ADD2024-00196 Lee County ePlan

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, The Neighborhood Company filed an application for an administrative amendment to a Commercial Planned Development on a project known as Tamalico Center CPD to reduce the area of the Planned Development and provide a new Master Concept Plan on property located on South Tamiami Trail, in Section 06, Township 46 South, Range 25 East, Lee County, Florida (see Exhibit "A"); and

WHEREAS, the property was originally rezoned in Resolution Z-92-045 and subsequently was amended by Resolution Z-07-060/DRI2006-00010, ADD2021-00091A and ADD2022-00091; and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; 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, Tamalico Center was rezoned to CPD by Resolution Z-92-045 to allow for up to 600,000 square feet of commercial uses; and

WHEREAS, the Florida Department of Transportation purchased 23.33± acres of the planned development for Alico Road realignment; and

WHEREAS, a 61.38± acre portion of this development was rezoned to MPD by Resolution Z-24-028, leaving two small parcels in Tamalico Commercial Planned Development; and

WHEREAS, the two remaining parcels labeled as Parcel R-3, approximately 1.2± acres in area, and parcel R-4, approximately 1.04 acres in area, for a total of 2.24± acres still remain in Tamalico Planned Development; and

WHEREAS, these two parcels were removed from Tamalico Development of Regional Impact by Resolution Z-07-060 (Exhibit "C"); and

WHEREAS, the subject application and revised Development Regulations 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 below the amount required by code; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Commercial Planned Development to reduce the area of the Planned Development and provide a new Master Concept Plan is **APPROVED subject to the following conditions:**

1. **Development must be consistent with the revised Master Concept Plan for the Tamalico CPD, a copy of which is attached hereto as Exhibit "B."**

2. **The terms and conditions of the original zoning resolution, as amended, remain in full force and effect, except as amended herein.**

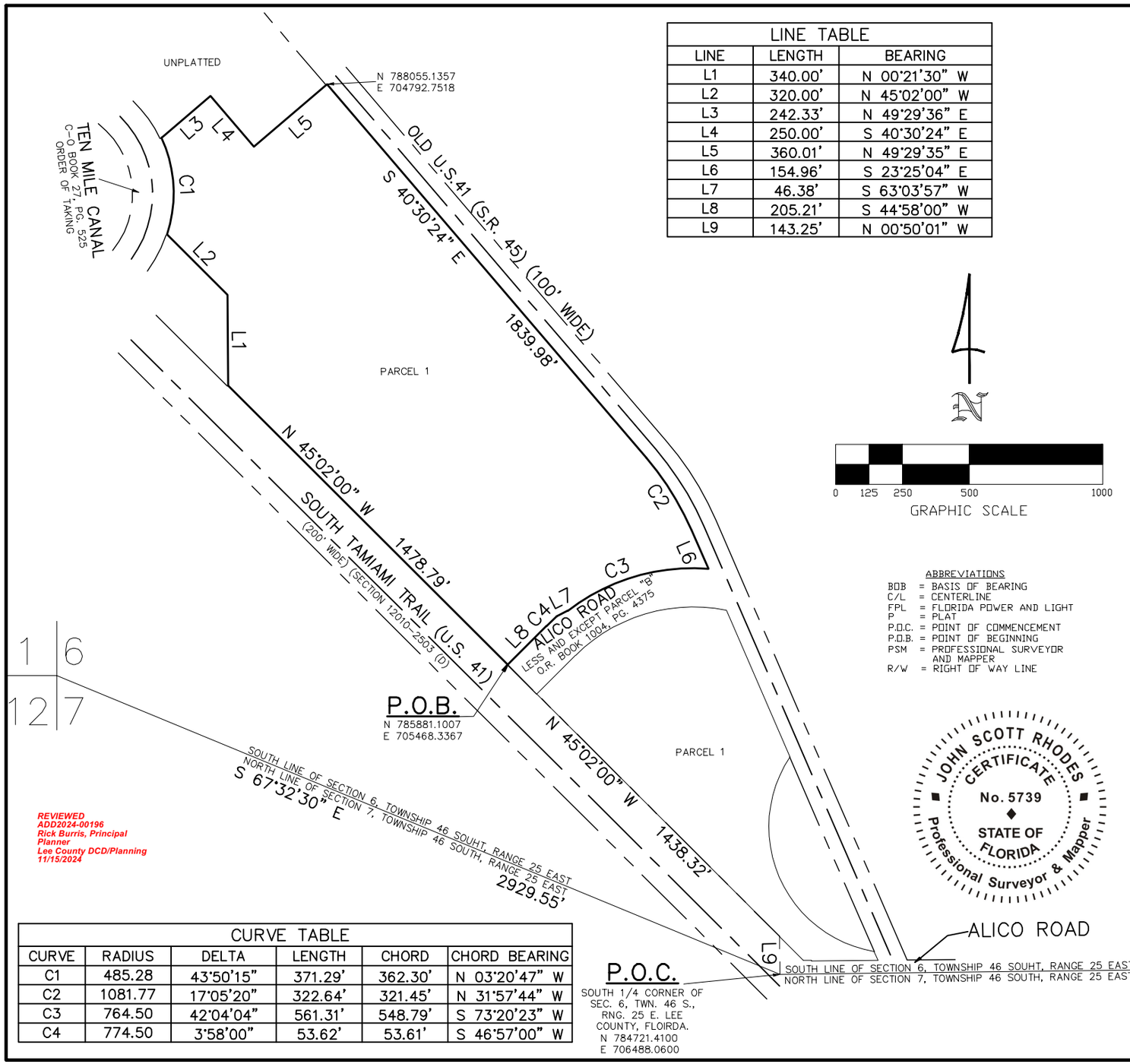
3. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 5/16/2025

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

Attachments: Exhibit "A" Legal Description
Exhibit "B" Revised Master Concept Plan
Exhibit "C" Resolution Z-07-060

Exhibit A



LINE TABLE		
LINE	LENGTH	BEARING
L1	340.00'	N 00°21'30" W
L2	320.00'	N 45°02'00" W
L3	242.33'	N 49°29'36" E
L4	250.00'	S 40°30'24" E
L5	360.01'	N 49°29'35" E
L6	154.96'	S 23°25'04" E
L7	46.38'	S 63°03'57" W
L8	205.21'	S 44°58'00" W
L9	143.25'	N 00°50'01" W

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	485.28	43°50'15"	371.29'	362.30'	N 03°20'47" W
C2	1081.77	17°05'20"	322.64'	321.45'	N 31°57'44" W
C3	764.50	42°04'04"	561.31'	548.79'	S 73°20'23" W
C4	774.50	3°58'00"	53.62'	53.61'	S 46°57'00" W

ABBREVIATIONS

BOB	= BASIS OF BEARING
C/L	= CENTERLINE
FPL	= FLORIDA POWER AND LIGHT
P	= PLAT
P.O.C.	= POINT OF COMMENCEMENT
P.O.B.	= POINT OF BEGINNING
PSM	= PROFESSIONAL SURVEYOR AND MAPPER
R/W	= RIGHT OF WAY LINE

LEGAL DESCRIPTION

BEING A PORTION OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.; THENCE NORTH 00°50'01" WEST, A DISTANCE OF 143.25 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH TAMIAMI TRAIL (U.S. 41) A 200.00 FOOT RIGHT-OF-WAY, AS THE SAID IS SHOWN ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD 45, SECTION 12010-2503. LEE COUNTY; THENCE NORTH 45°02'00" WEST ALONG THE SAID NORTHEASTERLY RIGHT-OF-WAY OF SOUTH TAMIAMI TRAIL, A DISTANCE OF 1,438.32 FEET TO THE TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG THE SAID NORTHEASTERLY RIGHT-OF-WAY OF SOUTH TAMIAMI TRAIL NORTH 45°02'00" WEST, A DISTANCE OF 1,478.79 FEET; THENCE LEAVING THE SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH TAMIAMI TRAIL NORTH 00°21'30" WEST, A DISTANCE OF 340.00 FEET; THENCE NORTH 45°02'00" WEST, A DISTANCE OF 320.00 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE 10 MILE CANAL LATERAL DITCH TO A POINT ON A NON-TANGENTIAL CURVE; THENCE NORTHERLY ALONG THE SAID SOUTHEASTERLY RIGHT-OF-WAY OF THE 10 MILE CANAL LATERAL DITCH, 371.29 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 485.28 FEET, THROUGH A CENTRAL ANGLE OF 43°50'15" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 03°20'47" WEST, A DISTANCE OF 362.30 FEET; THENCE LEAVING THE SAID RIGHT-OF-WAY OF THE 10 MILE CANAL LATERAL DITCH NORTH 49°29'36" EAST, A DISTANCE OF 242.33 FEET; THENCE SOUTH 40°30'24" EAST, A DISTANCE OF 250.00 FEET; THENCE NORTH 49°29'35" EAST, A DISTANCE OF 360.01 FEET TO POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF OLD U.S.41 (S.R. 45) A 100.00 FOOT RIGHT OF WAY, LEE COUNTY, FLORIDA; THENCE SOUTHEASTERLY ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY FOR THE FOLLOWING THREE COURSES, COURSE (1) SOUTH 40°30'24" EAST, 1,839.98 FEET TO A POINT OF CURVATURE; COURSE (2) SOUTHEASTERLY, 322.64 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1,081.77 FEET, THROUGH A CENTRAL ANGLE OF 17°05'20" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 31°57'44" EAST, A DISTANCE OF 321.45 FEET; COURSE (3) SOUTH 23°25'04" EAST, 154.96 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF ALICO ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1004, PAGE 4375, OF THE PUBLIC RECORDS OF LEE COUNTY, FLOIRDA AND TO A POINT ON A NON-TANGENTIAL CURVE; THENCE WESTERLY ALONG THE SAID NORTHERLY RIGHT-OF-WAY OF ALICO ROAD FOR THE FOLLOWING 4 COURSES, COURSE (1) WESTERLY 561.31 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 764.50 FEET, THROUGH A CENTRAL ANGLE OF 42°04'04" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 73°20'23" WEST, A DISTANCE OF 548.79 FEET; COURSE (2) SOUTH 63°03'57" WEST, 46.38 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (3) SOUTHWESTERLY, 53.62 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 774.50 FEET, THROUGH A CENTRAL ANGLE OF 03°58'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 46°57'00" WEST, A DISTANCE OF 53.61 FEET; COURSE (4) SOUTH 44°58'00" WEST, 205.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,045,123 SQUARE FEET OR 46.950 ACRES, MORE OR LESS.

REVIEWED
ADD2024-00196
Rick Burris, Principal Planner
Lee County DCD/Planning
11/15/2024

JOHN SCOTT RHODES CERTIFICATE No. 5739 STATE OF FLORIDA Professional Surveyor & Mapper

BY: John Scott Rhodes PSM # 5739 State of Florida
Digitally signed by John Scott Rhodes PSM # 5739 State of Florida
Date: 2024.02.06 14:13:35 -05'00'
JOHN SCOTT RHODES PSM #5738

SKETCH AND DESCRIPTION

CERTIFIED TO:
X

RHODES & RHODES LAND SURVEYING, INC.
LICENSE #LB 6897
28100 BONITA GRANDE DRIVE SUITE 107
BONITA SPRINGS, FL 34135
(239) 405-8166 (239) 405-8163 FAX

bk:	pg:	date:
XX	XX	JAN. 26, 2024
		scale: 1" = 500'
		cogo #: 23-851

design:
drawn: EFC
checked: JSR
acad #: 2023-851
view: PLOT
project#: 2023-851
sheet #: 1 of 2
file #: 2023-851 SKETCH 1

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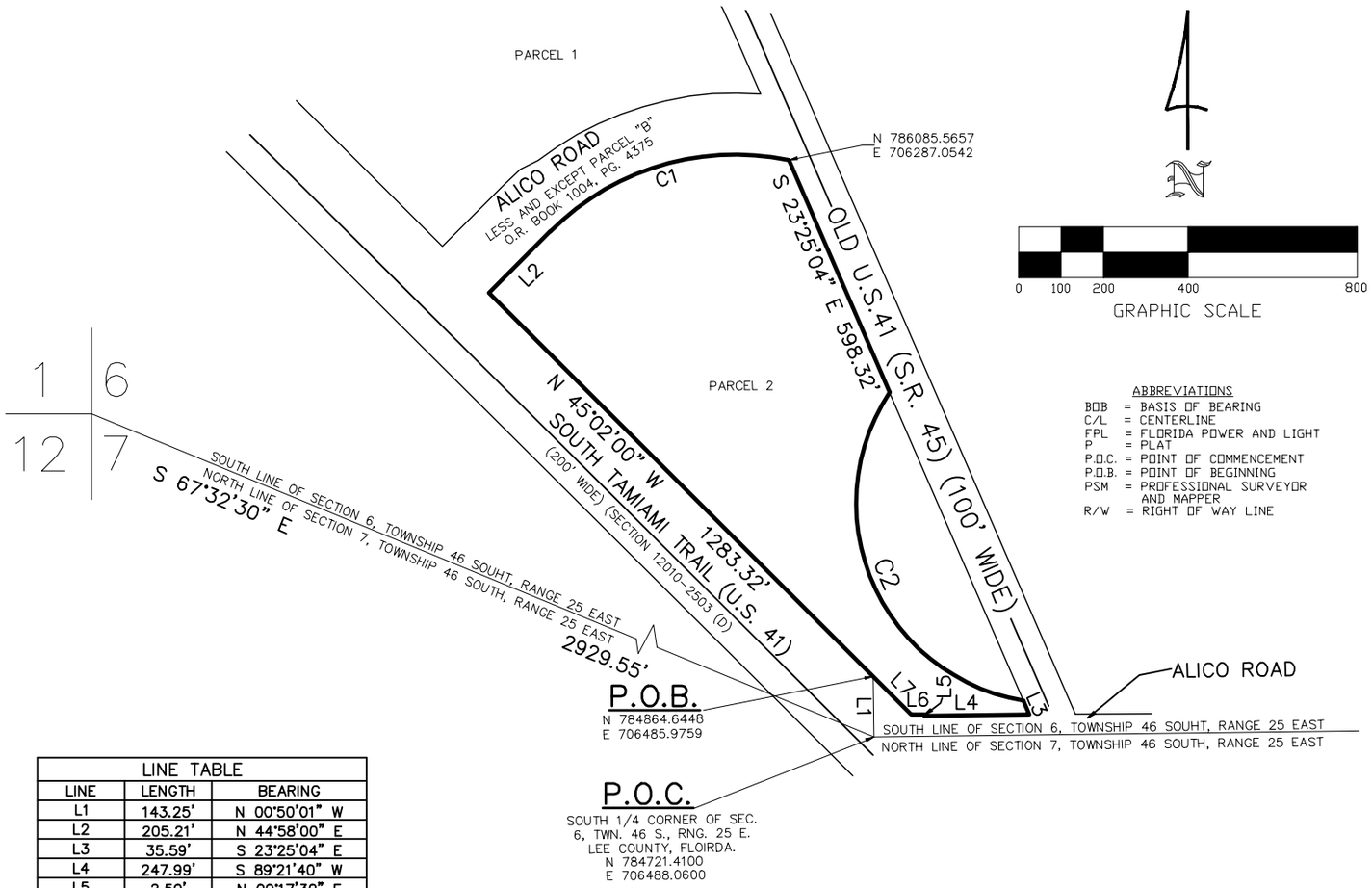
LEGAL DESCRIPTION

BEING A PORTION OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOW.

COMMENCE AT SOUTH QUARTER CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 00°50'01" WEST LEAVING THE SAID SOUTH QUARTER CORNER OF SECTION 6, A DISTANCE OF 143.25 FEET TO A POINT ON THE RIGHT-OF-WAY OF SOUTH TAMIAMI TRAIL (U.S. 41) A 200.00 FOOT RIGHT-OF-WAY, AS THE SAID IS SHOWN ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD 45, SECTION 12010-2503. LEE COUNTY, AND TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 45°02'00" WEST ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID SOUTH TAMIAMI TRAIL, A DISTANCE OF 1,283.32 FEET TO A POINT ON THE NEW SOUTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1004, PAGE 4375, OF THE PUBLIC RECORDS OF LEE COUNTY, FLOIRDA; THENCE ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD FOR THE FOLLOWING 2 COURSES, COURSE (1) NORTH 44°58'00" EAST, 205.21 FEET TO A POINT OF CURVATURE; COURSE (2) EASTERLY, 613.52 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 619.50 FEET, THROUGH A CENTRAL ANGLE OF 56°44'33" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 73°20'16" EAST, 588.75 FEET TO A POINT ON THE SOUTHERELY RIGHT-OF-WAY LINE OF OLD U.S.41 (S.R. 45) A 100.00 FOOT RIGHT OF WAY, LEE COUNTY, FLORIDA; THENCE SOUTH 23°25'04" EAST ALONG THE SAID SOUTHERLY RIGHT-OF-WAY OF OLD U.S. 41 (S.R. 45), 598.32 FEET, TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF MICHAEL G RIPPE PARKWAY AS RECORDED IN OFFICIAL RECORDS BOOK 4140 PAGES 4378 THROUGH 4385 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHEASTERLY ALONG THE SAID RIGHT-OF-WAY LINE OF MICHAEL G RIPPE PARKWAY, 942.31 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 474.00 FEET, THROUGH A CENTRAL ANGLE OF 113°54'15" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 23°25'04" EAST, 794.63 FEET TO A POINT ON THE SAID SOUTHWESTERLY RIGHT-OF-WAY OF OLD U.S. 41 (S.R. 45); THENCE SOUTH 23°25'04" EAST ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY OF OLD U.S. 41 (S.R. 45), A DISTANCE OF 35.59 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF ALICO ROAD; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD FOR THE FOLLOWING 3 COURSES, COURSE (1) SOUTH 89°21'40" WEST, 247.99 FEET; COURSE (2) NORTH 00°17'30" EAST, 2.50 FEET; COURSE (3) NORTH 89°42'30" WEST, 30.69 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF SAID SOUTH TAMIAMI TRAIL; THENCE NORTH 45°02'00" WEST ALONG THE SAID RIGHT-OF-WAY OF SOUTH TAMIAMI TRAIL, A DISTANCE OF 127.45 FEET TO THE POINT OF BEGINNING.

