

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, West Bay Club Development Corporation, a New York Corporation, filed an application for administrative approval to a Residential Planned Development on a project known as West Bay Club RPD to:

Change the dwelling unit distribution within the subject property by reducing the number of dwelling units within the Suburban future land use category of the project, while increasing the number of dwelling units within the Outlying Suburban future land use category;

on property located at 4600 West Bay Club Boulevard, described more particularly as:

LEGAL DESCRIPTION: In Section 31, Township 46 South, Range 25 East, Lee County, Florida:

See Legal Description attached hereto as EXHIBIT "A"

WHEREAS, the property was originally rezoned in case number Z-96-005 with subsequent amendments in case numbers PD-98-003, ADD1999-00024, ADD1999-00056, FPA-98-087, FPA-98-088, FPA-98-089, FPA-99-003, COP2000-00012, ADD2000-00016, ADD2000-00089, ADD2000-00189, ADD2000-00198, ADD2001-00007, VAR2002-00006, ADD2003-00182, COP2005-00021, ADD2005-00022, ADD2006-00043 and Z-05-010; and

WHEREAS, the subject property is located in the Outlying Suburban, Suburban and Wetlands Future Land Use Category as designated by the Lee County Comprehensive Plan; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the original rezoning permitted a total of 1,121 dwelling units with 1,020 dwelling units assigned to the Outlying Suburban future land use category and 101 dwelling units assigned to the Suburban future land use category; and

WHEREAS, a subsequent administrative amendment (PD-98-003) was approved on April 10, 1998, which changed the dwelling unit assignments for the Outlying Suburban and Suburban future land use categories; and

WHEREAS, the number of dwelling units assigned to the Outlying Suburban future land use category was increased by 55 dwelling units to 1,075 dwelling units and the number

of dwelling units assigned to the Suburban future land use category was reduced by 55 dwelling units to 46 dwelling units; and

WHEREAS, the total number of dwelling units remained unchanged at 1,121 dwelling units; and

WHEREAS, on March 21, 2005, Resolution Z-05-010, was approved, which reduced the maximum number of dwelling units from 1,121 to 1,016 dwelling units with 970 dwelling units assigned to the Outlying Suburban future land use category and 46 dwelling units assigned to the Suburban future land use category; and

WHEREAS, the 46 dwelling units assigned to the Suburban future land use category will be built-out after the completion of a maximum of 22 dwelling units; and

WHEREAS, the Applicant is desirous of reassigning the remaining 24 units assigned to the Suburban future land use category to the Outlying Suburban future land use category; and

WHEREAS, the number of dwelling units in the Outlying Suburban future land use category will be increased by 24 dwelling units to 994 dwelling units and the Suburban future land use category was reduced by 24 dwelling units to 22 dwelling units; and

WHEREAS, the total number of dwelling units will remain unchanged at 1,016 dwelling units as approved in Resolution Z-05-010; and

WHEREAS, the total number of dwelling units remains consistent with the Lee Plan and with the Outlying Suburban and Suburban future land use categories, and

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

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Residential Planned Development to:

Change the unit assignment within the subject property by reducing the number of dwelling units within the Suburban future land use category of the project, while increasing the number of dwelling units within the Outlying Suburban future land use category

is APPROVED, subject to the following conditions:

1. Condition Number 6, of Resolution Z-05-010, is hereby amended to change the distribution of residential dwelling units in the Outlying Suburban and Suburban Land Use Categories, as follows:
 6. Condition Number 4 of Resolution 2-96-005, and its subsequent amendment in Administrative Amendment PD-98-003, Condition 3, is further amended as follows:

The RPD is limited to a maximum total of 1,016 residential dwelling units with the following distribution:

 - a. A maximum of ~~970~~ 994 dwelling units are permitted on the subject properties located within the Outlying Suburban Land Use Category, of which no more than 630 dwelling units are permitted within Development Areas (Pods) 3,4, and 5.
 - b. A maximum of ~~46~~ 22 dwelling units are permitted within the subject properties in the Suburban Land Use Category.
2. The terms and conditions of the original zoning resolution and amendments thereto remain in full force and effect, except as specifically amended herein.

DULY SIGNED this 1st day of December, A.D., 2008.

