

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

(Correcting and clarifying Resolution Z-89-103)

WHEREAS, Lee County Division of Zoning has properly filed for a correction of Resolution Z-89-103 to correct an error in the motion to Approve with conditions the Amendment to the Residential Planned Development, on a project known as Bonita Fairways and Tennis Club, granted in Resolution Z-89-021; and

WHEREAS, the subject property is located on the north side of Terry Street between Old and New US 41, described more particularly as:

LEGAL DESCRIPTION: In Sections 26 and 27, Township 47 South, Range 25 East, Lee County, Florida:

Commencing at the Northeast corner of Section 27, Township 47 South, Range 25 East, Lee County, Florida;
THENCE S.01°24'14"E. along the East line of said Section 27 a distance of 1,417.15 feet to a point on the Southerly right-of-way of A.C.L. Railroad (130 foot right-of-way); and the POINT OF BEGINNING of the herein described;
THENCE N.48°14'25"W. along said Southerly right-of-way a distance of 613.18 feet to the Northeast of Imperial Harbor Unit No. 1 (P.B. 11, Pg. 56-57);
THENCE S.33°58'56"W. along the Easterly line of said Unit 1, a distance of 30.26 feet to the Northeast corner of parcel "C" of said Plat;
THENCE N.48°14'25"W. along the Northerly line of said parcel "G" 45.32 feet to the Northeast corner of Lot 09, Block 01 of Plat;
THENCE S.11°43'45"W. along the Easterly line of said lot and the center of a 12 foot drainage and utility easement 92.38 feet to the Southeast corner of said lot 09 on the Northerly line of Parcel "A" of said Unit 1;
THENCE S.48°14'25"E. along said parcel "A" a distance of 10.00 feet to the Easterly line of said Unit No. 1;
THENCE S.33°58'56"W. along said Easterly line of Unit No. 1, a distance of 50.48 feet;
THENCE S.44°35'16"W. along the rear line of lots of Block 02 of said Plat, a distance of 178.39 feet;
THENCE S.38°58'46"W. and continuing along the rear line of said lots of Block 02, a distance of 191.18 feet;
THENCE S.31°13'56"W. and continuing along the rear line of said lots of Block 02, 237.65 feet;
THENCE S.24°35'06"W. and continuing along the rear line of said lots of Block 02, 195.95 feet to the Northerly line of Parcel "D" on said Plat;
THENCE S.48°26'06"E. along Parcel "D" 5.88 feet to the Easterly line of said Plat;
THENCE S.33°58'56"W. along the Easterly line of said Plat 10.13 feet;
THENCE S.48°17'38"E. a distance of 53.61 feet; THENCE N.41°42'22"E. a distance of 100.00 feet;

continued ...

