



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

239-533-8585

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Examiner

January 31, 2012

K'SHANA J. HAYNIE  
ROETZEL & ADDRESS, LPA  
2320 FIRST ST  
SUITE 1000  
FT MYERS FL 33901  
Re: ENTRADA ESTATES  
House Bill 7207 Extension (F)  
DCI2011-00054

Dear K'SHANA J. HAYNIE:

In accord with House Bill 7207 (HB7207), development permits meeting certain criteria are entitled to one 2-year extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution, Original Resolution Z-06-039, DCI2004-00080, ENTRADA ESTATES, is hereby extended for the following:

APPROVAL OF A 2-YEAR EXTENSION FROM AUGUST 21, 2011 TO AUGUST 21, 2013  
FOR THE ESTATES AT ENTRADA.

No additional extensions under HB7207 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under HB7207, you must file a specific request for each qualifying development permit.

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

Sincerely,

Department of Community Development  
Division of Zoning

Pam Houck  
Director

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

WHEREAS, MFA Ventures, LLC filed an application on behalf of the property owners, Hole Montes & Associates, Inc., and Realmark Group, LLC., to rezone a 292+/- acre parcel from Mobile Home Planned Development (MHPD) and Commercial (C-1A/C-2) zoning districts to a Residential and Commercial Planned Development (RPD/CPD) in reference to The Estates at Entrada; and

WHEREAS, a public hearing was advertised and held on May 4, 2006, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2004-00080; and

WHEREAS, a second public hearing was advertised and held on August 21, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 292+/- acre parcel from MHPD and C-1A/C-2 to RPD/CPD, to allow 325 single-family, 975 town homes, and 300 multiple-family dwelling units; 30,000 square feet of commercial retail; and 140,000 square feet of commercial, warehouse, and office uses. The property is located in the Central Urban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP), Exhibit C attached hereto, entitled "Preliminary Master Concept Plan: Estates at Entrada," stamped "Received on OCT 16 2006," last revised OCT 16, 2006, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this Planned Development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

This project is limited to a maximum of 325 single-family homes, 975 town homes, and 300 multiple-family dwelling units, 30,000 square feet of commercial retail, and 140,000 square

feet of commercial, warehouse, and office uses not to exceed a maximum height of 50 feet for multiple-family uses and 35 feet for the remainder of the uses.

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

a. Schedule of Uses

i. Residential Planned Development (RPD):

ACCESSORY USES AND STRUCTURES

DWELLING UNIT:

Single-family

Townhouse

Multiple-family building

ENTRANCE GATES AND GATEHOUSE

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES, Group I

EXCAVATION, water retention

FENCES, WALLS

HOME OCCUPATION

PARKING LOT, accessory

MODELS:

Display center

Display group

Model home

Model unit

REAL ESTATE SALES OFFICE

RESIDENTIAL ACCESSORY USES

RECREATIONAL FACILITIES:

Personal

Private, On-Site

SIGNS, in accordance with chapter 30

ii. Commercial Planned Development (CPD) Tract:

ACCESSORY USES AND STRUCTURES

ADMINISTRATIVE OFFICES

ATM (automatic teller machine)

AUTO PARTS STORE, with or without installation facilities, limited to the most easterly 270 feet of the CPD Tract

AUTOMOBILE SERVICE STATION, limited to one, limited to the most easterly 270 feet of the CPD Tract

BANKS AND FINANCIAL ESTABLISHMENTS, Groups I and II

BAR OR COCKTAIL LOUNGE, only in conjunction with a Group III restaurant

BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION

BUILDING MATERIAL SALES

BUSINESS SERVICES, Groups I

CAR WASH, limited to the most easterly 270 feet of the CPD  
     Tract  
 CLEANING AND MAINTENANCE SERVICES  
 CLOTHING STORES, general  
 COMPUTER AND DATA PROCESSING SERVICES  
 CONSUMPTION ON PREMISES  
 CONTRACTORS AND BUILDERS, Groups I  
 CONVENIENCE FOOD AND BEVERAGE STORE, limited to one having  
     a maximum of 16 pumps and limited to the most easterly 270 feet of  
     the CPD Tract,  
 DEPARTMENT STORE  
 DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE  
 EMS, FIRE, AND/OR SHERIFFS STATION  
 ENTRANCE GATES AND GATEHOUSE  
 ESSENTIAL SERVICES  
 ESSENTIAL SERVICE FACILITIES, Group I  
 EXCAVATION, water retention  
 FENCES, WALLS  
 FOOD AND BEVERAGE SERVICE, LIMITED  
 FOOD STORES, Group I  
 GIFT AND SOUVENIR SHOP  
 HARDWARE STORE  
 HEALTH CARE FACILITIES, Groups I, II, and III  
 HOBBY, TOY AND GAME SHOPS  
 HOUSEHOLD AND OFFICE FURNISHINGS, Groups I and II  
 INSURANCE COMPANIES  
 LAUNDROMAT  
 LAUNDRY OR DRY CLEANING, Group I  
 LAWN AND GARDEN SUPPLY STORES  
 MEDICAL OFFICE  
 NONSTORE RETAILERS, Groups I, II, and III  
 PACKAGE STORE  
 PAINT, GLASS AND WALLPAPER  
 PARCEL AND EXPRESS SERVICES  
 PARKING LOT:  
     Accessory  
     Temporary  
 PERSONAL SERVICES, Groups I, II, III, and IV, excluding escort services,  
     tattoo parlors, massage parlors, and steam and Turkish baths  
 PET SERVICES  
 PET SHOP  
 PHARMACY  
 POST OFFICE  
 PRINTING AND PUBLISHING  
 RECREATION, COMMERCIAL, Group I  
 RENTAL OR LEASING ESTABLISHMENT, Groups I and II, no outdoor  
     display  
 REPAIR SHOPS, Groups I and II

