

LEE COUNTY
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COMM. DEV./
PUB. WORKS. CNTR.
SECOND FLOOR

RESOLUTION NUMBER Z-02-020

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

WHEREAS, an application was filed by the property owner, Grosse Pointe Associates, Ltd., to amend the River's Edge DRI Development Order #12-8182-21; and

WHEREAS, a public hearing was advertised and held on June 18, 2002 and continued to July 24, 2002, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DRI2001-00005; and

WHEREAS, a second public hearing was advertised and held on October 7, 2002 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to amend the River's Edge DRI Development Order to:

- a) permit the construction of a boardwalk and observation platform and to allow limited trimming of mangroves within Tract E; and
- b) determine whether the proposed changes constitute a substantial deviation from the original development order approvals requiring further DRI review.

The property is located in the Suburban and Wetlands Land Use Categories and legally described in 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).

1. Development of this project must be in compliance with the River's Edge Yacht and Country Club DRI (aka Gulf Harbour) Development Order #12-8182-21, as amended, and DRI Map H dated 04/03/02 and stamped received at the permit counter on May 7, 2002.
2. The original zoning resolution and any amending resolutions remain in full force and effect except as may be modified by this approval.
3. The access boardwalk to the observation deck is limited to a five-foot width. The observation deck is limited to a maximum 400 square feet, and must meet the standards

of fishing piers in LDC §26-73. 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 stamped received June 26, 2002 (attached as Exhibit E).

4. The rip-rap sill must consist of rock material no less than 10-inch in diameter and no greater than 24-inch 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 three-gallon red mangrove seedlings or three-gallon wetland plants, such as leather fern, placed three-foot on center.
5. 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.
6. Prior to any mangrove trimming within the 10-acre preserve adjacent to the Palmas del Sol condominiums:
 - a. The 10-foot wide rip-rap sill (breakwater) must be installed along the entire 10-acre mangrove preserve; and
 - b. A Conservation Easement 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
 - c. The donation of the 11-acre parcel (STRAP 27-45-23-00-00005.0000) must be executed at no cost to Lee County or the State of Florida. The applicant must pay all costs associated with the donation (e.g., surveys, closing fees, recording). Any exotic vegetation must be removed by hand from the 11-acre parcel prior to finalizing the donation.
7. The Division of Environmental Sciences staff must be notified of commencement and completion 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.

SECTION C. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: The legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan/Map H
- Exhibit D: River's Edge Yacht and Country Club - Fourth Amendment
- Exhibit E: Boardwalk and Observation Deck Plan

The applicant has indicated that the STRAP number for the subject property is:
30-45-24-13-0000A.0000

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the amendment by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The amendment, 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 will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The amendment satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The amendment does not constitute a substantial deviation under Florida Statutes §380.06(19)(e)(5)b.

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

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 7th day of October, 2002.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michele S. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office



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MINUTES OFFICE
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2002 OCT 29 PM 1:39

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

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.

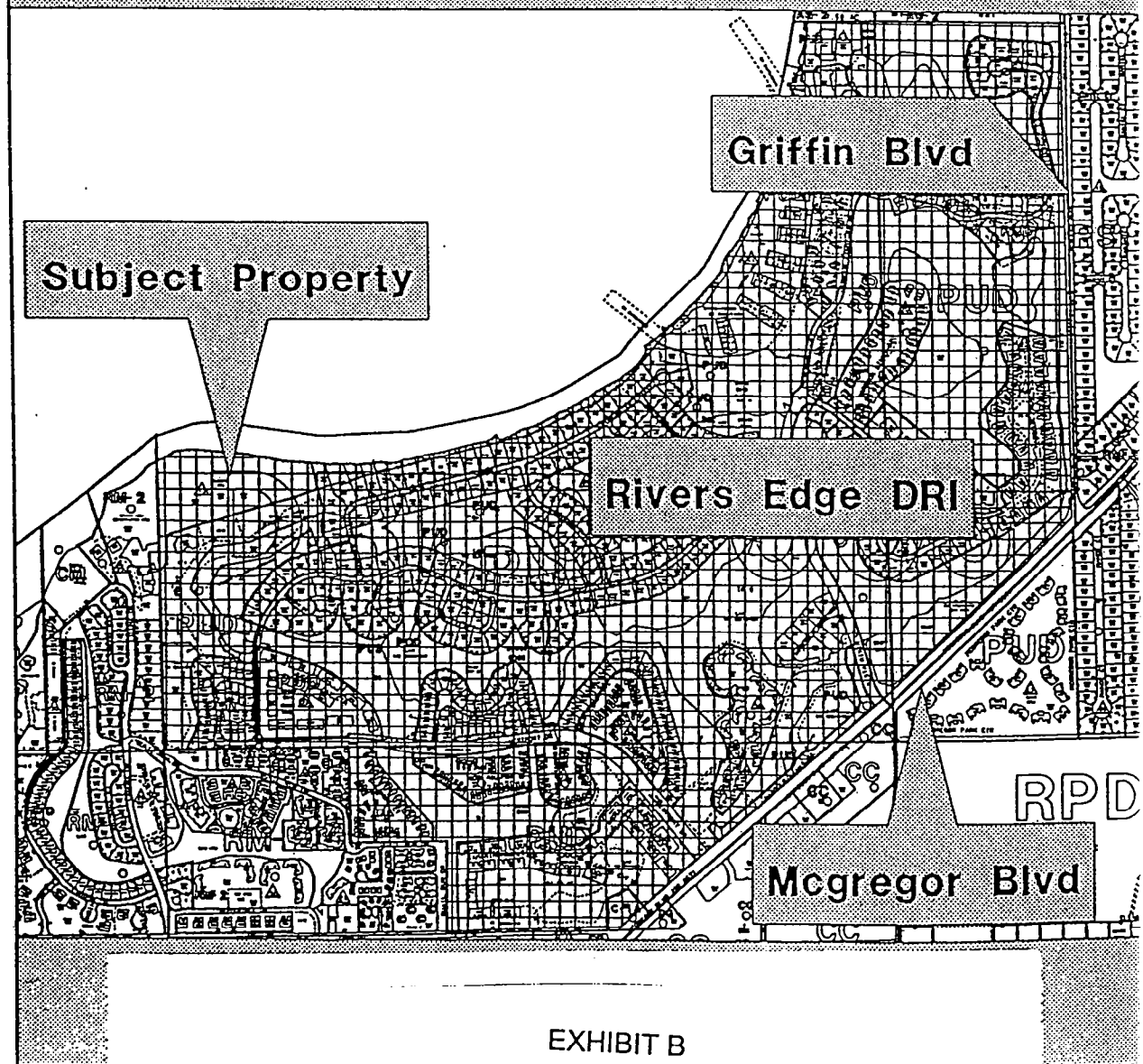
SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

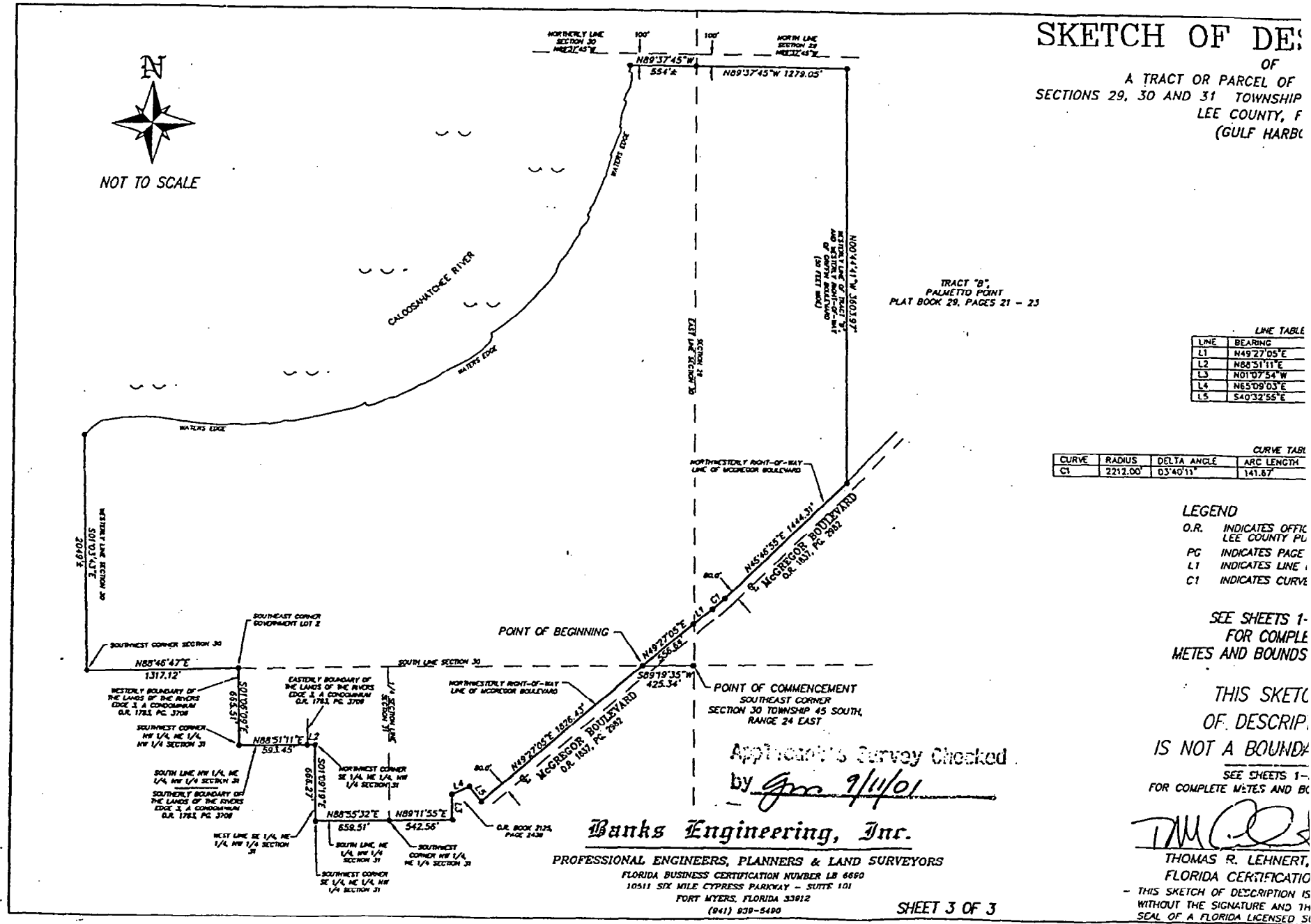
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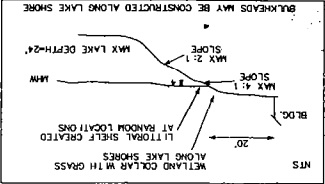
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Applicant's Legal Checked
by Jan 7/11/01