CONTAINING 630,829 SQUARE FEET OR 14.482 ACRES, MORE OR LESS.



ABBREVIATIONS

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P.O.B.	= POINT OF BEGINNING
PSM	= PROFESSIONAL SURVEYOR AND MAPPER
R/W	= RIGHT OF WAY LINE

LINE TABLE

LINE	LENGTH	BEARING
L1	143.25'	N 00°50'01" W
L2	205.21'	N 44°58'00" E
L3	35.59'	S 23°25'04" E
L4	247.99'	S 89°21'40" W
L5	2.50'	N 00°17'30" E
L6	30.69'	N 89°42'30" W
L7	127.45'	N 45°02'00" W

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	619.50	56°44'33"	613.52'	588.75'	S 73°20'16" W
C2	474.00	113°54'15"	942.31'	794.63'	S 23°25'04" E

REVIEWED
ADD2024-00196
Rick Burris, Principal Planner
Lee County DCD/Planning
11/15/2024

THIS INSTRUMENT PREPARED BY:
JOHN SCOTT RHODES P.S.M. #5739

RHODES & RHODES
LAND SURVEYING, INC.
FLORIDA BUSINESS LICENSE NO. LB 6897
28100 BONITA GRANDE DRIVE, SUITE #107
BONITA SPRINGS, FL 34135
(239) 405-8166 FAX NO. (239) 405-8163

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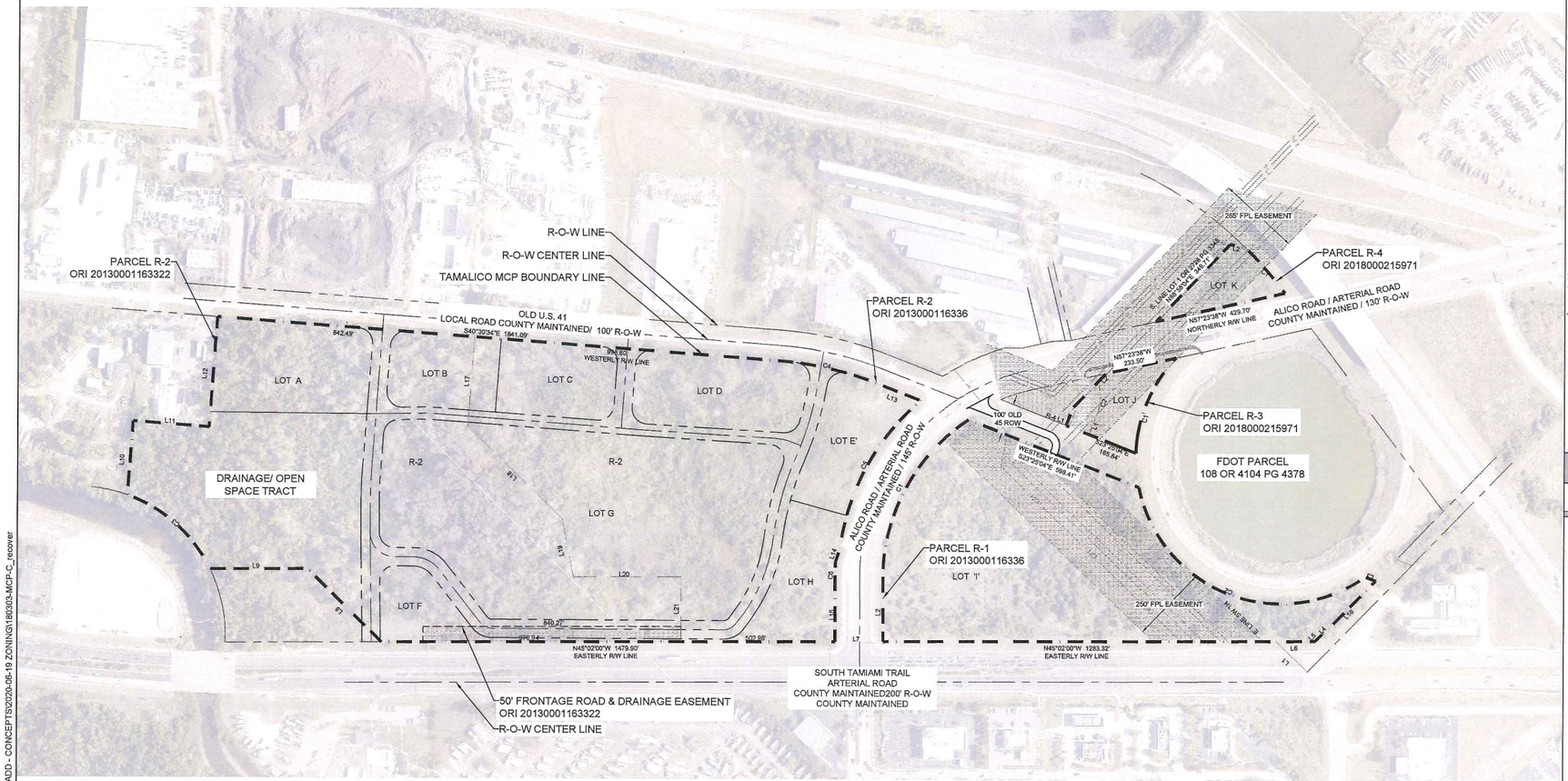
ADD2020-00096 Lee County ePlan

Exhibit B

TAMALICO CENTER CPD

LOCATED IN SECTION06, TOWNSHIP46 -S, RANGE25 -E, LEE COUNTY, FLORIDA



PARCEL R-1 & R-2
LINE TABLE

LINE	BEARING	DISTANCE
L1	N86°50'01"W	143.55'
L2	N44°58'08"E	209.23'
L3	S23°25'04"E	28.07'
L4	N90°17'20"E	2.00'
L5	N59°42'35"W	31.50'
L6	N64°02'00"W	127.46'
L7	N58°02'50"W	160.00'
L8	N69°21'59"W	248.00'
L9	N45°00'00"W	200.00'
L10	N89°29'36"E	292.37'
L11	S40°10'24"E	220.00'
L12	N49°29'36"E	300.00'
L13	S52°23'31"E	154.52'
L14	S57°03'53"W	45.28'
L15	S44°56'09"W	298.33'
L16	S69°21'57"W	447.18'
L17	S49°29'36"W	294.13'
L18	S90°37'54"E	430.01'
L19	S34°02'14"W	192.69'
L20	S45°02'00"E	832.40'
L21	S44°58'00"W	210.09'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	619.69'	613.45'	469.71'	N73°10'36"E	56°42'09"
C2	474.09'	342.82'	794.07'	S33°25'04"E	113°54'04"
C3	485.28'	371.49'	362.20'	N02°20'47"W	43°50'52"
C4	7087.43'	703.46'	331.45'	S31°37'44"E	17°09'49"
C5	756.68'	561.17'	548.56'	S13°35'50"W	42°29'39"
C6	774.68'	53.62'	53.61'	S48°51'16"W	3°58'07"

RECEIVED
JUL 07 2020
COMMUNITY DEVELOPMENT

PARCEL R-3
LINE TABLE

LINE	BEARING	DISTANCE
L1	S23°25'04"E	71.80'
L2	N66°34'56"E	61.50'
L3	S66°34'56"W	75.00'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	474.09'	343.59'	336.42'	S67°45'51"W	41°30'58"
C2	140.09'	102.43'	100.16'	S45°37'18"W	41°53'17"

PARCEL R-4
LINE TABLE

LINE	BEARING	DISTANCE
L1	S33°25'04"E	46.54'
L2	S32°21'05"E	50.32'

CURVE TABLE

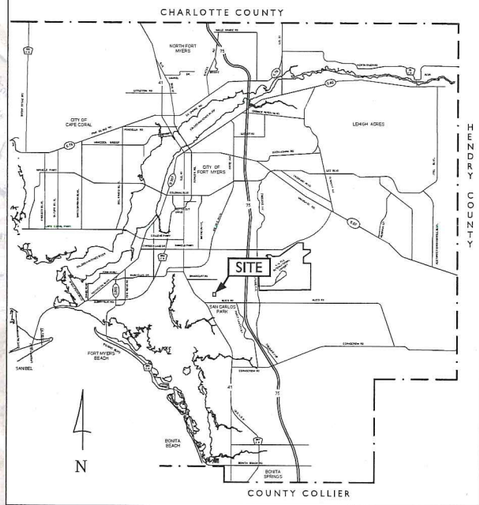
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1255.00'	184.93'	183.77'	N64°03'05"W	8°26'55"

N

0' 200' 400'

PLAN VIEW SCALE

MCP



LOCATION MAP
(NOT TO SCALE)

PROJECT SUMMARY:

PROJECT ADDRESS
6620 ALICO ROAD,
FORT MYERS, FL 33912

ZONING/REZONING
ADMINISTRATIVE ZONING AMENDMENT TO AMEND MCP Z-07-060/ DRI 200600010

STRAP #'s
PARCEL R-1
06-46-25-00-00013.0050

PARCEL R-2
06-46-25-00-00011.0000

PARCEL R-3
06-46-25-00-00010.0020

PARCEL R-4
06-46-25-00-00010.0090

PROJECT ACREAGE
R1-R2= 61.45 ACRES (2,676,961 SF)
PARCEL R-3= 1.20 ACRES (52,245.70 SF)
PARCEL R-4 = 1.04 ACRES (45,076.22 SF)

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd. | Fort Myers, FL 33916 | 239.936.5222 | QAInc.net

P:\2018 Projects\180303 ALICO RENTCO EAGLE MOVING - ACTIVE\01-CADD FILES\00-QAI CADD - CONCEPTS\2020-06-19 ZONING\180303-MCP-C_reconver

ADD2024-00196 Lee County ePlan

RESOLUTION NUMBER Z-07-060

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

WHEREAS, an application was filed by the property owner, Rentco Holdings, LLC, to amend Tamalico Center Development of Regional Impact (DRI) Development Order; and

WHEREAS, a public hearing was advertised and held on October 18, 2007, before the Lee County Zoning Hearing Examiner, Diana M. Parker, who gave full consideration to the evidence in the record for Case #DRI2006-00010; and

WHEREAS, a second public hearing was advertised and held on December 3, 2007, 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:

a. amend the Tamalico Center Development of Regional Impact (DRI - State DRI # 3-8990-102) to remove certain parcels from the approved Development of Regional Impact; and

b. make a finding that the proposed change does not constitute a substantial deviation from the original DRI development order approvals.

The property is located in the Urban Community Land Use Category and is legally described in Attached Exhibit A. The request is APPROVED subject to the condition in Section B below.

SECTION B. CONDITIONS:

1. Development must be considered with the terms and conditions of the Third Development Order Amendment for Tamalico Center DRI.

COPY

Exhibit C

ADD2024-00196 Lee County ePlan

SECTION C. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: Map H/ Master Concept Plan
Exhibit D: Third DRI Development Order Amendment

The applicant has indicated that the STRAP numbers for the subject property are: 06-46-25-00-00010.0020, 06-46-25-00-00010.0080

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proved entitlement to this request by demonstrating compliance with the Lee Plan, the Lee County Land Development Code, Section 380.06, Florida Statutes, and other applicable state, regional and county codes or regulations.

2. The four parcels removed from the Tamalico Center DRI must be rezoned prior to development.

3. The future development of the four parcels must be consistent with the densities, intensities and general uses set forth in the Lee Plan, and will have to be compatible with existing or planned uses in the surrounding area.

4. The deletion of these four parcels does not create new or additional unreviewed regional impacts and does not constitute a Substantial Deviation under Section 380.06(19), Fla. Stat.

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

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

ADD2024-00196 Lee County ePlan

DULY PASSED AND ADOPTED this 3rd day of December, 2007.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Ray Judah
Ray Judah
Chair

Approved as to form by:

Robert Spickerman
County Attorney's Office

RECEIVED
MINUTES OFFICE
MW
2007 DEC 13 AM 9:57

ADD2024-00196 Lee County ePlan

LEGAL DESCRIPTION

PARCEL R-3

A PARCEL OF LAND SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND THE CENTERLINE OF ALICO ROAD (100 FOOT RIGHT-OF-WAY); THENCE S.89°20'55"W. ALONG THE SOUTH LINE OF SAID SECTION 6, AND THE CENTERLINE OF SAID ALICO ROAD, A DISTANCE OF 2217.01 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 6 AND THE CENTERLINE OF SAID ALICO ROAD; THENCE N.00°39'05"W. A DISTANCE OF 1022.28 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N.57°23'38"W. A DISTANCE OF 233.50 FEET TO A POINT ON THE CENTERLINE OF A FLORIDA POWER & LIGHT EASEMENT(265 WIDE) AS RECORDED IN OFFICIAL RECORDS BOOK 849 PAGE 268 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.88°58'04"W. ALONG THE CENTERLINE OF SAID FLORIDA POWER & LIGHT EASEMENT, A DISTANCE OF 40.31 FEET TO A POINT ON THE SOUTHERLY LINE OF A INGRESS & EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 2728 PAGE 3348 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 140.00 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 102.39 FEET THROUGH A CENTRAL ANGLE OF 41°54'13" WITH A CHORD BEARING OF S.45°37'49"W. TO THE END OF SAID CURVE; THENCE S.66°34'56"W. A DISTANCE OF 75.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF OLD U.S. 41 (100 FOOT RIGHT-OF-WAY); THENCE S.23°25'04"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 165.84 FEET TO THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 474.00 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 343.84 FEET THROUGH A CENTRAL ANGLE OF 41°33'44" WITH A CHORD BEARING OF N.67°50'02"E. TO THE END OF SAID CURVE AND THE POINT OF BEGINNING.