BY: _____

Pam Houck
Pam Houck, Director
Division of Zoning
Department of Community Development

RECEIVED

MAY 20 2008

March 1, 2004

DESCRIPTION

COMMUNITY DEVELOPMENT

**WEST BAY CLUB
PARCEL IN****SECTIONS 29, 30, 31 & 32, TOWNSHIP 46 SOUTH RANGE 25 EAST &
SECTIONS 5 & 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA**

A tract or parcel of land being all of West Bay Club, a subdivision, as recorded in Plat Book 62 at Pages 79 through 111 of the Public Records of Lee County, Florida and all of Parcel One as described by deed recorded in Official Record Book 3041 at Page 3528 of said Public Records, lying in Sections 29, 30, 31 and 32, Township 46 South, Range 25 East and Sections 5 & 6, Township 47 South, Range 25 East Lee, County, Florida, described as follows:

Beginning at the north quarter corner of said Section 5, being a point on the centerline of Williams Road (60.00 feet wide); thence run the following courses and distances along the boundary of said West Bay Club: South 00° 40' 16" East for 30.00 feet; North 89° 00' 18" East for 165.26 feet; South 00° 36' 29" East for 200.00 feet; South 89° 00' 18" West for 494.00 feet; South 00° 47' 09" East for 765.00 feet; South 88° 57' 37" West for 130 feet, more or less, to the mean high water line of Halfway Creek; thence departing said boundary of West Bay Club run Southerly along said mean high water line for 370 feet, more or less to and intersection with said boundary of West Bay Club; thence run the following courses and distances along said boundary: North 89° 15' 59" East for 409 feet, more or less to the northeast corner of the South Half (S-1/2) of the northwest quarter (NW-1/4) of said Section 5; North 89° 15' 52" East for 327.60 feet; South 00° 32' 41" East for 1,350.95 feet; South 89° 31' 44" West for 324.62 feet; South 89° 34' 40" West for 2,592.29 feet; South 01° 31' 46" East for 92.78 feet; South 89° 10' 55" West for 349.43 feet; South 00° 49' 50" East for 162.49 feet; North 81° 20' 47" West for 600.53 feet; South 46° 11' 51" West for 77.45 feet; North 01° 35' 45" West for 2,875.95 feet to an intersection with the south line of the Southeast Quarter (SE-1/4) of said Section 31; South 88° 56' 02" West along said south line and along said boundary line for 1,638.66 feet to the south quarter corner of said Section 31; North 00° 22' 46" West along the north/south quarter section line for 2,656.37 feet to the center of said Section 31; thence continue northerly along said north/south quarter section line, for a distance of 2,391 feet, more or less to the waters of the Estero River; Northeasterly, Southeasterly, Southwesterly, Southerly, Southeasterly and Northeasterly along said waters for 5,030 feet, more or less, to an intersection with the east line of the southeast quarter (SE-1/4) of said Section 30, Township 46 South, Range 25 East; North 00° 32' 05" West along said east line for 62 feet, more or less to said waters of the Estero River; thence run Westerly, Northerly, Easterly, Southeasterly, Southwesterly, Westerly and Southwesterly along said waters for 1,753 feet, more or less to an intersection with the north line of Section 32, Township 46 South, Range 25 East; North 87° 54' 53" East along said north line for 458 feet, more or less to said waters; thence run Northerly and Southeasterly along said waters for 771 feet,

EXHIBIT A

(Addressee)

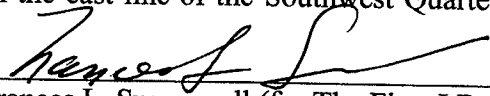
May 1, 2008

Page 2

more or less to the northeast corner of said plat; South 00° 43' 04" East for 1,190 feet, more or less; North 88° 27' 02" East for 1,257.39 feet to an intersection with the southwesterly line of a Florida Power and Light Company transmission line easement (100 feet wide) as described by deed recorded in Deed Book 227 at page 261 of said Public Records; South 20° 51' 33" East along said southwesterly line for 125.36 feet to an intersection with the north/south quarter section line of said Section 32; South 00° 55' 53" East along said quarter section line for 1,226.63 feet; South 00° 56' 02" East along said north/south quarter section line for 2,644.19 feet to the Point of Beginning.

