

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

WHEREAS, an application was filed by the property owner, WCI Communities, Inc., to amend the River's Edge Yacht and Country Club DRI to;

1. extend the build-out date by three years from May 4, 2005 to May 4, 2008; and
2. determine whether the amendment constitutes a substantial deviation from the original development order approvals warranting further development of regional impact review.

WHEREAS, a public hearing was advertised and held on August 10, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DRI2005-00004; and

WHEREAS, a second public hearing was advertised and held on October 31, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request for an amendment to the River's Edge Yacht and Country Club (a/k/a Gulf Harbour) DRI (State DRI #12-8182-21), as amended to:

1. extend the build-out date by three years from May 4, 2005 to May 4, 2008; and
2. determine whether the amendment constitutes a substantial deviation from the original development order approvals warranting further development of regional impact review.

The property is located in the Suburban Land Use Category and legally described in the attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

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

Development of this project must be consistent with the River's Edge Yacht and Country Club (a/k/a Gulf Harbour) DRI Development Order #12-8182-21, attached as Exhibit C.

SECTION C. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: River's Edge Yacht and Country Club (a/k/a Gulf Harbour) - Fifth Development Order Amendment

The applicant has indicated that the STRAP number for the subject property is: 29-45-24-07-0000B.00CE.

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the 3-year extension by demonstrating compliance with the Lee Plan, the LDC, F.S. §380.06, and any other applicable code or regulation.
2. The 3-year extension, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development will be served by streets with the capacity to carry traffic it generates; and,
 - e. will not adversely affect environmentally critical areas or natural resources; and,
 - f. the proposed mix of uses are appropriate at the subject location; and,
 - g. that urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use; and,
 - h. does not create new or additional unreviewed regional impacts and does not constitute a Substantial Deviation under F.S. §380.06(19).

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

Robert P. Janes	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Tammy Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 31st day of October 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Maia A. Pierce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *[Signature]*
Chairman

Approved as to form by:

[Signature]
Dawn Perry-Lehnert
County Attorney's Office



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LEGAL DESCRIPTION
Property located in Lee County, Florida

11-A-1

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS • NAPLES • SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTIONS 29, 30, & 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(GULF HARBOUR)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 29, 30, AND 31, TOWNSHIP 45 SOUTH RANGE 24 EAST, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE S89°19'35"W (BEARINGS BASED ON THE FLORIDA COORDINATE SYSTEM, WEST ZONE) ALONG THE SOUTH LINE OF SAID SECTION 30 FOR 425.34 FEET TO THE INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (80 FEET FROM CENTERLINE), BEING THE NORTHWESTERLY LINE OF LANDS CONVEYED BY DEED RECORDED IN OFFICIAL RECORDS BOOK 1837, PAGE 2982 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING, THENCE N49°27'05"E ALONG SAID RIGHT-OF-WAY 556.64 TO THE INTERSECTION WITH THE EAST LINE OF SAID SECTION 30; THENCE CONTINUING N49°27'05"E ALONG SAID RIGHT-OF-WAY LINE INTO SAID SECTION 29 FOR 202.49 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE TO THE NORTHWEST AND SAID RIGHT-OF-WAY LINE FOR 141.67 FEET, RADIUS 2212.00 FEET, CHORD OF 141.65 FEET BEARING N47°37'00"E; THENCE N45°46'55"E ALONG SAID RIGHT-OF-WAY LINE FOR 1444.31 FEET; THENCE N00°44'41"W, LEAVING SAID RIGHT-OF-WAY, ALONG THE WESTERLY LINE OF TRACT "B" PALMETTO POINT, AS RECORDED IN PLAT BOOK 29, PAGES 21 THROUGH 23 OF SAID PUBLIC RECORDS, AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF GRIFFIN BOULEVARD (50 FEET WIDE) FOR 3603.97 FEET; THENCE N89°37'45"W, LEAVING SAID RIGHT-OF-WAY LINE PARALLEL WITH AND 100 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 29 FOR 1279.05 FEET TO THE INTERSECTION WITH THE EASTERLY LINE OF SAID SECTION 30; THENCE N89°37'45"W PARALLEL WITH AND 100 FEET SOUTH OF THE NORTHERLY LINE OF SAID SECTION 30 FOR 554 FEET, MORE OR LESS, TO THE WATERS OF THE CALOOSAHATCHEE RIVER, THEN SOUTHWESTERLY AND WESTERLY ALONG THE WATERS OF THE CALOOSAHATCHEE RIVER FOR 6690 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE WESTERLY LINE OF SAID SECTION 30 WHICH BEARS N01°03'43"W FROM THE SOUTHWEST CORNER OF SAID SECTION 30; THENCE S01°03'43"E ALONG THE WESTERLY LINE OF SAID SECTION 30 FOR 2049 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID SECTION 30; THENCE N88°46'47"E ALONG THE SOUTHERLY LINE OF SAID SECTION 30 FOR 1317.12 FEET TO THE SOUTHEAST CORNER OF GOVERNMENT LOT 2; THENCE S01°06'09" ALONG THE WESTERLY BOUNDARY LINE OF THE LANDS OF RIVER'S EDGE 3, A CONDOMINIUM AS RECORDED IN OFFICIAL RECORD BOOK 1783, PAGE 3709 OF SAID PUBLIC RECORDS, FOR 665.51 FEET TO THE SOUTHWEST CORNER OF

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Professional Engineers, Planners & Land Surveyors
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THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 31; THENCE N.88°51'11"E. ALONG THE SOUTH BOUNDARY LINE OF SAID CONDOMINIUM LANDS AND THE SOUTH LINE OF SAID FRACTIONAL SECTION FOR 593.45 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID CONDOMINIUM LAND; THENCE CONTINUE N88°51'11"E ALONG THE SOUTH LINE OF SAID FRACTIONAL SECTION FOR 65.45 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 31; THENCE S01°09'19"E ALONG THE WESTERLY LINE OF SAID FRACTION OF SECTION 31 FOR 666.27 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION OF SECTION 31; THENCE N88°55'32"E ALONG THE SOUTHERLY LINE OF SAID FRACTION SECTION 31 FOR 659.51 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 31; THENCE N89°11'55"E ALONG THE SOUTHERLY LINE OF SAID FRACTIONAL SECTION FOR 542.56 FEET; THENCE N01°07'54"W ALONG THE WESTERLY BOUNDARY LINE OF LANDS CONVEYED BY DEED RECORDED IN OFFICIAL RECORD BOOK 2125, PAGE 2439, FOR 221.20 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE N65°09'03"E ALONG THE NORTHWESTERLY BOUNDARY LINE OF SAID LANDS FOR 163.03 FEET TO THE MOST NORTHERLY CORNER OF SAID LANDS; THENCE S40°32'55"E ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID LANDS, ALONG A LINE PERPENDICULAR WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD FOR 164.14 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (80 FEET FROM CENTERLINE), BEING THE NORTHWESTERLY LINE OF LANDS CONVEYED BY DEED RECORDED IN RECORD BOOK 1837, PAGE 2982 OF SAID PUBLIC RECORDS; THENCE N49°27'05"E ALONG SAID RIGHT-OF-WAY LINE FOR 1826.43 FEET TO THE SOUTH LINE OF SAID SECTION 30 AND THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTH EAST QUARTER OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING S.89°19'35"W.

SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

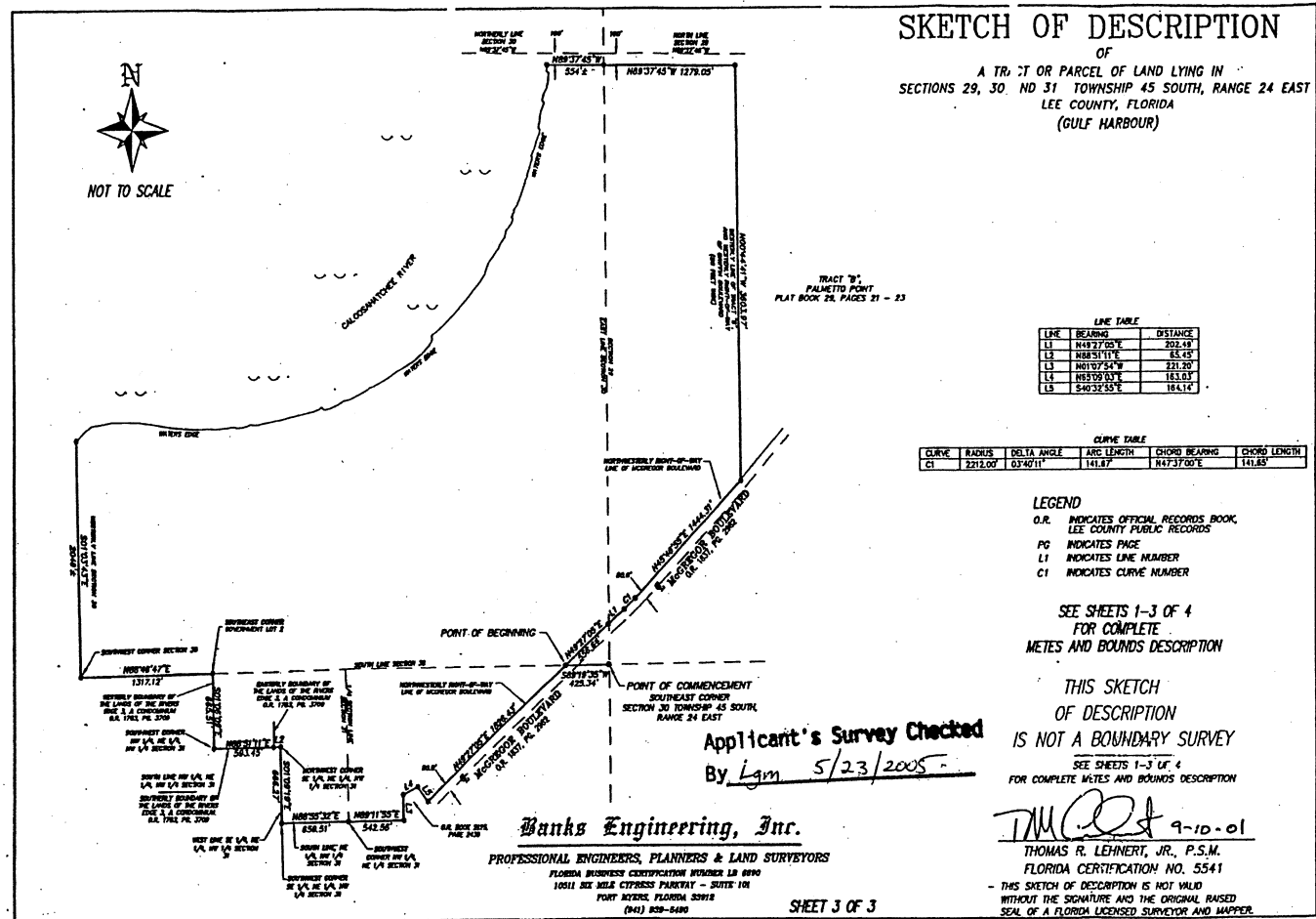
DESCRIPTION PREPARED 7/31/01.

Applicant's Legal Checked

by Lgm 5/23/2005

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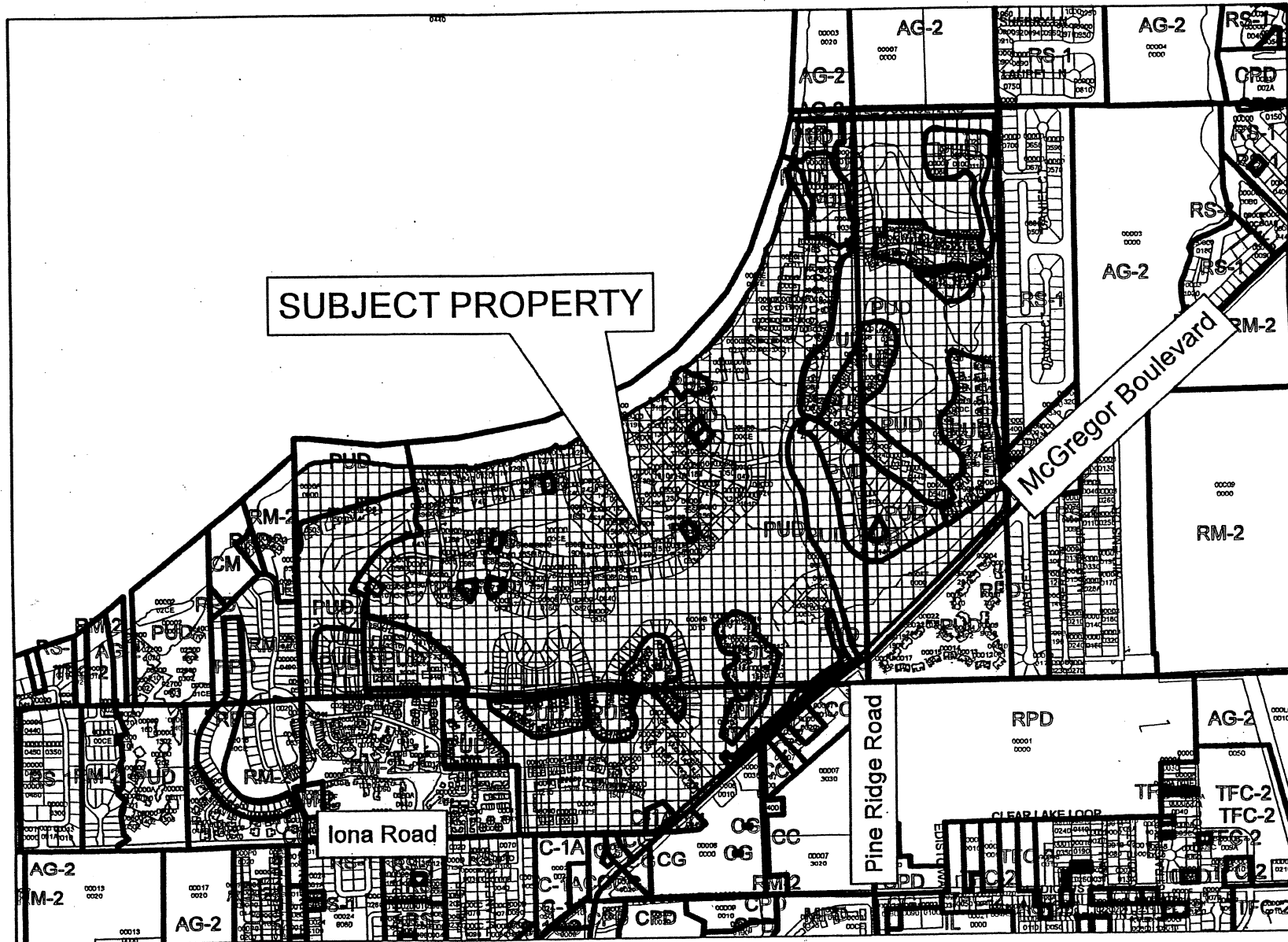


