

RESOLUTION NUMBER Z-07-051

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

WHEREAS, an application was filed by the property owner, SW Florida Land Ten, LLC, to rezone a 92.85± acres from Agriculture (AG-2) and Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD), in reference to Blackstone Corporate Park MPD; and,

WHEREAS, a public hearing was advertised and held on September 26, 2007, with the record held open for written submissions until October 5, 2007, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2006-00081; and

WHEREAS, a second public hearing was advertised and held on January 7, 2008, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone from AG-2 and CPD to MPD, to allow for the development of 250,000 square feet of commercial uses and 810,000 square feet of industrial uses with a maximum height of 65 feet. The Schedule of Uses includes light manufacturing and intense commercial uses. The Applicant is proposing to provide an interim wastewater treatment facility for sewage disposal should FGUA not have sufficient capacity. The Applicant intends to connect to FGUA water utilities for the proposed development. The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the 2-page Master Concept Plan (MCP), attached as Exhibit "C," entitled "Project: Blackstone Corporate Park, Title: Master Concept Plan," dated 01-17-08, date-stamped "Received JAN 23 2008 Community Development," except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

COPY

The development is limited to a maximum of 1,060,000 square-feet of floor area. It is further limited to a maximum of 810,000 square-feet of industrial uses, 200,000 square-feet of commercial office and 250,000 square-feet of commercial retail uses. Uses may be converted based on the Land Use Conversion Table on Page 2 on the approved MCP. Any Land Use Conversion must be reviewed and approved through an administrative amendment application.

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

a. Schedule of Uses

Use Area A

Accessory Uses and Structures
 Administrative Offices
 Agricultural Uses & Agricultural Accessory Uses - subject to Condition 16 herein
 Amusement Parks - subject to Condition 17 herein
 Animals, Clinic
 Auto Parts Store - without installation
 ATM (Automatic Teller Machine)
 Automobile Repair & Services - Group I only
 Automobile Service Station
 Bait & Tackle Shop
 Banks and Financial Establishments - Groups I & II
 Boat Parts Store
 Boat Rental
 Boat Sales
 Broadcast Studio, Commercial Radio & Television
 Building Materials Sales
 Business Services - Group I only
 Bus Station/Depot
 Business Services - Group II only and limited to lawn and garden services, messenger services, packaging services, parcel and express services, and water softening services
 Car Wash
 Caretaker's Residence
 Cleaning & Maintenance Services
 Clothing Stores, General
 Clubs: Commercial, fraternal, membership organization, private
 Continuing Care Facilities
 Computer & Data Processing
 Consumption on Premises - limited to a Maximum of 5 for both Use Areas A and C
 Contractors & Builders - Group I
 Convenience Food and Beverage Store - limited to one with a maximum of 12 self-service fuel pumps
 Cultural Facilities
 Department Store
 Day Care Center, Child or Adult

Drive-through Facility for Any Permitted Use
Drugstore, Pharmacy
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities - Groups I & II
Excavation, Water Retention
Excess Spoil Removal (in compliance with LDC §10-329)
Fences and Walls
Food Stores - Groups I & II
Food and Beverage Service, Limited
Funeral Home and Mortuary (with or without a crematory)
Gift and Souvenir Shop
Hardware Store
Health Care Facilities - All Groups
Household and Office Furnishings - All Groups
Laundry or Dry Cleaning - Groups I and II
Insurance Companies
Lawn and Garden Supply Stores
Library
Medical Office
Model Display Center
Motion Picture Production Studio
Package Store
Paint, Glass and Wallpaper
Parks - Group I, except Fishing Piers
Parking Lot, Accessory, Garage, Temporary
Personal Services - Groups I & III
Photofinishing Laboratory
Pet Services
Pet Shops
Pharmacy
Place of Worship
Post Office
Printing and Publishing
Processing and Packaging of Agricultural Products
Real Estate Sales Office
Recreation Facilities, Commercial - Groups III & IV
Religious Facilities
Rental or Leasing Establishment - Groups II & III
Repair Shops - Groups I & II
Restaurants, Fast Food - limited to a maximum of 2
Restaurants - Groups I, II, III & IV
Schools, Commercial and Noncommercial
Signs - in accordance with LDC Chapter 30
Specialty Retail Shops - All Groups
Social Services - Group II only
Storage, indoor only
Studios

Temporary Uses
Transportation Services - Group III only
Theater, Indoor or Outdoor (Drive-in)
Used Merchandise Stores - Groups I and II
Variety Store
Vehicle & Equipment Dealers - Groups I, II, III & IV
Warehouse, Mini-Warehouse, Private, Public, Cold Storage

Use Area B

Accessory Uses & Structures
Administrative Offices
Auto Parts Store - without installation
ATM (Automatic teller machine)
Bait & Tackle Shop
Banks and Financial Establishments - Groups I & II
Boat Parts Store
Broadcast Studio, Commercial Radio & Television
Business Services - Group I
Caretaker's Residence
Cleaning & Maintenance Services
Clothing Stores, General
Computer & Data Processing Services
Cultural Facilities
Day Care Center, Child or Adult
Drive-through Facility for Any Permitted Use
Drugstore, Pharmacy
Emergency Operations Center
Essential Services - All Groups
Essential Service Facilities - Groups I & II
Excavation: Water Retention
Excess Spoil Removal - in compliance with LDC §10-329
Fences and Walls
Food Stores - Groups I & II
Hardware Store
Health Care Facilities - all Groups
Household and Office Furnishings - All Groups
Laundry or Dry Cleaning - Groups I & II
Insurance Companies
Lawn and Garden Supply Stores (No outdoor display or storage)
Library
Manufacturing:
 Apparel Products
 Leather - Group II only
 Measuring, Analyzing and Controlling Instruments
 Novelties, Jewelry, Toys and Signs
Medical Office
Model, Display Center
Motion Picture Production Studio

Nonstore Retailers - All Groups
Paint, Glass and Wallpaper
Parking Lot - Accessory, Garage, Temporary
Personal Services - Groups I & III
Photofinishing Laboratory
Pet Services
Pet Shop
Pharmacy
Place of Worship
Post Office
Printing & Publishing
Real Estate Sales Office
Recreation Facilities Personal
Religious Facilities
Rental or Leasing Establishment - Groups II & III
Research & Development Laboratories - Groups II & IV
Schools: Commercial and Noncommercial
Signs - in accordance with LDC Chapter 30
Specialty Retail Shops - All Groups
Storage: Indoor Only, Open
Studios
Temporary Uses
Used Merchandise Stores - All Groups
Variety Store
Warehouse: Mini-Warehouse, Private, Public, Cold Storage
Wholesale Establishments - Group III only

Use Area C

Accessory Uses and Structures
Administrative Offices
Agricultural Services: Office/Base Operations
Agricultural Uses & Agricultural Accessory Uses - subject to Condition 16 herein
Amusement Parks - subject to Condition 17 herein
Animals: Clinic or Kennel, Control Center (including Humane Society)
Auto Parts Store - with installation
ATM (Automatic Teller Machine)
Automobile Repair & Services - All Groups
Automobile Service Station - no fueling facilities
Bait & Tackle Shop
Banks and Financial Establishments - Groups I & II
Boat Parts Store
Boat Rental
Boat Repair & Service
Boat Sales
Boat Storage, Dry
Broadcast Studio, Commercial Radio & Television
Building Materials Sales
Business Services - Groups I & II

Bus Station/Depot
Car Wash
Caretaker's Residence
Cleaning & Maintenance Services
Clothing Stores, General
Clubs - all Groups
Cold Storage, Pre-Cooling, Warehouse & Processing Plant
Communication Facilities, Wireless - in compliance
with LDC Chapter 34, Division 11
Computer & Data Processing
Consumption on Premises - Limited to a Maximum of 5
for both Use Areas A and C
Contractors & Builders - Groups I & II
Cultural Facilities
Day Care Center, Child or Adult
Drive-through Facility for Any Permitted Use
Entrance Gates or Gatehouse
EMS, Fire or Sheriff's Station
Essential Services - All Groups
Essential Service Facilities - Groups I & II
Excavation, Water Retention - NO BLASTING
Excess Spoil Removal - in compliance with LDC §10-329
Factory Outlets - point of manufacture only
Farm Equipment, Sales, Storage, Rental or Service
Fences and Walls
Flea Market - Open & Indoor
Food Stores - Groups I & II
Food and Beverage Service, Limited
Funeral Home and Mortuary - with or without a crematory
Freight & Cargo Handling Establishments
Gasoline Dispensing System, Special - Two self-service fuel pumps are
permissible as an accessory use to businesses to provide fuel for
their fleet of vehicles and equipment.
Gift and Souvenir Shop
Hardware Store
Helistop - limited to emergency use only
Household and Office Furnishings - All Groups
Laundry or Dry Cleaning - Groups I and II
Insurance Companies
Lawn and Garden Supply Stores
Library
Maintenance Facility (Government)
Manufacturing:
Apparel Products
Chemical & Allied Products - Groups I & II - Perfumes and Cosmetics only
Electrical Machinery & Equipment
Fabricated Metal Products - Groups II & III

(Manufacturing continued)

- Food & Kindred Products - Groups II & III
- Furniture & Fixtures
- Leather Products - Group II only
- Lumber & Wood Products - Groups II & IV
- Measuring, Analyzing & Controlling Instruments
- Novelties, Jewelry, Toys & Signs
- Paper & Allied Products - Groups II & III
- Rubber & Plastic Products - Group II only
- Stone, Clay, Glass & Concrete Products - Group I only
- Transportation Equipment - Groups I, III & IV, with Group IV
limited to Car or Boat Trailers, Travel Trailers and Campers only