RESEARCH AND DEVELOPMENT LABORATORIES, Groups II and IV  
RESTAURANT, FAST FOOD, limited one and to the most easterly 270 feet  
of the CPD Tract  
RESTAURANTS, Groups I, II, III, and IV  
SCHOOLS, Commercial  
SELF-SERVICE FUEL PUMPS, only in conjunction with a convenience food  
and beverage store  
SIGNS in accordance with chapter 30  
SOCIAL SERVICES, Group I  
SPECIALTY RETAIL SHOPS, Groups I, II, III, and IV  
STORAGE:  
Indoor  
STUDIOS  
TEMPORARY USES  
USED MERCHANDISE STORES, Group I  
VARIETY STORE  
WHOLESALE ESTABLISHMENTS, Group III

b. Site Development Regulations

ESTATES AT ENTRADA RPD/CPD PROPERTY DEVELOPMENT REGULATIONS												
LAND USE	Minimum Lot Area sq. ft.	Minimum sq ft per unit	Minimum Lot Width (ft)	Minimum Lot Depth (ft)	Maximum Lot Coverage %	Minimum Setbacks (ft)					Max. Height (ft.)	Stories
						Street	Side	Rear	Water	Preserve		
RESIDENTIAL												
Townhouse (Tract #1)	5,400	1,800	18	100	60	20 <sup>(7)</sup>	5/0 <sup>(3)</sup>	15/5 <sup>(1)</sup>	25/10 <sup>(1)</sup>	20 <sup>(5)</sup>	35	3
	Townhouse (Tract #2)	5,400	1,800	18	100	60	20 <sup>(7)</sup>	5/0 <sup>(3)</sup>	20/5 <sup>(1)</sup>	25/10 <sup>(1)</sup>	20 <sup>(5)</sup>	35
Multiple-family (Tract #1)	10,000	3,000	100	100	45	20 <sup>(7)</sup>	5 <sup>(4)</sup> /0 <sup>(3)</sup>	20/5 <sup>(1)</sup>	20/10 <sup>(1)</sup>	20 <sup>(5)</sup>	50	3
Multiple-family (Tract #2)	10,000	2,000	100	100	45	20 <sup>(7)</sup>	15	20/5 <sup>(1)</sup>	20/10 <sup>(1)</sup>	20 <sup>(5)</sup>	50 <sup>(6)</sup>	5
Single-family	5,000	-----	50	100	55	20 <sup>(7)</sup>	5	15/5 <sup>(1)</sup>	25/10 <sup>(1)</sup>	20 <sup>(5)</sup>	35	3
Single-family <sup>(8)</sup>	6,500	-----	65	100	45	20 <sup>(7)</sup>	5	15/5 <sup>(1)</sup>	25/10 <sup>(1)</sup>	20 <sup>(5)</sup>	35	3
COMMERCIAL												
CPD Tract	20,000	-----	100	100	45	20 <sup>(7)</sup>	10/0 <sup>(3)</sup>	20/5 <sup>(1)</sup>	-----	20 <sup>(5)</sup>	35	3
RECREATIONAL FACILITIES												
Recreational Facilities, Private On-site (Amenity area)	10,000	-----	80	90	45	20 <sup>(7)</sup>	5	5	10 <sup>(1)</sup>	20 <sup>(5)</sup>	35	3

Footnotes:

- (1) Accessory structures - No accessory structures may be located in a buffer
- (2) Side opposite zero lot line
- (3) Interior side only
- (4) Exterior side only, with minimum building separation of 20 feet
- (5) Preserve Setbacks: Principal and accessory structures must be setback a minimum of ~~25~~ 20 feet from the preserves.
- (6) Multiple-family dwelling units located on multiple-family Tract #2, within 75 feet of Leesure Village Recreational Vehicle park and Leesure Village Mobile home Park, will be limited to a maximum height of 35 feet.
- (7) All other streets in accordance with Section 34-2192(a) of the Land Development code.
- (8) Property Development Regulations for single-family dwelling units in the stair-step hatched area as depicted on the master concept plan.

3. Environmental Conditions

a. GOPHER TORTOISE MANAGEMENT PLAN:

A Gopher Tortoise Management Plan must be submitted in conjunction with the indigenous preservation management plan at time of local development order review for the Division of Environmental Sciences staff review and approval. The Gopher Tortoise Management Plan must include the type of permit to be obtained from Florida Fish and Wildlife Conservation Commission, any habitat management activities required prior to relocating gopher tortoises and commensal species to the preserve, and long term management requirements.

The following steps must be followed prior to commencement of any site work to insure proper protection of gopher tortoises:

- i. A copy of the Florida Fish and Wildlife Conservation Commission gopher tortoise permit and receipt of payment if applicable, and updated gopher tortoise survey must be submitted to the Division of Environmental Sciences staff prior to issuance of a Vegetation Removal Permit; and
- ii. A Vegetation Removal Permit to install gopher tortoise fencing and burrow excavation must be obtained prior to any site work; and
- iii. Any gopher tortoises and commensal species located during burrow excavation must be moved to appropriate indigenous preserves; and
- iv. The number of tortoises and any commensal species moved to preserves must be reported to the Division of Environmental Sciences staff; and
- v. All active and inactive gopher tortoise burrows located within tracts to be cleared for development and outside of the indigenous preserves must be excavated and fully collapsed prior to issuance of a Vegetation Removal Permit for clearing and filling of the development area.

b. LIMPKIN MANAGEMENT PLAN:

The proposed preserve and created lakes will provide foraging and roosting habitat for limpkins. No additional management is required.

c. Open Space:

Prior to local development order approval, the Development Order plans must include an open space diagram demonstrating how the 105.13 acres of required open space will be met on the overall project. The provided open space may include the 45 actual acres of indigenous preserve, 26 acres of lakes (25 percent of required open space), and 34 acres of common open space. The open space diagram must highlight how the 34 acres of landscape common open space will be



provided, and include details of how a minimum of 10 percent open space will be met within each tract requiring open space. The 10 percent open space per tract may be counted toward the 34 acres of required common open space.

4. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the Planned Development.
5. A 5-foot side setbacks for single-family detached residences shall be permitted as long as one builder constructs homes in the subdivision and certifies prior to Certificate of Occupancy that the grading plan has been accomplished in accordance with the approved Development Order issued for the project. If more than one builder constructs homes in any of the parcels, this certification must be made by a licensed Professional Engineer (P.E.) prior to the issuance of a Certificate of Occupancy.
6. Agriculture is not a permitted use within this Planned Development.
7. Accessory uses, including accessory parking, must be located on the same tract, lot, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, lot, parcel or outparcel.
8. Prior to the issuance of any Development Order, the developer must provide evidence that the property has access to central water and sanitary sewer, or that the extension of central water and sanitary sewer will coincide with the development of the property.
9. As part of the approved local development order for this development, the developer must provide for a six-foot wide pedestrian/bikepath parallel to and along both sides of the spine roads from the north connection, to Entrada PDP south to the intersection of the east/west connector road to U.S. 41. The remaining portion of the spine road, south of the intersection of the east/west connector road to U.S. 41 and the entire length of the east/west connector road, shall provide a six (6) foot pedestrian/bikepath parallel to and along one side of the road.
10. No entrance gates or gatehouses will be permitted on the spine roads within the development.
11. Model units and homes are permitted in compliance with the following conditions:
  - a. Each model must be a unique example. Multiple examples of the same unit are not permitted; and
  - b. All model sites must be designated on the development order plans; and
  - c. All lots within a phase proposed for models must be platted before certificates of compliance will be granted for any models; and
  - d. Dry models are prohibited.

