W-1/2, OF THE NE-1/4, OF THE SW-1/4, OF SECTION 27.

PARCEL NO. 16: THE SE-1/4, OF THE NE-1/4, OF THE SW-1/4, OF SECTION 27.

PARCEL NO. 17: THE N-1/2, OF THE SE-1/4, OF THE SW-1/4, OF SECTION 27.

PARCEL NO. 18: THAT PORTION OF THE S-1/2, OF THE SW-1/4, OF THE SW-1/4, OF SECTION 27, NORTH OF THE SEABOARD ALL FLORIDA RAILROAD COMPANY RIGHT-OF-WAY.

PARCEL NO. 19: THE N-1/2 OF SECTION 34.

THAT PORTION OF PARCEL NO. 20: *(DESCRIBED AS THE N-1/2 AND THE SW-1/4 AND THE S-1/2, OF THE SW-1/4, OF THE SE-1/4, IN SECTION 35)* LYING WEST OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 35, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 89°14'23" EAST, ALONG THE NORTH LINE OF SAID

SECTION 35, 128.86 FEET, TO THE POINT OF BEGINNING OF THE LINE HEREIN DESCRIBED;

THENCE SOUTH 28°04'43" WEST, 12.89 FEET;
 THENCE SOUTH 17°58'40" EAST, 47.48 FEET;
 THENCE SOUTH 01°56'11" EAST, 15.85 FEET;
 THENCE SOUTH 32°56'27" WEST, 55.42 FEET;
 THENCE SOUTH 55°12'05" EAST, 65.72 FEET;
 THENCE SOUTH 77°01'20" EAST, 76.75 FEET;
 THENCE SOUTH 20°53'17" EAST, 345.84 FEET;
 THENCE SOUTH, 752.62 FEET;
 THENCE SOUTH 52°48'33" EAST, 965.67 FEET;
 THENCE SOUTH 41°37'36" EAST, 208.06 FEET, TO A NON-TANGENT INTERSECTION WITH A CURVE;
 THENCE SOUTHWESTERLY ALONG SAID CURVE, BEING CONCAVE TO THE SOUTHEAST, AND HAVING A CENTRAL ANGLE OF 11°31'53", A RADIUS OF 1117.39 FEET, A CHORD BEARING SOUTH 42°36'27" WEST, FOR 224.51 FEET, ALONG AN ARC LENGTH OF 224.89 FEET;
 THENCE SOUTH 53°09'30" EAST, 289.97 FEET;
 THENCE SOUTH 00°53'29" EAST, 294.81 FEET, TO THE NORTH LINE OF THE NORTHEAST CORNER OF SAID SECTION 35, AND THE END OF SAID LINE.

TOGETHER WITH THAT PORTION OF THAT LAND DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGES 855-861, AND IN OFFICIAL RECORDS BOOK 976, PAGE 549, ALL IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 22: NORTH 50 FEET OF RAILROAD RIGHT-OF-WAY FROM WEST LINE OF SECTION 27 TO CENTER LINE OF SECTION 27.

THAT PORTION OF PARCEL NO. 24: (DESCRIBED AS THAT PORTION OF THE ABANDONED SEABOARD AIR LINE RAILROAD COMPANY RIGHT-OF-WAY BETWEEN FORT MYERS AND ALVA, FLORIDA, LYING AND BEING IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 26 EAST; AND THE SOUTHERLY 50 FEET OF SAID RIGHT-OF-WAY LYING IN

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 26,
TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA;
THENCE NORTH 00°41'26" WEST, ALONG THE NORTH-SOUTH ONE-
QUARTER SECTION LINE OF SAID SECTION 26, 520.87 FEET, TO THE
SOUTH LINE OF SAID RAILROAD RIGHT-OF-WAY; THENCE NORTH
89°00'04" EAST, ALONG SAID RIGHT-OF-WAY LINE, 10.94 FEET, TO
THE POINT OF BEGINNING OF THE LINE HEREIN DESCRIBED:

THENCE NORTH 50°16'01" WEST, 76.63 FEET, TO THE CENTERLINE
OF SAID RAILROAD RIGHT-OF-WAY, AND THE END OF SAID LINE.

**LESS GOLF COURSE TRACTS ONE, TWO, THREE AND FOUR, BEING
DESCRIBED AS FOLLOWS:**

**Golf Course Tract One
Part of Section 27, Township 43 South, Range 26 East
Lee County, Florida**

Beginning at the southeast corner of (Parcel 17) the North 1/4 of the Southeast 1/4 of the
Southwest 1/4 of Section 27, Township 43 South, Range 26 East, Lee County, Florida;

Thence along the north-south 1/4 section line of said Section 27, South 00°50'53" East 115.00
feet;

Thence North 89°00'04" East 187.54 feet;
Thence South 00°59'56" East 100.00 feet;
Thence South 71°11'08" East 167.45 feet;
Thence North 88°40'45" East 125.76 feet;
Thence South 45°53'21" East 305.27 feet;
Thence South 61°25'03" East 89.36 feet;
Thence North 66°49'32" East 105.51 feet;
Thence North 60°21'28" East 54.01 feet;
Thence North 78°57'59" East 137.14 feet;

Thence South 41°56'57" East 102.27 feet;
 Thence North 71°17'19" East 64.20 feet;
 Thence South 81°32'02" East 211.08 feet;
 Thence North 52°48'40" East 119.57 feet;
 Thence South 85°50'30" East 627.14 feet;
 Thence South 64°37'15" East 87.14 feet;
 Thence South 20°40'51" East 81.47 feet;
 Thence South 87°59'19" East 82.20 feet;
 Thence North 83°48'25" East 43.07 feet;
 Thence South 41°04'18" East 39.02 feet;
 Thence South 12°06'36" East 31.08 feet;
 Thence South 88°59'39" West 296.76 feet;
 Thence 466.67 feet along the arc of a circular curve concave southerly, having a radius of 970.00 feet, through a central angle of 27°33'54" and being subtended by a chord which bears South 75°12'42" West 462.18 feet;
 Thence 758.38 feet along the arc of a circular curve concave northerly, having a radius of 940.13 feet, through a central angle of 46°13'09" and being subtended by a chord which bears South 84°32'19" West 737.98 feet;
 Thence 199.35 feet along the arc of a circular curve concave southerly, having a radius of 870.00 feet, through a central angle of 13°07'44" and being subtended by a chord which bears North 78°54'58" West 198.92 feet;
 Thence North 85°28'50" West 191.72 feet;
 Thence 731.52 feet along the arc of a circular curve concave southeasterly, having a radius of 195.00 feet, through a central angle of 214°56'14" and being subtended by a chord which bears South 71°49'38" West 372.01 feet;
 Thence South 35°38'29" East 109.47 feet;
 Thence 55.73 feet along the arc of a circular curve concave southeasterly, having a radius of 380.00 feet, through a central angle of 08°24'12" and being subtended by a chord which bears South 50°43'28" West 55.68 feet;
 Thence South 46°31'22" West 200.24 feet;
 Thence 228.17 feet along the arc of a circular curve concave southwesterly, having a radius of 1555.00 feet, through a central angle of 08°24'26" and being subtended by a chord which bears North 53°37'30" West 227.96 feet;
 Thence 442.56 feet along the arc of a circular curve concave northeasterly, having a radius of 445.00 feet, through a central angle of 56°58'52" and being subtended by a chord which bears North 29°20'17" West 424.54 feet;
 Thence North 00°50'36" West 196.57 feet;
 Thence 202.33 feet along the arc of a circular curve concave easterly, having a radius of 745.00 feet, through a central angle of 15°33'39" and being subtended by a chord which bears North 06°56'14" East 201.71 feet;
 Thence South 89°00'04" West 223.16 feet;
 Thence North 08°42'56" East 56.04 feet;
 Thence 507.51 feet along the arc of a circular curve concave southwesterly, having a radius of 385.00 feet, through a central angle of 75°31'40" and being subtended by a chord which

bears North 27°23'04" West 471.55 feet;
 Thence North 24°51'06" East 220.00 feet;
 Thence 80.41 feet along the arc of a circular curve concave southwesterly, having a radius of 605.00 feet, through a central angle of 07°36'53" and being subtended by a chord which bears North 68°57'20" West 80.35 feet;
 Thence 754.61 feet along the arc of a circular curve concave northeasterly, having a radius of 455.57 feet, through a central angle of 94°54'20" and being subtended by a chord which bears North 25°18'37" West 671.25 feet;
 Thence North 07°34'46" East 62.94 feet;
 Thence South 86°33'39" East 89.92 feet;
 Thence North 12°59'12" East 61.88 feet;
 Thence North 33°25'28" East 36.18 feet;
 Thence North 23°33'09" East 47.94 feet;
 Thence North 03°55'00" West 56.03 feet;
 Thence North 07°58'14" East 35.55 feet;
 Thence North 71°48'10" East 48.67 feet;
 Thence South 89°36'00" East 23.40 feet;
 Thence 442.59 feet along the arc of a circular curve concave northeasterly, having a radius of 175.00 feet, through a central angle of 144°54'26" and being subtended by a chord which bears South 72°03'13" East 333.72 feet;
 Thence North 69°32'25" East 112.72 feet;
 Thence 186.70 feet along the arc of a circular curve concave southwesterly, having a radius of 255.00 feet, through a central angle of 41°56'56" and being subtended by a chord which bears South 21°49'21" East 182.56 feet;
 Thence South 00°50'53" East 63.27 feet;
 Thence 699.19 feet along the arc of a circular curve concave northeasterly, having a radius of 175.00 feet, through a central angle of 228°55'04" and being subtended by a chord which bears South 66°23'21" East 318.59 feet;
 Thence North 89°09'07" East 20.00 feet to the east line of the southwest 1/4 of said Section 27;
 Thence along said east line, South 00°50'53" East 908.79 feet to the southeast corner of the southwest 1/4 of said Section 27 and the Point of Beginning;

Parcel contains 50.50 acres more or less

Golf Course Tract Two
 Part of Section 34, Township 43 South, Range 26 East
 Lee County, Florida

Commencing at the northwest corner of the Northeast 1/4 of Section 34, Township 43 South, Range 26 East, Lee County, Florida; Thence along the west line of the Northeast 1/4 of said Section 34, South 00°53'29" East 551.80 feet; Thence leaving said west line, North 89°06'31"

East 58.65 feet to the Point of Beginning of the herein described parcel;

Thence 609.51 feet along the arc of a circular curve concave southwesterly, having a radius of 1555.00 feet, through a central angle of 22°27'29" and being subtended by a chord which bears South 35°58'25" East 605.62 feet;

Thence 58.10 feet along the arc of a circular curve concave northeasterly, having a radius of 1145.00 feet, through a central angle of 02°54'27" and being subtended by a chord which bears South 26°11'55" East 58.10 feet;

Thence South 79°48'53" East 97.15 feet;

Thence North 34°52'03" East 142.71 feet;

Thence North 27°46'54" East 78.57 feet;

Thence South 72°20'12" East 97.85 feet;

Thence South 81°21'35" East 48.08 feet;

Thence South 72°35'26" East 75.63 feet;

Thence South 78°47'42" East 78.27 feet;

Thence North 63°59'52" East 68.81 feet;

Thence North 31°10'35" East 51.73 feet;

Thence South 72°32'42" East 56.12 feet;

Thence South 27°41'18" East 72.76 feet;

Thence South 78°25'36" East 188.27 feet;

Thence North 45°29'27" East 102.93 feet;

Thence South 79°36'16" East 158.71 feet;

Thence South 78°42'41" East 106.81 feet;

Thence South 30°10'43" East 58.40 feet;

Thence South 50°41'57" East 55.89 feet;

Thence South 21°27'26" East 99.42 feet;

Thence South 54°45'09" East 79.82 feet;

Thence South 57°35'01" East 88.08 feet;

Thence South 63°29'11" East 83.05 feet;

Thence South 78°38'19" East 42.27 feet;

Thence North 27°00'08" East 63.08 feet;

Thence North 24°52'37" East 44.10 feet;

Thence North 31°11'48" East 96.24 feet;

Thence North 68°29'03" East 76.36 feet;

Thence North 48°17'10" East 39.56 feet;

Thence North 81°54'59" East 87.04 feet;

Thence North 89°00'49" East 63.04 feet;

Thence North 72°14'45" East 47.34 feet;

Thence North 04°24'48" West 31.62 feet;

Thence North 18°38'20" West 30.78 feet;

Thence North 55°41'40" West 57.23 feet;

Thence North 53°43'14" West 44.75 feet;

Thence North 42°48'38" West 62.45 feet;

Thence North 56°43'46" West 57.04 feet;

Thence North 17°35'18" West 62.57 feet;
Thence North 25°42'11" West 73.96 feet;
Thence North 17°43'00" West 42.37 feet;
Thence North 11°52'03" West 46.94 feet;
Thence North 19°49'24" West 49.20 feet;
Thence North 15°08'39" West 22.46 feet;
Thence North 63°33'11" West 36.95 feet;
Thence North 57°24'55" West 53.06 feet;
Thence North 36°17'16" West 42.41 feet;
Thence North 25°36'06" East 65.68 feet;
Thence North 00°47'03" West 43.10 feet;
Thence North 02°35'30" East 29.65 feet;
Thence North 02°20'36" West 52.70 feet;
Thence North 46°33'51" East 63.40 feet;
Thence North 59°50'34" East 49.23 feet;
Thence North 72°00'15" East 69.46 feet;
Thence North 61°56'47" East 26.70 feet;
Thence North 87°31'50" East 77.45 feet;
Thence South 61°34'39" East 30.74 feet;
Thence North 61°35'08" East 97.34 feet;
Thence North 12°52'13" East 6.95 feet;
Thence South 88°59'39" West 343.40 feet;
Thence 114.94 feet along the arc of a circular curve concave southerly, having a radius of 770.00 feet, through a central angle of 08°33'09" and being subtended by a chord which bears South 84°43'04" West 114.83 feet;
Thence South 09°39'15" East 69.04 feet;
Thence 689.52 feet along the arc of a circular curve concave northwesterly, having a radius of 195.00 feet, through a central angle of 202°35'57" and being subtended by a chord which bears South 55°20'24" West 382.44 feet;
Thence 395.26 feet along the arc of a circular curve concave northwesterly, having a radius of 195.00 feet, through a central angle of 116°08'13" and being subtended by a chord which bears South 66°50'56" West 330.99 feet;
Thence North 55°05'09" West 100.27 feet;
Thence 490.50 feet along the arc of a circular curve concave northerly, having a radius of 1280.13 feet, through a central angle of 21°57'13" and being subtended by a chord which bears North 83°19'42" West 487.50 feet;
Thence 121.45 feet along the arc of a circular curve concave southerly, having a radius of 530.00 feet, through a central angle of 13°07'47" and being subtended by a chord which bears North 78°54'59" West 121.19 feet;
Thence North 85°28'53" West 222.13 feet;

Thence 150.79 feet along the arc of a circular curve concave southeasterly, having a radius of 180.00 feet, through a central angle of 47°59'56" and being subtended by a chord which bears South 70°31'09" West 146.42 feet;

Thence North 43°28'38" West 140.01 feet;
Thence South 46°31'22" West 195.16 feet to the Point of the Beginning of the parcel herein described;

Parcel contains 24.12 acres more or less

Golf Course Tract Three
Part of Sections 26, 34, and 35, Township 43 South, Range 26 East
Lee County, Florida

Commencing at the northeast corner of Section 34, Township 43 South, Range 26 East, Lee County, Florida; Thence along the north line of the said Section 34, South 89°10'27" West 105.53 feet to the Point of Beginning of the herein described parcel;

Thence North 41°17'50" West 75.09 feet;
Thence North 32°13'18" West 56.83 feet;
Thence North 34°04'00" East 127.31 feet;
Thence North 62°03'43" East 284.62 feet;
Thence North 75°29'33" East 162.36 feet;
Thence North 82°49'31" East 123.79 feet;
Thence North 87°40'32" East 309.74 feet;
Thence South 90°00'00" East 189.56 feet;
Thence South 74°32'29" East 145.20 feet;
Thence South 62°27'16" East 173.43 feet;
Thence North 35°23'34" East 192.03 feet;
Thence North 88°10'31" East 336.21 feet;
Thence South 29°41'27" East 79.44 feet;
Thence 51.03 feet along the arc of a circular curve concave northeasterly, having a radius of 213.13 feet, through a central angle of 13°43'02" and being subtended by a chord which bears South 28°47'15" East 50.90 feet;
Thence 143.89 feet along the arc of a circular curve concave northeasterly, having a radius of 157.23 feet, through a central angle of 52°26'02" and being subtended by a chord which bears South 52°00'44" East 138.92 feet;
Thence 63.44 feet along the arc of a circular curve concave southwesterly, having a radius of 60.93 feet, through a central angle of 59°39'32" and being subtended by a chord which bears South 55°33'16" East 60.62 feet;
Thence 182.57 feet along the arc of a circular curve concave northeasterly, having a radius of 262.71 feet, through a central angle of 39°49'05" and being subtended by a chord which bears South 28°07'20" East 178.92 feet;
Thence 301.87 feet along the arc of a circular curve concave northwesterly, having a radius of 108.31 feet, through a central angle of 159°41'16" and being subtended by a chord which bears North 68°20'27" East 213.22 feet;

Thence 183.50 feet along the arc of a circular curve concave southwesterly, having a radius of 2318.92 feet, through a central angle of 04°32'02" and being subtended by a chord which bears North 10°30'53" West 183.45 feet;

Thence 83.65 feet along the arc of a circular curve concave southwesterly, having a radius of 203.46 feet, through a central angle of 23°33'27" and being subtended by a chord which bears North 28°18'49" West 83.07 feet;

Thence North 00°59'56" West 191.96 feet;

Thence North 89°00'04" East 512.90 feet;

Thence South 50°16'01" East 262.68 feet;

Thence South 37°00'02" East 37.77 feet;

Thence South 16°51'58" East 53.77 feet;

Thence South 26°05'51" East 56.07 feet;

Thence South 25°39'43" East 60.48 feet;

Thence South 19°53'50" East 20.86 feet;

Thence South 30°34'12" West 35.40 feet;

Thence South 08°12'25" West 39.59 feet;

Thence South 42°03'35" West 26.99 feet;

Thence South 32°36'36" West 70.49 feet;

Thence South 46°04'54" West 32.36 feet;

Thence South 28°04'43" West 38.68 feet;

Thence South 17°58'40" East 47.48 feet;

Thence South 01°56'11" East 15.85 feet;

Thence South 32°56'27" West 55.42 feet;

Thence South 55°12'05" East 65.72 feet;

Thence South 77°01'20" East 76.75 feet;

Thence South 20°53'17" East 345.84 feet;

Thence South 00°00'00" West 752.62 feet;

Thence North 70°39'50" West 164.59 feet;

Thence South 50°33'40" West 192.68 feet;

Thence South 43°15'17" West 38.39 feet;

Thence South 55°10'27" East 36.04 feet;

Thence South 34°49'33" West 120.00 feet;

Thence South 13°44'22" West 53.59 feet;

Thence South 34°49'33" West 120.00 feet;

Thence South 55°10'27" East 119.26 feet;

Thence 705.09 feet along the arc of a circular curve concave southwesterly, having a radius of 768.31 feet, through a central angle of 52°34'53" and being subtended by a chord which bears South 28°53'00" East 680.61 feet;

Thence North 87°35'47" West 174.08 feet;

Thence 414.81 feet along the arc of a circular curve concave southeasterly, having a radius of 535.00 feet, through a central angle of 44°25'26" and being subtended by a chord which bears South 70°11'30" West 404.50 feet;

Thence 337.20 feet along the arc of a circular curve concave northwesterly, having a radius of 465.00 feet, through a central angle of 41°32'55" and being subtended by a chord which

bears South 68°45'15" West 329.86 feet;
Thence South 89°31'42" West 741.13 feet;
Thence 396.93 feet along the arc of a circular curve concave northerly, having a radius of 990.00 feet, through a central angle of 22°58'20" and being subtended by a chord which bears North 78°59'08" West 394.28 feet;
Thence North 52°49'22" East 53.13 feet;
Thence North 28°12'39" East 35.95 feet;
Thence North 62°02'54" East 71.15 feet;
Thence North 27°42'22" East 44.03 feet;
Thence North 44°31'05" East 98.50 feet;
Thence North 56°09'54" East 41.84 feet;
Thence South 81°28'11" East 45.51 feet;
Thence South 45°49'23" East 73.64 feet;
Thence South 45°49'57" East 101.16 feet;
Thence North 76°31'08" East 120.19 feet;
Thence North 05°17'19" East 89.28 feet;
Thence North 27°58'33" West 64.30 feet;
Thence North 23°52'12" West 50.88 feet;
Thence North 00°46'55" West 77.66 feet;
Thence North 19°35'28" East 27.10 feet;
Thence North 35°39'14" East 70.13 feet;
Thence North 68°30'38" East 54.19 feet;
Thence South 71°43'51" East 69.15 feet;
Thence North 41°46'09" East 225.00 feet;
Thence North 88°04'29" East 86.63 feet;
Thence North 50°07'59" East 94.79 feet;
Thence North 43°01'06" East 68.80 feet;
Thence North 01°46'45" West 128.83 feet;
Thence North 29°53'23" West 106.68 feet;
Thence South 83°57'13" West 56.57 feet;
Thence North 87°48'55" West 66.24 feet;
Thence North 43°09'50" West 39.81 feet;
Thence North 36°40'02" West 34.71 feet;
Thence North 32°44'44" West 32.33 feet;
Thence North 29°36'52" West 32.77 feet;
Thence North 15°35'56" West 21.68 feet;
Thence North 34°16'35" West 130.18 feet;
Thence North 36°52'49" East 19.54 feet;
Thence North 20°22'20" East 42.33 feet;
Thence North 01°00'21" West 47.99 feet;
Thence North 22°12'04" East 26.11 feet;
Thence North 25°34'06" East 80.48 feet;
Thence North 08°09'36" East 53.81 feet;
Thence North 01°00'21" West 44.56 feet;

Thence North 14°57'08" East 42.82 feet;
 Thence North 25°34'06" East 34.70 feet;
 Thence North 44°00'19" East 43.89 feet;
 Thence North 67°57'51" East 30.88 feet;
 Thence North 80°15'05" East 29.16 feet;
 Thence North 60°55'52" East 32.87 feet;
 Thence North 01°26'15" West 8.17 feet;
 Thence South 89°41'00" West 135.78 feet;
 Thence North 14°40'38" West 66.31 feet;
 Thence North 85°54'25" West 81.18 feet;
 Thence North 69°06'42" West 196.73 feet;
 Thence 464.62 feet along the arc of a circular curve concave northeasterly, having a radius of 745.60 feet, through a central angle of 35°42'13" and being subtended by a chord which bears North 70°57'40" West 457.13 feet;
 Thence 488.89 feet along the arc of a circular curve concave southerly, having a radius of 625.95 feet, through a central angle of 44°45'00" and being subtended by a chord which bears South 88°13'27" West 476.56 feet;
 Thence South 48°11'52" West 107.90 feet;
 Thence South 26°19'38" West 48.92 feet;
 Thence South 52°58'28" West 89.76 feet;
 Thence South 74°46'00" West 59.33 feet;
 Thence South 24°27'32" West 54.85 feet;
 Thence North 79°57'06" West 27.55 feet;
 Thence North 63°15'23" West 65.53 feet;
 Thence South 53°53'33" West 99.33 feet;
 Thence North 43°32'55" West 18.87 feet;
 Thence North 01°00'48" East 64.78 feet;
 Thence North 55°20'08" West 78.45 feet;
 Thence North 64°36'53" West 134.46 feet;
 Thence North 11°21'53" West 68.79 feet;
 Thence North 02°17'33" West 90.29 feet;
 Thence North 29°42'31" West 45.50 feet;
 Thence North 06°31'09" West 47.29 feet;
 Thence North 09°33'46" East 77.29 feet;
 Thence North 38°34'31" West 32.88 feet;
 Thence 144.87 feet along the arc of a circular curve concave northwesterly, having a radius of 1530.00 feet, through a central angle of 05°25'31" and being subtended by a chord which bears North 81°35'15" East 144.82 feet;
 Thence South 11°07'31" East 120.00 feet;
 Thence 180.46 feet along the arc of a circular curve concave northwesterly, having a radius of 1650.00 feet, through a central angle of 06°15'59" and being subtended by a chord which bears North 75°44'29" East 180.37 feet;
 Thence 692.33 feet along the arc of a circular curve concave southeasterly, having a radius of 1850.00 feet, through a central angle of 21°26'31" and being subtended by a chord which

bears North 83°19'46" East 688.30 feet;
 Thence South 85°56'59" East 482.68 feet;
 Thence 436.01 feet along the arc of a circular curve concave southwesterly, having a radius of 535.62 feet, through a central angle of 46°38'25" and being subtended by a chord which bears South 62°37'47" East 424.07 feet;
 Thence South 39°18'36" East 7.29 feet;
 Thence North 50°41'24" East 120.00 feet;
 Thence South 39°18'36" East 299.15 feet;
 Thence 134.87 feet along the arc of a circular curve concave southwesterly, having a radius of 220.00 feet, through a central angle of 35°07'32" and being subtended by a chord which bears South 21°44'50" East 132.77 feet;
 Thence North 85°48'56" East 60.00 feet;
 Thence 171.66 feet along the arc of a circular curve concave southwesterly, having a radius of 280.00 feet, through a central angle of 35°07'32" and being subtended by a chord which bears North 21°44'50" West 168.98 feet;
 Thence North 39°18'36" West 306.45 feet;
 Thence 427.81 feet along the arc of a circular curve concave southwesterly, having a radius of 715.62 feet, through a central angle of 34°15'09" and being subtended by a chord which bears North 56°26'10" West 421.47 feet;
 Thence North 16°26'15" East 120.00 feet;
 Thence 180.66 feet along the arc of a circular curve concave southerly, having a radius of 835.62 feet, through a central angle of 12°23'14" and being subtended by a chord which bears North 79°45'22" West 180.31 feet;
 Thence North 85°56'59" West 482.68 feet;
 Thence 804.60 feet along the arc of a circular curve concave southeasterly, having a radius of 2150.00 feet, through a central angle of 21°26'31" and being subtended by a chord which bears South 83°19'46" West 799.92 feet;
 Thence 226.31 feet along the arc of a circular curve concave northwesterly, having a radius of 1350.00 feet, through a central angle of 09°36'17" and being subtended by a chord which bears South 77°24'38" West 226.04 feet;
 Thence North 41°17'50" West 48.25 feet to the Point of the Beginning of the parcel herein described;

Parcel contains 104.28 acres more or less.

Golf Course Tract Four
 Part of Sections 34 and 35, Township 43 South, Range 26 East
 Lee County, Florida

Beginning at the East 1/4 corner of Section 34, Township 43 South, Range 26 East, Lee County, Florida;

Thence along the east line of said Section 34, South 01°00'09" East 2286.20 feet;
 Thence leaving said east line, North 67°29'50" East 39.11 feet;
 Thence South 88°42'59" East 39.86 feet;
 Thence South 54°37'57" East 37.59 feet;
 Thence South 51°58'54" East 151.75 feet;
 Thence South 57°54'18" East 87.48 feet;
 Thence South 68°15'47" East 107.10 feet;
 Thence South 79°34'36" East 144.65 feet;
 Thence South 83°19'48" East 144.25 feet;
 Thence North 89°53'20" East 100.80 feet;
 Thence North 84°33'47" East 206.13 feet;
 Thence South 89°09'33" East 197.65 feet;
 Thence North 88°59'39" East 121.08 feet;
 Thence North 80°16'40" East 262.71 feet;
 Thence North 70°10'03" East 23.67 feet;
 Thence North 19°49'57" West 61.79 feet;
 Thence 81.25 feet along the arc of a circular curve concave easterly, having a radius of 37.28 feet, through a central angle of 124°52'29" and being subtended by a chord which bears North 03°11'00" West 66.10 feet;
 Thence 24.63 feet along the arc of a circular curve concave southeasterly, having a radius of 125.02 feet, through a central angle of 11°17'12" and being subtended by a chord which bears North 64°53'51" East 24.59 feet;
 Thence 8.79 feet along the arc of a circular curve concave northwesterly, having a radius of 13.90 feet, through a central angle of 36°13'46" and being subtended by a chord which bears North 38°28'27" East 8.65 feet;
 Thence 62.30 feet along the arc of a circular curve concave southwesterly, having a radius of 63.57 feet, through a central angle of 56°08'50" and being subtended by a chord which bears North 18°04'11" West 59.83 feet;
 Thence 121.14 feet along the arc of a circular curve concave northeasterly, having a radius of 1004.61 feet, through a central angle of 06°54'32" and being subtended by a chord which bears North 30°32'34" West 121.06 feet;
 Thence 23.79 feet along the arc of a circular curve concave southwesterly, having a radius of 22.73 feet, through a central angle of 59°57'29" and being subtended by a chord which bears North 52°04'06" West 22.72 feet;
 Thence 38.41 feet along the arc of a circular curve concave northeasterly, having a radius of 79.11 feet, through a central angle of 27°49'00" and being subtended by a chord which bears North 70°15'39" West 38.03 feet;

 Thence 94.90 feet along the arc of a circular curve concave northeasterly, having a radius of 258.56 feet, through a central angle of 21°01'45" and being subtended by a chord which bears North 46°48'29" West 94.37 feet;
 Thence 48.88 feet along the arc of a circular curve concave southeasterly, having a radius of 193.55 feet, through a central angle of 14°28'12" and being subtended by a chord which bears North 37°44'27" West 48.75 feet;

South 49°30'22" West 67.37 feet;
 Thence 111.88 feet along the arc of a circular curve concave southerly, having a radius of 90.16 feet, through a central angle of 71°05'58" and being subtended by a chord which bears North 82°02'10" West 104.84 feet;
 Thence 73.90 feet along the arc of a circular curve concave northerly, having a radius of 65.52 feet, through a central angle of 64°37'20" and being subtended by a chord which bears North 78°47'51" West 70.04 feet;
 Thence 145.40 feet along the arc of a circular curve concave southwesterly, having a radius of 157.77 feet, through a central angle of 52°48'07" and being subtended by a chord which bears North 84°42'28" West 140.31 feet;
 Thence 26.89 feet along the arc of a circular curve concave northeasterly, having a radius of 32.05 feet, through a central angle of 48°03'53" and being subtended by a chord which bears North 82°20'21" West 26.10 feet;
 Thence 56.11 feet along the arc of a circular curve concave southwesterly, having a radius of 44.90 feet, through a central angle of 71°35'59" and being subtended by a chord which bears North 70°34'17" West 52.53 feet;
 Thence 28.09 feet along the arc of a circular curve concave northeasterly, having a radius of 33.64 feet, through a central angle of 47°50'21" and being subtended by a chord which bears North 58°41'28" West 27.28 feet;
 Thence 53.35 feet along the arc of a circular curve concave southwesterly, having a radius of 46.29 feet, through a central angle of 66°01'48" and being subtended by a chord which bears North 49°35'45" West 50.44 feet;
 Thence 16.38 feet along the arc of a circular curve concave northeasterly, having a radius of 21.24 feet, through a central angle of 44°11'47" and being subtended by a chord which bears North 38°40'44" West 15.98 feet;
 Thence 129.02 feet along the arc of a circular curve concave northeasterly, having a radius of 616.79 feet, through a central angle of 11°59'05" and being subtended by a chord which bears North 54°47'05" West 128.78 feet;
 Thence 23.75 feet along the arc of a circular curve concave northeasterly, having a radius of 42.14 feet, through a central angle of 32°17'21" and being subtended by a chord which bears North 32°38'52" West 23.44 feet;
 Thence North 16°30'12" West 41.23 feet;
 Thence 143.23 feet along the arc of a circular curve concave northwesterly, having a radius of 1025.00 feet, through a central angle of 08°00'23" and being subtended by a chord which bears South 77°30'00" West 143.11 feet;
 Thence 356.74 feet along the arc of a circular curve concave southeasterly, having a radius of 250.03 feet, through a central angle of 81°44'55" and being subtended by a chord which bears South 40°37'44" West 327.24 feet;
 Thence South 00°12'27" East 538.38 feet;
 Thence 540.86 feet along the arc of a circular curve concave easterly, having a radius of 2650.00 feet, through a central angle of 11°41'38" and being subtended by a chord which bears South 06°03'15" East 539.92 feet;
 Thence 619.91 feet along the arc of a circular curve concave northwesterly, having a radius of 205.00 feet, through a central angle of 173°15'38" and being subtended by a chord which

Thence 98.45 feet along the arc of a circular curve concave northeasterly, having a radius of 289.69 feet, through a central angle of $19^{\circ}28'20''$ and being subtended by a chord which bears North $33^{\circ}50'10''$ West 97.98 feet;

Thence 37.22 feet along the arc of a circular curve concave northeasterly, having a radius of 1546.14 feet, through a central angle of $01^{\circ}22'46''$ and being subtended by a chord which bears North $11^{\circ}36'37''$ West 37.22 feet;

Thence 75.06 feet along the arc of a circular curve concave southwesterly, having a radius of 128.18 feet, through a central angle of $33^{\circ}32'59''$ and being subtended by a chord which bears North $05^{\circ}15'45''$ West 73.99 feet;

Thence 155.84 feet along the arc of a circular curve concave northeasterly, having a radius of 221.64 feet, through a central angle of $40^{\circ}17'13''$ and being subtended by a chord which bears North $19^{\circ}46'25''$ West 152.65 feet;

Thence 59.24 feet along the arc of a circular curve concave southwesterly, having a radius of 79.69 feet, through a central angle of $42^{\circ}35'25''$ and being subtended by a chord which bears North $17^{\circ}23'18''$ West 57.88 feet;

Thence 96.35 feet along the arc of a circular curve concave northeasterly, having a radius of 106.98 feet, through a central angle of $51^{\circ}36'03''$ and being subtended by a chord which bears North $24^{\circ}33'06''$ West 93.12 feet;

Thence 84.05 feet along the arc of a circular curve concave westerly, having a radius of 225.44 feet, through a central angle of $21^{\circ}21'44''$ and being subtended by a chord which bears North $00^{\circ}28'34''$ East 83.57 feet;

Thence 102.82 feet along the arc of a circular curve concave southeasterly, having a radius of 89.23 feet, through a central angle of $66^{\circ}01'15''$ and being subtended by a chord which bears North $17^{\circ}55'09''$ East 97.22 feet;

Thence 44.28 feet along the arc of a circular curve concave northwesterly, having a radius of 68.70 feet, through a central angle of $36^{\circ}55'53''$ and being subtended by a chord which bears North $32^{\circ}27'50''$ East 43.52 feet;

Thence 49.21 feet along the arc of a circular curve concave southeasterly, having a radius of 125.14 feet, through a central angle of $22^{\circ}31'56''$ and being subtended by a chord which bears North $25^{\circ}15'52''$ East 48.89 feet;

Thence 35.78 feet along the arc of a circular curve concave southeasterly, having a radius of 197.80 feet, through a central angle of $10^{\circ}21'56''$ and being subtended by a chord which bears North $33^{\circ}18'36''$ East 35.74 feet;

Thence 28.62 feet along the arc of a circular curve concave westerly, having a radius of 50.65 feet, through a central angle of $32^{\circ}22'20''$ and being subtended by a chord which bears North $06^{\circ}14'39''$ East 28.24 feet;

Thence 56.81 feet along the arc of a circular curve concave easterly, having a radius of 151.09 feet, through a central angle of $21^{\circ}32'29''$ and being subtended by a chord which bears North $10^{\circ}54'32''$ East 56.47 feet;

Thence 33.36 feet along the arc of a circular curve concave southeasterly, having a radius of 52.09 feet, through a central angle of $36^{\circ}41'27''$ and being subtended by a chord which bears North $46^{\circ}55'39''$ East 32.79 feet;

Thence 23.61 feet along the arc of a circular curve concave northwesterly, having a radius of 21.14 feet, through a central angle of $63^{\circ}58'38''$ and being subtended by a chord which bears

North 21°21'26" East 22.40 feet;

Thence 41.84 feet along the arc of a circular curve concave southeasterly, having a radius of 41.57 feet, through a central angle of 57°40'29" and being subtended by a chord which bears North 18°12'21" East 40.10 feet;

Thence 24.11 feet along the arc of a circular curve concave northwesterly, having a radius of 71.49 feet, through a central angle of 19°19'27" and being subtended by a chord which bears North 40°00'25" East 24.00 feet;

Thence 20.36 feet along the arc of a circular curve concave southeasterly, having a radius of 2204.11 feet, through a central angle of 00°31'45" and being subtended by a chord which bears North 11°54'27" East 20.36 feet;

Thence 32.74 feet along the arc of a circular curve concave westerly, having a radius of 66.05 feet, through a central angle of 28°24'10" and being subtended by a chord which bears North 01°05'23" East 32.41 feet;

Thence 46.39 feet along the arc of a circular curve concave easterly, having a radius of 51.35 feet, through a central angle of 51°45'35" and being subtended by a chord which bears North 05°24'22" West 44.83 feet;

Thence 27.56 feet along the arc of a circular curve concave northwesterly, having a radius of 122.50 feet, through a central angle of 12°53'19" and being subtended by a chord which bears North 21°34'22" East 27.50 feet;

Thence 21.38 feet along the arc of a circular curve concave northwesterly, having a radius of 49.93 feet, through a central angle of 24°32'19" and being subtended by a chord which bears North 01°10'42" East 21.22 feet;

Thence 89.83 feet along the arc of a circular curve concave southeasterly, having a radius of 45.00 feet, through a central angle of 114°22'47" and being subtended by a chord which bears North 46°05'56" East 75.64 feet;

Thence South 76°42'41" East 117.02 feet;

Thence 24.12 feet along the arc of a circular curve concave southwesterly, having a radius of 45.00 feet, through a central angle of 30°42'43" and being subtended by a chord which bears South 61°21'19" East 23.83 feet;

Thence 35.32 feet along the arc of a circular curve concave northeasterly, having a radius of 187.44 feet, through a central angle of 10°47'52" and being subtended by a chord which bears South 51°23'54" East 35.27 feet;

Thence 77.51 feet along the arc of a circular curve concave southwesterly, having a radius of 109.82 feet, through a central angle of 40°26'20" and being subtended by a chord which bears South 36°34'40" East 75.91 feet;

Thence 2.82 feet along the arc of a circular curve concave northeasterly, having a radius of 2.82 feet, through a central angle of 57°18'48" and being subtended by a chord which bears South 45°00'54" East 2.71 feet;

Thence 43.16 feet along the arc of a circular curve concave northeasterly, having a radius of 53.97 feet, through a central angle of 45°49'27" and being subtended by a chord which bears South 50°45'34" East 42.02 feet;

Thence 8.08 feet along the arc of a circular curve concave northeasterly, having a radius of 13.69 feet, through a central angle of 33°49'00" and being subtended by a chord which bears South 32°28'16" East 7.96 feet;

Thence 9.71 feet along the arc of a circular curve concave northeasterly, having a radius of 28.95 feet, through a central angle of $19^{\circ}12'49''$ and being subtended by a chord which bears South $58^{\circ}47'41''$ East 9.66 feet;

Thence 43.06 feet along the arc of a circular curve concave northeasterly, having a radius of 158.87 feet, through a central angle of $15^{\circ}31'46''$ and being subtended by a chord which bears South $70^{\circ}39'21''$ East 42.93 feet;

Thence 55.93 feet along the arc of a circular curve concave southwesterly, having a radius of 62.55 feet, through a central angle of $51^{\circ}13'59''$ and being subtended by a chord which bears South $62^{\circ}49'55''$ East 54.09 feet;

Thence 89.05 feet along the arc of a circular curve concave southwesterly, having a radius of 1038.96 feet, through a central angle of $04^{\circ}54'39''$ and being subtended by a chord which bears South $73^{\circ}10'25''$ East 89.02 feet;

Thence 23.80 feet along the arc of a circular curve concave northerly, having a radius of 25.53 feet, through a central angle of $53^{\circ}24'55''$ and being subtended by a chord which bears North $82^{\circ}34'27''$ East 22.95 feet;

Thence 50.86 feet along the arc of a circular curve concave southeasterly, having a radius of 257.58 feet, through a central angle of $11^{\circ}18'48''$ and being subtended by a chord which bears North $61^{\circ}31'24''$ East 50.78 feet;

Thence 3.77 feet along the arc of a circular curve concave northwesterly, having a radius of 4.62 feet, through a central angle of $46^{\circ}45'38''$ and being subtended by a chord which bears North $43^{\circ}47'59''$ East 3.67 feet;

Thence 30.85 feet along the arc of a circular curve concave southeasterly, having a radius of 49.16 feet, through a central angle of $35^{\circ}56'59''$ and being subtended by a chord which bears North $38^{\circ}23'40''$ East 30.34 feet;

Thence 51.73 feet along the arc of a circular curve concave southeasterly, having a radius of 90.43 feet, through a central angle of $32^{\circ}46'41''$ and being subtended by a chord which bears North $72^{\circ}45'30''$ East 51.03 feet;

Thence North $89^{\circ}08'50''$ East 90.34 feet;

Thence North $00^{\circ}51'03''$ West 143.91 feet;

Thence 356.79 feet along the arc of a circular curve concave southeasterly, having a radius of 675.00 feet, through a central angle of $30^{\circ}17'07''$ and being subtended by a chord which bears North $14^{\circ}17'24''$ East 352.65 feet;

Thence 228.48 feet along the arc of a circular curve concave northwesterly, having a radius of 325.00 feet, through a central angle of $40^{\circ}16'47''$ and being subtended by a chord which bears North $09^{\circ}17'34''$ East 223.80 feet;

Thence North $10^{\circ}50'50''$ West 342.62 feet;

Thence 79.04 feet along the arc of a circular curve concave southwesterly, having a radius of 249.48 feet, through a central angle of $18^{\circ}09'05''$ and being subtended by a chord which bears North $19^{\circ}18'46''$ West 78.71 feet;

Thence 61.88 feet along the arc of a circular curve concave northerly, having a radius of 535.00 feet, through a central angle of $06^{\circ}37'36''$ and being subtended by a chord which bears South $86^{\circ}12'54''$ West 61.84 feet;

Thence South $89^{\circ}31'42''$ West 216.91 feet;

Thence South $00^{\circ}28'18''$ East 75.99 feet;

Thence 47.65 feet along the arc of a circular curve concave northwesterly, having a radius of 57.38 feet, through a central angle of $47^{\circ}34'46''$ and being subtended by a chord which bears South $23^{\circ}19'05''$ West 46.29 feet;

Thence 31.53 feet along the arc of a circular curve concave southeasterly, having a radius of 46.23 feet, through a central angle of $39^{\circ}04'51''$ and being subtended by a chord which bears South $26^{\circ}59'38''$ West 30.93 feet;

Thence 56.39 feet along the arc of a circular curve concave northwesterly, having a radius of 128.77 feet, through a central angle of $25^{\circ}05'26''$ and being subtended by a chord which bears South $19^{\circ}59'55''$ West 55.94 feet;

Thence 57.45 feet along the arc of a circular curve concave easterly, having a radius of 59.81 feet, through a central angle of $55^{\circ}02'03''$ and being subtended by a chord which bears South $05^{\circ}01'36''$ West 55.27 feet;

Thence 49.12 feet along the arc of a circular curve concave northeasterly, having a radius of 44.32 feet, through a central angle of $63^{\circ}30'20''$ and being subtended by a chord which bears South $54^{\circ}14'35''$ East 46.65 feet;

Thence 79.01 feet along the arc of a circular curve concave southwesterly, having a radius of 136.20 feet, through a central angle of $33^{\circ}14'19''$ and being subtended by a chord which bears South $69^{\circ}22'35''$ East 77.91 feet;

Thence 44.72 feet along the arc of a circular curve concave southwesterly, having a radius of 77.60 feet, through a central angle of $33^{\circ}01'04''$ and being subtended by a chord which bears South $36^{\circ}14'54''$ East 44.10 feet;

Thence 175.97 feet along the arc of a circular curve concave westerly, having a radius of 147.84 feet, through a central angle of $68^{\circ}11'54''$ and being subtended by a chord which bears South $14^{\circ}21'35''$ West 165.77 feet;

Thence 65.24 feet along the arc of a circular curve concave easterly, having a radius of 35.49 feet, through a central angle of $105^{\circ}19'19''$ and being subtended by a chord which bears South $04^{\circ}12'08''$ East 56.43 feet;

Thence 85.86 feet along the arc of a circular curve concave southwesterly, having a radius of 57.15 feet, through a central angle of $86^{\circ}04'53''$ and being subtended by a chord which bears South $13^{\circ}49'20''$ East 78.02 feet;

Thence 52.43 feet along the arc of a circular curve concave southeasterly, having a radius of 363.22 feet, through a central angle of $08^{\circ}16'12''$ and being subtended by a chord which bears South $25^{\circ}05'00''$ West 52.38 feet;

Thence 20.07 feet along the arc of a circular curve concave northwesterly, having a radius of 40.81 feet, through a central angle of $28^{\circ}10'59''$ and being subtended by a chord which bears South $06^{\circ}51'24''$ West 19.87 feet;

Thence 79.09 feet along the arc of a circular curve concave southeasterly, having a radius of 63.17 feet, through a central angle of $71^{\circ}43'52''$ and being subtended by a chord which bears South $28^{\circ}37'51''$ West 74.02 feet;

Thence 26.19 feet along the arc of a circular curve concave northwesterly, having a radius of 53.79 feet, through a central angle of $27^{\circ}53'53''$ and being subtended by a chord which bears South $50^{\circ}32'50''$ West 25.93 feet;

Thence 67.94 feet along the arc of a circular curve concave northerly, having a radius of 150.79 feet, through a central angle of $25^{\circ}48'57''$ and being subtended by a chord which bears

bears South 42°12'19" West 409.29 feet;
Thence South 38°51'47" West 60.93 feet;
Thence 69.84 feet along the arc of a circular curve concave northerly, having a radius of 44.62 feet, through a central angle of 89°40'54" and being subtended by a chord which bears South 83°42'14" West 62.93 feet;
Thence 306.87 feet along the arc of a circular curve concave northeasterly, having a radius of 597.99 feet, through a central angle of 29°24'09" and being subtended by a chord which bears North 36°45'15" West 303.52 feet;
Thence 111.68 feet along the arc of a circular curve concave southwesterly, having a radius of 364.59 feet, through a central angle of 17°33'01" and being subtended by a chord which bears North 30°49'41" West 111.24 feet;
Thence 73.09 feet along the arc of a circular curve concave northeasterly, having a radius of 145.59 feet, through a central angle of 28°45'55" and being subtended by a chord which bears North 25°13'14" West 72.33 feet;
Thence 145.11 feet along the arc of a circular curve concave easterly, having a radius of 169.42 feet, through a central angle of 49°04'28" and being subtended by a chord which bears North 13°41'58" East 140.72 feet;
Thence 93.71 feet along the arc of a circular curve concave westerly, having a radius of 101.38 feet, through a central angle of 52°57'47" and being subtended by a chord which bears North 11°45'18" East 90.41 feet;
Thence 83.75 feet along the arc of a circular curve concave southwesterly, having a radius of 727.29 feet, through a central angle of 06°35'53" and being subtended by a chord which bears North 17°41'19" West 83.71 feet;
Thence 38.95 feet along the arc of a circular curve concave southeasterly, having a radius of 32.60 feet, through a central angle of 68°27'05" and being subtended by a chord which bears North 13°34'29" East 36.67 feet;
Thence 48.99 feet along the arc of a circular curve concave northwesterly, having a radius of 64.70 feet, through a central angle of 43°22'50" and being subtended by a chord which bears North 26°06'37" East 47.82 feet;
Thence 91.89 feet along the arc of a circular curve concave westerly, having a radius of 280.98 feet, through a central angle of 18°44'17" and being subtended by a chord which bears North 04°56'56" West 91.48 feet;
Thence 68.12 feet along the arc of a circular curve concave southeasterly, having a radius of 143.78 feet, through a central angle of 27°08'46" and being subtended by a chord which bears North 00°44'42" West 67.49 feet;
Thence 131.42 feet along the arc of a circular curve concave southeasterly, having a radius of 12957.91 feet, through a central angle of 00°34'52" and being subtended by a chord which bears North 13°07'07" East 131.38 feet;
Thence 45.37 feet along the arc of a circular curve concave westerly, having a radius of 135.03 feet, through a central angle of 19°15'06" and being subtended by a chord which bears North 03°47'00" East 45.16 feet;
Thence North 29°15'42" West 131.52;
Thence 53.66 feet along the arc of a circular curve concave northeasterly, having a radius of 287.19 feet, through a central angle of 10°42'22" and being subtended by a chord which bears

North 30°05'04" West 53.59 feet;

Thence 65.80 feet along the arc of a circular curve concave easterly, having a radius of 110.05 feet, through a central angle of 34°15'37" and being subtended by a chord which bears North 07°36'04" West 64.83 feet;

Thence 90.89 feet along the arc of a circular curve concave southeasterly, having a radius of 169.60 feet, through a central angle of 30°42'16" and being subtended by a chord which bears North 24°52'52" East 89.80 feet;

Thence 109.55 feet along the arc of a circular curve concave northwesterly, having a radius of 188.21 feet, through a central angle of 33°20'56" and being subtended by a chord which bears North 23°33'32" East 108.00 feet;

Thence 12.95 feet along the arc of a circular curve concave easterly, having a radius of 227.70 feet, through a central angle of 03°15'35" and being subtended by a chord which bears North 02°47'50" East 12.95 feet;

Thence 15.75 feet along the arc of a circular curve concave easterly, having a radius of 123.26 feet, through a central angle of 07°19'24" and being subtended by a chord which bears North 00°48'06" East 15.74 feet;

Thence 86.42 feet along the arc of a circular curve concave westerly, having a radius of 229.95 feet, through a central angle of 21°31'59" and being subtended by a chord which bears North 08°17'59" West 85.91 feet;

Thence 34.59 feet along the arc of a circular curve concave southwesterly, having a radius of 60.16 feet, through a central angle of 32°56'29" and being subtended by a chord which bears North 36°32'56" West 34.11 feet;

Thence 14.44 feet along the arc of a circular curve concave southwesterly, having a radius of 29.61 feet, through a central angle of 27°56'34" and being subtended by a chord which bears North 66°59'27" West 14.30 feet;

Thence 46.06 feet along the arc of a circular curve concave southwesterly, having a radius of 60.73 feet, through a central angle of 43°27'08" and being subtended by a chord which bears North 59°14'10" West 44.96 feet;

Thence 74.67 feet along the arc of a circular curve concave southwesterly, having a radius of 203.26 feet, through a central angle of 21°02'51" and being subtended by a chord which bears North 48°02'01" West 74.25 feet;

Thence 40.41 feet along the arc of a circular curve concave northeasterly, having a radius of 160.89 feet, through a central angle of 14°23'25" and being subtended by a chord which bears North 51°21'44" West 40.30 feet;

Thence 32.51 feet along the arc of a circular curve concave northeasterly, having a radius of 207.87 feet, through a central angle of 08°57'35" and being subtended by a chord which bears North 39°41'14" West 32.47 feet;

Thence 57.24 feet along the arc of a circular curve concave easterly, having a radius of 56.62 feet, through a central angle of 57°55'19" and being subtended by a chord which bears North 06°14'47" West 54.84 feet;

Thence 65.36 feet along the arc of a circular curve concave westerly, having a radius of 81.41 feet, through a central angle of 45°59'48" and being subtended by a chord which bears North 00°17'02" West 63.62 feet;

Thence 39.44 feet along the arc of a circular curve concave southwesterly, having a radius of

955.63 feet, through a central angle of $02^{\circ}21'52''$ and being subtended by a chord which bears North $31^{\circ}25'37''$ West 39.44 feet;

Thence 23.97 feet along the arc of a circular curve concave northeasterly, having a radius of 44.72 feet, through a central angle of $30^{\circ}42'53''$ and being subtended by a chord which bears North $17^{\circ}15'07''$ West 23.69 feet;

Thence 31.91 feet along the arc of a circular curve concave easterly, having a radius of 131.70 feet, through a central angle of $13^{\circ}52'55''$ and being subtended by a chord which bears North $05^{\circ}02'47''$ East 31.83 feet;

Thence 16.50 feet along the arc of a circular curve concave northeasterly, having a radius of 649.31 feet, through a central angle of $01^{\circ}27'20''$ and being subtended by a chord which bears North $42^{\circ}36'21''$ West 16.49 feet;

Thence 91.14 feet along the arc of a circular curve concave easterly, having a radius of 66.81 feet, through a central angle of $79^{\circ}00'56''$ and being subtended by a chord which bears North $03^{\circ}49'33''$ West 85.00 feet;

Thence 90.39 feet along the arc of a circular curve concave westerly, having a radius of 91.91 feet, through a central angle of $56^{\circ}20'54''$ and being subtended by a chord which bears North $07^{\circ}30'28''$ East 86.79 feet;

Thence 33.33 feet along the arc of a circular curve concave easterly, having a radius of 33.78 feet, through a central angle of $56^{\circ}32'06''$ and being subtended by a chord which bears North $07^{\circ}36'04''$ East 31.99 feet;

Thence 3.32 feet along the arc of a circular curve concave westerly, having a radius of 2.80 feet, through a central angle of $67^{\circ}51'05''$ and being subtended by a chord which bears North $01^{\circ}56'35''$ East 3.13 feet;

Thence 31.92 feet along the arc of a circular curve concave southeasterly, having a radius of 25.54 feet, through a central angle of $71^{\circ}35'52''$ and being subtended by a chord which bears North $03^{\circ}48'58''$ East 29.88 feet;

Thence 37.36 feet along the arc of a circular curve concave southeasterly, having a radius of 76.75 feet, through a central angle of $27^{\circ}53'18''$ and being subtended by a chord which bears North $53^{\circ}33'33''$ East 36.99 feet;

Thence 34.95 feet along the arc of a circular curve concave southeasterly, having a radius of 85.10 feet, through a central angle of $23^{\circ}31'55''$ and being subtended by a chord which bears North $30^{\circ}55'37''$ East 34.71 feet;

Thence 84.02 feet along the arc of a circular curve concave southerly, having a radius of 49.71 feet, through a central angle of $96^{\circ}50'22''$ and being subtended by a chord which bears South $88^{\circ}53'14''$ East 74.37 feet;

Thence 23.03 feet along the arc of a circular curve concave northeasterly, having a radius of 271.15 feet, through a central angle of $04^{\circ}51'59''$ and being subtended by a chord which bears South $42^{\circ}54'02''$ East 23.02 feet;

Thence 10.78 feet along the arc of a circular curve concave northerly, having a radius of 9.09 feet, through a central angle of $67^{\circ}55'19''$ and being subtended by a chord which bears South $79^{\circ}17'41''$ East 10.15 feet;

Thence 39.35 feet along the arc of a circular curve concave southerly, having a radius of 60.95 feet, through a central angle of $36^{\circ}59'11''$ and being subtended by a chord which bears North

85°14'14" East 38.67 feet;

Thence 23.93 feet along the arc of a circular curve concave northerly, having a radius of 149.88 feet, through a central angle of 09°08'56" and being subtended by a chord which bears South 80°50'38" East 23.91 feet;

Thence 10.58 feet along the arc of a circular curve concave northwesterly, having a radius of 12.12 feet, through a central angle of 50°01'53" and being subtended by a chord which bears North 69°33'57" East 10.25 feet;

Thence 15.48 feet along the arc of a circular curve concave southeasterly, having a radius of 61.75 feet, through a central angle of 14°22'00" and being subtended by a chord which bears North 51°44'01" East 15.44 feet;

Thence 56.97 feet along the arc of a circular curve concave southeasterly, having a radius of 101.20 feet, through a central angle of 32°15'10" and being subtended by a chord which bears North 75°02'36" East 56.22 feet;

Thence 89.32 feet along the arc of a circular curve concave northwesterly, having a radius of 286.98 feet, through a central angle of 17°49'59" and being subtended by a chord which bears North 82°15'11" East 88.96 feet;

Thence 7.05 feet along the arc of a circular curve concave northwesterly, having a radius of 28.23 feet, through a central angle of 14°18'26" and being subtended by a chord which bears North 66°10'59" East 7.03 feet;

Thence 42.45 feet along the arc of a circular curve concave southeasterly, having a radius of 51.02 feet, through a central angle of 47°40'19" and being subtended by a chord which bears North 82°51'56" East 41.24 feet;

Thence 26.57 feet along the arc of a circular curve concave southerly, having a radius of 1443.79 feet, through a central angle of 01°03'16" and being subtended by a chord which bears South 72°46'17" East 26.57 feet;

Thence 53.05 feet along the arc of a circular curve concave northerly, having a radius of 60.77 feet, through a central angle of 50°01'03" and being subtended by a chord which bears North 82°44'49" East 51.38 feet;

Thence 63.92 feet along the arc of a circular curve concave southerly, having a radius of 52.58 feet, through a central angle of 69°39'16" and being subtended by a chord which bears South 87°26'04" East 60.06 feet;

Thence 47.47 feet along the arc of a circular curve concave southerly, having a radius of 234.91 feet, through a central angle of 11°34'45" and being subtended by a chord which bears South 81°02'00" East 47.39 feet;

Thence 11.44 feet along the arc of a circular curve concave northerly, having a radius of 24.16 feet, through a central angle of 27°07'51" and being subtended by a chord which bears South 88°48'33" East 11.33 feet;

Thence 43.65 feet along the arc of a circular curve concave southeasterly, having a radius of 122.86 feet, through a central angle of 20°21'30" and being subtended by a chord which bears North 87°48'17" East 43.43 feet;

Thence 19.94 feet along the arc of a circular curve concave southeasterly, having a radius of 40.88 feet, through a central angle of 27°57'07" and being subtended by a chord which bears North 74°44'35" East 19.75 feet;

Thence 71.55 feet along the arc of a circular curve concave southwesterly, having a radius of

133.06 feet, through a central angle of $30^{\circ}48'39''$ and being subtended by a chord which bears South $75^{\circ}52'32''$ East 70.69 feet;
 Thence 35.61 feet along the arc of a circular curve concave southwesterly, having a radius of 34.50 feet, through a central angle of $59^{\circ}08'02''$ and being subtended by a chord which bears South $30^{\circ}54'12''$ East 34.05 feet;
 Thence 27.61 feet along the arc of a circular curve concave northeasterly, having a radius of 331.89 feet, through a central angle of $04^{\circ}45'58''$ and being subtended by a chord which bears South $44^{\circ}07'16''$ East 27.60 feet;
 Thence 43.80 feet along the arc of a circular curve concave southwesterly, having a radius of 279.13 feet, through a central angle of $08^{\circ}59'26''$ and being subtended by a chord which bears South $42^{\circ}00'32''$ East 43.75 feet;
 Thence 36.25 feet along the arc of a circular curve concave northwesterly, having a radius of 38.49 feet, through a central angle of $53^{\circ}57'26''$ and being subtended by a chord which bears South $64^{\circ}29'32''$ East 34.92 feet;
 Thence 15.63 feet along the arc of a circular curve concave southwesterly, having a radius of 42.90 feet, through a central angle of $20^{\circ}52'39''$ and being subtended by a chord which bears South $81^{\circ}01'55''$ East 15.55 feet;
 Thence 41.89 feet along the arc of a circular curve concave northeasterly, having a radius of 330.99 feet, through a central angle of $07^{\circ}15'05''$ and being subtended by a chord which bears South $74^{\circ}13'08''$ East 41.86 feet;
 Thence 54.22 feet along the arc of a circular curve concave northwesterly, having a radius of 62.47 feet, through a central angle of $49^{\circ}43'56''$ and being subtended by a chord which bears North $77^{\circ}17'21''$ East 52.54 feet;
 Thence 37.94 feet along the arc of a circular curve concave southeasterly, having a radius of 47.32 feet, through a central angle of $45^{\circ}56'04''$ and being subtended by a chord which bears North $75^{\circ}23'25''$ East 36.93 feet;
 Thence 22.89 feet along the arc of a circular curve concave southerly, having a radius of 130.58 feet, through a central angle of $10^{\circ}02'42''$ and being subtended by a chord which bears South $76^{\circ}37'12''$ East 22.86 feet;
 Thence 45.24 feet along the arc of a circular curve concave northeasterly, having a radius of 102.47 feet, through a central angle of $25^{\circ}17'53''$ and being subtended by a chord which bears South $84^{\circ}14'48''$ East 44.88 feet;
 Thence 21.02 feet along the arc of a circular curve concave northwesterly, having a radius of 22.65 feet, through a central angle of $53^{\circ}10'27''$ and being subtended by a chord which bears North $56^{\circ}31'03''$ East 20.27 feet;
 Thence 90.57 feet along the arc of a circular curve concave southeasterly, having a radius of 93.85 feet, through a central angle of $55^{\circ}17'36''$ and being subtended by a chord which bears North $57^{\circ}34'37''$ East 87.10 feet;
 Thence 10.33 feet along the arc of a circular curve concave southeasterly, having a radius of 70.05 feet, through a central angle of $08^{\circ}26'43''$ and being subtended by a chord which bears North $89^{\circ}26'47''$ East 10.32 feet;
 Thence North $03^{\circ}40'08''$ East 20.47 feet;
 Thence 659.46 feet along the arc of a circular curve concave northeasterly, having a radius of 1060.00 feet, through a central angle of $35^{\circ}38'43''$ and being subtended by a chord which

bears North $68^{\circ}30'26''$ West 648.87 feet;

Thence 305.26 feet along the arc of a circular curve concave southwesterly, having a radius of 1265.00 feet, through a central angle of $13^{\circ}49'35''$ and being subtended by a chord which bears North $57^{\circ}35'52''$ West 304.53 feet;

Thence 538.40 feet along the arc of a circular curve concave southwesterly, having a radius of 965.00 feet, through a central angle of $31^{\circ}58'01''$ and being subtended by a chord which bears North $80^{\circ}55'53''$ West 531.44 feet;

Thence South $00^{\circ}44'10''$ East 568.41 feet to the east-west 1/4 line of said Section 34;

Thence along said 1/4 section line, North $89^{\circ}15'50''$ East 111.68 feet to the east 1/4 corner of said Section 34 and the Point of Beginning;

Parcel contains 59.71 acres more or less.

