

RESOLUTION NUMBER Z-07-041

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

WHEREAS, Beverly Grady, Esquire, of Roetzel & Andress, LPA, filed an application on behalf of the property owners, Bao H. Pham, Minh H. Pham and Vu N. Pham, to reinstate the vacated Master Concept Plan for Varsity Commercial Center (Lee County Resolution No. Z-99-055) for a maximum of two (2) years, in reference to Varsity Commercial Center - Reinstatement of Master Concept Plan; and,

WHEREAS, a public hearing was advertised and held on August 8, 2007, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2007-00025; and

WHEREAS, a second public hearing was advertised and held on October 1, 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 reinstate the vacated Master Concept Plan (MCP) for Varsity Commercial Center (Lee County Zoning Resolution No. Z-99-055) for a maximum of two (2) years. This planned development was approved for a maximum of 8,000 square feet of commercial uses. The Applicant indicates that they plan to connect to public potable water and sanitary sewer as part of this development. The property is located in the Central Urban 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 one-page MCP entitled "Master Concept Plan (CPD) for Varsity Commercial Center," dated stamped "Received May 24 2007 Community Development," and attached hereto as Exhibit "C," except as modified by 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.

2. The following limits apply to the project uses:

a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Business Services, Group I only [§ 34-622(c)(5)]
Drugstore
Essential Services [§ 34-1611, *et seq.* and 34-1741, *et seq.*]
Hardware Store
Medical Office
Paint, Glass and Wallpaper
Real Estate Sales Office
Recreational Facilities, Commercial, Group IV only [§ 34-622(c)(38)]
Repair Shops, Groups I, II and III [§ 34-622(c)(40)]
Schools, Commercial [§ 34-622(c)(45)]
Signs, in accordance with Chapter 30 of the LDC
Studios [§ 34-622(c)(49)]
Gift and Souvenir Shops
Hobby, Toy and Game Shops [§ 34-622(c)(34)]
Insurance Companies [§ 34-622(c)(21)]
Personal Services, Groups I, II (except massage parlors) and Group III
[§ 34-622(c)(33)]
Pet Services
Retail and Wholesale Sales, when clearly incidental & subordinate to a
principal use
Printing and Publishing, to include parcel & package service
Specialty Retail Shops, Groups I, II and III, except no firearms or
ammunition sales as a separate principal use [§ 34-622(c)(47)]
Variety Store

b. Site Development Regulations

Minimum Lot Area and Dimensions:

Area: 20,000 square feet
Width: 100 feet
Depth: 100 feet

Minimum Setbacks

Street: Variable according to the functional classification of the
street or road (§ 34-2191, *et seq.*)
Side: 15 feet
Rear: 20 feet
Water: 25 feet

Maximum Lot Coverage: 40 percent

Maximum Building Height: 25 feet

3. Based upon the current LDC, the parking requirements for an oriental martial arts school [school, commercial, § 34-622(c)(45)] will be calculated on the basis of one parking space per 250 square feet of floor total area plus one space per four seats, if seating is provided. Dead storage will be calculated at one space per 600 square feet. An oriental martial arts school will be limited to a maximum of 4,000 square feet.
4. Prior to local development order approval, the 24-inch caliper South Florida Slash Pine shown on the MCP, stamped "Received June 8 1999 Zoning Counter" (attached to Lee County Zoning Resolution No. Z-99-055, a copy of which is attached to this resolution as Exhibit "D"), must be labeled as "preserved." If this South Florida Slash Pine tree cannot be barricaded to its full crown spread, then the development order plan must indicate how the tree will be protected to ensure its preservation and survival.
5. Prior to the issuance of a vegetation removal permit, Lee County Division of Planning/Lee County Environmental Sciences Staff must confirm which limbs may be removed from the 24-inch caliper South Florida slash pine to be preserved, in accordance with Condition 4. The limb removal must be accomplished by a certified arborist.
6. The Developer must plant 10 trees per 100 linear feet within the 20-foot setback along the west side of the subject property. The trees must be of a species that will provide a full canopy at maturity, excluding palms and slash pine. The plantings must be in accordance with LDC Chapter 10.
7. 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.
8. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).
9. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
10. The MCP approved in Lee County Zoning Resolution No. Z-99-055 is reinstated for two years, commencing on October 1, 2007 and expiring October 1, 2009.

