



SPECIAL HEARING EXAMINER HEARING

Tuesday, September 3, 2019

9:00 AM

Council Chambers

1. HEARINGS CALLED TO ORDER

2. HEARINGS

A. Case #*PDP19-0002- Judd Creek PDP Amendment for Tract 8

3. DATE AND TIME OF NEXT HEARINGS

A. Tuesday, September 10 , 2019, at 9:00 a.m., in Council Chambers

4. ADJOURNMENT

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons needing a special accommodation to participate in this proceeding should contact the City Clerk's Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0411 for assistance, if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8700 (v) for assistance.

If a person decides to appeal any decision made by the Board/Commission/Committee with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

PLEDGE OF CIVILITY

We will be respectful of each other even when we disagree.
We will direct all comments to the issues. We will avoid personal attacks.

The hearing shall, to the extent possible, be conducted as follows:

1. The Clerk shall read into the record the Ordinance or Resolution Title and Number, or the Applicant's name, file number, and the subject matter to be decided if there is no ordinance or resolution.
2. The Applicant, staff, and all Participants requesting to speak or present evidence or both the hearing shall be collectively sworn by an oath or affirmation by the Clerk.
3. Staff will testify regarding proper notice of the Hearing in accordance with City requirements.
4. The Applicant may waive the Applicant's right to an evidentiary hearing if Applicant agrees with the staff recommendation and no one from the audience wishes to speak for or against the application. The Hearing Examiner shall rule on the matter or make a recommendation, based upon the staff report and any other materials contained within the official file. Regardless of a waiver by the Applicant, a Public Hearing shall be held for all decisions requiring an ordinance or resolution.
5. If there is an evidentiary hearing, the order of the presentation shall be as follows, unless the Hearing Examiner, determines to proceed in a different order, taking proper consideration of fairness and due process:
 - The Applicant shall make the Applicant's presentation, including offering any documentary evidence, and introduce any witnesses as Applicant desires. The Applicant shall present the Applicant's entire case in thirty (30) minutes.
 - Staff shall present a brief synopsis of the application; introduce any appropriate additional exhibits from the official file that have not already been transmitted to the Hearing Examiner with the agenda materials, as staff desires; summarize issues; and make a recommendation on the application. Staff shall also introduce any witnesses that it wishes to provide testimony at the hearing. Staff shall present its entire case in thirty (30) minutes.
 - Participants in opposition to or support of the application shall make their presentation in any order as determined by the Hearing Examiner. Each Participant shall present their argument in 5 minutes.
 - The Applicant may cross-examine any witness and respond to any testimony presented.
 - Staff may cross-examine any witness and respond to any testimony presented.
 - The Hearing Examiner may choose to allow Participants to respond to any testimony if the Hearing Examiner deems the response to be necessary to ensure fairness and due process.
 - The Hearing Examiner, may ask questions of the staff, Applicant, and Participants.
 - Final argument may be made by the Applicant, related solely to the evidence in the record.
 - Final argument may be made by the staff, related solely to the evidence in the record.
 - For good cause shown, the Hearing Examiner may grant additional time to any of the hereinabove time limitations.
 - The Hearing Examiner's, decisions must be based upon Competent Substantial Evidence in the record.

Item Number: 2.A.
Meeting Date: 9/3/2019
Item Type: HEARINGS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Case #*PDP19-0002- Judd Creek PDP Amendment for Tract 8

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan? No

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

Amend the Judd Creek project to replat Tract 8 into two parcels and revise the development plan for Tract 8.

LEGAL REVIEW:

EXHIBITS:

See Attached Backup Material

PREPARED BY:

Jessica M. Cruz Division- Planning Department- Community Development

SOURCE OF ADDITIONAL INFORMATION:

Mike Struve, AICP, Planning Team Coordinator,
(239) 242- 3255, mstruve@capecoral.net

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application packet	Backup Material
<input type="checkbox"/> Species Survey	Backup Material
<input type="checkbox"/> Traffic Statement	Backup Material
<input type="checkbox"/> Ordinance 132-05	Backup Material

▣ Ordinance 31-12

Backup Material



PLANNED DEVELOPMENT PROJECT (PDP) APPLICATION

PROPERTY OWNER IS A CORPORATION, LIMITED LIABILITY COMPANY (LLC),
LIMITED COMPANY (LC), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUST

Project Name: Judd Creek Tract 8 (a portion of) PDP Amendment

Project Number: PDP19-0002

To help prepare this application, the applicant should obtain copies of the following:

- Land Use and Development Regulations (this document is linked)
 1. Land Development Regulations (Article 4)
 2. Parking Requirements (Article 5.1)
 3. Landscape Ordinance (Article 5.2)
 4. Sign Ordinance (Article 7)
- NFPA 1 Fire Prevention Code
- Engineering Design Standards

The advisory review is conceptual only and any staff comments are subject to change based on detailed information with an application to the City of Cape Coral. Formal review may result in additional changes not noted at this time. The final design or project must comply with the Land Use and Development Regulations, Engineering Design Standards, City Code of Ordinances, Comprehensive Plan and other applicable laws and regulations.

ACKNOWLEDGEMENT

I Jim Harvey, Authorized Signatory, as the owner of this property or the duly Authorized Representative, agree to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State and County laws, and certify that all information supplied is correct to the best of my knowledge.

In addition, I understand that prior to the issuance of the Certificate of Occupancy for this development, the engineer of record must supply the Department of Community Development with record drawings and a letter of substantial compliance for the project.

In addition, I authorize the staff of the City of Cape Coral to enter upon the property for purposes of investigating and evaluating the request made through this application.

Please note: Advertising fees must be paid in full at least 10 days prior to public hearing or the item may be pulled from the agenda and continued to a future date once the fees have been paid.

(Name of Entity)

* VK Judd Creek LLC by VK JV2, LLC C/O The Kotler Group

By: NAME AND TITLE (PLEASE TYPE OR PRINT)

Jim Harvey, Authorized Signatory

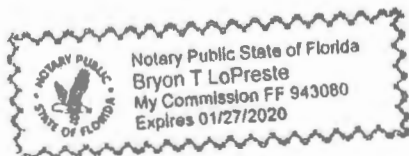
SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL, COUNTY OF Hillsborough

Sworn to (or affirmed) and subscribed before me this 19th day of FEB., 2019, by

Jim Harvey who is personally known or produced
as identification.



Exp. Date: 01-27-20 Commission Number: FF943080

Signature of Notary Public:

Printed name of Notary Public:

Bryon T. LoPreste

*Please include additional pages for multiple property owners.

**Authorization to Represent Property Owner(s) –
Property Owner is a Corporation, Limited Liability Company (LLC),
Limited Company (LC), Partnership, Limited Partnership, or Trustee**

Please be advised that

Avalon Engineering, Inc

(Name of Authorized Representative(s) and business entity, if any)

is authorized to submit an application and represent me in the hearing(s) to the Planning & Zoning Commission/Local Planning Agency, Board of Zoning Adjustments and Appeals and /or City Council for a Planned Development Project.

Unit _____ Block _____ Tract 8 _____ Lot _____ Subdivision Judd Creek Preserve as descr in Instr # 2007-113064

Or Legal Description: ☐ (described as an exhibit A in Microsoft Word format and attached hereto)

* VK Judd Creek, LLC by VK JV2, LLC C/O The Kolter Group

** Name of Entity (Corporation, Partnership, LLC, etc)

Authorized Signatory

Title of Signatory

Jim Harvey

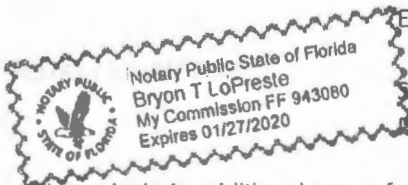
Signature

Name (Please print or type)

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL, COUNTY OF HILLSBOROUGH

Sworn to (or affirmed) and subscribed before me this 19th day of FEB., 2019, by
Jim Harvey who is personally known or produced
as identification.



Exp. Date: 01-27-20 Commission Number: FF943080
Signature of Notary Public: _____
Printed name of Notary Public: Bryon T LoPreste

Please include additional pages for multiple property owners.

****Notes:**

If the applicant is a corporation, then it is executed by the corp. pres. or v. pres, sec, tres, or a director, .

If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should be signed by the Company's "Managing Member."

If the applicant is a partnership, then a partner can sign on behalf of the partnership.

If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.

If the applicant is a trust, then they must include their title of "trustee."

In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

authorized representative
or property owner's initials

PDP Applicant Checklist

Project Name: _____ Judd Creek Tract 8 (a portion of) PDP Amendment _____

Applicant must submit the completed application and the associated documentation listed below, collated into 17 separate packets (one (1) original and 16 copies). These are minimum requirements for all PDP applications. Based on the nature of your project, additional items may be required by staff.

Incomplete submissions will not be accepted

- _____ All application pages must be initialed by the property owner or their authorized representative
- _____ 24" x 36" engineered PDP Development Plans, including landscape buffer areas and building elevations – See pages 7 – 10 for further information
- _____ Certified Boundary Surveys, in NGVD 1929, completed within the last six (6) months showing elevations – See page 7 for further information
- _____ PDP application fees paid in full at time of application – See page 11 for further information
- _____ Letter of Intent (LOI) – See page 6 for further instructions
- _____ Environmental Survey/Report – See page 7 for further instructions
- _____ Warranty or Quit Claim Deed – Applicant shall provide a copy of Warranty or Quit Claim Deed for one hundred (100) percent of the property comprising the Planned Development Project.
- _____ Vacation of Plat requests must include letter of "No Objection" from the electric company, the telephone company, and the cable company – See page 9 for further instructions
- _____ Page 1 must be signed and notarized by either all property owner(s) or the authorized agent
- _____ The "Authorization to Represent Property Owners", page of the application, must be signed by all property owner(s) and notarized
- _____ Properties owned by corporations, limited liability companies, limited partnerships, general partnerships, and trustees must provide legal documentation (For example, the Articles of Incorporation) listing persons authorized to sign for the entity and in these situations the property owner(s) must sign all applicable PDP forms in their corporate capacity.

As an alternative to submitting everything in paper format, the applicant may opt to submit the following:

- 6 11 sets of plans, in paper format, as described above
- 6 11 signed and sealed Boundary Surveys, in paper format, as described above
- 1 One (1) copy of the application & all other documents you are submitting for review
- 1 1 CD/DVD with PDFs of documents you are submitting:
 - o Each document you are submitting needs to be a separate PDF, appropriately identified by name. For example, the application will be one PDF, titled "Application", the Letter of Intent will be another PDF, titled "Letter of Intent", plans, boundary surveys, etc.

GENERAL INFORMATION

Project Name: Judd Creek Tract 8 (a portion of) PDP Amendment
Applicant: VK Judd Creek, LLC Jim Harvey, Authorized Signatory
Address: 14025 Riveredge Drive, Suite 175, Tampa, Florida 33637
Phone: 813-615-1244 Fax: 813-615-1461 E-Mail: Dtruxton@kolter.com

*Property Owner: same
Address: _____
Phone: _____ Fax: _____ E-Mail: _____
Authorized Representative: Avalon Engineering, Inc

Address: 2503 Del Prado Blvd, Suite 200, Cape Coral, Florida 33904
Phone: 239-573-2077 Fax: 239-573-2076 E-Mail: Linda@avaloneng.com

Location

Unit: N/A Block: Tract 8 Lot(S): N/A
Subdivision: Judd Creek Preserve Strap Number(s): 04-44-24-C2-01708.0000

Legal Description: ☐ (Described as Exhibit A in Microsoft Word Format and attached hereto)

Property Address: Undetermined
Plat Book: N/A Page: N/A Current Zoning: R-3 Future Land Use: Multi-family

This application includes the following requests: (Please check all that apply)			
<input checked="" type="checkbox"/> Subdivision	<input type="checkbox"/> Special Exception	<input type="checkbox"/> Rezoning	<input type="checkbox"/> Variance
<input type="checkbox"/> Deviation to Landscaping	<input type="checkbox"/> Deviation to Non-residential Design Standards	<input type="checkbox"/> Deviation to Engineering Design Standards (EDS)	<input type="checkbox"/> All Other Deviation Requests
<input type="checkbox"/> Borrow Pit	<input type="checkbox"/> Vacation of Plat	<input checked="" type="checkbox"/> Master Concept Plan Amendment	

*Please include additional pages for multiple property owners.

PROPERTY and PROJECT DEVELOPMENT DATA

a.	Zoning District	<u>R-3</u>	
b.	Future Land Use Class	<u>MF</u>	
c.	Area of Subject Property	<u>29.40</u>	acres
d.	Type of Development	<u>Multi-family</u>	
e.	Estimated Number of Employees	<u>N/A</u>	
	Number of Seats in Assembly	<u>N/A</u>	
f.	Parking Spaces Required	<u>TBD at the time of development</u>	
g.	Parking Spaces Provided	<u>TBD at the time of development</u>	
h.	Parking and Street Area	<u>TBD</u>	sq. ft. _____ % of Site
i.	Ground Floor Building Area	<u>TBD</u>	sq. ft. _____ % of Site
j.	Total Floor Area	<u>TBD</u>	sq. ft. _____ % of Site
k.	Building Heights	<u>TBD</u>	feet _____ stories
l.	Total Proposed Impervious Surface Area	sq. ft. <u>TBD</u>	% of Site _____
m.	Permanent Open Space	sq. ft. <u>TBD</u>	% of Site _____
	Landscaped Area	<u>TBD</u>	sq. ft. _____ % of Site _____
n.	Recreation Area	<u>TBD</u>	sq. ft. _____ % of Site _____

If the proposed project is a multifamily residential development, the following additional data shall be shown on the plans.

o.	Number of Dwelling Units (du)	<u>TBD</u>	
p.	Gross Density (du/acres)	<u>_____</u>	
q.	Number, Type, and Floor Area of each Dwelling Unit:		
1.	Efficiency	<u>_____</u>	Floor Area <u>_____</u> sq. ft. <u>_____</u>
2.	1 Bedroom	<u>_____</u>	Floor Area <u>_____</u> sq. ft. <u>_____</u>
3.	2 Bedroom	<u>_____</u>	Floor Area <u>_____</u> sq. ft. <u>_____</u>
4.	3 Bedroom	<u>_____</u>	Floor Area <u>_____</u> sq. ft. <u>_____</u>
5.	4 Bedroom	<u>_____</u>	Floor Area <u>_____</u> sq. ft. <u>_____</u>

LETTER OF INTENT

Please include a Letter of intent (LOI), stipulating your request, addressed to the Community Development Director. This letter must specify all applicable requests. Such requests may include any and/or all of the following:

- a. General purpose and intent of the PDP
- b. Subdivision requests – See Article 4.1 and 4.2.5
- c. Rezoning requests specifying the actual request and explanation of need for the rezoning
- d. Special exception requests and explanation of need for the special exception
- e. Variance requests specifying the actual request and explanation of need. All variance requests must address the five (5) criteria for the granting the a variance, per Land Use and Development Regulations, section 8.10. Note: Variances run with the land.
- f. Vacation of Plat as outlined in section 8.11 and explanation of vacation request
- g. Borrow pit requests as outlined in section 3.23, 4.2.5, and 8.3.2

DEVIATION REQUEST LETTER(S) Not Applicable

Applicant must complete a separate deviation request letter for each deviation type requested. Please ensure that proper justification for the requested deviation accompanies each request. Staff will not analyze any requested deviation that does not include justification for the deviation sought and this may result in a rejection of your application. Refer to the appropriate section of the LUDRs for guidance on the criteria for which a particular deviation may be sought. Note: Deviations do not run with the land.

- Landscaping Deviations shall be in accordance with Section 5.2.19
- Non-residential Design Standards Deviations shall be in accordance with Section 5.6.10 Deviation,
- Engineering Design Standards (EDS) Deviations in accordance with sheet 1, "Foreword" paragraph 5,
- All Other Deviation Requests, shall be in accordance with Section 4.2.4.K

TRAFFIC GENERATION ESTIMATE

TIS approved within PDP
No increase to density proposed

The following will determine the need of a Traffic Impact Statement. Trip Generation Estimate, based on the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation manual:

ITE Code _____ Is estimate based on locally collected data? _____

Regression equation (if used) _____

Independent Variable _____

Daily Two Way Trip Estimate _____

Peak Hour (of generator) Entering _____

Peak Hour (of generator) Exiting _____

Total Peak Hour (of generator) _____

Peak Hour Entering and Exiting trips greater than 300 trips _____

If the total peak hour traffic exceeds 300 trips, a Traffic Impact Statement (TIS) will be required. A methodology meeting with the City staff is required prior to submitting the TIS. The methodology meeting will be scheduled after the initial submittal of the PDP application.

GRAPHIC STANDARDS: GENERAL INFORMATION

Sheet # of submitted plans: The Development Plan shall be of sufficient scale to show all detail. The scale of the Plan shall be illustrated by a graphic scale on every sheet. The date and true north arrow shall be shown on every sheet. The following general information is required:

N/A

1. Names and addresses of the owners, planner, architect, landscape architect Engineer and surveyor.

Provided

2. A General Location and Vicinity Map (plat sheet). Please indicate the relationship of the proposed project site to surrounding existing land uses, zonings, future land uses, community facilities, major streets, utilities and any other principal buildings or physical features in and adjoining the subject property. These features shall be indicated for a distance of three hundred (300) feet from the outside boundaries of the subject property. Indicate all names and locations of adjoining subdivisions, development projects, unplatted properties, and streets within unincorporated Lee County.

Provided

3. Certified Boundary Survey, completed within the last 6 months, meeting the Minimum Technical Standards as set forth in Chapter 5J-17, Florida Administrative Code.

EXISTING PROPERTY CONDITIONS

Provided on Survey

Sheet # of submitted plans:

- _____ 1. Acreage of land within property.
- _____ 2. Boundary lines of the project and their bearings and distances.
- _____ 3. Existing and proposed easements and their locations, widths and distance, as well as existing structures.
- _____ 4. Streets and waterways on and adjacent to the project, their names, widths and other dimensions as may be required.
- _____ 5. The location of all existing utilities connections available to the property site.
- _____ 6. Tree Survey: The location, quantity, diameter/caliper, botanical and common name, and native status of all heritage trees and other existing trees with a caliper of two inches or greater, and whether they are proposed to be preserved or removed. Trees to be removed, if any, shall be indicated on a separate sheet. Reference 5.2.6 of the City's Land Development Regulations. The City is a designated "Tree City" and tree retention is encouraged.
- _____ 7. Environmental Site Survey - see the City's guidelines for conducting an environmental survey
- _____ 8. Flood elevation data and flood zone boundary lines delineated, if applicable.
- _____ 9. Any other significant existing features, as may be required by the Director.

DEVELOPMENT PLANS

Not Applicable

Sheet # of submitted plans: The Development Plan should be viewed as a conceptual plan and not construction drawings or a site plan. A high level detailed site plan with information not needed will be rejected at submittal. The Development Plan shall show the following information, as applicable to the type of project being proposed, including the proposed dimensions, size, location and arrangement of the following.

- _____ 1. Name of project, north arrow, date and scale.
- _____ 2. Elevations, (drawing of front, sides, and rear faces of buildings), and use of all proposed buildings and structures.
- _____ 3. Internal and peripheral landscaping locations showing landscape area sizes and overall dimensions of the various planting areas, providing calculations per Article 5.2.
- _____ 4. Approximate location of curb cuts, driveways, access roads, alleys, and parking areas indicating the number of spaces and all dimensions.
- _____ 5. Location of existing and proposed pedestrian walks, malls, yards, and open areas.
- _____ 6. Location, number, dimensions, character and orientation of all existing and proposed signs.
- _____ 7. Location and heights of all proposed buffers, fences, screens, and walls.
- _____ 8. Location of all existing and proposed buildings and structures with setback distances from the property lines and roadways.
- _____ 9. Location of all known existing and proposed water, sewer and irrigation mains including the point of connection to the existing system and buildings, if applicable, including:
 - a) Estimate of the average daily flow for potable water.
 - b) Estimate of the average daily flow of wastewater
 - c) Estimate of the average daily flow for irrigation water.
- _____ 10. Location of all known existing and proposed easements and /or right of way.
- _____ 11. Location of proposed outdoor lighting, showing direction, height and type.
- _____ 12. An exhibit providing the peak hour trip distribution at the project entrance and adjacent local streets out to a collector.
- _____ 13. Location and character of all outside waste disposal facilities and existing or proposed appropriate screening.
- _____ 14. Phasing Plan: Where a project will be developed in phases, a Phasing Plan shall be presented for review of the entire project. Proposed development phases shall be numbered in sequence, and shall indicate the density for residential and/or floor area for non-residential uses, as applicable, for each phase. The phasing plan shall identify size, location, sequence and timing of the various phases of the development.

ADDITIONAL INFORMATION

Sheet # of
submitted
plans:

Will be provided
if needed

1. Landscape Maintenance:

The proposed method of assuring the provision and permanent maintenance of areas required for landscaping, screening, and common uses, including a proposed statement of such assurance. The coordinated development of the site shall be compatible with the surrounding area.

Will be provided
if needed

2. Maintenance Assurance:

The proposed method of assuring the perpetual ownership and maintenance of areas within the project that area to be used for open space, recreation or other quasi-public purposes, including a detailed statement of such assurance, including covenants, agreements or other specific documents as required.

N/A

3. If seeking Subdivision approval; Covenants:

Copies of proposed restriction or protective covenants, if any.

N/A

4. Economics:

The Commission or City Council, as applicable, may also require that the applicant provide additional supporting data, such as economic justification, financing, and construction scheduling, topographic data or similar information when deemed necessary for project review.

N/A

5. Vacation of Plat

In the case of vacation of plats submitted in conjunction with a PDP, the following additional information shall be required:

- a. Affidavits of city and county tax collectors stating that all city and county taxes levied against land covered by the portion of the plat of which vacation is sought have been paid;
- b. Sketches and descriptions; and
- c. Letter of no objection from the following utilities:
 - i. Lee County Electric Cooperative, Inc (LCEC)
 - ii. Century Link Telephone Company
 - iii. Comcast Cable Company

SUBDIVISION, PER FLORIDA STATUTES, CHAPTER 177 – IF APPLICABLE

Sheet # of
submitted
plans

The Subdivision Plan shall show the following information, as applicable to the type of project being proposed, including the proposed dimensions, size, location and arrangement of the following with accurate dimensions to the nearest one-hundredth of a foot. If flexibility is requested for property lines prior to Plat recording, this request must be requested in the Letter of Intent (LOI).

- _____ 1. Contours at an interval of not greater than one foot.
- _____ 2. Access roads and their relationship to existing and proposed streets, alleys and other public ways.
- _____ 3. Setback lines, permanent open space, recreation areas, separation strips, existing and proposed landscape areas and general land use activity areas.
- _____ 4. Location of areas and their acreages, if any, to be reserved or dedicated for public parks, playgrounds, schools, or other public uses, including bikeways or walks.
- _____ 5. Proposed lot numbers, lot lines, lot dimensions, lot areas, lot descriptions, lot locations, minimum yard requirements, and any other appropriate data and information for areas or parcels within the project property lines which have been designated for subdivision for any purpose or use.
- _____ 6. Utility locations on and adjacent to the project showing proposed dimensions and connections to existing utility systems.
- _____ 7. All dimensions, angles, bearings and similar data on the plan shall be tied to primary control points approved by the City Engineer. The location and description of said control points shall be given.
- _____ 8. Approximate location of proposed and existing surface water management system components including treatment, storage, conveyance, and discharge locations.
- _____ 9. Project boundary lines, right-of-way lines of streets, waterways, easements and other rights-of-way. Bearings or deflection angles, radii, arcs and central angles of all curves with dimensions to the nearest minute shall be provided for the center line of all streets and easements. Block corner radii dimensions shall also be shown.
- _____ 10. Name of each street, waterway, easement or other right-of-way and the designation of all buildings, parking areas, access roads, permanent open spaces, recreation areas, separation strips, landscaped areas, dedication or reserved areas, and other land use activity areas by name, use, purpose or other appropriate method as well as by width, length, land area or floor area devoted to such use or purpose.
- _____ 11. Certification of title and dedication, on plat, showing that the applicant is the owner and a statement by such owner dedicating streets, rights-of-way and any other sites for public use, if any.
- _____ 12. Certification by the City Engineer, on plat, that a surety bond, certified check or other guarantee has been posted with the City in sufficient amount to assure completion of all such required site improvements.
- _____ 13. Certificate of approval for recording, on plat, suitable to be signed by the Mayor as applicable, to indicate that the plan has been approved for recording.
- _____ 14. Any other appropriate certification required by the Governing Body or Necessary to comply with Florida Statutes, Chapter 177.



Planned Development Project (PDP) Application Fees *

Administrative Review		Fees	Your Costs
<input type="checkbox"/>	PDP - without Subdivision	\$2,525.00	\$
<input type="checkbox"/>	** Additional charge for PDP's in excess of ten (10) acres: <u>29.40</u> acres x \$55.00 for each acre or portion thereof in excess of 10 acres.	(with maximum cap of \$3,625.00 for additional acres)	\$
<input checked="" type="checkbox"/>	PDP - with Subdivision	\$2,815.00	\$ 2,815.00
<input checked="" type="checkbox"/>	** Additional charge for PDP's in excess of ten (10) acres: <u>20</u> acres x \$55.00 for each acre or portion thereof in excess of 10 acres.	(with maximum cap of \$3,915.00 for additional acres)	\$1,100.00
Fire Review			
<input checked="" type="checkbox"/>	Fire review (mandatory)	\$104.00	\$ 104.00
Public Hearing			
<input type="checkbox"/>	PDP - without Subdivision	\$665.00	\$
<input checked="" type="checkbox"/>	PDP - with Subdivision	\$1,415.00	\$1,415.00
<input type="checkbox"/>	Zoning Amendment within PDP	\$1,165.00	\$
<input type="checkbox"/>	Vacation of Plat within PDP	\$880.00	\$
<input type="checkbox"/>	Variance/Deviation within PDP	\$1,250.00	\$
<input type="checkbox"/>	Special Exception within PDP	\$1,365.00	\$
<input type="checkbox"/>	Borrow Pit within PDP	\$1,725.00	\$
		Total	\$ 5,434.00

* Advertising fees will be due at time of advertising.

** PDP – Acres x \$55.00 for each acre or portion thereof in excess of 10 acres (i.e. A 20.2 acre of land is calculated as follows.

20.2 – 10.00 = 10.2, then the 10.2 acres is rounded up to 11 acres)

**CERTIFICATE AS TO THE RESOLUTIONS OF
THE MANAGER OF
VK JUDD CREEK LLC**

THE UNDERSIGNED, being the Manager of VK Judd Creek LLC (the "Company"), does hereby certify that the following is a true and complete copy of a Resolution adopted by the Manager of said Company which Resolution has not been revoked, rescinded, cancelled or modified and remains in full force and effect.

RESOLVED, that the Company shall execute all contracts, documents, purchase agreements, affidavits, deeds, settlement statements, agreements, instruments and all necessary papers and documents in connection with the leasing, acquisitions, development, and disposition of real property for sale; and

IT IS FURTHER RESOLVED, that the following individual acting on behalf of the Company is authorized, empowered and directed to do singly, all such further acts, and execute and deliver all such contracts, closing documents, settlement statements, purchase and sale agreements, papers, leases, documents, instruments, and agreements and otherwise take any action as may be necessary or appropriate in connection with the aforesaid resolution:

Jim Harvey

Authorized Signatory

AND BE IT FURTHER RESOLVED, that all actions heretofore taken by the foregoing person and all things done by this authority with respect to the foregoing resolution, and the actions contemplated thereby, are hereby agreed to, ratified, approved and adopted.

CERTIFIED that the Operating Agreement of the Company does not impair or restrict the Company's ability to execute and deliver the documents required to hereunder.

IN WITNESS WHEREOF, this written consent is made effective as of the 30th day of October, 2018.


VK JUDD CREEK LLC

By: VK JV2 LLC, its Manager

By: VK JV2 Funding LLC, its Manager

By: The Kolter Group LLC, its Manager

By:


William Johnson
Manager



Property Data

STRAP: 04-44-24-C2-01708.0000 Folio ID: 10543855

Owner Of Record - Sole Owner

VK JUDD CREEK LLC
c/o JAMES P HARVEY
14025 RIVEREDGE DR
TAMPA FL 33675

Site Address

ACCESS UNDETERMINED
NORTH FORT MYERS FL 33903

Property Description
Do not use for legal documents!

JUDD CREEK PRESERVE DESC IN INST#2007-113064 TRACT 8

Classification / DOR Code

ACREAGE NOT AG CLASSIFIED / 99

[Tax Map Viewer]



[Pictometry Aerial Viewer]



Current Working Values



Just

316,320

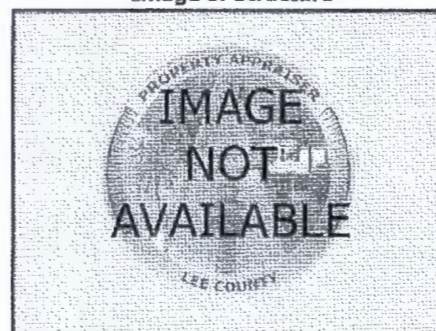
As Of

07/25/2018

Attributes

Land Units Of Measure	AC
Units	63.60
Total Number of Buildings	0
Total Bedrooms / Bathrooms	0
Total Living Area	0
1st Year Building on Tax Roll	N/A
Historic District	No

Image of Structure



Exemptions



Values (2018 Tax Roll)



Taxing Authorities



Sales / Transactions



Parcel Numbering History



Location Information



Solid Waste (Garbage) Roll Data



Flood and Storm Information



Appraisal Details (2018 Tax Roll)



Avalon Engineering, Inc.

2503 Del Prado Boulevard South, Suite 200
Cape Coral, Florida 33904
Phone: (239) 573-2077 Fax: (239) 573-2076
#AA C001936 #EB 0003128

July 16, 2019

Mr. Vince Cautero, Director
Department of Community Development
City of Cape Coral
1015 Cultural Park Boulevard
Cape Coral, Florida 33990

PROJECT: JUDD CREEK PDP AMENDMENT FOR TRACT 8 ONLY

SUBJECT: PDP AMENDMENT LETTER OF INTENT

Dear Mr. Cautero:

On behalf of the property owner, VK Judd Creek LLC, we respectfully request approval of a Planned Development Project (PDP) Amendment to modify the Master Concept Plan approved within the Judd Creek PDP for the development of a 292 unit Multi-family development within the northern 29.40 acres of the Judd Creek Preserve Tract 8.

The Judd Creek Preserve Tract 8 consists of one strap number 04-44-24-2-01708.0000, currently containing 63.58 acres, and is located on the SE corner of the intersection of Pine Island Road NE and Barrett Road.

The Judd Creek Planned Development Project is a residential and commercial development project approved by Ordinance 132-05 and amended by Ordinance 31-12. The development consists of a total of 192.62 acres, 117.09 for multi-family uses, 25.05 for retail and non-residential uses and 50.48 acres of natural resources/preservation areas.

The property owner is requesting approval of this PDP Amendment for Tract 8 only to address the following: Development Plan approval for Tract 8, which replaces the original development plan for this Tract. The Development Plan for Tract 8 reduces the access points to one each onto Barrett Road and one shared secondary emergency access; eliminates the connection to the southern parcel and modifies the building layouts for this development. This PDP will also request approval to re-plot Tract 8, separating the Tract into two buildable tracts.

Tract 8 was approved for a total of 452 multi-family units. This PDP Amendment is not requesting to exceed the density approved for this tract, the applicant is requesting to assign the allowable density to the tracts as follows:

Northern 29.40 Acres of Tract 8 - 292 units
Southern 34.18 Acres of Tract 8 - 160 units

This PDP Amendment specifically requests approval of the following:

Re-plat of Tract 8

The applicant requests approval to Plat Tract 8 into two parcels containing 29.40 acres for the northern parcel (Tract 8A) and 34.19 acres for the southern parcel (Tract 8B). See Exhibit C and D, Legal Descriptions.

Development Plan Approval for Tract 8

The applicant requests approval of the Development Plan for Tract 8, which modifies the Judd Creek PDP Plan for the development within Tract 8. The Development Plan proposes to eliminate the driveway connection to Pine Island Road, eliminate the connection to the future southern parcel, adjust the buffer yard width along Barrett Road to 60 ft which will include a 20' Public Utility and Drainage Easement, adjust the buffer yard width along Pine Island Road to 75', which will include a 30' Public Utility and Drainage Easement and provide for a 292 unit Multi-family development with a different building layout.

Private Clubhouse Approval

The applicant request approval of a Private Clubhouse for both the northern and southern developments proposed within Tract 8. Clubhouse areas provide a centralized amenity for a development. The clubhouse provides the residents with a sense of community, a place to meet their neighbors, a location to hold association meetings, an exercise room, or just a place to relax around the swimming pool. All private amenities that are provided within a development assist to lower the reliance on city provided amenities.

Comprehensive Plan Consistencies:

All future developments will be consistent with the City's Land Use and Development Regulations/Code, and the City's Comprehensive Plan Future Land Use Element.

Since the approval of the Judd Creek PDP, the market demand for Multi-family unit types has changed. Walk-up buildings with a lower overall height and which offer amenities, pool, clubhouse, dog walk areas are what is currently desired. This PDP Amendment reflects this type of development.

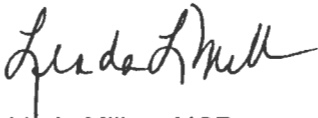
This project is strategically located to serve the area. The project will be an asset to the area, providing a well designed, aesthetically pleasing development, that will fit in and compliment the fabric and appearance of the community, while providing a multi-family project type that is desired and much needed in the City of Cape Coral.

Cautero - Judd Creek PDP Amendment Letter of Intent
July 16, 2019
Page 3

Should you or your staff have questions or need additional information regarding this project, please feel free to contact me.

Sincerely,

AVALON ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "Linda Miller". The signature is fluid and cursive, with the first name "Linda" and last name "Miller" clearly distinguishable.

Linda Miller, AICP
Senior Planner



Avalon Engineering, Inc.

2503 Del Prado Boulevard South, Suite 200
Cape Coral, Florida 33904
Phone: (239) 573-2077 Fax: (239) 573-2076
#AA C001936 #EB 0003128

April 1, 2019

Mr. Vince Cautero, Director
Department of Community Development
City of Cape Coral
1015 Cultural Park Boulevard
Cape Coral, FL 33990

PROJECT: MULTI-FAMILY DEVELOPMENT
NORTHERN PART OF TRACT 8
JUDD CREEK PRESERVE SUBDIVISION

SUBJECT: TRAFFIC GENERATION STATEMENT

Dear Mr. Cautero:

Included herewith are the traffic generation calculations for the above referenced project. As the project creates less than 300 peak hour trips a traffic impact statement will not be necessary.

Source: I.T.E. Trip Generation Manual, 10th Edition
Land Use: (221) Mid-Rise Apartments
Number of Units: 292

A.M. Peak Hour of Generator:

Average Rate = 0.15 per unit
9.19 vehicles entering 21%
34.61 vehicles exiting 79%
43.80 TOTAL VEHICLES

P.M. Peak Hour of Generator:

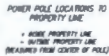
Average Rate = 0.18 per unit
32.58 vehicles entering 62%
19.98 vehicles exiting 38%
52.56 TOTAL VEHICLES

If you should have any questions or require additional information, please feel free to call me.

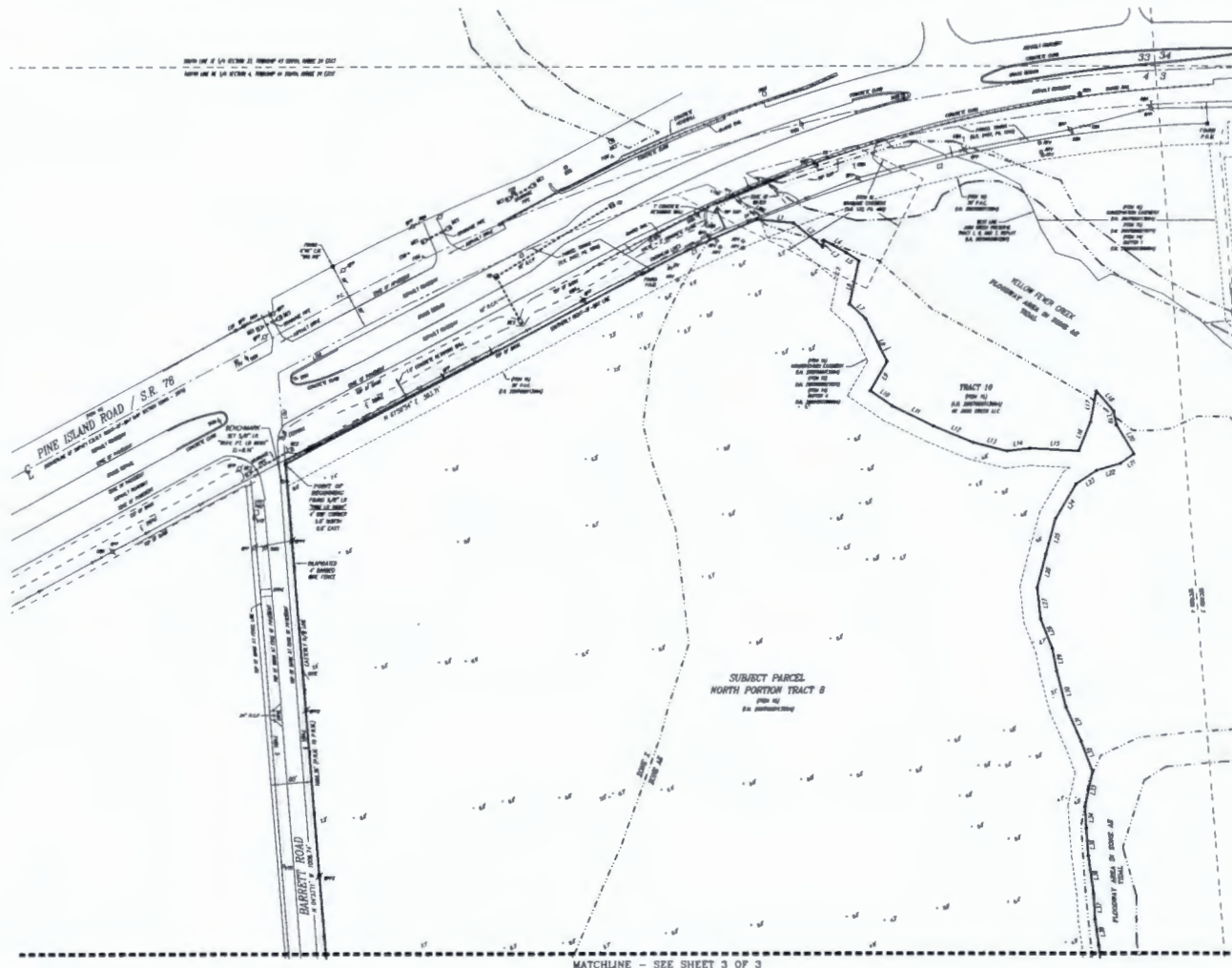
Sincerely,

AVALON ENGINEERING, INC.

Linda Miller, AICP
Sr. Planner



Source: *U.S. Census Bureau*. *U.S. Census of Population and Housing, 1980*. Washington, D.C.: U.S. Government Printing Office, 1982.



MATCHLINE - SEE SHEET 3 OF 3

LEGEND:

[illegible]

LEADING:

[illegible]

LEGEND:

7000 INCREASED DANGER OF LIFE THREATS
 7010 INCREASED DANGEROUS CONCEPT TIME
 7020 INCREASED ELECTRONIC SCIENCE DANGER
 7030 INCREASED GROW CONCEPT CONCEPT
 7040 INCREASED REGISTERED LAND DANGER
 7050 INCREASED CURE 1 FROM CURE TABLE
 7060 INCREASED BAKED MEAT OPTICS INCREASE
 7070 INCREASED JEWELRY CONCEPT CONCEPT
 7080 INCREASED UNDERSTANDING ELECTRONIC SCIENCE
 7090 INCREASED RELEASED BEARING AND/OR DISTANCE
 7100 INCREASED FLAMING DISAPPEARANCE OF TRANSFORMATION
 7110 INCREASED INCREASED CONCEPT CONCEPT OF 1998
 7120 INCREASED 50% MORE DANG. OF LIFE THREATS DANG.
 7130 UNLESS OTHERWISE ORDERED
 7140 INCREASED ATTENTION ATTENTION INCREASED, 50%
 7150 INCREASED ATTENTION OF 1998 FROM DANG. OF LIFE THREATS
 7160 UNLESS OTHERWISE ORDERED
 7170 INCREASED BEARING AND/OR DISTANCE TIME DANG.
 7180 INCREASED IN FULL CONCEPT OF LIFE THREATS DANG.
 7190 INCREASED CONCEPT CONCEPT

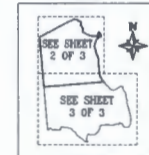
SEE SHEET 1 OF 3 FOR OVERALL PARCEL GEOMETRY AND SURVEYOR'S NOTES

[illegible]

BANKS
ENGINEERING

10011 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33906
PHONE: (239) 639-3400
FAX: (239) 639-2020
ENHANCED LICENSE # CR 0000
SURVEY LICENSE # LR 0000
WWW.BAMPTON.COM

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
CITY OF CAPE CORAL, LEE COUNTY, FLORIDA



SHEET INDEX MAP
NOT TO SCALE

CURVE TABLE

CONCRETE						
CLP#	BAWIS	BLT IN	ARC	CHORD	CHORD BEARING	
C1	1875.27	5.3636	185.26	185.26	# 6469.27	
C2	1875.27	20.8637	6.7587	6.7237	# 7757.01	
C3	2004.79	11.0436	364.09	343.24	# 6732.08	
C4	1875.27	6.1210	17.54	17.54	# 6765.21	

LINE TABLE

LINE	NAME	DATE/TIME	LINE	NAME	DATE/TIME
1	2:00 P.M.	52.34	191	2:00 P.M.	55.80
2	2:00 P.M.	52.34	192	2:00 P.M.	55.80
3	2:00 P.M.	52.34	193	2:00 P.M.	55.80
4	2:00 P.M.	52.34	194	2:00 P.M.	55.80
5	2:00 P.M.	52.34	195	2:00 P.M.	55.80
6	2:00 P.M.	52.34	196	2:00 P.M.	55.80
7	2:00 P.M.	52.34	197	2:00 P.M.	55.80
8	2:00 P.M.	52.34	198	2:00 P.M.	55.80
9	2:00 P.M.	52.34	199	2:00 P.M.	55.80
10	2:00 P.M.	52.34	200	2:00 P.M.	55.80
11	2:00 P.M.	52.34	201	2:00 P.M.	55.80
12	2:00 P.M.	52.34	202	2:00 P.M.	55.80
13	2:00 P.M.	52.34	203	2:00 P.M.	55.80
14	2:00 P.M.	52.34	204	2:00 P.M.	55.80
15	2:00 P.M.	52.34	205	2:00 P.M.	55.80
16	2:00 P.M.	52.34	206	2:00 P.M.	55.80
17	2:00 P.M.	52.34	207	2:00 P.M.	55.80
18	2:00 P.M.	52.34	208	2:00 P.M.	55.80
19	2:00 P.M.	52.34	209	2:00 P.M.	55.80
20	2:00 P.M.	52.34	210	2:00 P.M.	55.80
21	2:00 P.M.	52.34	211	2:00 P.M.	55.80
22	2:00 P.M.	52.34	212	2:00 P.M.	55.80
23	2:00 P.M.	52.34	213	2:00 P.M.	55.80
24	2:00 P.M.	52.34	214	2:00 P.M.	55.80
25	2:00 P.M.	52.34	215	2:00 P.M.	55.80
26	2:00 P.M.	52.34	216	2:00 P.M.	55.80
27	2:00 P.M.	52.34	217	2:00 P.M.	55.80
28	2:00 P.M.	52.34	218	2:00 P.M.	55.80
29	2:00 P.M.	52.34	219	2:00 P.M.	55.80
30	2:00 P.M.	52.34	220	2:00 P.M.	55.80

LINE TABLE

LINE	DESCRIPTION	AMOUNT	CREDIT	DEBIT	BALANCE
121	121-100000			100.00	
122	122-100000			100.00	
123	123-100000			100.00	
124	124-100000			100.00	
125	125-100000			100.00	
126	126-100000			100.00	
127	127-100000			100.00	
128	128-100000			100.00	
129	129-100000			100.00	
130	130-100000			100.00	
131	131-100000			100.00	
132	132-100000			100.00	
133	133-100000			100.00	
134	134-100000			100.00	
135	135-100000			100.00	
136	136-100000			100.00	
137	137-100000			100.00	
138	138-100000			100.00	
139	139-100000			100.00	
140	140-100000			100.00	
141	141-100000			100.00	
142	142-100000			100.00	
143	143-100000			100.00	
144	144-100000			100.00	
145	145-100000			100.00	
146	146-100000			100.00	
147	147-100000			100.00	
148	148-100000			100.00	
149	149-100000			100.00	
150	150-100000			100.00	

BOUNDARY & TOPOGRAPHIC SURVEY
CONTINENTAL 466 FUND LLC
CITY OF CAPE CORAL, LEE COUNTY, FLORIDA

PROJECT	DRAWING	DATE	DESIGN	SCALE	SHEET	OF	FILE NO.
1433C	RRR-0	08/	RRR	1"=80'	2	3	3-4

EXHIBIT A
ENTIRE JUDD CREEK PDP LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING ALL OF LOT 27 AND 33A, MARIANA PARK THIRD ADDITION AS RECORDED IN PLAT BOOK 12, AT PAGE 61, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 3, ALSO BEING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE S.89°58'48"W. ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SECTION 4, FOR 1313.24 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF BARRETT ROAD, BEING THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE N.04°33'11"W., ALONG SAID RIGHT-OF-WAY LINE AND SAID WEST LINE, FOR 2132.73 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (STATE ROAD 78); THENCE N.61°59'54"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR 593.71 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1879.27 FEET, A CENTRAL ANGLE OF 26°15'18", A CHORD BEARING OF N.75°07'33"E., AND A CHORD LENGTH OF 853.64 FEET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 861.15 FEET TO THE END OF SAID CURVE; THENCE N.01°45'25"W., ALONG SAID RIGHT-OF-WAY LINE FOR 31.67 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2814.79 FEET, A CENTRAL ANGLE OF 01°52'49", A CHORD BEARING OF N.89°05'53"E. AND A CHORD LENGTH OF 92.38 FEET; THENCE ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 92.38 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.89°57'42"E. ALONG SAID RIGHT-OF-WAY LINE FOR 1171.62 FEET; THENCE S.05°18'56"E., ALONG THE WESTERLY BOUNDARY OF SAID MARIANA PARK THIRD ADDITION FOR 1699.21 FEET TO THE NORTHWEST CORNER OF SAID LOT 27; THENCE N.84°42'04"E. ALONG THE NORTH LINE OF SAID LOT FOR 325.00 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE S.05°18'56"E. ALONG THE EAST LINE OF SAID LOT FOR 149.96 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE S.84°41'04"W. ALONG THE SOUTH LINE OF SAID LOT FOR 325.00 FEET TO AN INTERSECTION WITH SAID WESTERLY LINE; THENCE S.05°18'56"E. ALONG SAID WESTERLY LINE FOR 831.50 FEET TO THE NORTHWEST CORNER OF SAID LOT 33A; THENCE S.89°26'21"E. ALONG THE NORTH LINE OF SAID LOT FOR 326.72 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE S.03°27'16"E. ALONG THE EAST LINE OF SAID LOT FOR 50.12 FEET TO THE SOUTHEAST CORNER OF SAID LOT AND AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF EVERGREEN ROAD (50 FEET WIDE); THENCE S.89°26'21"E. ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT FOR 24.95 FEET TO AN INTERSECTION WITH A LINE LYING 25.00 FEET WESTERLY OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE WEST LINE OF LOT 34 OF SAID MARIANA PARK THIRD ADDITION; THENCE S.03°22'16"E. ALONG SAID PARALLEL LINE FOR 300.24 FEET TO AN INTERSECTION WITH THE WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 34; THENCE S.89°25'56"E. ALONG SAID WESTERLY PROLONGATION AND THE SOUTH LINE OF LOTS 34 THROUGH 38 OF SAID MARIANA PARK THIRD ADDITION FOR 753.16 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF BROWN ROAD, BEING A 50 FOOT WIDE COUNTY ROAD AS DESCRIBED IN DEED BOOK 273 AT PAGE 447 OF SAID PUBLIC RECORDS; THENCE S.02°19'16"E. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 325.39 FEET TO AN INTERSECTION WITH A LINE LYING 25.00 FEET NORTHERLY OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE NORTH LINE OF JUDD PARK AS DESCRIBED IN DEED BOOK 302 AT PAGE 181 OF SAID PUBLIC RECORDS; THENCE N.89°33'46"W. ALONG SAID PARALLEL LINE FOR 370.00 FEET TO AN INTERSECTION WITH A NORTHERLY PROLONGATION OF THE WEST LINE OF SAID JUDD PARK; THENCE S.02°50'09"E ALONG THE SAID NORTHERLY PROLONGATION AND SAID WEST LINE FOR 159 FEET MORE OR LESS TO THE CENTERLINE OF THE WATERS OF HANCOCK CREEK; THENCE WESTERLY, NORTHWESTERLY AND NORTHERLY ALONG THE SAID CENTERLINE TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE N.89°26'21"W. ALONG SAID NORTH LINE FOR 360 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

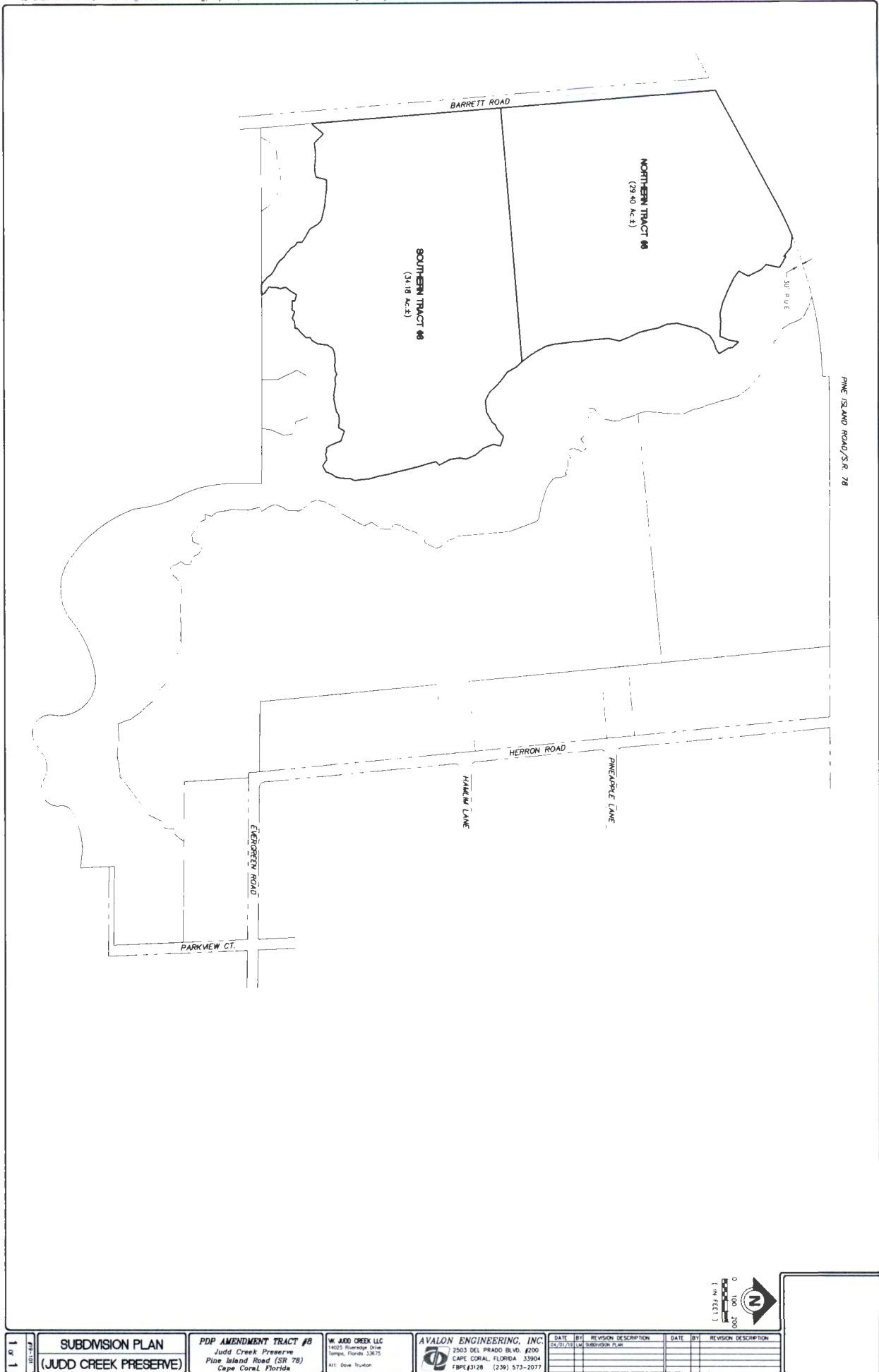
ASSUMED NORTH BASED ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.89°58'48"W.

PARCEL CONTAINS 191.68 ACRES, MORE OR LESS.

Exhibit B

LEGAL DESCRIPTION OF TRACT 8 AS APPROVED WITHIN ORDINANCE 132-05

TRACT 8 OF JUDD CREEK PRESERVE, ACCORDING TO THE PLAT THEREOF RECORDED UNDER INSTRUMENT NUMBER 2007000113064, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.



19-1

SUBDIVISION PLAN
(JUDD CREEK PRESERVE)

PDP AMENDMENT TRACT #8
Judd Creek Preserve
Pine Island Road (SR 78)
Cape Coral, Florida

JK Judd Creek LLC
14025 Woodridge Drive
Tampa, Florida 33615
ATT: Dave Houston

AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FBPE#3128 (239) 573-2077

DATE	BY	REVISION DESCRIPTION	DATE	BY	REVISION DESCRIPTION
02/27/19	LM	SUBDIVISION PLAN			

EXHIBIT C

LEGAL FOR THE NORTH 29.40 ACRES OF TRACT 8

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING A PORTION OF TRACT 8, JUDD CREEK PRESERVE AS RECORDED IN INSTRUMENT NUMBER 2007000113064 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 8; THENCE N 61°59'54" E ALONG THE NORTHERLY LINE OF SAID TRACT FOR 593.71 FEET TO THE BEGINNING A CURVE TO THE RIGHT HAVING A RADIUS OF 1879.27 FEET; THENCE EASTERLY ALONG SAID CURVE AND SAID NORTHERLY LINE THROUGH A CENTRAL ANGLE OF 05°38'56" FOR 185.28 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID TRACT; THENCE SOUTHEASTERLY, NORTHWESTERLY, SOUTHWESTERLY AND NORTHEASTERLY ALONG SAID EASTERLY LINE THE FOLLOWING FORTY-THREE (43) COURSES:

- (1) S 84°11'28" E FOR 47.81 FEET; THENCE
- (2) N 50°32'19" W FOR 55.12 FEET; THENCE
- (3) S 08°39'21" W FOR 9.65 FEET; THENCE
- (4) N 61°12'29" W FOR 37.33 FEET; THENCE
- (5) N 56°09'14" W FOR 22.31 FEET; THENCE
- (6) N 12°09'32" E FOR 64.36 FEET; THENCE
- (7) N 47°13'42" W FOR 32.01 FEET; THENCE
- (8) N 26°22'34" W FOR 69.83 FEET; THENCE
- (9) N 29°52'50" E FOR 49.40 FEET; THENCE
- (10) S 55°17'12" E FOR 38.80 FEET; THENCE
- (11) N 63°35'32" W FOR 66.79 FEET; THENCE
- (12) N 67°35'19" W FOR 62.96 FEET; THENCE
- (13) S 76°05'25" E FOR 51.35 FEET; THENCE
- (14) S 83°52'31" W FOR 34.10 FEET; THENCE
- (15) N 87°08'34" W FOR 72.34 FEET; THENCE
- (16) S 22°45'33" W FOR 45.96 FEET; THENCE
- (17) S 10°25'07" W FOR 45.55 FEET; THENCE
- (18) N 41°30'12" W FOR 39.00 FEET; THENCE
- (19) N 10°52'57" W FOR 20.84 FEET; THENCE
- (20) N 30°46'28" W FOR 49.33 FEET; THENCE
- (21) S 54°54'01" W FOR 24.14 FEET; THENCE
- (22) N 74°00'20" E FOR 35.90 FEET; THENCE
- (23) N 56°59'08" E FOR 36.82 FEET; THENCE
- (24) N 30°50'59" E FOR 59.64 FEET; THENCE
- (25) S 15°14'28" W FOR 53.78 FEET; THENCE
- (26) N 14°38'53" E FOR 51.00 FEET; THENCE
- (27) N 06°20'08" W FOR 46.17 FEET; THENCE
- (28) N 21°53'05" W FOR 45.91 FEET; THENCE
- (29) S 11°02'37" E FOR 33.91 FEET; THENCE
- (30) S 14°35'11" E FOR 54.53 FEET; THENCE
- (31) N 24°06'30" W FOR 54.88 FEET; THENCE
- (32) N 20°55'23" W FOR 48.41 FEET; THENCE
- (33) N 12°38'39" E FOR 52.31 FEET; THENCE
- (34) N 03°29'46" W FOR 31.57 FEET; THENCE
- (35) S 04°19'27" E FOR 40.69 FEET; THENCE
- (36) N 07°50'28" W FOR 55.56 FEET; THENCE
- (37) N 03°02'39" W FOR 38.08 FEET; THENCE
- (38) N 08°36'46" W FOR 38.49 FEET; THENCE
- (39) N 04°47'57" W FOR 51.31 FEET; THENCE
- (40) S 14°43'16" E FOR 39.96 FEET; THENCE
- (41) N 28°11'17" W FOR 54.52 FEET; THENCE
- (42) N 32°49'07" W FOR 36.74 FEET; THENCE
- (43) S 38°24'10" E FOR 41.78 FEET; THENCE

LEAVING SAID EASTERLY LINE S 85°27'31" W FOR 1200.67 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF SAID TRACT; THENCE N 04°33'11" W ALONG SAID WESTERLY LINE FOR 1006.74 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 29.40 ACRES MORE OR LESS.

