

ADMINISTRATIVE APPROVAL
LEE COUNTY, FLORIDA

WHEREAS, Aldo Beretta, Managing Member, GVB Properties, LLC., filed an application for Administrative Approval for administrative relief **for the subdivision of property from one parcel into three parcels and deviations from the following Lee County Land Development (LDC) requirements:**

Deviation #1: Deviation from LDC Section 10-416(b), requiring building perimeter plantings equal to 10% of the building ground floor area and be located on 3 sides of the structure, to require only the main façade provide the required 10% of the building footprint in building perimeter planting areas.

Deviation #2: Deviation from LDC Section 10-416(c)(2)(c), requiring 10' minimum width landscape islands within parking areas, to permit the existing islands at a minimum of 8' minimum width within parking areas.

Deviation #3: Deviation from LDC Section 33-351, requiring a minimum 20' wide Type D landscape buffer between proposed commercial uses and existing right-of-way, to permit a minimum 10' wide Type D landscape buffer between proposed commercial uses and existing right-of-way.

Deviation #4: Deviation from LDC Section 33-351, requiring a minimum 5' wide Type A landscape buffer between commercial uses, to exempt the proposed lots and existing development from said requirement.

Deviation #5: Deviation from LDC Section 33-422(c), requiring a minimum 25' type "E" buffer containing a two to three foot undulating landscaped berm, without a wall, , to permit a minimum 10' wide Type D landscape buffer between proposed commercial uses and existing right-of-way.

Deviation #6: Deviation from LDC Section 33-111(d) requiring all dry detention basins be planted with wetland type plant species in minimum one-gallon containers not more than 36 inches on center throughout the extent of the basin, to exempt the proposed lots and existing development from said requirement.

WHEREAS, the subject property is located at 24231 Walden Center Drive, described more particularly Section 09, Township 47 South, Range 25 East, Lee County, Florida:

See Exhibit "A"

WHEREAS, the applicant has indicated the property's current STRAP numbers are 09-47-25-00-00001.0170, 09-47-25-00-00001.017A & 09-47-25-00-00001.0150; and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category and the Estero Planning Community as designated by the Lee Plan; and

WHEREAS, the subject property (a portion of the Pelican Landing DRI) was included in Resolution Z-94-014 (see Exhibit "B") to rezone 1,121.5± acres from Agricultural (AG-2), Residential Planned Development (RPD), Residential Two-Family Conservation District (TFC-2), and Marine Industrial District (IM) to Residential Planned Development (RPD) and Commercial Planned Development (CPD) to permit 2,616 dwelling units, 520,000 square feet of office commercial, and a 450-unit convention hotel; and

WHEREAS, subsequent amendments to the Pelican Landing DRI Development Order #1-9293-121, have been approved as follows:

- Resolution Z-95-061 to amend the Master Concept Plan by deleting RPD areas A and C, limit the number of dwelling units to a maximum of 2,266, and require indigenous open space in preserve areas, with conditions (See Exhibit "C");
- Resolution Z-96-055 to acknowledge conversion of commercial retail floor area to residential and commercial office uses and to amend condition II.B.2 pertaining to affordable housing; add 350 dwelling units in the Urban Community category CPD/RPD Area D, decrease the amount of commercial retail floor area from 390,000 square feet to 330,000 square feet, increase the amount of commercial office space from 125,000 square feet to 160,000 square feet; amend the master concept plan, and add an assisted living facility (ALF) as a permitted use in RPD Area D, with conditions (See Exhibit "D");
- Resolution Z-97-073 to acknowledge the conversion of commercial retail floor area to hotel units and reduce the total number of parking spaces, a finding that no substantial deviation under the provisions of Section 380.06 (19) Florida Statutes, amend the master concept plan to add a hotel/motel as a permitted use in RPD/CPD Area D, with conditions (See Exhibit "E"); and

WHEREAS, the subject property is located in CPD/RPD Area D with lot frontage on U.S. 41 and three access points from Walden Center Drive, an internal road to the development; and

WHEREAS, the subject property, Colony Corporate Center/Pelican Landing, is a 4.42± acre parcel, approved for development in accordance with development order number 98-06-194-00D approved on August 19, 1998, for two (two-story) buildings consisting of 20,250 square feet each, for banks and financial establishments (with a drive-through) in Phase I and offices, excluding medical in Phase II, with a total of 158 parking spaces; and

WHEREAS, on May 27, 1998 the subject property was split into three separate STRAP numbers assigned by the Lee County Property Appraiser's Office and the applicant desires to legally split the existing 4.42± acre parcel into three parcels, one of which will contain 1.94 acres (Lot 1), (Lot 2) will contain 1.91 acres and (Lot 3) will contain 0.57 acres; and;

WHEREAS, Lot 1 is developed with a bank and financial institution and general office, Lot 2 is developed with medical offices and Lot 3 with a landscaped area; and

WHEREAS, Lot 1 requires a minimum of 72 parking spaces (1 per 300 square feet of floor area), Lot 2 requires a minimum of 103 parking spaces (1 per 200 square feet of floor area) and Lot 3 as a landscaped area, as depicted on the site plan stamped received December 13, 2010 (see Exhibit "F"); and

WHEREAS, the Bylaws of Colony Corporate Center Owners' Association, Inc. for the Colony Corporate Center (see Exhibit "G") establish the common areas, easements for access, parking, utilities, cross-access, drainage, maintenance and ownership; therefore, Lot 1 and Lot 2 will function independently of one another and share landscape area of Lot 3; and

WHEREAS, the Estero Community Planning Panel and the Estero Design Review Committee had no objections to the request (see Exhibit "H"); and

WHEREAS, the applicant has submitted an application to replat the subject property in case number LDO2010-00240 to legitimize the lot split; and

WHEREAS, Lee County Land Development Code Section 34-2221 provides for administrative relief from the non compliance of the individual lots with property development regulations in the LDC for matters involving setbacks, lot width, depth, area requirements, height limitations, open space requirements, parking requirements and other similar relief, provided that the overall development complies with all other applicable zoning requirements; and

WHEREAS, an application for administrative relief has been filed pursuant to Lee County Land Development Code Section 34-2221; and

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

WHEREAS, the following findings of fact are offered:

- A. The relief will not alter the general appearance and character of the community.
- B. The relief will not be injurious to the area involved or otherwise detrimental to the public health, safety or welfare.
- C. The proposed subdivision of the site will not create an adverse impact on the overall development.
- D. The relief will not reduce or eliminate the requirements of the Lee County Land Development Code, wherein the resulting lots are developed as a single entity.

- E. The relief is not to be construed as providing relief from any development regulations not specifically listed and approved.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Administrative Approval for relief from the Lee County Land Development Code Section 34-2221, for a commercial lot split to **subdivide the subject property located at 24231 Walden Center Drive from one parcel into three parcels** is **APPROVED** with the following deviations and conditions:

Deviation #1: Deviation from LDC Section 10-416(b), requiring building perimeter plantings equal to 10% of the building ground floor area and be located on 3 sides of the structure, to require only the main façade provide the required 10% of the building footprint in building perimeter planting areas.

Deviation #2: Deviation from LDC Section 10-416(c)(2)(c), requiring 10' minimum width landscape islands within parking areas, to permit the existing islands at a minimum of 8' minimum width within parking areas.

Deviation #3: Deviation from LDC Section 33-351, requiring a minimum 20' wide Type D landscape buffer between proposed commercial uses and existing right-of-way, to permit a minimum 10' wide Type D landscape buffer between proposed commercial uses and existing right-of-way.

Deviation #4: Deviation from LDC Section 33-351, requiring a minimum 5' wide Type A landscape buffer between commercial uses, to exempt the proposed lots and existing development from said requirement.

Deviation #5: Deviation from LDC Section 33-422(c), requiring a minimum 25' type "E" buffer containing a two to three foot undulating landscaped berm, without a wall, , to permit a minimum 10' wide Type D landscape buffer between proposed commercial uses and existing right-of-way.

Deviation #6: Deviation from LDC Section 33-111(d) requiring all dry detention basins be planted with wetland type plant species in minimum one-gallon containers not more than 36 inches on center throughout the extent of the basin, to exempt the proposed lots and existing development from said requirement.


Conditions:

- a) The development of the subject property is limited to the site plan stamped received December 13, 2010 and included hereto as Exhibit "F".
- b) Prior to approval of the limited development order approval for the lot split and replat, the unified control document must be approved by the Lee County Attorney's office.
- c) Lot 1 must provide a minimum of 72 parking spaces.

- d) Lot 2 must provide a minimum of 103 parking spaces.
- e) Lot 3 must be maintained as 0.57 acres of landscaped area.
- e) All common elements of the overall development are subject to unified control and will be perpetually maintained through a property owners association.
- f) Resolution Z-94-014 and subsequent amendments thereto remain in full force and effect except as amended herein.

DULY PASSED AND ADOPTED this 15 day of February A.D., 2011.

BY: _____



Pam Houck, Director
Division of Zoning
Department of Community Development

Exhibits:

- A. Legal Description
- B. Resolution Z-94-014
- C. Resolution Z-95-061
- D. Resolution Z-96-055
- E. Resolution Z-97-073
- F. Site Plan
- G. Declaration of Covenants, Conditions and Restrictions
- H. Minutes from Estero Community Planning Panel and the Estero Design Review Committee

Rhodes & Rhodes Land Surveying, Inc.

28100 Bonita Grande Drive, Suite 107, Bonita Springs, Florida 34135
Phone (239) 405-8166 Fax (239) 405-8163

DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA (OVERALL DESCRIPTION)

A PARCEL OF LAND LOCATED IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT "A" OF PELICAN LANDING UNIT NINETEEN AS RECORDED IN PLAT BOOK 56 AT PAGES 36 THROUGH 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (TAMIAMI TRAIL- S.R. 45) (200' RIGHT-OF-WAY) WITH THE NORTHERLY RIGHT-OF-WAY LINE OF PELICAN COLONY BOULEVARD (TRACT "A" OF AFOREMENTIONED PLAT), AND ALSO BEING A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, WHOSE RADIUS POINT BEARS S 79°53'56" W A DISTANCE OF 30.00 FEET THEREFROM; THENCE RUN SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID PELICAN COLONY BOULEVARD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", SUBTENDED BY A CHORD OF 42.43 FEET AT A BEARING OF S 34°53'56" W, FOR AN ARC LENGTH OF 47.12 FEET TO THE END OF SAID CURVE; THENCE RUN S 79°53'56" W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 40.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 690.00 FEET, THROUGH A CENTRAL ANGLE OF 08°16'22", SUBTENDED BY A CHORD OF 99.54 FEET AT A BEARING OF S 84°02'07" W, FOR AN ARC LENGTH OF 99.63 FEET; THENCE CONTINUE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 690.00 FEET, THROUGH A CENTRAL ANGLE OF 23°21'50", SUBTENDED BY A CHORD OF 279.42 FEET AT A BEARING OF N 80°08'46" W, FOR AN ARC LENGTH OF 281.37 FEET TO A POINT OF COMPOUND CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 95°12'57", SUBTENDED BY A CHORD OF 44.31 FEET AT A BEARING OF N 20°51'23" W, FOR AN ARC LENGTH OF 49.85 FEET TO THE END OF SAID CURVE; THENCE RUN N 26°45'05" E FOR A DISTANCE OF 371.58 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 730.00 FEET, THROUGH A CENTRAL ANGLE OF 23°11'28", SUBTENDED BY A CHORD OF 293.46 FEET AT A BEARING OF N 15°09'21" E, FOR AN ARC LENGTH OF 295.48 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 81°13'58", SUBTENDED BY A CHORD OF 39.06 FEET AT A BEARING OF N 44°10'37" E, FOR AN ARC LENGTH OF 42.53 FEET TO THE END OF SAID CURVE; THENCE RUN N 84°47'36" E FOR A DISTANCE OF 29.63 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 89°06'34", SUBTENDED BY A CHORD OF 70.16 FEET AT A BEARING OF S 50°39'07" E, FOR AN ARC LENGTH OF 77.76 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (S.R. 45) (200' RIGHT-OF-WAY) ALSO BEING A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY OF U.S. 41, AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5797.58 FEET, THROUGH A CENTRAL ANGLE OF 04°00'14", SUBTENDED BY A CHORD OF 405.04 FEET AT A BEARING OF S 08°05'57" E, FOR AN ARC LENGTH OF 405.13 FEET TO THE END OF SAID CURVE; THENCE RUN S 10°06'04" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 241.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.42 ACRES, MORE OR LESS

SHEET 1 OF 2

APPROVED

LEC

09/12/2010

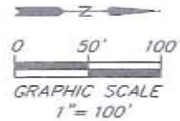
COMMUNITY DEVELOPMENT

ADD 2010-00073

AA-3.C.1

7/2010; 260-299; 2010-284; 2010-284 SK R.dv. Model 12/7/2010 2:46:14 PM 1:100

OF A PARCEL OF LAND LYING IN
SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA




1. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS BEARING S10°06'04"E.
2. SUBJECT TO EASEMENTS OF RECORD.
3. SURVEYORS CERTIFICATION DOES NOT APPLY TO MATTERS OF TITLE, ZONING, OR FREEDOM OF ENCUMBRANCES, AND IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
5. STATE PLANE COORDINATES ARE BASED ON NAD 83 (1990 ADJUSTMENT), FLORIDA ZONE WEST.
6. SEE SHEET 1 FOR COMPLETE LEGAL DESCRIPTION.

LEGEND

BOB	BASIS OF BEARINGS
C1	CURVE 1 OF CURVE TABLE
O.R.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
PG.	PAGE
SPC	STATE PLANE COORDINATES



THOMAS E. RHODES, SR., P.S.M. 5854

JOB # 2010-284	ACAD FILE 2010-284_SK.DWG	TEXT FILE 2010-284_OVERALL_DESC.DOC	
 RHODES & RHODES LAND SURVEYING, INC. LICENSE #LB 6897	SCALE 1" = 100'	DATE OCT. 25, 2010	
	28100 BONITA GRANDE DRIVE SUITE 107 BONITA SPRINGS, FL 34135 PHONE: (239) 405-8166 FAX: (239) 405-8163		
		drawn: TCS	checked: MMM
		sheet # 2 of 2	

Rhodes & Rhodes Land Surveying, Inc.

28100 Bonita Grande Drive, Suite 107, Bonita Springs, Florida 34135

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DESCRIPTION OF A PARCEL OF LAND

LYING IN

SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST

LEE COUNTY, FLORIDA

LOT 1 DESCRIPTION (NORTHERLY PARCEL RECORDED AS OFFICIAL RECORDS INSTRUMENT #2006000196431, LEE COUNTY PUBLIC RECORDS):

A PARCEL OF LAND LOCATED IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT "A" OF PELICAN LANDING UNIT NINETEEN AS RECORDED IN PLAT BOOK 56 AT PAGES 36 THROUGH 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (TAMIAMI TRAIL- S.R. 45) (200' RIGHT-OF-WAY) WITH THE NORTHERLY RIGHT-OF-WAY LINE OF PELICAN COLONY BOULEVARD (TRACT "A" OF AFOREMENTIONED PLAT), AND ALSO BEING A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, WHOSE RADIUS POINT BEARS S 79°53'56" W A DISTANCE OF 30.00 FEET THEREFROM; THENCE RUN SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID PELICAN COLONY BOULEVARD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", SUBTENDED BY A CHORD OF 42.43 FEET AT A BEARING OF S 34°53'56" W, FOR AN ARC LENGTH OF 47.12 FEET TO THE END OF SAID CURVE; THENCE RUN S 79°53'56" W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 40.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 690.00 FEET, THROUGH A CENTRAL ANGLE OF 31°38'13", SUBTENDED BY A CHORD OF 376.17 FEET AT A BEARING OF N 84°16'58" W, FOR AN ARC LENGTH OF 381.00 FEET TO A POINT OF COMPOUND CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 95°12'57", SUBTENDED BY A CHORD OF 44.31 FEET AT A BEARING OF N 20°51'23" W, FOR AN ARC LENGTH OF 49.85 FEET TO THE END OF SAID CURVE; THENCE RUN N 26°45'05" E FOR A DISTANCE OF 260.58 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 26°45'05" E FOR A DISTANCE OF 111.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 730.00 FEET, THROUGH A CENTRAL ANGLE OF 23°11'28", SUBTENDED BY A CHORD OF 293.46 FEET AT A BEARING OF N 15°09'21" E, FOR AN ARC LENGTH OF 295.48 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 81°13'58", SUBTENDED BY A CHORD OF 39.06 FEET AT A BEARING OF N 44°10'37" E, FOR AN ARC LENGTH OF 42.53 FEET TO THE END OF SAID CURVE; THENCE RUN N 84°47'36" E FOR A DISTANCE OF 29.63 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 89°06'34", SUBTENDED BY A CHORD OF 70.16 FEET AT A BEARING OF S 50°39'07" E, FOR AN ARC LENGTH OF 77.76 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (S.R. 45) (200' RIGHT-OF-WAY) ALSO BEING A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY OF U.S. 41, AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5797.58 FEET, THROUGH A CENTRAL ANGLE OF 04°00'14", SUBTENDED BY A CHORD OF 405.04 FEET AT A BEARING OF S 08°05'57" E, FOR AN ARC LENGTH OF 405.13 FEET TO THE END OF SAID CURVE; THENCE RUN S 10°06'04" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1.69 FEET; THENCE RUN S 79°53'56" W FOR A DISTANCE OF 134.00 FEET; THENCE RUN N 78°21'14" W FOR A DISTANCE OF 84.48 FEET; THENCE RUN N 63°14'55" W FOR A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.935 ACRES, MORE OR LESS

SHEET 1 OF 2

APPROVED
LEGAL
CJ 12/20/10

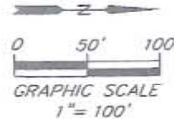
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COMMUNITY DEVELOPMENT

ADD 2010-00073

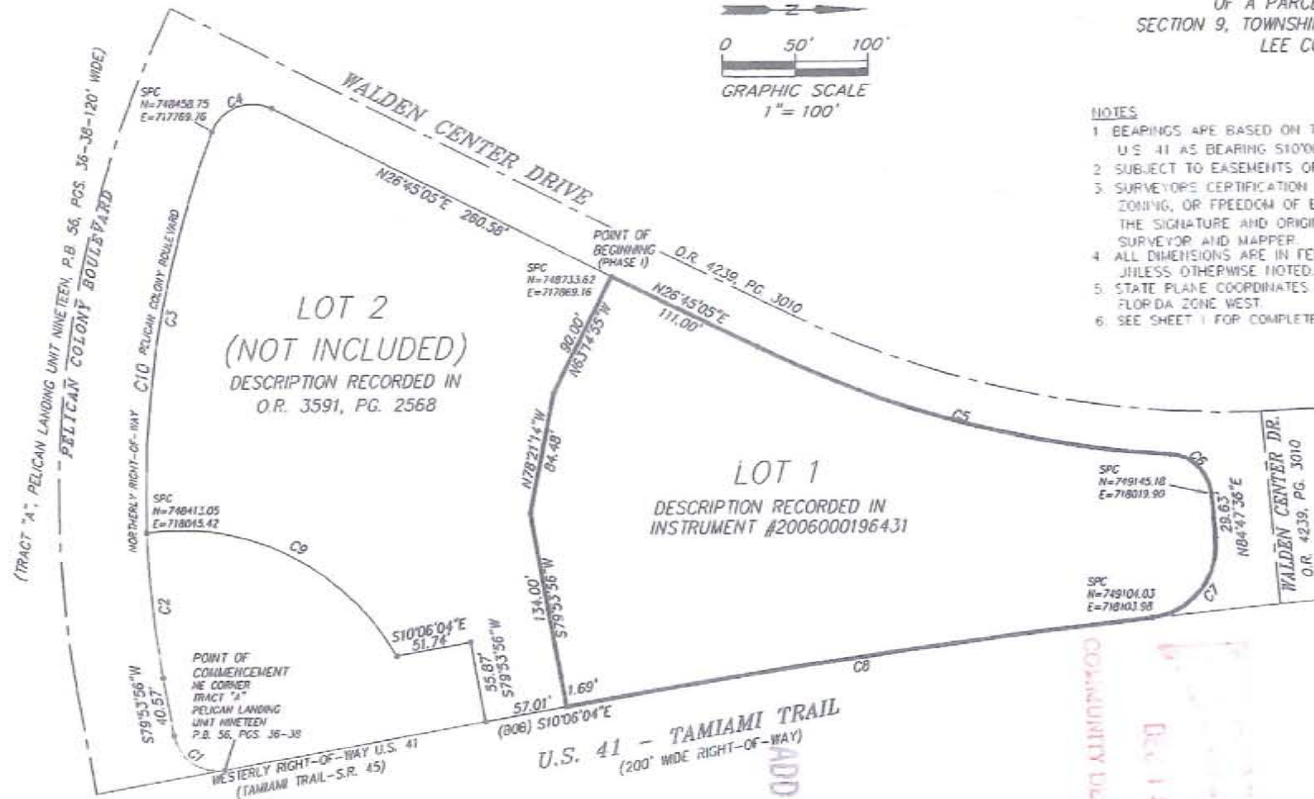
SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND LYING IN
SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



NOTES

1. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS BEARING S10°06'04"E
2. SUBJECT TO EASEMENTS OF RECORD.
3. SURVEYOR'S CERTIFICATION DOES NOT APPLY TO MATTERS OF TITLE, ZONING, OR FREEDOM OF ENCUMBRANCES, AND IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
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5. STATE PLANE COORDINATES ARE BASED ON NAD 83 (1990 ADJUSTMENT), FLORIDA ZONE WEST.
6. SEE SHEET 1 FOR COMPLETE LEGAL DESCRIPTION.



CURVE TABLE					
CURVE	RADIUS	DELTA ANGLE	ARC	CHORD	CHORD BEARING
C1	30.00'	90°00'00"	47.12'	42.43'	S34°53'56"W
C2	690.00'	08°16'22"	99.63'	99.54'	S84°02'07"W
C3	690.00'	23°21'50"	281.37'	279.42'	N80°08'46"W
C4	30.00'	95°12'57"	49.85'	44.31'	N20°51'23"W
C5	730.00'	23°11'28"	295.48'	293.46'	N15°09'21"E
C6	30.00'	81°13'58"	42.53'	39.06'	N44°10'37"E
C7	50.00'	89°06'34"	77.76'	70.16'	S50°39'07"E
C8	5797.58'	04°00'14"	405.13'	405.04'	S08°05'57"E
C9	170.00'	68°23'30"	202.92'	191.09'	S26°30'54"W
C10	690.00'	31°38'12"	380.99'	376.17'	N84°16'58"W

LEGEND

- BOB BASIS OF BEARINGS
C1 CURVE 1 OF CURVE TABLE
O.R. OFFICIAL RECORDS BOOK
P.B. PLAT BOOK
PG. PAGE
SPC STATE PLANE COORDINATES

*** THIS IS NOT A SURVEY ***

THOMAS E. RHODES, SR., P.S.M. 5854

JOB # 2010-284	ACAD FILE 2010-284_P01-SK.DWG
TEXT FILE 2010-284_P01-DESC.DOC	DATE JULY 29, 2010
SCALE 1" = 100'	drawn: TCS checked: MMM
RHODES & RHODES LAND SURVEYING, INC. LICENSE #LB 6897 28100 BONITA GRANDE DRIVE SUITE 107 BONITA SPRINGS, FL 34135 PHONE: (239) 405-8166 FAX: (239) 405-8163	
sheet # 2 of 2	

Rhodes & Rhodes Land Surveying, Inc.

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DESCRIPTION OF A PARCEL OF LAND

LYING IN

SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST

LEE COUNTY, FLORIDA

LOT 2 DESCRIPTION (SOUTHERLY PARCEL RECORDED IN OFFICIAL RECORDS BOOK 3591, PAGE 2568, PUBLIC RECORDS OF LEE COUNTY, FLORIDA):

A PARCEL OF LAND LOCATED IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT "A" OF PELICAN LANDING UNIT NINETEEN AS RECORDED IN PLAT BOOK 56 AT PAGES 36 THROUGH 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (TAMIAMI TRAIL- S.R. 45) (200' RIGHT-OF-WAY) WITH THE NORTHERLY RIGHT-OF-WAY LINE OF PELICAN COLONY BOULEVARD (TRACT "A" OF AFOREMENTIONED PLAT), AND ALSO BEING A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, WHOSE RADIUS POINT BEARS S $79^{\circ}53'56''$ W A DISTANCE OF 30.00 FEET THEREFROM; THENCE RUN SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID PELICAN COLONY BOULEVARD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF $90^{\circ}00'00''$, SUBTENDED BY A CHORD OF 42.43 FEET AT A BEARING OF S $34^{\circ}53'56''$ W, FOR AN ARC LENGTH OF 47.12 FEET TO THE END OF SAID CURVE; THENCE RUN S $79^{\circ}53'56''$ W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 40.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 690.00 FEET, THROUGH A CENTRAL ANGLE OF $08^{\circ}16'22''$, SUBTENDED BY A CHORD OF 99.54 FEET AT A BEARING OF S $84^{\circ}02'07''$ W, FOR AN ARC LENGTH OF 99.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 690.00 FEET, THROUGH A CENTRAL ANGLE OF $23^{\circ}21'50''$, SUBTENDED BY A CHORD OF 279.42 FEET AT A BEARING OF N $80^{\circ}08'46''$ W, FOR AN ARC LENGTH OF 281.37 FEET TO A POINT OF COMPOUND CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF $95^{\circ}12'57''$, SUBTENDED BY A CHORD OF 44.31 FEET AT A BEARING OF N $20^{\circ}51'23''$ W, FOR AN ARC LENGTH OF 49.85 FEET TO THE END OF SAID CURVE; THENCE RUN N $26^{\circ}45'05''$ E FOR A DISTANCE OF 260.58 FEET; THENCE RUN S $63^{\circ}14'55''$ E FOR A DISTANCE OF 90.00 FEET; THENCE RUN S $78^{\circ}21'14''$ E FOR A DISTANCE OF 84.48 FEET; THENCE RUN N $79^{\circ}53'56''$ E FOR A DISTANCE OF 134.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (TAMIAMI TRAIL-S.R. 45) A 200' RIGHT-OF-WAY; THENCE RUN ALONG SAID WESTERLY RIGHT-OF-WAY LINE, THENCE RUN S $10^{\circ}06'04''$ E FOR A DISTANCE OF 57.01 FEET; THENCE RUN S $79^{\circ}53'56''$ W FOR A DISTANCE OF 55.87 FEET; THENCE RUN S $10^{\circ}06'04''$ E FOR A DISTANCE OF 51.74 FEET TO A POINT ON A CIRCULAR CURVE TO THE SOUTHEAST, WHOSE RADIUS POINT BEARS S $29^{\circ}17'21''$ E FOR A DISTANCE OF 170.00 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 170.00 FEET, THROUGH A CENTRAL ANGLE OF $68^{\circ}23'30''$, SUBTENDED BY A CHORD OF 191.09 FEET AT A BEARING OF S $26^{\circ}30'54''$ W, FOR AN ARC LENGTH OF 202.92 FEET TO THE END OF SAID CURVE AND THE POINT OF BEGINNING.

CONTAINING 1.915 ACRES, MORE OR LESS.

SHEET 1 OF 2

RECEIVED

DEC 13 2010

COMMUNITY DEVELOPMENT

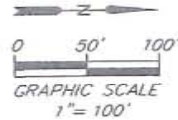
APPROVED
LEGAL

Csj 12/20/10

ADD 2010-00073

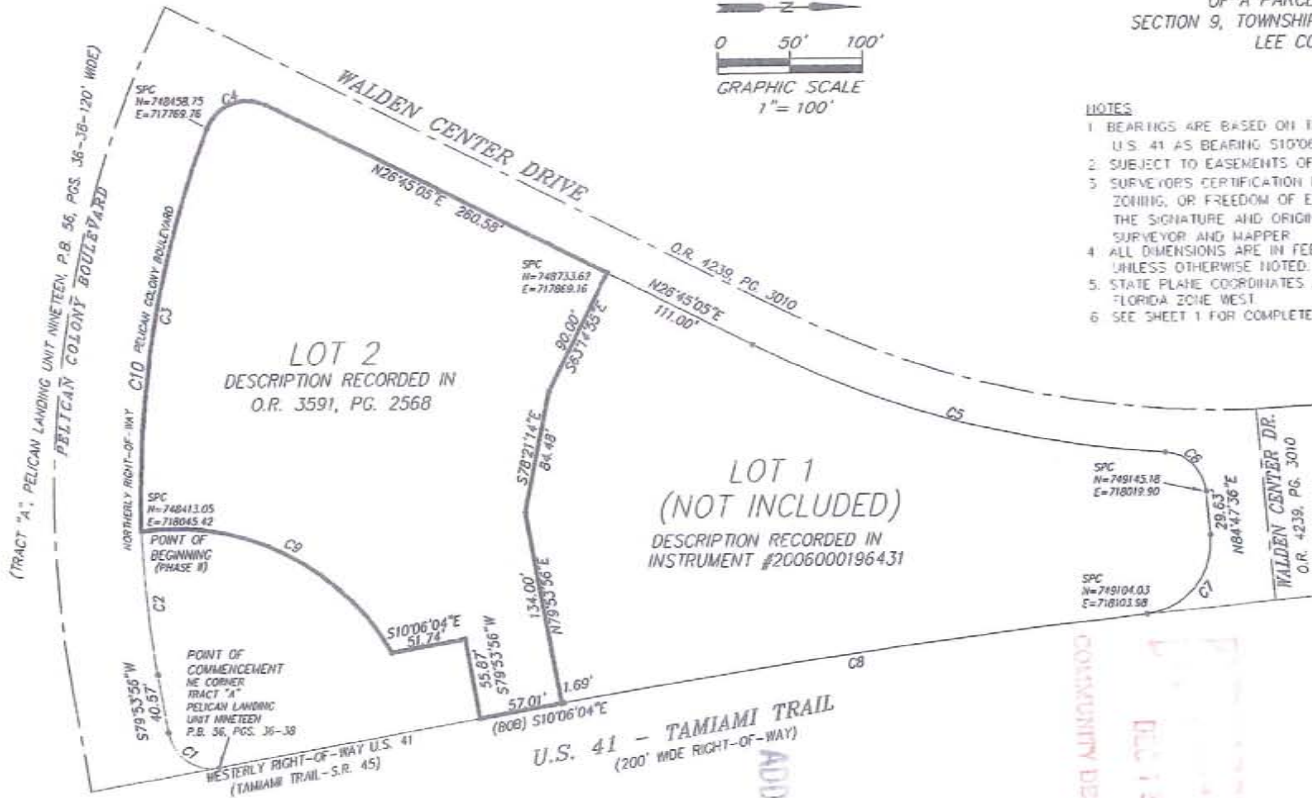
SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND LYING IN
SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



NOTES

1. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS BEARING S10°06'04"E
2. SUBJECT TO EASEMENTS OF RECORD
3. SURVEYOR'S CERTIFICATION DOES NOT APPLY TO MATTERS OF TITLE, ZONING, OR FREEDOM OF ENCUMBRANCES, AND IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL PAID SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
4. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
5. STATE PLANE COORDINATES ARE BASED ON HAD 83 (1990 ADJUSTMENT), FLORIDA ZONE WEST
6. SEE SHEET 1 FOR COMPLETE LEGAL DESCRIPTION



CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC	CHORD	CHORD BEARING
C1	30.00'	90°00'00"	47.12'	42.43'	S34°53'56"W
C2	690.00'	08°16'22"	99.63'	99.54'	S84°02'07"W
C3	690.00'	23°21'50"	281.37'	279.42'	N80°08'46"W
C4	30.00'	95°12'57"	49.85'	44.31'	N20°51'23"W
C5	730.00'	23°11'28"	295.48'	293.46'	N15°09'21"E
C6	30.00'	81°13'58"	42.53'	39.06'	N44°10'37"E
C7	50.00'	89°06'34"	77.76'	70.16'	S50°39'07"E
C8	5797.58'	04°00'14"	405.13'	405.04'	S08°05'57"E
C9	170.00'	68°23'30"	202.92'	191.09'	S26°30'54"W
C10	690.00'	31°38'12"	380.99'	376.17'	N84°16'58"W

LEGEND

- BOB BASIS OF BEARINGS
C1 CURVE 1 OF CURVE TABLE
O.R. OFFICIAL RECORDS BOOK
P.B. PLAT BOOK
PG. PAGE
SPC STATE PLANE COORDINATES

*** THIS IS NOT A SURVEY ***

THOMAS E. RHODES, SR., P.S.M. 5854

JOB # 2010-284	ACAD FILE 2010-284_PHI-SK.DWG
RHODES & RHODES LAND SURVEYING, INC. LICENSE #LB 6897	TEXT FILE 2010-284_PHI-DESC.DOC
28100 BONITA GRANDE DRIVE SUITE 107 BONITA SPRINGS, FL 34135 PHONE: (239) 405-8166 FAX: (239) 405-8163	SCALE 1" = 100'
	DATE JULY 29, 2010
	drawn: TCS checked: MMM
	sheet # 2 of 2

Rhodes & Rhodes Land Surveying, Inc.

28100 Bonita Grande Drive, Suite 107, Bonita Springs, Florida 34135
Phone (239) 405-8166 Fax (239) 405-8163

DESCRIPTION OF A PARCEL OF LAND

LYING IN

SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST

LEE COUNTY, FLORIDA

LOT 3 DESCRIPTION

(LANDSCAPE BUFFER SITE,

RECORDED IN INSTRUMENT #2010000058343, PUBLIC RECORDS OF LEE COUNTY, FLORIDA)

A PARCEL OF LAND LOCATED IN THE SOUTHEAST ¼ OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF TRACT "A" OF PELICAN LANDING UNIT NINETEEN AS RECORDED IN PLAT BOOK 56 AT PAGES 36 THROUGH 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (TAMIAMI TRAIL - S.R. 45) (200' RIGHT-OF-WAY) WITH THE NORTHERLY RIGHT-OF-WAY LINE OF PELICAN COLONY BOULEVARD (TRACT "A" OF THE AFOREMENTIONED PLAT), AND ALSO BEING A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, WHOSE RADIUS POINT BEARS S.79°53'56"W. A DISTANCE OF 30.00 FEET THEREFROM; THENCE RUN SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY OF SAID PELICAN COLONY BOULEVARD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", SUBTENDED BY A CHORD OF 42.43 FEET AT A BEARING OF S.34°53'56"W., FOR AN ARC LENGTH OF 47.12 FEET TO THE END OF SAID CURVE; THENCE RUN S.79°53'56"W., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 40.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 690.00 FEET, THROUGH A CENTRAL ANGLE OF 08°16'22", SUBTENDED BY A CHORD OF 99.54 FEET AT A BEARING OF S.84°02'07"W., FOR AN ARC LENGTH OF 99.63 FEET TO THE END OF SAID CURVE AND TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST WHOSE RADIUS POINT BEARS N.82°19'08"E. A DISTANCE OF 170.00 FEET THEREFROM; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 170.00 FEET, THROUGH A CENTRAL ANGLE OF 68°23'30", SUBTENDED BY A CHORD OF 191.09 FEET AT A BEARING N.26°30'54"E., FOR AN ARC LENGTH OF 202.92 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°06'04"W. FOR A DISTANCE OF 51.74 FEET; THENCE RUN N.79°53'56"E. FOR A DISTANCE OF 55.87 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (S.R. 45) (200' RIGHT-OF-WAY); THENCE RUN S.10°06'04"E., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 182.30 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.57 ACRES, MORE OR LESS.

BEARINGS REFER TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (TAMIAMI TRAIL, S.R. 45) AS BEING S.10°06'04"E.

SHEET 1 OF 2

APPROVED
LEGAL *CSH*
12/20/10

APPROVED
DEC 13 2010

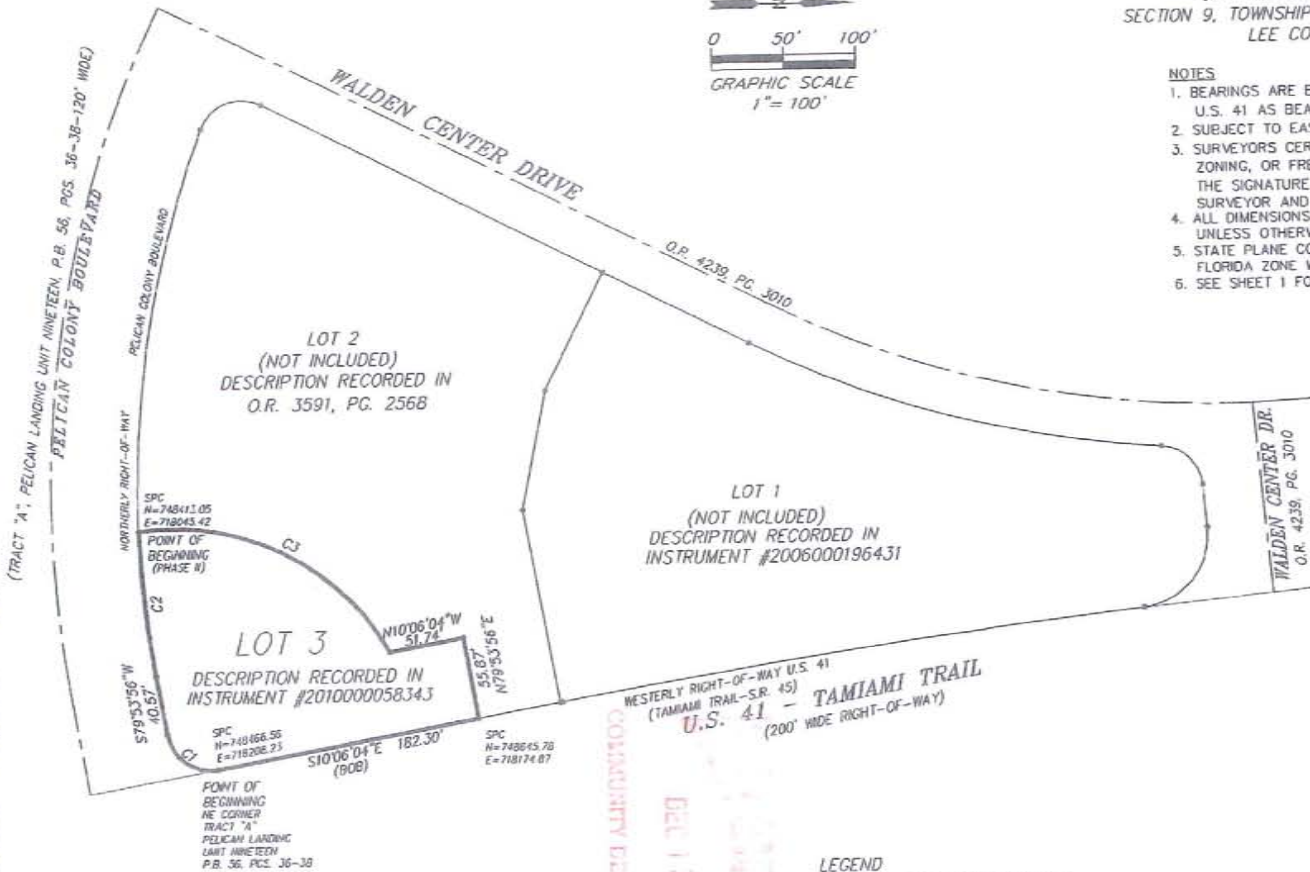
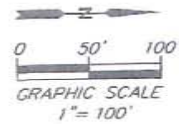
COMMUNITY DEVELOPMENT

ADD 2010-00073

OF A PARCEL OF LAND LYING IN
SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

NOTES

1. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS BEARING S10°06'04"E.
2. SUBJECT TO EASEMENTS OF RECORD.
3. SURVEYORS CERTIFICATION DOES NOT APPLY TO MATTERS OF TITLE, ZONING, OR FREEDOM OF ENCUMBRANCES, AND IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
5. STATE PLANE COORDINATES ARE BASED ON NAD 83 (1990 ADJUSTMENT), FLORIDA ZONE WEST.
6. SEE SHEET 1 FOR COMPLETE LEGAL DESCRIPTION.



*** THIS IS NOT A SURVEY ***

THOMAS E. RHODES, SR.; P.S.M. 5854

CURVE	RADIUS	DELTA ANGLE	ARC	CHORD	CHORD BEARING
C1	30.00'	90°00'00"	47.12'	42.43'	S34°53'56"W
C2	690.00'	08°16'22"	99.63'	99.54'	S84°02'07"W
C3	170.00'	68°23'30"	202.92'	191.09'	N26°30'54"E

BOB	BASIS OF BEARINGS
C1	CURVE 1 OF CURVE TABLE
O.R.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
PG.	PAGE
SPC	STATE PLANE COORDINATES

JOB # 2010-284	ACAD FILE 2010-284_PH3-SK.DWG		
RHODES & RHODES LAND SURVEYING, INC. LICENSE #LB 6897 28100 BONITA GRANDE DRIVE SUITE 107 BONITA SPRINGS, FL 34135 PHONE: (239) 405-8166 FAX: (239) 405-8163	TEXT FILE 2010-284_PH3-DESC.DOC	DATE OCT. 25, 2010	
	SCALE 1" = 100'	drawn: TCS	checked: MMM
		sheet #: 2 of 2	

RESOLUTION NUMBER Z-94-014

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

WHEREAS, Pelican Landing Communities, Inc., formerly Westinghouse Bayside Communities, Inc., in reference to Pelican Landing DRI and Pelican Landing CPD/RPD, has properly filed an application for:

- a) Consideration of the Application for Development Approval (ADA) for a Development of Regional Impact (DRI) on 2,100± acres known as Pelican Landing, State DRI #1-9293-121; and
- b) A rezoning of a portion of the DRI from AG-2, RPD, TFC-2 and IM to Residential Planned Development and Commercial Planned Development districts, to permit 2,616 dwelling units, 520,000 square feet of office commercial and a 450 unit convention hotel on a total of 1,121.5± acres. Building heights are proposed to range from 35 feet above average grade to 200 feet above flood elevation; and

WHEREAS, the subject property is located between US 41 and Estero Bay, north of Spring Creek to north and south of Coconut Road, described more particularly as:

LEGAL DESCRIPTION: In Sections 05, 07, 08, 09, 16, 17, 18, 20, and 21, Township 47 South, Range 25 East, and Sections 13 and 24, Township 47 South, Range 24 East, Lee County, Florida:

DRI Parcel 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20 and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20, run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE1/4) of said section;
 THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW1/4) of said Section 21 for 2,040.41 feet;
 THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;
 THENCE run along Spring Creek for 3,630 feet, more or less to an intersection of the East line of said Section 20 and the approximate centerline of Spring Creek;
 THENCE run along said centerline the following courses:
 S78°50'00"W for 181.31 feet,
 N34°24'12"W for 230.22 feet,
 N30°59'12"W for 174.93 feet,
 N24°25'16"E for 120.83 feet,
 S65°47'43"E for 219.32 feet,
 N18°24'43"E for 158.11 feet,
 N75°11'47"W for 351.71 feet,
 N65°09'33"W for 451.88 feet,
 N84°18'44"W for 351.75 feet,
 N66°54'31"W for 445.79 feet,
 S63°24'43"W for 134.16 feet,
 S03°23'22"E for 170.29 feet,
 S50°30'17"W for 220.23 feet,
 N84°49'43"W for 331.36 feet,
 S62°13'07"W for 214.71 feet,
 S22°08'36"W for 291.55 feet,
 S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW1/4) of said Section 20;
 THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;
 THENCE run S89°58'37"W along the North line of said fraction for 290.00 feet to an intersection with the approximate centerline of the most Easterly branch of said Spring Creek;

continued...

THENCE run along said centerline the following courses:
 N09°13'28"W for 137.34 feet,
 N29°08'22"W for 590.59 feet,
 N38°31'58"W for 278.03 feet,
 N65°16'43"W for 254.95 feet,
 N37°18'28"W for 286.01 feet,
 N32°51'05"E for 252.39 feet,
 N20°11'00"E for 236.69 feet,
 N27°23'47"W for 369.25 feet,
 N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
 THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
 THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE1/4) of said Section 20;
 THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE1/4) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
 THENCE run S89°58'35"E along said South line for 739.45 feet;
 THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE1/4) of said Section 17;
 THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;
 THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
 THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
 THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE1/4) of said Section 08;
 THENCE continue N00°07'17"E along said East line for 343.54 feet;
 THENCE run S89°38'58"E for 10.00 feet;
 THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
 THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
 THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
 THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
 THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
 THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
 THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section;
 THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
 THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
 THENCE run S00°10'56"W along said West line for 621.81 feet to a POINT OF CURVATURE;
 THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a POINT OF TANGENCY;
 THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE1/4) of said Section 16;
 THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE1/4) of Section 16;

continued...

THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE1/4) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE1/4) of said Section;
 THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
 THENCE run S00°06'43"E for 1,085.91 feet;
 THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
 THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a POINT OF TANGENCY;
 THENCE run S00°06'43"E along said West line for 49.81 feet;
 THENCE run S89°06'43"W for 300.00 feet;
 THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE1/4) of said Section 16;
 THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW1/4) of said Section 16;
 THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW1/4) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

DRI Parcel 2

A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.

From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
 THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
 THENCE run S00°07'58"W along said West line for 2,646.47 feet;
 THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW1/4) of said Section 17;
 THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
 THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
 THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE1/4) of said Section 18;
 THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;
 THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S1/2) of Government Lot 2 of said Section 07;
 THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;
 THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
 THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
 THENCE run N89°35'27"E for 666.22 feet;
 THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
 THENCE run S01°07'45"E along said West line for 488.63 feet;
 THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.

continued ...

LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO:

DRI Parcel 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO AGRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County;

ALSO the East Three-quarters (E-3/4) of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section 05;
ALSO the East Two-thirds (E-2/3) of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of said Section 05;
ALSO the East Two-thirds (E-2/3) of the Western Half (W1/2) of the Northwest Quarter (NW1/4) of said Section 08; being more particularly described by metes and bounds as follows:

From the Northwest corner of the Southwest Quarter (SW1/4) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW1/4) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;
THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;
THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

DRI Parcel 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.

Containing 2,409 acres, more or less.
Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

AND

continued...

DRI Beach Parcel

A tract or parcel of land lying in Government Lot 3, Section 13, and Government Lot 2, Section 24, Township 47 South, Range 24 East, Big Hickory Island, Lee County, Florida, which tract or parcel is described as follows:

From the center of a turnaround on SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,
N22°26'23"W for 100.53 feet,
N23°09'50"W for 100.14 feet,
N14°51'19"W for 73.01 feet,
N27°40'10"W for 88.01 feet,
N29°33'57"W for 46.01 feet,
N22°14'53"W for 47.27 feet,
N20°39'23"W for 46.98 feet,
N11°15'38"W for 29.80 feet,
N26°10'46"W for 46.87 feet,
N09°09'45"W for 48.26 feet,
N17°35'56"W for 46.04 feet,
N12°49'07"W for 50.04 feet,
N29°20'48"W for 69.12 feet,
N20°48'58"W for 63.82 feet;
THENCE run N79°23'51"W for 247 feet more or less to an intersection with the Approximate Mean High Water Line of the Gulf of Mexico;
THENCE run Northerly and Northeasterly along said waters for 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 188 of the Public Records of Lee County, Florida;
THENCE run along said South line, along the arc of a curve to the right of radius 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;
THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°01'44"E for 42.51 feet to an intersection with the South line of lands described in Official Record Book 2246 at Page 4413 of the Lee County Records;
THENCE run N65°00'00"E along said South line for 134 feet, more or less to the waters of Estero Bay;
THENCE Northerly along said waters for 358 feet, more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

RPD Parcel 1

Tracts or parcels lying in Section 05 and Section 08, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows and all consisting of 203.85 acres, more or less.

continued...

Lots 8B, 9B, 10B, 11B, 12B, and Lots 21B, 22B, 23B, 24B, and 25B of Florida Gulf Land Company's Subdivision, all in Section 05, Lee County, Florida (recorded in Plat Book 1 at Page 59), consisting of 100 acres more or less.

ALSO:

The East Three-Quarters (E-3/4) of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4), of said Section 05, consisting of 30 acres, more or less.

ALSO:

The East Two-Thirds (E-2/3) of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4), of said Section 05, consisting of 26.67 acres, more or less.

The East Two-Thirds (E-2/3) of the West Half (W1/2) of the Northwest Quarter (NW1/4) of said Section 08, consisting of approximately 53.55 acres, more or less, less the Southerly 40.00 feet for the right-of-way of Coconut Road.

RPD Parcel 2

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07 run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;

THENCE run S89°33'42"W along the South line of said Government Lot 1 for 1,747.82 feet to a concrete post at the waters of Estero Bay;

THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;

THENCE run N89°48'31"E along said North line for 2,575 feet, more or less to the POINT OF BEGINNING.

Containing 60 acres, more or less.

RPD Parcel 3

A tract or parcel of land lying in Sections 07, 08, 17 and 18, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide);

THENCE run S89°16'14"E along said South line for 1,478.58 feet to the POINT OF BEGINNING;

THENCE continue S89°16'14"E along said South line for 1,774.42 feet to an intersection with the West line of Spring Creek Road as described in County Commissioners Minute Book 6 at Page 210, Public Records, Lee County, Florida;

THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;

THENCE run S00°07'58"W along said West line for 1,612.27 feet;

THENCE run N89°52'02"W for 5.00 feet to a point on a curve;

THENCE along the arc of a non-tangent curve to the right of radius 1,070.00 feet (delta 91°03'07") (chord bearing S45°39'32"W) (chord 1,527.04 feet) for 1,700.40 feet;

THENCE run N01°31'36"E for 33.48 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;

THENCE continue N01°31'36"E along the East line of said lands for 960.34 feet;

THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE1/4) of said Section 18;

continued...

THENCE continue N89°59'08"W for 1,840 feet, more or less, to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 6,490 feet, more or less, to an intersection with the South line of Government Lot 2, of said Section 07;
THENCE run N89°40'05"E along said South line for 745 feet, more or less;
THENCE run S00°19'55"E for 650.00 feet;
THENCE run N89°40'05"E for 1,107.21 feet to an intersection with the West line of said Section 08;
THENCE run S00°23'24"E along the West line of said Section for 375.11 feet;
THENCE run S89°15'18"E for 1,458.78 feet;
THENCE run N00°44'42"E for 1,000.00 feet to an intersection with the South line of said Coconut Road and said POINT OF BEGINNING.

Containing 513.7 acres, more or less.

RPD Parcel 4

A tract or parcel of land lying in Sections 08, 09, 16 and 17, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a concrete monument marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section 09 run N00°41'48"W along the West line of said Section 09 for 5.00 feet to an intersection with the South line of Coconut Road (50 feet wide) as described in Official Record Book 1738 at Page 2538, Public Records, Lee County, Florida;
THENCE run S89°35'50"E along said South line for 1,549.14 feet to a POINT OF CUSP;
THENCE run along the arc of a curve to the left of radius 30.00 feet (delta 90°00'00") (chord bearing S45°24'10"W) (chord 42.43 feet) for 47.12 feet to a POINT OF TANGENCY;
THENCE run S00°24'10"W for 336.31 feet to a POINT OF CURVATURE;
THENCE run along the arc of the curve to the left of radius 270.00 feet (delta 90°00'00") (chord bearing S44°35'50"E) (chord 381.84 feet) for 424.12 feet to a POINT OF TANGENCY;
THENCE run S89°35'50"E for 99.41 feet to a POINT OF CURVATURE;
THENCE run along the arc of a curve to the right of radius 530.00 feet (delta 27°42'00") (chord bearing S75°44'50"E) (chord 253.74 feet) for 256.23 feet;
THENCE run S20°53'52"E for 1,008.12 feet to a point on a non-tangent curve;
THENCE run along the arc of a curve to the left of radius 840.00 feet (delta 34°20'28") (chord bearing N66°42'56"W) (chord 495.96 feet) for 503.47 feet to a POINT OF COMPOUND CURVATURE;
THENCE along the arc of a curve to the left of radius 1,652.50 feet (delta 21°34'22") (chord bearing S85°19'39"W) (chord 618.53 feet) for 622.20 feet;
THENCE S15°27'32"E along a radial line for 10.00 feet to a point on a non-tangent curve;
THENCE along the arc of a curve to the left of radius 1,642.50 feet (delta 34°59'45") (chord bearing S57°02'36"W) (chord 987.70 feet) for 1,003.22 feet to a POINT OF COMPOUND CURVATURE;
THENCE along the arc of a curve to the left of radius 1,120.00 feet (delta 21°31'30") (chord bearing S28°55'59"W) (chord 412.53 feet) for 414.90 feet to a POINT OF REVERSE CURVATURE;
THENCE along the arc of a curve to the right of radius 935.00 feet (delta 43°04'19") (chord bearing S39°51'23"W) (chord 686.45 feet) for 702.88 feet to a POINT OF COMPOUND CURVATURE;
THENCE along the arc of a curve to the right of radius 2,760.00 feet (delta 24°20'33") (chord bearing S73°33'49"W) (chord 1,163.81 feet) for 1,172.61 feet;
THENCE N20°00'00"W for 580.12 feet;
THENCE N89°52'02"W for 657.66 feet to an intersection with the East line of Spring Creek Road as described in County Commissioners Minute Book 6 at Page 210, Public Records, Lee County, Florida;

continued...

THENCE run N00°07'58"E along said East line for 240.32 feet to an intersection with the South line of the Southeast Quarter (SE1/4) of said Section 08;
 THENCE continue N00°07'17"E along said East line for 343.49 feet;
 THENCE run S89°38'58"E for 10.00 feet;
 THENCE run N00°07'17"E along said East line for 499.94 feet to the Southwest corner of lands described in Official Record Book 428 at Page 349, said Public Records;
 THENCE run S89°21'02"E along the South line of said lands for 536.00 feet;
 THENCE run N00°07'17"E along the East line of said lands for 474.33 feet;
 THENCE run N89°21'02"W along the North line of said lands for 546.00 feet to an intersection with the Easterly line of said Spring Creek Road;
 THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of said Coconut Road;
 THENCE run S89°16'14"E along the South line of said Coconut Road 1,802.38 feet to an intersection with the West line of said Section 09;
 THENCE run N00°41'48"W along said West line for 25.00 feet to the POINT OF BEGINNING.

Containing 222.36 acres, more or less.

CPD Parcel 1

A tract or parcel of land lying in Sections 07 and 08, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.

From said POINT OF BEGINNING run S89°16'14"E along said South line for 1,478.58 feet;
 THENCE run S00°44'42"W for 1,000.00 feet;
 THENCE run N89°15'18"W for 1,458.78 feet to an intersection with the West line of said Section 08;
 THENCE run N00°23'24"W along said West Section line for 375.11 feet;
 THENCE run S89°40'05"W for 1,107.21 feet;
 THENCE run N00°19'55"W for 650.00 feet to an intersection with the South line of Government Lot 2 of said Section 07;
 THENCE run S89°40'05"W along said South line for 745 feet, more or less, to an intersection with the waters of Estero Bay;
 THENCE run along the waters of Estero Bay for 1,810 feet, more or less, to a point which intercepts the North line of the South Half (S1/2) of said Government Lot 2;
 THENCE run N89°32'15"E along said North line of the South Half (S1/2) of said Government Lot 2 for 545 feet, more or less, to the Northwest corner of lands described in Official Record Book 1895 at Page 3817, Public Records, Lee County, Florida;
 THENCE S08°50'45"E along the West line of said lands for 199.50 feet;
 THENCE N89°32'15"E along the South line of said lands for 247.50 feet;
 THENCE run N89°35'27"E for 666.22 feet;
 THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
 THENCE run S01°07'45"E along said West line for 488.63 feet to an intersection with the South line of said Coconut Road;
 THENCE run N89°40'05"E along the South line of said Coconut Road for 24.55 feet to the POINT OF BEGINNING.

LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516, Public Records, Lee County, Florida.

Containing 72.8 acres, more or less.

continued...

CPD Parcel 2

A tract or parcel of land lying in the South Half (S1/2) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
From the Northwest corner of the Southwest Quarter (SW1/4) of said Section 09 run N00°41'48"W for 5.00 feet to the South right-of-way line of Coconut Road (50 foot right-of-way);
THENCE run S89°35'50"E for 1,863.14 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING continue S89°35'50"E along said South right-of-way line for 1,301.22 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a POINT OF CURVATURE;
THENCE run Southerly and Southeasterly along the arc of a curve to the left of radius 5,797.58 feet (delta 10°17'00") (chord bearing S04°57'34"E) (chord 1,039.14 feet) for 1,040.54 feet to a POINT OF TANGENCY;
THENCE run S10°06'04"E along said Westerly line for 230.98 feet;
THENCE run S79°53'56"W for 70.57 feet to a POINT OF CURVATURE;
THENCE run along the arc of a curve to the right of radius 650.00 feet (delta 49°49'26") (chord bearing N75°11'21"W) (chord 547.59 feet) for 565.23 feet to a POINT OF REVERSE CURVATURE;
THENCE along the arc of a curve to the left of radius 840.00 feet (delta 16°23'49") (chord bearing N58°28'33"W) (chord 239.57 feet) for 240.39 feet;
THENCE run N20°53'52"W for 1,756.27 feet to an intersection with the South line of said Coconut Road and the POINT OF BEGINNING.

Containing 41.09 acres, more or less.

CPD Parcel 3

A tract or parcel of land lying in the Southeast Quarter (SE1/4) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter (SE1/4) of said Section 09 run N01°00'24"W along the West line of said Southeast Quarter (SE1/4) for 587.77 feet to a point on a non-tangent curve;
THENCE along the arc of a curve to the left of radius 850.00 feet (delta 39°04'25") (chord bearing S80°33'52"E) (chord 568.50 feet) for 579.67 feet to a POINT OF TANGENCY;
THENCE run N79°53'56"E for 70.57 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S10°06'04"E along said West line for 507.09 feet to an intersection with the South line of said Section 09;
THENCE run S89°23'00"W along said South line for 708.94 feet to the POINT OF BEGINNING.

Containing 7.73 acres, more or less.

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on May 31, 1994, and subsequently continued to June 1, 2, 3, 1994; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners on August 29, 1994; and the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE the rezoning of AG-2, RPD, TFC-2, and IM to RPD and CPD districts with the following conditions and deviations:

1. The development of the subject property shall be in accordance with the three-page Master Concept Plan for Pelican Landing RPD/CPD, stamped received on May 16, 1994, except as modified by the conditions herein. Unless specifically approved as part of this rezoning, development shall be in accordance with all applicable local development regulations, including the Pelican Landing Development of Regional Impact Development Order. No deviations from the Land Development Code are granted unless specifically identified herein.

As a prerequisite to approval of any local Development Order for property located within the Commercial Planned Development and Residential Planned Development, approval of a Final Zoning Plan must be received which specifies the type, intensity and configuration of development for the particular site. The objective of the process is to ensure compliance with the DRI Development Order, Zoning Resolution, and Land Development Code, to allow detailed review of deviations conceptually approved herein, while allowing the development flexibility to respond to changing conditions. Application materials shall be the same as for an Administrative Amendment supplemented per Condition 18.b. Any substantial change in the type, intensity, or configuration of development within the RPD/CPD will require further review through a public hearing. The necessity of said review shall be determined by the Director of Community Development.

Commercial Planned Development

2. Permitted uses in CPD land development Area A: Marina

Administrative Offices
Bait and Tackle Shop
Boat Parts Store
Cocktail Lounge, only in conjunction with a restaurant
Club, Private
Consumption on Premises, only in conjunction with a restaurant
Food Store, Group I
Fishhouse
Specialty Retail, Group I
Marina (df) including those uses defined with a maximum 150 space dry boat storage building and 48 wet slips
Rental and Charter Facilities for Boats, limited to residents and guests in Pelican Landing
Restaurants, Standard
Sale of Fuel and Lubricants
School, Commercial limited to sailing, water safety and other marine oriented schools
Shower and Restroom Facilities

The following property development regulations shall apply to CPD land development Area A: Marina

- a. Minimum building setbacks for all Marina/Commercial District uses:

Street	-	1/2 right-of-way plus 20 feet
Side	-	10 feet
Water Body	-	0 feet
Wetlands	-	20 feet

- b. Minimum distance between buildings:

Single story buildings	-	10 feet
Multiple story buildings	-	20 feet
Multiple story buildings with sprinkler systems	-	15 feet

- c. Maximum building height - 45 feet above minimum flood elevation

- d. Dry boat storage shall be limited to a height of 45 feet.

- e. Prior to any local Development Order for the marina, a parking plan shall be submitted which demonstrates location and adequacy of parking and methods of vehicular and pedestrian movement. County staff shall ensure protection of public safety and compliance with applicable standards. Should vacation of a portion of Coconut Road not occur, developer shall be restricted accordingly.
- f. Live-aboards (defined by Ordinance 85-21, as amended) and personal watercraft (defined by Ordinance 90-15, as amended) are prohibited.
- g. Marina sanitation facilities are required.

3. Permitted uses in CPD land development Area B:

Hotel/Convention Center (per Ord.):

Hotel or Motel, Convention

Hotel or Motel Accessory Uses - including, but not limited to:

- Tennis Courts
- Swimming Pools
- Bar or Cocktail Lounge
- ATM within the Hotel or Other Building
- Consumption on Premises and
- Package Store within the Hotel or Motel
- Conference Meeting Rooms

Club, Private

Resort

Restaurant, Standard - Groups I, II and III with Consumption on Premises

Specialty Retail Shops - Groups I and II

Business Services - Group I (excluding blood banks, blood donor stations, bail bonding, check exchange, detective agencies)

Studios

Dwelling Units, including but not limited to:

- Two Family Attached
- Townhouse
- Duplex
- Multiple Family Building

Residential Accessory Uses, including but not limited to:

- private garages, carports and parking areas
- private swimming pools and enclosures
- private tennis courts

Model Homes, Model Units and Model Display Center - limited to residential uses within Pelican Landing

Home Occupation

Entrance Gates and Gatehouses

The following property development regulations shall apply to CPD land development Area B: Hotel and Conference Center:

a. Minimum building setbacks:

- Street - 1/2 right-of-way plus 20 feet
- Side - 0 feet or 10 feet for an interior lot and 15 feet for a corner lot
- Water Body - 20 feet
- Wetlands - 20 feet

b. Minimum distance between buildings:

- Single story buildings - 10 feet
- Multiple story buildings - 20 feet
- Multiple story buildings with sprinkler systems - 15 feet

c. Maximum building height - no more than 20 habitable floors

d. Development of CPD Area B for Hotel and Conference Center shall comply with Condition 12 (High Rise Development Regulations).

4. Permitted Uses in CPD land development Area C: Office

Administrative Offices
Bank and Financial Establishments - Group I and II
Day Care (child/adult)
Food and Beverage Service
Insurance Companies
Library
Medical Office
Business Services - Group I (excluding blood banks, blood donor stations,
bail bonding, check exchange, detective agencies)
Pharmacy
Post Office
Restaurants
Business Services - Group II (no outdoor storage of vehicles or equipment
is permitted)
Contractors and Builders - Group I (no storage facilities permitted)
Cultural Facilities, limited to Art Gallery or Museum
Health Care Facilities - Group III
Personal Services - Group II (health club or beauty spa only)
Commercial School, limited to:
- Art School
- Business School
- Clerical
- Computer Drafting
- Law
- Real Estate
- Aerobics
Social Services - Group I (limited to family and marriage counseling or
nutritionists counseling)

The following property development regulations shall apply to CPD land
development Area C: Office

a. Minimum building setbacks:

Street	-	1/2 right-of-way plus 20 feet
Side	-	0 feet or 10 feet for an interior lot and 15 feet for a corner lot
Water Body	-	25 feet
Wetlands	-	20 feet

b. Minimum distance between buildings:

Single story buildings	-	10 feet
Multiple story buildings	-	20 feet
Multiple story buildings with sprinkler systems	-	15 feet

c. Maximum building height - 95 feet above minimum flood
elevation, with no more than
8 habitable floors

5. Permitted Uses in CPD land development Area D: Mixed Use Commercial

Administrative Offices
Business Services - Group I (excluding blood banks, blood donor
stations, bail bonding, check exchange, detective agencies)
Business Services - Group II (no outdoor storage of vehicles or
equipment)
Banks and Financial Establishments - Groups I and II with drive-thru
Broadcasting Studio
Commercial Radio and Television
Place of Worship
Religious Facilities
Private Club
Food Store - Group I
Repair Shops - Groups I and II
Restaurant, Standard - Groups I, II and III with consumption on premises
Specialty Retail Shops - Groups I, II and III

Used Merchandise Shops - Group I
 Pharmacy and Drug Stores
 Commercial School
 Social Services - Group I (excluding Public Welfare Centers)
 Studios
 Health Care Facilities - Group III
 Adult Congregate Living Facilities
 Insurance Companies
 Medical Office
 Standard Offices
 Cocktail Lounge
 Consumption on Premises
 Package Store
 Automobile Service Station
 Self-Service Fuel Pumps
 Convenience Food and Beverage Store
 Residential Uses, including but not limited to:
 - Two family attached
 - Townhouse
 - Duplex
 - Multi-family building
 Residential Accessory Uses, including
 - Private garages, carports, parking areas
 - Swimming pools, tennis courts
 - Model Homes, Model Units and Model Display Centers
 - Home Occupation
 Clothing Stores, General
 Contractors and Builders - Group I (no outdoor storage of heavy equipment)
 Cultural Facilities (limited to Art Galleries, Museums)
 Hobby, Toy, Game Shops
 Household/Office Furnishings - Groups I and II
 Personal Services - Group I
 (excluding coin operated laundries Laundromat)
 Personal Services - Group II (limited to hearing aids, optical supplies and other similar health related devices (excluding massage establishments, massage parlors, steam or Turkish baths)
 Personal Services - Group IV (limited to debt counseling, portrait copying, and tax return service)
 Recreation, Commercial (limited to Health Club)
 Theatres

The following property development regulations shall apply to CPD Area D:
 Mixed Use Commercial

a. Minimum building setbacks:

Street	-	1/2 right-of-way plus 20 feet
Side	-	0 feet or 10 feet for an interior lot and 15 feet for a corner lot
Water Body	-	20 feet (0 feet for seawalled/bulkheaded, manmade water bodies)
Wetlands	-	20 feet

b. Minimum distance between buildings:

Single story buildings	-	10 feet
Multiple story buildings	-	20 feet
Multiple story buildings with sprinkler systems	-	15 feet

c. Maximum building height - 95 feet above minimum flood elevation with no more than 8 habitable floors

6. Permitted uses in CPD land development Area E: Retail

Administrative Offices
 Club, Private
 Food Store - Group I

Personal Services - Groups I (limited to ATM, beauty shop only) and II (limited to Health Club only)
 Restaurant, Standard - Groups I, II and III with consumption on premises
 Specialty Retail Shops - Groups I, II and III
 Studios
 Cocktail Lounge, only in conjunction with a restaurant
 Multiple Family Residential Uses, including but not limited to:
 - Two family attached
 - Townhouse
 - Duplex
 - Multiple family building
 Residential Accessory Uses, including but not limited to:
 - Private garages, carports and parking areas
 - Private swimming pools and enclosures
 - Private tennis courts
 Model Homes, Model Units and Model Display Center, limited to residential uses within Pelican Landing
 Home Occupation
 Entrance Gates and Gatehouses
 Used Merchandise, Group I, excluding Pawn Shops

The following property development regulations shall apply to CPD Area E:

a. Minimum building setbacks:

Internal Streets	-	1/2 right-of-way plus 20 feet
Side	-	0 feet or 10 feet for an interior lot
and		15 feet for a corner lot
Water Body	-	20 feet (0 feet for seawalled/bulkheaded, manmade water bodies)
Wetlands	-	20 feet

b. Minimum distance between buildings:

Single story buildings	-	10 feet
Multiple story buildings	-	20 feet
Multiple story buildings with sprinkler systems	-	15 feet

c. Maximum building height - 75 feet above minimum flood elevation

7. The following property development regulations apply to residential uses permitted in CPD Areas B, D, and E:

The residential uses in the CPD land development areas shall be permitted only when in conjunction with at least 50,000 square feet or more of commercial uses.

a. Minimum building setbacks:

Street	-	1/2 right-of-way plus 20 feet
Side	-	0 feet or 10 feet for an interior lot and 15 feet for a corner lot
Water Body	-	20 feet
Wetlands	-	20 feet

b. Minimum distance between buildings:

Single story buildings	-	10 feet
Multiple story buildings	-	20 feet
Multiple story buildings with sprinkler systems	-	15 feet

c. Maximum building height - 75 feet above minimum flood elevation in CPD Areas B & E; 95 feet above minimum flood elevation in CPD Area D

Residential Planned Development

8. Permitted uses in RPD land development Area A:

Zero lot line, Single-Family, Two-Family Attached
Residential Accessory Uses, including but not limited to:
- Private garages, carports and parking areas
- Private swimming pools and enclosures
- Private tennis courts
Model Homes, Model Units and Model Display Center, limited to residential
uses within Pelican Landing
Speculative Home
Temporary Sales and/or Construction Office
Administrative Offices
Home Occupation
Entrance Gates and Gatehouses
Public and Private Parks, Playgrounds, Tot Lots, Community
Swimming Pools, Tennis Courts or other community recreational amenity,
Playfields and Commonly Owned Open Space
Essential Services
Signs

9. Permitted Uses in RPD land development Areas B, C, D and F:

Residential Uses, including but not limited to:
- Zero lot line
- Two family attached
- Townhouse
- Duplex
- Single family
- Multiple family buildings
Residential Accessory Uses, including but not limited to:
- Private garages, carports and parking areas
- Private swimming pools and enclosures
- Private tennis courts
- Private boat docks (where permitted by DRI Development Order)
Model Homes, Model Units and Model Display Center,
limited to residential uses within Pelican Landing
Temporary Sales and/or Construction Office
Administrative Offices
Golf Courses, Golf Course Accessory and Associate Uses,
including but not limited to:
- Club house
- Maintenance facility
- Pro shop
- Alcoholic beverage consumption in the club house
- Snack bar at the ninth hole or other appropriate location
- Ball washers
- Restrooms and other uses which are normal and accessory to the golf
course
Club, country
Club, private
Home Occupation
Entrance Gates and Gatehouse
Public and Private Parks
Playground, Tot Lots
Community Swimming Pools
Tennis Courts or other community recreational amenity
Playfields
Essential Services
Essential Service Facilities
Signs
Excavation-water retention

10. Permitted uses in RPD land development Area E:

Residential uses, including but not limited to:
- Zero Lot Line
- Two Family
- Town House

- RESOLUTION NUMBER Z-94-014
Page 16 of 25

Duplex
 Street = 1/2 ROW + 20 feet
 (except for cul-de-sac 1/2 ROW + 15)
 Side = 7 feet (no side setback required from common side
 lot line)
 Rear = 20 feet
 Waterbody = 20 feet

c. Building heights:

RPD Areas B and D located in the Outlying Suburban land use category shall have a maximum building height of 75 feet above minimum flood elevation with no more than 6 habitable stories.