Medical Office

Mobile Home Dealer

Model Display Center

Motion Picture Production Studio

Nonstore Retailer - All Groups

Paint, Glass and Wallpaper

Parcel and Express Services

Parking Lot - Accessory, Garage, Commercial & Temporary

Personal Services - Groups I & III

Photofinishing Laboratory

Pet Services

Pet Shops

Pharmacy

Place of Worship

Post Office

Printing and Publishing

Processing or Packaging of Agricultural

Processing & Warehousing

Real Estate Sales Office

Recreation Facilities, Commercial - Groups I, III & IV

Recreation Facilities, Personal

Recycling Facility

Religious Facilities

Rental or Leasing Establishment - Groups II & III

Repair Shops - Groups I, II, III & IV

Research & Development Laboratories - Groups II & IV

Restaurants - Groups I, II, & III

Retail & Wholesale Sales - when clearly incidental and subordinate to a
permitted principal use on the same premises

Schools, Commercial and Noncommercial

Signs - in accordance with LDC Chapter 30

Specialty Retail Shops - All Groups

Social Services - Group II only

Storage - Indoor, Open

Studios

Temporary Uses

Transportation Services - Groups II & III
Vehicle & Equipment Dealers - Groups I, II, III & IV
Used Merchandise Stores - All Groups
Variety Store
Warehouse: Mini-Warehouse, Private, Public & Cold Storage
Wholesale Establishments - Groups I, III & IV

b. Site Development Regulations

Setbacks:

Street:	In accordance with § 34-2192(a)
Rear	20 feet
Side	15 feet
Development perimeter	25 feet
Water	25 feet
Indigenous preserve	20 feet

Building separation One half the sum of the heights of both buildings,
or 20 feet, whichever is greater

Lot Dimensions:

Minimum Lot Area	10,000 square feet
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet

Maximum Lot Coverage 45 percent

Maximum Height 65 feet or 4 stories, **except** Use Area B
is limited to 45 feet or 3 stories; **and**
as limited by those additional height
limitations noted in Table B
on the approved MCP.

3. Environmental Conditions

- a. Prior to local development order approval, a Big Cypress fox squirrel management plan must be submitted for the Lee County Division of Environmental Sciences staff review and approval.
- b. Prior to any site work, the property must be surveyed specifically for active hawk nests. If any active hawk nest is identified, the project will comply with the requirements stipulated in the Migratory Bird Treaty Act (50 CFR Part 21) as regulated by the Florida Fish and Wildlife Commission. Lee County Environmental Sciences Staff must be copied on all correspondence to the Florida Fish and Wildlife Commission.

4. The project must connect to public water and sewer prior to local development order approval for vertical construction.

5. For industrial uses, Retail & Wholesale Sales may be permitted when clearly incidental & subordinate to a permitted principal use on the same premises
6. No blasting is permitted as part of this development.
7. Excess spoil removal must be in compliance with LDC §10-329.
8. All manufacturing activity permitted in Section B, Condition 2.a. must be conducted indoors.
9. Access to State Road 82 is limited to the easternmost access point only. The MCP will be revised, to delete the westernmost access, and the internal roadway providing this access must be included within the land area of the adjacent parcel to the immediate southeast of the internal roadway.
10. All buildings above 45 feet in height must meet the minimum architectural requirements as outlined in LDC §10-600.
11. All buildings in Use Areas A and B must meet the architectural requirements in LDC §10-600.
12. Building exceeding 35 feet in height must maintain additional building setback as regulated by LDC §34-2174(a).
13. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
14. Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee County Comprehensive Plan provisions.
15. This project is deemed exempt from the concurrency requirements set forth in LDC Chapter 2 and the Lee County Comprehensive Plan by virtue of the Certificate of Concurrency Exemption issued by the County pursuant to the Stipulation and Settlement Agreement dated June 9, 1992, in Lehigh Corporation v. Lee County, Case No. 91-2482 CA (Exhibit "E").
16. Agricultural Uses: Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:
 - (a) Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on Exhibit "D"

attached hereto, may continue until approval of a local development order for the area of the project containing those uses.

- (b) Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.
- (c) Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:
 - (1) Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:
 - a) the date the agricultural uses ceased;
 - b) the legal description of the property subject to the development order approval;
 - c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county that they will not allow any such uses on the property unless and until the property is re-zoned to permit such uses; and,
 - d) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner and their assignees and successors in interest. The covenant must be properly recorded in the public records of the county at the owner's expense.
 - (2) Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include of a copy of the request to terminate the tax exemption provided to the Property Appraiser.

17. Amusement Park is a permitted use in Use Areas A and C only, subject to the condition that any outdoor activities associated with such uses are limited to playgrounds, small-scale amusements, batting cages, putt-putt golf, recreational go-

kart tracks, and other similar small-scale uses, and provided, further, that such outdoor activities must be approved by Lee County Zoning Staff through the administrative amendment process. During the administrative amendment process, the use will be reviewed for compatibility with surrounding uses and approval may contain conditions pertaining to hours of operation, lighting, buffering, and similar items to insure such compatibility. Such uses will be limited in height to a maximum of 35 feet.

18. The development order for all, or part, of this project will include signage, acceptable to the Lee County Department of Community Development, that will discourage left turns from the access point on Blackstone Drive.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the §10-355(a)(1) requirement of a 10-foot-wide public utility easement on both sides of a roadway, to allow the 10-foot-wide public utility easement on the building lot side of the roadway only. This deviation is APPROVED.
2. Deviation (2) seeks relief from the §10-352 requirement that a commercial development provide connections to sanitary sewage facilities to allow for the proposed development to provide a sanitary sewage package treatment facility until sufficient capacity becomes available to serve the proposed development. This deviation is APPROVED.

SECTION D. 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: The Master Concept Plan
- Exhibit D: Bona fide Agricultural Uses at time of Zoning Application
- Exhibit E: Stipulation and Settlement Agreement dated June 9, 1992,
in Lehigh Corporation v. Lee County, Case No. 91-2482 CA

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

20-45-27-00-00000.0010
20-45-27-63-00239.0090
20-45-27-63-00239.0100
20-45-27-71-00050.0000 and
20-45-27-72-00051.0000

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area;
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location;
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

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

DULY PASSED AND ADOPTED this 7th day of January 2008.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson
Deputy Clerk

BY: Ray Judah
Ray Judah, Chair



Approved as to form by:

John J. Fredyma
John J. Fredyma
Assistant County Attorney
County Attorney's Office

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2008 JAN 30 AM 9:31

Barraco

and Associates, Inc.

www.barraco.net

Civil Engineers, Land Surveyors and Planners

LEGAL DESCRIPTION

A tract or parcel of land lying in Section 19 & 20, Township 45 South, Range 27 East, Lee County Florida, said tract or parcel being a portion of lands described in Plat Book 27, Pages 158-160, Lee County Records, being more particularly described as follows:

Beginning at the Southeasterly most Corner of Parcel 44, Unit 55, Mirror Lakes as recorded in Plat Book 27, Page 142, Lee County Records, said point also being a point on the Southerly Right-of-Way of State Road 82 (200' wide) as recorded in F.D.O.T. Right-of-Way Map, Section No. 1207-101, said point being the Point of Beginning; Thence run S49°58'02"E for 710.70 feet along said Right-of-Way, to a point of curvature; Thence continuing along said Right-of-Way, run Southeasterly along an arc of curve to the right having a radius of 1,045.92 feet (delta 25°00'35") (chord bearing S37°27'44"E)(chord 452.93 feet) for 456.55 feet to a point of tangency; Thence continuing along said Right-of-Way, run S24°57'27"E for 301.16 feet; Thence leaving said Right-of-Way run S32°18'43"W for 1,043.32 feet to a point of curvature; Thence run Southwesterly along an arc of curve to the right having a radius of 87.40 feet (delta 57°16'10") (chord bearing S60°56'48"W)(chord 83.77 feet) for 87.37 feet to a point of tangency; Thence run S89°34'53"W for 2,003.63 feet to a point of curvature; Thence run Northwesterly along an arc of curve to the right having a radius of 100.00 feet (delta 89°45'25") (chord bearing N45°32'25"W)(chord 141.12 feet) for 156.66 feet to a point of tangency; Thence run N00°39'42"W for 460.65 feet to a point of curvature; Thence run Northerly along an arc of curve to the left having a radius of 824.21 feet (delta 20°30'00") (chord bearing N10°54'42"W)(chord 293.33 feet) for 294.90 feet to a point of tangency; Thence run N21°09'42"W for 42.13 feet to a point on a non-tangent curve also being a point on the Southeasterly Right-of-Way of Grant Boulevard (80' wide), Mirror Lakes as recorded in Plat Book 27, Pages 83-160, Lee County Records; Thence continuing along the aforementioned Right-of-Way, run Northeasterly along an arc of curve to the left having a radius of 1,138.98 feet (delta 23°29'07") (chord bearing N51°46'32"E) (chord 463.60 feet) for 466.86 feet to a point of tangency; Thence continuing along the aforementioned Right-of-Way, run N40°01'58"E for 115.80 feet to the Northwesterly most corner of Lot 11, Block 239, Unit 63, Mirror Lakes as recorded in Plat Book 27, Page 150, Lee County Records; Thence run S56°22'28"E for 150.94 feet to the Southerly most corner of said Lot 11; Thence run N40°01'58"E for 100.65 feet to the East most point of Lot 10, Block 239, as recorded in the aforementioned Plat; Thence run N49°58'02"W for 150.00 feet to a point on said Right-of-Way also being the Northwesterly most Corner of said Lot 10; Thence continuing along said Right-of-Way, run N40°01'58"E for 200.00 feet to the Northerly most Corner of Lot 9, as recorded in the aforementioned Plat; Thence run S49°58'02"E for 150.00 feet to the Southeasterly most Corner of said Lot 9; Thence run N40°01'58"E for 810.00 feet to the Southeasterly most Corner of Lot 1 as recorded in said Plat; Thence run S49°58'02"E for 450.00 feet to the Southerly most Corner of Parcel 44, Unit 55, as recorded in Plat Book 27, Page 142; Thence run N40°01'58"E for 375.00 feet to the Point of Beginning.

Containing 92.85 acres, more or less.