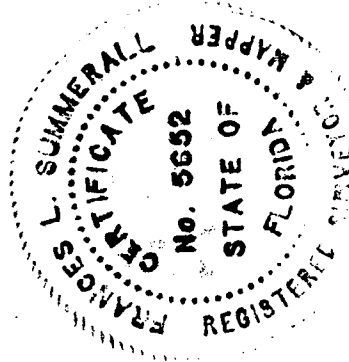
Parcel contains 866 acres, more or less.

Bearings herein above mentioned are based on the east line of the Southwest Quarter (SW-1/4) of Section 32 to bear South 00° 56' 02" East.



Frances L. Summerall (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 5652

20044403 WEST BAY CLUB 030104



Applicant's Legal Checked
by BSJ 5/22/08

ADD 2008-00076
RECEIVED
MAY 20 2008

COMMUNITY DEVELOPMENT

EXHIBIT A

DESCRIPTION

WEST BAY CLUB
PARCEL IN
SECTIONS 29, 30, 31 & 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST &
SECTIONS 5 & 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND BEING ALL OF WEST BAY CLUB, A
SUBDIVISION, AS RECORDED IN PLAT BOOK 62 AT PAGES 79 THROUGH 131
OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND ALL OF PARCEL
ONE AS DESCRIBED BY DEED RECORDED IN OFFICIAL RECORD BOOK 3041 AT
PAGE 3558 OF SAID PUBLIC RECORDS, LYING IN SECTIONS 29, 30, 31,
AND 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND SECTIONS 5 & 6,
TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA, DESCRIBED
AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION
5, BEING A POINT ON THE CENTERLINE OF WILLIAMS ROAD
(60.00 FEET WIDE), THENCE RUN THE FOLLOWING COURSES
AND DISTANCES ALONG THE BOUNDARY OF SAID WEST BAY
CLUB: SOUTH 00° 40' 16" EAST FOR 30.00 FEET;
NORTH 89° 00' 18" EAST FOR 165.26 FEET;
SOUTH 00° 36' 28" EAST FOR 200.00 FEET;
SOUTH 89° 00' 18" WEST FOR 454.00 FEET;
SOUTH 00° 47' 09" EAST FOR 765.00 FEET;
SOUTH 89° 57' 37" WEST FOR 130 FEET, MORE OR LESS,
TO THE MEAN HIGH WATER LINE OF HALFWAY CREEK; THENCE
DEPARTING SAID BOUNDARY OF WEST BAY CLUB RUN SOUTHERLY
ALONG SAID MEAN HIGH WATER LINE FOR 370 FEET, MORE OR
LESS TO AND INTERSECTION WITH SAID BOUNDARY OF WEST
BAY CLUB; THENCE RUN THE FOLLOWING COURSES AND
DISTANCES ALONG SAID BOUNDARY:
NORTH 89° 15' 59" EAST FOR 409 FEET, MORE OR LESS TO
THE NORTHEAST CORNER OF THE SOUTH HALF (S-1/2) OF THE
NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 5;
NORTH 89° 15' 52" EAST FOR 327.60 FEET;
SOUTH 00° 32' 41" EAST FOR 1,350.95 FEET;
SOUTH 89° 31' 44" WEST FOR 324.62 FEET;
SOUTH 89° 34' 40" WEST FOR 2,592.29 FEET;
SOUTH 01° 31' 46" EAST FOR 92.76 FEET;
SOUTH 89° 10' 55" WEST FOR 348.43 FEET;
SOUTH 00° 49' 50" EAST FOR 162.40 FEET;
NORTH 81° 20' 47" WEST FOR 600.53 FEET;
SOUTH 46° 11' 51" WEST FOR 77.45 FEET;
NORTH 00° 35' 45" WEST FOR 2,675.95 FEET TO AN
INTERSECTION WITH THE SOUTH LINE OF THE SOUTHEAST
QUARTER (SE-1/4) OF SAID SECTION 31;
SOUTH 88° 56' 02" WEST ALONG SAID SOUTH LINE AND
ALONG SAID BOUNDARY LINE FOR 1,638.65 FEET TO THE
SOUTH QUARTER CORNER OF SAID SECTION 31;
NORTH 00° 22' 46" WEST ALONG THE NORTH/SOUTH QUARTER
SECTION LINE FOR 2,856.37 FEET TO THE CENTER OF SAID
SECTION 31; THENCE CONTINUE NORTHERLY ALONG SAID
NORTH/SOUTH QUARTER SECTION LINE, FOR A DISTANCE OF
2,391 FEET, MORE OR LESS TO THE WATERS OF THE ESTERO
RIVER; NORTHEASTERLY, SOUTHEASTERLY, SOUTHWESTERLY
SOUTHERLY, SOUTHEASTERLY AND NORTHEASTERLY ALONG SAID
WATERS FOR 5,030 FEET, MORE OR LESS, TO AN
INTERSECTION WITH THE EAST LINE OF THE SOUTHEAST
QUARTER (SE-1/4) OF SAID SECTION 30, TOWNSHIP 46
SOUTH, RANGE 25 EAST; NORTH 00° 32' 05" WEST ALONG
SAID EAST LINE FOR 62 FEET, MORE OR LESS TO SAID
WATERS OF THE ESTERO RIVER; THENCE RUN WESTERLY,
NORTHERLY, EASTERLY, SOUTHEASTERLY, SOUTHWESTERLY,
WESTERLY AND SOUTHWESTERLY ALONG SAID WATERS FOR 1,753
FEET, MORE OR LESS TO AN INTERSECTION WITH THE NORTH
LINE OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST;
NORTH 87° 54' 53" EAST ALONG SAID NORTH LINE FOR 458
FEET, MORE OR LESS TO SAID WATERS; THENCE RUN
NORTHERLY AND SOUTHEASTERLY ALONG SAID WATERS FOR 771
FEET, MORE OR LESS TO THE NORTHEAST CORNER OF SAID
PLAT; SOUTH 00° 43' 04" EAST FOR 1,160 FEET, MORE OR
LESS; NORTH 88° 27' 02" EAST FOR 1,257.39 FEET TO AN
INTERSECTION WITH THE SOUTHWESTERLY LINE OF A FLORIDA
POWER AND LIGHT COMPANY TRANSMISSION LINE EASEMENT
(100 FEET WIDE) AS DESCRIBED BY DEED RECORDED IN DEED
BOOK 227 AT PAGE 261 OF SAID PUBLIC RECORDS;
SOUTH 20° 51' 33" EAST ALONG SAID SOUTHWESTERLY LINE
FOR 125.36 FEET TO AN INTERSECTION WITH THE
NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 32;
SOUTH 00° 55' 53" EAST ALONG SAID QUARTER SECTION
LINE FOR 1,226.63 FEET; SOUTH 00° 56' 02" EAST ALONG
SAID NORTH/SOUTH QUARTER SECTION LINE FOR 2,644.19
FEET TO THE POINT OF BEGINNING.
PARCEL CONTAINS 866 ACRES, MORE OR LESS.