11. Approval of this reinstatement does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee County Comprehensive Plan. The Developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local Development Order (except as provided in the Stipulation and Settlement Agreement dated June 9, 1992, and attached as Exhibit "E").

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the §34-2020(2)n.1. requirement of a minimum of one space per employee plus two spaces per 100 square feet of classroom floor area, to allow the parking calculations for indoor recreational facility, at one space for each 250 square feet of floor area and one space per 600 feet of storage area. This deviation is APPROVED, SUBJECT to compliance with Condition 3 above.
2. Deviation (2) seeks relief from the §10-285(a), Table 1, requirement that local roads provide connection separation of 125 feet, to allow connection separation of 93 feet along Sixth Street West. This deviation is APPROVED.
3. Deviation (3) seeks relief from the §10-285(a), Table 1, requirement that local roads provide connection separation of 125 feet, to allow connection separation of 97 feet along Fifth Street West. 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: Lee County Zoning Resolution No. Z-99-055
- Exhibit E: Stipulation and Settlement Agreement dated June 9, 1992

The applicant has indicated that the STRAP number for the subject property is now:

28-44-26-05-00054.0010 (NOTE: This single STRAP number represents the three individual parcels previously identified in Lee County Zoning Resolution No. Z-99-055 as 28-44-26-05-00054.0010, 28-44-26-05-00054.0020 & 28-44-26-05-00054.0030)

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

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

DULY PASSED AND ADOPTED this 1st day of October 2007.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Robert P. Janes, Chair



Approved as to form by:

[Signature]
John J. Fredyma
Assistant County Attorney
Lee County Attorney's Office

EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, FL

Lots 1, 2 and 3, Block 54, Lehigh Acres Subdivision as recorded in Plat Book 15, Page 78 as recorded in Public Records of Lee County, Florida. Lying in Section 28, Township 44 South, Range 26 East.

Applicant's Legal Checked
by CSA 4/5/2007

EXHIBIT "A"