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

BEARINGS ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83/2011 (CORS). WHEREIN THE WESTERLY LINE OF TRACT 8, JUDD CREEK PRESERVE AS RECORDED IN INSTRUMENT NUMBER 2007000113064 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEARS N 04°33'11" W.

EXHIBIT D

LEGAL DESCRIPTION FOR THE REMAINING SOUTHERN PORTION OF TRACT 8

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING A PORTION OF TRACT 8, JUDD CREEK PRESERVE AS RECORDED IN INSTRUMENT NUMBER 2007000113064 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 8; THENCE S 04°33'11" E ALONG THE WESTERLY LINE OF SAID TRACT FOR 1006.74 FEET TO THE **POINT OF BEGINNING**; THENCE LEAVING SAID WESTERLY LINE N 85°27'31" E FOR 1200.67 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID TRACT; THENCE SOUTHEASTERLY, NORTHEASTERLY, SOUTHWESTERLY AND NORTHWESTERLY ALONG SAID EASTERLY LINE AND THE SOUTHERLY LINE OF SAID TRACT THE FOLLOWING ONE HUNDRED AND FOURTEEN (114) COURSES:

- (1) S 38°24'10" E FOR 2.44 FEET; THENCE
- (2) S 42°44'37" E FOR 33.88 FEET; THENCE
- (3) S 28°46'30" E FOR 47.42 FEET; THENCE
- (4) S 52°50'24" E FOR 45.86 FEET; THENCE
- (5) S 48°55'07" E FOR 33.38 FEET; THENCE
- (6) S 43°01'52" E FOR 46.82 FEET; THENCE
- (7) S 62°54'04" E FOR 43.64 FEET; THENCE
- (8) N 83°48'33" E FOR 57.60 FEET; THENCE
- (9) N 61°18'42" E FOR 53.62 FEET; THENCE
- (10) N 37°44'25" E FOR 20.63 FEET; THENCE
- (11) N 69°46'39" E FOR 21.10 FEET; THENCE
- (12) N 48°39'39" E FOR 44.80 FEET; THENCE
- (13) S 71°24'34" E FOR 46.81 FEET; THENCE
- (14) S 11°07'30" W FOR 35.51 FEET; THENCE
- (15) S 21°18'19" E FOR 49.27 FEET; THENCE
- (16) S 40°18'22" E FOR 49.62 FEET; THENCE
- (17) S 22°49'55" E FOR 45.46 FEET; THENCE
- (18) S 08°51'16" W FOR 33.22 FEET; THENCE
- (19) S 09°11'11" E FOR 45.76 FEET; THENCE
- (20) S 26°49'24" E FOR 55.89 FEET; THENCE
- (21) S 48°29'56" W FOR 20.89 FEET; THENCE
- (22) S 13°26'56" E FOR 39.87 FEET; THENCE
- (23) S 16°39'33" E FOR 42.89 FEET; THENCE
- (24) S 14°13'15" E FOR 63.09 FEET; THENCE
- (25) S 12°05'42" E FOR 34.83 FEET; THENCE
- (26) S 15°50'54" E FOR 52.18 FEET; THENCE
- (27) S 09°19'37" E FOR 42.34 FEET; THENCE
- (28) S 16°16'03" E FOR 45.87 FEET; THENCE
- (29) S 05°43'37" E FOR 47.05 FEET; THENCE
- (30) S 09°10'10" E FOR 23.19 FEET; THENCE
- (31) S 27°06'26" W FOR 24.49 FEET; THENCE
- (32) S 00°17'21" W FOR 17.90 FEET; THENCE
- (33) S 00°40'12" W FOR 24.38 FEET; THENCE
- (34) S 13°34'00" W FOR 26.61 FEET; THENCE
- (35) S 39°11'02" W FOR 21.00 FEET; THENCE
- (36) S 19°53'08" W FOR 29.09 FEET; THENCE
- (37) S 60°30'05" W FOR 33.29 FEET; THENCE
- (38) N 55°11'14" W FOR 35.95 FEET; THENCE
- (39) S 75°34'56" W FOR 24.59 FEET; THENCE
- (40) N 70°56'30" W FOR 13.87 FEET; THENCE
- (41) S 89°40'06" W FOR 19.88 FEET; THENCE
- (42) N 27°41'22" W FOR 18.22 FEET; THENCE
- (43) N 22°09'57" W FOR 54.89 FEET; THENCE
- (44) N 69°21'41" W FOR 50.35 FEET; THENCE
- (45) S 27°09'30" W FOR 32.45 FEET; THENCE
- (46) N 83°23'31" W FOR 31.04 FEET; THENCE

(47) S 85°50'49" W FOR 28.79 FEET; THENCE
(48) S 57°53'26" W FOR 18.04 FEET; THENCE
(49) S 77°40'47" W FOR 58.79 FEET; THENCE
(50) N 88°55'42" W FOR 29.09 FEET; THENCE
(51) N 81°03'12" W FOR 44.93 FEET; THENCE
(52) S 85°22'43" W FOR 29.74 FEET; THENCE
(53) N 60°45'11" W FOR 19.06 FEET; THENCE
(54) S 59°19'09" W FOR 15.03 FEET; THENCE
(55) S 85°21'29" W FOR 28.40 FEET; THENCE
(56) N 85°46'08" W FOR 26.20 FEET; THENCE
(57) S 83°50'33" W FOR 37.22 FEET; THENCE
(58) S 64°04'19" W FOR 16.48 FEET; THENCE
(59) S 34°59'46" W FOR 29.40 FEET; THENCE
(60) S 03°23'31" W FOR 18.92 FEET; THENCE
(61) S 08°49'10" W FOR 27.44 FEET; THENCE
(62) S 30°09'13" W FOR 31.10 FEET; THENCE
(63) S 57°36'33" W FOR 16.83 FEET; THENCE
(64) S 03°31'45" E FOR 18.29 FEET; THENCE
(65) S 44°14'52" W FOR 33.94 FEET; THENCE
(66) S 48°48'25" W FOR 26.54 FEET; THENCE
(67) S 01°48'27" W FOR 10.06 FEET; THENCE
(68) S 85°11'11" W FOR 32.19 FEET; THENCE
(69) S 54°28'01" W FOR 16.96 FEET; THENCE
(70) N 73°08'13" W FOR 34.54 FEET; THENCE
(71) S 26°58'07" W FOR 13.27 FEET; THENCE
(72) N 88°22'08" W FOR 25.88 FEET; THENCE
(73) N 84°37'06" W FOR 18.45 FEET; THENCE
(74) N 14°57'41" E FOR 10.73 FEET; THENCE
(75) N 73°29'58" W FOR 32.36 FEET; THENCE
(76) S 31°01'41" W FOR 17.35 FEET; THENCE
(77) S 30°44'50" W FOR 14.02 FEET; THENCE
(78) S 37°46'06" W FOR 21.20 FEET; THENCE
(79) S 33°36'31" W FOR 10.14 FEET; THENCE
(80) S 16°17'38" E FOR 25.02 FEET; THENCE
(81) S 19°08'10" W FOR 14.86 FEET; THENCE
(82) S 05°13'37" W FOR 40.77 FEET; THENCE
(83) S 55°27'03" E FOR 35.24 FEET; THENCE
(84) S 29°54'58" E FOR 14.30 FEET; THENCE
(85) S 89°58'48" W FOR 50.80 FEET; THENCE
(86) N 51°18'20" W FOR 41.20 FEET; THENCE
(87) N 32°52'25" W FOR 23.34 FEET; THENCE
(88) N 58°58'57" W FOR 25.14 FEET; THENCE
(89) N 62°23'49" W FOR 31.33 FEET; THENCE
(90) N 54°51'46" W FOR 17.79 FEET; THENCE
(91) N 40°32'17" W FOR 28.08 FEET; THENCE
(92) N 55°29'07" W FOR 18.53 FEET; THENCE
(93) N 48°56'58" W FOR 36.10 FEET; THENCE
(94) N 32°09'10" W FOR 21.04 FEET; THENCE
(95) N 56°09'10" W FOR 18.57 FEET; THENCE
(96) N 02°18'36" W FOR 22.19 FEET; THENCE
(97) N 57°30'20" W FOR 27.49 FEET; THENCE
(98) N 60°50'04" W FOR 44.98 FEET; THENCE
(99) N 30°53'41" W FOR 44.58 FEET; THENCE
(100) N 50°21'17" W FOR 25.92 FEET; THENCE
(101) N 76°40'44" W FOR 27.87 FEET; THENCE
(102) N 76°59'40" W FOR 41.60 FEET; THENCE
(103) N 84°19'40" W FOR 33.60 FEET; THENCE
(104) N 83°39'01" W FOR 49.70 FEET; THENCE
(105) N 89°30'28" W FOR 39.19 FEET; THENCE
(106) S 14°01'29" W FOR 50.33 FEET; THENCE
(107) S 77°17'05" W FOR 27.93 FEET; THENCE
(108) S 88°59'45" W FOR 20.56 FEET; THENCE

(109) N 85°07'32" W FOR 40.19 FEET; THENCE
(110) N 89°00'45" W FOR 35.69 FEET; THENCE
(111) S 80°41'05" W FOR 39.15 FEET; THENCE
(112) N 44°46'54" W FOR 61.40 FEET; THENCE
(113) S 40°27'28" W FOR 65.70 FEET; THENCE
(114) S 63°31'00" W FOR 7.19 FEET

TO AN INTERSECTION WITH THE WESTERLY LINE OF SAID TRACT; THENCE N 04°33'11" W ALONG SAID WESTERLY LINE FOR 886.87 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 34.18 ACRES MORE OR LESS.

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

BEARINGS ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83/2011 (CORS). WHEREIN THE WESTERLY LINE OF TRACT 8, JUDD CREEK PRESERVE AS RECORDED IN INSTRUMENT NUMBER 2007000113064 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEARS N 04°33'11" W.



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W134 N8875 Executive Parkway
Menomonee Falls, WI 53052
Phone: 262-592-5500 Fax: 262-592-5522
Email: card_demo@properdes.com

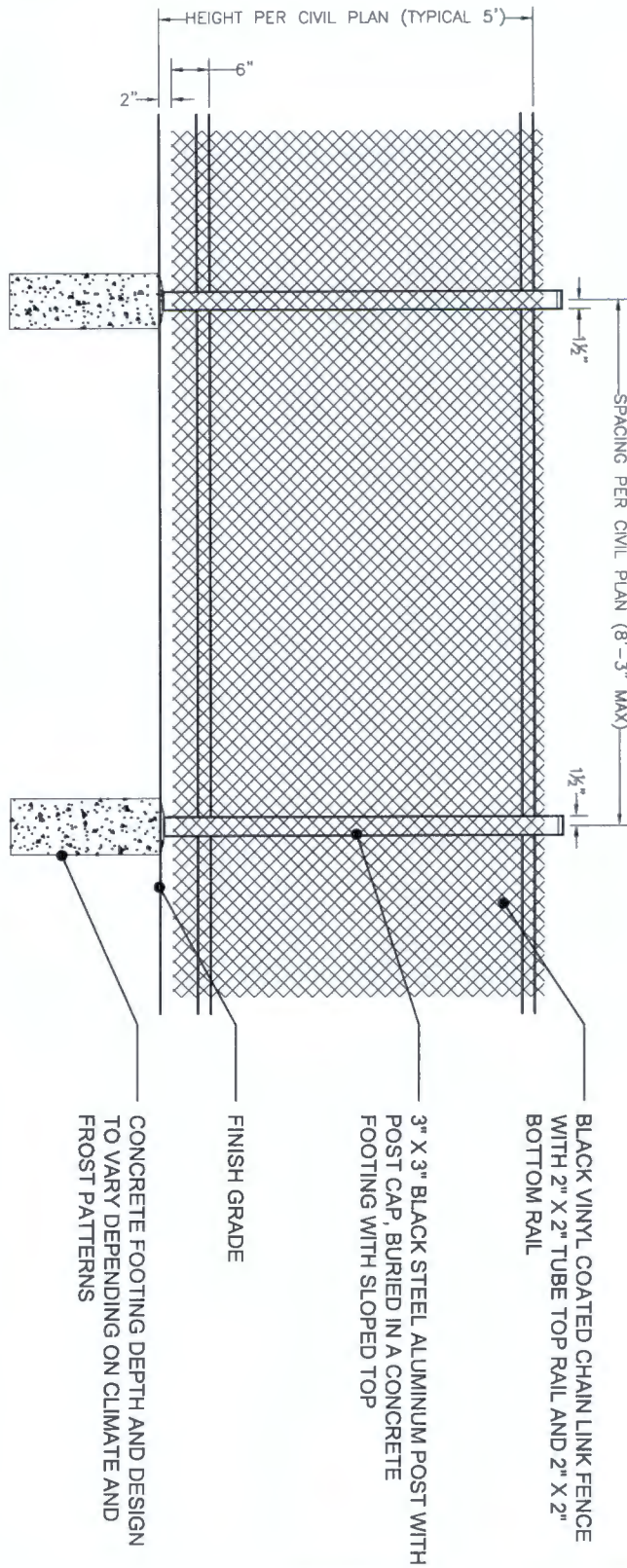
REVISIONS

DETAIL

REV: 0

B

VINYL COATED CHAIN LINK FENCE DETAIL
SCALE: NTS



BLACK VINYL COATED CHAIN LINK FENCE
WITH 2" X 2" TUBE TOP RAIL AND 2" X 2"
BOTTOM RAIL

3" X 3" BLACK STEEL ALUMINUM POST WITH
POST CAP, BURIED IN A CONCRETE
FOOTING WITH SLOPED TOP

FINISH GRADE

CONCRETE FOOTING DEPTH AND DESIGN
TO VARY DEPENDING ON CLIMATE AND
FROST PATTERNS

CITY:			STATE:		DRAWN BY:		
STREET:			INITIAL DATE DRAWN:		2/25/2016		
REVISIONS							
REV	DESCRIPTION		DATE	REV	DESCRIPTION		DATE

CONTINENTAL XXX FUND LLC

An affiliate of

CONTINENTAL
REAL ESTATE

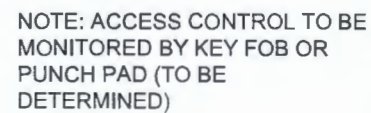
W154 N8675 Executive Parkway
Menomonsee Falls, WI 53052
Phone: 262-502-5500 Fax: 262-502-5522
Email: cad_dwg@properties.com

SHEET:

DETAIL

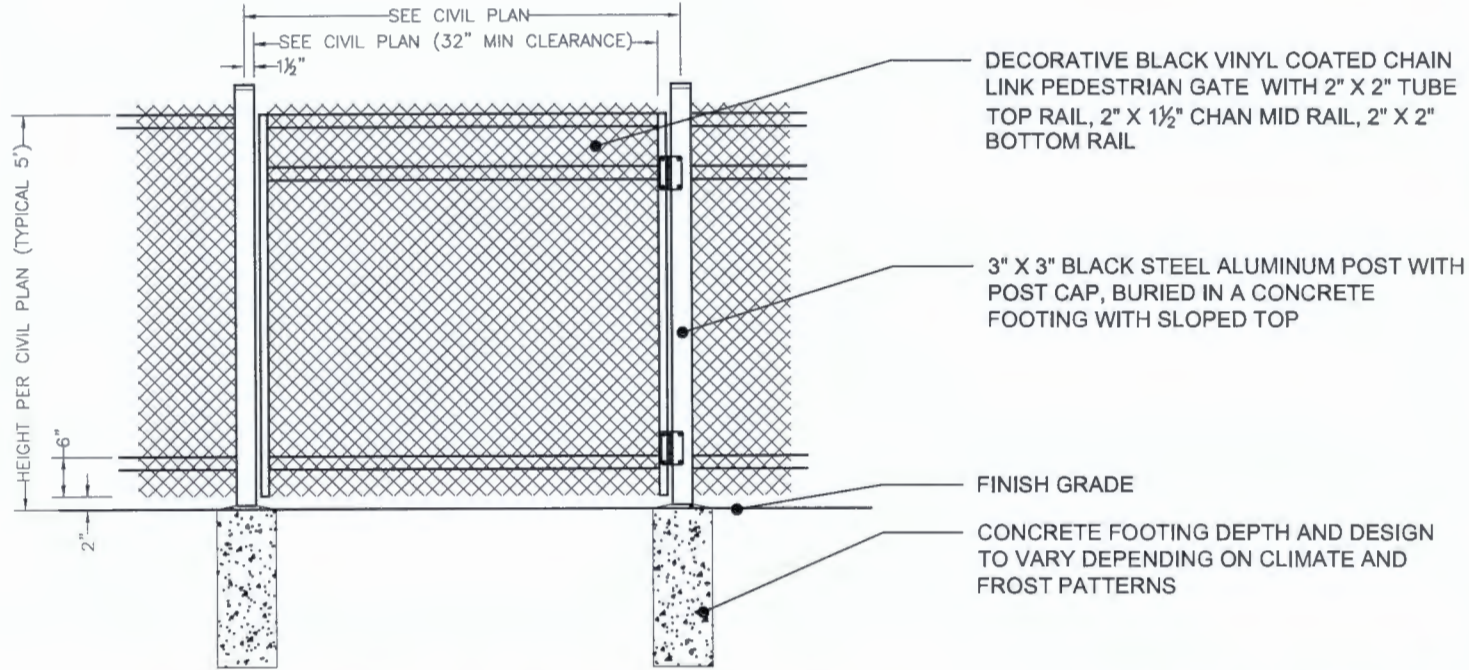
REV:

0



C DECORATIVE PEDESTRIAN GATE
SCALE: NTS

DETAIL



DECORATIVE BLACK VINYL COATED CHAIN LINK PEDESTRIAN GATE WITH 2" X 2" TUBE TOP RAIL, 2" X 1½" CHAN MID RAIL, 2" X 2" BOTTOM RAIL

3" X 3" BLACK STEEL ALUMINUM POST WITH POST CAP, BURIED IN A CONCRETE FOOTING WITH SLOPED TOP

FINISH GRADE

CONCRETE FOOTING DEPTH AND DESIGN TO VARY DEPENDING ON CLIMATE AND FROST PATTERNS

NOTE: ACCESS CONTROL TO BE MONITORED BY KEY FOB OR PUNCH PAD (TO BE DETERMINED)

D VINYL COATED CHAIN LINK PEDESTRIAN GATE

SCALE: NTS

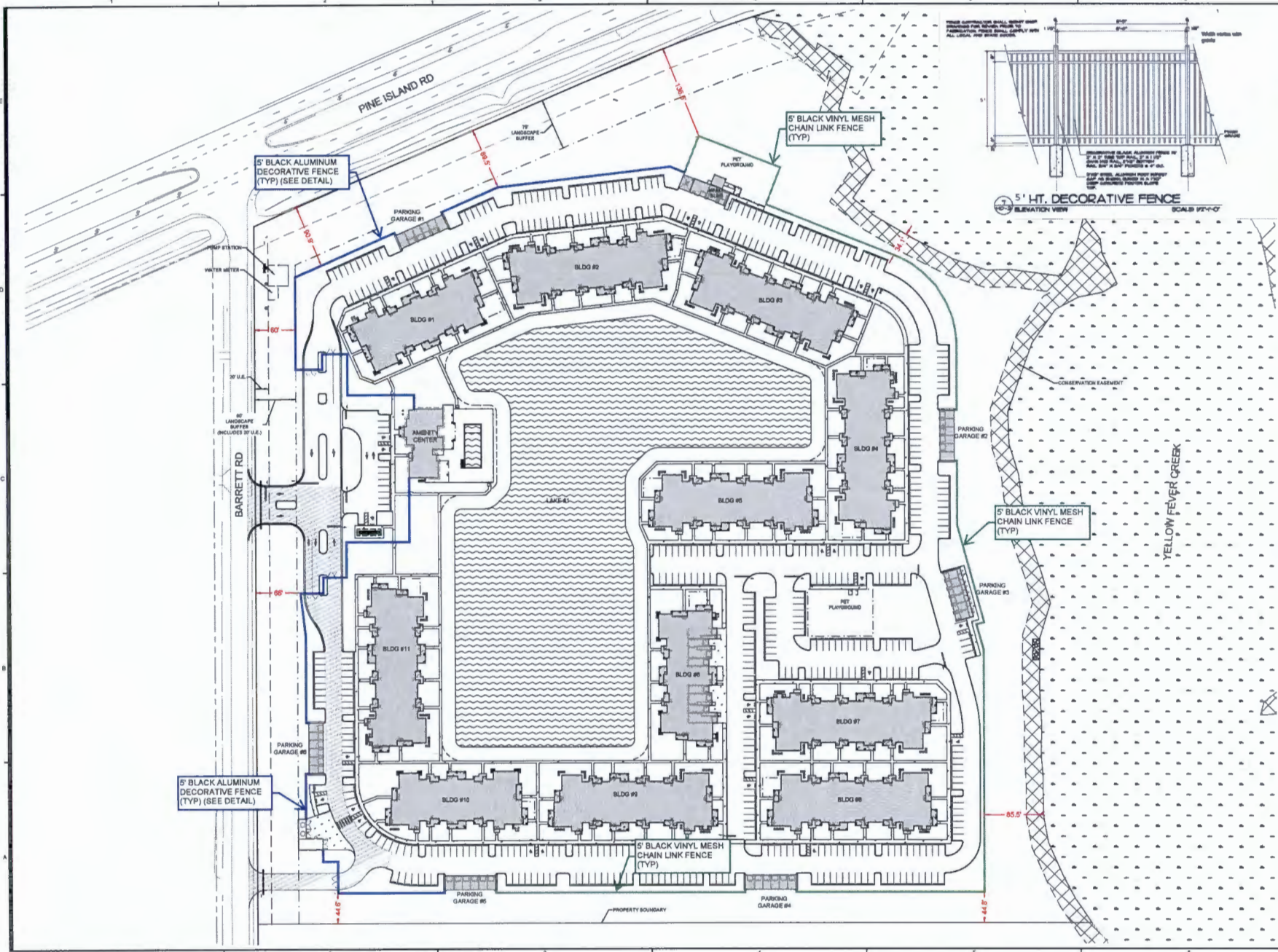
CONTINENTAL XXX FUND LLC

An affiliate of

CONTINENTAL
REAL ESTATE SERVICES

W114 MERIS Executive Parkway
Newtown, PA 19133
Phone: 215-522-5500 Fax: 215-522-5522
Email: csl_jmg@prospectus.com

CITY:	STATE:	DRAWN BY:	2/25/2016
STREET:	INITIAL DATE DRAWN:		
REVISIONS			
REV	DATE	DESCRIPTION	DATE
SHEET:			REV: 0
DETAIL			



PENINSULA ENGINEERING
 CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE
 ENVIRONMENTAL CONSULTING, LANDSCAPE ARCHITECTURE
 SITE PLANNING, CONSTRUCTION MANAGEMENT
 FARMER REPRESENTATIVES

3001 Lakeside Lane Parkway
 Naples, Florida 34109
 Phone: 239-403-6100 Fax: 239-261-1707
 Email: info@peneng.com Website: www.peneng.com
 Florida Certificate of Registration #15071

SPRINGS AT CAPE CORAL

FENCE EXHIBIT

OWNER/CLIENT/CONSULTANT

CONTINENTAL 466 FUND LLC

REVISIONS	DATE	BY	REASON

NOTES

PROFESSIONAL SEALS
 AS PREPARED BY: DANIEL DARTLEY
 LICENSE NO. 12174 LICENSE

NOTES:
 ALL ELEVATIONS ARE BASED ON NAVD 83
 NORTH AMERICAN VERTICAL DATUM OF 1983.
 Scale: 1" = 80'

DATE: FEB. 2018
 PROJECT: SPRINGS AT CAPE CORAL
 DRAWN BY: CURTIS WACHSTROM
 CHECKED BY: CURTIS WACHSTROM
 PROJECT NUMBER: P-CONT-008
 FILE NUMBER: P-CONT-008-001-K11

PROJECT SUMMARY	
PROJECT:	Judd Creek PDP Amendment for Tract 8
CASE NUMBER:	PDP19-0002
REQUESTS:	Amend the Judd Creek project to replat Tract 8 into two parcels and revise the development plan for Tract 8
SITE ADDRESS (clubhouse):	Southeast of the intersection of Barrett Road and Pine Island Road
STRAP NUMBER:	04-44-24-C2-01708.0000
LEGAL DESCRIPTION:	Tract 8 of Judd Creek Preserve as recorded under Instrument Number 2007000113064 of the public records of Lee County, Florida
PROPERTY OWNER:	VK Judd Creek, LLC
AUTHORIZED AGENT:	Avalon Engineering, Inc.
FUTURE LAND USE:	Pine Island Road District (site is in the Judd Creek Sub-District)
ZONING DESIGNATION:	Multi-Family Residential (R-3)
URBAN SERVICE AREA:	Reserve
CODE COMPLIANCE CASE:	N/A
PREPARED BY:	Mike Struve, AICP, Planning Team Coordinator
APPROVED BY:	Robert H. Pederson, AICP, Planning Manager
RECOMMENDATION:	Approval with conditions

PURPOSE

This document provides a single, consolidated review for a Planned Development Project (PDP) entitled "Judd Creek PDP Amendment for Tract 8." Within this report the following topics are addressed:

- Description of the Judd Creek Project
- Description of the project area;
- Need for the PDP Amendment;
- Requests, analysis, and recommendations;
- General standards and requirements for PDPs;
- Concurrency review;
- Consistency with the City Comprehensive Plan; and
- Project recommendation.

DESCRIPTION OF THE JUDD CREEK PROJECT

The applicant seeks to amend a PDP entitled "Judd Creek." This project was originally approved by Ordinance 132-05 and was amended by Ordinance 31-12.

Judd Creek is a multi-use project that allows residential and commercial development on 192 acres at the southeast corner of NE Pine Island and Barrett Roads (Figure 1). Ordinance 132-05 approved 116 acres of multi-family uses, 25 acres of nonresidential uses, and 52 acres of Natural Resources/Preservation area. The development order allows a maximum of 1,100 multi-family residential units and 200,000 sq. ft. of retail and other non-residential uses.

Figure 1. Aerial of Judd Creek Tracts Outlined in Blue; Insert Shows the Project Location in the City.



Ordinance 31-12 amended the Judd Creek project that included replatting Tracts 1-7 that collectively comprised 25.05 acres of Corridor-zoned lands. Tracts 8-12 remained as approved by Ordinance 132-05. This PDP amendment also approved a special exception use for a 5,928 sq. ft. convenience store with 10 fuel pumps on Tract 4. A Racetrac convenience store with fuel pumps was constructed on this site in 2014.

DESCRIPTION OF THE PROJECT AREA

This PDP amendment involves Tract 8 that is 63.59 acres at the southeast corner of Pine Island and Barrett Roads. This tract has a Multi-Family Future Land Use Classification (FLUC). At the time the developer filed this PDP amendment, the site had Multi-Family Residential (R-3) Zoning.¹ Ordinance 132-05 approved a maximum of 452 multi-family units for the tract.

NEED FOR THE PDP AMENDMENT

LUDR, Section 4.1.2.A.1, requires all subdivisions, including replats, in Cape Coral to be permitted only with approved PDPs. In addition, since the new development plan for Tract 8 differs substantially from the development plan that was approved by Ordinance 132-05, this action also triggers an amendment.

City records show the developer applied for amending the Judd Creek PDP on April 4, 2019. Since this application was submitted prior to the adoption of the Land Development Code that occurred on August 5, 2019, the applicant could only seek entitlements by amending the PDP. While the LDC eliminated the PDP process and establishes a Planned Unit Development (PUD) process, the developer was prevented from seeking entitlements under the PUD process. Entitlements could have been sought through the PUD process had the developer chosen to file an application after August 5, 2019.

¹ Tract 8 was rezoned to the Residential Multi-Family Low (RML) District by Ordinance 4-19 that was adopted by the City Council on August 5, 2019.

REQUESTS

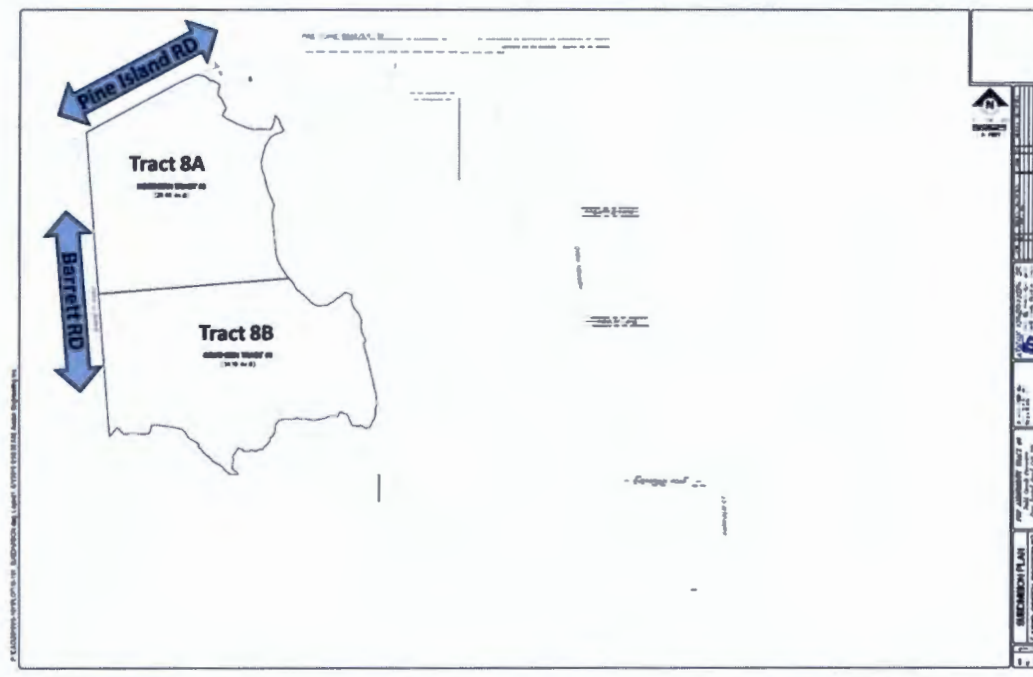
Several requests are included within this PDP amendment. Each request is discussed and analyzed below.

A. Replat

Background

The applicant seeks subdivision approval to replat Tract 8 into two parcels, hereafter referred to in this report as Tract 8A and Tract 8B for the northern and southern parcels, respectively (Figure 2). Tract 8A will consist of 29.40 acres while Tract 8B will be 34.18 acres.

Figure 2. Subdivision Plan Showing Tracts 8A and 8B in Judd Creek.



Analysis

Both tracts have a Multi Family FLUC and R-3 Zoning. Each parcel is irregular and exceeds 25 acres. Each parcel exceeds minimum dimensional requirements established for the R-3 District including lot area, lot width at the building line, and lot depth.

Both parcels will have access from Barrett Road, a street maintained by the Lee County Department of Transportation (DOT). Tract 8A also has frontage along Pine Island Road that is maintained by the Florida DOT. However, access to this principal arterial is not proposed. Access to Pine Island Road that was previously approved by Ordinance 132-05 is eliminated by this amendment.

B. Private Clubhouse

Background

The applicant seeks approval for a private clubhouse on each site. Private clubhouses are defined in Article XI as *"A central facility that serves as an integral part of a residential development providing a meeting place and/or indoor recreation opportunities for residents of a residential subdivision or other residential or mixed-use development, within which the facility is located."* Each building is proposed near the west side of the site near the project entrance on Barrett Road. The development plan shows each building will comply with the R-3 setback requirements. Compliance with the nonresidential design standards for each building will be evaluated during site plan review.

Analysis

LUDR, Section 3.15.1 states private clubhouses in residential or mixed-use PDPs may be approved as part of the PDP process by the City Council if the City Council finds that such a facility will serve as an integral part of the development where the facility is located.

According to the applicant, each clubhouse will provide a centralized place for residents to relax, socialize, and take advantage of amenities like a pool and exercise room. The applicant further states that amenities provided within a development can assist to lower the reliance of similar facilities provided to the public by the City.

Each clubhouse should serve as an integral part of the development as many residents in planned communities expect recreational facilities and services to be provided on-site. The facility will promote the public health, safety, and welfare by offering a suite of amenities in walking distance of residents in each community. While parking is not required, each facility will have a minimum of 12 parking stalls for residents choosing to drive to these facilities. Each clubhouse will comply with architectural standards established by the City for nonresidential buildings at the time of site plan review.

C. Development plan

The applicant seeks development plan approval for Tracts 8A and 8B. The proposed development plan differs from the previously approved PDP plan associated with Ordinance 132-05 in several key ways identified below (see Figure 3).

Number of Parcels

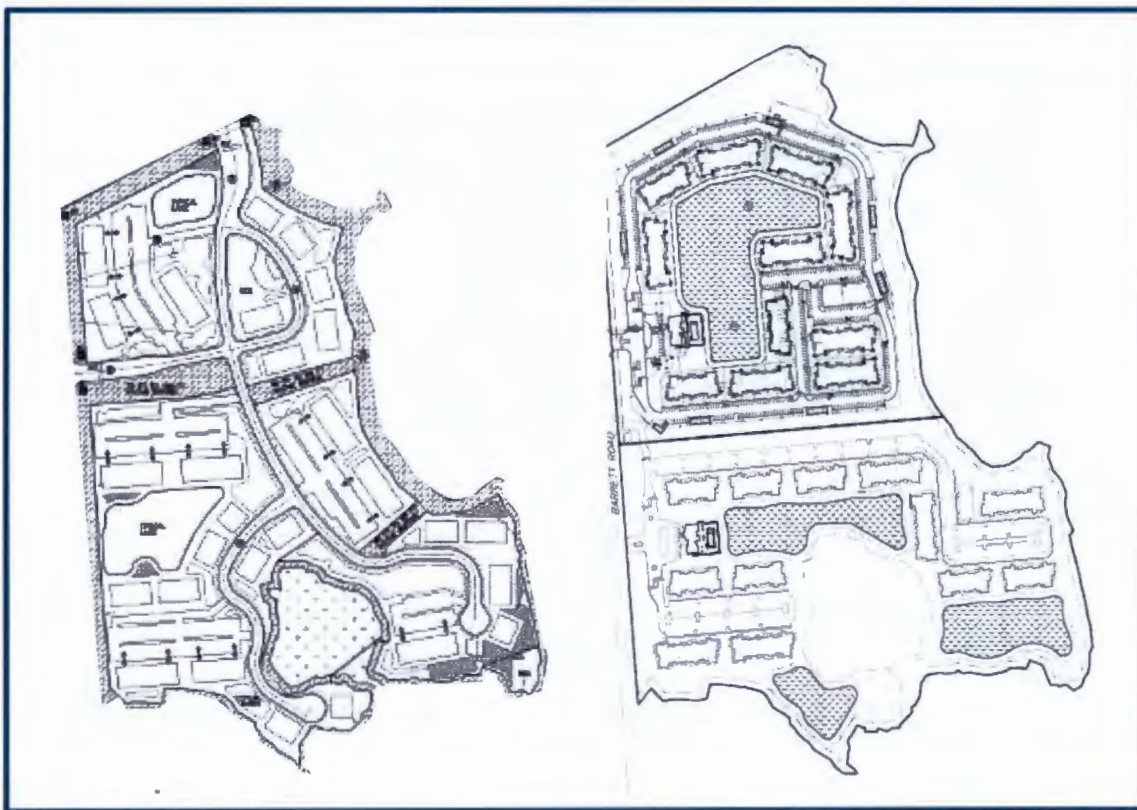
Ordinance 132-05 approved a maximum of 452 multi-family units distributed across the 63.59-acre Tract 8. The total number of units allowed in this PDP amendment remains unchanged. However, this amendment will replat Tract 8 into Tracts 8A and 8B with areas of 29.40 acres and 34.18 acres, respectively. The number of multi-family units proposed for Tracts 8A and 8B is 292 and 160, respectively. While the number of units on each tract can vary, the maximum density cannot exceed 10 DU/acre and the maximum number of units on the two tracts combined cannot exceed 452.

Access

Access to Tract 8 shown on the 2005 PDP plan was from single driveways along Pine Island Road and Barrett Road. This PDP amendment eliminates access to Pine Island Road. Tracts 8A and 8B will have single access points to Barrett Road. Tract 8A will also have a fire emergency entrance and exit near the southern property line of this parcel.

A traffic impact study (TIS) prepared by Trebilcock Consulting Solutions and submitted with the PDP application shows an estimated 243 average weekday PM peak hour trips generated by the two developments combined. Driveway permits along Barrett Road will be required from the Lee County DOT. The developer will construct all off-site improvements in the right-of-way as required by Lee County DOT. It is anticipated that Lee County DOT will require turn lanes into the development and at the intersection of Barrett and Pine Island Roads. Lane widening, drainage, and curb and gutter improvements are likely to be required along the frontage of the site. Sidewalks are anticipated to be required along the east side of the development.

Figure 3. PDP Plan for Tract 8 Approved by Ordinance 132-05 (on left) and the Development Plan for Tract 8 for the Current PDP Amendment (on right).



Height

Ordinance 132-05 approved a height deviation of 27 feet to allow buildings in Tract 8 to achieve a maximum height of 65 feet. The height deviation granted by Ordinance 132-05 will become null and void with the replatting of Tract 8 (See Ordinance 132-05, Section III, O.5.). The R-3 District has a maximum height requirement of 38 feet.

Model homes

Ordinance 132-05 approved a maximum of 15 model homes for Tract 8. This PDP amendment will approve development plans for two multi-family projects that lack model homes.

Buffers

The 2005 PDP plan showed a 75-foot wide buffer on the site adjacent to Pine Island Road and a “native” buffer ranging from 50 to 60 feet wide adjacent to Barrett Road. This plan also showed several similar buffers that were proposed between groups of building internal to the project.

The 2019 development plan depicts a 75-foot wide buffer on the site adjacent to Pine Island Road and a 60-foot wide buffer adjacent to Barrett Road. It is anticipated that the outer 30 feet of buffer width adjacent to Pine Island Road and the outer 20 feet of buffer adjacent to Barrett Road will likely be grassed and will not be landscaped as the developer will provide public utility easements to the City for both of these areas. Elsewhere within both buffers, landscaping will be provided sufficient to meet City landscape requirements. The developer is encouraged, but not required, to maintain as many of the existing native trees on-site as practical.

The 2019 development plan lacks buffers between buildings within the project. Instead of buffers, building will be oriented around one lake proposed for Tract 8A and three lakes proposed for Tract 8B.

GENERAL STANDARDS AND REQUIREMENTS FOR PDPS

This project was also evaluated for compliance with general standards and requirements found in LUDR, Section 4.2 that is provided below.

- A. *Environmental control standards:* A species survey, dated October, 2018, was prepared by Peninsula Engineering for Tract A. Fifteen gopher tortoise burrows were report for this site. In addition, two plant species listed by the Florida Department of Agriculture were reported; the stiff-leafed wild pine and the giant wild pine. State permitting protocols will be followed for all three species. This project complies with LUDR, Section 5.4.
- B. *Maintenance of improvements:* Ordinance 132-05 included a condition requiring all landscaping and screening to be maintained in good condition throughout the life of the development.
- C. *Consistency with Comprehensive Plan:* This project is consistent with several policies and goals in the Comprehensive Plan that are discussed in greater detail later in this report.
- D. *Financial Responsibility:* The project does not involve any mandatory improvements that the City requires securing with a bond or other similar financial instrument.
- E. *Dimensional requirements:* The project will comply with all applicable dimensional requirements of the R-3 District. No variance or deviation from any dimensional standard is sought as part of this PDP amendment.
- F. *Maximum density:* Development in the Judd Creek Sub-District is limited to a maximum of 10 dwelling units per acre on lands with a Multi-Family FLUC. Ordinance 132-05 approved Tract 8 for a maximum of 452 multi-family dwelling units or an overall density of 7.1 units per acre. This amendment approves a maximum of 292 units for Tract 8A and 160 units for Tract 8B, totaling a collective 452 units.

- G. *Minimum parcel size:* The project is in the City Urban Services Reserve Area. The project area is 63.59 acres, exceeding the three-acre minimum area, and entitlements are being sought through the PDP process.
- H. *Time limitation:* Substantial construction for the Judd Creek Project was met when the subdivision plat for this project was approved.
- I. *Ownership requirements:* A single entity, VK Judd Creek, LLC, owns 100% of Tract 8 that is subject to this PDP amendment.
- J. *Special exceptions:* No special exceptions are sought as part of this PDP amendment.
- K. *Deviations:* No deviations are sought as part of this PDP amendment.
- L. *Underground Utilities:* New development will be served by underground utilities.

CONCURRENCY REVIEW

Judd Creek met concurrency requirements for roads, sewer, water, drainage, solid waste, and parks when the project was approved in 2005. Since Ordinance 132-05 approved a maximum of 452 multi-family residential units for Tract 8, this PDP amendment does not result in any increase in the number of residential units allowed for the Judd Creek project.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

This project is consistent with the policies listed below.

Capital Improvement Element

Policy 1.1: Development orders or building permits shall not be issued unless adequate capacity exists or is assured in order to maintain the adopted level of service standards for public facilities. **Staff comments:** Potable water and centralized sewer services will be provided to the site by the City of Cape Coral through inter-local agreements with Lee County Utilities for water and Florida Governmental Utility Authority for sewer. Capacity exists for providing water and wastewater services for Tracts 8A and 8B.

Conservation and Coastal Management Element

Policy 1.2.8: The City will adopt and maintain, consistent with the provisions of Section 163.3202 Florida Statutes, land development regulations to require that development and redevelopment of properties include the removal and ongoing control of invasive exotic pest plants. **Staff comments:** Ordinance 132-05 requires the control and removal of nuisance plants in Judd Creek.

Policy 1.2.17: The City shall require, as a condition of approval for Planned Development Projects and Site Plan Reviews, a protected species survey, which reflects the current conditions (at the time of the review) on the development site. If listed species are known to inhabit or use the site, the applicant shall prepare a protected species management plan. **Staff comments:** A species survey, dated October 2018,

was prepared by Peninsula Engineering for Tract 8A. Fifteen gopher tortoise burrows were reported for this site.

Policy 1.7.9: The City will continue its policy of requiring all applicants for City building permits to complete an affidavit stating they have inspected the proposed building site for the presence of burrowing owl nests. The applicant shall be required to state whether state and federal permits to remove the owl burrows are needed or whether the development can be completed without removing the owl burrows, in which case the contractor shall accept full responsibility for protecting the owl burrows from actions of employees or sub-contractors. **Staff comments: A burrowing owl/gopher tortoise affidavit is required by the City during the site plan review process.**

Housing Element

Goal: To provide good quality housing in safe, clean neighborhoods, offering a broad choice of options in both type (single family and multi-family) and tenure (owner and renter occupied) to meet the needs of present and future residents of the City, regardless of age or income status. **Staff comments: This PDP amendment will amend a previously approved development plan to allow a maximum of 452 multi-family units on two parcels that was previously platted as a single tract. The City has a documented need for additional multi-family housing. Multi-family development provides a housing option beyond single-family dwellings that dominate the existing housing stock in the City.**

Future Land Use Element

Policy 1.1: The subdivision of land within the City of Cape Coral shall be granted only within Developments of Regional Impact (DRIs) or in Planned Development Projects (PDPs), except for instances of approving small-scale subdivisions of fewer than 10 lots involving fewer than 10 acres. **Staff comments: The project involves a replat of a previously approved subdivision. The applicant is seeking entitlements through the PDP process.**

Policy 1.15a: Multi Family Residential: Not more than 16 units per acre. **Staff comments: The number of multi-family units allowed for Tract 8 is 452 that equates to a density of 7.1 DU/acre.**

Policy 1.15: Judd Creek Sub-District: Within the Judd Creek Sub-District, development shall not exceed 10 dwelling units per acre on lands with a future land use map designation of Multi-Family... **Staff comments: The density for the Tracts 8A and 8B will be 9.9 and 4.7 DU/acre, respectively. The density of both projects is less than the maximum density of 10 DU/acre allowed by the sub-district.**

Policy 7.4: Except as provided in Policy 7.5 (that exempts single-family homes and distribution electric substations), development (in the Urban Services Reserve Area) shall be permitted only by Developments of Regional Impact (DRIs) or by Planned Development Projects (PDPs). **Staff comments: The site is in the Urban Services Reserve Area. The applicant is seeking entitlements through the PDP process.**

Infrastructure Element

Policy 1.1.4: The City will maintain procedures to ensure adequate facility capacity before building permits are issued. **Staff comments: Judd Creek was found to meet concurrency requirements for City services**

when the project was approved in 2005. This project does not authorize any additional residential units beyond those previously approved by Ordinance 132-05.

Intergovernmental Coordination

Policy 2.4: The City of Cape Coral will communicate with Lee County to discuss the effects of new development upon major roadways, such as County roads, that serve both communities. **Staff comments:** City staff coordinated the transportation review with respect to project impacts to Barrett Road with Lee County DOT.

Policy 3.2: Development proposed within the City of Cape Coral will be reviewed for its impact on the level of service stands of adjacent local government. This will be accomplished in part through the DRI and plan amendment processes, the PDP process, the MPO, and through interlocal agreements. **Staff comments:** Lee County DOT reviewed the project for potential impacts to Barrett Road, a county-maintained road. Potable water and wastewater demands for the project were reviewed by Lee County Utilities and the Florida Governmental Utility Authority, respectively. The City provides potable water and wastewater through these two utility providers via interlocal agreements.

PROJECT RECOMMENDATION

Staff finds that this PDP amendment is consistent with the Comprehensive Plan and LUDRs. Staff recommends approval of all applicant requests and approval of the PDP amendment.

Staff Contact Information

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator

PH: 239-242-3255

Email: mstruve@capecoral.net

MEMORANDUM

CITY OF CAPE CORAL
UTILITIES DEPARTMENT

TO: John Szerlag, City Manager

FROM: Jeff Pearson, Utilities Director



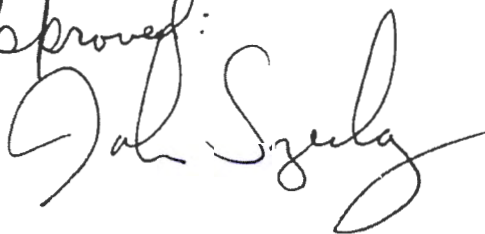
DATE: August 7, 2019

SUBJECT: Judd Creek PDP Amendment-Staff Recommendation

It is the recommendation of staff that the proposed PDP Amendment for the Springs at Judd Creek Phase 8a and 8b (Development) move forward for the Hearing Examiner Hearing (PDP19-0002) at 9:00am on August 20, 2019. City staff will meet with the Springs at Judd Creek Developer, Continental Properties (Developer) on August 8, 2019 for the purpose of resolving the outstanding issue of payment of impact fees to the City of Cape Coral.

Staff recommends the following:

- The Judd Creek Development will be required to pay all costs associated with connecting to Lee County and FGUA, including, but not limited to Lee County and FGUA impact fees. In addition, the City of Cape Coral's Contribution in Aid of Construction (CIAC) will be due when City water and wastewater services become available. City's Capital Facilities Expansion Charges (CFEC) will not be assessed.
- Furthermore, the Judd Creek Development will not be entitled to any refund for any connection or impact fees paid to Lee County, FGUA or the City of Cape Coral. When City water and wastewater lines become available, the Judd Creek Developer will be required to connect at their expense.
- City staff will develop a capital improvement project (CIP) to extend water and wastewater services to the Judd Creek Development within 48 months contingent upon City Council approval.

Approved:


8/7/19

C: Dalans
Soc M



NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: PDP19-0002

REQUEST: The owner, VK Judd Creek, LLC, seeks to amend Ordinance 132-05, as amended by Ordinance 31-12, approving a Planned Development Project in the City of Cape Coral, Florida entitled "Judd Creek Tract 8 PDP Amendment"; for certain property described as Tract 8 of Judd Creek Preserve, according to the plat thereof recorded under instrument number 2007000113064, of the public records of Lee County, Florida; property located southeast of the intersection of Pine Island Road and Barrett Road; replatting Tract 8 into two tracts; granting one private clubhouse for Tract 8A and one private clubhouse for Tract 8B; granting development plan approval pursuant to Section 4.2 of the City of Cape Coral Land Use and Development Regulations.

CAPE CORAL STAFF CONTACT: Mike Struve, Planning Team Coordinator, (239) 242-3255, mstruve@capecoral.net

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday September 3, 2019 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available five days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice if this case is scheduled for a City Council hearing.

DETAILED INFORMATION: The case report and colored maps for this application are available at the City of Cape Coral website, www.capecoral.net/publichearing (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM.

HOW TO CONTACT: Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

ADA PROVISIONS: In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: CITY OF CAPE CORAL_DEPT OF COM

Ad No.: 0003745653

Address: 1015 CULTURAL PARK BLVD
CAPE CORAL FL 33990
USA

Net Amt: \$363.62

Run Times: 1

No. of Affidavits: 1

Run Dates: 08/22/19

Text of Ad:

NOTICE OF PUBLIC HEARING ADVERTISEMENT

CASE NUMBER: PDP19-0002

REQUEST: The owner, VK Judd Creek, LLC, seeks to amend Ordinance 132-05, as amended by Ordinance 31-12, approving a Planned Development Project in the City of Cape Coral, Florida entitled "Judd Creek Tract 8 PDP Amendment"; for certain property described as Tract 8 of Judd Creek Preserve, according to the plat thereof recorded under instrument number 2007000113064, of the public records of Lee County, Florida; property located southeast of the intersection of Pine Island Road and Barrett Road; replatting Tract 8 into two tracts; granting one private clubhouse for Tract 8A and one private clubhouse for Tract 8B; granting development plan approval pursuant to Section 4.2 of the City of Cape Coral Land Use and Development Regulations.

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by order of
Kimberly Bruns, CMC
City Clerk
REF # PDP19-0002
8/22/2019 3745653

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: VK Judd Creek, LLC

APPLICATION NO: PDP19-0002

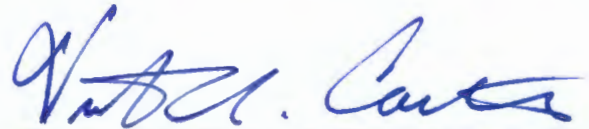
STATE OF FLORIDA)
) §
COUNTY OF LEE)

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

DATED this 27th day of August, 2019.



Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 27th day of August, 2019, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 6/1/2020 Commission # FF 997798



Tina M. Lilly
Signature of Notary Public

Tina M. Lilly
Print Name of Notary Public









CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT ZONING MAP
500 Proximity Boundary

Case No. PDP19-0002

LEGEND

-  **SUBJECT PARCEL**
-  **500 BOUNDARY**
-  **A**
-  **CC**
-  **I**
-  **RML**



0 180 360 540 720 Feet

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Community Development with any questions regarding this map product.

500' BOUNDARY



NE PINE ISLAND RD
NE PINE ISLAND RD


CITY OF CAPE CORAL

**Department of Community
Development
Planning Division**

AERIAL MAP

CASE # PDP19-0002

LEGEND

 **SUBJECT PARCEL**

SUBJECT PARCEL



0 145 290 580 870 Feet



SPRINGS AT CAPE CORAL LISTED SPECIES SURVEY UPDATE

PREPARED BY:

PENINSULA ENGINEERING
2600 GOLDEN GATE PARKWAY
NAPLES, FL 34105

OCTOBER 2018

BRUCE LAYMAN, CE, PWS

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1. INTRODUCTION

Peninsula Engineering (PE) entered into an agreement with Continental 466 Fund LLC (Continental) to provide environmental services associated with a 29.4-acre parcel known as Springs at Cape Coral. The Project Site is located in Section 04; Township 44 South, Range 24 East, Lee County, Florida within the City of Cape Coral. The parcel is bordered on the north by 4-laned N.E. Pine Island Road, on the east by Yellow Fever Creek, on the west by residential uses, and on the south by undeveloped land. The parcel represents a 29.4-acre portion of the larger 193-acre Judd Creek Preserve project that was previously permitted by U.S. Army Corps of Engineers Nationwide Permit authorization SAJ-2004-3093 (MAE) (now expired) and South Florida Water Management District Environmental Resource Permit 36-05773-P (still active).

A listed species survey was conducted by others in March and April 2003 in support of the prior state and federal environmental permitting. That survey documented six active and eight inactive gopher tortoise burrows. Due to the presence of scrub habitat on the site, the survey also included a formal Florida Scrub jay (*Aphelocoma coerulescens*) survey to determine presence/absence (none were found). Given the age of the 2003 listed species survey, the current effort is meant to supplement those findings and reflect current conditions on the 29.4 acre portion of the overall 193-acre site.

2. PROJECT METHODOLOGY

Bruce Layman, Ecologist with PE, conducted the survey of the site in September 2018 to update the findings of the prior 2003 listed species survey conducted by others. The following information describes the methodology used in habitat mapping and conducting the listed species survey:

2.1. Listed Wildlife Survey

Prior to conducting the listed species surveys, color aerial imagery and FLUCCS mapping from prior permitting were reviewed to anticipate which habitats may be present. Based on the habitat types identified, and the results of the 2003 listed species survey, a preliminary list of state and federal listed flora and fauna that could occur on the project site was generated and they are discussed in this report. Various publications and databases were also reviewed to identify listed plant and wildlife species that are regionally present and that could occur in those habitat types. Florida Fish and Wildlife Conservation Commission's (FWC) Florida's Endangered and Threatened Species (FWC, 2016) was used to determine the "listed" state and federal status designation of wildlife species.

The FWC Wildlife Occurrence (WildObs) data base was queried to identify documented listed plant and wildlife occurrences within a 5-mile radius of the project site. The 2013 FWC data base, updated August 2016, showed the following species within five miles of the site:

- Wading bird rookery within the Caloosahatchee River approximately 5 miles east of the site,
- Abundant burrowing owls (*Athene cunicularia*) in Cape Coral – the nearest approximately 1 mile to the west of the site,
- Several least tern occurrences (*Sterna albifrons*), the nearest approximately 1.5 miles to the west of the site,
- A single scarlet ibis (*Guara rubra*), approximately 2 miles to the north of the site,
- A single bonneted bat (*Eumops glaucinus*) occurrence, before it was renamed (*E. floridanus*), approximately 2.2 miles to the south of the site, and
- Scrub jay (*Aphelocoma coerulescens*) occurrence approximately 1.3 miles to the north of the site in 1992/1993.

The project site contains no US Fish and Wildlife Service-designated listed species critical habitat; there is no Florida panther (*Puma concolor coryi*) telemetry within 5 miles of the site; and the nearest red-cockaded woodpecker (*Picoides borealis*) occurrence records are greater than 5 miles from the site. Additionally, on-site habitat is not suitable to support burrowing owl or least tern nesting, and the scarlet ibis sighting is considered incidental and not typical of the region.

The field survey consisted of one ecologist performing parallel meandering pedestrian transects spaced approximately 100 to 150 feet on center based on habitat type and visibility limits. The field observer was equipped with a compass, GPS, aerials, wildlife and plant identification books, binoculars, portable phone and speaker to broadcast scrub jay vocalizations, and a field notebook. During pedestrian transects, the ecologist periodically stopped, looked for wildlife, signs of wildlife, and listened for wildlife vocalizations. Based on the habitats present on the parcel (not to the exclusion of other potential listed species), the ecologist specifically surveyed for the potential presence of the Eastern indigo snake (*Drymarchon corais couperi*), gopher tortoise (*Gopherus polyphemus*), Sherman's fox squirrel (*Sciurus niger shermani*), Florida scrub jay, and trees containing cavities that could be potentially created and used by the red-cockaded woodpecker or used by the Florida bonneted bat (*Eumops floridanus*; FBB) for roosting. Additionally, given the focus of the prior survey on the potential presence of the Florida scrub jay, the ecologist broadcast recorded scrub jay *scold* vocalizations (obtained from the Cornell Macaulay Library) on a grid pattern across the scrub habitat located on site, in accordance with Florida Fish and Wildlife Conservation Commission (FWC) Technical Report #8, *Ecology and Development Related Habitat Requirements of the Florida Scrub Jay* requirements, to determine presence/absence of the species. The scrub jay scold vocalizations were broadcast on multiple occasions at each location for a minimum of 4 minutes, each. Given the mild weather conditions over the duration of the survey, the number and location of the vocalization stations was anticipated to be sufficient to reach/sample the on-site scrub habitat. The approximate locations of transects performed during the listed species survey, and the locations where the scrub jay calls were broadcast, are indicated on Figure 1 entitled *FLUCCS, Listed Species, & Transect Exhibit*. Given the nature of the parcel and the $\pm 20'$ average lateral distance visible from the center line of each transect, the ecologist is anticipated to have visually observed approximately 60% of the parcel.

The approximate location of observed listed wildlife species and their numbers were mapped on an aerial and recorded in a field notebook. The locations of fixed location resources, such as gopher tortoise burrows, were recorded using hand-held DeLorme Earthmate PN-40 GPS. High-visibility survey ribbon was tied to vegetation in proximity to observed resources. Non-listed wildlife species were recorded daily.

2.2. Listed Plant Survey

During the course of conducting surveys for listed wildlife, the PE ecologist searched for plants listed by the Florida Department of Agriculture (FDA) and the U.S. Fish and Wildlife Service (FWS). These agencies have categorized the various plant species based upon their relative abundance in natural communities. Those categorizations include "Endangered", "Threatened" and "Commercially Exploited".

2.3. Habitat Mapping

The habitat survey included the preparation of a Florida Land Use, Cover and Forms Classification System (FLUCCS) map delineating the major vegetation communities, land forms, and land uses present on the project site. A FLUCCS Map for the project site is provided as Figure 1 entitled *FLUCCS, Listed Species, & Transect Exhibit*. The methods and class descriptions found in the FLUCCS manual (FDOT, 1999) were followed when delineating and assigning areas to an appropriate FLUCCS category (class) or “codes”. Plant communities were mapped using direct field observations and aerial photo interpretation. Water body boundaries shown on Figure 1 are based upon topographic survey data (top of bank). Color aerial photos were plotted at 1” = 50’ scale and were used in the field to map the vegetative communities on the site.

A factor in mapping vegetative associations and local habitats is the invasion by the exotic plant species, such as melaleuca (*Melaleuca quinquenervia*), Brazilian pepper (*Schinus terebinthifolius*), and earleaf acacia (*Acacia auriculiformis*). Four levels of exotic density are typically recognized. Code modifiers may be appended to the base FLUCCS code to indicate the approximate density of exotic vegetation in the canopy or understory, as follows:

- E1 = Exotics 10-24%
- E2 = Exotics 25-49%
- E3 = Exotics 50-75%
- E4 = Exotics 75<%

Lack of an “E” designation reflects that exotic vegetation may be present, but below 10% coverage.