RPD Areas A, C and D located in the Urban Community land use category shall have maximum building height of 95 feet above minimum flood elevation with no more than 8 habitable stories.

RPD Area E located in the Outlying Suburban land use category shall have a maximum building height of 75 feet above minimum flood elevation with no more than 6 habitable floors.

12. Deviation (12) is approved for RPD Area F, and CPD Area B. These areas may be developed with a maximum building height exceeding 75 feet above minimum flood elevation only if in compliance with the following development regulations. All buildings 45 feet in height or less shall comply with normal setbacks required of conventional multi-family zoning districts. All buildings over 45 feet shall provide one foot of setback from the Pelican Landing perimeter property line for every foot of elevation. In recognition of the wetlands north of Coconut Road, the setback for structures in excess of 75 feet in CPD Area B and the RPD Area F that is adjacent to Coconut Road may be per LDC Section 34-2174.

The regulations set forth below in 12.a through 12.e apply to the development of buildings greater than 75 feet above minimum flood elevation:

a. Minimum Lot Area and Dimensions:

Lot Size 10,000 square feet
 Lot Area per Unit 1,000 square feet
 Width 100 feet
 Depth 100 feet

b. Minimum Setbacks

Private Road 25 feet
 Side Yard 50 feet
 Rear Yard 10 feet
 Waterbody 20 feet

- c. A minimum building separation of 125 feet shall be provided between those buildings above 75 feet.
- d. A maximum of 8 residential buildings and one hotel building with a height of greater than 75 feet, above minimum flood elevation may be permitted. Such buildings may be located within RPD Area F (residential) and CPD Area B (Hotel).
- e. A minimum of 15% open space shall be provided for each multi-family building site that is or exceeds 75 feet in height.

ECO-PARK

13. Permitted Uses in Eco-Park (RPD AREA G):

Uses permitted in the Eco-Park District are limited to activities which make this area available for resource-based recreational activities, enjoyment of nature and educational enrichment, including but not limited to:

Picnic areas, trails, benches, boardwalks, biking/jogging trails, vita course, bird viewing blinds/towers and interpretative facilities, signs, on-going maintenance and removal of exotic vegetation and compliance with management plan required per FGFWFC.

INTERFACE AREA

14.a. Permitted Uses in the Interface Area:

Uses permitted in the Interface Area are limited to golf courses, developed to the guidelines similar to the New York Audubon Society Standards and any related appurtenances or uses, stormwater management; and created wetland marsh and any other created vegetative system or lake system which will promote wildlife diversity, activities which make this area available for resource-based recreational activities, enjoyment of nature and education enrichment, including but not limited to:

Picnic areas, trails, benches, boardwalks, biking/jogging trails, vita course, bird viewing blinds/towers and interpretive facilities, signs, access to the southern segmented ridge, on-going maintenance and removal of invasive exotic vegetation and compliance with the wildlife diversity monitoring plan prepared in conjunction with the Lee County School Board Department of Environmental Education.

- b. The Zoning Master Concept Plan shall be adjusted, including revisions to the legal description. The changes shall reflect the terms of this condition and be consistent with the exhibit entitled "Pelican Landing Interface Area Illustration", stamped received August 26, 1994. The shifts in the zoning Master Concept Plan will allow for the Interface Area described above. The western boundary of the Interface Area is the jurisdictional mangrove wetland line. The Interface area is 100 feet in width at the north and south ends of the property, and it is approximately 500 feet in width elsewhere. The creation of the Interface Area will cause Residential Development Area F to shift to the east. RPD Area F will begin at the eastern boundary line of the Interface Area. The CPD Area B (the hotel use) will shift to the west to the present location of CPD Area E/ RPD Area E and RPD Area B on the May 16, 1994, Zoning Master Concept Plan, and shall be a third alternative development scenario for that property. RPD Area D, located west of Spring Creek Drive, will be reduced in size due to the relocation of RPD Area F. That portion of the former CPD Area B that does not become the Interface Area will become an RPD Area F. The internal traffic circulation will be adjusted to accommodate the revised design. The southern upland area (proposed RPD Area E) bounded by the south property line, with estuarine wetlands and upland buffers to the west, and the oak hammock to the east shall be redesignated Residential Development Area E. No development can occur within CPD Areas E or B, or RPD Areas E, F, or D until a final zoning plan approval is obtained through the final administrative review process which properly reflects the Interface Area as described herein.
- c. The Interface Area will serve two purposes. First, it allows for a buffer area or interface between the residential high-rise development areas and the jurisdictional mangrove wetlands to the west. The buffering function will also extend to some of the interior wetland and upland systems. Residential units within Residential Development Area F shall be located a minimum of 500 feet from the jurisdictional mangrove area, except for the RPD Area F located at the site of the former CPD Area B (hotel site). No golf course uses shall be located any closer to the jurisdictional mangrove system than 100 feet. Secondly, the Interface Area will provide habitat and a vegetative corridor which will enable wildlife to safely access the onsite interior wetland systems.
- d. All invasive exotic vegetation shall be removed from the Interface Area. The invasive exotic removal process shall coincide with the construction of a surface water management system within the Interface Area.
- e. Where necessary, a vegetation restoration program shall commence subsequent to the removal of the invasive exotics. The program should facilitate diversity in wildlife. The revegetation shall commence within six months of invasive exotic removal. Vegetation to facilitate wildlife diversity shall be used in the restorative planting.

- f. Where appropriate, and subject to permitting approval, the developer will construct "kidney filter" marshes for additional water quality treatment prior to final outfall. These marshes will most likely be located in areas currently infested with invasive exotic vegetation, and will be replanted with plant species such as juncus and spartina grass, cabbage palms and slash pines.
- g. The developer has volunteered to monitor the Interface Area to assess its effectiveness in facilitating wildlife diversity. Information on flora and fauna produced for the DRI shall be the baseline data for the monitoring. The database shall be updated through a program of Winter/Summer monitoring. The monitoring shall generally consist of looking for, and reporting on, evidence of foraging, nesting, scat, and other territorial markings. This monitoring program shall be for a period of five years from the commencement of development activity in the Interface Area. The information gathered through the monitoring program shall be provided to the Lee County Division of Natural Resources Management and the Lee County Schools, Department of Environmental Education.
- h. Subject to permitting approval, the treated stormwater from the Residential and Commercial Development Areas will be conveyed across the Interface Area via a series of excavated lakes and created marsh areas that will emphasize both the water management function and the improvement of wildlife diversity within the Interface Area. The lakes will be designed and located to mimic natural flows and to enhance wildlife values.
- i. The access to the southern segmented ridge has been shifted to the south to the location previously approved by the BOCC in Resolution #Z-88-193. There are less wetland impacts with the southerly access.

GENERAL/ADMINISTRATION

- 15. All conditions relating to the Development of Regional Impact Development Order are hereby incorporated by this action. If conflicting conditions exist between this approval and the DRI Development Order, the more restrictive shall apply.
- 16. Transportation mitigation shall be provided as outlined in the Development of Regional Impact Development Order. However, site related improvements may be required at the time of local Development Order in accordance with the provisions of the Land Development Code. Also, a Traffic Impact Statement (TIS) shall be submitted with each application for a local Development Order. The TIS must include:
 - a. The trip generation data for the type of development being proposed, using the trip generation rates in the latest edition of ITE, Trip Generation or those of the Lee County FSUTMS.
 - b. The distribution of traffic at the entrance(s) to that specific area to be developed.
 - c. An analysis of the need for turn lanes or other site related improvements at the entrance(s) to that specific area to be developed based upon the projected future volume of traffic on the street being accessed. Projected future volume represents volumes at buildout of the DRI.
 - d. An analysis of each intersection of a minor collector with the same or higher functionally classified road internally to Pelican Landing that is influenced by traffic from that proposed development. Influence is measured as project traffic as 5% or more of Level of Service D service volume. That analysis to be based on existing traffic counts, plus traffic from the specific development.

- e. A table showing each segment of minor collectors and higher classified roads influenced by the proposed development, traffic volumes with specific development, and the capacity of the road segment at LOS E.
 - f. A table showing the cumulative development parameters for the entire Pelican Landing DRI. Development parameters to be categorized consistent with the categories identified in the original DRI.
17. The development shall comply with the Lee Plan's 2010 Overlay as it may be amended, and pursuant to DRI Development Order Condition III.14.
- 18.a. Prior to any development within that area legally described as Pelican Landing RPD/CPD (that property rezoned as a result of this action) the applicant must revise the MCP to reflect the final decision by the Lee County Board of County Commissioners regarding this rezoning and DRI approval.
- b. Prior to any local Development Order approval within the land development areas delineated on the MCP as revised, pursuant to the final decision by the Lee County Board of County Commissioners, the developer must receive approval of a Final Zoning Plan.

The following information shall be provided:

- Uses: type and amount, i.e. number of dwelling units or square feet of commercial use
 - access
 - location and dimensions of internal roadways
 - location and dimensions of buildings/structures
 - boundary of development tract
 - adjacent zoning and land uses
 - Master Concept Plan
 - A cumulative analysis of the total number of dwelling units, hotel units, commercial square footage and marina development that have received local Development Order approval (to be compared to the amount of development approved pursuant to the DRI and this rezoning).
19. The density of the residential units within both the RPD and CPD districts approved by this rezoning shall be flexible regarding the distribution of the residential dwelling units as long as they do not exceed the following parameters:
- a. Those lands located within the Urban Community land use category per the Lee Plan shall be permitted a maximum of 350 residential units.
 - b. Those lands located within the Outlying Suburban land use category per the Lee Plan shall be permitted a maximum of 2,266 residential units.
20. The maximum amount of commercial square footage within the RPD and CPD districts approved by this rezoning shall be as stated below:
- a. Those lands located within the Urban Community land use category per the Lee Plan shall be permitted a maximum of 390,000 square feet of floor area of retail use and 125,000 square feet of office use.
 - b. Those lands located within the Outlying Suburban land use category per the Lee Plan shall be permitted a maximum of 110,000 square feet of floor area of retail use and 45,000 square feet of office use. Of the retail uses, up to 20,000 square feet may be permitted if ancillary to the marina and up to 30,000 square feet may be permitted if ancillary to the hotel. Up to 60,000 square feet may be developed within CPD Areas E. Prior to approval of any Administrative Amendment for commercial use ancillary to the marina or hotel, the developer shall demonstrate that the retail is in fact ancillary to the principal use.

ENVIRONMENTAL

21. Open space commitments shall be consistent with the open space table on the Master Concept Plan as restated below:

Indigenous Open Space in Preserve:

Upland Preserve 106.13± acres
(Eco-Park, Indian Mound, Northern & Southern Upland "Islands" and Historical Cemetery)
Wetland Preserve 371.19± acres
(Freshwater and Saltwater)

Golf Course Open Space:

Golf Course 100.00± acres minimum
(To include extra indigenous preservation where possible)

Commercial Open Space to be Provided by Percentage:

All Commercial (except Marina Parcel) 20% minimum on each lot, tract or outparcel
Marina Parcel 10% of tract

Residential Private Open Space to be Provided by Percentage:

All Single-Family lots 10% minimum
Multi-Family Parcels 15% minimum

22. If a proposed bald eagle management plan includes development within 750 feet of an eagle's nest, the plan must be submitted to the Lee County Eagle Technical Advisory Committee (ETAC). ETAC will review the plan and forward recommendations to the FGFWFC and USFWS.
23. As a condition of approval, the County and FGFWFC shall review and approve the results of all studies and surveys required for implementation of a Final Management Plan required by the preliminary management plan approved as part of local Development Order 90-10-003.00D. These approvals shall be obtained prior to Certificate of Compliance for local Development Order #90-10-003.00D, or new/amended local Development Orders on the beach park.
24. The area identified as the Pelican Landing Eco-Park on the Master Concept Plan will be set aside as a 78± acre preserve area of xeric scrub and pine flatwoods to mitigate the impacts to gopher tortoise habitat.
25. The developer shall obtain an Incidental Take Permit prior to development within any gopher tortoise habitat areas. The gopher tortoises addressed by the Incidental Take Permit must be relocated to the Eco-Park, or other appropriate open space areas within Pelican Landing.
26. Should any orchids, wild pine air plants, Florida Coontie, Catesby's lilies, leather ferns, royal ferns, or cabbage palms with golden polypody and shoestring ferns be located within development areas, then best efforts must be used to relocate these plants to open space and landscaped areas.
27. All areas designated as Preserve on the adopted Master Concept Plan and the DRI Map H must remain undeveloped and be owned, maintained, and managed by a Uniform Community Improvement District or other similar legal entity. No lot lines shall be allowed within any Preserve area. The following uses are permitted within Preserves: habitat management activities, hiking and nature study, outdoor education, recreational fishing, gates and fencing, and boardwalks. Trimming of mangroves for visual access shall be prohibited in wetland areas #14 and 21 (as identified in DRI ADA) and Bay Cedar Phase II (along Spring Creek).
28. Boardwalk location and alignment within "Preserve Areas" shall be submitted to and approved by the Division of Natural Resources Management prior to construction. The maximum width must be limited to that which

is adequate for pedestrian and handicap access. With the exception of wheelchairs, motorized vehicle use is prohibited. Nothing herein prohibits the developer from seeking permits in the future to establish a tramway via an alignment which proceeds as directly as feasible from the hotel to Coconut Point.

29. As part of local Development Order approval for any phase of the development, an invasive exotic vegetation removal and maintenance plan must be submitted to the Division of Natural Resources Management for approval. At a minimum, this plan must be structured to provide for the phased removal of invasive exotic vegetation and maintenance to control exotic re-invasion within the wetland and upland preserve areas. Removal within preserve areas may be done on a pro rata basis as phased local Development Orders are obtained.
30. The developer must incorporate native vegetation into the design of future golf holes, open space and landscaped areas, where feasible.
31. The developer must design the golf course and conduct maintenance, which includes fertilization and irrigation, in a manner which is sensitive to the water and nutrient needs of the native xeric vegetation in and around the golf course. However, this condition will not be interpreted in a manner which forces the applicant to jeopardize the health and viability of the golf course.
32. Areas identified as saltern (FLUCCS Designation 720) must be preserved and protected from human activity through the installation of signage or other measures. Areas identified as Cabbage Palm Hammock (FLUCCS 428, also included in areas identified as 433) may be developed using techniques designed to avoid impacts and retain the native vegetative community as much as possible.
33. Deviation (9) - Withdrawn. Deviations (3) and (7) are hereby approved. Deviations (1), (2), (4), (5), (6), (8), (10), (11), (12) and (13) are hereby approved, with conditions.

Deviation (1) is a request to deviate from the requirement that properties which exhibit soils, hydrology and vegetation characteristic of saltwater inundation or freshwater ponding be subject to certain additional regulations and ordinances, Zoning Ordinance Section 202.11.B.1. b.1 [LDC Section 34-1574], Development Standards Ordinance Section 7.C.4. [LDC Section 10-253] and Ordinance 86-31 Section 6.03 [LDC Section 14-298], to allow access road crossings. Deviation (1) is hereby APPROVED with the following conditions:

- a. A maximum of 1.74± acres of Lee County jurisdictional wetlands may be impacted within the entire Pelican Landing DRI. A mitigation plan, subject to Division of Natural Resources Management approval, must be submitted prior to local Development Order approval for each wetland impact. Each mitigation plan must include the following minimum criteria:
 - 1) The designated mitigation ratio of 5:1, 5:1 acres of mitigation for each acre of impact.
 - 2) Replacement plants of like species as those removed.
 - 3) The number of replacement plants. Ratios shall be determined by the proposed size of the replacement plants (the closer the size of the replacement plant to that of the removed plant, the smaller the replacement ratio).
 - 4) An exotic removal maintenance plan.
 - 5) A monitoring plan.

Deviation (2) is a request to deviate from the requirement that all parking lots shall be designed so as to permit vehicles exiting the

parking lot to enter the street right-of-way or easement in a forward motion, Zoning Ordinance Section 202.16.C.1. [LDC Section 34-2013(a)], to allow individual parking spaces to back onto right-of-way easement. Deviation (2) is hereby APPROVED with the following condition:

This deviation shall apply to guest parking internal to the residential development areas.

Deviation (3) is a request to deviate from the minimum setback from a structure to a water body of 25 feet, Zoning Ordinance Section 202.18.B.4.b. [LDC Section 34-2194(b)] to allow 20 feet. Deviation (3) is hereby APPROVED.

Deviation (4) is a request to deviate from the minimum setback from a structure to a seawalled natural body of water of 25 feet, Zoning Ordinance Section 202.18.B.4.b. [LDC 34-2194(b)], to 0 feet. Deviation (4) is hereby APPROVED with the following condition:

This deviation shall apply to the marina site only.

Deviation (5) is a request to deviate from the requirement that internal roads with drives shall not be closer to the development perimeters than 25 feet, Zoning Ordinance Section 480.04.B.1. [LDC Section 34-935(b)(1)], to 15-foot minimum. Deviation (5) is hereby APPROVED with the following condition:

This deviation shall only apply to development perimeters internal to the Pelican Landing DRI.

Deviation (6) is a request to deviate from the requirement that all buildings shall set back from the development perimeter at a distance of 25 feet, Zoning Ordinance Section 480.04.B.1. [LDC Section 34-935(b)(1)], to 15 feet. Deviation (6) is hereby APPROVED with the following condition:

This deviation shall only apply to development perimeters internal to the Pelican Landing DRI.

Deviation (7) is a request to deviate from the requirement that recreation centers and ancillary facilities shall be located at least 40 feet away from any residential dwelling, Zoning Ordinance Section 526.C.2.c.6. [LDC Section 34-2474 (b)(6)], to allow a minimum of 20 feet. Deviation (7) is hereby APPROVED.

Deviation (8) is a request to deviate from the requirement that a roadway width of 35 feet for two-way closed drainage, rear lot drainage, or inverted crown, Development Standards Ordinance Table 9-3 [LDC Section 10-296(b) Table 3.], to allow roadway width to coincide with back of curb. Deviation (8) is hereby APPROVED with the following condition:

This deviation shall only apply to roads classified as local streets within each of the RPD development areas.

DEVIATION (9) IS WITHDRAWN.

Deviation (10) is a request to deviate from the requirement that no portion of a buffer area that consists of trees and shrubs shall be located in any easement, Development Standards Ordinance Section 13.D.1. [LDC Section 10-414], to allow planted buffers in easements. (The maintenance and replacement responsibility shall rest with the developer or homeowner's association or the improvement district). Deviation (10) is hereby APPROVED with the following condition:

Should any required buffer plantings, which have been planted within an easement, have to be removed, then the property owner shall replace these plantings, at no cost to Lee County, with like size and species of plants.

Deviation (11) is a request to deviate from the Lee County Sign Ordinance 85-26, as amended, Section IV.B.2. [LDC Section 30-152], which requires identification signs to be set back a minimum of 15 feet from any right-of-way or easement, to 0 feet. Deviation (11) is hereby APPROVED with the following conditions:

A minimum sight distance of 200 feet shall be maintained, and this shall only be permitted on a right-of-way internal to the overall Pelican Landing development.

Deviation (12) is a request to deviate from the requirement limiting the height of buildings in the Residential Planned Development zoning category within the Outlying Suburban land use category of 45 feet, Zoning Ordinance Section 480.04.F.3.e. [LDC Section 34-935(f)(3)(e)], to allow 20 stories over parking. Deviation (12) is hereby APPROVED subject to condition 12.

Deviation (13) is a request to deviate from the minimum setback from a non-roofed structure to a seawalled artificial body of water, Zoning Ordinance Section 202.18.B.4. [LDC Section 34-2194], to allow a 0-foot setback. Deviation (13) is hereby APPROVED with the following condition:

The required lake maintenance easement shall be provided.

Site Plan 94-014 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings and conclusions were made in conjunction with this approval of RPD and CPD zoning:

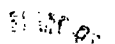
- A. That Estero Bay is an aquatic preserve and an Outstanding Florida Water.
- B. That the mangrove wetlands on the western edge of Applicant's property are not contained within the aquatic preserve, but are part of the estuarine ecosystem that supplies waters to Estero Bay.
- C. That the proposed development constitutes a Development of Regional Impact (DRI) under the provisions of Section 380.06, Florida Statutes, and that all adverse impacts are appropriately conditioned in the DRI Development Order.
- D. That the eastern portion of the DRI has been developing pursuant to a Preliminary Development Agreement with the Florida Department of Community Affairs.
- E. That the westernmost uplands portion of the DRI site lies in a FEMA Zone A Flood Zone, and is susceptible to being flooded in a minimal tropical storm or severe coastal storm event.
- F. That there is no error or ambiguity which must be corrected by the approval of the DRI or the CPD/RPD rezoning.
- G. That the area surrounding the DRI site is being developed with several large mixed residential/commercial developments, which make approval of this DRI and RPD/CPD appropriate.
- H. That the RPD/CPD zoning, as conditioned herein, will not have an adverse effect on the intent of the Zoning chapter of the Land Development Code.
- I. That the RPD/CPD zoning, as conditioned herein, is consistent with the Goals, Objectives, Policies and intent of the Lee Plan, and with the densities, intensities, and general uses set forth in the Lee Plan.
- J. That the RPD/CPD zoning, as conditioned herein, meets or exceeds all performance and locational standards set forth for the proposed uses.
- K. That the RPD/CPD zoning, as conditioned herein, will protect, conserve or preserve environmentally critical areas and natural resources.

- L. That the RPD/CPD zoning, as conditioned herein, will be compatible with existing or planned uses, and will not cause damage, hazard, nuisance or other detriment to persons or property.
- M. That the RPD/CPD zoning, as conditioned herein, will not place an undue burden upon the transportation or other services and facilities, and will be served by streets having the capacity to carry traffic generated by the development.
- N. That the RPD/CPD zoning, as conditioned herein, will comply with all other applicable general zoning provisions and supplemental regulations pertaining to the uses, as set forth in the Land Development Code.
- O. That the proposed mix of uses, as conditioned herein, is appropriate at the subject location.
- P. That the recommended conditions in the DRI Development Order and the RPD/CPD zoning and other applicable Lee County regulations provide sufficient safeguards to the public interests.
- Q. That all recommended conditions in the DRI Development Order and the RPD/CPD zoning are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- R. That each approved deviation enhances the achievement of the objectives of the planned development.
- S. That each approved deviation preserves and promotes the general intent of the Zoning chapter of the Land Development Code to protect the public health, safety and welfare.
- T. That the Lee Plan Amendment of the 2010 Overlay reallocating residential and commercial acreages from the subdistricts containing the Westinghouse/Gateway DRI must be approved prior to the approval of this DRI and CPD/RPD zoning.

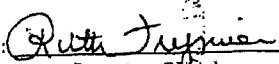
The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

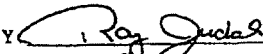
John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Nay
Franklin B. Mann	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 29th day of August, A.D., 1994.

ATTEST: 
CHARLIE GREEN, CLERK

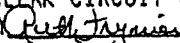
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Deputy Clerk

BY: 
Chairman

FILED

SEP 23 1994

CLERK CIRCUIT COURT
BY  D.C.

Approved as to form by:


County Attorney's Office

DEVELOPMENT ORDER

FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121

LET IT BE KNOWN, THAT PURSUANT TO SECTION 380.06 OF THE FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, HAS HEARD AT A PUBLIC HEARING CONVENED ON THE 29th DAY OF AUGUST, 1994, THE APPLICATION FOR DEVELOPMENT APPROVAL FOR PELICAN LANDING DRI, A RESIDENTIAL, COMMERCIAL AND MARINA DEVELOPMENT IN LEE COUNTY WHICH INCLUDES APPROXIMATELY 2,100 ACRES TO BE DEVELOPED IN ACCORDANCE WITH THE APPLICATION SUBMITTED TO LEE COUNTY ON OCTOBER 26, 1992, BY THE OWNER/APPLICANT, PELICAN LANDING COMMUNITIES, INC., FORMERLY KNOWN AS WESTINGHOUSE BAYSIDE COMMUNITIES, INC.

WHEREAS, the Board of County Commissioners of Lee County, Florida, has considered the report and recommendations of the South-west Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the documents and comments upon the record made before the Board in public hearing, and, after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on 2,100+ acres located approximately three miles north of the Lee/Collier County line. The property is bounded on the west by Estero Bay, on the east by US 41, and on the south by Spring Creek. Coconut Road provides the general northern boundary of Pelican Landing; however, a part of the project is located north of Coconut Road.

The proposal is to construct 4,050 residential units, of which 665 are single-family and 3,385 multi-family, 600,000 square feet of gross floor area of retail commercial, and 210,000 square feet of gross floor area of office commercial. The retail uses will provide up to 2,400 parking spaces and the office uses will provide up to 700 parking spaces. The project will also include 450 hotel rooms, 50,000 square foot conference center, 65 wet boat slips and 150 dry boat slips, various recreational amenities including, but not limited to: golf, tennis, canoe parks, and a beach park for the benefit of the owners in Pelican Landing. There are 87 acres of

upland habitat preserve, 507 acres of salt and freshwater wetlands, 208 acres of water management lakes, 140 acres of public and private rights-of-way, 6 acres of utilities and a .11 acre cemetery site.

Water supply and wastewater treatment, and reclaimed water, when available, will be provided by Bonita Springs Utilities, Inc. The project buildout is the year 2002.

B. LEGAL DESCRIPTION: In Sections 05, 07, 08, 09, 16, 17, 18, 20, and 21, Township 47 South, Range 25 East, and Sections 13 and 24, Township 47 South, Range 24 East, Lee County, Florida:

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20 and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

BEGINNING at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;
THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;
THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;

THENCE run along Spring Creek for 3,630 feet, more or less to an intersection of the East line of said Section 20 and the approximate centerline of Spring Creek;

THENCE run along said centerline the following courses:

S78°50'00"W for 181.31 feet,
N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;

continued...

THENCE run S89°58'37"W along the North line of said fraction for 290.00 feet to an intersection with the approximate centerline of the most Easterly branch of said Spring Creek; THENCE run along said centerline the following courses:
 N09°13'28"W for 137.34 feet,
 N29°08'22"W for 590.59 feet,
 N38°31'58"W for 278.03 feet,
 N65°16'43"W for 254.95 feet,
 N37°18'28"W for 286.01 feet,
 N32°51'05"E for 252.39 feet,
 N20°11'00"E for 236.69 feet,
 N27°23'47"W for 369.25 feet,
 N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
 THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20; THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;
 THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records; THENCE run S89°58'35"E along said South line for 739.45 feet; THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;
 THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records; THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
 THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
 THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
 THENCE continue N00°07'17"E along said East line for 343.54 feet;
 THENCE run S89°38'58"E for 10.00 feet;
 THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
 THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
 THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;

continued...

THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
 THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
 THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
 THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
 THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
 THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
 THENCE run S00°10'56"W along said West line for 621.81 feet to a POINT OF CURVATURE;
 THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a POINT OF TANGENCY;
 THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
 THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
 THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
 THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
 THENCE run S00°06'43"E for 1,085.91 feet;
 THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
 THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a POINT OF TANGENCY;
 THENCE run S00°06'43"E along said West line for 49.81 feet;
 THENCE run S89°06'43"W for 300.00 feet;
 THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
 THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
 THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

continued...

ALSO

PARCEL 2

A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.

From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;

THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;

THENCE run S00°07'58"W along said West line for 2,646.47 feet;

THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 17;

THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;

THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;

THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 18;

THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;

THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S $\frac{1}{2}$) of Government Lot 2 of said Section 07;

THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;

THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;

THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;

THENCE run N89°35'27"E for 666.22 feet;

THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;

THENCE run S01°07'45"E along said West line for 488.63 feet;

THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.

LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO

continued...

PARCEL 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LANDCOMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County, also the East Three-quarters (E-3/4) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 05, also the East Two-thirds (E-2/3) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 05, also the East Two-thirds (E-2/3) of the Western Half (W $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 08; being more particularly described by metes and bounds as follows:

From the Northwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW $\frac{1}{4}$) for 422.61 feet;

THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;

THENCE run N01°22'23"W for 1,304.41 feet;

THENCE run N89°56'22"W for 107.12 feet;

THENCE run N01°22'55"W for 1,303.87 feet;

THENCE run N89°34'15"E for 2,593.81 feet;

THENCE run S00°26'45"E for 2,655.42 feet;

THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;

THENCE run N89°25'01"W for 587.55 feet;

THENCE run S00°50'16"E for 132.58 feet;

THENCE run N89°11'54"W for 75.00 feet;

THENCE run N00°50'16"W for 132.30 feet;

THENCE run N89°25'01"W for 610.69 feet;

THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;

THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

PARCEL 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

BEGINNING at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the

continued...

Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;

THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.

CONTAINING 2,409 acres, more or less.

Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

AND

BEACH PARCEL

A tract or parcel of land lying in Government Lot 3, Section 13, and Government Lot 2, Section 24, Township 47 South, Range 24 East, Big Hickory Island, Lee County, Florida, which tract or parcel is described as follows:

From the center of a turnaround on SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;

THENCE run S62°26'49"W for 98.40 feet;

THENCE run N27°33'11"W for 1,863.42 feet;

THENCE run N20°00'41"W for 1,403.30 feet;

THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet, N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet, N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet, N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet, N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet, N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet, N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet, N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;
THENCE run N79°23'51"W for 247 feet more or less to an intersection with the Approximate Mean High Water Line of the Gulf of Mexico;

THENCE run Northerly and Northeasterly along said waters for 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 188 of the Public Records of Lee County, Florida;

THENCE run along said South line, along the arc of a curve to the right of radius 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;

continued...

THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°01'44"E for 42.51 feet to an intersection with the South line of lands described in Official Record Book 2246 at Page 4413 of the Lee County Records;
THENCE run N65°00'00"E along said South line for 134 feet, more or less to the waters of Estero Bay;
THENCE Northerly along said waters for 358 feet, more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

C. The subject parcel is currently zoned AG-2, RS-1, TFC-2, PUD, RPD, CPD, and IM; the property is partially developed.

D. This Application for Development Approval is consistent with the requirements of Section 380.06, Florida Statutes.

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

F. The development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development plan applicable to the area. The development is consistent with the State Comprehensive Plan if developed with the conditions set forth herein.

G. The development has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body on January 20, 1994, and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes; the development, as proposed in the Application for Development Approval (ADA) and modified by this Development Order, is generally consistent with the report and the recommendations of the SWFRPC pursuant to Section 380.06(11).

H. The development is located in the Urban Community, Outlying Suburban and Resource Protection Areas classifications of the Lee Plan with the Privately Funded Infrastructure Overlay and is consistent with the Lee County Comprehensive Plan and Lee County's Land Development Regulations if subject to the conditions contained in this Development Order.

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

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting which was duly advertised, constituted and assembled the 29th day of August, 1994, that the Development of Regional Impact Application for Development Approval submitted by Westinghouse Bayside Communities, Inc., now known as Pelican Landing Communities, Inc., hereinafter referred to as "Developer" or "Applicant", is hereby ordered Approved subject to the conditions, restrictions, and limitations which follow. For the purposes of this Development Order, the term "developer" shall include his/her successors or assigns, and all references to County Ordinances and codes include future amendments.

A. Historical/Archaeological Sites

1. The Zenith Mound Archaeological Site (State Master File #8LL1436) and the Johnson Cemetery (State Master File #8111440) will be preserved in perpetuity and will be recorded as "preserve" on all appropriate plats, site plans, and the Master Development Plan for the Pelican Landing DRI.

2. If any additional archaeological/historical sites are uncovered during development activities, all work in the immediate vicinity of such sites will cease. The developer shall immediately contact the Florida Department of State, Division of Historical Resources, the SWFRPC, and Lee County and advise them of the discovery. The developer will have a State-certified archaeologist determine the significance of the findings and recommend appropriate preservation and mitigation actions, if necessary.

B. Housing

1. No mitigation for affordable housing is required as a result of this development. Based on available supply, there is no unmet affordable housing need for either very low or low income households resulting from this development in Planning Horizon I (through December 1997). Utilizing supply data not adjusted to account for the fact that housing sells for less than the listed price, Planning Horizon II (January 1998 through December 2002) would have an unmet need of 99 affordable units for very low income and no unmet need for low income households. Utilizing supply data

adjusted to account for the fact that housing sells for less than the listed price, Planning Horizon II would have an unmet need of only 38 affordable housing units for very low income households and still no unmet need for low income households. This number of needed units for Planning Horizon II, using either the unadjusted or adjusted housing supply data, is below the level of regionally significant impact as determined by DCA and SWFRPC.

These findings are in accordance with applicable DCA and SWFRPC policy. The basis of analysis for determining unmet need is the 1991 DCA agreed upon draft methodology for determining affordable housing demand study, and need. The level of regionally significant impact is SWFRPC policy, based upon DCA rules and guidelines. The supply adjustment figures mentioned above are based on actual sales prices relative to listed prices. Affordability thresholds for owner occupied affordable housing are determined using PITI (Principal, Interest, Taxes, and Insurance) calculations methodology as outlined in the DCA 1991 Draft methodology.

C. Hurricane Preparedness

1. Within six months, after the effective date of this DRI Development Order, the developer shall provide and connect a portable diesel powered generator for the Gateway Elementary School. The generator must be equipped with a fuel tank, capable of generating enough power to handle the demands of ventilation fans, lighting, life safety equipment (alarms and intercom), and refrigeration and cooking equipment. The developer will be responsible for the initial electrical hook-up costs. The selection of the generator will be in coordination with Lee County Emergency Management Staff.

2. The Lee County Emergency Management staff will act as a liaison between the developer and the Lee County School District staff, and will make all of the necessary arrangements for the location of the generator on Lee County School Board property.

3. The provision of the generator serves to mitigate the shelter and evacuation impacts of the project at buildout. Should Lee County ever adopt an impact fee, or other type of levy or assessment to provide funding for shelter space and improvements thereto, the developer will be entitled to a credit against the fee or levy in the amount of the cost of the generator, if eligible under the terms of that impact fee or levy.

4. The developer must notify all purchasers of real property within the residential portions of development, through the restrictive covenants, of the potential for storm surge flooding in feet above the Base Flood Elevation, according to the National Weather Services' storm surge model "SLOSH", and the National Flood Insurance Program.

5. The developer must prepare, in conjunction with Lee County Emergency Management and Division of Natural Resources staff, a brochure which advises all marina owners of the measures that can be taken to minimize damage in the event of a hurricane. This brochure must address how boat owners can minimize damage to their vessels, the marina site, neighboring properties and the environment. The brochure must be provided to all boat owners and users at the marina.

6. Prior to the issuance of a Certificate of Occupancy for the Hotel, the developer or the hotel owner/manager must prepare a written hurricane preparation and evacuation/sheltering plan. This plan will be prepared in conjunction with Lee County Emergency Management Staff and must be coordinated with the hurricane evacuation plan for the overall DRI.

7. The Property Owner's Association must host an educational seminar, and will be responsible for obtaining the place for the seminar and for providing the invitations to the homeowners. The time will be coordinated with the Lee County Emergency Services staff, who will provide the education and information at the seminar and will advise the owners of the risks of natural hazards and the action they should take to mitigate the inherent dangers.

8. The developer must develop a hurricane evacuation plan for the DRI. The hurricane evacuation plan shall address and include: a) operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; b) the educational program set forth in condition 7 above; c) hurricane evacuation; d) the method of advising residents and visitors of hurricane shelter alternatives including hotels and public hurricane shelter locations; e) identification of the person(s) responsible for implementing the plan; and f) how the private security force will be integrated with the local Sheriff's personnel and the Division of Public Safety. The plan shall be developed in coordination with the Lee County Emergency Management officials and must be found sufficient by those officials within six months after the effective date of the DRI DO.

9. The developer, and any successor landowner, will pay any All Hazards Tax properly levied by Lee County to provide for shelter space, upgrades to shelters, and to address other natural disasters.

D. Marina Facilities

1. The developer must create a conservation easement precluding the construction of additional docking facilities beyond those specifically authorized in this Development Order. This conservation easement will be in addition to the 4,000 foot conservation easement already required in Spring Creek. The location and

extent of the conservation easement will be contingent upon navigability of the waterway, and will be established in association with the Florida Department of Environmental Protection (FDEP) permits.

2. All docking and dry storage facilities must be constructed in accordance with the terms and conditions of any FDEP permit or lease, and in accordance with any Lee County dock permit.

3. The developer has constructed dock and channel markers within Estero Bay. The Lee County Division of Natural Resources Management will be permitted to mount regulatory signs on the docks and channel markers owned by the developer. Lee County will be responsible for insuring that the addition of the regulatory signs does not cause the developer to be in violation of any permit condition or FDEP, Coast Guard, or other agency regulation. The regulatory signs will remain the property and maintenance responsibility of the Lee County Division of Natural Resources Management.

4. The marina operator must dispense manatee awareness brochures to all users of the marina facilities. The brochures must also include information regarding channel locations, proper boating routes, and shallow water habitats to be avoided.

5. The developer and marina operator must insure that the marina lighting is directed away from adjacent mangroves and estuarine systems to reduce any negative impacts to the wildlife using these areas.

6. The marina operator will remove or cause to be removed from the marina any boat operator observed violating the guidelines set forth in the manatee awareness brochures or Lee County regulations regarding the protection of manatees.

7. The developer must designate and reserve one wet slip for the Florida Marine Patrol or the Lee County Sheriff's Special Response Unit, if needed by these agencies.

8. The shuttle boat captain and marina operator must keep a log of all manatee sightings. The log must reflect the locations, time and date of the sighting, the number of manatees, and the nature of their activity if it can be determined. The log should also note the name of the person recording the sighting. This information must be forwarded to Lee County and FDEP on a periodic basis.

9. The developer must construct an educational board on a Kiosk at the Beach Park. The educational board will be created in conjunction with the Lee County Division of Natural Resources Management, Marine Sciences Program and Turtle Time.

10. The developer will comply with all water quality monitoring requirements imposed by the FDEP and the SFWMD.

11. Any boat wash areas must have a closed loop system that captures and recirculates the water through a filtration or other acceptable system. Any boat repair and maintenance facilities must be in an enclosed, roofed, impervious surfaced area to limit the run-off of contaminated water during a storm event.

12. Once a year the marina operator shall host an Educational and Hurricane Preparedness Workshop for all tenants in the wet slip area. The marina operator shall provide the facility for the seminar and must insure that all tenants are invited. The marina operator will establish the date and time for the workshop in conjunction with Lee County Emergency Management and the Lee County Division of Natural Resources Management, Division of Marine Sciences. Lee County will provide a trained representative who will educate the tenants on natural resources awareness, manatees, safe boating practices, and on proper procedures, prior to and during a hurricane.

13. The dry storage facilities must be located in a building or structure which is designed and constructed to meet all requirements of the Standard Building Code, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has conducted Protected Species surveys in accordance with the Florida Game and Fresh Water Fish Commission (FGFWFC) guidelines and the Lee County Land Development Code. These surveys identified the presence of the following protected species: bald eagle, wood stork, little blue heron, tricolored heron, reddish egret, snowy egret, white ibis, piping plover, Southeastern snowy plover, least tern, American oystercatcher, black skimmer, brown pelican, Atlantic loggerhead sea turtle, and gopher tortoise.

1. There were three bald eagles' nests of concern prior to development order adoption. One nest is on the Pelican Landing property. The other nests are within 1,500 to 1,600 feet of Pelican Landing. The buffers that will affect Pelican Landing property will be established in an eagle habitat management plan.

Prior to development within 2,500 feet of any eagle nest, the Developer shall prepare an eagle management plan which shall be reviewed by DCA, SWFRPC, FGFWFC, Lee County, and USFWS. Said groups shall have a thirty day review period and shall provide all comments to Lee County in writing, which shall have the final approval authority. If a proposed management plan includes development within 750 feet of an eagle's nest, the plan must also be submitted to the Lee County Eagle Technical Advisory Committee (ETAC). ETAC will review the plan and forward recommendations to the FGFWFC and USFWS.

The 2,500 foot limitation is intended to be a temporary restriction to insure the submission and approval of a management plan on a timely basis. The final primary and secondary buffer

zones may be less than 2,500 feet. An eagle management plan will be included as part of an upland habitat protection area management plan.

2. A local development order for the Hickory Island beach park has been issued that permits construction of beach park infrastructure. This development order included a protected species survey and phased Preliminary Management Plan (PMP). The PMP incorporated Lee County Division of Natural Resources Management (DNRM) and Florida Game and Fresh Water Fish Commission (FGFWFC) recommendations.

The PMP requires the developer to provide the county with a conservation easement over the entire parcel, except for the active building areas approved through the local development order. The PMP permits a refinement of the conservation easement boundaries after completion of a one year utilization study, the final conservation easement shall be consistent with the provisions of Section 704.06, Florida Statutes.

The objectives of this one year study were: 1) determine shorebird utilization based on detailed surveys and prepare a shorebird management plan, 2) analyze beach vegetation and prepare a maintenance plan, and 3) monitor beach use by Pelican Landing visitors. Additionally, the PMP requires surveys for identification and protection of sea turtle nests, the construction of three osprey platforms, and a review of the elements of the overall plan to be conditioned on the DRI DO.

As a condition of DRI approval the County and FGFWFC shall review and approve the results of all studies and surveys required for implementation of a Final Management Plan required by the PMP approved as part of local development order 90-10-003.00D. These approvals shall be obtained prior to Certificate of Compliance for local development order #90-10-003.00D, or new/amended local development orders on the beach park. The developer shall utilize best efforts to obtain the approval of the final management plan within 18 months of the effective date of this Development Order.

3. The projected gopher tortoise burrow count is 439, based on an estimate of FGFWFC habitat coverages. Using this figure and the FGFWFC habitat protection guidelines, 75 acres of gopher tortoise habitat must be protected.

The developer will set aside a 78+ acre area of xeric scrub and pine flatwoods to mitigate the impacts to the upland gopher tortoise habitat. This area will be known as the Pelican Landing Eco-Park. The Eco-Park area contains significant portions of the xeric oak habitat existing on the Pelican Landing DRI site.

A Gopher Tortoise Population Study and Management Plan was submitted to the Florida Game and Fresh Water Fish

Commission on or about December 22, 1993. The Developer shall submit a copy of the management plan to the DCA, SWFRPC, and Lee County for review. The agencies shall have a thirty day review period. The agencies shall provide all comments regarding the management plan to Lee County in writing which shall have the final approval authority. The Developer has submitted for an Incidental Take Permit for the gopher tortoises located outside of the Eco-Park in the undeveloped portion of Pelican Landing. The Developer shall obtain an Incidental Take Permit prior to proceeding with development within gopher tortoise habitat areas.

The gopher tortoises addressed by the Incidental Take Permit shall be relocated to the Eco-Park, or other appropriate open space areas within Pelican Landing. The Eco-Park mitigates for regional impacts to the gopher tortoise population and xeric scrub within the Pelican Landing DRI.

4. All areas designated as Preserve on the adopted Map H must remain undeveloped and be owned, maintained, and managed by an Improvement District or a similar legal entity. No lot lines shall be allowed within any Preserve area. The following uses are permitted within Preserves: habitat management activities, hiking and nature study, outdoor education, recreational fishing, gates and fencing, and boardwalks limited to pedestrian use. Trimming of mangroves for residential visual access to Estero Bay or Spring Creek shall be prohibited in wetland areas #14 and #21 (as identified in DRI ADA) and Bay Cedar Phase II (along Spring Creek).

5. Should any orchids, wild pine air plants, Florida Coonties, Catesby's lilies, leather ferns, royal ferns, or cabbage palms with golden polypody and shoestring ferns be located within development areas, best efforts must be used to relocate these plants to open space and landscaped areas.

6. As part of local development order approval for any phase of the development, an invasive exotic vegetation removal and maintenance plan must be submitted to the Division of Natural Resources Management for approval. At a minimum, this plan must be structured to provide for the phased removal of invasive exotic vegetation and maintenance to control exotic re-invasion within the wetland and upland preserve areas. Removal within preserve areas may be done on a pro rata basis as phased local development orders are obtained.

7. The existing Pelican's Nest golf course includes native vegetation along the rough and between golf holes. The applicant must continue to incorporate the native vegetation into the design of future golf holes, where feasible. Native vegetation has been retained on individual lots and between tracts in the existing developed area of Pelican Landing. Where feasible, the applicant will continue to incorporate native vegetation into the open space and landscaped areas.

8. The applicant must design the golf course and conduct maintenance, which includes fertilization and irrigation, in a manner which is sensitive to the water and nutrient needs of the native xeric vegetation in and around the golf course. However, this condition will not be interpreted in a manner which forces the applicant to jeopardize the health and viability of the golf course.

9. Upon approval of the management plans referenced in the above, the approved management practices shall then be considered a part of this development order for enforcement purposes, and shall be enforceable in the same manner as a condition of this development order.

10. This project may result in the filling of not more than 8 acres of wetlands. The mitigation for the impact to wetlands will be determined at the time of final permitting, but the mitigation should include the removal of exotic invasives, the restoration of historic hydroperiods, and a total of not more than ten acres of littoral zone plantings.

F. Solid/Hazardous/Medical Waste

1. All storage, siting, and disposal of hazardous wastes and/or hazardous materials must be accomplished in accordance with federal, state, and local regulations. The business owner/operator is responsible for compliance with all permitting, reporting, emergency notification provisions and other regulations relating to hazardous materials and hazardous wastes.

2. All business owners and operators must insure that regulated substances are loaded, off-loaded and stored in an area that is curbed and provided with an impervious base. The impervious base must be maintained free of cracks and gaps so as to contain any spills or leaks.

3. Outdoor storage of hazardous waste is prohibited.

4. Restaurants must be outfitted with grease traps or approved equivalent systems. The owner/operators of any restaurant must follow all applicable codes and regulations for cleaning and maintaining grease traps.

5. If any hotel pool utilizes gaseous chlorine, the pool must be equipped with chemical sensors, alarm devices, or other comparable equipment. The hotel owner/operator shall be responsible for compliance with this requirement and notice of this responsibility/obligation must be included on all deed transfers or lease agreements.

6. Any business that generates hazardous waste defined by the Code of Federal Regulations 40 CFR Part 261, shall notify the

Division of Natural Resources Management for an assessment as required by Section 403.7225, Florida Statutes. This assessment will address any deficiencies in the management practices of hazardous waste generated at the facility.

7. The developer, or any subsequent owner of the golf course, must insure that the golf course maintenance equipment is handled in accordance with all federal, state and local regulations. Specifically, the developer will insure that all wash down facilities comply with FDEP rules regarding chemical residue, and insure the continued recycling of motor oil from maintenance equipment, and insure recycling of used motor oil, used oil filters, anti-freeze, lead acid batteries, cleaning solvents, shop rags, and aerosol cans.

8. The developer must investigate the feasibility of mulching trees and brush for on-site needs.

9. The developer/property owner of each commercial parcel which will be used to store, manufacture or use hazardous materials, shall contact the Lee County Office of Emergency Management, Hazardous Material Representative, prior to obtaining a development order, to discuss the proposed development in relation to potential type, use, and storage of hazardous materials which will be located on the premises.

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

a. The developer/property owner shall prepare or have available material safety data sheets (MSDS) and submit either copies of MSDS or a list of MSDS chemicals to the appropriate fire department or district and to the Lee County Division of Public Safety.

b. The developer/property owner shall establish an emergency notification system to be used in the event of a hazardous material release.

G. Stormwater Management

1. The surface water management system must be designed, constructed and operated in accordance with the pertinent provisions of Chapters 373 and 403, Florida Statutes; Chapter 40E, Florida Administrative Code; and the South Florida Water Management District "Basis of Review", and any pertinent local regulations regarding the design, construction and maintenance of the surface water management system. This condition applies to anyone obtaining a local Development Order within Pelican Landing. The Bayside Improvement District (a district formed pursuant to Chapter 190, Florida Statutes), must insure that the portion of the system under the ownership and control of the district is operated in accordance with the pertinent portion of the regulatory provisions cited above, and any permit

(construction or operation) issued by the SFWMD. Individual lot owners with on-site wetlands or stormwater retention or detention areas under their control must comply with the pertinent portion of the regulatory provisions cited above and any permit issued by the SFWMD.

2. Water Control Structures must be installed as early in the construction process as practicable to prevent over-drainage or flooding of preserved wetland areas. If the SFWMD establishes a construction schedule or scenario that is contrary to this condition, the permit requirement of SFWMD will control.

3. Any shoreline banks created along on-site stormwater wet detention lakes must include littoral zones constructed consistent with SFWMD requirements. The shoreline banks must be planted in native emergent and submergent vegetation. The developer must establish and maintain, by supplemental planting if necessary, 80 percent cover by native aquatic vegetation within the littoral zone for the duration of the project. The littoral zone will include, at a minimum, the area between high water and ordinary low water.

4. The Bayside Improvement District, and/or all property owners, must undertake a regularly scheduled vacuum sweeping of common streets, sidewalks and parking facilities within the development.

5. The developer must implement the best management practices for monitoring and maintenance of the surface water management systems in accordance with Lee County and South Florida Water Management District guidelines.

6. The SFWMD shall establish all internal surface water management and wetland systems. The developer must set aside all internal surface water management and wetland systems as private drainage easements, common areas, or preserves. These areas must also be identified as specific tracts on the recorded final plat or some other legally binding document acceptable to the County Attorney's office.

H. Transportation

1. Significant Impact

a. The traffic impact assessment for this project assumes the development parameters and land uses shown in Attachment B, "Pelican Landing DRI Development Parameters". The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (2002). Each annual monitoring report, described in Paragraph H.4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code AC-13-16, dated August 8, 1991, see Attachment C) the following roadways and intersections:

Planning Horizon I (1997)

Needed Improvement

US 41/Corkscrew Road	- Signal retiming
US 41/Williams Road	- Signalization, if warranted
US 41/Coconut Road	- Signalization, if warranted
US 41/Pelican Commercial Entrance	- Northbound left turn lane
	- Southbound right turn lane
	- Eastbound right turn lane
US 41/North Pelican Entrance	- Northbound left turn lane
	- Southbound right turn lane
	- Eastbound left and right turn lanes
	- Signalization, if warranted
US 41/Pelican Landing Parkway/ Old 41	- Southbound dual left turns
	- Signal retiming
US 41/Pelican's Nest Drive	- Northbound left and right turn lanes
	- Southbound left and right turn lanes
	- Eastbound left and thru/right lanes
	- Westbound left and thru/right lanes
	- Signalization, if warranted
US 41/Terry Street	- Signal retiming
US 41/Bonita Beach Road	- Signal retiming
Coconut Road/Spring Creek Road	- Separate NB left & right turn lanes
	- Separate EB thru and right turn lanes
	- Separate WB thru and left turn lanes

Buildout (2002)

Corkscrew Road	
- Three Oaks Parkway to I-75	- Widen to 4 lanes
Old 41	
- Bonita Beach Road to Terry St.	- Constrained (no widening possible; maximum v/c ratio of 1.85 per 1993 Lee Plan Policy 22.1.9)
US 41	
- Immokalee Road to Old 41 (Collier County)	- Widen to 6 lanes

- Bonita Beach Road to West Terry Street
- West Terry Street to Pelican's Nest Drive
- Coconut Road to Williams Rd.
- Constitution Boulevard to Alico Road
- Widen to 6 lanes
- Widen to 6 lanes
- Widen to 6 lanes
- Widen to 6 lanes
- US 41/Corkscrew Road
 - Separate EB left and thru/right lanes
 - Westbound dual left turn lanes
 - Signal retiming
 - Signalization, if warranted
- US 41/Williams Road
- US 41/Coconut Road
 - Separate EB left and right turn lanes
 - Signalization, if warranted
- US 41/Pelican Commercial Entrance
 - Northbound left turn lanes
 - Southbound right turn lane
 - Eastbound right turn lane
- US 41/North Pelican Entrance
 - Northbound left turn lane
 - Southbound right turn lane
 - Eastbound left and right turn lanes
 - Signalization, if warranted
- US 41/Pelican Landing Parkway/
Old 41
 - Southbound dual left turn lanes
 - Northbound dual left turn lanes
 - Eastbound thru/right turn lane
 - Westbound two thru lanes
 - Signal retiming
- US 41/Pelican's Nest Drive
 - Northbound left and right turn lanes
 - Southbound left and right turn lanes
 - Eastbound left and thru/right lanes
 - Westbound left and thru/right lanes
 - Signalization, if warranted
- US 41/Terry Street
 - Northbound dual left turn lanes
 - Separate WB thru and right turn lanes
 - Signal retiming
 - Signal retiming
- US 41/Bonita Beach Road
- Coconut Road/Spring Creek Road
 - Separate NB left and right turn lanes
 - Separate EB thru and right turn lanes
 - Separate WB thru and left turn lanes

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County Land Development Code to mitigate Pelican Landing's transportation impacts on the non-site related roads and intersections set forth in Section H.1.b. above. Road Impact Fees are estimated to be \$8,783,000 for the land uses identified in Attachment B. Road Impact Fee payments represent the DRI's proportionate share payment for all road and intersection improvements identified in Condition H.1.b as significantly impacted by this project and operating below the adopted level of service standard by 2002. Estimated Road Impact Fees from this project exceed the community's estimated proportionate share dollar amount of all significantly impacted roadway improvements.

If the Land Development Code Chapter governing Impact Fees is repealed, reduced, or made unenforceable by court petition, the Pelican Landing DRI will continue to pay, per individual permit, an amount equivalent to Road Impact Fees prior to such repeal, reduction or court petition. If payment is not made consistent with that schedule, then a substantial deviation will be deemed to occur, and the traffic impacts of Pelican Landing DRI must be reanalyzed to determine appropriate alternative mitigation prior to the issuance of further building permits for the Pelican Landing DRI.

All road impact fee monies paid by the Pelican Landing DRI after adoption of this DRI Development Order will be applied by Lee County toward the non-site related improvements included in Transportation Condition H.1.b., provided those improvements are deemed necessary to maintain the adopted level of service standards and are included in the County's Capital Improvement Program. Should the identified improvements be funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, an intersection or roadway improvement identified in Paragraph H.1.b, those improvements may be eligible for Road Impact Fee credits. The determination of whether such credits will be granted will be made consistent with the procedures outlined in the Land Development Code.

c. The developer must dedicate 60 feet of right-of-way for Burnt Pine Drive North, from Pelican Landing Parkway to Coconut Road, a distance of 6,926 feet; and for Burnt Pine Drive South from Pelican Landing Parkway to Pelican's Nest Drive, a distance of 2,326 feet. The developer must construct, as a two-lane

access road, Burnt Pine Drive North from Pelican Landing Parkway to Coconut Road, and Burnt Pine Drive South from Pelican Landing Parkway to Pelican's Nest Drive. Credits, if any, for the right-of-way dedication and construction identified above will be issued consistent with the procedures outlined in the Land Development Code. Dedication of the roadway right-of-way and construction of Burnt Pine Drive will occur as follows:

1) Burnt Pine Drive South from Pelican Landing Parkway to Pelican's Nest Drive: coincident with the Certificate of Compliance for the commercial parcel located in the northeast quadrant of the intersection of Burnt Pine Drive South and Pelican's Nest Drive.

2) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 25 feet of additional right-of-way along the south side of Coconut Road from US 41 west to Spring Creek Road to ensure that improvements to Coconut Road are not precluded. Such right-of-way will be dedicated to Lee County if and when requested. Credits, if any, for the right-of-way dedication will be granted at the time of dedication, and must be consistent with the Land Development Code in effect at that time.

e. As a mitigation option, the developer may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize the advance payment to accelerate the Project Design & Environmental (PD&E) Study for US 41 from the Collier County line to San Carlos Boulevard. The PD&E Study is currently scheduled in FDOT's Tentative Five Year Work Program for fiscal year 1998/99 (WPI #1114700).

3. Access and Site-Related Improvements

a. The developer will be fully responsible for site-related roadway and intersection improvements required within the Pelican Landing DRI. The developer must pay the full cost for any site-related intersection improvements (including but not limited to signalization, turn lanes and additional driveway through lanes) found necessary by Lee County or the Florida Department of Transportation (FDOT) permitting requirements for the Community's access intersections on US 41, Coconut Road and Spring Creek Road.

b. The Pelican Landing DRI site access points will be located and developed consistent with the Florida DOT's access management classification for US 41, unless otherwise approved by

the Florida DOT. Improvements to those access points will be consistent with the Department's permitting requirements.

c. Site-related improvements will be as defined in the Land Development Code.

d. Except for Spring Creek Road and Coconut Road, all roads located within Pelican Landing will be maintained by the Bayside Improvement District (BID), unless subsequently dedicated to and accepted by Lee County.

4. Annual Monitoring Report

a. The developer will submit an annual traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

The first monitoring report will be submitted one year after the date of the issuance of this DRI Development Order. Reports must be submitted annually thereafter until buildout of the project.

b. The monitoring report will be designed in cooperation with the Lee County Department of Transportation, FDOT, the SWFRPC and the FDCA prior to the submittal of the first report. The methodology of the annual traffic monitoring report may be revised if agreed upon by all parties.

c. The annual traffic monitoring report must contain the following information:

(1) P.M. peak hour existing volumes and turning movement counts at all site access onto US 41 and Coconut Road, and a comparison to the project trip generation assumed in the DRI analysis.

(2) For existing conditions and a one-year projection, P.M. peak hour peak season turning movement counts, Pelican Landing's estimated share of traffic, and an estimated level of service for the intersections identified in Paragraph H.1.b as impacted by this project.

(3) For existing conditions and a one-year projection, P.M. peak hour peak season traffic counts, Pelican Landing's estimated share of traffic, and an estimated level of service for the roadway links identified in Paragraph H.1.b as impacted by this project through buildout.

(4) An estimate of when the monitored roadways and intersections will exceed adopted levels of service.

(5) A summary of the status of road improvements assumed to be committed in the ADA, including the following:

<u>Roadway</u>	<u>Segment</u>	<u>Improvement</u>	<u>Schedule</u>
Pelican's Nest Dr.	Pelican's Nest to US 41	0 to 2	Planning Horizon I (1997/98)
Corkscrew Road	I-75 to Treeline Ave.	2 to 4	Planning Horizon I (1997/98)
US 41	Alico Rd. to Island Park Rd.	4 to 6	Planning Horizon I (1997/98)
US 41	Island Park Rd. to south of Daniels Parkway	4 to 6	Planning Horizon I (1997/98)
Bonita Beach Road	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (1997/98)

(6) A summary of the roadway and intersection improvements listed in Paragraph H.1.b that have been constructed, and the program status of the remainder.

d. If the annual monitoring report confirms that the peak season P.M. peak hour traffic on the significantly impacted roadways exceeds the level of service standards adopted by Lee County, or is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume during peak hour peak season traffic conditions, then further local development orders, building permits and certificates of occupancy may not be granted until the standards of the County's concurrency management system have been met. This means that adequate district-wide level of service capacity must be available through 1999. After 1999, significantly impacted individual links must be operating at the adopted level of service, or an improvement to achieve the adopted level of service is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the annual traffic monitoring report confirms that the peak season P.M. peak hour traffic on the segment of US 41 in Collier County from Immokalee Road to Old US 41 exceeds the level of service standard adopted by Collier County and if the project is utilizing more than 5% of level of service D service volume during peak hour, peak season traffic conditions, then further building permits may not be granted until the subject roadway segment is committed for construction by the Florida Department of Transportation and/or Collier County.

f. In the event the developer confirms that no additional development occurred on any portion of the site for the

year, even after the approval of a local development order, they may submit a Letter of "No Further Transportation Impact" in lieu of fulfilling the transportation monitoring portion of the Annual Monitoring Report.

I. Wastewater Management/Water Supply

1. The developer or the Bayside Improvement District must obtain a South Florida Water Management District Water Use Permit, or a Modification to an existing Consumptive Use Permit for any water withdrawals, and for dewatering activities proposed in connection with on-site construction that does not qualify for a No Notice General Permit, under Rule 40E-20.302(4), F.A.C.

2. Builders within Pelican Landing must utilize ultra-low volume plumbing fixtures, self-closing or metered water faucets, and other water conserving devices/methods consistent with the criteria outlined in the water conservation element of the Bonita Springs Utilities, Incorporated, SFWMD Water Use Permit or the water conservation element of any other approved utility provider utilized by the Development.

3. Developers must utilize xeriscape principles in the landscape design of the project to further the conservation of non-potable water.

4. If reclaimed water is available for use within the project to address a portion of the project's irrigation demands, the developer or Bayside Improvement District, as appropriate, must ensure that on-site lakes, wetlands, and the surface water management system are protected in accordance with the requirements of the SFWMD and FDEP.

5. The developer must provide written assurance that any hazardous commercial effluent, generated by the project, will be treated separately from domestic wastewater, and handled in accordance with FDEP regulations.

6. Except for temporary septic tanks for construction trailers or for sales offices/models, septic tanks are prohibited.

7. All potable water facilities, including any on-site potable water treatment system, must be properly sized to supply average and peak day domestic demand, as well as fire flow demand. The facilities shall be constructed and sized in accordance with all pertinent regulations of the FDEP, Lee County, and any Fire Control District with jurisdiction.

8. All irrigation systems constructed for the golf course, landscaped areas and commercial/office portions of the project must be designed to accommodate effluent for irrigation use. Reclaimed water, to the extent it is available, must be used to address irrigation needs. The remaining demand will be satisfied

through approved groundwater or surface water withdrawals. Reclaimed water must be used in accordance with all applicable regulations.

J. Police and Fire Protection

1. Construction must comply with the fire protection requirements of all building, development, and life safety codes adopted by Lee County.

2. Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, must file hazardous materials reporting applications in accordance with Sections 302 and 312. Each reporting facility must update these applications annually.

3. The developer must provide for the emergency medical service impacts and fire protection impacts generated by the proposed development as defined by Lee County regulations.

4. If access to development is through a security gate or similar device that is not manned 24 hours per day, the developer must install an override switch in a glass-covered box for use by emergency vehicles, or a comparable system that permits emergency vehicles to access the project.

5. The project's impact on fire protection and rescue service delivery will be met by the ad valorem taxes, EMS impact fees and fire impact fees.

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

1. This Development Order constitutes a resolution of Lee County, adopted by the Board of County Commissioners in response to the Development of Regional Impact Application for Development Approval filed for the Pelican Landing DRI.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents which are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, but are not limited to the following:

- (a) Pelican Landing Application for Development Approval, stamped Received October 26, 1992;
- (b) Pelican Landing DRI sufficiency response, stamped Received February 5, 1993;

- (c) Pelican Landing DRI sufficiency response, stamped Received July 6, 1993;
- (d) Pelican Landing DRI sufficiency response, dated September 16, 1993; and
- (e) Pelican Landing DRI sufficiency response, stamped Received November 22, 1993.

3. Map H, stamped received September 19, 1994, is attached hereto as Attachment A and is incorporated by reference. It is understood that because it is a concept plan it is very general. The boundaries of development areas and location of internal roadways may be modified to accommodate topography, vegetation, market conditions, traffic circulation or other site related conditions as long as they meet local development regulations. This provision may not be used to reduce the acreage of the Eco-Park or other open space or preserve acreages. It is understood that the precise wetland boundaries are determined by the U.S. Army Corps of Engineers, SFWMD, FDEP and Lee County.

4. The Development Order is binding upon the developer(s) and its assignees or successors in interest. Where the Development Order refers to the Bayside Improvement District, lot owners, business owners, or other specific reference, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order which clearly apply only to the project developer are binding upon any builder/developer who acquires any tract of land within Pelican Landing DRI.

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

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

7. Any reference to a governmental agency will be construed to mean any future instrumentality which may be created and designated as successors in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

8. If any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision will in no manner

affect the remaining portions or sections of the Development Order which will remain in full force and effect.

9. This Development Order grants limited approval and does not negate the developer's responsibility to comply with all applicable federal, state, regional and local regulations.

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

(a) A substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans which create a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated in the review by the Southwest Florida Regional Planning Council; or

(b) An expiration of the period of effectiveness of this Development Order.

Upon a finding that any of the above is present, the Board must order a termination of all development activity in the development affected by a substantial deviation or expiration of time until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes, and all local approvals have been obtained.

11. The project has a buildout date of 2002, and a termination date of 2005. This term is based on a ten year buildout and the recognition that a local Development Order, which is valid for three years, may be obtained in the tenth year.

12. The developer and the Bayside Improvement District may not exercise any rights of condemnation to acquire land within the development commonly known as Spring Creek Village, El Dorado Acres, Estero Bay Shores, Mound Key Estates and Spring Creek Estates.

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

14. The project will not be subject to down-zoning, unit density reduction, intensity reduction or prohibition of development until 2005 as long as the Lee Plan amendment proposed in association with this DRI to upwardly adjust the 2010 Overlay allocations for Subdistricts 801 and 806 is adopted and effective.

If the County clearly demonstrates that substantial changes have occurred in the conditions underlying the approval of the Development Order through public hearings on an amendment to the zoning and/or this DRI Development Order then a down-zoning, unit density reduction, or prohibition of development may occur. These changes would include, but would not be limited to, such factors as a finding that the Development Order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety and welfare.

If the companion plan amendment is adopted, Lee County will reserve to this DRI, the appropriate uses from the allocations established for subdistricts (subdistricts 806/801) of the Lee Plan 2010 Overlay until 2005. This reservation has the effect of reserving all of the acreage transferred from Gateway to Pelican Landing for the duration of the Development Order.

15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, will submit a report annually to Lee County, SWFRPC, FDCA and all affected permit agencies. This report must describe the state of development and compliance as of the date of submission. In addition, the report must be consistent with the rules of the FDCA. The first monitoring report must be submitted to the Administrative Director of the DCA not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year of subsequent calendar years thereafter, until buildout. Failure to comply with this reporting procedure is governed by Section 380.06 (18), Florida Statutes. The developer must inform successors in title to the undeveloped portion of the real property covered by this Development Order of this reporting requirement. This requirement may not be construed to require reporting from tenants or owners of individual lots or units.

16. Within six months of the effective date of this Development Order, the Developer will apply for an amendment to this Development Order which incorporates the portion of the Spring Creek DRI located west of US Highway 41 into the Pelican Landing DRI. The amendment will contain a description of that portion of the Spring Creek DRI and the conditions of the Spring Creek Development Order which are applicable to the Spring Creek West property. The amendment will not be deemed a substantial deviation under Chapter 380, Florida Statutes. The impacts of the Spring Creek development will not be considered separately or cumulatively in any future change to the Pelican Landing Development Order. A change in the development plan for the Spring Creek property could be a substantial deviation which would require further analysis of Spring Creek West. This amendment is to be adopted solely for the purpose of consolidating Spring Creek West and Pelican Landing under the same Development Order and none of Spring Creek West's vested rights will be lost because of this amendment.

17. The County will forward certified copies of this Development Order to the SWFRPC, the developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, the developer must record notice of its adoption in the office of the Clerk of the Circuit Court, as provided in Section 380.06(15), Florida Statutes.

THE MOTION TO ADOPT this Resolution approving and adopting this Development Order was offered by Commissioner John Manning, and seconded by Commissioner Douglas St. Cerny and upon poll of the members present, the vote was as follows:

John E. Manning	<u>Aye</u>
Douglas R. St. Cerny	<u>Aye</u>
Ray Judah	<u>Nay</u>
Franklin B. Mann	<u>Aye</u>
John E. Albion	<u>Aye</u>

DULY PASSED AND ADOPTED this 29th day of August, 1994.

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____

Ray Judah
(Chairman)

ATTEST:

Charlie Green, Ex - Officio Clerk
Board of County Commissioners

_____, Clerk

By: _____

Ruth Trujillo
Deputy Clerk

APPROVED AS TO FORM

By: _____

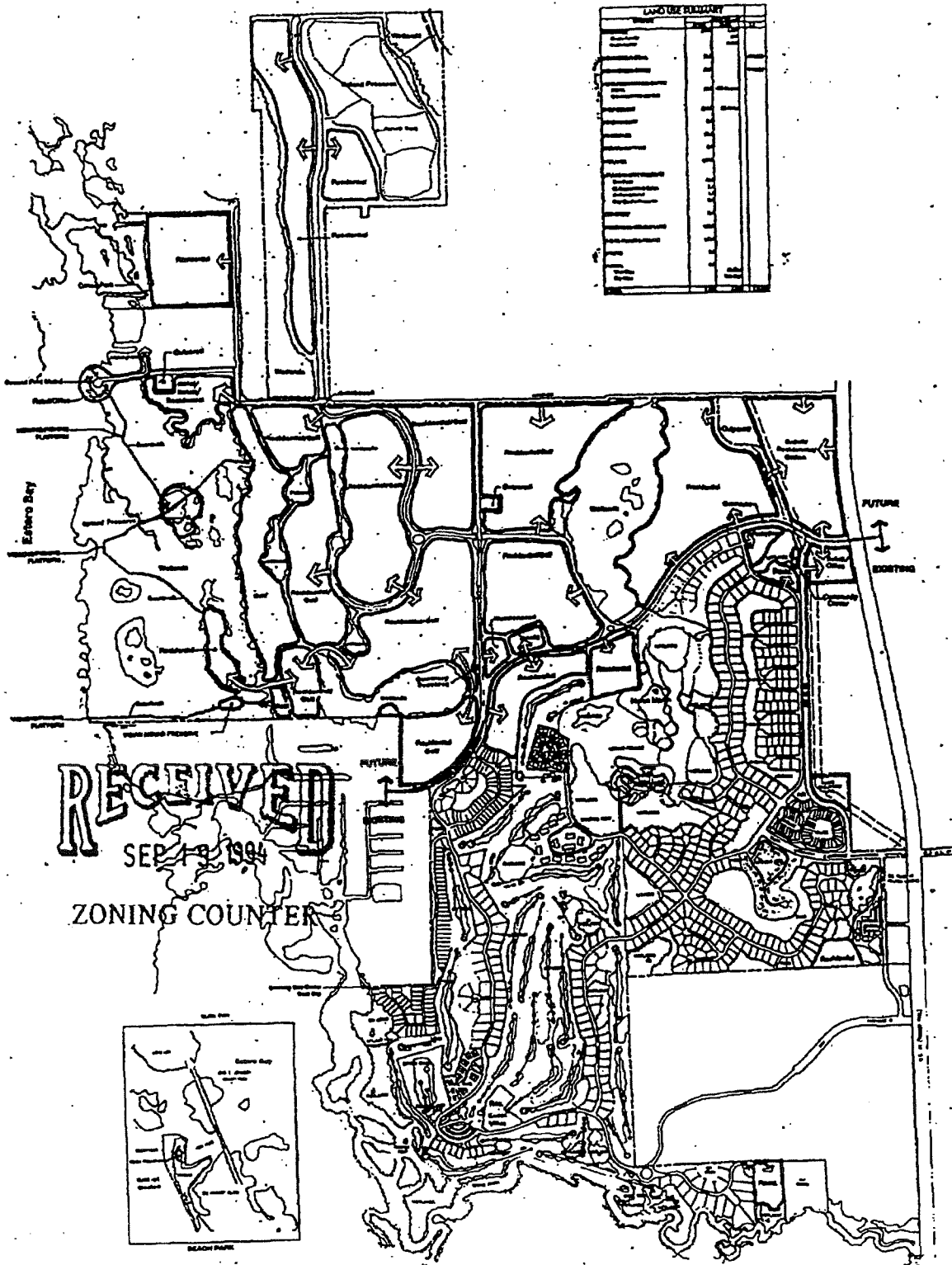
Conna Grace Collins
County Attorney's Office

FILED

SEP 28 1994

CLERK CIRCUIT COURT

BY Ruth Trujillo D.C.