Sheet 1 of 3

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DEC 18 2006

Applicant's Legal Checks

DCI 2006-00081

by CSJ 12-20-06

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

COMMUNITY DEVELOPMENT

EXHIBIT "A"
(Page 1 of 4)

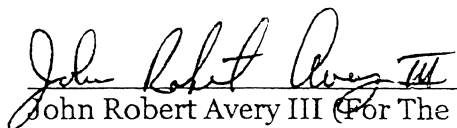
Barraco
and Associates, Inc.

www.barraco.net

Civil Engineers, Land Surveyors and Planners

Cont'd from sheet #1

Bearings herein above mentioned are based upon the record Plat of Parcel 51, Unit 73, Mirror Lakes as recorded in Plat Book 27, Page 160, Lee County Records and the Northeasterly line of Parcel 51 to bear S24°57'27"E.

 11-14-06
John Robert Avery III (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5298

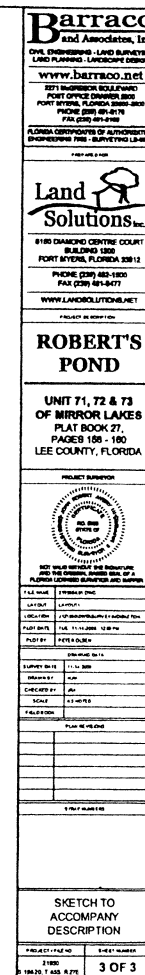
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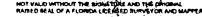
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DEC 18 2006

COMMUNITY DEVELOPMENT

DCI 2006-00081





LEGEND:

- 23 - DEMOTES BURIED FIBER OF OPTIC MARKER
- 24 - DEMOTES CONCRETE UTILITY POLE
- 25 - DEMOTES WOOD UTILITY POLE
- 26 - DEMOTES UTM WIRE ANCHOR
- 27 - DEMOTES BURIED GAS LINE MARKER
- 28 - DEMOTES TELEPHONE RISER
- 29 - DEMOTES FIRE HYDRANT
- 30 - DEMOTES WELL HEAD
- 31 - DEMOTES WATER METER
- 32 - DEMOTES ELECTRICAL SERVICE BOX
- 33 - DEMOTES WATER VALVE
- 34 - DEMOTES SEWER VALVE
- 35 - DEMOTES SANITARY MANHOLE
- 36 - DEMOTES BACK FLOW PREVENTOR VALVE
- 37 - DEMOTES BENCHMARK
- 38 - DEMOTES BARBED WIRE FENCE

21800 1 OF 2
8 10 20 1455 RTTE

Zoning Map

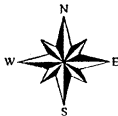
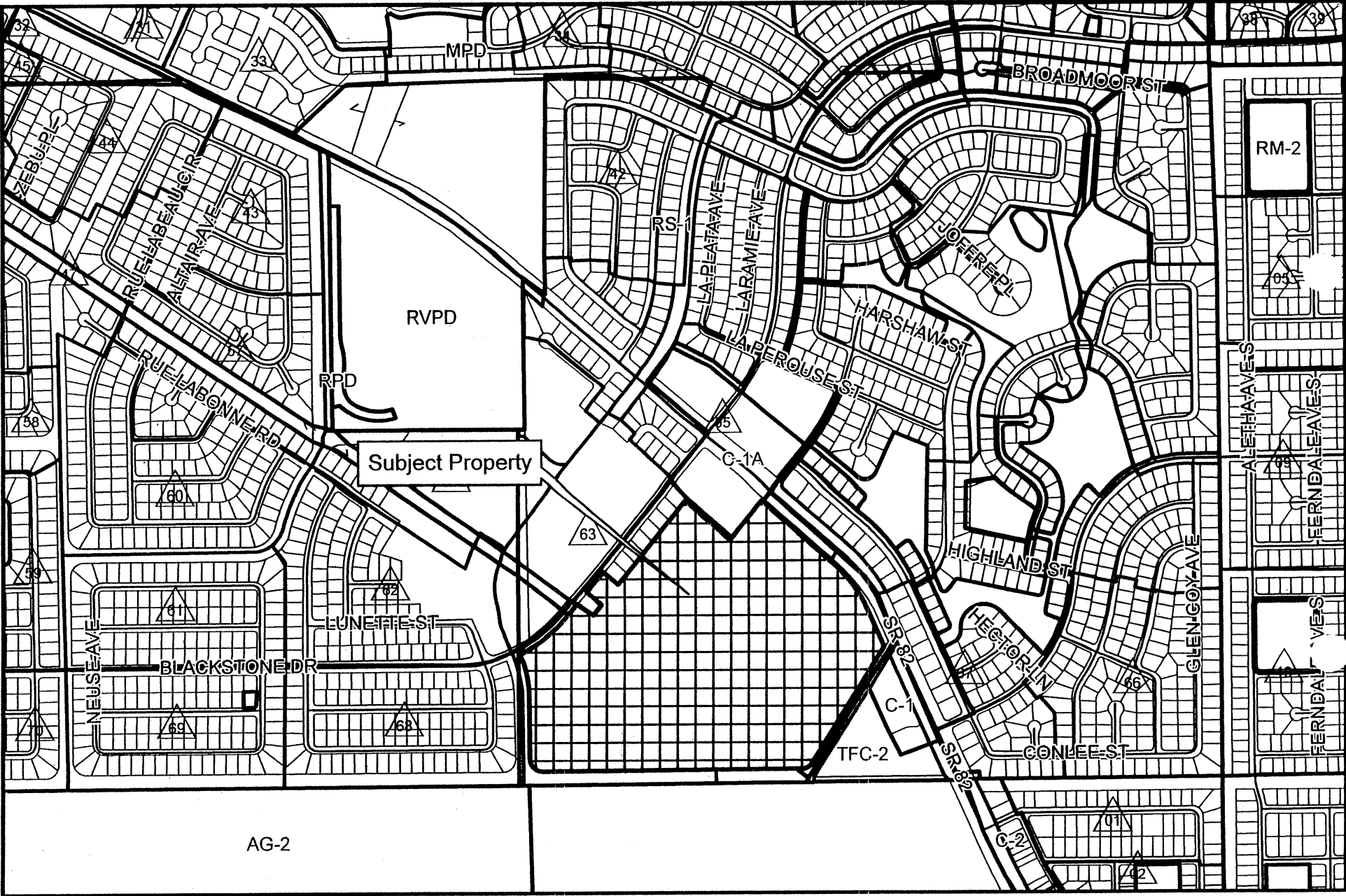
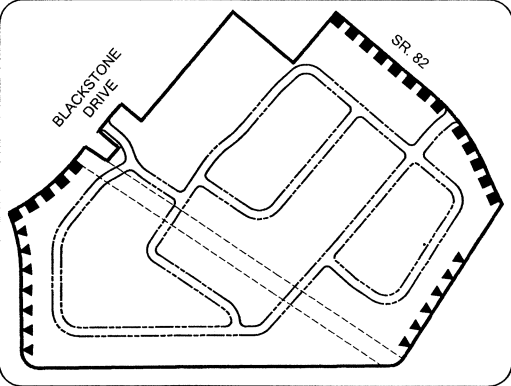


EXHIBIT "B"
(Zoning Map)