ZONING MAP







TOTAL UNITS APPROVED BY 1992 AMENDMENT: 2,071

PREVIOUSLY CONSTRUCTED (AREAS LABELED 'BUILT'): 215

LANDS

ACREAGE

RESIDENTIAL

EXISTING RESIDENTIAL

PROPOSED RESIDENTIAL

LESS PRIVATE OPEN SPACE

INTERNAL ROAD PAVEMENT

(APPROXIMATE)

LAKES (WATER MANAGEMENT)

MARINA BASIN AND UTILIZATION AREAS

OPEN SPACE

(INCLUDES VEGETATION/PRESERVATION)

BUFFER PRIVATE OPEN SPACE

MAINTENANCE

OTHER OPEN SPACE

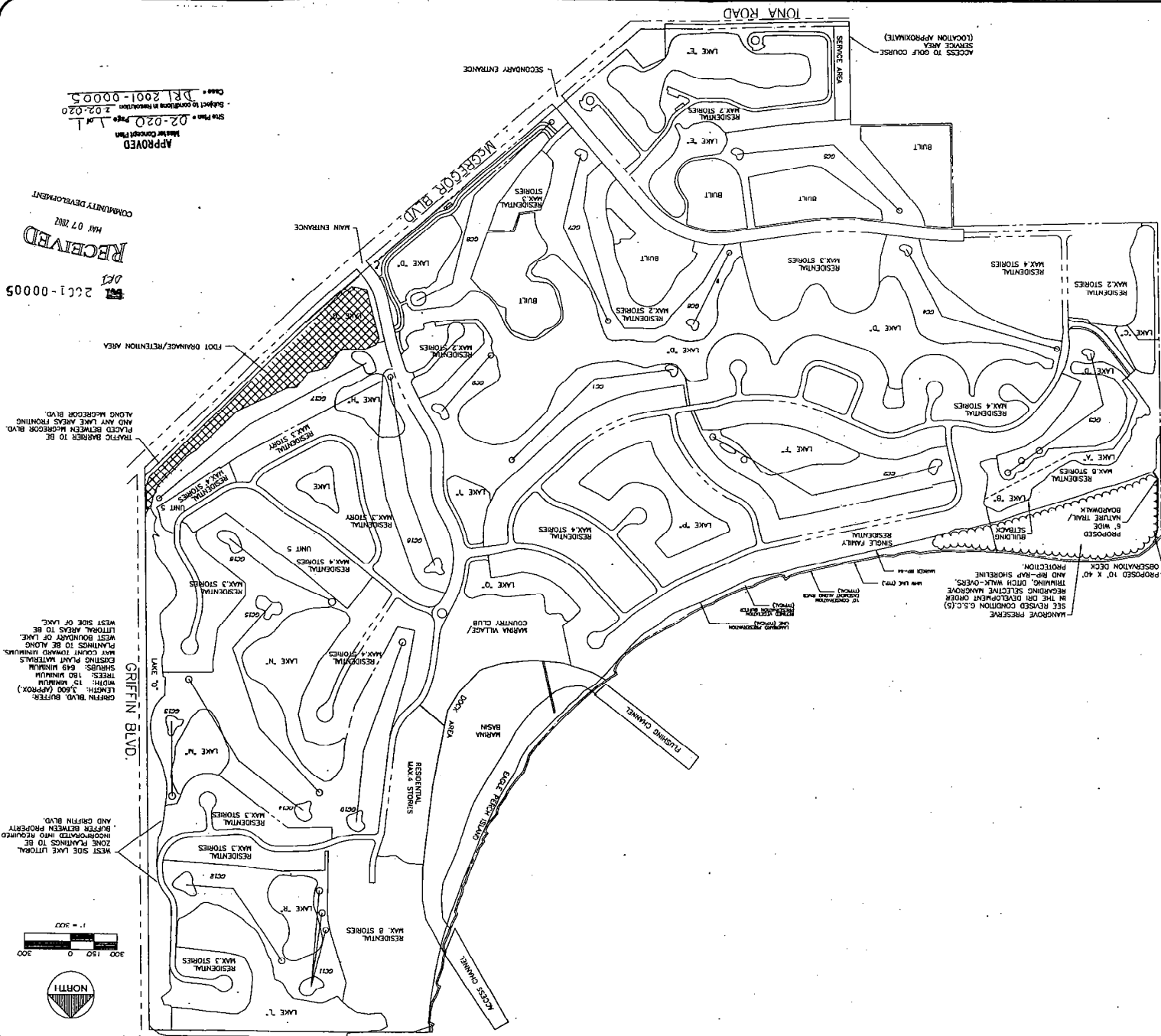
TOTAL ACRES

547.6

DEVELOPMENT SUMMARY:

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 CONNECTED TO THE SITE ALONG THE PROJECT'S QUAD/QUARTERLINE RIVER FRONTAGE TO A DEPTH OF TEN FEET MEASURED FROM MARINA.
3. THE PROPOSED APPROVED GOLF CLUB AND TENNIS/SWIM CLUB FACILITIES WILL BE LOCATED AS SHOWN WITHIN THE MARINA VILLAGE. THESE FACILITIES INCLUDE THE MARINA ADMINISTRATION, LOCKS AND MARINE SUPPLY, FUEL, SALES, THE GOLF CLUB DINING, LOUNGE AND TENNIS CLUB PRO SHOP, THE GOLF CLUB DINING, LOUNGE AND MARINE SUPPLY, FUEL, SALES, THE GOLF CLUB DINING, LOUNGE AND TENNIS CLUB PRO SHOP, THE GOLF CLUB DINING, LOUNGE AND MARINE SUPPLY, FUEL, SALES, THE GOLF CLUB DINING, LOUNGE AND TENNIS CLUB PRO SHOP.
4. PROJECT ENTRANCE LOCATIONS CONFORM TO THE JUNE 12, 1984 OFFICIAL HEALTH CLUB FACILITIES, AND PROJECT SALES AND ADMINISTRATION OFFICES.
5. ENTRANCES AND IMPROVED TRAIL ENTRANCES ARE PERMITTED IN THE PROJECT APPROVED PLAN.
6. THE MARINA BASIN AND UTILIZATION AREAS, AS SHOWN ON THESE PLANS, SHALL CONFORM TO THE PERMIT REQUIREMENTS SET FORTH IN THE ENVIRONMENTAL PROTECTION (DEP) AS MAY BE AMENDED FROM TIME TO TIME, WHERE NOT IN CONFLICT WITH OTHER CONDITIONS OF THE PROJECT.
7. RESIDENTIAL, LAKE, AND GOLF COURSE AREAS SHOWN ON THIS PLAN ARE BOUNDARY LINES FOR CONCEPTUAL ILLUSTRATION PURPOSES ONLY. FINAL AREA LINES SHALL BE DETERMINED AT THE TIME OF LOCAL GOVERNMENT REVIEW. PROPOSED, HOWEVER, THAT THE TOTAL NUMBER OF ACRES DEVOTED TO PARTICULAR USES SHALL BE CONSISTENT WITH THE DEVELOPMENT SUMMARY AVERAGE AMOUNTS SET FORTH HEREIN AND PROVIDED FURTHER THAT THE MARINA 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 #201061799 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 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.
8. LOT SETBACK:
LOCAL STREETS - 15'
COLLECTION/ARTERIAL STREETS - 20'
SIDE - 5' MIN.
REAR - 10'
MINIMUM WATER BODIES - 25'
MARINA - 0'

NOTES:



APPROVED
Master Concept Plan
02-020
Page 1
DRI 2001-00005
Subject to conditions in Resolution
02-020
State Plan # 02-020
02-020

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2001-00005
MAY 07 2002
COMMUNITY DEVELOPMENT

FOOT DRAINAGE/RETENTION AREA

TRAFFIC BARRIER TO BE

PLACED BETWEEN MAGNOLIA BLVD.

AND ANY LAKE AREAS FRONTING

ALONG MAGNOLIA BLVD.

WEST SIDE OF LAKE.

PLANNINGS TO BE ALONG

WEST BOUNDARY OF LAKE.

ANY LOCATIONS TOWARD MINIMUMS

EXISTING PLANT MATERIALS

SHOULD BE MAINTAINED

THROUGHOUT THE PROJECT

LENGTH 3,000 (APPROX.)

WIDTH 15 MINIMUM

GRIFIN BLVD. BUTTER-

WEST SIDE LAKE UTILITY

AND GRIFIN BLVD.

ZONE PLANNINGS TO BE

BUFFERED BETWEEN PROPERTY

AND GRIFIN BLVD.

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EXHIBIT D

FOURTH 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 Notice of Proposed Change was filed by Gross Pointe Associates, Ltd. on June 1, 2001 to allow construction of a boardwalk with observation platform and mangrove trimming within the established Mangrove Preservation Area (Tract E); and

WHEREAS, the requested amendment to impact an area specifically set aside for

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.

preservation is presumed to create a substantial deviation under §380.06(19)(e)5.b, but this presumption 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 as follows set forth in attached Exhibit A:

~~All that part of the West Half (W $\frac{1}{2}$) of the West Half (W $\frac{1}{2}$) of Section 29, Township 45 South, Range 24 East, lying Westerly of Griffin Boulevard and Northwesterly of McGregor Boulevard LESS the North 100 feet thereof;~~

~~Government Lot 1 of Section 30, Township 45 South, Range 24 East, LESS the North 100 feet thereof;~~

~~That part of the East Half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 30, Township 45 South, Range 24 East, located Northwesterly of McGregor Boulevard; All that part of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 31, Township 45 South, Range 24 East, lying Northwesterly of McGregor Boulevard.~~

~~Government Lots 2, 3 and 4, Section 30, Township 45 South, Range 24 East; and the East Half (E $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$); and the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$); and all that part of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 31, Township 45 South, Range 24 East, lying Northwesterly from McGregor Boulevard;~~

~~EXCEPTING THEREFROM the following described parcel:~~

~~From the Southwest corner of said Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 31, run N88°57'56"E along the~~

~~South line of said fraction of a section for 542.85 feet;
THENCE run N01°07'16"W for 28.29 feet to a steel pin and the POINT OF BEGINNING. From said POINT OF BEGINNING continue N01°07'16"W for 490.44 feet to a concrete monument;
THENCE run N65°11'10"E for 162.71 feet to a concrete monument;
THENCE run S40°34'21"E for 204.09 feet to a steel pin marking the intersection with the Northwesterly line (40 feet from the centerline) of McGregor Boulevard (State Road S-867);
THENCE run S49°25'39"W for 154.71 feet to a nail marking the intersection with the Northerly line of Iona Road;
THENCE run S88°54'23"W along said Northerly line for 159.21 feet to the POINT OF BEGINNING.
LESS:~~

