# ADMINISTRATIVE INTERPRETATION LEE COUNTY, FLORIDA

# SOUTH SEAS RESORT DEVELOPMENT STATUS

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY has requested the Director of the Department of Community Development (hereafter "Director") and the County Attorney to summarize and clarify the current status of development of a project known as South Seas Resort on property located on the northern end of Captiva Island, described more particularly as:

LEGAL DESCRIPTION: In Sections 15 and 22, Township 45 South, Range 21 East, Lee County, Florida:

See attached Exhibit "A"

# **Zoning District for South Seas Resort**

WHEREAS, Section 2-1 of the Land Development Code (LDC) provides that the Director may make interpretations of an administrative nature concerning the procedure to be followed in unusual circumstances; and

WHEREAS, LDC Section 34-172(b) provides that the Director, in conjunction with the County Attorney's Office has the discretion to interpret and apply the provisions of Chapter 34 of the LDC (Zoning); and

WHEREAS, the Board of County Commissioners of Lee County originally approved a zoning district change for the subject property on November 20, 1973, by adopting Resolution Z-73-202, Case Number 73-10-33, which changed the zoning district for the subject South Seas Resort property from the RU-3 and RU-2 zoning districts to a unique zoning district, described particularly in Resolution Z-73-202 as "RU-3 using a PUD concept as a guid[e] with special limitation of 3 units per acre and special permit for up to 5 acres of commercial property" and, inter alia limited the development density for this zoning district to 912 units; and

WHEREAS, in conjunction with said Resolution the Board of County Commissioners of Lee County approved a master development plan for the South Seas Resort (hereafter 1973 SSRMDP) which detailed existing developed and future development areas within the unique zoning district approved for South Seas Resort or the South Seas Resort District (hereafter SSRD); and

WHEREAS, in 1973 Lee County's zoning regulations did not provide for a Planned Unit Development (hereafter PUD) zoning district classification per se, however, in 1978 the Board of County Commissioners adopted Resolution Z-1 (1978 Zoning Ordinance) revising the

scheme of zoning regulations for Lee County to include a PUD zoning district classification; and

WHEREAS, the 1978 Zoning Ordinance converted conventional RU-3 zoning districts to RM-2 zoning districts, but did not specifically convert the unique SSRD to either an RM-2 or PUD zoning district; and

WHEREAS, the 1978 Zoning Ordinance defined a PUD as:

A tract of land which is developed as a unit under single ownership or control and which is planned and developed in a single operation or within a proposed period of time by a series of scheduled development phases according to an officially approved Final PUD Development Plan, which does not necessarily correspond to the property development and use regulations of the conventional zoning districts but which permits flexibility in building siting, mixtures of housing types and land uses, and encourages the utilization of usable open space and the maintenance of significant natural features.

WHEREAS, in light of the PUD definition provided by the 1978 Zoning Ordinance, converting the SSRD to, or treating the SSRD as an RM-2 zoning district does not further the mutual intention of the Board of County Commissioners and the developers of South Seas Resort evident in Resolution Z-73-202 for the project to be developed as a PUD; and

WHEREAS, the developers of South Seas Resort have developed the subject property similarly to a PUD, in reliance on Resolution Z-73-202; and

WHEREAS, on January 18, 1984, the Lee County Board of County Commissioners adopted Resolution DSO 84-1 reaffirming "[t]here was site plan approval at the time the original P.U.D. was granted;" and granting on appeal an exemption from Development Standards Ordinance 82-42 to allow the relocation of the residential development area identified as Golf Villas on the 1973 SSRMDP from the originally approved location on the Bay Island Parcel to the Resort Area on the northernmost end of Captiva Island for the development of 68 residential units known as Land's End Village; and

WHEREAS, on July 23, 1985, Lee County Zoning and Development Review Division confirmed that, as a result of the developers of South Seas Resort timely applying for and receiving approval for a site plan under the previous F-0015 review procedure, South Seas Resort met the outlined requirements of and was deemed consistent with the Lee Plan; and

WHEREAS, the approved 1985 site plan included, as Sheet 1 of 16, a revised master plan showing as-built and proposed modifications to the 1973 SSRMDP; and

WHEREAS, the Lee County Zoning and Development Review Division outlined and accepted by in a letter dated June 24, 1987, a process for reviewing a detailed plan or plans for a particular development phase for substantial compliance with the SSRMDP, but did not provide for modification or revision of the SSRMDP itself; and

WHEREAS, the Board of County Commissioners of Lee County initiated and approved Resolution Z-90-91 to include particularly described areas of the property comprising the SSRD within the water-dependent overlay of the Lee Plan and provide that those particularly described areas would be treated as Marine Commercial zoning (CM) districts within the SSRD:

See attached Exhibits "B" and "C"

# South Seas Resort Master Development Plan (SSRMDP) Amendment Procedure

WHEREAS, the Director is of the opinion that effective administration of requests to modify or change the SSRMDP as this resort destination evolves under the current and evolving zoning regulations necessary to effectively regulate contemporary land development in Lee County requires treating the SSRD similarly to a PUD, in accordance with Article VI, Division 10, Subdivision IV of the LDC; and

WHEREAS, Article VI, Division 10, Subdivision IV of the LDC provides a contemporary context for adequately and effectively regulating future development and administering future requests for development approvals in furtherance of the intention of the Board of County Commissioners and the developers of the South Seas Resort pursuant to Resolution Z-73-202; and

WHEREAS, the 1978 Zoning Ordinance authorized the Director to approve minor changes in the location, siting or height of buildings, structures and improvements authorized by the approved PUD final development plan; and

WHEREAS, the Board of County Commissioners of Lee County in 1989 amended the Zoning Ordinance to provide the Director with greater flexibility to amend PUD final development plans (see Ordinance 89-4); and

WHEREAS, the parameters set forth in Ordinance 89-4 regarding changes to PUD final development plans are currently codified in LDC Section 34-1038, which provides:

For any approved final PUD development plan for a PUD which does not specifically set forth those minor changes that may be approved by the director of the department of community development or any PUD development plan which has not received final approval prior to the effective date of the ordinance from which this subdivision is derived (July 6, 1987), minor changes (amendments) that may be approved by the department director include, in general, any change to the interior of the development which does not increase density or intensity (i.e., number of dwelling units or quantity of commercial or industrial floor area), or which does not decrease buffers or open space. The director shall not approve any change which results in a substantial underutilization of public resources and public infrastructure committed to the support of the development, nor shall the director approve any change which results in a reduction of total open space, buffering,

landscaping and preservation areas, or which adversely impacts on surrounding land uses.

# Bayside Villas Lock-off Units

WHEREAS, during the review of South Seas Resort to provide the requested summary and clarification a question arose as to the number of units at *Bayside Villas* and within the SSRD, and Staff determined that 102 of the 912 maximum allowed residential living units were consistently allocated to the development area identified as Bayside Villas; and

WHEREAS, during the course of this review Staff determined that a portion of the 102 residential living units allocated to Bayside Villas have been and are being operated as lock-off accommodations; and

WHEREAS, lock-off accommodations have been regulated by Lee County Ordinances and counted as living units since 1974 (see Lee County Ordinances numbers 74-9, 78-7, and 82-44, and LDC Sec 34-1547); and

WHEREAS, the marking and use of the 102 units allocated to Bayside Villas as more than 102 units is counter to the SSRMDP and the density cap for the SSRD; and

WHEREAS, the developers and operators of South Seas Resort have voluntarily agreed through a Compliance Agreement with the Director to amortize the use of the units at Bayside Villas as lock-off accommodations in a manner acceptable to Lee County; and

# Five Acre Commercial Area and 2002 South Seas Resort Master Development Plan (2002 SSRMDP)

WHEREAS, during the review of South Seas Resort to provide the requested clarification a question arose as to the physical extents of the five (5) acres of commercial development permitted by Resolution Z-73-202; and

WHEREAS, at the request of the County, the developers submitted to the County a revised Master Development Plan (hereafter "2002 SSRMDP") showing the current as built/as approved configuration of the SSRD; and

WHEREAS, the 2002 SSRMDP clearly delineates the current extents of the five (5) acres of permitted commercial development within the SSRD and the perimeter boundary of the current extents of this commercial area have been separately described by metes and bounds to facilitate County verification of this acreage:

<sup>&</sup>lt;sup>1</sup> This Compliance Agreement operates to eliminate separate use of portions of the Bayside Villas units as lock-off units—what are now being marketed as "Standard Sleeper Rooms," "Bayside Executive Studios," and "two-bedroom Bayside Villas". See <a href="https://www.south-seas-resort.com/accommodations/bayside.asp">www.south-seas-resort.com/accommodations/bayside.asp</a> site last visited January 25, 2002.

# See attached Exhibit "D"

WHEREAS, it is in the best interests of Lee County and the developers of South Seas Resort to summarize and clarify the current status of the South Seas Resort development so as to administer future development approval requests while avoiding possible misunderstandings; and

WHEREAS, the Director of the Department of Community Development has determined and the developers of South Seas Resort have agreed that:

- 1. Resolution Z-73-202, adopted on November 20, 1973 by the Lee County Board of County Commissioners, established a unique zoning district, hereafter referred to as the South Seas Resort District (SSRD).
- 2. In conjunction with Resolution Z-73-202, the Board of County Commissioners approved a master development plan, hereinafter South Seas Resort Master Development Plan (SSRMDP). The SSRMDP delineated ten (10) areas as Beach Homes, four (4) areas as Beach Villas, two (2) areas as Golf Villas, and three (3) areas as Bayside Villas, a Golf Course, Resort area, Commercial area, Tennis Villas area, Employee Housing area, Boat Basin area, and Plantation Preserve area as well as areas of Existing Mangrove. Additionally the approved master plan identified locations for Sewage Treatment & Wastewater Recycling, Boardwalks, an Observation Tower, Indian Mound, golf holes, lakes, roadways, and docking facilities.
- 3. Contemporaneous to the adoption of Resolution Z-73-202, the developers made the following representations to Lee County Staff, the Zoning Board, the Board of County Commissioners, and the Public, which representations constitute enforceable conditions of the SSRD:
  - a. Development of the SSRD will evolve over a number of years in line with several very basic guidelines: very low density development utilizing a number of small scale clusters; carefully planned and tightly controlled development; preservation of bayou shoreline and mangrove areas; Emphasis on pedestrian traffic, not automobiles.
  - b. The project will be limited to 912 residential units (304 acres at three units per acre) and five (5) acres of commercial development.
  - c. Four (4) miles of mangrove and bayou shoreline will be preserved by clustering higher density into smaller development areas with greenbelt separations.
  - d. A 20 acre *Plantation Preserve* parcel, a natural area to be accessible by wooden walkways that will include instructional stopping points describing the origin and type of vegetation in a bayou area will be set aside.
  - e. Employee housing accommodations will be developed.

- 4. Since the inception of the SSRD, the developers of South Seas Resort have allocated units to various projects throughout the district and allocated, *inter alia*, 102 units to Bayside Villas and 26 units to the South Seas Plantation Homesites subdivision.
- 5. On January 18, 1984, the Lee County Board of County Commissioners adopted Resolution DSO 84-1 granting an exemption from the Development Standards Ordinance 82-42 (hereafter "DSO") for the relocation of the Golf Villas from the originally approved location on the *Bay Island Parcel* to the north end of the *Resort Area* for the development of 68 residential units known as *Land's End Village*.
- 6. In 1985, the developers of South Seas Resort timely requested and received a Lee Plan Consistency Determination. Included with this request were a cover letter, eight (8) page Project Overview, a Tabulation of Dwelling Units at South Seas Resort, and a 16 sheet, 24" x 36" plan package entitled "Construction Plans for South Seas Plantation" (hereafter "1985 plan package"). At that time, the SSRD was deemed consistent with the Lee Plan.
- 7. The 1985 cover letter noted it was "likely to take an additional three to five years to complete the development in accordance with the approved Master Plan," and that the developer was submitting building permit applications and drawings for review simultaneously.
- 8. The 1985 Project Overview to some extent reiterated and modified the developer's 1973 representations, providing six (6) guidelines for development, 4 basic types of projects proposed for the final phases of development, a series of descriptions for each individual phase included in the 1985 plan package, and a summary, a Tabulation of Dwelling Units, and an accompanying narrative.
- 9. The 1985 plan package included the following modifications to the 1973 SSRMDP for the overall plan of development for the SSRD:
  - a. Graphic designations of vegetation were removed. See Sheet 1 of 16.
  - b. The legend was changed from colored to hatchured and expanded to include Beach Homesites, Marina Villas, Commercial, Resort Complex, Employee Housing, Resort Services Facilities; and Beach Villas was modified to Beach Villas and Plantation Villas. See Sheet 1 of 16.
  - c. The Golf Villas were depicted on the northern end of the northernmost peninsular area (to reflect the relocation of the Golf Villas and their development of Land's End Villas)<sup>2</sup> and the golf holes in that area were reconfigured. See Sheet 1 of 16.

<sup>&</sup>lt;sup>2</sup> See Resolution DSO 84-1, County Commission Minutes Book 141 pp 34-35

- d. An area designated *Resort Complex* generally corresponding to the Resort area of the 1973 SSRMDP was identified, see Sheet 1 of 16; and a Paving, Grading, Drainage, and Utility Plan for Plantation House II, see Sheet 2 of 16, and a Paving, Grading and Drainage Plan for Harbourside III, see Sheet 3 of 16, and a Utility Plan for Harborside III were provided. See Sheet 4 of 16.
- e. An area on the northern end of the most northeastern peninsula or *Bay Island Parcel* was identified as *Resort Complex*, see Sheet 1 of 16, and a Paving, Grading, Drainage, and Utility Plan provided for 18 one- and two-story hotel units to be known as *Harbour Pointe*. See Sheet 5 of 16.
- f. A *Marina Villas* area was depicted on the northern peninsula of the land southeasterly and adjacent to the northern Marina and the golf holes in that area reconfigured. See Sheet 1 of 16.
- g. Two areas south of the northern *Resort Complex* area were also designated "Resort Complex," see Sheet 1 of 16, and a Paving, Grading, Drainage, and Utility Plan provided for a new *Estate Residence*<sup>3</sup> and *Health Club*. See Sheet 6 of 16.
- h. The northern areas designated *Beach Villas and Plantation Villas* were modified from the 1973 SSRMDP to show one smaller area on the east side of the road and one larger area on the west side of the road, see Sheet 1 of 16, and a Paving, Grading, Drainage, and Utility Plan provided for two 1-1/2 story duplex units identified as *Plantation Bay Villas* on the east side of the road and one four-plex, two stories over parking identified as *Plantation Beach Villas* on the west side of the road. See Sheet 7 of 16. The larger *Beach Villas and Plantation Villas* area on the west side of the road on Sheet 1 of 16 included property not included in the SSRD. Cf. 1973 SSRMDP.<sup>4</sup>
- i. Three new areas, two on the *Plantation East* (aka *Bay Island*) *Parcel* and one in the general area of the *Commercial* and *Bayside Villas* areas of the 1973

<sup>&</sup>lt;sup>3</sup> The *Estate Residence* was erroneously excluded from the Tabulation of Dwelling Units, and thus an additional residential unit should be counted against the total 912 allocation.

<sup>&</sup>lt;sup>4</sup> As developed, this northern *Beach Villas and Plantation Villas* area is comprised of two resort residential projects known as *Sandrift* and *Plantation Beach Club* (PBC), with PBC encompassing the majority of the development area. While PBC was developed with a total of 56 total units, a portion of the project–PBC II, Phase 1, an eight (8) unit building–was constructed on a parcel of land acquired by the developers subsequent to the 1973 zoning approval and not included within the SSRD. Thus the total number of PBC units within the SSRD which may be counted against the total 912 allocation is 48 and the 1985 plan package Tabulation of Dwelling Units total of 56 is in error.

- SSRMDP were designated *Resort Services Facilities*, see Sheet 1 of 16, and a Paving, Grading, Drainage, and Utility Plan provided for a Proposed Addition to Sewage Treatment Plant. See Sheet 8 of 16.
- j. The areas designated *Beach Homesites* were modified from the 1973 SSRMDP to show the area platted and developed as South Seas Plantation Beach Homesites, Plat Book 29, Page 106, Public Records of Lee County, Florida. See Sheet 1 of 16.
- k. The areas designated *Beach Homes* were modified to reflect the as-built development areas. See Sheet 1 of 16.
- I. The southern area designated *Beach Villas and Plantation Villas* was modified from the 1973 SSPMPD to combine *Beach Homes* and *Beach Villas* development areas. See Sheet 1 of 16.
- m. The Commercial area and the Tennis Villas area were revised to generally reverse their positions as shown on the 1973 SSRMDP and Bayside Villas was reduced from three (3) areas to two (2) to reflect the as-built development areas, see Sheet 1 of 16, and a Paving, Grading, Drainage, and Utility Plan provided for Chadwick's Commercial, Restaurant, and Meeting Rooms. See Sheet 10 of 16.
- n. The *Employee Housing* area was revised and modified, see Sheet 1 of 16, and a Paving, Grading, Drainage and Utility Plan provided for Employee Housing/Human Resources and Employee Housing Phase Four. See Sheet 9 of 16.
- o. Typical Details and Notes with respect to paving, grading, drainage and utilities were also provided. See Sheets 11 through 16 of 16.
- 10. In 1987, the developers of South Seas Resort, in conjunction with a proposal to County Staff of a procedure for plan review and final inspection in the SSRD in light of the process provided under the DSO and the exemption granted the project under Resolution DSO 84-1, submitted a new overview of the master plan, updating the 1985 Project Overview, and a revised Tabulation of Dwelling Units, updating the 1985 Tabulation of Dwelling Units..
- 11. The June 24, 1987, Lee County Zoning and Development Review Division letter agreed to a process for reviewing a detailed plan or plans for a particular development site or phase for substantial compliance with the SSRMDP, but did not provide for modification or revision of the SSRMDP itself.
- 12. As the exemption granted under DSO 84-1 was directed at the relocation of the dwelling units for *Land's End Village*, the procedure outlined in staff's June 24, 1987 letter is no longer an effective procedure under current County standards.

- 13. Mariner's purchase of the Hanchar property and the variance granted by BZA-86-46 does not affect the total number of units permitted within the SSRD (912), however, construction of Sanddrift (aka Plantation Beach Villas within the SSRD allocated four (4) of the 912 SSRD units to that development.
- 14. The parcel on which the *Estate Residence* was constructed is within the SSRD and one (1) residential dwelling unit will be counted against the total 912 allocation of dwelling units
- 15. The *Plantation Beach Club II, Phase 1* building, was constructed on a parcel not included within the SSRD, and the eight (8) units it contains will not be counted against the total 912 allocation of dwelling units.
- 16. The current allocation of units to the various development areas is:

Area Name	<b>Number of Units</b>
1. Bayside Villas	102
2 Tennis Villas	60
3. Employee Housing	140
4. Beach Villas	160
5. Beach Cottages	26
6. Beach Homes	33
7. Beach Homesites	26 <sup>5</sup>
8. Sandrift (aka Plantation Beach Villas)	4
9. Plantation Beach Club	48
10. Plantation Bay Villas	4
11. Marina Villas	40
12. Harbourside Villas	107
13. The South Seas Club	24
14. Cottages at South Seas Plantation	14
15. Plantation House Phase I	12
16. Seabreeze (aka Plantation House Phase II)	8

<sup>&</sup>lt;sup>5</sup> The developers of the South Seas Resort have allocated 26 units to the Beach Homesites area. Only 24 units have been constructed to date. In 1999, the Lee County Hearing Examiner granted Lot 21 of this subdivision a variance from the building height limitations of LDC Section 34-2175(2). VAR963127 aka 99.05.144.05V 01.01. LDC Section 34-2175(2) was subsequently amended to prohibit such grant of variance. Lee County Ordinance 99-13.

17. Land's End Village (aka Golf Villas)	68
18. Estate Residence	1
19. Harbour Pointe	18
TOTAL ALLOCATED DWELLING UNITS	895
TOTAL APPROVED DWELLING UNITS	912
TOTAL DEVELOPED DWELLING UNITS	877 <sup>6</sup>
TOTAL UNDEVELOPED DWELLING UNITS	35

- 17. There is evidence to conclude that, when used as lock-off units, Bayside Villas provides more than the 102 units allocated to that development phase by the current schedule allocating the 912 SSRD units.
- 18. The use of lock-off units on Captiva Island is regulated by LDC Section 34-1547.
- 19. It is in the best interests of the developers and operators of South Seas Resort and Lee County that the design and use as lock-off accommodations of the 102 units allocated to Bayside Villas be amortized. The developers of South Seas Resort have proposed and the County has agreed to a program for timely amortization of the design and use of these units as lock-off accommodations through a Compliance Agreement acceptable to the County.
- 20. The County-initiated zoning action memorialized by Resolution Z-90-91 established within the SSRD two (2) specific water-dependent overlay Marine Commercial (CM) zoning districts as a part of the SSRD, but that zoning action had no effect on the density or number of units approved within the SSRD.
- LDC Section 34-1038 provides an effective procedure for reviewing proposed modifications or revisions to the SSRMDP and SSRD for compliance with Chapter 34 of the LDC.

WHEREAS, THE PURPOSE OF THIS ADMINISTRATIVE INTERPRETATION IS TO SUMMARIZE AND CLARIFY ALL PRIOR APPROVALS INTO ONE COMPREHENSIVE DOCUMENT DETAILING WHAT DEVELOPMENT CURRENTLY EXISTS, CLARIFY WHAT ADDITIONAL DEVELOPMENT MAY BE PERMITTED, AND PROVIDE FOR A REASONABLE METHOD FOR THE COUNTY TO REVIEW REQUESTS FOR FUTURE DEVELOPMENT APPROVALS TO MODIFY OR CHANGE THE MASTER DEVELOPMENT PLAN ADOPTED BY RESOLUTION Z-73-202;

**NOW, THEREFORE**, the Director of Community Development has determined:

<sup>&</sup>lt;sup>6</sup> Of the 877 developed units, to date only 875 have been constructed. <u>Supra</u> note 5.

1. The development of 912 residential units within the SSRD, the extents of which are described in attached Exhibit "A," together with the following Tabulation of Dwelling Units for the allocation of these dwelling units within the SSRMDP is approved:

<u>Area Name</u>	Number of Units
1. Bayside Villas	102
2 Tennis Villas	60
3. Employee Housing	140
4. Beach Villas	160
5. Beach Cottages	26
6. Beach Homes	33
7. Beach Homesites	<b>26</b> <sup>7</sup>
8. Sandrift (aka Plantation Beach Villas)	4
9. Plantation Beach Club	48
10. Plantation Bay Villas	4
11. Marina Villas	40
12. Harbourside Villas	107
13. The South Seas Club	24
14. Cottages at South Seas Plantation	14
15. Plantation House Phase I	12
16. Seabreeze (aka Plantation House Phase II)	8
17. Land's End Village (aka Golf Villas)	68
18. Estate Residence	1
19. Harbour Pointe	18
TOTAL APPROVED ALLOCATED DWELLING UNITS	895
TOTAL APPROVED DWELLING UNITS	912
TOTAL DEVELOPED DWELLING UNITS	877 <sup>8</sup>

<sup>&</sup>lt;sup>7</sup> <u>Id.</u>

<sup>&</sup>lt;sup>8</sup> <u>ld.</u>

- 2. The existing commercial development within a 5 acre area the perimeter boundaries of which are described in attached Exhibit "D" is approved.
- 3. The existing Marine Commercial development within the two areas, the perimeter boundaries of which are described in attached Exhibits "B" and "C" is approved.
- 4. Except as specifically conditioned herein, the following development standards applicable to the SSRD, based on standards that have been applied since its inception in 1973 are approved:
  - a. Open space: Of the 304± acres<sup>9</sup> that make up the SSRD, approximately one third is set aside as open space (this 100+ acres includes now privately owned uplands, wetlands, and submerged lands). Additionally there is an allocation of open space for those lands seaward of the coastal construction control line, currently in excess of 15 acres. The South Seas Golf Course and other recreational lands supplement the beachfront and preservation land categories such that a minimum of 50% (approximately 152 acres) of the overall property is allocated to Open Space. Therefore, no minimum amount of Open Space is required per individual parcel.
  - b. <u>Landscape:</u> Emphasis will be placed on the use of native species. Canopy trees for shading and trees and/or shrubs for the screening of service areas or for privacy will be used to the extent possible. The final plant selection and placement shall be at the discretion of the owner working in concert with County staff. The use of invasive exotics is prohibited.
  - c. <u>Buffers:</u> There will be a natural (mostly mangrove) shoreline buffer along the bay waters of the SSRD. Specifically, that natural buffer shall be a minimum of 35' wide (except to the extent that the existing South Seas Road or Bay Drive (leading to Harbour Pointe) may currently encroach into and therefore reduce that 35' buffer). Where it is within or proximate to approved development areas, the natural buffer may be subject to a number of existing small openings as necessary for helicopter, vehicular, boat, pedestrian, and/or utility access, and trimming in accordance with State Standards for Mangrove Trimming where permitted. There is no buffer required along the bay waters extending from the southeasterly tip of the Harbour Pointe site continuing across the marina entrance channel and along the bay waters to Redfish Pass. There shall be no

<sup>&</sup>lt;sup>9</sup> The developers have had the property surveyed since 1973 and the greater accuracy of contemporary surveying has determined that the overall acreage is greater than indicated in 1973. This new, larger total acreage does not in any way modify the total maximum of 912 residential dwelling units permissible in the SSRD.

required minimum buffer between residential parcels internal to the development.

d. **Setbacks:** Captiva Drive Southwest–minimum 25' to edge of right-of-way. South Seas Road-minimum 10' to edge of pavement, excluding security building, signs, walls and other entrance features, when consistent with LDC site visibility requirements. Internal Driveways-no minimum setbacks required

Building to External Property Line:

- -minimum 10' with minimum 6' high wall and vegetation buffer
- -minimum 15' with minimum 6' high wall or vegetation buffer
- -minimum 20' without wall or vegetation buffer

Building to Internal Property Line-no minimum setback required **Building to Bay Waters** 

-minimum 25' setback from mean high tide line

Building to Waters of Gulf of Mexico

-minimum 50' from mean high tide line

Building to Natural or Manmade Lake, Pond, Bayou, Canal, or Marina

> -no minimum setback required for buildings redeveloped within existing building footprints; 25' for any new buildings.

**Building to Building Separation** 

-minimum 10' separation unless additional separation is required by Building/Fire Code

Accessory Structures including Fences and Walls

- -for walls or structures 8' or less in height above grade. No minimum setback required
- -for walls or structures over 8' in height above grade, the setback shall be the same as set forth above for Buildings, except as to water bodies where there will be no setbacks required.
- -there shall be no minimum required separation between walls and accessory structures or one accessory structure and another.
- Building Heights: (These standards are applicable to all new structures e. except those being replaced under the existing Lee County build-back provisions of the Land Development Code) maximum height to the top of a parapet wall, roof, or mid-point of a pitched roof of no less than 4:1 and no more than 7:1 shall be the lesser of 35' above the grade surrounding the building at its foundation or 42' above mean sea level.
- f. Traffic Impact Statements (TIS): A traffic impact statement shall be required for any development that includes new residential dwelling units or includes more than 500 square feet of retail/commercial square footage. Because of the SSRD's vested status for purposes of concurrency (established via

Determination of Consistency with the Lee Plan in 1985), the data provided to the County in such TIS are intended for information purposes only. Approval of TIS is not a precursor to approval of proposed development plans. The concurrency vesting is limited to the SSRD, as approved under this interpretation.

g. <a href="Parking: These standards recognize the developers long standing commitments to transportation alternatives to the automobile on Captiva, including pedestrian and bicycle transportation via the pathways provided throughout the SSRD and the provision of up to 18 hours of daily free tram service.)</a>

#### General

- -Individual parking spaces will be no less than 9' wide by 18' deep.
- -The appropriate number of handicap spaces will be provided in convenient locations in compliance with Lee County and State of Florida Handicapped Codes and the intent of ADA Guidelines.
- -Any proposed reduction or reconfiguration of the as-built/as approve parking spaces provided contemporaneous to this interpretation is subject to a limited review development order to assure that the current inventory of parking is not reduced and additional parking is provided in the proportions for resort uses as required below.

# Residential

- -Single family/duplex will have a minimum of 2 off-street parking spaces per unit.
- -Multi-family housing (whole ownership/timeshare/etc) will have a minimum of 1 parking space per dwelling unit plus a minimum of 1 guest/service parking space for every 10 dwelling units.
- -Hotel/Motel units and employee rental apartments shall have a minimum of 1 parking space for every 2 dwelling units plus 1 quest/service parking space for every 10 dwelling units.

#### Commercial

- -Activities/facilities internal to the resort and used almost exclusively by resort owners and guests (i.e. marina, golf course, tennis, retail, resort area restaurants, conference facilities, etc.) have no minimum required number of spaces.
- -Activities/facilities within the designated five (5) acre Commercial Area at the south end of the property, except for conference facilities, shall be required to provide a minimum of 1 parking space per 1000 square feet of retail, restaurant/lounge or commercial use (excluding kitchens and other back of house areas and service facilities).

# h. Construction Standards (other than for buildings):

-Roads, driveways, walks, bike paths, seawalls, etc. shall be built in accordance with sound engineering design standards typical of those facilities

constructed within the SSRD during the past 28 years, subject to review and approval by County staff through the limited review development order process.

i. <u>Stormwater Management:</u>

- -The standards of the existing approved SSRMDP as authorized and permitted by the South Florida Water Management District, or as they may be amended in the future, shall govern the surface water management elements of future development in the SSRD.
- j. Other: Except as otherwise noted herein, the applicable standards of the Lee County Land Development Code shall apply within the SSRD
- 5. The 2002 SSPMPD, as revised July 22 , 2002, stamped approved July 30 , 2002, is approved with the following conditions:
  - a. Current and future development within the SSRD will
    - 1. be limited to a development density of 912 units utilizing a number of small scale clusters:
    - 2. be carefully planned and tightly controlled;
    - 3. provide for a self-support capability in terms of facilities and service needed;
    - 4. emphasize pedestrian movement, not automobile traffic;
    - preserve shoreline and mangrove areas, including 2.5 miles of beach,
       3.5 miles of bayou shoreline, and 20 acres of *Plantation Preserve* mangrove forest; and
    - 6. demonstrate leadership in rational development techniques in advance of proposed or enacted legislation; and
    - 7. provide and maintain a balance of dwelling units, amenities, and service facilities for the benefit of the entire community (SSP owners and guests, Captiva, and Lee County).
  - b. The final phases of development in the SSRD include three (3) basic types of projects in accordance with the SSRMDP and the allowed limits:
    - 1. upgrading of resort service facilities;
    - 2. development of small scale clusters of residential units;
    - 3. Improvements to guest facilities.

These include development and redevelopment of resort service facilities and guest facilities, including utilities and other infrastructure.

- c. The Beach Pavilion described in the 1985 plan package is not approved
- d. Other than as discussed in the letter from the Lee County Attorney's Office dated June 11, 1992, no wetland impacts are authorized by the SSRMDP. Prior to proposing amendments to the SSRMDP for development that may

- encroach on wetlands—including but not limited to any expansion of the Harbour Pointe development area—the developers will initiate an environmental study adequate to evaluate the feasibility of such development in wetlands.
- e. The reallocation of any of the currently existing dwelling units or the development of the unallocated dwelling units is permissible by administrative action if such reallocation or development accords with the requirements of LDC Section 34-1038(a)
- f. Guest access and resort services to the *Harbour Pointe* development area will be via launch from the existing northern marina, and the existing service road will be used for emergency access.
- g. Employee housing will be provided and included in the total approved dwelling units in the SSRD.
- 6. This Administrative Interpretation and the attached 24" x 36" set of plans, entitled 2002 Master Development Plan South Seas Resort bound together with all attendant plan sheets, signed by the Director and comprises the SSRMDP, in attached Exhibit "E".
- 7. To memorialize this Administrative Interpretation and guide future development review in accordance with this Interpretation, the Official and Current Zoning Maps will be revised to label the SSRD and a note added to reference this Interpretation.
- 8. Proposed revisions to the approved 2002 SSRMDP will be reviewed as changes to a PUD master development plan in accordance with LDC Section 34-1038.
- 9. Plan review and inspections for future specific development approval requests will be reviewed for consistency with the SSRMDP under the provisions of the LDC, however, these requests will be reviewed as limited review development orders. At the discretion of the Director, a given development approval request may be required to be submitted as a full development order.

DULY SIGNED this 3045 day of July, A.D., 2002.

Mary Gibbs, Director

Department of Community Development

APPROVED AS TO FORM BY: \_\_\_\_\_\_\_\_

Timothy Jores
Assistant County Attorney

# LEGAL DESCRIPTION October 23, 1973 SOUT. EAS PLANTATION - CAPTIVA ISL SCHEDULE "A"

#### PARCEL 1: Hunt

A lot or parcel of land lying in Government Lot 1, Section 22, Township 45 South, Range 21 East, which lot or parcel is described as follows:

From a concrete post on the South line of said Lot 1 near the West shore of Bryant Bayou run North 81° 30' 10" West along said lot line for 220.4 feet to a concrete post; thence continue on the same course for 57.4 feet; thence run along a road North 23° 54' 30" West for 39.1 feet and North 8° 50' 00" West for 673.6 feet to a point from which an artesian well bears South 43° 42' East distant 49.8 feet; thence run North 7° 40' 00" West for 886.2 feet passing over an iron pipe at 799.2 feet; thence run North 77° 03' 30" East for 395.5 feet to an iron pin set in concrete; thence run North 89° 52' East for 96.4 feet; South 38° 52' West for 33.6 feet; South 0° 08' East for 62.92 feet; South 51° 08' East for 109.4 feet; thence North 38° 52' East for 175 feet to the point of beginning of the lands hereby conveyed.

From said point of beginning run South 38° 52' West for 175 feet; South 51° 08' East for 91 feet North 38° 52' East for 122.2 feet; and North 54° 42' East for 84 feet more or less to the waters of Pine Island Sound; thence run Northwesterly along said waters to an intersection with a line through the point of beginning bearing North 80° 52' East; thence run South 80° 52' West for 51 feet more or less to the point of beginning; together with all riparian rights appurtenant thereto; being Parcel No. 4 shown on the plat attached to instrument recorded in the Public Records of Lee County, Florida, in Miscellaneous Book 31 at page 225. All bearings hereinabove mentioned are plane coordinate for the Florida West Zone.

#### PARCEL 2: Kincaid

A lot or parcel of land lying in Government Lot 1, Section 22, Township 45 South, Range 21 East, which lot or parcel is described as follows:

From a concrete post on the South line of said Lot 1 near the West shore of Bryant Bayou run North 81° 30' 10" West along said lot line for 220.4 feet to a concrete post; thence continue on the same course for 57.4 feet; thence run along a road North 23° 54' 30" West for 39.1 feet and North 8° 50' 00" West 673.6 feet to a point from which an artesian well bears South 43° 42' East distant 49.8 feet; thence run North 7° 40' 00" West for 886.2 feet, passing over an iron pipe at 799.2 feet; thence run North 77° 03' 30" East for 395.5 feet to an iron pin set in concrete; thence run North 89° 52' East for 96.4 feet; South 38° 52' West for 33.6 feet, South 0° 08' East for 62.92 feet; South 51° 08' East for 34.4 feet and North 38° 52' East for 175 feet to the point of beginning of the lands hereby conveyed.

From said point of beginning run South 38° 52' West for 175 feet, South 51° 08' East for 75 feet, North 38° 52' East for 175 feet and

North 80° 52' East for 51 feet more or less to the waters of Pine Island Sound; thence run Northwesterly along said waters to an intersection with a line through the point of beginning bearing North 80° 52' East; thence run South 80° 52' West along said line for 65 feet more or less to the point of beginning; together with all riparian rights appurtenant thereto; being Parcel No. 3 shown on the plat attached to instrument recorded in the Public Records of Lee County, Florida, in Miscellaneous Book 31, at page 215. All bearings hereinabove mentioned are plane coordinate for the Florida West Zone.

#### PARCEL 3: Captiva Island Company

Government Lot 1, Section 22, Township 45 South, Range 21 East, Captiva Island, Lee County, Florida, excepting therefrom the following described parcels:

From a concrete post on the South line of Government Lot 1 near the West shore of Bryant Bayou, run North 81° 30' 10" West along said lot line for 220.4 feet to a concrete post; thence continue on the same course for 57.4 feet; thence run North 23° 54' 30" West along the West side of a public road for 39.1 feet; thence run North 08° 50' 00" West for 673.6 feet to a point from which an artesian well bears South 43° 42' 00" East a distance of 49.3 feet; thence run North 07° 40' 00" West for 886.2 feet passing through an iron pipe at 799.2 feet; thence run North 77° 03' 30" East for 395.5 feet to an iron pin set in concrete; thence run South 00° 08' 00" East for 63.1 feet; thence run North 89° 52' 00" East for 75.25 feet; thence run South 00° 08' 00" East for 25.92 feet; thence run South 51° 08' 00" East for 34.4 feet; thence run North 38° 52' 00" East for 175.00 feet to the point of beginning of the herein described exception. From said point of beginning run South 38° 52' 00" West for 175.00 feet; thence run South 51° 08' 00" East for 166 feet; thence run North 38° 52' 00" East for 122.2 feet; thence run North 54° 42' 00" East for 84 feet, more or less, to the waters of Pine Island Sound, passing through an iron pin at 76.3 feet; thence run Northwesterly along said waters to an intersection with a line bearing North 80° 52' 00" East passing through the point of beginning; thence run South 80° 52' 00" West for 65 feet more or less, to the point of beginning passing through an iron pin at 55 feet from said point of beginning.

ALSO excepting therefrom the following described parcel:

From said concrete post on the South line of said Lot 1 hear the West shore of Bryant Bayou, run North 81° 30′ 10″ West along said lot line for 220.4 feet to a concrete post; thence continue on the same course for 32.57 feet to the Easterly side of a public road by user 30 feet wide; thence run North 22° 04′ 40″ West along said public road for 6.38 feet; thence run North 12° 19′ West along said Easterly side for 386.16 feet to the point of beginning of the herein described exception. From said point of beginning run North 8° 50′ West along said Easterly line for 136.24 feet; thence run North 89° 27′ East for 227 feet, more or less, to the waters of a bayou; thence run Southeasterly along said waters to an inter-

section with a line bearing North 89° 27' East passing through the point of beginning; thence run South 89° 27' West for 243 feet, more or less to the point of beginning.

ALSO excepting therefrom the following described parcel:

Beginning at a concrete post on the South line of Government Lot 1, near the West <u>shore</u> of Bryant Bayou run North 81° 30' 10" West along said South line for 220.4 feet to a concrete post; thence continue on the same course for 32.57 feet to said Easterly side of said public road 30 feet wide; thence run North 22° 04' 40" West along said Easterly side for 6.38 feet; thence run North 12° 19' West along said Easterly side for 284.01 feet; thence run North 89° 27' East for 288 feet, more or less, to the waters of Bryant Bayou; thence run Southerly along said waters to an intersection with the said South line of Government Lot 1; thence run North 81° 30' 10" West for 20 feet, more or less, to the point of beginning.

NOTE: shore shown on original as short

ALSO excepting therefrom the following described parcel:

From said concrete post on the South line of said Lot 1 near the West shore of Bryant Bayou, run North 81° 30' 10" West along said lot line for 220.40 feet to a concrete post; thence continue on the same course for 57.4 feet; thence run North 23° 54' 30" West for 39.1 feet to a point on the Westerly side of said road and the point of beginning of the herein described exception. From said point of beginning run North 12° 19' West for 346.27 feet; thence run North 08° 50' West along said West line for 251.50 feet to the Southeast corner of a pedestrian easement 30 feet wide as described in Official Record Book 22 at page 486 of said Public Records; thence run South 89° 27' West along said South line of said easement for 390 feet more or less to the waters of the Gulf of Mexico; thence run Southerly along said waters to an intersection with the South line of Government Lot 1; thence run Easterly along said South line of Government Lot 1 to the Westerly line of said public road; thence run Northerly along said Westerly line to the point of beginning.