12. A Development Order may not be issued for this project until the 40-foot-wide haul road easement (as recorded in Official Records Book 36, at page 117 of the Public Records of Lee County, Florida), shown on the Master Concept Plan, is extinguished, as depicted on the Master Concept Plan.
13. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in Lee County LDC Chapter 2 and the Lee County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
14. Buildings exceeding 35 feet in height must maintain additional building separation or additional building setbacks as regulated by Lee County LDC §34-2174(a) and Lee County LDC §34-935(e)4.
15. Approval of this rezoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
16. Approval of this rezoning does not guarantee local development order approval. Future Development Order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee County Comprehensive Plan provisions.
17. Prior to local development order approval, the billboard located along U.S. 41 must be removed.

#### SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-329(d)(1)a.3. requirement to provide excavations to be setback a minimum of 50 feet from any private property line under separate ownership; to allow a 25-foot setback as depicted on the Master Concept Plan. This deviation is APPROVED, SUBJECT TO the conditions that:
  - a. At the time of Development Order approval, the Developer must provide a minimum 4-foot-high fence on the north side of Lake 3 abutting the north property line. The fence will commence at the westerly side of the internal spine road and run westerly for 550 feet along the north property line.
  - b. The Developer, at the time of Development Order approval, must provide elements for the protection of wayward vehicles for that portion of the spine road adjacent to Lakes 1, 7, 13, and 15. The elements for the protection of wayward vehicles may include guardrails, berms, swales, vegetation or other protections as determined by the Development Services Director.
2. Deviation (2) seeks relief from the LDC §10-329(d)(6) requirement to provide that if roads, drives, or parking areas are located less than 125 feet from an existing residential

subdivision or residential lots a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped with a minimum of five trees and 18 shrubs per 100 linear feet; to eliminate the screening wall requirement in accordance with the Master Concept Plan. This deviation is APPROVED, SUBJECT TO the conditions that:

- a. At the time of local development order approval, for that portion of the spine road from its western limit to the west boundary of Lake 13, the developer will install a Type "B" buffer. Further that portion of the required buffer west of the temporary cul-de-sac, will not have to be installed until such time that the future right-of-way is extended to the west of the temporary cul-de-sac.
  - b. The deviation request is granted, adjacent to the CPD Tract, provided a Type "C" or Type "F" buffer is installed as shown on the master concept plan.
3. Deviation (3) seeks relief from the LDC §10-416(b) requirement to provide developments to provide fifty percent of their open space percentage requirement through the onsite preservation of existing native vegetation communities; to allow the development to meet this requirement through a replanting plan for portions of the proposed indigenous preserve that do not meet the indigenous plant community definition. This deviation is APPROVED, SUBJECT TO the conditions that:
- a. Prior to the issuance of a Certificate of Compliance for Phase I (infrastructure) of the development, invasive exotic vegetation must be removed from the preserve in a manner that does not disturb the soil (e.g., hydro-ax; hand-removal) to properly evaluate the amount of restoration plantings required to establish a complete indigenous vegetation community. The invasive exotic removal must be coordinated with the Division of Environmental Sciences Staff.
  - b. Prior to the issuance of a Certificate of Compliance for Phase I (infrastructure) of the development, the development order plans must delineate the indigenous preservation and restoration areas as shown on Exhibit D as well as 2.26 acres of additional indigenous preserve, including any applicable preservation credits per the Lee County LDC. Restoration areas used to achieve the additional indigenous preserve will be at an onsite 1:1 ratio.
  - c. Prior to local development order approval for Phase II of the development:
    1. A detailed indigenous restoration plan for both the wetland and upland portion of the preserve dominated by melaleuca (FLUCFCS Codes 424 and 4241) must be submitted for the Division of Environmental Sciences staff review and approval. The wetlands must be restored to hydric pine flatwoods/wet prairie and the upland must be restored to pine flatwoods / sabal palm hammock/palmetto prairie. Trees must be a minimum three-gallon container size, and shrubs and groundcover a minimum

one-gallon container size. Sabal palms may be relocated from portions of the property outside of the preserve into the upland restoration area. Upland restoration plantings must be mulched with pine straw, and irrigated with a temporary irrigation system. The wetland restoration plantings may be required to be irrigated depending on the time of year the plants are installed; and

2. The Development Order plans must provide indigenous restoration plan details including the number of each plant to be installed in the wetland restoration area and upland restoration area separately.
3. Prior to issuance of a Certificate of Compliance for Phase II of the development, the restoration plantings must be installed.

#### SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Preservation and Restoration Plan

The applicant has indicated that the STRAP numbers for the subject property are:  
27-43-24-00-00023.0080 and 28-43-24-00-00001.0000

#### SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

- e. will not adversely affect environmentally critical areas or natural resources.
- 3. The rezoning satisfies the following criteria:
  - a. the proposed use or mix of uses is appropriate at the subject location; and
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
- 4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
- 5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

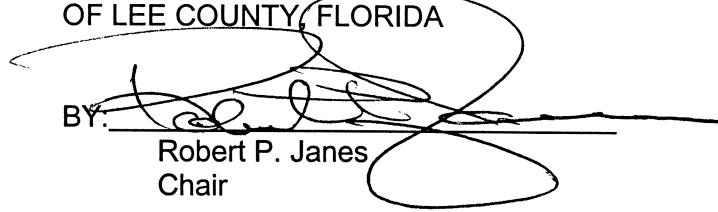
Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 21<sup>st</sup> day of August 2006.

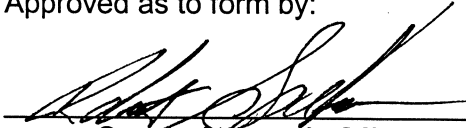
ATTEST:  
CHARLIE GREEN, CLERK

BY:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:   
Robert P. Janes  
Chair

Approved as to form by:

