

BOARD OF COUNTY COMMISSIONERS

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February 23, 2012

**MS. NEALE MONTGOMERY
PAVESE LAW FIRM
1833 HENDRY STREET
FORT MYERS FL 33901**

Re: **MIROMAR LAKES
Senate Bill 2156 Extension (F)
DRI2012-00005**

Dear MS. NEALE MONTGOMERY:

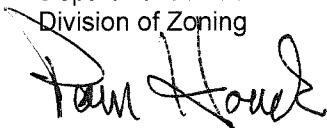
Lee County acknowledges receipt of your request for extension of the build out date, commencement and completion dates, and any required mitigation as provided for under Florida Statute 252.363. The extension provided under Florida Statute 252.363 is the result of Office of the Governor Executive Order Number 11-128 (extended by 11-172 and 11-202). Pursuant to that Executive Order and Florida Statute 252.363, Lee County recognizes the length of time related to this extension is for a period of 126 days plus 6 months.

Lee County will not issue a codified Amendment to the DRI Development Order at this time. In the future, if the DRI Development Order is amended, Lee County will amend the DRI Development to provide for the extension. Please keep a copy of this letter for your records and submit this letter with the next application for a Notice of Proposed Change for this DRI so that the time extension can be included in the amended DRI Development Order. If the DRI Development Order is not amended before the expiration date, please ensure you have a copy of this letter to prove entitlement to the extension provided under this Executive Order.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning



Pam Houck
Director

cc: Donna Marie Collins, Chief Assistant County Attorney

RESOLUTION NO. 10-01-27

RESOLUTION PERTAINING TO STATUTORY
EXTENSION OF DRI BUILDOUT AND
TERMINATION DATES FOR THE MIROMAR LAKES
DRI.

WHEREAS, the Governor of the State of Florida signed Senate Bill 360 into law on June 1, 2009 (hereinafter SB360); and,

WHEREAS, the SB360 was adopted in recognition of the current real estate and economic conditions within the State; and,

WHEREAS, SB360 provides for two-year extensions of local government issued development permits that have an expiration date between September 1, 2008 through January 1, 2012; and,

WHEREAS, SB360 requires the holder of a valid permit eligible for the two-year extension to notify the local government in writing no later than December 31, 2009, that the holder intends to utilize the extension and the anticipated timeframe for acting on the authorization; and,

WHEREAS, the Miromar Lakes DRI qualifies for the statutory two-year extension to the build out and termination date; and,

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

1. The above stated recitals are incorporated into this Resolution by reference.
2. The DRI Development Order for Miromar Lakes DRI is hereby amended as reflected in the attached Exhibit "A."
3. This Resolution and its exhibits constitute the Fourth Codified Development Order Amendment to the Miromar Lakes Development of Regional Impact. Development of the project must be consistent with the DRI Development Order attached as exhibit A and the governing zoning approvals.
4. Certified copies of this Resolution will be forwarded to the Southwest Florida Regional Planning Council, the Florida Department of Community Affairs, and other appropriate agencies. This amendment is rendered as of the date of transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Once effective, the Notice

of Adoption of this Development Order Amendment must be recorded as provided for in Chapter 380, Florida Statutes.

Commissioner Janes made a motion to adopt the foregoing resolution. The motion was seconded by Commissioner Judah. The vote was as follows:

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

DULY PASSED AND ADOPTED this 26th day of January 2010.

ATTEST:

CHARLIE GREEN, CLERK

BOARD OF COUNTY
COMMISSIONERS
LEE COUNTY, FLORIDA

By: Marcia Wilson
Deputy Clerk

By: Tammara Hall
Tammara Hall, Chairwoman

APPROVED AS TO FORM

By: Michael D. J.
County Attorney's Office



Exhibits:

Exhibit A - Fourth Amendment to Miromar Lakes DRI Development Order

RECEIVED
MINUTES OFFICE
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2010 FEB -1 PM 2:12

FOURTH DEVELOPMENT ORDER
AMENDMENT FOR
MIROMAR LAKES
(CODIFIED)
A DEVELOPMENT OF REGIONAL IMPACT
STATE DRI #11-9798-142

LET IT BE KNOWN THAT, PURSUANT TO SECTION 380.06 OF THE FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA ADOPTED THE APPLICATION FOR DEVELOPMENT APPROVAL ORIGINALLY SUBMITTED AS THE ALICO AMDA, BUT THEREAFTER REDUCED TO AN ADA AND RENAMED AS THE MIROMAR LAKES DRI (HEREINAFTER REFERRED TO AS MIROMAR LAKES) BY ALICO, INC., AS THE OWNER/APPLICANT, FOR MIROMAR LAKES, L.L.C., AS THE DEVELOPER. THE ORIGINAL ADOPTION HEARING WAS HELD ON NOVEMBER 29, 1999. MIROMAR LAKES WAS ORIGINALLY APPROVED AS A MIXED USE DEVELOPMENT THAT INCLUDED APPROXIMATELY 1,271.12± ACRES TO BE DEVELOPED IN ACCORDANCE WITH THE APPLICATION FOR DEVELOPMENT APPROVAL SUBMITTED TO LEE COUNTY ON APRIL 23, 1990, AND AMENDED ON NOVEMBER 10, 1997.

WHEREAS, the Board of County Commissioners, in a public meeting duly advertised, constituted and assembled November 29, 1999, adopted the Development of Regional Impact Application for Development Approval for the project known as Miromar Lakes, subject to conditions, restrictions and limitations; and

WHEREAS, the Miromar Lakes DRI Development Order was subsequently amended on December 10, 2002 to revise the adjustment rate applicable to the unpaid balance of the proportionate share assessment; and,

WHEREAS, the Miromar Lakes DRI Development Order was subsequently amended a second time on December 15, 2003, to amend the Miromar Lakes DRI development order to add approximately 534 +/- acres of property to the project (total project to be 1805 +/- acres). This change included a proposal to increase the number of golf holes by 18, add a clubhouse, and golf maintenance facility on the property; and,

WHEREAS, in 2001 Miromar Lakes, LLC filed an application to amend the Lee County Comprehensive Land Use Plan (Lee Plan) to change the future land use designation of approximately 19.85 +/- acres from Density Reduction Groundwater Resource to University Community and the re-designation of approximately 170.92 +/- acres from "University Community" to "Conservation Lands - Uplands" and "Conservation Lands - Wetlands"; and

WHEREAS, the Board adopted the proposed amendment to the Lee Plan to re-designate approximately 19.85+/- acres from "Density Reduction Groundwater Resource" to "University Community" and also adopted the proposed amendment to re-designate 170.92± acres from "University Community and Wetlands" to "Conservation Lands-Uplands" and "Conservation Lands - Wetlands."; and

WHEREAS, pursuant to HB7203, as reflected in Board Resolution 07-09-18, adopted September 11, 2007, the Miromar Lakes DRI Development Order was amended a third time to extend the build out date to December 31, 2011; and,

WHEREAS, on June 1, 2009, Senate Bill 360 (SB360) was signed into law by the Governor of the State of Florida. SB360 provided a statutory two-year extension to DRIs with build out dates expiring between September 1, 2008 through January 1, 2012; and,

WHEREAS, the Board of County Commissioners recognized the statutory extension and established a procedure for implementing SB360 in Lee County Resolution 09-06-22 on June 23, 2009; and,

WHEREAS, on June 17, 2009, Lee County received a request for an extension of the DRI build out date and Concurrency Certificate for the Miromar Lakes DRI; and,

WHEREAS, Miromar Lakes DRI qualifies for the two-year extension of its build out date from December 31, 2011 to December 31, 2013; and,

WHEREAS, under Lee County Resolution 09-06-22, concurrency vesting is also extended to December 31, 2013, consistent with the build out extension; and,

WHEREAS, under SB 360, the two-year extension does not constitute a substantial deviation from the original development approvals warranting further DRI review; and,

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, that the Development Order for Miromar Lakes DRI is hereby further amended as follows:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW.

A. Miromar Lakes is a master planned community located in unincorporated south Lee County, east of I-75, north of Corkscrew Road, south of Allico Road, on either side of Ben Hill Griffin Parkway. The site is 1,805.646+/- acres. Miromar is a mixed use development that will consist of: 2,600 residential units, 250,000 square feet of retail, 450 hotel rooms, 340,000 square feet of office, 250 wet slips, 400 dry slips, 40,000 square feet of research and development, and all accessory uses to these uses. In addition, there will be 312 acres of lakes/buffers and recreation, and a minimum of 338 of conservation lands. The recreational uses will include golf, tennis, clubhouses, and active and passive

recreation. The legal description of the project is set forth in Exhibit A

The assessment was based on a phasing schedule that includes two five-year phases described in Exhibit B. Site preparation will commence upon completion of all necessary permitting. The project buildout date is December 31, ~~2011~~2013. The termination date is December 31, ~~2017~~2018.

Water supply and wastewater treatment will be provided by Gulf Environmental Services.

B. The factual findings, conclusions of law, conditions and other terms of this Development Order apply to the property legally described in Exhibit A and known as the Miromar Lakes DRI.

C. The original 1,271.12± acres was zoned AG-2, and coincident with the 1999 approval of the Development Order the property was rezoned to a Mixed Use Planned Development (MPD). In the recent past, portions of the property have been utilized for mining and related activity. The mining, and related activity, will cease on any portion of the property under active development. The 534 +/- acre addition was initially zoned AG-2, but was rezoned to MPD coincident with the Second DRI Development Order Amendment.

D. The AMDA went through sufficiency and a report and recommendation were issued. The application was put on hold, then reduced to an Application for Development Approval (ADA). The ADA for Miromar Lakes is consistent with the requirements of Section 380.06, Florida Statutes. The project went through two sufficiency rounds and the Developer exercised its right to refuse participation in further rounds.

E. The development is not located in an area designated as an Area of Critical State Concern under the provision of Section 380.05, Florida Statutes.

F. The development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan. The development is consistent with the State Comprehensive Plan if it is developed in accordance with the development parameters and conditions of approval set forth in this development order.

G. The development has been reviewed by the SWFRPC and is the subject of reports and recommendations adopted by that body on December 17, 1998 and June 21, 2001. The SWFRPC report and recommendations were subsequently forwarded to Lee County pursuant to Section 380.06, Florida Statutes. The development, as proposed in the ADA and modified by this Development Order, is consistent with the reports and recommendations of the SWFRPC pursuant to Section 380.06(11), Florida Statutes.

H. The development, as conditioned, is located in, and is consistent with, the University Community, "Conservation Lands - Uplands", and "Conservation Lands-Wetlands" future land use categories.

I. The conditions set forth below meet the criteria found in Section 380.06(15)(d), Florida Statutes.

J. The Phase II and build out dates were extended by three years to 2012 and 2017 respectively pursuant to House Bill 7203, which amended Florida Statutes, Section 380.06(19)(c).

K. Senate Bill 360 (SB360), as signed into law by the Governor of the State of Florida on June 1, 2009 (codified as a note to F.S. §§373.414 and 380.06) provides a statutory two-year extension to build out dates expiring between September 1, 2008 through January 1, 2012. The Board of County Commissioners recognized the statutory extension in Lee County Resolution 09-06-22, adopted on June 23, 2009.

In accord with SB 360, Miormar Lakes DRI qualifies for a two-year extension of its build out date from December 31, 2011 to December 31, 2013. Under Lee County Resolution 09-06-22, concurrency is also extended to December 31, 2013, consistent with the build out extension. Under SB 360, the two-year extension does not constitute a substantial deviation of the original development order approvals warranting further DRI review.

II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled _____, the Fourth Amendment to the Miromar Lakes Development of Regional Impact is hereby approved subject to the conditions, restrictions and limitations that follow. For the purpose of this Development Order, the term "Developer" refers to Miromar Lakes, L.L.C., and includes all of its successors or assigns, and all references to County Ordinances or other regulations including future amendments.

A. AFFORDABLE HOUSING.

1. The Applicant conducted a survey in accordance with an approved methodology to determine whether a sufficient number of affordable housing units are available to meet the demands of the projected, non-construction, permanent employees of Phase I of the Project. The survey results demonstrated there was no unmet demand through build out of Phase I.

2. Prior to initiation of the second phase of the Project, the Developer must conduct a re-analysis of the affordable housing needs of the projected, non-construction,

permanent employees of that phase using a methodology acceptable to the County, SWFRPC and DCA. The methodology must limit the percentage of mobile homes that comprise the total available supply to 20 percent.

3. If the second phase re-analysis of the affordable housing needs shows a potential shortage of affordable housing units that exceeds the threshold for significant impact for the DRI, the Developer must mitigate the need by following the options outlined in Rule 9J-2.048(8), the Adequate Housing Uniform Standard Rule, or other measures agreed to by the County, SWFRPC and DCA.

B. ENERGY.

The Developer will utilize the energy conservation measures outlined in the ADA.

C. STORM WATER MANAGEMENT.

1. The Developer has obtained an Environmental Resource Permit (ERP) from South Florida Water Management District (#951122-7 Miromar Lakes). Prior to construction, the Developer must provide Lee County Development Services with a copy of the ERP, and any early work permit. The Developer must provide the County Development Services Division with a copy of all amendments to the ERP that include property that was not a part of the original application.

2. The Developer, Property Owner's Association, UCDD, or other entity with operational responsibility for the surface water management system must comply with Class III water quality standards for all water discharged into the lakes generally referred to as the north and south mining lakes.

3. The Developer must incorporate best management practices (BMPs) into the surface water management plans submitted to SFWMD. The Developer must also utilize BMPs during construction for control of erosion and sediment. These practices will be identified on the aforementioned plans submitted to SFWMD, and other agencies with jurisdiction.

4. The first habitable floor of all structures must be at or above the 100-year flood elevations. The 25-year/three-day storm event must be used in computing off-site discharge rates, taking into account the backwater elevations along on-site flowways.

5. The Developer must obtain a SFWMD permit for dewatering activities as required by Sections 2.5 and 5.2.2 Dewatering, Basis of Review (water use).

6. Upon completion of construction and stabilization of side slopes, the Developer must remove all silt barriers, hay bales, anchor soil, and accumulated silt.

7. The Developer must establish a legal operating entity in accordance with the SFWMD Basis of Review and Lee County Land Development Code (LDC), to maintain all internal storm water management lakes, ditches, and wetlands. The same condition applies to that portion of the north and south mining lakes under the ownership and control of the Developer. Easements, common areas or other legal mechanisms may be utilized to ensure sufficient access to the storm water management areas.

8. Where applicable, the storm water management plan submitted to SFWMD must consider measures to reduce runoff rates and volumes, including, but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. The Developer must use swales rather than closed systems whenever practical.

9. The Developer must create littoral zones along the shoreline banks of the storm water management system consistent with the requirements of SFWMD and Lee County. The littoral zones must consist of native emergent or submergent aquatic vegetation. The Developer must ensure, by supplemental replanting if necessary, at least 80 percent cover by native aquatic vegetation within the required littoral zones.

10. The surface water management system design must incorporate natural flowway corridors and restore impacted natural flow way corridors.

(a) Storm water run-off must be pre-treated consistent with the South Florida Water Management District permit prior to discharging the run-off into existing lake or wetland (any aquatic) systems.

(b) The development must maintain the function and integrity of the Stewart Slough, the natural flowway being restored through the South Florida Water Management District's ERP, contained within the boundaries of this DRI. Flowways are precluded from being primary surface water treatment areas.

11. The Developer, or the legal operating entity, must perform annual inspections of the project's on-site storm water management system to ensure that the system is maintained in accordance with the final approved design.

12. The Developer must meet all Army Corps. of Engineers, Department of Environmental Protection, South Florida Water Management District, and Lee County requirements regarding the impact of the proposed storm water management system on state or federally listed plants or animal species occurring on-site. When required by federal, state, or local permits, the Developer will provide mitigation for those impacts.

13. The Developer must vacuum sweep all commercial streets and parking areas within the development on a regularly scheduled basis.

14. When required by SFWMD in accordance with Section 5.2.2, Basis of Review (E.R.P.), the Developer must provide at least one-half inch of dry pre-treatment (retention or detention), or an equivalent alternative, for commercial and industrial uses.

15. The Developer must participate in any Countywide storm water management system adopted by Lee County that directly benefits the development, under the same fiscal terms and conditions applicable to other benefitted properties.

16. As part of the routine maintenance of the project, the Developer must:
a) mow grassed storm water management areas; b) remove accumulated debris within treatment areas; c) replace all identifiable erosion to banks; and d) remove noxious exotic vegetation that may potentially interfere with the proper function of the treatment areas.

17. The Developer must inspect, clean and repair all under-drain systems and grease baffles on a regular basis. The period between inspections may not exceed eighteen months.

18. The storm water management system must be designed to ensure that the quality and quantity of the water entering the wetlands is adequate to ensure the wetland survivability. The impact of the storm water management system on the wetland mitigation areas will be evaluated by the SFWMD during the ERP process.

19. All individual tenants or residents must comply with applicable laws and regulations regarding the management and use of hazardous materials.

20. a. Prior to development order approval for the first 18-hole golf course, the developer must conduct a pre-development groundwater and surface water analysis and submit the analysis to the County. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals that are anticipated to be associated with the project. Prior to commencing this baseline study, the developer must submit the methodology for review, comment, and approval by the County.

b. The developer must submit an annual monitoring report of surface water quality on the first 18-hole golf course for a period of five years from the issuance of the certificate of completion for the golf course, or the last violation, if any, of Chapter 62-302, F.A.C. water quality standards. The monitoring program will include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water at the project's outfall locations, which are the south mining lake, the Stewart Cypress Slough, and the north headwaters of Estero River. The developer will submit the test results with the monitoring report. The monitoring program will be established and operated at the expense of the developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 62-302, F.A.C., water quality standards.

c. The developer must conduct a pre-development ground water and surface water analysis and submit the analysis to the County prior to development order approval for the second 18-hole golf course. The analysis will establish the baseline data for groundwater and surface water monitoring of the project area. The developer must design the analysis to identify the nutrients and chemicals anticipated to be associated with the second 18 hole golf course. The methodology employed in the base line study must first be reviewed and approved by the county.

d. The operator of the second 18 hole golf course must submit an annual monitoring report of ground water and surface water quality. The proposed monitoring program will be reviewed by the Natural Resources Division and evaluated in accordance with the requirements of Chapter 62-302 FAC water quality standards. The monitoring program must include: testing to assess whether there are unacceptable increased levels of herbicide, pesticide or fertilizer at project outfalls; identification of the locations of the ground water monitoring and project outfalls; identification of the locations of ground water monitoring and testing on a map(s); an outline of the testing and recording requirements. The operator must submit test results and the monitoring report to the Lee County Natural Resources Division. The monitoring program will be established and operated at the expense of the developer or other legal entity charged with the legal responsibility of managing the golf course. Compliance with the program will be evaluated at the project outfalls utilizing the water quality standards set forth in Chapter 62-302 F.A.C. The monitoring program will continue in perpetuity.

21. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and if the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course, the application of the pollutant must cease until there is a revised management plan for the application of the pollutant. A determination that the application of fertilizers, herbicides or pesticides to the golf course are the cause and source of the pollution must be based on competent and substantial evidence. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County and other appropriate agencies will be implemented by the developer.

D. TRANSPORTATION

1. Significant Impacts

a. Assessment Parameters

The traffic impact assessment for the project assumes the following development parameters:

	<u>Phase I (2004)</u>	<u>Buildout (2011 2013)</u>
Residential		
Single Family (ITE LUC 210)	314 D.U.	700 D.U.
Multi-Family	1,100 D.U. Total	1,900 D.U. Total
Apartments (LUC 220)	200 D.U.	200 D.U.
Residential Condominiums (LUC 230)	900 D.U.	1,700 D.U.
Non-Residential		
--Service/Office (LUC 710)	100,000 sq. ft.	340,000 sq. ft.
--General Retail (LUC 820)	160,000 sq. ft.	250,000sq. ft.
--Hotel (LUC 310)	350 rooms	450 rooms
--Industrial/R & D (LUC 760)	0 sq. ft.	40,000 sq. ft.
--Golf Course (LUC 430)	36 holes	36 holes
 --Community Use (LUC 495)	 20,000 sq. ft.	 20,000 sq. ft.
(Golf Clubhouse)		
--Beach Park (LUC 415)	10 acres	10 acres
(Including a Beach Clubhouse for use of residents and their guests.)		

The above parameters form the basis for the project impacts and mitigation requirements contained herein. The assumed land uses associated with the general parameters are identified by the Land Use Code (LUC) from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6th Edition. While approved zoning categories may allow a wider range of uses, from a DRI standpoint, the project impacts are based on the above parameters and assumed uses. Any significant change in the assumed uses or mix of uses will require a re-evaluation of the DRI transportation impacts. A significant change is one that would increase the external project traffic by five (5) percent or more **or** that would significantly change the projected distribution and assignment of project traffic, so as to result in additional significantly and adversely impacted roadway links. The overall traffic at the project entrances based on the above parameters is estimated to be 3,931 p.m. peak hour trips.

b. Phase I Impacts

The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Phase I (2004):

<u>Roadways</u>	<u>Needed Improvement</u>
Alico Road	
--U.S. 41 to Seminole Gulf Railway	Widen to six (6) lanes*
--I-75 to Ben Hill Griffin Parkway	Widen to six (6) lanes

** or realignment/interchange as part of Metro Parkway extension (6 lanes), US 41 to Six Mile Parkway*

Intersections

Alico Road/Three Oaks Parkway	Add 2 nd NB left, 2 nd WB left, 2 nd SB left
Alico Road/Project Entrance	Intersection Improvements
Ben Hill Griffin Parkway/Alico Road	Add 2 nd NB left
Ben Hill Griffin Parkway/Project Entrances	Intersection Improvements
Ben Hill Griffin Parkway/Corkscrew Road	Signalization, add 2 nd EB left, 2 nd SB left
US 41/Alico Road	Add 2 nd WB right, 3 rd SB left

The intersection improvements include geometric improvements, such as turn lanes and signalization when warranted. The Developer will be fully responsible for improvements needed at the project entrances that are deemed site-related (See Paragraph D.4). The intersections are addressed in the overall proportionate share calculation. As noted above, however, site-related needs at the project entrances are not addressed in the proportionate share calculation.

c. Buildout Impacts

The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of build out (2009¹):

<u>Roadways</u>	<u>Needed Improvement</u>
Alico Road	
--U.S. 41 to Seminole Gulf Railway	Widen to six (6) lanes
--Lee Road to I-75	Widen to eight (8) lanes
--I-75 to Ben Hill Griffin Parkway	Widen to six (6) lanes
Ben Hill Griffin Parkway	
--T&T Entrance to Alico Road	Widen to six (6) lanes
Corkscrew Road	
--Three Oaks Parkway to Ben Hill Griffin Parkway	Widen to six (6) lanes

¹ The build out date of the Miromar DRI was extended by ~~three-two~~ years to 2013. However, the transportation analysis was conducted assuming a build out date of December 31, 2009. For this reason, the reference to 2009 was not amended in this paragraph.

Daniels Parkway	
-- Metro Parkway to Six Mile Cypress Parkway	Widen to eight (8) lanes
--Six Mile Cypress Parkway to Fiddlesticks Boulevard	Widen to ten (10) lanes
--Fiddlesticks Boulevard to I-75	Widen to eight (8) lanes

U.S. 41	
-- Coconut Road to Williams Road	Widen to six (6) lanes
--Alico Road to Six Mile Cypress Parkway	Alternate facility needed*

**Metro Parkway extension (six (6) lanes), US 41 to Six Mile Parkway*

Intersections

Alico Road/Oriole Road	Add 2 nd WB left, signalization
Alico Road/Three Oaks Parkway	Add 3 rd EB left, 3 rd NB through, 3 rd SB through
Alico Road/I-75 East Ramp	Add 2 nd WB left, 2 nd NB left
Alico Road/Project Entrance	Intersection Improvements
Ben Hill Griffin Parkway/Alico Road	Add 3 rd NB left, 3 rd SB through, 3 rd WB through, 2 nd EB left
Ben Hill Griffin Parkway/Project Entrances	Intersection Improvements
Ben Hill Griffin Parkway/Corkscrew Road	Add 2 nd EB left, 2 nd NB left, 2 nd SB left
Corkscrew Road/Three Oaks Parkway	Add 2 nd EB left
US 41/Alico Road	Add 3 rd SB left

The intersection improvements include geometric improvements, such as turn lanes and signalization when warranted. The Developer will be fully responsible for improvements needed at the project entrances that are deemed site-related (see Paragraph D.4). The intersections are addressed in the overall proportionate share calculation. As noted above, however, site-related needs at the project entrances are not addressed in the proportionate share calculation.

2. Mitigation

a. Phase I Proportionate Share

The total proportionate share obligation to mitigate the Phase I transportation impacts on the non site-related roads and intersections set forth in Paragraph D.1.b. above is estimated to be \$1,270,796 in 1999 dollars. The Phase I road impact fees anticipated to be generated by the project based on the development parameters set forth in Paragraph D.1.a and under the current

County road impact fee schedules are \$3,171,928, or \$1,901,132 more than the Phase I proportionate share obligation.

b. Buildout Proportionate Share

The total proportionate share obligation to mitigate the build out transportation impacts on the non-site related roads and intersections set forth in Paragraph D.1.c. above is estimated to be \$10,914,866 in 1999 dollars. The total road impact fees anticipated to be generated by the project through buildout based on the development parameters set forth in Paragraph D.1.a. and under the current County road impact fee schedules are \$5,686,010. The proportionate share obligation is approximately \$5,228,856 more than impact fees in 1999 dollars.

c. Traffic Mitigation

The Developer must mitigate its overall project traffic impacts through the payment of the entire project proportionate share obligation of \$10,914,866 for project buildout. The details of this payment must be established in a Local Government Development Agreement executed pursuant to Section 163.3220, Florida Statutes, and Chapter 2, Article III of the Lee County Land Development Code. The Developer must submit to Lee County a Development Agreement within 90 days of the effective date of this DRI Development Order.

Generally, the payment is to be accomplished in the following manner:

- 1) Within 120 days of the effective date of this DRI Development Order, the Developer must deliver as Maker a promissory note, payable to Lee County, in the original principal amount of \$10,914,866.00, representing the entire proportionate share obligation. The note will provide for payment of the entire amount to be paid the County before December 30, 2005. Additionally, the note must provide for interest to be paid at a rate of 7.4 percent on the unpaid balance of the proportionate share assessment.
- 2) The promissory note will provide for payments of principal as follows:
 - a. The first principal installment will be in the amount of the Phase I impact fee obligation, \$3,171,928.00, and will be due and payable on or before the earlier of one year from the date of final DRI Development Order approval or the date of the issuance of the first building permit for vertical construction. However, some development such as the golf course, golf clubhouse, information/sales center/model center, and beach club may proceed prior to the first payment. That development will be required to pay road impact fees at the time permits are received.

Impact fee payments will be deducted from the first principal payment;

- b. The second principal installment in the amount of \$6,000,000.00, will be due and payable on December 30, 2002;
 - c. The final payment of principal in the amount of \$1,742,938.00, will be due and payable December 30, 2005.
- 3) Interest will be payable on December 30th of each year beginning December 30, 2000 and continuing until the promissory note is paid in full. Upon payment of the six million dollar principal payment prior to December 30, 2002, the 2002 interest payment will be based on the remaining principal balance of \$1,742,938.00. Each payment will be in the amount of all accrued and unpaid interest to the date thereof. Except for the year 2002, the amount of interest accrued will be based on the daily principal balance outstanding during the preceding year. The applicable interest rate will be equal to 7.4 percent. Interest payments are due and owing on December 30th of each calendar year. All prepayments of principal shall be credited to the next installment(s) due. All interest payments will be deposited in the District 3 impact fee account.
- 4) The Developer may choose to provide certain improvements such as the right-of-way for Koreshan Boulevard Extension along the south property line for Miromar Lakes or the six-laning of Ben Hill Griffin Parkway in exchange for credits against the overall payment obligation. These improvements are subject to concurrence by Lee County DOT on their scope and timing, and the contributions will be treated as prepayments of principal. Dedication of the Koreshan Boulevard Extension right-of-way will be valued consistent with the provisions of the Lee County Land Development Code, based on the date prior to DRI Development Order approval.

The portion of the payment in lieu of impact fees, estimated at \$5,686,010.00, will be treated as impact fees as outlined in the Lee County Land Development Code and deposited in the District 3 impact fee account. Cash payments above and beyond those in lieu of impact fees will be applied by Lee County toward the following improvements and in the following priority:

- The list of significantly and adversely impacted roads and intersections from Paragraphs D.1.b and D.1.c.
- Other non-site related roadway improvements benefitting Miromar Lakes.

d. Concurrency

1. If the development agreement and promissory note specified in Paragraph D.2.c. above are provided as described and in the time frames noted, the Miromar Lakes DRI will be granted a concurrency certificate for buildout of the project, that is, the certificate will be valid until the project completes the buildout development parameters specified in Paragraph D.1.a. or December 31, ~~2009~~2013², whichever is sooner. Thereafter, further development of the project will be subject to the Concurrency Management System, unless the concurrency certificate is extended as provided in Condition D.2.d.2 below. Under the payment schedules identified above, the Developer will not be required to pay road impact fees at the building permit stage, except as previously noted for that limited development that may occur prior to the first payment. If the payments are not made as described, then no further building permits will be issued until the Developer makes the payment. Concurrency vesting is contingent on the payment schedule and amounts set forth in Paragraph D.2.c. If the Developer fails to comply with the payment schedule and amounts due, the project will lose its vested status and will be subject to the County's Concurrency Management System for all future development. The Developer will have a 15 day grace period following the due date for each payment within which to make the required payment without affecting the concurrency vesting.
2. If the developer files a Notice of Proposed Change that results in an extension of project build out beyond December 31, ~~2009~~2013³ and the developer desires to extend the concurrency certificate in Condition D.2.d.1. above, the developer must provide a detailed traffic assessment to Lee County DOT for review and approval. The assessment must include, but not be limited to, identifying the adjusted phasing, level of development anticipated for the revised phasing, estimated traffic impacts, needed improvements, and the project's proportionate share of those improvements.