#### ALSO:

A parcel of land lying in Government Lot 3, Section 22, Township 45 South, Range 21 East which lot or parcel is described as follows:

From a concrete post on the North line of said Government Lot 3 near the West shore of Bryant Bayou, run North 81° 30' 10" West along said lot line for 220.4 feet to a concrete post; thence continue on the same course for 57.4 feet; thence run North 23° 54' 30" West for 39.1 feet to an iron pin on the West side of a public road; thence run South 12° 19' 00" East along said West line of said public road for 43.40 feet; thence run South 22° 04' 40" East along said West line for 444.34 feet to the point of beginning of the lands herein described. From said point of beginning continue South 22° 04' 40" East along said West line for 146.79 feet; thence run South 00° 27' 00" East along said West line for 165.64 feet; thence run South 89° 27' 00" West along the North line of the lands conveyed by deed recorded in Official Record

Book 49 at page 422, of said Public Records, parallel with and 800.00 feet North of the South boundary of the lands conveyed by Deed recorded in Deed Book 209 at pages 71 and 72 of said Public Records for 290 feet, more or less, to the waters of the Gulf of Mexico, passing through an iron pin at 200.17 feet; thence run Northwesterly along said waters to an intersection with a line bearing South 89° 27' 00" West passing through the point of beginning; thence run North 89° 27' 00" East along said line along the South line of the lands conveyed by deed recorded in Deed Book 260 at page 76 of said Public Records for 402 feet, more or less, to the point of beginning passing through an iron pin at 365.25 feet from the point of beginning.

#### ALSO:

A parcel of land lying in Government Lot 3, Section 22, Township 45 South, Range 21 East, which lot or parcel is described as follows:

From a concrete post on the North line of said Government Lot 3 near the West shore of Bryant Bayou, run North 81° 30' 10" West along said lot line for 220.4 feet to a concrete post; thence continue on the same course for 57.4 feet; thence run North 23° 54' 30" West for 39.1 feet to an iron pin on the West side of a public road; thence run South 12° 19' 00" East along said West line of said public road for 43.40 feet; thence run South 22° 04' 40" East along said West line for 591.13 feet; thence run South 0° 27' 00" East along said West line for 265.64 feet to the point of beginning of the lands herein described. From said point of beginning continue South 0° 27' 00" East along said West line for 100 feet; thence run South 89° 27' West for 223 feet, more or less, to the waters of the Gulf of Mexico; thence run Northwesterly along said waters to an intersection with a line bearing South 89° 27' West along said line along the South line of the lands conveyed by deed recorded in Official Record Book 49 at page 422 of said Public Records for 260 feet, more or less, to the point of beginning.

#### ALSO:

A parcel of land lying in Governments Lots 3 and 4, Section 22, Township 45 South, Range 21 East, which lot or parcel is described as follows:

From a concrete post on the North line of said Lot 1 near the West shore of Bryant Bayou, run North 81° 30' 10" West along said lot line for 220.4 feet to a concrete post; thence continue on the same course for 32.57 feet to the Easterly side of a public road; thence run South  $22^{\circ}$  04' 40" East along said Easterly line for 447.23 feet to the point of beginning of the lands herein described. From said point of beginning continue Southeasterly and Southerly along said Easterly line of said public road to an intersection with the South line of the lands conveyed by deed recorded in Deed Book 209 at pages 71 and 72 of said Public Records; thence run North 89° 27' East along said South line and an Easterly prolongation to the East line of said Section 22; thence run North along said East line to the Northeast corner of Government Lot 4; thence run North 81° 30' 10" West to the Westerly shore of Bryant Bayou; thence run Southerly along said West shore to an intersection with a line bearing North 89° 27' East passing through the point of beginning; thence run

South  $89^{\circ}\ 27'$  West along said line for 182 feet, more or less, to the point of beginning.

#### ALSO:

All that part of said Government Lot 4 and Government Lot 5 of said Section 22 lying Southerly of said South line of the lands described in Deed Book 209 at pages 71 and 72 of said Public Records and lying Easterly of a Northerly arm of Chadwick Bayou.

#### ALSO:

All of Government Lot 1, Section 23, Township 45 South, Range 21 East.

#### ALSO:

All of the submerged lands of Pine Island Sound and Chadwick Bayou lying between the Mean High Water Line and the bulkhead line approved by the Board of Lee County Commissioners of Lee County, Florida, on May 22, 1968, which bulkhead line is more particularly described as follows:

From the unsurveyed corner common to Sections 22, 23, 26 and 27, Township 45 South, Range 21 East, run North 8° 29' 50" East along the line common to Sections 22 and 23 for 1435.7 feet to an intersection with an Easterly prolongation of the lands conveyed by deed recorded in Deed Book 209 at pages 71 and 72 of the Public Records of Lee County; thence run South 89° 27' West along said prolongation for 710.82 feet to an intersection with the bulkhead line as recorded in County Commission Minute Book 23 at pages 54 A-D of said Public Records and the point of beginning of the herein described bulkhead line. From said point of beginning run Northerly and Northwesterly along the arc of a curve to the left of radius 100.94 feet (chord bearing North 45° 34' 40" West) for 179.11 feet to a point of reverse curvature; thence run Northwesterly along the arc of a curve to the right of radius 73 feet (chord bearing North 53° 28' 50" West) for 109.39 feet to a point of tangency; thence run North 10° 33' West for 126.80 feet to a point of curvature; thence run Northwesterly, Northerly, Northeasterly, Easterly and Southeasterly along the arc of a curve to the right of radius 35 feet (chord bearing North 66° 57' 00" East) for 94.68 feet to a point of reverse curvature; thence run Southeasterly along the arc of a curve to the left of radius 191.45 feet (chord bearing South 54° 18' East) for 125.30 feet to a point of tangency; thence run South 73° 03' 00" east for 163.07 feet to a point of curvature; thence run Southeasterly along the arc of a curve to the right of radius 150 feet (chord bearing South 45° 25' 30" East) for 144.64 feet to a point of tangency; thence run South 17° 48' East for 130 feet; thence run Southeasterly, Southerly and Southwesterly along the arc of a curve to the right of radius 150 feet (chord bearing South 9° 57' West) for 145.30 feet to a point of reverse curvature; thence run Southwesterly, Southerly and Southeasterly along the arc of a curve to the left of radius 150 feet (chord bearing South 0° 31' 20" East) for 200.13 feet to a point of tangency; thence run South 38° 44' 40" East for 145.60 feet to a point of curvature; thence run Southeasterly along the arc of a curve to the right of radius 680 feet (chord bearing South 20° 09' 40" East) for 441.10 feet to a point of reverse curvature; thence run Southeasterly and Easterly along the arc of

a curve to the left of radius 241.48 feet (chord bearing South 39° 41' 20" East) for 321.25 feet to a point of tangency; thence run South 77° 48' 00" East for 425.21 feet to a point of curvature; thence run Southeasterly, Easterly and Northeasterly along the arc of a curve to the left of radius 250 feet (chord bearing North 58° 27' East) for 381.79 feet to a point of tangency; thence run North 14° 42' 00" East for 244 feet to a point of curvature; thence run Northeasterly along the arc of a curve to the left of radius 200 feet (chord bearing North 5° 12' East) for 66.52 feet to a point of tangency; thence run North 4° 18' West for 286 feet to a point of curvature; thence run Northwesterly along the arc of a curve to the left of radius 200 feet (chord bearing North 13° 53' 30" West) for 66.96 feet to a point of reverse curvature; thence run Northwesterly along the arc of a curve to the right of radius 397.28 feet (chord bearing North 4° 04' 00" West) for 269.26 feet to a point of reverse curvature; thence run Northwesterly along the arc of a curve to the left of radius 175.97 feet (chord bearing North 10° 34' 30" West) for 159.24 feet to a point of reverse curvature; thence run Northwesterly along the arc of a curve to the right of radius 540 feet (chord bearing North 16° 37' 30" West) for 374.63 feet to a point of reverse curvature; thence run Northwesterly along the arc of a curve to the left of radius 220 feet (chord bearing North 4° 22' 30" West) for 58.56 feet to a point of tangency; thence run North 12° West for 638 feet to a point of curvature; thence run Northwesterly along the arc of a curve to the left of radius 150 feet (chord bearing North 23° West) for 57.60 feet to a point of tangency; thence run North 34° West for 290.84 feet to an intersection with said line common to Sections 22 and 23 at a point 122.0 feet North of the Southeast corner of Government Lot 1 of said Section 22; thence continue North 34° West for 690.39 feet to a point of curvature; thence run Northwesterly along the arc of a curve to the right of radius 500 feet (chord bearing North 32° 53' 55" West) for 19.22 feet to a point of tangency; thence run North 31° 47' 50" West for 591.34 feet to a point of curvature; thence run Northwesterly along the arc of a curve to the left of radius 1400 feet (chord bearing North 35° 16' West) for 169.55 feet to a point of tangency; thence run North 38° 44' 10" West for 497.24 feet to a point of curvature; thence run Northwesterly, Westerly and Southwesterly along the arc of a curve to the left of radius 25 feet (chord bearing North 89° 56' 05" West) for 44.68 feet more or less to an intersection with the Mean High Tide Line on the Easterly shore of Captiva Island and the end of the herein described bulkhead line.

#### ALSO:

The following described real estate, situate, lying and being in Lee County, Florida, to-wit:

All of Government Lot 3, Section 15, Township 45 South, Range 21 East.

#### ALSO:

A tract or parcel of land lying in Sections 22, 26 and 27, Township 45 South, Range 21 East, Lee County, Florida, more particularly described as follows:

From the corner common to Sections 22, 23, 26 and 27, of said township and range, run North 81° 30' 10" West along the North line of said Section 27 for 230.95 feet to the point of beginning of the lands herein described. From said point of beginning run South 18° 15' 20" West along the bulkhead line as approved by the Lee County Board of Commissioners on May 8, 1963 and approved by the Trustees of the Internal Improvement Fund on June 18, 1963 for 466.75 feet; thence run South 10° 42' 40" East along said bulkhead line for 942.39 feet to a point on the East line of said Section 27, which point bears South 08° 29' 50" West and is 1349.83 feet South of the Northeast corner of said Section 27; thence continue South 10° 42' 40" East along said bulkhead line in said Section 26 for 938.72 feet to a point of curvature; thence run Southeasterly, Easterly, and Northeasterly along said bulkhead line along the arc of a curve to the left of radius 430 feet (chord bearing South 66° 09' 00" East) for 832.11 feet to a point of tangency; thence run North 58° 24' 50" East along said bulkhead line for 205.81 feet to a point of curvature; thence run Northeasterly Northerly and Northwesterly along said bulkhead line along the arc of a curve to the left of radius 185 feet (chord bearing North 13° 24' 50" East) for 290.60 feet to a point of compound curvature; thence run Northwesterly along said bulkhead line, along the arc of a curve to the left of radius 325 feet (chord bearing North 51° 29' 50" West) for 225.88 feet to a point of reverse curvature; thence run Northwesterly, Northerly and Northeasterly along said bulkhead line along the arc of a curve to the right of radius 185 feet (chord bearing North 28° 07' 10" West) for 279.54 feet to a point of reverse curvature; thence run Northeasterly, Northerly and Northwesterly along said bulkhead line along the arc of a curve to the left of radius 225 feet (chord bearing North 01° 56' 10" West) for 134.34 feet to a point of reverse curvature; thence run Northwesterly, Northerly, Northeasterly, Easterly and Southeasterly along said bulkhead line along the arc of a curve to the right of radius 227.37 feet (chord bearing North 57° 27' 20" East) for 607.13 feet to a point of compound curvature; thence run Southeasterly, Southerly and Southwesterly along said bulkhead line along the arc of a curve to the right of radius 1485 feet (chord bearing South 21° 34' 00" East) for 1269.01 feet; thence run South 02° 54' 50" West along said bulkhead line for 695 feet to a point of curvature; thence run Southwesterly, Southerly and Southeasterly along said bulkhead line along the arc of a curve to the left of radius 135 feet (chord bearing South 22° 05' 10" East) for 117.81 feet to a point of reverse curvature; thence run Southeasterly, Southerly and Southwesterly along said bulkhead line along the ard of a curve to the right of radius 80 feet (chord bearing South 00° 24' 50" West) for 132.65 feet to a point of reverse curvature; thence run Southwesterly and Southerly along said bulkhead line along the arc of a curve to the left of radius 180 feet (chord bearing South 30° 58' 30" West - chord distance 104.85 feet) for 106.39 feet to an intersection with an Easterly prolongation of the Northerly boundary of the lands conveyed by deed recorded in Deed Book 130 at page 21 of the Public Records of Lee County; thence run North 88° 35' 50" West along said Northerly boundary for 502.64 feet; thence run South 2° 37' 50" West along the Westerly boundary

of the lands conveyed by said Deed Book 130 at page 21 for 450.40 feet; thence run South 83° 13' 30" East along the Southerly boundary of the lands conveyed by said Deed Book 130 at page 21 for 41.54 feet to an intersection with the West right of way of a 30 foot easement for roadway purposes as recorded in Official Record Book 1216 at pages 1789 and 1790 of the Public Records of Lee County; thence run South 2° 51' 50" West along said West right of way for 226.03 feet to an intersection with the Northerly right of way of a 30 foot public road dedicated by deed recorded in Deed Book 54 at page 540, Public Records of Lee County; thence run along said Northerly right of way for 808.13

#### NOTE:

- 1. 450.40 shown on original as 250.40
- 2. easement for roadway purposes as recorded in Official Record Book 1216 at pages 1789 and 1790 shown on original as public road dedicated by deed recorded in Deed Book 5 at page 70
- 3. <u>808.13</u> shown on original as 608

feet to an intersection with the East boundary of G.W. Bryant's Addition to Gulf View Captiva Island as recorded in Plat Book 3 at page 21, Public Records of Lee County; thence run North 12° 48' 10" East along said East boundary for 8.41 feet to the Northerly right of way of Binder Avenue as recorded in said G. W. Bryant's Addition to Gulf View Captiva Island; thence run North 77° 11' 50" West along said Northerly right of way of Binder Avenue for 358.28 feet to an intersection with the Easterly right of way of a 30 foot public road, also being the East boundary of Gulf View Subdivision as recorded in Plat Book 3 at page 8, Public Records of Lee County; thence run North 16° 51' 30" West along said Easterly right of way of a 30 foot public road for 650 feet, more or less, to the waters of the Gulf of Mexico; thence run Northwesterly along said waters of the Gulf of Mexico for 4550 feet, more or less, to an intersection with the South line of the lands described in Deed Book 209 at pages 71 and 72; thence run North 89° 27' 00" East along said South line for 680 feet, more or less, to an intersection with the aforementioned approved bulkhead line; thence run Southwesterly along said bulkhead line along the arc of a curve the right of radius 100.94 feet (chord bearing South 0° 24' 50" West - chord distance 17.04 feet) for 17.06 feet to a point of tangency; thence run South 5° 15' 20" West along said bulkhead line for 94.28 feet to a point of curvature; thence run Southeasterly along said bulkhead line along the arc of a curve to the left of radius 135.00 feet (chord bearing South 16° 44' 40" East - chord distance 101.14 feet) for 103.67 feet to a point of tangency; thence run South 38° 44' 40" East along said bulkhead line for 390.00 feet to a point of curvature; thence run Southeasterly along said bulkhead line along the arc of a curve to the right of radius 620.00 feet (chord bearing South 10° 14' 40" East - chord distance 591.68 feet) for 638.44 feet to a point of tangency; thence run South 18° 15' 20" West along said bulkhead line for 317.84 feet to the point of beginning.

#### ALSO:

A tract of submerged land lying offshore in Sections 22, 26 and 27, Township 45 South, Range 21 East, Lee County, Florida, more particularly described as follows:

From the corner common to Sections 22, 23, 26 and 27, said Township and Range, run North  $81^{\circ}$  30' 10" West along the North line of said. Section 27 for 230.95 feet to the point of beginning of the lands herein described. From said point of beginning run South 18° 15' 20" West along the bulkhead line as approved by the Lee County Board of County Commissioners on May 8, 1963 and approved by the Trustees of the Internal Improvement Fund on June 18, 1963 for 466.75 feet; thence run South 10° 42' 40" East along said bulkhead line for 942.39 feet to a point on the East line of said Section 27, which point bears South 08° 29' 50" West and is 1,349.83 feet South of the Northeast corner of said Section 27; thence continue South 10° 42' 40" East along said bulkhead line in said Section 26 for 938.72 feet to a point of curvature; thence run Southeasterly, Easterly and Northeasterly along said bulkhead line along the arc of a curve to the left of radius 430 feet (chord bearing South 66° 09' 00" East) for 832.11 feet to a point of tangency; thence run North 58° 24' 50" East along said bulkhead line for 205.81 feet to a point of curvature; thence run Northeasterly, Northerly and Northwesterly along said bulkhead line along the arc of a curve to the left of radius 185 feet (chord bearing North 13° 24' 50" East) for 290.60 feet to a point of compound curvature; thence run Northwesterly along said bulkhead line, along the arc of a curve to the left of radius 325 feet (chord bearing North 51° 29' 50" West) for 225.88 feet to a point of reverse curvature; thence run Northwesterly, Northerly and Northeasterly along said bulkhead line along the arc of a curve to the right of radius 185 feet (chord bearing North 28° 07' 10" West) for 279.54 feet to a point of reverse curvature; thence run Northeasterly, Northerly and Northwesterly along said bulkhead line along the arc of a curve to the left of radius 225 feet (chord bearing North 01° 56' 10" West) for 134.34 feet to a point of reverse curvature; thence run Northwesterly, Northerly, Northeasterly, Easterly and Southeasterly along said bulkhead line along the arc of a curve to the right of radius 227.37 feet (chord bearing North 57° 27' 20" East) for 607.13 feet to a point of compound curvature; thence run Southeasterly, Southerly and Southwesterly along said bulkhead line along the arc of a curve to the right of radius 1,485 feet (chord bearing South 21° 34' 00" East) for 1,269.01 feet; thence run South 02° 54' 50" West along said bulkhead line for 695 feet to a point of curvature; thence run Southwesterly, Southerly and Southeasterly along said bulkhead line along the arc of a curve to the left of radius 135 feet (chord bearing South 22° 05' 10" East) for 117.81 feet to a point of reverse curvature; thence run Southeasterly, Southerly and Southwesterly along said bulkhead line along the arc of a curve to the right of radius 80 feet (chord bearing South 00° 24' 50" West) for 132.65 feet to a point of reverse curvature; thence run Southwesterly and Southerly along said bulkhead line along the arc of a curve to the left of radius 180 feet to the intersection with an Easterly prolongation of the Northerly boundary of the lands conveyed by deed recorded in Deed Book 130 at page 21, of the Public Records of Lee County; thence run Westerly along said Easterly prolongation to the point of mean high tide on the West shore of Pine Island Sound; thence run Northwesterly, Westerly, Southwesterly, Southerly, Southeasterly, Southerly, Southwesterly, Westerly, Northwesterly, Northeasterly and Northerly along said mean high tide line to an intersection with the North line of said Section 27; thence run South 81° 30' 10" East along said North line of Section 27 to the point of beginning.

ALSO:

From said corner common to said Sections 22, 23, 26 and 27, run North 81° 30' 10" West along the South line of said Section 22 for 230.95 feet to the point of beginning of the herein described lands. From said point of beginning run North 18° 15' 20" East along said bulkhead line for 317.84 feet to a point of curvature; thence run Northeasterly, Northerly and Northwesterly along said bulkhead line along the arc of a curve to the left of radius 620 feet (chord bearing North 10° 14' 40" West) for 638.44 feet to a point of tangency; thence run North 38° 44' 40" West along said bulkhead line for 390 feet to a point of curvature; thence run Northwesterly and Northerly along said bulkhead line along the arc of a curve to the right of radius 135 feet (chord bearing North 16° 44' 40" West) for 103.67 feet to a point of tangency; thence run North 05° 15' 20" East along said bulkhead line to an intersection with an Easterly prolongation of a Southerly boundary of the lands described in deed recorded in Deed Book 209 at pages 71 and 72 of said Public Records; thence run Westerly along said Westerly prolongation to the point of mean high tide line on the Westerly shore of an arm of Chadwick Bayou; thence run Southeasterly, Southerly and Southwesterly along said high tide line to an intersection with the South line of said Section 22; thence run South 81° 30' 10" East along said South line of Section 22 to the point of beginning.

#### PARCEL 4: Watts

A lot or parcel of land lying in Government Lot 3, Section 22, Township 45 South, Range 21 East, which lot or parcel is described as follows: From a concrete post on the South line of the lands conveyed by deed recorded in Deed Book 209 at pages 71 and 72 of the Public Records of Lee County, which concrete post is 24 feet, more or less, Westerly from the Westerly shore of the waterway connecting Bryant Bayou with Pine Island Sound, run South 89° 27' West, along said South line and the line of the centerline of a ditch between rows of coconut palms, for 390.0 feet to a concrete post on the West side of a public road; thence continue South 89° 27' West along said South line for 2.4 feet; thence run North 4° 57' West along the Westerly side of said public road for 377.0 feet; thence run North 0° 27' West for 124.14 feet to a concrete monument and the point of beginning of the lands hereby conveyed. From said point of beginning run North  $0^{\circ}$  27' West along the Westerly side of said public road (15 feet from the center line) for 100.00 feet to a concrete monument; thence run South 89° 27' West 600 feet North of and parallel to said South line of the lands conveyed by said deed recorded in Deed Book 209 at pages 71 and 72 for 355 feet, more or less, to the waters of the Gulf of Mexico, passing through a steel pin at 240 feet; thence run Southeasterly along said waters to an intersection with a line bearing South 89° 27' West through the point of beginning; thence run North 89° 27' East along said line for 325 feet, more or less, to the point of beginning; together with all riparian rights appurtenant thereto; being Parcel No. 6 as shown on unrecorded plat.

# PARCEL 5: Holtz

A lot or parcel of land lying in Government Lot 3, Section 22, Township 45 South, Range 21 East, which lot or parcel of land is described

as follows: From a concrete post on the south line of the lands conveyed by deed recorded in Deed Book 209 at pages 71 and 72 of the public records of Lee County, which concrete post is 24 feet more or less westerly from the westerly shore of the waterway connecting Bryant Bayou with Pine Island Sound, run South 89° 27' West along said south line and the line of the center line of a ditch between rows of coconut palms for 390.0 feet to a concrete post on the west side of a public road; thence continue south 89°27' west along said south line for 2.4 feet thence run north  $4^{\circ}57'$  west along the westerly side of said public road for 377.0 feet; thence north 0°27' west for 24.14 feet to a concrete monument and the p.o.b. of the land herein described. From said p.o.b. run north 0°27' west along the westerly side of said public road (15 feet from center line) 100.00 feet to a concrete monument; thence run south 89°27' west 500 feet north of and parallel to said south line of the lands conveyed by said deed recorded in Deed Book 209, at pages 71 and 72, for 325 feet, more or less, to the waters of the Gulf of Mexico, passing through a steel pin at 230 feet; thence run southeasterly along said waters to an intersection with the line through the p.o.b. bearing south 89°27' west; thence run north 89°27' east along said line for 310 feet more or less, to the p.o.b.;

#### PARCEL 6: Jay

A lot or parcel of land lying in Government Lot 3, Section 22, Township 45 South, Range 21 East, which lot or parcel is described as follows:

From a concrete post on the South line of the lands conveyed by deed recorded in Deed Book 209 at pages 71 and 72 of the public records of Lee County, which concrete post is 24 feet, more or less, Westerly from the Westerly shore of the waterway connecting Bryant Bayou with Pine Island Sound, run South 89°27' West along said South line and the line of the center line of a ditch between rows of coconut palm for 390 feet to a concrete post on the West side of a public road; thence continue South 89°27' West along said South line for 2.4 feet; thence run North 4°57' West along the Westerly side of said public road for 300.9 feet to a concrete monument and the point of beginning of the lands herein described.

From said point of beginning run North 4° 57' West for 76.1 feet and North 0° 27' West for 24.14 feet along the Westerly side of said public road (15 feet from the center line) to a concrete monument; thence run South 89° 27' West, 400 feet North of and parallel to said South line of the lands conveyed by said deed recorded in Deed Book 209 at pages 71 and 72, for 310 feet, more or less, to the waters of the Gulf of Mexico, passing through a palm tree at 40 feet and a steel pin at 229.8 feet; thence run Southeasterly along said waters to an intersection with a line through the point of beginning bearing South 89° 27' West; thence run North 89° 27' East along said line for 305 feet, more or less, to the point of beginning.

#### ALSO:

A lot or parcel of land lying in Government Lot 3, Section 22, Township 45 South, Range 21 East, which lot or parcel is described as follows:

From a concrete post on the South line of the lands conveyed by deed recorded in Deed Book 209, at pages 71 and 72 of the public records of Lee County, which concrete post is 24 feet, more or less, Westerly from the Westerly shore of the waterway connecting Bryant Bayou with

Pine Island Sound, run South 89° 27' West, along said South line and the line of the center line of a ditch between rows of coconut palms, for 390.0 feet to a concrete post on the West side of a public road; thence continue South 89° 27' West along said South line for 2.4 feet; thence run North 4° 57' West along the Westerly side of said public road for 200.6 feet to a concrete monument and the point of beginning of the lands hereby described.

From said point of beginning run North 4° 57' West along the Westerly side of said public road (15 feet from the center line) for 100.2 feet to a concrete monument; thence run South 89° 27' West 300 feet North of and parallel to said South line of the lands conveyed by said deed recorded in Deed Book 209 pages 71 and 72 for 305 feet, more or less, to the waters of the Gulf of Mexico, passing through a steel pin at 200 feet; thence run Southeasterly along said waters to an intersection with a line bearing South 89° 27' West through the point of beginning; thence run North 89° 27' East along said line for 297 feet to the point of beginning.

NOTE: coconut shown on original as cocoanut

#### ADD2002-00098 EXHIBIT "B"

A TRACT OF LAND LYING IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 21 EAST, CAPTIVA ISLAND, LEE COUNTY, FLORIDA WHICH TRACT IS DESCRIBED AS

BEGINNING AT THE SOUTHWESTERLYMOST CORNER OF THE MARINA AS DESCRIBED IN OFFICIAL RECORDS BOOK 1106 AT PAGE 1881: THENCE RUN N09°15'52"W FOR 119.38 FEET: THENCE RUN N06°15'44"W FOR 145.32 FEET; THENCE RUN N54°13'14"E FOR 207.47 FEET: THENCE RUN N77°48'24"E FOR 5.49 FEET: THENCE RUN S77°35'33"E FOR 56,50 FEET TO A POINT OF CURVATURE: THENCE RUN ALONG A CURVE TO THE LEFT WITH A RADIUS OF 154.76 FEET (CHORD BEARING S84°44'14"E) (CHORD 38.50 FEET) FOR 38.60 FEET TO A POINT OF TANGENCY: THENCE RUN N88°07'04"E FOR 32.10 FEET TO A POINT OF CURVATURE: THENCE RUN ALONG A CURVE TO THE LEFT WITH A RADIUS OF 135.00 FEET (CHORD BEARING N79°13'07"E) (CHORD 41.77 FEET) FOR 41.94 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN ALONG A CURVE TO THE RIGHT OF RADIUS 30.00 FEET (CHORD BEARING S59°25'32"E) (CHORD 46.13 FEET) FOR 52,63 FEET TO A POINT OF NON-TANGENCY; THENCE RUN N32°48'09"E FOR 277.42 FEET; THENCE RUN N49°14'36"W FOR 169.28 FEET: THENCE RUN S22°25'15"W FOR 231.04 FEET; THENCE RUN N56°42'51"W FOR 325.76 FEET; THENCE RUN N33°17'09"E FOR 98.67 FEET; THENCE RUN N56°42'51"W FOR 72.50 FEET; THENCE RUN N81°38'32"W FOR 116.25 FEET; THENCE RUN S30°39'13"W FOR 8.18 FEET; THENCE RUN S28°07'41"E FOR 165.27 FEET; THENCE RUN S28°50'23"W FOR 346.97 FEET: THENCE RUN S84°44'03"W FOR 127.34 FEET; THENCE RUN S09°15'16"E AND ALONG THE WESTERLY LINE OF A 20-FOOT-WIDE ROADWAY EASEMENT FOR 625.62 FEET; THENCE RUN N69° 14'11"E ALONG A 30-FOOT-WIDE ROADWAY EASEMENT FOR 105.94 FEET TO A POINTOF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT OF RADIUS 110.87 FEET (CHORD BEARING N86°27'41"E) (CHORD 65.66 FEET) FOR 66.66 FEET TO A POINT OF REVERSE CURVATURE: THENCE RUN ALONG A CURVE TO THE LEFT OF RADIUS 123,00 FEET (CHORD BEARING N63°41'11"E) (CHORD 158.13 FEET) FOR 171.74 FEET TO A POINT OF COMPOUND CURVATURE: THENCE CONTINUING ALONG A CURVE TO THE LEFT OF RADIUS 349.28 FEET (CHORD BEARING N14°33'22"E)(CHORD 110.85 FEET) FOR 111.32 FEET TO A

CONTAINING 7.82 ACRES MORE OR LESS.

THENCE RUN N05°25'32"E FOR 88.18 FEET;

POINT OF TANGENCY:

BEARINGS SHOWN ARE PLANE COORDINATE FOR THE WEST ZONE BASED ON TIES TO THE LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE FOR CAPTIVA ISLAND, LEE COUNTY, FLORIDA.

THENCE RUN S77°44'35"W FOR 110.35 FEET TO THE POINT OF BEGINNING.

# ADD2002-00098 EXHIBIT "C"

A TRACT OF LAND LYING IN SECTION 26, TOWNSHIP 45 SOUTH, RANGE 21 EAST, CAPTIVA ISLAND, LEE COUNTY, FLORIDA WHICH TRACT IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF THE BAYSIDE VILLAS CONDOMINIUM, PHASE II, AS DESCRIBED IN OFFICIAL RECORD BOOK 1382 **AT PAGE 1118:** 

THENCE RUN N35°54'10"E FOR 25.21 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING RUN N46°38'16"W FOR 60.59 FEET TO A POINT OF CURVATURE:

THENCE RUN ALONG A CURVE TO THE LEFT OF RADIUS 451.15 FEET (CHORD BEARING N50°02'53"W) (CHORD 53.67 FEET) (DELTA 06°49'13") FOR 53.70 FEET TO A POINT OF REVERSE CURVATURE:

THENCE RUN ALONG A CURVE TO THE RIGHT OF RADIUS 367.50 FEET (CHORD BEARING N52°34'13"W) (CHORD 11.39 FEET) (DELTA 01°46'33") FOR 11.39 FEET;

THENCE RUN N35°54'10"E FOR 110.00 FEET:

THENCE RUN S78°27'27"E FOR 102.43 FEET:

THENCE RUN N05°30'41"W FOR 160,00 FEET:

THENCE RUN WEST FOR 75.00 FEET;

THENCE RUN N75°02'43"E FOR 250.00 FEET:

THENCE RUN \$50°17'17"E FOR 36.46 FEET:

THENCE RUN S07°27'27"E FOR 197.24 FEET;

THENCE RUN N75°04'00"E FOR 226.85 FEET:

THENCE RUN S02°54'13"W FOR 70.59 FEET:

THENCE RUN S75°02'00"W FOR 306.09 FEET; THENCE RUN S69°35'26"W FOR 40.18 FEET:

THENCE RUN S75°06'36"W FOR 57.43 FEET;

THENCE RUN S84°23'43"W FOR 53.52 FEET: THENCE RUN N81°18'46"W FOR 5.92 FEET:

THENCE RUN N67°01'16"W FOR 16.02 FEET:

THENCE RUN N54°05'47"W FOR 121.83 FEET:

THENCE RUN \$35°54'10"W FOR 135.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.98 ACRES MORE OR LESS.

BEARINGS SHOWN ARE PLANE COORDINATE FOR THE WEST ZONE BASED ON TIES TO THE LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE FOR CAPTIVA ISLAND, LEE COUNTY, FLORIDA.



January 12, 2001

# DECRIPTION

PARCELS 1 AND 2 AT SOUTH SEAS PLANTATION SECTION 26, TOWNSHIP 45 SOUTH, RANGE 21 EAST CAPTIVA ISLAND, LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 26, Township 45 South, Range 21 East, being a portion of South Seas Plantation, Captiva Island, Lee County, Florida, which tract or parcel is described as follows:

#### Parcel 1

From the southeast corner of Tennis Villas Condominium Phase II as recorded in Official Record Book 1237 at Page 1217 of the Public Records of Lee County, Florida run the following courses and distances along the boundary of South Seas Plantation: S 02° 47' 50" W for 204.16 feet; S 85° 47' 00" E for 71.60 feet; S 02° 55' 20" W for 235.67 feet to an intersection with the northerly right-of-way line of Captiva Drive Southwest (30 feet wide); N 71° 18' 21" W along said northerly right-of-way line of Captiva Drive Southwest and the boundary of said South Seas Plantation for 327.76 feet to an intersection with a non-tangent curve: thence run northwesterly along the arc of said curve departing the right-of-way line of said Captiva Drive Southwest and the boundary of South Seas Plantation to the right of radius 594.46 feet (chord bearing N 46° 04' 35" W) (chord 257.51 feet) (delta 25° 01' 05") for 259.57 feet to a non-tangent compound curve, also a point designated "A"; thence run northwesterly along the arc of said curve to the right of radius 718.62 feet (chord bearing N 07° 54' 51" W) (chord 191.19 feet) (delta 15° 17' 20") for 191.76 feet to the end of said curve and a non-tangent line; thence run N 01° 38' 15" E for 39.23 feet; thence run N 02° 36' 46" E for 211.33 feet; thence run N 01° 52' 34" E for 16.83 feet to the beginning of a non-tangent curve; thence run southeasterly along the arc of said curve to the right of radius 32.17 feet (chord bearing S 89° 44' 44" E) (chord 62.00 feet) (delta 210° 56' 38") for 118.42 feet to the end of said curve and a non-tangent line; thence run S 07° 18' 01" W for 21.69 feet; thence run S 02° 41' 01" W for 81.35 feet; thence run S 87° 21' 31" E for 87.16 feet; thence run S 02° 38' 30" W for 130.44 feet; thence run S 87° 21' 30" E for 63.03 feet to an intersection with the east line of said South Seas Plantation boundary, also being the west line of said Tennis Villas Condominium Phase II; thence run S 02° 38' 04" W along said boundary line for 48.41 feet to the southwest corner of said Tennis Villas Condominium Phase II; thence run S 88° 28' 34" E along the south line of said Tennis Villas Condominium Phase II and the boundary line of said South Seas Plantation for 264.39 feet to the Point of Beginning.

Parcel contains 204,282 square feet, more or less.

# Parcel 2

From the point hereinabove designated "A" run S 65° 10' 37" W for 68.52 feet to the Point of Beginning of said Parcel 2.

From said Point of Beginning run the following courses and distances along the perimeter of said Parcel 2: S 88° 11' 40" W for 64.43 feet; N 01° 04' 50" W for 26.90 feet; N 48° 20' 48" W for 18.32 feet; N 02° 58' 28" W for 43.74 feet; S 89° 55' 44" W for 15.80 feet; N 06° 16' 39" W for 95.89 feet; N 82° 28' 43" E for 79.92 feet; S 06° 18' 09" E for 111.04 feet; S 11° 02' 01" E for 21.20 feet; S 18° 47' 16" E for 25.19 feet; S 06° 26' 15" E for 31.66 feet to the Point of Beginning.

Parcel contains 13,518 square feet, more or less.

Total combined area for Parcels 1 and 2: 217,800 square feet (5.00 acres), more or less.

SUBJECT TO easements restrictions and reservations of record.

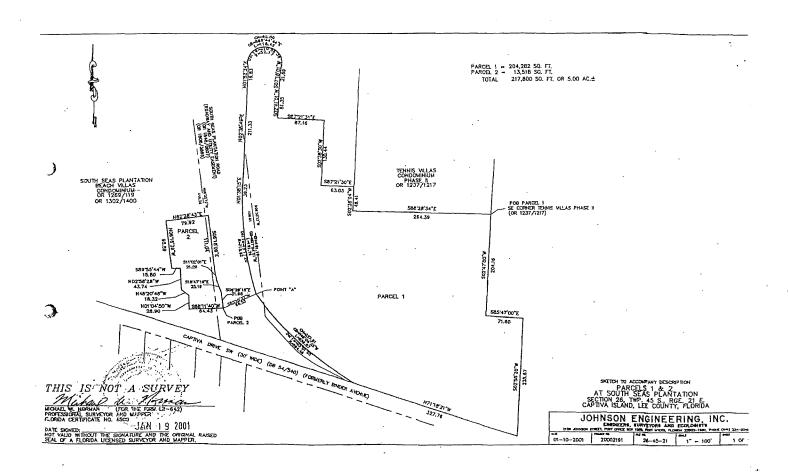
Bearings hereinabove mentioned are based on the north right-of-way line of Captiva Drive Southwest to bear N 71° 18' 21" W.

Michael W. Norman (For The Firm LB-642)

Professional Surveyor and Mapper

Florida Certificate No. 4500

20002191\Parcels 1&2-011201



HEHORANDUH

PROH

THE OFFICE OF THE

COUNTY ATTORNEY

LAND USB

DATB: 11/Jun/1992

TO: Rick Joyce

Environmental Sciences

FROM: Donna Marie Collins

Assistant County Attorney

RE: Mariner Properties, Inc. South Seas Plantation

LU--1074

On April 23, 1992, Raymond Pavelka and Bob Offi of Mariner Properties, Inc. (Mariner), and County staff members discussed the permitting and development history of South Seas Plantation. I have examined the South Seas Plantation Master Plan as it relates to the Harbour Pointe site. My research has confirmed that the South Seas Plantation Master Plan was subject to an F-0015 review. The project subsequently received a Development Standards Ordinance (DSO) Exemption in 1985. The approval dates suggest that the Master Plan for South Seas Plantation is not subject to the Lee County Mangrove, Wetland, or Tree Protection Section Seven of each Ordinance specifically Ordinances. provides that projects granted Final Development Orders prior to the enactment of those Ordinances would be exempt from those Ordinances to the extent the particular Ordinance conflicts with approvals given in the Development Order application.

Mariner received Haster Plan approval for the South Seas Plantation project sometime in 1973. The Plan has been updated several times since then. When Mariner updated their Haster Plan on May 16, 1985, the Plan specifically referenced a "service road" which would provide emergency access to the Harbour Pointe location. The project received a DSO Exemption on June 27, 1985. .... (B \_ 16-39-85) \_The basis for the Exemption-was Hariner's F-0015site plan approval within six months of December 21, 1984. At the time Mariner received the DSO Exemption there was no time limitation on the duration of such exemptions. The Plan was once again updated in February, 1987. Those documents also refer to a "service" road" designed to provide access for emergency vehicles to the Harbour Pointe site. Insofar as the service road to Harbour Pointe was originally planned for the purposes of providing emergency access to the site, it is the opinion of this Office that Mariner's efforts to construct or improve the road consistent with this purpose should be exempt from the local permitting requirements of the Wetland Protection Ordinance, the Hangrove Ordinance, and the Tree Protection Ordinance.

Rick Joyce June 11, 1992 Page 2 of 2

At this time, the minimum width necessary to provide adequate access for emergency vehicles is approximately 20 feet. See the Lee County Development Standards Ordinance, as amended. Therefore, Mariner may construct the service road to these dimensions without seeking permits from Lee County pursuant to the Mangrove, Tree or Wetlands Protection Ordinance. It is my understanding, however, that Mariner will remain subject to the Florida Department of Environmental Regulation and United States Army Corps of Engineers permitting requirements.