EXHIBIT "B"

LEGAL DESCRIPTION OF LAND BENEFITTED BY INGRESS AND EGRESS EASEMENT

PARCEL NO. 5: THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 25 LYING SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD AIRLINE RAILROAD COMPANY RIGHT-OF-WAY.

THAT PORTION OF PARCEL NO. 20: *(DESCRIBED AS THE N-1/2 AND THE SW-1/4 AND THE S-1/2, OF THE SW-1/4, OF THE SE-1/4, IN SECTION 35)* LYING EAST OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 35, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 89°14'23" EAST, ALONG THE NORTH LINE OF SAID SECTION 35, 128.86 FEET, TO THE POINT OF BEGINNING OF THE LINE HEREIN DESCRIBED;

THENCE SOUTH 28°04'43" WEST, 12.89 FEET;
 THENCE SOUTH 17°58'40" EAST, 47.48 FEET;
 THENCE SOUTH 01°56'11" EAST, 15.85 FEET;
 THENCE SOUTH 32°56'27" WEST, 55.42 FEET;
 THENCE SOUTH 55°12'05" EAST, 65.72 FEET;
 THENCE SOUTH 77°01'20" EAST, 76.75 FEET;
 THENCE SOUTH 20°53'17" EAST, 345.84 FEET;
 THENCE SOUTH, 752.62 FEET;
 THENCE SOUTH 52°48'33" EAST, 965.67 FEET;
 THENCE SOUTH 41°37'36" EAST, 208.06 FEET, TO A NON-TANGENT INTERSECTION WITH A CURVE;
 THENCE SOUTHWESTERLY ALONG SAID CURVE, BEING CONCAVE TO THE SOUTHEAST, AND HAVING A CENTRAL ANGLE OF 11°31'53", A RADIUS OF 1117.39 FEET, A CHORD BEARING SOUTH 42°36'27" WEST, FOR 224.51 FEET, ALONG AN ARC LENGTH OF 224.89 FEET;
 THENCE SOUTH 53°09'30" EAST, 289.97 FEET;
 THENCE SOUTH 00°53'29" EAST, 294.81 FEET, TO THE NORTH LINE OF THE NORTHEAST CORNER OF SAID SECTION 35, AND THE END OF SAID LINE.

PARCEL NO. 21: ALL OF SECTION 36.

GOLF TRACTS 1, 2, 3 AND 4 AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED TO THIS DEED.



INSTR # 5860946
Official Records BK 03965 PG 1821
RECORDED 06/20/2003 11:08:34 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 0.70
DEPUTY CLERK A Janke

Prepared By and Return to:
Harold G. Melville, Esquire
MELVILLE & SOWERBY, P.L.
2940 South 25th Street
Fort Pierce, Florida 34981
Courthouse Box #63

PARCEL I.D. NO. Multiple

[Space Above This Line For Recording Data]

QUITCLAIM DEED

THIS INDENTURE made and executed this 16th day of June, 2003, by and between William Schulman, individually and as Trustee, (hereinafter "Grantor"), and FC Hawks Haven, Inc., a Florida corporation, whose post office address is 730 Terminal Tower, 50 Public Square, Cleveland, Ohio 44113-2267 of the County of Cuyahoga, State of Ohio, (hereinafter "Grantee").

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to wit:

PARCEL NO. 22: NORTH 50 FEET OF RAILROAD RIGHT-OF-WAY
FROM WEST LINE OF SECTION 27 TO CENTER LINE OF SECTION
27.

PARCEL NO. 24: THAT PORTION OF THE ABANDONED
SEABOARD AIR LINE RAILROAD COMPANY RIGHT-OF-WAY
BETWEEN FORT MYERS AND ALVA, FLORIDA, LYING AND
BEING IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 26 EAST;
AND THE SOUTHERLY 50 FEET OF SAID RIGHT-OF-WAY LYING
IN SECTIONS 26 AND 27, TOWNSHIP 43 SOUTH, RANGE 26 EAST.

TOGETHER WITH THAT CERTAIN EASEMENT FOR INGRESS
AND EGRESS CREATED BY GRANT AND WARRANTY DEED
RECORDED IN DEED BOOK 263 AT PAGE 186 OF THE PUBLIC
RECORDS OF LEE COUNTY, FLORIDA.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantor, either in law or equity, for the use, benefit and profit of the said grantee forever.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

Wona Kodym
Print Name: WONA Kodym

Denise M. Cuddy
Print Name: Denise M. Cuddy

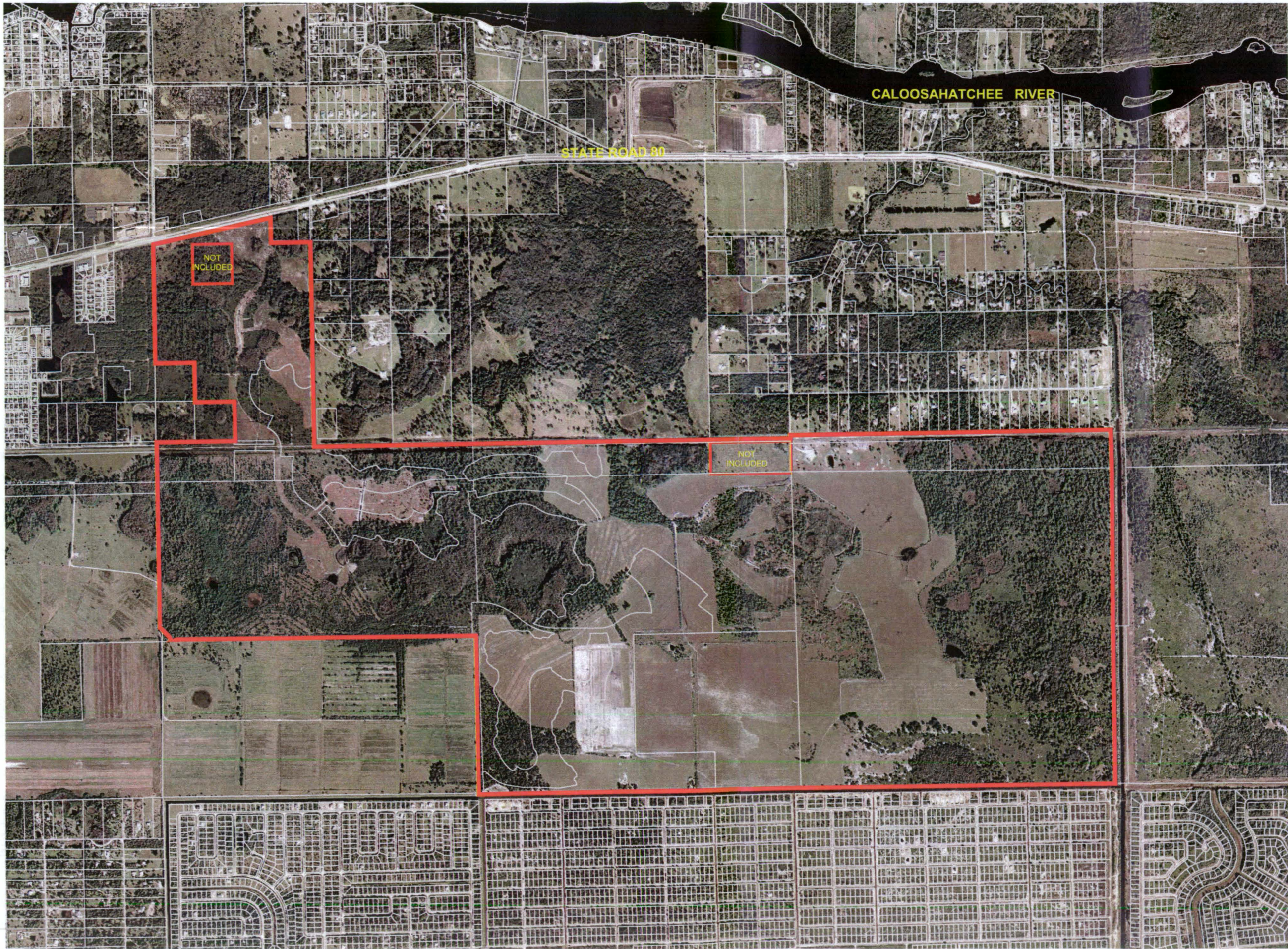
William Schulman
WILLIAM SCHULMAN, individually and as Trustee
450 Seventh Avenue, Suite 1408
New York, NY 10123-0010

STATE OF NEW YORK
COUNTY OF SUFFOLK

The foregoing instrument was acknowledged before me, this 16th day of June, 2003, by
WILLIAM SCHULMAN, individually and as Trustee, who is personally known to me.

Patricia A. Clark
Notary Public, State of New York at Large
My Commission Expires:

PATRICIA A. CLARK
Notary Public, State of New York
No. 6711005
Qualified in Suffolk County
Commission Expires September 30, 2006



**AERIAL PHOTOGRAPH
HAWK'S HAVEN
LEE COUNTY, FLORIDA**

EXHIBIT



EXHIBIT B.2(a)

Sanitary Sewer Analysis

The project is located within the East Lee County Sewer District, but the City of Fort Myers Raleigh Street Waste Water Treatment Plant provides sewer service via an inter-local agreement. The estimated average daily production of wastewater is 627,000 gpd. The current plant capacity is 11.0 MGD with a 3 month average of 9.14 MGD. Therefore, the capacity exists within the existing system for the project. The project will require construction of a 14" force main along SR 80 from the project entrance to the intersection of Buckingham Road, which is approximately 4,300'.

EXHIBIT B.2.(b)

Potable Water

The project is located within the Lee County Utilities Sewer Service area with the daily consumption of potable water estimated to be 627,000 gallons per day (gpd). The project will require a jack and bore under SR 80 at the project entrance to connect to the existing 24" ductile iron water main located on the north side of SR 80 for potable water service. This line is anticipated to have adequate capacity and pressure to serve the project and is currently supplied potable water by the Olga water plant. While the plant is nearing capacity a new North Fort Myers water plant is anticipated to be online within the next year. This plant will be interconnected with the Olga plant and will have adequate capacity to serve the project.

EXHIBIT B.2(c)

SURFACE WATER MANAGEMENT PLAN

The Hawk's Haven project will be developed in accordance with South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) No. 36-04006-P. This permit will be modified to incorporate any changes in the Hawk's Haven Development Plan including the introduction of the parcels that are the subject of this amendment.

EXHIBIT B.2.(d)

Parks, Recreation, and Open Space

Community Parks. Hawk's Haven is located in Community Park Impact Fee District #3, East Fort Myers. The minimum regulatory standard for Community Parks in Lee County is 0.8 acres per one thousand population, and the desired level of service standard is 2 acres per thousand population. As of the last Concurrency Report (09/04), there were 147 acres of developed Community Park land in District #3, with 36 more acres planned with the Veterans Park expansion in Lehigh Acres. The regulatory standard in District #3 in 2004 based on the existing population was 55 acres, and the desired level was 137 acres. The increase in potential units on the site is approximately 2,000 residents which would translate into an additional regulatory requirement of 1.6 acres of Community Park, or a desired level of 4 acres. Hawk's Haven will be paying Community Park impact fees in addition to having extensive on-site recreational amenities.

Regional Parks. The standard for regional parks is applied County wide and is 7 acres per thousand population for the regulatory standard, and 8 acres per thousand for the desired level of service. According to the last Concurrency Report, the County had 5,857 acres of existing park and another 890 acres of potential additions. With a County population right at 500,000, the regulatory standard for regional parks would be 3,500 acres and the desired level standard would be 4,000 acres. It would appear that the current inventory of regional parks is adequate to provide the desired level of service for over 730,000 residents. The additional 2,000 residents from the proposed density increase would generate a need for 14 acres at the regulatory standard and 16 acres at the desired level standard.



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

RECEIVED

Knott, Consoer, Ebelini
Hart & Swett, P.A.

JEANNE S. DOZIER
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VICE CHAIRMAN • DISTRICT 5

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JANE E. KUCKEL, PH.D.
DISTRICT 3

STEVEN K. TEUBER
DISTRICT 4

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

February 17, 2004

AM FEB 19 2004 PM
7 8 9 10 11 12 1 2 3 4 5 6

Mr. Michael E. Roeder, AICP
Director of Zoning and Land Use Planning
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street, 3rd Floor
Fort Myers, FL 33901

Re: Hawk's Haven – Lee Plan Amendment
Request for Service Availability Letter

Dear Mr. Roeder:

I've reviewed your letter dated February 11, 2004, regarding your request for a letter of service availability from the School District of Lee County.

Using a student generation rate of 0.352 students per single family unit, an increase of 1,430 units may generate up to 503 students. At 22 students per classroom, this means approximately 23 new classrooms will be needed to accommodate these students, as well as additional staff and core facilities.

As you may know, the District is currently negotiating with the developer of Hawk's Haven for the purchase of 20.30 acres for a new elementary school. Since existing schools in this area are at or above permanent student capacity levels, a new school site is required to serve the projected student population. Additionally, the number of students that may be generated by the increase in units is enough to require another school site in addition to the site currently in negotiation.

At this time, the School District of Lee County is unable to provide service to the project increase in student population. However, we would like to meet with you and your client to explore options that may allow us to provide such service. Please contact me at your earliest convenience to schedule a meeting.

Sincerely,

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

DISTRICT VISION

TO PREPARE EVERY STUDENT FOR SUCCESS

DISTRICT MISSION

TO PROVIDE A QUALITY EDUCATION IN A SAFE AND WELL-MANAGED ENVIRONMENT

EXHIBIT E.1

Effect on Population Projection

The proposed amendment will increase the number of units permitted by the Lee Plan in Hawks Haven from 2,135 to 2,999. This will result in an increase in the capacity of the FLUM of 1,806 persons $((2,999 - 2,135) \times 2.09)$. The increase is de minimis (less than 1% of the current 2020 population projection).

When the Caloosahatchee Shores Community Plan was adopted in 2004, there was no corresponding revision to the 2020 Planning Communities Acreage Table to accommodate the new acres of Outlying Suburban property. Staff is consequently reviewing the allocation for this property in the current amendment cycle. If the requested amendment is approved, additional Outlying Suburban residential acres can be provided in the ongoing process.

EXHIBIT E.2.

LEE PLAN CONSISTENCY

The requested amendment from Rural and Suburban to Outlying Suburban with a maximum density of 2 units per acre is consistent with the Lee Plan in general and the following goals, objectives, and policies in particular:

1. **Goal 1:** The applicant is proposing to add units to a residential project which already has zoning approval and environmental permits. The footprint of the project will not change significantly as a result of the amendment. Adding units to uplands in an approved project helps to protect natural resources and prevent urban sprawl.
2. **Policy 1.1.6:** The property already abuts parcels designated Outlying Suburban on two sides. The area is currently rural in nature but is transitioning to a more urban environment, as evidenced by several recent zoning applications. The project will be served by central water and sewer, has access to an arterial road, will contain a school site, and may include a fire station. The development has, therefore, adequate access to urban-level public facilities.
3. **Policy 1.4.1:** As noted above, the level of public facilities in this area is more characteristic of a future urban than a rural area.
4. **Policy 1.7.6:** Since the applicant is proposing to maintain substantially the same development footprint, the application will not significantly increase the demand for developable acres in the 2020 Planning Communities Acreage Table.
5. **Objective 2.1:** As noted above, adding units to an approved project discourages urban sprawl.
6. **Policy 2.1.1:** The change from a non-urban to an urban category puts more units in the Future Urban Area.
7. **Policy 2.1.3:** The Lee County School District owns property within Hawks Haven and is building an elementary school on the site. A fire station may also be located in the project.
8. **Objective 2.4:** The approval of several large residential projects in this area is a changing circumstances supporting the application.
9. **Policy 4.1.1:** Large conservation areas will be maintained within the project in accordance with the existing environmental permits.

10. **Goal 5:** The redesignation of the parcel to an urban category will permit more design flexibility and a larger range of housing types on the site.
11. **Goal 13:** The project will include a small commercial component and public facilities, which is consistent with the intent to promote mixed uses within the Caloosahatchee Shores planning area.
12. **Policy 70.1.3:** Development on the site must comply with all of the County's minimum level of service requirements.
13. **Goals 77 and 84:** The project already has state and federal environmental permits which mandate the preservation of large areas of wetlands and associated upland buffers.
14. **Goal 100:** The amendment will permit a wider range of housing types on the site.

EXHIBIT E.4

Consistency with State and Regional Plans

The proposed amendment is consistent with the following provisions of the State and Regional plans:

State Plan:

1. Land Use Policy 3: The increase in density, with the addition of the school site, will create an attractive and functional mix of uses.
2. Public Facilities Policy 1: The additional density within the approved development footprint will maximize the use of existing and underutilized public facilities.

Regional Plan:

1. Affordable Housing Goal 1: The increased density will permit a wider range of housing types in various price ranges.
2. Affordable Housing Goal 2, Strategy 1, Action 1: Adding units within an approved development footprint constitutes infill development.
3. Emergency Preparedness Goal 6, Strategy 1, Action 2: The proposed amendment will direct units away from the portion of the property that is located in the Category 2 evacuation area into more secure areas.
4. Emergency Preparedness Goal 7: The new school can serve as a storm shelter.
5. Regional Transportation Goal 2, Strategy 1, Action 4: The amendment will promote higher density and a variety of housing types on the subject parcel.

EXHIBIT F.2.(a)

Response to Urban Sprawl Questions

The proposed amendment from Suburban and Rural to Outlying Suburban (2 du/a maximum) and Public Facilities does not constitute Urban Sprawl for the following reasons:

1. The Outlying Suburban FLUM category is *not* a single-use district. The project will include a school site and a variety of housing types.
2. The amendment will not promote "leapfrog development", as a portion of the property is already designated Suburban, the parcel is abutted to the west by tracts designated Outlying Suburban, and the amendment will simply increase density within a development footprint that has already been approved by Lee County, SFWMD, and the ACOE.
3. As noted above, the project has been permitted by SFWMD and ACOE. The applicant is not proposing to materially change the development footprint on the property.
4. The property has access from SR80. The applicant is exploring the feasibility of providing a secondary access through Lehigh Acres.
5. The project will continue to exceed the LDC requirements for open space after the proposed increase in density.
6. The proposed density increase will result in a more efficient use of public water and sewer facilities that are currently underutilized.

EXHIBIT G

Justification of Proposed Amendment

The requested amendment from Suburban and Rural to Outlying Suburban (maximum density of 2du/a) and Public Facilities should be granted for the following reasons:

1. The site currently contains both urban and non-urban lands, which make devising an appropriate development plan difficult.
2. The amendment is a logical extension of the property designated Outlying Suburban which lies immediately to the west of the subject parcel.
3. The subject parcel is already zoned and permitted. A more intense use with a wider range of housing types can be placed within the site without materially changing its development footprint.
4. The amendment will facilitate the construction of a badly-needed elementary school, which will serve the residents of Hawk's Haven and the surrounding area and which could provide additional storm shelter space.
5. As noted throughout the application, the property has access to adequate public facilities.
6. The impact of the change on the capacity of the FLUM will be negligible, partially in light of the projected 10 year increase in the horizon of the Lee Plan.

**30± ACRE DEAN PARCEL
LEE COUNTY PROTECTED SPECIES SURVEY**

February 2005

Prepared For:

Barraco and Associates, Inc.
2271 McGregor Boulevard
Fort Myers, Florida 33901
(239) 461-3170

Prepared By:

Passarella and Associates, Inc.
9110 College Pointe Court
Fort Myers, Florida 33919
(239) 274-0067

Project No. 05LMG1268

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INTRODUCTION

Passarella and Associates, Inc. conducted a Lee County protected species survey for the 30± Acre Dean Parcel. The purpose of the survey was to review the site for Lee County protected species as outlined in Lee County's Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat).

The Dean Parcel totals 30± acres and is located in Section 25, Township 43 South, Range 26 East, Lee County (Figure 1). The project site is just south of Hickey's Creek Road and is adjacent to the north side of the Hawk's Haven project site. The property consists primarily of improved pasture with forested wetlands and uplands located in the eastern portion of the site.

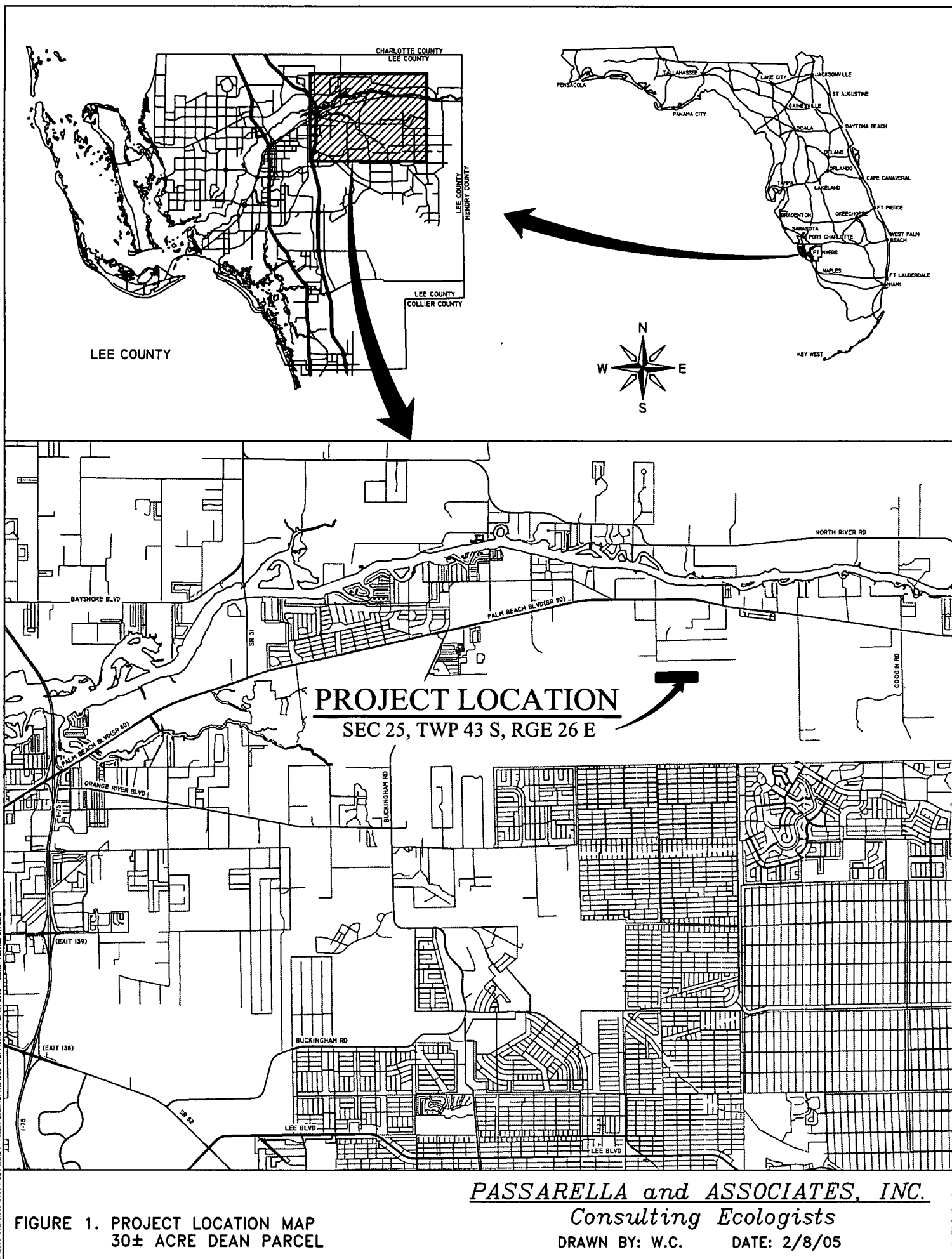
The surrounding land uses consist of single-family homes and a Florida Power and Light (FPL) power line easement north of the parcel. The permitted Hawk's Haven project site is located adjacent to the east, west, and south of the parcel.

LAND USES AND COVER TYPES

Land uses and cover types for the property were determined using 2002 rectified Lee County aeriels (1" = 200') and on-site field surveys conducted on October 13, 2004 and February 1, 2005. During the surveys, lines were drawn on an aerial delineating the different vegetation associations on-site. These delineations were classified based on the nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Levels III and IV (FDOT 1999). The FLUCFCS map is provided as Figure 2. Table 1 outlines the various cover types delineated on-site and their associated acreages, while a brief description of each of the FLUCFCS classifications follows. The FLUCFCS delineations depicted on a 2002 aerial photograph are provided as Appendix A.

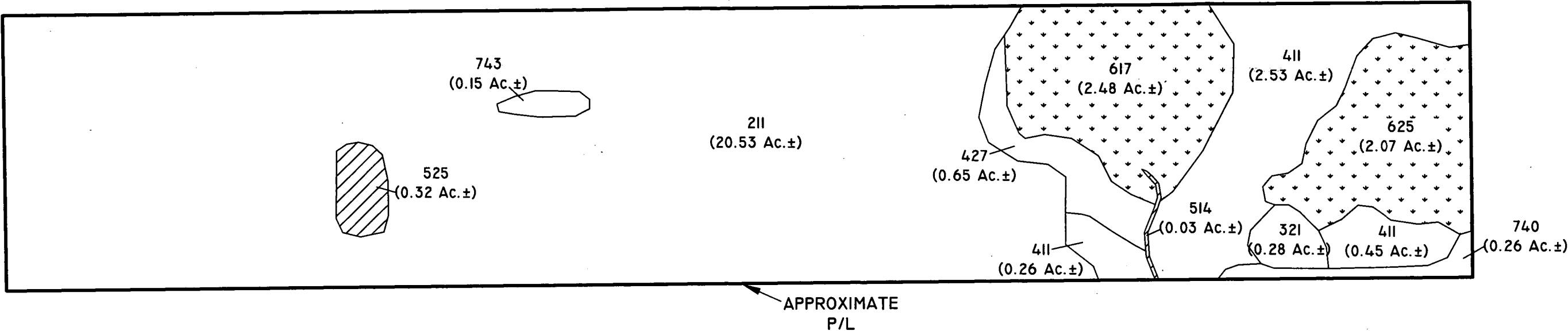
Table 1. Vegetation Associations and Land Use Acreages

FLUCFCS Code	Description	Acreage	Percent of Total
211	Improved Pasture	20.53	68.4
321	Palmetto Prairie	0.28	0.9
411	Pine Flatwoods	3.24	10.8
427	Live Oak	0.65	2.2
514	Ditch	0.03	0.1
525	Cow Pond	0.32	1.1
617	Mixed Wetland Hardwoods	2.48	8.3
625	Pine, Hydric	2.07	6.9
740	Disturbed Land	0.26	0.9
743	Spoil Area	0.15	0.5
TOTAL		30.01	100.0

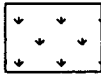




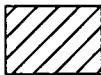
SCALE: 1" = 200'



LEGEND:



SFWMD AND COE
WETLANDS (4.55 Ac.±)



SFWMD "OTHER SURFACE
WATERS" AND COE "WATERS OF THE U.S."
(0.35 Ac.±)

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
211	IMPROVED PASTURE	20.53 Ac.±	68.4%
321	PALMETTO PRAIRIE	0.28 Ac.±	0.9%
411	PINE FLATWOODS	3.24 Ac.±	10.8%
427	LIVE OAK	0.65 Ac.±	2.2%
514	DITCH	0.03 Ac.±	0.1%
525	COW POND	0.32 Ac.±	1.1%
617	MIXED WETLAND HARDWOODS	2.48 Ac.±	8.3%
625	PINE, HYDRIC	2.07 Ac.±	6.9%
740	DISTURBED LAND	0.26 Ac.±	0.9%
743	SPOIL AREAS	0.15 Ac.±	0.5%
TOTAL		30.01 Ac.±	100.0%

NOTES:

FLUCFCS LINES ESTIMATED FROM
1"=200' AERIAL PHOTOGRAPHS AND
LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE,
COVER AND FORMS CLASSIFICATION
SYSTEM (FLUCFCS) (FDOT 1999).

PROPERTY BOUNDARY ESTIMATED
FROM LEE COUNTY PROPERTY
APPRAISER'S GIS WEBSITE.

UPLAND/WETLAND LIMITS HAVE NOT
BEEN REVIEWED BY ANY REGULATORY
AGENCY AND ARE SUBJECT TO CHANGE.

REVISIONS	DESIGNED BY	DATE	HORIZONTAL SCALE
	H.S.	10/14/04	1"=200'
	CHECKED BY	DATE	VERTICAL SCALE
	K.C.P.	10/14/04	N/A
	DRAWN BY	DATE	SEC./TWP./RNG.
	D.B.,W.C.	10/14/04	25/43/26

PASSARELLA and ASSOCIATES, INC.
Consulting Ecologists
9110 College Pointe Court, Fort Myers, Florida 33919

30± ACRE DEAN PARCEL
FLUCFCS AND WETLANDS MAP

DRAWING No.:	05LMG1268
SHEET No.:	FIGURE 2

Improved Pasture (FLUCFCS Code 211)

This upland habitat occupies 20.53± acres or 68.4 percent of the parcel. This particular area has been previously used for cattle grazing. The canopy and sub-canopy are relatively open with sparsely scattered slash pine (*Pinus elliottii*) and live oak (*Quercus virginiana*). The ground cover is dominated by bahia grass (*Paspalum notatum*) and also contains scattered reticulated paw-paw (*Asimina reticulata*), dog fennel (*Eupatorium capillifolium*), flatsedge (*Cyperus surinamensis*), fog-fruit (*Phyla nodiflora*), saw palmetto (*Serenoa repens*), bluestem grass (*Andropogon* sp.), caesar weed (*Urena lobata*), and broomsedge (*Andropogon virginicus*).

Palmetto Prairie (FLUCFCS Code 321)

This habitat occupies 0.28± acre or 0.9 percent of the parcel. The canopy is open. The sub-canopy contains scattered slash pine and wax-myrtle (*Myrica cerifera*). The ground cover is dominated by saw palmetto and also contains smutgrass (*Sporobolus indicus*) and broomsedge.

Pine Flatwoods (FLUCFCS Code 411)

This habitat occupies 3.24± acres or 10.8 percent of the parcel. The canopy is dominated by slash pine and also contains occasional cabbage palm (*Sabal palmetto*). The sub-canopy consists of wax-myrtle, myrsine (*Rapanea punctata*), and dahoon holly (*Ilex cassine*). The ground cover is dominated by saw palmetto with scattered broomsedge and grapevine (*Vitis rotundifolia*).

Live Oak (FLUCFCS Code 427)

This upland community type occupies 0.65± acre or 2.2 percent of the parcel. The canopy consists of live oak and cabbage palm. The sub-canopy contains cabbage palm. The ground cover includes myrsine, saw palmetto, beauty-berry (*Callicarpa americana*), bracken fern (*Pteridium aquilinum*), grapevine, poison ivy (*Toxicodendron radicans*), and wild coffee (*Psychotria nervosa*).

Ditch (FLUCFCS Code 514)

A ditch occupies 0.03± acre or 0.1 percent of the parcel. The canopy and sub-canopy are open. The ground cover is mostly open with scattered maidencane (*Panicum hemitomon*), pickerel weed (*Pontedaria cordata*), and torpedo grass (*Panicum repens*).

Cow Pond (FLUCFCS Code 525)

A small cow pond occupies 0.32± acre or 1.1 percent of the parcel. The canopy and sub-canopy are open. The herbaceous area consists of bare ground.

Mixed Wetland Hardwoods (FLUCFCS Codes 617)

This wetland habitat occupies 2.48± acres or 8.3 percent of the parcel. The canopy contains red maple (*Acer rubrum*), laurel oak (*Quercus laurifolia*), pop ash (*Fraxinus caroliniana*), and Carolina willow (*Salix caroliniana*). The sub-canopy includes Carolina willow and pop ash. The ground cover includes swamp fern (*Blechnum serrulatum*), sawgrass (*Cladium jamaicense*), and smartweed (*Polygonum setaceum*).

Pine, Hydric (FLUCFCS Code 625)

This wetland habitat occupies 2.07± acres or 6.9 percent of the parcel. The canopy contains slash pine. The sub-canopy is mostly open with scattered slash pine and cabbage palm. The ground cover includes sawgrass, musky-mint (*Hyptis alata*), smartweed, beaksedge (*Rhynchospora tracyi*), wiregrass (*Aristida stricta*), and flatsedge.

Disturbed Land (FLUCFCS Code 740)

This upland land use occupies 0.26± acre or 0.9 percent of the parcel. The canopy and sub-canopy are open. The ground cover is dominated by bahia grass with dog fennel, reticulated paw-paw, and smutgrass.

Spoil Area (FLUCFCS Code 743)

This habitat occupies 0.15± acre or 0.5 percent of the parcel. The canopy and sub-canopy are open. The ground cover includes dog fennel, caesar weed, and bahia grass.

METHODOLOGY AND DISCUSSION

Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types noted on-site, as outlined in the LDC. The frequency of transects performed in these habitats, unless otherwise discussed, were designed to meet the 80 percent minimum coverage requirement. A cursory review was also conducted in those habitats not technically required to be surveyed per the LDC. Based on experience and past conversations with Lee County's Environmental Sciences staff, these areas were reviewed for certain protected species as a precautionary measure. Table 2 outlines the protected species that may inhabit or utilize a particular vegetation association, according to the LDC, as well as those habitats reviewed as a precautionary measure.

Table 2. Potential Lee County Protected Species by Habitat Type

FLUCFCS Code And Description		Potential Protected Species
211	Improved Pasture	Gopher Tortoise (<i>Gopherus polyphemus</i>) **
		Burrowing Owl (<i>Athene cunicularia floridana</i>) **
		Florida Sandhill Crane (<i>Grus canadensis pratensis</i>)
		Florida Panther (<i>Felis concolor coryi</i>)
321	Palmetto Prairie	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)
		Gopher Tortoise (<i>Gopherus polyphemus</i>)
		Gopher Frog (<i>Rana areolata</i>)
		Burrowing Owl (<i>Athene cunicularia floridana</i>)
		Southeastern American Kestrel (<i>Falco sparverius paulus</i>)
		Florida Sandhill Crane (<i>Grus canadensis pratensis</i>)

Table 2. (Continued)

FLUCECS Code And Description		Potential Protected Species
321	Palmetto Prairie (continued)	Audubon's Crested Caracara (<i>Polyborus plancus audubonii</i>)
		Florida Black Bear (<i>Ursus americanus floridanus</i>)
		Curtis Milkweed (<i>Asclepias curtissii</i>)
		Fakahatchee Burmannia (<i>Burmannia flava</i>)
		Florida Coontie (<i>Zamia floridana</i>)
		Beautiful Pawpaw (<i>Deeringothamnus pulchellus</i>)
411	Pine Flatwoods	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)
		Gopher Tortoise (<i>Gopherus polyphemus</i>)
		Gopher Frog (<i>Rana areolata</i>)
		Southeastern American Kestrel (<i>Falco sparverius paulus</i>)
		Red-Cockaded Woodpecker (<i>Picoides borealis</i>)
		Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)
		Florida Panther (<i>Felis concolor coryi</i>)
		Florida Black Bear (<i>Ursus americanus floridanus</i>)
		Fakahatchee Burmannia (<i>Burmannia flava</i>)
		Satinleaf (<i>Chrysophyllum divaeforme</i>)
		Beautiful Pawpaw (<i>Deeringothamnus pulchellus</i>)
427	Live Oak	Florida Coontie (<i>Zamia floridana</i>)
		Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)
		Gopher Tortoise (<i>Gopherus polyphemus</i>)
		Florida Panther (<i>Felis concolor coryi</i>)
		Florida Black Bear (<i>Ursus americanus floridanus</i>)
		Simpson's Stopper (<i>Myrcianthes fragrans</i> var. <i>simpsonii</i>)
		Hand Adder's Tongue Fern (<i>Ophioglossum palmatum</i>)
514 525	Ditch Cow Pond	Twisted Air Plant (<i>Tillandsia flexuosa</i>)
		American Alligator (<i>Alligator mississippiensis</i>)
		Roseate Spoonbill (<i>Ajaia ajaja</i>)
		Limpkin (<i>Aramus guarauna</i>)
		Little Blue Heron (<i>Egretta caerulea</i>)
		Reddish Egret (<i>Egretta rufescens</i>)
		Snowy Egret (<i>Egretta thula</i>)
		Tri-colored Heron (<i>Egretta tricolor</i>)
		Everglades Mink (<i>Mustela vison evergladensis</i>)
		Snail Kite (<i>Rostrhamus sociabilis</i>) **

Table 2. (Continued)

FLUCFCS Code And Description		Potential Protected Species
617 Mixed Wetland Hardwoods 625 Pine, Hydric		American Alligator (<i>Alligator mississippiensis</i>)
		Gopher Frog (<i>Rana areolata</i>)
		Little Blue Heron (<i>Egretta caerulea</i>)
		Snowy Egret (<i>Egretta thula</i>)
		Tri-colored Heron (<i>Egretta tricolor</i>)
		Reddish Egret (<i>Egretta rufescens</i>)
		Limpkin (<i>Aramus guarauna</i>)
		Wood Stork (<i>Mycteria americana</i>)
		Arctic Peregrine Falcon (<i>Falco peregrinus tundrius</i>)
		Red-Cockaded Woodpecker (<i>Picoides borealis</i>) **
		Everglades Mink (<i>Mustela vison evergladensis</i>)
		Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)
		Florida Panther (<i>Felis concolor coryi</i>)
		Florida Black Bear (<i>Ursus americanus floridanus</i>)
		Twisted Air Plant (<i>Tillandsia flexuosa</i>)
740	Disturbed Land *	Gopher Tortoise (<i>Gopherus polyphemus</i>)
743	Spoil Area*	Gopher Tortoise (<i>Gopherus polyphemus</i>)

*Habitat surveyed for the species noted as a precautionary measure although not required per the LDC.

**Species surveyed, although not required per the LDC.

The protected species survey for the 30± acre tract was conducted by Passarella and Associates, Inc. on February 1, 2005. Surveys were conducted during the daylight hours. Weather conditions during the survey period are summarized in Table 3. The type of survey utilized included meandering pedestrian transects, per Southern Biomes EIS methodology, previously approved by the county.

Table 3. Survey Date and Weather Conditions

Survey Date	Weather Conditions
February 1, 2005	Sunny with light winds and temperatures in the low 70's.

Visibility in the surveyed habitats varied due to the density of vegetation. A summary of the limits of visibility, number, length of transects walked, and percent of coverage by habitat type is provided in Table 4.

Table 4. Summary of Habitat Coverage

FLUCFCS Code and Description		Total Area (Acres)	Transects Total Length (Feet)	Average Visibility (Feet) ¹	Percent Coverage
211	Improved Pasture	20.53	4024	100	90
321	Palmetto Prairie	0.28	244	20	80
411	Pine Flatwoods	3.24	1882	30	80
427	Live Oak	0.65	425	30	90
514	Ditch	0.03	17	30	80
525	Cow Pond	0.32	157	40	90
617	Mixed Wetland Hardwoods	2.48	2161	20	80
625	Pine, Hydric	2.07	1803	20	80
740	Disturbed Land ²	0.26	113	40	80
743	Spoil Areas	0.15	131	20	80

N/A = Not Applicable, per the LDC

¹Average visibility to one side of transect

²Habitat surveyed as a precautionary measure

SURVEY RESULTS

The results of the survey identified great horned owl (*Bubo virginianus*), gray squirrel (*Sciurus carolinensis*), black racer (*Coluber constrictor priapus*), and ringed-neck water snake (*Diadophis punctatus*). However, no listed or protected species were identified on-site that are listed by Lee County, Florida Fish and Wildlife Conservation Commission, or the U.S. Fish and Wildlife Service. Table 5 summarizes the results of the survey.

Table 5. Lee County Protected Species Survey Summary

Protected Species	FLUCFCS Code	% Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Reptiles and Amphibians					
American Alligator	514	80		X	N/A
	525	90		X	N/A
	617	80		X	N/A

Table 5. (Continued)

Protected Species	FLUCFCS Code	% Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Reptiles and Amphibians					
Eastern Indigo Snake	321	80		X	N/A
	411	80		X	N/A
	427	90		X	N/A
Gopher Tortoise	211	90		X	N/A
	321	80		X	N/A
	411	80		X	N/A
	427	90		X	N/A
	740	80		X	N/A
	743	80		X	N/A
Gopher Frog	321	80		X	N/A
	411	80		X	N/A
	625	80		X	N/A
Birds					
Burrowing Owl	211	90		X	N/A
	321	80		X	N/A
Southeastern American Kestrel	321	80		X	N/A
	411	80		X	N/A
Red-cockaded Woodpecker	411	80		X	N/A
	625	80		X	N/A
Limpkin	514	80		X	N/A
	525	90		X	N/A
Roseate Spoonbill	514	80		X	N/A
	525	90		X	N/A
Little Blue Heron	514	80		X	N/A
	525	90		X	N/A
	617	80		X	N/A
	625	80		X	N/A
Snowy Egret	514	80		X	N/A
	525	90		X	N/A
	617	80		X	N/A
	625	80		X	N/A
Reddish Egret	514	80		X	N/A
	525	90		X	N/A
	617	80		X	N/A
Tri-colored Heron	514	80		X	N/A
	525	90		X	N/A
	617	80		X	N/A
	625	80		X	N/A

Table 5. (Continued)

Protected Species	FLUCFCS Code	% Area Surveyed	Individuals Present	Individuals Absent	Density (Acres)
Birds (continued)					
Wood Stork	617	80		X	N/A
Arctic Peregrine Falcon	625	80		X	N/A
Snail Kite	525	90		X	N/A
Audubon's Crested Caracara	321	80		X	N/A
Florida Sandhill Crane	211	90		X	N/A
	321	80		X	N/A
Mammals					
Florida Panther	211	90		X	N/A
	411	80		X	N/A
	427	90		X	N/A
	617	80		X	N/A
Big Cypress Fox Squirrel	411	80		X	N/A
Everglades Mink	514	80		X	N/A
	525	90		X	N/A
	617	80		X	N/A
Florida Black Bear	321	80		X	N/A
	411	80		X	N/A
	427	90		X	N/A
	617	80		X	N/A
Plants					
Curtis Milkweed	321	80		X	N/A
Fakahatchee Burmannia	321	80		X	N/A
	411	80		X	N/A
Satinleaf	411	80		X	N/A
Beautiful Pawpaw	321	80		X	N/A
	411	80		X	N/A
Florida Coontie	321	80		X	N/A
	411	80		X	N/A
Simson's Stopper	427	90		X	N/A
Hand Adder's Tongue	427	90		X	N/A
Twisted Air Plant	427	90		X	N/A
	617	80		X	N/A

MANAGEMENT PLAN

- No management plan is required since no protected species were identified on-site.

REFERENCES

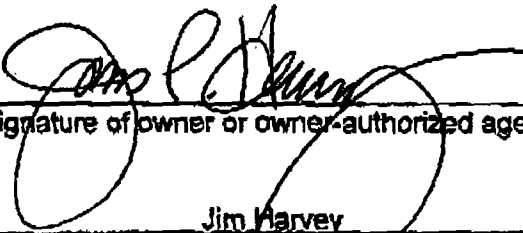
Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a. Third Edition.

APPENDIX A

**AERIAL WITH FLUCFCS MAPPING
AND WALKED TRANSECT LINES**

AFFIDAVIT

I, Jim Harvey, as Regional Manager of Landmar Group, LLC, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.



Signature of owner or owner-authorized agent

Jim Harvey
Typed or printed name

3/7/05

Date

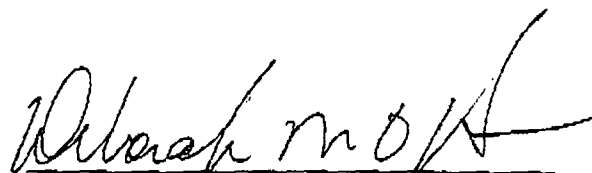
STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 7TH day of MARCH 20 05, by Jim Harvey as Regional Manager of the Landmar Group, LLC, who is personally known to me or who has produced _____ as identification.

(SEAL)



Deborah M. O'Han
My Commission DD046976
Expires August 01, 2006

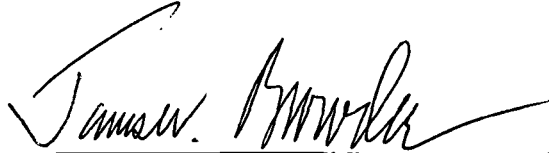


Signature of notary public

Printed name of notary public

AFFIDAVIT

I, Dr. James W. Browder, as Superintendent of the School District of Lee County, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.



Signature of owner or owner-authorized agent

3/8/05

Date

Dr. James W. Browder

Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 8th day of March 2005, by Dr. James W. Browder as Superintendent of the School District of Lee County, who is personally known to me or who has produced n/a as identification.



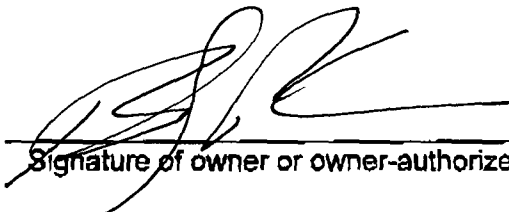
Signature of notary public

Ruth H. Moon

Printed name of notary public

AFFIDAVIT

I, Bruce J. Parker, as Vice-President of Levitt & Sons at Hawks Haven, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.



Signature of owner or owner-authorized agent

3/8/05

Date

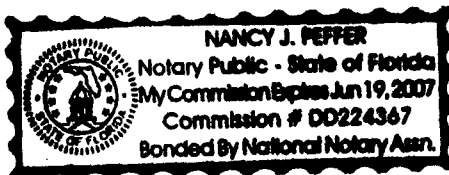
Bruce J. Parker

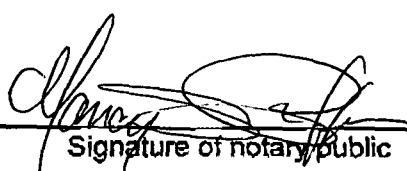
Typed or printed name

STATE OF FLORIDA)
COUNTY OF Palm Beach

The foregoing instrument was certified and subscribed before me this 8th day of March 2005, by Bruce J. Parker as Vice-President of Levitt & Sons at Hawks Haven, who is personally known to me or who has produced _____ as identification.

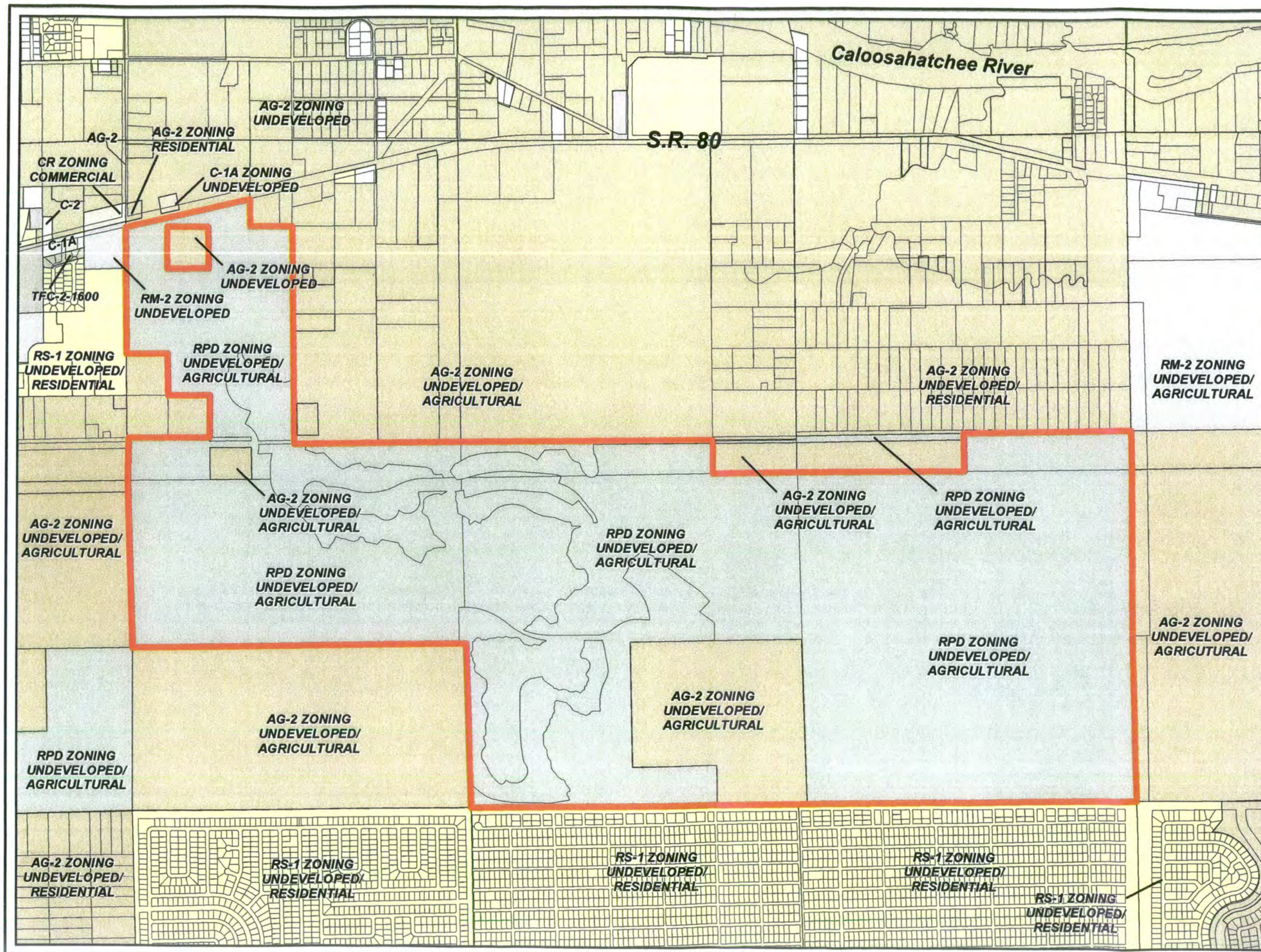
(SEAL)





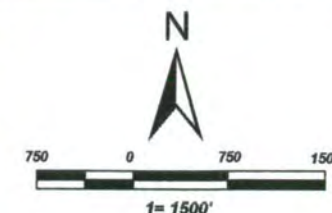
Signature of notary public
Nancy J. Pepper

Printed name of notary public



HAWK'S HAVENEXISTING LAND USE/ZONING MAP

PREPARED FOR:
LANDMAR GROUP, L.L.C.