3. SURVEY RESULTS

3.1. Listed Wildlife Species Observed/Identified On Site

The following is a summary of the listed wildlife species observed on site. The listed wildlife species observed along with their state and federal listed status are provided in Table 2. The locations of the listed wildlife species observed during the field surveys are shown in Figure 1 entitled *FLUCCS, Listed Species, & Transect Exhibit*. Non-listed wildlife species were also noted during the surveys and a list of those species is provided in Table 3.

Gopher Tortoise

The gopher tortoise is listed as Threatened (T) by the FWC. Fifteen (15) potentially occupied gopher tortoise burrows were observed on site during the 2018 listed species survey update. Each burrow was located via hand-held GPS, survey ribbon was affixed to nearby vegetation, and the burrow locations are shown on Figure 1. The listed species survey was conducted such that approximately 60% of the parcel was observed. Therefore, it is anticipated that approximately 25 potentially occupied burrows may exist on site. Using the standard FWC burrow occupancy rate (0.5 tortoises per burrow), it is estimated that there could be up to 13 tortoises on site.

3.2. Listed Wildlife Species Not Observed But With Potential to Occur On Site

The following is a discussion of listed wildlife species that were not observed during either survey, but which are considered to have potential to occur due to the presence of suitable habitat or confirmed sightings in the region. These species are summarized in Table 4.

The Sherman's fox squirrel (*Sciurus niger shermani*) (SFS) is listed as a Species of Special Concern by FWC and its distribution is believed to be from the Caloosahatchee River in South Florida through Central Georgia. The SFS is usually associated with FLUCCS codes 411, 621, and 624. The SFS could potentially inhabit or utilize the pine flatwood or scrubby pine flatwoods habitats on site. However, lack of signs, such as nests, day beds or individuals, suggest the likelihood is low.

Florida scrub jay (*Aphelocoma coerulescens coerulescens*) is listed as Threatened by FWS. In 2003, a formal scrub jay survey was conducted by others because the site fell within the FWS consultation area for this species, there was Type I and II scrub oak habitat on the parcel, and it was noted that there was a scrub jay occurrence within 5 miles of the site. That survey resulted in no on-site scrub jay observations. Subsequently, it appears from historic aerial imagery that the area mapped as scrubby flatwoods habitat in the current survey effort was mechanically managed in 2010, resulting in a significant reduction in midstory coverage. Since then, the 29.4-acre site appears to have remained unmanaged and scrub oaks have regenerated into a nearly impenetrable 6' – 12' tall monotypic stand with few open sandy areas that are typically required by the scrub jay. Although the habitat on site could have at one point been suitable to support the species, the current overgrown and choked condition of the scrubby flatwoods habitat renders it uninhabitable for this species. Since both the 2003 and 2018 surveys followed FWS guidelines, and both resulted in species absence, there is near zero potential for the scrub jay to use the site in its current condition.

Red-cockaded woodpecker (*Picoides borealis*) (RCW) is listed as Endangered by FWS and the project site is located on the periphery of the FWS consultation area for this species. Though the slash pine trees located on site could be used for foraging, if a RCW clan was regionally present, the nearest known RCW occurrences (per FWC WildObs data base) are beyond 5 miles from the site (i.e., beyond the recognized 2-mile RCW dispersal distance). Therefore, given the distance between the known occurrences and the site, there is near zero potential for the RCW to use the pine flatwood habitat present on site.

Florida panther (*Felis concolor coryi*) is listed as Endangered by FWS. The Project Site does not fall within the FWS consultation area for this species. Given that the project is located between 8-10 miles from the nearest mapped primary or secondary panther habitat, there is anticipated to be no potential for the Project Site to affect the species.

Bald Eagle (*Haliaeetus leucocephalus*) is not listed by FWC or FWS. However, it is protected via the Bald and Golden Eagle Protection Act. Per the FWC Eagle Nest Locator (<https://public.myfwc.com/FWRI/EagleNests/nestlocator.aspx>), the nearest known eagle nest (nest LE043) is located approximately 1.5 miles south of the parcel. Therefore, the parcels fall well outside the protection zones of that nest and has no potential to adversely affect it.

The Project Site falls within the FWS Florida bonneted bat (*Eumops floridanus*; FBB) consultation area, but not its focal area. The species is listed as Endangered by FWS. There is relatively little

known about the life-history needs of the species. However, it has been suggested in the literature that roosts may be a limiting resource for this bat. Given that there are no on-site structures within which to roost, trees with cavities that could serve as potential roost sites for the bonneted bat were searched for during the listed species survey in accordance with FWS guidance. As with many properties in Southwest Florida, many of the tree snags that contained woodpecker cavities were blown over during the passing of Hurricane Irma approximately a year ago, and the pines that subsequently died due to stress and beetle infestation have not been dead long enough to develop woodpecker cavities. Two pine snags containing woodpecker cavities, however, survived the hurricane and are indicated on Figure 1. One is located adjacent to the existing on-site conservation easement located along the western bank of Yellow Fever Creek. It contains a single ± 1.5 " diameter cavity that, upon close visual inspection, only penetrated 2.5" horizontally into the trunk and did not contain a typical nest pocket. It is too small to have reasonable potential to be used as a roost for the FBB. The top of the second tree contains small woodpecker cavities, is approximately 5" – 7" diameter, and is rotten and falling apart. As such, the potential for FBBs to roost in the second tree is temporary and does not represent a long-term resource. No signs of use by FBBs (i.e., smudges around cavity openings, guano, etc.) were observed at either tree. Given the Project's naturally vegetated condition and its proximity to Yellow Fever Creek, it is feasible that the FBB could commute over and/or forage over the site.

The Eastern indigo snake (*Drymarchon corais couperi*) is listed as Threatened by FWS and inhabits pine forests, hardwood hammocks, scrub and other uplands. They also rely heavily on a variety of wetland habitats for feeding and temperature regulation needs. It is typically assumed that there is potential for the species to be present on nearly any site in Southwest Florida, particularly sites with burrows, such as gopher tortoise burrows, within which to seek refuge. With gopher tortoises found to be present on site, there is potential for the indigo snake to inhabit the site.

3.3. Listed Plant Species Observed On Site

Two (2) total species of listed plants (per the FDA list) were observed on site during the field surveys. The species observed included stiff-leaved wild pine (*Tillandsia fasciculata*) and giant wild pine (*Tillandsia utriculata*). Stiff-leaved wild pine was relatively abundant and giant wild pine was relatively uncommon. Both were typically located on live oak and slash pine trees. No plant species listed by FWS were observed during the field surveys. The listed plant species observed, and their state and federal listed status, are provided in Table 2. Listed plant species that were not observed during either survey, but which are considered to have potential to occur due to the presence of suitable habitat or confirmed sightings in the region are summarized in Table 5.

The protection afforded plants listed by FDA entails restrictions on harvesting or destroying plants found on private lands of another, or public lands, without permission and/or a permit from FDA. There are no restrictions for landowners, unless the sale of plants is involved. These provisions are found in Section 581.185, FDA under State law.

3.4. Habitat Mapping

Natural areas of the project site are comprised primarily of pine flatwood and xeric oak communities. The FLUCCS code for each community along with a brief description and acreage

are provided in Table 6. A detailed description of each FLUCCS code is provided in Appendix A. Figure 1 provides a map showing the vegetative associations found on the parcel.

4. SUMMARY

Results of the survey suggest that up to 13 gopher tortoises may exist on the site. Since state guidelines require such a large preserve acreage if tortoises are proposed to be retained on site, it is likely that off-site relocation via a conservation permit may be the preferred means to address the species. Permitting and relocation would be required after the site development plan is approved by the City of Cape Coral and prior to commencement of construction.

Though no indigo snakes were observed during the survey, the FWS will likely assume that they have the potential to occur on site. The owner is advised to commit to following the FWS's Standard Protection Measures for the Eastern Indigo Snake to minimize potential impact on the species. If an Eastern indigo snake is encountered during gopher tortoise relocation, it would be relocated in accordance with state guidelines. Given the small parcel size, the relatively low abundance of tortoises, and the author's experience in relocating gopher tortoises, the potential to encounter an indigo snake during tortoise relocation is anticipated to be near zero.

No federally-listed plant species were observed on site. The protection afforded plants listed by FDA entails restrictions on harvesting or destroying plants found on private lands of another, or public lands, without permission and/or a permit from FDA. There are no restrictions for landowners unless the sale of plants is involved.

The species observed on the Project Site, including the gopher tortoise and the two FDA-listed plants, will be affected by the proposed project. However, by following state permitting protocol for the gopher tortoise and the two listed plants, there should be no adverse effect on these species.

5. REFERENCES CITED

- Florida Department of Transportation. 1999. *Florida Land Use, Cover and Forms Classification System*. Procedure No. 550-010-001-a. Third Edition. Tallahassee, Florida.
- Florida Fish and Wildlife Conservation Commission. 2013. *Florida's Endangered and Threatened Species, Official List*. Tallahassee, Florida.
- U.S. Fish and Wildlife Service. 2002. *Standard Local Operating Procedures for Endangered Species, Scrub Jays (Draft)*. South Florida Ecological Services Office, Vero Beach, Florida.
- Weaver, R.E. and P.J. Anderson. 2010. *Notes on Florida's Endangered and Threatened Plants*. Contribution No. 38, 5th edition.

TABLES

Table 1: Listed Species and Vegetation Survey Details

Ecologist	Date	Time of Day	Weather	Field Hours
Bruce Layman	9/24/18	8:30 a.m. - 3:00 p.m.	83° f, clear, calm	6.5
Bruce Layman	9/25/18	8:15 a.m. - 11:30 a.m.	79° f, clear, calm	2.75
Bruce Layman	9/26/18	8:00 a.m. - 11:30 a.m.	77° f, clear, calm	3.5
Bruce Layman	9/27/18	8:15 a.m. - 11:00 a.m.	76° f, clear, calm	2.75
Bruce Layman	9/28/18	8:15 a.m. - 10:30 a.m.	79° f, clear, calm	2.25
Total Hours				17.75

Table 2: Listed Plant and Wildlife Species Observed

Common Name	Scientific Name	Habitat Where Observed By FLUCCS	FWC Status	FWS Status	FDA Status
PLANTS					
Giant wild-pine	<i>Tillandsia utriculata</i>	411, 4111	N/A	NL	E
Stiff-leaved wild-pine	<i>Tillandsia fasciculata</i>	411, 4111	N/A	NL	E
WILDLIFE					
Gopher tortoise	<i>Gopherus polyphemus</i>	411, 4111, 830	T	NL	N/A

FDA = Florida Department of Agriculture and Consumer Services
 FWC = Florida Fish and Wildlife Conservation Commission
 FWS = United States Fish & Wildlife Service
 E = Endangered
 T = Threatened
 NL = Not
 Listed
 N/A = Not Applicable

Table 3: Non-listed Wildlife Species Observed

Common Name	Scientific Name
BIRDS	
Northern cardinal	<i>Cardinalis cardinalis</i>
Red-bellied woodpecker	<i>Melanerpes carolinus</i>
Blue-gray gnatcatcher	<i>Polioptila caerulea</i>
Brown thrasher	<i>Toxostoma rufum</i>
Northern mockingbird	<i>Mimus polyglottos</i>
Common ground dove	<i>Columbina passerina</i>
Blue jay	<i>Cyanocitta cristata</i>
Mourning dove	<i>Zenaidura macroura</i>
AMPHIBIANS & REPTILES	
Southern black racer	<i>Coluber constrictor</i>
MAMMALS	
Nine-banded armadillo	<i>Dasypus novemcinctus</i>
Rabbit *	<i>Sylvilagus</i> spp.
Raccoon *	<i>Procyon lotor</i>
Eastern gray squirrel	<i>Sciurus carolinensis</i>

* Species not directly observed. Signs of species presence observed (e.g., burrow, tracks, scat, etc.)

Table 4: Estimated Probability of Occurrence of Non-Observed Listed Faunal Species

Common Name	Scientific Name	Status (FWC/FWS)	Estimated Occurrence*			Habitat by FLUCCS
			Probable	Possible	Unlikely	
BIRDS						
Florida scrub jay	<i>Aphelocoma coerulescens coerulescens</i>	T/T			X	411, 4111
Red-cockaded woodpecker	<i>Picoides borealis</i>	E/E			X	411
MAMMALS						
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	SSC/NL			X	411, 4111
Florida bonneted bat	<i>Eumops floridanus</i>	E/E			X	411, 4111
REPTILES						
Eastern indigo snake	<i>Drymarchon corais couperi</i>	T/T			X	411, 4111
AMPHIBIANS						
None						

Table 5: Estimated Probability of Occurrence of Non-Observed Listed Floral Species

Common Name	Scientific Name	Status (FDA/FWS)	Estimated Occurrence*			Habitat by FLUCCS
			Probable	Possible	Unlikely	
Inflated wild pine	<i>Tillandsia balbisiana</i>	T/NL			X	411, 4111
Twisted air plant	<i>Tillandsia flexuosa</i>	T/NL			X	4111
Satinleaf	<i>Chrysophyllum oliviforme</i>	T/NL			X	411
Beautiful pawpaw	<i>Deeringothamnus pulchellus</i>	E/E			X	411
Florida cottontail	<i>Zamia floridana</i>	C/NL			X	411

FWC = Florida Fish and Wildlife Conservation Commission

FWS = United States Fish and Wildlife Service

FDA = Food and Drug Administration

SSC = Species of Special Concern

T = Threatened

E = Endangered

C = Commercially Exploited

NL = Not listed

* Probable Occurrence = >50% estimated chance of occurrence on site. Possible Occurrence = <50% estimated chance of occurrence on site. Unlikely Occurrence = <5% estimated chance of occurrence on site.

Table 6: Existing Vegetative Associations and Land Uses

FLUCCS CODE	FLUCCS DESCRIPTION	Acres
411	Pine Flatwoods, Palmetto understory	18.47
4111	Scrubby Flatwoods	10.75
830	Utility Easement	0.18
	TOTAL	29.40



APPENDIX A
Existing Vegetative Association & Land Use Descriptions

Existing Vegetative Association & Land Use Detailed Descriptions

Pine Flatwoods – Palmetto Understory (FLUCCS 411) – This community is dominated in the canopy primarily by slash pine (*Pinus elliotti*) and secondarily by laurel oak (*Quercus laurifolia*). The midstory includes cabbage palm (*Sabal palmetto*), live oak (*Quercus virginiana*), and laurel oak. Saw palmetto (*Serenoa repens*) represents the dominant vegetation in the groundcover. Muscadine grape (*Vitis rotundifolia*) often dominates the ground surface in open areas between pockets of palmetto.

Scrubby Flatwoods (FLUCCS 4111) – This community contains a sparse canopy of slash pine and occasional live oaks. The midstory includes slash pine, hog plum (*Ximenia americana*), abundant live oaks and sand live oaks (*Quercus virginiana* var. *geminata*), and other scrub oak species. Large pockets of saw palmetto are scattered and represent the dominant vegetation in the groundcover. Groundcover species between and among the palmetto pockets include winged sumac (*Rhus copallina*), penny royal (*Mentha pulegium*), shiny blue berry (*Vaccinium myrsinites*), beauty berry (*Callicarpa americana*), wiregrass (*Aristida stricta*), cat briar (*Smilax rotundifolia*), and muscadine grape.

Utility Easement (FLUCCS 830) – This area represents a public utility easement against the right-of-way for Pine Island Road along the northern fringe of the parcel. There is no canopy or midstory. The groundcover is unmaintained and includes sand blackberry (*Rubus cuneifolius*), muscadine grape, and various ruderal herbaceous species.

**FIGURE 1
FLUCCS, Listed Species, & Transect Exhibit**

**PENINSULA
ENGINEERING**

SPRINGS AT CAPE CORAL
LISTED SPECIES SURVEY UPDATE



LEGEND	
	PARCEL BOUNDARY
	MEANDERING PEDESTRIAN TRANSECT (APPROX.)
	FLUCCS LIMITS
	POGT- POTENTIALLY OCCUPIED GOPHER TORTOISE BURROW
	SCRUB JAY VOCALIZATION STATION



FLUCCS CODE	DESCRIPTION	AREA (AC)
411	PINE FLATWOODS, PALMETTO UNDERSTORY	18.47
4111	SCRUBBY FLATWOODS	10.75
830	UTILITY EASEMENT	0.16
		29.40



PROJECT:

**SPRINGS AT
CAPE CORAL**

TITLE:

**FLUCCS & LISTED
SPECIES MAP**

OWNER/CLIENT/CONSULTANT

**CONTINENTAL 466
FUND, LLC**

SEC 4 TWP 44S RGE 24E
Designed by: BRUCE LAYMAN
Drawn by: ANTON SCHAFER
Date: OCTOBER 2018
Drawing Scale: 1" = 300'
Project Number: P-CONT-008-001
File Number: P-CONT-008-001-X03
C-X03
Sheet Number: 01 of 01



Traffic Impact Statement

Judd Creek Tract 8 Planned Development Project Amendment

Cape Coral, Lee County, FL
05/15/2019

Prepared for:

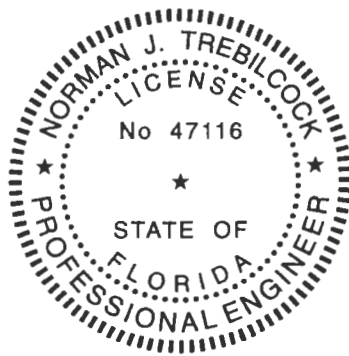
Peninsula Engineering
2600 Golden Gate Parkway
Naples, FL 34105
Phone: 239-262-2600

Prepared by:

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2800 Davis Boulevard, Suite 200
Naples, FL 34110
Phone: 239-566-9551
Email: ntrebilcock@trebilcock.biz

Statement of Certification

I certify that this Traffic Impact Statement has been prepared by me or under my immediate supervision and that I have experience and training in the field of Traffic and Transportation Engineering.



Norman J.
Trebilcock, AICP,
P.E., 47116 State
of Florida

Digitally signed by Norman J. Trebilcock,
AICP, P.E., 47116 State of Florida
DN: cn=Norman J. Trebilcock, AICP, P.E.,
47116 State of Florida, o=This item has
been electronically signed and sealed
using a SHA-1 authentication code.,
ou=Printed copies of this document are
not considered signed and sealed, and the
SHA-1 authentication code must be
verified on any electronic copies.,
email=ntrebilcock@trebilcock.biz, c=US
Date: 2019.05.15 15:23:50 -04'00'

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Project Description

The Judd Creek Tract 8 is a proposed residential development located at the southeast corner of Pine Island Road (State Road 78) and Barrett Road, in the City of Cape Coral. The project site is currently vacant and lies within Sections 4, Township 44 South, Range 24 East, in Lee County, Florida. Refer to **Fig. 1 – Project Location Map**, which follows and **Appendix A: Project Master Site Plan**.

Fig. 1 – Project Location Map



The subject site is part of an approved residential and commercial Planned Development Project (PDP) known as Judd Creek, as illustrated in the City of Cape Coral Ordinance 31 – 12.

This Planned Development Project (PDP) Amendment proposes to develop Judd Creek Tract 8 as follows: North Parcel (Springs at Cape Coral) – 292 multi-family residential units and South Parcel – a future potential development to consist of 160 multi-family residential units.

The project's site trip generation is based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition and ITE Trip Generation Handbook, 3rd Edition. The associated common recreation amenities are considered passive incidental to the residential land use and are not considered in the trip generation analysis.

The expected build-out year for the Springs at Cape Coral (North Parcel) project is 2021. In accordance with Cape Coral TIS Guidelines, the future traffic conditions with project reflect the build-out year plus one year (year 2022).

The proposed development program is illustrated in **Table 1**, based on the ITE 10th Edition Trip Generation Manual land use descriptions.

The ITE Manual now classifies multifamily dwelling units as low, mid or high-rise buildings and no longer classifies them as apartments or condominiums/townhomes. Consistent with the ITE land use code description, multifamily housing includes apartments, townhouses and condominiums. The proposed residential structures are 2-story buildings. As such, for trip generation purposes, the proposed residential dwelling units are analyzed based on the ITE LUC 220 – Multifamily Housing (Low-Rise).

Table 1
Proposed Development Program – Judd Creek Tract 8

Development	ITE Land Use	ITE Land Use Code	Size (Dwelling Units)
North Parcel Springs at Cape Coral Residential Multi-Family	Multifamily Housing (Low-Rise)	220	292
South Parcel Future Potential Development Residential Multi-Family	Multifamily Housing (Low-Rise)	220	160
Judd Creek Tract 8 Total			452

A methodology meeting was held with the City of Cape Coral Transportation Planning staff on March 25, 2019 (refer to **Appendix B: Initial Traffic Impact Study Checklist**).

Connection to each parcel is proposed to be provided via an individual full movement access (main entrance) along Barrett Road. A shared emergency only entrance (full movement connection) is located on Barrett Road in the southwest corner of the north parcel property.

Trip Generation

The software program OTISS – Online Traffic Impact Study Software, most current version, is used to generate the projected traffic associated with the proposed project. The ITE regression equations are used for the trip generation calculations. The ITE – OTISS trip generation calculation worksheets are provided in **Appendix C: ITE Trip Generation Calculations**.

Per ITE recommendation, no reductions for internal capture or pass-by trips have been taken into consideration. The estimated weekday trip generation associated with the proposed build-out conditions for North Parcel, South Parcel and Tract 8 are illustrated in **Table 2A, 2B and 2C**, respectively.

The concurrency analysis is based on the estimated Judd Creek Tract 8 PM peak hour average weekday traffic. In addition, the site access turn lane analysis is calculated using the projected weekday AM and PM peak hour traffic associated with each individual parcel.

Table 2A
Trip Generation – North Parcel Build-out – Average Weekday

North Parcel Springs at Cape Coral	Daily Two- Way Volume	AM Peak Hour			PM Peak Hour		
ITE Land Use		Enter	Exit	Total	Enter	Exit	Total
Multifamily Housing (Low-Rise)	2,167	30	102	132	96	57	153

Table 2B
Trip Generation – South Parcel Build-out – Average Weekday

South Parcel Future Potential Development	Daily Two- Way Volume	AM Peak Hour			PM Peak Hour		
ITE Land Use		Enter	Exit	Total	Enter	Exit	Total
Multifamily Housing (Low-Rise)	1,169	17	58	75	57	33	90

Table 2C
Trip Generation – Judd Creek Tract 8 Build-out – Average Weekday

Judd Creek Tract 8	Daily Two- Way Volume	AM Peak Hour			PM Peak Hour		
ITE Land Use		Enter	Exit	Total	Enter	Exit	Total
Multifamily Housing (Low-Rise)	3,336	47	160	207	153	90	243

Trip Distribution and Assignment

The traffic generated by the development is assigned to the adjacent road network based on the knowledge of the area and as coordinated within the TIS methodology meeting. Traffic information has been gathered for the segments of the roadway network in the study area from FDOT Florida Traffic Online, Lee County 2018 Concurrency Report and Lee County 2018 Traffic Count Report.

Based on review of the FDOT Telemetered Traffic Monitoring Site #6049, the peak hour, peak direction for Pine Island Rd is considered the Westbound PM Peak Hour. This is consistent with the traffic data presented in the Lee County 2018 Traffic Count Report – Permanent Count Station (PCS) #49.

As illustrated in the Lee County PCS #34, the peak hour, peak direction for Pondella Rd is Westbound PM Peak Hour.

For more details refer to **Appendix D: Traffic Count Data**. For the purposes of this report, the peak hour, peak direction associated with Barrett Rd is considered northbound PM Peak Hour.

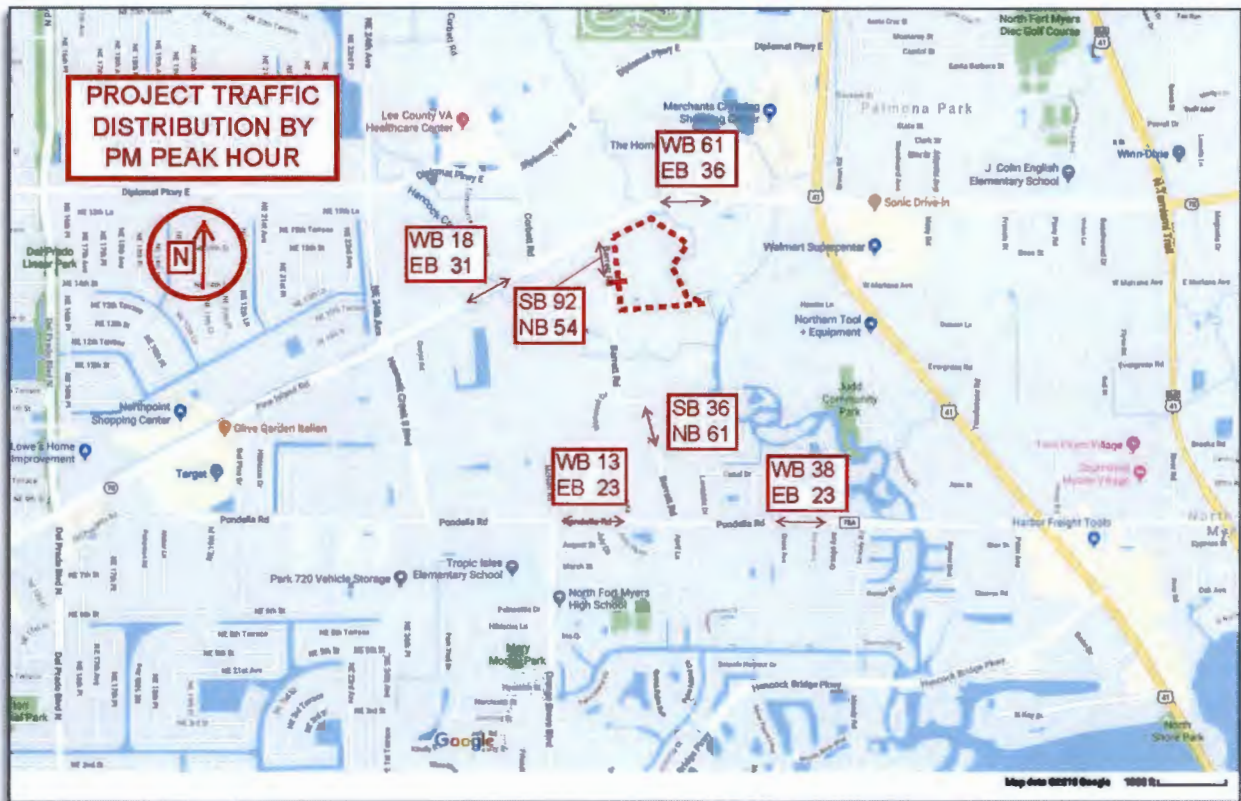
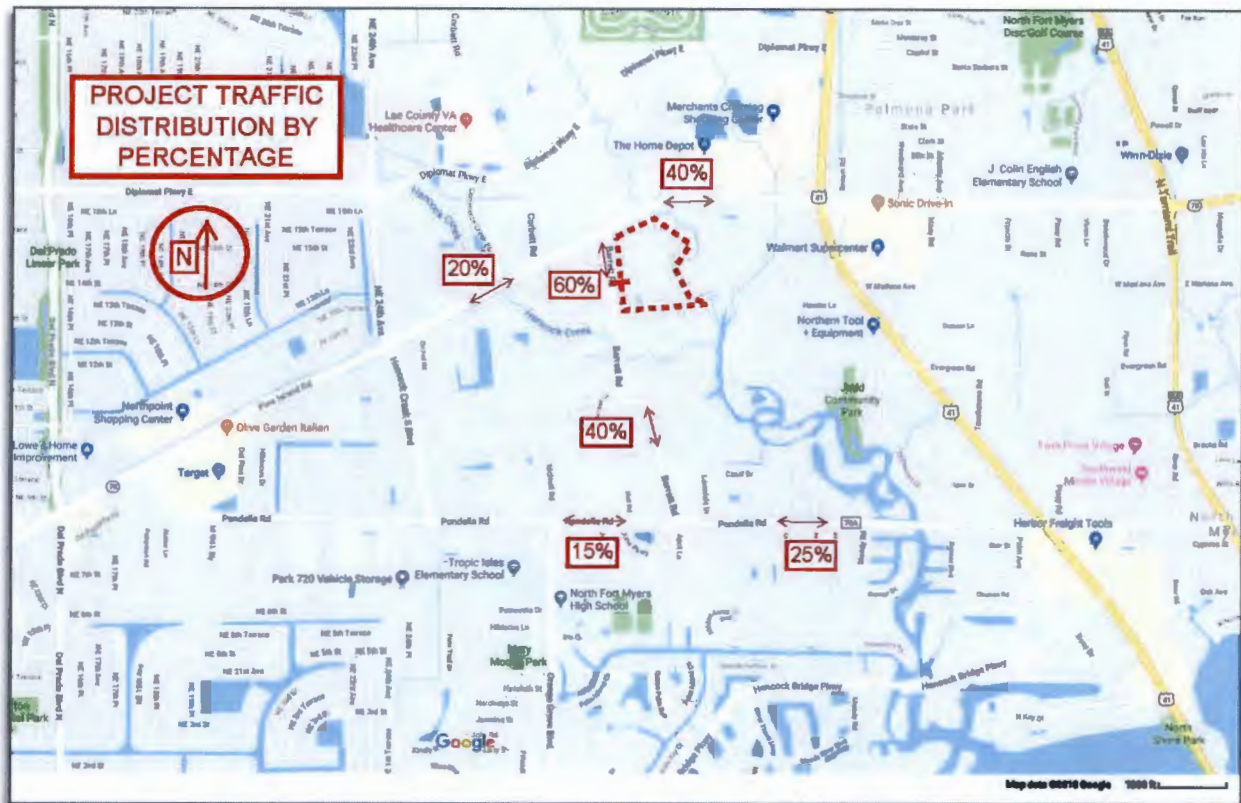
The site-generated trip distribution is shown in **Table 3, Project Traffic Distribution for PM Peak Hour** and it is graphically depicted in **Fig. 2 – Project Distribution by Percentage and By PM Peak Hour**.

Table 3
Project Traffic Distribution for PM Peak Hour

Roadway Link	Roadway Link Location	Distribution of Project Traffic	PM Peak Hour Project Traffic Vol*	
			Enter	Exit
Pine Island Rd	Pondella Rd to Barrett Rd	20%	EB – 31	<u>WB – 18</u>
Pine Island Rd	Barrett Rd to US 41	40%	<u>WB – 61</u>	EB – 36
Barrett Rd	North of Project	60%	SB – 92	<u>NB – 54</u>
Barrett Rd	South of Project	40%	<u>NB – 61</u>	SB – 36
Pondella Rd	West of Barrett Rd	15%	EB – 23	<u>WB – 13</u>
Pondella Rd	East of Barrett Rd	25%	<u>WB – 38</u>	EB – 23

Note(s): *Estimated peak hour, peak direction traffic volumes are **underlined** and **bold** to be used in roadway network capacity analysis calculations.

Fig. 2 – Project Distribution by Percentage and by PM Peak Hour



Background Traffic

For the purposes of this report, the surrounding roadway network is analyzed under 2022 traffic conditions, as established in the methodology meeting.

Historic growth rates are estimated for the segments of the roadway network in the study area using a general guidance of a minimum 2% growth rate, or calculated based on available traffic volumes as shown in the Lee County and FDOT traffic counts.

Pine Island Rd – from Pondella Rd to Barrett Rd – The peak hour, peak direction volume and growth are computed based on the information illustrated in FDOT Site #6049 traffic counts (refer to **Appendix D**). As such, the 2017 peak hour, peak direction is calculated as $29,000 * 0.09 * 0.553 = 1,444$ vph (2017 AADT = 29,000; K factor = 9%; D Factor = 55.30%).

Based on the FDOT historical AADT data, the growth rate was determined to be 2.2%. In addition, consistent with data shown in the Lee County Traffic Count Report PCS #49, a growth rate of 2.1% was calculated for this roadway segment (**Appendix D**). A conservative 2.2% growth rate is utilized for traffic projections for the analyzed Pine Island Rd segments: from Pondella Rd to Barrett Rd, and from Barrett Rd to US 41.

Pine Island Rd – from Barrett Rd to US 41 – The 2016 peak hour, peak direction volume is 1,580 vph as illustrated in the Lee County 2018 Concurrency Report. Based on a growth rate of 2.2%, the 2017 peak hour, peak direction volume is $1,580 * 1.022 = 1,615$ vph.

Barrett Rd – from Pine Island Rd to Pondella Rd – The 2017 peak hour, peak direction volume is 103 as illustrated in the Lee County 2018 Concurrency Report. The Concurrency Report advises that the traffic volumes for this roadway link were projected based on old traffic counts. As shown in the 2018 Lee County Traffic Count spreadsheet, the only available count data presented for this link is for the year 2009. Based on a minimum growth rate of 2.0%, the 2017 peak hour, peak direction volume is evaluated as $103 * 1.1717 = 121$ vph.

Pondella Rd – from Orange Grove Blvd to US 41 – The 2017 peak hour, peak direction volume is 1,286 vph as illustrated in the Lee County 2018 Concurrency Report. Consistent with the traffic information presented in the Lee County 2018 Traffic Count spreadsheet PCS #34, a growth rate of 2.1% is calculated for this roadway segment (**Appendix D**).

Table 4, Background Traffic without Project, illustrates the projected background (without project) peak hour, peak direction traffic volume for the planning horizon year of 2022.

For reference purposes, applicable excerpts from the Lee County 2018 Concurrency Report are included in **Appendix E**.

Table 4
Background Traffic without Project

Roadway Link	Roadway Link Location	2017 100 th Highest Hour Volume* (trips/hr)	Projected Traffic Annual Growth Rate** (%/yr)	Growth Factor**	Future 2022 Background Pk Hr, Pk Dir Vol*** (trips/hr)
Pine Island Rd	Pondella Rd to Barrett Rd	1,444	2.2%	1.1149	<u>1,610</u>
Pine Island Rd	Barrett Rd to US 41	1,615	2.2%	1.1149	<u>1,801</u>
Barrett Rd	North of Project	121	2.0%	1.1041	<u>134</u>
Barrett Rd	South of Project	121	2.0%	1.1041	<u>134</u>
Pondella Rd	West of Barrett Rd	1,286	2.1%	1.1095	<u>1,427</u>
Pondella Rd	East of Barrett Rd	1,286	2.1%	1.1095	<u>1,427</u>

Note(s): The projected 2022 Peak Hour – Peak Direction Background Traffic is the calculated projected future volume based on data published in Lee County Concurrency Report, which is **underlined** and **bold**.

*Based on FDOT traffic counts (**Appendix D**) and Lee County 2018 Concurrency Report (**Appendix E**).

**2% minimum or historical growth rate; Growth Factor = $(1 + \text{Annual Growth Rate})^5$.

***2022 Projected Volume= 2017 100th Highest Hour Volume x Growth Factor.

Existing and Future Roadway Network

The existing roadway conditions are extracted from the Lee County 2018 Concurrency Report. Roadway improvements that are currently under construction or are scheduled to be constructed within the first five years of the current Capital Improvement Program (CIP) are considered to be committed improvements for the purposes of this study. As no such improvements were identified in the Lee County 2018 Concurrency Report, the evaluated roadway links are anticipated to remain as such through project build out.

The existing and future roadway conditions are illustrated in **Table 5**.

Based on Lee County AC-11-1 – Functional Classification of Roadways data, the subject roadway segments are analyzed as follow:

- Pine Island Road (SR 78) is a state maintained arterial:
- Pondella Road is a county maintained arterial:
- Barrett Road is a county maintained major collector.

Table 5
Existing and Future Roadway Conditions

Roadway Link	Roadway Link Location	Exist Roadway	Performance Standard LOS	Performance Standard Capacity Volume	Future Project Roadway
Pine Island Rd	Pondella Rd to Barrett Rd	4LD	D	2,100	4LD
Pine Island Rd	Barrett Rd to US 41	4LD	D	2,100	4LD
Barrett Rd	North of Project	2LN	D*	860	2LN
Barrett Rd	South of Project	2LN	D*	860	2LN
Pondella Rd	West of Barrett Rd	4LD**	E	1,890	4LD
Pondella Rd	East of Barrett Rd	4LD**	E	1,890	4LD

Note(s): 2LU = 2-lane undivided roadway; 2LN = 2-lane narrow roadway 2LD, 4LD, 6LD = 2-lane, 4-lane, 6-lane divided roadway, respectively; LOS = Level of Service. N/A = not applicable, not available.
 * Barrett Rd – Lee County LOS E; City of Cape Coral LOS D – conservatively LOS D is utilized.
 ** as depicted in the Lee County Concurrency Report – this is a five-lane undivided urban arterial with four travel lanes and a two-way left-turn lane.

Project Impacts to Area Roadway Network – Roadway Link Analysis

Levels of Service (LOS) volumes for the area roadway network are evaluated to determine the project impacts for the horizon year 2022.

A significant traffic impact is defined as 10% or more of the service volume at LOS “C” for the analyzed links at build out conditions.

Lee County Link-Specific Service volumes for the analyzed roadway are depicted in **Appendix F**. Based on the information contained in the FDOT 2016 District 1 LOS Spreadsheet, the LOS capacity thresholds for the analyzed Pine Island Rd segments under the peak hour, peak direction are: LOS C – up to 2,006 vph, LOS D – up to 2,100 vph.

Future projected background traffic volumes are combined with estimated project trips, as illustrated in **Table 6**. Based on these calculations, all the roadway segments under study operate at a LOS “C” or better under future 2022 conditions.

The significance impact threshold is exceeded for the Barrett Road segment from project south to Pondella Road. The project traffic consumes less than 10% of the LOS “C” service volume on all other roadway segments under study.

Table 6
Roadway Link Level of Service (LOS) – Judd Creek Tract 8 Development

Roadway Link	Lee County Roadway Link No./Link Location	2022 Background Pk Dir Vol ⁽¹⁾ (trips/hr)	Pk Hr, Pk Dir, Project Vol Added ⁽²⁾	2022 Total Pk Hr, Pk Dir Roadway Link Vol w/Project ⁽³⁾	2022 Total Pk Hr, Pk Dir LOS ⁽⁴⁾	Directional Service Vol of LOS C ⁽⁴⁾	Project Pk Hr, Pk Dir as % of LOS C Service Vol	Significance Impact at 10% of LOS C Yes/No
Pine Island Rd	Pondella Rd to Barrett Rd	<u>1,610</u>	<u>WB- 18</u>	<u>1,628</u>	<u>LOS C</u>	2,006	0.9%	<u>No</u>
Pine Island Rd	Barrett Rd to US 41	<u>1,801</u>	<u>WB- 61</u>	<u>1,862</u>	<u>LOS C</u>	2,006	3.0%	<u>No</u>
Barrett Rd	North of Project	<u>134</u>	<u>NB- 54</u>	<u>188</u>	<u>LOS C</u>	550	9.8%	<u>No</u>
Barrett Rd	South of Project	<u>134</u>	<u>NB- 61</u>	<u>195</u>	<u>LOS C</u>	550	11.1%	<u>Yes</u>
Pondella Rd	West of Barrett Rd	<u>1,427</u>	<u>WB- 13</u>	<u>1,440</u>	<u>LOS B</u>	1,890	0.7%	<u>No</u>
Pondella Rd	East of Barrett Rd	<u>1,427</u>	<u>WB- 38</u>	<u>1,465</u>	<u>LOS B</u>	1,890	2.0%	<u>No</u>

Note(s): (1) Refer to **Table 4** from this report;
(2) Refer to **Table 3** from this report;
(3) 2022 Projected Volume= 2022 background + Project Volume added;
(4) Based on FDOT 2016 District 1 LOS and Lee County Link-Specific Service Volumes (2015 Data – latest adopted).

A roadway link is considered to be adversely impacted if the total traffic – future 2022 peak hour, peak direction background conditions with project – exceeds the adopted peak hour level of service volume for that link (**Table 5**). As illustrated in **Table 6**, none of the analyzed links are projected to exceed the adopted LOS Standard with or without the project at 2022 future conditions, and will maintain a satisfactory level of service (the analyzed roadway segments operate at a LOS C or better). Based on the results of this analysis, this project does not create any adverse traffic impacts to the area roadway network.

Site Access Turn Lane Analyses

Connection to each parcel is proposed to be provided via an individual full movement access (main entrance) along Barrett Road. A shared emergency only entrance (full movement connection) is located on Barrett Road in the southwest corner of the north parcel property. For more details refer to **Appendix A: Project Master Site Plan**.

Turn lane recommendations coincident with the project build-out conditions have been reviewed based on Lee County Turn Lane Policy AC-11-4 criteria. According to the Lee County Turn Lane Policy, left- and/or right-turn lanes are required when any two or more warrants are satisfied.

Barrett Road is an undivided two-lane collector roadway with a posted speed limit of 30 mph in the vicinity of the project.

North Parcel – Springs at Cape Coral

The proposed project is expected to generate 18 vph and 58 vph left-turning movements during the AM and PM peak hour, respectively. According to the Lee County Turn Lane Policy, a dedicated left-turn lane is not warranted at the project access. The proposed project is expected to generate 12 vph and 38 vph right-turning movements during the AM and PM peak hour, respectively. According to the Lee County Turn Lane Policy, a dedicated right-turn lane is not warranted at this location.

South Parcel – Future Potential Development

The proposed project is expected to generate 10 vph and 34 vph left-turning movements during the AM and PM peak hour, respectively. According to the Lee County Turn Lane Policy, a dedicated left-turn lane is not warranted at the south parcel access. The proposed project is expected to generate 7 vph and 23 vph right-turning movements during the AM and PM peak hour, respectively. According to the Lee County Turn Lane Policy, a dedicated right-turn lane is not warranted at this location.

The analysis is provided in the attached **Appendix G: Site Turning Movements Exhibit** and **Appendix H: Turn Lane Warrant Analysis**.

Improvement Analysis

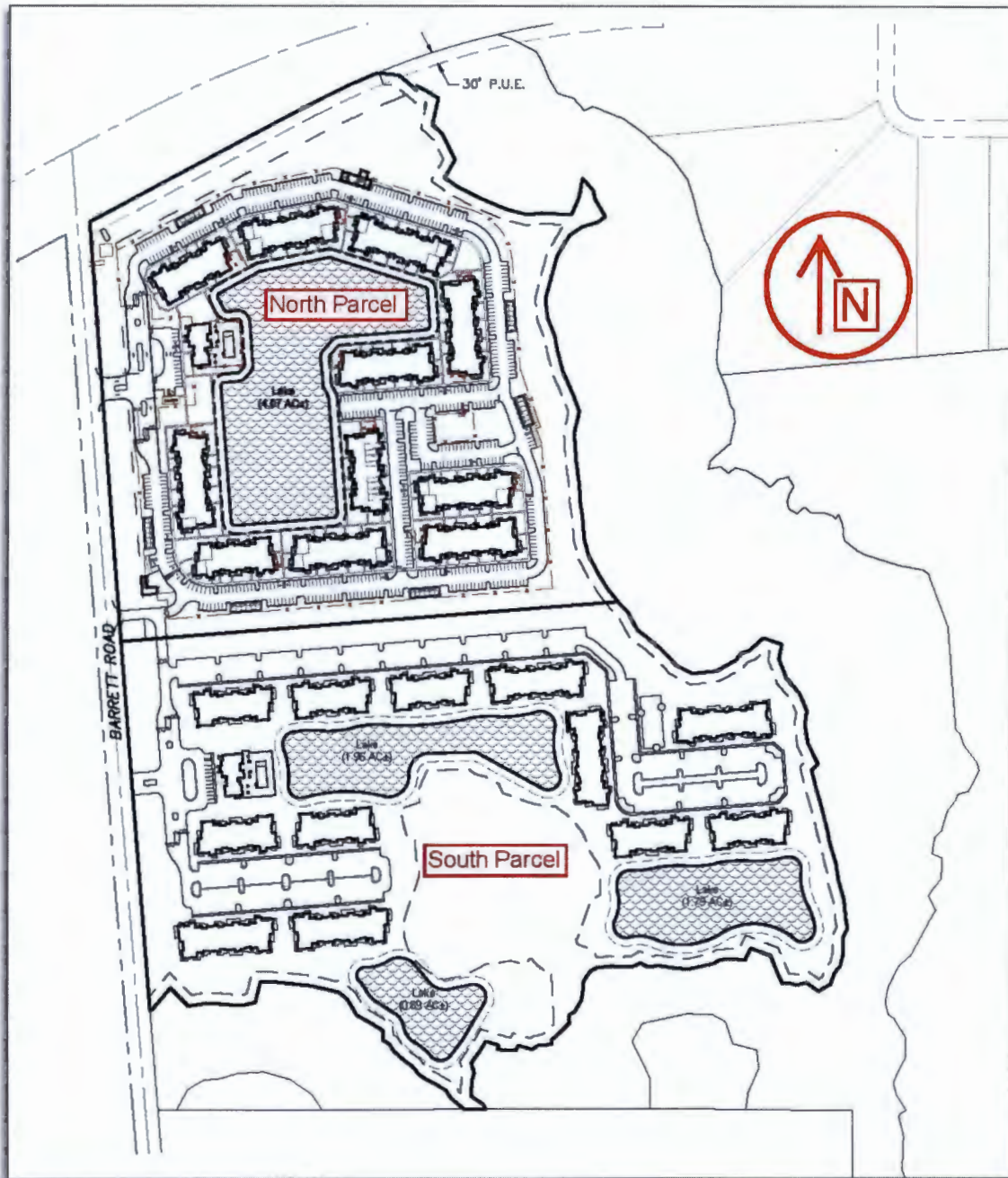
Based on the concurrency analysis results, the proposed Judd Creek Tract 8 project produces significant traffic impacts on Barrett Rd segment south of project to Pondella Rd. All other analyzed roadway links are neither significantly nor adversely impacted by the proposed developments within the Judd Creek Tract 8. There is adequate and sufficient roadway capacity to accommodate the proposed development generated trips without adversely affecting adjacent roadway network level of service.

Based on the turn lane analysis results, turn lane improvements are not warranted at the site access locations.

Mitigation of Impact

The developer proposes to pay the appropriate City of Cape Coral transportation impact fees as building permits are issued for the project, as applicable.

Appendix A
Project Master Site Plan



Appendix B

Initial Traffic Impact Study Checklist (Methodology Meeting)



Initial Traffic Impact Study Checklist Form

(To be completed by applicant as much as possible prior to methodology meeting)

I. BACKGROUND

1. Name and Location of Project: Springs at Cape Coral, SE corner of Pine Island Rd & Barrett Rd
2. Name of Applicant: Continental 466 Fund LLC
Address and Phone Number of Applicant: _____
3. Meeting Date: Via Email Location: N/A
4. Attendees: David Hvyti – Public Works Department; Norman Trebilcock – Trebilcock Consulting Solutions; Ciprian Malaescu – Trebilcock Consulting Solutions

II. DETERMINATION

(On the basis of this initial evaluation and per engineering common practice)

- ☐ I find that the proposed project SHOULD NOT have a significant negative impact on traffic operations, and a LETTER OF NO SIGNIFICANT IMPACT will be prepared and distributed to affected government entities by the applicant.
- ☐ I find that a traffic study describing the potential change in traffic impacts due to the requested rezoning should be evaluated. The traffic study preparer should contrast the impacts of the uses permitted under current zoning with those permitted under the requested zoning district. The following uses from the zone list are to be evaluated:
- ☐ Current zone: _____ Proposed zone: _____
- ☐ A study Type Appropriate for this development is _____
- ☒ A Traffic Impact Study is required.
- ☐ I find the proposed project will have a significant impact on a multi jurisdictional roadway network (over two miles radius). A multi-jurisdictional Traffic Impact Study should be prepared. The applicant should coordinate the Jurisdictional Traffic Impact Study with the following staff/agencies:

III. TRAFFIC STUDY INFORMATION

If a traffic study is required, the following should be discussed and agreed upon to the extent possible:

The traffic generated by the proposed development will add less than 300 vehicle trips during the peak hour to the adjacent road system. The TIS will provide estimated trip generation, concurrency LOS analysis and site access turn lane analysis.

1. Study Area: Intersections which should be included:
The following intersections will be analyzed for AM and PM Peak Hour: N/A – under the 300 vph threshold volume
2. Horizon Year: 2022
 - Completion date of project. Year: 2021
 - For each phase of project. Ph. 1 Yr. _____ Ph. 2 Yr. _____ Ph. 3 Yr. _____
 - Special time period: N/A



3. Traffic and Land Use Background Data:

- a. Existing recent traffic counts and sources.
City has recent sample (one hour) counts for some of the intersections, but those counts cannot be used for this study.
- b. Will city require new traffic counts (24 hour and peak hour)?
Most recent counts, AM and PM peak period, with last 2 years should be used. Peak hour should be based on 2 hour peak period (AM and PM) counts.
- c. Are there any special data requirements or conditions (Saturday counts, detours, etc.)?
No.
- d. Are there any scheduled road improvements in the project area?
No.
- e. What other development projects are pending or approved in the vicinity that could significantly impact traffic operations, including type, size and schedule for construction?
Applicant should use 2 % annual growth rate for this project.
- f. Are there other traffic studies available which evaluate the above?
No.
- g. Is transit available at the site or within 0.25 mile?
No.

4. Trip Generation

- ☒ ITE Trip Generation manual latest edition to be used.
- ☐ Local data to be provided.
- ☐ If trip reduction factors are to be used they should be generally discussed.

5. Other Issues

- a. Is there a need to provide traffic crash histories? If so, where can the information be obtained?
No.
- b. Are there any particular issues identified by the City Transportation Division such as corridor plan recommendations, future right of way, etc.?
The site has direct access onto Barrett Rd. which connects to Pine Island Rd. (SR 78) to the north. Coordination with FDOT may be desired.
- c. Describe any special local ordinance requirements such as access management standards.
AC – 11 – 1 Functional Classification of Roadways, Exhibit 2 – Connection Separation
Barrett Road – Major Collector – Connection Separation - average 330 ft or more
- d. Other issues.
No.



6. Submittal date schedules and number of copies needed: To Be Determined
7. The contents of a TRAFFIC IMPACT STUDY as per City Engineering Design Standards:
 - a. INTRODUCTION
 - Land Use, Site and Study Area Boundaries (provide map) – refer to Figure 1.
 - Existing and proposed site uses – Existing vacant; Proposed Multifamily Housing
 - Existing and proposed uses in vicinity of site (provide map) – Site Plan Attached.
 - Existing and proposed roadways and intersections (provide map).
 - b. TRIP GENERATION AND DESIGN HOUR VOLUMES (provide table). – See attached.
 - c. TRIP DISTRIBUTION (provide figure) - refer to Figure 2.
 - d. TRIP ASSIGNMENT (provide figure). - refer to Figure 2.
 - e. EXISTING AND PROJECTED TRAFFIC VOLUMES (provide figure for each item).
 - ☒ A.M. Peak hour site traffic (including turning movements)
 - ☒ P.M. Peak hour site traffic (including turning movements)
 - ☒ A.M. Peak hour total traffic, including site generated traffic and projected traffic.
 - ☒ P.M. Peak hour total traffic including site generated traffic and projected traffic.
 - ☒ Any other Peak hour necessary for complete analysis.
 - ☒ Total daily existing traffic for street system in study area.
 - ☐ Total daily existing traffic for street system in study area and new site traffic.
 - ☐ Total daily existing traffic for street system in study area plus new traffic and projected traffic from build-out of study area land uses.
 - f. CAPACITY ANALYSIS (provide Analysis Sheets in appendices)
 - g. TRAFFIC SIGNALS (provide Analysis Sheets in appendices) – N/A
 - h. TRAFFIC ACCIDENTS (OPTIONAL) (provide Collision Diagrams /Accident Rates) – N/A
 - i. CONCLUSIONS
 - j. RECOMMENDATIONS.
 - Proposed recommended improvements (provide sketches of improvements).
 - Volume/capacity analysis at critical points (provide analysis sheets in appendices).
 - Traffic volume proportions.

COMMENTS:

Roadways Jurisdiction – See Attached Exhibit: FDOT - Pine Island Rd. (SR 78): Lee County – Pondella Road and Barrett Rd.