For similar reasons, Mariner is exempt from any potential violation for failing to obtain permits for the removal of Mangroves along the Point itself. Had Mariner constructed Harbour Pointe prior to 1986, as was their right to do so, the Point would require reinforcement in order to protect the proposed development. Mariner's placement of the revetment at this time is entirely consistent with the original approval and is therefore exempt from the permitting requirements of the Mangrove, Wetland Protection and the Tree Protection Ordinance.

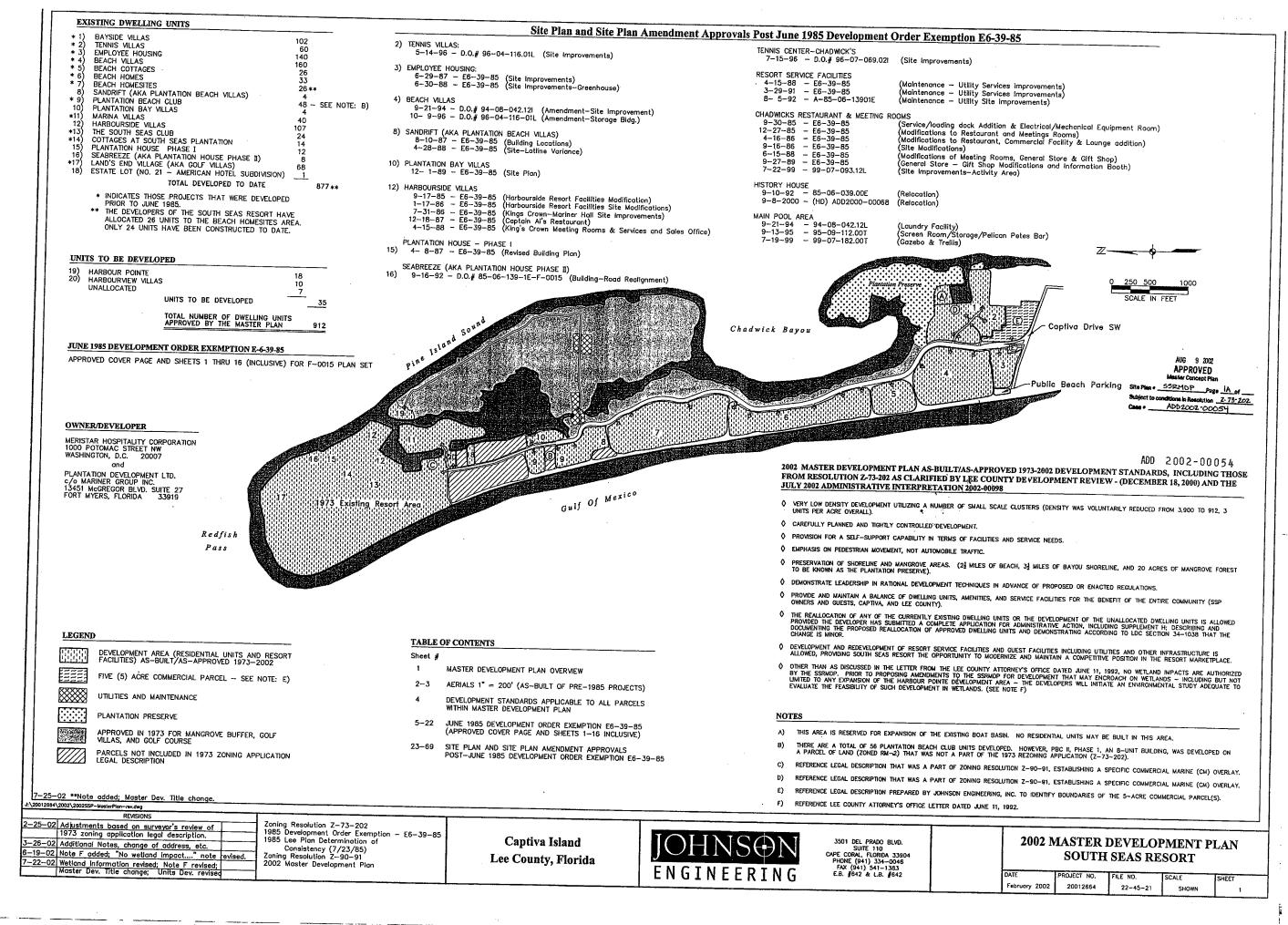
For the foregoing reasons, the Official Notification of Code Violation issued on March 4, 1992 may be withdrawn. Although there is evidence that Mariner proposed that the service road would be 15 feet in width, the road has been repeatedly referred to as an "emergency access" road. Therefore the road should satisfy minimum standards to provide such access without the need to apply for additional permits from Lee County.

Should you have any questions regarding the foregoing, please do not hesitate to contact me. I am available to meet at your earliest convenience.

DMC/cpb

CC: Tim Jones, Assistant County Attorney
Greg Hagen, Assistant County Attorney
Hary Gibbs, Director, Community Development
Paul Bangs, Diector, Development Review
Dave Ceilley, Environmental Sciences
Raymond Pavelka, Hariner Properties, Inc., 12800 University
Drive, Suite 350, Fort Hyers, Florida 33907-5343

(3919M)



JOHNSON ENGINEERING, INC.

FORT MYERS NAPLES PORT CHARLOTTE

2158 JOHNSON: STREET TELEPHONE (941) 334-3046 TELECOPIER (941) 334-3661 POST OFFICE BOX 1550 FORT MYERS: FLORIDA 33902-1550

> CARL E. JOHNSON 1911-1968

ENGINEERS, SURVEYORS AND ECOLOGISTS

July 3, 1996

# DESCRIPTION SOUTH SEAS PLANTATION ENTRANCE SITE IMPROVEMENT AREA SECTION 26, T. 45 S., R. 21 E. CAPTIVA ISLAND, LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 26, Township 45 South, Range 21 East, Captiva Island, Lee County, Florida which tract or parcel is described as follows:

Beginning at the Southwest corner of Tennis Villas Condominium as described in Official Record Book 1237 at Page 1217, Lee County Records run S 88° 28' 34" E for 115.00 feet along the South line of said Condominium; thence run S 02° 47' 50" W for 335.00 feet; thence run S 65° 30' 48" W for 56.93 feet to an intersection with the North line of Captiva Drive S.W. (30.00 feet wide) (formerly Binder Avenue) as recorded in Deed Book 54 at Page 540, said public records; thence run N 71° 18' 20" W for 59.94 feet along said North line; thence run Northwesterly along the Northeasterly line of South Seas Plantation Road, a roadway and utility easement recorded in Official Record Book 1846 at Page 0807, said public records the following courses: N 61° 24' 14" W for 61.47 feet; along the arc of a curve to the right of radius 200.00 feet (delta 22° 11' 28") (chord 76.98 feet) bearing N 50° 18' 31" W) for 77.46 N 39° 12' 46" W for 65.62 feet; thence run N 71° 18' 20" W for 99.53 feet; thence Northerly along the West line of said South Seas Plantation Road N 06° 35' 12" W for 490.50 feet; thence run EAST for 105.00 feet; thence run N 23° 58' 22" E for 141.75 feet; thence run EAST for 210.00 feet; thence run S 02° 38' 04" W for 100.00 feet to an intersection with a Northwesterly line of said Tennis Villas Condominium; thence run S 37° 38' 00" W for 65.00 feet along said Northwesterly line to a corner of said Condominium; thence run S 02° 38' 04" W for 285.00 feet along the West line of said Condominium to the Point of Beginning.

Containing 5.27 acres, more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone and the North line of Captiva Drive S.W. bears N 71° 18' 20" W.

ARCHIE T. GRANT. JR.
PRESIDENT
FORREST H. BANKS

CHAIRMAN

JOSEPH W. EBNER
STEVEN K. MORRISON
ANDREW D. TILTON
JEFFREY C. COONER
CARL A. BARRACO
KENTON R. KEILING
W. DAVID KEY. JR.
W. BRITT POMEROY
DAN W. DICKEY
KEVIN M. WINTER
GARY R. BULL

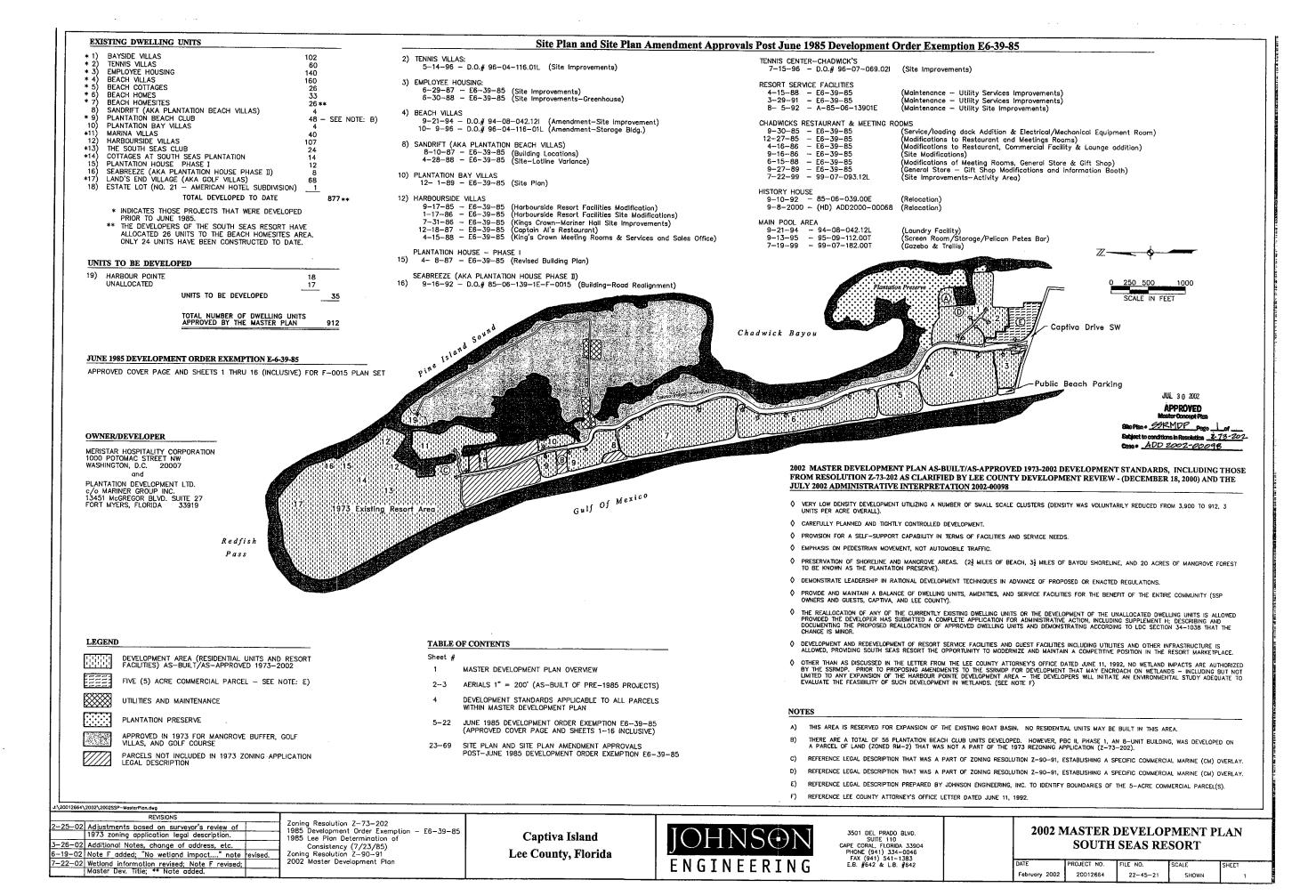
ASSOCIATES
GEORGE J. KALAL
STEPHEN W. ADAMS
PATRICIA H. NEWTON
MARK G. WENTZEL

WBP/kc

21057

CONSULTANT LESTER L. BULSON W. Britt Pomeroy, L. (For The Firm)

Professional Land Surveyor Florida Certificate No. 4448







JUL 3 0 2002

APPROVED
Master Concept Pleas
Site Plans SSRMDP Page 3.01
Select to conditions in Resolution 2.73-202
Cesso ADD 2002-00018

South Seas Resort Lee County, Florida



3501 DEL PRADO BLVD. SUITE 110 CAPE CORAL, FLORIDA 33904 PHONE (941) 334-0046 FAX (941) 541-1383 E.B. #542 & L.B. #642

Sou	th Seas R Aerials	esort	
JECT NO.	FILE NO.	SCALE	

April 2001 PROJECT NO. 20012664

The following development standards are applicable to the SSRD, based on standards that have been applied since its inception in 1973.

- a. Open space: Of the 304± acres that make up the SSRD, approximately one third is set aside as open space, (this 100+ acres includes now privately owned uplands, wetlands, and submerged lands). Additionally there is an allocation of open space for those lands seaward of the coastal construction control line, currently in excess of 15 acres. The South Seas Golf Course and other recreational lands supplement the beach front and preservation land categories such that a minimum of 152 acres (approximately 50%) of the overall property is allocated to Open Space. Therefore, no minimum amount of Open Space is required for individual parcels.
- b. Landscape: Emphasis will be placed on the use of native species.

  Canopy trees for shading and trees and/or shrubs for the screening of service areas or for privacy will be used to the extent possible. The final plant selection and placement shall be at the discretion of the owner working in concert with County staff. The use of invasive exotics is prohibited.
- c. Buffers: There will be a natural (mostly mangrove) shoreline buffer along the bay waters of the SSRD. Specifically, that natural buffer shall be a minimum of 35' wide (except to the extent that the existing South Seas Road or Bay Drive (leading to Harbour Pointe) may currently encroach into and therefore reduce that 35' buffer). Where it is in or proximate to approved development areas, the natural buffer may be subject to a number of existing small openings as necessary for helicopter, vehicular, boat, pedestrian, and/or utility access, and trimming in accordance with State Standards for Mangrove Trimming where permitted. There is no buffer required along the bay waters extending from the southeasterly tip of the Harbour Pointe site continuing across the marina entrance channel and along the bay waters to Redfish Pass. There shall be no required minimum buffer between residential parcels internal to the development.
- d. <u>Setbacks:</u> Captiva Drive Southwest-minimum 25' to edge of right-of-way. South Seas Road-minimum 10' to edge of pavement, excluding security buildings, signs, walls and other entrance features, when consistent with LDC site visibility requirements. Internal driveways—no minimum setbacks required.
  - Building to External Property Line:
    —minimum 10' with minimum 6' high wall and vegetation buffer.
    —minimum 15' with minimum 6' high wall or vegetation buffer.
  - -minimum 20' without wall or vegetation buffer.

Building to Internal Property Line—no minimum setback required. Building to Bay Waters:

-minimum 25' setback from mean high tide line.

Building to Waters of Gulf of Mexico:

-minimum 50' from mean high tide line.

Building to Natural or Manmade Lake, Pond, Bayou, Canal, or Marina:
—no minimum setback required for buildings redeveloped within

existing building footprints; 25' for any new buildings. Building to Building Separation:

-minimum 10' separation unless additional separation is required by Building/Fire Code.

Accessory Structures including Fences and Walls:

.\20012664\2002\2002SSP-MP~5.d

- -for walls or structures 8' or less in height above grade; no minimum setback required.
- -for walls or structures over 8' in height from grade, the setback shall be the same as set forth above for buildings, except as to water bodies where there will be no setbacks required.
- -there shall be no minimum required separation between walls and accessory structures or one accessory structure and another.

- e. Building Heights: (These standards are applicable to all new structures except those being replaced under the existing Lee County build—back provisions of the Land Development Code or LEE PLAN). Maximum height to the top of a parapet wall, roof, or midpoint of a pitched roof of no less than 4:1 and no more than 7:1 shall be the lesser of 35' above the grade surrounding the building at its foundation or 42' above mean sea level.
- f. Traffic Impact Statements (TIS): A traffic statement shall be required for any development that includes new residential dwelling units or includes more than 500 square feet of retail/commercial square footage. Because of the SSRD's vested status for purposes of concurrency (established via Determination of Consistency with the Lee Plan in 1985), the data provided to the County in such TIS are intended for information purposes only. Approval of TIS is not a prerequisite to approval of proposed development plans. The concurrency vesting is limited to the SSRD, as approved under this interpretation.
- g. <a href="Parking:">Parking:</a> These standards recognize the developers long standing commitments to transportation alternatives to the automobile on Captiva, including pedestrian and bicycle transportation via the pathways provided throughout the SSRD and the provision of up to 18 hours of daily free tram service.

#### General:

- Individual parking spaces will be no less than 9' wide by 18' deep.
   The appropriate number of handicap spaces will be provided in convenient locations in compliance with Lee County and State of
- Florida Handicapped Codes and the intent of ADA Guidelines.

  —Any proposed reduction or reconfiguration of the as—builts/as approved parking spaces provided contemporaneous to this interpretation, is subject to a limited review development order to assure that the current inventory of parking is not reduced and additional parking is provided in the proportions for resort use as required below.

  Residential:
- -Single family/duplex will have a minimum of 2 off-street parking spaces per unit.
- -Multi-family housing (whole ownership/timeshare/etc.) will have a minimum of 1 parking space per dwelling unit plus a minimum of 1 guest/service parking space for every 10 dwelling units.
- -Hotel/Motel units and employee rental apartments shall have a minimum of 1 parking space for every 2 dwelling units plus 1 guest/service parking space for every 10 dwelling units. Commercial:
- -Activities/Facilities internal to the resort and used almost exclusively by resort owners and guests (i.e. marina, golf course, tennis, retail, resort area restaurants, conference facilities, etc.) have no minimum required number of spaces.
- -Commercial Area at the south end of the property, except for conference facilities, shall be required to provide a minimum 1 parking space per 1000 square feet of retail, restaurant/lounge or commercial use (excluding kitchens and other "back of the house" areas and service facilities).

#### h. Construction Standards (other than for buildings):

-Roads, driveways, walks, bike paths, seawalls, etc. shall be built in accordance with sound engineering design standards typical of those facilities constructed within the SSRD during the past 28 years, subject to review and approval by County staff through the limited review development order process.

#### i. Stormwater Management:

The standards of the existing approved SSRMDP as authorized and permitted by the South Florida Water Management District, or as they may be amended in the future, shall govern the surface water management elements of future development in the SSRD.

#### . Other:

Except as noted herein, the applicable standards of the Lee County Land Development Code shall apply.

JUL 3 0 2002
APPROVED

8the Plan • <u>SSRMDP</u> Page <u>4.01</u>

Subject to conditions in Resolution <u>1.73-202</u>

Case • <u>ADD 7002-00098</u>

Captiva Island
Lee County, Florida

JOHNSO Inty, Florida ENGINEERIN

3501 DEL PRADO BLVD. SUITE 110 CAPE CORAL, FLORIDA 33904 PHONE (941) 334-0046 FAX (941) 541-1383 E.B. #642 & L.B. #642

#### 2002 MASTER DEVELOPMENT PLAN SOUTH SEAS RESORT

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
March 2002	20012664	22-45-21	SHOWN	4

# CONSTRUCTION PLANS FOR

# SOUTH SEAS PLANTATION

SECTIONS 15, 22, \$ 26, TOWNSHIP 45 SOUTH, RANGE 21 EAST CAPTIVA ISLAND, FLORIDA

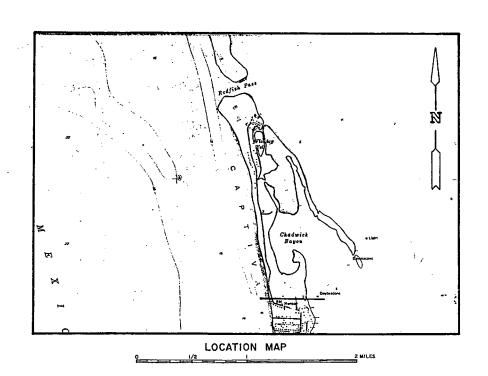
## I.\_\_\_\_MASTER PLAN PLANTATION HOUSE II 3.-4.\_\_\_HARBOURSIDE III

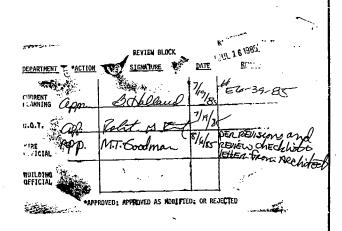
INDEX OF SHEETS

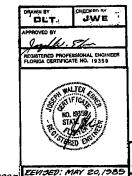
5....\_ HARBOUR POINTE IV 6.\_\_\_\_HEALTH CLUB AND ESTATE RESIDENCE Y 7.\_\_\_\_PLANTATION BEACH VILLAS 立 PLANTATION BAY VILLAS VII 8.\_\_\_\_RESORT SERVICE FACILITIES VIII 9.\_\_\_\_EMPLOYEE HOUSING / HUMAN RESOURCES IX

EMPLOYEE HOUSING / PHASE FOUR X \_CHADWICK'S COMMERCIAL, RESTAURANT, AND MEETING ROOMS XI

II.-16. \_\_\_\_DETAILS

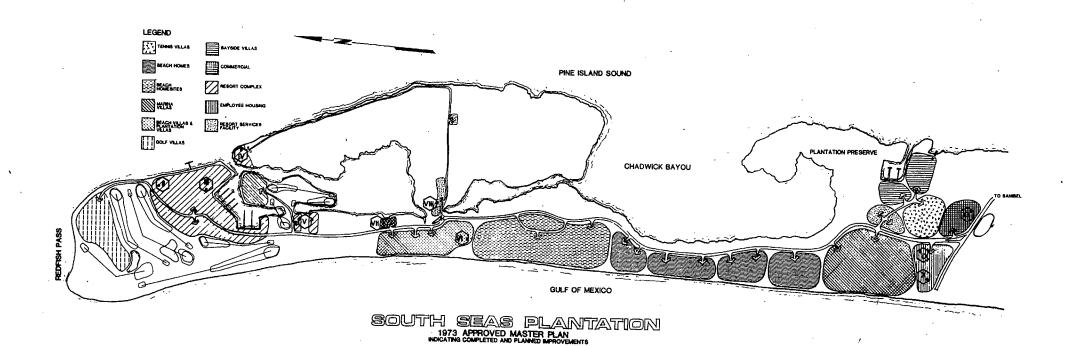






OWNER / DEVELOPER: SOUTH SEAS PLANTATION CO. 13987 Mª GREGOR BLVD. S.W. FORT MYERS, FLORIDA, 33907 PHONE (813) 481-2011

REVISED: JULY 5, 1985



JUL 3 0 2002 APPROVED Master Concept Pas Case ADD 2002-00098

### MASTER PLAN

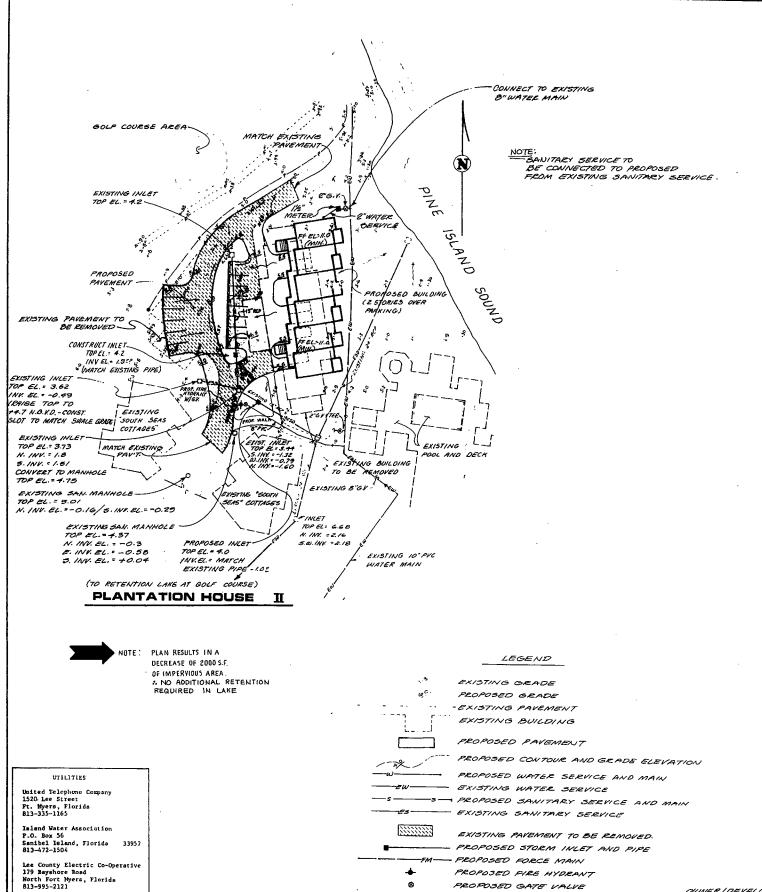
PREPARED AY ARCHITECTURAL RESOURCES CORPORATION

FOR SOUTH SEAS PLANTATION CO. 13957 Me GREGOR BLVD, S.W. FT. MYERS, FLORIDA, 33907

JOHNSON ENGINEERING, INC.
CIVIL ENGINEERS LAND SURVEYORS
POST OFFICE BOX 1880, FORT MYERS, FLORIDA, 33902-1880, PHONE (818) 334-0046

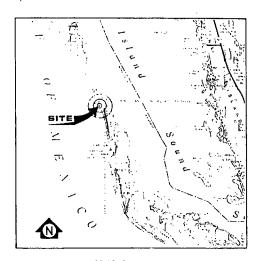
REVISED JULY 5, 1985 REVISED MAY 20, 1985

APRIL1985 PROJECTION 13858 15-45-21 SHOWN SHEET 1 or 18



£3

EXISTING INLET



SCALE 1" - 2 MILES LOCATION MAP

**APRIL 1985** 

LOCATION OF ALL UTILITIES IS APPROXIMATE, CONTRACTOR TO CONTACT OWNER AND UTILITY COMPANIES PRIOR TO COMMENCING CONSTRUCTION FOR MARKING EXISTING UTILITY LOCATIONS.

APPROVED JUL 3 0 2002

SERMER POST 7 OF Bulgest to conditions in Resolution 3-73-202 ADD 2002-00098

1" = 40'



PAVING, GRADING, DRAINAGE AND UTILITY PLAN

PLANTATION HOUSE - II

SEC. 15 , T. 45 S., R. 21 E.

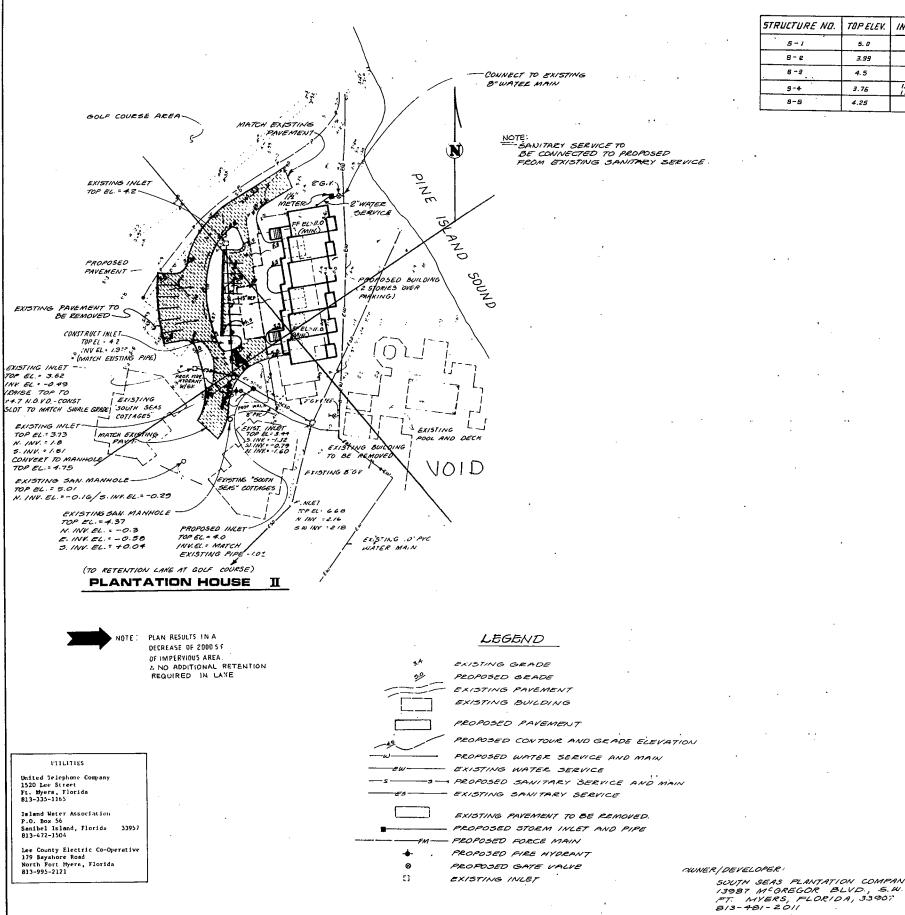
CAPTIVA ISLAND LEE COUNTY, FLORIDA

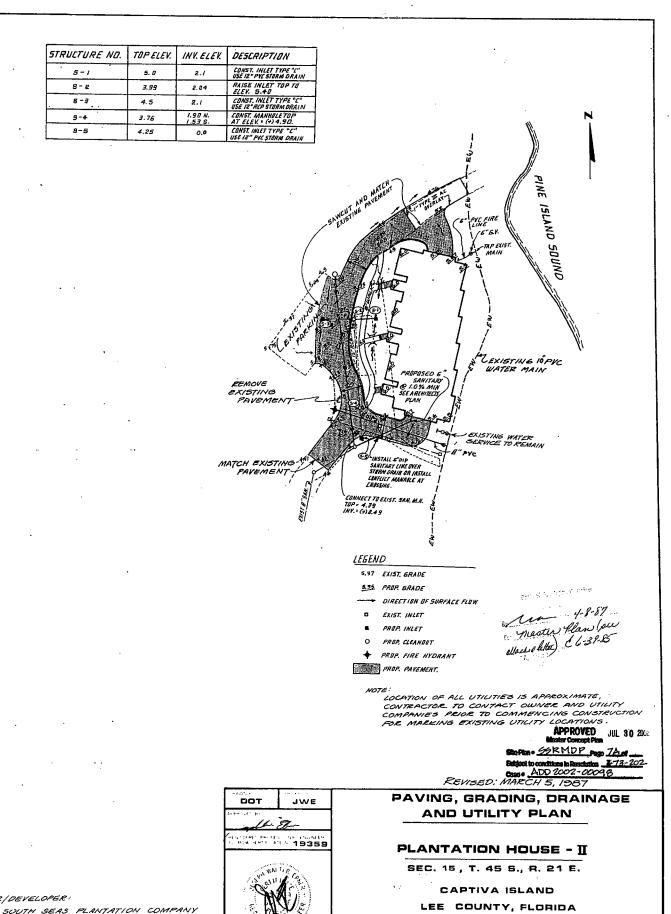
JOHNSON ENGINEERING, INC.

15-45-21

CIVIL ENGINEERS -- LAND SURVEYORS
ET POST OFFICE BOX 1550, FORT MYERS, FLORIDA 33902-156

OWNER | DEVELOPER ! SOUTH SEAS PLANTATION COMPANY 13987 MCGREGOR BLVD, S.W. FT. MYERS, FLORIDA, 33907 813-481-2011





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APRIL 1989

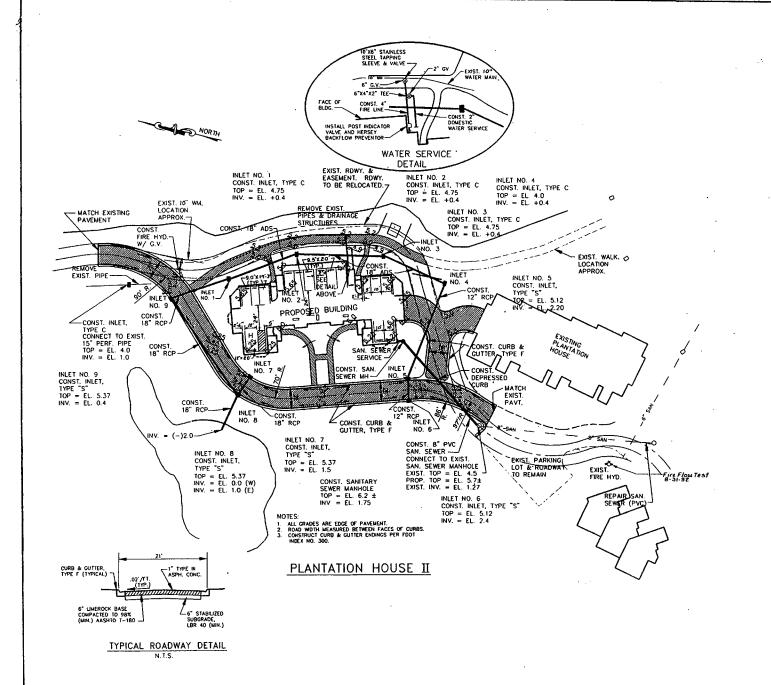
REVISED: JULY 5, 1985

JOHNSON ENGINEERING, INC.

CIVIL ENGINEERS — LAND SURVEYORS
TREET POST OFFICE BOX 1550 FORT MYERS FLORIDA 33902 1530

15-45-21

1" = 40'



STRUCTURE NO.	TOP ELEV.	INV. ELEV.	DESCRIPTION		
5-1	5. 0	2.1	CONST. INLET TYPE "C" USE 12" PVC STORM DRAIN		
\$ - E	3.99	2.04	RAISE INLET TOP TO ELEV. 5.40		
5 - 3	4.5	2.1	CONST. INLET TYPE "C" USE 12" RCP STORM DRAIN		
5-4	3.76	1.90 N. 1.53 S.	CONST. MANHOLETOP AT ELEV. = (+) 4.90.		<b>N</b>
s-5	4.25	0.0	CONST. INLET TYPE "C" USE 12" PYC STORM DRAIN		
		P.	EEMOVE EXISTING PAVEMENT	PARPOSED 6' SANITARY PLAN SER ARCHITICAL PLAN TO SER ARCHITICAL PLAN	PINE ISLAND  SOUND  SEXISTING 16 PVC  WATER MAIN  Dept. of Development Review
				5.37 EXIST, GRADE	APPROVED
	•			5.35 PROP. GRADE	By Coll Date Sept Ve, PA:
				DIRECTION OF SURFACE FLOW	read & utilities realignment
				a EXIST. INLET	Exemption Type AND 17-0015
				PROP. INLET	ZoningRN-2 F.E.H.A. Zone A-II C
				O PROP. CLEANOUT.	oApproval based on site information

PROP. FIRE HYDRANT PROP. PAYEMENT.

TE LOCATION OF ALL UTILITIES IS APPROXIMATE, CONTRACTOR TO CONTRACT OWNER AND UTILITY COMPANIES PRIOR TO COMMENCING CONSTRUCTION FOR MALKING EXISTING UTILITY LOCATIONS.

STOPPO SERMOP POR 78 M

REVISED: MARCH 5, 1987

DOT JWE , 560 (4 (1 - 52 (5)6)46 6,4 (4 (5 - 24 5 **19359** REVISED: MAY 20,1985 REVISED: JULY 5, 1985 REVISED: AUG. 3, 1992 REVISED: AUG. 26,1992

PAVING, GRADING, DRAINAGE AND UTILITY PLAN

PLANTATION HOUSE - II / SEC. 15 , T. 45 S., R. 21 E.

CAPTIVA ISLAND LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC.