ATTACHMENT "B"

PELICAN LANDING DRI DEVELOPMENT PARAMETERS

Land Use	Units ¹	Existing (1992)	Planning Horizon I (1997)	Buildout Total (2002)
Residential	DU	969	2,433	4,050
Single Family	DU	373	625	665
Multi Family	DU	596	1,808	3,385
Retail ²	GFA	11,000	291,000	600,000
Office ³	GFA	40,000	150,000	210,000
Hotel	Rooms	0	450	450
Recreation Uses				
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	29	38	38
Range Club Golf Course	Holes	0	9	9
Tennis Center	Courts	0	6	12
Coconut Marina	Boat Slips			
	Wet	24	48	48
	Dry	0	150	150
Redfish Point	GFA	5,000	5,000	5,000
	Boat Slips			
	Wet	15	15	15
Other ⁴	Boat Slips			
	Wet	2	2	2

Footnotes:

- 1 Units
DU - Dwelling Units
GFA - Square Feet of Gross Floor Area
- 2 Includes conference center, community center and clubhouse/marina
- 3 Includes "Foundations"
- 4 Ancillary Use

ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS

CATEGORY: DEVELOPMENT/PLANNING/ZONING	CODE NUMBER: AC-13-16
TITLE: PROPORTIONATE SHARE CALCULATIONS FOR TRANSPORTATION FACILITY NEEDS RESULTING FROM NEW DEVELOPMENT	ADOPTED: AUGUST 21, 1991 ORIGINATOR: BILL SPIKOWSKI DEPT. OF GROWTH MANAGEMENT
COUNTY ADMIN: ROBERT GRAY, ACTING COUNTY ADMINISTRATOR	BOARD CHAIRPERSON: DOUGLAS ST. CERNY

I. PURPOSE:

This document describes procedures to calculate proportionate share costs for proposed developments. All new development is required to pay road impact fees under the terms of Lee County's Roads Impact Fee Ordinance (No. 85-23, as amended). Some developers/applicants may be required to pay a proportionate share of roadway improvement costs under certain conditions as outlined below. These conditions result from the larger size, use, character, or location of the proposed development. Mitigation of impacts on the county's road system is mandated by the Lee County Comprehensive Plan.

II. SCOPE:

The policies and procedures contained in this code have been prepared to aid the development community and Lee County Commissioners and staff in assessing the impacts of larger new developments on the surrounding road network. This code is supplemental in nature:

- A. As to Developments of Regional Impact (DRIs), this code supplements the provisions of Chapter 380, Florida Statutes, and Rule 9J-2.0255, Florida Administrative Code.
- B. As to Development Agreements, this code supplements Ordinance No. 90-29.

Traffic analysis methodologies deviating from these procedures must be approved by the Lee County Department of Transportation & Engineering.

III. POLICY/PROCEDURE:

- A. **Pre-application Meeting**
~~A pre-application meeting~~ between the county and the applicant is encouraged. The purpose of this meeting is to review the methodology and procedures and to determine the study period. This will usually be a PM peak hour analysis; however, other time periods may require analysis. This discussion can be held at the same time as the pre-application meeting for the project's Traffic Impact Statement.
- B. **Projecting Future Year Total and Development Trips**
Two separate methodologies are outlined under this section. The first methodology applies to large projects or developments with build-out periods of longer than five years. For purposes of this analysis, projects generating more than 750 peak hour external trip ends and having build-out periods of 5 years or more are generally considered large, all others are small. This first methodology requires use of the latest Lee County FSUTMS computer model for projecting total and development trips. The second methodology applies to smaller projects and projects with build-out periods of five years or less. For these smaller short-range developments, manual traffic analysis methods should be used in place of the FSUTMS computer model.

1. Larger or Long-Term Developments

- a. The FSUTMS computer model should be used to develop traffic volumes for build-out and interim phase years.
 - (1) The latest zonal data should be gathered from the Lee County Department of Transportation & Engineering.
 - (2) The model's base and future year zonal data can be used for data interpolation of extrapolation to the appropriate project years (in the absence of existing zonal data).
- b. Future year traffic assignments should be developed for development trips and total trips using the FSUTMS model. The following methods are the recommended DRI traffic impact analysis methodologies as listed in Florida Department of Transportation FSUTMS training course materials:
 - (1) Development trips can be determined by using a two-purpose trip table with the second purpose representing all trips with at least one end in the development zone or zones.
 - (2) Development trips can also be isolated with the selected links analysis method.
- c. The "net impact methodology" is an unacceptable method for determining development trips. Under this method, volumes from a traffic assignment with the development land use in place are subtracted from assignment volumes with zero land use assumed on the development site. The net impact methodology significantly underestimates development trips on each link. On links further from the site, this methodology often results in an illogical negative number of development trips; thus the methodology is not appropriate as the basis for proportionate share calculations.

2. Smaller or Short-Term Developments

- a. For these developments, it is acceptable to use historic growth rates for traffic projection and manual distribution techniques to determine project trip loadings.
 - (1) Appropriate traffic growth rates should be determined based on an examination of historical counts available for the impact area.
 - (2) Current traffic counts must be collected for all arterial segments in the impact area.
 - (3) Current traffic volumes should be projected to the build-out year and the end of each development phase.
- b. Trip generation for the project under study should be estimated using the latest edition of the ITE Trip Generation manual or other figures acceptable to the Department of Transportation & Engineering. It may be appropriate to apply internal capture assumptions for mixed-use developments and pass-by capture factors for commercial uses on arterial roadways. These factors may be based on the ITE Trip Generation manual or other sources acceptable to the Department of Transportation and Engineering.
- c. Development trips should be assigned to surrounding roadways based on the relative trip activity and location of surrounding land uses.
 - (1) The potential origins and destinations for development trips and turning patterns at key intersections should form the basis for these manual distributions.
 - (2) Trip attenuation along assigned roadways can be accomplished through an analysis of average trip length and consideration of intervening opportunities for "intercepting" trips along designated paths.
 - (3) Thorough documentation of distribution procedures and justifications of all assumptions must be presented.
- d. The total traffic projection on each roadway segment in the study area is calculated generally by adding the assigned development traffic to the projected future year volume.

Mitigation Due to "Significance" and "Adversity"

1. If a roadway link is projected to carry a significant number of development trips and total traffic adversely affects the roadway by exceeding the service volume (Capacity), a proportionate share of the improvement cost for that link shall be calculated.
2. For roadway links in the impact area, service volumes must be determined.
 - a. Each roadway has a specific service volume based on its unique characteristics.
 - b. These service volumes must be determined using procedures based on 1985 Highway Capacity Manual.
 - c. The FDOT statewide Generalized Level of Service Tables are applicable only to the broadest planning applications; a more detailed LOS analysis must be used for mitigation purposes. Generalized service volumes have been developed for Lee County, and may be used. They are contained in Chapter IX of the 1990 Amendments to the Lee Plan (see Volume I of the supporting documentation).
 - d. The ARTPLAN program developed by FDOT is another acceptable method of replicating the 1985 HCM arterial analysis.
3. Each roadway link must be analyzed to determine if development traffic has a significant impact on the roadway.
 - a. A significant impact is said to occur when development traffic exceeds 5% of the LOS D service volume for that link.
 - b. This significance analysis will determine which roadways fall within the impact area and must then be tested for adversity.
4. A roadway link is determined to be adversely affected if total traffic exceeds the LOS D service volume for that link.

D. Roadway Improvement Costs

1. A proportionate share shall be calculated for design, right-of-way, and construction costs for all links where traffic levels are both significant and adverse.
 - a. Roadway improvement cost calculations should be based on cost figures developed specifically for the roadway being analyzed. These cost figures are often available for roadway projects under design by state or local agencies.
 - b. If specific costs are unavailable, average cost per mile figures for the required type of roadway improvement should be used. Statewide average cost per mile values have been developed by FDOT for each type of roadway improvement; often local average cost per mile figures are also available.

E. Proportionate Share Calculations for DRIs

1. Proportionate shares shall be calculated using the formula developed by the Southwest Florida Regional Planning Council. This formula is similar to the DRI proportionate share formula adopted by the Department of Community Affairs as contained in Rule 9J-2.0255, F.A.C. The formula is as follows:

$$\text{Proportionate Share Percentage} = \frac{(\text{Development Trips} - \text{Reserve Capacity on Link})}{\text{Added Capacity With Improvement}}$$

- a. "Reserve Capacity" is determined by subtracting future year non-development traffic from the road's service volume. A reserve capacity of zero is used if this calculation results in a negative number.

- b. "Added Capacity With Improvement" is the difference between the service volume after the improvement and the service volume before the improvement.
2. The proportionate share percentage is multiplied by the total cost of the roadway improvement for each road link to determine the developer's proportionate share of that improvement.
3. This proportionate share formula is applied to each link on which the development traffic is significant and levels of service are adverse. The sum of these computations is the development's "proportionate share." If this sum is less than the development would pay in road impact fees, it shall not form the basis for an assessment against the development in the DRI or DCI process. If the sum is greater than the development would pay in road impact fees, it will be used in a DRI development order as the figure required to mitigate the development's long-run impact on transportation facilities.

F. Voluntary Proportionate Share Payments in Development Agreements

1. In order to induce Lee County into entering a Development Agreement pursuant to Ordinance No. 90-29, a prospective developer should use this section as the basis for his/her offer to voluntarily construct road improvements or to pay the cost of such improvements.
2. Sections B, C, and D above shall be used to project future travel patterns, to determine "significance" and "adversity," and to estimate roadway improvement costs.
3. Proportionate share payments in Development Agreements shall be calculated by summing the costs of improving each road segment that meets the previously stated tests for "significance" and "adversity," up to a cap of double the road impact fees at current rates for the entire development. The Development Agreement shall be based on the greater of the total costs of needed improvements (as just described) up to the cap of double impact fees, or the proportionate share as calculated under Section E above, whichever is greater.

State of Florida
County of Lee

I, Charles Green, Clerk of the Circuit Court
for Lee County, do hereby certify
that the foregoing is a true and correct
copy of the original of the
Minutes of the

Board of County Commissioners, Lee County,
Florida, held on the 26th day of
September, 1998.

Charles Green, Clerk

By: *Charles Green*
County Clerk

RESOLUTION NUMBER Z-95-061

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

WHEREAS, Pelican Landing Communities, Inc. has filed an application for an Amendment to the Pelican Landing CPD/RPD Resolution Z-94-014 and Master Concept Plan; and

WHEREAS, the subject property is located between US 41 and Estero Bay, north of Spring Creek to the north and south of Coconut Road; and

LEGAL DESCRIPTION: In Sections 05, 07, 08, 09, 16, 17, 18, 20, and 21, Township 47 South, Range 25 East, and Sections 13 and 24, Township 47 South, Range 24 East, Lee County, Florida:

DRI PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20 and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20, run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section; THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;

THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;

THENCE run along Spring Creek for 3,630 feet, more or less to an intersection of the East line of said Section 20 and the approximate centerline of Spring Creek;

THENCE run along said centerline the following courses:

S78°50'00"W for 181.31 feet,
N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,

continued...

S50°30'17"W for 220.23 feet,
 N84°49'43"W for 331.36 feet,
 S62°13'07"W for 214.71 feet,
 S22°08'36"W for 291.55 feet,
 S72°15'11"W for 131.22 feet to an intersection with the
 East line of the Southwest Quarter (SW¼) of said Section
 20;
 THENCE run N00°50'19"W along said East line for 520.00 feet
 to the Northeast corner of said fraction;
 THENCE run S89°58'37"W along the North line of said
 fraction for 290.00 feet to an intersection with the
 approximate centerline of the most Easterly branch of said
 Spring Creek;
 THENCE run along said centerline the following courses:
 N09°13'28"W for 137.34 feet,
 N29°08'22"W for 590.59 feet,
 N38°31'58"W for 278.03 feet,
 N65°16'43"W for 254.95 feet,
 N37°18'28"W for 286.01 feet,
 N32°51'05"E for 252.39 feet,
 N20°11'00"E for 236.69 feet,
 N27°23'47"W for 369.25 feet,
 N89°15'43"E for 50 feet, more or less to the Easterly shore
 of said Spring Creek;
 THENCE run along said Easterly shore for 1,220 feet, more
 or less to an intersection with the North line of said
 Section 20;
 THENCE run N89°15'13"E along said North line of said
 Section for 970 feet, more or less to a concrete monument
 marking the Northwest corner of the Northeast Quarter (NE¼)
 of said Section 20;
 THENCE run N00°31'30"E along the West line of the Southeast
 Quarter (SE¼) of said Section 17 for 2,644.38 feet to an
 intersection with the South line of Spring Creek Road as
 described in Deed Book 305 at Page 276, Lee County Records;
 THENCE run S89°58'35"E along said South line for 739.45
 feet;
 THENCE run N00°07'58"E for 30.00 feet to an intersection
 with the North line of the Southeast Quarter (SE¼) of said
 Section 17;
 THENCE run S89°58'35"E along the North line of said
 fraction for 375.91 feet to the Southeast corner of lands
 described in Official Record Book 1713 at Page 1188 of said
 Public Records;
 THENCE run N00°41'04"W for 668.20 feet to the Northeast
 corner of said lands;
 THENCE run N89°50'32"W along the North line of said lands
 for 366.38 feet to the Easterly line of said Spring Creek
 Road (50 feet wide);
 THENCE run N00°07'58"E for 2,007.04 feet to an intersection
 with the South line of the Southeast Quarter (SE¼) of said
 Section 08;

continued ...

THENCE continue N00°07'17"E along said East line for 343.54 feet;
 THENCE run S89°38'58"E for 10.00 feet;
 THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
 THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
 THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
 THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
 THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
 THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
 THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
 THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
 THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
 THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;
 THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
 THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
 THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
 THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
 THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;

continued...

THENCE run S00°06'43"E for 1,085.91 feet;
THENCE run N89°06'43"E for 744.41 feet to an intersection
with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of
a non-tangent curve to the right of radius 5,619.58 feet
(chord bearing S00°22'05"E) (chord 50.21 feet) (delta
00°30'42") for 50.21 feet to a Point of Tangency;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection
with the South line of the Southeast Quarter (SE¼) of said
Section 16;
THENCE run S89°16'54"W along said South line of said
fraction for 989.41 feet to the Southeast corner of the
Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said
Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF
BEGINNING.

ALSO

DRI PARCEL 2

A tract or parcel of land lying in Sections 07, 08, 17 and
18 which tract or parcel is described as follows:

From a railroad spike marking the Northwest corner of the
Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E
along the West line of said fraction for 25.00 feet to an
intersection with the South line of Coconut Road (50 feet
wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S89°16'14"E along said
South line for 3,253.00 feet to an intersection with the
West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 2,610.71
feet to an intersection with the South line of said Section
08;
THENCE run S00°07'58"W along said West line for 2,646.47
feet;
THENCE run N89°58'35"W along the North line of Coconut Road
for 689.04 feet to an intersection with the East line of
the Northwest Quarter (NW¼) of said Section 17;
THENCE run N89°59'08"W along said North line for 404.79
feet to the Southeast corner of lands described in Official
Record Book 411 at Page 759 of said Public Records;
THENCE run N01°31'36"E along the East line of said lands
for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands
for 2,200.77 feet to an intersection with the East line of
the Northeast Quarter (NE¼) of said Section 18;

continued...

THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;
THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.

LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO:

DRI PARCEL 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County;

ALSO the East Three-quarters (E-¾) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05;

ALSO the East Two-thirds (E-⅔) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05;

ALSO the East Two-thirds (E-⅔) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:

From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;

continued...

THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
 From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
 THENCE run N01°22'23"W for 1,304.41 feet;
 THENCE run N89°56'22"W for 107.12 feet;
 THENCE run N01°22'55"W for 1,303.87 feet;
 THENCE run N89°34'15"E for 2,593.81 feet;
 THENCE run S00°26'45"E for 2,655.42 feet;
 THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
 THENCE run N89°25'01"W for 587.55 feet;
 THENCE run S00°50'16"E for 132.58 feet;
 THENCE run N89°11'54"W for 75.00 feet;
 THENCE run N00°50'16"W for 132.30 feet;
 THENCE run N89°25'01"W for 610.69 feet;
 THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
 THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

DRI PARCEL 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
 THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
 THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
 THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.
 Containing 2,409 acres, more or less.

Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

AND

continued...

DRI BEACH PARCEL

A tract or parcel of land lying in Government Lot 3, Section 13, and Government Lot 2, Section 24, Township 47 South, Range 24 East, Big Hickory Island, Lee County, Florida, which tract or parcel is described as follows:

From the center of a turnaround on SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;

THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet, N22°26'23"W for 100.53 feet,

N23°09'50"W for 100.14 feet,

N14°51'19"W for 73.01 feet,

N27°40'10"W for 88.01 feet,

N29°33'57"W for 46.01 feet,

N22°14'53"W for 47.27 feet,

N20°39'23"W for 46.98 feet,

N11°15'38"W for 29.80 feet,

N26°10'46"W for 46.87 feet,

N09°09'45"W for 48.26 feet,

N17°35'56"W for 46.04 feet,

N12°49'07"W for 50.04 feet,

N29°20'48"W for 69.12 feet,

N20°48'58"W for 63.82 feet;

THENCE run N79°23'51"W for 247 feet more or less to an intersection with the Approximate Mean High Water Line of the Gulf of Mexico;

THENCE run Northerly and Northeasterly along said waters for 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 188 of the Public Records of Lee County, Florida;

THENCE run along said South line, along the arc of a curve to the right of radius 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;

THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;

THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;

continued...

THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°01'44"E for 42.51 feet to an intersection
with the South line of lands described in Official Record
Book 2246 at Page 4413 of the Lee County Records;
THENCE run N65°00'00"E along said South line for 134 feet,
more or less to the waters of Estero Bay;
THENCE Northerly along said waters for 358 feet, more or
less to an intersection with a line bearing N65°00'00"E and
passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the
POINT OF BEGINNING.

Bearings hereinabove mentioned are Plane Coordinate for the
Florida West Zone.

PELICAN LANDING RPD PARCEL 1

Tracts or parcels lying in Section 05 and Section 08,
Township 47 South, Range 25 East, Lee County, Florida,
being more particularly described as follows and all
consisting of 203.85 acres, more or less.

Parcels in Section 5:

Lots 8B, 9B, 10B, 11B, 12B, and Lots 21B, 22B, 23B, 24B,
and 25B of Florida Gulf Land Company's Subdivision, all in
Section 05, Lee County, Florida (recorded in Plat Book 1 at
Page 59), consisting of 100 acres more or less.

ALSO:

The East Three-Quarters (E-3/4) of the Northwest Quarter
(NW¼) of the Southwest Quarter (SW¼), of said Section 05,
consisting of 30 acres, more or less.

ALSO:

The East Two-Thirds (E-2/3) of the Southwest Quarter (SW¼)
of the Southwest Quarter (SW¼), of said Section 05,
consisting of 26.67 acres, more or less.

Parcels in Section 8:

The East Two-Thirds (E-2/3) of the West Half (W½) of the
Northwest Quarter (NW¼) of said Section 08, consisting of
approximately 53.55 acres, more or less, less the Southerly
40.00 feet for the right-of-way of Coconut Road.

ALSO:

Lot 8, Block 14 of El Dorado Acres, an unrecorded subdivi-
sion shown in Deed Book 310 at page 183 of the Public
Records of Lee County, Florida.

continued...

PELICAN LANDING RPD PARCEL 2

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07 run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot 1 for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet, more or less to the POINT OF BEGINNING.
Containing 60 acres, more or less.

PELICAN LANDING RPD PARCEL 3

A tract or parcel of land lying in Sections 07, 08, 17 and 18, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) to the POINT OF BEGINNING;
THENCE run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road as described in County Commissioners Minute Book 6 at page 210, Public Records, Lee County, Florida;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 1,612.27 feet;
THENCE run N89°52'02"W for 5.00 feet to a Point on a curve;
THENCE along the arc of a non-tangent curve to the right of radius 1,070.00 feet (delta 91°03'07") (chord bearing S45°39'32"W) (chord 1,527.04 feet) for 1,700.40 feet;
THENCE run N01°31'36"E for 33.48 feet to the Southeast corner of lands described in Official Record Book 411 at page 759 of said Public Records;
THENCE continue N01°31'36"E along the East line of said lands for 960.34 feet;

continued...

THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
 THENCE continue N89°59'08"W for 1,840 feet, more or less to the waters of Estero Bay;
 THENCE run Northerly along the waters of Estero Bay for 6,490 feet, more or less to an intersection with the South line of Government Lot 2 of said Section 07;
 THENCE run N89°40'05"E along said South line for 745 feet, more or less;
 THENCE run S00°19'55"E for 650.00 feet;
 THENCE run N89°40'05"E for 1,107.21 feet to an intersection with the West line of said Section 08;
 THENCE run N00°23'24"W along the West line of said Section for 625.00 feet to an intersection with the South line of said Coconut road and said POINT OF BEGINNING;
 Containing 547.4 acres, more or less.

PELICAN LANDING RPD PARCEL 4

A tract or parcel of land lying in Sections 08 and 17, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, run S00°41'48"E along the West line of said Section 09 for 5.00 feet to an intersection with the South line of Coconut Road (50 feet wide) as described in Official Record Book 1738 at Page 2538, Public Records, Lee County, Florida, and the POINT OF BEGINNING.

From said POINT OF BEGINNING run S00°39'58"E continuing along said West line for 2,606.06 feet to the Southwest corner of said Section 09;
 THENCE run S00°41'04"E along the West line of Section 16, Township 47 South, Range 25 East, Lee County, Florida, for 504.83 feet to a point on a curve;
 THENCE run along the arc of a curve to the right of radius 2,760.00 feet (delta 21°21'52") (chord bearing S75°03'10"W) (chord 1,023.20 feet) for 1,029.15 feet;
 THENCE N20°00'00"W for 580.12 feet;
 THENCE N89°52'02"W for 657.66 feet to an intersection with the East line of Spring Creek Road as described in County Commissioners Minute Book 6 at Page 210, Public Records, Lee County, Florida;
 THENCE run N00°07'58"E along said East line for 240.32 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
 THENCE continue N00°07'17"E along said East line for 343.49 feet;

continued...

THENCE run S89°38'58"E for 10.00 feet;
 THENCE run N00°07'17"E along said East line for 499.94 feet to the Southwest corner of lands described in Official Record Book 428 at Page 349, said public records;
 THENCE run S89°21'02"E along the South line of said lands for 536.00 feet;
 THENCE run N00°07'17"E along the East line of said lands for 474.33 feet;
 THENCE run N89°21'02"W along the North line of said lands for 546.00 feet to an intersection with the Easterly line of said Spring Creek Road;
 THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of said Coconut Road;
 THENCE run S89°16'14"E along the South line of said Coconut Road 1,802.38 feet to an intersection with the West line of said Section 09 and the POINT OF BEGINNING.
 Containing 124.18 acres, more or less.

PELICAN LANDING RPD/CPD PARCEL 1

A tract or parcel of land lying in Section 08, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the Northeast corner of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 07 run S00°23'24"E along the East line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
 From said POINT OF BEGINNING run S00°23'24"E along the East line of Section 07 for 625.00 feet;
 THENCE run S89°40'05"W for 1,107.21 feet;
 THENCE run N00°19'55"W for 650.00 feet to an intersection with the South line of Government Lot 2 of said Section 07;
 THENCE run S89°40'05"W along said South line for 745 feet, more or less to an intersection with the waters of Estero Bay;
 THENCE run along the waters of Estero Bay for 1,810 feet, more or less to a Point which intersects the North line of the South One-Half (S $\frac{1}{2}$) of said Government Lot 2;
 THENCE run N89°32'15"E along said North line of the South One-Half (S $\frac{1}{2}$) of said Government Lot 2 for 545 feet, more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817, Public Records, Lee County, Florida;
 THENCE S08°50'45"E along the West line of said lands for 199.50 feet;
 THENCE N89°32'15"E along the South line of said lands for 247.50 feet;
 THENCE run N89°35'27"E for 666.22 feet;

continued...

THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet to an intersection with the South line of said Coconut Road;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.55 feet to the POINT OF BEGINNING.

LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516, Public Records, Lee County, Florida. Containing 39.1 acres, more or less.

PELICAN LANDING RPD/CPD PARCEL 2

A tract or parcel of land lying in the South Half (S½) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
From the Northwest corner of the Southwest Quarter (SW¼) of said Section 09 run N00°41'48"W for 5.00 feet to the South right-of-way line of Coconut Road (50 foot right-of-way);
THENCE run S89°35'50"E for 1,863.14 feet to the centerline of a certain Florida Power and Light transmission line easement (100 feet wide) as described in Deed Book 229 at Page 48, Public Records, Lee County, Florida, and the POINT OF BEGINNING.

From said POINT OF BEGINNING continue S89°35'50"E along said South right-of-way line for 1,301.22 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;
THENCE run along the arc of a curve to the left of radius 5,797.58 feet (delta 10°17'00") (chord bearing S04°57'34"E) (chord 1,039.14 feet) for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said Westerly line for 230.98 feet;
THENCE run S79°53'56"W for 70.57 feet to a Point of Curvature;
THENCE run along the arc of a curve to the right of radius 650.00 feet (delta 49°49'26") (chord bearing N75°11'21"W) (chord 547.59 feet) for 565.23 feet to a Point of Reverse CURVATURE;
THENCE along the arc of a curve to the left of radius 840.00 feet (delta 22°49'21") (chord bearing N61°41'18"W) (chord 332.39 feet) for 334.60 feet to a point on a non-tangent curve;
THENCE along the arc of a curve to the left of radius 180.00 feet (delta 27°59'03") (chord bearing N06°54'21"W) (chord 87.04 feet) for 87.91 feet to a Point of Tangency on the western line of said Florida Power and Light easement;

continued...

THENCE run N20°53'52"W along said Western easement line for 721.03 feet to a Point of Curvature;
 THENCE along the arc of a curve to the left of radius 330.00 feet (delta 68°41'58") (chord bearing N55°14'51"W) (chord 372.40 feet) for 395.68 feet to a Point of Cusp;
 THENCE run S89°35'50"E for 56.51 feet to a Point of Curvature;
 THENCE run along the arc of a curve to the right of radius 530.00 feet (delta 27°42'00") (chord bearing S75°44'50"E) (chord 253.74 feet) for 256.23 feet to an intersection with said centerline of said easement;
 THENCE run N20°53'52"W along said centerline for 748.16 feet to an intersection with the South line of said Coconut Road and the POINT OF BEGINNING.
 Containing 42.44 acres, more or less.

PELICAN LANDING CPD PARCEL 3

A tract or parcel of land lying in the Southeast Quarter (SE¼) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter (SE¼) of said Section 09 run N01°00'24"W along the West line of said Southeast Quarter (SE¼) for 587.77 feet to a point on a non-tangent curve;
 THENCE along the arc of a curve to the left of radius 850.00 feet (delta 39°04'25") (chord bearing S80°33'52"E) (chord 568.50 feet) for 579.67 feet to a Point of Tangency;
 THENCE run N79°53'56"E for 70.57 feet to an intersection with the West line of Tamiami Trail (SR 45);
 THENCE run S10°06'04"E along said West line for 507.09 feet to an intersection with the South line of said Section 09;
 THENCE run S89°23'00"W along said South line for 708.94 feet to the POINT OF BEGINNING.
 Containing 7.73 acres, more or less.

WHEREAS, a public hearing was properly advertised and held on August 15, 1995, before the Lee County Hearing Examiner who gave full consideration of all the evidence available; and

WHEREAS, a public hearing was properly advertised and held on September 13, 1995, before the Board of County Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board APPROVES with conditions, an Amendment to Pelican Landing CPD/RPD Resolution Z-94-014 and Master Concept Plan as follows:

SECTION A. CONDITIONS:

The zoning Amendment and Master Concept Plan are subject to the following conditions:

1. The development of this project will be in accordance with the one-page Master Concept Plan entitled "Pelican Landing RPD/CPD" stamped received May 24, 1995, and the Pelican Landing DRI Development Order #1-9293-121 and DRI Map H.
2. All deviations and conditions approved by Resolution Z-94-014, except as specifically modified herein and by the amended Master Concept Plan, will remain in full force and effect.
3. RPD Areas A and C are hereby DELETED.
4. The remaining RPD areas, B, D, E, and F are limited to a maximum of 2,266 dwelling units.
5. The indigenous open space in preserve areas must be provided as follows (also enumerated on MCP):

Upland Preserve	86.43+ acres
Wetland Preserve	342.89+ acres

SECTION B. DEVIATIONS:

No additional deviations have been requested.

SECTION C. MASTER CONCEPT PLAN:

A one-page reduced copy of the Pelican Landing RPD/CPD Master Concept Plan is attached to and incorporated into this Resolution by reference.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested zoning:

2. The RPD zoning, as conditioned:
 - a. will not have an adverse impact on the intent of the Land Development Code;
 - b. is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities, and general uses set forth for the proposed use;
 - c. meets or exceeds all performance and locational standards set forth for the proposed use;

- d. will protect, conserve and preserve all protected and endangered species, natural habitat and vegetation, in accordance with the Lee Plan and other County development regulations;
 - e. will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property; and
 - f. will not place an undue burden upon existing transportation or other services and facilities. The development will be served by streets with the capacity to carry traffic generated by the development.
- 3. There is no ambiguity on the Official Zoning Map which must be corrected.
 - 6. Changed or changing conditions exist which make the approval of the request appropriate.
 - 7. The requests were previously found to be consistent with the goals, objectives, policies and intent of the Lee Plan, in particular Policies 1.1.4, 1.1.6, 1.5.1, 1.5.2, and 1.7.6 and Goals 5, 6, 8, 12, 13, 92 and 98. As proposed, the requests remain consistent with the foregoing goals, objectives, policies and intent of the Lee Plan.
 - 8. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve this development.
 - 9. The Master Concept Plan is consistent with the densities, intensities and general uses set forth in the Lee Plan for the Urban Community, Outlying Suburban, RPA and TZ land use categories.

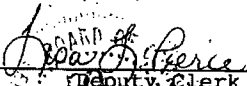
The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Judah, and seconded by Commissioner Manning and, upon being put to a vote, the result was as follows:

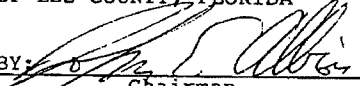
John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

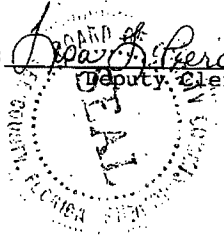
DULY PASSED AND ADOPTED this 13th day of September, A.D., 1995.

ATTEST:
CHARLIE GREEN, CLERK

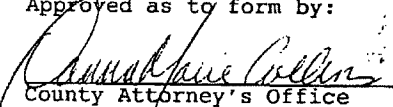
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Deputy Clerk

BY: 
Chairman

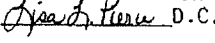


Approved as to form by:


County Attorney's Office

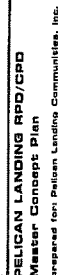
FILED

SEP 20 1995

CLERK CIRCUIT COURT
BY:  D.C.

CASE NO. 95-01-050.04Z 03.01
ZON5597

RESOLUTION NUMBER Z-95-061
Page 16 of 16



RESOLUTION NUMBER Z-96-055

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

WHEREAS, WCI Communities, L.P. in reference to Pelican Landing RPD/CPD DRI Amendment filed an application for:

- a) An Amendment to the Pelican Landing DRI Development Order #1-9293-121, as amended, and DRI Map H, as amended, to acknowledge the conversion of commercial retail floor area to residential and commercial office uses and to eliminate Condition II.B.2 pertaining to affordable housing and add a new Condition II.B.2 pertaining to affordable housing;
- b) A Finding of No Substantial Deviation under the provisions of Section 380.06(19), Florida Statutes; and
- c) An Amendment to the Pelican Landing CPD/RPD Resolution Z-94-014 (as amended), and the corresponding Master Concept Plan, to:
 - 1) Add 350 dwelling units in the Urban Community category CPD/RPD Area D;
 - 2) Decrease the amount of commercial retail floor area from 390,000 square feet, to 330,000 square feet;
 - 3) Increase the amount of commercial office space from 125,000 square feet, to 160,000 square feet; and
 - 4) Add an Assisted Living Facility (ALF) as a permitted use in RPD Area D.

WHEREAS, the subject property is located between US 41 and Estero Bay, north of Spring Creek to the north and south of Coconut Road, Bonita Springs, and is described more particularly as:

LEGAL DESCRIPTION: In Sections 05, 07, 08, 09, 16, 17, 18, 20, and 21, Township 47 South, Range 25 East, and Sections 13 and 24, Township 47 South, Range 24 East, Lee County, Florida:

DRI PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20 and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20, run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section; THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet; THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek; THENCE run along Spring Creek for 3,630 feet, more or less to an intersection of the East line of said Section 20 and the approximate centerline of Spring Creek; THENCE run along said centerline the following courses:
S78°50'00"W for 181.31 feet,
N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;
THENCE run S89°58'37"W along the North line of said fraction for 290.00 feet to an intersection with the approximate centerline of the most Easterly branch of said Spring Creek;
THENCE run along said centerline the following courses:
N09°13'28"W for 137.34 feet,
N29°08'22"W for 590.59 feet,
N38°31'58"W for 278.03 feet,
N65°16'43"W for 254.95 feet,
N37°18'28"W for 286.01 feet,
N32°51'05"E for 252.39 feet,
N20°11'00"E for 236.69 feet,
N27°23'47"W for 369.25 feet,
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;

THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
 THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;
 THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
 THENCE run S89°58'35"E along said South line for 739.45 feet;
 THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;
 THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;
 THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
 THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
 THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
 THENCE continue N00°07'17"E along said East line for 343.54 feet;
 THENCE run S89°38'58"E for 10.00 feet;
 THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
 THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
 THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
 THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
 THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
 THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
 THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
 THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
 THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
 THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;

THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
 THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
 THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
 THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
 THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
 THENCE run S00°06'43"E for 1,085.91 feet;
 THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
 THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;
 THENCE run S00°06'43"E along said West line for 49.81 feet;
 THENCE run S89°06'43"W for 300.00 feet;
 THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
 THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
 THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

DRI PARCEL 2

A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
 From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
 THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
 THENCE run S00°07'58"W along said West line for 2,646.47 feet;

THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;
 THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
 THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
 THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
 THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;
 THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;
 THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;
 THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
 THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
 THENCE run N89°35'27"E for 666.22 feet;
 THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
 THENCE run S01°07'45"E along said West line for 488.63 feet;
 THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.
 LESS AND EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO:

DRI PARCEL 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County;
 ALSO the East Three-quarters (E-3/4) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05;
 ALSO the East Two-thirds (E-2/3) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05;

ALSO the East Two-thirds (E-2/3) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:

From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;
THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;
THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

DRI PARCEL 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.
Containing 2,409 acres, more or less.

Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

AND

DRI BEACH PARCEL

A tract or parcel of land lying in Government Lot 3, Section 13, and Government Lot 2, Section 24, Township 47 South, Range 24 East, Big Hickory Island, Lee County, Florida, which tract or parcel is described as follows:

From the center of a turnaround on SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,
N22°26'23"W for 100.53 feet,
N23°09'50"W for 100.14 feet,
N14°51'19"W for 73.01 feet,
N27°40'10"W for 88.01 feet,
N29°33'57"W for 46.01 feet,
N22°14'53"W for 47.27 feet,
N20°39'23"W for 46.98 feet,
N11°15'38"W for 29.80 feet,
N26°10'46"W for 46.87 feet,
N09°09'45"W for 48.26 feet,
N17°35'56"W for 46.04 feet,
N12°49'07"W for 50.04 feet,
N29°20'48"W for 69.12 feet,
N20°48'58"W for 63.82 feet;
THENCE run N79°23'51"W for 247 feet more or less to an intersection with the Approximate Mean High Water Line of the Gulf of Mexico;
THENCE run Northerly and Northeasterly along said waters for 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 188 of the Public Records of Lee County, Florida;
THENCE run along said South line, along the arc of a curve to the right of radius 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;

THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°01'44"E for 42.51 feet to an intersection with the South line of lands described in Official Record Book 2246 at Page 4413 of the Lee County Records;
THENCE run N65°00'00"E along said South line for 134 feet, more or less to the waters of Estero Bay;
THENCE Northerly along said waters for 358 feet, more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.
Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

PELICAN LANDING RPD PARCEL 1

Tracts or parcels lying in Section 05 and Section 08, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows and all consisting of 203.85 acres, more or less.

Parcels in Section 5:

Lots 8B, 9B, 10B, 11B, 12B, and Lots 21B, 22B, 23B, 24B, and 25B of Florida Gulf Land Company's Subdivision, all in Section 05, Lee County, Florida (recorded in Plat Book 1 at Page 59).
Consisting of 100 acres more or less.

ALSO

The East Three-Quarters (E-3/4) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼), of said Section 05.
Consisting of 30 acres, more or less.

ALSO

The East Two-Thirds (E-2/3) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼), of said Section 05.
Consisting of 26.67 acres, more or less.

Parcels in Section 8:

The East Two-Thirds (E-2/3) of the West Half (W½) of the Northwest Quarter (NW¼) of said Section 08.
Consisting of approximately 53.55 acres, more or less, less the Southerly 40.00 feet for the right-of-way of Coconut Road.

ALSO

Lot 8, Block 14 of El Dorado Acres, an unrecorded subdivision shown in Deed Book 310 at page 183 of the Public Records of Lee County, Florida.

PELICAN LANDING RPD PARCEL 2

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07 run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;

THENCE run S89°33'42"W along the South line of said Government Lot 1 for 1,747.82 feet to a concrete post at the waters of Estero Bay;

THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;

THENCE run N89°48'31"E along said North line for 2,575 feet, more or less to the POINT OF BEGINNING.

Containing 60 acres, more or less.

PELICAN LANDING RPD PARCEL 3

A tract or parcel of land lying in Sections 07, 08, 17 and 18, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) to the POINT OF BEGINNING;

THENCE run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road as described in County Commissioners Minute Book 6 at Page 210, Public Records, Lee County, Florida;

THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
 THENCE run S00°07'58"W along said West line for 1,612.27 feet;
 THENCE run N89°52'02"W for 5.00 feet to a Point on a curve;
 THENCE along the arc of a non-tangent curve to the right of radius 1,070.00 feet (delta 91°03'07") (chord bearing S45°39'32"W) (chord 1,527.04 feet) for 1,700.40 feet;
 THENCE run N01°31'36"E for 33.48 feet to the Southeast corner of lands described in Official Record Book 411 at page 759 of said Public Records;
 THENCE continue N01°31'36"E along the East line of said lands for 960.34 feet;
 THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
 THENCE continue N89°59'08"W for 1,840 feet, more or less to the waters of Estero Bay;
 THENCE run Northerly along the waters of Estero Bay for 6,490 feet, more or less to an intersection with the South line of Government Lot 2 of said Section 07;
 THENCE run N89°40'05"E along said South line for 745 feet, more or less;
 THENCE run S00°19'55"E for 650.00 feet;
 THENCE run N89°40'05"E for 1,107.21 feet to an intersection with the West line of said Section 08;
 THENCE run N00°23'24"W along the West line of said Section for 625.00 feet to an intersection with the South line of said Coconut road and said POINT OF BEGINNING.
 Containing 547.4 acres, more or less.

PELICAN LANDING RPD PARCEL 4

A tract or parcel of land lying in Sections 08 and 17, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, run S00°41'48"E along the West line of said Section 09 for 5.00 feet to an intersection with the South line of Coconut Road (50 feet wide) as described in Official Record Book 1738 at Page 2538, Public Records, Lee County, Florida, and the POINT OF BEGINNING.
 From said POINT OF BEGINNING run S00°39'58"E continuing along said West line for 2,606.06 feet to the Southwest corner of said Section 09;
 THENCE run S00°41'04"E along the West line of Section 16, Township 47 South, Range 25 East, Lee County, Florida, for 504.83 feet to a point on a curve;

THENCE run along the arc of a curve to the right of radius 2,760.00 feet (delta 21°21'52") (chord bearing S75°03'10"W) (chord 1,023.20 feet) for 1,029.15 feet;
 THENCE N20°00'00"W for 580.12 feet;
 THENCE N89°52'02"W for 657.66 feet to an intersection with the East line of Spring Creek Road as described in County Commissioners Minute Book 6 at Page 210, Public Records, Lee County, Florida;
 THENCE run N00°07'58"E along said East line for 240.32 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
 THENCE continue N00°07'17"E along said East line for 343.49 feet;
 THENCE run S89°38'58"E for 10.00 feet;
 THENCE run N00°07'17"E along said East line for 499.94 feet to the Southwest corner of lands described in Official Record Book 428 at Page 349, said Public Records;
 THENCE run S89°21'02"E along the South line of said lands for 536.00 feet;
 THENCE run N00°07'17"E along the East line of said lands for 474.33 feet;
 THENCE run N89°21'02"W along the North line of said lands for 546.00 feet to an intersection with the Easterly line of said Spring Creek Road;
 THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of said Coconut Road;
 THENCE run S89°16'14"E along the South line of said Coconut Road 1,802.38 feet to an intersection with the West line of said Section 09 and the POINT OF BEGINNING.
 Containing 124.18 acres, more or less.

PELICAN LANDING RPD/CPD PARCEL 1

A tract or parcel of land lying in Section 08, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the Northeast corner of the Southeast Quarter (SE¼) of said Section 07 run S00°23'24"E along the East line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.

From said POINT OF BEGINNING run S00°23'24"E along the East line of Section 07 for 625.00 feet;
 THENCE run S89°40'05"W for 1,107.21 feet;
 THENCE run N00°19'55"W for 650.00 feet to an intersection with the South line of Government Lot 2 of said Section 07;
 THENCE run S89°40'05"W along said South line for 745 feet, more or less to an intersection with the waters of Estero Bay;
 THENCE run along the waters of Estero Bay for 1,810 feet, more or less to a Point which intersects the North line of the South Half (S½) of said Government Lot 2;

THENCE run N89°32'15"E along said North line of the South Half (S½) of said Government Lot 2 for 545 feet, more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817, Public Records, Lee County, Florida;
 THENCE S08°50'45"E along the West line of said lands for 199.50 feet;
 THENCE N89°32'15"E along the South line of said lands for 247.50 feet;
 THENCE run N89°35'27"E for 666.22 feet;
 THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
 THENCE run S01°07'45"E along said West line for 488.63 feet to an intersection with the South line of said Coconut Road;
 THENCE run N89°40'05"E along the South line of said Coconut Road for 24.55 feet to the POINT OF BEGINNING.
 LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516, Public Records, Lee County, Florida.
 Containing 39.1 acres, more or less.

PELICAN LANDING RPD/CPD PARCEL 2

A tract or parcel of land lying in the South Half (S½) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From the Northwest corner of the Southwest Quarter (SW¼) of said Section 09 run N00°41'48"W for 5.00 feet to the South right-of-way line of Coconut Road (50 foot right-of-way);

THENCE run S89°35'50"E for 1,863.14 feet to the centerline of a certain Florida Power and Light transmission line easement (100 feet wide) as described in Deed Book 229 at Page 48, Public Records, Lee County, Florida, and the POINT OF BEGINNING.

From said POINT OF BEGINNING continue S89°35'50"E along said South right-of-way line for 1,301.22 feet to an intersection with the West line of Tamiami Trail (SR 45);

THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;

THENCE run along the arc of a curve to the left of radius 5,797.58 feet (delta 10°17'00") (chord bearing S04°57'34"E) (chord 1,039.14 feet) for 1,040.54 feet to a Point of Tangency;

THENCE run S10°06'04"E along said Westerly line for 230.98 feet;

THENCE run S79°53'56"W for 70.57 feet to a Point of Curvature;

THENCE run along the arc of a curve to the right of radius 650.00 feet (delta 49°49'26") (chord bearing N75°11'21"W) (chord 547.59 feet) for 565.23 feet to a Point of Reverse Curvature;

THENCE along the arc of a curve to the left of radius 840.00 feet (delta 22°49'21") (chord bearing N61°41'18"W) (chord 332.39 feet) for 334.60 feet to a point on a non-tangent curve;

THENCE along the arc of a curve to the left of radius 180.00 feet (delta 27°59'03") (chord bearing N06°54'21"W) (chord 87.04 feet) for 87.91 feet to a Point of Tangency on the Western line of said Florida Power and Light easement;
THENCE run N20°53'52"W along said Western easement line for 721.03 feet to a Point of Curvature;
THENCE along the arc of a curve to the left of radius 330.00 feet (delta 68°41'58") (chord bearing N55°14'51"W) (chord 372.40 feet) for 395.68 feet to a Point of Cusp;
THENCE run S89°35'50"E for 56.51 feet to a Point of Curvature;
THENCE run along the arc of a curve to the right of radius 530.00 feet (delta 27°42'00") (chord bearing S75°44'50"E) (chord 253.74 feet) for 256.23 feet to an intersection with said centerline of said easement;
THENCE run N20°53'52"W along said centerline for 748.16 feet to an intersection with the South line of said Coconut Road and the POINT OF BEGINNING.
Containing 42.44 acres, more or less.

PELICAN LANDING CPD PARCEL 3

A tract or parcel of land lying in the Southeast Quarter (SE¼) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter (SE¼) of said Section 09 run N010°0'24"W along the West line of said Southeast Quarter (SE¼) for 587.77 feet to a point on a non-tangent curve;
THENCE along the arc of a curve to the left of radius 850.00 feet (delta 39°04'25") (chord bearing S80°33'52"E) (chord 568.50 feet) for 579.67 feet to a Point of Tangency;
THENCE run N79°53'56"E for 70.57 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S10°06'04"E along said West line for 507.09 feet to an intersection with the South line of said Section 09;
THENCE run S89°23'00"W along said South line for 708.94 feet to the POINT OF BEGINNING.
Containing 7.73 acres, more or less.

WHEREAS, WCI Communities, L.P., the owner of the subject parcel, authorized Pavese, Garner, Haverfield, Dalton, Harrison & Jensen to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on September 3, 1996 and subsequently continued on September 13, 1996 before the Lee County Hearing Examiner who gave full consideration of the evidence available; and

WHEREAS, a public hearing was advertised and held on November 4, 1996 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

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

- a) APPROVES an Amendment to the Pelican Landing DRI Development Order #1-9293-121, as amended, and DRI Map H, as amended;
- b) MAKES a finding of No Substantial Deviation under the provisions of Section 380.06(19), Florida Statutes; and
- c) APPROVES with conditions an Amendment to the Pelican Landing CPD/RPD Resolution Z-94-014, as amended, and the corresponding Master Concept Plan.

SECTION A. CONDITIONS:

The Amendment and the Pelican Landing RPD/CPD Master Concept Plan are subject to the following conditions:

- 1. The development of this project must be in compliance with the one page Master Concept Plan entitled "Pelican Landing RPD/CPD," last revised May 2, 1996, and stamped received by the Zoning Counter on May 22, 1996; the Pelican Landing DRI Development Order #1-9293-121, as amended, and DRI Map H, last revised April 2, 1996, and stamped received by the Zoning Counter on April 15, 1996.
- 2. All deviations and conditions approved by Resolutions Z-94-094 and Z-95-061, except as specifically modified herein and by the amended Master Concept Plan, will remain in full force and effect.
- 3. The addition of an Assisted Living Facility (ALF) as a permitted use in RPD Area D is limited to the parcel located at the southeast corner of Spring Creek Road and Coconut Road.
- 4. In accordance with DRI Development Order Condition II.c.10, the Developer must notify the local Emergency Management personnel when it submits an application for local Development Order approval for construction that includes any dwelling unit over the initial 4,050. The purpose of this notification is to alert local Emergency Management personnel to coordinate with the Impact Fee Coordinator for the collection of the \$18.50 per dwelling unit hurricane mitigation fee. This fee will be paid only on units 4,051 through 4,400. It will be the responsibility of the Developer to notify the individual contract purchaser of the required hurricane mitigation fee. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of

building permits 4,051 through 4,400, then the Developer may pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above.

SECTION B. Master Concept Plan:

A one page reduced copy of the Pelican Landing RPD/CPD Master Concept Plan is attached and incorporated into this resolution by reference.

SECTION C. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested Amendment:

1. The Applicant has proved entitlement to the amendment by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested amendment:
 - a) 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; and
 - d) will not adversely affect environmentally critical areas and natural resources.
3. Approval of the request will not unduly burden existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the 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 proposed use or mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

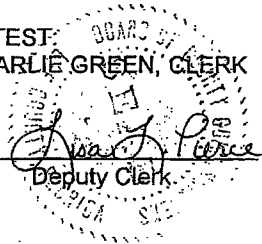
The foregoing resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Ray Judah, and seconded by Commissioner John E. Albion and, upon being put to a vote, the result was as follows:

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

DULY PASSED AND ADOPTED this 4th day of November, A.D., 1996.

ATTEST:
CHARLIE GREEN, CLERK

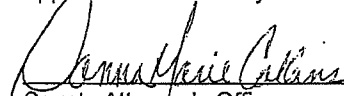
BY: 
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA


BY: 
Chairman

Approved as to form by:


County Attorney's Office

FILED

NOV 8 1996

CLERK CIRCUIT COURT
BY  D.C.



Revised May 8, 1998
Revised Aug 2, 1998
Revised Jan 14, 1999
Revised Oct 10, 1999
Revised Sept 12, 1999
Revised May 12, 1999
Revised May 11, 1999
Revised April 10, 1999
Revised April 11, 1999

THIRD SECOND DEVELOPMENT ORDER
AMENDMENT
FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121

COUNTY CASE ~~#95-01-050.04Z-04.01~~ 95-01-050.04Z 05.01

WHEREAS, on ~~June 6, 1995~~ January 5, 1996, Pelican Landing Communities, Inc. ~~WCI Communities, L.P.~~, the owner of the Pelican Landing Development of Regional Impact (DRI) requested an amendment to the original Development Order adopted August 29, 1994, as amended; and

WHEREAS, Section III. Condition 16 of the Development Order requires the Developer to incorporate Spring Creek West DRI into the Pelican Landing DRI by adding the land describes as Spring Creek West in Section I.B. and adding a new Findings of Fact/Conclusion of Law Section I.J.; and

WHEREAS, this document incorporates the Development Order Amendments for Pelican Landing DRI adopted: 1) March 22, 1995; 2) August 16, 1995, which incorporated the conditions of the Spring Creek West DRI as set forth in the Eighth Amendment to Spring Creek DRI #10-7677-9; 3) and the conditions proposed for the third amendment to the Pelican Landing DRI DO; and

WHEREAS, the amendments proposed to the development order are ~~in the purview of not a substantial deviation, as that term is defined and identified in subsection 380.06(19)(e)2, Florida Statutes, thereby eliminating the and as such there is no need for further DRI review.~~ The amendments would change the mix of uses while maintaining the same level of external traffic impacts. This development order amendment would approve a reduction in the amount of retail square footage, increase the total number of residential units and increase the amount of office square footage; and

WHEREAS, the proposed changes to the Pelican Landing DRI Development Order described in this document are consistent with the adopted Comprehensive Land Use Plan of Lee County and applicable local Land Development regulations; and

WHEREAS, the proposed changes to the Pelican Landing DRI Development Order will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area; and

WHEREAS, the proposed changes are consistent with the State Comprehensive Plan.

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WHEREAS, the Board of County Commissioners of Lee County, Florida, has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the documents and comments upon the record made before the Board in public hearing, and, after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on 2,100± acres located approximately three miles north of the Lee/Collier County Line. The property is bounded on the west by Estero Bay, on the east by US 41, and on the south by Spring Creek. Coconut Road provides the general northern boundary of Pelican Landing; however, a part of the project is located north of Coconut Road.

The proposal is to construction 4,400 ~~4,050~~ residential units, of which 665 are single-family and 3,735 ~~3,385~~ multi-family, 540,000 ~~600,000~~ square feet of gross floor area of retail commercial, and 245,000 ~~240,000~~ square feet of gross floor area of office commercial. The retail uses will provide up to 2,699 ~~2,400~~ parking spaces and the office uses will provide up to 820 ~~700~~ parking spaces. The project will also include 450 hotel rooms, 50,000 square foot conference center, 65 wet boat slips and 150 dry boat slips, various recreational amenities including, but not limited to: golf, tennis, canoe parks, and a beach park for the benefit of the owners in Pelican Landing. There are 87 acres of upland habitat preserve, 507 acres of salt and freshwater wetlands, 208 acres of water management lakes, 140 acres of public and private rights-of-way, 6 acres of utilities and a .11 acre cemetery site.

Water supply and wastewater treatment, and reclaimed water, when available, will be provided by Bonita Springs Utilities, Inc. The project buildout is the year 2002.

B. **LEGAL DESCRIPTION:** In Sections 05, 07, 08, 09, 16, 17, 18, 20, and 21, Township 47 South, Range 25 East, and Sections 13 and 24, Township 47 South, Range 24 East, Lee County, Florida:

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20, and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;

THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;

THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;

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THENCE run along Spring Creek for 3,630 feet, more or less to an intersection of the East line of said Section 20 and the approximate centerline of Spring Creek; THENCE run along said centerline the following courses:

S78°50'00"W for 181.31 feet,
N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,

S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;

THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;

THENCE run S89°58'37"W along the North line of said fraction for 290.00 feet to an intersection with the approximate centerline of the most Easterly branch of said Spring Creek;

THENCE run along said centerline the following courses:

N09°13'28"W for 137.34 feet,
N29°08'22"W for 590.59 feet,
N38°31'58"W for 278.03 feet,
N65°16'43"W for 254.95 feet,
N37°18'28"W for 286.01 feet,
N32°51'05"E for 252.39 feet,
N20°11'00"E for 236.69 feet,
N27°23'47"W for 369.25 feet,

N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek; THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;

THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;

THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records; THENCE run S89°58'35"E along said South line for 739.45 feet;

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THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;
THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;
THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.54 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a POINT OF CURVATURE;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;

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THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

PARCEL 2

A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 2,646.47 feet;
THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;
THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;

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THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.
LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO

PARCEL 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of:

Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County, also the East Three-quarters (E-¾) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:
From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;
THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;
THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;

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THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

PARCEL 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.

Containing 2,409 acres, more or less.

Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

ALSO

BEACH PARCEL

A tract or parcel of land lying in Government Lot 3, Section 13, and Government Lot 2, Section 24, Township 47 South, Range 24 East, Big Hickory Island, Lee County, Florida, which tract or parcel is described as follows:

From the center of a turnaround on SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,
N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet,
N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet,
N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet,
N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet,
N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet,

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N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet,
N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;
THENCE run N79°23'51"W for 247 feet more or less to an intersection with the
Approximate Mean High Water Line of the Gulf of Mexico;
THENCE run Northerly and Northeasterly along said waters for 1,140 feet more or
less to an intersection with the South line of lands described in Official Record
Book 198 at Page 188 of the Public Records of Lee County, Florida;
THENCE run along said South line, along the arc of a curve to the right of radius
12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;
THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters
for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and
passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF
BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°01'44"E for 42.51 feet to an intersection with the South line of
lands described in Official Record Book 2246 at Page 4413 of the Lee County
Records;
THENCE run N65°00'00"E along said South line for 134 feet, more or less to the
waters of Estero Bay;
THENCE Northerly along said waters for 358 feet, more or less to an intersection
with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF
BEGINNING.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

ALSO

Spring Creek West DRI Parcel

All of the Northwest Quarter (NW¼) of Section 21, Township 47 South, Range 25
East, Lee County, Florida;

ALSO INCLUDED THERETO:

All of the Northeast Quarter (NE¼) lying west of Tamiami Trail (US 41) of Section
21, Township 47 South, Range 25 East, Lee County, Florida;

ALSO INCLUDED THERETO:

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All of the East Half (E½) of the Southwest Quarter (SW¼), lying North of Spring Creek LESS THE EAST 600 FEET THEREOF, Section 21, Township 47 South, Range 25 East, Lee County, Florida.

ALSO INCLUDED THERETO:

All of the Southeast Quarter (SE¼) of Section 21, lying West of Tamiami Trail (US 41) and North of Spring Creek, Township 47 South, Range 25 East, Lee County, Florida;
Subject to easements and restrictions of record.
Containing 273.1 acres more or less.

AND

The East 600 feet of the East Half (E½) of the Southwest Quarter (SW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida.
Parcel contains 9.7 acres more or less.

TOGETHER WITH the right for ingress and egress over the following described parcel:

A strip of land 60 feet in width lying 30 feet on each side of the East and West Quarter Section line of Section 21, Township 47 South, Range 25 East, extending from the Northwest corner of the East Half (E½) of the Southwest Quarter (SW¼) of said Section to Tamiami Trail (US 41).
Subject to any easements, restrictions, reservations and rights-of-way to record.

C. The subject parcel is currently zoned AG-2, RS-1, RM-6, FFC-2, PUD, RPD, CPD, and ~~RM-2~~; the property is partially developed.

D. This Application for Development Approval is consistent with the requirements of Section 380.06, Florida Statutes.

E. The development is not located in an area designated as an Area of Critical State Concern under the provisions of Section 380.06, Florida Statutes.

F. The proposed development order amendment does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development plan applicable to the area. The development is consistent with the State Comprehensive Plan if developed with pursuant to the conditions set forth herein.

G. The proposed development order amendment has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body on ~~January 20, 1994~~ June 20, 1996, and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida

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~~Statutes, the~~ The development, as proposed in the Application for Development Approval (ADA) and ~~as modified by this Development Order Amendment~~, is generally consistent with the report and the recommendations of the SWFRPC pursuant to Section 380.06(11).

H. The development is located in the Urban Community, Outlying Suburban and Resource Protection Areas classifications of the Lee Plan with the Privately Funded Infrastructure Overlay and is consistent with the Lee County Comprehensive Plan and Lee County's Land Development Regulations if subject to the conditions contained in this Development Order.

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

J. In accordance with the Development Order condition Section III. Condition 16, herein, the lands within the Spring Creek West DRI ~~are were~~ incorporated into this Development Order. Those lands described as the Spring Creek West DRI will only be subject to those terms and conditions set forth in Attachment D which is the Eighth ~~conditions of that Development Order Amendment~~. They will remain applicable to the property known as the Spring Creek West DRI in the same manner as they are presently applicable, except that one annual monitoring report that includes both Pelican Landing and Spring Creek West DRI's must be submitted. Additionally the Spring Creek West DRI legal description has been included within the Pelican Landing DRI. Since the Spring Creek West land is part of an almost completely developed vested DRI, there is no reason to alter the conditions within the Spring Creek West DRI Development Order. The Spring Creek West property is vested under the terms and conditions of the Spring Creek West DRI Development Order, and this property will not be considered in any cumulative analysis of Pelican Landing in accordance with Section III Condition 16.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that conditions of the development order for the Pelican Landing DRI adopted on August 29, 1994, and amended on March 22, 1995, and August 16, 1995, are further amended as follows, with new language underlined and deletions struck through. All other portions of the original development order will remain in full force and effect.

~~NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting which was duly advertised, constituted and assembled the 16th day of August, 1995, that the Development of Regional Impact Application for Development Approval submitted by Westinghouse Bayside Communities, Inc., now known as Pelican Landing Communities, Inc., hereinafter referred to as "Developer" or "Applicant", is hereby ordered Approved subject to the conditions, restrictions, and limitations which follow. For the purposes of this Development Order, the term "developer" or "Applicant" shall~~

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include his/her/its successors or assigns, and all references to County Ordinances and codes include future amendments.

A. Historical/Archaeological Sites

1. The Zenith Mound Archaeological Site (State Master File #8LL1436) and the Johnson Cemetery (State Master File #8111440) will be preserved in perpetuity and will be recorded as "preserve" on all appropriate plats, site plans, and the Master Development Plan for Pelican Landing DRI.

2. If any additional archaeological/historical sites are uncovered during development activities, all work in the immediate vicinity of such sites will cease. The developer shall immediately contact the Florida Department of State, Division of Historical Resources, the SWFRPC, and Lee County and advise them of the discovery. The developer will have a State-certified archaeologist determine the significance of the findings and recommend appropriate preservation and mitigation actions, if necessary.

B. Housing

1. There are no regionally significant housing impacts for the first planning horizon of the DRI DO, which ends on December 31, 1997. Utilizing supply data not adjusted to account for the fact that housing sells for less than the listed price, Planning Horizon II (January, 1998, through December 2002) would have an unmet need of 99 affordable units for very low income and no unmet need for low income households. Utilizing supply data adjusted to account for the fact that housing sells for less than the listed price, Planning Horizon II would have an unmet need of only 38 affordable housing units for very low income households and still no unmet need for low income households. The aforementioned data is based on the existing studies.

The supply adjustment figures mentioned above are based on actual sales prices relative to listed prices. Affordability thresholds for owner occupied affordable housing are determined using PITI (Principal, Interest, Taxes, and Insurance) calculations methodology as outlined in the DCA 1991 Draft methodology.

2. Prior to the commencement of any development in Planning Horizon II, the developer will conduct a reanalysis of adequate housing demand, supply and need, consistent with the requirements of Rule 9J-2.048, F.A.C. The findings of the reanalysis is subject to DCA approval. If the reanalysis indicates that the development proposed for Planning Horizon II, considered cumulatively with Planning Horizon I, will create a regionally significant housing need (i.e. 100 or more very low income dwelling units), then the Developer will prepare and implement a mitigation plan consistent with Rule 9J-2.048, F.A.C. The mitigation plan must be approved by DCA. This commitment does not preclude the Developer from adjusting the timing and amount of commercial development. In addition, it does not preclude the developer from developing only as much commercial for which there is adequate housing, and then conducting subsequent reanalysis.

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2. The Southwest Florida Regional Planning Council, the Florida Department of Community Affairs, and Lee County accept the Developer's contribution of \$20,000.00 to assist existing and prospective employees within the Pelican Landing DRI locate affordable housing. The \$20,000.00 will be contributed to the Lee County Affordable Housing Trust Fund by January 2, 1997. Lee County may use all, or a portion, of the funds to conduct a needs assessment study, and the County will commit to use SHIP funds to assist a minimum of 8 qualified employees within the Pelican Landing DRI obtain a home. Qualified employees must be first time homebuyers, employed by a business located within the Pelican Landing DRI, including employees of WCI. The applicants for funding must meet the program guidelines including, but not limited to, income limitations and repayment obligations. The funds will only be used to provide interest free deferred payment assistance to qualifying homebuyers for either closing costs or down payments associated with the purchase loan.

C. Hurricane Preparedness

1. Within six months, after the effective date of this DRI Development Order, the developer shall provide and connect a portable diesel powered generator for the Gateway Elementary School. The generator must be equipped with a fuel tank, capable of generating enough power to handle the demands of ventilation fans, lighting, life safety equipment (alarms and intercom), and refrigeration and cooking equipment. The developer will be responsible for the initial electrical hook-up costs. The selection of the generator will be in coordination with Lee County Emergency Management Staff.

2. The Lee County Emergency Management staff will act as a liaison between the developer and the Lee County School District staff, and will make all of the necessary arrangements for the location of the generator on Lee County School Board property.

3. The provision of the generator serves to mitigate the shelter and evacuation impacts of the project at buildout. Should Lee County ever adopt an impact fee, or other type of levy or assessment to provide funding for shelter space and improvements thereto, the developer will be entitled to a credit against the fee or levy in the amount of the cost of the generator, if eligible under the terms of that impact fee or levy.

4. The developer must notify all purchasers of real property within the residential portions of development, through the restrictive covenants, of the potential for storm surge flooding in feet above the Base Flood Elevation, according to the National Weather Services' storm surge model "SLOSH", and the National Flood Insurance Program.

5. The developer must prepare, in conjunction with Lee County Emergency Management and Division of Natural Resources staff, a brochure which advises all marina owners of the measures that can be taken to minimize damage in the event of a hurricane. This brochure must address how boat owners can minimize damage to their vessels, the

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marina site, neighboring properties and the environment. The brochure must be provided to all boat owners and users at the marina.

6. Prior to the issuance of a Certificate of Occupancy for the Hotel, the developer or the hotel owner/manager must prepare a written hurricane preparation and evacuation/sheltering plan. This plan will be prepared in conjunction with Lee County Emergency Management Staff and must be coordinated with the hurricane evacuation plan for the overall DRI.

7. The Property Owner's Association must host an educational seminar, and will be responsible for obtaining the place for the seminar and for providing the invitations to the homeowners. The time will be coordinated with the Lee County Emergency Management staff, who will provide the education and information at the seminar and will advise the owners of the risks of natural hazards and the action they should take to mitigate the inherent dangers.

8. The developer must develop a hurricane evacuation plan for the DRI. The hurricane evacuation plan shall address and include: a) operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; b) the educational program set forth in condition 7 above; c) hurricane evacuation; d) the method of advising residents and visitors of hurricane shelter alternatives including hotels and public hurricane shelter locations; e) identification of the person(s) responsible for implementing the plan; and f) how the private security force will be integrated with the local Sheriff's personnel and the Division of Public Safety. The plan shall be developed in coordination with the Lee County Emergency Management officials and must be found sufficient by those officials within six months after the effective date of the DRI DO.

9. The developer, and any successor landowner, will pay any All Hazards Tax properly levied by Lee County to provide for shelter space, upgrades to shelters, and to address other natural disasters.

10. Conditions C.1 through C.3 address the hurricane mitigation requirements for the initial 4050 units. The developer will mitigate the hurricane shelter impacts for units 4051 through 4400 by paying \$18.50 per unit to the Lee County Impact Fee Coordinator at the time of building permit approval. If the developer constructs an assisted living facility, the developer must comply with all aspects of Section 440.441(1)(b), F.S., as may be amended, including the preparation and submittal of a comprehensive emergency management plan that addresses emergency evacuation transportation and adequate sheltering arrangements for the ALF residents. The developer must update this plan annually. The County must use the funds paid pursuant to this condition to construct or upgrade hurricane shelter space in a location that will benefit the residents of the Pelican Landing Community. The eighteen dollar and fifty cents fee (1996 dollars) will be multiplied by the Dodge Data Service Building Cost Index for U.S. and Canadian cities for June 1 of each year subsequent to 1996, up to the time building permits are issued. This multiplier ensures payment of current dollars at the time the permits are issued. If the Building Cost

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Index is not available, the Consumer Price Index will be used instead, and applied by the method described above. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of building permits 4051 through 4400 then the Developer will pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above, and this condition will have no further force and effect.

D. Marina Facilities

1. The developer must create a conservation easement precluding the construction of additional docking facilities beyond those specifically authorized in this Development Order. This conservation easement will be in addition to the 4,000 foot conservation easement already required in Spring Creek. The location and extent of the conservation easement will be contingent upon navigability of the waterway, and will be established in association with the Florida Department of Environmental Protection (FDEP) permits.

2. All docking and dry storage facilities must be constructed in accordance with the terms and conditions of any FDEP permit or lease, and in accordance with any Lee County dock permit.

3. The developer has constructed dock and channel markers within Estero Bay. The Lee County Division of Natural Resources Management will be permitted to mount regulatory signs on the docks and channel markers owned by the developer. Lee County will be responsible for insuring that the addition of the regulatory signs does not cause the developer to be in violation of any permit condition or FDEP, Coast Guard, or other agency regulation. The regulatory signs will remain the property and maintenance responsibility of the Lee County Division of Natural Resources Management.

4. The marina operator must dispense manatee awareness brochures to all users of the marina facilities. The brochures must also include information regarding channel locations, proper boating routes, and shallow water habitats to be avoided.

5. The developer and marina operator must insure that the marina lighting is directed away from adjacent mangroves and estuarine systems to reduce any negative impacts to the wildlife using these areas.

6. The marina operator will remove or cause to be removed from the marina any boat operator observed violating the guidelines set forth in the manatee awareness brochures or Lee County regulations regarding the protection of manatees.

7. The developer must designate and reserve one wet slip for the Florida Marine Patrol or the Lee County Sheriff's Special Response Unit, if needed by these agencies.

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8. The shuttle boat captain and marina operator must keep a log of all manatee sightings. The log must reflect the locations, time and date of the sighting, the number of manatees, and the nature of their activity if it can be determined. The log should also note the name of the person recording the sighting. This information must be forwarded to Lee County and FDEP on a periodic basis.

9. The developer must construct an educational board on a Kiosk at the Beach Park. The educational board will be created in conjunction with the Lee County Division of Natural Resources Management, Marine Sciences Program and Turtle Time.

10. The developer will comply with all water quality monitoring requirements imposed by the FDEP and the SFWMD.

11. Any boat wash areas must have a closed loop system that captures and recirculates the water through a filtration or other acceptable system. Any boat repair and maintenance facilities must be in an enclosed, roofed, impervious surfaced area to limit the run-off of contaminated water during a storm event.

12. Once a year the marina operator shall host an Educational and Hurricane Preparedness Workshop for all tenants in the wet slip area. The marina operator shall provide the facility for the seminar and must insure that all tenants are invited. The marina operator will establish the date and time for the workshop in conjunction with Lee County Emergency Management and the Lee County Division of Natural Resources Management, Division of Marine Sciences. Lee County will provide a trained representative who will educate the tenants on natural resources awareness, manatees, safe boating practices and on proper procedures, prior to and during a hurricane.

13. The dry storage facilities must be located in a building or structure which is designed and constructed to meet all requirements of the Standard Building Code, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has conducted Protected Species surveys in accordance with the Florida Game and Fresh Water Fish Commission (FGFWFC) guidelines and the Lee County Land Development Code. These surveys identified the presence of the following protected species: bald eagle, wood stork, little blue heron, tricolored heron, reddish egret, snowy egret, white ibis, piping plover, Southeastern snowy plover, least tern, American oystercatcher, black skimmer, brown pelican, Atlantic loggerhead sea turtle, and gopher tortoise.