² ~~The reference to December 31, 2009, was not amended to reflect a build out of 2012 in this paragraph. This is because the project is deemed concurrent until December 31, 2009. The entitlement to concurrency as vesting was not extended beyond the date set forth in the development order by virtue of the Legislature's amendment to Florida Statute, Section 380.06(19)(c). Lee County Resolution 09-06-22 provided Developers with the ability to request extensions of concurrency certificates without further review. The new concurrency date has been extended to December 31, 2013.~~

³ ~~The reference to December 31, 2009, was not amended to reflect a build out of 2012 in this paragraph. This is because the project is deemed concurrent until December 31, 2009. The entitlement to concurrency as vesting was not extended beyond the date set forth in the development order by virtue of the Legislature's amendment to Florida Statute, Section 380.06(19)(c).~~

The assessment will be a cumulative analysis of the project's traffic impacts. The County will provide credit against the recalculated proportionate share for all mitigation paid through the date of the new traffic assessment. The proportionate share payments previously made by the Developer will be adjusted to then current year dollars. This will be accomplished by increasing the principal amount paid by an amount equal to the increase as determined in the State Highway Bid Index for the State of Florida, published in the Engineering News Record. This increase will be expressed as a percentage and will be measured from the index published for the second quarter of 1999 to the index published in the then latest available edition. In no event may the adjustment result in a refund of money paid to the County. The assessment must identify mitigation for those roadway segments that are significantly and adversely impacted by cumulative project traffic at the extended build-out year in accordance with the Transportation Uniform Standard Rule in the Florida Administrative Code. Prior to conducting a reassessment analysis, the developer must attend a transportation methodology meeting with the County, and other review agencies as necessary, to establish the appropriate methodology.

The traffic assessment will be prepared by the developer following generally acceptable transportation planning procedures consistent with the standards in effect at the time. Additional mitigation, if any, resulting from the traffic assessment must be paid in a manner generally consistent with that of the original mitigation. For example, the development order and any corresponding development agreement must be amended to reflect the revised phasing and additional mitigation.

3. Amendments to Phasing Schedule

If the project phasing is expanded in the future, the phases must be limited to not more than five-year intervals and a new analysis will be required at the start of each phase.

4. Access and Site-Related Improvements

The Developer is fully responsible for its share of the following site-related roadway and intersection improvements: all intersection improvements, including signalization, turn lanes, deceleration lanes, and other improvements deemed necessary by the County Engineer and consistent with the Lee County Land Development Code for the project's access points onto Alico Road and Ben Hill Griffin Parkway. Site-related improvements are not eligible for credit against impact fees and are also ineligible for offset against the project's proportionate share obligation.

5. Annual Transportation Monitoring Report

a. Design of Monitoring Program

The transportation monitoring program will be designed in cooperation with the Lee County Department of Transportation, the Florida Department of Transportation (FDOT), the Southwest Florida Regional Planning Council (SWFRPC), and the Florida Department of Community Affairs (FDCA) prior to submittal of the first report. The methodology of the annual transportation monitoring report may be revised if agreed upon by all parties.

b. Submittal of Monitoring Report

The Developer must submit an annual transportation monitoring report to the following entities for review and approval: Lee County Department of Transportation, FDOT, FDCA, and SWFRPC. Additionally, the Developer must provide a copy of the report to Florida Gulf Coast University (FGCU). The first monitoring report will be submitted one year after the effective date of the DRI Development Order. The Developer must provide written notice to the above review agencies if he concludes that a traffic monitoring report is not required because no traffic impacts have been created. Once an annual transportation monitoring report has been submitted, a report must be submitted annually thereafter until project buildout, whether actual or declared.

c. Minimum Requirements for Report Contents

At a minimum, the monitoring report will measure the project's actual external roadway impacts and the level of service conditions on the impacted roads and intersections, and determine the timing for needed improvements. The annual traffic monitoring report must also contain the following information:

- 1) P.M. peak hour traffic counts with turning movements at the project's access points onto Alico Road and Ben Hill Griffin Parkway, and on the external road segments and intersections identified in Paragraph D.1.c.
- 2) A comparison of field measured project traffic volumes to the project trip generation assumed in the DRI analysis. The Developer will need to specify in the methodology how the internal interaction will be measured.
- 3) Estimated existing levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.c. above.

- 4) Estimated future levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.c. above, based on a one-year projection of future volumes.
- 5) A summary of the status of road improvements assumed to be committed by Lee County and FDOT as set forth below:

<u>Roadways</u>	<u>Improvement</u>	<u>Construction Schedule</u>
Alico Road		
--US 41 to Seminole Gulf Railway	four (4) lanes	FY 98/99
--Seminole Gulf Railway to I-75 West Ramps	six (6) lanes	FY 98/99
Corkscrew Road		
--Sandy Lane to I-75	four (4) lanes	FY 98/99
Three Oaks Parkway		
--Alico Road to Daniels Parkway	four (4) lanes	FY 00/01
Treeline Avenue		
--Alico Road to Daniels Parkway	four (4) lanes	FY 01/02
US 41		
--Alico Road to Daniels Parkway	four (4) lanes	FY 98/99
<u>Intersections</u>	<u>Improvement</u>	<u>Construction Schedule</u>
I-75 Ramps/Alico Road	Signalization	FY 98/99

d. Implications

- 1) If the annual transportation monitoring report reveals that the project trip generation exceeds the thresholds identified in 380.06(19)(b)15, Florida Statutes, then the statutory provisions regarding substantial deviations will govern. If the project is deemed to be a substantial deviation, the Developer must then undergo additional DRI review. This review must reanalyze the project impacts on the County road network in general, and specifically evaluate the potential project impacts on the roadway segments identified in Paragraph D.3 above.
- 2) Changes to development parameters or phasing may trigger the need to rebut the statutory presumption of substantial deviation. In some

instances, the evidence necessary to rebut the presumption may involve the need for a comparison of project trip distribution and assignment.

6. Other

a. Access to FGCU

The Developer must accommodate a second access to FGCU that connects to Ben Hill Griffin Parkway at STA 916+43.75, as contemplated in the FGCU Master Plan.

In addition, the Developer must accommodate two additional accesses to the FGCU campus from: 1. the southern project entrance off Ben Hill Griffin Parkway; and 2. the east boundary of the project as reflected on Map H.

b. Access Locations and Movements

(1) The transportation assessment was based on the access locations and movements identified in the DRI Master Plan (Map H) dated January 20, 2004, printed by Wilson, Miller, Barton and Peek, Inc. Additional accesses may require further analysis for the DRI.

(2) Access to the Koreshan Boulevard extension will be subject to the access management plan for the roadway proposed in conjunction with the design. Median openings, if any, will be determined as part of the roadway design process as well.

c. Pedestrian/Bicycle and Transit Facilities

The Developer will provide for pedestrian and bicycle facilities and bus stop locations in accordance with the attached Exhibit D.

d. Access to Future 951

Future access to County Road 951 will be subject to the recommendations set forth in the PD&E for the roadway.

7. Land Use Conversion

The approved parameters, as specified in this Development Order, may be modified by the Developer without further amendment to this Development Order, subject to the conditions of Paragraph D.1.a. and as set forth below.

- a. No more than 700 single-family units will be built at Miromar Lakes. Given that single family units generate more total and external traffic than multi-family and, therefore, have a greater traffic impact, single family units may be converted to multi-family units at a one-to-one (1:1) ratio. This conversion may occur without further DRI or substantial deviation review.
- b. Residential condominium units may be converted to apartment units at a ratio of 1.15 residential condominium units to one apartment unit. However, no more than 700 residential condominium units may be converted to apartment units. This conversion may occur without further DRI or substantial deviation review.
- c. Office use may be converted to Research and Development (R&D) at a ratio of 1,000 square feet of Office to 1,100 square feet of Research and Development. There is no limitation on the conversion of Office use to Research and Development (R&D) at the above ratio.
- d. Notice of any conversion must be provided to the County, the Regional Planning Council, and the Department of Community Affairs. In addition, the amount of conversion must be reported as part of the subsequent annual monitoring report.

8. Golf Cart Crossing

- a. Any golf cart crossing of Ben Hill Griffin Parkway by the Miromar Lakes DRI must be grade-separated. At-grade golf cart crossings of Ben Hill Griffin Parkway are prohibited. The golf cart crossing must be elevated over Ben Hill Griffin Parkway.
- b. Any elevated golf cart crossing of Ben Hill Griffin Parkway must be reviewed and approved by Lee County DOT. The review will include but is not limited to issues such as structural requirements and adequate sight distances for Ben Hill Griffin Parkway. The Developer must obtain a right-of-way permit from Lee County DOT and must agree to adequately maintain the structure within the right-of-way.

E. VEGETATION AND WILDLIFE/WETLANDS.

1. Where feasible and appropriate for bird usage, storm water management lakes must include draw-down pool features in littoral shelf slopes. These features will be reviewed as part of the ERP permit and will be considered because they favor use by wood storks and wading birds.

2. Identifiable impacts to the Florida panther habitat will be addressed through the Army Corps. of Engineers (ACOE) permitting process. The ACOE is consulting with U.S. Fish and Wildlife (USFWS) Service as part of the Section 7 consultation under the Endangered Species Act. The ACOE will evaluate, through the permitting process, the impacts to the Florida panther. The impact must be assessed in accordance with Section 404 Federal Register and Section 7 of the Endangered Species Act.

3. The Big Cypress Fox Squirrel Management Plan, dated July 2, 1998, must be amended to:

a) address the quantity and quality of the Big Cypress Fox Squirrel habitat to be protected, and

b) to identify the entity that will be responsible for the perpetual maintenance of the habitat.

The afore-stated amendments to the Big Cypress Fox Squirrel Management Plan are subject to review and approval by Lee County, DCA, and SWFRPC. Once approved, the management plan must be incorporated into this DRI Development Order. (9J-2.041 FAC)

4. The Developer must obtain an incidental take permit or relocation permit from the Florida Game and Fresh Water Fish Commission (FGFWFC) for gopher tortoises. If the Developer obtains an incidental take permit, tortoises and commensal species must be located out of harm's way to appropriate upland locations. The Developer will relocate tortoises to appropriate on-site upland preserves. Regardless of the type of permit obtained from the FGFWFC, a minimum of 3.0 acres of upland habitat appropriate for gopher tortoises will be preserved south of Stewart Cypress Slough between Ben Hill Griffin Parkway and the approximate 156-acre wetland/upland conservation area.

5. Where appropriate, the Developer must design internal roads that cross the Stewart Cypress and other strand areas to accommodate wildlife crossings of appropriate size for use by Florida panther and Florida black bear. Such size and design must correspond to the size and design set out in Condition 21 to the MPD.

6. Seventy-five(75) percent of the total number of required trees used in buffers and landscaping must be indigenous native varieties. Fifty percent (50%) of the total number of required shrubs used in buffers and landscaping must be indigenous native varieties. Where practicable, ecologically viable existing native vegetation should be incorporated into the landscape design. Xeriscaped landscape areas should not be irrigated after the initial start-up period, unless weather conditions and the survival of the areas require otherwise. Category 1 invasive exotic vegetation listed by the Florida Pest Plant Council may not be used for landscaping south of the

main branch of the Stewart Cypress Slough (see Exhibit F attached hereto), except that *Ficus benjaminia* trees are permitted only along Ben Hill Griffin Parkway to screen the residential community and to carry forward the existing landscaping theme of the northern and western portions of the DRI.

7. The following management guidelines must be implemented to further reduce the potential for ground and surface water impacts from the golf course:

(a) The course must be planted with a turf grass cultivated variety having drought and pest resistant qualities and requiring relatively low fertilizer use;

(b) The irrigation system should operate on an "as needed" basis by the utilization of weather forecasting and ongoing assessment of the moisture content of the soil. It is not the intent of this provision to require the purchase or installation of high technology weather forecasting or rain monitoring equipment.

(c) Fertilizers with a low leaching potential (slow release) must be used whenever possible. Fertilizers may not be applied after active growth of the turf grass has ceased. Application rates must be kept to the lowest reasonable levels;

(d) To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan which includes an integrated pest management (IPM) program and a nutrient management program so that nutrients and pesticides are used only when absolutely necessary and only in the most conservative manner through minimal species-specific applications. The nutrient management program must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals are permitted. Turf managed areas (including fairways, tees, and greens) are prohibited within 35 feet of the Conservation Areas (CO) shown on the Master Concept Plan for Miromar Lakes.

(e) The golf course manager will coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.

(f) The Developer must employ a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.

(g) The storage, mixing, and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment. The golf

course must comply with the publication "Best Management Practices for Golf Course Maintenance Departments, May 1995" published by the Florida Department of Environmental Protection.

8. Golf Cart Crossing

- (a) Golf course crossing of the Stewart Cypress Slough must be grade-separated. At grade golf cart crossings of this Slough are prohibited.
- (b) At the time of final plan approval, all proposed elevated golf cart crossings of the Slough must be reviewed and approved by the Lee County Division of Environmental Sciences. The review will include, but is not limited to, the structural requirements of the crossing and function of the Slough.

F. WASTEWATER MANAGEMENT/WATER SUPPLY.

1. The project must incorporate water conserving devices or methods, including low volume water use plumbing fixtures, self-closing or metered water faucets. The water conserving devices must meet the criteria outlined in the water conservation plan of the public water supply permit issued to Gulf Environmental Services (GES) by SFWMD.

2. The Developer must obtain Water Use Permits for water withdrawals for landscape irrigation. Permits may only be issued for applications that meet the SFWMD criteria in effect at the time of permitting. Permits must be received prior to construction of the irrigation system.

3. Prior to the commencement of construction, plans and specifications for the water and wastewater collection system must be reviewed by Gulf Environmental Services, in accordance with their adopted rules and regulations.

4. The Developer must design potable water facilities in accordance with the Lee County Land Development Code (LDC). The LDC will also govern the applicable design for domestic and fire flow.

5. The Developer must comply with the LDC provisions that require the availability of adequate water and wastewater at the time of local final Development Order approval. Potable water, wastewater collection and treatment, and eventually non potable water must be obtained from Gulf Environmental Services. If GES is unable to provide the service, the Developer must construct interim potable water and wastewater treatment facilities, or postpone development until GES has sufficient capacity. Interim

facilities must be constructed to LDC standards, and must be dismantled at the Developer's expense upon connection to GES facilities.

6. If the Developer utilizes treated effluent for irrigation, the Developer must buffer the on-site lakes, preserved wetlands, and storm water management system from possible effluent contamination in accordance with applicable SFWMD regulations.

7. Temporary septic systems may be used in conjunction with the construction office, sales offices, and model homes. Temporary septic systems must be properly abandoned and removed by a licensed septic system firm when permanent or interim wastewater treatment facilities are operational. Permanent septic systems are permitted for golf course restrooms. All other septic systems are prohibited.

8. The Developer must use the lowest quality of water available and acceptable for all non-potable water uses. Potable water may not be utilized for non-potable uses if adequate and acceptable non-potable water is readily available.

G. COMPREHENSIVE PLAN CONSISTENCY.

1. Lee County may not issue a local Development Order unless the Development Order is consistent with the County's Comprehensive Plan, Land Development Code, University Window Overlay, Ben Hill Griffin Parkway Access Management Plan, and Concurrency Management System.

2. Given the 114 acres proposed for commercial development, the project is limited to no more than 1,140,000 square feet of commercial retail, office, hotel, and research and development uses. All commercial ancillary uses are included in this limitation; no residential or recreational ancillary uses are included in this amount. All building area must be included in this calculation to show compliance with this limitation. If multiple local development orders are requested, it is the developer's responsibility to provide a cumulative total of previous development order approvals prior to the issuance of the requested local development order.

3. The requested 340,000 square feet of office use may be converted to research and development use on a one square-foot to 1.1 square-foot ratio.

H. FIRE.

1. The Developer must address its fire and emergency services impacts through the payment of impact fees in accordance with the schedule set forth in the Lee County Land Development Code.

2. When required by Superfund Amendments Reauthorization Act (SARA) Title III, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, the Developer must file hazardous materials reports and updates.

I. AIRPORT NOISE ZONE.

Residential development is prohibited within all areas designated as Airport Noise Zone 3. However, this does not preclude the development of time-share units in conjunction with a bona-fide hotel use, provided the time-share units do not comprise more than 25 percent of the total approved hotel rooms. In such an instance, time-share units are not deemed to be a residential use.

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

A. Resolution. This Development Order constitutes a resolution of Lee County adopted by the Board of County Commissioners in response to the DRI ADA filed for Miromar Lakes DRI.

B. Additional Developer Commitments. All commitments and impact mitigating actions volunteered by the Developer in the ADA and supplementary documents that are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, *but are not limited to the following*:

1. The Alico AMDA filed September 13, 1990, as amended by The Miromar Lakes Development of Regional Impact ADA sufficiency response filed November 10, 1997.

2. The Miromar Lakes DRI sufficiency responses, stamped received on:

January 16, 1991
April 2, 1991
July 10, 1991
November 17, 1997
March 27, 1998
July 6, 1998

3. The Miromar Lakes Notice of Proposed Change, stamped received on May 15, 2001 as amended by subsequent submittals.

C. Master Plan of Development. Map H, dated January 20, 2004, is attached hereto as Exhibit C, and is incorporated by reference. The Developer may modify the

boundaries of development areas and the location of internal roadways to accommodate topography, vegetation, market conditions, traffic circulation, or other site related conditions as long as the modification meets local development regulations. However, this provision may not be used to reduce the size of wetland preserve areas. Precise wetland boundaries will be determined by the South Florida Water Management District, as delegated by the Department of Environmental Protection and the Army Corps. of Engineers.

D. Binding Effect. This Development Order is binding upon the Developer(s), and its assignees or successors in interest. Where the Development Order refers to lot owners, business owners or other specific references, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order that clearly apply only to the project Developer are binding upon any builder/Developer who acquires a tract or parcel of land within the DRI. The Developer may impose or pass on the requirements of this DRI DO to ultimate purchasers through covenants that run with the land.

E. Reliance. The terms and conditions and phasing schedule set out in this Development Order constitute a basis upon which the Developer and the County may rely in future actions necessary to fully implement the final development contemplated by this Development Order. The development parameters and phasing schedule upon which this Development Order approval is based is set forth in Exhibit B. Changes to the development mix or phasing schedule may require a reanalysis of project impacts in order to rebut a presumption of substantial deviation.

F. Enforcement. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party by action at law or equity. The cost of those proceedings, including reasonable attorney's fees, will be paid by the defaulting party.

G. Successor Agencies. References to governmental agencies will be construed to mean future instrumentalities that may be created and designated as successors in interest to, or which otherwise possess the powers and duties of the referenced governmental agencies in existence on the effective date of this Development Order.

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

I. Applicability of Regulations. This Development Order does not negate the Developer's responsibility to comply with federal, state, regional and local regulations.

J. Further Review. Subsequent requests for local development permits do not require further DRI review pursuant to Section 380.06, Florida Statutes. However, upon a finding by the Board that any of the following conditions exist, the Board must order a termination of all development activity in that portion of the development affected by the substantial deviation until a DRI Application for Development Approval, Notice of Substantial Deviation or Notice of Proposed Change has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes.

1. There is a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans that create a reasonable likelihood of adverse regional impacts or other regional impacts that have not been evaluated in the review by the Regional Planning Council; or

2. Expiration of the period of effectiveness of the Development Order. Any request to extend the effectiveness of this Development Order will be evaluated based on the criteria for the extension of the buildout date set forth in Section 380.06(19), Florida Statutes.

3. Conditions in the development order that specify circumstances in which the development will be required to undergo additional DRI review. **See 9J-2.025(10).**

K. Commencement of Physical Development. Substantial physical development of the project must occur no later than December 31, 2000. Further development must occur in accordance with the development parameters and phasing schedule set forth in Exhibit A.

L. Buildout and Termination Dates. The project has a buildout date of December 31, ~~2011~~2013 and a termination date of December 31, ~~2017~~2019. This term is based on a 10-year buildout and the recognition that a local Development Order, which is valid for six years, may be obtained prior to December 31, ~~2012~~2013. No permits for development will be issued by the County subsequent to the termination date or expiration date unless the conditions set forth in Section 380.06(15)(g) are applicable.

M. Assurance of Compliance. The administrative director of the Lee County Department of Community Development, or their designee, will be the local official responsible for assuring compliance with this Development Order. Lee County is primarily responsible for monitoring the development and enforcing the provisions of the development order. No permits or approvals will be issued if the developer fails to act in substantial compliance with the development order.

N. Credits Against Local Impact Fees. Pursuant to Chapter 380.06(16), the Developer may be eligible for credits for contributions, construction, expansion, or acquisition of public facilities, if the Developer is also subject by local ordinances to

impact fees or exactions to meet the same needs. However, no credit will be provided for internal on-site facilities required by County regulations or to any off-site facilities to the extent those facilities are necessary to provide safe and adequate services to the development.

O. Protection of Development Rights. Assuming the project can comply with the County's Concurrency Management Program at the time development permits are requested, the project will not be subject to down-zoning, unit density reduction, intensity reduction or prohibition of development until December 31, 2014. If the County demonstrates at a public hearing that substantial changes have occurred in the conditions underlying the approval of this Development Order, or finds that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Lee County to be essential to public health, safety and welfare, then down-zoning unit density reduction or prohibition of development may occur. **[See 9J-2.025(3)(b)13]**

P. Annual-Biennial Reports. The Developer must submit a report ~~annually~~ biennially to the Lee County Department of Community Development, the SWFRPC and Florida DCA on Form RPM-BSP-Annual Report-1. The content of the ~~annual~~ biennial report must include the information set forth in Exhibit E, and must also be consistent with the rules of the FDCA. The first monitoring report must be submitted to the DRI coordinator for SWFRPC, DCA, and Lee County not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than ~~one two years from the previously submitted report for subsequent calendar years thereafter~~, until buildout, whether actual or declared. Failure to comply with this ~~annual~~ biennial reporting procedure is governed by Section 380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI Development Order.

The Developer must file the ~~annual~~ biennial monitoring reports until actual or declared buildout of the project. Miromar Lakes, L.L.C., is the party responsible for filing the ~~annual~~ biennial monitoring reports until one or more successor entities are named in the development order. The Developer must inform successors in title to the undeveloped portion of the real property covered by this Development Order of the ~~annual~~ biennial reporting requirement. Tenants or owners of individual lots or units have no obligation to comply with this reporting condition.

The Developer must also submit a transportation ~~annual~~ biennial report in accordance with the provisions set forth in Section II.D. of this development order.

Q. Community Development District. The Developer might elect to petition for the formation of a Uniform Community Development District to serve all or a portion of the project pursuant to Florida Statutes Chapter 190, as it may be in effect from time to time. Lee County hereby gives its approval that any such district may undertake the construction and/or funding of all or any of the mitigation and public infrastructure projects for which the Developer is responsible under the terms of this development

order, whether within or without the boundaries of the district, and including the payment of mitigation amounts provided for in this development order, as a co-obligor hereunder. This provision shall not be construed to require the approval of any petition to form such a district, and in no event shall the Developer be released from its obligations under this Development Order.

R. Transmittal and Effective Date. The County will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until FDCA has completed their review and has determined not to take an appeal should that occur prior to the expiration of the 45-day period or until the completion of any appellate proceedings, whichever time is greater. In accordance with the requirements of Section 380.06(15)(f), Florida Statutes, once this development order is effective, the Developer must record notice of its adoption in the office of the Clerk of the Circuit Court of Lee County.

Commissioner Janes made a motion to adopt the foregoing Fourth Amendment to the Miromar Lakes DRI Development Order, seconded by Commissioner Judah. The vote was as follows:

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

DULY PASSED AND ADOPTED this 26th day of January 2010.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson
Deputy Clerk

BY: T Hall
Tammara Hall, Chairwoman



Approved as to form

By: Thompson D. J.
Assistant County Attorney

Exhibits:

- A. Legal Description (1,805 +/- acres)
- B. Development Parameters and Phasing Schedule
- C. Map H dated January 20, 2004
- D. Pedestrian and Bicycle Facilities and Bus Stop Locations
- E. Annual Biennial Monitoring Report Requirements
- F. Invasive exotic vegetation listed by Florida Pest Plant Council

EXHIBIT A
(LEGAL DESCRIPTION)

LEE COUNTY
RECEIVED
03 JUL 30 PM 12:07
COMM. DEV./
PUB. WRKS. CNTR.
SECOND FLOOR

EXHIBIT A
(7 Pages)

HM PROJECT #2000106X
7/30/2003
REF. DWG. #A-1583
PAGE 1 OF 1

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 10, 11, 14, 15 AND 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W., ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 651.54 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150.00 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.89°44'39"W. ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 2,921.79 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75; THENCE RUN N.18°17'51"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 955.62 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 17,026.80 FEET, THROUGH A CENTRAL ANGLE OF 04°04'42", SUBTENDED BY A CHORD OF 1,211.72 FEET AT A BEARING OF N.16°15'30"W., FOR A DISTANCE OF 1,211.97 FEET TO THE END OF SAID CURVE; THENCE RUN N.14°13'09"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 9,126.68 FEET; THENCE RUN N.76°08'54"E., FOR A DISTANCE OF 527.61 FEET; THENCE RUN N.79°14'37"E., FOR A DISTANCE OF 501.77 FEET; THENCE RUN N.84°36'26"E., FOR A DISTANCE OF 384.54 FEET; THENCE RUN S.85°27'53"E., FOR A DISTANCE OF 381.51 FEET; THENCE RUN S.74°31'06"E., FOR A DISTANCE OF 209.92 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.69°47'11"E., A DISTANCE OF 3,075.00 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,075.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'14", SUBTENDED BY A CHORD OF 1,264.85 FEET AT A BEARING OF S.08°20'42"W., FOR A DISTANCE OF 1,273.94 FEET TO THE END OF SAID CURVE; THENCE RUN S.03°31'24"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 3,887.79 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,000.00 FEET, THROUGH A CENTRAL ANGLE OF 20°33'03", SUBTENDED BY A CHORD OF 713.52 FEET AT A BEARING OF S.13°47'56"E., FOR A DISTANCE OF 717.36 FEET TO THE END OF SAID CURVE; THENCE RUN S.24°04'27"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 1,593.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,875.00 FEET, THROUGH A CENTRAL ANGLE OF 31°16'49", SUBTENDED BY A CHORD OF 1,550.16 FEET AT A BEARING OF S.39°42'52"E., FOR A DISTANCE OF 1,569.58 FEET TO THE END OF SAID CURVE; THENCE RUN S.55°21'16"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF

HM PROJECT #2000106X
7/30/2003
REF. DWG. #A-1583
PAGE 1 OF 1

1,684.71 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,325.00 FEET, THROUGH A CENTRAL ANGLE OF 54°31'33", SUBTENDED BY A CHORD OF 1,213.90 FEET AT A BEARING OF S.28°05'29"E., FOR A DISTANCE OF 1,260.94 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°49'43"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 600.19 FEET TO THE POINT OF BEGINNING; CONTAINING 396.652 ACRES, MORE OR LESS.

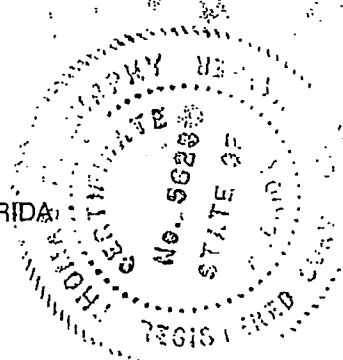
THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, OF LEE COUNTY, FLORIDA AS BEING N.89°44'39"W.