OWNER / DEVELOPER :

SOUTH SEAS RESORT LIMITED PARTNERSHIP 12800 UNIVERSITY DRIVE, SUITE 350 FORT MYERS, FLORIDA 33907

PROPOSED FIRE HYDRANT EXISTING FIRE HYDRANT PROPOSED GRADE DIRECTION OF PROPOSED

**LEGEND** 

PROPOSED PAVEMENT

U111111ES

United Telephone Company 1520 Live Street Fi. Hyers, Florids 813-335-1165

Island Water Association

P.O. Box 56 Sanibel Island, Florida 3395: 813-472-1504

Lee County Electric Co-Operative 179 Bayshore Road North Fort Myers, Florida 813-995-2121

the contribution of the co

=== EDGE OF EXISTING PAVEMENT

MAIN AND MANHOLE

SURFACE FLOW

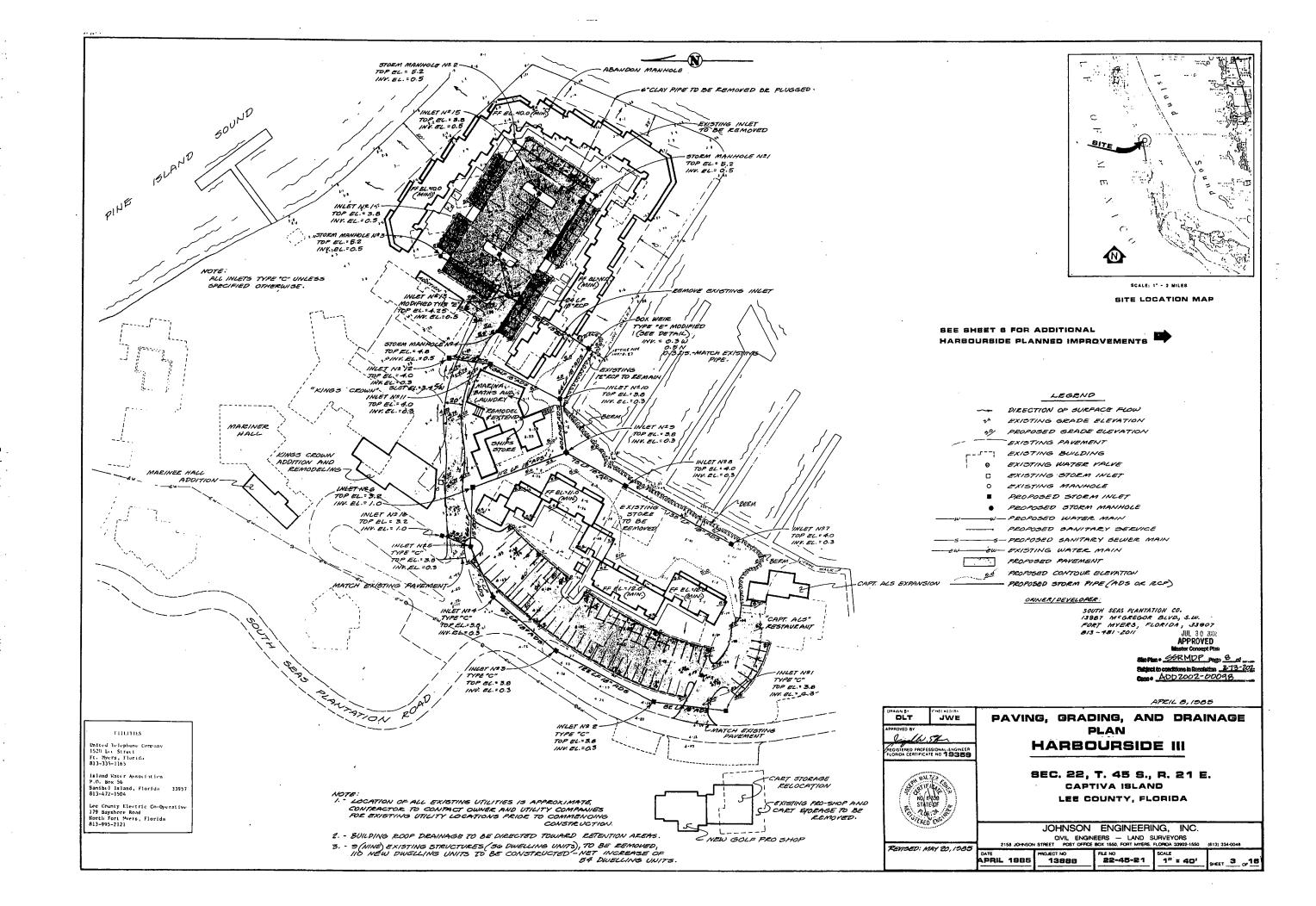
PROPOSED WATER SERVICE AND GATE VALVE

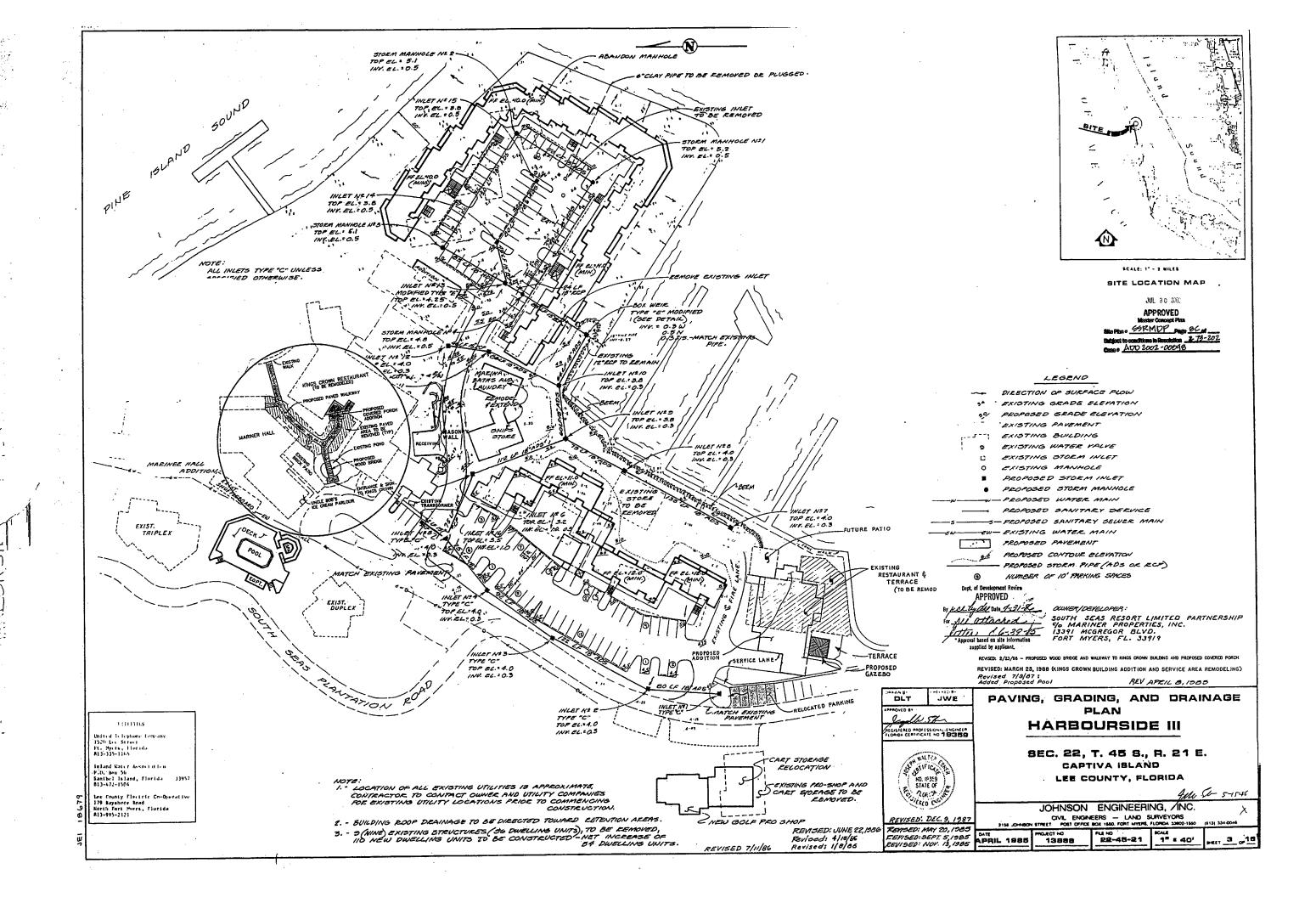
PROPOSED SANITARY SEWER

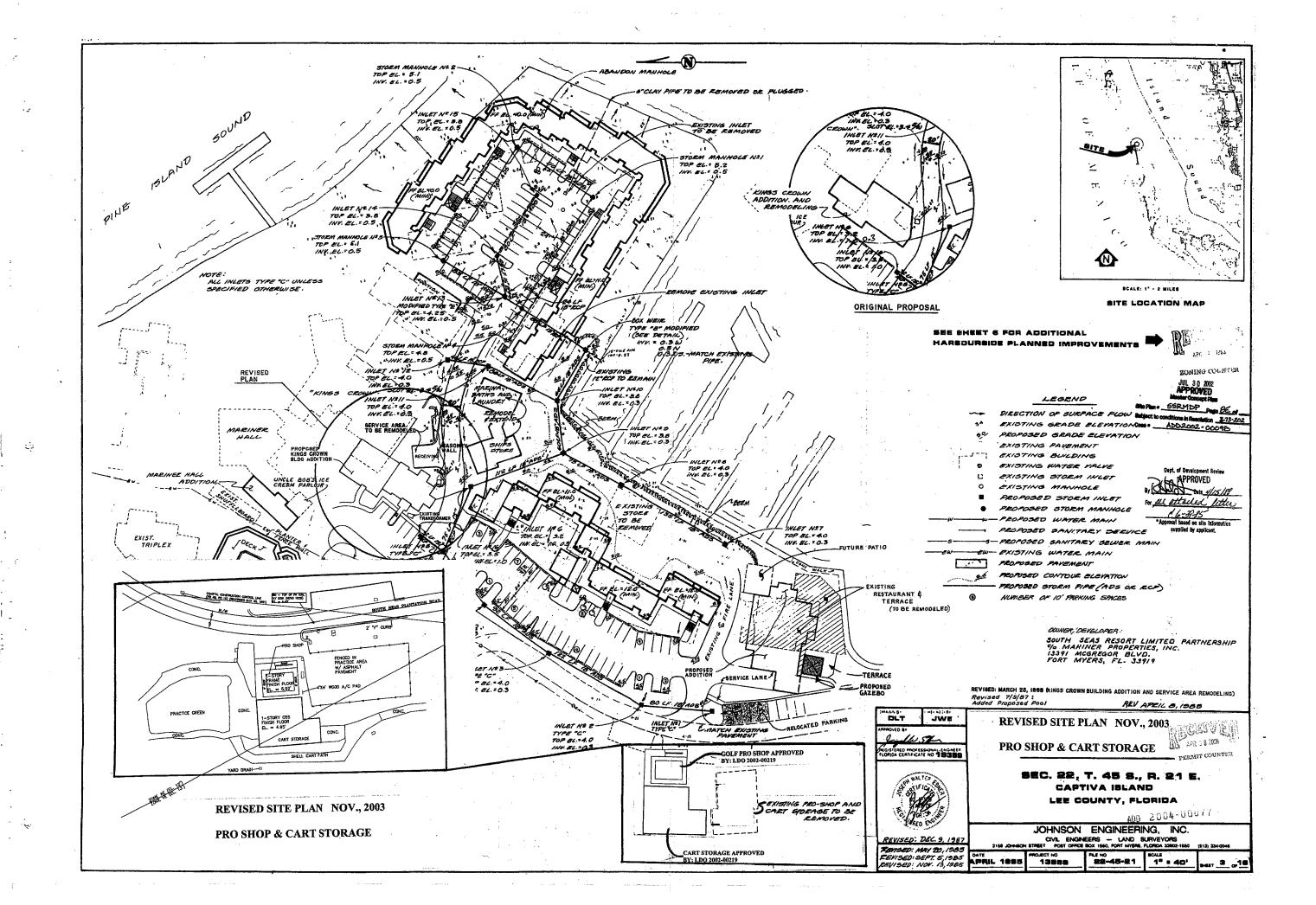
PROPOSED STORM INLET AND PIPE

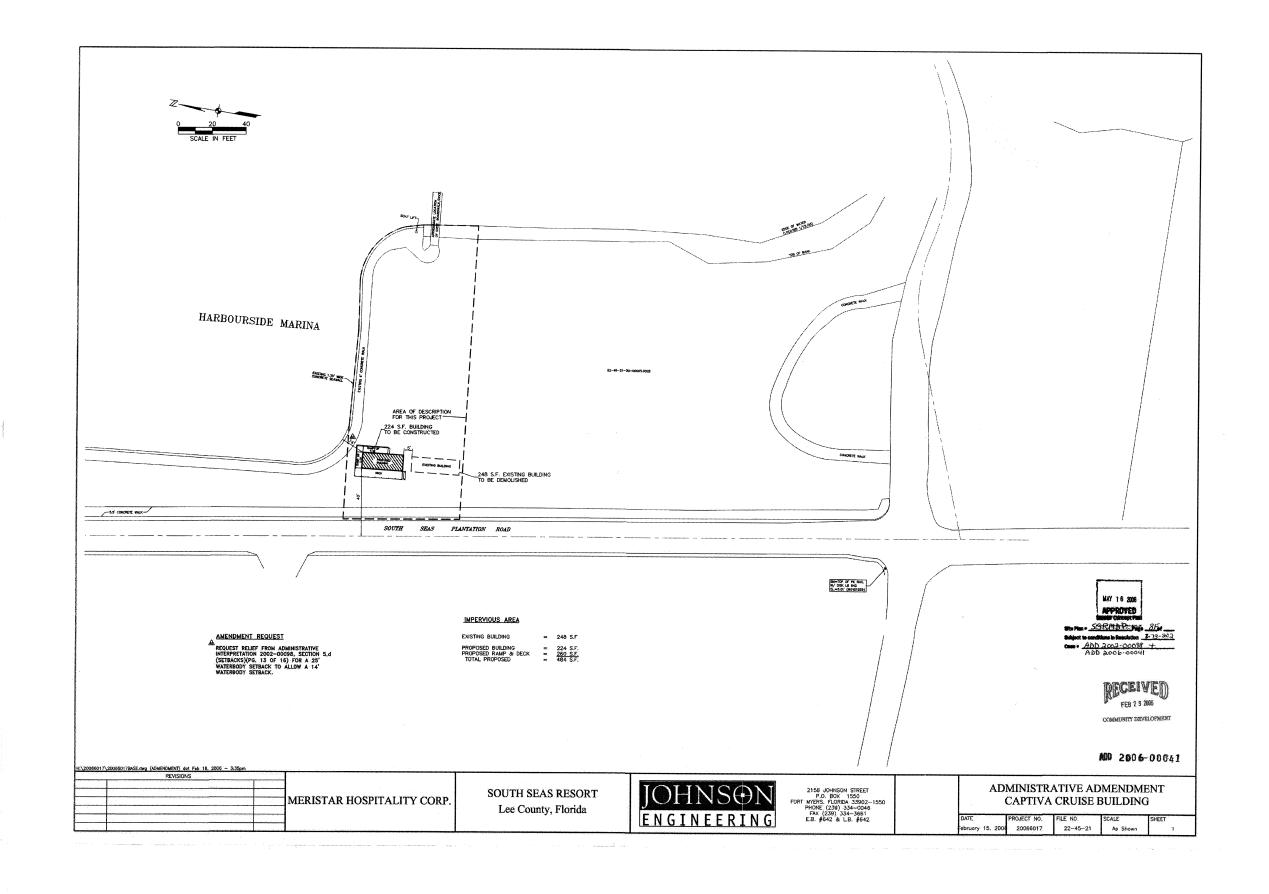
Revised 8/2/92 : Parking Spaces

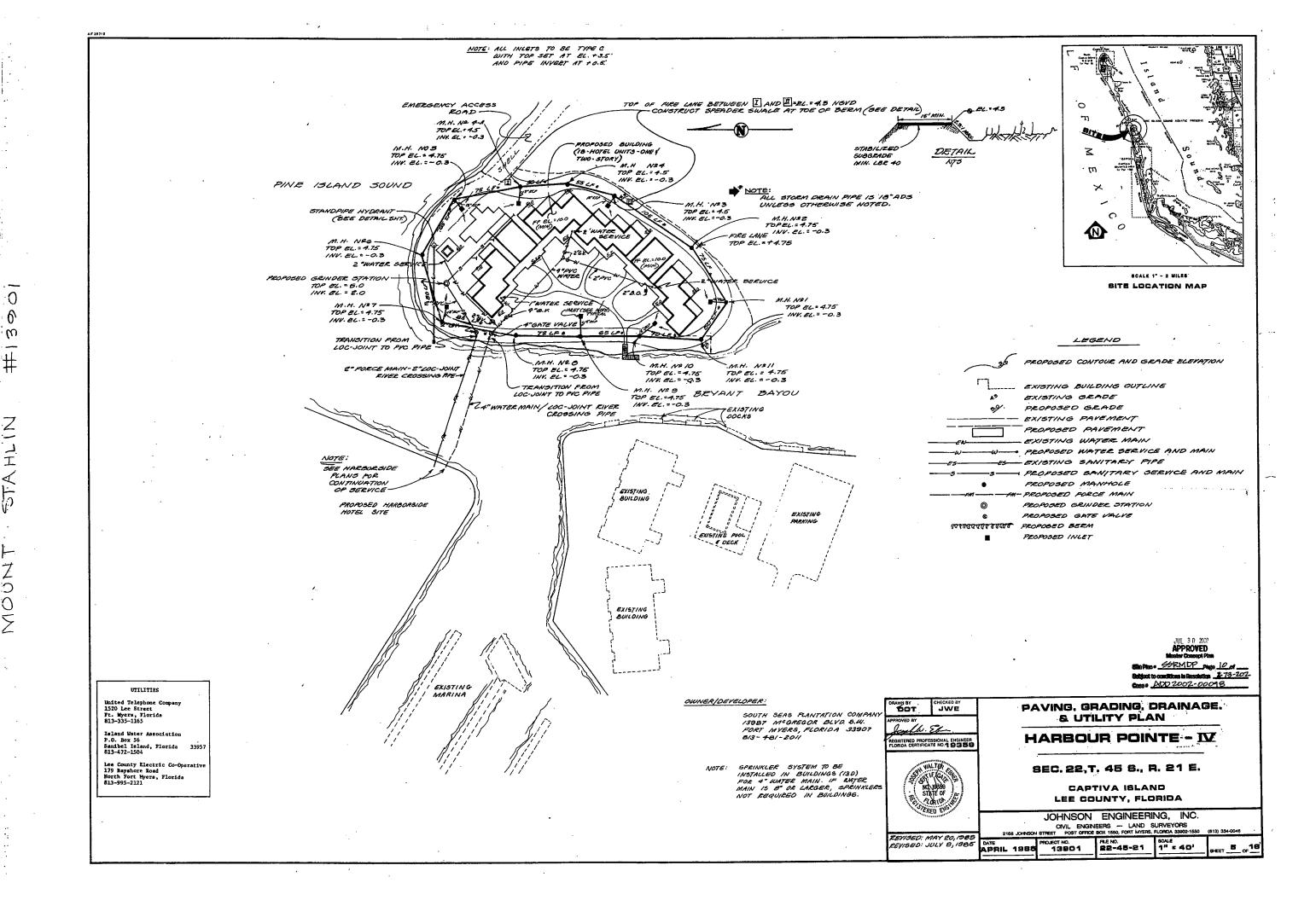
CIVIL ENGINEERS — LAND SURVEYORS:
STREET POST OFFICE BOX 1550 FORT MYERS FLORIDA 33902 1 APRIL 1985 1" = 40" 15-45-21