Legend:

 PROJECT BOUNDARY

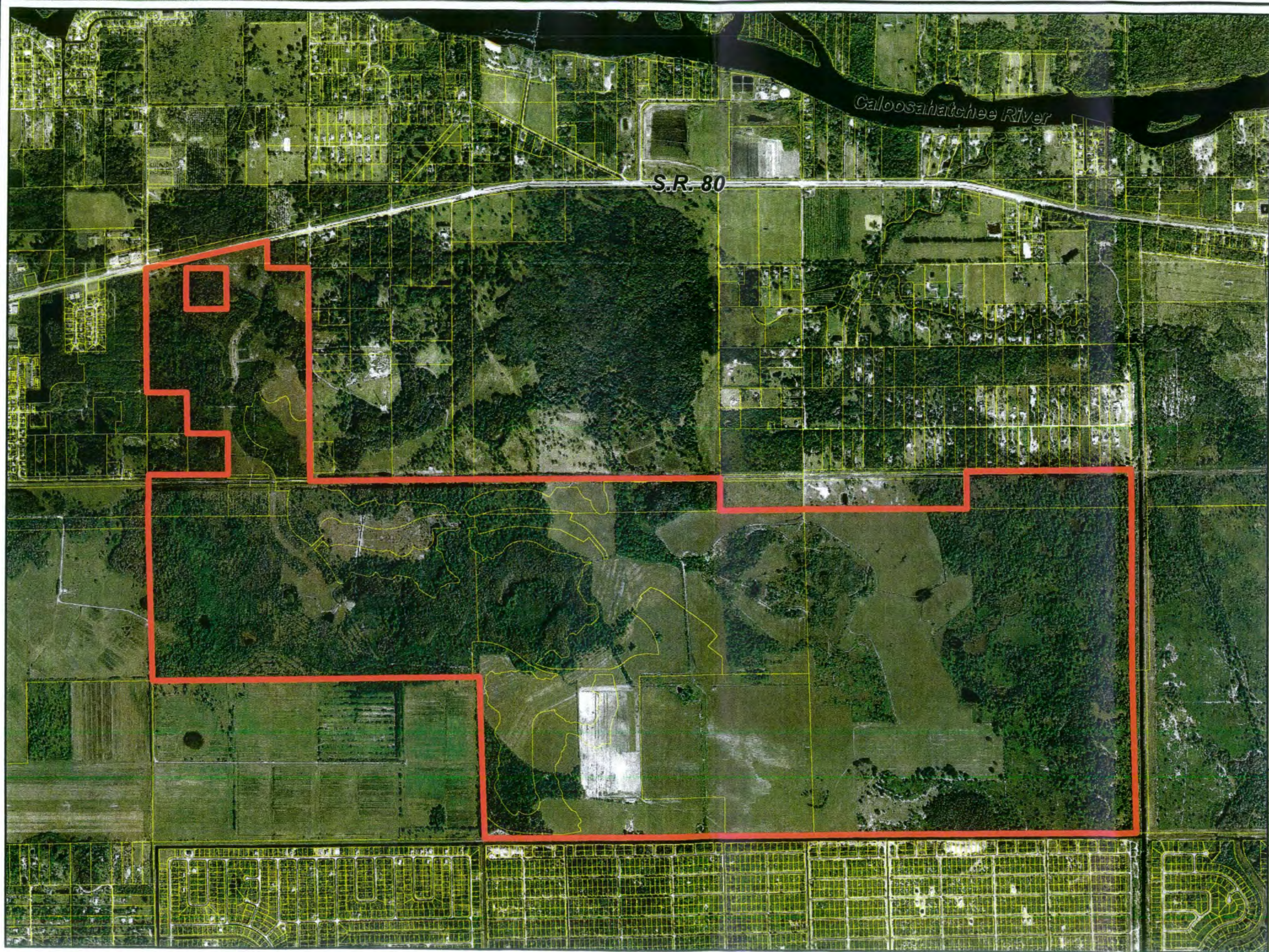
Notes:

1. This exhibit was prepared utilizing GIS data by various sources, which may include but not be limited to federal, state, District, and local agencies. This data has not been verified by Wilson Miller for accuracy nor has Wilson Miller conducted field investigations on the subject property.
2. This planning exhibit was prepared totally at the direction of Michael E. Roeder, AICP, Director of Zoning and Land Use, with Knott, Consoer, Ebelini, Hart and Swett, P.A.

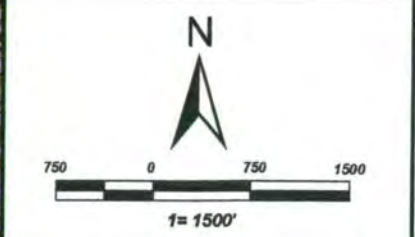
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Print File Location:
Prepared By: DWP/SSB
Checked By: Michael E. Roeder
Scale: 1"=1500'
Date: 02/17/04

Wilson Miller

New Directions In Planning, Design & Engineering
4571 Colonial Boulevard, Fort Myers, Florida 33912
Phone (941) 939-1020 Fax (941) 939-7479
www.wilsonmiller.com
Naples - Fort Myers - Sarasota - Bradenton - Tampa - Tallahassee



**HAWK'S
HAVEN**
AERIAL PHOTOGRAPH
PREPARED FOR:
LANDMAR GROUP, L.L.C.

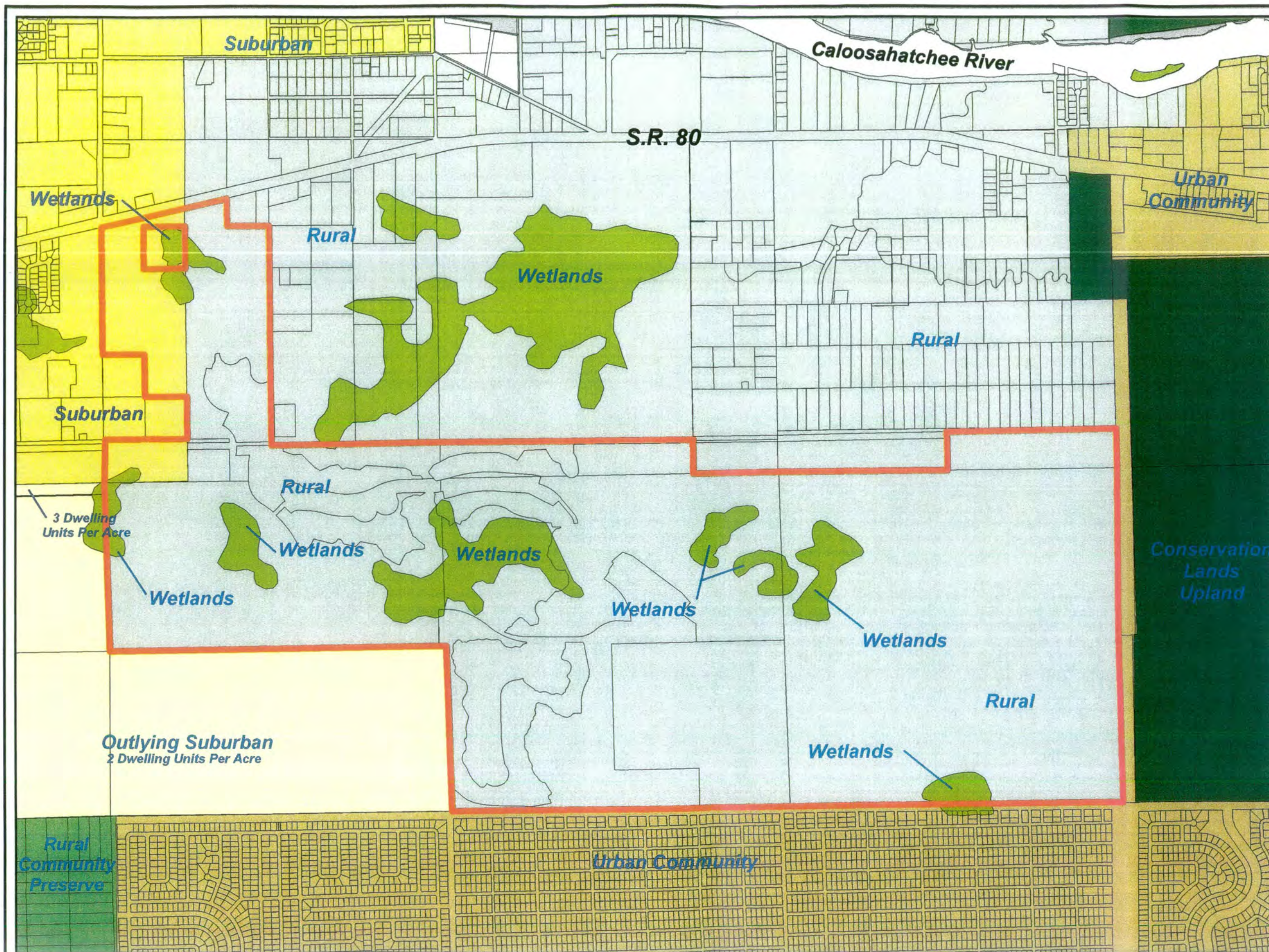


Legend:
 **PROJECT BOUNDARY**

- Notes:**
1. Aerial flight date - 11/2002
 2. This exhibit was prepared utilizing GIS data by various sources, which may include but not be limited to federal, state, District, and local agencies. This data has not been verified by WilsonMiller for accuracy nor has WilsonMiller conducted field investigations on the subject property.
 3. This planning exhibit was prepared totally at the direction of Michael E. Roeder, AICP, Director of Zoning and Land Use, with Knott, Consoer, Ebelini, Hart and Swelt, P.A.

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Scale: 1"=1500'
Date: 02/17/04

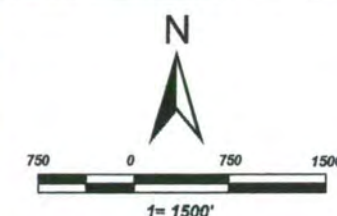
WilsonMiller
New Directions in Planning, Design & Engineering
4571 Colonial Boulevard, Fort Myers, Florida 33912
Phone (941) 939-1020 Fax (941) 939-7479
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HAWK'S HAVEN

EXISTING FUTURE LAND USE MAP

PREPARED FOR:
LANDMAR GROUP, L.L.C.

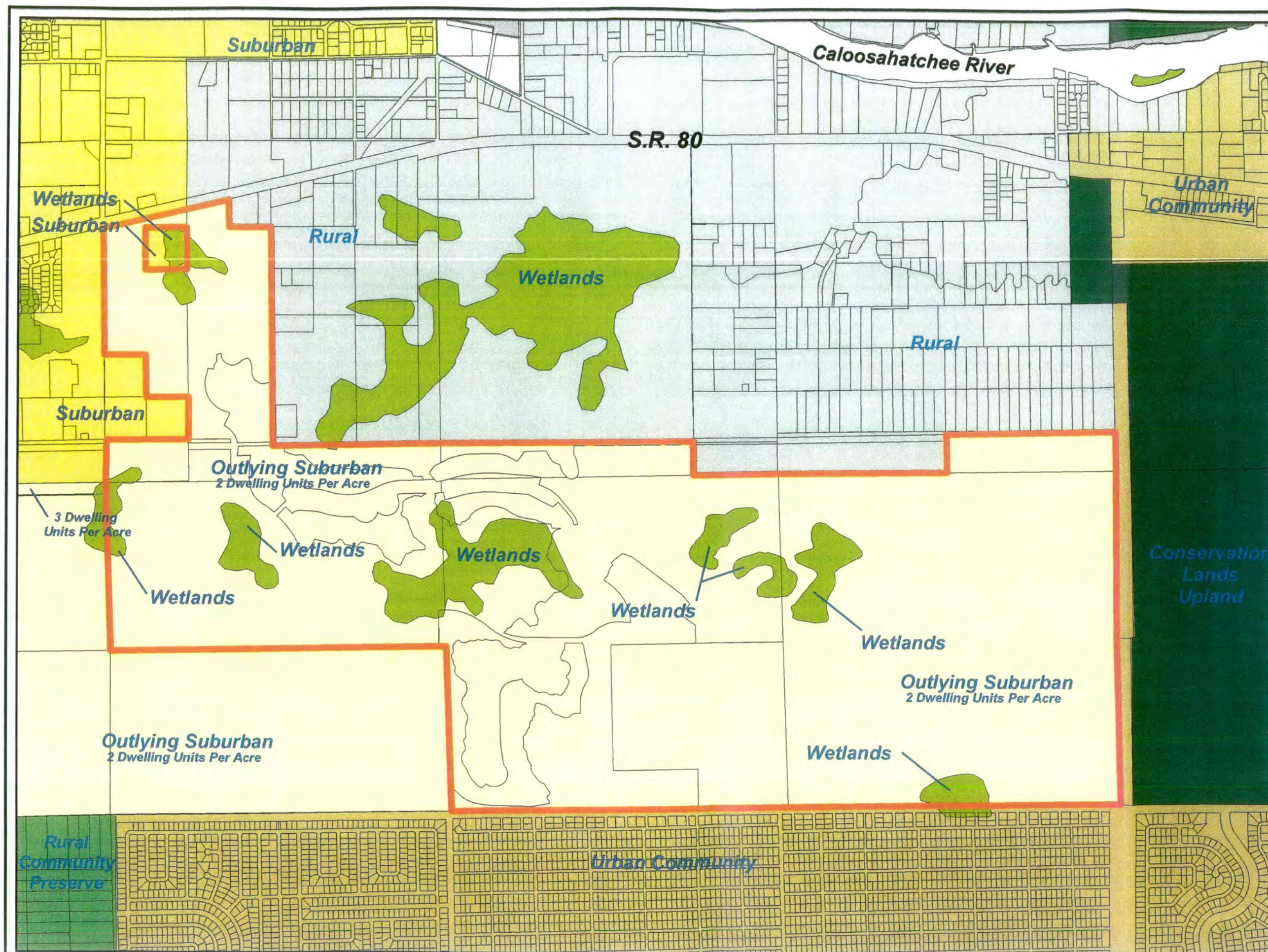


Legend:
 PROJECT BOUNDARY

- Notes:**
1. This exhibit was prepared utilizing GIS data by various sources, which may include but not be limited to federal, state, District, and local agencies. This data has not been verified by Wilson Miller for accuracy nor has Wilson Miller conducted field investigations on the subject property.
 2. This planning exhibit was prepared totally at the direction of Michael E. Roeder, AICP, Director of Zoning and Land Use, with Knott, Consoer, Ebelini, Hart and Swett, P.A.

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 Checked By: Michael E. Roeder
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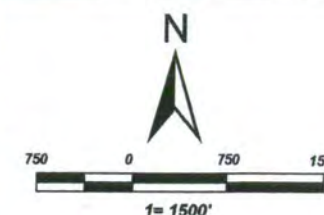
Wilson Miller
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 4571 Colonial Boulevard, Fort Myers, Florida 33912
 Phone (941) 939-1020 Fax (941) 939-7479
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HAWK'S HAVEN

PROPOSED FUTURE LAND USE MAP

PREPARED FOR:
LANDMAR GROUP, L.L.C.



Legend:

PROJECT BOUNDARY

Notes:

1. This exhibit was prepared utilizing GIS data by various sources, which may include but not be limited to federal, state, District, and local agencies. This data has not been verified by Wilson Miller for accuracy nor has Wilson Miller conducted field investigations on the subject property.
2. This planning exhibit was prepared totally at the direction of Michael E. Roeder, AICP, Director of Zoning and Land Use, with Knott, Consoer, Ebelini, Hart and Swett, P.A.

File #: C-04316-003

Project Location: X:\GIS\04316\003\04316-003001-Proposed Run.mxd
PIN: 04316-000-000 FEP00

Print File Location:

Prepared By: DWP/686

Checked By: Michael E. Roeder

Scale: 1"=1500'

Date: 02/17/04

Wilson Miller

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Phone (941) 939-1020 Fax (941) 939-7479
www.wilsonmiller.com

Naples - Fort Myers - Sarasota - Bradenton - Tampa - Tallahassee



- LEGEND:
- SFWMD AND COE WETLANDS (4.55 Ac.±)
 - SFWMD "OTHER SURFACE WATERS" AND COE "WATERS OF THE U.S." (0.35 Ac.±)
 - WALKED TRANSECT LINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
211	IMPROVED PASTURE	20.53 Ac.±	68.4%
321	PALMETTO PRAIRIE	0.28 Ac.±	0.9%
411	PINE FLATWOODS	3.24 Ac.±	10.8%
427	LIVE OAK	0.65 Ac.±	2.2%
514	DITCH	0.03 Ac.±	0.1%
525	COW POND	0.32 Ac.±	1.1%
617	MIXED WETLAND HARDWOODS	2.48 Ac.±	8.3%
625	PINE, HYDRIC	2.07 Ac.±	6.9%
740	DISTURBED LAND	0.26 Ac.±	0.9%
743	SPOIL AREAS	0.15 Ac.±	0.5%
TOTAL		30.01 Ac.±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH LEE COUNTY PROPERTY APPRAISERS OFFICE WITH A FLIGHT DATE OF APRIL-MAY, 2002.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

PROPERTY BOUNDARY ESTIMATED FROM LEE COUNTY PROPERTY APPRAISER'S GIS WEBSITE.

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

REVISIONS	DESIGNED BY	DATE	HORIZONTAL SCALE
	H.S.	10/14/04	1"=200'
	CHECKED BY	DATE	VERTICAL SCALE
	K.C.P.	10/14/04	N/A
	DRAWN BY	DATE	SEC./TWP./RNG.
	D.B.,W.C.	10/14/04	25/43/26

PASSARELLA and ASSOCIATES, INC.
Consulting Ecologists
9110 College Pointe Court, Fort Myers, Florida 33919

30± ACRE DEAN PARCEL
AERIAL WITH FLUCFCS MAPPING AND WALKED TRANSECT LINES

DRAWING No.:	05LMG1268
SHEET No.:	APPENDIX A

RECEIVED
FEB 27 2004

LETTER OF AUTHORIZATION

PERMIT COUNTER

TO LEE COUNTY COMMUNITY DEVELOPMENT

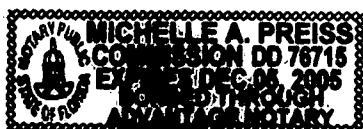
The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as See attached Exhibit A
(Strap # See attached Exhibit A) and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate Knott, Consoer, Ebelini, Hart & Swett, P.A. 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 authorizing 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 authorization is delivered to Lee County.

Hawks Haven Investment LLC
Owner
by: [Signature]
Name Gregory M. Morris
Title Ex. Vice President

STATE OF FLORIDA)
COUNTY OF LEE)

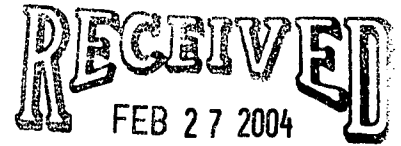
Gregory M. Morris Sworn to (or affirmed) and subscribed before me this 25 day of Feb, 2004 by Gregory M. Morris, as Ex. V.P. of Hawks Haven Investment LLC, a Florida corporation, on behalf of the corporation. He is personally known to me or has produced n/a as identification.



[Signature]
Notary Public
Michelle A. Preiss
(Name typed, printed or stamped)

*If more than one owner then all owners must sign. See explanation on back.

EXHIBIT "A"



Site Address: **See below**

PERMIT COUNTER

Strap:

25-43-26-00-00121.0000	17750, Alva, Florida 33920
26-43-26-00-00011.0000	2970 Hickey Creek Rd, Alva, Florida 33920
26-43-26-00-00011.0010	Reserved, Florida
27-43-26-00-00003.0010 ***	Access Undetermined
27-43-26-00-00003.0020 ***	Access Undetermined
27-43-26-00-00016.0000	Access Undetermined
34-43-26-00-00001.0010	Access Undetermined
34-43-26-00-00001.0020	Reserved, Florida
36-43-26-00-00001.0000	Access Undetermined
35-43-26-00-00001.0010	Reserved, Florida
35-43-26-00-00001.0000	Access Undetermined
35-43-26-00-00002.0000	Access Undetermined

Legal: **See attached Special Warranty Deed dated September 30, 2003, Warranty Deed dated November 26, 2003, and Warranty Deed dated January 20, 2004.**

8071.00 DIS
8077.



INSTR # 6117155
OR BK 04177 Pg 1383; (1pg)
RECORDED 01/21/2004 10:39:09 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 6.00
DEED DOC 8,071.00
DEPUTY CLERK L Ambrosio

This instrument Prepared by and Return to:
Box 4
RICHARD W. WINESETT
Avery, Whigham & Winesett, P.A.
2248 FIRST STREET
FORT MYERS, FL 33901
STRAP #: 35-43-26-00-00002.0000

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED made the 20th day of January, A.D. 2004 by KENNETH RALPH BOND and ROBERT WILLIAM WILSON, herein called the grantor, to HAWKS HAVEN INVESTMENT, LLC, a Florida limited liability company, whose post office address is 12800 University Dr, Suite 215, Fort Myers FL 33907, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of entities)

WITNESSETH: That the grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in LEE County, State of Florida, viz:

The East 1/4 of the Southeast 1/4 and the Northwest 1/4 of the Southeast 1/4 and the North 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 35, Township 43 South, Range 26 East, Lee County, Florida.

Subject to restrictions, reservations, and easements of record, if any and taxes for the year 2004 and subsequent years.

The above described property is not the homestead of either of the grantors, nor is it contiguous to the homestead of either grantor, but in fact is vacant land.

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 grantees that the grantor warrants the title against all persons against the lawful claims of all such persons whomsoever.

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

Signed, sealed and delivered in the presence of:

Richard W. Winesett
Witness Signature

Richard W. Winesett
Printed Name

GREGG S. TRUXON
Witness Signature

GREGG S. TRUXON
Printed Name

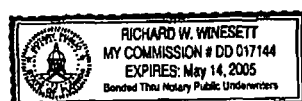
Kenneth Ralph Bond L.S.
KENNETH RALPH BOND

Robert William Wilson L.S.
ROBERT WILLIAM WILSON

STATE OF FLORIDA:
COUNTY OF LEE:

The foregoing instrument was acknowledged before me this 20th day of January, 2004 by Fact for KENNETH RALPH BOND and ROBERT WILLIAM WILSON, who are ☒ personally known to me or have produced ☐ as identification.

SEAL



Richard W. Winesett
Notary Signature

Printed Name

15.00 - R
1050.00 PD
4.00 CC
1069.00



INSTR # 6061387
OF 60 64133 Pgs 2322 - 2324; (13pgs)
RECORDED 12/01/2003 02:22:27 PM
CRAIG L. SHER, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 15.00
DEED DOC 1,008.00
DEPUTY CLERK L. AMBROSIO

This instrument was prepared by:
Gregg S. Truxton, Esquire
Bolaños Truxton, P.A.
12800 University Drive, Suite 340
Fort Myers, Florida 33907

Parcel Identification No.
27-43-26-00-00016.0000

-----[Space above this line for recording data]-----

WARRANTY DEED
(STATUTORY FORM - SECTION 689.02, F.S.)

THIS INDENTURE, made this 26 day of November, 2003, between **Martha W. Pruyn and Catherine Haslam Sanderson, individually and as Co-Trustees of the Martha W. Pruyn Revocable Trust, dated August 5, 1999, collectively as Grantor**, to **Hawks Haven Investment, L.L.C.**, a Florida limited liability company, as Grantee, whose mailing address is 12800 University Drive, Suite 275, Fort Myers, Florida 33907.

WITNESSETH that said Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt and sufficiency whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

A parcel of land located in Section 27, Township 43, Range 26 and more particularly described as the Southwest quarter of the Southeast quarter of the Southwest quarter of said Section 27, except the railroad right-of-way and ditch.

and this conveyance is subject to: (1) zoning restrictions and ordinances imposed by governmental authority; (2) public utility easements of record; (3) real estate taxes for the year 2003 and subsequent years.

Grantors warrant that at the time of this conveyance, the Property is not the homestead of Grantor or any member of Grantor's family within the meaning set forth in the constitution of the State of Florida, nor is it contiguous to or a part of homestead property.

And said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

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

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

Grantor:

Kendall Sanderson
Print Name:

Martha W. Pruyn
Martha W. Pruyn, individually and as Co-Trustee of the Martha W. Pruyn Revocable Trust, dated August 5, 1999

Christine Thomas
Print Name:

Kendall Sanderson
Print Name:

Catherine Haslam Sanderson
Catherine Haslam Sanderson, individually and as Co-Trustee of the Martha W. Pruyn Revocable Trust, dated August 5, 1999

Christine Thomas
Print Name:

State of FLORIDA
County of Brevard

The foregoing instrument was acknowledged before me this 26 day of November, 2003, by Martha W. Pruyn, individually and as Co-Trustee of the Martha W. Pruyn Revocable Trust, dated August 5, 1999, who is personally known to me or (✓) has produced _____ as identification.

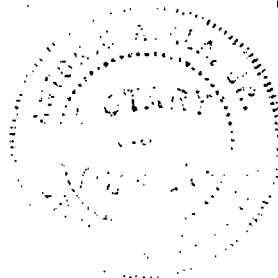


ANTONIO AYALA, JR.
MY COMMISSION # DD 254135
EXPIRES: October 12, 2007
Bonded Thru Budget Notary Services

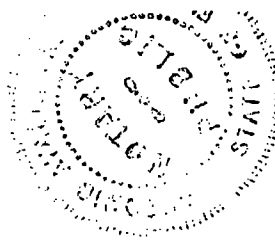
My commission expires: October 12, 2007

ANTONIO AYALA JR
Notary Public, State of Florida at Large
Print Notary Name:

COMMISSION EXPIRES: October 12, 2007
DD 254135



State of FLORIDA
County of Brevard



The foregoing instrument was acknowledged before me this 26 day of November, 2003, by **Catherine Haslam Sanderson, individually and as Co-Trustee of the Martha W. Pruyn Revocable Trust, dated August 5, 1999**, who is personally known to me or (✓) has produced _____ as identification.



ANTONIO AYALA, JR.
MY COMMISSION # DD 254135
EXPIRES: October 12, 2007
Bonded Thru Budget Notary Services

ANTONIO AYALA JR

My commission expires: October 12, 2007

Notary Public, State of Florida at Large
Print Notary Name:

L:\Hawks Haven Investment, L.L.C. (906)\Pruyn Parcel (06)\Closing Docs\Warranty Deed.doc

24.00 - R
209,818.70
209,842.70

6.00 cut copy

Return to and prepared by:
James T. Humphrey
FOWLER WHITE BOGGS BANKER PA
2201 Second Street, 5th Floor
Fort Myers, Florida 33901
(239) 334-7892
Box:43



INSTR # 5990912
Official Records BK 04077 PG 4790
RECORDED 10/01/2003 11:34:04 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 24.00
DEED DOC 209,818.70
DEPUTY CLERK J Miller

Property Identification: 25-43-26-00-00121.0000

SPECIAL WARRANTY DEED

THIS INDENTURE made this th30 day of September, 2003, between **F C HAWKS HAVEN, INC.**, a Florida corporation, herein referred to as Grantor, whose mailing address is 730 Terminal Tower, 50 Public Square, Cleveland, Ohio 44113-2267, and **HAWKS HAVEN INVESTMENT, LLC**, a Florida limited liability company, herein referred to as Grantee, whose mailing address is 12800 University Drive, Suite 275, Fort Myers, Florida 33907.

WITNESSETH:

That said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's successors and assigns forever, the following described land situate, lying and being in Lee County, Florida, to wit:

As described on Exhibit "A" attached hereto and incorporated herein by reference.

TOGETHER with all tenements, hereditaments, easements and appurtenances thereto belonging or in anywise appertaining; Together with that certain non-exclusive easement for ingress and egress created by grant and Warranty Deed recorded in Official Records Book 263 at Page 187 of the Public Records of Lee County, Florida.

THIS CONVEYANCE IS SUBJECT TO:

1. Taxes for the year 2003.
2. Conditions, easements and restrictions of record.

Grantor does hereby covenant with 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 and will warrant the title and defend the same against the lawful claims and demands of all persons claiming by, through or under Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

FC HAWKS HAVEN, INC.,
a Florida corporation

Susanna Grossi
1st Witness
Print Name: Susanna Grossi

By: Robert F. Monchein
Print Name: Robert F. Monchein
Its: Vice President

Rose Ann Foliano
2nd Witness
Print Name: Rose Ann Foliano

STATE OF OHIO)
COUNTY OF CUYAHOGA)

The foregoing instrument was acknowledged before me on this 26th day of September,
2003, by Robert F. Monchein, Vice President of*. He/She is personally known to me.
~~or who has produced~~-----~~as identification.~~

*FC HAWKS HAVEN, INC., a Florida corporation



ROSE ANN FOLIANO, Notary Public
STATE OF OHIO
(Seal)
My Commission Expires July 14, 2006

Rose Ann Foliano
Notary Public
Print Name: _____

Best Image Available
SCANNER'S MEMO

Exhibit "A"

All of that land (described in Official Records Book 978, pages 551 to 554, Incl., Lee County public records, lying South of State Road 80, all in Township 43 South, Range 28 East, Lee County, Florida, and being more particularly described as follows:

PARCEL NO. 1:

The Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 27.

PARCEL NO. 2:

The Northeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 27.

PARCEL NO. 5:

The South 1/2 of the South 1/2 of the Southeast 1/4 of Section 25, lying South of the former (now abandoned) Seaboard Airline Railroad Company right-of-way.

PARCEL NO. 6:

All that part of the South 1/2 of the Southwest 1/4 of the Southeast 1/4, and the South 1/2 of the South 1/2 of the Southwest 1/4, of Section 26, which lies South of the former (now abandoned) Seaboard All Florida Railroad Company right-of-way.

PARCEL NO. 7:

(A) All that part of the South 1/2 of the South 1/2 of the Southeast 1/4 of Section 27, which lies South of the former (now abandoned) Seaboard Airline Railroad Company right-of-way.

(B) That part of the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 27, which lies South of the former (now abandoned) Seaboard Airline Railroad right-of-way, in Section 27.

(C) The Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4, in Section 27, LESS the former (now abandoned) Seaboard All Florida Railroad Company right-of-way.

PARCEL NO. 8:

That portion of the Northwest 1/4 of the Northwest 1/4 of Section 27, lying South of the South right-of-way line of State Road 80.

PARCEL NO. 9:

That portion of the West 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 27, lying South of the South right-of-way line of State Road 80.

PARCEL NO. 10:

The North 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 27.

PARCEL NO. 11:

(A) The Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27, LESS that portion of Section 27, along the East line of the West 1/2 thereof, to the South line of the Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4

Exhibit "A"

thereof, dedicated as a public County Road.

(B) The Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27.

PARCEL NO. 12:

The South 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 27.

PARCEL NO. 13:

The North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 27.

PARCEL NO. 14:

The Southeast 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 27.

PARCEL NO. 15:

The West 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 27.

PARCEL NO. 16:

The Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 27.

PARCEL NO. 17:

The North 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 27.

PARCEL NO. 18:

That portion of the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 27, North of the Seaboard All Florida Railroad Company right-of-way.

PARCEL NO. 19:

The North 1/2 of Section 34.

PARCEL NO. 20:

The North 1/2 and the Southwest 1/4 and the South 1/2 of the Southwest 1/4 of the Southeast 1/4 in Section 35.

PARCEL NO. 21:

All of Section 36.

And from Official Records Book 843, pages 855 to 881, incl., by the Quit Claim Deed recorded in Official Records Book 976, page 549, all in the public records of Lee County, Florida, the following described land:

PARCEL NO. 22:

The North 50 feet of railroad right-of-way from the West line of Section 27 to the center line of Section 27.

Exhibit "A"

PARCEL NO. 24:

That portion of the Abandoned Seaboard Air Line Railroad Company right-of-way between Fort Myers, and Alva, Florida, lying and being in Section 25, Township 43 South, Range 28 East, and the Southerly 50 feet of said right-of-way lying in Sections 26 and 27, Township 43 South, Range 26 East.



New Directions In Planning, Design & Engineering

**LEGAL DESCRIPTION
PROPOSED SCHOOL SITE
PART OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA**

A parcel of land lying in Section 27, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows;

COMMENCING at the North Quarter Corner of Section 27, Township 43 South, Range 26 East; thence S.00°51'15"E., a distance of 2645.17 feet; thence S.00°50'53"E., along the West line of Conservation Easement No. 5 as recorded in O.R. Book 3492, Page 680, a distance of 742.94 feet to the **POINT OF BEGINNING**; thence S.00°50'53"E., a distance of 1,304.78 feet; thence S.89°00'04"W., a distance of 114.30 feet to a point on a curve; thence along the arc of a non tangent curve concave to the East, having for its elements a radius of 735.00 feet, a central angle of 06°04'15", a chord of 77.84 feet, a chord bearing of N.19°10'35"W., an arc distance of 77.88 feet; thence N.16°08'28"W., a distance of 376.53 feet to a point of curvature; thence along the arc of a tangent curve concave to the Southwest, having for its elements a radius of 545.00 feet, a central angle of 53°24'45", a chord of 489.86 feet, a chord bearing of N.42°50'50"W., an arc distance of 508.06 feet; thence N.69°33'13"W., a distance of 240.51 feet to a point of curvature; thence along the arc of a tangent curve concave to the Northeast, having for its elements a radius of 785.00 feet, a central angle of 33°17'00", a chord of 449.63 feet, a chord bearing of N.52°54'43"W., an arc distance of 456.01 feet; thence N.84°08'01"E., a distance of 81.42 feet; thence N.82°52'59"E., a distance of 49.35 feet; thence S.86°33'39"E., a distance of 89.92 feet; thence N.12°59'12"E., a distance of 61.88 feet; thence N.33°25'28"E., a distance of 36.18 feet; thence N.23°33'09"E., a distance of 47.94 feet; thence N.03°55'00"W., a distance of 56.03 feet; thence N.07°58'14"E., a distance of 35.55 feet; thence N.71°48'10"E., a distance of 48.67 feet; thence N.88°44'37"E., a distance of 23.42 feet to a point on a curve; thence along the arc of a non tangent curve concave to the Southeast, having for its elements a radius of 175.00 feet, a central angle of 102°58'00", a chord of 273.85 feet, a chord bearing of N.52°06'17"E., an arc distance of 314.49 feet; thence N.69°32'25"E., a distance of 112.75 feet; thence S.88°09'58"E., a distance of 290.23 feet to a point on a curve; thence along the arc of a non tangent curve concave to the East, having for its elements a radius of 76.19 feet, a central angle of 50°10'58", a chord of 64.62 feet, a chord bearing of S.18°17'15"E., an arc distance of 66.73 feet to a point of curvature; thence along the arc of a non tangent curve concave to the Southwest, having for its elements a radius of 544.11 feet, a central angle of 28°08'56", a chord of 264.63 feet, a chord bearing of S.29°19'41"E., an arc distance of 267.31 feet; thence N.89°09'07"E., a distance of 37.19 feet to the **POINT OF BEGINNING**.

Containing 20.0 acres, more or less.

Bearings are based on the South right of way line of State Road 80 as being N.77°11'07"E.

Prepared by:
Wilson Miller, Inc.


Alan W. Sadowski, Professional Surveyor & Mapper
Florida Registration No. LS4800

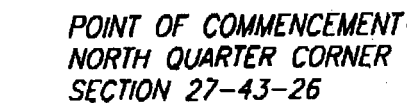
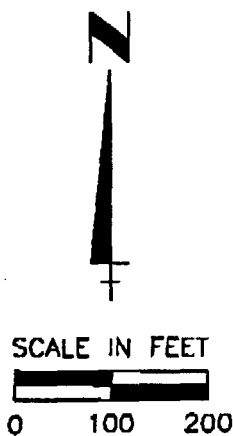
Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

P.I.N.: 04316-000-000 FEE00

Ref.: A-4316-001

Date: December 30, 2003

LINE TABLE		
No.	Length	Bearing
L1	114.30'	S89°00'04"W
L2	81.42'	N84°08'01"E
L3	49.35'	N82°52'59"E
L4	89.92'	S86°33'39"E
L5	61.88'	N12°59'12"E
L6	36.18'	N33°25'28"E
L7	47.94'	N23°33'09"E
L8	56.03'	N03°55'00"W
L9	35.55'	N07°58'14"E
L10	48.67'	N71°48'10"E
L11	23.42'	N88°44'37"E
L12	112.75'	N69°32'25"E
L13	37.19'	N89°09'07"E



CONSERVATION EASEMENT NO. 5
PER O.R. BOOK 3492, PAGE 680

CONSERVATION EASEMENT NO. 6
PER O.R. BOOK 3492, PAGE 683

20.0± ACRES
PROPOSED SCHOOL SITE

POINT OF BEGINNING

No.	Radius	Delta	Length	Chord	Chord Bearing
C1	785.00'	33°17'00"	456.01'	449.63'	N52°54'43"W
C2	175.00'	102°58'00"	314.49'	273.85'	N52°06'17"E
C3	76.19'	50°10'58"	66.73'	64.62'	S18°17'15"E
C4	544.11'	28°08'56"	267.31'	264.63'	S29°19'41"E
C5	735.00'	06°04'15"	77.88'	77.84'	N19°10'35"W

SKETCH ONLY--NOT A SURVEY
SEE ATTACHED FOR LEGAL DESCRIPTION

OR: LANDMAR GROUP LLC.

Jun 05, 2004 - 15:03:02 GRASHFORD\X:\SUR\04316\4316-001002.dwg

SKETCH OF DESCRIPTION

**A PART OF SECTION 27, TOWNSHIP 43 SOUTH,
RANGE 26 EAST, LEE COUNTY, FLORIDA**

Wilson Miller

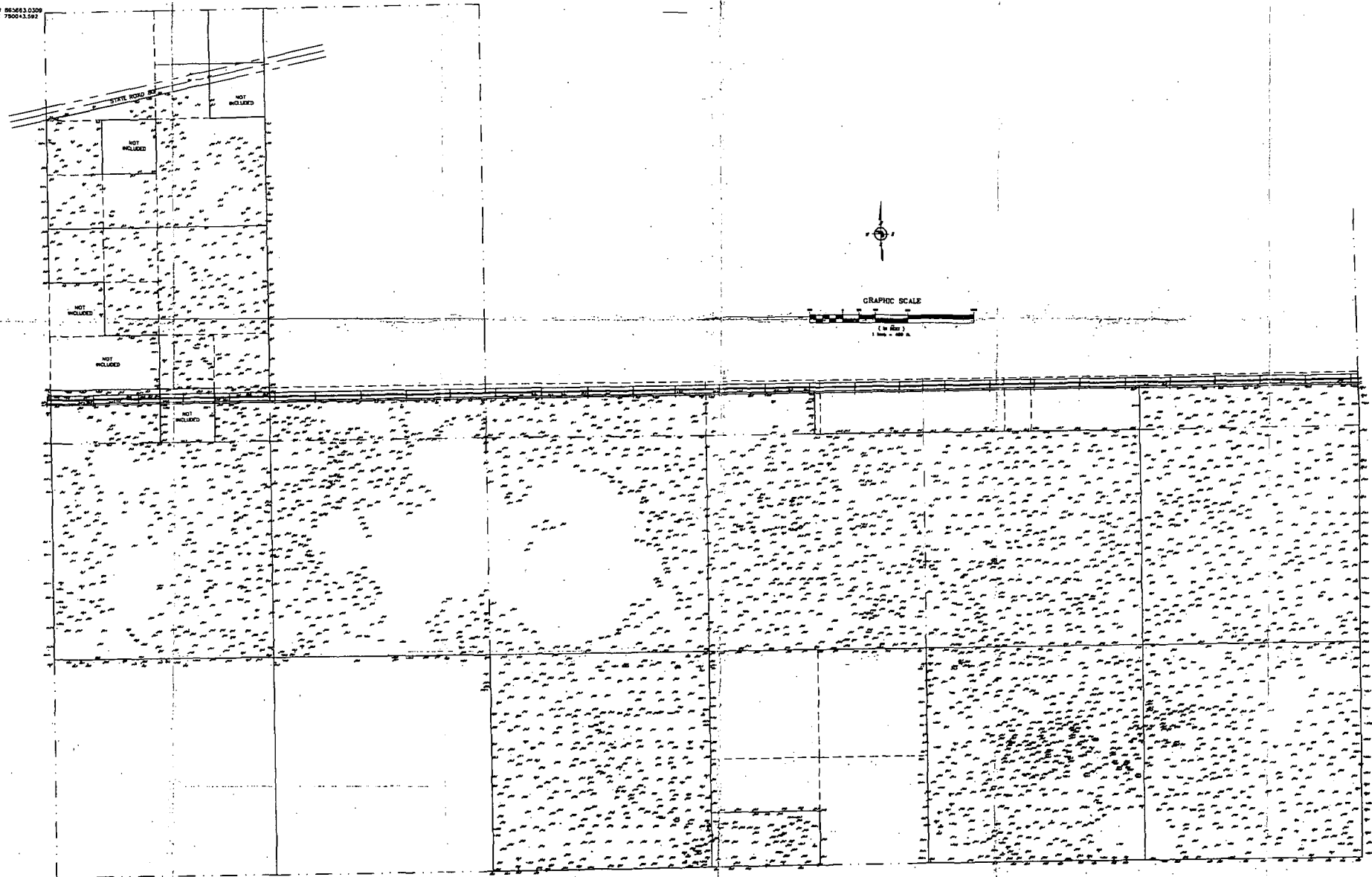
Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

Wacholder, Inc.

457 Colonial Blvd. Suite 112 Fort Myers, Florida 33902 Phone 888-682-4557 Fax 888-682-7474 Web Site www.silverado.com

DRAWN BY: 945	CHECKED BY: 44B	CAD FILE: 04316-001001	PIN: 04316-000-000	TASK: FEE00	SHEET 1 OF 1	DRAWING INDEX NO: A-4316-001	REV: J0803v2
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N 863683.0309
E 780013.582



GRAPHIC SCALE

1 inch = 400 ft.

DATE	REVISIONS

CONSUL-TECH ENGINEERING, INC.
 Consulting Engineers Land Planners Land Surveyors
 4182 E. US 1, Suite 200, Fort Myers, FL 33905
 Phone (813) 937-0200 Fax (813) 937-1321
 Email: cte@consult-tech.com
 Certificate of Authorization #033527

TYPE OF SURVEY:

SPECIFIC PURPOSE SURVEY
TO SHOW GEOMETRY OF LAND DESCRIBED

PROJECT: **HAWK'S HAVEN**
 LEE COUNTY, FLORIDA
 SECTIONS 27, 24, 25, 26, TOWNSHIP 43S, RANGE 25E

TITLE: _____

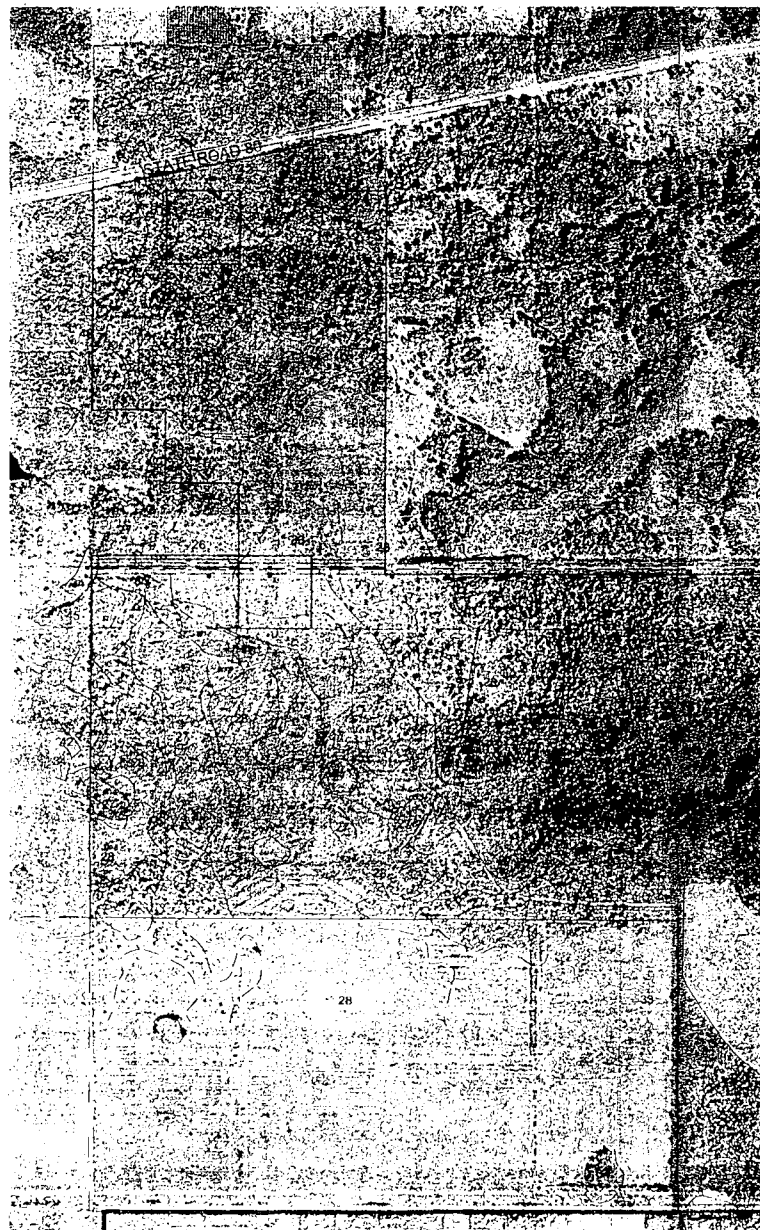
DATE: 3-3-08

BY: [Signature]

FOR: RECORD

ASSESSED BY: DATE: <u>3-3-08</u> BY: <u>[Signature]</u> FOR: <u>RECORD</u>	PLANNED BY: DATE: <u>3-3-08</u> BY: <u>[Signature]</u> FOR: <u>RECORD</u>	PREPARED BY: DATE: <u>3-3-08</u> BY: <u>[Signature]</u> FOR: <u>RECORD</u>	CHECKED BY: DATE: <u>3-3-08</u> BY: <u>[Signature]</u> FOR: <u>RECORD</u>
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2 OF 2



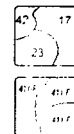
LEGEND

FLUCCS LEGEND

CODE	DESIGNATION
212	UNIMPROVED PASTURE
320	SHRUB AND BRUSHLAND
321	PALMETTO PRAIRIE
330	MIXED RANGELAND
411	PINE FLATWOODS
422	BRAZILIAN PEPPER
429	WAX MYRTLE
434	HARDWOOD-CONIFER MIXED
610	WETLAND HARDWOOD FOREST
617	MIXED WETLAND HARDWOODS
621	CYPRESS WETLAND
630	WETLAND FORESTED MIXED
641	FRESHWATER MARSH
643	WET PRAIRIE

SOIL LEGEND

CODE	DESIGNATION
6	HALLANDALE FINE SAND
9	LAUGALLIE SAND
10	POWANO FINE SAND
11	MYAKKA FINE SAND
12	FELDA FINE SAND
13	BOCA FINE SAND
14	VALAKA FINE SAND
17	DAYTONA FINE SAND
23	WUFERT MUCK
26	PINELA FINE SAND
28	IMMOKALEE SAND
33	OLDSMAR SAND
34	MALABAR FINE SAND
40	ANCHOTE SAND, DEPRESSIONAL
42	WADASSO SAND, LIMESTONE SUBSTRATUM
45	COVELAND SAND, LOAM, DEPRESSIONAL
49	FELDA FINE SAND, DEPRESSIONAL
50	OLDSMAR FINE SAND, LIMESTONE SUBSTRATUM
53	MYAKKA FINE SAND, DEPRESSIONAL
74	BOCA FINE SAND, SLOUGH



SOILS DIVIDE LINE AND TYPE



FLUCCS DIVIDE LINE AND TYPE

RAILROAD RIGHT OF WAY

SECTION LINE

PROPERTY LINE

EXHIBIT II-F-4

172 REVISIONS:



CONSUL-TECH ENGINEERING, INC.
Consulting Engineers, Planners, Land Surveyors
2110 31st Ave. S.E. Suite 2000, Atlanta, GA 30329
Phone: (404) 525-7000, Fax: (404) 525-7001
E-Mail: sales@consul-tech.com
Certificate of Authorization #000527



Sullivan Associates, Inc. is a professional corporation
2815 North Loop West, Suite 200, Houston, Texas 77007
(281) 441-1111, Fax: (281) 441-1112

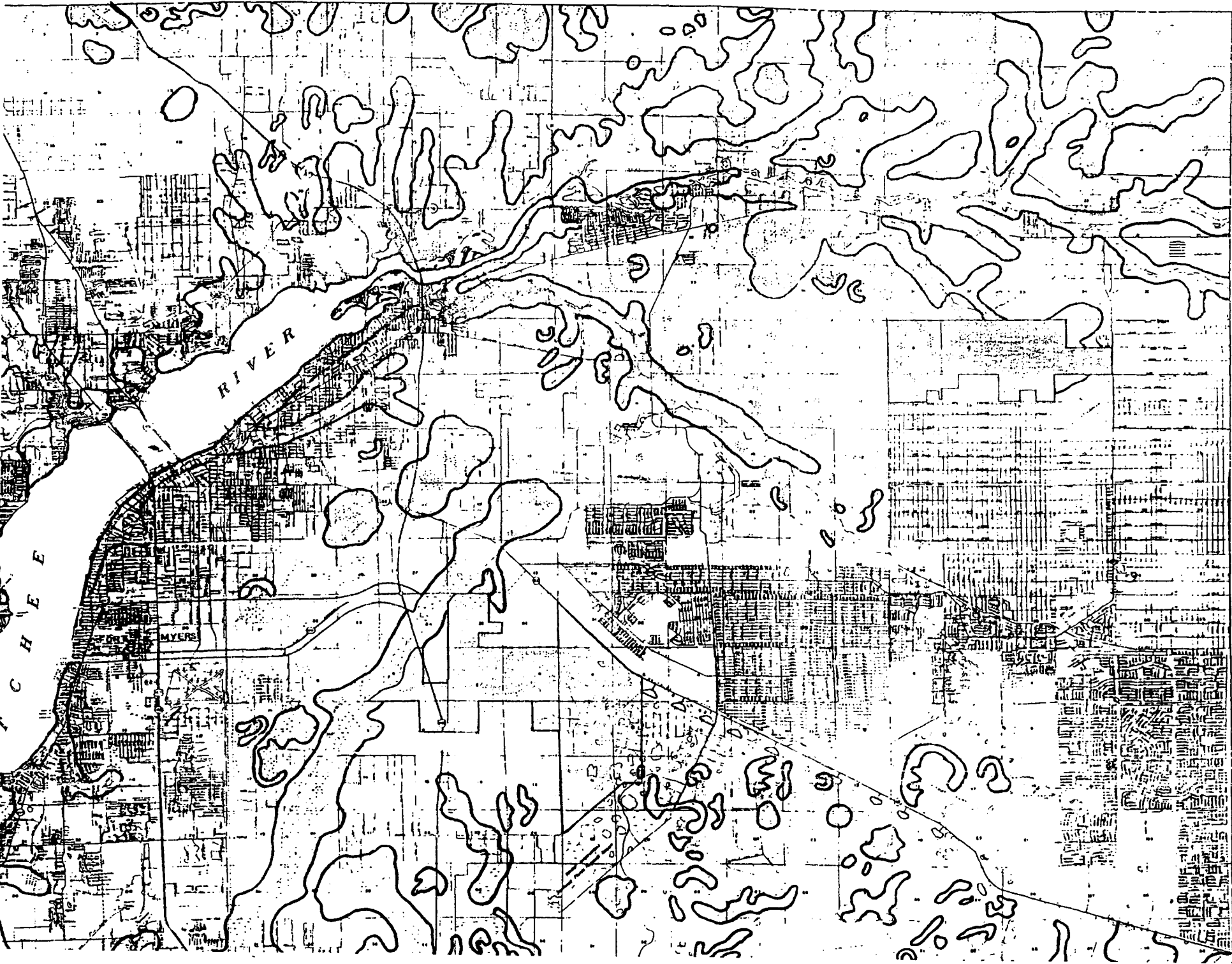
FL. TAMPA WEST, INC.
5307 FOX HUNT DRIVE
WESLEY CHAPEL, FLORIDA 33543
(813) 907-1539

HAWK'S HAVEN
LEE COUNTY, FLORIDA
SECTIONS 27, 34, 35, 36, TOWNSHIP 43S, RANGE 26E
PROJECT
SOILS, VEGETATION AND GROUND COVER MAP

DATE: 10/1/99
BY: J. J. Sullivan
CHECKED BY: J. J. Sullivan
DATE: 10/1/99

DATE: 10/1/99
BY: J. J. Sullivan
CHECKED BY: J. J. Sullivan
DATE: 10/1/99
PROJECT NUMBER
98-262-SP
SCALE: 1" = 400'

DATE: 10/1/99
BY: J. J. Sullivan
CHECKED BY: J. J. Sullivan
DATE: 10/1/99
PROJECT NUMBER
98-262-SP
SCALE: 1" = 400'



HENDRY COUNTY


HENDRY COUNTY

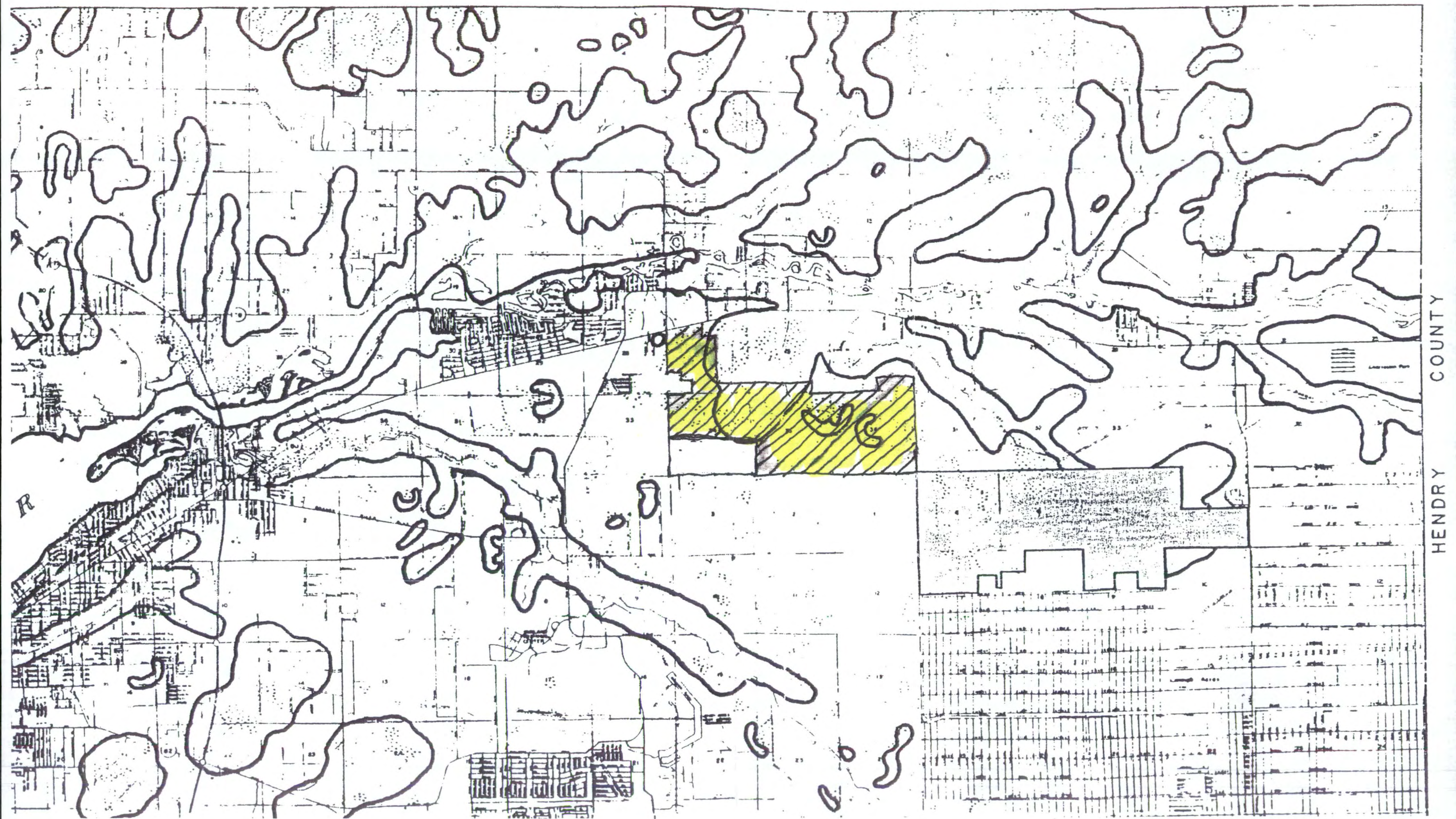
T 45S

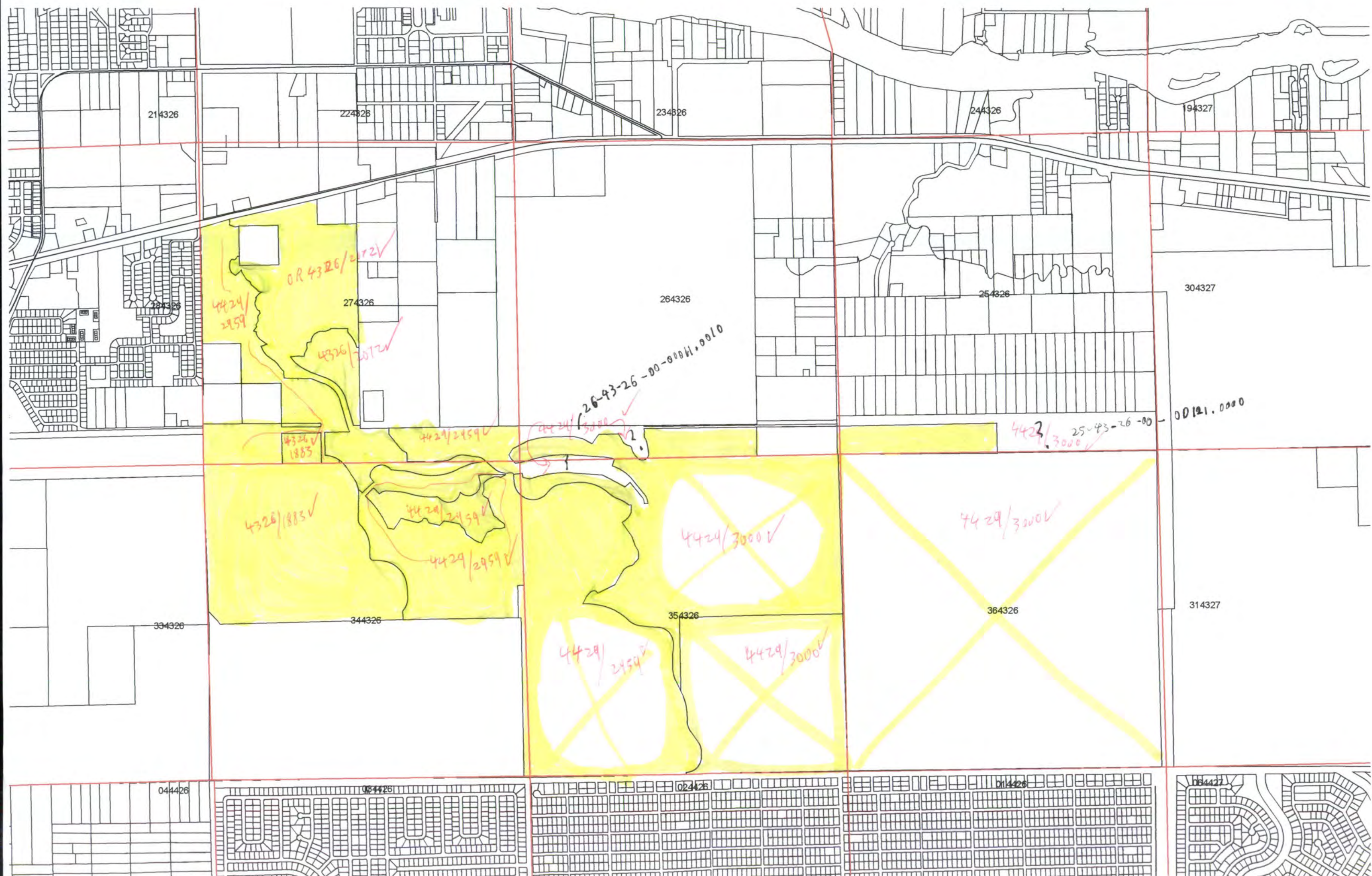
T 44S

T 43S

CHARLOTTE COUNTY

 = Parcel Property for Comp Plan Amendment





Hawk's Haven Investment, L.L.C. Comprehensive Plan Amendment

B. Public Facilities Impacts

2. Provide an existing and future conditions analysis for:

a. Sanitary Sewer

The project is located within the East Lee County Sewer District, but the City of Fort Myers Raleigh Street Waste Water Treatment Plant provides sewer service via an inter-local agreement. The estimated average daily production of wastewater is 711,436 gpd. The current plant capacity is 11.0 MGD with a 3 month average of 9.14 MGD. Therefore, capacity exists within the existing system for the project. The project will require construction of a 14" force main along SR80 from the project entrance to the intersection of Buckingham Road, which is approximately 4,300'.

b. Potable Water

The project is located within the Lee County Utilities Sewer Service area with the daily consumption of potable water estimated to be 711,436 gallons per day (gpd). The project will require a jack and bore under SR80 at the project entrance to connect to the existing 24" ductile iron water main located on the north side of SR80 for potable water service. This line is anticipated to have adequate capacity and pressure to serve the project and is currently supplied potable water by the Olga water plant. While the plant is nearing capacity a new North Fort Myers water plant is anticipated to be online within the next year. This plant will be interconnected with the Olga plant and will have adequate capacity to serve the project.

c. Surface water/Drainage Basins

The water management system for the Hawks Haven development has been designed and permitted through South Florida Water Management District (ERP No. 36-04006-P). In general terms, the drainage design utilizes wet-detention stormwater management ponds to provide water quality treatment and attenuation. The project outfalls into Oak Creek via onsite wetlands and is located entirely within the Caloosahatchee River Watershed. The allowable discharge for the watershed is 30.1 CSM. The surface water management system is designed to attenuate the 25 year-3 day storm event with minimum roadway elevations at the 10 year -1 day stage and minimum finished floor elevations established by the 100 year-3 day storm stage. Seasonal high groundwater conditions from the geotechnical report established the control elevations for all ponds. Offsite runoff from adjacent properties was either incorporated into the project by conveying through the stormwater management system or diverted around via swales.

d. Parks, Recreation, and Open Space

Community Parks. Hawk's Haven is located in Community Park Impact Fee District #3, East Ft. Myers. The minimum regulatory standard for Community Parks in Lee County is .8 acres per one thousand population, and the desired level of service standard is 2 acres per thousand population. As of the last Concurrency Report (12/03), there were 147 acres of developed Community Park land in District #3, with 36 more acres planned with the Veterans Park expansion in Lehigh Acres. The regulatory standard in District #3 in 2003 based on the existing population was 55 acres, and the desired level was 137 acres. The maximum development of Hawk's Haven would be approximately 7,000 additional residents, which would translate into an additional regulatory requirement of 5.6 acres of Community Park, or a desired level of 14 acres of Community Park land. Hawk's Haven will be paying Community Park impact fees in addition to having extensive on-site recreational amenities.