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ZONING MAP

6/17/2005

EXHIBIT B



1,200 600 0 1,200 Feet

FIFTH AMENDED DEVELOPMENT ORDER¹

FOR

RIVER'S EDGE YACHT AND COUNTRY CLUB
(A/K/A GULF HARBOUR)

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #12-8182-21
COUNTY CASE #81-09-08-DRI(c)

LET IT BE KNOWN that, pursuant to §380.06, Florida Statutes, the Board of County Commissioners of Lee County, Florida, considered the Application for Development Approval filed by Ramar Group, regarding a Development of Regional Impact consisting of 548 acres, at a public hearing and adopted the original development order for the River's Edge Yacht and County Club Development of Regional Impact (DRI) on April 19, 1982.

WHEREAS, the River's Edge Yacht and County Club DRI was amended on March 16, 1992 to decrease the density from 4,380 dwelling units to 2,071; relocate 6 golf holes, the golf course club house, tennis courts, marina basin and marina village; reduce the number of boat slips from 250 to 190 slips; and extend the buildout date 4 years and 11 months to May 4, 1998; and

WHEREAS, a second amendment to the River's Edge Yacht and County Club DRI was adopted on March 21, 1994 to modify the location and design of the marina facility; and

WHEREAS, a third amendment to the River's Edge Yacht and Country Club DRI was adopted on March 19, 2001 to (1) reduce the number of dwelling units from 2,071 to 1,987; (2) eliminate 200 hotel units; (3) replace the 65,000 square feet of commercial with a 5,000 square foot ship's store and 30,000 square foot club house; (4) eliminate the 250 seat restaurant; and (5) extend the buildout date an additional 7 years to May 4, 2005; and

WHEREAS, a fourth amendment to the DRI Development Order was adopted on October 7, 2002, to allow construction of a boardwalk with observation platform and mangrove trimming within the established Mangrove Preservation Area (Tract E); and

WHEREAS, a Notice of Proposed Change was filed by WCI Communities, Inc., on May 4, 2005, to extend the buildout date three years from May 4, 2005 to May 4, 2008,

¹ This is a codification and restatement of all DRI development orders rendered with respect to the River's Edge Yacht and County Club DRI, including actions taken May 5, 1982, March 16, 1992, March 21, 1994, March 19, 2001, ~~and~~ October 7, 2002, and October 31, 2005.

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allowing issuance of building permits and construction on the remaining single-family home lots (currently less than 20 lots) within the DRI boundary; and

WHEREAS, Florida Statutes §380.06(19)(e)(4) requires the local government to consider the previous and current proposed changes to a DRI Development Order in deciding whether those changes cumulatively constitute a substantial deviation requiring further DRI review; and

WHEREAS, the request to extend the buildout date an additional three years results in a cumulative extension of 17 years, 11 months, and is presumed to create a substantial deviation under F.S. §380.06(19)(c), which may be rebutted by clear and convincing evidence; and

WHEREAS, the Board of County Commissioners finds and determines that based upon the evidence in the record the proposed amendment does not constitute a substantial deviation warranting further DRI Review; and

NOW THEREFORE, it is resolved by the Board of County Commissioners that the development order for River's Edge Yacht and County Club DRI is further amended as follows:

NOTE: *New language is underlined and deleted text is struck through.*

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The legal description of the River's Edge Yacht and County Club DRI property (aka Gulf Harbour) is set forth in attached Exhibit A:

B. The River's Edge Yacht and County Club DRI is a Development of Regional Impact consisting of approximately 548 acres. The proposed development is depicted on Map "H", attached as Exhibit B and includes:

1. 1,987 dwelling units of which up to 788 may be single-family (detached and zero lot line type units) and up to 1,199 multi-family on a total of 250.3 acres; approved, but unbuilt multi-family units may be exchanged for single-family units, provided that the resulting total mix of approved multi-family and single-family dwelling units do not exceed a gross trip generation rate of 1,349 p.m. peak hour trips as calculated from the fitted curve formulas of the 6th Edition of the ITE Trip Generation Manual for land use categories 210 and 230;
2. 135 acre 18 hole golf course and 30,000 square foot golf clubhouse with 250 parking spaces;

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3. 190 wet berth marina and 5,000 square foot ancillary ship's store;
4. 7,000 gross square foot health club;
5. a 16 tennis court complex;
6. 70.0 acres of lakes;
7. 18.23 acre refined vegetation preservation buffer including:
 - a. 14.02 acre mangrove and listed plant species preserve area south of the proposed marine;
 - b. a 3.88 acre eagles perch management and listed plant species preservation island of 3.88 acres;
 - c. a 0.33 acre shoreline listed plant species preservation area of north of the proposed marina; and
8. 250.7 acres of open space (including golf course, preservation areas, and private open space, but excluding lake, marina mitigation and basin areas).

C. The subject property is currently zoned Planned Unit Development (PUD) in accordance with the Lee County Land Development Code and Lee County Ordinance 93-26.

D. The application for development approval is consistent with the requirements of §380.06, Florida Statutes.

E. The proposed development:

1. is not located in an area designated as an Area of Critical State Concern, pursuant to the provisions of §380.05, Florida Statutes;
2. will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area; and
3. is consistent with the Lee County Comprehensive Plan and the Lee County Land Development Code.

F. The Southwest Regional Planning Council has reviewed the proposed development and adopted recommendations subsequently forwarded to Lee County pursuant to §380.06, Florida Statutes. The development, as proposed in the Application for Development Approval and modified by this amended Development Order, is consistent

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with the recommendations issued by the Southwest Regional Planning Council in accordance with §380.06(12).

G. The proposed conditions set forth below meet the criteria found in §380.05(15)(d), Florida Statutes.

H. ~~The request to amend the DRI Development Order to allow construction of a boardwalk and observation platform along the western edge of the Mangrove Preserve area and trim mangroves within the Preserve area to provide vistas for dwelling units is presumed to constitute a substantial deviation under § 380.06(19)(e)5.b, Florida Statutes. However, based upon the Developer's agreement to provide offsite mitigation and the conditions imposed on boardwalk location and mangrove trimming, the presumption has been rebutted and no additional regional impacts are precipitated by this amendment. The project buildout date is May 4, 2008.~~

I. ~~This constitutes the Fourth Amendment to the River's Edge Yacht and County Club DRI (aka Gulf Harbour) development order and is based upon the NOPC filed by Grosse Pointe Associates, Ltd.~~

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

A. ENERGY

1. The River's Edge development must comply with the Energy Code as adopted and in force at the time of commencement of each phase of the development.

2. River's Edge must construct a jogging and bicycle trail system as described in the Application for Development Approval (hereinafter referred to as the ADA) and the Master Site Plan. That system is to connect all points within the project. Benches and special parking areas are to be provided for bicycles and golf carts at each commercial and recreational area. That portion of the system alongside McGregor Boulevard must be built in conformance with the Lee County Comprehensive Bicycle Facilities Plan and is to be dedicated to the County.

3. The Developers of River's Edge must design all facilities for optimum energy efficiency utilizing state-of-the-art energy conservation techniques, including but not limited to the following:

- proper roof and wall insulation
- glazing
- energy efficient appliances
- structure orientation for solar energy and natural ventilation
- structural shading, e.g., inclusive of porch/patio areas in residential

EXHIBIT C

- units and utilization of roof overhangs for low-rise buildings
- proper landscaping throughout the project and planting of native shade trees and understory wherever appropriate for all active and passive recreation areas, streets and parking areas
- site design and landscaping to enhance energy conservation

4. River's Edge must cooperate with the Lee County Transit System in locating and providing bus stops and shelters within the development.

5. Alternate energy devices, such as solar collectors, may not be prohibited unless it is determined necessary for the protection of the health, safety and welfare of the residents of the River's Edge Yacht and Country Club DRI.

B. TRANSPORTATION

1. The River's Edge development is responsible for development of all roads and bike paths within the River's Edge development.

2. *Development Impact/Phasing Schedule.* The transportation impact assessment that forms the basis for this Development Order Amendment assumes the land uses and phasing schedule as set forth in attached Exhibit C with a project buildout date of May 4, 2005².

3. *Annual Monitoring Program.* Pursuant to ~~Section~~ §380.06(18), Florida Statutes, the River's Edge DRI must submit an "Annual Monitoring Report" to the Lee County Department of Transportation (LCDOT), the Southwest Florida Regional Planning Council (SWFRPC), and the Florida Department of Community Affairs (DCA) each year until project buildout. If the local government does not receive the annual report or receives notification that the regional planning agency or the state land planning agency has not received the report, the local government must request in writing that the ~~d~~Developer submit the report within ~~thirty~~ (30) days. The failure to submit the report after ~~thirty~~ (30) days may result in the temporary suspension of the Development Order by the local government. At a minimum, the monitoring report must contain a.m. and p.m. peak hour peak season traffic counts (with turning movements) and a professionally acceptable level of service analysis, mutually agreed upon by the Applicant's engineer, LCDOT, FDOT, SWFRPC and DCA, at all project access locations onto McGregor Boulevard (SR 867) as well as at the following regional roadway segments and all intersections included within and at the end of those segments:

²To obtain approval for the Third Amendment to the DRI, the applicant submitted a full transportation analysis, with a buildout horizon of 2005. Subsequent traffic analysis has not been submitted for review. Therefore, May 4, 2005 is the appropriate reference for purposes of traffic analysis.

EXHIBIT C

REGIONAL ROAD SEGMENTS

McGregor Boulevard (SR 867) from

Gladiolus Drive to Pine Ridge Road
Pine Ridge Road to Cypress Lake Drive
Cypress Lake Drive to College Parkway
College Parkway to Winkler Road

Cypress Lake Drive from

McGregor Boulevard to South Pointe Blvd.
South Pointe Blvd. to Winkler Road
Winkler Road to Summerlin Road

Gladiolus Drive from

Pine Ridge Road to A&W Bulb Road
A&W Bulb Road to Winkler Road

Pine Ridge Road from

Gladiolus Drive to McGregor Boulevard

San Carlos Boulevard from

Summerlin Road to Kelly Road
Kelly Road to Gladiolus Drive

INTERSECTIONS:

Gladiolus Drive at Pine Ridge Road
McGregor Boulevard at San Carlos Boulevard/Gladiolus Drive
McGregor Boulevard at Iona Road
McGregor Boulevard at south project entrance
McGregor Boulevard at north project entrance/Pine Ridge Road
McGregor at A&W Bulb Road
McGregor Boulevard at Cypress Lake Drive
San Carlos Boulevard at Kelly Road

The above off-site intersections and roadway segments were identified as significantly impacted by greater than 5% utilization of the adopted level of service volume in the traffic impact statement submitted for the 1999 Notice of Proposed Change. Peak season peak hour traffic counts and level of service calculations must be performed by the dDeveloper's traffic consultant and submitted as part of the annual monitoring report for the significantly impacted road segments.

EXHIBIT C

The purpose of this monitoring report is to: (1) determine if the projected traffic for the Year 2005 in the traffic impact assessment for River's Edge DRI Amendment is exceeded by actual impacts; (2) assist LCDOT and FDOT in determining the proper timing of necessary roadway improvements within the Lee Plan traffic district encompassing the River's Edge DRI (currently District 4); (3) determine the project's external trip generation compared to the estimate of 1,115 net new external trips.