PARCEL CONTAINS 0.97 ACRES MORE OR LESS

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

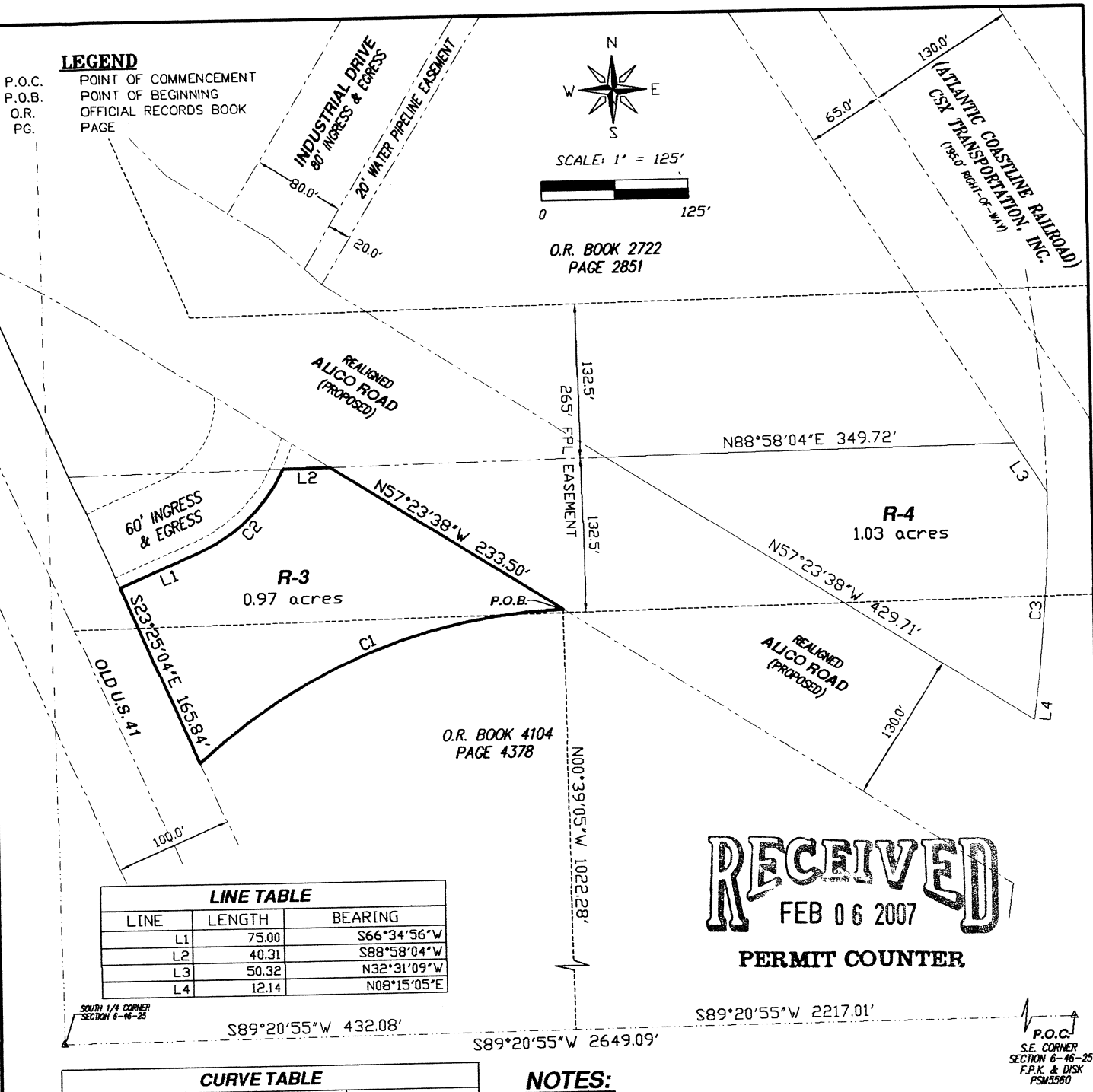
KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

RECEIVED
FEB 06 2007
PERMIT COUNTER

DRAWING: PAT2.43LEGAL	DRAWN BY: KAS	LEGAL DESCRIPTION A PARCEL OF LAND LOCATED IN SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA	KRIS A SLOSSER P.S.M. 4650 VILLA CAPRI LN. BONITA SPRINGS FLORIDA 34134 (239) 947-1915

DRI 2006-00010

ADD2024-00196 Lee County ePlan



LINE TABLE		
LINE	LENGTH	BEARING
L1	75.00	S66°34'56"W
L2	40.31	S88°58'04"W
L3	50.32	N32°31'09"W
L4	12.14	N08°15'05"E

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	343.84	474.00	41°33'44"	N67°50'02"E
C2	102.39	140.00	41°54'13"	S45°37'49"W
C3	184.03	1255.00	8°24'06"	N04°03'02"E

RECEIVED
FEB 06 2007
PERMIT COUNTER

NOTES:

1.) BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 6 TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA, AS BEING S89°20'55"W

2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

NOT A SURVEY

SCALE: 1" = 125' | DRAWING: NLYLEGAL | DRAWN BY: KAS

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN
SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915

DRI 2006-00010

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LEGAL DESCRIPTION

PARCEL R-4

A PARCEL OF LAND SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND THE CENTERLINE OF ALICO ROAD (100 FOOT RIGHT-OF-WAY); THENCE S.89°20'55"W. ALONG THE SOUTH LINE OF SAID SECTION 6, AND THE CENTERLINE OF SAID ALICO ROAD, A DISTANCE OF 2177.60 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 6 AND THE CENTERLINE OF SAID ALICO ROAD; THENCE N.00°39'05"W. A DISTANCE OF 1151.90 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N.88°58'04"E. A DISTANCE OF 349.72 FEET; THENCE S.32°31'09"E. A DISTANCE OF 50.32 FEET TO THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 1255.00 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 184.03 FEET THROUGH A CENTRAL ANGLE OF 8°24'06" WITH A CHORD BEARING OF S.04°03'02"W. TO THE END OF SAID CURVE; THENCE S.08°15'05"W. A DISTANCE OF 12.14 FEET; THENCE N.57°23'38"W. A DISTANCE OF 429.71 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1.03 ACRES MORE OR LESS

RECEIVED
FEB 06 2007
PERMIT COUNTER

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

DRAWING: PAT2.43LEGAL | DRAWN BY: KAS

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN
SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915

DRI 2006-00010

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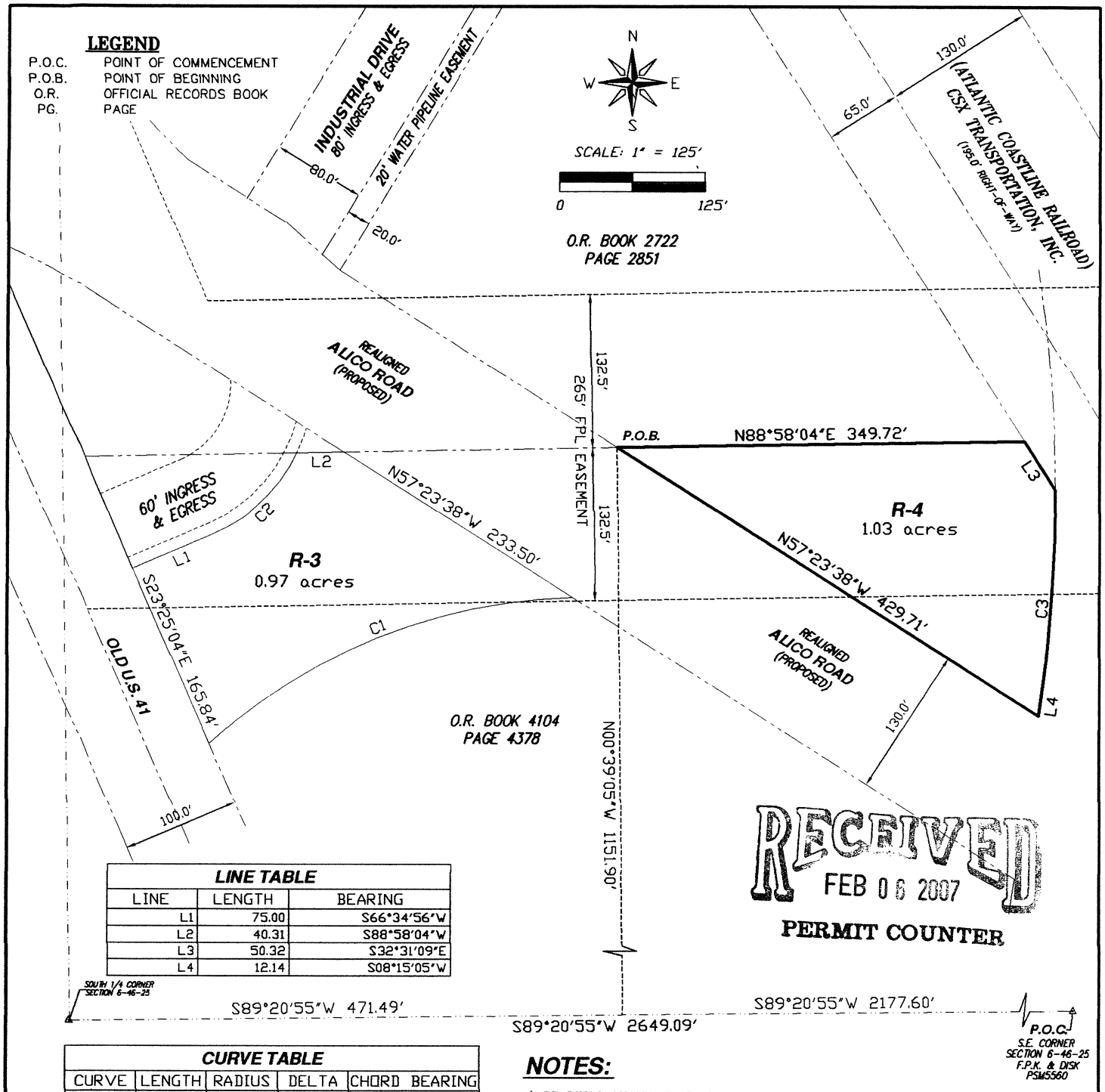


RECEIVED
FEB 06 2007
PERMIT COUNTER

LINE TABLE		
LINE	LENGTH	BEARING
L1	75.00	S66°34'56"W
L2	40.31	S88°58'04"W
L3	50.32	S32°31'09"E
L4	12.14	S08°15'05"W

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	343.84	474.00	41°33'44"	N67°50'02"E
C2	102.39	140.00	41°54'13"	S45°37'49"W
C3	184.03	1255.00	8°24'06"	S04°03'02"W

NOTES:

1.) BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 6 TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA, AS BEING S89°20'55"W
2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

NOT A SURVEY

SCALE: 1" = 125'
DRAWING: PAT2.43LEGAL4
DRAWN BY: KAS

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN
SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915

DRI 2006-00010

ADD2024-00196 Lee County ePlan

LEGAL DESCRIPTION

PARCEL R-5

A PARCEL OF LAND SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND THE CENTERLINE OF ALICO ROAD (100 FOOT RIGHT-OF-WAY); THENCE S.89°20'55"W. ALONG THE SOUTH LINE OF SAID SECTION 6, AND THE CENTERLINE OF SAID ALICO ROAD, A DISTANCE OF 1478.80 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 6 AND THE CENTERLINE OF SAID ALICO ROAD; THENCE N.00°39'05"W. A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID ALICO ROAD AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.00°39'05"W. A DISTANCE OF 84.12 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 550.00 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 326.25 FEET THROUGH A CENTRAL ANGLE OF 33°59'11" WITH A CHORD BEARING OF N.16°20'30"E. TO THE END OF SAID CURVE AND A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE CSX TRANSPORTATION, INC. RAILROAD (PER TRACK MAP V18 FLA); THENCE N.32°31'09"W. ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 21.98 FEET; THENCE N.57°23'38"W A DISTANCE OF 260.48 FEET; THENCE S.08°15'05"W. A DISTANCE OF 559.83 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID ALICO ROAD; THENCE N.89°20'55"E ALONG SAID NORTH LINE, A DISTANCE OF 222.11 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2.43 ACRES MORE OR LESS

RECEIVED
FEB 06 2007
PERMIT COUNTER

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

DRAWING: PAT2.43LEGAL | DRAWN BY: KAS

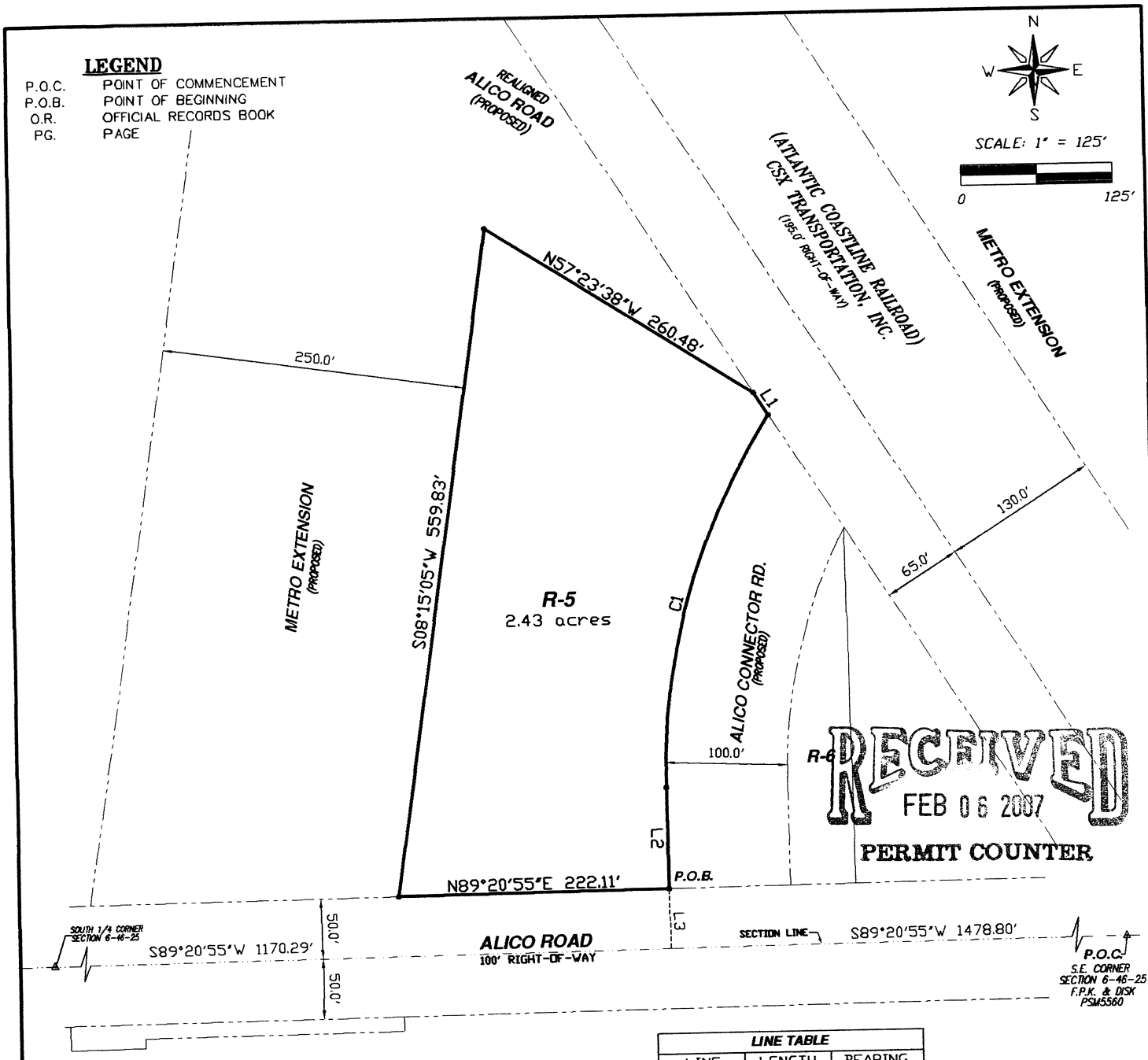
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN
SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915

DRI 2006-00010

ADD2024-00196 Lee County ePlan



RECEIVED
FEB 06 2007
PERMIT COUNTER

LINE TABLE		
LINE	LENGTH	BEARING
L1	21.98	N32°31'09"W
L2	84.12	N00°39'05"W
L3	50.00	N00°39'05"W

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	326.25	550.00	33°59'11"	N16°20'30"E	321.48

NOTES:

1.) BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 6 TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA, AS BEING S89°20'55"W
2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

NOT A SURVEY

SCALE: 1" = 125' | DRAWING: NLYLEGAL | DRAWN BY: KAS

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915

ORI 2006-00010

ADD2024-00196 Lee County ePlan

LEGAL DESCRIPTION

PARCEL R-6

A PARCEL OF LAND SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND THE CENTERLINE OF ALICO ROAD (100 FOOT RIGHT-OF-WAY); THENCE S.89°20'55"W. ALONG THE SOUTH LINE OF SAID SECTION 6, AND THE CENTERLINE OF SAID ALICO ROAD, A DISTANCE OF 1324.73 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 6 AND THE CENTERLINE OF SAID ALICO ROAD; THENCE N.00°39'05"W. A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID ALICO ROAD AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N.00°51'57"W. A DISTANCE OF 295.93 FEET TO THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 450.00 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT A DISTANCE OF 220.53 FEET THROUGH A CENTRAL ANGLE OF 28°04'42" WITH A CHORD BEARING OF S.13°23'16"W. TO THE END OF SAID CURVE; THENCE S.00°39'05"E. A DISTANCE OF 84.12 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF SAID ALICO ROAD; THENCE N.89°20'55"E ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 54.07 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.28 ACRES MORE OR LESS

RECEIVED
FEB 06 2007
PERMIT COUNTER

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

DRAWING: PAT2-43LEGAL

DRAWN BY: KAS

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN
SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915

