

EXHIBIT C

RESOLUTION NUMBER Z-15-003

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

WHEREAS, Greenpointe Communities LLC filed an application on behalf of the property owners, RH Venture II, LLC and RH Venture III LLC, to amend the existing River Hall RPD and CPD zoning; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Laura B. Belflower, was advertised and held on January 14, 2015, January 15, 2015, and January 27, 2015. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to her Office on or before February 12, 2015; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2013-00003 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on June 3, 2015 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners 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 amend the existing River Hall RPD and CPD zoning to:

- Increase the maximum number of dwelling units from 1,999 to 2,695; and
- Allow two new uses (private on-site recreational facilities and townhouse/multi-family dwelling units) in the CPD area.

The property is located in the Suburban, Sub-Outlying Suburban, Rural and Wetlands Future Land Use Categories 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:

These conditions are a compilation of the River Hall development conditions approved under Resolution Z-05-051, ADD2006-00164, ADD2006-00173, ADD2007-00063, and ADD2007-00075 (herein "River Hall 1"), and Resolution Z-15-003, from DCI2013-00003 (herein "River Hall 2"). If a condition applies to a specific area, that area will be identified in the condition.

If no area is specifically identified, the condition is applicable throughout the River Hall boundaries.

The approval of Resolution Z-15-003 does not change the development rights or obligations for the areas of River Hall not included in DCI2013-000003.

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

1. Development of this project must be consistent with the five-page Master Concept Plan (MCP) for River Hall, stamped received FEB 06 2015 (Exhibit C), except as modified by the conditions below.

The project is limited to a maximum of 45,000 square feet of commercial floor area and 2,695 residential units. See further Condition 5. The 696 dwelling units added by this resolution must be located in River Hall 2 only. No currently platted land within River Hall 2 may be replatted to increase density.

This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

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

a. SCHEDULE OF USES

RESIDENTIAL, GOLF & AMENITY SITES

Accessory Uses and Structures

Administrative Office

Club - country and private

Consumption on Premises - limited to the clubhouse/amenity areas. No outdoor seating unless approved as a special exception (public hearing required)

Dwelling Units single-family (R-1 or RMF-1), two-family attached (RMF-1), townhouse (RMF-1), multiple-family (RMF-1), zero-lot-line units (RMF-1)

Entrance Gates and Gatehouse

Essential Services

Essential Services Facilities, Group I

Excavation, Water Retention - No blasting and removal of excavated material off site is not permitted

Fences and Walls

Golf Course - 36 holes, golf maintenance facility, cart barn and related accessory uses to a golf course. (See Conditions 6 and 20 for additional requirements)

Golf and Tennis Pro Shops (limited to ancillary use in clubhouse)

Golf Driving Range

Golf Training Facility

Model Home and Model Unit - must be in compliance with LDC §34-1954

Model Display Center, must be in compliance with LDC §34-1955, limited to one which must be located in the sales center area shown on the MCP and must only serve this project

Parking Lot, Accessory
 Parks, Group I (River Hall 1 only)
 Real Estate Sales Office - limited to sales of lots, homes or units within the development, and must be located in the clubhouse, amenity or model unit sites
 Recreational Facilities - Private, On-site only
 Residential Accessory Uses - In compliance with LDC §622(c)42 and LDC Article VII Division 2
 Signs, in compliance with LDC Chapter 30 (See Deviation 5)
 Storage, Open, recreational vehicles, boats and similar items for residents only, (River Hall 1 only) limited to locations shown on the MCP attached to Resolution Z-05-051, if any, and must be shielded behind a continuous visual screening at least eight feet in height when visible from any residential use, and six feet in height when visible from any street right-of-way or street easement (See Condition 19 for additional requirements)
 Temporary Uses

TOWN CENTER (CPD)

Maximum 15,000 sf office and maximum 30,000 sf retail within the Town Center CPD parcel only
 Accessory Uses and Structures
 Administrative Office
 Banks and Financial Establishments, Group I
 Business Services, Group I
 Consumption on Premises - Indoor only in conjunction with a Restaurant use only. No outdoor seating unless approved as a special exception (public hearing required)
 Day Care Center, Adult & Child
 Drive through in connection with any approved use except drugstore/pharmacy
 Dwelling Units, limited to Townhouse and Multi-family, only in River Hall 2
 EMS, Fire or Sheriff's Station
 Essential Services
 Essential Service Facilities, Group I
 Excavation, Water Retention - No blasting; Removal of excavated material off site not permitted
 Food Stores, Group I
 Hardware Store
 Laundry or Dry Cleaning, Group I
 Parking lot, accessory
 Personal Services, Group I
 Pharmacy/Drugstore - limited to one within a multi-occupancy complex only and no drive-through
 Place of Worship, Religious Facilities
 Real Estate Sales Office
 Recreational Facilities - Private, On-site only (River Hall 2 only)
 Repair Shop, Group I
 Restaurant, Groups I, II, III
 Specialty Retail Shops, Group I
 Temporary Uses

ELEMENTARY SCHOOL SITE
Public Schools and Related Accessory Uses

b. SITE DEVELOPMENT REGULATIONS

Minimum Lot Area and Dimensions

Single-Family

Width: 45 feet

Lots 148 and 149 of Cascades at River Hall, Phase I, as platted in Instrument Number 2005000166035 of the Lee County Records are permitted a minimum lot width of 44 feet. (ADD2006-00164)

Depth: 120 feet

Lots 26, 27, 28, 38, 55, 302, 303, 304, 305, 306, 307, 344, 345, 346, 347, and 348 of Cascades at River Hall, Phase I & II, as platted in Instrument Numbers 2005000166035 and 2005000166038 of the Lee County Records may be permitted a minimum lot depth of 110 feet. (ADD2006-00173)

Lot Size: 5,400 sf

Multi-Family

Width: 75 feet

Depth: 100 feet

Lot Size: 10,000 sf

Commercial

Width: 200 feet

Depth: 100 feet

Lot Size: 20,000 sf

Minimum Perimeter Setbacks (for River Hall 2)

RPD – one-half the building height

CPD – the greater of 15 feet, one-half the building height, or the perimeter buffer (including the buffer required by LDC §10-416(d)(6))

Minimum Setbacks

Single Family

Road -

Palm Beach Blvd 25 feet/Private Roads 20 feet

Side -

5 feet. Structures (including but not limited to, sidewalks, air conditioners, mechanical equipment, door stoops, walls, etc.) may not be located within the required 5-foot side setback of each lot. Prior to issuance of Certificate of Occupancy on each lot, the Engineer of Record must certify

that the drainage for each lot is built in compliance with the typical lot grading detail provided.

Rear - 15 feet
Lots 302-307 and 344-348 of Cascades at River Hall, Phase I & II, as platted in Instrument Numbers 2005000166035 and 2005000166038 of the Lee County Records may be permitted a minimum rear primary structure setback of 5 feet. (ADD2006-00173)

Water Body - 20 feet

Accessory - Per the LDC

Lots 302-307 and 344-348 of Cascades at River Hall, Phase I & II, as platted in Instrument Numbers 2005000166035 and 2005000166038 of the Lee County Records may have a minimum rear accessory structure setback of 6 inches. (ADD2006-00173)

Two-Family Attached and Zero Lot Line

Road - Palm Beach Blvd 25 feet/Private Roads 20 feet

Side - 0/5 feet. Side opposite the zero-lot-line or for two-family attached structures. Structures (including but not limited to, sidewalks, air conditioners, mechanical equipment, door stoops, walls, etc.) may not be located within the required 5-foot side setbacks; or prior to issuance of Certificate of Occupancy on each lot, the Engineer of Record must certify that the drainage for each lot is built in compliance with the typical lot grading detail provided.

Rear - 15 feet

Water Body - 20 feet

Accessory - Per the LDC

Minimum Distance Between Buildings: 15 feet

Minimum building separation between Lots 117 and 154, 147 and 148, and 148 and 149 of Cascades at River Hall, Phase I, as platted in Instrument Number 2005000166035 of the Lee County Records may be 11 feet. (ADD2006-00164)

Townhouse & Multi-family

Road - Palm Beach Blvd 25 feet/Private Roads 20 feet

Side - N/A

Rear - 15 feet

Water Body - 20 feet

Accessory - Per the LDC

Minimum Distance Between Buildings - 20 feet

Clubhouse, Amenity & Golf Maintenance Buildings

Road -	Palm Beach Blvd 25 feet/Private Roads 20 feet
Side -	15 feet
Rear -	15 feet
Water Body -	20 feet
Accessory -	Per the LDC

Minimum Distance Between Buildings - 20 feet

Commercial

Road -	Palm Beach Blvd 25 feet/Private Roads 20 feet
Side -	15 feet
Rear -	20 feet
Water Body -	20 feet
Accessory -	Per the LDC

Minimum Distance Between Buildings - 20 feet

Maximum Lot Coverage

Single Family	60 percent
Two-Family Attached and Zero Lot Line	60 percent
Townhouse & Multi-family	60 percent
Clubhouse, Amenity & Golf Maintenance Buildings	60 percent
Commercial	45 percent

Maximum Height

Residential uses	45 feet/3 stories
Commercial uses	35 feet/3 stories
Recreational/Amenity sites	
on the perimeter of the property	35 feet/3 stories
on the interior of the project	60 feet/3 stories

c. **GOLF DRIVING RANGE:**

If the Golf Driving Range is open after daylight hours, all lighting must comply with LDC §34-936(g), be of the lowest intensity meeting life safety codes, and be shielded and directed away from adjacent residential areas.

3. The following conditions address environmental issues:

- a. The "American Alligator Management Plan" provided as part of the "Protected Species Management Plan for Schulman Parcel" counter stamped May 19, 1999 incorporated into the 2005 resolution of approval (Resolution Z-05-051) as Exhibit D. Prior to local development order approval, the location of the American Alligator Management Plan signage must be delineated on the development order plans for Division of

Environmental Sciences' review and approval. Warning signs must be placed where there is potential for human/alligator interaction. These signs must discourage the feeding or harassment of alligators.

- b. The "Gopher Tortoise Management Plan" provided as part of the "Protected Species Management Plan For Shulman Parcel" counter stamped May 19, 1999 incorporated into the 2005 resolution of approval (Resolution Z-05-051) as Exhibit D. Any revisions to the Tortoise Management Plan are subject to Environmental Sciences' review and approval.
- c. The "Florida Burrowing Owl Management Plan" provided as part of the "Protected Species Management Plan For Schulman Parcel," counter stamped May 19, 1999, must be revised for Division of Environmental Sciences' review and approval at the time of local development order submittal. The plan must either commit to preserving the existing burrowing owl burrows in place with a buffer in accordance with LDC Appendix H, or commit to a detailed relocation management plan. The developer demonstrates it is necessary to impact the burrows, the management proposal must provide details about where appropriate replacement habitat for the owls will be provided, how the owls will be attracted to this area, and how it will be protected during construction activities on the site.
- d. The developer must submit a detailed Scrub Jay Management Plan to the Division of Environmental Sciences for review and approval at the time of local development order submittal. This plan must follow the general guidelines of the "Florida Scrub Jay Management Plan" provided as part of the "Protected Species Management Plan For Schulman Parcel," counter stamped May 19, 1999 and incorporated into the 2005 resolution of approval (Resolution Z-05-051) as Exhibit D. The finalized Scrub Jay Management Plan must be approved by the Florida Fish and Wildlife Conservation Commission (FWC) prior to local development order approval.
- e. The developer must submit a detailed Sandhill Crane Management Plan to the Division of Environmental Sciences for review and approval at the time of local development order submittal.
- f. Open space must be provided in accordance with the MCP. All individual tracts must provide a minimum of ten percent open space within the tract and may be met with private open space.
- g. The developer must provide a minimum of 465 acres of indigenous preservation areas in substantial compliance with the MCP. The preserves must be delineated on the local development order plans when they are within or adjacent to the development phase or tract to be developed.
- h. Prior to local development order approval, the plans for any residential units on individual lots that abut a preserve must delineate a preserve boundary sign location at every other lot line and provide a detail of the sign for the Division of Environmental Sciences' Staff review and approval.

- i. Every effort must be made in the final design of the golf course and residential tracts to preserve large native trees. The developer must schedule an on-site preconstruction meeting with Division of Environmental Sciences' Staff prior to the issuance of a vegetation removal permit for any phase of development to confirm preservation and barricading requirements prior to the initiation of site clearing.
 - j. Existing development and River Hall 1 future development will meet requirements of the River Hall Lee County Protected Species Management Plan, dated May 2006. Prior to local development order approval for future development of lands within River Hall 2, a Protected Species Management Plan must be submitted revising the gopher tortoise and burrowing owl management plans to address the current conditions and update management techniques and required permits; include resident educational materials for the gopher tortoise, listed wading birds, and Florida scrub jay; as well as incorporate a large mammal management plan to limit potential negative human/wildlife interactions.
 - k. Prior to prescribed burn management activities occurring within the on-site preserve or on the adjacent Hickey's Creek Mitigation park (as notified by the CDD and/or park staff), the HOA of the development pods in River Hall 2 located adjacent to the easternmost preserve must notify these development pods residents of the scheduled prescribed burn activities and general education material on prescribed burn management activities must be provided. If covenants or deed restrictions are required for these development pods, the documents must include language requiring each deed holder will be informed of their purchase of a lot adjacent to an on-site preserve or public preserve land which is managed with prescribed burning and each deed holder will be presented with education material on prescribed burn management activities at the time of purchase.
4. The following recommendations are presented in order to mitigate future hurricane damage and loss of life, as well as to ensure compliance with Lee Plan objectives.
- a. The developer must establish a homeowners' or residents' association that will provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, who will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.
 - b. The developer must formulate an emergency hurricane notification and evacuation plan, which will be subject to review and approval by the Lee County Office of Emergency Management.
 - c. If access to this development or any portions thereof, is through a security gate or similar device that is not manned 24 hours a day, it must be equipped with an override strip installed in a glass covered box to be used by drivers of emergency vehicles to gain entry, consistent with LDC §34-1749.

- d. The developer must cooperate with the Division of Public Safety/Emergency Management in determining and participating in a means to lessen hurricane shelter impacts on the County's hurricane preparedness process and public safety. Those "means" could include the provision of equipment, monies in lieu of equipment, or such other goods, materials or actions deemed appropriate by Emergency Management that results in the provision of additional shelters, or improvement of roads for use as additional evacuation routes. The choice of "means" will rest with the developer, so long as the choice adequately mitigates the adverse impacts.
5. The following conditions are included to address Lee Plan consistency issues:
- a. The total residential dwelling count within River Hall may not exceed 2,695 dwelling units. In accordance with the Lee Plan, maximum densities per the Future Land Use Categories are provided below:

TABLE

Future Land Use Category	Acreage	Density	Maximum Units Allowed per Future Land Use Category*
Suburban	71.5	6 du/ac	429
Sub-Outlying Suburban	585.6	2 du/ac	1,171
Rural	1,140.3	1 du/ac	1,140
Wetlands	181.0	.05 du/ac	9

* Density calculations assume all acreage is available for residential density calculations. Actual achievable numbers may be less.

The portion of the property within the Rural Future Land Use category must maintain densities of one dwelling unit per acre or less. No more than 1,140 dwelling units may be constructed in the Rural designated areas of the project.

- b. In River Hall 1 – Densities may not be shifted between Future Land Use categories unless a new public hearing occurs and the allocation of density complies with provisions of Policy 5.1.10 of the Lee Plan.
- c. In River Hall 2 – If permitted by Lee Plan Policy 5.1.10, units may be shifted from River Hall 1 to River Hall 2.
- d. Given the limited existing available Rural 2020 Planning Community Acreage Allocation at the time of rezoning, the available Rural allocation must be determined by the Planning Division prior to any development order approval for residential use in the Rural portions of the site. No development order will be issued or approved if the acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Lee Plan Table 1 (b), Acreage Allocation Table (per Lee Plan Policy 1.7.6). In order to develop more Rural acreage with residential uses, the Lee Plan must be amended to change the Rural residential acreage allocation for the Fort Myers Shores planning community in Table 1 (b). Adequate data and analysis to support this amendment must be submitted by the applicant at the time of the request for the Lee Plan amendment. Development in

excess of the current Table 1 (b) allocations will not be permitted until Table 1 (b) is amended accordingly.