RIVER'S EDGE 1, A CONDOMINIUM, PHASES 1, 2 & 3

~~Commence at the Southeast corner of Section 30, Township 45 South, Range 24 East, Lee County, Florida;
THENCE S89°23'18"W, along the South line of said Section, 361.51 feet, to the intersection with the Northwesterly right-of-way line of McGregor Boulevard (80 foot right-of-way);
THENCE S49°29'44"W, along said right-of-way line, 1,320.47 feet;
THENCE N40°30'16"W 180.00 feet;
THENCE N49°29'44"E, 83.10 feet;
THENCE by a curve to the left, radius 800.00 feet, arc 203.20 feet, chord N42°13'10"E, 202.65 feet;
THENCE N51°50'16"W, 24.78 feet;
THENCE N01°51'26"E, 22.61 feet;
THENCE N11°09'44"E, 244.44 feet;
THENCE by a curve to the right, radius 175.00 feet, arc 33.64 feet, chord N16°40'08"E, 33.59 feet;
THENCE by a curve to the left, radius 260.00 feet, arc 74.75 feet, chord N13°56'28"E, 74.49 feet for a POINT OF BEGINNING.
THENCE continue by a curve to the left, radius 260.00 feet, arc 216.80 feet, chord N18°11'00"W, 210.58 feet;
THENCE by a curve to the right, radius 60.00 feet, arc 99.83 feet, chord N05°35'45"E, 88.71 feet;
THENCE N53°15'47"E, 115.49 feet;
THENCE N20°00'00"E, 64.11 feet;
THENCE N42°00'00"W, 52.87 feet;
THENCE N85°20'16"W, 87.69 feet;
THENCE by a curve to the right, radius 72.00 feet, arc 85.18 feet, chord N51°26'46"W, 80.30 feet;~~

~~THENCE N17°33'16"W, 121.40 feet;
THENCE by a curve to the right, radius 102.00 feet, arc 157.55 feet, chord
N26°41'44"E, 142.35 feet;
THENCE N70°56'44"E, 32.21 feet;
THENCE N48°00'00"E, 78.10 feet;
THENCE S42°00'00"E, 91.93 feet;
THENCE East 45.69 feet;
THENCE S68°02'00"E, 124.00 feet;
THENCE S31°30'00"E, 72.86 feet;
THENCE South 80.00 feet;
THENCE S68°27'08"E, 51.00 feet;
THENCE S42°00'00"E, 86.60 feet;
THENCE S56°10'00"E, 69.99 feet;
THENCE S19°20'31"W, 330.95 feet;
THENCE S88°30'00"W, 160.81 feet;
THENCE S18°03'57"W, 117.41 feet;
THENCE S83°00'00"W, 105.46 feet to the POINT OF BEGINNING.~~

~~LESS:~~

~~RIVER'S EDGE 2, A CONDOMINIUM~~

~~PARCEL A~~

~~Commence at the Southeast corner of Section 30, Township 45 South,
Range 24 East, Lee County, Florida;~~

~~THENCE S89°23'18"W, along the South line of said Section, 361.51 feet to
the intersection with the Northwesterly right-of-way line of McGregor
Boulevard (80 foot right-of-way);
THENCE S49°29'44"W, along said right-of-way line, 1,320.47 feet;
THENCE N40°30'16"W, 873.40 feet;
THENCE by a curve to the left, radius 650.00 feet, arc 652.32 feet, chord
N69°15'16"W, 625.29 feet;
THENCE S08°00'16"E, 40.00 feet for a POINT OF BEGINNING.
THENCE S81°59'44"W, 100.00 feet;
THENCE S08°00'16"E, 295.92 feet;
THENCE by a curve to the left, radius 195.00 feet, arc 311.41 feet, chord
S53°45'16"E, 279.36 feet;
THENCE S80°29'44"E, 88.51 feet;
THENCE by a curve to the left, radius 127.00 feet, arc 254.91 feet, chord
N22°59'44"E, 214.22 feet;
THENCE N34°30'16"W, 52.22 feet;~~

~~THENCE by a curve to the right, radius 85.00 feet, arc 58.48 feet, chord N14°47'44"W, 57.33 feet;~~
~~THENCE N04°54'47"E, 127.14 feet;~~
~~THENCE by a curve to the left, radius 610.00 feet, arc 310.49 feet, chord N83°25'21"W, 307.51 feet to the POINT OF BEGINNING.~~

Parcel B

~~Commence at the Southeast corner of Section 30, Township 45 South, Range 24 East, Lee County, Florida;~~
~~THENCE S89°23'18"W, along the South line of said Section 361.51 feet to the intersection with the Northwesterly right-of-way line of McGregor Boulevard (80 foot right-of-way);~~
~~THENCE S49°29'44"W along said right-of-way line, 1,320.47 feet;~~
~~THENCE N40°30'16"W, 873.40 feet;~~
~~THENCE by a curve to the left, radius 650.00 feet, arc 652.32 feet, chord N69°15'16"W, 625.29 feet;~~
~~THENCE S08°00'16"E, 40.00 feet;~~
~~THENCE S81°59'44"W, 150.00 feet for a POINT OF BEGINNING;~~
~~THENCE continue S81°59'44"W, 290.09 feet;~~
~~THENCE by a curve to the right, radius 2,040.00 feet, arc 534.07 feet, chord S89°29'44"W, 532.55 feet;~~
~~THENCE N83°00'16"W, 10.61 feet;~~
~~THENCE S08°38'08"E, 76.93 feet;~~
~~THENCE S54°54'53"E, 475.77 feet;~~
~~THENCE S78°15'16"E, 70.63 feet;~~
~~THENCE N78°55'10"E, 414.16 feet;~~
~~THENCE N08°00'16"W, 331.33 feet to the POINT OF BEGINNING.~~

LESS:

RIVER'S EDGE 3, A CONDOMINIUM

~~Commence at the Southeast corner of Section 30, Township 45 South, Range 24 East, Lee County Florida;~~
~~THENCE S89°23'18"W, along the South line of said Section, 361.51 feet, to the intersection with the Northwesterly right-of-way line of McGregor Boulevard (80 foot right-of-way);~~
~~THENCE S49°29'44"W, along said right-of-way line, 1,320.47 feet;~~
~~THENCE leaving said right-of-way line run N40°30'16"W, 873.40 feet;~~
~~THENCE by a curve to the left, radius 650.00 feet, arc 652.32 feet, chord N69°15'16"W, 625.29 feet;~~
~~THENCE S81°59'44"W, 440.09 feet;~~

~~THENCE by a curve to the right, radius 2,000.00 feet, arc 523.60 feet, chord S89°29'44"W, 522.10 feet;~~
~~THENCE N83°00'16"W, 243.34 feet;~~
~~THENCE by a curve to the left, radius 2,100.00 feet, arc 42.87 feet, chord N83°35'21"W, 42.87 feet;~~
~~THENCE S05°49'33"W, 40.00 feet for a POINT OF BEGINNING.~~
~~THENCE by a curve to the left, radius 229.68 feet, arc 147.84 feet, chord S21°49'09"E, 145.30 feet;~~
~~THENCE S40°15'34"E, 564.48 feet;~~
~~THENCE South, 96.97 feet to a point on the South boundary line of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section 31, Township 45 South, Range 24 East;~~
~~THENCE run along said South boundary line S88°54'50"W, 593.45 feet to the Southwest corner of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of said Section 31;~~
~~THENCE run along the West boundary line of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section 31, N01°02'30"W, 665.51 feet to the Northwest corner of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section 31;~~
~~THENCE continue N01°02'30"W, 19.01 feet to a point on a curve having a radius of 2,060.00 feet and lying N00°36'54"E from the radius point;~~
~~THENCE run in a Southeasterly direction along said curve to the right having an arc of 187.35 feet, having a chord bearing S86°46'47"E, 187.28 feet to the POINT OF BEGINNING.~~

LESS:

RIVER'S EDGE 4, A CONDOMINIUM, PHASES 2 & 4

~~Commence at the Southeast corner of Section 30, Township 45 South, Range 24 East, Lee County, Florida;~~
~~THENCE S89°23'18"W, along the South line of said Section, 361.51 feet to the intersection with the Northwesterly right-of-way line of McGregor Boulevard (80 foot right-of-way);~~
~~THENCE S49°29'44"W, along said right-of-way line, 1,320.47 feet;~~
~~THENCE N40°30'16"W, 448.60 feet;~~
~~THENCE N49°29'44"E, 40.00 feet;~~
~~THENCE N40°30'16"W, 195.80 feet for a POINT OF BEGINNING.~~
~~THENCE continue N40°30'16"W, 229.00 feet;~~
~~THENCE by a curve to left, radius 690.00 feet, arc 430.17 feet, chord N58°21'53"W, 423.24 feet;~~
~~THENCE N13°46'26"E, 67.29 feet;~~
~~THENCE N66°55'37"W, 35.00 feet to a point on a curve having a radius of~~

~~240.00 feet, lying N66°55'38"W from the radius point;
THENCE traverse along the arc of said curve to the right, a distance of
140.00 feet, chord bearing N39°47'03"E, 138.02 feet;
THENCE by a curve to the left radius 155.00 feet, arc 91.98 feet, chord
N39°29'44"E, 90.64 feet;
THENCE by a curve to the right, radius 450.00, arc 149.23 feet, chord
N31°59'44"E, 148.54 feet;
THENCE by a curve to the right, radius 130.00 feet, arc 297.23 feet, chord
S73°00'16"E, 236.59 feet;
THENCE by a curve to the left, radius 300.00 feet, arc 115.19 feet, chord
S18°30'16"E, 114.49 feet;
THENCE by a curve to the right, radius 400.00 feet, arc 188.50 feet,
S16°00'16"E, 186.76 feet;
THENCE S87°29'44"W, 25.00 feet;
THENCE S55°00'53"W, 21.10 feet;
THENCE by a curve to the right, radius 400.00 feet, arc 188.50 feet,
S16°00'16"E, 186.76 feet;
THENCE S87°29'44"W, 25.00 feet;
THENCE S55°00'53"W, 21.10 feet;
THENCE S07°00'00"E, 19.00 feet;
THENCE S87°00'00"W, 62.00 feet;
THENCE S45°00'00"W, 50.00 feet;
THENCE S45°00'00"E, 227.14 feet;
THENCE N86°29'44"E, 28.89 feet to a point on a curve having a radius of
450.00 feet and lying S86°29'44"W from the radius point;
THENCE traverse along the arc of said curve, to the right, a distance of
86.39 feet, chord bearing S01°59'49"W, 86.26 feet;
THENCE by a curve to the right, radius 150.00 feet, arc 109.96 feet, chord
S28°29'41"W, 107.51 feet;
THENCE S49°29'44"W, 15.00 feet to the POINT OF BEGINNING.
Said parcel contains 5.29± acres.~~