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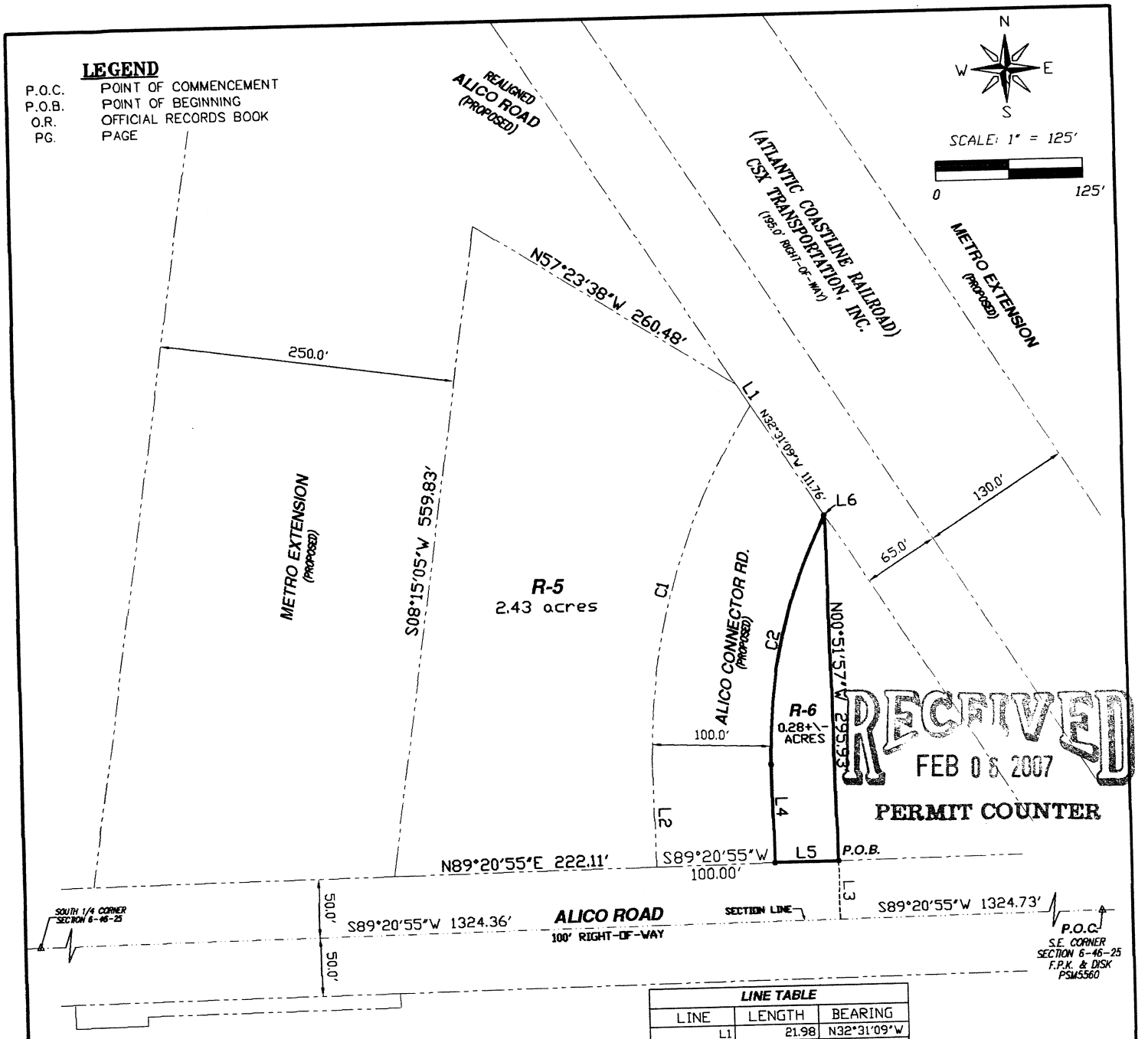

RECEIVED
FEB 06 2007
PERMIT COUNTER

LINE TABLE		
LINE	LENGTH	BEARING
L1	21.98	N32°31'09"W
L2	84.12	N00°39'05"W
L3	50.00	N00°39'05"W
L4	84.12	S00°39'05"E
L5	54.07	N89°20'55"E
L6	0.73	N00°51'57"W

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	326.25	550.00	33°59'11"	N16°20'30"E	321.48
C2	220.53	450.00	28°04'42"	S13°23'16"W	218.33

NOTES:

1.) BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 6 TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA, AS BEING S89°20'55"W

2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

NOT A SURVEY

SCALE: 1" = 125'
DRAWING: NLYLEGAL
DRAWN BY: KAS

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915

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DRI2006-00010

Zoning Map

9/19/2007

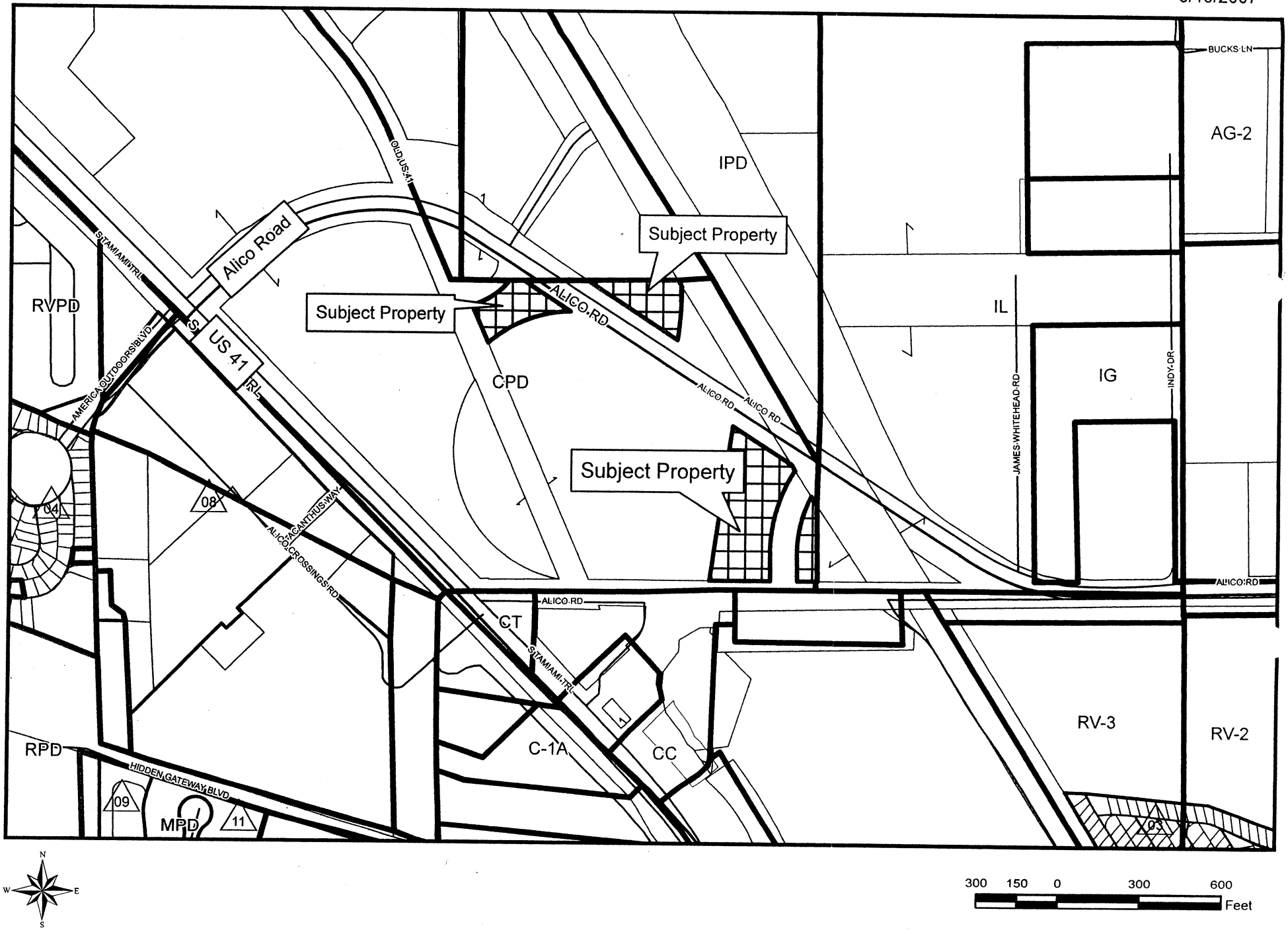

EXHIBIT B

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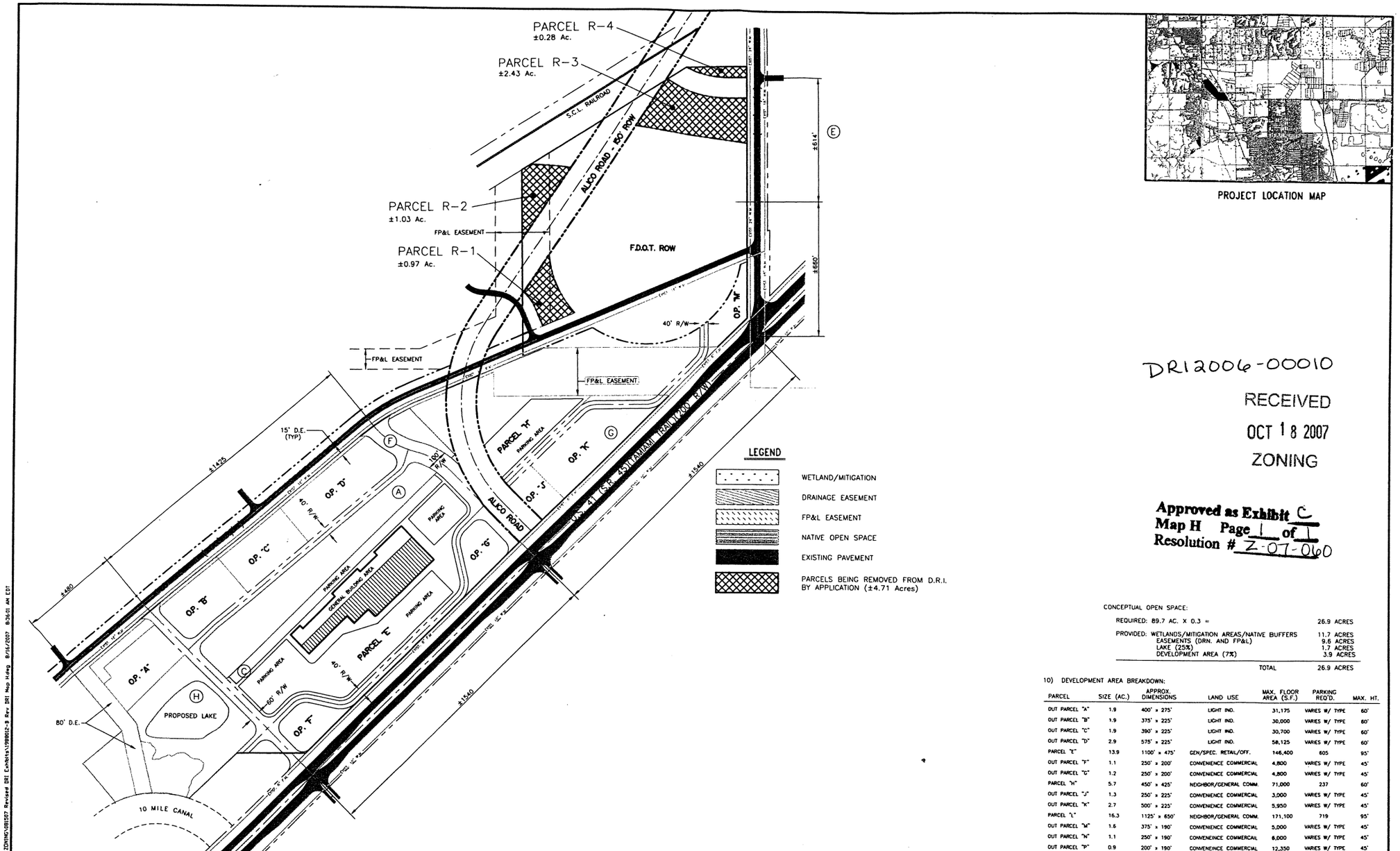

PROJECT LOCATION MAP

EXHIBIT "C"

DRI2006-00010

RECEIVED

OCT 18 2007

ZONING

Approved as Exhibit C
Map H Page 1 of 1
Resolution # Z-07-0160

CONCEPTUAL OPEN SPACE:

REQUIRED: 89.7 AC. X 0.3 =		26.9 ACRES
PROVIDED: WETLANDS/MITIGATION AREAS/NATIVE BUFFERS		11.7 ACRES
EASEMENTS (DRN. AND FP&L)		9.6 ACRES
LAKE (25%)		1.7 ACRES
DEVELOPMENT AREA (7%)		3.9 ACRES
	TOTAL	26.9 ACRES

10) DEVELOPMENT AREA BREAKDOWN:

PARCEL	SIZE (AC.)	APPROX. DIMENSIONS	LAND USE	MAX. FLOOR AREA (S.F.)	PARKING REQ'D.	MAX. HT.
OUT PARCEL "A"	1.9	400' x 275'	LIGHT IND.	31,175	VARIES W/ TYPE	60'
OUT PARCEL "B"	1.9	375' x 225'	LIGHT IND.	30,000	VARIES W/ TYPE	60'
OUT PARCEL "C"	1.9	390' x 225'	LIGHT IND.	30,700	VARIES W/ TYPE	60'
OUT PARCEL "D"	2.9	575' x 225'	LIGHT IND.	58,125	VARIES W/ TYPE	60'
PARCEL "E"	13.9	1100' x 475'	GEN/SPEC. RETAIL/OFF.	146,400	605	95'
OUT PARCEL "F"	1.1	250' x 200'	CONVENIENCE COMMERCIAL	4,800	VARIES W/ TYPE	45'
OUT PARCEL "G"	1.2	250' x 200'	CONVENIENCE COMMERCIAL	4,800	VARIES W/ TYPE	45'
PARCEL "H"	5.7	450' x 425'	NEIGHBOR/GENERAL COMM.	71,000	237	60'
OUT PARCEL "J"	1.3	250' x 225'	CONVENIENCE COMMERCIAL	3,000	VARIES W/ TYPE	45'
OUT PARCEL "K"	2.7	500' x 225'	CONVENIENCE COMMERCIAL	5,950	VARIES W/ TYPE	45'
PARCEL "L"	16.3	1125' x 650'	NEIGHBOR/GENERAL COMM.	171,100	719	95'
OUT PARCEL "M"	1.6	375' x 190'	CONVENIENCE COMMERCIAL	5,000	VARIES W/ TYPE	45'
OUT PARCEL "N"	1.1	250' x 190'	CONVENIENCE COMMERCIAL	6,000	VARIES W/ TYPE	45'
OUT PARCEL "P"	0.9	200' x 190'	CONVENIENCE COMMERCIAL	12,350	VARIES W/ TYPE	45'
OUT PARCEL "Q"	1.4	325' x 190'	CONVENIENCE COMMERCIAL	19,600	VARIES W/ TYPE	45'
TOTAL	55.8			600,000		

NUMBER	REVISIONS	DATE
1		
2		
3		
4	REVISED DRI MAP 'H'	08/15/07
5	SEPARATED DRI / COUNTY MCP	12-90

TAMALICO CENTER

DESIGNED BY: DATE:
DRAWN BY: C.R.B. DATE: 08/15/07
CHECKED BY: DATE:
VERTICAL SCALE: NONE HORIZONTAL SCALE: 1" = 200'

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTURE

6200 Whiskey Creek Drive
Fort Myers, FL. 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples · Fort Myers · Venice · Englewood

MASTER CONCEPT PLAN
MAP 'H'
EXHIBIT THREE C.2

REFERENCE NO. 8812B_MAP-H
DRAWING NO.
PROJECT NO. 1988.12-B
SHEET NO. 1 or 1

H:\1988\1988B12B\Dwg\3 ZONING\080507 Revised DRI Exhibits\1988B12-B Rev DRI Map H.dwg 8/16/2007 8:36:01 AM EDT

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THIRD DEVELOPMENT ORDER AMENDMENT
FOR
TAMALICO CENTER
A DEVELOPMENT OF REGIONAL IMPACT
STATE DRI #3-8990-102
COUNTY CASE DRI2006-00010

LET IT BE KNOWN, THAT PURSUANT TO SECTION 380.06 OF THE FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, HEARD AT A PUBLIC HEARING CONVENED ON THE 1ST DAY OF FEBRUARY, 1993, THE APPLICATION FOR DEVELOPMENT APPROVAL (ADA) FOR TAMALICO CENTER DRI, A COMMERCIAL, INDUSTRIAL AND OFFICE DEVELOPMENT IN LEE COUNTY WHICH CONSISTS OF APPROXIMATELY 92.52 ACRES, PER LEGAL DESCRIPTIONS, TO BE DEVELOPED IN ACCORDANCE WITH AN APPLICATION FILED ON MARCH 23, 1990, BY THE OWNER/APPLICANT, NATIONS BANK TRUST OF FLORIDA, N.A., AS TRUSTEE UNDER LAND TRUST NO. 5361, 5364, AND 5377.