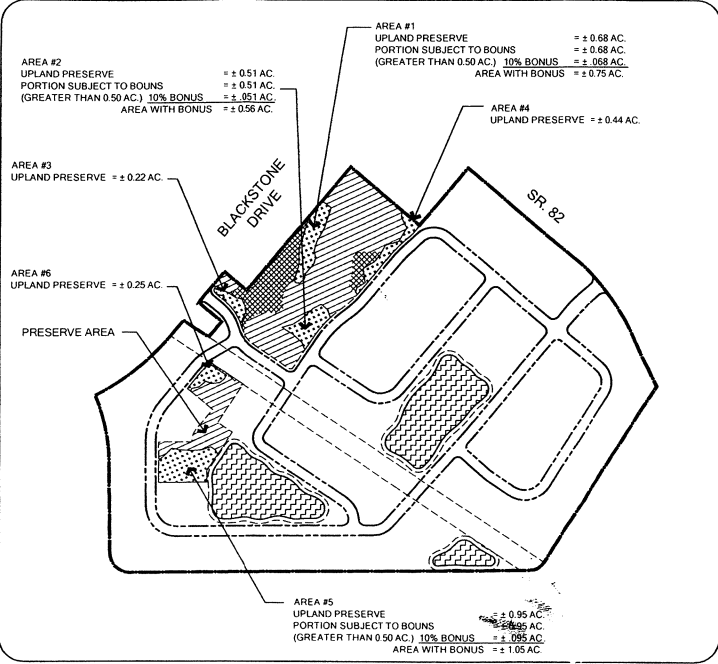
INSET A - ENHANCED BUFFERS



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COMMUNITY DEVELOPMENT

INSET B - INDIGENOUS PRESERVATION



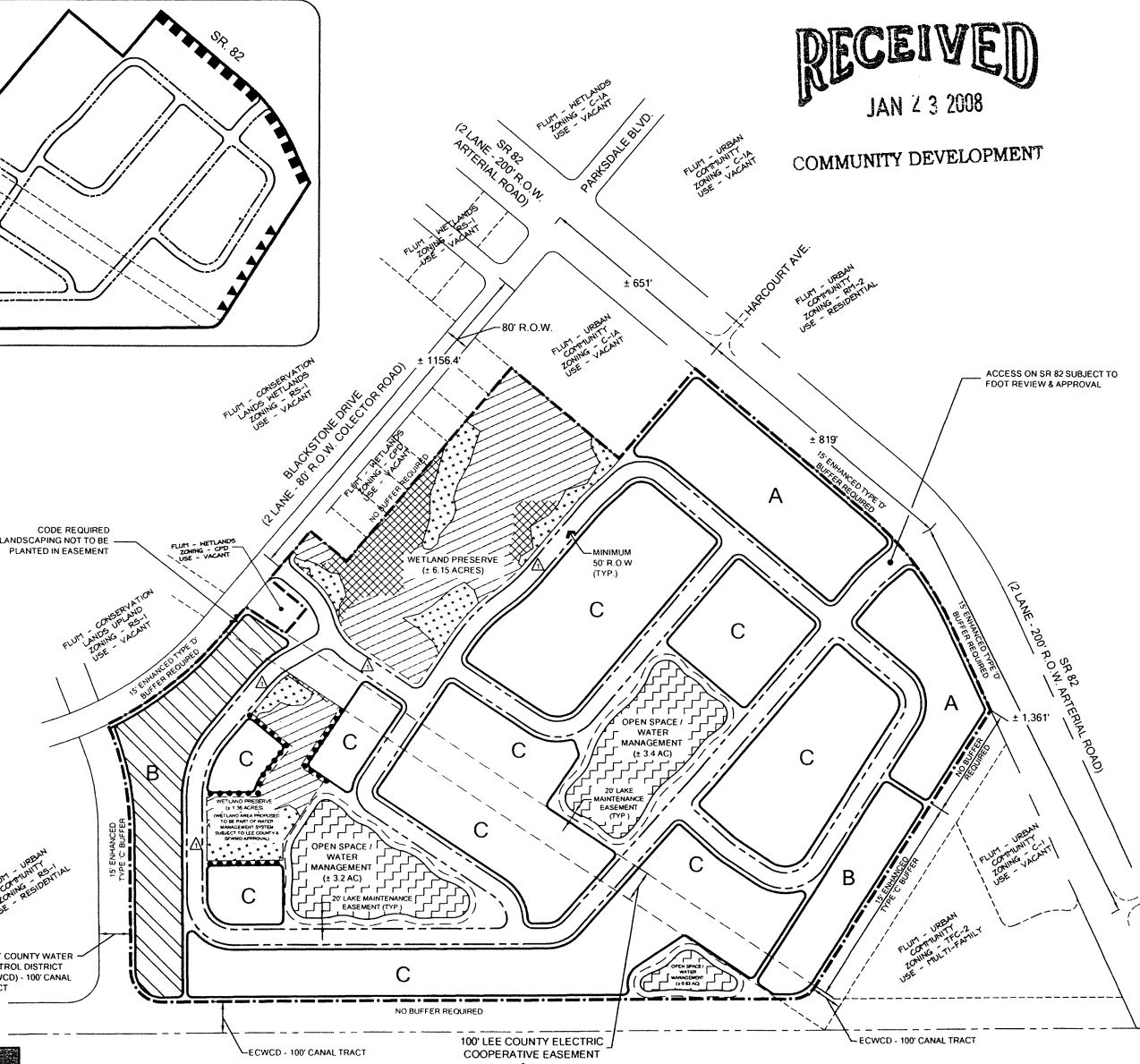
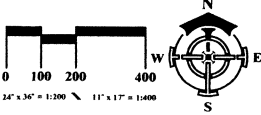
LEGEND:

- ▲ DENOTES LOCATION OF REQUESTED DEVIATION
- A USE AREA A
- B USE AREA B
- C USE AREA C
- ▨ DENOTES AREA OF REDUCED BUILDING HEIGHT
- ░ UPLAND PRESERVATION
- ▤ WETLAND PRESERVATION
- ▩ WETLAND AREA NOT CLASSIFIED AS INDIGENOUS DUE TO EXOTIC INFESTATION
- 15' ENHANCED TYPE "D" LANDSCAPE BUFFER ADJACENT TO SR 82 AND BLACKSTONE DRIVE. IN ADDITION TO THE REQUIRED SHRUBS, A MINIMUM OF FIVE (5) CANOPY TREES AND THREE (3) PALM TREES PER 100 LINEAR FEET WILL BE PROVIDED. REQUIRED VEGETATION WILL BE 100% NATIVE SPECIES AND MEET ALL LDC PLANT AND MATERIAL STANDARDS EXCEPT THAT REQUIRED CANOPY TREES MUST BE A MINIMUM OF 14 FEET TALL AT PLANTING.
- ▲▲▲▲ 15' ENHANCED TYPE "C" BUFFER WITH 8-FOOT WALL / BERM COMBINATION
- ▤▤▤▤ OPEN SPACE / WATER MANAGEMENT
- INDIGENOUS PRESERVE / INDUSTRIAL BUFFER LOCATION - 3' TALL HEDGE ROW
- PROPERTY BOUNDARY LINE

Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z-07-051

DCI 2006-00081

Exhibit 6-J
1 of 2
Project Number: 1046-01
Cad File: 1046-01-MCT01



REVISED PER BOCC ACTION
(01-17-08)

01-17-08
4450 CAMINO REAL WAY
FORT MYERS, FLORIDA 33966
P 239 226 0024
F 239 226 0034
www.dbsconsultingonline.com

PROJECT:
BLACKSTONE CORPORATE PARK
TITLE:
MASTER CONCEPT PLAN

OWNER/CLIENT:
S.W. FLORIDA LAND TEN, LLC
6150 DIAMOND CENTER COURT
FORT MYERS, FL 33912
PH: (239) 489-4066 FAX: (239) 481-8477

EXHIBIT "C"
The Master Concept Plan
(Page 1 of 2)

TABLE A

INTENSITY SUMMARY:

TOTAL BUILDING AREA IS LIMITED TO 1,060,000 SQ. FT.

RETAIL COMMERCIAL IS LIMITED TO 150,000 SQ.FT.
ADDITIONAL BUILDING SQUARE FOOTAGE WILL REQUIRE CONVERSION
OF NON-RETAIL COMMERCIAL OR INDUSTRIAL SQUARE FOOTAGE.

NON-RETAIL (OFFICE) COMMERCIAL IS LIMITED TO 100,000 SQ.FT.
ADDITIONAL BUILDING SQUARE FOOTAGE WILL REQUIRE CONVERSION
OF RETAIL COMMERCIAL OR INDUSTRIAL SQUARE FOOTAGE.

INDUSTRIAL IS LIMITED TO 810,000 SQ.FT.
ADDITIONAL BUILDING SQUARE FOOTAGE WILL REQUIRE CONVERSION
OF RETAIL COMMERCIAL OR NON-RETAIL COMMERCIAL SQUARE
FOOTAGE.

LAND USE CONVERSION:

USES MAY BE CONVERTED ACCORDING TO THE FOLLOWING RATIOS:

1,000 SQ. FT. INDUSTRIAL =	125 SQ. FT. RETAIL COMMERCIAL
1,000 SQ. FT. INDUSTRIAL =	94 SQ. FT. OFFICE COMMERCIAL
1,000 SQ. FT. RETAIL COMMERCIAL =	8,000 SQ FT. INDUSTRIAL
1,000 SQ. FT. RETAIL COMMERCIAL =	750 SQ. FT. OFFICE COMMERCIAL
1,000 SQ. FT. OFFICE COMMERCIAL =	10,665 SQ. FT. INDUSTRIAL
1,000 SQ. FT. OFFICE COMMERCIAL =	1,333 SQ. FT. RETAIL COMMERCIAL

TABLE B

BUILDING HEIGHTS:

MAXIMUM BUILDING HEIGHT EQUALS 4-STORIES OR SIXTY-FIVE FEET EXCEPT FOR THE FOLLOWING:

1. THE MAXIMUM BUILDING HEIGHT FOR THE PORTION OF SITE DENOTED AS FOLLOWS ON THE MASTER CONCEPT PLAN IS 2-STORIES OR THIRTY-FIVE FEET.

 DENOTES AREA OF REDUCED BUILDING HEIGHT ON MASTER CONCEPT PLAN

2. THE MAXIMUM HEIGHT FOR BUILDINGS THAT ARE UTILIZED FOR INDUSTRIAL USES OR ACTIVITY SHALL BE LIMITED TO 45-FEET UNLESS ARCHITECTURALLY ENHANCED CONSISTENT WITH SECTION 10-620 OF THE LDC.

TABLE C

OPEN SPACE:

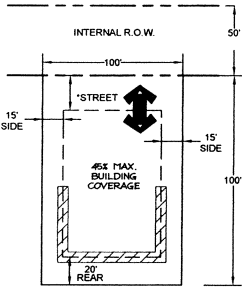
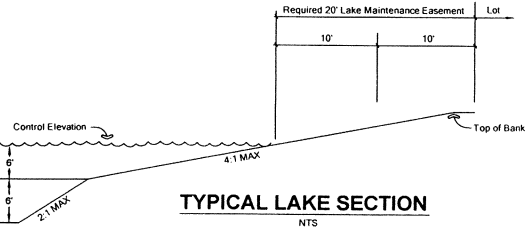
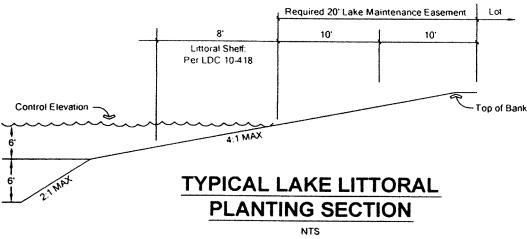
TOTAL PROJECT AREA	92.85 AC.
COMMERCIAL:	25.00 AC.
REQUIRED: 30%	7.50 AC.
INDUSTRIAL:	67.85 AC.
REQUIRED: 20%	13.57 AC.
OPEN SPACE:	
REQUIRED:	21.07 AC.
*PROVIDED:	21.07 AC.
LAKE: (25% OF TOTAL)	5.27 AC.
PRESERVE:	12.52 AC.
*OTHER OPEN SPACE:	3.28 AC.
TOTAL	21.07 AC.

* EACH INDIVIDUAL LOT WILL PROVIDE A MINIMUM OF 10% OPEN SPACE.

INDIGENOUS:

INDIGENOUS PRESERVE:	
REQUIRED:	10.53 AC.
** PROVIDED:	10.78 AC.
** UPLAND PRESERVE	3.27 AC.
WETLAND PRESERVE	7.51 AC.
TOTAL	10.78 AC.