BEARINGS HEREIN ABOVE MENTIONED ARE BASED ON THE EAST LINE OF
THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 32 TO BEAR
SOUTH 00° 56' 02" EAST.

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MAY 20 2008

NOTES:

1. PARCEL CONTAINS 866 ACRES, MORE OR LESS.
2. OR = OFFICIAL RECORD BOOK
3. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO
ZONING OR DEVELOPMENT OF THE PARCEL OR SUBDIVISION.
4. PB = PLAT BOOK
5. PG = PAGE
6. LK = LAKE
7. MF = MULTI-FAMILY
8. GC = GOLF COURSE
9. FD = FUTURE DEVELOPMENT
10. PR = PRACTICE RANGE
11. RD = ROAD RIGHT OF WAY
12. RC = RECREATION
13. C = CONSERVATION
14. CC = COUNTRY CLUB

THIS IS NOT A SURVEY

FRANCES L. SUMMERALL (FOR THE FIRM-LB #642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5652

DATE SIGNED: 05-06-08

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

EXHIBIT A

PARCEL IN
SECTIONS 29, 30, 31 & 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST &
SECTIONS 5 & 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



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ENGINEERING

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P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
FAX: (239) 334-3661
E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
DEC 2007	20044403	30-46-25	1" = 400'	1 OF 1