WHEREAS, Lee County held a duly noticed public hearing on the ADA as required by Section 380.06, Florida Statutes, on February 1, 1993, and the Board of Lee County Commissioners approved and adopted Development Order No. 3-8990-102, which granted development approval for the Tamalico Center DRI; and

WHEREAS, the Development Order for the Tamalico Center DRI was thereafter appealed by the Florida Department of Community Affairs (DCA) to the Florida Land and Water Adjudicatory Commission by a Notice of Appeal dated April 2, 1993, pursuant to Section 380.07, Florida Statutes, and

WHEREAS, the Southwest Florida Regional Planning Council (SWFRPC) intervened in the appeal on May 18, 1993; and

WHEREAS, on January 17, 1994 a Settlement Agreement was entered into by Nations Bank Trust of Florida, N.A., as Trustee under Land Trusts No. 5361, 5364 and 5377, the SWFRPC, Lee County, and DCA to resolve outstanding issues associated with the Tamalico Development Order originally approved by the County. The terms of the Settlement Agreement were incorporated into an amending development order adopted by the Lee County Board of Commissioners on March 21,1994 (First Development Order Amendment). Pursuant to its own terms, the effective date of that first amended development order was May 5, 1994; and

WHEREAS, those amendments to the Tamalico DRI Development Order had the additional effect of delaying the commencement date, buildout and termination dates of the project. This resulted in an official commencement deadline date of May 5, 1999, a buildout date of May 5, 2002, and an official termination date of May 5, 2007; and

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WHEREAS, the Tamalico DRI Development Order was amended a second time on May 5, 1998 to extend Phase One project development from 1996 to 2001, and Phase Two from 2000 to 2007, and extend the date for commencement of construction from May 5, 1999 to May 3, 2004, the project buildout date from May 5, 2002 to May 3, 2007, and the project termination date from May 5, 2007 to May 3, 2012; and

WHEREAS, the Florida Department of Transportation (FDOT) removed 23.33 acres± from the Tamalico Center DRI for the realignment of Alico Road; and

WHEREAS, the current request is considered the Third Amendment to the Development Order for the Tamalico Center DRI. The substance of the current request is to remove four parcels from the DRI that have been impacted by the acquisition of right-of-way for the extension of Metro Parkway; and

WHEREAS, the current request is removing 4.71 acres± from the Tamalico Center DRI.

WHEREAS, the current request seeks removal of four parcels from the DRI, the request is not a substantial deviation pursuant to 380.06(19), Florida Statutes, and

WHEREAS, on December 3, 2007, the Lee County Board of County Commissioners (Board) considered the report and recommendations of the SWFRPC, the Lee County Staff, the Lee County Hearing Examiner, the documents and comments upon the record made before the Board in public hearing and, after full consideration of said reports, recommendations, comments, and documents, the Board hereby finds and determines that:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Tamalico Center DRI" site is located in south central Lee County on ~~89.7~~ 64.48 acres at the northeast corner of US 41 and Alico Road. The project build-out proposal is to construct 360,000 square feet of gross floor area of retail commercial area of which 342,000 square feet may be leasable floor area inclusive of outside sales area, 90,000 square feet of gross floor area of office and 150,000 square feet of industrial area for a total of 600,000 square feet of gross floor area. Retail commercial and office land uses will be intermixed and located on 42.6 acres ± and 4.6 acres ±, respectively. The retail uses will provide up to 2,000 parking spaces and the office uses will provide up to 500 spaces depending on the ultimate mix of uses. All parking will be in accordance with local development regulations. Also, at build-out the site will have 13.2 acres of roadways that includes 4.6 acres of relocated county roadway (Old US 41) and 26.9 acres of open space of which 11.7 acres will be wetlands/mitigation areas/native vegetation/buffers. Water supply will be provided by Florida Cities Water Company or its successors in interest or assigns, and wastewater services will be provided by Gulf Utilities or its successors or assigns. The project is planned in two phases with buildout occurring on May 3,

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2007. The project size will have a net loss of 1.8 acres after the relocation of Old US 41, resulting in a total acreage of ~~87.9~~ 62.68.

B. LEGAL DESCRIPTION: In Section 06, Township 46 South, Range 25 East, Lee County, Florida~~:~~. See Exhibit D

~~PARCEL "A"~~

~~A parcel of land situated and lying in the West Half (W2) of the Southeast Quarter (SE3) of Section 06, Township 46 South, Range 25 East, lying Easterly of Old US 41 (SR 45) and Westerly of the Atlantic Coastline Railroad being more particularly described as follows:~~

~~From the Southwest corner of the Southeast Quarter (SE3) of said Section 06;~~
~~THENCE run N89021'40"E, along the South line of the Southeast Quarter (SE3) of said Section 06, a distance of 1,324.44 feet to an intersection with the East line of the West Half (W2) of said Southeast Quarter (SE3);~~
~~THENCE run N00050'53"W, along said East line of the West Half (W2) of the Southeast Quarter (SE3), a distance of 50.00 feet, to a point on the Northerly right-of-way line of Alico Road (100 foot right-of-way), said point being the POINT OF BEGINNING of the herein described parcel;~~
~~THENCE continue NOO"50153"W, along said East line of the West Half (W2) of the Southeast Quarter (SE3), a distance of 296.71 feet to a point on the Westerly right-of-way line of the Atlantic Coastline Railroad (195.00 foot right-of-way);~~
~~THENCE run N32029'58"W, along said Westerly right-of-way line of the Atlantic Coastline Railroad, a distance of 951.47 feet to a point on the centerline of a Florida Power & Light Easement (265.00 feet wide) as recorded in official Records Book 849, Page 268 of the Public Records of Lee County, Florida;~~
~~THENCE run S89000'00"W, along the centerline of said Florida Power & Light Easement, a distance of 807.00 feet to a point on the Easterly right-of-way line of Old US 41 (SR 45) (100.00 foot right-of-way); THENCE run South 23025104"E, along said Easterly right-of-way line of Old US 41 (SR 45), a distance of 1,192.78 feet to a point on the Northerly right-of-way line of Alico Road (100.00 foot right-of-way);~~
~~THENCE run N89021'40"E, along said Northerly right-of-way line of Alico Road, a distance of 848.48 feet to the POINT OF BEGINNING.~~
~~Said Parcel "A" being 22.67 acres, more or less.~~

~~TOGETHER WITH:~~

~~PARCEL "B"~~

~~A parcel of land situated and lying in the Southeast Quarter (SE3) and the Southwest Quarter (SW3) of Section 06, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:~~

~~COMMENCING AT the Southwest corner of the Southeast Quarter (SE3) of said Section 06;~~
~~THENCE run N00050'01"W, along the South Quarter (S3) section line of said Section 06, a distance of 143.25 feet to a point on the Northeasterly right-of-way line of US 41 (SR 45) (200.00 foot right-of-way), said point being the POINT OF BEGINNING of the herein described parcel;~~
~~THENCE run N45002100"W, along said Northeasterly right-of-way line of US 41 (SR 45), a distance of 2,917.12 feet ;~~
~~THENCE run N00021130"W, a distance of 340.00 feet;~~
~~THENCE N45002100"W, a distance of 317.12 feet to a point on the Northeasterly line of a 150.00 foot wide easement for the re-routing of 10-mile canal by the State of Florida (L.P. Book 5, Page 115 and C.O. Book 27, Pages 525-532), said point also being on a curve to the left, having a radius of 485.28 feet, a central angle of 43058'43" and a chord distance of 363.41 feet;~~
~~THENCE along the arc of said curve a distance of 372.49 feet;~~
~~THENCE run N49029136"E, a distance of 242.33 feet;~~
~~THENCE S40030'24"E, a distance of 250.00 feet;~~
~~THENCE N49029'36"E, a distance of 360.00 feet to a point on the Southwesterly right-of-way line of Old US 41 (SR 45) (100.00 feet wide);~~
~~THENCE run S40030'24"E, along said Southwesterly right-of-way line of old US 41 (SR 45), a distance of 1,839.98 feet, to the point of curvature of a curve to the right, having a radius of 1,081.77 feet, a central angle of 17105'20", and a chord distance of 321.45 feet;~~
~~THENCE along the arc of said curve to the right, a distance of 322.65 feet to the Point of Tangency;~~
~~THENCE run S23025'04"E, along the Southwesterly right-of way line of Old US 41 (SR 45) (100.00 feet wide), a distance of 1,753.15 feet to a point on the Northerly right of-way line of Alico Road (100.00 foot right-of-way); THENCE run S89021140"W, along the said Northerly right-of-way line of Alico Road, a distance of 276.50 feet, to a point on the Northeasterly right-of-way line of US 41 (SR 45), (200.00 foot right-of-way);~~
~~THENCE run N45002100"W, along said Northeasterly right-of-way line of US 41 (SR 45), a distance of 130.50 feet to the POINT OF BEGINNING.~~

~~SAID PARCEL "B" BEING 67.11 ACRES, MORE OR LESS.~~

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~~TOGETHER WITH:~~

~~PARCEL "C"~~

~~A parcel of land situated and lying in the South Half (S2) of Section 06, Township 46 South, Range 25 East, Lee county, Florida, being more particularly described as follows:~~

~~Commencing at the Southwest corner of the Southeast Quarter (SE3) of said Section 06;~~
~~THENCE run N0005010111W, along the South Quarter (S3) of said Section 06, a distance of 143.25 feet to a point on the Northeasterly right-of way line of US 41 (SR 45) (200.00 foot right-of-way);~~
~~THENCE run S45002'00"E along said Northeasterly right-of-way line of US 41 (SR 45), a distance of 130.50 feet to a point on the Northerly right-of-way line of Alico Road (100.00 foot right-of-way);~~

~~THENCE run N89021140"E along said Northerly right-of-way line of Alico Road, a distance of 276.50 feet to a point on the Westerly right-of-way line of old US 41 (SR 45) (100.00 foot right-of-way), said point being the POINT OF BEGINNING of the herein described parcel;~~

~~THENCE run N23025'04"W along said Westerly right-of-way line of Old US 41 (SR 45), a distance of 1,192.04 feet; THENCE run N89000100,'E for a distance of 108.18 feet to an intersection with the Easterly right-of-way line of Old US 41 (SR 45) and the centerline of a Florida Power & Light easement (265.00 feet wide) as recorded in official Records Book 849, Page 268 of the Public Records of Lee County, Florida;~~
~~THENCE run S23025'04"E along the Easterly right-of-way of Old US 41 (SR 45), a distance of 1,192.78 feet to a point on the Northerly right-of-way line of Alico Road;~~
~~THENCE run S89021'40"W along the Northerly right-of-way line of Alico Road, a distance of 108.46 feet to the POINT OF BEGINNING.~~

~~Said Parcel "C' being 2.74 acres, more or less.~~

~~NOTE: This legal description does not reflect acreage loss to the proposed relocation of Old US 41.~~

C. The subject parcel is currently zoned CPD; the property is undeveloped.

D. This Application for Development Approval is consistent with the requirements of Section 380.06, Florida Statutes.

E. The development is not located in an area designated as an Area of Critical State Concern, pursuant to the provisions of Section 380.05, Florida Statutes.

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F. The development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development plan applicable to the area. The development is consistent with the State Comprehensive Plan if developed with the conditions set forth herein.

G. The development was originally reviewed by the ~~Southwest Florida Regional Planning Council~~ SWFRPC and was the subject of the report and recommendations adopted by that body on March 19, 1992, and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes; the development, as proposed in the Application for Development Approval and modified by this Development Order Amendment, is consistent with the report and the recommendations of the ~~Southwest Florida Regional Planning Council~~ SWFRPC pursuant to Section 380.06(11).

H. The MCP for the CPD Zoning Resolution affecting this project ~~contains additional details and conditions pertaining to the Commercial Planned Development, and provides for certain deviations from Lee County's Land Development Regulations~~ has vacated due to failure to commence development with the time frames provided in the LDC.

I. The development is located in the Urban Community classification of the Lee Plan. ~~and is consistent with the Lee County Comprehensive Plan and Lee County's Land Development Regulations if developed in accordance with the conditions contained in this second Development Order Amendment.~~ The project has failed to develop within the planning horizon. To ensure any future development of the site is consistent with the Lee Plan and Lee County's Land Development Regulations, further review consistent with Section III will be necessary.

J. The proposed conditions below meet the criteria found in Section 380.06(15)(d), Florida Statutes.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, on May 5, 1998, that the requested amendments to the DRI Development Order for the Tamalico Drive are hereby ordered Approved subject to the following conditions, restrictions, and limitations:

A. Drainage and Water Quality

1. The developer shall comply with all applicable regulations of the South Florida Water Management District (SFWMD), or any successor agency, in effect at the time of permit application, including all criteria applicable to the design of the water management system.

2. The developer shall dedicate to Lee County, either by easement, plat or other acceptable means, the surface water conveyance system(s) for offsite drainage.

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The developer shall be eligible for credit against any future assessments, impact fees or levies which may be adopted as a part of an area-wide watershed management program under the terms of that program. The conveyance system(s) shall be considered a part of the development for purposes of open space and applicable development standards regardless of the method of dedication.

3. Best Management Practices for monitoring and maintenance of the surface water management system shall be implemented by the developer in accordance with Lee County and SFWMD regulations.

4. The developer shall undertake a regularly scheduled vacuum sweeping of all streets, sidewalks and parking facilities, to be incorporated as a best management practice.

5. The project shall be reviewed by the Six Mile Cypress Basin Development Review Board prior to local Development Order approval.

6. The developer shall participate in any area-wide watershed management program established by Lee County or SFWMD which directly benefits the project, under the same terms as other properties, in a manner consistent with Section 380.06(15)(e)(1), Florida Statutes.

B. Transportation

(Note: As development of the project did not occur within the the planning horizon anticipated at the time of approval, any development of the project is subject to further DRI review pursuant to the provisions of Section III of the Development Order.)

1. Access and Site-Related Improvements.

a. The developer or his/her successors and assigns shall be fully responsible for site-related roadway and intersection improvements required within the Tamalico Center DRI. The developer shall be required to pay the full cost for any site-related intersection improvements (including but not limited to signalization, turn lanes and additional through lanes) found to be necessary by Lee County or the ~~Florida Department of Transportation (~~FDOT~~)~~ permitting requirements for the project's access intersections on US 41, Old US 41, and Alico Road. The developer shall be fully responsible for the relocation of Old 41 on site in a 100 foot right-of-way encumbered by not more than 20 feet of drainage ditches other than road drainage and its connection to Alico Road. The relocated road shall be built to Lee County and ~~Florida Department of Transportation~~ FDOT standards for local roads. The right-of-way for relocated Old US 41 shall be dedicated to the County after the vacation of the existing Old US 41 right-of-way and the relocated road shall be constructed and opened to traffic before Lee County abandons the vacated road. Lee County will enter into an agreement to accept the right-of-way for the re-aligned Old US 41 within the Tamalico Center property and simultaneously initiate the

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vacation of the Old US 41 right-of-way through Tamalico's property. The Lee County Board of County Commissioners (Board) has determined that the land exchange for the relocation of Old US 41 (see Section I.A. above) shall not be a substantial deviation as defined in Section 380.06, Florida Statutes.

b. Tamalico's westernmost access onto Alico Road shall be limited to right-turn-in, right-turn-out traffic movements.

c. Nothing in this Development Order or the Zoning Resolution shall preclude the County's or the developer's option to relocate Old US 41 to its ultimate arterial class road alignment as determined by Lee County DOT. In that scenario, the developer and the County shall reach written agreement addressing equitable financing of the arterial Old US 41 alignment. At the option of and request by the Tamalico Center developer, Lee County will initiate the necessary steps to acquire the necessary right-of-way for the arterial relocation of Old US 41 provided adequate funding is programmed through construction.

2. Annual Monitoring Report.

a. The developer or his/her successor and assigns shall submit an annual monitoring report to Lee County, the ~~Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC)~~ FDOT, the DCA and the SWFRPC for review and approval.

The first monitoring report shall be submitted one year after the date of the issuance of the first local Lee County Development Order for the Tamalico Center DRI. Reports shall be submitted annually thereafter until buildout of the project.

At a minimum, the report shall contain p.m. peak hour trip generation and turning movement counts at all site accesses on US 41 and Alico Road, which shall include if applicable, the realigned Old US 41 intersection with Alico Road. Turning movement counts shall also be taken during the p.m. peak hour for the following intersections:

US 41/Gladiolus Drive
US 41/Corkscrew Drive
US 41/Alico Road
US 41/Island Park Road
Alico Road/Three Oaks Parkway

Traffic counts during the p.m. peak hour shall also be taken for the following road segments:

Roadway Link	End Points
US 41	from Gladiolus Drive to Alico Road
US 41	from Alico Road to Corkscrew Road

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Alico Road	from old US 41 to Three Oaks Parkway
Gladiolus Drive	from Summerlin Road to old Gladiolus Drive (Termination of existing four lane section)

b. Prior to the submission of the first annual monitoring report, the staffs of DCA, FDOT, SWFRPC, and Lee County shall approve a report methodology to be used for it and all future reports. This methodology may be revised if agreed upon by all parties.

c. The monitoring report shall provide an indication of the date that the adopted level of service is expected to be exceeded on impacted roadways and intersections, and an estimate of the project's impact on those facilities.

d. The monitoring report shall include an estimate of the amount of development anticipated during the following year and a projection of the project's traffic on impacted roadways and intersections during the following year.

e. In the event the developer or his/her successors and assigns do not develop any portion of the site, even after the approval of a local development order, they may submit a Letter of No Transportation Impact in lieu of' fulfilling the transportation monitoring portion of the Annual Monitoring Report to SWFRPC, DCA, FDOT, and Lee County Department of Transportation (LCDOT).