Level of Service Standards

Pine Island Rd (SR 78) – FDOT LOS D; City LOS D (Transportation Element Policy 1.1.1)

Pondella Rd – Lee County LOS E; City LOS E (Transportation Element Policy 1.1.1)

Barrett Rd – Lee County LOS E; City LOS D (Transportation Element Policy 1.1.1) – conservatively the TIS will reflect a standard LOS D for this roadway

Site Access Turn Lane Requirements – per Lee County Turn Lane Policy – AC 11-4



Figure 1 – Location Map



Figure 2 – Project Trip Distribution Map by Percentage



Date: 3-25-19 Applicant signature: Norman Trebilcock

Date: _____ Transportation Division's Staff signature: _____

Appendix C

ITE Trip Generation Calculations

Project Information							
Project Name:		Springs at Cape Coral					
No:		Coral					
Date:		9/18/2018					
City:							
State/Province:							
Zip/Postal Code:							
Country:							
Client Name:							
Analyst's Name:		ITE-TGM 10th					
Edition:		Edition					

Land Use	Size	Daily		AM Peak		PM Peak Hour	
		Entry	Exit	Entry	Exit	Entry	Exit
220 - Multifamily Housing (Low-Rise) (General Urban/Suburban)	292 Dwelling Units	1084	1083	30	102	96	57
Reduction		0	0	0	0	0	0
Internal		0	0	0	0	0	0
Pass-by		0	0	0	0	0	0
Non-pass-by		1084	1083	30	102	96	57
Total		1084	1083	30	102	96	57
Total Reduction		0	0	0	0	0	0
Total Internal		0	0	0	0	0	0
Total Pass-by		0	0	0	0	0	0
Total Non-pass-by		1084	1083	30	102	96	57

Analysis Name :	Daily	
Project Name :	Springs at Cape Coral	No :
Date:	9/18/2018	City:
State/Province:		Zip/Postal Code:
Country:		Client Name:
Analyst's Name:		Edition: ITE-TGM 10th Edition

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
220 - Multifamily Housing (Low-Rise) (General Urban/Suburban)	Dwelling Units	292	Weekday	Best Fit (LIN) $T = 7.58 (X) + 40.86$	1084 50%	1083 50%	2167

Analysis Name : AM Peak Hour
Project Name : Springs at Cape Coral
Date: 9/18/2018
State/Province:
Country:
Analyst's Name:

No :
City:
Zip/Postal Code:
Client Name:
Edition: ITE-TGM 10th Edition

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
220 - Multifamily Housing (Low-Rise) (General Urban/Suburban)	Dwelling Units	292	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LOG) $\ln(T) = 0.95\ln(X)$ ± 0.51	30 23%	102 77%	132

Analysis Name : PM Peak Hour
Project Name : Springs at Cape Coral
Date: 9/18/2018
State/Province:
Country:
Analyst's Name:

No :
City:
Zip/Postal Code:
Client Name:
Edition: ITE-TGM 10th Edition

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
220 - Multifamily Housing (Low-Rise) (General Urban/Suburban)	Dwelling Units	292	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG) $\ln(T) = 0.89\ln(X)$ ± 0.02	96 63%	57 37%	153

Project Information	
Project Name:	Judd Creek Tract 8
No:	South Parcel
Date:	5/9/2019
City:	
State/Province:	
Zip/Postal Code:	
Country:	
Client Name:	
Analyst's Name:	
Edition:	Manual, 10th Ed

Land Use	Size	Daily		AM Peak		PM Peak	
		Entry	Exit	Entry	Exit	Entry	Exit
220 - Multifamily Housing (Low-Rise) (General Urban/Suburban)	160 Dwelling Units	585	584	17	58	57	33
Reduction		0	0	0	0	0	0
Internal		0	0	0	0	0	0
Pass-by		0	0	0	0	0	0
Non-pass-by		585	584	17	58	57	33
Total		585	584	17	58	57	33
Total Reduction		0	0	0	0	0	0
Total Internal		0	0	0	0	0	0
Total Pass-by		0	0	0	0	0	0
Total Non-pass-by		585	584	17	58	57	33

Analysis Name :	Daily						
Project Name :	Judd Creek Tract 8 South Parcel	No :					
Date:	5/9/2019	City:					
State/Province:		Zip/Postal Code:					
Country:		Client Name:					
Analyst's Name:		Edition:	Trip Generation Manual, 10th Ed				
Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
220 - Multifamily Housing (Low-Rise) (General Urban/Suburban)	Dwelling Units	160	Weekday	Best Fit (LIN) T = 7.56 (X)+-40.86	585 50%	584 50%	1169

Analysis Name :	AM Peak Hour	
Project Name :	Judd Creek Tract 8 South Parcel	No :
Date:	5/9/2019	City:
State/Province:		Zip/Postal Code:
Country:		Client Name:
Analyst's Name:		Edition: Trip Generation Manual, 10th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
220 - Multifamily Housing (Low-Rise) (General Urban/Suburban)	Dwelling Units	160	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LOG) $\ln(T) = 0.95\ln(X) + -0.51$	17 23%	58 77%	75

Analysis Name :	PM Peak Hour	
Project Name :	Judd Creek Tract 8 South Parcel	No :
Date:	5/9/2019	City:
State/Province:		Zip/Postal Code:
Country:		Client Name:
Analyst's Name:		Edition: Trip Generation Manual, 10th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
220 - Multifamily Housing (Low-Rise) (General Urban/Suburban)	Dwelling Units	160	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG) $\ln(T) = 0.89\ln(X) + -0.02$	57 63%	33 37%	90

Appendix D

Traffic Count Data

FDOT Florida Online Traffic – Site #6049

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2017 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6049 - SR 78/PINE ISLAND RD, 2000' E OF PONDELLA RD, PTMS 5026, LCPR 49

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2017	29000 F	0	0	9.00	55.30	7.40
2016	28134 C	E 13295	W 14839	9.00	55.30	7.00
2015	27364 C	E 12864	W 14500	9.00	56.60	5.90
2014	26000 C	E 11982	W 14018	9.00	57.10	5.90
2013	23162 C	E 10634	W 12528	9.00	57.10	5.40
2012	23695 C	E 10824	W 12871	9.00	57.10	5.60
2011	22431 C	E 11193	W 11238	9.00	55.60	6.00
2010	22902 C	E 11333	W 11569	10.19	55.56	5.40
2009	24948 C	E 11439	W 13509	9.18	58.15	5.50
2008	24214 C	E 11059	W 13155	9.42	57.15	5.50

FUTURE = OLD (1+GROWTH*N)
29000 = 24214 (1+GROWTH*9)
GROWTH = 2.2%

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

Lee County – 2018 Traffic Counts (Excerpts)

UPDATED 3/5/19			Daily Traffic Volume (AADT)									
STREET	LOCATION	Station #	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
BARRETT RD	S OF PINE ISLAND RD	509	2300									
PINE ISLAND RD (SR 78)	W OF DEL PRADO BLVD	366	36600									
PINE ISLAND RD (SR 78)	E OF PONDELLA RD	49	25100	22800	23000	22800	23100	25000	26800	28000	29100	29900
PINE ISLAND RD (SR 78)	W OF US 41											
PINE ISLAND RD (SR 78)	W OF BUSINESS 41	365	26200									
PONDELLA RD	E OF PINE ISLAND RD	373	13800	14400					12000		14900	
PONDELLA RD	E OF ORANGE GROVE BLVD											
PONDELLA RD	E OF BETMAR BLVD	34	18200	18000	17800	17700	18000	19000	20000	21000	21300	21600
PONDELLA RD	W OF BUSINESS 41	374	17700	19000	17500		17100	17100		19800		

FUTURE = OLD (1+GROWTH*N)
PINE ISLAND RD - STA #49
29900 = 25100 (1+GROWTH*9); GROWTH = 2.1%
PONDELLA RD - STA #34
21600 = 18200 (1+GROWTH*9); GROWTH = 2.1%

PCS 49 - Pine Island Rd east of Pondella Rd

2018 AADT = 29,900 VPD

Hour	EB	WB	Total
0	0.47%	0.62%	0.55%
1	0.32%	0.36%	0.34%
2	0.28%	0.28%	0.28%
3	0.43%	0.23%	0.32%
4	0.71%	0.36%	0.53%
5	2.03%	1.03%	1.51%
6	5.28%	3.02%	4.09%
7	6.90%	4.68%	5.72%
8	6.03%	4.84%	5.40%
9	5.94%	5.44%	5.68%
10	6.41%	6.16%	6.28%
11	6.72%	7.09%	6.91%
12	7.19%	7.66%	7.44%
13	7.13%	7.57%	7.36%
14	7.08%	7.55%	7.32%
15	6.85%	7.69%	7.29%
16	6.72%	7.86%	7.32%
17	6.43%	7.76%	7.13%
18	5.18%	6.28%	5.75%
19	4.09%	4.55%	4.33%
20	3.17%	3.56%	3.38%
21	2.36%	2.69%	2.53%
22	1.43%	1.70%	1.57%
23	0.85%	1.05%	0.95%

Month of Year	Fraction
January	1.04
February	1.08
March	1.10
April	1.02
May	0.97
June	0.94
July	0.92
August	0.95
September	0.94
October	1.00
November	1.03
December	1.03

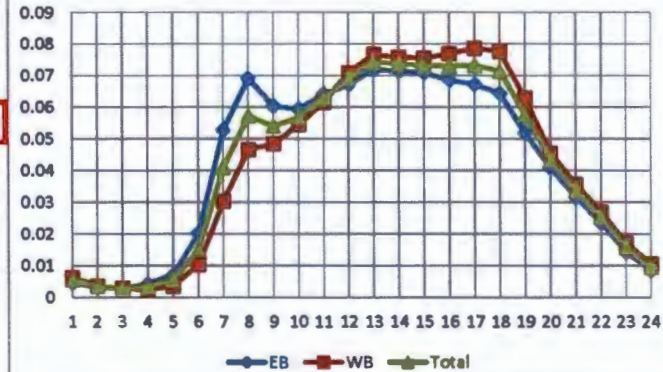
Day of Week	Fraction
Sunday	0.78
Monday	1.01
Tuesday	1.03
Wednesday	1.05
Thursday	1.05
Friday	1.13
Saturday	0.95

Directional Factor		
AM	0.64	WB
PM	0.54	EB

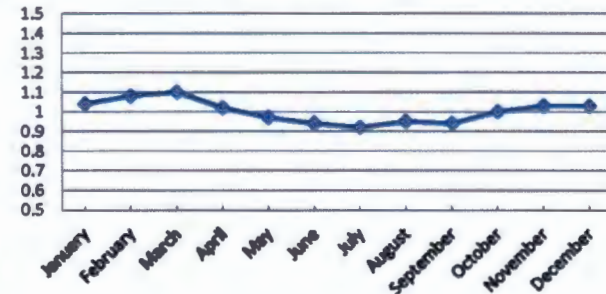
WB

Design Hour Volume		
#	Volume	Factor
5	2716	0.091
10	2678	0.090
20	2624	0.088
30	2613	0.087
50	2594	0.087
100	2548	0.085
150	2522	0.084
200	2503	0.084

Hour of Day



Month of Year



PCS 34 - Pondella Road east of Betmar Blvd

2018 AADT = 21,500 VPD

Hour	EB	WB	Total
0	0.57%	0.84%	0.71%
1	0.35%	0.60%	0.48%
2	0.35%	0.50%	0.43%
3	0.55%	0.34%	0.44%
4	1.16%	0.47%	0.80%
5	2.91%	1.16%	1.99%
6	7.09%	3.37%	5.14%
7	9.50%	4.25%	6.76%
8	8.06%	4.29%	6.09%
9	6.22%	4.26%	5.19%
10	5.82%	4.71%	5.24%
11	5.83%	5.48%	5.65%
12	6.00%	6.11%	6.06%
13	6.09%	6.38%	6.24%
14	6.02%	6.87%	6.46%
15	6.07%	8.10%	7.13%
16	6.11%	9.57%	7.92%
17	5.93%	10.48%	8.31%
18	4.79%	7.21%	6.06%
19	3.41%	4.82%	4.15%
20	2.62%	3.69%	3.18%
21	2.12%	2.96%	2.56%
22	1.46%	2.16%	1.83%
23	0.96%	1.40%	1.19%

Month of Year	Fraction
January	1.00
February	1.07
March	1.08
April	1.04
May	1.05
June	0.95
July	0.92
August	0.98
September	0.97
October	1.01
November	1.00
December	0.98

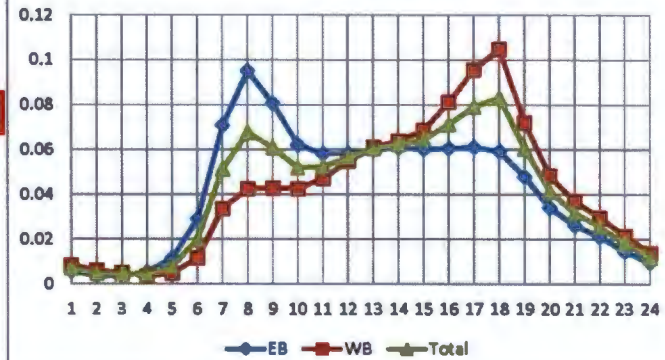
Day of Week	Fraction
Sunday	0.64
Monday	1.04
Tuesday	1.09
Wednesday	1.11
Thursday	1.1
Friday	1.16
Saturday	0.84

Directional Factor		
AM	0.69	WB
PM	0.61	EB

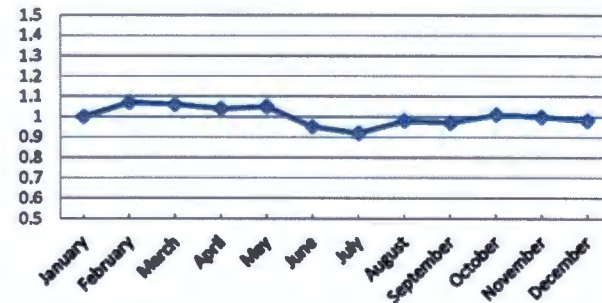
WB

Design Hour Volume		
#	Volume	Factor
5	2335	0.109
10	2302	0.107
20	2270	0.106
30	2249	0.105
50	2219	0.103
100	2166	0.101
150	2116	0.098
200	2074	0.096

Hour of Day



Month of Year



Appendix E

Lee County 2018 Concurrency Report (Excerpts)

Table 18 (cont.): Existing and Future Roadway LOS on County-Maintained Arterials in Unincorporated Areas

ROADWAY LINK				100TH HIGHEST HOUR DIRECTIONAL VOLUMES						NOTES
NAME	FROM	TO	TYPE	LOS	MAX	LOS	EXISTING	LOS	FUTURE	
LEELAND HEIGHTS	HOMESTEAD RD	JOEL BLVD	4LN	E	1,800	B	832	B	867	
LITTLETON RD	CORBETT RD	US 41	2LN	E	860	C	451	C	474	
	US 41	BUS 41	2LN	E	860	C	417	C	439	
LUCKETT RD	ORTIZ AVE	I-75	2LN	E	880	B	357	B	432	4 Ln design & ROW
McGREGOR BLVD	SANIBEL T PLAZA	HARBOR DR	4LD	E	1,960	B	1,154	B	1,213	
	HARBOR DR	SUMMERLIN RD	4LD	E	1,960	B	1,192	B	1,253	
	SUMMERLIN RD	KELLY RD	4LD	E	1,960	A	951	A	1,009	
	KELLY RD	GLADIOLUS DR	4LD	E	1,960	A	951	A	1,000	
N RIVER RD	SR 31	FRANKLIN LOCK RD	2LN	E	1,140	A	166	B	285	
	FRANKLIN LOCK RD	BROADWAY RD	2LN	E	1,140	A	80	B	225	
	BROADWAY RD	COUNTY LINE	2LN	E	1,140	A	80	A	113	
ORANGE RIVER BLVD	SR 80	STALEY RD	2LN	E	1,000	C	417	C	438	
	STALEY RD	BUCKINGHAM RD	2LN	E	1,000	C	391	C	425	
ORTIZ AVE	SR 82	LUCKETT RD	2LN	E	900	F	1,046	F	1,059	v/c = 1.16/1.22 4 Ln design & ROW
	LUCKETT RD	SR 80	2LN	E	900	B	375	B	394	4 Ln design & ROW
PINE ISLAND RD	STRINGFELLOW RD	BURNT STORE RD	2LN	E	950	E	610	E	660	Constrained
PONDELLA RD	SR 78	ORANGE GROVE BLVD	4LD	E	1,890	B	840	B	883	
	ORANGE GROVE BLVD	US 41	4LD	E	1,890	B	1,286	B	1,361	
	US 41	BUS 41	4LD	E	1,890	B	1,018	B	1,070	
SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	2LN	E	1,140	E	979	E	1,029	v/c = 0.86/0.90
SIX MILE CYPRESS	METRO PKWY	DANIELS PKWY	4LD	E	2,000	B	1,378	B	1,448	
	DANIELS PKWY	WINKLER EXT.	4LD	E	1,900	B	1,073	B	1,276	
SLATER RD	SR 78	NALLE GRADE RD	2LN	E	1,010	C	388	C	407	
STRING-FELLOW RD	1ST AVE	BERKSHIRE RD	2LN	E	1,060	B	307	D	664	Constrained
	BERKSHIRE RD	PINE ISLAND RD	2LN	E	1,060	B	307	C	440	Constrained
	PINE ISLAND RD	PINELAND RD	2LN	E	1,060	C	580	C	681	Constrained
	PINELAND RD	MAIN ST	2LN	E	1,060	C	580	C	677	
SUM-MERLIN RD	McGREGOR BLVD	KELLY COVE RD	4LD	E	1,980	A	1,231	A	1,294	
	KELLY COVE RD	SAN CARLOS BLVD	4LD	E	1,980	A	1,231	A	1,294	
	SAN CARLOS BLVD	PINE RIDGE RD	6LD	E	3,000	A	1,924	A	2,154	
	PINE RIDGE RD	BASS RD	6LD	E	3,000	A	1,924	A	2,022	
	BASS RD	GLADIOLUS DR	6LD	E	3,000	A	1,924	A	2,022	
	GLADIOLUS DR	CYPRESS LAKE DR	4LD	E	1,900	B	1,369	B	1,470	
	CYPRESS LAKE DR	COLLEGE PKWY	6LD	E	2,880	B	1,707	B	1,794	
	COLLEGE PKWY	PARK MEADOW DR	6LD	E	2,880	B	1,781	B	1,871	
	PARK MEADOW DR	BOY SCOUT	6LD	E	2,880	B	1,781	B	1,871	

Table 19: Existing and Future Roadway LOS on County-Maintained Collectors in Unincorporated Areas

ROADWAY LINK				100TH HIGHEST HOUR DIRECTIONAL VOLUMES						
				STANDARD		2017		2022		NOTES
NAME	FROM	TO	TYPE	LOS	MAX	LOS	EXIST ING	LOS	FUTURE	
A & W BULB RD	GLADIOLUS DR	McGREGOR BLVD	2LN	E	860	C	358	C	378	
BARRETT RD	PONDELLA RD	PINE ISLAND RD	2LN	E	860	C	103	C	116	old count projection
BASS RD	SUMMERLIN RD	GLADIOLUS DR	4LN	E	1,790	C	612	C	870	
BETH STACEY BLVD	23RD ST	HOMESTEAD RD	2LN	E	860	C	408	D	610	
BRANTLEY RD	SUMMERLIN RD	US 41	2LN	E	860	C	249	C	262	
BRIARCLIFF RD	US 41	TRIPLE CROWN CT	2LN	E	860	C	148	C	169	
BROADWAY RD (ALVA)	SR 80	N. RIVER RD	2LN	E	860	C	181	C	204	old count projection
BROADWAY RD (FT MYERS)	CARRELL RD	HANSON ST	2LN	E	860	C	217	C	228	
CAPTIVA DR	BLND PASS	SOUTH SEAS	2LN	E	860	C	287	C	302	Constrained, old count
CEMETERY RD	BUCKINGHAM RD	HIGGINS AVE	2LN	E	860	C	284	C	298	
CHAMBERLIN PKWY	AIRPORT ENT	DANIELS PKWY	4LN	E	1,790	C	105	C	150	Port Authority maintained
CONSTITUTION BLVD	US 41	CONSTITUTION CIR	2LN	E	860	C	217	C	245	old count projection
COUNTRY LAKES BLVD	LUCKETT RD	TICE ST	2LN	E	860	C	143	C	162	old count projection
CRYSTAL DR	US 41	METRO PKWY	2LN	E	860	E	899	E	935	v/c = 1.03/1.09
	METRO PKWY	PLANTATION RD	2LN	E	860	C	345	C	362	
DANLEY DR	US 41	METRO PKWY	2LN	E	860	C	346	C	377	
DAVIS RD	McGREGOR BLVD	IONA RD	2LN	E	860	C	15	C	28	old count projection
EAST 21ST ST	JOEL BLVD	GRANT AVE	2LN	E	860	C	20	C	21	
FIDDLESTICKS BLVD	GUARDHOUSE	DANIELS PKWY	2LN	E	860	C	321	C	354	
GASPARILLA BLVD	FIFTH ST	COUNTY LINE	2LN	E	860	C	264	C	292	Constrained
GREENBRIAR BLVD	RICHMOND AVE	JOEL BLVD	2LN	E	860	C	60	C	68	
HART RD	SR 78	TUCKER LANE	2LN	E	860	C	347	C	364	
IDLEWILD ST	METRO PKWY	RANCHETTE RD	2LN	E	860	C	196	C	206	
IONA RD	DAVIS RD	McGREGOR BLVD	2LN	E	860	C	368	C	445	
ISLAND PARK RD	PARK RD	US 41	2LN	E	860	C	89	C	261	
JOHN MORRIS RD	SUMMERLIN RD	IONA RD	2LN	E	860	C	250	C	263	
KELLY RD	McGREGOR BLVD	SAN CARLOS BLVD	2LN	E	860	C	255	C	288	
	SAN CARLOS BLVD	PINE RIDGE RD	2LN	E	860	C	108	C	120	old count projection
LAUREL DR	BUS 41	BREEZE DR	2LN	E	860	C	324	C	340	
LEE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	544	C	614	old count projection
LEONARD BLVD	GUNNERY RD	WESTGATE BLVD	2LN	E	860	C	655	C	711	v/c = 0.76/0.83
LUCKETT RD	I-75	COUNTRY LAKES DR	2LN	E	860	C	318	C	334	old count projection
MILWAUKEE BLVD	ALABAMA BLVD	BELL BLVD	2LN	E	860	C	201	C	212	
	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	201	C	214	
MOODY RD	HANCOCK B. PKWY	PONDELLA RD	2LN	E	860	C	182	C	206	old count projection
NALLE GRADE RD	SLATER RD	NALLE RD	2LN	E	860	C	73	C	77	
NALLE RD	SR 78	NALLE GRADE RD	2LN	E	860	C	141	C	161	old count projection
NEAL RD	ORANGE RIVER BLVD	BUCKINGHAM RD	2LN	E	860	C	130	C	136	

Table 21 (cont.): FDOT Maintained Existing and Future Roadway LOS²⁰ in Unincorporated Areas

ROADWAY LINK				100th HIGHEST HOUR DIRECTIONAL VOLUME				NOTES
NAME	FROM	TO	TYPE	LOS	MAX	LOS	EXIST	
SR 31 (ARCADIA RD)	SR 80	N OF SR 78 (OLD RODEO DR)	2LN	D	924	C	561	PD&E/SEIR Study
	N OF SR 78 (OLD RODEO DR)	NORTH RIVER RD	2LN	C	850	C	471	
	NORTH RIVER RD	COUNTY LINE	2LN	C	850	B	339	
SR 78 (PINE ISLAND RD)	CITY LIMITS E OF BARRETT RD	US 41	4LD	D	2,100	C	1,580	
	US 41	BUS 41	4LD	D	2,100	C	1,722	
SR 78 (BAYSHORE RD)	NEW POST RD/HART RD	NEW POST RD/HART RD	4LD	D	2,100	C	1,722	
	HART RD	SLATER RD (W OF WILLOW STREAM RD)	4LD	D	2,100	C	1,731	
	SLATER RD (W OF WILLOW STREAM RD)	E OF I-75 (W OF PRITCHETT PKWY)	4LD	D	2,100	C	1,285	
	E OF I-75 (W OF PRITCHETT PKWY)	OLD BAYSHORE RD	2LN	D	924	C	639	
	OLD BAYSHORE RD	SR 31	2LN	D	924	C	447	
SR 80 (PALM BEACH BLVD)	PROSPECT AVE	FIGUERA AVE (W. OF ORTIZ AVE)	4LD	D	2,100	C	1,063	
	FIGUERA AVE (W. OF ORTIZ AVE)	I-75	6LD	D	3,171	C	1,195	
	I-75	SR 31	6LD	D	3,171	C	1,887	
	SR 31	BUCKINGHAM RD	4LD	D	2,100	C	1,818	
	BUCKINGHAM RD	W OF WERNER DR	4LD	D	3,240	C	1,220	
	W OF WERNER DR	HICKEY CREEK RD	4LD	C	2,120	B	1,220	
	HICKEY CREEK RD	BROADWAY ST	4LD	C	2,120	B	1,039	
	BROADWAY ST	JOEL BLVD	4LD	C	1,607	B	1,039	
	JOEL BLVD	HENDRY CO. LINE	4LD	C	2,120	B	815	
US 41 (S TAMiami TRAIL)	ESTERO PKWY	SAN CARLOS BLVD	6LD	D	3,171	C	1,998	
	SANIBEL BLVD	ISLAND PARK RD	6LD	D	3,171	C	2,524	
	ISLAND PARK RD	BRIARCLIFF RD	6LD	D	3,171	D	3,208	
	BRIARCLIFF RD	GLADIOLUS DR/SIX MILE PKWY	6LD	D	3,171	F	3,208	
	GLADIOLUS DR/SIX MILE PKWY	DANIELS PKWY	6LD	D	3,171	C	2,807	
US 41 (CLEVELAND AVE)	DANIELS PKWY	PINE DR	6LD	D	3,171	C	2,678	SR 739 6 laning Design & ROW programmed
	PINE DR	BOY SCOUT RD	6LD	D	3,171	C	2,934	
	BOY SCOUT RD	CITY LIMIT N. OF NORTH AIRPORT RD	6LD	D	3,171	C	2,683	
	CITY LIMITS N. END OF BRIDGE	PONDELLA RD	4LD	D	2,100	F	2,597	
	PONDELLA RD	LITTLETON RD	4LD	D	2,100	C	1,534	
US 41 (N TAMiami TRAIL)	LITTLETON RD	DEL PRADO BLVD	4LD	D	2,100	C	1,251	
	DEL PRADO BLVD	DRAKER ST (SUN SEEKERS RV PARK)	4LD	D	2,100	C	1,619	
	DRAKER ST (SUN SEEKERS RV PARK)	CHARLOTTE CO. LINE	4LD	D	2,100	C	1,094	
F = Does not meet the adopted State LOS Standard (Note: Below LOS standard is acceptable on constrained links)								

20 Ibid FDOT 2016 District 1 LOS Spreadsheet

Projects considered for the CIP are evaluated based on priorities in Lee Plan Policy 95.1.1, which includes consideration of LOS and status in the year 2040 MPO LRTP. Table 22 includes projects programmed in the CIP that are fully funded through construction. Table 23 includes projects that are funded for either design or right-of-way acquisition, however, construction is not fully funded.

Table 24 includes candidate CIP projects considered in the current year budgeting process. Roadway segments with existing or forecast LOS deficiencies will be considered in future CIP priorities.

Table 22: Programmed CIP Projects Through Construction

Road	From	To	Stage(s)	Funded Fiscal Year	Comment
Homestead Road 4L	Sunrise	Alabama	Construction	Current year	Table 18 LOS "F"
Alico Road 4L	Ben Hill Griffin Pkwy	Airport Haul Road	Construction	Current year	
Burnt Store Road 4L	SR 78 (Pine Island Rd)	Van Buren Pkwy	Construction	Current year through 2018/2019	Three phases
Estero Boulevard	Big Carlos Pass Bridge	Matanzas Pass Bridge	Design Construction	Current year through 2020/2021	Operational improvements in six phases
Three Oaks Parkway Extension North	N. of Alico Rd	Daniels Parkway	Design Right-of-Way Construction	Current year Current year 2019/2020	
Ortiz Avenue 4L	Colonial Blvd	SR 82	Design Construction	Current year 2019/2020	
Littleton Road 4L	Corbett Rd	US 41	Study Design Construction	Current year 2018/2019 2021/2022	



Table 23: Partially Programmed CIP projects

Road	From	To	Stage(s)	Funded Fiscal Year	Priority	Comment
Big Carlos Pass bridge replacement			PD&E/Design Construction	Current year 2020/2021	#2	construction partially funded
Lehigh Acres Paving program			Construction	2017/2018 2021/2022	#3	
Alico Connector	Alico Rd	SR 82	Right-of-Way	2019/2020	#9	Daniels Parkway LOS reliever
Hickory Boulevard bridge replacements			Design	2020/2021	#10	
Cape Coral Bridge WB span replacement			Design	2020/2021		Toll funded
Ortiz Avenue 4L	SR 82	Luckett Rd	Design	2021/2022	#11	Table 18 LOS "F"
Luckett Road 4L	Ortiz Ave	I-75	Design	2021/2022	#11	
Colonial Boulevard Alternatives Analysis	McGregor Blvd	US 41	Study	2018/2019	#14	City of Fort Myers

Table 24: Unprogrammed CIP Candidate Project Priorities

Road	From	To	Priority	Comment
<u>Tier 1</u>				
Corkscrew Road 4L	Ben Hill Griffin Pkwy	Bella Terra Blvd	#7	Table 20 forecast LOS "F" in 2022
Corkscrew Road 4L	Bella Terra Blvd	Alico Rd	#8	
Burnt Store Road 4L	Van Buren Pkwy	Charlotte County line	#12	
<u>Tier 2</u>				
Ortiz Avenue 4L	Luckett Rd	SR 80 (Palm Beach Blvd)	#13	
Corkscrew Road 6L	Three Oaks Pkwy	I-75	#16	Table 20 forecast LOS "F" in 2022
Homestead Rd 4L	Milwaukee Blvd	Sunrise Blvd	#18	
Buckingham Rd 4L	Orange River Blvd	SR 80 (Palm Beach Blvd)	#20	Table 18 forecast LOS "F" in 2022
<u>Tier 3</u>				
Crystal Drive 2L	Plantation Rd	Six Mile Cypress Pkwy	#22	
Bonita Beach Rd 6L	US 41	Old 41	#23	
Crystal Drive 3L	US 41	Metro Pkwy	#26	Table 19 LOS "F"

NOTE: Unprogrammed priorities #15, 17, 19, 21, 24, and 25 are bridge replacements.

Appendix F

Lee County Link-Specific Service Volumes (Excerpts)

JUNE, 2016

LINK-SPECIFIC SERVICE VOLUMES ON ARTERIALS IN LEE COUNTY (2015 DATA)

PAGE 5

ROAD SEGMENT	FROM	TO	TRAFFIC DISTRIC	LENGTH (MILE)	ROAD TYPE	SERVICE VOLUMES (PEAK HOUR PEAK DIRECTION)					SERVICE VOLUMES (PEAK HOUR--BOTH DIRECTIONS)				
						A	B	C	D	E	A	B	C	D	E
PINE ISLAND RD/ BAYSHORE RD (SR 78)	SANTA BARBARA BLVD	DEL PRADO BLVD	5	2.3	4LD	1,250	2,020	2,020	2,020	2,020	2,320	3,760	3,760	3,760	3,760
	DEL PRADO BLVD	BARNETT RD	5	2.1	4LD	1,250	2,020	2,020	2,020	2,020	2,320	3,760	3,760	3,760	3,760
	BARNETT RD	US 41	2	0.5	4LD	1,250	2,020	2,020	2,020	2,020	2,320	3,760	3,760	3,760	3,760
	US 41	BUSINESS 41	2	1.2	4LD	0	0	1,320	1,700	1,700	0	0	2,450	3,140	3,140
	BUSINESS 41	HART RD	2	1.1	4LD	1,100	1,920	1,920	1,920	1,920	2,080	3,610	3,610	3,610	3,610
	HART RD	BREWERS RD	2	0.4	4LD	1,100	1,920	1,920	1,920	1,920	2,080	3,610	3,610	3,610	3,610
	BREWERS RD	SLATER RD	2	0.8	4LD	1,100	1,920	1,920	1,920	1,920	2,080	3,610	3,610	3,610	3,610
	SLATER RD	I-75	2	2.9	4LD	1,100	1,920	1,920	1,920	1,920	2,080	3,610	3,610	3,610	3,610
	I-75	NALLE RD	2	0.6	2LN	130	350	580	780	1,100	250	670	1,100	1,480	2,080
	NALLE RD	SR 31	2	2.7	2LN	130	350	580	780	1,100	250	670	1,100	1,480	2,080
PONDELLA RD	SR 78	WESTWOOD RD	5	0.9	4LD	0	1,890	1,890	1,890	1,890	0	3,100	3,100	3,100	3,100
	WESTWOOD RD	ORANGE GROVE BLVD	2	0.6	4LD	0	1,890	1,890	1,890	1,890	0	3,100	3,100	3,100	3,100
	ORANGE GROVE BLVD	US 41	2	1.6	4LD	0	1,890	1,890	1,890	1,890	0	3,100	3,100	3,100	3,100
	US 41	BUS 41	2	0.6	4LD	0	1,890	1,890	1,890	1,890	0	3,100	3,100	3,100	3,100
SAN CARLOS BLVD	ESTERO BLVD	MAIN ST	4	0.6	2LB	960	1,040	1,040	1,040	1,040	1,750	1,890	1,890	1,890	1,890
	MAIN ST	SUMMERLIN RD	4	2.5	4LD	0	900	1,780	1,780	1,780	0	1,640	3,250	3,250	3,250
	SUMMERLIN RD	KELLY RD	4	1.1	2LN	60	850	900	900	900	110	1,550	1,640	1,640	1,640
	KELLY RD	MCGREGOR BLVD	4	0.6	4LN	150	1,810	1,810	1,810	1,810	280	3,300	3,300	3,300	3,300
SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	4	2.9	2LN	100	220	440	620	1,140	180	390	780	1,090	2,010
SIX MILE CYPRESS	US 41	METRO PKWY	4	1.2	4LD	0	1,740	2,000	2,000	2,000	0	3,290	3,770	3,770	3,770
	METRO PKWY	DANIELS PKWY	4	1.8	4LD	0	1,740	2,000	2,000	2,000	0	3,290	3,770	3,770	3,770
	DANIELS PKWY	CHALLENGER BLVD	4	4.4	4LD	800	1,900	1,900	1,900	1,900	1,360	3,220	3,220	3,220	3,220
	CHALLENGER BLVD	WAL-MART INTERSECTIO	4	0.3	6LD	1,250	2,860	2,860	2,860	2,860	2,120	4,840	4,840	4,840	4,840
	WAL-MART INTERSECTIO	COLONIAL BLVD	4	0.3	6LD	1,250	2,860	2,860	2,860	2,860	2,120	4,840	4,840	4,840	4,840
SLATER RD	SR 78	NALLE GRADE RD	2	4.0	2LN	120	290	490	660	1,010	230	550	930	1,250	1,910
SR 31	SR 80	SR 78	2 & 3	1.4	2LN	640	1,300	1,300	1,300	1,300	1,120	2,270	2,270	2,270	2,270
	SR 78	N. RIVER RD	2	1.3	2LN	150	420	740	1,010	1,360	270	760	1,340	1,820	2,450
	N. RIVER RD	COUNTY LINE	2	2.0	2LN	150	420	740	1,010	1,360	270	760	1,340	1,820	2,450
SR 80	PROSPECT AVE	ORTIZ AVE	1	1.3	4LD	0	1,650	1,820	1,820	1,820	0	2,710	3,000	3,000	3,000
	ORTIZ AVE	I-75	1	1.2	6LD	0	2,550	2,760	2,760	2,760	0	4,190	4,520	4,520	4,520
	I-75	SR 31	3	2.7	6LD	1,830	2,820	2,820	2,820	2,820	2,920	4,640	4,640	4,640	4,640
	SR 31	BUCKINGHAM RD	3	2.5	4LD	1,150	1,880	1,880	1,880	1,880	1,890	3,080	3,080	3,080	3,080
	BUCKINGHAM RD	HICKEY CREEK RD	3	2.5	4LD	940	1,600	2,260	2,860	3,170	1,550	2,630	3,710	4,690	5,200
	HICKEY CREEK RD	MITCHELL AVE	3	0.9	4LD	940	1,600	2,260	2,860	3,170	1,550	2,630	3,710	4,690	5,200
	MITCHELL AVE	JOEL BLVD	3	4.0	4LD	940	1,600	2,260	2,860	3,170	1,550	2,630	3,710	4,690	5,200
	JOEL BLVD	COUNTY LINE	3	2.2	4LD	940	1,600	2,260	2,860	3,170	1,550	2,630	3,710	4,690	5,200
STRINGFELLOW RD	1ST AVE	PINE ISLAND RD	6	7.9	2LN	130	340	570	780	1,060	250	630	1,060	1,450	1,970
	PINE ISLAND RD	PINELAND RD	6	3.3	2LN	130	340	570	780	1,060	250	630	1,060	1,450	1,970
	PINELAND RD	MAIN ST	6	3.7	2LN	130	340	570	780	1,060	250	630	1,060	1,450	1,970

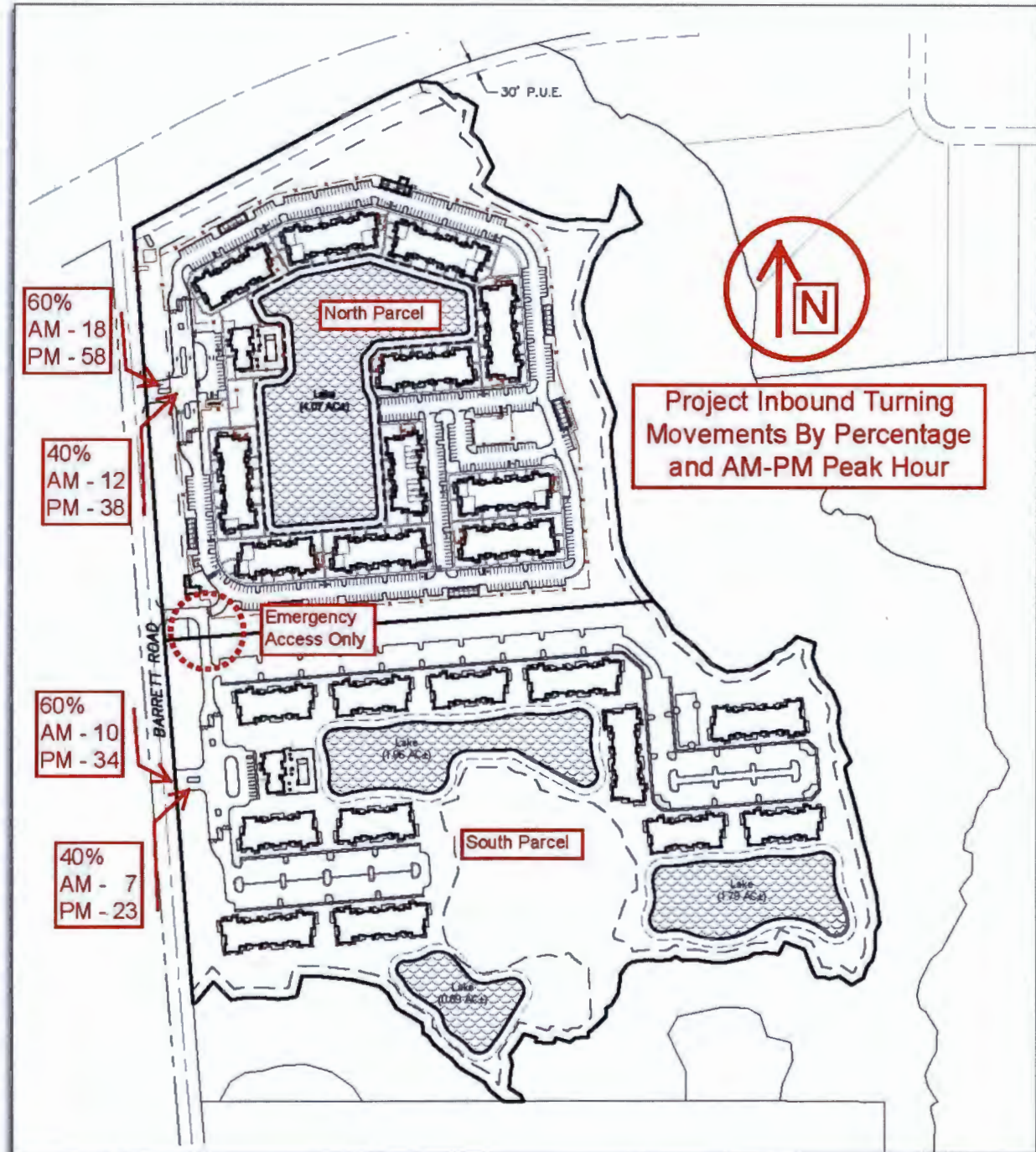
ROAD SEGMENT	FROM	TO	DISTRIC	(MILE)	TYPE	A	B	C	D	E	A	B	C	D	E
VETERANS MEM. PKWY	McGREGOR BLVD	DEL PRADO BLVD	1 & 5	3.5	4LB	1,120	1,900	2,680	3,440	4,000	1,880	3,170	4,460	5,720	6,680
	DEL PRADO BLVD	SANTA BARBARA BLVD	5	2.0	6LD	2,190	3,080	3,080	3,080	3,080	3,660	5,150	5,150	5,150	5,150
	SANTA BARBARA BLVD	SKYLINE BLVD	5	1.0	6LD	2,190	3,080	3,080	3,080	3,080	3,660	5,150	5,150	5,150	5,150
	SKYLINE BLVD	SR 78	5	3.5	4LD	1,400	2,040	2,040	2,040	2,040	2,340	3,420	3,420	3,420	3,420
WINKLER RD	SUMMERLIN RD	GLADIOLUS DR	4	0.4	4LD	0	0	590	1,520	1,520	0	0	990	2,530	2,530
	GLADIOLUS DR	BRANDYWINE CIR	4	0.9	2LN	0	750	880	880	880	0	1,260	1,460	1,460	1,460
	BRANDYWINE CIR	CYPRESS LAKE DR	4	0.9	2LN	0	750	880	880	880	0	1,260	1,460	1,460	1,460
	CYPRESS LAKE DR	COLLEGE PKWY	4	0.7	4LD	0	0	610	1,780	1,780	0	0	1,020	2,960	2,960
	COLLEGE PKWY	SUNSET VISTA	4	0.5	2LN	0	770	800	800	800	0	1,290	1,330	1,330	1,330
	SUNSET VISTA	McGREGOR BLVD	4	0.8	2LN	0	770	800	800	800	0	1,290	1,330	1,330	1,330

SERVICE VOLUMES ON COLLECTORS IN LEE COUNTY (2015 DATA)

ROAD SEGMENT	FROM	TO	TRAFFIC DISTRIC	LENGTH (MILE)	ROAD TYPE	SERVICE VOLUMES (PEAK HOUR PEAK DIRECTION)					SERVICE VOLUMES (PEAK HOUR--BOTH DIRECTIONS)				
						A	B	C	D	E	A	B	C	D	E
COLLECTORS					2LU	0	0	550	860	860	0	0	990	1,530	1,530
					2LD	0	0	580	910	910	0	0	1,040	1,610	1,610
					4LU	0	0	1,240	1,700	1,700	0	0	2,200	3,030	3,030
					4LD	0	0	1,310	1,790	1,790	0	0	2,340	3,190	3,190

Appendix G

Site Turning Movements Exhibit



Appendix H

Turn Lane Warrant Analyses

Intersection Barrett Road and Springs at Cape Coral (North Parcel) Entrance	Movement	Posted Speed (mph)	AM Peak Hour (vph)	PM Peak Hour (vph)	Traffic Signal Present	Turn Lane Warrant per AC-11-4					2 Warrants Met?
						Speed (mph)		Peak Hour Volume (vph)		Signal	
						Criteria	Warrant	Criteria	Warrant	Warrant	
Barrett Rd - Collector Street	NB-RT	30	12	38	No	>/=35	No	>/=45	No	No	No
Barrett Rd - Collector Street	SB-LT	30	18	58	No	>/=35	No	N/A*	No	No	No

Notes: * Associated with a minimum two-way through volume of 500 vph (500 to 599 vph); As illustrated in Table 6, the 2022 peak hour, peak direction was determined to be 172 vph. As such the two-way through volume is projected to be less than 500 vph.

Intersection Barrett Road and South Parcel Entrance	Movement	Posted Speed (mph)	AM Peak Hour (vph)	PM Peak Hour (vph)	Traffic Signal Present	Turn Lane Warrant per AC-11-4					2 Warrants Met?
						Speed (mph)		Peak Hour Volume (vph)		Signal	
						Criteria	Warrant	Criteria	Warrant	Warrant	
Barrett Rd - Collector Street	NB-RT	30	7	23	No	>/=35	No	>/=45	No	No	No
Barrett Rd - Collector Street	SB-LT	30	10	34	No	>/=35	No	N/A*	No	No	No

Notes: * Associated with a minimum two-way through volume of 500 vph (500 to 599 vph); As illustrated in Table 6, the 2022 peak hour, peak direction was determined to be 172 vph. As such the two-way through volume is projected to be less than 500 vph.

COUNCILMEMBER ROSADO PDP 05-00800012
09/08/05
09/13/05
09/14/05
09/15/05
09/22/05
10/17/05

ORDINANCE 132 - 05

AN ORDINANCE APPROVING A PLANNED DEVELOPMENT PROJECT IN THE CITY OF CAPE CORAL, FLORIDA ENTITLED "JUDD CREEK"; PROVIDING FOR PLANNED DEVELOPMENT PROJECT APPROVAL AND SUBDIVISION APPROVAL FOR CERTAIN PROPERTY DESCRIBED AS A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 3 & 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, TOGETHER WITH LOT 22, LOT 27, AND LOT 33A, MARIANA PARK THIRD ADDITION, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT THE SOUTHEAST CORNER OF NE PINE ISLAND ROAD AND BARRETT ROAD; APPROVING THE SUBDIVISION OF THE PROPERTY INTO TWELVE (12) TRACTS AS FOLLOWS: TWO (2) AGRICULTURAL (A) TRACTS TOTALING 50.54 ACRES; THREE (3) MULTI-FAMILY RESIDENTIAL (R-3) TRACTS TOTALING 117.05 ACRES; SIX (6) COMMERCIAL CORRIDOR (CORR) TRACTS TOTALING 23.31 ACRES; AND ONE (1) FUTURE RIGHT-OF-WAY TRACT TOTALING APPROXIMATELY 1.70 ACRES; APPROVING THE REZONING OF THE 192.60 ACRES AS FOLLOWS: REZONING TRACTS 1 THROUGH 7 FROM COUNTY (AG-2) TO CORRIDOR (CORR); REZONING TRACT 8 FROM COUNTY (AG-2) TO MULTI-FAMILY RESIDENTIAL (R-3); REZONING A 0.53 ACRE AREA WITHIN TRACT 9 FROM COUNTY (AG-2) TO MULTI-FAMILY RESIDENTIAL (R-3), AND REZONING THE REMAINDER OF TRACT 9 FROM COUNTY (AG-2) TO A (AGRICULTURAL); REZONING A 1.24 ACRE AREA WITHIN TRACT 10 FROM COUNTY (AG-2) TO MULTI-FAMILY RESIDENTIAL (R-3), AND REZONING THE REMAINDER OF TRACT 10 FROM COUNTY (AG-2) TO AGRICULTURAL (A); REZONING TRACTS 11 AND 12 FROM COUNTY (AG-2) TO MULTI-FAMILY RESIDENTIAL (R-3); ALL AS MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" THROUGH "O"; APPROVING DEVIATIONS FOR TRACT 8 AND TRACT 11 FROM SECTION 2.7.2.D TABLE R-3 IN A MULTI-FAMILY RESIDENTIAL (R-3) ZONING DISTRICT AS FOLLOWS: A TWENTY-FIVE (25) FOOT DEVIATION TO THE MINIMUM FRONT YARD REQUIREMENT OF TWENTY-FIVE (25) FEET TO ALLOW A ZERO (0) FOOT FRONT YARD; A TWENTY (20) FOOT DEVIATION TO THE MINIMUM REAR YARD REQUIREMENT OF TWENTY (20) FEET TO ALLOW A ZERO (0) FOOT REAR YARD; A SEVEN AND ONE-HALF FOOT (7.5) DEVIATION TO THE MINIMUM SIDE YARD REQUIREMENT OF SEVEN AND ONE-HALF FEET (7.5) TO ALLOW A ZERO (0) FOOT SIDE YARD; APPROVING A TWENTY-SEVEN (27) FOOT DEVIATION TO THE MAXIMUM HEIGHT OF THIRTY-EIGHT (38) FEET ALLOWED IN A MULTI-FAMILY RESIDENTIAL (R-3) ZONING DISTRICT IN ORDER TO ALLOW A BUILDING HEIGHT OF SIXTY-FIVE FEET ONLY ON TRACT 8 UNDER THE CONDITIONS DESCRIBED HEREIN; APPROVING AN EIGHTY-TWO (82) FOOT DEVIATION TO THE MAXIMUM HEIGHT OF THIRTY-EIGHT (38) FEET ALLOWED IN A MULTI-FAMILY RESIDENTIAL (R-3) ZONING DISTRICT IN ORDER TO ALLOW A BUILDING HEIGHT OF ONE-HUNDRED TWENTY (120) FEET ONLY ON TRACT 11 UNDER THE CONDITIONS DESCRIBED HEREIN; APPROVING A DEVIATION FROM SECTION 4.2.5.H.2. OF THE LAND USE AND DEVELOPMENT REGULATIONS THAT REQUIRES THE FINAL DEVELOPMENT PLAN AND SUBDIVISION PLAT BE RECORDED PRIOR TO THE ISSUANCE OF ANY PERMITS TO ALLOW BUILDING PERMITS TO BE ISSUED BUT NOT CERTIFICATES OF OCCUPANCY PRIOR TO THE RECORDING OF THE SUBDIVISION PLAT; WAIVING THE REQUIREMENT FROM SECTION 4.2.I.11.D(2) THAT REQUIRES FIFTEEN (15) FOOT EASEMENTS BE CENTERED ALONG ALL REAR LOT LINES; APPROVING A SPECIAL EXCEPTION FOR A GATEHOUSE IN A MULTI-FAMILY RESIDENTIAL (R-3) ZONING DISTRICT FOR TRACTS 8 AND 11 ONLY; APPROVING A SPECIAL EXCEPTION FOR A "CLUB, PRIVATE" USE IN A MULTI-FAMILY RESIDENTIAL (R-3) ZONING DISTRICT FOR TRACTS 8 AND 11 ONLY; APPROVING A SPECIAL EXCEPTION FOR "MODEL HOME SITE" USES TO ALLOW NOT MORE THAN FIFTEEN (15) DWELLING UNITS TO BE USED AS MODEL HOMES

IN EACH OF TRACTS 8 AND 11 IN MULTI-FAMILY RESIDENTIAL (R-3) ZONING DISTRICTS; APPROVING THE FOLLOWING DEVIATIONS TO SECTION 7.10.2.B.1 FOR MONUMENT SIGNS ON PROPERTY LOCATED IN A CORRIDOR (CORR) ZONING DISTRICT AS FOLLOWS: A DEVIATION OF TWENTY-FIVE (25) SQUARE FEET TO THE MAXIMUM SEVENTY-FIVE (75) SQUARE FEET ALLOWED, IN ORDER TO PERMIT A MONUMENT SIGN AT ONE HUNDRED (100) SQUARE FEET ON TRACT 1; APPROVING A DEVIATION OF EIGHTY (80) SQUARE FEET TO THE MAXIMUM SIXTY (60) SQUARE FEET ALLOWED, IN ORDER TO PERMIT A MONUMENT SIGN AT ONE HUNDRED FORTY (140) SQUARE FEET ON TRACT 4; APPROVING A DEVIATION OF THIRTY-SEVEN (37) SQUARE FEET TO THE MAXIMUM FORTY-EIGHT (48) SQUARE FEET ALLOWED, IN ORDER TO PERMIT A MONUMENT SIGN AT EIGHTY-FIVE (85) SQUARE FEET ON TRACT 5, ALL AS SHOWN IN EXHIBITS "P" THROUGH "R"; WAIVING THE REQUIREMENTS OF ARTICLE VII, SIGNS, OF THE LAND USE AND DEVELOPMENT REGULATIONS ONLY AS THEY PERTAIN TO THE SIZE, HEIGHT, LOCATION, AND TOTAL SIGNS PERMITTED PER SITE, ONLY FOR TRACTS 8 AND 11 IN ACCORDANCE WITH THE CONDITIONS DESCRIBED HEREIN; APPROVING A FOUR (4) FOOT DEVIATION TO THE MAXIMUM SIX (6) FOOT FENCE HEIGHT ALLOWED IN SECTION 3.9.1.1.A, FENCES, SHRUBBERY, WALLS, TO ALLOW FENCES/WALLS WITH HEIGHTS NO MORE THAN TEN (10) FEET ON TRACTS 6, 8 AND 11; APPROVING A FIFTEEN (15) FOOT DEVIATION TO THE TWENTY-FIVE (25) FOOT SETBACK REQUIRED BY SECTION 3.9.1.1.A, FENCES, SHRUBBERY, WALLS, TO ALLOW FENCES/WALLS WITH A TEN (10) FOOT SETBACK ON TRACTS 6, 8, AND 11; APPROVING A PARKING DEVIATION TO SECTION 5.1.7.G TO REDUCE THE MINIMUM REQUIRED PARKING SPACES FROM 2.5 SPACES PER THREE (3) BEDROOM DWELLING UNIT TO TWO (2) SPACES PER THREE (3) BEDROOM DWELLING UNIT FOR ALL OF THE THREE (3) BEDROOM DWELLING UNITS LOCATED ON TRACTS 8 AND 11; GRANTING DEVIATIONS TO THE ENGINEERING AND DESIGN STANDARDS, SHEET G-5, ROADWAY STANDARDS, NEW CONSTRUCTION FOR LOCAL ROADS, AND SHEET G-8, ONE HUNDRED FOOT RIGHT-OF-WAY (4-LANE URBAN SECTION), TO REPLACE THE TYPICAL SECTIONS FOR LOCAL ROADS WITH THE TYPICAL SECTIONS FOR PRIVATE ROADS DELINEATED IN THE TYPICAL SECTIONS PLAN FOR THE PRIVATE ROAD, AND TO ALLOW A PRIVATE ROAD WITH A 100 FOOT RIGHT-OF-WAY TO DEVELOP WITH A SIDEWALK ONLY ALONG THE WESTERN SIDE INSTEAD OF ON BOTH SIDES; GRANTING PDP PLAN APPROVAL AND MASTER UTILITY PLAN APPROVAL FOR PURPOSES OF DEVELOPMENT PLAN APPROVAL PURSUANT TO SECTION 4.2 OF THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR ACTION ON REQUEST AND CONDITIONS OF APPROVAL; PROVIDING FOR LEGAL EFFECT AND LIMITATIONS OF THIS PDP DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, an application from Realmark Judd Creek, LLC, has been received requesting approval of a Planned Development Project (PDP) for Judd Creek, requesting subdivision and replat approval, rezoning, special exceptions, deviations to the Engineering Design Standards, and the Land Use and Development Regulations; and

WHEREAS, the request has been reviewed by the Cape Coral Planning and Zoning Commission/Local Planning Agency; and

WHEREAS, the City Council has considered the recommendations of the Planning and Zoning Commission/Local Planning Agency.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

SECTION I. PDP PLAN APPROVAL, SUBDIVISION, DEVIATIONS, SPECIAL EXCEPTIONS, REZONING, AND MASTER UTILITY PLAN APPROVAL.

Having reviewed the application requesting approval of a Planned Development Project for Judd Creek; PDP 05-00800002, requesting Planned Development Project (PDP) approval and subdivision

approval for certain property described as a tract or parcel of land situated in the State of Florida, County of Lee, lying in Sections 3 and 4, Township 44 South, Range 24 East, together with Lot 22, Lot 27, and Lot 33A, Mariana Park Third Addition, as more particularly described in Exhibit "A"; rezoning a portion of Tract 10 consisting of 47.33 acres from County (AG-2) to Agricultural (A), as more particularly described in Exhibit "B"; rezoning a portion of Tract 9 consisting of 3.21 acres from County (AG-2) to Agricultural (A), as more particularly described in Exhibit "C"; rezoning Tract 8 consisting of 63.59 acres from County (AG-2) to Multi-Family Residential (R-3), as more particularly described in Exhibit "D"; rezoning Tract 11 consisting of 50.72 acres from County (AG-2) to Multi-Family Residential (R-3), as more particularly described in Exhibit "E"; rezoning Tract 12 consisting of .97 acres from County (AG-2) to Multi-Family Residential (R-3), as more particularly described in Exhibit "F"; rezoning a portion of Tract 10 consisting of 1.24 acres from County (AG-2) to Multi-Family Residential (R-3), as more particularly described in Exhibit "G"; rezoning a portion of Tract 9 consisting of 0.53 acres from County (AG-2) to Multi-Family Residential (R-3), as more particularly described in Exhibit "H"; rezoning Tract 1 consisting of 5.13 acres from County (AG-2) to Corridor (CORR), as more particularly described in Exhibit "I"; rezoning Tract 2 consisting of 6.72 acres from County (AG-2) to Corridor (CORR), as more particularly described in Exhibit "J"; rezoning Tract 3 consisting of 5.61 acres from County (AG-2) to Corridor (CORR), as more particularly described in Exhibit "K"; rezoning Tract 4 consisting of 1.91 acres from County (AG-2) to Corridor (CORR), as more particularly described in Exhibit "L"; rezoning Tract 5 consisting of 2.33 acres from County (AG-2) to Corridor (CORR), as more particularly described in Exhibit "M"; rezoning Tract 6 consisting of 1.61 acres from County (AG-2) to Corridor (CORR), as more particularly described in Exhibit "N"; rezoning Tract 7 consisting of 1.70 acres from County (AG-2) to Corridor (CORR) for a future right-of-way tract, as more particularly described in Exhibit "O"; requesting deviations for Tract 8 and Tract 11 from Section 2.7.2.d Table R-3 in a Multi-Family Residential (R-3) zoning district as follows: a twenty-five (25) foot deviation to the minimum front yard requirement of twenty-five (25) feet to allow a zero (0) foot front yard; a twenty (20) foot deviation to the minimum rear yard requirement of twenty (20) feet to allow a zero (0) foot rear yard; a seven and one-half (7.5) foot deviation to the minimum side yard requirement of seven and one-half (7.5) feet to allow a zero (0) foot side yard; requesting a twenty-seven (27) foot deviation to the maximum height of thirty-eight (38) feet allowed in a Multi-Family Residential (R-3) zoning district in order to allow a building height of sixty-five (65) feet, only on Tract 8, under the conditions described herein; requesting an eighty-two (82) foot deviation to the maximum height of thirty-eight (38) feet allowed in a Multi-Family Residential (R-3) zoning district in order to allow a building height of one-hundred twenty (120) feet, only on Tract 11, under the conditions described herein; requesting a deviation from Section 4.2.5.H.2. of the Land Use and Development Regulations that requires that the final Development Plan and Subdivision Plat be recorded prior to the issuance of any permits to allow building permits to be issued but not Certificates of Occupancy prior to the recording of the Subdivision Plat; waiving the requirement from Section 4.2.I.11.d(2) that requires fifteen (15) foot easements be centered along all rear lot lines; requesting a special exception for a Gatehouse in a Multi-Family Residential (R-3) zoning district for Tracts 8 and 11 only; requesting approval of a special exception for a "Club, Private" use in a Multi-Family Residential (R-3) zoning district for Tracts 8 and 11 only; requesting approval of a special exception for "Model Home Site" uses to allow not more than fifteen (15) dwelling units to be used as model homes in each of Tracts 8 and 11 in Multi-Family Residential (R-3) zoning districts; requesting the following deviations to Section 7.10.2.b.1 for monument signs on property located in a Corridor (CORR) zoning district as follows: a deviation of twenty-five (25) square feet to the maximum seventy-five (75) square feet allowed, in order to permit a monument sign at one hundred (100) square feet on Tract 1; a deviation of eighty (80) square feet to the maximum sixty (60) square feet allowed, in order to permit a monument sign at one hundred forty (140) square feet on Tract 4; a deviation of thirty-seven (37) square feet to the maximum forty-eight (48) square feet allowed, in order to permit a monument sign at eighty-five (85) square feet on Tract 5, all as shown in Exhibits "P" through "R"; waiving the requirements of Article VII, Signs, of the Land Use and Development Regulations, only as they pertain to the size, height, location, and total signs permitted per site, only for Tracts 8 and 11, in accordance with the conditions described herein; requesting a four (4) foot deviation to the maximum six (6) foot fence height allowed in Section 3.9.1.1.a, Fences, Shrubbery, Walls, to allow fences/walls with heights no more than ten (10) feet on Tracts 6, 8, and 11; requesting a fifteen (15) foot deviation to the twenty-five (25) foot setback required by Section 3.9.1.1.a, Fences, Shrubbery, Walls, to allow fences/walls with a ten (10) foot setback on Tracts 6, 8, and 11; requesting a parking deviation to Section 5.1.7.g to reduce the minimum required parking spaces from 2.5 spaces per three (3) bedroom dwelling unit to two (2) spaces per three (3) bedroom dwelling unit for all of the three (3) bedroom dwelling units located on Tracts 8 and 11; requesting approval of deviations to the Engineering and Design Standards, Sheet G-5, Roadway Standards, New Construction for Local Roads, and Sheet G-8, One Hundred Foot Right-of-Way (4-Lane Urban Section), to replace the typical sections for local roads with the typical sections for private

roads delineated in the typical sections plan for the private road, and to allow a private road with a 100 foot right-of-way to develop with a sidewalk only along the western side instead of on both sides; and having considered the recommendations of the Planning and Zoning Commission and the Local Planning Agency, the City Council of the City of Cape Coral, Florida, does hereby grant the aforesaid PDP approval, subdivision, rezonings, special exceptions, deviations to the Land Use and Development Regulations, deviations to the Engineering Design Standards, Master Utility Plan approval, in accordance with plan sets, Sheet 1 of 1 entitled PDP Master Concept Plan dated 9-8-05, Sheet 1 of 1 entitled Subdivision Plan dated 9-7-05, Sheet 1 of 1 entitled Zoning Plan dated 9-7-05, Sheet 1 of 1 entitled Illustrative - Master Utility Plan dated 9-7-05, Sheet 1 of 1 entitled Phasing Plan dated 9-12-05, and Sheet 1 of 1 entitled Typical Sections for Private Roads dated 9-9-05, prepared by Banks Engineering, Inc., from the date of adoption of this ordinance. Approval of the PDP shall be subject to the terms and conditions set forth below.