** ACREAGE INCLUDES BONUS CREDIT



*IN ACCORDANCE WITH SECTION 34-2192(A)

 POSSIBLE SERVICE AREA



REVISED PER BOCC ACTION
(01-17-06)

01-17-08
4450 CAMINO REAL WAY
FORT MYERS, FLORIDA 33966
P 239.226.0024
F 239.226.0094
www.dbsconsultingonline.com

PROJECT:
BLACKSTONE CORPORATE PARK
TITLE:
MCP TABLES & DETAILS

OWNER/CLIENT:
S.W. FLORIDA LAND TEN, LLC
6150 DIAMOND CENTER COURT
FORT MYERS, FL 33912
PH: (239) 489-4066 FAX: (239) 481-8477

RECEIVED
JAN 23 2008

COMMUNITY DEVELOPMENT

Exhibit 6-J
2 of 2

Project Number: 1046-01
Cad File: 1046-01-MCP02

DCI 2006-00081

EXHIBIT "C"
The Master Concept Plan



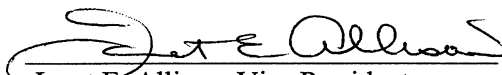
AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LEE

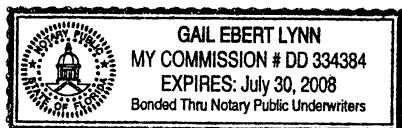
BEFORE ME, the undersigned authority, on this 22nd day of August, 2006, ~~personally appeared JANET~~
Allison, as Vice President of S.W. Florida Land Ten, LLC, who is personally known to me ~~or who~~
~~produced~~ _____ as identification and who did take on oath, who deposes and says as follows:

1. That I am the owner or authorized representative of the following described property, to wit:
See attached Exhibit "A"
2. That the above described property is and has been used for bona fide agricultural purposes, to wit livestock grazing and pasturage, at the time of the application to Lee County Board of County Commissioners for rezoning of the property described on the attached Exhibit "A"
3. The agricultural use of the property is an existing bona fide agricultural use.
4. The agricultural use is being conducted on the entire 92.85 +/- acres. The entire property described on the attached Exhibit "A" is being used for the grazing of livestock. The grazing of livestock includes the raising of sod from time to time.
5. The property owner intends to continue the agricultural uses on the property, when a Development Order is obtained, the owner will cease its agricultural operation on that portion of the property subject to a Development Order that includes a vegetation removal permit. The property owner may obtain a master development order on the entire property to enable the County and the South Florida Water Management District to review the entire plan of development for internal consistency; however no work can be initiated on site without a vegetation removal permit. Therefore, the cessation of agricultural activities will cease on that portion of the property subject to a development order and a vegetation removal permit.
6. Affiant further states that she is familiar with the nature of an oath; and with the penalties as provided by the laws of the State of aforesaid for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that she has read, or has had read to her, the full facts of this affidavit and understands its meaning and context.

FURTHER AFFIANT SAYETH NAUGHT.


Janet E. Allison, Vice President
S.W. Florida Land Ten, LLC

SWORN TO and subscribed before me on the date and year first above written.




Signature of Notary Public
Gail Ebert Lynn
(Print, type or stamp commissioned name of Notary Public)

Commission No. DD 334384

EXHIBIT "D"
Bona Fide Agricultural Uses
at time of Zoning Application
(Page 1 of 4)

EXHIBIT "A"**BLACKSTONE CORPORATE PARK**
LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEE COUNTY FLORIDA, SAID TRACT OR PARCEL BEING A PORTION OF LANDS DESCRIBED IN PLAT BOOK 27, PAGES 158-160, LEE COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY MOST CORNER OF PARCEL 44, UNIT 55, MIRROR LAKES AS RECORDED IN PLAT BOOK 27, PAGE 142, LEE COUNTY RECORDS, SAID POINT ALSO BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF STATE ROAD 82 (200' WIDE) AS RECORDED IN F.D.O.T. RIGHT-OF-WAY MAP, SECTION NO. 1207-101, SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN S49°58'02"E FOR 710.70 FEET ALONG SAID RIGHT-OF-WAY, TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, RUN SOUTHEASTERLY ALONG AN ARC OF CURVE TO THE RIGHT HAVING A RADIUS OF 1,045.92 FEET (DELTA 25°00'35") (CHORD BEARING S37°27'44"E)(CHORD 452.93 FEET) FOR 456.55 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, RUN S24°57'27"E FOR 301.16 FEET; THENCE RUN S32°18'43"W FOR 1,043.32 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG AN ARC OF CURVE TO THE RIGHT HAVING A RADIUS OF 87.40 FEET (DELTA 57°16'10") (CHORD BEARING S60°56'48"W)(CHORD 83.77 FEET) FOR 87.37 FEET TO A POINT OF TANGENCY; THENCE RUN S89°34'53"W FOR 2,003.63 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY ALONG AN ARC OF CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET (DELTA 89°45'25") (CHORD BEARING N45°32'25"W)(CHORD 141.12 FEET) FOR 156.66 FEET TO A POINT OF TANGENCY; THENCE RUN N00°39'42"W FOR 460.65 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHERLY ALONG AN ARC OF CURVE TO THE LEFT HAVING A RADIUS OF 824.21 FEET (DELTA 20°30'00") (CHORD BEARING N10°54'42"W)(CHORD 293.33 FEET) FOR 294.90 FEET TO A POINT OF TANGENCY; THENCE RUN N21°09'42"W FOR 42.13 FEET TO A POINT ON A NON-TANGENT CURVE ALSO BEING A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY OF GRANT BOULEVARD (80' WIDE), MIRROR LAKES AS RECORDED IN PLAT BOOK 27, PAGES 83-160, LEE COUNTY RECORDS; THENCE CONTINUING ALONG THE AFOREMENTIONED RIGHT-OF-WAY, RUN NORTHEASTERLY ALONG AN ARC OF CURVE TO THE LEFT HAVING A RADIUS OF 1,138.98 FEET (DELTA 23°29'07") (CHORD BEARING N51°46'32"E) (CHORD 463.60 FEET) FOR 466.86 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG THE AFOREMENTIONED RIGHT-OF-WAY, RUN N40°01'58"E FOR 115.80 FEET TO THE NORTHWESTERLY MOST CORNER OF LOT 11, BLOCK 239, UNIT 63, MIRROR LAKES AS RECORDED IN PLAT BOOK 27, PAGE 150, LEE COUNTY RECORDS; THENCE RUN S56°22'28"E FOR 150.94 FEET TO THE SOUTHERLY MOST CORNER OF SAID LOT 11; THENCE RUN N40°01'58"E FOR 100.65 FEET TO THE EAST MOST POINT OF LOT 10, BLOCK 239, AS RECORDED IN THE AFOREMENTIONED PLAT; THENCE RUN N49°58'02"W FOR 150.00 FEET TO A POINT ON SAID RIGHT-OF-WAY ALSO BEING THE NORTHWESTERLY MOST CORNER OF SAID LOT 10;

EXHIBIT "D"

Bona Fide Agricultural Uses
at time of Zoning Application
(Page 2 of 4)

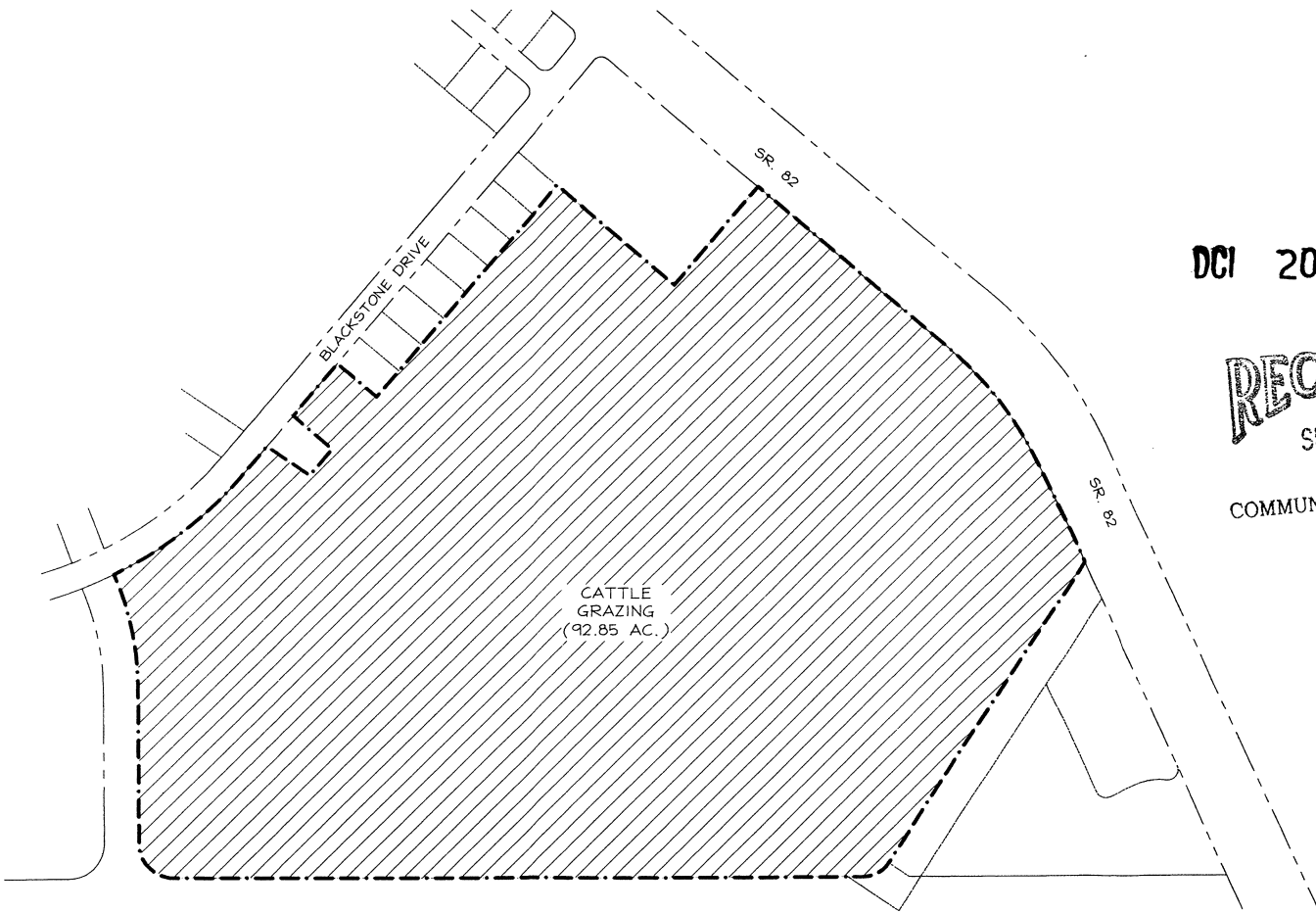
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, RUN N40°01'58"E FOR 200.00 FEET TO THE NORTHERLY MOST CORNER OF LOT 9, AS RECORDED IN THE AFOREMENTIONED PLAT; THENCE RUN S49°58'02"E FOR 150.00 FEET TO THE SOUTHEASTERLY MOST CORNER OF SAID LOT 9; THENCE RUN N40°01'58"E FOR 810.00 FEET TO THE SOUTHEASTERLY MOST CORNER OF LOT 1 AS RECORDED IN SAID PLAT; THENCE RUN S49°58'02"E FOR 450.00 FEET TO THE SOUTHERLY MOST CORNER OF PARCEL 44, UNIT 55, AS RECORDED IN THE AFOREMENTIONED PLAT; THENCE RUN N40°01'58"E FOR 375.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 92.85 ACRES, MORE OR LESS.