  
County Attorney's Office

CASE NO: DCI2004-00080

2006 DEC 15 AM 8:55

RECEIVED  
MINUTES OFFICE

## EXHIBIT "A"

### OVERALL BOUNDARY DESCRIPTION

(292.91 ACRE PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 27 AND 28, TOWNSHIP 43 SOUTH, RANGE 24 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 28, THENCE S 00° 19' 44" E ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION FOR 25.00 FEET TO A LINE LYING 25.00 FEET SOUTH OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 27; THENCE S 89° 51' 02" E ALONG SAID PARALLEL LINE FOR 1337.99 FEET TO THE EAST LINE OF THE WEST HALF OF SAID NORTHWEST QUARTER OF SECTION 27; THENCE S 00° 16' 35" E ALONG SAID EAST LINE FOR 1368.29 FEET; THENCE S 89° 56' 55" E FOR 844.93 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (S.R. 45) 200.00 FEET WIDE (PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 12010-2121), BEING A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 5597.26 FEET AND TO WHICH POINT A RADIAL LINE BEARS N 73° 49' 24" E; THENCE SOUTHERLY ALONG SAID CURVE AND SAID WESTERLY LINE THROUGH A CENTRAL ANGLE OF 07° 03' 17.6" FOR 689.20 FEET TO THE BOUNDARY OF LEESURE VILLAGE AS SHOWN ON CONDOMINIUM PLAT BOOK 3, AT PAGES 60 THROUGH 76, LEE COUNTY PUBLIC RECORDS; THENCE S 89° 33' 08" W ALONG SAID BOUNDARY FOR 1128.76 FEET; THENCE N 00° 17' 28" W ALONG SAID BOUNDARY FOR 243.89 FEET; THENCE S 89° 41' 12" W ALONG SAID BOUNDARY FOR 599.97 FEET; THENCE N 00° 33' 01" W ALONG SAID BOUNDARY FOR 169.75 FEET; THENCE S 89° 33' 13" W ALONG SAID BOUNDARY FOR 599.34 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE S 00° 19' 44" E ALONG SAID EAST LINE AND SAID BOUNDARY OF LEESURE VILLAGE FOR 989.06 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 28; THENCE S 89° 44' 52" W ALONG THE EAST WEST QUARTER SECTION LINE OF SAID SECTION 28 FOR 3921.74 FEET TO AN INTERSECTION WITH A LINE LYING 1699.90 FEET EAST OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 28; THENCE N 00° 07' 52" W ALONG SAID PARALLEL LINE FOR 1595.37 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1080.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS S 12° 27' 00" E; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 78° 57' 57" FOR 1488.47 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER OF SECTION 28; THENCE N 88° 35' 04" E ALONG SAID NORTH LINE FOR 424.31 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF SECTION 28; THENCE S 89° 49' 26" E ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER FOR 2639.07 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 292.91 ACRES MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 43 SOUTH, RANGE 24 BEARS S 89° 49' 26" E. PARCEL SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS AND RESERVATIONS OF RECORD.

S:\Zoning Tables\Legal Review data\Legal Cases\Legal Descriptions\Metes & Bounds\DCI2004-00080.doc

**Applicant's Legal Checked**

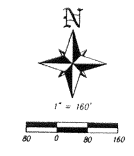
by Lgm 12/30/2005

(page 1 of 7)

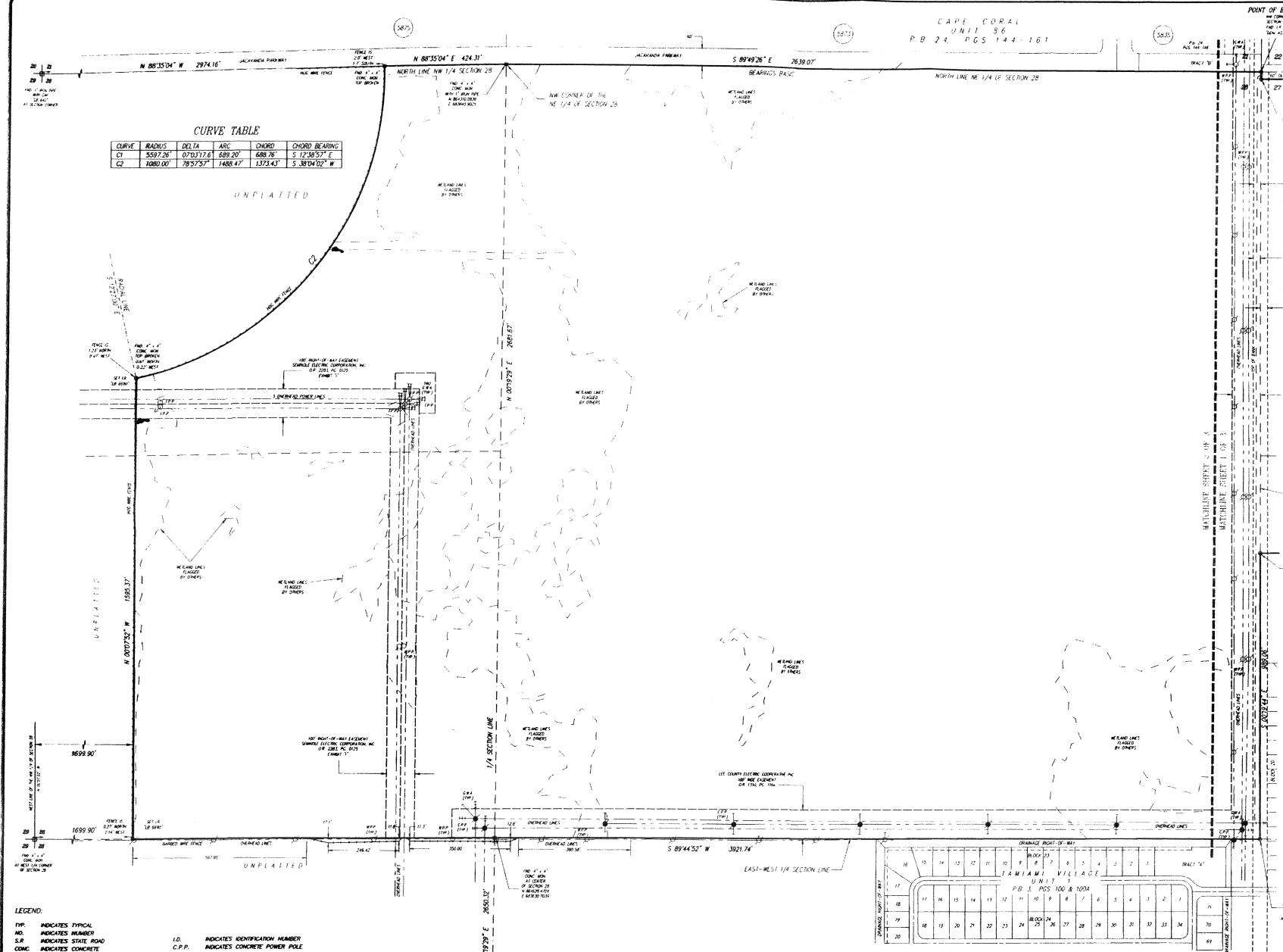
CAPE CORAL  
UNIT 86  
PB 24 PGS 144-161

# SURVEY PLAT

OF  
A PARCEL OF LAND LYING IN  
SECTIONS 27 & 28, TOWNSHIP 43 SOUTH, RANGE 24 EAST,  
LEE COUNTY, FLORIDA

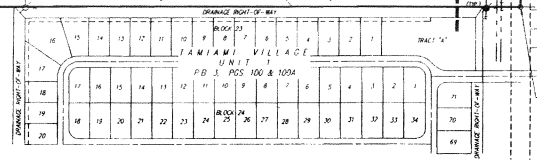


CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5587.26	070317.6	689.20	686.76	S 12°30'57" E
C2	1080.00	76°57'57"	1488.47	1373.43	S 38°04'02" W