The following is recognized and understood:

- a. Traffic counts may be obtained from original machine and manual peak hour counts, Lee County Traffic Volume Reports and other DRI developments with similar monitoring requirements and other generally acceptable sources.
- b. In the event that construction has not begun on the land uses identified above by the date the monitoring report is due, a letter to the above agencies documenting the development status on-site may be considered an acceptable replacement to the above traffic monitoring for that year.

4. *Site Related Improvements.* In addition to the payment of monies and other obligations specified in the Development Order Amendment, the Developer, or its successor, is required to construct, at no cost to Lee County and the Florida Department of Transportation, all site-related improvements deemed necessary by Lee County and the Florida Department of Transportation. The Developer, or its successors, must construct site-related roadway and intersection improvements within River's Edge DRI. The Developer must construct any site-related intersection improvements (including but not limited to signalization, if warranted, turn lanes, and additional through lanes found to be necessary by the governmental authority with jurisdiction of the roadway) as appropriate for the project's access intersections onto McGregor Boulevard (SR 867) throughout all phases of development.

When authorized by the Lee County Engineer or his designee, upon approval of plans by Lee County and FDOT, the Developer, or his successors, must build the necessary site related intersection improvements to achieve the adopted level of service for the following intersections:

McGregor Boulevard (SR 867) at

Pine Ridge Road/River's Edge North Entrance (The Developer's responsibility does not include the realignment of Pine Ridge Road)

River's Edge South Entrance

Site-related improvements include any improvement deemed site-related at the time of construction under the definition contained in the Lee County Roads Impact Fee

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or Development Standards regulations, as either may be amended or replaced. The Developer's obligation must include the full cost of design and engineering, drainage and utility relocation, right-of-way acquisition and dedication, construction of turn lanes, acceleration and deceleration lanes, construction inspection, contract administration, testing and signalization (as needed and warranted). The alignment, design, signalization, and construction schedule must be approved by the Lee County Engineer and FDOT. The Developer must pay the full cost for any site-related intersection improvements found necessary by the County or FDOT for the project's access.

5. *Right-of-Way Dedications.* The property owner(s) have previously dedicated right-of-way to allow widening and improvement of McGregor Boulevard (SR 867). The dedicated property has been appraised at \$191,000.

Additionally, the Florida Department of Transportation identified the need for a stormwater retention pond on the River's Edge site adjacent to McGregor Boulevard near the vicinity of Griffin Boulevard. The property owners dedicated this land to FDOT for the stormwater retention for the McGregor Boulevard widening improvements in 1995. The agreed upon value for this dedication was \$1,742,000.

The \$191,000 McGregor Boulevard widening right-of-way and the \$1,742,000 stormwater retention dedication is applicable to reduce the proportionate share of River's Edge DRI transportation impacts. The dedications are not eligible for road impact fee credits.

6. *Mitigation of Transportation Impacts:*

- a. As mitigation for the transportation impacts created by the development of River's Edge DRI in accordance with this amended development order the Developer, or its successors, must:
 - (1) dedicate property appraised at \$191,000.00 dollars for the McGregor Boulevard widening³; and
 - (2) dedicate property to Lee County for the stormwater retention area necessary for the McGregor Boulevard widening, subject to certified appraisals agreed upon by Lee County and the Developer and approved by the Lee County Department of County Lands, determining the fair market value for the dedication. If an agreement cannot be reached on the appraisal amount, then the two appraisers chosen by the Developer and Lee County respectively will chose a third

³ This obligation has been satisfied.

EXHIBIT C

independent appraiser to do an appraisal, and the value will be established by an average of the three appraisals⁴; and

(3) pay Lee County Road Impact Fees at the fee schedule in effect at the time building permits are issued by Lee County. The Road Impact Fees applicable to development of the River's Edge DRI as approved in accordance with the third development amendment are ~~currently~~ estimated to be \$2,935,689; and

b. Should the provisions of the roads impact fee regulations be repealed, made unenforceable or of no effect, they must nevertheless be required as payment for the transportation mitigation for the River's Edge DRI Development Order as described above.

c. The ~~d~~Developer is informed that the Lee County Board of County Commissioners may adopt an interim operation improvement program and that such program may be applicable to this development.

7. Nothing contained in this Development Order Amendment is to imply or supersede any Florida FDOT permitting requirements.

8. To fulfill the obligations of the ~~d~~Developer to provide infrastructure, systems, facilities, and services as required herein, the ~~d~~Developer may employ a number of alternative management and financing mechanisms, including a uniform community development district ("UCDD") pursuant to Chapter 190, Florida Statutes, a property owners association, and special assessments, all as applicable and as available by law. In the event the ~~d~~Developer elects to use a UCDD, the ~~d~~Developer will enter into a Developer's Agreement with Lee County. Such Developer's Agreement will delineate boundaries of the UCDD and must be subject to and not inconsistent with Chapter 190, Florida Statutes, and this Development Order. The various agencies that review this Development Order do not by accepting this condition waive any right they may have to comment on and review the management and financing mechanism chosen by the ~~d~~Developer to manage and finance infrastructure, systems, facilities, services, and improvements pursuant to this paragraph. Furthermore, nothing contained in this Development Order may be construed to exempt this development from participation in the funding, through Municipal Services Benefit Unit (MSBU) or a Municipal Services Taxing Unit (MSTU), or a special assessment district, of improvements to various State and County arterial and collector roads to the degree the development is benefitted and has not already mitigated its impacts.

⁴ This obligation has been satisfied. The agreed upon value is \$1,742,000. The ~~d~~Developer also agreed to forgo any claim relating to property values in excess of the agreed upon value for the stormwater retention parcel transferred to FDOT.

EXHIBIT C

9. River's Edge proportionate share responsibility for any improvements required in this Development Order is discharged in full upon payment of the entire proportionate share contribution due under the terms of this section.⁵ The contribution may not be reduced or refunded provided, however, that all other provisions of the Development Order also must govern.

10. If the proportionate share contribution due under the terms of this section is not paid in a timely manner, issuance of development approvals and building permits for River's Edge must immediately cease.

11. Compliance with all of the terms of the transportation related provisions of this development order must satisfy the substantive requirements related to regional transportation facilities of §§163.3177(10)(h) and 163.3202(2)(g), Florida Statutes (1989); Lee County concurrency regulations; the Lee County Comprehensive Plan, adopted pursuant to Chapter 163, Part II, Florida Statutes; and Rule 9J-5.0055, Florida Administrative Code, as they currently apply. Satisfaction of concurrency extends only through May 4, 20052010.

C. AIR QUALITY

The River's Edge development must comply with all applicable codes and apply for all required permits relative to air quality.

D. FIRE PROTECTION

The fire protection impacts created by development of River's Edge DRI will be mitigated by the payment of fire impact fees in accordance with the Lee County Land Development Code. No refund or credit for fire impact fees paid prior to the adoption of the third amendment to this development order will be issued.

E. PARKS

The park impacts created by development of River's Edge DRI will be mitigated by the payment of park impact fees in accordance with the Lee County Land Development Code. No refund or credit for park impact fees paid prior to the adoption of the third amendment to this development order will be issued.

⁵ Based upon the level of development approved through and including the Third Amendment to this development order, the only outstanding transportation mitigation payments due are the roads impact fees incurred at building permit issuance.

EXHIBIT C

F. SCHOOLS

River's Edge must provide off-street school bus loading zones for each development phase as deemed necessary by the Lee County School Board.

G. WATER SUPPLY, WATER QUALITY AND WILDLIFE HABITAT

1. No residential development may commence until sufficient water is available through a public water system to insure adequate fire flow, as well as a sufficient quantity of potable water, to adequately serve the residential development for which a building permit is requested.

2. During Phase I, River's Edge must plug all existing on-site wells in accordance with Lee County Division of Protective Services and South Florida Water Management District standards.

3. The River's Edge development must comply with the best management practices as defined by the South Florida Water Management District (SFWMD) with regard to the use of excavated areas and of wetlands acting as polishing and buffer areas and grassed swales for drainage purposes.

4. Pursuant to the drainage plans and permits approved by the SFWMD and the marina plans and permits approved by the Florida Department of Natural Resources, Florida Department of Environmental Protection, and U.S. Army Corps of Engineers, stormwater drainage will be collected within the drainage lake system and discharged via a system of weir control structures into spreader swales. Stormwater will not be discharged into the marina basin or the marina mitigation area. Direct discharge of water/effluent by River's Edge DRI into the Caloosahatchee River is prohibited. South Florida Water Management District plans for River's Edge, Phase One, Primary Drainage System Reference Plan, dated January, 1984, revised 12-27-84, Sheet 2 of 27, shows Lakes "O" and "L" running along Griffin Boulevard and Schultz Road, connected by a littoral zone at the northeast corner of the property at the corner of Schultz Road and Griffin Boulevard. Those two lakes must remain substantially in the configuration as shown on the Water Management District Plans referenced herein. Minor adjustments may be made but must not result in a net reduction of the area of Lakes "O" and "L" which must continue to run in an alignment as shown along Griffin Boulevard and Schultz Road.

- a. A row of shrubs and trees containing the Type "B" buffer vegetation (five trees and eighteen shrubs per 100 linear feet), suitably clustered subject to the approval of the Division of Environmental Sciences (DES), must be planted along the west side of the Lakes "O" and "L" along Griffin Boulevard. DES may not unreasonably withhold its approval.
- b. Littoral shelves as required in condition G.7. must be constructed along Lakes "O" and "L".

EXHIBIT C

- c. A Type "B" buffer must be placed in front of Lakes "D" and "G" at the project entrance as shown on Map H attached as Exhibit B.

5. For the riverfront lots the following vegetation management and maintenance guidelines apply:

- a. The following: spider lilies, golden polypody, giant leather fern, and golden leather fern, will hereinafter be referred to as "listed species." The ~~d~~Developer must provide a vegetation conservation buffer along the river, as shown by the surveyed preservation line on attached Exhibit D (Preservation Line Map stamped received 1-3-94), excluding the area approved for the marina basin construction, marina mitigation area, boat access and flushing channels, for the purpose of conserving existing native vegetation, planting additional native vegetation and allowing passive recreational uses. The buffer area must consist of the naturally vegetated area between the Caloosahatchee River and the refined preservation line described above. Additionally, the preservation areas include the entirety of the Eagles Perch Island. It is the intent of the refined vegetation preservation line to provide natural shoreline stabilization through native vegetation and to protect a unique vegetation/wildlife habitat.

It is understood, however, that visual access to the river from the rear of the lot through the vegetation in the buffer and preservation is desired by the ~~d~~Developer and may be allowed for specific, appropriate areas along the riverfront. Selective trimming of trees and vegetation within the preservation and buffer areas for this purpose may be permitted only in those areas specifically designated in this development order in the conditions specified below. Selective clearing for limited pedestrian access to the river via boardwalks or decks may also be permitted subject to the conditions specified below, but may not involve any dredge or fill activities of wetlands, any dredge or fill activities in the Caloosahatchee River, either the Eagles Perch Island or the Eagles Nest Island, nor involve preservation or buffer areas located west of a north-south line running through marker RP-44 as designated on Exhibit D and excluding the area identified on Exhibit F.

Access to the Eagle Perch Island must be allowed for purposes of 1) the removal and maintenance of invasive exotic vegetation; and 2) the limited pedestrian use. Access to the island and permitted activities are subject to the following conditions:

- (1) The Eagle Perch Island must be accessed via the dock/bridge located in the western portion of the marina basin as shown on the overall Marina Plan, dated October 5, 1993 attached as Exhibit E.

EXHIBIT C

- (2) The point of access to the Eagle Perch Island may be a maximum 8 feet wide. The point of access must have a gate or similar obstruction to impede unauthorized vehicle (e.g. golf cart) access, yet allow pedestrian passage.
 - (3) Golf carts are permitted on the Eagle Perch Island only when used for the intermittent removal and maintenance of invasive exotic vegetation.
 - (4) Pedestrian uses permitted on the Eagle Perch Island include walking, bird watching, and nature observation. Pedestrian uses not permitted include any activities that involve boardwalks, development, trimming or removing of vegetation.
 - (5) In the event bald eagles build a nest on the Eagle Perch Island, access to the island must be prohibited during the Southern bald eagle nesting season October 1 through May 15.
- b. The ~~d~~Developer must remove all Brazilian pepper, melaleuca, and Australian pine from the refined preservation area with minimal possible disturbance to existing native vegetation.
- c. No development, boardwalks, trimming, or clearing of vegetation is allowed in the following preservation areas as depicted on attached Exhibit D:
- (1) a complete ten foot ~~(10')~~ radius around any Cabbage Palm with the golden polypody located between marks RP-1 and RP-2;
 - (2) Eagles Perch Island;
 - (3) a complete ten foot ~~(10')~~ radius around the golden leather fern located nearly adjacent to RP-34;
 - (4) West of a north-south line running through RP-44 excluding the area depicted on Exhibit F which is subject to subsection G.5.d.