SUBJECT TO:

EASEMENT "A"

~~A non-exclusive easement for utilities and ingress and egress per the
Declaration of Condominium of River's Edge 1, Official Records Book 1783,
Page 3580.~~

~~A 40-foot easement lying in Section 31, Township 45 South, Range 24 East,
Lee County, Florida, the centerline of which is described as follows:~~

~~Commence at the Northeast corner of said Section;
THENCE S89°23'18"W along the North line of said Section, a distance of
361.51 feet to the existing Northwesterly right-of-way line of McGregor
Boulevard;
THENCE S49°29'44"W along said Northwesterly right-of-way line 1,320.47
feet to the POINT OF BEGINNING of said easement centerline;
THENCE N40°30'16"W, 180.00 feet;
THENCE N49°29'44"E, 83.10 feet;
THENCE by a curve to the left, radius 800.00 feet, arc 203.20 feet, chord
N42°13'10"E, 202.65 feet to the Point of Terminus.~~

EASEMENT "B"

~~A non-exclusive easement for utilities and ingress and egress per the
Declaration of Condominium of River's Edge 1, Official Records Book 1783,
Page 3580, being an easement 30 feet in width from the terminus of the
above described easement (40 foot wide, from McGregor Boulevard to the
Southerly boundary of Phase 4) to the property described as Phase 3 on the
condominium plat, the centerline of said easement being the same as the
centerline of a paved roadway connecting said points, the approximate
location of which roadway is depicted on the condominium plat. This
easement must terminate at such time as the property described in Phase
4 on the condominium plat has been submitted to condominium ownership
as part of River's Edge 1, a condominium.~~

EASEMENT "C"

~~A non-exclusive easement for utilities, cable television, and ingress and
egress per the Declarations of Condominium of River's Edge 2, 3, and 4,
Official Records Book 1783, Page 3649 and Official Records Book 1783,
Page 3709 and Official Records Book 1841, Page 1465, respectively.~~

~~An 80-foot easement lying 40 feet each side of the following described
centerline:~~

~~Commence at the Southeast corner of Section 30, Township 45 South,
Range 24 East, Lee County, Florida;
THENCE S89°23'18"W, along the South line of said Section, 361.51 feet, to
the intersection with the Northwesterly right-of-way line of McGregor
Boulevard (80-foot right-of-way);
THENCE S49°29'44"W, along said right-of-way line, 1,320.47 feet for a
POINT OF BEGINNING.
THENCE leaving said right-of-way line run N40°30'16"W, 873.40 feet;~~

~~THENCE by a curve to the left, radius 650.00 feet, arc 652.32 feet, chord N69°15'16"W, 625.29 feet;~~
~~THENCE S81°59'44"W, 440.09 feet;~~
~~THENCE by a curve to the right, radius 2,000.00 feet, arc 523.60 feet, chord S89°29'44"W, 522.10 feet;~~
~~THENCE N83°00'16"W, 243.34 feet;~~
~~THENCE by a curve to the left, radius 2,100.00 feet, arc 298.94 feet, chord N87°04'57"W, 298.68 feet to the Point of Terminus;~~

EASEMENT "D"

~~A non-exclusive easement for utilities, trash receptacles, and ingress and egress per the Declaration of Condominium of River's Edge 2, Official Records Book 1783, Page 3649.~~

~~A 50-foot wide easement lying 25 feet each side of the following described centerline:~~

~~Commence at the Southeast corner of Section 30, Township 45 South, Range 24 East, Lee County, Florida; THENCE S89°23'18" W, along the South line of said Section, 361.51 feet, to the intersection with the Northwestern right-of-way line of McGregor Boulevard (80-foot right-of-way); THENCE S49°29'44"W, along said right-of-way line, 1,320.47 feet; THENCE N40°30'16"W, 873.40 feet; THENCE by a curve to left, radius 650.00 feet, arc 652.32 feet, chord N69°15'16"W, 625.29 feet; THENCE S08°00'16"E, 40.00 feet; THENCE S81°59'44"W, 100.00 feet; THENCE S08°00'16"E, 219.00 feet to the POINT OF BEGINNING; THENCE S78°33'43"W, along said centerline, a distance of 50.09 feet to the Point of Termination of said centerline.~~

EASEMENT "E"

~~A non-exclusive easement for utilities, cable television, and ingress and egress over and under that certain parcel described as follows, per the Declaration of Condominium of River's Edge 4, Official Records Book 1841, Page 1465.~~

~~Commence at the Southeast corner of Section 30, Township 45 South, Range 24 East, Lee County, Florida; THENCE S89°23'18"W, along the South line of said Section 361.51 feet to the intersection with the Northwestern right-of-way line of McGregor~~

~~Boulevard (80-foot right-of-way);
THENCE S49°29'44"W, along said right-of-way line, 1,320.47 feet;
THENCE N40°30'16"W, 448.60 feet;
THENCE N49°29'44"E, 40.00 feet;
THENCE N40°30'16"W, 424.80 feet;
THENCE by a curve to left, radius 690.00 feet, arc 430.17 feet, chord
N58°21'53"W, 423.24 feet for a POINT OF BEGINNING.
THENCE N13°46'26"E, 67.29 feet;
THENCE N66°55'37"W, 35.00 feet to a point on a curve having a radius of
240.00 feet, lying N66°55'38"W from the radius point;
THENCE traverse along the arc of said curve to the left, 74.11 feet, chord
bearing S14°13'35"W, 73.82 feet to a point on a curve having a radius of
690.00 feet and lying N10°51'23"E from the radius point
THENCE traverse along the arc of said curve to the right, 35.15 feet, chord
bearing S77°41'03"E, 35.14 feet to the POINT OF BEGINNING.~~

~~SUBJECT TO:~~

~~Conservation easement to State of Florida, Official Records Book 2108,
Page 1846.~~

~~Irrigation easement to River's Edge 3 Condominium Association, Inc., Official
Records Book 2014, Page 1661.~~

~~Florida Cities Water Company water pipeline easements, Official Records
Book 1764, Page 2014 and Official Records Book 1846, Page 4662.~~

~~Florida Power & Light Company utility easements, Official Records Book
1806, Page 1963 and Official Records Book 2168, Page 287.~~

~~Lee County utility easements, Official Records Book 2123, Page 3638 and
Official Records Book 2212, Page 2138.~~

~~Easements, restrictions and reservations of record.~~

~~TOGETHER WITH Sovereignty Submerged Land Easement, Official Record
Book 2137, Page 1893.~~

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;
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 marina;
 - 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 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 extend the buildout date to May 4, 2005 constitutes a substantial deviation. However, based upon the traffic data submitted by the applicant and analyzed by Lee County Department of Transportation, the applicant has proven there are no additional regional impacts precipitated by the buildout extension.~~ 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.

I. This constitutes the ~~Third~~ 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 ~~Watermark Communities, Inc.~~ 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 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, 2005.

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 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:

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 Notice of Proposed Change. Peak season peak hour traffic counts and level of service calculations must be performed by the developer's traffic consultant and submitted as part of the annual monitoring report for the significantly impacted road segments.

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 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 of the created by the development of River's Edge DRI in accordance with this amended development order the dDeveloper, or its successors, must:
- (1) dedicate property appraised at \$191,000.00 dollars for the McGregor Boulevard widening²; 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 independent appraiser to do an appraisal, and the value will be established by an average of the three appraisals³; 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 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

² This obligation has been satisfied.

³ This obligation has been satisfied. The agreed upon value is \$1,742,000. The 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.

supersede any Florida FDOT permitting requirements.

8. To fulfill the obligations of the developer to provide infrastructure, systems, facilities, and services as required herein, the 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 developer elects to use a UCDD, the 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 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.

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.⁴ 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, 2005.

⁴ 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.

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.

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 Boulevards. 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".
 - 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 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 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.
 - (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 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 G.D:
- (1) ~~Within~~ a complete ten foot (10') radius ~~of the~~ around any Cabbage Palm with the golden polypody located between marks RP-1 and RP-2;
 - (2) ~~On the~~ Eagles Perch Island;
 - (3) ~~Within~~ a complete ten foot (10') radius ~~of~~ 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. 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 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.
- (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.
- (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.

- de. Prior to the recording of a subdivision plat for riverfront lots, these vegetation maintenance and management guidelines must be included by the 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.
- ef. 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 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, whichever occurs first, a qualified botanist hired by the 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.

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.

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 developer 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 developer, its successors and assigns. Those portions of this Development Order Amendment that

clearly apply only to the project developer, 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 developer 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 developer to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided.

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, 2005.

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 developer, or that the change is clearly established by local government to be essential to the public health, safety and welfare.

14. The developer, or its successor in title to the undeveloped portion of the subject property, must continue to submit a 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 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 developer 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 developer 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 Ray Judah and seconded by Commissioner Andrew Coy and upon poll of the members present, the vote was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 7th day of October, 2002.

ATTEST:

Charlie Green, Clerk

By: Michelle S. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: [Signature]
Chairman



APPROVED AS TO FORM

By: [Signature]
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

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

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.

CCG/ta
SA\JOBS\90xx\9000-GH-DESCRIPTION.doc

Applicant's Legal Checked
by Jm 7/11/01

RESIDENTIAL TRACTS WILL NOT EXCEED DEIGHTS 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 PROPOSED ROVER HIGHWAY TO A DEPTH OF TEN FEET MEASURED FROM MAIN.

3. THE PREVIOUSLY APPROVED GOLF CLUB AND TOWNES/SMITH CLUB FACILITIES WILL BE MAINTAINED AND IMPROVED FOR THE VILLAGE. THESE FACILITIES INCLUDE THE MARINA ADMINISTRATION, MARINA CLUB HOUSE, TOWNES/SMITH CLUB HOUSE, TOWNES/SMITH CLUB SHOP, THE TOWNES CLUB PRO. SHOP, THE GOLF CLUB DINING, LOUNGE, AND HEALTH CLUB FACILITIES, AND THE GOLF COURSE AND ADMINISTRATION OFFICES.