THENCE S.48°17'38"E. along the rear line of Block 34, Imperial Harbor Unit No. 7, a distance of 525.00 feet;
 THENCE S.41°42'22"W. along the rear line of Block 32, a distance of 466.60 feet to a point of curve;
 THENCE Southwesterly along said rear line of Block 32, a distance of 834.21 feet on the arc of circular curve concave to the Northwest, having a radius of 2,663.99 feet and being subtended by a chord which bears S.50°42'55"W. 830.72 feet;
 THENCE continuing Westerly and Northwesterly along the said rear line of lots of Block 32, a distance of 303.06 feet on the arc of a circular curve concave to the Northeast, having a radius of 190.00 feet and being subtended by a chord which bears N.74°37'08"W. 271.94 feet;
 THENCE continuing along said rear line of Block 32, N.28°55'31"W. a distance of 72.79 feet;
 THENCE continuing along said rear line of Block 32, a distance of 229.73 on the arc of a circular curve concave to the Northwest, having a radius of 2,404.014 feet and being subtended by a chord which bears S.66°48'36"W. a distance of 229.65 feet;
 THENCE continuing along said rear line of Block 32, S.69°35'44"W. a distance of 154.98 feet;
 THENCE S.01°24'10"E. along said rear line of Block 32 a distance of 481.22 feet;
 THENCE S.88°35'50"W. along Block 30-32 of said Unit No. 7, a distance of 575.65 feet to the Easterly line of Florida Power & Light Company right-of-way (100 feet wide);
 THENCE S.00°59'33"E. along said Easterly right-of-way a distance of 1487.23 feet to a point on the Northerly right-of-way of West Terry Street (used as a 60 foot right-of-way);
 THENCE S.83°02'59"E. along said Northerly right-of-way of West Terry Street (30 feet North and parallel to the centerline and section line) a distance of 2,733.57 feet to a point on the East line of Section 27;
 THENCE N.00°48'18"W. along the East line of Section 27 a distance of 2626.58 feet to the East Quarter (E ¼) corner of Section 27;
 THENCE N.89°07'54"E. along the Quarter (¼) section line of Section 26, Township 47 South, Range 25 East, Lee County, Florida and the Northerly line of Lot #7 of the Helfenstein Estates (P.B. 8, Pg. 40) a distance of 1,334.42 feet to the Southerly right-of-way of the A.C.L. Railroad;
 THENCE Northwesterly along said Southerly right-of-way a distance of 96.42 feet on the arc of circular curve concave to the Southwest, having a radius of 3,711.88 feet and being subtended by a chord which bears N.42°05'42"W. 96.42 feet to a point on a continuing curve not radial;
 THENCE continuing Northwesterly along said right-of-way a distance of 387.43 feet on the arc of circular curve concave to the Southwest, having a radius of 4644.60 feet and being subtended by a chord which bears N.45°51'02"W., 387.29 feet to a point of tangent;
 THENCE N.48°14'25"W. along said Southerly right-of-way a distance of 1,371.37 feet to the POINT OF BEGINNING of the herein described; being a part of Sections 26 and 27, Township 47 South, Range 25 East, Lee County, Florida.
 SUBJECT to easements and restrictions of record.
 CONTAINING 184.14 acres of land, more or less.

WHEREAS, a public hearing was duly noticed and held before the Lee County Hearing Examiner and the Lee County Board of County Commissioners; and

WHEREAS, the Board of County Commissioners promptly and succinctly acted on the petition on February 26, 1990, and an official Resolution was prepared and filed entitled Resolution Number Z-89-103, which approved with conditions an amendment to the Residential Planned Development; and

WHEREAS, the resolution did not accurately reflect the Board's action

regarding condition "b." of Resolution Z-89-103, it became necessary to

prepare and file a correction to the resolution reflecting the correct

motion and conditions of Hearing Number 89-2-14-2(a)DCI; and

WHEREAS, this correction was brought before the Lee County Board of

County Commissioners at a public hearing and the correction was approved.

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

COUNTY FLORIDA, that Resolution Z-89-103 is hereby corrected to eliminate

condition "b." Condition "b." denied deviation 2 of the original zoning

Resolution Z-89-021. Elimination of this condition reinstates the Board's

correct motion, which was to approve deviation 2, as is correctly stated in

condition 8 of Resolution Z-89-021.

The foregoing Resolution was adopted by the Lee County Board of County

Commissioners upon a motion by Commissioner Judah, and seconded by

Commissioner Slissher and, upon being put to a vote, the result was as

follows:

John E. Manning Aye

Douglas St. Cerny Aye

Ray Judah Aye

Bill Fussell Absent

Donald D. Slissher Aye

DULY PASSED AND ADOPTED this 25th day of June, A.D., 1990.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY:
Chairman

Approved as to form by:

County Attorney's Office

ATTEST:
CHARLIE GREEN, CLERK

BY:
Deputy Clerk

FILED
JUL 09 90
CLERK CIRCUIT COURT
BY:

HEARING NUMBER 89-2-14-2(a)DCI

RESOLUTION NUMBER Z-89-103A

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