The following conditions apply to the remaining preservation and buffer areas not listed in (1) through (4) above:

Other than the removal of the exotics delineated above, there must be no removal of any trees or vegetation greater than or equal to four inches in diameter at breast height (4" D.B.H.), except that at least a maximum four foot wide pedestrian access, located outside the preservation areas specified above may be permitted on each lot notwithstanding other limitations.

EXHIBIT C

Selective removal/replacement and trimming of trees and vegetation may be permitted for the purpose of providing limited pedestrian access to the river via boardwalks or decks provided all necessary agency or governmental permits are issued as limited by condition G.5.a. above. However, at a minimum, the buffer must contain those trees that are greater than or equal to 4" D.B.H. as well as naturally existing native understory growth. However, those trees or shrubs that are less than 4" D.B.H., or existing native understory growth, may be removed for purposes of providing visual access to the river or pedestrian access as described herein if said understory vegetation is replaced with native coastal strand vegetation replacement stock of not less than one gallon-size nursery grown containerized stock planted for any understory or shrubs removed, with a guaranteed survival rate of ~~eighty percent~~ (80%) after three years. Those trees that are removed must be relocated or replaced with a similar size tree. In no case must more than ~~twenty percent~~ (20%) of the refined preservation buffer be impacted for purposes of pedestrian access.

- d. Selective trimming of native vegetation, one boardwalk with an observation deck, and one access walkover is allowed on the property described in Exhibit F, which is a portion of tract E, per the following conditions:

(1) Mangrove Trimming

- (a) Prior to any mangrove trimming within the 10 acre preserve adjacent to the Palmas del Sol condominiums the following must occur:
- i) The 10-foot wide rip-rap sill (breakwater) must be installed along the entire 10 acre mangrove preserve described in Exhibit F; and
 - ii) A Conservation Easement, approved by the County Attorney's Office, dedicated to Lee County and the Department of Environmental Protection (DEP) detailing the restrictions of the DEP mangrove trimming permit and the limited trimming of red mangrove must be recorded; and
 - iii) A deed donating and conveying clear title to Lee County or the State of Florida to the 11 acre parcel identified as STRAP 27-45-23-00-00005.0000 must be executed and recorded. Prior to recording, the deed must be reviewed and approved by the County Attorney's office. The applicant must pay all costs associated with the

EXHIBIT C

donation (e.g. surveys, closing fees, recording). Any exotic vegetation must be removed by hand from the 11 acre parcel prior to the County's acceptance of the donation.

- (b) Three ~~(3)~~ corridors, each the width of each of the buildings (240', 244' and 152' wide) and extending from the landward boundary of the property described in Exhibit F North Northwest to the Caloosahatchee River will have selective mangrove trimming and maintenance as described as follows and as shown on Exhibit G.
- (c) All mangrove trimming must be conducted as permitted by the Florida Department of Environmental Protection (FDEP) General Mangrove Permit File No. 36-0152741-0003, which includes but not limited to the following conditions:
 - (i) Mangrove Trimming must be supervised or conducted exclusively by a Professional Mangrove Trimmer.
 - (ii) No herbicide or other chemical may be used for the purpose of removing leaves of a mangrove.
 - (iii) Trimming must be conducted in stages so that no more than 25% of the foliage is removed annually, and the height and configuration of the mangroves trimmed under these general permits may be maintained.
 - (iv) The final height of trimmed mangroves to be maintained is 32' NGVD (approximately 30'+ from substrate). Only the mangroves within the mangrove trimming areas shown in Exhibit G may be trimmed. Because many of the trees in the mangrove trimming areas are less than 32' NGVD in height (as of June 2002), approximately thirty percent of the area will not be initially trimmed. Trees less than 32' NGVD in the mangrove trimming area will only be trimmed as they exceed 32' NGVD in the future to maintain the required elevation.
- (d) Red mangroves trimming is limited on the main trunk to branches above 32' NGVD with a diameter of 1" or less. All other branches above 32' NGVD will be trimmed in compliance with the FDEP Permit.
- (e) Once the final configuration and height (32' NGVD) is achieved, the trimming corridors will be maintained by annual trimming events.

EXHIBIT C

- (i) The property described in Exhibit F must be conveyed to the Palmas del Sol Condominium Association, subject to covenants and restrictions with respect to maintenance and use consistent with the Fourth Amendment to the DRI D.O.
- (ii) The observation deck is limited to a maximum of 400 square feet, and must meet the standards of fishing piers in Land Development Code Section 26-73. The access boardwalk to the observation deck is limited to a 5-foot width. The boardwalk and observation deck must be field located to avoid impacts to the existing mangrove forest and individual large mangrove trees. Placement of the boardwalk must be within the limits of the existing berm along the west boundary of the mangrove preserve. The boardwalk and observation deck must be in substantial compliance with the Boardwalk and Observation Deck/Mangrove Trimming Plan prepared by W. Dexter Bender and Associates (attached as two-page Exhibit G).
- (iii) A rip-rap revetment/breakwater system including red mangrove plantings shall be installed along the shoreline of the portion of the property described in Exhibit F to protect the shoreline from further erosion as shown on Exhibit H. The rip-rap sill must consist of rock material no less than 10-inches in diameter and no greater than 24-inches in diameter. The rock must be placed in a manner that does not damage the existing mangroves. Prior to issuance of a Certificate of Compliance for the rip-rap sill, the rip-rap must be planted with 3-gallon red mangrove seedlings or 3-gallon wetland plants such as leather fern placed 3-foot on center.
- (iv) A Lee County Dock and Shoreline Permit must be obtained for the boardwalk/observation deck and the rip-rap sill. A planting plan for the rip-rap sill showing the locations, species and container size must be submitted with the Dock and Shoreline Permit for the Division of Environmental Sciences staff review and approval.
- (v) The entire 10.17 acre preserve shown in Exhibit F must be placed under a conservation easement granted to Lee County. The easement document must be reviewed and approved by the County Attorney's Office prior to recording in the public records.

EXHIBIT C

- (vi) The nuisance plant Moon vine (*Ipomoea* sp.) must be killed in place by an appropriate herbicide in the portion of the subject property described in Exhibit F.
 - (vii) *Monitoring.* The trimming corridors must be monitored annually for a period of ten (10) years from the date of initial trimming. Annual reports will be submitted to Lee County Environmental Sciences that analyze tree health, canopy coverage, plant species present and wildlife observed.
 - (viii) The Division of Environmental Sciences staff must be notified prior to commencement of any mangrove trimming and invasive exotic vegetation removal. Invasive exotic vegetation removal must be done concurrently with the mangrove trimming. All invasive exotic vegetation including, but not limited to, Brazilian pepper, melaleuca, Australian pine, seaside mahoe, and carrotwood must be removed from the preserve area.
- e. Prior to the recording of a subdivision plat for riverfront lots, these vegetation maintenance and management guidelines must be included by the ~~d~~Developer in recorded deed restrictions applicable to any residential lots located adjacent to the river and must be enforceable by a homeowner's association as well as being made conditions of the DRI Development Order and local Development Order.
- f. Prior to any clearing in the single-family area along the river, there must be an on-site review by Lee County to insure that there is a complete radius of ~~twenty-five feet (25')~~ preserved around any giant leather ferns, ten feet ~~(10')~~ preserved around any golden leather fern or golden polypody, and that any spider lilies without a ten foot ~~(10')~~ radius of preserved area will be relocated or replaced on the River's Edge site with comparable nursery stock.
6. In the Marina mitigation area, prior to clearing or construction activity, a "listed species" vegetation survey must be conducted and any "listed species" located landward of the preservation line shown on Exhibit D must be relocated or replaced elsewhere on-site in a suitably similar habitat.

The spider lilies located near markers RP-21 and RP-22 and between RP-33 and RP-36 must be appropriately relocated and transplanted to appropriate habitat on the Eagles Perch Island by a qualified botanist hired by the ~~d~~Developer prior to development of the flushing channel at this site. The methodology, location and details of this relocation and transplantation must be reported in the next annual monitoring report required to be submitted. Three years after the relocation, or in the 1997 annual monitoring report,

EXHIBIT C

whichever occurs first, a qualified botanist hired by the ~~d~~Developer must report on the success or failure status of the relocation and discuss any discernible reasons surrounding the success or failure of the relocation.

7. For all manmade water bodies, except the marina basin, littoral shelves must be constructed at random locations along lake edges with a maximum depth of two (2) feet below the lake control elevation, and must be planted with native wetland vegetation. This work must be done concurrently with construction of the final water management system.

8. In the 1989-90 bald eagle breeding season a bald eagle nest was constructed in the "witches broom" top of an Australian Pine tree located within 25 feet of the existing River's Edge golf course. Pursuant to the Lee County Bald Eagle Management Ordinance, River's Edge prepared a Southern Bald Eagle Habitat Management Plan for the River's Edge Yacht and Country Club that has been adopted by Lee County. The provisions of that plan, as it may be amended from time to time, are incorporated into this development order.

A resolution (#93-09-70) amending the Habitat Management Plan was approved by the Lee County Commission in September, 1993. The amendment deleted the specific nest preservation measures outlined by the eagle management plan because the Florida Game Commission (FGC) and the Lee County Eagle Technical Advisory Committee (ETAC) determined the eagle nest abandoned and the perch tree had been blown down.

The resolution required the creation of a short term and long term plan encouraging bald eagles to continue utilizing River's Edge for perching and feeding. This plan must include:

- a. Designing and constructing an artificial perch for Eagle Perch Island. The structural design and placement of the perch must be subject to approval by the Lee County Eagle Technical Advisory Committee.
- b. A planting plan to install ~~thirty-five (35)~~ South Florida slash pine trees (*Pinus elliotti* var. *densa*), a minimum of eight (8) feet in height, on the Eagle Perch Island. The pines must be distributed and spaced to promote the growth of tall, straight trees with large crowns at the tops of the trees. The purpose of these pines is to provide future natural perching and roosting substrates for bald eagles.

The locations of the artificial perch and the pine plantings, including sizes and numbers, must be clearly illustrated on a local development order plan for the new marina. The artificial perch and the plantings must be installed and approved by Lee County Division of Natural Resources Management staff prior to issuance of the Certificate of Compliance for the marina.

EXHIBIT C

However, if the plan is further amended, the Southwest Florida Regional Planning Council and the Department of Community Affairs must be notified of the proposed amendment.

9. There must be no entrance ways from River's Edge directly onto Griffin Boulevard or Schultz Road.

I. HURRICANE MITIGATION

River's Edge must provide sufficient storm shelter space during the construction of the first 512 residential units to accommodate at least 24% of that population. Such shelter space must meet the following conditions:

1. Located at least 16' above MSL.
2. No structures located within 150' of the shoreline may be utilized as shelter space.
3. Designated shelter space must be located in the interior hallways and similar areas with no openings leading directly to the exterior.
4. Shelter space must be provided at a ratio of ~~twenty~~ (20') square feet per person.
5. A homeowners association must be established to coordinate and educate the development's residents as to the availability of shelter areas and procedures to follow during a storm event.
6. Structures that provide shelter space must be constructed to withstand 140 mph wind velocities and a professional engineer licensed and registered by the State of Florida must so certify.
7. Subsequent to construction of the shelter, River's Edge will provide comparative information and other data to assist Lee County in developing adequate on site storm shelter standards that may be included within the Lee County Building Code.
8. In lieu of the on-site storm shelter requirements set forth above, the River's Edge development may provide off-site storm shelter space. The space must be coordinated with and approved by the Lee County Emergency Management Services. The timing of this alternative must be as described above.

EXHIBIT C

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

1. This Codified Development Order Amendment constitutes a resolution of Lee County, adopted by the Board of County Commissioners in response to the River's Edge Yacht and Country Club DRI NOPC.

2. All commitments and impact mitigating actions volunteered by the dDeveloper in the Application for Development Approval, subsequent NOPC applications and supplementary documents not in conflict with conditions or stipulations specifically enumerated above are hereby incorporated by reference into this Development Order Amendment.

3. This Development Order Amendment is binding upon the dDeveloper, its successors and assigns. Those portions of this Development Order Amendment that clearly apply only to the project dDeveloper, will be binding upon any builder/developer who acquires any tract of land within the River's Edge Yacht and Country Club DRI.

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

5. All conditions, restrictions, stipulations and safeguards contained in this Resolution and Development Order Amendment may be enforced by either party hereto in an action at law or equity, and all costs of such proceedings, including reasonable attorneys' fees will be paid by the prevailing party.

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

7. If any portion or section of this Development Order Amendment is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision will not affect the remaining portions or sections of the Development Order Amendment, which will remain in full force and effect.

8. The approval granted by this Development Order Amendment is limited. Approval may not be construed to obviate the duty of the dDeveloper to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided.

EXHIBIT C

9. Subsequent requests for local development permits will not require further review pursuant to § 380.06, Florida Statutes, unless the Board of County Commissioners finds, after due notice and hearing, that one or more of the following occurs:

- a. A substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plan creates a reasonable likelihood of adverse regional impacts or other regional impacts not evaluated in the review by the Southwest Florida Regional Planning Council; or
- b. Expiration of the period of effectiveness of this Development Order.

Upon a finding that either of the above has occurred, the Board may order a termination of all development activity until a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with §380.06, Florida Statutes.