1. There were three bald eagle's nests of concern prior to development order adoption. One nest is on the Pelican Landing property. The other nests are within 1500 to 1600 feet of Pelican Landing. The buffers that will affect Pelican Landing property

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will be established in an on-site eagle habitat management plan addressing the Pelican Landing property only.

Prior to development within 2500 feet of any eagle nest, the Developer shall prepare an on-site eagle management plan addressing the Pelican Landing DRI property only which shall be reviewed by DCA, SWFRPC, FGFWFC Lee County, and USFWS. Said groups shall have a fifteen working day review period and must provide all comments to Lee County and the Developer in writing. The agencies must provide specific written objections or concerns if any, regarding the management plan and indicate how those concerns can be addressed by the developer.

The Developer will revise the management plans to respond to the lawful and timely objections. The agencies will review and respond to the management plan resubmittal, and any successive resubmittals, within fifteen working days of submittal. The agencies will provide a written response to Lee County and the Developer, which reflects that there is no objection to the management plan or which outlines specific objections and concerns. The agency response will indicate how any concerns or objections can be addressed by the developer. Lee County and DCA will have the final approval authority. The management plan will be deemed approved by the County and DCA if the respective agency fails to provide a written response within fifteen working days. The approval of the management plan will not be unreasonably withheld. If a proposed management plan includes development within 750 feet of an eagle's nest, the plan must also be submitted to the Lee County Eagle Technical Advisory Committee (ETAC). ETAC will review the plan and forward recommendations to the FGFWFC and USFWS.

The 2,500 foot limitation is intended to be a temporary restriction to insure the submission and approval for a management plan on a timely basis. The final primary and secondary buffer zones may be less than 2,500 feet. An eagle management plan will be included as part of an upland habitat protection area management plan.

2. A local development order for the Hickory Island Beach Park has been issued which permits construction of beach park infrastructure. This local development order included a protected species survey and phased Preliminary Management Plan (PMP). The PMP incorporated Lee County Division of Natural Resources Management (DNRM) and Florida Game and Fresh Water Fish Commission (FGFWFC) recommendations.

The PMP requires the developer to provide the County with a conservation easement over the entire parcel, except for the active building areas approved through the local development order. The PMP permits a refinement of the conservation easement boundaries after completion of a one year utilization study, the final conservation easement shall be consistent with the provisions of Section 704.06, Florida Statutes. For the purpose of this DRI D.O., Section 704.06, F.S., will not preclude educational signage, and signage and land management activities required by the management plan, including but not limited to the removal of exotic vegetation.

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The objectives of this one year study were: 1) determine shorebird utilization of land under Developer's ownership based on detailed surveys and prepare a shorebird management plan, 2) analyze beach vegetation and prepare a maintenance plan, and 3) monitor beach use by Pelican Landing visitors. Additionally, the PMP requires surveys for identification and protection of sea turtle nests, the construction of three osprey platforms, and a review of the elements of the overall plan to be conditioned on the DRI DO.

The Developer must submit a Final Management Plan to Lee County, FGFWFC, and DCA within 18 months of the effective date of the DRI DO, which was November 14, 1994. Lee County, FGFWFC, and DCA will review the management plan within fifteen working days of submittal. The DCA, and Lee County must provide a written response to the proposed final management plan which reflects that there is no objection or outlines the specific objections and concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. The FGFWFC must provide all lawful objections within the same fifteen working day time frame.

If there are valid legal objections to the management plan, the Developer will revise and resubmit the plan to DCA, FGFWFC, and Lee County. DCA, Lee County, and FGFWFC will review the resubmittal, and any successive resubmittals, within fifteen working days. The agencies will provide a written response which reflects either the approval of the management plan or which outlines the specific objections and concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. DCA and Lee County may not unreasonably withhold approval of the management plan. If the agencies do not provide a written response within the prescribed time frames, the management plan will be deemed approved. The Final Management Plan Approval from Lee County must be obtained prior to the issuance of the Certificate of Compliance for local development order #90-10-003.00D.

3. The projected gopher tortoise burrow count is 439, based on an estimate of FGFWFC habitat guidelines, 75 acres to gopher tortoise habitat must be protected.

The Developer will set aside a 78± acre area of xeric scrub and pine flatwoods to mitigate the impacts to the upland gopher tortoise habitat. This area will be known as the Pelican Landing Eco-Park. The Eco-Park area contains significant portions of the xeric oak habitat existing on the Pelican Landing DRI site.

A Gopher Tortoise Population Study and Management Plan was submitted to the Florida Game and Fresh Water Fish Commission on or about December 22, 1993. The Developer shall submit a copy for the management plan to the DCA, SWFRPC, and Lee County for review prior to the commencement of development in any area containing gopher tortoise habitat, beyond that approved in the Preliminary Development Agreement. The agencies shall have a fifteen working day review period. The agencies shall provide all lawful objections and concerns regarding the management plan to Lee County and the Developer in writing. The Developer will submit a revised management plan to DCA and Lee County that responds to the lawful objections. DCA and Lee County will review the

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management plan resubmittal, and any successive resubmittals, within fifteen working days of submittal. The agencies will provide a written response which approves the management plan or which outlines specific objections or concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. DCA and Lee County may not unreasonably withhold the approval of the management plan. Should DCA and Lee County not provide a written response within the prescribed time frames, the management plan will be deemed approved by the agency that failed to provide timely written comments. The Developer has submitted for an Incidental Take Permit for the gopher tortoises located outside of the Eco-Park in the undeveloped portion of Pelican Landing. The Developer shall obtain an Incidental Take Permit prior to proceeding with development within gopher tortoise habitat areas.

The gopher tortoises addressed by the Incidental Take Permit shall be relocated to the Eco-park, or other appropriate open space areas within Pelican landing. The Eco-Park mitigates for regional impacts to the gopher tortoise population and xeric scrub within the Pelican Landing DRI.

4. All areas designated as Preserve on the adopted Map H must remain undeveloped and be owned, maintained, and managed by an Improvement District or a similar legal entity. No lot lines shall be allowed within any preserve areas. The following uses are permitted within Preserves: habitat management activities, hiking and nature study, outdoor education, recreational fishing, gates and fencing, and boardwalks limited to pedestrian use. Trimming of mangroves for residential visual access to Estero Bay or Spring Creek shall be prohibited in wetland areas #14 and #21 (as identified in DRI ADA) and Bay Cedar Phase II (along Spring Creek).

The Developer will grant a conservation easement consistent with Section 704.06., Florida Statutes for the Eco-Park to an entity approved by DCA. The Developer must submit a draft of the proposed conservation easement to DCA for review and comment. DCA must provide comments on the draft easement within 15 days so as not to unduly delay development. Once approved by DCA, the Developer will record the conservation easement in the Lee County Public Records prior to the issuance of a local Development Order or "Early Work" approval for any area containing gopher tortoise habitat other than areas approved in the PDA. The conservation easement may be drafted so as to allow use of the Eco-Park for resource-based recreational activities, enjoyment of nature and education enrichment, including, but not limited to: Picnic areas, trails, benches, boardwalks, biking/ jogging trails, vita courses, bird viewing blinds/towers and interpretative facilities, signs, on-going maintenance and removal of exotic vegetation and compliance with the management plan required per the FGFWFC. Educational and directional signage will be permitted within the Eco-Park. For the purposes of this DRI D.O. the prohibition of signage included within Section 704.06, Florida Statutes applies to off-site signs and billboards. The removal of exotics, controlled burns and the maintenance of the vegetation in accordance with the Eco-Park management plan will be permissible in the conservation easement notwithstanding the provisions of Section 704.06, Florida Statutes which prohibit the destruction of trees.

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5. Should any orchids, wild pine air plants, Florida Coonties, Catesby's lilies, leather ferns, royal ferns, or cabbage palms with gold polypody and shoestring ferns be located within development areas, best efforts must be used to relocate these plants to open space and landscaped areas.

6. As part of local development order approval for any phase of the development, an invasive exotic vegetation removal and maintenance plan must be submitted to the Division of Natural Resources Management for approval. At a minimum, this plan must be structured to provide for the phased removal of invasive exotic vegetation and maintenance to control exotic re-invasion within the wetland and upland preserve areas. Removal within preserve areas may be done on a pro rata basis as phased local development orders are obtained.

7. The existing Pelican's Nest golf course includes native vegetation along the rough and between golf holes. The applicant must continue to incorporate the native vegetation into the design of future golf holes, where feasible. Native vegetation has been retained on individual lots and between tracts in the existing developed area of Pelican Landing. Where feasible, the applicant will continue to incorporate native vegetation into the open space and landscaped areas.

8. The applicant must design the golf course and conduct maintenance, which includes fertilization and irrigation, in a manner which is sensitive to the water and nutrient needs of the native xeric vegetation in and around the golf course. However, this condition will not be interpreted in a manner which forces the applicant to jeopardize the health and viability of the golf course.

9. Upon approval of the management plans referenced in the above, the approved management practices shall then be considered a part of this development order for reinforcement purposes, and shall be enforceable in the same manner as a condition of this development order.

10. This project may result in the filling onto more than 8 acres of wetlands. The mitigation for the impact to wetlands will be determined at the time of final permitting, but the mitigation should include the removal of exotic invasives, the restoration of historic hydroperiods, and a total of not more than ten acres of littoral zone plantings.

F. Solid/Hazardous/Medical Waste

1. All storage, siting, and disposal of hazardous wastes and/or hazardous materials must be accomplished in accordance with federal, state, and local regulations. The business owner/operator is responsible for compliance with all permitting, reporting, emergency notification provisions and other regulations relating to hazardous materials and hazardous wastes.

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2. All business owners and operators must insure that regulated substances are loaded, off-loaded and stored in an area that is curbed and provided with an impervious base. The impervious base must be maintained free of cracks and gaps so as to contain any spills or leaks.

3. Outdoor storage of hazardous waste is prohibited.

4. Restaurants must be outfitted with grease traps or approved equivalent systems. The owner/operators of any restaurant must follow all applicable codes and regulations for cleaning and maintaining grease traps.

5. If any hotel pool utilizes gaseous chlorine, the pool must be equipped with chemical sensors, alarm devices, or other comparable equipment. The hotel owner/operator shall be responsible for compliance with this requirement and notice of this responsibility/obligation must be included on all deed transfers or lease agreements.

6. Any business that generates hazardous waste defined by the Code of Federal Regulations 40 CFR Part 261, shall notify the Division of Natural Resources Management for an assessment as required by Section 403.7225, Florida Statutes. This assessment will address any deficiencies in the management practices of hazardous waste generated at the facility.

7. The developer, or any subsequent owner of the golf course, must insure that the golf course maintenance equipment is handled in accordance with all federal, state and local regulations. Specifically, the developer will insure that all wash down facilities comply with FDEP rules regarding chemical residue, and insure the continued recycling of motor oil from maintenance equipment, and insure recycling of used motor oil, used oil filters, anti-freeze, lead acid batteries, cleaning solvents, shop rags, and aerosol cans.

8. The developer must investigate the feasibility of mulching trees and brush for on-site needs.

9. The developer/property owner of each commercial parcel which will be used to store, manufacture or use hazardous materials, shall contact the Lee County Office of Emergency Management, Hazardous Material Representative, prior to obtaining a development order, to discuss the proposed development in relation to potential type, and storage of hazardous materials which will be located on the premises.

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

a. The developer/property owner shall prepare or have available material safety data sheets (MSDS) and submit either copies of MSDS or a list of MSDS chemicals to the appropriate fire department or district and to the Lee County Division of Public Safety.

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b The developer/property owner shall establish an emergency notification system to be used in the event of a hazardous material release.

G. Stormwater Management

1. The surface water management system must be designed, constructed and operated in accordance with the pertinent provisions of Chapters 373 and 403, Florida Statutes; Chapter 40E, Florida Administrative Code; and the South Florida Water Management District "Basis of Review", and any pertinent local regulations regarding the design, construction and maintenance of the surface water management system. This condition applies to anyone obtaining a local Development Order within Pelican Landing. The Bayside Improvement District (a district formed pursuant to Chapter 190, Florida Statutes), must insure that the portion of the system under the ownership and control of the district is operated in accordance with the pertinent portion of the regulatory provisions cited above, and any permit (construction or operation) issued by the SFWMD. Individual lot owners with on-site wetlands or stormwater retention or detention areas under their control must comply with the pertinent portion of the regulatory provisions cited above and any permit issued by the SFWMD.

2. Water Control Structures must be installed as early in the construction process as practicable to prevent over-drainage or flooding of preserved wetland areas. If the SFWMD establishes a construction schedule or scenario that is contrary to this condition, the permit requirement of SFWMD will control.

3. Any shoreline banks created along on-site stormwater wet detention lakes must include littoral zones constructed consistent with SFWMD requirements. The shoreline banks must be planted in native emergent and submergent vegetation. The developer must establish and maintain, by supplemental planting if necessary, 80 percent cover by native aquatic vegetation within the littoral zone for the duration of the project. The littoral zone will include, at a minimum, the area between high water and ordinary low water.

4. The Bayside Improvement District, and/or all property owners, must undertake a regularly scheduled vacuum sweeping of common streets, sidewalks and parking facilities within the development.

5. The developer must implement the best management practices for monitoring and maintenance of the surface water management systems in accordance with Lee County and South Florida Water Management District guidelines.

6. The SFWMD shall establish all internal surface water management and wetland systems. The developer must set aside all internal surface water management and wetland systems as private drainage easements, common areas, or preserves. These areas must also be identified as specific tracts on the recorded final plat or some other legally binding document acceptable to the County Attorney's office.

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H. Transportation

1. Significant Impact

a. The traffic impact assessment for this project assumes the development parameters and land uses shown in Attachment B, "Pelican Landing DRI Development Parameters". The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (2002). Each annual monitoring report, described in Paragraph 4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code AC-13-16, dated August 8, 1991, see Attachment C) the following roadways and intersections:

<u>Planning Horizon I (1997)</u>	<u>Needed Improvement</u>
US 41/Corkscrew Road	- Signal retiming
US 41/Williams Road	- Signalization, if warranted
US 41/Coconut Road	- Signalization, if warranted
US 41/Pelican Commercial Entrance	- Northbound left turn lane
	- Southbound right turn lane
	- Eastbound right turn lane
US 41/North Pelican Entrance	- Northbound left turn lane
	- Southbound right turn lane
	- Eastbound left and right turn lanes
	- Signalization, if warranted
US 41/Pelican Landing Parkway/Old 41	- Southbound dual left turns
	- Signal retiming
US 41/Pelican's Nest Drive	- Northbound left and right turn lanes
	- Southbound left and right turn lanes
	- Eastbound left and thru/right lanes
	- Westbound left and thru/right lanes
	- Signalization, if warranted
US 41/Terry Street	- Signal retiming
US 41/Bonita Beach Road	- Signal retiming
Coconut Road/Spring Creek Road	- Separate NB left & right turn lanes
	- Separate EB thru and right turn lanes
	- Separate WB thru and left turn lanes
<u>Buildout (2002)</u>	
Corkscrew Road	

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- Three Oaks Parkway to 1-75
Old 41
- Bonita Beach Road to Terry St.

- Widen to 4 lanes
- Constrained (no widening possible;
maximum v/c ratio of 1.85 per 1993
Lee Plan Policy 22.1.9)

US 41

- Immokalee Road to Old 41
(Collier County)
- Bonita Beach Road to West Terry Street
- West Terry Street to Pelican's Nest Drive
- Coconut Road to Williams Rd.
- Constitution Boulevard to Alico Road

- Widen to 6 lanes
- Widen to 6 lanes
- Widen to 6 lanes
- Widen to 6 lanes
- Widen to 6 lanes

US 41/Corkscrew Road

- Separate EB left and thru/right lanes
- Westbound dual left turn lanes
- Signal retiming
- Signalization, if warranted
- Separate EB left and right turn lanes
- Signalization, if warranted

US 41/Williams Road
US 41/Coconut Road

US 41/Pelican Commercial Entrance

- Northbound left turn lanes
- Southbound right turn lane
- Eastbound right turn lane

US 41/North Pelican Entrance

- Northbound left turn lane
- Southbound right turn lane
- Eastbound left and right turn lanes
- Signalization, if warranted

US 41/Pelican Landing Parkway/Old 41

- Southbound dual left turn lanes
- Northbound dual left turn lanes
- Eastbound thru/right turn lane
- Westbound two thru lanes
- Signal retiming

US 41/Pelican's Nest Drive

- Northbound left and right turn lanes
- Southbound left and right turn lanes
- Eastbound left and thru/right lanes
- Westbound left and thru/right lanes
- Signalization, if warranted

US 41/Terry Street

- Northbound dual left turn lanes
- Separate WB thru and right turn lanes
- Signal retiming

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- | | | |
|--------------------------------|---|---------------------------------------|
| US 41/Bonita Beach Road | - | Signal retiming |
| Coconut Road/Spring Creek Road | - | Separate NB left and right turn lanes |
| | - | Separate EB thru and right turn lanes |
| | - | Separate WB thru and left turn lanes |

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County Land Development Code to mitigate Pelican Landing's transportation impacts on the non-site related roads and intersections set forth in Section H.1.b. above. Road Impact Fees are estimated to be \$8,783,000 for the land uses identified in Attachment B. Road Impact Fee payments represent the DRI's proportionate share payment for all road and intersection improvements identified in Condition H.1.b. as significantly impacted by this project and operating below the adopted level of service standard by 2002. Estimated Road Impact Fees from this project exceed the community's estimated proportionate share dollar amount of all significantly impacted roadway improvements.

If the Land Development Code Chapter governing Impact Fees is repealed, reduced, or made unenforceable by court petition, the Pelican Landing DRI will continue to pay, per individual permit, an amount equivalent to Road Impact Fees prior to such repeal, reduction or court petition. If payment is not made consistent with that schedule, then a substantial deviation will be deemed to occur, and the traffic impacts of Pelican Landing DRI must be reanalyzed to determine appropriate alternative mitigation prior to the issuance of further building permits for the Pelican Landing DRI.

All road impact fee monies paid by the Pelican Landing DRI after adoption of this DRI Development Order will be applied by Lee County toward the non-site related improvements included in Transportation Condition H.1.b., provided those improvements are deemed necessary to maintain the adopted level of service standards and are included in the County's Capital Improvement Program. Should the identified improvements be funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, an intersection or roadway improvement identified in Paragraph H.1.b, those improvements may be eligible for Road Impact Fee credits. The determination of whether such credits will be granted will be made consistent with the procedures outlined in the Land Development Code.

c. The developer must dedicate 60 feet of right-of-way for Burnt Pine Drive North, from Pelican Landing Parkway to Coconut Road, a distance of 6,926 feet; and for Burnt Pine Drive South from Pelican Landing Parkway to Pelican's Nest Drive, a distance

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of 2,326 feet. The developer must construct, as a two-lane access road, Burnt Pine Drive North from Pelican Landing Parkway to Coconut Road, and Burnt Pine Drive South from Pelican Landing Parkway to Pelican's Nest Drive. Credits, if any, for the right-of-way dedication and construction identified above will be issued consistent with the procedures outlined in the Land Development Code. Dedication of the roadway right-of-way and construction of Burnt Pine Drive will occur as follows:

1) Burnt Pine Drive South from Pelican Landing Parkway to Pelican's Nest Drive: coincident with the Certificate of Compliance for the commercial parcel located in the northeast quadrant of the intersection of Burnt Pine Drive South and Pelican's Nest Drive.

2) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 25 feet of additional right-of-way along the south side of Coconut Road from US 41 west to Spring Creek Road to ensure that improvements to Coconut Road are not precluded. Such right-of-way will be dedicated to Lee County if and when requested. Credits, if any, for the right-of-way dedication will be granted at the time of dedication, and must be consistent with the Land Development Code in effect at that time.

e. As a mitigation option, the developer may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize the advance payment to accelerate the Project Design & Environmental (PD&E) Study for US 41 from the Collier County line to San Carlos Boulevard. The PD&E Study is currently scheduled in FDOT's Tentative Five Year Work Program for fiscal year 1998/99 (WPI #1114700).

3. Access and Site-Related Improvements

a. The developer will be fully responsible for site-related roadway and intersection improvements required within the Pelican Landing DRI. The developer must pay the full cost for any site-related intersection improvements (including but not limited to signalization, turn lanes and additional driveway through lanes) found necessary by Lee County or the Florida Department of Transportation (FDOT) permitting requirements for the Community's access intersections on US 41, Coconut Road and Spring Creek Road.

b. The Pelican Landing DRI site access points will be located and developed consistent with the Florida DOT's access management classification for US 41, unless otherwise approved by the Florida DOT. Improvements to those access points will be consistent with the Department's permitting requirements.

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c. Site-related improvements will be as defined in the Land Development Code.

d. Except for Spring Creek Road and Coconut Road, all roads located within Pelican Landing will be maintained by the Bayside Improvement District (BID), unless subsequently dedicated to and accepted by Lee County.

4. Annual Monitoring Report

a. The developer will submit an annual traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

The first monitoring report will be submitted one year after the date of the issuance of this DRI Development Order. Reports must be submitted annually thereafter until buildout of the project.

b. The monitoring report will be designed in cooperation with the Lee County Department of Transportation, FDOT, the SWFRPC and the FDCA prior to the submittal of the first report. The methodology of the annual traffic monitoring report may be revised if agreed upon by all parties.

c. The annual traffic monitoring report must contain the following information:

(1) P.M. peak hour existing volumes and turning movement counts at all site access onto US 41 and Coconut Road, and a comparison to the project trip generation assumed in the DRI analysis.

(2) For existing conditions and a one-year projection, P.M. peak hour peak season turning movement counts, Pelican Landing's estimated share of traffic, and an estimated level of service for the intersections identified in Paragraph H.1.b. as impacted by this project.

(3) For existing conditions and a one-year projection, P.M. peak hour peak season traffic counts, Pelican Landing's estimated share of traffic, and an estimated level of service for the roadway links identified in Paragraph H.1.b. as impacted by this project through buildout.

(4) An estimate of when the monitored roadways and intersections will exceed adopted levels of service.

(5) A summary of the status of road improvements assumed to be committed in the ADA, including the following:

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<u>Roadway</u>	<u>Segment</u>	<u>Improvement</u>	<u>Schedule</u>
Pelican's Nest Dr.	Pelican's Nest to US 41	0 to 2	Planning Horizon I (1997/98)
Corkscrew Road	1-75 to Treeline Ave.	2 to 4	Planning Horizon I (1997/98)
US 41	Alico Rd. to Island Park Rd.	4 to 6	Planning Horizon I (1997/98)
US 41	Island Park Rd. to south of Daniels Parkway	4 to 6	Planning Horizon I (1997/98)
Bonita Beach Road	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (1997/98)

(6) A summary of the roadway and intersection improvements listed in Paragraph H.1.b. that have been constructed, and the program status of the remainder.

d. If the annual monitoring report confirms that the peak season P.M. peak hour traffic on the significantly impacted roadways exceeds the level of service standards adopted by Lee County, or is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume during peak hour peak season traffic conditions, then further local development orders, building permits and certificates of occupancy may not be granted until the standards of the County's concurrency management system have been met. This means that adequate district-wide level of service capacity must be available through 1999. After 1999, significantly impacted individual links must be operating at the adopted level of service, or an improvement to achieve the adopted level of service is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the annual traffic monitoring report confirms that the peak season P.M. peak hour traffic on the segment of US 41 in Collier County from Immokalee Road to Old US 41 exceeds the level of service standard adopted by Collier County and if the project is utilizing more than 5% of level of service D service volume during peak hour, peak season traffic conditions, then further building permits may not be granted until the subject roadway segment is committed for construction by the Florida Department of Transportation and/or Collier County.

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f. In the event the developer confirms that no additional development occurred on any portion of the site for the year, even after the approval of a local development order, they may submit a Letter of "No Further Transportation Impact" in lieu of fulfilling the transportation monitoring portion of the Annual Monitoring Report.

I. Wastewater Management/Water Supply

1. The developer or the Bayside Improvement District must obtain a South Florida Water Management District Water Use Permit, or a Modification to an existing Consumptive Use Permit for any water withdrawals, and for dewatering activities proposed in connection with on-site construction that does not qualify for a No Notice General Permit, under Rule 40E-20.302(4), F.A.C.

2. Builders within Pelican Landing must utilize ultralow volume plumbing fixtures, self-closing or metered water faucets, and other water conserving devices/methods consistent with the criteria outlined in the water conservation element of the Bonita Springs Utilities, Incorporated, SFWMD Water Use Permit or the water conservation element of any other approved utility provider utilized by the Development.

3. Developers must utilize xeriscape principles in the landscape design of the project to further the conservation of nonpotable water.

4. If reclaimed water is available for use within the project to address a portion of the project's irrigation demands, the developer or Bayside Improvement District, as appropriate, must ensure that on-site lakes, wetlands, and the surface water management system are protected in accordance with the requirements of the SFWMD and FDEP.

5. The developer must provide written assurance that any hazardous commercial effluent, generated by the project, will be treated separately from domestic wastewater, and handled in accordance with FDEP regulations.

6. Except for temporary septic tanks for construction trailers or for sales offices/models, septic tanks are prohibited.

7. All potable water facilities, including any on-site potable water treatment system, must be properly sized to supply average and peak day domestic demand, as well as fire flow demand. The facilities shall be constructed and sized in accordance with all pertinent regulations of the FDEP, Lee County, and any Fire Control District with jurisdiction.

8. All irrigation systems constructed for the golf course, landscaped areas and commercial/office portions of the project must be designed to accommodate effluent for irrigation use. Reclaimed water, to the extent it is available, must be used to address irrigation needs. The remaining demand will be satisfied through approved groundwater or surface water withdrawals. Reclaimed water must be used in accordance with all applicable regulations.

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J. Police and Fire Protection

1. Construction must comply with the fire protection requirements of all building, development, and life safety codes adopted by Lee County.
2. Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, must file hazardous materials reporting applications in accordance with Sections 302 and 312. Each reporting facility must update these applications annually.
3. The developer must provide for the emergency medical service impacts and fire protection impacts generated by the proposed development as defined by Lee County regulations.
4. If access to development is through a security gate or similar device that is not manned 24 hours per day, the developer must install an override switch in a glass-covered box for use by emergency vehicles, or a comparable system that permits emergency vehicles to access the project.
5. The project's impact on fire protection and rescue service delivery will be met by the ad valorem taxes, EMS impact fees and fire impact fees.

K. Interface Zone

1. The Developer will design, develop, and maintain any golf course constructed adjacent to the mangrove fringe area of Estero Bay in accordance with condition 14 a. through i. of Resolution Number Z-94-014. Adjacent to the mangrove fringe means any golf course constructed within 500 feet of the mangrove fringe.
2. The Developer will employ management strategies to address the potential for pesticide/chemical pollution of groundwater and surface water receiving areas, including but not limited to, Estero Bay, the mangrove fringe and any transition zone wetlands of Estero Bay which may result from the development of a golf course and water management areas within five hundred feet of the mangrove fringe of Estero Bay.
3. The management practices which the Developer will follow are as follows:
 - a. The use of slow release fertilizers and/or carefully managed fertilizer applications which are timed to ensure maximum root uptake and minimal surface water runoff or leaching to the groundwater.
 - b. The practice of integrated pest management (IPM) when seeking to control various pests, such as weeds, insects, and nematodes. The application of

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pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is not acceptable. The IPM program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA-SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending on the site specific soil conditions. Application of pesticides within 100 feet of the jurisdictional mangrove system is prohibited.

c. The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.

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

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

4. The Developer will prepare a management plan for the application of herbicides, pesticides, and fertilizers on the proposed golf course adjacent to the mangrove fringe of Estero Bay. The plan will be prepared prior to the application of any herbicides, pesticides and fertilizers to the proposed golf course. The management plan will include a groundwater and surface water monitoring plan. The plan will provide for testing to assess whether there are any herbicide, pesticide, or fertilizer pollution of the water within the area of the golf course located within 500 feet of the mangrove fringe. The plan will identify the locations for the groundwater monitoring and testing on a map(s). The plan will set forth the testing and reporting requirements. The developer will submit the test reports with the annual monitoring report. The monitoring program will be established and operated at the expense of the Developer, the Bayside Improvement District, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 17-302, F.A.C., Water Quality Standards.

5. The Developer will submit a written surface and groundwater quality management plan to Lee County and DCA. The plan must be approved by DCA prior to the application of chemicals to the proposed golf course. The DCA will have 30 working days to review the management plan and approve or object to the plan in writing. The objections must be based on valid rules and regulations, and must identify how the concerns or issues can be addressed by the developer. The Developer must resubmit a revised water quality management plan to address the valid objections. DCA will have 30 days in which to review any revised management plan and must provide written comments or approval in the same manner as for the original management plan. Should DCA fail to provide a written response within the prescribed time frames, the plan will be deemed approved.

Third Second Development Order

6. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and should the pollution be caused by the application of fertilizers, herbicides or pesticides to the golf course adjacent to the mangrove wetlands, the application of the pollutant must cease until there is a revised management plan for the application of the pollutant. A determination that the application of fertilizers, herbicides or pesticides to the golf course are the cause and source of the pollution must be based on competent and substantial evidence. If mitigation is necessary to address the pollution, a mitigation plan approved by DCA will be implemented by the developer. The mitigation plan will be based on rules and regulations in effect at the time the plan is reviewed and approved. The approved mitigation plan will be enforceable as a condition of the Development Order.

7. The mangrove wetland jurisdiction line of Estero Bay will be buffered from the proposed golf course by a 100' undisturbed naturally vegetated corridor, except for water management facilities permitted by the South Florida Water Management District and except for the removal of exotic plants as required by Lee County. The 100' buffer area will run along the portion of the golf course that abuts the mangrove wetlands of Estero Bay.

8. All of the Interface Zone conditions will be interpreted and applied with the understanding that water quality is regulated by the DEP and the SFWMD. None of the Interface Zone conditions will be interpreted in a manner which is contrary to Section 403.021, F.S., the Florida Air and Water Pollution Control Act, and the rules adopted thereunder.

9. The Interface Zone conditions will not be interpreted in a manner contrary to public policy directives to utilize domestic reclaimed water. Pelican Landing will not be responsible for any harmful pollutants applied to the golf course via the reclaimed water, unless Pelican Landing has actual knowledge that the reclaimed water provided by the utility contains harmful pollutants.

10. The conditions set forth in this DRI DO do not preempt the authority of the South Florida Water Management District and the Department of Environmental Protection. Section 373.016, F.S., provides that the legislature has vested the authority in the DEP/SFWMD to accomplish the conservation, protection, management, and control of the waters of the state. To the extent that any requirements of DCA, SWFRPC, or Lee County pursuant to this DRI DO are contrary to those of the SFWMD/DEP, in areas where the SFWMD and DEP have been given pre-emptive authority, the requirements of the SFWMD and the DEP will control.

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

1. This amended Development Order constitutes a resolution of Lee County, adopted by the Board of County Commissioners in response to the application filed

Third Second Development Order

by WCI Communities, L.P. to amend the Pelican Landing Development of Regional Impact Application for Development Approval filed for the Pelican Landing DRI- Development Order.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents which are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, but are not limited to the following:

- (a) Pelican Landing Application for Development Approval, stamped Received October 26, 1992;
- (b) Pelican Landing DRI sufficiency response, stamped Received February 5, 1993;
- (c) Pelican Landing DRI sufficiency response, stamped Received July 6, 1993;
- (d) Pelican Landing DRI sufficiency response, dated September 16, 1993; and
- (e) Pelican Landing DRI sufficiency response, stamped Received November 22, 1993.

3. Map H, last revised ~~September 16, 1994~~ April 2, 1996 and stamped received ~~March 3, 1995~~ April 15, 1996, is attached hereto as Attachment A and is incorporated by reference. It is understood that because it is a concept plan it is very general. The boundaries of development areas and location of internal roadways may be modified to accommodate topography, vegetation, market conditions, traffic circulation or other site related conditions as long as they meet local development regulations. This provision may not be used to reduce the acreage of the Eco-Park or other open space or preserve acreages. It is understood that the precise wetland boundaries are determined by the U.S. Army Corps of Engineers, SFWMD, FDEP and Lee County.

4. The Development Order is binding upon the developer(s) and its assignees or successors in interest. Where the Development Order refers to the Bayside Improvement District, lot owners, business owners, or other specific reference, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order which clearly apply only to the project developer are binding upon any builder/developer who acquires any tract of land within Pelican Landing DRI.

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

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

7. Any reference to a governmental agency will be construed to mean any future instrumentality which may be created and designated as successors in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

8. If any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision will in no manner affect the remaining portions or sections of the Development Order which will remain in full force and effect.

9. This Development Order grants limited approval and does not negate the developer's responsibility to comply with all applicable federal, state, regional and local regulations.

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

- (a) A substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans which create a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated in the review by the Southwest Florida Regional Planning Council; or
- (b) An expiration of the period of effectiveness of this Development Order.

Upon a finding that any of the above is present, the Board must order a termination of all development activity in the development affected by a substantial deviation or expiration of time until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes, and all local approvals have been obtained.

11. The project has a buildout date of 2002, and a termination date of 2005. This term is based on a ten year buildout and the recognition that a local Development Order, which is valid for three years, may be obtained in the tenth year.

12. The developer and the Bayside Improvement District may not exercise any rights of condemnation to acquire land within the development commonly known as

Third Second Development Order

Spring Creek Village, E1 Dorado Acres, Estero Bay Shores, Mound Key Estates and Spring Creek Estates.

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

14. The project will not be subject to down-zoning, unit density reduction, intensity reduction or prohibition of development until 2005 as long as the Lee Plan amendment proposed in association with this DRI to upwardly adjust the 2010 Overlay allocations for Subdistricts 801 and 806 is adopted and effective. If the County clearly demonstrates that substantial changes have occurred in the conditions underlying the approval of the Development Order through public hearings on an amendment to the zoning and/or this DRI Development Order then a down-zoning, unit density reduction, or prohibition of development may occur. These changes would include, but would not be limited to, such factors as a finding that the Development Order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety and welfare.

If the companion plan amendment is adopted, Lee County will reserve to this DRI, the appropriate uses from the allocations established for subdistricts (subdistricts 806/801) of the Lee Plan 2010 Overlay until 2005. This reservation has the effect of reserving all of the acreage transferred from Gateway to Pelican Landing for the duration of the Development Order.

15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, will submit a report annually to Lee County, SWFRPC, FDCA and all affected permit agencies. This report must describe the state of development and compliance as of the date of submission. In addition, the report must be consistent with the rules of the FDCA. The first monitoring report must be submitted to the Administrative Director of the DCA not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year of subsequent calendar years thereafter, until buildout. Failure to comply with this reporting procedure is governed by Section 380.06 (18), Florida Statutes. The developer must inform successors in title to the undeveloped portion of the real property covered by this Development Order of this reporting requirement. This requirement may not be construed to require reporting from tenants or owners of individual lots or units.

16. The Developer applied for an amendment to the DRI DO within six months of the effective date of this Development Order, ~~the Developer will apply for an~~ The amendment to this Development Order which ~~incorporates~~ incorporated the portion of the Spring Creek DRI located west of US Highway 41 into the Pelican Landing DRI. The amendment ~~will contained~~ a description of that portion of the Spring Creek DRI (and the conditions of the Spring Creek Development Order which are applicable to the Spring Creek West property). ~~The amendment will not be deemed a substantial deviation under Chapter~~

Third Second Development Order

~~380, Florida Statutes.~~ The impacts of the Spring Creek development will not be considered separately or cumulatively in any future change to the Pelican Landing Development Order. A change in the development plan for the Spring Creek property could be a substantial deviation which would require further analysis of Spring Creek West. ~~This~~ The amendment ~~is to be was~~ adopted solely for the purpose of consolidating Spring Creek West and Pelican Landing under the same Development Order and none of Spring Creek West's vested rights will be lost because of ~~this~~ the amendment.

17. The County will forward certified copies of this Development Order to the SWFRPC, the developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, the developer must record notice of its adoption in the office of the Clerk of the Circuit Court, as provided in Section 380.06(15), Florida Statutes.

~~Third~~ Second Development Order

THE MOTION TO ADOPT this Amendment was offered by Commissioner Ray Judah and seconded by Commissioner John E. Albion and upon poll of the members present, the vote was as follows:

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

DULY PASSED AND ADOPTED this 4th day of November, 1996.

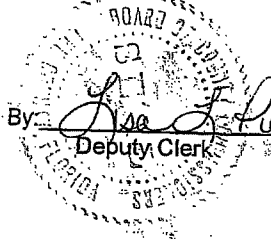
BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: [Signature]
(Chairman)

ATTEST:

CHARLIE GREEN, Clerk

By: [Signature]
Deputy Clerk



APPROVED AS TO FORM

By: [Signature]
County Attorney's Office

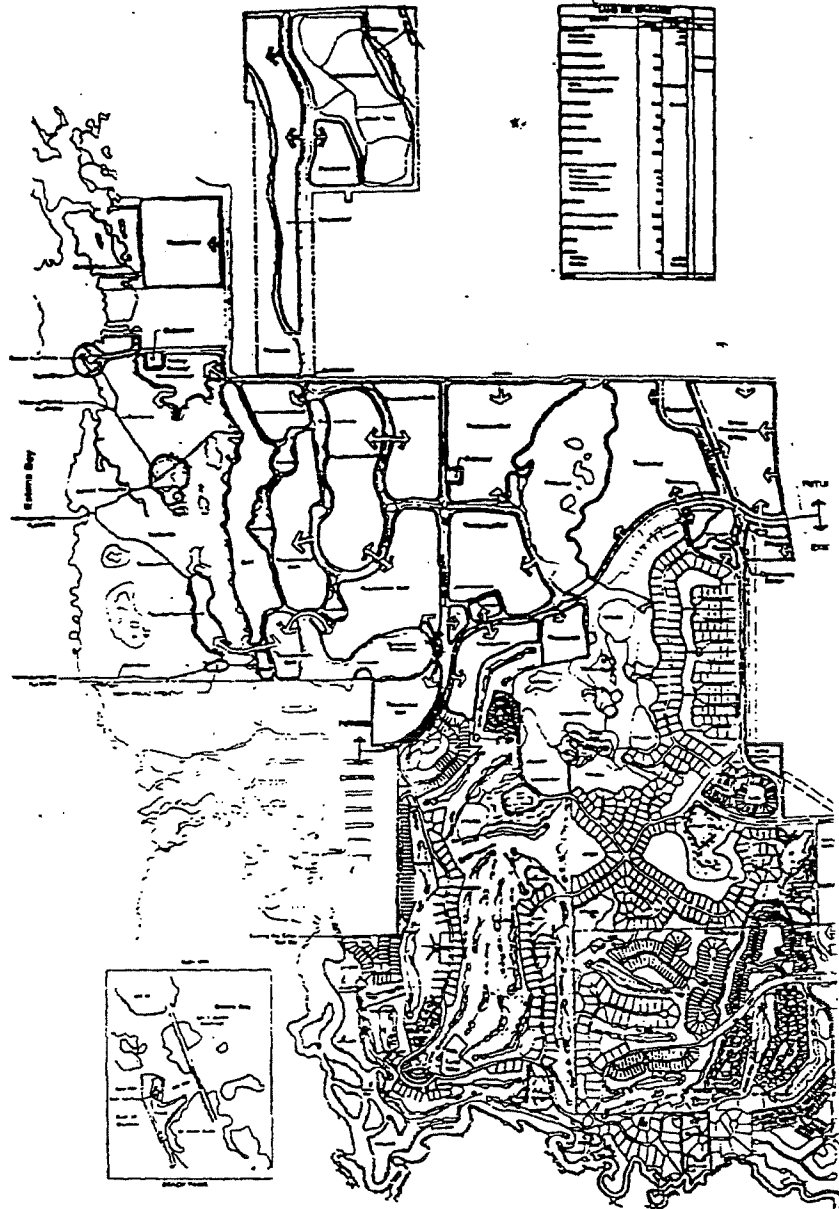
State of Florida
County of Lee

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

Given under my hand and official seal at Fort Myers, Florida this 4th day of November, A.D. 1996

CHARLIE GREEN, CLERK
By: [Signature]
Deputy Clerk

THIRD DEVELOPMENT ORDER AMENDMENT



MAP H

Master Development Plan

PELICAN LANDING

Legend:
 Proposed Road
 Proposed Lot
 Proposed Structure
 Proposed Utility

Scale: 1" = 100' (Not to Scale)
 North Arrow

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ATTACHMENT "B"
THIRD AMENDMENT
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS

		Existing	Planning Horizon I		Buildout Total
Land Use	Units ¹	(1992)	(1997)		(2002)
Residential	DU	969	2,433	4,400	4,050
Single Family	DU	373	625		665
Multi Family	DU	596	1,808	<u>3,735</u>	<u>3,385</u>
Retail ²	GFA	11,000	291,000	<u>540,000</u>	<u>600,000</u>
Office ³	GFA	40,000	150,000	<u>245,000</u>	<u>240,000</u>
Hotel	Rooms	0	450		450
Recreation Uses					
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	29	38		38
Range Club Golf Course	Holes	0	9		9
Tennis Center	Courts	0	6		12
Coconut Marina	Boat Slips				
	Wet	24	48		48
	Dry	0	150		150
Redfish Point	GFA	5,000	5,000		5,000
	Boat Slips				
	Wet	15	15		15
Other ⁴	Boat Slips				
	Wet	2	2		2

Footnotes:

Third Second Development Order

- 1 Units
DU - Dwelling Units
GFA - Square Feet of Gross Floor Area
- 2 Includes conference center, community center and clubhouse/marina
- 3 Includes "Foundations"
- 4 Ancillary Use

RESOLUTION NUMBER Z-97-073

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

WHEREAS, WCI Communities, L.P. in reference to Pelican Landing, filed an application for:

- a) An amendment to the Pelican Landing DRI Development Order #1-9293-121, as amended, and DRI Map H, as amended, to acknowledge the conversion of commercial retail floor area to hotel units and a reduction in the total number of parking spaces; and
- b) A finding of no substantial deviation under the provisions of Section 380.06(19), Florida Statutes; and
- c) An amendment to the Pelican Landing RPD/CPD approval, and the corresponding Master Concept Plan, to add hotel/motel as a permitted use in RPD/CPD Area D; and

WHEREAS, the subject property is located at 28300 S Tamiami Trail, Bonita Springs, and is described more particularly as:

LEGAL DESCRIPTION: In Sections 05, 07, 08, 09, 16, 17, 18, 20, and 21, Township 47 South, Range 25 East, and Sections 13 and 24, Township 47 South, Range 24 East, Lee County, Florida:

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20 and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20, run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;

THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;

THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;

THENCE run along Spring Creek for 3,630 feet, more or less to an intersection of the East line of said Section 20 and the approximate centerline of Spring Creek;

THENCE run along said centerline the following courses:

S78°50'00"W for 181.31 feet;

N34°24'12"W for 230.22 feet;

N30°59'12"W for 174.93 feet;

N24°25'16"E for 120.83 feet;

S65°47'43"E for 219.32 feet;

N18°24'43"E for 158.11 feet;
 N75°11'47"W for 351.71 feet;
 N65°09'33"W for 451.88 feet;
 N84°18'44"W for 351.75 feet;
 N66°54'31"W for 445.79 feet;
 S63°24'43"W for 134.16 feet;
 S03°23'22"E for 170.29 feet;
 S50°30'17"W for 220.23 feet;
 N84°49'43"W for 331.36 feet;
 S62°13'07"W for 214.71 feet;
 S22°08'36"W for 291.55 feet;
 S72°15'11"W for 131.22 feet to an intersection with the East line of the
 Southwest Quarter (SW¼) of said Section 20;
 THENCE run N00°50'19"W along said East line for 520.00 feet to the
 Northeast corner of said fraction;
 THENCE run S89°58'37"W along the North line of said fraction for 290.00
 feet to an intersection with the approximate centerline of the most Easterly
 branch of said Spring Creek;
 THENCE run along said centerline the following courses:
 N09°13'28"W for 137.34 feet;
 N29°08'22"W for 590.59 feet;
 N38°31'58"W for 278.03 feet;
 N65°16'43"W for 254.95 feet;
 N37°18'28"W for 286.01 feet;
 N32°51'05"E for 252.39 feet;
 N20°11'00"E for 236.69 feet;
 N27°23'47"W for 369.25 feet;
 N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring
 Creek;
 THENCE run along said Easterly shore for 1,220 feet, more or less to an
 intersection with the North line of said Section 20;
 THENCE run N89°15'13"E along said North line of said Section for 970 feet,
 more or less to a concrete monument marking the Northwest corner of the
 Northeast Quarter (NE¼) of said Section 20;
 THENCE run N00°31'30"E along the West line of the Southeast Quarter
 (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South
 line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee
 County Records;
 THENCE run S89°58'35"E along said South line for 739.45 feet;
 THENCE run N00°07'58"E for 30.00 feet to an intersection with the North
 line of the Southeast Quarter (SE¼) of said Section 17;
 THENCE run S89°58'35"E along the North line of said fraction for 375.91
 feet to the Southeast corner of lands described in Official Record Book 1713
 at Page 1188 of said Public Records;

THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
 THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
 THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
 THENCE continue N00°07'17"E along said East line for 343.54 feet;
 THENCE run S89°38'58"E for 10.00 feet;
 THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
 THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
 THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
 THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
 THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
 THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
 THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
 THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
 THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
 THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;
 THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
 THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
 THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
 THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
 THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
 THENCE run S00°06'43"E for 1,085.91 feet;

THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING;

ALSO PARCEL 2:

A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.

From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;

THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;

THENCE run S00°07'58"W along said West line for 2,646.47 feet;

THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;

THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;

THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;

THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;

THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;

THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;

THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;

THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;

THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
 THENCE run N89°35'27"E for 666.22 feet;
 THENCE run N89°32'15"E for 239.00 feet to an intersection with the West
 line of Coconut Road;
 THENCE run S01°07'45"E along said West line for 488.63 feet;
 THENCE run N89°40'05"E along the South line of said Coconut Road for
 24.69 feet to the POINT OF BEGINNING.
 LESS AND EXCEPT lands described in Official Record Book 1677 at Page
 3516 of the Public Records of Lee County, Florida;
ALSO PARCEL 3:
 A tract or parcel of land lying in Sections 05 and 08, Township 47 South,
 Range 25 East, Lee County, Florida, consisting of Lots 8B, 9B, 10B, 11B,
 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY
 SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records
 of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded
 Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records
 of Lee County;
ALSO the East Three-quarters ($E\frac{3}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the
 Southwest Quarter ($SW\frac{1}{4}$) of said Section 05;
ALSO the East Two-thirds ($E\frac{2}{3}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the
 Southwest Quarter ($SW\frac{1}{4}$) of said Section 05;
ALSO the East Two-thirds ($E\frac{2}{3}$) of the Western Half ($W\frac{1}{2}$) of the Northwest
 Quarter ($NW\frac{1}{4}$) of said Section 08; being more particularly described by
 metes and bounds as follows:
 From the Northwest corner of the Southwest Quarter ($SW\frac{1}{4}$) of said Section
 08 run S89°16'14"E along the North line of said Southwest Quarter ($SW\frac{1}{4}$)
 for 422.61 feet;
 THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING;
 From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
 THENCE run N01°22'23"W for 1,304.41 feet;
 THENCE run N89°56'22"W for 107.12 feet;
 THENCE run N01°22'55"W for 1,303.87 feet;
 THENCE run N89°34'15"E for 2,593.81 feet;
 THENCE run S00°26'45"E for 2,655.42 feet;
 THENCE run N88°48'50"W along the North line of said Section 08 for
 322.66 feet;
 THENCE run N89°25'01"W for 587.55 feet;
 THENCE run S00°50'16"E for 132.58 feet;
 THENCE run N89°11'54"W for 75.00 feet;
 THENCE run N00°50'16"W for 132.30 feet;
 THENCE run N89°25'01"W for 610.69 feet;
 THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North
 right-of-way line of Coconut Road;
 THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet
 to the POINT OF BEGINNING;

ALSO PARCEL 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;

THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;

THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;

THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING;

Containing 2,409 acres, more or less.

Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

ALSO BEACH PARCEL

A tract or parcel of land lying in Government Lot 3, Section 13, and Government Lot 2, Section 24, Township 47 South, Range 24 East, Big Hickory Island, Lee County, Florida, which tract or parcel is described as follows:

From the center of a turnaround on SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;

THENCE run S62°26'49"W for 98.40 feet;

THENCE run N27°33'11"W for 1,863.42 feet;

THENCE run N20°00'41"W for 1,403.30 feet;

THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,

N22°26'23"W for 100.53 feet;

N23°09'50"W for 100.14 feet;

N14°51'19"W for 73.01 feet;

N27°40'10"W for 88.01 feet;

N29°33'57"W for 46.01 feet;

N22°14'53"W for 47.27 feet;

N20°39'23"W for 46.98 feet;

N11°15'38"W for 29.80 feet;

N26°10'46"W for 46.87 feet;

N09°09'45"W for 48.26 feet;

N17°35'56"W for 46.04 feet;

N12°49'07"W for 50.04 feet;

N29°20'48"W for 69.12 feet;

N20°48'58"W for 63.82 feet;

THENCE run N79°23'51"W for 247 feet more or less to an intersection with the Approximate Mean High Water Line of the Gulf of Mexico;

THENCE run Northerly and Northeasterly along said waters for 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 188 of the Public Records of Lee County, Florida;

THENCE run along said South line, along the arc of a curve to the right of radius 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;

THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;

THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING;

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;

THENCE run S19°13'48"E for 50.64 feet;

THENCE run S04°34'15"E for 54.63 feet;

THENCE run S24°53'12"E for 50.09 feet;

THENCE run S27°10'29"E for 50.01 feet;

THENCE run S31°01'44"E for 42.51 feet to an intersection with the South line of lands described in Official Record Book 2246 at Page 4413 of the Lee County Records;

THENCE run N65°00'00"E along said South line for 134 feet, more or less to the waters of Estero Bay;

THENCE Northerly along said waters for 358 feet, more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;

THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone;

ALSO Spring Creek West DRI Parcel

All of the Northwest Quarter (NW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;

ALSO included thereto: All of the Northeast Quarter (NE¼) lying West of Tamiami Trail (US 41) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;

ALSO included thereto: All of the East Half (E½) of the Southwest Quarter (SW¼) lying North of Spring Creek, LESS the East 600 feet thereof, Section 21, Township 47 South, Range 25 East, Lee County, Florida;

ALSO included thereto: All of the Southeast Quarter (SE¼) of Section 21, lying West of Tamiami Trail (US 41) and North of Spring Creek, Township 47 South, Range 25 East, Lee County, Florida;

Containing 273.1 acres, more or less;

AND: The East 600 feet of the East Half (E½) of the Southwest Quarter (SW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;

Parcel contains 9.7 acres, more or less.

RPD/CPD AREA "D"

A tract or parcel of land lying in the South Half (S½) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From the Northwest corner of the Southwest Quarter (SW¼) of said Section 09 run N00°41'48"W for 5.00 feet to the South right-of-way line of Coconut Road (50 foot right-of-way);

THENCE run S89°35'50"E for 1,863.14 feet to the centerline of a certain Florida Power and Light transmission line easement (100 feet wide) as described in Deed Book 229 at Page 48, Public Records, Lee County, Florida, and the POINT OF BEGINNING.

From said POINT OF BEGINNING continue S89°35'50"E along said South right-of-way line for 1,301.22 feet to an intersection with the West line of Tamiami Trail (SR 45);

THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;

THENCE run along the arc of a curve to the left of radius 5,797.58 feet (delta 10°17'00") (chord bearing S04°57'34"E) (chord 1,039.14 feet) for 1,040.54 feet to a Point of Tangency;

THENCE run S10°06'04"E along said Westerly line for 230.98 feet;

THENCE run S79°53'56"W for 70.57 feet to a Point of Curvature;

THENCE run along the arc of a curve to the right of radius 650.00 feet (delta 49°49'26") (chord bearing N75°11'21"W) (chord 547.59 feet) for 565.23 feet to a Point of Reverse Curvature;

THENCE along the arc of a curve to the left of radius 840.00 feet (delta 22°49'21") (chord bearing N61°41'18"W) (chord 332.39 feet) for 334.60 feet to a point on a non-tangent curve;

THENCE along the arc of a curve to the left of radius 180.00 feet (delta 27°59'03") (chord bearing N06°54'21"W) (chord 87.04 feet) for 87.91 feet to a Point of Tangency on the Western line of said Florida Power and Light easement;

THENCE run N20°53'52"W along said Western easement line for 721.03 feet to a Point of Curvature;

THENCE along the arc of a curve to the left of radius 330.00 feet (delta 68°41'58") (chord bearing N55°14'51"W) (chord 372.40 feet) for 395.68 feet to a Point of Cusp;

THENCE run S89°35'50"E for 56.51 feet to a Point of Curvature;

THENCE run along the arc of a curve to the right of radius 530.00 feet (delta 27°42'00") (chord bearing S75°44'50"E) (chord 253.74 feet) for 256.23 feet to an intersection with said centerline of said easement;

THENCE run N20°53'52"W along said centerline for 748.16 feet to an intersection with the South line of said Coconut Road and the POINT OF BEGINNING.

Containing 42.44 acres, more or less; and

WHEREAS, WCI Communities, L.P., the owner of the subject parcel, authorized Pavese, Garner, Haverfield, Dalton, Harrison and Jensen to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on October 22, 1997 before the Lee County Hearing Examiner in Case Nos. 95-01-050.03Z 01.01 and 95-01-050.04Z 06.01, who gave full consideration to the evidence available; and

WHEREAS, a public hearing was advertised and held on November 17, 1997 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

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

- a) **APPROVES** an amendment to the Pelican Landing DRI Development Order #1-9293-121;
- b) makes a finding of NO SUBSTANTIAL DEVIATION; and
- c) **APPROVES with conditions** the amendment to RPD/CPD Area D of the Pelican Landing RPD/CPD, as follows:

SECTION A. CONDITIONS:

The amendment to RPD/CPD Area D of the Pelican Landing RPD/CPD and Master Concept Plan are subject to the following conditions:

1. The development of this project must be in compliance with the one-page Master Concept Plan entitled "Pelican Landing RPD/CPD," as prepared by Wilson, Miller, Barton & Peek Inc., dated March 1994, last revised May 27, 1997, and stamped received at the permit counter on October 7, 1997; the Pelican Landing DRI Development Order #1-9293-121, as amended; and DRI Map H, last revised May 27, 1997, and stamped received at the permit counter on June 13, 1997.
2. All deviations and conditions approved by Resolutions Z-94-094, Z-95-061, and Z-96-055, except as specifically modified herein and by the amended Master Concept Plan, will remain in full force and effect.
3. The addition of a hotel as a permitted use is limited to RPD/CPD Area D only.

SECTION B. Master Concept Plan:

A one page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference, as modified herein.

SECTION C. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the planned development amendment:

1. The RPD/CPD Area D is a portion of the mixed use, 2100-acre Pelican Landing Development of Regional Impact, which was originally approved in 1994.
2. The Applicant has proven entitlement to the additional hotel/motel use in RPD/CPD Area D by demonstrating compliance with the Lee Plan, the Land Development Code, and Section 380.06, Florida Statutes, and other applicable codes or regulations.
3. The proposed hotel/motel use, as conditioned, will meet or exceed all performance and locational standards set forth for the potential use in the Land Development Code.
4. The proposed hotel/motel use, as conditioned, is consistent with the densities, intensities and general uses set forth in the Lee Plan.
5. The proposed hotel/motel use, as conditioned, is compatible with existing or planned uses in the surrounding area.
6. Approval of the proposed hotel/motel, as conditioned, and the decrease of 78,950 square feet of retail commercial uses, will result in the addition of only 20 peak hour trips to the number of trips anticipated and approved for the overall DRI, which will not place an undue burden upon existing transportation or planned infrastructure facilities.
7. The development will be served by streets with the capacity to carry the traffic it generates, and will not result in an unacceptable level of service on those streets.
8. The Applicant will pay approximately \$106,000 to \$166,000 in road additional impact fees for the additional 20 peak hour trips resulting from the increase in hotel rooms. This amount will be added to the DRI's estimated road impact mitigation amount of \$8,783,000, as calculated in the DRI Development Order.
9. The proposed hotel/motel use, as conditioned, will not adversely affect environmentally critical areas or natural resources.
10. The additional hotel/motel rooms, as conditioned, will not generate any additional mitigation for hurricane evacuation or shelter demand impacts, as the provisions of the

Hurricane Preparedness section of the DRI Development Order will adequately address any of those potential impacts.

11. The proposed use, as conditioned, is appropriate at the subject location.
12. The recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development, and will provide sufficient safeguard to the public interest.
13. That the proposed changes, as conditioned, will comply with the intent and provisions of the Concurrency Management Plan, as urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use, or the development permits will not be issued.
14. Amendment of the DRI Development Order, specifically Map H and the Land Use Table/Summary, are necessitated by the provisions of Section 380.06, Florida Statutes, to reflect the changes in the development plan and any potential impacts resulting therefrom.
15. The proposed changes, as conditioned, do not constitute a Substantial Deviation under the provisions of Section 380.06(19), Florida Statutes, and do not warrant additional DRI review.

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

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

DULY PASSED AND ADOPTED this 17th day of November, 1997.

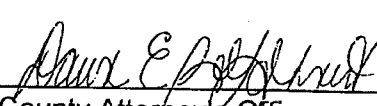
ATTEST:
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

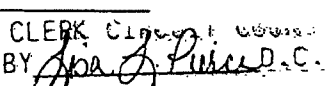
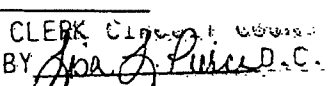
BY: 
Vice-Chairman

Approved as to form by:


County Attorney's Office

FILED

NOV 21 1997

CLERK: 
BY: 

THIRD ~~FOURTH~~ DEVELOPMENT ORDER
AMENDMENT
FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121

COUNTY CASE #~~95-01-050.04Z-05.01~~ 95-01-050.04Z 06.01

WHEREAS, on ~~January 5, 1996~~ June 13, 1997, WCI Communities, L.P., the owner of the Pelican Landing Development of Regional Impact (DRI) requested an amendment to the original Development Order adopted August 29, 1994, as amended; and

~~WHEREAS, Section III. Condition 16 of the Development Order requires the Developer to incorporate Spring Creek West DRI into the Pelican Landing DRI by adding the land describes as Spring Creek West in Section I.B. and adding a new Findings of Fact/Conclusion of Law Section I.J.; and~~

WHEREAS, this document incorporates the Development Order Amendments for Pelican Landing DRI adopted: 1) March 22, 1995; 2) August 16, 1995, which incorporated the conditions of the Spring Creek West DRI as set forth in the Eighth Amendment to Spring Creek DRI #10-7677-9; 3) November 4, 1996; 4) and the conditions proposed for the third ~~fourth~~ amendment to the Pelican Landing DRI DO; and

WHEREAS, the amendments proposed to the Development Order are not a substantial deviation, as that term is defined and identified in Subsection 380.06(19)(e)2, Florida Statutes, and as such there is no need for further DRI review. The amendments ~~would~~ change the mix of uses while maintaining the same level of external traffic impacts. This Development Order Amendment ~~would~~ approves a reduction in the amount of retail square footage and total parking spaces; and increases the total number of residential units hotel/motel units from 450 to 750 ~~and increase the amount of office square footage;~~ and

WHEREAS, the proposed changes to the Pelican Landing DRI Development Order described in this document are consistent with the adopted Comprehensive Land Use Plan of Lee County and applicable local Land Development regulations; and

WHEREAS, the proposed changes to the Pelican Landing DRI Development Order will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area; and

WHEREAS, the proposed changes are consistent with the State Comprehensive Plan:
; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, has considered the report and recommendations of the Southwest Florida Regional Planning

~~Third~~ Fourth Development Order

Council, the Lee County Staff, the Lee County Hearing Examiner, the documents and comments upon the record made before the Board in public hearing, and, after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on ~~2,400±~~ 2,373± acres located approximately three miles north of the Lee/Collier County Line. The property is bounded on the west by Estero Bay, on the east by US 41, and on the south by Spring Creek. Coconut Road provides the general northern boundary of Pelican Landing; however, a part of the project is located north of Coconut Road.

The proposal is to construction 4,400 residential units, of which 665 are single-family and 3,735 multi-family, ~~540,000~~ 461,050 square feet of gross floor area of retail commercial, and 245,000 square feet of gross floor area of office commercial. The retail uses will provide up to ~~2,699~~ 2,310 parking spaces and the office uses will provide up to 820 parking spaces. The project will also include ~~450~~ 750 hotel/~~motel~~ rooms, a 50,000 square foot conference center, 65 wet boat slips and 150 dry boat slips, various recreational amenities including, but not limited to: golf, tennis, canoe parks, and a beach park for the benefit of the owners in Pelican Landing. There are 87 acres of upland habitat preserve, 507 acres of salt and freshwater wetlands, 208 acres of water management lakes, 140 acres of public and private rights- of-way, 6 acres of utilities and a .11 acre cemetery site.

Water supply and wastewater treatment, and reclaimed water, when available, will be provided by Bonita Springs Utilities, Inc. The project buildout is the year 2002.

B. LEGAL DESCRIPTION: In Sections 05, 07, 08, 09, 16, 17, 18, 20, and 21, Township 47 South, Range 25 East, and Sections 13 and 24, Township 47 South, Range 24 East, Lee County, Florida:

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20, and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;
THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;
THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;
THENCE run along Spring Creek for 3,630 feet, more or less to an intersection of the East line of said Section 20 and the approximate centerline of Spring Creek;
THENCE run along said centerline the following courses:
S78°50'00"W for 181.31 feet,

Third Fourth Development Order

N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;
THENCE run S89°58'37"W along the North line of said fraction for 290.00 feet to an intersection with the approximate centerline of the most Easterly branch of said Spring Creek;
THENCE run along said centerline the following courses:
N09°13'28"W for 137.34 feet,
N29°08'22"W for 590.59 feet,
N38°31'58"W for 278.03 feet,
N65°16'43"W for 254.95 feet,
N37°18'28"W for 286.01 feet,
N32°51'05"E for 252.39 feet,
N20°11'00"E for 236.69 feet,
N27°23'47"W for 369.25 feet,
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;
THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
THENCE run S89°58'35"E along said South line for 739.45 feet;
THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;
THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;

Third Fourth Development Order

THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.54 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;
THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;
THENCE run S00°06'43"E along said West line for 49.81 feet;

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THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

PARCEL 2

A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.

From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;

THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;

THENCE run S00°07'58"W along said West line for 2,646.47 feet;

THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;

THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;

THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;

THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;

THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;

THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;

THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;

THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;

THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;

THENCE run N89°35'27"E for 666.22 feet;

THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;

THENCE run S01°07'45"E along said West line for 488.63 feet;

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THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.

LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO

PARCEL 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of:

Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County, also the East Three-quarters (E-¾) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:

From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet; THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;

THENCE run N01°22'23"W for 1,304.41 feet;

THENCE run N89°56'22"W for 107.12 feet;

THENCE run N01°22'55"W for 1,303.87 feet;

THENCE run N89°34'15"E for 2,593.81 feet;

THENCE run S00°26'45"E for 2,655.42 feet;

THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;

THENCE run N89°25'01"W for 587.55 feet;

THENCE run S00°50'16"E for 132.58 feet;

THENCE run N89°11'54"W for 75.00 feet;

THENCE run N00°50'16"W for 132.30 feet;

THENCE run N89°25'01"W for 610.69 feet;

THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;

THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

PARCEL 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

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Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.

Containing 2,409 acres, more or less.

Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

ALSO

BEACH PARCEL

A tract or parcel of land lying in Government Lot 3, Section 13, and Government Lot 2, Section 24, Township 47 South, Range 24 East, Big Hickory Island, Lee County, Florida, which tract or parcel is described as follows:

From the center of a turnaround on SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;

THENCE run S62°26'49"W for 98.40 feet;

THENCE run N27°33'11"W for 1,863.42 feet;

THENCE run N20°00'41"W for 1,403.30 feet;

THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,

N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet,

N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet,

N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet,

N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet,

N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet,

N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet,

N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;

THENCE run N79°23'51"W for 247 feet more or less to an intersection with the Approximate Mean High Water Line of the Gulf of Mexico;

THENCE run Northerly and Northeasterly along said waters for 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 188 of the Public Records of Lee County, Florida;

THENCE run along said South line, along the arc of a curve to the right of radius 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;

THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;

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THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°01'44"E for 42.51 feet to an intersection with the South line of lands described in Official Record Book 2246 at Page 4413 of the Lee County Records;
THENCE run N65°00'00"E along said South line for 134 feet, more or less to the waters of Estero Bay;
THENCE Northerly along said waters for 358 feet, more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

ALSO

Spring Creek West DRI Parcel

All of the Northwest Quarter (NW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida:

ALSO INCLUDED THERETO:

All of the Northeast Quarter (NE¼) lying west of Tamiami Trail (US 41) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;

ALSO INCLUDED THERETO:

All of the East Half (E½) of the Southwest Quarter (SW¼), lying North of Spring Creek LESS the East 600 feet thereof, Section 21, Township 47 South, Range 25 East, Lee County, Florida.

ALSO INCLUDED THERETO:

All of the Southeast Quarter (SE¼) of Section 21, lying West of Tamiami Trail (US 41) and North of Spring Creek, Township 47 South, Range 25 East, Lee County, Florida;

Subject to easements and restrictions of record.
Containing 273.1 acres more or less.

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AND

The East 600 feet of the East Half (E½) of the Southwest Quarter (SW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida. Parcel contains 9.7 acres more or less.

TOGETHER WITH the right for ingress and egress over the following described parcel:

A strip of land 60 feet in width lying 30 feet on each side of the East and West Quarter Section line of Section 21, Township 47 South, Range 25 East, extending from the Northwest corner of the East Half (E½) of the Southwest Quarter (SW¼) of said Section to Tamiami Trail (US 41).

Subject to any easements, restrictions, reservations and rights-of-way to record.

C. The subject parcel is currently zoned AG-2, RS-1, RM-6, PUD, RPD, CPD, and RM-2; the property is partially developed.

D. This Application for Development Approval is consistent with the requirements of Section 380.06, Florida Statutes.

E. The development is not located in an area designated as an Area of Critical State Concern under the provisions of Section 380.05 and 380.06 (14), Florida Statutes.

F. The proposed Development Order Amendment does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development plan applicable to the area. The development is consistent with the State Comprehensive Plan if developed pursuant to the conditions set forth herein.

G. The proposed Development Order Amendment has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body ~~on June 20, 1996~~, and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes. The development, as proposed in the Application for Development Approval (ADA) and as modified by this Development Order Amendment, is generally consistent with the report and the recommendations of the SWFRPC pursuant to Section 380.06(11).

H. The development is located in the Urban Community, Outlying Suburban and Resource Protection Areas classifications of the Lee Plan with the Privately Funded Infrastructure Overlay and is consistent with the Lee County Comprehensive Plan and Lee County's Land Development Regulations if subject to the conditions contained in this Development Order.

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

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J. In accordance with the Development Order condition Section III. Condition 16. herein, the lands within the Spring Creek West DRI were incorporated into this Development Order. Those lands described as the Spring Creek West DRI will only be subject to those terms and conditions set forth in ~~Attachment D~~ which is the Eighth Development Order Amendment for the Spring Creek West DRI. They will remain applicable to the property known as the Spring Creek West DRI in the same manner as they are presently applicable, except that one annual monitoring report that includes both Pelican Landing and Spring Creek West DRI's must be submitted. Additionally the Spring Creek West DRI legal description has been included within the Pelican Landing DRI. Since the Spring Creek West land is part of an almost completely developed vested DRI, there is no reason to alter the conditions within the Spring Creek West DRI Development Order. The Spring Creek West property is vested under the terms and conditions of the Spring Creek West DRI Development Order, and this property will not be considered in any cumulative analysis of Pelican Landing in accordance with Section III Condition 16.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that conditions of the Development Order for the Pelican Landing DRI adopted on August 29, 1994, and amended on March 22, 1995, ~~and August 16, 1995 and November 4, 1996~~, are further amended as follows, with new language underlined and deletions struck through. All other portions of the original Development Order will remain in full force and effect.

For the purposes of this Development Order, the term "developer" or "Applicant" shall include his/her/its successors or assigns, and all references to County Ordinances and codes include future amendments.

A. Historical/Archaeological Sites

1. The Zenith Mound Archaeological Site (State Master File #8LL1436) and the Johnson Cemetery (State Master File #8111440) will be preserved in perpetuity and will be recorded as "preserve" on all appropriate plats, site plans, and the Master Development Plan for Pelican Landing DRI.

2. If any additional archaeological/historical sites are uncovered during development activities, all work in the immediate vicinity of such sites will cease. The developer shall immediately contact the Florida Department of State, Division of Historical Resources, the SWFRPC, and Lee County and advise them of the discovery. The developer will have a State-certified archaeologist determine the significance of the findings and recommend appropriate preservation ~~ion~~ and mitigation actions, if necessary.

B. Housing

1. There are no regionally significant housing impacts for the first planning horizon of the DRI DO, which ends on December 31, 1997. Utilizing supply data not adjusted

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to account for the fact that housing sells for less than the listed price, Planning Horizon II (January, 1998, through December 2002) would have an unmet need of 99 affordable units for very low income and no unmet need for low income households. Utilizing supply data adjusted to account for the fact that housing sells for less than the listed price, Planning Horizon II would have an unmet need of only 38 affordable housing units for very low income households and still no unmet need for low income households. The aforementioned data is based on the existing studies.

The supply adjustment figures mentioned above are based on actual sales prices relative to listed prices. Affordability thresholds for owner occupied affordable housing are determined using PITI (Principal, Interest, Taxes, and Insurance) calculations methodology as outlined in the DCA 1991 Draft methodology.

2. The Southwest Florida Regional Planning Council, the Florida Department of Community Affairs, and Lee County accept the Developer's contribution of \$20,000.00 to assist existing and prospective employees within the Pelican Landing DRI locate affordable housing. The \$20,000.00 will be contributed to the Lee County Affordable Housing Trust Fund by January 2, 1997. Lee County may use all, or a portion, of the funds to conduct a needs assessment study, and the County will commit to use SHIP funds to assist a minimum of 8 qualified employees within the Pelican Landing DRI obtain a home. Qualified employees must be first time home buyers, employed by a business located within the Pelican Landing DRI, including employees of WCI. The applicants for funding must meet the program guidelines including, but not limited to, income limitations and repayment obligations. The funds will only be used to provide interest free deferred payment assistance to qualifying home buyers for either closing costs or down payments associated with the purchase loan.