6. The following conditions are included to address the golf course:

- a. The developer of the golf course must use fertilizers with a low leaching potential (slow release). The fertilizers must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels; and
- b. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan that includes an integrated pest management (IPM) program and a nutrient management program so that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. The application of 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 prohibited. The IPM program must minimize the use of pesticides and must include the use of the US Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. Turf managed areas (including fairways, tees, and greens) within 35 feet of wetlands or preserve areas are prohibited. This chemicals management plan must be submitted to and approved by Lee County Planning Division Staff prior to the development order approval.
- c. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of 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 is required. The golf course manager is 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 fertilizers into the groundwater.
- e. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.
- f. The golf course must comply with the "Best Management Practices for Golf Course Maintenance Departments," prepared by the Florida Department of Environmental Protection, as amended.

- g. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, and that requires relatively low fertilizer use.
 - h. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.
 - i. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system.
 - j. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.
 - k. An annual monitoring report of ground water and surface water quality is required for the golf course operation. The monitoring program must include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identification of the locations for the ground water monitoring and testing on a map(s); testing and recording requirements. The developer must submit the test results with the monitoring report to the Lee County Planning Division. The monitoring program will be established and operated at the expense of the developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 17-302, F.A.C., water quality standards.
 - l. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and if the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course, the application must cease until the developer submits a revised management plan. If mitigation is necessary to address the pollution, the developer must implement a mitigation plan approved by Lee County.
7. 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. Prior to constructing model homes within this project, the lots upon which the model homes will be constructed will have been shown on a preliminary plat filed concurrently with the required local development order for this project. Such model home(s) will comply with all setbacks set forth within the Property Development Regulations for River Hall (f/k/a Hawk's Haven) or the LDC, whichever applies. Should setback problems arise after construction of a model home, it will be the responsibility of the owner/developer to resolve the setback problem.

- d. Hours of operation for model units and real estate sales within the model units are limited to Monday through Sunday, 8 a.m. through 8 p.m.
8. Construction traffic is prohibited on Hickey Creek Road.
9. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).
10. Based on the intersection improvements identified in the applicant's TIS as being necessary for the project, a traffic signal is required at River Hall Parkway/State Road 80 intersection. Construction of the signal must be completed within 12 months of the date of this Zoning Resolution. In the event the signal is not constructed within 12 months, issuance of local development order approvals (excluding development orders only authorizing construction of infrastructure) or building permits within River Hall 2 development, will not be granted until the signal is constructed. The Director of Community Development may authorize an extension, not to exceed six months, if the applicant demonstrates a good faith effort to complete the construction of the traffic signal. Please note that this condition placed by Lee County as part of this rezoning does not exempt the applicant from having to comply with the permit as approved by FDOT.
11. Approval of this rezoning does not give the developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).
12. The developer is required to design the project in a manner that will provide the internal "outparcels" (separate tracts encapsulated by the project property) the ability to obtain reasonable and practicable access through the subject property, unless the developer provides a circuit court order indicating that the internal outparcels are not legally entitled to access through the subject property. However, this rezoning does not obviate the developer's responsibility to provide access to the internal "outparcels" in accordance with Florida law.
13. If the developer constructs structures other than conventional single-family homes within 100 feet of the "outparcels," the developer must provide a 25-foot-wide enhanced vegetative buffer completely around the outparcel. In addition, the enhanced vegetative buffer must utilize native vegetation, indigenous to the plant community in which it is to be planted. The vegetation must be installed prior to vertical construction and it must be installed according to the following density and size:
 - a. Six trees per 100 linear feet - At installation, trees must be a minimum of 12 to 14 feet tall, with a 2-112 inch minimum caliper and a 5-foot minimum canopy. No palm trees, or completely deciduous trees, may be used to meet the requirements of this enhanced buffer.
 - b. 33 shrubs per 100 linear feet - 1) At installation, all shrubs must be 18 to 24 inches in height, 3-gallon pots, and spaced 30 to 36 inches on center; and 2) all shrubs used to meet the enhanced buffer requirements must reach a mature height in excess of six

feet under normal growing conditions. If these "outparcels" come under the control of the developer prior to construction within the 100-foot-wide area, then compliance with this condition is not required.

14. Vehicle access from the northern boundary of the subject property over and across Hickey Creek Road is prohibited.
15. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.
16. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
17. All required buffers must utilize 100 percent native vegetation.
18. The school site is limited to a public school operated by the School District of Lee County.
19. Outdoor storage areas in River Hall 1 must be in compliance with §34-3001, *et seq.* of the Lee County LDC, with the additional requirements as outlined on page 2 of 2 of the MCP attached to Resolution Z-05-051, including a 200-foot perimeter setback and enhanced buffer.
20. A plan showing landscaping in accordance with page 2 of 2 of the approved MCP must be submitted and approved prior to the issuance of a development order for the golf course maintenance facility and amenity center.
21. Signage referencing the town center is prohibited within 50 feet of the right-of-way of Palm Beach Boulevard (State Road 80).
22. BUFFERS.
 - a. A Type "C" or "F" buffer, as described in the LDC, must be provided in the River Hall 2 CPD "Town Center" portion bordering the agriculturally-zoned property to the east. This buffer will not include the existing conservation areas shown on the approved MCP.
 - b. A Type "D" buffer must be added to the MCP on the "spine" Road for the commercial Town Center portion of the property, in accordance with the LDC.
23. Second Access
 - a. Within 24 months of the date of this Zoning Resolution, the applicant will design, permit, and construct the secondary access to 75th Street West shown on Page 4 of the MCP. The design of the second driveway to the River Hall community must be shown as a part of the first local development order approval for any of the unplatted lands in the southern portion of the development. In the event the secondary access is not constructed within 24 months of the date of this Resolution, the Director of Community Development may issue a reasonable extension for completion if the

development has not exceeded the occupancy of 1,598 dwelling units, and the applicant demonstrates good faith progress on the design, permitting, and construction of the access. This requirement is contingent upon approval from the East County Water Control District (ECWCD) to cross the 50-foot-wide canal along the south side of River Hall. The County will work with the developer to obtain approval to cross the 50-foot-wide canal.

- b. Upon construction of the second access to the River Hall community, access through the security gates must be provided to Lee County School District buses and to emergency vehicles.
24. Wall between River Hall and Portico (ADD2007-00063)
The construction of a wall along a portion of the southern and western property boundaries adjacent to the Portico Residential Planned Development (RPD) is subject to the following conditions:
- a. The Development must be in compliance with the amended Master Concept Plan, dated APRIL 17, 2007, Master Concept Plan for ADD2007-00063.
 - b. Approval of this administrative amendment was contingent upon approval of ADD2007-00084 Portico, which was approved on May 14, 2007.
25. Within ninety (90) days of the effective date of this Resolution, the developer of lands within River Hall 2 must submit a request to the South Florida Water Management District (SFWMD) for a letter modification to the consumptive use permit for the project to reinstate the groundwater monitoring requirements that were not included in the 2013 permit renewal. These requirements include conditions 31, 32, and 33 of the original Permit No. 36-04006-W issued in 2006. If the SFWMD approves the requested modification, all monitoring reports filed with the SFWMD pursuant to the permit will also be simultaneously filed with the County's Department of Natural Resources.
26. The developer of lands within River Hall 2 must provide the ability for drainage from the ECWCD to pass through the project's surface water management system in order to lower flood stages within the ECWCD. The intent of this condition is to provide for a stormwater conveyance from the existing ECWCD canal along the southern boundary of River Hall during major storm events. This condition is not intended to require the construction of any physical improvements to the surface water management system within River Hall, but only to require access to and authority for the ECWCD to utilize the surface water management system within River Hall in accordance with its existing permit Documentation of compliance with this requirement will be provided by the developer to the County prior to issuance of any residential development orders for River Hall 2; provided, however, that this will not prohibit the issuance of development orders solely for the infrastructure improvements (including but not limited to sewer, water, and drainage) for the project.
27. The developer of lands within River Hall 2 must provide, at developer's expense, a temporary modular unit to be located on the River Hall sales facility parcel for use as a station for Lee County Emergency Medical Services (EMS). At a minimum, the modular

unit will provide office space, rest/sleeping area, shower and restroom facilities for EMS, along with a minimum of 4 dedicated parking spaces. Upon installation, the modular unit and parking spaces will be leased to the County for \$10.00 per year, whereupon the County will be responsible for all costs of operation including, but not limited to, utilities, electricity, telecommunications, furniture, and maintenance. Within thirty (30) days after the effective date of this resolution, the developer will submit a development order application for the installation of the modular unit, and will diligently pursue issuance of the development order and move-on permit for the unit. The modular unit will be installed within ninety (90) days of receipt of all necessary permitting. The developer's obligation under this condition will expire upon the earlier of: (1) construction and issuance of a certificate of occupancy for the fire station on the parcel within River Hall owned by the Fort Myers Shores Fire District; or (2) five years after issuance of a certificate of occupancy for the modular unit.

28. The applicant will provide quarterly monitoring reports to the Director of Community Development on the status and progress of the traffic signal (Condition 10) and the southerly access point (Condition 23). A courtesy copy should be provided to the River Hall CDD and Master Homeowner's Association. The first quarterly monitoring report will be due three months after the date of this Resolution and will be submitted every three months thereafter until the signal is placed in operation by FDOT and the southerly access receives a certificate of completion from the County. Each monitoring report will identify the current status of the improvement through the design, permitting, and construction stages, and will identify any issues that may affect completion of the improvement within the time specified in its applicable zoning condition.
29. The developer of land within River Hall 2 must submit, with each development order, a cumulative land development summary table indicating the Future Land Use classification and the number of residential units, and square footage and acreage of commercial retail and commercial office.

SECTION C. DEVIATIONS:

The following deviations (1 through 5) have been previously approved by Resolution Z-05-051 or ADD2007-00075 and remain in effect as approved for both River Hall 1 and River Hall 2:

1. Deviation (1) sought relief from the LDC §10-385(d)(3)a requirement to provide a maximum fire hydrant spacing of 800 feet in the one- and two-dwelling unit area, to eliminate this requirement in areas along the "spine" road where no homes exist. This deviation was APPROVED.
2. Deviation (2) Withdrawn.
3. Deviation (3) sought relief from the LDC §10-329(d)(4) requirement to provide lake banks to be sloped at a maximum 4:1 slope, to allow bulkheads for up to 25 percent of the shoreline of lake banks. This deviation was APPROVED.

4. Deviation (4) sought relief from the LDC §34-2194(b) requirement to provide a 25-foot setback from bodies of water, to allow 20-foot setbacks for the manmade lakes to be consistent with the existing development orders and permits. This deviation was APPROVED.
5. Deviation (5) (ADD2007-00075) sought relief from LDC §30-152(2)c to allow a reduction in the minimum required setback for residential subdivision entrance signage from 15 feet to 5 feet from the right-of-way. This deviation was APPROVED subject to the following conditions:
 - a. Entrance signs to subdivisions within the River Hall Country Club development must be in compliance with the Signage Exhibit, stamped received on April 11, 2007. The Signage Exhibit for ADD2007-0075 is APPROVED and adopted (Exhibit E). Rear setbacks for accessory structures on lots 302-307 and 344-348 must be at least 6 inches.
 - b. Either a two-sided sign in a landscaped median OR two one-sided signs on either side of a project entrance within the River Hall Country Club will be allowed at the entrance to each residential development. All signs must be in accordance with Chapter 30 of the LDC.

The following Deviations have been requested as part of this amendment to the planned development zoning:

6. Deviation (6) seeks relief from the LDC §10-415(b)(1)c requirement to provide a minimum building setback of 20 feet from all indigenous preserves and a 30 foot building setback from indigenous plant communities subject to fire, to allow a side setback of 17 feet for the following existing platted lots: River Hall Country Club, Phase Two, Block K, Lots 29, 57, 76, and 77, as documented in Instrument No. 2006000409514. This deviation is APPROVED SUBJECT TO the condition that any re-plat of these lots will require the lots to meet the LDC required structure setback to the preserve.
7. Deviation (7) seeks relief from the LDC §10-415(b)(1)c requirement to provide a minimum building setback of 20 feet from all indigenous preserves and a 30 foot building setback from indigenous plant communities subject to fire, to allow a setback of 20 feet for existing platted lots in River Hall Country Club Phase Two, Block K Lots 37-39, 54-57 & 65-77 as documented in Instrument No. 2006000409514, and Hampton Lakes at River Hall Phase One, Lots 102-134, as documented in Instrument No. 2005000153004. This deviation is APPROVED SUBJECT TO the condition that any re-plat of these lots will require the lots to meet the LDC required structure setback to the preserve.
8. Deviation (8) WITHDRAWN.
9. Deviation (9) WITHDRAWN.
10. Deviation (10) seeks relief from the LDC §34-934 requirement that permits dwelling units within a CPD when there are at least 50,000 square feet or more of commercial uses, to allow dwelling units within the existing River Hall CPD which was permitted for 45,000

square feet of commercial uses. This deviation is APPROVED.

SECTION D. EXHIBITS:

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: Protected Species Management Plan for Schulman Parcel
(American Alligator Management Plan; Gopher Tortoise Management Plan; and
Scrub Jay Management Plan)
- Exhibit E: Signage Exhibit

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, specifically, Lee Plan Goals 5, and 21, Objectives 2.1, 2.2, 21.2, and 21.3, and Policies 1.1.11, 2.2.1, 5.1.2, 5.1.5, 21.1.3, 21.2.4, 21.3.1, and 135.9.5.
2. The request is consistent with the densities, intensities and general uses set forth in the Lee Plan.
3. With the granting of the requested deviations, the applicant has sufficiently demonstrated the request's compliance with the applicable provisions of the LDC. The weight of the evidence indicates the request meets the applicable planned development design requirements and will be able to meet the other applicable LDC requirements.
4. The request will be compatible with the surrounding area and the existing River Hall development. The proposed uses are consistent with the current approval and are appropriate in the requested locations.
5. The request will have minimal environmental impacts. The request area does not include any wetlands or preserve areas and will not negatively impact those in the existing River Hall or surrounding areas.
6. The transportation system is adequate to support the additional units. Approval of the request will not place an undue burden upon existing or planned transportation facilities. River Hall will be served by streets with the capacity to carry traffic generated by the additional development. With the conditioned improvements, the access and traffic flows will be sufficient to support the proposed development intensity.
7. Urban services are or will be available and adequate to serve the request.
8. The recommended conditions reasonably relate to the request's impacts on and provide sufficient safeguards for the public interests.

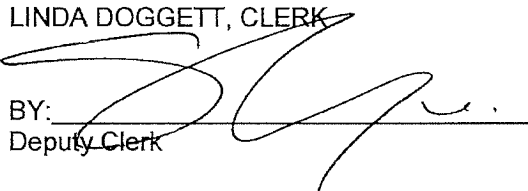
9. The recommended deviations enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC.

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

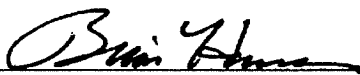
John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Nay

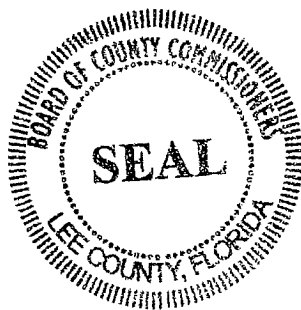
DULY PASSED AND ADOPTED this 3rd day of June 2015.