10. ~~This Development Order Amendment otherwise terminates on May 4, 2005, unless an extension is approved by the Board.~~ The established buildout date under this Development Order Amendment is May 4, 20052008, and the termination date is May 4, 2010, unless an extension is granted by the Board. No permits for development will be issued by the County subsequent to the termination date, or expiration date, unless the conditions set forth in F.S. §380.06(15)(g) are applicable.

11. An extension of the buildout or termination date may be granted by the Board of County Commissioners if the project has been developing substantially in conformance with the original plans and approval conditions, and if no substantial adverse impacts not known to the Southwest Florida Regional Planning Council or to Lee County at the time of their review and approval, or arising due to the extension, have been identified. Future requests to extend time will be evaluated cumulatively with past requests in accordance with F.S. §380.06(19). For the purpose of calculating when a buildout date has been exceeded, the time is tolled during the pendency of administrative and judicial proceedings relating to development permits.

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

13. The development will not be subject to down-zoning, or intensity reduction, for five (5)-years following the date this Development Order Amendment is approved, unless the County demonstrates that substantial changes have occurred in the conditions underlying the approval of this Development Order amendment including, but not limited to such factors as a finding that the Development Order Amendment was based on substantially inaccurate information provided by the dDeveloper, or that the change is clearly established by local government to be essential to the public health, safety and welfare.

EXHIBIT C

14. The dDeveloper, or its successor in title to the undeveloped portion of the subject property, must continue to submit a biennial report ~~annually~~ to Lee County, the Southwest Florida Regional Planning Council, the State land planning agency (the Department of Community Affairs), and all affected permit agencies. This report must describe the state of development and compliance as of the date of submission, and must further be consistent with the rules of the State land planning agency. The ~~annual~~ biennial report must include information required by Florida Statutes §380.06.

The first monitoring report must be submitted to the Administrative Director of the Department of Community Development not later than one year after the effective date of this Development Order Amendment, and further reporting must be submitted not later than May 1st of subsequent calendar years thereafter, until buildout. Failure to comply with this reporting procedure is governed by §380.06(18) Florida Statutes, and the dDeveloper must so inform any successor in title to any undeveloped portion of the real property covered by this Development Order. This may not be construed to require reporting from individual tenants.

15. Certified copies of this Development Order Amendment will be forwarded to the Southwest Florida Regional Planning Council, the Applicant, and appropriate state agencies. This Development Order Amendment is rendered as of the date of that transmittal, but is not effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order Amendment becoming effective, the dDeveloper must record a notice of its adoption in accordance with § 380.06(15), Florida Statutes.

THE MOTION TO ADOPT this Resolution approving and adopting this Development Order Amendment was offered by Commissioner Albion and seconded by Commissioner Janes and upon poll of the members present, the vote was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Tammy Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 31st day of October, 2005.

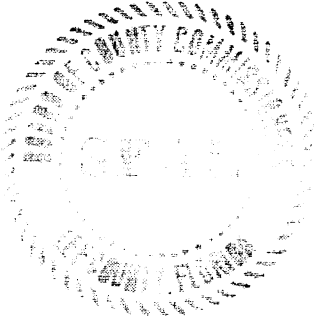
EXHIBIT C

ATTEST:
Charlie Green, Clerk

By: *Spa Pierce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: *M Hall*
Chairman



APPROVED AS TO FORM

By: *Dawn E. Perry-Lehnert*
Dawn E. Perry-Lehnert
County Attorney's Office

Attachments:

- Exhibit A - Legal Description
- Exhibit B - Map H
- Exhibit C - Phasing Schedule
- Exhibit D - Sketch of Preservation Line Map - dated 10-13-93
- Exhibit E - Overall Marina Plan - dated October 5, 1993
- Exhibit F - Sketch of Phase 4 Preservation Area dated 5-1-2002
- Exhibit G- Boardwalk and Observation Deck/Mangrove Trimming Plan
2 page exhibit prepared by Dexter Bender & Associated dated 6-26-2002 and 6-19-2002 respectively
- Exhibit H - Rip Rap detail

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State of Florida
County of Lee

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

Given under my hand and official seal at
Fort Myers, Florida, this 4th day of
November, A.D. 2005

CHARLIE GREEN, CLERK
By: *Spa Pierce*
Deputy Clerk



CAO FINAL October 31, 2005

S:\LUDR\FINALDO\River's Edge\River's Edge aka Gulf Harbour - 5th amendment.wpd

EXHIBIT A
LEGAL DESCRIPTION
Property located in Lee County, Florida

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTIONS 29, 30, & 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(GULF HARBOUR)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 29, 30, AND 31, TOWNSHIP 45 SOUTH RANGE 24 EAST, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE S89°19'35"W (BEARINGS BASED ON THE FLORIDA COORDINATE SYSTEM, WEST ZONE) ALONG THE SOUTH LINE OF SAID SECTION 30 FOR 425.34 FEET TO THE INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (80 FEET FROM CENTERLINE), BEING THE NORTHWESTERLY LINE OF LANDS CONVEYED BY DEED RECORDED IN OFFICIAL RECORDS BOOK 1837, PAGE 2982 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING, THENCE N49°27'05"E ALONG SAID RIGHT-OF-WAY 556.64 TO THE INTERSECTION WITH THE EAST LINE OF SAID SECTION 30; THENCE CONTINUING N49°27'05"E ALONG SAID RIGHT-OF-WAY LINE INTO SAID SECTION 29 FOR 202.49 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE TO THE NORTHWEST AND SAID RIGHT-OF-WAY LINE FOR 141.67 FEET, RADIUS 2212.00 FEET, CHORD OF 141.65 FEET BEARING N47°37'00"E; THENCE N45°46'55"E ALONG SAID RIGHT-OF-WAY LINE FOR 1444.31 FEET; THENCE N00°44'41"W, LEAVING SAID RIGHT-OF-WAY, ALONG THE WESTERLY LINE OF TRACT "B" PALMETTO POINT, AS RECORDED IN PLAT BOOK 29, PAGES 21 THROUGH 23 OF SAID PUBLIC RECORDS, AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF GRIFFIN BOULEVARD (50 FEET WIDE) FOR 3603.97 FEET; THENCE N89°37'45"W, LEAVING SAID RIGHT-OF-WAY LINE PARALLEL WITH AND 100 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 29 FOR 1279.05 FEET TO THE INTERSECTION WITH THE EASTERLY LINE OF SAID SECTION 30; THENCE N89°37'45"W PARALLEL WITH AND 100 FEET SOUTH OF THE NORTHERLY LINE OF SAID SECTION 30 FOR 554 FEET, MORE OR LESS, TO THE WATERS OF THE CALOOSAHATCHEE RIVER, THEN SOUTHWESTERLY AND WESTERLY ALONG THE WATERS OF THE CALOOSAHATCHEE RIVER FOR 6690 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE WESTERLY LINE OF SAID SECTION 30 WHICH BEARS N01°03'43"W FROM THE SOUTHWEST CORNER OF SAID SECTION 30; THENCE S01°03'43"E ALONG THE WESTERLY LINE OF SAID SECTION 30 FOR 2049 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID SECTION 30; THENCE N88°46'47"E ALONG THE SOUTHERLY LINE OF SAID SECTION 30 FOR 1317.12 FEET TO THE SOUTHEAST CORNER OF GOVERNMENT LOT 2; THENCE S01°06'09" ALONG THE WESTERLY BOUNDARY LINE OF THE LANDS OF RIVER'S EDGE 3, A CONDOMINIUM AS RECORDED IN OFFICIAL RECORD BOOK 1783, PAGE 3709 OF SAID PUBLIC RECORDS, FOR 665.51 FEET TO THE SOUTHWEST CORNER OF

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PAGE 1 of 3

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EXHIBIT A
LEGAL DESCRIPTION
Property located in Lee County, Florida

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 31; THENCE N.88°51'11"E. ALONG THE SOUTH BOUNDARY LINE OF SAID CONDOMINIUM LANDS AND THE SOUTH LINE OF SAID FRACTIONAL SECTION FOR 593.45 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID CONDOMINIUM LAND; THENCE CONTINUE N88°51'11"E ALONG THE SOUTH LINE OF SAID FRACTIONAL SECTION FOR 65.45 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 31; THENCE S01°09'19"E ALONG THE WESTERLY LINE OF SAID FRACTION OF SECTION 31 FOR 666.27 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION OF SECTION 31; THENCE N88°55'32"E ALONG THE SOUTHERLY LINE OF SAID FRACTION SECTION 31 FOR 659.51 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 31; THENCE N89°11'55"E ALONG THE SOUTHERLY LINE OF SAID FRACTIONAL SECTION FOR 542.56 FEET; THENCE N01°07'54"W ALONG THE WESTERLY BOUNDARY LINE OF LANDS CONVEYED BY DEED RECORDED IN OFFICIAL RECORD BOOK 2125, PAGE 2439, FOR 221.20 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE N65°09'03"E ALONG THE NORTHWESTERLY BOUNDARY LINE OF SAID LANDS FOR 163.03 FEET TO THE MOST NORTHERLY CORNER OF SAID LANDS; THENCE S40°32'55"E ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID LANDS, ALONG A LINE PERPENDICULAR WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD FOR 164.14 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (80 FEET FROM CENTERLINE), BEING THE NORTHWESTERLY LINE OF LANDS CONVEYED BY DEED RECORDED IN RECORD BOOK 1837, PAGE 2982 OF SAID PUBLIC RECORDS; THENCE N49°27'05"E ALONG SAID RIGHT-OF-WAY LINE FOR 1826.43 FEET TO THE SOUTH LINE OF SAID SECTION 30 AND THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY.

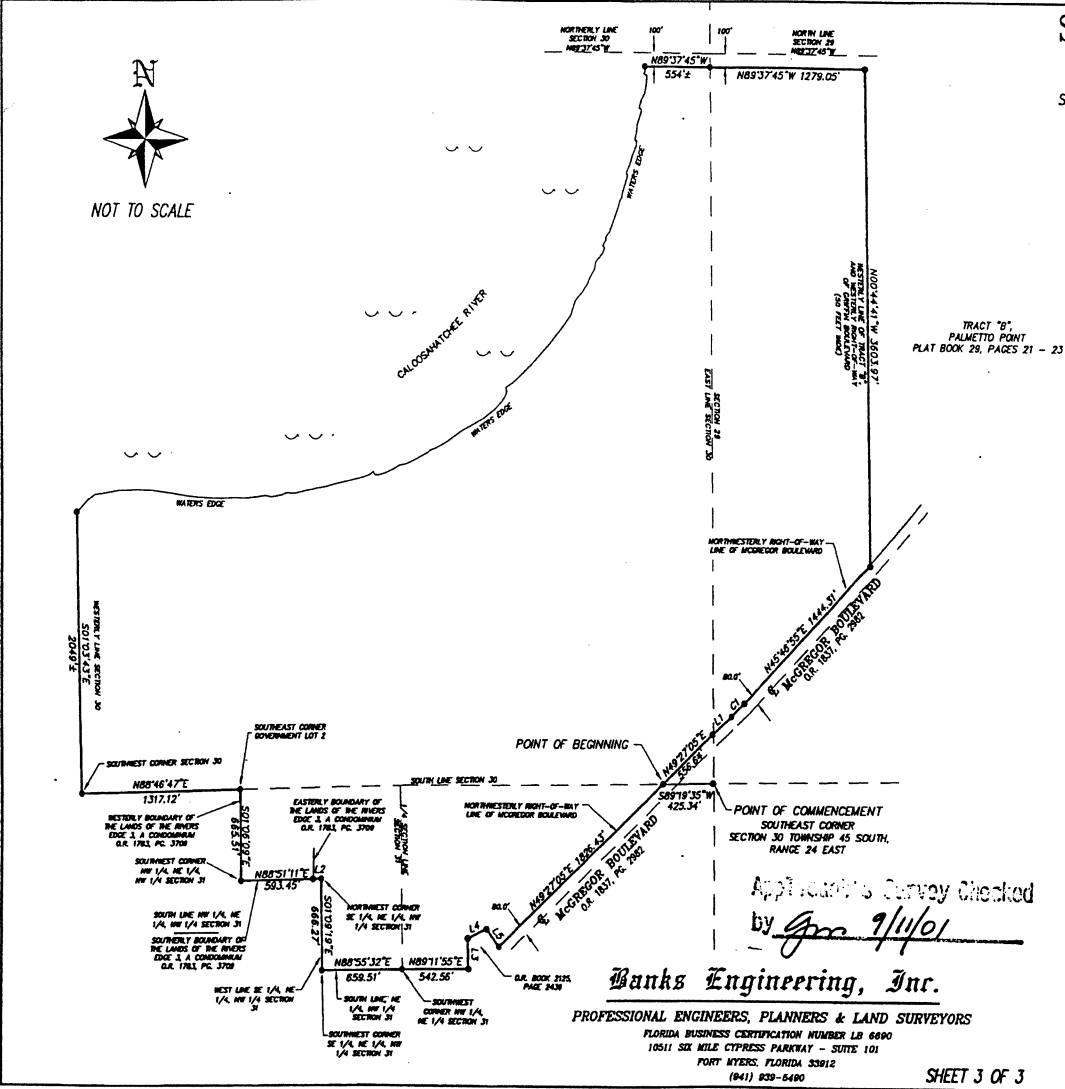
BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTH EAST QUARTER OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING S.89°19'35"W.

SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

DESCRIPTION PREPARED 7/31/01.

DRI2005-00004

RECEIVED
MAY 03 2005



SKETCH OF DESCRIPTION

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 29, 30 AND 31 TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(GULF HARBOUR)

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N49°27'05"E	202.49'
L2	N88°51'11"E	85.45'
L3	N01°07'54"W	231.20'
L4	N85°09'03"E	163.03'
L5	S40°32'55"E	164.14'

CURVE TABLE					
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	2212.00'	03°40'11"	141.87'	N47°37'00"E	141.65'

LEGEND
O.R. INDICATES OFFICIAL RECORDS BOOK,
LEE COUNTY PUBLIC RECORDS
PG INDICATES PAGE
L1 INDICATES LINE NUMBER
C1 INDICATES CURVE NUMBER

SEE SHEETS 1-3 OF 4
FOR COMPLETE
METES AND BOUNDS DESCRIPTION

THIS SKETCH
OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

SEE SHEETS 1-3 OF 4
FOR COMPLETE METES AND BOUNDS DESCRIPTION

THM 9-10-01

THOMAS R. LEHNERT, JR., P.S.M.
FLORIDA CERTIFICATION NO. 5541

- THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Banks Engineering, Inc.
PROFESSIONAL ENGINEERS, PLANNERS & LAND SURVEYORS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(841) 839-5400

SHEET 3 OF 3

DRI2005-00004

RECEIVED
MAY 03 2005

NOTES:

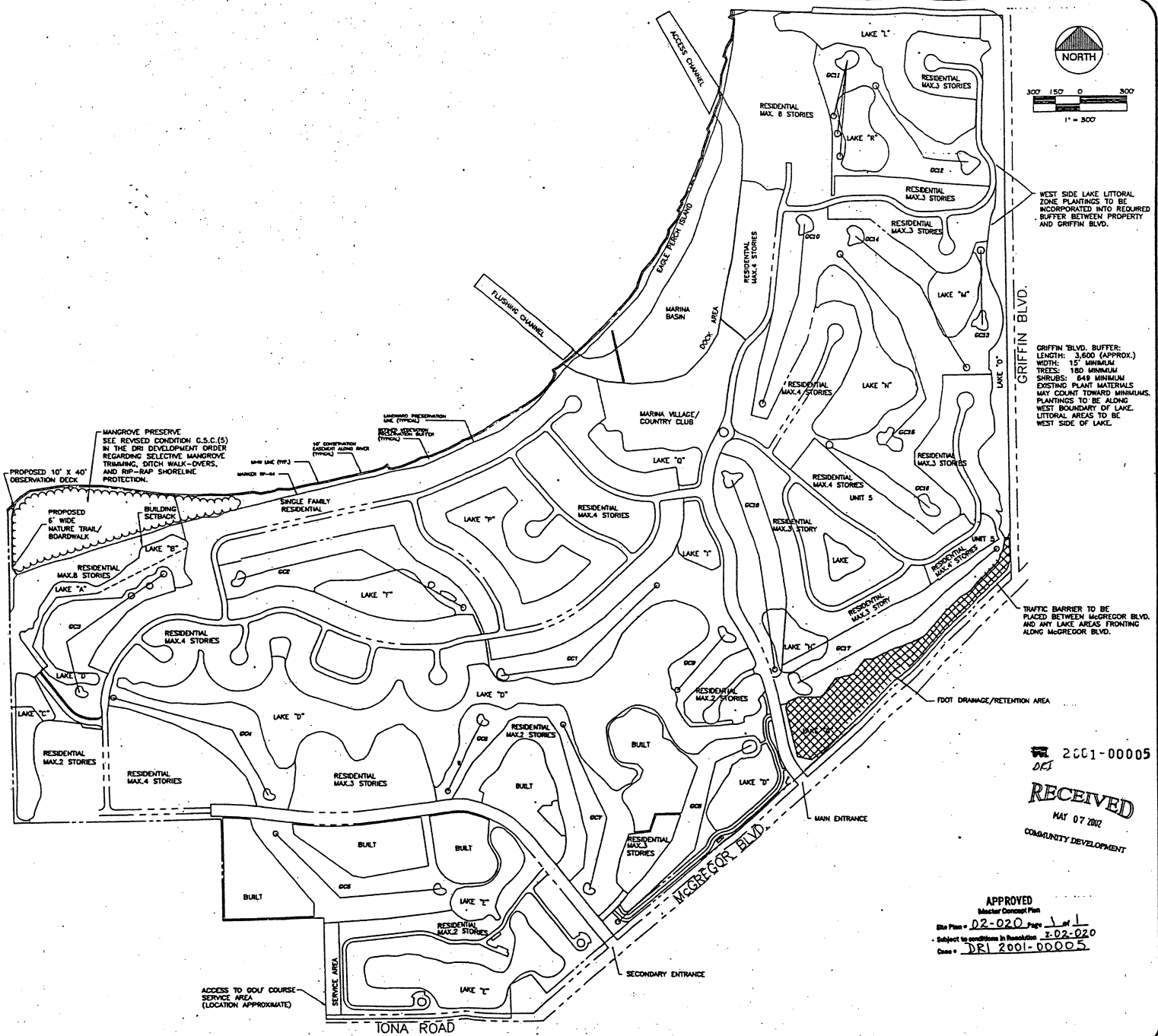
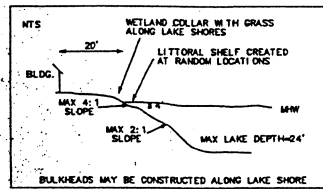
1. RESIDENTIAL TRACTS WILL NOT EXCEED DENSITIES AND HEIGHT LIMITATIONS SET FORTH IN ORDINANCE 84.16, AS MAY BE AMENDED.
 2. A CONSERVATION EASEMENT HAS BEEN CONVEYED TO THE STATE ALONG THE PROJECT'S CALOOSAHATCHEE RIVER FRONTAGE TO A DEPTH OF TEN FEET MEASURED FROM MHW.
 3. THE PREVIOUSLY APPROVED GOLF CLUB AND TENNIS/SWIM CLUB FACILITIES WILL BE LOCATED AS SHOWN WITHIN THE MARINA VILLAGE. THESE FACILITIES INCLUDE THE MARINA ADMINISTRATION, MARINA AND MARINE SUPPLY SALES, FUEL SALES, THE GOLF CLUB PRO SHOP, THE TENNIS CLUB PRO SHOP, THE GOLF CLUB DINING, LOUNGE, AND HEALTH CLUB FACILITIES, AND PROJECT SALES AND ADMINISTRATION OFFICES.
 4. PROJECT ENTRANCE LOCATIONS CONFORM TO THE JUNE 12, 1994 APPROVED PLAN. GATEHOUSES ARE PERMITTED AT THE PROJECT ENTRANCES AND INDIVIDUAL TRACT ENTRANCES.
 5. THE MAXIMUM HEIGHT OF ANY BUILDINGS IN THIS PLAN IS 8 STORIES.
 6. THE MARINA BASIN AND MITIGATION AREAS, AS SHOWN ON THESE PLANS, SHALL CONFORM TO THE PERMIT REQUIREMENTS SET FORTH IN THE PERMIT NUMBER 361061749 ISSUED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION (DER) AS MAY BE AMENDED FROM TIME TO TIME, WHERE NOT IN CONFLICT WITH OTHER CONDITIONS OF THE CORRESPONDING DEVELOPMENT ORDER CONDITIONS FOR THIS PROJECT.
 7. RESIDENTIAL LAKE AND GOLF COURSE AREA LINES SHOWN ON THIS PLAN ARE INCLUDED FOR CONCEPTUAL ILLUSTRATION PURPOSES ONLY. FINAL AREA LINES SHALL BE DETERMINED AT THE TIME OF LOCAL DEVELOPMENT ORDER PERMITTING. HOWEVER, THAT THE TOTAL NUMBER OF ACRES DEVOTED TO PARTICULAR USES SHALL BE CONSISTENT WITH THE DER DEVELOPMENT SUMMARY ACREAGE AMOUNTS SET FORTH HEREIN, AND PROVIDED, FURTHER, THAT THE MANGROVE PRESERVE AREA SHALL BE LOCATED AS DEPICTED HEREIN, AND THE MARINA BASIN SHALL BE BUILT AT THE LOCATION IN ACCORDANCE WITH THE FLORIDA DEPT. OF ENVIRONMENTAL PROTECTION PERMIT #361061749, AS MAY BE AMENDED FROM TIME TO TIME. IT IS THE INTENT OF THE DEVELOPER TO BE ABLE TO LOCATE LAKES, GOLF COURSE AREAS, ROADS, AND RESIDENTIAL PRODUCT TYPES IN ITS SOLE DISCRETION WITHIN THE BOUNDARIES OF THE DEVELOPMENT SUBJECT TO THE MINIMUM TOTALS REQUIRED AND/OR ALLOWED FOR LAKES, OPEN SPACE, AND SPECIFIC RESIDENTIAL PRODUCT TYPES AS SET FORTH IN THE DEVELOPMENT SUMMARY.
- B. LOT SCHEDULE:**
- LOCAL STREETS - 15'
COLLECTOR/ARTERIAL STREETS - 25'
SIDE - 5' MIN.
REAR - 10'
MANMADE WATER BODIES - 10'
NATURAL WATER BODIES - 25'
MARINA - 0'

DEVELOPMENT SUMMARY:

LAND USE	ACREAGE
RESIDENTIAL (INCLUDES EXISTING RESIDENTIAL, PROPOSED RESIDENTIAL, MARINA VILLAGE, LESS PRIVATE OPEN SPACE)	197.7
INTERNAL ROAD PAVEMENT (APPROXIMATE)	12.0
LAKES (WATER MANAGEMENT)	70.0
MARINA BASIN AND MITIGATION AREAS	17.2
OPEN SPACE (INCLUDES VEGETATION/PRESERVATION BUFFER, PRIVATE OPEN SPACE, MANGROVE PRESERVATION, OTHER OPEN SPACE)	250.7
TOTAL ACREAGE	547.6

UNITS:

PREVIOUSLY CONSTRUCTED (AREAS LABELED "BUILT"):	215
TOTAL UNITS APPROVED BY 1992 AMENDMENT:	2,071



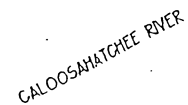
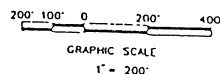
RIVER'S EDGE YACHT AND COUNTRY CLUB DRI
(GULF HARBOUR YACHT AND COUNTRY CLUB)
PROPOSED PHASING PLAN
AMENDED TABLE 12B-1

<u>PHASE</u>	<u>DEVELOPMENT IMPROVEMENTS</u>	<u>YEARS</u>
1	215 Multi-Family Units Golf Course Temporary Clubhouse Temporary Pro Shop Sales/Administrative Offices	1-12
2	155 Single-Family Units 343 Multi-Family Units Marina (190 Berths) Clubhouse Facilities Sales/Administrative Offices Tennis Club (8 Courts)	13-14 1994-1995
3	633 Single Family Units 641 Multi-Family Units	15-24 <u>27</u> 1996-200 <u>58</u>

Total Single-Family Units: 788
Total Multi-Family Units: 1199
Total Dwelling Units: 1987
Total Freestanding Commercial: 0
Ancillary to Principal Uses
(Private Residential Tennis and Golf Pro
Shops, Marina Support Services)
Restaurant and Lounge Facilities Contained within Clubhouse
No Hotel/Motel Units Proposed



A graphic scale is shown below the profile view, with markings for 200', 100', 0, 200', and 400'. Below the scale, the text "GRAPHIC SCALE" and "1" = 200'" is printed.



PRESERVATION AREA
BETWEEN CHANNELS
135+ ACRES
3694+ SQ. FT.

PROG 20 F: 12
200- 40:5
1000- 2, 1
10 AMH.

PROPOSED PARTIAL
16 50- ACRES
722213- 50.1
10 AMW.

PRESERVATION AREA
BETWEEN CHANNELS
135+ ACRES
3094+ SQ. FT.

PROPOSED PARTIAL
16 50- ACRES
722213- 50.1
10 AMW.

PRESERVATION AREA
SOUTHERLY OF CHANNEL
1402+ ACRES
6100% SQ. FT.