DCI2007-00025

Zoning Map

7/20/2007

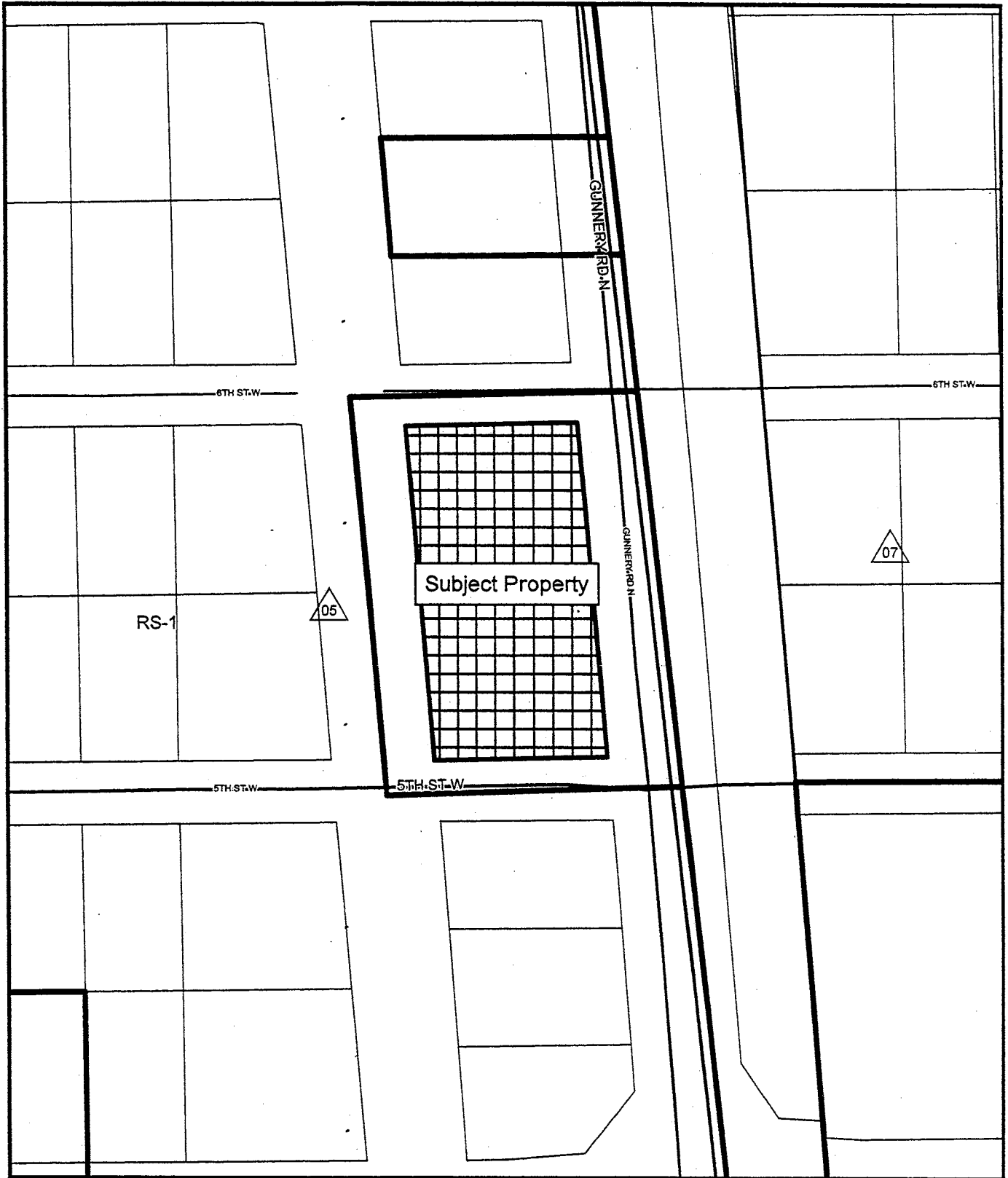


EXHIBIT "B"
(Zoning Map)