ATTEST:
LINDA DOGGETT, CLERK

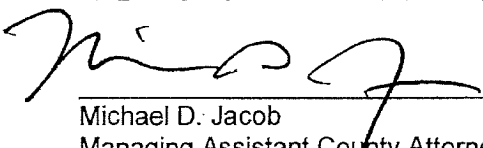
BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Brian Hamman, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


Michael D. Jacob
Managing Assistant County Attorney
County Attorney's Office



www.barraco.net

Civil Engineers, Land Surveyors and Planners

DESCRIPTION (REZONE AREA)

Parcel in

Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East
Lee County, Florida

A tract or parcel of land lying in Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Southeast corner of said Section 34 run $N00^{\circ}59'34''W$ along the East line of the Southeast Quarter (SE 1/4) of said Section 34 for 2,654.70 feet to the East Quarter Corner of said Section 34; thence run $S89^{\circ}15'30''W$ along the North line of the South Half (S 1/2) of said Section 34 for 1,982.06 feet to an intersection with the Easterly line of the Record Plat "Cascades at River Hall, Phase 2", as recorded in Instrument No. 2005000166038, Public Records of Lee County, Florida; thence run the following Seventeen (17) courses along said Easterly Line: $N00^{\circ}44'13''W$ for 145.68 feet to a point on a non-tangent curve; Northerly along an arc of a curve to the left of radius 295.00 feet (delta $45^{\circ}41'55''$) (chord bearing $N20^{\circ}27'40''E$) (chord 229.10 feet) for 235.29 feet to a point of tangency; $N02^{\circ}23'18''W$ for 177.28 feet to a point of curvature; Northwesterly along an arc of a curve to the left of radius 470.00 feet (delta $86^{\circ}38'22''$) (chord bearing $N45^{\circ}42'28''W$) (chord 644.90 feet) for 710.71 feet to a point of tangency; $N89^{\circ}01'39''W$ for 100.75 feet to a point of curvature; Northwesterly along an arc of a curve to the right of radius 60.00 feet (delta $88^{\circ}15'45''$) (chord bearing $N44^{\circ}53'47''W$) (chord 83.56 feet) for 92.43 feet to a point of tangency; $N00^{\circ}45'54''W$ for 156.54 feet to a point of curvature; Northerly along an arc of a curve to the left of radius 540.00 feet (delta $39^{\circ}03'47''$) (chord bearing $N20^{\circ}17'48''W$) (chord 361.07 feet) for 368.16 feet to a point of tangency; $N39^{\circ}49'41''W$ for 48.28 feet to a point of curvature; Northerly along an arc of a curve to the right of radius 155.00 feet (delta $41^{\circ}03'37''$) (chord bearing $N19^{\circ}17'53''W$) (chord 108.72 feet) for 111.08 feet to a point of tangency; $N01^{\circ}13'55''E$ for 406.49 feet to a point of curvature; Northerly along an arc of a curve to the left of radius 445.00 feet (delta $34^{\circ}38'18''$) (chord bearing $N16^{\circ}05'14''W$) (chord 264.95 feet) for 269.03 feet to a point of tangency; $N33^{\circ}24'23''W$ for 235.07 feet to a point of curvature; Northwesterly along an arc of a curve to the left of radius 445.00 feet (delta $55^{\circ}01'01''$) (chord bearing $N60^{\circ}54'53''W$) (chord 411.07 feet) for 427.30 feet; $N00^{\circ}59'58''W$ for 386.31 feet, $N89^{\circ}00'08''E$ for 414.92 feet; and Northerly along an arc of a curve to the right of radius 800.00 feet (delta $07^{\circ}26'15''$) (chord bearing $N19^{\circ}51'38''W$) (chord 103.77 feet) for 103.85 feet to a point of tangency; thence run $N16^{\circ}08'30''W$ along said Easterly line and continuing along the Easterly line of the Record Plat "Cascades at River Hall, Phase 1", as recorded in Instrument No. 2005000166035, Public Records of Lee County, Florida for 429.10 feet to a point of curvature; thence run the following Six (6) Courses along said Easterly line of the Record Plat "Cascades at River Hall, Phase 1": Northwesterly along an arc of a curve to the left of radius 450.00 feet (delta $53^{\circ}24'45''$) (chord bearing $N42^{\circ}50'53''W$) (chord 404.47 feet) for 419.50 feet to a point of tangency; $N69^{\circ}33'15''W$ for 226.50 feet; $N88^{\circ}31'58''W$ for 453.33 feet; $N02^{\circ}37'49''W$ for 109.36 feet; $N46^{\circ}42'37''W$ for 46.66 feet and $N37^{\circ}23'07''W$ for 29.38 feet to an intersection with the West line of the East Half (E 1/2) of the Southwest Quarter (SW 1/4) of said Section 27; thence run $N00^{\circ}50'33''W$ along said West line for 1,066.53 feet the Southwest corner of the Half (E 1/2) of the Northwest Quarter (NW 1/4) of said Section 27; thence run $N00^{\circ}49'17''W$ along the East line of said Fraction for 1,604.78 feet to an intersection with the Southerly right of way line of State Road 80, (150 feet wide); thence run $N77^{\circ}10'14''E$ along said Southerly right of way line for 673.34 feet to an intersection with the West line of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said Section 27; thence run $S00^{\circ}50'17''E$ along said West line for 212.82 feet to an intersection with the Northerly line of a lands in described in Instrument No. 2009000187486, Lee County Records; thence run the following three (3) courses along said Northerly line: run $S75^{\circ}23'45''W$ for 219.05 feet to a point of curvature; Southwesterly along an arc of a curve to the left of radius 35.00 feet (delta $16^{\circ}09'14''$) (chord bearing $S75^{\circ}23'45''W$) (chord 9.84 feet) for 9.87 feet to a point of tangency and $S59^{\circ}14'31''W$ for 187.94 feet

Applicant's Legal Checked

by [Signature] Sept 16, 2013

Post Office Drawer 2800 • Fort Myers, FL 33902

Phone (239) 461-3170 • Fax (239) 461-3169

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EXHIBIT A

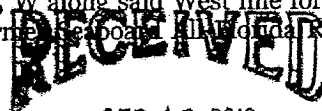
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COMMUNITY DEVELOPMENT

DESCRIPTION (CONT.)

thence run S30°45'29"E for 73.42 feet to a point on a non-tangent curve and intersection with the Northerly line of a lands in described in Instrument No. 2009000187487, Lee County Records; thence run Westerly along said Northerly line and along an arc of a curve to the right of radius 68.00 feet (delta 66°05'52") (chord bearing S87°29'23"W) (chord 74.17 feet) for 78.45 feet to a point on a non-tangent curve and an intersection with the Easterly right of way line of River Hall Parkway described in a deed recorded in Official Record Book 4326, at Page 1851, Lee County Records; thence run along said Easterly right of way line the following two (2) courses: Southeasterly along an arc of a curve to the left of radius 450.00 feet (delta 26°59'24") (chord bearing S50°33'04"E) (chord 210.02 feet) for 211.98 feet to a point of reverse curvature and Southeasterly along an arc of a curve to the right of radius 430.00 feet (delta 09°11'27") (chord bearing S59°27'02"E) (chord 68.90 feet) for 68.98 feet to an intersection with the Southerly line of a lands in described in Instrument No. 2007000309267, Lee County Records; thence run the following three (3) courses along said Southerly line: N59°14'31"E for 186.92 feet; N00°00'00"E for 85.63 feet to a point of curvature and Northeasterly along an arc of a curve to the right of radius 67.00 feet (delta 65°23'58") (chord bearing N32°41'59"E) (chord 72.39 feet) for 76.48 feet to an intersection with said West line of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 27; thence run S00°50'18"E along said West line for 60.93 feet to the Southwest corner of said Fraction; thence run N88°54'52"E along the South line of said Fraction for 658.74 feet to an intersection with the West line of the East Half (E 1/2) of said Section 27; thence run S00°51'17"E along said West line for 2,065.72 feet to an intersection with the Northerly line of lands described in a deed recorded in Official Record Book 4326, at Page 2072, Lee County Records; thence run the following eighteen (18) courses along said Northerly line: S89°09'06"W for 37.27 feet to a point on a non-tangent curve; Northwesterly along an arc of a curve to the left of radius 544.11 feet (delta 28°08'56") (chord bearing N29°19'43"W) (chord 264.63 feet) for 267.31 feet; Northerly along an arc of a curve to the right of radius 76.19 feet (delta 50°10'58") (chord bearing N18°17'17"W) (chord 64.62 feet) for 66.73 feet; Northerly along an arc of a curve to the left of radius 294.98 feet (delta 04°38'23") (chord bearing N04°29'11"E) (chord 23.88 feet) for 23.89 feet; S89°59'57"W for 290.94 feet; Southerly along an arc of a curve to the left of radius 366.19 feet (delta 02°13'10") (chord bearing S03°58'21"W) (chord 14.18 feet) for 14.19 feet; S69°32'12"W for 112.75 feet; Southwesterly along an arc of a curve to the left of radius 175.00 feet (delta 102°58'00") (chord bearing S52°06'04"W) (chord 273.85 feet) for 314.49 feet; S88°44'23"W for 23.42 feet; S71°47'56"W for 48.67 feet; S07°58'00"W for 35.55 feet; S03°55'13"E for 56.03 feet; S23°32'56"W for 47.94 feet; S33°25'14"W for 36.18 feet; S12°58'58"W for 61.88 feet; N86°33'52"W for 89.92 feet; S82°52'46"W for 49.35 feet and S84°07'47"W for 87.43 feet to an intersection with said Easterly right of way line of River Hall Parkway; thence run the following five (5) courses along said Easterly right of way line: Southeasterly along an arc of a curve to the left of radius 700.00 feet (delta 34°14'28") (chord bearing S52°26'02"E) (chord 412.14 feet) for 418.33 feet to a point of tangency; S69°33'15"E for 283.26 feet to a point of curvature; Southeasterly along an arc of a curve to the right of radius 550.00 feet (delta 53°24'45") (chord bearing S42°50'53"E) (chord 494.36 feet) for 512.72 feet to a point of tangency; S16°08'30"E for 429.10 feet to a point of curvature and Southerly along an arc of a curve to the left of radius 700.00 feet (delta 02°04'24") (chord bearing S17°10'43"E) (chord 25.33 feet) for 25.33 feet to an intersection with North line of the of the former Seaboard All Florida Railroad right of way (100 feet wide) recorded in Deed Book 230, at Page 106, Lee County Records; thence run N89°00'08"E along said North line for 112.79 feet to an intersection with said West line of the East Half (E 1/2) of Section 27; thence run S00°51'15"E along said West line for 50.00 feet to an intersection with the North line of the South 50 feet of said former Seaboard All Florida Railroad right of way (100 feet wide); run N89°00'08"E along said North line for 7,949.61 feet to an intersection with the West line of the Southwest Quarter (SW 1/4) of said Section 25; thence run N00°33'55"W along said West line for 50.00 feet to an intersection with the Northerly right of way line of the former Seaboard All Florida Railroad (100 feet wide);

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DESCRIPTION (CONT.)

thence run N89°00'08"E along said right of way line for 5,295.61 feet to an intersection with the East line of the Southeast Quarter (SE 1/4) of said Section 25; thence run S01°39'28"E along said East line for 629.62 feet to the Northeast Corner of said Section 36; thence run S00°16'51"E along the East line of the Northeast Quarter (NE 1/4) of said Section 36 for 2,647.36 feet to the East Quarter Corner of said Section 36; thence run S00°45'42"E along the East line of the Southeast Quarter (SE 1/4) of said Section 36 for 2,644.68 feet to the Southeast Corner of said Section 36; thence run S89°12'27"W along the South line of the Southeast Quarter (SE 1/4) of said Section 36 for 2,644.62 feet to the South Quarter Corner of said Section 36; thence run S89°11'43"W along the South line of the Southwest Quarter (SW 1/4) of said Section 36 for 2,643.63 feet to the Southeast Corner of said Section 35; thence run S88°54'06"W along the South line of the Southeast Quarter (SE 1/4) of said Section 35 for 2,643.62 feet to the South Quarter Corner of said Section 35; thence run S88°53'41"W along the South line of the Southwest Quarter (SW 1/4) of said Section 35 for 2,642.70 feet to the POINT OF BEGINNING

LESS and EXCEPT the following described parcels:

Tract "I" of HAMPTON LAKES AT RIVER HALL, PHASE ONE, as recorded in Instrument Number 2005000153004, Lee County Records.

Tract "D-10", Lot 69, Lot 71 and Lot 78, Block "E" of RIVER HALL COUNTRY CLUB, PHASE TWO, as recorded in Instrument Number 2006000409514, Lee County Records.

PARCEL 1:

Lots 5 through 18, Lot 24, Lots 55 through 59, Lots 61 through 79, Lots 82 through 84, and a portion of Tract "A", HAMPTON LAKES AT RIVER HALL, PHASE ONE, as recorded in Instrument Number 2005000153004, Lee County Records being more particularly described as follows:

Beginning at the Easterly most corner of said Lot 56 run the following six (6) courses along the Northerly line of Tract "M" of said record plat: Southwesterly along an arc of a curve to the left of radius 89.14 feet (delta 04°31'15") (chord bearing S36°59'05"W) (chord 7.03 feet) for 7.03 feet; Southwesterly along an arc of a curve to the left of radius 2,152.18 feet (delta 03°07'17") (chord bearing S33°01'08"W) (chord 117.24 feet) for 117.25 feet to a point of reverse curvature; Southwesterly along an arc of a curve to the right of radius 227.87 feet (delta 48°52'23") (chord bearing S55°53'41"W) (chord 188.53 feet) for 194.37 feet to a point of compound curvature; Westerly along an arc of a curve to the right of radius 117.38 feet (delta 35°52'39") (chord bearing N81°43'48"W) (chord 72.31 feet) for 73.50 feet to a point of reverse curvature; Westerly along an arc of a curve to the left of radius 16.59 feet (delta 11°13'23") (chord bearing N69°24'10"W) (chord 3.25 feet) for 3.25 feet to a point of tangency and N69°25'47"W for 94.26 feet to the Southerly most corner of Lot 60 of said record plat; thence run the following five (5) courses along the Easterly, Northerly and Westerly line of said Lot 60: N29°18'19"E for 179.46 feet to a point on a non-tangent curve; Northerly along an arc of a curve to the right of radius 55.00 feet (delta 09°21'44") (chord bearing N10°06'10"W) (chord 8.98 feet) for 8.99 feet to a point of reverse curvature; Northwesternly along an arc of a curve to the left of radius 90.00 feet (delta 37°31'25") (chord bearing N24°11'00"W) (chord 57.89 feet) for 58.94 feet; S24°05'01"W for 22.31 feet; S29°18'19"W for 198.78 feet to an intersection with the Northerly line of said Tract "M"; thence run the following twelve (12) courses along said Northerly line: N50°41'57"W for 37.78 feet; N30°10'43"W for 58.54 feet; N78°42'40"W for 107.04 feet; N79°36'16"W for 158.97 feet; S45°25'54"W for 102.85 feet; N78°25'35"W for 187.89 feet; N27°41'18"W for 72.73 feet; N72°32'41"W for 56.71 feet; S37°10'35"W for 52.90 feet; S63°59'52"W for 67.89 feet; N78°47'42"W for 78.27 feet and N72°41'39"W for 112.22 feet to the Southerly most corner of Lot 80 of said record plat;

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DESCRIPTION (CONT.)

thence run the following three (3) courses along the Easterly, Northerly and Westerly line of Lots 80 and 81 of said record plat: N01°45'25"W for 200.00 feet to a point on a non-tangent curve; Westerly along an arc of a curve to the left of radius 2,475.00 feet (delta 02°31'47") (chord bearing S86°58'41"W) (chord 109.27 feet) for 109.28 feet and S04°17'12"E for 169.75 feet to an intersection with said Northerly line of Tract "M"; thence run the following five (5) courses along said Northerly line and continuing along the Northerly line of Tract "E" of said record plat: N72°20'12"W for 43.37 feet; S27°46'54"W for 23.61 feet; N05°36'00"W for 16.78 feet; S83°54'52"W for 49.75 feet to a point of curvature and Westerly along an arc of a curve to the left of radius 455.00 feet (delta 06°19'56") (chord bearing S80°44'54"W) (chord 50.26 feet) for 50.29 feet to the Southerly most corner of said Lot 84; thence run N06°27'30"W along the Westerly line of said Lot 84 and the extension thereof for 208.38 feet to an intersection with the Northerly line of said Tract "A"; thence run the following two (2) courses along the Northerly line of said Tract "A": thence run N83°23'15"E for 58.42 feet to a point of curvature and Easterly along an arc of a curve to the right of radius 2,525.00 feet (delta 01°14'43") (chord bearing N84°00'36"E) (chord 54.87 feet) for 54.87 feet to the southwest corner of said Lot 5; thence run N05°22'03"W along the Westerly line of said Lot 5 for 151.00 feet to an intersection with the Southerly line of Tract "C" of said record plat; thence run Easterly along said Southerly line and along an arc of a curve to the right of radius 2,676.00 feet (delta 16°00'07") (chord bearing S87°21'59"E) (chord 744.94 feet) for 747.37 feet to the easterly most corner of said Lot 18; thence run S10°38'04"W along the Easterly line of said Lot 18 for 151.00 feet to an intersection with the Northerly line of said Tract "A"; thence run the following three (3) courses along said Northerly line: Easterly along an arc of a curve to the right of radius 2,525.00 feet (delta 00°07'16") (chord bearing S79°18'18"E) (chord 5.34 feet) for 5.34 feet to a point of tangency; S79°14'39"E for 192.58 feet to a point of curvature and Easterly along an arc of a curve to the left of radius 225.00 feet (delta 30°22'46") (chord bearing N85°33'58"E) (chord 117.91 feet) for 119.30 feet to the Easterly most corner of Lot 23 of said record plat; thence run N19°37'25"W along the Easterly line of said Lot 23 for 153.38 feet to an intersection with said Southerly line of Tract "C"; thence run Northeasterly along said Southerly line and along an arc of a curve to the left of radius 80.00 feet (delta 22°16'45") (chord bearing N57°32'28"E) (chord 30.91 feet) for 31.11 feet to the Westerly most corner of Lot 25 of said record plat; thence run S44°34'58"E along the Southwesterly line of said Lot 25 and the extension thereof for 288.53 feet to an intersection with the Easterly line of said Tract "A"; thence run the following four (4) courses along said Easterly line: Southwesterly along an arc of a curve to the right of radius 100.00 feet (delta 04°05'01") (chord bearing S25°43'21"W) (chord 7.13 feet) for 7.13 feet to a point of reverse curvature; Southerly along an arc of a curve to the left of radius 12.00 feet (delta 70°42'34") (chord bearing S07°35'25"E) (chord 13.89 feet) for 14.81 feet to a point of tangency; S42°56'42"E for 27.72 feet to a point of curvature; Southeasterly along an arc of a curve to the left of radius 90.00 feet (delta 37°31'25") (chord bearing S61°42'25"E) (chord 57.89 feet) for 58.94 feet to the westerly most corner of said Lot 55; thence run the following three (3) courses along the Northerly line of said Lot 55: N81°03'16"E for 36.46 feet; N83°15'36"E for 153.20 feet and Southerly along an arc of a curve to the right of radius 208.00 feet (delta 15°02'52") (chord bearing S12°27'23"E) (chord 54.47 feet) for 54.63 feet Northerly most corner of said Lot 56; thence run S50°45'18"E along the Northerly line of said Lot for 47.82 feet to the POINT OF BEGINNING.