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA



Applicant's Legal Checked

by [Signature] 14AV603

RECEIVED
JUL 31 2003

PERMIT COUNTER

0012001-00033

LEE COUNTY
RECEIVED



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JUL 31 2003

PERMIT COUNTER

03 JUL 30 PM 12:07
9500 Core Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2075

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

HM PROJECT #2000106X
7/30/2003
REF. DWG. #A-1582
Page 1 of 3

DCI2001-00033

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 11, 12, 13, 14, 23, AND 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND SECTION 18, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W. ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 501.52 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°49'43"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 603.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,475.00 FEET, THROUGH A CENTRAL ANGLE OF 54°31'33", SUBTENDED BY A CHORD OF 1,351.32 FEET AT A BEARING OF N.28°05'29"W., FOR A DISTANCE OF 1,403.69 FEET TO THE END OF SAID CURVE; THENCE RUN N.55°21'16"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 423.96 FEET; THENCE RUN N.38°37'17"E., FOR A DISTANCE OF 180.44 FEET; THENCE RUN N.40°45'20"W., FOR A DISTANCE OF 1,287.06 FEET; THENCE RUN N.51°22'43"W., FOR A DISTANCE OF 275.00 FEET; THENCE RUN N.20°50'23"W., FOR A DISTANCE OF 170.61 FEET; THENCE RUN N.03°26'59"W., FOR A DISTANCE OF 196.02 FEET; THENCE RUN N.49°19'44"E., FOR A DISTANCE OF 344.71 FEET; THENCE RUN S.54°09'13"E., FOR A DISTANCE OF 1,057.59 FEET; THENCE RUN S.05°08'14"W., FOR A DISTANCE OF 497.67 FEET; THENCE RUN S.87°48'55"E., FOR A DISTANCE OF 1,464.61 FEET; THENCE RUN N.88°17'13"E., FOR A DISTANCE OF 233.73 FEET; THENCE RUN S.31°47'37"E., FOR A DISTANCE OF 631.21 FEET; THENCE RUN N.62°11'53"E., FOR A DISTANCE OF 2,704.05 FEET; THENCE RUN N.21°20'50"E., FOR A DISTANCE OF 1,025.79 FEET; THENCE RUN N.02°13'31"W., FOR A DISTANCE OF 339.05 FEET; THENCE RUN N.73°40'08"E., FOR A DISTANCE OF 497.73 FEET; THENCE RUN N.84°27'10"E., FOR A DISTANCE OF 648.96 FEET; THENCE RUN N.20°19'20"W., FOR A DISTANCE OF 155.37 FEET; THENCE RUN N.04°47'10"W., FOR A DISTANCE OF 137.24 FEET; THENCE RUN N.10°20'25"E., FOR A DISTANCE OF 89.58 FEET; THENCE RUN N.88°40'48"W., FOR A DISTANCE OF 108.51 FEET; THENCE RUN N.35°22'24"E., FOR A DISTANCE OF 61.49 FEET; THENCE RUN N.24°10'35"E., FOR A DISTANCE OF 16.58 FEET; THENCE RUN N.16°58'33"E., FOR A DISTANCE OF 22.30 FEET; THENCE RUN N.01°25'10"W., FOR A DISTANCE OF 17.20 FEET; THENCE RUN N.02°00'52"E., FOR A DISTANCE OF 22.73 FEET; THENCE RUN N.10°34'22"E., FOR A DISTANCE OF 27.69 FEET; THENCE RUN N.08°31'29"E., FOR A DISTANCE OF 27.56 FEET; THENCE RUN N.04°17'29"W., FOR A DISTANCE OF 27.54 FEET; THENCE RUN N.03°50'00"E., FOR A DISTANCE OF 32.88 FEET; THENCE RUN N.05°16'54"E., FOR A DISTANCE OF 34.74 FEET; THENCE RUN N.14°36'53"W., FOR A DISTANCE OF 12.71 FEET; THENCE RUN N.49°59'45"W., FOR A DISTANCE OF 15.95 FEET; THENCE RUN N.67°08'11"W., FOR A DISTANCE OF 67.75 FEET; THENCE RUN N.67°33'34"E., FOR A DISTANCE OF 68.16 FEET; THENCE RUN N.57°34'58"E., FOR A DISTANCE OF 15.64 FEET; THENCE RUN N.53°45'20"E., FOR A DISTANCE OF 13.61 FEET; THENCE RUN N.58°32'02"E., FOR A DISTANCE OF 11.22 FEET; THENCE RUN N.54°40'50"E., FOR A DISTANCE OF 13.85 FEET; THENCE RUN N.49°36'55"E., FOR A DISTANCE OF 19.09 FEET; THENCE RUN N.37°17'03"E., FOR A DISTANCE OF 14.40 FEET; THENCE RUN N.25°04'13"E., FOR A DISTANCE OF 22.74 FEET; THENCE RUN N.30°25'33"E., FOR A DISTANCE OF

40.77 FEET; THENCE RUN S.70°47'07"E., FOR A DISTANCE OF 50.50 FEET; THENCE RUN N.19°32'42"E., FOR A DISTANCE OF 63.26 FEET; THENCE RUN N.62°41'55"E., FOR A DISTANCE OF 33.33 FEET; THENCE RUN N.60°03'38"E., FOR A DISTANCE OF 27.79 FEET; THENCE RUN N.68°56'32"E., FOR A DISTANCE OF 33.67 FEET; THENCE RUN N.69°27'09"E., FOR A DISTANCE OF 39.32 FEET; THENCE RUN N.76°09'54"E., FOR A DISTANCE OF 38.69 FEET; THENCE RUN N.84°37'56"E., FOR A DISTANCE OF 35.30 FEET; THENCE RUN N.71°01'39"E., FOR A DISTANCE OF 36.05 FEET; THENCE RUN N.56°16'09"E., FOR A DISTANCE OF 22.32 FEET; THENCE RUN N.54°45'23"E., FOR A DISTANCE OF 72.52 FEET; THENCE RUN N.43°40'48"E., FOR A DISTANCE OF 14.33 FEET; THENCE RUN N.36°37'28"E., FOR A DISTANCE OF 31.97 FEET; THENCE RUN N.16°15'53"E., FOR A DISTANCE OF 27.07 FEET; THENCE RUN N.00°14'32"W., FOR A DISTANCE OF 18.58 FEET; THENCE RUN N.01°01'18"W., FOR A DISTANCE OF 22.80 FEET; THENCE RUN N.11°30'29"E., FOR A DISTANCE OF 41.66 FEET; THENCE RUN N.25°25'32"E., FOR A DISTANCE OF 18.52 FEET; THENCE RUN N.29°13'14"E., FOR A DISTANCE OF 12.77 FEET; THENCE RUN N.09°42'26"E., FOR A DISTANCE OF 13.86 FEET; THENCE RUN N.10°10'17"W., FOR A DISTANCE OF 8.24 FEET; THENCE RUN N.25°29'33"W., FOR A DISTANCE OF 11.70 FEET; THENCE RUN N.71°45'42"W., FOR A DISTANCE OF 21.85 FEET; THENCE RUN N.59°03'27"W., FOR A DISTANCE OF 13.21 FEET; THENCE RUN N.37°04'03"W., FOR A DISTANCE OF 27.24 FEET; THENCE RUN N.00°38'43"W., FOR A DISTANCE OF 28.85 FEET; THENCE RUN N.10°12'59"E., FOR A DISTANCE OF 35.02 FEET; THENCE RUN N.01°52'01"E., FOR A DISTANCE OF 31.20 FEET; THENCE RUN N.05°34'22"E., FOR A DISTANCE OF 13.39 FEET; THENCE RUN N.01°01'36"W., FOR A DISTANCE OF 30.61 FEET; THENCE RUN N.15°40'00"W., FOR A DISTANCE OF 27.26 FEET; THENCE RUN N.22°54'25"W., FOR A DISTANCE OF 20.46 FEET; THENCE RUN N.20°19'15"W., FOR A DISTANCE OF 21.36 FEET; THENCE RUN N.17°17'45"W., FOR A DISTANCE OF 18.27 FEET; THENCE RUN N.25°34'23"W., FOR A DISTANCE OF 16.79 FEET; THENCE RUN N.15°41'23"W., FOR A DISTANCE OF 49.27 FEET; THENCE RUN N.00°29'10"W., FOR A DISTANCE OF 19.63 FEET; THENCE RUN S.65°22'51"W., FOR A DISTANCE OF 893.03 FEET; THENCE RUN S.62°02'33"W., FOR A DISTANCE OF 548.61 FEET; THENCE RUN N.84°00'27"W., FOR A DISTANCE OF 113.75 FEET; THENCE RUN S.73°01'40"W., FOR A DISTANCE OF 332.94 FEET; THENCE RUN S.88°47'09"W., FOR A DISTANCE OF 386.35 FEET; THENCE RUN N.01°12'51"W., FOR A DISTANCE OF 733.65 FEET; THENCE RUN N.75°24'23"E., FOR A DISTANCE OF 644.66 FEET; THENCE RUN N.02°55'16"W., FOR A DISTANCE OF 211.27 FEET; THENCE RUN N.19°49'36"E., FOR A DISTANCE OF 1,336.10 FEET; THENCE RUN S.88°44'00"W., FOR A DISTANCE OF 3,706.01 FEET; THENCE RUN N.00°58'18"W., FOR A DISTANCE OF 320.16 FEET; THENCE RUN S.89°01'42"W., FOR A DISTANCE OF 450.42 FEET; THENCE RUN S.03°10'23"E., FOR A DISTANCE OF 430.66 FEET; THENCE RUN S.88°17'12"W., FOR A DISTANCE OF 1,027.71 FEET; THENCE RUN S.01°42'48"E., FOR A DISTANCE OF 306.15 FEET; THENCE RUN S.47°45'12"W., FOR A DISTANCE OF 1,504.06 FEET; THENCE RUN S.88°27'56"W., FOR A DISTANCE OF 1,780.04 FEET TO A POINT ON THE SAID EASTERLY RIGHT-OF-WAY LINE; THENCE RUN N.03°31'24"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,304.77 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2,925.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'13", SUBTENDED BY A CHORD OF 1,203.14 FEET AT A BEARING OF N.08°20'42"E., FOR A DISTANCE OF 1,211.79 FEET TO THE END OF SAID CURVE; THENCE RUN N.20°12'49"E. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 473.55 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 10,075.00 FEET, THROUGH A CENTRAL ANGLE OF 19°11'28", SUBTENDED BY A

CHORD OF 3,358.85 FEET AT A BEARING OF N.10°37'06"E., FOR A DISTANCE OF 3,374.60 FEET TO THE END OF SAID CURVE; THENCE RUN N.01°01'21"E. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 909.75 FEET; THENCE RUN S.89°42'24"E., FOR A DISTANCE OF 1,049.81 FEET; THENCE RUN S.01°00'21"E., FOR A DISTANCE OF 847.76 FEET; THENCE RUN S.04°19'45"W., FOR A DISTANCE OF 1,091.78 FEET; THENCE RUN S.00°39'26"E., FOR A DISTANCE OF 1,432.24 FEET; THENCE RUN S.00°16'17"E., FOR A DISTANCE OF 606.52 FEET; THENCE RUN N.88°47'46"E., FOR A DISTANCE OF 376.79 FEET; THENCE RUN S.40°48'12"E., FOR A DISTANCE OF 322.81 FEET; THENCE RUN S.19°01'17"E., FOR A DISTANCE OF 249.77 FEET; THENCE RUN S.88°53'28"E., FOR A DISTANCE OF 216.94 FEET; THENCE RUN S.24°26'51"E., FOR A DISTANCE OF 150.17 FEET; THENCE RUN S.77°09'26"E., FOR A DISTANCE OF 573.01 FEET; THENCE RUN S.88°10'13"E., FOR A DISTANCE OF 1,363.08 FEET; THENCE RUN S.19°42'28"E., FOR A DISTANCE OF 157.73 FEET; THENCE RUN S.87°09'14"E., FOR A DISTANCE OF 469.81 FEET; THENCE RUN N.88°02'24"E., FOR A DISTANCE OF 612.22 FEET; THENCE RUN S.21°30'12"E., FOR A DISTANCE OF 81.17 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 846.89 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 1,137.62 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 344.08 FEET; THENCE RUN S.89°48'06"E., FOR A DISTANCE OF 80.00 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 807.57 FEET; THENCE RUN S.15°43'44"E., FOR A DISTANCE OF 978.45 FEET; THENCE RUN S.89°46'43"E., FOR A DISTANCE OF 516.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 88°55'56", SUBTENDED BY A CHORD OF 700.49 FEET AT A BEARING OF S.45°18'45"E., FOR A DISTANCE OF 776.08 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°50'47"E., FOR A DISTANCE OF 1,447.68 FEET; THENCE RUN S.09°57'20"W., FOR A DISTANCE OF 533.57 FEET TO A POINT ON THE EAST LINE OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'47"E. ALONG THE EAST LINE OF SAID SECTION 13, FOR A DISTANCE OF 957.10 FEET TO THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'13"E. ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SADI SECTION 24, FOR A DISTANCE OF 2,639.78 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 24; THENCE RUN S.00°48'26"E. ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 2,643.97 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE RUN S.89°28'32"W. ALONG THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 5,249.70 FEET TO THE POINT OF BEGINNING; CONTAINING 1,408.994 ACRES, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.89°28'32"W.

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1165SR, SHEETS 1 THROUGH 4, DATED 4/10/2000 AND DRAWINGS 1418SR, SHEETS 1 AND 2, DATED 7/13/2000.

HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION NUMBER LB 1472

BY

Thomas M. Murphy
THOMAS M. MURPHY

P.S.M. #5628

STATE OF FLORIDA

Applicant's Legal Checked
by *AMM 141603*

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PERMIT COUNTER

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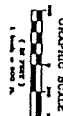
PERMIT COUNTER

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

Case	Age	Sex	Onset	Course	Recovery	Rel.
1	10/23	af	1981/12	1981/12	8 months	85%
2	10/23	af	1981/12	1981/12	8 months	85%
3	10/23	af	1981/12	1981/12	8 months	85%
4	10/23	af	1981/12	1981/12	8 months	85%
5	10/23	af	1981/12	1981/12	8 months	85%
6	10/23	af	1981/12	1981/12	8 months	85%
7	10/23	af	1981/12	1981/12	8 months	85%
8	10/23	af	1981/12	1981/12	8 months	85%
9	10/23	af	1981/12	1981/12	8 months	85%
10	10/23	af	1981/12	1981/12	8 months	85%
11	10/23	af	1981/12	1981/12	8 months	85%
12	10/23	af	1981/12	1981/12	8 months	85%
13	10/23	af	1981/12	1981/12	8 months	85%
14	10/23	af	1981/12	1981/12	8 months	85%
15	10/23	af	1981/12	1981/12	8 months	85%
16	10/23	af	1981/12	1981/12	8 months	85%
17	10/23	af	1981/12	1981/12	8 months	85%
18	10/23	af	1981/12	1981/12	8 months	85%
19	10/23	af	1981/12	1981/12	8 months	85%
20	10/23	af	1981/12	1981/12	8 months	85%
21	10/23	af	1981/12	1981/12	8 months	85%
22	10/23	af	1981/12	1981/12	8 months	85%
23	10/23	af	1981/12	1981/12	8 months	85%
24	10/23	af	1981/12	1981/12	8 months	85%
25	10/23	af	1981/12	1981/12	8 months	85%
26	10/23	af	1981/12	1981/12	8 months	85%
27	10/23	af	1981/12	1981/12	8 months	85%
28	10/23	af	1981/12	1981/12	8 months	85%
29	10/23	af	1981/12	1981/12	8 months	85%
30	10/23	af	1981/12	1981/12	8 months	85%
31	10/23	af	1981/12	1981/12	8 months	85%
32	10/23	af	1981/12	1981/12	8 months	85%
33	10/23	af	1981/12	1981/12	8 months	85%
34	10/23	af	1981/12	1981/12	8 months	85%
35	10/23	af	1981/12	1981/12	8 months	85%
36	10/23	af	1981/12	1981/12	8 months	85%
37	10/23	af	1981/12	1981/12	8 months	85%
38	10/23	af	1981/12	1981/12	8 months	85%
39	10/23	af	1981/12	1981/12	8 months	85%
40	10/23	af	1981/12	1981/12	8 months	85%
41	10/23	af	1981/12	1981/12	8 months	85%
42	10/23	af	1981/12	1981/12	8 months	85%
43	10/23	af	1981/12	1981/12	8 months	85%
44	10/23	af	1981/12	1981/12	8 months	85%
45	10/23	af	1981/12	1981/12	8 months	85%
46	10/23	af	1981/12	1981/12	8 months	85%
47	10/23	af	1981/12	1981/12	8 months	85%
48	10/23	af	1981/12	1981/12	8 months	85%
49	10/23	af	1981/12	1981/12	8 months	85%
50	10/23	af	1981/12	1981/12	8 months	85%
51	10/23	af	1981/12	1981/12	8 months	85%
52	10/23	af	1981/12	1981/12	8 months	85%
53	10/23	af	1981/12	1981/12	8 months	85%
54	10/23	af	1981/12	1981/12	8 months	85%

Order	Location	Estimate
1	N 100° 0' 0" E	300.00
2	N 100° 0' 0" E	300.00
3	N 100° 0' 0" E	300.00
4	N 100° 0' 0" E	300.00
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	THAT		

THE

250 Encore Way
Naples, FL 34109
Phone (813) 27

SKETCH AND LEGAL DESCRIPTION

Report No.	A-1587
Project No.	

*** NOT A SURVEY ***

NOTES:

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000 AND DRAWINGS 1185R, SHEETS 1 AND 2, DATED 7/13/2000

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500
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EXHIBIT B
Page 1 of 2

DEVELOPMENT PARAMETERS AND PHASING SCHEDULE

LAND USE	ACRES
Residential	1042
Commercial/Office/ Hotel	114
Lake/Miscellaneous Recreation/Buffers	312
Conservation Areas	338

LAND USE	PHASE ONE 2003	PHASE TWO 2012 2013	TOTAL
RESIDENTIAL	1,414	1,186	2,600
Single Family	314	386	700
Multi Family	1,100	800	1,900
RETAIL COMMERCIAL (gfa)	160,000	90,000	250,000
HOTEL ROOMS	350	100	450
OFFICE (gfa)*	100,000	240,000	340,000
RESEARCH & DEVELOPMENT (gfa)	-	40,000	40,000
CLUBHOUSE	20,000	20,000	40,000
GOLF COURSE	18 Holes	18 Holes	36 Holes
BEACH PARK	10 Acres	-	10 Acres

*The 340,000 square feet of office use may be converted to Research and Development use on a one-square foot to 1.1 square foot ratio.

EXHIBIT B
Page 2 of 2

	ANCILLARY BOATING FACILITIES					
	PHASE ONE			PHASE TWO		
	Slips	Day Slips	Boat Ramp	Slips	Day Slips	
Multi-Family Parcel	25			25		
Beach Club	10	40	✓			
Town Center	25	25	✓	25	25	
Single Family Homes	Individual Docks as Applicable					
Boat Club				10	40	✓

1. A maximum of 250 ancillary wet boat slips may be located in the "R", "R2", "C2", the Beach Club and the Boat Club tracts in addition to a dock for each single-family lakefront lot as of 11/29/1999.
2. Single-family docks may be converted to multi-family slips on a 1:1 basis.
3. Up to 250 wet slips may be converted to dry storage associated with the Boat Club on a 1:1 basis.

EXHIBIT C

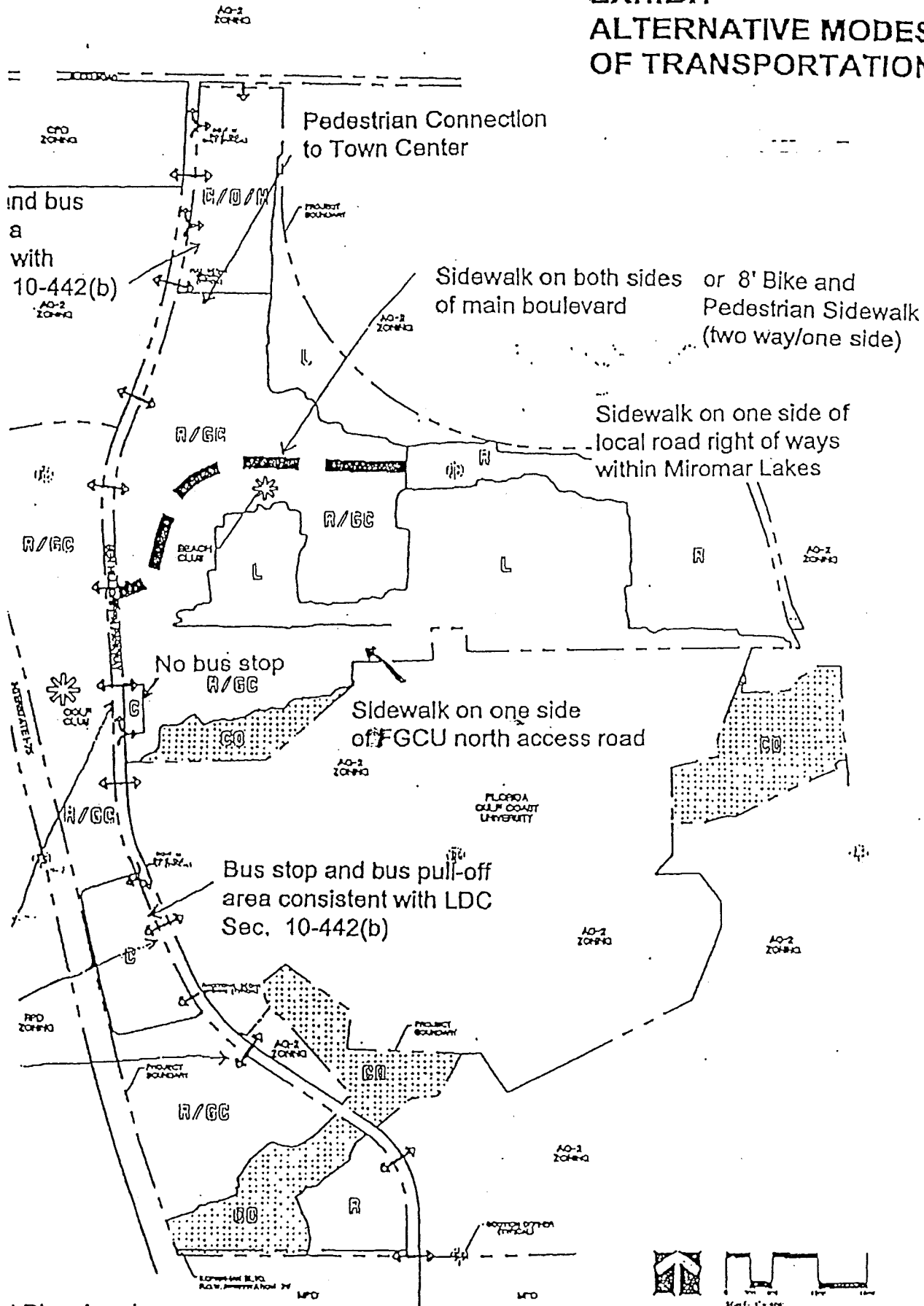
MAP H

(Dated January 20, 2004)

EXHIBIT D

PEDESTRIAN AND BICYCLE
FACILITIES AND BUS STOP LOCATIONS

EXHIBIT-
ALTERNATIVE MODES
OF TRANSPORTATION



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DRI
EXHIBIT E
ANNUAL BIENNIAL MONITORING REPORT REQUIREMENTS

The Annual Biennial Monitoring Report that must be submitted by the Developer in accordance with Subsections 380.06(15) and 380.06(18), Florida Statutes, and 9J-2.025(7), Florida Administrative Code, must include the following:

- A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;
- B. A summary comparison of development activity proposed and actually conducted for the year;
- C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.
- D. Identification and intended use of lands purchased, leased, or optioned by the developer adjacent to the original DRI site since the development order was issued;
- E. A specific assessment of the developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments which are contained in the application for development approval and which have been identified by the local government, the RPC, or the DCA as being significant;
- F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;
- G. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
- H. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;
- I. A statement that all persons have been sent copies of the biennial report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
- J. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.

NOTE: The Florida Administrative Code specifically requires that the development order specify the requirements for the biennial report. The Administrative Code requires that the biennial report will be submitted to DCA, the RPC, and the local government on Form RPM-BSP-Annual Report-1.

EXHIBIT F

(INVASIVE EXOTIC VEGETATION LISTED BY THE FLORIDA PEST PLAN COUNCIL)

DEFINITIONS: *Exotic*—a species introduced to Florida, purposefully or accidentally, from a natural range outside of Florida. *Native*—a species whose natural range included Florida at the time of European contact (1500 AD). *Naturalized exotic*—an exotic that sustains itself outside cultivation (it has not "become" native). *Invasive exotic*—an exotic that not only has naturalized but is expanding on its own in Florida plant communities.

Abbreviations used: for "Gov. List": P = Prohibited by Fla. Dept. of Environ. Protection, N = Noxious Weed listed by Fla. Dept. of Agriculture & Consumer Services, U = Noxious Weed listed by U.S. Dept. of Agriculture. for "Reg. Dis.": N = north, C = central, S = south, referring to each species' current distribution in general regions of Florida (not its potential range in the state). See map.



LIST PREPARED BY THE *Florida* Exotic Pest Plant Council's

PEST PLANT LIST COMMITTEE:

Keith A. Bradley, Institute for Regional Conservation, 22601 S.W. 152nd Ave., Miami, FL 33170
 Kathy Craddock Burks (CHAIR), Invasive Plant Management, Florida Dept. of Environmental Protection,
 3800 Commonwealth Blvd., MS 705, Tallahassee, FL 32399
 Nancy Craft Coile, Botanist Emeritus, Division of Plant Industry, Florida Dept. of Agriculture and Consumer Services,
 22804 N.W. CR-2054, Alachua, FL 32615
 James G. Duquesnel, Florida Park Service, Fla. Dept. of Environmental Protection, P.O. Box 487, Key Largo, FL 33037
 Edward Freeman, The Nature Conservancy, 1413 Boulevard of the Arts, Sarasota, FL 34236
 David W. Hall, Private Consulting Botanist, 3666 N.W. 13th Place, Gainesville, FL 32605
 Roger L. Hammer, Miami-Dade Parks Department, Castellow Hammock Nature Center, 22301 S.W. 162nd Ave.,
 Miami, FL 33030
 Kenneth A. Langeland, Center for Aquatic and Invasive Plants, IFAS, University of Florida, 7922 N.W. 71st St.,
 Gainesville, FL 32606
 Robert W. Pemberton, Agricultural Research Station, U.S. Department of Agriculture, 2305 College Ave.,
 Ft. Lauderdale, FL 33314
 Daniel B. Ward, Department of Botany, 220 Bartram Hall, University of Florida, Gainesville, FL 32611
 Richard P. Wunderlin, Institute for Systematic Botany, Department of Biological Sciences, University of South Florida,
 Tampa, FL 33620

For more information on invasive exotic plants, including links to related web pages, visit the

Florida EPPC web site: <http://www.fleppc.org>

5/20/03

Category I - Invasive exotics that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. This definition does not rely on the economic severity or geographic range of the problem, but on the documented ecological damage caused.