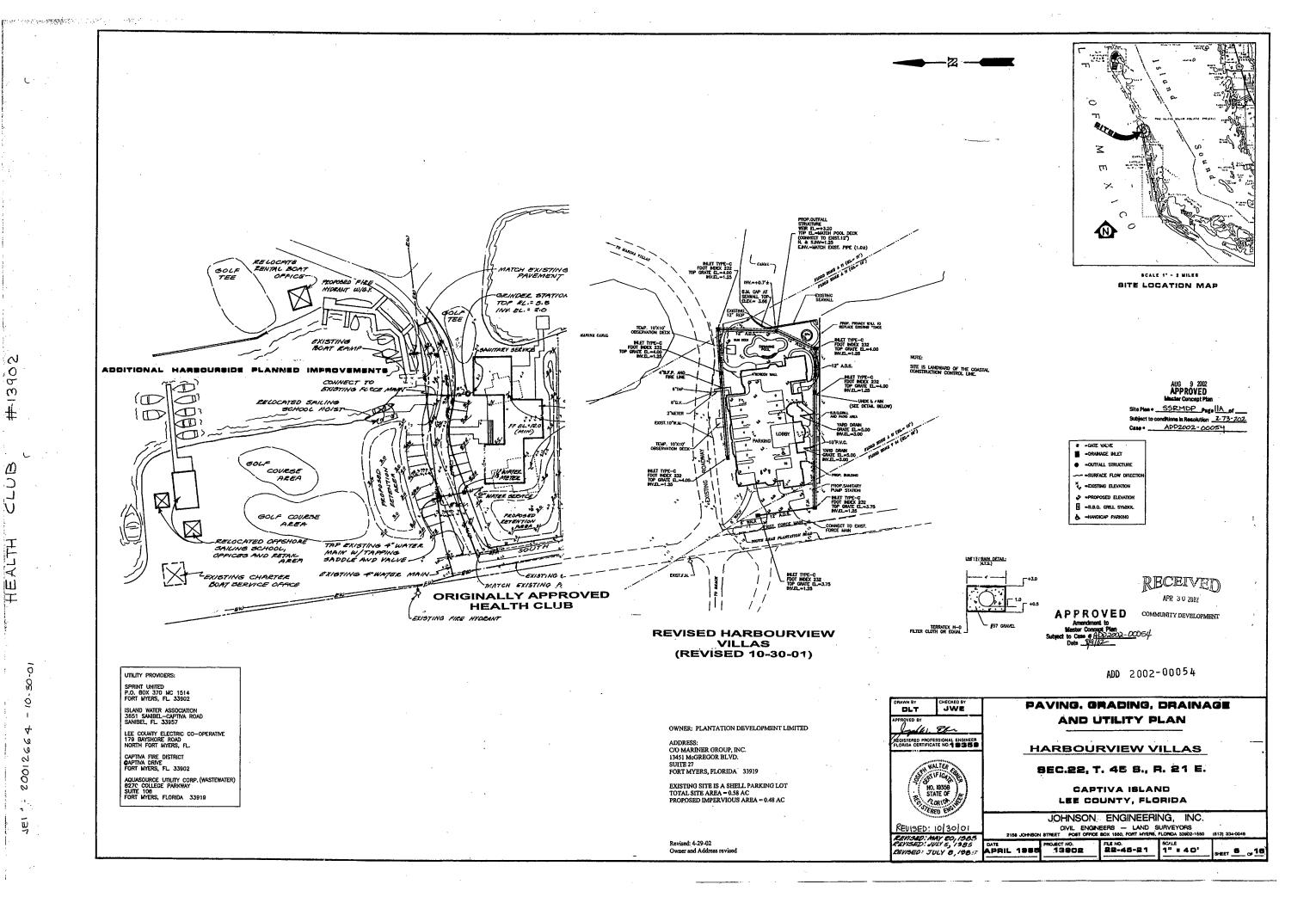


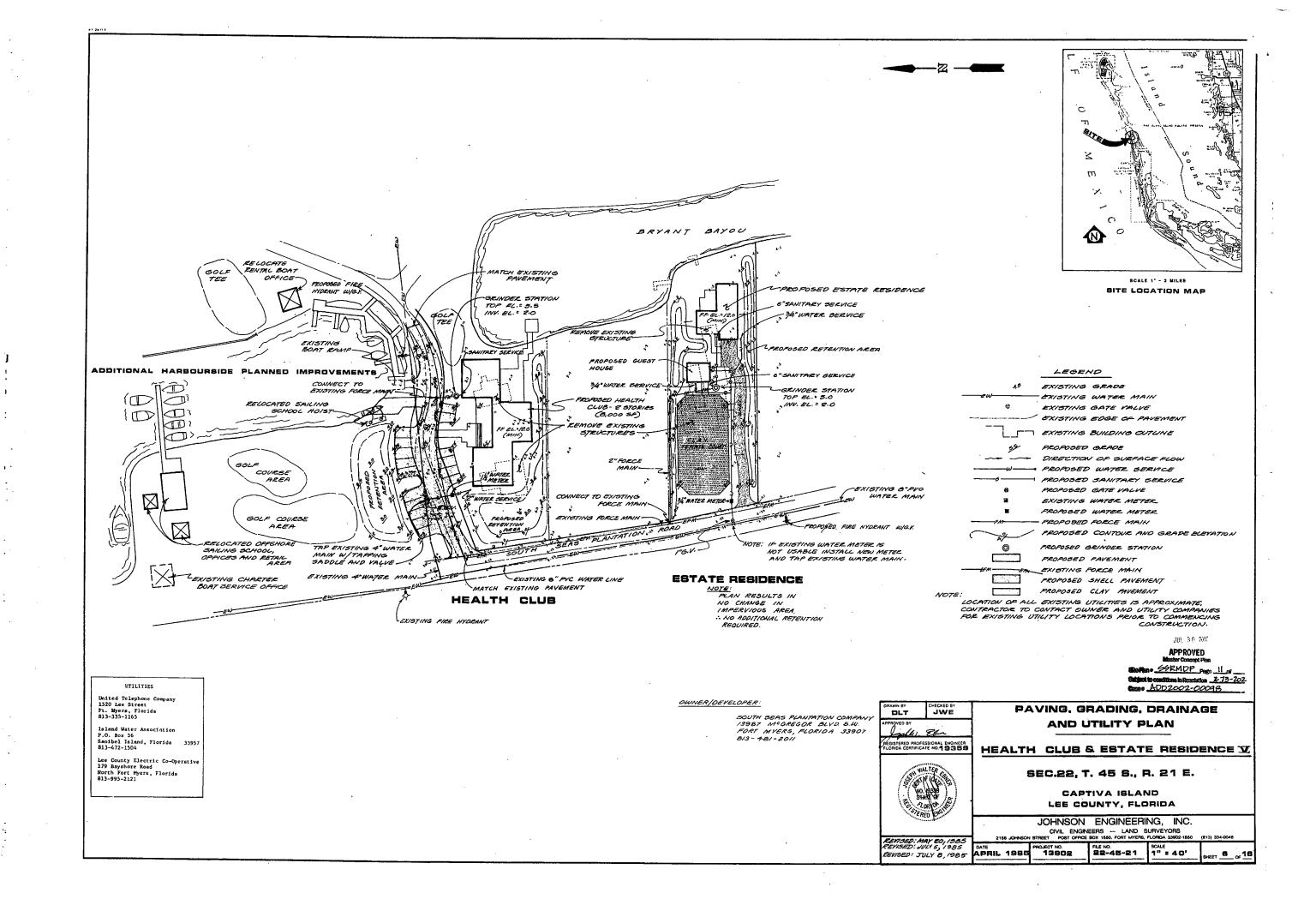


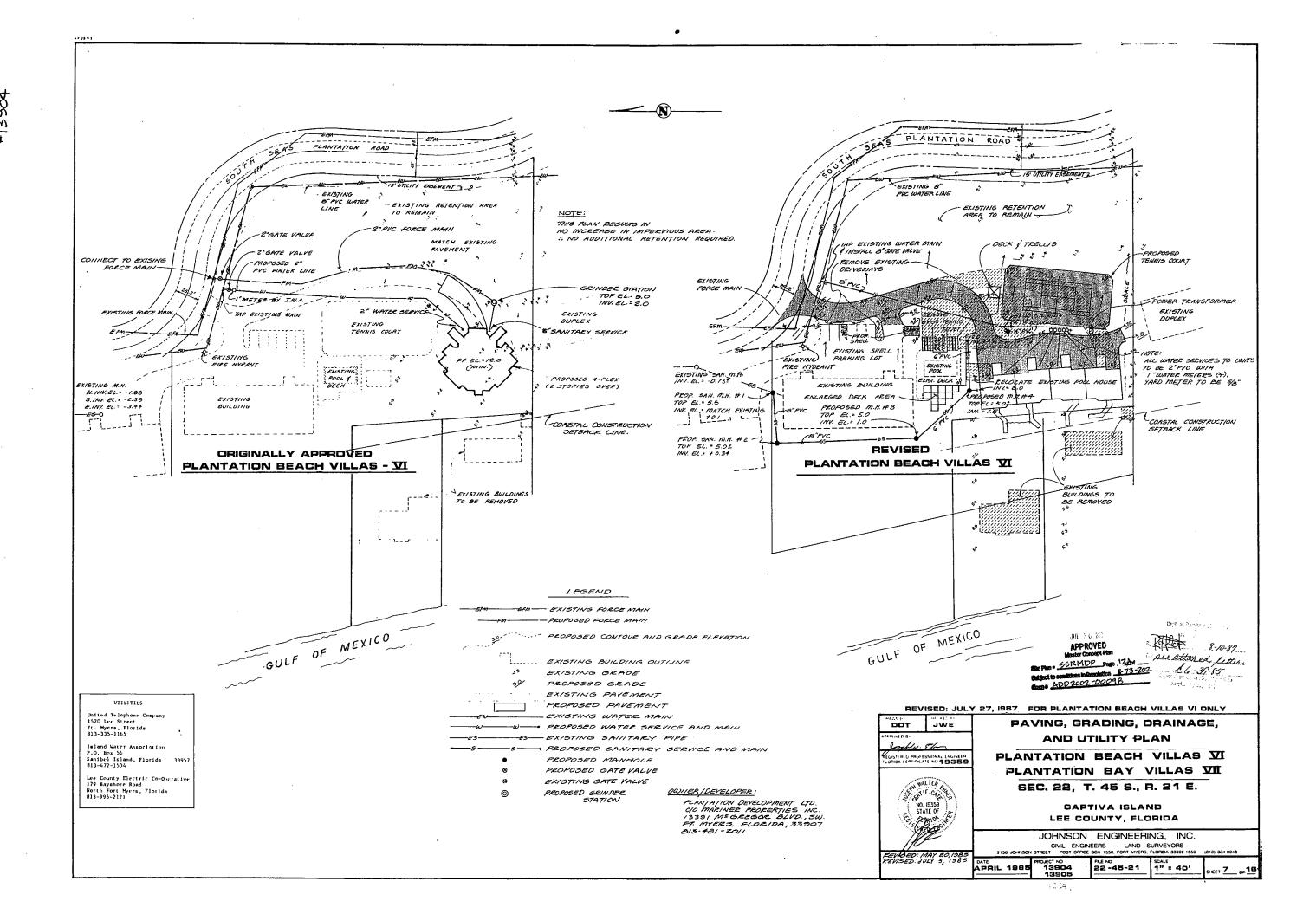


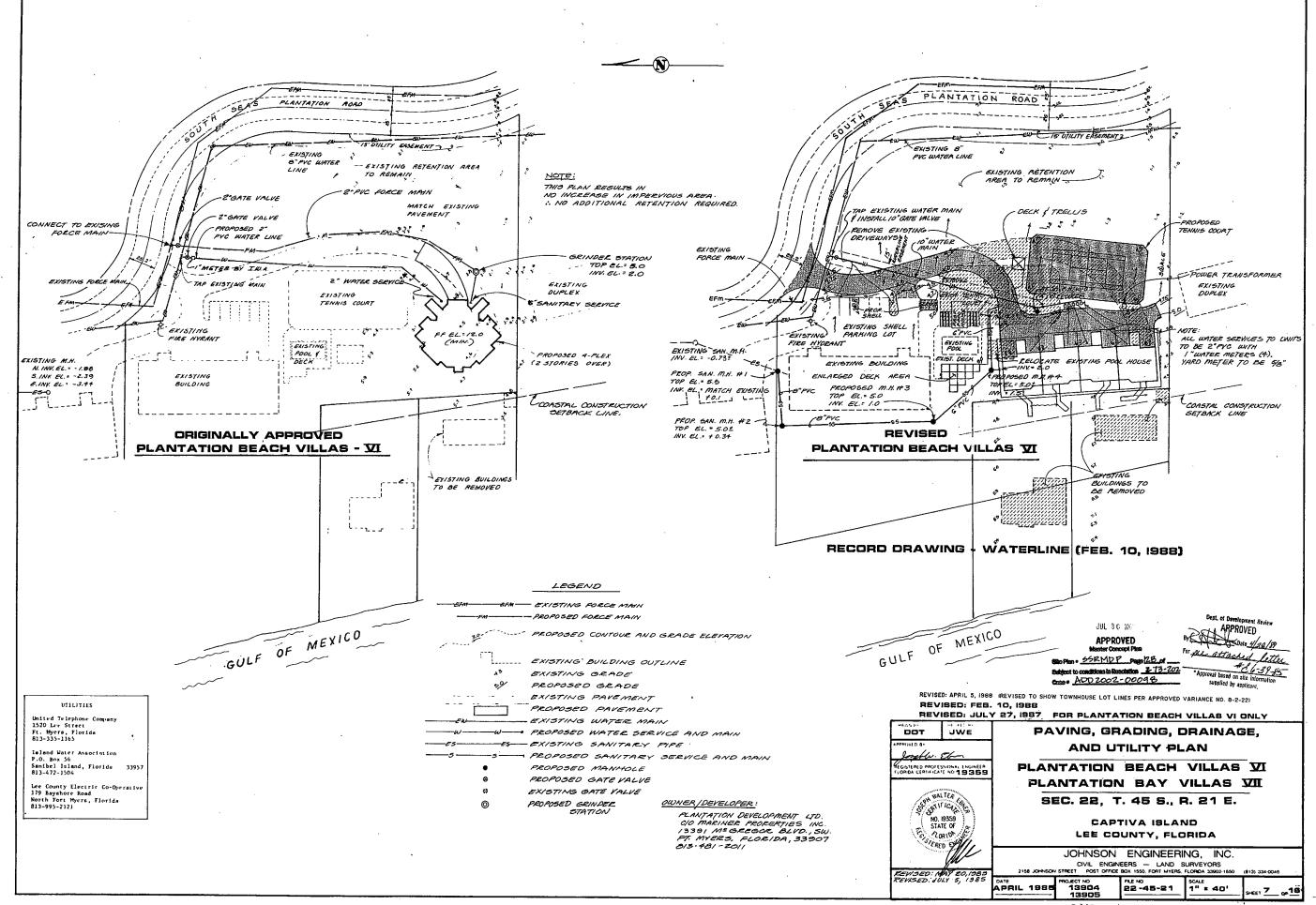


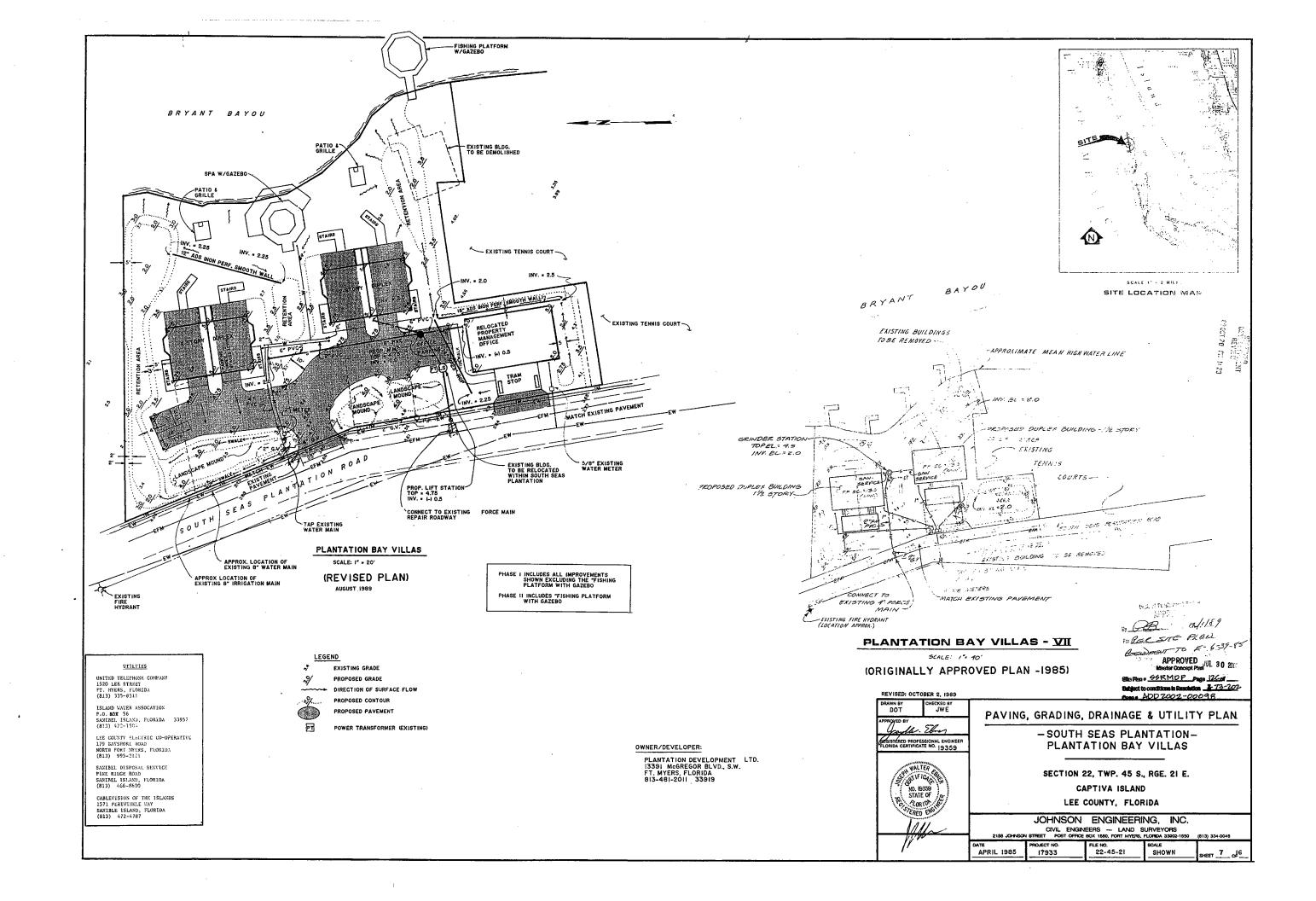


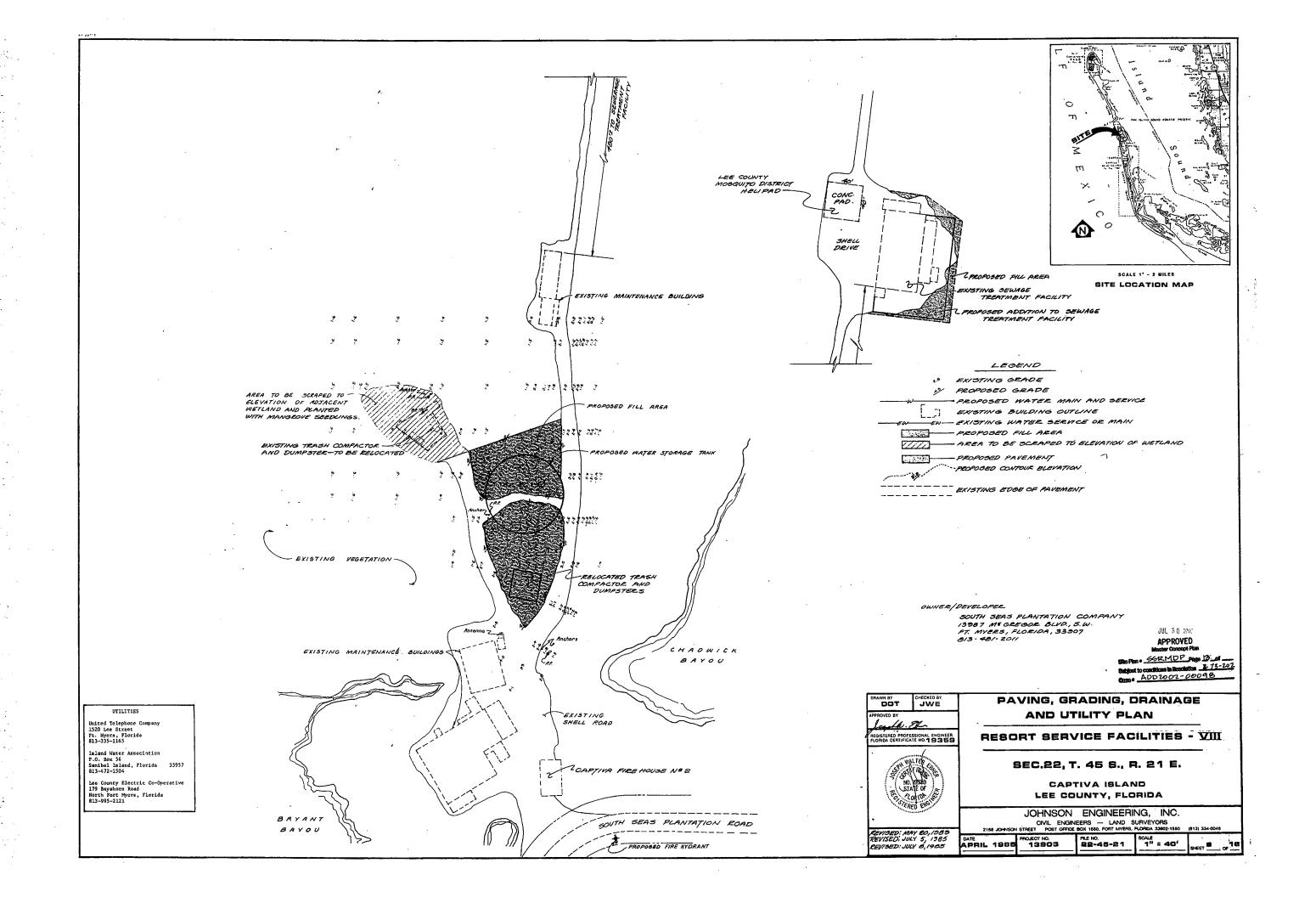


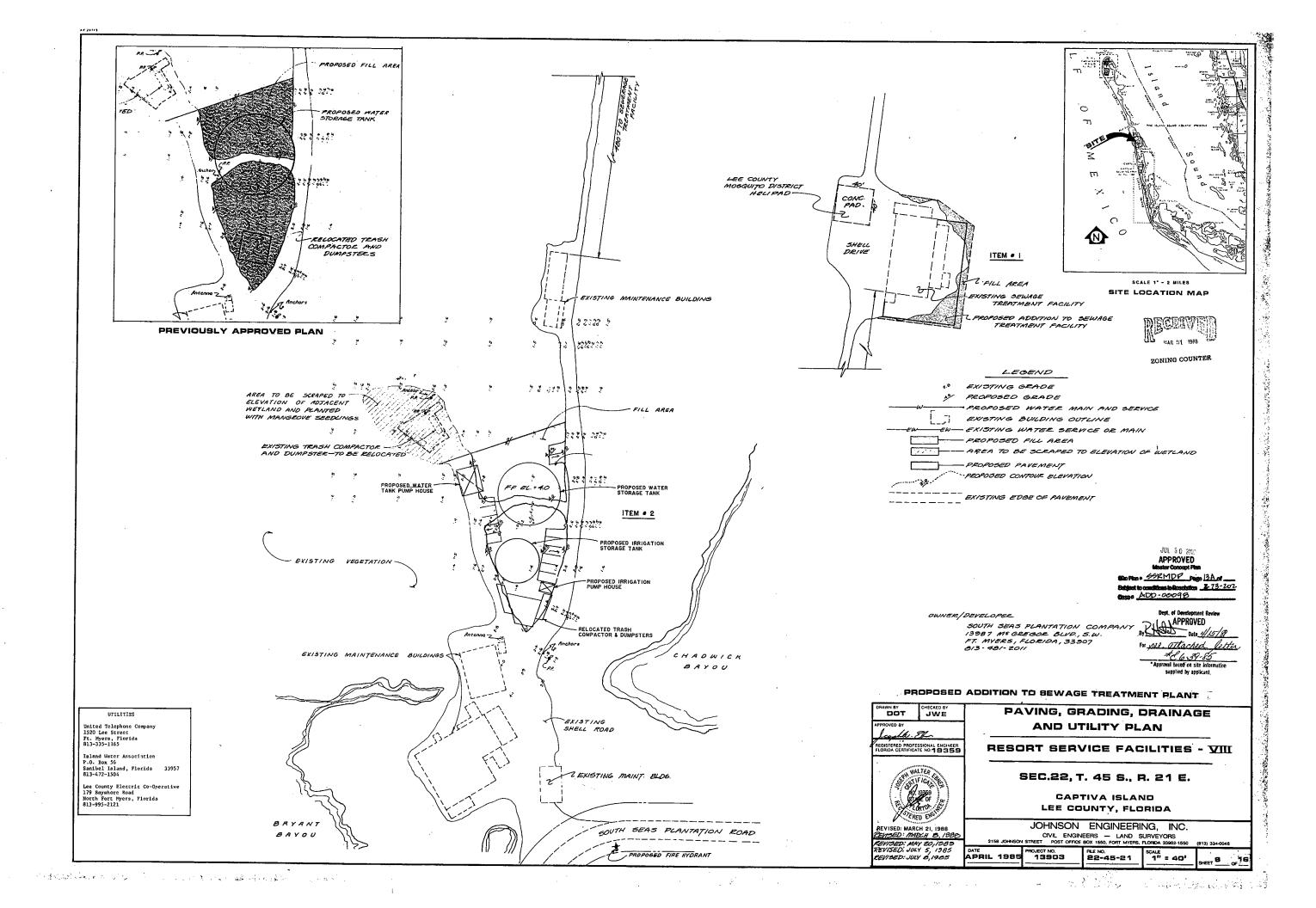




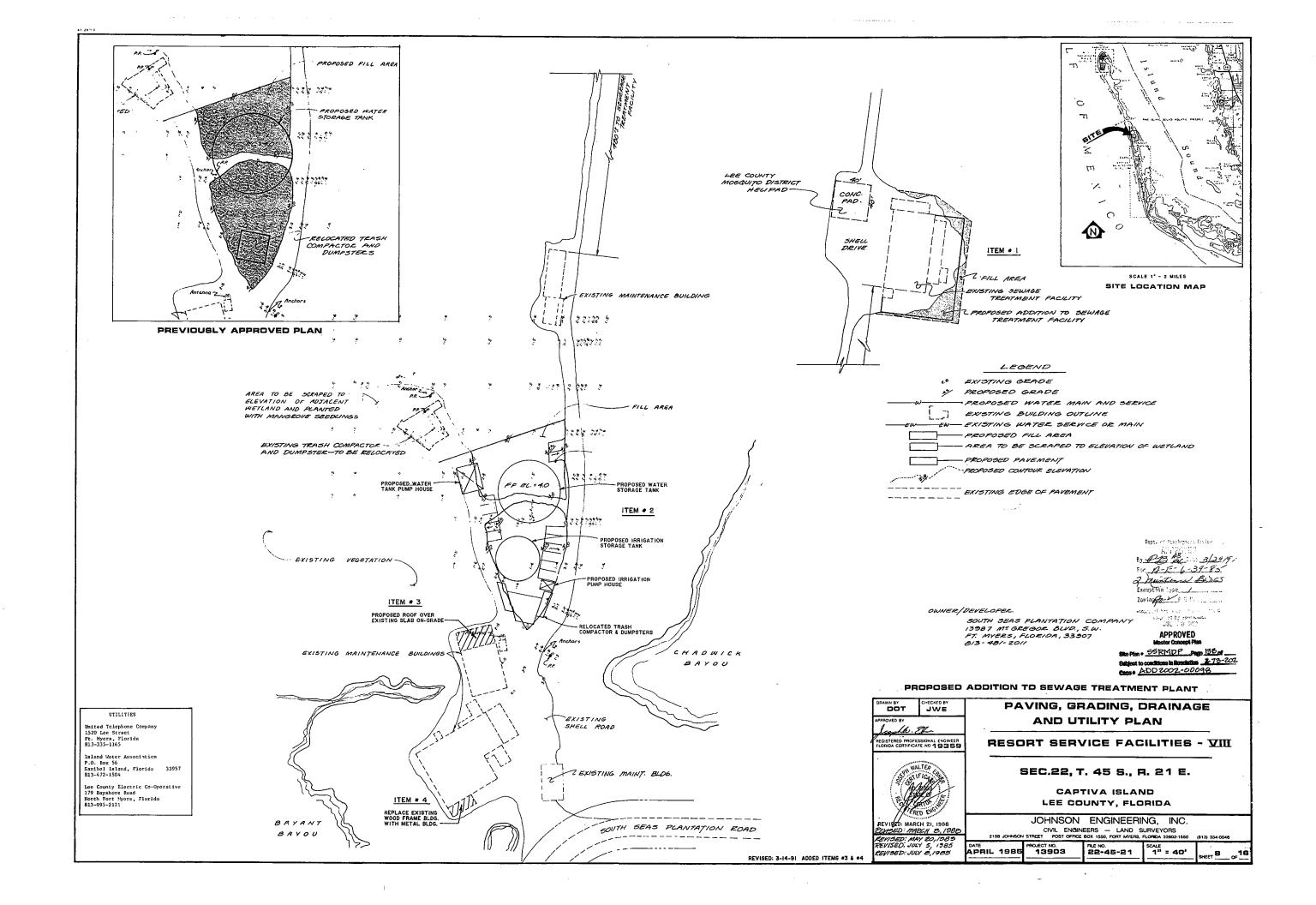




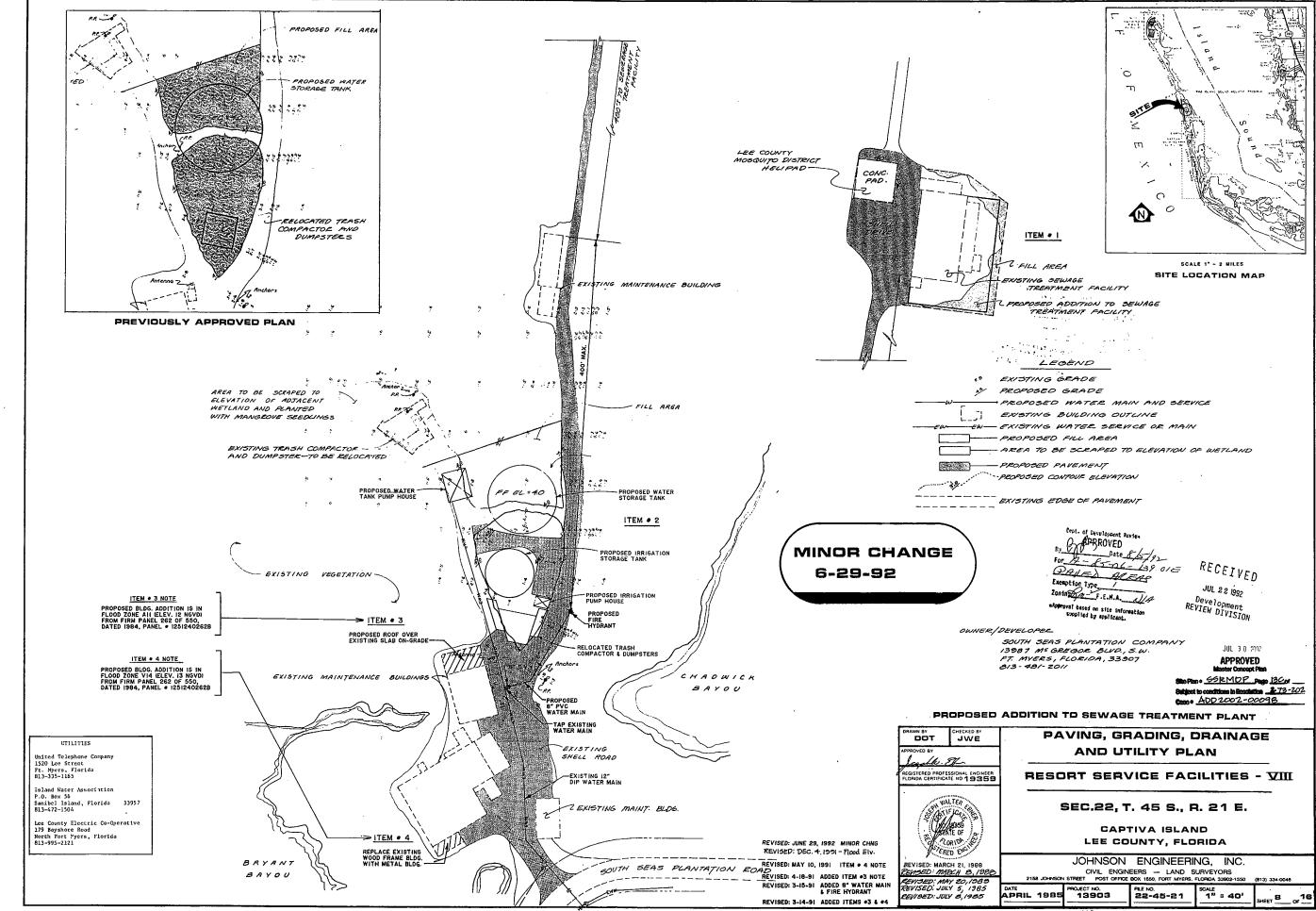


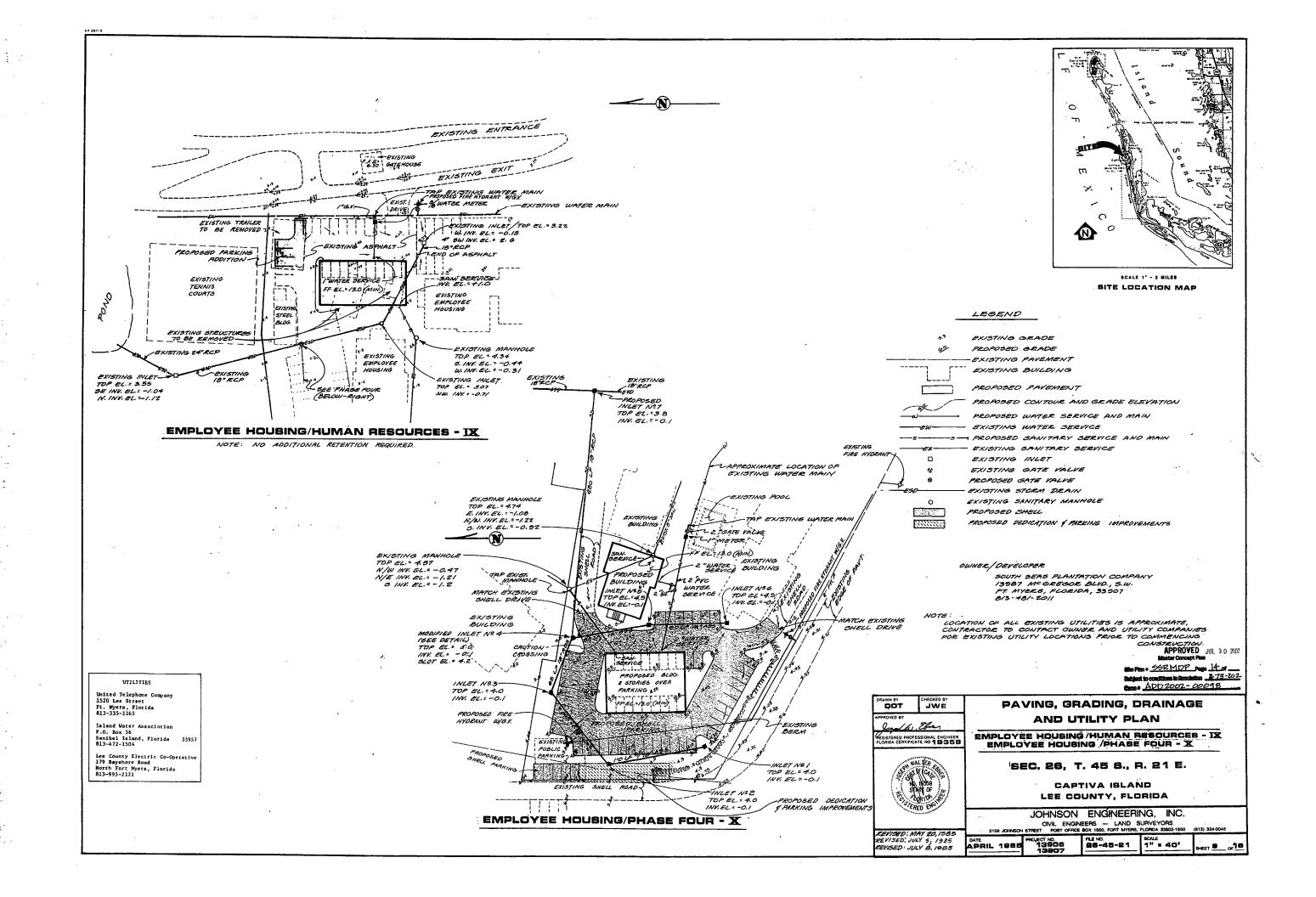


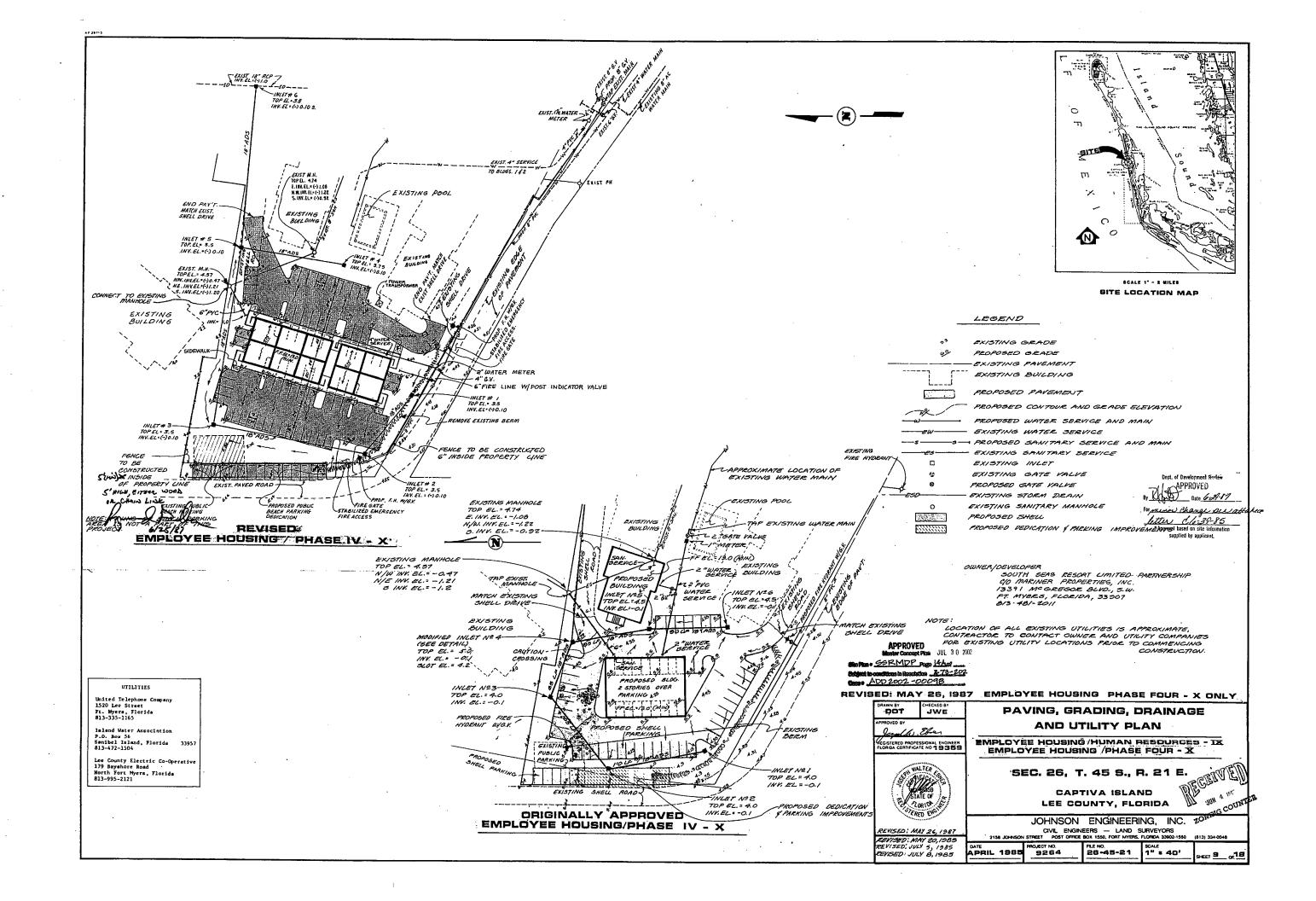
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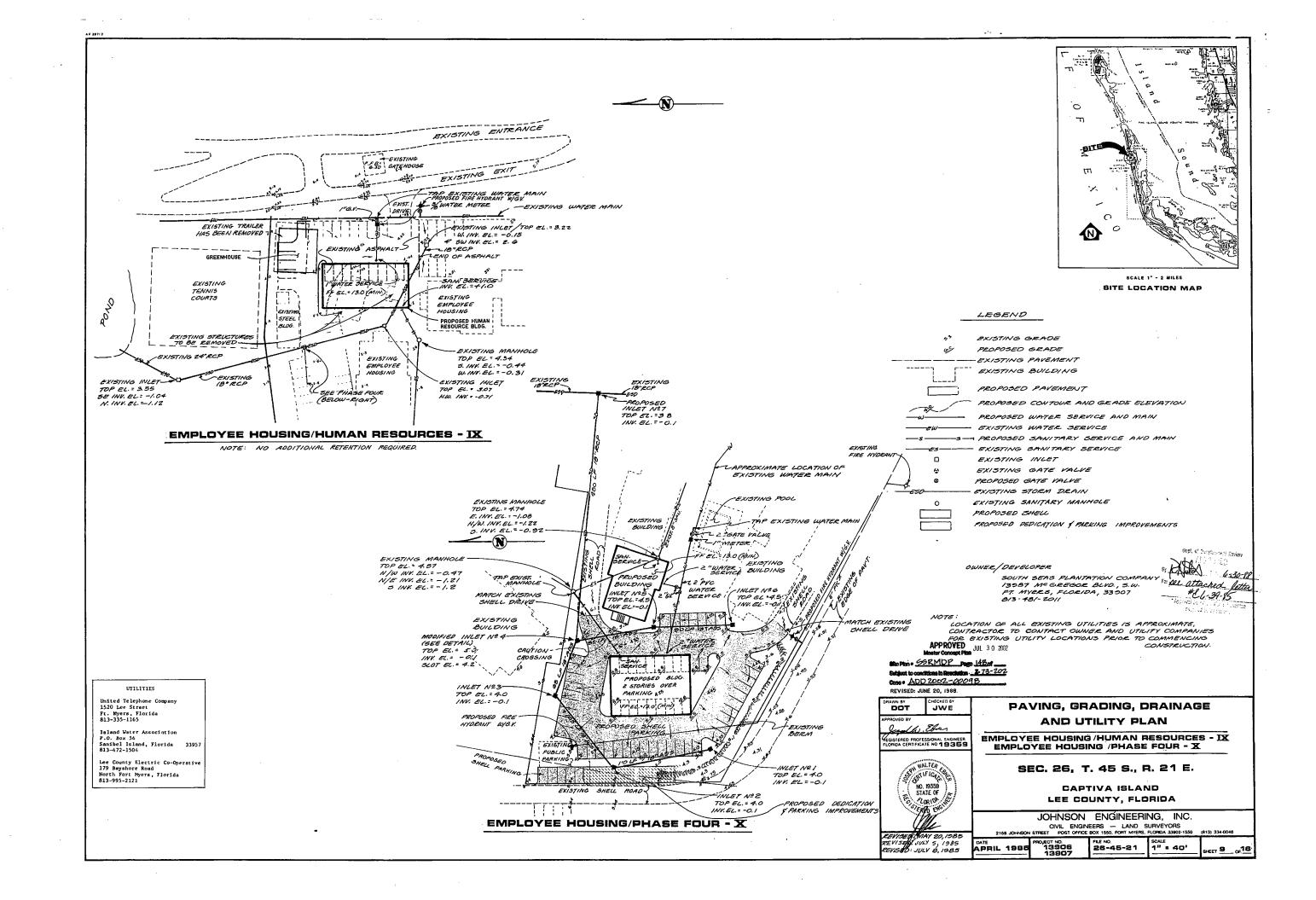


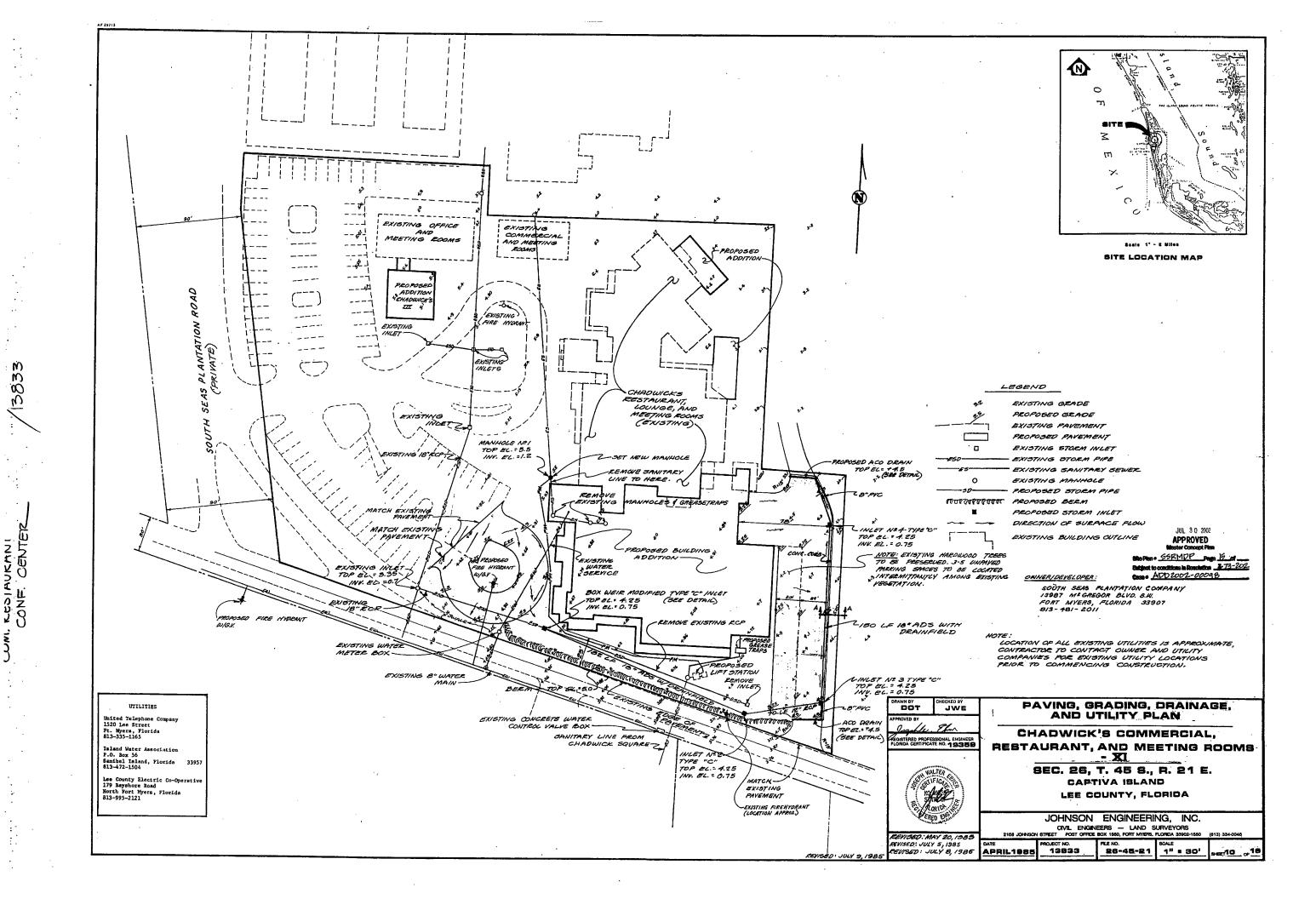
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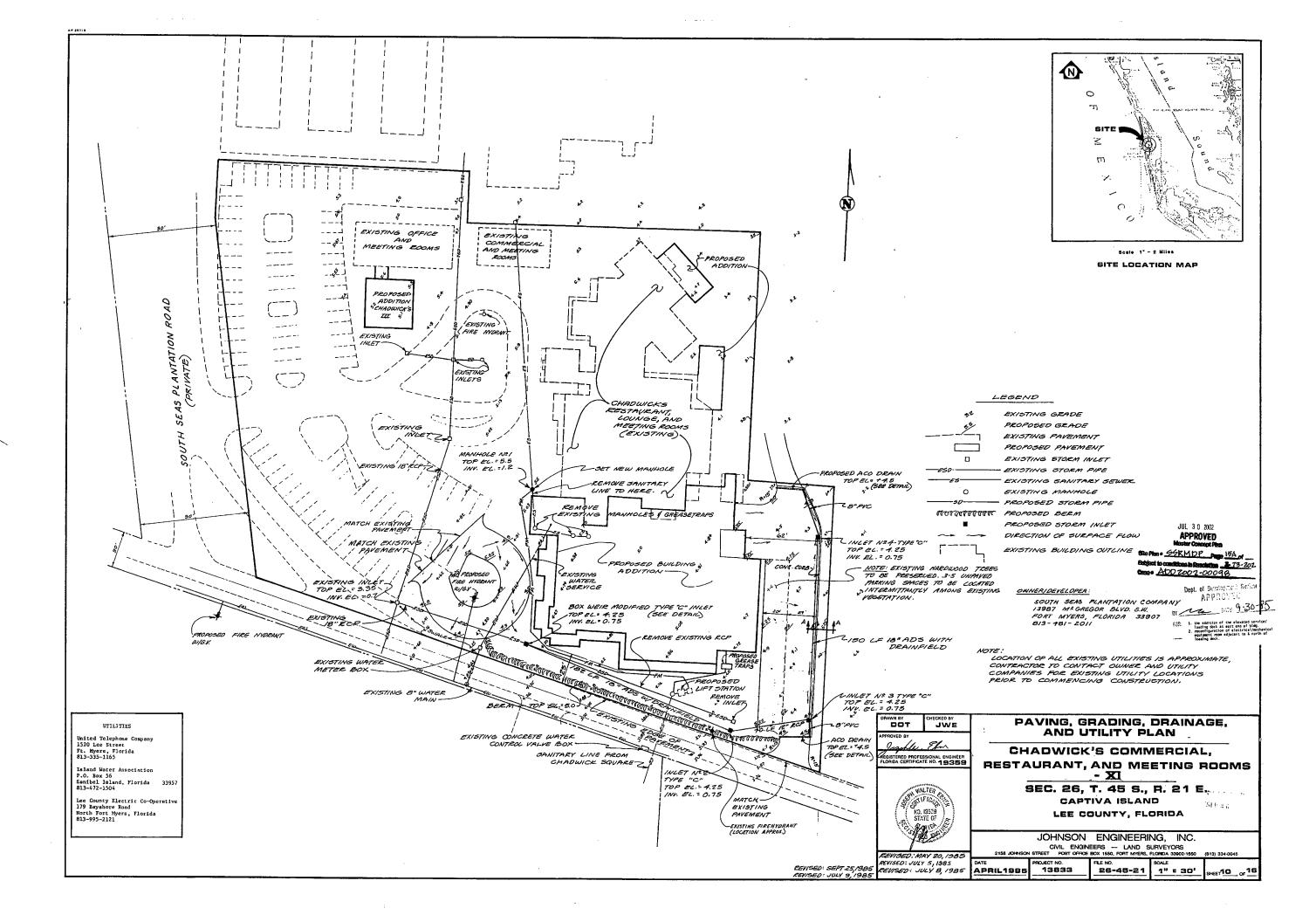