Regional Parks. The standard for regional parks is applied County wide and is 7 acres per thousand population for the regulatory standard, and 8 acres per thousand for the desired level of service. According to the last Concurrency Report, the County had 5,857 acres of existing park and another 890 acres of potential additions. Since that report, the County Commission has voted to retain the Idalia site in Alva as an additional regional park, which will be from 12 to 18 acres. With a County population right at 500,000, the regulatory standard for regional parks would be 3500 acres and the desired level standard would be 4,000 acres. It would appear that the current inventory of regional parks is adequate to provide the desired level of service for over 730,000 residents. The maximum 7,000 additional residents at Hawks's Haven would generate a need for 49 acres at the regulatory standard and 56 acres at the desired level standard.



TRAFFIC CIRCULATION ANALYSIS
PREPARED FOR A
COMPREHENSIVE PLAN AMENDMENT
FOR
HAWKS HAVEN

PROJECT NO. 0402.15

PREPARED BY:
Metro Transportation Group, Inc.
12651 McGregor Boulevard, Suite 4-403
Fort Myers, Florida 33919-4489
239-278-3090

February 27, 2004



CONTENTS

- I. INTRODUCTION**
- II. EXISTING CONDITIONS**
- III. PROPOSED PLAN AMENDMENT**
- IV. TRIP GENERATION**
- V. TRIP DISTRIBUTION**
- VI. IMPACTS OF PROPOSED PLAN AMENDMENT**
- VII. CONCLUSION**



I. INTRODUCTION

Metro Transportation Group, Inc. (Metro) has conducted a traffic circulation analysis pursuant to the requirements outlined in the application document for Comprehensive Plan Amendment requests. The analysis will examine the impact of the requested land use change from Rural to Suburban. The approximately 1,945 acre property is located on the south side of Palm Beach Boulevard (State Route 80), east of Buckingham Road and west of Hickey Creek in Lee County, Florida. The existing land use designation on the property is Rural (approximately 1,623 acres), Suburban (approximately 79 acres) and Wetlands (approximately 243 acres).

The following report will examine the impacts of changing the future land use category from the two existing land uses (Rural and Suburban) to Outlying Suburban and Public Facilities.

II. EXISTING CONDITIONS

The subject site is currently vacant. The site is bordered to the north by S.R. 80, to the east, west and south by vacant land.

Palm Beach Boulevard (S.R. 80) is a four-lane divided arterial roadway that extends through central Lee County on the south side of the Caloosahatchee River. Palm Beach Boulevard has a posted speed limit of 55 mph adjacent to the subject site and is under the jurisdiction of the Florida Department of Transportation (FDOT).

III. PROPOSED PLAN AMENDMENT

The proposed Comprehensive Plan Amendment would change the future land use designation on the subject site from Rural and Suburban to Outlying Suburban and Public Facilities. Based on the permitted uses within the Lee Plan for these land use designations, the change would result in the subject site being permitted to be developed



with approximately 1,341 more residential dwelling units than would be permitted under the existing land use designation.

With the proposed land use change, the residential density would be increased to 2.0 units per acre. The existing Rural designation allows 1.0 unit per acre and the Suburban category permits up to 6.0 units per acre. Based on the application documents, the existing land uses could support up to 2,023 residential units. Based on the developable acreage and the proposed land use category of Outlying Suburban, up to 3,364 residential dwelling units could be constructed. The Developer is also proposing to designate 20 acres in the project as "Public Facilities" for a future Lee County School site.

Table 1 highlights the intensity of uses that could be constructed under the existing land use designation and the intensity of uses under the proposed land use designation. It should be noted that the marina and boat slips are and will continue to be existing uses permitted on the subject site. Since the intensity of these uses will not change, the marina and boat slips were not considered in the analysis.

Table 1
Hawks Haven
Land Uses

Land Use Category	Intensity
Public Facilities	20 Acres
Outlying Suburban	1,682 Acres @ 2.0 Units/Acre

IV. TRIP GENERATION

The trip generation for the uses was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 7th Edition. The total residential density was divided between single family and multi-family uses. At this time, it was assumed that sixty percent (60%) of the project would be developed as single family and the remaining forty percent (40%) would be developed as multi-family units. For the single family units, Land Use Code 210 (Single Family Detached Homes) was utilized and for the multi-family homes, Land Use Code 230 (Residential Condominium/Townhouse) was utilized. The trip generation equations for these uses are



located in the Appendix of this report for reference. **Table 2** indicates the number of trips anticipated to be generated by the uses permitted under the existing land use designation and the land uses permitted under the proposed land use designation. The same 60/40 split was applied to the existing land uses permitted.

Table 2
Trip Generation Comparison
Existing Land Use Designation vs. Proposed Land Use Designation
Hawks Haven

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Existing Land Use (2,023 units)	260	875	1,135	865	485	1,350	14,135
Proposed Land Use (3,364 units)	425	1,415	1,840	1,350	755	2,105	22,350

V. TRIP DISTRIBUTION

An anticipated trip distribution onto the surrounding roadway system was then formulated based on the anticipated routes the drivers will utilize to approach the site. The Developer is pursuing a connection to the south that would connect to existing 75th Street West. This would provide connection to Sunshine Boulevard, which connects to Lee Boulevard to the south, and Cemetery Road, which connects to Buckingham Road to the west. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown in **Table 1A** in the Appendix of this report.

VI. IMPACTS OF PROPOSED PLAN AMENDMENT

The transportation related impacts of the proposed comprehensive plan amendment were evaluated pursuant to the criteria in the application document. This included an evaluation of the long range impact (20-year horizon) and short range (5-year horizon) impact the proposed amendment would have on the existing and future roadway infrastructure.



Long Range Impacts (20-year horizon)

The Lee County Metropolitan Planning Organization's (MPO) long range transportation travel model was reviewed to determine the impacts the amendment would have on the surrounding area. The subject site lies within Traffic Analysis Zones (TAZ) 154, 180. The model has both productions and attractions included in this zone. The productions include the existing single family homes that are located to the north and east of the subject site as well. The attractions include some, but very little commercial employment and service (retail) employment. Table 3 identifies the land uses currently contained in the long range travel model utilized by the MPO and Lee County for the Long Range Transportation Analysis.

Table 3
TAZ 154 & 180
Land Uses in Existing Travel Model (2020)

Land Use Category	Intensity
Single Family Homes	994 Units
Multi-Family Homes	55 Units
Services (Retail & Office)	343 Employees

A further analysis will be completed on the Long Range Transportation impacts when data from the Lee County Development Services Division is received.

Short Range Impacts (5-year horizon)

The Lee County Capital Improvement Program for Fiscal Year 2003/2004 to 2007/2008 was reviewed, as well as the FDOT Draft Tentative Work Program for Fiscal Year 2004/2004 to 2008/2008 to determine the short term impacts the proposed land use change would have on the surrounding roadways.

There are no roadway improvements in the FDOT Work program or the Lee County work program that provide additional capacity in the next five years in the area of the subject site. FDOT is currently widening S.R. 80 from Hickey Creek to the Lee



County/Hendry County line from a two-lane to a four-lane divided roadway. This improvement should be completed in 2005.

Level of Service Analysis

Based on the anticipated trip generation of the property under the proposed land use change, the roadway links in the vicinity of the site were analyzed based on the 100th highest hour, peak season, peak direction volume. The Link Specific Service Volumes, as developed by Lee County, were used to determine the future Level of Service on these roadways both with and without the project in the year 2010. **Table 2A**, contained in the Appendix of the report, outlines the methodology used in determining the 2010 traffic volumes as well as the growth rate utilized for each roadway segment.

Table 2A indicates the year 2010 peak hour traffic volumes and Level of Service for the various roadway links within the study area. Noted on Table 2A is the Peak Hour, Peak Direction volume and Level of Service of each link should no development occur on the subject site and the peak hour volume and Level of Service for the weekday A.M. and P.M. peak hours with the traffic from the land use modification added to the roadways. These values are also derived from **Table 2A** contained in the Appendix.



VII. CONCLUSION

The proposed comprehensive plan amendment to modify the future land use from Rural and Suburban to Outlying Suburban and Public Facilities on approximately 1,682 acres located on the south side of S.R. 80 east of Buckingham Road is currently being evaluated. The long range transportation impacts will be evaluated with the FSUTMS model once data from Development Services is received for the existing TAZ's.

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TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES

TOTAL AM PEAK HOUR PROJECT TRAFFIC = ### VPH IN= 425 OUT= 1415
TOTAL PM PEAK HOUR PROJECT TRAFFIC = ### VPH IN= 1350 OUT= 755

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY</u> <u>CLASS</u>	<u>LOS A</u> <u>VOLUME</u>	<u>LOS B</u> <u>VOLUME</u>	<u>LOS C</u> <u>VOLUME</u>	<u>LOS D</u> <u>VOLUME</u>	<u>LOS E</u> <u>VOLUME</u>	<u>PERCENT</u>		
								<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJ/</u> <u>LOS C</u>
Buckingham Road	S. of State Road 80	2LN	130	310	530	870	940	5.00%	71	13.3%
	E. of Alvin Avenue	2LN	130	310	530	870	940	10.00%	142	26.7%
Cemetery Road	E. of Buckingham Rd.	2LN	0	130	420	550	880	5.00%	71	16.8%
I-75	S. of Palm Beach Blvd	4LF	1270	2110	2940	3580	3980	15.0%	212	7.2%
	S. of Bayshore Road	4LF	1270	2110	2940	3580	3980	5.0%	71	2.4%
	N. of Bayshore Road	4LF	1270	2110	2940	3580	3980	2.0%	28	1.0%
Palm Beach Blvd. (S.R. 80)	E. of City Limits	6LN	0	810	1790	1980	2030	25.00%	354	19.8%
	E. of Ortiz	6LN	0	1220	2730	2970	3040	35.00%	495	18.1%
	E. of I-75	6LN	2570	3070	3080	3080	3080	55.00%	778	25.3%
	E. of S.R. 31	4LN	1690	2040	2050	2050	2050	70.00%	991	48.3%
	E. of Buckingham Rd.	4LN	1690	2040	2050	2050	2050	75.00%	1061	51.8%
	E. of Hickey Creek	4LN	1690	2040	2050	2050	2050	5.00%	71	3.5%
Sunshine Blvd.	N. of Lee Blvd.	2LN	0	130	420	550	880	15.00%	212	50.5%
State Route 31	N. of Palm Beach	2LN	220	440	710	1120	1170	15.00%	212	29.9%
	N. of Bayshore Rd.	2LN	220	440	710	1120	1170	3.00%	42	6.0%

**TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS**

7% Truck Adjustment = 0.934

P. C. S.
I-75 Lee

K
0.099

D
0.58

TOTAL PROJECT TRAFFIC AM = 1840 VPH IN = 425 OUT= 1415
TOTAL PROJECT TRAFFIC PM = 2105 VPH IN= 1350 OUT= 755

ROADWAY	SEGMENT	PCS	BASE YR ADT	2002 ADT	YRS OF GROWTH	ANNUAL RATE	2003	2010	PERCENT PROJECT	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2010	2010
							PK HR	PK HR				BCKGRND	BCKGRND
							PK SEASON PEAK DIR. ¹	PK SEASON PEAK DIR.				+ AM PROJ TRAFFIC	+ PM PROJ TRAFFIC
Buckingham Road	S. of State Road 80	11	5200	6900	9	3.19%	452	563	5.00%	71	68	634	631
	E. of Alvin Avenue	11	2000	3300	9	5.72%	324	478	10.00%	142	135	620	613
Cemetery Rd.	E. of Buckingham Rd.					1.00%	180	193	5.00%	71	68	264	260
I-75	S. of Palm Beach Blvd	I-75	47000	58000	5	4.30%	3244	4355	15.00%	212	203	4567	4557
	S. of Bayshore Road	I-75	36000	58000	5	10.01%	3422	6672	5.00%	71	68	6742	6739
	N. of Bayshore Road	I-75	25000	31500	5	4.73%	1769	2445	2.00%	28	27	2473	2472
Palm Beach Blvd. (S.R. 80)	E. of City Limits	5	20900	28700	9	3.59%	1543	1975	25.00%	354	338	2328	2312
	E. of Ortiz	5	19700	27400	9	3.73%	1468	1897	35.00%	495	473	2393	2370
	E. of I-75	5	18500	25000	9	3.40%	1432	1810	55.00%	778	743	2588	2552
	E. of S.R. 31	5	24000	27900	9	1.69%	1524	1713	70.00%	991	945	2704	2658
	E. of Buckingham Rd.	5	13600	16800	9	2.38%	951	1121	75.00%	1061	1013	2182	2133
	E. of Hickey Creek	5	9000	11200	9	2.46%	614	728	5.00%	71	68	799	795
Sunshine Blvd.	N. of Lee Blvd.					2.00%	353	405	15.00%	212	203	618	608
State Route 31	N. of Palm Beach	5	6800	8500	9	2.51%	454	540	15.00%	212	203	752	743
	N. of Bayshore Rd.	4	3500	5300	9	4.72%	224	309	3.00%	42	41	352	350

* The Truck Factor was not accounted for in the calculations for roadway links that have permanent count stations.

¹ The 2002 Peak Hour, Peak Season, Peak Direction Traffic Volume was obtained from the 2001/2002-2002/2003 Lee County Concurrency Report

Z-DATA 1 File

TAZ	Single Family							Multi-Family Data							Hotel		
0 153	39	27	27	83	3	23	74	388	25	23	643	3	23	74	0 86	0	
0 154	358	12	12	873	2	26	72	13	27	0	18	2	26	72	0 86	0	
0 155	249	19	19	580	1	2	97	475	27	27	878	1	2	97	0 86	0	
0 179	9	27	27	19	2	26	72	385	52	1	372	2	26	72	0 86	0	
0 180	636	40	32	1062	2	20	78	42	29	29	88	2	20	78	0 82	0	
0 181	758	19	19	1664	2	21	77	402	27	2	571	2	21	77	0 86	0	

Z_DATA 2 file

TAZ	Comm.		Serv.		Tot			
	Emp.		Emp.		Emp			
153	14	0	5	19	0	0	0	
154	0	134	36	170	0	0	0	
155	0	21	22	43	0	0	0	
179	91	20	31	142	0	0	0	
180	0	34	139	173	1038	0	0	
181	0	23	0	23	0	0	0	

ADMINISTRATIVE AMENDMENT (PD) ADD2004-00067A

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Landmar Group, LLC filed an application for administrative approval to a Residential Planned Development on a project known as Hawks Haven to allow modification to the Master Concept Plan to:

1. Revise the Master Concept Plan to show the emergency access as required in Condition 8, Lee County Zoning Resolution Z-99-056; and
2. Revise Environmental Condition 3.e, Lee County Zoning Resolution Z-99-056; and
3. Revise Environmental Condition 3.f, Lee County Zoning Resolution Z-99-056; and
4. Relocate Open Storage and Golf Maintenance Facilities to allow for the changes to the access and preservation areas; and
5. Show the location of a proposed 20+/- acre school site,

on property located in Alva, described more particularly as:

LEGAL DESCRIPTION: In Sections 25, 26, 27, 34, 35 & 36, Township 43 South, Range 26 East, Lee County, Florida:

See Legal Description attached hereto as Exhibit A

WHEREAS, the property was originally rezoned in case number DCI962447; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the application has been reviewed by Lee County Development Services, Lee County Environmental Sciences, and Lee County Department of Natural Resources; and

WHEREAS, the applicant has requested to modify the Indigenous Preservation areas; and

WHEREAS, there is an overall increase in the amount of Indigenous Preservation areas; and

WHEREAS, the applicant is requesting to provide an emergency access from the property to the west of the subject property; and

WHEREAS, Condition 8 Lee County Resolution Z-99-056, requires that emergency access be provided to the west of the subject property; and

WHEREAS, the emergency access will be provided to access through the proposed Portico property to the west; and

WHEREAS, an access agreement has been provided to show the emergency access to the abutting property to the west; and

WHEREAS, the School District of Lee County is proposing a new school on the subject property; and

WHEREAS, the proposed school site is for the development of a public school for the Lee County Board of Education; and

WHEREAS, the relocation and/or reconfiguration of on-site facilities include Golf Maintenance Facility Open Storage areas, and certain residential development areas; and

WHEREAS, the relocation of the Open Storage and Golf Maintenance Facilities will not create an increased impact on surrounding properties due to the increased buffer provided on page 2 of the attached Master Concept Plan; and

WHEREAS, the proposed changes will not create an increase in density or intensity; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to allow modifications to the Master Concept Plan is **APPROVED** to:

1. Revise the Master Concept Plan to show the emergency access as required in Condition 8 of Lee County Zoning Resolution Z-99-056; and
2. Revise Environmental Condition 3.e, Zoning Resolution Z-99-056; and
3. Revise Environmental Condition 3.f, Zoning Resolution Z-99-056; and
4. Relocate Open Storage and Golf Maintenance Facilities to coincide with the changes to access and preservation areas; and
5. Show the location of a proposed 20+/- acre school site.

Approval is subject to the following conditions:

1. **The Development must be in compliance with the amended two-page Master Concept Plan, entitled Hawks Haven Master Concept Plan dated May 19, 2004,**

stamped received by the Permit Counter on May 20, 2004 . Master Concept Plan for ADD2004-00067 is hereby APPROVED and adopted. A reduced copy is attached hereto.

2. The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.
3. Condition 3.e of Lee County Zoning Resolution Z-99-056 is amended to read as follows:

Open space must be provided per the open space table on the Master Concept Plan counter stamped received July 15, 1999. May 12 19, 2004. The open space table provides 643.9 acres of preserves and lakes. The golf course tract provides 531 acres of open space. All individual tracts, excluding tracts of single family lots greater than 6,500 square feet, must provide a minimum of ten percent open space within the tract. Individual tract open space may be met with private open space.

4. Condition 3.f of Lee County Zoning Resolution Z-99-056 is amended to read as follows:

Indigenous open space must be provided per the "Impact and Mitigation Plan" dated February 22, 1999 revised May 5, 1999. A minimum of 463.09 acres of indigenous preservation areas must be provided in substantial compliance with the Master Concept Plan. The preserves must be delineated on the local development order plans when they are within or adjacent to the development phase or tract being developed.

5. The school site is limited to a Public School operated by the School District of Lee County.
6. Outdoor Storage Areas must be in compliance with Section 34-3001 et seq, of the Lee County Land Development Code with the additional requirements as outlined on page 2 of the attached Master Concept Plan, including a 200-foot setback and enhanced buffer.
7. The Golf Course Maintenance Facility shall be landscaped at the time of Development Order Approval, in accordance with the two-page Master Concept Plan, entitled Hawks Haven Master Concept Plan dated May 19, 2004..

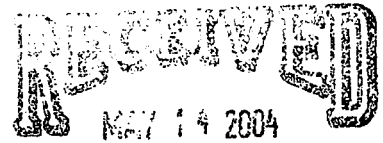
DULY SIGNED this 4th day of June, A.D., 2004.

BY: 

Pam Houck, Director
Zoning Division
Department of Community Development

DESCRIPTION

Parcel in
Sections 25, 26, 27 34, 35 and 36, Township 43 South, Range 26 East
Lee County, Florida



PERMIT COUNTER

A tract or parcel of land lying in Sections 25, 26, 27 34, 35 and 36, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Southeast corner of said Section 34 run N00°59'34"W along the East line of the Southeast Quarter (SE ¼) of said Section 34 for 2,654.70 feet to the East Quarter Corner of said Section 34; thence run S89°15'30"W along the North line of the South Half (S ½) of said Section 34 for 5,100.92 feet to a point on a non-tangent curve at the intersection with the Easterly line of lands described in a deed recorded in Official Record Book 4107, at Page 886, Lee County Records; thence run northwesterly along said Easterly line and along an arc of curve to the left of radius 240.00 feet (delta 21°30'24") (chord bearing N34°21'11"W) (chord 89.56 feet) for 90.09 feet to a point of tangency; thence run N45°06'23"W along said Easterly line for 156.71 feet to a point of curvature; thence run northwesterly along said Easterly line and along an arc of curve to the left of radius 240.00 feet (delta 06°54'55") (chord bearing N48°33'50"W) (chord 28.95 feet) for 28.97 feet to and intersection with the West line of the Northwest Quarter (NW ¼) of said Section 34; thence run N00°49'55"W along said West line for 2,437.57 feet to the Southwest Corner of said Section 27, being designated as POINT "A"; thence run N00°49'48"W along the West line of the Southwest Quarter (SW ¼) of said Section 27 for 659.59 feet to the Southwest corner of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section 27; thence run N89°06'39"E along the South line of the North Half (N ½) of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section 27 for 1,318.66 feet to the Southeast corner of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section 27; thence run S00°50'33"E along the East line of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section 27 for 66.37 feet to an intersection with the Northerly right of way line of the former Seaboard All Florida Railroad (100 feet wide); thence run N89°00'08"E along said Northerly right of way line for 659.34 feet to an intersection with the East line of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of said Section 27; thence run along said East line N00°50'55"W for 65.12 feet to the Northeast corner of said Fraction; thence run S89°06'39"W along the North line of said Fraction for 659.33 feet to the Southeast corner of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section 27; thence run N00°50'33"W along the East line of said Fraction for 660.48 feet to the Northeast Corner of said Fraction; thence run S89°04'20"W along the North line of said Fraction for 659.26 feet to the Southeast corner of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section 27; thence run N00°50'10"W along the East line of said Fraction for 660.23 feet to the Northeast Corner of said Fraction; thence run S89°02'22"W along the North line of said Fraction for 659.19 feet to an intersection with the West line of the Southwest Quarter (SW ¼) of said Section 27; thence run N00°49'48"W along said West line for 659.85 feet to the West Quarter Corner of said Section 27; thence run N00°47'16"W along the West line of the Northwest Quarter (NW ¼) of said Section 27 for 1,328.51 feet to an intersection with the Southerly right of way line of State Road 80, (150 feet wide); thence run N77°10'14"E along said Southerly right of way line for 2,020.27 feet to and intersection with the West line of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of said Section 27;

DESCRIPTION (cont.)

thence run $S00^{\circ}50'17''E$ along said West line for 421.56 feet to the Southwest Corner of said Fraction, being designated as POINT "B"; thence run $N88^{\circ}54'52''E$ along the South line of said Fraction for 658.74 feet to an intersection with the West line of the East Half (E $\frac{1}{2}$) of said Section 27; thence run $S00^{\circ}51'17''E$ along said West line for 3,420.35 feet to an intersection with the North line of the South 50 feet of said former Seaboard All Florida Railroad right of way (100 feet wide); thence run $N89^{\circ}00'08''E$ along said North line for 7,949.61 feet to an intersection with the West line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 25; thence run $N00^{\circ}33'55''W$ along said West line for 50.00 feet to an intersection with the Northerly right of way line of the former Seaboard All Florida Railroad (100 feet wide); thence run $N89^{\circ}00'08''E$ along said right of way line for 5,295.61 feet to an intersection with the East line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 25; thence run $S01^{\circ}39'28''E$ along said East line for 629.62 feet to the Northeast Corner of said Section 36 being designated as POINT "C"; thence run $S00^{\circ}16'51''E$ along the East line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 36 for 2,647.36 feet to the East Quarter Corner of said Section 36; thence run $S00^{\circ}45'42''E$ along the East line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 36 for 2,644.68 feet to the Southeast Corner of said Section 36; thence run $S89^{\circ}12'27''W$ along the South line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 36 for 2,644.62 feet to the South Quarter Corner of said Section 36; thence run $S89^{\circ}11'43''W$ along the South line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 36 for 2,643.63 feet to the Southeast Corner of said Section 35; thence run $N00^{\circ}43'38''W$ along the East line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 35 for 2,635.53 feet to the East Quarter Corner of said Section 35; thence run $S89^{\circ}04'31''W$ along the North line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 35 for 2,647.42 feet to the Center of Section 35; thence run $S00^{\circ}47'45''E$ along the West line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 35 for 1,982.29 feet to the Southwest Corner of the North Half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 35; thence run $N88^{\circ}57'10''E$ along the South line of said Fraction for 1,322.53 feet to an intersection with the West line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 35; thence run $S00^{\circ}47'27''E$ along said West line for 660.06 feet to an intersection with the South line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 35; thence run $S88^{\circ}54'06''W$ along said South line for 1,321.81 feet to the South Quarter Corner of said Section 35; thence run $S88^{\circ}53'41''W$ along the South line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 35 for 2,642.70 feet to the POINT OF BEGINNING.

LESS and EXCEPT the following described parcels.

From the point designated as POINT "A" run $N89^{\circ}08'57''E$ along the South line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 27 for 1,318.80 feet to the Southwest Corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 27 and POINT OF BEGINNING.

From said Point of Beginning run $N00^{\circ}50'33''W$ along the West line of said Fraction for 494.10 feet to an intersection with the Southerly right of way line of the former Seaboard All Florida Railroad (100 feet wide); thence run $N89^{\circ}00'08''E$ along said Southerly right of way line for 659.35 feet to an intersection with the East line of said Fraction; thence run $S00^{\circ}50'55''E$ along said West line for 495.79 feet to the Southeast Corner of said Fraction; thence run $S89^{\circ}08'57''W$ along the South line of said Fraction for 659.40 feet to the POINT OF BEGINNING.

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COUNTY CLERK

DESCRIPTION (cont.)

AND

From the point designated as POINT "B" run S88°54'52"W along the South line of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of said Section 27 for 658.74 feet to the Northeast Corner of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of said Section 27 and POINT OF BEGINNING.

From said Point of Beginning run S00°49'17"E along the East line of said Fraction for 660.13 feet to the Southeast Corner of said Fraction; thence run S88°57'38"W along the South line of said Fraction for 658.93 feet to the Southwest Corner of said Fraction; thence run N00°48'16"W along the West line of said Fraction for 659.60 feet to the Northwest Corner of said Fraction; thence run N88°54'52"E along the North line of said Fraction for 658.74 feet to the POINT OF BEGINNING.

AND

From the point designated as POINT "C" run S88°44'46"W along the South line of the Southeast Quarter (SE ¼) of said Section 25 for 2,674.22 feet to the South Quarter Corner of said Section 25 and POINT OF BEGINNING.

From said Point of Beginning run S89°12'44"W along the South line of the Southwest Quarter (SW ¼) of said Section 25 for 2,633.46 feet to the Southeast Corner of said Section 26; thence run S89°14'15"W along the South line of the Southeast Quarter (SE ¼) of said Section 26 for 1,327.50 feet to the Southwest Corner of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of said Section 26; thence run N00°23'46"W along West line of said Fraction for 526.48 feet to an intersection with the Southerly right of way line of the former Seaboard All Florida Railroad (100 feet wide); thence run N89°00'08"E along said Southerly right of way line for 3,955.57 feet to an intersection with the East line of the Southwest Quarter (SW ¼) of said Section 25; thence run S00°58'48"E along said East line for 541.54 feet to the POINT OF BEGINNING.

Containing a Total Area of 1,797.26, more or less.

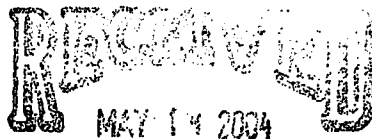
Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the west line of the Northwest Quarter (NW 1/4) of said Section 34 to bear N00°49'55"W.

Applicant's Legal Checked

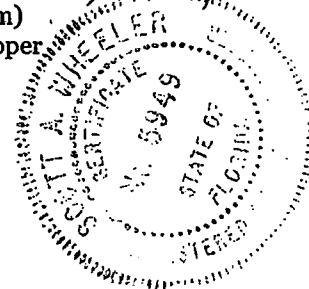
by AKH 17 MAY 04

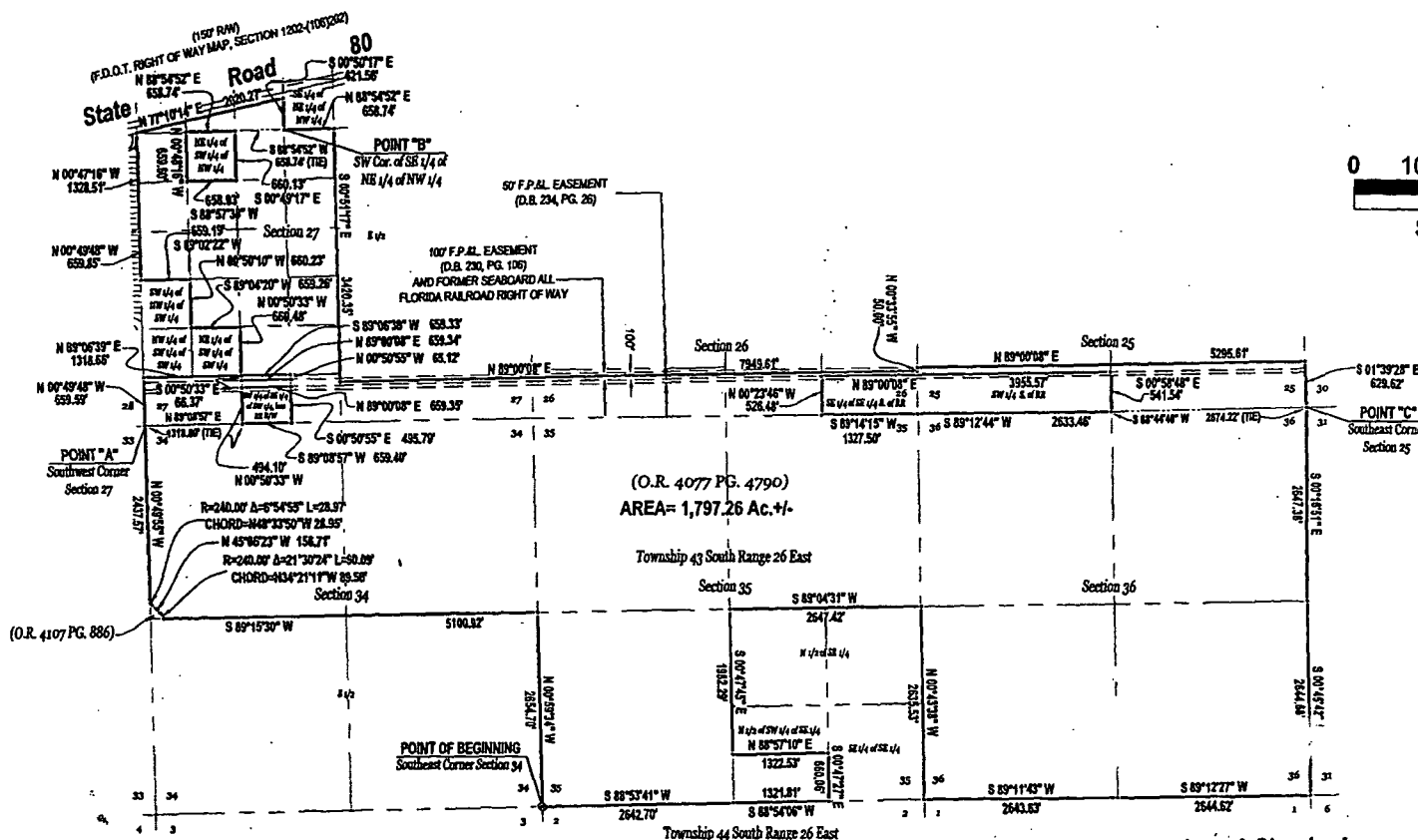
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

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PRISON 000002





0 1000 2000 4000
SCALE IN FEET

THIS IS NOT A SURVEY

Cott A. Wheeler
COTT A. WHEELER (FOR THE FIRM: LEE 6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

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

RECEIVED
MAY 14 2004

PERMIT COUNTER

ADD 2004-00067

Applicant's Legal Checked
by *[Signature]* 17 MAY 04

NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
3. PG. - DENOTES PAGE.
4. D.B. - DENOTES DEED BOOK, LEE COUNTY PUBLIC RECORDS.
5. BEARINGS AS SHOWN ARE BASED ON THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 34 TO BEAR NORTH 00°49'55" WEST.
6. DESCRIPTION IS ATTACHED

Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN

www.barraco.net

2071 MAGREGOR BOULEVARD
FORT MYERS, FLORIDA 33903-2800
PHONE (239) 981-5170
FAX (239) 981-3188

FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING TITLE - SURVEYING LS-6949

PREPARED FOR:

LandMar
GROUP, LLC

2302 NORTH WEST SHORE BOULEVARD
SUITE 102
TAMPA, FLORIDA 33607

PHONE (813) 360-4700
FAX (813) 764-0000

PROJECT DESCRIPTION:

**HAWK'S
HAVEN**

PART OF SECTIONS 25, 26, 34, 35 AND 36
TOWNSHIP 43 SOUTH
RANGE 26 EAST
LEE COUNTY, FLORIDA

PROJECT DESCRIPTION:



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

FILE NAME: 20040504.dwg
LAYOUT: LAYOUT
LOCATION: 20040504/20040504.dwg
PLOT DATE: PM 5:44:00 - 2004
PLOT BY: PETER CLARK
DRAWN BY: [Signature]
CHECKED BY: [Signature]
SCALE: 1"=500'
FIELD BOOK: [Signature]

PLANNED/RECORD

OTHER PLANNED

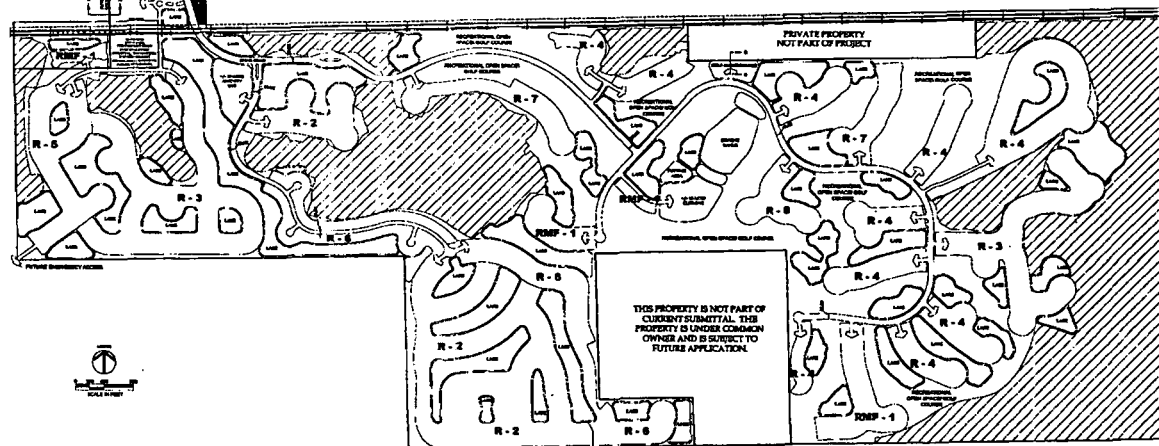
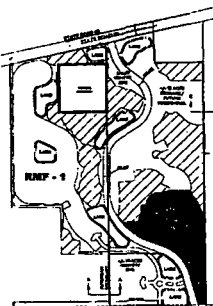
SKETCH TO
ACCOMPANY
DESCRIPTION

PROJECT/FILE NO. SHEET NUMBER

[illegible][illegible][illegible]

1. ALL STRUCTURES UNDER THIS PROJECT REGISTRATION, CLUSTERING, LOT SUBDIVISION, MAPS, AND OTHER RECORDING FACILITIES ARE LIMITED TO 2 STORIES OF HEIGHT.
2. LOTS ATTACHED TO DIRECTLY TO THE MAIN TRUNKED ROAD SHALL NOT HAVE DIRECT BACKSIGHT TO THE ADJACENT, EXISTING, 2 LANE HIGHWAY AREA OF PROJECT.
3. ZERO LOT LINE, AND TWO FULLY ATTACHED LOTS SHALL BE FULLY ADJACENT AND SHALL HAVE A MINIMUM AREA OF 4,000 SQ. FT.
4. ALL TRUNKED MAIN ROAD PARCELS SHALL HAVE A MINIMUM AREA OF 20,000 SQ. FT. AND MINIMUM FRONT OF 100 FT.
5. SEPARATE LOTS IN MAIN TRUNKED ROAD SHALL HAVE A MINIMUM AREA OF 3,000 SQ. FT.

TOTAL DEVELOPMENT	\$,797.30
SINGLE FAMILY @ 6.000 S.F.	-400.30
REMAINING ACRES	1,200.00
DEVELOPMENT ACRES	1,200.00 ACRES
OPEN SPACE PRESERVE (50%)	600.00 ACRES
OPEN SPACE PRESERVE	117.00 ACRES
WATERBODIES & SPACE PRESERVE (50%)	271.00 ACRES
WATERBODIES & SPACE PRESERVE	135.50 ACRES

[illegible] INDIGENOUS OPEN SPACE (MELBOURNE)

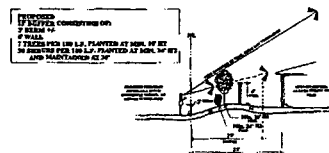
THIS PROPERTY IS NOT PART OF
CURRENT SUBMITTAL. THE
PROPERTY IS UNDER COMMON
OWNER AND IS SUBJECT TO
FUTURE APPLICATION.

Barraco
Real American, Inc.
9741 Pennsylvania Ave. Suite 200
Little Rock, AR 72209
www.barraco.com
9741 Pennsylvania Ave. Suite 200
Little Rock, AR 72209
Phone: (501) 261-4444
Fax: (501) 261-4444

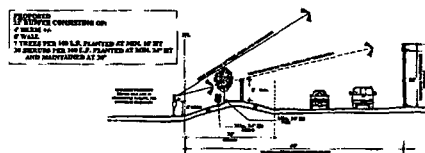
LandMark GROUP, LLC
 10000 W. 10th Ave., Suite 100
 Denver, CO 80202
 303.733.1100
 www.landmarkgroup.com

HAWKS HAVEN MASTER CONCEPT PLAN

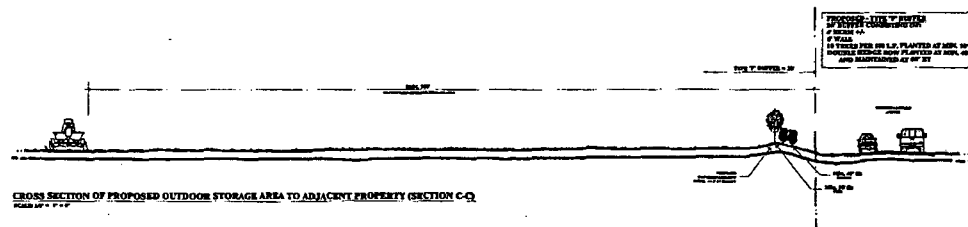
21888	1 OF 2
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PROPOSED BUFFER FOR AMENITY CENTER (SECTION A-A)
Scale: 1/4" = 1'-0"



PROPOSED BUFFER FOR GOLF COURSE MAINTENANCE FACILITY (SECTION B-B)
Scale: 1/4" = 1'-0"



CROSS SECTION OF PROPOSED OUTDOOR STORAGE AREA TO ADJACENT PROPERTY (SECTION C-C)
Scale: 1/4" = 1'-0"

Bartaco
Full Service
Landscape Architecture
10000 N. 10th Ave.
Suite 100
Phoenix, AZ 85020
Tel: 602.998.1234
Fax: 602.998.1235
www.bartaco.com

LandMar
Group, LLC
10000 N. 10th Ave.
Suite 100
Phoenix, AZ 85020
Tel: 602.998.1234
Fax: 602.998.1235
www.landmar.com

HAWKS HAVEN **MASTER CONCEPT PLAN**

NO.	DESCRIPTION	DATE	BY	CHKD
1	PRELIMINARY	10/1/00	J. BARTACO	J. BARTACO
2	REVISION	10/1/00	J. BARTACO	J. BARTACO
3	REVISION	10/1/00	J. BARTACO	J. BARTACO
4	REVISION	10/1/00	J. BARTACO	J. BARTACO
5	REVISION	10/1/00	J. BARTACO	J. BARTACO
6	REVISION	10/1/00	J. BARTACO	J. BARTACO
7	REVISION	10/1/00	J. BARTACO	J. BARTACO
8	REVISION	10/1/00	J. BARTACO	J. BARTACO
9	REVISION	10/1/00	J. BARTACO	J. BARTACO
10	REVISION	10/1/00	J. BARTACO	J. BARTACO

APPROVED
J. BARTACO
10/1/00

2000 3 OF 2

PAUL

From: Wayne Daltry
To: Dist3, Judah
Date: 12/18/03 9:01AM
Subject: Hawkes Haven

04 JAN 29 AM 9:08

T.M. Noble
LEE COUNTY
RECEIVED
COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

Good Morning

I have discussed this matter with county staff, and this seems to be the information and issues. There is a summation, peppered with my own thoughts.

#1, the site may have an ERP permit already. County staff does not have a copy of any permit issued, nor did the owner leave a copy with staff. The existence of a permit is something of a puzzle, if it is true, and Jacques Rippe had said something at a meeting that led me to believe something was at least in the works, because upon what land uses and foot print of development would it have been issued?

#2 Overall stormwater management. One of the benefits of the site is that if coordinated with ECWCD, it serves as a reliever to Lehigh stormwater issues and excessive discharges to the Orange River. Not that this would be a justification for gratuitous "up planning" but would be a justification for tweaking any policies that hinder aggregation or redistribution of land uses since part of the site is shown at higher allowable densities than others, and maybe a redistribution of higher density into lower density helps the areawide drainage plan more.

#3 Transportation. Lehigh buildout is more than the current and forecasted system can bear. The massive land use changes needed in Lehigh to reduce this generation and distribution to the regional network has not yet been successfully assessed much less accomplished. Whether the traffic from Hawkes Haven would go to SR 80, Buckingham or into Lehigh is irrelevant, the system is already over committed, so more density without the ability to keep trips on site (apparently the project is basically residential, so most trips would be off site) only aggravates the forecasted problem. SR 80 is already a forecastable concurrency issue.

#4 Is there a strategy to keep densities down to what is currently approved in the eastern part of the county? If so, this would be contrary. Given the issue with Babcock request for densities increases in Charlotte County and the published expectation to do the same in Lee, granting straight up increases in county density (without concurrent density reductions elsewhere) would seem to expose the County's assessment that current Plan meets forecasted needs to unnecessary problems.

#5 Groundwater resources. The Groundwater resources assessment countywide is evaluating our needs, our resources, and our current management strategies. I don't know how the site currently fares as a recharge source for the surficial or any other aquifer. The phase of the assessment for resources should be complete around September.

#6 DRI Any Plan change outside of the 5 year EAR process (by which we would presumably have assessed the county wide need after 5 years of growth and change) does put on staff a chore of assessing each proposal and its impact on the County as a whole. The exception is a DRI/Concurrent Plan amendment change, which puts the whole chore on the applicant, or also gives County staff the supplemental assistance of other review staff. I don't know if the project proposes to be a DRI. With the forecasted change in thresholds, the project would have to be in the 2301-3600 band to be eligible for consideration as NOT being a DRI, and under 2401 for not being a DRI.

#7. Infrastructure. Whether a DRI or not, increasing density increases demand for public services. A school site has been mentioned. Other demands assuredly exist in an area we expected to be rural. Whereas doctrine and law (in summary) deservedly keeps government from requiring developers to do the overall public a favor by providing more impact mitigation than is caused, doctrine and law also expects government to keep development from causing public harm, including fiscal harm. The owners would have to up front demonstrate that this is the case. An example is an owner of rural land should expect to be compensated for school sites that house urban children from elsewhere, but if they come from his own site and he is compensated for the sale of land for urban uses, should not school site donations be expected to reduce or prevent harm to the public ability to adequately house children in appropriate sized schools and class sizes? Clearly increasing density is a legislative prerogative of the BoCC, and so are the conditions in which it is granted, given competent substantive testimony.

Wayne E. Daltry
Director, Smart Growth Department

From: Wayne Daltry
To: Dist3, Judah; Gibbs, Mary; O'Connor, Paul
Date: 1/28/04 11:47AM
Subject: Hawkes Haven

Good Morning

I am in receipt of the response from Matt Uhle on behalf of the developer. Here is what I think the composite results are of his response to my points.

1. He provided the ERP and Corps permit. I will forward this and the response to the Planning department for their files and use. The permit is dated July 12, 2001, so the current Lee County FLUM densities and intensities was the basis of reliance of the permit.
2. We concur.
3. Transportation issues continue. Since SR 80 is a State road for currency purposes, with rural segment LOS B, the currency issue still stands.
4. Strategy for densities where they are. The current FLUM is the strategy. Densities are low where they are for a reason. To increase densities without a rationale (or for concurrent reductions elsewhere) still has a problem.
5. Groundwater resources. There was nothing in the original note that referenced DRGR nor does extraordinary recharge have relevance, given the nature of the issues confronting the county.
6. DRI. This was presented as a staff time issue, which still applies. A DRI oddly enough is a vehicle to find more workers and more options for remedy of issues, but is not compulsory.
7. Infrastructure. Still applies, since sizing is related to forecasted demand, which increases with density increases. The school site (s) is an interesting twist, since the school board has eminent domain, and as the response shows, the school board price should be less for lesser designated land uses. Again, if land uses were to increase, then so do the demand for school facilities, so a school being established for current demand becomes overcrowded if more demands are created then those contemplated under current FLUM. (One answer being more sites, which unless gifts become yet another school board/current taxpayer cost). In other words, I don't see how the school board benefits from an increase in density for the developer. (How does the price change? Does it become a gift?) But this is more for the discussions that need to be between BoCC and SBoLC for the range of mutual benefits in representing the citizen needs.

Wayne E. Daltry
Director, Smart Growth Department
wdaltry@leegov.com
239-335-2840
239-335-2262 (fax)

Knott, Consoer, Ebelini
Hart & Swett, P.A.
A T T O R N E Y S - A T - L A W

George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

MUhle@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Naty Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

M E M O R A N D U M

TO: Wayne Daltry
Commissioner Ray Judah

FROM: Matt Uhle

DATE: January 27, 2004

RE: Hawk's Haven/Response to Wayne's Memo of 12/18

COUNTY ADMINISTRATION
04 JAN 28 AM 7:51

We have reviewed this memo and would respond as follows:

1. The project has an ERP and a Corps permit. A copy of the ERP is attached. The additional units can fit within the development footprint established by the existing permits.
2. The Hawks' Have project currently has an approved conceptual surface water management permit from South Florida Water Management District. Based upon this approval, it is planned to direct all stormwater from this project north to State Road 80 and ultimately to the Caloosahatchee River. Any stormwater, that currently is being discharged to the Orange River, will be redirected to the Caloosahatchee River.
3. The four lane section of S.R. 80 that abuts this property currently operates at LOS "A." We are aware, of course, of the longstanding concern that has been expressed regarding the impacts of Lehigh Acres at buildout, but we do not believe that events that will not occur within the Lee Plan's horizon (either current or proposed--see below) should drive the Board's decision in this case, particularly in light of the School Board's immediate needs and the County's ongoing efforts to reduce the platted lands problem.
4. There is no strategy to minimize densities in the eastern part of the County that is articulated anywhere in the Lee Plan. In fact, to do so would drive more development into the Coastal High Hazard Area. The subject property already includes urban lands

Wayne Daltry
Commissioner Ray Judah
January 27, 2004

and abuts other parcels which are designated Outlying Suburban and Urban Community; for that reason, it has nothing in common with the Babcock Ranch. As noted below, it also has access to urban services.

5. Hawk's Haven is not, of course, in the DRGR. It does not contain any extraordinary recharge areas. The uplands will be developed in any event; it is only a question of whether they will contain roughly 2,000 or 3,000 units.
6. The project will not be a DRI. The application will be timed to take advantage of the increase in the DRI threshold sometime next year. We have been advised that the horizon of the plan will be extended to 2030 in the EAR round of amendments, which should address any concern about increasing the capacity of the FLUM.
7. The project has access to public water and sewer facilities, already includes urban lands, and abuts other urban property on two sides. The price of the school site will inevitably reflect the current designation of the property, not the proposed designation, as the conveyance is contemplated to occur about a year before the likely date of the adoption hearing on the amendment. The immediate benefit to the School Board is an integral part of the proposal.

If you have any other questions, please let us know.

MDU/zw

Enclosure

cc: Jim Harvey
Jim Moore
O.J. Buigas
Greg Morris



FORM 10145
Rev. 08/95

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE PERMIT NO. 36-04006-P
DATE ISSUED: JULY 12, 2001

PERMITTEE: WILLIAM SCHULMAN - TRUSTEE
(HAWKS HAVEN PHASE 1)
450 7TH AVENUE,
NEW YORK, NY 10123

PROJECT DESCRIPTION: AN ENVIRONMENTAL RESOURCE PERMIT ALLOWING CONCEPTUAL AUTHORIZATION FOR A SURFACE WATER MANAGEMENT SYSTEM SERVING A 1,797.6-ACRE GOLF COURSE AND RESIDENTIAL SUBDIVISION. IN ADDITION, CONSTRUCTION AND OPERATION AUTHORIZATION FOR 962.2 ACRES, PART OF THE 1,797.6-ACRE SUBDIVISION.