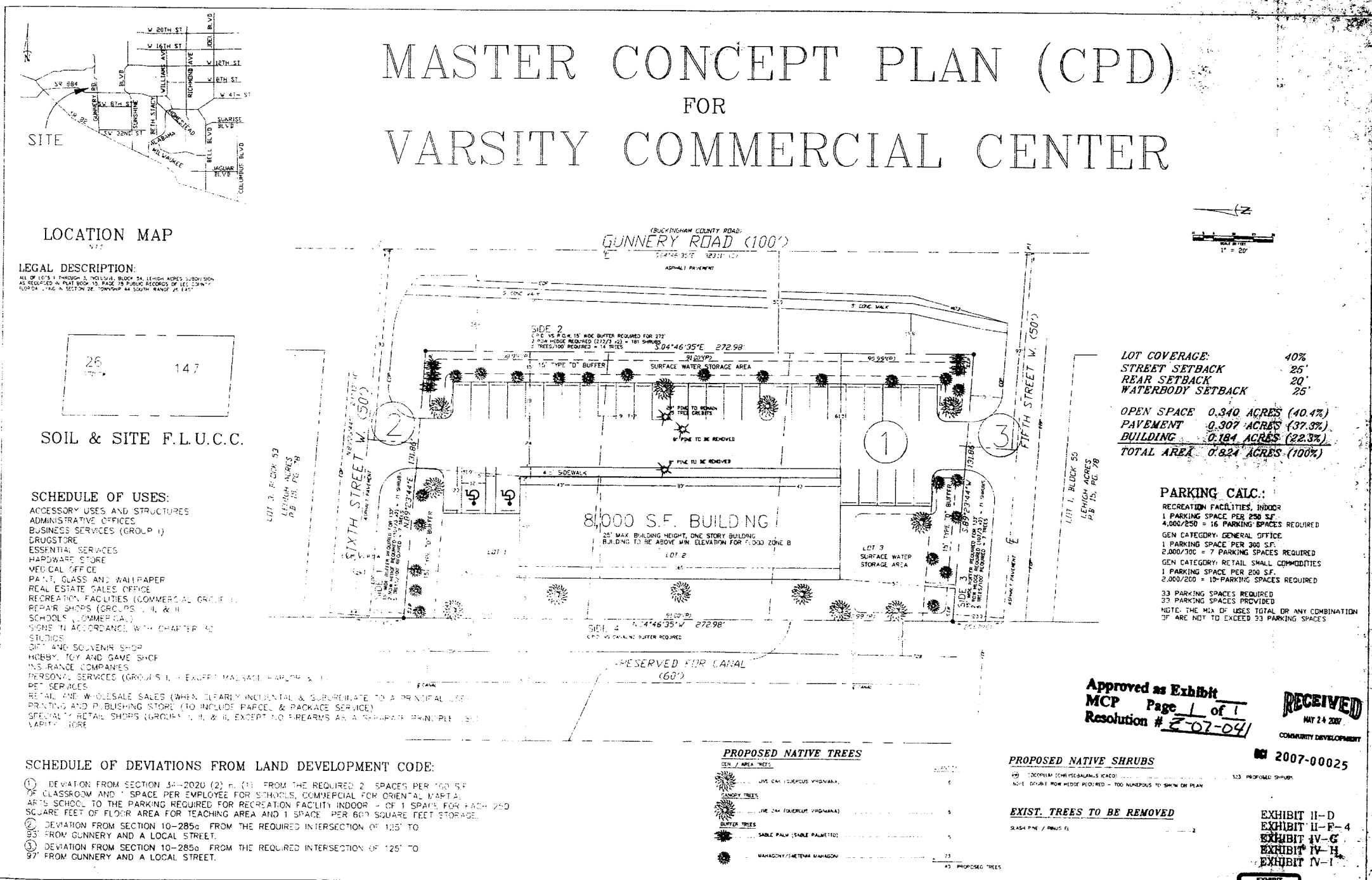


EXHIBIT "C"

Approved as Exhibit
MCP Page 1 of 1
Resolution # 207-04

RECEIVED
MAY 24 2007
COMMUNITY DEVELOPMENT
2007-00025

PROPOSED NATIVE TREES

TYPE / AREA	QUANTITY
1. LIVE OAK (QUERCUS VIRGINICA)	5
2. LIVE OAK (QUERCUS VIRGINICA)	5
3. LIVE OAK (QUERCUS VIRGINICA)	5
4. LIVE OAK (QUERCUS VIRGINICA)	5
5. LIVE OAK (QUERCUS VIRGINICA)	5
6. LIVE OAK (QUERCUS VIRGINICA)	5
7. LIVE OAK (QUERCUS VIRGINICA)	5
8. LIVE OAK (QUERCUS VIRGINICA)	5
9. LIVE OAK (QUERCUS VIRGINICA)	5
10. LIVE OAK (QUERCUS VIRGINICA)	5

PROPOSED NATIVE SHRUBS

1. COCCYRUS (CHRYSALARIUS IRAC)	5
2. COCCYRUS (CHRYSALARIUS IRAC)	5
3. COCCYRUS (CHRYSALARIUS IRAC)	5
4. COCCYRUS (CHRYSALARIUS IRAC)	5
5. COCCYRUS (CHRYSALARIUS IRAC)	5
6. COCCYRUS (CHRYSALARIUS IRAC)	5
7. COCCYRUS (CHRYSALARIUS IRAC)	5
8. COCCYRUS (CHRYSALARIUS IRAC)	5
9. COCCYRUS (CHRYSALARIUS IRAC)	5
10. COCCYRUS (CHRYSALARIUS IRAC)	5

