RESOLUTION NUMBER Z-05-013B

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

WHEREAS, an application was filed by the property owner, Plantation Development, Ltd., in reference to Harbour Pointe; and,

WHEREAS, a public hearing was advertised on September 15, 2004, but then continued to November 3, 2004, and again to February 9, 2005, and then held on April 8, 2005; April 26, 2005; and May 3, 2005, before Lee County Hearing Examiner Diana M. Parker, who gave full consideration to the evidence in the record for Case #DCl2004-00036; and

WHEREAS, a public hearing was advertised and held on January 30, 2006, 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. At the applicant's request, the Board remanded this case back to the Hearing Examiner; and

WHEREAS, public hearing was advertised and held as a status hearing before Hearing Examiner Diana M. Parker on July 30, 2006, with additional status hearings on September 28, 2006; December 7, 2006; February 8, 2007; April 15, 2007; June 7, 2007; August 9, 2007; and November 8, 2007; and

WHEREAS, the Hearing Examiner issued a recommendation to the Board of County Commissioners on November 28, 2007; and

WHEREAS, a Joint Stipulation was executed on February 7, 2008, by the property owner, the Department of Community Development, the County Attorney's Office, the Captiva Civic Association and the Sanibel-Captiva Conservation Foundation; and,

WHEREAS, a public hearing was advertised and held on February 18, 2008, before the Board of County Commissioners, who gave full and complete consideration to the recommendation of the Hearing Examiner and the Joint Stipulation, and in accordance therewith, once again remanded the case back to Staff and the Hearing Examiner; and

WHEREAS, a public hearing was advertised and held on July 31, 2008, and August 7, 2008, with the record held open until August 15, 2008 for written submissions, before Hearing Examiner Diana M. Parker, who gave full consideration to the evidence in the record for Case #DCI2004-00036; and

WHEREAS, a public hearing was advertised and held on November 17, 2008, before the 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 al interested persons.

CASE NO: DCl2004-00036 Z-05-013B Page 1 of 8



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

SECTION A. REQUEST

The applicant filed a request to amend the South Seas Resort Master Development Plan (Administrative Interpretation Case No. ADD2002-00098) to allocate the remaining six unallocated dwelling units to, and reconfigure the site plan for, the Harbour Pointe development area; together with Harbour Pointe entrance road and a bridge crossing the channel to Bryant Bayou and designation of wetland impacts and conservation areas. The property is located in the Wetlands and Outlying Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviation specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Master Concept Plan/Development Parameters

The development of this project must be consistent with the single-page Master Concept Plan (MCP) entitled "Plantation Development, Ltd., Harbour Pointe, Lee County, Florida," dated May, 2008, last revised 06/08, and date-stamped "Received Jun 26 2008 Community Development," attached hereto as Exhibit C, except as modified by the conditions below. This development must comply with all requirements of the 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 MCP are subsequently pursued, appropriate approvals will be necessary.

2. Uses and Site Development Regulations

The following Limits apply to the project and uses:

Applicable development regulations in Lee County Administrative Interpretation Case No. ADD2002-00098, as amended (attached hereto as Exhibit D).

Dwelling Units - 24 multiple-family residential units (four 6-plex buildings)

Accessory Uses - swimming pool, hot tub, gazebo, single-slip water taxi dock and canoe/kayak launch

Private bridge

CASE NO: DCI2004-00036 Z-05-013B Page 2 of 8

3. Required Consistency with SFWMD Permit

Prior to local development order approval, development order plans must be consistent with the approved South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) No. 36-00583-S-02 (including the Permit for the entrance road - Permit No. 36-00583-S), as conditioned or as otherwise modified.

4. Conservation Easements Required

Prior to local development order approval, draft conservation easements as required in SFWMD ERP No. 36-00583-S-02 for the 72.76 acres preservation area delineated on Exhibit F-1 attached to the Lee County Division of Environmental Sciences (DES) staff report (dated July 14, 2008) and entitled "Harbour Pointe Preservation Plan at South Seas Resort," date-stamped "Received Jul 01 2008 Community Development" (this single-page exhibit is attached to this zoning resolution as Exhibit E) and 1.39 acre mangrove trimming areas must be submitted for DES and Lee County Attorney's Office review and approval. The conservation easements must be dedicated to Lee County and other appropriate agencies and/or environmental entities. The conservation easements must be recorded prior to certification of compliance.

5. United States Coast Guard Approval for Bridge

Prior to the issuance of a Lee County development order for Harbour Pointe, the applicant must obtain the United States Coast Guard (USCG) permit approving such a bridge and must comply with all terms and conditions of the USCG permit. As illustrated on the approved SFWMD ERP No. 36-00583-S-02, the proposed bridge design is at a 12-foot elevation NGVD. Any modification for development order plans to increase bridge elevation to a maximum of 18 feet NGVD to allow the bascule equipment to be placed under the fixed portion of the structure will require further review and authorization from SFWMD prior to local development order approval.

6. Species Survey

Prior to local development order approval, the applicant must provide updated listed species surveys meeting the requirements of LDC §10-473 for 5.24-acre Harbour Pointe development site and Parcel A, as described in the legal descriptions, and any necessary Florida Fish and Wildlife Conservation Commission (FWC) and/or U.S. Fish and Wildlife Service (FWS) permits. Any request for removal of nests protected by the Endangered Species and/or Migratory Bird Treaty Act (Title 50 CFR Part 21) must be coordinated with FWC and DES.

7. Wading Bird Species and Manatees

Prior to local development order approval, listed wading bird species and Florida manatee management plans, meeting the requirements of LDC §10-474, for the 5.24-acre Harbour Pointe development site and Parcel A, as described in the legal descriptions, must be submitted for the DES staff review and approval. The plan must include an informational brochures for residents on living with listed wading bird species and manatees.

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8. <u>Docks/Piers & Seagrass</u>

Docks or fishing piers are prohibited along the bay and harbor shorelines of the Harbour Pointe development; except that a single slip water taxi dock and/or canoe/kayak launch may be proposed along the harbor/channel shoreline of the Harbour Pointe 5.24-acre project site. An updated seagrass survey must be provided and the proposed locations of the slip and/or launch must avoid impacts to the required mangrove buffers and avoid or minimize impacts to seagrass beds subject to State and Federal permit approvals. The location of the single slip water taxi dock and/or canoe/kayak launch must be depicted on development order plans, and a Lee County Dock and Shoreline Permit must be obtained prior to construction.

9. Review of Landscape Plans

Prior to local development order approval, the applicant must submit for review and approval of DES, landscape plans prepared by and bearing the seal of a landscape architect registered in the State of Florida, meeting Administrative Interpretation Case No. ADD2002-00098 landscape requirements and applicable resolution conditions.

10. Landscape Plants

Required landscaping for the 5.24-acre Harbour Pointe development must utilize a minimum of 75% native trees and shrubs, however, any non-native plants will be limited to plants contained in the Proposed List of Approved Harbour Pointe Non-Native Landscape Plants.

Common Name	Scientific Name	
Dwarf Royal Palm	Adonidia merrillii	
Shrub Allamanda	Allamanda schottii	
Bougainvillea	Bougainvillea sp.	
Pitch Apple	Clusia rosea	
Croton	Codiaeum variegatum	
Hurricane Palm	Dictyosperma album	
Dwarf Crown of Thorns	Euphorbia millii 'Rosy'	
Blue Daze	Evolvulus glomeratus	
Hibiscus 'Mixed'	Hibiscus spp.	
Ixora 'Nora Grant'	Ixora sp.	
Dwarf Jatropha	Jatropha intergerrima	
Shrimp Plant	Pachystachys lutea	

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Common Name	Scientific Name	
Cranberry Penta	Penta lanceolata	
Sylvester Date Palm	Phoenix sylvestris	
Plumbago	Plumbago auriculate	
Frangipani	Plumeria spp.	
Bird of Paradise	Strelitzia nicolai	
Pink Cedar	Tabebuia heterophylla	
Walking Iris	Trimezia martinicensis	
Winn Palm	Veitchia winin	
Foxtail Palm	Wodyetia bifurcata	

- Currently 12± Coconut Palms (Cocos nucifera) identified under the Lee County protected tree list, and considered native, are located on site and more will be added.
- 2) Sod will be utilized around buildings, pool, and walkways but is not attributed towards landscape planting native non-native
- 3) No more than 25% of landscape plantings will be non-native.

11. Additional Landscaping Requirements

Prior to local development order approval, landscape plans must depict the top of berm and back slope landward of the proposed rip rap revetment along the east property line planted with 100% native plantings, consisting of a minimum of five (5) trees, 18 shrubs and groundcover per 100 linear feet. This planted area, along with the existing mangroves to the east of the berm, will create a minimum overall buffer of 35 feet. No irrigation and fertilizer is to be utilized within this enhanced area.

12. Mangrove Buffer Cross-sections

Prior to local development order approval, development order plans must provide cross-sections depicting proposed interface between the 5.24-acre development and:

- a. mangrove buffer preserve along Pine Island Sound at the locations of the proposed retaining wall and rip rap revetment areas
- b. mangrove buffer preserve along Bryant Bayou
- c. mangrove preserve to the south

13. LDC Chapter 26 - Dock & Shoreline Permitting

The retaining walls and rip rap revetment design must be in compliance with LDC §26-75. A Lee County Dock and Shoreline Permit must be obtained prior to their construction.

14. Supplemental Planting Requirements

Prior to local development order approval, landscape plans must depict the supplemental planting of red mangroves (Rhizophora mangle) or other suitable species at the toe of slope of proposed rip rap revetment along the east property line and seaward of the proposed retaining wall along the northeast corner and west property line of the 5.24 acre project site.

15. <u>Dry and Wet Retention Plantings</u>

Prior to local development order approval, landscape plans must delineate proposed dry and wet retention plantings as required by SFWMD ERP No. 36-00583-S-02.

16. Vehicular/Pedestrian Impacts

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

17. Lee Plan Consistency

Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

18. **Concurrency**

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

19. Compliance with Lee Plan and ADD2002-00098

This development must comply with all of the requirements of Administrative Interpretation Case No. ADD2002-00098 at the time of local development order approval, except as may be granted by deviations approved as part of this amendment.

CASE NO: DCI2004-00036 Z-05-013B Page 6 of 8

SECTION C. DEVIATION:

1. Parking Aisles - Deviation (1) seeks relief from the LDC §34-2016(3) requirement to provide a 24-foot aisle width associated with 90-degree parking spaces not located under the buildings, to allow an aisle width to be 20 feet. This deviation is APPROVED, SUBJECT TO the following condition:

At the time of local development order, the Applicant must install either a guard rail or a Type F curb continuing approximately 320 feet along the west side of Harbour Pointe Drive from the current terminus of the Type F curbing to the northerly extent of the Mangrove Buffer Preserve Area.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description of the property

Exhibit B: Zoning Map (with the subject parcel indicated)

Exhibit C: The Master Concept Plan

Exhibit D: Administrative Interpretation Case No. ADD2002-00098

Exhibit E: Harbour Pointe Preservation Plan at South Seas Resort

The applicant has indicated that the STRAP numbers for the subject property are: 22-45-21-00-00005.0000; 22-45-21-00-00005.0030; 22-45-21-00-00006.0000; 22-45-21-00-00006.0260; 23-45-21-00-00001.0000; and 22-45-21-00-00005.002B

SECTION E. FINDINGS AND CONCLUSIONS:

- 1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
- 2. The rezoning, as approved:
 - meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - 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 place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.

CASE NO: DCI2004-00036

- 3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location;
 - b. 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.
- 4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
- 5. The approved deviation, as conditioned, enhances achievement of the planned development objectives, and preserves and promotes the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner Frank Mann made a motion to adopt the foregoing resolution, seconded by Commissioner Robert P. Janes. The vote was as follows:

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

DULY PASSED AND ADOPTED this 17th day of November, 2008.

ATTEST:

CHARLIE GREEN, CLERK

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

Ray Judeh Chair

Approved as to form by:

John J. Fredyma

Assistant County Attorney
County Attorney's Office

CASE NO: DCI2004-00036



November 9, 2005

DESCRIPTION

HARBOUR POINTE AT SOUTH SEAS RESORT SECTION 22, TOWNSHIP 45 SOUTH, RANGE 21 EAST CAPTIVA ISLAND, LEE COUNTY, FLORIDA

A parcel or tract of land lying in Section 22, Township 45 South, Range 21 East, Captiva Island, Lee County, Florida, which tract or parcel is described as follows:

Beginning the northerly most terminus point of a bulkhead line and submerged lands as described in deed from the Trustees of Internal Improvement Trust Fund as recorded in Official Record Book 572 at Page 14, Public Records of Lee County, Florida, run southeasterly along the arc of a curve to the right of radius 25.00 feet (chord bearing S 89°56'05" E)(chord 38.97 feet)(delta 102°24'41") for 44.69 feet to a point of tangency; thence run S 38° 44' 10" E for 497.24 feet to a point of curvature; thence run southeasterly along the arc of said curve to the right of radius 1400.00 feet (chord bearing S 35° 16' 00" E) (chord 169.44 feet) (delta 06° 56' 19") for 169.55 feet to a point of tangency; thence run S 31° 47' 50" E for 59.15 feet; thence run \$ 57°32'38" W departing said bulkhead line for 145.25 feet: thence run N 88°39'17" W for 76.32 feet; thence run S 68°06'38" W for 383.97 feet; thence run N 21°30'40" W for 38.00 feet; thence run N 68°06'37" E for 104 feet, more or less, to an intersection with the Mean High Water Line of the east shore of Bryant Bayou; thence run northerly meandering said Mean High Water Line for 729 feet, more or less to an intersection with a line that bears S 09°40'20" W and passes through the Point of Beginning; thence run N 09°40'20" E for 45.76 feet to the Point of Beginning.

Parcel contains 5.2 acres, more or less.

SUBJECT TO easements, restrictions and reservations of record.

Bearings shown hereon are based on the Bulkhead line as described in official record book 572, page 14, public records of Lee County, Florida, wherein the northerly most line bears S 38°44'10" E.

Michael W. Norman (for The Firm LB-642) Annicant's Legal Checked Professional Land Surveyor

Florida Certificate No. 4500

20033899 11-09-05 - Description Harbour Pointe

EXHIBIT 3.5M Application #050408-15

2158 Johnson Street # Post Office Box 1550 # Fort Myers, Florida 33902-1550 (239) 334-0046 • Fax (239) 334-3661

Applicant's Legal Checked by 68 7/14 | 08

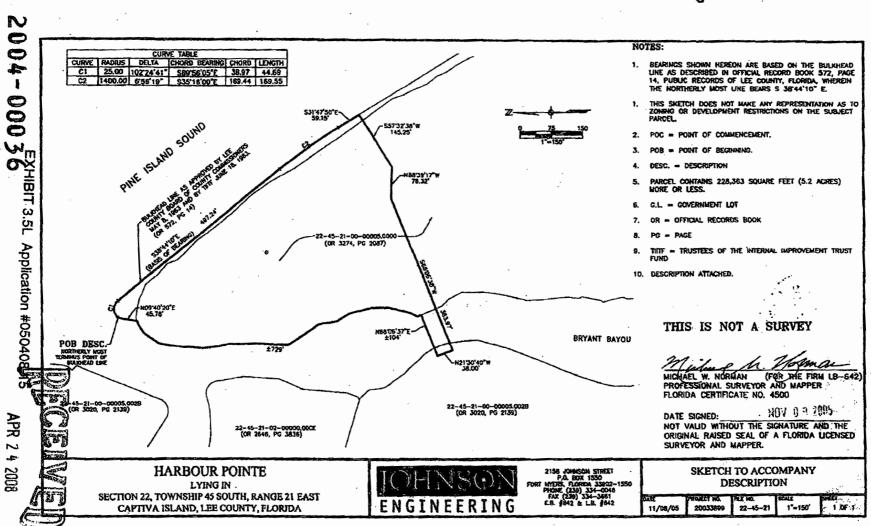


EXHIBIT "A (Page 2 of 22)



RECEIVED

November 18, 2005

OCT 3 0 2008

DESCRIPTION

ZONING

PARCEL "A"

PLANTATION DEVELOPMENT LIMITED AT SOUTH SEAS PLANTATION SECTIONS 22 AND 23, TOWNSHIP 45 SOUTH, RANGE 21 EAST CAPTIVA ISLAND, LEE COUNTY, FLORIDA

A parcel or tract of land lying in Sections 22 and 23, Township 45 South, Range 21 East, Captiva Island, Lee County, Florida, which tract or parcel is described as follows:

From the northerly most terminus point of a bulkhead line and submerged lands from a Trustees of Internal Improvement Trust Fund as recorded in Official Record Book 572 at Page 14, Public Records of Lee County, Florida; thence run the following courses and distances along said bulkhead line and submerged lands: run southeasterly along arc of a curve to the right of radius 25.00 feet (chord bearing S 89° 56' 05" E) (chord 38.97 feet) (delta 102° 24' 41") for 44.69 feet to a point of tangency; thence run S 38° 44' 10" E for 497.24 feet to a point of curvature; thence run southeasterly along the arc of said curve to the right of radius 1400.00 feet (chord bearing S 35° 16' 00" E) (chord 169.44 feet) (delta 06° 56' 19") for 169.54 feet to a point of tangency; thence run S 31° 47' 50" E for 591.34 feet to a point of curvature; thence run southeasterly along the arc of said curve to the right of radius 500.00 feet (chord bearing \$32° 53' 55" E) (chord 19.22 feet) (delta 02° 12' 09") for 19.22 feet to a point of tangency; thence run S 34° 00' 00" E for 981.23 feet to a point of curvature; thence run southeasterly along the arc said curve to the right of radius 150.00 feet (chord bearing S 23° 00' 00" E) (chord 57.24 feet) (delta 21° 59' 56") for 57.59 feet to a point of tangency; thence run S 12° 00' 00" E for 638.00 feet to a point of curvature; thence run southeasterly along the arc of said curve to the right of radius 220.00 feet (chord bearing S 04° 22' 30" E) (chord 58.38 feet) (delta 15° 14' 57") for 58.55 feet to a point of reverse curvature; thence run southeasterly along the arc of said curve to the left of radius for 540.00 feet (chord bearing S 01° 30' 26" W) (chord 32.85 feet) (delta 03° 29' 09") for 32.85 feet to an intersection with the north line of the lands as described in deed recorded in Official Record Book 3170 at Page 177, Public Records of Lee County, Florida; thence run N 89° 30' 10" W departing said bulkhead line along the north line of lands described in said deed for 86.57 feet; thence run N 00° 00' 00" E departing said line for 63.76 feet; thence run S 90° 00' 00" W for 21.74 feet; thence run S 08° 55' 34" W for 14.68 feet; thence run S 25° 31' 51" W for 16.30 feet; thence run S 40° 27' 56" W for 7.86 feet; thence run S 65° 11' 47" W for 7.61 feet; thence run N 89° 30' 10" W for 224.64 feet; thence run N 51° 45' 49" W for 8.27 feet; thence run N 89° 05' 39" W for 73.34 feet; thence run S 36° 16' 35" W for 6.88 feet; thence run N 89° 30' 10" W for 478.99 feet; thence run

Applicant's Legal Checked by 60 10-30-08

N 36° 37' 50" W for 53.74 feet; thence run N 87° 52' 55" W for 89.73 feet; thence run S 12° 54' 50" W for 46.47 feet; thence run S 89° 30' 10" W for 20.96 feet to a point of curvature; thence run southwesterly along the arc of said curve to the left of radius 69.70 feet (delta 24° 44' 46") (chord bearing S 78° 07' 27" W) (chord 29.87 feet) for 30.10 feet to a point of reverse curvature; thence run northwesterly along the arc of said curve to the right of radius 301.10 feet (delta 4° 54' 57") (chord bearing N 68° 12' 33" E) (chord 25.83 feet) for 25.83 feet to an intersection with the easterly line of Island Water Association Inc. parcel as described in Official Record Book 2083 at Page 3825, Public Records of Lee County, Florida; thence run N 19° 52' 39" W along said line for 150.00 feet to the northeasterly corner of said lands; thence run \$ 70° 07' 21" W along the northerly line of said lands for 130.00 feet to the northwest corner of said lands; thence run S 19° 52' 39" E along the westerly line of said lands for 17.62 feet to an intersection with the southerly line of a conservation easement as described in deed recorded in Official Record Book 1983 at Page 4023, Public Records of Lee County, Florida; thence run S 69° 59' 53" W along said line for 18.13 feet; thence run S 63° 10' 01" W continuing along said line for 6.12 feet to an intersection with the westerly line of lands as described in Official Record Book 3020 at Page 2139, Public Records of Lee County, Florida; thence run N 48° 39' 34" W along said line for 175 feet, more or less, to an intersection with the Mean High Water Line of Bryant Bayou; thence run northerly, northeasterly, northerly meandering said Mean High Water Line for 2,740 feet, more or less, to an intersection with the line that is 710.11 feet south of (as measured on a perpendicular) and parallel with the line bearing S 68° 06' 38" W and passing through the Point of Beginning: thence run S 68° 06' 38" W along said parallel line for 105.24 feet; thence run N 21° 30' 40" W for 38.00 feet; thence run N 68° 06' 37" E for 104 feet, more or less, to an intersection with the Mean High Water Line along the easterly shore of said Bryant Bayou; thence run northerly meandering said Mean High Water Line for 729 feet, more or less, to an intersection with a line that bears S 09° 40' 20" W and passing from the Point of Beginning; thence run N 09° 40' 20" E for 45.76 feet to the Point of Beginning.

Parcel contains 42.5 acres, more or less.

SUBJECT TO easements, restrictions and reservations of record.

Bearings hereinabove mentioned are based on the bulkhead line and submerged lands described in Official Record Book 572 at Page 14, Public Records of Lee County, Florida, wherein the northerly most line bears S 38° 44' 10" E.

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

Professional Land Surveyor

Florida Certificate No. 4500

20033899 - Parcel A - 11-18-05

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OCT 3 0 2008

ZONING

EXHIBIT "A" (Page 4 of 22)



February 26, 2004

DESCRIPTION

PARCEL "B"

PLANTATION DEVELOPMENT LIMITED AT SOUTH SEAS RESORT SECTIONS 22 AND 23, TOWNSHIP 45 SOUTH, RANGE 21 EAST CAPTIVA ISLAND, LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 22 and 23, Township 45 South, Range 21 East, Captiva Island, Lee County, Florida, which tract or parcel is described as follows:

From the corner common to Sections 22, 23, 26 and 27 run N 24° 37' 26" E for 369.60 feet to an intersection with the Bulkhead line as approved by the Lee County Board of County Commissioners, May 8, 1963 and approved by the Trustee's of the Internal Improvement Fund on June 8, 1963 and as described in submerged land deed as recorded in Official Record Book 572 at page 14, Public Records of Lee County, Florida, said point of intersection being a non-tangent beginning of a curve and the Point of Beginning.

From said Point of Beginning run the following courses and distances along said Bulkhead line: northwesterly along the arc of a curve to the right of radius 241.48 feet (delta 76° 13' 23") (chord bearing N 39° 41' 20" W) (chord 298.08 feet) for 321.25 feet to a point of reverse curvature; thence run northwesterly along the arc of said curve to the left of radius 680.00 feet (delta 37° 10' 00") (chord bearing N 20° 09' 40" W) (chord 433.41 feet) for 441.10 feet to a point of tangency; thence run N 38° 44' 40" W for 145.60 feet to a point of curvature; thence run northwesterly along the arc of said curve to the right of radius 150.00 feet (delta 76° 26' 33") (chord bearing N 00° 31' 20" W) (chord 185.61 feet) for 200.13 feet to a point of reverse curvature; thence run northeasterly along the arc of said curve to the left of radius 150.00 feet (delta 31° 08' 47") (chord bearing N 22° 07' 33" E) (chord 80.54 feet) for 81.54 feet to an intersection with the south line of the lands as described in deed recorded in Official Record Book 3170 at page 177, Public Records of Lee County, Florida; thence run S 89° 30"10" E along the south line of said lands for 1,122.66 feet to an intersection with the curved easterly line of the hereinabove described Bulkhead line; thence run southeasterly along the arc of said curve to the left of radius 397.28 feet (delta 37° 56' 55") (chord bearing \$ 04° 30' 33" E) (chord 258.35 feet) for 263.13 feet to a point of reverse curvature; thence run southeasterly along the arc of said curve to the right of radius 200.00 feet (delta 19° 11' 00") (chord bearing S 13° 53' 30" E) (chord 66.65 feet) for 66.96 feet to a point of tangency; thence run \$ 04° 18' 00" E for 286.00 feet to a point of curvature; thence run southwesterly along the arc of said curve to the right of radius 200.00 feet (delta 19° 00' 01") (chord bearing S 05° 12' 00" W) (chord 66.02 feet) for 66.32 feet to a point of tangency; thence run S 14° 42' 00" W for 244.00 feet to a point of curvature; thence run southwesterly along the arc of said curve to the right of radius 250.00 feet (delta 87° 30' 04") (chord bearing \$ 58° 27' 00" W) (chord

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COMMUNITY DEVELOPMENT

345.76 feet) for 381.80 feet to a point of tangency; thence run N 77° 48' 00" W for 425.21 feet to the Point of Beginning.

Parcel contains 24.5 acres, more or less.

SUBJECT TO easements, restrictions and reservations of record.

Bearings hereinabove mentioned are based on south line of Section 22, Township 45 South, Range 21 East to bear N 81° 30' 10" W.