C. Hurricane Preparedness

1. Within six months, after the effective date of this DRI Development Order, the developer shall provide and connect a portable diesel powered generator for the Gateway Elementary School. The generator must be equipped with a fuel tank, capable of generating enough power to handle the demands of ventilation fans, lighting, life safety equipment (alarms and intercom), and refrigeration and cooking equipment. The developer will be responsible for the initial electrical hook-up costs. The selection of the generator will be in coordination with Lee County Emergency Management Staff.

2. The Lee County Emergency Management staff will act as a liaison between the developer and the Lee County School District staff, and will make all of the necessary arrangements for the location of the generator on Lee County School Board property.

3. The provision of the generator serves to mitigate the shelter and evacuation impacts of the project at buildout. Should Lee County ever adopt an impact fee, or other type of levy or assessment to provide funding for shelter space and improvements

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thereto, the developer will be entitled to a credit against the fee or levy in the amount of the cost of the generator, if eligible under the terms of that impact fee or levy.

4. The developer must notify all purchasers of real property within the residential portions of development, through the restrictive covenants, of the potential for storm surge flooding in feet above the Base Flood Elevation, according to the National Weather Services' storm surge model "SLOSH", and the National Flood Insurance Program.

5. The developer must prepare, in conjunction with Lee County Emergency Management and Division of Natural Resources staff, a brochure which advises all marina owners of the measures that can be taken to minimize damage in the event of a hurricane. This brochure must address how boat owners can minimize damage to their vessels, the marina site, neighboring properties and the environment. The brochure must be provided to all boat owners and users at the marina.

6. Prior to the issuance of a Certificate of Occupancy for the any Hotel, the developer or the hotel owner/manager must prepare a written hurricane preparation and evacuation/sheltering plan. This plan will be prepared in conjunction with Lee County Emergency Management Staff and must be coordinated with the hurricane evacuation plan for the overall DRI.

7. The Property Owner's Association must host an educational seminar, and will be responsible for obtaining the place for the seminar and for providing the invitations to the homeowners. The time will be coordinated with the Lee County Emergency Management staff, who will provide the education and information at the seminar and will advise the owners of the risks of natural hazards and the action they should take to mitigate the inherent dangers.

8. The developer must develop a hurricane evacuation plan for the DRI. The hurricane evacuation plan shall address and include: a) operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; b) the educational program set forth in condition 7 above; c) hurricane evacuation; d) the method of advising residents and visitors of hurricane shelter alternatives including hotels and public hurricane shelter locations; e) identification of the person(s) responsible for implementing the plan; and f) how the private security force will be integrated with the local Sheriff's personnel and the Division of Public Safety. The plan shall be developed in coordination with the Lee County Emergency Management officials and must be found sufficient by those officials within six months after the effective date of the DRI DO.

9. The developer, and any successor landowner, will pay any All Hazards Tax properly levied by Lee County to provide for shelter space, upgrades to shelters, and to address other natural disasters.

10. Conditions C.1. through C.3. address the hurricane mitigation requirements for the initial 4050 units. The developer will mitigate the hurricane shelter impacts for units 4051 through 4400 by paying \$18.50 per unit to the Lee County Impact Fee

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Coordinator at the time of building permit approval. If the developer constructs an assisted living facility, the developer must comply with all aspects of Section 440.441(1)(b), F.S., as may be amended, including the preparation and submittal of a comprehensive emergency management plan that addresses emergency evacuation transportation and adequate sheltering arrangements for the ALF residents. The developer must update this plan annually. The County must use the funds paid pursuant to this condition to construct or upgrade hurricane shelter space in a location that will benefit the residents of the Pelican Landing Community. The eighteen dollar and fifty cents fee (1996 dollars) will be multiplied by the Dodge Data Service Building Cost Index for U.S. and Canadian cities for June 1 of each year subsequent to 1996, up to the time building permits are issued. This multiplier ensures payment of current dollars at the time the permits are issued. If the Building Cost Index is not available, the Consumer Price Index will be used instead, and applied by the method described above. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of building permits 4051 through 4400 then the Developer will pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above, and this condition will have no further force and effect.

D. Marina Facilities

1. The developer must create a conservation easement precluding the construction of additional docking facilities beyond those specifically authorized in this Development Order. This conservation easement will be in addition to the 4,000 foot conservation easement already required in Spring Creek. The location and extent of the conservation easement will be contingent upon navigability of the waterway, and will be established in association with the Florida Department of Environmental Protection (FDEP) permits.

2. All docking and dry storage facilities must be constructed in accordance with the terms and conditions of any FDEP permit or lease, and in accordance with any Lee County dock permit.

3. The developer has constructed dock and channel markers within Estero Bay. The Lee County Division of Natural Resources Management will be permitted to mount regulatory signs on the docks and channel markers owned by the developer. Lee County will be responsible for insuring that the addition of the regulatory signs does not cause the developer to be in violation of any permit condition or FDEP, Coast Guard, or other agency regulation. The regulatory signs will remain the property and maintenance responsibility of the Lee County Division of Natural Resources Management.

4. The marina operator must dispense manatee awareness brochures to all users of the marina facilities. The brochures must also include information regarding channel locations, proper boating routes, and shallow water habitats to be avoided.

5. The developer and marina operator must insure that the marina lighting is directed away from adjacent mangroves and estuarine systems to reduce any negative impacts to the wildlife using these areas.

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6. The marina operator will remove or cause to be removed from the marina any boat operator observed violating the guidelines set forth in the manatee awareness brochures or Lee County regulations regarding the protection of manatees.
7. The developer must designate and reserve one wet slip for the Florida Marine Patrol or the Lee County Sheriff's Special Response Unit, if needed by these agencies.
8. The shuttle boat captain and marina operator must keep a log of all manatee sightings. The log must reflect the locations, time and date of the sighting, the number of manatees, and the nature of their activity if it can be determined. The log should also note the name of the person recording the sighting. This information must be forwarded to Lee County and FDEP on a periodic basis.
9. The developer must construct an educational board on a Kiosk at the Beach Park. The educational board will be created in conjunction with the Lee County Division of Natural Resources Management, Marine Sciences Program and Turtle Time.
10. The developer will comply with all water quality monitoring requirements imposed by the FDEP and the SFWMD.
11. Any boat wash areas must have a closed loop system that captures and recirculates the water through a filtration or other acceptable system. Any boat repair and maintenance facilities must be in an enclosed, roofed, impervious surfaced area to limit the run-off of contaminated water during a storm event.
12. Once a year the marina operator shall host an Educational and Hurricane Preparedness Workshop for all tenants in the wet slip area. The marina operator shall provide the facility for the seminar and must insure that all tenants are invited. The marina operator will establish the date and time for the workshop in conjunction with Lee County Emergency Management and the Lee County Division of Natural Resources Management, Division of Marine Sciences. Lee County will provide a trained representative who will educate the tenants on natural resources awareness, manatees, safe boating practices and on proper procedures, prior to and during a hurricane.
13. The dry storage facilities must be located in a building or structure which is designed and constructed to meet all requirements of the Standard Building Code, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has conducted Protected Species surveys in accordance with the Florida Game and Fresh Water Fish Commission (FGFWFC) guidelines and the Lee County Land Development Code. These surveys identified the presence of the following protected species: bald eagle, wood stork, little blue heron, tricolored heron, reddish egret, snowy egret, white ibis, piping plover, Southeastern snowy plover, least tern, American

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oystercatcher, black skimmer, brown pelican, Atlantic loggerhead sea turtle, and gopher tortoise.

1. There were three bald eagle's nests of concern prior to development order adoption. One nest is on the Pelican Landing property. The other nests are within 1500 to 1600 feet of Pelican Landing. The buffers that will affect Pelican Landing property will be established in an on-site eagle habitat management plan addressing the Pelican Landing property only.

Prior to development within 2500 feet of any eagle nest, the Developer shall prepare an on-site eagle management plan addressing the Pelican Landing DRI property only which shall be reviewed by DCA, SWFRPC, FGFWFC Lee County, and USFWS. Said groups shall have a fifteen working day review period and must provide all comments to Lee County and the Developer in writing. The agencies must provide specific written objections or concerns if any, regarding the management plan and indicate how those concerns can be addressed by the developer.

The Developer will revise the management plans to respond to the lawful and timely objections. The agencies will review and respond to the management plan resubmittal, and any successive resubmittals, within fifteen working days of submittal. The agencies will provide a written response to Lee County and the Developer, which reflects that there is no objection to the management plan or which outlines specific objections and concerns. The agency response will indicate how any concerns or objections can be addressed by the developer. Lee County and DCA will have the final approval authority. The management plan will be deemed approved by the County and DCA if the respective agency fails to provide a written response within fifteen working days. The approval of the management plan will not be unreasonably withheld. If a proposed management plan includes development within 750 feet of an eagle's nest, the plan must also be submitted to the Lee County Eagle Technical Advisory Committee (ETAC). ETAC will review the plan and forward recommendations to the FGFWFC and USFWS.

The 2,500 foot limitation is intended to be a temporary restriction to insure the submission and approval for a management plan on a timely basis. The final primary and secondary buffer zones may be less than 2,500 feet. An eagle management plan will be included as part of an upland habitat protection area management plan.

2. A local development order for the Hickory Island Beach Park has been issued which permits construction of beach park infrastructure. This local development order included a protected species survey and phased Preliminary Management Plan (PMP). The PMP incorporated Lee County Division of Natural Resources Management (DNRM) and Florida Game and Fresh Water Fish Commission (FGFWFC) recommendations.

The PMP requires the developer to provide the County with a conservation easement over the entire parcel, except for the active building areas approved through the local development order. The PMP permits a refinement of the conservation easement boundaries after completion of a one year utilization study, the final conservation

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easement shall be consistent with the provisions of Section 704.06, Florida Statutes. For the purpose of this DRI D.O., Section 704.06, F.S. will not preclude educational signage, and signage and land management activities required by the management plan, including but not limited to the removal of exotic vegetation.

The objectives of this one year study were: 1) determine shorebird utilization of land under Developer's ownership based on detailed surveys and prepare a shorebird management plan, 2) analyze beach vegetation and prepare a maintenance plan, and 3) monitor beach use by Pelican Landing visitors. Additionally, the PMP requires surveys for identification and protection of sea turtle nests, the construction of three osprey platforms, and a review of the elements of the overall plan to be conditioned on the DRI DO.

The Developer must submit a Final Management Plan to Lee County, FGFWFC, and DCA within 18 months of the effective date of the DRI DO, which was November 14, 1994. Lee County, FGFWFC, and DCA will review the management plan within fifteen working days of submittal. The DCA, and Lee County must provide a written response to the proposed final management plan which reflects that there is no objection or outlines the specific objections and concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. The FGFWFC must provide all lawful objections within the same fifteen working day time frame.

If there are valid legal objections to the management plan, the Developer will revise and resubmit the plan to DCA, FGFWFC, and Lee County. DCA, Lee County, and FGFWFC will review the resubmittal, and any successive resubmittals, within fifteen working days. The agencies will provide a written response which reflects either the approval of the management plan or which outlines the specific objections and concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. DCA and Lee County may not unreasonably withhold approval of the management plan. If the agencies do not provide a written response within the prescribed time frames, the management plan will be deemed approved. The Final Management Plan Approval from Lee County must be obtained prior to the issuance of the Certificate of Compliance for local development order #90-10-003.00D.

3. The projected gopher tortoise burrow count is 439, based on an estimate of FGFWFC habitat guidelines, 75 acres to gopher tortoise habitat must be protected.

The Developer will set aside a 78± acre area of xeric scrub and pine flatwoods to mitigate the impacts to the upland gopher tortoise habitat. This area will be known as the Pelican Landing Eco-Park. The Eco-Park area contains significant portions of the xeric oak habitat existing on the Pelican Landing DRI site.

A Gopher Tortoise Population Study and Management Plan was submitted to the Florida Game and Fresh Water Fish Commission on or about December 22, 1993. The Developer shall submit a copy for the management plan to the DCA, SWFRPC, and Lee County for review prior to the commencement of development in any area containing gopher tortoise habitat, beyond that approved in the Preliminary Development Agreement.

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The agencies shall have a fifteen working day review period. The agencies shall provide all lawful objections and concerns regarding the management plan to Lee County and the Developer in writing. The Developer will submit a revised management plan to DCA and Lee County that responds to the lawful objections. DCA and Lee County will review the management plan resubmittal, and any successive resubmittals, within fifteen working days of submittal. The agencies will provide a written response which approves the management plan or which outlines specific objections or concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. DCA and Lee County may not unreasonably withhold the approval of the management plan. Should DCA and Lee County not provide a written response within the prescribed time frames, the management plan will be deemed approved by the agency that failed to provide timely written comments. The Developer has submitted for an Incidental Take Permit for the gopher tortoises located outside of the Eco-Park in the undeveloped portion of Pelican Landing. The Developer shall obtain an Incidental Take Permit prior to proceeding with development within gopher tortoise habitat areas.

The gopher tortoises addressed by the Incidental Take Permit shall be relocated to the Eco-park, or other appropriate open space areas within Pelican landing. The Eco-Park mitigates for regional impacts to the gopher tortoise population and xeric scrub within the Pelican Landing DRI.

4. All areas designated as Preserve on the adopted Map H must remain undeveloped and be owned, maintained, and managed by an Improvement District or a similar legal entity. No lot lines shall be allowed within any preserve areas. The following uses are permitted within Preserves: habitat management activities, hiking and nature study, outdoor education, recreational fishing, gates and fencing, and boardwalks limited to pedestrian use. Trimming of mangroves for residential visual access to Estero Bay or Spring Creek shall be prohibited in wetland areas #14 and #21 (as identified in DRI ADA) and Bay Cedar Phase II (along Spring Creek).

The Developer will grant a conservation easement consistent with Section 704.06., Florida Statutes for the Eco-Park to an entity approved by DCA. The Developer must submit a draft of the proposed conservation easement to DCA for review and comment. DCA must provide comments on the draft easement within 15 days so as not to unduly delay development. Once approved by DCA, the Developer will record the conservation easement in the Lee County Public Records prior to the issuance of a local Development Order or "Early Work" approval for any area containing gopher tortoise habitat other than areas approved in the PDA. The conservation easement may be drafted so as to allow use of the Eco-Park for resource-based recreational activities, enjoyment of nature and education enrichment, including, but not limited to: Picnic areas, trails, benches, boardwalks, biking/jogging trails, vita courses, bird viewing blinds/towers and interpretative facilities, signs, on-going maintenance and removal of exotic vegetation and compliance with the management plan required per the FGFWFC. Educational and directional signage will be permitted within the Eco-Park. For the purposes of this DRI D.O. the prohibition of signage included within Section 704.06, Florida Statutes applies to off-site signs and billboards. The removal of exotics, controlled burns and the maintenance of the vegetation in accordance

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with the Eco-Park management plan will be permissible in the conservation easement notwithstanding the provisions of Section 704.06, Florida Statutes which prohibit the destruction of trees.

5. Should any orchids, wild pine air plants, Florida Coonties, Catesby's lilies, leather ferns, royal ferns, or cabbage palms with gold polypody and shoestring ferns be located within development areas, best efforts must be used to relocate these plants to open space and landscaped areas.

6. As part of local development order approval for any phase of the development, an invasive exotic vegetation removal and maintenance plan must be submitted to the Division of Natural Resources Management for approval. At a minimum, this plan must be structured to provide for the phased removal of invasive exotic vegetation and maintenance to control exotic re-invasion within the wetland and upland preserve areas. Removal within preserve areas may be done on a pro rata basis as phased local development orders are obtained.

7. The existing Pelican's Nest golf course includes native vegetation along the rough and between golf holes. The applicant must continue to incorporate the native vegetation into the design of future golf holes, where feasible. Native vegetation has been retained on individual lots and between tracts in the existing developed area of Pelican Landing. Where feasible, the applicant will continue to incorporate native vegetation into the open space and landscaped areas.

8. The applicant must design the golf course and conduct maintenance, which includes fertilization and irrigation, in a manner which is sensitive to the water and nutrient needs of the native xeric vegetation in and around the golf course. However, this condition will not be interpreted in a manner which forces the applicant to jeopardize the health and viability of the golf course.

9. Upon approval of the management plans referenced in the above, the approved management practices shall then be considered a part of this development order for reinforcement purposes, and shall be enforceable in the same manner as a condition of this development order.

10. This project may result in the filling onto more than 8 acres of wetlands. The mitigation for the impact to wetlands will be determined at the time of final permitting, but the mitigation should include the removal of exotic invasives, the restoration of historic hydroperiods, and a total of not more than ten acres of littoral zone plantings.

F. Solid/Hazardous/Medical Waste

1. All storage, siting, and disposal of hazardous wastes and/or hazardous materials must be accomplished in accordance with federal, state, and local regulations. The business owner/operator is responsible for compliance with all permitting, reporting,

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emergency notification provisions and other regulations relating to hazardous materials and hazardous wastes.

2. All business owners and operators must insure that regulated substances are loaded, off-loaded and stored in an area that is curbed and provided with an impervious base. The impervious base must be maintained free of cracks and gaps so as to contain any spills or leaks.
3. Outdoor storage of hazardous waste is prohibited.
4. Restaurants must be outfitted with grease traps or approved equivalent systems. The owner/operators of any restaurant must follow all applicable codes and regulations for cleaning and maintaining grease traps.
5. If any hotel pool utilizes gaseous chlorine, the pool must be equipped with chemical sensors, alarm devices, or other comparable equipment. The hotel owner/operator shall be responsible for compliance with this requirement and notice of this responsibility/ obligation must be included on all deed transfers or lease agreements.
6. Any business that generates hazardous waste defined by the Code of Federal Regulations 40 CFR Part 261, shall notify the Division of Natural Resources Management for an assessment as required by Section 403.7225, Florida Statutes. This assessment will address any deficiencies in the management practices of hazardous waste generated at the facility.
7. The developer, or any subsequent owner of the golf course, must insure that the golf course maintenance equipment is handled in accordance with all federal, state and local regulations. Specifically, the developer will insure that all wash down facilities comply with FDEP rules regarding chemical residue, and insure the continued recycling of motor oil from maintenance equipment, and insure recycling of used motor oil, used oil filters, anti-freeze, lead acid batteries, cleaning solvents, shop rags, and aerosol cans.
8. The developer must investigate the feasibility of mulching trees and brush for on-site needs.
9. The developer/property owner of each commercial parcel which will be used to store, manufacture or use hazardous materials, shall contact the Lee County Office of Emergency Management, Hazardous Material Representative, prior to obtaining a development order, to discuss the proposed development in relation to potential type, and storage of hazardous materials which will be located on the premises.
10. If required by federal, state and/or local regulations:
 - a. The developer/property owner shall prepare or have available material safety data sheets (MSDS) and submit either copies of MSDS or a list of MSDS

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chemicals to the appropriate fire department or district and to the Lee County Division of Public Safety.

b. The developer/property owner shall establish an emergency notification system to be used in the event of a hazardous material release.

G. Stormwater Management

1. The surface water management system must be designed, constructed and operated in accordance with the pertinent provisions of Chapters 373 and 403, Florida Statutes; Chapter 40E, Florida Administrative Code; and the South Florida Water Management District "Basis of Review", and any pertinent local regulations regarding the design, construction and maintenance of the surface water management system. This condition applies to anyone obtaining a local Development Order within Pelican Landing. The Bayside Improvement District (a district formed pursuant to Chapter 190, Florida Statutes), must insure that the portion of the system under the ownership and control of the district is operated in accordance with the pertinent portion of the regulatory provisions cited above, and any permit (construction or operation) issued by the SFWMD. Individual lot owners with on-site wetlands or stormwater retention or detention areas under their control must comply with the pertinent portion of the regulatory provisions cited above and any permit issued by the SFWMD.

2. Water Control Structures must be installed as early in the construction process as practicable to prevent over-drainage or flooding of preserved wetland areas. If the SFWMD establishes a construction schedule or scenario that is contrary to this condition, the permit requirement of SFWMD will control.

3. Any shoreline banks created along on-site stormwater wet detention lakes must include littoral zones constructed consistent with SFWMD requirements. The shoreline banks must be planted in native emergent and submergent vegetation. The developer must establish and maintain, by supplemental planting if necessary, 80 percent cover by native aquatic vegetation within the littoral zone for the duration of the project. The littoral zone will include, at a minimum, the area between high water and ordinary low water.

4. The Bayside Improvement District, and/or all property owners, must undertake a regularly scheduled vacuum sweeping of common streets, sidewalks and parking facilities within the development.

5. The developer must implement the best management practices for monitoring and maintenance of the surface water management systems in accordance with Lee County and South Florida Water Management District guidelines.

6. The SFWMD shall establish all internal surface water management and wetland systems. The developer must set aside all internal surface water management and wetland systems as private drainage easements, common areas, or preserves. These areas

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must also be identified as specific tracts on the recorded final plat or some other legally binding document acceptable to the County Attorney's office.

H. Transportation

1. Significant Impact

a. The traffic impact assessment for this project assumes the development parameters and land uses shown in Attachment B, "Pelican Landing DRI Development Parameters". The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (2002). Each annual monitoring report, described in Paragraph 4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code AC-13-16, dated August 8, 1991, see Attachment C) the following roadways and intersections:

<u>Planning Horizon I (1997)</u>	<u>Needed Improvement</u>
US 41/Corkscrew Road	- Signal retiming
US 41/Williams Road	- Signalization, if warranted
US 41/Coconut Road	- Signalization, if warranted
US 41/Pelican Commercial Entrance	- Northbound left turn lane
	- Southbound right turn lane
	- Eastbound right turn lane
US 41/North Pelican Entrance	- Northbound left turn lane
	- Southbound right turn lane
	- Eastbound left and right turn lanes
	- Signalization, if warranted
US 41/Pelican Landing Parkway/Old 41	- Southbound dual left turns
	- Signal retiming
US 41/Pelican's Nest Drive	- Northbound left and right turn lanes
	- Southbound left and right turn lanes
	- Eastbound left and thru/right lanes
	- Westbound left and thru/right lanes
	- Signalization, if warranted
US 41/Terry Street	- Signal retiming
US 41/Bonita Beach Road	- Signal retiming
Coconut Road/Spring Creek Road	- Separate NB left & right turn lanes
	- Separate EB thru and right turn lanes
	- Separate WB thru and left turn lanes
<u>Buildout (2002)</u>	

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Corkscrew Road

- Three Oaks Parkway to 1-75 Old 41
- Bonita Beach Road to Terry St.

- Widen to 4 lanes
- Constrained (no widening possible; maximum v/c ratio of 1.85 per 1993 Lee Plan Policy 22.1.9)

US 41

- Immokalee Road to Old 41 (Collier County)
- Bonita Beach Road to West Terry Street
- West Terry Street to Pelican's Nest Drive
- Coconut Road to Williams Rd.
- Constitution Boulevard to Alico Road

- Widen to 6 lanes
- Widen to 6 lanes
- Widen to 6 lanes
- Widen to 6 lanes
- Widen to 6 lanes

US 41/Corkscrew Road

- Separate EB left and thru/right lanes
- Westbound dual left turn lanes
- Signal retiming

US 41/Williams Road

US 41/Coconut Road

- Signalization, if warranted
- Separate EB left and right turn lanes
- Signalization, if warranted

US 41/Pelican Commercial Entrance

- Northbound left turn lanes
- Southbound right turn lane
- Eastbound right turn lane

US 41/North Pelican Entrance

- Northbound left turn lane
- Southbound right turn lane
- Eastbound left and right turn lanes
- Signalization, if warranted

US 41/Pelican Landing Parkway/Old 41

- Southbound dual left turn lanes
- Northbound dual left turn lanes
- Eastbound thru/right turn lane
- Westbound two thru lanes
- Signal retiming

US 41/Pelican's Nest Drive

- Northbound left and right turn lanes
- Southbound left and right turn lanes
- Eastbound left and thru/right lanes
- Westbound left and thru/right lanes
- Signalization, if warranted

US 41/Terry Street

- Northbound dual left turn lanes
- Separate WB thru and right turn lanes
- Signal retiming

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US 41/Bonita Beach Road	-	Signal retiming
Coconut Road/Spring Creek Road	-	Separate NB left and right turn lanes
	-	Separate EB thru and right turn lanes
	-	Separate WB thru and left turn lanes

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County Land Development Code to mitigate Pelican Landing's transportation impacts on the non-site related roads and intersections set forth in Section ~~H.1.b.~~ H.1.b. above. Road Impact Fees are estimated to be ~~\$8,783,000~~ \$8,900,000 for the land uses identified in Attachment B. Road Impact Fee payments represent the DRI's proportionate share payment for all road and intersection improvements identified in Condition H.1.b. as significantly impacted by this project and operating below the adopted level of service standard by 2002. Estimated Road Impact Fees from this project exceed the community's estimated proportionate share dollar amount of all significantly impacted roadway improvements.

If the Land Development Code Chapter governing Impact Fees is repealed, reduced, or made unenforceable by court petition, the Pelican Landing DRI will continue to pay, per individual permit, an amount equivalent to Road Impact Fees prior to such repeal, reduction or court petition. If payment is not made consistent with that schedule, then a substantial deviation will be deemed to occur, and the traffic impacts of Pelican Landing DRI must be reanalyzed to determine appropriate alternative mitigation prior to the issuance of further building permits for the Pelican Landing DRI.

All road impact fee monies paid by the Pelican Landing DRI after adoption of this DRI Development Order will be applied by Lee County toward the non-site related improvements included in Transportation Condition ~~H.1.b.~~ H.1.b., provided those improvements are deemed necessary to maintain the adopted level of service standards and are included in the County's Capital Improvement Program. Should the identified improvements be funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, an intersection or roadway improvement identified in Paragraph ~~H.1.b.~~ H.1.b., those improvements may be eligible for Road Impact Fee credits. The determination of whether such credits will be granted will be made consistent with the procedures outlined in the Land Development Code.

c. The developer must dedicate 60 feet of right-of-way for Burnt Pine Drive North, from Pelican Landing Parkway to Coconut Road, a distance of 6,926 feet; and for Burnt Pine Drive South from Pelican Landing Parkway to Pelican's Nest Drive, a distance of 2,326 feet. The developer must construct, as a two-lane access road, Burnt Pine Drive

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North from Pelican Landing Parkway to Coconut Road, and Burnt Pine Drive South from Pelican Landing Parkway to Pelican's Nest Drive. Credits, if any, for the right-of-way dedication and construction identified above will be issued consistent with the procedures outlined in the Land Development Code. Dedication of the roadway right-of-way and construction of Burnt Pine Drive will occur as follows:

1) Burnt Pine Drive South from Pelican Landing Parkway to Pelican's Nest Drive: coincident with the Certificate of Compliance for the commercial parcel located in the northeast quadrant of the intersection of Burnt Pine Drive South and Pelican's Nest Drive.

2) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 25 feet of additional right-of-way along the south side of Coconut Road from US 41 west to Spring Creek Road to ensure that improvements to Coconut Road are not precluded. Such right-of-way will be dedicated to Lee County if and when requested. Credits, if any, for the right-of-way dedication will be granted at the time of dedication, and must be consistent with the Land Development Code in effect at that time.

e. As a mitigation option, the developer may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize the advance payment to accelerate the Project Design & Environmental (PD&E) Study for US 41 from the Collier County line to San Carlos Boulevard. The PD&E Study is currently scheduled in FDOT's Tentative Five Year Work Program for fiscal year 1998/99 (WPI #1114700).

3. Access and Site-Related Improvements

a. The developer will be fully responsible for site-related roadway and intersection improvements required within the Pelican Landing DRI. The developer must pay the full cost for any site-related intersection improvements (including but not limited to signalization, turn lanes and additional driveway through lanes) found necessary by Lee County or the Florida Department of Transportation (FDOT) permitting requirements for the Community's access intersections on US 41, Coconut Road and Spring Creek Road.

b. The Pelican Landing DRI site access points will be located and developed consistent with the Florida DOT's access management classification for US 41, unless otherwise approved by the Florida DOT. Improvements to those access points will be consistent with the Department's permitting requirements.

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c. Site-related improvements will be as defined in the Land Development Code.

d. Except for Spring Creek Road and Coconut Road, all roads located within Pelican Landing will be maintained by the Bayside Improvement District (BID), unless subsequently dedicated to and accepted by Lee County.

4. Annual Monitoring Report

a. The developer will submit an annual traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

The first monitoring report will be submitted one year after the date of the issuance of this DRI Development Order. Reports must be submitted annually thereafter until buildout of the project.

b. The monitoring report will be designed in cooperation with the Lee County Department of Transportation, FDOT, the SWFRPC and the FDCA prior to the submittal of the first report. The methodology of the annual traffic monitoring report may be revised if agreed upon by all parties.

c. The annual traffic monitoring report must contain the following information:

(1) P.M. peak hour existing volumes and turning movement counts at all site access onto US 41 and Coconut Road, and a comparison to the project trip generation assumed in the DRI analysis.

(2) For existing conditions and a one-year projection, P.M. peak hour peak season turning movement counts, Pelican Landing's estimated share of traffic, and an estimated level of service for the intersections identified in Paragraph H.1.b. as impacted by this project.

(3) For existing conditions and a one-year projection, P.M. peak hour peak season traffic counts, Pelican Landing's estimated share of traffic, and an estimated level of service for the roadway links identified in Paragraph H.1.b. as impacted by this project through buildout.

(4) An estimate of when the monitored roadways and intersections will exceed adopted levels of service.

(5) A summary of the status of road improvements assumed to be committed in the ADA, including the following:

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<u>Roadway</u>	<u>Segment</u>	<u>Improvement</u>	<u>Schedule</u>
Pelican's Nest Dr.	Pelican's Nest to US 41	0 to 2	Planning Horizon I (1997/98)
Corkscrew Road	1-75 to Treeline Ave.	2 to 4	Planning Horizon I (1997/98)
US 41	Alico Rd. to Island Park Rd.	4 to 6	Planning Horizon I (1997/98)
US 41	Island Park Rd. to south of Daniels Parkway	4 to 6	Planning Horizon I (1997/98)
Bonita Beach Road	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (1997/98)

(6) A summary of the roadway and intersection improvements listed in Paragraph H.1.b. that have been constructed, and the program status of the remainder.

d. If the annual monitoring report confirms that the peak season P.M. peak hour traffic on the significantly impacted roadways exceeds the level of service standards adopted by Lee County, or is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume during peak hour peak season traffic conditions, then further local development orders, building permits and certificates of occupancy may not be granted until the standards of the County's concurrency management system have been met. This means that adequate district-wide level of service capacity must be available through 1999. After 1999, significantly impacted individual links must be operating at the adopted level of service, or an improvement to achieve the adopted level of service is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the annual traffic monitoring report confirms that the peak season P.M. peak hour traffic on the segment of US 41 in Collier County from Immokalee Road to Old US 41 exceeds the level of service standard adopted by Collier County and if the project is utilizing more than 5% of level of service D service volume during peak hour, peak season traffic conditions, then further building permits may not be granted until the subject roadway segment is committed for construction by the Florida Department of Transportation and/or Collier County.

f. In the event the developer confirms that no additional development occurred on any portion of the site for the year, even after the approval of a local

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development order, they may submit a Letter of "No Further Transportation Impact" in lieu of fulfilling the transportation monitoring portion of the Annual Monitoring Report.

I. Wastewater Management/Water Supply

1. The developer or the Bayside Improvement District must obtain a South Florida Water Management District Water Use Permit, or a Modification to an existing Consumptive Use Permit for any water withdrawals, and for dewatering activities proposed in connection with on-site construction that does not qualify for a No Notice General Permit, under Rule 40E-20.302(4), F.A.C.
2. Builders within Pelican Landing must utilize ultralow volume plumbing fixtures, self-closing or metered water faucets, and other water conserving devices/methods consistent with the criteria outlined in the water conservation element of the Bonita Springs Utilities, Incorporated, SFWMD Water Use Permit or the water conservation element of any other approved utility provider utilized by the Development.
3. Developers must utilize xeriscape principles in the landscape design of the project to further the conservation of nonpotable water.
4. If reclaimed water is available for use within the project to address a portion of the project's irrigation demands, the developer or Bayside Improvement District, as appropriate, must ensure that on-site lakes, wetlands, and the surface water management system are protected in accordance with the requirements of the SFWMD and FDEP.
5. The developer must provide written assurance that any hazardous commercial effluent, generated by the project, will be treated separately from domestic wastewater, and handled in accordance with FDEP regulations.
6. Except for temporary septic tanks for construction trailers or for sales offices/models, septic tanks are prohibited.
7. All potable water facilities, including any on-site potable water treatment system, must be properly sized to supply average and peak day domestic demand, as well as fire flow demand. The facilities shall be constructed and sized in accordance with all pertinent regulations of the FDEP, Lee County, and any Fire Control District with jurisdiction.
8. All irrigation systems constructed for the golf course, landscaped areas and commercial/office portions of the project must be designed to accommodate effluent for irrigation use. Reclaimed water, to the extent it is available, must be used to address irrigation needs. The remaining demand will be satisfied through approved groundwater or surface water withdrawals. Reclaimed water must be used in accordance with all applicable regulations.

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J. Police and Fire Protection

1. Construction must comply with the fire protection requirements of all building, development, and life safety codes adopted by Lee County.

2. Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, must file hazardous materials reporting applications in accordance with Sections 302 and 312. Each reporting facility must update these applications annually.

3. The developer must provide for the emergency medical service impacts and fire protection impacts generated by the proposed development as defined by Lee County regulations.

4. If access to development is through a security gate or similar device that is not manned 24 hours per day, the developer must install an override switch in a glass-covered box for use by emergency vehicles, or a comparable system that permits emergency vehicles to access the project.

5. The project's impact on fire protection and rescue service delivery will be met by the ad valorem taxes, EMS impact fees and fire impact fees.

K. Interface Zone

1. The Developer will design, develop, and maintain any golf course constructed adjacent to the mangrove fringe area of Estero Bay in accordance with condition 14 a. through i. of Resolution Number Z-94-014. Adjacent to the mangrove fringe means any golf course constructed within 500 feet of the mangrove fringe.

2. The Developer will employ management strategies to address the potential for pesticide/chemical pollution of groundwater and surface water receiving areas, including but not limited to, Estero Bay, the mangrove fringe and any transition zone wetlands of Estero Bay which may result from the development of a golf course and water management areas within five hundred feet of the mangrove fringe of Estero Bay.

3. The management practices which the Developer will follow are as follows:

a. The use of slow release fertilizers and/or carefully managed fertilizer applications which are timed to ensure maximum root uptake and minimal surface water runoff or leaching to the groundwater.

b. The practice of integrated pest management (IPM) when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only

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at identified targeted species. The regular widespread application of broad spectrum pesticides is not acceptable. The IPM program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA-SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending on the site specific soil conditions. Application of pesticides within 100 feet of the jurisdictional mangrove system is prohibited.

c. The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.

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

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

4. The Developer will prepare a management plan for the application of herbicides, pesticides, and fertilizers on the proposed golf course adjacent to the mangrove fringe of Estero Bay. The plan will be prepared prior to the application of any herbicides, pesticides and fertilizers to the proposed golf course. The management plan will include a groundwater and surface water monitoring plan. The plan will provide for testing to assess whether there are any herbicide, pesticide, or fertilizer pollution of the water within the area of the golf course located within 500 feet of the mangrove fringe. The plan will identify the locations for the groundwater monitoring and testing on a map(s). The plan will set forth the testing and reporting requirements. The developer will submit the test reports with the annual monitoring report. The monitoring program will be established and operated at the expense of the Developer, the Bayside Improvement District, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 17-302, F.A.C., Water Quality Standards.

5. The Developer will submit a written surface and groundwater quality management plan to Lee County and DCA. The plan must be approved by DCA prior to the application of chemicals to the proposed golf course. The DCA will have 30 working days to review the management plan and approve or object to the plan in writing. The objections must be based on valid rules and regulations, and must identify how the concerns or issues can be addressed by the developer. The Developer must resubmit a revised water quality management plan to address the valid objections. DCA will have 30 days in which to review any revised management plan and must provide written comments or approval in the same manner as for the original management plan. Should DCA fail to provide a written response within the prescribed time frames, the plan will be deemed approved.

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6. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and should the pollution be caused by the application of fertilizers, herbicides or pesticides to the golf course adjacent to the mangrove wetlands, the application of the pollutant must cease until there is a revised management plan for the application of the pollutant. A determination that the application of fertilizers, herbicides or pesticides to the golf course are the cause and source of the pollution must be based on competent and substantial evidence. If mitigation is necessary to address the pollution, a mitigation plan approved by DCA will be implemented by the developer. The mitigation plan will be based on rules and regulations in effect at the time the plan is reviewed and approved. The approved mitigation plan will be enforceable as a condition of the Development Order.

7. The mangrove wetland jurisdiction line of Estero Bay will be buffered from the proposed golf course by a 100' undisturbed naturally vegetated corridor, except for water management facilities permitted by the South Florida Water Management District and except for the removal of exotic plants as required by Lee County. The 100' buffer area will run along the portion of the golf course that abuts the mangrove wetlands of Estero Bay.

8. All of the Interface Zone conditions will be interpreted and applied with the understanding that water quality is regulated by the DEP and the SFWMD. None of the Interface Zone conditions will be interpreted in a manner which is contrary to Section 403.021, F.S. Florida Statutes, the Florida Air and Water Pollution Control Act, and the rules adopted thereunder.

9. The Interface Zone conditions will not be interpreted in a manner contrary to public policy directives to utilize domestic reclaimed water. Pelican Landing will not be responsible for any harmful pollutants applied to the golf course via the reclaimed water, unless Pelican Landing has actual knowledge that the reclaimed water provided by the utility contains harmful pollutants.

10. The conditions set forth in this DRI DO do not preempt the authority of the South Florida Water Management District and the Department of Environmental Protection. Section 373.016, F.S. Florida Statutes provides that the legislature has vested the authority in the DEP/SFWMD to accomplish the conservation, protection, management, and control of the waters of the state. To the extent that any requirements of DCA, SWFRPC, or Lee County pursuant to this DRI DO are contrary to those of the SFWMD/DEP, in areas where the SFWMD and DEP have been given preemptive authority, the requirements of the SFWMD and the DEP will control.

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

1. This amended Development Order constitutes a resolution of Lee County, adopted by the Board of County Commissioners in response to the application filed by WCI Communities, L.P. to amend the Pelican Landing Development of Regional Impact Development Order.

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2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents which are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, but are not limited to the following:

- (a) Pelican Landing Application for Development Approval, stamped Received October 26, 1992;
- (b) Pelican Landing DRI sufficiency response, stamped Received February 5, 1993;
- (c) Pelican Landing DRI sufficiency response, stamped Received July 6, 1993;
- (d) Pelican Landing DRI sufficiency response, dated September 16, 1993; and
- (e) Pelican Landing DRI sufficiency response, stamped Received November 22, 1993.

3. Map H, last revised ~~April 2, 1996~~ May 27, 1997 and stamped received ~~April 15, 1996~~ June 13, 1997, is attached hereto as Attachment A and is incorporated by reference. It is understood that because it is a concept plan it is very general. The boundaries of development areas and location of internal roadways may be modified to accommodate topography, vegetation, market conditions, traffic circulation or other site related conditions as long as they meet local development regulations. This provision may not be used to reduce the acreage of the Eco-Park or other open space or preserve acreages. It is understood that the precise wetland boundaries are determined by the U.S. Army Corps of Engineers, SFWMD, FDEP and Lee County.

4. The Development Order is binding upon the developer(s) and its assignees or successors in interest. Where the Development Order refers to the Bayside Improvement District, lot owners, business owners, or other specific reference, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order which clearly apply only to the project developer are binding upon any builder/developer who acquires any tract of land within Pelican Landing DRI.

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

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

~~Third~~ Fourth Development Order

7. Any reference to a governmental agency will be construed to mean any future instrumentality which may be created and designated as successors in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

8. If any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision will in no manner affect the remaining portions or sections of the Development Order which will remain in full force and effect.

9. This Development Order grants limited approval and does not negate the developer's responsibility to comply with all applicable federal, state, regional and local regulations.

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

- (a) A substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans which create a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated in the review by the Southwest Florida Regional Planning Council; or
- (b) An expiration of the period of effectiveness of this Development Order.

Upon a finding that any of the above is present, the Board must order a termination of all development activity in the development affected by a substantial deviation or expiration of time until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes, and all local approvals have been obtained.

11. The project has a buildout date of 2002, and a termination date of 2005. This term is based on a ten year buildout and the recognition that a local Development Order, which is valid for three years, may be obtained in the tenth year.

12. The developer and the Bayside Improvement District may not exercise any rights of condemnation to acquire land within the development commonly known as Spring Creek Village, E1 Dorado Acres, Estero Bay Shores, Mound Key Estates and Spring Creek Estates.

~~Third~~ Fourth Development Order

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

14. The project will not be subject to down-zoning, unit density reduction, intensity reduction or prohibition of development until 2005 as long as the Lee Plan amendment proposed in association with this DRI to upwardly adjust the 2010 Overlay allocations for Subdistricts 801 and 806 is adopted and effective. If the County clearly demonstrates that substantial changes have occurred in the conditions underlying the approval of the Development Order through public hearings on an amendment to the zoning and/or this DRI Development Order then a down-zoning, unit density reduction, or prohibition of development may occur. These changes would include, but would not be limited to, such factors as a finding that the Development Order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety and welfare.

If the companion plan amendment is adopted, Lee County will reserve to this DRI, the appropriate uses from the allocations established for subdistricts (subdistricts 806/801) of the Lee Plan 2010 Overlay until 2005. This reservation has the effect of reserving all of the acreage transferred from Gateway to Pelican Landing for the duration of the Development Order.

15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, will submit a report annually to Lee County, SWFRPC, FDCA and all affected permit agencies. This report must describe the state of development and compliance as of the date of submission. In addition, the report must be consistent with the rules of the FDCA. The first monitoring report must be submitted to the Administrative Director of the DCA not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year of subsequent calendar years thereafter, until buildout. Failure to comply with this reporting procedure is governed by Section 380.06 (18), Florida Statutes. The developer must inform successors in title to the undeveloped portion of the real property covered by this Development Order of this reporting requirement. This requirement may not be construed to require reporting from tenants or owners of individual lots or units.

16. The Developer applied for an amendment to the DRI DO within six months of the effective date of this Development Order. The amendment to this Development Order incorporated the portion of the Spring Creek DRI located west of US Highway 41 into the Pelican Landing DRI. The amendment contained a description of that portion of the Spring Creek DRI (and the conditions of the Spring Creek Development Order which are applicable to the Spring Creek West property). The impacts of the Spring Creek development will not be considered separately or cumulatively in any future change to the Pelican Landing Development Order. A change in the development plan for the Spring Creek property could be a substantial deviation which would require further analysis of Spring Creek West. The amendment was adopted solely for the purpose of consolidating Spring Creek West and

~~Third~~ Fourth Development Order

Pelican Landing under the same Development Order and none of Spring Creek West's vested rights will be lost because of the amendment.

17. The County will forward certified copies of this Development Order to the SWFRPC, the developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, the developer must record notice of its adoption in the office of the Clerk of the Circuit Court, as provided in Section 380.06(15), Florida Statutes.

THE MOTION TO ADOPT this Amendment was offered by Commissioner Judah and seconded by Commissioner Manning and upon poll of the members present, the vote was as follows:

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

DULY PASSED AND ADOPTED this 17th day of November, 1997 .

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: *John E. Albion*
Vice - (Chairman)

ATTEST:

CHARLIE GREEN, Clerk

By: *Lisa S. Pierce*
Deputy Clerk

APPROVED AS TO FORM

By: *Anna E. [Signature]*
County Attorney's Office
State of Florida
County of Lee

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

Given under my hand and official seal at Fort Myers, Florida, this 24th day of November, A.D. 1997

FILED

NOV 21 1997

CLERK *Lisa S. Pierce*
BY *Lisa S. Pierce* D.C.

11/17/97

CHARLIE GREEN, CLERK
By: *Lisa S. Pierce*
Deputy Clerk

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ATTACHMENT "B"
THIRD ~~FOURTH~~ AMENDMENT
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS

Land Use	Units ¹	Existing (1992)	Planning Horizon I (1997)	Buildout Total (2002)
Residential	DU	969	2,433	4,400
Single Family	DU	373	625	665
Multi Family	DU	596	1,808	3,735
Retail ²	GFA	11,000	291,000	<u>461,050</u> 540,000
Office ³	GFA	40,000	150,000	245,000
Hotel/Motel	Rooms	0	<u>750</u> 450	<u>750</u> 450
Recreation Uses				
Pelican Nest Golf Course/Clubhouse/Practice Range	Holes	29	38	38
Range Club Golf Course	Holes	0	9	9
Tennis Center	Courts	0	6	12
Coconut Marina	Boat Slips			
	Wet	24	48	48
	Dry	0	150	150
Redfish Point	GFA	5,000	5,000	5,000
	Boat Slips			
	Wet	15	15	15
Other ⁴	Boat Slips			
	Wet	2	2	2

Footnotes:

- 1 Units
 DU - Dwelling Units
 GFA - Square Feet of Gross Floor Area
- 2 Includes conference center, community center and clubhouse/marina
- 3 Includes "Foundations"
- 4 Ancillary Use

PLANNING NOTES:

CURRENT ZONING: PELICAN LANDING CPD
TYPE/LAND USE: COMMERCIAL
TOTAL FOOT PRINT AREA: 21,476 SF
GROSS FLOOR AREA: 42,952 SF
BUILDING USES: GENERAL / MEDICAL OFFICE

LOT 1:	REQUIRED	PROVIDED
BUILDING HEIGHT MAXIMUM:	8 STORIES OR 95'	2 STORIES
MAXIMUM LOT COVERAGE:	40%	12.89%
MINIMUM LOT AREA:	20,000 SF	83,414 SF
LOT 2:	REQUIRED	PROVIDED
BUILDING HEIGHT MAXIMUM:	8 STORIES OR 95'	2 STORIES
MAXIMUM LOT COVERAGE:	40%	12.85%
MINIMUM LOT AREA:	20,000 SF	83,459 SF

PARKING REQUIREMENTS:

EXISTING DEVELOPMENT			
LOT 1 @ 1 PER 300 SF (GEN. OFFICE):	20,250 SF	68 SPACES	72 SPACES
LOT 2 @ 1 PER 300 SF (GEN. OFFICE):	20,250 SF	68 SPACES	85 SPACES
PROPOSED DEVELOPMENT			
LOT 2 @ 1 PER 200 SF (MED. OFFICE):	20,250 SF	101 SPACES	103 SPACES
BICYCLE PARKING @ 5% OF REQUIRED MOTOR VEHICLE PARKING		5 SPACES	5 SPACES

MODIFIED PARKING AREA
(INCREASE OF 18 SPACES
FOR LOT 2)

LOT 1: LAND USE SUMMARY

USE	ACRES	% OF SITE
BUILDING AREA	0.25 ACRES	12.89%
PAVEMENT	0.89 ACRES	45.88%
GENERAL OPEN SPACE	0.60 ACRES	30.93%
LANDSCAPE BUFFERS	0.20 ACRES	10.30%
TOTAL SITE AREA	1.94 ACRES	100%

LOT 2: LAND USE SUMMARY

USE	ACRES	% OF SITE
BUILDING AREA	0.25 ACRES	13.02%
PAVEMENT	0.92 ACRES	47.92%
GENERAL OPEN SPACE	0.61 ACRES	31.77%
LANDSCAPE BUFFERS	0.14 ACRES	7.29%
TOTAL SITE AREA	1.91 ACRES	100%

LOT 3: LAND USE SUMMARY

USE	ACRES	% OF SITE
LANDSCAPE AREA	0.57 ACRES	100%
TOTAL SITE AREA	0.57 ACRES	100%

OVERALL OPEN SPACE SUMMARY

	REQUIRED	PROVIDED
OPEN SPACE (20% OF TOTAL SITE)	0.88 ACRES	2.12 ACRES
GENERAL OPEN SPACE		1.78 ACRES
LANDSCAPE BUFFERS		0.34 ACRES

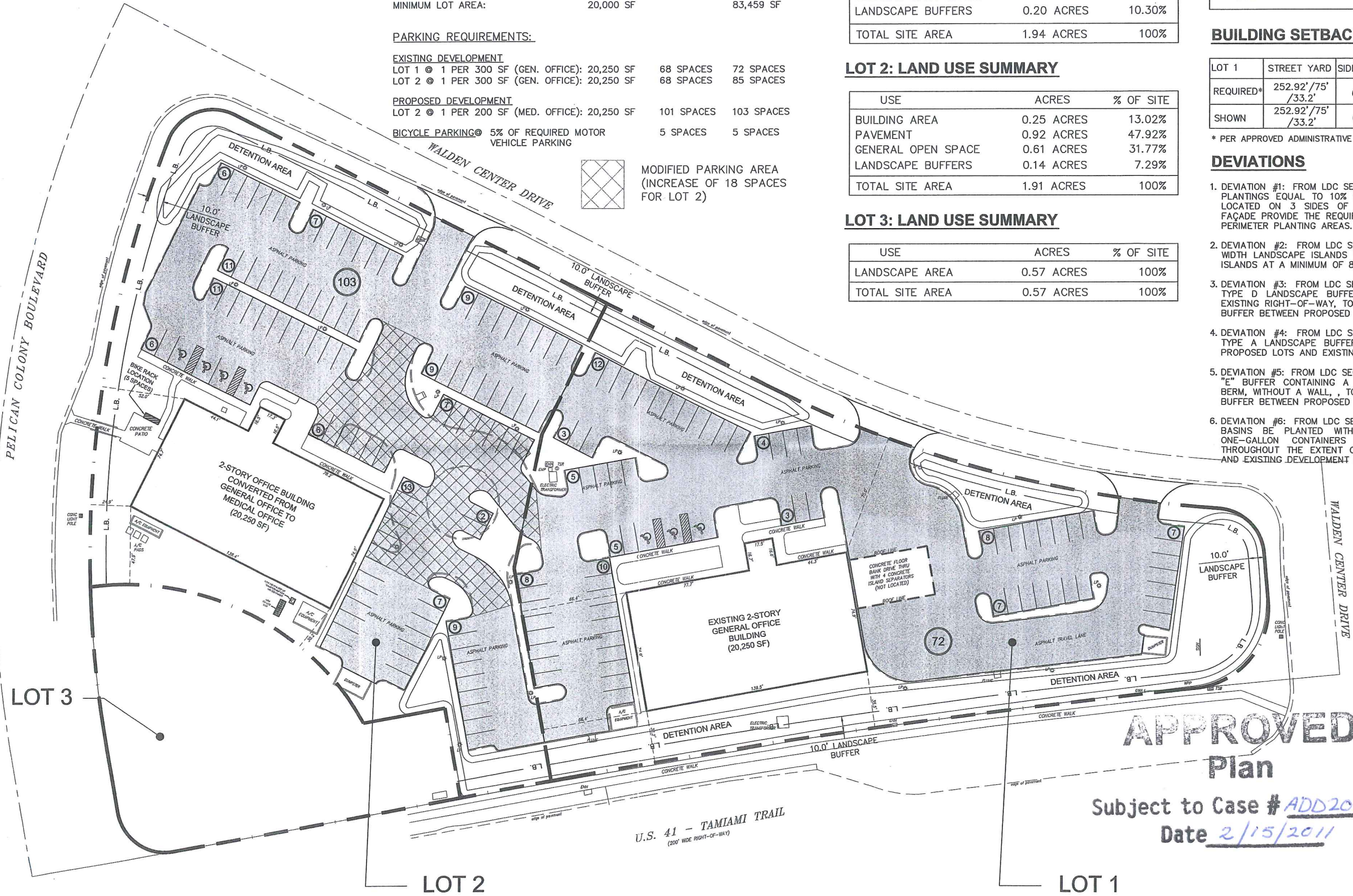
BUILDING SETBACKS

LOT 1	STREET YARD	SIDE YARD	LOT 2	STREET YARD	SIDE YARD
REQUIRED*	252.92' / 75' / 33.2'	66.4'	REQUIRED*	153.36' / 24.9'	30.2' / 87.9'
SHOWN	252.92' / 75' / 33.2'	66.4'	SHOWN	153.36' / 24.9'	30.2' / 87.9'

* PER APPROVED ADMINISTRATIVE AMENDMENT FPA-98-048

DEVIATIONS

- DEVIATION #1: FROM LDC SECTION 10-416(B), REQUIRING BUILDING PERIMETER PLANTINGS EQUAL TO 10% OF THE BUILDING GROUND FLOOR AREA AND BE LOCATED ON 3 SIDES OF THE STRUCTURE, TO REQUIRE ONLY THE MAIN FAÇADE PROVIDE THE REQUIRED 10% OF THE BUILDING FOOTPRINT IN BUILDING PERIMETER PLANTING AREAS.
- DEVIATION #2: FROM LDC SECTION 10-416(C)(2)(C), REQUIRING 10' MINIMUM WIDTH LANDSCAPE ISLANDS WITHIN PARKING AREAS, TO PERMIT THE EXISTING ISLANDS AT A MINIMUM OF 8' MINIMUM WIDTH WITHIN PARKING AREAS.
- DEVIATION #3: FROM LDC SECTION 33-351, REQUIRING A MINIMUM 20' WIDE TYPE D LANDSCAPE BUFFER BETWEEN PROPOSED COMMERCIAL USES AND EXISTING RIGHT-OF-WAY, TO PERMIT A MINIMUM 10' WIDE TYPE D LANDSCAPE BUFFER BETWEEN PROPOSED COMMERCIAL USES AND EXISTING RIGHT-OF-WAY.
- DEVIATION #4: FROM LDC SECTION 33-351, REQUIRING A MINIMUM 5' WIDE TYPE A LANDSCAPE BUFFER BETWEEN COMMERCIAL USES, TO EXEMPT THE PROPOSED LOTS AND EXISTING DEVELOPMENT FROM SAID REQUIREMENT.
- DEVIATION #5: FROM LDC SECTION 33-422(C), REQUIRING A MINIMUM 25' TYPE "E" BUFFER CONTAINING A TWO TO THREE FOOT UNDULATING LANDSCAPED BERM, WITHOUT A WALL, TO PERMIT A MINIMUM 10' WIDE TYPE D LANDSCAPE BUFFER BETWEEN PROPOSED COMMERCIAL USES AND EXISTING RIGHT-OF-WAY.
- DEVIATION #6: FROM LDC SECTION 33-111(D) REQUIRING ALL DRY DETENTION BASINS BE PLANTED WITH WETLAND TYPE PLANT SPECIES IN MINIMUM ONE-GALLON CONTAINERS NOT MORE THAN 36 INCHES ON CENTER THROUGHOUT THE EXTENT OF THE BASIN, TO EXEMPT THE PROPOSED LOTS AND EXISTING DEVELOPMENT FROM SAID REQUIREMENT.



CLIENT:
ORTHOPEDIC SPECIALTY CARE CENTER
24321 WALDEN CENTER DR. STE. 201
BONITA SPRINGS, FL 34134

REV.	DATE	DESCRIPTION	BY
Δ	10/27/10	PER COMMENTS RECEIVED 9/15/10	FEH

DAVIDSON ENGINEERING, INC.
3530 KRAFT ROAD, SUITE 301, NAPLES, FLORIDA 34105
PHONE (239) 434-6060 FAX (239) 434-6084
COMPANY ID. NO. 00009496

COLONY CORPORATE CENTER		
EXHIBIT B-2.A.1: MASTER SITE PLAN		
DRAWN BY: KMW	PROJECT: 10-0038	SURVEY: AS NOTED
DESIGNED BY: KMW	SCALE: AS NOTED	FILE NO.:
APPROVED BY:	OCT 27, 2010	10-0038

SHEET
1
OF
2

ADD 2010-00073

This instrument was prepared
without an opinion of title and
after recording return to:
Gregory L. Urbancic, Esq.
Coleman, Yovanovich & Koester, P.A.
4001 Tamiami Trail North, Suite 300
Naples, Florida 34103
(239) 435-3535

RECEIVED
FEB 10 2011

COMMUNITY DEVELOPMENT

(space above this line for recording data)

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR COLONY CORPORATE CENTER

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR COLONY CORPORATE CENTER is made this 2nd day of December, 2010, by GVB PROPERTIES, LLC, a Florida limited liability company ("GVB"); THE PARK APARTMENTS OF SOUTHWEST FLORIDA, INC., a Florida corporation, successor by merger to THE PARK APARTMENTS, INC., a New Jersey corporation ("Park Apartments"); and MONROE MANAGEMENT CO. OF SOUTHWEST FLORIDA, INC., a Florida corporation, successor by merger to MONROE MANAGEMENT CO., INC., a New Jersey corporation ("Monroe"). GVB, Park Apartments, and Monroe are sometimes collectively referred to herein as the "Declarants" and individually as a "Declarant".

WITNESSETH:

WHEREAS, GVB is the owner of that certain real property located in Lee County, Florida, which is more particularly described in Exhibit "A" attached hereto and made a part hereof (the "GVB Property"); and

WHEREAS, Park Apartments and Monroe are collectively the owners of that certain real property located in Lee County, Florida, which is more particularly described in Exhibit "B" attached hereto and made a part hereof (the "Park Apartments/Monroe Property"); and

WHEREAS, the GVB Property and the Park Apartments/Monroe Property are referred to herein collectively as the "Property"; and

WHEREAS, Declarants desire to impose covenants, conditions, and restrictions on the Property for the benefit of future owners in the commercial project known as Colony Corporate Center ("Project"); and

WHEREAS, Declarants wish to provide for the preservation and maintenance of the appearance, values and amenities of the Project and to this end, desire to subject the Property to the terms, conditions, rights and obligations of this Declaration of Covenants, Conditions and Restrictions for Colony Corporate Center (this "Declaration") and have created a not-for-profit membership corporation, herein called the

"Association" to be given the power and duty of maintaining and administering the Common Area and enforcing this Declaration.

NOW, THEREFORE, Declarants hereby declare that the Property shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the Property and be binding on all parties having a right, title or interest in the Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of such Owners thereof.

ARTICLE I

DEFINITIONS

The terms defined in this Article I shall, for all purposes of this Declaration, have the meanings herein specified.

1.1 "Articles" shall mean and refer to the Articles of Incorporation of the Association, as may from time to time be amended, modified or supplemented. A copy of the initial Articles is attached hereto as Exhibit "C".

1.2 "Assessments" shall mean and refer to Regular Assessments, Special Assessments and any other dues, fees, penalties, fines, charges, interest and other amounts (including each installment thereof) payable by any Owner to the Association as provided herein.

1.3 "Association" shall mean and refer to COLONY CORPORATE CENTER OWNERS' ASSOCIATION, INC., a Florida not-for-profit corporation, and its successors and assigns.

1.4 "Board" shall mean and refer to the Board of Directors of the Association.

1.5 "Building" shall mean and refer to any structure constructed on any Parcel within Colony Corporate Center.

1.6 "Bylaws" shall mean and refer to the Bylaws of the Association, as from time to time amended, modified or supplemented. A copy of the initial Bylaws is attached hereto as Exhibit "D".

1.7 "Common Area" shall mean and refer to the Surface Water Management System located within the boundaries of the Property and any other real property or improvements that may hereinafter be transferred or dedicated to the Association and accepted by the Association for the common use and enjoyment of the Owners and Occupants.

1.8 "Common Expenses" shall mean and refer to the actual and estimated costs of: (a) ownership, maintenance, management, operation, repair and replacement of the Common Area including but not limited to the cost of parts and supplies, utilities, landscaping, cleaning, pest control and hiring of any outside contractor services; (b) unpaid Assessments; (c) management and administration of the Association, including, but not limited to, compensation paid by the Association to managers, accountants, auditors, attorneys, consultants and employees; (d) casualty, liability, workers' compensation, fidelity and directors' and officers' liability insurance; (e) any other insurance obtained by the Association; (f) reasonable reserves as provided herein and as deemed appropriate by the Board; (g) bonding of the Directors, officers of the Association, any professional managing agent or any other Person handling the funds of the Association; (h) taxes paid by the Association; (i) amounts paid by the Association for discharge of any lien or encumbrance levied against the Common Area or any portion

thereof, provided, however, that such lien or encumbrance is secured solely by, or applies solely to, the Common Area or any portion thereof; (j) any licenses or permits needed for the Common Area; (k) contracting with an outside agency or organization for the provision of a security force to patrol and protect all Common Area, and such other areas of the Property as the Board may, in its sole discretion, designate; (l) contracting on behalf of the Association or owners of all or portions of the Property for the construction, operation, management, maintenance or repair of any improvements within the Common Area; and (m) other expenses incurred by the Association for any reason whatsoever in connection with the Common Area or in connection with providing the same type of services and maintenance as provided for the Common Area as may be required herein for any other areas within the Property for which the Association is responsible or incurred in furtherance of the purposes of the Association or in the discharge of any duties or powers of the Association.

1.09 "County" shall mean Lee County, Florida.

1.10 "Declarants" or "Declarant" shall mean and refer to GVB PROPERTIES, LLC, a Florida limited liability company, THE PARK APARTMENTS OF SOUTHWEST FLORIDA, INC., a Florida corporation, successor by merger to The Park Apartments, Inc., a New Jersey corporation and MONROE MANAGEMENT CO. OF SOUTHWEST FLORIDA, INC., a Florida corporation, successor by merger to Monroe Management Co., Inc., a New Jersey corporation, or any one of them, and their respective successors or assigns. It shall not include any person or entity who purchases a Parcel, tract or other portion of the Property, unless such purchaser is specifically assigned some or all rights of a Declarant by a separate instrument.

1.11 "Declaration" shall mean and refer to this DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR COLONY CORPORATE CENTER, as may from time to time be amended, modified or supplemented (such amendments, modifications and supplements are hereby incorporated herein and made a part hereof).

1.22 "Development Order" shall mean and refer to that certain Development Order for Colony Corporate Center approved by Lee County as Development Order 98-006-194.00D applicable to the Property, as may be amended from time to time.

1.13 "Directors" shall mean and refer to the directors of the Association who together constitute the Board.

1.14 "Entitlements" shall mean and refer to all governmental special district and public utility or other public entity approvals, decisions, resolutions, or ordinances, permits, agreements, conditions, requirements, exactions, entitlements, reports maps, plans and orders, heretofore or hereafter from time to time adopted, amended, modified or supplemented, expressly governing, affecting or relating to the organization, use, development, improvement, operation or ownership of the Property or any portion thereof, including, without limitation, the Development Order. The Association and each Owner and Occupant shall fully and faithfully comply with and conform to the Entitlements.

1.15 "Fiscal Year" shall mean and refer to the fiscal year of the Association, which shall be the calendar year.

1.16 "Governing Documents" shall mean and refer to this Declaration, the Articles, the Bylaws, the Rules, and any other documents governing the operation of the Association, the use of the Parcels or the Common Area, or the development, use, maintenance and repair of the Parcels, the Common Area, and Improvements, as from time to time amended, modified or supplemented. Each Owner and each Occupant shall fully and faithfully comply with and conform to the Governing Documents.

1.17 "Improvements" shall mean and refer to all structures and construction of any kind, whether above or below the land surface, whether permanent or temporary, including but not limited to, Buildings, utility lines, driveways, streets, paved parking areas, pathways, fences, screening walls, retaining walls, plantings, planted trees and shrubs, irrigation and drainage pipes and fixtures, Surface Water Management System, water retention areas, wetland improvements, lighting fixtures and signs.

1.18 "Laws" shall mean and refer to all laws, statutes, ordinances, rules, regulations and policies of any local, municipal, county state or federal governmental body or agency.

1.19 "Member" shall mean and refer to, collectively, all the Persons comprising the Owner of any particular Parcel.

1.20 "Mortgage" shall mean and refer to any unreleased mortgage or other similar instrument of record given voluntarily by the owner of a Parcel or a portion thereof, encumbering the Parcel or applicable portion to secure the performance of an obligation or the payment of a debt and which is required to be released upon performance of the obligation or payment of the debt. "Mortgage" shall not include any judgment lien, construction lien, tax lien or other similarly involuntary lien or encumbrance. A "First Mortgage" means any recorded Mortgage with first priority or seniority over all other mortgages.

1.21 "Mortgagee" shall mean and refer to a Person or entity to whom a Mortgage is made and shall include the owner and holder of a Mortgage.

1.22 "Occupant" shall mean and refer to, collectively, the Owner and any other Person or Persons entitled, by ownership, leasehold interest or other legal relationship, to the exclusive right to occupy all or any portion of any Parcel or Building.

1.23 "Owner" shall mean and refer to the Person or Persons holding record fee title to a Parcel (but excluding any Person holding such interest merely as security for the performance of an obligation, and further excluding the Association), and their respective heirs, successors and assigns. If the ownership of a Building on any Parcel shall ever be severed from the ownership of such Parcel, then only the Person holding fee title to the Parcel shall have the rights of an Owner hereunder (including, without limitation, membership in the Association); provided, however, that both the Person holding title to the Parcel and the Person holding title to the Building shall be liable for the performance of all duties and obligations of an "Owner" under the Governing Documents.

1.24 "Parcel" shall mean and refer to the GVB Property or the Park Apartments/Monroe Property.

1.25 "Permittees" shall mean and refer to all Owners, Occupants and their respective officers, directors, employees, partners, agents, contractors, customers, visitors, invitees, licensees, lessees, subtenants and concessionaires, insofar as their activities relate to entry upon or use of any portion of the Project.

1.26 "Person" shall mean and refer to any individual, partnership, limited liability company, corporation, trust, estate or other legal entity.

1.28 "Regular Assessments" shall mean and refer to those Assessments to be charged against the Parcels as provided in Section 6.3 hereof.

1.29 "Rules" shall mean and refer to the rules and regulations, if any, adopted by the Board for the operation and use of the Property, any portion of the Common Area and any other property (whether real

or personal) owned by the Association, as they may from time to time be amended, modified or supplemented. Such Rules are hereby incorporated herein and made a part hereof.

1.30 "SFWMD" shall mean and refer to the South Florida Water Management District or its successor. The South Florida Water Management District has the right pursuant to the SFWMD Permit and other state law and regulations to take enforcement action, including a civil action for an injunction and penalties, against the Association to compel it to correct any outstanding problems with the Surface Water Management System or in any mitigation or conservation areas under the responsibility or control of the Association.

1.31 "SFWMD Permit" shall mean and refer to that certain Environmental Resource Permit General Modification #36-01620-S-06 from SFWMD relating to the construction and development of the Property, a copy excerpts of which is attached hereto as Exhibit "D" and which permit may be amended from time to time. Copies of the SFWMD Permit and any future SFWMD Permit actions shall be maintained by the Association's Registered Agent for the Association's benefit.

1.32 "Special Assessments" shall mean and refer to those Assessments to be charged against the Parcels as provided in Section 6.4 hereof.

1.33 "Sub-Association" shall mean and refer to any corporation so identified in a declaration of restrictions or declaration of condominium filed by a Declarant, a designated successor, or an Owner with respect to any Parcel within the Property which sub-association exists for purpose of administering and maintaining such Parcel.

1.34 "Surface Water Management System" shall mean any real property together with improvements thereon, including work or features such as swales, ditches, canals, inlets, impoundments, berms, ponds, lakes, retention/detention areas, mitigation areas, conservation areas, flowways, culverts and pumps required or described in the Development Order, the SFWMD Permit, or any permits issued by the County or any other applicable governmental agency for the on-site management and storage of surface waters, drainage and flood protection for the Property.

ARTICLE II

REGULATION OF IMPROVEMENTS / MAINTENANCE

2.1 Land Use Plans. Any development within the Property shall be subject to all applicable Entitlements (including, without limitation, the Development Order) and any and all conditions or restrictions imposed in connection with any applicable Entitlements therewith, and all Laws applicable to, and in effect at the time of, such development. Development and ownership of the Parcels shall further be subject, as applicable, to future land use and environmental matters affecting the Property. No Owner of a Parcel shall change, modify or amend any Entitlements (including, without limitation, the Development Order) in any manner which would have a material and adverse impact upon another Owner's Parcel without the prior written consent of said other Owner.

2.2 Completion of Construction. After the commencement of construction or re-construction of any Building or other Improvement, or any part thereof, the work thereon shall be diligently prosecuted to completion such that the Building or other Improvement shall not remain in a partly finished condition any longer than is reasonably necessary for the completion thereof.

2.3 Landscaping and Irrigation. Each Parcel shall be landscaped and irrigated in accordance with the Laws, the Development Order, applicable site development plan(s) and/or other permits. Each

Owner shall, at its sole cost and expense, maintain the portion of the common landscaping buffer along the perimeter of the Property that is located on said Owner's Parcel in a consistent, neat and orderly fashion. Neither Owner shall materially alter or modify said landscaping buffer without the prior written consent of the other Owner. All other planting and irrigation installations on a Parcel shall be maintained in a neat and orderly fashion by the Owner of the Parcel. The following criteria shall be deemed minimum maintenance standards:

- (a) All planting areas shall be kept reasonably free of fallen leaves and debris;
- (b) Lawns and ground cover shall be mowed and/or trimmed regularly, and landscape areas freshly mulched at least once a year;
- (c) All plantings shall be kept in a healthy and growing condition. Any dead or damaged plant material resulting from improper maintenance or any other reason shall be replaced with like plant material. Fertilization, cultivation, weeding, spraying, trimming and pruning shall be performed as part of a regular maintenance program;
- (d) Stakes, guys and ties on trees shall be checked regularly to ensure the correct function of each. Ties shall be adjusted regularly to avoid creating abrasions or girdling of trunks or stems;
- (e) Damage to plantings caused by vandalism, automobiles or acts of nature shall be corrected within thirty (30) days of occurrence to the condition as such plantings were in immediately before the damage occurred; and
- (f) Irrigation and drainage systems shall be kept in proper working condition. Adjustment, replacement of malfunctioning parts and cleaning of systems shall be performed as part of a regular maintenance program.

2.4 Surface Water Management System. The Surface Water Management System provides for on-site storm water retention for the entire Project. (For informational purposes, note that the off-site stormwater receiving system is owned and maintained by Bayside Improvement Community Development District.) This Surface Water Management System is designed to hold water during the rainy season and standing water may result in the Common Area and the Parcels. The Association shall be the entity responsible for the maintenance and operation of the Surface Water Management System serving the Property and approved by Lee County and/or SFWMD. The maintenance and operation of the Surface Water Management System shall be performed to standards established by County and/or SFWMD, the Association and this Declaration. The Association shall be responsible for the assessment (pursuant to Article VI hereof) and collection of expenses for the operation, maintenance, and replacement of the Surface Water Management System. Notwithstanding the same, the Association may, by resolution of the Board and subject to the Association's rights herein, require that the Owners, at their sole cost and expense, maintain, repair and replace all or portions of the Surface Water Management System located on their respective Parcels. All portions of the Surface Water Management System shall be maintained in accordance with the Laws, Entitlements and SFWMD Permit. Maintenance of the Surface Water Management System shall be as needed to keep the same in good repair and in operating condition and to ensure the system is able to handle the reasonable stormwater flow permitted to drain through the Surface Water Management System. No Owner shall materially alter or modify the Surface Water Management System except in compliance with the Laws, Entitlements, and the SFWMD Permit and with the written consent of the Owner of the other Parcel.