- LEGEND:
- |        |                             |          |  |
|--------|-----------------------------|----------|--|
| TYP.   | INDICATES TYPICAL           | I.D.     | INDICATES IDENTIFICATION NUMBER                                  |
| REL.   | INDICATES READER            | C.P.P.   | INDICATES CONCRETE POWER POLE                                    |
| S.P.   | INDICATES STATE ROAD        | P.I.     | INDICATES POINT OF INTERSECTION                                  |
| CONC.  | INDICATES CONCRETE          | C.P.B.   | INDICATES CONDOMINIUM PLAT BOOK                                  |
| MON.   | INDICATES MONUMENT          | R.L.S.   | INDICATES REGISTERED LAND SURVEYOR                               |
| INC.   | INDICATES INCORPORATED      | R.C.P.   | INDICATES REINFORCED CONCRETE PILE                               |
| C.W.A. | INDICATES CUY WIRE ANCHOR   | F.D.O.T. | INDICATES FLORIDA DEPARTMENT OF TRANSPORTATION                   |
| M.P.P. | INDICATES MUD POWER POLE    | L.R.     | INDICATES 'STATE PLANE COORDINATES' WEST ZONE 1983/90 ADJUSTMENT |
| LB     | INDICATES LICENSED BUSINESS |          |  |
| PND    | INDICATES POND              |          |  |
| C.A.R. | INDICATES CONCRETE MASTHULL |          |  |
| GA     | INDICATES GATE ACCESS       |          |  |

Applicant's Survey Checked  
By Lgm 12/30/2005  
(Page 3 of 7)



DCI2004-00080

<b>Banks Engineering, Inc.</b> Professional Engineers, Planners & Land Surveyors FORT MYERS • CHARLES • SARASOTA FLORIDA BUSINESS REGISTRATION NUMBER LB 5690 1001 5th AVE. CORPUS DRIVE, SUITE 100 FORT MYERS, FLORIDA 33901 (239) 939-5400	BOUNDARY SURVEY <b>ESTATES AT ENTRADA</b> LEE COUNTY, FLORIDA		
DATE 7-18-05	PROJECT 5064	DRAWING 30658	DRAWN DPS
CHECKED RT	SCALE 1"=160'	SHEET 2	OF 2
FILE NO. (S-T-4) 27, 28-63-24			





# **Banks Engineering, Inc.**

Professional Engineers, Planners & Land Surveyors  
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION OF A PARCEL  
LYING IN SECTIONS 27 AND 28, T-43-S, R-24-E,  
LEE COUNTY, FLORIDA

(280.07 ACRE RPD PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 27 AND 28 TOWNSHIP 43 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF SAID SECTION 27; THENCE S.00°19'44"E. ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION FOR 25.00 FEET TO AN INTERSECTION WITH A LINE 25.00 FEET SOUTH OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 27; THENCE S.89°51'02"E. ALONG SAID PARALLEL LINE FOR 1337.99 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.00°16'35"E. ALONG SAID EAST LINE FOR 1368.29 FEET; THENCE S.89°56'55"E. FOR 844.93 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (S.R. 45) 200.00 FEET WIDE (PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 12010-2121), BEING A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 5597.26 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.73°49'24"E.; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 1°41'55.3" FOR 165.95 FEET; THENCE N.89°56'55"W. FOR 972.94 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 72.50 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 45°22'58" FOR 57.43 FEET; THENCE S.00°17'28"E. FOR 299.45 FEET TO THE NORTH LINE OF LEESURE VILLAGE AS SHOWN ON CONDOMINIUM PLAT BOOK 3, AT PAGES 60 THROUGH 76, LEE COUNTY PUBLIC RECORDS; THENCE S.89°41'12"W. ALONG SAID NORTH LINE FOR 599.97 FEET; THENCE N.00°33'01"W. FOR 169.75 FEET; THENCE S.89°33'13"W. FOR 599.34 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE S.00°19'44"E. ALONG SAID EAST LINE FOR 989.06 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE S.89°44'52"W. ALONG THE EAST WEST QUARTER SECTION LINE FOR 3921.74 FEET TO AN INTERSECTION WITH A LINE 1699.90 FEET EAST OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 28; THENCE N.00°07'52"W. ALONG SAID PARALLEL LINE FOR 1595.37 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1080.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.12°27'00"E.; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 78°57'57" FOR 1488.47 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID FRACTION; THENCE N.88°35'04"E. ALONG SAID NORTH LINE FOR 424.31 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE S.89°49'26"E. ALONG THE NORTH LINE OF SAID FRACTION FOR 2639.07 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 280.07 ACRES MORE OR LESS

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

BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATES SYSTEM" FLORIDA WEST ZONE 1983/90 ADJUSTMENT. THE AVERAGE SCALE FACTOR IS 0.99994233 WHEREIN THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 43 SOUTH, RANGE 24 EAST BEARS S.89°49'26"E.

DESCRIPTION PREPARED JULY 29, 2005

  
KENNETH E. TRASK  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 1684

**Applicant's Legal Checked**

by Lgm 12/30/2005

(page 4 of 7)