Applicant's Legal Checked

20033899 Description Parcel B 022604

by 60 July 22, 2004.

Michael W. Norman (For The Firm 58-642)

Professional Surveyor and Mapper

Florida Certificate No. 4500

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JUN 0.1 2004)

COMMUNITY DEVELOPMENT

DCI 2004-00036

EXHIBIT "A" (Page 6 of 22)



February 26, 2004

DESCRIPTION

PARCEL "C"

PLANTATION DEVELOPMENT LIMITED AT SOUTH SEAS RESORT SECTION 22, TOWNSHIP 45 SOUTH, RANGE 21 EAST CAPTIVA ISLAND, LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 22, Township 45 South, Range 21 East, Captiva Island, Lee County, Florida, which tract or parcel is described as follows:

From the intersection of the south line of the lands as described in deed recorded in Deed Book 209 at Page 71, Lee County Records with the curved easterly line of a Roadway Easement (50 feet wide) as described in Amended Grant of Easement recorded in Official Record Book 1806 at Page 3868, Lee County Records; thence run the following four (4) courses and distances along the east line of said 50 foot Roadway Easement: run northwesterly along said curved easement line to the right of radius 360.00 feet (chord bearing N 26° 02' 25" W) (chord 22.27 feet) (delta 03° 32' 39") for 22.27 feet to a point of compound curvature; thence run northwesterly along the arc of said curve to the right of radius 215.00 feet (chord bearing N 11° 38' 02" W) (chord 94.05 feet) (delta 25° 16' 05") for 94.82 feet to a point of tangency; thence run N 01° 00' 00" E for 122.00 feet to a point of curvature; thence run northwesterly along the arc of said curve to the left of radius 163.00 feet (chord bearing N 15° 48' 55" W) (chord 94.31 feet) (delta 33° 37' 50") for 95.68 feet to an intersection with a point on the north line of a Conservation Easement described in deed recorded in Official Record Book 1983 at Page 4023 said public records; thence departing said Roadway Easement run the following seven (7) courses and distances along said conservation easement line: N 77° 58' 54" E for 60.69 feet; N 74° 06' 57" E for 128.31 feet; S 63° 06' 40" E for 11.81 feet to a point of curvature; thence run southeasterly along the arc of said curve to the left of radius 170.00 feet (chord bearing \$ 79° 27' 32" E) (chord 95.70 feet) (delta 32° 41' 45") for 97.01 feet to a point of tangency; thence run N 84° 11' 36" E for 86.22 feet to a point of curvature; thence run northeasterly along the arc of said curve to the left of radius 331.10 feet (chord bearing N 74° 58' 20" E) (chord 106.11 feet) (delta 18° 26' 31") for 106.57 feet to a point of reverse curvature; thence run northeasterly along the arc of said curve to the right of radius 39.70 feet (chord bearing N 77° 36' 59" E) (chord 16.33 feet) (delta 23° 43' 50") for 16.44 feet to the northwest corner of the lands as described in deed recorded in Official Record Book 3170 at page 177, Lee County Public Records; thence run S 08° 29"50" W departing said conservation easement and along the west line of the lands described in said deed for 203.67 feet to an intersection with the northerly line of a submerged land lease as described in Official Record Book 572 at page 14, Lee County Public Records; thence run the following courses and distances along the Bulkhead line as approved by Lee County Board of County Commissioners, May 8, 1963 and approved by the Trustee's of the Internal Improvement Fund on June 8, 1963 and as described in submerged land deed as recorded in Official Record Book 572 at page 14, Public Records of Lee County, Florida: run northwesterly along the arc of said curve to the left of radius 150.00 feet (chord bearing N 65° 57' 32" W) (chord 37.03 feet) (delta 14° 10' 48") for 37.12 feet to a point of tangency; thence run N 73° 03' 00" W for 163.07 feet

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EXHIBIT "A" (Page 7 of 22)

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curvature; thence run northwesterly along the arc of said curve to the right of radius 191.45 feet (chord bearing N 54° 18' 00" W) (chord 123.08 feet) (delta 37° 30' 01") for 125.30 feet to a point of reverse curvature; thence run southwesterly along the arc of said curve to the left of radius 35.00 feet (chord bearing S 66° 57' 00" W) (chord 68.34 feet) (delta 154° 59' 40") for 94.68 feet to a point of tangency; thence run S 10° 33' 00" E for 126.80 feet to a point of curvature; thence run southeasterly along the arc of said curve to the left of radius 73.00 feet (chord bearing S 53° 28' 50" E) (chord 99.44 feet) (delta 85° 51' 31") for 109.39 feet to a point of reverse curvature; thence run southeasterly along the arc of said curve to the right of radius 100.94 feet (chord bearing S 45° 34' 40" E) (chord 156.52 feet) (delta 101° 40' 00") for 179.11 feet to a point of tangency; thence run S 05° 15' 20" W for 110.81 feet to a point of curvature; thence run southeasterly along the arc of said curve to the left of radius 135.00 feet (chord bearing S 16° 44' 40" E) (chord 101.14 feet) (delta 44° 00' 00") for 103.67 feet to a point of tangency; thence run S 38° 44' 40" E for 390.00 feet to a point of curvature; thence run southeasterly along the arc of said curve to the right of radius 620.00 feet (chord bearing S 10° 14' 40" E) (chord 591.68 feet) (delta 57° 00' 00") for 616.80 feet; thence run S 18° 15' 20" W for 317.84 feet; thence run N 81° 30' 10" W departing said bulkhead line for 83.31 feet to an intersection with the easterly curved ling of a roadway and utility easement (75 feet wide) as described in deed recorded in Official Records Book 1846 at Page 807, Lee County Public Records; thence run the following courses and distances along said easterly road easement: northwesterly along said curve to the left of radius 575.00 feet (chord bearing N 14° 12' 51" W) (chord 156.62 feet) (delta 15° 39' 18") for 157.11 feet to a point of tangency; thence run N 22° 02' 30" W for 202.98 feet to a point of curvature; thence run northwesterly along the arc of said curve to the right of radius 215.00 feet (chord bearing N 04° 02' 30" W) (chord 132.88 feet) (delta 36° 00' 00") for 135.09 feet to a point of reverse curvature; thence run northwesterly along the arc of said curve to the left of radius 685.00 feet (chord bearing N 09° 45' 00" W) (chord 550.85 feet) (delta 47° 25' 00") for 566.89 feet to a point of reverse curvature; thence run northwesterly along the arc of said curve to the right of radius 790.00 feet (chord bearing N 26° 31' 45" W) (chord 190.61 feet) (delta 13° 51' 30") for 191.08 feet to a point of reverse curvature; thence run northwesterly along the arc of said curve to the left of radius 385.00 feet (chord bearing N 31° 21' 00" W) (chord 156.80 feet) (delta 23° 30' 00") for 157.91 feet to a point of reverse curvature; thence run northwesterly along the arc of said curve to the right of radius 335.00 feet (chord bearing N 36° 34' 02" W) (chord 76.23 feet) (delta 13° 03' 56") for 76.39 feet to the end of said curve and an intersection with the south line of the lands as recorded in Deed Book 209 at Page 71, Public Records of Lee County, Florida; thence run S 89° 24' 29" W along said line for 28.40 feet to the Point of Beginning.

Parcel contains 9.3 acres, more or less.

SUBJECT TO easements, restrictions and reservations of record.

Bearings hereinabove mentioned are based on south line of lands described in deed recorded in Deed Book 209 at Page 71, Lee County Public Records to bear N 89° 27' 00" E.

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20033899 Parquel GO 22604na.

COMMUNITY DEVELOPMENT

Michael W. Norman (For The Firm J.

Professional Surveyor and Mapper

Florida Certificate No. 4500
Applicant's Legal Checked

(3) July 22, 2004

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EXHIBIT "A" (Page 8 of 22)



February 26, 2004

DESCRIPTION

PARCEL "D"

PLANTATION DEVELOPMENT LIMITED AT SOUTH SEAS PLANTATION SECTION 22, TOWNSHIP 45 SOUTH, RANGE 21 EAST CAPTIVA ISLAND, LEE COUNTY, FLORIDA

A tract or parcel of land lying in Government Lot 3 and Government Lot 5, Section 22, Township 45 South, Range 21 East, Captiva Island, Lee County, Florida which tract or parcel is described as follows:

From an intersection of the south line of the lands described in deed recorded Official Record Book 209 at Page 71, Lee County Records with the curved westerly line of a Roadway Easement (South Seas Plantation) (50 Feet Wide) as described in Amended Grant of Easement recorded in Official Record Book 1806 at Page 3868, Lee County Records also being the northeasterly corner of South Seas Plantation Beach homesites as recorded in Plat Book 29 at Page 105, Public Records of Lee County, Florida run S 89° 27' 00" W along said south line and north line of said beach homesites for 138.71 feet; thence run N 07° 02' 29" E departing said line for 141.89 feet; thence run N 08° 52' 16" W for 218.60 feet to an intersection with the southerly curved line of said Roadway Easement; thence run the following courses and distances along said Roadway Easement southeasterly along the arc of said curve to the left of radius 131.00 feet (chord bearing S 79° 36' 43" E) (chord 29.15 feet) (delta 12° 46' 34") for 29.21 feet to a point of reverse curvature; thence run southeasterly along arc of said curve to the right of radius 113.00 feet (chord bearing S 42° 30" 00" E) (chord 155.57 feet) (delta 87° 00' 00") for 171.58 feet to a point of tangency; thence run S 01° 00' 00" W for 122.00 feet to a point of curvature; thence run southeasterly along arc of said curve to the left of radius 265.00 feet (chord bearing S 11° 38' 02" E) (chord 115.92 feet) (delta 25° 16' 05") for 116.86 feet to the Point of Beginning.

Parcel contains 0.9 acres, more or less.

SUBJECT TO easements, restriction and reservations of record.

Bearings hereinabove mentioned are based on the north line of South Seas Plantation Beach Homesites as recorded in Plat Book 29 at Page 109, Public Records of Lee County, Florida also being the south line of the lands described in deed recorded in Deed Book 209 at Page 71, Public Records of Lee County, Florida wherein said line bears S 89° 27' 00' W.

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COMMUNITY DEVELOPMENT

20033899 Description Parcel D 042604

by 12 July 22, 2004

Michael W Norman (for The Firm)

Professional Land Surveyor Florida Certificate No. 4500

DCI 2004-00036

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EXHIBIT "A" (Page 9 of 22)



February 26, 2004

DESCRIPTION

PARCEL "E"

PLANTATION DEVELOPMENT LIMITED AT SOUTH SEAS RESORT SECTION 22, TOWNSHIP 45 SOUTH, RANGE 21 EAST CAPTIVA ISLAND, LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 22, Township 45 South, Range 21 East, Captiva Island, Lee County, Florida, which tract or parcel is described as follows:

From the easterlymost corner of Plantation Beach Club I, a condominium as shown on Surveyor's Plat, Exhibit "B" to Condominium Declaration recorded in Official Record Book 1188 at page 480, Public Records of Lee County, Florida, run northwesterly and northerly along the easterly line of said condominium and west line of a roadway easement (50 foot wide) as described in amended grant of the easement recorded in Official Record Book 1806 at page 3868, Lee County, Florida, Public Records along the arc of a curve to the right of radius 131.00 feet (delta 28° 36' 51") (chord bearing N 24° 54' 11" W) (chord 64.75 feet) for 65.42 feet to a point of tangency; thence run N 10° 35' 45" W for 40.24 feet; thence run N 59° 49' 11" E 53.07 feet to the easterly side of said roadway easement and the Point of Beginning.

From said Point of Beginning run N 10° 35' 45" W along the easterly line of said roadway easement for 177.02 feet to an intersection with the easterly prolongation of the north line of said Plantation Beach Club One; thence run S 89° 26' 57" W along said prolongation and along the north line of a roadway and utility easement (50 foot wide) for 10.22 feet to an intersection with the westerly line of a roadway and utility easement (30 feet wide); thence run N 09° 02' 37" W along said easterly line for 14.89 feet to the southwesterly corner of the southwesterly tennis court side as described in deed recorded in Official Record Book 1531 at page 1424, Public Records of Lee County, Florida; thence run along the southerly and easterly lines of said site as described in said deed N 81° 35' 41" E for 56.30 feet; N 08° 24' 19" W for 74.80 feet; thence run along the southerly and easterly lines of a tennis court site as described deed recorded in Official Record Book 1531 at page 1421 of said public records; N 81° 35' 41" E for 57.76 feet; N 08° 24' 19" W for 120.14 feet; thence run N 81° 35' 41" E for 10.24 feet; thence run S 02° 54' 19" E for 16.00 feet; thence run N 87° 05' 41" E for 61 feet, more or less, to an intersection with the Mean High Water Line of Bryant Bayou; thence run southerly and southwesterly meandering said Mean High Water Line for 427 feet, more or less, to an intersection with a line bearing N 59° 49' 11" E and passing through the Point of Beginning; thence run S 59° 49' 11" W along said line for 16 feet, more or less, to the Point of Beginning.

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Parcel contains 0.8 acres, more or less.

SUBJECT TO easements, restrictions and reservations of record.

Bearings hereinabove mentioned are based on west line of a 50 foot roadway easement as described in deed recorded in Official Record Book 1806 at page 3868, Public Records of Lee County, Florida, wherein the said west roadway easement line bears N 10° 35' 45" W.

Applicant's Legal Checked

by - (2) July 22, 2004;

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

Professional Surveyor and Mapper

Florida Certificate No. 4500

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COMMUNITY DEVELOPMENT

20033899 Parcel E 022604

OCI 2004-00036

EXHIBIT "A" (Page 11 of 22)

NOTES:

- THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
 POCE POINT OF COMMENCEMENT.
 POB = POINT OF BEGINNING
 DESC. = DESCRIPTION
 DESC. = DESCRIPTION
 CL. = GOVERNMENT LOT
 TOP OFFICIAL PECAPORS BOOK

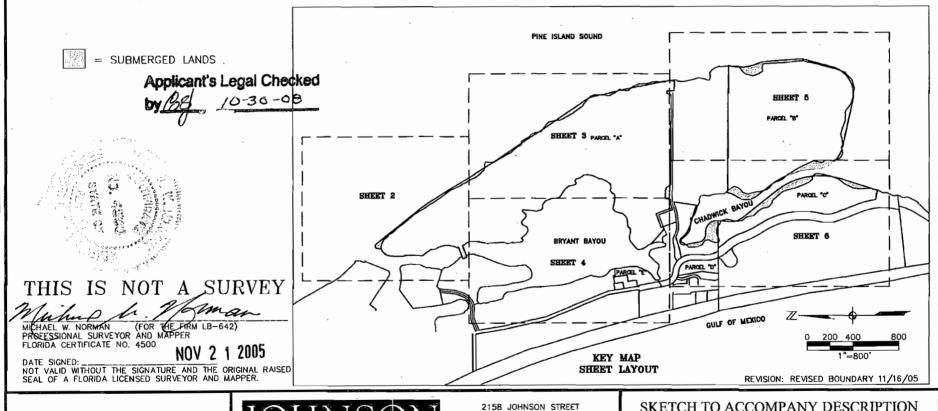
- OR = OFFICIAL RECORDS BOOK
- PG = PAGE THE = TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND 10. THE FEMA FLOOD ZONE AS SHOWN WERE TRANSFERRED BY SCALE
- FROM FIRM COMMUNITY PANEL 125124 0262 D. EFFECTIVE DATE 5/5/2003. 11. ELEVATIONS SHOWN HEREON ARE IN FEET ABOVE NATIONAL
- GEODETIC VERTICAL DATUM, 1929, BASED ON A LEVEL LOOP FROM USC & GS BENCH MARK NO. E-260. PUBLISHED ELEVATION= 4.964'.
- 12. THE MEAN HIGH WATER ELEVATION LOCATED HEREON (EL. 1.23') (NGVD 1929) IS BASED ON APPROVAL BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) BUREAU OF SURVEY AND MAPPING TO EXTEND ESTABLISHED TIDAL DATUM OF REDFISH PASS, CAPTIVA ISLAND 872 5441, IN ACCORDANCE WITH CHAPTER 177, PART II, FLORIDA STATUTES.

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ZONING

PARCEL	AREA (IN ACRES)	AREA OF SUBMERGED LANDS (IN ACRES)
A	±42.5	±0.7
В	±24.5	±1.6
С	±9.3	±1.6
D	±0.9	
E	±0.8	



PLANTATION DEVELOPMENT LTD

SECTION 22, 26, & 27, TOWNSHIP 45 S, RANGE 21 I CAPTIVA ISLAND, LEE COUNTY, FLORIDA

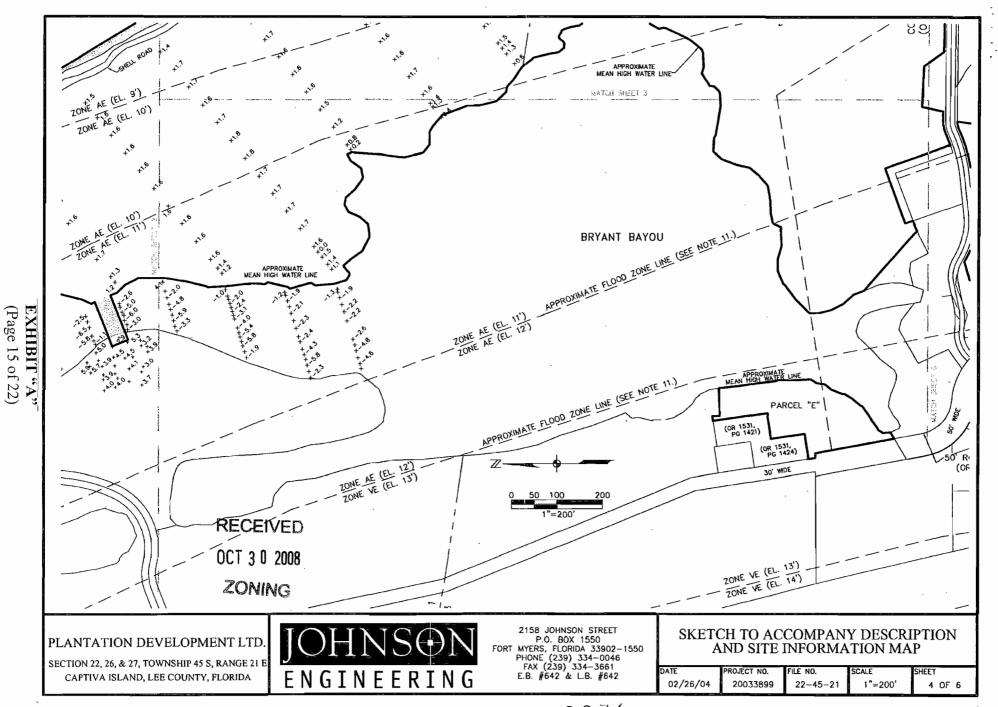
ENGINEERING

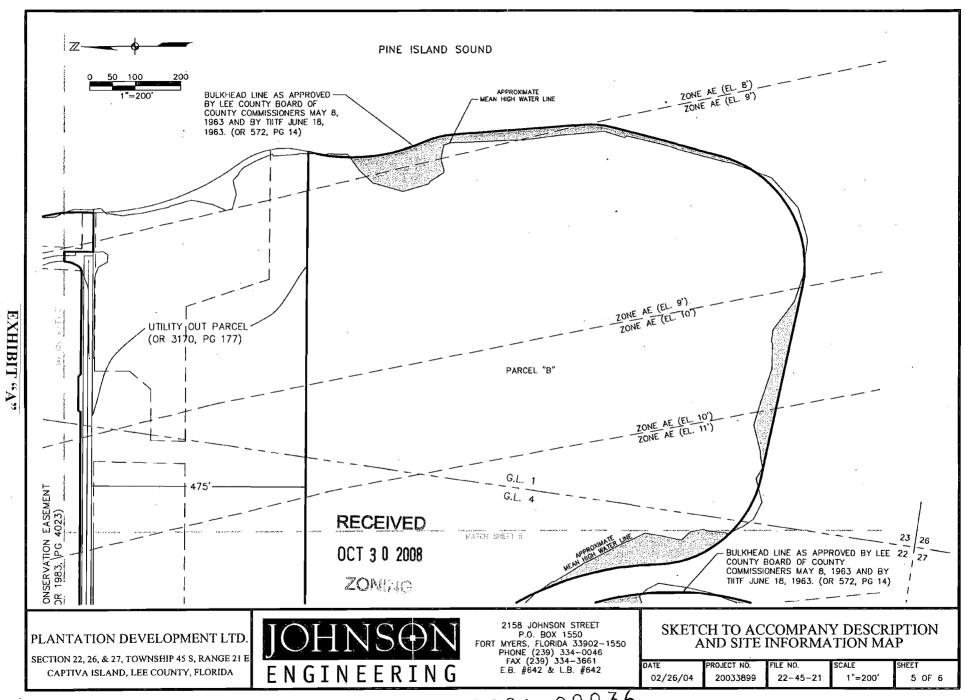
P.O. BOX 1550 MYERS, FLORIDA 33902-1550 PHONE (239) 334-0046 FAX (239) 334-3661 E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION AND SITE INFORMATION MAP

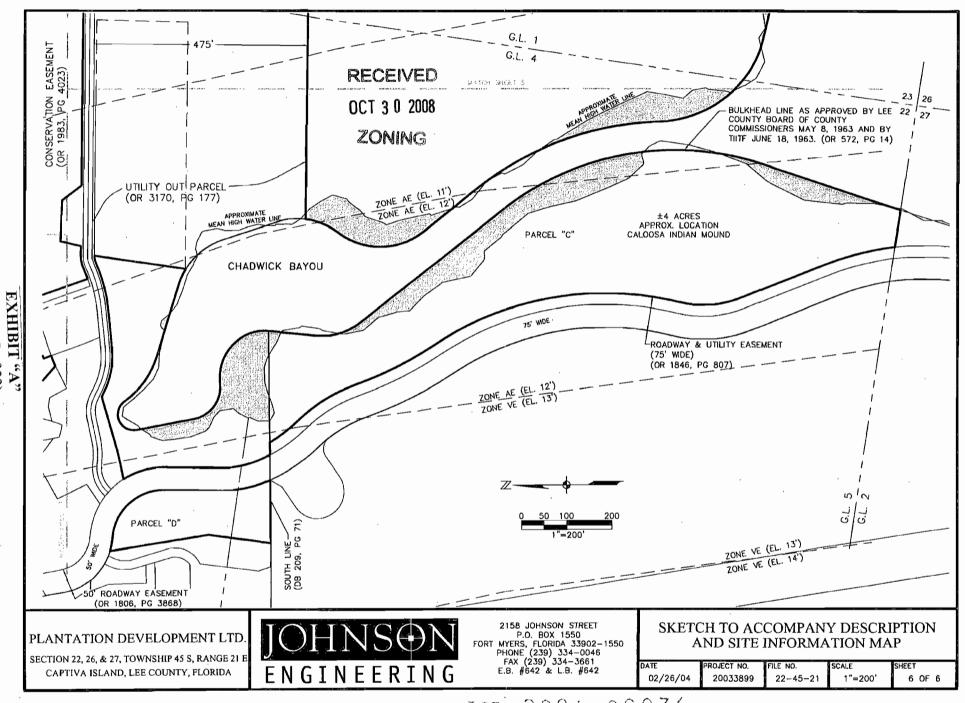
ATE	PROJECT NO.	FILE NO.	SCALE	SHÉET
02/26/04	20033899	22-45-21	1"=800'	1 OF 6
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(Page 14 of 22)

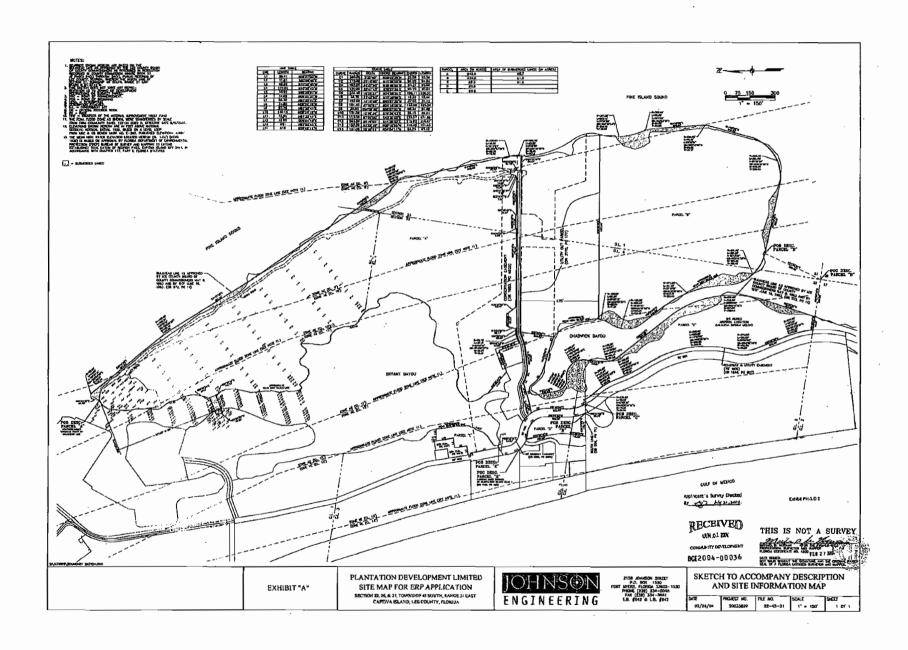




(Page 16 of 22)



(Page 17 of 22)





January 20, 2006

DESCRIPTION

HARBOUR POINTE 30'/40' ACCESS DRIVE, BRIDGE & UTILITY EASEMENT SECTION 22, TOWNSHIP 45 SOUTH, RANGE 21 EAST CAPTIVA ISLAND, LEE COUNTY, FLORIDA

A strip of land lying in Section 22, Township 45 South, Range 21 East, Captiva Island, Lee County, Florida, which tract or parcel is described as follows:

Commencing at the northwest corner of Harbourview Villas at South Seas Resort as recorded in Condominium Plat Book 34, Page 97, Public Records of Lee County, Florida run N 14° 04' 15" W for 28.14 feet to the southeast corner of a 20-foot roadway easement as recorded in Official Records Book 1848, Page 1816, Public Records of Lee County, Florida, and the Point of Beginning.