4. PROJECT ENTRANCE LOCATIONS CONFORM TO THE JUNE 12, 1984 APPROVED PLAN. GATEWAYS ARE PERMITTED AT THE PROJECT ENTRANCES AND INDIVIDUAL TRACT ENTRANCES.

5. THE MARINA AND HEDDIT AT THIS LOCATION IN THIS PLAN IS 8 STORES. THE MARINA BASIN AND MITIGATION AREAS, AS SHOWN ON THESE PLANS, SHALL CONFORM TO THE PERMIT REQUIREMENTS SET FORTH IN THE WATER RESOURCES ACT, AS AMENDED, PROVIDED, HOWEVER, THAT ENVIRONMENTAL REGULATION (DER) AS MAY BE AMENDED FROM TIME TO TIME WILL PREVAIL IN CONFLICT WITH ANY OTHER CONDITIONS OF THE CORRESPONDING DEVELOPMENT ORDER CONDITIONS FOR THIS PROJECT.

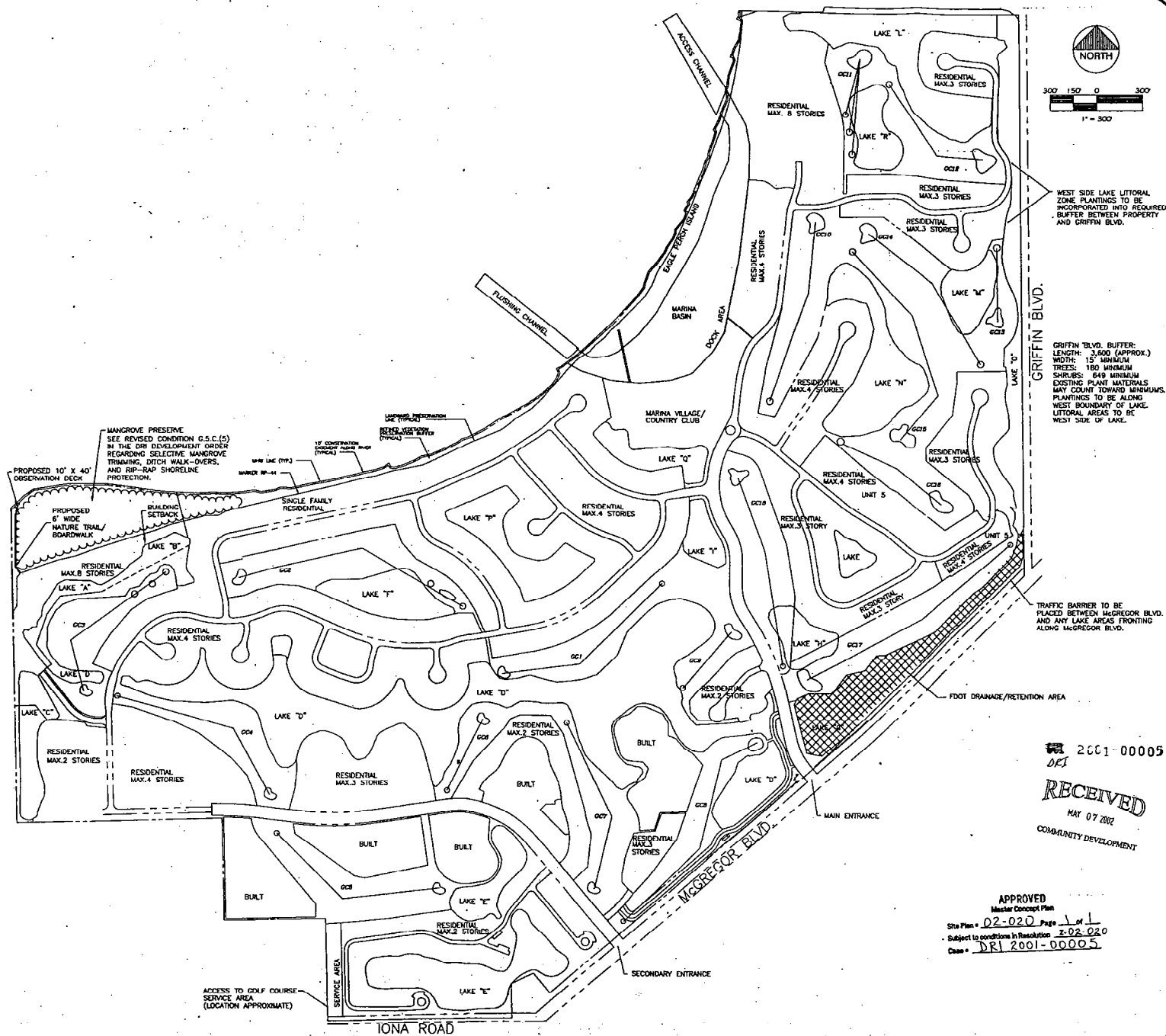
6. MARINA, LAKE, AND GOLF COURSE AREA LINES SHOWN ON THIS PLAN ARE INCLUDED FOR CONCEPTUAL ILLUSTRATION PURPOSES ONLY. FINAL AREA LINES SHALL BE DETERMINED AT THE TIME OF LOCAL GOVERNMENT REVIEW AND APPROVAL. PROVIDED, HOWEVER, THAT TOTAL NUMBER OF ACRES DEVOTED TO PARTICULAR USES SHALL BE CONSISTENT WITH THE DRI DEVELOPMENT SUMMARY ACREAGE AMOUNTS SET FORTH IN THE PROJECT DEVELOPMENT ORDER. THE MARINA BASIN SHOWN ON THIS PLAN 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 #381691749. AS MAY BE AMENDED FROM TIME TO TIME. THE COASTAL AREAS, ROADS, AND TRAILERS PRODUCT SHALL BE IN ITS SOLE INTERSECTION WITH THE BOUNDARIES OF THE DEVELOPMENT SUBJECT TO THE MINIMUM TOTALS HEREIN AND/OR AS MAY BE AMENDED FROM TIME TO TIME. AS SPECIFIC RESIDENTIAL PRODUCT TYPES AS SET FORTH IN THE DEVELOPMENT SUMMARY.

7. LOT SIZES:

- LOCAL STREETS - 15'
- COLLECTOR/ARTERIAL STREETS - 25'
- SIDE - 10'
- REAR - 10'
- MANMADE WATER BODIES - 10'
- NATURAL WATER BODIES - 20'
- MARINA - 0'

LAND USE	ACRFAGE
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, WADING, PRESERVATION, OTHER OPEN SPACE)	250.7
TOTAL ACRAGE	547.5

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



APPROVED
Master Concept Plan
Site Plan = 02-020 Page 1 of 1
Subject to conditions in Resolution 2-02-02
Case = DRI 2001-00005

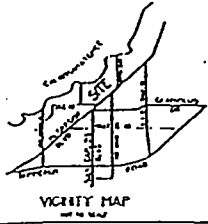
MORRIS - DEFEW ASSOCIATES, INC.

MO
9
CHECKED BY
DWD
04

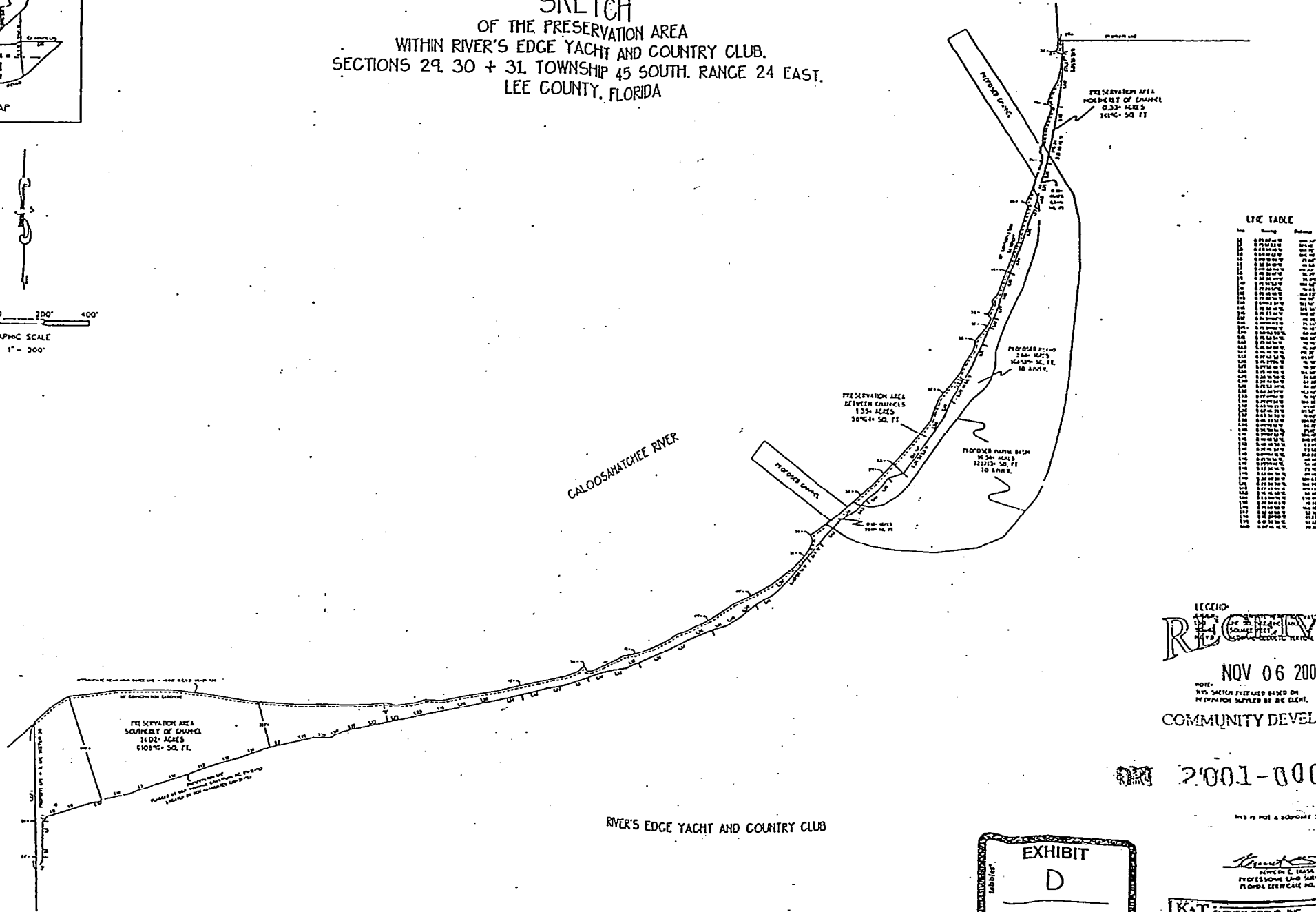
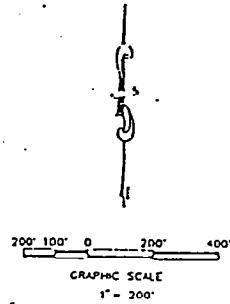
RIVER'S EDGE YACHT AND COUNTRY CLUB DRI
(GULF HARBOUR YACHT AND COUNTRY CLUB)
PROPOSED PHASING PLAN
AMENDED TABLE 12B-1

<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 1982-1993
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 1996-2005
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		

EXHIBIT C



SKETCH OF THE PRESERVATION AREA WITHIN RIVER'S EDGE YACHT AND COUNTRY CLUB. SECTIONS 29, 30 + 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST. LEE COUNTY, FLORIDA



LINE TABLE

LINE	DESCRIPTION	ACRES	SQ. FT.
1	PRESERVATION AREA NORTHWEST OF CHANNEL	0.33+	1416+
2	PRESERVATION AREA BETWEEN CHANNELS	1.33+	5842+
3	PRESERVATION AREA SOUTH OF CHANNEL	11.02+	4782+
4	PROPOSED PUMP STATION	10.36+	22213+
5	PROPOSED FLOOD	2.46+	10630+

LEGEND
RECEIVED

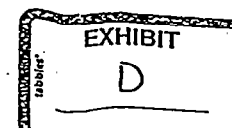
NOV 06 2001

NOTE:
THIS SKETCH PREPARED BASED ON
INFORMATION SUPPLIED BY THE CLIENT.