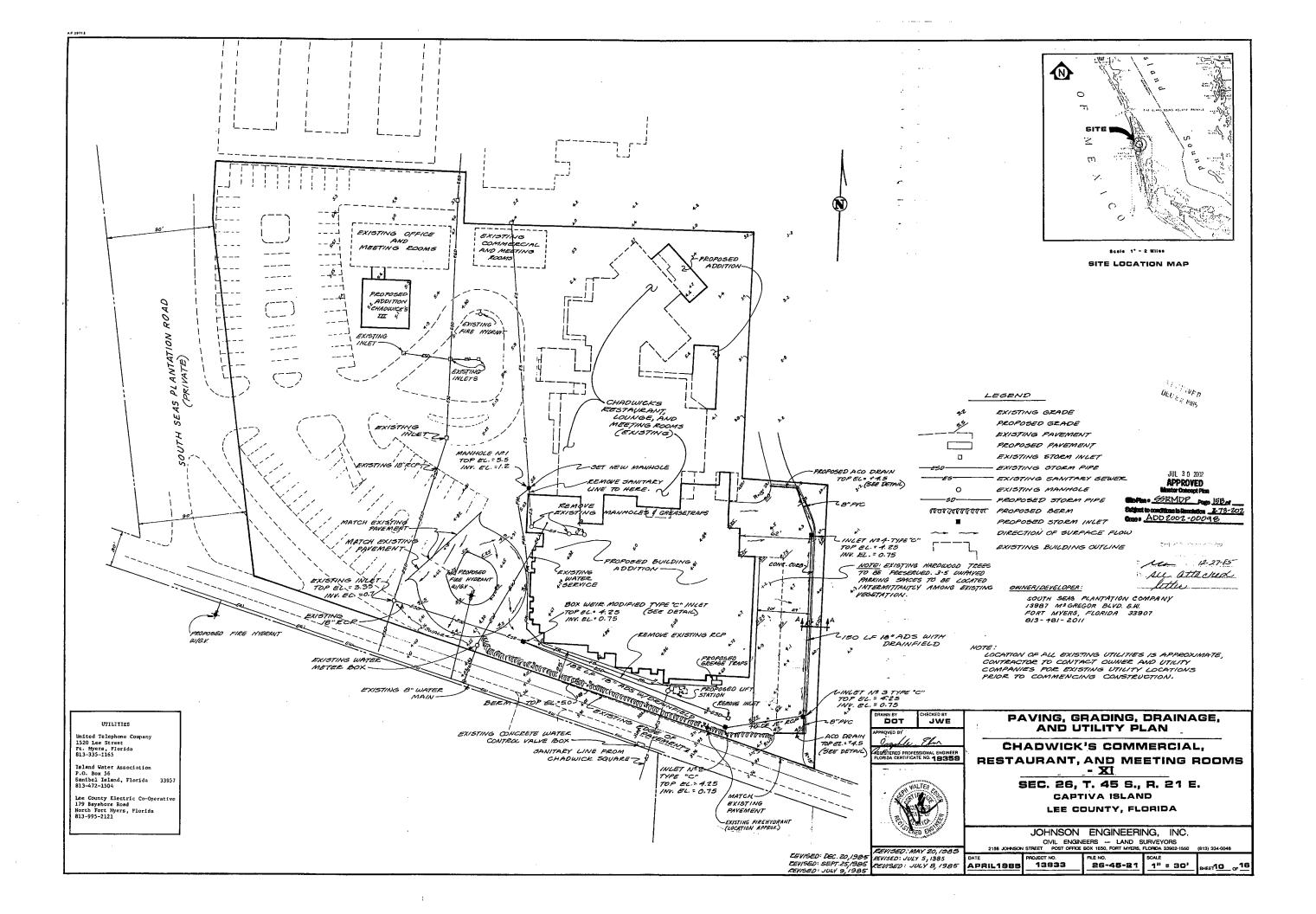


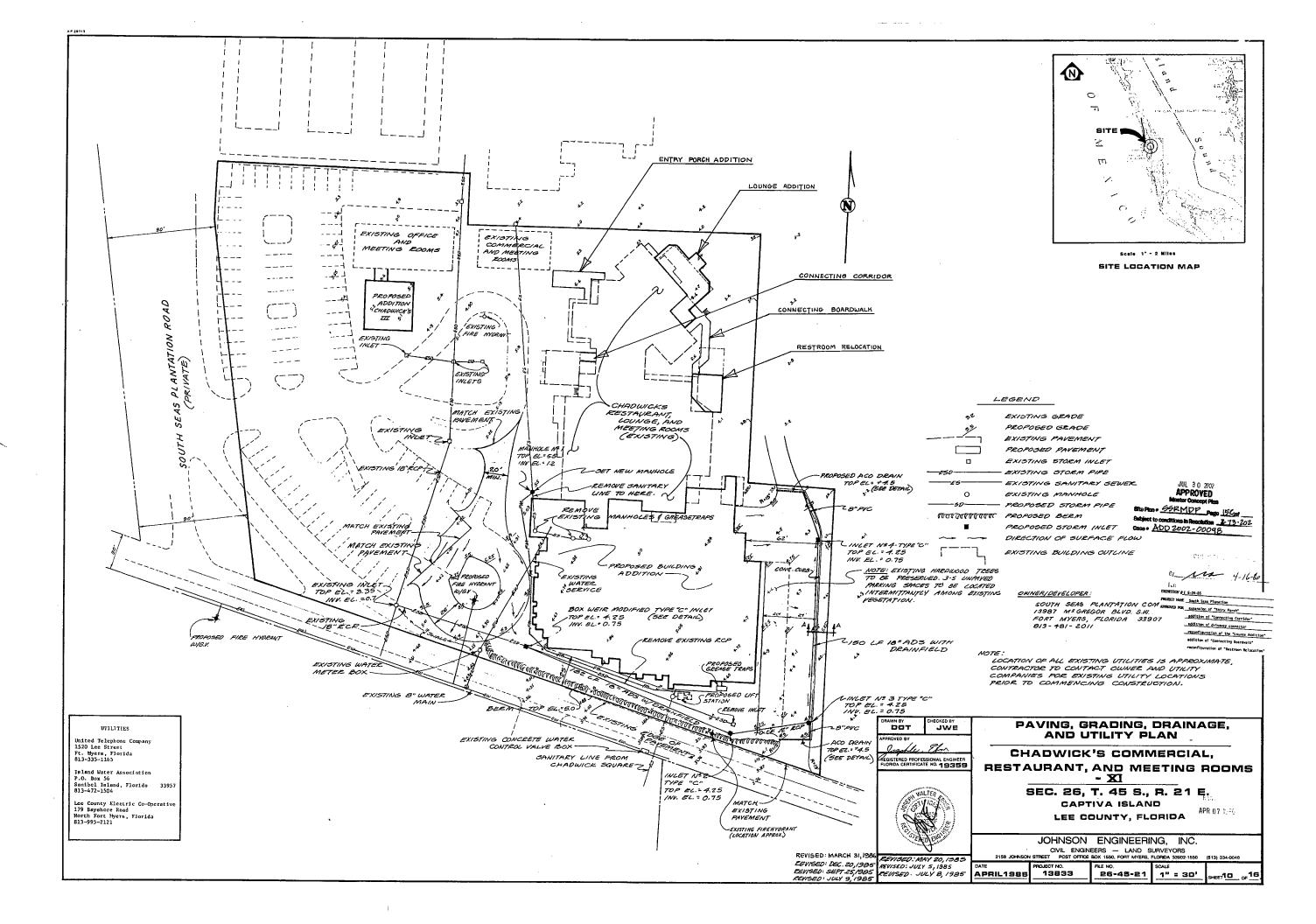


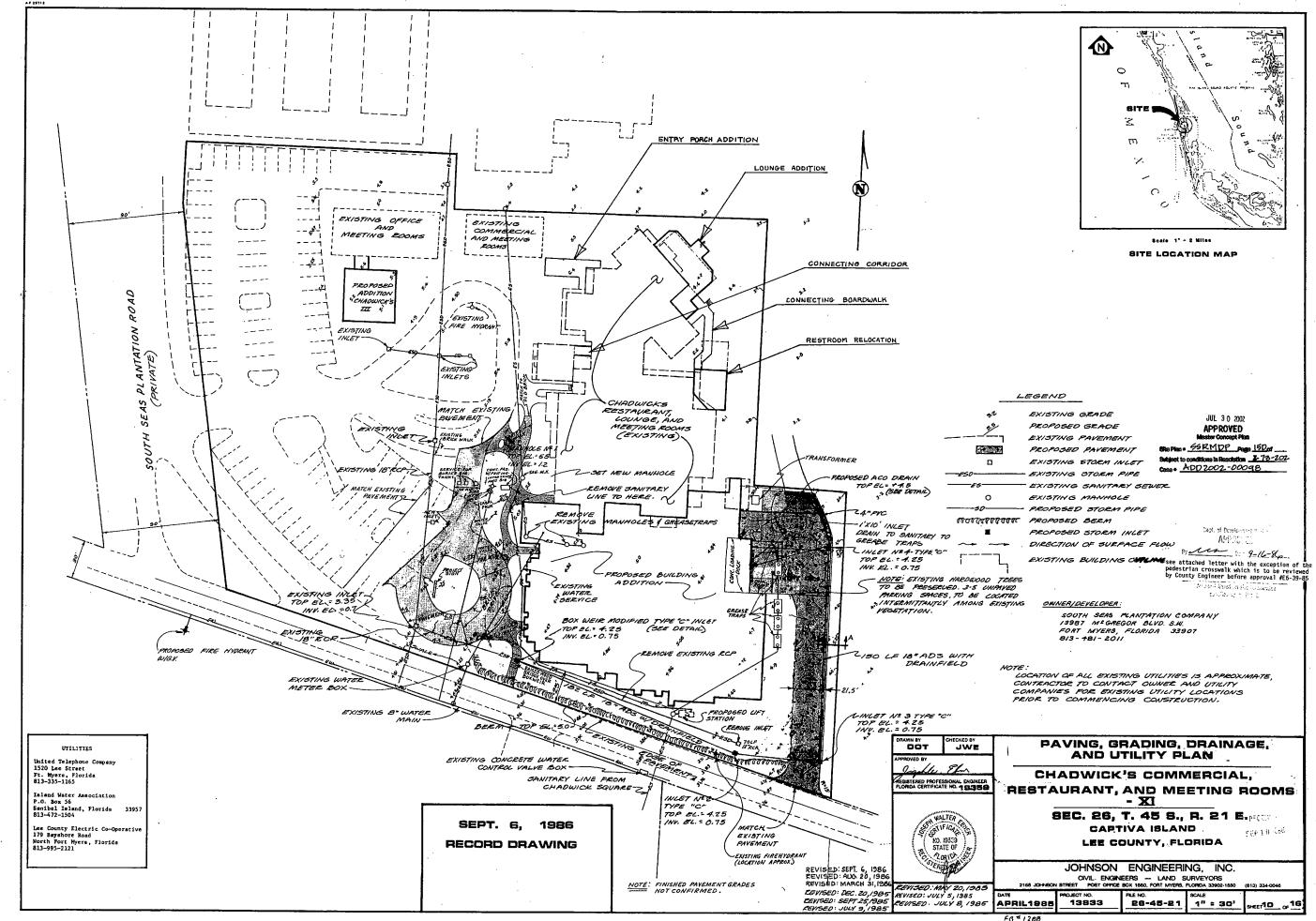


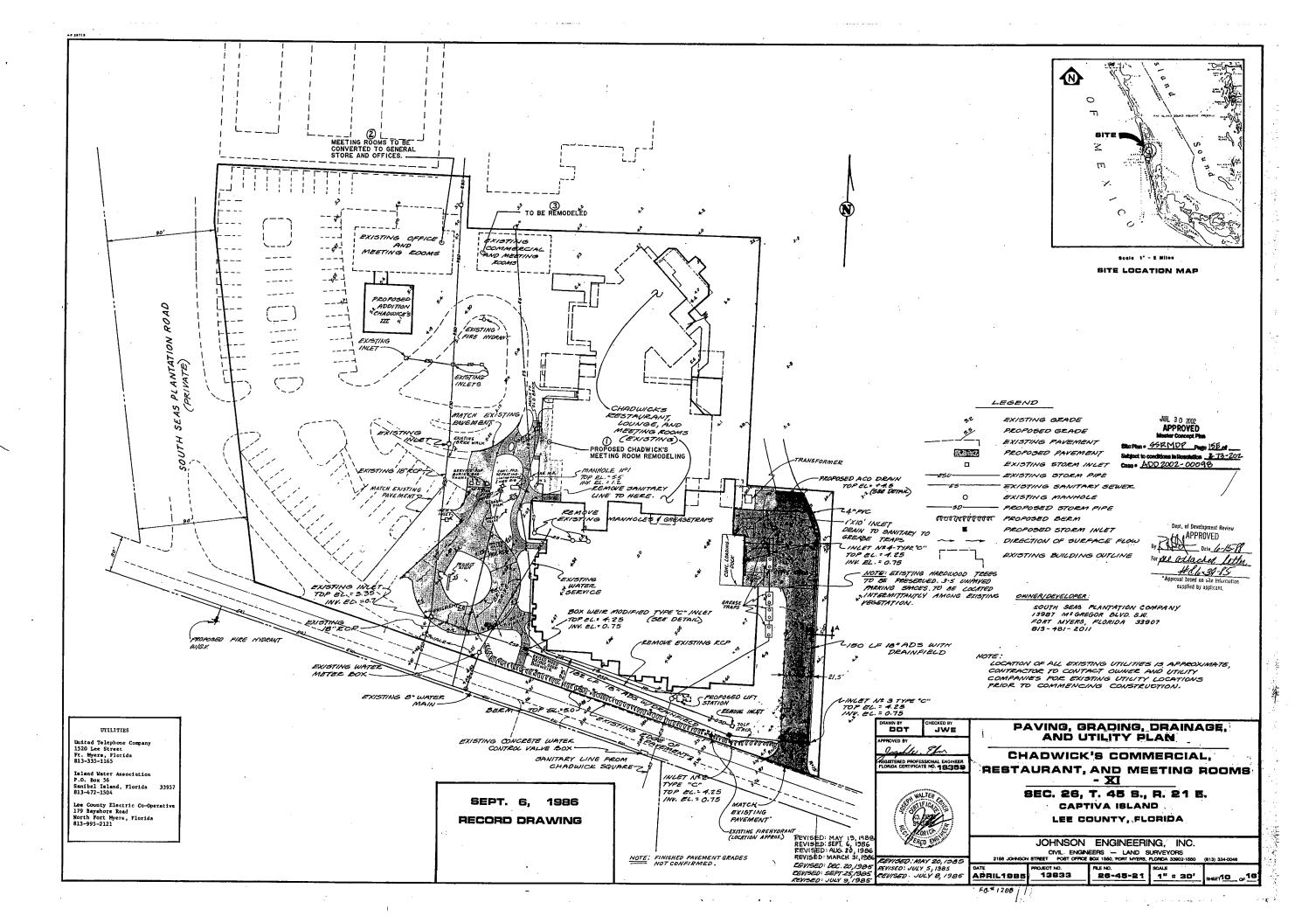


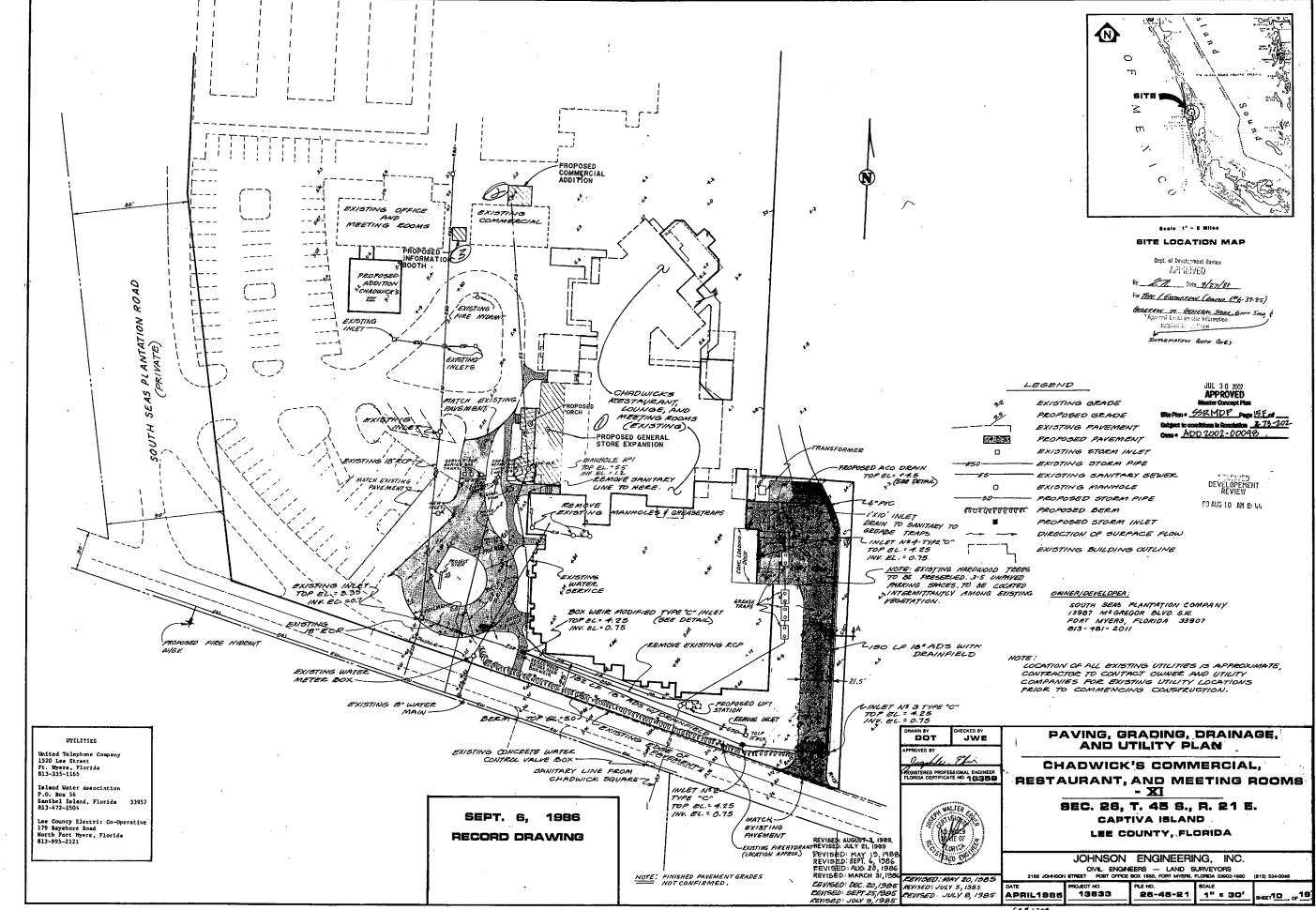


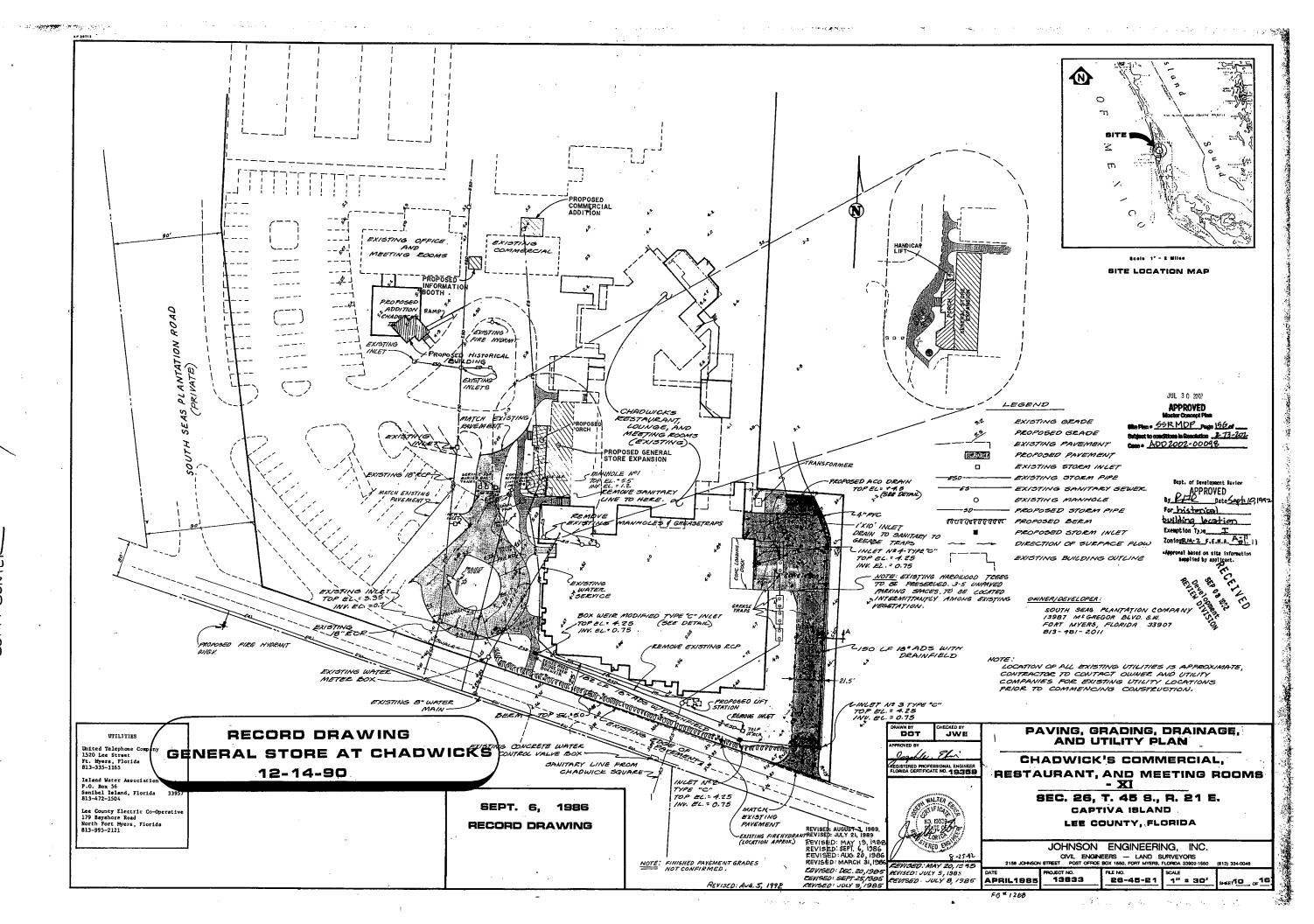






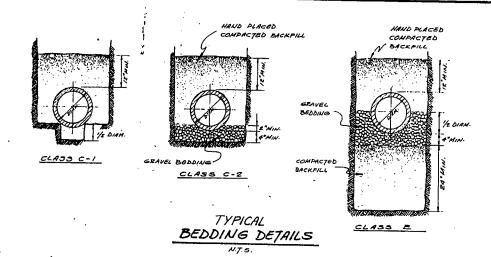


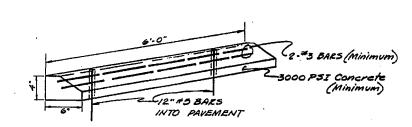




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I. KESTAUKANI

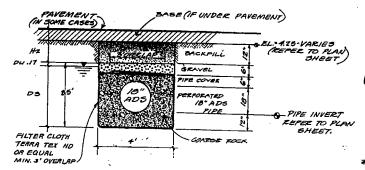




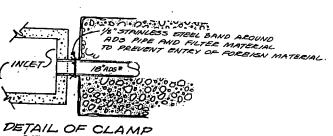
# CONCRETE WHEEL STOP DETAIL

### CONTRACTOR NOTE

WHERE PLAN INDICATES ADS PIPE IT INCLUDES TYPICAL EXFILTRATION TRENCH AS DETAILED BELOW,





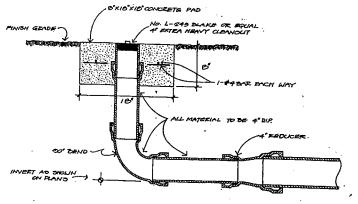


AROUND ADS \* PERFORATED ADS NO. 1801 OR EQUAL

Details of concrete bedding

VARIES \*TYPE III A.C. -6"LIMEROCK BASE -6"LIMEEOCK BASE
COMPACTED TO A MINIMUM OF
38'8 AASHTO T-180-(CAN BE
REPLACED W/SHELL OR ASPHALT
BASE AT OWNERS OPTION)

# TYPICAL PAVEMENT DETAIL



TYPICAL SANITARY CLEANOUT NTS

JUL 3 0 2002

CBR 40 (MIN)

**APPROVED** 

STOPPON SERMOP PORT 16 OF Subject to conditions in Resolution 2-73-202 Case • ADD 2002-60098

OWNER / DEVELOPER:

SOUTH SEAS PLANTATION COMPANY 13387 MªGEEGGE BLVD., S.W. FT. MYEEB, PLOEIDA, 38307 613-461-2011

## NW100 Series

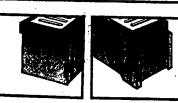
# **Channel Slope Gratings**

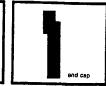
Gratings are designed to be bloycle and wheelchair proof. This design lets in a large volume of water and keeps objects, such as stones and debris, out. Polysetter concrete channels are cast to a high degree of eccuracy, so gratings (it the channels without rocking or ratiling. Steel Gratings



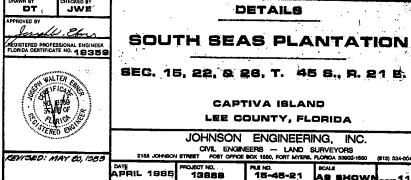


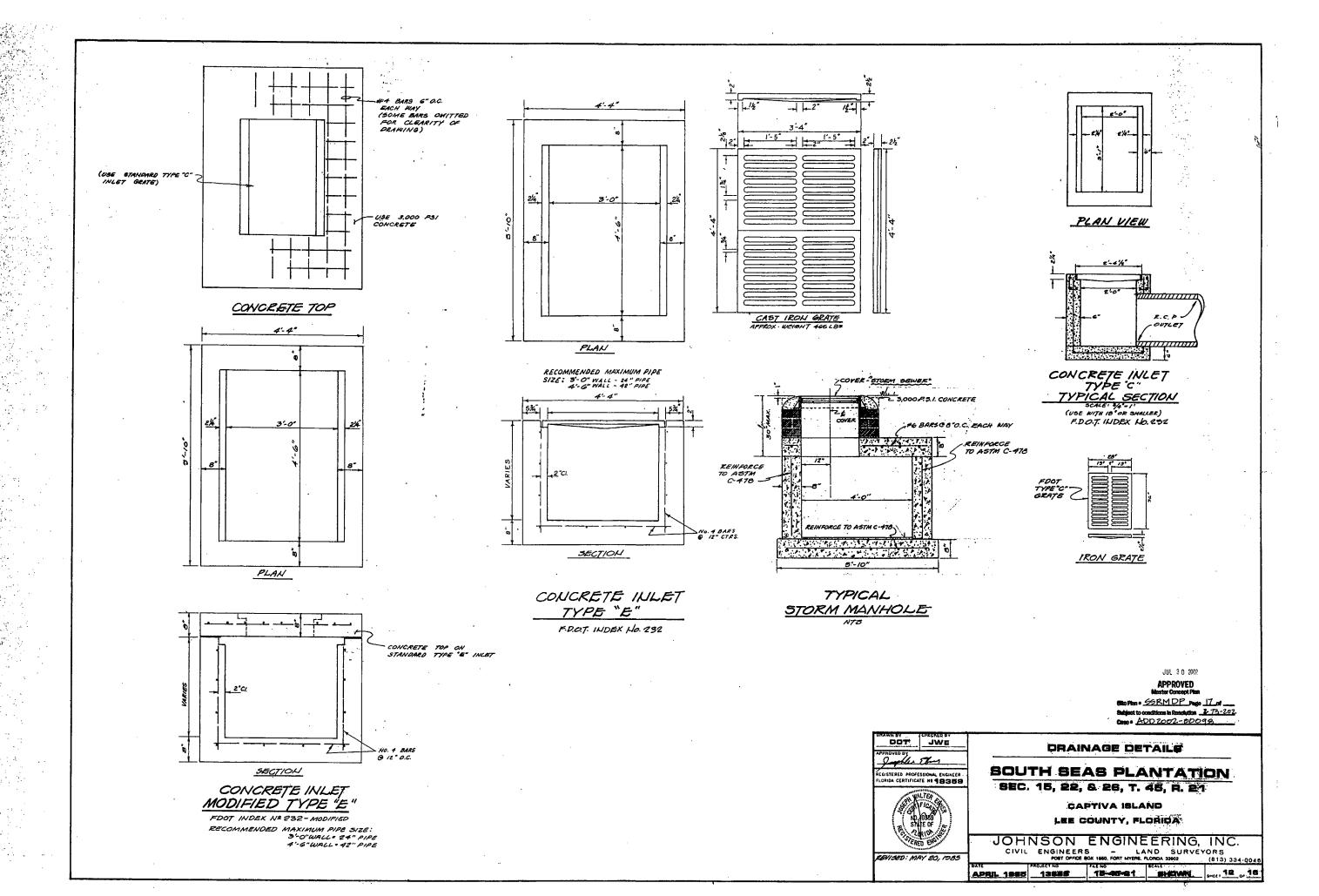
ocking Devices for Gratings

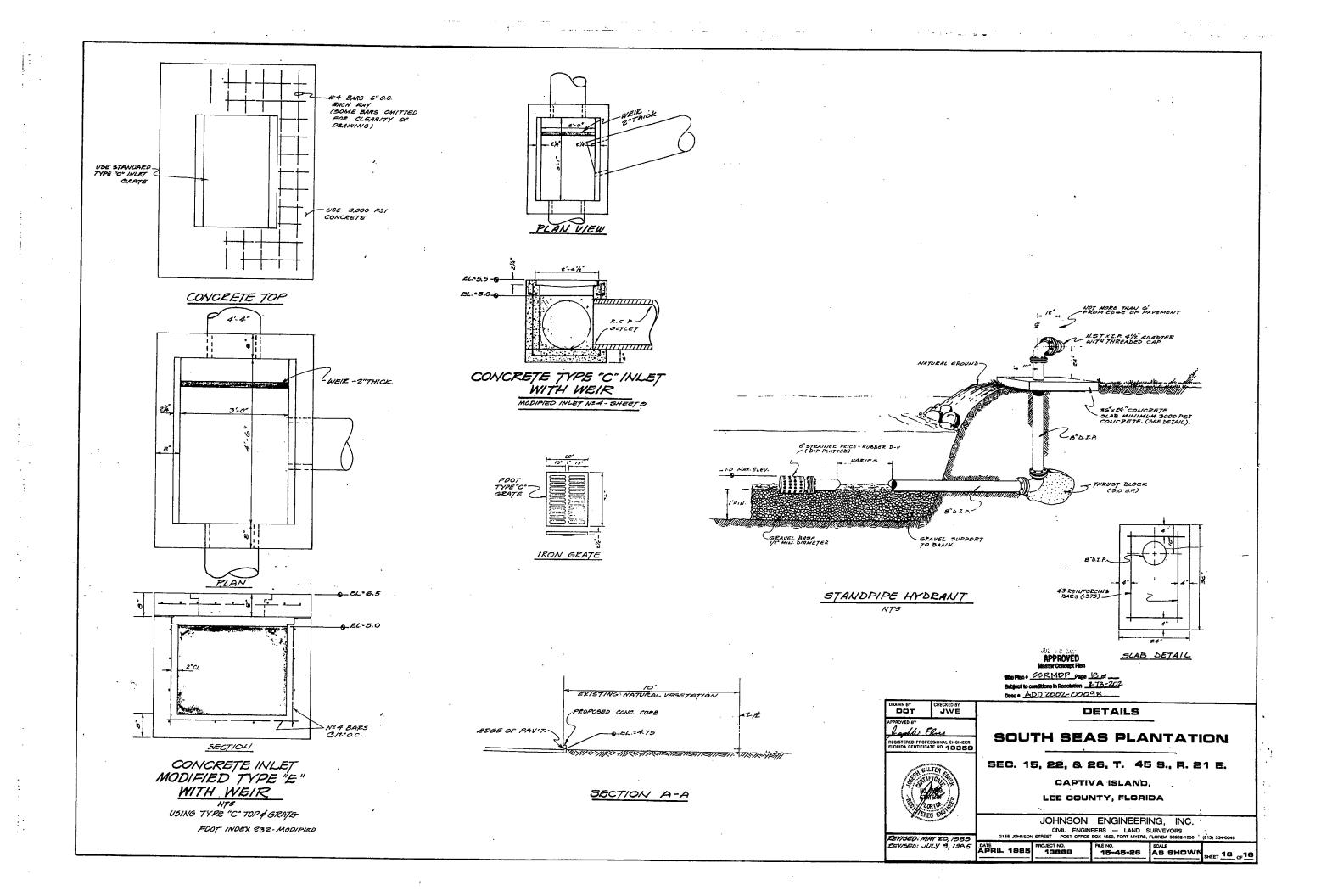


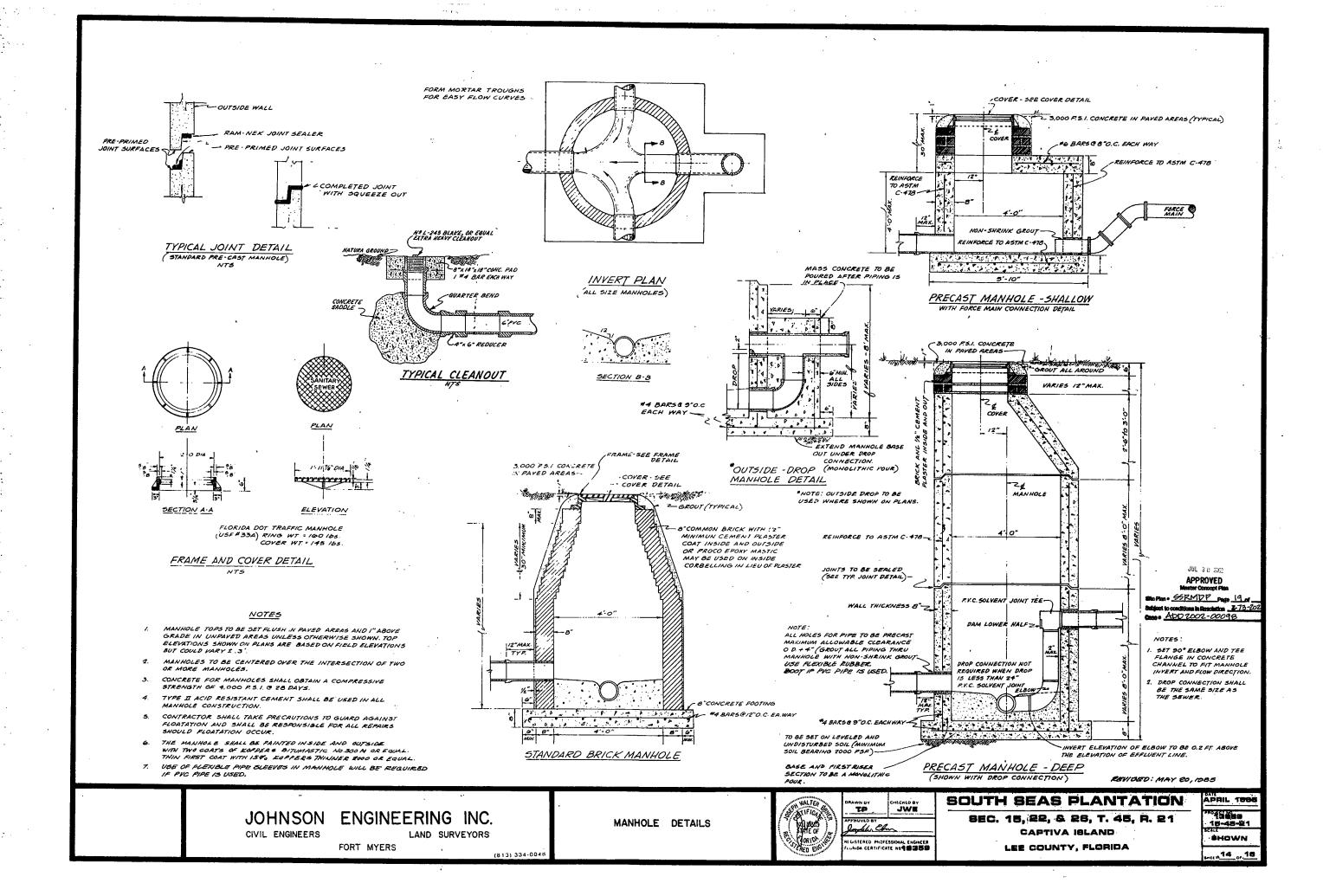


ACO DRAIN DETAILS









All water lines must be pressure tested in accordance with IWA specifications. A satisfactory pressure test must be observed by IWA representatives and the engineer of record.

3. All water lines must have a minimum of 30 inches cover.

Ò

Contractor must furnish IMA with certified Record drawings showing location of all water lines, fittings, valves, services, etc.

Prior to the start of any construction the contractor must schedule and attend a pre-construction meeting with the IWA and the engineer of record.

Contractor must notify IWA prior to making any commections to existing water lines.

The minimum notice for inspections, connections, main shut downs and testing
is 24 hours. Hany situations will require more than 24 hours notice time.

Fire hydrauts and fire hydrant locations must comply with Sanibel or Captiva Fire District Regulations.

Contractor must sterilize fittings to be installed on existing water lines with a 50 ppm chlorine solution.

10. Water mains shall be leid at least 10 feet horizontally from any existing or proposed gravity sever line of force sever line. Where sever and water lines cross there shall be a minimum of 18" vertical distance from the "outside" of the sever line and the outside of the water line. If such vertical distance is less than 18" the sever line will be 20 feet of cement lined cast from pipe centered on the noint of crossing. centered on the point of crossing.

11. All new water mains must be connected to the existing system as shown in detail 5. This temporary connection will be used for all flushing; testing, and sterilizing and shall not be removed until approval is granted from IWA. The contractor shall be charged for all water used at the current IWA rates. The water meter shall be provided by IWA and returned to IWA upon completion of the tob.

The pipe shall be pressure rated PVC conforming to the requirements of ASTM D2241, PVC 1120, SDR 21 with push on joints and a minimum pressure rating of 200 PSI.

Pipe and fittings 3" and smaller shall be schodule 8D PVC conforming to ASTM D1785. The joints shall be solvent welded conforming to ASTM D2466 or D2467.

14. Where ductile iron pipe is specified it shall be Class 50, conforming to AMMA C151, mechanical joint or push on type conforming to AMMA C110 and C111. All ductile iron pipe shall have a factory applied bituainous seal contover a coment mortar lining conforming to AMMA C104.

All fittings shall be ductile iron, mechanical joint Class 50 conforming to AWWA C151.
 All ductile iron fittings shall have a factory applied bituminous seal coat over a commut mortar lining conforming to AWWA C104.

16. Valves shall be manufactured by the American Valve and Bydrant Co., Burmingham, Alabama. No substitutes will be permitted;

Gate valves shall be resilient seated, manufactured to meet or oxocod the requirements of ANWA C509 of latest revision and in accordance with the following specifications.

Valves shall have an unohistrocted waterway equal to or greater than the full nominal dissector of the valve.

The valves are to be non-rising stem with the stem and of cast, forged or rolled bronze shown in ANNA C598. Two stem scale shall be provided and shall be of the O-ring type, one above and one below the thrust collar.

The stem nut, also made of brenze, must be independent of the gate.

The scaling mechanism shall consist of a cast iron gate having a vulcanized synthetic rubber coating. The resilient scaling mechanism shall provide zero loakage at the water working pressure when installed with the line flow in either direction.

The valve body, bonnet, and bonnet cover shall be cast from ASTM A 126, Class B. All ferrous surfaces inside and outside shall have a fusion-bonded epoxy conting.

A  $2^{\prime\prime}$  operating nut shall be provided for operating the valve.

All valves are to be tested in strict accordance with AWWA C509.

All bonnet nuts and bolts shall be stainless steel.

17. This job must be installed under the field inspection of an engineering firm approved by IWA. The engineering firm shall be responsible for the certification of the Record drawings reforenced in Note 4.

This job will not be accepted by the Island Water Association, Inc. until all road construction and utility installations are complete.

18. All tipe leints, fittings, sewer crossings and thrust blocks must be left exposed for impection by INA prior to backfill. If any joints, fittings, sewer crossings or thrust blocks are covered without INA inspection, the inspector may require them to be exposed for inspection.

20. The following parts shall be used for service connections

1" Tapping Saddle

All A.C. Mains 2" thru 8" PVC Mains 10" thru 18" PVC Mains Ford (Romac) 202N Sories x IP4 Ford (Romac) 304SS x IP4 Ford (Romac) 202N Series x IP4 (steel OD's)

1 1/2" Tapping Saddle

Use  $2^{\mu}$  tapping saddle and reduce to 1 1/2 just after the corporation stop.

Ford (Romac) 202N Series x IP7 Furd (Homac) 304SS x IP7 Ford (Romac) 202N Series x IP7 (steel OD's) All A.C. Mains 2" thru 8" PVC Mains

3" Tapping Sleeve

Use 4" tapping sheeve and reduce to 3" just after the tapping valve.

4" and Larger Tapping Sleeve

Ford SST (Romac) series Tapping Sleeves

1" Corporation Stop 2" Corporation Stop Ford FB 500-IP Jones J-1955 Ball Valve, T-Head I" Curb Stop 1" x 1" Ford B13-444W, or 1" x 1" Jones J-1900W

1" x 3/4" Curb Stop 1" x 3/4" Ford BIS-342W

1 1/2" Curb Stop Ford BF13-668, or Jones J 1912, Tee Heed

2" Curb Stop

Contractor to furnish meter box with cover (must meet IWA Standards).

111. Contractor to confirm location of all existing utilities before commencing

#### IWA PRESSURE AND LEAKAGE TEST SPECIFICATIONS

#### Tests

The Contractor shall provide the necessary material, equipment and labor necessary to perform a pressure test and a leakage test on all water lines. All testing for defects and for leakage under pressure and disinfection, shall be performed in the presence of IWA unless otherwise instructed by the Owner, and shall be subject to his approval before acceptance.

Prior to any testing the line must be thoroughly flushed at a rate of flow sufficient to produce a minimum velocity of 2.5 feet per second. The water shall be completely clear and shall contain no visible matter after flushing to complete.

#### Pressure Test

After the pipe has been laid and (lushed, it shall be subjected to a hydrostatic pressure test of 150 PSI. The pressure test shall be made before the joints have been backfilled unless the backfill has been authorized by the engineer. All saddles, hydrants, fittings, taps, etc. are to be completely installed prior to any testing.

Tests shall be made only after a minimum of 36 hours have elapsed after the last concrete thrust or reaction backing has been cast with high early strength concrete or at least 7 days after the last concrete thrust or reaction backing has been cast, using standard concrete.

4. Procedure - Each section of pipeline shall be slowly filled with water and the specified test pressure, measured at the point of lowest elevation, shall be applied by means of a pusp connected to the pipe in a manner satisfactory to the engineer. The pump, pipe connection and all necessary apparatus shall be furnished by the Contractor. The pressure gauge may be supplied by the Owner if he desires.

During the filling of the pipe and before applying the specified test pressure, all air shall be expelled from the pipeline. During the test all exposed ends, fittings, valves, hydrants and couplings will be carefully exemined. If found to be cracked or defective, they shall be removed and replaced by the Contractor with sound material without additional cost to LWA.

Leakage tests shall be conducted after completion of the pressure test and shall consist of an examination of all exposed joints for leakage as well as overall leakage test of the completed pipeling.

The pressure to be maintained during the tests shall be 150 psi.

No test shall be made until at lenst 36 hours after the last concrete reaction or thrust block has been east with high, early strength cement, or at least seven days after the last concrete thrust or reaction backing has been cast with standard cement. The duration on each leakage test shall be two hours.

Each section of pipeline shall be slowly filled with water and the specified test pressure shall be supplied by means of a pump connected to the pipe in a manner satisfactory to IMA. The pump, pipe connection, and all necessary apparatus shall be furnished by the Contractor.

Before starting the leakage tests, all air shall be expelled from the pipe.

All exposed pipes, fittings, valves, hydrants and joints shall be examined for leakage during the test. Any joint found where the accumulated leakage of that joint exceeds the rate of leakage specified in Table A will be

No pipe installation shall be accepted until leakage for the section of line tested is less than the rate of leakage specified in Table A. In calculating leakage, the IMA will make allowance for added joints in the pipeline above those incidental to normal 20 foot lengths of pipe and for which Table A applies. Should any test in the section of pipeline disclose joint leakage greater than that permitted, the Contractor shall at his eem expense, locate and repair the defective joints until the leakage is within permitted allowance.

LEAKAGE ALLOWANCE Test Pressure 150 psi

Allowable leakage per 100 joints or couplings in gallons per hour Pipe Dia. (in)

#### Sterilization of Mains

Upon completion of the work, or any usable portion thereof, and prior to placing the system or part thereof in operation, all mains, valves, etc. shall be thoroughly flushed and sterilized, using a chlorine-gase mixture or a hypochlorite and water mixture applied in amounts sufficient to produce a dosage of 30 FPM.

The point of application of the sterilizing mixture shall be directed by IVA. Water from the existing system shall be controlled to flow slowly into the newly laid pipeline during the application of the chlorine. Treated water shall remain in the pipeline for not less than 24 hours. After the treated water has been retained for the required time, the chlorine residual at the pipe extremities should be at least 25 FFM.

Following sterilization, the treated water should be flushed from the pipe at its extremities.

If necessary, repeat sterilization until the quality of water to be delivered through system is solisiactory to IMA and the State Board of Health. Two (2) successive tests must be run to conform to time table of the local Health Department lab testing schedule.

When samples are to be collected, IWA must be present.

Minimum thrust block sizes in square feet of concrete contact with undisturbed

pipe size	tėe	90*	45°	2215°	114
2	1.0	2.0	1.0	1.0	1.
4	3.0	4.0	2.0	1.0	1.
6	4.0	5.5	3.0	1.5	1.
8	7.0	10.0	5.5	3.0	1.
10	10.0	14.0	7.0	5.0	2.
12	15.0	20.0	10.0	7.0	4.
14	21.0	28.0	15.0 .	8.8	4.
16	28.0	37.0	20.0	10.0	5.
18	35.0	47.0	25.4	13.0	6.
20	43.0	58	31.2	16.0	8.

JUL 3 0 2002 APPROVED

She Plan . SSRMDP Page 2001 Subject to conditions in Resolution <u>1-73-202</u> ADD 2002-00098

NOTES ABOVE ARE REQUIRED BY ISLAND WATER ASSOCIATION.

### SOUTH SEAS PLANTATION MASTER PLAN

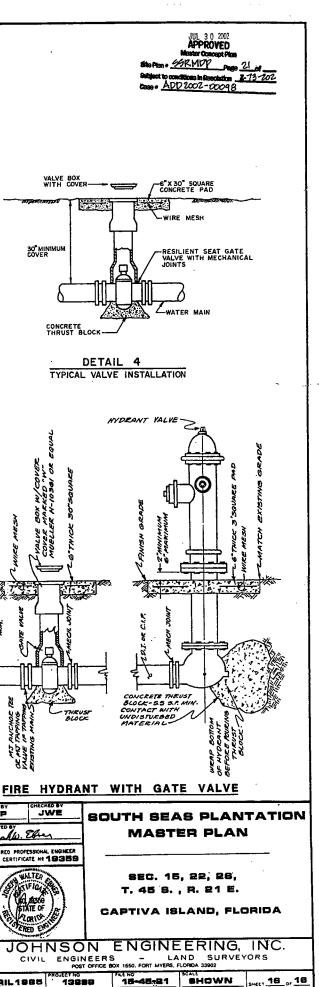
SEC. 15, 22, & 26, T. 45 S., R. 21 E. CAPTIVA ISLAND, FLORIDA

JOHNSON ENGINEERING, INC.