From said Point of Beginning run N 09° 15' 16" W along the easterly line of said casement for 30.01 feet; thence run N 79° 35' 37" E departing said easement for 93.08 feet to a point of curvature; thence run southeast along said curve to the right of radius 180.00 feet (delta 24° 33' 59") (chord bearing S 88° 07' 24" E) (chord 76.59 feet) for 77.18 feet to a point of reverse curvature; thence run northeast along said curve to the left of radius 123.00 feet (delta 56° 33' 22") (chord bearing N 75° 52' 55" E) (chord 116.54 feet) for 121.41 feet to a point of reverse curvature; thence run northeast along said curve to the right of radius 70.00 feet (delta 49° 06' 13") (chord bearing N 72° 09' 20" E) (chord 58.17 feet) for 59.99 feet to a point of tangency; thence run \$ 83° 17' 33" E for 15.26 feet to a point of curvature; thence run southeast along said curve to the right of radius 164.00 feet (delta 11° 01' 51") (chord bearing \$ 77° 46' 38" E) (chord 31.53 feet) for 31.57 feet to a point of tangency; thence run S 72° 15' 42" E for 47.56 feet to a point of curvature; thence run southeast along said curve to the left of radius 110.00 feet (delta 32° 23' 05") (chord bearing S 88° 27' 15" E) (chord 61.35 feet) for 62.17 feet to a point of tangency; thence run N 75° 21' 13" E for 87.72 feet to a point of curvature; thence run northeast along said curve to the left of radius 280.00 feet (delta 07° 14' 35") (chord bearing N 71° 43' 55" F.) (chord 35.37 feet) for 35.40 feet to a point designated "A" and a point of tangency, thence run N 68° 06' 38" E along said parallel line for 144 feet, more or less, to an intersection with the Mean High Water Line along the easterly shore of said Bryant Bayou; thence run southerly meandering said Mean High Water Line for 40 feet, more or less to an intersection with a line that is 40 feet south of (as measured on a perpendicular) and parallel with the aforesaid mentioned course; thence run \$ 68° 06' 38" W for 144 feet, more or less, to a point of curvature and a line that bears \$ 21° 53' 22" E from said point designated "A"; thence run southwest along said curve to the right of radius 320.00 feet (delta 07° 14' 35") (chord bearing S 71° 43' 55" W) (chord 40.43 feet) for 40.45 feet to a point of

SCHEDULE A

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Applicant's Legal Checked by 851 8-7-08

tangency; thence run S 75° 21' 13" W for \$7.72 feet to a point of curvature; thence run northwest along said curve to the right of radius 150.00 feet (deltu 32° 23' 05") (chord bearing N 88° 27' 15" W) (chord 83.66 feet) for 84.78 feet to a point of tangency; thence run N 72° 15' 42" W for 47.56 feet to a point of curvature; thence run northwest along said curve to the left of radius 124.00 feet (delta 11° 01' 51") (chord bearing N 77° 46' 38" W) (chord 23.84 feet) for 23.87 feet to a point of tangency; thence run N 83° 17' 33" W for 24.56 feet to a point of curvature; thence run southwest along said curve to the left of radius 40.00 feet (delta 45° 02' 55") (chord bearing S 74° 10' 59" W) (chord 30.65 feet) for 31.45 feet to a point of reverse curvature; thence run southwest along said curve to the right of radius 153.00 feet (delta 52° 30' 04") (chord bearing S 77° 54' 34" W) (chord 135.34 feet) for 140.20 feet to a point of reverse curvature; thence run northwest along said curve to the left of radius 150,00 feet (delta 24° 33' 59") (chord bearing N 88° 07' 24" W) (chord 63.82 feet) for 64.31 feet to a point of tangency; thence run S 79° 35' 37" W for 93.69 feet to the Point of Beginning. Parcel contains 27,991 square feet (0.64 acres), more or less. SUBJECT TO easements, restrictions and reservations of record.

Bearings hereinabove mentioned are based on the Condominium Plat of Harbourview Villas at South Seas Resort, Condominium Plat Book 34, Page 97, Public Records of Lee County, Florida, wherein the westerly line bears N 08° 55' 49° W.

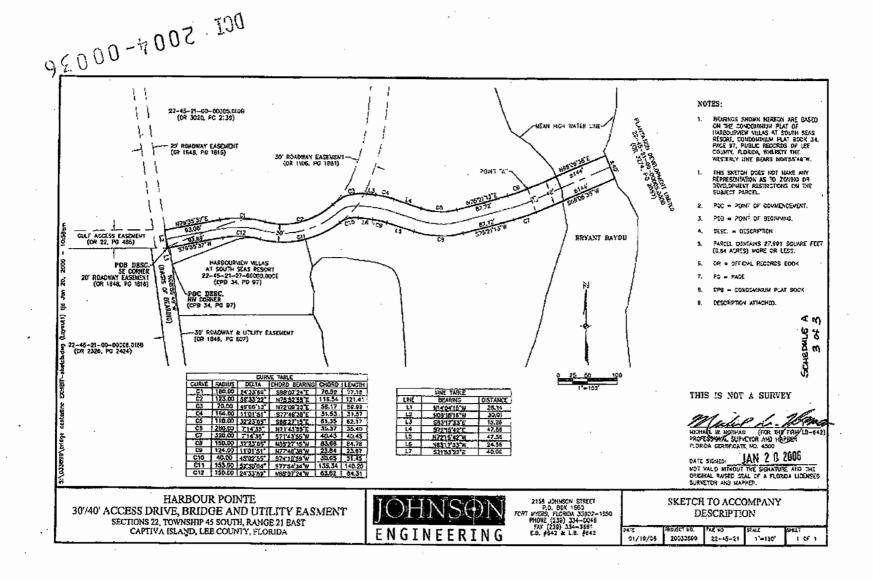
Michael W. Norman (for The Firm 148 642)

Professional Land Surveyor Florida Certificate No. 4500

20033899 -- 01-20-06 -- 307/40° Access Drive, Bridge & Utility Easement

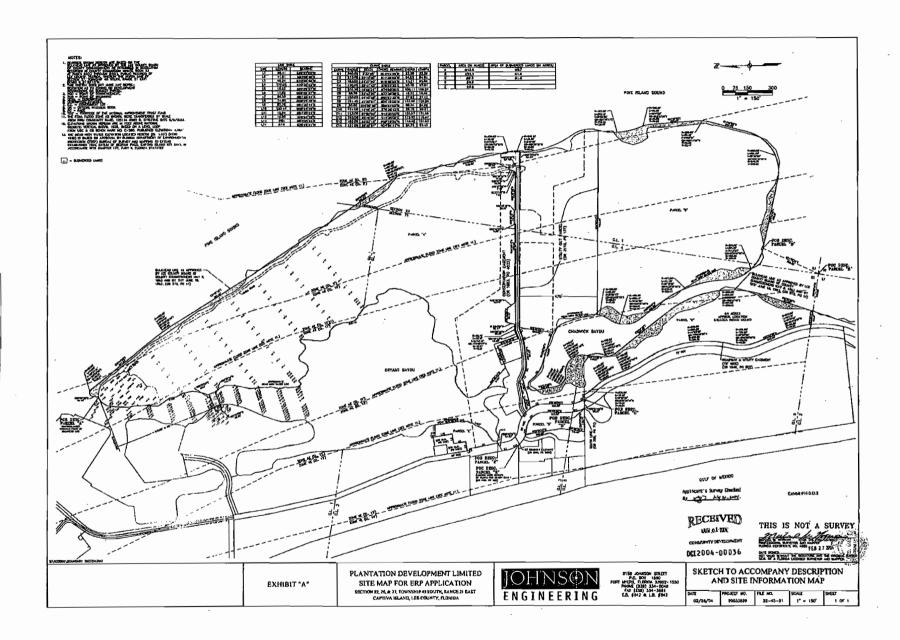
Schedule A

DCI 4-4-00036



Applicant's Legal Checked by CSJ 8-7-68

DCT 2004-00036 extranse road



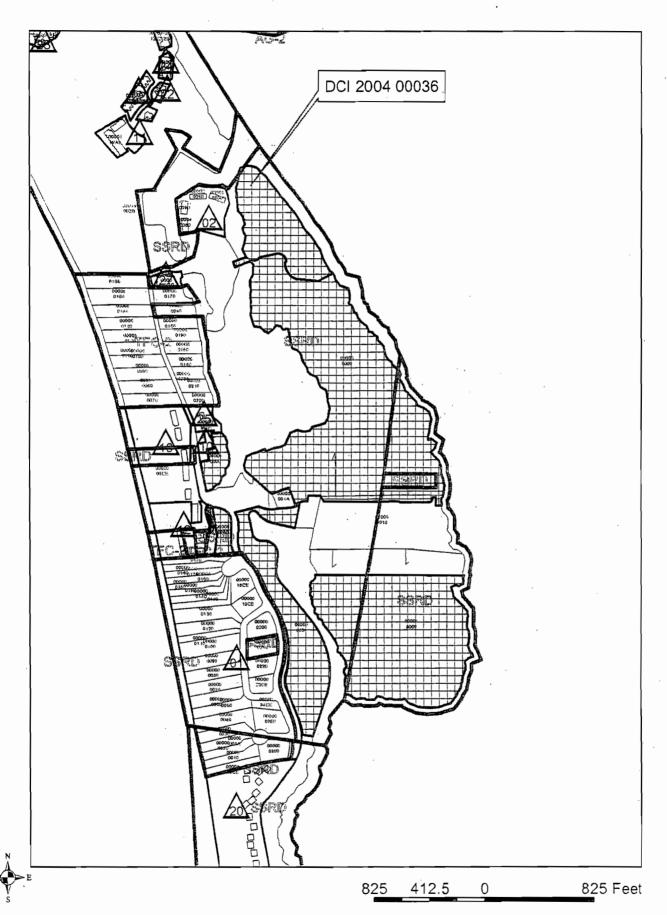


EXHIBIT "B"

ADMINISTRATIVE INTERPRETATION-2002-00098

ADMINISTRATIVE INTERPRETATION LEE COUNTY, FLORIDA

SOUTH SEAS RESORT DEVELOPMENT STATUS

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

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

See attached Exhibit "A"

Zoning District for South Seas Resort

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

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

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

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

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

ADMINISTRATIVE INTERPRETATION-2002-00098
Page 1 of 16

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

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

WHEREAS, the 1978 Zoning Ordinance defined a PUD as:

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

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

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

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

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

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

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

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

See attached Exhibits "B" and "C"

South Seas Resort Master Development Plan (SSRMDP) Amendment Procedure

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

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

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

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

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

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

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

Bayside Villas Lock-off Units

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

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

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

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

WHEREAS, the developers and operators of South Seas Resort have voluntarily agreed through a Compliance Agreement with the Director to amortize the use of the units at Bayside Villas as lock-off accommodations in a manner acceptable to Lee County; 1 and

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

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

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

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

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

See attached Exhibit "D"

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

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

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

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

² See Resolution DSO 84-1, County Commission Minutes Book 141 pp 34-35

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

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

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

SSRMDP were designated *Resort Services Facilities*, see Sheet 1 of 16, and a Paving, Grading, Drainage, and Utility Plan provided for a Proposed Addition to Sewage Treatment Plant. See Sheet 8 of 16.

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

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

<u>Are</u>	a Name	Number of Units
1.	Bayside Villas	102
2	Tennis Villas	60
3.	Employee Housing	140
4.	Beach Villas	160
5.	Beach Cottages	26
6.	Beach Homes	. 33
7.	Beach Homesites	26⁵
8.	Sandrift (aka Plantation Beach Villas)	4
9.	Plantation Beach Club	48
10.	Plantation Bay Villas	4
11.	Marina Villas	40
12.	Harbourside Villas	107
13.	The South Seas Club	24
14.	Cottages at South Seas Plantation	14
15.	Plantation House Phase I	12
16.	Seabreeze (aka Plantation House Phase II)	8

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

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

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

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

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

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

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

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

⁷ <u>Id.</u>

⁸ <u>Id.</u>

- 2. The existing commercial development within a 5 acre area the perimeter boundaries of which are described in attached Exhibit "D" is approved.
- 3. The existing Marine Commercial development within the two areas, the perimeter boundaries of which are described in attached Exhibits "B" and "C" is approved.
- **4.** Except as specifically conditioned herein, the following development standards applicable to the SSRD, based on standards that have been applied since its inception in 1973 are approved:
 - a. Open space: Of the 304± acres⁹ that make up the SSRD, approximately one third is set aside as open space (this 100+ acres includes now privately owned uplands, wetlands, and submerged lands). Additionally there is an allocation of open space for those lands seaward of the coastal construction control line, currently in excess of 15 acres. The South Seas Golf Course and other recreational lands supplement the beachfront and preservation land categories such that a minimum of 50% (approximately 152 acres) of the overall property is allocated to Open Space. Therefore, no minimum amount of Open Space is required per individual parcel.
 - b. <u>Landscape</u>: Emphasis will be placed on the use of native species. Canopy trees for shading and trees and/or shrubs for the screening of service areas or for privacy will be used to the extent possible. The final plant selection and placement shall be at the discretion of the owner working in concert with County staff. The use of invasive exotics is prohibited.
 - c. <u>Buffers:</u> There will be a natural (mostly mangrove) shoreline buffer along the bay waters of the SSRD. Specifically, that natural buffer shall be a minimum of 35' wide (except to the extent that the existing South Seas Road or Bay Drive (leading to Harbour Pointe) may currently encroach into and therefore reduce that 35' buffer). Where it is within or proximate to approved development areas, the natural buffer may be subject to a number of existing small openings as necessary for helicopter, vehicular, boat, pedestrian, and/or utility access, and trimming in accordance with State Standards for Mangrove Trimming where permitted. There is no buffer required along the bay waters extending from the southeasterly tip of the Harbour Pointe site continuing across the marina entrance channel and along the bay waters to Redfish Pass. There shall be no

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

required minimum buffer between residential parcels internal to the development.

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

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

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

-minimum 25' setback from mean high tide line

Building to Waters of Gulf of Mexico

-minimum 50' from mean high tide line

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

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

Building to Building Separation

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

Accessory Structures including Fences and Walls

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

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

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

General

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

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

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

Residential

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

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

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

Commercial

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

-Activities/facilities within the designated five (5) acre Commercial Area at the south end of the property, except for conference facilities, shall be required to provide a minimum of 1 parking space per 1000 square feet of retail, restaurant/lounge or commercial use (excluding kitchens and other back of house areas and service facilities).

h. Construction Standards (other than for buildings):

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

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

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

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

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

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

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

DULY SIGNED this 30th day of July, A.D., 2002

Mary Gibbs, Director

Department of Community Development

Timothy Jones

Assistant County Attorney

APPROVED AS TO FORM BY:

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

PARCEL 1: Hunt

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

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

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

PARCEL 2: Kincaid

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

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

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

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

PARCEL 3: Captiva Island Company

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

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

ALSO excepting therefrom the following described parcel:

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

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

ALSO excepting therefrom the following described parcel:

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

NOTE: shore shown on original as short

ALSO excepting therefrom the following described parcel:

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

ALSO:

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

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

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

ALSO:

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

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

ALSO:

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

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

South 89° 27' West along said line for 182 feet, more or less, to the point of beginning.

ALSO:

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

ALSO:

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

ALSO:

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

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

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

ALSO:

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

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

ALSO:

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

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

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

NOTE:

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

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

ALSO:

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

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

ALSO:

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

PARCEL 4: Watts

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

PARCEL 5: Holtz

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

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

PARCEL 6: Jay

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

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

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

ALSO:

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

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

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

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

NOTE: coconut shown on original as cocoanut

ADD2002-00098 EXHIBIT "B"

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

BEGINNING AT THE SOUTHWESTERLYMOST CORNER OF THE MARINA AS DESCRIBED IN OFFICIAL RECORDS BOOK 1106 AT PAGE 1881:

THENCE RUN N09°15'52"W FOR 119.38 FEET:

THENCE RUN N06°15'44"W FOR 145.32 FEET;

THENCE RUN N54°13'14"E FOR 207.47 FEET:

THENCE RUN N77°48'24"E FOR 5.49 FEET;

THENCE RUN S77°35'33"E FOR 56.50 FEET TO A POINT OF CURVATURE;

THENCE RUN ALONG A CURVE TO THE LEFT WITH A RADIUS OF 154.76 FEET (CHORD BEARING S84°44'14"E) (CHORD 38.50 FEET) FOR 38.60 FEET TO A POINT OF TANGENCY:

THENCE RUN N88°07'04"E FOR 32.10 FEET TO A POINT OF CURVATURE;

THENCE RUN ALONG A CURVE TO THE LEFT WITH A RADIUS OF 135.00 FEET (CHORD BEARING N79°13'07"E) (CHORD 41.77 FEET) FOR 41.94 FEET TO A POINT OF REVERSE CURVATURE;

THENCE RUN ALONG A CURVE TO THE RIGHT OF RADIUS 30.00 FEET (CHORD BEARING S59°25'32"E) (CHORD 46.13 FEET) FOR 52.63 FEET TO A POINT OF NON-TANGENCY:

THENCE RUN N32°48'09"E FOR 277.42 FEET;

THENCE RUN N49°14'36"W FOR 169.28 FEET;

THENCE RUN S22°25'15"W FOR 231.04 FEET;

THENCE RUN N56°42'51"W FOR 325.76 FEET;

THENCE RUN N33°17'09"E FOR 98.67 FEET;

THENCE RUN N56°42'51"W FOR 72.50 FEET;

THENCE RUN N81°38'32"W FOR 116.25 FEET;

THENCE RUN \$30°39'13"W FOR 8.18 FEET;

THENCE RUN S28°07'41"E FOR 165.27 FEET;

THENCE RUN S28°50'23"W FOR 346.97 FEET:

THENCE RUN S84°44'03"W FOR 127.34 FEET;

THENCE RUN S09°15'16"E AND ALONG THE WESTERLY LINE OF A 20-FOOT-WIDE ROADWAY EASEMENT FOR 625.62 FEET:

THENCE RUN N69° 14'11"E ALONG A 30-FOOT-WIDE ROADWAY EASEMENT FOR 105.94 FEET TO A POINTOF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT OF RADIUS 110.87 FEET (CHORD BEARING N86°27'41"E) (CHORD 65.66 FEET) FOR 66.66 FEET TO A POINT OF REVERSE CURVATURE;

THENCE RUN ALONG A CURVE TO THE LEFT OF RADIUS 123.00 FEET (CHORD BEARING N63°41'11"E) (CHORD 158.13 FEET) FOR 171.74 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE CONTINUING ALONG A CURVE TO THE LEFT OF RADIUS 349.28 FEET (CHORD BEARING N14°33'22"E)(CHORD 110.85 FEET) FOR 111.32 FEET TO A POINT OF TANGENCY:

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

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

CONTAINING 7.82 ACRES MORE OR LESS.

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

ADD2002-00098 EXHIBIT "C"

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

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

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

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

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

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

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

THENCE RUN N05°30'41"W FOR 160.00 FEET;

THENCE RUN WEST FOR 75.00 FEET:

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

THENCE RUN S50°17'17"E FOR 36.46 FEET:

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

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

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

THENCE RUN \$75°02'00"W FOR 306.09 FEET;

THENCE RUN S69°35'26"W FOR 40.18 FEET;

THENCE RUN \$75°06'36"W FOR 57.43 FEET;

THENCE RUN S84°23'43"W FOR 53.52 FEET;

THENCE RUN N81°18'46"W FOR 5.92 FEET;

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

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

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

CONTAINING 2.98 ACRES MORE OR LESS.

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



January 12, 2001

DECRIPTION

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

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

Parcel 1

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

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

Parcel 2

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

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

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

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

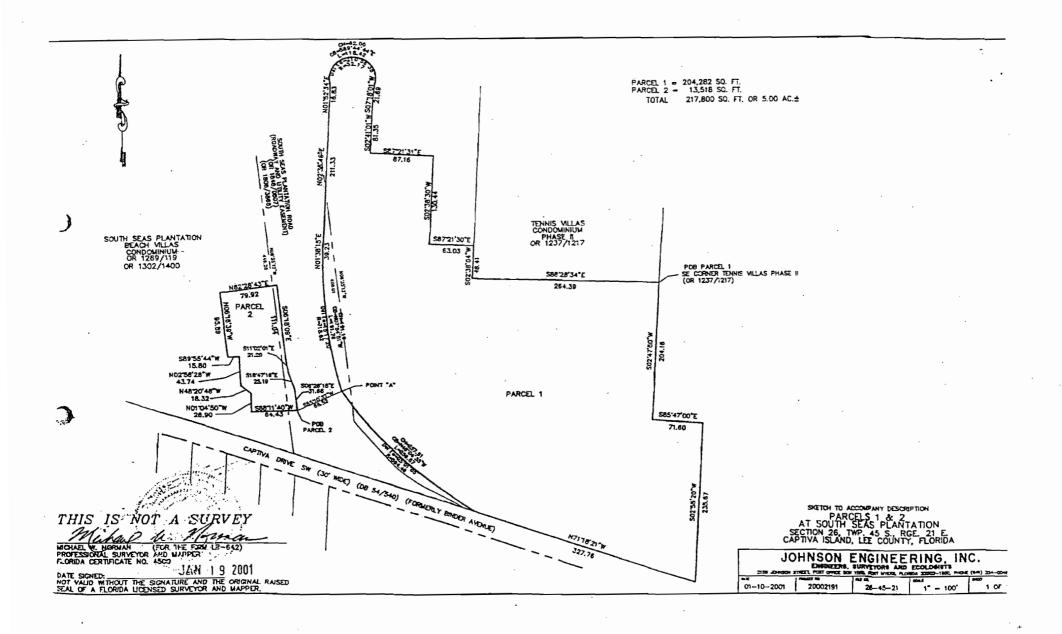
SUBJECT TO easements restrictions and reservations of record.

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

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

Professional Surveyor and Mapper Florida Certificate No. 4500

20002191\Parcels 1&2-011201



HEMORANDUH

PROH

THE OFFICE OF THE

COUNTY ATTORNEY

LAND USE

DATE: 11/Jun/199

TO: Rick Joyce

Environmental Sciences

FROM:

Donna Marie Collins

Assistant County Attorney

RE: Mariner Properties, Inc. South Seas Plantation

LU--1074

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

Mariner received Haster Plan approval for the South Seas Plantation project sometime in 1973. The Plan has been updated several times since then. When Mariner updated their Master Plan on May 16, 1985, the Plan specifically referenced a "service road" which would provide emergency access to the Harbour Pointe location. The project received a DSO Exemption on June 27, 1985. (E ... | 6-39-85) ... The basis for the Exemption was Hariner's - F-0015site plan approval within six months of December 21, 1984. At the time Mariner received the DSO Exemption there was no time limitation on the duration of such exemptions. The Plan was once again updated in February, 1987. Those documents also refer to a "service road" designed to provide access for emergency vehicles the Harbour Pointe site. Insofar as the service road to Harbour Pointe was originally planned for the purposes of providing emergency access to the site, it is the opinion of this Office that Mariner's efforts to construct or improve the road consistent with this purpose should be exempt from the local permitting requirements of the Wetland Protection Ordinance, the Hangrove Ordinance, and the Tree Protection Ordinance.

Rick Joyce June 11, 1992 Page 2 of 2

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

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

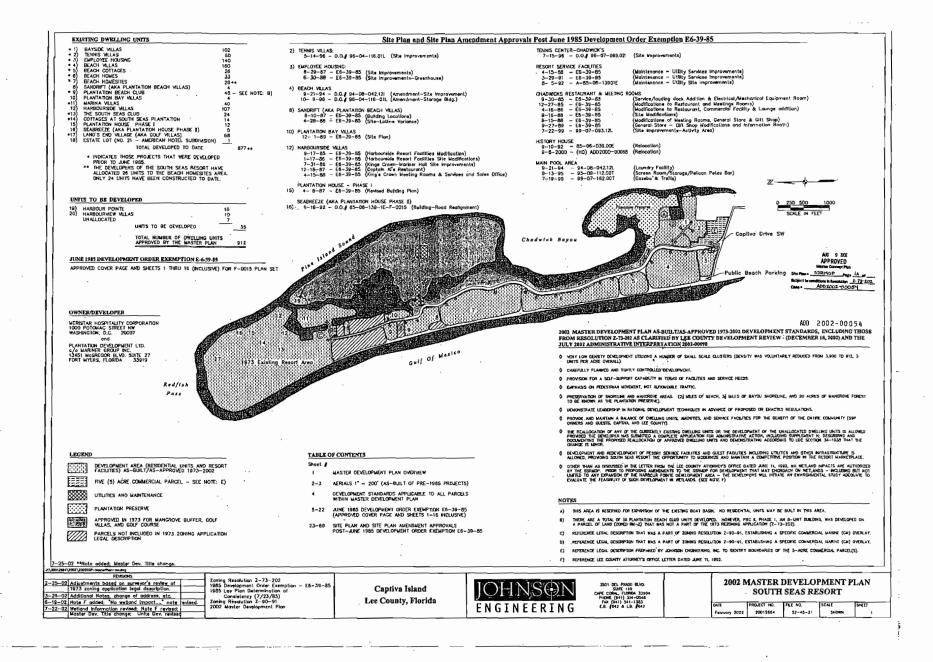
For the foregoing reasons, the Official Notification of Code Violation issued on March 4, 1992 may be withdrawn. Although there is evidence that Mariner proposed that the service road would be 15 feet in width, the road has been repeatedly referred to as an "emergency access" road. Therefore the road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

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

DMC/cpb

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

(3919M)



JOHNSON ENGINEERING, INC.