COMMUNITY DEVELOPMENT

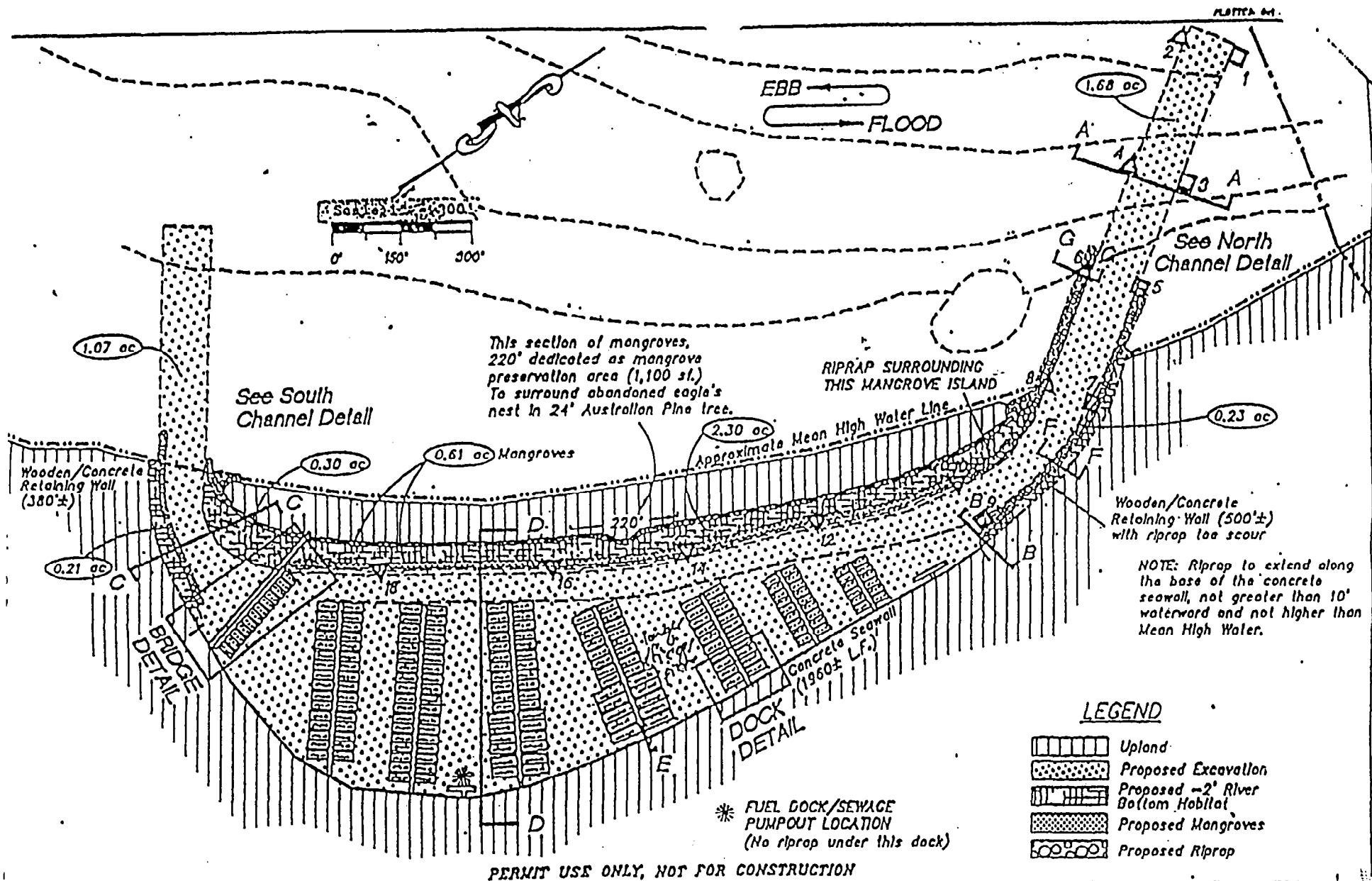
2001-00005

THIS IS NOT A SURVEY MAP



KAT SURVEY GROUP, INC.

333122
10-12-01



ATF
10/93

17

FLORIDA DESIGN
COMMUNITIES, INC.

Overall Marina Plan

DRAWN BY: JMW

REVISED: 9/9/93

9/23/93

10/5/93

W. DEXTER BENDER
AND ASSOCIATES
1625 RENDAY ST. SUITE 101
FORT MYERS, FL 33901



EXHIBIT E



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

OF LAND SITUATED IN THE STATE OF FLORIDA,
LIEG IN SECTION 30, TOWNSHIP 45 SOUTH, RANGE
PART OF TRACT "E", GULF HARBOUR
CLUB SUBDIVISION AS RECORDED IN PLAT BOOK
VOLUME 27, PUBLIC RECORDS OF LEE COUNTY,
FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

1. SOUTHWEST CORNER OF SAID SECTION 30 AND
CORNER OF SAID TRACT "N" OF GULF HARBOUR
CLUB; THENCE ALONG THE WEST LINE OF SAID
TRACT "N", N.01°03'43"W. FOR 1387.28 FEET
BEGINNING OF THE PARCEL HEREIN DESCRIBED;
THENCE WEST LINE, N.32°31'10"E. FOR 48.65 FEET;
THENCE S.00°15'03"E. FOR 112.23 FEET; THENCE
S.37°36'48"E. FOR 38.09 FEET; THENCE
S.68°41'22"E. FOR 106.99 FEET; THENCE
S.69°39'45"E. FOR 128.70 FEET; THENCE
S.68°73'37"E. FOR 116.54 FEET; THENCE
S.5°45'E. FOR 128.38 FEET; THENCE N.69°03'37"E.
THENCE N.75°17'23"E. FOR 75.31 FEET TO THE
SOUTHWEST CORNER OF LOT 38 OF GULF HARBOUR YACHT AND
BOAT CLUB AS RECORDED IN PLAT BOOK 56, PAGES
199 RECORDS OF LEE COUNTY, FLORIDA; THENCE
199 FEET, MORE OR LESS, TO THE MEAN HIGH
WATER LINE OF CALOOSAHATCHEE RIVER; THENCE WESTERLY
ALONG WATER LINE FOR 1120 FEET, MORE OR LESS,
WITH SAID WEST LINE OF SECTION 30, BEARING
THE POINT OF BEGINNING; THENCE ALONG SAID
SECTION 30, S.01°03'43"E. FOR 681 FEET, MORE OR
LESS, TO POINT OF BEGINNING.

1.17 ACRES, MORE OR LESS;

M. Linn 5-1-2002
DATE

SURVEYOR AND MAPPER
STATE NO. LS# 5743

THE SIGNATURE AND THE ORIGINAL RAISED SEAL
OF THE SURVEYOR AND MAPPER.

THIS IS NOT A SURVEY *

IN AREA / PALMAS DEL SOL

MARIDIAN
ENGINEERING & MAPPING, LLC

SURVEYORS • PLANNERS

License # 7071

5245 RAMSEY WAY, SUITE #2
FORT MYERS, FLORIDA 33907
PHONE: (841) 275-8575
FAX: (841) 275-8457

www.maridianfl.com

DATE	PROJECT NO.	SHEET
N/A	2248	1 OF 1

P.O.B. FOR
PHASE 4
(PRESERVATION AREA)

BEARING BASIS
N.01°03'43"W.
1387.28'

P.O.C.
SOUTHWEST CORNER OF SECTION 30
AND TRACT N
FND. 4"x4" C.M.
(DENI ASSOCIATES)

N.70°31'47"E
56.77'

N.69°41'22"E N.77°51'33"E
106.99' 105.62'

N.37°36'48"E
38.09'

N.00°15'03"E
72.02'

N.00°23'02"E
112.23'

N.32°31'10"E
48.65'