SHEET 1 OF 2

**DCI2004-00080**

# SKETCH OF DESCRIPTION

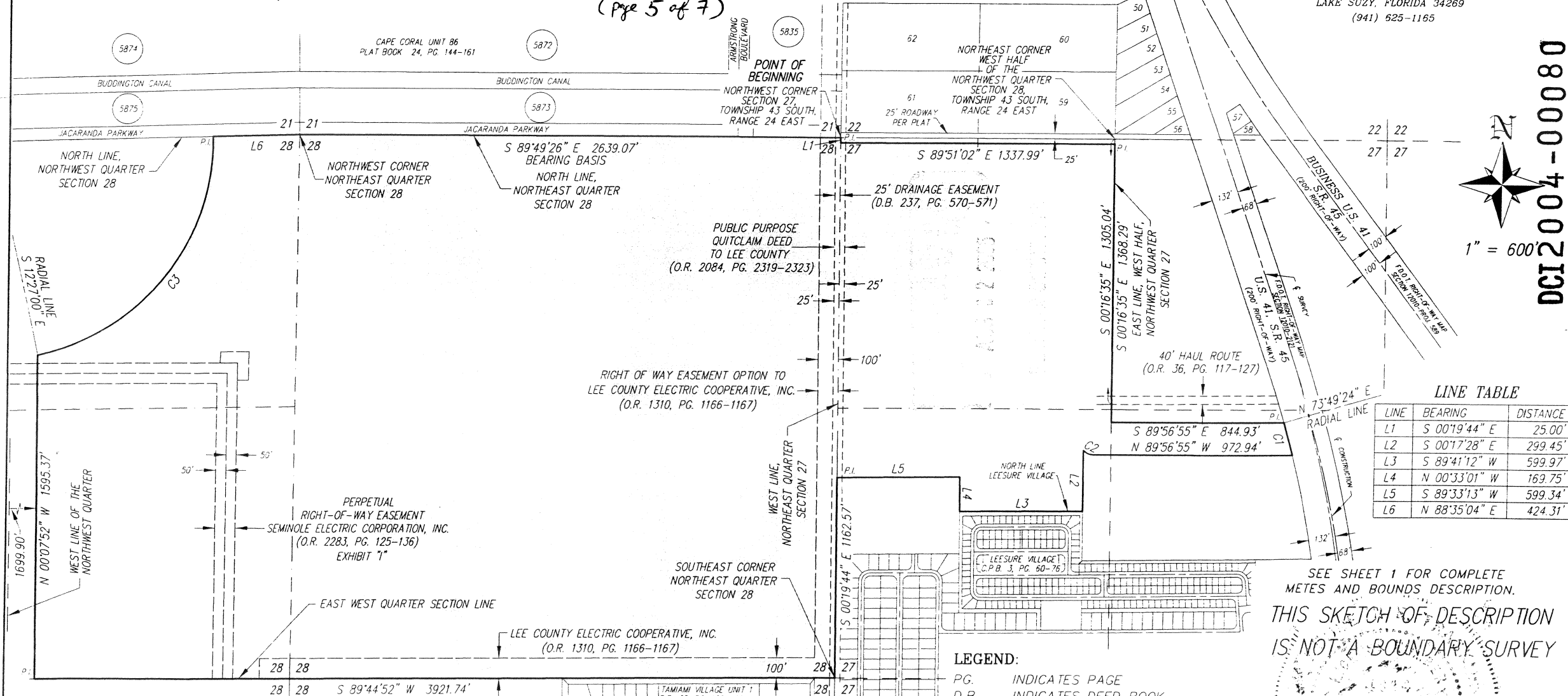
OF

A TRACT OR PARCEL OF LAND LYING IN  
SECTION 27 AND 28, TOWNSHIP 43 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

Sketch of  
**Applicant's Legal Checked**  
by Lgm 12/30/2005  
(page 5 of 7)

**Banks Engineering, Inc.**

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS  
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690  
12653 SW COUNTY ROAD 769 - SUITE B  
LAKE SUZY, FLORIDA 34269  
(941) 625-1165



## NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATES SYSTEM" FLORIDA WEST ZONE 1983/90 ADJUSTMENT. THE AVERAGE SCALE FACTOR IS 0.99994233 WHEREIN THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 43 SOUTH, RANGE 24 EAST BEARS S 89°49'26" E.

PREPARED JULY 29, 2005

SHEET 2 OF 2

## LEGEND:

- PG. INDICATES PAGE  
D.B. INDICATES DEED BOOK  
C INDICATES CENTERLINE  
P.B. INDICATES PLAT BOOK  
S.R. INDICATES STATE ROAD  
U.S. INDICATES UNITED STATES  
P.I. INDICATES POINT OF INTERSECTION  
O.R. INDICATES OFFICIAL RECORDS BOOK  
C.P.B. INDICATES CONDOMINIUM PLAT BOOK  
F.D.O.T. INDICATES FLORIDA DEPARTMENT OF TRANSPORTATION

SEE SHEET 1 FOR COMPLETE METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION  
IS NOT A BOUNDARY SURVEY

*Kenneth E. Trask*  
KENNETH E. TRASK  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4684

- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

# **Banks Engineering**

Professional Engineers, Planners & Land Surveyors  
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION OF A PARCEL  
LYING IN SECTIONS 27 AND 28, T-43-S, R-24-E,  
LEE COUNTY, FLORIDA

## **(12.84 ACRE COMMERCIAL PARCEL)**

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 27 TOWNSHIP 43 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

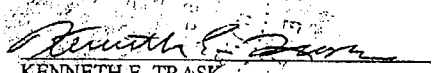
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27; THENCE S.89°51'02"E. ALONG THE NORTH LINE OF SAID SECTION FOR 1338.01 FEET; THENCE S.00°16'35"E. ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 27 FOR 1553.29 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°56'55"E. FOR 888.02 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (S.R.45) 200.00 FEET WIDE (PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 12010-2121), BEING A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 5597.26 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.75°31'20"E.; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 5°21'22" FOR 523.25 FEET TO THE BOUNDARY OF LEESURE VILLAGE AS SHOWN ON CONDOMINIUM PLAT BOOK 3, AT PAGES 60 THROUGH 76, LEE COUNTY PUBLIC RECORDS; THENCE S.89°33'08"W. ALONG SAID BOUNDARY LINE FOR 1128.76 FEET; THENCE N.00°17'28"W. FOR 543.33 FEET, LEAVING SAID BOUNDARY AT 243.88 FEET, TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 72.50 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.45°26'03"W.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 45°22'58" FOR 57.43 FEET; THENCE S.89°56'55"E. FOR 84.92 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 12.84 ACRES MORE OR LESS

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

BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATES SYSTEM" FLORIDA WEST ZONE 1983/90 ADJUSTMENT. THE AVERAGE SCALE FACTOR IS 0.99994233 WHEREIN THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 43 SOUTH, RANGE 24 EAST BEARS S.89°49'26"E.

DESCRIPTION PREPARED JULY 29, 2005

  
KENNETH E. TRASK  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4684

DCI 2004-00080

Applicant's Legal Checked

by L. gon 12/30/2005

(Page 6 of 7)