CIVIL ENGINEERS S - LAND SURVEYORS
BOX 1550, FORT MYERS, FLORIDA 33902

APRIL 1985 13888 15-45-21 SHOWN

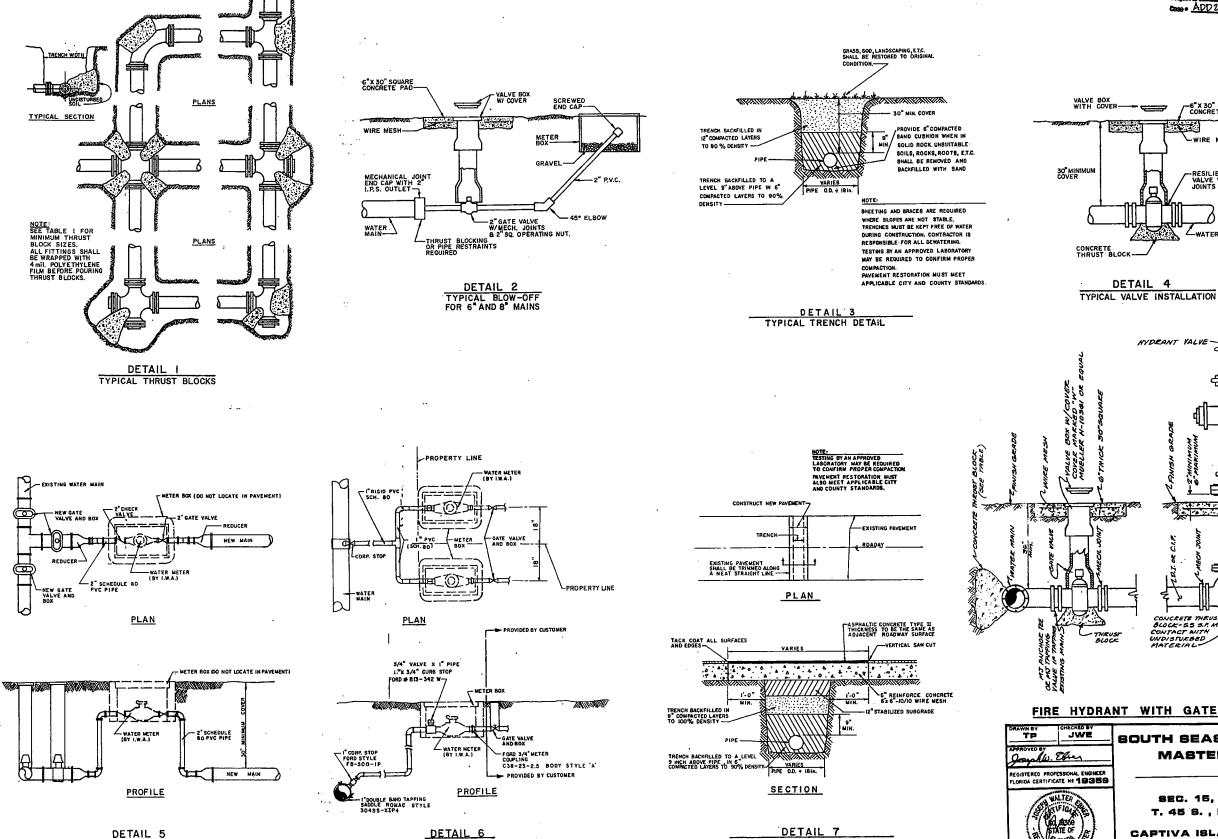
KEVISED: MAY 60, 1985



APRIL 1985 13888

EEVISED: MAY 80, 1385

SHEET 18 0, 18

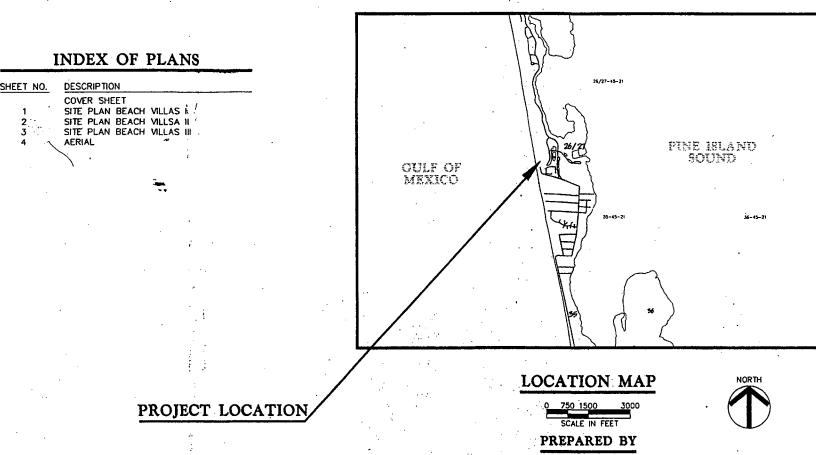


TEMPORARY CONNECTION OF 6" AND 8" MAINS

TYPICAL PAVEMENT RESTORATION

# BEACH VILLAS I, II, & III

SECTION 26 & 27, TOWNSHIP 45 S., RANGE 21 E. LEE COUNTY, FLORIDA



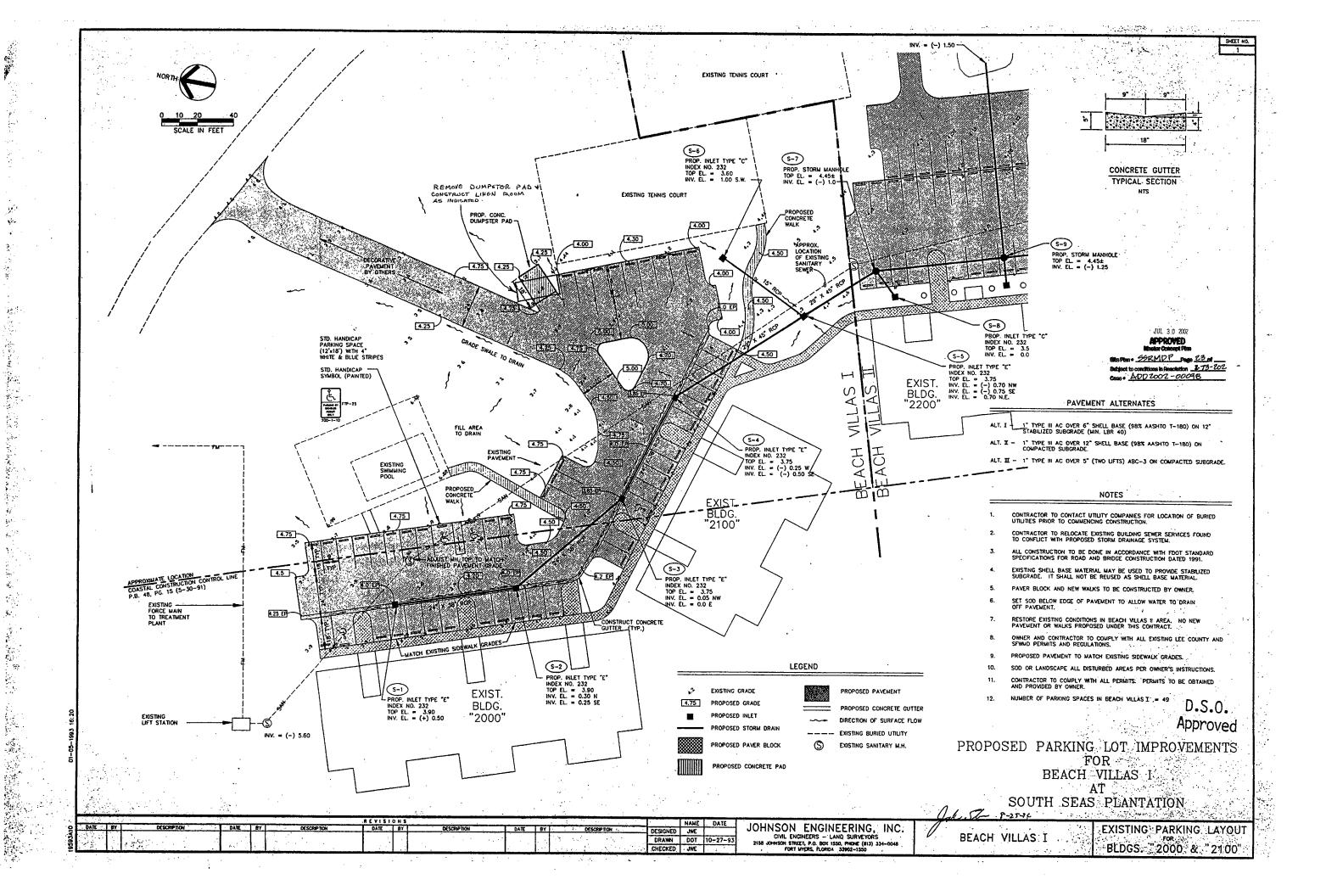
JOHNSON ENGINEERING, INC.

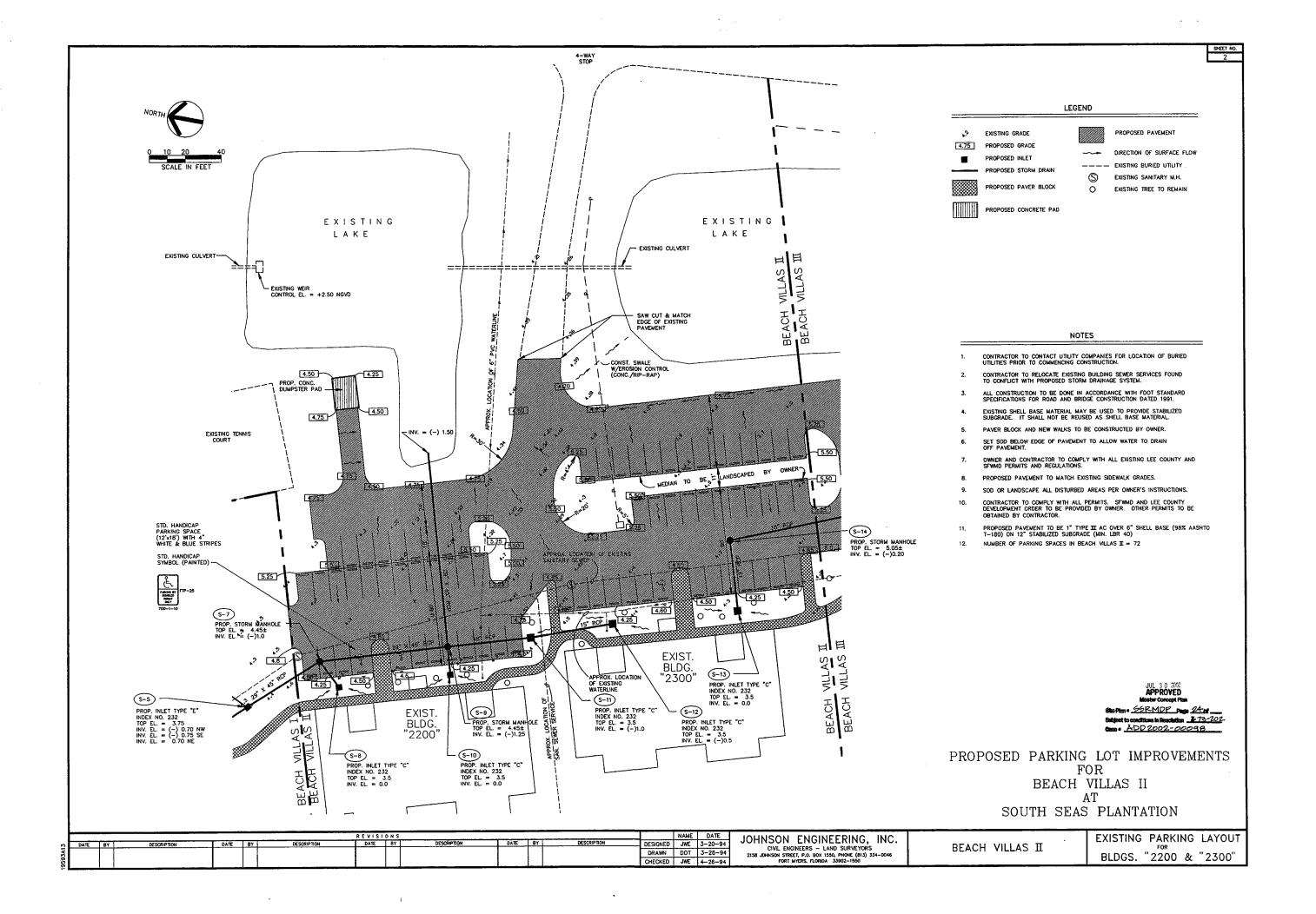
CIVIL ENGINEERS AND LAND SURVEYORS 2158 JOHNSON STREET POST OFFICE BOX 1550 FORT MYERS, FLORIDA 33902 PHONE (813) 334-0046 FAX (813) 334-3661

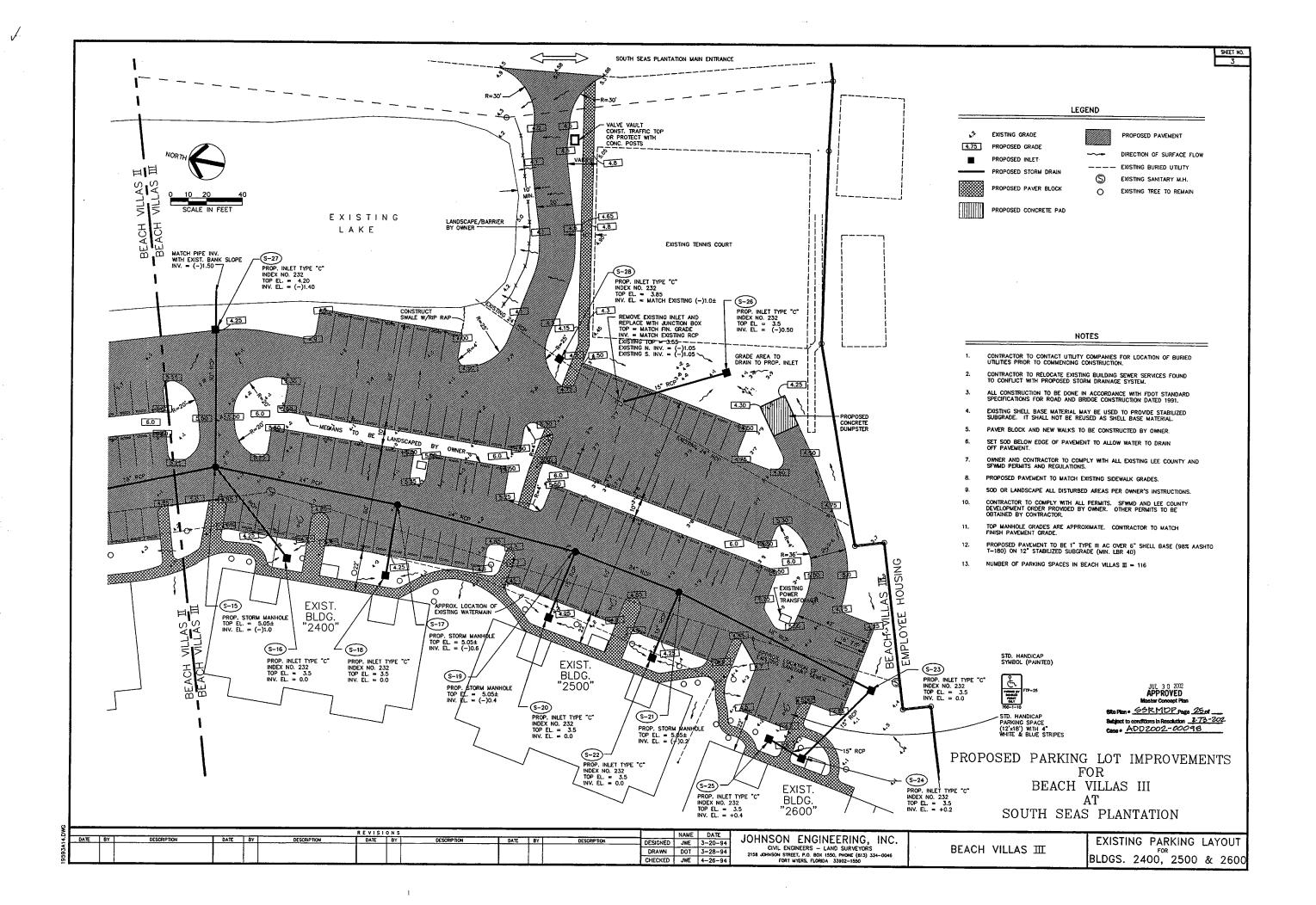
J.E.I. PROJECT NO. 19593

**APRIL 1994** 

JUL 3 0 2002 **APPROVED** REGISTERED PROFESSIONAL ENGINEER FLORIDA CERTIFICATE NO. 19359





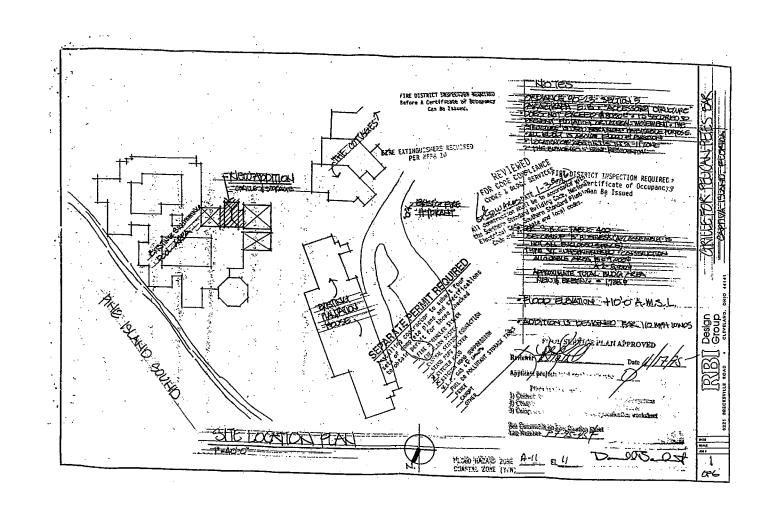


## SCREEN ROOM / STORAGE CLOSET - PELICAN PETE'S BAR

9-13-95 - 95-09-112.00T

HEHORANDUM
FRON
THE DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF DEVELOPMENT REVIEW
TO: Bldg. Sept. PRON: Swan Hollingsworth
RE: Transmittal No. 45-09-112.007
STRAP Number: 22.45.21-00-0000 5.00 2B
subject: Screen Room & Storage closet
Location: Pelican Pete's Bar @ Main swimming area South Seas Plantation - Captiva
Background/comments: Development Services approves the
screen room and storage area as highlighted on the
plan stamped and dated 9/13/95 by this office. Both
additions are to go over existing impervious area.
Please note that these additions.
have not been reviewed for fire or flood issues.
If you have any questions, please
do not hesitate to contact me.
111.5

DDR-0070 REV. 01 REVISED 10/13/93



JUL 3 0 200

APPROVED

Master Ordered P

88a Plan • <u>95 R MDP</u> page <u>24 af</u> 8 Mulgisct to conditions in Resolution <u>7.73-202</u> Case • <u>ADD 2002-00098</u>

Captiva Island
Lee County, Florida

JOHNSON ENGINEERING

3501 DEL PRADO 9LVD. SUITE 110 CAPE CORAL, FLORIDA 33904 PHONE (941) 534—0046 FAX (941) 541—1383 E.B. #842 & L.B. #842 2001 Master Concept Plan South Seas Resort

DATE PROJECT NO. FILE NO. SCALE SHEET

June 2001 20012664 22-45-21 As Shown

# TENNIS VILLAS AT SOUTH SEAS PLANTATION PROPOSED PARKING LOT RECONSTRUCTION

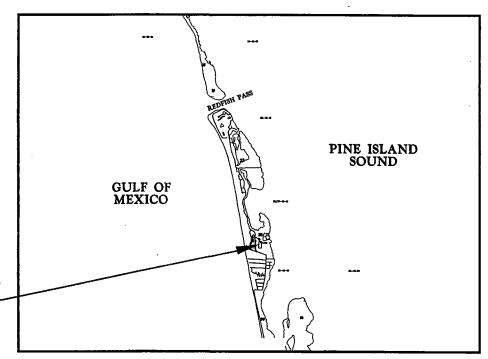
# SECTION 26, TOWNSHIP 45 S., RANGE 21 E. LEE COUNTY, FLORIDA

### INDEX OF PLANS

DESCRIPTION

COVER SHEET

SITE PLAN



PROJECT LOCATION

### LOCATION MAP



PREPARED BY

## JOHNSON ENGINEERING, INC.

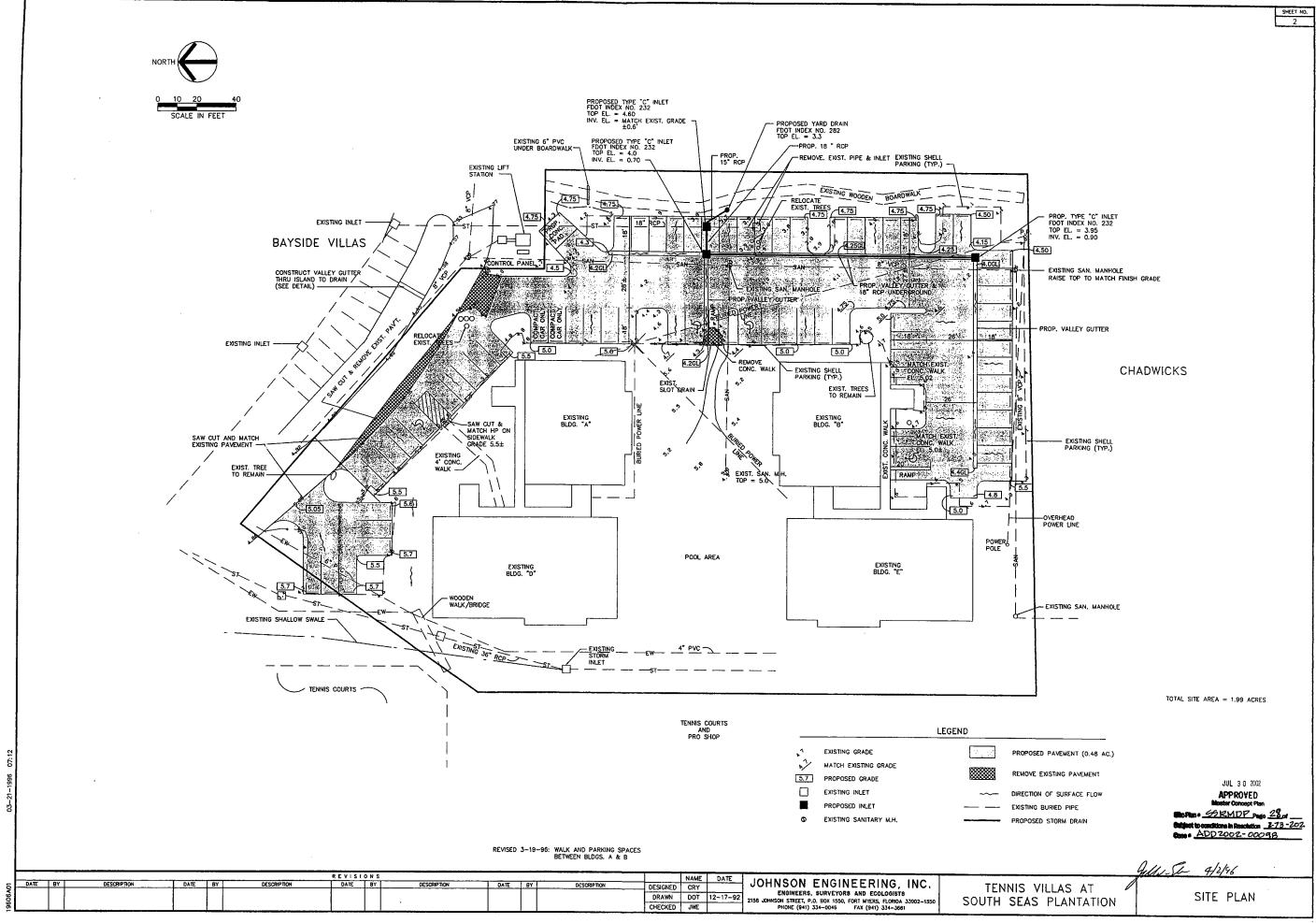
CIVIL ENGINEERS AND LAND SURVEYORS 2158 JOHNSON STREET POST OFFICE BOX 1550 FAX (813) 334-3661

J.E.I. PROJECT NO. 21057

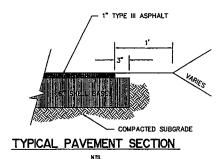
**MARCH 1996** 

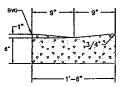
REGISTERED PROFESSIONAL ENGINEER FLORIDA CERTIFICATE NO. 19359





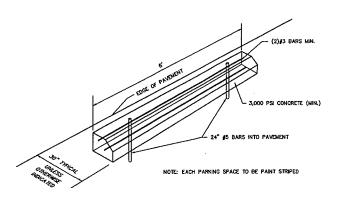
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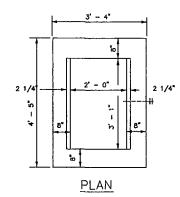


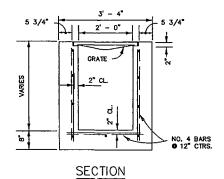
VALLEY GUTTER

N.T.S. CONFORM TO FDOT INDEX NO. 300



WHEEL STOP

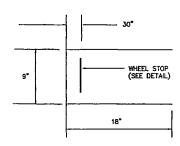




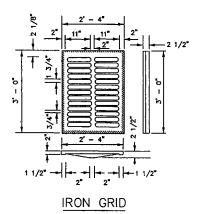
INLET TYPE "C"

RECOMMENDED MAXIMUM PIPE SIZE:

2' - 0" WALL - 18" PIPE 3' - 1" WALL - 24" PIPE



TYPICAL PARKING SPACE



APPROX. WEIGHT 235 LBS.

### NOTES

- ALL CONSTRUCTION TO BE IN ACCORDANCE WITH FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION DATED 1991.
- CONTRACTOR TO CONTACT ALL UTILITY COMPANIES FOR LOCATION OF BURIED UTILITIES PRIOR TO CONSTRUCTION.

JUL 3 0 2002 APPROVED

Site Plan • SSR.MDP Page 29 of Subject to conditions in Resolution 273-202-Case • ADD 2002-00018.

REVISIONS DATE BY JOHNSON ENGINEERING, INC.
EMGINEERS, SURVEYORS AND ECOLOGISTS
2155 JOHNSON STREET, P.O. BOX 1550, FORT MYERS, FLORODA 33902-1550
PRIONE (241) 324-0046 FAX (241) 324-3681 DATE BY TENNIS VILLAS AT DRAWN DOT 12-17-92 CHECKED JWE

SOUTH SEAS PLANTATION

**DETAILS** 

Jale St 4/2/96

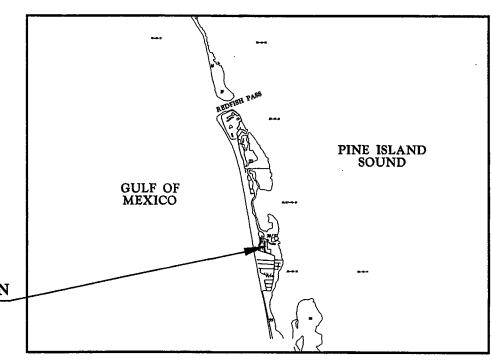
# SOUTH SEAS PLANTATION TENNIS COURT AND PARKING LOT IMPROVEMENTS

# SECTION 26, TOWNSHIP 45 S., RANGE 21 E. LEE COUNTY, FLORIDA

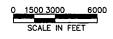
### INDEX OF PLANS

	•
SHEET NO.	DESCRIPTION
1	COVER SHEET
2	SITE PLAN
3 - 4	GRADING AND DRAINAGE PLAN
5 - 6	PAVEMENT REMOVAL AND OVERLAY PLAN
7	DETAILS
8	EXISTING TOPOGRAPHY

PROJECT LOCATION



### LOCATION MAP





### JOHNSON ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS 2158 JOHNSON STREET FORT MYERS, FLORIDA 33902 PHONE (813) 334-0046 FAX (813) 334-3661

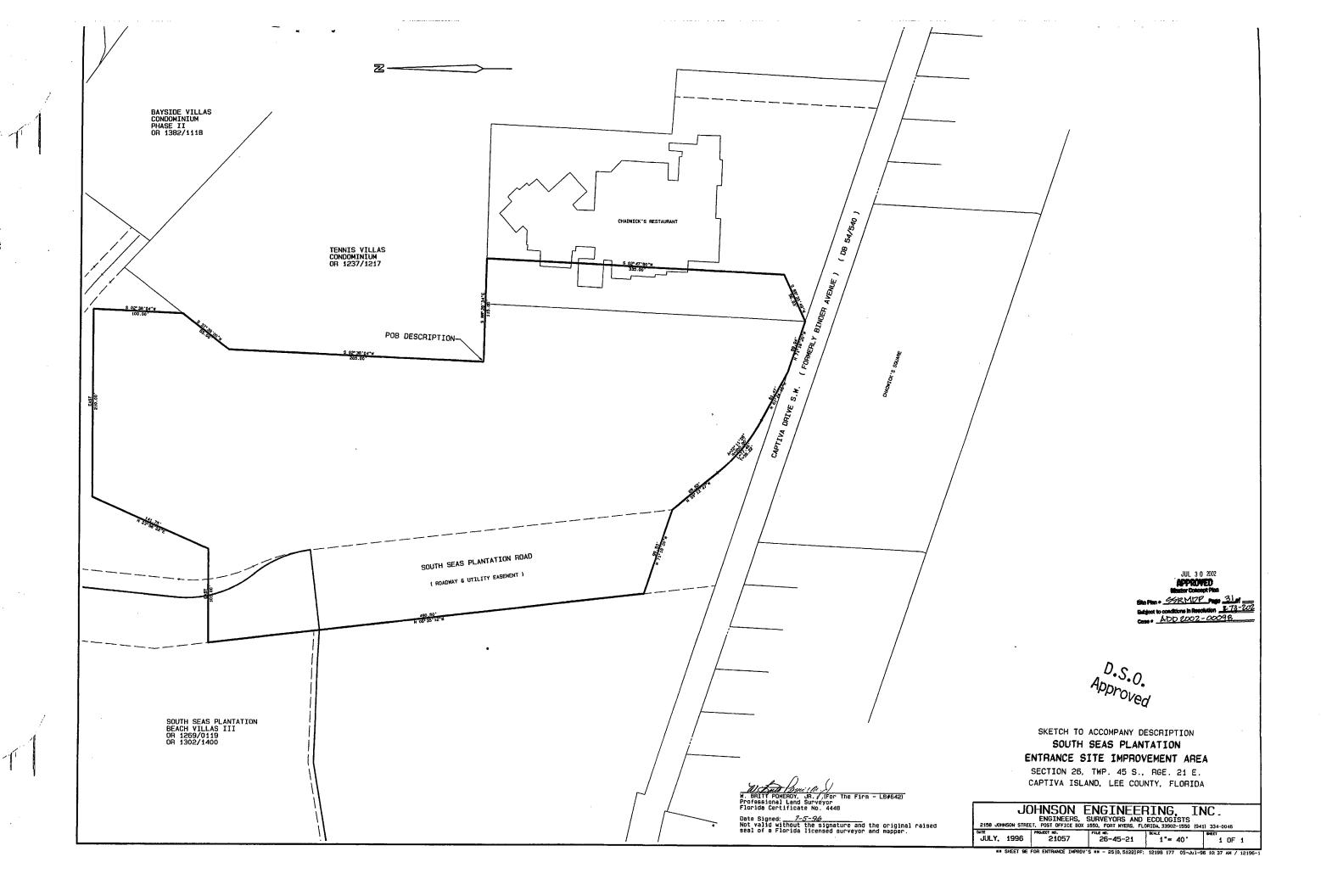
J.E.I. PROJECT NO. 21057

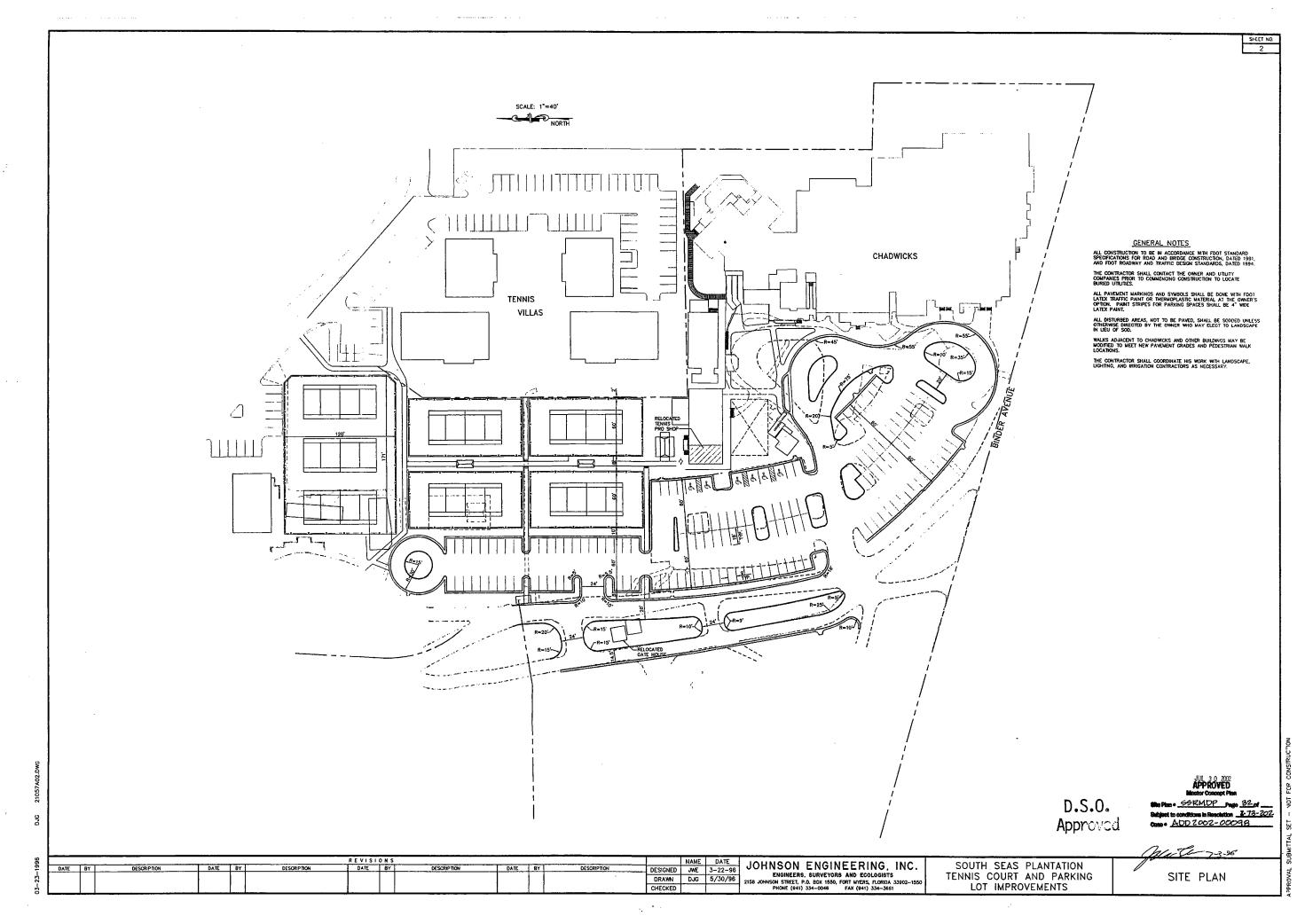
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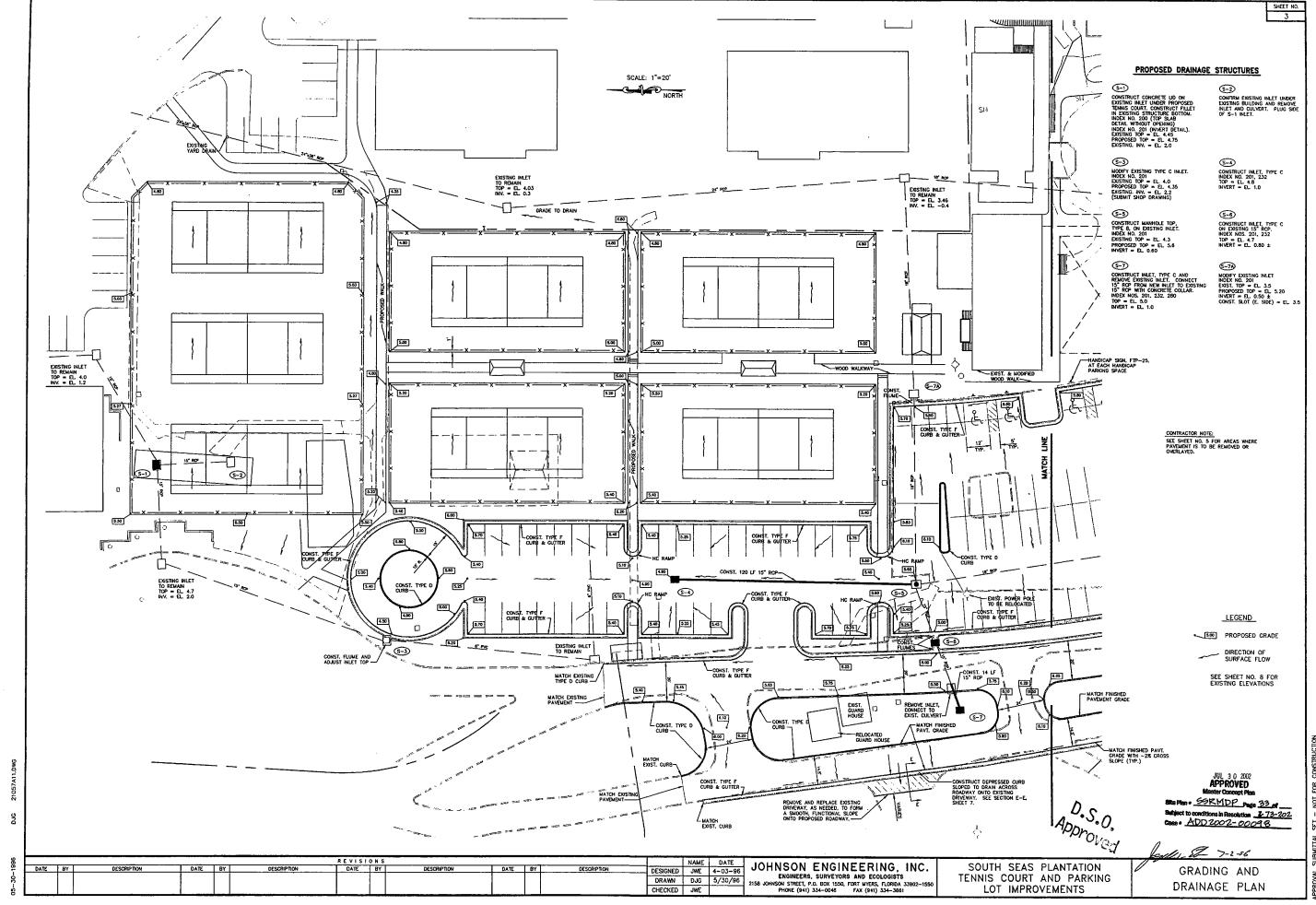