PARCEL 2:

Lots 91 through 101, Lots 282 through 299 and a portion of Tract "A", HAMPTON LAKES AT RIVER HALL, PHASE ONE, as recorded in Instrument Number 2005000153004, Lee County Records being more particularly described as follows:

Beginning at the Northeast corner of said Lot 101 run S08°44'52"E for 216.00 feet to a point on a curve;

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RECEIVED

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DESCRIPTION (CONT.)

thence run Westerly along an arc of a curve to the right of radius 1,821.00 feet (delta 03°07'08") (chord bearing N79°41'29"W) (chord 99.12 feet) for 99.13 feet; thence run S00°44'30"E along a non-radial line for 163.51 feet to a point on a curve; thence run Westerly along an arc of a curve to the right of radius 2,355.00 feet (delta 02°29'12") (chord bearing N79°46'45"W) (chord 102.20 feet) for 102.20 feet to a point of reverse curvature; thence run Westerly along an arc of a curve to the left of radius 100.00 feet (delta 52°53'49") (chord bearing S75°00'56"W) (chord 89.08 feet) for 92.32 feet to a point of reverse curvature; thence run Northwesterly along an arc of a curve to the right of radius 208.00 feet (delta 153°14'45") (chord bearing N54°48'35"W) (chord 404.71 feet) for 556.33 feet to a point of tangency; thence run N21°48'47"E for 116.64 feet to a point of curvature; thence run Northerly along an arc of a curve to the left of radius 314.00 feet (delta 64°32'52") (chord bearing N10°27'39"W) (chord 335.33 feet) for 353.74 feet; thence run N47°15'56"E along a radial line for 151.00 feet to a point on a curve; thence run Northwesterly along an arc of a curve to the left of radius 465.00 feet (delta 11°09'10") (chord bearing N48°18'39"W) (chord 90.37 feet) for 90.51 feet; thence run S36°06'46"W along a radial line for 151.00 feet to a point on a curve; thence run Westerly along an arc of a curve to the left of radius 314.00 feet (delta 32°33'06") (chord bearing N70°09'47"W) (chord 176.00 feet) for 178.39 feet to a point of reverse curvature; thence run Northwesterly along an arc of a curve to the right of radius 25.00 feet (delta 94°40'12") (chord bearing N39°06'14"W) (chord 36.77 feet) for 41.31 feet to a point of tangency; thence run N08°13'52"E for 213.53 feet to a point on a curve; thence run Easterly along an arc of a curve to the right of radius 504.56 feet (delta 01°09'55") (chord bearing S80°19'37"E) (chord 10.26 feet) for 10.26 feet; thence run S82°10'43"E along a non-tangent line for 39.30 feet; thence run S07°54'55"W for 26.43 feet to a point on a curve; thence run Southeasterly along an arc of a curve to the right of radius 525.00 feet (delta 40°23'04") (chord bearing S61°53'33"E) (chord 362.43 feet) for 370.04 feet; thence run N48°17'59"E along a radial line for 151.00 feet to a point on a curve; thence run Southeasterly along an arc of a curve to the right of radius 676.00 feet (delta 20°32'40") (chord bearing S31°25'40"E) (chord 241.10 feet) for 242.39 feet to a point of tangency; thence run S21°09'20"E for 143.40 feet; thence run N68°50'40"E for 80.95 feet; thence run S21°14'22"W for 88.38 feet; thence run S16°45'04"W for 111.77 feet to a point on a curve; thence run Easterly along an arc of a curve to the left of radius 1,605.00 feet (delta 07°19'41") (chord bearing S77°35'13"E) (chord 205.14 feet) for 205.28 feet to the POINT OF BEGINNING.

PARCEL 3:

A tract or parcel of land lying in Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the North Quarter corner of said Section 36 run S00°50'27" E along the West line of the Northeast Quarter (NE 1/4) for 19.08 feet; thence run N88°44'10" E for 18.72 feet to a point on a non-tangent curve; thence run Northeasterly along an arc of a curve to the left of radius 191.69 feet (delta 34°04'55") (chord bearing N65°44'08" E) (chord 112.35 feet) for 114.03 feet to a point on a non-tangent curve; thence run Easterly along an arc of a curve to the right of radius 74.00 feet (delta 41°06'40") (chord bearing N68°39'12" E) (chord 51.97 feet) for 53.10 feet to a point of tangency; thence run N89°12'32" E for 121.52 feet; thence run N87°06'26" E for 46.35 feet to a point of curvature; thence run Easterly along an arc of a curve to the left of radius 392.24 feet (delta 21°23'35") (chord bearing N80°42'00" E) (chord 145.61 feet) for 146.46 feet; thence run S00°27'02" W along a non-tangent line for 89.58 feet; thence run S18°48'36" W for 1,071.91 feet to a point of curvature; thence run Southerly along an arc of a curve to the left of radius 312.00 feet (delta 18°03'19") (chord bearing S09°46'57" W) (chord 97.91 feet) for 98.32 feet to a point of reverse curvature; thence run Southwesterly along an arc of a curve to the right of radius 238.00 feet (delta 60°01'13") (chord bearing S30°45'54" W) (chord 108.35 feet) for 108.35 feet; thence run S29°13'30" E along a radial line for 137.00 feet to a point on a curve;

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thence run Southwesterly along an arc of a curve to the right of radius 375.00 feet (delta 02°56'39") (chord bearing S62°14'49" W) (chord 19.27 feet) for 19.27 feet to a point of tangency; thence run S63°43'09" W for 516.94 feet; thence run N48°46'02" W for 214.19 feet; thence run S39°41'59" W for 151.00 feet; thence run S34°03'52" W for 55.47 feet; thence run S39°41'59" W for 86.33 feet to a point on a curve; thence run Southeasterly along an arc of a curve to the right of radius 850.00 feet (delta 03°52'46") (chord bearing S39°29'44" E) (chord 57.54 feet) for 57.55 feet; thence run S52°26'39" W along a radial line for 80.00 feet to a point on a curve; thence run Southeasterly along an arc of a curve to the right of radius 770.00 feet (delta 14°24'41") (chord bearing S30°21'00" E) (chord 193.17 feet) for 193.68 feet; thence run S83°37'00" W along a non-tangent line for 125.58 feet; thence run S87°12'03" W for 465.09 feet to a point of curvature; thence run Westerly along an arc of a curve to the right of radius 305.00 feet (delta 44°31'08") (chord bearing N70°32'23" W) (chord 231.07 feet) for 236.99 feet to a point of reverse curvature; thence run Southwesterly along an arc of a curve to the left of radius 201.00 feet (delta 159°46'46") (chord bearing S51°49'48" W) (chord 395.76 feet) for 560.52 feet to a point of tangency; thence run S28°03'35" E for 350.17 feet; thence run S14°44'31" E for 159.92 feet; thence run S11°04'25" E for 164.34 feet to a point on a curve; thence run Westerly along an arc of a curve to the right of radius 640.00 feet (delta 14°34'52") (chord bearing S78°29'50" W) (chord 162.43 feet) for 162.87 feet to a point of tangency; thence run S85°47'16" W for 103.64 feet to a point of curvature; thence run Westerly along an arc of a curve to the right of radius 90.00 feet (delta 17°01'46") (chord bearing N85°41'51" W) (chord 26.65 feet) for 26.75 feet to a point of reverse curvature; thence run Westerly along an arc of a curve to the left of radius 190.00 feet (delta 45°52'49") (chord bearing S79°52'37" W) (chord 148.11 feet) for 152.15 feet; thence run N33°03'48" W along a radial line for 61.34 feet to a point of curvature; thence run Northerly along an arc of a curve to the right of radius 94.00 feet (delta 108°32'55") (chord bearing N21°12'40" E) (chord 152.62 feet) for 178.09 feet to a point of reverse curvature; thence run Northeasterly along an arc of a curve to the left of radius 270.00 feet (delta 22°36'21") (chord bearing N64°10'57" E) (chord 105.84 feet) for 106.53 feet to a point of compound curvature; thence run Northerly along an arc of a curve to the left of radius 102.00 feet (delta 110°26'44") (chord bearing N02°20'35" W) (chord 167.56 feet) for 196.62 feet to a point of tangency; thence run N57°33'57" W for 78.61 feet to a point on a curve; thence run Southwesterly along an arc of a curve to the right of radius 195.00 feet (delta 60°21'14") (chord bearing S62°36'40" W) (chord 196.04 feet) for 205.41 feet; thence run S02°47'17" W along a radial line for 77.21 feet to a point of curvature; thence run Southeasterly along an arc of a curve to the left of radius 100.00 feet (delta 51°49'50") (chord bearing S23°07'38" E) (chord 87.41 feet) for 90.46 feet to a point of reverse curvature; thence run Southerly along an arc of a curve to the right of radius 35.00 feet (delta 66°48'46") (chord bearing S15°38'11" E) (chord 38.54 feet) for 40.81 feet to a point of tangency; thence run S17°46'12" W for 63.27 feet to a point of curvature; thence run Southwesterly along an arc of a curve to the right of radius 25.00 feet (delta 94°42'39") (chord bearing S65°07'32" W) (chord 36.78 feet) for 41.33 feet to a point of tangency; thence run N67°31'09" W for 136.47 feet to a point of curvature; thence run Northwesterly along an arc of a curve to the right of radius 100.00 feet (delta 32°45'36") (chord bearing N51°08'21" W) (chord 56.40 feet) for 57.18 feet to a point of reverse curvature; thence run Westerly along an arc of a curve to the left of radius 97.00 feet (delta 67°43'27") (chord bearing N68°37'16" W) (chord 108.10 feet) for 114.65 feet to a point of tangency; thence run S77°31'00" W for 57.86 feet to a point of curvature; thence run Southwesterly along an arc of a curve to the left of radius 90.00 feet (delta 78°13'56") (chord bearing S38°24'02" W) (chord 113.56 feet) for 122.89 feet to a point of compound curvature; thence run Southeasterly along an arc of a curve to the left of radius 137.00 feet (delta 41°47'26") (chord bearing S21°36'38" E) (chord 97.72 feet) for 99.93 feet to a point of cusp; thence run N42°30'21" W for 260.38 feet; thence run S86°55'59" W for 507.21 feet to a point of curvature; thence run Westerly along an arc of a curve to the right of radius 175.00 feet (delta 23°42'43") (chord bearing N81°12'40" W) (chord 71.91 feet) for 71.91 feet to a point of tangency; thence run N69°21'19" W for 585.07 feet; thence run S33°12'19" W for 114.65 feet to a point on a curve;

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thence run Westerly along an arc of a curve to the left of radius 199.00 feet (delta 85°50'24") (chord bearing S80°17'07" W) (chord 271.03 feet) for 298.14 feet to a point of reverse curvature; thence run Westerly along an arc of a curve to the right of radius 80.00 feet (delta 80°21'13") (chord bearing S77°32'31" W) (chord 103.22 feet) for 112.19 feet to a point of reverse curvature; thence run Westerly along an arc of a curve to the left of radius 617.00 feet (delta 12°05'13") (chord bearing N68°19'29" W) (chord 129.92 feet) for 130.16 feet to a point of tangency; thence run N74°22'05" W for 69.19 feet to a point of curvature; thence run Northwesterly along an arc of a curve to the right of radius 333.00 feet (delta 28°18'26") (chord bearing N60°12'53" W) (chord 162.85 feet) for 164.52 feet to a point of tangency; thence run N46°03'40" W for 122.65 feet to a point of curvature; thence run Northwesterly along an arc of a curve to the left of radius 467.00 feet (delta 36°52'20") (chord bearing N64°29'50" W) (chord 295.38 feet) for 300.53 feet to a point of tangency; thence run N82°56'00" W for 141.12 feet; thence run S86°42'12" W for 25.00 feet; thence run S03°17'48" E for 328.28 feet; thence run S86°42'12" W for 80.00 feet to a point on a curve; thence run Southerly along an arc of a curve to the left of radius 440.00 feet (delta 02°08'51") (chord bearing S04°22'14" E) (chord 16.49 feet) for 16.49 feet; thence run S86°42'12" W along a non-tangent line for 467.07 feet to a point of curvature thence run Westerly along an arc of a curve to the right of radius 1,060.00 feet (delta 34°30'47") (chord bearing N76°02'25" W) (chord 628.90 feet) for 638.51 feet to a point of compound curvature; thence run Northwesterly along an arc of a curve to the right of radius 250.00 feet (delta 68°18'47") (chord bearing N24°37'38" W) (chord 280.73 feet) for 298.07 feet to a point of tangency; thence run N09°31'45" E for 74.54 feet; thence run N30°49'51" E for 249.11 feet to a point of curvature; thence run Northeasterly along an arc of a curve to the right of radius 220.00 feet (delta 52°51'01") (chord bearing N57°15'21" E) (chord 195.81 feet) for 202.93 feet; thence run S78°58'39" E along a non-tangent line for 65.57 feet to a point of curvature; thence run Southeasterly along an arc of a curve to the right of radius 210.00 feet (delta 99°35'44") (chord bearing S29°10'47" E) (chord 320.78 feet) for 365.04 feet to a point of reverse curvature; thence run Southeasterly along an arc of a curve to the left of radius 140.00 feet (delta 109°40'40") (chord bearing S34°13'15" E) (chord 228.91 feet) for 267.99 feet to a point of compound curvature; thence run Easterly along an arc of a curve to the left of radius 740.00 feet (delta 04°14'14") (chord bearing N88°49'19" E) (chord 54.71 feet) for 54.72 feet to a point of tangency; thence run N86°42'12" E for 132.26 feet; thence run N05°56'52" E for 237.29 feet; thence run N56°20'36" W for 152.66 feet to a point of curvature; thence run Northwesterly along an arc of a curve to the right of radius 205.00 feet (delta 50°04'41") (chord bearing N31°18'16" W) (chord 173.53 feet) for 179.18 feet to a point of tangency; thence run N06°15'55" W for 124.53 feet; thence run N27°16'52" W for 98.20 feet to a point of curvature; thence run Northerly along an arc of a curve to the right of radius 105.00 feet (delta 18°12'47") (chord bearing N18°10'29" W) (chord 33.24 feet) for 33.38 feet to a point of tangency; thence run N09°04'05" W for 116.79 feet; thence run N32°41'11" W for 43.10 feet to a point of curvature; thence run Westerly along an arc of a curve to the left of radius 65.00 feet (delta 94°24'55") (chord bearing N79°53'38" W) (chord 95.40 feet) for 107.11 feet to a point of tangency; thence run S52°53'54" W for 58.04 feet; thence run S48°30'36" W for 61.36 feet; thence run N19°19'23" W for 164.33 feet; thence run N28°32'48" E for 50.78 feet to a point of curvature; thence run Northeasterly along an arc of a curve to the right of radius 75.00 feet (delta 72°09'44") (chord bearing N64°37'40" E) (chord 88.34 feet) for 94.46 feet to a point of reverse curvature; thence run Easterly along an arc of a curve to the left of radius 65.00 feet (delta 35°36'29") (chord bearing N82°54'17" E) (chord 39.75 feet) for 40.40 feet to a point of tangency; thence run N65°06'03" E for 59.44 feet to a point on a curve; thence run Northwesterly along an arc of a curve to the right of radius 283.00 feet (delta 10°53'14") (chord bearing N25°08'05" W) (chord 53.69 feet) for 53.77 feet to a point of tangency; thence run N19°41'28" W for 224.63 feet to a point of curvature; thence run Northwesterly along an arc of a curve to the left of radius 387.00 feet (delta 16°56'50") (chord bearing N28°09'53" W) (chord 114.05 feet) for 114.47 feet; thence run S53°21'42" W along a radial line for 66.00 feet; thence run N01°26'15" W for 93.06 feet; thence run N19°19'23" W for 164.33 feet to a point on a curve;