Scientific Name	Common Name	Reg. Dis.	Gov. List	Scientific Name	Common Name	Reg. Dis.	Gov. List
<i>Abrus precatorius</i>	rosary pea	C, S		<i>Lygodium japonicum</i>	Jap. climbing fern	NCS	N
<i>Acacia</i>	earleaf acacia	S		<i>Lygodium</i>	Old World climbing fern	C, S	N
<i>auriculiformis</i>				<i>Macfadyena unguis-cati</i>	cat's-claw vine	NCS	
<i>Albizia julibrissin</i>	mimosa, silk tree	N, C		<i>Manilkara zapota</i>	sapodilla	S	
<i>Albizia lebbek</i>	woman's tongue	C, S		<i>Melaleuca</i>	melaleuca	C, S	P, N, U
<i>Ardisia crenata</i>	coral ardisia	N, C		<i>quinqueneria</i>	Chinaberry	NCS	
<i>Ardisia elliptica</i>	shoebutton ardisia	S		<i>Melia azedarach</i>	catclaw mimosa	C, S	P, N, U
<i>Asparagus densiflorus</i>	asparagus-fern	C, S		<i>Mimosa pigra</i>			
<i>Bauhinia</i>	orchid-tree	C, S		<i>Nandina domestica</i>	heavenly bamboo	N	
<i>variegata</i>				<i>Nephrolepis cordifolia</i>	sword fern	NCS	
<i>Bischofia javanica</i>	bischofia	C, S		<i>Nephrolepis multiflora</i>	Asian sword fern	C, S	
<i>Calophyllum antillanum</i>	santa maria ("mast wood," "Alexanderian laurel" used in cultivation)	S		<i>Neyraudia reynaudiana</i>	Burma reed	C, S	N
<i>Casuarina</i>	Australian pine	NCS	P	<i>Paederia cruddasiana</i>	sewer vine	S	N
<i>equisetifolia</i>				<i>Paederia foetida</i>	skunk vine	N, C	N
<i>Casuarina glauca</i>	suckering	C, S	P	<i>Panicum repens</i>	torpedo grass	NCS	
<i>Cinnamomum camphora</i>	Australian pine	NCS		<i>Pennisetum purpureum</i>	Napier grass	C, S	
<i>Colocasia</i>	camphor tree			<i>Pistia stratiotes</i>	water-lettuce	NCS	P
<i>esculenta</i>	taro, wild taro	NCS		<i>Psidium cattleianum</i>	strawberry guava	C, S	
<i>Colubrina asiatica</i>				<i>Psidium guajava</i>	guava	C, S	
<i>Cupaniopsis anacardioides</i>	latherleaf	S		<i>Pueraria montana</i>	kudzu vine	NCS	N, U
<i>Dioscorea alata</i>	carrotwood	C, S	N	<i>Rhodomyrtus tomentosa</i>	downy rose-myrtle	C, S	N
<i>Dioscorea</i>	winged yam	NCS	N	<i>Ruellia brittoniana</i>	Mexican petunia	NCS	
<i>bulbifera</i>	air-potato	NCS	N	<i>Sapium sebiferum</i>	Chinese tallow	NCS	N
<i>Eichhornia crassipes</i>				<i>Scaevola sericea</i>	beach naupaka	C, S	
<i>Eugenia uniflora</i>	water-hyacinth	NCS	P	<i>Schefflera actinophylla</i>	schefflera	C, S	
<i>Ficus microcarpa</i>	Surinam-cherry	C, S		<i>Schinus terebinthifolius</i>	Brazilian pepper	NCS	P, N
<i>Hydrilla verticillata</i>	laurel fig	S		<i>Senna pendula</i>	Christmas senna	C, S	
<i>Hygrophila polysperma</i>	hydrilla	NCS	P, U	<i>Solanum tampicense</i>	wetland nightshade	C, S	N, U
<i>Hymenachne amplexicaulis</i>	green hygro	NCS	P, U	<i>Solanum viarum</i>	tropical soda apple	NCS	N, U
<i>Imperata cylindrica</i>	West Indian marsh grass	C, S		<i>Syngonium podophyllum</i>	arrowhead vine	C, S	
<i>Ipomoea aquatica</i>	cogon grass	NCS	N, U	<i>Syzygium cumini</i>	Java plum	S	
<i>Jasminum dichotomum</i>	water-spinach	C	P, U	<i>Tectaria incisa</i>	incised halberd fern	S	
<i>Jasminum fluminense</i>	Gold Coast jasmine	C, S		<i>Thespesia populnea</i>	seaside mahoe	C, S	
<i>Lantana camara</i>	jasmine	NCS		<i>Tradescantia fluminensis</i>	white-flowered wandering Jew	N, C	
<i>Ligustrum lucidum</i>	Brazilian jasmine	C, S		<i>Tradescantia spathacea</i>	oyster plant	S	
<i>Ligustrum sinense</i>	lantana	NCS		<i>Urochloa mutica</i>	Pará grass	C, S	
<i>Lonicera japonica</i>	glossy privet	N, C					
	Chinese privet	NCS					
	Japanese honeysuckle	NCS					

Category II - Invasive exotics that have increased in abundance or frequency but have not yet altered Florida plant communities to the extent shown by Category I species. *These species may become ranked as Category I, if ecological damage is demonstrated.*

Scientific Name	Common Name	Reg. Dis.	Gov. List	Scientific Name	Common Name	Reg. Dis.	Gov. List
<i>Adenanthera pavonina</i>	red sandalwood	S		<i>Leucaena</i>	lead tree	NCS	
<i>Agave sisalana</i>	sisal hemp	C, S		<i>leucocephala</i>			
<i>Aleurites fordii</i>	tung oil tree	N, C		<i>Limnophila sessiliflora</i>	Asian marshweed	NCS	P
<i>Alstonia macrophylla</i>	devil-tree	S		<i>Livistona chinensis</i>	Chinese fan palm	C, S	
<i>Alternanthera philoxeroides</i>	alligator weed	NCS	P	<i>Merremia tuberosa</i>	wood-rose	S	
<i>Antigonon leptopus</i>	coral vine	NCS		<i>Murraya paniculata</i>	orange-jessamine	S	
<i>Aristolochia litoralis</i>	calico flower	N, C		<i>Myriophyllum spicatum</i>	Eurasian watermilfoil	NCS	P
<i>Asystasia gangetica</i>	Ganges primrose	C, S		<i>Nymphoides cristata</i>	snowflake	C, S	
<i>Begonia cucullata</i>	wax begonia	N, C		<i>Panicum maximum</i>	Guinea grass	C, S	
<i>Broussonetia papyrifera</i>	paper mulberry	N, C		<i>Passiflora biflora</i>	2-flower, passion v.	S	
<i>Callisia fragrans</i>	inch plant	C, S		<i>Pennisetum setaceum</i>	green fountain grass	S	
<i>Casuarina cunninghamiana</i>	Australian pine	C, S	P	<i>Phoenix reclinata</i>	Senegal date palm	C, S	
<i>Cecropia palmata</i>	trumpet tree	S		<i>Phyllostachys aurea</i>	golden bamboo	N, C	
<i>Cestrum diurnum</i>	day jessamine	C, S		<i>Pteris vittata</i>	Chinese brake fern	NCS	
<i>Chamaedorea seifrizii</i>	bamboo palm	S		<i>Ptychosperma elegans</i>	solitaire palm	S	
<i>Cryptostegia madagascariensis</i>	rubber vine	C, S		<i>Rhynchelytrum repens</i>	Natal grass	NCS	
<i>Cyperus involucratus</i> (C. alternifolius mis-applied)	umbrella plant	C, S		<i>Ricinus communis</i>	castor bean	NCS	
<i>Cyperus prolixer</i>	dwarf papyrus	C		<i>Sansevieria hyacinthoides</i>	bowstring hemp	C, S	
<i>Dalbergia sissoo</i>	Indian rosewood	C, S		<i>Sesbania punicea</i>	purple sesban	NCS	
<i>Elaeagnus pungens</i>	silverthorn	N, C		<i>Solanum diphyllum</i>	2-leaf nightshade	NCS	
<i>Epipremnum pinnatum</i> cv. Aureum	pothos	C, S		<i>Solanum jamaicense</i>	Jamaica nightshade	C	
<i>Ficus altissima</i>	false banyan, council tree	S		<i>Solanum torvum</i>	turkey berry	NCS	N, U
<i>Flacourtia indica</i>	governor's plum	S		<i>Syagrus romanzoffiana</i> (= <i>Arecastrum romanzoffianum</i>)	queen palm	C, S	
<i>Hemarthria altissima</i>	limpo grass	C, S		<i>Syzygium jambos</i>	rose-apple	C, S	
<i>Hibiscus tiliaceus</i>	mahoe	C, S		<i>Terminalia catappa</i>	tropical almond	C, S	
<i>Ipomoea fistulosa</i> (= <i>I. carnea</i> ssp. <i>fistulosa</i>)	shrub morning-glory	C, S	P	<i>Terminalia muelleri</i>	Australian almond	C, S	
<i>Jasminum sambac</i>	Arabian jasmine	S		<i>Tribulus cistoides</i>	puncture vine	NCS	
<i>Kalanchoe pinnata</i>	life plant	C, S		<i>Urena lobata</i>	Caesar's weed	NCS	
<i>Koeleruteria elegans</i>	flamegold	C, S		<i>Wedelia trilobata</i>	wedelia	NCS	
				<i>Wisteria sinensis</i>	Chinese wisteria	N, C	
				<i>Xanthosoma sagittifolium</i>	elephant ear	NCS	



Application for Membership in the Florida Exotic Pest Plant Council

Annual Membership Levels (CIRCLE ONE)

Individual

Student \$10
General \$20
Contributor \$50
Donor over \$50

Institutional

Library \$100
Contributor \$500
Donor \$501 - \$10,000
Patron over \$10,000

Name

Organization

Mailing Address

City, State, Zip

Telephone

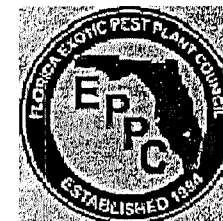
Fax

E-mail

Mail application & dues to:

Kris Serbesoff-King
3301 Gun Club Rd.
West Palm Beach, FL 33406

(Or sign up on-line at www.fleppc.org.)



Florida Exotic Pest Plant Council's 2003 List of Invasive Species

PURPOSE OF THE LIST:

To focus attention on 1) the adverse effects exotic pest plants currently have on Florida's native biodiversity and the functioning of native plant communities, 2) the habitat losses from exotic pest plant infestations, 3) the impacts on endangered species via habitat loss and alteration, 4) the need to prevent habitat losses through pest-plant management, 5) the socio-economic impacts of these plants (e.g., increased wildfires in Melaleuca areas), 6) changes in the seriousness of different pest plants over time, and 7) the need to provide information that helps natural area managers set priorities for control programs.

WWW.FLEPPC.ORG

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

WHEREAS, Neale Montgomery, Esquire, and Barbara Barnes-Buchanan filed an application on behalf of the owners of the property, Alico, Inc. and Miromar Lakes, L.L.C., to consider an Application for Development Approval (ADA) for a Development of Regional Impact (DRI) known as Miromar Lakes on 1,271.12± acres, State DRI #11-9798-142, and to rezone a 1,271.12±-acre parcel from Agricultural (AG-2) to Mixed Use Planned Development (MPD); and

WHEREAS, public hearings were advertised and held on May 5, 1999, and continued to May 18, 20, and 25, 1999, June 1 and 11, 1999, July 27 and 30, 1999, and August 3 and 18, 1999, before the Lee County Hearing Examiner who gave full consideration to the evidence in the record for Case #'s 95-01-028.03Z 01.01 and 95-01-028.04Z 02.01; and

WHEREAS, a second public hearing was advertised and held on November 29, 1999, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents 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:

1. consider an ADA for a DRI known as Miromar Lakes on 1,271.12± acres, State DRI #11-9798-142; and
2. rezone a 1,271.12±-acre parcel from AG-2 to MPD to permit a maximum of 2,600 dwelling units, an 18-hole golf course and related ancillary uses, 250,000 square feet of retail floor area, 340,000 square feet of office floor area, 40,000 square feet of research and development floor area, and 450 hotel rooms and related ancillary uses, all not to exceed 75 feet in height, on 1,271.12± total acres of land.

The subject property is located in the University Community and Wetlands Land Use Categories. The legal description of the property is set forth in Exhibit A attached to this resolution. The request is APPROVED SUBJECT TO the conditions and deviations set forth in Section B below.

SECTION B. CONDITIONS AND DEVIATIONS:

The development of this site is subject to the Miromar Lakes DRI Development Order attached as Exhibit "G".

The site is further subject to the conditions and deviations set forth below:

1. a. Development must be consistent with the Master Concept Plan entitled "Miromar Lakes," prepared by Wilson, Miller, Barton and Peek, Inc., and Florida Land Planning Inc., dated March 4, 1998, and last revised November 29, 1999, and including the Alternative Mode Transportation Plan submitted at the public hearing, except as modified by the conditions below. The development of the project must also be in compliance with the approved DRI Development Order and Map H (prepared by Wilson, Miller, Barton and Peek, Inc., dated November 12, 1997, last revised November 29, 1999). Development must comply with the Lee County Land Development Code (LDC) at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
- b. (1) The table below identifies the development parameters used for the transportation analysis. These are generalized parameters that identify the extent of the DRI threshold uses permitted within the project. It also identifies other acreages that are required to be addressed in the DRI Development Order.

The Lee County zoning regulations provide for uses that are not DRI threshold uses, and uses that are more specific or descriptive than the generalized parameters used for the transportation analysis. This table is not meant to preclude the uses permitted by Condition II.A.2.; it is intended to identify the approved density and intensity limits for the DRI threshold uses. However, the uses permitted pursuant to Condition II.A.2. of this resolution are specifically limited by the Miromar Lakes DRI Development Order Condition II.D.1.a. That is to say, that while the approved zoning categories may allow a wider range of uses, from a DRI standpoint, the project impacts are based on the parameters and uses assumed in the transportation assessment for the DRI. The overall traffic at the project entrances based on the assumptions and the transportation assessment is estimated to be 3,931 P.M. peak hour trips. A change in the assumed uses or mix of uses that increases the external project traffic by 5 percent or more or that significantly changes the projected distribution and assignment of project traffic, so as to result in additional significantly and adversely impacted roadway links, will require a reevaluation of the DRI transportation impacts.

USE	PARAMETERS OF DEVELOPMENT	TOTAL UNITS	ACRES
Single-family Residential Multi Family Residential	700 du 1,900 du	2,600	760
Retail Commercial	250,000 sq ft (GFA)		114
Office*	340,000 sq ft (GFA)		
Research & Development*	40,000 sq ft (GFA)		
Hotel	450 rooms		
Lakes/Recreation/Buffers	Minimum approved		263
Conservation Areas	Minimum required		186

*The 340,000 square feet of office use may be converted to Research & Development uses on a 1-square-foot to 1.1-square-foot ratio, without the need for a Notice of Proposed Change (NOPC) or traffic reanalysis. If Applicant/Developer wants to adjust the proportionate share calculation based on a revised Traffic Impact Study (TIS), an NOPC is required.

- (2) The non-residential land uses are restricted by the Lee Plan to 10,000 square feet per acre. The non-residential acreage must be calculated using on and off-site open space, common areas and recreational areas (i.e., putting green at hotel, etc.) attributable to the non-residential areas. All non-residential buildings and acreage must be included in this limitation, including any non-residential ancillary uses. If multiple local development orders, including those for recreational uses, are requested, it is the developer's responsibility to provide cumulative totals of previous development order approvals and non-residential acreages prior to the issuance of the local development order requested.
 - (3) Final plan approval is required prior to the issuance of a local development order for the area designated C-1 located opposite the entrance to FGCU. Lee County Staff will evaluate the final plan to assure that the area contains a mix of residential, retail and office uses, and will not apply this condition to preclude recreational uses in the C-1 area.
- c. Final Plan Approval (FPA) will be required only when the parcel development includes vertical (structural) development or when additional deviations are requested. If FPA is required, then the Developer must file an application prior to, or simultaneous with, a local development order that proposes vertical development. The purpose of this process is to ensure that vertical development of Miromar Lakes is generally in compliance with the approved zoning resolution, Master Concept Plan and DRI Development Order, while at the same time allowing flexibility in response to changing development practices.

d. The following information must be provided in the application for Final Plan Approval:

- 1) the type and amount of uses, i.e., the number of residential dwelling units, total or square feet of commercial uses, or other measures of intensity;
- 2) an ongoing tabulation of the total number of residential dwelling units, commercial square footage, and other measures of intensity that have received local development order approval;
- 3) location and dimensions of access points;
- 4) location and dimensions of internal roadways;
- 5) location and dimensions of buildings/structures and parking spaces/areas;
- 6) setbacks and building heights;
- 7) boundary of development tract;
- 8) adjacent zoning and land uses;
- 9) buffers and landscape strips required or proposed;
- 10) open space, including an ongoing tabulation of required open space; and
- 11) detail drawings showing the application of deviations.

2. The following limits apply to the project and uses:

a. **Schedule of Uses**

See Exhibit "B": Schedule of Uses for Areas within Miromar Lakes.

b. **Site Development Regulations**

See Exhibit "C": Residential Property Development Regulations and Commercial Property Development Regulations.

3. Deviation (1) seeks relief from the LDC § 34-1954(d)(1) requirement to restrict model homes to a time limitation of three years, to allow model homes within the Miromar Lakes development to be permitted until the build out of the project in 2009. This deviation is APPROVED.
4. Deviation (2) seeks relief from the LDC § 34-1954(d)(2) requirement to restrict the sale period of model units within a townhouse or multiple family building to the initial sale period for that phase, to allow the model units until project buildout in 2009. This deviation is APPROVED.
5. Deviation (3) seeks relief from the LDC § 34-1263(e) requirement to prohibit a package store or other establishment primarily engaged in the sale of alcoholic beverages for consumption on or off the premises from being located within 500 feet of any school (noncommercial) or dwelling unit, to allow a bar or cocktail lounge, package store and dwelling units on Tract C-1. This deviation is APPROVED, BUT IS LIMITED TO the Tract C-1 located on the west side of Ben Hill Griffin Parkway. Any establishment primarily engaged in the sale of alcoholic beverages for consumption on or off the premises must be located a minimum of 500 feet from any residential unit located outside of Tract C-1.

6. Deviation (4) - **WITHDRAWN AT HEARING**
7. Deviation (5) seeks relief from the LDC § 10-291(3)(b) requirement for any residential development of at least five± acres to provide, where practical, two or more means of ingress and egress, to allow only one means of ingress and egress for those development parcels that are surrounded by golf course, water body, or conservation areas or any combination of these. This deviation is **APPROVED, SUBJECT TO** the developer providing a full size cul-de-sac at each dead end, and letters of approval of the ingress and egress of each development parcel from the local Fire and Emergency Service District, prior to local development order approval.
8. Deviation (6) seeks relief from the LDC § 10-296(b), Table 3, requirement to provide a right-of-way width of 35 feet for a two-way closed drainage, rear lot drainage, or inverted crown, to allow a right-of-way width to coincide with the back of curb for local private roads. This deviation is **APPROVED, PROVIDED** required drainage and utility easements are located outside of the right-of-way and adequate provisions are made for the road drainage and utilities.
9. Deviation (7) seeks relief from the LDC § 10-296, Table 4(7)(c) requirement that wearing surfaces for local and access road for Class A development must be 1½-inch asphaltic concrete of Florida Department of Transportation (FDOT) Type S-1, to allow for cement concrete and/or decorative pavers within private local roadways within Miromar Lakes. This deviation is **APPROVED** for local, private roads provided that the structural number of the proposed alternate cross-section will equal or exceed the structural number of a "standard" Class A local road flexible pavement cross-section.
10. Deviation (8) - **WITHDRAWN AT HEARING**
11. Deviation (9) seeks relief from the LDC § 10-296(m)(4)(a) provision allowing privately maintained accessways meeting criteria outlined in item 4(a) to be exempt from minimum right-of-way widths as specified in § 10-296(b), to permit access ways providing access for up to 100 residential units to be exempt from the minimum roadway widths as specified in § 10-296(b). This deviation is **APPROVED SUBJECT TO** the following conditions:
 - a. The design and posted speed will be 20 mph or less;
 - b. this deviation will apply to private access ways only; and
 - c. where determined to be practical by the design engineer, traffic calming devices as identified in the ITE Residential Street Design and Traffic Control book will be provided.
12. Deviation (10) seeks relief from the LDC § 10-329(e)(1)(a)(3) requirement to provide a minimum 50-foot setback from a water retention or detention excavation to any private property line under separate ownership, to allow a zero-foot setback. This deviation is **APPROVED, LIMITED TO** the property line contiguous to Miromar Lakes and Alico, Inc. in the north mining lake.

13. Deviation (11) seeks relief from the LDC § 10-329(e)(1)(a)(2) requirement to provide a minimum 50-foot setback from a water retention or detention excavation to any existing or property owner proposed right-of-way or easement for an arterial or collector street, to permit a 25-foot setback. This deviation is APPROVED, SUBJECT TO the developer providing elements for the protection of wayward vehicles in accordance with this section and providing a Type "F" curb at these locations.
14. Deviation (12) - **WITHDRAWN AT HEARING**
15. Deviation (13) seeks relief from the LDC § 10-355 requirement to provide a 10-foot-wide public utility easement on both sides of a roadway, to allow the public utility easement on one side only. This deviation is APPROVED, PROVIDED the appropriate/applicable utility companies agree, in writing, to the elimination of the easement.
16. Deviation (14) seeks relief from LDC § 10-413(b) requirement to calculate open space as a percentage of development area, to require open space based on the area of development excluding that portion of the development consisting of the existing mining lakes. This deviation is APPROVED WITH THE FOLLOWING CONDITIONS: The entire acreage of the existing mining lakes located on the east side of Ben Hill Griffith Parkway is exempt from open space requirements. These lakes may not be used to satisfy open space requirements on the site.
17. Deviation (15) seeks relief from the LDC §§ 10-414 and 10-417(b)(2)f. requirement that no portion of a buffer area consisting of trees and shrubs be located in any easement, to allow planted buffers in easements. This deviation is APPROVED, PROVIDED THAT, if any required buffer or landscape strip plantings installed within easements must be removed, then the property owner's association or Uniform Community Development District (UCDD) must replace the plantings with like size and species at no expense to Lee County. This requirement must be clearly stated in each property owner's documents.
18. Deviation (16) seeks relief from the LDC § 10-413(c)(1) requirement that 50 percent of the required open space incorporate existing, indigenous vegetation, to allow all of the required indigenous vegetation to be provided in the conservation area shown on the master concept plan and to permit all of the restored vegetation within the wetland slough to count toward the required indigenous vegetation requirement. This deviation is APPROVED, PROVIDED THAT existing indigenous preservation requirements will be met within the Conservation Areas shown on the Master Concept Plan, last revised August 16, 1999. The developer must provide and preserve a minimum of 186 acres of existing indigenous and restored/enhanced plant communities.
19. Deviation (17) seeks relief from LDC §§ 10-415(b)(1), 10-415(b)(2) and 10-415(c)(1) which prohibits the planting of trees and shrubs within any right-of-way, to allow these plantings within the rights-of-way. This deviation is APPROVED, LIMITED TO private, local roads, provided the plantings are in compliance with LDC § 34-3131(visibility), and are properly maintained by the developer or property owners' association.

20. Deviation (18) seeks relief from the LDC § 10-418(a)(2)(b) requirement to provide a minimum number of native wetland herbaceous plants per linear foot of lake shoreline, to allow required plants in compliance with the Lake Management Plan and Lake Shoreline Planting Plan that was submitted as part of this rezoning request. This deviation is **APPROVED, PROVIDED** herbaceous plant requirements per LDC § 10-418 are calculated on the entire length of the lake shoreline, including any bulkhead portions. The developer may substitute wetland trees and shrubs for up to 50 percent of the total number of herbaceous plants required, at a ratio of one tree or two shrubs for 10 herbaceous plants.
21. Deviation (19) - **WITHDRAWN AT HEARING**
22. Deviation (20) seeks relief from LDC § 34-2194(c)(1)(a), which provides that the Board of County Commissioners (BOCC) may grant less stringent setbacks from bodies of water when the development surrounding the entire body of water is under unified control, to allow the development of buildings and accessory structures within zero feet of the mining lake adjacent to Tract C-2 while the development surrounding the entire body of water will not be under the unified control of Miromar. This deviation is **APPROVED, LIMITED TO 1,500** linear feet of lake frontage adjacent to this tract.
23. Deviation (21) - **WITHDRAWN AT HEARING**
24. Deviation (22) seeks relief from the LDC § 10-285 requirement to provide a minimum of 125-foot spacing between driveway access points to a local road, to allow two connections for each short cul-de-sac (eyebrows) at a spacing less than 125 feet. This deviation is **APPROVED SUBJECT TO** the following conditions:
- a. each "eyebrow" must be provided with signage indicating one-way traffic in a counter-clockwise direction;
 - b. the minimum separation will be 60 feet;
 - c. it applies only to private local roads; and
 - d. it is approved only for those typical situations including, but not limited to, those designated in the graphic submitted for this deviation.
25. Deviation (23) - **WITHDRAWN AT HEARING**
26. Deviation (24) seeks relief from the LDC § 10-414(a) requirement that commercial developments adjoining existing residential development provide a buffer including a fence or wall between the uses, to allow commercial developments to provide alternative means of separation that may include no buffers, fencing or walls. This deviation is **APPROVED** for the southern boundary of Tract C-2, and the internal areas of Tract C-1 (University Village) intended to contain a mixture of residential and commercial uses in a "town center" design.
27. Deviation (25) - **WITHDRAWN AT HEARING**

28. Deviation (26) - WITHDRAWN AT HEARING

29. Deviation (27) - WITHDRAWN AT HEARING

Note: Deviation (28) is addressed in Condition 50 below.

30. Hurricane Mitigation

- a. The developer must initiate the establishment of a property owners' or residents' association(s). The organization must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and technical assistance for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.
- b. The developer must formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by the Lee County Office of Emergency Management prior to issuance of a local development order.
- c. The developer's proportionate share payment of \$10.9+ million for the development's impacts on the significantly and adversely impacted roadway network, including Alico Road, will adequately mitigate the development's hurricane evacuation impacts.

31. If access to this development or into portions of this development is through a security gate or similar device, which is not manned twenty-four hours a day, the security gate must be equipped with an override strip installed in a glass-covered box to be used by drivers of emergency vehicles to gain entry consistent with LDC § 34-1749.

32. If required by federal, state and/or local regulations:

- a. The purchaser/end user of any parcel that will be used to store, manufacture, or use hazardous materials, must contact the Lee County Office of Emergency Management Hazardous Material Representative, to discuss the proposed development in relation to the potential type, use, and storage of hazardous materials that will be located on the premises.
- b. The purchaser/end user must prepare or have available material safety data sheets (MSDS) and submit either copies of MSDS or a list of chemicals to the appropriate local fire district and to the Lee County Division of Public Safety.
- c. The purchaser/end user must establish an emergency notification system to be used in the event of a hazardous material release.

33. The Developer or his agent is entitled to continue *bona fide* agricultural uses already existing on the property; other agricultural uses may not be instituted except as permitted herein. No tree removal may occur unless the activity is reviewed and approved in accordance with all applicable Lee County regulations. Existing agricultural uses must be discontinued upon local development order approval for the individual tract or any phase identified in the development order.
34. All future land uses within Miromar Lakes must be consistent with the recommendations of the Federal Aviation Regulations Part 150 Noise Study for Southwest Florida International Airport adopted by the BOCC on February 1, 1995. Upon the adoption by the BOCC of regulations based on the 1995 Study, the developer will be subject to the adopted regulations, and not the adopted Study. The Study specifically provides that no residential living units, churches, libraries, schools, day care centers, hospitals, correctional institutions or nursing homes may be permitted within this area proposed for inclusion in Airport Noise Zone 3.
35. Commercial buildings, especially hotel and motel facilities located in the area proposed for inclusion in Airport Noise Zone 3, must consider the use of sound insulating materials.
36. As a condition of approval of a subdivision plat or issuance of a building permit for property located in the area proposed for inclusion in Airport Noise Zone 3, the applicant/owner must sign and record a noise and aviation easement to the county. The easement must authorize any and all aircraft noise on and overflights of the property that might occur during the operation of the Southwest Florida International Airport at present and future operational levels.
37. The development must comply with LDC § 34-1008 for tall structures including permanent buildings, antenna towers, and temporary construction cranes.
38. The development of helistop(s) within the Miromar Lakes MPD is subject to review and approval by the FDOT and the Lee County Port Authority.
39. Prior to local development order approval for property including Big Cypress Fox Squirrel habitat, the developer must amend the draft "Big Cypress Fox Squirrel Management Program", counter stamped July 6, 1998, to meet the requirements of the Department of Community Affairs and the Southwest Regional Planning Council. Evidence of the management plan approval must be provided. The finalized management plan must be adopted as part of the local development order.
40. Prior to issuance of a local development order for property including gopher tortoise habitat, a detailed gopher tortoise management plan must be submitted that provides for a minimum of 2.5 acres of habitat preservation appropriate for gopher tortoises within the golf course roughs. This plan must commit to excavation and subsequent relocation of recovered gopher tortoises and commensal species to the preserve areas and include details about how tortoises will be protected during construction activities. If the existing occupied gopher tortoise habitat is preserved and the relocation of tortoises is not necessary, the additional 2.5 acres of preservation within the golf course roughs is not required. However, if the developer obtains a relocation permit from the Florida Fish &

Wildlife Conservation Commission (FWC) [formerly the Florida Game & Fresh Water Fish Commission] or preserve the tortoise burrows in place, a gopher tortoise management plan per LDC § 10-474 is required.

41. Prior to local development order approval for property containing eastern indigo snakes or its habitat, copies of the educational materials pertaining to required protection measures for the eastern indigo snake must be provided. These materials must be distributed to construction workers conducting land clearing and excavation activities on the site prior to issuance of a vegetation removal permit. Notes to this effect must be on the development order plans. The educational materials must help in the identification of the eastern indigo snake and outline actions required if one is located. If an eastern indigo snake is located on the development site, a management plan in accordance with LDC § 10-474 must be provided to the Division of Planning, Environmental Sciences staff for review and approval.
42. At the time of local development order submittal, the "Miromar Lakes Snail Kite Management Plan" dated January 11, 1999 must be revised and provided for Division of Planning, Environmental Sciences review and approval. The plan must include a narrative about how cattails will be managed to allow more open waters within the borrow lakes to provide snail kite foraging areas. Commitments must be made to conduct the recommended management activities.
43. An American alligator management plan must be submitted for Division of Planning, Environmental Sciences staff review and approval prior to issuance of a local development order for property containing American alligators or its habitat. This plan must address temporary protection measures for protecting alligators during construction activities and long-term protection measures to reduce conflicts between alligators and lakeside residents.
44. Prior to issuance of a local development order for property containing least terns or its habitat, suitable habitat for least terns must be re-surveyed during the least tern nesting season (April - August). If least tern nesting is documented on the property, a management plan in accordance with LDC § 10-474 will be required.
45. The provision of open space must be consistent with the chart/table contained in the August 3, 1999 Memorandum from Applicant/Developer to Michael Pavese, attached hereto as Exhibit "D." The developer must demonstrate compliance with the overall open space requirement at each local development order submittal.
46. Outdoor seating in conjunction with consumption on premises is prohibited within 500 feet of a religious facility, school (noncommercial), day care center (child), park or dwelling unit under separate ownership except as approved by Deviation (3) or as an amendment to the MPD.
47. Additional conditions, with regard to vehicular or pedestrian traffic impacts, consistent with the Lee County LDC, may be required to obtain a local development order.
48. Approval of this rezoning does not give the developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the

requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

49. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
50. Deviation (28) seeks relief from the LDC § 34-935(f)(3) requirement to provide for building height limitations according to the classification of property under the Lee Plan land use map, to allow a maximum height exceeding 45 feet. This deviation is APPROVED as depicted on the Master Concept Plan, last revised August 16, 1999.

SECTION D. EXHIBITS:

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

- Exhibit A. The legal description and STRAP numbers of the property (27-page Exhibit).
- Exhibit B. Schedule of Uses
- Exhibit C. Residential Property Development Regulations and Commercial Property Development Regulations
- Exhibit D. Chart/table contained in the August 3, 1999 Memorandum from Applicant/Developer to Michael Pavese
- Exhibit E. A reduced copy of the Miromar Lakes Master Concept Plan.
- Exhibit F. A map depicting the subject parcel (shaded) in relation to the surrounding area.
- Exhibit G. Miromar Lakes DRI Development Order

SECTION E. FINDINGS AND CONCLUSIONS:

1. The Applicant has proven entitlement to the MPD zoning district by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The MPD zoning classification, as conditioned:
 - a. will meet or exceed all performance and locational standards set forth for the potential uses allowed in the district;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area;
 - d. will not unduly burden existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by development; and
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The proposed use or mix of uses is appropriate at the subject location.

4. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest, and the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
5. Urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use.
6. The requested deviations enhance the achievement of the objectives of the planned development, and preserve and promote the general intent of Chapter 34, Land Development Code, to protect the public health, safety and welfare.

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

John E. Albion	Aye
Douglas R. St. Cerny	Aye
Andrew W. Coy	Aye
Ray Judah	Aye
John E. Manning	Aye

DULY PASSED AND ADOPTED this 29th day of November 1999.