WEST LINE SECTION 30
AND TRACT N

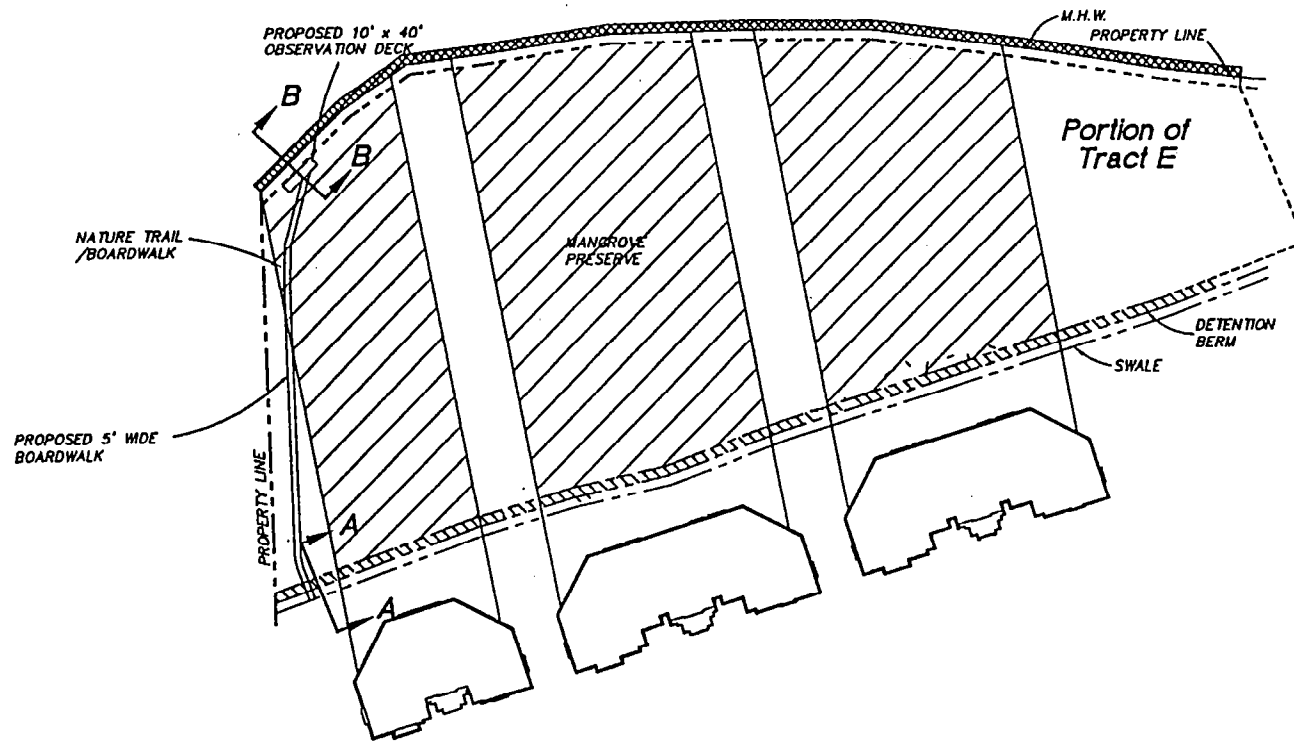
SOUTH LINE OF SECTION 30-45-

EXHIBIT F

SECTION: 30
TOWNSHIP: 45 S
RANGE: 24 E

Boardwalk and Observation Deck/Mangrove Trimming Plan

Caloosahatchee River



0 100 200
SCALE FEET

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

**PERMIT USE ONLY,
NOT FOR CONSTRUCTION**

June 26, 2002 9:10:37 a.m.
Drawing: GROSS1NOTICE.DWG (DCS)

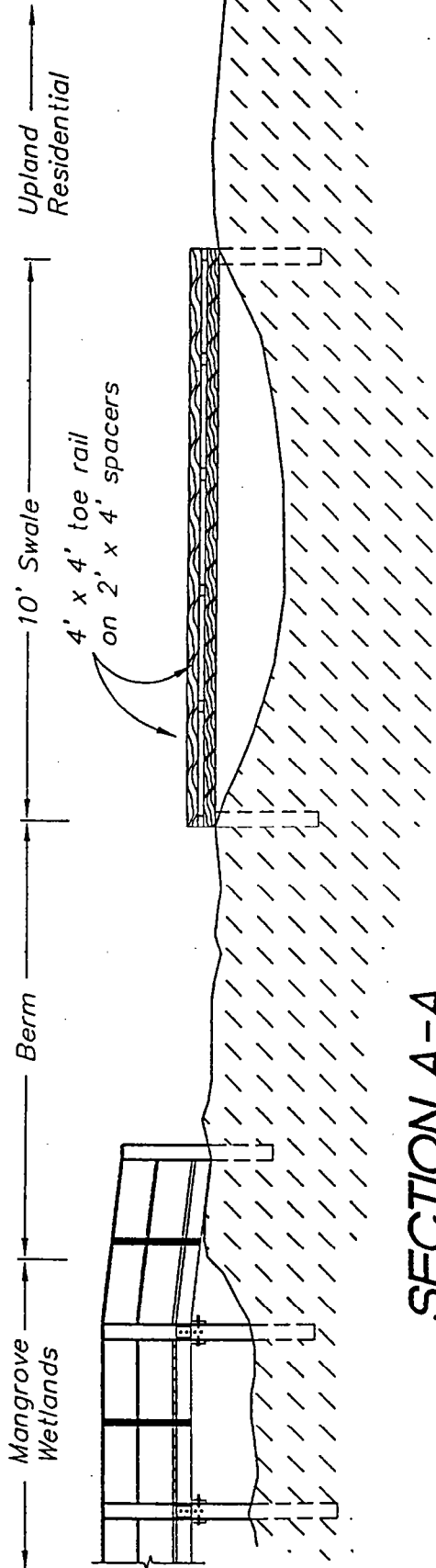


**W. DEXTER BENDER
AND ASSOCIATES**
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS, FL (941) 334-3680

REVISED:

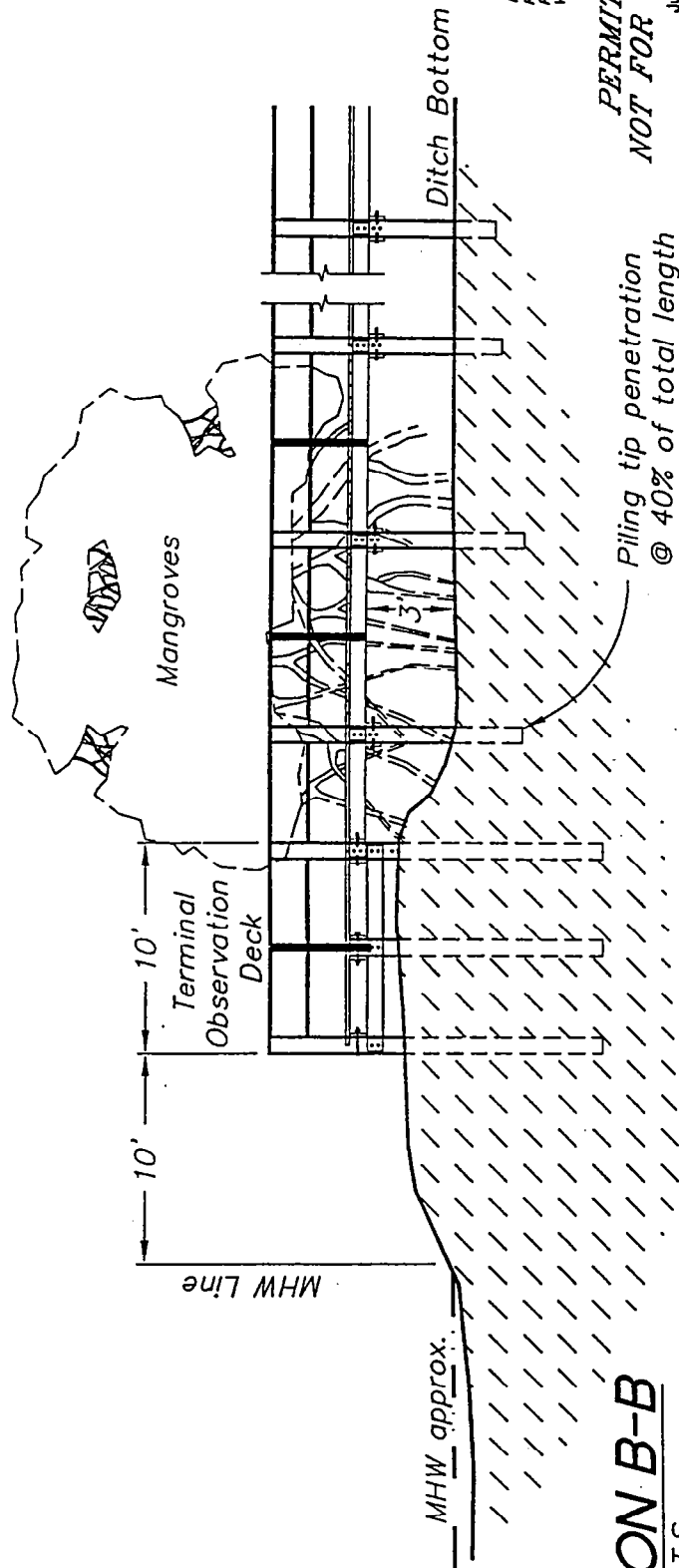
Palmas Del Sol

SHEET



SECTION A-A

N.T.S.



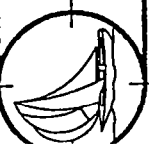
SECTION B-B

N.T.S.

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 36680
W. DEXTER BENDER & ASSOC., INC.

PERMIT USE ONLY,
NOT FOR CONSTRUCTION

June 19, 2002 11:25:45 a.m.
Drawing: GROSS1XSA.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