FORT MYERS NAPLES PORT CHARLOTTE

2158 JOHNSON STREET TELEPHONE 1941) 334-0046 TELECOPIER 1941) 334-3661 POST OFFICE BOX 1550 FORT MYERS. FLORIDA 33902-1550

> CARL E. JOHNSON 1911-1968

ENGINEERS, SURVEYORS AND ECOLOGISTS

July 3, 1996

DESCRIPTION SOUTH SEAS PLANTATION ENTRANCE SITE IMPROVEMENT AREA SECTION 26, T. 45 S., R. 21 E.

CAPTIVA ISLAND, LEE COUNTY, FLORIDA

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

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

Containing 5.27 acres, more or less.

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

CHAIRMAN ARCHIE T. GRANT, JR.

PRESIDENT FORREST H. BANKS

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

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

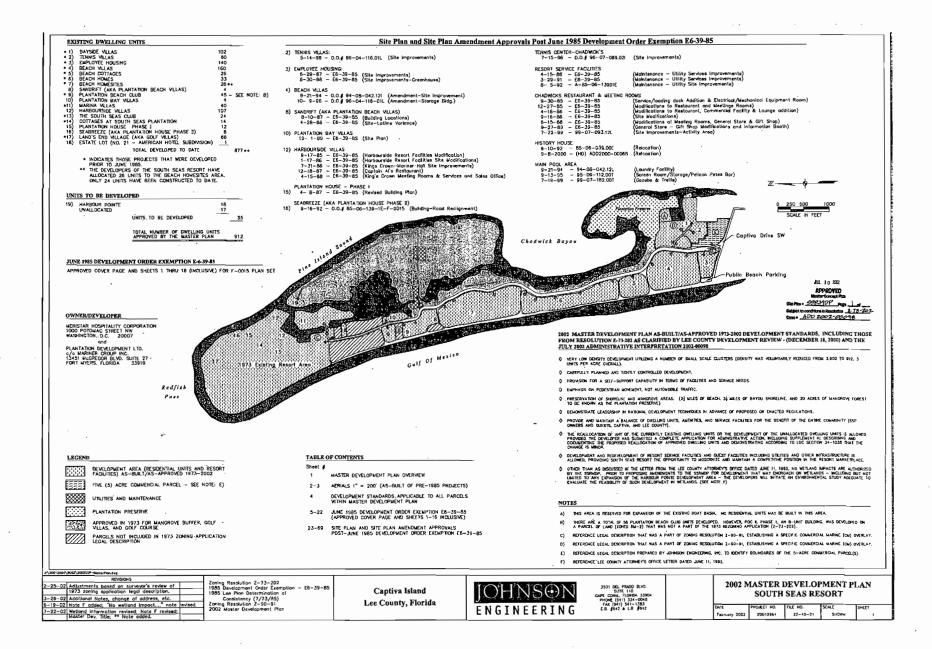
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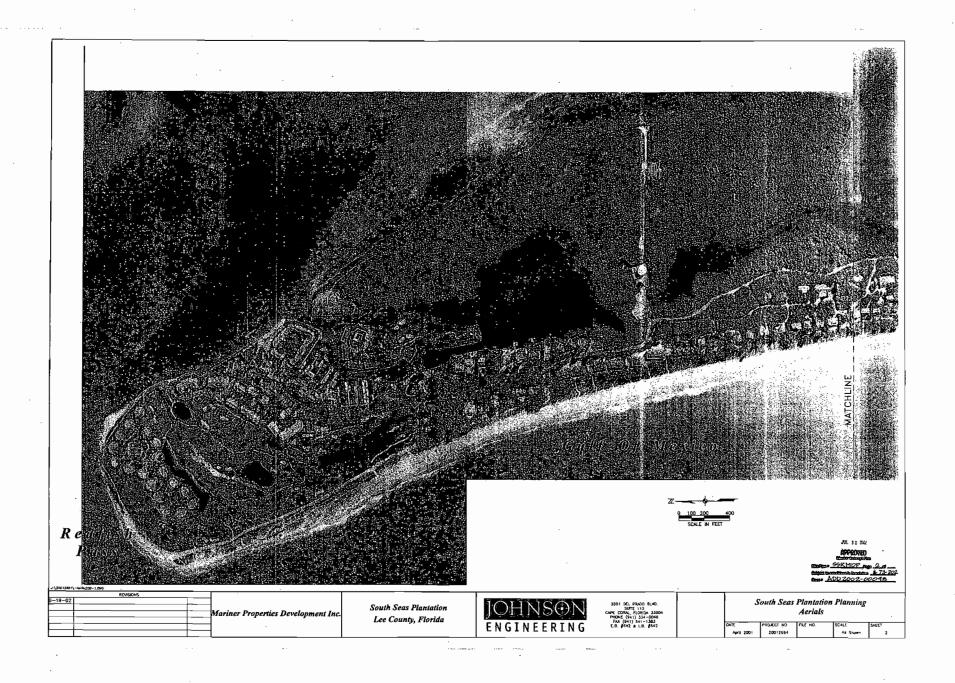
21057

CONSULTANT LESTER L. BULSON W. Britt Pomeroy, Er.

Pomeroy, Ir. (For The Firm)

Professional Land Surveyor Florida Certificate No. 4448







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

- a. Open space: Of the 304± acres that make up the SSRO, approximately one third is set aside as open space, (this 100+ acres includes now privately owned uplands, wetlands, and submerged lands). Additionally there is an allocation of open space for those lands seaward of the coastal construction control line, currently in excess of 15 acres. South Seas Golf Course and other recreational lands supplement the beach front and preservation land cotegories such that a minimum of 152 acres (approximately 50%) of the overall property is allocated to Open Space. Therefore, no minimum omount of Open Space is required for individual parcels.
- b. Landscape: Emphasis will be placed on the use of native species. Canopy trees for shading and trees and/or shrubs for the screening of service oreas or for privacy will be used to the extent possible. The final plant selection and placement shall be at the discretion of the owner working in concert with County stoff. The use of invasive exotics is prohibited:
- c. <u>Buffers:</u> There will be a natural (mostly mongrove) shoreline buffer along the bay waters of the SSRD. Specifically, that natural buffer shall be a minimum of 35° wide (except to the extent that the existing South Seas Road or Boy Drive (leading to harbour Pointe) may currently encreach into and therefore reduce that 35' buffer). Where it is in or proximate to approved development areas, the natural buffer may be subject to a number of existing small openings as necessary for helicopter, vehicular, boat, pedestrian, and/or utility access, and trimming in accordance with State Standards for Mongrove Trimming where permitted. There is no buffer required along the bay waters extending from the southeosterly tip of the Horbour Pointe site continuing across the morine enfrance channel and along the bay waters to Redfish Poss. There shall be no required minimum buffer between residential parcels internal to the development.
- d. Setbacks: Captiva Drive Southwest-minimum 25' to edge of right-ofway. South Seas Rood-minimum 10' to edge at pavement, excluding security buildings, signs, walls and other entrance features, when consistent with LDC afte visibility requirements.

Internal driveways—no minimum setbacks required. Building to External Property Line:

- -minimum 10' with minimum 6' high wall and vegetation buffer, -minimum 15' with minimum 6' high wall or vegetation buffer.
- -minimum 20° without well or vegetation buffer.
 Building to internal Property Line-no minimum eetback required. Building to Bay Waters:

-minimum 25' selback from mean high tide line. Building to Woters at Gulf of Mexico:

-minimum 50' from mean high tide line.
Building to Natural or Monnade Lake, Pond, Bayou, Canal, or Marino:
-no minimum selbeck required for buildings redeveloped within

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

-minimum 10' separation unless odditional separation is required by Building/Fire Cade.

Accessory Structures including Fences and Walls:

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

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

General:

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

Residential: -Single family/duplex will have a minimum of 2 off-street

parking spaces per unit.

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

-Activities/Facilities internal to the resort and used almost exclusively by resort owners and guests (i.e. marina, golf course; fennis, retail, resort gree restaurants, conference facilities, etc.) have no minimum required number of spaces. -Commercial Area at the south end of the property, except for conference facilities, shall be required to provide a minimum

1 parking space per 1000 square feet of retail, restaurant/lounge or commercial use (excluding kitchens and other "bock of the house" areas and service facilities).

h. Construction Standards (other than for buildings):

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

i. Stormwater Management:

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

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

> JUL 30 AXX APPROVED

SORMOP No 4

Captiva Island Lee County, Florida



2002 MASTER DEVELOPMENT PLAN SOUTH SEAS RESORT

_				
DATE	PROJECT NO.	FLE NO.	SCALE	SHEET
March 2002	20012554	22-45-21	SHOWN	1 .

CONSTRUCTION PLANS FOR

SOUTH SEAS PLANTATION

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

INDEX OF CHECT

I.____MASTER PLAN

PLANTATION HOUSE II

3.-4.____HARBOURSIDE III

5.____HARBOUR POINTE IX

L____HEALTH CLUB AND ESTATE RESIDENCE Y

___PLANTATION BEACH VILLAS XI

PLANTATION BAY VILLAS VII

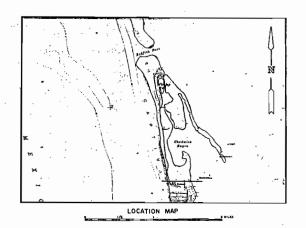
B.____RESORT SERVICE FACILITIES VIII

9.____EMPLOYEE HOUSING / HUMAN RESOURCES IX
EMPLOYEE HOUSING / PHASE FOUR X

ID _____CHADWICK'S COMMERCIAL, RESTAURANT, AND

MEETING ROOMS XI

IL-16. ___DETAILS







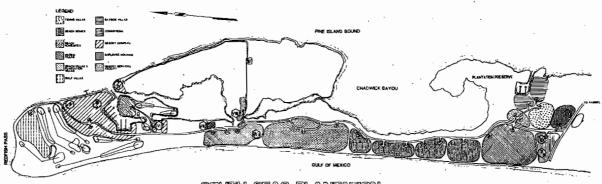
SOUTH SEAS PLANTATION CO.
13987 M*GREGOR BLVD. S.W.
FORT MYERS, FLORIDA, 3390
PHONE [813], 481~2011

CONTACT PERSON:

CT PERSON: COMPAN SERVICE PROPERTY AND PARTY PAVELKA COMPAND INSCRIPTION AND PARTY P

JULY 16, 1885 TENDED: MAY 20, 1985

JOHNSON ENGINEERING INC CIVIL ENGINEERIS — DAG PARINEVORS



SOUTH SEAS PLANTATION
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1974 AFFIOYD MATERIAL

MASTER PLAN

PREPABEL AN ARCHITECTUSAL RESOURCES CORPORATION

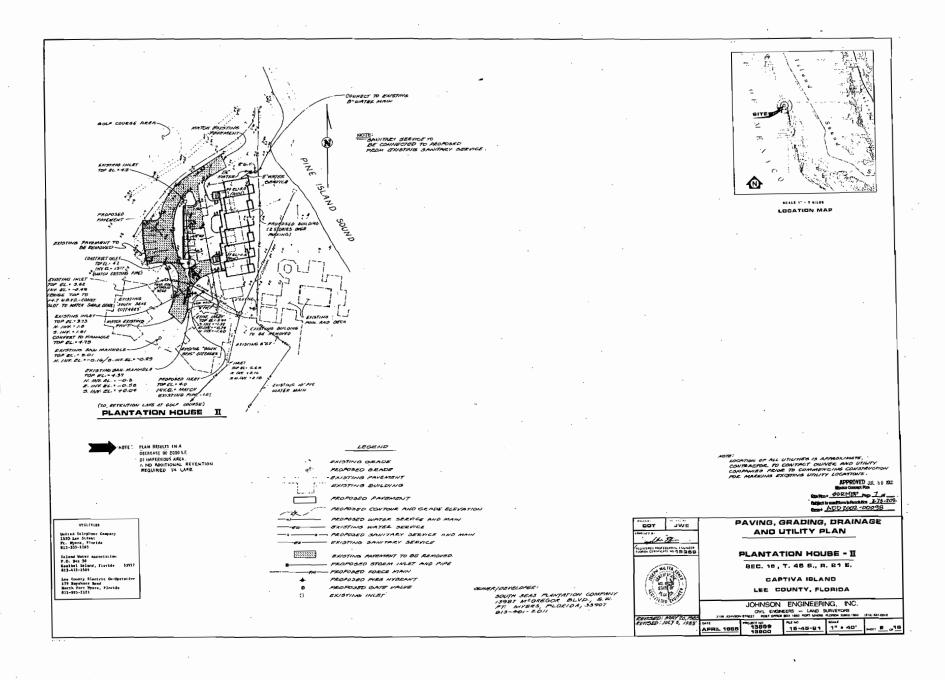
BOUTH GEAD PLANTATION CO. 19827 M. GREGOR BLVD. 6.W. PT. MYERB, FLORICA, 19807

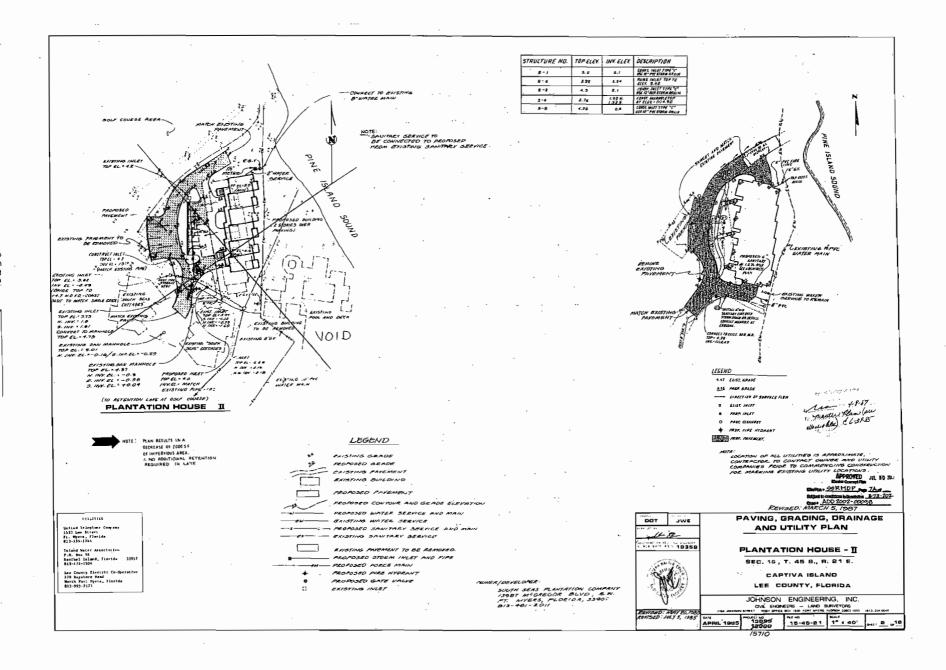
JOHNSON ENGINEERING INC.

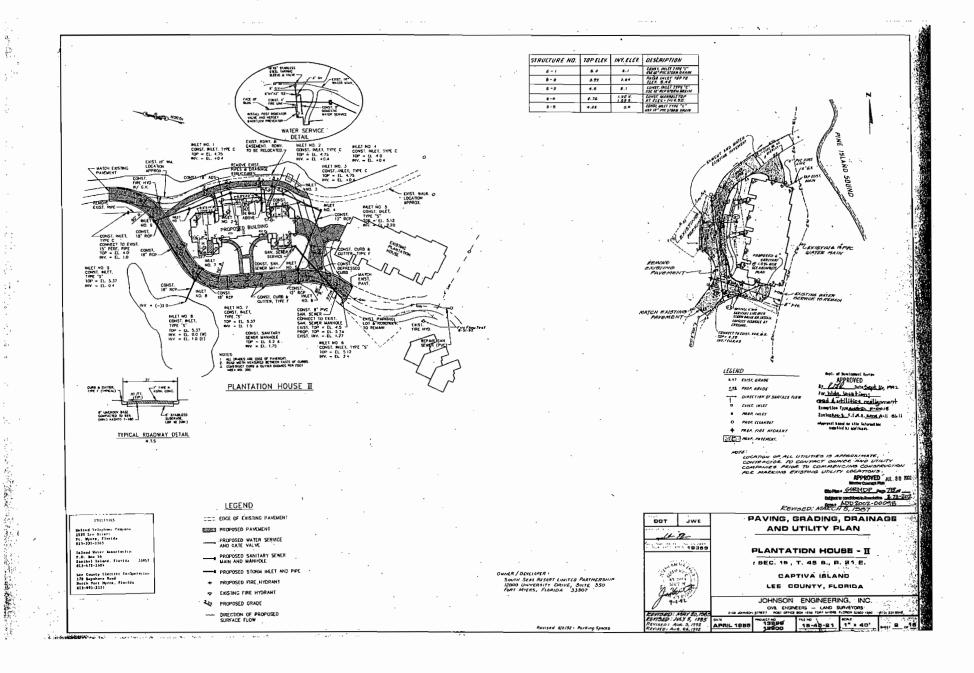
CIVIL ENGINEERS LAND SURVEYORS

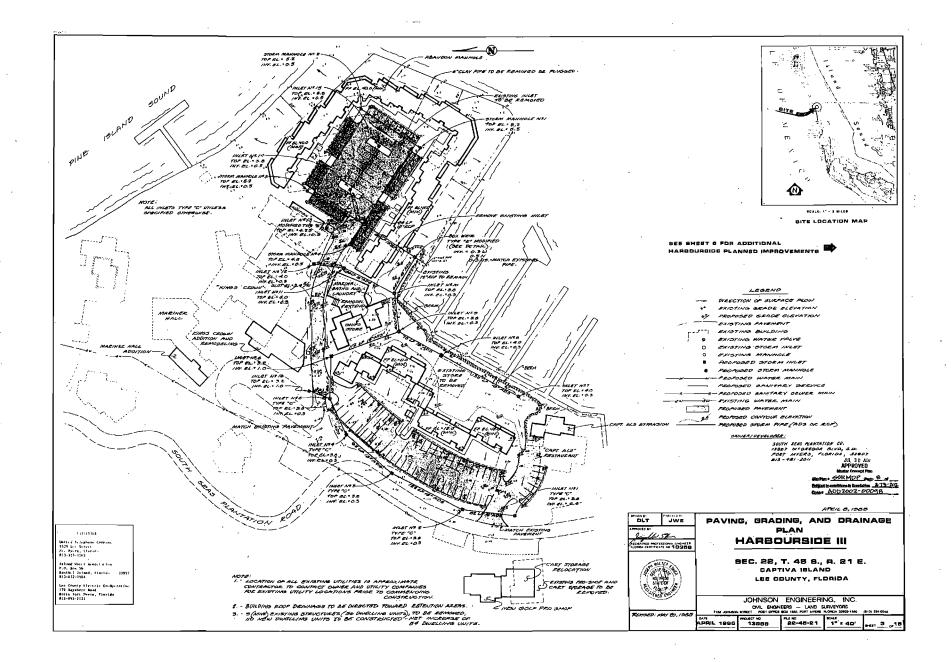
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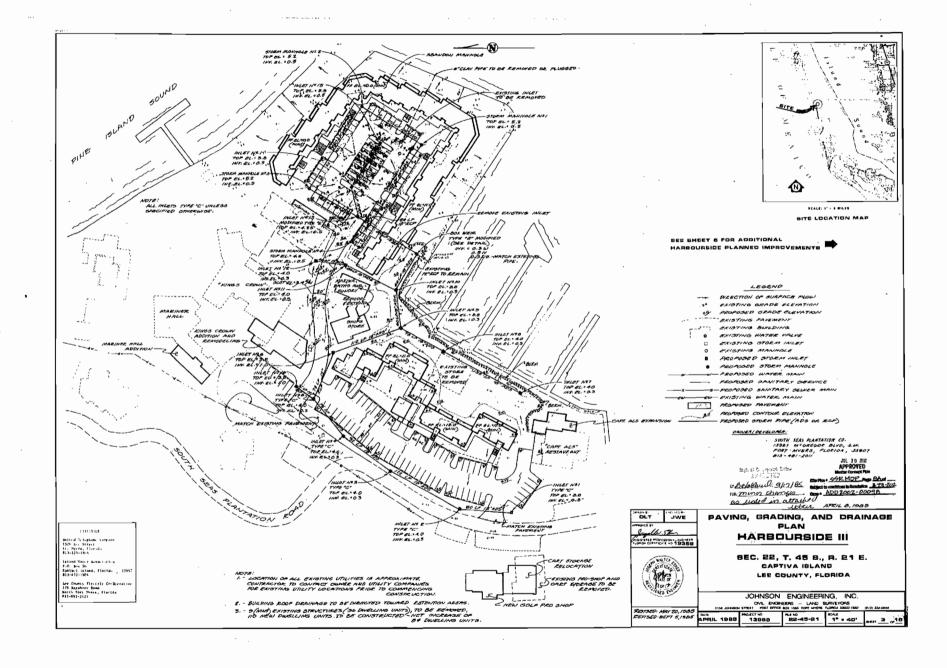
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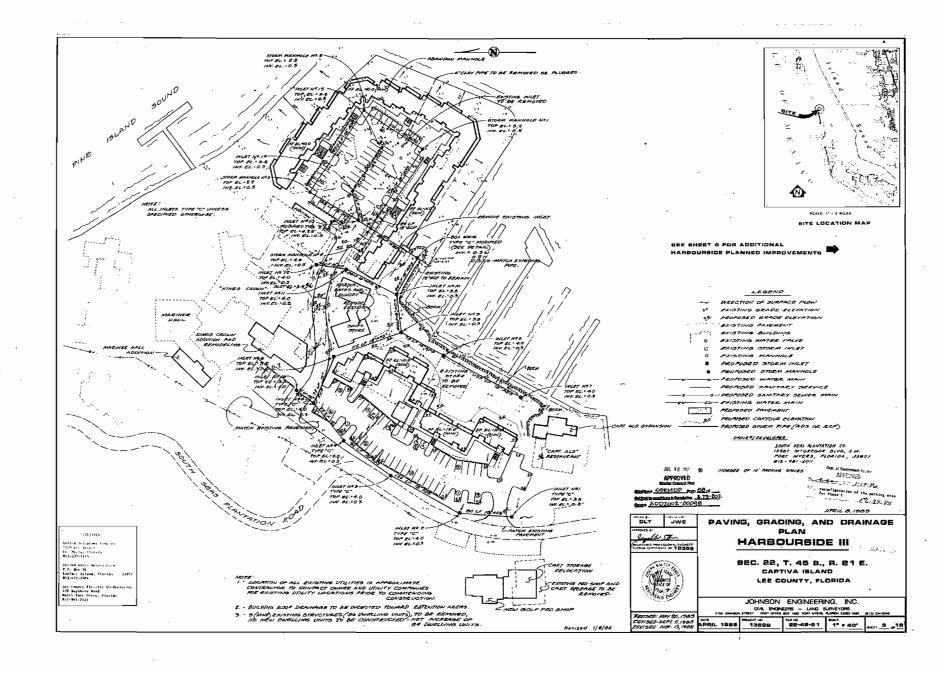