142 113
PLACED BY THE PRISONER AND I FOUND THE PRISONER
I LOCATED THE BODY AS DESCRIBED IN THE REPORT

RIVER'S EDGE YACHT AND COUNTRY CLUB

EXHIBIT D

LIFE TABLE[illegible]

LEGEND:
LAWYER: IMMEDIATELY TO THE RIGHT
ID# ARE SO. PLEASE USE
SOUND FEEL AND
NOVO. NOVAE CROATIA VERTICAL DATE OF 1971

RECEIVED

NOV 06 200

NOTES:
THIS SKETCH PREPARED BASED ON
INFORMATION SUPPLIED BY THE CLERK

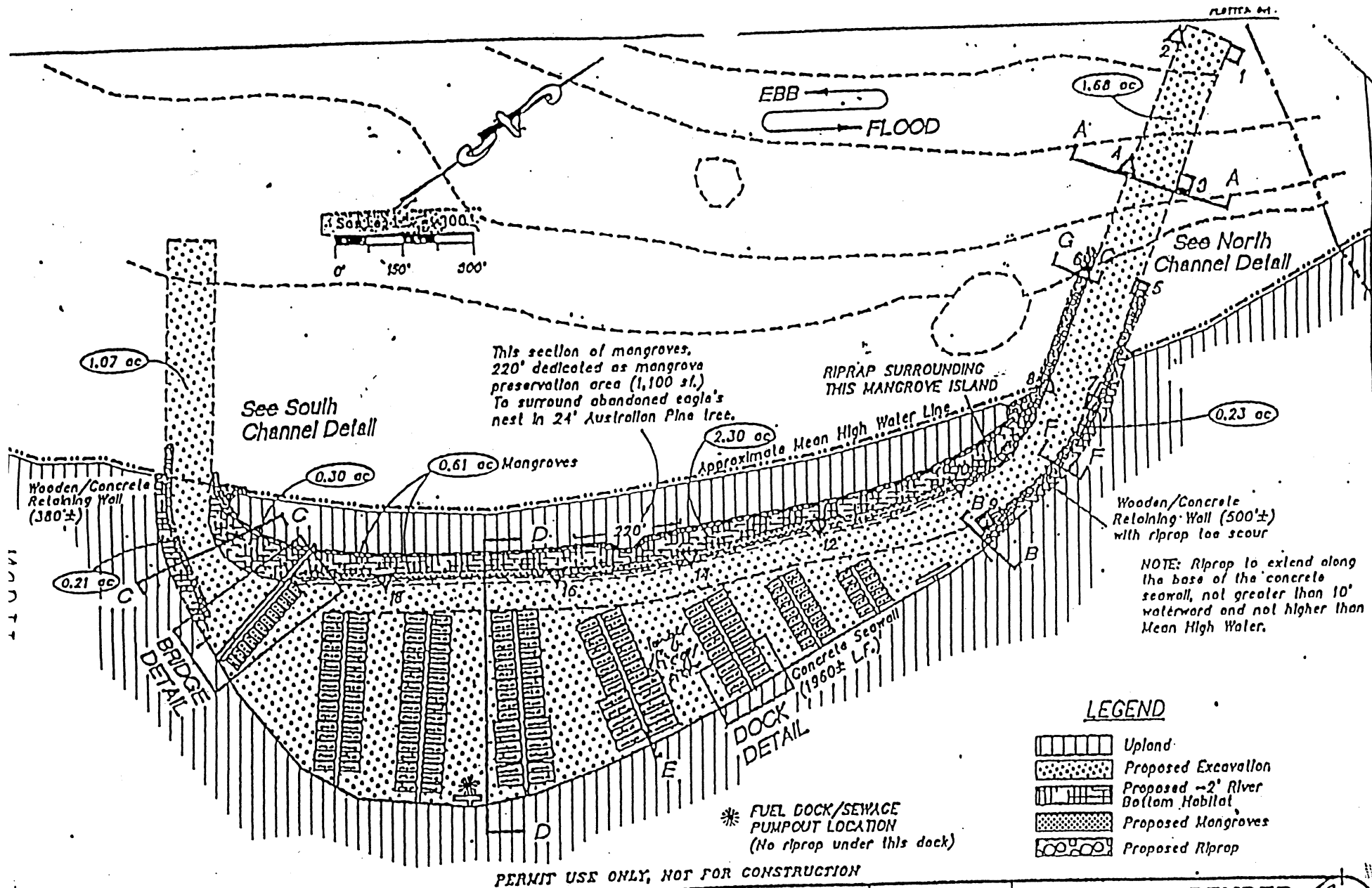
COMMUNITY DEVELOPMENT

REF 2001-00005

IT'S IS NOT A BOUNDARY SURVEY

Robert E. Bush
ROBERT E. BUSH
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 4664

KAT SURVEY GROUP, INC.	1011
10111 The main Express Turnpike, L.H. 6	1012
Fort Worth, Texas 76111	1013
Phone (817) 715-1000 Fax (817) 715-1010	1014
and fax for	1015
MORRIS-DEWE ASSOCIATES	1016



DATE
30/93

17

FLORIDA DESIGN
COMMUNITIES, INC.

Overall Marina Plan

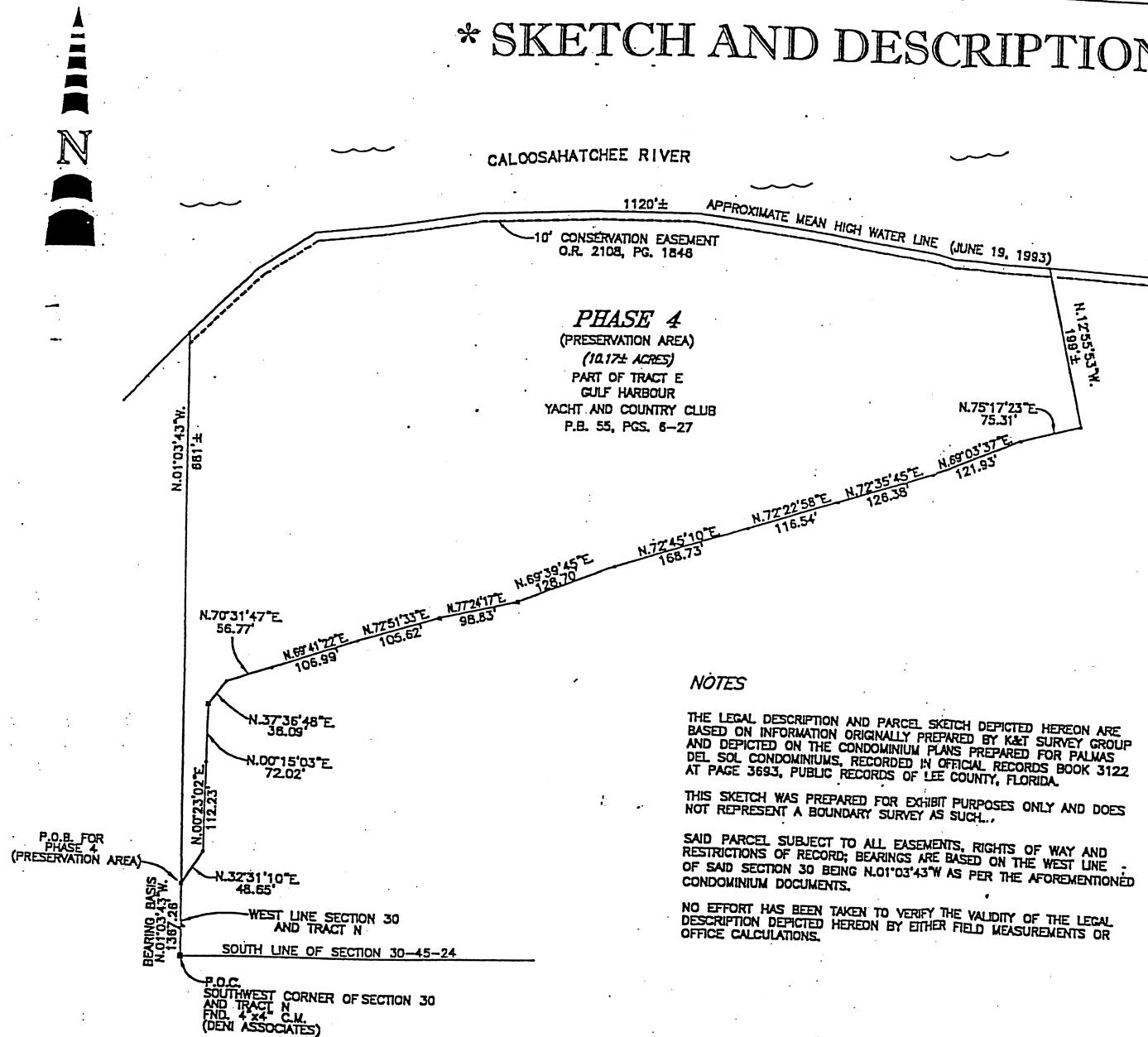
DRAWN BY: JAW
REVISED: 9/2/93
9/23/93
10/5/93

W. DEXTER BENDER
AND ASSOCIATES
1625 HENDAY ST. SUITE 201
FORT MYERS, FL 33901



EXHIBIT E

* SKETCH AND DESCRIPTION *



NOTES

THE LEGAL DESCRIPTION AND PARCEL SKETCH DEPICTED HEREON ARE BASED ON INFORMATION ORIGINALLY PREPARED BY K&T SURVEY GROUP AND DEPICTED ON THE CONDOMINIUM PLANS PREPARED FOR PALMAS DEL SOL CONDOMINIUMS, RECORDED IN OFFICIAL RECORDS BOOK 3122 AT PAGE 3693, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THIS SKETCH WAS PREPARED FOR EXHIBIT PURPOSES ONLY AND DOES NOT REPRESENT A BOUNDARY SURVEY AS SUCH.

SAID PARCEL SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD; BEARINGS ARE BASED ON THE WEST LINE OF SAID SECTION 30 BEING N.01°03'43\"/>

NO EFFORT HAS BEEN TAKEN TO VERIFY THE VALIDITY OF THE LEGAL DESCRIPTION DEPICTED HEREON BY EITHER FIELD MEASUREMENTS OR OFFICE CALCULATIONS.

LEGEND

P.B.	POINT OF BEGINNING, PHASE TWO
O.R.	OFFICIAL RECORDS BOOK, LEE COUNTY PUBLIC RECORDS
P.L.	PLAT BOOK, LEE COUNTY PUBLIC RECORDS
P.L.	PAGE
D.R. & U.E.	DRAINAGE AND UTILITY EASEMENT
LS	LICENSED SURVEYOR
C.M.	CONCRETE MONUMENT
C.E.	COMMON ELEMENT
L.C.E.	UNITED COMMON ELEMENT
P.C.P.	PERMANENT CONTROL POINT

DESCRIPTION
OF PALMAS DEL SOL CONDOMINIUM, PHASE 4
(PRESERVATION AREA)
LYING IN SECTION 30, TOWNSHIP 45 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 30, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING A PART OF TRACT "E", GULF HARBOUR YACHT AND COUNTRY CLUB SUBDIVISION AS RECORDED IN PLAT BOOK 55, PAGES 6 THROUGH 27, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 30 AND THE SOUTHWEST CORNER OF SAID TRACT "N" OF GULF HARBOUR YACHT AND COUNTRY CLUB; THENCE ALONG THE WEST LINE OF SAID SECTION 30 AND SAID TRACT "N", N.01°03'43\"/>

PARCEL CONTAINS 10.17 ACRES, MORE OR LESS;

PREPARED BY:

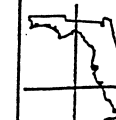
Scott M. Shore
SCOTT M. SHORE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5743