BEARINGS HEREIN ABOVE MENTIONED ARE BASED UPON THE RECORD PLAT OF PARCEL 51, UNIT 72, MIRROR LAKES AS RECORDED IN PLAT BOOK 27, PAGE 159, LEE COUNTY RECORDS AND THE NORTHWESTERLY LINE OF PARCEL 51 TO BEAR S24°57'27"E.

EXHIBIT "D"

Bona Fide Agricultural Uses
at time of Zoning Application
(Page 3 of 4)



DCI 2006-00081

RECEIVED
SEP 07 2006

COMMUNITY DEVELOPMENT

LEGEND

 AGRICULTURAL USES AT TIME OF ZONING APPLICATION
DENOTES PORTION OF THE SUBJECT PROPERTY TO BE
USED FOR CATTLE GRAZING

TOTAL ACRES OF PROPERTY ± 92.85 AC.
TOTAL ACRES OF AGRICULTURAL USE ± 92.85 AC.



08-25-06
4450 CAMINO REAL WAY
FORT MYERS, FLORIDA 33966
P 239.226.0024
F 239.226.0094
www.dbsconsultingonline.com

PROJECT:
BLACKSTONE CORPORATE PARK

TITLE:
Agricultural Uses At Time Of Zoning Application

OWNER/CLIENT:
S.W. FLORIDA LAND TEN, LLC
6150 DIAMOND CENTER COURT
FORT MYERS, FL 33912
PH: (239) 489-4066 FAX: (239) 481-8477

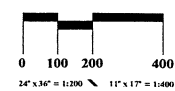
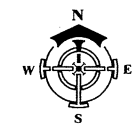


EXHIBIT "D"
Bona Fide Agricultural Uses
at time of Zoning Application
(Page 4 of 4)

Exhibit
PH-3.I(b)
Project Number: 1046-01
Cad File: 1046-01-NG01

THIS EXHIBIT IS INTENDED FOR ILLUSTRATIVE PURPOSES ONLY

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT, IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION

LEHIGH CORPORATION,

Plaintiff,

vs.

Case No. 91-2482 CA

LEE COUNTY, A POLITICAL
SUBDIVISION OF THE
STATE OF FLORIDA,

LEE CO. CASE NO.

C920557

Defendant.

STIPULATION AND SETTLEMENT AGREEMENT

This Agreement made as of 9th day of June, 1992 between
Lehigh Corporation, a Florida corporation, ("Lehigh") and Lee County,
a political subdivision of the State of Florida (the "County").

RECITALS

A. Lehigh is a corporation organized and existing under the
laws of the State of Florida and the developer of Lehigh Acres,
located in unincorporated Lee County, Florida; and

B. The County is the local government with jurisdiction over
Lehigh Acres.

C. On September 27, 1990, Lehigh filed three Applications for
Determination of Concurrency Vesting with the County, to wit:

Application File No. C-90-4882, (hereinafter "Application #1")

Application File No. C-90-4883, (hereinafter "Application #2")

Application File No. C-90-4884, (hereinafter "Application #3")

EXHIBIT "E"

(3154D/F)

D. By letter dated February 18, 1991, the County notified Lehigh that the property covered by Application #1 was ineligible for vesting from the Lee County concurrency management regulations. No final determination was made with regard to Orange Villas, Section 26/44/27, Plat Book 1356, Pages 1147-1176 or Beacon Square, Section 5/45/27, recorded September, 1983 in Plat Book 1689, Pages 3846-3870.

E. On May 16, 1991, Lehigh filed a Request for Appeal of an Administrative Interpretation with respect to Application #1 (the "Administrative Appeal"). The Administrative Appeal is pending before the Lee County Hearing Examiner as of the date hereof (Case Number ADM-91-10).

F. By letter dated November 3, 1990, the County notified Lehigh that Lehigh and its successors in interest may complete development of property covered by Application #2 without compliance with the Lee County Concurrency Management Regulations. By letter dated January 6, 1992, the County issued a Certificate of Concurrency Exemption with respect to property included in Application #2.

G. Pursuant to letters dated November 9, November 14 and December 17, 1990, the County notified Lehigh that certain property included in Application #3 was vested for the purposes of concurrency. Other property included in Application #3 was found ineligible for concurrency vesting. On November 7, 1991, the County issued a Certificate of Concurrency Exemption with respect to the property included in Application #3. Both Certificates of Exemption are valid for three years from the date of issuance.

H. The property included in Application #3 which was deemed exempt from the Lee County Concurrency Management Regulations included all of Section 30, Township 43 South, Range 27 East, lying south of State Road 80, less out parcels ("Section 30"). Section 30 consists of 458 acres. Approximately 400 of those acres are zoned RM-2, which allows the construction of up to 14 residential units per acre or a maximum of 5,600 units.

I. On November 28, 1990 Lehigh filed a Request for Appeal of an Administrative Interpretation with respect to the property denied vesting pursuant to Application #3. The matter was heard before the Lee County Hearing Examiner on January 28, 1991. The Hearing Examiner denied the Appeal in a decision rendered in February, 1991. On April 2, 1991, Lehigh filed a Petition for Writ of Certiorari and/or Complaint for Declaratory Relief and/or Complaint to Enforce Final Judgment against the County in the Circuit Court of the Twentieth Judicial Circuit In and For Lee County, Florida, thereby challenging the denial of concurrency vesting with respect to such property (the "Judicial Appeal"). The Judicial Appeal is pending as of the date of this Agreement.

J. Lehigh and the County desire to amicably resolve the Administrative Proceeding and the Judicial Proceeding.

NOW THEREFORE, In consideration of the foregoing recitals, Lehigh and the County hereby agree and stipulate as follows:

1. Lehigh and its successors in interest may complete development of the property described in Exhibit "A" attached hereto and depicted in white (uncolored) on Exhibit "E" (the "Exempt Property") without compliance with the Lee County Concurrency Management Regulations. Such property shall remain subject to all other local land development regulations adopted pursuant to the Lee County Comprehensive Plan as may be amended from time to time, however, such regulations shall not effect the densities or intensities of use previously established in the Stipulation and Settlement Agreement dated December 27, 1988. The Certificate of Concurrency Exemption ("Certificate of Exemption") excuses the exempt property from compliance with the level of service standards set forth in the Lee County Concurrency Management Ordinance No. 89-33, as amended, and as may be further amended from time to time (the "Concurrency Ordinance"). Pursuant to Section 8.K. of the Concurrency Ordinance, the Certificate of Exemption is valid for three (3) years from the date of this Agreement. Three (3) years from the date of this Agreement, Lehigh or its successors in interest may renew the Certificate of Exemption, thereby extending the right to develop the exempt property as property exempt from the Lee County Concurrency Management Regulations.

2. The property described in Exhibit "B" attached hereto and depicted in red on Exhibit "E", is ineligible for concurrency vesting and shall be subject to all Lee County Land Development Regulations including concurrency. However, the County shall issue permits for the construction of single family residential units on the property described in Exhibit "B" which has been platted prior to 1971, notwithstanding the level of service standards set forth in the Lee County Comprehensive Land Use Plan.

3. Lehigh will consent to a reclassification of the status of Section 30 as follows: the section shall no longer be deemed vested and exempt from Lee County Concurrency Management Regulations.

In conjunction with the reclassification of Section 30, the County will establish a transferable credit based upon eight (8) residential units per acre or 3,200 residential units (the "transfer credit") which may be developed on certain property, as hereinafter described, previously denied concurrency vesting but located closer to existing infrastructure improvements than Section 30. In exchange, Lehigh will waive all claims of vesting with respect to the remaining 2,400 residential units previously found to be exempt from the Lee County Concurrency Management Regulations.

With respect to residential lots that were determined to be ineligible for vesting pursuant to Application #1, the County shall continue its current policy of issuing permits for construction

of single family residential dwelling units notwithstanding the level of service standards set forth in the Lee County Comprehensive Land Use Plan.