ATTEST:
CHARLIE GREEN, CLERK

BY:

Ruan Ferguson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY:

John E. Albion
Chairman

Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office

MINUTES OFFICE

Ruan F
FILED DEC 2 2 1999

Exhibit "A"
27 Pages Total
Legal Description

Parcel One

DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTIONS 10, 11, 12, 13, 14, 15 & 23
TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA
(AREA "A")
(PREPARED BY BANKS ENGINEERING, INC.)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 10, 11, 12, 13, 14, 15 AND 23 TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 11, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE S 89° 42' 24" E ALONG THE NORTH LINE OF SAID SECTION FOR 1994.63 FEET; THENCE S 01° 01' 21" W FOR 110.01 FEET TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF BEN HILL GRIFFIN PARKWAY (150' WIDE) AND THE SOUTH RIGHT-OF-WAY OF ALICO ROAD AND THE POINT OF BEGINNING; THENCE S 89° 42' 24" E ALONG SAID SOUTH RIGHT-OF-WAY OF ALICO ROAD FOR 1049.81 FEET; THENCE THE FOLLOWING THIRTY SIX (36) COURSES:

- | | | |
|-----|-----------------|----------|
| 1) | S 01° 00' 21" E | 847.76' |
| 2) | S 04° 19' 45" W | 1091.78' |
| 3) | S 00° 39' 26" E | 1432.24' |
| 4) | S 00° 16' 17" E | 606.52' |
| 5) | N 88° 47' 46" E | 376.79' |
| 6) | S 40° 48' 12" E | 322.81' |
| 7) | S 19° 01' 17" E | 249.77' |
| 8) | S 88° 53' 28" E | 216.94' |
| 9) | S 24° 26' 51" E | 150.17' |
| 10) | S 77° 09' 26" E | 573.01' |
| 11) | S 88° 10' 13" E | 1363.08' |
| 12) | S 19° 42' 28" E | 157.73' |
| 13) | S 87° 09' 14" E | 469.81' |
| 14) | N 88° 02' 24" E | 612.22' |
| 15) | S 21° 30' 12" E | 81.17' |
| 16) | N 88° 10' 32" E | 319.97' |
| 17) | S 01° 20' 12" E | 595.28' |
| 18) | N 79° 32' 52" W | 624.83' |
| 19) | N 41° 43' 09" W | 264.16' |
| 20) | S 80° 32' 44" W | 908.56' |
| 21) | S 85° 56' 39" W | 711.03' |
| 22) | N 88° 44' 59" W | 176.88' |

23)	S 09 ° 48' 24" W	488.79'
24)	S 81° 56' 19" E	145.26'
25)	S 00° 34' 39"E	820.49'
26)	S 59° 07' 28" W	349.34'
27)	S 86° 00' 53" W	1140.64'
28)	N 06° 38' 29" W	427.54'
29)	N 01° 46' 33" E	839.75'
30)	S 85° 52' 30" W	934.90'
31)	S 04° 59' 30" W	714.95'
32)	S 05° 05' 22" W	483.90'
33)	S 63° 55' 14" W	291.35'
34)	S 84° 13' 33" W	187.42'
35)	S 28° 12' 39" E	143.38'
36)	N 89° 07' 51" E	3150.88'

THENCE S 19° 52' 03" W FOR 56.89 FEET TO THE NORTH LINE OF FLORIDA GULF COAST UNIVERSITY; THENCE ALONG SAID NORTH LINE THE FOLLOWING FIVE (5) COURSES:

- 1) S 03° 10' 23" E 430.66'
- 2) S 88° 17' 12" W 1027.72'
- 3) S 01° 42' 48" E 306.15'
- 4) S 47° 45' 12" W 1504.06'
- 5) THENCE S 88° 27' 56" W FOR 1780.04 FEET TO THE SAID EAST RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (150' WIDE); THENCE N 03° 31' 24" W ALONG SAID EAST RIGHT-OF-WAY FOR 3304.77 FEET TO THE BEGINNING OF A CURVE CONCAVED TO THE EAST HAVING A RADIUS OF 2925.00 FEET; THENCE NORTHERLY ALONG SAID CURVE AND SAID RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 23° 44' 13" FOR 1211.80 FEET; THENCE N 20° 12' 49" E ALONG SAID RIGHT-OF-WAY FOR 473.55 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 10075.00 FEET; THENCE NORTHERLY ALONG SAID CURVE AND SAID RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 19° 11' 28" FOR 3374.60 FEET; THENCE N 01° 01' 21" E FOR 909.75 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE SAID NORTH LINE OF SECTION 11, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AS BEARING S 89° 42' 24" E.

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

PARCELS CONTAINS 478.96 ACRES, MORE OR LESS.
DESCRIPTION PREPARED APRIL 16th, 1999.

TOGETHER WITH:

DESCRIPTION OF A 397 ACRE PARCEL BEING A PORTION OF
SECTIONS 10,11,14,15,AND 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY FLORIDA
(PREPARED BY WILSON, MILLER, BARTON & PEEK, INC.)

A PORTION OF SECTIONS 10, 11, 14, 15, AND 23, TOWNSHIP 46 SOUTH, RANGE 25
EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 11;
THENCE ALONG THE NORTH LINE OF SAID SECTION AND THE CENTERLINE OF
ALICO ROAD, S. 89°42'24"E, 1919.62 FEET; THENCE ALONG THE CENTERLINE OF
TREELINE AVENUE S.01°01'21"W. 1018.81 FEET TO A POINT OF CURVATURE;
THENCE CONTINUE ALONG CENTERLINE OF TREELINE AVENUE
SOUTHWESTERLY 3349.48 FEET ALONG SAID CENTERLINE AND THE ARC OF A
CIRCULAR CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 10000.00
FEET THROUGH A CENTRAL ANGLE OF 19°11'28" AND BEING SUBTENDED BY A
CHORD WHICH BEARS S.10°37'05"W.3333.84 FEET TO THE POINT OF TANGENCY;
THENCE S.20°12'49"W.473.55 FEET; THENCE LEAVING SAID CENTERLINE
N.69°47'11"W75.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF TREELINE
AVENUE AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;
THENCE SOUTHWESTERLY 1273.94 FEET ALONG SAID WESTERLY RIGHT-OF-WAY
LINE AND THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST,
HAVING A RADIUS OF 3075.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'13"
AND BEING SUBTENDED BY A CHORD WHICH BEARS S.08°20'42"W.1264.85 FEET TO
A POINT OF TANGENCY; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE,
S.03°31'24"E.3887.79 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY
717.36 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND THE ARC OF A
CIRCULAR CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2000.00
FEET, THROUGH A CENTRAL ANGLE OF 20°33'03" AND BEING SUBTENDED BY A
CHORD WHICH BEARS S.13°47'56"E.713.52 FEET TO A POINT OF TANGENCY;

THENCE S.24°04'07"E.1593.09 FEET TO A POINT OF CURVATURE; THENCE
SOUTHERLY AND SOUTHEASTERLY, 1569.58 FEET ALONG SAID WESTERLY RIGHT-
OF-WAY LINE AND THE ARC OF A CIRCULAR CURVE CONCAVE TO THE
NORTHEAST, HAVING A RADIUS OF 2875.00 FEET, THROUGH A CENTRAL ANGLE
OF 31°16'49" AND BEING SUBTENDED BY A CHORD WHICH BEARS
S.39°42'52"E.1550.16 FEET TO A POINT OF TANGENCY; THENCE ALONG SAID
WESTERLY RIGHT-OF-WAY LINE, S.55°21'16"E.1684.71 FEET TO A POINT OF
CURVATURE; THENCE SOUTHEASTERLY AND SOUTHERLY, 1260.95 FEET ALONG
SAID WESTERLY RIGHT-OF-WAY LINE AND THE ARC OF A CIRCULAR CURVE
CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1325.00 FEET, THROUGH A

CENTRAL ANGLE OF 54°31'33" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.28°05'29"E.1213.90 FEET TO A POINT OF TANGENCY; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, S.00°49'43"E.600.19 FEET TO THE SOUTH LINE OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA; THENCE ALONG SAID SOUTH LINE, N.89°44'39"W.2921.79 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, N.18°17'51"W.955.62 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY, 1211.97 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17026.80 FEET, THROUGH A CENTRAL ANGLE OF 04°04'42" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.16°15'30"W.1211.72 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, N.14°13'09"W.9126.68 THENCE LEAVING SAID LINE, N.76°08'54"E.527.61 FEET;
THENCE N.79°14'37"E.501.77 FEET;
THENCE N.84°36'26"E.384.54 FEET;
THENCE S.85°27'53"E.381.51 FEET;
THENCE S. 74°31'06"E.209.92 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

PARCEL CONTAINS 397 ACRES, MORE OR LESS.

CURVE DATA

Curve number 1	Curve number 2
Radius= 10000.00	Radius= 3075.00
Delta= 1971'28"	Delta= 23'44'13"
Arc= 3331.84	Arc= 1273.94
Chord Brg. S1037'03"W	Chord= 1264.85
Curve number 3	Curve number 4
Radius= 2000.00	Radius= 2875.00
Delta= 2033'03"	Delta= 3176'49"
Arc= 717.36	Arc= 1569.58
Chord= 713.52	Chord= 1550.18
Chord Brg. S1347'56"E	Chord Brg. S3942'32"E

SKETCH OF DESCRIPTION

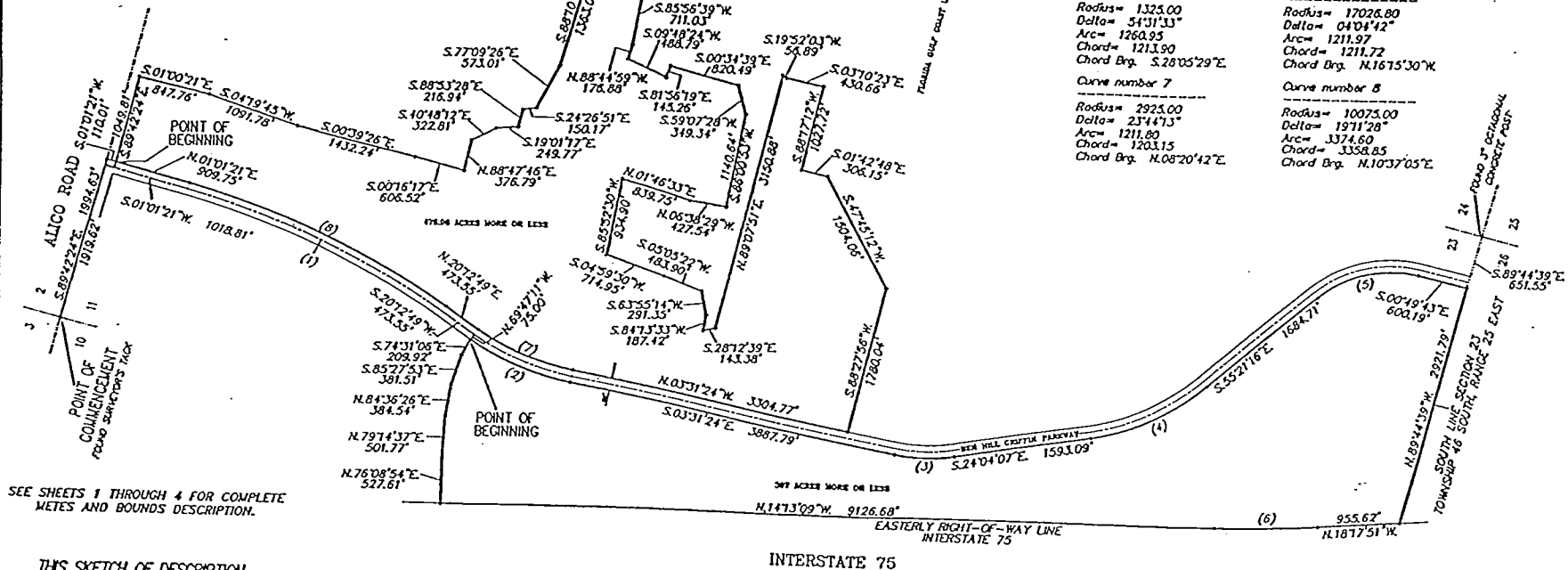
OF
A PARCEL OF LAND LYING IN
SECTIONS 10, 11, 12, 13, 14, 15, & 23
TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA



NOT TO SCALE

CURVE DATA

Curve number 5	Curve number 6
Radius= 1325.00	Radius= 17026.80
Delta= 54'31'33"	Delta= 04'04'42"
Arc= 1260.95	Arc= 1211.72
Chord= 1213.90	Chord Brg. N1675'30"W
Chord Brg. S2805'29"E	
Curve number 7	Curve number 8
Radius= 2925.00	Radius= 10075.00
Delta= 23'44'13"	Delta= 1971'28"
Arc= 1211.80	Arc= 3374.60
Chord= 1203.15	Chord= 3358.85
Chord Brg. N0820'42"E	Chord Brg. N1037'05"E



SEE SHEETS 1 THROUGH 4 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Richard M. Ritz
RICHARD M. RITZ, R.L.S.
FLORIDA CERTIFICATION NO. 4009

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

SHEET 5 OF 5

Banks Engineering, Inc.
ENGINEERING, SURVEYING & LAND PLANNING

FLORIDA BUSINESS CERTIFICATION NUMBER 18 8000
10006 336 WALK COTTAGE PARKWAY - SUITE 104
FORT MYERS, FLORIDA 33912
(813) 879-8490

SKETCH OF DESCRIPTION
MIOMAR SUBDIVISION -
LEE COUNTY, FLORIDA

NO.	DATE	REVISION DESCRIPTION	BY
1	1-28-99	TEXT	RR

DATE	PROJECT NO.	DRAWING	DRAWN	CHECKED	SCALE	FILE NO. (1-1-99)
1-28-99	1153	DESC-1	RR	RR	XX	18-98

Parcel Two

DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTIONS 12 AND 13,
TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA
(AREA "B")
(PREPARED BY BANKS ENGINEERING, INC.)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 12, AND 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE S 89° 42' 24" E ALONG THE NORTH LINE OF SAID SECTION FOR 1994.63 FEET; THENCE S 01° 01' 21" W FOR 110.01 FEET TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF BEN HILL GRIFFIN PARKWAY (150' WIDE) AND THE SOUTH RIGHT-OF-WAY OF ALICO ROAD; THENCE S 89° 42' 24" E ALONG SAID SOUTH RIGHT-OF-WAY OF ALICO ROAD FOR 1049.81 FEET; THENCE THE FOLLOWING FIFTEEN (15) COURSES:

- | | | |
|-----|-----------------|----------|
| 1) | S 01° 00' 21" E | 847.76' |
| 2) | S 04° 19' 45" W | 1091.78' |
| 3) | S 00° 39' 26" E | 1432.24' |
| 4) | S 00° 16' 17" E | 606.52' |
| 5) | N 88° 47' 46" E | 376.79' |
| 6) | S 40° 48' 12" E | 322.81' |
| 7) | S 19° 01' 17" E | 249.77' |
| 8) | S 88° 53' 28" E | 216.94' |
| 9) | S 24° 26' 51" E | 150.17' |
| 10) | S 77° 09' 26" E | 573.01' |
| 11) | S 88° 10' 13" E | 1363.08' |
| 12) | S 19° 42' 28" E | 157.73' |
| 13) | S 87° 09' 14" E | 469.81' |
| 14) | N 88° 02' 24" E | 612.22' |
| 15) | S 21° 30' 12" E | 81.17' |

THENCE N 88° 10' 32" E FOR 319.97 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 88° 10' 32" E FOR 526.92 FEET; THENCE S 01° 46' 59" W FOR 282.53 FEET; THENCE S 89° 48' 06" E FOR 1264.46 FEET; THENCE S 20° 09' 57" E FOR 832.50 FEET; THENCE S 15° 43' 44" E FOR 1222.03 FEET; THENCE S 25° 52' 55" E FOR 187.61 FEET; THENCE N 89° 21' 30" W FOR 2130.63 FEET; THENCE N 06° 34' 37" W FOR 526.71 FEET; THENCE N 01° 50' 22" W FOR 1210.85 FEET; THENCE N 79° 32' 52" W FOR 242.93 FEET; THENCE N 01° 20' 12" W FOR 595.28 FEET TO THE POINT OF BEGINNING

BEARINGS ARE BASED ON THE SAID NORTH LINE OF SECTION 11, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AS BEARING S 89° 42' 24" E.

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

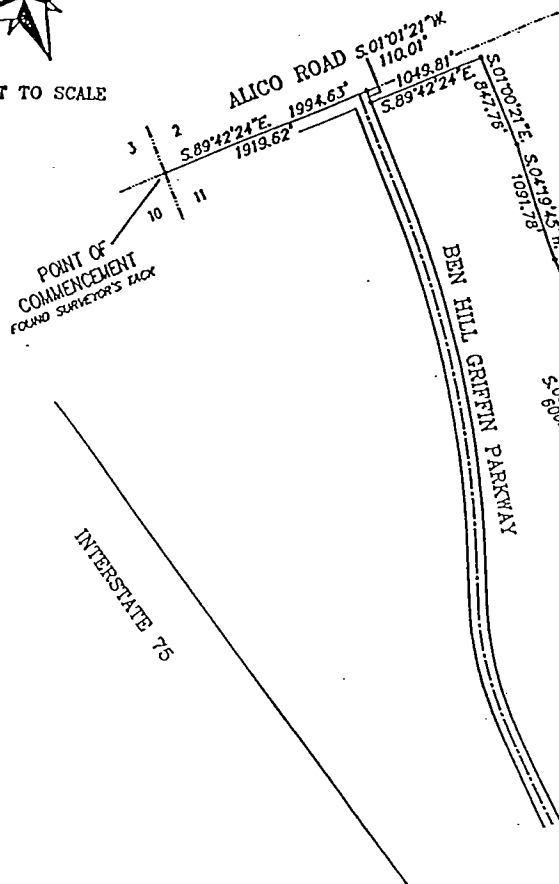
PARCELS CONTAINS 95.33 ACRES, MORE OR LESS.

DESCRIPTION PREPARED APRIL 16th, 1999



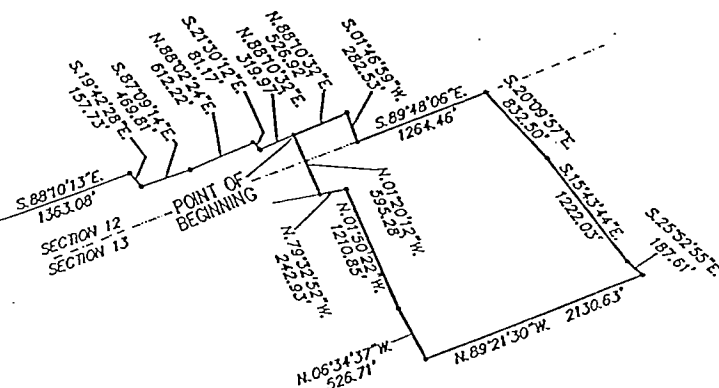
NOT TO SCALE

PARCEL TWO



SKETCH OF DESCRIPTION

OF
A PARCEL OF LAND LYING IN
SECTIONS 12 AND 13,
TOWNSHIP 48 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA



SEE SHEETS 1 THROUGH 2 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Richard M. Pitt
RICHARD M. PITT, R.L.S.
FLORIDA CERTIFICATION NO. 4009

- THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE COMPLETION AND THE RECORDING
OF A FLOOD LEDGER SURVEY AND MAP

SHEET 3 OF 3

Parks Engineering, Inc.
ENGINEERING, SURVEYING & LAND PLANNING
FLORIDA BUSINESS CERTIFICATION NUMBER 18 8090
10006 EEE WILE CYPRESS PARKWAY - SUITE 104
FORT MYERS, FLORIDA 33916
(811) 828-5190

SKETCH OF DESCRIPTION
MIROMAR SUBDIVISION -
LEE COUNTY, FLORIDA

DATE	PROJECT NO.	DRAWING	DATE	CHECKED	SCALE
4-18-08	11111	11111	11111	11111	11111

OR BR 03165 PG 1811

Parcel Three

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
(AREA "C")
(PREPARED BY BANKS ENGINEERING, INC.)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE S 89° 42' 24" E ALONG THE NORTH LINE OF SAID SECTION FOR 1994.63 FEET; THENCE S 01° 01' 21" W FOR 110.01 FEET TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF BEN HILL GRIFFIN PARKWAY (150' WIDE) AND THE SOUTH RIGHT-OF-WAY OF ALICO ROAD; THENCE S 89° 42' 24" E ALONG SAID SOUTH RIGHT-OF-WAY OF ALICO ROAD FOR 1049.81 FEET; THENCE THE FOLLOWING TWENTY THREE (23) COURSES:

1)	S 01° 00' 21" E	847.76'
2)	S 04° 19' 45" W	1091.78'
3)	S 00° 39' 26" E	1432.24'
4)	S 00° 16' 17" E	606.52'
5)	N 88° 47' 46" E	376.79'
6)	S 40° 48' 12" E	322.81'
7)	S 19° 01' 17" E	249.77'
8)	S 88° 53' 28" E	216.94'
9)	S 24° 26' 51" E	150.17'
10)	S 77° 09' 26" E	573.01'
11)	S 88° 10' 13" E	1363.08'
12)	S 19° 42' 28" E	157.73'
13)	S 87° 09' 14" E	469.81'
14)	N 88° 02' 24" E	612.22'
15)	S 21° 30' 12" E	81.17'
16)	N 88° 10' 32" E	846.89'
17)	S 01° 46' 59" W	282.53'
18)	S 89° 48' 06" E	1264.46'
19)	S 20° 09' 57" E	832.50'
20)	S 15° 43' 44" E	1222.03'
21)	S 25° 52' 55" E	362.91'
22)	S 00° 07' 13" E	16.50'
23)	N 89° 46' 48" W	635.94'

TO THE POINT OF BEGINNING; THENCE THE FOLLOWING SIX (6) COURSES;

- 1) S 19° 49' 36" W 375.30'
- 2) S 79° 57' 29" E 18.29'
- 3) S 48° 44' 52" E 10.14'
- 4) S 06° 54' 40" E 50.09'
- 5) N 19° 49' 36" E 438.44'
- 6) N 89° 46' 48" W 53.08' TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE SAID NORTH LINE OF SECTION 11, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AS BEARING S 89° 42' 24" E.

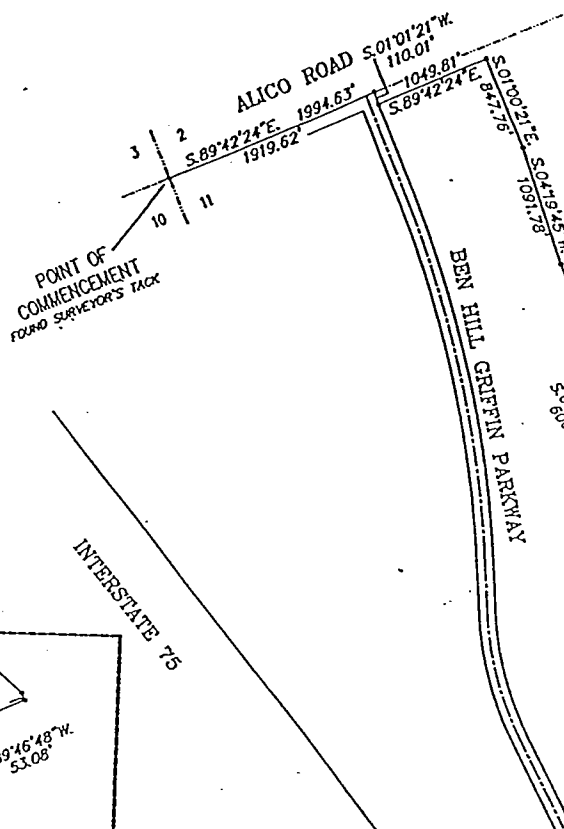
SAID PARCEL SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS AND RESERVATIONS OF RECORD.

PARCELS CONTAINS 0.45 ACRES, MORE OR LESS.

DESCRIPTION PREPARED APRIL 16th, 1999.



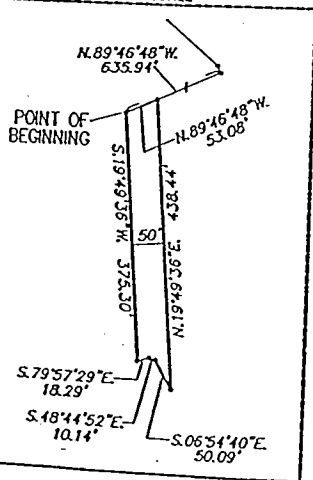
NOT TO SCALE



SKETCH OF DESCRIPTION

OF
A PARCEL OF LAND LYING IN
SECTION 13, TOWNSHIP 48 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

DETAIL
NOT TO SCALE



SEE SHEETS 1 THROUGH 2 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Richard M. Ritz
RICHARD M. RITZ, R.L.S.
FLORIDA CERTIFICATION NO. 4009

- THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE SIGNATURE AND BEC DRAWING, ANGLES
BOX, OF A FLORIDA LICENSED SURVEYOR AND NOTAR.

SHEET 3 OF 3

Banks Engineering, Inc.
ENGINEERING, SURVEYING & LAND PLANNING
FLORIDA SURVEYOR CERTIFICATION NUMBER 18 0440
10004 BAY WALK OFFSHORE PARKWAY - SUITE 104
FORT MYERS, FLORIDA 33912
(941) 808-6400

SKETCH OF DESCRIPTION
MIROMAR SUBDIVISION -
LEE COUNTY, FLORIDA

NO.	DATE	REVISION DESCRIPTION	BY

DATE	PROJECT NO.	DRAWING	DATE	CHECKED	SCALE	FILE NO. (S-T-#)
4-18-98	3165	DESC-6	RR	RR	MTS	44-25

OR BK 03165 PG 1814

Parcel Four

**DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTIONS, 13 AND 14,
TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA
(EXHIBIT "J")
(PREPARED BY BANKS ENGINEERING, INC.)**

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 13, AND 14, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE S 89° 42' 24" E ALONG THE NORTH LINE OF SAID SECTION FOR 1994.63 FEET; THENCE S 01° 01' 21" W FOR 110.01 FEET TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF BEN HILL GRIFFIN PARKWAY (150' WIDE) AND THE SOUTH RIGHT-OF-WAY OF ALICO ROAD; THENCE S 89° 42' 24" E ALONG SAID SOUTH RIGHT-OF-WAY OF ALICO ROAD FOR 1049.81 FEET; THENCE THE FOLLOWING TWENTY TWO (22) COURSES:

1)	S 01° 00' 21" E	847.76'
2)	S 04° 19' 45" W	1091.78'
3)	S 00° 39' 26" E	1432.24'
4)	S 00° 16' 17" E	606.52'
5)	N 88° 47' 46" E	376.79'
6)	S 40° 48' 12" E	322.81'
7)	S 19° 01' 17" E	249.77'
8)	S 88° 53' 28" E	216.94'
9)	S 24° 26' 51" E	150.17'
10)	S 77° 09' 26" E	573.01'
11)	S 88° 10' 13" E	1363.08'
12)	S 19° 42' 28" E	157.73'
13)	S 87° 09' 14" E	469.81'
14)	N 88° 02' 24" E	612.22'
15)	S 21° 30' 12" E	81.17'
16)	N 88° 10' 32" E	846.89'
17)	S 01° 46' 59" W	282.53'
18)	S 89° 48' 06" E	1264.46'
19)	S 20° 09' 57" E	832.50'
20)	S 15° 43' 44" E	1222.03'
21)	S 25° 52' 55" E	187.61'
22)	N 89° 21' 30" W	283.67'

TO THE POINT OF BEGINNING; THENCE CONTINUE N 89° 21' 30" W FOR 1846.96 FEET;
THENCE THE FOLLOWING TWENTY ONE (21) COURSES;

1)	N 06° 34' 37" W	526.71'
2)	N 01° 50' 22" W	1210.85'
3)	N 79° 32' 52" W	867.77'
4)	N 41° 43' 09" W	264.16'
5)	S 80° 32' 44" W	908.56'
6)	S 85° 56' 39" W	711.03'
7)	N 88° 44' 59" W	176.88'
8)	S 09° 48' 24" W	488.79'
9)	S 81° 56' 19" E	145.26'
10)	S 00° 34' 39" E	820.49'
11)	S 59° 07' 28" W	349.34'
12)	S 86° 00' 53" W	1140.64'
13)	N 06° 38' 29" W	427.54'
14)	N 01° 46' 33" E	839.75'
15)	S 85° 52' 30" W	934.90'
16)	S 04° 59' 30" W	714.95'
17)	S 05° 05' 22" W	483.90'
18)	S 63° 55' 14" W	291.35'
19)	S 84° 13' 33" W	187.42'
20)	S 28° 12' 39" E	143.38'
21)	N 89° 07' 51" E	3150.88'

THENCE S 19° 52' 03" W TO THE NORTH LINE OF FLORIDA GULF COAST UNIVERSITY
FOR 56.89 FEET; THENCE ALONG SAID NORTH LINE THE FOLLOWING THREE (3)
COURSES:

1)	N 89° 01' 42" E	450.42'
2)	S 00° 58' 18" E	320.16'
3)	N 88° 44' 00" E	3706.01'

THENCE S 89° 46' 48" E FOR 277.99 FEET; THENCE N 00° 43' 41" W FOR 176.03 FEET TO
THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE SAID NORTH LINE OF SECTION 11, TOWNSHIP 46
SOUTH, RANGE 25 EAST, AS BEARING S 89° 42' 24" E.