EXIST. TREES TO BE REMOVED

1. LIVE OAK (QUERCUS VIRGINICA)	5
2. LIVE OAK (QUERCUS VIRGINICA)	5
3. LIVE OAK (QUERCUS VIRGINICA)	5
4. LIVE OAK (QUERCUS VIRGINICA)	5
5. LIVE OAK (QUERCUS VIRGINICA)	5
6. LIVE OAK (QUERCUS VIRGINICA)	5
7. LIVE OAK (QUERCUS VIRGINICA)	5
8. LIVE OAK (QUERCUS VIRGINICA)	5
9. LIVE OAK (QUERCUS VIRGINICA)	5
10. LIVE OAK (QUERCUS VIRGINICA)	5

EXHIBIT II-D
EXHIBIT II-F-4
EXHIBIT IV-G
EXHIBIT IV-H
EXHIBIT IV-I

EXHIBIT
B. MCP
5/1/07

EXHIBIT "D"

(Lee County Zoning Resolution Z-99-055)

RESOLUTION NUMBER Z-99-055

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

WHEREAS, Beverly Grady, Esq., filed an application in reference to Varsity Center, to rezone a parcel from Residential Single-Family (RS-1) to Commercial Planned Development (CPD) on behalf of the owners of the property, Bao Pham, Minh Pham, Vu Pham and Barry Glonfriddo; and

WHEREAS, a public hearing was advertised and held on August 18, 1999 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #99-04-106.02Z 01.01; and

WHEREAS, a second public hearing was advertised and held on October 4, 1999 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents in the record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicants filed a request to rezone a 0.824±-acre parcel from RS-1 to CPD to permit a maximum of 8,000 square feet of commercial retail and office uses, not to exceed 25 feet in height. The property is located in the Central Urban Land Use Category and described in attached Exhibit A. The request is APPROVED in accordance with the conditions and deviations specified in Sections B and C.

SECTION B. CONDITIONS:

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Varsity Commercial Center," stamped received June 8, 1999, except as modified by conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project uses:
 - a. Schedule of Uses
Accessory Uses and Structures
Administrative Offices
Business Services, Group I [Section 34-622(c)(5)]

10/4/99

Drugstore
 Essential Services [Section 34-1611 et seq. and 34-1741 et seq.]
 Hardware Store
 Medical Office
 Paint, Glass and Wallpaper
 Real Estate Sales Office
 Recreational Facilities, Commercial Group IV [Section 34-622(c)(38)]
 Repair Shops, Groups I, II, and III [Section 34-622(c)(40)]
 Schools, Commercial [Section 34-622(c)(45)]
 Signs, in accordance with Chapter 30 of the LDC
 Studios [Section 34-622(c)(49)]
 Gift and Souvenir Shops
 Hobby, Toy and Game Shops [Section 34-622(c)(21)]
 Insurance Companies [Section 34-622(c)(23)]
 Personal Services, Groups I, II (except massage parlor), and Group III [Section 34-622(c)(33)]
 Pet Services
 Retail and Wholesale Sales, when clearly incidental & subordinate to a principal use
 Printing and Publishing, to include parcel & package service
 Specialty Retail Shops, Groups I, II, and III, except no firearms or ammunition sales as a separate principal use [Section 34-622(c)(47)]
 Variety Store

b. Site Development Regulations

Minimum Lot Area and Dimensions:

Area: 20,000 square feet
 Width: 100 feet
 Depth: 100 feet

Minimum Setbacks:

Street: Variable according to the functional classification of the street or road (Section 34-2191 et. seq.)
 Side: 15 feet
 Rear: 20 feet
 Water: 25 feet

Maximum Lot Coverage: 40 percent

Maximum Building Height: 25 feet

3. Based upon the current LDC, the parking requirements for an oriental martial arts school [schools, commercial, Section 34-622(c)(45)] will be calculated on the basis of one parking space per 250 square feet of floor total area plus one space per four seats, if seating is provided. Dead storage will be calculated at one space per 600 square feet. An oriental martial arts school must be limited to a maximum of 4,000 square feet.