5-1-2002
DATE

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

* THIS IS NOT A SURVEY *

TITLE: PRESERVATION AREA / PALMAS DEL SOL



MERIDIAN
SURVEYING & MAPPING, LLC

LAND SURVEYORS - PLANNERS

L.B# 7071

5248 RAMSEY WAY, SUITE #2
FORT MYERS, FLORIDA 33907
PHONE: (841) 273-1573
FAX: (841) 273-8457

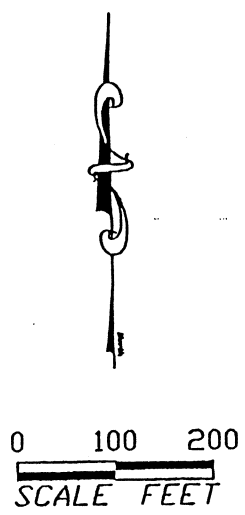
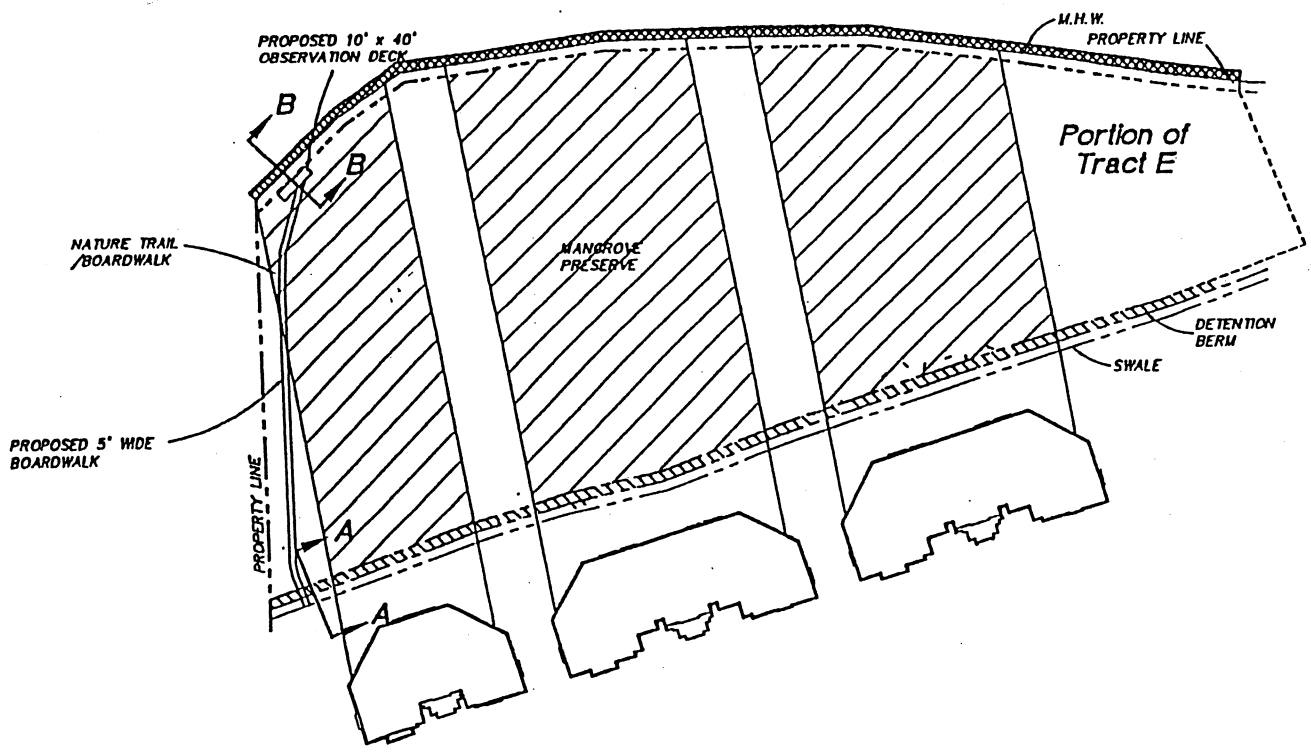
www.meridianfl.com

FILE NAME	2248SK.DWG	FIELD BOOK/PAGE	N/A	PROJECT NO.	2248	SHEET	1 OF 1
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SECTION: 30
TOWNSHIP: 45 S
RANGE: 24 E

Boardwalk and Observation Deck/Mangrove Trimming Plan

Caloosahatchee River



- Proposed Mangrove Trimming Area
Trim Trees to 32' NGVD (30'± from substrate)
- Proposed Riprap Shoreline Protection

**PERMIT USE ONLY,
NOT FOR CONSTRUCTION**

June 28, 2002 9:10:37 a.m.
Drawing: GROSSNOTICE.DWG (DCS)

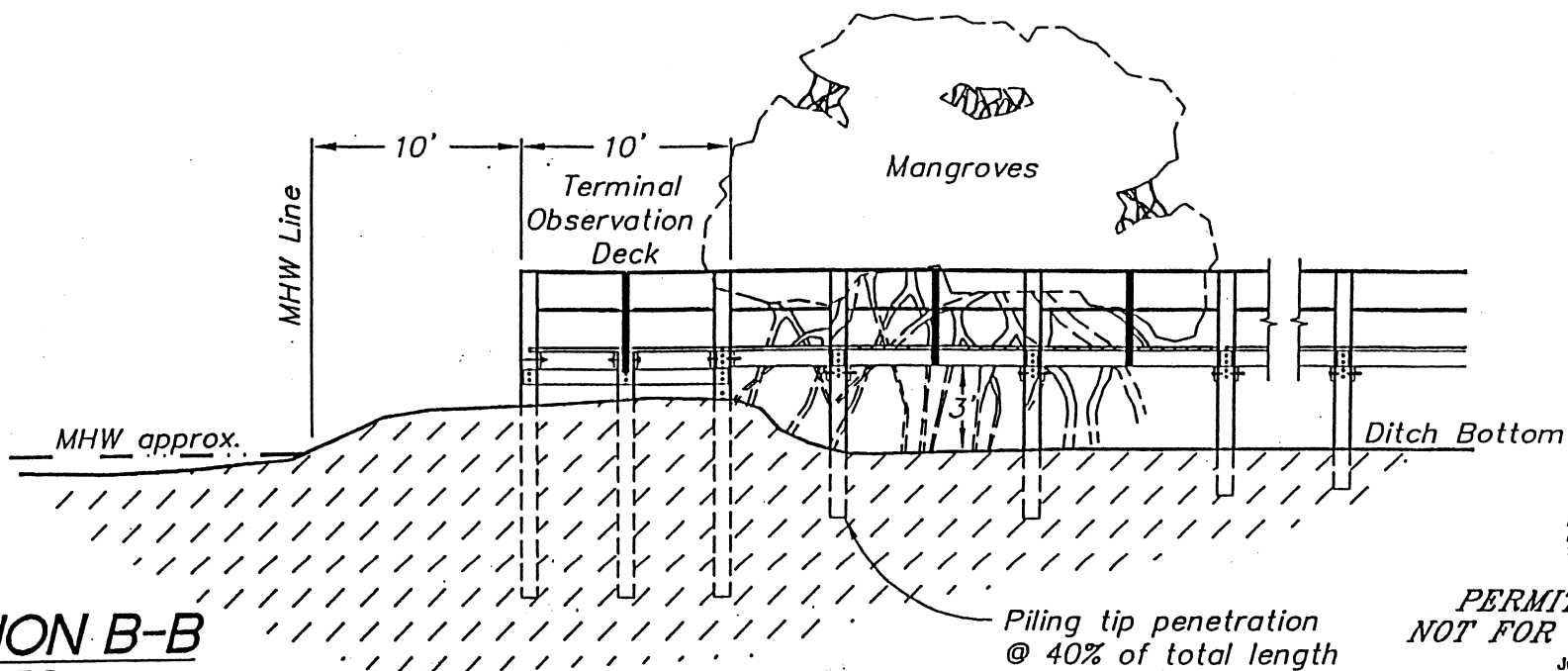
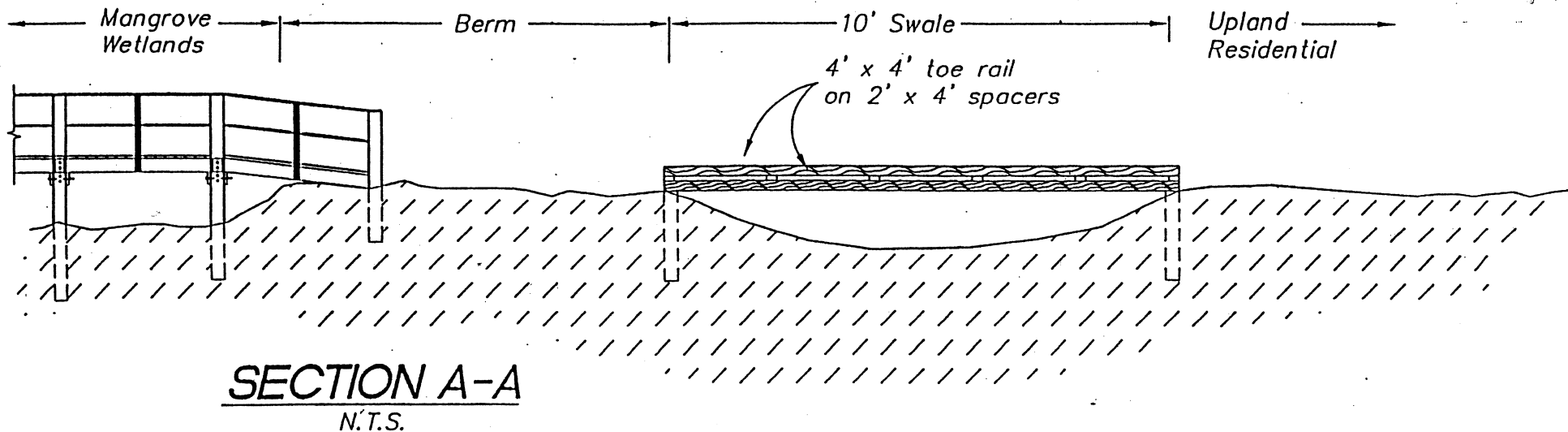


**W. DEXTER BENDER
AND ASSOCIATES**
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS, FL (941) 334-3680

REVISED:

Palmas Del Sol

SHEET



HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
W. DEXTER BENDER & ASSOC., INC.

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NOT FOR CONSTRUCTION

June 19, 2002 11:25:45 a.m.
Drawing: GROSSIXSA.DWG (DCS)



W. DEXTER BENDER
AND ASSOCIATES
2052 VIRGINIA AVENUE
FORT MYERS, FL 33901 (813) 334-3680

REVISED:

PALMAS del SOL
BOARDWALK and OBSERVATION DECK

SHEET

TON: 30
SHIP: 45 S
E: 24 E

Rip Rap Detail and Cross-section

Caloosahatchee River



Proposed Riprap Sill

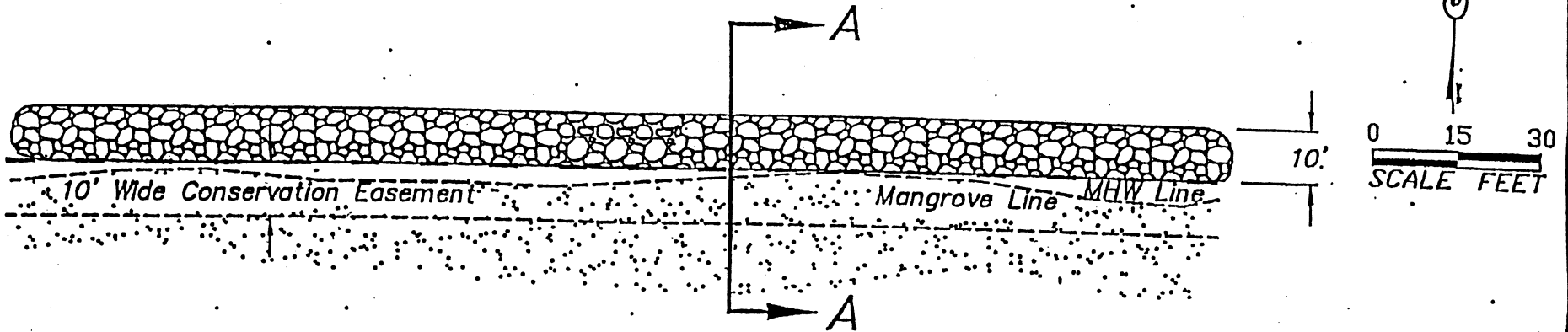
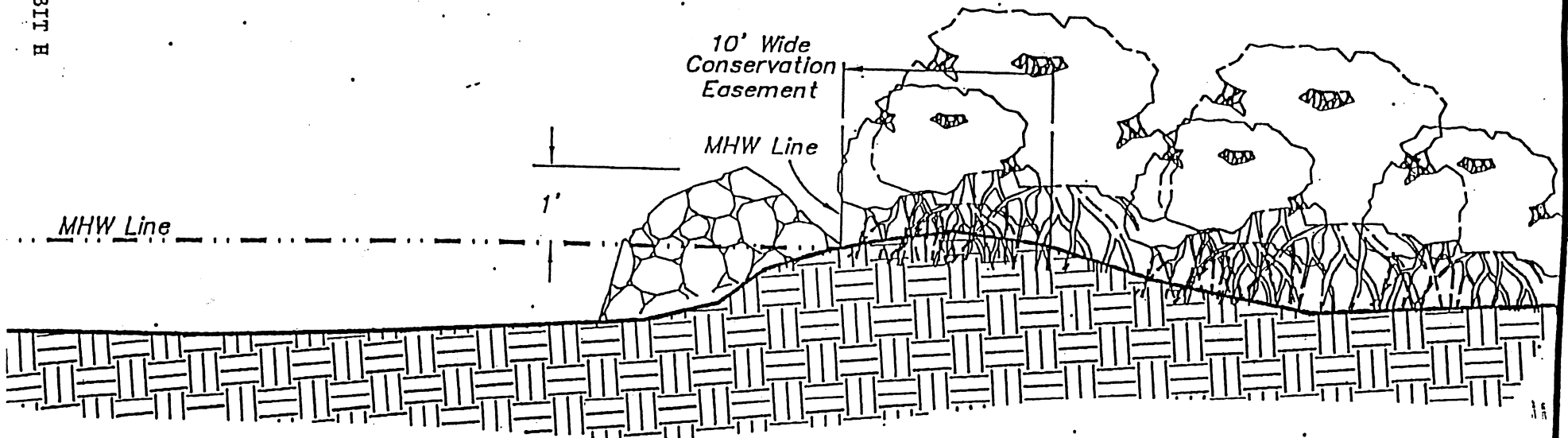


EXHIBIT B



Section A-A
Not to Scale

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July 10, 2001 9:05:28 a.m.
Drawing: GROSSDET.DWG (DCS)

W. DEXTER BENDER
AND ASSOCIATES
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS, FL (941) 334-3680

REVISED:

Palmas Del Sol

SHEET