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thence run Northwesterly along an arc of a curve to the left of radius 580.00 feet (delta 20°04'37") (chord bearing N60°42'11" W) (chord 202.20 feet) for 203.24 feet to a point of reverse curvature; thence run Northwesterly along an arc of a curve to the right of radius 470.00 feet (delta 23°02'27") (chord bearing N59°13'16" W) (chord 187.73 feet) for 189.00 feet to a point of reverse curvature; thence run Westerly along an arc of a curve to the left of radius 700.00 feet (delta 48°28'37") (chord bearing N71°56'21" W) (chord 574.75 feet) for 592.26 feet to a point of tangency; thence run S83°49'20" W for 247.09 feet to a point of curvature; thence run Southwesterly along an arc of a curve to the left of radius 300.00 feet (delta 41°00'25") (chord bearing S63°19'08" W) (chord 210.16 feet) for 214.71 feet to a point of tangency; thence run S42°48'55" W for 86.85 feet to a point of curvature; thence run Westerly along an arc of a curve to the right of radius 313.00 feet (delta 132°03'02") (chord bearing N71°09'34" W) (chord 571.99 feet) for 721.38 feet to a point of tangency; thence run N05°08'03" W for 142.76 feet; thence run N38°34'30" W for 22.21 feet; thence run N10°27'10" W for 62.69 feet to a point on a curve; thence run Easterly along an arc of a curve to the left of radius 300.00 feet (delta 15°54'03") (chord bearing N71°35'48" E) (chord 82.99 feet) for 83.26 feet; thence run N08°48'59" W along a non-tangent line for 105.33 feet; thence run N41°34'28" W for 87.29 feet to a point of curvature; thence run Northerly along an arc of a curve to the right of radius 125.00 feet (delta 104°11'17") (chord bearing N10°31'11" E) (chord 197.26 feet) for 227.30 feet to a point of tangency; thence run N62°36'50" E for 68.76 feet; thence run N31°06'21" E for 60.17 feet to a point of cusp; thence run Southerly along an arc of a curve to the left of radius 45.00 feet (delta 95°29'04") (chord bearing S16°38'12" E) (chord 66.61 feet) for 74.99 feet to a point of compound curvature; thence run Easterly along an arc of a curve to the left of radius 130.87 feet (delta 74°23'38") (chord bearing N78°25'27" E) (chord 158.24 feet) for 169.93 feet to a point of reverse curvature; thence run Easterly along an arc of a curve to the right of radius 70.00 feet (delta 58°13'55") (chord bearing N70°20'36" E) (chord 68.12 feet) for 71.14 feet to a point of reverse curvature; thence run Northeasterly along an arc of a curve to the left of radius 83.48 feet (delta 100°27'26") (chord bearing N49°13'51" E) (chord 128.32 feet) for 146.36 feet to a point of tangency; thence run N00°59'52" W for 83.57 feet; thence run N89°00'08" E for 981.08 feet; thence run S00°59'52" E for 65.05 feet to a point of curvature; thence run Southeasterly along an arc of a curve to the left of radius 65.00 feet (delta 63°22'11") (chord bearing S32°40'57" E) (chord 68.28 feet) for 71.89 feet to a point of tangency; thence run S64°22'02" E for 278.74 feet to a point of curvature; thence run Easterly along an arc of a curve to the left of radius 65.00 feet (delta 66°12'09") (chord bearing N82°31'53" E) (chord 71.00 feet) for 75.10 feet to a point of tangency; thence run N49°25'49" E for 54.82 feet to a point on a curve; thence run Northwesterly along an arc of a curve to the right of radius 190.00 feet (delta 45°33'43") (chord bearing N21°32'23" W) (chord 147.14 feet) for 151.09 feet to a point of tangency; thence run N01°14'28" E for 67.44 feet; thence run N89°00'08" E for 1,023.75 feet; thence run S34°03'00" E for 73.63 feet to a point of curvature; thence run Southerly along an arc of a curve to the right of radius 385.00 feet (delta 66°05'53") (chord bearing S01°00'03" E) (chord 419.92 feet) for 444.15 feet to a point of reverse curvature; thence run Southeasterly along an arc of a curve to the left of radius 110.00 feet (delta 118°57'19") (chord bearing S27°25'46" E) (chord 189.51 feet) for 228.38 feet to a point of tangency; thence run S86°54'26" E for 216.69 feet to a point of curvature; thence run Easterly along an arc of a curve to the left of radius 240.00 feet (delta 36°52'22") (chord bearing N74°39'23" E) (chord 151.80 feet) for 154.45 feet to a point of reverse curvature; thence run Easterly along an arc of a curve to the right of radius 1,160.00 feet (delta 24°46'31") (chord bearing N68°36'27" E) (chord 497.70 feet) for 501.59 feet to a point of reverse curvature; thence run Easterly along an arc of a curve to the left of radius 100.00 feet (delta 26°58'22") (chord bearing N67°30'31" E) (chord 46.64 feet) for 47.08 feet to a point of tangency; thence run N54°01'20" E for 82.77 feet to a point of curvature; thence run Northeasterly along an arc of a curve to the left of radius 75.00 feet (delta 54°55'47") (chord bearing N26°33'26" E) (chord 69.18 feet) for 71.90 feet to a point of tangency; thence run N00°54'27" W for 72.80 feet to a point on a curve; thence run Northerly along an arc of a curve to the right of radius 203.30 feet (delta 106°01'40") (chord bearing N21°54'55" E) (chord 18.98 feet) for 18.99 feet to a point of tangency.

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thence run Easterly along an arc of a curve to the right of radius 69.41 feet (delta 79°19'24") (chord bearing N68°43'56" E) (chord 88.61 feet) for 96.10 feet; thence run S89°50'27" E along a non-tangent line for 77.53 feet; thence run N00°23'46" W for 260.46 feet; thence run N89°00'08" E for 1,325.98 feet to an intersection with the East line of the Southeast Quarter (SE ¼) of said Section 26; thence run S00°33'55"E along said East line for 50.00 feet; thence run N89°00'08"E for 1,787.98 feet; thence run S00°59'52"E for 120.20 feet; thence run S12°17'00"E for 39.38 feet; thence run S28°53'00"E for 92.79 feet; thence run S50°17'33"E for 51.98 feet; thence run N78°15'11"E for 53.67 feet; thence run S38°05'10"E for 152.77 feet; thence run N78°15'11"E for 46.09 feet to a point of curvature; thence run Northeasterly along an arc of a curve to the left of radius 90.00 feet (delta 54°06'42") (chord bearing N51°11'50"E) (chord 81.87 feet) for 85.00 feet to a point of reverse curvature; thence run Easterly along an arc of a curve to the right of radius 55.00 feet (delta 139°38'20") (chord bearing S86°02'21"E) (chord 103.25 feet) for 134.04 feet to a point of tangency; thence run S16°13'10"E for 71.11 feet; thence run S86°30'38"E for 73.35 feet to a point of curvature; thence run Easterly along an arc of a curve to the right of radius 60.00 feet (delta 22°35'19") (chord bearing S75°12'58"E) (chord 23.50 feet) for 23.65 feet to a point of reverse curvature; thence run Easterly along an arc of a curve to the left of radius 43.00 feet (delta 66°27'16") (chord bearing N82°51'03"E) (chord 47.12 feet) for 49.87 feet to a point of reverse curvature; thence run Easterly along an arc of a curve to the right of radius 83.00 feet (delta 64°11'23") (chord bearing N81°43'07"E) (chord 88.20 feet) for 92.99 feet to a point of reverse curvature; thence run Easterly along an arc of a curve to the left of radius 525.00 feet (delta 08°38'01") (chord bearing S70°30'12"E) (chord 79.03 feet) for 79.11 feet to a point reverse curvature; thence run Southeasterly along an arc of a curve to the right of radius 80.00 feet (delta 63°33'43") (chord bearing S43°02'21"E) (chord 84.27 feet) for 88.75 feet to an intersection with the North line of the Northwest Quarter (NW ¼) of said Section 36; thence run N89°12'44" E along the North line of said fraction for 14.42 feet to the POINT OF BEGINNING.

LESS and EXCEPT from Parcel 3 the following described parcels:

Tract "A-2" and Tract "C-1", RIVER HALL COUNTRY CLUB, PHASE TWO, recorded in Instrument Number 2006000409514, all recorded in the Public Records of Lee County, Florida.

And less and except from Parcel 3:

A portion of Tract "A", RIVER HALL COUNTRY CLUB, PHASE ONE, recorded in Instrument Number 2005000153068 and all of Tract "B-4", RIVER HALL COUNTRY CLUB, PHASE TWO, recorded in Instrument Number 2006000409514, all recorded in the Public Records of Lee County, Florida. being more particularly described as follows:

Beginning at the Easterly most corner of Tract "C-2" of said record plat, River Hall Country Club, Phase Two, run the following sixteen (16) courses along the Easterly line of said Tract "C-2": Northwesternly along an arc of a curve to the right of radius 1,040.00 feet (delta 03°26'40") (chord bearing N28°22'09"W) (chord 62.51 feet) for 62.52 feet to a point of tangency; N26°38'49"W for 149.77 feet to a point of cusp; Southerly along an arc of a curve to the right of radius 10.00 feet (delta 90°00'00") (chord bearing S18°21'11"W) (chord 14.14 feet) for 15.71 feet to a point of tangency; S63°21'11"W for 18.00 feet to a point of curvature; Southwesterly along an arc of a curve to the left of radius 104.00 feet (delta 16°44'31") (chord bearing S54°58'55"W) (chord 30.28 feet) for 30.39 feet to a point of reverse curvature; Southwesterly along an arc of a curve to the right of radius 185.00 feet (delta 16°44'31") (chord bearing S54°58'55"W) (chord 53.86 feet) for 54.06 feet to a point of tangency; S63°21'11"W for 41.46 feet to a point of curvature; Westerly along an arc of a curve to the right of radius 165.00 feet (delta 76°57'56") (chord bearing N78°09'51"W) (chord 80.90 feet) for 87.31 feet to a point of tangency;

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Page 9

COMMUNITY DEVELOPMENT

DESCRIPTION (CONT.)

N39°40'41"W for 346.93 feet to a point of curvature; Northerly along an arc of a curve to the right of radius 65.00 feet (delta 66°02'56") (chord bearing N06°39'13"W) (chord 70.85 feet) for 74.93 feet to a point of tangency; N26°22'15"E for 137.99 feet to a point of curvature; Northeasterly along an arc of a curve to the right of radius 112.00 feet (delta 11°39'27") (chord bearing N32°11'58"E) (chord 22.75 feet) for 22.79 feet to a point of tangency; N38°01'41"E for 25.21 feet to a point of curvature; Northeasterly along an arc of a curve to the left of radius 138.00 feet (delta 12°53'35") (chord bearing N31°34'54"E) (chord 30.99 feet) for 31.05 feet to a point of reverse curvature; Easterly along an arc of a curve to the right of radius 10.00 feet (delta 96°25'26") (chord bearing N73°20'50"E) (chord 14.91 feet) for 16.83 feet to a point of cusp and Westerly along an arc of a curve to the left of radius 510.00 feet (delta 45°53'49") (chord bearing N81°23'21"W) (chord 397.70 feet) for 408.54 feet; thence run N14°20'16"W for 80.00 feet to an intersection with the Northerly line of said Tract "A"; thence run Southeasterly along the Northerly of said Tract "A" and along an arc of a curve to the right of radius 590.00 feet (delta 77°41'27") (chord bearing S65°29'33"E) (chord 740.12 feet) for 800.02 feet to a point of tangency; thence run S26°38'49"E for 433.02 feet to a point of curvature; thence run Southeasterly along the Northerly of said Tract "A" and along arc of a curve to the left of radius 960.00 feet (delta 03°43'55") (chord bearing S28°30'47"E) (chord 62.52 feet) for 62.53 feet; thence run S63°21'11"W for 80.16 feet to the POINT OF BEGINNING.

PARCEL 4:

Lots 58 through 64, Lot 91, Lots 105 through 128, Tract "D-13" and a portion of Tract "A-7", RIVER HALL COUNTRY CLUB, PHASE TWO as recorded in Instrument Number 2006000409514, Lee County Records, being more particularly described as follows:

Beginning at the Southeast corner of said Lot 64 run Westerly along an arc of a curve to the right of radius 507.00 feet (delta 00°14'28") (chord bearing N81°46'35" W) (chord 2.13 feet) for 2.13 feet to a point of tangency; thence run N81°39'21" W for 35.36 feet to a point of curvature; thence run Westerly along an arc of a curve to the left of radius 638.00 feet (delta 22°10'10") (chord bearing S87°15'34" W) (chord 245.33 feet) for 246.86 feet to a point on a non-tangent curve; thence run Southwesterly along an arc of a curve to the right of radius 615.00 feet (delta 10°30'59") (chord bearing S66°31'54" W) (chord 112.72 feet) for 112.88 feet to a point of tangency; thence run S71°47'24" W for 70.09 feet to a point on a non-tangent curve; thence run Southwesterly along an arc of a curve to the left of radius 84.98 feet (delta 18°58'52") (chord bearing S62°17'23" W) (chord 28.02 feet) for 28.15 feet; thence run N19°58'28" W along a non-tangent line for 147.35 feet to a point on a curve; thence run Southwesterly along an arc of a curve to the left of radius 180.00 feet (delta 54°34'11") (chord bearing S34°36'58" W) (chord 165.03 feet) for 171.44 feet to a point of tangency; thence run S07°19'52" W for 111.15 feet to a point on a non-tangent curve; thence run Southwesterly along an arc of a curve to the right of radius 307.36 feet (delta 81°39'18") (chord bearing S48°25'26" W) (chord 401.90 feet) for 438.03 feet; thence run N89°31'51" W along a non-tangent line for 684.37 feet to a point of curvature; thence run Westerly along an arc of a curve to the left of radius 185.00 feet (delta 13°28'05") (chord bearing S83°44'07" W) (chord 43.39 feet) for 43.49 feet to a point of reverse curvature; thence run Westerly along an arc of a curve to the right of radius 215.00 feet (delta 13°50'13") (chord bearing S83°55'11" W) (chord 51.80 feet) for 51.92 feet to a point of reverse curvature; thence run Southwesterly along an arc of a curve to the left of radius 10.00 feet (delta 90°22'08") (chord bearing S45°39'14" W) (chord 14.19 feet) for 15.77 feet to a point of cusp; thence run N00°28'09" E for 250.82 feet; thence run S88°47'44" E for 210.92 feet; thence run N86°33'20" E for 95.24 feet; thence run N88°14'30" E for 122.16 feet; thence run S74°32'17" E for 86.16 feet; thence run S88°32'44" E for 140.39 feet; thence run S79°09'06" E for 64.22 feet; thence run N75°27'17" E for 54.79 feet; thence run S88°15'58'21" E for 75.99 feet; thence run N66°39'44" E for 66.32 feet; thence run S88°15'58'21" E for 104.46 feet; thence run N01°33'44" W for 79.15 feet; thence run N19°06'25" E for 81.3 feet;

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COMMUNITY DEVELOPMENT

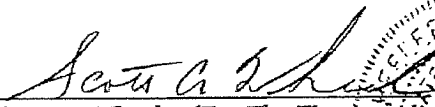
Page 10

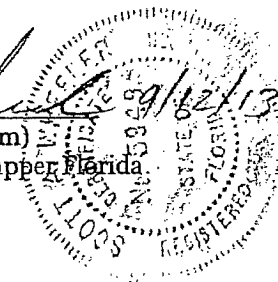
DESCRIPTION (CONT.)

thence run N23°27'18" E for 38.04 feet; thence run N59°50'47" E for 123.37 feet; thence run N10°55'02" E for 6.12 feet to a point on a curve; thence run Northeasterly along an arc of a curve to the right of radius 415.00 feet (delta 17°34'19") (chord bearing N63°00'14" E) (chord 126.78 feet) for 127.28 feet to a point of tangency; thence run N71°47'24" E for 70.06 feet to a point of curvature; thence run Northeasterly along an arc of a curve to the left of radius 285.00 feet (delta 44°19'39") (chord bearing N49°37'34" E) (chord 215.04 feet) for 220.49 feet; thence run S80°19'00" E along a non-tangent line for 200.63 feet to a point on a curve; thence run Southerly along an arc of a curve to the left of radius 230.00 feet (delta 10°55'34") (chord bearing S04°13'13" W) (chord 43.79 feet) for 43.86 feet; thence run N84°06'00" E along a non-tangent line for 145.78 feet to a point on a curve; thence run Southeasterly along an arc of a curve to the left of radius 43.00 feet (delta 35°14'55") (chord bearing S36°13'33" E) (chord 26.04 feet) for 26.45 feet; thence run S36°09'00" W along a radial line for 24.42 feet; thence run S12°58'00" W for 161.00 feet; thence run S81°39'21" E for 30.64 feet; thence run S04°08'00" W for 137.37 feet to the POINT OF BEGINNING.