3. Significant Impact.

a. The transportation impact assessment indicates that the significantly impacted roadways and intersections herein described below will be operating below acceptable levels of service by the time of completion of Phase I, anticipated to be at the end of the year 2001 and buildout, which is anticipated to be on May 3, 2007. Each annual monitoring report, described in Paragraph B.2, shall be required to show if any of the roadways and intersections herein described below are significantly impacted-or are projected to be significantly impacted by this project in the following year, (i.e., when the project utilizes 5% or more of the road capacity at the Level of Service standard).

b. When the Tamalico Center DRI significantly impacts the roads and intersections described below adversely as defined by Lee County's Administrative Code AC 13-16, then this DRI will be required to pay a proportionate share towards improvement of the following off-site roadways and intersections:

ROADWAYS:

Phase I - (2001)

US 41

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Southern Project access to Gladiolus Dr.	Widen to 8 lanes*

Buildout – (2007)

US 41	
Corkscrew Rd. to Alico Rd.	Widen to 6 lanes*
Alico Rd.	
Old US 41 to Three Oaks Pkwy.	Widen to 4 lanes*
Gladiolus Dr.	
Summerlin Rd. to existing 4 lane section (approximately located at Old Gladiolus Dr.)	Widen to 4 lanes*

*Or provide alternate facilities to be approved in a Development Order Amendment through the Notification of Proposed Change process as stated in Section 380.06(19), Florida Statutes.

INTERSECTIONS:

US 41/Gladiolus Dr.
US 41/Corkscrew Rd.
US 41/Alico Rd.

US 41/Island Park Rd.
Alico Rd./Three Oaks Pkwy.

4. Limitation on Development.

a. :No building permits will be issued for development above the point at which the allowable maximum square footages would be exceeded. The allowable maximum square footage is to be calculated as follows:

646* = (XxA) + (YxB) + (ZxC)

WHERE: X = 1000's gross leasable sq. ft. (K.S.F.) of Retail/comm.
Y = 1000's gross sq. ft. (K.S.F.) of Office
Z = 1000's gross sq ft. (K.S.F.) of Light Ind.

AND: A = 15.14 when X# 10.0 K.S.F.
A = 8.44 when 10.0 K.S.F. <X#50.0 K.S.F.

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A = 6.56 when 50.0 K.S.F. <X#100.0 K.S.F.
A = 5.10 when 100 K.S.F. <X#200.0 K.S.F.

B= 3.40 when Y#10.0 K.S.F.
B= 2.68 when 10.0 K.S.F. <Y#25.0 K.S.F.
B= 2.24 when 25.0 K.S.F. <Y#50.0 K.S.F.
B= 1.87 when 50.0 K.S.F. <Y#100.0 K.S.F.

C= 0.98 WHEN Z:#I50.0 K.S.F.

*646 = Number of peak hour driveway movements which triggers the 5% significant impact level on US 41 between Island Park Road to Gladiolus Drive. (This number shall remain fixed. If additional permits are applied for, a traffic study is required to justify an increase to that fixed amount.)

b. Pursuant to this equation, for example, no building permits will be issued for development in excess of the following:

1. 126,667 gross leasable sq. ft. of retail/commercial with no industrial and office square footage; or

2. 45,000 gross sq. ft. office, 75,000 gross sq. ft. industrial, and
71,900 sq. ft. of retail/commercial

unless each of the approved annual monitoring reports demonstrate that additional proposed development will not cause the identified regional roadways to operate below their adopted level of service.

c. Regardless of any other provision in this Development Order, no development beyond that specified in subparagraph B.4.b. above shall be allowed if the impacts thereof would cause the identified regional roadways to operate below the adopted Level of Service.

d. Gross leasable square footage calculations will be performed at the local development order stage. When maximum square footages are reached, issuance of building permits will cease. Prior to the point maximum allowable square footages are reached, the developer or his/her successors and assigns shall be required to pay Lee County road impact fees in effect at the time the building permits are issued.

5. Mitigation. This paragraph establishes parameters for alternative methods of determining the amounts to be paid by the developer for the mitigation of road impacts, and nothing ~~therein~~ herein shall be interpreted in a manner that would alter the requirements set forth in Paragraph B.4. above. As mitigation for the transportation impacts of Tamalico, the developer shall:

a. pay Lee County road impact fees in effect at the time building permits are issued pursuant to the Lee County Road Impact Fee ordinance (road impact fees are estimated to be $1,722,972 for the land uses described in I.A., above); and

b. participate in an MSBU, MSTU, or a district-wide transportation assessment program, with credit for road impact fee contributions, to implement road improvements which relieve the US 41 segments between Gladiolus Drive and Corkscrew Road and Alico Road between Old US 41 and Three Oaks Parkway, in order to achieve adopted levels of service on US 41 and Alico Road. The transportation mitigation shall be fully credited against any future road assessment for additional road improvement that relieves US 41 that this DRI significantly impacts; or,

c. pay a proportionate share, with credit for road impact fee contributions, provided the necessary road improvements to relieve US 41 and Alico Road have been funded, and Tamalico's project traffic is shown to redistribute to the relieving road to the extent necessary to achieve Lee County's adopted level of service standard on all significantly impacted roads and intersections. The necessary transportation analysis shall be conducted by Tamalico as approved by Lee County, SWFRPC and DCA, in accordance with Section 163.3220, Florida Statutes and Lee County Administrative Code AC-13-16 (see Exhibit C); or,

d. delay development until sufficient road capacity is available pursuant to the Lee Plan Level of Service Standards for roads.

C. Vegetation, Wildlife and Wetlands

1. The SFWMD Permit and Lee County Local Development Order shall provide specific details regarding location, acreages, species, size mix and monitoring of wetland mitigation areas, if applicable.

2. The rare or endangered vegetation listed in the Application for Development Approval (Question 18) and found in the 3.2± acre cypress areas proposed for fill shall be relocated to the proposed wetland preserve areas.

D. Wastewater Management/Water Supply

1. For the purpose of potable water conservation, this project shall utilize low water-use plumbing fixtures, self-closing and/or metered water faucets, and other water conserving devices.

2. For the purpose of potable water conservation, this development shall utilize xeriscape principles in the design of the development's landscaping.

3. Individual parcel owners within the Tamalico Center development, wishing to utilize groundwater for irrigation or other non-potable uses, shall provide verification to the ~~South Florida water Management District~~ SFWMD, at the time of

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application for a water withdrawal permit, that any proposed groundwater withdrawals are reasonable, beneficial, in the public interest and will not result in any adverse impacts to existing legal users or the environment.

4. The developer shall obtain potable water from Florida Cities Water Company or its successors or assigns, and wastewater treatment from Gulf Utility Company or its successors or assigns. Should the proposed utility providers determine that they do not have sufficient capacity, or are prevented from serving the project for other reasons, the developer shall either construct interim wastewater treatment facilities, or shall postpone development until such time as the utility providers' service capacities are available to the project. On-site potable water treatment facilities are not permitted pursuant to this ~~D.O~~ Development Order. The developer shall demonstrate to Lee County that adequate potable water and wastewater facilities and capacities are available at the time of local Final Development Order Approval.

5. If at some future date this project utilizes treated effluent for irrigation, the developer shall ensure that the onsite lake, wetlands, and surface water management system are adequately buffered from possible effluent contamination as required by Florida Department of Environmental ~~Regulation~~ Protection (FDEP) and SFWMD regulations.

6. The developer shall provide assurance that commercial and industrial effluents, if generated by the project, will be handled in accordance with FDEP regulations.

7. Septic tanks shall not be allowed, except for construction or temporary real estate sales offices, due to the possibility of hazardous wastewater generation by the commercial/office and the industrial portions of the project.

8. The lowest quality of water available shall be utilized for all non-potable water uses.

E. Fire Protection

1. Fire protection shall be provided according to existing standards or fire flow criteria promulgated by Lee County or approved regulations by the National Fire Protection Association as adopted by Lee County or similar regulations adopted by Lee County.

2. Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, must file hazardous materials reporting applications in accordance with sections 302, 303, 304, 311-312, or 313 of ~~f~~ Federal ~~r~~ Regulations. Applications must be updated annually by each reporting facility.

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F. Solid Waste

1. Consistent with established County regulations, the developer shall incorporate the solid waste demands of the project into the county solid waste management program and explore possibilities of extending the life of the Lee County landfill by reducing the solid waste volume with practices such as conservation, trash compaction, and mechanical shredding.

2. The developer shall comply with procedures for storing and disposing of hazardous waste, including hazardous wastewater, in accordance with local, state and federal regulations.

G. General Considerations

1. All commitments and impact mitigating actions provided by the applicant within the Application for Development Approval (and supplementary documents) that are not in conflict with specific conditions for project approval outlined above are officially adopted as conditions for approval.

2. The developer shall submit an annual report on the development of regional impact to Lee County, the ~~Southwest Florida Regional Planning Council, the Department of Community Affairs~~ SWFRPC, DCA and all affected permit agencies as required in Section 380.06(18), Florida Statutes.

3. The development phasing schedule presented within the ADA and as adjusted by this development order amendment is incorporated as a condition of approval ~~(see Exhibit A, note 10)~~. If development order conditions and applicant-commitment-to mitigate regional impacts incorporated within the Development Order, ADA, or sufficiency round responses are not carried out as indicated to the extent or in accord with the timing schedules specified within the Development Order and this phasing schedule, then it may be presumed to be a substantial deviation for the affected regional issue, if so defined by Section 380.06, Florida Statutes.

4. If the local governments, during the course of monitoring the development, can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred or that the Development Order was based on substantially inaccurate information provided by the developer, resulting in additional substantial regional impacts, then a substantial deviation shall be deemed to have occurred . The monitoring checklist contained in Appendix IV shall be used as a guide by the local government in determining additional substantial regional impacts.

5. Pursuant to Section 380.06(16) Florida ~~s~~Statutes, the developer may be subject to credit for contributions, construction, expansion, or acquisition of public facilities, if the developer is also subject by local ordinances to impact fees or exactions to meet the same needs. The local government and the developer may enter into a capital

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contribution front-ending agreement to reimburse the developer for voluntary contributions in excess of the fair share.

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

1. This Amended Development Order shall constitute a resolution of Lee County, adopted by the Board of County Commissioners in response to the requested amendments to the Development of Regional Impact Application for Development Approval filed for the Tamalico Center DRI.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents not in conflict with conditions or stipulations specifically enumerated above, are hereby incorporated by reference into this Development Order. Map H provided in the Application for Development Approval was replaced by the Map H dated ~~July 30, 1993~~, August 15, 2007 adopted by the Board of County Commissioners, Map H is designated as Exhibit ~~A~~ E, and a reduced copy is attached and made a part of this development. The supplementary documents referenced above include the following:

(a) Tamalico Center Application for Development Approval, dated March 23, 1990;

(b) Tamalico Center DRI sufficiency response, dated June 6,1990;

(c) Tamalico Center DRI sufficiency response, dated August 22,1990;

(d) Tamalico Center DRI sufficiency response, dated January 6, 1991;

(e) Tamalico Center DRI sufficiency response, dated November 20,1991

3. This Development Order shall be binding upon the developers and its assignees or successors in interest. Those portions of this Development Order which clearly apply only to the project developer, shall be binding upon any builder/developer who acquires any tract of land within Tamalico Center DRI but shall not be construed to be binding upon future tenants.

4. It is hereby declared that the terms and conditions set out in this document constitute a basis upon which the developer and County may rely in future actions necessary to implement fully the final development contemplated by this Resolution and Development Order.

5 All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorney's fees, shall be paid by the defaulting party.

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6. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successors in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

7. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of the Development Order which shall remain in full force and effect.

8. The approval granted by this Development Order is limited. Such approval shall not be construed to obviate the responsibility of the developer to comply with all applicable federal, state and regional regulations.

9. Subsequent requests for local development permits shall not require further review pursuant to Section 380.06, Florida Statutes, unless it is found by the Board of County Commissioners, after due notice and hearing, that one or more of the following is present:

(a) A substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans which creates a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated in the review by the ~~Southwest Florida Regional Planning Council~~ SWFRPC; or

(b) An expiration of the period of effectiveness of this Development Order as provided herein.

Upon a finding that either of the above is present, the Board shall order a termination of all development activity in such area of the development affected by such substantial deviation or such expiration of time until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes, and all local approvals have been obtained.

10. ~~The deadline for Commencing physical development under this Development Order shall be May 3, 2004, provided that all conditions are met in a timely manner and further provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity and that conditions have not changed sufficiently to warrant further consideration of the development.~~ No construction activity occurred onsite for this project prior to the May 3, 2004, deadline established in the Second Development Order Amendment for Tamalico Center DRI. The project will be subject to further DRI consideration prior to the issuance of any local development approvals.

11. ~~In the event the developer fails~~ The developer failed to commence significant physical development of ~~that~~ the property identified in this Development Order by May 3, 2004~~;~~ . ~~development approval shall terminate and the development shall be subject to further consideration. Significant physical development shall further include obtaining a Certificate of Compliance, Completion or Occupancy on some substantial portion of the project (e.g., water management system or major road system such as relocation of Old US 41).~~ This Development Order shall otherwise terminate on May 3, 2012, unless an extension is approved by the Board of County Commissioners pursuant to Section 380.06(15)(c)2, Florida Statutes.

12. The property legally described in attached Exhibit D (Rentco/Whitehead property) is hereby removed from the Tamalico Center DRI. The Rentco/Whitehead property is no longer subject to the terms and conditions or the development rights of the Tamalico Center DRI DO.

~~12.~~13. The Administrative Director of the Lee County Department of Community Development or his/her designee, shall be the local official responsible for assuring compliance with this Development Order.

~~13.~~14. The development ~~will not~~ may be subject to down-zoning, unit density reduction, intensity reduction or prohibition of development due to the Lee Plan's 2010 Overlay. ~~until May 3, 2007, unless the County demonstrates that substantial changes have occurred in the conditions underlying the approval of the Development Order including, but not limited to, such factors as a finding that the Development Order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety and welfare. Lee County shall reserve to this DRI the appropriate uses from the allocations established for the corresponding subdistrict (subdistrict 712) of the Lee Plan 2010 Overlay until May 3, 2007. This reservation shall have the effect of reducing the threshold of available acreage by the amount so reserved.~~

~~14.~~15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, shall submit a report annually to Lee County, the ~~Southwest Florida Regional Planning Council, the State land planning agency (the Department of Community Affairs),~~ SWFRPC, DCA (the State Land Planning Agency) and all affected permit agencies. This report shall describe the state of development and compliance as of the date of submission, and shall further be consistent with the rules of the State Land Planning Agency. The annual report shall include information contained in Exhibit B, as further modified or otherwise updated by the State Land Planning Agency. The first monitoring report shall be submitted to the Administrative Director of the Department of Community Development not later than one year after the effective date of this Development Order, and further reporting shall be submitted not later than one year of subsequent calendar years thereafter, until buildout. Failure to comply with this reporting procedure is governed by Section 380.06(18) Florida Statutes, and the developer shall so inform any successor in title to any undeveloped portion of the real property covered by this Development Order. This shall not be construed to require reporting from tenants or owners of individual lots or units.

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~~15.~~16. Certified copies of this Development Order will be forwarded to the ~~Southwest Florida Regional Planning Council~~ SWFRPC, the developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but shall not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, notice of its adoption shall be recorded by the ~~D~~ developer in the office of the Clerk of the Circuit Court, as provided in Section 380.06(15), Florida Statutes.

Commissioner Mann made a motion to adopt the Third Development Order Amendment, seconded by Commissioner Hall. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 3rd day of December, 2007.

ATTEST:
Charlie Green, Clerk

Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: Ray Judah
Ray Judah, Chair

APPROVED AS TO FORM

By:
Robert Spickerman
County Attorney's Office

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

Exhibits:
"A" ~~Map H and~~ tThe Table of Existing and Proposed Land Uses
"B" Information for the ~~Annual~~ Biennial Monitoring Report
"C" Lee County Administrative Code 13-16
"D" Legal Description
"E" Map H

CIRCUIT COURT LEE COUNTY, FLORIDA

State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 13th day of December, A.D. 2007

CHARLIE GREEN, CLERK

By Marcia Wilson
Deputy Clerk

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TAMALICO CENTER DRI

Existing/Proposed Land Uses [5, 6]

Existing Land Uses

Land Use (Code)	Acreage	% of Land Area
Powerline (832)	7.5	8.4
Borrow Pit (741)	5.4	6.0
Undeveloped Land (194)	76.8	85.6
TOTALS	89.7 acres [3, 5]	100.0%

Proposed Land Uses Phase I [4]

Powerline (832)	7.5	8.5
Mixed Commercial/Services (147)	23.6	26.9
Industrial (150)	4.3	4.9
Undeveloped Land (194) [1]	48.2	54.8
Roads/Highways (814) [2]	4.3	4.9
TOTALS	~~87.9~~ 89.7 acres [3, 5]	100.0%

Proposed Land Uses Phase II [4]

Powerline (832)	7.5	8.5
Mixed Commercial/Services (147)	47.2	53.7
Industrial (150)	8.6	9.8
Undeveloped Lande (194) [1]	16.0	18.2
Roads/Highways (814) [2]	8.6	9.8
TOTALS	~~87.9~~ 89.7 acres [3, 5]	100.0%

NOTES:

1. Undeveloped Land includes the land used for wetland mitigation; lake, drainage easements, buffers, etc.

2. Roads/Highways means project roads.

3. This acreage reflects the parcel size after dedicating 4.6 acres for proposed relocated Old US 41 and Lee County vacating the current Old US 41 right-of-way which is 2.8 acres of land. The net loss for the project's acreage is 1.8 acres. In the 2nd and 3rd Amendments, the actual legal descriptions totaled 92.52 acres.