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

PARCELS CONTAINS 189.08 ACRES, MORE OR LESS.
DESCRIPTION PREPARED APRIL 16th, 1999.

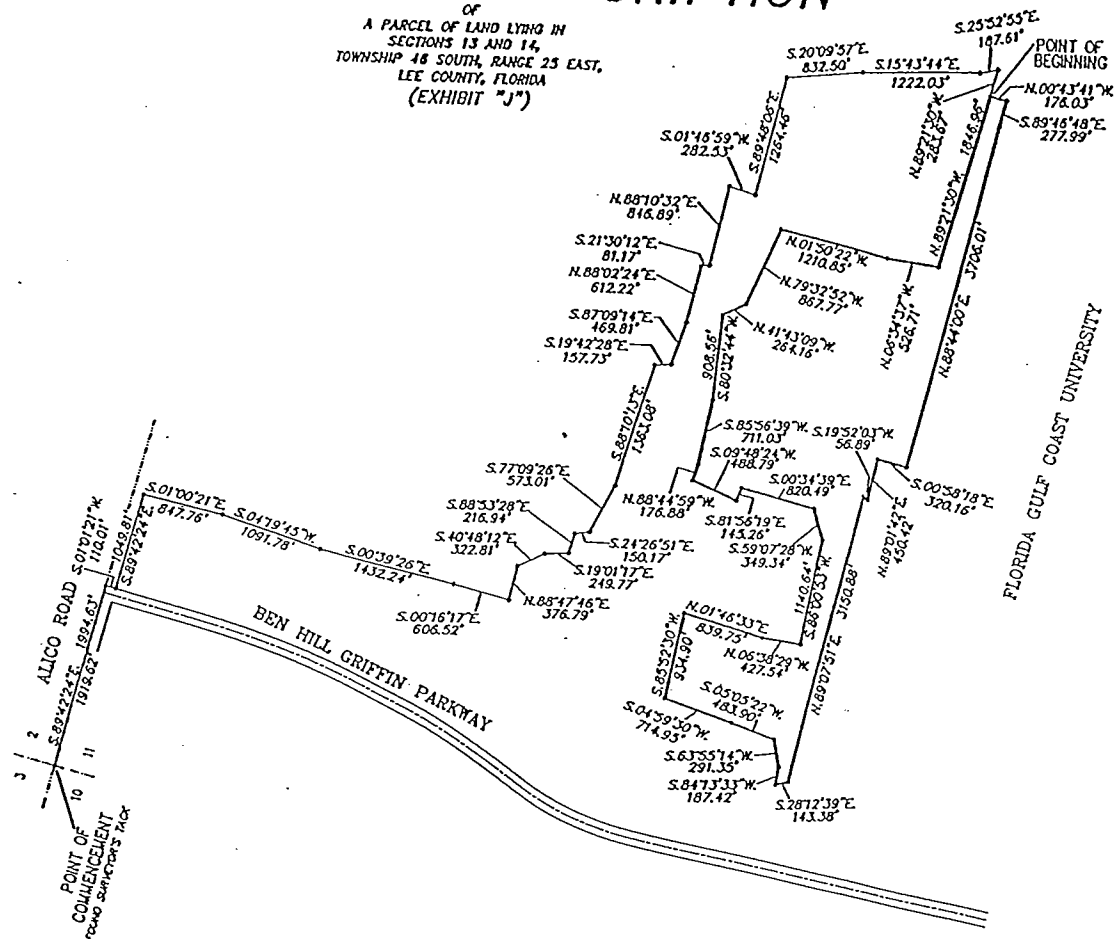


NOT TO SCALE

SKETCH OF DESCRIPTION

OF
A PARCEL OF LAND LYING IN
SECTIONS 13 AND 14,
TOWNSHIP 48 SOUTH, RANGE 23 EAST,
LEE COUNTY, FLORIDA
(EXHIBIT "J")

PARCEL FOUR



SEE SHEETS 1 THROUGH 3 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Richard M. Pitt
RICHARD M. PITT, R.L.S.
FLORIDA CERTIFICATION NO. 4009
- THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE SIGNATURE AND SEAL ORIGINALLY
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SHEET 4 OF 4

Banks Engineering, Inc.
ENGINEERING, SURVEYING & LAND PLANNING
FLORIDA BUSINESS CERTIFICATION NUMBER LB 8000
1000 SIX WALK CYPRESS PARKWAY - SUITE 104
FORT MYERS, FLORIDA 33912
(811) 808-5480

SKETCH OF DESCRIPTION
MIROMAR SUBDIVISION
LEE COUNTY, FLORIDA

DATE	PROJECT NO.	CLOSE- DESC-3	DRAWN RR	CHECKED RR	SCALE N.T.S.	SHEET 1 OF 5	FILE NO. (3-1-1)
4-18-99	1155						44-23

OR BK 03165 PG 1818

Parcel Five

**DESCRIPTION OF A 66 ACRE PARCEL BEING A PORTION OF
SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA**

(PREPARED BY WILSON, MILLER, BARTON & PEEK, INC.)

A PORTION OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY,
FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 46
SOUTH, RANGE 25 EAST;
THENCE ALONG THE NORTH LINE OF SAID SECTION AND THE CENTERLINE OF
ALICO ROAD S.89°42'24"E. 1919.62 FEET;
THENCE ALONG THE CENTERLINE OF TREELINE AVENUE S.01°01'21"W. 109.05
FEET; THENCE S.89°42'24"E. 75.00 FEET TO AN INTERSECTION WITH THE SOUTH
RIGHT OF WAY LINE OF ALICO ROAD AND THE EAST RIGHT OF WAY OF TREELINE
AVENUE: THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE S.89°42'24"E.
1049.81 FEET;
THENCE LEAVING SAID LINE S.1°00'21"E. 1635.40 FEET TO A POINT ON A CURVE,
POINT BEARING S.84°01'34"W. FROM THE CENTER OF SAID CURVE;
THENCE SOUTHEASTERLY 5221.22 FEET ALONG THE ARC OF A NON-TANGENTIAL
CIRCULAR CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 3595.48
FEET, HAVING A CENTRAL ANGLE OF 83°12'10" AND BEING SUBTENDED BY A
CHORD WHICH BEARS S.47°34'31"E. 4774.39 FEET TO A POINT ON SAID CURVE;
THENCE N.89°01'32"E. 1282.53 FEET;
THENCE S.01°46'59"W. 407.03 FEET;
THENCE S.89°48'06"E. 1264.40 FEET;
THENCE S.20°09'57"E. 832.58 FEET;
THENCE S.15°43'44"E. 1222.03 FEET;
THENCE S.25°52'55"E. 362.91 FEET;
THENCE S.00°07'13"E. 16.50 FEET;
THENCE N.89°46'48"W. 635.94 FEET;
THENCE S.19°49'36"W. 375.30 FEET TO THE POINT OF BEGINNING OF THE HEREIN
DESCRIBED PARCEL.
THENCE S.79°57'29"E. 18.29 FEET;
THENCE S.48°44'52"E. 10.14 FEET;
THENCE S.06°54'40"E. 51.94 FEET;
THENCE S.11°39'28"E. 34.33 FEET;
THENCE S.04°51'39"E. 21.39 FEET;
THENCE S.18°18'13"W. 25.87 FEET;
THENCE N.82°50'47"W. 15.56 FEET;
THENCE N.76°56'48"W. 27.40 FEET;
THENCE S.02°11'29"W. 62.11 FEET;

THENCE S.14°31'45"E. 24.66 FEET;
THENCE S.14°49'53"E. 6.59 FEET;
THENCE S.24°14'57"W. 30.44 FEET;
THENCE S.87°22'03"E. 5.44 FEET;
THENCE S.87°24'51"E. 19.39 FEET;
THENCE S.87°20'13"E. 13.45 FEET;
THENCE N.85°27'36"E. 25.27 FEET;
THENCE N.85°27'17"E. 29.97 FEET;
THENCE N.85°52'53"E. 61.78 FEET;
THENCE N.90°00'00"E. 52.88 FEET;
THENCE N.85°58'36"E. 250.30 FEET;
THENCE N.85°35'19"E. 86.13 FEET;
THENCE N.81°26'58"E. 44.56 FEET;
THENCE N.80°50'39"E. 69.13 FEET;
THENCE N.47°59'41"E. 29.61 FEET;
THENCE N.24°14'29"E. 48.25 FEET;
THENCE N.30°57'50"E. 12.03 FEET;
THENCE N.30°59'13"E. 26.46 FEET;
THENCE N.35°34'54"E. 18.90 FEET;
THENCE N.47°16'30"E. 38.97 FEET;
THENCE N.49°29'40"E. 20.30 FEET;
THENCE N.46°03'51"E. 57.11 FEET;
THENCE N.71°30'39"E. 20.89 FEET;
THENCE N.56°14'53"E. 16.09 FEET;
THENCE N.56°15'20"E. 201.37 FEET;
THENCE N.89°36'23"E. 304.60 FEET;
THENCE S.02°10'07"E. 1285.56 FEET;
THENCE N.79°13'23"W. 80.22 FEET;
THENCE S.56°32'16"W. 65.40 FEET;
THENCE S.11°37'49"W. 61.39 FEET;
THENCE S.43°47'29"E. 31.43 FEET;
THENCE S.65°22'51"W. 932.56 FEET;
THENCE S.62°02'33"W. 548.61 FEET;
THENCE N.84°00'27"W. 113.75 FEET;
THENCE S.73°01'40"W. 332.94 FEET;
THENCE S.88°47'09"W. 386.35 FEET;
THENCE N.01°12'51"W. 733.65 FEET;
THENCE N.75°24'23"E. 644.66 FEET;
THENCE N.02°55'16"W. 211.27 FEET;
THENCE N.19°49'36"E. 960.80 FEET TO THE POINT OF BEGINNING FOR THE HEREIN
DESCRIBED PARCEL.

PARCEL CONTAINS 66 ACRES MORE OR LESS.

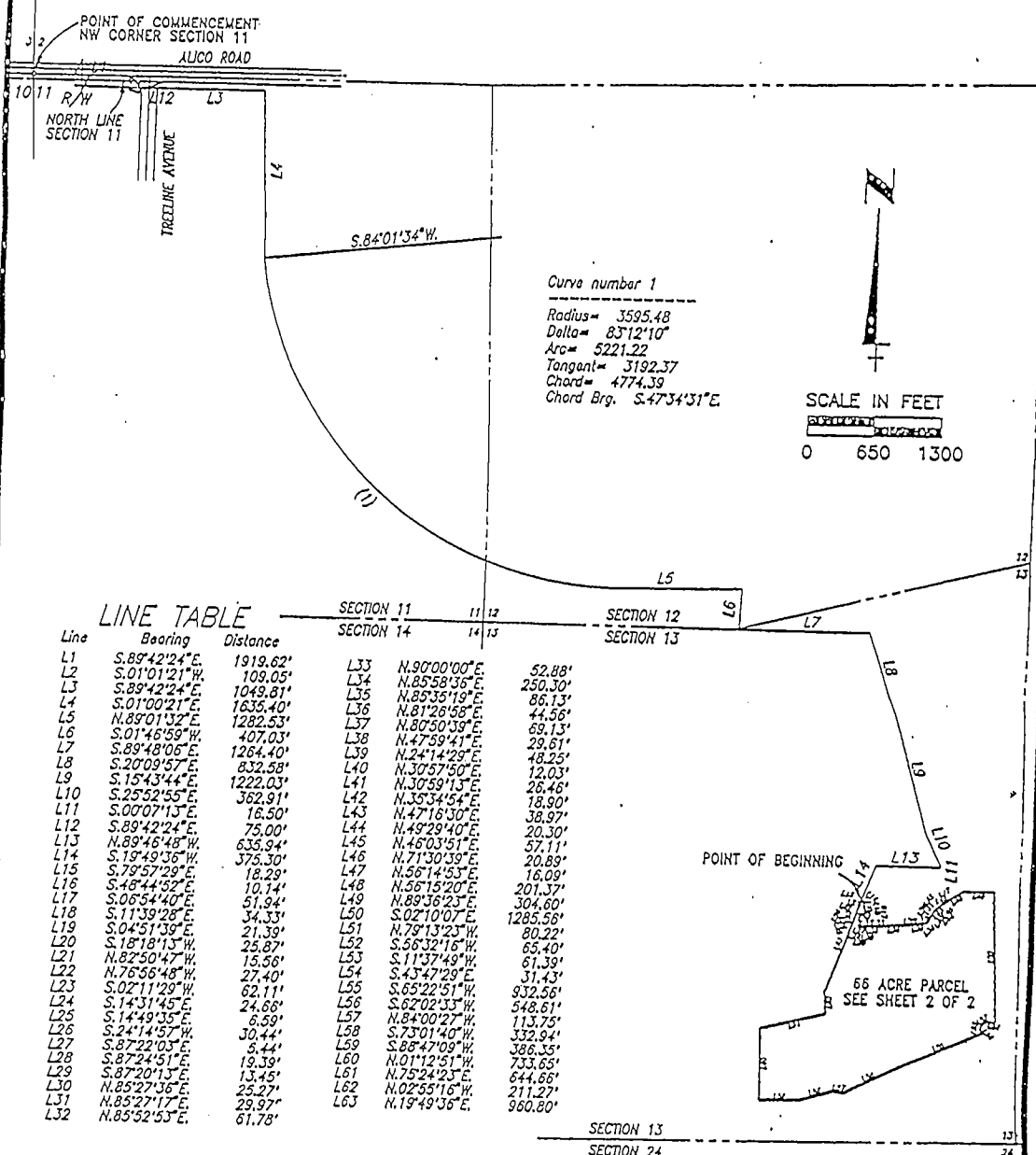
BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 11, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AND ALSO BEING THE CENTERLINE OF ALICO ROAD BEING S.89°42'24"E.

DATE: March 30, 1999.

PARCEL FIVE

WILSON, MILLER, BARTON & PEEK, INC.

ENGINEERS • SURVEYORS • PLANNERS • ENVIRONMENTAL CONSULTANTS • LANDSCAPE ARCHITECTS • CONSTRUCTION MANAGERS
4571 Colonial Boulevard Fort Myers, Florida 33912 (941) 939-1020 Fax (941) 939-7479



LINE TABLE

Line	Bearing	Distance
L1	S.89°42'24"E	1919.62'
L2	S.01°01'21"W	109.05'
L3	S.89°42'24"E	1049.81'
L4	S.01°00'21"E	1635.40'
L5	N.89°01'32"E	1282.53'
L6	S.01°46'59"W	407.03'
L7	S.89°48'06"E	1264.40'
L8	S.20°09'57"E	832.58'
L9	S.15°43'44"E	1222.03'
L10	S.25°52'55"E	362.91'
L11	S.00°07'13"E	16.50'
L12	S.89°42'24"E	75.00'
L13	N.89°46'48"W	638.94'
L14	S.19°49'36"W	375.30'
L15	S.79°57'29"E	18.29'
L16	S.48°44'52"E	10.14'
L17	S.06°54'40"E	51.94'
L18	S.11°39'28"E	34.33'
L19	S.04°51'39"E	21.39'
L20	S.18°18'13"W	25.87'
L21	N.82°50'47"W	15.56'
L22	N.76°56'48"W	27.40'
L23	S.02°11'29"W	62.11'
L24	S.14°31'45"E	24.66'
L25	S.14°49'35"E	6.59'
L26	S.24°14'57"W	30.44'
L27	S.87°22'03"E	5.44'
L28	S.87°20'13"E	19.39'
L29	S.85°27'36"E	13.45'
L30	N.85°27'17"E	25.27'
L31	N.85°32'53"E	29.97'
L32	N.85°32'53"E	61.78'

Line	Bearing	Distance
L33	N.90°00'00"E	52.88'
L34	N.85°58'36"E	250.30'
L35	N.85°35'19"E	66.13'
L36	N.81°26'58"E	44.56'
L37	N.80°50'39"E	69.13'
L38	N.47°59'41"E	29.61'
L39	N.24°14'29"E	48.25'
L40	N.30°57'50"E	12.03'
L41	N.30°59'13"E	26.46'
L42	N.35°34'54"E	18.90'
L43	N.47°16'30"E	38.97'
L44	N.49°29'40"E	20.30'
L45	N.46°03'51"E	57.11'
L46	N.71°30'39"E	20.89'
L47	N.56°14'53"E	16.09'
L48	N.56°15'20"E	201.37'
L49	N.89°36'23"E	304.60'
L50	S.02°10'07"E	1285.58'
L51	N.79°13'23"W	80.22'
L52	S.56°32'16"W	65.40'
L53	S.11°37'49"W	61.39'
L54	S.43°47'29"E	31.43'
L55	S.65°22'51"W	932.56'
L56	S.62°02'33"W	548.61'
L57	N.84°00'27"W	113.75'
L58	S.73°01'40"W	332.94'
L59	S.88°47'09"W	386.35'
L60	N.01°12'51"W	733.65'
L61	N.75°24'23"E	644.66'
L62	N.02°55'16"W	211.27'
L63	N.19°49'36"E	960.80'

* * THIS IS NOT A SURVEY * *

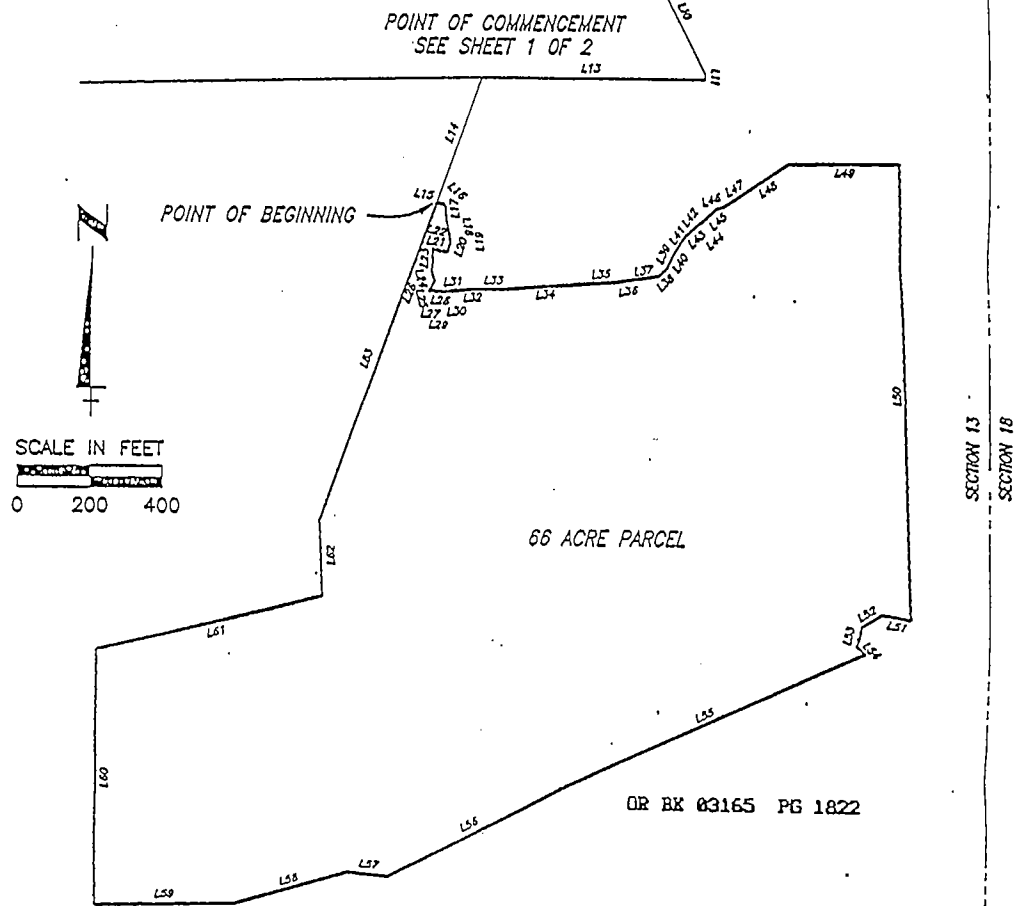
DATE: 3-30-99	CLIENT: ALICO INC.	DATE	DRAWN BY	EXP. NO.	CHECKED BY	EXP. NO.
HORIZONTAL SCALE: 1"=1300'	4380 GULF SHORE BLVD. N., SUITE 808, NAPLES, FLORIDA					
VERTICAL SCALE: N/A	TITLE: SKETCH OF DESCRIPTION					
SEC: TWP: RGE: 13 46 25	66 ACRE PARCEL					
FIELD BOOK:	PART OF SECTION 13, TOWNSHIP 46 S., RANGE 25 E., LEE COUNTY, FLORIDA					
FIELD BOOK PAGE: 407 30, 1999 - 11:29:18	CROSS REFERENCE FILE NO.: DOWGLARD01X\SUR\F0253\0253+401.dwg 7496.v1	WORK ORDER NO.:	PROJECT NO.:	SHEET NUMBER:	FILE NO.:	
		F0253	1 of 2	A-0253-144		

1281 9d 59180 Xd 80

PARCEL FIVE

WILSON, MILLER, BARTON & PEEK, INC.

ENGINEERS • SURVEYORS • PLANNERS • ENVIRONMENTAL CONSULTANTS • LANDSCAPE ARCHITECTS • CONSTRUCTION MANAGERS
4571 Colonial Boulevard Fort Myers, Florida 33912 (941) 939-1020 Fax (941) 939-7479



SECTION 13

13 18

SECTION 24

24 19

FOR LINE & CURVE TABLE
SEE SHEET 1 OF 2

* * THIS IS NOT A SURVEY * *

DATE: 3-30-99	CLIENT: ALICO INC. 4380 GULF SHORE BLVD. N., SUITE 808, NAPLES, FLORIDA
HORIZONTAL SCALE: 1" = 400'	TITLE: SKETCH OF DESCRIPTION 66 ACRE PARCEL PART OF SECTION 13, TOWNSHIP 46 S., RANGE 25 E., LEE COUNTY, FLORIDA
VERTICAL SCALE: N/A	
SEC: TWP: RGE: 13 46 25	
FIELD BOOK:	
FIELD BOOK PAGE: Mar 30, 1999 - 13:42:12	CROSS REFERENCE FILE NO.: D:\GULF\AR00\X\SUR\F0253\0253+02.dwg 7496.V1
WORK ORDER NO.:	PROJECT NO.:
F0253	2 of 2
SHEET NUMBER:	FILE NO.:
A-0253-144	

SCHEDULE OF USES

RESIDENTIAL "R"

PERMITTED PRINCIPAL USES AND STRUCTURES

Accessory Uses and Structures

Administrative Offices

Agricultural Uses and Agricultural Accessory Uses (limited to existing only and subject to Condition 33)

Assisted Living Facility - Density in accordance with § 34-1494

Churches, Synagogues, and other Places of Worship

Club: Beach, private and public

Accessory uses including but not limited to:

Bait Shop

Boat Docks - as specified on Exhibit B - Property Development Regulations

Boat Ramp

Consumption on premises including outdoor seating (subject to Condition 46)

Day Care Center

Fishing Pier

Food & Beverage Service

Locker Rooms

Personal Services, limited to ATM, barber shops & beauty shops, health club, steam bath and massage establishment)

Rental or leasing establishment, Group I, (limited to beach chairs, umbrellas, boats, and other beach related items etc., **excluding** jet skis, wave runners, seadoos and other similar personal water craft)

School, commercial, limited to boating and water skiing

Specialty Retail Shop

Club: Country, private and public

Accessory uses including but not limited to:

Consumption on premises including outdoor seating (subject to Condition 46)

Food & Beverage Service -limited

Personal Services, limited to ATM, barber & beauty shops, health club, steam bath and massage establishment)

Pro Shop

Tennis Courts

Consumption on Premises, limited to within the clubhouse(s)

Continuing Care Facility

Cultural Facilities

Customary accessory uses and structures, including but not limited to private garages and swimming pools

Dwelling Units:

EXHIBIT "B"
Page 2 of 8

Single-family, detached
Duplex
Multiple Family Building
Townhouse
Two-Family attached
Zero lot line
Dormitory
Day Care Centers adult and child (when compatible with adjacent uses)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation - Water Retention
Fraternity House/Sorority House
Golf Courses, Golf Course Accessory uses, including but not limited to: Consumption on
premises
Cart barn
Clubhouse
Food and beverage service - limited
Locker Rooms
Maintenance Facility
Personal Services, (limited to ATM, barber shops & beauty shops, health club,
massage establishment accessory to the clubhouse)
Pro Shop
Snack Bar at the ninth hole or other appropriate location
Specialty Retail Shop, accessory to clubhouse only
Helistop (subject to Condition 38)
Home Occupations (subject to standards in LDC § 34-1772)
Model Homes, Model Units and Model Display Center and Speculative Homes(limited to
residential uses within Miromar Lakes)
Parking lot, accessory only to Model Homes, Model Units and Model Display
Center
Plant Nurseries (subject to Condition 33)
Public and private parks, playgrounds, play fields and commonly owned open space
Real Estate Sales and Rental office for Miromar Lakes project only
Recreational Facilities, personal and private, including but not limited to:
Fishing Piers Bike Paths
Boardwalks Nature Trails/Jogging Paths
Swimming Pools Boat Docks
Tennis Courts Boat Ramps
Horseshoe Pits Parks
Shuffleboard Courts Playground
Vita Course Bocce Courts
Picnic Areas
Recreational Hall, private
Residential Accessory Uses, including but not limited to:

EXHIBIT "B"

Page 3 of 8

Docks - As limited on Exhibit B - Property Development Regulations
Private garages, carports and parking areas
Private swimming pools and enclosures
Private tennis courts
Signs, in compliance with LDC Chapter 30
Temporary Sales and/or Construction Office
Water Taxi Stand

Any activity comparable in nature with the foregoing uses and which the Director of the Lee County Department of Community Development determines to be compatible in "R" District.

COMMERCIAL "C-1"

PERMITTED USES AND STRUCTURES

Accessory Uses and Structures customarily associated with the uses permitted in this district.

Administrative Offices

Agriculture Uses and Agricultural Accessory Uses (limited to existing only and subject to Condition 33)

Animals: Clinic

Assisted Living Facility

ATM (Automatic Teller Machine)

Automobile Service Station

Banks and Financial Establishments, Groups I and II

Bar and Cocktail Lounge (limited to one, and subject to Condition 5)

Bed and Breakfast

Broadcast Studio, Commercial Radio and Television

Business Services, Group I (excluding: bail bonding and blood donor stations) and Group II

Car Wash

Caretaker's Residence

Civic and Governmental Services

Cleaning and Maintenance Services

Clothing Stores

Clubs, Country, Commercial, Fraternal and Private. Accessory uses include but are not limited to the following:

Consumption on premises

Day Care Center

Food and beverage service

Restaurant(s), Standard includes outdoor seating (subject to Condition 46)

Locker Rooms

Pro Shops

Personal services, limited to ATMs, barbershops or beauty clubs, steam baths, massage and the like

EXHIBIT "B"
Page 4 of 8

Restrooms and other uses which are normal and accessory to the
golf course
Snack Bar at an appropriate location
Specialty Retail Shops
Computer and Data Processing
Consumption on Premises (subject to Condition 5)
Continuing Care Facility
Convenience Food and Beverage Stores (limited to a total of three, one on each
commercial tract)
Cultural Facilities
Day Care Center, Adult, Child
Department Store
Dormitories
Drive-Through Facility for any Permitted Use
Drug Store, Pharmacy
Dwelling Units, including:
Zero lot line
Duplex
Two family attached
Townhouse
Multi-family
Emergency Medical Service (ambulance station)
Entrance Gates and Gatehouses
Essential Services
Essential Service Facilities, Group I
Excavation: Water Retention
Fences, Walls
Food Stores, Groups I and II
Fraternity/Sorority House
Gasoline Dispensing System, Special
Gift and Souvenir Shop
Hardware Store
Health Care Facility, Groups I, II, III and IV
Helistop (subject to Condition 38)
Hobby, Toy, Game Shops
Home occupation
Hospice
Hotel, Motel and accessory uses including but are not limited to the following:
Consumption on premises
Restaurant(s), Standard Groups I, II, III and IV (includes outdoor seating, subject
to Condition 46)
Specialty retail shops
Day care center
Personal services, limited to ATMs, barbershops or beauty shops, photo agents,
health clubs, steam baths, massage and the like

EXHIBIT "B"

Page 5 of 8

Household and Office Furnishings, Groups I and II
Insurance Companies
Laundry or Dry Cleaning, Group I (excluding Plant)
Lawn and Garden Supply Store
Library
Medical Office
Model Homes, Model Units and Model Display Center (limited to residential uses within the
Miromar Lakes project only)
Non-Store Retailers, All Groups
Outdoor Display of Merchandise
Package Store (limited to one, subject to Condition 5)
Paint, Glass and Wallpaper
Parcel and Express Service
Parks, Public, Groups I and II
Parking Lot:
 Accessory
 Commercial
 Garage, Public
 Temporary (subject to LDC § 34-2022)
Personal Services:
 Group I
 Group II (excluding Massage Establishments, Massage Parlors, Steam or Turkish
 Baths)
 Group III, Group IV (excluding Escort Services, Palm Readers, Fortune Teller or
 Card Reader and Tattoo Parlors)
Pet Services
Pet Shop
Pharmacy
Photo Finishing Laboratory
Place of Worship
Plant Nurseries (Subject to Condition 33)
Post Office
Printing and Publishing
Recreation - Personal
Recreation - Private, On-site, Off-site
Recreation Commercial: Groups I, II, III and IV
Recreation Hall
Religious Facilities
Rental and Leasing Establishments, Groups I, II and III
Repair Shops, Groups I and II
Restaurant(s) Fast Food (includes outdoor seating, subject to Condition 46)
Restaurant(s), Standard Groups I, II, III and IV (includes outdoor seating, subject to
 Condition 46)
Schools, Commercial
Schools, Non-Commercial

EXHIBIT "B"
Page 6 of 8

Self Service Fuel Pumps
Signs
Social Services: Groups I, II and III
Specialty Retail Shops, Groups I, II, III and IV
Storage, indoor only
Studios
Taxi stand
Temporary Uses (LDC § 34-3041)
Theater, indoor
Time Share Unit
Towers, communication, only when accessory to a permitted use (100 feet or less in height)
Used Merchandise Store: Groups I and II
Variety Store
Wholesale Establishment, Group III

Any commercial use or professional service which is comparable in nature with the foregoing uses and which the Director of the Lee County Department of Community Development determines to be compatible in the Miromar Lakes "C-1" district.