**RECEIVED**  
DEC 14 2005

PERMIT COUNTER

SHEET 1 OF 2

# SKETCH OF DESCRIPTION

OF

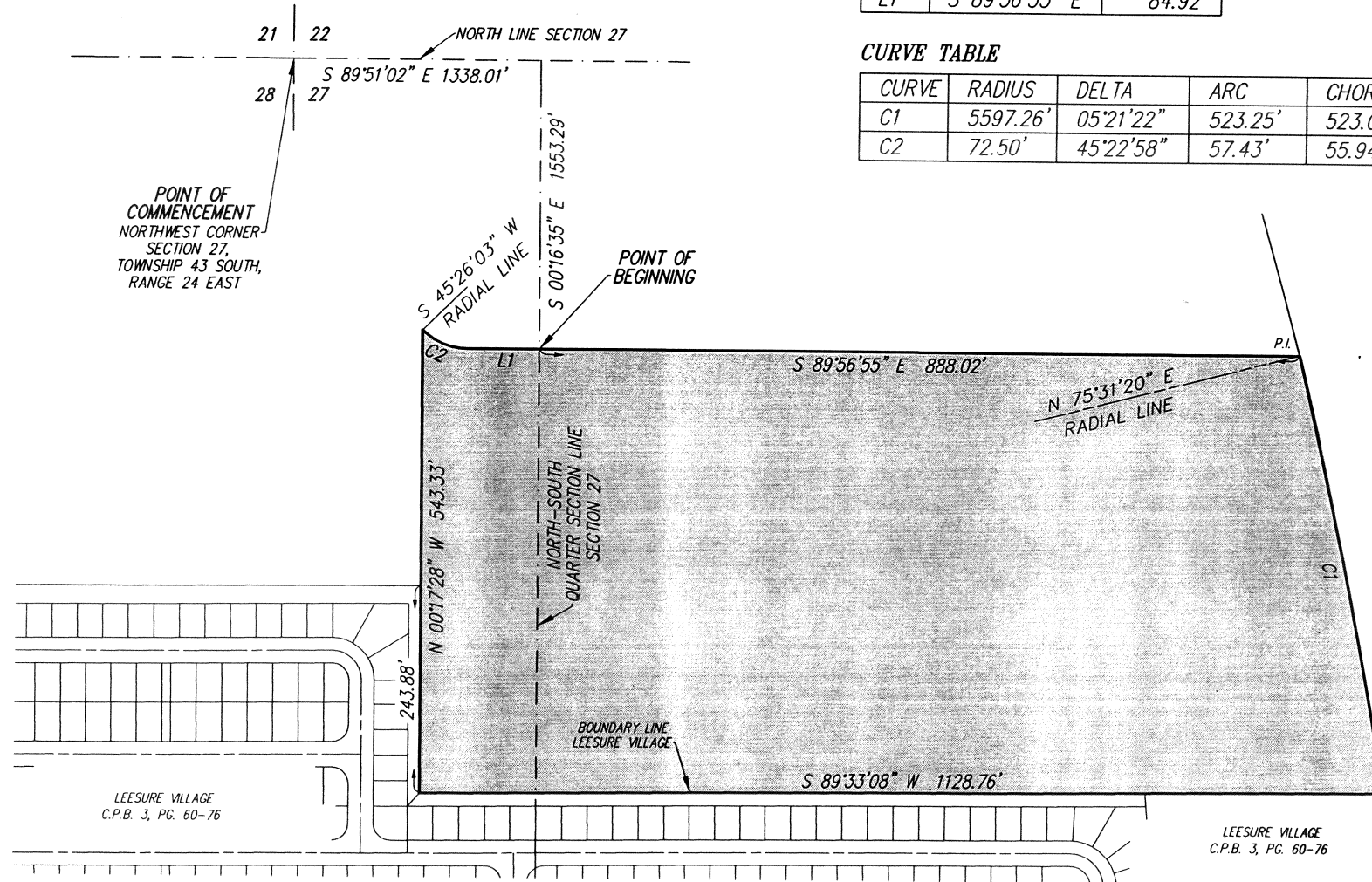
A TRACT OR PARCEL OF LAND LYING IN  
SECTION 27, TOWNSHIP 43 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

## LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°56'55" E	84.92'

## CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5597.26'	05°21'22"	523.25'	523.06'	S 11°47'59" E
C2	72.50'	45°22'58"	57.43'	55.94'	S 67°15'26" E



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LAKE SUZY, FLORIDA 34269  
(941) 625-1165



1" = 200'

DCI 2004-00080

**RECEIVED**  
DEC 14 2005

PERMIT COUNTER

SEE SHEET 1 FOR COMPLETE  
METES AND BOUNDS DESCRIPTION.  
THIS SKETCH OF DESCRIPTION  
IS NOT A BOUNDARY SURVEY

## NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATES SYSTEM" FLORIDA WEST ZONE 1983/90 ADJUSTMENT. THE AVERAGE SCALE FACTOR IS 0.99994233 WHEREIN THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 43 SOUTH, RANGE 24 EAST BEARS S 89°49'26" E.

Sketch  
of  
Applicant's Legal Checked  
by Lgm 12/30/2005  
(pg 7 of 7)

PREPARED JULY 29, 2005  
SHEET 2 OF 2

## LEGEND:

PG. INDICATES PAGE  
P.B. INDICATES PLAT BOOK  
S.R. INDICATES STATE ROAD  
U.S. INDICATES UNITED STATES  
P.I. INDICATES POINT OF INTERSECTION  
C.P.B. INDICATES CONDOMINIUM PLAT BOOK  
F.D.O.T. INDICATES FLORIDA DEPARTMENT OF TRANSPORTATION