PROJECT LOCATION: LEE COUNTY, SECTION 27,34-36 TWP 43S RGE 26E

PERMIT DURATION: Five years to complete construction of the surface water management system from the date issued. Conceptual Approval is valid for two years from the date issued. See attached Rule 40E-4.321, Florida Administrative Code.

This Permit is issued pursuant to Application No. 991012-3, dated October 12, 1999. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373, Part IV Florida Statutes (F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414(1)(b), F.S., or as otherwise stated herein.

This Permit may be transferred pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-1.6107(1) and (2), and 40E-4.351(1), (2), and (4), Florida Administrative Code (F.A.C.). This Permit may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.351(1), (2), and (4), F.A.C.

This Permit shall be subject to the General Conditions set forth in Rule 40E-4.381, F.A.C., unless waived or modified by the Governing Board. The Application, and the Environmental Resource Permit Staff Review Summary of the Application, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit. All activities authorized by this Permit shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Environmental Resource Permit Staff Review Summary. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:

SEE PAGES	2 - 8	OF 11	(28 SPECIAL CONDITIONS).
SEE PAGES	9 - 11	OF 11	(19 GENERAL CONDITIONS).

FILED WITH THE CLERK OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

ON ORIGINAL SIGNED BY:
BY JENNIFER KRUMLAUF
DEPUTY CLERK

Original signed by:
Tony Burns
By _____
ASSISTANT SECRETARY

SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION: BASIN: 1-1 - 11.00 FEET NGVD.
BASIN: 1-2 - 10.80 FEET NGVD.
BASIN: 1-3 - 11.60 FEET NGVD.
BASIN: 1-4 - 12.70 FEET NGVD.
BASIN: 2-1 - 14.70 FEET NGVD.
BASIN: 2-2 - 14.70 FEET NGVD.
BASIN: 2-3 - 16.50 FEET NGVD.
BASIN: 2-4 - 19.20 FEET NGVD.
BASIN: 2-5 - 16.00 FEET NGVD.
BASIN: 2-6 - 16.00 FEET NGVD.
BASIN: 2-7 - 16.90 FEET NGVD.
BASIN: 3-1 - 19.50 FEET NGVD.
BASIN: 3-2 - 19.50 FEET NGVD.
BASIN: 3-3 - 19.80 FEET NGVD.
BASIN: 3-4 - 19.60 FEET NGVD.
BASIN: 4-1 - 19.25 FEET NGVD.
BASIN: 4-2 - 18.90 FEET NGVD.
BASIN: 4-3 - 18.50 FEET NGVD.
BASIN: 4-4 - 19.20 FEET NGVD.
BASIN: 4-5 - 19.30 FEET NGVD.
BASIN: 4-6 - 19.50 FEET NGVD.
2. MINIMUM ROAD CROWN ELEVATION: BASIN: 1-1 - 8.60 FEET NGVD.
BASIN: 1-2 - 8.50 FEET NGVD.
BASIN: 1-3 - 10.00 FEET NGVD.
BASIN: 1-4 - 11.20 FEET NGVD.
BASIN: 2-1 - 12.00 FEET NGVD.
BASIN: 2-2 - 13.20 FEET NGVD.
BASIN: 2-3 - 15.00 FEET NGVD.
BASIN: 2-4 - 17.50 FEET NGVD.
BASIN: 2-5 - 13.20 FEET NGVD.
BASIN: 2-6 - 12.40 FEET NGVD.
BASIN: 2-7 - 13.80 FEET NGVD.
BASIN: 3-1 - 18.00 FEET NGVD.
BASIN: 3-2 - 17.10 FEET NGVD.
BASIN: 3-3 - 17.20 FEET NGVD.
BASIN: 3-4 - 16.20 FEET NGVD.
BASIN: 4-1 - 17.75 FEET NGVD.
BASIN: 4-2 - 16.90 FEET NGVD.
BASIN: 4-3 - 15.70 FEET NGVD.
BASIN: 4-4 - 16.10 FEET NGVD.
BASIN: 4-5 - 16.50 FEET NGVD.
BASIN: 4-6 - 18.00 FEET NGVD.
3. DISCHARGE FACILITIES:
BASIN: 1-1:
1-.42' W X .42' H CIRCULAR ORIFICE WEIR WITH CREST AT ELEV. 7.45' NGVD.
1-.42' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 6.5' NGVD.
85 LF OF 1.5' DIA. RCP CULVERT.

RECEIVING BODY : FDOT DITCH VIA ONSITE WETLAND

CONTROL ELEV : 6.5 FEET NGVD. /6.5 FEET NGVD DRY SEASON.

BASIN: 1-2:

1-.25' W X 2.15' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 6.82' NGVD.
 1-1.07' W X .32' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 6.5' NGVD.
 414 LF OF 2' DIA. RCP CULVERT.

RECEIVING BODY : FDOT DITCH VIA ONSITE WETLAND

CONTROL ELEV : 6.5 FEET NGVD. /6.5 FEET NGVD DRY SEASON.

BASIN: 1-3:

1-.83' W X .83' H CIRCULAR ORIFICE WEIR WITH CREST AT ELEV. 8.89' NGVD.
 1-.42' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 7.7' NGVD.
 100 LF OF 2.5' DIA. RCP CULVERT.

RECEIVING BODY : FDOT DITCH VIA ONSITE WETLAND

CONTROL ELEV : 7.7 FEET NGVD. /7.7 FEET NGVD DRY SEASON.

BASIN: 1-4:

1-.65' W X .23' H RECTANGULAR ORIFICE WITH INVERT AT ELEV. 9.2' NGVD.
 172 LF OF 2' DIA. RCP CULVERT.

RECEIVING BODY : FDOT DITCH VIA ONSITE WETLAND

CONTROL ELEV : 9.2 FEET NGVD. /9.2 FEET NGVD DRY SEASON.

BASIN: 2-1:

1-2.33' W X 2.57' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 10.44' NGVD.
 1-1.1' W X .44' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 10' NGVD.
 247 LF OF 3.5' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 10 FEET NGVD. /10 FEET NGVD DRY SEASON.

BASIN: 2-2:

1-4.08' W X .34' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 11.2' NGVD.
 416 LF OF 3' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 11.2 FEET NGVD. /11.2 FEET NGVD DRY SEASON.

BASIN: 2-3:

1-2.16' W X 2.4' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 13.35' NGVD.
 1-3.39' W X .35' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 13' NGVD.
 159 LF OF 3.5' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 13 FEET NGVD. /13 FEET NGVD DRY SEASON.

BASIN: 2-4:

1-3.52' W X .35' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 15.5' NGVD.
227 LF OF 3' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 15.5 FEET NGVD. /15.5 FEET NGVD DRY SEASON.

BASIN: 2-5:

1-.33' W X 2.84' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 11.65' NGVD.
1-.48' W X .45' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 11.2' NGVD.
377 LF OF 2' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 11.2 FEET NGVD. /11.2 FEET NGVD DRY SEASON.

BASIN: 2-6:

1-.77' W X .77' H CIRCULAR ORIFICE WEIR WITH CREST AT ELEV. 10.43' NGVD.
1-.33' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 10' NGVD.
426 LF OF 2' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 10 FEET NGVD. /10 FEET NGVD DRY SEASON.

BASIN: 2-7:

1-.56' W X .56' H CIRCULAR ORIFICE WEIR WITH CREST AT ELEV. 11.48' NGVD.
1-.25' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 11.2' NGVD.
400 LF OF 2' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 11.2 FEET NGVD. /11.2 FEET NGVD DRY SEASON.

BASIN: 3-1:

1-5' W X 1.91' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 16.33' NGVD.
1-5' W X .33' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 16' NGVD.
416 LF OF 3' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 16 FEET NGVD. /16 FEET NGVD DRY SEASON.

BASIN: 3-2:

1-2' W X 2.85' H RECTANGULAR ORIFICE WEIR WITH CREST AT ELEV. 15.19' NGVD.
1-.33' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 14.5' NGVD.
617 LF OF 3' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 14.5 FEET NGVD. /14.5 FEET NGVD DRY SEASON.

BASIN: 3-3:

1-1.58' W X 3.18' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 15.62' NGVD.

1-.33' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 14.5' NGVD.
318 LF OF 3' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 14.5 FEET NGVD. /14.5 FEET NGVD DRY SEASON.

BASIN: 3-4:

1-1.46' W X 3.7' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 13.67' NGVD.
1-.66' W X .18' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 13.5' NGVD.
68 LF OF 2' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 13.5 FEET NGVD. /13.5 FEET NGVD DRY SEASON.

BASIN: 4-1:

1-1.07' W X .58' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 16.81' NGVD.
1-1.07' W X 1.06' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 15.75' NGVD.
636 LF OF 2.5' DIA. RCP CULVERT.

RECEIVING BODY : OAK CREEK VIA ONSITE WETLAND

CONTROL ELEV : 15.75 FEET NGVD. /15.75 FEET NGVD DRY SEASON.

BASIN: 4-2:

1-.63' W X 2.53' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 15.21' NGVD.
1-1.1' W X .71' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 14.5' NGVD.
575 LF OF 2.5' DIA. RCP CULVERT.

RECEIVING BODY : OAK CREEK VIA ONSITE WETLAND

CONTROL ELEV : 14.5 FEET NGVD. /14.5 FEET NGVD DRY SEASON.

BASIN: 4-3:

1-.25' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 13.5' NGVD.
152 LF OF 1.25' DIA. RCP CULVERT.

RECEIVING BODY : OAK CREEK VIA ONSITE WETLAND

CONTROL ELEV : 13.5 FEET NGVD. /13.5 FEET NGVD DRY SEASON.

BASIN: 4-4:

1-.53' W X 3.1' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 14.22' NGVD.
1-.25' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 13.5' NGVD.
84 LF OF 2' DIA. RCP CULVERT.

RECEIVING BODY : OAK CREEK VIA ONSITE WETLAND

CONTROL ELEV : 13.5 FEET NGVD. /13.5 FEET NGVD DRY SEASON.

BASIN: 4-5:

1-3.06' W X .38' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 14.5' NGVD.
755 LF OF 2' DIA. RCP CULVERT.

RECEIVING BODY : OAK CREEK VIA ONSITE WETLAND

CONTROL ELEV : 14.5 FEET NGVD. /14.5 FEET NGVD DRY SEASON.

BASIN: 4-6:

1-1' W X 1.42' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 16.53' NGVD.

1-.87' W X .53' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 16' NGVD.

402 LF OF 2' DIA. RCP CULVERT.

RECEIVING BODY : OAK CREEK VIA ONSITE WETLAND

CONTROL ELEV : 16 FEET NGVD. /16 FEET NGVD DRY SEASON.

4. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
5. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
6. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
7. LAKE SIDE SLOPES SHALL BE NO STEEPER THAN 4:1 (HORIZONTAL:VERTICAL) TO A DEPTH OF TWO FEET BELOW THE CONTROL ELEVATION. SIDE SLOPES SHALL BE TOP SOILED AND STABILIZED THROUGH SEEDING OR PLANTING FROM 2 FEET BELOW TO 1 FOOT ABOVE THE CONTROL ELEVATION TO PROMOTE VEGETATIVE GROWTH.
8. FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.
9. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF HAWKS HAVEN HOMEOWNERS ASSOCIATION.
10. SILT SCREENS, HAY BALES OR OTHER SUCH SEDIMENT CONTROL MEASURES SHALL BE UTILIZED DURING CONSTRUCTION. THE SELECTED SEDIMENT CONTROL MEASURES SHALL BE INSTALLED LANDWARD OF THE UPLAND BUFFER ZONES AROUND ALL PROTECTED WETLANDS. ALL AREAS SHALL BE STABILIZED AND VEGETATED IMMEDIATELY AFTER CONSTRUCTION TO PREVENT EROSION INTO THE WETLANDS AND UPLAND BUFFER ZONES.
11. PERMANENT PHYSICAL MARKERS DESIGNATING THE PRESERVE STATUS OF THE WETLAND PRESERVATION AREAS AND BUFFER ZONES SHALL BE PLACED AT THE INTERSECTION OF THE BUFFER AND EACH LOT LINE. THESE MARKERS SHALL BE MAINTAINED IN PERPETUITY.
12. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE PERIMETER OF THE PROTECTED WETLANDS AND BUFFER ZONES SHALL BE FENCED TO PREVENT ENCROACHMENT INTO THE WETLANDS. THE PERMITTEE SHALL NOTIFY THE SFWMD'S ENVIRONMENTAL COMPLIANCE STAFF IN WRITING UPON COMPLETION OF FENCING AND SCHEDULE AN INSPECTION OF THIS WORK. THE PERMITTEE SHALL MODIFY THE FENCING IF SFWMD STAFF DETERMINES IT IS INSUFFICIENT OR IS NOT IN CONFORMANCE WITH THE INTENT OF THIS PERMIT. FENCING SHALL REMAIN IN PLACE UNTIL ALL ADJACENT CONSTRUCTION ACTIVITIES ARE COMPLETE.
13. THE SFWMD RESERVES THE RIGHT TO REQUIRE REMEDIAL MEASURES TO BE TAKEN BY THE PERMITTEE IF WETLAND AND/OR UPLAND MONITORING OR OTHER INFORMATION DEMONSTRATES THAT ADVERSE IMPACTS TO PROTECTED, CONSERVED, INCORPORATED OR MITIGATED WETLANDS OR UPLANDS HAVE OCCURRED DUE TO PROJECT RELATED ACTIVITIES.

ANY FUTURE CHANGES IN LAND USE OR TREATMENT OF WETLANDS AND/OR UPLAND BUFFER/COMPENSATION AREAS MAY REQUIRE A SURFACE WATER MANAGEMENT PERMIT MODIFICATION AND ADDITIONAL ENVIRONMENTAL REVIEW BY DISTRICT STAFF. PRIOR TO THE PERMITTEE INSTITUTING ANY FUTURE CHANGES NOT AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL NOTIFY THE SFWMD OF SUCH INTENTIONS FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.

15. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE SUCCESSFUL COMPLETION OF THE MITIGATION WORK, INCLUDING THE MONITORING AND MAINTENANCE OF THE MITIGATION AREAS FOR THE DURATION OF THE PLAN. THE MITIGATION AREA(S) SHALL NOT BE TURNED OVER TO THE OPERATION ENTITY UNTIL THE MITIGATION WORK IS ACCOMPLISHED AS PERMITTED AND SFWMD STAFF HAS CONCURRED.
16. A WETLAND MONITORING PROGRAM SHALL BE IMPLEMENTED WITHIN THE PROTECTED WETLANDS AND UPLANDS AND DETENTION AREAS. MONITORING SHALL BE CONDUCTED IN ACCORDANCE WITH EXHIBIT(S) 25A - 25C & 28A - 28I AND SHALL INCLUDE ANNUAL REPORTS SUBMITTED TO THE SFWMD FOR REVIEW. MONITORING SHALL CONTINUE FOR A PERIOD OF 5 YEARS.
17. A WETLAND MITIGATION PROGRAM SHALL BE IMPLEMENTED IN ACCORDANCE WITH EXHIBIT(S) 25A - 25C & 28A - 28I. THE PERMITTEE SHALL PRESERVE 20.24 ACRES OF FOREST WETLANDS AND 9.57 ACRES OF HERBACEOUS/SHRUB WETLANDS, ENHANCE 122.21 ACRES OF FORESTED WETLANDS AND 22.71 ACRES OF HERBACEOUS/SHRUB WETLANDS AND PRESERVE 212.15 ACRES OF UPLAND COMPENSATION AREA(S). 17423
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18. A WETLAND MONITORING PROGRAM AND MAINTENANCE PROGRAM SHALL BE IMPLEMENTED IN ACCORDANCE WITH EXHIBIT(S) 25A - 25C & 28A - 28I. THE MONITORING PROGRAM SHALL EXTEND FOR A PERIOD OF 5 YEARS WITH ANNUAL REPORTS SUBMITTED TO SFWMD STAFF. AT THE END OF THE FIRST MONITORING PERIOD THE MITIGATION AREA(S) SHALL CONTAIN AN 80% SURVIVAL OF PLANTED VEGETATION. THE 80% SURVIVAL RATE SHALL BE MAINTAINED THROUGHOUT THE REMAINDER OF THE MONITORING PROGRAM. AT THE END OF THE 5 YEARS MONITORING PROGRAM THE MITIGATION AREA(S) SHALL CONTAIN AN 80% SURVIVAL OF PLANTED VEGETATION AND AN 80% COVERAGE OF DESIRABLE OBLIGATE AND FACULTATIVE WETLAND SPECIES.
19. A BASELINE WETLAND MONITORING REPORT SHALL BE CONDUCTED IN ACCORDANCE WITH EXHIBIT(S) 25A - 25C & 28A - 28I.
20. THE WETLAND CONSERVATION AREAS AND UPLAND BUFFER ZONES AND/OR UPLAND PRESERVATION AREAS SHOWN ON EXHIBIT(S) 26J MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION - WITH THE EXCEPTION OF EXOTIC/NUISANCE VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.
21. ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE WETLAND MITIGATION, MONITORING AND MAINTENANCE SHALL BE IN ACCORDANCE WITH THE FOLLOWING WORK SCHEDULE. ANY DEVIATION FROM THESE TIME FRAMES SHALL REQUIRE FORMAL SFWMD APPROVAL. SUCH REQUESTS MUST BE MADE IN WRITING AND SHALL INCLUDE (1) REASON FOR THE MODIFICATION; (2) PROPOSED START/FINISH DATES; AND (3) PROGRESS REPORT ON THE STATUS OF THE EXISTING MITIGATION EFFORTS.

COMPLETION DATE	ACTIVITY
AUGUST 1, 2001	BASELINE MONITORING REPORT
SEPTEMBER 15, 2001	SUBMIT RECORDED CONSERVATION EASEMENTS
JULY 1, 2002	EXOTIC VEGETATION REMOVAL, PLANTING AND GRADING

ACTIVITIES

JULY 15, 2002	SUBMIT AS-BUILT SURVEYS FOR GRADED AREAS
AUGUST 1, 2002	TIME ZERO MONITORING REPORT
AUGUST 1, 2003	FIRST ANNUAL MONITORING REPORT
AUGUST 1, 2004	SECOND ANNUAL MONITORING REPORT
AUGUST 1, 2005	THIRD ANNUAL MONITORING REPORT
AUGUST 1, 2006	FOURTH ANNUAL MONITORING REPORT
AUGUST 1, 2007	FIFTH ANNUAL MONITORING REPORT

22. ENDANGERED SPECIES, THREATENED SPECIES, OR SPECIES OF SPECIAL CONCERN HAVE BEEN OBSERVED ONSITE AND/OR THE PROJECT CONTAINS SUITABLE HABITAT FOR THESE SPECIES. IT SHALL BE THE PERMITTEE'S RESPONSIBILITY TO COORDINATE WITH THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION AND/OR U.S. FISH AND WILDLIFE SERVICE FOR APPROPRIATE GUIDANCE, RECOMMENDATIONS, AND/OR NECESSARY PERMITS TO AVOID IMPACTS TO LISTED SPECIES.
23. A MAINTENANCE PROGRAM SHALL BE IMPLEMENTED IN ACCORDANCE WITH EXHIBITS 25A - 25C & 28A - 28I FOR THE WETLAND AND UPLAND PRESERVES ON A REGULAR BASIS TO ENSURE THE INTEGRITY AND VIABILITY OF THESE AREAS AS PERMITTED. MAINTENANCE SHALL BE CONDUCTED IN PERPETUITY TO ENSURE THAT THE MITIGATION AREAS AND UPLAND PRESERVES ARE FREE OF EXOTIC VEGETATION (AS CURRENTLY DEFINED BY THE FLORIDA EXOTIC PEST PLANT COUNCIL) IMMEDIATELY FOLLOWING A MAINTENANCE ACTIVITY AND THAT EXOTIC AND NUISANCE SPECIES SHALL CONSTITUTE NO MORE THAN 5% OF TOTAL COVER.
24. NO LATER THAN SEPTEMBER 15, 2001, THE PERMITTEE SHALL RECORD A CONSERVATION EASEMENT OVER THE REAL PROPERTY DESIGNATED AS A CONSERVATION EASEMENT AREA ON THE ATTACHED EXHIBITS 26J. THE EASEMENT SHALL BE GRANTED FREE OF ENCUMBRANCES OR INTERESTS WHICH THE DISTRICT DETERMINES ARE CONTRARY TO THE INTENT OF THE EASEMENT. THE EASEMENT SHALL BE GRANTED TO THE DISTRICT USING THE APPROVED FORM ATTACHED HERETO AS EXHIBITS 26A - 26I. ANY PROPOSED MODIFICATIONS TO THE APPROVED FORM MUST RECEIVE WRITTEN CONSENT FROM THE DISTRICT. UPON RECORDATION, THE PERMITTEE SHALL FORWARD THE ORIGINAL RECORDED EASEMENT TO THE NATURAL RESOURCE MANAGEMENT POST PERMIT COMPLIANCE STAFF IN THE DISTRICT SERVICE CENTER WHERE THE APPLICATION WAS SUBMITTED.
25. ANY IMPACTS TO PRESERVED WETLANDS OR UPLANDS RESULTING FROM CONSTRUCTION OF STRUCTURAL BUFFERS ADJACENT TO THE PRESERVE AREAS WILL BE RESTORED IN COORDINATION WITH DISTRICT COMPLIANCE STAFF.
26. THE PERMITTEE IS REQUIRED TO RECEIVE A PERMIT MODIFICATION PRIOR TO CONSTRUCTION OF ANY PASSIVE RECREATIONAL FACILITIES WITHIN THE PRESERVED WETLANDS OR UPLANDS.
27. PRIOR TO THE COMMENCEMENT OF ANY SITE ACTIVITY AUTHORIZED BY THIS PERMIT, A PRE-CONSTRUCTION MEETING SHALL BE HELD WITH SFWMD FIELD ENGINEERING AND ENVIRONMENTAL POST PERMIT COMPLIANCE STAFF FROM THE FT. MYERS OFFICE.
28. EXHIBITS NO. 30 THROUGH NO. 118, ALL PART OF THE CONSTRUCTION PLANS FOR HAWKS HAVEN PHASE I, PREPARED BY CONSUL-TECH ENGINEERING, INC., SIGNED AND SEALED BY LAURIE SWANSON, PE. ARE INCORPORATED BY REFERENCE INTO THIS PERMIT AND WILL BE RETAINED IN THE PERMIT FILE.

GENERAL CONDITIONS

1. ALL ACTIVITIES AUTHORIZED BY THIS PERMIT SHALL BE IMPLEMENTED AS SET FORTH IN THE PLANS, SPECIFICATIONS AND PERFORMANCE CRITERIA AS APPROVED BY THIS PERMIT. ANY DEVIATION FROM THE PERMITTED ACTIVITY AND THE CONDITIONS FOR UNDERTAKING THAT ACTIVITY SHALL CONSTITUTE A VIOLATION OF THIS PERMIT AND PART IV, CHAPTER 373, F.S.
2. THIS PERMIT OR A COPY THEREOF, COMPLETE WITH ALL CONDITIONS, ATTACHMENTS, EXHIBITS, AND MODIFICATIONS SHALL BE KEPT AT THE WORK SITE OF THE PERMITTED ACTIVITY. THE COMPLETE PERMIT SHALL BE AVAILABLE FOR REVIEW AT THE WORK SITE UPON REQUEST BY THE DISTRICT STAFF. THE PERMITTEE SHALL REQUIRE THE CONTRACTOR TO REVIEW THE COMPLETE PERMIT PRIOR TO COMMENCEMENT OF THE ACTIVITY AUTHORIZED BY THIS PERMIT.
3. ACTIVITIES APPROVED BY THIS PERMIT SHALL BE CONDUCTED IN A MANNER WHICH DOES NOT CAUSE VIOLATIONS OF STATE WATER QUALITY STANDARDS. THE PERMITTEE SHALL IMPLEMENT BEST MANAGEMENT PRACTICES FOR EROSION AND POLLUTION CONTROL TO PREVENT VIOLATION OF STATE WATER QUALITY STANDARDS. TEMPORARY EROSION CONTROL SHALL BE IMPLEMENTED PRIOR TO AND DURING CONSTRUCTION, AND PERMANENT CONTROL MEASURES SHALL BE COMPLETED WITHIN 7 DAYS OF ANY CONSTRUCTION ACTIVITY. TURBIDITY BARRIERS SHALL BE INSTALLED AND MAINTAINED AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO THE RECEIVING WATERBODY EXISTS DUE TO THE PERMITTED WORK. TURBIDITY BARRIERS SHALL REMAIN IN PLACE AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND SOILS ARE STABILIZED AND VEGETATION HAS BEEN ESTABLISHED. ALL PRACTICES SHALL BE IN ACCORDANCE WITH THE GUIDELINES AND SPECIFICATIONS DESCRIBED IN CHAPTER 6 OF THE FLORIDA LAND DEVELOPMENT MANUAL; A GUIDE TO SOUND LAND AND WATER MANAGEMENT (DEPARTMENT OF ENVIRONMENTAL REGULATION, 1988), INCORPORATED BY REFERENCE IN RULE 40E-4.091, F.A.C. UNLESS A PROJECT-SPECIFIC EROSION AND SEDIMENT CONTROL PLAN IS APPROVED AS PART OF THE PERMIT. THEREAFTER THE PERMITTEE SHALL BE RESPONSIBLE FOR THE REMOVAL OF THE BARRIERS. THE PERMITTEE SHALL CORRECT ANY EROSION OR SHOALING THAT CAUSES ADVERSE IMPACTS TO THE WATER RESOURCES.
4. THE PERMITTEE SHALL NOTIFY THE DISTRICT OF THE ANTICIPATED CONSTRUCTION START DATE WITHIN 30 DAYS OF THE DATE THAT THIS PERMIT IS ISSUED. AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ACTIVITY AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL SUBMIT TO THE DISTRICT AN ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMMENCEMENT NOTICE FORM NO. 0960 INDICATING THE ACTUAL START DATE AND THE EXPECTED COMPLETION DATE.
5. WHEN THE DURATION OF CONSTRUCTION WILL EXCEED ONE YEAR, THE PERMITTEE SHALL SUBMIT CONSTRUCTION STATUS REPORTS TO THE DISTRICT ON AN ANNUAL BASIS UTILIZING AN ANNUAL STATUS REPORT FORM. STATUS REPORT FORMS SHALL BE SUBMITTED THE FOLLOWING JUNE OF EACH YEAR.
6. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE PERMITTED ACTIVITY, THE PERMITTEE SHALL SUBMIT A WRITTEN STATEMENT OF COMPLETION AND CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER OR OTHER APPROPRIATE INDIVIDUAL AS AUTHORIZED BY LAW, UTILIZING THE SUPPLIED ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION FORM NO.0881. THE STATEMENT OF COMPLETION AND CERTIFICATION SHALL BE BASED ON ONSITE OBSERVATION OF CONSTRUCTION OR REVIEW OF ASBUILT DRAWINGS FOR THE PURPOSE OF DETERMINING IF THE WORK WAS COMPLETED IN COMPLIANCE WITH PERMITTED PLANS AND SPECIFICATIONS. THIS SUBMITTAL SHALL SERVE TO NOTIFY THE DISTRICT THAT THE SYSTEM IS READY FOR INSPECTION. ADDITIONALLY, IF DEVIATION FROM THE APPROVED DRAWINGS ARE DISCOVERED DURING THE CERTIFICATION PROCESS, THE CERTIFICATION MUST BE ACCOMPANIED BY A COPY OF THE APPROVED PERMIT DRAWINGS WITH DEVIATIONS NOTED. BOTH THE ORIGINAL AND REVISED SPECIFICATIONS MUST BE CLEARLY SHOWN. THE PLANS MUST BE CLEARLY LABELED AS "ASBUILT" OR "RECORD" DRAWING. ALL SURVEYED DIMENSIONS AND ELEVATIONS SHALL BE CERTIFIED BY A REGISTERED SURVEYOR.

THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE: UNTIL THE PERMITTEE HAS COMPLIED WITH THE REQUIREMENTS OF CONDITION (6) ABOVE, HAS SUBMITTED A REQUEST

FOR CONVERSION OF ENVIRONMENTAL RESOURCE PERMIT FROM CONSTRUCTION PHASE TO OPERATION PHASE, FORM NO.0920; THE DISTRICT DETERMINES THE SYSTEM TO BE IN COMPLIANCE WITH THE PERMITTED PLANS AND SPECIFICATIONS; AND THE ENTITY APPROVED BY THE DISTRICT IN ACCORDANCE WITH SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, ACCEPTS RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE SYSTEM. THE PERMIT SHALL NOT BE TRANSFERRED TO SUCH APPROVED OPERATION AND MAINTENANCE ENTITY UNTIL THE OPERATION PHASE OF THE PERMIT BECOMES EFFECTIVE. FOLLOWING INSPECTION AND APPROVAL OF THE PERMITTED SYSTEM BY THE DISTRICT, THE PERMITTEE SHALL INITIATE TRANSFER OF THE PERMIT TO THE APPROVED RESPONSIBLE OPERATING ENTITY IF DIFFERENT FROM THE PERMITTEE. UNTIL THE PERMIT IS TRANSFERRED PURSUANT TO SECTION 40E-1.6107, F.A.C., THE PERMITTEE SHALL BE LIABLE FOR COMPLIANCE WITH THE TERMS OF THE PERMIT.

8. EACH PHASE OR INDEPENDENT PORTION OF THE PERMITTED SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO THE INITIATION OF THE PERMITTED USE OF SITE INFRASTRUCTURE LOCATED WITHIN THE AREA SERVED BY THAT PORTION OR PHASE OF THE SYSTEM. EACH PHASE OR INDEPENDENT PORTION OF THE SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO TRANSFER OF RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE PHASE OR PORTION OF THE SYSTEM TO A LOCAL GOVERNMENT OR OTHER RESPONSIBLE ENTITY.
9. FOR THOSE SYSTEMS THAT WILL BE OPERATED OR MAINTAINED BY AN ENTITY THAT WILL REQUIRE AN EASEMENT OR DEED RESTRICTION IN ORDER TO ENABLE THAT ENTITY TO OPERATE OR MAINTAIN THE SYSTEM IN CONFORMANCE WITH THIS PERMIT, SUCH EASEMENT OR DEED RESTRICTION MUST BE RECORDED IN THE PUBLIC RECORDS AND SUBMITTED TO THE DISTRICT ALONG WITH ANY OTHER FINAL OPERATION AND MAINTENANCE DOCUMENTS REQUIRED BY SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, PRIOR TO LOT OR UNIT SALES OR PRIOR TO THE COMPLETION OF THE SYSTEM, WHICHEVER OCCURS FIRST. OTHER DOCUMENTS CONCERNING THE ESTABLISHMENT AND AUTHORITY OF THE OPERATING ENTITY MUST BE FILED WITH THE SECRETARY OF STATE WHERE APPROPRIATE. FOR THOSE SYSTEMS WHICH ARE PROPOSED TO BE MAINTAINED BY THE COUNTY OR MUNICIPAL ENTITIES, FINAL OPERATION AND MAINTENANCE DOCUMENTS MUST BE RECEIVED BY THE DISTRICT WHEN MAINTENANCE AND OPERATION OF THE SYSTEM IS ACCEPTED BY THE LOCAL GOVERNMENT ENTITY. FAILURE TO SUBMIT THE APPROPRIATE FINAL DOCUMENTS WILL RESULT IN THE PERMITTEE REMAINING LIABLE FOR CARRYING OUT MAINTENANCE AND OPERATION OF THE PERMITTED SYSTEM AND ANY OTHER PERMIT CONDITIONS.
10. SHOULD ANY OTHER REGULATORY AGENCY REQUIRE CHANGES TO THE PERMITTED SYSTEM, THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING OF THE CHANGES PRIOR TO IMPLEMENTATION SO THAT A DETERMINATION CAN BE MADE WHETHER A PERMIT MODIFICATION IS REQUIRED.
11. THIS PERMIT DOES NOT ELIMINATE THE NECESSITY TO OBTAIN ANY REQUIRED FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY ACTIVITY APPROVED BY THIS PERMIT. THIS PERMIT DOES NOT CONVEY TO THE PERMITTEE OR CREATE IN THE PERMITTEE ANY PROPERTY RIGHT, OR ANY INTEREST IN REAL PROPERTY, NOR DOES IT AUTHORIZE ANY ENTRANCE UPON OR ACTIVITIES ON PROPERTY WHICH IS NOT OWNED OR CONTROLLED BY THE PERMITTEE, OR CONVEY ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4 OR CHAPTER 40E-40, F.A.C.
12. THE PERMITTEE IS HEREBY ADVISED THAT SECTION 253.77, F.S. STATES THAT A PERSON MAY NOT COMMENCE ANY EXCAVATION, CONSTRUCTION, OR OTHER ACTIVITY INVOLVING THE USE OF SOVEREIGN OR OTHER LANDS OF THE STATE, THE TITLE TO WHICH IS VESTED IN THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND WITHOUT OBTAINING THE REQUIRED LEASE, LICENSE, EASEMENT, OR OTHER FORM OF CONSENT AUTHORIZING THE PROPOSED USE. THEREFORE, THE PERMITTEE IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AUTHORIZATIONS FROM THE BOARD OF TRUSTEES PRIOR TO COMMENCING ACTIVITY ON SOVEREIGNTY LANDS OR OTHER STATE-OWNED LANDS.

13. THE PERMITTEE MUST OBTAIN A WATER USE PERMIT PRIOR TO CONSTRUCTION DEWATERING, UNLESS THE WORK QUALIFIES FOR A GENERAL PERMIT PURSUANT TO SUBSECTION 40E-20.302(4), F.A.C., ALSO KNOWN AS THE "NO NOTICE" RULE.
14. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, ALTERATION, OPERATION, MAINTENANCE, REMOVAL, ABANDONMENT OR USE OF ANY SYSTEM AUTHORIZED BY THE PERMIT.
15. ANY DELINEATION OF THE EXTENT OF A WETLAND OR OTHER SURFACE WATER SUBMITTED AS PART OF THE PERMIT APPLICATION, INCLUDING PLANS OR OTHER SUPPORTING DOCUMENTATION, SHALL NOT BE CONSIDERED BINDING UNLESS A SPECIFIC CONDITION OF THIS PERMIT OR A FORMAL DETERMINATION UNDER SECTION 373.421(2), F.S., PROVIDES OTHERWISE.
16. THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING WITHIN 30 DAYS OF ANY SALE, CONVEYANCE, OR OTHER TRANSFER OF OWNERSHIP OR CONTROL OF A PERMITTED SYSTEM OR THE REAL PROPERTY ON WHICH THE PERMITTED SYSTEM IS LOCATED. ALL TRANSFERS OF OWNERSHIP OR TRANSFERS OF A PERMIT ARE SUBJECT TO THE REQUIREMENTS OF RULES 40E-1.6105 AND 40E-1.6107, F.A.C. THE PERMITTEE TRANSFERRING THE PERMIT SHALL REMAIN LIABLE FOR CORRECTIVE ACTIONS THAT MAY BE REQUIRED AS A RESULT OF ANY VIOLATIONS PRIOR TO THE SALE, CONVEYANCE OR OTHER TRANSFER OF THE SYSTEM.
17. UPON REASONABLE NOTICE TO THE PERMITTEE, DISTRICT AUTHORIZED STAFF WITH PROPER IDENTIFICATION SHALL HAVE PERMISSION TO ENTER, INSPECT, SAMPLE AND TEST THE SYSTEM TO INSURE CONFORMITY WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE PERMIT.
18. IF HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS ARE DISCOVERED AT ANY TIME ON THE PROJECT SITE, THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE APPROPRIATE DISTRICT SERVICE CENTER.
19. THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE DISTRICT IN WRITING OF ANY PREVIOUSLY SUBMITTED INFORMATION THAT IS LATER DISCOVERED TO BE INACCURATE.

40E-4.321 Duration of Permits

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C. is as follows:

(a) For a conceptual approval, two years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:

1. the effective date of the local government's comprehensive plan amendment.
2. the effective date of the local government development order.
3. the date on which the District issues the conceptual approval, or
4. the latest date of the resolution of any Chapter 120.57, F.A.C., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For a noticed general permit issued pursuant to chapter 40-E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made in writing pursuant to subsection (3), the permit shall remain in full force and effect until:

1. the Governing Board takes action on an application for extension of an individual permit, or
 2. staff takes action on an application for extension of a standard general permit.
- (b) Installation of the project outfall structure shall not constitute a vesting of the permit.
- (3) The permit extension shall be issued provided that a permittee files a written request with the District showing good cause prior to the expiration of the permit. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Substantial modifications to individual or standard general environmental resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual or standard general environmental resource permit modifications do not extend the duration of a conceptual approval.

(6) Permit modifications issued pursuant to subsection 40E-4.331(2)(b), F.A.C. (letter modifications) do not extend the duration of a permit.

(7) Failure to complete construction or alteration of the surface water management system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization in order to continue construction unless a permit extension is granted.

STAFF REPORT ROUTE SHEET

APPLICATION NO. 991012-3

PROJECT NAME: HAWKS HAVEN PHASE 1

SCHEDULED FOR 14-JUN-2001 GOVERNING BOARD

	<u>Name</u>	<u>Due Date</u>	<u>Date Signed</u>
ENGINEERING EVAL.	<u>Ricardo Valera</u>	<u>26-JUN-2001</u>	<u>4/25/2001</u>
ENVIRONMENTAL EVAL.	<u>Amy J. Ohlberg</u>	<u>26-JUN-2001</u>	<u>5-22-01</u>
SUPERVISOR SWM	<u>Richard H. Thompson, P.</u>	<u>26-JUN-2001</u>	<u>5-23-01</u>
SUPERVISOR NRM	<u>Karen M. Johnson</u>	<u>26-JUN-2001</u>	<u>5-23-01</u>
SERVICE CENTER MGR.	<u>Chip Merriam</u>	<u>26-JUN-2001</u>	<u>5-23-01</u>
DEPT. DIR., NRM	<u>Robert G. Robbins</u>		
DEPT. DIR., SWM	<u>Anthony M. Waterhouse</u>		

RESOURCE CODES

CONSERVATION EASEMENT
OFF-SITE OUTFALL ROUTE
OFF-SITE INFLOWS AND DRAINAGE TO SITE
WETLAND, FORESTED/FRESHWATER MARSH
WETLAND IMPACTS
ENDANGERED/THREATENED SPECIES
ONSITE WETLAND MITIGATION
WETLAND MAINTENANCE/MONITORING
WETLAND PROTECTION
WETLAND IMPROVEMENT (ENHANCEMENT, RESTORATION)
WETLAND FIELD STAKING/FLAGGING
UPLAND COMPENSATION
WU PERMIT REQUIRED

6 USER DEFINED SPECIAL CONDITIONS: See Attached Page(s)

USER DEFINED SPECIAL CONDITIONS

- 1 . A MAINTENANCE PROGRAM SHALL BE IMPLEMENTED IN ACCORDANCE WITH EXHIBITS 25A - 25C & 28A - 28I FOR THE WETLAND AND UPLAND PRESERVES ON A REGULAR BASIS TO ENSURE THE INTEGRITY AND VIABILITY OF THESE AREAS AS PERMITTED. MAINTENANCE SHALL BE CONDUCTED IN PERPETUITY TO ENSURE THAT THE MITIGATION AREAS AND UPLAND PRESERVES ARE FREE OF EXOTIC VEGETATION (AS CURRENTLY DEFINED BY THE FLORIDA EXOTIC PEST PLANT COUNCIL) IMMEDIATELY FOLLOWING A MAINTENANCE ACTIVITY AND THAT EXOTIC AND NUISANCE SPECIES SHALL CONSTITUTE NO MORE THAN 5% OF TOTAL COVER.
- 2 . NO LATER THAN SEPTEMBER 15, 2001, THE PERMITTEE SHALL RECORD A CONSERVATION EASEMENT OVER THE REAL PROPERTY DESIGNATED AS A CONSERVATION EASEMENT AREA ON THE ATTACHED EXHIBITS 26J. THE EASEMENT SHALL BE GRANTED FREE OF ENCUMBRANCES OR INTERESTS WHICH THE DISTRICT DETERMINES ARE CONTRARY TO THE INTENT OF THE EASEMENT. THE EASEMENT SHALL BE GRANTED TO THE DISTRICT USING THE APPROVED FORM ATTACHED HERETO AS EXHIBITS 26A - 26I. ANY PROPOSED MODIFICATIONS TO THE APPROVED FORM MUST RECEIVE WRITTEN CONSENT FROM THE DISTRICT. UPON RECORDATION, THE PERMITTEE SHALL FORWARD THE ORIGINAL RECORDED EASEMENT TO THE NATURAL RESOURCE MANAGEMENT POST PERMIT COMPLIANCE STAFF IN THE DISTRICT SERVICE CENTER WHERE THE APPLICATION WAS SUBMITTED.
- 3 . ANY IMPACTS TO PRESERVED WETLANDS OR UPLANDS RESULTING FROM CONSTRUCTION OF STRUCTURAL BUFFERS ADJACENT TO THE PRESERVE AREAS WILL BE RESTORED IN COORDINATION WITH DISTRICT COMPLIANCE STAFF.
- 4 . THE PERMITTEE IS REQUIRED TO RECEIVE A PERMIT MODIFICATION PRIOR TO CONSTRUCTION OF ANY PASSIVE RECREATIONAL FACILITIES WITHIN THE PRESERVED WETLANDS OR UPLANDS.
- 5 . PRIOR TO THE COMMENCEMENT OF ANY SITE ACTIVITY AUTHORIZED BY THIS PERMIT, A PRE-CONSTRUCTION MEETING SHALL BE HELD WITH SFWMD FIELD ENGINEERING AND ENVIRONMENTAL POST PERMIT COMPLIANCE STAFF FROM THE FT. MYERS OFFICE.
- 6 . EXHIBITS NO. 30 THROUGH NO. 118. ALL PART OF THE CONSTRUCTION PLANS FOR HAWKS HAVEN PHASE I, PREPARED BY CONSUL-TECH ENGINEERING, INC., SIGNED AND SEALED BY LAURIE SWANSON, PE. ARE INCORPORATED BY REFERENCE INTO THIS PERMIT AND WILL BE RETAINED IN THE PERMIT FILE.

LAST DATE FOR GOVERNING BOARD ACTION:
AUGUST 9, 2001

ENVIRONMENTAL RESOURCE PERMIT STAFF REVIEW SUMMARY

I. ADMINISTRATIVE

APPLICATION NUMBER: 991012-3

PERMIT NUMBER: 36-04006-P

PROJECT NAME: HAWKS HAVEN PHASE 1

LOCATION: LEE COUNTY, S27-34-35-36/T43S/R26E

APPLICANT'S NAME: FLORIDA TAMPA WEST INC

OWNER'S NAME AND ADDRESS: WILLIAM SCHULMAN - TRUSTEE
450 7TH AVENUE
NEW YORK, NY 10123

ENGINEER: CONSUL-TECH ENGINEERING INC

II. PROJECT DESCRIPTION

PROJECT AREA: 1797.60 acres DRAINAGE AREA: 1797.60 acres

DISTRICT DRAINAGE BASIN: OLGA AND HICKEY CREEK BASINS

RECEIVING BODY: CALOOSAHATCHEE RIVER

CLASSIFICATION: CLASS II

PURPOSE:

The purpose of this application is to request Conceptual Authorization of an Environmental Resource Permit for a Surface Water Management System serving a 1,797.6-acre golf course and residential subdivision.

In addition, this application is also requesting Construction and Operation Authorization for 962.2 acres, part of the 1,797.6-acre golf course and residential subdivision.

BACKGROUND:

The project site is currently unpermitted.

EXISTING FACILITIES:

An FPL easement and a vacated Railroad easement both of which follow an east-west alignment occupying approximately 39.5 acres of the property area traverse the project site.

The site contains fallow farm fields and a network of internal uncontrolled drainage-irrigation ditches that provided rudimentary surface water management during previous agricultural activities. The site contains wetlands and upland clusters throughout the terrain, which range in natural ground elevation from approximately 6.0' NGVD in the lower areas to 19.0' NGVD at higher grounds.

The pre development surface water flow-patterns follow a south to north direction and are part of both the Olga and the Hickey Creek Basins with an ultimate discharge into the Caloosahatchee River.

PROPOSED FACILITIES:

The master surface water management system consists of a combination of interconnected lakes, dry detention ponds and wetlands. The system is divided into four distinctive Basins. Basin 1 is located within the Olga watershed while Basins 2, 3 and 4 are part of the contributing areas that discharge into the Hickey Creek watershed. Provisions have been made to allow the passage of approximately 2,520 acres of contributing offsite areas through the master system.

Each one of these four major Basins are internally divided into cascading Sub Basins controlled at various elevations as required by surrounding wetlands and following the natural topography that slopes from the higher elevations on the South end of the site towards the lower North end.

Basin 1 extends over 171.4 acres, which discharge into an onsite wetland that was purposely excluded from the controlled surface water system. Runoff from this area sheet-flows into an FDOT roadside swale located along State Road 80 where existing culvert crossings convey the storm water runoff towards the North, eventually reaching the Caloosahatchee River.

Basin 2 covers 790.8 acres of land and contains primarily single family lots with golf course facilities. A large wetland extending over approximately 92.5 acres is located at the center of this Basin serving as a discharge route for both on and offsite flows. Basin 2 has two offsite discharge locations along the FPL easement. The most western location identified as N-1 follows a northeast alignment through a natural slough which discharges into an existing ditch that serves as an out-fall route for the second eastern discharge point for Basin 2, identified in the drawings as N-2. This ditch crosses under State Road 80 through existing culverts, eventually reaching the Caloosahatchee River.

Basin 3 extends over 309.3 acres and will accommodate both residential and

golf course tracts. Offsite discharge from this Basin is conveyed through the previously described N-2 out-fall route.

Basin 4 occupies 486.6 acres of land and like the rest of the Basins will also serve as a residential and golf course area. This Basin discharges into Oak Creek, which ties into Hickey Creek, ultimately reaching the Caloosahatchee River.

The Hawks Haven master surface water management system provides water quality and attenuation for the entire subdivision. All control structures have been designed to comply with current District guidelines as well as with the Lee County master drainage plan.

The Construction and Operation authorization approval under this application is located within Basins 1 and 2. These facilities comprise all surface water management lakes and ponds, 219 single family lots, one of the two 18-hole golf courses, driving range, golf maintenance facilities, temporary clubhouse, sales center, RV - boat parking and storage facilities and portions of the internal roadways. Exhibit No.3 illustrates the proposed Construction and Operation activities.

The Conceptual extent of the project covers the multi-family tract within Basin 1, the remainder of residential lots and internal roads within Basin 2 and all of Basins 3 and 4.

BASIN INFORMATION:

Basin	Area Acres	WSWT Elev (ft, NGVD)	Normal/Dry Ctrl Elev (ft, NGVD)	Method of Determination
1-1	49.41	6.50	6.5/6.5	WETLAND INDICATOR ELEVATION
1-2	32.13	6.50	6.5/6.5	WETLAND INDICATOR ELEVATION
1-3	63.36	7.70	7.7/7.7	WETLAND INDICATOR ELEVATION
1-4	10.71	9.20	9.2/9.2	WETLAND INDICATOR ELEVATION
2-1	49.33	10.00	10/10	WETLAND INDICATOR ELEVATION
2-2	232.87	11.20	11.2/11.2	WETLAND INDICATOR ELEVATION
2-3	69.62	13.00	13/13	WETLAND INDICATOR ELEVATION
2-4	187.06	15.50	15.5/15.5	WETLAND INDICATOR ELEVATION
2-5	25.13	11.20	11.2/11.2	WETLAND INDICATOR ELEVATION

BASIN INFORMATION:

Basin	Area Acres	WSWT Elev (ft, NGVD)	Normal/Dry Ctrl Elev (ft, NGVD)	Method of Determination
2-6	24.76	10.00	10/10	WETLAND INDICATOR ELEVATION
2-7	28.80	11.20	11.2/11.2	WETLAND INDICATOR ELEVATION
3-1	215.65	16.00	16/16	WETLAND INDICATOR ELEVATION
3-2	17.63	14.50	14.5/14.5	WETLAND INDICATOR ELEVATION
3-3	44.54	14.50	14.5/14.5	WETLAND INDICATOR ELEVATION
3-4	22.15	13.50	13.5/13.5	WETLAND INDICATOR ELEVATION
4-1	176.34	15.75	15.75/15.75	WETLAND INDICATOR ELEVATION
4-2	96.48	14.50	14.5/14.5	WETLAND INDICATOR ELEVATION
4-3	12.01	13.50	13.5/13.5	WETLAND INDICATOR ELEVATION
4-4	14.83	13.50	13.5/13.5	WETLAND INDICATOR ELEVATION
4-5	114.26	14.50	14.5/14.5	WETLAND INDICATOR ELEVATION
4-6	58.52	16.00	16/16	WETLAND INDICATOR ELEVATION

DISCHARGE STRUCTURE INFORMATION:

Water Quality Structures:

Basin	Str. #	Bleeder Type	Dimensions	Invert Elev. (ft., NGVD)
1-1	1	CIRCULAR ORIFICE	.42' dia.	6.50
1-2	1	RECTANGULAR NOTCH	1.07' wide X .32' high	6.50
1-3	1	CIRCULAR ORIFICE	.42' dia.	7.70
1-4	1	RECTANGULAR ORIFICE	.65' wide X .23' high	9.20
2-1	1	RECTANGULAR NOTCH	1.1' wide X .44' high	10.00
2-2	1	RECTANGULAR NOTCH	4.08' wide X .34' high	11.20
2-3	1	RECTANGULAR NOTCH	3.39' wide X .35' high	13.00
2-4	1	RECTANGULAR NOTCH	3.52' wide X .35' high	15.50
2-5	1	RECTANGULAR NOTCH	4.8' wide X .45' high	11.20
2-6	1	CIRCULAR ORIFICE	.33' dia.	10.00
2-7	1	CIRCULAR ORIFICE	.25' dia.	11.20
3-1	1	RECTANGULAR NOTCH	5' wide X .33' high	16.00
3-2	1	CIRCULAR ORIFICE	.33' dia.	14.50
3-3	1	CIRCULAR ORIFICE	.33' dia.	14.50
3-4	1	RECTANGULAR NOTCH	.66' wide X .18' high	13.50
4-1	1	RECTANGULAR NOTCH	1.07' wide X 1.06' high	15.75
4-2	1	RECTANGULAR NOTCH	1.1' wide X .71' high	14.50
4-3	1	CIRCULAR ORIFICE	.25' dia.	13.50
4-4	1	CIRCULAR ORIFICE	.25' dia.	13.50
4-5	1	RECTANGULAR NOTCH	3.06' wide X .38' high	14.50
4-6	1	RECTANGULAR NOTCH	.87' wide X .53' high	16.00

Major Discharge Structures:

Basin	Str. #	Description	Crest Elev. (ft., NGVD)
1-1	1	.42' wide X .42' high CIRCULAR ORIFICE weir	7.45

Major Discharge Structures:

Basin	Str. #	Description	Crest Elev. (ft. NGVD)
1-2	1	.25' wide X 2.15' high RECTANGULAR NOTCH weir	6.82
1-3	1	.83' wide X .83' high CIRCULAR ORIFICE weir	8.89
2-1	1	2.33' wide X 2.57' high RECTANGULAR NOTCH weir	10.44
2-3	1	2.16' wide X 2.4' high RECTANGULAR NOTCH weir	13.35
2-5	1	.33' wide X 2.84' high RECTANGULAR NOTCH weir	11.65
2-6	1	.77' wide X .77' high CIRCULAR ORIFICE weir	10.43
2-7	1	.56' wide X .56' high CIRCULAR ORIFICE weir	11.48
3-1	1	5' wide X 1.91' high RECTANGULAR NOTCH weir	16.33
3-2	1	2' wide X 2.85' high RECTANGULAR ORIFICE weir	15.19
3-3	1	1.58' wide X 3.18' high RECTANGULAR NOTCH weir	15.62
3-4	1	1.46' wide X 3.7' high RECTANGULAR NOTCH weir	13.67
4-1	1	1.07' wide X .58' high RECTANGULAR NOTCH weir	16.81
4-2	1	.63' wide X 2.53' high RECTANGULAR NOTCH weir	15.21
4-4	1	.53' wide X 3.1' high RECTANGULAR NOTCH weir	14.22
4-6	1	1' wide X 1.42' high RECTANGULAR NOTCH weir	16.53

Discharge Culverts:

Basin	Str. #	Description
1-1	1	85' long. 1.5' dia. RCP
1-2	1	414' long. 2' dia. RCP
1-3	1	100' long. 2.5' dia. RCP
1-4	1	172' long. 2' dia. RCP
2-1	1	247' long. 3.5' dia. RCP
2-2	1	416' long. 3' dia. RCP
2-3	1	159' long. 3.5' dia. RCP
2-4	1	227' long. 3' dia. RCP
2-5	1	377' long. 2' dia. RCP
2-6	1	426' long. 2' dia. RCP

Discharge Culverts:

Basin	Str. #	Description
2-7	1	400' long. 2' dia. RCP
3-1	1	416' long. 3' dia. RCP
3-2	1	617' long. 3' dia. RCP
3-3	1	318' long. 3' dia. RCP
3-4	1	68' long. 2' dia. RCP
4-1	1	636' long. 2.5' dia. RCP
4-2	1	575' long. 2.5' dia. RCP
4-3	1	152' long. 1.25' dia. RCP
4-4	1	84' long. 2' dia. RCP
4-5	1	755' long. 2' dia. RCP
4-6	1	402' long. 2' dia. RCP

Receiving Body:

Basin	Str. #	Receiving Body
1-1	1	FDOT DITCH VIA ONSITE WETLAND
1-2	1	FDOT DITCH VIA ONSITE WETLAND
1-3	1	FDOT DITCH VIA ONSITE WETLAND
1-4	1	FDOT DITCH VIA ONSITE WETLAND
2-1	1	ONSITE WETLAND
2-2	1	ONSITE WETLAND
2-3	1	ONSITE WETLAND
2-4	1	ONSITE WETLAND
2-5	1	ONSITE WETLAND
2-6	1	ONSITE WETLAND
2-7	1	ONSITE WETLAND
3-1	1	ONSITE WETLAND
3-2	1	ONSITE WETLAND
3-3	1	ONSITE WETLAND
3-4	1	ONSITE WETLAND
4-1	1	OAK CREEK VIA ONSITE WETLAND
4-2	1	OAK CREEK VIA ONSITE WETLAND
4-3	1	OAK CREEK VIA ONSITE WETLAND
4-4	1	OAK CREEK VIA ONSITE WETLAND
4-5	1	OAK CREEK VIA ONSITE WETLAND
4-6	1	OAK CREEK VIA ONSITE WETLAND

III. PROJECT EVALUATION

Discharge Rate:

As shown in the table below, the proposed project discharge is within the allowable limit for the area.

The maximum allowable discharge rate for Basin 1 within the Olga Basin is 70 CSM while Basins 2, 3 and 4, all part of the Hickey Creek watershed, were designed for 65 CSM. Basin 4 was further more reduced from the allowable rate to 32.5 CSM due to flood protection concerns over existing residential development located along Oak Creek which serves as an out-fall route for Basin 4.