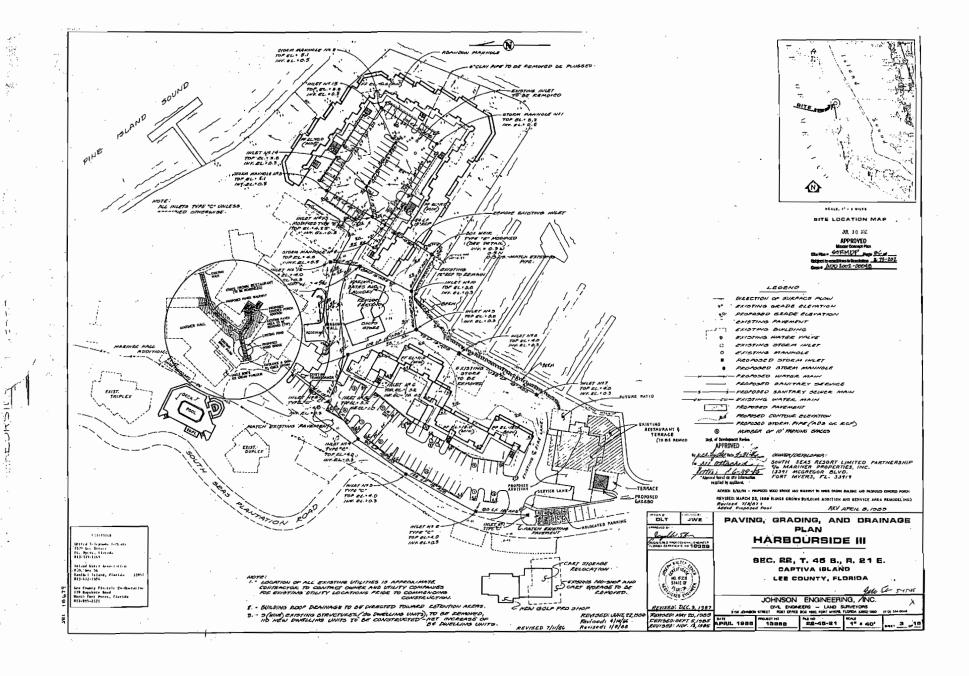




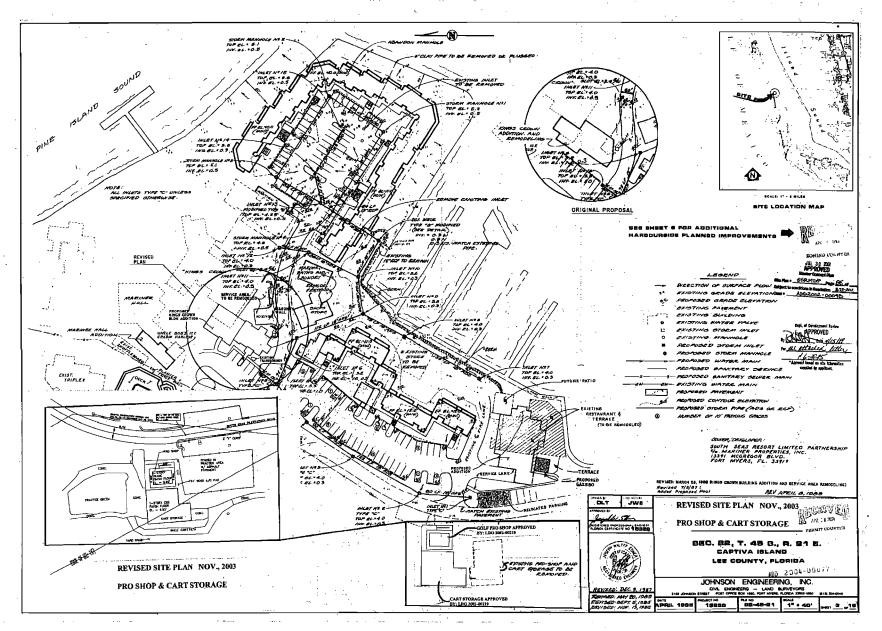








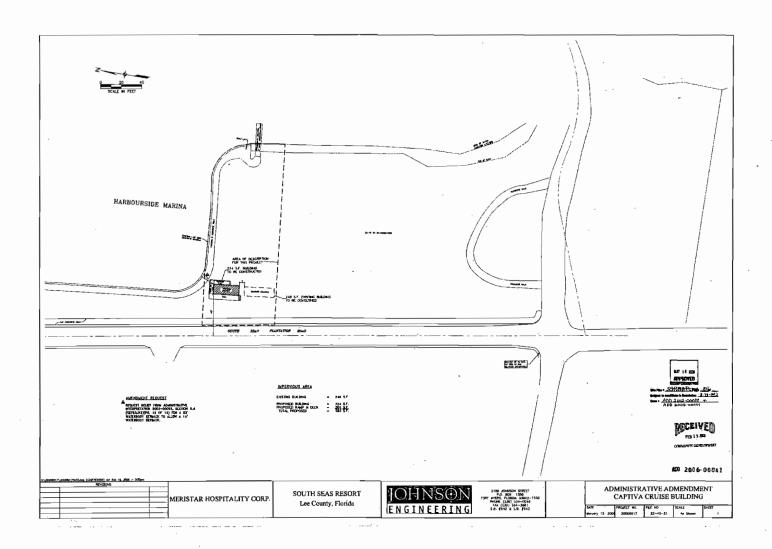
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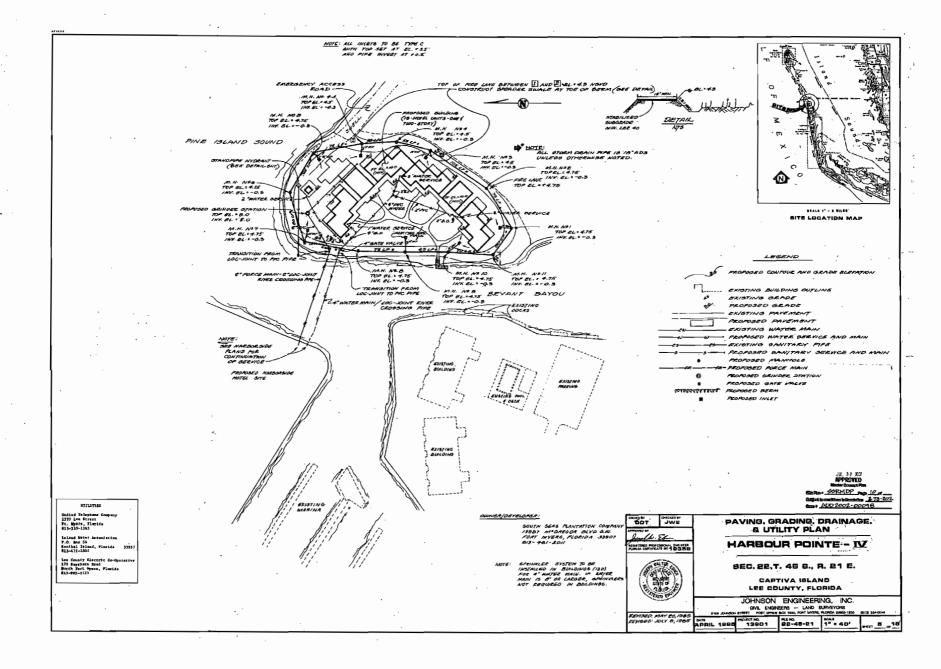
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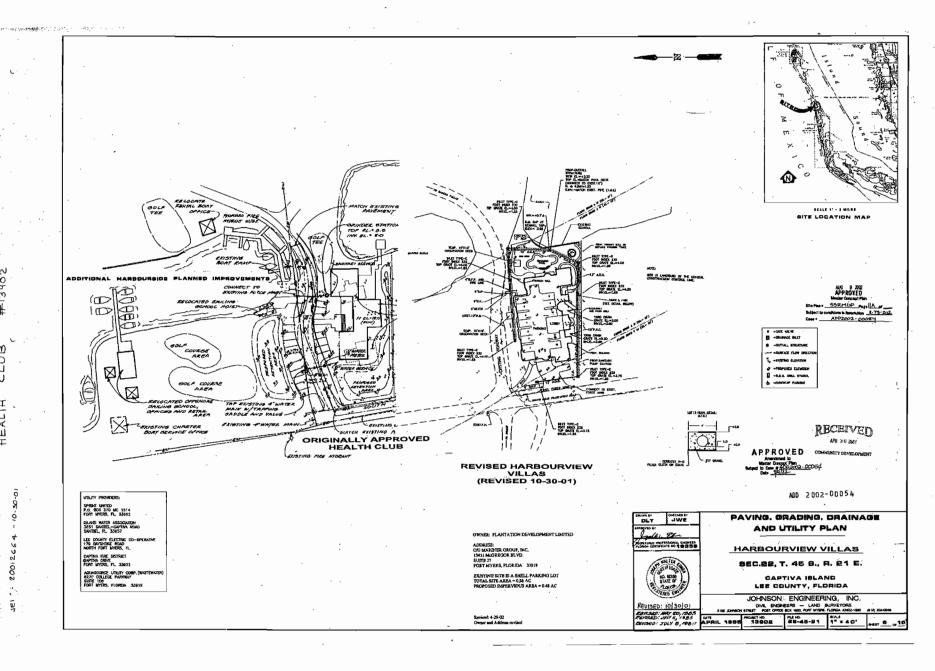
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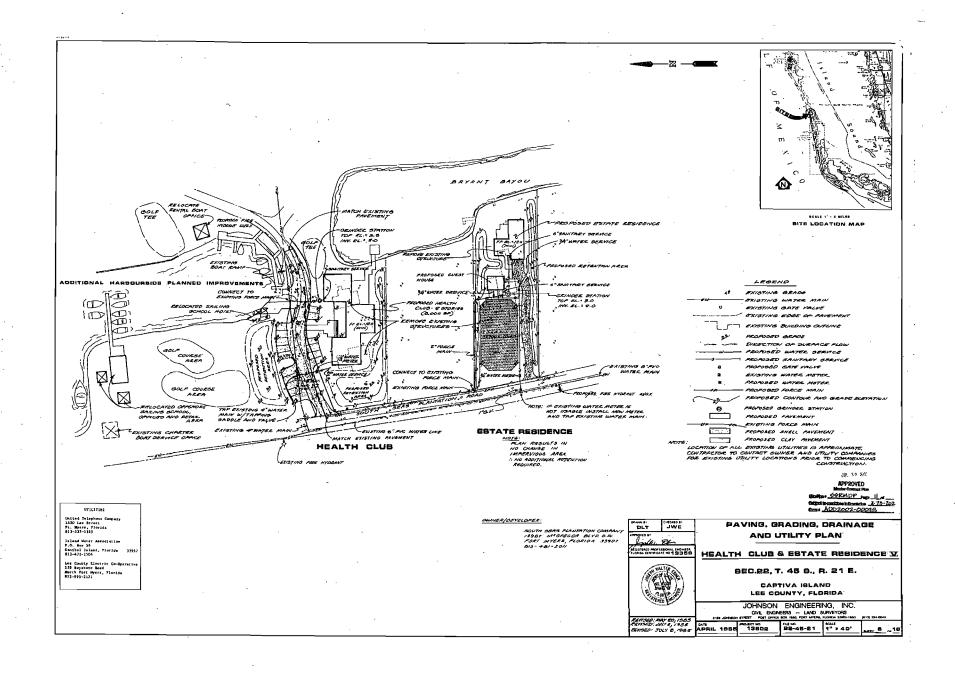
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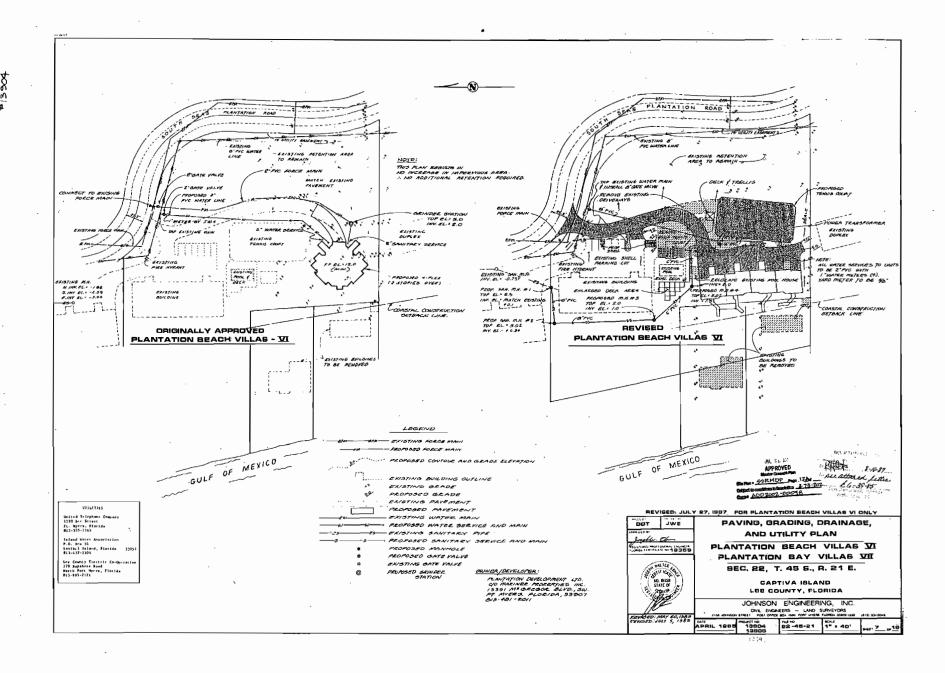


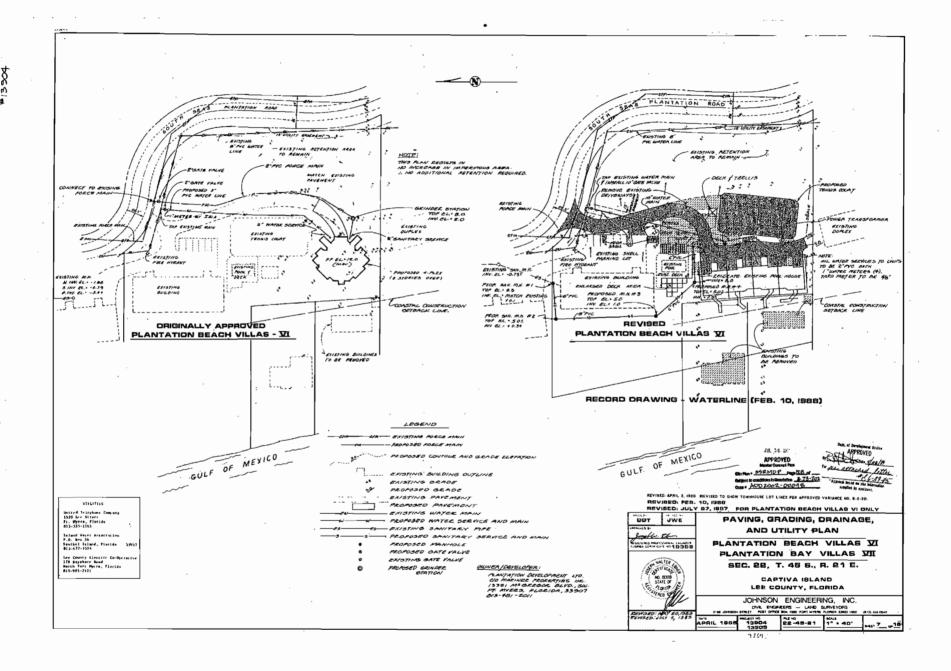


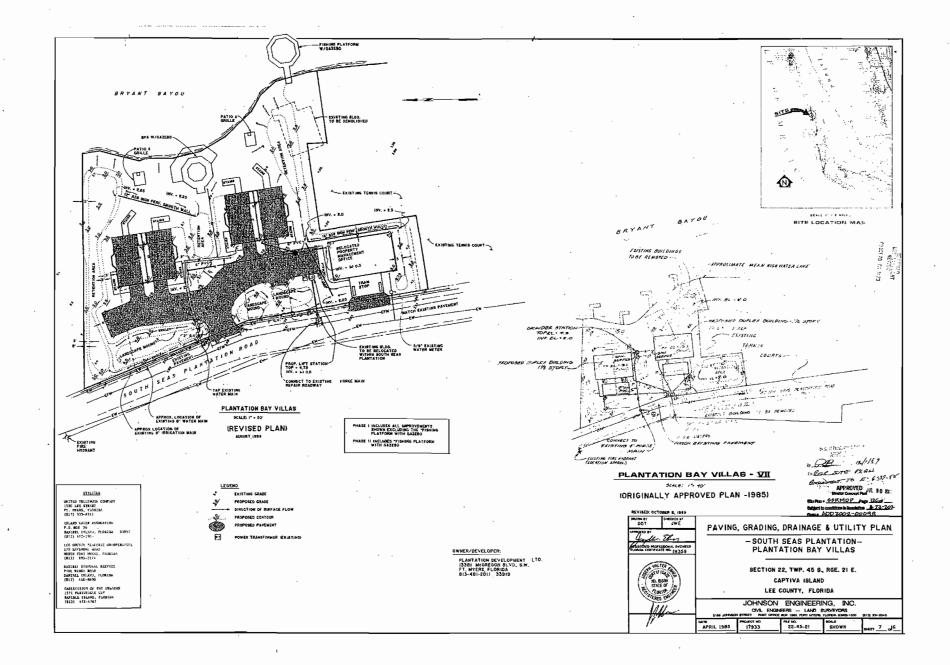
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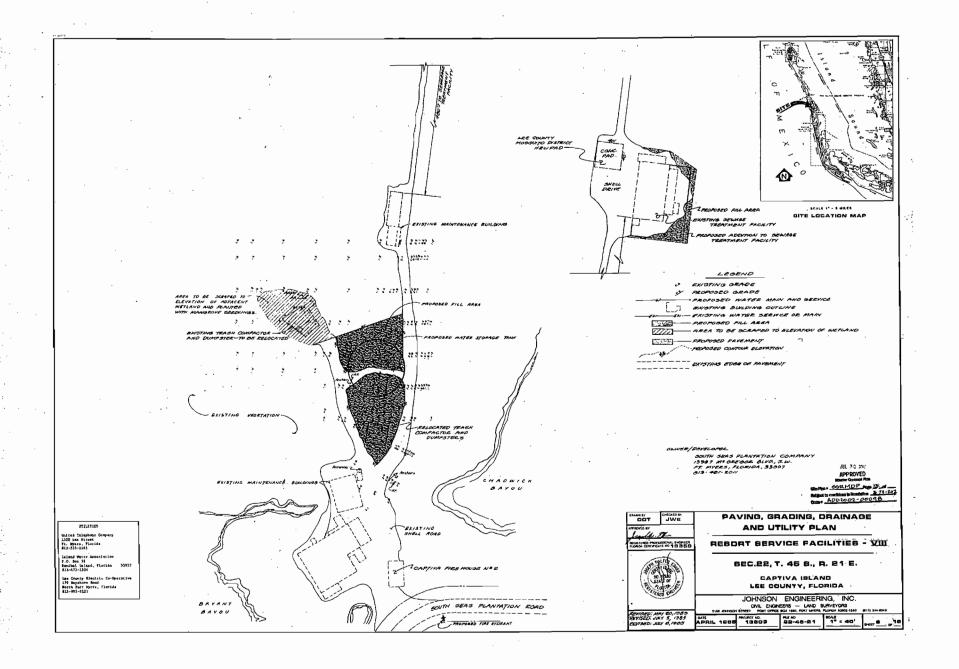
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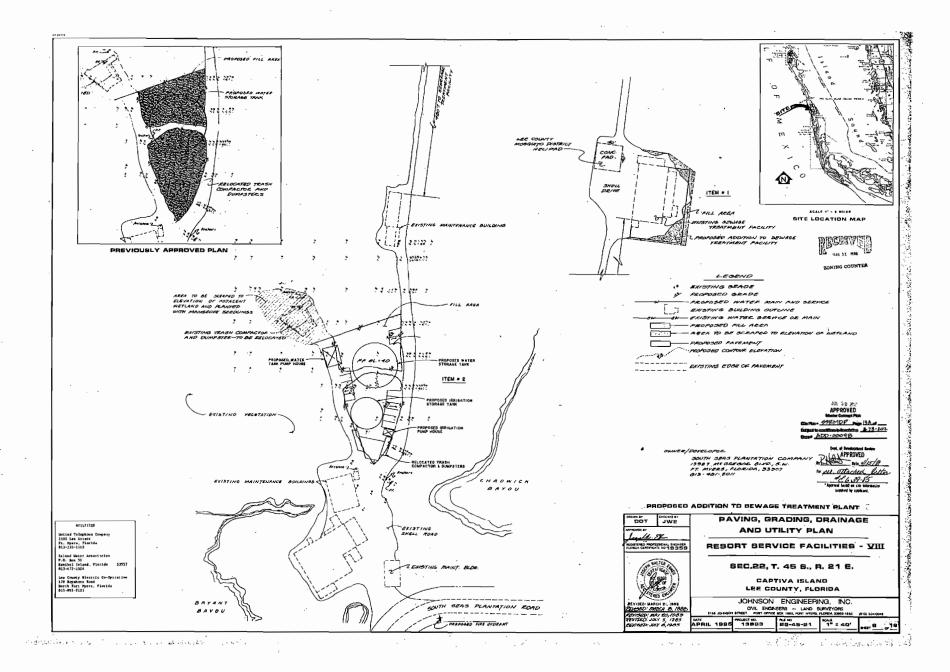