SECTION II. FINDING OF FACT/CONCLUSION OF LAW

- A. The Judd Creek development is a residential and commercial Planned Development Project (PDP). This development consists of 192 acres of land located at the southeast corner of NE Pine Island Road and Barrett Road. The proposed development will contain approximately 117.08 acres of Residential Multi-Family uses, 22.8 acres of retail and/or non-residential uses, and 53 acres of Natural Resources/Preservation area. At build-out the Judd Creek Development shall contain not more than 1,100 multi-family residential units and 200,000 square feet of retail and/or other non-residential uses. Tract 8 as identified on the subdivision plan, is permitted a maximum of 452 residential multi-family units, Tract 11 is permitted a maximum of 638 residential multi-family dwelling units, Tract 12 is permitted a maximum of four (4) multi-family dwelling units, and the 0.53 acre area within Tract 9 described in Exhibit H and the 1.24 acre area within Tract 10 described in Exhibit G will be permitted a maximum of three (3) multi-family dwelling units each. The development will occur in six (6) phases with a build out in five (5) years.
- B. The developer shall develop the project in phases as follows:
1. Phase 1 shall include:
 - a. Construction of Road A and associated turn lanes as shown on the Phasing Plan; and
 - b. installation of a water master meter approximately 1,600 feet west of the centerline of Road A, as more particularly described and provided for in the Interlocal Agreement between the City and Lee County dated 1/27/04 and amended 1/25/05; and
 - c. extension of a water main from the Lee County potable water main to the aforesaid master meter, as provided in the aforesaid Interlocal Agreement between the City and Lee County; and
 - d. the extension of the water main from the master meter east along NE Pine Island Road to Road A, then south along Road A to the northern boundary of Tract 11; and
 - e. the extension of a wastewater force main from the City of Cape Coral interconnect with North Fort Myers Utility, Inc., as provided in the Agreement between the City and North Fort Myers Utility, Inc., dated 12/15/03 and amended 6/7/04, west along NE Pine Island Road to the western boundary of Road B; and
 - f. installation of a wastewater master pump station located on Tract 3 as shown on the Illustrative Master Utility Plan; and
 - g. all stormwater improvements required for 1.a. through 1.g. above.
 2. Phase 2 shall include:
 - a. Construction of turn lanes associated with Road B that will be constructed in Phase 3; and

- b. the extension of a water main from the master meter, west along NE Pine Island Road to Barrett Road along with the installation of a service line to Tract 8; and
 - c. the extension of the wastewater force main from Road A west along NE Pine Island Road to Barrett Road; and
 - d. all stormwater improvements required for 2.a. through 2.c. above.
 - 3. Phase 3 shall include:
 - a. Construction of Road B as shown on the Phasing Plan; and
 - b. the extension from the water main installed in Phase 1 on NE Pine Island Road south along Road B until it connects to the water main installed on Road A, along with service lines for Tracts 1 through 5; and
 - c. the extension of the wastewater force main from the wastewater force main installed in Phase 1 on NE Pine Island Road along Road B to Road A, south on Road A to the master pump station installed in Phase 1; and
 - d. the extension of gravity sewer from the master pump station installed in Phase 1 along Road A to Road B, west on Road B to Tract 1, along with service lines for Tracts 1 through 5; and
 - e. all stormwater improvements required for 3.a. through 3.d. above; and
 - f. site preparation for Tracts 1 through 5.
 - 4. Phase 4 shall include site preparation and construction on Tract 11.
 - 5. Phase 5 shall include site preparation and construction on Tract 8.
 - 6. Phase 6 shall include site preparation and construction on Tract 12.
 - 7. Except as otherwise required in Section III. Action on Request and Conditions of Approval, Subsections H, I, and J. of this Development order which require that certain phases be performed prior to others, the enumeration of phases in this Section is not intended to indicate an order of development. For example, unless otherwise required by the Development Order, the development of Phase 5 is not required to either begin or be completed prior to the development of Phase 6.
 - 8. The 1.24 acre area that is a part of Tract 10 and described in Exhibit "G" and the 0.53 acre area that is a part of Tract 9 and described in Exhibits "H", are not included in the phasing plan/schedule because vehicular access is not available from the subject development. No access to the aforementioned areas from within the PDP development area shall occur without an amendment to the PDP.
- C. The name of the legal and equitable owner is Realmark Judd Creek, LLC.
 - D. The legal description of the property is as set forth in Exhibit A, attached hereto and incorporated herein by reference.
 - E. The Judd Creek PDP subject parcel has approximately fifty (50) acres zoned Agricultural (A), approximately one hundred seventeen (117) acres zoned Multi-Family Residential (R-3), and approximately twenty-two (22) acres zoned Corridor (CORR), pursuant to the authority of Chapter 166, Florida Statutes, and the Land Use and Development Regulations, Cape Coral, Florida, as same may hereafter be amended. The subject property has approximately 117 acres with a Future Land Use designation of Multi Family, approximately twenty-two (22) acres with a Future Land Use designation of Pine Island Road Corridor, and approximately fifty (50) acres with a Natural Resources/Preserve Future Land Use Designation.

- F. All existing and future structures and uses, population density, building intensity, and building height shall conform to the respective provisions of the Corridor (CORR), Residential Multi-Family (R-3), and Agricultural (A) Zoning District of the Land Use and Development Regulations, Cape Coral, Florida, as same may hereafter be amended. In addition, the development shall obtain all local development permits from the City of Cape Coral, Florida, and other governmental jurisdictions. Failure of this agreement to address a particular permit, condition, term, restriction, or zoning regulation shall not relieve the Developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, restrictions, or zoning regulations.
- G. The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- H. The proposed development, as noted, is consistent with the adopted City of Cape Coral Comprehensive Plan, and the City of Cape Coral Land Use and Development Regulations.
- I. The term Developer for purposes of this development order shall mean and refer to Realmark Judd Creek, LLC, its successors in interest, lessees, and/or assigns.

SECTION III. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, be it ordained by the City Council of Cape Coral, Florida, in public meeting duly advertised, constituted and assembled, that the Planned Development Project application for Development Approval submitted by Realmark Judd Creek, LLC, is hereby ordained approved, subject to the following conditions, restrictions, and limitations deemed necessary for the public health, safety, and welfare.

A. DRAINAGE/WATER QUALITY

- 1. Prior to the issuance of any site plan or building permits, a general permit and stormwater discharge certification shall be obtained from the South Florida Water Management District (SFWMD). No construction permit shall be issued until the City has received a copy of the approved South Florida Water Management District permit.
- 2. With each individual site development submitted, the Developer shall be required to provide on-site stormwater runoff provisions, with either a letter of compliance, modification, or exemption, as applicable, from South Florida Water Management District.
- 3. At completion of construction, as required by the conditions imposed by SFWMD and prior to the issuance of a Certificate of Occupancy, the Developer will be required to provide certification by the Engineer of Record that all stormwater infrastructure and facilities have been constructed in accordance with the design approved by SFWMD and the City of Cape Coral, and should consist of the wording "Construction Compliance Certification".
- 4. Developer shall convey to the City the component parts of the stormwater infrastructure constructed by the Developer and being transferred to the City by bill of sale in a form satisfactory to the City Attorney, together with such other evidence as may be required by the City that the stormwater infrastructure is free of all liens and encumbrances

B. ENERGY

- 1. The Developer shall incorporate at a minimum the following energy conservation measures into this development, through deed restrictions and/or covenants with successors in title. All applications for site plan approvals and building permits shall be accompanied by a document detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance, such documents shall be approved by the Cape Coral City Attorney's Office prior to recording. If no deed restrictions are approved and recorded, the first alternative shall be utilized and the following features must be included:

- a. Cooperation in the location of bus stops, shelters, and other passenger and system accommodations for a transit system to service the project area.
- b. Use of energy efficient features in window design (e.g., tinting and exterior shading).
- c. Use of operable windows and ceiling fans.
- d. Installation of energy-efficient appliances and equipment.
- e. Prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, and solar water heating systems).
- f. Reduced coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat, as determined by the Cape Coral Department of Community Development.
- g. Installation of energy-efficient lighting for streets, parking areas, and other interior and exterior public areas.
- h. Selection, installation, and maintenance of plants, trees, and other vegetation and landscape design features that have minimal requirements for water, fertilizer, maintenance, and other needs. A list of native plants best suited to the soil conditions of Cape Coral by section is available from the Department of Community Development.
- i. Planting of shade trees to provide shade for all street and parking areas.
- j. Placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.
- k. Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.
- l. Provision for structural shading (e.g., trellises, awnings, and roof overhangs), wherever practical when natural shading cannot be used effectively.
- m. Consideration by the project architectural review committee(s) if any exists, of energy conservation measures (both those noted here and others) to assist builders and tenants in their efforts to achieve greater energy efficiency in the development and compliance with the above conditions.
- n. Provision of bicycle/pedestrian system connecting all land uses to be placed along arterial and collector roads within the project. The system is to be consistent with local government requirements.
- o. Provision of bicycle racks or storage facilities in recreational, commercial, and multi-family residential areas.

C. HURRICANE EVACUATION/SHELTERING

- 1. Prior to issuance of the building permits, the Developer shall meet with the Lee County Emergency Management, and Cape Coral Emergency Management officials to discuss and identify (if appropriate) any areas in the common portion of the project that may be utilized as public shelter. A letter documenting this meeting shall be submitted to the City.
- 2. The Developer shall encourage actual site users and developers to incorporate within their building design the sheltering demands of the employees and their families.

D. WETLANDS, VEGETATION, AND WILDLIFE

1. Ongoing control and removal of nuisance exotic plants onsite is required, including but not limited to, *Casuarina* sp. (Australian Pine), *Melaleuca quinquenervia* (melaleuca), and *schinus terebinthifolius* (Brazilian Pepper), and all Category I invasive exotic plants listed by the Florida Exotic Pest Plant Council, exclusive of Agricultural Tract 10, except as required by federal and state agencies.
2. All landscaping, screening, and the Native Uplands and Buffer area, as depicted on the PDP plan, shall be maintained in good condition throughout the life of this development. In the event the vegetation dies or is destroyed by natural causes, it shall be replaced with like vegetation compliant with the standards set forth in Section 5.2 of the Land Use and Development Regulations or as may be amended.
3. A protective barrier composed of stakes and rope and/or other suitable material with good visibility and durability shall be placed around all existing trees and native vegetative buffer area to remain as shown on the PDP plan.
 - a. The protective barrier shall be erected prior to land preparation or construction activities.
 - b. The protective barrier shall be placed at or greater than the full dripline of all protected trees and shall be maintained and remain in place until all major construction activity is terminated.
 - c. No equipment, chemicals, soil deposits or construction materials shall be placed within such protective barriers.
 - d. Light construction activities subsequent to the removal of protective barriers shall be accomplished with light machinery or hand labor.
4. The Developer shall comply with the State of Florida regulations pertaining to the protection of gopher tortoise burrows located on the site and a protective barrier composed of stakes, silt fence, and rope or other suitable materials shall be placed around all gopher tortoise burrows, including any that are discovered during the life of the project. The Developer shall seek a gopher tortoise relocation permit for some or all of the gopher tortoises that must be removed from the site, if such permit is available at the time of development. Only as a last resort shall the Developer seek a gopher tortoise take permit. Entombment of tortoises is strictly prohibited at all times, regardless of the type of permit procured by the applicant.
5. In the event all or a portion of the subject property is located within an Eagle Nest Management Zone, the developer shall comply with all City laws, regulations, and guidelines that are currently in effect or that may be hereafter adopted by the City concerning the protection and management of bald eagle nests including, but not limited to Chapter 23 of the City Code of Ordinances. No development shall occur on any portion of the subject property that is within an Eagle Nest Management Zone except in accordance with a Bald Eagle Management Plan that has been approved by the City. Once an Eagle Management Plan has been approved by the City for all or a portion of the property, the Developer's ability to develop in accordance with such Plan shall not be affected by any amendment to the City's regulations concerning eagle nests, so long as no additional or "new" eagle nest need to be accommodated. In the event, however, that one or more eagle nests are hereafter established or determined to be active in locations that result in all or a portion of the subject property being located in a new or expanded Eagle Nest Management Zone, then no development shall occur in such new zone except in accordance with an Eagle Management Plan that has been approved by the City for such zone.

E. FIRE PROTECTION

1. Fire impact fees shall be paid as specified by City Ordinance.

2. The Developer shall review site development plans with the Cape Coral Fire Department to incorporate fire protection design recommendations into the project.

F. WATER CONSERVATION

1. The Developer shall incorporate the use of water conserving devices as required by state law (Section 553.14, Florida Statutes).
2. For the purpose of non-potable water conservation, the development should require, through the use of deed restriction, the utilization of Florida Yards and Neighborhoods, (FYN), and/or other xeriscape principals, where feasible, in the design and installation of the project's landscaping. FYN instructional materials and assistance are available through the Planning Division and the Environmental Resources Division.
3. Irrigation will be accomplished in accordance with City Ordinance(s) or South Florida Water Management District mandate as applicable.

G. SOLID WASTE

1. The Developer and tenants of the project should investigate methods of reducing solid waste volume at the project.
2. The Developer and tenants of the project shall identify to the City, the presence of and the proper on-site handling and temporary storage procedures for hazardous waste that may be generated on-site, in accordance with local, regional, and state hazardous waste programs.
3. The Developer will require that an EPA/DEP approved holding storage tank be provided on-site along with the proper monitoring devices if a prospective user has the potential for producing toxic or industrial waste. These wastes shall be disposed of off-site by a company licensed to dispose of such wastes.
4. The Developer shall inform the waste hauler and disposer of the nature of any hazardous waste on the site, to determine if, and the extent of, any special precautions that may be necessary.
5. No solid waste disposal facilities shall be located on site.
6. The Developer will participate in recycling programs.
7. Solid waste disposal shall be provided through Lee County, Florida pursuant to Special Act, Chapter 85-447. Current and planned facilities have sufficient capacity to meet the demands of this development.

H. WASTEWATER MANAGEMENT

1. Wastewater (sewer) service is not currently available to the development. Developer shall extend wastewater to the development as described in Phase 1 prior to Site Plan approval for any other phase or any tract located within the development. Due to the conceptual nature of this Planned Development Project, the City shall not approve a Site Plan for Phase 1 until after the Developer has entered into a Utilities Agreement with the City for Phase 1 wastewater facilities. The plat for the development shall not be approved until after the City has approved a Site Plan for the development of Phase 1. No Temporary Certificate of Occupancy or Certificate of Occupancy shall be issued for any building on any tract within the development until the Phase 1 wastewater facilities have been conveyed to and accepted by the City.
2. Developer shall extend wastewater to the development as described in Phase 2 prior to Site Plan approval for Phase 5. The City shall not approve a Site Plan for Phase 2 until after the Developer has entered into a Utilities Agreement with the City for Phase 2 wastewater facilities. Site Plan approval for Phase 2 is required prior to Site Plan approval for Phase 5. No Temporary Certificate of Occupancy or Certificate of

Occupancy shall be issued for any building on any tract located within Phase 5 until the Phase 2 wastewater facilities have been conveyed to and accepted by the City.

3. Developer shall extend wastewater within the development as described in Phase 3. The City shall not approve a Site Plan for Phase 3 until after the Developer has entered into a Utilities Agreement with the City for Phase 3 wastewater facilities. No Site Plan shall be approved for any development in Tracts 1 through 5 until the Site Plan for Phase 3 has been approved. No Temporary Certificate of Occupancy or Certificate of Occupancy shall be issued for any building located in Tracts 1 through 5 until the Phase 3 wastewater facilities have been conveyed to and accepted by the City.
4. At the time the Developer submits a Site Plan application for each individual tract, a separate Utilities Agreement with the City shall be required if the Developer elects to convey to the City the on-site wastewater facilities proposed in the Site Plan application. In that event, the City shall not approve the Site Plan for any individual tract until after the Developer has entered into the Utilities Agreement. If for any reason a tract cannot be served by the wastewater facilities located within the Judd Creek development, then no development shall occur on that tract until wastewater is available for that tract.
5. Developer shall comply with all applicable terms imposed on the City by North Fort Myers Utility, Inc., in the Agreement between the City and North Fort Myers Utility, Inc., dated December 15, 2003, and amended June 7, 2004. Said terms and conditions shall be included in all Utility Agreements related to the subject development.
6. The Developer shall design, construct and install all improvements required by the City to connect to the City's interconnect with North Fort Myers Utility, Inc. Said design, construction, and installation shall be accomplished in accordance with prevailing City design criteria and shall be subject to City inspection and approval prior to acceptance by the City. The Developer shall design, construct and install all future improvements within the Judd Creek Development required by the City to connect to the City's wastewater system.
7. Wastewater containing hazardous materials shall be segregated and handled in accordance with Florida Department of Environmental Protection (DEP) criteria. Wastewater entering the City system shall meet quality limitations as specified by City Ordinance(s).
8. Utility Capital Expansion fees, Contribution in Aid of Construction fees, and/or all other applicable fees shall be paid as specified by the Utility Agreement. This Order grants Developer a credit for the acquisition costs associated with acquiring the wastewater franchise fees from North Fort Myers Utilities toward its Contribution in Aid of Construction to the extent any such Contribution in Aid of Construction would be charged.
9. The Developer shall connect to City wastewater facilities as specified by City Ordinance.
10. The Developer shall grant appropriate easements to City for utility service prior to conveyance of the wastewater facilities to the City. Prior to connection of this development to City utility facilities, the Developer shall convey to the City the component parts of the wastewater system that were constructed by Developer by bill of sale in a form satisfactory to the City Attorney, together with such other evidence as may be required by the City that the utility system proposed to be transferred to the City is free of all liens and encumbrances.

I. WATER SERVICE

1. Water service is not currently available to the development. Developer shall extend water to the development as described in Phase 1 prior to Site Plan approval for any other phase or any tract located within the development. Due to the conceptual nature of this Planned Development Project, the City shall not approve a Site Plan for Phase 1 until after the Developer has entered into a Utilities Agreement with the City for the Phase 1 water facilities. The plat for the development shall not be approved until after the City has approved a Site Plan for the development of Phase 1. No Temporary

Certificate of Occupancy or Certificate of Occupancy shall be issued for any building on any tract within the development until the Phase 1 water facilities have been conveyed to and accepted by the City.

2. Developer shall extend water to the development as described in Phase 2 prior to Site Plan approval for Phase 5. The City shall not approve a Site Plan for Phase 2 until after the Developer has entered into a Utilities Agreement with the City for phase 2 water facilities. Site Plan approval for Phase 2 is required prior to Site Plan approval for Phase 5. No Temporary Certificate of Occupancy or Certificate of Occupancy shall be issued for any building on any tract located within Phase 5 until the Phase 2 water facilities have been conveyed to and accepted by the City.
3. Developer shall extend water within the development as described in Phase 3. The City shall not approve a Site Plan for Phase 3 until after the Developer has entered into a Utilities Agreement with the City for Phase 3 water facilities. No Site Plan shall be approved for any development in Tracts 1 through 5 until the Site Plan for Phase 3 has been approved. No Temporary Certificate of Occupancy or Certificate of Occupancy shall be issued for any building located in Tracts 1 through 5 until the Phase 3 water facilities have been conveyed to and accepted by the City.
4. At the time the Developer submits a Site Plan application for each individual tract, a separate Utilities Agreement with the City shall be required if the Developer elects to convey to the City the on-site water facilities proposed in the Site Plan application. In that event, the City shall not approve the Site Plan for any individual tract until after the Developer has entered into the Utilities Agreement. If for any reason a tract cannot be served by the water facilities located within the Judd Creek development, then no development shall occur on that tract until water is available for that tract.
5. Developer shall comply with all applicable terms imposed on the City by Lee County in the Interlocal Agreement between the City and Lee County, dated January 27, 2004, and amended January 25, 2005. Said terms and conditions shall be included in all Utility Agreements related to the subject development.
6. The Developer shall design, construct and install all improvements required by the City to connect to the City's interconnect with Lee County. Said design, construction, and installation shall be accomplished in accordance with prevailing City design criteria and shall be subject to City inspection and approval prior to acceptance by the City. The Developer shall design, construct and install all future water improvements within the Judd Creek Preserve Development required by the City to connect to the City's potable water system.
7. Utility Capital Expansion fees, Contributions in Aid of Construction fees, and/or all other applicable fees shall be paid as specified by the Utility Agreement.
8. The Developer shall connect to City water facilities as specified by City Ordinance.
9. The Developer shall grant appropriate easements to City for utility service prior to conveyance of the water facilities to the City. Prior to connection of this development to City utility facilities, the Developer shall convey to the City the component parts of the water system that were constructed by Developer by bill of sale in a form satisfactory to the City Attorney, together with such other evidence as may be required by the City that the utility system proposed to be transferred to the City is free of all liens and encumbrances.

J. IRRIGATION SERVICE

1. Irrigation service is not available to the development. Developer shall provide for irrigation to the development and shall indicate the source of such irrigation on the Site Plans for Phase 3, Phase 4, Phase 5, and Phase 6.
2. In no event shall potable water be used for irrigation due to the capacity limits set by Lee County. No site plan approval and no development shall occur in Phases 3, 4, 5, and 6 until the City has approved a plan for irrigation of such phases.

K. AIR QUALITY

1. If any of the individual tract owners/developers create a complex source of pollution as defined by DEP rules, they shall apply directly to DEP for permitting.
2. Each individual tract development will be required to comply with all federal, state and local laws and codes governing air quality and emissions.

L. HISTORICAL/ ARCHAEOLOGICAL

During the life of the project, if any historical or archaeological sites are uncovered, work in the vicinity shall cease until the proper authorities can be contacted and an evaluation of the site carried out.

M. TRANSPORTATION

1. The traffic impact assessment upon which this Development Order for the Judd Creek PDP is based assumes project buildout in five (5) years. The traffic impact assessment included the expected impacts of 1,100 multi-family residential units and 200,000 s.f. of retail.
2. The traffic impacts of this development do not degrade roadway and intersection level of service (LOS) below LOS standards adopted in the City of Cape Coral Comprehensive Plan.
3. The Developer shall provide the City of Cape Coral all appropriate Road Impact Fees at the time of application for each building permit.
4. The City of Cape Coral reserves the right to request Annual Traffic Monitoring Report(s) before the development reaches buildout. Preparation of the report shall not begin until the Developer provides the City of Cape Coral with an acceptable methodology for preparing the report. If this report shows impacts greater than those estimated at the time of original approval and/or determines that the LOS is degraded below adopted LOS standards, the Developer shall provide mitigation actions to assure that all roadways and intersections shall be improved so as to maintain the adopted peak hour LOS standard.
5. The Developer shall not make any driveway access connection to Pine Island Road (SR-78) until a permit authorizing such connection has been issued by the Florida Department of Transportation (FDOT). The developer shall submit evidence to the City that the aforesaid permit has been issued by FDOT prior to providing driveway access from the subject property to SR-78.
6. The Developer shall not make any driveway access connection to either Barrett Road or Herron Road until a permit authorizing such connection has been issued by Lee County Department of Transportation (LCDOT). The developer shall submit evidence to the City that the aforesaid permit has been issued by LCDOT prior to providing driveway access from the subject property to either Barrett Road or Herron Road.
7. Sidewalks shall be constructed as delineated in Section O. General Considerations, paragraph 14.
8. Vehicular circulation routes/travel lanes, including but not limited to private roads and driveways, shall be constructed as delineated in Section O. General Considerations, paragraph 15.

N. SUBDIVISION

1. The following subdivision of the development parcel as identified in Exhibit "A" into twelve (12) tracts is hereby approved as follows:
 - a. Tract 1, consisting of approximately 5.13 acres, as identified in Exhibit "I";
 - b. Tract 2, consisting of approximately 6.72 acres, as identified in Exhibit "J";

- c. Tract 3, consisting of approximately 5.61 acres, as identified in Exhibit "K";
 - d. Tract 4, consisting of approximately 1.91 acres, as identified in Exhibit "L";
 - e. Tract 5, consisting of approximately 2.33 acres, as identified in Exhibit "M";
 - f. Tract 6, consisting of approximately 1.61 acres, as identified in Exhibit "N";
 - g. Tract 7, consisting of approximately 1.70 acres, as identified in Exhibit "O";
 - h. Tract 8, consisting of approximately 63.59 acres, as identified in Exhibit "D";
 - i. Tract 9, consisting of approximately 3.75 acres, as identified in Exhibits "C" and "H";
 - j. Tract 10, consisting of approximately 48.58 acres, as identified in Exhibits "B" and "G";
 - k. Tract 11, consisting of approximately 50.72 acres, as identified in Exhibit "E"; and
 - l. Tract 12, consisting of approximately 0.97 acres, as identified in Exhibit "F".
2. The Developer shall meet all requirements of Section 4.2.11., Minimum Design Standards, City of Cape Coral Land Use and Development Regulations.
 3. So long as all requirements of this development order and of the City of Cape Coral Land Use and Development Regulations are satisfied, the subject development may be platted in one subdivision plat or parts of the development may be platted in individual subdivision plats in accordance with the subdivision plan. Prior to any final Subdivision Plat approval, the Site Plan for wastewater and water infrastructure for Phase 1 shall be approved by the City. Either the Developer shall satisfactorily complete all of the required development improvements, or the Developer shall provide a surety bond or certified check in an amount of the estimated cost to complete all required development improvements, as determined by the City. Such surety bond or certified check shall be returned to the Developer after the Director has determined that all required improvements have been satisfactorily completed.
 4. The Director shall submit the Subdivision Plat for the Mayor's signature after all required development improvements have been satisfactorily completed or the City has received a surety bond or certified check in an amount of the estimated cost to complete of all required development improvements. Such Plat shall then be recorded with the Lee County Clerk pursuant to Chapter 177, Florida Statutes. A duplicate recorded mylar copy of the Plat shall be submitted to the City.

O. GENERAL CONSIDERATIONS

1. Prior to issuance of a permit, the Developer shall enter into an agreement, in a form acceptable to the City Attorney, regarding obligations resulting from landscaping located in utility easements.
2. On Tracts 8 and 11, the developer may install, without restriction as to size, height, location, and number of signs, any sign(s) that are not prohibited in the Multi-Family Residential (R-3) zoning district so long as such sign(s) are not visible from outside of the subject property. The foregoing waiver of regulation of sign(s) in the development as to size, height, location, and number of signs granted herein do not preclude the Director of the Department of Community Development from making further administrative sign deviations. However, a sign deviation request will be reviewed in accordance with the deviations granted as part of this Development Order. Neither any waiver approved herein nor any deviation that may be approved hereafter shall be approved if it would have the effect of allowing a type or category of sign that would otherwise be prohibited by Article VII of the Land Use and Development Regulations.

3. All lighting along the eastern property boundary of Tracts 3, 5, and 11, shall be arranged so as to direct any lighting away from the property outside of the property boundary. Lighting trespass and glare shall be limited to a reasonable level through the use of shielding and directional lighting methods, including, but not limited to, fixture location and height. The lighting for the aforementioned Tracts shall be designed so that the light does not exceed one (1) foot-candle when measured along the eastern property line.
4. In the event any additional Special Exception(s), variance(s), deviation(s), including but not limited to re-platting for purposes of Single-Family Residential (R-1) or Multi-Family Residential (R-3) uses, or vacations of plat all pursuant to the Land Use and Development Regulations are sought for any of the subject development, such Special Exception(s) variance(s), vacations of plat, deviation(s), and re-platting, shall not be approved except as part of an amendment to this development order. This condition shall not be interpreted so as to preclude the Director of the Department of Community Development from making further administrative sign deviations in accordance with Article VII of the Land Use and Development Regulations and paragraph O.2. of the General Considerations of this Section. Further, this condition shall not be construed so as to preclude the Director of the Department of Community Development from administratively reducing the number of off street parking spaces required for any use that may develop in accordance with Article V, Supplementary Development Regulations, Section 5.1.2.B. of the Land Use and Development Regulations.
5. This Development Order contemplates that each of Tracts 1 through 12 shall remain and shall develop in accordance with the configuration identified in the subdivision plan approved herein. In the event any of Tracts 1 through 12 are reconfigured, subdivided, and/or divided, regardless of whether such act requires additional subdivision approval or replattings pursuant to Section 4.2 of the Land Use and Development Regulations, any and all deviations from or waivers of any City regulation or ordinance shall terminate and be considered null and void for the specific tract that has been so reconfigured, subdivided and/or divided.
6. Prior to any site clearing permits issued by the City, the Developer shall provide a clearing plan depicting how the preserve areas and vegetative buffer areas shown on the PDP plan are being protected. In addition, the gopher tortoise habitat must be labeled on the clearing plan and properly protected on site.
7. Vehicular access to Tract 12 shall be limited to Herron Road.
8. There shall be no Certificates of Occupancy issued for the development prior to the recording of the subdivision plat.
9. Approximately fifty (50) acres of the 192 acre parcel included in the Natural Resources/Preservation Future Land Use classification depicted on the PDP plan shall be included in the Wetland Conservation Area. An additional 25.52 acres not included in the Natural Resources/Preservation Future Land Use classification of the Judd Creek Sub-District of the Comprehensive Plan, but identified as Native Uplands and Buffer is depicted on the PDP plan. The location of the additional 25.52 acres may be modified in subsequent site plan(s) for the development with the prior approval of the Director of the Department of Community Development provided that developer submits to the City an environmental survey that demonstrates that the proposed location of such area is able to meet the objectives of the Native Uplands and Buffer area requirement.
10. Within Tracts 8 and 11 only, an area twenty-five (25) feet from the perimeter property line of the PDP development shall be maintained as a protection and buffer zone area, except that such buffer zone is not required in the utility easement along the northerly boundary of Tract 8. No building(s) shall be located within this zone; only walls/fences and signs, vehicular circulation routes/travel lanes, and sidewalks, bike paths and pedestrian walkways shall be located within this zone as follows:

- a. Walls/fences and signs are permitted in this zone provided that they are located ten (10) feet or more from the perimeter property line; and
 - b. Vehicular circulation routs/travel lanes are permitted so long as they are located fifteen (15) feet or more from the perimeter property line, except where approved access points to the external street system are located as shown on the PDP plan; and
 - c. Sidewalks, bike paths, and pedestrian walkways are allowed anywhere in the zone.
11. Within Tracts 8 and 11 only, no building shall exceed a maximum building height of thirty-eight (38) feet except as follows:
 - a. On Tract 8, any building may be increased from the maximum building height of thirty-eight (38) feet by three (3) feet for every one (1) foot of distance set back from the twenty-five (25) foot protection and buffer zone area of the PDP development for a maximum height of sixty-five (65) feet; and
 - b. On Tract 11, any building may be increased from the maximum building height of thirty-eight (38) feet by three (3) feet for every one (1) foot of distance set back from the twenty-five (25) foot protection and buffer zone area of the PDP development for a maximum height of one hundred twenty (120) feet.
 12. Within the protection and buffer zone within Tracts 8 and 11, the Developer shall provide a strip of land a minimum of ten (10) feet in depth, except within the visibility triangle of approved access points. This strip shall be planted with a solid vegetative hedge not less than eight feet in height at maturity. Such hedge must also include shade trees with a minimum mature growing height of twenty (20) feet spaced every twenty-five (25) feet on center within the entire length of the hedgerow. The hedges must be planted in double staggered rows with plants a minimum of three and one-half (3.5) feet at planting, spaced two and one-half (2.5) feet apart, and be maintained so as to form a one hundred (100) percent opaque screen between the PDP development and surrounding properties within one year of such planting. The aforementioned landscaping may be waived by the Director of the Department of Community Development if existing vegetation is preserved that provides an equivalent buffer. In the event that a wall/fence is located in the protection and buffer zone, all of the foregoing vegetation and/or plantings shall be located on the outside of such wall/fence, i.e., between such wall/fence and the perimeter property line.
 13. The Developer is granted herein a special exception for a "gatehouse" use. The Developer shall be allowed one gatehouse on each of Tracts 8 and 11.
 14. Sidewalks shall be constructed along both sides of Road B, as identified on the Typical Sections for Private Roads plan, and a sidewalk shall be constructed along the west side of Road A, also identified on the Typical Sections for Private Roads plan. Sidewalks shall not be less than six (6) feet in width and shall be constructed in accordance with the City of Cape Coral Engineering Design Standards.
 15. All vehicular circulation routes/travel lanes, including but ~~not~~ limited to private roads and driveways, shall, at a minimum, be built in accordance with Sheet E-2 of the City of Cape Coral Engineering Design Standards concerning Emergency Access Lanes.

P. CONCURRENCY

The Judd Creek PDP is concurrent for roads, sewer, water, drainage, solid waste, and parks based on the analysis of the proposed development and specific mitigation programs specified herein.

Q. REZONING

1. The following parcels are approved for rezoning as follows:
 - a. A portion of Tract 10 consisting of approximately 47.33 acres from County (AG-2) to Agricultural (A), as more particularly described in Exhibit "B";
 - b. A portion of Tract 9 consisting of approximately 3.21 acres from County (AG-2) to Agricultural (A), as more particularly described in Exhibit "C";
 - c. Tract 8 consisting of approximately 63.59 acres from County (AG-2) to Multi-Family Residential (R-3), as more particularly described in Exhibit "D";
 - d. Tract 11 consisting of approximately 50.72 acres from County (AG-2) to Multi-Family Residential (R-3), as more particularly described in Exhibit "E";
 - e. Tract 12 consisting of approximately 0.97 acres from County (AG-2) to Multi-Family Residential (R-3), as more particularly described in Exhibit "F";
 - f. The remaining portion of Tract 10 consisting of approximately 1.24 acres from County (AG-2) to Multi-Family Residential (R-3), as more particularly described in Exhibit "G";
 - g. The remaining portion of Tract 9 consisting of approximately 0.53 acres from County (AG-2) to Multi-Family Residential (R-3), as more particularly described in Exhibit "H";
 - h. Tract 1 consisting of approximately 5.13 acres from County (AG-2) to Corridor (CORR), as more particularly described in Exhibit "I";
 - i. Tract 2 consisting of approximately 6.72 acres from County (AG-2) to Corridor (CORR), as more particularly described in Exhibit "J";
 - j. Tract 3 consisting of approximately 5.61 acres from County (AG-2) to Corridor (CORR), as more particularly described in Exhibit "K";
 - k. Tract 4 consisting of approximately 1.91 acres from County (AG-2) to Corridor (CORR), as more particularly described in Exhibit "L";
 - l. Tract 5 consisting of approximately 2.33 acres from County (AG-2) to Corridor (CORR), as more particularly described in Exhibit "M";
 - m. Tract 6 consisting of approximately 1.61 acres from County (AG-2) to Corridor (CORR), as more particularly described in Exhibit "N";
 - n. Tract 7 consisting of approximately 1.70 acres from County (AG-2) to Corridor (CORR) for a future right-of-way tract, as more particularly described in Exhibit "O".

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

- A. This Development Order shall constitute an ordinance of the City of Cape Coral, adopted by this Council in response to the Planned Development Project Application filed for the Judd Creek PDP.
- B. This Development Order shall be binding on the Developer. Those portions of this Development Order which clearly apply only to the project Developer, shall not be construed to be binding upon future owners of the project lots. It shall be binding upon any builder/developer who acquires any tract of land within the Judd Creek PDP.

- C. The terms and conditions set out in this document constitute a basis upon which the Developer and City may rely in future actions necessary to implement fully the final development contemplated by this Development Order.
- D. All conditions, restrictions, stipulations, and safeguards contained in this Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorney's fees, shall be paid by the defaulting party.
- E. Any references herein to any governmental agency shall be construed to mean to include any future instrumentality which may be created and designated as successor in interest to or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.
- F. The approval granted by this Development Order is limited. Such approval shall not be construed to obviate the duty of the Developer to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. Such approval shall also not obviate the duty of the Developer to comply with any City Ordinance or other regulations adopted after the effective date of this Development Order.
- G. Subsequent requests for local development permits shall not require further review, unless it is found by the City Council, after due notice and hearing, that one or more substantial deviation(s), or other changes to the approved development plans which create a reasonable likelihood of adverse impacts which were not evaluated in the review by the City have occurred. Substantial deviations include but are not limited to:
 - 1. Any change which requires a variance to code and above those specifically incorporated herein.
 - 2. An increase of more than five (5) percent in density, parking requirements, trip generation rates, water or sewer usage, or building square footage.
 - 3. An expiration of the period of effectiveness of this Development Order as herein provided.
 - 4. If development order conditions and applicant commitments incorporated within the Development Order to mitigate impacts are not carried out as indicated to the extent or in accordance with the Development Order, then this shall be presumed to be a substantial deviation from the Development Order.

Upon a finding that any of the above is present, the City Council may order a termination of all development activity until such time as a new PDP Application for Development Approval has been submitted, reviewed and approved and all local approvals have been obtained.

- H. The physical development authorized under this Development Order shall terminate in five (5) years from the date of adoption of this Development Order, unless an extension is approved by this Council. The Council may grant an extension if the project has been developing substantially in conformance with the original plans and approved conditions, and if no substantial adverse impacts not known to Cape Coral at the time of their review and approval, or arising due to the extension, have been identified. For purposes of determining when the buildout date has been exceeded, the time shall be tolled during the pendency of administrative and judicial proceedings relating to development permits. All conditions imposed on the subject development shall remain in full force and effect throughout the life of the development unless rescinded or amended by the City and shall not be affected by any termination of the authorization for physical development.
- I. The Director of the Cape Coral Department of Community Development or his/her designee, shall be the local official responsible for assuring compliance with this Development Order. Upon reasonable notice by the City and at all reasonable times, the Developer shall allow the City of Cape Coral, its agents, employees, and/or representatives, access to the development for the purpose of assuring compliance with this Development Order.

- J. The Developer, or its successors in title to the undeveloped portion of the subject property, shall submit a report annually to the Cape Coral City Council, the Director, and all affected permit agencies. This report shall describe the state of development and compliance as of the date of submission.

The first monitoring report shall be submitted to the Director not later than one (1) year from the effective date of this order, and further reports shall be submitted not later than annually thereafter. The Developer shall so inform any successor in title to any undeveloped portion of the real property covered by this Development Order. This shall not be construed to require reporting from tenants or owners of individual lots or units. Annual Monitoring Reports shall be required until such time as the project is complete, at which time, a final development report shall be submitted to the City.

- K. Within thirty (30) days of adoption of this Ordinance, this Development Order shall be recorded in the Office of the Clerk of the Circuit Court by the Developer or Authorized Representative, who shall thereafter return the original recorded Development Order to the City.

SECTION V. SEVERABILITY.

In the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

SECTION VI. EFFECTIVE DATE.

This ordinance shall take effect immediately upon its adoption by the Cape Coral City Council. Permits issued prior to or after the effective date of this Ordinance are obtained solely at the risk of the Developer.


ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 17th DAY OF October, 2005.


ERIC P. FEICHTHALER, MAYOR

ATTESTED TO AND FILED IN MY OFFICE THIS 16th DAY OF Dec, 2005.

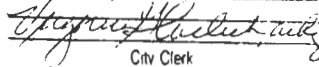

BONNIE J. VENT, CITY CLERK

APPROVED AS TO FORM:


DOLORES D. MENENDEZ
CITY ATTORNEY
pdp058-12

City Clerk
and correct copy of
corporate seal of said municipality that this is a true
and qualified Clerk of the City of Cape Coral
I HEREBY CERTIFY that I am the duly appointed

I HEREBY CERTIFY that I am the duly appointed
and qualified Clerk of the City of Cape Coral,
Florida, and the keeper of the records and
corporate seal of said municipality; that this is a true
and correct copy of Ord 132-05


City Clerk

Banks Engineering, Inc.Professional Engineers. Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTADESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING LOT 22, LESS THE SOUTH 20.00 FEET THEREOF, AND ALL OF LOT 17 AND 33A, MARINA PARK THIRD ADDITION AS RECORDED IN PLAT BOOK 12, AT PAGE 61, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

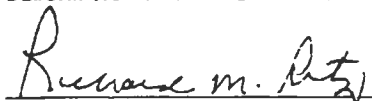
BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 3, ALSO BEING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE S.89°58'48"W. ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SECTION 4, FOR 1313.24 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF BARRETT ROAD, BEING THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE N.04°33'11"W., ALONG SAID RIGHT-OF-WAY LINE AND SAID WEST LINE, FOR 2132.73 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (STATE ROAD 78); THENCE N.61°59'54"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR 593.71 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1879.27 FEET, A CENTRAL ANGLE OF 26°15'18", A CHORD BEARING OF N.75°07'33"E., AND A CHORD LENGTH OF 853.64 FEET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 861.15 FEET TO THE END OF SAID CURVE; THENCE N.01°45'25"W., ALONG SAID RIGHT-OF-WAY LINE FOR 31.67 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2814.79 FEET, A CENTRAL ANGLE OF 01°52'49", A CHORD BEARING OF N.89°05'53"E. AND A CHORD LENGTH OF 92.38 FEET; THENCE ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 92.38 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.89°57'42"E. ALONG SAID RIGHT-OF-WAY LINE FOR 1171.62 FEET; THENCE S.05°18'56"E., ALONG THE WESTERLY BOUNDARY OF SAID MARIANA PARK THIRD ADDITION FOR 949.34 FEET TO THE NORTHWEST CORNER OF SAID LOT 22; THENCE N.84°41'04"E. ALONG THE NORTH LINE OF SAID LOT 22 FOR 325.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 22; THENCE S.05°18'56"E. ALONG THE EAST LINE OF SAID LOT 22 FOR 130.00 FEET TO AN INTERSECTION WITH A LINE 20.00 FEET NORTHERLY OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE SOUTH LINE OF SAID LOT 22; THENCE S.84°41'04"W., ALONG SAID PARALLEL LINE, FOR 325.00 FEET TO AN INTERSECTION WITH SAID WESTERLY LINE; THENCE S.05°18'56"E. ALONG SAID WESTERLY LINE FOR 619.91 FEET TO THE NORTHWEST CORNER OF SAID LOT 27. THENCE N.84°41'04"E. ALONG THE NORTH LINE OF SAID LOT FOR 325.00 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE S.05°18'56"E. ALONG THE EAST LINE OF SAID LOT FOR 150.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE S.84°41'04"W. ALONG THE SOUTH LINE OF SAID LOT FOR 325.00 FEET TO AN INTERSECTION WITH SAID WESTERLY LINE; THENCE S.05°18'56"E. ALONG SAID WESTERLY LINE FOR 831.50 FEET TO THE NORTHWEST CORNER OF SAID LOT 33A; THENCE S.89°26'21"E. ALONG THE NORTH LINE OF SAID LOT FOR 326.72 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE S.05°18'56"E. ALONG SAID EAST LINE OF SAID LOT FOR 50.26 FEET TO THE SOUTHEAST CORNER OF SAID LOT AND AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF EVERGREEN ROAD (50 FEET WIDE); THENCE S.89°26'21"E. ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT FOR 23.28 FEET AND AN INTERSECTION WITH A LINE LYING 25.00 FEET WESTERLY OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE WEST LINE OF LOT 34 OF SAID MARIANA PARK THIRD ADDITION; THENCE S.03°22'16"E. ALONG SAID PARALLEL LINE FOR 300.24 FEET TO AN INTERSECTION WITH THE WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 34; THENCE S.89°25'56"E. ALONG SAID WESTERLY PROLONGATION AND THE SOUTH LINE OF LOTS 35 THROUGH 38 OF SAID MARIANA PARK THIRD ADDITION FOR 753.16 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF BROWN ROAD, BEING A 50 FOOT WIDE COUNTY ROAD AS DESCRIBED IN DEED BOOK 273 AT PAGE 447 OF SAID PUBLIC RECORDS; THENCE S.02°19'16"E. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 325.39 FEET TO AN INTERSECTION WITH A LINE LYING 25.00 FEET NORTHERLY OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE NORTH LINE OF JUDD PARK AS DESCRIBED IN DEED BOOK 302 AT PAGE 181 OF SAID PUBLIC RECORDS; THENCE N.89°33'46"W. ALONG SAID PARALLEL LINE FOR 370.00 FEET TO AN INTERSECTION WITH A NORTHERLY PROLONGATION OF THE WEST LINE OF SAID JUDD PARK; THENCE S.02°50'09"E ALONG THE SAID NORTHERLY PROLONGATION AND SAID WEST LINE FOR 159 FEET MORE OR LESS TO THE CENTERLINE OF THE WATERS OF HANCOCK CREEK; THENCE WESTERLY, NORTHWESTERLY AND NORTHERLY ALONG THE SAID CENTERLINE TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE N.89°26'21"W. ALONG SAID NORTH LINE FOR 360 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.89°58'48"W

PARCEL CONTAINS 192.65 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 09-13-05


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009



NO. 105-165-05 SURVEYING PLAT BOOK 12, AT PAGE 61, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
NO. 105-165-05 SURVEYING PLAT BOOK 12, AT PAGE 61, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6890
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
PONT MYERS, FLORIDA 33912
(239) 439-1400



1" = 550'

LINE	BEARING	DISTANCE
L1	N 01°45'25" W	31.67'
L2	N 84°41'04" E	325.00'
L3	S 05°18'56" E	130.00'
L4	S 84°41'04" W	325.00'
L5	N 84°41'04" E	325.00'
L6	S 05°18'56" E	150.00'
L7	S 84°41'04" W	325.00'
L8	S 89°26'21" E	326.72'
L9	S 05°18'56" E	50.26'
L10	S 89°26'21" E	21.28'
L11	S 03°22'16" E	300.74'
L12	S 02°19'16" E	325.39'
L13	N 89°33'46" W	370.00'
L14	S 02°50'09" E	159.4'
L15	N 89°26'21" W	360.2'

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1879.27'	26°15'18"	861.15'	853.64'	N 73°07'33" E
C2	2814.79'	01°52'49"	92.38'	92.38'	N 89°05'53" E

PREPARED 09-13-05
SHEET 2 OF 2

S:\JOBS\16XX\1655\SURVEYING\DESCRIPTIONS\1655_OA_LCL_SK1.DOC
S:\JOBS\16XX\1655\SURVEYING\DESCRIPTIONS\1655_OA_LCL_SK1.DWG

SKETCH OF DESCRIPTION

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

LEGEND

PG. INDICATES PAGE
P.B. INDICATES PLAT BOOK
NO. INDICATES NUMBER
R/W INDICATES RIGHT-OF-WAY
O.R. INDICATES OFFICIAL RECORDS BOOK
D.B. INDICATES DEED BOOK
M.B. INDICATES MISCELLANEOUS BOOK
P.I. INDICATES POINT OF INTERSECTION
P.C. INDICATES POINT OF CURVATURE
C. INDICATES CENTER LINE

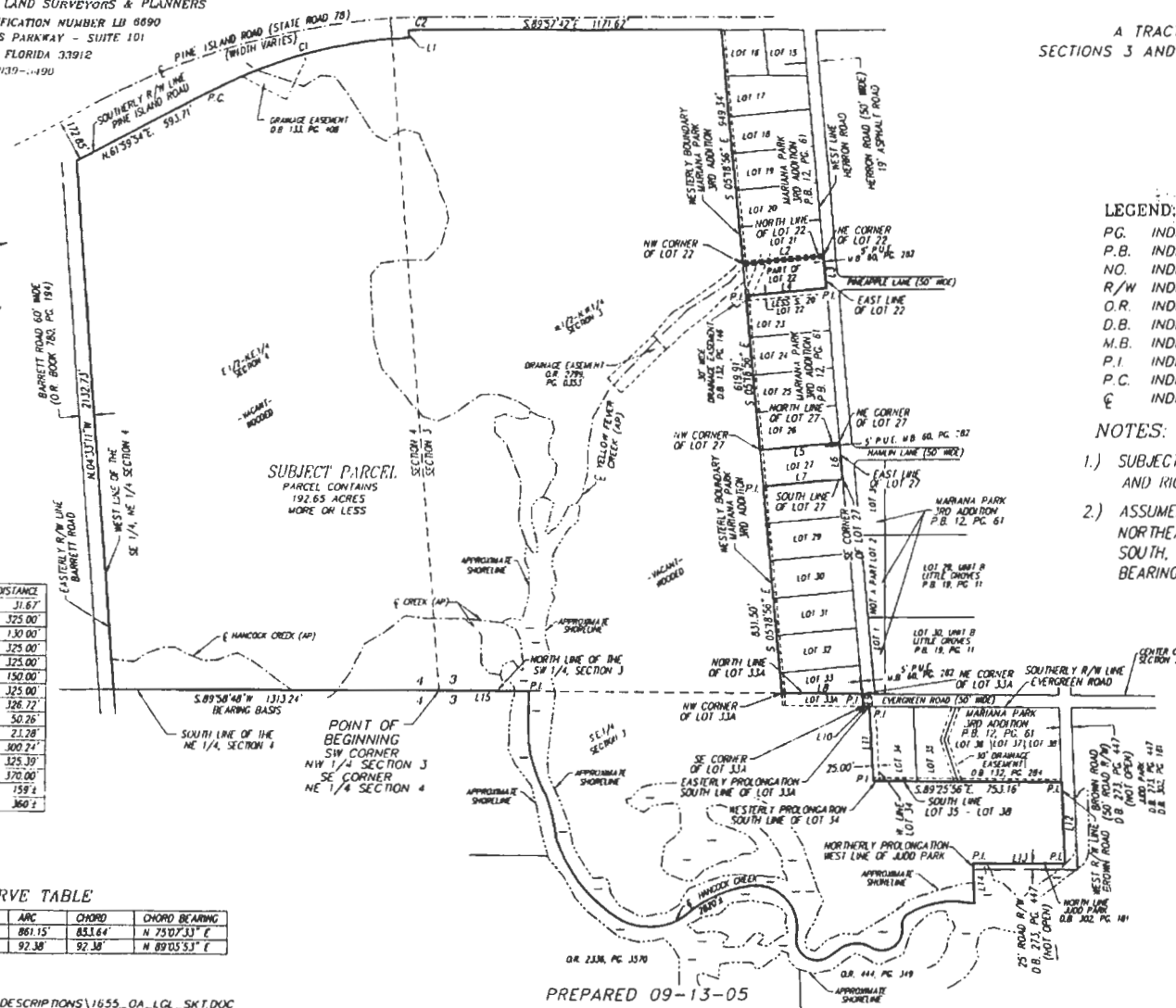
NOTES

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S 89°58'48" W.

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

Richard M. Ritzi
RICHARD M. RITZI
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4709

- THIS SKETCH OF DESCRIPTION IS NO VALID
WITHOUT THE SIGNATURE AND THE OFFICIAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



Banks Engineering, Inc.

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(JURISDICTIONAL-EAST MODIFICATION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S.04°24'51"E. ALONG THE WEST LINE OF SAID SECTION 3, FOR 88.46 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT AND THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (STATE ROAD 78) HAVING A RADIUS OF 1879.27 FEET, A CENTRAL ANGLE OF 09°16'42", A CHORD BEARING OF S.81°30'33"W. AND A CHORD LENGTH OF 303.99 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 304.33 FEET TO THE POINT OF BEGINNING AND A POINT OF COMPOUND CURVE HAVING A RADIUS OF 1879.27 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°05'56" FOR 298.44 FEET; THENCE S.20°47'49"E. FOR 2.14 FEET; THENCE S.84°11'28"E. FOR 47.81 FEET; THENCE S.50°32'19"E. FOR 55.12 FEET; THENCE N.08°39'21"E. FOR 9.65 FEET; THENCE S.61°12'29"E. FOR 37.33 FEET; THENCE S.56°09'14"E. FOR 22.31 FEET; THENCE S.12°09'32"W. FOR 64.36 FEET; THENCE S.47°13'42"E. FOR 32.01 FEET; THENCE S.26°22'34"E. FOR 69.83 FEET; THENCE S.29°52'50"W. FOR 49.40 FEET; THENCE S.55°17'12"E. FOR 38.80 FEET; THENCE S.63°35'32"E. FOR 66.79 FEET; THENCE S.67°35'19"E. FOR 62.96 FEET; THENCE S.76°05'25"E. FOR 51.35 FEET; THENCE N.83°52'31"E. FOR 34.10 FEET; THENCE S.87°08'34"E. FOR 72.34 FEET; THENCE N.22°45'33"E. FOR 45.96 FEET; THENCE N.10°25'07"E. FOR 45.55 FEET; THENCE S.41°30'12"E. FOR 39.00 FEET; THENCE S.10°52'57"E. FOR 20.84 FEET; THENCE S.30°46'28"E. FOR 49.33 FEET; THENCE S.54°54'01"W. FOR 24.14 FEET; THENCE S.74°00'20"W. FOR 35.90 FEET; THENCE S.56°59'08"W. FOR 36.82 FEET; THENCE S.30°50'59"W. FOR 59.64 FEET; THENCE S.15°14'28"W. FOR 53.78 FEET; THENCE S.14°38'53"W. FOR 51.00 FEET; THENCE S.06°20'08"E. FOR 46.17 FEET; THENCE S.21°53'05"E. FOR 45.91 FEET; THENCE S.11°02'37"E. FOR 33.91 FEET; THENCE S.14°35'11"E. FOR 54.53 FEET; THENCE S.24°06'30"E. FOR 54.88 FEET; THENCE S.20°55'23"E. FOR 48.41 FEET; THENCE S.12°38'39"W. FOR 52.31 FEET; THENCE S.03°29'46"E. FOR 31.57 FEET; THENCE S.04°19'27"E. FOR 40.69 FEET; THENCE S.07°50'28"E. FOR 55.56 FEET; THENCE S.03°02'39"E. FOR 38.08 FEET; THENCE S.08°36'46"E. FOR 38.49 FEET; THENCE S.04°47'57"E. FOR 51.31 FEET; THENCE S.14°43'16"E. FOR 39.96 FEET; THENCE S.28°11'17"E. FOR 54.52 FEET; THENCE S.32°49'07"E. FOR 36.74 FEET; THENCE S.38°24'10"E. FOR 44.23 FEET; THENCE S.42°44'37"E. FOR 33.88 FEET; THENCE S.28°46'30"E. FOR 47.42 FEET; THENCE S.52°50'24"E. FOR 45.86 FEET; THENCE S.48°55'07"E. FOR 33.38 FEET; THENCE S.43°01'52"E. FOR 46.82 FEET; THENCE S.62°54'04"E. FOR 43.64 FEET; THENCE N.83°48'33"E. FOR 57.60 FEET; THENCE N.61°18'42"E. FOR 53.62 FEET; THENCE N.37°44'25"E. FOR 20.63 FEET; THENCE N.69°46'39"E. FOR 21.10 FEET; THENCE N.48°39'39"E. FOR 44.80 FEET; THENCE S.71°24'34"E. FOR 46.81 FEET; THENCE S.11°07'30"W. FOR 35.31 FEET; THENCE S.21°18'19"E. FOR 49.27 FEET; THENCE S.40°18'22"E. FOR 49.62 FEET; THENCE S.22°49'55"E. FOR 45.46 FEET; THENCE S.08°51'16"W. FOR 33.22 FEET; THENCE S.09°11'11"E. FOR 45.76 FEET; THENCE S.26°49'24"E. FOR 55.89 FEET; THENCE S.48°29'56"W. FOR 20.89 FEET; THENCE S.13°26'56"E. FOR 39.87 FEET; THENCE S.16°39'33"E. FOR 42.89 FEET; THENCE S.14°13'15"E. FOR 63.09 FEET; THENCE S.12°05'42"E. FOR 34.83 FEET; THENCE S.15°50'54"E. FOR 22.18 FEET; THENCE S.09°19'37"E. FOR 42.34 FEET; THENCE S.16°16'03"E. FOR 45.87 FEET; THENCE S.05°43'37"E. FOR 47.05 FEET; THENCE S.09°10'10"E. FOR 23.19 FEET; THENCE S.27°06'26"W. FOR 24.49 FEET; THENCE S.00°17'21"W. FOR 17.90 FEET; THENCE S.00°40'12"W. FOR 24.38 FEET; THENCE S.13°34'00"W. FOR 26.61 FEET; THENCE S.39°11'02"W. FOR 21.00 FEET; THENCE S.19°53'08"W. FOR 29.09 FEET; THENCE S.60°30'05"W. FOR 33.29 FEET; THENCE N.55°11'14"W. FOR 35.95 FEET; THENCE S.75°34'56"W. FOR 24.59 FEET; THENCE N.70°56'30"W. FOR 43.87 FEET; THENCE S.89°40'06"W. FOR 19.88 FEET; THENCE N.27°41'22"W. FOR 18.22 FEET; THENCE N.22°09'57"W. FOR 54.89 FEET; THENCE N.69°21'41"W. FOR 50.35 FEET; THENCE S.27°09'30"W. FOR 32.45 FEET; THENCE N.83°23'31"W. FOR 31.04 FEET; THENCE S.85°50'49"W. FOR 28.79 FEET; THENCE S.57°53'26"W. FOR 18.04 FEET; THENCE S.77°40'47"W. FOR 58.79 FEET; THENCE N.88°55'42"W. FOR 29.09 FEET; THENCE N.81°03'12"W. FOR 44.93 FEET; THENCE S.85°22'43"W. FOR 29.74 FEET; THENCE N.60°45'11"W. FOR 19.06 FEET; THENCE S.59°19'09"W. FOR 15.03 FEET; THENCE S.85°24'20"W. FOR 28.40 FEET; THENCE N.85°46'08"W. FOR 26.20 FEET; THENCE S.83°50'33"W. FOR 37.22 FEET; THENCE S.64°04'19"W. FOR 16.38 FEET; THENCE S.34°59'46"W. FOR 29.40 FEET; THENCE S.03°23'31"W. FOR 18.92 FEET; THENCE S.08°49'10"W. FOR 27.44 FEET; THENCE S.30°09'13"W. FOR 31.10 FEET; THENCE S.57°36'33"W. FOR 16.83 FEET; THENCE S.03°31'45"E. FOR 18.29 FEET; THENCE S.44°14'52"W. FOR 33.94 FEET; THENCE S.48°48'25"W. FOR 26.54 FEET; THENCE S.01°48'27"W. FOR 10.06 FEET; THENCE S.85°11'11"W. FOR 32.19 FEET; THENCE S.54°28'01"W. FOR 16.96 FEET; THENCE N.73°08'13"W. FOR 34.54 FEET; THENCE S.26°58'07"W. FOR 13.27 FEET; THENCE N.88°22'08"W. FOR 25.88 FEET; THENCE N.84°37'06"W. FOR 18.45 FEET; THENCE N.14°57'41"E. FOR 10.73 FEET; THENCE N.73°29'58"W. FOR 32.36 FEET; THENCE S.31°01'41"W. FOR 17.35 FEET; THENCE S.30°44'50"W. FOR 14.02 FEET; THENCE S.37°46'06"W. FOR 21.20 FEET; THENCE S.33°10'31"W. FOR 10.14 FEET; THENCE S.16°17'38"E. FOR 25.02 FEET; THENCE S.19°08'10"W. FOR 14.86 FEET; THENCE S.05°13'57"W. FOR 40.57 FEET; THENCE S.55°27'03"E. FOR 35.24 FEET; THENCE S.29°54'58"E. FOR 14.30 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE N.89°58'48"E. ALONG SAID SOUTH LINE FOR 395.91 FEET; THENCE N.00°18'29"E. FOR 73.84 FEET; THENCE N.26°06'12"W. FOR 98.28 FEET; THENCE N.29°17'57"E. FOR 49.81 FEET; THENCE N.77°53'59"E. FOR 109.74 FEET; THENCE S.87°57'21"E. FOR 60.62 FEET; THENCE S.61°50'14"E. FOR 36.58 FEET; THENCE S.18°34'33"E. FOR 55.42 FEET; THENCE S.75°34'33"E. FOR 59.33 FEET; THENCE S.06°48'44"E. FOR 44.03 FEET; THENCE S.24°05'32"W. FOR 62.54 FEET; THENCE S.09°00'52"W. FOR 42.48 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID

NORTHWEST QUARTER. THENCE S.89°26'21"E. ALONG SAID SOUTH LINE FOR 257.10 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT AND THE CENTERLINE OF THE WATERS OF HANCOCK CREEK HAVING A RADIUS OF 24,986.65 FEET, A CENTRAL ANGLE OF 00°22'33". A CHORD BEARING OF S.00°01'31"W. AND A CHORD LENGTH OF 163.86 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID CENTERLINE FOR AN ARC LENGTH OF 163.86 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 531.88 FEET, A CENTRAL ANGLE OF 29°52'40". A CHORD BEARING OF S.16°42'38"E. AND A CHORD LENGTH OF 274.23 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID CENTERLINE FOR AN ARC LENGTH OF 277.36 FEET; TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 738.79 FEET, A CENTRAL ANGLE OF 13°32'53". A CHORD BEARING OF S.12°48'47"E. AND A CHORD LENGTH OF 174.29 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID CENTERLINE FOR AN ARC LENGTH OF 174.69 FEET; TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 627.79 FEET, A CENTRAL ANGLE OF 36°05'38". A CHORD BEARING OF S.37°52'20"E. AND A CHORD LENGTH OF 388.97 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID CENTERLINE FOR AN ARC LENGTH OF 395.48 FEET; TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 244.77 FEET, A CENTRAL ANGLE OF 69°15'00". A CHORD BEARING OF N.88°42'37"E. AND A CHORD LENGTH OF 278.16 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND SAID CENTERLINE FOR AN ARC LENGTH OF 295.84 FEET; TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 513.90 FEET, A CENTRAL ANGLE OF 32°07'55". A CHORD BEARING OF N.65°40'59"E. AND A CHORD LENGTH OF 284.43 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID CENTERLINE FOR AN ARC LENGTH OF 288.20 FEET; TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 169.95 FEET, A CENTRAL ANGLE OF 106°15'56". A CHORD BEARING OF S.43°15'15"E. AND A CHORD LENGTH OF 217.93 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID CENTERLINE FOR AN ARC LENGTH OF 315.20 FEET; TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 83.43 FEET, A CENTRAL ANGLE OF 130°26'31". A CHORD BEARING OF S.54°12'05"E. AND A CHORD LENGTH OF 151.49 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID CENTERLINE FOR AN ARC LENGTH OF 189.93 FEET; THENCE N.58°26'58"E. ALONG SAID CENTERLINE FOR 48.26; TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 116.60 FEET, A CENTRAL ANGLE OF 68°35'50". A CHORD BEARING OF N.81°06'44"E. AND A CHORD LENGTH OF 131.41 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND SAID CENTERLINE FOR AN ARC LENGTH OF 139.60 FEET; TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 81.11 FEET, A CENTRAL ANGLE OF 130°24'19". A CHORD BEARING OF N.62°57'05"E. AND A CHORD LENGTH OF 147.27 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID CENTERLINE FOR AN ARC LENGTH OF 184.61 FEET; TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 54.28 FEET, A CENTRAL ANGLE OF 79°42'51". A CHORD BEARING OF N.22°59'32"E. AND A CHORD LENGTH OF 69.57 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND SAID CENTERLINE FOR AN ARC LENGTH OF 75.51 FEET; TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 382.91 FEET, A CENTRAL ANGLE OF 27°39'48". A CHORD BEARING OF N.75°02'36"E. AND A CHORD LENGTH OF 183.08 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND SAID CENTERLINE FOR AN ARC LENGTH OF 184.87 FEET; TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2515.66 FEET, A CENTRAL ANGLE OF 01°57'41". A CHORD BEARING OF S.84°10'13"E. AND A CHORD LENGTH OF 86.12 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND SAID CENTERLINE FOR AN ARC LENGTH OF 86.12 FEET; THENCE N.02°50'09"W. FOR 158.97 FEET; THENCE S.89°33'46"E. FOR 370.00 FEET; THENCE N.02°19'16"W. FOR 325.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY LINE OF MARIANA PARK THIRD ADDITION, A SUBDIVISION, AS RECORDED IN PLAT BOOK 12, PAGE 61, LEE COUNTY PUBLIC RECORDS; THENCE N.89°25'56"W. ALONG SAID SOUTHERLY LINE FOR 471.54 FEET; ; THENCE S.31°12'47"W. FOR 27.56 FEET; THENCE S.43°28'29"W. FOR 28.24 FEET; THENCE S.83°26'13"W. FOR 24.94 FEET; THENCE S.04°27'50"W. FOR 42.74 FEET; THENCE S.55°20'52"W. FOR 19.19 FEET; THENCE S.69°23'06"W. FOR 18.76 FEET; THENCE S.26°42'53"W. FOR 62.43 FEET; THENCE S.53°27'48"W. FOR 188.52 FEET; THENCE S.50°21'01"W. FOR 37.63 FEET; THENCE S.85°49'05"W. FOR 64.45 FEET; THENCE S.72°20'12"W. FOR 24.45 FEET; THENCE S.88°26'23"W. FOR 26.67 FEET; THENCE N.81°26'20"W. FOR 57.78 FEET; THENCE S.85°30'15"W. FOR 63.41 FEET; THENCE S.89°29'56"W. FOR 12.99 FEET; THENCE N.22°29'12"W. FOR 42.63 FEET; THENCE N.09°55'27"W. FOR 18.79 FEET; THENCE N.37°50'26"W. FOR 16.43 FEET; THENCE N.34°32'21"W. FOR 45.12 FEET; THENCE N.44°46'08"W. FOR 38.96 FEET; THENCE N.39°22'59"W. FOR 37.47 FEET; THENCE N.61°33'25"W. FOR 56.83 FEET; THENCE N.43°24'49"W. FOR 38.20 FEET; THENCE N.63°49'28"W. FOR 58.81 FEET; THENCE N.69°00'47"W. FOR 75.02 FEET; THENCE N.70°47'12"W. FOR 33.33 FEET; THENCE N.69°08'23"W. FOR 37.58 FEET; THENCE S.88°56'12"W. FOR 50.48 FEET; THENCE N.85°23'58"W. FOR 31.55 FEET; THENCE S.84°45'13"W. FOR 46.32 FEET; THENCE N.87°26'40"W. FOR 49.93 FEET; THENCE S.86°16'56"W. FOR 33.86 FEET; THENCE N.77°06'32"W. FOR 41.62 FEET; THENCE S.71°04'07"W. FOR 36.77 FEET; THENCE S.52°00'46"W. FOR 29.21 FEET; THENCE S.36°48'12"W. FOR 26.75 FEET; THENCE S.51°07'51"W. FOR 10.24 FEET; THENCE N.78°36'30"W. FOR 21.88 FEET; THENCE N.52°07'57"W. FOR 16.94 FEET; THENCE N.02°56'22"W. FOR 14.23 FEET; THENCE N.33°07'45"W. FOR 26.39 FEET; THENCE N.32°04'18"E. FOR 24.72 FEET; THENCE N.00°21'50"E. FOR 22.31 FEET; THENCE N.66°13'18"W. FOR 39.28 FEET; THENCE N.29°39'17"W. FOR 29.46 FEET; THENCE N.59°30'33"W. FOR 28.09 FEET; THENCE S.76°23'22"W. FOR 20.87 FEET; THENCE S.05°45'53"E. FOR 12.00 FEET; THENCE S.26°13'00"W. FOR 19.50 FEET; THENCE S.86°56'25"W. FOR 25.20 FEET; THENCE S.72°59'28"W. FOR 8.92 FEET; THENCE N.44°28'25"W. FOR 19.50 FEET; THENCE N.60°43'59"W. FOR 37.12 FEET; THENCE N.60°29'38"W. FOR 14.57 FEET; THENCE N.21°54'35"W. FOR 27.99 FEET; THENCE S.80°29'25"W. FOR 24.43 FEET; THENCE N.16°55'32"E. FOR 32.55 FEET; THENCE N.38°07'54"W. FOR 27.24 FEET; THENCE N.18°58'55"W. FOR 14.33 FEET; THENCE N.10°55'01"W. FOR 22.91 FEET; THENCE N.00°50'17"E. FOR 15.93 FEET; THENCE N.23°13'32"W. FOR 20.96 FEET; THENCE N.03°22'48"E. FOR 24.71 FEET; THENCE N.02°33'07"E. FOR 29.24 FEET; THENCE N.01°11'46"E. FOR 14.50 FEET; THENCE N.05°43'27"E. FOR 20.07 FEET; THENCE N.18°08'51"W. FOR 48.54 FEET; THENCE N.21°38'17"E. FOR 7.25 FEET; THENCE N.63°05'12"E. FOR 17.25 FEET; THENCE N.31°48'28"W. FOR 46.51 FEET; THENCE N.14°59'33"W. FOR 26.52 FEET; THENCE N.22°07'59"E. FOR 28.35 FEET; THENCE N.28°26'31"E. FOR 38.11 FEET; THENCE N.01°27'03"W. FOR 22.73 FEET; THENCE N.04°24'05"E. FOR 27.61 FEET; THENCE N.32°25'48"W. FOR 18.34 FEET; THENCE N.32°19'01"W. FOR 35.41 FEET; THENCE N.54°39'58"W. FOR 16.91 FEET; THENCE N.18°12'58"W. FOR 25.72 FEET; THENCE N.10°12'35"E. FOR 34.63 FEET; THENCE N.27°23'30"E. FOR 25.84 FEET; THENCE N.26°12'54"E. FOR 34.40 FEET; THENCE N.49°55'28"E. FOR 36.51 FEET; THENCE N.28°21'53"E. FOR 96.03 FEET; THENCE N.29°58'30"E. FOR 29.63 FEET; THENCE N.27°20'29"W. FOR 37.75 FEET; THENCE N.33°31'07"E. FOR 26.41 FEET; THENCE N.42°37'42"E. FOR 23.05 FEET; THENCE N.04°12'24"E. FOR 19.70 FEET; THENCE N.01°02'10"E. FOR 33.11 FEET; THENCE N.67°45'34"W. FOR 24.91 FEET; THENCE N.07°58'47"E. FOR 39.77 FEET; THENCE N.48°25'55"E. FOR 22.52 FEET; THENCE N.15°41'32"E. FOR 48.05 FEET; THENCE N.37°58'20"E. FOR 34.62 FEET; THENCE N.19°46'54"E. FOR 16.55 FEET; THENCE N.77°16'53"E. FOR 26.19 FEET; THENCE N.27°07'06"E. FOR 57.10 FEET;

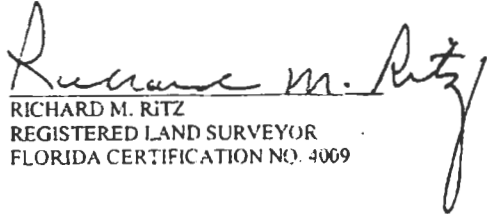
THENCE N.15°47'37"W. FOR 21.51 FEET; THENCE N.38°36'42"W. FOR 33.19 FEET; THENCE N.38°31'42"W. FOR 18.08 FEET; THENCE N.17°46'10"W. FOR 28.58 FEET; THENCE N.48°42'49"W. FOR 14.64 FEET; THENCE N.04°30'46"W. FOR 248.44 FEET; THENCE N.20°20'31"W. FOR 134.36 FEET; THENCE N.51°14'16"W. FOR 17.02 FEET; THENCE N.79°45'48"W. FOR 60.04 FEET; THENCE N.73°01'17"W. FOR 85.32 FEET; THENCE N.62°06'28"W. FOR 20.73 FEET; THENCE N.51°55'18"W. FOR 37.67 FEET; THENCE N.19°01'01"W. FOR 12.26 FEET; THENCE N.04°08'31"W. FOR 27.50 FEET; THENCE N.23°18'43"W. FOR 26.62 FEET; THENCE S.35°37'12"W. FOR 12.12 FEET; THENCE N.46°24'09"W. FOR 10.39 FEET; THENCE N.71°28'32"W. FOR 20.95 FEET; THENCE S.89°36'08"W. FOR 31.94 FEET; THENCE N.44°16'55"W. FOR 18.85 FEET; THENCE S.70°16'10"W. FOR 9.62 FEET; THENCE S.45°05'00"W. FOR 16.12 FEET; THENCE N.61°38'59"W. FOR 21.49 FEET; THENCE N.14°42'18"W. FOR 18.11 FEET; THENCE N.16°16'38"E. FOR 20.98 FEET; THENCE N.30°28'20"E. FOR 19.14 FEET; THENCE N.30°17'12"W. FOR 26.24 FEET; THENCE S.76°58'27"W. FOR 24.28 FEET; THENCE S.44°54'31"W. FOR 21.91 FEET; THENCE S.64°35'39"W. FOR 6.81 FEET; THENCE N.43°47'55"W. FOR 22.03 FEET; THENCE N.61°30'05"W. FOR 19.72 FEET; THENCE N.57°57'24"W. FOR 26.57 FEET; THENCE N.75°47'54"W. FOR 28.17 FEET; THENCE S.50°04'32"W. FOR 19.91 FEET; THENCE N.53°01'19"W. FOR 25.03 FEET; THENCE S.79°55'57"W. FOR 29.08 FEET; THENCE N.10°56'05"E. FOR 18.24 FEET; THENCE N.41°07'17"E. FOR 11.79 FEET; THENCE N.49°20'25"E. FOR 52.93 FEET; THENCE N.12°09'21"E. FOR 51.80 FEET; THENCE N.03°25'55"W. FOR 29.43 FEET; THENCE N.38°56'36"W. FOR 13.26 FEET; THENCE N.13°18'09"W. FOR 41.46 FEET; THENCE N.23°37'40"W. FOR 39.04 FEET; THENCE N.22°39'19"W. FOR 11.24 FEET; THENCE N.11°04'24"W. FOR 24.75 FEET; THENCE N.04°26'30"E. FOR 39.51 FEET; THENCE N.05°06'11"E. FOR 95.06 FEET; THENCE N.00°48'40"E. FOR 40.11 FEET; THENCE N.24°20'20"W. FOR 46.80 FEET; THENCE N.13°14'40"W. FOR 45.78 FEET; THENCE N.25°05'32"W. FOR 27.90 FEET; THENCE N.16°43'22"W. FOR 29.20 FEET; THENCE N.16°54'42"W. FOR 32.91 FEET; THENCE N.14°02'39"W. FOR 39.65 FEET; THENCE N.16°53'02"W. FOR 47.09 FEET; THENCE N.36°24'49"W. FOR 67.18 FEET; THENCE N.53°01'31"W. FOR 34.92 FEET; THENCE N.47°12'58"W. FOR 54.52 FEET; THENCE N.54°41'21"W. FOR 60.36 FEET; THENCE N.68°38'49"W. FOR 37.21 FEET; THENCE N.67°22'15"W. FOR 29.39 FEET; THENCE N.73°41'13"W. FOR 13.62 FEET; THENCE S.62°10'59"W. FOR 21.23 FEET; THENCE N.40°21'54"W. FOR 20.63 FEET; THENCE N.43°24'12"W. FOR 19.76 FEET; THENCE N.72°42'39"W. FOR 38.69 FEET; THENCE N.31°50'43"W. FOR 40.93 FEET; THENCE N.21°37'34"W. FOR 35.21 FEET; THENCE N.28°21'51"W. FOR 35.93 FEET; THENCE N.62°29'25"W. FOR 26.58 FEET; THENCE N.63°27'53"W. FOR 39.09 FEET; THENCE N.72°10'16"W. FOR 38.93 FEET TO THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE WEST LINE OF THE SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.04°24'51"E.

PARCEL CONTAIN 47.33 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 09-06-05


 RICHARD M. RITZ
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATION NO. 4069

S:\Jobs\10xx\1001\SURVEYING\DESCRIPTIONS\JURISDICTIONAL-E_M01.dwg
 S:\Jobs\10xx\1001\SURVEYING\DESCRIPTIONS\JURISDICTIONAL-E_M01.dwg





1" = 400'

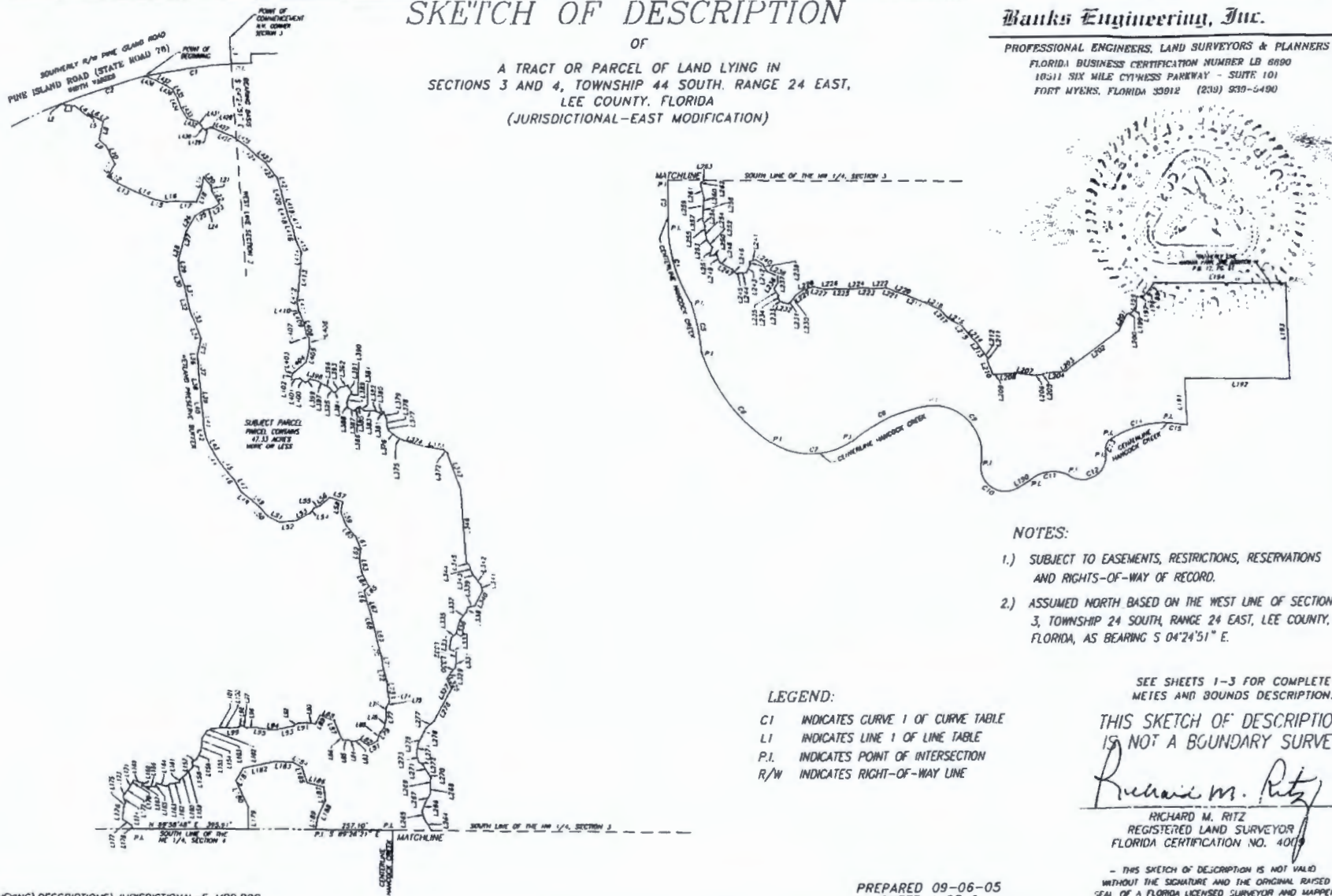
SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA
(JURISDICTIONAL-EAST MODIFICATION)

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6890
10311 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912 (239) 939-5490



NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE WEST LINE OF SECTION 3, TOWNSHIP 24 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S 04°24'51" E.

LEGEND:

- C1 INDICATES CURVE 1 OF CURVE TABLE
L1 INDICATES LINE 1 OF LINE TABLE
P.I. INDICATES POINT OF INTERSECTION
R/W INDICATES RIGHT-OF-WAY LINE

SEE SHEETS 1-3 FOR COMPLETE METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 40179

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

PREPARED 09-06-05
SHEET 4 OF 6

SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA
(JURISDICTIONAL-EAST)

Blanks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6890
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912 (202) 939-5400

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 04°24'51" E	88.48'
L2	S 20°47'49" E	2.14'
L3	S 84°11'28" E	47.81'
L4	S 50°32'19" E	55.12'
L5	N 08°39'21" E	9.65'
L6	S 61°12'29" E	37.33'
L7	S 56°09'14" E	22.31'
L8	S 12°09'32" W	64.36'
L9	S 47°13'42" E	32.01'
L10	S 26°22'34" E	69.83'
L11	S 29°52'50" W	49.40'
L12	S 55°17'12" E	38.80'
L13	S 63°35'32" E	66.79'
L14	S 67°35'19" E	62.96'
L15	S 76°05'25" E	51.35'
L16	N 83°52'31" E	34.10'
L17	S 87°08'34" E	72.34'
L18	N 22°45'33" E	45.96'
L19	N 10°25'07" E	45.55'
L20	S 41°30'12" E	39.00'
L21	S 10°32'57" E	20.84'
L22	S 30°46'28" E	49.33'
L23	S 54°54'01" W	24.14'
L24	S 74°00'20" W	35.90'
L25	S 56°59'08" W	36.82'
L26	S 30°50'59" W	59.64'
L27	S 15°14'28" W	53.78'
L28	S 14°38'53" W	51.00'
L29	S 06°20'08" E	46.17'
L30	S 21°53'05" E	45.91'
L31	S 11°02'37" E	33.91'
L32	S 14°35'11" E	54.53'
L33	S 24°06'30" E	54.88'
L34	S 20°55'23" E	48.41'
L35	S 12°38'39" W	52.31'
L36	S 03°29'46" E	31.57'
L37	S 04°19'57" E	40.69'
L38	S 07°50'28" E	55.56'
L39	S 03°07'39" E	38.08'
L40	S 08°36'46" E	38.49'
L41	S 04°47'57" E	51.31'
L42	S 14°43'16" E	39.96'
L43	S 28°11'17" E	54.52'
L44	S 32°49'07" E	36.74'
L45	S 38°24'10" E	44.23'
L46	S 42°44'37" E	33.88'
L47	S 28°46'30" E	47.42'
L48	S 52°50'24" E	45.86'
L49	S 48°55'07" E	33.38'

LINE TABLE CONTINUED

LINE	BEARING	DISTANCE
L50	S 43°01'52" E	46.82'
L51	S 62°54'04" E	43.64'
L52	N 83°48'33" E	57.60'
L53	N 61°18'42" E	53.62'
L54	N 37°44'25" E	20.83'
L55	N 69°46'39" E	21.10'
L56	N 48°39'39" E	44.80'
L57	S 71°24'34" E	46.81'
L58	S 11°07'30" W	35.51'
L59	S 21°18'19" E	49.27'
L60	S 40°18'22" E	49.62'
L61	S 22°49'55" E	45.46'
L62	S 08°51'16" W	53.22'
L63	S 09°11'11" E	45.76'
L64	S 26°49'24" E	55.89'
L65	S 48°29'56" W	20.89'
L66	S 13°26'56" E	39.87'
L67	S 16°39'33" E	42.89'
L68	S 14°13'15" E	63.09'
L69	S 12°05'42" E	34.83'
L70	S 15°30'54" E	52.18'
L71	S 09°19'37" E	42.34'
L72	S 16°16'03" E	45.87'
L73	S 05°43'37" E	47.05'
L74	S 09°10'10" E	23.19'
L75	S 27°06'26" W	24.49'
L76	S 00°17'21" W	17.90'
L77	S 00°40'12" W	24.38'
L78	S 13°34'00" W	26.61'
L79	S 39°11'02" W	21.00'
L80	S 19°53'08" W	29.09'
L81	S 60°30'05" W	33.29'
L82	N 55°11'14" W	35.95'
L83	S 25°34'56" W	24.59'
L84	N 70°56'30" W	15.87'
L85	S 89°40'06" W	19.88'
L86	N 27°41'22" W	18.22'
L87	N 22°09'57" W	54.89'
L88	N 69°21'41" W	50.35'
L89	S 27°09'30" W	32.45'
L90	N 82°33'31" W	31.04'
L91	S 85°50'49" W	28.79'
L92	S 57°53'26" W	18.04'
L93	S 77°40'47" W	56.79'
L94	N 88°55'42" W	29.09'
L95	N 81°03'12" W	44.93'
L96	S 85°22'43" W	29.74'
L97	N 60°45'11" W	19.06'
L98	S 59°19'09" W	15.03'

LINE TABLE CONTINUED

LINE	BEARING	DISTANCE
L99	S 85°21'29" W	28.40'
L100	N 85°46'08" W	26.20'
L101	S 83°50'33" W	37.22'
L102	S 64°04'19" W	18.48'
L103	S 34°59'46" W	29.40'
L104	S 03°23'31" W	18.92'
L105	S 08°49'10" W	27.44'
L106	S 30°09'13" W	31.10'
L107	S 57°36'33" W	16.83'
L108	S 03°31'45" E	18.29'
L109	S 44°14'52" W	33.94'
L110	S 48°48'25" W	26.54'
L111	S 01°48'27" W	10.06'
L112	S 85°11'11" W	32.19'
L113	S 54°28'01" W	16.96'
L114	N 73°08'13" W	34.54'
L115	S 26°58'02" W	13.27'
L116	N 88°22'08" W	25.88'
L117	N 84°37'06" W	18.45'
L118	N 14°57'41" E	10.73'
L119	N 33°29'58" W	32.36'
L120	S 31°01'41" W	17.35'
L121	S 30°44'30" W	14.02'
L122	S 37°46'06" W	21.20'
L123	S 33°36'31" W	10.14'
L124	S 16°17'38" E	25.02'
L125	S 19°08'10" W	14.86'
L126	S 05°13'32" W	40.77'
L127	S 55°27'03" E	35.24'
L128	S 29°54'58" E	14.30'
L129	N 00°18'29" E	23.84'
L130	N 26°06'12" W	98.28'
L131	N 29°17'52" E	49.81'
L132	N 77°53'59" E	109.74'
L133	S 87°57'21" E	60.62'
L134	S 61°50'14" E	36.58'
L135	S 18°34'33" E	55.42'
L136	S 75°34'33" E	59.33'
L137	S 08°48'44" E	44.03'
L138	S 24°05'32" W	62.54'
L139	S 09°00'52" W	42.48'
L140	N 58°26'58" E	48.26'
L141	N 02°50'09" W	158.97'
L142	S 89°33'46" E	370.00'
L143	N 07°19'16" W	325.39'
L144	N 89°25'56" W	471.54'
L145	S 31°12'42" W	27.56'
L146	S 43°28'29" W	28.24'
L147	S 83°26'13" W	24.94'

LINE TABLE CONTINUED

LINE	BEARING	DISTANCE
L148	S 04°27'50" W	42.74'
L149	S 55°20'52" W	19.19'
L150	S 69°23'06" W	18.76'
L151	S 26°42'53" W	62.43'
L152	S 53°27'48" W	188.52'
L153	S 50°21'01" W	37.63'
L154	S 85°49'05" W	64.45'
L155	S 72°20'12" W	24.45'
L156	S 88°26'23" W	26.67'
L157	N 81°26'20" W	57.78'
L158	S 85°30'15" W	63.41'
L159	S 89°29'56" W	12.99'
L160	N 22°29'12" W	42.63'
L161	N 09°55'27" W	18.79'
L162	N 37°50'26" W	16.43'
L163	N 34°32'21" W	45.12'
L164	N 44°46'08" W	38.96'
L165	N 39°22'59" W	37.47'
L166	N 61°33'25" W	56.83'
L167	N 47°24'49" W	38.20'
L168	N 63°49'28" W	58.81'
L169	N 69°00'47" W	75.02'
L170	N 70°47'12" W	33.33'
L171	N 69°08'23" W	37.58'
L172	S 88°56'12" W	50.48'
L173	N 85°21'58" W	31.55'
L174	S 84°45'13" W	46.32'
L175	N 87°26'40" W	49.93'
L176	S 86°16'56" W	33.86'
L177	N 77°08'32" W	41.62'
L178	S 71°04'07" W	36.77'
L179	S 52°00'46" W	29.21'
L180	S 36°48'12" W	26.75'
L181	S 51°07'51" W	10.24'
L182	N 78°36'30" W	21.88'
L183	N 52°07'57" W	16.94'
L184	N 02°56'22" W	14.23'
L185	N 33°07'45" W	26.39'
L186	N 32°04'18" E	24.72'
L187	N 00°21'50" E	22.31'
L188	N 68°13'18" W	39.28'
L189	N 29°39'17" W	29.46'
L190	N 59°30'33" W	28.08'
L191	S 76°23'22" W	20.87'
L192	S 05°45'53" E	12.00'
L193	S 26°13'00" W	29.76'
L194	S 86°56'25" W	25.20'
L195	S 72°59'28" W	8.92'
L196	N 44°28'25" W	19.50'

LINE TABLE CONTINUED

LINE	BEARING	DISTANCE
L247	N 60°43'58" W	37.18'
L248	N 60°29'38" W	11.67'
L249	N 21°54'35" W	84.88'
L250	S 80°29'25" W	62.43'
L251	N 16°55'32" E	32.50'
L252	N 38°07'54" W	37.24'
L253	N 18°58'55" W	14.33'
L254	N 10°55'01" W	23.94'
L255	N 00°50'17" E	75.93'
L256	N 23°13'32" W	20.96'
L257	N 03°22'48" E	24.71'
L258	N 02°33'07" E	20.21'
L259	N 01°11'46" E	14.30'
L260	N 05°43'27" E	20.07'
L261	N 14°08'57" W	48.54'
L262	N 21°38'17" E	7.25'
L263	N 63°05'12" E	17.25'
L264	N 31°46'49" W	46.51'
L265	N 14°59'33" W	26.52'
L266	N 22°07'58" E	28.15'
L267	N 28°26'31" E	38.11'
L268	N 01°27'03" W	22.73'
L269	N 04°24'05" E	27.61'
L270	N 32°25'48" W	18.34'
L271	N 32°19'01" W	35.41'
L272	N 54°39'58" W	16.91'
L273	N 14°12'58" W	29.72'
L274	N 10°12'35" E	34.63'
L275	N 27°23'30" E	25.84'
L276	N 26°12'54" E	34.40'
L277	N 49°55'28" E	36.51'
L278	N 28°21'53" E	96.03'
L279	N 29°58'30" E	29.63'
L280	N 27°20'29" W	37.75'
L281	N 33°31'07" E	26.41'
L282	N 42°37'42" E	23.05'
L283	N 04°12'24" E	19.70'
L284	N 01°02'10" E	33.11'
L285	N 67°45'34" W	24.94'
L286	N 07°58'47" E	39.77'
L287	N 48°25'55" E	27.52'
L288	N 15°41'32" E	48.05'
L289	N 37°58'20" E	34.62'

SEE SHEETS 1-4 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA
(JURISDICTIONAL-EAST)

Blanks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912 (239) 939-5490

LINE TABLE

LINE	BEARING	DISTANCE
L338	N 19°46'34" E	16.55'
L339	N 77°16'53" E	26.19'
L340	N 27°07'06" E	57.10'
L341	N 15°47'37" W	21.51'
L342	N 38°36'42" W	33.19'
L343	N 38°31'42" W	18.08'
L344	N 17°46'10" W	28.50'
L345	N 48°42'49" W	14.64'
L346	N 04°30'46" W	248.44'
L347	N 20°20'31" W	134.63'
L372	N 51°14'16" W	17.02'
L373	N 79°45'48" W	60.04'
L374	N 73°01'17" W	45.32'
L375	N 62°06'28" W	20.73'
L376	N 51°55'18" W	37.67'
L377	N 19°01'01" W	12.26'
L378	N 04°08'31" W	27.50'

LINE TABLE CONTINUED

LINE	BEARING	DISTANCE
L379	N 23°18'43" W	26.62'
L380	S 35°37'12" W	12.12'
L381	N 46°24'09" W	10.39'
L382	N 71°28'32" W	20.95'
L383	S 89°36'08" W	31.94'
L384	N 44°16'55" W	18.86'
L385	S 70°16'10" W	9.62'
L386	S 45°05'00" W	16.12'
L387	N 61°38'59" W	21.49'
L388	N 14°42'18" W	18.11'
L389	N 16°16'38" E	20.98'
L390	N 30°28'20" E	19.14'
L391	N 30°17'12" W	26.24'
L392	S 76°58'27" W	24.28'
L393	S 44°54'31" W	21.91'
L394	S 64°35'39" W	6.81'
L395	N 43°47'35" W	22.03'

LINE TABLE CONTINUED

LINE	BEARING	DISTANCE
L396	N 61°30'05" W	19.72'
L397	N 57°57'24" W	26.57'
L398	N 75°47'54" W	28.17'
L399	S 50°04'32" W	19.91'
L400	N 53°01'19" W	25.03'
L401	S 79°55'57" W	29.08'
L402	N 10°56'05" E	18.24'
L403	N 41°07'17" E	11.79'
L404	N 49°20'25" E	52.93'
L405	N 12°09'21" E	51.80'
L406	N 03°25'55" W	29.43'
L407	N 38°56'36" W	13.28'
L408	N 13°18'09" W	41.46'
L409	N 23°37'40" W	39.04'
L410	N 22°39'19" W	11.24'
L411	N 11°04'24" W	24.75'
L412	N 04°26'30" E	39.51'

LINE TABLE CONTINUED

LINE	BEARING	DISTANCE
L413	N 05°06'11" E	95.06'
L414	N 00°48'40" E	40.11'
L415	N 24°20'20" W	46.80'
L416	N 13°14'40" W	45.78'
L417	N 25°05'32" W	27.90'
L418	N 16°43'22" W	29.20'
L419	N 16°54'42" W	32.91'
L420	N 14°02'39" W	39.65'
L421	N 16°53'02" W	47.09'
L422	N 36°24'49" W	67.18'
L423	N 53°01'31" W	34.92'
L424	N 47°12'58" W	54.52'
L425	N 54°41'21" W	60.36'
L426	N 68°38'49" W	37.21'
L427	N 67°22'15" W	29.39'
L428	N 75°41'13" W	13.62'
L429	S 62°10'59" W	21.23'

LINE TABLE CONTINUED

LINE	BEARING	DISTANCE
L430	N 40°21'54" W	20.63'
L431	N 43°58'12" W	18.76'
L432	N 22°42'59" W	88.00'
L433	N 31°50'43" W	40.92'
L434	N 21°57'54" W	35.21'
L435	N 38°21'51" W	35.93'
L436	N 52°29'23" W	26.58'
L437	N 63°52'53" W	39.09'
L438	N 72°10'16" W	38.95'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1879.27	08°16'42"	304.33'	303.99'	S 81°30'33" W
C2	1879.27	09°05'56"	298.44'	298.13'	S 77°19'14" W
C3	24986.65	00°22'33"	163.86'	163.86'	S 09°01'31" W
C4	531.88	29°32'40"	277.36'	274.23'	S 18°42'38" E
C5	738.79	13°12'53"	174.89'	174.29'	S 12°48'47" E
C6	827.79	36°05'38"	395.48'	388.97'	S 37°52'20" E
C7	244.77	69°15'06"	295.84'	278.16'	N 88°42'37" E
C8	513.90	17°07'55"	288.20'	284.43'	N 65°40'59" E
C9	169.85	108°15'54"	315.20'	271.93'	S 47°15'15" E
C10	83.43	130°26'31"	189.83'	151.49'	S 54°12'05" E
C11	116.60	68°35'50"	139.60'	131.41'	N 81°06'44" E
C12	81.11	130°26'19"	184.61'	147.27'	N 62°57'05" E
C13	54.28	78°42'51"	75.51'	69.57'	N 22°59'32" E
C14	382.91	27°39'48"	184.87'	183.08'	N 75°02'36" E
C15	2915.66	01°57'41"	86.12'	86.12'	S 84°10'13" E

SEE SHEETS 1-4 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Banks Engineering, Inc.

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(JURISDICTIONAL-WEST)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

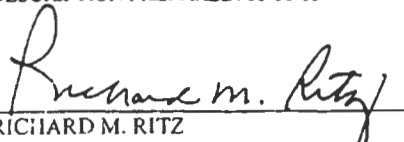
COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE S.89°58'48"W. ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER FOR 573.63 FEET TO THE POINT OF BEGINNING; THENCE N.51°18'20"W. FOR 41.20 FEET; THENCE N.32°52'25"W. FOR 23.34 FEET; THENCE N.58°58'57"W. FOR 25.14 FEET; THENCE N.62°23'49"W. FOR 31.33 FEET; THENCE N.54°51'46"W. FOR 17.79 FEET; THENCE N.40°32'17"W. FOR 28.08 FEET; THENCE N.55°29'07"W. FOR 18.53 FEET; THENCE N.48°56'58"W. FOR 36.10 FEET; THENCE N.32°09'10"W. FOR 21.04 FEET; THENCE N.56°09'10"W. FOR 18.57 FEET; THENCE N.02°18'36"W. FOR 22.19 FEET; THENCE N.57°30'20"W. FOR 27.49 FEET; THENCE N.60°50'04"W. FOR 44.98 FEET; THENCE N.30°53'41"W. FOR 44.58 FEET; THENCE N.50°21'17"W. FOR 25.92 FEET; THENCE N.76°40'44"W. FOR 27.87 FEET; THENCE N.76°59'40"W. FOR 41.60 FEET; THENCE N.84°19'40"W. FOR 33.60 FEET; THENCE N.83°39'01"W. FOR 49.70 FEET; THENCE N.89°30'28"W. FOR 39.19 FEET; THENCE S.14°01'29"W. FOR 50.33 FEET; THENCE S.77°17'05"W. FOR 27.93 FEET; THENCE S.88°59'45"W. FOR 20.56 FEET; THENCE N.85°07'32"W. FOR 40.19 FEET; THENCE N.89°00'45"W. FOR 35.69 FEET; THENCE S.80°41'05"W. FOR 39.15 FEET; THENCE N.44°46'54"W. FOR 61.40 FEET; THENCE S.40°27'28"W. FOR 65.70 FEET; THENCE S.63°31'00"W. FOR 7.19 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF BARRETT ROAD; THENCE S.04°33'11"E. ALONG SAID RIGHT-OF-WAY LINE FOR 239.12 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE S.89°58'48"W. ALONG SAID SOUTH LINE FOR 45.52 FEET; THENCE N.29°31'45"E. FOR 56.03 FEET; THENCE N.59°37'37"E. FOR 43.28 FEET; THENCE N.84°43'05"E. FOR 41.51 FEET; THENCE N.73°21'59"E. FOR 42.13 FEET; THENCE N.86°12'39"E. FOR 62.37 FEET; THENCE S.74°30'45"E. FOR 66.37 FEET; THENCE S.54°59'37"E. FOR 64.81 FEET; THENCE S.33°06'56"E. FOR 42.52 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE S.89°58'48"W. ALONG SAID SOUTH LINE FOR 344.93 FEET TO THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.89°58'48"W

PARCEL CONTAIN 3.21 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 08-08-05


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009



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S:\Jobs\16xx\1655-SURVEYING-DESCRIPTIONS-JURISDICTIONAL-W.dwg

SHEET 1 OF 2



1" = 200'

SKETCH OF DESCRIPTION

OF

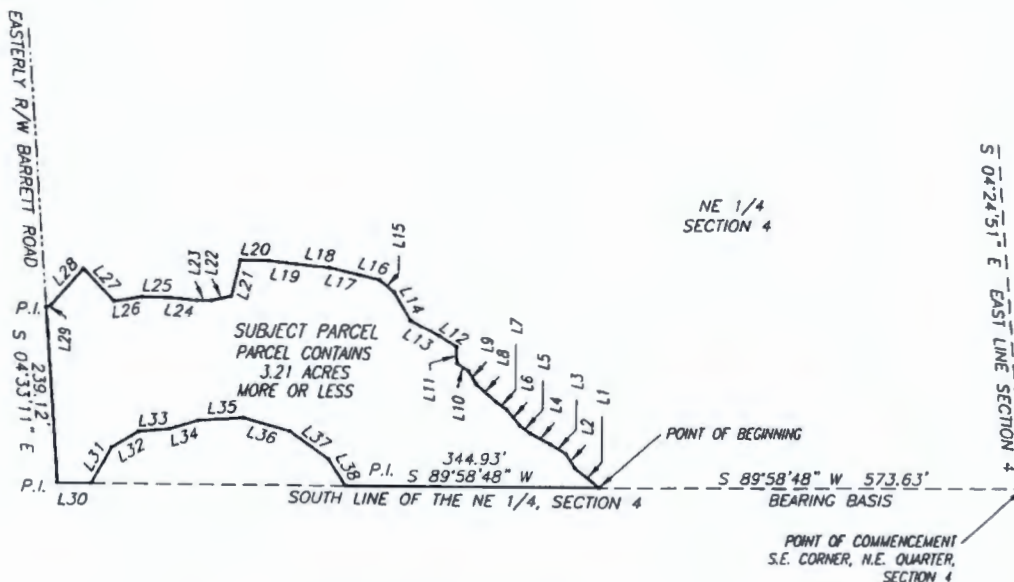
A TRACT OR PARCEL OF LAND LYING IN
SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA
(JURISDICTIONAL-WEST)

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10611 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912 (339) 9310-3490

LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 51°18'20" W	41.70'	L20	N 89°30'28" W	39.19'
L2	N 32°52'25" W	21.34'	L21	S 14°01'29" W	50.13'
L3	N 58°58'57" W	25.14'	L22	S 77°17'05" W	27.83'
L4	N 62°23'49" W	39.11'	L23	S 86°58'45" W	20.56'
L5	N 54°51'48" W	17.79'	L24	N 85°07'52" W	40.19'
L6	N 40°32'17" W	28.98'	L25	N 89°00'45" W	35.69'
L7	N 55°29'07" W	18.53'	L26	S 89°41'05" W	39.15'
L8	N 48°56'58" W	36.10'	L27	N 44°48'54" W	81.40'
L9	N 32°09'10" W	21.04'	L28	S 40°24'28" W	65.70'
L10	N 56°09'10" W	18.57'	L29	S 63°31'00" W	7.19'
L11	N 02°18'36" W	22.19'	L30	S 89°58'48" W	45.32'
L12	N 57°30'20" W	27.49'	L31	N 29°31'45" E	56.03'
L13	N 60°50'04" W	44.98'	L32	N 59°37'37" E	43.28'
L14	N 30°53'41" W	44.58'	L33	N 84°43'05" E	41.51'
L15	N 50°21'17" W	25.92'	L34	N 73°21'39" E	42.13'
L16	N 76°40'44" W	27.87'	L35	N 86°12'39" E	62.37'
L17	N 76°59'40" W	41.60'	L36	S 74°30'45" E	66.37'
L18	N 84°19'40" W	33.60'	L37	S 54°59'37" E	64.81'
L19	N 83°30'01" W	49.70'	L38	S 33°06'56" E	42.52'



LEGEND:

L1 INDICATES LINE 1 OF LINE TABLE
R/W INDICATES RIGHT-OF-WAY LINE

NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S 89°58'48" W.

SEE SHEET 1 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4019

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

S:\JOBS\16XX\1655\SURVEYING\DESCRIPTIONS\JURISDICTIONAL-W.DOC
S:\JOBS\16XX\1655\SURVEYING\DESCRIPTIONS\JURISDICTIONAL-W.DWG

PREPARED 08-08-05
SHEET 2 OF 2

Banks Engineering, Inc.

EXHIBIT D

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(RESIDENTIAL-WEST PLUS PRESERVE MODIFICATION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S.04°24'51"E. ALONG THE WEST LINE OF SAID SECTION 3, FOR 88.46 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT AND THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (STATE ROAD 78) HAVING A RADIUS OF 1879.27 FEET, A CENTRAL ANGLE OF 18°22'39", A CHORD BEARING OF S.76°57'35"W. AND A CHORD LENGTH OF 600.19 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 602.77 FEET TO THE POINT OF BEGINNING; THENCE S.20°47'49"E. FOR 2.14 FEET; THENCE S.84°11'28"E. FOR 47.81 FEET; THENCE S.50°32'19"E. FOR 55.12 FEET; THENCE N.08°39'21"E. FOR 9.65 FEET; THENCE S.61°12'29"E. FOR 37.33 FEET; THENCE S.56°09'14"E. FOR 22.31 FEET; THENCE S.12°09'32"W. FOR 64.36 FEET; THENCE S.47°13'42"E. FOR 32.01 FEET; THENCE S.26°22'34"E. FOR 69.83 FEET; THENCE S.29°52'50"W. FOR 49.40 FEET; THENCE S.55°17'12"E. FOR 38.80 FEET; THENCE S.63°35'32"E. FOR 66.79 FEET; THENCE S.67°35'19"E. FOR 62.96 FEET; THENCE S.76°05'25"E. FOR 51.35 FEET; THENCE N.83°52'31"E. FOR 34.10 FEET; THENCE S.87°08'34"E. FOR 72.34 FEET; THENCE N.22°45'33"E. FOR 45.96 FEET; THENCE N.10°25'07"E. FOR 45.55 FEET; THENCE S.41°30'12"E. FOR 39.00 FEET; THENCE S.10°52'57"E. FOR 20.84 FEET; THENCE S.30°46'28"E. FOR 49.33 FEET; THENCE S.54°54'01"W. FOR 24.14 FEET; THENCE S.74°00'20"W. FOR 35.90 FEET; THENCE S.56°59'08"W. FOR 36.82 FEET; THENCE S.30°50'59"W. FOR 59.64 FEET; THENCE S.15°14'28"W. FOR 53.78 FEET; THENCE S.14°38'53"W. FOR 51.00 FEET; THENCE S.06°20'08"E. FOR 46.17 FEET; THENCE S.21°53'05"E. FOR 45.91 FEET; THENCE S.11°02'37"E. FOR 33.91 FEET; THENCE S.14°35'11"E. FOR 54.53 FEET; THENCE S.24°06'30"E. FOR 54.88 FEET; THENCE S.20°55'23"E. FOR 48.41 FEET; THENCE S.12°38'39"W. FOR 42.31 FEET; THENCE S.03°29'46"E. FOR 31.57 FEET; THENCE S.04°19'27"E. FOR 40.69 FEET; THENCE S.07°50'28"E. FOR 55.56 FEET; THENCE S.03°02'39"E. FOR 38.08 FEET; THENCE S.08°36'46"E. FOR 38.49 FEET; THENCE S.04°47'57"E. FOR 51.31 FEET; THENCE S.14°43'16"E. FOR 39.96 FEET; THENCE S.28°11'17"E. FOR 54.52 FEET; THENCE S.32°49'07"E. FOR 36.74 FEET; THENCE S.38°24'10"E. FOR 44.23 FEET; THENCE S.42°44'37"E. FOR 33.88 FEET; THENCE S.28°46'30"E. FOR 47.42 FEET; THENCE S.52°50'24"E. FOR 45.86 FEET; THENCE S.48°55'07"E. FOR 33.38 FEET; THENCE S.43°01'52"E. FOR 46.82 FEET; THENCE S.62°54'04"E. FOR 43.64 FEET; THENCE N.83°48'33"E. FOR 57.60 FEET; THENCE N.61°18'42"E. FOR 53.62 FEET; THENCE N.37°44'25"E. FOR 20.63 FEET; THENCE N.69°46'39"E. FOR 21.10 FEET; THENCE N.48°39'39"E. FOR 44.80 FEET; THENCE S.71°24'34"E. FOR 46.81 FEET; THENCE S.11°07'30"W. FOR 35.51 FEET; THENCE S.21°18'19"E. FOR 49.27 FEET; THENCE S.40°18'22"E. FOR 49.62 FEET; THENCE S.22°49'55"E. FOR 45.46 FEET; THENCE S.08°51'16"W. FOR 33.22 FEET; THENCE S.09°11'11"E. FOR 45.76 FEET; THENCE S.26°49'24"E. FOR 55.89 FEET; THENCE S.48°29'56"W. FOR 20.89 FEET; THENCE S.13°26'56"E. FOR 39.87 FEET; THENCE S.16°39'33"E. FOR 42.89 FEET; THENCE S.14°13'15"E. FOR 63.09 FEET; THENCE S.12°05'42"E. FOR 34.83 FEET; THENCE S.15°50'54"E. FOR 52.18 FEET; THENCE S.09°19'37"E. FOR 42.34 FEET; THENCE S.16°16'03"E. FOR 45.87 FEET; THENCE S.05°43'37"E. FOR 47.05 FEET; THENCE S.09°10'10"E. FOR 23.19 FEET; THENCE S.27°06'26"W. FOR 24.49 FEET; THENCE S.00°17'21"W. FOR 17.90 FEET; THENCE S.00°40'12"W. FOR 24.38 FEET; THENCE S.13°34'00"W. FOR 26.61 FEET; THENCE S.39°11'02"W. FOR 21.00 FEET; THENCE S.19°53'08"W. FOR 29.09 FEET; THENCE S.60°30'05"W. FOR 33.29 FEET; THENCE N.55°11'14"W. FOR 35.95 FEET; THENCE S.75°34'56"W. FOR 24.59 FEET; THENCE N.70°56'30"W. FOR 13.87 FEET; THENCE S.89°40'06"W. FOR 19.88 FEET; THENCE N.27°41'22"W. FOR 18.22 FEET; THENCE N.22°09'57"W. FOR 54.89 FEET; THENCE N.69°21'41"W. FOR 50.35 FEET; THENCE S.27°09'30"W. FOR 32.45 FEET; THENCE N.83°23'31"W. FOR 31.04 FEET; THENCE S.85°50'49"W. FOR 28.79 FEET; THENCE S.57°53'26"W. FOR 18.04 FEET; THENCE S.77°40'47"W. FOR 58.79 FEET; THENCE N.88°55'42"W. FOR 29.09 FEET; THENCE N.81°03'12"W. FOR 44.93 FEET; THENCE S.85°22'43"W. FOR 29.74 FEET; THENCE N.60°45'11"W. FOR 19.06 FEET; THENCE S.59°19'09"W. FOR 15.03 FEET; THENCE S.85°21'29"W. FOR 28.40 FEET; THENCE N.85°46'08"W. FOR 26.20 FEET; THENCE S.83°50'33"W. FOR 37.22 FEET; THENCE S.64°04'19"W. FOR 16.48 FEET; THENCE S.34°59'16"W. FOR 29.40 FEET; THENCE S.03°23'31"W. FOR 18.92 FEET; THENCE S.08°49'10"W. FOR 27.44 FEET; THENCE S.30°09'13"W. FOR 31.10 FEET; THENCE S.57°36'33"W. FOR 16.83 FEET; THENCE S.03°31'45"E. FOR 18.29 FEET; THENCE S.4°14'52"W. FOR 33.94 FEET; THENCE S.48°48'25"W. FOR 26.54 FEET; THENCE S.01°48'27"W. FOR 10.06 FEET; THENCE S.85°41'11"W. FOR 32.19 FEET; THENCE S.54°28'01"W. FOR 16.96 FEET; THENCE N.73°08'13"W. FOR 34.54 FEET; THENCE S.26°58'07"W. FOR 15.27 FEET; THENCE N.88°22'08"W. FOR 25.88 FEET; THENCE N.84°37'06"W. FOR 18.45 FEET; THENCE N.14°57'41"E. FOR 10.73 FEET; THENCE N.73°29'58"W. FOR 32.36 FEET; THENCE S.31°01'41"W. FOR 17.35 FEET; THENCE S.30°44'50"W. FOR 14.02 FEET; THENCE S.37°46'06"W. FOR 21.20 FEET; THENCE S.33°36'31"W. FOR 10.14 FEET; THENCE S.16°17'38"E. FOR 25.02 FEET; THENCE S.19°08'10"W. FOR 14.86 FEET; THENCE S.05°13'37"W. FOR 40.77 FEET; THENCE S.59°27'03"E. FOR 35.24 FEET; THENCE S.29°54'58"E. FOR 14.30 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE S.89°58'48"W. ALONG SAID SOUTH LINE FOR 50.80 FEET; THENCE N.51°18'20"W. FOR 41.20 FEET; THENCE N.32°52'25"W. FOR 23.34 FEET; THENCE N.58°58'57"W. FOR 25.14 FEET; THENCE N.62°23'49"W. FOR 31.33 FEET; THENCE N.54°51'46"W. FOR 17.79 FEET; THENCE N.40°32'17"W. FOR 28.08 FEET; THENCE N.55°29'07"W. FOR 18.53 FEET; THENCE N.48°56'58"W. FOR 36.10 FEET; THENCE N.32°09'10"W. FOR 21.04 FEET; THENCE N.56°09'10"W. FOR 18.57 FEET; THENCE N.02°18'36"W. FOR 22.19 FEET; THENCE N.57°30'20"W. FOR 27.49 FEET; THENCE N.60°50'04"W. FOR 44.98 FEET; THENCE N.30°53'41"W. FOR 44.58 FEET; THENCE N.50°21'17"W. FOR 25.92 FEET; THENCE N.76°40'44"W. FOR 27.87 FEET; THENCE

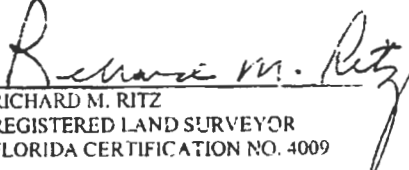
N.76°59'40"W. FOR 41.60 FEET; THENCE N.84°19'40"W. FOR 33.60 FEET; THENCE N.83°39'01"W. FOR 49.70 FEET; THENCE N.89°30'28"W. FOR 39.19 FEET; THENCE S.14°01'29"W. FOR 50.33 FEET; THENCE S.77°17'05"W. FOR 27.93 FEET; THENCE S.88°59'45"W. FOR 20.56 FEET; THENCE N.85°07'32"W. FOR 40.19 FEET; THENCE N.89°00'45"W. FOR 35.69 FEET; THENCE S.80°41'05"W. FOR 39.15 FEET; THENCE N.44°46'54"W. FOR 61.40 FEET; THENCE S.40°27'28"W. FOR 65.70 FEET; THENCE S.63°31'00"W. FOR 7.19 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF BARRETT ROAD; THENCE N.04°33'11"W., ALONG SAID RIGHT-OF-WAY LINE FOR 1893.61 FEET TO AN INTERSECTION WITH SAID SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (STATE ROAD 78); THENCE N.61°59'54"E. ALONG SAID RIGHT-OF-WAY LINE FOR 593.71 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1879.27 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AND SAID RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 5°46'21" FOR 189.34 FEET TO THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE WEST LINE OF THE SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.04°24'51"E.

PARCEL CONTAIN 63.59 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 09-06-05


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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S:\Jobs\16xx\1655 SURVEYING DESCRIPTIONS\RESIDENTIAL-W-PRE_MOD.dwg



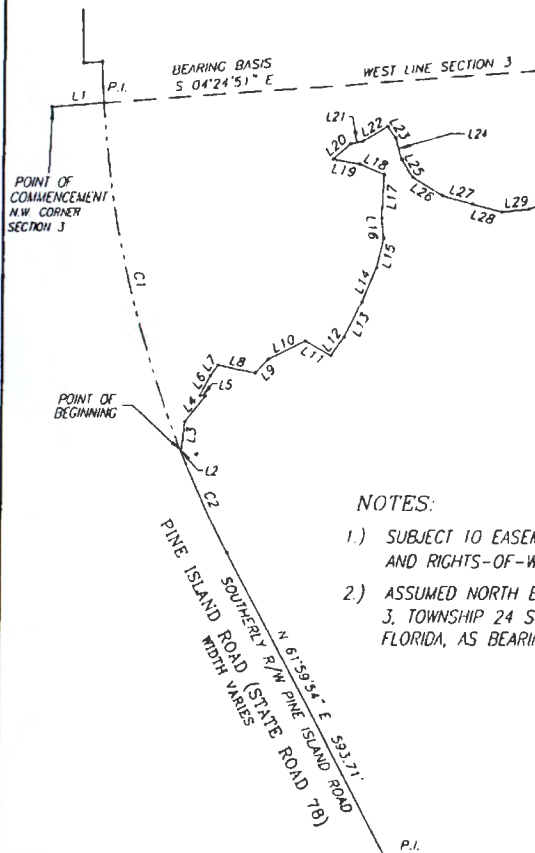
SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN
SECTION 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST.
LEE COUNTY, FLORIDA
(RESIDENTIAL-WEST PLUS PRESERVE MODIFICATION)



1" = 250'



NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE WEST LINE OF SECTION 3, TOWNSHIP 24 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S 04°24'51" E.