ON: 30
SHIP: 45 S
E: 24 E

Rip Rap Detail and Cross-section

Caloosahatchee River



Proposed Riprap Sill

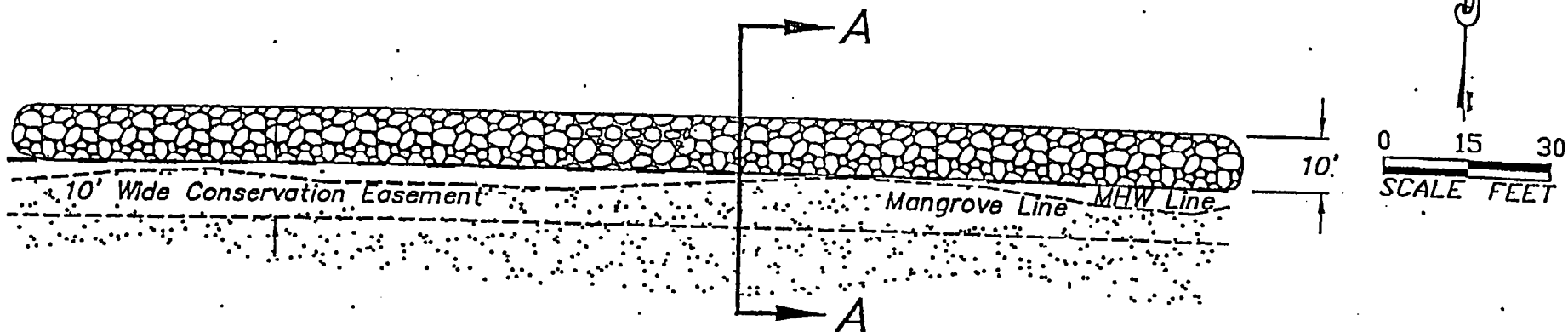
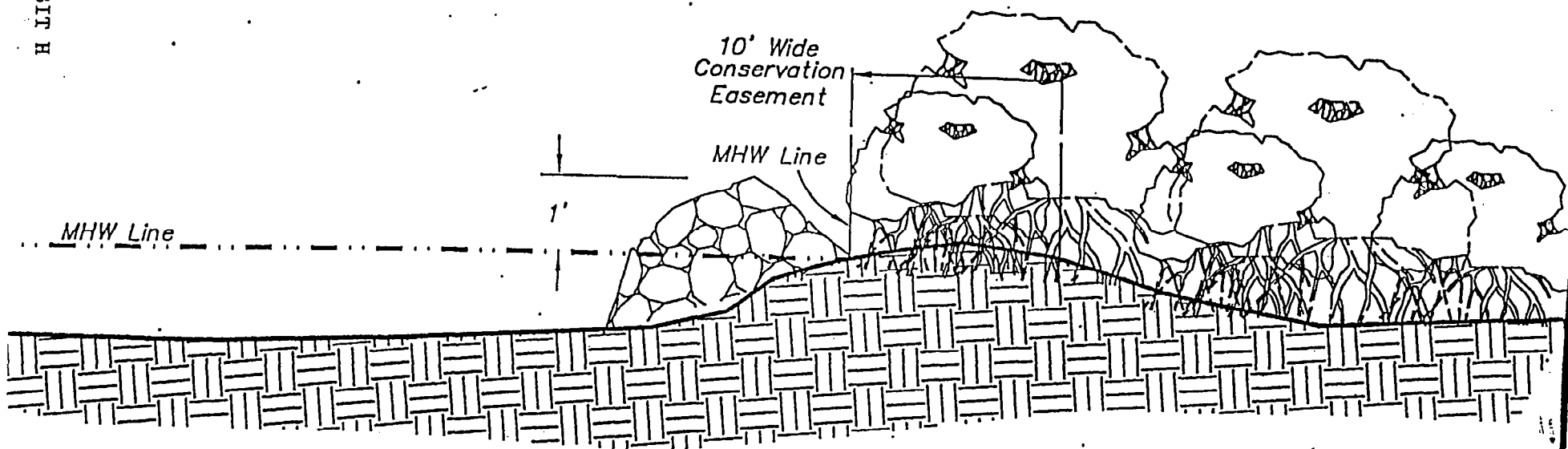


EXHIBIT H



Section A-A
Not to Scale

PERMIT USE ONLY,
NOT FOR CONSTRUCTION

July 10, 2001 9:05:28 a.m.
Drawing: GROSS1DET.DWG (DCS)

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

REVISED:

Palmas Del Sol

SHEET

Boardwalk and Observation Deck Plan

SECTION: 30
TOWNSHIP: 45 S
RANGE: 24 E

PROPOSED 10' x 40'
OBSERVATION DECK

10' WIDE EASEMENT

M.H.W.

PROPERTY LINE

AUG 01 2001

ZONING

NATURE TRAIL
/BOARDWALK

MANGROVE
PRESERVE

Portion of
Tract E

DETENTION
BERM

SWALE

*6' WIDE x 10' LONG
WOOD WALKOVER
(SWALE CROSSING)

0 50 100
SCALE FEET

Notes:

1. Boardwalk alignments have been flagged and approved in the field on January 14, 2000 by Ms. Cathy Hopkins of FDEP. The boardwalk and walkovers will be constructed along that flagged alignment according to the permit for this project.
2. Mitigation will consist of treating Brazilian Pepper along the western property line where there is a ditch.

Ditch Mitigation Area - Exotic removal (13,196±s.f.)

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
W. DEXTER BENDER & ASSOC., INC.
July 30, 2001 2:30:11 p.m.
Drawing: GROSS15PLN.DWG (DCS)

W. DEXTER BENDER
AND ASSOCIATES
2052 VIRGINIA AVENUE
FORT MYERS, FL 33901 (941) 334-3680

SHEET

PALMAS del SOL

REVISED:

EXHIBIT F

LEE COUNTY
RECEIVED

INTEROFFICE MEMORANDUM

02 OCT 30 AM 11:23

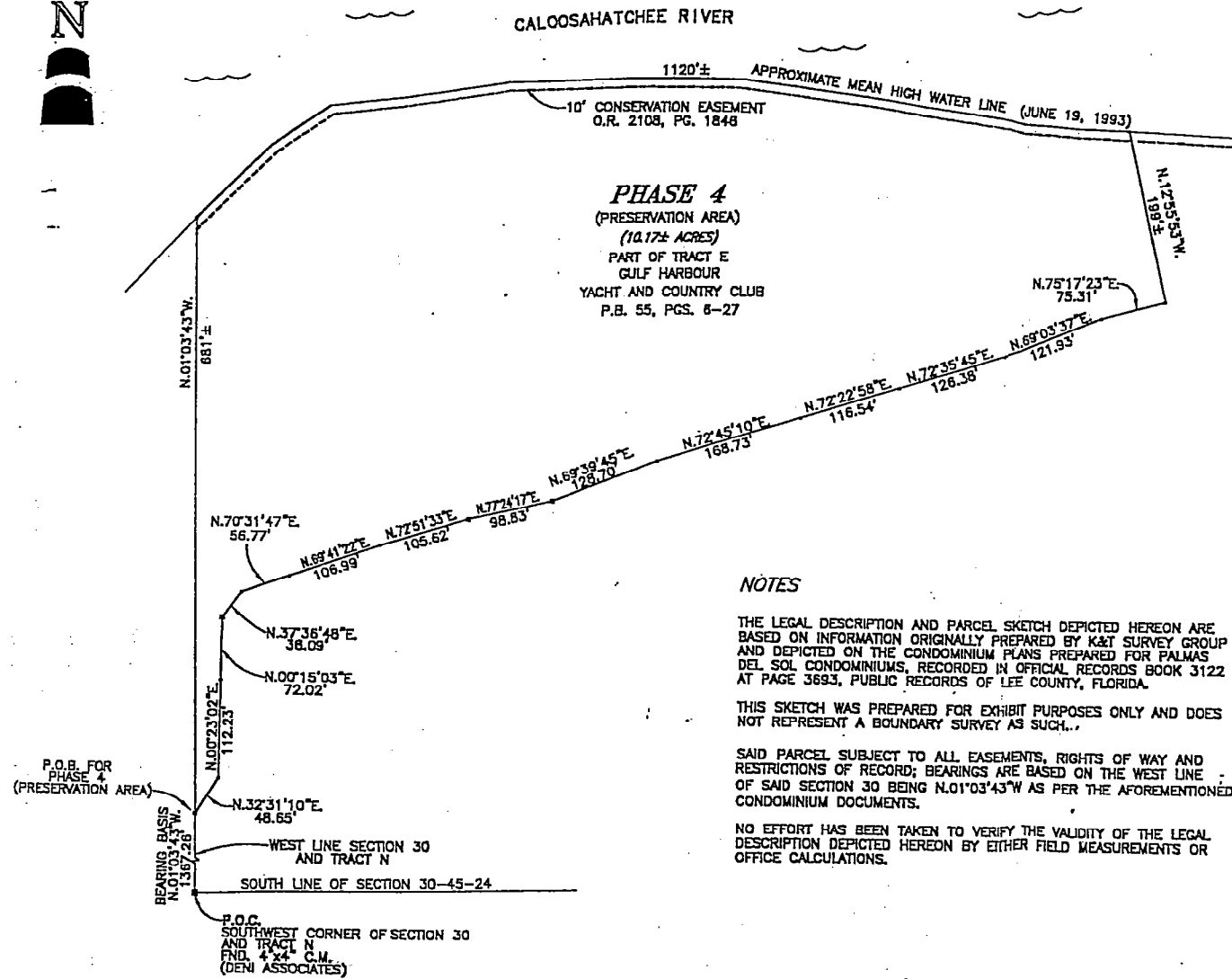
TO: BILLIE JACOBY
FROM: LISA PIERCE
SUBJECT: RIVER'S EDGE DRI DEVELOPMENT ORDER # 12-8182-21
DATE: 10/30/2002

COMM. DEV/
PUB. WORKS. CNTR.
SECOND FLOOR

Attached are copies of Exhibit F to the above referenced DRI. Please replace the Exhibit F in the certified copies interoffice mailed to you yesterday. It was discovered that this Exhibit was copied as it was folded, in other words it went through the copier folded.

Thanks

* 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"W AS PER THE AFOREMENTIONED CONDOMINIUM DOCUMENTS.

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

LEGEND

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

OF PALM
LYING IN SECTION

A TRACT OR PARCEL
COUNTY OF LEE, LYN
24 EAST, BEING A F
YACHT AND COUNTRY
55, PAGES 8 THROU
FLORIDA, AND BEING I

COMMENCING AT THE
THE SOUTH-WEST COI
YACHT AND COUNTRY
SECTION 30 AND SAI
TO THE POINT OF BI
THENCE LEAVING SAI
THENCE N.00°23'02"E
72.02 FEET; THENC
N.70°31'47"E FOR 5
FEET; THENCE N.72°51
FOR 98.83 FEET; THE
N.72°45'10"E FOR 1E
FEET; THENCE N.72°35
FOR 121.93 FEET; T
NORTHWEST CORNER
COUNTRY CLUB PHASE
1 THROUGH 4, PUBLIC
N.12°55'53"W FOR 1
WATER LINE OF THE
ALONG SAID MEAN HIG
TO AN INTERSECTION
N.01°03'43"W. FROM 1
WEST LINE OF SECTIO
LESS, TO THE POIN

PARCEL CONTAINS 10.

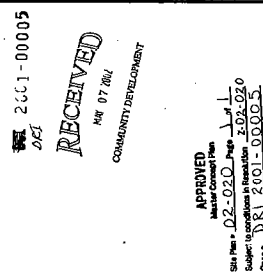
PREPARED BY:

SCOTT M. SHORE
PROFESSIONAL SURV
FLORIDA CERTIFICATE

NOT VALID WITHOUT
OF A FLORIDA LICEN

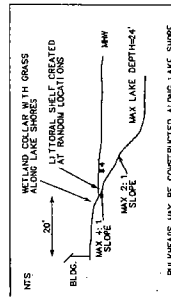
* THIS I

TITLE: PRESERVATION	
M&E SURVEYING LAND SURV L	
FILE NAME: 2248SK.DWG	FIELD BOOK
SURVEY DATE: 6-1-2007	DRAWN BY: DALL



DEVELOPMENT SUMMARY:

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



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 GALOOSA-HATCHER 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, 1984 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; PROVIDED, HOWEVER, THAT THE TOTAL NUMBER OF ACRES DEVOTED TO PARTICULAR USES SHALL BE CONSISTENT WITH THE DRI 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.
8. LOT SETBACK:
 - 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