4. 50% of the proposed developmental building area will occur in Phase I (1998 - 2001) and the remaining 50% will occur in Phase II (2001 - 2007).

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5. The 4.71± acres removed from the Tamalico Center DRI pursuant to the current NOPC reduces the acreage and percentage of land included in the existing/proposed Land Uses Table.

6. The existing/proposed Land Uses Table must be revised prior to any future development of the Tamalico Center DRI. Any development of the project is subject to further DRI review pursuant to the provisions of Section III of the Third Amendment to the Tamalico Center DRI DO.

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EXHIBIT B
INFORMATION TO BE INCLUDED
IN ANNUAL MONITORING REPORT

(a) Any changes in the plan of development or in the representations contained in the ADA, or in the phasing for the reporting year and for the next year;

(b) A summary comparison of development activity proposed and actually conducted for the year;

(c) Undeveloped tracts of land, other than individual single family lots that have been sold to a separate entity or developer;

(d) Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the development order was issued;

(e) An assessment of the developer's and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments which are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council or the Department of Community Affairs as being significant;

(f) Any know incremental DRI applications for development approval of requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

(g) An indication of a change, it any, in local government jurisdiction for any portion of the development since the development order was issued;

(h) A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;

(I) A statement that all persons have been sent copies of the annual report in conformance with Subsection 380.06(14) and (16), Florida Statutes;

(j) A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Subsection 380-06(14)(d), Florida Statutes; and

(k) Monitoring reports, including:

(i) Water quality annual monitoring report (for review by Lee County and South Florida Management District);

(ii) Transportation annual monitoring report (for review by Lee County, FDOT and SWFRPC).

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DRI
EXHIBIT B
BIENNIAL MONITORING REPORT REQUIREMENTS

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

A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;

B. A summary comparison of development activity proposed and actually conducted for the year;

C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.

D. Identification and intended use of lands purchased, leased, or optioned by the developer adjacent to the original DRI site since the development order was issued;

E. A specific assessment of the developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments which are contained in the application for development approval and which have been identified by the local government, the RPC, or the DCA as being significant;

F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;

G. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

H. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;

I. A statement that all persons have been sent copies of the biennial report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

J. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.

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

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ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS

CATEGORY: Development/Planning/Zoning	**CODE NUMBER:** AC-13-16
TITLE: Proportionate Share Calculations for Transportation Facility Needs Resulting from New Developments of Regional Impact and Projects Subject to Development Agreements pursuant to Chapter 163, F.S.	**ADOPTED:** 8/21/91
	AMENDED: 1/4/95 7/7/98
	ORIGINATING DEPARTMENT: Growth Management and Transportation

PURPOSE/SCOPE:

I. PURPOSE

This document describes procedures to calculate proportionate share costs for proposed Developments of Regional Impact and projects subject to development agreements pursuant to Chapter 163, F.S. All new development is required to pay road impact fees under the terms of Lee County Road Impact Fee Ordinance, Lee County Land Development Code, Chapter 2, Article VI, Division 2, as amended. Some DRI developers/applicants may be required to pay a proportionate share of roadway improvement costs under certain conditions as outlined below. These conditions result from the larger size, use, character, or location of the proposed development. Mitigation of impacts on the County's road system is mandated by the Lee County Comprehensive Plan.

II. SCOPE

The policies and procedures contained in this code have been prepared to aid the development community, Lee County Commissioners and staff in assessing the impacts of DRI's and large developments subject to development agreements on the surrounding road network. This code is supplemental in nature:

A. As to Developments of Regional Impact (DRI's), this code supplements the provisions of Chapter 380, Florida Statutes, and Rule 9J-2.045, Florida Administrative Code.

B. As to Development Agreements pursuant to Chapter 163, F.S., this code supplements Lee County Land Development Code Chapter 2, Article III.

Traffic analysis methodologies deviating from these procedures must be approved by the Lee County Division of Transportation.

POLICY/PROCEDURE:

A. Analysis Procedures for DRIs

The assessment of transporatation impacts of DRIs will generally follow the preferred methodology procedures adopted by the Southwest Florida Regional Planning Council. The specific assumptions should be discussed and agreed upon at the Transportation Methodology Meeting held prior to to submittal of the DRI application.

B. Mitigation Due to "Significance" and "Adversity"

1. If a roadway link is projected to carry a significant number of development trips and total traffic adversely affects the roadway by exceeding the service volume (capacity), a proportionate share of the improvement cost for that link must be calculated.

2. Service volumes must be determined for roadway links in the impact area.

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a. Each roadway has a specific service volume based on its unique characteristics.

b. The service volumes used in the proportionate share calculation must be consistent with the service volumes used in the DRI traffic analysis, and acceptable to the Division of Transportation.

3. Each roadway link must be analyzed to determine if development traffic has a significant impact on the roadway.

a. A significant impact is said to occur when development traffic equals 5% or more of the adopted peak hour level of service maximum service volume for that link. It must be specified at the Transportation Methodology Meeting whether the peak hour level of service will be measured by two way or peak direction traffic. The peak hour level of service standard shall be as adopted in the Lee County Comprehensive Plan for all facilities except those on the Florida Intrastate Highway System, which standards are established by the Florida Department of Transportation.

The service volume for an analyzed link is defined as the "existing-plus-committed" (E+C) service volume, meaning the service volume for the roadway as it exists or is committed to be improved. Committed improvements are defined as those programmed for construction within the first three years of an adopted local or state capital improvement program. There may be situations where a DRI would be required to pay a proportionate share for an existing or committed improvement if that improvement was or is being made in anticipation of development impacts and in reliance on development contributions (including impact fees) for funding. These situations must be identified in advance in theTransportation Methodology Meeting.

b. This significance analysis will determine which roadways fall within the impact area and must then be tested for adversity.

4. A roadway link is considered adversely affected if total traffic exceeds the adopted peak hour level of service maximum service volume for that link.

C. Roadway Improvement Costs

1. A proportionate share must be calculated for design, right-of-way, and construction costs for all links where traffic levels are both significant and adverse.

a. Roadway improvement cost calculations must be based on the project costs developed specifically for the roadway being analyzed. These project costs will be the capital improvement program costs (as may be refined through design studies) determined by local or state agencies. If the project is not included in any capital improvement program, then the project cost will be obtained from the Lee County Metropolitan Planning Organization's 2020 Financially Feasible Plan.

b. If project costs are unavailable, average cost per mile figures for the required type of roadway improvement will be used. Local average cost per mile figures will be used based on the Lee County Metropolitan Planning Organization's 2020 Financially Feasible Plan costs per mile for similar projects. The average cost per mile figures will be subject to approval by Lee County DOT.

D. Proportionate Share Calculations for DRIs

1. Proportionate shares must be calculated using the formula adopted by the Department of Community Affairs as contained in Rule 9J-2.045, F.A.C. The formula is as follows:

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Proportionate Share = DRI Trips * Cost / (SV increase)

2. DRI trips = cumulative number of the trips from the proposed development expected to reach the roadway during the peak hour from the complete buildout of a stage or phase being approved.

3. SV increase = the change in peak hour maximum service volume of the roadway resulting from construction of the improvement necessary to maintain the adopted level of service.

4. Cost = cost of construction of an improvement necessary to maintain the adopted level of service. Construction cost includes all associated improvement costs, including engineering design, right-of-way acquisition, planning, engineering, inspection, and other associated physical development costs directly required and associated with the construction of the improvement, as determined by the governmental agency having maintenance authority over the roadway.

5. This proportionate share formula is applied to each link on which the development traffic is significant and levels of service are adverse. The sum of these computations is the development's "proportionate share". If this sum is less than the development would pay in road impact fees, it will not form the basis for an assessment against the development in the DRI process. If the sum is greater than the development would pay in road impact fees, it will be used in a DRI development order as the figure required to mitigate the development's long- range impact on transportation facilities.

E. Voluntary Proportionate Share Payments in Development Agreements

1. In order to induce Lee County into entering a Development Agreement pursuant to the Florida Statutes and Lee County Land Development Code, a prospective developer must use this section as the basis for their offer to voluntarily construct road improvements or to pay the cost of such improvements.

2. Sections A, B, and C above must be used to project future travel patterns, to determine "significance" and "adversity", and to estimate roadway improvement costs. Consistent with Section A, the procedures for preparing a traffic study for a Development Agreement should be reviewed in advance in a Methodology Meeting with the County.

3. Proportionate Share payments in Development Agreements will be calculated by summing the costs of improving each road segment that meets the previously stated tests for "significance" and "adversity". The Development Agreement will be based on the proportionate share as calculated under Section D above.

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DRI
EXHIBIT D
LEGAL DESCRIPTION

PARCEL "A"

A parcel of land situated and lying in the West Half (W2) of the Southeast Quarter (SE3) of Section 06, Township 46 South, Range 25 East, lying Easterly of Old US 41 (SR 45) and Westerly of the Atlantic Coastline Railroad being more particularly described as follows:

From the Southwest corner of the Southeast Quarter (SE3) of said Section 06;
THENCE run N89021'40"E, along the South line of the Southeast Quarter (SE3) of said Section 06, a distance of 1,324.44 feet to an intersection with the East line of the West Half (W2) of said Southeast Quarter (SE3);
THENCE run N00050'53"W, along said East line of the West Half (W2) of the Southeast Quarter (SE3), a distance of 50.00 feet, to a point on the Northerly right-of-way line of Alico Road (100 foot right-of-way), said point being the POINT OF BEGINNING of the herein described parcel; THENCE continue NOO"50153"W, along said East line of the West Half (W2) of the Southeast Quarter (SE3), a distance of 296.71 feet to a point on the Westerly right-of-way line of the Atlantic Coastline Railroad (195.00 foot right-of-way);
THENCE run N32029'58"W, along said Westerly right-of-way line of the Atlantic Coastline Railroad, a distance of 951.47 feet to a point on the centerline of a Florida Power & Light Easement (265.00 feet wide) as recorded in official Records Book 849, Page 268 of the Public Records of Lee County, Florida;
THENCE run S89000'00"W, along the centerline of said Florida Power & Light Easement, a distance of 807.00 feet to a point on the Easterly right-of-way line of Old US 41 (SR 45) (100.00 foot right-of-way); THENCE run South 23025104"E, along said Easterly right-of-way line of Old US 41 (SR 45), a distance of 1,192.78 feet to a point on the Northerly right-of-way line of Alico Road (100.00 foot right-of-way);
THENCE run N89021'40"E, along said Northerly right-of-way line of Alico Road, a distance of 848.48 feet to the POINT OF BEGINNING.
Said Parcel "A" being 22.67 acres, more or less.

TOGETHER WITH:

PARCEL "B"

A parcel of land situated and lying in the Southeast Quarter (SE3) and the Southwest Quarter (SW3) of Section 06, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCING AT the Southwest corner of the Southeast Quarter (SE3) of said Section 06;
THENCE run N00050'01"W, along the South Quarter (S3) section line of said Section 06, a distance of 143.25 feet to a point on the Northeasterly right-of-way line of US 41 (SR 45) (200.00 foot right-of-way), said point being the POINT OF BEGINNING of the herein described parcel; THENCE run N45002100"W, along said Northeasterly right-of-way line of US 41 (SR 45), a distance of 2,917.12 feet;
THENCE run N00021130"W, a distance of 340.00 feet;
THENCE N45002100"W, a distance of 317.12 feet to a point on the Northeasterly line of a 150.00 foot wide easement for the re-routing of 10-mile canal by the State of Florida (L.P. Book 5, Page 115 and C.O. Book 27, Pages 525-532), said point also being on a curve to the left, having a radius of 485.28 feet, a central angle of 43058'43" and a chord distance of 363.41 feet;
THENCE along the arc of said curve a distance of 372.49 feet;
THENCE run N49029136"E, a distance of 242.33 feet;
THENCE S40030'24"E, a distance of 250.00 feet;
THENCE N49029'36"E, a distance of 360.00 feet to a point on the Southwesterly right-of-way line of Old US 41 (SR 45) (100.00 feet wide);
THENCE run S40030'24"E, along said Southwesterly right-of-way line of old US 41 (SR 45), a distance of 1,839.98 feet, to the point of curvature of a curve to the right, having a radius of 1,081.77 feet, a central angle of 17105'20", and a chord distance of 321.45 feet;
THENCE along the arc of said curve to the right, a distance of 322.65 feet to the Point of Tangency;
THENCE run S23025'04"E, along the Southwesterly right-of way line of Old US 41 (SR 45) (100.00 feet wide), a distance of 1,753.15 feet to a point on the Northerly right of-way line of Alico Road (100.00 foot right-of-way); THENCE run S89021140"W, along the said Northerly right-of-way line of Alico Road, a distance of 276.50 feet, to a point on the Northeasterly right-of-way line of US 41 (SR 45), (200.00 foot right-of-way);
THENCE run N45002100"W, along said Northeasterly right-of-way line of US 41 (SR 45), a distance of 130.50 feet to the POINT OF BEGINNING.

SAID PARCEL "B" BEING 67.11 ACRES, MORE OR LESS.

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TOGETHER WITH:

PARCEL "C"

A parcel of land situated and lying in the South Half (S2) of Section 06, Township 46 South, Range 25 East, Lee county, Florida, being more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter (SE3) of said Section 06;

THENCE run N0005010111W, along the South Quarter (S3) of said Section 06, a distance of 143.25 feet to a point on the Northeasterly right-of way line of US 41 (SR 45) (200.00 foot right-of-way);
THENCE run S45002'00"E along said Northeasterly right-of-way line of US 41 (SR 45), a distance of 130.50 feet to a point on the Northerly right-of-way line of Alico Road (100.00 foot right-of-way);
THENCE run N89021140"E along said Northerly right-of-way line of Alico Road, a distance of 276.50 feet to a point on the Westerly right-of-way line of old US 41 (SR 45) (100.00 foot right-of-way), said point being the POINT OF BEGINNING of the herein described parcel;
THENCE run N23025'04"W along said Westerly right-of-way line of Old US 41 (SR 45), a distance of 1,192.04 feet; THENCE run N89000100,'E for a distance of 108.18 feet to an intersection with the Easterly right-of-way line of Old US 41 (SR 45) and the centerline of a Florida Power & Light easement (265.00 feet wide) as recorded in official Records Book 849, Page 268 of the Public Records of Lee County, Florida;
THENCE run S23025'04"E along the Easterly right-of-way of Old US 41 (SR 45), a distance of 1,192.78 feet to a point on the Northerly right-of-way line of Alico Road;
THENCE run S89021'40"W along the Northerly right-of-way line of Alico Road, a distance of 108.46 feet to the POINT OF BEGINNING.

Said Parcel "C' being 2.74 acres, more or less.

Less and except for the following (8) parcels:

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PARCEL (1)

That portion of the southeast ¼ of Section 6 and that portion of the southwest ¼ of Section 6, Township 46 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the southwest corner of the southeast 1/4 of said Section 6; thence along the south line of said Section 6, North 89°20'55" East a distance of 387.97 feet; thence North 23°25'04" West a distance of 88.84 feet to a point on the westerly existing right of way line of Old U.S. 41 (per Official Records Book 1920, Page 1610, Public Records of Lee County, Florida) and the beginning of a curve concave easterly and having a radius of 474.00 feet for a POINT OF BEGINNNG; thence along the arc of said curve to the right a distance of 942.40 feet through a central angle of 113°54'52" with a chord bearing North 23°25"04" West to said westerly existing right of way line and to the end of said curve; thence along said westerly existing right of way line South 23°25'04" East a distance of 794.67 feet to the POINT OF BEGINNING.

Containing 2.770 acres.