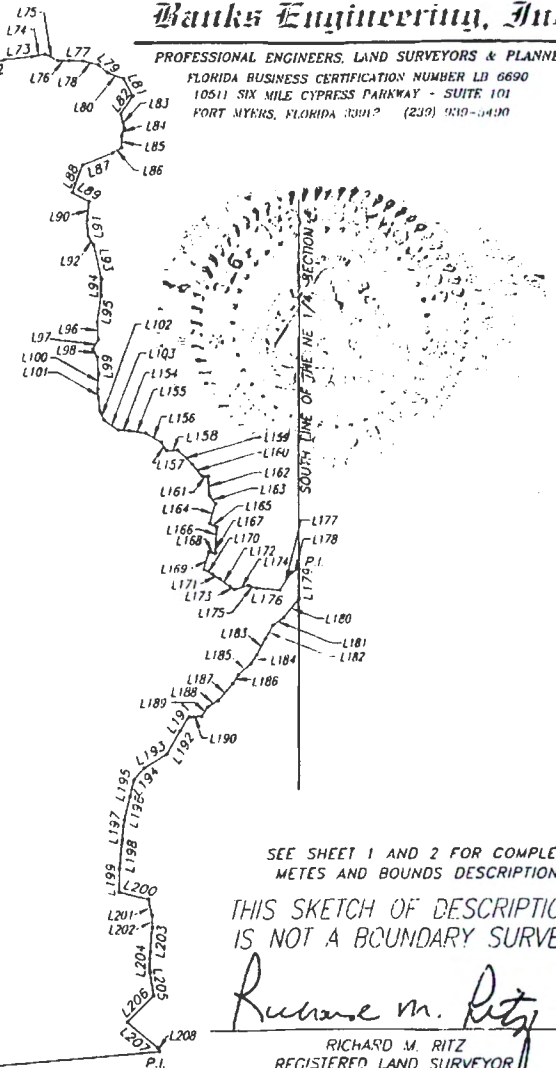
SUBJECT PARCEL
CONTAINS
63.39 ACRES
MORE OR LESS

LEGEND:

- C1 INDICATES CURVE 1 OF CURVE TABLE
L1 INDICATES LINE 1 OF LINE TABLE
P.I. INDICATES POINT OF INTERSECTION
R/W INDICATES RIGHT-OF-WAY LINE

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LD 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912 (239) 939-3490



SEE SHEET 1 AND 2 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA
(RESIDENTIAL-WEST PLUS PRESERVE)

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 8690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912 (239) 930-5400

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 04°24'51" E	88.46
L2	S 20°47'49" E	2.14
L3	S 84°11'28" E	47.81
L4	S 50°32'19" E	55.12
L5	N 08°39'21" E	9.65
L6	S 61°12'29" E	37.33
L7	S 56°09'14" E	22.31
L8	S 12°09'32" W	64.36
L9	S 47°13'42" E	32.01
L10	S 26°22'34" E	69.83
L11	S 29°52'50" W	49.40
L12	S 55°17'12" E	38.80
L13	S 67°35'12" E	66.79
L14	S 67°35'19" E	62.96
L15	S 78°05'25" E	51.35
L16	N 83°52'31" E	34.10
L17	S 87°08'34" E	72.34
L18	N 22°45'33" E	45.96
L19	N 10°25'07" E	45.55
L20	S 41°30'12" E	39.00
L21	S 10°52'57" E	20.84
L22	S 30°45'28" E	49.33
L23	S 54°54'01" W	24.14
L24	S 74°00'20" W	35.90
L25	S 56°59'08" W	36.82
L26	S 30°50'59" W	59.64
L27	S 15°14'28" W	53.78
L28	S 14°38'53" W	51.00
L29	S 06°20'08" E	46.17
L30	S 21°53'05" E	45.91
L31	S 11°02'37" E	33.91
L32	S 14°35'11" E	54.53
L33	S 24°06'30" E	54.88
L34	S 20°55'23" E	48.41
L35	S 12°38'39" W	52.31
L36	S 07°29'46" E	31.52
L37	S 04°19'27" E	40.69
L38	S 07°50'28" E	55.56
L39	S 03°02'39" E	38.08
L40	S 08°36'46" E	38.49
L41	S 04°47'57" E	51.31
L42	S 14°43'16" E	39.96
L43	S 28°11'17" E	54.52
L44	S 32°49'07" E	36.74
L45	S 38°24'10" E	44.23
L46	S 42°44'37" E	33.88

LINE TABLE CONTINUED

LINE	BEARING	DISTANCE
L47	S 28°46'30" E	47.42
L48	S 52°50'24" E	45.86
L49	S 48°55'07" E	33.38
L50	S 43°01'52" E	46.82
L51	S 62°54'04" E	43.64
L52	N 83°48'33" E	57.60
L53	N 61°18'42" E	53.62
L54	N 37°44'25" E	20.63
L55	N 69°46'39" E	21.10
L56	N 48°39'39" E	44.80
L57	S 71°24'34" E	46.81
L58	S 11°07'30" W	35.51
L59	S 21°18'19" E	49.27
L60	S 40°18'22" E	49.62
L61	S 22°49'55" E	45.46
L62	S 08°51'16" W	33.22
L63	S 09°11'11" E	45.76
L64	S 26°49'24" E	55.89
L65	S 48°29'56" W	20.89
L66	S 13°26'36" E	39.87
L67	S 16°39'33" E	42.89
L68	S 14°13'15" E	63.09
L69	S 12°05'42" E	34.83
L70	S 15°50'54" E	52.18
L71	S 09°19'37" E	42.34
L72	S 16°16'03" E	45.87
L73	S 05°43'37" E	47.05
L74	S 09°10'10" E	23.19
L75	S 27°06'26" W	24.49
L76	S 00°17'21" W	17.90
L77	S 00°40'12" W	24.38
L78	S 13°34'00" W	26.61
L79	S 39°11'02" W	21.00
L80	S 19°53'08" W	29.09
L81	S 60°30'05" W	33.29
L82	N 55°11'14" W	35.95
L83	S 75°34'56" W	24.59
L84	N 70°56'30" W	13.87
L85	S 89°40'06" W	19.88
L86	N 27°41'22" W	18.22
L87	N 22°09'57" W	54.89
L88	N 69°21'41" W	50.35
L89	S 27°09'30" W	32.45
L90	N 83°23'31" W	31.04
L91	S 85°50'49" W	28.79
L92	S 57°53'26" W	18.04

LINE TABLE CONTINUED

LINE	BEARING	DISTANCE
L93	S 77°40'47" W	58.79
L94	N 88°55'42" W	29.09
L95	N 81°03'12" W	44.93
L96	S 85°22'43" W	29.74
L97	N 60°45'11" W	19.06
L98	S 59°19'09" W	15.03
L99	S 85°21'29" W	28.40
L100	N 85°46'08" W	26.20
L101	S 83°50'33" W	37.22
L102	S 64°04'19" W	16.48
L103	S 34°59'46" W	29.40
L104	S 03°23'31" W	18.92
L105	S 08°49'10" W	27.44
L106	S 30°09'13" W	31.10
L107	S 57°36'33" W	16.83
L108	S 03°31'45" E	18.29
L109	S 44°14'52" W	33.94
L110	S 48°48'25" W	26.54
L111	S 01°48'27" W	10.06
L112	S 85°11'11" W	32.19
L113	S 54°28'01" W	16.96
L114	N 73°08'13" W	34.54
L115	S 26°58'07" W	13.27
L116	N 88°22'08" W	25.86
L117	N 84°17'06" W	18.45
L118	N 14°57'41" E	10.73
L119	N 73°29'58" W	32.36
L120	S 31°01'41" W	17.35
L121	S 30°44'50" W	14.02
L122	S 37°46'06" W	21.20
L123	S 33°36'31" W	10.14
L124	S 16°17'38" E	25.02
L125	S 19°08'10" W	14.86
L126	S 05°13'37" W	40.77
L127	S 55°27'03" E	35.24
L128	S 29°54'58" E	14.30
L129	S 89°58'48" W	50.80
L130	N 51°18'20" W	41.20
L131	N 32°52'25" W	23.34
L132	N 58°58'57" W	25.14
L133	N 62°23'49" W	31.33
L134	N 54°51'46" W	17.79
L135	N 40°32'17" W	28.08
L136	N 55°29'07" W	18.53
L137	N 48°56'58" W	36.10
L138	N 32°09'10" W	21.04

LINE TABLE CONTINUED

LINE	BEARING	DISTANCE
L139	N 56°09'10" W	18.57
L140	N 02°18'36" W	22.19
L141	N 57°30'20" W	27.49
L142	N 60°50'04" W	44.98
L143	N 30°53'41" W	44.58
L144	N 50°21'17" W	25.92
L145	N 76°40'44" W	27.87
L146	N 76°59'40" W	41.60
L147	N 84°19'40" W	33.60
L148	N 83°39'01" W	49.70
L149	N 89°30'28" W	39.19
L150	S 14°01'29" W	50.33
L151	S 77°17'05" W	27.93
L152	S 08°59'45" W	20.56
L153	N 85°07'32" W	40.19
L154	N 89°00'45" W	35.69
L155	S 80°41'05" W	39.15
L156	N 44°46'54" W	61.40
L157	S 40°27'28" W	65.70
L158	S 63°31'00" W	7.19

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
CL	1879.27	18°22'10"	602.77	1000.19	S 76°57'35" W
CS	1879.27	05°46'21"	189.34	1185.26	N 64°53'05" E

SEE SHEETS 1 AND 2 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Banks Engineering, Inc.
PROFESSIONAL ENGINEERS, PLANNERS & LAND SURVEYORS
 Fort Myers • Naples • Sarasota • Port Charlotte • Holmes Beach

DESCRIPTION OF
 A PARCEL OF LAND
 LYING IN
 SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST
 LEE COUNTY, FLORIDA

(RESIDENTIAL - EAST MODIFICATION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S.04°24'51"E. ALONG THE WEST LINE OF SAID SECTION 3 FOR 88.46 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT AND THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (STATE ROAD 78) (WIDTH VARIES) HAVING A RADIUS OF 1879.27 FEET, A CENTRAL ANGLE OF 02°06'18", A CHORD BEARING OF N.87°12'03"E. AND A CHORD LENGTH OF 69.04 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 69.04 FEET; THENCE N.01°45'25"W., ALONG SAID RIGHT-OF-WAY LINE FOR 31.67 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2814.79 FEET, A CENTRAL ANGLE OF 01°52'49", A CHORD BEARING OF N.89°05'53"E. AND A CHORD LENGTH OF 92.38 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 92.38 FEET; THENCE S.89°57'42"E. ALONG SAID RIGHT-OF-WAY LINE FOR 1171.62 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF MARIANA PARK THIRD ADDITION, AS RECORDED IN PLAT BOOK 12, PAGE 61, LEE COUNTY PUBLIC RECORDS; THENCE S.05°18'56"E. ALONG SAID WESTERLY LINE FOR 790.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.05°18'56"E. ALONG SAID WESTERLY LINE FOR 908.33 FEET TO THE NORTHWEST CORNER OF LOT 27 OF SAID MARIANA PARK THIRD ADDITION; THENCE N.84°41'04"E. ALONG THE NORTH LINE OF SAID LOT FOR 325.00 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE S.05°18'56"E. ALONG THE EAST LINE OF SAID LOT FOR 149.96 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE S.84°41'04"W. ALONG THE SOUTH LINE OF SAID LOT FOR 325.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT AND SAID WESTERLY LINE OF SAID MARIANA PARK THIRD ADDITION; THENCE S.05°18'56"E. ALONG SAID WESTERLY LINE FOR 831.59 FEET TO THE NORTHWEST CORNER OF LOT 33A OF SAID MARIANA PARK THIRD ADDITION; THENCE S.89°26'21"E. ALONG THE NORTH LINE OF SAID LOT FOR 326.72 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE S.05°18'56"E. ALONG THE EAST LINE OF SAID LOT FOR 50.26 FEET TO THE SOUTHEAST CORNER OF SAID LOT AND AN INTERSECTION WITH THE SOUTHERLY LINE OF SAID MARIANA PARK THIRD ADDITION; THENCE S.89°26'21"E. ALONG SAID SOUTHERLY LINE FOR 23.28 FEET TO AN INTERSECTION WITH A LINE LYING 25.00 FEET WESTERLY OF AND PARALLEL (AS MEASURED ON A PERPENDICULAR) WITH THE WEST LINE OF LOT 34 OF SAID MARIANA PARK THIRD ADDITION; THENCE S.03°22'16"E. ALONG SAID PARALLEL LINE FOR 300.24 FEET TO AN INTERSECTION WITH A WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 34; THENCE S.89°25'56"E. ALONG SAID WESTERLY PROLONGATION AND THE SOUTH LINE OF LOTS 35 THROUGH 38 OF SAID MARIANA PARK THIRD ADDITION FOR 281.62 FEET; THENCE S.31°12'47"W. FOR 27.56 FEET; THENCE S.43°28'29"W. FOR 28.24 FEET; THENCE S.83°26'13"W. FOR 24.94 FEET; THENCE S.04°27'50"W. FOR 42.74 FEET; THENCE S.55°20'52"W. FOR 19.19 FEET; THENCE S.69°23'06"W. FOR 18.76 FEET; THENCE S.26°42'53"W. FOR 62.43 FEET; THENCE S.53°27'48"W. FOR 188.52 FEET; THENCE S.50°21'01"W. FOR 37.63 FEET; THENCE S.85°49'05"W. FOR 64.45 FEET; THENCE S.72°20'12"W. FOR 24.45 FEET; THENCE S.88°26'23"W. FOR 26.67 FEET; THENCE N.81°26'20"W. FOR 57.78 FEET; THENCE S.85°30'15"W. FOR 63.41 FEET; THENCE S.89°29'56"W. FOR 12.99 FEET; THENCE N.22°29'12"W. FOR 42.63 FEET; THENCE N.09°55'27"W. FOR 18.79 FEET; THENCE N.37°50'26"W. FOR 16.43 FEET; THENCE N.34°32'21"W. FOR 45.12 FEET; THENCE N.44°46'08"W. FOR 38.96 FEET; THENCE N.39°15'28"W. FOR 37.38 FEET; THENCE N.61°33'25"W. FOR 56.83 FEET; THENCE N.43°24'49"W. FOR 38.20 FEET; THENCE N.63°49'28"W. FOR 58.81 FEET; THENCE N.69°00'47"W. FOR 75.02 FEET; THENCE N.70°47'12"W. FOR 33.33 FEET; THENCE N.69°08'23"W. FOR 37.58 FEET; THENCE S.88°56'12"W. FOR 50.48 FEET; THENCE N.85°23'58"W. FOR 31.55 FEET; THENCE S.84°45'13"W. FOR 46.32 FEET; THENCE N.87°26'40"W. FOR 49.93 FEET; THENCE S.86°16'56"W. FOR 33.86 FEET; THENCE N.77°06'32"W. FOR 41.62 FEET; THENCE S.71°04'07"W. FOR 36.77 FEET; THENCE S.52°00'46"W. FOR 29.21 FEET; THENCE S.36°48'12"W. FOR 26.75 FEET; THENCE S.51°07'51"W. FOR 10.24 FEET; THENCE N.78°36'30"W. FOR 21.39 FEET; THENCE N.52°07'57"W. FOR 16.94 FEET; THENCE N.02°56'22"W. FOR 14.23 FEET; THENCE N.33°09'45"W. FOR 26.39 FEET; THENCE N.32°04'18"E. FOR 24.72 FEET; THENCE N.00°21'50"E. FOR 22.31 FEET; THENCE N.66°13'18"W. FOR 39.28 FEET; THENCE N.29°39'17"W. FOR 29.46 FEET; THENCE N.59°30'33"W. FOR 28.09 FEET; THENCE S.76°23'22"W. FOR 20.87 FEET; THENCE S.05°45'53"E. FOR 12.00 FEET; THENCE S.26°13'00"W. FOR 29.76 FEET; THENCE S.86°56'25"W. FOR 25.20 FEET; THENCE S.72°59'28"W. FOR 8.92 FEET; THENCE N.44°28'25"W. FOR 19.50 FEET; THENCE N.60°43'59"W. FOR 35.00 FEET; THENCE N.60°29'38"W. FOR 14.57 FEET; THENCE N.21°54'35"W. FOR 27.99 FEET; THENCE S.80°29'25"W. FOR 24.43 FEET; THENCE N.16°55'32"E. FOR 32.55 FEET; THENCE N.38°07'54"W. FOR 27.24 FEET; THENCE N.18°58'55"W. FOR 14.33 FEET; THENCE N.10°55'01"W. FOR 22.91 FEET; THENCE N.00°50'17"E. FOR 15.93 FEET; THENCE N.23°13'32"W. FOR 20.80 FEET; THENCE N.03°22'48"E. FOR 24.71 FEET; THENCE N.02°33'07"E. FOR 20.24 FEET; THENCE N.01°11'46"E. FOR 14.50 FEET; THENCE N.05°43'27"E. FOR 20.07 FEET; THENCE N.14°08'57"W. FOR 48.54 FEET; THENCE N.21°38'17"E. FOR 7.25 FEET; THENCE N.63°05'12"E. FOR 17.25 FEET; THENCE N.31°46'49"W. FOR 46.51 FEET; THENCE N.14°59'33"W. FOR 26.52 FEET; THENCE N.22°07'59"E. FOR 28.35 FEET; THENCE N.28°26'31"E. FOR 38.11 FEET; THENCE N.01°27'03"W. FOR 22.73 FEET; THENCE N.04°24'05"E. FOR 27.61 FEET; THENCE N.32°25'48"W. FOR 18.34 FEET; THENCE N.32°19'01"W. FOR 35.41 FEET; THENCE N.54°39'58"W. FOR 16.91 FEET; THENCE N.14°12'58"W. FOR 29.72 FEET; THENCE N.10°12'35"E. FOR 24.63 FEET; THENCE N.27°23'30"E. FOR 25.84 FEET; THENCE N.26°12'54"E. FOR 34.40 FEET; THENCE

SHEET 1 OF 4

N.49°55'28"E. FOR 36.51 FEET; THENCE N.28°21'53"E. FOR 96.03 FEET; THENCE N.29°58'30"E. FOR 29.63 FEET; THENCE N.27°20'29"W. FOR 37.75 FEET; THENCE N.33°31'07"E. FOR 26.41 FEET; THENCE N.42°37'42"E. FOR 23.05 FEET; THENCE N.04°12'24"E. FOR 19.70 FEET; THENCE N.01°02'10"E. FOR 33.11 FEET; THENCE N.67°45'34"W. FOR 24.94 FEET; THENCE N.07°58'47"E. FOR 39.77 FEET; THENCE N.48°25'55"E. FOR 22.52 FEET; THENCE N.15°41'32"E. FOR 48.05 FEET; THENCE N.37°58'20"E. FOR 34.62 FEET; THENCE N.19°46'54"E. FOR 16.55 FEET; THENCE N.77°16'53"E. FOR 26.19 FEET; THENCE N.27°07'06"E. FOR 57.10 FEET; THENCE N.15°47'37"W. FOR 21.51 FEET; THENCE N.38°36'42"W. FOR 33.19 FEET; THENCE N.38°31'42"W. FOR 18.08 FEET; THENCE N.17°46'10"W. FOR 28.58 FEET; THENCE N.48°42'49"W. FOR 14.64 FEET; THENCE N.04°30'46"W. FOR 248.44 FEET; THENCE N.20°20'31"W. FOR 134.63 FEET; THENCE N.51°14'16"W. FOR 17.02 FEET; THENCE N.79°45'48"W. FOR 60.04 FEET; THENCE N.73°01'17"W. FOR 85.32 FEET; THENCE N.62°06'28"W. FOR 20.73 FEET; THENCE N.51°55'18"W. FOR 37.67 FEET; THENCE N.19°01'01"W. FOR 12.26 FEET; THENCE N.04°08'31"W. FOR 27.50 FEET; THENCE N.23°18'43"W. FOR 26.62 FEET; THENCE S.35°37'12"W. FOR 12.12 FEET; THENCE N.46°24'09"W. FOR 10.39 FEET; THENCE N.71°28'32"W. FOR 20.95 FEET; THENCE S.89°36'08"W. FOR 31.94 FEET; THENCE N.44°16'55"W. FOR 18.86 FEET; THENCE S.70°16'10"W. FOR 9.62 FEET; THENCE S.45°05'00"W. FOR 16.12 FEET; THENCE N.61°38'59"W. FOR 21.49 FEET; THENCE N.14°42'18"W. FOR 18.11 FEET; THENCE N.16°16'38"E. FOR 20.98 FEET; THENCE N.30°28'20"E. FOR 19.14 FEET; THENCE N.30°17'12"W. FOR 26.24 FEET; THENCE S.76°58'27"W. FOR 24.28 FEET; THENCE S.44°54'31"W. FOR 21.91 FEET; THENCE S.64°35'39"W. FOR 6.81 FEET; THENCE N.43°47'55"W. FOR 22.03 FEET; THENCE N.61°30'05"W. FOR 19.72 FEET; THENCE N.57°57'24"W. FOR 26.57 FEET; THENCE N.75°47'54"W. FOR 28.17 FEET; THENCE S.50°04'32"W. FOR 19.91 FEET; THENCE N.53°01'19"W. FOR 25.03 FEET; THENCE S.79°55'57"W. FOR 29.08 FEET; THENCE N.10°56'05"E. FOR 18.24 FEET; THENCE N.41°07'17"E. FOR 11.79 FEET; THENCE N.49°20'25"E. FOR 52.93 FEET; THENCE N.12°09'21"E. FOR 51.80 FEET; THENCE N.03°25'55"W. FOR 29.43 FEET; THENCE N.38°56'36"W. FOR 13.26 FEET; THENCE N.13°18'09"W. FOR 41.46 FEET; THENCE N.23°37'40"W. FOR 36.10 FEET; THENCE N.84°41'04"E. FOR 1168.06 FEET TO THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE WEST LINE OF THE SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.04°24'51"E.

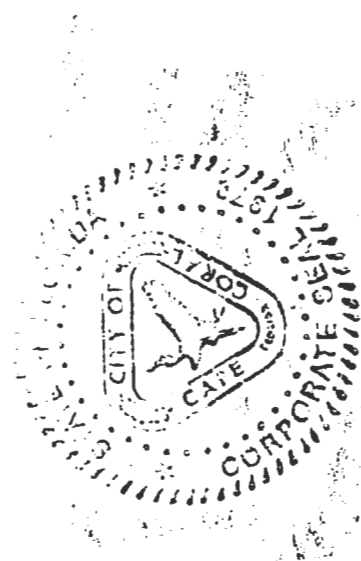
PARCEL CONTAIN 50.72 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 09-06-05

Richard M. Ritz
 RICHARD M. RITZ
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATION NO. 4009

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OF

Blanks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LH 6690
10511 SIX MILE CYPRESS PARKWAY SUITE 101
FORT MYERS, FLORIDA 33912 (239) 939-5190

COR. INDICATES CORNER
R/W INDICATES RIGHT-OF-WAY LINE
P.I. INDICATES POINT OF INTERSECTION
L1 INDICATES LINE 1 OF LINE TABLE
C1 INDICATES CURVE 1 OF CURVE TABLE

MARIANA PARK THIRD ADDITION
PLAT BOOK 12, PAGE 61,
LEE COUNTY, FLORIDA

MARIANA PARK THIRD ADDITION
PLAT BOOK 12, PAGE 61.
LEE COUNTY, FLORIDA

SUBJECT PARCEL
PARCEL CONTAINS
30.72 ACRES
MORE OR LESS

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE WEST LINE OF SECTION 3, TOWNSHIP 24 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S 04°24'51" E.

PREPARED 09-06-05
SHEET 3 OF 4

SEE SHEETS 1 AND 2 OF 4 FOR
COMPLETE METES AND BOUNDS DESCRIPTION.
THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

- DATE SIGNED 09-06-05
- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA
(RESIDENTIAL-EAST)

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912 (239) 938-1100

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 04°24'51" E	88.46'
L2	N 01°45'25" W	31.67'
L3	N 84°41'04" E	325.00'
L4	S 05°18'56" E	149.96'
L5	S 84°41'04" W	325.00'
L6	S 89°26'21" E	326.72'
L7	S 05°18'56" E	50.26'
L8	S 89°26'21" E	23.28'
L9	S 03°22'16" E	300.24'
L10	S 89°25'56" E	281.62'
L11	S 31°12'47" W	27.56'
L12	S 43°28'29" W	28.24'
L13	S 83°26'13" W	24.94'
L14	S 04°27'50" W	42.74'
L15	S 55°20'52" W	19.19'
L16	S 69°23'06" W	18.76'
L17	S 26°42'53" W	62.43'
L18	S 53°27'48" W	188.52'
L19	S 50°21'01" W	37.63'
L20	S 85°49'05" W	64.45'
L21	S 72°20'12" W	24.45'
L22	S 88°26'23" W	26.67'
L23	N 01°26'20" W	57.78'
L24	S 85°30'15" W	63.41'
L25	S 89°29'56" W	12.99'
L26	N 22°29'12" W	42.63'
L27	N 09°55'27" W	18.79'
L28	N 37°50'26" W	16.43'
L29	N 34°32'21" W	45.12'
L30	N 44°46'08" W	38.96'

LINE TABLE CONTINUED

LINE	BEARING	DISTANCE
L31	N 39°15'28" W	37.38'
L32	N 61°33'25" W	56.83'
L33	N 43°24'49" W	38.20'
L34	N 63°49'28" W	58.81'
L35	N 69°00'47" W	75.02'
L36	N 70°47'12" W	33.33'
L37	N 69°08'23" W	37.58'
L38	S 88°56'12" W	50.48'
L39	N 85°23'58" W	31.55'
L40	S 84°45'13" W	46.32'
L41	N 87°26'40" W	49.93'
L42	S 86°16'56" W	33.86'
L43	N 77°06'32" W	41.62'
L44	S 71°04'07" W	36.77'
L45	S 52°00'46" W	29.21'
L46	S 36°48'12" W	26.75'
L47	S 51°07'51" W	10.24'
L48	N 78°36'30" W	21.88'
L49	N 52°07'57" W	16.94'
L50	N 02°56'22" W	14.23'
L51	N 33°07'45" W	26.39'
L52	N 32°04'18" E	24.72'
L53	N 00°21'50" E	22.31'
L54	N 66°13'18" W	39.28'
L55	N 29°39'17" W	29.46'
L56	N 59°30'33" W	28.09'
L57	S 76°23'22" W	20.87'
L58	S 05°45'53" E	12.00'
L59	S 26°13'00" W	29.76'
L60	S 86°56'25" W	25.20'
L61	S 72°59'28" W	8.92'

LINE TABLE CONTINUED

LINE	BEARING	DISTANCE
L62	N 44°28'25" W	19.50'
L63	N 60°43'59" W	37.12'
L64	N 60°29'38" W	14.57'
L65	N 21°54'35" W	27.99'
L66	S 80°29'25" W	24.43'
L67	N 16°55'32" E	32.55'
L68	N 38°07'54" W	27.24'
L69	N 18°58'55" W	14.33'
L70	N 10°55'01" W	22.91'
L71	N 00°50'17" E	15.93'
L72	N 23°13'32" W	20.96'
L73	N 03°22'48" E	24.71'
L74	N 02°33'07" E	20.24'
L75	N 01°11'46" E	14.50'
L76	N 05°43'27" E	20.07'
L77	N 14°08'57" W	48.54'
L78	N 21°38'17" E	7.25'
L79	N 63°05'12" E	17.25'
L80	N 31°46'49" W	46.51'
L81	N 14°50'33" W	26.52'
L82	N 22°07'59" E	28.35'
L83	N 28°26'31" E	38.11'
L84	N 01°27'03" W	22.73'
L85	N 04°24'05" E	27.61'
L86	N 32°25'48" W	18.34'
L87	N 32°19'01" W	35.41'
L88	N 54°39'58" W	16.91'
L89	N 14°12'58" W	29.72'
L90	N 10°12'35" E	34.63'
L91	N 27°23'30" E	25.84'
L92	N 26°12'54" E	34.40'

LINE TABLE CONTINUED

LINE	BEARING	DISTANCE
L93	N 49°55'28" E	36.51'
L94	N 28°21'53" E	96.03'
L142	N 29°58'30" E	29.63'
L143	N 27°20'29" W	37.75'
L144	N 33°31'07" E	26.41'
L145	N 42°37'42" E	21.05'
L146	N 04°12'24" E	19.70'
L147	N 01°02'10" E	33.11'
L148	N 67°45'34" W	24.94'
L149	N 07°58'47" E	39.77'
L150	N 48°25'55" E	27.52'
L151	N 15°41'32" E	48.05'
L152	N 37°58'20" E	34.62'
L153	N 19°46'54" E	16.55'
L154	N 77°16'53" E	26.19'
L155	N 27°07'06" E	57.10'
L156	N 15°47'37" W	21.51'
L157	N 38°36'42" W	33.19'
L158	N 38°31'42" W	18.08'
L159	N 17°46'10" W	28.58'
L160	N 48°42'49" W	14.64'
L161	N 04°30'46" W	248.44'
L162	N 20°20'11" W	134.63'
L167	N 51°14'16" W	17.02'
L188	N 78°45'48" W	60.04'
L189	N 73°01'17" W	85.32'
L190	N 62°06'28" W	20.73'
L191	N 51°55'18" W	37.67'
L192	N 19°01'01" W	12.26'
L193	N 04°08'31" W	27.50'
L194	N 23°18'43" W	26.62'

LINE TABLE CONTINUED

LINE	BEARING	DISTANCE
L195	S 35°37'12" W	12.12'
L196	N 46°24'09" W	10.39'
L197	N 31°28'32" W	20.95'
L198	S 89°36'08" W	31.94'
L199	N 44°16'55" W	18.86'
L200	S 70°16'10" W	9.62'
L201	S 45°05'00" W	16.12'
L202	N 61°38'59" W	21.49'
L203	N 14°47'18" W	18.11'
L204	N 16°16'36" E	20.98'
L205	N 30°28'26" E	19.14'
L206	N 30°17'12" W	26.74'
L207	S 76°58'27" W	24.28'
L208	S 44°54'31" W	21.91'
L209	S 64°35'39" W	6.81'
L210	N 43°47'55" W	22.03'
L211	N 61°30'05" W	19.72'
L212	N 57°57'24" W	26.57'
L213	N 75°47'54" W	28.17'
L214	S 50°04'32" W	19.91'
L215	N 53°01'19" W	25.03'
L216	S 79°55'57" W	29.08'
L217	N 10°56'05" E	18.24'
L218	N 41°07'17" E	11.79'
L219	N 49°20'25" E	52.93'
L220	N 12°09'21" E	51.80'
L221	N 03°25'55" W	29.43'
L222	N 38°56'36" W	13.26'
L223	N 13°18'09" W	41.46'
L224	N 23°37'40" W	36.10'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1879.27	02°06'18"	69.04'	69.04'	N 87°12'03" E
C2	2814.79	01°52'49"	92.38'	92.38'	N 89°05'53" E

Banks Engineering, Inc.

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(LOT 22 LESS SOUTH 20')

LOT 22 OF A MARIANA PARK THIRD ADDITION, A SUBDIVISION, AS RECORDED IN PLAT BOOK 12, PAGE 61, OF LEE COUNTY PUBLIC RECORDS, LESS THE SOUTH 20 FEET, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

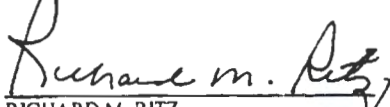
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S.04°24'51"E. ALONG THE WEST LINE OF SAID SECTION 3 FOR 88.46 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT AND THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (STATE ROAD 78) HAVING A RADIUS OF 1879.27 FEET, A CENTRAL ANGLE OF 02°06'18", A CHORD BEARING OF N.87°12'03"E. AND A CHORD LENGTH OF 69.04 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 69.04 FEET; THENCE N.01°45'25"W., ALONG SAID RIGHT-OF-WAY LINE FOR 31.67 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2814.79 FEET, A CENTRAL ANGLE OF 01°52'49", A CHORD BEARING OF N.89°05'53"E. AND A CHORD LENGTH OF 92.38 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 92.38 FEET; THENCE S.89°57'42"E. ALONG SAID RIGHT-OF-WAY LINE FOR 1171.62 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF MARIANA PARK THIRD ADDITION, A SUBDIVISION, AS RECORDED IN PLAT BOOK 12, PAGE 61, LEE COUNTY PUBLIC RECORDS; THENCE S.05°18'56"E. ALONG SAID WESTERLY LINE FOR 949.34 FEET TO THE NORTHWEST CORNER OF LOT 22 OF SAID MARIANA PARK THIRD ADDITION AND THE POINT OF BEGINNING; THENCE N.84°41'04"E. ALONG THE NORTH LINE OF SAID LOT 22 FOR 325.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 22; THENCE S.05°18'56"E. ALONG THE EAST LINE OF SAID LOT 22 FOR 130.00 FEET TO AN INTERSECTION WITH A LINE LYING 20.00 FEET NORTHERLY OF (AS MEASURED ON A PERPENDICULAR) WITH THE SOUTH LINE OF LOT 22, OF SAID MARIANA PARK THIRD ADDITION; THENCE S.84°41'04"W., ALONG SAID PARALLEL LINE, FOR 325.00 FEET TO SAID WESTERLY LINE OF SAID MARIANA PARK THIRD ADDITION; THENCE N.05°18'56"W. ALONG SAID WESTERLY LINE FOR 130.00 FEET TO THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE WEST LINE OF THE SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.04°24'51"E.

PARCEL CONTAINS 0.97 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 06-27-05


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

S:\Jobs\16xx\1655 SURVEYING\DESCRIPTIONS\LOT-22_LESS-S-20.doc
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SHEET 1 OF 2



1" = 300'

SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN
SECTION 3, TOWNSHIP 14 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA
(LOT 22 LESS SOUTH 20')

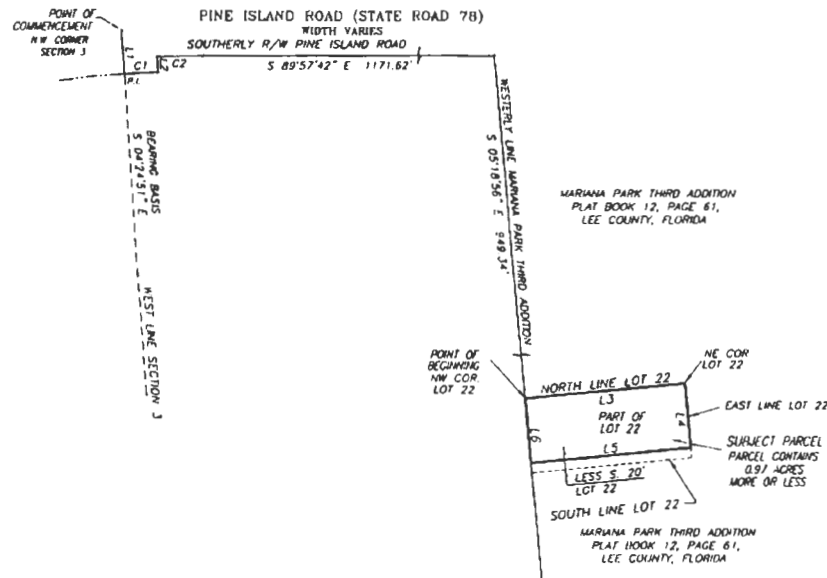
Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS

FLORIDA BUSINESS CERTIFICATION NUMBER LD 6690

16611 BOX MILE CYPRESS PARKWAY - SUITE 101

FORT MYERS, FLORIDA 33912 (239) 939-1100



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 04°24'51" E	88.46'
L2	N 01°45'25" W	31.67'
L3	N 84°41'04" E	325.00'
L4	S 05°18'56" E	130.00'
L5	S 84°41'04" W	325.00'
L6	N 05°18'56" W	130.00'

LEGEND:

- C1 INDICATES CURVE 1 OF CURVE TABLE
- L1 INDICATES LINE 1 OF LINE TABLE
- P.I. INDICATES POINT OF INTERSECTION
- R/W INDICATES RIGHT-OF-WAY LINE

NOTES:

- 1) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2) ASSUMED NORTH BASED ON THE WEST LINE OF SECTION 3, TOWNSHIP 24 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S 04°24'51" E.

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1879.27	02°06'18"	69.04'	69.04'	N 87°12'03" E
C2	2814.79	01°52'49"	92.38'	92.38'	N 89°05'53" E

SEE SHEET 1 FOR COMPLETE METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

Banks Engineering, Inc.

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(UPLANDS-SE)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

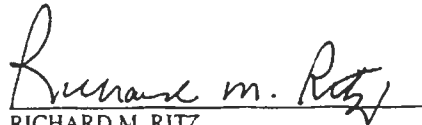
BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 3, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE S.89°58'48"W. ALONG THE SOUTH LINE OF SAID SECTION 4 FOR 126.91 FEET; THENCE N.00°18'29"E. FOR 73.84 FEET; THENCE N.26°06'12"W. FOR 98.28 FEET; THENCE N.29°17'57"E. FOR 49.81 FEET; THENCE N.77°53'59"E. FOR 109.74 FEET; THENCE S.87°57'21"E. FOR 60.62 FEET; THENCE S.61°50'14"E. FOR 36.58 FEET; THENCE S.18°34'33"E. FOR 55.42 FEET; THENCE S.75°34'33"E. FOR 59.33 FEET; THENCE S.06°48'44"E. FOR 44.03 FEET; THENCE S.24°05'32"W. FOR 62.54 FEET; THENCE S.09°00'52"W. FOR 42.48 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE N.89°26'21"W. ALONG SAID SOUTH LINE FOR 102.91 FEET TO THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.89°58'48"W.

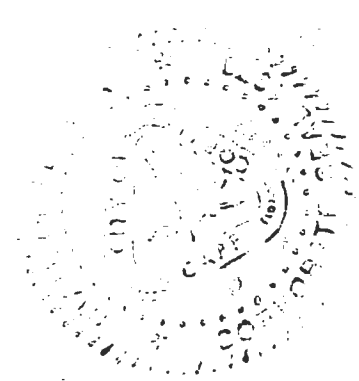
PARCEL CONTAIN 1.24 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 06-27-05


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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SHEET 1 OF 2



1" = 200'

SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA
(UPLANDS S.E.)

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912 (239) 839-5490

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°58'48" W	126.91'
L2	N 00°18'29" E	73.84'
L3	N 26°06'12" W	98.28'
L4	N 29°17'57" E	49.81'
L5	N 77°53'39" E	109.74'
L6	S 87°57'21" E	60.62'
L7	S 61°50'14" E	36.58'
L8	S 18°34'33" E	55.42'
L9	S 75°34'33" E	59.11'
L10	S 08°48'44" E	44.03'
L11	S 24°05'32" W	62.54'
L12	S 09°00'52" W	42.48'
L13	N 89°26'21" W	102.91'

EASTERLY R/W BARRETT ROAD

UPLANDS

BEARING BASIS
S 89°58'48" W 791.64'
SOUTH LINE OF THE NE 1/4, SECTION 4

NE 1/4
SECTION 4

NW 1/4
SECTION 3

SUBJECT PARCEL
PARCEL CONTAINS
1.24 ACRES
MORE OR LESS

POINT OF BEGINNING
S.W. CORNER, N.W. QUARTER,
SECTION 3, ALSO
S.E. CORNER, N.E. QUARTER,
SECTION 4

SOUTH LINE OF THE NW 1/4, SECTION 3

LEGEND:

L1 INDICATES LINE 1 OF LINE TABLE
P.I. INDICATES POINT OF INTERSECTION
R/W INDICATES RIGHT-OF-WAY LINE

NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 24 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S 89°58'48" W.

SEE SHEET 1 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

Banks Engineering, Inc.

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(UPLANDS-SW)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST. BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

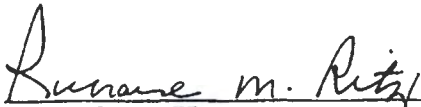
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 3, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE S.89°58'48"W. ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER FOR 918.56 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°58'48"W. ALONG SAID SOUTH LINE FOR 349.17 FEET; THENCE N.29°31'45"E. FOR 56.03 FEET; THENCE N.59°37'37"E. FOR 43.28 FEET; THENCE N.84°43'05"E. FOR 41.51 FEET; THENCE N.73°21'59"E. FOR 42.13 FEET; THENCE N.86°12'39"E. FOR 62.37 FEET; THENCE S.74°30'45"E. FOR 66.37 FEET; THENCE S.54°59'37"E. FOR 64.81 FEET; THENCE S.33°06'56"E. FOR 42.52 FEET TO THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.89°58'48"W.

PARCEL CONTAIN 0.53 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 06-27-05


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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SHEET 1 OF 2





1" = 200'

SKETCH OF DESCRIPTION

OF

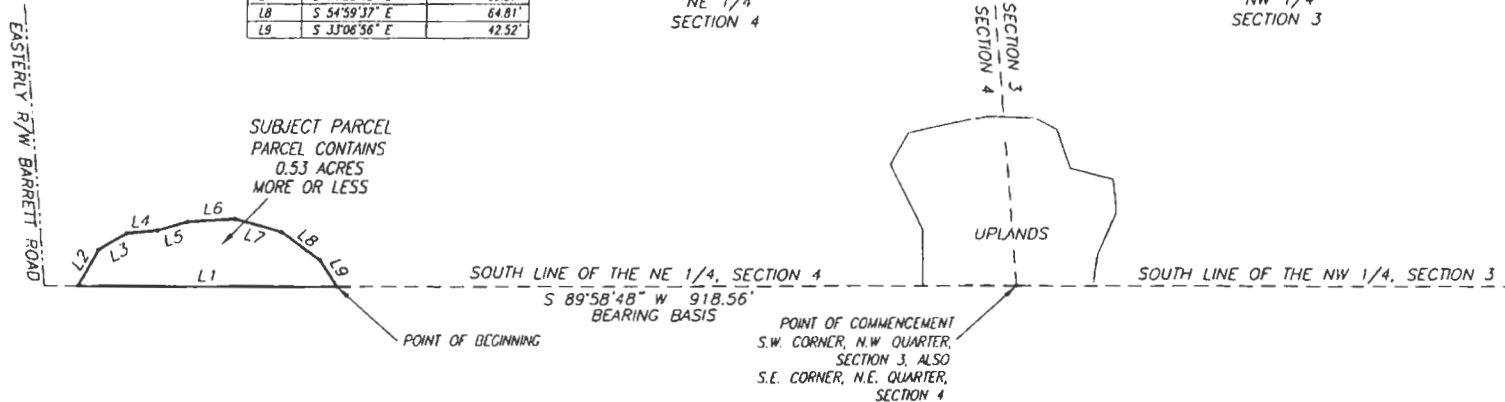
A TRACT OR PARCEL OF LAND LYING IN
SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA
(UPLANDS S.W.)

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER L9 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912 (889) 939-4991

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°58'48" W	349.17'
L2	N 28°31'45" E	56.03'
L3	N 58°37'37" E	43.28'
L4	N 84°43'05" E	41.51'
L5	N 73°21'59" E	42.13'
L6	N 86°12'39" E	62.37'
L7	S 74°30'45" E	66.37'
L8	S 54°59'37" E	64.81'
L9	S 33°06'56" E	42.52'



LEGEND:

L1 INDICATES LINE 1 OF LINE TABLE
R/W INDICATES RIGHT-OF-WAY LINE

NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 24 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S 89°58'48" W.

SEE SHEET 1 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

Banks Engineering, Inc.

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(COM-1)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

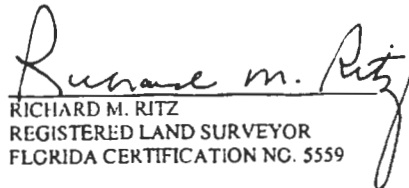
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S.04°24'51"E. ALONG THE WEST LINE OF SAID SECTION 3 FOR 88.46 FEET TO THE POINT OF BEGINNING AND AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT AND THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (STATE ROAD 78) HAVING A RADIUS OF 1879.27 FEET, A CENTRAL ANGLE OF 02°06'18", A CHORD BEARING OF N.87°12'03"E. AND A CHORD LENGTH OF 69.04 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 69.04 FEET; THENCE N.01°45'25"W., ALONG SAID RIGHT-OF-WAY LINE FOR 31.67 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2814.79 FEET, A CENTRAL ANGLE OF 01°52'49", A CHORD BEARING OF N.89°05'53"E. AND A CHORD LENGTH OF 92.38 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 92.38 FEET; THENCE S.89°57'42"E. ALONG SAID RIGHT-OF-WAY LINE FOR 430.19 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°59'53" FOR 39.27 FEET; THENCE S.00°02'11"W. FOR 168.74 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 220.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°01'43" FOR 80.74 FEET; THENCE S.84°41'04"W. FOR 570.02 FEET; THENCE N.47°12'58"W. FOR 12.41 FEET; THENCE N.54°41'21"W. FOR 60.36 FEET; THENCE N.68°38'49"W. FOR 37.21 FEET; THENCE N.67°22'15"W. FOR 29.39 FEET; THENCE N.73°41'13"W. FOR 13.62 FEET; THENCE S.62°10'59"W. FOR 21.23 FEET; THENCE N.40°21'54"W. FOR 20.63 FEET; THENCE N.43°24'12"W. FOR 19.76 FEET; THENCE N.72°42'39"W. FOR 38.69 FEET; THENCE N.31°50'43"W. FOR 40.93 FEET; THENCE N.21°37'34"W. FOR 35.21 FEET; THENCE N.28°21'51"W. FOR 35.93 FEET; THENCE N.62°29'25"W. FOR 26.58 FEET; THENCE N.63°27'53"W. FOR 39.09 FEET; THENCE N.72°10'16"W. FOR 38.93 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT AND THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (STATE ROAD 78) HAVING A RADIUS OF 1879.27 FEET, A CENTRAL ANGLE OF 09°16'42", A CHORD BEARING OF N.81°30'33"E. AND A CHORD LENGTH OF 303.99 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 304.33 FEET THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE WEST LINE OF THE SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.04°24'51"E.

PARCEL CONTAINS 5.13 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 08-03-05


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5559

S:\Jobs\16xx\1655\SURVEYING\DESCRIPTIONS\COM-1.doc
S:\Jobs\16xx\1655\SURVEYING\DESCRIPTIONS\COM-1.dwg

SHEET 1 OF 2



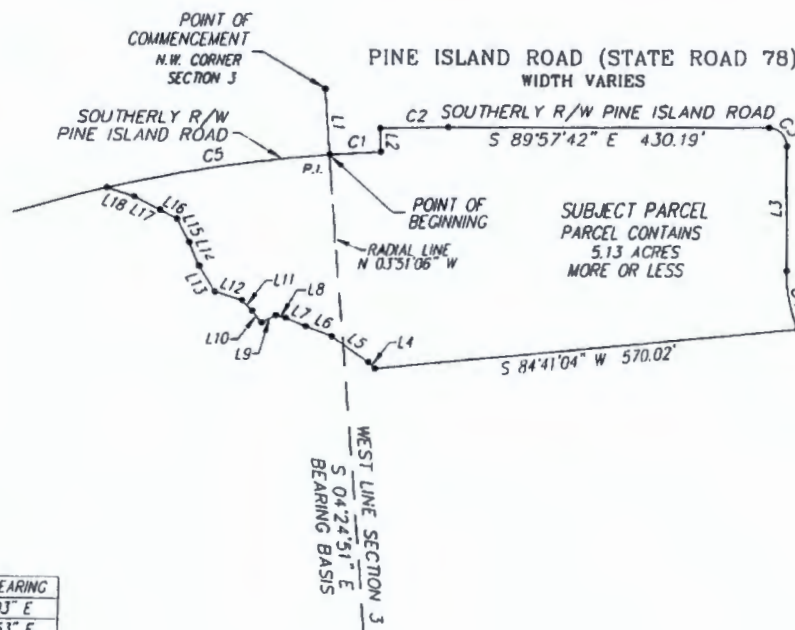
OF

A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST.
LEE COUNTY, FLORIDA
(COM-1)

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LD 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(239) 839-5490

LINE	BEARING	DISTANCE
L1	S 04°24'51" E	88.46
L2	N 01°45'25" W	31.67
L3	S 00°02'11" W	168.74
L4	N 47°12'58" W	12.41
L5	N 54°41'21" W	60.36
L6	N 68°38'49" W	37.21
L7	N 67°22'15" W	29.39
L8	N 73°41'13" W	13.62
L9	S 62°10'59" W	21.23
L10	N 40°21'54" W	20.63
L11	N 43°24'12" W	19.76
L12	N 72°42'39" W	38.69
L13	N 31°50'43" W	40.93
L14	N 21°37'34" W	35.21
L15	N 28°21'51" W	35.93
L16	N 62°29'25" W	26.58
L17	N 63°27'53" W	39.09
L18	N 72°10'16" W	38.93

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1879.27	02°06'18"	69.04'	69.04'	N 87°12'03" E
C2	2814.79	01°52'49"	92.38'	92.38'	N 89°05'53" E
C3	25.00'	89°59'53"	39.27'	35.35'	S 44°57'45" E
C4	220.00'	21°01'43"	80.74'	80.29'	S 10°28'40" E
C5	1879.27	09°16'42"	304.33'	303.99'	N 81°30'11" E



- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE WEST LINE OF SECTION 3, TOWNSHIP 24 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S 04°24'51" E.

C1 INDICATES CURVE 1 OF CURVE TABLE
L1 INDICATES LINE 1 OF LINE TABLE
P.I. INDICATES POINT OF INTERSECTION
R/W INDICATES RIGHT-OF-WAY LINE

SEE SHEET 1 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Richard M. Pitt,

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

S:\JOBS\16XX\1655\SURVEYING\DESCRIPTIONS\COM-1.DOC
S:\JOBS\16XX\1655\SURVEYING\DESCRIPTIONS\COM-1.DWG

PREPARED 08-03-05
SHEET 2 OF 2

Banks Engineering, Inc.

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(COM-2)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

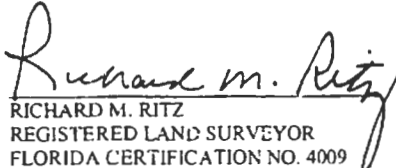
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S.04°24'51"E. ALONG THE WEST LINE OF SAID SECTION 3 FOR 88.46 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT AND THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (STATE ROAD 78) HAVING A RADIUS OF 1879.27 FEET, A CENTRAL ANGLE OF 02°06'18", A CHORD BEARING OF N.87°12'03"E. AND A CHORD LENGTH OF 69.04 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 69.04 FEET; THENCE N.01°45'25"W., ALONG SAID RIGHT-OF-WAY LINE FOR 31.67 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2814.79 FEET, A CENTRAL ANGLE OF 01°52'49", A CHORD BEARING OF N.89°05'53"E. AND A CHORD LENGTH OF 92.38 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 92.38 FEET; THENCE S.89°57'42"E. ALONG SAID RIGHT-OF-WAY LINE FOR 430.19 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°59'53" FOR 39.27 FEET; THENCE S.00°02'11"W. FOR 168.74 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 220.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°01'43" FOR 80.74 FEET TO THE POINT OF BEGINNING AND THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 220.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°58'17" FOR 92.04 FEET; THENCE S.05°18'56"E. FOR 503.94 FEET; THENCE S.84°41'04"W. FOR 486.33 FEET; THENCE N.23°37'40"W. FOR 2.94 FEET; THENCE N.22°39'19"W. FOR 11.24 FEET; THENCE N.11°04'24"W. FOR 24.75 FEET; THENCE N.04°26'30"E. FOR 39.51 FEET; THENCE N.05°06'11"E. FOR 95.06 FEET; THENCE N.00°48'40"E. FOR 40.11 FEET; THENCE N.24°20'20"W. FOR 46.80 FEET; THENCE N.13°14'40"W. FOR 45.78 FEET; THENCE N.25°05'32"W. FOR 27.90 FEET; THENCE N.16°43'22"W. FOR 29.20 FEET; THENCE N.16°54'42"W. FOR 32.91 FEET; THENCE N.14°02'39"W. FOR 39.65 FEET; THENCE N.16°53'02"W. FOR 47.09 FEET; THENCE N.36°24'49"W. FOR 67.18 FEET; THENCE N.53°01'31"W. FOR 34.92 FEET; THENCE N.47°12'58"W. FOR 42.11 FEET; THENCE N.84°41'04"E. FOR 570.02 FEET TO THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE WEST LINE OF THE SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.04°24'51"E.

PARCEL CONTAINS 6.72 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 08-03-05


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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SHEET 1 OF 2



1" = 200'

SKETCH OF DESCRIPTION

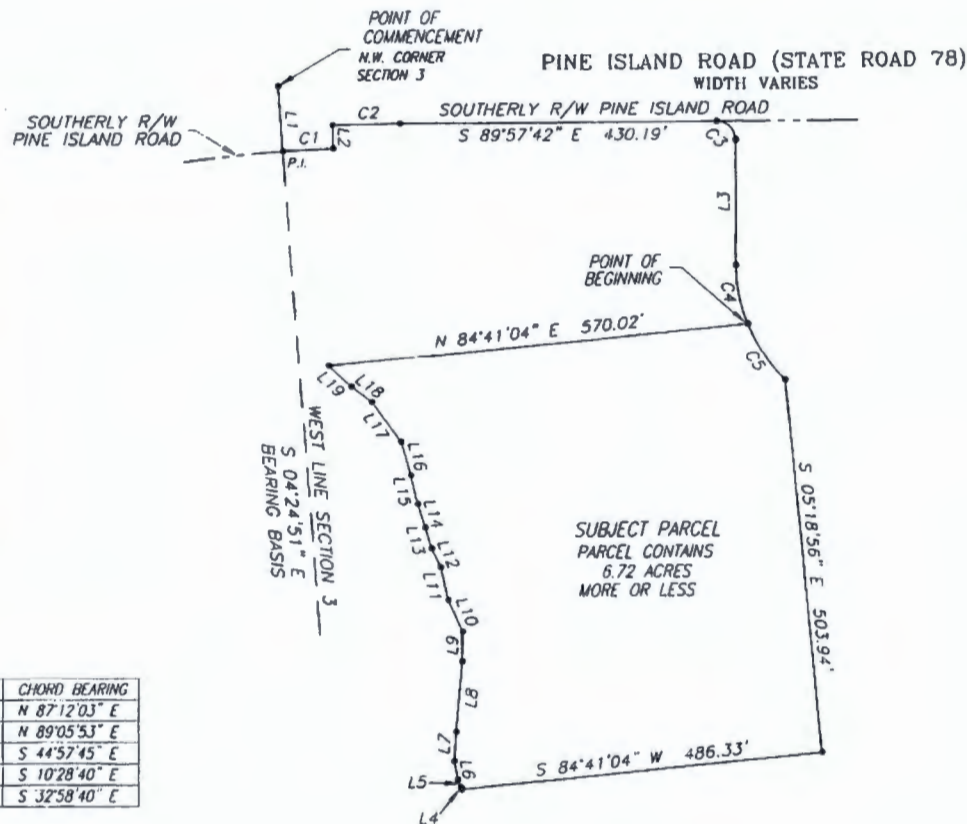
OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA
(COM-2)

Blanks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LD 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
PINE HILLS, FLORIDA 33422
(239) 939-5400

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 04°24'51" E	88.46'
L2	N 01°45'25" W	31.67'
L3	S 00°02'11" W	168.74'
L4	N 23°37'40" W	2.94'
L5	N 22°39'19" W	11.24'
L6	N 11°04'24" W	24.75'
L7	N 04°26'30" E	39.51'
L8	N 05°06'11" E	95.06'
L9	N 00°48'40" E	40.11'
L10	N 24°20'20" W	46.80'
L11	N 13°14'40" W	45.78'
L12	N 25°05'32" W	27.90'
L13	N 16°43'22" W	29.20'
L14	N 16°54'42" W	32.91'
L15	N 14°02'39" W	39.65'
L16	N 16°53'02" W	47.09'
L17	N 36°24'49" W	67.18'
L18	N 53°01'31" W	34.92'
L19	N 47°12'58" W	42.11'

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1879.27	02°06'18"	69.04'	69.04'	N 87°12'03" E
C2	2814.79	01°52'49"	92.38'	92.38'	N 89°05'53" E
C3	25.00'	89°59'53"	39.27'	35.35'	S 44°57'45" E
C4	220.00'	21°01'43"	80.74'	80.29'	S 10°28'40" E
C5	220.00'	23°58'17"	92.04'	91.37'	S 32°58'40" E



NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE WEST LINE OF SECTION 3, TOWNSHIP 24 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S 04°24'51" E.

LEGEND:

- C1 INDICATES CURVE 1 OF CURVE TABLE
L1 INDICATES LINE 1 OF LINE TABLE
P.I. INDICATES POINT OF INTERSECTION
R/W INDICATES RIGHT-OF-WAY LINE

SEE SHEET 1 FOR COMPLETE METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4005

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

PREPARED 08-03-05
SHEET 2 OF 2

Banks Engineering, Inc.

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(COM-3)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

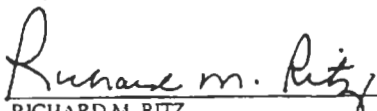
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S.04°24'51"E. ALONG THE WEST LINE OF SAID SECTION 3 FOR 88.46 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT AND THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (STATE ROAD 78) HAVING A RADIUS OF 1879.27 FEET, A CENTRAL ANGLE OF 02°06'18", A CHORD BEARING OF N.87°12'03"E. AND A CHORD LENGTH OF 69.04 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 69.04 FEET; THENCE N.01°45'25"W., ALONG SAID RIGHT-OF-WAY LINE FOR 31.67 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2814.79 FEET, A CENTRAL ANGLE OF 01°52'49", A CHORD BEARING OF N.89°05'53"E. AND A CHORD LENGTH OF 92.38 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 92.38 FEET; THENCE S.89°57'42"E. ALONG SAID RIGHT-OF-WAY LINE FOR 430.19 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°59'53" FOR 39.27 FEET; THENCE S.00°02'11"W. FOR 168.74 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 220.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 45°00'00" FOR 172.79 FEET TO THE POINT OF BEGINNING AND THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 220.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 45°00'00" FOR 172.79 FEET; THENCE S.89°57'49"E. FOR 416.98 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 69°43'04" FOR 30.42 FEET TO A POINT OF COMPOUND CURVE HAVING A RADIUS OF 470.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 24°17'49" FOR 199.31 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 1030.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 4°16'26" FOR 76.83 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 90.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 51°29'02" FOR 80.87 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 55.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 36°29'05" FOR 35.02 FEET; THENCE S.84°41'04"W. FOR 524.36 FEET; THENCE N.05°18'56"W. FOR 503.94 FEET TO THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE WEST LINE OF THE SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.04°24'51"E.

PARCEL CONTAINS 5.61 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 08-03-05


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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S:\Jobs\16xx\1655\SURVEYING\DESCRIPTIONS\COM-3.dwg

SHEET 1 OF 2



1" = 200'

SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA
(COM-3)

Wanks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(239) 938-4400

NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE WEST LINE OF SECTION 3, TOWNSHIP 24 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S 04°24'51" E.