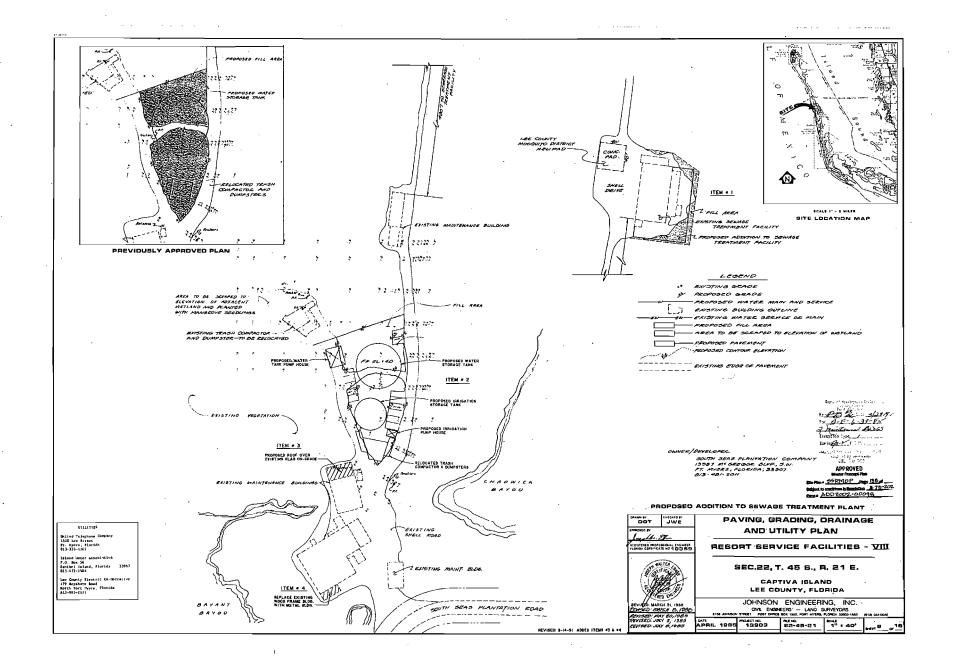


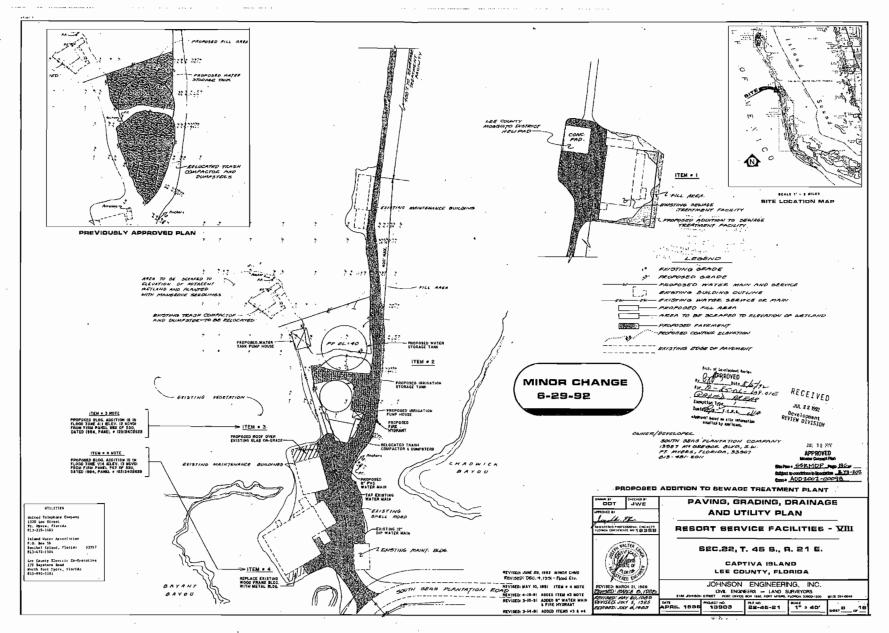


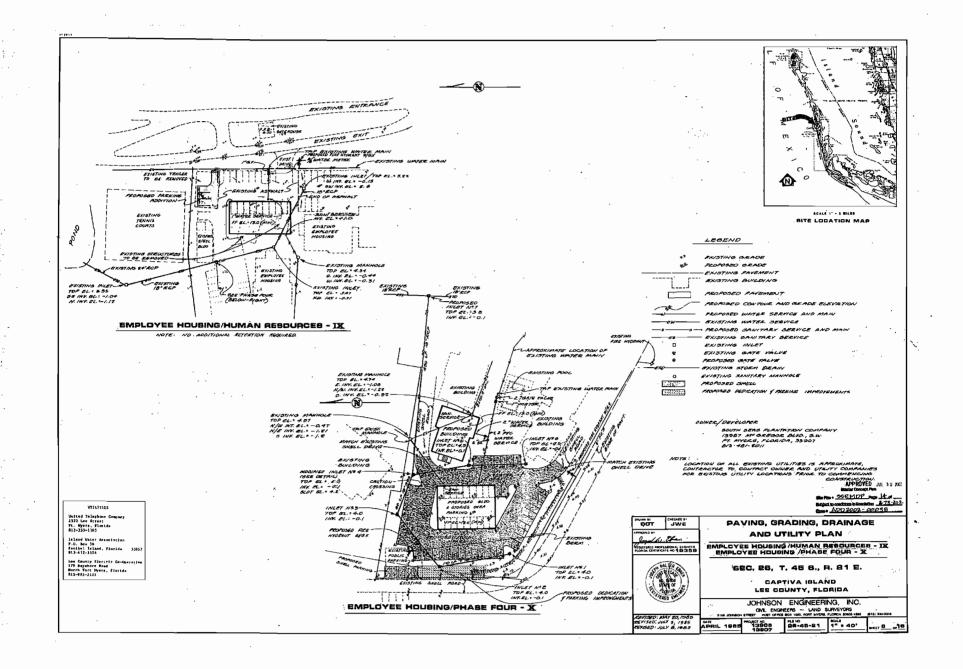


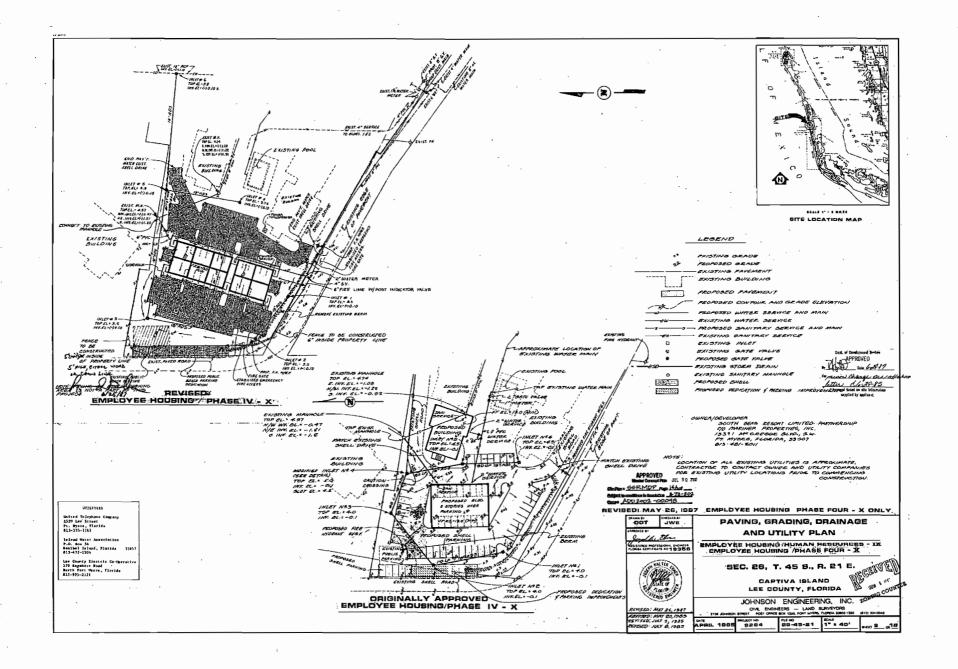


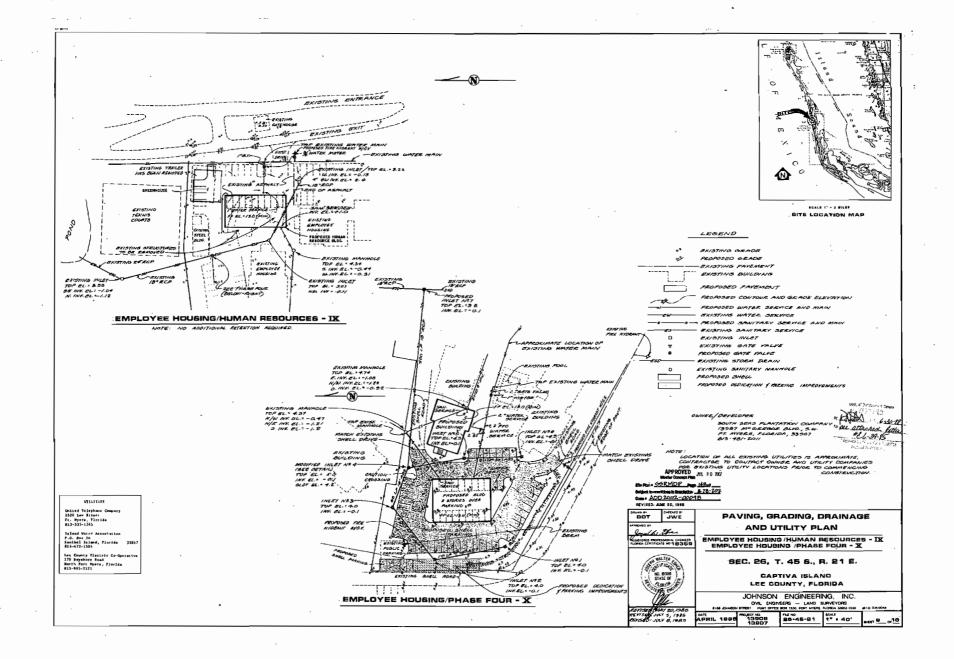
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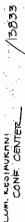


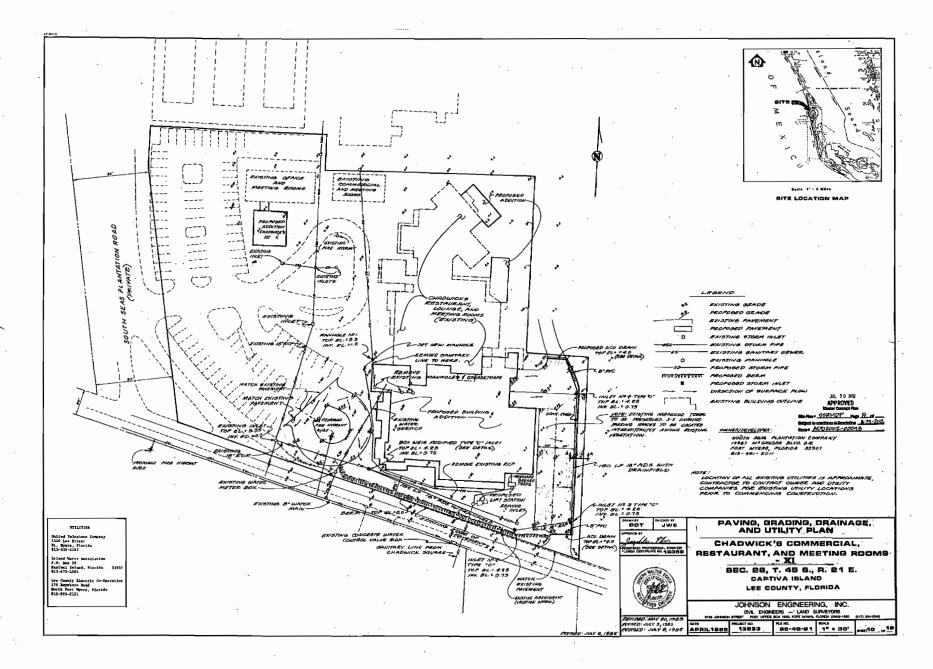


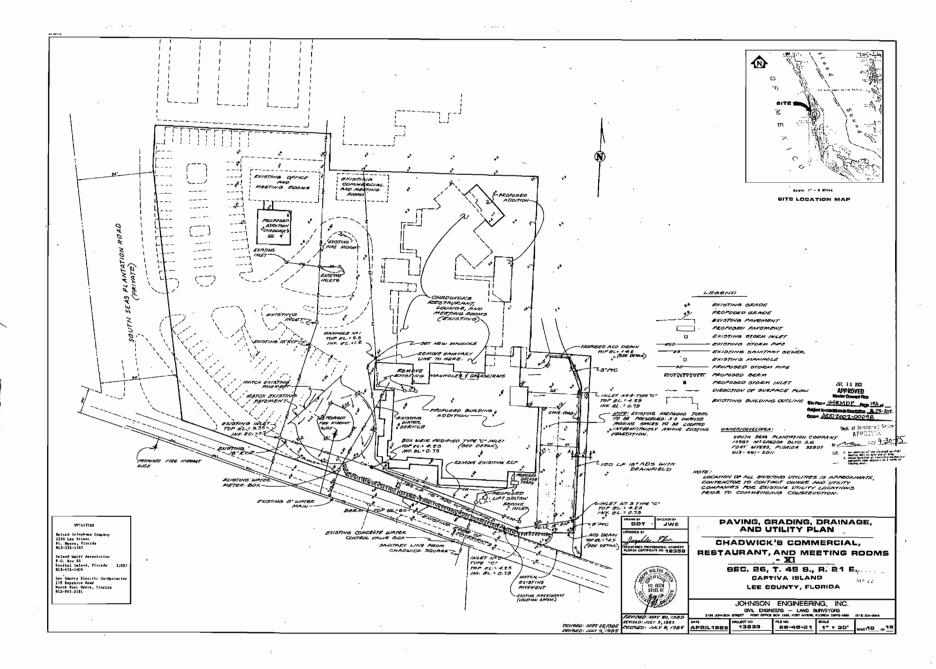


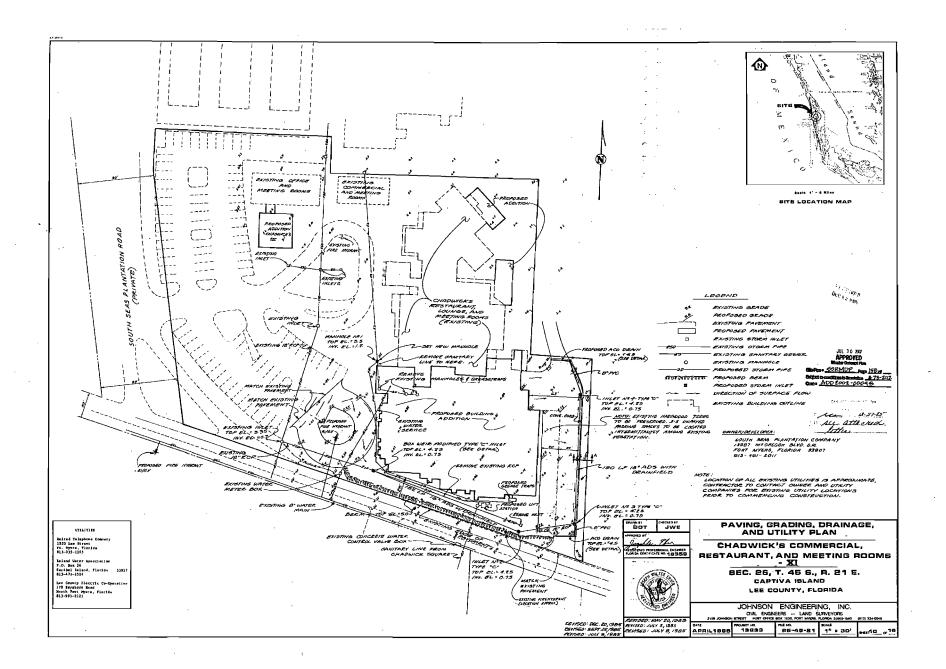


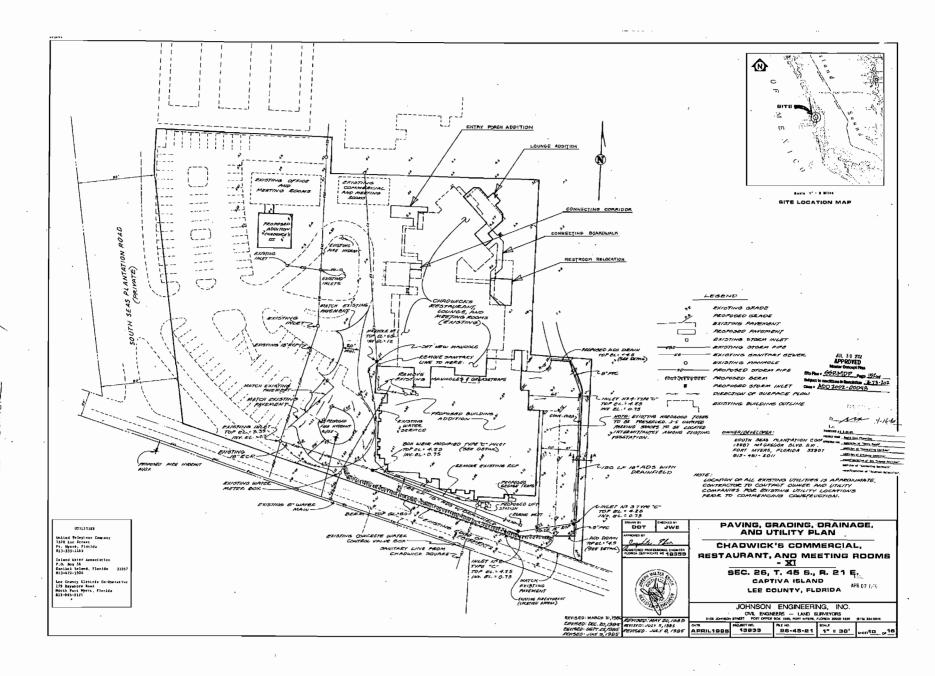


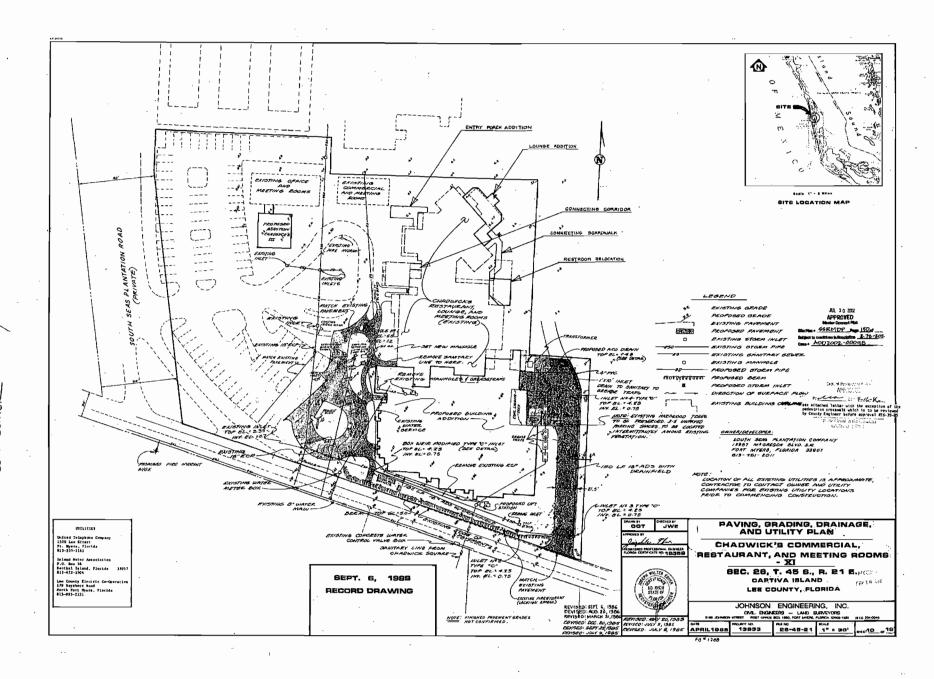


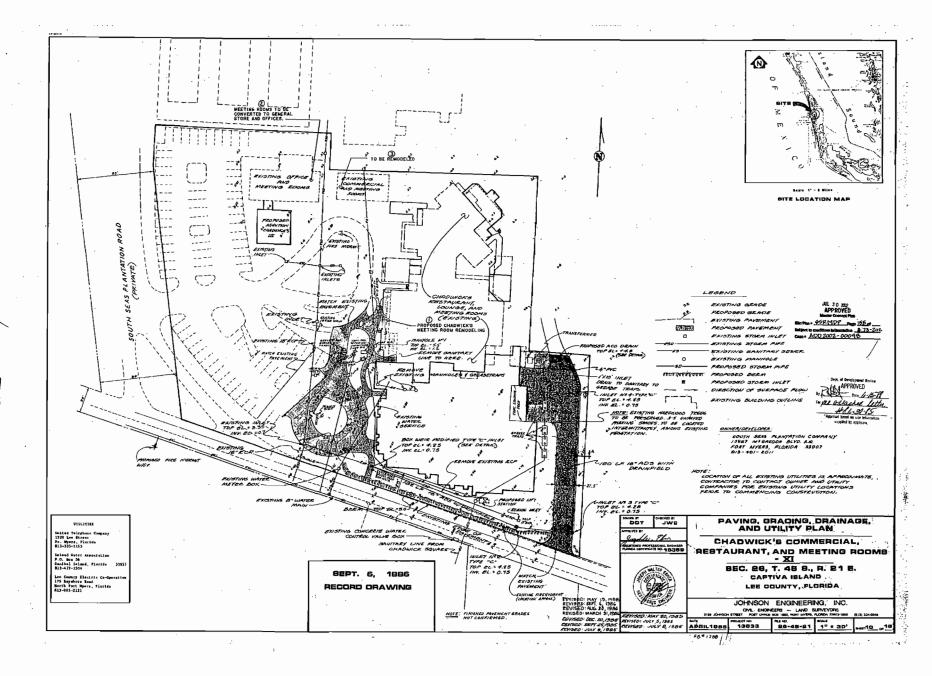


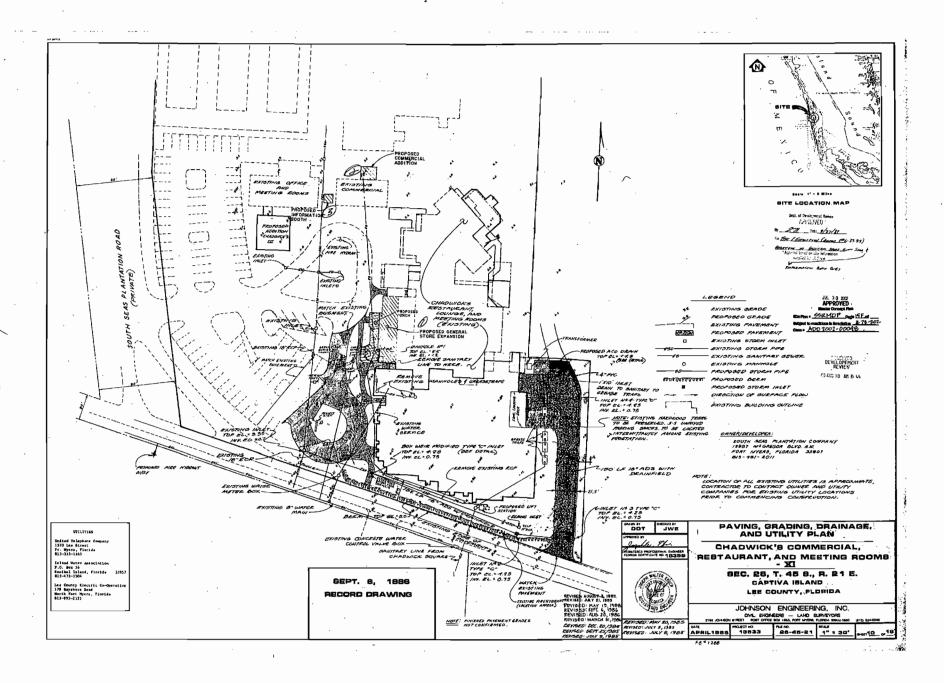






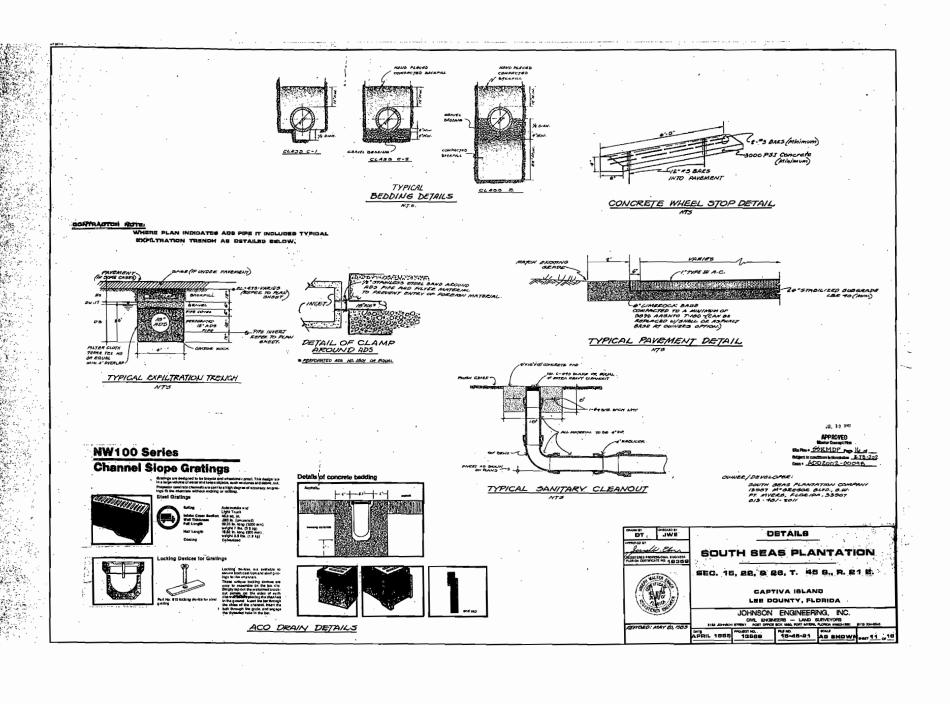


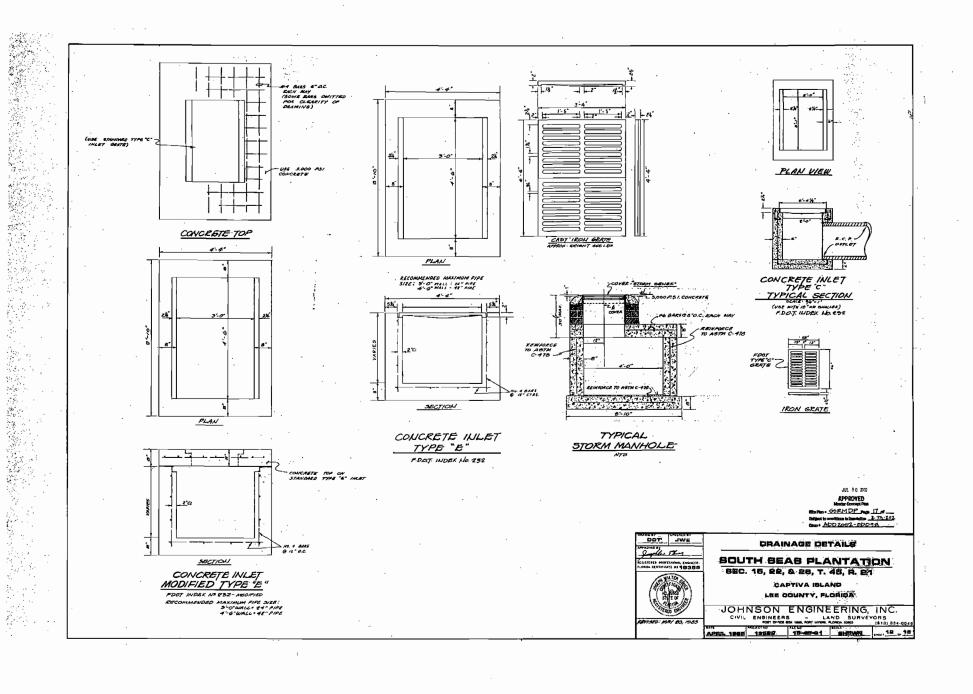


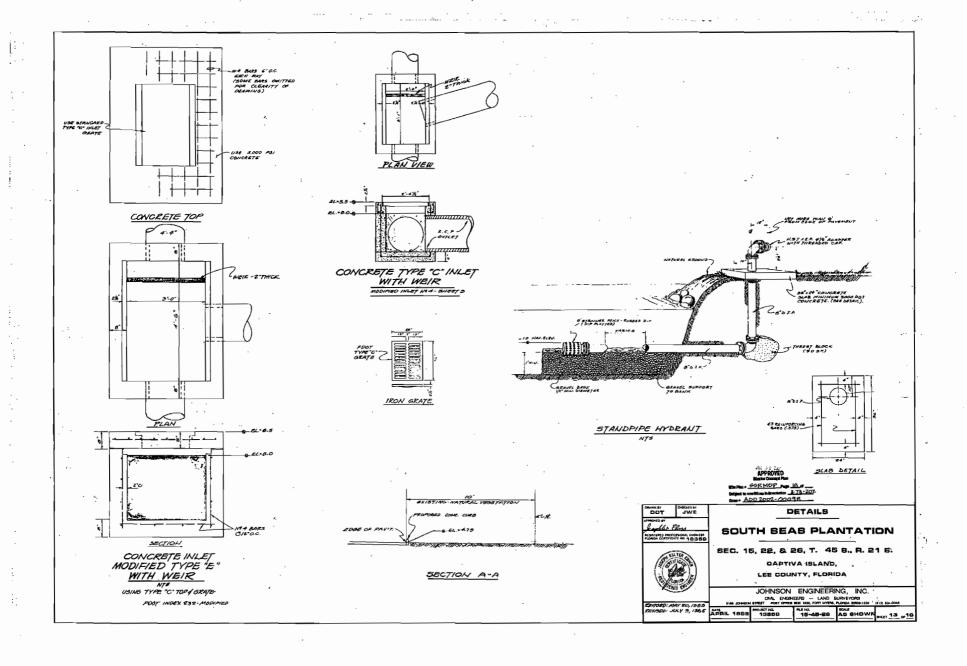


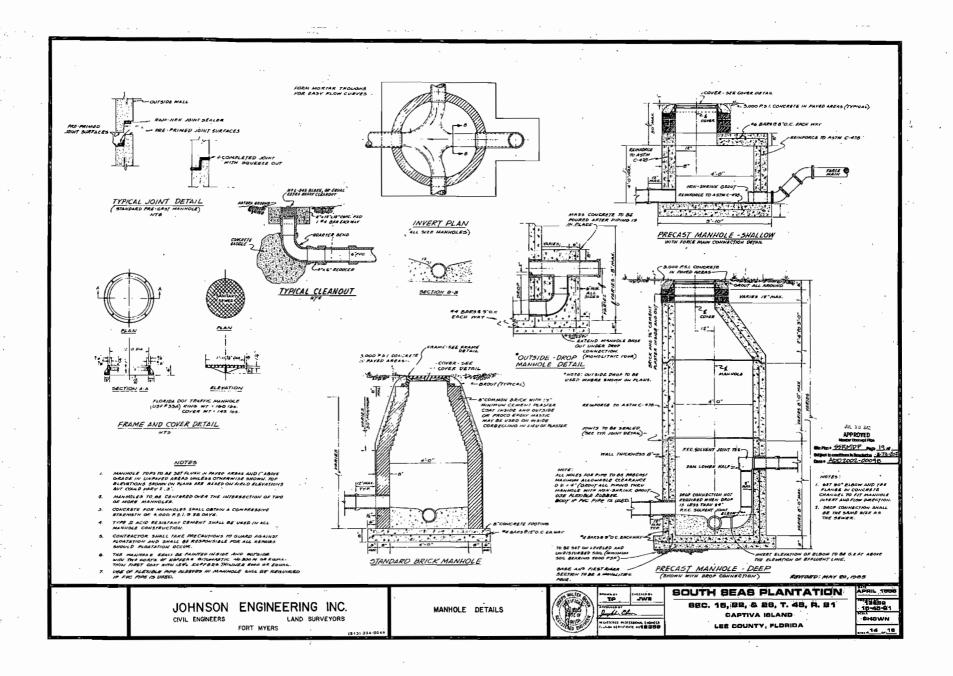
CONF. CENTER

1583









All ower lines must be startlized in accordance with State Board of Muslik re-quirements. The Contractor is responsible for bacturiological testing and clastones from the Board of Health.