COMMERCIAL "C-2"

PERMITTED USES AND STRUCTURES

All of the permitted uses and structures listed for the C-1 Commercial District, excluding the following uses prohibited by the FAR Part 150 Study*:

Assisted Living Facility
Bed and Breakfast
Continuing Care Facility
Caretakers Residence
Day Care Center, Adult, Child
Dormitories
Dwelling Units
Fraternity/Sorority House
Health Care Facility, Groups II, III and IV
Home occupation
Hospice
Library
Place of Worship
Religious Facilities
Schools, Commercial
Schools, Non-Commercial
Social Services: Group III
Time Share Unit

EXHIBIT "B"
Page 7 of 8

*This exclusion applies only where the FAR Part 150 study prohibits these uses.

The following additional uses are also permitted in the C-2 District:

Accessory Uses and Structures including Boat docking, and fueling facility, Boat rental and sale of fuel.

Auto Part Store

Boat Ramp

Boat Rental, Sale of Bait, Fuel and Related Supplies

Boating Schools and Clubs

Hotel, Motel and accessory uses including but are not limited to the following:

Consumption on premises

Restaurant(s), Standard Groups I, II, III and IV (includes outdoor seating, subject to Condition 46)

Specialty retail shops

Fishing piers

Boat docking and Fueling Facility

Boat ramps

Boating clubs/lessons

Water skiing clubs/lessons

Boat and Vehicle Storage

Rentals/leasing of inflatables, boats, cabanas, beach equipment, fishing rods, bicycles and the like

Personal services, limited to ATMs, barbershops or beauty shops, photo agents, health clubs, steam baths, massage and the like

Mini-Warehouse

Motion Picture Production Studio

Research and Development Laboratories, Groups I, II, III and IV

Vehicle and Equipment Dealers, Group II only

Water Skiing Schools and Clubs

Water Taxi/Stand

Any commercial use or professional service which is comparable in nature with the foregoing uses and which the Director of the Lee County Department of Community Development determines to be compatible in the Miromar Lakes "C-2" district.

CONSERVATION AREA "CO"

PERMITTED USES AND STRUCTURES

Interpretive centers, rain shelters, gazebos

Nature and foot trails including boardwalks and jogging paths

Paths, boardwalks and bridges to provide access from the uplands to the wetlands and to

EXHIBIT "B"

Page 8 of 8

allow fishing piers, observation towers and golf cart crossings
Recreational shelters, restroom facilities, passive parks, and picnic areas
Signs
Water Management Facilities
Wildlife Management
Mitigation Activities
Accessory uses and structures customarily associated with the uses permitted in this district

Other activities which are comparable in nature with the foregoing uses and which the Director of the Lee County Department of Community Development determines to be compatible with the Miromar Lakes "CO" district.

RESIDENTIAL PROPERTY DEVELOPMENT REGULATIONS

These regulations apply to all of the areas labeled "R" on the Master Concept Plan.

These regulations apply to all of the areas labeled													
LAND USES	Minimum Tract or Lot			Minimum Building Setback (ft)						Max # of Habitable Floors	Max Bldg Height (ft)	Min Bldg Separation (ft)	Max. Lot Cover
	Area (sq ft)	(ft)		Side incl. Corner Lots (ft)	Rear (ft)	Side and Rear (ft)		Front ² (ft)	Water Body ³ (ft)				
		Depth (ft)	Width ¹ (ft)			Side and Rear (ft)							
				Lots		C.O.	Golf Course						
SINGLE FAMILY RESIDENTIAL USES													
Single Family Detached	5,500	70	50	5	20	10	10	12 ⁵ or 20	0 or 20	2	35	10	55%
Patio/Cluster Homes	3,500	70	35	5	10	10	10	12 ⁵ or 20	0 or 20	2	35	10	55%
Zero Lot Line, Single Family Attached or Townhouse	2,800	70	25	0 or 5	10	10	10	12 ⁵ or 20	0 or 20	2	35	0 or 10	55%
MULTI-FAMILY RESIDENTIAL USES													
Duplex	4,000	70	40	5	10	10	10	12	0 or 20	3	45	10	55%
Multi-Family - Low Rise	6,000	100	80	10	20	10	10	20	0 or 20	3	45	10	55%
Multi-Family - Mid Rise	10,000	100	100	12½	30	10	10	30	0 or 20	5	65 ⁴	25	55%
Assisted Living Facility	10,000	100	100	12½	30	10	10	20	20	3	45	25	55%
CLUBHOUSE USES													
Clubhouse	n/a	n/a	n/a	5	20	10	10	n/a	0	n/a	n/a	10	n/a
ACCESSORY STRUCTURES													
Accessory Structures	n/a	n/a	n/a	5	10	10	0	n/a	0	n/a	n/a	n/a	n/a

7/29/99

EXHIBIT "C"
PAGE 1 OF 2

Hearing Examiner
EXHIBIT # B
95-01-028.032 01.01
95-01-028.042 02.01

COMMERCIAL PROPERTY DEVELOPMENT REGULATIONS													
These regulations apply to all permitted uses within the areas labeled "C-1 or C-2" on the Master Concept Plan													
LAND USES	Minimum Tract or Lot			Minimum Building Setback (ft)						Max # of Habitable Floors	Max Bldg Height (ft)	Min Bldg Separation (ft)	Max. Lot Cover
	Area (sq ft)	(ft)		Side Incl. Corner Lots	Rear	Side and Rear		Front ²	Water Body ³				
		Depth	Width ¹			Side and Rear							
						Lots	C.O.						
CONVENTIONAL DEVELOPMENT TRACTS													
Low-Rise	10,000	100	100	0 or 15	20	10	10	15	0 or 20	3	45	30	55%
Hotel and Office Use	10,000	100	100	0 or 15	20	10	10	15	0 or 20	5	75 ⁴	50	55%
LOTS WITHIN DEVELOPMENT TRACTS													
Low-Rise	1,300	65	20	0 or 5	0 or 20	10	0	15	0	3	45	10	45%
Mid-Rise	1,300	65	20	0 or 5	0 or 20	10	0	15	0	6	70 ⁴	10	45%
ACCESSORY STRUCTURES													
Accessory Structures	n/a	n/a	n/a	5	10	10	0	n/a	0	n/a	n/a	n/a	n/a

Notes (apply to both Residential and Commercial Tables):

- ¹ Pie-shaped lots and flag lots are not required to meet minimum lot widths.
- ² Measured from back of curb where the back of curb is at the ROW or street easement.
- ³ A maximum of 1,500 linear feet of lake frontage will have a 0' setback for buildings and accessory uses.
- ⁴ See Sheet 1 of 3 for the location of buildings with heights exceeding 45 feet.
- ⁵ The 12' setback applies only to the non-garaged part of a house or for units with a side entry garage.

FLORIDA LAND PLANNING, INC.

3 August 1999

EXHIBIT "D"
PAGE 1 OF 2

MEMORANDUM

HEARING EXAMINER
EXHIBIT # C
95-01-028.032 01.01
95-01-028.042 02.01

To: Mike Pavese
From: Carron Day
Subject: Miromar Lakes - Open Space Table
via: Fax Only
cc: Jack Leeman, Miromar
Mike Ciccarone, Esq.

Neale Montgomery, Esq.
Bruce Rankin, Wilson Miller

The following is a copy of the Open Space and Indigenous Vegetation Table revised in the area highlighted in the copy you received this morning to eliminate the 7,500 square foot figure which was inadvertently included under two-family residential.

OPEN SPACE & INDIGENOUS VEGETATION

Required Open Space

- Open space requirements for Miromar Lakes will be met within Miromar Lakes.
- Required open space will be calculated excluding the mining lakes from the base figure.

Required Open Space %

Residential Uses

Residential uses will provide the open space % required by the LDC. The following are exempt from open space requirements:

- Single family residence on a single lot with a maximum lot size of 6,500 sq ft
- Duplex on a single lot with a minimum lot size of 7,500 square feet and
- Two family attached each on an individual lot size of 3,750 square feet per unit.

Commercial Uses

- Commercial uses will provide the open space % required by the LDC.
- A minimum of 10% open space will be provided in all commercial tracts with the remaining open space provided in other tracts.

Mixed Uses

Where a tract includes a mix of land uses, the required open space % will be prorated according to the extent of the uses within the tract.

Required Indigenous Vegetation

- On a project-wide basis, Miromar Lakes will meet the indigenous vegetation percentage required by the LDC.
- Except for 2 ½ acres of indigenous vegetation retained in and around the golf course rough, all of the required indigenous vegetation acreage for Miromar Lakes will be met within Miromar Lakes' Conservation Area.
- Both existing indigenous vegetation and restored vegetation within Miromar Lakes' Conservation Area will qualify to meet the County's indigenous vegetation requirements

SITE DEVELOPMENT NOTES

- 1 The locations of all access points into individual parcels are approximate and subject to change.
- 2 The Master Concept Plan depicts the property's general development layout. The Plan's final land use patterns, circulation, access points, shoreline configuration, recreation and open space areas and other functional elements will be determined at the time of final Lee County development order permitting. Final shoreline configuration will be as approved by the ERP permitting process.
- 3 The beach club, tennis club and golf clubhouse uses may each include up to 10,000 square feet of retail uses which are ancillary to the residential uses and do not count against the approved total project commercial square footage.
- 4 Commercial uses within an Assisted Living Facility are limited to a total floor area not to exceed ten (10) percent of the total residential area contained therein, exclusive of vehicular parking and service areas.
- 5 Ancillary boating facilities within Miromar Lakes are limited as follows:
 - Beach Club Multi-Family Parcel* - 50 slips
 - South Lake Multi-Family Parcel* - 25 slips
 - Beach Club - 50 slips
 - Town Center - 100 slips
 - Single Family Homes - Individual Docks for Waterfront Lots as Applicable*

* Should a parcel now planned for single family use be changed to a multi-family use, the individual docks for single family homes on the waterfront may be converted to multi-family slips on a one to one basis.
- 6 Wetland lines are subject to jurisdictional determination.
- 7 Consumption on premises including consumption in outdoor seating areas is allowed within the Miromar Lakes DRI's hotels, motels, restaurants, clubs and fraternal membership organizations, golf clubhouses and golf half-way buildings, tennis club, indoor racquetball club, beach clubs, and the like, shopping centers, cocktail lounges and similar uses.
- 8 Gatehouses are to be located in various locations in accordance with LDC 34-1749

ZONING MAP

The map displays various zoning districts across the City of St. Louis, Missouri. Key districts include:

- AG-2:** Agricultural General District, shown in large areas with cross-hatch patterns.
- MPD:** Medium Density Residential District, shown in areas with a grid pattern.
- CPD:** Community Planning District, shown in areas with a grid pattern.

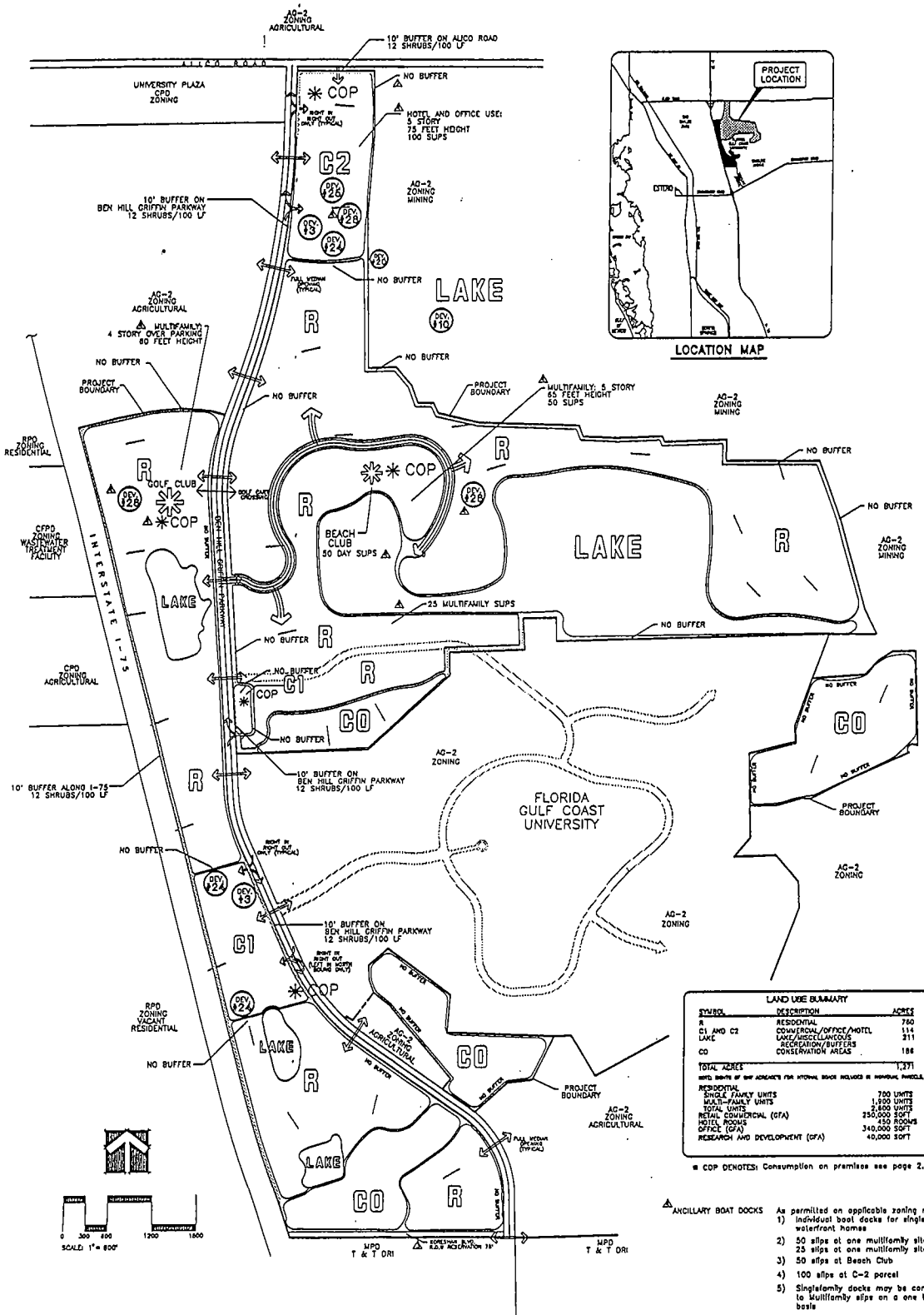
A specific area is highlighted with a cross-hatch pattern and labeled **SUBJECT PROPERTY**. This area is located within the AG-2 district, adjacent to a major road (likely I-64) and a waterway (likely the Mississippi River).

Other labels on the map include:

- 617.6
- 702.0
- 760.03 AC
- 443.81 AC
- 631.0
- 0001
- 1000

EXHIBIT "F"

EXHIBIT "F"



* COP DENOTES Consumption on premises see page 2.

- ▲ ANCILLARY BOAT DOCKS
- As permitted on applicable zoning resolutions:
- 1) Individual boat docks for single family waterfront homes
 - 2) 50 slips at one multifamily site and 25 slips at one multifamily site
 - 3) 50 slips at Beach Club
 - 4) 100 slips at C-2 parcel
 - 5) Singlefamily docks may be converted to multifamily slips on a one to one basis

▲ LOCATION LOCATIONS:
BY ADDITION TO DEVIATIONS LOCATED ON THIS GRAPHIC, DEVIATIONS ARE ALSO LISTED AS FOLLOWS:

AREA	DEVIATIONS
ALL PARCELS	1, 2, 4, 7, 12, 14, 15, 16, 17, 22
ALL RESIDENTIAL PARCELS	1, 2, 4, 7, 12, 14, 15, 16, 17, 22
ALL LAKES	11, 10

- ▲ REVISED FORMAT PER SUFFICIENCY COMMENTS 03/04/98 3/4/1005
- ▲ ADDED NOTE TO C2 AREA 03/15/99 04K/1278
- ▲ ADDED ROWS/ROW BLVD. ROWS/ROW AND CHANGES TO DEVIATIONS 04/21/99 04K/1278
- ▲ ADDED BOAT DOCK INFORMATION 06/02/99 04K/1278
- ▲ FINAL CLERIFICATIONS FOR HEARING EXAMINER 06/18/99 04K/1278
- ▲ FINAL BOUNDARY CONFIGURATION 11/25/99 11K/1278

MIROMAR LAKES DRI MASTER CONCEPT PLAN

PREPARED FOR: ALICO, INC.

EXHIBIT E
PAGE 1 OF 2

WILSON MILLI

Planners • Environmental Consultants • Engineers
Surveyors • Landscape Architects • Construction Mgr
•
TILSON, MILLER, BLAYNEY & PEEK, INC.
4001 Collins Boulevard, Suite 100, Fort Myers, Florida 33901 Phone 813-938-0080 Fax 813-938-0081

Scale: 1" = 400'
Date: 03/04/98
Drawn By: J. Miller
Checked By: J. Miller
Approved By: J. Miller
Title: MIROMAR LAKES DRI
Sheet: 1 of 2

The definitions and list of permitted uses within the Groups refer to Lee County Development Code in effect as of the effective date of the zoning resolution.

RESIDENTIAL

PERMITTED USES AND STRUCTURES

Accessory Use and Structures
Administrative Offices
Agricultural Uses and Agricultural Accessory Uses (limited to existing only and subject to Condition #33)
Assisted Living Facility - Density in accordance with Section 34-1464
Churches, Synagogues and other Places of Worship
Child and Cultural Facilities
Club, Beach, private and public. Accessory uses including but not limited to:
Ball shops
Boat docks
Boat ramps
Consumption on premises including outdoor seating (subject to Condition #46)
Day care center
Fishing pier
Locker rooms
Food and beverage service
Specialty retail shops
School, commercial, limited to boating and water skiing.
Rental or leasing establishment, Group I (limited to beach chairs, umbrellas, boats and other beach related items etc., including jet ski, wave runners, sea doos and other personal watercraft)
Personal services, limited to ATM, barber shop or beauty shop, photo agent, health club, steam bath and massage establishment.
Pro shop
Tennis Courts
Confining Care Facility
Cultural Facilities
Customary accessory uses and structures, including but not limited to private garages and swimming pools.
Dwelling Units
Single Family, detached
Duplex
Multi-family Building
Townhouse
Two family attached
Zero lot line
Dormitory
Day Care Center child and adult (where compatible with adjacent uses)
Entrance Gates and Gatehouses
Essential Services
Essential Services Facilities, Group I
Excavation - Water Retention
Fraternity House/Sorority House
Golf Courses, Golf Clubhouse, Golf Course Accessory and Associated Uses, including but not limited to:
Consumption on premises in the Clubhouse including outdoor seating on the Golf Course and in the Beach Bar at the ninth hole or other appropriate location
Cart barns
Food and Beverage Service
Locker rooms
Maintenance facility
Restrooms and other uses which are normal and accessory to the golf course
Beach Bar at the ninth hole or other appropriate location
Pro Shop
Specialty retail shops, accessory to clubhouse only
Restaurant(s) including outdoor seating
Personal services, limited to ATM, barbershops or beauty shops, photo agents, health clubs, steam baths, massage and the like.
Heliport (subject to Condition #36)
Home Occupations (subject to standards in LDC Section 34-1772)
Model Homes, Model Units and Model Display Center, (limited to residential uses within Miromar Lakes)
Plant Nurseries
Retail Estate Sales and Rental Offices for Miromar Lakes project only
Recreation facilities, personnel and private to include the following or other comparable uses:
Fishing Piers
Bike paths
Basketballs
Native Trails
Swimming pools
Boat docks
Tennis courts
Boat ramps
Horseback trails
Partia
Brilliant court
Playground
Volley courts
Soccer courts
Pond areas
Jogging paths
Tennis Courts, Tennis Court Accessory Uses and Associated uses, including but not limited to:
Clubhouse
Consumption on Premises
Food and Beverage Service
Locker Rooms
Pro Shop
Restrooms and other uses which are normal and accessory to Tennis Courts
Beach Bar at an appropriate location
Specialty Retail Shops
Temporary Sales and/or Convention Office
Water Treatment
Any facility comparable in nature with the foregoing uses and which the Director of Lee County Department of Community Development determines to be compatible in the Miromar Lakes R District.
Recreational uses, including but not limited to:
Boat Docks, Private garages, carports and parking areas, Private swimming pools and enclosures, Private tennis courts
Signs in compliance with LDC Chapter 30

COMMERCIAL C-1

PERMITTED USES AND STRUCTURES

Accessory Uses and Structures customarily associated with the uses permitted in this district.
Administrative Offices
Agriculture Uses and Agricultural Accessory Uses (limited to existing only and subject to Condition #33)
Animals, Cattle
Automated Vending Facility
ATM (Automated Teller Machine)
Automated Service Station
Bank and Financial Establishments, Groups I and II
Bar and Cocktail Lounge
Bar and Breakfast
Broadcast Studio, Commercial Radio and Television
Business Services, Group I (excluding: ball bonding and blood donor, stations) and Group II
Car Wash
Caretaker Residence
Child and Governmental Services
Cleaning and Maintenance Services
Clothing Stores
Clubs, Country, Commercial, Fraternal and Private. Accessory uses include but are not limited to the following:
Consumption on premises
Day Care Center
Food and beverage service
Restaurant(s) Standard includes outdoor seating (subject to Condition #46)
Locker Rooms
Pro Shop
Personal services, limited to ATM, barbershops or beauty shops, steam baths, massage and the like.
Break Bar at an appropriate location
Specialty Retail Shops
Computer and Data Processing
Consumption on Premises
Confining Care Facility
Convenience Food and Beverage Stores (limited to a total of three, one on each commercial tract)
Cultural Facilities
Day Care Center, Adult, Child
Department Store
Dormitories
Drive-Through Facility for any Permitted Use
Drug Store, Pharmacy
Dwelling Units including:
Zero lot line
Duplex
Two family attached
Townhouse
Multi-family
Emergency Medical Service (ambulance station)
Entrance Gates and Gatehouses
Essential Services
Essential Service Facilities, Group I
Excavation: Water Retention
Fences, Walls
Food Stores, Group I and II
Fraternity/Sorority House
Gasoline Dispensing System, Special Oil and Service Shop
Hardware Store
Health Care Facility, Group I, II, III and IV
Heliport (subject to Condition #36)
Hobby, Toy, Game Shops
Home occupation
Hospital
Hotel, Motel and accessory uses including but are not limited to the following:
Consumption on premises
Food and beverage service
Restaurant(s), Standard Groups I, II, III (includes outdoor seating subject to Condition #46)
Specialty retail shops
Dry clean center
Personal services, limited to ATM, barbershops or beauty shops, photo agents, health clubs, steam baths, massage and the like.
Household and Office Furnishings, Groups I and II
Insurance Companies
Laundry or Dry Cleaning, Group I (excluding Plant)
Lawn and Garden Supply Store
Library
Medical Office
Model Homes, Model Units and Model Display Center (limited to residential uses within Miromar Lakes)
Non-Store Restaurants, All Groups
Outdoor Display of Merchandise
Package Store (limited to one, subject to Condition #6)
Paint, Glass and Wallpaper
Parcel and Express Service
Partia, Public or Private, Groups I and II
Parking Lot: Accessory, Commercial, Garage, Public and Temporary (subject to LDC Section 34-2022)
Personal Services:
Group I
Group II (Excluding Massage Establishments, Massage Parlors, Steam or Turkish Baths)
Group III, Group IV (Excluding Escort Services, Palm Readers, Fortune Teller and Card Reader and Tattoo Parlors)
Pet Services
Pet Shop
Pharmacy
Photo Finishing Laboratory
Place of Worship
Plant Nurseries
Post Office
Printing and Publishing

Recreation - Personal
Recreation - Private, On-site, Off-site
Recreation Commercial Groups I, II, III and IV
Recreation Hall
Religious Facilities
Rental and Leasing Establishments, Groups I, II and III
Retail Shops, Groups I and II
Restaurant(s) Fast Food (includes outdoor seating subject to Condition #46)
Restaurant(s), Standard Groups I, II, III and IV (includes outdoor seating subject to Condition #46)
Schools, Commercial
Schools, Non-Commercial
Self Service Fuel Pumps and Stations
Signs
Social Services: Groups I, II and III
Specialty Retail Shops, Groups I, II, III and IV
Storage, Indoor only
Studio
Tent stand
Temporary Uses (LDC Section 34-3041)
Theater, Indoor
Time Share Unit
Towers, communication, only when accessory to a permitted use (100 feet or less in height)
Used Merchandise Store: Groups I and II
Vending Store
Wholesale Establishment, Group III

Any commercial use or professional service which is comparable in nature with the foregoing uses and which the Director of Lee County Department of Community Development determines to be compatible in the Miromar Lakes C-1 district.

COMMERCIAL C-2

PERMITTED USES AND STRUCTURES

All of the permitted uses and structures listed for the C-1 Commercial District, excluding the following uses prohibited by the FAR Part 160 Study:
Assisted Living Facility
Bed and Breakfast
Caretaker Residence
Confining Care Facility
Day Care Center
Dormitories
Dwelling Units
Fraternity/Sorority House
Health Care Facility, Group I, II and IV
Home occupation
Hospital
Library
Place of Worship
Religious Facilities
Schools, Commercial
Schools, Non-Commercial
Social Services: Group III
This exclusion applies where the Southwest International Airport's FAR Part 160 study prohibits the uses.

The following additional uses are also permitted in the C-2 District:

Accessory Uses and Structures including Boat docking, and fueling facility, Boat rental and sale of fuel.
Auto Part Store
Boat Ramp
Boat Rental, Sale of Boat, Fuel and Related Supplies
Boiling Schools and Clubs
Building Material Sales
Cold Storage, Pre-cooling, Warehouse and Processing Plant
Freight and Cargo Handling Establishments
Hotel, Motel additional accessory uses including but are not limited to the following:
Consumption on premises
Restaurant(s), Standard Groups I, II (includes outdoor seating subject to Condition #46)
Specialty retail shops
Fishing pier
Boat docking and Fueling Facility
Boat ramps
Boiling clubs/schools
Water riding/diffusion
Boat and Vehicle Storage
Rental/Leasing of inflatable, boats, cabanas, beach equipment, fishing rods, bicycles and the like.
Personal services, limited to ATM, barbershops or beauty shops, photo agents, health clubs, steam baths, massage and the like.
Mini Warehouse
Motion Picture Production Studio
Research and Development Laboratories, Groups I, II, III and IV
Vehicle and Equipment Dealers, Groups I and II only
Water Riding Schools and Clubs
Water Treatment

Any commercial use or professional service which is comparable in nature with the foregoing uses and which the Director of Lee County Department determines to be compatible in the Miromar Lakes C-2 district.

CONSERVATION AREA CO

PERMITTED USES AND STRUCTURES

Interpretive centers, rain shelters, gazebos
Nature and foot trails including boardwalks and jogging paths
Paths, boardwalks and bridges to provide access from the uplands to the wetlands and to allow fishing piers, observation towers and golf cart crossings.
Recreational shelters, restroom facilities, passive parks, and picnic areas.
Signs
Water Management Facilities
Wildlife Management
Wigwag Activities
Accessory uses and structures customarily associated with the uses permitted in this district.
Other activities which are comparable in nature with the foregoing uses and which the Director of the Lee County Department determines to be compatible with the Miromar Lakes CO district.

OPEN SPACE & INDIGENOUS VEGETATION

Required Open Space
Open space requirements for Miromar Lakes will be met within Miromar Lakes.
Required open space will be calculated excluding the mixing lanes from the base figure.

Required Open Space %

Residential Uses Residential uses will provide the open space % required by the LDC. The following are exempt from open space requirements: Single family residence on a single lot with a maximum lot size of 6,500 sq ft. Duplex on a single lot with a minimum lot size of 7,500 square feet and two family attached each on an individual lot size of 3,750 square feet per unit.

Commercial Uses Commercial uses will provide the open space % required by the LDC. A minimum of 10% open space will be provided in all commercial tracts with the remaining open space provided in other tracts.

Mixed Uses Where a tract includes a mix of land uses, the required open space % will be provided according to the extent of the uses within the tract.

Required Indigenous Vegetation

On a project-wide basis, Miromar Lakes will meet the indigenous vegetation percentage required by the LDC. Except for 2 1/2 acres of indigenous vegetation retained in and around the golf courses rough, all of the required indigenous vegetation acreage for Miromar Lakes will be met within Miromar Lakes Conservation Area. Both existing indigenous vegetation and restored vegetation within Miromar Lakes Conservation Area will qualify to meet the Lee County indigenous vegetation requirements.