Total Rezone Area contains 1,227.85 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS2007) and are based on the East line of the Southeast Quarter (SE 1/4) of said Section 34 to bear N00°59'34"W.


 Scott A. Wheeler (For The Firm)
 Professional Surveyor and Mapper Florida
 Certificate No. 5949



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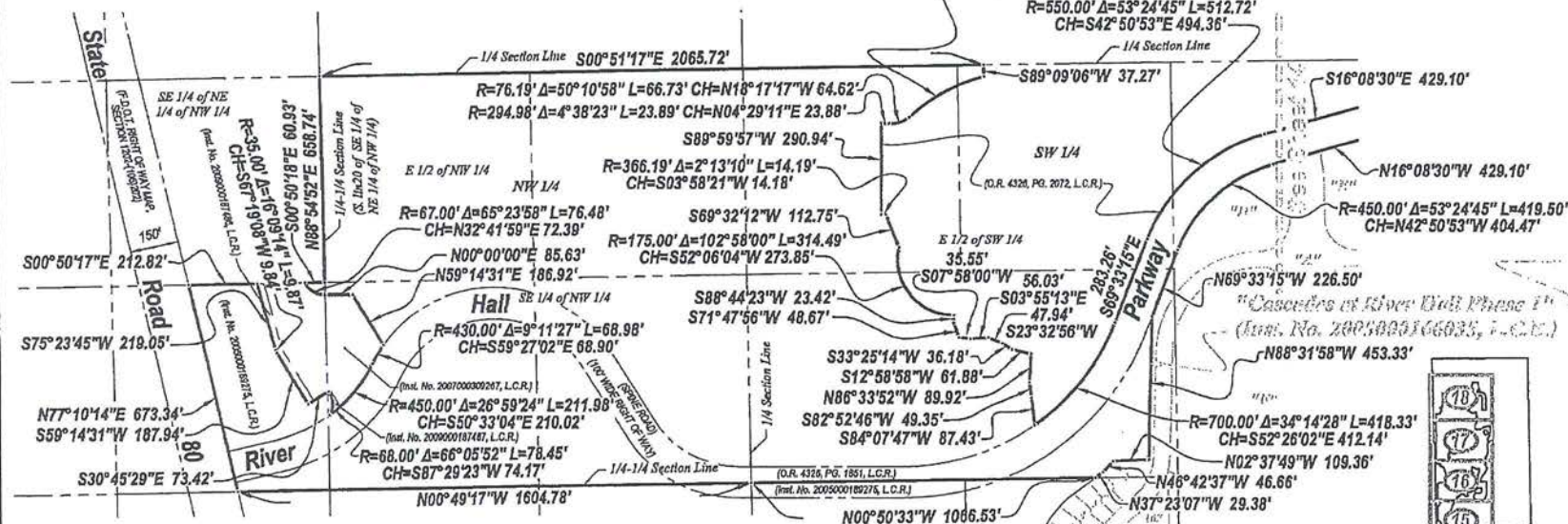
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COMMUNITY DEVELOPMENT

Section 27
Township 43 South, Range 26 East

DCI 2013-00003



SHEET INDEX MAP

SCALE 1"=8000'

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LandMar
GROUP, LLC

2401 RIVER HALL PARKWAY
ALBUQUERQUE, NM 87104-3700

PHONE (229) 374-0321
FAX (229) 374-0848

PROJECT DESCRIPTION

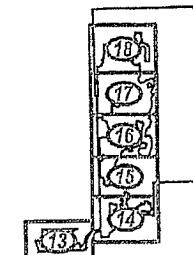
*A Parcel of Land in
Sections 25, 26, 27,
34, 35 & 36
Township 43 South,
Range 26 East
Lee County, Florida*

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SKETCH TO
ACCOMPANY
DESCRIPTION

PAGE 9 OF 17 PAGES	END OF TRANSMISSION
72003 18-03-14	13 OF 18

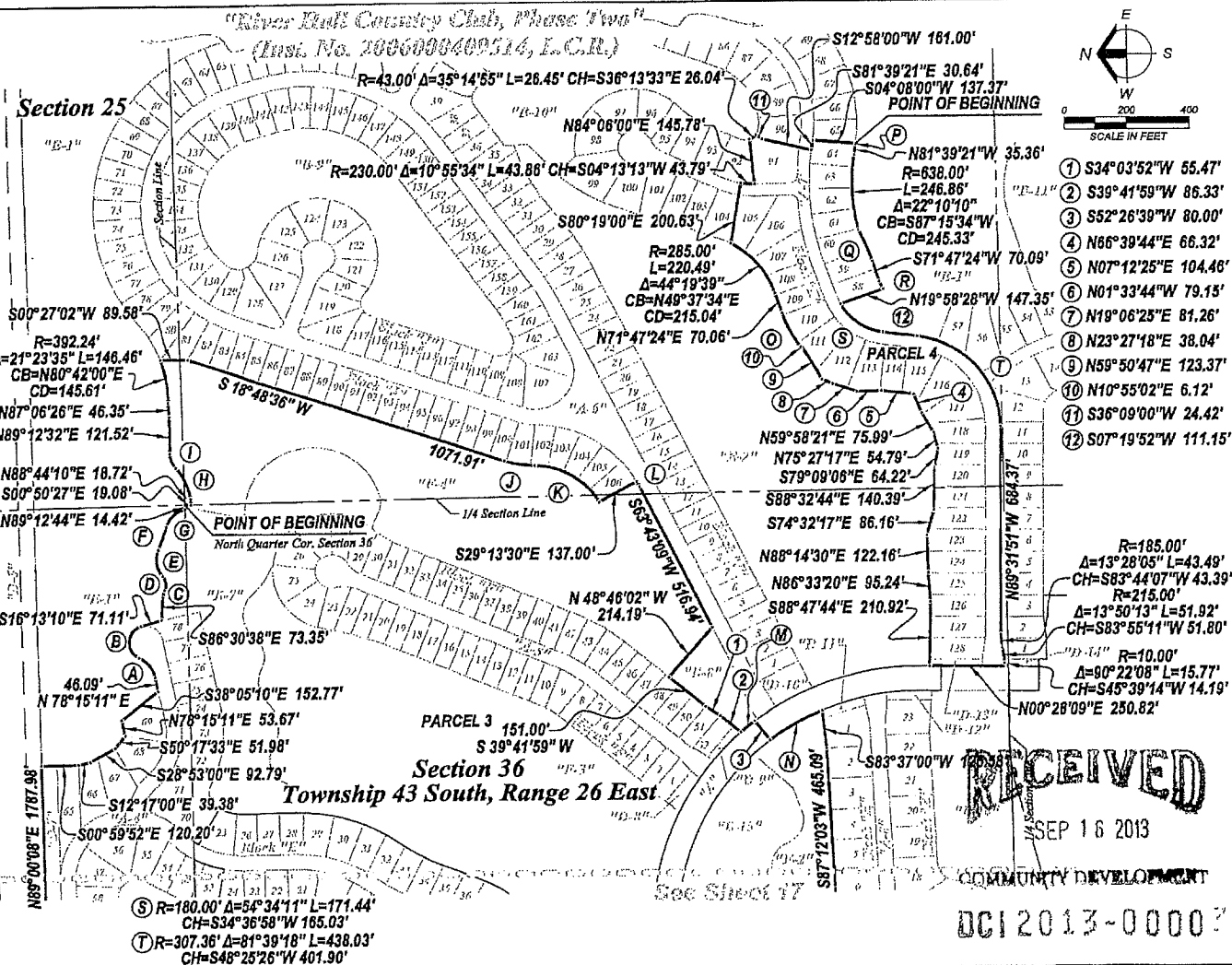




SHEET INDEX MAP

SCALE 1"=8000'

- (A) R=90.00' Δ=54°06'42" L=85.00'
CH=N51°11'50"E 81.87'
- (B) R=55.00' Δ=139°36'20" L=134.04'
CH=S86°02'21"E 103.25'
- (C) R=60.00' Δ=22°35'19" L=23.65'
CH=S75°12'58"E 23.50'
- (D) R=43.00' Δ=66°27'16" L=49.87'
CH=N82°51'03"E 47.12'
- (E) R=83.00' Δ=64°11'23" L=92.99'
CH=N81°43'07"E 88.20'
- (F) R=525.00' Δ=8°38'01" L=79.11'
CH=S70°30'12"E 79.03'
- (G) R=80.00' Δ=63°33'43" L=88.75'
CH=S43°02'21"E 84.27'
- (H) R=191.69' Δ=34°04'55" L=114.03'
CH=N65°44'08"E 112.35'
- (I) R=74.00' Δ=41°06'40" L=53.10'
CH=N68°39'12"E 51.97'
- (J) R=312.00' Δ=18°03'19" L=98.32'
CH=S09°46'57"W 97.91'
- (K) R=238.00' Δ=60°01'13" L=249.32'
CH=S30°45'54"W 238.07'
- (L) R=375.00' Δ=2°58'39" L=19.27'
CH=S62°14'49"W 19.27'
- (M) R=850.00' Δ=3°52'46" L=57.55'
CH=S39°29'44"E 57.54'
- (N) R=770.00' Δ=14°24'41" L=193.68'
CH=S30°21'00"E 193.17'
- (O) R=415.00' Δ=17°34'19" L=127.28'
CH=S63°00'14"W 126.78'
- (P) R=507.00' Δ=0°14'28" L=2.13'
CH=N81°46'35"W 2.13'
- (Q) R=815.00' Δ=10°30'59" L=112.88'
CH=S66°31'54"W 112.72'
- (R) R=84.98' Δ=18°58'52" L=28.15'
CH=S62°17'23"W 28.02'



Barraco

and Associates, Inc.

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LAND PLANNING - LANDSCAPE DESIGN

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FORT MYERS, FLORIDA 33905-0000

PHONE (239) 881-2175

FAX (239) 881-0000

FLORIDA CERTIFICATE OF PROFESSIONAL ENGINEERING 796 - SURVEYING (L-600)

PREPARED FOR

LandMar GROUP, LLC

2801 RIVER HALL PARKWAY

ALVA, FLORIDA 33920

PHONE (239) 374-0511

FAX (239) 374-0511

PROJECT DESCRIPTION

A Parcel of Land in

Sections 25, 26, 27,

34, 35 & 36

Township 43 South,

Range 26 East

Lee County, Florida

PROJECT SURVEYOR

JAMES B. BARRACO

JAMES B. BARRACO

JAMES B. BARRACO

JAMES B. BARRACO

JAMES B. BARRACO

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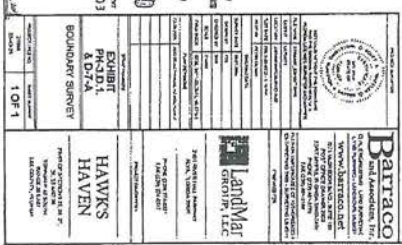
JAMES B. BARRACO

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JAMES B. BARRACO

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RIVER HALL

Zoning Map

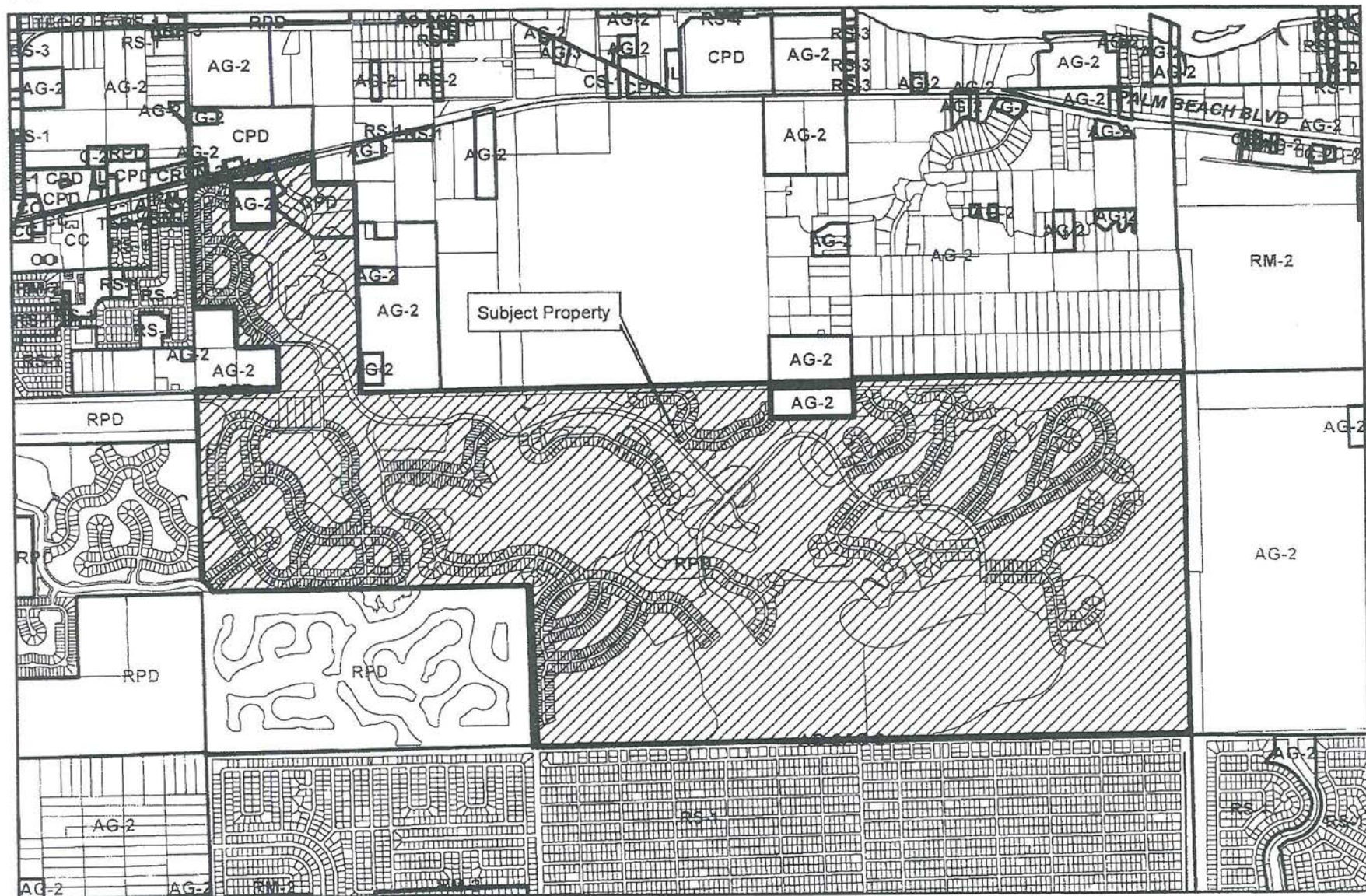
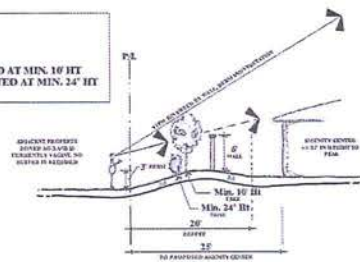