2.5 Driveways, Parking Areas and Access Features. The Project was designed and approved by the County to incorporate connecting hardscape, roadways, driveways, sidewalks, and other traffic

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features facilitating pedestrian and vehicular access ("Access and Parking Features"). Each Owner, at its sole cost and expense, shall be responsible for the operation, maintenance, repair and replacement of those portions of the Access and Parking Features located on its Parcel. All portions of the Access and Parking Features shall be maintained in accordance with the Laws and Entitlements. Maintenance of the Access and Parking Features shall be as needed to keep the same in good repair and in operating condition, which shall include maintaining the surfaces of the Access and Parking Areas in a level, smooth and evenly-covered condition with the type of surfacing material originally installed or such substitute as shall in all respects be equal in quality, use and durability; and, for placing, keeping in good repair and replacing, as necessary and appropriate, directional signs, lighting, markers and lines within the Access and Parking Features located on its respective Parcel. No Owner shall materially alter or modify the Access and Parking Features except in compliance with the Laws and Entitlements and with the written consent of the Owner of the other Parcel.

2.6 Corrective Action. In addition to, and not as a limitation of, any rights of the Association hereunder, if any Owner (the "Breaching Party") fails to perform in a timely manner any maintenance obligation imposed by this Declaration, or otherwise breaches that Owner's obligations under this Declaration, the Owner of the other Parcel ("Aggrieved Party") shall be entitled to notify the Breaching Party in writing specifying the deficiencies and the action required in order to eliminate the breach. Except in the event of an emergency as hereafter provided, the Breaching Party shall have a period of fifteen (15) days after receipt of said written notice in which to correct the alleged deficiencies, or such longer period of time, not exceeding sixty (60) days, as may reasonably be necessary if the deficiency is not reasonably susceptible to cure within said fifteen (15) day period and provided that the Breaching Party commences corrective action within ten (10) days after receipt of said written notice from the Aggrieved Party and thereafter diligently pursues corrective action to completion in a diligent and continuous manner. If the Breaching Party fails to commence and diligently pursue and complete the required corrective action as hereinabove set forth, then the Breaching Party shall be in default of this Declaration and the Aggrieved Party shall have, and the Breaching Party hereby grants and conveys, in addition to all other available rights and remedies, the right and authority and easement for such purposes on the part of the Aggrieved Party and such Aggrieved Party's employees, contractors and subcontractors to enter upon the property and improvements owned by the Breaching Party in order to perform appropriate corrective action to eliminate the deficiencies specified in the written notice from the Aggrieved Party. All costs incurred by the Aggrieved Party shall be paid by the Breaching Party to the Aggrieved Party. Notwithstanding the foregoing, in the event of any emergency affecting any facility described hereunder which the Aggrieved Party reasonably believes poses an immediate threat of damage or injury to person or property or poses a substantial risk of interference with essential services, the Aggrieved Party may enter upon the Parcel of the Breaching Party, and may take such corrective action and expend a reasonable amount of money to prevent or abate such damage or injury or to avoid or abate such interference; provided that (i) the Aggrieved Party shall attempt to give the Breaching Party such prior notice as is practicable under the circumstances (which notice may be oral); and (ii) the Aggrieved Party shall take only such steps as are reasonably necessary in order to prevent such damage or injury or interference with essential services. Following any corrective action described herein, the Aggrieved Party shall provide an invoice of the costs incurred by the Aggrieved Party as a result of taking such corrective action to the Breaching Party ("Invoiced Costs"). If the Invoiced Costs are not paid within thirty (30) days, then the Invoiced Costs together with interest thereon at eighteen percent per annum (18.0%) shall constitute a lien on the Breaching Party's Property, unless and until paid; (b) the Aggrieved Party may record each such lien in the Public Records of Collier County, Florida against the Breaching Party's Property and bring legal action against the Breaching Party and/or the Breaching Party's Property for the Invoiced Costs; and (c) may, at the Aggrieved Party's option, foreclose any such lien described above in the same manner as a mortgage lien on real property, and interest, costs and reasonable attorneys' fees of any such action will be added to the amount of any such lien, and shall be recoverable in the event the Aggrieved Party prevails in any such action.

2.7 Association Maintenance Generally. The Association shall have the right, but not the obligation, to provide any maintenance, repair or replacement that is otherwise the responsibility or obligation of a Parcel Owner hereunder and which the Parcel Owner fails to replace, restore, repair or perform after fifteen (15) days written notice to the Parcel Owner of the need of such replacement, restoration, repair or maintenance. The cost of such work shall be assessed against the Parcel or Parcels upon which such work is performed as a Special Assessment. The Special Assessment shall be apportioned among the Parcels involved in the manner determined to be appropriate by the Board. Any such assessment shall be a lien on the Parcels affected and the personal obligation of the Owners of the Parcels affected and shall become due and payable in all respects, together with interest, reasonable attorneys' fees (at trial and on appeal), and costs of collection, in the same manner and under the same conditions as provided for the other assessments of the Association.

ARTICLE III

REGULATION OF OPERATIONS AND USES

3.1 General Use Provision.

(a) Unless otherwise prohibited herein or in the other Governing Documents, in the Entitlements, or other applicable Laws, or prohibited by covenant, deed or lease, a lawful use of a Parcel will be permitted if performed or carried out entirely within a completely enclosed and roofed Building that is so designed and constructed that the enclosed operations and uses do not and will not cause or produce a nuisance or disturbance to Persons and activities on other Parcels, streets, and Common Area, including, but not limited to, vibration, sound, odor, electromagnetic disturbance and radiation, air or water pollution, dust and emission of odorous, toxic or non-toxic matter.

(b) Each Owner shall have the right to lease all or a portion of its Parcel; provided, however, that all such leases shall be in writing and shall contain provisions stating that: (i) the lease is subject in all respects to the Governing Documents; (ii) any failure of the lessee to comply with each of the provisions of the Governing Documents shall constitute a default under such lease.

3.2 Restrictions and Prohibited Uses. Each Parcel shall not be used or developed in any way which is inconsistent with the provisions of the Governing Documents, the Entitlements, and any applicable Laws. All Parcels shall be used, improved, and devoted exclusively the uses permitted by the Entitlements.

3.3 Parking. Each Parcel shall provide sufficient parking pursuant to the Development Order and applicable Laws (including the Lee County Land Development Code, as amended from time to time) to support the uses developed or intended to be developed on said Parcel. Parking spaces located on another Owner's Parcel may not, without the express written agreement of said other Owner, be counted by an Owner for County zoning purposes. Owners shall have the right, but not the obligation, to enter into written, shared parking agreements between the Parcels.

3.4 Certain Nuisances. No nuisance shall be permitted to exist or operate upon any Parcel or any portion thereof. Without limiting the generality of Section 9.2 below, the following are hereby deemed to be, for all purposes, prohibitions against the creation of a nuisance:

(a) No rubbish, trash, waste, residue, brush, weeds or undergrowth or debris of any kind or character shall ever be placed or permitted to accumulate upon any Parcel or any portion thereof, so as to unreasonably render said premises a fire hazard, unsanitary, unsightly, offensive, or detrimental to any Person or activity on any other Parcel or on any public street.

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(b) No adverse environmental condition shall be permitted to exist on any Parcel, nor shall any toxic or hazardous wastes be permitted to be generated, treated, stored, disposed of, or otherwise deposited in or on or allowed to emanate from any Parcel or any portion of the Property, including, without limitation, the surface waters and subsurface waters thereof; provided, however, that hazardous substances may be stored or used so long as such storage and use is conducted in compliance with the Entitlements and all applicable Laws.

(c) No Owner or Occupant shall in any way interfere with the Association's use of the easements granted to the Association pursuant to provisions set forth in Article IV hereof or do any act or thing inconsistent with such use.

(d) No Owner or Occupant shall permit anything to be done or kept on its Parcel that violates any Entitlement or applicable Law.

3.5 Environmental and Land Use Compliance. Without in any way limiting any other environmental provision set forth in this Declaration, each Owner agrees, with respect to its Parcel(s), to comply with and assume full responsibility and liability for anything done or required to be done in compliance with all applicable federal, state, regional and local laws, rules and regulations, and, without limiting the foregoing, each Owner shall assume all responsibility and liability relating to the prevention of pollutant discharge from such Owner's Parcel(s); retention, pretreatment and treatment of stormwater, as may be required from time to time by the County, the U. S. Army Corps of Engineers, the South Florida Water Management District and any successor or replacement agencies who may have jurisdiction concerning regulatory matters affecting the Property. For the benefit of all Owners, the Association shall maintain in its offices copies of all regulatory permits applicable to the Property for review and compliance by all parties.

ARTICLE IV

GRANT OF EASEMENTS

4.1 Easements for Benefit of Governmental Agencies and Public Utilities. Certain easements (in perpetuity or otherwise) have been and may in the future be granted by plat or otherwise to certain governmental agencies (including, but not limited to, the County) and public utilities, and other Persons, including, without limitation, easements for open space, Surface Water Management System, drainage, sewer, water, gas, and electrical power lines, which easements may affect the Property and/or all or some of the Parcels. Each Owner shall fully and faithfully comply with all requirements of said governmental or public agencies or other Persons in connection with any the easements granted pursuant to this Section 4.1.

4.2 Easements for Benefit of Association. In addition to the rights of entry and any other rights given to the Association in this Declaration, there is hereby established a non-exclusive easement in perpetuity over, upon and across any Parcel and/or Common Area, for the benefit of the Association, and its respective agents, employees and contractors, for the following purposes:

(a) For: (i) the installation and/or replacement of electric, telephone, cable television, water, gas, sanitary sewer lines, Surface Water Management System, other drainage facilities, or any other utilities upon a Parcel or Common Area, together with the right to enter upon the property (without unreasonably interfering with the Owner's or Occupant's reasonable use and enjoyment thereof) in order to service, maintain, repair, reconstruct, relocate or replace any of such improvements; (ii) ingress and egress over any public or private pedestrian walkways, or other specific designated use areas, if any; and (iii) any other matter required or mandated by any governmental authority with jurisdiction;

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(b) To inspect, without any obligation to inspect, any Parcel to ascertain whether such Parcel, the Improvements thereon, and the uses thereof, are in compliance with the provisions of the Governing Documents and the Entitlements, and to abate and remove any Improvement, thing or condition that may exist thereon contrary to the intent and meaning of any of the foregoing;

(c) For grading, trenching, moving of earth, landscaping, and/or slope control purposes, including, without limitation: (i) planting, replacing and maintaining any landscaping improvements upon any Parcel or Common Area; and (ii) installing, repairing, replacing and maintaining any drainage and/or irrigation systems (including, without limitation, landscape wiring and conduits) upon any Parcel as shall reasonably be designated by the Association in connection with such landscaping improvements or in connection with landscaping improvements on the Common Area or Parcels; and

(d) For any other purpose which, in the sole discretion of the Association, is reasonably necessary for the integrated and quality development of the Property, or any portion thereof; provided that such easements shall not substantially and materially interfere with the reasonable development and use of any Parcel.

4.3 Drainage Easements. Declarants hereby reserve, for the Association, and all Owners, nonexclusive easements for the natural drainage and established drainage of surface waters over, across, under, and through all Parcels and Common Area in accordance with drainage plans approved by those public agencies having jurisdiction thereof. The drainage easement shall include the right, but not the obligation, of such benefited parties to enter upon any Parcels or Common Area, to construct, maintain, and/or repair any drainage ways or facilities identified on such drainage plans. None of the easements listed in this Section 4.3 shall include or encumber any areas of a Parcel on which a Building is located. With regard to any Parcel, should it be necessary to exercise any easement rights, as described herein, upon completion of the easement-related activities, any paved parking areas, if disturbed by such activities, shall be returned to the same condition they were in prior to the easement-related activities, at no expense to the Parcel Owner. If, however, the easement-related activities are required because the Parcel Owner has not fulfilled his responsibilities under this Declaration, the cost of such activities shall be borne solely by the Parcel Owner.

4.4 Traffic Easements. Declarants hereby reserve to the Association, and all Owners and Permittees, for the purposes of pedestrian and vehicular traffic over and across all driveways, alleys, roads, walkways and sidewalks now existing, or which in the future may be developed, modified, or relocated on the Property.

4.5 Owner Consent. Each Owner of a Parcel, by acceptance of a deed thereto (whether or not it shall be so expressed in such deed) is hereby conclusively deemed to have fully agreed with and consented to all of the provisions set forth in this Article IV.

4.6 No Merger. Notwithstanding the union of (a) the fee simple title to the Property or any portion thereof or any other real property of Declarants with (b) any right, title or interest in the easements granted by or reserved to Declarants pursuant to this Declaration, it is the intention of Declarants that the separation of such fee simple estate and such right, title or interest in such easements shall be maintained, and that a merger shall not take place without the express prior written consent of Declarants.

4.7 No Abandonment. Notwithstanding any applicable law, it is the intent of Declarants that no easement granted or reserved hereunder shall be deemed abandoned or terminated merely by disuse or incompatible acts; rather, that the easements granted hereunder shall continue in full force and effect unless (a) terminated by a writing, duly acknowledged and recorded, executed by the Person or Persons entitled to the benefit thereof; or (b) in the case of the Owners, terminated by approval of the Owners and certified in a

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document executed, acknowledged and recorded in the County by an officer of the Association designated by the Board.

ARTICLE V

MEMBERSHIP AND VOTING RIGHTS IN THE ASSOCIATION

5.1 Qualification and Voting.

(a) Every Owner of a Parcel shall be a Member of the Association. Each Member shall be entitled to such votes and have such a voting interest as provided and allocated pursuant to the Articles. In the event a Parcel is subdivided, the Sub-Association therefor shall be the applicable Member of the Association. Membership in the Association shall not be assignable, except to the successor of the Owner's Parcel, as the case may be, and every membership of an Owner or Sub-Association in the Association shall be appurtenant to and inseparable from ownership of the Parcel. Membership in the Association shall not be transferred, pledged or alienated in any way, except upon the sale of the Parcel to which such membership is appurtenant, and then only to the purchaser of such Parcel, and, upon the sale of a Parcel, the seller's membership in the Association shall terminate as to such Parcel. Any purported transfer of membership in the Association to any transferee not permitted under this Section 5.1 shall be null and void. Recordation of a deed to a Parcel shall be the act which transfers membership in the Association. This prohibition shall not otherwise restrict an Owner from delegating its voting rights or granting proxies.

(b) Except as otherwise provided in this Declaration, the Articles, the Bylaws or applicable Laws, all matters requiring the approval of the Members shall be deemed approved by one of the following methods: (i) if approved unanimously by the Members of the Association in writing; or (ii) if unanimously approved by the Members of the Association at any duly called regular or special meeting of the Members at which a quorum is present, either in person or by proxy.

(c) For purposes of this Article V, if a Parcel consists of a Sub-Association, then the votes allocated to such Parcel shall be exercised by a voting representative appointed annually by the applicable Sub-Association ("Voting Representative"), on behalf of such Sub-Association, and in accordance with the governing documents and instructions of the board of directors of such Sub-Association. Upon the casting of votes by the Voting Representative of a Sub-Association, it will thereafter be conclusively presumed for all purposes that he or she acted with the authority and consent of the board of directors of such Sub-Association.

ARTICLE VI

COVENANT FOR MAINTENANCE ASSESSMENTS TO AND BY THE ASSOCIATION

6.1 Covenant to Pay Assessments.

(a) Each Owner of a Parcel, by acceptance of a deed thereto (whether or not it shall be so expressed in such deed), is hereby conclusively deemed to covenant and agree to pay, to the Association, Assessments, which include:

(i) Regular Assessments, which may include a reserve fund for the periodic maintenance, repair and replacement of the Common Area; and

(ii) Special Assessments, as set forth in this Declaration.

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(b) All Assessments shall be established and collected as hereinafter provided. All Regular and Special Assessments, together with interest, costs and reasonable attorneys' fees, shall be a charge and a continuing lien upon the Parcel against which each such Assessment is made. Each such Assessment, together with interest, costs and reasonable attorneys' fees, shall also be the personal obligation of the Person who was the Owner of the assessed Parcel at the time when the Assessment became due. The assumption by a transferee of the personal obligation for delinquent Assessments of a prior Owner shall not relieve the prior Owner of its personal obligation unless the Association agrees in writing. No Owner of a Parcel may exempt itself from liability for the payment of Assessments by waiving the use or enjoyment of any part of the Common Area or by abandoning its Parcel.

Notwithstanding the foregoing, if a Parcel is subdivided and contains a Sub-Association, then the lien established by this Article VI shall be against each specific condominium unit or lot created by said subdivision within such Parcel. Any Sub-Association formed for the purpose of governing any subdivided Parcel shall pay (as part of such Sub-Association's common expenses) all Assessments due the Association hereunder, and shall furnish the Association with a schedule listing the condominium units or lots that have (and have not) paid their proportionate share of the Assessments being remitted by the Sub-Association to the Association. The Association shall be entitled to rely upon the schedule furnished by the applicable Sub-Association and may thereafter record a claim of lien against the condominium unit(s) or lot(s) for which such units proportionate share of Assessments is delinquent.

6.2 Purpose of Assessments. Subject to Section 6.5 hereof, the Association shall levy Regular Assessments and Special Assessments sufficient to perform its obligations under the Governing Documents and to pay for Common Expenses. Such Assessments shall be used exclusively for the performance of the duties and operations of the Association hereunder and for payment of the Common Expenses.

6.3 Regular Assessments. Regular Assessments shall be levied for each Fiscal Year by the Association based upon the annual budget adopted by the Board as set forth in Section 7.12 hereof, and shall be payable in advance in quarterly installments. In the event there are overages at the end of any year, these shall be carried over with adjustments to be made in the next year. Special Assessments may be made to correct for any shortfall, as may be deemed necessary by the Board.

6.4 Special Assessments.

(a) In addition to the annual Regular Assessments authorized in this Article VI but subject to Section 6.5 hereof, the Association may levy, in any Fiscal Year, a Special Assessment applicable solely to that Fiscal Year, for the purpose of defraying, in whole or in part, the cost of: (i) any construction, reconstruction, alteration, repair or replacement of a capital improvement upon the Common Area and/or fixtures and personal property related thereto; and (ii) any other action or undertaking by or on behalf of the Association which exceeds the budgeted gross expenses of the Association for that Fiscal Year.

(b) In addition to the Special Assessments provided in Section 6.4(a) above, the Association may levy a Special Assessment against any individual Parcel as a fine under Section 7.6(b) hereof or to reimburse the Association for costs incurred by the Association (including reasonable attorneys' fees) in bringing such Parcel and/or the Owner or Occupant thereof into compliance with the Governing Documents, which Special Assessment may be levied upon the vote of the Board after notice and an opportunity for a hearing pursuant to the procedure set forth in Section 7.6(a) hereof.

6.5 Allocation of Assessments. Both Regular and Special Assessments (except those Special Assessments that are imposed as a remedy by the Board against a particular Owner to reimburse the Association for costs incurred in bringing such Owner, its Parcel and/or the Occupant of such Parcel into

compliance with the provisions of the Governing Documents) shall be divided among the allocated to the Parcels in the following manner:

<u>Parcel</u>	<u>Percentage</u>
GVB Property:	50.0%
Park Apartments/Monroe Property:	50.0%

6.6 Commencement of Assessments.

(a) The Regular Assessments provided for herein shall commence as to each Parcel on the date of conveyance of the Parcel to an Owner, unless otherwise specifically provided herein. The first Regular Assessment shall be prorated according to the number of months remaining in the applicable Fiscal Year. Except for the first fiscal year of the Association, the Board shall determine and fix the amount of the Regular Assessment against each Parcel at least forty-five (45) but not more than ninety (90) days in advance of the commencement of each Fiscal Year, and shall establish the due date(s) for payment of such Assessments. The Board may increase the Regular Assessments from Fiscal Year to Fiscal Year.

(b) Written notice of each Assessment shall be sent to every Owner subject thereto. Each Assessment levied against a Parcel shall become a debt of the Owner of such Parcel at the time such Assessment is levied, and shall be paid in advance in equal quarterly installments. If there is more than one Person comprising the Owner of a Particular Parcel, each such Person shall be jointly and severally liable for such Assessments.

6.7 Liens for Delinquent Assessments. Regular and Special Assessments shall be delinquent fifteen (15) days after they become due. At any time after any Assessment levied by the Association affecting any Parcel has become delinquent, the Board may record in the Office of the Clerk of the Circuit Court of Lee County, a claim of lien as to such Parcel, which notice shall state: (i) all amounts which have become delinquent with respect to such Parcel, the costs of collection connected therewith (including attorneys' fees), the amount of the late charge imposed, which shall be equal to five percent (5%) of the delinquent amount or the cost incurred as a result of the late payment, whichever is less, and interest accrued thereon at a rate equal to the lesser of eighteen percent (18.0%) or the maximum rate allowed by law; (ii) the amount of any Assessments relating to such Parcel which are due and payable although not delinquent; (iii) a description of the Parcel with respect to which the delinquent Assessments are owed; and (iv) the name of the record or reputed record Owner of such Parcel. Immediately upon recording of any such notice of delinquent Assessment, the amounts delinquent as set forth in such notice, the reasonable costs (including attorneys' fees) incurred in collecting the delinquent Assessment, the late charge imposed as provided herein, and interest which has accrued thereon, shall together be and become a lien upon the Parcel described therein, which lien shall also secure all other Assessments, costs of collection (including attorneys' fees), late charges, and interest accruing thereon, which shall become due and payable with respect to said Parcel following such recording. Upon full payment of the sums specified in the claim of lien, the Association shall cause to be recorded a further notice, similarly executed, stating that the lien has been satisfied and released.

6.8 Enforcement of Assessment Obligation. Each Owner of a Parcel, by acceptance of a deed thereto (whether or not it shall be so expressed in such deed) is hereby conclusively deemed to have agreed, to the maximum extent permitted by law, that any Assessment lien set forth herein may be foreclosed in the same in the same manner as mortgages are foreclosed under Florida law. The Association shall have the power to bid at a foreclosure sale, and to acquire and hold, lease, mortgage and convey the same.

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6.9 Cumulative Remedies. Assessment liens and the right of foreclosure and sale thereunder shall be in addition to and not in substitution for all other rights and remedies which the Association may have hereunder and by law, including suit to recover a money judgment for unpaid Assessments.

6.10 Subordination of the Lien to First Mortgages. The lien securing the Assessment provided for herein shall be subordinate as provided herein to the lien of any First Mortgage made in good faith and for value, and recorded prior to the date on which a notice of claim of lien pursuant any such lien is recorded. The sale or transfer of any Parcel shall not affect the Assessment lien.

ARTICLE VII

POWERS AND DUTIES OF THE ASSOCIATION

The Association shall have the powers set forth in the Articles, Bylaws, and this Declaration. The Association shall have the power to do such lawful acts as may be authorized, required, or permitted to be done by the Association under this Declaration, the Articles or Bylaws, and to do and perform such acts as may be necessary to the exercise of any of the express powers of the Association. Subject to the limitations set forth in this Declaration, the Articles, Bylaws, and the laws of Florida as to actions which must be authorized or approved by the Members of the Association, corporate powers shall be exercised by or under the authority of, and the business and affairs of the Association shall be controlled by, the Board. In addition to the other powers and duties of the Board provided in this Declaration and elsewhere in the Governing Documents, the Board shall, to the extent allowed by law, have the following powers and duties as set forth in the sections of this Article hereof:

7.1 Designate Officers. The power and duty to select, appoint and remove the officers, agents and employees of the Association, and prescribe such powers and duties for them as are not inconsistent with law, the Entitlements, the Articles, Bylaws or this Declaration, and, subject to the provisions of the Bylaws, to fix their compensation, if any.

7.2 Management and Control. The power and duty to conduct, manage and control the affairs and business of the Association, and to make such rules and regulations therefor as deemed best and as are not inconsistent with law, the Entitlements, Articles, Bylaws, or this Declaration; without limiting the foregoing, the Association shall have the power, but not the duty, to employ or contract with a professional manager or management company to perform all or any part of the duties and responsibilities of the Association.

7.3 Insurance.

(a) To the extent the coverage described in this Section 7.3 is available, the power and duty to obtain and maintain in force the following policies of insurance:

(i) Comprehensive public liability insurance with a single limit and deductible which, in the judgment of the Board, will provide adequate protection to the Association against liability for bodily injury, death and property damage arising in connection with the ownership or use of the Common Area, any other Association-owned or maintained real or personal property or the activities of the Association;

(ii) Fidelity insurance in the form of a bond in an appropriate amount as determined by the Board, which names the Association as obligee and protects against misuse and misappropriation of Association property by Directors, officers, committee members, trustees and

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employees of the Association and any management agent and its officers, agents and employees, whether or not such Persons are compensated for their services;

(iii) Workers' Compensation Insurance, to the extent required by law, covering any employee or uninsured contractor of the Association;

(iv) Such other insurance as the Board shall deem necessary or expedient to carry out the functions of the Association as set forth in this Declaration, the Articles and the Bylaws.

(b) The premiums for the insurance policies obtained and maintained by the Association shall be a part of the Common Expenses to be included in the calculation of the Regular Assessments levied by the Association.

(c) The Board shall periodically review the coverage provided by the insurance policies obtained and maintained by the Association, and, to the extent that increased coverage is available and at the Board's discretion, shall increase such coverage in light of inflation, increased risk and similar factors.

7.4 Utilities. The power and duty to pay all charges for utility services for the Common Area.

7.5 Common Area. The power and duty to manage, operate, maintain, repair, temporarily close, restore, add to and replace the Common Area and all improvements located thereon (including, without limitation, the express obligation at all times to preserve, plant, install, repair and maintain the Common Area as set forth in this Declaration), and all other property (whether real or personal) owned by the Association, and to make capital expenditures for and on behalf of the Association.

7.6 Enforcement. The power and duty to enforce the provisions of the Governing Documents and the provisions of any agreement to which the Association is a party; provided, however, that at no time shall the Association, with respect to amounts (including, without limitation, Assessments) owed to the Association, impose a rate of interest in excess of the rate of interest then permitted by law to be charged. In addition to the other powers but not of the Board provided herein and under applicable law, the Board shall have the power:

(a) To levy and assess fines against any Owner who violates, or whose Occupants or Permittees violate, the Governing Documents, pursuant to the same notice and hearing procedure as is provided for suspension in Section 7.6(a) hereof, and such other procedures and/or schedules as the Board may establish. Upon notice to the Owners, the Board may establish a schedule of fines for individual offenses and/or continuing offenses, which schedule shall thereafter govern the amount of the fines to be levied, until such schedule is modified or repealed by the Board. Fines may be levied for each offense, and, once levied, each such fine shall become an Assessment against such Owner's Parcel or Parcels. Any Owner against whom such a fine is levied shall pay such fine to the Association within ten (10) days after such levy. The Association shall be entitled to take any legal action or employ any remedies set forth hereunder or permitted by law to enforce the payment of such fines.

7.7 Contract and Make Payments. The power and duty to contract and pay for Common Expenses. Withdrawals of funds from the Association's accounts may be made by any individual or individuals authorized by the Board to make such withdrawals.

7.8 Employment of Agents. The power but not the duty to employ the services of any Person or Persons to manage and conduct the business of the Association, and upon such conditions as are deemed advisable by the Association, to delegate to such Person or Persons any of its powers.

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7.9 Services. The power but not the duty to institute any services for the benefit of the Owners reasonably deemed advisable by the Association.

7.10 Taxes. The power and duty to pay any taxes and governmental assessments which are or could become a lien on the Common Area or any portion thereof.

7.11 Periodic Review of Financial Condition. The power and duty to periodically review the financial condition of the Association as required by applicable law or as otherwise provided herein or in the Bylaws.

7.12 Budget. The power and duty to prepare budgets and financial statements for the Association and to distribute such budgets and financial statements to the Owners as required by applicable law or as otherwise provided herein or in the Bylaws.

7.13 Litigation. The power but not the duty to institute, or intervene in, litigation or administrative proceedings in its own name on matters affecting or concerning: (i) the interpretation, implementation or enforcement of the Declaration, other Governing Documents, or Rules; or (ii) Common Area or Common Expenses, including, without limitation, the enforcement of Association liens, or in furtherance of the express powers and duties of the Association set forth in the Governing Documents; or (iii) otherwise affecting the Property. Notwithstanding the foregoing, the Association shall have the power and the duty to defend any lawsuit brought against the Association.

7.14 Rules.

(a) The power but not the duty to adopt, amend, supplement and repeal Rules. The Rules may restrict and govern the use of the Property and Common Area by any Owner or Occupant.

(b) A copy of the Rules shall be given to each Owner not less than ten (10) days before said Rules (or, as applicable, an amendment thereto) may be deemed to be in full force and effect. The Rules shall have the same force and effect as if set forth herein and made a part of this Declaration.

ARTICLE VIII

COMMON AREA

8.1 Easement of Enjoyment. Every Owner and Occupant of a Parcel shall have a right and easement of enjoyment in and to portions of the Common Area, which right and easement shall be appurtenant to and shall pass with the title to each such Parcel; provided, however, that such right and easement shall be subject to the following:

(a) The right of the Association to suspend the voting rights of an Owner for: (i) any period during which any Assessment against its Parcel remains unpaid; and (ii) for a period not to exceed thirty (30) days for any infraction of the Rules by such Owner or any Occupant of its Parcel after reasonable written notice and an opportunity for a hearing before the Board which satisfies the minimum requirements of Florida law;

(b) The right of the Association to transfer all or substantially all of its assets, including all or any part of the Common Area; provided, however, that so long as there is any Parcel, parcel, area or portion thereof or of the property for which the Association is obligated to provide management, maintenance, preservation or control, no such dedication or transfer shall be effective unless an instrument

signed by all Members shall have been filed in the records of the Association stating that such Owners and agree to such dedication or transfer;

(c) Notwithstanding (b) above, the right of the Association, in accordance with the Articles and the Bylaws, to borrow money for the purpose of improving, repairing and maintaining the Common Area or otherwise and, in connection therewith, the right of the Association to hypothecate any or all real or personal property owned by the Association including the Common Area; and

(d) The right of the Association to adopt, amend, supplement and enforce the Rules.

8.2 Use. Unless otherwise stated herein, the Common Area shall be used by the Owners and Occupants in accordance with the Rules.

8.3 Maintenance and Ownership.

(a) The Association shall maintain the Common Area or provide for the maintenance thereof and shall keep the Common Area in good order and repair.

(b) Any costs of temporary relocation suffered by the Owner or Occupant of any Parcel as a result of the repair, maintenance or improvement of the Common Area by the Association shall be borne entirely by such Owner or Occupant.

8.4 Creation of Standards of Maintenance by Association. The Board shall have the right to establish specific standards of maintenance for the Common Area, whereupon the Association shall be obligated to adhere to such standards of maintenance.

8.5 Damage to the Common Area. The Owner and the Occupant of each Parcel shall be liable to the Association for all damage to the Common Area or to any other real or personal property owned by the Association that may be sustained by reason of the negligence of such Owner or Occupant, or their respective Permittees, which shall include, without limitation, damage to curbs, sidewalks, paved surfaces, monuments, signs, trees and landscaping. No Owner or Occupant shall do or permit any of their respective Permittees to do anything on the Common Area that might increase the rate, or cause the cancellation, of any policies of insurance obtained by or on behalf of the Association.

8.6 Expansion of Common Area. At any time, the Association may upon unanimous approval of the Members, by purchase, lease, easement, license, acceptance of gift or other transaction obtain or acquire, any Parcel, other lands or rights therein, and thereby increase and expand the Common Area, whereupon the maintenance of such additional Common Area shall become the obligation of the Association.

8.7 Governmental Compliance. The use, ownership, maintenance, operation, improvement and repair of the Common Area shall at all times strictly comply with all Entitlements and applicable Laws; and the Association, by accepting conveyance of any portion of the Common Area, agrees to assume and perform all obligations of Declarant thereunder with respect to such portion of the Common Area. Without limiting the generality of the foregoing, any portion of the Common Area designated as open space under any Entitlement shall not be improved or its use changed without approval of each governmental agency with jurisdiction over such open space.

ARTICLE IX
ENFORCEMENT

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9.1 General. The Association (acting on behalf of itself or as representative of the Owners) and any aggrieved Owner shall have the right to prosecute a proceeding at law or in equity against any Owner or Occupant or any other Person or Persons who have violated or are attempting to violate any of the provisions, covenants, conditions, and restrictions set forth in the Governing Documents, to enjoin or prevent them from doing so, to cause said violation or breach to be remedied or to recover damages for said violation; provided, however, that nothing herein contained shall be deemed to impose upon Declarant, the Association or any aggrieved Owner any liability for the failure to correct or prosecute a violation or breach of the Governing Documents. Remedies herein provided for breach of the covenants contained in the Governing Documents shall be deemed cumulative, and none of such remedies shall be deemed exclusive.

9.2 Deemed To Constitute a Nuisance. The result of every action or omission whereby any covenant, condition, restriction or provision herein contained is violated in whole or in part is hereby declared to be and constitute a nuisance, and every remedy allowed by law or equity against anyone causing a nuisance shall be applicable against the Owner, Occupant or any other Person responsible for such action or omission, and may be exercised by Declarant, the Association and/or any aggrieved Owner.

9.3 Violations. The violation of any Entitlement or applicable Laws shall constitute a violation of this Declaration and shall be remedied, corrected and/or otherwise addressed in accordance with the provisions of this Article IX.

ARTICLE X

TERMINATION AND AMENDMENT

10.1 Term. The covenants, conditions and restrictions contained in this Declaration shall run with, burden and bind the Property and shall inure to the benefit of each Parcel and each Owner thereof and be enforceable by each Owner and its heirs, successors and assigns for a term commencing as of the date this Declaration is recorded and terminating twenty-five (25) years from such date, after which said covenants, conditions and restrictions shall be automatically extended for successive periods of ten (10) years unless prior to commencement of any such ten (10) year period an amendment to this Declaration has been approved unanimously by the voting interest of the Members of the Association and recorded in the Public Records of Lee County, Florida which terminates this Declaration or modifies the automatic extension provisions of this Section 10.1.

10.2 Amendments. Except as otherwise provided in this Declaration, neither this Declaration nor any provision hereof or any covenant, condition or restriction herein contained, may be terminated, extended, modified or amended, as to the whole of the Property or any portion thereof, except upon approval of all Members. No such termination, extension, modification or amendment shall be effective until such termination, extension, modification or amendment has been certified in a document executed and acknowledged by an officer of the Association designated by the Board and has been recorded in the County. Within a reasonable time after such document has been recorded, the Association shall mail a copy thereof to each Owner, together with a statement that such document has been recorded.

Notwithstanding anything to the contrary herein, any proposed amendment to this Declaration (or any of the exhibits attached hereto) that would affect the Surface Water Management System (including conservation areas and the water management portions of the Common Areas) must first be submitted to the SFWMD for its approval of such amendment and for a determination of whether the amendment necessitates a modification of the SFWMD Permit. If a modification is necessary, the SFWMD will so advise the permittee.

ARTICLE XI

RIGHTS OF LENDERS

11.1 Priority of Lien of Mortgage. This Declaration shall be and remain senior in priority to all Mortgages hereafter executed upon the Property, any Parcel or any portion thereof; provided, however, that no breach of the covenants, conditions or restrictions herein contained or foreclosure of any lien herein created for Assessments shall affect, impair, defeat or render invalid the lien, charge or priority of any Mortgage made in good faith and for value encumbering any Parcel. Any Mortgagee or other Owner whose title to a Parcel is derived through foreclosure, or deed in lieu of foreclosure, shall take title to such Parcel subject to, and shall be bound by, all the covenants, conditions and restrictions set forth in this Declaration; provided, however, that such Parcel shall be free of the lien for delinquent Assessments, (including costs of collection, late charges and interest connected therewith) that have accrued up to the time of the foreclosure sale or conveyance in lieu of foreclosure (unless such Mortgagee or other Owner shall have expressly assumed the obligations secured by said lien), and such Mortgagee or other Owner shall only be obligated to pay Assessments that become due or payable on or after such Mortgagee or other Owner acquired title to such Parcel.

11.2 Curing of Defaults. Any Mortgagee who acquires title by judicial foreclosure or deed in lieu of foreclosure shall not be obligated to cure any breach or violation of the provisions of this Declaration which is incurable or of a type which is not practical or feasible to cure. The determination of the Board made in good faith as to whether a breach is incurable or not feasible or practical to cure shall be final and binding on such Mortgagee. In the event that any Assessment on any Parcel becomes delinquent or another default under the Declaration occurs, the Association shall provide the Mortgagee with notice of such default, provided, however, that the Owner of such Parcel must have furnished the Association with the current address of the Mortgagee. The Mortgagee shall thereafter have the right to cure such default within a reasonable time or to commence foreclosure proceedings. If any Mortgagee commences foreclosure proceedings or gives notice to the Association that it is commencing negotiations for a deed in lieu of foreclosure, the Association shall stay any foreclosure proceedings for a reasonable time so that the Mortgagee's Proceedings or negotiations may be concluded.

ARTICLE XII

MISCELLANEOUS PROVISIONS

12.1 Constructive Notice and Acceptance. Every Person who now or hereafter owns or acquires any right, title or interest in or to any portion of the Property or any Parcel, is and shall be conclusively deemed to have consented and agreed to every covenant, condition, restriction and provision contained in this Declaration, whether or not any reference to this Declaration is contained in the instrument by which such Person acquired an interest in the Property.

12.2 Notices.

(a) Except as otherwise expressly provided in this Declaration or required by law, all notices, consents, requests, demands, approvals, authorizations and other communications provided for herein shall be in writing and shall be deemed to have been duly given if and when personally served, hand delivered or delivered by a nationally recognized overnight courier, or seventy-two (72) hours after being sent by United States first class mail, postage prepaid, to the intended party at its last known address. For purposes of this Section 13.2, "last known address" with respect to any Owner shall mean such Owner's address appearing on the books of the Association or supplied by such Owner to the Association. If no

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address is supplied, then such Owner's address shall be deemed to be the address of any Parcel owned by such Owner.

(b) With respect to (i) any such notice, consent, request, demand, approval, authorization or communication; and (ii) any document or instrument (whether a Governing Document or otherwise), given or made available to any Owner hereunder or under any of the other Governing Documents and which might concern an Occupant of such Owner's Parcel, it shall be the sole responsibility of such Owner (but in no event the responsibility of the Association) to make a copy thereof available in a timely manner to such Occupant.

12.3 Liberal Construction. The provisions of this Declaration shall be liberally construed to effectuate its purpose. The failure to enforce any provision of this Declaration shall not constitute a waiver of the right to thereafter enforce such provision or the right to enforce any other provision hereof.

12.4 Singular Includes Plural. Whenever the context of this Declaration requires, the singular shall include the plural, and vice versa, and the masculine shall include the feminine and the neuter, and vice versa.

12.5 Headings. Paragraph, Section and Article headings, where used in this Declaration, are inserted for convenience only and are not intended to be a part hereof or in any way to define, limit or describe the scope and intent of the particular provisions to which they refer.

12.6 Effect of Invalidation. Each covenant, condition and restriction of this Declaration is intended to be, and shall be construed as, independent and severable from each other covenant, condition and restriction. If any covenant, condition or restriction of this Declaration, or application thereof, is held to be invalid by any court, the invalidity of such covenant, condition or restriction, or application thereof, shall not affect the validity of the remaining covenants, conditions and restrictions, or application thereof.

12.7 Cumulative Remedies. Each remedy provided for in this Declaration and/or in the Governing Documents shall be cumulative and not exclusive. The failure to exercise any remedy provided for in this Declaration or any other Governing Document shall not constitute a waiver of such remedy or of any other remedy provided herein or therein.

12.8 Attorneys' Fees and Costs. If any Person commences litigation for the judicial interpretation or enforcement hereof or of any of the other Governing Documents, or for damages for the breach hereof or of any of the other Governing Documents, the prevailing party shall be entitled to its reasonable attorneys' fees, court costs and all other cost and expenses incurred in any trial, appellate, bankruptcy or other legal proceeding.

12.9 Priorities and Inconsistencies. In the event of any conflict or inconsistency between this Declaration and either the Articles or the Bylaws, the terms and provisions of this Declaration shall prevail (unless and only to the extent, if any, the Declaration does not comply with any provision of applicable law). In the event of any conflict between the Articles and Bylaws, the Articles shall control.

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12.10 Exhibits. All exhibits to this Declaration are incorporated herein by this reference. Declarant may, from time to time, supplement the Declaration and record exhibits or modifications to or amendments thereof to this Declaration and thereafter such exhibits, modifications or amendments shall be a part hereof as if originally incorporated on the date of execution of the Declaration.

IN WITNESS WHEREOF, this Declaration of Covenants, Condition and Restrictions for Colony Corporate Center has been signed by Declarants and the Association the day and year first above set forth.

GVB:

WITNESSES:

Steve Brooks
Witness #1
Print Name: Steve Brooks

L. Gail Law
Witness #2
Print Name: L. Gail Law

GVB PROPERTIES, LLC,
a Florida limited liability company

By: Aldo Beretta

Print Name: Aldo Beretta

Its: Managing Member

STATE OF FLORIDA

COUNTY OF Lee

I HEREBY CERTIFY, that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Aldo Beretta, as Owner/Managing member of GVB PROPERTIES, LLC, a Florida limited liability company, on behalf of said company, who is () personally known to me or (X) has produced FLCL as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 8th day of November, 2010.



Steve Brooks
Notary Public Signature
Printed Name: Steve Brooks
My Commission expires: 3/29/13

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PARK APARTMENTS:

WITNESSES:

S.L. Clifford
Witness #1
Print Name: S.L. Clifford

Crystal Guadalupe
Witness #2
Print Name: Crystal Guadalupe

STATE OF FLA.

COUNTY OF Lee

I HEREBY CERTIFY, that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Nancy Mattis, as President of The Park Apartments of Southwest Florida, Inc., a Florida corporation, successor by merger to The Park Apartments, Inc., a New Jersey corporation, on behalf of said corporation, who is ☒ personally known to me or () has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 2nd day of Dec, 2010.

(SEAL)

THE PARK APARTMENTS OF
SOUTHWEST FLORIDA, INC., a Florida
corporation, successor by merger to THE
PARK APARTMENTS, INC., a New Jersey
corporation

By: Nancy Mattis
Nancy Mattis, President

Stevie Lynn Clifford
Notary Public Signature
Printed Name: Stevie Lynn Clifford
My Commission expires: _____



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MONROE:

WITNESSES:

Witness #1

Print Name: CRYSTAL GUADALUPE

Witness #2

Print Name: STEVIE L. CLIFFORD

STATE OF FL

COUNTY OF LEE

I HEREBY CERTIFY, that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Henrietta Y. Fox, as President of Monroe Management Co. of Southwest Florida, Inc., a Florida corporation, successor by merger to Monroe Management Co., Inc., a New Jersey corporation, on behalf of said corporation, who is ☒ personally known to me or () has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 2nd day of Dec., 2010.

(SEAL)

Notary Public Signature

Printed Name: STEVIE LYNN CLIFFORD

My Commission expires: _____



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ASSOCIATION:

WITNESSES:

S.L. Clifford
Witness #1
Print Name: S.L. Clifford

Crystal Guadalupe
Witness #2
Print Name: Crystal Guadalupe

COLONY CORPORATE CENTER
OWNERS' ASSOCIATION, INC.,
a Florida not-for-profit corporation

By: Nancy Mattis
Print Name: NANCY MATTIS
Its: Pres.

STATE OF FLORIDA

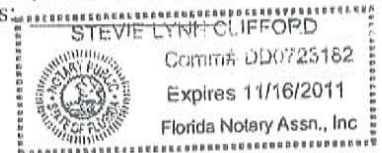
COUNTY OF Lee

I HEREBY CERTIFY, that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Nancy Mattis as Pres. of COLONY CORPORATE CENTER OWNERS' ASSOCIATION, INC., a Florida not-for-profit corporation, on behalf of the corporation, who is (☒) personally known to me or () has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 2nd day of Dec, 2010.

(SEAL)

Stevie Lynn Clifford
Notary Public Signature
Printed Name: Stevie Lynn Clifford
My Commission expires:



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EXHIBIT "A"
GVV PROPERTY

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

LOT 2 DESCRIPTION (SOUTHERLY PARCEL RECORDED IN OFFICIAL RECORDS BOOK 3591, PAGE 2568, PUBLIC RECORDS OF LEE COUNTY, FLORIDA):

A PARCEL OF LAND LOCATED IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT "A" OF PELICAN LANDING UNIT NINETEEN AS RECORDED IN PLAT BOOK 56 AT PAGES 36 THROUGH 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (TAMIAMI TRAIL- S.R. 45) (200' RIGHT-OF-WAY) WITH THE NORTHERLY RIGHT-OF-WAY LINE OF PELICAN COLONY BOULEVARD (TRACT "A" OF AFOREMENTIONED PLAT), AND ALSO BEING A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, WHOSE RADIUS POINT BEARS S 79°53'56" W A DISTANCE OF 30.00 FEET THEREFROM; THENCE RUN SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID PELICAN COLONY BOULEVARD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", SUBTENDED BY A CHORD OF 42.43 FEET AT A BEARING OF S 34°53'56" W, FOR AN ARC LENGTH OF 47.12 FEET TO THE END OF SAID CURVE; THENCE RUN S 79°53'56" W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 40.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 690.00 FEET, THROUGH A CENTRAL ANGLE OF 08°16'22", SUBTENDED BY A CHORD OF 99.54 FEET AT A BEARING OF S 84°02'07" W, FOR AN ARC LENGTH OF 99.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 690.00 FEET, THROUGH A CENTRAL ANGLE OF 23°21'50", SUBTENDED BY A CHORD OF 279.42 FEET AT A BEARING OF N 80°08'46" W, FOR AN ARC LENGTH OF 281.37 FEET TO A POINT OF COMPOUND CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 95°12'57", SUBTENDED BY A CHORD OF 44.31 FEET AT A BEARING OF N 20°51'23" W, FOR AN ARC LENGTH OF 49.85 FEET TO THE END OF SAID CURVE; THENCE RUN N 26°45'05" E FOR A DISTANCE OF 260.58 FEET; THENCE RUN S 63°14'55" E FOR A DISTANCE OF 90.00 FEET; THENCE RUN S 78°21'14" E FOR A DISTANCE OF 84.48 FEET; THENCE RUN N 79°53'56" E FOR A DISTANCE OF 134.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (TAMIAMI TRAIL-S.R. 45) A 200' RIGHT-OF-WAY; THENCE RUN ALONG SAID WESTERLY RIGHT-OF-WAY LINE, THENCE RUN S 10°06'04" E FOR A DISTANCE OF 57.01 FEET; THENCE RUN S 79°53'56" W FOR A DISTANCE OF 55.87 FEET; THENCE RUN S 10°06'04" E FOR A DISTANCE OF 51.74 FEET TO A POINT ON A CIRCULAR CURVE TO THE SOUTHEAST, WHOSE RADIUS POINT BEARS S 29°17'21" E FOR A DISTANCE OF 170.00 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 170.00 FEET, THROUGH A CENTRAL ANGLE OF 68°23'30", SUBTENDED BY A CHORD OF 191.09 FEET AT A BEARING OF S 26°30'54" W, FOR AN ARC LENGTH OF 202.92 FEET TO THE END OF SAID CURVE AND THE POINT OF BEGINNING. CONTAINING 1.915 ACRES, MORE OR LESS.

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EXHIBIT "B"
PARK APARTMENTS/MONROE PROPERTY

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DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

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LOT 1 DESCRIPTION (NORTHERLY PARCEL RECORDED AS OFFICIAL RECORDS INSTRUMENT #2006000196431, LEE COUNTY PUBLIC RECORDS):

A PARCEL OF LAND LOCATED IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT "A" OF PELICAN LANDING UNIT NINETEEN AS RECORDED IN PLAT BOOK 56 AT PAGES 36 THROUGH 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (TAMIAMI TRAIL- S.R. 45) (200' RIGHT-OF-WAY) WITH THE NORTHERLY RIGHT-OF-WAY LINE OF PELICAN COLONY BOULEVARD (TRACT "A" OF AFOREMENTIONED PLAT), AND ALSO BEING A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, WHOSE RADIUS POINT BEARS S 79°53'56" W A DISTANCE OF 30.00 FEET THEREFROM; THENCE RUN SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID PELICAN COLONY BOULEVARD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", SUBTENDED BY A CHORD OF 42.43 FEET AT A BEARING OF S 34°53'56" W, FOR AN ARC LENGTH OF 47.12 FEET TO THE END OF SAID CURVE; THENCE RUN S 79°53'56" W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 40.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 690.00 FEET, THROUGH A CENTRAL ANGLE OF 31°38'13", SUBTENDED BY A CHORD OF 376.17 FEET AT A BEARING OF N 84°16'58" W, FOR AN ARC LENGTH OF 381.00 FEET TO A POINT OF COMPOUND CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 95°12'57", SUBTENDED BY A CHORD OF 44.31 FEET AT A BEARING OF N 20°51'23" W, FOR AN ARC LENGTH OF 49.85 FEET TO THE END OF SAID CURVE; THENCE RUN N 26°45'05" E FOR A DISTANCE OF 260.58 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE N 26°45'05" E FOR A DISTANCE OF 111.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 730.00 FEET, THROUGH A CENTRAL ANGLE OF 23°11'28", SUBTENDED BY A CHORD OF 293.46 FEET AT A BEARING OF N 15°09'21" E, FOR AN ARC LENGTH OF 295.48 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 81°13'58", SUBTENDED BY A CHORD OF 39.06 FEET AT A BEARING OF N 44°10'37" E, FOR AN ARC LENGTH OF 42.53 FEET TO THE END OF SAID CURVE; THENCE RUN N 84°47'36" E FOR A DISTANCE OF 29.63 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 89°06'34", SUBTENDED BY A CHORD OF 70.16 FEET AT A BEARING OF S 50°39'07" E, FOR AN ARC LENGTH OF 77.76 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (S.R. 45) (200' RIGHT-OF-WAY) ALSO BEING A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY OF U.S. 41, AND

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ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5797.58 FEET, THROUGH A CENTRAL ANGLE OF 04°00'14", SUBTENDED BY A CHORD OF 405.04 FEET AT A BEARING OF S 08°05'57" E, FOR AN ARC LENGTH OF 405.13 FEET TO THE END OF SAID CURVE; THENCE RUN S 10°06'04" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1.69 FEET; THENCE RUN S 79°53'56" W FOR A DISTANCE OF 134.00 FEET; THENCE RUN N 78°21'14" W FOR A DISTANCE OF 84.48 FEET; THENCE RUN N 63°14'55" W FOR A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.935 ACRES, MORE OR LESS

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EXHIBIT "C"
ARTICLES OF INCORPORATION

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**ARTICLES OF INCORPORATION
OF
COLONY CORPORATE CENTER OWNERS' ASSOCIATION, INC.
(A Florida Not-For-Profit Corporation)**

The undersigned hereby executes and submits these Articles of Incorporation for the purpose of forming a not-for-profit corporation under Chapter 617, Florida Statutes.

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**ARTICLE I
Corporate Name**

COMMUNITY DEVELOPMENT

The name of the corporation is Colony Corporate Center Owners' Association, Inc., hereinafter called the "Association". For convenience, these Articles of Incorporation shall be referred to herein as the "Articles", and the Bylaws of the Association as the "Bylaws".

**ARTICLE II
Address**

The initial mailing address of the Association shall be 24231 Walden Center Drive, Suite 202, Bonita Springs, Florida 34134. The principal office of the Association shall be located at the mailing address or at such other place as may be subsequently designated by the Board of Directors of the Association from time to time.

**ARTICLE III
Purpose and Powers of the Association**

2.1 Objects and Purposes. The objects and purposes of the Association are those objects and purposes as are authorized by the Declaration of Covenants, Conditions and Restrictions for Colony Corporate Center recorded (or to be recorded) in the Public Records of Lee County, Florida, as hereafter amended and/or supplemented from time to time (the "Declaration"). The further objects and purposes of the Association are to preserve the values and amenities in the Project, as the same are defined in the Declaration, and to maintain the Common Area and any portions of the Property as set forth in the Declaration for the benefit of the Members of the Association. Defined terms used but not otherwise defined herein shall have the meanings given them in the Declaration.

2.2 Not for Profit. The Association is not organized for profit and no part of the net earnings, if any, shall inure to the benefit of any Member or individual person, firm or corporation. Upon dissolution, all assets of the Association shall be transferred only to another not-for-profit corporation or as otherwise authorized by the Florida not-for-profit corporation statute.

2.3 Powers. The powers of the Association shall include and be governed by the following:

(a) General. The Association shall have all of the common-law and statutory powers of a corporation not for profit under the Laws of Florida unless further restricted by the provisions of these Articles, the Declaration, or the Bylaws.

(b) Enumeration. The Association shall have the powers and duties set forth in subsection (a) above, except as limited by these Articles, the Bylaws and the Declaration, and all of the powers and duties reasonably necessary to operate the Association pursuant to the Declaration, and as more particularly described in the Bylaws, as they may be amended from time to time, including, but not limited to, the following:

(i) To make and collect Assessments and other charges against Members and Owners, and to use the proceeds thereof in the exercise of its powers and duties.

(ii) To buy, own, operate, lease and sell, both real and personal property.

(iii) To maintain, repair, replace, reconstruct, add to and operate the Common Area, and portions of the Property as set forth in the Declaration.

(iv) To purchase insurance upon the Common Area and insurance for the protection of the Association, its officers, directors and Members.

(v) To make and amend reasonable rules and regulations for the maintenance, conservation and use of the Common Area and Parcels and for the health, comfort, safety and welfare of the Members as provided in the Declaration.

(vi) To enforce by legal means the provisions of the Declaration, these Articles, the Bylaws, and the Rules and Regulations for the use of the Common Area and the Parcels.

(vii) To contract for the management and maintenance of the Common Area and to authorize a management agent to assist the Association in carrying out its powers and duties by performing such functions as the submission of proposals, collection of Assessments, preparation of records, enforcement of rules and maintenance, repair and replacement of the Common Area with such funds as shall be made available by the Association for such purposes. The Association and its officers shall, however, retain at all times the powers and duties granted by the Declaration, Bylaws and these Articles, including, but not limited to, the making of Assessments, promulgation of rules and execution of contracts on behalf of the Association.

(viii) To employ personnel to perform the services required for the proper operation, maintenance, conservation, and use of the Common Area.

(ix) To borrow money, and with the unanimous consent of the members entitled to vote, mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred.

(x) To dedicate, sell or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members.

(xi) To maintain and operate any roads and streets, sewer and/or potable water facilities and the surface/stormwater management system and related appurtenances, including, but not limited to, all lakes, retention areas, swales, culverts and drainage structures in accordance with any permit issued by the South Florida Water Management District, or its successor.

(xii) To sue and be sued.

(xiii) To contract for services necessary to operate and maintain the surface/stormwater management system and other property (tracts and easements) dedicated to the Association, and any corresponding infrastructure.

All funds and the title to all property acquired by the Association shall be held for the benefit of the Members in accordance with the provisions of the Declaration, these Articles and the Bylaws.

ARTICLE IV Membership/Voting Rights

4.1 Qualification. The qualification of Members, the manner of their admission to and the termination of membership, and voting by members shall be as follows:

(a) The record owners of each Parcel, as that term is defined in the Declaration, shall be a member of the Association ("Members"), and no other persons or entities shall be entitled to membership. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of a Parcel which is subject to assessment by the Association. In the event a Parcel is subdivided, the Sub-Association therefor shall be the applicable Member of the Association. The Association shall have one (1) class of voting membership. On all matters on which the membership shall be entitled to vote, the Members shall have the voting interests provided in this Article. There will be one vote allocated to each Parcel. When a Parcel has been subdivided, the Sub-Association therefore shall, at least annually, by majority vote of its members, appoint one (1) member of the Sub-Association as the Sub-Association's voting representative (the "Voting Representative"). The Voting Representative shall attend the meetings of the Members of the Association, and shall cast votes in the manner determined by the Sub-Association's board of directors and/or governing documents of the Sub-Association, or absent such direction, in the manner determined by the Voting Representative. Written notice of the appointment shall be given to the Association. The Bylaws may establish procedures for voting when title to a Parcel is held in the name of a corporation or more than one (1) person or entity.

(b) Membership shall be established by the acquisition of fee title to a Parcel or by acquisition of a fee ownership interest therein, by voluntary conveyance or operation of law, and the membership of any person or entity shall be automatically terminated when such person or entity is divested of all title or the person's entire fee ownership in such Parcel.

(c) The interest of a Member in the funds and assets of the Association cannot be assigned, hypothecated or transferred in any manner, except as an appurtenance to the Parcel owned by such member. The funds and assets of the Association shall be expended, held or used only for the benefit of the membership and for the purposes authorized herein, in the Declaration, and in the Bylaws.

ARTICLE V Liability for Debts

Neither the Members nor the officers or the directors of the Association shall be liable for the debts of the Association.

ARTICLE VI Board of Directors

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5.1 Number of Directors/Initial Directors. The affairs of this Association shall be managed and governed by a Board of Directors consisting of at least three (3) Directors, who need not be Members of the Association. The number of Directors may be changed by amendment of the Bylaws of the Association. The names and addresses of the persons who are to act in the capacity of Directors until the selection of their successor are:

<u>Name</u>	<u>Address</u>
Nancy Mattis	13355 Pond Apple Drive East, Naples, Florida 34119
Henrietta Y. Fox	4505 Snowy Egret Drive, Naples, Florida 34119
Aldo Beretta	24231 Walden Center Drive, Bonita Springs, Florida 34134

5.2 Election/Removal. Directors of the Association shall be elected by the Members in the manner determined by the Bylaws. Directors may be removed and vacancies of the Board of Directors shall be filled in the manner provided by the Bylaws.

ARTICLE VII Officers

The affairs of the Association shall be administered by a President, a Vice-President, a Secretary and a Treasurer and such other Officers as may be designated from time to time by the Directors. The Officers shall be elected or designated by the Board of Directors at its first meeting following the annual meeting of the Members of the Association. The names and addresses of the Officers who shall serve until their successors are elected or designated by the Board of Directors are as follows:

President	Nancy Mattis
Vice President	Aldo Beretta
Secretary	Henrietta Y. Fox
Treasurer	Henrietta Y. Fox

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ARTICLE VIII Indemnification

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10.1 Indemnity. The Association shall indemnify any officer, director, or committee member who was or is a party or is threatened to be made a party to any threatened, pending, or contemplated action, suit or proceeding, whether civil, criminal, administrative, or investigative, by reason of the fact that he is or was a director, officer, or committee member of the Association, against expenses (including attorney's fees and appellate attorney's fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit, or proceeding, unless: (i) a court of competent jurisdiction finally determines, after all appeals have been exhausted or not pursued by the proposed indemnitee, that he did not act in good faith or in a manner he reasonably believed to be in or not opposed to the best interest of the Association, and, with respect to any criminal action or proceeding,

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that he had reasonable cause to believe his conduct was unlawful; and (ii) such court also determines specifically that indemnification should be denied. The termination of any action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interest of the Association, and with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful. It is the intent of the Association, by the adoption of this provision, to provide the most comprehensive indemnification possible to its officers, directors, and committee members as permitted by Florida law.

10.2 Expenses. To the extent that a director, officer, employee or agent of the Association has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in Section 10.1 above, or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorney's fees and appellate attorney's fees) actually and reasonably incurred by him in connection therewith. Assessments may be made by the Association to cover any expenses or other amounts to be paid by the Association in connection with the indemnification provided herein.

10.3 Approval. Any indemnification under Section 10.1 above (unless ordered by a court) shall be made by the Association only as authorized in the specific case upon a reasonable determination that indemnification of the director, officer, employee, committee member or agent is proper in the circumstances because he has met the applicable standard of conduct set forth in Section 10.1 above. Such determination shall be made (a) by the Board of Directors by a majority vote of a quorum consisting of Directors who were not parties to such action, suit or proceeding, or (b) if such quorum is not obtainable, or, even if obtainable a quorum of disinterested directors so directs, by independent legal counsel in a written opinion, or (c) by a majority of the Members.

10.4 Advances. Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the Association in advance of the final disposition of such action, suit or proceeding as authorized by the Board of Directors in the specific case upon receipt of an undertaking by or on behalf of the director, officer, employee, committee member or agent to repay such amount unless it shall ultimately be determined that he or she is entitled to be indemnified by the Association as authorized in this Article.

10.5 Miscellaneous. The indemnification provided by this Article shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under any by-law, agreement, vote of Members or otherwise, both as to action in his official capacity while holding such office or position, or otherwise, and shall continue as to a person who has ceased to be director, officer, employee, committee member or agent and shall inure to the benefit of the heirs, executors and administrators of such person.

10.6 Insurance. The Association shall have the power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee, committee member or agent of the Association, or is or was serving at the request of the Association as a director, officer, employee, committee member or agent of another corporation, partnership, joint venture, trust or other enterprise, against any liability asserted against him and incurred by him in any such capacity, or arising out of his status as such, whether or not the Association would have the power to indemnify him against such liability under the provisions of this Article.

10.7 Amendment. Anything to the contrary herein notwithstanding, the provisions of this Article X may not be amended without the prior written consent of all persons whose interest would be adversely affected by such amendment.

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10.8 Definitions. Unless the context otherwise requires, all terms used in these Articles shall have the same meaning as are attributed to them in the Master Declaration and the By-Laws.

ARTICLE IX Bylaws

The Bylaws of the Association shall be adopted by the Board of Directors and may be altered, amended or rescinded as provided therein; provided, however, that at no time shall the Bylaws conflict with these Articles of Incorporation or the Declaration.

ARTICLE X Dissolution

The Association may be dissolved upon written assent signed by unanimous consent of the Members. Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association (including, without limitation, the surface water management system) shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any nonprofit corporation, association, trust or organization to be devoted to such similar purposes.

ARTICLE XI Term

The term of the Association shall be perpetual.

ARTICLE XII Amendments

12.1 Amendment Process. Amendments to these Articles shall be proposed and adopted in the following manner:

(a) Proposal. Amendments to these Articles may be proposed by a majority of the Board of Directors or upon petition by a Member, in writing, signed by them.

(b) Procedure. Upon any amendment or amendments to these Articles being proposed by said Board or Member, such proposed amendment or amendments shall be submitted to a vote of the Members not later than the next annual meeting for which proper notice can be given.

(c) Vote Required. Except as otherwise required for by Florida law, these Articles of Incorporation may be amended by the unanimous vote of the voting interests of the Members at any annual or special meeting, or by the unanimous approval in writing of the voting interests of the Members without a meeting. Notice of any proposed amendment shall be given to the Members of the Association and that the notice contains a fair statement of the proposed amendment.

12.2 Effective Date. An amendment shall become effective upon filing with the Secretary of State and recording a certified copy in the Public Records of Collier County, Florida.

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12.3 Limit on Amendments. No amendment shall make any changes in the qualifications for membership, or in the voting rights of Members, without approval in writing by all Members.

**ARTICLE XIII
Incorporator**

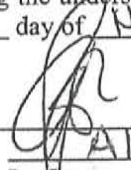
The name and address of the incorporator of these Articles of Incorporation is as follows:

**Aldo Beretta
24231 Walden Center Drive
Bonita Springs, Florida 34134**

**ARTICLE XIV
Registered Office and Agent**

The street address of the initial registered office of this corporation is **4001 Tamiami Trail North, Suite 300, Naples, Florida 34103**, and the name of the initial registered agent of this corporation is **Gregory L. Urbancic, Esq. c/o Coleman, Yovanovich & Koester, P.A.**

IN WITNESS WHEREOF the subscriber, being the undersigned person, named as incorporator, has hereunto set his/her hand and seal, this 8 day of March, 2010

By: 
Its: Incorporator

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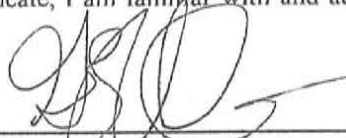
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ACCEPTANCE OF DESIGNATION AS REGISTERED AGENT

Having been named as registered agent to accept service of process for the above stated corporation, at the place designated in the certificate, I am familiar with and accept the appointment as registered agent and agree to act in this capacity.



Gregory L. Urbancic, Esq.
Registered Agent

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EXHIBIT "D"
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BYLAWS
OF
COMMUNITY DEVELOPMENT
COLONY CORPORATE CENTER OWNERS' ASSOCIATION, INC.

ARTICLE I
IDENTITY

1.1 General. These are the Bylaws of COLONY CORPORATE CENTER OWNERS' ASSOCIATION, INC. (the "Association"), a corporation not for profit organized under the laws of Florida for the purpose of managing and operating the Common Area and other Association property in the Colony Corporate Center subdivision.

1.2 Principal Office. The principal office of the Association shall be at 24231 Walden Center Dr. Suite 202, Bonita Springs Florida 34134 or such other place as shall be determined by the Board of Directors.

1.3 Seal. The seal of the Association shall be inscribed with the name of the Association, the year of its organization, and the words "Florida" and "not for profit." The seal may be used by causing it, or a facsimile of it, to be impressed, affixed, reproduced or otherwise placed upon any document or writing of the corporation where a seal may be required.

1.4 Definitions. The terms used in these Bylaws shall have the meanings as provided in the Declaration of Covenants, Conditions and Restrictions for Colony Corporate Center (the "Declaration").

ARTICLE II
MEMBERSHIP; VOTING RIGHTS

2.1 Qualification. The qualification of Members of the Association, the manner of their admission to membership and termination of such membership, and voting by Members, shall be, as set forth in the Articles, the provisions of which are incorporated herein by reference.

2.2 Voting Rights Specified. Voting rights applicable to any Parcel shall be as set forth in the Articles and Declaration. No Member is required hereunder to cast in the same manner all of the votes which the Member is entitled to cast, and may vote in any fashion as may be provided for in any Sub-Association governing documents. Unanimous consent of the voting interest of the Members shall be required for corporate action except where provided otherwise in these Bylaws, the Articles or the Declaration.

2.3 Approval or Disapproval of Matters. Whenever the decision or approval of a Member is required upon any matter, whether or not the subject of an Association meeting, such decision may be expressed by any person authorized to cast the vote of such Parcel at an Association meeting as stated in Section 2.2 of these Bylaws, unless the joinder of all record owners is specifically required.

2.4 Change of Membership. A change in membership in the Association shall be established by recording in the Public Records of Collier County, Florida, a deed or other instrument establishing record title to a Parcel and forwarding a copy of same to the Association. Thereupon the grantee in such

instrument will become a Member of the Association and the membership of the prior owner shall hereby be automatically terminated. Upon such transfer of title, the grantee shall notify the Association of such transfer and provide to the Association an address to which all notices and correspondence should be sent. If the grantee fails to notify the Association of such transfer of title, the Association shall not be responsible to mail or deliver notices and correspondence to the new owner, and until notice of the transfer is given to the Association, the prior owner shall remain joint and severally liable for assessments with the new owner.

2.5 Termination of Membership. The termination of membership in the Association does not relieve or release any former Member from liability or obligation incurred under or in any way connected with the Association during the period of its membership, nor does it impair any rights or remedies which the Association may have against any former Member arising out of, or in any way connected with, such membership and the covenants and obligations incident thereto.

2.6 Corporate/Partnership Ownership. If a Parcel is owned by a corporation, partnership or limited liability company, then an officer, partner or manager may cast the one vote on behalf of the corporation, partnership or limited liability company. If a Parcel is owned by a trustee or some other form of ownership, the Board of Directors is authorized to determine who may vote on behalf of the Parcel.

ARTICLE III MEMBERS' MEETINGS; VOTING

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3.1 Annual Meeting. There shall be an annual meeting of the members in each calendar year, which shall be held at a day, place and time designated by the Board of Directors, for the purpose of transacting any business duly authorized to be transacted by the Members.

3.2 Special Members' Meetings. Special Members' meetings must be held whenever called by the Board of the Directors. The business conducted at any special meeting shall be limited to the items specified in the notice of the meeting.

3.3 Notice of Meetings; Waiver of Notice. Notice of all Members' meetings must state the time, date, and place of the meeting, and include an agenda for the meeting. The notice must be mailed to each Member at the address that appears on the books of the Association, or may be furnished by personal delivery. Each Member is responsible for informing the Association of any change of address of said Member. The notice of all Members' meetings must be mailed or delivered at least fourteen (14) days before the meeting. If ownership of a Parcel is transferred after notice has been mailed, no separate notice to the new Owner is required. Attendance at any meeting by a Member constitutes waiver of notice by that Member, unless the Member objects to the lack of notice at the beginning of the meeting. A person entitled to receive such notice may waive notice of any meeting at any time, but only by written waiver.

3.4 Quorum. A quorum at a duly called Members' meeting shall be attained by the presence, either in person or by proxy, of persons entitled to cast at least sixty-seven percent (67%) of the votes of the Members entitled to vote, except as otherwise provided in the Articles, the Declaration or these Bylaws.

3.5 Proxy Voting. To the extent lawful, any person entitled to attend and vote at a Members' meeting may establish his or her presence and cast his or her vote by proxy. A proxy may be given by any person entitled to vote, but shall be valid only for the specific meeting for which originally given and any lawful adjournment of that meeting, and no proxy is valid longer than ninety (90) days after the date of the first meeting for which it was given. Every proxy shall be revocable at the pleasure of the person

executing it. To be valid, a proxy must be in writing, dated, signed by the person authorized to cast the vote for the Parcel, and specify the date, time and place of the meeting for which it is given. The original must be delivered to the Association at or before the appointed time of the meeting or reconvening thereof.

3.6 Adjourned Meetings. Any duly called meeting of the Members may be adjourned to be reconvened at a specific later time by vote of the majority of the voting interests present, regardless of whether a quorum has been attained. Any business which might have been conducted at the meeting as originally scheduled may instead be conducted at the continuance.

3.7 Order of Business. The order of business at Members' meetings shall be substantially as follows:

- A. Counting of ballots in election of Directors (if necessary).
- B. Call of the roll or determination of quorum.
- C. Reading or disposal of minutes of last Members' meeting
- D. Reports of Officers
- E. Reports of Committees
- F. Unfinished Business
- G. New Business
- H. Adjournment

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3.8 Minutes. Minutes of all meetings of Members and of the Board of Directors shall be kept in a businesslike manner and available for inspection by Members or their authorized representatives and Board members at all reasonable times and for a period of seven (7) years after the meeting.

3.9 Parliamentary Rules. Roberts' Rules of Order (latest edition) shall govern the conduct of the Association meetings when not in conflict the law, the Declaration, the Articles, or these Bylaws. The presiding officer may appoint a Parliamentarian whose decision on questions of parliamentary procedure shall be final. Any question or point of order not raised at the meeting to which it relates shall be deemed waived.