4. In consideration of the former exempt status of Section 30, which shall hereafter be subject to all Lee County land development regulations including concurrency, Lehigh and its successors in interest are and shall be entitled to develop certain property exempt from the Concurrency Management Regulations to the extent of the Transfer Credit, subject to the following:

a) The Transfer Credit shall not exceed a total of 3,200 residential units or the equivalent thereof, as provided under subparagraph b.) below, and Lehigh hereby waives any further rights in connection with the previous status of Section 30.

b) Lehigh or its successors in interest may convert all or any portion of the Transfer Credit from residential units to other uses ("Residential Unit Equivalents"), based upon the conversion table attached hereto as Exhibit "C".

c) Lehigh and its successors in interest may from time to time assign the Transfer Credit or any portion thereof to any property described on Exhibit "D" attached hereto and depicted in orange on Exhibit "F" (the "Eligible Property"), subject to the procedures provided for in subparagraph d.) below.

d) Whenever the Transfer Credit or any portion thereof is assigned to a specific parcel, Lehigh or its successor in interest shall provide written notice to the County of its intention to assign the Transfer Credit. The Notice shall include: (i) a legal description of the Eligible Property to which the Transfer Credit is being assigned (the "Receiving Parcel"); (ii) the number of residential units or Residential Unit Equivalents assigned from the Transfer Credit; (iii) a copy of a recorded instrument restricting the Receiving Parcel to the density of uses assigned; and (iv) an accounting which reflects all assignments of the Transfer Credit and which sets forth the remaining balance of the Transfer Credit, i.e., the number of remaining residential units or Residential Unit Equivalents eligible for assignment. Upon the County's receipt of this Notice, the Receiving Parcel shall be exempt from compliance with the level of service standards set forth in the Lee County Comprehensive Land Use Plan.

e) The assignment of the Transfer Credit in accordance with this paragraph shall not confer rights upon the Receiving Parcel beyond those permitted by existing zoning and further, shall not exempt the property from compliance with the Lee Comprehensive Land Use Plan and other Lee County Land Development Regulations with the exception of concurrency.

5. The Certificate of Concurrency Exemption issued pursuant to this Agreement shall not be affected by platting,

(3154D/F)

replatting or rezoning of the Exempt Property, provided the density and/or intensity of land use is not increased thereby. The density and/or intensity of land uses of Receiving Parcels shall be limited as set forth in Paragraph 4.e. of this Agreement.

6. In the event the County hereafter undertakes a Sector Plan for Lehigh Acres or any portion thereof, Lehigh shall cooperate with the County by providing any information and staff support that it is reasonably capable of providing, using its existing in-house capacity. In addition, Lehigh shall contribute money to the County to defray the cost of professional services necessary to develop the Sector Plan, in an amount equal to fifty percent (50%) of the amount expended by the County, up to a maximum reimbursement by Lehigh of \$20,000. The scope and contents of such Sector Plan shall be at the sole discretion of the County. Alternately, at the County's sole discretion and upon notice to Lehigh, the service, support and reimbursement that Lehigh has committed to in this Section may be redirected to such other study or project that relates to the planning, traffic conditions or general aesthetics at Lehigh Acres.

7. This Stipulation and Settlement Agreement supersedes all previous certifications, determinations and agreements with respect to concurrent status for the property described in Exhibits "A", "B" and "D" and depicted in Exhibits "E" and "F" attached hereto. However, the Stipulation and Settlement Agreement entered into by the parties on December 27, 1988, as it pertains to density and intensity of use is not superseded hereby and is hereby ratified and shall remain in full force and effect.

8. Lehigh and the County hereby ratify and affirm that the settlement of the Administrative Proceeding and the Judicial Proceeding is in the public interest and the interests of the parties hereto.

9. This Agreement shall be deemed incorporated in any subsequent Concurrency Ordinance or Comprehensive Plan hereafter adopted and/or amended by the County.

AGREED ON this 9th day of June, 1992.

Ellen Wyszochil
WITNESS

Pat E. Allison
WITNESS

LEHIGH CORPORATION

By: William Livingston
William Livingston, President
Address: 201 E. Joel Boulevard
Lehigh Acres, FL 33936

STATE OF FLORIDA

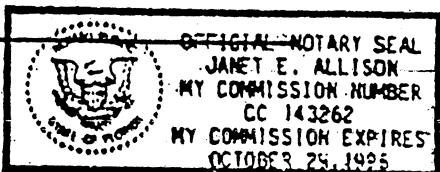
COUNTY OF LEE

SS.

The foregoing instrument was acknowledged before me this 2ND day of June, 1992, by William Livingston, who is personally known to me or ~~who has produced~~ as identification and who did not take an oath.

My Commission Expires:

Janet E. Allison
Notary Public



BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: [Signature]

Doug St. Certy, Chairman

ATTEST:

CHARLIE GREEN, CLERK

By: [Signature]
Deputy Clerk

Approved as to form:

By: [Signature]

Lee County Attorney

EXHIBIT "A"

"VESTED PROPERTY"

NOT COLORED ON EXHIBIT "E"

<u>REMARKS</u>	<u>SEC.</u>	<u>TWP.</u>	<u>RGE.</u>	<u>PLAT BOOK</u>	<u>PAGE</u>	<u>REC. DATE</u>
	1	44 S	27 E	15	3-4	4/61
	11	44 S	27 E	15	13	4/61
	12	44 S	27 E	15	14	4/61
	13	44 S	27 E	15	15	4/61
	14	44 S	27 E	15	16	4/61
	17	44 S	27 E	15	20-21	4/61
	19	44 S	27 E	15	26-27	4/61
	24	44 S	27 E	15	35	4/61
	25	44 S	27 E	15	36-37	4/61
	26	44 S	27 E	15	38-39	4/61
	27	44 S	27 E	15	40-41	4/61
	28	44 S	27 E	15	42-43	4/61
	29	44 S	27 E	15	44-45	4/61
	32	44 S	27 E	15	46	4/61
	36	44 S	27 E	15	54-55	4/61
MEADOWBROOK EST.	22&27	44 S	27 E	18	163-167	5/64
LAKEWOOD TERRACE	26	44 S	27 E	15	116-122	4/62
CARLTON PARK	32&33	44 S	27 E	20	1-4	8/64
UNITS 1&3 GLF.VW.E.	34	44 S	27 E	20	13-14	7/69
GOLFVIEW PARK	34	44 S	27 E	20	5-6	8/64
COUNTRY CLUB EST.	34	44 S	27 E	15	104-115	4/62
	1	44 S	26 E	15	58	4/61
	2	44 S	26 E	15	59	4/61
	11	44 S	26 E	15	60	4/61
	12	44 S	26 E	15	61	4/61
	13	44 S	26 E	15	62	4/61
EAST 1/2	14	44 S	26 E	15	63	4/61
	16	44 S	26 E	18	152-154	4/64
LEHIGH PARK	21	44 S	26 E	15	66	4/61
LEHIGH PARK	22	44 S	26 E	15	64-65	4/61
EAST 1/2	23	44 S	26 E	15	67	4/61
WEST 1/2 LEHIGH PK.	23	44 S	26 E	15	64	4/61
	24	44 S	26 E	15	68	4/61
	25	44 S	26 E	15	69-73	4/61
	26	44 S	26 E	15	75	4/61
NW 1/4	26	44 S	26 E	15	74	4/61
SOUTH 1/2	27	44 S	26 E	15	77	4/61
NORTH 1/2	27	44 S	26 E	15	76	4/61
SOUTH 1/2	28	44 S	26 E	15	78	4/61
EAST 1/2 OF NE 1/4	28	44 S	26 E	15	79	4/61

REMARKS	SEC.	TWP.	RGE.	PLAT BOOK	PAGE	REC. DATE
SOUTH 1/2	29	44 S	26 E	15	80	4/61
SOUTH 1/2	30	44 S	26 E	15	81	4/61
LEHIGH ESTATES	31	44 S	26 E	15	82-83	4/61
LEHIGH ESTATES	32	44 S	26 E	15	83-88-89	4/61
LEHIGH ESTATES	33	44 S	26 E	15	85-87-88	4/61
	35	44 S	26 E	15	91	4/61
	1	45 S	26 E	15	93	4/61
	2	45 S	26 E	15	94	4/61
	3	45 S	26 E	15	95	4/61
LEHIGH ESTATES	4	45 S	26 E	15	84-85-86	4/61
LEHIGH ESTATES	5	45 S	26 E	15	83-84-86	4/61
LEHIGH ESTATES	9	45 S	26 E	15	85	4/61
	10	45 S	26 E	15	96	4/61
	11	45 S	26 E	15	97	4/61
	12	45 S	26 E	15	98	4/61
	13	45 S	26 E	15	99	4/61
	14	45 S	26 E	15	100	4/61
	1	45 S	27 E	15	169-185	12/62
	2	45 S	27 E	15	186-205	12/62
TWIN LAKES EST.	3	45 S	27 E	15	206-221	12/62
WILLOW LAKE ADD. 1	4	45 S	27 E	18	155-162	5/64
	10	45 S	27 E	18	1-17	9/63
	11	45 S	27 E	15	148-168	12/62
	12	45 S	27 E	15	222-241	6/63
	13	45 S	27 E	18	18-35	9/63
	14	45 S	27 E	15	128-147	12/62
SOUTHEAST 1/4	36	43 S	27 E	15	101	4/61
	4	45 S	26 E	15	100	4/61
	9	45 S	26 E	15	100	4/61
	15	45 S	27 E	18	36-52	1/64
	21	45 S	27 E	18	53-69	1/64
	22	45 S	27 E	18	70-86	1/64
	23	45 S	27 E	20	20-36	7/69
	24	45 S	27 E	18	87-105	1/64
	25	45 S	27 E	18	106-122	1/64
	26	45 S	27 E	20	37-53	7/69
NORTH OF S.R. 82	27	45 S	27 E	18	123-137	1/64
NORTH OF S.R. 82	28	45 S	27 E	20	54-63	7/69
NORTH OF S.R. 82	29	45 S	27 E	20	64-66	7/69
NORTH OF S.R. 82	35	45 S	27 E	20	67-71	7/69
NORTH OF S.R. 82	36	45 S	27 E	18	138-147	1/64
SOUTHWEST 1/4	2	44 S	27 E	20	15-19	7/69
ADDITION 2	5	45 S	27 E	18	148-151	1/64
ADDITION 2	6	45 S	27 E	18	148-151	1/64