PARCEL (2)

That portion of the southwest ¼ of Section 6, Township 46 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the southeast corner of the southwest ¼ of said Section 6; thence along the south line of said southwest ¼ of Section 6, North 67°29'35" West a distance of 83.84 feet to the survey base line of State Road 45 (U.S. 41); thence along said survey base line North 45°02'00" West a distance of 1,383.54 feet to the survey base line of Alico Road; thence along said survey base line of Alico Road, North 44°58'00" East a distance of 132.00 feet to the northeasterly existing right of way line of said State Road 45 (per Section 1201-201) for a POINT OF BEGINNING; thence North 45°02'00" West a distance of 80.00 feet; thence North 44°58'00" East a distance of 205.33 feet to the beginning of a curve concave southeasterly and having a radius of 774.50 feet; thence along the arc of said curve to the right a distance of 53.62 feet through a central angle of 03°58'00" with a chord bearing North 46°57'00" East to the end of said curve; thence North 63°03'57" East a distance of 46.38 feet to the beginning of a curve concave southerly and having a radius of 764.50 feet; thence along the arc of said curve to the right a distance of 561.13 feet through a central angle of 42°03'14" with a chord bearing North 73°19'58" East to the westerly existing right of way line of Old U.S. 41 (per Official Records Book 1920, Page 1610, Public Records of Lee County, Florida); thence along said westerly existing right of way line South 23°25'04" East a distance of 169.61 feet to the beginning of a curve concave southerly and having a radius of 619.50 feet; thence along the arc of said curve to the left a distance of 613.32 feet through a central angle of 56°43'26" with a chord bearing South 73°19'43" West to the end of said curve; thence South 44°58'00" West a distance of 205.33 feet to said northeasterly existing right of way line of State Road 45; thence along said northeasterly existing right of way line North 45°02'00" West a distance of 75.00 feet to the POINT OF BEGINNING.

Containing 2.864 acres.

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PARCEL (3)

That portion of the southeast ¼ of Section 6, Township 46 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the southwest corner of the southeast ¼ of said Section 6; thence along the south line of said southeast ¼ of Section 6, North 89°20'55" East a distance of 496.42 feet; thence North 23°25'04" West a distance of 54.22 feet to the intersection with the northerly existing right of way line of Alico Road (per Deed Book 266, Page 555, Public Records of Lee County, Florida) and the easterly existing right of way line of Old U.S. 41 (per Official Records Book 1828, Page 3116, Public Records of Lee County, Florida) for a POINT OF BEGINNING; thence along said easterly existing right of way line North 23°25'04" West a distance of 920.66 feet to the beginning of a curve concave southerly and having a radius of 474.00 feet; thence along the arc of said curve to the right a distance of 343.84 feet through a central angle of 41°33'47" with a chord bearing North 67°50'02" East to the end of said curve; thence North 57°23'38" West a distance of 233.51 feet; thence North 88°58'04" East a distance of 234.68 feet; thence South 57°23'38" East a distance of 429.71 feet; thence North 08°15'05" East a distance of 12.14 feet to the beginning of a curve concave westerly and having a radius of 1,255.00 feet; thence along the arc of said curve to the left a distance of 184.04 feet through a central angle of 08°24'07" with a chord bearing North 04°03'02" East to the southwesterly existing right of way line of the CSX Transportation, Inc. Railroad (per Track Map V18 FLA); thence along said southwesterly existing right of way line South 32°31'09" East a distance of 766.84 feet; thence North 57°23'38" West a distance of 260.48 feet; thence South 08°15'05" West a distance of 559.83 feet to said northerly existing right of way line of Alico Road; thence along said northerly existing right of way line South 89°20'55" West a distance of 472.74 feet to the POINT OF BEGINNING.

Containing 16.879 acres.

PARCEL (4)

That portion of the southeast ¼ of Section 6, Township 46 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the southeast corner of said Section 6; thence along the south line of said Section 6, South 89°20'55" West a distance of 1,378.80 feet; thence North 00°39'05" West a distance of 50.00 feet to the northerly existing right of way line of Alico Road (per Deed Book 266, Page 561, Public Records of Lee County, Florida) for a POINT OF BEGINNING; thence North 00°39'05" West a distance of 84.12 feet to the beginning of a curve concave southeasterly and having a radius of 550.00 feet; thence along the arc of said curve to the right a distance of 326.24 feet through a central angle of 33°59'09" with a chord bearing North 16°20'29" East to the southwesterly existing right of way line of the CSX Transportation, Inc. Railroad (per Track Map V18 FLA) and to the end of said curve; thence along said southwesterly existing right of way line South 32°31'09" East a distance of 111.76 feet; thence South 00°51'57" East a distance of 0.73 foot to the beginning of a curve concave southeasterly and having a radius of 450.00 feet; thence along the arc of said curve to the left a distance of 220.52 feet through a central angle of 28°04'39" with a chord bearing South 13°23'14" West to the end of said curve; thence South 00°39'05" East a distance of 84.12 feet to said northerly existing right of way line of Alico Road; thence along said northerly existing right of way line South 89°20'55" West a distance of 100.00 feet to the POINT OF BEGINNING.

Containing 35,794 square feet.

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PARCEL (5)

A PARCEL OF LAND SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND THE CENTERLINE OF ALICO ROAD (100 FOOT RIGHT-OF-WAY); THENCE S.89°20'55"W. ALONG THE SOUTH LINE OF SAID SECTION 6, AND THE CENTERLINE OF SAID ALICO ROAD, A DISTANCE OF 2217.01 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 6 AND THE CENTERLINE OF SAID ALICO ROAD; THENCE N.00°39'05"W. A DISTANCE OF 1022.28 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N.57°23'38"W. A DISTANCE OF 233.50 FEET TO A POINT ON THE CENTERLINE OF A FLORIDA POWER & LIGHT EASEMENT(265 WIDE) AS RECORDED IN OFFICIAL RECORDS BOOK 849 PAGE 268 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.88°58'04"W. ALONG THE CENTERLINE OF SAID FLORIDA POWER & LIGHT EASEMENT, A DISTANCE OF 40.31 FEET TO A POINT ON THE SOUTHERLY LINE OF A INGRESS & EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 2728 PAGE 3348 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 140.00 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 102.39 FEET THROUGH A CENTRAL ANGLE OF 41°54'13" WITH A CHORD BEARING OF S.45°37'49"W. TO THE END OF SAID CURVE; THENCE S.66°34'56"W. A DISTANCE OF 75.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF OLD U.S. 41 (100 FOOT RIGHT-OF-WAY); THENCE S.23°25'04"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 165.84 FEET TO THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 474.00 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 343.84 FEET THROUGH A CENTRAL ANGLE OF 41°33'44" WITH A CHORD BEARING OF N.67°50'02"E. TO THE END OF SAID CURVE AND THE POINT OF BEGINNING.

PARCEL CONTAINS 0.97 ACRES MORE OR LESS

PARCEL (6)

A PARCEL OF LAND SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND THE CENTERLINE OF ALICO ROAD (100 FOOT RIGHT-OF-WAY); THENCE S.89°20'55"W. ALONG THE SOUTH LINE OF SAID SECTION 6, AND THE CENTERLINE OF SAID ALICO ROAD, A DISTANCE OF 2177.60 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 6 AND THE CENTERLINE OF SAID ALICO ROAD; THENCE N.00°39'05"W. A DISTANCE OF 1151.90 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N.88°58'04"E. A DISTANCE OF 349.72 FEET; THENCE S.32°31'09"E. A DISTANCE OF 50.32 FEET TO THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 1255.00 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 184.03 FEET THROUGH A CENTRAL ANGLE OF 8°24'06" WITH A CHORD BEARING OF S.04°03'02"W. TO THE END OF SAID CURVE; THENCE S.08°15'05"W. A DISTANCE OF 12.14 FEET; THENCE N.57°23'38"W. A DISTANCE OF 429.71 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1.03 ACRES MORE OR LESS

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PARCEL (7)

A PARCEL OF LAND SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND THE CENTERLINE OF ALICO ROAD (100 FOOT RIGHT-OF-WAY); THENCE S.89°20'55"W. ALONG THE SOUTH LINE OF SAID SECTION 6, AND THE CENTERLINE OF SAID ALICO ROAD, A DISTANCE OF 1478.80 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 6 AND THE CENTERLINE OF SAID ALICO ROAD; THENCE N.00°39'05"W. A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID ALICO ROAD AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.00°39'05"W. A DISTANCE OF 84.12 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 550.00 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 326.25 FEET THROUGH A CENTRAL ANGLE OF 33°59'11" WITH A CHORD BEARING OF N.16°20'30"E. TO THE END OF SAID CURVE AND A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE CSX TRANSPORTATION, INC. RAILROAD (PER TRACK MAP V18 FLA); THENCE N.32°31'09"W. ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 21.98 FEET; THENCE N.57°23'38"W A DISTANCE OF 260.48 FEET; THENCE S.08°15'05"W. A DISTANCE OF 559.83 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID ALICO ROAD; THENCE N.89°20'55"E ALONG SAID NORTH LINE, A DISTANCE OF 222.11 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2.43 ACRES MORE OR LESS

PARCEL (8)

A PARCEL OF LAND SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND THE CENTERLINE OF ALICO ROAD (100 FOOT RIGHT-OF-WAY); THENCE S.89°20'55"W. ALONG THE SOUTH LINE OF SAID SECTION 6, AND THE CENTERLINE OF SAID ALICO ROAD, A DISTANCE OF 1324.73 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 6 AND THE CENTERLINE OF SAID ALICO ROAD; THENCE N.00°39'05"W. A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID ALICO ROAD AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N.00°51'57"W. A DISTANCE OF 295.93 FEET TO THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 450.00 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT A DISTANCE OF 220.53 FEET THROUGH A CENTRAL ANGLE OF 28°04'42" WITH A CHORD BEARING OF S.13°23'16"W. TO THE END OF SAID CURVE; THENCE S.00°39'05"E. A DISTANCE OF 84.12 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF SAID ALICO ROAD; THENCE N.89°20'55"E ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 54.07 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.28 ACRES MORE OR LESS

NOTE: This legal description does not reflect acreage loss to the proposed relocation of Old US 41.

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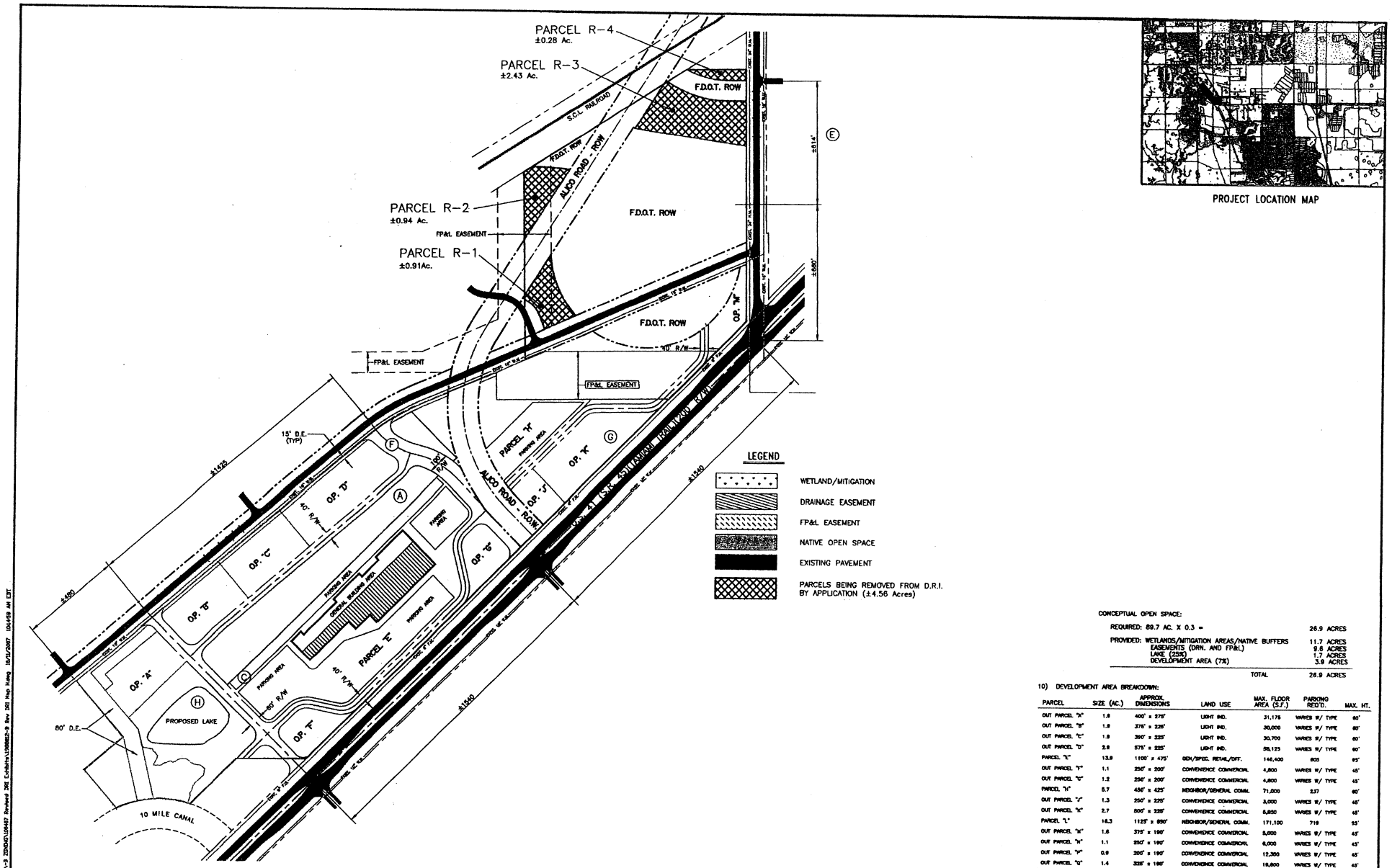
EXHIBIT "E"



PROJECT LOCATION MAP

CONCEPTUAL OPEN SPACE:

REQUIRED: 89.7 AC. X 0.3 =		26.9 ACRES
PROVIDED: WETLANDS/MITIGATION AREAS/NATIVE BUFFERS		11.7 ACRES
EASEMENTS (DRN. AND FP&L)		9.6 ACRES
LAKE (25%)		1.7 ACRES
DEVELOPMENT AREA (7%)		3.9 ACRES
TOTAL		26.9 ACRES

10) DEVELOPMENT AREA BREAKDOWN:

PARCEL	SIZE (AC.)	APPROX. DIMENSIONS	LAND USE	MAX. FLOOR AREA (S.F.)	PARKING REQ'D.	MAX. HT.
OUT PARCEL "A"	1.8	400' x 275'	LIGHT IND.	31,175	VARIES W/ TYPE	60'
OUT PARCEL "B"	1.9	375' x 225'	LIGHT IND.	30,000	VARIES W/ TYPE	60'
OUT PARCEL "C"	1.9	390' x 225'	LIGHT IND.	30,700	VARIES W/ TYPE	60'
OUT PARCEL "D"	2.8	575' x 225'	LIGHT IND.	58,125	VARIES W/ TYPE	60'
PARCEL "E"	13.9	1100' x 475'	GEN/SPEC. RETAIL/OFF.	146,400	805	95'
OUT PARCEL "F"	1.1	250' x 200'	CONVENIENCE COMMERCIAL	4,800	VARIES W/ TYPE	45'
OUT PARCEL "G"	1.2	250' x 200'	CONVENIENCE COMMERCIAL	4,800	VARIES W/ TYPE	45'
PARCEL "H"	5.7	450' x 425'	NEIGHBOR/GENERAL COMM.	71,200	237	60'
OUT PARCEL "J"	1.3	250' x 225'	CONVENIENCE COMMERCIAL	3,000	VARIES W/ TYPE	45'
OUT PARCEL "K"	2.7	500' x 225'	CONVENIENCE COMMERCIAL	6,850	VARIES W/ TYPE	45'
PARCEL "L"	16.3	1125' x 650'	NEIGHBOR/GENERAL COMM.	171,100	719	95'
OUT PARCEL "M"	1.6	375' x 190'	CONVENIENCE COMMERCIAL	5,000	VARIES W/ TYPE	45'
OUT PARCEL "N"	1.1	250' x 190'	CONVENIENCE COMMERCIAL	6,000	VARIES W/ TYPE	45'
OUT PARCEL "P"	0.9	200' x 190'	CONVENIENCE COMMERCIAL	12,300	VARIES W/ TYPE	45'
OUT PARCEL "Q"	1.4	325' x 190'	CONVENIENCE COMMERCIAL	18,800	VARIES W/ TYPE	45'
TOTAL	85.8			600,000		

NUMBER	REVISIONS	DATE
1	REVISED DRI MAP 'H'	08/15/07
2	SEPARATED DRI / COUNTY MCP	12-90
3		
4		

TAMALICO CENTER

DESIGNED BY:
DRAWN BY: C.R.B. DATE: 08/15/07
CHECKED BY: DATE:
VERTICAL SCALE: NONE HORIZONTAL SCALE: 1"= 200'

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTURE
6200 Whiskey Creek Drive
Fort Myers, FL 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples · Fort Myers · Venice · Englewood

MAP 'H'

REFERENCE NO. 8812B_MAP-H
DRAWING NO.
PROJECT NO. 1988.12-B
SHEET NO. 1 of 1