4. Prior to local development order approval, the 24-inch-caliper South Florida slash pine shown on the MCP, stamped received June 8, 1999 by the zoning counter, must be labeled as preserved. If this pine tree cannot be barricaded to its full crown spread, then the development order plan must indicate how the tree will be protected to ensure its preservation and survival.
5. Prior to the issuance of a vegetation removal permit, Division of Planning/Environmental Sciences Staff must confirm which limbs may be removed from the 24-inch-caliper South Florida slash pine to be preserved in accordance with Condition 4. The limb removal must be accomplished by a certified arborist.
6. The Applicant must plant 10 trees per 100 linear feet within the 20-foot setback along the west side of the subject property. The trees must be of a species that will provide a full canopy at maturity, excluding palms and slash pine. The plantings must be in accordance with LDC Chapter 10.
7. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
8. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).
9. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

SECTION C. DEVIATIONS:

Deviation (1) requests relief from the LDC Section 34-2020(2)n.1., requirement to provide a minimum of one space per employee plus two spaces per 100 square feet of classroom floor area, to allow the parking calculations for indoor recreational facility, at one space for each 250 square feet of floor area and one space per 600 feet of storage area. This deviation is APPROVED, SUBJECT TO compliance with Condition 3 above.

Deviation (2) requests relief from the LDC Section 10-285(a), Table 1, requirement that local roads provide connection separation of 125 feet, to allow a connection separation of 93 feet along Sixth Street West. This deviation is APPROVED.

Deviation (3) requests relief from the LDC Section 10-285(a), Table 1, requirement that local roads provide connection separation of 125 feet, to allow connection separation of 97 feet along Fifth Street West. This deviation is APPROVED.

SECTION D. EXHIBITS:

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

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

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

Ray Judah	<u>Aye</u>
John E. Albion	<u>Aye</u>
John E. Manning	<u>Aye</u>
Douglas R. St. Cerny	<u>Aye</u>
Andrew Coy	<u>Aye</u>

DULY PASSED AND ADOPTED this 4th day of October, 1999.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Charlie Green*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Ray Judah*
Chairman

Approved as to form by:

David E. Albion 10/5/99
County Attorney's Office

MINUTES OFFICE

Ray F
FILED OCT 06 1999

EXHIBIT "A"

LEGAL DESCRIPTION

Lots 1, 2, & 3, Block 54, Unit 5, LEHIGH ACRES, as recorded in Plat Book 15, Page 78, of the Public Records of Lee County, Florida, lying in Section 28, Township 44 South, Range 26 East, Lee County, FL.