<u>REMARKS</u>	<u>SEC.</u>	<u>TWP.</u>	<u>RGE.</u>	<u>PLAT BOOK</u>	<u>PAGE</u>	<u>REC. DATE</u>
UNITS 1 - 14	3	44 S	26 E	26	1-20	7/71
UNITS 1 - 5	19	44 S	26 E	26	21-26	7/71
UNITS 1 - 8	20	44 S	26 E	26	27-35	7/71
UNITS 1 - 5	21	44 S	26 E	26	36-41	7/71
UNITS 8 - 15	29	44 S	26 E	26	42-50	7/71
UNITS 2 - 5	30	44 S	26 E	26	51-55	7/71
UNIT 1 - SOUTHWOOD	7	45 S	27 E	26	59-95	7/71
UNIT 31 - SOUTHWOOD	8	45 S	27 E	26	59-95	7/71
PARKWOOD SUB.	31	44 S	27 E	26	56-58	7/71
PARCELS IN SECTIONS 1,2,11,12,13,14,23, 24,25,26,27,28,29, 34,35 & 36		44 S	26 E	26	96-216	8/71
PARCELS IN SECTIONS 1,2,3,10,11,12,13 & 14		45 S	26 E	26	96-216	8/71
GREENBRIAR SUBDIVISION IN SEC. 3,4,5,6,7,8&9		44 S	27 E	27	1-82	11/71
PARKWOOD II	31	44 S	27 E	28	80-84	5/73
SOUTH OF S.R. 82	36	45 S	27 E	28	62-73	5/73
AMBERWOOD (W.L.E.)	4	45 S	27 E	28	74-79	5/73
PARKWOOD III	31	44 S	27 E	28	91-95	6/73
PARKWOOD IV	6	45 S	27 E	28	96-100	6/73
PARKWOOD V	6	45 S	27 E	28	101-105	6/73
PARKWOOD VI	6	45 S	27 E	28	106-110	6/73
PARKWOOD VII	6	45 S	27 E	28	111-115	6/73
	9	45 S	27 E	27	177-184	6/73
	16	45 S	27 E	27	167-176	6/73
MIRROR LAKES SEC. 16, 17,18,19 & 20		45 S	27 E	27	83-160	6/73
	16	44 S	26 E	27	185-193	6/73
LYNNBROOK PINES	28	44 S	26 E	34	95-99	3/82
WINDEMERE	8	44 S	27 E	34	81-86	1/82

EXHIBIT "B"

"NON-VESTED PROPERTY"

COLORED RED ON EXHIBIT "E"

1. NE 1/4 OF THE NE 1/4 OF THE NE 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 26 EAST.
2. SE 1/4 OF THE NE 1/4 OF THE NE 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 26 EAST.
3. NE 1/4 OF THE SE 1/4 OF THE NE 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 26 EAST.
4. W 1/2 OF THE SE 1/4 OF THE SW 1/4, SOUTH OF THE CALOOSAHATCHEE RIVER, IN SECTION 19, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
5. ALL OF THE NW 1/4 LYING NORTH OF S.R. 80, OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
6. ALL OF THE NW 1/4 OF THE NE 1/4, LYING NORTH OF S.R. 80, OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
7. W 1/2 OF SECTION 31, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
8. W 1/2 OF THE SE 1/4 OF SECTION 31, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
9. SE 1/4 OF THE SE 1/4 OF SECTION 31, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
10. SW 1/4 OF THE NE 1/4 OF SECTION 31, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
11. SW 1/4 OF THE NW 1/4 OF THE NE 1/4 OF SECTION 31, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
12. NE 1/4 OF THE NE 1/4 OF THE NE 1/4 OF SECTION 31, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
13. S 1/2 OF THE NE 1/4 OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
14. NE 1/4 OF THE NE 1/4 OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
15. ALL OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
16. ALL OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LYING NORTH OF ABLE CANAL, LESS COUNTY PARK.

17. NORTHERLY PART OF THE W 1/2 OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LYING SOUTH OF ABLE CANAL.
18. W 1/2 OF THE NE 1/4 OF SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
19. SE 1/4 OF THE SW 1/4 OF SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
20. SW 1/4 OF THE SE 1/4 OF SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
21. S 1/2 OF THE SW 1/4 OF SECTION 4, TOWNSHIP 45 SOUTH RANGE 27 EAST.
22. SW 1/4 OF THE SE 1/4 OF SECTION 4, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
23. W 1/2 OF THE NE 1/4 OF SECTION 9, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
24. W 1/2 OF THE SE 1/4, LESS THE WEST 125 FEET, OF SECTION 15, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
25. W 1/2 OF THE SE 1/4, EAST OF BETH STACEY BOULEVARD, OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
26. S 1/2 OF THE N 1/2 OF THE NW 1/4 OF THE NE 1/4 OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
27. N 1/2 OF THE S 1/2 OF THE NW 1/4 OF THE NE 1/4 OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
28. N 1/2 OF THE NE 1/4 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
29. S 1/2 OF THE NW 1/4 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
30. S 1/2 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
31. N 1/2 OF THE NE 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SECTION 4, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
32. W 1/2 OF THE SW 1/4 OF THE NW 1/4 OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
33. NE 1/4 OF THE SW 1/4 OF THE NW 1/4 OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
34. S 1/2 OF THE NW 1/4 OF THE NW 1/4 OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 27 EAST.

EXHIBIT "C"
"CONVERSION TABLE"

THE FOLLOWING TABLE CONVERTS SINGLE FAMILY UNITS TO MULTI-FAMILY, OFFICE SPACE, OR COMMERCIAL SPACE. THESE CONVERSIONS ARE BASED ON AVERAGE WEEKDAY TRIP END GENERATION RATES FOR EACH USE BASED ON TRIP GENERATION, 3RD. EDITION, PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERS.

LAND USE CONVERSIONS:

1 SINGLE FAMILY UNIT = 1.48 MULTI-FAMILY UNITS
1 SINGLE FAMILY UNIT = 576.0 GROSS SQUARE FEET OF OFFICE SPACE
1 SINGLE FAMILY UNIT = 186.0 GROSS LEASABLE SQUARE FEET OF
COMMERCIAL SPACE

THESE CONVERSIONS ASSUME THAT THE OFFICE SPACE OR COMMERCIAL SPACE IS DEVELOPED IN PROJECTS WHICH HAVE AN AVERAGE OF 50,000 TOTAL SQUARE FEET OF SPACE. THE CONVERSION TO COMMERCIAL SPACE HAS BEEN ADJUSTED TO ACCOUNT FOR 44 PERCENT PASS-BY TRIPS, IN ACCORDANCE WITH PROCEDURES OUTLINED IN TRIP GENERATION.

EXHIBIT "D"

"ELIGIBLE PROPERTY"

COLORED ORANGE ON EXHIBIT "F"

1. ALL OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
2. BLOCKS 11, 14, 35, AND 38, OF SECTION 15, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
3. BLOCKS 1, 24, 25, AND 48, OF SECTION 23, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
4. ALL OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LYING NORTH OF ABLE CANAL, LESS COUNTY PARK.
5. NORTHERLY PART OF THE WEST HALF OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LYING SOUTH OF ABLE CANAL.
6. LOTS 1 AND 21, BLOCK 7, UNIT 2, SECTION 33, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
7. LOTS 1 AND 22, BLOCK 2, UNIT 1, SECTION 33, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
8. BLOCKS 1 AND 2, UNIT 12, LEELAND HEIGHTS SUBDIVISION, SECTION 32, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
9. BLOCK 57, UNIT 10, LEELAND HEIGHTS SUBDIVISION, SECTION 32, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
10. LOTS 15 AND 16, BLOCK 15, UNIT 3, LEELAND HEIGHTS SUBDIVISION, SECTION 32, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
11. BLOCK 22, UNIT 3, LEELAND HEIGHTS SUBDIVISION, SECTION 32, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
12. BLOCK 3, UNIT 1, LEELAND HEIGHTS SUBDIVISION, SECTION 32, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
13. BLOCKS 88, 91, 92, 93, AND 100, UNIT 11, SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST.
14. W 1/2 OF THE SW 1/4 OF THE NW 1/4, OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
15. NE 1/4 OF THE SW 1/4 OF THE NW 1/4, OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
16. S 1/2 OF THE NW 1/4 OF THE NW 1/4, OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 27 EAST.

17. N 1/2 OF THE NE 1/4 OF THE NE 1/4 OF THE SE 1/4, OF SECTION 4, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
18. S 1/2 OF THE SW 1/4, SECTION 4, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
19. SW 1/4 OF THE SE 1/4, SECTION 4, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
20. W 1/2 OF THE NE 1/4, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
21. SW 1/4 OF THE SE 1/4, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
22. SE 1/4 OF THE SW 1/4, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
23. THE UNDEVELOPED TRACT IN THE NW 1/4, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
24. W 1/2 OF THE SE 1/4, EAST OF BETH STACEY BOULEVARD, SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
25. S 1/2 OF THE N 1/2 OF THE NE 1/4 OF THE NE 1/4, SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
26. N 1/2 OF THE S 1/2 OF THE NW 1/4 OF THE NE 1/4, SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
27. N 1/2 OF THE NE 1/4 OF THE SW 1/4 OF THE NE 1/4, SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
28. S 1/2 OF THE NW 1/4 OF THE SW 1/4 OF THE NE 1/4, SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
29. S 1/2 OF THE SW 1/4 OF THE NE 1/4, SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
30. W 1/2 OF THE SE 1/4, SECTION 15, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
31. TRACTS "A" AND "B", AND BLOCKS 1, 2, AND 3, MIRROR LAKES ESTATES, SECTION 15, TOWNSHIP 45 SOUTH, RANGE 27 EAST.