Discharge Storm Frequency: 25YR-3DAY Design Rainfall: 10.00

Basin	Allow Disch (cfs)	Method of Determination	Design Disch (cfs)	Design Stage (ft. NGVD)
1-1	5.4	LEE COUNTY MASTER DRAINAGE PLAN	2.22	9.69
1-2	11.28	LEE COUNTY MASTER DRAINAGE PLAN	5.08	9
2-1	28.6	LEE COUNTY MASTER DRAINAGE PLAN	28.52	12.9
2-3	29.6	LEE COUNTY MASTER DRAINAGE PLAN	29.6	15.6
2-6	5.06	LEE COUNTY MASTER DRAINAGE PLAN	4.84	13.84
2-7	2.9	LEE COUNTY MASTER DRAINAGE PLAN	2.89	14.99
3-4	30.5	LEE COUNTY MASTER DRAINAGE PLAN	30.5	17.13
4-2	27.7	CONVEYANCE LIMITATION	13.55	17.78
4-3	1.21	CONVEYANCE LIMITATION	.48	17
4-4	19.05	CONVEYANCE LIMITATION	9.25	17.27

WATER QUALITY:

The master backbone surface water management system provides the necessary water quality and attenuation for the entire subdivision.

Basin	Treatment Method	Vol Req'd. (ac-ft)	Vol Prov'd (ac-ft)
1-1	10.24 acres WET DETENTION	5.71	5.71

Basin	Treatment Method	Vol Req'd. (ac-ft)	Vol Prov'd (ac-ft)
1-2	6.64 acres WET DETENTION	2.42	2.42
1-2	.3 acres DRY DETENTION	0.12	0.12
1-3	6.29 acres WET DETENTION	4.89	4.89
1-3	1.06 acres DRY DETENTION	0.39	0.39
1-4	3.29 acres WET DETENTION	0.89	0.89
2-1	7.84 acres DRY DETENTION	3.96	3.96
2-1	.33 acres DRY DETENTION	0.15	0.15
2-2	50.25 acres WET DETENTION	18.58	18.58
2-2	1.82 acres DRY DETENTION	0.82	0.82
2-3	22.79 acres WET DETENTION	7.80	7.80
2-3	.62 acres DRY DETENTION	0.45	0.45
2-4	32 acres WET DETENTION	12.20	12.20
2-4	8.12 acres DRY DETENTION	3.39	3.39
2-5	3.42 acres WET DETENTION	1.79	1.79
2-5	.5 acres DRY DETENTION	0.30	0.30
2-6	2.5 acres WET DETENTION	1.32	1.32
2-6	1.11 acres DRY DETENTION	0.74	0.74
2-7	2.42 acres WET DETENTION	0.76	0.76
2-7	1.49 acres DRY DETENTION	1.63	1.63
3-1	43.52 acres WET DETENTION	15.74	15.74
3-1	8.5 acres DRY DETENTION	2.23	2.23
3-2	1.85 acres WET DETENTION	1.47	1.47
3-3	1.71 acres WET DETENTION	2.34	2.34
3-3	2.6 acres DRY DETENTION	1.37	1.37
3-4	2.86 acres WET DETENTION	0.59	0.59
3-4	5.29 acres DRY DETENTION	1.26	1.26
4-1	12.26 acres WET DETENTION	14.42	14.42
4-1	1.15 acres DRY DETENTION	0.27	0.27
4-2	10.39 acres WET DETENTION	8.04	8.04
4-3	1.99 acres WET DETENTION	1.00	1.00
4-4	1.2 acres WET DETENTION	1.03	1.03
4-4	1.08 acres DRY DETENTION	0.21	0.21
4-5	20.91 acres WET DETENTION	8.73	8.73
4-5	2.68 acres DRY DETENTION	0.36	0.36
4-6	6.88 acres WET DETENTION	4.19	4.19
4-6	1.71 acres DRY DETENTION	0.68	0.68

ROAD DESIGN:

As shown in the following table, minimum road center lines have been set at or above the calculated design storm flood elevation.

Design Storm Freq: 5YR-1DAY

Design Rainfall: 5.00 inches

Basin	Flood Elevation (ft., NGVD)	Minimum Centerline Elevation (ft., NGVD)
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Basin	Flood Elevation (ft., NGVD)	Minimum Centerline Elevation (ft., NGVD)
1-1	8.1	8.6
1-2	7.78	8.5
1-3	9.91	10
1-4	9.84	11.2
2-1	11.36	12
2-2	12.27	13.2
2-3	14.26	15
2-4	16.79	17.5
2-5	12.65	13.2
2-6	11.83	12.4
2-7	13.3	13.8
3-1	16.99	18
3-2	16.55	17.1
3-3	16.71	17.2
3-4	15.69	16.2
4-1	17.31	17.75
4-2	16.43	16.9
4-3	15.16	15.7
4-4	15.73	16.1
4-5	16.08	16.5
4-6	16.94	18

FINISHED FLOORS:

As shown in the following table, minimum finished floor elevations have been set at or above the calculated design storm flood elevation.

Design Storm Frequency: 100YR-3DAY Design Rainfall: 12.50 inches

Basin	Flood Elevation (ft., NGVD)	FEMA Elevation (ft., NGVD)	Minimum Design Elev (ft., NGVD)
1-1	10.88	n/a	11
1-2	10.67	n/a	10.8
1-3	11.5	n/a	11.6
1-4	11.32	n/a	12.7
2-1	14.47	n/a	14.7
2-2	14.4	n/a	14.7
2-3	16.27	n/a	16.5
2-4	19.07	n/a	19.2
2-5	15.93	n/a	16
2-6	15.93	n/a	16
2-7	16.81	n/a	16.9
3-1	19.36	n/a	19.5
3-2	19.41	n/a	19.5
3-3	19.71	n/a	19.8
3-4	19.49	n/a	19.6
4-1	18.88	n/a	19.25

Basin	Flood Elevation (ft. NGVD)	FEMA Elevation (ft. NGVD)	Minimum Design Elev (ft. NGVD)
4-2	18.8	n/a	18.9
4-3	18.4	n/a	18.5
4-4	19.07	n/a	19.2
4-5	19.21	n/a	19.3
4-6	18.67	n/a	19.5

IV. ENVIRONMENTAL ASSESSMENT

PROJECT SITE DESCRIPTION:

The proposed project site is a 1,797.60 acre tract located on the south side of Highway 80 east of Fort Myers Shores. Surrounding land uses include agricultural and low density single family residences. The project site is bordered on the east and southeast by canals maintained by the East County Water Control District. Hickey Creek Mitigation Park, a 780 acre preserve owned by Lee County, is located on property east of the East County Water Control District canal. A total of 242.81 acres of wetlands, 0.45 acre of other surface waters, and 1,554.34 acres of uplands are present on the project site. Exhibits 23A - 23C indicate the various habitat types and their sizes.

Most of the tract consists of agricultural lands, much of which continues to be utilized by cattle in approximately 500 acres of unimproved pastures. Several areas comprising nearly 200 acres had been utilized previously as a wax myrtle nursery. Most of the other uplands at the site are characterized as pine flatwoods and palmetto prairies of good to very good quality. The largest and highest quality habitat is found in the eastern portion of the property adjacent to the Hickey Creek Mitigation Park.

The onsite wetlands have been significantly impacted by reduced sheetflow that historically entered the site but was severed as a result of construction of two large canals that border the eastern and southern property boundaries. Based on biological indicators and evidence of soil subsidence, it is estimated that wet season water levels are two to three feet lower than historic levels. With the exception of the large 87 acre cypress system (W-20) near the center of the site, few of the forested wetlands experience prolonged inundation more than a few inches above grade. Most of the these wetlands are cypress dominated; however, many of them are in transition to mixed cypress - hardwood systems, presumably because the lower levels of inundation are conducive to the establishment of hardwoods, particularly red maple and laural oak. Mature hardwood systems are also present on site and despite the reduced hydroperiods, all of the forested wetlands are generally very high quality, exhibiting good species diversity and little exotic vegetation. A total of 22 forested wetland areas comprising 176.22 acres are present. There is also a 23.91 acre wetland (W-43) located in the western area of the site that consists almost entirely of Brazilian pepper. Brazilian pepper has invaded some of the forested systems, but rarely exceeds 10%

coverage in the subcanopy.

The remaining 66.59 acres of wetlands consist of 21 herbaceous systems, typically depressional areas, that range from relatively deep marshes to somewhat drier wet prairie habitats. They are scattered throughout the site and often exhibit a fringe of wax myrtle. The two largest of these are a 13 acre wet prairie (W-34) and a 10 acre marsh (W-27) both located in the eastern area of the site. Three small excavated watering holes comprise 0.45 acre of other surface waters.

ENDANGERED, THREATENED & SPECIES OF SPECIAL CONCERN:

POTENTIAL SPECIES	USE TYPE	POTENTIAL OCCURANCE
GOPHER TORTOISES	BURROWS	OBSERVED
HERONS	FORAGING	PREFERRED HABITAT
WOODSTORK	FORAGING	PREFERRED HABITAT
AMERICAN ALLIGATOR	KNOWN USE	OBSERVED
BURROWING OWLS	PREFERRED H	KNOWN RANGE
EASTERN INDIGO SNAKE	PREFERRED H	PREFERRED HABITAT

ENDANGERED, THREATENED & SPECIES OF SPECIAL CONCERN SUMMARY:

A comprehensive survey has been conducted at the site for the presence of wetland-dependent endangered/threatened species or species of special concern.

An American alligator has been observed on site. Preferred habitat for a number of wading bird species and wood storks is also present; however, no nesting activities were identified. A wide range of both herbaceous and forested wetlands will be preserved on site and therefore, no significant adverse impacts are anticipated to these wetland dependent listed species.

The site contains several protected species typically found in upland habitats including scrub jays, burrowing owls, gopher tortoises, and indigo snakes. The area of greatest concern is the eastern area of the site adjacent to the Hickey Creek Mitigation Park where these species are also found. In consideration of the value of this area for wildlife utilization, conservation easement areas totalling 182.89 acres are located in this area. Uplands comprise 142.33 acres and include a 64.58 acre preserve in the southeast corner specifically for gopher tortoises. This conservation easement area and a habitat management plan is a requirement of the Incidental Take Permit issued by the Florida Fish and Wildlife Conservation Commission (FWC). The easement will be granted to the FWC; however, the District will retain third party enforcement rights since this area also serves as upland compensation for wetland impacts.

This permit does not relieve the applicant from complying with all applicable rules and any other agencies' requirements if in the future, endangered/threatened species or species of special concern are discovered on the site.

LEGAL/INSTITUTIONAL:

The proposed onsite mitigation areas will be dedicated as conservation areas and placed within a conservation easement which is in substantial conformance to the draft conservation easements attached as Exhibits 26A - 26I. All protected areas shown in Exhibit 26J shall be placed within a conservation easement no later than September 15, 2001. Note that all of the easements will be granted to Lee County with the exception of the Gopher Tortoise Preserve which will be granted to the Florida Fish Wildlife Conservation Commission. In both easement documents, third party enforcement rights are granted to the District.

Draft Declaration of Covenants, Conditions and Restrictions of Hawk's Haven Home Owner's Association were submitted for review and are located in the permit file. The Association will be responsible for maintaining the onsite mitigation areas (conservation easement areas) consistent with SFWMD permits. A preliminary plat designating the easement areas with the required restrictive language is in the permit file.

WETLAND PRESERVATION AND IMPACT SUMMARY:

The project proposes to impact 65.29 acres of wetlands and 0.45 acre of other surface waters as a result of fill and excavation activities for the residential/golf course development. Impacts are proposed to 8.47 acres of forested systems, 33.26 acres of herbaceous wetlands, and 23.56 acres of Brazilian pepper. Approximately half of the project will remain conceptually permitted at this time; however, all wetland impacts are authorized by this permit and the complete mitigation plan will commence in this phase. The project will preserve 174.73 acres of wetlands, enhance 144.92 of these preserved wetlands, and preserve and enhance 212.15 acres of uplands. The preserved habitats total 386.88 acres and are located throughout the site within 16 conservation areas. The impact/preservation plan is presented in tabular form in Exhibit 24. Exhibits 27A - 27F show wetland impacts on construction plans. The preserves are indicated on Exhibit 26J and details of the enhancement activities are provided in Exhibits 25A - 25C and 28A - 28I.

Efforts to avoid and minimize wetland impacts focused on maintaining high quality habitat in large contiguous preserves wherever practicable. Thus, impacts are generally targeted at smaller isolated wetlands with the exception of the large Brazilian pepper wetland (W-43) located in the western area of the site. Impacts to 23.56 acres of this wetland account for more than a third of all wetland impacts in the project. An important aspect of the habitat preservation plan is the incorporation of uplands into the preserves as shown on Exhibit 28I. This approach serves several critical purposes including linking isolated wetlands by contiguous habitat to provide larger more functional preserves; providing extensive buffers between wetlands and the development to prevent secondary impacts; and maximizing the value of habitat adjacent to Hickey Creek Mitigation Park in the eastern area of the project. Two preserve areas totaling 182.89 acres are located in this area of which 142.33 acres are uplands. This plan provides important wildlife habitat to listed species and a buffer to the existing 780 acre Mitigation Park.

Uplands have also been incorporated into the largest, highest quality onsite wetland preserve located near the center of the site. This 113.34 acre conservation area includes 80.33 acres of cypress and pop ash dominated wetlands (W-20), 29.06 acres of contiguous uplands, and an additional 3.95 acres of upland buffers. The largest of the preserved uplands is UP-17 which consists of 19.38 acres of pine-palmetto flatwoods completely surrounded by wetlands. Initial project plans proposed to develop this "island" with 70 single family lots and a boardwalk through the wetlands connecting it to the clubhouse. The inclusion of these uplands as part of the conservation area significantly increases the functional value of the preserve, and secondary impacts that might have resulted from the previous proposal are eliminated. As part of the preserve enhancement activities, an initial controlled burn will be performed in this upland prior to construction of surrounding development.

All runoff from the development will be directed into the surface water management system for treatment prior to discharge into the wetland preserves via spreader swales or lakes spilling into wetlands at grade via littoral shelves. Undisturbed upland buffers are provided adjacent to most preserved

wetlands to minimize secondary impacts due to encroachment. Where this is not feasible, a structural buffer in the form of a berm planted in native vegetation is provided. Cross section details showing the interface of various development features with preserves are provided on Exhibits 18 - 20. The locations where they apply are found on Exhibits 5 - 12 and on the detailed Paving, Grading, and Drainage Plans located in the permit file.

Extensive data including numerous topographic transects and measurement of hydrological indicators in wetlands was collected to determine control elevations that will be compatible with existing hydrologic conditions and provide opportunities for hydrologic enhancement of wetlands where possible. Most of the preserves are located outside the surface water management system and adjacent control elevations are generally consistent with existing estimated wet season water table elevations or are somewhat higher. However, six preserves containing a total of 35.73 acres of wetlands have been incorporated into the system and significant hydrologic enhancement is anticipated in all but one of these preserves. Significant enhancement is anticipated as a result of setting control elevations up to one half foot above existing wet season water table elevations combined with relatively slow recovery times following 5 year - 1 day and 25 year - 3 day storm events. Modeling indicates peak stages following the 5 year and 25 year events to average 1.3 feet and 2.5 feet above control elevations, respectively. Restoration of historic water elevations is not practical; however, the post development hydroperiod in these wetlands will represent an increase in stages and their durations without adversely impacting adjacent preserved uplands or wetland hardwoods that may be sensitive to abrupt changes in hydrologic regime. Wetlands to be enhanced in this manner are W-4, W-5, W-6, W-7, W-15, W-16, W-17, W-34, and WL-40. Minor hydrologic enhancement is expected in W-8 where an elevated control elevation should effectively increase the average wet season water table; however, discharge through culverts results in low peak stages and fast recovery times. Note that W-34 and W-40 are located in Basin 4 and hydrologic enhancement will not occur until future construction phases. However, removal of exotic vegetation in these areas and all other preserves will be completed as part of this phase.

Although it is not incorporated into the water management system, minor hydrologic enhancement is also anticipated to occur in W-20 by construction of a berm at the downstream end. Although water elevations within this depressional system are significantly reduced from historic levels, it continues to be slightly inundated throughout the dry season and existing average wet season water table elevations are up to one foot above grade at 11.0' NGVD. The proposed berm will be constructed at an elevation of 11.2' NGVD thereby slightly raising the water table in the wetland during the wet season. Details are shown on Exhibit 6 and Sheet 31 (Exhibit 50) of the Paving, Grading and Drainage Plans and in cross section W-W on Exhibit 20.

MITIGATION MONITORING:

The project proposes to mitigate for direct impacts to 65.29 acres of wetlands

by preserving 174.73 acres of wetlands, enhancing 144.92 of these preserved wetlands, and preserving and enhancing 212.15 acres of uplands. The preserved habitats total 386.88 acres and are located throughout the site within 16 conservation areas. Enhancement activities will consist of removal of exotic vegetation throughout all preserved areas, planting activities in a few areas, hydrologic enhancement in seven of the preserves as described above, an initial controlled burn in upland UP-17, and ongoing habitat management activities within the gopher tortoise preserve. Wetlands considered only preserved (29.81 acres) contain virtually no exotic vegetation and will not be hydrologically enhanced. Impact and mitigation areas are tabulated in Exhibit 24.

The preserves will be maintained in perpetuity and protected under conservation easements in accordance with Exhibits 26A - 26J. Details of the mitigation and monitoring activities and schedule for a five year period are described in Exhibits 25A - 25C and site specific information is provided in Exhibits 28A - 28I. These plan sheets identify more precisely which mitigation activities will apply for each preserve, the extent of exotic vegetation to be eradicated, topographic and hydrologic information, and the locations of monitoring transects, photo points and staff gauges.

As described in the impact/preservation summary, the mitigation plan seeks to maximize the functional value of preserved wetlands by incorporating uplands to create larger preserves, provide buffers, and connect habitat to the adjacent Hickey Creek Mitigation Park. A diverse mixture of cypress systems, mixed forested and hardwood wetlands, wet prairies, and marshes will be preserved and enhanced within surrounding uplands dominated by pine flatwoods.

In this manner, the project directs mitigation efforts at providing viable long-term preserves that combine different habitats. Based on an evaluation of the mitigation plan to offset proposed impacts to mostly smaller, isolated wetlands, it was determined that the balanced approach of the project adequately compensates for wetland losses. Measures to prevent secondary impacts have been incorporated into the project plans and no cumulative impacts to the water resources in the basin are anticipated.

WETLAND INVENTORY NOTE:

Wetlands indicated as undisturbed are wetlands located within an existing FPL easement. They will not be impacted by the project, but will not be enhanced or placed within conservation easements.

WETLAND INVENTORY:

NEW ENTIRE PRJ-HAWK'S HAVEN

ONSITE

Pre-Development		Post-Development				
	TOTAL EXISTING	PRESERVED	UNDISTURBED	IMPACTED	ENHANCED	RESTORED/ CREATED
FORESTED	176.22	142.45	1.74	32.03	122.21	0
HERBACEOUS/SHRUB	66.59	32.28	1.05	33.26	22.71	0
OSW	.45	0	0	.45	0	0
TOTALS	243.26	174.73	2.79	65.74	144.92	0

UPLAND COMP: PRESERVED: 212.15 ENHANCED: 212.15

ENVIRONMENTAL SUMMARY:

The proposed activities have been evaluated for potential secondary and cumulative impacts and to determine if the project is contrary to the public interest. Sixteen wetland and upland preserves totalling 386.88 acres will provide adequate mitigation for impacts to 65.29 acres of isolated wetlands. A variety of enhancement activities are proposed to increase the values and functions of the diverse habitat to be preserved on site. A large preserve area located in the eastern portion of the site compliments the existing adjacent 780 acre Hickey Creek Mitigation Park owned by Lee County.

Water resource protection is provided by treating all runoff from the development in wet and dry detention areas prior to discharge into preserves. Extensive upland and structural buffers are provided adjacent to preserves in order to prevent secondary impacts due to project development. Conservation easements will protect the preserves in perpetuity.

The Florida Division of Historical Resources recommended a Phase I archaeological and historical survey be performed at the site. A survey was completed and reviewed by the Division. The agency has provided a letter indicating that no cultural resources were identified during the survey and it has no objections to the proposed project.

Based upon the proposed project design, the District has determined that the project will not cause adverse secondary or cumulative impacts to the water resources and is not contrary to the public interest.

SYSTEM OPERATION:

Hawks Haven Homeowners Association

PROPOSED LAND USE(S):

Residential

WATER USE PERMIT STATUS:

Application No. 990928-7 for irrigation and Application No. 000509-9 for de-watering have both been found complete and are scheduled for concurrent presentation to the board with Staff recommendation for approval.

POTABLE WATER SUPPLIER:

Lee County Utilities

WASTE WATER SYSTEM/SUPPLIER:

Lee County Utilities

DRI STATUS:

This project is not a DRI.

SAVE OUR RIVERS:

The project is not within or adjacent to lands under consideration by the Save Our Rivers program.

SWIM BASIN:

The project is not within nor does it discharge directly to a designated SWIM basin.

RIGHT-OF-WAY PERMIT STATUS:

A Right-of-Way Permit is not required for this project.

ENFORCEMENT ACTIVITY:

There has been no enforcement activity associated with this application.

THIRD PARTY INTEREST:

No third party has contacted the District with concerns about this application.

WELL FIELD ZONE OF INFLUENCE:

The project is not located within the zone of influence of a wellfield.

V. APPLICABLE LAND AREA

Area shown under "PRESERVE" category corresponds to 73.54 acres and 313.34 acres of wetland/upland preserves included and excluded from the surface water management system, respectively.

Area shown under "OTHER" category corresponds to golf course area.

39.5 acres of onsite FPL easement are included in the "TOTAL ACRES"; however, they have been excluded from any subsequent fields.

PROJECT

	TOTAL PROJECT	PREVIOUSLY PERMITTED	THIS PHASE	
TOTAL ACRES	1797.60		962.20	acres
WTRM ACREAGE	250.95		147.12	acres
PAVEMENT	103.52		35.75	acres
BUILD COVERAGE	244.92		87.00	acres
PRESERVED	386.88		386.88	acres
PERVIOUS	308.65		88.09	acres
OTHER	463.18		177.86	acres

VI. STAFF RECOMMENDATION

Staff recommends that the following be issued:

An Environmental Resource Permit allowing Conceptual Authorization for a Surface Water Management System serving a 1,797.6-acre golf course and residential subdivision. In addition, Construction and Operation Authorization for 962.2 acres, part of the 1,797.6-acre subdivision.

Based on the information provided, District rules have been adhered to.

Staff recommendation is for approval subject to the attached General and Special Conditions.

III. STAFF REVIEW

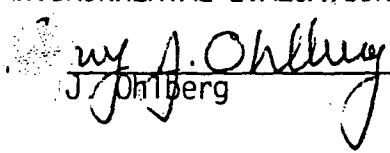
SERVICE CENTER MANAGER


Chip Merriman

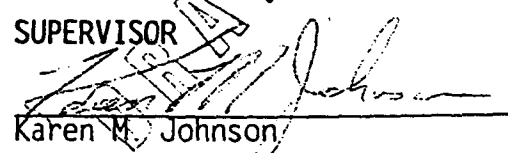
DATE: May 23, 2007

NATURAL RESOURCE MANAGEMENT DEPARTMENT APPROVAL

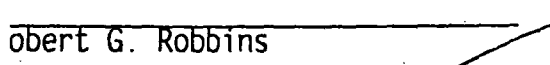
ENVIRONMENTAL EVALUATION


J. Ohlberg

SUPERVISOR


Karen M. Johnson

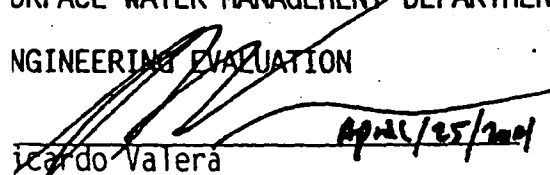
DEPARTMENT DIRECTOR:


Robert G. Robbins

DATE: _____


SURFACE WATER MANAGEMENT DEPARTMENT APPROVAL

ENGINEERING EVALUATION

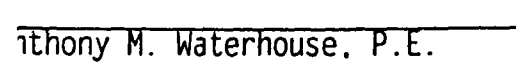

Ricardo Valera

April 25, 2007

SUPERVISOR


Richard H. Thompson, P.E.

DEPARTMENT DIRECTOR:


Anthony M. Waterhouse, P.E.

DATE: _____

GENERAL CONDITIONS

1. ALL ACTIVITIES AUTHORIZED BY THIS PERMIT SHALL BE IMPLEMENTED AS SET FORTH IN THE PLANS, SPECIFICATIONS AND PERFORMANCE CRITERIA AS APPROVED BY THIS PERMIT. ANY DEVIATION FROM THE PERMITTED ACTIVITY AND THE CONDITIONS FOR UNDERTAKING THAT ACTIVITY SHALL CONSTITUTE A VIOLATION OF THIS PERMIT AND PART IV, CHAPTER 373, F.S.
2. THIS PERMIT OR A COPY THEREOF, COMPLETE WITH ALL CONDITIONS, ATTACHMENTS, EXHIBITS, AND MODIFICATIONS SHALL BE KEPT AT THE WORK SITE OF THE PERMITTED ACTIVITY. THE COMPLETE PERMIT SHALL BE AVAILABLE FOR REVIEW AT THE WORK SITE UPON REQUEST BY THE DISTRICT STAFF. THE PERMITTEE SHALL REQUIRE THE CONTRACTOR TO REVIEW THE COMPLETE PERMIT PRIOR TO COMMENCEMENT OF THE ACTIVITY AUTHORIZED BY THIS PERMIT.
3. ACTIVITIES APPROVED BY THIS PERMIT SHALL BE CONDUCTED IN A MANNER WHICH DOES NOT CAUSE VIOLATIONS OF STATE WATER QUALITY STANDARDS. THE PERMITTEE SHALL IMPLEMENT BEST MANAGEMENT PRACTICES FOR EROSION AND POLLUTION CONTROL TO PREVENT VIOLATION OF STATE WATER QUALITY STANDARDS. TEMPORARY EROSION CONTROL SHALL BE IMPLEMENTED PRIOR TO AND DURING CONSTRUCTION, AND PERMANENT CONTROL MEASURES SHALL BE COMPLETED WITHIN 7 DAYS OF ANY CONSTRUCTION ACTIVITY. TURBIDITY BARRIERS SHALL BE INSTALLED AND MAINTAINED AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO THE RECEIVING WATERBODY EXISTS DUE TO THE PERMITTED WORK. TURBIDITY BARRIERS SHALL REMAIN IN PLACE AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND SOILS ARE STABILIZED AND VEGETATION HAS BEEN ESTABLISHED. ALL PRACTICES SHALL BE IN ACCORDANCE WITH THE GUIDELINES AND SPECIFICATIONS DESCRIBED IN CHAPTER 6 OF THE FLORIDA LAND DEVELOPMENT MANUAL; A GUIDE TO SOUND LAND AND WATER MANAGEMENT (DEPARTMENT OF ENVIRONMENTAL REGULATION, 1988), INCORPORATED BY REFERENCE IN RULE 40E-4.091, F.A.C. UNLESS A PROJECT-SPECIFIC EROSION AND SEDIMENT CONTROL PLAN IS APPROVED AS PART OF THE PERMIT. THEREAFTER THE PERMITTEE SHALL BE RESPONSIBLE FOR THE REMOVAL OF THE BARRIERS. THE PERMITTEE SHALL CORRECT ANY EROSION OR SHOALING THAT CAUSES ADVERSE IMPACTS TO THE WATER RESOURCES.
4. THE PERMITTEE SHALL NOTIFY THE DISTRICT OF THE ANTICIPATED CONSTRUCTION START DATE WITHIN 30 DAYS OF THE DATE THAT THIS PERMIT IS ISSUED. AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ACTIVITY AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL SUBMIT TO THE DISTRICT AN ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMMENCEMENT NOTICE FORM NO. 0960 INDICATING THE ACTUAL START DATE AND THE EXPECTED COMPLETION DATE.
5. WHEN THE DURATION OF CONSTRUCTION WILL EXCEED ONE YEAR, THE PERMITTEE SHALL SUBMIT CONSTRUCTION STATUS REPORTS TO THE DISTRICT ON AN ANNUAL BASIS UTILIZING AN ANNUAL STATUS REPORT FORM. STATUS REPORT FORMS SHALL BE SUBMITTED THE FOLLOWING JUNE OF EACH YEAR.
6. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE PERMITTED ACTIVITY, THE PERMITTEE SHALL SUBMIT A WRITTEN STATEMENT OF COMPLETION AND CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER OR OTHER APPROPRIATE INDIVIDUAL AS AUTHORIZED BY LAW, UTILIZING THE SUPPLIED ENVIRONMENTAL

RESOURCE PERMIT CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION FORM NO.0881. THE STATEMENT OF COMPLETION AND CERTIFICATION SHALL BE BASED ON ONSITE OBSERVATION OF CONSTRUCTION OR REVIEW OF ASBUILT DRAWINGS FOR THE PURPOSE OF DETERMINING IF THE WORK WAS COMPLETED IN COMPLIANCE WITH PERMITTED PLANS AND SPECIFICATIONS. THIS SUBMITTAL SHALL SERVE TO NOTIFY THE DISTRICT THAT THE SYSTEM IS READY FOR INSPECTION. ADDITIONALLY, IF DEVIATION FROM THE APPROVED DRAWINGS ARE DISCOVERED DURING THE CERTIFICATION PROCESS, THE CERTIFICATION MUST BE ACCOMPANIED BY A COPY OF THE APPROVED PERMIT DRAWINGS WITH DEVIATIONS NOTED. BOTH THE ORIGINAL AND REVISED SPECIFICATIONS MUST BE CLEARLY SHOWN. THE PLANS MUST BE CLEARLY LABELED AS "ASBUILT" OR "RECORD" DRAWING. ALL SURVEYED DIMENSIONS AND ELEVATIONS SHALL BE CERTIFIED BY A REGISTERED SURVEYOR.

7. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE: UNTIL THE PERMITTEE HAS COMPLIED WITH THE REQUIREMENTS OF CONDITION (6) ABOVE, HAS SUBMITTED A REQUEST FOR CONVERSION OF ENVIRONMENTAL RESOURCE PERMIT FROM CONSTRUCTION PHASE TO OPERATION PHASE, FORM NO.0920; THE DISTRICT DETERMINES THE SYSTEM TO BE IN COMPLIANCE WITH THE PERMITTED PLANS AND SPECIFICATIONS; AND THE ENTITY APPROVED BY THE DISTRICT IN ACCORDANCE WITH SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, ACCEPTS RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE SYSTEM. THE PERMIT SHALL NOT BE TRANSFERRED TO SUCH APPROVED OPERATION AND MAINTENANCE ENTITY UNTIL THE OPERATION PHASE OF THE PERMIT BECOMES EFFECTIVE. FOLLOWING INSPECTION AND APPROVAL OF THE PERMITTED SYSTEM BY THE DISTRICT, THE PERMITTEE SHALL INITIATE TRANSFER OF THE PERMIT TO THE APPROVED RESPONSIBLE OPERATING ENTITY IF DIFFERENT FROM THE PERMITTEE. UNTIL THE PERMIT IS TRANSFERRED PURSUANT TO SECTION 40E-1.6107, F.A.C., THE PERMITTEE SHALL BE LIABLE FOR COMPLIANCE WITH THE TERMS OF THE PERMIT.
8. EACH PHASE OR INDEPENDENT PORTION OF THE PERMITTED SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO THE INITIATION OF THE PERMITTED USE OF SITE INFRASTRUCTURE LOCATED WITHIN THE AREA SERVED BY THAT PORTION OR PHASE OF THE SYSTEM. EACH PHASE OR INDEPENDENT PORTION OF THE SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO TRANSFER OF RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE PHASE OR PORTION OF THE SYSTEM TO A LOCAL GOVERNMENT OR OTHER RESPONSIBLE ENTITY.
9. FOR THOSE SYSTEMS THAT WILL BE OPERATED OR MAINTAINED BY AN ENTITY THAT WILL REQUIRE AN EASEMENT OR DEED RESTRICTION IN ORDER TO ENABLE THAT ENTITY TO OPERATE OR MAINTAIN THE SYSTEM IN CONFORMANCE WITH THIS PERMIT, SUCH EASEMENT OR DEED RESTRICTION MUST BE RECORDED IN THE PUBLIC RECORDS AND SUBMITTED TO THE DISTRICT ALONG WITH ANY OTHER FINAL OPERATION AND MAINTENANCE DOCUMENTS REQUIRED BY SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, PRIOR TO LOT OR UNIT SALES OR PRIOR TO THE COMPLETION OF THE SYSTEM, WHICHEVER OCCURS FIRST. OTHER DOCUMENTS CONCERNING THE ESTABLISHMENT AND AUTHORITY OF THE OPERATING ENTITY MUST BE FILED WITH THE SECRETARY OF STATE WHERE APPROPRIATE. FOR THOSE SYSTEMS WHICH ARE PROPOSED TO BE MAINTAINED BY THE

COUNTY OR MUNICIPAL ENTITIES. FINAL OPERATION AND MAINTENANCE DOCUMENTS MUST BE RECEIVED BY THE DISTRICT WHEN MAINTENANCE AND OPERATION OF THE SYSTEM IS ACCEPTED BY THE LOCAL GOVERNMENT ENTITY. FAILURE TO SUBMIT THE APPROPRIATE FINAL DOCUMENTS WILL RESULT IN THE PERMITTEE REMAINING LIABLE FOR CARRYING OUT MAINTENANCE AND OPERATION OF THE PERMITTED SYSTEM AND ANY OTHER PERMIT CONDITIONS.

10. SHOULD ANY OTHER REGULATORY AGENCY REQUIRE CHANGES TO THE PERMITTED SYSTEM, THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING OF THE CHANGES PRIOR TO IMPLEMENTATION SO THAT A DETERMINATION CAN BE MADE WHETHER A PERMIT MODIFICATION IS REQUIRED.
11. THIS PERMIT DOES NOT ELIMINATE THE NECESSITY TO OBTAIN ANY REQUIRED FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY ACTIVITY APPROVED BY THIS PERMIT. THIS PERMIT DOES NOT CONVEY TO THE PERMITTEE OR CREATE IN THE PERMITTEE ANY PROPERTY RIGHT, OR ANY INTEREST IN REAL PROPERTY, NOR DOES IT AUTHORIZE ANY ENTRANCE UPON OR ACTIVITIES ON PROPERTY WHICH IS NOT OWNED OR CONTROLLED BY THE PERMITTEE, OR CONVEY ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4 OR CHAPTER 40E-40, F.A.C.
12. THE PERMITTEE IS HEREBY ADVISED THAT SECTION 253.77, F.S. STATES THAT A PERSON MAY NOT COMMENCE ANY EXCAVATION, CONSTRUCTION, OR OTHER ACTIVITY INVOLVING THE USE OF SOVEREIGN OR OTHER LANDS OF THE STATE, THE TITLE TO WHICH IS VESTED IN THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND WITHOUT OBTAINING THE REQUIRED LEASE, LICENSE, EASEMENT, OR OTHER FORM OF CONSENT AUTHORIZING THE PROPOSED USE. THEREFORE, THE PERMITTEE IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AUTHORIZATIONS FROM THE BOARD OF TRUSTEES PRIOR TO COMMENCING ACTIVITY ON SOVEREIGNTY LANDS OR OTHER STATE-OWNED LANDS.
13. THE PERMITTEE MUST OBTAIN A WATER USE PERMIT PRIOR TO CONSTRUCTION DEWATERING, UNLESS THE WORK QUALIFIES FOR A GENERAL PERMIT PURSUANT TO SUBSECTION 40E-20.302(4), F.A.C., ALSO KNOWN AS THE "NO NOTICE" RULE.
14. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, ALTERATION, OPERATION, MAINTENANCE, REMOVAL, ABANDONMENT OR USE OF ANY SYSTEM AUTHORIZED BY THE PERMIT.
15. ANY DELINEATION OF THE EXTENT OF A WETLAND OR OTHER SURFACE WATER SUBMITTED AS PART OF THE PERMIT APPLICATION, INCLUDING PLANS OR OTHER SUPPORTING DOCUMENTATION, SHALL NOT BE CONSIDERED BINDING UNLESS A SPECIFIC CONDITION OF THIS PERMIT OR A FORMAL DETERMINATION UNDER SECTION 373.421(2), F.S., PROVIDES OTHERWISE.
16. THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING WITHIN 30 DAYS OF ANY SALE, CONVEYANCE, OR OTHER TRANSFER OF OWNERSHIP OR CONTROL OF A PERMITTED SYSTEM OR THE REAL PROPERTY ON WHICH THE PERMITTED SYSTEM IS LOCATED. ALL TRANSFERS OF OWNERSHIP OR TRANSFERS OF A PERMIT ARE SUBJECT TO THE REQUIREMENTS OF RULES 40E-1.6105 AND 40E-1.6107, F.A.C. THE PERMITTEE

TRANSFERRING THE PERMIT SHALL REMAIN LIABLE FOR CORRECTIVE ACTIONS THAT MAY BE REQUIRED AS A RESULT OF ANY VIOLATIONS PRIOR TO THE SALE, CONVEYANCE OR OTHER TRANSFER OF THE SYSTEM.

17. UPON REASONABLE NOTICE TO THE PERMITTEE, DISTRICT AUTHORIZED STAFF WITH PROPER IDENTIFICATION SHALL HAVE PERMISSION TO ENTER, INSPECT, SAMPLE AND TEST THE SYSTEM TO INSURE CONFORMITY WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE PERMIT.
18. IF HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS ARE DISCOVERED AT ANY TIME ON THE PROJECT SITE, THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE APPROPRIATE DISTRICT SERVICE CENTER.
19. THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE DISTRICT IN WRITING OF ANY PREVIOUSLY SUBMITTED INFORMATION THAT IS LATER DISCOVERED TO BE INACCURATE.

SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION:
- | | | | |
|------------|---|-------|------------|
| BASIN: 1-1 | - | 11.00 | FEET NGVD. |
| BASIN: 1-2 | - | 10.80 | FEET NGVD. |
| BASIN: 1-3 | - | 11.60 | FEET NGVD. |
| BASIN: 1-4 | - | 12.70 | FEET NGVD. |
| BASIN: 2-1 | - | 14.70 | FEET NGVD. |
| BASIN: 2-2 | - | 14.70 | FEET NGVD. |
| BASIN: 2-3 | - | 16.50 | FEET NGVD. |
| BASIN: 2-4 | - | 19.20 | FEET NGVD. |
| BASIN: 2-5 | - | 16.00 | FEET NGVD. |
| BASIN: 2-6 | - | 16.00 | FEET NGVD. |
| BASIN: 2-7 | - | 16.90 | FEET NGVD. |
| BASIN: 3-1 | - | 19.50 | FEET NGVD. |
| BASIN: 3-2 | - | 19.50 | FEET NGVD. |
| BASIN: 3-3 | - | 19.80 | FEET NGVD. |
| BASIN: 3-4 | - | 19.60 | FEET NGVD. |
| BASIN: 4-1 | - | 19.25 | FEET NGVD. |
| BASIN: 4-2 | - | 18.90 | FEET NGVD. |
| BASIN: 4-3 | - | 18.50 | FEET NGVD. |
| BASIN: 4-4 | - | 19.20 | FEET NGVD. |
| BASIN: 4-5 | - | 19.30 | FEET NGVD. |
| BASIN: 4-6 | - | 19.50 | FEET NGVD. |

2. MINIMUM ROAD CROWN ELEVATION:
- | | | | |
|------------|---|-------|------------|
| BASIN: 1-1 | - | 8.60 | FEET NGVD. |
| BASIN: 1-2 | - | 8.50 | FEET NGVD. |
| BASIN: 1-3 | - | 10.00 | FEET NGVD. |
| BASIN: 1-4 | - | 11.20 | FEET NGVD. |
| BASIN: 2-1 | - | 12.00 | FEET NGVD. |
| BASIN: 2-2 | - | 13.20 | FEET NGVD. |
| BASIN: 2-3 | - | 15.00 | FEET NGVD. |
| BASIN: 2-4 | - | 17.50 | FEET NGVD. |
| BASIN: 2-5 | - | 13.20 | FEET NGVD. |
| BASIN: 2-6 | - | 12.40 | FEET NGVD. |
| BASIN: 2-7 | - | 13.80 | FEET NGVD. |
| BASIN: 3-1 | - | 18.00 | FEET NGVD. |
| BASIN: 3-2 | - | 17.10 | FEET NGVD. |
| BASIN: 3-3 | - | 17.20 | FEET NGVD. |
| BASIN: 3-4 | - | 16.20 | FEET NGVD. |
| BASIN: 4-1 | - | 17.75 | FEET NGVD. |
| BASIN: 4-2 | - | 16.90 | FEET NGVD. |
| BASIN: 4-3 | - | 15.70 | FEET NGVD. |
| BASIN: 4-4 | - | 16.10 | FEET NGVD. |
| BASIN: 4-5 | - | 16.50 | FEET NGVD. |
| BASIN: 4-6 | - | 18.00 | FEET NGVD. |

3. DISCHARGE FACILITIES:

BASIN: 1-1:

1-.42' W X .42' H CIRCULAR ORIFICE WEIR WITH CREST AT ELEV. 7.45' NGVD.
1-.42' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 6.5' NGVD.
85 LF OF 1.5' DIA. RCP CULVERT.

RECEIVING BODY : FDOT DITCH VIA ONSITE WETLAND

CONTROL ELEV : 6.5 FEET NGVD. /6.5 FEET NGVD DRY SEASON.

BASIN: 1-2:

1-.25' W X 2.15' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 6.82' NGVD.
1-1.07' W X .32' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 6.5' NGVD.
414 LF OF 2' DIA. RCP CULVERT.

RECEIVING BODY : FDOT DITCH VIA ONSITE WETLAND

CONTROL ELEV : 6.5 FEET NGVD. /6.5 FEET NGVD DRY SEASON.

BASIN: 1-3:

1-.83' W X .83' H CIRCULAR ORIFICE WEIR WITH CREST AT ELEV. 8.89' NGVD.
1-.42' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 7.7' NGVD.
100 LF OF 2.5' DIA. RCP CULVERT.

RECEIVING BODY : FDOT DITCH VIA ONSITE WETLAND

CONTROL ELEV : 7.7 FEET NGVD. /7.7 FEET NGVD DRY SEASON.

BASIN: 1-4:

1-.65' W X .23' H RECTANGULAR ORIFICE WITH INVERT AT ELEV. 9.2' NGVD.
172 LF OF 2' DIA. RCP CULVERT.

RECEIVING BODY : FDOT DITCH VIA ONSITE WETLAND

CONTROL ELEV : 9.2 FEET NGVD. /9.2 FEET NGVD DRY SEASON.

BASIN: 2-1:

1-2.33' W X 2.57' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 10.44' NGVD.
1-1.1' W X .44' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 10' NGVD.
247 LF OF 3.5' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 10 FEET NGVD. /10 FEET NGVD DRY SEASON.

BASIN: 2-2:

1-4.08' W X .34' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 11.2' NGVD.

416 LF OF 3' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 11.2 FEET NGVD. /11.2 FEET NGVD DRY SEASON.

BASIN: 2-3:

1-2.16' W X 2.4' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 13.35' NGVD.

1-3.39' W X .35' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 13' NGVD.
159 LF OF 3.5' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 13 FEET NGVD. /13 FEET NGVD DRY SEASON.

BASIN: 2-4:

1-3.52' W X .35' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 15.5' NGVD.
227 LF OF 3' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 15.5 FEET NGVD. /15.5 FEET NGVD DRY SEASON.

BASIN: 2-5:

1-.33' W X 2.84' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 11.65' NGVD.

1-.48' W X .45' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 11.2' NGVD.
377 LF OF 2' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 11.2 FEET NGVD. /11.2 FEET NGVD DRY SEASON.

BASIN: 2-6:

1-.77' W X .77' H CIRCULAR ORIFICE WEIR WITH CREST AT ELEV. 10.43' NGVD.

1-.33' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 10' NGVD.
426 LF OF 2' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 10 FEET NGVD. /10 FEET NGVD DRY SEASON.

BASIN: 2-7:

1-.56' W X .56' H CIRCULAR ORIFICE WEIR WITH CREST AT ELEV. 11.48' NGVD.

1-.25' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 11.2' NGVD.

400 LF OF 2' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 11.2 FEET NGVD. /11.2 FEET NGVD DRY SEASON.

BASIN: 3-1:

1-5' W X 1.91' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 16.33' NGVD.

1-5' W X .33' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 16' NGVD.

416 LF OF 3' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 16 FEET NGVD. /16 FEET NGVD DRY SEASON.

BASIN: 3-2:

1-2' W X 2.85' H RECTANGULAR ORIFICE WEIR WITH CREST AT ELEV. 15.19' NGVD.

1-.33' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 14.5' NGVD.

617 LF OF 3' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 14.5 FEET NGVD. /14.5 FEET NGVD DRY SEASON.

BASIN: 3-3:

1-1.58' W X 3.18' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 15.62' NGVD.

1-.33' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 14.5' NGVD.

318 LF OF 3' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 14.5 FEET NGVD. /14.5 FEET NGVD DRY SEASON.

BASIN: 3-4:

1-1.46' W X 3.7' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 13.67' NGVD.

1-.66' W X .18' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 13.5' NGVD.

68 LF OF 2' DIA. RCP CULVERT.

RECEIVING BODY : ONSITE WETLAND

CONTROL ELEV : 13.5 FEET NGVD. /13.5 FEET NGVD DRY SEASON.

BASIN: 4-1:

1-1.07' W X .58' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 16.81' NGVD.

1-1.07' W X 1.06' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 15.75' NGVD.
636 LF OF 2.5' DIA. RCP CULVERT.

RECEIVING BODY : OAK CREEK VIA ONSITE WETLAND

CONTROL ELEV : 15.75 FEET NGVD. /15.75 FEET NGVD DRY SEASON.

BASIN: 4-2:

1-.63' W X 2.53' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 15.21' NGVD.

1-1.1' W X .71' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 14.5' NGVD.
575 LF OF 2.5' DIA. RCP CULVERT.

RECEIVING BODY : OAK CREEK VIA ONSITE WETLAND

CONTROL ELEV : 14.5 FEET NGVD. /14.5 FEET NGVD DRY SEASON.

BASIN: 4-3:

1-.25' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 13.5' NGVD.
152 LF OF 1.25' DIA. RCP CULVERT.

RECEIVING BODY : OAK CREEK VIA ONSITE WETLAND

CONTROL ELEV : 13.5 FEET NGVD. /13.5 FEET NGVD DRY SEASON.

BASIN: 4-4:

1-.53' W X 3.1' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 14.22' NGVD.
1-.25' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 13.5' NGVD.
84 LF OF 2' DIA. RCP CULVERT.

RECEIVING BODY : OAK CREEK VIA ONSITE WETLAND

CONTROL ELEV : 13.5 FEET NGVD. /13.5 FEET NGVD DRY SEASON.

BASIN: 4-5:

1-3.06' W X .38' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 14.5' NGVD.
755 LF OF 2' DIA. RCP CULVERT.

RECEIVING BODY : OAK CREEK VIA ONSITE WETLAND

CONTROL ELEV : 14.5 FEET NGVD. /14.5 FEET NGVD DRY SEASON.

BASIN: 4-6:

1-1' W X 1.42' H RECTANGULAR NOTCH WEIR WITH CREST AT ELEV. 16.53' NGVD.

1- .87' W X .53' H RECTANGULAR NOTCH WITH INVERT AT ELEV. 16' NGVD.
402 LF OF 2' DIA. RCP CULVERT.

RECEIVING BODY : OAK CREEK VIA ONSITE WETLAND

CONTROL ELEV : 16 FEET NGVD. /16 FEET NGVD DRY SEASON.

4. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
5. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
6. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
7. LAKE SIDE SLOPES SHALL BE NO STEEPER THAN 4:1 (HORIZONTAL:VERTICAL) TO A DEPTH OF TWO FEET BELOW THE CONTROL ELEVATION. SIDE SLOPES SHALL BE TOP SOILED AND STABILIZED THROUGH SEEDING OR PLANTING FROM 2 FEET BELOW TO 1 FOOT ABOVE THE CONTROL ELEVATION TO PROMOTE VEGETATIVE GROWTH.
8. FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.
9. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF HAWKS HAVEN HOMEOWNERS ASSOCIATION.
10. SILT SCREENS, HAY BALES OR OTHER SUCH SEDIMENT CONTROL MEASURES SHALL BE UTILIZED DURING CONSTRUCTION. THE SELECTED SEDIMENT CONTROL MEASURES SHALL BE INSTALLED LANDWARD OF THE UPLAND BUFFER ZONES AROUND ALL PROTECTED WETLANDS. ALL AREAS SHALL BE STABILIZED AND VEGETATED IMMEDIATELY AFTER CONSTRUCTION TO PREVENT EROSION INTO THE WETLANDS AND UPLAND BUFFER ZONES.
11. PERMANENT PHYSICAL MARKERS DESIGNATING THE PRESERVE STATUS OF THE WETLAND PRESERVATION AREAS AND BUFFER ZONES SHALL BE PLACED AT THE INTERSECTION OF THE BUFFER AND EACH LOT LINE. THESE MARKERS SHALL BE MAINTAINED IN PERPETUITY.
12. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE PERIMETER OF THE PROTECTED WETLANDS AND BUFFER ZONES SHALL BE FENCED TO PREVENT ENCROACHMENT INTO THE WETLANDS. THE PERMITTEE SHALL NOTIFY THE SFWMD'S ENVIRONMENTAL COMPLIANCE STAFF IN WRITING UPON COMPLETION OF FENCING AND SCHEDULE AN INSPECTION OF THIS WORK. THE PERMITTEE SHALL MODIFY THE FENCING IF SFWMD STAFF DETERMINES IT IS INSUFFICIENT OR IS NOT IN CONFORMANCE WITH THE INTENT OF THIS PERMIT. FENCING SHALL REMAIN IN PLACE UNTIL ALL ADJACENT CONSTRUCTION ACTIVITIES ARE COMPLETE.
13. THE SFWMD RESERVES THE RIGHT TO REQUIRE REMEDIAL MEASURES TO BE TAKEN BY

THE PERMITTEE IF WETLAND AND/OR UPLAND MONITORING OR OTHER INFORMATION DEMONSTRATES THAT ADVERSE IMPACTS TO PROTECTED, CONSERVED, INCORPORATED OR MITIGATED WETLANDS OR UPLANDS HAVE OCCURRED DUE TO PROJECT RELATED ACTIVITIES.

14. ANY FUTURE CHANGES IN LAND USE OR TREATMENT OF WETLANDS AND/OR UPLAND BUFFER/COMPENSATION AREAS MAY REQUIRE A SURFACE WATER MANAGEMENT PERMIT MODIFICATION AND ADDITIONAL ENVIRONMENTAL REVIEW BY DISTRICT STAFF. PRIOR TO THE PERMITTEE INSTITUTING ANY FUTURE CHANGES NOT AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL NOTIFY THE SFWMD OF SUCH INTENTIONS FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.
15. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE SUCCESSFUL COMPLETION OF THE MITIGATION WORK, INCLUDING THE MONITORING AND MAINTENANCE OF THE MITIGATION AREAS FOR THE DURATION OF THE PLAN. THE MITIGATION AREA(S) SHALL NOT BE TURNED OVER TO THE OPERATION ENTITY UNTIL THE MITIGATION WORK IS ACCOMPLISHED AS PERMITTED AND SFWMD STAFF HAS CONCURRED.
16. A WETLAND MONITORING PROGRAM SHALL BE IMPLEMENTED WITHIN THE PROTECTED WETLANDS AND UPLANDS AND DETENTION AREAS. MONITORING SHALL BE CONDUCTED IN ACCORDANCE WITH EXHIBIT(S) 25A - 25C & 28A - 28I AND SHALL INCLUDE ANNUAL REPORTS SUBMITTED TO THE SFWMD FOR REVIEW. MONITORING SHALL CONTINUE FOR A PERIOD OF 5 YEARS.
17. A WETLAND MITIGATION PROGRAM SHALL BE IMPLEMENTED IN ACCORDANCE WITH EXHIBIT(S) 25A - 25C & 28A - 28I. THE PERMITTEE SHALL PRESERVE 20.24 ACRES OF FOREST WETLANDS AND 9.57 ACRES OF HERBACEOUS/SHRUB WETLANDS, ENHANCE 122.21 ACRES OF FORESTED WETLANDS AND 22.71 ACRES OF HERBACEOUS/SHRUB WETLANDS AND PRESERVE 212.15 ACRES OF UPLAND COMPENSATION AREA(S).
18. A WETLAND MONITORING PROGRAM AND MAINTENANCE PROGRAM SHALL BE IMPLEMENTED IN ACCORDANCE WITH EXHIBIT(S) 25A - 25C & 28A - 28I. THE MONITORING PROGRAM SHALL EXTEND FOR A PERIOD OF 5 YEARS WITH ANNUAL REPORTS SUBMITTED TO SFWMD STAFF. AT THE END OF THE FIRST MONITORING PERIOD THE MITIGATION AREA(S) SHALL CONTAIN AN 80% SURVIVAL OF PLANTED VEGETATION. THE 80% SURVIVAL RATE SHALL BE MAINTAINED THROUGHOUT THE REMAINDER OF THE MONITORING PROGRAM. AT THE END OF THE 5 YEARS MONITORING PROGRAM THE MITIGATION AREA(S) SHALL CONTAIN AN 80% SURVIVAL OF PLANTED VEGETATION AND AN 80% COVERAGE OF DESIRABLE OBLIGATE AND FACULTATIVE WETLAND SPECIES.
19. A BASELINE WETLAND MONITORING REPORT SHALL BE CONDUCTED IN ACCORDANCE WITH EXHIBIT(S) 25A - 25C & 28A - 28I.
20. THE WETLAND CONSERVATION AREAS AND UPLAND BUFFER ZONES AND/OR UPLAND PRESERVATION AREAS SHOWN ON EXHIBIT(S) 26J MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION - WITH THE EXCEPTION OF EXOTIC/NUISANCE VEGETATION REMOVAL; EXCAVATION, DREDGING.

OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

21. ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE WETLAND MITIGATION, MONITORING AND MAINTENANCE SHALL BE IN ACCORDANCE WITH THE FOLLOWING WORK SCHEDULE. ANY DEVIATION FROM THESE TIME FRAMES SHALL REQUIRE FORMAL SFWMD APPROVAL. SUCH REQUESTS MUST BE MADE IN WRITING AND SHALL INCLUDE (1) REASON FOR THE MODIFICATION; (2) PROPOSED START/FINISH DATES; AND (3) PROGRESS REPORT ON THE STATUS OF THE EXISTING MITIGATION EFFORTS.

COMPLETION DATE	ACTIVITY
AUGUST 1, 2001	BASELINE MONITORING REPORT
SEPTEMBER 15, 2001	SUBMIT RECORDED CONSERVATION EASEMENTS
JULY 1, 2002	EXOTIC VEGETATION REMOVAL, PLANTING AND GRADING ACTIVITIES
JULY 15, 2002	SUBMIT AS-BUILT SURVEYS FOR GRADED AREAS
AUGUST 1, 2002	TIME ZERO MONITORING REPORT
AUGUST 1, 2003	FIRST ANNUAL MONITORING REPORT
AUGUST 1, 2004	SECOND ANNUAL MONITORING REPORT
AUGUST 1, 2005	THIRD ANNUAL MONITORING REPORT
AUGUST 1, 2006	FOURTH ANNUAL MONITORING REPORT
AUGUST 1, 2007	FIFTH ANNUAL MONITORING REPORT

22. ENDANGERED SPECIES, THREATENED SPECIES, OR SPECIES OF SPECIAL CONCERN HAVE BEEN OBSERVED ONSITE AND/OR THE PROJECT CONTAINS SUITABLE HABITAT FOR THESE SPECIES. IT SHALL BE THE PERMITTEE'S RESPONSIBILITY TO COORDINATE WITH THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION AND/OR U.S. FISH AND WILDLIFE SERVICE FOR APPROPRIATE GUIDANCE, RECOMMENDATIONS, AND/OR NECESSARY PERMITS TO AVOID IMPACTS TO LISTED SPECIES.
23. A MAINTENANCE PROGRAM SHALL BE IMPLEMENTED IN ACCORDANCE WITH EXHIBITS 25A - 25C & 28A - 28I FOR THE WETLAND AND UPLAND PRESERVES ON A REGULAR BASIS TO ENSURE THE INTEGRITY AND VIABILITY OF THESE AREAS AS PERMITTED. MAINTENANCE SHALL BE CONDUCTED IN PERPETUITY TO ENSURE THAT THE MITIGATION AREAS AND UPLAND PRESERVES ARE FREE OF EXOTIC VEGETATION (AS CURRENTLY DEFINED BY THE FLORIDA EXOTIC PEST PLANT COUNCIL) IMMEDIATELY FOLLOWING A MAINTENANCE ACTIVITY AND THAT EXOTIC AND NUISANCE SPECIES SHALL CONSTITUTE NO MORE THAN 5% OF TOTAL COVER.
24. NO LATER THAN SEPTEMBER 15, 2001, THE PERMITTEE SHALL RECORD A CONSERVATION EASEMENT OVER THE REAL PROPERTY DESIGNATED AS A CONSERVATION EASEMENT AREA ON THE ATTACHED EXHIBITS 26J. THE EASEMENT SHALL BE GRANTED FREE OF ENCUMBRANCES OR INTERESTS WHICH THE DISTRICT DETERMINES ARE CONTRARY TO THE INTENT OF THE EASEMENT. THE EASEMENT SHALL BE GRANTED TO THE DISTRICT USING THE APPROVED FORM ATTACHED HERETO AS EXHIBITS 26A - 26I. ANY PROPOSED MODIFICATIONS TO THE APPROVED FORM MUST RECEIVE WRITTEN CONSENT FROM THE DISTRICT. UPON RECORDATION, THE PERMITTEE SHALL FORWARD THE ORIGINAL RECORDED EASEMENT TO THE NATURAL RESOURCE MANAGEMENT POST PERMIT COMPLIANCE STAFF IN THE DISTRICT SERVICE CENTER WHERE THE

APPLICATION WAS SUBMITTED.