SITE DEVELOPMENT NOTES

- The locations of all access points into individual parcels are approximate and subject to change.
- The Master Concept Plan depicts the general development layout of Miromar Lakes. The Plan final land use patterns, circulation, access points, shoreline configuration, recreation and open space areas and other functional elements will be determined at the time of final Lee County development order permitting. Final shoreline configuration will be as approved by the ERP permitting process.
- The beach club, tennis club and golf clubhouse uses may each include up to 10,000 square feet of retail uses, which are ancillary to the residential uses and do not count against the approved total project's commercial square footage.
- Commercial uses within an Assisted Living Facility are limited to a total floor area not to exceed ten (10) percent of the total residential area contained therein, exclusive of vehicular parking and service areas.
- Auxiliary boating facilities within Miromar Lakes are limited to a maximum of 925 slips as follows:
Beach Club Multi-Family Parcel - 50 slips
South Lake Multi-Family Parcel - 25 slips
Beach Club - 50 slips
Town Center - 100 slips
Single Family Homes - Individual Docks for Watercraft Lots as applicable
* Should a parcel now planned for single family use be changed to a multi-family use, the individual docks for single family homes on the waterfront may be converted to multi-family slips on a one to one basis.
- Wetland lines are subject to jurisdictional determination.
- Consumption on premises including consumption in outdoor seating areas is allowed within the Miromar Lakes R District, including, restaurants, clubs and fraternal membership organizations, golf clubhouse and golf driving buildings, tennis club, indoor recreational club, beach club, and the like, shopping centers, cocktail lounges and similar uses.
- Gatehouses are to be located in various locations in accordance with LDC 34-1749

MIROMAR LAKES
A Planned Development
Lee County, Florida

LAND USE TABLES
Permitted Land Uses, Site Development
Notes and Open Space Regulations
EXHIBIT E

Florida Land Planning
1560 Matthew Drive, Suite E
Fort Myers, Florida 33907
941-278-5222 fax 941-278-4466
e-mail: flp@prodigy.net

DEVIACTIONS

- 1 Deviation from LDC Section 34-1954(c)(1) which restricts model homes to a time limitation of three years; to allow model homes within the Miromar Lakes development to be permitted until the buildout of the project in 2009.
- 2 Deviation from LDC Section 34-1954(c)(2) which restricts model units within a townhouse or multiple-family building not to extend beyond the initial sale period for that phase; to allow for model homes until project buildout in 2009.
- 3 Deviation from LDC Section 34-1253 (a), Section 34-1254(b) (1) a, 1, and Section 34-1254(b) (1) a, 2, which prohibits a package store or other establishment primarily engaged in the sale of alcoholic beverages for consumption on or off the premises from being located within 800 feet of any school (noncommercial), or dwelling unit or any other use primarily engaged in the sale of alcoholic beverages to allow a bar or cocktail lounge, package store and dwelling units in the Tract C-1 on the west side of Ben Hill Griffin Parkway. Any establishment primarily engaged in the sale of alcoholic beverages will be located a minimum of 600 feet from any residential unit located outside of the Tract C-1.
- 4 Withdrawn
- 5 Deviation from LDC Section 10-291(c)(3) (Access to Street) which requires, where practical, any residential development of at least 50 acres to provide two (2) or more means of ingress and egress, to allow only one means of ingress and egress for those development parcels which are surrounded by golf course, water body or conservation area or any combination of these. A full size out-of-sea will be provided in any parcels subject to this deviation. Prior to each local Development Order, the local Fire and Emergency Service will provide a letter of no objection to the single ingress and egress of these parcels.
- 6 Deviation from LDC Section 10-294(b), Table 3 which requires a right-of-way width of 36 feet for two-way closed drainage, rear lot drainage, or inverted crown, to allow a right-of-way width to coincide with the back of curb for local private roads. Where this deviation applies required drainage and utility easements will be located outside of the right-of-way and adequate provisions will be made for road drainage and utilities.
- 7 Deviation from LDC Section 10-295(b), Table 4(7)(c) which requires that wearing surfaces of local and access road for Class A development must be 1/2 inch asphalt concrete to allow for cement concrete and/or decorative pavers within private local roadways within Miromar Lakes which equal or exceed the structural number of a standard Class A local road feasible pavement cross-section.
- 8 Withdrawn
- 9 Deviation from LDC Section 10-295(n)(4)(a) which allows privately maintained accessways which meet certain criteria as outlined in Item 4(a) to be exempt from minimum right-of-way widths as specified in 10-295(b), to permit access ways providing access up to 100 multi-family residential units to be exempt from the minimum roadway widths as specified in 10-295(b). The design and posted speed in these tracts will be 20 mph or less. This deviation applies to private access ways only. Where determined to be practical by the design engineer, traffic-calming devices as identified in the ITE Residential Street Design and Traffic Control book will be provided.
- 10 Deviation from LDC Section 10-329(a)(1)(a)(3) which requires a minimum 60' setback from water retention or detention accretion to any private property line under separate ownership, to permit a 0' setback along the property line between Miromar Lakes and A&S, Inc. in the north mixing lake.
- 11 Deviation from LDC Section 10-329(a)(1)(a)(2) which requires a minimum 80 foot setback from water retention or detention accretion to any existing or property owner proposed right-of-way or easement for an arterial or collector street, to permit a 25 foot setback. The developer agrees to provide elements for the protection of wayward vehicles in accordance with this section and to provide a Type F curb in these locations.
- 12 Withdrawn
- 13 Deviation from LDC Section 10-356 which requires a 10 foot public utility easement on both sides of a roadway to require a public utility easement only on one side, provided that the utility companies state, in writing that the easement may be eliminated.
- 14 Deviation from LDC Section 10-413(b) which requires that open space be calculated as a percentage of development area to require open space based on the area of development excluding that portion of the development consisting of the existing mixing lakes. The entire acreage of the existing mixing lakes located on the east side of Ben Hill Griffin Parkway are exempt from open space requirements. These lakes will not be used to satisfy open space requirements on the site.
- 15 Deviation from LDC Sections 10-414 and 10-417(b)(2) which requires that no portion of a buffer area that consists of trees and shrubs be located in any easement, to allow planting trees and shrubs in easements. If any required buffer or landscape strip plantings located within easements must be removed, then the developer or property owners' association will replace these plantings with the size and species at no expense to Lee County.
- 16 Deviation from LDC Section 10-413(c)(1) which requires 60% of the required open space to incorporate existing, indigenous vegetation, to allow all of the required indigenous vegetation to be provided in the Conservation Area shown on the Master Concept Plan and to allow all of the retained vegetation within the wetland enough to count toward the required indigenous vegetation requirement. A minimum of 100 acres of existing indigenous and restored/retained plant communities will be provided and preserved.
- 17 Deviation from LDC Sections 10-415(b)(1), 10-416(b)(2), and 10-416(c)(1), which prohibits the planting of trees and shrubs within any right-of-way to allow trees plantings within right-of-ways of Miromar Lakes local private roads provided that the plantings are in compliance with LDC Section 34-813 (Viability) and the plantings are maintained by the developer or property owners' association.
- 18 Deviation from LDC Section 10-416 (a)(2)(b) which requires a minimum number of native wetland herbaceous plants of one plant per linear foot of lake shoreline, to allow required plants in compliance with the Lake Shoreline Planting Plan that was submitted as a part of the zoning request. The herbaceous plant requirements per LDC Section 10-416 will be calculated on the entire length of the lake shoreline, including any bulkhead portions. Wetland trees and shrubs may be substituted for up to 60% of the total number of herbaceous plants required. One tree or two shrubs may be substituted for two herbaceous plants.
- 19 Withdrawn
- 20 Deviation from LDC Section 34-2164(c)(1)(a) which provides that the Board of County Commissioners may grant less stringent setbacks from bodies of water when the development surrounding the body of water is under unified control to allow the development of buildings and accessory structure within 0 feet of the mixing lake adjacent to Tract C-2 within the development surrounding the entire body of water will not be under unified control of Miromar. The request is limited to a maximum of 1000 linear feet of lake frontage adjacent to this tract.
- 21 Withdrawn

- 22 Deviation from the LDC Section 10-295 which requires a minimum of 125 foot spacing between driveway access points to a local road, to allow two accessions for each short cut-de-sea (synonym) at spacing less than 125 feet, provided that each driveway must be provided with signage indicating one-way traffic in a counter-clockwise direction, the minimum separation will be 60 feet and the deviation applies only to private local roads.
- 23 Withdrawn
- 24 Deviation from LDC Section 10-414(a) which requires commercial developments which adjoin existing residential development to provide a buffer including a fence or wall between the uses to allow the mixed use development within the University Village parcel to provide alternative means of separating uses including no buffers, fencing or walls.
- 25 Withdrawn
- 26 Withdrawn
- 27 Withdrawn
- 28 Deviation from LDC Sec.34-856 (f)(3) which provides for building height limitations according to the classification of property under the Lee Plan land use map to allow a maximum height exceeding 45 feet for three parcels within Miromar Lakes. The request allows the hotel and office use within the Town Center to have a maximum height of five stories or 75 feet and two multiple family parcels to exceed 45 feet. In the northerly most parcel west of Ben Hill Griffin Parkway, the request is for a first of four stories over parking and 60 feet. The multiple family parcel associated with the Beach Club is proposed for 3 stories with a maximum height of 65 feet.

RESIDENTIAL PROPERTY DEVELOPMENT REGULATIONS													
These regulations apply to all of the uses indicated on the Master Concept Plan.													
LAND USES	Minimum Tract or Lot			Minimum Building Setback (ft)						Max # of Habitable Floors	Max Bldg Height (ft)	Min Bldg Separation (ft)	Max Lot Cover
	Area (sq ft)	(ft)		Side Incl. Corner Lots (ft)	Rear (ft)	Side and Rear (ft)		Front (ft)	Water Body (ft)				
		Depth (ft)	Width (ft)										
						Lots	C.O., Golf Course						
SINGLE-FAMILY RESIDENTIAL USES													
Single Family Detached	5,500	70	50	5	20	10	10	12' or 20'	0 or 20'	2	35	10	55%
Patio/Cluster Homes	3,500	70	35	5	10	10	10	12' or 20'	0 or 20'	2	35	10	55%
Zero Lot Line, Single Family Attached or Townhouse	2,800	70	25	0 or 5	10	10	10	12' or 20'	0 or 20'	2	35	0 or 10	55%
MULTI-FAMILY RESIDENTIAL USES													
Duplex	4,000	70	40	5	10	10	10	12	0 or 20'	3	45	10	55%
Multi-Family - Low Rise	6,000	100	60	10	20	10	10	20	0 or 20'	3	45	10	55%
Multi-Family - Mid Rise	10,000	100	100	12x	30	10	10	30	0 or 20'	5	65'	25	55%
Assisted Living Facility	10,000	100	100	12x	30	10	10	20	20	3	45	25	55%
CLUBHOUSE USES													
Clubhouse	n/a	n/a	n/a	5	20	10	10	n/a	0	n/a	n/a	10	n/a
ACCESSORY STRUCTURES													
Accessory Structures	n/a	n/a	n/a	5	10	10	0	n/a	0	n/a	n/a	n/a	n/a

COMMERCIAL PROPERTY DEVELOPMENT REGULATIONS													
These regulations apply to all of the uses listed on the Master Concept Plan.													
LAND USES	Minimum Tract or Lot		Minimum Building Setback (ft)							Max. # of Habitable Floors	Max Bldg. Height (ft)	Min Bldg Separation (ft)	Max. Lot Cover
	Area (sq ft)	(ft)	Side Incl. Corner Lots	Rear	Side and Rear		Front	Water Body					
					Lots	G.O.			Golf Course				
CONVENTIONAL DEVELOPMENT TRACTS													
Low-Rise	10,000	100	100	0 or 15	20	10	10	15	0 or 20	3	45	30	55%
Hotel and Office Use	10,000	100	100	0 or 15	20	10	10	15	0 or 20	5	75'	50	55%
LOTS WITHIN DEVELOPMENT TRACTS													
Low-Rise	1,300	65	20	0 or 5	0 or 20	10	0	15	0	3	45	10	45%
Mid-Rise	1,300	65	20	0 or 5	0 or 20	10	0	15	0	8	70'	10	45%
ACCESSORY STRUCTURES													
Accessory Structures	n/a	n/a	n/a	5	10	10	0	n/a	0	n/a	n/a	n/a	n/a

- Notes (apply to both Residential and Commercial Tables):
- 1 Pie-shaped lots and flag lots are not required to meet minimum lot widths.
 - 2 Measured from back of curb where the back of curb is at the ROW or street easement.
 - 3 A maximum of 1,500 linear feet of lake frontage will have a 0' setback for buildings and accessory uses.
 - 4 See Sheet 1 of 3 for the location of buildings with heights exceeding 45 feet.
 - 5 The 12' setback applies only to the non-garaged part of a house or for units with a side entry garage.

MIROMAR LAKES
A Planned Development
Lee County, Florida

LAND USE TABLES
Property Development Regulations
and Deviations
EXHIBIT F

Florida Land Planning
1660 Matthew Drive, Suite E
Fort Myers, Florida 33907
941-278-5222 fax 941-278-4466
e-mail flp@prodigy.net

Parcel Six

DESCRIPTION OF A 43 ACRE PARCEL BEING A PORTION OF
SECTIONS 23 & 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA
(PREPARED BY WILSON, MILLER, BARTON & PEEK, INC.)

A PORTION OF SECTIONS 23 AND 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 11;
THENCE ALONG THE NORTH LINE OF SAID SECTION AND THE CENTERLINE OF ALICO ROAD, S.89°42'24"E. 1919.62 FEET;
THENCE ALONG THE CENTERLINE OF TREE LINE AVENUE S.01°01'21"W. 1018.81 FEET TO A POINT OF CURVATURE;
THENCE CONTINUE ALONG SAID CENTERLINE OF TREELINE AVENUE, SOUTHWESTERLY 3349.48 FEET ALONG SAID CENTERLINE AND THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 10000.00 FEET, THROUGH A CENTRAL ANGLE OF 19°11'28" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.10°37'05"W. 3333.84 FEET TO THE POINT OF TANGENCY;
THENCE S.20°12'49"W. 473.55 FEET TO A POINT OF CURVATURE;
THENCE SOUTHWESTERLY 1242.87 FEET ALONG SAID CENTER LINE AND THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3000.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'13" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.08°20'42"W. 1234.00 FEET TO A POINT OF TANGENCY;
THENCE ALONG SAID CENTER LINE, S.03°31'24"E. 3887.79 FEET TO A POINT OF CURVATURE;
THENCE SOUTHEASTERLY 690.46 FEET ALONG SAID CENTER LINE AND THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1925.00 FEET, THROUGH A CENTRAL ANGLE OF 20°33'03" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.13°47'56"E. 686.76 FEET TO A POINT OF TANGENCY;
THENCE S.24°04'07"E. 1593.09 FEET TO A POINT OF CURVATURE;
THENCE SOUTHERLY AND SOUTHEASTERLY, 1141.84 FEET ALONG SAID CENTER LINE AND THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2800.00 FEET, THROUGH A CENTRAL ANGLE OF 23°21'55" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.35°45'25"E. 1133.95 FEET TO A POINT ON SAID CURVE;
THENCE LEAVING SAID CENTER LINE, N.42°33'38"E. 105.59 FEET
THENCE S.59°16'15"E. 92.63 FEET;
THENCE N.38°37'17"E. 462.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.
THENCE N.20°50'23"W. 170.61 FEET;
THENCE N.3°26'59"W. 196.02 FEET;

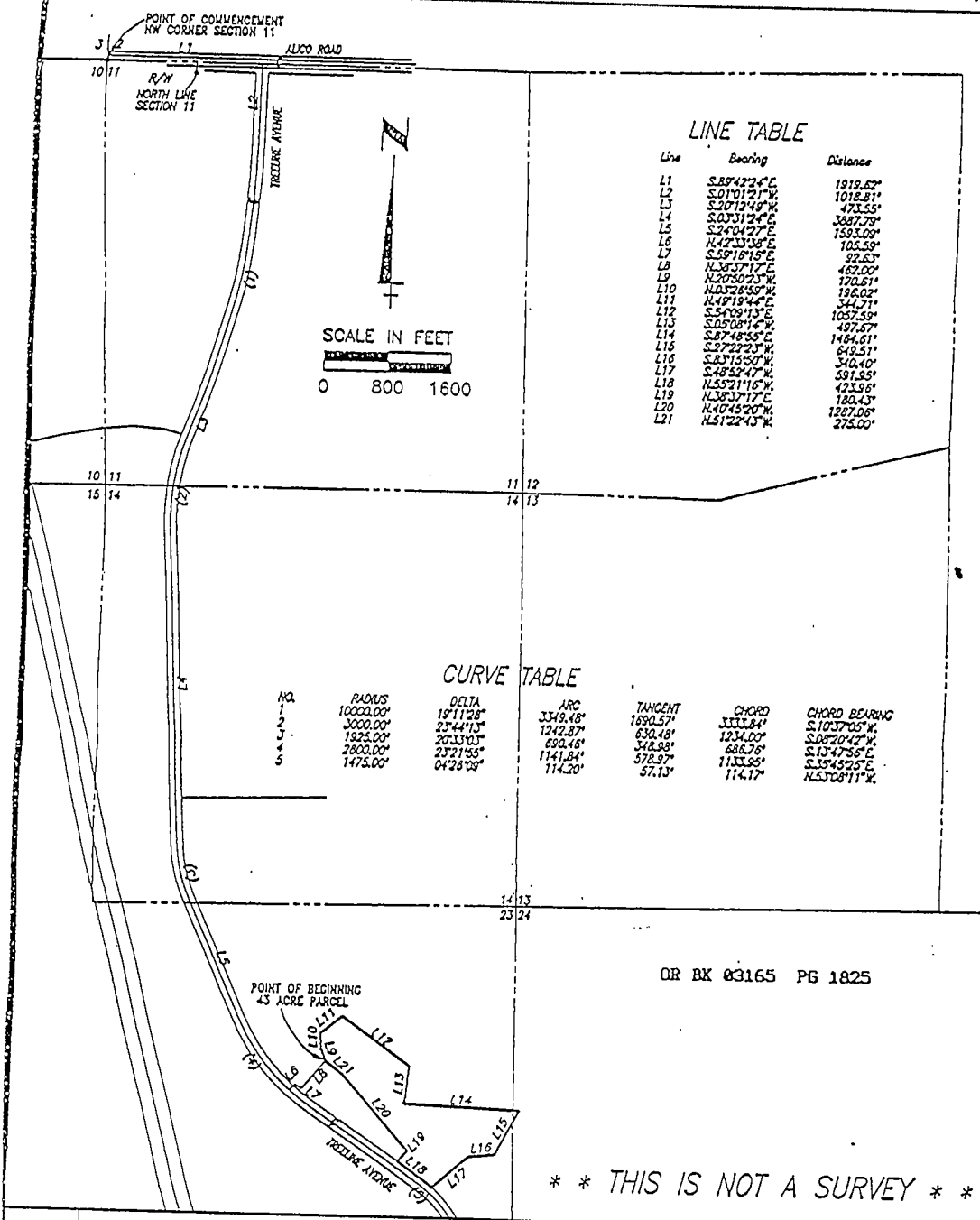
THENCE N.49°19'44"E. 344.71 FEET;
THENCE S.54°09'13"E. 1057.59 FEET;
THENCE S.05°08'14"W. 497.67 FEET;
THENCE S.87°48'55"E. 1464.61 FEET;
THENCE S.27°22'23"W. 649.51 FEET;
THENCE S.83°15'50"W. 340.40 FEET
THENCE S.48°52'47"W. 591.95 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE
OF TREE LINE AVENUE AND A POINT ON A CURVE;
THENCE NORTHWESTERLY 114.20 FEET ALONG THE ARC OF A CURVE AND SAID
NORTHEASTERLY RIGHT OF WAY LINE HAVING A RADIUS OF 1475.00 FEET,
THROUGH A CENTRAL ANGLE OF 04°26'09", AND BEING SUBTENDED BY A CHORD
WHICH BEARS N.53°08'11"W. 114.17 FEET TO THE POINT OF TANGENCY;
THENCE ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE N.55°21'16"W. 423.96
FEET;
THENCE LEAVING SAID LINE N.38°37'17"E. 180.43 FEET;
THENCE N.40°45'20"W. 1287.06 FEET;
THENCE N.51°22'43"W. 275.00 FEET TO THE POINT OF BEGINNING FOR THE HEREIN
DESCRIBED PARCEL.

PARCEL CONTAINS 43 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 11, TOWNSHIP 46 SOUTH,
RANGE 25 EAST, LEE COUNTY, FLORIDA AND ALSO BEING THE CENTERLINE OF
ALICO ROAD BEING S.89°42'24"E.

DATE: April 1, 1999.

REVISED: April 22, 1999.



LINE TABLE

Line	Bearing	Distance
L1	S89°12'24"E	1919.62'
L2	S01°01'21"W	1018.81'
L3	S20°12'49"W	473.55'
L4	S03°31'24"E	3687.79'
L5	S24°04'27"E	1593.09'
L6	N42°33'38"E	105.59'
L7	S59°18'15"E	92.63'
L8	N38°37'17"E	462.00'
L9	N20°50'23"W	170.61'
L10	N03°28'58"W	196.02'
L11	N49°18'44"E	344.71'
L12	S54°09'13"E	1057.59'
L13	S05°08'14"W	497.67'
L14	S67°48'55"E	1464.61'
L15	S27°22'23"W	648.51'
L16	S83°15'50"W	340.40'
L17	S48°52'47"W	591.95'
L18	N55°21'16"W	423.96'
L19	N38°17'17"E	180.43'
L20	N40°45'20"W	1267.06'
L21	N51°22'43"W	275.00'

CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	10000.00'	19°11'28"	3349.48'	1690.57'	3333.84'	S10°37'05"W
2	3000.00'	25°44'13"	1242.87'	630.48'	1234.00'	S08°20'42"W
3	1925.00'	20°13'13"	690.48'	348.88'	688.76'	S13°47'56"E
4	2800.00'	23°21'53"	1141.84'	578.97'	1133.95'	S35°45'25"E
5	1475.00'	04°28'09"	114.20'	57.13'	114.17'	N53°08'11"W

OR BX 03165 PG 1825

*** THIS IS NOT A SURVEY ***

DATE: 3-30-99	CLIENT: ALICO INC. 4380 GULF SHORE BLVD. N., SUITE 808, NAPLES, FLORIDA	DATE	DRAWN BY	EMP. NO.	CHECKED BY	EMP. NO.
HORIZONTAL SCALE: 1"=1600'	TITLE: SKETCH OF DESCRIPTION 43 ACRE PARCEL PART OF SECTIONS 23 & 24, TOWNSHIP 46 S., RANGE 25 E., LEE COUNTY, FLORIDA	CROSS REFERENCE FILE NO.: D:\GULF\ALICO\SUR\F0253\0253+501.dwg				
VERTICAL SCALE: N/A		WORK ORDER NO.: PROJECT NO.: SHEET NUMBER: FILE NO.:				
SEC: TWP: RGE: 23.24 46 25		F0253 1 of 1 A-0253-145				
FIELD BOOK:						
FIELD BOOK PAGES: Apr 01, 1999 - 08:24:43						

Parcel Seven

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Parcel Eight

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
(AREA "E")
(PREPARED BY BANKS ENGINEERING, INC.)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE S 89° 42' 24" E ALONG THE NORTH LINE OF SAID SECTION FOR 1994.63 FEET; THENCE S 01° 01' 21" W FOR 110.01 FEET TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF BEN HILL GRIFFIN PARKWAY (150' WIDE) AND THE SOUTH RIGHT-OF-WAY OF ALICO ROAD; THENCE S 89° 42' 24" E ALONG SAID SOUTH RIGHT-OF-WAY OF ALICO ROAD FOR 1049.81 FEET; THENCE THE FOLLOWING TWENTY ONE (21) COURSES:

1)	S 01° 00' 21" E	847.76'
2)	S 04° 19' 45" W	1091.78'
3)	S 00° 39' 26" E	1432.24'
4)	S 00° 16' 17" E	606.52'
5)	N 88° 47' 46" E	376.79'
6)	S 40° 48' 12" E	322.81'
7)	S 19° 01' 17" E	249.77'
8)	S 88° 53' 28" E	216.94'
9)	S 24° 26' 51" E	150.17'
10)	S 77° 09' 26" E	573.01'
11)	S 88° 10' 13" E	1363.08'
12)	S 19° 42' 28" E	157.73'
13)	S 87° 09' 14" E	469.81'
14)	N 88° 02' 24" E	612.22'
15)	S 21° 30' 12" E	81.17'
16)	N 88° 10' 32" E	846.89'
17)	S 01° 46' 59" W	282.53'
18)	S 89° 48' 06" E	1264.46'
19)	S 20° 09' 57" E	832.50'
20)	S 15° 43' 44" E	1222.03'
21)	S 25° 52' 55" E	187.61'

TO THE POINT OF BEGINNING; THENCE CONTINUE S 25° 52' 55" E FOR 175.30 FEET;

THENCE THE FOLLOWING THREE (3) COURSES;

- 1) S 00° 07' 13" E 16.50
- 2) N 89° 46' 48" W 357.96
- 3) N 00° 43' 41" W 176.03
- 4) S 89° 21' 30" E 283.67 TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE SAID NORTH LINE OF SECTION 11, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AS BEARING S 89° 42' 24" E.

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

PARCELS CONTAINS 1.30 ACRES, MORE OR LESS.

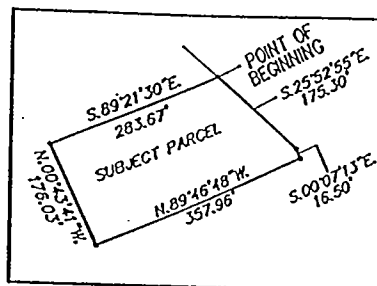
DESCRIPTION PREPARED APRIL 16th, 1999.



NOT TO SCALE

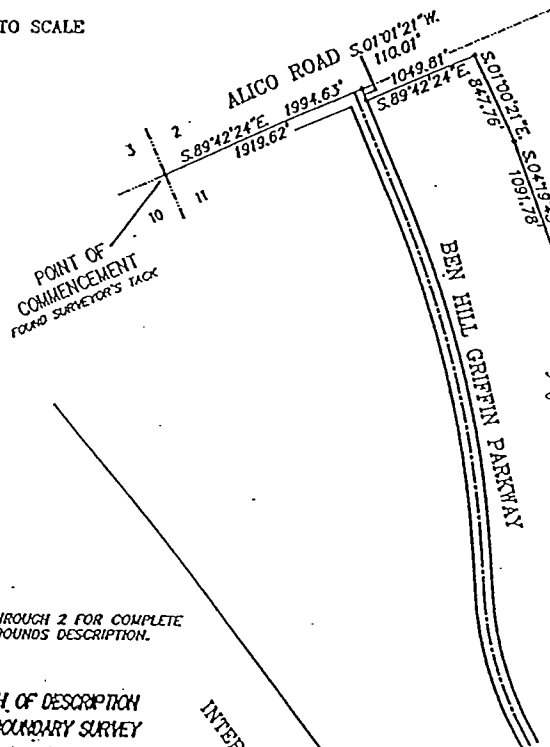
SKETCH OF DESCRIPTION

OF
A PARCEL OF LAND LYING IN
SECTION 13, TOWNSHIP 18 SOUTH, RANGE 23 EAST,
LEE COUNTY, FLORIDA



DETAIL NOT TO SCALE

PARCEL EIGHT



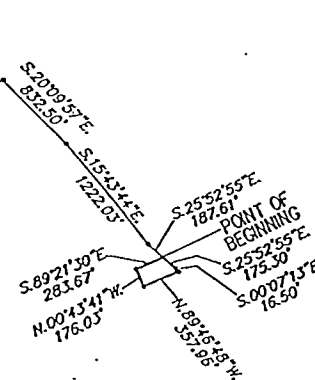
SEE SHEETS 1 THROUGH 2 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Richard M. Ritz

RICHARD M. RITZ, R.L.S.
FLORIDA CERTIFICATION NO. 4008
THE ABOVE SKETCH IS A PRELIMINARY
SKETCH OF THE PROPERTY AND THE OWNERS HEREBY
WARRANT THAT THE SAME IS ACCURATE AND CORRECT
TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

INTERSTATE 75



SEE DETAIL

SHEET 3 OF 3

Banks Engineering, Inc.

ENGINEERING, SURVEYING & LAND PLANNING
FLORIDA SURVEYOR CERTIFICATION NUMBER 18 8000
1000 BOX HOLE CITRUS PARKWAY - SUITE 104
FORT MYERS, FLORIDA 33901
(941) 838-6400

SKETCH OF DESCRIPTION
MIROMAR SUBDIVISION
LEE COUNTY, FLORIDA

DATE	PROJECT NO.	SHAWNEE	SHAWNEE	OWNER	SCALE	DATE	FILE NO.
4-16-98	1166	DECK-6	RR	RR	N/A	2 OF 2	68-18

DR BK 00165 PG 1831

LEGAL DESCRIPTION

STRAP NUMBERS

The applicant has indicated the STRAP #'s of the subject property are:

10-46-25-00-00001.0020

11-46-25-00-00001.0040

12-46-25-00-00001.0010

13-46-25-00-00001.0020

13-46-25-00-00001.0030

13-46-25-00-00001.0040

13-46-25-00-00001.0050

14-46-25-00-00001.0000

14-46-25-00-00001.0020

15-46-25-00-00005.0000

23-46-25-00-00001.0050

23-46-25-00-00001.0060

24-46-25-00-00001.0000.