3.10 Action by Members Without a Meeting. Except for the annual meeting, any action required or permitted to be taken at a meeting of the Members may be taken by mail without a meeting if written ballots or other instruments indicating approval of the action proposed to be taken are signed and returned by the Members such that there exists unanimous approval by the voting interest of the Members of the Association. Upon receiving the required number of written consents, the Board of Directors shall take the authorized action upon adopting a resolution to that effect. Nothing in this paragraph shall be construed in derogation of Members' rights to call a special meeting of the membership, as elsewhere provided in these Bylaws.

ARTICLE IV BOARD OF DIRECTORS

4.1 General. The administration of the affairs of the Association shall be by a Board of Directors. All powers and duties granted to the Association by law, as modified and explained in the Declaration, shall be exercised by the Board, subject to approval or consent of the Members only when such is specifically or expressly required.

4.2 Number and Terms of Service. The number of Directors which shall constitute the whole Board of Directors shall be three (3). A Director's term will end at the annual election at which his/her successor is to be duly elected, unless said Director sooner resigns or is recalled as provided in 4.6 below. Directors to be elected by the Members shall be as described in Section 4.4 below, or in the case of a vacancy, as provided in Section 4.5 below.

4.3 Qualifications. The Articles shall control the qualifications of the Board of Directors.

4.4 Annual Elections and Nominations. On the date of each annual meeting, the Members shall elect by written ballot as many Directors as there are regular terms of Directors expiring. Directors shall be elected in the manner described herein. Annually, the Member from the GVB Property shall be entitled to elect one Director and the Member from the Park Apartments/Monroe Property shall be entitled to elect one Director. The third Director shall be elected on a rotating basis such that in even numbered years the Member from the Park Apartments/Monroe Property shall elect the third Director and in odd numbered years the Member from the GVB Property shall be entitled to elect the third Director.

4.5 Vacancies on the Board. If the office of any Director becomes vacant for any reason, a successor or successors to fill the vacancy for the unexpired term or terms of the seat(s) being filled shall be appointed or elected as follows:

A. If a vacancy is caused by the death, disqualification or resignation of a Director, all of the remaining Directors by unanimous vote, even if the remaining Directors constitute less than a quorum, shall appoint a successor.

B. If a vacancy occurs as a result of a recall and less than a majority of the Directors are removed, the vacancy may be filled by appointment by all of the remaining Directors, even if the remaining Directors constitute less than a quorum. If vacancies occur as a result of a recall in which a majority or more of the Directors are removed, an election conforming to the requirements and provisions of Section 4.4 shall be held to fill the vacancies.

4.6 Recall and Removal of Directors. Any or all Directors may be recalled and removed from office with or without cause by a unanimous vote of the entire membership, either by a written petition or at any meeting called for that purpose.

4.7 Organizational Meeting. The organizational meeting of a new Board of Directors shall be held within ten (10) days after the election of new Directors, at such place, day and time as may be fixed and announced by the Directors at the meeting in conjunction with which they were elected.

4.8 Other Meetings. Meetings of the Board may be held at such time and place as shall be determined from time to time by the Board. Notice of meetings shall be given to each Director at least two (2) days prior to the day named for such meeting.

4.9 Open Meetings. All meetings of the Board of Directors shall be open to Members, but Members shall not be entitled to participate at such meetings.

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4.10 Waiver of Notice. Any Director may waive notice of a meeting before or after the meeting, and such waiver shall be deemed equivalent to the giving of notice. If all Directors are present at a meeting, no notice to Directors shall be required.

4.11 Quorum of Directors. A quorum at a Board meeting shall exist when at least a majority of all Directors are present in person at a duly called meeting. Directors may participate in any meeting of the Board by a conference telephone call or similar communicative arrangement whereby all persons present can hear and speak to all other persons.

4.12 Vote Required. The acts approved by at least a majority of those Directors present and voting at a meeting at which a quorum exists shall constitute the acts of the Board of Directors, except when approval by a greater number of Directors is required by the Articles, the Declaration or by applicable law. A Director who is present at a meeting of the Board shall be deemed to have voted in favor of any action taken, unless said Director voted against such action or abstained from voting because of an asserted conflict of interest. The vote or abstention of each Director present on each issue voted upon shall be recorded in the minutes.

4.13 Adjourned Meetings. The majority of the Directors present at any meeting of the Board, regardless of whether a quorum exists, may adjourn the meeting to be reconvened at a specific time and date. At any reconvened meeting, provided a quorum is present, any business may be transacted that might have been transacted at the meeting originally as called.

4.14 Compensation of Directors and Officers. Neither Directors nor officers shall receive compensation for their services as such. Directors and officers may be reimbursed for all actual and proper out-of-pocket expenses relating to the proper discharge of their respective duties.

4.15 Powers of the Board of Directors. In addition to powers granted by law, the Board of Directors shall have power to:

A. Exercise for the Association all powers, duties and authorities vested in or delegated to the Association and not expressly reserved to the membership by other provisions of these Bylaws, the Articles or the Declaration.

B. Adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the Members and their employees, guests, invitees and tenants thereon, and to establish penalties for the infraction thereof;

C. Employ a manager, an independent contractor, or such employees as they may deem necessary and to prescribe their duties; and

D. Appoint from time to time such standing or temporary committees as the Board may deem necessary and convenient for the efficient and effective operation of the Association and as prescribed by these Bylaws and the Declaration.

4.16 Duties of the Board of Directors. It shall be the duty of the Board of Directors to:

A. Cause to be kept a complete record of all its acts and corporate affairs;

B. Supervise all officers, agents and employees of the Association and to see that their duties are properly performed;

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C. As more fully provided in the Declaration to: (1) fix the date of commencement and the amount of the annual assessment against each Parcel at least thirty (30) days in advance of each annual assessment period; (2) send written notice of each assessment to each Member no later than fourteen (14) days after fixing the date of commencement and amount of assessments;

D. Issue, or to cause an appropriate officer to issue, upon demand by a person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;

E. Procure and maintain adequate officers and directors liability insurance, if available; and hazard and other types of insurance on property owned or maintained by the Association;

F. Cause all officers or employees having fiscal responsibilities to be bonded, as they may deem appropriate;

G. Enforce the terms and provisions of the Declaration; and

H. Perform or act upon anything else required by law.

4.17 Deadlock.

A. Deadlock. Should deadlock, dispute or controversy arise among the Directors of the Association in regard to matters of management and Association policy or matters arising under the Articles or Bylaws of the Association and should the Directors, by using their legal power and influence as Directors, be unable to resolve such deadlock, dispute or controversy, the matter shall be submitted by the Directors to binding arbitration.

B. Determination By Arbitration. Should the Directors be unable to agree as to the scope of this provision or the application of this provision to the deadlock, dispute or controversy at issue, the scope and applicability of this provision shall be determined by the arbitrator.

C. Notice. Notice shall be given by such objecting or dissenting Director(s) that such deadlock exists within fifteen (15) days of such deadlock, by certified mail, postage prepaid, addressed to the remaining Directors(s) at the addresses listed on the Association's records.

D. Selection of Arbitrator. The Directors shall then select an arbitrator within sixty (60) days of the receipt of such notice of deadlock, upon 2/3 (two-thirds) vote of the Director(s) entitled to vote. The Directors shall reserve the right to replace the arbitrator by unanimous vote of the Directors entitled to vote.

E. Inability to Select. Should the Directors be unable to select an arbitrator or a successor arbitrator, the deadlock, dispute or controversy shall be resolved in accordance with the Florida Arbitration Code, Chapter 682, Florida Statutes.

F. Final Decision. The decision of the arbitrator shall be final and binding upon all Directors. The Directors shall vote, as the arbitrator shall direct.

G. Enforcement. To enforce these provisions, the arbitrator may obtain an injunction from a court having jurisdiction to direct the Directors to vote as the arbitrator has determined.

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ARTICLE V OFFICERS

5.1 Officers and Elections. The executive officers of the Association shall be a President and a Vice President, who must be Directors, and a Treasurer and a Secretary, all of whom shall be elected by a majority of the Board of Directors. Any officer may be removed with or without cause by vote of a majority of all Directors at any meeting. Any person may hold two (2) or more offices. The Board may, from time to time, appoint such other officers, and designate their powers and duties, as the Board shall find to be required to manage the affairs of the Association. The officers shall hold office for one (1) year, unless he or she shall sooner resign, or be removed or otherwise disqualified to serve. However, officers may be re-elected for one or more terms, whether successive or not.

5.2 President. The President shall be the chief executive officer of the Association, and shall preside at all meetings of the Members and Directors, shall be ex-officio a member of all standing committees, shall have general and active management of the business of the Association, and shall see that all orders and resolutions of the Board are carried into effect. The President shall execute bonds, mortgages and other contracts requiring seal of the Association, except where such are permitted by law to be otherwise signed and executed, and the power to execute is delegated by the Board of Directors to some other officer or agent of the Association.

5.3 Vice President. The Vice President shall, in the absence or disability of the President, perform the duties and exercise the powers of the President, and shall perform such other duties as the Board of Directors shall assign.

5.4 Secretary. The Secretary shall attend all meetings of the Board of Directors and all meetings of the Members, and shall cause all votes and the minutes of all proceedings to be recorded in a book or books to be kept for such purpose, and shall perform like duties for the standing committees when required. The Secretary shall give, or cause to be given, notice of all meetings of the Members and of the Board of Directors, and shall perform such other duties as may be prescribed by the Board or the President. The Secretary shall keep in safe custody the seal of the Association and, when authorized by the Board, affix the same to any instrument requiring said affixation. Any of the foregoing duties may be performed by an Assistant Secretary, if one has been designated by the Board.

5.5 Treasurer. The Treasurer shall be responsible for Association funds and securities, the keeping of full and accurate accounts of receipts and disbursements in books belonging to the Association, and the deposit of all monies and other valuable effects in the name and to the credit of the Association in such depositories as may be designated by the Board of Directors. The Treasurer shall oversee the disbursement of the funds of the Association, and for keeping proper vouchers for such disbursements, and shall render to the President and Directors, at the meetings of the Board, or whenever they may require it, an accounting of all transactions and of the financial condition of the Association. Any of the foregoing duties may be performed by an Assistant Treasurer, if any has been designated by the Board.

ARTICLE VI FISCAL MATTERS

The provisions for fiscal management of the Association set forth in the Declaration shall be supplemented by the following provisions:

6.1 Depository. The Association shall maintain its funds in federally insured accounts in such financial institutions authorized to do business in the State of Florida as shall be designated from

time to time by the Board. Withdrawal of monies from such accounts shall only be by such persons as are expressly authorized by the Board.

6.2 Budget. The Board of Directors shall adopt a budget of common expenses for each fiscal year. The proposed budget shall be detailed and shall show the amounts budgeted by income and expense classifications. The Association shall provide each Member with a copy of the annual budget or a written notice that a copy of the budget is available upon request at no charge to the Member.

6.3 Reserves for Capital Expenditures and Deferred Maintenance. In addition to annual operating expenses, the proposed budget shall include reserve accounts for capital expenditures and deferred maintenance. The amount to be reserved shall be computed by a formula based upon the estimated remaining useful life and replacement cost or deferred maintenance expense of each reserve item. Reserves funded under this paragraph, and all interest earned on such reserves, shall be used only for the purposes for which they were reserved, unless their use for other purposes is approved in advance by vote of a majority of the voting interests voting in person or by limited proxy at a Members' meeting duly called for that purpose.

6.4 Other Reserves. In addition to the reserves provided in Section 6.3 above, or in place of them if the Members so vote, the Board may establish one or more additional reserve accounts for contingencies, operating expenses, repairs, minor improvements, deferred maintenance or otherwise. The purpose of these reserves is to provide financial stability and to avoid the need for special assessments on a frequent basis. The amounts proposed to be so reserved shall be shown in the proposed annual budget each year. Unless otherwise restricted by law, these funds may be spent for any purpose approved by the Board.

6.5 Assessments. As more fully provided in the Declaration, each Member is obligated to pay to the Association assessments which are secured by a continuing lien upon the property against which the assessment is made. Assessments shall be paid quarterly, unless otherwise determined by the Board of Directors. Any assessments which are not paid when due shall be delinquent. In addition, the Association may charge an administrative late fee, not to exceed the greater of \$250.00 or 5% of each delinquent installment. Payments on account of delinquent assessments shall first be applied to interest, then to late fees, then to costs and attorneys fees and then to the delinquent payment. The Association may bring an action at law or equity against the Owner personally obligated to pay the same or foreclose the lien against the Parcel, and interest, costs and reasonable attorneys' fees of any such action shall be added to the amount of such assessment. No Owner may waive or otherwise escape liability for the assessment provided for herein by non-use of the Common Area or abandonment of a Parcel.

6.6 Fidelity Bonds. The President, Treasurer, and all persons who are authorized to sign checks, and all other persons having access to or control over Association funds shall be bonded, if the Board deems such bond necessary. The premiums on such bonds shall be paid by the Association.

6.7 Fiscal Year. The fiscal year for the Association shall begin on the 1st day of January of each calendar year and end on the 31st day of December of every year. The Board of Directors may change to a different fiscal year in accordance with the provisions and regulations from time to time prescribed in the Internal Revenue Code of the United States of America.

6.8 Failure to Adopt Budget. The failure or delay of the Board of Directors for any reason to adopt a budget for any fiscal year in the manner provided herein shall not constitute a waiver or release of the obligation of an Owner to pay the Assessments. In such an event, the Assessments to be paid by the Owners for said fiscal year shall automatically continue on the basis of the last budget adopted by the Association and shall continue until such time as the Board adopts a new budget.

**ARTICLE VII
COMPLIANCE AND DEFAULT; REMEDIES.**

In addition to all other remedies, the following provisions shall apply:

7.1 Fines. The Board of Directors, in its sole discretion, may levy reasonable fines against Members who commit violations of the law, the provisions of the Bylaws or Declaration, or the rules and regulations, or who condone such violations by their guests, employees, invitees, agents or tenants. The Association may also suspend, for a reasonable period of time, the rights of a Member or a Member's tenants, guests, employees, invitees or agents to use the Common Area. The procedure for imposing fines shall be as provided in the Declaration and subject to the following:

A. The party against whom the fine is sought to be levied shall be afforded an opportunity for hearing after reasonable notice of not less than fifteen (15) days.

B. The requirements of this subsection do not apply to the imposition of suspensions of fines upon any Member because of the failure of the Member to pay assessments or other charges when due.

C. Suspension of Common Area use rights shall not impair the right of an Owner or tenant of a Parcel to have vehicular and pedestrian ingress to and egress from the Parcel, including, but not limited to, the right to park.

D. The Association may not suspend the voting rights of a Member.

**ARTICLE VIII
AMENDMENT OF BYLAWS**

9.1 Vote. These Bylaws may be amended at a regular or special meeting of the Members, by a unanimous vote of the voting interest of the Members of the Association present in person or by proxy.

9.2 Conflict. In the case of any conflict between the Articles and these Bylaws, the Articles shall control; and in the case of any conflict between the Declaration and these Bylaws, the Declaration shall control.

**ARTICLE IX
MISCELLANEOUS**

10.1 Gender. Whenever the masculine or singular form of a pronoun is used in these Bylaws, it shall be construed to mean the masculine, feminine or neuter; singular or plural, as the context requires.

10.2 Severability. Should any portion of these Bylaws be declared void or become unenforceable, the remaining provisions shall remain in full force and effect.

The foregoing were adopted as the By-Laws of COLONY CORPORATE CENTER OWNERS' ASSOCIATION, INC., a corporation not for profit under the laws of the State of Florida on this 2nd day of December, 2010.

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**ARTICLE IX
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The foregoing were adopted as the By-Laws of COLONY CORPORATE CENTER OWNERS' ASSOCIATION, INC., a corporation not for profit under the laws of the State of Florida on this 2nd day of December, 2010.

**COLONY CORPORATE CENTER OWNERS'
ASSOCIATION, INC.,**
a Florida not-for-profit corporation

By: _____

Name: Aldo Benth

Title: Man/VP

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COLONY CORPORATE CENTER OWNERS'
ASSOCIATION, INC.,
a Florida not-for-profit corporation

By: Nancy Mattis

Name: NANCY MATTIS

Title: Pres.

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EXHIBIT "E"
SFWMD PERMIT

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**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SURFACE WATER MANAGEMENT
GENERAL PERMIT NO. 36-01620-S-06**

Form #0942
08/95

DATE ISSUED: July 28, 1998

PERMITTEE: COLONY CORPORATE CENTER
13356 ROSEWOOD LANE
NAPLES, FL 34119

PROJECT DESCRIPTION: MODIFICATION OF A SURFACE WATER MANAGEMENT SYSTEM SERVING 3.83
ACRES OF COMMERCIAL DEVELOPMENT KNOWN AS COLONY CORPORATE CENTER,
PELICAN LANDING.

PROJECT LOCATION: LEE COUNTY, SECTION 9 TWP 47S RGE 25E

PERMIT DURATION: Five years from the date issued to complete construction of the
surface water management system as authorized herein. See attached
Rule 40E-4.321. Florida Administrative Code.

This is to notify you of the District's agency action concerning Permit Application No.
980630-4, dated June 30, 1998. This action is taken pursuant to Rule 40E-1.606 and
Chapter 40E-40, Florida Administrative Code (F.A.C.).

Based on the information provided, District rules have been adhered to and a Surface
Water Management General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative
hearing,
2. the attached Standard Limiting Conditions,
3. the attached 8 Special Conditions, and
4. the attached 5 Exhibit(s).

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If you should object to these conditions, please refer to the attached "Notice of
Rights" which addresses the procedures to be followed if you desire a public hearing
or other review of the proposed agency action. Please contact this office if you
have any questions concerning this matter. If we do not hear from you in accordance
with the "Notice of Rights," we will assume that you concur with the District's
action.

CERTIFICATE OF SERVICE

HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the
persons listed in the attached distribution list) no later than 5:00 p.m. on this
9th day of July, 1998, in accordance with Section 120.60(3), Florida Statutes.

Y: _____
Benjamin C. Pratt, P.E.
Area Manager - Regulation
Ft Myers Service Center

Certified Mail No. P 482 245 425

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NOTICE OF RIGHTS

Section 120.569(1), Fla. Stat. (1997), requires that "each notice shall inform the recipient of any administrative hearing or judicial review that is available under this section, s. 120.57, or s. 120.68; shall indicate the procedure which must be followed to obtain the hearing or judicial review, and shall state the time limits which apply." Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

Petition for Administrative Proceedings

1. A person whose substantial interests are affected by the South Florida Water Management District's (SFWMD) action has the right to request an administrative hearing on that action. The affected person may request either a formal or an informal hearing, as set forth below. A point of entry into administrative proceedings is governed by Rules 28-106.111 and 40E-1.511, Fla. Admin. Code, (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109), as set forth below. Petitions are deemed filed upon receipt of the original documents by the SFWMD Clerk.

a. **Formal Administrative Hearing**

If a genuine issue(s) of material fact is in dispute, the affected person seeking a formal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(1), Fla. Stat. or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.201(2), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

b. **Informal Administrative Hearing**

If there are no issues of material fact in dispute, the affected person seeking an informal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(2), Fla. Stat. or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.301(2), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

c. **Administrative Complaint and Order**

If a Respondent objects to a SFWMD Administrative Complaint and Order, pursuant to Section 373.119, Fla. Stat. (1997), the person named in the Administrative Complaint and Order may file a petition for a hearing no later than 14 days after the date such order is served. Petitions must substantially comply with the requirements of either subsection a. or b. above.

d. **State Lands Environmental Resource Permit**

Pursuant to Section 373.427, Fla. Stat., and Rule 40E-1.511(3), Fla. Admin. Code (also published as an

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CIRCUIT COURT

5. Pursuant to Section 373.617, Fla. Stat., any substantially affected person who claims that final agency action of the SFWMD relating to permit decisions constitutes an unconstitutional taking of property without just compensation may seek judicial review of the action in circuit court by filing a civil action in the circuit court in the judicial circuit in which the affected property is located within 90 days of the rendering of the SFWMD's final agency action.

6. Pursuant to Section 403.412, Fla. Stat., any citizen of Florida may bring an action for injunctive relief against the SFWMD to compel the SFWMD to enforce the laws of Chapter 373, Fla. Stat., and Title 37, Fla. Admin. Code. The complainant must file with the SFWMD Clerk a verified complaint setting forth the facts upon which the complaint is based and the manner in which the complaining party is affected. If the SFWMD does not take appropriate action on the complaint within 30 days of receipt, the complaining party may then file a civil suit for injunctive relief in the 5th Judicial Circuit in and for Palm Beach County or circuit court in the county where the cause of action allegedly occurred.

7. Pursuant to Section 373.433, Fla. Stat., a private citizen of Florida may file suit in circuit court to require the abatement of any stormwater management system, dam, impoundment, reservoir, appurtenant work or works that violate the provisions of Chapter 373, Fla. Stat.

DISTRICT COURT OF APPEAL

8. Pursuant to Section 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the

SFWMD Clerk within 30 days of rendering of the final SFWMD action.

LAND AND WATER ADJUDICATORY COMMISSION

9. A party to a "proceeding below" may seek review by the Land and Water Adjudicatory Commission (LAWAC) of SFWMD's final agency action to determine if such action is consistent with the provisions and purposes of Chapter 373, Fla. Stat. Pursuant to Section 373.114, Fla. Stat., and Rules 42-2.013 and 42-2.0132, Fla. Admin. Code, a request for review of (a) an order or rule of the SFWMD must be filed with LAWAC within 20 days after rendition of the order or adoption of the rule sought to be reviewed; (b) an order of the Department of Environmental Protection (DEP) requiring amendment or repeal of a SFWMD rule must be filed with LAWAC within 30 days of rendition of the DEP's order; and (c) a SFWMD order entered pursuant to a formal administrative hearing under Section 120.57(1), Fla. Stat., must be filed no later than 20 days after rendition of the SFWMD's final order. Simultaneous with filing, a copy of the request for review must be served on the DEP Secretary, any person named in the SFWMD or DEP final order, and all parties to the proceeding below. A copy of Rule 42-2.013, Fla. Admin. Code is attached to this Notice of Rights.

PRIVATE PROPERTY RIGHTS PROTECTION ACT

10. A property owner who alleges a specific action of the SFWMD has inordinately burdened an existing use of the real property, or a vested right to a specific use of the real property, may file a claim in the circuit court where the real property is located within 1 year of the SFWMD action pursuant to the procedures set forth in Subsection 70.001(4)(a), Fla. Stat.

LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION

11. A property owner who alleges that a SFWMD development order (as that term is defined in Section 70.51(2)(a), Fla. Stat. to include permits) or

violation of principals of fairness that would justify a waiver or variance for the petitioner;

(h) the reason why the variance or the waiver requested would serve the purposes of the underlying statute; and

(i) a statement of whether the variance or waiver is permanent or temporary. If the variance or waiver is temporary, the petition shall include the dates indicating the duration of the requested variance or waiver.

A person requesting an emergency variance from or waiver of a SFWMD rule must clearly so state in the caption of the petition. In addition to the requirements of Section 120.542(5), Fla. Stat. pursuant to Rule 28-104.004(2), Fla. Admin. Code, the petition must also include:

a) the specific facts that make the situation an emergency; and

b) the specific facts to show that the petitioner will suffer immediate adverse effect unless the variance or waiver is issued by the SFWMD more expeditiously than the applicable timeframes set forth in Section 120.542, Fla. Stat.

WAIVER OF RIGHTS

14. Failure to observe the relevant time frames prescribed above will constitute a waiver of such right.

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within the time period provided in Rule 42-2.0132 shall result in dismissal of the request for review.

(2) The request for review shall identify the rule or order requested to be reviewed, the proceeding in which the rule or order was entered and the nature of the rule or order. A copy of the rule or order sought to be reviewed shall be attached. The request for review shall state with particularity:

(a) How the order or rule conflicts with the requirements, provisions and purposes of Chapter 373, F.S., or rules duly adopted thereunder;

(b) How the rule or order sought to be reviewed affects the interests of the party seeking review;

(c) The oral or written statement, sworn or unsworn, which was submitted to the agency concerning the matter to be reviewed and the date and location of the statement, if the individual or entity requesting the review has not participated in a proceeding previously instituted pursuant to Chapter 120, F.S., on the order for which review is sought;

(d) If review of an order is being sought, whether and how the activity authorized by the order would substantially affect natural resources of statewide or regional significance, or whether the order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from a standpoint of agency precedent, and all the factual bases in the record which the petitioner claims support such determination(s); and

(e) The action requested to be taken by the Commission as a result of the review, whether to rescind or modify the order, or remand the proceeding to the water management district for further action, or to require the water management district to initiate rulemaking to adopt, amend or repeal a rule.

28-107.005 EMERGENCY ACTION

(1) If the agency finds that immediate serious danger to the public health, safety, or welfare requires emergency action, the agency shall summarily suspend, limit, or restrict a license.

(2) the 14-day notice requirement of Section 120.569(2)(b), F. S., does not apply and shall not be construed to prevent a hearing at the earliest time practicable upon request of an aggrieved party.

(3) Unless otherwise provided by law, within 20 days after emergency action taken pursuant to paragraph (1) of this rule, the agency shall initiate a formal suspension or revocation proceeding in compliance with Sections 120.569, 120.57, and 120.60, F.S.

40E-1.611 EMERGENCY ACTION

(1) An emergency exists when immediate action is necessary to protect public health, safety or welfare; the health of animals, fish or aquatic life; the works of the District; a public water supply, or recreational, commercial, industrial, agricultural or other reasonable uses of land and water resources.

(2) The Executive Director may employ the resources of the District to take whatever remedial action necessary to alleviate the emergency condition without the issuance of an emergency order, or in the event an emergency order has been issued, after the expiration of the requisite time for compliance with that order.

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STANDARD LIMITING CONDITIONS

1. THE PERMITTEE SHALL IMPLEMENT THE WORK AUTHORIZED IN A MANNER SO AS TO MINIMIZE ANY ADVERSE IMPACT OF THE WORKS ON FISH, WILDLIFE, NATURAL ENVIRONMENTAL VALUES, AND WATER QUALITY. THE PERMITTEE SHALL INSTITUTE NECESSARY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING FULL COMPACTION OF ANY FILL MATERIAL PLACED AROUND NEWLY INSTALLED STRUCTURES, TO REDUCE EROSION, TURBIDITY, NUTRIENT LOADING AND SEDIMENTATION IN THE RECEIVING WATERS.
2. WATER QUALITY DATA FOR THE WATER DISCHARGED FROM THE PERMITTEE'S PROPERTY OR INTO SURFACE WATERS OF THE STATE WILL BE SUBMITTED TO THE DISTRICT AS REQUIRED BY SECTION 5.9, "BASIS OF REVIEW FOR SURFACE WATER MANAGEMENT PERMIT APPLICATIONS WITHIN SOUTH FLORIDA WATER MANAGEMENT DISTRICT - MARCH, 1994." PARAMETERS TO BE MONITORED MAY INCLUDE THOSE LISTED IN CHAPTER 62-302, F.A.C. IF WATER QUALITY DATA IS REQUIRED, THE PERMITTEE SHALL PROVIDE DATA ON VOLUMES OF WATER DISCHARGED, INCLUDING TOTAL VOLUME DISCHARGED DURING THE DAYS OF SAMPLING AND TOTAL MONTHLY DISCHARGES FROM THE PROPERTY OR INTO SURFACE WATERS OF THE STATE.
3. THIS PERMIT SHALL NOT RELIEVE THE PERMITTEE OF ANY OBLIGATION TO OBTAIN NECESSARY FEDERAL, STATE, LOCAL OR SPECIAL DISTRICT APPROVALS.
4. THE OPERATION PHASE OF THIS PERMIT WILL NOT BECOME EFFECTIVE UNTIL THE DISTRICT'S ACCEPTANCE OF CERTIFICATION OF THE COMPLETED SURFACE WATER WATER MANAGEMENT SYSTEM. THE PERMITTEE SHALL REQUEST TRANSFER OF THE PERMIT TO THE RESPONSIBLE OPERATIONAL ENTITY ACCEPTED BY THE DISTRICT, IF DIFFERENT FROM THE PERMITTEE. THE TRANSFER REQUEST CAN BE SUBMITTED CONCURRENTLY WITH THE CONSTRUCTION COMPLETION CERTIFICATION.
5. ALL ROAD ELEVATIONS SHALL BE SET IN ACCORDANCE WITH THE CRITERIA SET FORTH IN SECTION 6.5, "BASIS OF REVIEW FOR SURFACE WATER MANAGEMENT PERMIT APPLICATIONS WITHIN SOUTH FLORIDA WATER MANAGEMENT DISTRICT - MARCH, 1994."
6. ALL BUILDING FLOOR ELEVATIONS SHALL BE SET IN ACCORDANCE WITH THE CRITERIA SET FORTH IN SECTION 6.4, "BASIS OF REVIEW FOR SURFACE WATER MANAGEMENT PERMIT APPLICATIONS WITHIN SOUTH FLORIDA WATER MANAGEMENT DISTRICT - MARCH, 1994."
7. OFF-SITE DISCHARGES DURING CONSTRUCTION AND DEVELOPMENT WILL BE MADE ONLY THROUGH THE FACILITIES AUTHORIZED BY THIS PERMIT.
8. A PERMIT TRANSFER TO THE OPERATION PHASE SHALL NOT OCCUR UNTIL A RESPONSIBLE ENTITY MEETING THE REQUIREMENT IN SECTION 9.0, "BASIS OF REVIEW FOR SURFACE WATER MANAGEMENT PERMIT APPLICATIONS WITHIN SOUTH FLORIDA WATER MANAGEMENT DISTRICT - MARCH, 1994," HAS BEEN ESTABLISHED TO OPERATE AND MAINTAIN THE SYSTEM. THE ENTITY MUST BE PROVIDED WITH SUFFICIENT OWNERSHIP OR LEGAL INTEREST SO THAT IT HAS CONTROL OVER ALL WATER MANAGEMENT FACILITIES AUTHORIZED HEREIN.
9. THE PERMIT DOES NOT CONVEY TO THE PERMITTEE ANY PROPERTY RIGHT NOR ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4, FAC.
10. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF ANY FACILITY AUTHORIZED BY THE PERMIT.

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11. THIS PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. SHOULD ANY ADVERSE IMPACTS CAUSED BY THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM OCCUR, THE DISTRICT WILL REQUIRE THE PERMITTEE TO PROVIDE APPROPRIATE MITIGATION TO THE DISTRICT OR OTHER IMPACTED PARTY. THE DISTRICT WILL REQUIRE THE PERMITTEE TO MODIFY THE SURFACE WATER MANAGEMENT SYSTEM, IF NECESSARY, TO ELIMINATE THE CAUSE OF THE ADVERSE IMPACTS.
12. WITHIN 30 DAYS OF ISSUANCE OF THIS PERMIT, THE PERMITTEE OR AUTHORIZED AGENT SHALL NOTIFY THE DISTRICT (VIA THE SUPPLIED CONSTRUCTION COMMENCEMENT NOTICE OR EQUIVALENT) OF THE ACTUAL OR ANTICIPATED CONSTRUCTION START DATE AND THE EXPECTED COMPLETION DATE.
13. WHEN THE DURATION OF CONSTRUCTION EXCEEDS ONE YEAR, THE PERMITTEE OR AUTHORIZED AGENT SHALL SUBMIT CONSTRUCTION STATUS REPORTS ON AN ANNUAL BASIS (VIA THE SUPPLIED ANNUAL STATUS REPORT OR EQUIVALENT) BEGINNING ONE YEAR AFTER THE INITIAL COMMENCEMENT OF CONSTRUCTION.
14. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE OR AUTHORIZED AGENT SHALL FILE A WRITTEN STATEMENT OF COMPLETION AND CERTIFICATION BY A FLORIDA REGISTERED PROFESSIONAL ENGINEER. THESE STATEMENTS MUST SPECIFY THE ACTUAL DATE OF CONSTRUCTION COMPLETION AND MUST CERTIFY THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE DISTRICT (VIA THE SUPPLIED CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION OR EQUIVALENT). THE CONSTRUCTION COMPLETION CERTIFICATION MUST INCLUDE, AT A MINIMUM, EXISTING ELEVATIONS, LOCATIONS AND DIMENSIONS OF THE COMPONENTS OF THE WATER MANAGEMENT FACILITIES. ADDITIONALLY, IF DEVIATIONS FROM THE APPROVED DRAWING ARE DISCOVERED DURING THE CERTIFICATION PROCESS, THE CERTIFICATION MUST BE ACCOMPANIED BY A COPY OF THE APPROVED PERMIT DRAWINGS WITH DEVIATIONS NOTED.
15. WITHIN 30 DAYS OF ANY SALE, CONVEYANCE OR OTHER TRANSFER OF ANY OF THE LAND WHICH IS PROPOSED FOR DEVELOPMENT UNDER THE AUTHORIZATION OF THIS PERMIT, THE PERMITTEE SHALL NOTIFY THE DISTRICT OF SUCH TRANSFER IN WRITING VIA EITHER FORM 0483, REQUEST FOR PERMIT TRANSFER; OR FORM 0920, REQUEST FOR TRANSFER OF SURFACE WATER MANAGEMENT CONSTRUCTION PHASE TO OPERATION PHASE (TO BE COMPLETED AND SUBMITTED BY THE OPERATING ENTITY), IN ACCORDANCE WITH SECTIONS 40E-1.6105 AND 40E-4.351, F.A.C.
16. A PRORATED SHARE OF SURFACE WATER MANAGEMENT RETENTION/DETENTION AREAS, SUFFICIENT TO PROVIDE THE REQUIRED FLOOD PROTECTION AND WATER QUALITY TREATMENT, MUST BE PROVIDED PRIOR TO OCCUPANCY OF ANY BUILDING OR RESIDENCE.
17. A STABLE, PERMANENT AND ACCESSIBLE ELEVATION REFERENCE SHALL BE ESTABLISHED ON OR WITHIN ONE HUNDRED (100) FEET OF ALL PERMITTED DISCHARGE STRUCTURES NO LATER THAN THE SUBMISSION OF THE CERTIFICATION REPORT. THE LOCATION OF THE ELEVATION REFERENCE MUST BE NOTED ON OR WITH THE CERTIFICATION REPORT.
18. IT IS THE RESPONSIBILITY OF THE PERMITTEE TO INSURE THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS DO NOT OCCUR DURING CONSTRUCTION.
19. THE PERMITTEE MUST OBTAIN A WATER USE PERMIT PRIOR TO CONSTRUCTION DEWATERING, UNLESS THE WORK QUALIFIES FOR A GENERAL PERMIT PURSUANT TO SUBSECTION 40E-20.302(4), F.A.C.

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ADD 2010-00073

SPECIAL CONDITIONS

1. DISCHARGE FACILITIES: THROUGH PREVIOUSLY PERMITTED FACILITIES.
2. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
3. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
4. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
5. FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.
6. ALL SPECIAL CONDITIONS PREVIOUSLY STIPULATED BY PERMIT NUMBER 36-01620-S REMAIN IN EFFECT UNLESS OTHERWISE REVISED AND SHALL APPLY TO THIS MODIFICATION.
7. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF BAYSIDE IMPROVEMENT COMMUNITY DEVELOPMENT DISTRICT.
8. MINIMUM FINISHED FLOOR ELEVATION: 18.5' NGVD

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ADD 2010-00073



ADD 2010-00073

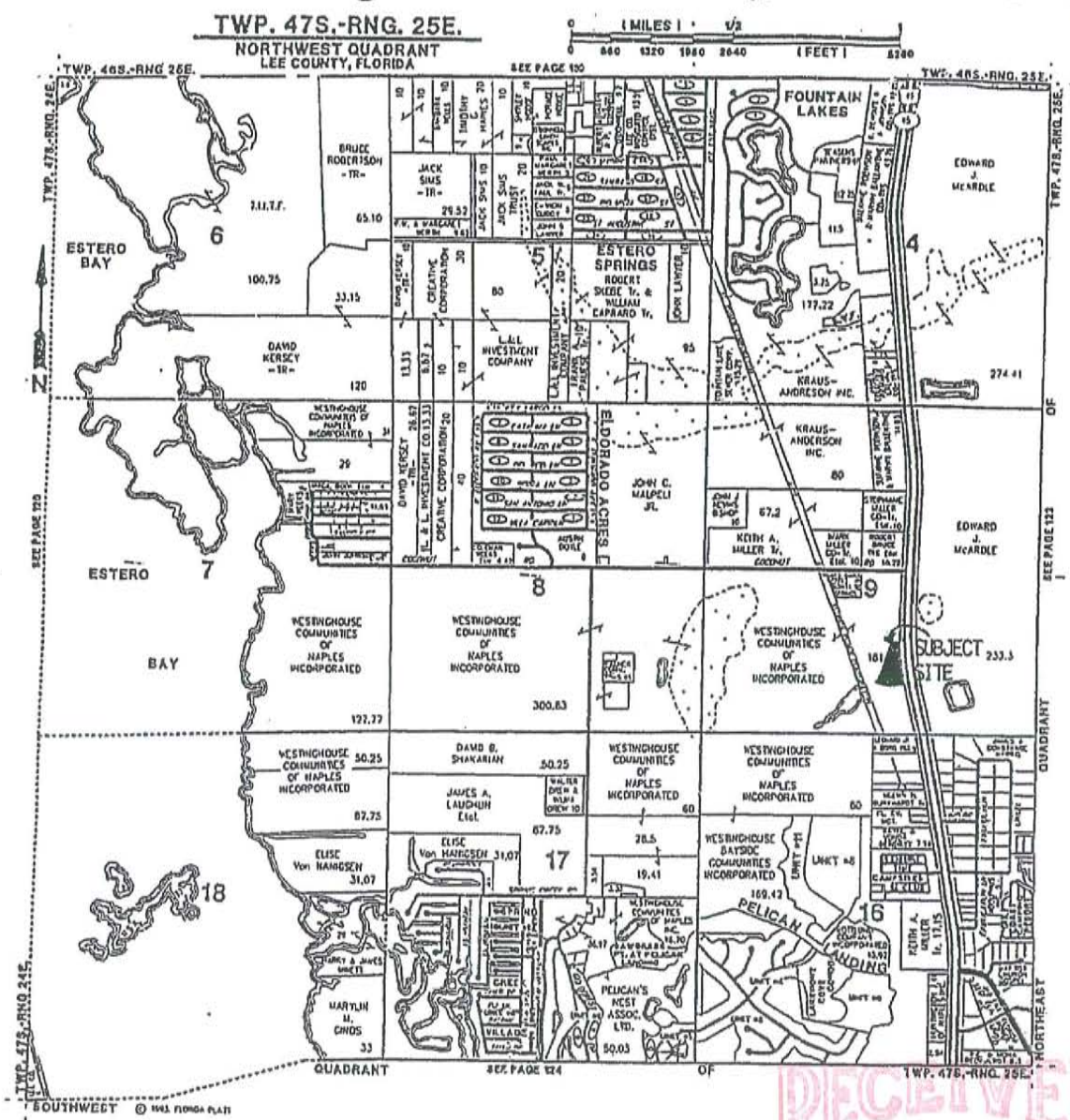


DIAGRAM OF QUARTERED MAPS

This is how each township is broken down when quartered:

NORTHWEST QUARTER			NORTHEAST QUARTER			SOUTHWEST QUARTER			SOUTHEAST QUARTER		
6	5	4	3	2	1	19	20	21	22	23	24
7	8	9	10	11	12	30	29	28	27	26	25
18	17	16	15	14	13	31	32	33	34	35	36

LOCATION MAP

COLONY CORPORATE CENTER, PELICAN LANDING

EXHIBIT 1

PROJECT: COLONY CORPORATE CENTER, PELICAN LANDING

PERMIT SUMMARY SHEET

APPLICATION NUMBER: 980630-4

PERMIT MODIFICATION NO.: 36-01620-S-06

ADD 2010-00073

LOCATION: LEE COUNTY, S9/T47S/R25E

OWNER: COLONY CORPORATE CENTER

ENGINEER: POKORNY & KAREH, INC.

PROJECT AREA: 3.83 ACRES DRAINAGE AREA: 3.83 ACRES

PROJECT USE: COMMERCIAL

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FACILITIES:

1. EXISTING: The Pelican Landing development was originally granted Conceptual approval for 289.6 acres on June 14, 1990. An additional 84.37 acres of residential development was approved for Construction and Operation at that time. Since then, numerous modifications for C&O have been approved and the project has been extensively developed.

The current application involves construction of a commercial development in Sub-basin 60 of Basin B. The majority of the surface water management facilities for Sub-basin 60 have been constructed. All have received C&O approval. Stormwater runoff within the sub-basin is conveyed via sheetflow and other constructed features to Lake 60B. Primary water quality treatment and attenuation of stormwater runoff within the basin is provided in the lake system. The ultimate outfall for Sub-basin 60 is to Spring Creek via the Pelican Landing surface water management system. The minimum finished floor elevation for Sub-basin 60 is 16.6' NGVD.

2. PROPOSED: The applicant proposes to construct a commercial office facility on Walden Center Drive in Sub-basin 60 of the Pelican Landing development. The project consists of two multi-story buildings, parking facilities, and a dry retention area that provides 1/2" of pretreatment for the stormwater runoff before it enters the master surface water management system of Pelican Landing. The pretreatment areas have a bottom contour at least one foot above the control elevation for the basin. Inlets in the treatment areas have grate elevations set above the bottom elevation of the treatment areas. After attenuation, these inlets collect the stormwater runoff and convey it to the project's lake system. The proposal is in substantial compliance with the Conceptually approved permit for Pelican Landing.

Plan sheets C-3 and C-4 by Pokorny & Kareh, Inc., signed and sealed by Ayoub R. Al-Bahou, P.E. on 6/22/98 are incorporated by reference into this General Permit Modification and will be retained in the

Exhibit 2

ADD 2010-00073

APPLICATION NUMBER: 980630-4

permit file.

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COMMUNITY DEVELOPMENT

PROJECT LEVEL:

DRAINAGE BASIN: SPRING CREEK

RECEIVING BODY: EXISTING SWM SYSTEM

WATER QUALITY:

Primary water quality treatment is provided in the master surface water management system for Pelican Landing. This application provides the required 1/2" dry pretreatment (0.16 acre-feet) in a 0.7 acre retention area.

ENVIRONMENTAL ASSESSMENT:

PROJECT SITE DESCRIPTION:

The site consists of pine flatwoods. There are no wetlands on the site.

EXISTING ON SITE UPLAND COMMUNITIES:

ID NO	TOTAL ACREAGE	BIOLOGICAL CONDITION	COMMUNITY TYPE	COMMUNITY ACREAGE
1	3.83	GOOD	PINE FLATWOODS	3.83

TOTAL ON SITE UPLAND ACREAGE: 3.83

ENDANGERED, THREATENED & SPECIES OF SPECIAL CONCERN SUMMARY:

The project site does not contain preferred habitat for wetland-dependent endangered/threatened species or species of special concern. No wetland-dependent endangered/threatened species or species of special concern were observed on site, and submitted information indicates that potential use of the site by such species is minimal. This permit does not relieve the applicant from complying with all applicable rules and any other agencies' requirements if in the future, endangered/threatened species or species of special concern are discovered on the site.

Exhibit 3

APPLICATION NUMBER: 980630-4

	TOTAL PROJECT	PREVIOUSLY PERMITTED	THIS PHASE	
TOTAL ACRES	3.83	.00	3.83	acres
WTRM ACREAGE	.70	.00	.70	acres
PAVEMENT	1.90	.00	1.90	acres
BUILD COVERAGE	.48	.00	.48	acres

DIVISIONAL APPROVAL:

SURFACE WATER MANAGEMENT

Richard H. Thompson

Richard H. Thompson, P.E.

DATE: 7-28-98

NATURAL RESOURCE MANAGEMENT

Arden M. Johnson

Arden M. Johnson

DATE: 7-29-98

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Exhibit 4

STAFF REPORT DISTRIBUTION LIST

PROJECT: COLONY CORPORATE CENTER, PELICAN LANDING
APPLICATION NUMBER: 980630-4
PERMIT MODIFICATION NUMBER: 36-01620-S-06

INTERNAL DISTRIBUTION

Reviewer:

X Craig A. Medlock

X Lisa L. Earhart

X Karen M. Johnson

X Richard H. Thompson, P.E.

J. Golden - REG

E. Hopkins - UDP

R. Robbins - NRM

Service Center Director - FTM

A. Waterhouse - REG

X Permit File

X P. Bell - LEG

Enforcement

Environmental PPC Reviewer

X Field Engineering

EXTERNAL DISTRIBUTION

X Owner:

COLONY CORPORATE CENTER

X Applicant:

COLONY CORPORATE CENTRE, INC.

X Applicant's Consultant:

POKORNY & KAREH, INC.

X Engineer, County of:

LEE

Engineer, City of:

COMMUNITY DEVELOPMENT

DEPT. OF ENVIRONMENTAL PROTECTION

Local Drainage District:

COUNTY

X Lee

-Dept of Environmental
Protection

-Development & Review

-Mosquito Control

BUILDING AND ZONING

OTHER

Brian Kenedy

Clara Anne Graham-Elliott

Div of Recreation and Park - District 8

F.G.F.W.F.C.

Florida Audubon - Charles Lee

X S.W.F.R.P.C. - Glenn Heath

ADD 2010-00073



South Florida Water Management District

Fort Myers Service Center • 2301 McGregor Boulevard • Fort Myers, FL 33901
(941) 338-2929 • Fax (941) 338-2936 • 1-800-248-1201 • Suncom 748-2929

(receipt)

Receipt No. 0000034899 - 0001

Refer to Application: 980630-4

Project Name : COLONY CORPORATE CENTER, PELICAN LANDING

COLONY CORPORATE CENTRE, INC.
13356 ROSEWOOD LANE
NAPLES, FL 34119

ADD 2010-00073

REVENUE ACCOUNT CODE	RECEIPT OF PERMIT APPLICATION TYPE OF APPLICATION	FEE AMOUNT		
4620	SWM GENERAL PERMIT - MOD	\$500.00		
ITEM	TRANS TYPE	DATE RECEIVED	CHECK NO	AMOUNT RECEIVED
1	PAYMENT MADE BY APPLICANT	07/02/1998	1005	\$500.00
BALANCE DUE				\$0.00

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FEB 10 2011

COMMUNITY DEVELOPMENT

PROCESSED BY : PABEL
DATE : July 2, 1998
SERVICE CENTER : FTM

: Applicant
Accounting
Control
File

Governing Board:
Frank Williamson, Jr., Chairman
Eugene K. Pettis, Vice Chairman
Mitchell W. Berger

Vera M. Carter
William E. Graham
William Hammond

Richard A. Machek
Michael D. Minton
Miriam Singer

Samuel E. Poole III, Executive Director
Michael Slayton, Deputy Executive Director

District Headquarters • 3301 Gun Club Road, P.O. Box 24680, West Palm Beach, FL 33416-4680 • (407) 686-8800, FL WATS 1-800-432-2045

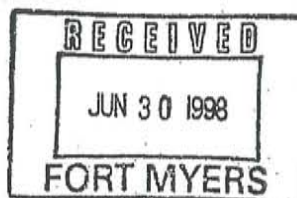


POKORNY & KAREH, INC.
Consulting Engineers

ADD 2010-00073

June 26, 1998

Mr. Richard H. Thompson, P.E.
Senior Engineer
Fort Myers Service Center
South Florida Water Management District
2301 McGregor Boulevard
Fort Myers, FL 33901



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RE: Colony Corporate Center, Pelican Landing
Surface Water Management General Permit Modification Application

Dear Mr. Thompson:

Submitted to you for your review and approval is the attached application for a Surface Water Management General Permit Modification for the Surface Water Management System for the above referenced project.

The project is located in Section 9, Township 47 South, Range 25 East, Lee County, Florida.

Five (5) copies of the engineering report are enclosed in this submittal for your technical review.

Please feel free to call if we can answer any questions that may arise during your review of the engineering report.

Very truly yours,

POKORNY & KAREH, INC.

Ahmad R. Kareh, P.E., M.S.C.E.
President

ARK/js

enclosures

c: Mr. Joseph E. D'Jamoos, President, Colony Corporate Centre, Inc. w/enclosures



Form 1871

APPLICATION NUMBER
980630-4 .1144

ORIGINAL SUBMITTAL

JUL 30 1998

FORT MYERS SERVICE CENTER

FOR AGENCY USE ONLY	
ACOE Application # _____	DEP/WMD Application # _____
Date Application Received _____	Date Application Received _____
Proposed Project Lat. _____	Fee Received \$ _____
Proposed Project Long. _____	Fee Receipt # _____

SECTION A

Are any of the activities described in this application proposed to occur in, on, or over wetlands or other surface waters? ☐ yes ☒ no

Is this application being filed by or on behalf of a government entity or drainage district? ☐ yes ☒ no

A. Type of Environmental Resource Permit Requested (check at least one)

☐ Noticed General - include information requested in Section B.

☐ Standard General (Single Family Dwelling)-include information requested in Sections C and D.

☒ Standard General (all other projects) - include information requested in Sections C and E.

☐ Individual (Single Family Dwelling) - include information requested in Sections C and D.

☐ Individual (all other projects) - include information requested in Sections C and E.

☐ Conceptual - include information requested in Sections C and E.

☐ Mitigation Bank Permit (construction) - include information requested in Section C and F. (If the proposed mitigation bank involves the construction of a surface water management system requiring another permit defined above, check the appropriate box and submit the information requested by the applicable section.)

☐ Mitigation Bank (conceptual) - include information requested in Section C and F.

B. Type of activity for which you are applying (check at least one)

☐ Construction or operation of a new system including dredging or filling in, on or over wetlands and other surface waters.

☐ Alteration or operation of an existing system which was not previously permitted by a WMD or DEP.

☒ Modification of a system previously permitted by a WMD or DEP. Provide previous permit numbers. 36-01620-S

☐ Alteration of a system ☐ Extension of permit duration ☐ Abandonment of a system

☒ Construction of additional phases of a system ☐ Removal of a system

C. Are you requesting authorization to use State Owned Lands. ☐ yes ☒ no
(If yes include the information requested in Section G.)

D. For activities in, on or over wetlands or other surface waters, check type of federal dredge and fill permit requested: N/A

☐ Individual ☐ Programmatic General

☐ General ☐ Nationwide ☐ Not Applicable

E. Are you claiming to qualify for an exemption? ☐ yes ☒ no
If yes provide rule number if known. _____



Form 8871

APPLICATION NUMBER

980630-4

ORIGINAL SUBMITTAL

JUN 24 1993

FORT MYERS SERVICE CENTER

OWNER(S) OF LAND (2 owners) 2nd Owner to the right	ENTITY TO RECEIVE PERMIT (IF OTHER THAN OWNER)
NAME WCI Communities Limited Partnership	NAME Colony Corporate Centre, Inc.
ADDRESS 24301 Walden Center Drive, Suite 300	ADDRESS 13356 Rosewood Lane
CITY, STATE, ZIP Bonita Springs, FL 34134	CITY, STATE, ZIP Naples, FL 34119
COMPANY AND TITLE Albert F. Moscato, Jr., Vice-President	COMPANY AND TITLE Joseph E. D'Jamoos, President
TELEPHONE (941) 947-2600 FAX (941) 498-8273	TELEPHONE (941) 514-4514 FAX (941) 514-4514
AGENT AUTHORIZED TO SECURE PERMIT (IF AN AGENT IS USED)	CONSULTANT (IF DIFFERENT FROM AGENT)
NAME Ahmad R. Kareh, P.E.	NAME N/A
COMPANY AND TITLE Pokorny & Kareh, Inc. / President	COMPANY AND TITLE
ADDRESS 1342 Colonial Boulevard, Suite 24	ADDRESS
CITY, STATE, ZIP Fort Myers, FL 33907	CITY, STATE, ZIP
TELEPHONE (941) 936-7888 FAX (941) 936-7890	TELEPHONE () FAX ()

Name of project, including phase if applicable Colony Corporate Center, Pelican Landing Is this application for part of a multi-phase project? ☐ yes ☒ no

Total applicant-owned area contiguous to the project 0 ac

Total project area for which a permit is sought 3.831 ac

Impervious area for which a permit is sought 2.375 ac

What is the total area (metric equivalent for federally funded projects) of work in, on, or over wetlands or other surface waters?
0 acres 0 square feet 0 hectares 0 square meters

Number of new boat slips proposed. N/A

Project location (use additional sheets, if needed)
 County(ies) Lee
 Section(s) 9 Township 47 South Range 25 East
 Section(s) 9 Township 47 South Range 25 East
 Land Grant name, if applicable N/A
 Tax Parcel Identification Number 09-47-25-00-00001.0070
 Street address, road, or other location 1201 & 24211 Walden Center Drive
 City, Zip Code if applicable Bonita Springs, FL 34134

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ADD 2010-00073

APPLICATION NUMBER ORIGINAL SUBMITTAL
980630-4 JUN 30 1998

Describe in general terms the proposed project, system, or activity.

FORT MYERS SERVICE CENTER

TWO (2) TWO (2) STORY BUILDINGS EACH WITH 10,403.77 S.F. "FOOTPRINT", PARKING AREAS AND ALL REQUIRED INFRASTRUCTURE ON A 3.831 ACRE PARCEL OF LAND (PORTION OF TRACT "A" OF PELICAN LANDING, UNIT NINETEEN) WILL BE CONSTRUCTED. THE SURFACE WATER MANAGEMENT SYSTEM FOR THE PARENT PARCEL IS PARTIALLY IN PLACE BY PERMIT NO. 36-01620-S. WE ARE PROVIDING, HEREIN, ONLY THE ONE-HALF INCH OF DRY PRETREATMENT ON-SITE WITHIN A 0.697 ACRES OF DRY RETENTION SYSTEM.

MINIMUM BUILDING FLOOR ELEVATION = 16.60 FEET NGVD.
PROPOSED BUILDING FLOOR ELEVATION = 18.50 FEET NGVD.

THIS DEVELOPMENT FALLS IN SUB-BASIN 60, BASIN "B", IN SPECIAL DRAINAGE DISTRICT "BAYSIDE IMPROVEMENT COMMUNITY DEVELOPMENT DISTRICT", IN DISTRICT DRAINAGE BASIN "SPRING CREEK AND TIDAL".

If there have been any pre-application meetings, including at the project site, with regulatory staff, please list the date(s), location(s), and names of key staff and project representatives.

N/A

Please identify by number any MSSW/Wetland resource/ERP/ACOE Permits pending, issued or denied for projects at the location, and any related enforcement actions.

Agency	Date	No. \ Type of Application	Action Taken
SFWD	7/21/93	36-01620-S Surface Water	Issued
_____	_____	_____	_____
_____	_____	_____	_____

Note: The following information is required only for projects proposed to occur in, on or over wetlands that need a federal dredge and fill permit and/or authorization to use state owned submerged lands and is not necessary when applying solely for an Environmental Resource Permit. Please provide the names, addresses and zip codes of property owners whose property directly adjoins the project (excluding applicant). Please attach a plan view showing the owner's names and adjoining property lines. Attach additional sheets if necessary. N/A

1. _____	2. _____
_____	_____
_____	_____
3. _____	4. _____
_____	_____
_____	_____



Form 8871

APPLICATION NUMBER

980630-4 .11

ORIGINAL SUBMITTAL

JUN 30 1998

FORT MYERS SERVICE CENTER

ADD 2010-00073

By signing this application form, I am applying, or I am applying on behalf of the applicant, for the permit and any proprietary authorizations identified above; according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application and represent that such information is true, complete and accurate. I understand this is an application and not a permit, and that work prior to approval is a violation. I understand that this application and any permit issued or proprietary authorization issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of construction. I agree, or I agree on behalf of my corporation, to operate and maintain the permitted system unless the permitting agency authorizes transfer of the permit to a responsible operation entity. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Ahmad R. Kareh, P.E., President / Pokorny & Kareh, Inc. / Authorized Agent

Typed/Printed Name of Agent (If one is so authorized below)

Signature of Agent
President / Pokorny & Kareh, Inc.

06/26/98

Date

(Corporate Title if applicable)

AN AGENT MAY SIGN ABOVE ONLY IF THE APPLICANT COMPLETES THE FOLLOWING:

I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit and/or proprietary authorization indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirement which may be necessary to procure the permit or authorization indicated above. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Typed/Printed Name of Applicant

Signature of Applicant

Date

(Corporate Title if applicable)

Please note: The applicant's original signature (not a copy) is required above.

PERSON AUTHORIZING ACCESS TO THE PROPERTY MUST COMPLETE THE FOLLOWING:

I either own the property described in this application or I have legal authority to allow access to the property, and I consent, after receiving prior notification, to any site visit on the property by agents or personnel from the Department of Environmental Protection, the Water Management District and the U.S. Army Corps of Engineers necessary for the review and inspection of the proposed project specified in this application. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review and inspection. Further, I agree to provide entry to the project site for such agents or personnel to monitor permitted work if a permit is granted.

Typed/Printed Name

Albert F. Moscatello

Signature

Date

(Corporate Title if applicable)



Form 0971

ADD 2010-00073

APPLICATION NUMBER

APPLICATION NUMBER

980630-4

FEB 10 2011

COMMUNITY DEVELOPMENT

SECTION C

Environmental Resource Permit Notice of Receipt of Application

This information is required in addition to that required in other sections of the application. Please submit five copies of this notice of receipt of application and all attachments with the other required information. **PLEASE SUBMIT ALL INFORMATION ON PAPER NO LARGER THAN 2' x 3'.**

Project Name: Colony Corporate Center, Pelican Landing
County: Lee
Owner: WCI Communities Limited Partnership and Colony Corporate Centre, Inc.
Applicant: Colony Corporate Centre, Inc.
Applicant's Address: 13356 Rosewood Lane
Naples, FL 34119

1. Indicate the project boundaries on a USGS quadrangle map. Attach a location map showing the boundary of the proposed activity. The map should also contain a north arrow and a graphic scale; show Section(s), Township(s), and Range(s); and must be of sufficient detail to allow a person unfamiliar with the site to find it.
See Exhibit #C.1.a. and Exhibit #C.1.b.
2. Provide the names of all wetlands, or other surface waters that would be dredged, filled, impounded, diverted, drained, or would receive discharge (either directly or indirectly), or would otherwise be impacted by the proposed activity, and specify if they are in an Outstanding Florida Water or Aquatic Preserve: N/A
3. Attach a depiction (plan and section views), which clearly shows the works or other facilities proposed to be constructed. Use multiple sheets, if necessary. Use a scale sufficient to show the location and type of works.
See attached plans.
4. Briefly describe the proposed project (such as "construct a deck with boatshelter", "replace two existing culverts", "construct surface water management system to serve 150 acre residential development");
Construct surface water management system to serve 3.831 acre "commercial" development.
5. Specify the acreage of wetlands or other surface waters, if any, that are proposed to be disturbed, filled, excavated, or otherwise impacted by the proposed activity:
None
6. Provide a brief statement describing any proposed mitigation for impacts to wetlands and other surface waters (attach additional sheets if necessary):
N/A

FOR AGENCY USE ONLY

Application Name: _____
Application Number: _____
Office where the application can be inspected: _____

ORIGINAL SUBMITTAL

ADD 2010 00073

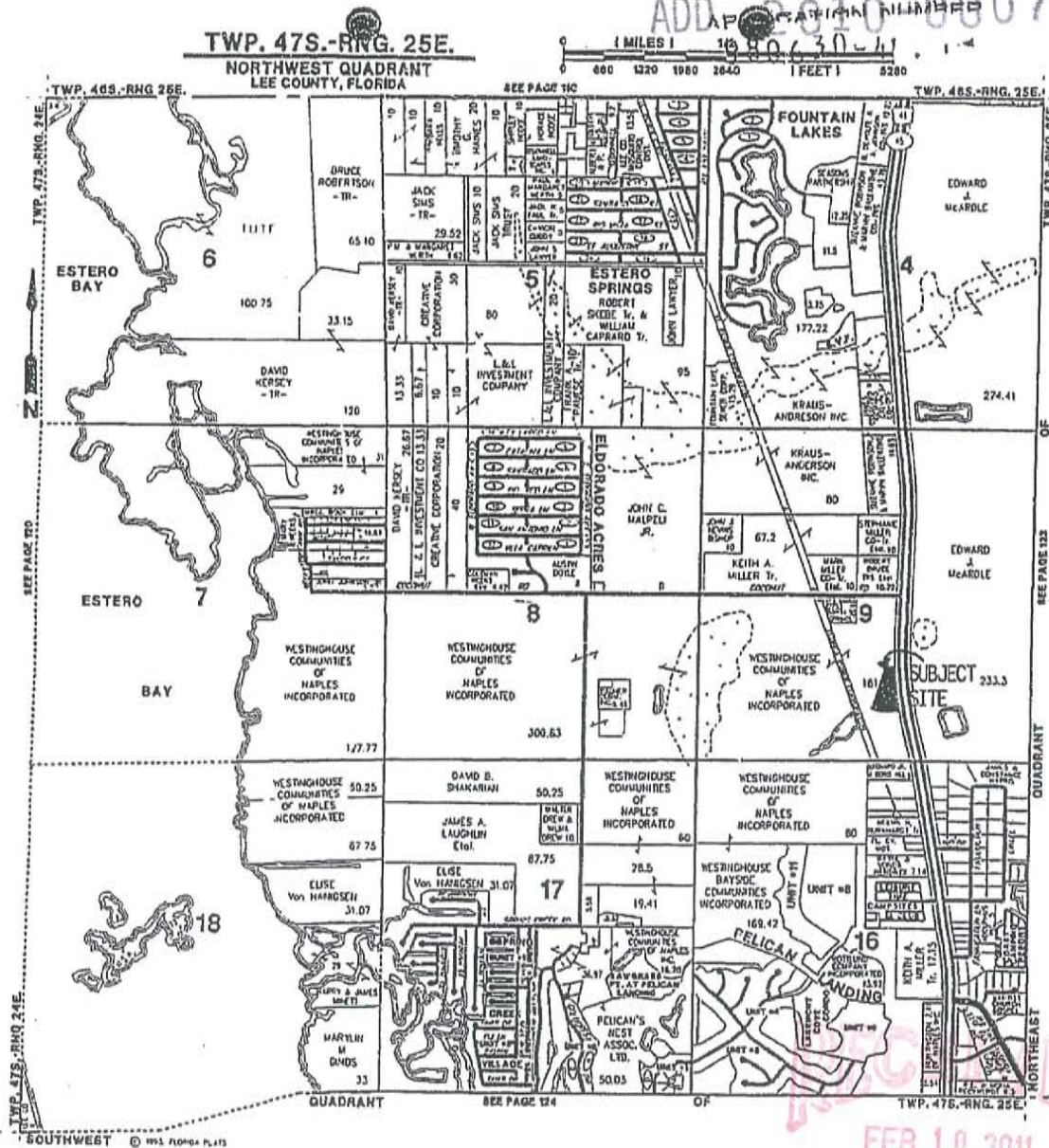


DIAGRAM OF QUARTERED MAPS

This is how each township is broken down when quartered:

NORTHWEST QUARTER			NORTHEAST QUARTER			SOUTHWEST QUARTER			SOUTHEAST QUARTER		
6	5	4	3	2	1	19	20	21	22	23	24
7	8	9	10	11	12	30	29	28	27	26	25
18	17	16	15	14	13	31	32	33	34	35	36

ORIGINAL SUBMITTAL

JUN 30 1998

FORT MYERS SERVICE CENTER

LOCATION MAP:

COLONY CORPORATE CENTER, PELICAN LANDING

EXHIBIT #C.1.b.

APPLICATION NUMBER
980630-4

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING	BEARING
C1	100.00'	20.11'	102.41'	20.11'	S 89°18'45" E	277°30'
C2	30.00'	19.85'	32.65'	14.31'	N 70°51'21" E	251°57'
C3	30.00'	12.51'	25.71'	39.65'	N 41°00'31" E	311°35'
C4	50.00'	27.76'	16.13'	20.44'	S 59°53'00" E	87°03'11"
C5	200.00'	205.45'	113.79'	294.45'	N 15°00'21" E	73°11'28"
C6	120.00'	202.02'	115.51'	191.03'	S 28°20'51" E	63°21'38"
C7	25.00'	12.11'	20.00'	11.41'	S 34°51'54" E	90°00'00"
C8	650.00'	61.61'	13.32'	58.54'	S 84°00'00" E	00°00'00"
C9	577.53'	205.13'	202.45'	133.01'	S 16°08'51" E	00°00'00"
C10	650.00'	60.14'	11.51'	57.61'	N 34°51'54" E	31°31'11"

PROPOSED APARTMENT SITE
(11/11/11/11)

POINT OF BEGINNING
PHASE 1

SALES CENTER
(11/11/11/11)

COMMERCIAL
OFFICE
SITE
PHASE 1

COMMERCIAL
OFFICE
SITE
PHASE 2

POINT OF BEGINNING
PHASE 2

PELICAN COLONY BOULEVARD

PROPOSED HOTEL SITE
(11/11/11/11)

PROPOSED VILLAGE CENTER DRIVE

ORIGINAL SUBMITTAL
JUN 3 2 1998
FORT MYERS SERVICE CENTER

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COMMUNITY DEVELOPMENT

ADD 2010-00073

THIS IS NOT A SURVEY
THIS SKETCH MAY HAVE BEEN REDUCED
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

Q. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS

Q. GOODY MINOR & ASSOCIATES P.A.
Civil Engineers • Land Surveyors • Planners

ORIGINAL SUBMITTAL

JUN 30 1998

Q. GOODY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.

APPLICATION NUMBER
980630-4 .11

FORT MYERS, FLORIDA
ROBERT W. THINNES, A.L.C.P.
ERIC V. SANDOVAL, P.S.M.

PROPERTY DESCRIPTION

PELICAN LANDING - NORTHEAST COMMERCIAL SITE - PHASE 2
(SKETCH B-1412)

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 9,
TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT "A" OF PELICAN LANDING
UNIT NINETEEN AS RECORDED IN PLAT BOOK 56 AT PAGES 36 THROUGH 38 OF
THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING THE
INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (TAMIAMI TRAIL
- S.R. 45) (200' RIGHT-OF-WAY) WITH THE NORTHERLY RIGHT-OF-WAY LINE
OF PELICAN COLONY BOULEVARD (TRACT "A" OF AFOREMENTIONED PLAT), AND
ALSO BEING A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST,
WHOSE RADIUS POINT BEARS S 79°53'56" W A DISTANCE OF 30.00 FEET
THEREFROM; THENCE RUN SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-
WAY LINE OF SAID PELICAN COLONY BOULEVARD AND ALONG THE ARC OF SAID
CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A
CENTRAL ANGLE OF 90°00'00", SUBTENDED BY A CHORD OF 42.43 FEET AT
A BEARING OF S 34°53'56" W, FOR AN ARC LENGTH OF 47.12 FEET TO THE
END OF SAID CURVE; THENCE RUN S 79°53'56" W, ALONG SAID NORTHERLY
RIGHT-OF-WAY LINE, FOR A DISTANCE OF 40.57 FEET TO THE BEGINNING OF
A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN
WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC
OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 690.00 FEET, THROUGH
A CENTRAL ANGLE OF 08°16'22", SUBTENDED BY A CHORD OF 99.54 FEET AT
A BEARING OF S 84°02'07" W, FOR AN ARC LENGTH OF 99.63 FEET TO THE
POINT OF BEGINNING; THENCE CONTINUE ALONG SAID CURVE TO THE RIGHT,
HAVING A RADIUS OF 690.00 FEET, THROUGH A CENTRAL ANGLE OF
23°21'50", SUBTENDED BY A CHORD OF 279.42 FEET AT A BEARING OF
N 80°08'46" W, FOR AN ARC LENGTH OF 281.37 FEET TO A POINT OF
COMPOUND CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID
CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A
CENTRAL ANGLE OF 95°12'57", SUBTENDED BY A CHORD OF 44.31 FEET AT
A BEARING OF N 20°51'23" W, FOR AN ARC LENGTH OF 49.85 FEET TO THE
END OF SAID CURVE; THENCE RUN N 26°45'05" E FOR A DISTANCE OF
260.58 FEET; THENCE RUN S 63°14'55" E FOR A DISTANCE OF 90.00 FEET;
THENCE RUN S 78°21'14" E FOR A DISTANCE OF 84.48 FEET;
THENCE RUN N 79°53'56" E FOR A DISTANCE OF 134.00 FEET TO A POINT
ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (TAMIAMI TRAIL - S.R.
45) A 200' RIGHT-OF-WAY; THENCE RUN ALONG SAID WESTERLY RIGHT-OF-
WAY LINE, S 10°06'04" E FOR A DISTANCE OF 57.01 FEET;

ADD 2010-00073

EXHIBIT A

APPLICATION NUMBER ORIGINAL SUBMITTAL
980630-4 . F1 JUN 30 1998

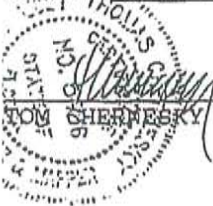
THENCE RUN S 79°53'56" W FOR A DISTANCE OF 55.87 FEET TO THE SERVICE CENTER
THENCE RUN S 10°06'04" E FOR A DISTANCE OF 51.74 FEET TO A POINT ON
A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST, WHOSE RADIUS POINT BEARS
S 29°17'21" E A DISTANCE OF 170.00 FEET THEREFROM;
THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT,
HAVING A RADIUS OF 170.00 FEET, THROUGH A CENTRAL ANGLE OF
68°23'30", SUBTENDED BY A CHORD OF 191.09 FEET AT A BEARING OF
S 26°30'54" W, FOR AN ARC LENGTH OF 202.92 FEET TO THE END OF SAID
CURVE AND THE POINT OF BEGINNING; CONTAINING 1.916 ACRES, MORE OR
LESS.

BEARINGS REFER TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41
(TAMIAMI TRAIL, S.R. 45), AS BEING S 10°06'04" E.