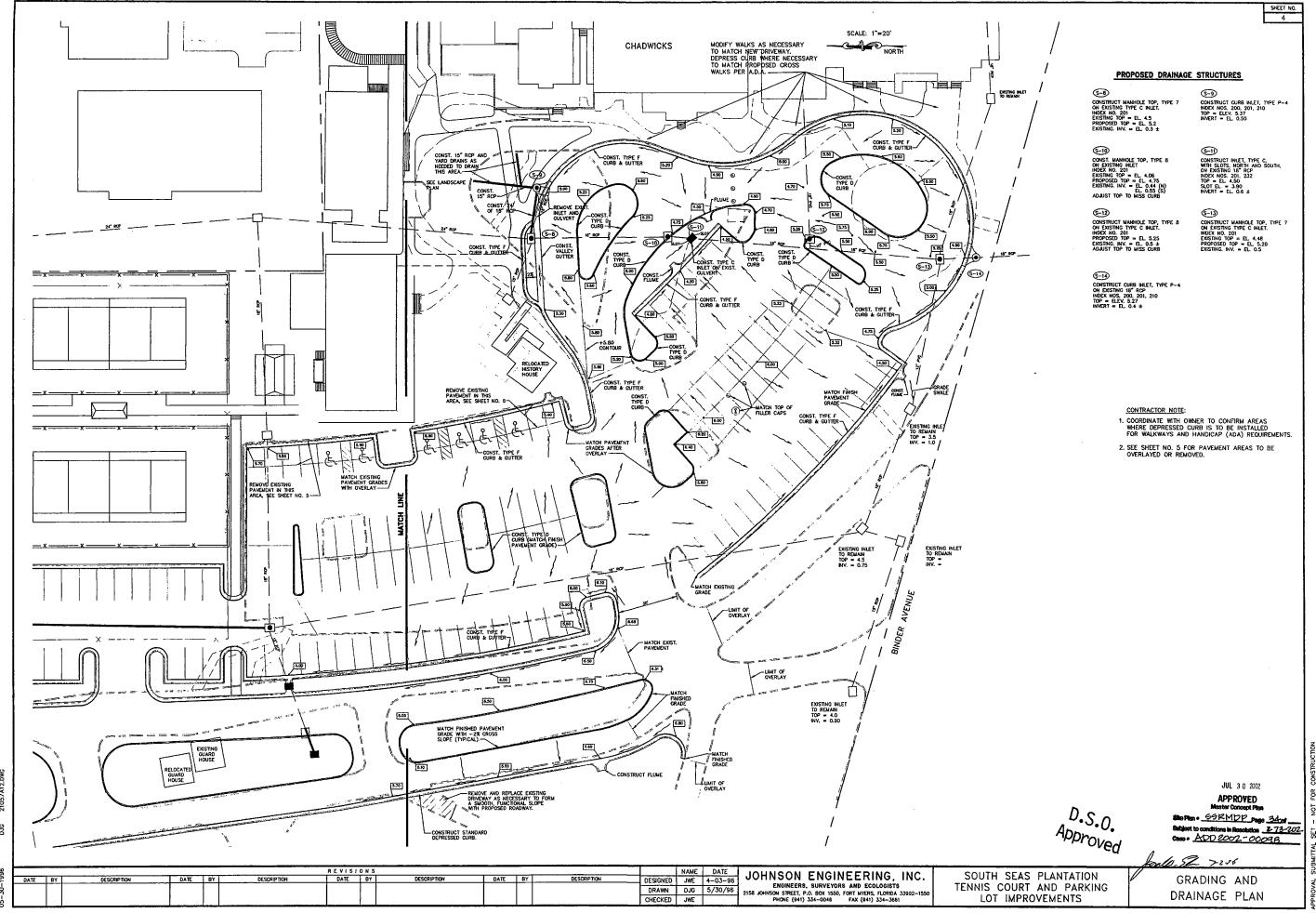
REGISTERED PROFESSIONAL ENGINEER FLORIDA CERTIFICATE NO. 19359

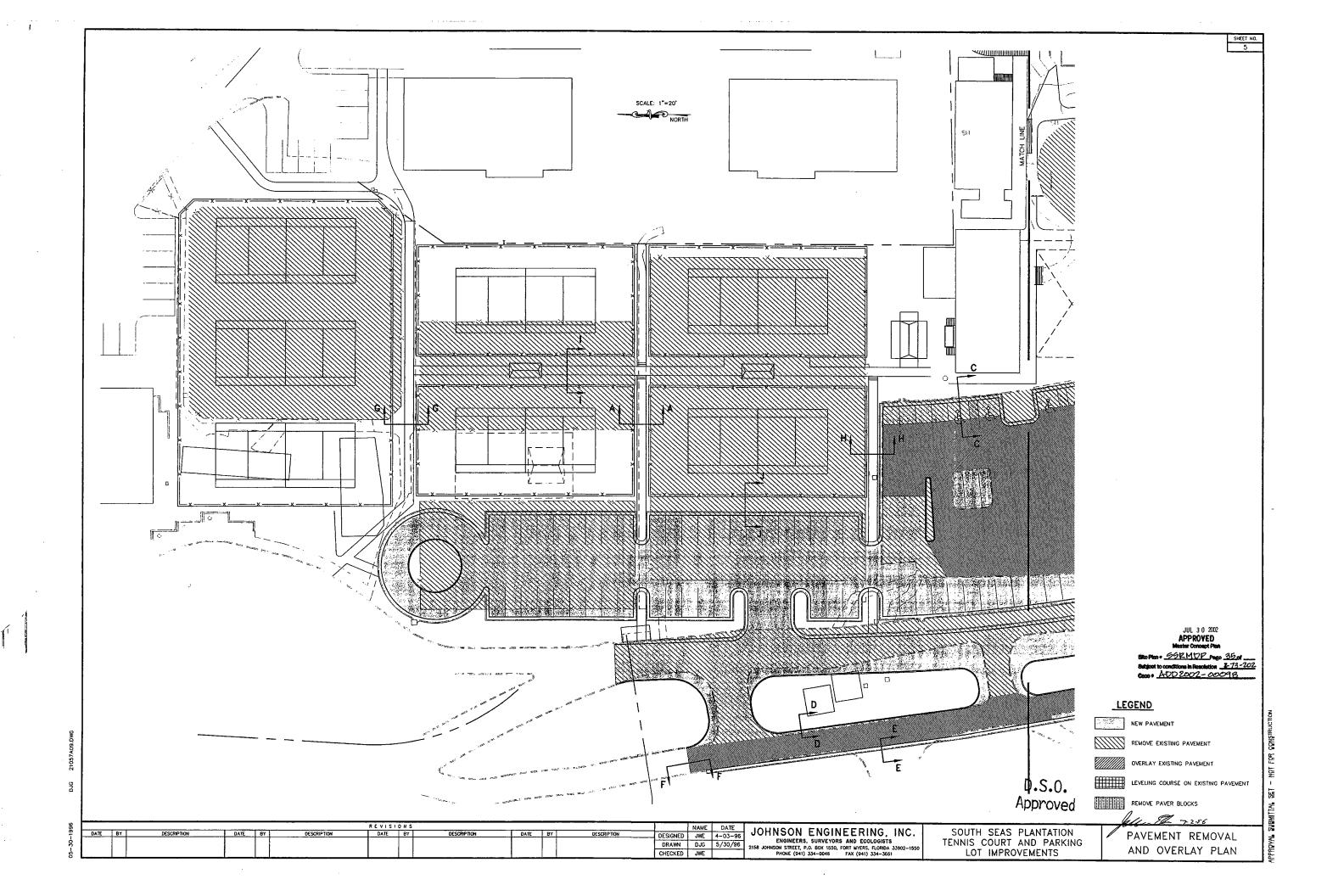


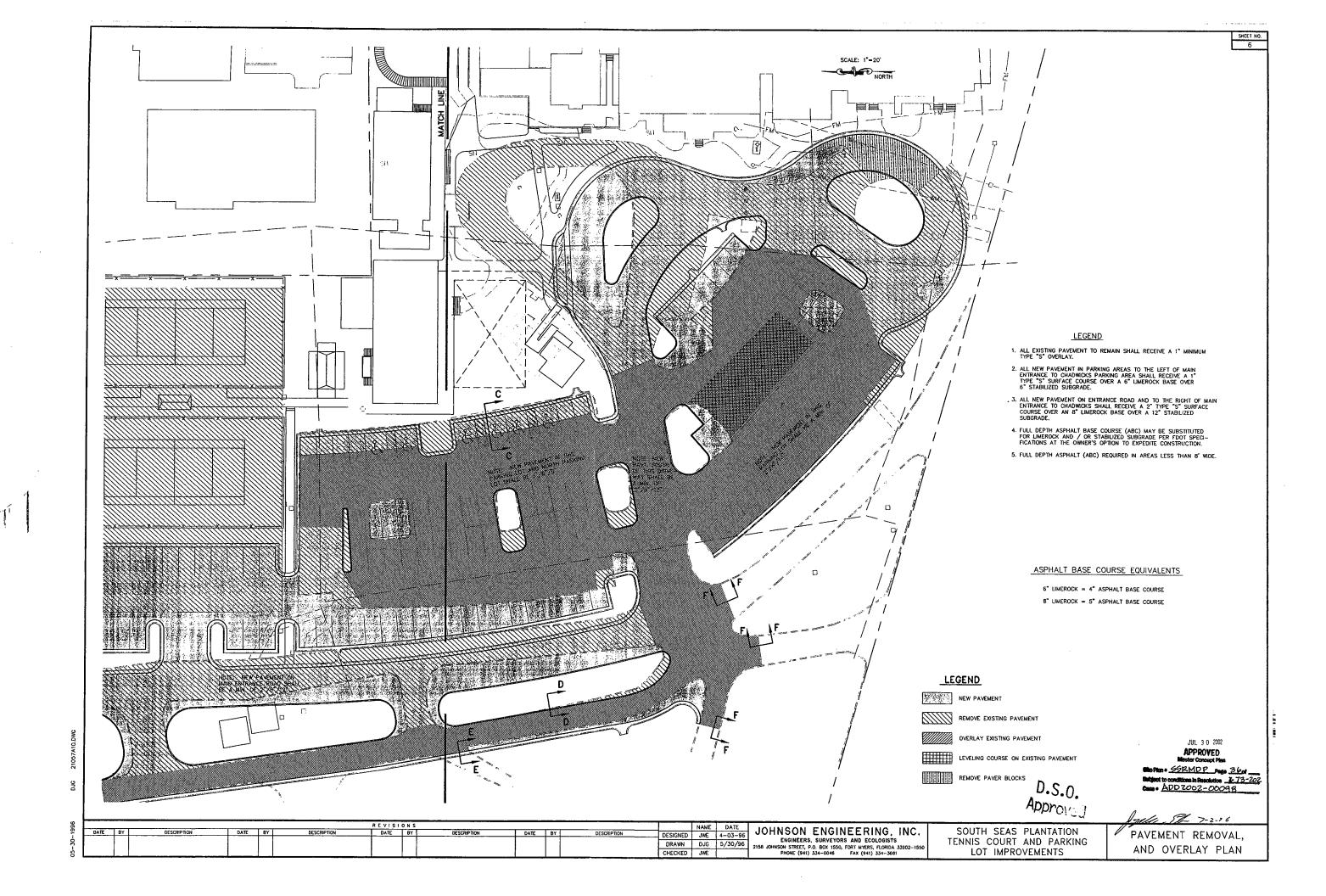


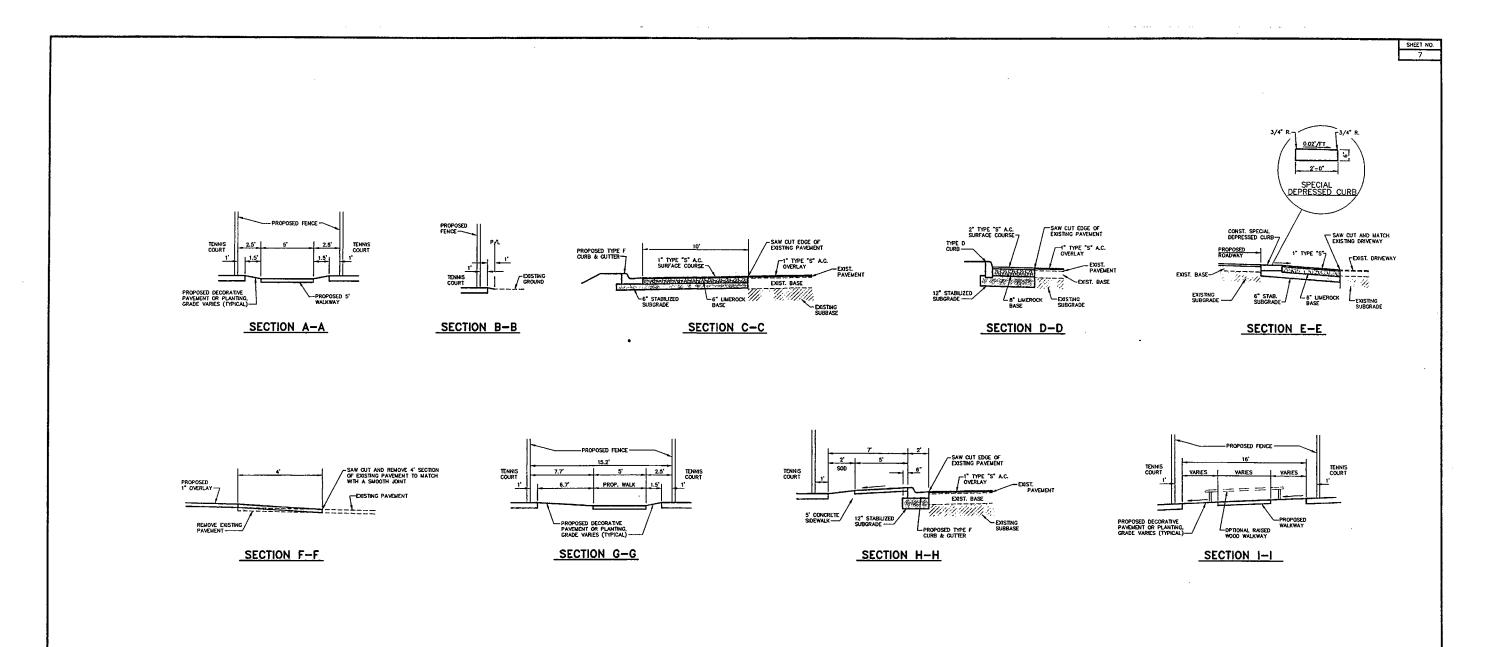


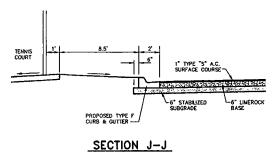










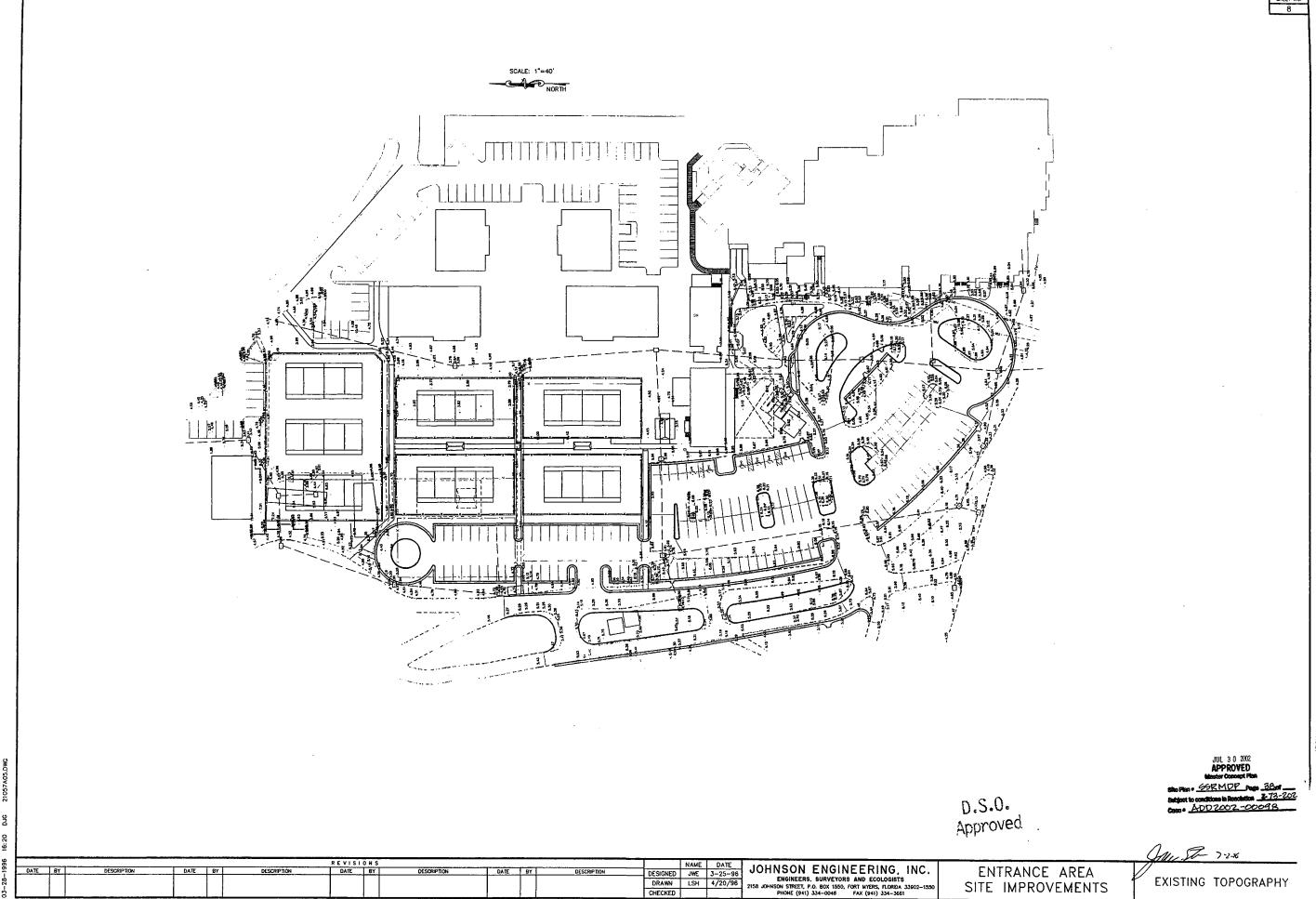




t to conditions in Resolution <u>1-73-202</u> ADD 2002-00098

D.S.O. Approved

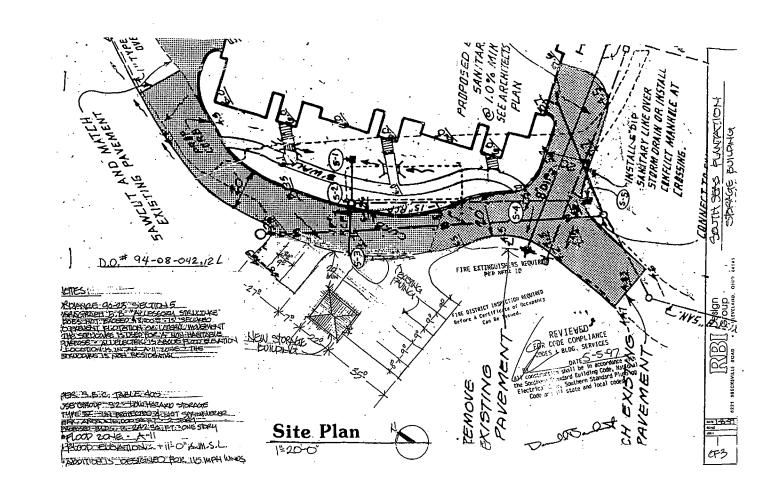
ı																Jeller St 7-2-56
ł	DATE BY	DESCRIPTION	DATE BY	DESCRIPTION	R E V I S I	O N S	DESCRIPTION	DATE	BY I	DESCRIPTION	DESIGNED	NAME	DATE 5/25/98	JOHNSON ENGINEERING, INC.	SOUTH SEAS PLANTATION	
ı							•				DRAWN	DJG	5/28/98	ENGINEERS, SURVEYORS AND ECOLOGISTS 2158 JOHNSON STREET, P.O. BOX 1550, FORT WERS, FLORIDA 33902-1550.	TENNIS COURT AND PARKING	DETAILS
L				<u> </u>		<u> </u>	· · · · · · · · · · · · · · · · · · ·				CHECKED	JWE		PHONE (941) 334-0046 FAX (941) 334-3661	LOT IMPROVEMENTS	



### LAUNDRY FACILITIES

9-21-94 - 94-08-042.12L

		P.O. Box 398 Fort Myers, Plorida 33902-4 (941) 335-2111
BOARD OF	COUNTY COMMISSIONERS	479-8585
Pin E Maning Proper Char		Writes's Direct Lial Hunther
Douglet R. D., Con Proof I Two Ray Robb Intrict They	PEVELOPMENT ORDER CERTIFICATE OF COMPLIANCE	OFCEIAE
Autres W. Coy Sharks Hear	PROJECT NAME: South Seas Plantation Launday Facilities	
John R. Albiro (Mariet Pier Through D. Sellyad)	D.O. NUMBER: 84-08-042,12L	TOTHISON ENGINEERING INC.
Frency Adjungery Amery C. Younger Country Artematy	BUILDING PERMIT: # 199708221, 189709494 and 19970488	
District Mr. Probest Constituting Scientists	This Certificate of Compilance certifies that the above mentic determined by an on-site inspection performed by Lee County of the approved development is completed to the specifications of the approved development hereby declared to be in substantial compilance with the Final I stated by the Engineer's Letter of Substantial Compilance.	on February 27, 1998,
	This Certificate represents a final inspection. This Develor complete.	pment Order is now
	DEPARTMENT OF COMMUNITY DEVELOPMENT Dovelopment Services Division  Juan Callingwith James C. Beardsley Senior Development Services Representative	
	OC: Thomas Osterhout, Lee County Utilities Russell Dover, Codes and Building Services Butch Destardin, Codes and Building Services Carol Us, Environmental Sciences File Inspection Log Joseph W. Ebner, Johnson Engineering	
•	Post-ti Fax Noise	·



JUL 3 0 2002

APPROVED

Massier Concept Plan

6the Plan • <u>52K.MDP</u> Page 39 of

Subject to conditions in Resolution <u>1-73-702</u>

Case • <u>ADD 2002-00098</u>

Captiva Island
Lee County, Florida



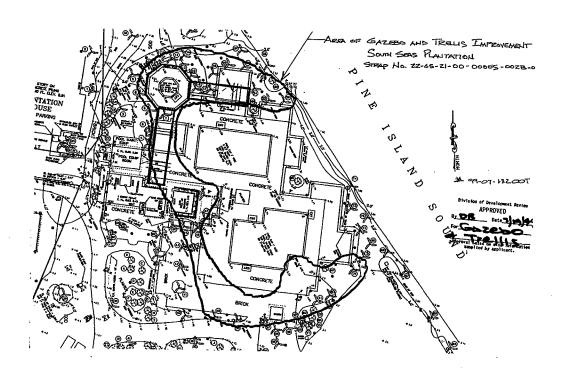
3501 DEL PRADO BLVD.
SUITE 110
CAPE CORAL, FLORIDA 33904
PHONE (941) 334-0046
FAX (941) 541-1383
E.B. #642 & L.B. #642

2001 Master Concept Plan South Seas Resort

		TO THE REAL PROPERTY OF THE PERTY OF THE PER					
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET			
June 2001	20012664	22-45-21	As Shown				

## **GAZEBO AND TRELLIS**

7-19-99 - 99-07-182.00T



JUL 3 0 2002
APPROVED

Stitle Piers • 99 RMDP Prage 40 of Subject to conditions in Resolution 273-202
Case • ADD 2002-00048

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REVISIONS

Captiva Island Lee County, Florida



3501 DEL PRADO BLVD. SUITE 110 CAPE CORAL, FLORIDA 33904 PHONE (941) 334-0046 FAX (941) 541-1383 FB #642 & LB #642 2001 Master Concept Plan South Seas Resort

5	1	lere ve	122.1.7	Tallana.
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
June 2001	20012664	22-45-21	As Shown	1

# SOUTH SEAS PLANTATION PROPOSED ACTIVITY AREA

SECTION 26, TOWNSHIP 45 S., RANGE 21 E. LEE COUNTY, FLORIDA

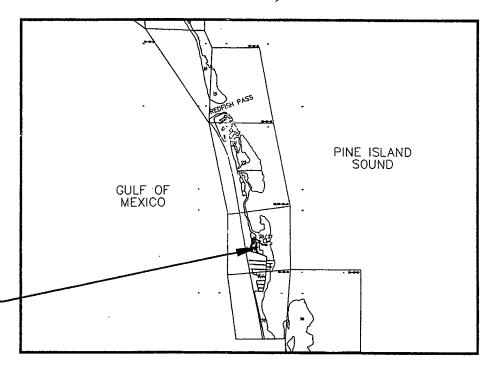
INDEX OF PLANS

DESCRIPTION

COVER SHEET

GRADING & DRAINAGE PLAN

FROJECT LOCATION



LOCATION MAP

PREPARED BY

# JOHNSON ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS 2158 JOHNSON STREET POST OFFICE BOX 1550 FORT MYERS, FLORIDA 33902 PHONE (813) 334-0046 FAX (813) 334-3661

J.E.I. PROJECT NO. 21057

OWNER

MERISTAR SS PLANTATION COMPANY, L.L.C. 1010 WISCONSIN AV. NW. WASHINGTON D.C. 2007

DEVELOPER

MERISTAR 12800 UNIVERSITY DRIVE, SUITE 350 FT. MYERS, FLORIDA 33907 CELL PHONE: (941) 851-2554 FAX: (941) 481-6667

STRAP NUMBER

26-45-21-00-00001.2020

ZONING

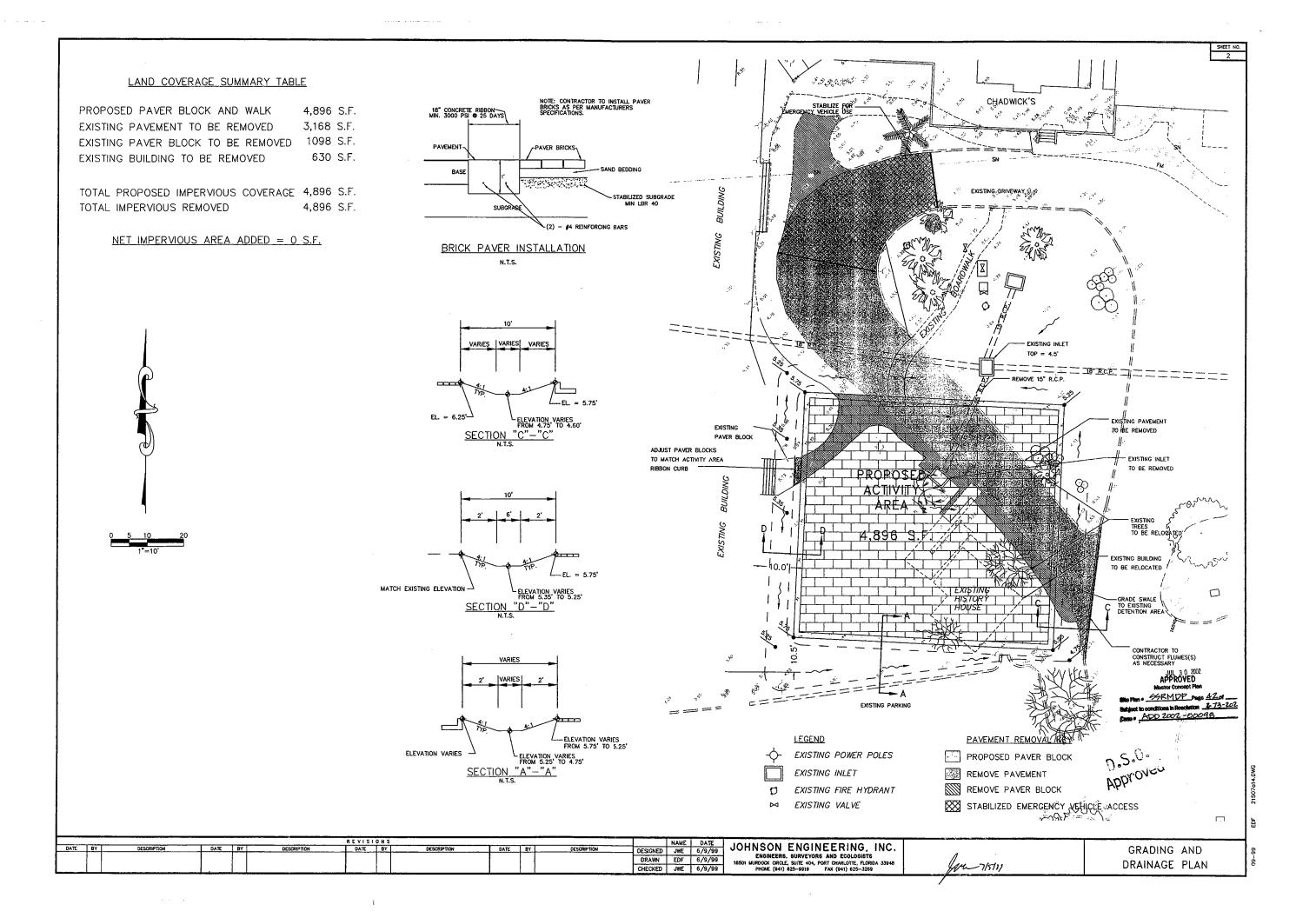


PROJECT TYPE.

REGISTERED PROFESSIONAL ENGINEER FLORIDA CERTIFICATE NO. 19359

7/5/15 JUL 3 0 2002 APPROVED

JUNE 1996



### **HISTORY HOUSE**

## 9-8-2000 - (HD)ADD2000-0068 - RELOCATION

ADMINISTRATIVE APPROVAL (HD) ADD2000-00068

ADMINISTRATIVE APPROVAL

WHEREAS, Meristar-South Seas Plantation Co., LLC/Beach Villas II filed an application for administrative approval for administrative relief on a project known as Captiva History House at South Seas to allow the History House to be relocated within South Seas Plantation property; and

WHEREAS, the History House will be relocated to the south end of resort near the administration building, described more particularly as:

LEGAL DESCRIPTION: In Section 26, Township 45 South, Range 21 East, Lee County. Florida

See Legal Description (Attached as Exhibit A)

WHEREAS, the applicant has indicated the property's current STRAP number is 26-45-21-26-00000.000A; and

WHEREAS, the property is zoned RM-2; and

WHEREAS, the Captiva History House has been designated as a Lee County Historic Resource by Resolution HD-10-02; and

WHEREAS, the Lee County Historic Preservation Board met on November 18, 1999 and reviewed the requested relief and issued Special Certificate of Appropriateness (SCA) No.99-11-03 (a copy of which is attached), Chapter 22 of the Land Development Code and the Lee County

WHEREAS, the Lee County Land Development Code provides for administrative relief from the Zoning Regulations for matters involving setibacks, lot width, depth, area requirements, land development regulations, height limitations, coen space requirements, parking requirements, and other similar zoning relief not related to a change in use of the property in question; and

WHEREAS, relief is requested in the RM-2 zoning district, as provided by the Lee County Land Development Code, as follows:

- Section 34-2020(4)m that requires museums to provide 1 space per 300 square feet of floor area, to only require the handicapped space; and Section 34-715 which requires a 25 foot wide water body setback to allow a 7 foot setback for the History House; and
- Section 34-715 which requires a 20 foot wide setback from a private road, to allow a 2 ½ foot setback for the proposed wood deck and relocated History House; and

CASE NO. ADD2000-00068

Section 34-1174(3)e that prohibits structures in easements, to allow the proposed wooden deck to encreach 1 foot into the right-of-way easement known as South Seas Plantation Road

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval; and

WHEREAS, the following findings of fact are offered:

- The relief will be in harmony with the general appearance and character of the community.
- The relief will not be injurious to the area involved or otherwise detrimental to the public health, safety or welfare,
- The proposed work is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent properties while affording the owner(s) a reasonable use of their land.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Administrative Approval for relief in the RM-2 zoning district from the Lee County Land Development Code, from:

- Section 34-715 which requires a 25 foot wide water body setback to allow a 7 foot setback for the History House; and
- Section 34-715 which requires a 20 foot wide setback from a private road, to allow a 2 % foot setback for the proposed wood deck and relocated History House; and
- Section 34-1174(3)e that prohibits structures in easements, to allow the proposed wooden deck to encreach 1 foot into the right-of-way easement, known as South Seas Plantation Road

is APPROVED. Site Plan ADD2000-00068 is hereby APPROVED and adopted. A reduced copy is attached hereto.

DULY SIGNED this Stage of Acatella A.D., 2000.

Attachments: SCA 99-11-03 Site Plan ADD2000-00068

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EXHIBIT A

JOHNSON ENGINEERING, INC.

ENGINEERS, SURVEYORS, PLANNERS AND ECOLOGISTS FORT MYERS NAPLES PORT CHARLOTTE

May 15, 2000

DESCRIPTION HISTORY HOUSE, SOUTH SEAS PLANTATION SECTION 26, TOWNSHIP 45 SOUTH, RANGE 21 EAST CAPTIVA ISLAND, LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 26, Township 45 South, Range 21 East, being a part of South Seas Plantation Beach Villas II Condominium as described in Deed recorded in Official Record Book 1230 at Page 987 of the Public Records of Lee County, Florida, which tract or parcel is described as follows:

From the southeast corner of said Beach Villas II Condominium run S 84° 02' 33" W along the south line of said Beach Villas II Condominium for Section 12.66 feet; thence run N05° 57' 27" W departing sald south line (at a perpendicular to) for 28.36 feet to ecd the Point of Beginning.

From said Point of Beginning run N 81° 31' 00" W for 57.89 feet; thence run N 01° 14' 16" E for 68.43 feet; thence run S 81° 31' 00" E for 61.84 feet; thence run S 81° 31' 00" E for 61.84 feet; thence run S 81° 31' 00" E for 61.84 feet; thence run S 81° 31' 00" E for 68.43 feet; thence run S 81° 31' 00" E for 61.84 feet; thence run S 81° 31' 00" E for 68.43 feet; thence run S 81° 31' 00" E for 61.84 feet; thence run S 81° 31' 00" E for 68.43 feet; thence run S 81° 31' 00" E for 61.84 feet; thence run S 81° 31' 00" E for 61.84 feet; thence run S 81° 31' 00" E for 61.84 feet; thence run S 81° 31' 00" E for 61.84 feet; thence run S 81° 31' 00" E for 61.84 feet; thence run S 81° 31' 00" E for 61.84 feet; thence run S 81° 31' 00" E for 61.84 feet; thence run S 81° 31' 00" E for 61.84 feet; thence run S 82° 32' 99" W for 68.43 feet; thence run S 82° 31' 00" E for 61.84 feet; thence run S 82° 31' 00" E for 61.84 feet; thence run S 82° 31' 00" E for 61.84 feet; thence run S 82° 31' 00" E for 61.84 feet; thence run S 82° 31' 00" E for 61.84 feet; thence run S 82° 31' 00" E for 61.84 feet; thence run S 82° 31' 00" E for 61.84 feet; thence run S 82° 31' 00" E for 61.84 feet; thence run S 82° 31' 00" E for 61.84 feet; thence run S 82° 31' 00" E for 61.84 feet; thence run S 82° 31' 00" E for 61.84 feet; thence run S 82° 31' 00" E for 61.84 feet; thence run S 82° 31' 00" E for 61.84 feet; thence run S 82° 31' 00" E for 61.84 feet; thence

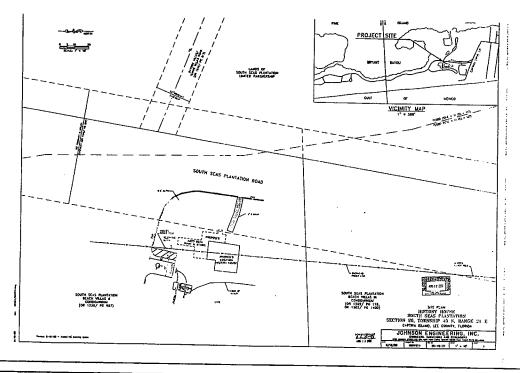
FORREST H. BANKS STEVEN K. MORRISON

EXHIBIT A

JUL 3 0 2002

APPROVED Man SORMOP Page 43 of

Subject to conditions in Resolution 2-73-202 MDD 1001-00098



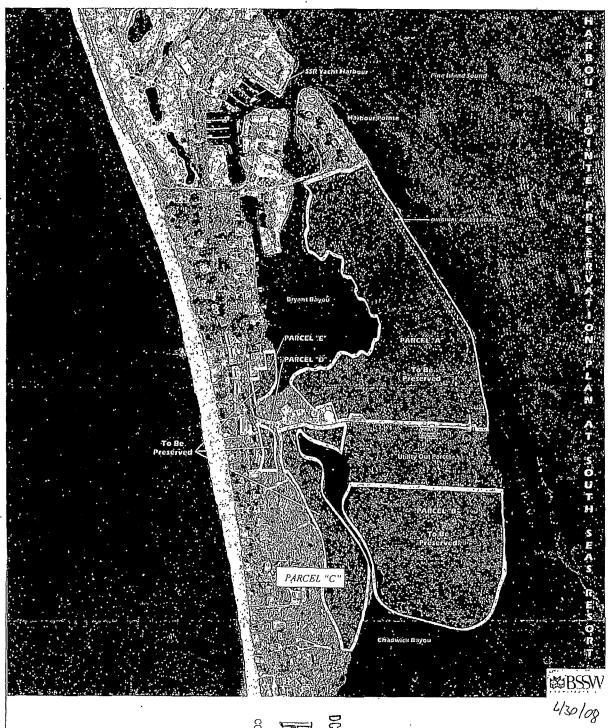
REVISIONS Captiva Island Lee County, Florida



3501 DEL PRADO BLVD. SUITE 110 CAPE CORAL, FLORIDA 33904 PHONE (941) 334-0046 FAX (941) 541-1383 E.B. #642 & L.B. #642

2001 Master Concept Plan South Seas Resort

June 2001 22-45-21



COMMUNITY DEVELOPMENT

The following development standards are applicable to the SSRD, based on standards that have been applied since its inception in 1973.

1 304± acres that make up the SSRO, approximately aside as open space, (this 100+ acres includes now uplands, wetlands, and submerged lands). Additionally cation of open space for those lands seaward of the tion control line, currently in excess of 15 acres. The Course and other recreational lands supplement the I preservation land categories such that a minimum of oximately 50%) of the overall property is allocated to herefore, no minimum amount of Open Space is ividual parcels.

sis will be placed on the use of native species.

r shading and trees and/or shrubs for the screening of for privacy will be used to the extent possible. The flon and placement shall be at the discretion of the n concert with County staff. The use of invasive exotics

be a natural (mostly mangrove) shoreline buffer raters of the SSRD. Specifically, that natural buffer mum of 35' wide (except to the extent that the existing of or Bay Drive (leading to Harbour Points) may currently nd therefore reduce that 35' buffer). Where it is in or proved development areas, the natural buffer may be mber of existing small openings as necessary for ular, boat, pedestrian, and/or utility access, and ordance with State Standards for Mangrove Trimming. There is no buffer required along the bay waters the southeasterly tip of the Harbour Pointe site s the marina entrance channel and along the bay h Pass. There shall be no required minimum buffer lial parcels internal to the development.

is Road-minimum 10' to edge of pavement, excluding s, signs, walls and other entrance features, when LDC site visibility requirements.

is—no minimum setbacks required.

mid Property Line:

i' with minimum 6' high wall and vegetation buffer.

i' with minimum 6' high wall or vegetation buffer.

i' without wall or vegetation buffer.

nal Property Line—no minimum setback required.

Waters:

Drive Southwest-minimum 25' to edge of right-of-

i' setback from mean high tide line.

rs of Gulf of Mexico:

" from mean high tide line.

ral or Manmade Lake, Pond, Bayou, Conal, or Marina:

1 setback required for buildings redeveloped within

iling footprints: 25' for ony new buildings. ling Separation:

)' separation unless additional separation is required Fire Code.

ures including Fences and Walls:

structures 8° or less in height above grade; no minimum lired.

structures over 8' in height from grade, the setback same as set forth above for buildings, except as to where there will be no setbacks required. be no minimum required separation between walls and ructures or one accessory structure and another.

- e. <u>Building Heights:</u> (These standards are applicable to all new structures except those being replaced under the existing Lee County build—back provisions of the Land Development Code or LEE PLAN). Maximum height to the top of a parapet wall, roof, or midpoint of a pitched roof of no less than 4:1 and no more than 7:1 shall be the lesser of 35" above the grade surrounding the building at its foundation or 42" above mean sea level.
- 1. Traffic Impact Statements (TIS): A traffic statement shall be required for any development that includes new residential dwelling units or includes more than 500 square feet of retail/commercial square footage. Because of the SSRD's vested status for purposes of concurrency (established via Determination of Consistency with the Lee Plan in 1985), the data provided to the County in such TIS are intended for information purposes only. Approval of TIS is not a prerequisite to approval of proposed development plans. The concurrency vesting is limited to the SSRD, as approved under this interpretation.
- Parking: These standards recognize the developers long standing commitments to transportation alternatives to the automobile on Captiva, including pedestrian and bicycle transportation via the pathways provided throughout the SSRD and the provision of up to 18 hours of daily free transportation.

#### General:

—Individual parking spaces will be no less than 9' wide by 18' deep.

—The appropriate number of handlap spaces will be provided in convenient locations in compliance with Lee County and State of Florida Handlapped Codes and the intent of ADA Guidelines.

-Any proposed reduction or reconfiguration of the as-builts/as approved parking spaces provided contemporaneous to this interpretation, is subject to a limited review development order to assure that the current inventory of parking is not reduced and additional parking is provided in the proportions for resort use as required below.

#### Residential:

-Single family/duplex will have a minimum of 2 off-street parking spaces per unit.

-Multi-family housing (whole ownership/timeshare/etc.) will have a minimum of 1 parking space per dwelling unit plus a minimum of 1 guest/service parking space for every 10 dwelling units.

—Hotel/Motel units and employee rental apartments shall have a minimum of 1 parking space for every 2 dwelling units plus 1 guest/service parking space for every 10 dwelling units.

#### Commercia

--Activities/Facilities internal to the resort and used almost exclusively by resort owners and guests (i.e. marina, golf course, tennis, retail, resort area restaurants, conference facilities, etc.) have no minimum required number of spaces.

-Commercial Area at the south end of the property, except for conference facilities, shall be required to provide a minimum 1 parking space per 1000 square feet of retail, restaurant/lounge or commercial use (excluding kitchens and other \*back of the house" areas and service facilities).

#### h. Construction Standards (other than for buildings):

Roads, driveways, walks, bike paths, seawalls, in accordance with sound engineering design sthose facilities constructed within the SSRO duriyears, subject to review and approval by Countlimited review development order process.

#### Stormwater Management:

The standards of the existing approved SSRMDF and permitted by the South Florida Water Mana or as they may be amended in the future, she surface water management elements of future SSRD.

#### [. Other:

Except as noted herein, the applicable standard Land Development Code shall apply.