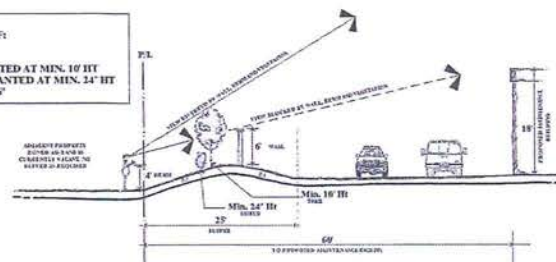
EXHIBIT B



PROPOSED BUFFER FOR AMENITY CENTER (SECTION A-A)
NTS

NTS

PROPOSED
25' BUFFER CONSISTING OF:
4' BERM +/-
6" WAIL
7 TREES PER 100 L.F. PLANTED AT MIN. 10' HT
30 SHRUBS PER 100 L.F. PLANTED AT MIN. 24" HT
AND MAINTAINED AT 36"



PROPOSED BUFFER FOR GOLF COURSE MAINTENANCE FACILITY (SECTION B-B)

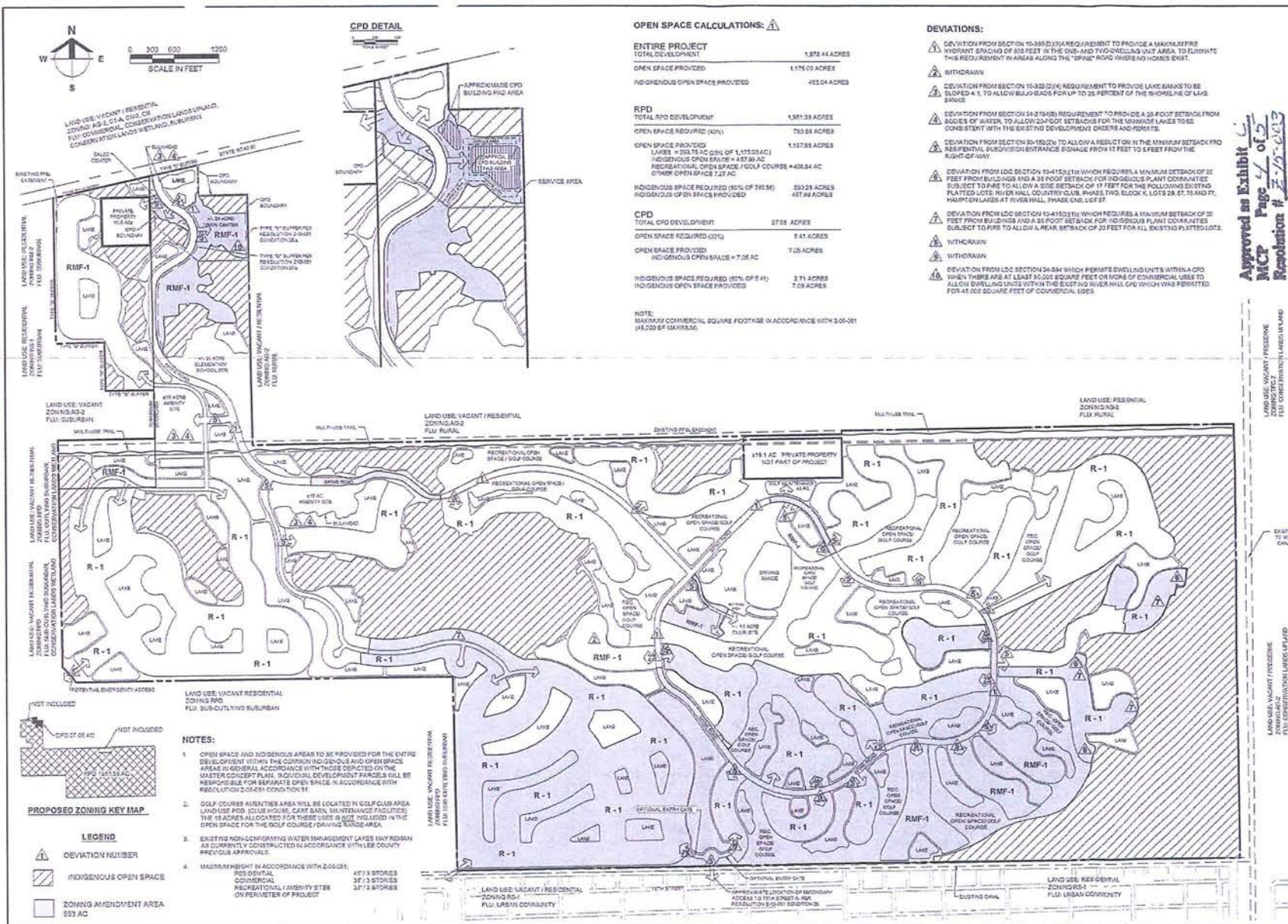
NTS

Approved as Exhibit C
MCP Page 3 of 5
Resolution # E-15-005

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DOI 2013-00003

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 FLORIDA CERTIFICATE OF AUTHORIZATION
 ENGINEERING 7805 - SURVEYING 6140

GREENPOINTE COMMUNITIES, LLC
 7847 BAYVIEW DRIVE ROAD 2
 SUITE 205
 JACKSONVILLE, FL 32256
 PHONE (904) 924-1584
 FAX (904) 996-0481

RIVER HALL
 FORMERLY KNOWN AS
 HAWKS HAVEN
 PART OF SECTIONS 27, 34, 35 AND 36
 TOWNSHIP 41N, RANGE 26E, EAST
 LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN

PROJECT: RIVER HALL SHEET NUMBER: 4

2018-00058

1982

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MAY 19 1999

Protected Species Management ~~PERMIT~~ COUNTER

For

Schulman Parcel

Sections 27,34,35,36, Township 43 South, Range 26 East

Prepared for:

Lee County Department of Community Development
Division of Planning / Environmental Sciences
1500 Monroe St.
P.O. Box 398
Ft. Myers, FL 33902-0398

Prepared By:

Consul-Tech Engineering, Inc.
24831 Old 41 Rd.
Bonita Springs, FL 34135

99-03-066 03 Z 01.01
PROJECT #
PROJECT TYPE 12



- Consulting Engineers
- Land Planners
- Land Surveyors
- Transportation Engineers
- Environmental Engineers
- Construction Managers
- GPS & GIS Consultants
- Forensic Engineers

Respond To:

Bonita Springs

24831 Old 41 Road
Bonita Springs, FL 34135
(941) 947-0266
FAX (941) 947-1323
E-mail: bonita@consult-t.com

Other Offices:

Corporate/Pompano Beach

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FAX (954) 785-5923
E-mail: corp@consult-t.com

Fl. Pierce

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FAX (561) 467-9350
E-mail: pierce@consult-t.com

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FAX (904) 276-3102
E-mail: jackson@consult-t.com

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FAX (305) 599-3143
E-mail: mia@consult-t.com

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Pembroke Pines

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FAX (954) 436-7742
E-mail: pines@consult-t.com

South Dade

(305) 248-9444
FAX (305) 248-3644
E-mail: cci@consult-t.com

CONSUL-TECH ENGINEERING, INC.

April 13, 1999

Ms. Betsi Newton-Hiatt
Ms. Kim Trebatoski
Lee County Department of Community Development
Division of Planning / Environmental Sciences
P.O. Box 398
Fort Myers, Florida 33902

Re: Protected Species Management Plan
1775 Acre Schulman Parcel
CTE # 98-0408

Dear Ms. Newton & Ms. Trebatoski

Please accept this protected species management plan for the above referenced project as resubmittal for our rezoning application. Please note that these plans are based on best available information. As new information or agency input becomes available, it may become necessary to revise some management policies. Management details will be finalized and provided at the time of development order submittal.

In the meantime, we would appreciate any suggestions you may have which might contribute to the success and longevity of listed species on this parcel. Should you have any comments or question regarding this management plan, please feel free to contact me at (941) 947-0266.

Sincerely,

CONSUL-TECH ENGINEERING, INC.

Matthew Goff
Environmental Scientist

99 - 03 - 066 .03 Z 01 .01

EXHIBIT D
PAGE 2 OF 7

Exhibit PH-3.H.1

Gopher Tortoise Management Plan
1775-acre Schulman Property
S 25, 26, 27, 28, 33, 34, 35, 36 / T 43 S / R 26 E
Lee County, Florida
CTE Project No. 98-0408

Consul-Tech Engineering, Inc. (CTE) performed a Protected Species Survey of the above-referenced property from December 1998 through February 1999. Gopher tortoise (*Gopherus polyphemus*) burrows were found in several pine flatwoods, palmetto prairie, and rangeland habitats on the property (please see location maps provided with Protected Species Survey Report). Management practices shall follow established guidelines as referenced in Florida Game and Freshwater Fish Commission Nongame Wildlife Program Technical Report No. 4: Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations Found on Lands Slated for Large-Scale Development in Florida. The following items will address preservation of this species onsite:

- 1) Certain areas are to be preserved onsite in areas where gopher tortoises currently reside. Preserve location and acreage are available on the attached Master Concept plan (MCP). A permanent management commitment for the preserve area will be ensured by the filing of a conservation easement pursuant to F.S. 704.06.
- 2) A take permit from the Florida Game and Freshwater Fish Commission will be sought to collect and relocate gopher tortoises from areas to be impacted to the onsite preserve areas. This permit will negate density requirements for preservation areas.
- 3) Collection and relocation of gopher tortoises from areas to be impacted will occur as per Florida Game and Freshwater Fish Commission guidelines taking into consideration nesting periods or other requirements. Capture of tortoises shall occur via the bucket trapping method, whereupon a five-gallon bucket will be buried at the burrow entrance. The bucket will be covered with a thin piece of paper overlain with soil and shall have a hole of no less than one inch at the bottom to insure proper drainage. Each bucket will be monitored at least once per day for at least 28 days. Buckets will be checked and tortoises/commensals released in the morning to allow for thermal considerations. Captured animals will be immediately released into the preserve area and evenly distributed throughout the site at either inactive or 'starter' burrows.
- 4) Each burrow will be destroyed after removal of gopher tortoises. Relocation will occur as close to construction dates as possible to prevent repatriation to areas slated for development. During construction, a wire fence shall be set two feet above and below the ground surrounding the preserve area to prevent tortoises from entering construction areas postrelocation. Excavation will be conducted by individuals experienced in such work.
- 5) Every effort will be made to prevent entombment of gopher tortoises as per Lee County requirements.
- 6) Land usage abutting preserve acreage shall be designated as golf course / low density housing to the greatest extent practicable (please refer to MCP). Efforts such as informational signing will be utilized to avoid / minimize impacts to the preserve.

99 - 03 - 066 . 03 Z 01 . 01

Florida Scrub Jay Management Plan
1775-acre Schulman Property
S 25, 26, 27, 28, 33, 34, 35, 36 / T 43 S / R 26 E
Lee County, Florida
CTE Project No. 98-0408

Consul-Tech Engineering, Inc. (CTE) performed a Protected Species Survey of the above-referenced property from December 1998 through February 1999. Additionally, a scrub jay specific spring survey was conducted between March 22 - April 2, 1999 in order to better qualify jay utilization of the subject parcel. The results of these surveys demonstrate the following: 1) there appears to be no scrub jay nesting on-site, however, 2) territorial boundaries from two separate jay families do extend onto the subject parcel.

CTE staff realize that, according to the Florida Game and Freshwater Fish Commission (FGFWFC): Non-Game Wildlife Program's Technical Report No. 8: Ecology and Development-Related Habitat Requirements of the Florida Scrub Jay, further surveys during foraging seasons (autumn) are required to accurately assess the scrub jay's habitat utilization on the site. Information regarding autumn acorn caching activities shall be integrated into the management strategy as it becomes available. The following activities are currently being planned to promote

Preservation measures shall be exclusively on-site. The following items will be used to address preservation of this species on-site:

- 1) Establishment of on-site satellite refuge. A refuge of approximately 80 acres is currently being planned in the southeast corner of Section 36 (please refer to Master Concept Plan for specific location). The preserve area is composed primarily of Type I habitat. Smaller areas of Type II habitat and wetlands occur within the preserve area as an artifact of site configuration. This area shall serve as an outlying forage zone and dispersal corridor for scrub jays in the vicinity of the subject parcel. Current preserve area is strategically located so as to provide a continuous landscape with the adjacent Hickey Creek Mitigation Park and maximal distance from major highways and other forms of human disturbance.
- 2) Commitment to the preserve area shall be demonstrated via the granting of a permanent conservation easement to the State of Florida.
- 3) Preserve area shall be managed in perpetuity to provide those habitat requirements essential to the well-being of scrub jay families. Final management activities to be provided in the development order submittal will address the following issues; A) financial responsibility, B) fire management program, C) placement of informational signage, D) prohibited property owner activities, E) preserve area fencing, F) appropriate landscaping considerations, G) preserve area monitoring.

99 - 03 - 066 .03 Z 01.01

American Alligator Management Plan
1775-acre Schulman Property
S 25, 26, 27, 28, 33, 34, 35, 36 / T 43 S / R 26 E
Lee County, Florida
CTE Project No. 98-0408

Consul-Tech Engineering, Inc. (CTE) performed a Protected Species Survey of the above-referenced property from December 1998 through February 1999. Two American alligators (*Alligator mississippiensis*) were observed in the central herbaceous wetland areas located in Sections 35 and 36 on the property (please see location maps provided with Protected Species Survey Report). The following items will address preservation of this species onsite:

- 1) Available habitat (i.e. holds water year-round) for American Alligators on the subject site is currently restricted to two small artificial ponds. Construction of numerous lakes and deep-water areas on the subject site is anticipated (please see Master Concept Plan). These areas should significantly increase both the quality and quantity of habitat. Educational material such as signage and informational pamphlets will be strategically placed so as to discourage feeding and minimize interaction between residents and alligators.

99-03-066.03 Z 01.01

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EXHIBIT D
PAGE 5 OF 7
Exhibit PH-3.H.1

Wading Birds Management Plan
1775-acre Schulman Property
S 25, 26, 27, 28, 33, 34, 35, 36 / T 43 S / R 26 E
Lee County, Florida
CTE Project No. 98-0408

Consul-Tech Engineering, Inc. (CTE) performed a Protected Species Survey of the above-referenced property from December 1998 through February 1999. The Lee County listed wading birds found onsite (non-nesting) were utilizing freshwater marsh areas (please see location maps provided with Protected Species Survey Report). Listed birds include little blue heron (*Egretta caerulea*), tricolored heron (*Egretta tricolor*), wood stork (*Mycteria americana*) and the sandhill crane (*Grus canadensis pratensis*). The following items will address preservation of potential foraging and nesting habitats onsite:

- 1) Potential habitat areas to be preserved onsite include the following: 641-B thru 641-M, 643-A and 643-C thru 643-H. Educational material such as signage and informational pamphlets will be utilized to minimize interaction between residents and the wading birds.

99 - 03 - 066 .03 Z 01 .01

CONSUL-TECH ENGINEERING, INC.

EXHIBIT D
PAGE 6 OF 7

Exhibit PH-3.H.1

Florida Burrowing Owl Management Plan
1775-acre Schulman Property
S 25, 26, 27, 28, 33, 34, 35, 36 / T 43 S / R 26 E
Lee County, Florida
CTE Project No. 98-0408

Consul-Tech Engineering, Inc. (CTE) performed a Protected Species Survey of the above-referenced property from December 1998 through February 1999. Florida burrowing owl (*Speotyto cunicularia floridana*) burrows were located in three of the pastures on the property (please see location maps provided with Protected Species Survey Report). The following items will address preservation of this species onsite:

- 1) Several golf course areas are to be developed onsite adjacent to currently active owl burrows and will provide suitable replacement habitat for the Florida burrowing owl.
- 2) A take permit from the Florida Game and Freshwater Fish Commission will be sought to avoid accidental mortality and mitigate for impacts to burrows during construction in areas where owls are currently located. A take permit will be sought for each active burrow on the subject property.
- 3) No taking of active burrows will occur, i.e., nests with eggs or fledglings. If construction is to occur in the areas of the owl burrows while they are active, buffers of 150 feet in radius will be established and maintained in order to minimize disturbances around the burrows during this period. Buffers will be staked and roped off prior to initiating construction.
- 4) The burrows will be destroyed during periods when nests are generally considered inactive, that is from July 10 - February 15. Experienced CTE environmental staff will remove burrows by hand shoveling to ensure that no birds are harmed during the process.

99-03-066 .03 Z 01.01

CONSUL-TECH ENGINEERING, INC.