All veter lines must be pressure tested in accordance with NMA specifications A McListactory pressure test must be abserved by NMA representatives and the onglower of record.

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

W

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u

4. Contractor must furnish IMA with cereified Record storings showing location of all water Moss, fittings, walves, services, etc.

5. Friar to the scare of any construction the contractor must schedule and attend a pro-construction meeting with the IM and the angineer of record.

4. Contractor must notify TVA prior to making any componentions to existing water

The minimum notice for inspections, connections, main stut downs and testing in 24 hours. Hery situations will require more than 24 hours notice time.

8. Fire hydraute and fire hydrant locations must comply with Sanibal or Captiva

Contractor must startlism fittings to be installed on extening vacor lines with a 50 ppn chloring salution.

10. Noter we has aball be laid or locat 10 feet bericontally from any mainting of proposed purely seems line of force were line. Owner sourced manus lines the seem line of the later lines of the seems line of the seems line. Himsh worstend dispenses the seem line of the manuscript of the week lines. Himsh worstend dispenses less than 10° has seem time will be 20 feet of common lines cant from the point of translation.

11. All now water notice bust be connected to the existing system as shown to decail.
3. The compactry connection will be used for all flumbing, testing, and excelling and enable not be removed until pytropical parameter form lim. The contents of their between the connection of the content of the content of the connection of

The pipe shall be presente total FVC emforming to the requirements of ASTH 02241, FVC 1120, 528 21 with push on joints and a minimum presente rating of 200 FSI.

Fips and fittings 1" and sumlier shall be achedule 80 PVC confurning to ASTH 91785. The joints Shall be solwhat walked conference to AFTH 02666 or D2487.

14. Where ductile from pipe in expecified it shall be class 50, conforming to about CSS1, amechanical joint or push on type conforming to about CISO and CISO. all ductile from pipe shall have a factor applied bittainness seal cost over a remost nurshilling conforming to 8000 CTO.

All fittings-shall be finable from mechanical joint Glass 50 conforming to AttWA C181.
 All ductio from dittings shall have a fastory applied bitualizates seel and over a communication for a communication.

Valves shall be manufactured by the American Valve and Hydrant Co., Parashighan. Althoga. No substitutes will be parashed;

fate valves shall be myllion; enated, samufactured to ment an exceed the requirements of ARRA COS of blood revides and in secondance with the following specifications.

Valves shall have an unohybriced whierway uqual to or greater than the full modual diameter of the valve.

The valves are to be soon thing pless with the street code of cast, forced or colled brokes shown in ANEA C383. Two stom walks shall be practical and thall be of the Oring type, one above and now holds the street coller.

The ston not, also cade of bronze, must be imbarandent of the gate.

The seating necleonism shall consist of a cett from gate having a vulcanized synthetic reloter conting. The costlient saaling mechanism shall provide zero leakage at the water working pressure when installed with the line flow in other direction.

The valve body, bounet, and boonet cover shall be cast from ASTM A 128. Class 8. All ferrous surfaces bridds and syiddle shall have a fuelon-bonded upoxy coeling. a 2" operating put shall be provided for operating the value.

All velves are to be tested in strict ecoordance with AWKA C508.

All bonnet nuts and boils shall be statuless steel.

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

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

19. All plus Mots, fittings, event crossings and thrust blocks dust be left expected by translation by ITA prior to because. If any joints, fittings, sevar crossings or threat blocks are covered without the impaction, the inspector easy respiration to be expused for impaction.

30. The following parts shall be used for service connections

I" Tapping Saddle

All A.G. Mains 2" thru 2" PVC Meins 10" thru 18" PVC Mains Ford (Romac) 201N Sorbe x [P4 Ford (Romac) 30458 x [P4 Pord (Romac) 202N Surbes x [P4 (atas) OD's)

1 1/2" Tumping Saddle

Use 1" topping middle and reduce to 1 1/1" just after the corporation stop

1" Tepping Saddle

3" Tapping Sleave

Use 4" tapping alsevs and reduce to 2" just after the tapping valve

4" and Larger Tapping Sloove AB A.C. and PVC Malma

Ford SST (Romac) series Tapping Sleeves

I Carb Stop

Ford FB 500-IP Jones J-1855 Ball Valve, T-Head 1" x 1" Ford B13-444W, pr

1" x 1/4" Curb Supp 1-1/2" Curb Stop

1" x 3/4" Ford B15-3429 Ford BF12-885, or Jones J 1817, Tee Hand

Ford B11-777

Contractor to furnish moter has with cover (most cost (MA Standards). Contractor to confirm location of all agenting utilities before commenting

TWA PRESSURE AND LEAGAGE TEST SPECIFICATIONS

Tesce

2º Gurb Stop

The Cominactor shall practice two necessary material, equipment and labor necessary to perform a pressure test and a leckage test on all water lines. All centing therefore the for leakage under pressure and dispiraction, shall be performed in the pressure of UN mines utherwise instructed by the Omer. and shall be subject to his approval before necessary.

Flushing

Prior to any teating the line must be thoroughly flushed at a rate of flow swifficiant to produce a minimum valectry of 2.3 (set per mecond. The vacer shall be completely clear and shall contain no visible matter after flushing is complete.

Frensore Test

After the pipe has been laid and (luched, it sholl be subjected to a hydrostatic pressure tast of 139 781. The pressure test sholl his mode sefere the joints have been hackfulled witers the hackfull has been unbertied by the outlinest. All saddles, hydrante, fixtings, teps. oid. are to be completely installed prior on my testion.

Tesse shall be made unly after a minimum of 36 sours have atapsed after the last concrots threat or reaction becking hot beam east with high early attempth concrets or at least? Jusy after the last concrete thrust or reaction harding has been cast, using actuated encertain.

3. The derector of the test shell be one boar moless otherwise directed by

4. Procedure - Noth section of pip-line shall be alroly filled with vater and the specified best presence, manufact it the point of lowest absorbers and the specified best procedure of programments of the pipe in a small procedure and the procedure of the pipe in a small procedure of the appearant shall be furnished by the Contractor. The presence gauge may be amplified by the Contraft in Action

Durins the filling of the page and before applying the specified (cost practure, all air shall be applied from the papeller). During the cost all seponde mode, Hittings, where, hydrants and couplings will be catedity seasonate. If now to be cracked or defective, they shall be resoured and replaced by the Contracto with sense material witness calditional count to 100.

Lookoge Tests

Leahage tests whall be conducted after complation of the presents test and shell consist of an executation of all exposed joints for leahage as well an overall leakage even of the complated pipuling.

The pressure on be waintained during the tests shall be 150 pail.

Each section of pipeline shall be allowly filled with unter and the specified test persoure shall be supplied by means of a pump connected to the pipe in a nameer swisinctory to [VA, The rume, pipe connection, and all mecessary apparatus shall be farmished by the Contractor.

Infore exercise the leakage tests, all atr shall be preciled from the pine All expend pipes. [littings, volves, hydrants and joints shall be examined for leading during the tract. Buy joint frame where the accumulated looking of that joint exceeds the race of leading appetition in Table A will be rejected by 1948.

Es pipe installation that he propriet muit) princips for the mettins of the many propriets of the propriets of the propriets of the propriets of the lackage, the list will sake allowance for added points in the pipeline shows these inclusions the orient 15 root temptes of pipeline discuss joint lackage, applies. Handle any test in the section of pipeline discuss joint lackage applies. Handle any test in the section of pipeline discuss joint lackage and requir the defective joints and; the behavior is within providers allows and requir the defective joints and; the behavior is within providers allows

Dia. (in)	jeints or compl gallons per bou
2	.23
1	.66
6	.99
i	1.32
10	1.65
12	1.09
16	2.65
20	5-31

Scarilization of Maine

generalization and the most, or may imake portion thermal, and prior to placing the system or behaved to operation, all watco, walven, etc., or a hymnical control of the state of the system of the system of the or a hymnical control of the state of the state of the system of 50 PTM. The point of application of the statelling adverse shell be directed by Dos. Water from the suitable payine shell be controlled to five slowly fracted water shell remain in the polythesis for out that the 32 bears. Affect the treated water has been restored for the required time, the charles exhalm at the pipe extractions bound has the main 32 PTM.

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

If pursuancy, report starilization until the quality of vater to be delivered through system in matifestery to TML and the facts Beard of Bealth. Two (2) successive tests must be but in conform to time table of the local Smalth Department in testing schedule.

When semples are to be collected, I'M must be present

TABLE 1

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

pipe size	140	90"	45*	224	11%*
ż	1.0	2.0	1.0	1.0	1.0
	3.0	4.0	2.0	1.0	1.0
6	4.0	5.5	3.0	1.5	1.0
	7.0	10.0	5.5	3.0	1.5
ro .	10.0	14.0	7.0	5.0	2.5
12	15.0	20.0	10.0	7.0	4.0
14 -	21.0	20.0	15.0 .	8.6	4.5
16	28.0	37.0	20.0	10.0	3.0
18	35.0	47.0	75.4	13.0	6.0

APPROVED

STATE SORMOP AND 200 Con- ADD 2007-00048

NOTES ABOVE ARE REQUIRED BY

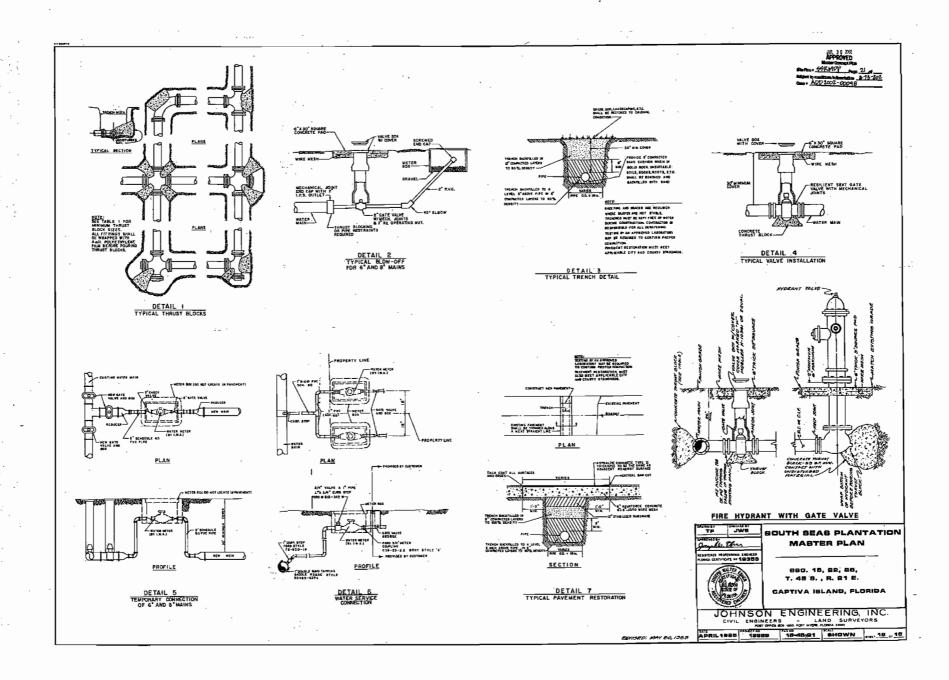
SOUTH SEAS PLANTATION MASTER PLAN

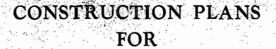
8EC. 15, 22, & 28, T. 45 S., R. 21 E. CAPTIVA ISLAND, FLORIDA

JOHNSON ENGINEERING, INC.

CIVIL ENGINEERS - LAND SURVEYORS 7017 OFFICE AS 18 10 45 45 41 10 45 45 41 10 41

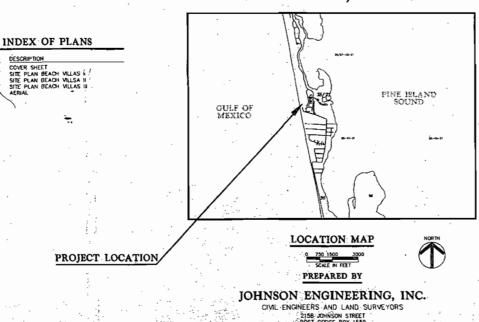
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BEACH VILLAS I, II, & III

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



CIVIL ENGINEERS AND LAND SURVEYORS

2155 JOHNSON STREET

POST OFFICE BOX 1550

FORT WERS, FLORIDA 33902

PRIME (813) 334-046

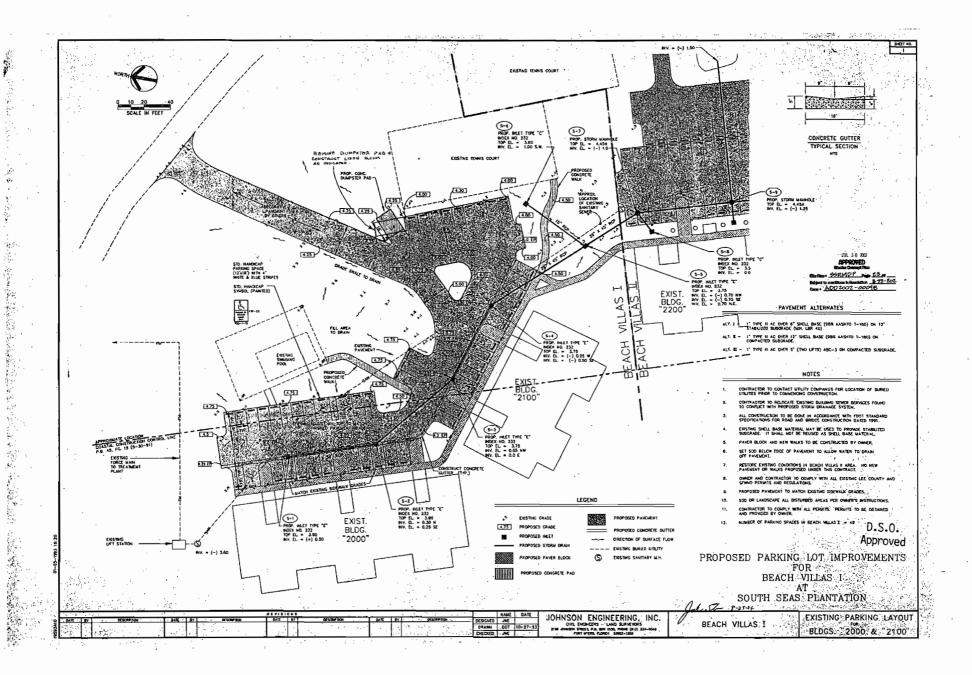
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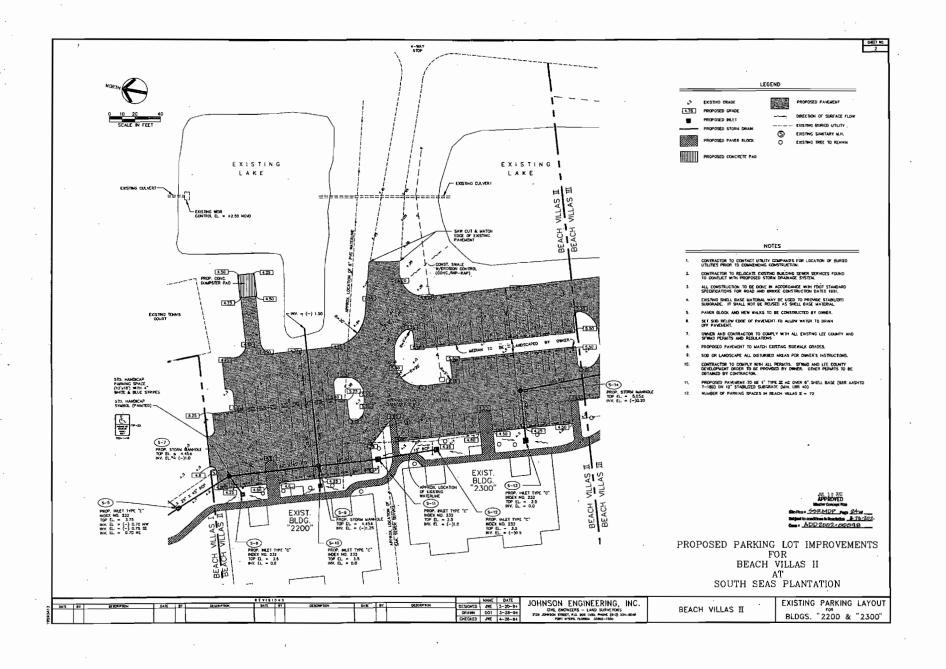
JEL PROJECT NO. 19593

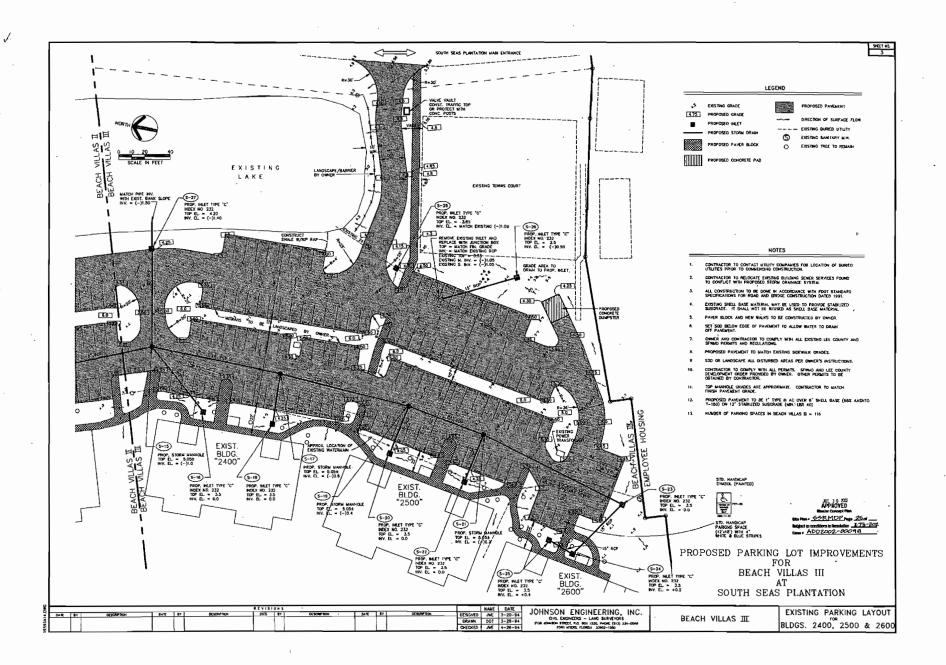
NW 10 fee APPROVED APPROVED BY THE PROPERTY OF THE PROPERTY OF

ERED PROFESSIONAL ENGINEER
A CERTIFICATE NO. 19359







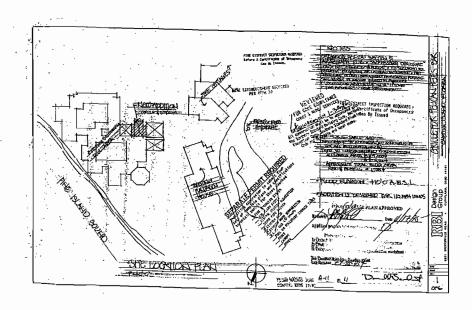


SCREEN ROOM / STORAGE CLOSET - PELICAN PETE'S BAR

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

PRODUCT STATE OF THE PROPERTY OF THE PROPERTY

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



R(VS/0NS

Captiva Island Lee County, Florida



3501 DEL PRADO BLVD.
SUITE 110
CAPE CORAL, FLURIDA 33904
PHORE (241) 334-0048
FAX (341) 541-1363
E.B. #642 & L.B. #642

2001 Master Concept Plan South Seas Resort

PROJECT NO. FLE NO SCALE

2001 20012654 22-45-21 As Shown

CONSTRUCTION PLANS **FOR**

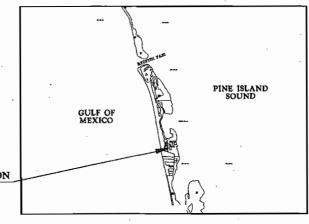
TENNIS VILLAS AT SOUTH SEAS PLANTATION PROPOSED PARKING LOT RECONSTRUCTION

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

INDEX OF PLANS

COVER SHEET SITE PLAN DETAILS

PROJECT LOCATION



LOCATION MAP



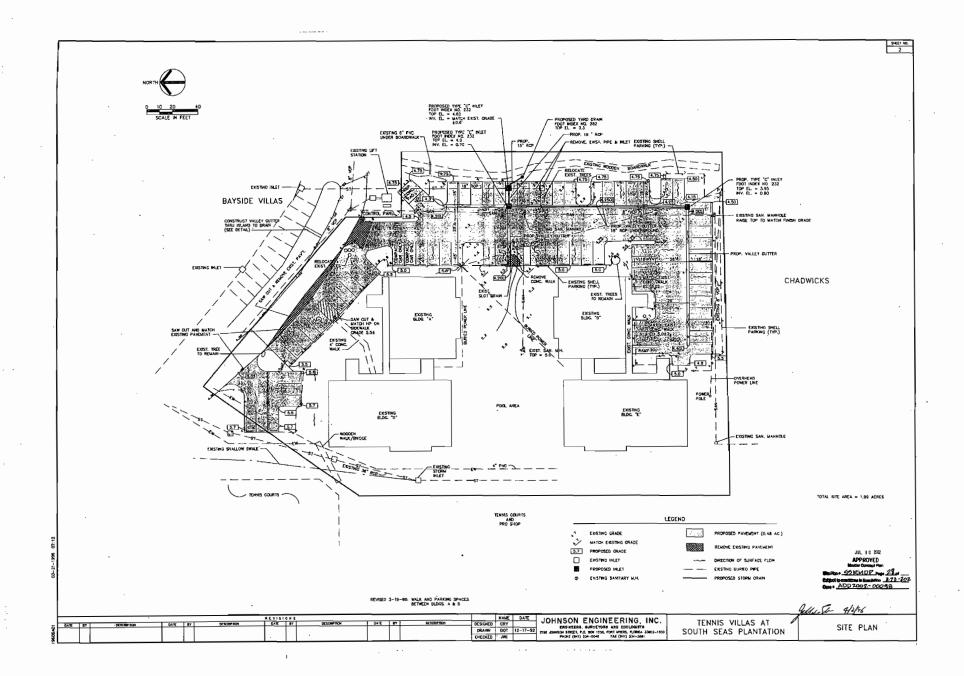
PREPARED BY

JOHNSON ENGINEERING, INC.

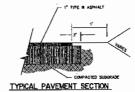
CIVIL ENGINEERS AND LAND SURVEYORS 2158 JOHNSON STREET POST OFFICE BOX 1550 FORT MYERS, FLORIDA 33902 PHONE (813) 334-0046 FAX (813) 334-3861

J.E.I. PROJECT NO. 21057

MARCH 1996

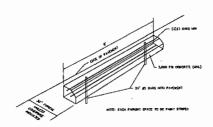




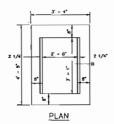


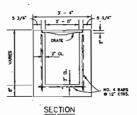


VALLEY GUTTER CONFORM TO FOOT INDEX NO. 300



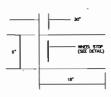
WHEEL STOP



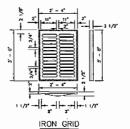


MLET TYPE "C"

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



TYPIÇAL PARKING SPACE



NOTES

- CONTRACTOR TO CONTACT ALL UTILITY COMPANIES FOR LOCATION OF BURIED UTILITIES PRIOR TO CONSTRUCTION.