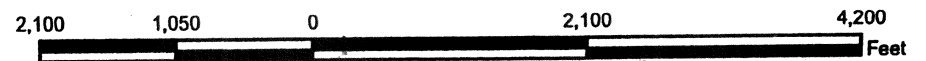
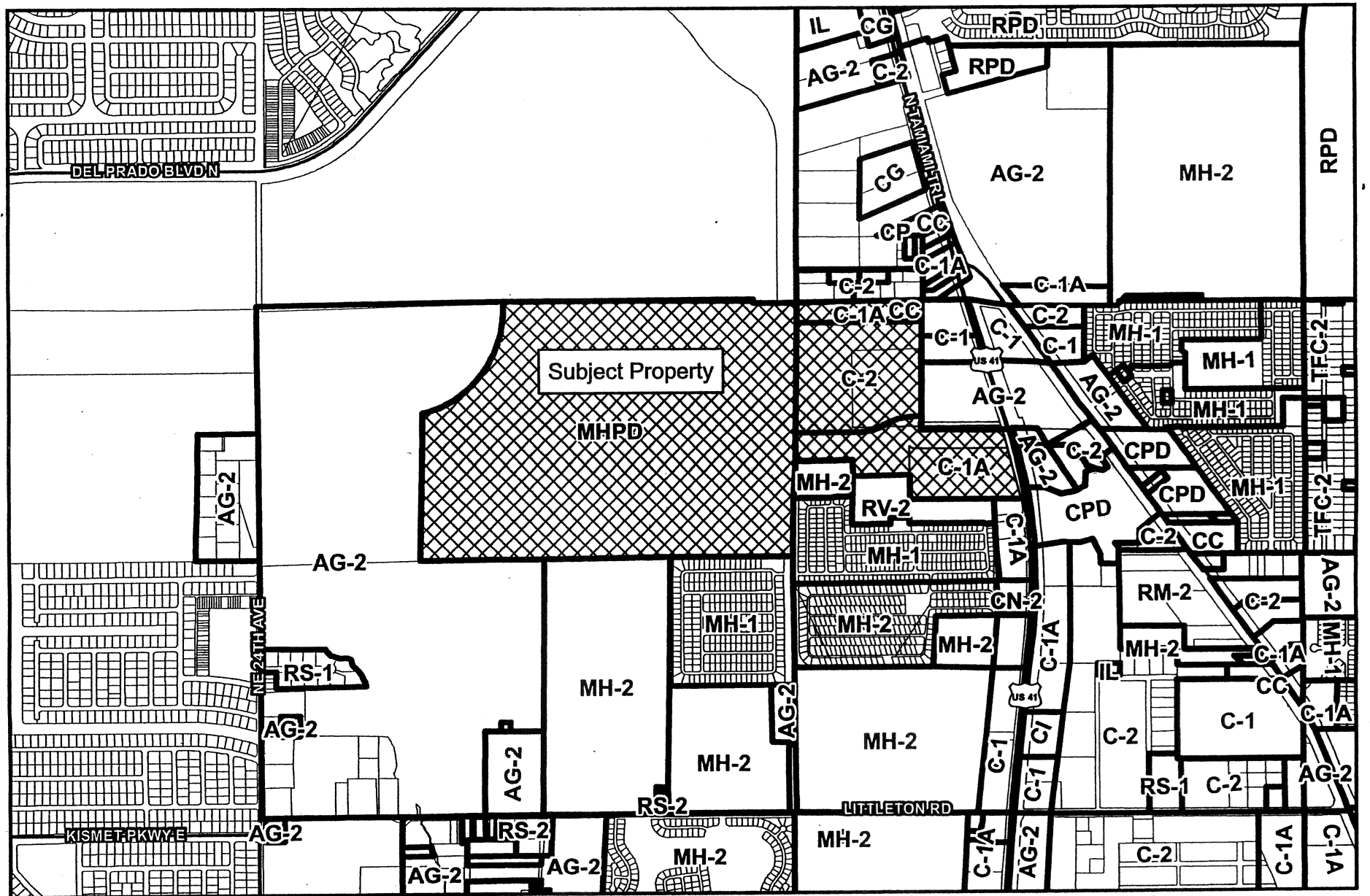
Kenneth E. Trask 12-6-2005  
KENNETH E. TRASK  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4684

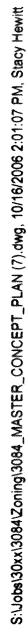
- THIS SKETCH OF DESCRIPTION IS NOT VALID  
WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED  
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

# EXHIBIT B

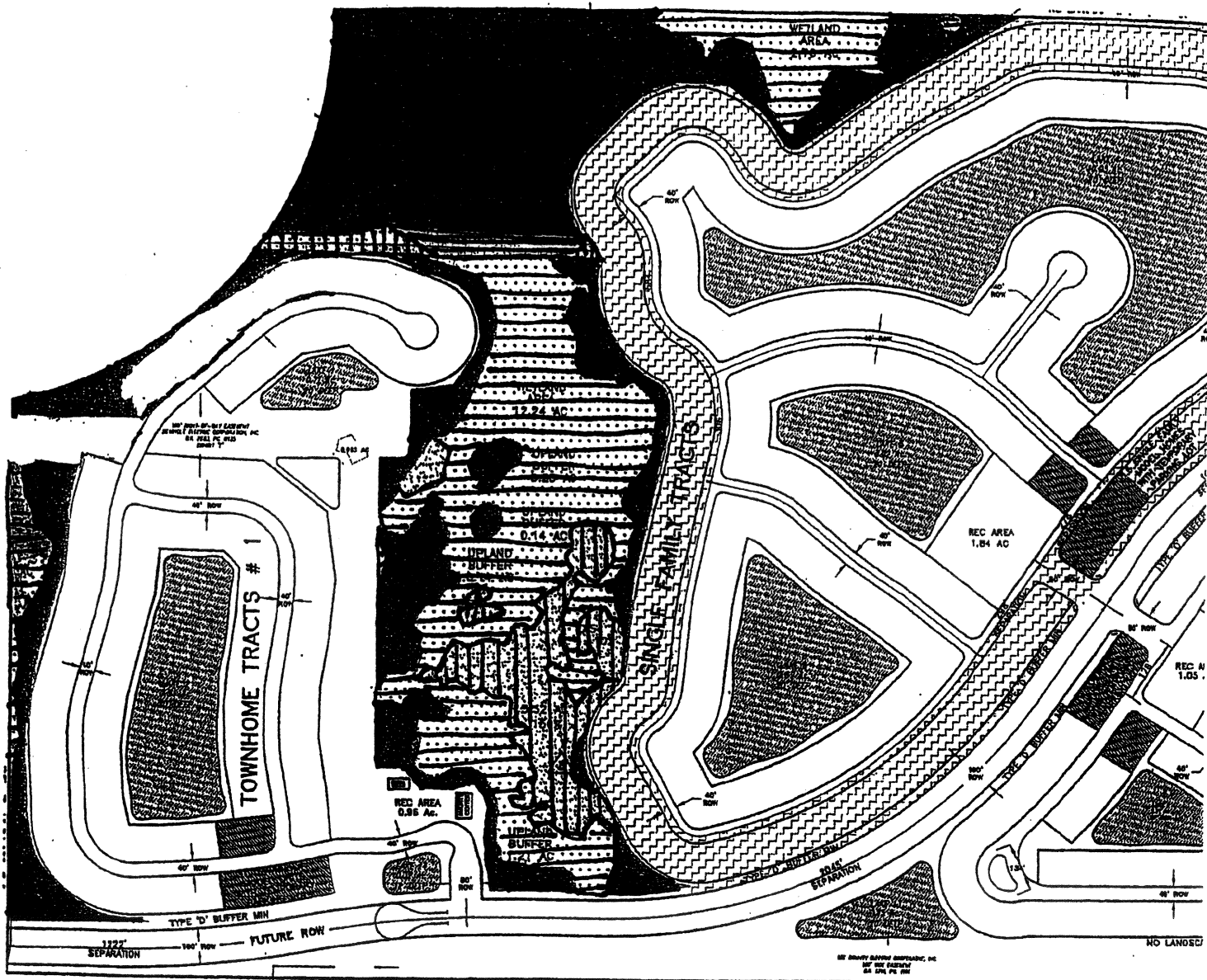
DCI2004-00080

4/19/2006












MH-2  
TAMIAMI VILLAGE  
(P.B. 31, PG. 100 & 100A)  
CENTRAL URBAN FLUM

-  = Existing Indigenous Plant Community
-  = Wetland Restoration
-  = Upland Restoration

DCI 2004-00080

EXHIBIT D