Barraco

and Associates, Inc.

www.barraco.net

Civil Engineers, Land Surveyors and Planners

DESCRIPTION

Parcel in
Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East
Lee County, Florida

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A tract or parcel of land lying in Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Southeast corner of said Section 34 run N00°59'34"W along the East line of the Southeast Quarter (SE ¼) of said Section 34 for 2,654.70 feet to the East Quarter Corner of said Section 34; thence run S89°15'30"W along the North line of the South Half (S ½) of said Section 34 for 5,100.92 feet to a point on a non-tangent curve at the intersection with the Easterly line of lands described in a deed recorded in Official Record Book 4107, at Page 886, Lee County Records; thence run northwesterly along said Easterly line and along an arc of curve to the left of radius 240.00 feet (delta 21°30'24") (chord bearing N34°21'11"W) (chord 89.56 feet) for 90.09 feet to a point of tangency; thence run N45°06'23"W along said Easterly line for 156.71 feet to a point of curvature; thence run northwesterly along said Easterly line and along an arc of curve to the left of radius 240.00 feet (delta 06°54'55") (chord bearing N48°33'50"W) (chord 28.95 feet) for 28.97 feet to an intersection with the West line of the Northwest Quarter (NW ¼) of said Section 34; thence run N00°49'55"W along said West line for 2,437.57 feet to the Southwest Corner of said Section 27; thence run N00°49'48"W along the West line of the Southwest Quarter (SW ¼) of said Section 27 for 659.59 feet to the Southwest corner of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section 27; thence run N89°06'39"E along the South line of the North Half (N ½) of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section 27 for 1,318.66 feet to the Southeast corner of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section 27; thence run N00°50'33"W along the East line of said Fraction for 660.48 feet to the Northeast Corner of said Fraction; thence run S89°04'20"W along the North line of said Fraction for 659.26 feet to the Southeast corner of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section 27; thence run N00°50'10"W along the East line of said Fraction for 660.23 feet to the Northeast Corner of said Fraction; thence run S89°02'22"W along the North line of said Fraction for 659.19 feet to an intersection with the West line of the Southwest Quarter (SW ¼) of said Section 27; thence run N00°49'48"W along said West line for 659.85 feet to the West Quarter Corner of said Section 27; thence run N00°47'16"W along the West line of the Northwest Quarter (NW ¼) of said Section 27 for 1,328.51 feet to an intersection with the Southerly right of way line of State Road 80, (150 feet wide); thence run N77°10'14"E along said Southerly right of way line for 2,020.27 feet to an intersection with the West line of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of said Section 27; thence run S00°50'17"E along said West line for 421.56 feet to the Southwest Corner of said Fraction, being designated as POINT "A"; thence run N88°54'52"E along the South line of said Fraction for 658.74 feet to an intersection with the West line of the East Half (E ½) of said Section 27; thence run S00°51'17"E along said West line for 3,420.35 feet to an intersection with the North line of the South 50 feet of said former Seaboard All Florida Railroad right of way (100 feet wide); thence run N89°00'08"E along said North line for 7,949.61 feet to an intersection with the West line of the Southwest Quarter (SW ¼) of said Section 25; thence run N00°33'55"W along said West line for 50.00 feet to an intersection with the Northerly right of way line of the former Seaboard All Florida Railroad (100 feet wide); thence run N89°00'08"E along said right of way line for 5,295.61 feet to an intersection with the East line of the Southeast Quarter (SE ¼) of said Section 25; thence run S01°39'28"E along said East line for 629.62 feet to the Northeast Corner of said Section 36 being designated as POINT "B";

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Civil Engineers, Land Surveyors and Planners

DESCRIPTION (Cont.)

thence run $S00^{\circ}16'51''E$ along the East line of the Northeast Quarter ($NE \frac{1}{4}$) of said Section 36 for 2,647.36 feet to the East Quarter Corner of said Section 36; thence run $S00^{\circ}45'42''E$ along the East line of the Southeast Quarter ($SE \frac{1}{4}$) of said Section 36 for 2,644.68 feet to the Southeast Corner of said Section 36; thence run $S89^{\circ}12'27''W$ along the South line of the Southeast Quarter ($SE \frac{1}{4}$) of said Section 36 for 2,644.62 feet to the South Quarter Corner of said Section 36; thence run $S89^{\circ}11'43''W$ along the South line of the Southwest Quarter ($SW \frac{1}{4}$) of said Section 36 for 2,643.63 feet to the Southeast Corner of said Section 35; thence run $S88^{\circ}54'06''W$ along the South line of the Southeast Quarter ($SE \frac{1}{4}$) of said Section 35 for 2,643.62 feet to the South Quarter Corner of said Section 35; thence run $S88^{\circ}53'41''W$ along the South line of the Southwest Quarter ($SW \frac{1}{4}$) of said Section 35 for 2,642.70 feet to the POINT OF BEGINNING.

LESS and EXCEPT the following described parcels.

From the point designated as POINT "A" run $S88^{\circ}54'52''W$ along the South line of the Northeast Quarter ($NE \frac{1}{4}$) of the Northwest Quarter ($NW \frac{1}{4}$) of said Section 27 for 658.74 feet to the Northeast Corner of the Northeast Quarter ($NE \frac{1}{4}$) of the Southwest Quarter ($SW \frac{1}{4}$) of the Northwest Quarter ($NW \frac{1}{4}$) of said Section 27 and POINT OF BEGINNING.

From said Point of Beginning run $S00^{\circ}49'17''E$ along the East line of said Fraction for 660.13 feet to the Southeast Corner of said Fraction; thence run $S88^{\circ}57'38''W$ along the South line of said Fraction for 658.93 feet to the Southwest Corner of said Fraction; thence run $N00^{\circ}48'16''W$ along the West line of said Fraction for 659.60 feet to the Northwest Corner of said Fraction; thence run $N88^{\circ}54'52''E$ along the North line of said Fraction for 658.74 feet to the POINT OF BEGINNING.

AND

From the point designated as POINT "B" run $S88^{\circ}44'46''W$ along the South line of the Southeast Quarter ($SE \frac{1}{4}$) of said Section 25 for 2,674.22 feet to the South Quarter Corner of said Section 25, run $S89^{\circ}12'44''W$ along the South line of the Southwest Quarter ($SW \frac{1}{4}$) of said Section 25 for 2,633.46 feet to the Southeast Corner of said Section 26 and POINT OF BEGINNING.

From said Point of Beginning run $S89^{\circ}14'15''W$ along the South line of the Southeast Quarter ($SE \frac{1}{4}$) of said Section 26 for 1,327.50 feet to the Southwest Corner of the Southeast Quarter ($SE \frac{1}{4}$) of the Southeast Quarter ($SE \frac{1}{4}$) of said Section 26; thence run $N00^{\circ}23'46''W$ along the West line of said Fraction for 526.48 feet to an intersection with the Southerly right of way line of the former Seaboard All Florida Railroad (100 feet wide); thence run $N89^{\circ}00'08''E$ along said Southerly right of way line for 1,325.98 feet to an intersection with the East line of the Southeast Quarter ($SE \frac{1}{4}$) of said Section 26; thence run $S00^{\circ}33'55''E$ along said East line for 531.91 feet to the POINT OF BEGINNING.

Containing a Total Area of 1,978.44 Acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the west line of the Northwest Quarter ($NW \frac{1}{4}$) of said Section 34 to bear $N00^{\circ}49'55''W$.

Applicant's Legal Checked

by my 24 APR 10 07

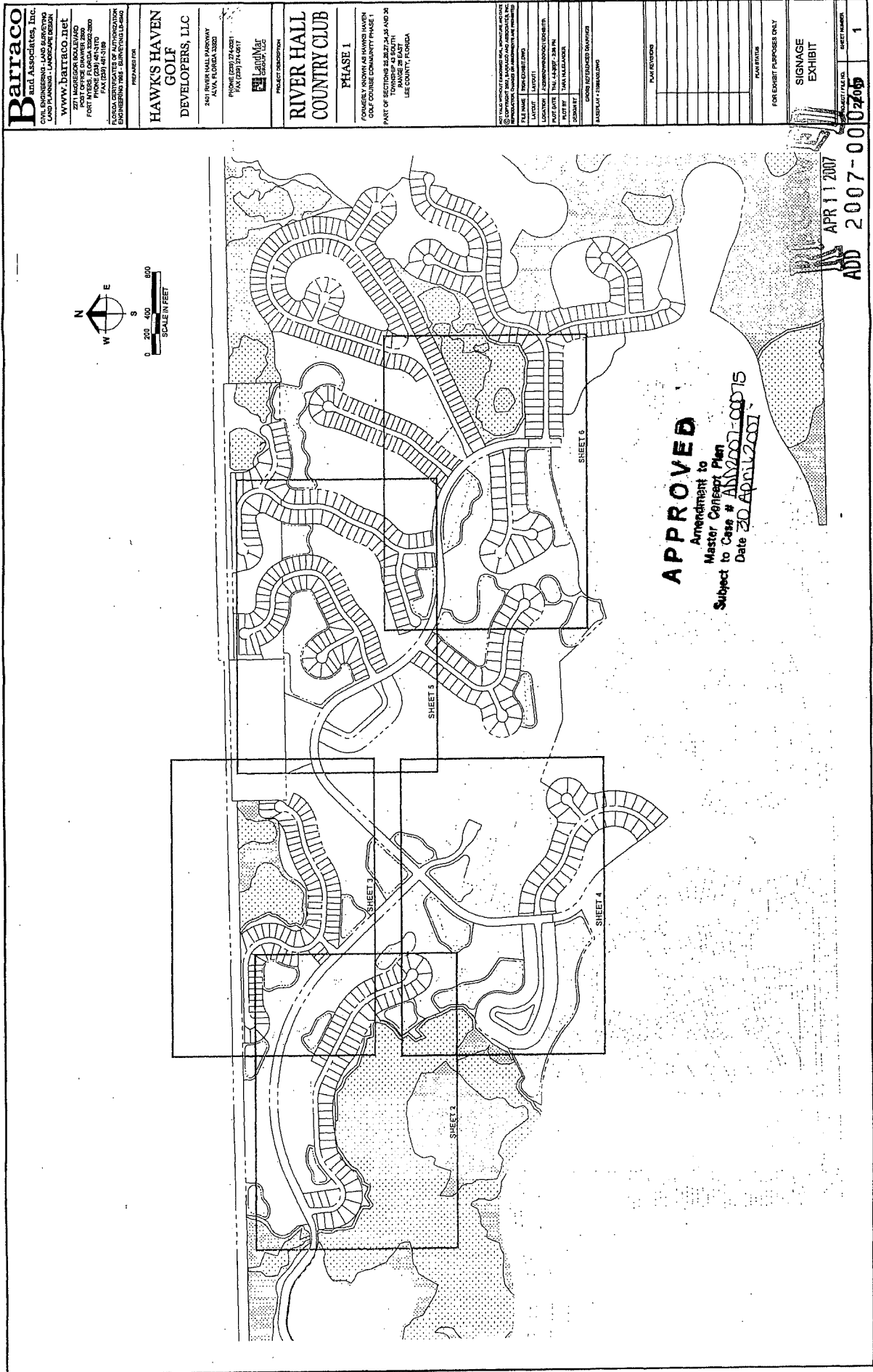
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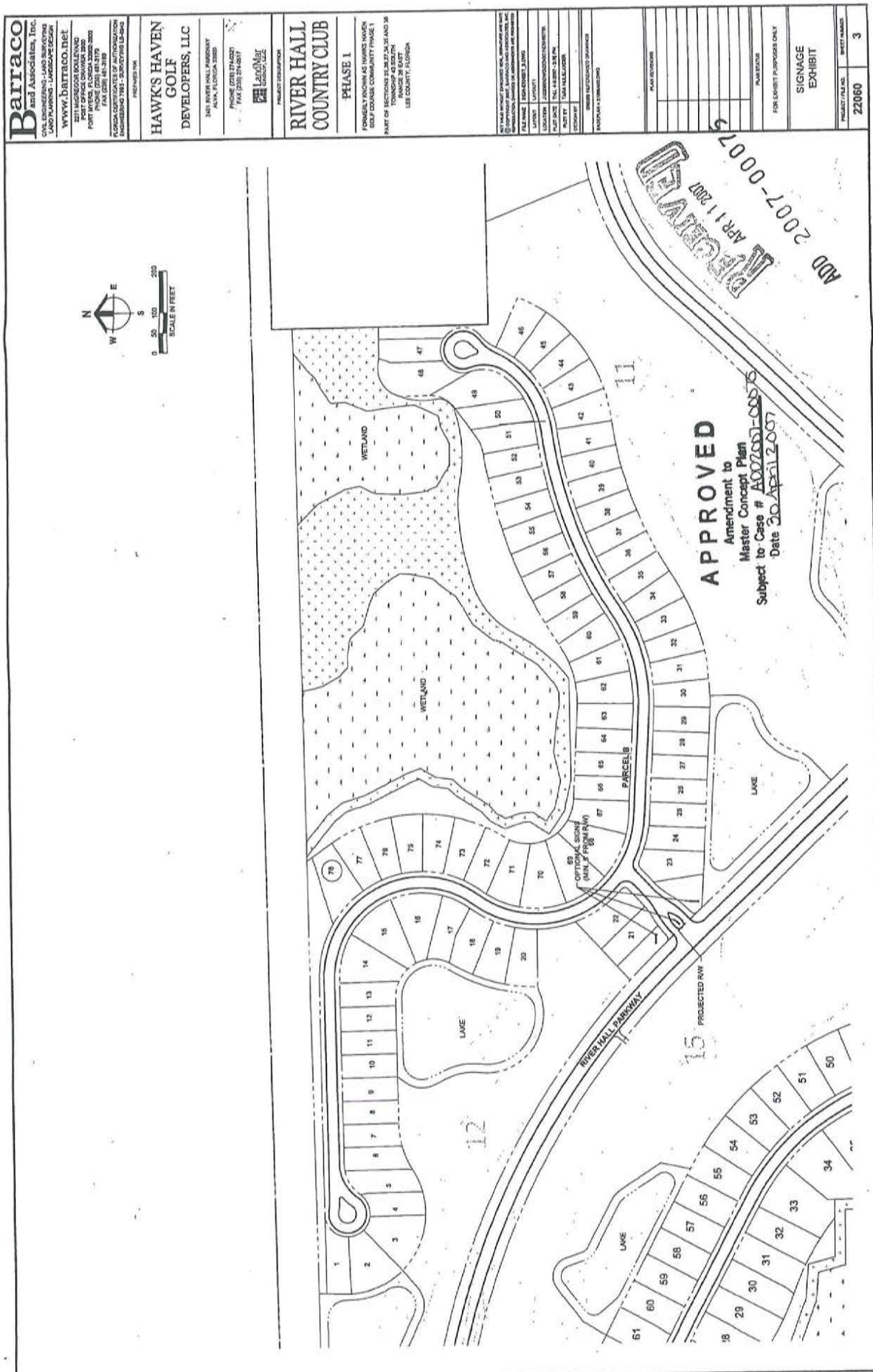
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PERMIT COUNTER

Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

ADD 2007-00075





Barraco Barraco and Associates, Inc. LAND PLANNING - LANDSCAPE DESIGN 2231 MAGNOLIA BOULEVARD PORT ORCHIE DRIVE, 2000 PORT ORCHIE, FL 32917 PHONE (772) 491-3170 FAX (772) 491-3189 FLORIDA CERTIFICATE OF AUTHORIZATION LANDSCAPE ARCHITECTURE NO. 12407 PLANNING NO. 12407		HAWK'S HAVEN GOLF DEVELOPERS, LLC 2401 RIVER HALL PARKWAY ALMA, FL 32008 PHONE (321) 274-0021 FAX (321) 274-0017 Lee County GROUP, LLC		RIVER HALL COUNTRY CLUB PHASE I PROPOSED 1.0000 AC. HAWK'S HAVEN GOLF COURSE COMMUNITY PHASE I PART OF SECTIONS 15, 16, 17, 18, 19, 20 AND 36 TOWNSHIP 35 SOUTH RANGE 18 EAST LEE COUNTY, FLORIDA		ALL THIS MAP AND THE INFORMATION HEREON IS THE PROPERTY OF BARRACO AND ASSOCIATES, INC. NO PART OF THIS MAP OR THE INFORMATION HEREON IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BARRACO AND ASSOCIATES, INC.	
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FOR LEGIST PURPOSES ONLY		FOR LEGIST PURPOSES ONLY		FOR LEGIST PURPOSES ONLY		FOR LEGIST PURPOSES ONLY	
SIGNATURE		SIGNATURE		SIGNATURE		SIGNATURE	
EXHIBIT		EXHIBIT		EXHIBIT		EXHIBIT	
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