25. ANY IMPACTS TO PRESERVED WETLANDS OR UPLANDS RESULTING FROM CONSTRUCTION OF STRUCTURAL BUFFERS ADJACENT TO THE PRESERVE AREAS WILL BE RESTORED IN COORDINATION WITH DISTRICT COMPLIANCE STAFF.
26. THE PERMITTEE IS REQUIRED TO RECEIVE A PERMIT MODIFICATION PRIOR TO CONSTRUCTION OF ANY PASSIVE RECREATIONAL FACILITIES WITHIN THE PRESERVED WETLANDS OR UPLANDS.
27. PRIOR TO THE COMMENCEMENT OF ANY SITE ACTIVITY AUTHORIZED BY THIS PERMIT, A PRE-CONSTRUCTION MEETING SHALL BE HELD WITH SFWMD FIELD ENGINEERING AND ENVIRONMENTAL POST PERMIT COMPLIANCE STAFF FROM THE FT. MYERS OFFICE.
28. EXHIBITS NO. 30 THROUGH NO. 118, ALL PART OF THE CONSTRUCTION PLANS FOR HAWKS HAVEN PHASE I, PREPARED BY CONSUL-TECH ENGINEERING, INC., SIGNED AND SEALED BY LAURIE SWANSON, PE. ARE INCORPORATED BY REFERENCE INTO THIS PERMIT AND WILL BE RETAINED IN THE PERMIT FILE.

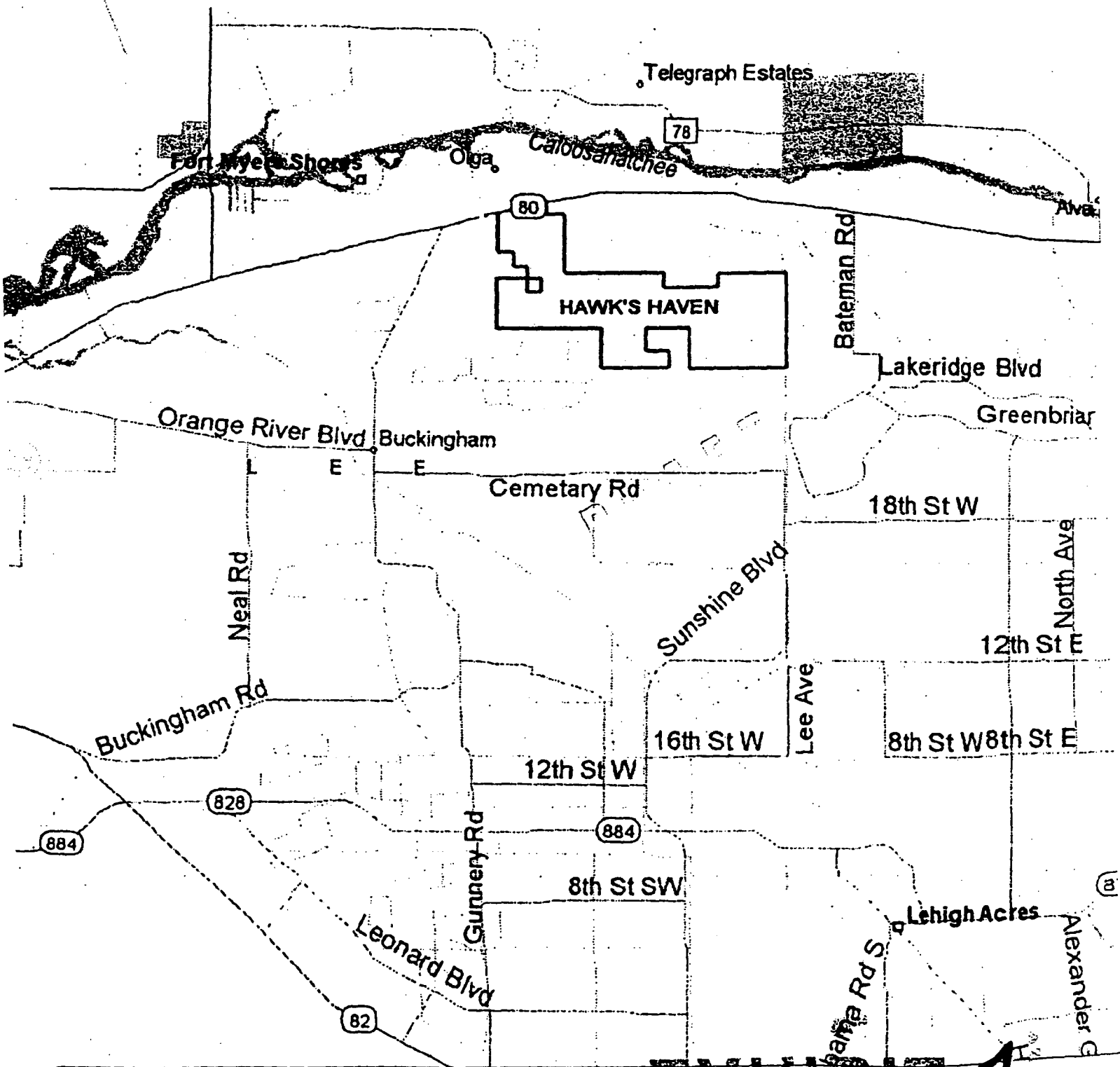


EXHIBIT 1

NEW ENTIRE PRJ HAWK'S HAVEN

ONSITE

Pre-Development					Post-Development				
Env Category	Site Id	Acreage	Quality	Habitat	Presv	Undist	Imp	Enhan	Rest Cr
OTHER SURFACE WATERS	1	.13	N/A	WATER	.00	.00	.13	.00	.00
OTHER SURFACE WATERS	2	.10	N/A	WATER	.00	.00	.10	.00	.00
OTHER SURFACE WATERS	3	.22	N/A	WATER	.00	.00	.22	.00	.00
WETLAND	01	7.67	GOOD	CYPRESS	7.48	.00	.19	.00	.00
WETLAND	02	.72	GOOD	CYPRESS	.00	.00	.72	.00	.00
WETLAND	03	1.91	GOOD	CYPRESS	1.91	.00	.00	.00	.00
WETLAND	04	.69	GOOD	CYPRESS	.69	.00	.00	.69	.00
WETLAND	05	2.28	GOOD	CYPRESS	2.28	.00	.00	2.28	.00
WETLAND	06	1.23	GOOD	WETLAND FORESTED MIXED	1.23	.00	.00	1.23	.00
WETLAND	07	3.49	GOOD	WETLAND FORESTED MIXED	3.49	.00	.00	3.49	.00
WETLAND	08	4.43	GOOD	CYPRESS	3.85	.00	.58	3.85	.00
WETLAND	09	.46	GOOD	CYPRESS	.46	.00	.00	.46	.00
WETLAND	10	1.35	GOOD	CYPRESS	1.35	.00	.00	.00	.00
WETLAND	11	4.96	GOOD	CYPRESS	4.96	.00	.00	4.96	.00
WETLAND	12	.90	GOOD	CYPRESS	.90	.00	.00	.90	.00
WETLAND	13	1.79	GOOD	FRESHWATER MARSHES	1.78	.00	.01	1.78	.00
WETLAND	14	1.20	GOOD	FRESHWATER MARSHES	.00	.00	1.20	.00	.00
WETLAND	15	2.12	GOOD	FRESHWATER MARSHES	2.12	.00	.00	2.12	.00
WETLAND	16	5.78	GOOD	FRESHWATER MARSHES	5.78	.00	.00	5.78	.00
WETLAND	17	2.05	GOOD	FRESHWATER MARSHES	2.05	.00	.00	2.05	.00
WETLAND	18	1.75	GOOD	FRESHWATER MARSHES	.00	.00	1.75	.00	.00
WETLAND	19	4.59	GOOD	CYPRESS	3.79	.80	.00	.00	.00
WETLAND	20	86.92	VERY GOOD	CYPRESS	82.09	.00	4.83	82.09	.00
WETLAND	21	1.55	GOOD	FRESHWATER MARSHES	.00	.00	1.55	.00	.00
WETLAND	22	6.15	GOOD	WETLAND	5.71	.44	.00	.00	.00

NEW ENTIRE PRJ HAWK'S HAVEN

ONSITE

Pre-Development					Post-Development				
Env Category	Site Id	Acreage	Quality	Habitat	Presv	Undist	Imp	Enhan	Rest Cr
WETLAND	23	2.40	GOOD	HARDWOOD FORESTS WETLAND	1.90	.50	.00	1.90	.00
WETLAND	24	.84	GOOD	HARDWOOD FORESTS FRESHWATER MARSHES	.00	.00	.84	.00	.00
WETLAND	25	3.78	GOOD	FRESHWATER MARSHES	.00	.00	3.78	.00	.00
WETLAND	26	.72	GOOD	WET PRAIRIES	.00	.00	.72	.00	.00
WETLAND	27	9.97	GOOD	FRESHWATER MARSHES	.00	.00	9.97	.00	.00
WETLAND	28	4.85	GOOD	FRESHWATER MARSHES	.00	.00	4.85	.00	.00
WETLAND	29	1.44	GOOD	FRESHWATER MARSHES	.00	.00	1.44	.00	.00
WETLAND	30	3.22	GOOD	WET PRAIRIES	2.99	.23	.00	.00	.00
WETLAND	31	7.59	GOOD	WET PRAIRIES	6.58	.82	.19	.00	.00
WETLAND	32	.56	GOOD	WET PRAIRIES	.00	.00	.56	.00	.00
WETLAND	33	1.09	GOOD	WET PRAIRIES	.00	.00	1.09	.00	.00
WETLAND	34	12.98	GOOD	WET PRAIRIES	10.98	.00	2.00	10.98	.00
WETLAND	35	1.08	GOOD	WET PRAIRIES	.00	.00	1.08	.00	.00
WETLAND	36	.28	GOOD	WETLAND FORESTED MIXED	.00	.00	.28	.00	.00
WETLAND	37	.29	GOOD	WETLAND FORESTED MIXED	.00	.00	.29	.00	.00
WETLAND	38	2.15	GOOD	FRESHWATER MARSHES	.00	.00	2.15	.00	.00
WETLAND	39	4.52	GOOD	CYPRESS	4.52	.00	.00	4.52	.00
WETLAND	40	2.45	GOOD	WETLAND FORESTED MIXED	2.45	.00	.00	2.45	.00
WETLAND	41	1.60	GOOD	WETLAND FORESTED MIXED	1.60	.00	.00	1.60	.00
WETLAND	42	13.02	GOOD	CYPRESS	11.44	.00	1.58	11.44	.00
WETLAND	43	23.91	POOR	BRAZILIAN PEPPER	.35	.00	23.56	.35	.00
WETLAND	44	.08	GOOD	FRESHWATER MARSHES	.00	.00	.08	.00	.00

NEW ENTIRE PRJ HAWK'S HAVEN

ONSITE

Pre-Development					Post-Development				
Env Category	Site Id	Acreage	Quality	Habitat	Presv	Undist	Imp	Enhan	Rest Cr
Totals		243.26			174.73	2.79	65.74	144.92	.00
Env Category	Site Id	Acreage	Quality	Habitat	Presv	Undist	Imp	Enhan	Rest Cr
UPLAND	1		GOOD	SHRUB AND BRUSHLAND	.00	.00	.00	.00	.00
UPLAND	1		GOOD	PALMETTO PRAIRIES	.00	.00	.00	.00	.00
UPLAND	1		GOOD	LIVE OAK	.00	.00	.00	.00	.00
UPLAND	1		GOOD	HARDWOOD - CONIFER MIXED	.00	.00	.00	.00	.00
UPLAND	1		FAIR	MIXED RANGELAND	.00	.00	.00	.00	.00
UPLAND	1		POOR	BRAZILIAN PEPPER	.00	.00	.00	.00	.00
UPLAND	1		N/A	UNIMPROVED PASTURES	.00	.00	.00	.00	.00
UPLAND	1	1554.34	GOOD/FAIR	PINE FLATWOODS	212.15	.00	.00	212.15	.00
Totals		1554.34			212.15	.00	.00	212.15	.00

SFWMD IMPACT/MITIGATION TABLE

revised 5/17/01

revised 5/17/01

Habitat					Buffer	Impact	Mitigation						
Wetland ID	FLUCCS	Designation	Wetland Area Acres	Conservation Easement	Buffer Area Acres	Permanent Impact Acres	Wetland Undisturbed Acres	Wetland Pres. Acres	Wetland Enhanc. Acres	Upland Preserve			Conservation Easement
										ID	FLUCCS	Acres	
W1	621	cypress	7.67	CE-1,CE-2	1.64	0.19	0.00	7.48	0.00	UP1	411	2.05	N/A
W2	621	cypress	0.72	N/A	0.00	0.72	0.00	0.00	0.00	UP2	411	6.23	CE-2
W3	621	cypress	1.91	CE-3	1.37	0.00	0.00	1.91	0.00	UP3	411	1.34	CE-4
W4	621	cypress	0.69	CE-4	0.20	0.00	0.00	0.00	0.69	UP4	411	1.69	CE-8
W5	621	cypress	2.28		0.52	0.00	0.00	0.00	2.28	UP5	321	0.95	
W6	630	wetland forested mixed	1.23	CE-5	0.12	0.00	0.00	0.00	1.23	UP6	434	0.70	
W7	630	wetland forested mixed	3.49		0.20	0.00	0.00	0.00	3.49	UP7	411	2.81	CE-6
W8	621		4.43	CE-6	0.09	0.58	0.00	0.00	3.85	UP8	330	1.37	
W9	621	cypress	0.48	CE-5	0.00	0.00	0.00	0.00	0.48	UP9	29/411/32	10.70	CE-9
W10	621	cypress	1.35	CE-7	0.29	0.00	0.00	1.35	0.00	UP10	320	0.61	
W11	621	cypress	4.98		0.26	0.00	0.00	0.00	4.96	UP11	411/434	5.15	CE-10
W12	621	cypress	0.90	CE-8	0.13	0.00	0.00	0.00	0.90	UP12	422	2.56	
W13	641	freshwater marsh	1.79		0.00	0.01	0.00	0.00	1.78	UP13	320	0.53	
W14	641	freshwater marsh	1.20	N/A	0.00	1.20	0.00	0.00	0.00	UP14	320	2.99	
W15	641	freshwater marsh	2.12		0.00	0.00	0.00	0.00	2.12	UP15	320	1.56	CE-11
W16	641	freshwater marsh	5.78	CE-9	0.34	0.00	0.00	0.00	5.78	UP16	411	2.69	
W17	641	freshwater marsh	2.05		0.00	0.00	0.00	0.00	2.05	UP17	321	19.38	
W18	641	freshwater marsh	1.75		0.00	1.75	0.00	0.00	0.00	UP18	411	1.91	
W19	621	cypress	4.59	CE-10	0.42	0.00	0.80	3.79	0.00	UP19	427	3.44	CE-12
W20	621	cypress	86.92	CE-10,CE-11	4.29	4.83	0.00	0.00	82.09	UP20	320	1.16	
W21	641	freshwater marsh	1.55	N/A	0.00	1.55	0.00	0.00	0.00	UP21	411	8.63	
W22	610	wetland hardwood forest	6.15	CE-12	0.00	0.00	0.44	5.71	0.00	UP22	411	2.85	CE-14
W23	610	wetland hardwood forest	2.40		0	0.00	0.50	0.00	1.90	UP23	411	2.02	
W24	641	freshwater marsh	0.84	N/A	0.00	0.84	0.00	0.00	0.00	UP24	411	50.80	
W25	641	freshwater marsh	3.78	N/A	0.00	3.78	0.00	0.00	0.00	UP25	321	4.40	
W26	643	wet prairies	0.72	N/A	0.00	0.72	0.00	0.00	0.00	UP26	321	2.03	CE-15
W27	641	freshwater marsh	9.97	N/A	0.00	9.97	0.00	0.00	0.00	UP27	321	2.97	
W28	641	freshwater marsh	4.85	N/A	0.00	4.85	0.00	0.00	0.00	UP28	321	0.21	
W29	641	freshwater marsh	1.44	N/A	0.00	1.44	0.00	0.00	0.00	UP29	320	5.44	CE-16
W30	643	wet prairies	3.22	CE-15	0.00	0.00	0.23	2.99	0.00	UP30	11/321/43	62.98	G.T. preserve
W31	643	wet prairies	7.59		0.00	0.18	0.82	6.58	0.00				
W32	643	wet prairies	0.56	N/A	0.00	0.56	0.00	0.00	0.00				
W33	643	wet prairies	1.09	N/A	0.00	1.09	0.00	0.00	0.00				
W34	643	wet prairies	12.98	CE-14	0.00	2.00	0.00	0.00	10.98				
W35	643	wet prairies	1.08	N/A	0.00	1.08	0.00	0.00	0.00				
W36	630	wetland forested mixed	0.28	N/A	0.00	0.28	0.00	0.00	0.00				
W37	630	wetland forested mixed	0.29	N/A	0.00	0.29	0.00	0.00	0.00				
W38	641	freshwater marsh	2.15	N/A	0.00	2.15	0.00	0.00	0.00				
W39	621	cypress	4.52	CE-15	0.00	0.00	0.00	0.00	4.52				
W40	630	wetland forested mixed	2.45		0.00	0.00	0.00	0.00	2.45				
W41	630	wetland forested mixed	1.60	G.T. preserve	0.00	0.00	0.00	0.00	1.60				
W42	621	cypress	13.02	CE-16	0.00	1.58	0.00	0.00	11.44				
W43	422	brazilian pepper	23.91	N/A	0.20	23.58	0.00	0.00	0.35				
W44	641	freshwater marsh	0.08	N/A	0.00	0.08	0.00	0.00	0.00				
OSW1	510		0.13	N/A	N/A	0.13	0.00	N/A	N/A				
OSW2	510		0.10	N/A	N/A	0.10	0.00	N/A	N/A				
OSW3	510		0.22	N/A	N/A	0.22	0.00	N/A	N/A				
TOTAL ACRES		N/A	243.26	N/A	10.07	85.74	2.78	29.81	144.82	N/A	N/A	212.15	N/A

ADD/REVISED SUBMITTAL

MAY 21 2001

FORT MYERS SEDIMENT

APPLICATION NUMBER

991012-3

Mitigation Plan
(Revised 5/17/01)
Upland and Wetland Enhancement and Preservation

Management and monitoring of upland and wetland preserve areas will follow the same general criteria for exotic species control and monitoring as provided in the Wetland Enhancement and Preservation Specifications enclosed herein. Protected Management Plans approved by Lee County and the Florida Fish and Wildlife Conservation Commission (FWC) will be implemented, where appropriate. The gopher tortoise preserve and other upland conservation areas will be managed in accordance with the guidelines provided in Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations Found on Lands Slated For Large-Scale Development In Florida, Nongame Wildlife Program Technical Report No. 4, FGFWFC, 1987 and Ecology and Development-Related Habitat Requirements of the Florida Scrub Jay (*Aphelocoma coerulescens coerulescens*), Nongame Wildlife Program Technical Report No. 8, FGFWFC, 1991.

Conservation easements will be provided for all upland and wetland preservation areas, granted either to Lee County or to the FWC, with third party enforcement rights granted to the South Florida Water Management District.

Monitoring And Maintenance Schedule

Mitigation monitoring and maintenance schedule is based on an anticipated permit issuance date of June 14, 2001. It is acknowledged that a permit modification is required to revise this activity schedule.

	<u>Completion Date</u>	<u>Activity</u>
	August 1, 2001 July 1, 2002 July 15, 2002	Baseline Monitoring Report Exotic eradication, planting, and earthwork As-built Survey (at earthwork locations)
1 st Year	August 1, 2002 November 1, 2002 February 1, 2003 May 1, 2003 August 1, 2003	Time Zero Monitoring Report & Submittal First Quarterly Monitoring Second Quarterly Monitoring Third Quarterly Monitoring Fourth Quarterly Monitoring Report & Submittal
2 nd Year	November 1, 2003 February 1, 2004 May 1, 2004 August 1, 2004	Fifth Quarterly Monitoring Sixth Quarterly Monitoring Seventh Quarterly Monitoring Eight Quarterly Monitoring Report & Submittal
3 rd Year	February 1, 2005 August 1, 2005	First Bi-Annual Monitoring Second Bi-Annual Monitoring & Submittal
4 th Year	February 1, 2006 August 1, 2006	First Bi-Annual Monitoring Fourth Bi-Annual Monitoring & Submittal
5 th Year	February 1, 2007 August 1, 2007	Sixth Bi-Annual Monitoring Seventh Bi-Annual Monitoring & Submittal

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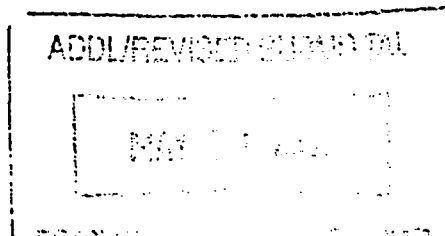


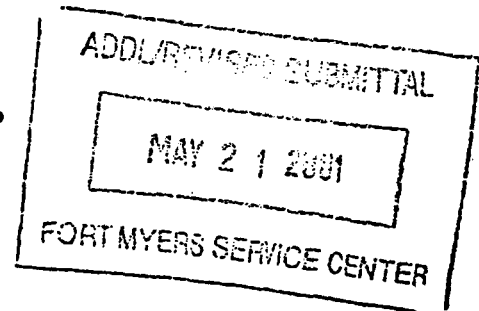
EXHIBIT 25A

Wetland Enhancement and Preservation Specifications

1. The objective of the mitigation effort is to establish and maintain a diversity of native floral species. The potential establishment of a monoculture will be monitored and controlled, as needed. Therefore, the applicant will ensure 80% coverage by desirable species for the herbaceous marsh, mixed hardwood, and cypress communities, to include the three stratum combined, through the duration of the monitoring period. The coverage success criteria will be achieved within 2 years of project completion and will be evaluated each year as follows: (a) first year - 30 percent coverage required; (b) second year - 80 percent coverage required. Eighty percent coverage will be present at the end of the 2-year period except where species composition, density of planted and recruited species and overall wetland condition, growth rates, and viability of the area are of higher quality, as determined by the regulatory agency. Planting to achieve 80-percent coverage of desirable plant species will be undertaken as necessary.
2. All exotic vegetation, as currently defined in the Florida Exotic Pest Council, shall be removed during maintenance events throughout the five year monitoring program and nuisance vegetation coverage will not exceed 5-percent coverage. Exotic and undesirable species include:

<u>Scientific Name</u>	<u>Common Name</u>
<i>Typha</i> spp.	Cattail
<i>Ludwigia peruviana</i>	Primrose willow
<i>Panicum repens</i>	Torpedograss
<i>Bischofia javanica</i>	Bishofia
<i>Cestrum diurnum</i>	Day jasmine
<i>Hibiscus tiliaceus</i>	Mahoe
<i>Colocasia esculenta</i>	Elephant, wild taro
<i>Phragmites australis</i>	Common reed

<u>Scientific Name</u>	<u>Common Name</u>
<i>Malaleuca quinquenervia</i>	Malaleuca
<i>Casuarina equisetifolia</i>	Australian pine
<i>Schinus terebinthifolius</i>	Brazilian pepper



3. A maintenance program for the mitigation area will be implemented by the property owner to ensure its perpetual ecological integrity and viability subsequent to the successful completion of the initial five year monitoring program. Maintenance shall be conducted in perpetuity to ensure that the areas are free from exotic vegetation (as currently defined by the Florida Exotic Pest Plant Council). Exotic /nuisance species shall constitute no more than five (5) percent of the total vegetative cover between maintenance activities.
4. Monitoring and maintenance specifications are outlined in paragraphs a-d below:
 - a. Upon completion of the mitigation construction, the following documentation shall be submitted to the regulatory agency: (a.) certification of elevations in relation to design, and (b) the time zero monitoring report. This documentation will be submitted within 30 days of completion of the improvements. Staff gauge readings will be taken every two weeks for the first year of monitoring and taken every month for years 2 through 5.
 - b. Narrative reports will also be submitted for five years and shall include the data, time, exact locations of monitoring, person responsible for monitoring results, photographs taken for the same permanent stations (photography shall be sufficient to reflect the entire restoration area), and a description of problems encountered and solutions undertaken. Photographs will be taken at each station marked on the plans.

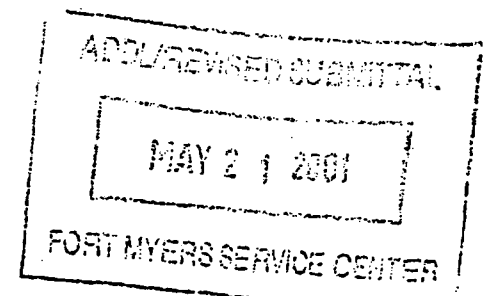
APPLICATION NUMBER

991012-3 00

EXHIBIT 25 B

Quarterly monitoring will be performed for the first year. Bi-annual monitoring (i.e. twice per year) will occur for the third, fourth, and fifth years.

- c. Vegetation quadrat analysis by visual inspection will be performed at sampling stations. Data collected at each station and provided in each report will include dominant, subdominant, and frequently occurring plant species and their associated percent (%) aerial coverage (including Nuisance and exotic species), approximate water depth (staff gauge readings at appropriate stations, and wildlife observations.
 - d. Water level monitoring within wetlands will occur monthly, except for July, August, and September, in which it will occur twice a month.
5. Slit screens, hay bales or other such sediment control measures shall be utilized during construction of the mitigation area (s). The selected sediment control measures shall be installed landward of the wetland mitigation area (s). Construction areas shall be stabilized and vegetated immediately after completion to prevent erosion into the wetlands.

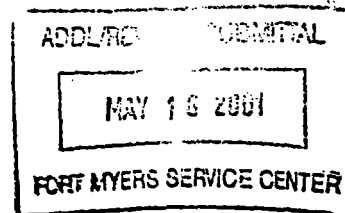


APPLICATION NUMBER

991012-3

EXHIBIT 25.C

This Instrument Prepared By:
George L. Consoer, Jr., Esq.
Humphrey & Knott, P.A.
1625 Hendry Street
Fort Myers, FL 33901



DEED OF CONSERVATION EASEMENT
(Passive with Third Party Enforcement Rights)

THIS DEED OF CONSERVATION EASEMENT is given this ____ day of ____, 2001, by William Schulman, individually and as Trustee, whose address is 450 7th Avenue, New York, New York 10123, ("Grantor") to Lee County, a Political Subdivision, ("Grantee"), whose address is P.O. Box 398, Fort Myers, Florida 33902-0398, with third party enforcement rights to the South Florida Water Management District ("District"), whose address is 2301 McGregor Boulevard, Fort Myers, Florida 33901. 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 in composite Exhibit "A" attached hereto and incorporated herein ("Property"); and

WHEREAS, the Grantor desires to construct a residential subdivision ("Project") at a site in Lee County, which is subject to the regulatory jurisdiction of South Florida Water Management District ("District"); and

WHEREAS, District Permit No. _____ ("Permit") authorizes certain activities which affect surface waters in or of the State of Florida; and

WHEREAS, this Permit requires that the Grantor preserve and/or mitigate wetlands under the District's jurisdiction; and

WHEREAS, the Grantor has developed and proposed as part of the permit conditions a conservation tract and maintenance buffer involving preservation of certain wetland and/or upland systems on the property; and

WHEREAS, the Grantor, in consideration of the consent granted by the Permit, is agreeable to granting and securing to the Grantee a perpetual conservation easement as defined in Section 704.06, Florida Statutes (2001), over the Property which includes third party enforcement rights for the District.

NOW, THEREFORE, in consideration of the issuance of the Permit to construct and operate the permitted activity, and as an inducement to District in issuing the Permit, together with other good and valuable consideration, the adequacy and receipt which is hereby acknowledged, Grantor hereby grants, creates, and establishes a perpetual non-exclusive conservation easement for and in favor of the Grantee upon the Property which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.

The scope, nature and character of this conservation easement shall be as follows:

1. It is the purpose of this conservation easement to retain land or water areas in their natural, vegetative, hydrologic, scenic, open, agricultural 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 created pursuant to the Permit shall be retained and maintained in the enhanced or created conditions required by the

Permit.

To carry out this purpose, the following rights are conveyed to the Grantee and the District by this easement:

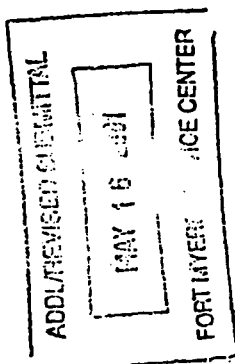
- a. To enter upon the Property at reasonable times with any necessary equipment or vehicles to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Property by Grantor at the time of such entry; and
- b. To enjoin any activity on or use of the Property that is inconsistent with this conservation easement and to enforce the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use.

2. Except for restoration, creation, enhancement, maintenance and monitoring activities, or surface water management improvements, which are permitted or required by the Permit, the following activities are prohibited in or on the Property:

- 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 or destruction of trees, shrubs, or other vegetation, except for the removal of exotic or nuisance vegetation in accordance with a District approved maintenance plan;
- d. Excavation, dredging or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;
- 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.

3. Passive Recreational Facilities. 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 that are not inconsistent with any District rule, criteria, the Permit and the intent and purposes of this Conservation Easement. Passive recreational uses that are not contrary to the purpose of this Conservation Easement may be permitted upon written approval by the District.

- a. The Grantor may conduct limited land cleaning for the purpose of construction such previous facilities as docks, boardwalks or mulched walking trails. Grantor shall submit plans for the construction of the proposed facilities to the District for review and written approval prior to construction.
- b. The construction and use of the approved passive recreational facilities



2
APPLICATION NUMBER

991012-3

EXHIBIT 26B

shall be subject to the following conditions:

- i. Grantor shall minimize and avoid, to the fullest extent possible, impact to any wetland or upland buffer areas within the Conservation Easement Area and shall avoid materially diverting the direction of the natural surface water flow in such area;
- ii. Such facilities and improvements shall be constructed and maintained utilizing Best Management Practices;
- iii. Adequate containers for litter disposal shall be situated adjacent to such facilities and improvements and periodic improvements and periodic inspections shall be instituted by the maintenance entity, to clean any litter from the area surrounding the facilities and improvements;
- iv. This Conservation Easement shall not constitute permit authorization for the constitute permit authorization for the construction and operation of the passive recreational facilities. Any such work shall be subject to all applicable federal, state, District or local permitting requirements.

4. No right to access by the general public to any portion of the Property is conveyed by this conservation easement.

5. Neither the Grantee nor the District shall be responsible for any costs or liabilities related to the operation, upkeep or maintenance of the Property.

6. Grantor shall pay any and all real property taxes and assessments levied by competent authority on the Property.

7. Any costs incurred in enforcing, judicially or otherwise, the terms, provisions and restrictions of this conservation easement shall be borne by and recoverable against the non-prevailing party in such proceedings.

8. The District shall have third party enforcement rights of the terms, provisions and restrictions of this Conservation Easement. Enforcement of the terms, provisions and restrictions of this conservation easement shall be at the discretion of Grantee, or the District, and any forbearance on behalf of Grantee or the District to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantee's or Districts rights hereunder.

9. Grantee will hold this conservation easement exclusively for conservation purposes. Grantee will not hold assign its rights and obligations under this conservation easement except to another organization determined in advance by the District to be qualified to hold such interests under the applicable state laws. No assignment or conveyance of the conservation easement shall be made unless prior written approval is given by the District to the Grantee.

10. 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.

11. 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.

12. The terms, conditions, restrictions and purpose of this conservation easement shall

APPLICATION NUMBER

991012-3

ADDITIONAL SUBMITTAL

MAY 19 2001

PORT HAVEN SERVICE CENTER

EXHIBIT

26C

be referred to by Grantor in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Property. Any future holder of the Grantor's interest in the Property shall be notified in writing by Grantor of this conservation easement and the third party enforcement rights of the south Florida Water Management District.

13. 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 the District. The District shall be provided no less than 90 days advanced notice in the manner described herein of 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 and the District or their heirs, assigns or successors in interest, which shall be filed in the Public Records of Lee County.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purpose 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 Property is free and clear of all encumbrances that are inconsistent with the terms of this conservation easement and all mortgages and liens 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.

IN WITNESS WHEREOF, Grantor has hereunto set its authorized hand this ___ day of _____, 2001.

Signed, sealed and delivered
in our presence as witnesses:

1st Witness

Printed Name

2nd Witness

Printed Name

STATE OF FLORIDA)

COUNTY OF LEE)

William Schulman, individually and
as Trustee

On this ___ day of _____, 2001, before me, the undersigned notary public, personally appeared William Schulman, individually and as Trustee, who is personally known to me or who has produced _____ as identification.

MY COMMISSION EXPIRES:

Notary Public

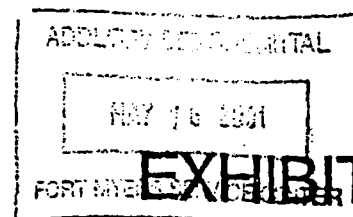
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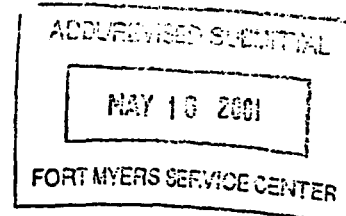
APPLICATION NUMBER-

991012-3



3
26D

This Instrument Prepared by:
George L. Consoer, Jr., Esq.
Humphrey & Knott, P.A.
1625 Hendry Street
Fort Myers, FL 33901



CONSERVATION EASEMENT
(Passive with Third Party Enforcement Rights)

THIS DEED OF CONSERVATION EASEMENT is given this ____ day of ____, 2001, by William Schulman, individually and as Trustee, whose address is 450 7th Avenue, New York, New York 10123, ("Grantor") to The Florida Fish & Wildlife Conservation Commission, ("Grantee"), whose address is 620 South Meridian Street, Tallahassee, Florida 32301, with third party enforcement rights to the South Florida Water Management District ("District"), whose address is 2301 McGregor Boulevard, Fort Myers, Florida 33901, and Lee County, a Political Subdivision ("Lee County") whose address is P.O. Box 398, Fort Myers, Florida 33902-0398. 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 in composite Exhibit "A" attached hereto and incorporated herein ("Property"); and

WHEREAS, the Grantor desires to construct a residential subdivision ("Project") at a site in Lee County, which is subject to the regulatory jurisdiction of Grantee and District; and

WHEREAS, the Grantor, in consideration of the consents of the Grantor to Permit No. _____ issued by the Grantee on _____ ("Permit") in favor of the Grantor for the incidental take of listed wildlife species, is required to grant and secure the enforcement of a perpetual Conservation Easement as defined in Section 704.06 Florida Statutes (2001), over the Property; and

WHEREAS, District Permit No. _____ ("Permit") authorizes certain activities which affect surface waters in or of the State of Florida; and

WHEREAS, the Grantor has developed and proposed as part of the permit conditions a conservation tract and maintenance buffer involving preservation of certain wetland and/or upland systems on the property; and

WHEREAS, the Grantor, in consideration of the consent granted by the Permits, is agreeable to granting and securing to the Grantee a perpetual conservation easement as defined in Section 704.06, Florida Statutes (2001), over the Property, which includes third party enforcement rights for the District and Lee County.

NOW, THEREFORE, in consideration of the issuance of the Permit to construct and operate the permitted activity, and as an inducement to District and Grantee in issuing the Permits, together with other good and valuable consideration, the adequacy and receipt which is hereby acknowledged, Grantor hereby grants, creates, and establishes a perpetual non-exclusive conservation easement for and in favor of the Grantee upon the Property which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.

The scope, nature and character of this conservation easement shall be as follows:

1. It is the purpose of this conservation easement to retain land or water areas in their

natural, vegetative, hydrologic, scenic, open, agricultural 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 created pursuant to the Permit shall be retained and maintained in the enhanced or created conditions required by the Permit.

To carry out this purpose, the following rights are conveyed to the Grantee and the District 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 Property that may be damaged by any inconsistent activity or use.

2. Except for restoration, creation, enhancement, maintenance and monitoring activities, or surface water management improvements, which are permitted or required by the Permit, the following activities are prohibited in or on the Property:

- 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 or destruction of trees, shrubs, or other vegetation, except for the removal of exotic or nuisance vegetation in accordance with a District approved maintenance plan;
- d. Excavation, dredging or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;
- 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.

3. Passive Recreational Facilities. 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 that are not inconsistent with any District of Lee County rule, criteria, the Permit and the intent and purposes of this Conservation Easement. Passive recreational uses that are not contrary to the purpose of this Conservation Easement may be permitted upon written approval by the District and Lee County.

- a. The Grantor may conduct limited land cleaning for the purpose of

-2-

APPLICATION NUMBER

991012-3

ADD/REVISED SUBMITTAL

MAY 16 2001

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EXHIBIT 26 F

construction such previous facilities as docks, boardwalks or mulched walking trails. Grantor shall submit plans for the construction of the proposed facilities to the District for review and written approval prior to construction.

b. The construction and use of the approved passive recreational facilities shall be subject to the following conditions:

i. Grantor shall minimize and avoid, to the fullest extent possible, impact to any wetland or upland buffer areas within the Conservation Easement Area and shall avoid materially diverting the direction of the natural surface water flow in such area;

ii. Such facilities and improvements shall be constructed and maintained utilizing Best Management Practices;

iii. Adequate containers for litter disposal shall be situated adjacent to such facilities and improvements and periodic improvements and periodic inspections shall be instituted by the maintenance entity, to clean any litter from the area surrounding the facilities and improvements;

iv. This Conservation Easement shall not constitute permit authorization for the constitute permit authorization for the construction and operation of the passive recreational facilities. Any such work shall be subject to all applicable federal, state, District or local permitting requirements.

4. No right to access by the general public to any portion of the Property is conveyed by this conservation easement.

5. Neither the Grantee nor the District shall be responsible for any costs or liabilities related to the operation, upkeep or maintenance of the Property.

6. Grantor shall pay any and all real property taxes and assessments levied by competent authority on the Property.

7. Any costs incurred in enforcing, judicially or otherwise, the terms, provisions and restrictions of this conservation easement shall be borne by and recoverable against the non-prevailing party in such proceedings.

8. The District and Lee County shall have third party enforcement rights of the terms, provisions and restrictions of this Conservation Easement. Enforcement of the terms, provisions and restrictions of this conservation easement shall be at the discretion of Grantee, or the District or Lee County, and any forbearance on behalf of Grantee or the District or Lee County to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantee's or Districts or Lee County's rights hereunder.

9. Grantee will hold this conservation easement exclusively for conservation purposes. Grantee will not hold assign its rights and obligations under this conservation easement except to another organization determined in advance by the District or Lee County to be qualified to hold such interests under the applicable state laws. No assignment or conveyance of the conservation easement shall be made unless prior written approval is given by the District and Lee County to the Grantee.

10. 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

-3-
APPLICATION NUMBER
991012-3

ADD/REVISED SUBMITTAL
MAY 13 2001

EXHIBIT 26 G

conservation easement is preserved.

11. 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.

12. The terms, conditions, restrictions and purpose of this conservation easement shall be referred to by Grantor in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Property. Any future holder of the Grantor's interest in the Property shall be notified in writing by Grantor of this conservation easement and the third party enforcement rights of the South Florida Water Management District and Lee County.

13. 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 the District and Lee County. The District and Lee County shall be provided no less than 90 days advanced notice in the manner described herein of 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 and the District and Lee County or their heirs, assigns or successors in interest, which shall be filed in the Public Records of Lee County.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purpose 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 Property is free and clear of all encumbrances that are inconsistent with the terms of this conservation easement and all mortgages and liens 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.

IN WITNESS WHEREOF Grantor has set its hand on the day and year first above written.

Signed, Sealed and Delivered
in our presence as witnesses:

GRANTOR

1st Witness

Printed Name

2nd Witness

Printed Name

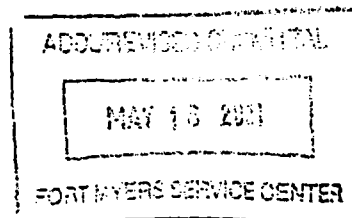
William Schulman, individually
and as Trustee

EXHIBIT 26H

APPLICATION NUMBER

991012-3

-4-



STATE OF FLORIDA)
).ss.
COUNTY OF LEE)

On this _____ day of _____, 2001, before me, the undersigned notary public, personally appeared William Schulman, individually and as Trustee, who is personally known to me or who has produced _____ as identification.

MY COMMISSION EXPIRES:

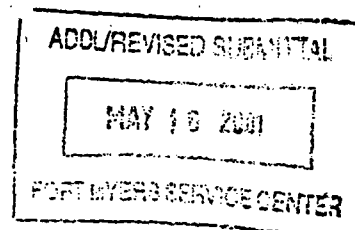
Notary Public

Print Name: _____

EXHIBIT 26 I

APPLICATION NUMBER

991012-3



STAFF REPORT DISTRIBUTION LIST

HAWKS HAVEN PHASE 1

APPLICATION NUMBER: 991012-3

PERMIT MODIFICATION NUMBER: 36-04006-P

INTERNAL DISTRIBUTION

Reviewer:

X Amy J. Ohlberg

X Ricardo Valera

X Karen M. Johnson

X Richard H. Thompson, P.E.

X Fort Myers Service Center - 1620

J. Golden - REG

D. Loving - REG (WU)

X R. Robbins - NRM

X A. Waterhouse - REG

P. Bell - LEG

X ERC Engineering

X ERC Environmental

X Enforcement

X Permit File

EXTERNAL DISTRIBUTION

X Owner:

WILLIAM SCHULMAN - TRUSTEE

X Applicant:

FLORIDA TAMPA WEST INC

X Applicant's Consultant

CONSUL-TECH ENGINEERING INC

X Engineer, County of:

LEE

Engineer, City of:

Local Drainage District:

GOVERNING BOARD MEMBERS

Ms. Pamela Brooks-Thomas

Mr. Michael Collins

Mr. Hugh English

Mr. Gerardo B. Fernandez

Dr. Patrick J. Gleason

Mr. Nicolas Gutierrez

Mr. Lennart Lindahl

Mr. Harkley R. Thornton

Ms. Trudi K. Williams

COUNTY

X Lee

-Dept of Environmental
Protection

-Development & Review

-Mosquito Control

BUILDING AND ZONING

DEPT. OF ENVIRONMENTAL PROTECTION

X Ft. Myers

OTHER

X Clara Anne Graham-Elliott

X Div of Recreation and Park - District 8

X Florida Audubon - Charles Lee

X Florida Fish & Wildlife Conservation Com

X Michael N. Vanatta

X Nancy Anne Payton

X S.W.F.R.P.C. - Glenn Heath

STAFF REPORT DISTRIBUTION LIST

ADDRESSES

Clara Anne Graham-Elliott
The League of Women Voters of Lee County
25201 Divot Drive
Bonita Springs, FL 33923

Div of Recreation and Park - District 8
FDEP
1843 S Tamiami Trail
Osprey, FL 34229

Florida Fish & Wildlife Conservation Commission
Bureau of Protected Species Management
620 S Meridian Street
Tallahassee, FL 32399-6000

Michael N. Vanatta
Water Management Institute
PO Box 6446
Vero Beach, FL 32961

Nancy Anne Payton
Florida Wildlife Federation
2590 Golden Gate Parkway, Suite 109
Naples, FL 34105



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

FORT MYERS SERVICE CENTER 2301 McGregor Boulevard, Fort Myers, FL 33901
(941) 338-2929 • FL WATS 1-800-248-1201 • Suncom 748-2929 • Fax (941) 338-2936 • www.sfwmd.gov/org/exo/ftmyers/

CON 24-06

May 23, 2001

FLORIDA TAMPA WEST INC
5307 FOX HUNT DRIVE,
WESLEY CHAPEL, FL 33543

Dear Applicant:

Subject: Notification of Complete Application

Application No: 991012-3

Permit No : 36-04006-P

Project Name : HAWKS HAVEN PHASE 1

Board Date : 08/09/01

Location : LEE COUNTY, S27-34-35-36/T43S/R26E

This is to inform you that your application for a ENVIRONMENTAL RESOURCE PERMIT is now complete. Your application will be reviewed by the Governing Board on the above mentioned date or earlier. A copy of the staff report on this application will be sent to you for review prior to the date on which it will be presented to the Governing Board.

Thank you for your cooperation in this matter.

Sincerely,


Chip Merriam
Director
Ft Myers Service Center

c: CONSUL-TECH ENGINEERING INC

GOVERNING BOARD

Michael Collins, Chairman
Michael D. Minton, Vice Chairman
Mitchell W. Berger

Vera M. Carter
Gerardo B. Fernandez
Patrick J. Gleason

Nicolas J. Gutierrez, Jr.
Harkley R. Thornton
Trudi K. Williams

EXECUTIVE OFFICE

Frank R. Finch, P.E., Executive Director
James E. Blount, Chief of Staff

SERVICE CENTER

Chip Merriam, Director

Hawk's Haven
5/31/2005

<u>From Desig</u>	<u>To Desig</u>	<u>Acres</u>	<u>Shape Area</u>	<u>Calculated Acres</u>
<u>SUB</u>				
	OUT	70.65	3,078,007.61	70.66
				70.66
SUB		70.65	3,078,007.61	
<u>RPA</u>				
	RPA	179.46	7,822,925.91	179.59
				179.59
RPA		179.46	7,822,925.91	
<u>RUR</u>				
	OUT	1,728.18	75,279,874.89	1,728.19
				1,728.19
RUR		1,728.18	75,279,874.89	
	<u>Grand Total:</u>	<u>1,978.29</u>	<u>86,180,808.40</u>	<u>1,978.44</u>

Report Title

CPA_ID	From_Desig	Acres
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RPA		
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<i>Acres Sum</i>		
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179.46		
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RUR		
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<i>Acres Sum</i>		
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1728.18		
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SUB		
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<i>Acres Sum</i>		
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70.65		
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<i>Acres Sum</i>		
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1978.29		
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BACKUP FOR CPA2004-10

COMP PLAN DRAWER

COUNTY

CHARLOTTE

COUNTY

 = Parcel Property for Comp Plan Amendment



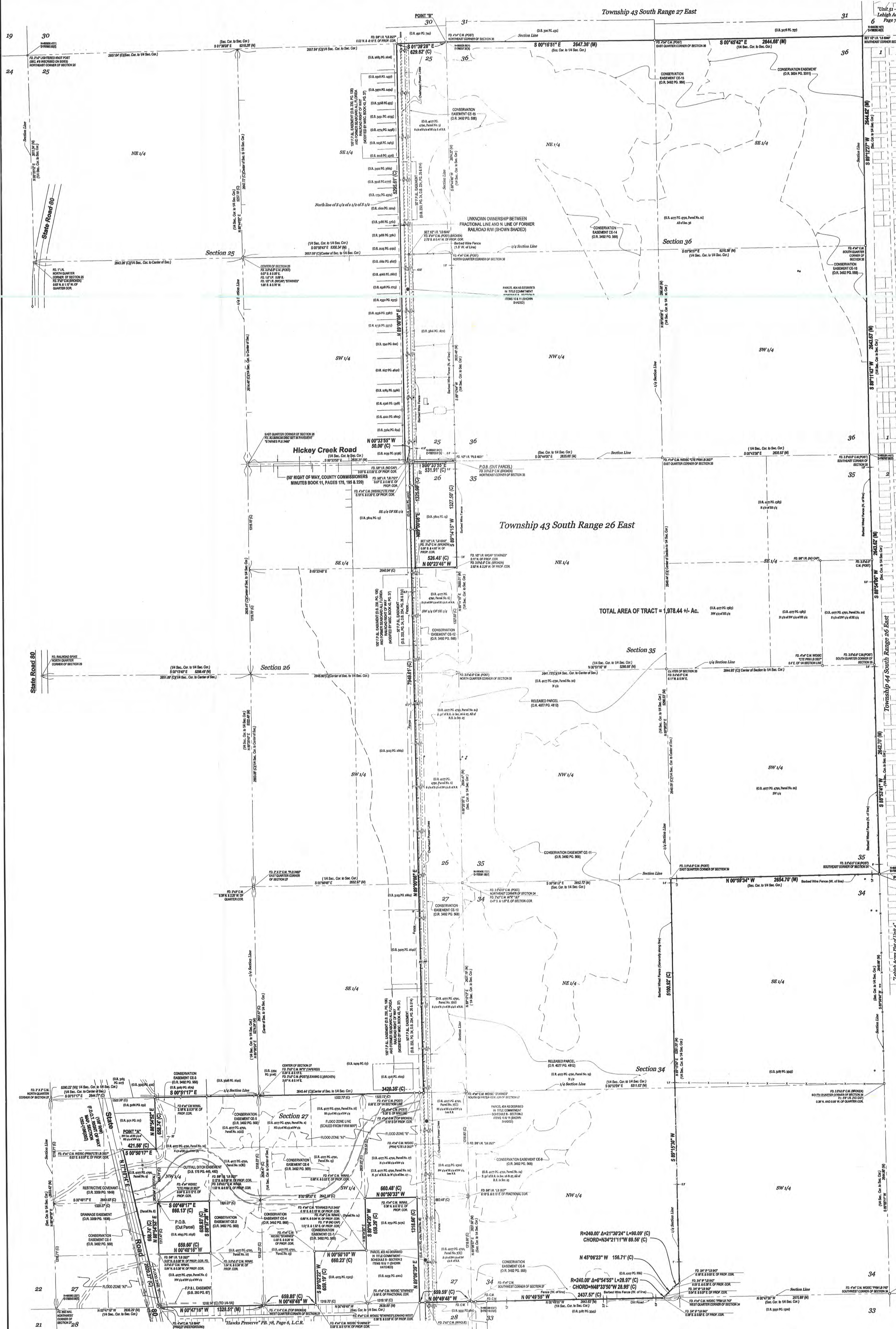
HENRY COUNTY

HENRY COUNTY

T43S

T44S

T45S



"Unit 51 - Greenbriar,
Lehigh Acres" PB. 27,
Page 74, L.C.R.

[illegible]

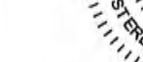


LEGEND:		
(C)	CALCULATED	FOUND N/A AS NOTED
CL	CENTER LINE	SET 1/2" IRON ROD WITH CAP STAMPED LB6040
CONC.	CONCRETE	SET 4"x4" CONC. MONUMENT STAMPED LB6040
C.M.	CONCRETE MONUMENT	SET P.K. NAIL WITH DISC STAMPED LB6040
COR.	CORNER	FOUND CONC. MONUMENT AS NOTED
D	DEED	FOUND IRON ROD OR IRON ROD AS NOTED
D.B.	DEED BOOK	NO DRAINAGE INLET
FD	FOUND	NO DRAINAGE MANHOLE
I.P.	IRON PIPE	INTERFERED SECTION
I.R.	IRON ROD	NO LIGHT POLE
LB	LICENSED BUILDER	NO CONCRETE POWER POLE
L.C.R.	LEE COUNTY RECORDS	NO WOOD POWER POLE
(M)	MEASURED	NO GUY POLE
(P)	PLAT	NO GUY ANCHOR
P.G.	PAGE	NO GAS LINE MAKER
P.B.	PLAT BOOK	NO FIBER OPTIC LINE MARKER
P.K.	PUNKER-MALON	NO TELEPHONE RISER
P.K.M.	PERMUTMENT REFERENCE MONUMENT	NO 4" WELL
PROP.	PROPERTY	NO FIRE HYDRANT
RW	RIGHT OF WAY	NO WATER VALVE
RS	SECTION	

Trachia Across Flat of Section 2" Pfr. 15.


[illegible]

ART OF BEGINNING

[illegible]

		www.barraco.net	
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER		2271 MCGREGOR BOULEVARD POST OFFICE DRAWER 2800 FORT MYERS, FLORIDA 33902-2800 PHONE (239) 431-3170 FAX (239) 481-3189	
FILE NAME	2198907.DWG		
LAYOUT	LAYOUT		
LOCATION	J121989.DWG(SURVEYING)		
PLOT DATE	FRI 2-4-2005 - 5:40 AM		
PLOT BY	PETER OLSEN		
DRAWING DATA			
			

CHECKED BY	SAW
SCALE	1"=40'
FIELD BOOK	8636, 8411-22-29-41, & 8732-5
PLAN REVISIONS	
02-03-2005	ADD ADO PARCEL TO BOUNDARY
STRAP NUMBERS	



 2022 NORTH WEST SHORE BOULEVARD
 SUITE 125
 TAMPA, FLORIDA 33607

PHONE (813) 207-0138
 FAX (813) 784-6388

PROJECT DESCRIPTION

<h1 style="margin: 0;">HAVEN</h1>					
<h2 style="margin: 0;">BOUNDARY SURVEY</h2>					
<p>PART OF SECTIONS 25, 26, 27, 34, 35 AND 36 TOWNSHIP 43 SOUTH RANGE 28 EAST LEE COUNTY, FLORIDA</p>					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="padding: 5px;">PROJECT / FILE NO.</th> <th style="padding: 5px;">SHEET NUMBER</th> </tr> <tr> <td style="text-align: center; padding: 5px;">21988 25-43-26</td> <td style="text-align: center; padding: 5px;">1 OF 1</td> </tr> </table>	PROJECT / FILE NO.	SHEET NUMBER	21988 25-43-26	1 OF 1	
PROJECT / FILE NO.	SHEET NUMBER				
21988 25-43-26	1 OF 1				

NOTES:

1. DATE OF LAST FIELD WORK: MAY 02, 2004.
2. THIS SURVEY DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCELS. THIS SURVEY WAS PERFORMED FOR THE PURPOSE OF SHOWING HEDRONS AND DOES NOT MAKE ANY REPRESENTATION AS TO DELINEATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED HEREON.
3. NO ENVIRONMENTAL ASSESSMENT OR ADULT WAS PERFORMED ON SUBJECT PARCELS BY THIS FIRM.
4. ALL HEDRONS ARE EITHER 100' OR 200' WIDE.
5. BEARINGS HEREONABOVE MENTIONED ARE STATE PLANE FOR THE FLORIDA STATE COORDINATE ZONE (108300 ADJUSTMENT) AND ARE BASED ON THE CENTER OF THE EARTH OF THE YEAR 1984. THE 1984 DATUM OF THE 1984 DATUM SECTION IS TO BEAT NAD 83/95.
6. IMPROVEMENTS OTHER THAN THOSE SHOWN IF ANY WERE NOT NOTED.
7. THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN THOSE SHOWN.
8. THIS SURVEY CONTAINS NO FENCE SHOWING HEDRONS IS UNKNOWN.
9. THIS SURVEY IS PREPARED IN ACCORDANCE WITH A TITLE COMMITMENT PREPARED BY CHICAGO TITLE INSURANCE COMPANY IN SANITARIUM, SANITATION AND SEWERAGE DISTRICT NO. 1, CHICAGO, ILL. 60606.
10. ACCORDING TO THE F.R.M. COMMUNITY PLAN 12524 (2008, EFFECTIVE DATE: SEPTEMBER 18, 1984, THE SUBJECT PARCELS ARE ZONED R-1).