																	Jale 52 9/4/86
_						REVIE	1016						NAME	DATE	JOHNSON ENGINEERING, INC.	**************************************	
Tay	orsexP Trox		DATE	8Y	DESCRIPTION	DATE	BY	DESCRIPTION	DATE	57	DESCRIPTION	DESIGNED			EMCINEERS, SURVEYORS AND ECOLOGISTS	TENNIS VILLAS AT	DETAILS
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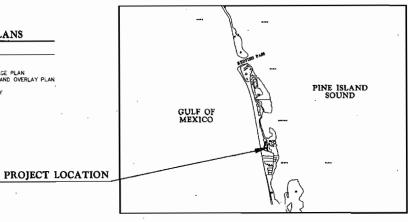
CONSTRUCTION PLANS **FOR**

SOUTH SEAS PLANTATION TENNIS COURT AND PARKING LOT IMPROVEMENTS

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

INDEX OF PLANS

DESCRIPTION COVER SHEET
SITE PLAN
GRADING AND DRAINAGE PLAN
PAVEMENT REMOVAL AND OVERLAY PLAN DETAILS EXISTING TOPOGRAPHY



LOCATION MAP

PREPARED BY



JOHNSON ENGINEERING, INC.

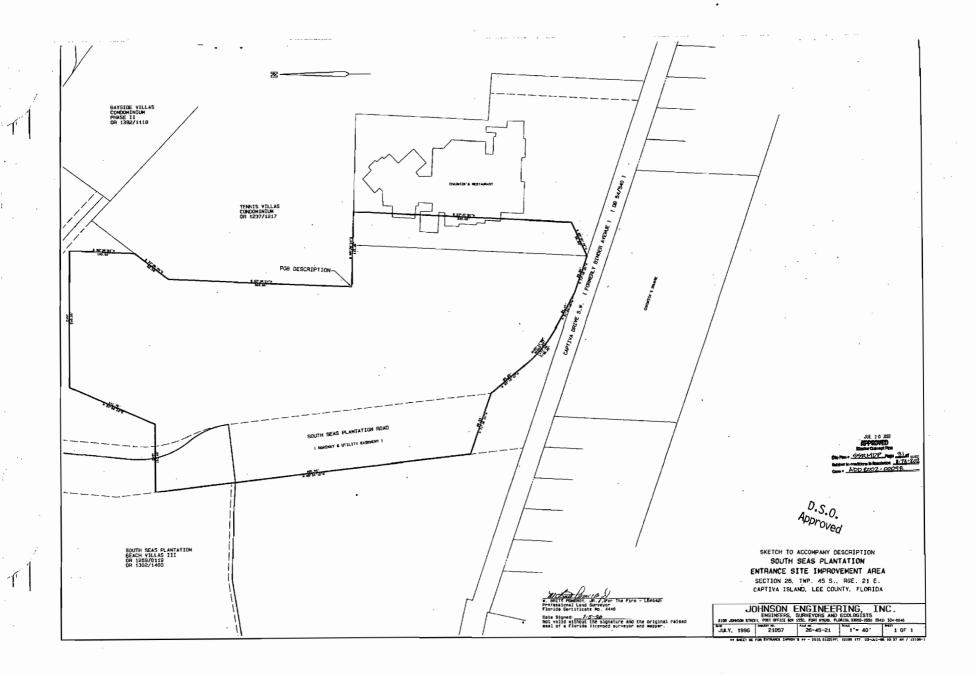
CIMIL ENGINEERS AND LAND SURVEYORS 2158 JOHNSON STREET
POST OFFICE BOX 1550
FORT MYERS, FLORIDA 33902
PHONE (813) 334-0045
FAX (813) 334-3651

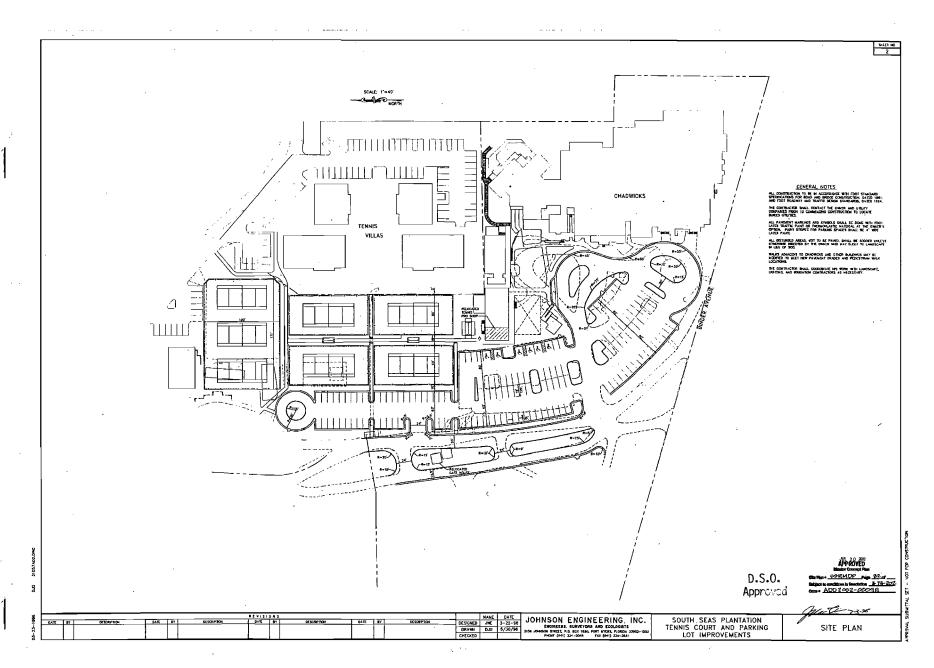
J.E.I. PROJECT NO. 21057

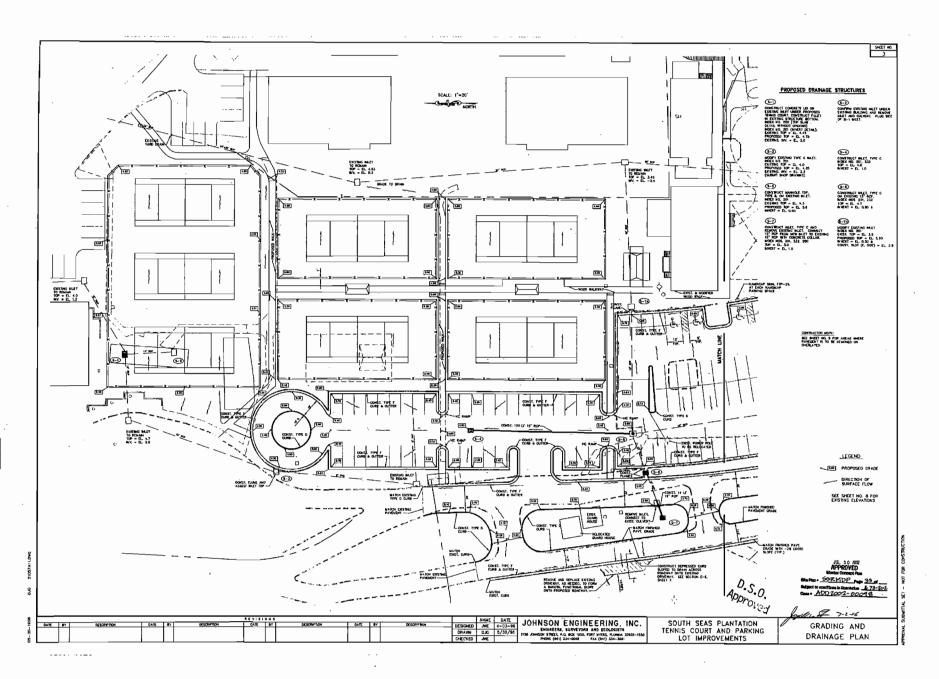
JUNE 1996



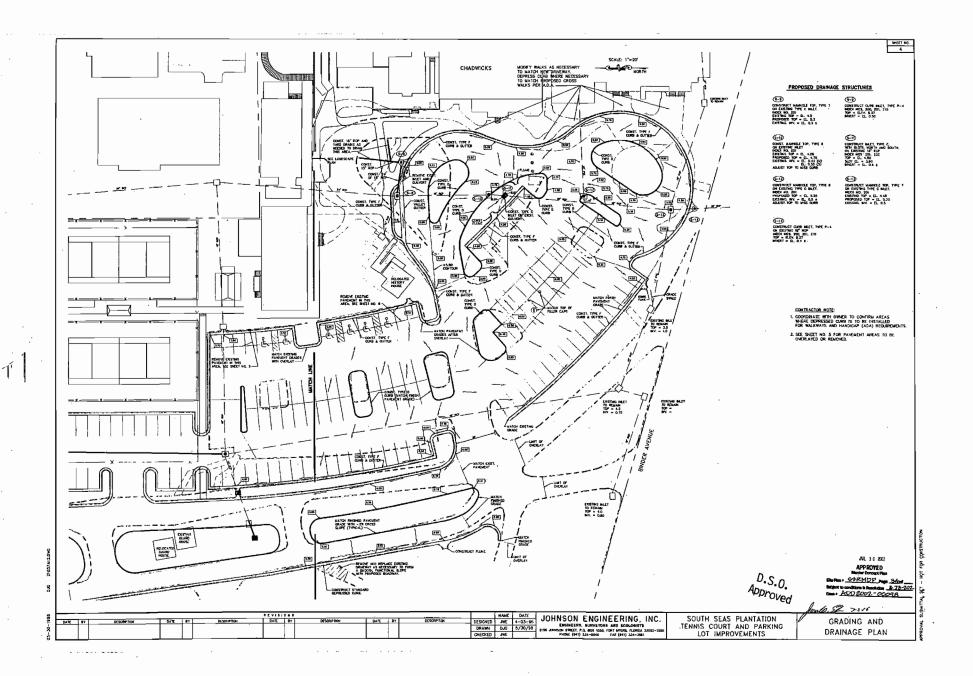


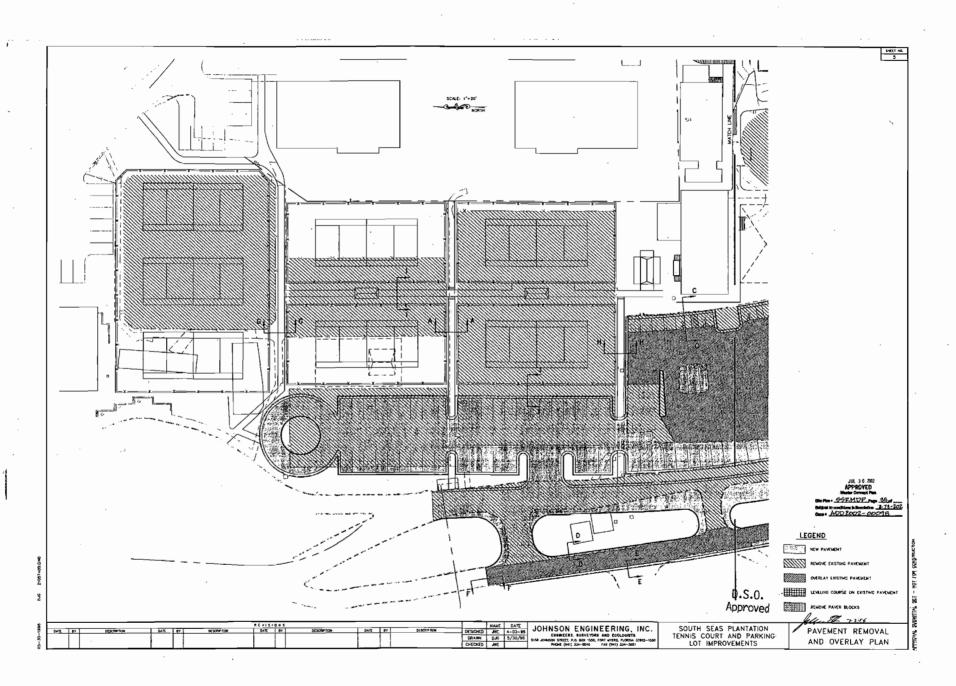


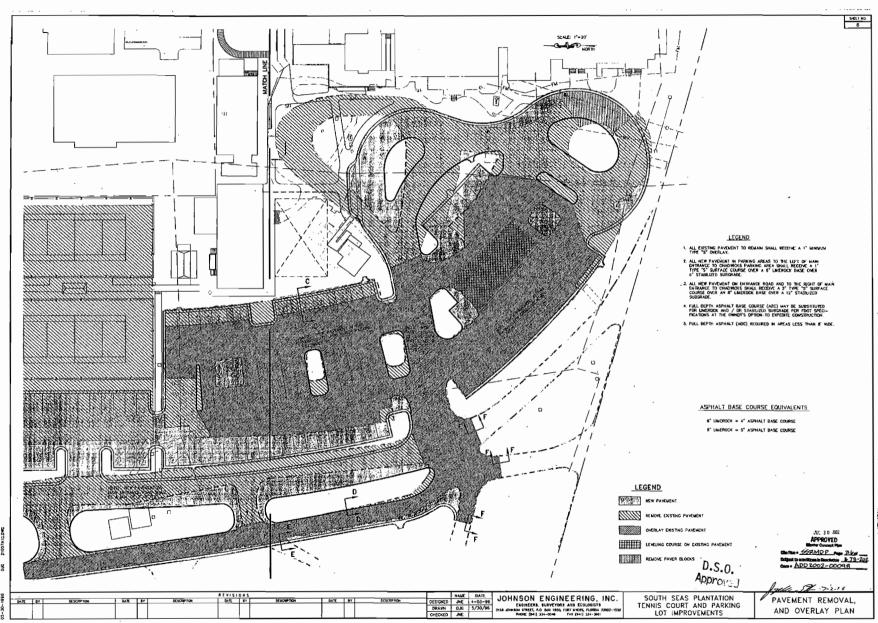


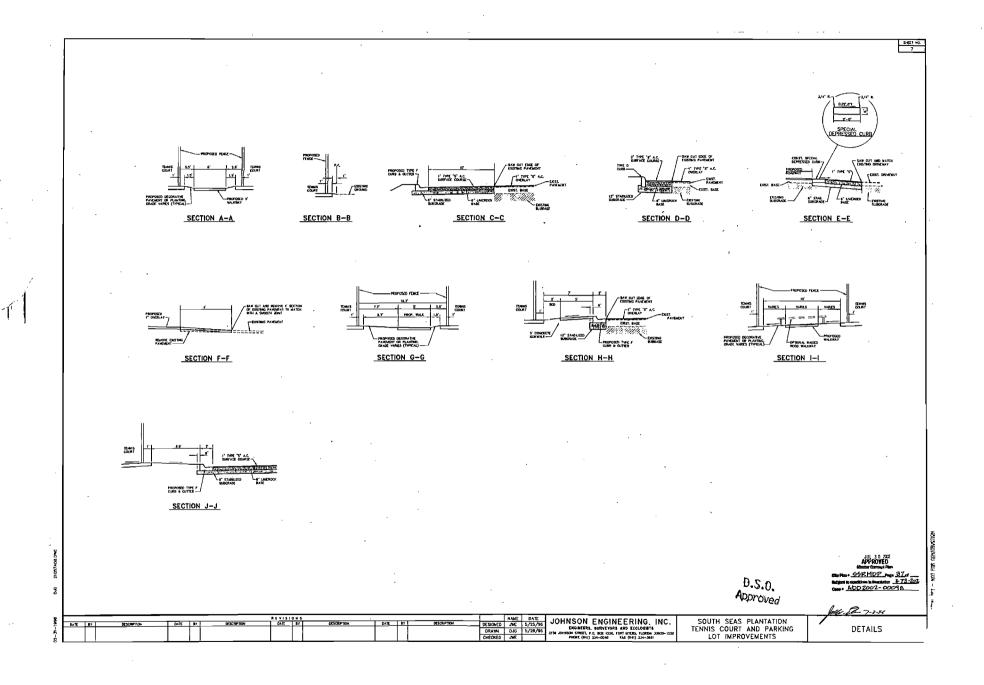


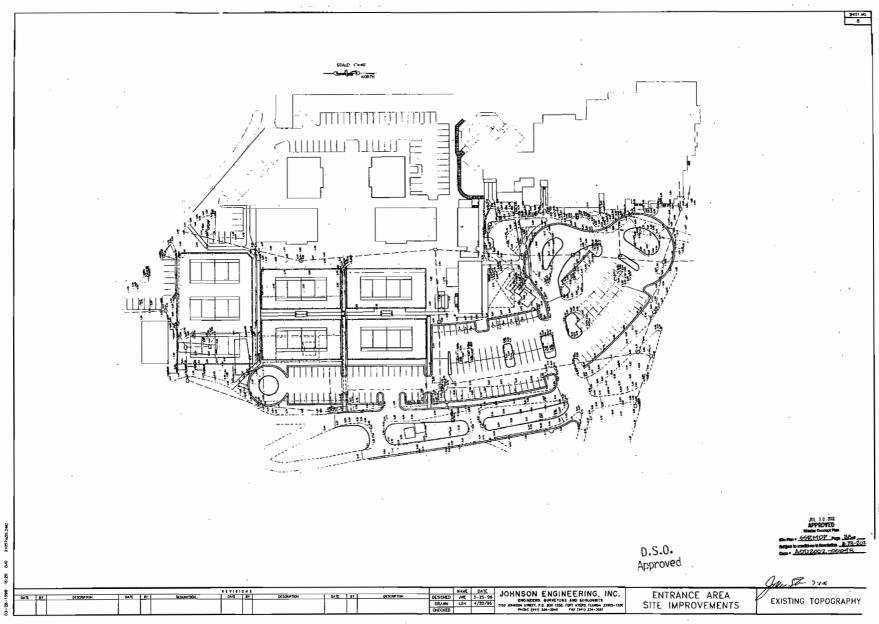
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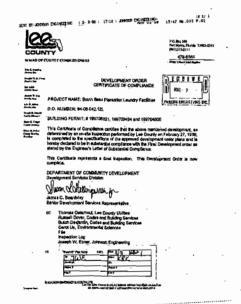


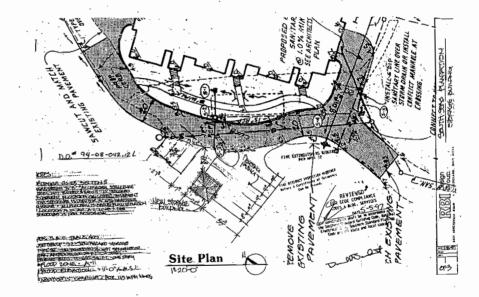




LAUNDRY FACILITIES

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





Captiva Island Lee County, Florida

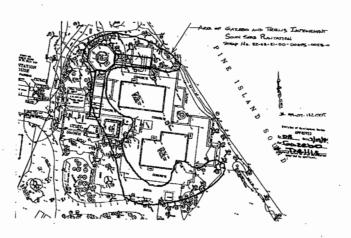


2001 Master Concept Plan South Seas Resort

ME	PROJECT NO.	FILE NO.	SCALE	SH
June 2001	20012564	22-45-21	As Shown	

GAZEBO AND TRELLIS

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



APPROVED

Bu Pon • <u>52 RMDP</u> Page <u>40st</u> Buffect to constition in Production <u>175-702</u> Case • <u>ADD 2002 - 00048</u>

AEVISIONS

Captiva Island Lee County, Florida



3501 DEL PRADO BLVD. SUITE 110 CAPE CORAL, FLORDA 33004 PHONE (941) 334-0046 FAX (941) 541-1383 CB. \$642 & LB. \$642 2001 Master Concept Plan South Seas Resort

DATE Jame 2001	PROJECT NO	FLE NO	SCALE	9€€Т
June 2001	20012684	22-45-21	As Shown	

CONSTRUCTION PLANS FOR

SOUTH SEAS PLANTATION PROPOSED ACTIVITY AREA

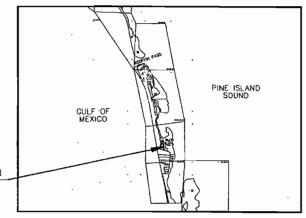
SECTION 26, TOWNSHIP 45 S., RANGE 21 E. LEE COUNTY, FLORIDA

INDEX OF PLANS

DESCRIPTION

COVER SHEET GRADING & DRAINAGE PLAN

FROJECT LOCATION



LOCATION MAP



PREPARED BY

JOHNSON ENGINEERING, INC.

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

J.E.I. PROJECT NO. 21057

JUNE 1996

OWNER

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

DEVELOPER

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

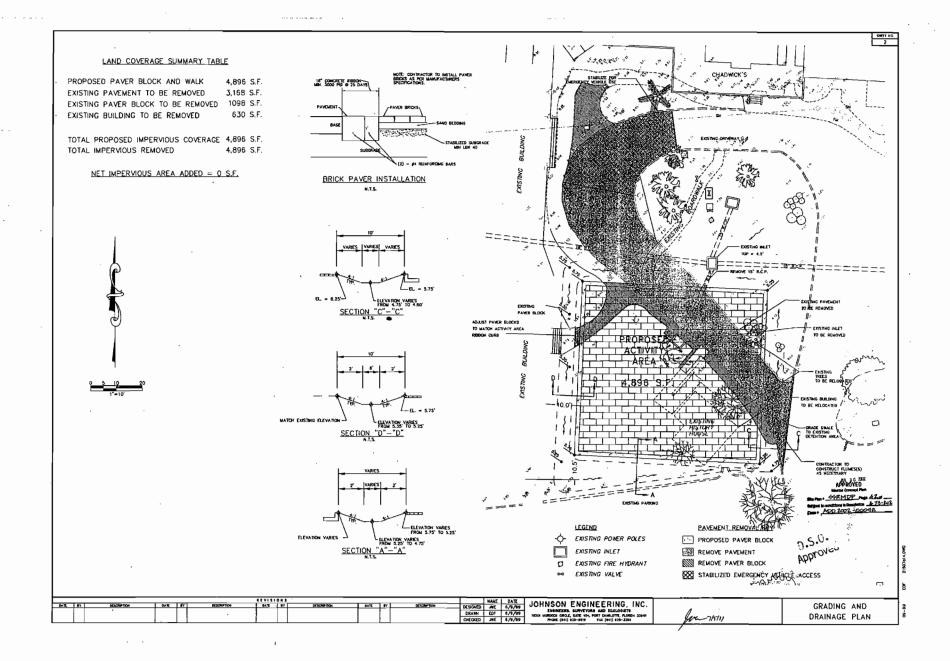
STRAP NUMBER

26-45-21-00-00001.2020

ZONING







HISTORY HOUSE

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

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

WHICHEAS, he Lee County Intraric Preservation Board and in November 18, 1909 and reviewed the respected relief and Issued Special Crefiscate of Appropriateness (SCA) No.99-11-01 (a copy of which is interned, Chapter 22 of the Lief Development Code and the Lie County Halance Preservation program is general, and .

WHEREAS, reflet is requested in the RM-2 contrig district, as provided by the Lee Count evaluations of Code, as follows:

ta: BCA 99-11-03 Silm Plan ADD2

A TIGIALE

JOHNSON ENGINEERING, INC. POST OFFICE

DESCRIPTION

HISTORY HOUSE, SOUTH SEAS PLANTATION SECTION 14, TOWNSRIP 45 SOUTE, RANGE 11 EAST CAPTIVA ISLAND, LEE COUNTY, FLORIDA

CAPTIVA BILLAND, LEE COUNTY, INCABINA

A next opexact of bodying is decined at Treessing 9 is from, Range 11 East, being a part of Boath has Panalach Boech Villas II Understeining as developed in Boad seasonful and Collection Board Panalach Season Villas II Understeining as developed in Boad Season Sea

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APPROVED

SEMP - 430 Comp. 100 1001-00018

JUL 3 0 2002

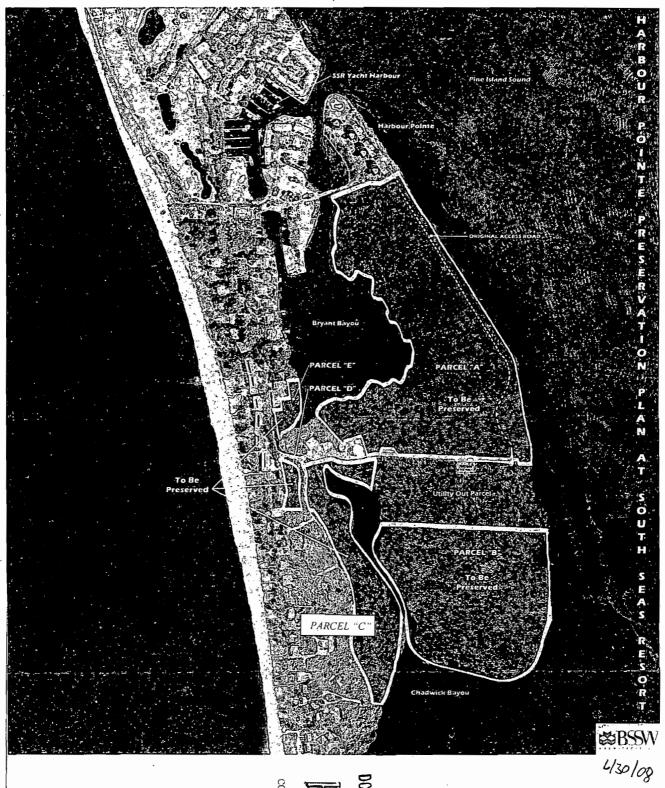
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Captiva Island Lee County, Florida



2001 Master Concept Plan South Seas Resort

20012664 22-45-21 As Shown



COMMUNITY DEVELOPMENT

DCI 2004-00036