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

28-44-26-05-000054.0010/28-44-26-05-000054.0020/28-44-26-05-000054.0030

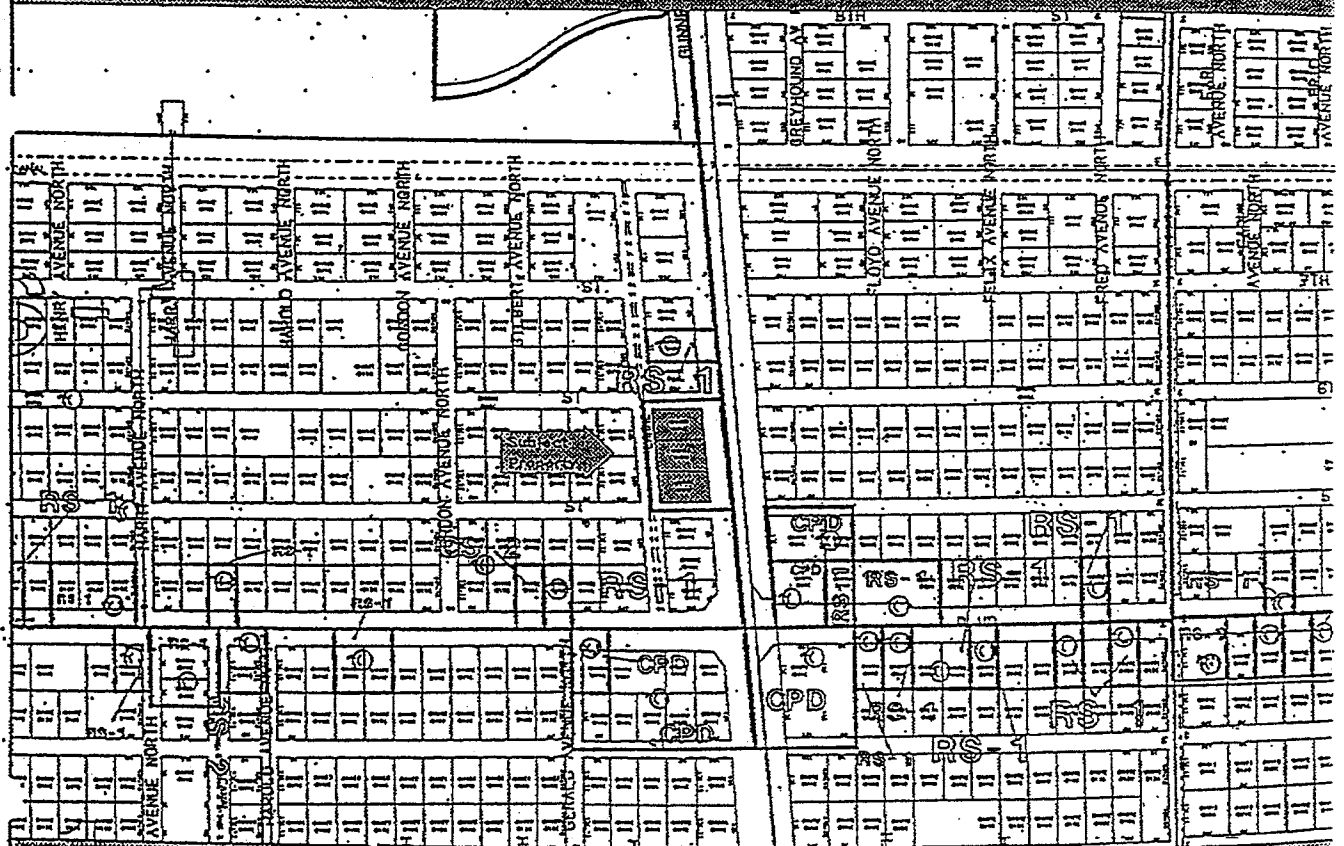


EXHIBIT C

EXHIBIT "E"
(Lehigh Vesting Agreement)

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,

Let to. Court 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")

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 County 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,

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.

Elen Wysocki
WITNESS

Pat E. Allen
WITNESS

LEHIGH CORPORATION

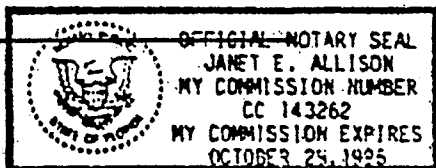
By: William Livingston
William Livingston, President
Address: 201 E. Joel Boulevard
Lehigh Acres, FL 33936

STATE OF FLORIDA)
) SS.
COUNTY OF LEE)

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: _____

Doug St. Cergy, Chairman

ATTEST:
CHARLIE GREEN, CLERK

By: [Signature]
Deputy Clerk

Approved as to form:

By: _____

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

<u>REMARKS</u>	<u>SEC.</u>	<u>TWP.</u>	<u>RGE.</u>	<u>PLAT BOOK</u>	<u>PAGE</u>	<u>REC. DATE</u>
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.