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

Q. GRADY MINOR & ASSOCIATES, P.A.

SIGNED 5-8-98



P.S.M. #5426
STATE OF FLORIDA

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COMMUNITY DEVELOPMENT

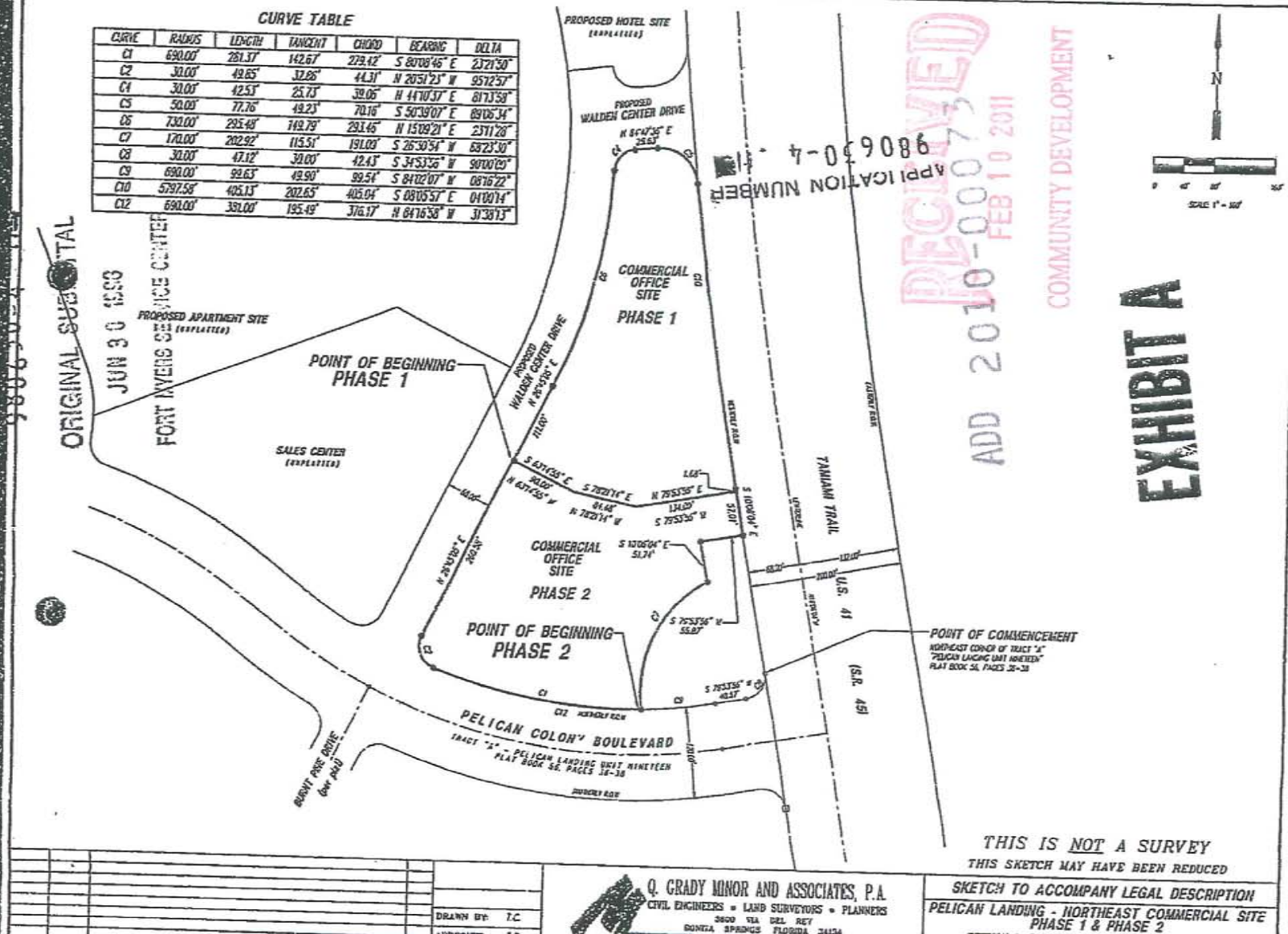
ADD 2010-00073

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rev. 5/8/98

EXHIBIT A

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	690.00'	281.37'	142.67'	279.42'	S 80°08'46" E	23°21'30"
C2	30.00'	49.85'	32.86'	44.31'	N 20°51'23" W	95°12'57"
C3	30.00'	42.53'	25.73'	39.05'	N 41°10'37" E	81°13'58"
C4	50.00'	77.76'	49.23'	70.16'	S 50°39'07" E	89°06'34"
C5	730.00'	295.48'	149.79'	293.46'	N 15°09'21" E	23°11'28"
C7	170.00'	202.92'	115.51'	191.03'	S 26°30'54" W	63°23'30"
C8	30.00'	47.12'	30.00'	42.43'	S 34°53'56" W	90°00'29"
C9	690.00'	99.63'	49.90'	99.54'	S 84°02'07" W	08°16'22"
C10	5797.58'	425.13'	202.63'	405.04'	S 08°05'57" E	04°00'14"
C12	690.00'	381.00'	195.49'	376.17'	N 64°16'58" W	31°38'13"





Form 8171

APPLICATION NUMBER

980630-4

ADD 2010-00073
ORIGINAL SUBMITTAL

JUN 30 1998

FORT MYERS SERVICE CENTER

FEB 10 2011

COMMUNITY DEVELOPMENT

By signing this application form, I am applying, or I am applying on behalf of the applicant, for the permit and any proprietary authorizations identified above; according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application and represent that such information is true, complete and accurate. I understand this is an application and not a permit, and that work prior to approval is a violation. I understand that this application and any permit issued or proprietary authorization issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of construction. I agree, or I agree on behalf of my corporation, to operate and maintain the permitted system unless the permitting agency authorizes transfer of the permit to a responsible operation entity. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Ahmad R. Kareh, P.E., President / Pokorny & Kareh, Inc. / Authorized Agent

Typed/Printed Name of Agent (If one is so authorized below)

Signature of Agent

President / Pokorny & Kareh, Inc.

(Corporate Title if applicable)

06/26/98

Date

AN AGENT MAY SIGN ABOVE ONLY IF THE APPLICANT COMPLETES THE FOLLOWING:

I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit and/or proprietary authorization indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirement which may be necessary to procure the permit or authorization indicated above. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Colony Corporate Centre, Inc.

Typed/Printed Name of Applicant

President

(Corporate Title if applicable)

Signature of Applicant

Date

Please note: The applicant's original signature (not a copy) is required above.

PERSON AUTHORIZING ACCESS TO THE PROPERTY MUST COMPLETE THE FOLLOWING:

I either own the property described in this application or I have legal authority to allow access to the property, and I consent, after receiving prior notification, to any site visit on the property by agents or personnel from the Department of Environmental Protection, the Water Management District and the U.S. Army Corps of Engineers necessary for the review and inspection of the proposed project specified in this application. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review and inspection.

APPLICATION NUMBER 980630-4 ORIGINAL SUBMITTAL
Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers * Land Surveyors * Planners JUN 30 1998

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.

FORT MYERS SERVICE CENTER
ROBERT W. THINNES, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.

PROPERTY DESCRIPTION

PELICAN LANDING - NORTHEAST COMMERCIAL SITE - PHASE 1
(SKETCH B-1412)

A PORTION OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 9,
TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT "A" OF PELICAN LANDING
UNIT NINETEEN AS RECORDED IN PLAT BOOK 56 AT PAGES 36 THROUGH 38 OF
THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING THE
INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (TAMIAMI TRAIL
- S.R. 45) (200' RIGHT-OF-WAY) WITH THE NORTHERLY RIGHT-OF-WAY LINE
OF PELICAN COLONY BOULEVARD (TRACT "A" OF AFOREMENTIONED PLAT), AND
ALSO BEING A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST,
WHICH RADIUS POINT BEARS S 79°53'56" W A DISTANCE OF 30.00 FEET
THENCE FROM; THENCE RUN SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-
WAY LINE OF SAID PELICAN COLONY BOULEVARD AND ALONG THE ARC OF SAID
CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A
CENTRAL ANGLE OF 90°00'00", SUBTENDED BY A CHORD OF 42.43 FEET AT
A BEARING OF S 34°53'56" W, FOR AN ARC LENGTH OF 47.12 FEET TO THE
END OF SAID CURVE; THENCE RUN S 79°53'56" W, ALONG SAID NORTHERLY
RIGHT-OF-WAY LINE, FOR A DISTANCE OF 40.57 FEET TO THE BEGINNING OF
A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN
WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC
OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 690.00 FEET, THROUGH
A CENTRAL ANGLE OF 31°38'13", SUBTENDED BY A CHORD OF 376.17 FEET
AT A BEARING OF N 84°16'58" W FOR AN ARC LENGTH OF 381.00 FEET TO
A POINT OF COMPOUND CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE
ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET,
THROUGH A CENTRAL ANGLE OF 95°12'57", SUBTENDED BY A CHORD OF 44.31
FEET AT A BEARING OF N 20°51'23" W, FOR AN ARC LENGTH OF 49.85
FEET TO THE END OF SAID CURVE; THENCE RUN N 26°45'05" E FOR A
DISTANCE OF 260.58 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE
N 26°45'05" E FOR A DISTANCE OF 111.00 FEET TO THE BEGINNING OF A
TANGENTIAL CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN
NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS
OF 730.00 FEET, THROUGH A CENTRAL ANGLE OF 23°11'28", SUBTENDED BY
A CHORD OF 293.46 FEET AT BEARING OF N 15°09'21" E, FOR AN ARC

APPLICATION NUMBER 980630-4 ORIGINAL SUBMITTAL

JUN 30 1998

FORT MYERS SERVICE CENTER

HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF $81^{\circ}13'58''$, SUBTENDED BY A CHORD OF 39.06 FEET AT A BEARING OF $N 44^{\circ}10'37'' E$, FOR AN ARC LENGTH OF 42.53 FEET TO THE END OF SAID CURVE; THENCE RUN $N 84^{\circ}47'36'' E$ FOR A DISTANCE OF 29.63 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF $89^{\circ}06'34''$, SUBTENDED BY A CHORD OF 70.16 FEET AT A BEARING OF $S 50^{\circ}39'07'' E$, FOR AN ARC LENGTH OF 77.76 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (S.R. 45) (200' RIGHT-OF-WAY) ALSO BEING A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY OF U.S. 41, AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5797.58 FEET, THROUGH A CENTRAL ANGLE OF $04^{\circ}00'14''$, SUBTENDED BY A CHORD OF 405.04 FEET AT A BEARING OF $S 08^{\circ}05'57'' E$, FOR AN ARC LENGTH OF 405.13 FEET TO THE END OF SAID CURVE; THENCE RUN $S 10^{\circ}06'04'' E$, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1.68 FEET; THENCE RUN $S 79^{\circ}53'56'' W$ FOR A DISTANCE OF 134.00 FEET; THENCE RUN $N 78^{\circ}21'14'' W$ FOR A DISTANCE OF 84.48 FEET; THENCE RUN $N 63^{\circ}14'55'' W$ FOR A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING; CONTAINING 1.915 ACRES, MORE OR LESS.

BEARINGS REFER TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (TAMIAMI TRAIL, S.R. 45), AS BEING $S 10^{\circ}06'04'' E$.

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

O. GRADY MINOR & ASSOCIATES, P.A.

SIGNED 5-8-98

TOM CHERNESKY

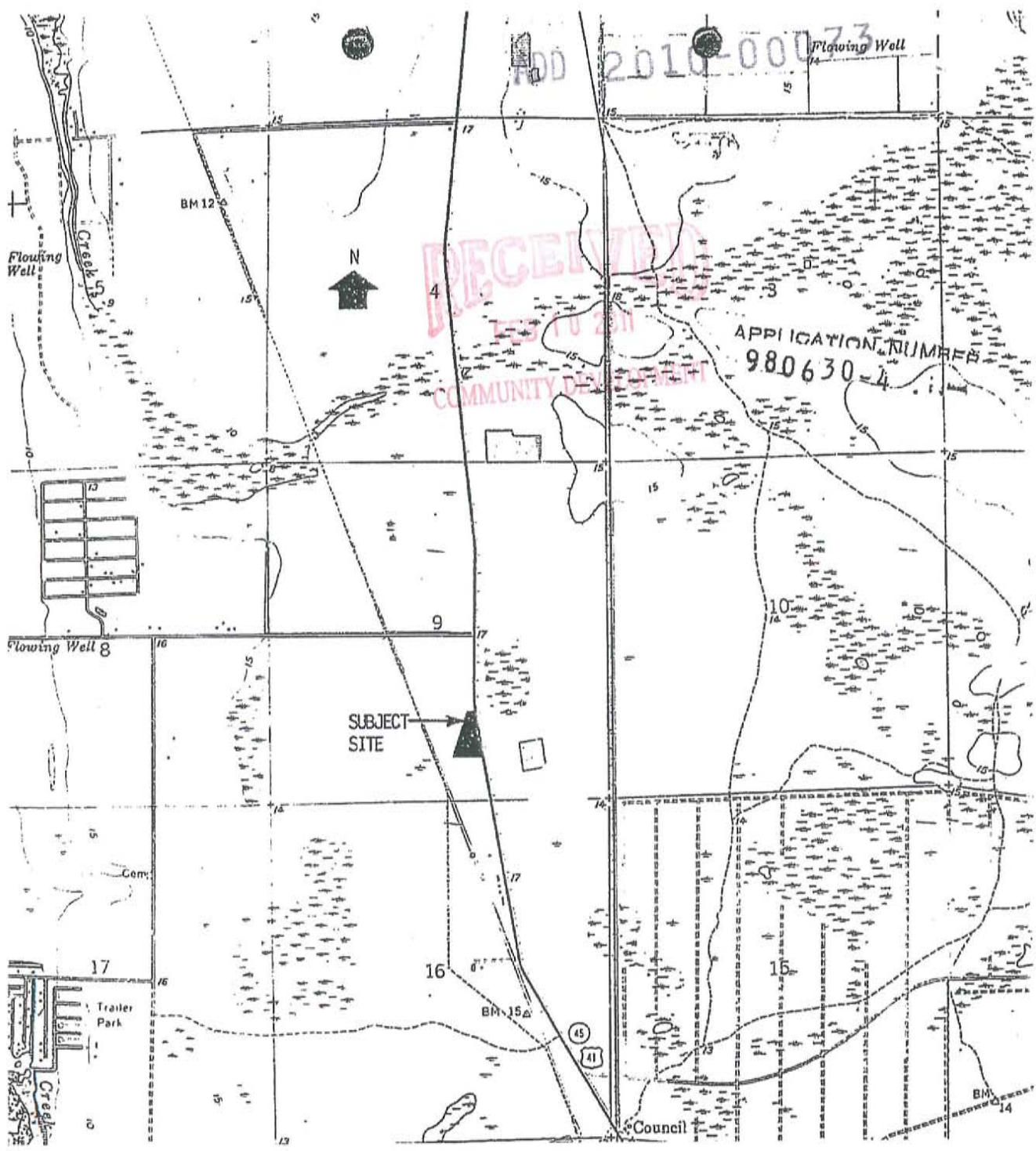
P.S.M. #5426
STATE OF FLORIDA

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COMMUNITY DEVELOPMENT

ADD 2010-00073



SHEET NUMBER 71

(Joint sheet 66)

71



1 Mile
5000 Feet

Scale 1:20000

SUBJECT SITE

SOIL LEGEND:

- 11 - Myakaa Fine Sand
- 28 - Immokalee Sand
- 42 - Wabasso Sand, Limestone Substratum

SOILS MAP

COLONY CORPORATE CENTER, PELICAN LANDING

FORT MYERS SERVICE CENTER

COMMUNITY DEVELOPMENT

EXHIBIT #E.I.A. ADD 98063104-00073



Form 0615-022

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DRAINAGE BASIN(S) TABLE COMMUNITY DEVELOPMENT ☐☐☐☐

	BASIN NO. <u>1</u>		BASIN NO. _____		TOTAL DRAINAGE AREA	
	PROJECT	OFF-SITE	PROJECT	OFF-SITE	AREA	
	(ACRES)	(ACRES)	(ACRES)	(ACRES)	(ACRES)	
IMPERVIOUS						
BUILDINGS	0.478	0			0.478	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
OTHERS	1.897	0			1.897	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
WATER MANAGEMENT						
WET	0	0			0	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
DRY	0.697				0.697	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
PERVIOUS	0.759	0			0.759	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
TOTAL	3.831	0			3.831	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
NUMBER OF DWELLING UNITS (ALLOWED/PROPOSED)	/		/		/	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
SQUARE FOOTAGE OF:						
COMMERCIAL	40,500				40,500	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
INDUSTRIAL	0				0	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

PHASE(S) TABLE ☐☐☐☐

	CONSTRUCTION AND OPERATION				TOTAL PROJECT AREA	
	ALL PAST PHASES		THIS PHASE		AREA	
	PROJECT	OFF-SITE	PROJECT	OFF-SITE	(ACRES)	
	(ACRES)	(ACRES)	(ACRES)	(ACRES)		
IMPERVIOUS						
BUILDINGS						<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
OTHERS						<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
WATER MANAGEMENT						
WET						<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
DRY						<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
PERVIOUS						<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
TOTAL						<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
NUMBER OF DWELLING UNITS (ALLOWED/PROPOSED)	/		/		/	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
SQUARE FOOTAGE OF:						
COMMERCIAL						<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
INDUSTRIAL						<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

ADD 2010-00073

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JUN 30 1998



Form 10-15-023

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N A I M

☒ BASIN NUMBER 1 OR ☐ PHASE NUMBER COMMUNITY DEVELOPMENT ☐☐☐☐
FOR FIRST INCH:
 $1 \text{ IN.} \times \frac{1 \text{ FT}}{12 \text{ IN.}} \times \frac{\text{PROJECT AREA, ACRES}}{\text{PROJECT AREA, ACRES}} = \{ \quad \} \text{ AC-FT}$ ☐☐☐☐

FOR 2.5 IN. TIMES PERCENT IMPERVIOUS (ALL AREA UNITS IN ACRES):
SITE AREA: $\frac{\text{PROJECT AREA}}{\text{SITE AREA}} - \left(\frac{\text{LAKES}}{\text{SITE AREA}} + \frac{\text{ROOFS}}{\text{SITE AREA}} \right) =$ ☐☐☐☐
IMPERVIOUS AREA: $\frac{\text{IMPERVIOUS AREA}}{\text{SITE AREA}} - \frac{\text{PERVIOUS AREA}}{\text{SITE AREA}} = \frac{\text{IMPERVIOUS AREA}}{\text{SITE AREA}}$ ☐☐☐☐

PERCENT IMPERVIOUS: $\frac{\text{IMPERVIOUS AREA}}{\text{SITE AREA}} \times 100\% =$ ☐☐☐☐
PERCENT IMPERV. ☐☐☐☐

2.5 IN. \times % IMPERVIOUS: $2.5 \text{ IN.} \times \frac{\text{PERCENT IMPERVIOUS}}{\text{PERCENT IMPERVIOUS}} =$ ☐☐☐☐
INCHES TO BE TREATED ☐☐☐☐

INCHES TO BE TREATED TIMES AREA TO BE TREATED:
 $\frac{\text{INCHES TO BE TREATED}}{\text{IN.}} \times \left(\frac{\text{PROJECT AREA}}{\text{PROJECT AREA}} - \frac{\text{LAKES}}{\text{PROJECT AREA}} \right) \times \frac{1 \text{ FT}}{12 \text{ IN.}} = \{ \quad \} \text{ AC-FT}$ ☐☐☐☐
 $= \{ \quad \} \text{ AC-FT}$ ☐☐☐☐

REQUIRED WET DETENTION = LARGER OF TWO $\{ \quad \}$ VALUES
 $=$ ☐☐☐☐ AC-FT ☐☐☐☐

WILL SYSTEM UTILIZE DRY DETENTION?
☐ NO ☐☐☐☐
☐ YES:
REQUIRED DRY DETENTION = $0.75 \times$ ☐☐☐☐ = ☐☐☐☐ AC-FT ☐☐☐☐
REQUIRED WET DETENTION

WILL SYSTEM UTILIZE RETENTION?
☐ NO ☐☐☐☐
☐ YES:
REQUIRED RETENTION = $0.5 \times$ ☐☐☐☐ = ☐☐☐☐ AC-FT ☐☐☐☐
REQUIRED WET DETENTION

ACTUAL DETENTION/RETENTION TO BE PROVIDED $=$ ☐☐☐☐ AC-FT ☐☐☐☐
IT WILL BE PROVIDED BETWEEN CONTROL ELEVATION $=$ ☐☐☐☐ FT, NGVD ☐☐☐☐
AND ELEVATION $=$ ☐☐☐☐ FT, NGVD ☐☐☐☐

PARCEL DISCHARGES TO OFW AND IS GREATER THAN 40% IMPERVIOUS?
☐ YES: SEE "DRY PRETREATMENT" BELOW. ☐☐☐☐
☒ NO ☐☐☐☐
PARCEL IS ZONED COMMERCIAL OR INDUSTRIAL? YES ☐☐☐☐
☐ YES, BUT ITEM IV-6 (ASSURANCES) IS ATTACHED. ☐☐☐☐
☐ YES, BUT ITEM IV-6 (ASSURANCES) IS WAIVED. ☐☐☐☐
Y SEE "DRY PRETREATMENT" BELOW ☐☐☐☐

ORIGINAL SUBMITTAL

ADD 2010-00073

This instrument prepared by
and return to:
Vivian M. King, Esq.
24301 Walden Center Drive, Suite 300
Bonita Springs, Florida 34134

4389493

Documentary Tax Pd. \$ 5,250.00
Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
By Deirdre Sherwood Deputy Clerk

RECEIVED
FEB 10 2011
COMMUNITY DEVELOPMENT

APPLICATION NUMBER
980630-4 . r1/bs

THIS WARRANTY DEED made this 13 day of May, 1998, by WCI COMMUNITIES LIMITED PARTNERSHIP, a Delaware limited partnership, whose Office address is: 24301 Walden Center Drive, Suite 300, Bonita Springs, Florida 34134 (hereinafter called the "Grantor") to COLONY CORPORATE CENTRE, INC., a Florida corporation, whose Office address is: 13356 Rosewood Lane, Naples, Florida 34119 (hereinafter called the "Grantee")

(wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns, assigns of individuals, and the successors and assigns of corporation).

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 (Ten Dollars) and other valuable considerations, receipt of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land-situate in Lee County, Florida, to wit:

See Exhibit "A" attached hereto and made a part hereof (the "Property").

Strap No: 09-47-25-00-00001.0070

SUBJECT TO:

- (A) Taxes and assessments for 1998 and subsequent years, which are not yet due and payable;
- (B) Sixty Third Supplement to the Amended and Restated Declaration and General Protective Covenants for Pelican Landing to be recorded simultaneously herewith;
- (C) Restrictions, covenants, conditions and easements, as contained in the Declaration of General Protective Covenants for Pelican's Nest dated November 17, 1988 in Official Records Book 2030, Page 663, as amended by The Amended and Restated Declaration and General Protective Covenants for Pelican Landing, recorded in Official Records Book 2198, Pages 1873 through 2026, inclusive, together with amendments thereto, of the Public Records of Lee County, Florida;
- (D) Applicable comprehensive plans or elements or portions thereof, land development regulations including zoning and subdivision ordinances, development orders, development permits, and other regulations and conditions of all governmental agencies now in existence and that may hereafter come into existence and be effective governing the Property;
- (E) The lien of any and all assessment liens that have heretofore been assessed, or shall hereafter be assessed against the Property.
- (F) Grantee shall commence construction on Parcel A of the Property in accordance

082960 Pg 1251

ADD 2010-00073

ORIGINAL SUBMITTAL

JUN 30 1998

EAST WOOD SERVICE CENTER

RECORDED BY
TRUDY SHERWOOD, D.C.

0R29 J PG1252

ADD 2010-00073

comply with the foregoing requirements, Grantor shall have the right, but not the obligation to repurchase the portion of the Property then owned by Grantee upon which construction has not commenced or diligently continued at ninety percent (90%) of the prorata purchase price paid by Grantee for the Property, plus 100% of all construction/improvement costs incurred by Grantee (as evidenced by invoices and supporting documentation satisfactory in form and substance to Grantor) less any attorney's fees, transfer fees, recording charges or other charges incurred by Grantor in connection with such repurchase (herein called "Repurchase Price"). Prorations, if any, shall be made as of the date of the repurchase closing. If Grantor shall elect to exercise such option to repurchase the Property, the option shall be exercised by Grantor within ninety (90) days of the date that Grantee shall have failed to commence or continue construction as aforesaid. Grantor shall release its repurchase right with respect Parcel A and Parcel B of the Property, upon commencement of construction of each such parcel. If Grantee has mortgaged any part of the Property to an institutional lender, the exercise of such repurchase right will not affect such lender's mortgage unless and until the lender has been provided notice and a reasonable opportunity to cure such default (i.e. 90 days).

APPLICATION NUMBER
980630-4

(G) Covenant of Unified Control recorded in Official Records Book 2531, Page 3147; Official Records Book 2658, Page 309; Official Record Book 2658, Page 319; Official Record Book 2658, Page 330 and Official Record Book 2761, Page 2299, of the Public Records of Lee County, Florida.

(H) Interlocal Agreement between Pelican Marsh Community Development District, Bay Creek Community Development District and Bayside Improvement Community Development District recorded in Official Record Book 2651, Page 3628, of the Public Records of Lee County, Florida.

(I) Notice of Adoption of Pelican Landing DRI Development Order recorded in Official Record Book 2545, Page 1082 and Amendments recorded in Official Record Book 2590, Page 1753; Official Record Book 2638, Page 3310; Official Record Book 2769, Page 3681; Official Record Book 2806, Page 1657 and Official Record Book 2896, Page 215, of the Public Records of Lee County, Florida.

(J) Notice of Development Order Approval recorded in Official Record Book 2689, Page 1998, of the Public Records of Lee County, Florida.

(K) Covenants, conditions, limitations, restrictions, reservations and easements of record.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants, with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except as otherwise noted above.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name,

RECEIVED

FEB 10 2011

COMMUNITY DEVELOPMENT


ORIGINAL SUBMITTAL

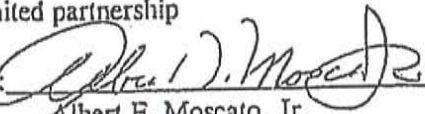
APPLICATION NUMBER
OR 160980630-4

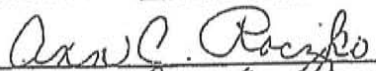
and its corporate seal to be hereunto affixed, by its proper officer thereunto duly authorized, the day and year first above written.

Signed and sealed in the presence of:

WCI COMMUNITIES LIMITED
PARTNERSHIP, a Delaware
limited partnership


Print Name: Robin Huffman

By:  *
Its: Albert F. Moscato, Jr.
Vice President

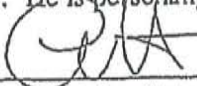

Print Name: Ann C. Roetzko

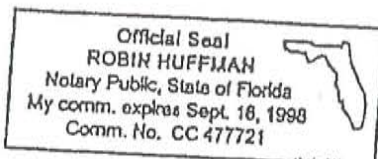
* Executed pursuant to authority granted in that certain Certificate/Power of Attorney recorded at O.R. Book 2809, Page 0986, of the Public Records of Lee County, Florida.

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 13 day of May, 1998, by Albert F. Moscato, Jr. as Vice President of WCI Communities Limited Partnership, a Delaware limited partnership, on behalf of the limited partnership. He is personally known to me.

My Commission Expires:


Notary Public, State of Florida
Print Name: _____



ADD 2010-00073
RECEIVED
FEB 10 2011

COMMUNITY DEVELOPMENT

ORIGINAL

Q. GRADY MINOR & ASSOCIATES, P.A.

Civil Engineers • Land Surveyors • Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.

002960 PG 1254

2010-00073

ALAN V. ROSEMAN
ROBERT W. THINNES, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.

APPLICATION NUMBER

980630-4

COMMUNITY DEVELOPMENT

PROPERTY DESCRIPTION

PELICAN LANDING - NORTHEAST COMMERCIAL SITE - PHASE 1
(SKETCH B-1412)

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 9,
TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT "A" OF PELICAN LANDING
UNIT NINETEEN AS RECORDED IN PLAT BOOK 56 AT PAGES 36 THROUGH 38 OF
THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING THE
INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (TAMIAMI TRAIL
- S.R. 45) (200' RIGHT-OF-WAY) WITH THE NORTHERLY RIGHT-OF-WAY LINE
OF PELICAN COLONY BOULEVARD (TRACT "A" OF AFOREMENTIONED PLAT), AND
ALSO BEING A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST,
WHOSE RADIUS POINT BEARS S 79°53'56" W A DISTANCE OF 30.00 FEET
THEREFROM; THENCE RUN SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-
WAY LINE OF SAID PELICAN COLONY BOULEVARD AND ALONG THE ARC OF SAID
CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A
CENTRAL ANGLE OF 90°00'00", SUBTENDED BY A CHORD OF 42.43 FEET AT
A BEARING OF S 34°53'56" W, FOR AN ARC LENGTH OF 47.12 FEET TO THE
END OF SAID CURVE; THENCE RUN S 79°53'56" W, ALONG SAID NORTHERLY
RIGHT-OF-WAY LINE, FOR A DISTANCE OF 40.57 FEET TO THE BEGINNING OF
A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN
WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC
OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 690.00 FEET, THROUGH
A CENTRAL ANGLE OF 31°38'13", SUBTENDED BY A CHORD OF 376.17 FEET
AT A BEARING OF N 84°16'58" W FOR AN ARC LENGTH OF 381.00 FEET TO
A POINT OF COMPOUND CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE
ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET,
THROUGH A CENTRAL ANGLE OF 95°12'57", SUBTENDED BY A CHORD OF 44.31
FEET AT A BEARING OF N 20°51'23" W, FOR AN ARC LENGTH OF 49.85
FEET TO THE END OF SAID CURVE; THENCE RUN N 26°45'05" E FOR A
DISTANCE OF 260.58 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE
N 26°45'05" E FOR A DISTANCE OF 111.00 FEET TO THE BEGINNING OF A
TANGENTIAL CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN
NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS
OF 730.00 FEET, THROUGH A CENTRAL ANGLE OF 23°11'28", SUBTENDED BY
A CHORD OF 293.46 FEET AT BEARING OF N 15°09'21" E, FOR AN ARC
LENGTH OF 295.48 FEET TO A POINT OF REVERSE CURVATURE;
THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT;

0R2960 PG 1255

APPLICATION NUMBER
980630-4 .

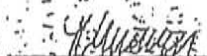
HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF $81^{\circ}13'58''$, SUBTENDED BY A CHORD OF 39.06 FEET AT A BEARING OF $N 44^{\circ}10'37'' E$, FOR AN ARC LENGTH OF 42.53 FEET TO THE END OF SAID CURVE; THENCE RUN $N 84^{\circ}47'36'' E$ FOR A DISTANCE OF 29.63 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF $89^{\circ}06'34''$, SUBTENDED BY A CHORD OF 70.16 FEET AT A BEARING OF $S 50^{\circ}39'07'' E$, FOR AN ARC LENGTH OF 77.76 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (S.R. 45) (200' RIGHT-OF-WAY) ALSO BEING A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY OF U.S. 41, AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5797.58 FEET, THROUGH A CENTRAL ANGLE OF $04^{\circ}00'14''$, SUBTENDED BY A CHORD OF 405.04 FEET AT A BEARING OF $S 08^{\circ}05'57'' E$, FOR AN ARC LENGTH OF 405.13 FEET TO THE END OF SAID CURVE; THENCE RUN $S 10^{\circ}06'04'' E$, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1.68 FEET; THENCE RUN $S 79^{\circ}53'56'' W$ FOR A DISTANCE OF 134.00 FEET; THENCE RUN $N 78^{\circ}21'14'' W$ FOR A DISTANCE OF 84.48 FEET; THENCE RUN $N 63^{\circ}14'55'' W$ FOR A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING; CONTAINING 1.915 ACRES, MORE OR LESS.

BEARINGS REFER TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (TAMIAMI TRAIL, S.R. 45), AS BEING $S 10^{\circ}06'04'' E$.

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

Q. GRADY MINOR & ASSOCIATES, P.A.

SIGNED 5-8-98


TOM CHERNESKY

P.S.M. #5426
STATE OF FLORIDA

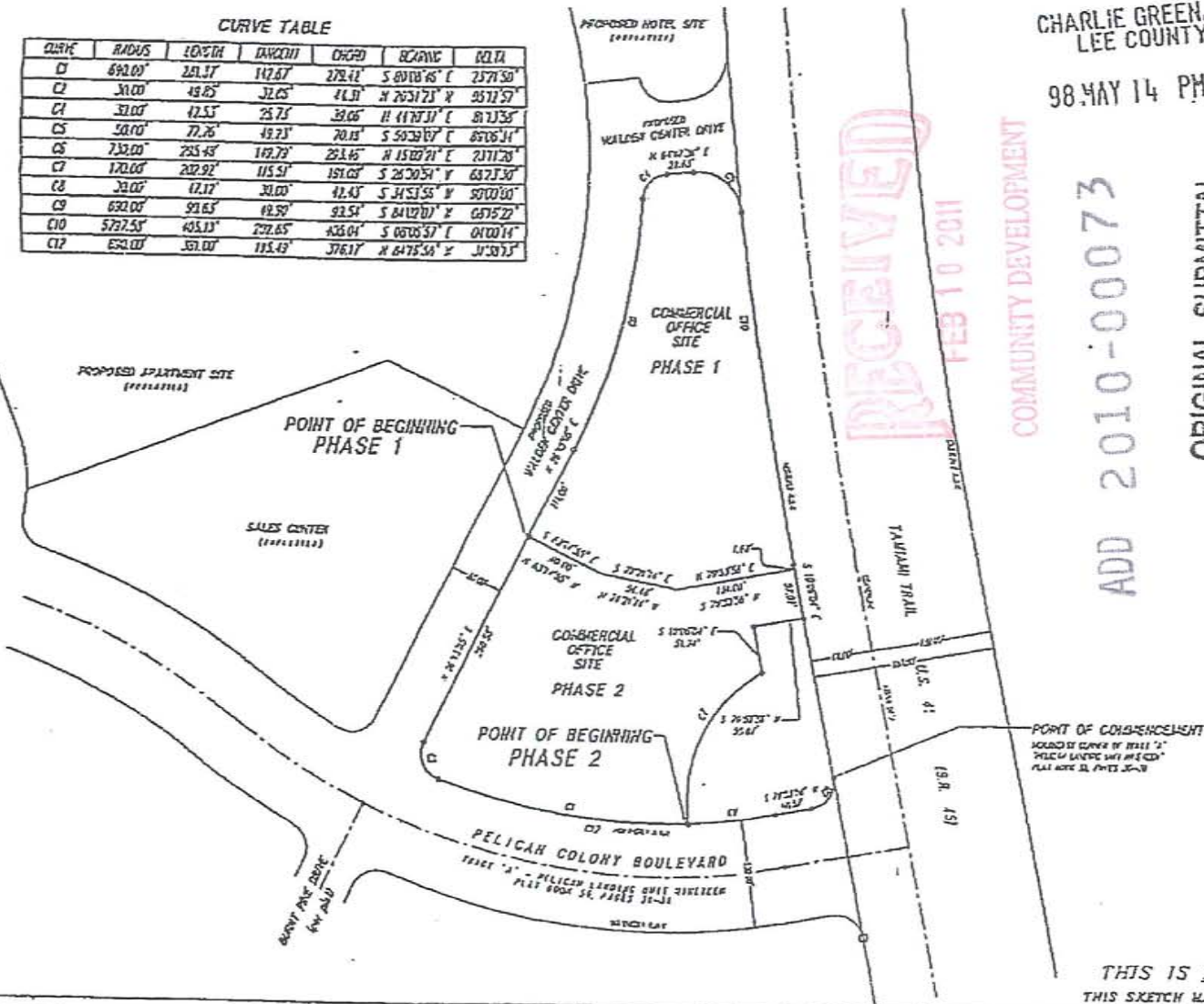
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FEB 10 2011

COMMUNITY DEVELOPMENT

980630-4

LINE	RADIUS	LONG	LATITUDE	CHORD	BEARING	REMARKS
1	692.00'	281.37'	142.67'	272.12'	S 80.18° W	2371.50'
C1	31.00'	43.85'	21.65'	21.39'	N 76.31° W	3512.71'
C2	31.00'	12.53'	23.75'	39.06'	N 11.70° W	8113.35'
C3	50.00'	77.76'	43.23'	70.15'	S 59.39° E	6508.34'
C4	732.00'	763.43'	142.73'	251.46'	N 15.00° W	2171.28'
C5	120.00'	202.92'	115.51'	191.06'	S 26.70° W	6372.36'
C6	31.00'	17.17'	30.00'	42.43'	S 34.53° W	5070.00'
C7	692.00'	591.65'	18.90'	92.54'	S 84.10° W	6875.22'
C8	572.55'	635.13'	272.65'	436.04'	S 08.05° E	04700.14'
C9	652.00'	561.00'	115.43'	376.17'	N 64.75° W	3750.71'



98 MAY 14 PM 4

COMMUNITY DEVELOPMENT

ADD 2010-00073

ORIGINAL SUBMITTAL

THIS IS NOT
THIS SKETCH MAY BE

SKETCH TO ACCOMPANY PELICAN LANDING - NORTH PHASE 1 & SECTION 9, TOWNSHIP 47 11E COUNTY		
DATE	MAY 8 1958	PROJECT CODE W1421

Q. CRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
3400 FL DR NW
FORTY SPRING, FLORIDA 32734
PHONE : (404) 667-0661 FAX : (404) 961-0775

DEPTH BT	TC
APPROVED	TC
SCALE	1" = 10'

COLONY CORPORATE CENTRE INC

13356 ROSEWOOD LANE
NAPLES, FL 34119
(941) 514-4514

5/98/31

1005

83-1370/6

PAY
TO THE
ORDER OF

South Florida Water Management District

DATE 6/8/98

\$ 500.00

FIVE HUNDRED

00/100

DOLLARS

FIRST NATIONAL BANK
OF NAPLES

FOR Permit Modification

[Signature]

⑈001005⑈ ⑆067013700⑆ 109⑈6460⑈

ADD 2010-00073

REC-1
FEB 10 2001
COMMUNITY DEVELOPMENT

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

MAPS
FOR PERMIT NO.

34-01620-Sub

APPLICATION NO. 990630-4

8 of 20
SHEET NO.

COMMUNITY DEVELOPMENT

FEB 10 2011

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ADD 2010-00073

DEVELOPMENT ORDER

COLONY CORPORATE CENTER

PELICAN LANDING

SECTION 09, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA



SITE LOCATION MAP

SCALE: N.T.S.

ENGINEER:



POKORNY & KARCH, INC.

CONSULTING ENGINEERS

1342 COLONIAL BOULEVARD, SUITE 24

FORT MYERS, FLORIDA 33907

(941) 936-7885

DRAWING INDEX:

- COVER SHEET
- C-1 MASTER CONCEPT PLAN
- C-2 DIMENSION PLAN
- C-3 PAVING, GRADING, & DRAINAGE
- C-4 DETAILS & NOTES
- C-5 LANDSCAPE PLAN
- C-6 UTILITY PLAN
- C-7 COMBINATION WATER/WASTEWATER
- C-8 WASTEWATER DETAILS SHEET 1
- C-9 WATER DETAILS SHEET 1
- C-10 WATER DETAILS SHEET 2
- C-11 BACKFLOW DETAILS

DEVELOPER:

JOSEPH E. D'JAMDOOS
13356 ROSEWOOD LANE
NAPLES, FLORIDA 34119

APP. SECTION NUMBER
950638-4, 001
20-000 4-12-04

ORIGINAL SUBMITTAL
JUN 10 2004
FOR REVIEW ONLY



COMMUNITY DEVELOPMENT

FEB 10 2011

ADD

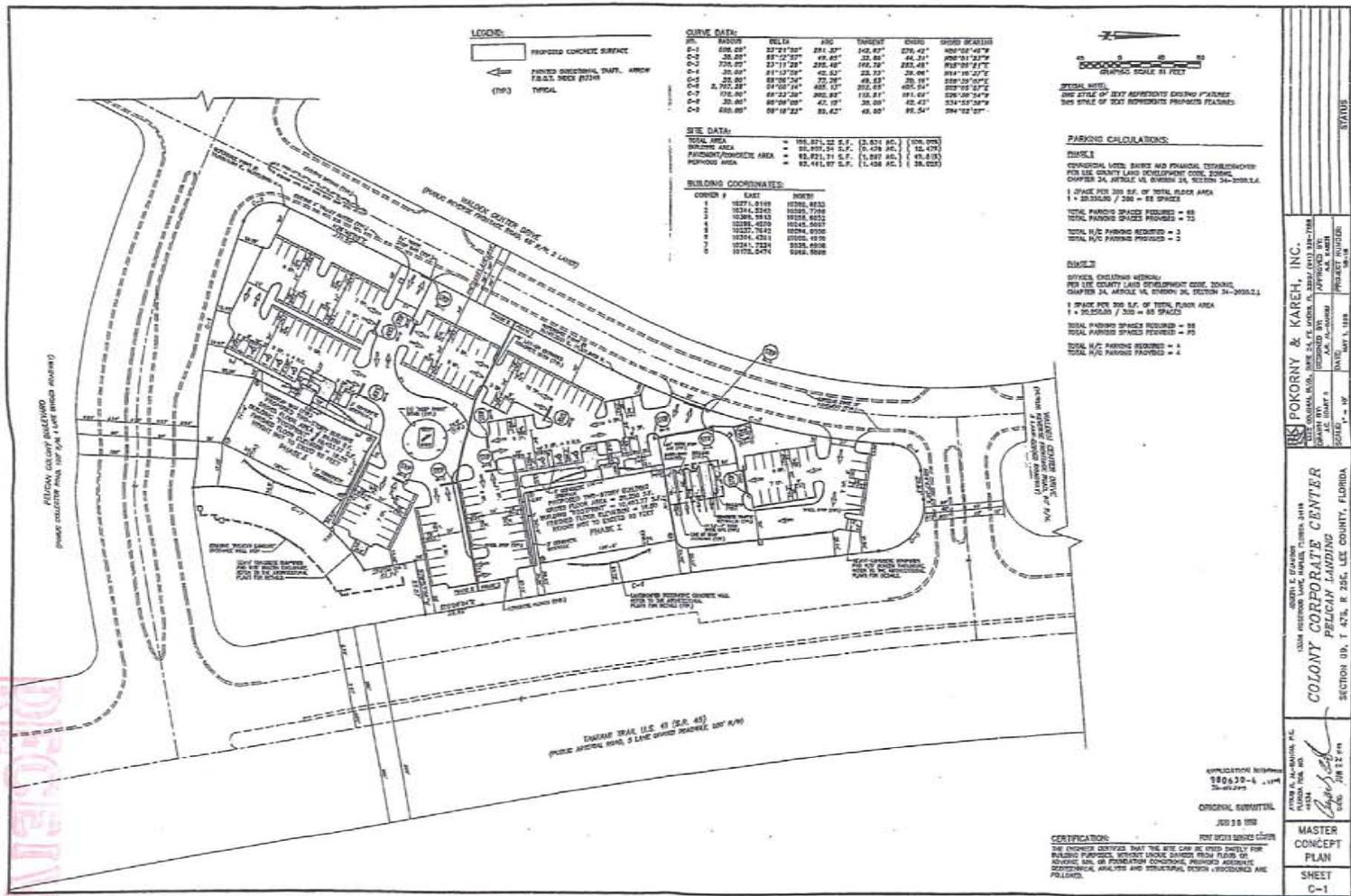
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COMMUNITY DEVELOPMENT

FEB 10 2011

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FEB 10 2011
COMMUNITY DEVELOPMENT

FEB 10 2011

FINAL APPROVAL
JUL 28 1988
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APPLICATION RETURN
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ANY CONTRIBUTION
TO FURNISH THE
PAYMENT TO ALLOW
ORIGINAL SUBMITTAL
JUL 28 1988
FBI NEW YORK OFFICE

JOHN & KAREH, INC.
13300 TROVATO DRIVE, SUITE 100, TAMPA, FL 33618
TEL: 813-971-1111 FAX: 813-971-1112
WWW.J&K.COM

SECTION 00, 1.45, 3.25, LEE COUNTY, FLORIDA

COLONY CORPORATE CENTER
PLAN
PELICAN LANDING

SECTION 00, 1.45, 3.25, LEE COUNTY, FLORIDA

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SECTION 00, 1.45, 3.25, LEE COUNTY, FLORIDA

COLONY CORPORATE CENTER
PLAN
PELICAN LANDING

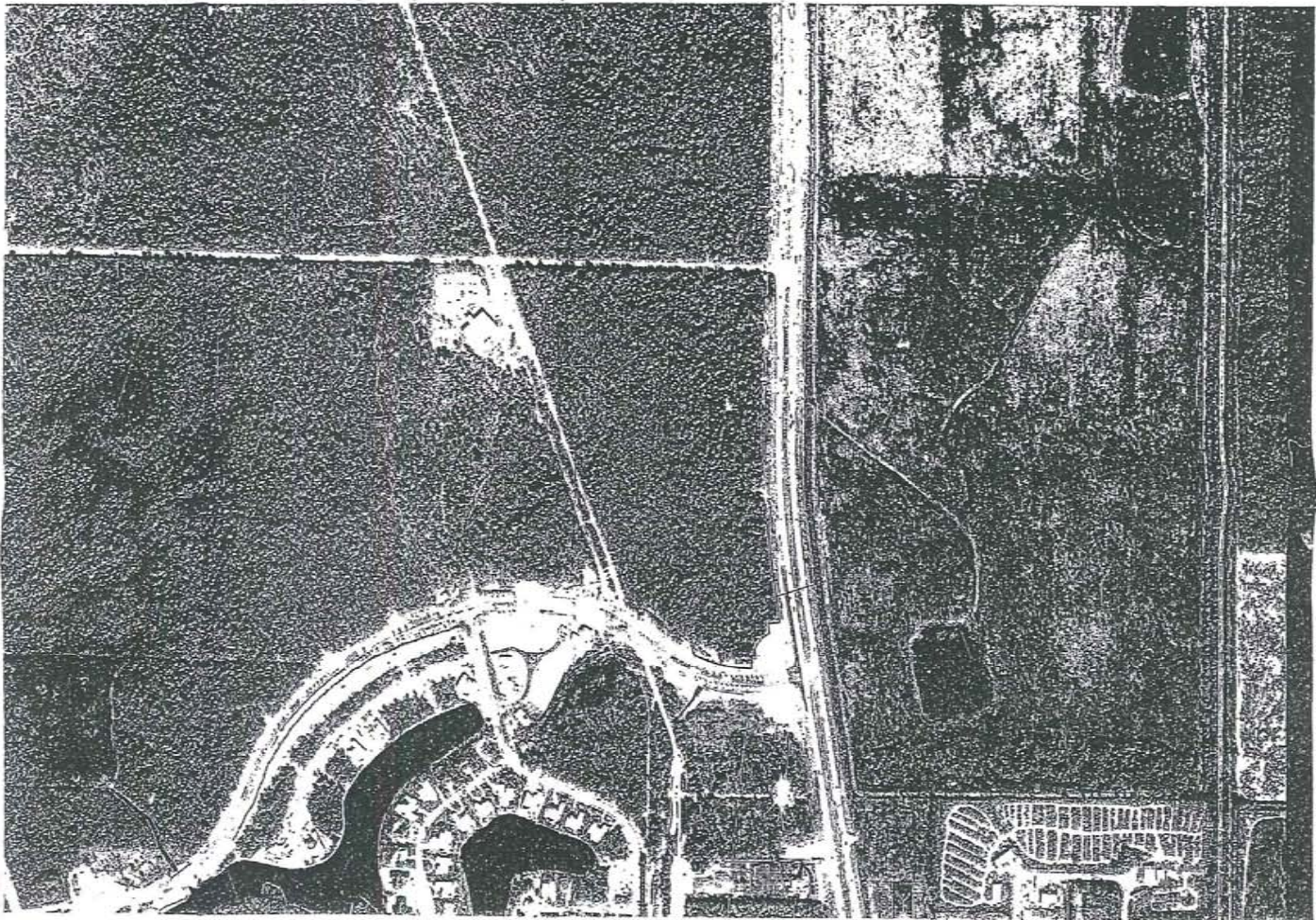
SECTION 00, 1.45, 3.25, LEE COUNTY, FLORIDA

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TEL: 813-971-1111 FAX: 813-971-1112
WWW.J&K.COM

SECTION 00, 1.45, 3.25, LEE COUNTY, FLORIDA

COLONY CORPORATE CENTER
PLAN
PELICAN LANDING

SECTION 00, 1.45, 3.25, LEE COUNTY, FLORIDA



COMMUNITY DEVELOPMENT

ADD
 2010-00073
 FEB 10 2011



PRODUCED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION
 FOR THE FLORIDA HIGHWAY DEPARTMENT OF HIGHWAYS
 FOR INFORMATION PURPOSES ONLY

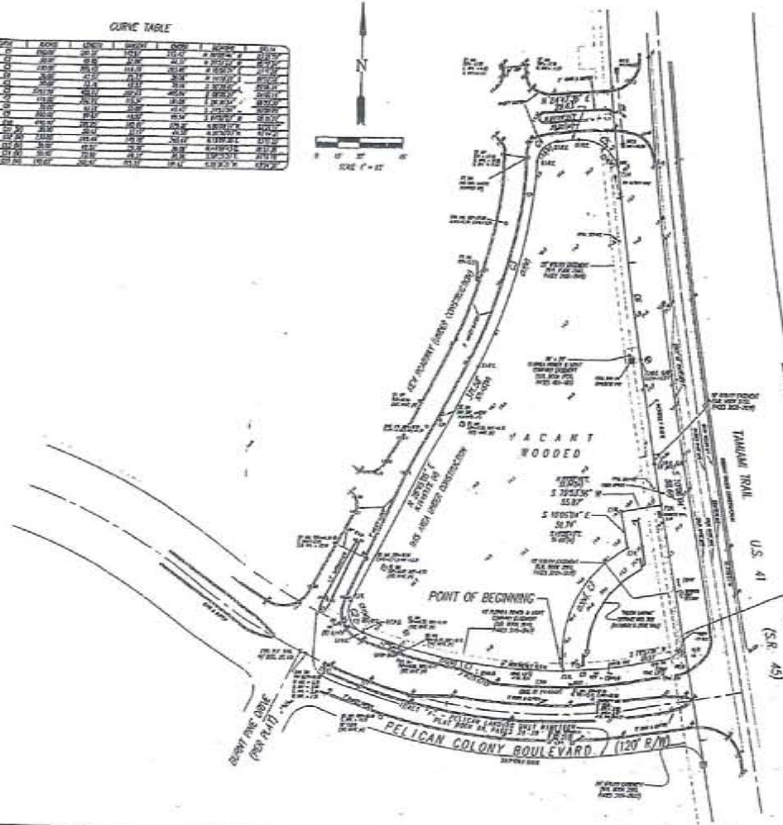


LEE COUNTY
 FLORIDA

SCALE	1" = 200'	SHEET	NO.	RANGE	SHEET NO.	MAP
PRINTED DATE	10-1-2009	09	47 S	25 E	161 C	
PRINTED JOB NO.	10-1-2009					

COMMUNITY DEVELOPMENT


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1. HOWARD JOHN HARRIS WORKS IN THE WESTERN BROOM-UP
IN #12 (GENERAL TRAIL - 200 AC) AND 200 AC 100% C
2. THE PROPERTY IS OWNED BY HARRIS, HARRIS AND HARRIS, INC.
FROM A SURETY BOND TO THE STATE OF ARIZONA, HARRIS, INC.
HARRIS, INC. AND HARRIS, INC. AND HARRIS, INC.
3. HARRIS, INC. AND HARRIS, INC. AND HARRIS, INC. AND HARRIS, INC.
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GSM
GAINES SURVEYING & MAPPING, INC.
2223 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33901
Phone: (813) 337-1159 Fax: (813) 337-0770 Email: gsm@gsmap.com

THE BOUNDARY AND TOPOGRAPHIC SURVEY
WAS PREPARED FOR THE BOOKS BY
POWELL & KIRBY, INC.
GIVES ELEVATIONS AND DISTANCES AND
BY 
POWELL & KIRBY, INC.
FLORIDA LICENSE NO. 4519
ALL INFORMATION ON THIS MAP WAS OBTAINED FROM THE U.S. GEOLOGICAL SURVEY

BOUNDARY AND TOPOGRAPHIC SURVEY
OF A PARCEL OF LAND
LOCATED IN SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

DATE: FEBRUARY 2, 1994, INC.

SCALE: 1"=40'

PLAT NO. 12345 PAGE: 4

PROJECT NO. 4725007

DATE: 4/25/94

FILED: 4/25/94

4725007.DWG

EsteroCPR.ORG

ESTERO
...VILLAGE
WITH A
VISION

Home > ECPP > July 2010 ECPP Meeting Minutes

ESTERO COMMUNITY PLANNING PANEL

Minutes of Public Meeting #117- July 19, 2010

Estero Community Park, Estero, Florida

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DEC 13 2010
COMMUNITY DEVELOPMENT

More

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Panel Members Present: Jack Lienesch, Civic Association, Chairman; John Goodrich, ECCL; Dan DeLisi, Estero development community; Erik Dickens, ECCL; Ned Dewhirst, Estero development community; Greg Toth, Founding Member; Treasurer: Bev MacNellis, ECCL; Jeff Maas, Estero Chamber of Commerce; Neal Noethlich, Emeritus Member and Bill Brown, Recording Secretary, ECCL.

Public Notice: Brown reported that the meeting notice appeared in the News-Press, the Naples Daily News Calendar, and the Century-Link Estero Events Calendar and EsteroFl.org websites. The notice was posted at the South County Regional Library, Realty World of Estero, and the BB&T and the Fifth Third Banks.

Secretary's Report: Brown distributed minutes of the June meeting. Goodrich: Motion to accept minutes. Dewhirst: Seconded. Accepted unanimously.

DEVELOPER PRESENTATIONS: Commercial lot split for Walden Center - Fred Hood, Davidson Engineering explained that this would be accomplished by an administrative amendment. The new tenant requires more parking so eighteen additional spaces will be accommodated. DeLisi asked about deviations which will involve water management and buffering issues. Toth asked about landscaping and open space. Hood replied that they planned to maintain the landscaping and the open space would still exceed the 20% required by the county. Lienesch said the Minutes will reflect the Panel's approval. At the time of the Development Order for this project, the landscaping changes will be reviewed by our EDRC.

University Highlands, Timberland and Tiburon MDP Amendment - Neale Montgomery. Lienesch commented that the Panel was upset when the height change with which the Panel had been concerned was accomplished by an amendment to the Comprehensive Plan. Lienesch went to the BOCC hearing to express his disappointment and received apologies from both the county staff and the developer. Al Moscato, Principal of MN Development Group, explained that the heights permitted start at 45 ft. near Ben Hill Griffin and increase by a 6 to 1 ratio up to 95 ft in the back near Miromar Outlets. The planned hotel would be in the 95' area and is planned to be on the lake near Miromar. Several members of the panel felt the 95' height was inappropriate for the NE corner in the mixed use area because it was right on Estero Parkway and Three Oaks. Moscato presented their Image Book. Toth objected to the lack of a unified theme in the Image Book. Ned agreed that commonality, compatibility statements for the whole complex should be part of the zoning somehow. Regarding the deviation requested for the lake pedestrian access at the north end, Lienesch pointed out that Chapter 33, in the Estero section of the Code requires sidewalk and bike paths along any public road where a lake is placed proximate to the road. He noted that our vision was to invite the public to utilize these areas as public space. Montgomery said there is a liability problem. DeLisi said if there is a liability problem why not put the lake further south? He pointed out that the developer is asking for a deviation to put the lake up against Estero Parkway. Toth said Miromar uses its lake for recreational purposes - so what's the difference! Moscato stated that that lake was maintained by a CDD and has governmental immunity. Lienesch asked what comes next with this project. Montgomery said they would be happy to meet with Grandezza to review their concerns, and eventually come back with more design book definition.

ECPP: Noethlich announced that a Community Planning Workshop will be held on Saturday November 13 starting at 8:30 AM at the Hyatt Regency. This will include a survey of the community to help identify planning issues and prioritize. The workshop is part of the effort to raise funds and get county matching funds to hire professional help to update the Estero Plan and Vision Statement.

Lienesch announced that the David Graham Award will be presented to the Hyatt on Thursday, July 29 at the Trianon Hotel.

ADD 2010-00073

Dewhirst gave an update on Downtown Estero/Southland Village. He said the staff report described the problem at the intersection of US41 and the project. Much discussion about the need for a full intersection occurred. The County is working with FDOT to get a westbound right turn lane on Broadway and Montgomery reported that Rick Johnson is ready to give them the necessary land to accomplish this. Problems on Broadway would also be increased by a full access on Broadway for the project. DeLisi said the project is a great design. Toth pointed out that even with the aforementioned right turn lane there will be big backups of traffic. Lienesch said if the three US41 entrances (this project, Rick Johnson's and Cypress Bend) are consolidated it may be possible to argue for a full intersection and, when warranted, a traffic light. Noethlich pointed out the adverse impact on the Broadway and Highlands community which will be further increased if Estero on the River ever comes to fruition.

Lienesch said he and Dewhirst are working with our Webmaster, Kim Dailey, to update our Website. He said she has found a better map of Estero.

Toth brought up a proposal for a "World of Beer" facility at Coconut Point which is potentially in conflict with Goal 19 which prohibits free standing bars in Estero (not associated with a Class III restaurant). However, World of Beers cohabits with near-by restaurants which serve its beer in other Florida communities. Dewhirst said he didn't consider this a stand-alone bar. Noethlich pointed out that they had permitted a wine tasting bar in Miromar. Don Eslick said that they should have a contractual relationship with the restaurants. Kathie Ebaugh said the County staff will attempt to develop some options for the Panel as to how this could be done within the existing plan language. She said this should be done without setting an unwanted precedent. She will give the report to the Panel at its next meeting on August 16.

Meeting adjourned at 8:00 PM.

NEXT MEETING:

6:00 PM, MONDAY, August 16, ESTERO COMMUNITY PARK

08/05/2010

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DEC 13 2010

COMMUNITY DEVELOPMENT

ADD 2010-00073

Jessica Ramos

From: Robert Melzer [lopakadesignstudio@yahoo.com]
Sent: Friday, August 13, 2010 11:24 AM
To: Fred Hood; Bill Pysi
Cc: Keisha Westbrook; Jessica Ramos
Subject: Re: EDRC Meeting: Colony Corporate Center

Mr. Hood,

Thank you for taking your time to present your project to the EDRC members this past wednesday. I look forward to receiving the full size prints of your presentation so that we can proceed with our EDRC approval letter.

Bob Melzer, RLA, ASLA

President of:
Lopaka Design Studio, Inc

ph: 239.823.2724

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COMMUNITY DEVELOPMENT

ADD 2010-00073

--- On Thu, 8/12/10, Fred Hood <Fred@davidsonengineering.com> wrote:

From: Fred Hood <Fred@davidsonengineering.com>
Subject: EDRC Meeting: Colony Corporate Center
To: lopakadesignstudio@yahoo.com
Cc: "Keisha Westbrook" <keisha@davidsonengineering.com>, "Jessica Ramos" <Jessica@davidsonengineering.com>
Date: Thursday, August 12, 2010, 1:53 PM

Mr. Melzer,

Following up on last evening's meeting with the EDRC, we will be sending you two full size landscape plans as well as the master concept plan presented and reviewed to be officially signed off on and forwarded to Lee County and for the EDRC's records.

Thank you for taking the time to review our project and for the helpful follow up information last night. If there's anything else we can provide, please let me know.

9/3/2010

Estero Design Review Committee

Public Informational Session Summary and Design Review Comments

September 3, 2010

Mrs. Jessica Ramos
Davidson Engineering
3530 Kraft Road, Suite #301
Naples, FL 34105

RE: Colony Corporate Center
Public Informational Session Summary and Design Review Comments
Estero Design Review Committee Meeting of Aug. 11, 2010
Location: The Estero Recreation Center

Dear Applicant and County Staff:

The above referenced project was presented to the EDRC on Aug. 11, 2010 and has satisfied the public informational session as required per LDC, Sect.34-1042. The EDRC reviewed the submittal and discussed the design documents.

Discussion:

- After reviewing the presentation to the committee at the Aug 11th meeting, the committee approves the attached presentation drawings that are signed and dated by acting EDRC Chairman, Robert Melzer.

Comments:

- None.

The EDRC, on behalf of the citizens of Estero, would like to thank the applicant for the submittal and cooperation with the design review procedures.

Sincerely,

Robert Melzer
Chairman, Estero Design Review Committee

Cc: Peter Eckenrode, Lee County
Kim Dailey

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Exhibit AA-3.A.1

The following identifies the strap numbers attached to the subject property and the proposed lots therein:

Strap Numbers:

09-47-25-00-00001.0150

09-47-25-00-00001.0170

09-47-25-00-00001-017A

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PLANNING NOTES:

CURRENT ZONING
TYPE/LAND USE:
TOTAL FOOT PRINT AREA:
GROSS FLOOR AREA:
BUILDING USES:

PELICAN LANDING CPD
COMMERCIAL
21,476 SF
42,952 SF
GENERAL/
MEDICAL OFFICE

LOT 1:
BUILDING HEIGHT MAXIMUM:
MAXIMUM LOT COVERAGE:
MINIMUM LOT AREA:

REQUIRED
8 STORIES OR 95'
40%
20,000 SF

PROVIDED
2 STORIES
12.89%
83,414 SF

LOT 2:
BUILDING HEIGHT MAXIMUM:
MAXIMUM LOT COVERAGE:
MINIMUM LOT AREA:

8 STORIES OR 95'
40%
20,000 SF

2 STORIES
12.85%
83,459 SF

PARKING REQUIREMENTS:

EXISTING DEVELOPMENT

LOT 1 @ 1 PER 300 SF (GEN. OFFICE): 20,250 SF 68 SPACES 72 SPACES
LOT 2 @ 1 PER 300 SF (GEN. OFFICE): 20,250 SF 68 SPACES 85 SPACES

PROPOSED DEVELOPMENT

LOT 2 @ 1 PER 200 SF (MED. OFFICE): 20,250 SF 101 SPACES 103 SPACES

BICYCLE PARKING@ 5% OF REQUIRED MOTOR VEHICLE PARKING 5 SPACES 5 SPACES

MODIFIED PARKING AREA
(INCREASE OF 18 SPACES
FOR LOT 2)

LOT 1: LAND USE SUMMARY

USE	ACRES	% OF SITE
BUILDING AREA	0.25 ACRES	12.89%
PAVEMENT	0.89 ACRES	45.88%
GENERAL OPEN SPACE	0.60 ACRES	30.93%
LANDSCAPE BUFFERS	0.20 ACRES	10.30%
TOTAL SITE AREA	1.94 ACRES	100%

LOT 2: LAND USE SUMMARY

USE	ACRES	% OF SITE
BUILDING AREA	0.25 ACRES	13.02%
PAVEMENT	0.92 ACRES	47.92%
GENERAL OPEN SPACE	0.61 ACRES	31.77%
LANDSCAPE BUFFERS	0.14 ACRES	7.29%
TOTAL SITE AREA	1.91 ACRES	100%

LOT 3: LAND USE SUMMARY

USE	ACRES	% OF SITE
LANDSCAPE AREA	0.57 ACRES	100%
TOTAL SITE AREA	0.57 ACRES	100%

OVERALL OPEN SPACE SUMMARY

	REQUIRED	PROVIDED
OPEN SPACE (20% OF TOTAL SITE)	0.88 ACRES	2.12 ACRES
GENERAL OPEN SPACE		1.78 ACRES
LANDSCAPE BUFFERS		0.34 ACRES

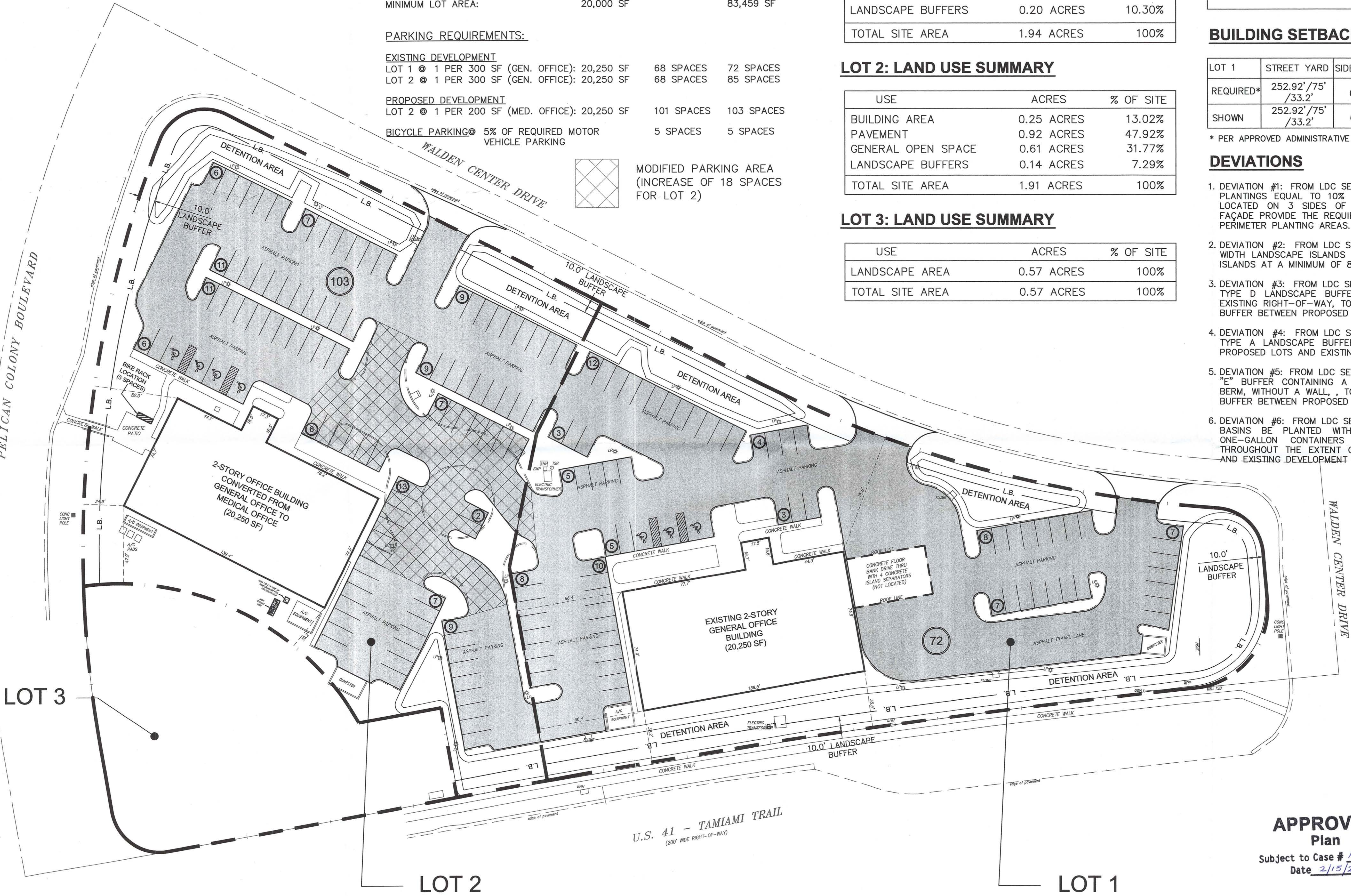
BUILDING SETBACKS

LOT 1	STREET YARD	SIDE YARD	LOT 2	STREET YARD	SIDE YARD
REQUIRED*	252.92'/75' /33.2'	66.4'	REQUIRED*	153.36'/24.9'	30.2'/87.9'
SHOWN	252.92'/75' /33.2'	66.4'	SHOWN	153.36'/24.9'	30.2'/87.9'

* PER APPROVED ADMINISTRATIVE AMENDMENT FPA-98-048

DEVIATIONS

- DEVIATION #1: FROM LDC SECTION 10-416(B), REQUIRING BUILDING PERIMETER PLANTINGS EQUAL TO 10% OF THE BUILDING GROUND FLOOR AREA AND BE LOCATED ON 3 SIDES OF THE STRUCTURE, TO REQUIRE ONLY THE MAIN FAÇADE PROVIDE THE REQUIRED 10% OF THE BUILDING FOOTPRINT IN BUILDING PERIMETER PLANTING AREAS.
- DEVIATION #2: FROM LDC SECTION 10-416(C)(2)(C), REQUIRING 10' MINIMUM WIDTH LANDSCAPE ISLANDS WITHIN PARKING AREAS, TO PERMIT THE EXISTING ISLANDS AT A MINIMUM OF 8' MINIMUM WIDTH WITHIN PARKING AREAS.
- DEVIATION #3: FROM LDC SECTION 33-351, REQUIRING A MINIMUM 20' WIDE TYPE D LANDSCAPE BUFFER BETWEEN PROPOSED COMMERCIAL USES AND EXISTING RIGHT-OF-WAY, TO PERMIT A MINIMUM 10' WIDE TYPE D LANDSCAPE BUFFER BETWEEN PROPOSED COMMERCIAL USES AND EXISTING RIGHT-OF-WAY.
- DEVIATION #4: FROM LDC SECTION 33-351, REQUIRING A MINIMUM 5' WIDE TYPE A LANDSCAPE BUFFER BETWEEN COMMERCIAL USES, TO EXEMPT THE PROPOSED LOTS AND EXISTING DEVELOPMENT FROM SAID REQUIREMENT.
- DEVIATION #5: FROM LDC SECTION 33-422(C), REQUIRING A MINIMUM 25' TYPE "E" BUFFER CONTAINING A TWO TO THREE FOOT UNDULATING LANDSCAPED BERM, WITHOUT A WALL, , TO PERMIT A MINIMUM 10' WIDE TYPE D LANDSCAPE BUFFER BETWEEN PROPOSED COMMERCIAL USES AND EXISTING RIGHT-OF-WAY.
- DEVIATION #6: FROM LDC SECTION 33-111(D) REQUIRING ALL DRY DETENTION BASINS BE PLANTED WITH WETLAND TYPE PLANT SPECIES IN MINIMUM ONE-GALLON CONTAINERS NOT MORE THAN 36 INCHES ON CENTER THROUGHOUT THE EXTENT OF THE BASIN, TO EXEMPT THE PROPOSED LOTS AND EXISTING DEVELOPMENT FROM SAID REQUIREMENT.



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ADD 2010-00073

APPROVED
Plan

Subject to Case # Add2010-00073
Date 2/15/2011

0 15 30 60
SCALE IN FEET

CLIENT:
ORTHOPEDIC SPECIALTY CARE CENTER
24321 WALDEN CENTER DR. STE. 201
BONITA SPRINGS, FL 34134

REV.	DATE	DESCRIPTION	BY
A	10/27/10	PER COMMENTS RECEIVED 9/15/10	FEH

DAVIDSON ENGINEERING, INC.
3530 KRAFT ROAD, SUITE 301, NAPLES, FLORIDA 34105
PHONE (239) 434-6060 FAX (239) 434-6084
COMPANY ID. NO. 00009496

COLONY CORPORATE CENTER		
EXHIBIT B-2.A.1: MASTER SITE PLAN		
DRAWN BY: KMW	PROJECT: 10-0038	SURVEY: AS NOTED
DESIGNED BY: KMW	SCALE: AS NOTED	FILE NO.:
APPROVED BY:	OCT 27, 2010	10-0038

SHEET
1
OF
2