THIS SURVEY IS FOR THE BENEFIT OF:

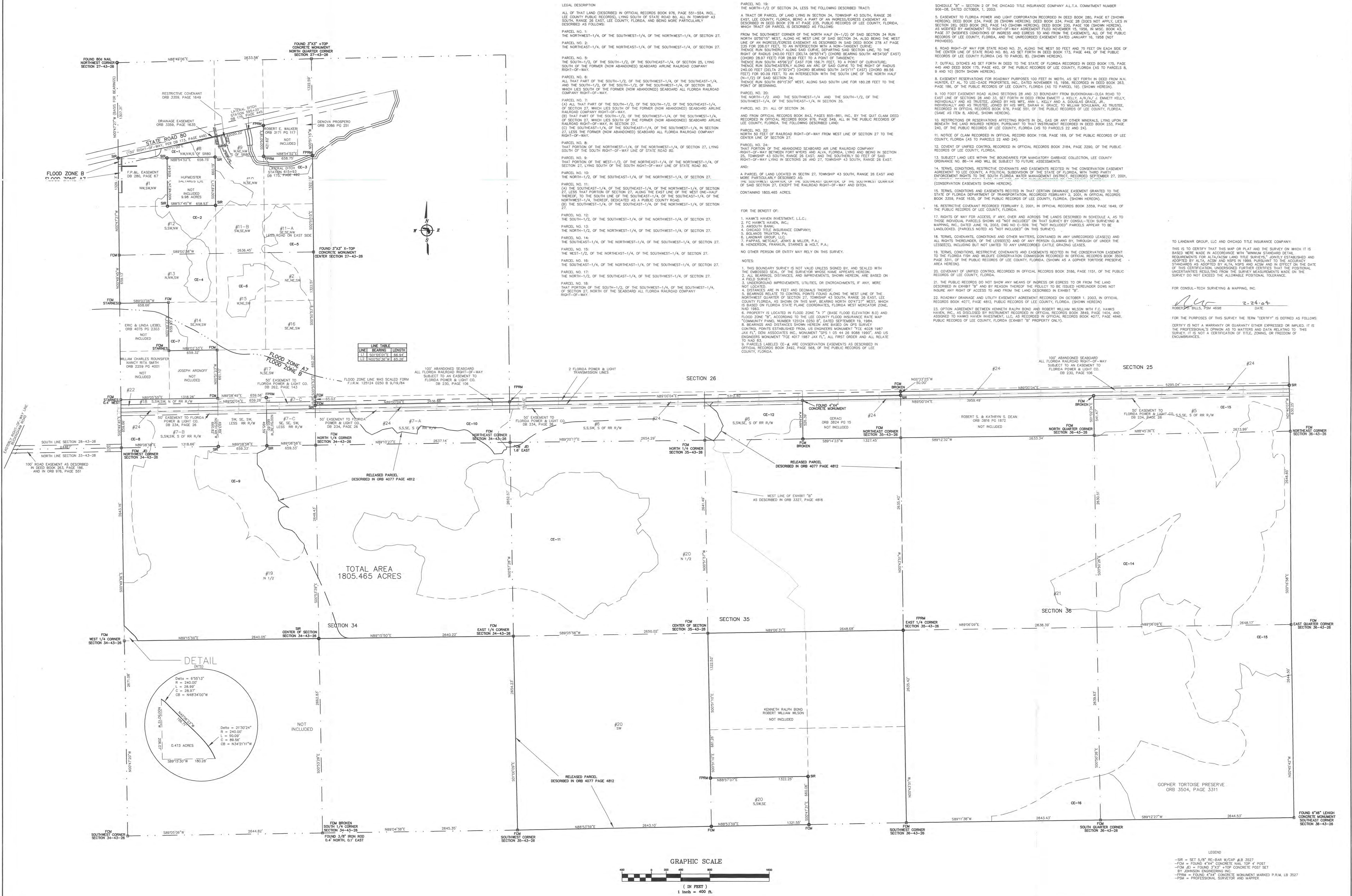
I HEREBY CERTIFY THAT A SURVEY WAS DONE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS AS PER CHAPTER 6109.14 F.A.C. CERTIFICATION IS ONLY FOR THE LANDS AS DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR RIGHTS FROM ENCUMBRANCES. ABSTRACT NOT REVIEWED. SUBJECT TO EASEMENTS, RESTRICTIONS AND OBSERVATIONS OF RECORD.

Scott A. Wheeler DATE SIGNED: *2/16/25*

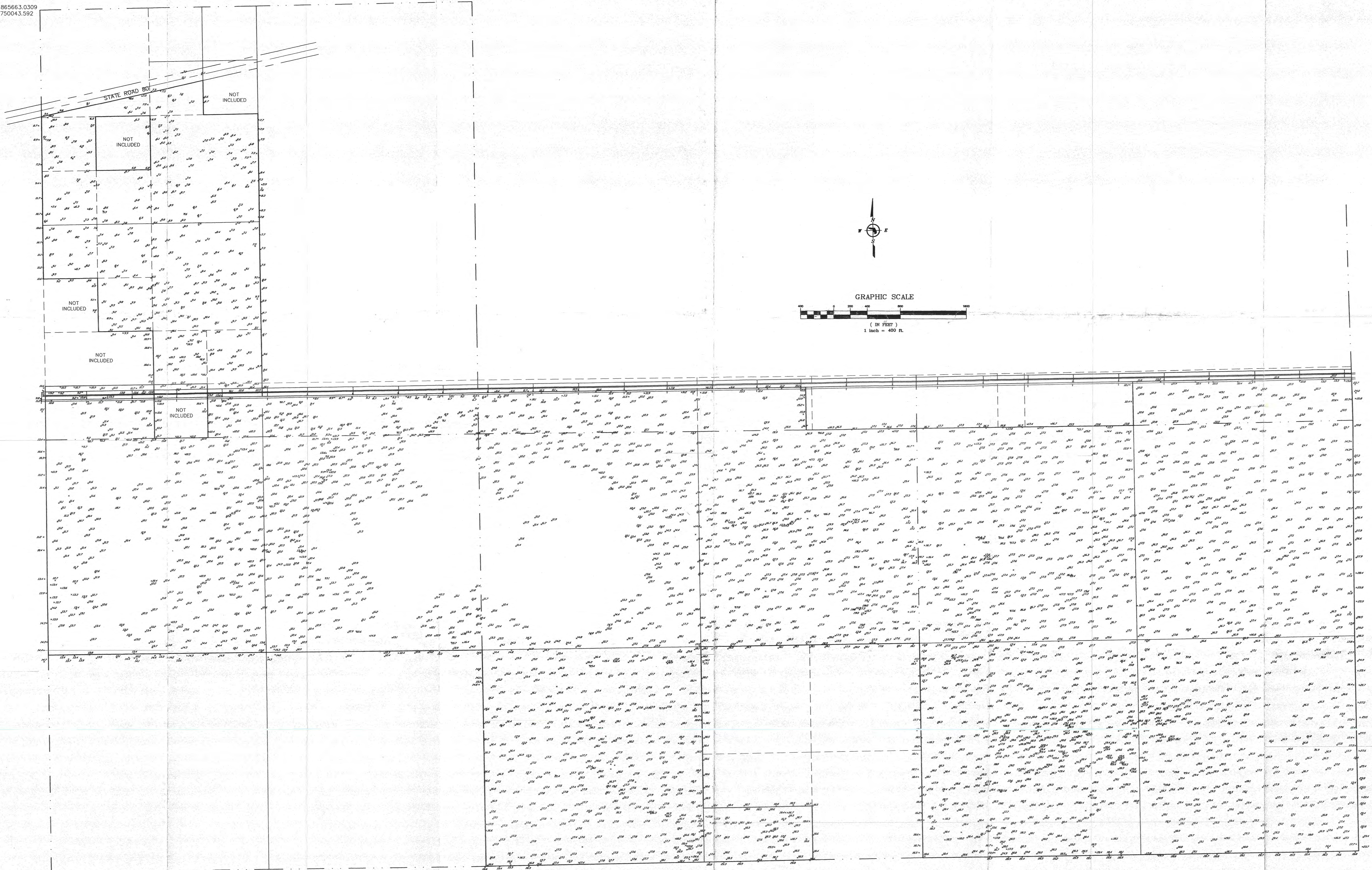
SCOTT A. WHEELER (FOR THE FIRM LM-4949)
PROFESSIONAL SURVEYOR AND MAPPER FLORIDA
CERTIFICATE NO. 5949

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

<h1 style="text-align: center;">BOUNDARY SURVEY</h1>		PART OF SECTIONS 25, 26, 27, 34, 35 AND 36 TOWNSHIP 43 SOUTH RANGE 26 EAST LEE COUNTY, FLORIDA
PROJECT / FILE NO.	SHEET NUMBER	
21988 25-43-26	1 OF 1	



865663.0309
750043.592

[illegible]

CONSUL-TECH ENGINEERING, INC.
Consulting Engineers Land Planners Land Surveyors
24831 Old 41 Road Bonita Springs, Florida 34135
Phone (941) 947-0265 Fax (941) 947-1323
E-Mail bonita@consul-t.com
Certificate of Authorization #LB3527

TYPE OF SURVEY:

SPECIFIC PURPOSE SURVEY
TO SHOW GEOMETRY OF LAND DESCRIBED

PROJECT

HAWK'S HAVEN
LEE COUNTY, FLORIDA

SECTIONS 27, 34, 35, 36, TOWNSHIP 43S, RANGE 26E

TITLE:

NOTE: The undersigned and CONSUL-TECH ENGINEERING, INC. make no representations or guarantees as to the completeness of the information reflected herein or its suitability for use in connection with any particular project or for any other purpose. The undersigned and CONSUL-TECH ENGINEERING, INC. do not warrant, represent or agree to any other matters of record. This instrument is intended to reflect or set forth only those items shown in the references above and the undersigned and CONSUL-TECH ENGINEERING, INC. do not research the public records for any matters affecting the lands shown.

NOTE: This instrument is the property of CONSUL-TECH ENGINEERING, INC. and shall not be reproduced in whole or in part without written permission of CONSUL-TECH ENGINEERING, INC.

ROBERT J. BILLS
PSM #4698

G, INC. make no
business of the Informo

FB

DESIGN BY:
DRAWN BY: RJB
CHECKED BY: GCM

CHECKED BY: DEM
DATE: 3/03/99

CAD FILE:

\\1800AC\98106TOPCC

SCALE: 1"=40'

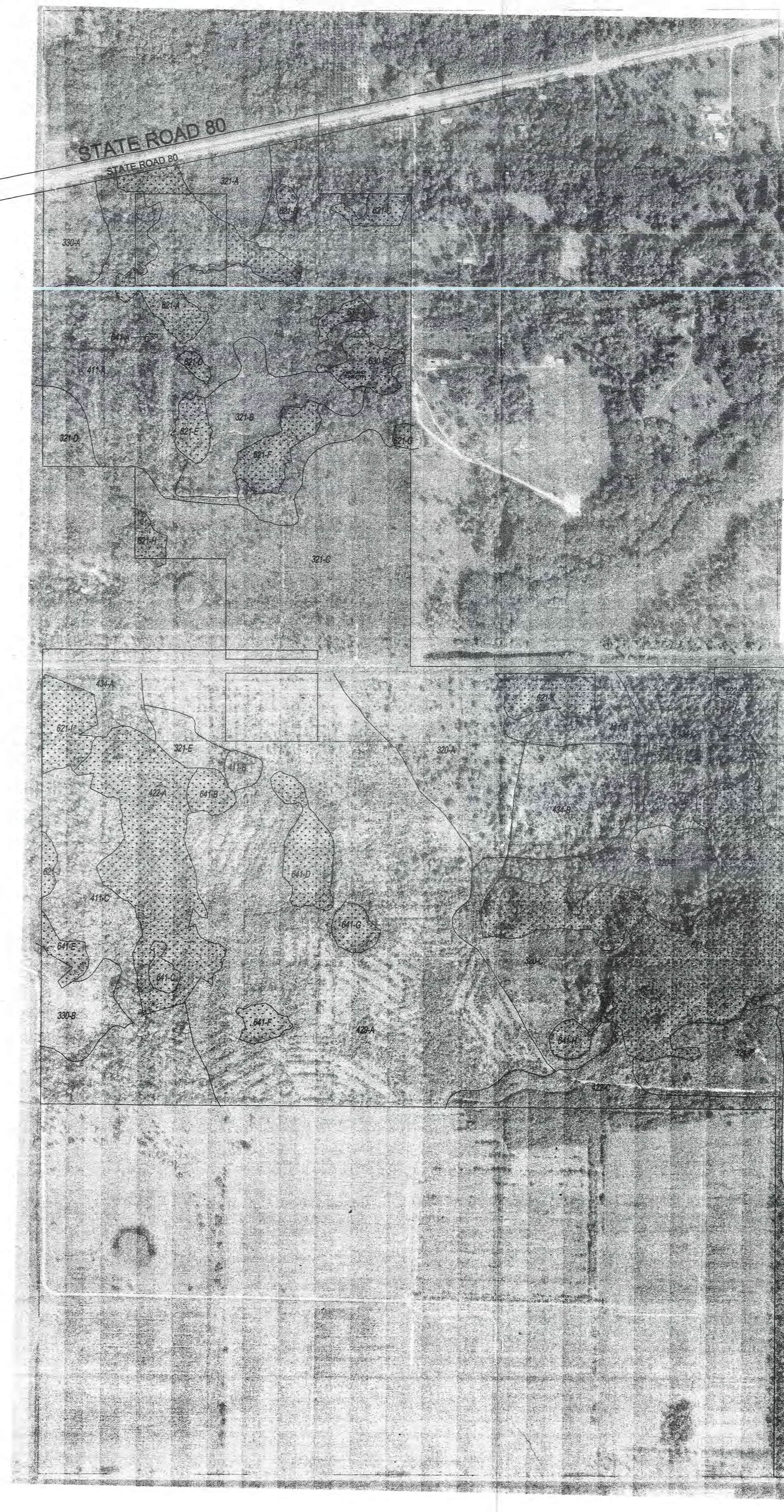
PROJECT NUMBERS

CTE: 980408
BONITA: (98-263)

SHEET

2 OF 2

2 of 2



LEGEND

FLUCCS CODES	DESIGNATION	AREA (AC.)
212	UNIMPROVED PASTURE	513.62
320	SHRUB AND BRUSHLAND	60.86
321	PALMETTO PRAIRIE	194.04
330	MIXED RANGELAND	89.37
411	PINE FLATWOODS	382.42
422	BRAZILIAN PEPPER	25.11
427	LIVE OAKS	2.99
429	WAX MYRTLE	111.26
434	HARDWOOD - CONIFER MIXED	117.20
438	MIXED HARDWOODS	7.07
610	WETLAND HARDWOOD FOREST	8.57
621	CYPRESS WETLAND	133.98
630	WETLAND FORESTED MIXED	18.70
641	FRESHWATER MARSH	51.39
643	WET PRAIRIE	15.02
RR ROW	RR ROW	4.54
OSW	OSW	.49
UNKNOWN	UNKNOWN	2.05

EXHIBIT IIF-1

DATE	REVISIONS

CONSUL-TECH ENGINEERING, INC.
Consulting Engineers Land Planners Land Surveyors
24831 Old 41 Road Bonita Springs, Florida 34135
Phone (941) 947-0266 Fax (941) 947-1323
E-Mail bonita@consult.com
Certificate of Authorization #LB3527

SULLIVAN
Sullivan Associates, Inc. Architects Planners Engineers
2314 Market Street, Philadelphia, Pennsylvania 19103
(215) 567-7300 FAX (215) 567-5329/2637

CLIENT:
FL. TAMPA WEST, INC.
5307 FOX HUNT DRIVE
WESLEY CHAPEL, FLORIDA 33543
(813) 907-1539

PROJECT
HAWK'S HAVEN
LEE COUNTY, FLORIDA
SECTIONS 27, 34, 35, 36, TOWNSHIP 43S, RANGE 26E
TITLE:
ENVIRON. SENSITIVE LANDS MAP

NOTE: The undersigned and CONSULT-TECH ENGINEERING, INC. make no representation or warranty as to the accuracy of the information reflected herein pertaining to easements, right of way, setback lines, reservations, agreements or other matters of record. This information is intended to reflect or verify only those items shown in the references above. CONSULT-TECH ENGINEERING, INC. is not responsible for public records for matters affecting the land shown.
NOTE: This instrument is the property of CONSULT-TECH ENGINEERING, INC. and shall not be reproduced in whole or in part without written permission of CONSULT-TECH ENGINEERING, INC.

DESIGN BY: VA
DRAWN BY: VA
CHECKED BY: DEM
DATE: FEB. 22, 1999
JOB FILE:
98-262-SP
DRC NO.:
C-509

SCALE: 1"=400'
PROJECT NUMBER:
980408
SHEET:
1 OF 1

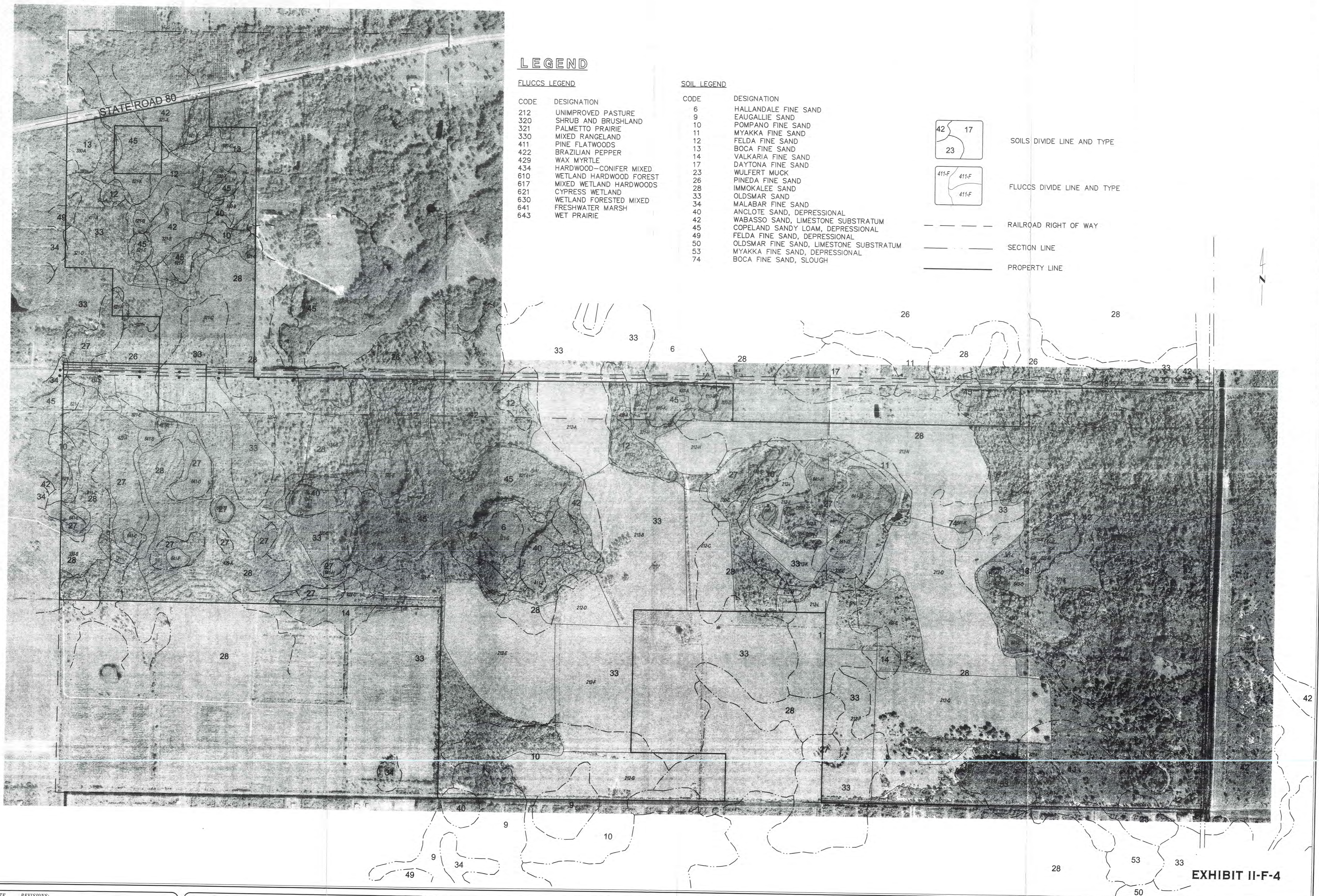


EXHIBIT II-F-4

DATE	REVISIONS:
1	
2	
3	
4	
5	
6	



CONSUL-TECH ENGINEERING, INC.
Consulting Engineers Land Planners Land Surveyors
24831 Old 41 Road Bonita Springs, Florida 34135
Phone (941) 947-0266 Fax (941) 947-1323
E-Mail bonita@consult.com
Certificate of Authorization #LB3527



Sullivan Associates, Inc. Architects Planners Engineers
2314 Market Street, Philadelphia, Pennsylvania 19103
(215) 567-7300 FAX (215) 567-5329/2637

CLIENT:

FL. TAMPA WEST, INC.
5307 FOX HUNT DRIVE
WESLEY CHAPEL, FLORIDA 33543
(813) 907-1539

PROJECT

PROJECT

HAWK'S HAVEN
LEE COUNTY, FLORIDA
SECTIONS 27, 34, 35, 36, TOWNSHIP 43S, RANGE 26E

TITLE:

NOTE: The undersigned and CONSUL-TECH ENGINEERING, INC. make no representations or guarantees as to the completeness of the information reflected hereon pertaining to easements, right of way, setback lines, reservations, agreements or other matters of record. This instrument is intended to reflect as set forth only those items shown in the references above. CONSUL-TECH ENGINEERING, INC. did not research the public records for matters affecting the lands shown.

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[illegible]

DESIGN BY: VA
DRAWN BY: VA
CHECKED BY: DEM
DATE: FEB. 22, 1999

CAD FILE:
98-262-SP

DWG NO:
C-509

SCALE: 1"=400'

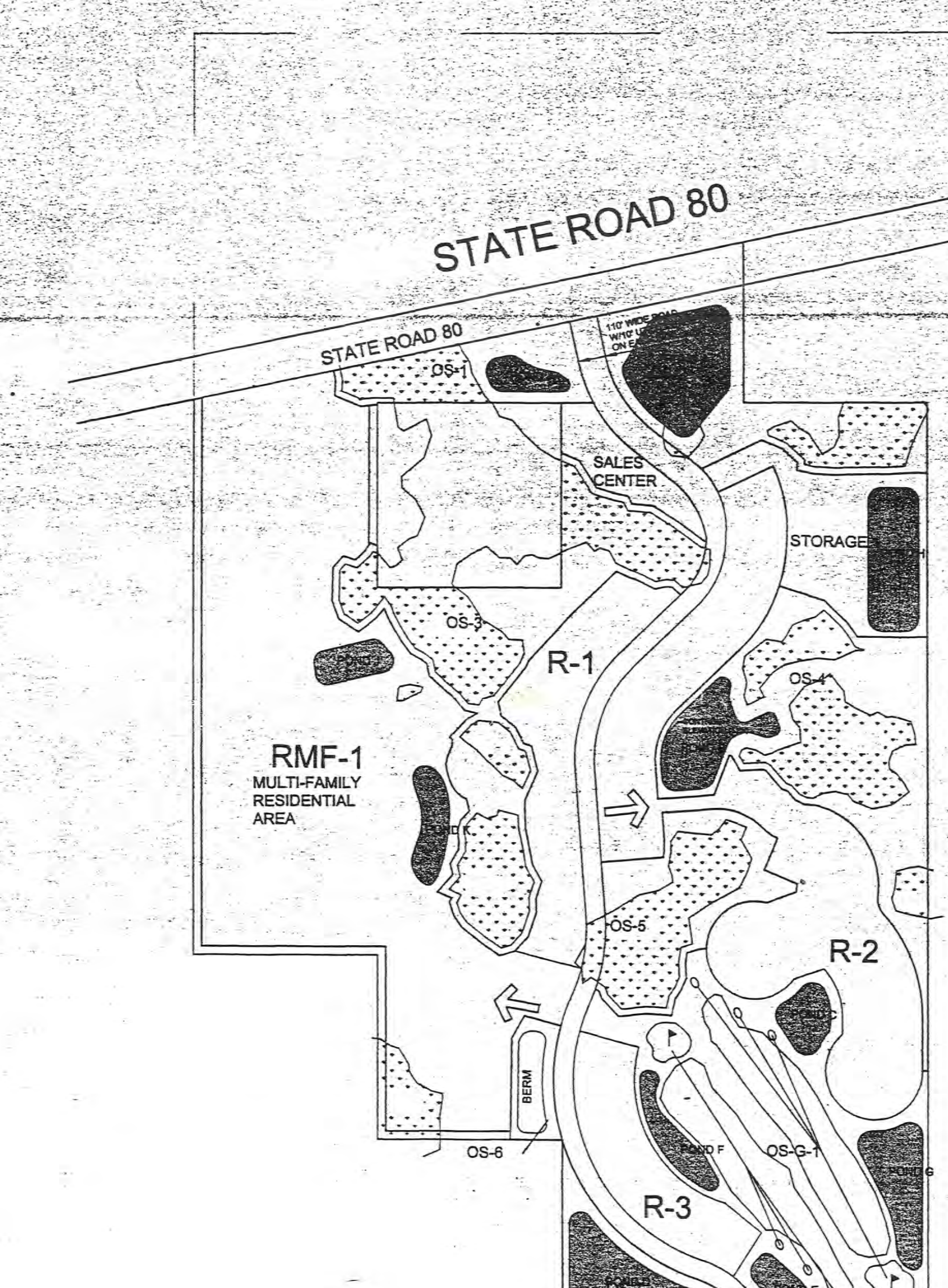
PROJECT NUMBERS

CTE: 980408

BONITA: (98-263)

SHEET

1 OF 1



SCHEDULE OF USES

ACCESSORY USES AND STRUCTURES:
 - ADMINISTRATIVE OFFICE
 - AGRICULTURAL USES (CATTLE RAISING IN UNDEVELOPED PHASES PRIOR TO DEVELOPMENT AND NURSERY OPERATIONS FOR PLANTINGS USED ON-SITE)
 - CLUBS - COUNTRY AND PRIVATE
 - CONSUMPTION PREMISES (SEC. 34-1281)
 - DWELLING UNITS
 - SINGLE-FAMILY RESIDENCE
 - TWO-FAMILY ATTACHED
 - TOWNHOUSE
 - MULTIPLE-FAMILY BUILDING
 - ZERO LOT LINE
 - ENTRANCE GATES AND GATEHOUSE
 - EXCAVATION - WATER RETENTION
 - FENCES AND WALLS
 - GOLF AND TENNIS PRO SHOPS
 - GOLF COURSE AND ACCESSORY FACILITIES
 - GOLF DRIVING RANGE AND GOLF TRAINING FACILITY
 - MODEL HOME UNIT, DISPLAY CENTER
 - (INCLUDING INFORMATION CENTER FOR OVERALL DEVELOPMENT)
 - PARKS, GROUP 1
 - PARKING LOT ACCESSORY
 - REAL ESTATE SALES OFFICE
 - RECREATIONAL FACILITIES - PRIVATE/ ON SITE INCLUDING TENNIS COURTS
 - RESIDENTIAL ACCESSORY USES
 - SIGNS IN COMPLIANCE WITH CHAPTER 30
 - STORAGE, OPEN (OPERATIONAL VEHICLE, BOATS AND SIMILAR ITEMS BY RESIDENTS ONLY AT A DESIGNATED TEMPORARY USES LOCATION)
 - TEMPORARY SALES CENTER

SCHEDULE OF DEVIATIONS

1. A DEVIATION FROM LDC SECTION 10-385 (d)(3)(a) WHICH SPECIFIES MAXIMUM FIRE HYDRANT SPACING OF 800 FEET IN THE ONE AND TWO DWELLING UNIT AREA TO ELIMINATE THIS REQUIREMENT IN AREAS ALONG THE SPINE ROAD WHERE NO HOMES EXIST.

- NOTES:**
- CURRENT SITE ZONING AND LAND USE CLASSIFICATION: AG-2 / SUBURBAN COMMUNITY AG-2 / RURAL
 - PROJECT DEVELOPER: FL. TAMPA WEST, INC. 5307 FOX HUNT DRIVE, WESLEY CHAPEL, FLORIDA 33543 (813) 907-1539 ATTN: MR. FRANK STRINGER
 - PROJECT DESCRIPTION: 1598 RESIDENTIAL UNITS, 36 HOLES OF GOLF WITH DRIVING RANGE, GOLF COURSE CLUB HOUSE, GOLF COURSE CART BARN, GOLF COURSE MAINTENANCE FACILITY, GENERAL RECREATION AREA, OPEN STORAGE AREA FOR RESIDENTS
 - UTILITY AVAILABILITY: WATER - LEE COUNTY UTILITIES, 1500 MONROE STREET, P.O. BOX 398, FORT MYERS, FLORIDA 33902 (841) 478-8165; SEWER - LEE COUNTY UTILITIES, 1500 MONROE STREET, P.O. BOX 398, FORT MYERS, FLORIDA 33902 (841) 478-8165; IRRIGATION - PRIVATE ONSITE FACILITIES, USING A SERIES OF WELLS AND LAKES; ELECTRIC - FLORIDA POWER & LIGHT, 1504 WINKLER ROAD, FORT MYERS, FLORIDA 33908 (841) 552-9190; PHONE - SPRINT, 2620 CARGO STREET, BLDG. A, FORT MYERS, FLORIDA 33919 (841) 336-2123
 - BUFFERING: NO BUFFERING OF ADJACENT PROPERTIES IS REQUIRED SINCE SIMILAR USES AND/OR FUTURE LAND USE CATEGORIES EXIST.
 - MASS TRANSIT: LEE TRANS DOES NOT SERVE THIS AREA. NO MASS TRANSIT SERVICE IS ANTICIPATED FOR THIS PROJECT.
 - INTERSECTION SEPARATION: INTERSECTION SPACING ALONG THE SPINE ROAD AND INTERNAL ROADWAYS WILL EXCEED 125 FEET. DRIVEWAY SPACING OF SINGLE FAMILY OR TWO UNIT DWELLINGS WILL BE SPACED CLOSER.

PROJECT PHASING:
 THIS PROJECT WILL BE CONSTRUCTED IN NUMEROUS PHASES OR DEVELOPMENT PODS PROGRESSING GENERALLY FROM WEST TO EAST WITH THE FOLLOWING EXCEPTIONS:
 - 15 HOLES OF THE GOLF COURSE IF CONSTRUCTED, WILL BE ONE OF THE FIRST PHASES OF WORK.
 - THE MULTI-FAMILY TRACT IS EXPECTED TO BE CONSTRUCTED LATER IN THE DEVELOPMENT.
 - WATER MANAGEMENT FACILITIES WILL BE CONSTRUCTED AS REQUIRED BY THE SPWMD.
 - TOTAL BUILD-OUT IS ANTICIPATED TO TAKE 6 TO 10 YEARS AND THE SPINE ROAD AND ASSOCIATED UTILITIES WILL BE EXTENDED AS NEEDED IN ACCORDANCE WITH THAT SCHEDULE.
 - 9. SPINE ROAD DESIGN:
 THE SPINE ROAD WILL BE A 4 TO 5 LANE ROADWAY 100 FEET FROM S.R. 80 INTO THE SITE WITH TWO (2) TWO LEFT HAND TURN, ONE RIGHT HAND TURN AND A R.O.W. EASEMENT 100 FEET WIDE. THE ROADWAY WILL THEN REDUCE TO TWO (2) LANES WITH A 70 FOOT WIDE R.O.W. EASEMENT THROUGH THE REMAINING ROUTE AS SHOWN ON THIS PLAN. ALL ROADWAYS WILL BE DESIGNED WITH OPEN DRAINAGE AND WILL HAVE 10 FOOT WIDE PUBLIC UTILITY EASEMENTS ON EACH SIDE.
 - 10. SIDEWALKS AND BIKE PATHS:
 THE SPINE ROAD WILL GENERALLY BE PARALLELED BY A FIVE (5) FOOT WIDE SIDEWALK / BIKE PATH. ADDITIONAL SIDEWALKS / BIKE PATHS WILL BE PROVIDED THROUGHOUT THE DEVELOPMENT.

OPEN SPACE LAND USE TABULATIONS

LAND USE CATEGORY	ACREAGE
MULTI-FAMILY (200 - 250 UNITS)	53.6
SINGLE FAMILY (50' X 100' LOTS)	504.4
50' X 100' LOTS (120 - 180 UNITS)	49.3
80' X 100' LOTS (295 - 415 UNITS)	83.3
75' X 110' LOTS (700 - 960 UNITS)	351.5
100' X 160' LOTS (14 - 20 UNITS)	20.3
100' X 160' LOTS (14 - 20 UNITS)	20.3
ROAD RIGHT-OF-WAY	30.0
OPEN SPACE GENERAL:	
WETLANDS/INDIGENOUS (OS)	204.0
WETLANDS/NON-INDIGENOUS (OS)	2.3
UPLAND/INDIGENOUS (OS)	341.1
CREATED WETLAND (OS)	2.2
LAKES (OS)	88.4
OPEN SPACE GOLF COURSE (LAKES = 141.1 AC)	631.0
OTHER DEVELOPMENT:	
RECREATION AREA/ FACILITIES	8.5
STORAGE 1	8.9
STORAGE 2	4.0
SALES & INFORMATION CENTER	2.1
GOLF CLUB AREA	13.2
TOTAL PROJECT ACREAGE	1797.5

- NOTES:**
- GOLF COURSE AMENITIES AREA WILL BE LOCATED IN GOLF CLUB AREA LAND USE POD. (CLUB HOUSE, CART BARN, MAINTENANCE FACILITIES) THE 10 ACRES ALLOCATED FOR THESE USES IS NOT INCLUDED IN THE OPEN SPACE FOR THE GOLF COURSE / DRIVING RANGE AREA.
 - TOTAL GENERAL OPEN SPACE = 643.9 AC OR 35.8 % OF PROJECT SITE (THIS IS FOR AREAS NOT DEFINED FOR A SPECIFIC USAGE. ADDITIONAL OPEN AREA WILL BE PROVIDED WITHIN THE VARIOUS RESIDENTIAL DEVELOPMENT AREAS).
 - LAKES/ WATER MANAGEMENT AREAS MAY BE LOCATED WITHIN GENERAL OPEN SPACE OR GOLF COURSE AREAS. ONLY 25% OF THE OPEN SPACE MAY BE MET BY LAKES.
 - LAND USE ACREAGE:
 SUBURBAN: 78.47
 RURAL: 1718.02
 UPLAND: 1471.15
 WETLANDS: 246.87
 TOTAL: 1797.49
 - ALLOWABLE DENSITIES:
 SUBURBAN: 79.47 ACRES X 6 UNIT/ACRES = 476 UNITS
 RURAL: 1471.15 ACRES X 1 UNIT/ACRES = 1471 UNITS
 UPLAND: 246.87 ACRES X 1 UNIT/20 ACRES = 12 UNITS
 WETLANDS: 1471.15 ACRES X 1 UNIT/20 ACRES = 12 UNITS
 THE TOTAL NUMBER OF UNITS FOR THE ENTIRE TRACT WILL NOT EXCEED 1598 UNITS

RESIDENTIAL LAND USE SCHEDULE

PARCEL	ACREAGE	USE	NO. OF UNITS (RANGE)
RMF-1	53.6	MULTI-FAMILY, ZERO LOT LINE, TOWNHOUSE, TWO-FAMILY ATTACHED OR SINGLE FAMILY ON 40' X 80' LOTS	200 - 250
R-1	7.0	SINGLE FAMILY ON 100' X 160' LOTS	8 - 10
R-2	19.4	SINGLE FAMILY ON 75' X 110' LOTS	50 - 70
R-3	5.1	SINGLE FAMILY ON 100' X 160' LOTS	7 - 10
R-4	40.7	SINGLE FAMILY ON 75' X 110' LOTS	80 - 110
R-5	42.5	TOWNHOUSE, ZERO LOT LINE, ON 50' X 100' LOTS	90 - 130
R-6	27.0	SINGLE FAMILY ON 60' X 100' LOTS	120 - 150
R-7	11.8	SINGLE FAMILY ON 60' X 100' LOTS	70 - 150
R-8	8.2	SINGLE FAMILY ON 100' X 160' LOTS	6 - 10
R-9	15.1	SINGLE FAMILY ON 60' X 100' LOTS	30 - 50
R-10	6.8	TOWNHOUSE, ZERO LOT LINE, ON 50' X 100' LOTS	30 - 50
R-11	23.4	SINGLE FAMILY ON 60' X 100' LOTS	60 - 80
R-12	50.8	SINGLE FAMILY ON 75' X 110' LOTS	90 - 140
R-13	6.1	SINGLE FAMILY ON 60' X 100' LOTS	15 - 25
R-14	193.7	SINGLE FAMILY ON 75' X 110' LOTS	350 - 450
R-15	7.467	SINGLE FAMILY ON 75' X 110' LOTS	130 - 190
		TOTAL UNITS (NOT TO EXCEED)	1598

DEVELOPMENT STANDARDS

LAND USE	SETBACKS				DISTANCE BETWEEN BLDGS.
	ROAD	SIDE	REAR	WATER	
SINGLE FAMILY:					
50' X 100' LOT	15'	5'	15'	20'	10'
60' X 100' LOT	15'	5'	15'	20'	10'
75' X 110' LOT	20'	7.5'	20'	20'	15'
100' X 160' LOT	25'	10'	20'	20'	10'
MULTI-FAMILY	25'	15'	20'	20'	30'
TWO-FAMILY ATTACHED	20'	0-7.5'	15'	20'	15'
ZERO LOT LINE	15'	0-7.5'	15'	20'	15'
TOWNHOUSE	15'	0-7.5'	15'	20'	15'
ACCESSORY STRUCTURES FOR SINGLE FAMILY*	20'	5'	5'	10'	15'
MAINTENANCE BLDG.	25'	15'	20'	20'	20'

*ACCESSORY STRUCTURES DEFINED AS POOLS, POOL DECKS, & SCREENED ENCLOSURES.



APPROVED
 Master Concept Plan
 Site Plan # 99-056-03-2 of 1
 PREPARED BY: J. VA
 CHECKED BY: J. VA
 DATE: FEB. 22, 1999
 Case # 99-03-066-03-2 01.01
 DC 1962447

PROJECT # 99-03-066-03-2 01.01
 PROJECT TYPE 12
 EXHIBIT IV-E

RECEIVED
 JUL 15 1999
 ZONING COUNTER

- AGRICULTURAL USES AND STRUCTURES
- ADMINISTRATIVE OFFICE
- AGRICULTURAL USES (CATTLE RAISING IN UNDEVELOPED PASTURELAND TO DEVELOPMENT AND NURSERY OPERATIONS FOR PLANTINGS USED ON-SITE)
- BUSSES, COUNTRY AND PRIVATE VEHICLES
- CONSUMPTION ON PREMISES (SEE 34-1281)
- DWELLING UNITS
 - SINGLE-FAMILY RESIDENCE
 - TWO-FAMILY ATTACHED TOWNHOUSE
 - MULTIPLE FAMILY BUILDING
- ZERO LOT LINE
- ENTRANCE GATES AND GATEHOUSE
- EXCAVATION - WATER RESERVATION
- FENCES AND WALLS
- GOLF AND TENNIS POOL SHOPS
- GOLF DRIVING RANGE AND TRAINING FACILITY
- MOBILE HOME, UNIT, DISPLAY CENTER
- INCLUDING INFORMATION CENTER FOR OVERALL DEVELOPMENT
- PARKS, GROUP I
- PARKING LOT / ACCESSORY
 - REAL ESTATE SALES OFFICE
 - RECREATION FACILITIES
 - RECREATION / ON SITE INCLUDING TENNIS COURTS
 - RESIDENTIAL ACCESSORY USES
- STORAGE, OPEN RECREATIONAL VEHICLE, BOATS AND SIMILAR ITEMS BY RESIDENTS ONLY AT A DESIGNATED TEMPORARY USES LOCATION
- STORAGE OF FACILITIES (RECREATION, TEMPORARY CONSTRUCTION)
- COUNTY PUBLIC SCHOOL, FACILITIES

1. A DEVIATION FROM LDC SECTION 10-385 (d)(3)(a) WHICH SPECIFIES A MAXIMUM FIRE HYDRANT SPACING OF 800 FEET IN THE ONE AND TWO DWELLING UNIT AREA TO ELIMINATE THIS REQUIREMENT IN AREAS ALONG THE SPINE ROAD WHERE NO HOMES EXIST.

1. CURRENT SITE ZONING AND LAND USE CLASSIFICATION:
AG-2 SUBURBAN COMMUNITY
AG-2 RURAL

2. PROJECT DEVELOPER:
LANHAM GROUP, LLC
2200 NORTH WEST SHORE BOULEVARD
SUITE 125
TAMPA, FLORIDA 33607
(813) 607-0138
ATTN: JAMES P. HARVEY

3. PROJECT DESCRIPTION:
THESE PROPOSED UNITS
36 HOLES OF GOLF WITH DRIVING RANGE
9 COURSES
9 GOLF COURSE CART BARN
9 COURSE MAINTENANCE FACILITY
GENERAL RECREATION AREA
OPEN STORAGE AREA FOR RESIDENTS

4. UTILITY AVAILABILITY:
WATER - LEE COUNTY UTILITIES
1500 MONROE STREET
FORT MYERS, FLORIDA 33902
(941) 476-8165
SEWER - LEE COUNTY UTILITIES
1500 MONROE STREET
P.O. BOX 918
FORT MYERS, FLORIDA 33902
(941) 476-8165
IRRIGATION - PRIVATE ON-SITE FACILITIES
(USING A SERIES OF LAKES AND WELLS)
ELECTRIC - FLORIDA POWER & LIGHT
15834 WINKLER ROAD
FORT MYERS, FLORIDA 33908
(941) 332-9150
PHONE - SPRINT
2500 CARGO STREET, BLDG. A
FORT MYERS, FLORIDA 33916
(41) 336-2722

CATEGORY	ACREAGE
MULTI-FAMILY	63.15
SINGLE FAMILY	495.37
ROAD RIGHT-OF-WAY	54.90
CONSERVATION AND OPEN SPACE LAKES (OS)	487.26
RECREATIONAL OPEN SPACE/ GOLF COURSE	374.89
OTHER DEVELOPMENT	
RECREATION AREA / FACILITIES	20.00
FUTURE DEVELOPMENT	00.00
SCHOOL SITE	20.00
SALES & INFORMATION CENTER	2.10
GOLF CLUB AREA	10.00
GOLF COURSE MAINTENANCE	3.68
TOTAL PROJECT ACREAGE	1797.5

1. GOLF COURSE CART AREA WILL BE LOCATED IN GOLF CLUB AREA LAND USE POD. CLUB HOUSE, CART BARN, MAINTENANCE FACILITIES IN THE 10 ACRES ALLOCATED TO THESE AREAS WILL BE LOCATED IN THE OPEN SPACE FOR THE GOLF COURSE / DRIVING RANGE AREA.

2. TOTAL GOLF COURSE OPEN SPACE SHALL BE 35.8% OF PROJECT SITE (THIS IS FOR THE 10 ACRES ALLOCATED TO THESE AREAS). ADDITIONAL OPEN AREA WILL BE AREAS NOT DEEMED FOR A SPECIFIC USAGE.

3. LAKE/WATER MAINTENANCE AREAS WILL BE LOCATED WITHIN GOLF COURSE OPEN SPACE OR GOLF COURSE AREAS. ONLY 25 % OF THE OPEN SPACE MAY BE MET BY LAKES.

4. LAND USE ACRESAGE:

SUBURBAN:	79.47
RURAL:	1778.02
UPLANDS:	1471.19
WETLANDS:	246.07
TOTAL:	1757.49

5. ALLOWABLE DENSITIES:


SUBURBAN:	79.47 ACRES @ 8 UNITS / ACRE = 476 UNITS
UPLANDS:	1471.19 ACRES @ 1 UNIT / ACRE = 1471 UNITS
WETLANDS:	246.07 ACRES @ 1 UNIT / 20 ACRES = 12 UNITS


TOTAL NUMBER OF UNITS FOR THE ENTIRE TRACT WILL NOT EXCEED 1558 UNITS.

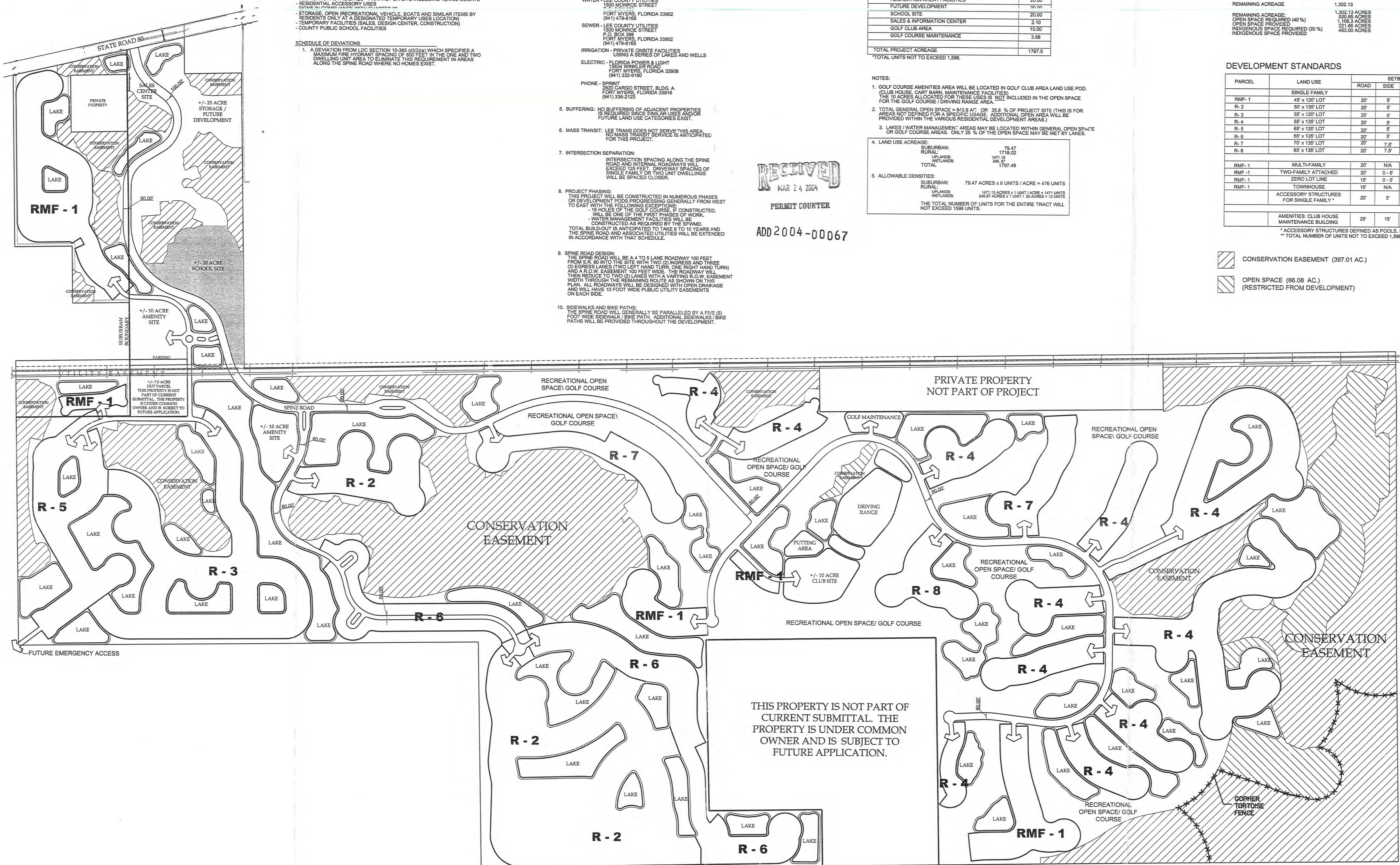
1. ALL STRUCTURES WITHIN THIS PROJECT (RESIDENTIAL, CLUBHOUSE, GOLF MAINTENANCE BUILDING AND OTHER ACCESSORY FACILITIES) ARE LIMITED TO 3 STORIES OR 45'.
2. LOTS CONNECTING DIRECTLY TO THE MAIN ("SPINE") ROAD WILL NOT HAVE DIRECT BACK-OUT ONTO THE ROADWAY. DRIVEWAY TURNS AROUND WILL BE PROVIDED.
3. ZERO LOT LINE, AND TWO FAMILY ATTACHED LOTS IN MULTI-FAMILY AREAS SHALL HAVE A MINIMUM AREA OF 4,000 S.F.
4. MULTI-FAMILY BUILDING PARCELS SHALL HAVE A MINIMUM AREA OF 20,000 SQ. FT. AND MINIMUM WIDTH OF 150'.
5. TOWNHOUSE UNITS IN MULTI-FAMILY AREAS SHALL HAVE A MINIMUM AREA OF 2,500 S.F.

TOTAL DEVELOPMENT	1,797.50
<u>SINGLE FAMILY @ 6,500 S.F.</u>	<u>-495.37</u>
REMAINING ACREAGE	1,302.13
REMAINING ACREAGE:	1,302.13 ACRES
OPEN SPACE REQUIRED (40 %)	520.85 ACRES
OPEN SPACE PROVIDED	1,108.3 ACRES
INDIGENOUS WOODLAND REQUIRED (20 %)	221.66 ACRES
INDIGENOUS SPACE PROVIDED	483.00 ACRES

PARCEL	LAND USE	SETBACKS			EDGE OF WATER	DISTANCE BETWEEN BLDGS.
		ROAD	SIDE	REAR		
	SINGLE FAMILY					
RMF- 1	45' x 120' LOT	20'	5'	15'	20'	10'
R- 2	50' x 135' LOT	20'	5'	15'	20'	10'
R- 3	55' x 120' LOT	20'	5'	15'	20'	15'
R- 4	55' x 135' LOT	20'	5'	15'	20'	10'
R- 5	65' x 120' LOT	20'	5'	15'	20'	10'
R- 6	65' x 135' LOT	20'	5'	15'	20'	10'
R- 7	70' x 135' LOT	20'	7.5'	15'	20'	15'
R- 8	85' x 135' LOT	20'	7.5'	15'	20'	15'
RMF- 1	MULTI-FAMILY	20'	N/A	15'	20'	20'
RMF- 1	TWO-FAMILY ATTACHED	20'	0 - 5'	15'	20'	15'
RMF- 1	ZERO LOT LINE	15'	0 - 5'	15'	20'	15'
RMF- 1	TOWNHOUSE	15'	N/A	15'	20'	20'
	ACCESSORY STRUCTURES FOR SINGLE FAMILY *	20'	5'	5'	20'	15'
	AMENITIES, CLUB HOUSE, MAINTENANCE BUILDING	25'	15'	15'	20'	10'

 CONSERVATION EASEMENT (397.01 AC.)

 OPEN SPACE (66.08 AC.)
(RESTRICTED FROM DEVELOPMENT)



REVIEW COPY
PRELIMINARY STATUS
SUBJECT TO REVIEW & REVISION
NOT APPROVED FOR CONSTRUCTION

MAR 22 2004
WilsonMiller, Inc.
571 Colonial Boulevard
t. Myers, Florida 33912

HAWKS HAVEN
LEE COUNTY, FLORIDA

MARCH 2004

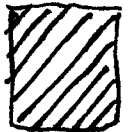
NORTH SCALE: 1" = 400'

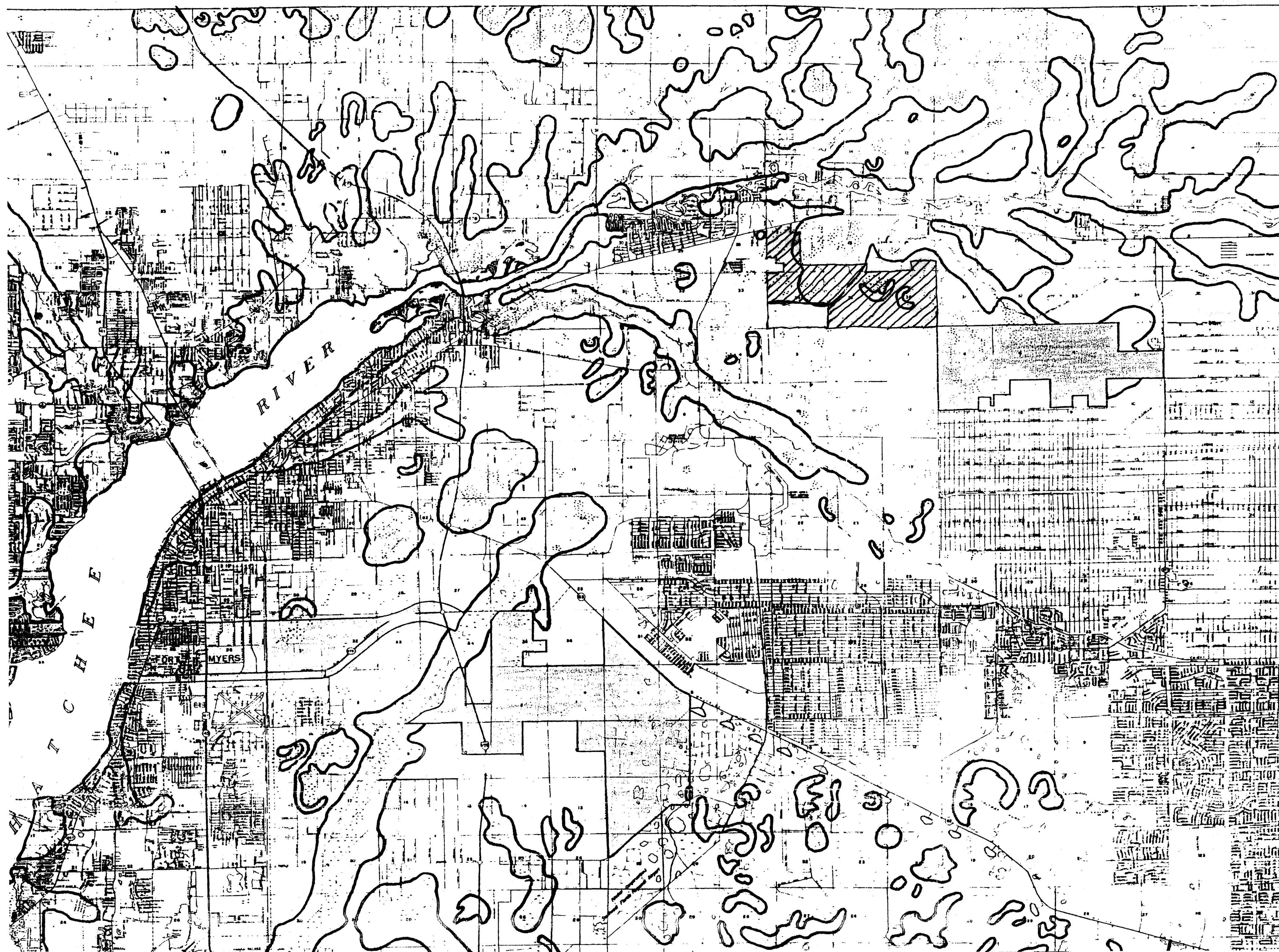
Wilson Miller Design

COUNTY

CHARLOTTE

COUNTY

 = Parcel Property for Comp Plan Amendment



HENDRY COUNTY

T 43 S

T 44 S

HENDRY COUNTY

T 45 S