LEGEND:

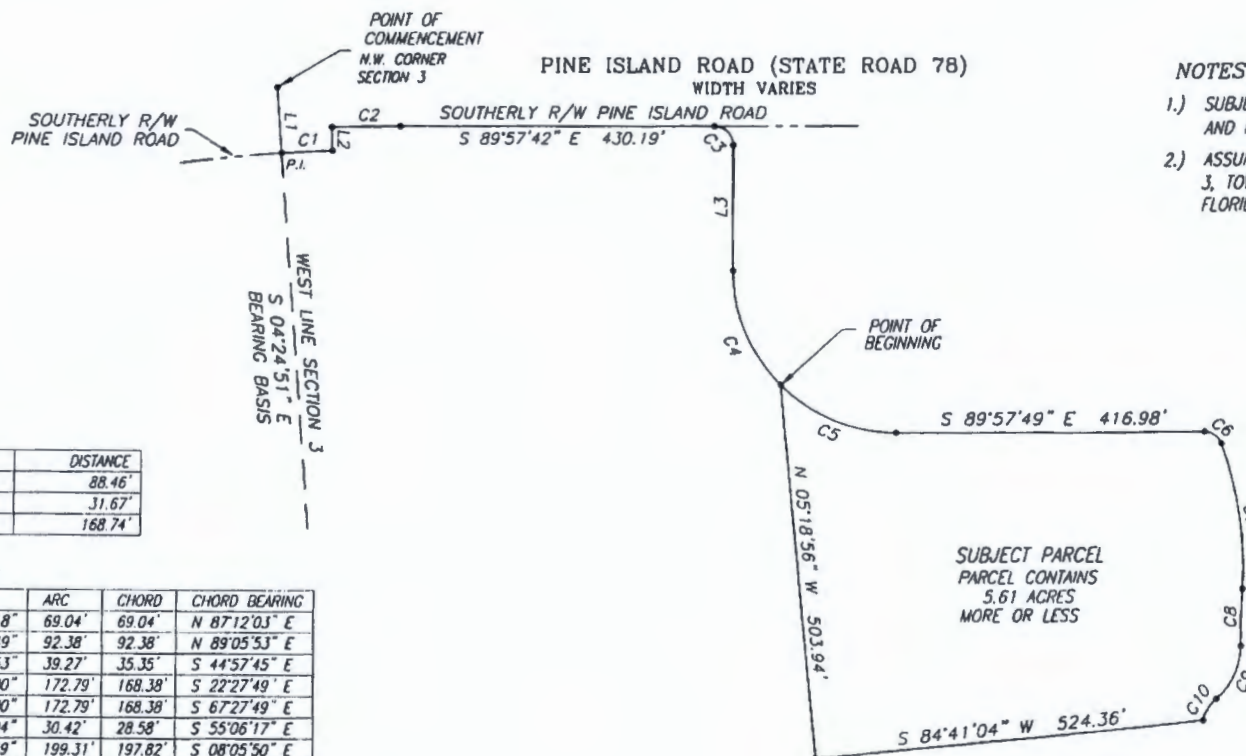
- C1 INDICATES CURVE 1 OF CURVE TABLE
L1 INDICATES LINE 1 OF LINE TABLE
P.I. INDICATES POINT OF INTERSECTION
R/W INDICATES RIGHT-OF-WAY LINE

SEE SHEET 1 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

**THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY**

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 0009

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



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 04°24'51" E	88.46'
L2	N 01°45'25" W	31.67'
L3	S 00°02'11" W	168.74'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1879.27	02°06'18"	69.04'	69.04'	N 87°12'03" E
C2	2814.79	01°52'49"	92.38'	92.38'	N 89°05'53" E
C3	25.00'	89°59'53"	39.27'	35.35'	S 44°57'45" E
C4	220.00'	45°00'00"	172.79'	168.38'	S 22°27'49" E
C5	220.00'	45°00'00"	172.79'	168.38'	S 67°27'49" E
C6	25.00'	69°43'04"	30.42'	28.58'	S 55°06'17" E
C7	470.00'	24°17'49"	199.31'	197.82'	S 08°05'50" E
C8	1030.00'	04°16'26"	76.83'	76.82'	S 01°54'51" W
C9	90.00'	51°29'02"	80.87'	78.18'	S 25°31'09" W
C10	55.00'	36°29'05"	35.02'	34.43'	S 33°01'08" W

PREPARED 08-03-05
SHEET 2 OF 2

Banks Engineering, Inc.Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTADESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(COM-4)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

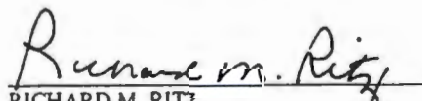
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S.04°24'51"E. ALONG THE WEST LINE OF SAID SECTION 3 FOR 88.46 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT AND THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (STATE ROAD 78) HAVING A RADIUS OF 1879.27 FEET, A CENTRAL ANGLE OF 02°06'18", A CHORD BEARING OF N.87°12'03"E. AND A CHORD LENGTH OF 69.04 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 69.04 FEET; THENCE N.01°45'25"W., ALONG SAID RIGHT-OF-WAY LINE FOR 31.67 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2814.79 FEET, A CENTRAL ANGLE OF 01°52'49", A CHORD BEARING OF N.89°05'53"E. AND A CHORD LENGTH OF 92.38 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 92.38 FEET; THENCE S.89°57'42"E. ALONG SAID RIGHT-OF-WAY LINE FOR 520.19 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°57'42"E. ALONG SAID RIGHT-OF-WAY LINE FOR 216.99 FEET; THENCE S.00°00'00"W. FOR 373.73 FEET; THENCE N.89°57'49"W. FOR 62.23 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 180.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 282.74 FEET; THENCE N.00°02'11"E. FOR 168.74 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'07" FOR 39.27 FEET TO THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE WEST LINE OF THE SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.04°24'51"E.

PARCEL CONTAINS 1.91 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 08-03-05


 RICHARD M. RITZ
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATION NO. 4089

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SHEET 1 OF 2



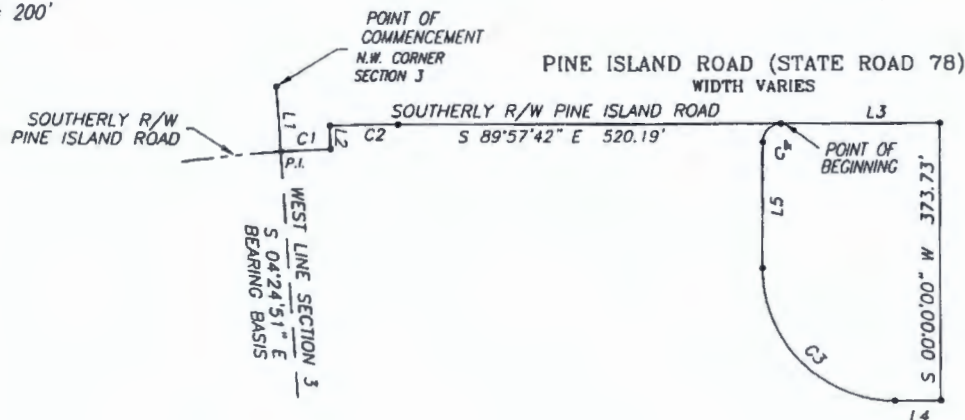


1" = 200'

SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA
(COM-4)



SUBJECT PARCEL
PARCEL CONTAINS
1.91 ACRES
MORE OR LESS

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 8690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(813) 633-6400

NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE WEST LINE OF SECTION 3, TOWNSHIP 24 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S 04°24'51" E.

LEGEND:

- C1 INDICATES CURVE 1 OF CURVE TABLE
L1 INDICATES LINE 1 OF LINE TABLE
P.I. INDICATES POINT OF INTERSECTION
R/W INDICATES RIGHT-OF-WAY LINE

SEE SHEET 1 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4003

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

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1879.27	02°06'18"	69.04'	69.04'	N 87°12'03" E
C2	2814.79	01°52'49"	92.38'	92.38'	N 89°05'53" E
C3	180.00'	90°00'00"	282.74'	254.56'	N 44°57'49" W
C4	25.00'	90°00'07"	39.27'	35.36'	N 45°02'15" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 04°24'51" E	88.46'
L2	N 01°45'25" W	31.67'
L3	S 89°57'42" E	216.99'
L4	N 89°57'49" W	62.23'
L5	N 00°02'11" E	168.74'

PREPARED 08-03-05
SHEET 2 OF 2

Banks Engineering, Inc.

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(COM-5)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

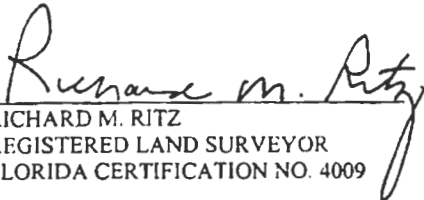
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S.04°24'51"E. ALONG THE WEST LINE OF SAID SECTION 3 FOR 88.46 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT AND THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (STATE ROAD 78) HAVING A RADIUS OF 1879.27 FEET, A CENTRAL ANGLE OF 02°06'18", A CHORD BEARING OF N.87°12'03"E. AND A CHORD LENGTH OF 69.04 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 69.04 FEET; THENCE N.01°45'25"W., ALONG SAID RIGHT-OF-WAY LINE FOR 31.67 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2814.79 FEET, A CENTRAL ANGLE OF 01°52'49", A CHORD BEARING OF N.89°05'53"E. AND A CHORD LENGTH OF 92.38 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 92.38 FEET; THENCE S.89°57'42"E. ALONG SAID RIGHT-OF-WAY LINE FOR 737.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°57'42"E. ALONG SAID RIGHT-OF-WAY LINE FOR 210.79 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 84°38'46" FOR 36.93 FEET; THENCE S.05°18'56"E. FOR 62.53 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 540.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 28°12'50" FOR 265.91 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 470.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°16'30" FOR 2.26 FEET TO A POINT OF COMPOUND CURVE HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 123°17'28" FOR 53.80 FEET; THENCE N.89°57'49"W. FOR 309.32 FEET; THENCE N.00°00'00"E. FOR 373.73 FEET TO THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE WEST LINE OF THE SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.04°24'51"E.

PARCEL CONTAINS 2.33 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 08-03-05


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

S:\Jobs 16xx 1655 SURVEYING DESCRIPTIONS COM-5.doc
S:\Jobs 16xx 1655 SURVEYING DESCRIPTIONS COM-5.dwg



SHEET 1 OF 2



1" = 200'

SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST.
LEE COUNTY, FLORIDA
(COM-5)

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6890
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912

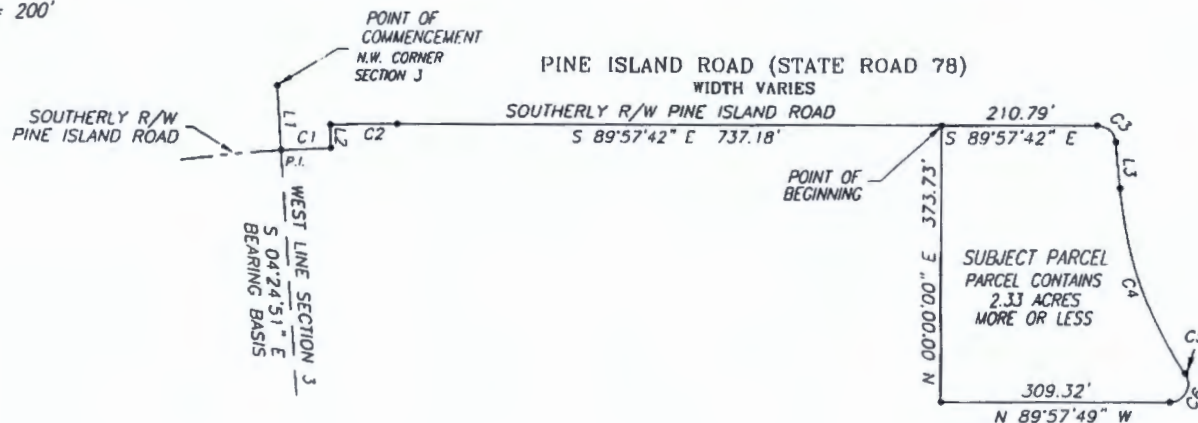


NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE WEST LINE OF SECTION 3, TOWNSHIP 24 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S 04°24'51" E.

LEGEND:

- C1 INDICATES CURVE 1 OF CURVE TABLE
L1 INDICATES LINE 1 OF LINE TABLE
P.I. INDICATES POINT OF INTERSECTION
R/W INDICATES RIGHT-OF-WAY LINE



CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1879.27	02°06'18"	69.04'	69.04'	N 87°12'03" E
C2	2814.79	01°52'49"	92.38'	92.38'	N 89°05'53" E
C3	25.00'	84°38'46"	36.93'	33.67'	S 47°38'19" E
C4	540.00'	28°12'50"	265.91'	263.23'	S 19°25'21" E
C5	470.00'	00°16'30"	2.26'	2.26'	S 33°23'31" E
C6	25.00'	123°17'28"	53.80'	44.00'	S 28°23'27" W

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 04°24'51" E	88.46'
L2	N 01°45'25" W	31.67'
L3	S 05°18'56" E	62.53'

SEE SHEET 1 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

PREPARED 08-03-05
SHEET 2 OF 2

Banks Engineering, Inc.

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(COM-6_MOD)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

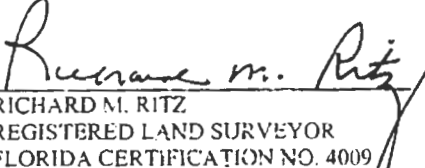
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S.04°24'51"E. ALONG THE WEST LINE OF SAID SECTION 3 FOR 88.46 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT AND THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (STATE ROAD 78) HAVING A RADIUS OF 1879.27 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.03°51'06"W.; THENCE EASTERLY ALONG SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF 02°06'18" FOR 69.04 FEET; THENCE N.01°45'25"W. ALONG SAID SOUTHERLY LINE FOR 31.67 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2814.79 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.01°50'31"W.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°52'49" FOR 92.38 FEET; THENCE S.89°57'42"E. ALONG SAID SOUTHERLY LINE FOR 1098.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°57'42"E. ALONG SAID SOUTHERLY LINE FOR 72.99 FEET; THENCE S.05°18'56"E. ALONG THE WESTERLY BOUNDARY OF MARIANA PARK THIRD ADDITION, A SUBDIVISION AS RECORDED IN PLAT BOOK 12, PAGE 61 LEE COUNTY PUBLIC RECORDS FOR 790.88 FEET; THENCE S.84°41'04"W. FOR 129.05 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.58°58'41"E.; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 31°39'07" FOR 93.91 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 1030.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04°40'52" FOR 84.15 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 470.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 24°17'49" FOR 199.31 FEET TO A POINT OF COMPOUND CURVE HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 69°43'04" FOR 30.42 FEET; THENCE S.89°57'49"E. FOR 81.36 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 530.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.70°16'05"E.; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°46'31" FOR 81.17 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 460.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°11'30" FOR 186.20 FEET; THENCE N.05°18'56"W. FOR 136.09 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 95°21'14" FOR 41.61 FEET TO THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE WEST LINE OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.04°24'51"E.

PARCEL CONTAINS 1.61 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 09-07-05


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009



ST-06b-16x36-55 SURVEYING DESCRIPTIONS COM-6_MOD-10
ST-06b-16x36-55 SURVEYING DESCRIPTIONS COM-6_MOD-10

SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA
(COM-6_MOD)

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS

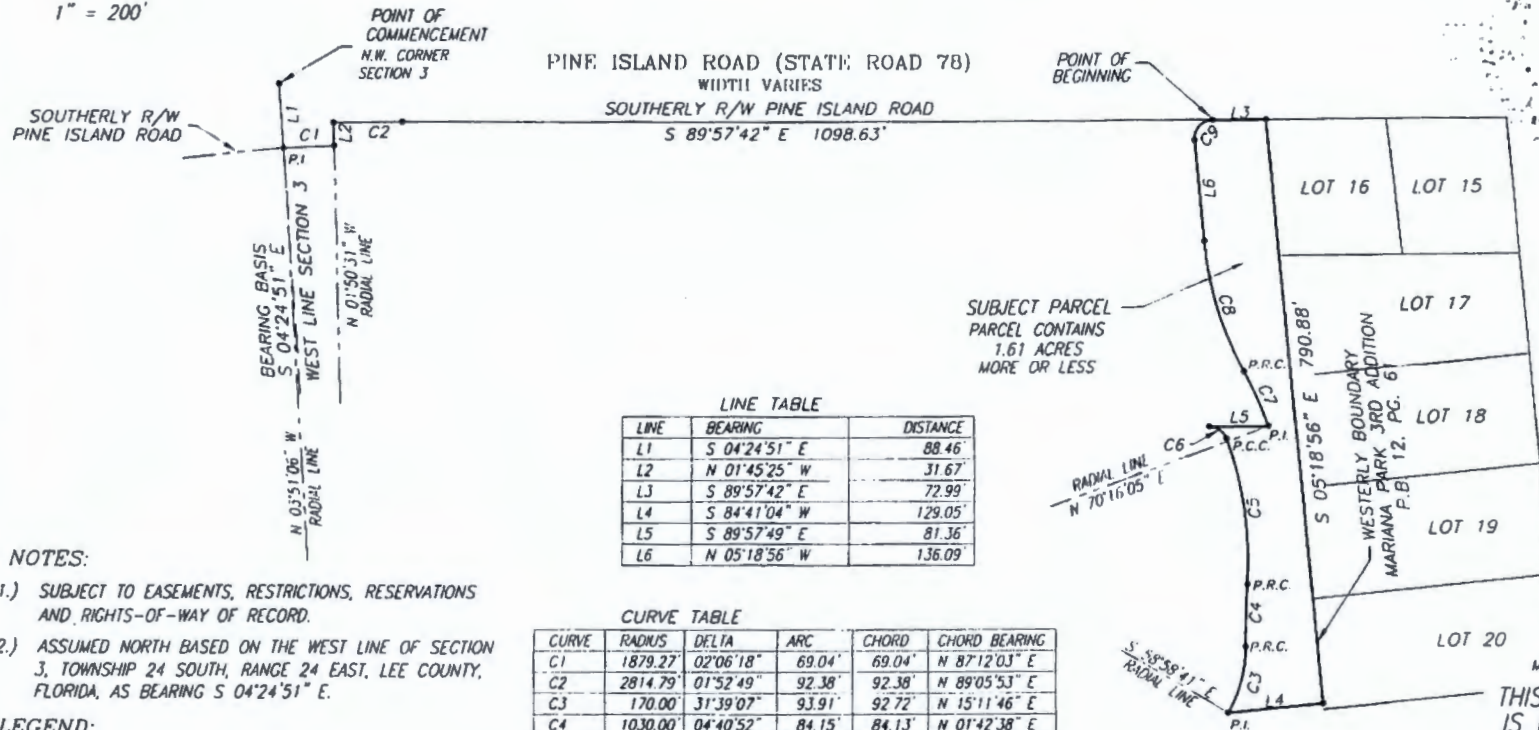
FLORIDA BUSINESS CERTIFICATION NUMBER LR 6890

10511 SIX MILE CIRCLE PARKWAY - SUITE 101

PORT MYERS, FLORIDA 33912
(888) 896-6400



1" = 200'



NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE WEST LINE OF SECTION 3, TOWNSHIP 24 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S 04°24'51" E.

LEGEND:

- C1 INDICATES CURVE 1 OF CURVE TABLE
L1 INDICATES LINE 1 OF LINE TABLE
P.B. INDICATES PLAT BOOK
PG. INDICATES PAGE
P.I. INDICATES POINT OF INTERSECTION
P.R.C. INDICATES POINT OF REVERSE CURVATURE
P.C.C. INDICATES POINT OF COMPOUND CURVATURE
R/W INDICATES RIGHT-OF-WAY LINE

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

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

Banks Engineering, Inc.

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(COM-7 MOD)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

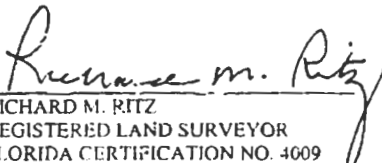
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ASSUMED NORTH BASED ON THE WEST LINE OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.04°24'51"E.

PARCEL CONTAINS 1.70 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 09-07-05


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

S:\Jobs\10511 Six Mile Cypress Pkwy\10511 DESCRIPTIONS\COM-7 MOD.dwg
S:\Jobs\10511 Six Mile Cypress Pkwy\10511 DESCRIPTIONS\COM-7 MOD.dwg





1" = 200'

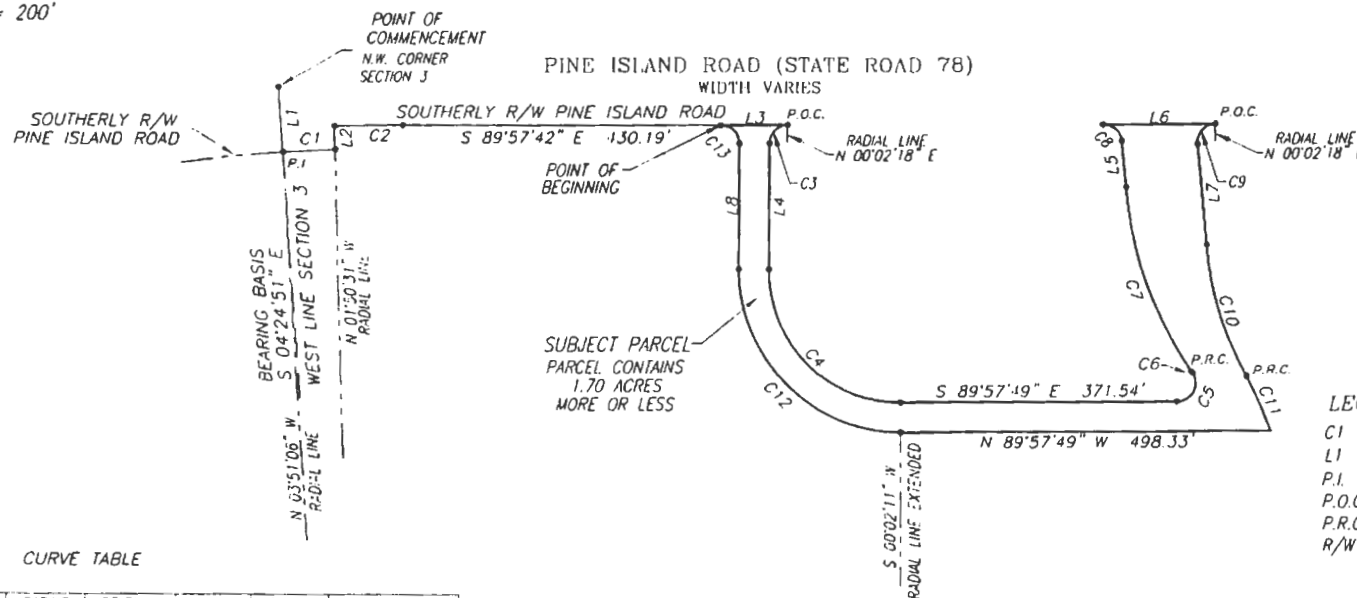
SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST.
LEE COUNTY, FLORIDA
(COM-7_MOD)

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6890
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(231) 939-5420



CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1879.27	02°06'18"	69.04'	69.04'	N 87°12'03" E
C2	2814.79	01°52'49"	92.38'	92.38'	N 89°05'53" E
C3	25.00	90°00'07"	39.27'	35.36'	S 45°02'15" W
C4	180.00	90°00'00"	282.74'	254.56'	S 44°57'49" E
C5	25.00	123°17'28"	53.80'	44.00'	N 28°23'27" E
C6	470.00	00°16'30"	2.26'	2.26'	N 33°23'31" W
C7	540.00	28°12'50"	265.91'	263.23'	N 19°25'21" W
C8	25.00	84°38'46"	36.93'	33.67'	N 47°38'19" W
C9	25.00	95°21'14"	41.61'	36.97'	S 42°21'41" W
C10	460.00	23°11'30"	186.20'	184.93'	S 16°54'41" E
C11	530.00	08°46'31"	81.17'	81.09'	S 24°07'11" E
C12	220.00	90°00'00"	345.58'	311.13'	N 44°57'49" W
C13	25.00	89°59'53"	39.27'	35.35'	N 44°57'45" W

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 04°24'51" E	88.46'
L2	N 01°45'25" W	31.67'
L3	S 89°57'42" E	90.00'
L4	S 00°02'11" W	168.74'
L5	N 05°18'56" W	62.53'
L6	S 89°57'42" E	150.66'
L7	S 05°18'56" E	136.09'
L8	N 00°02'11" E	168.74'

NOTES:

- SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- ASSUMED NORTH BASED ON THE WEST LINE OF SECTION 3, TOWNSHIP 24 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S 04°24'51" E.

LEGEND:

- C1 INDICATES CURVE 1 OF CURVE TABLE
- L1 INDICATES LINE 1 OF LINE TABLE
- P.I. INDICATES POINT OF INTERSECTION
- P.O.C. INDICATES POINT OF CUSP
- P.R.C. INDICATES POINT OF REVERSE CURVATURE
- R/W INDICATES RIGHT-OF-WAY LINE

SEE SHEET 1 FOR COMPLETE METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

PREPARED 09-07-05
SHEET 2 OF 2



City of Cape Coral

INSTR # 2006000282835, Pages 4
Doc Type GOV, Recorded 07/18/2006 at 11:06 AM.
Charlie Green, Lee County Clerk of Circuit Court
Rec. Fee \$35.50
Deputy Clerk LWHEAT
#1

July 17, 2006

Clerk of Courts
Recording Department
1039 SE 9th Place
Cape Coral, FL 33990

Re: City of Cape Coral, FL
Ordinance 132-05 Amendment Pages

Enclosed, please find (3) pages (4 including this letter) to be recorded as an amendment to Ordinance 132-05 which has been previously recorded via Instrument Number 2005000179072 on 12/20/2005 @ 3:16pm. Please record accordingly. If you have any questions, let me know.

CITY OF CAPE CORAL

Lynne Jennings
Lynne Jennings
Research Specialist
City Clerk's Office

STATE OF FLORIDA
COUNTY OF LEE

Sworn to and subscribed before me this 17th day of July 2006, by Lynne Jennings
who is personally known to me or who has produced _____ as identification.

By: *Kelley Fernandez*
Notary Signature

Kelley Fernandez
Notary Printed Name

Prepared by: Lynne Jennings

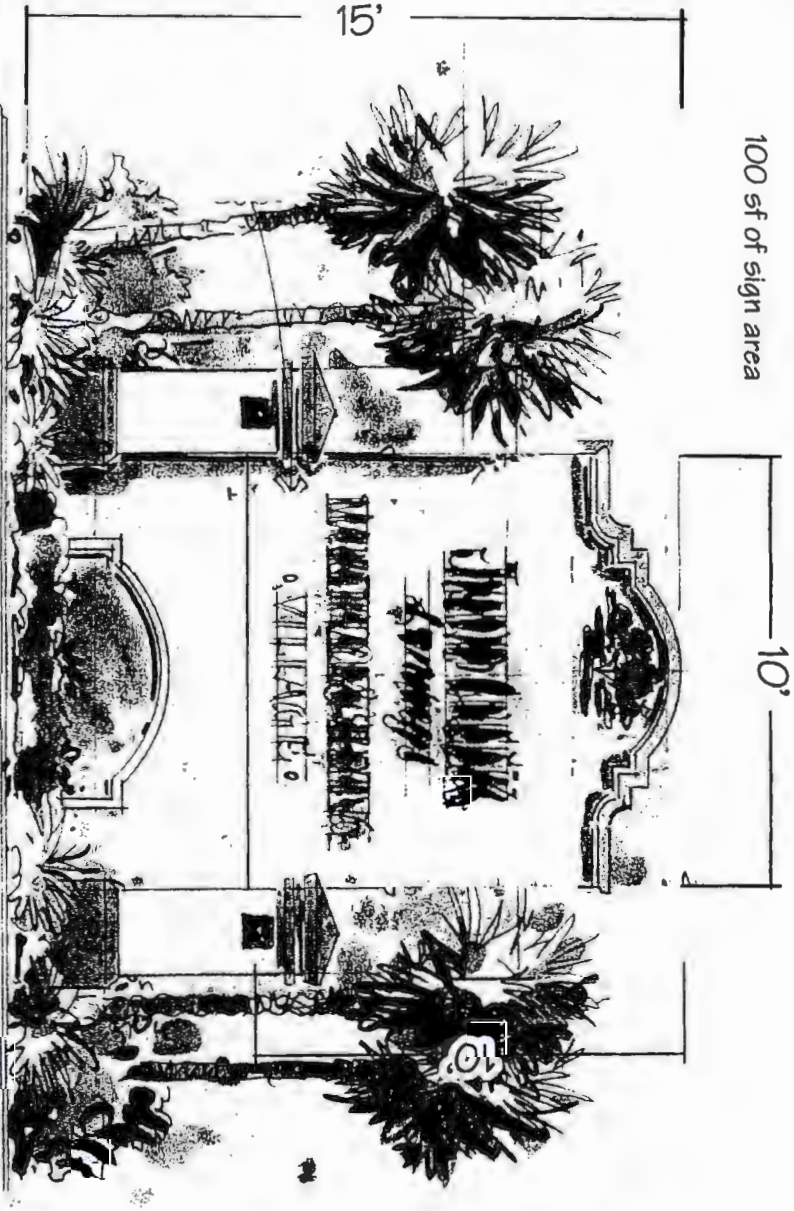
NOTARY PUBLIC-STATE OF FLORIDA
Kelley Fernandez
Commission # DD493040
Expires: NOV. 21, 2009
Bonded Thru Atlantic Bonding Co., Inc.

C2

100 sf of sign area

10'

15'



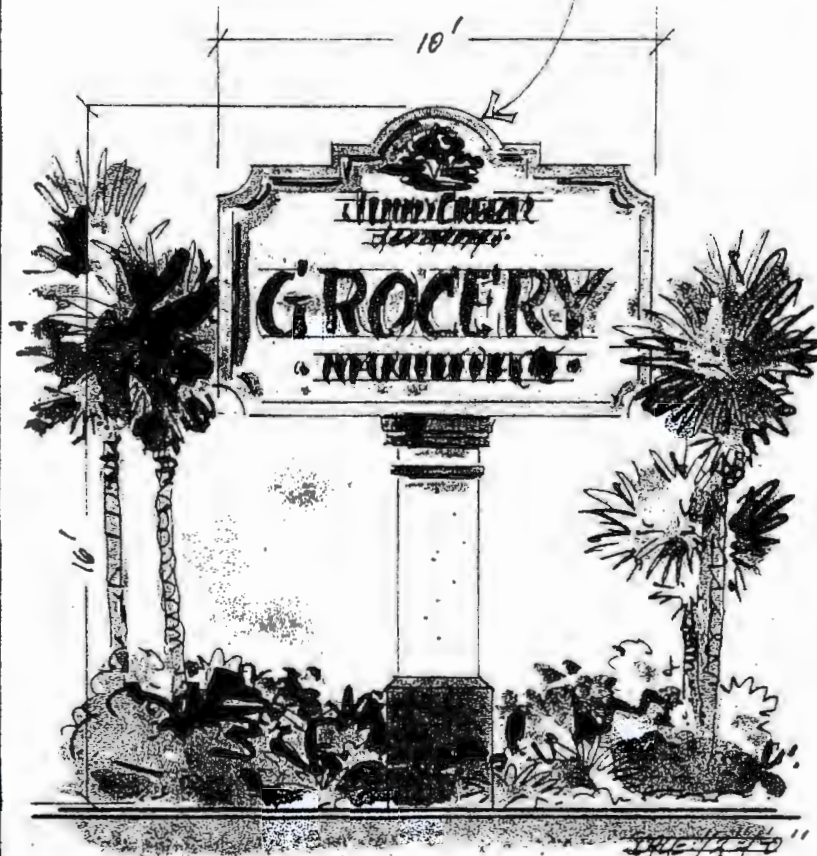
"TROPICAL-Commercial"-FREESTANDING ENTRY MONUMENT
DADA CREEL HANDWRITING-PRELIMINARY CONCEPT

EXHIBIT "D"



C3

85 sf of sign area



TYPICAL-FREESTANDING POLE
SIGN-COMMERCIAL

JIMMY CREEK SIGNAGE / PRELIMINARY

COUNCIL MEMBER DONNELL

PDP 11-0010

09/10/12

09/18/12

09/26/12

10/02/12

10/11/12

INSTR # 2012000259032, Pages 49
Doc Type NOT, Recorded 11/27/2012 at 04:32 PM,
Charlie Green, Lee County Clerk of Circuit Court
Rec. Fee \$418.00
Deputy Clerk SPINNACE
#1

ORDINANCE 31 - 12

AN ORDINANCE AMENDING ORDINANCE 132-05 WHICH APPROVED A PLANNED DEVELOPMENT PROJECT IN THE CITY OF CAPE CORAL, FLORIDA ENTITLED "JUDD CREEK" THAT ESTABLISHED THE JUDD CREEK PRESERVE SUBDIVISION, ON PROPERTY DESCRIBED AS A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 3 & 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, TOGETHER WITH LOT 22, LOT 27, AND LOT 33A, MARIANA PARK THIRD ADDITION, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT THE SOUTHEAST CORNER OF NE PINE ISLAND ROAD AND BARRETT ROAD; GRANTING REPLAT OF TRACTS 1, 6, AND 7; GRANTING A SPECIAL EXCEPTION TO ALLOW AN AUTOMOTIVE SERVICE STATION - LIMITED WITH CONVENIENCE STORE USE ON TRACT 4 IN A CORRIDOR ZONE; GRANTING A DEVIATION TO ALLOW TRACTS 1A, 1B, 2A, 2B, 3A, AND 3B TO HAVE NO EASEMENT ALONG THE REAR LOT LINES; GRANTING A DEVIATION FROM THE FENCE HEIGHT REQUIREMENT TO ALLOW A WALL WITH A HEIGHT OF 10 FEET ON THE EASTERN SIDE OF TRACT 6; GRANTING A DEVIATION TO ALLOW A WALL WITH A 10 FOOT FRONT SETBACK ON TRACT 6; GRANTING A DEVIATION FROM THE NUMBER OF CANOPY TREES REQUIRED TO ALLOW A MASTER STORMWATER POND LOCATED ON TRACTS 1A AND 1B WITH NO TREES; GRANTING A DEVIATION TO ALLOW PALM TREES RATHER THAN CANOPY TREES TO BE PLANTED ADJACENT TO PINE ISLAND ROAD; GRANTING DEVIATIONS FROM THE NUMBER OF SIGNS, SIGN AREA AND SQUARE FOOTAGE ALLOWED, AND SPACING REQUIREMENTS FOR FREESTANDING SIGNS; GRANTING A DEVIATION FROM THE REQUIREMENT THAT THE FINAL DEVELOPMENT PLAN AND SUBDIVISION PLAT BE RECORDED PRIOR TO THE ISSUANCE OF ANY PERMITS TO ALLOW BUILDING PERMITS TO BE ISSUED PRIOR TO THE RECORDING OF THE SUBDIVISION PLAT; GRANTING A DEVIATION FROM THE CITY OF CAPE CORAL ENGINEERING AND DESIGN STANDARDS, SHEET G-5, TO ALLOW A LOCAL ROAD TO DEVELOP WITH SIDEWALKS ON THE WESTERN SIDE OF THE ROAD ONLY; GRANTING SITE PLAN APPROVAL FOR PURPOSES OF DEVELOPMENT PLAN APPROVAL PURSUANT TO SECTION 4.2 OF THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR ACTION ON REQUEST AND CONDITIONS OF APPROVAL; PROVIDING FOR LEGAL EFFECT AND LIMITATIONS OF THIS PDP DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the "Judd Creek" Planned Development Project was approved by Ordinance 132-05 on October 17, 2005; and

WHEREAS, an application from Realmark Judd Creek, LLC has been received requesting amendment of a portion of the Judd Creek Planned Development Project (PDP), requesting replat, a special exception, deviations, and site plan approval; and

WHEREAS, the request has been reviewed by the Cape Coral Planning and Zoning Commission/Local Planning Agency; and

WHEREAS, the City Council has considered the recommendations of the Planning and Zoning Commission/Local Planning Agency.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

SECTION I. PDP AMENDMENT, REPLAT, SPECIAL EXCEPTION, DEVIATIONS, AND SITE PLAN APPROVAL.

Having reviewed the application requesting approval of a Planned Development Project for "Judd Creek" PDP, requesting replat of Tracts 1, 6, and 7, requesting a special exception to allow an automotive service station - limited with convenience store use on Tract 4 in a Corridor zone; requesting a deviation from the requirement of 15 foot easements centered along rear lot lines pursuant to Section 4.2.5.I.11.d(2) of the City of Cape Coral Land Use and Development Regulations to allow Tracts 1A, 1B, 2A, 2B, 3A, and 3B to have no easements along their rear lot lines; requesting a deviation of two feet from the maximum fence height of eight feet pursuant to Section 3.9.2.B.1.a of the Land Use and Development Regulations to allow a wall with a height of 10 feet on the eastern side of Tract 6; requesting a deviation of 15 feet from the minimum front setback of 25 feet pursuant to Section 3.9.2.B.1.b to allow a wall with a setback of 10 feet on Tract 6; requesting a deviation from the requirement that sites have at least one canopy tree for each 1,000 square feet of gross land area pursuant to Section 5.2.13.A.1 to allow a master stormwater pond located on Tracts 1A and 1B with no trees; requesting a deviation from the requirement that canopy trees be installed within landscaped areas located adjacent to roads pursuant to Section 5.2.13.C.2.b(2)(a) to allow palm trees to be planted along Pine Island Road; requesting the following deviations for freestanding signs pursuant to Article VII: Signs: a deviation of 2 signs from the allowed maximum of two signs per site pursuant to Section 7.10.2.B(2) of the LUDR's to allow four freestanding monument signs, with one being on Tract 8, one on Tract 1A, and two on Tract 4 with one of those being for gas pricing; a deviation of 100 feet from the requirement that on sites with 500' or more abutting a single street signs be no less than 300 feet apart pursuant to Section 7.10.2.B(2) of the LUDR's to allow two monument signs located on Tract 4 to be spaced 200 feet apart; a deviation of 147.9 square feet from the requirement that signage for gasoline pricing be allowed an additional 24 square feet of signage from the 174 sq. feet allowed pursuant to Section 7.13.5 of the LUDR's to allow a gasoline pricing sign located along Pine Island Road in Tract 4 to have a sign area of 321.9 square feet; a deviation of 101 square feet from the requirement that an additional sign for gas pricing permitted on the second platted street when the site is located at the intersection of two platted streets be no more than 24 square feet pursuant to Section 7.13.5 of the LUDR's to allow the second gasoline pricing sign located along Judd Creek Boulevard to be a total of 125 square feet in size; and a deviation of 453.9 square feet from the maximum sign area of 300 feet allowed pursuant to Section 7.10.2.B.(2) of the LUDR's to allow a total sign area of 753.9 square feet; requesting a deviation from the requirement that the final development plan and subdivision plat be recorded prior to the issuance of any permits pursuant to Section 4.2.5.H.2 of the Land Use and Development Regulations to allow building permits to be issued but not certificates of occupancy prior to recording the subdivision plat; requesting a deviation from the City of Cape Coral Engineering and Design Standards, Sheet G-5, to allow a local road to develop with sidewalks on the western side of the road only; and having considered the recommendations of the Planning and Zoning Commission and the Local Planning Agency, the City Council of the City of Cape Coral, Florida, does hereby grant the aforesaid PDP, and approve development plan including site plan, in accordance with plan set, Sheets 1, N1, D1, P1, P1.1, P1.2, P2, P2.1, P3, P3.1, P4, P5, P5.1, SD1-SD9, B1, and EX-1 dated August 24, 2011, and also bearing a revision date of May 25, 2012, and Sheets L-1.0, L-1.1, L-1.2, L-1.3, L-2.1, L-2.2 and L-2.3 dated June 24, 2010 and also bearing a revision date of June 4, 2012 prepared by Hamilton Engineering and Surveying, Inc., Untitled "lighting plan" (Project Name: Racetrack#944 Cape Coral FL) dated January 25, 2012 prepared by CRFIE, Sheet A300 labeled "Exterior Elevations" dated February 20, 2012, prepared by Interplan, Sheet 1, labeled "PDP Plan", dated October 28, 2010 and also bearing a revision date of October 25, 2011 prepared by Banks Engineering, Sheet 1, labeled "Subdivision Plan", dated October 28, 2010 and also bearing a revision date of October 25, 2011 prepared by Banks Engineering, Sheet 1, labeled "Phasing Plan", dated October 29, 2010 and also bearing a revision date of October 25, 2011 prepared by Banks Engineering, and Sheet 1, labeled "Judd Creek Corridor Tract 4 Special Exception", dated October 25, 2011, prepared by Banks Engineering, for purposes of development plan approval pursuant to Section 4.2 of the City of Cape Coral Land Use and Development Regulations; approving replat, special exception, deviations, and site plan, from the date of adoption of this ordinance. Approval of the PDP shall be subject to the terms and conditions set forth below.

SECTION II. FINDING OF FACT/CONCLUSION OF LAW

- A. The "Judd Creek" development is a residential and commercial Planned Development Project (PDP). This development consists of 192 acres of land located at the southeast corner of NE Pine Island Road and Barrett Road. The proposed development will contain approximately 117.05 acres of Residential Multi-Family uses, 25.05 acres of retail and/or

nonresidential uses, and 50.54 acres of Natural Resources/Preservation area. At build-out the Judd Creek Development shall contain not more than 1,100 multi-family residential units and 200,000 square feet of retail and/or nonresidential uses.

Tracts 1-7 as approved by Ordinance 132-05 and subsequently platted as Tracts 1, 6, and 7 will be replatted and renamed by this amendment as Tracts 1A, 1B, 2A, 2B, 3A, 3B, 4, 6, 7, 7A, and 7B pursuant to the Preliminary Subdivision Plan, attached hereto as Exhibit A. Tract 5, approved by Ordinance 132-05, has been eliminated by this amendment with this land area being largely incorporated into Tract 4. Tracts 8-12 remain as approved by Ordinance 132-05. This amendment also approves a 5,928 square foot automotive service station limited with convenience store with a maximum of 10 gas pumps located on Tract 4 along with a master stormwater pond located on Tracts 1A and 1B. Alternatively, the project may also be developed with the convenience store only or with the convenience store and any number of gas pumps numbering 10 or fewer. For the purposes of this development order a gas pump shall be considered a single structure that contains two fueling stations that can be utilized to dispense fuel to two motor vehicles at the same time. The Judd Creek Development will have a build out period of 10 years from the date of the adoption of this ordinance.

B. Adjustment to the Phasing Scheduling

This PDP amends Phases 1, 2, and 3 as described below. Phases 4, 5, and 6 remain unchanged by this PDP amendment.

1. Phase 1 shall include:

- a. installation of a water master meter approximately 350 feet west of the centerline of Road A, as more particularly described and provided for in the Interlocal Agreement between the City and Lee County dated January 27, 2004 and amended January 25, 2005;
- b. extension of a water main from Lee County potable water main to the aforesaid master meter, as provided in the aforesaid Interlocal Agreement between the City and Lee County;
- c. the extension of the water main from the master meter east along NE Pine Island Road to Road A, then south along Road A to the northern boundary of Tract 11;
- d. the extension of a wastewater force main from the City of Cape Coral interconnect with North Fort Myers Utility, Inc., as provided in the Agreement between the City and North Fort Myers Utility, Inc., dated December 15, 2003 and amended June 7, 2004, west along NE Pine Island Road to Tract 1A;
- e. installation of a wastewater master pump station located on Tract 1A as shown on the Illustrative Master Utility Plan; and

2. Phase 2 shall include:

- a. the extension of a water main from the master meter, west along NE Pine Island Road to Barrett Road along with the installation of a service line to Tract 8; and
- b. the extension of the wastewater force main from Road A west along NE Pine Island Road to Barrett Road.

3. Phase 3 shall include:

- a. Construction of the road associated with Tract 7A;
- b. extension of the water main installed in Phase 1, on NE Pine Island Road south along the road associated with Tract 7A until it connects to the water

- main installed on Road A, along with service lines for Tracts 1A, 1B, 2A, 2B, 3A, 3B, and 4;
- c. the extension of gravity sewer from the master pump station installed in Phase 1 along Road A to Tract 1A, along with service lines for Tract 1A;
 - d. site preparation and construction for Tract 4; and.
 - e. site preparation and construction for Tracts 1A, 1B, 2A, 2B, 3A, and 3B.
- 4. Phase 4 shall include site preparation and construction on Tract 11.
 - 5. Phase 5 shall include site preparation and construction for Tract 8.
 - 6. Phase 6 shall include site preparation and construction for Tract 12.
- C. The name of the legal and equitable owner is Realmark Judd Creek, LLC.
- D. The legal description of the property subject to the extant "Judd Creek" PDP and described as subsequently platted is as follows:
- Judd Creek Preserve, a subdivision lying in Sections 03 and 04, Township 44 South, Range 24 East, Lee County Florida, and being a replat of Lots 27 and 33A of Mariana Park 3rd Addition, Plat Book 12, Page 61, City of Cape Coral, Lee County, Florida, as recorded in Instrument Number 2007000113064, of the Public Records of Lee County, Florida.
- E. The legal description of the portion of the property for which the Planned Development Project is being amended is described as follows:
- Being a replat of Tracts 1, 6, and 7, Judd Creek Preserve, Sections 3 and 4, Township 44 South, Range 24 East, as recorded in Instrument Number 2007000113064, of the Public Records of Lee County, Florida.
- F. The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- G. The "Judd Creek" PDP, as noted, is consistent with the adopted City of Cape Coral Comprehensive Plan, and the City of Cape Coral Land Use and Development Regulations.
- H. The term Developer for purposes of this development order shall mean and refer to Realmark Judd Creek, LLC, its successors in interest, lessees, and/or assigns.

SECTION III. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, be it ordained by the City Council of Cape Coral, Florida, in public meeting duly advertised, constituted and assembled, that the Planned Development Project application for development approval submitted by Realmark Judd Creek, LLC, is hereby ordained approved, subject to the following conditions, restrictions, and limitations deemed necessary for the public health, safety, and welfare.

A. WASTEWATER MANAGEMENT

- 1. No Temporary Certificate of Occupancy or Certificate of Occupancy shall be issued for any building on any tract within the development until the Phase 1 wastewater facilities have been conveyed to and accepted by the City.
- 2. No Temporary Certificate of Occupancy or Certificate of Occupancy shall be issued for any building on any tract located within Phase 5 until the Phase 2 wastewater facilities have been conveyed to and accepted by the City.
- 3. No Certificate of Occupancy or Temporary Certificate of Occupancy shall be issued for any building on any tract located within Phase 3 until Phase 3 wastewater facilities have been conveyed and accepted by the City of Cape Coral.

4. A Bill of Sale, in a form acceptable to the City Attorney, a Certificate of Contributory Assets, sealed by engineer of record, and a Release of Lien by General Contractor are required along with warranties, test results, as-builts, and any other conveyance documents required by City. If for any reason a tract cannot be served by the wastewater facilities located within the Judd Creek development, then no development shall occur on that tract until wastewater is available for that tract.
5. Developer understands and acknowledges that wastewater services being provided by the City pursuant to the agreements dated December 15, 2003, and amended June 7, 2004 between the City and North Fort Myers Utility, Inc. (Florida Governmental Utility Authority's predecessor in interest). Developer is responsible and shall be required to pay any costs incurred by the City pursuant to those agreements that are related to the provision of wastewater service to the development.
6. The Developer shall design, construct and install all improvements required by the City to connect to the City's interconnect with Florida Governmental Utility Authority and successors and assigns. Said design, construction, and installation shall be accomplished in accordance with prevailing City design criteria and shall be subject to City inspection and approval prior to acceptance by the City. The Developer shall design, construct and install all future improvements within the Judd Creek Development required by the City to connect to the City's wastewater system.
7. The Developer shall be insured against all losses and injury caused by the construction and installation of the facilities within the City's rights-of-way. The Developer shall indemnify or hold harmless the City and its officers and employees from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of Developer and person employed or utilized by Developers.
8. During and after the construction of the facilities, the Developer shall (i) reimburse the City for all damages to property owned or under the control of or use by the City cause by said installation or construction and (ii) reimburse every owner of property abutting the location of any installed systems for any physical injury or loss caused by said installation or construction activities. Developer shall re-sod all swales damaged by the construction and all physical damage which shall be done to any of the aforementioned property, either abutting or above the line through any act or omission by the Developer or any contractor, subcontractor, or person in the course of any employment in the construction of the facilities.
9. The Developer shall ensure that proper compaction of all trenches in driveways and roads are to a minimum of ninety-eight percent (98%) density and swales and rights-of way are to a minimum of ninety-five percent (95%) density to assure stabilization of all replacement swales and driveway aprons.
10. The Contractor(s) constructing the improvements must be State Certified or hold a valid Certificate of Competency in underground utility construction.
11. During all phases of the construction and installation of the improvements, the City of Cape Coral may inspect all facilities installed, including televising the wastewater lines. All constructed facilities determined not to be in compliance with City practices, regulations, or ordinances shall be corrected by the Developer at its expense. At its discretion, the City may be present at all tests of component parts of the system installed by the Developer to determine that the system, as constructed, conforms to the City's criteria. No site plan shall be approved and no utilities shall be installed until the Developer has paid to the City an estimated inspection fee for such utility installation. Such estimated inspection fee shall be four percent (4%) of the estimated construction cost of the utilities to be installed by Developer from the date of adoption of this development order, and conveyed to the City as agreed upon by the City and Developer. Prior to acceptance by the City of the utilities installed by the Developer, the City and the Developer shall agree upon the final actual construction cost for such utilities. If the estimated inspection fee previously paid by the Developer is less than four percent (4%) of such final actual utility construction cost, then the Developer shall pay the difference to the City prior to acceptance of the utilities by the City. If the estimated inspection fee previously paid by the

Developer exceeds four percent (4%) of such final actual utility construction cost, then the City shall refund the difference to the Developer.

12. The point of delivery of service with respect to sanitary sewer service shall be the point of connection between the City's line and the service constructed by the property owner at the inflow end of the wastewater service for that building, which is generally located at the property line. Any facilities in the category of "user's lines" located on a property owner's side of the point of delivery of service shall not be transferred to the City and shall remain the property of the Developer. Such user's lines shall remain the maintenance responsibility of the property owners. The City reserves the right to inspect all such connections to be assured that the same are properly made in accordance with the City's rules governing such connections and that the connections, as made, are free from infiltration or inflow. Any plumber's connection covered over without the benefit of inspection by City may result in the Developer being required to reopen the connection for subsequent inspection without cost to the City. The City reserves the right to refuse connection to and the commencement of any service to any user seeking to be connected to any portion of the facilities installed by the Developer until all of the terms and conditions of the improvements have been met by the Developer in accordance with this Development Order.
13. Prior to connection to the City's wastewater facilities, the Developer shall convey to the City the component parts of the wastewater system that were constructed by the Developer in accordance with Section 19-65 of the City of Cape Coral Code of Ordinances. The component parts of the wastewater system include the pump station, the gravity line located along Road A, and the force main from the pump station to the North Fort Myers interconnect. The Developer's Engineer shall provide a Certificate of Contributory Assets.
14. Wastewater containing hazardous materials shall be segregated and handled in accordance with Florida Department of Environmental Protection (DEP) criteria. Wastewater entering the City system shall meet quality limitations as specified by City Ordinance(s).
15. Utility Capital Expansion fees, Contribution in Aid of Construction (CIAC) fees, and/or all other applicable fees shall be paid as specified by City Ordinance. This Order grants Developer a credit for the acquisition costs associated with acquiring the wastewater utilities from Florida Governmental Utility Authority, formerly known as North Fort Myers Utilities, toward its Contribution in Aid of Construction to the extent any such Contribution in Aid of Construction would be charged. Contribution in Aid of Construction fees are not due until City services are available.
16. The Developer shall connect to City wastewater facilities as specified by City Ordinance. The City reserves the right to inspect all such connections as described in Sections 19-12 and 19-63 of the City of Cape Coral Code of Ordinances.
17. The Developer shall grant appropriate easements to City for utility service prior to conveyance of the wastewater facilities to the City. Prior to connection of this development to City utility facilities, the Developer shall convey to the City the component parts of the wastewater system that were constructed by Developer by bill of sale in a form satisfactory to the City Attorney, together with such other evidence as may be required by the City that the utility system proposed to be transferred to the City is free of all liens and encumbrances.
18. The on-going maintenance, repair and reimbursement obligations for the on-site infrastructure may be conveyed by the Developer to an association formed for the Site, upon which assignment Developer will be relieved of and from such obligations. The responsibility of such association for such on-going maintenance and reimbursement obligations shall be set forth in the declaration of covenants and restrictions and shall be recorded prior to the conveyance of any parcel within the Site.

B. WATER SERVICE

1. No Temporary Certificate of Occupancy or Certificate of Occupancy shall be issued for any building on any tract within the development until the Phase 1 water facilities have been conveyed to and accepted by the City.
2. No Temporary Certificate of Occupancy or Certificate of Occupancy shall be issued for any building on any tract located within Phase 5 until the Phase 2 water facilities have been conveyed to and accepted by the City.
3. No Certificate of Occupancy or Temporary Certificate of Occupancy shall be issued for any building on any tract located within Phase 3 or until Phase 3 water facilities have been conveyed and accepted by the City of Cape Coral.
4. A Bill of Sale, in a form acceptable to the City Attorney, a Certificate of Contributory Assets, sealed by engineer of record, and a Release of Lien by General Contractor are required along with warranties, test results, as-builts, and any other conveyance documents required by City. If for any reason a tract cannot be served by the water facilities located within the Judd Creek development, then no development shall occur on that tract until water is available for that tract.
5. Developer understands and acknowledges that water services being provided by the City pursuant to the Interlocal Agreement dated January 27, 2004, and amended January 25, 2005 between the City and Lee County. Developer is responsible and shall be required to pay any costs incurred by the City pursuant to those agreements that are related to the provision of water service to the development.
6. The Developer shall design, construct and install all improvements required by the City to connect to the City's interconnect with Lee County. Said design, construction, and installation shall be accomplished in accordance with prevailing City design criteria and shall be subject to City inspection and approval prior to acceptance by the City. The Developer shall design, construct and install all future water improvements within the Judd Creek Preserve Development required by the City to connect to the City's potable water system.
7. The Developer shall be insured against all losses and injury caused by the construction and installation of the facilities. The Developer shall indemnify or hold harmless the City and its officers and employees from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of Developer and person employed or utilized by Developers.
8. During and after the construction of the facilities, the Developer shall (i) reimburse the City for all damages to property owned or under the control of or use by the City cause by said installation or construction and (ii) reimburse every owner of property abutting the location of any installed systems for any physical injury or loss caused by said installation or construction activities. Developer shall re-sod all swales damaged by the construction and all physical damage which shall be done to any of the aforementioned property, either abutting or above the line through any act or omission by the Developer or any contractor, subcontractor, or person in the course of any employment in the construction of the facilities.
9. The Developer shall ensure that proper compaction of all trenches in driveways and roads are to a minimum of ninety-eight percent (98%) density and swales and rights-of way are to a minimum of ninety-five percent (95%) density to assure stabilization of all replacement swales and driveway aprons.
10. The Contractor(s) constructing the improvements must be State Certified or hold a valid Certificate of Competency in underground utility construction.
11. During all phases of the construction and installation of the improvements, the City of Cape Coral may inspect all facilities installed, including televising the wastewater lines. All constructed facilities determined not to be in compliance with City practices, regulations, or ordinances shall be corrected by the Developer at its

expense. At its discretion, the City may be present at all tests of component parts of the system installed by the Developer to determine that the system, as constructed, conforms to the City's criteria. No site plan shall be approved and no utilities shall be installed until the Developer has paid to the City an estimated inspection fee for such utility installation. Such estimated inspection fee shall be four percent (4%) of the estimated construction cost of the utilities to be installed by Developer from the date of adoption of this development order, and conveyed to the City as agreed upon by the City and Developer. Prior to acceptance by the City of the utilities installed by the Developer, the City and the Developer shall agree upon the final actual construction cost for such utilities. If the estimated inspection fee previously paid by the Developer is less than four percent (4%) of such final actual utility construction cost, then the Developer shall pay the difference to the City prior to acceptance of the utilities by the City. If the estimated inspection fee previously paid by the Developer exceeds four percent (4%) of such final actual utility construction cost, then the City shall refund the difference to the Developer.

12. The point of delivery of service with respect to water service shall be up to and including the meter. Any facilities in the category of "user's lines" located on a property owner's side of the point of delivery of service shall not be transferred to the City and shall remain the property of the Developer. Such user's lines shall remain the maintenance responsibility of the property owners. The City reserves the right to inspect all such connections to be assured that the same are properly made in accordance with the City's rules governing such connections and that the connections, as made, are free from infiltration or inflow. Any plumber's connection covered over without the benefit of inspection by City may result in the Developer being required to reopen the connection for subsequent inspection without cost to the City. The City reserves the right to refuse connection to and the commencement of any service to any user seeking to be connected to any portion of the facilities installed by the Developer until all of the terms and conditions of the improvements have been met by the Developer in accordance with this Development Order.
13. Prior to connection to the City's water facilities, the Developer shall convey to the City the component parts of the water system that were constructed by the Developer in accordance with Section 19-65 of the City of Cape Coral Code of Ordinances. The component parts of the water system include the off-site water line. The water line is located along Pine Island Road from the Lee County master meter extending westward to the far side of the property near Barrett Road. The Developer's Engineer shall provide a Certificate of Contributory Assets.
14. Utility Capital Expansion fees, Contributions in Aid of Construction (CIAC) fees, and/or all other applicable fees shall be paid as specified by City Ordinance. Utility Capital Expansion Fees shall be paid in advance upon approval of the project by the City. This Order grants Developer a credit for the acquisition costs associated with acquiring the water utilities from Florida Governmental Utility Authority, formerly known as North Fort Myers Utilities, toward its Contribution in Aid of Construction to the extent any such Contribution in Aid of Construction would be charged. Contribution in Aid of Construction fees are not due until City services are available.
15. The Developer shall connect to City water facilities as specified by City Ordinance. The City reserves the right to inspect all such connections as described in Sections 19-12 and 19-63 of the City of Cape Coral Code of Ordinances.
16. The Developer shall grant appropriate easements to City for utility service prior to conveyance of the water facilities to the City. Prior to connection of this development to City utility facilities, the Developer shall convey to the City the component parts of the water system that were constructed by Developer by bill of sale in a form satisfactory to the City Attorney, together with such other evidence as may be required by the City that the utility system proposed to be transferred to the City is free of all liens and encumbrances.
17. The on-going maintenance, repair and reimbursement obligations for the on-site infrastructure may be conveyed by the Developer to an association formed for the Site, upon which assignment Developer will be relieved of and from such obligations. The responsibility of such association for such on-going maintenance

and reimbursement obligations shall be set forth in the declaration of covenants and restrictions and shall be recorded prior to the conveyance of any parcel within the Site.

18. City shall own all fire hydrants placed in public utility easements. Developer shall own all on-site fire hydrants, if any, not placed in public utilities easements and shall accept all responsibility for the testing and maintenance of same.

C. IRRIGATION SERVICE

1. Irrigation service is not available to the development. Developer shall provide for irrigation to the development and shall indicate the source of such irrigation on the Site Plans for Phase 3, Phase 4, Phase 5, and Phase 6.
2. In no event shall potable water be used for irrigation due to the capacity limits set by Lee County. No site plan approval and no development shall occur in Phases 3, 4, 5, and 6 until the City has approved a plan for irrigation of such phases.

D. SUBDIVISION

1. Tracts 1-7 as specified in Ordinance 132-05 and platted as Tracts 1, 6, and 7 will be replatted and renamed by this amendment as Tracts 1A, 1B, 2A, 2B, 3A, 3B, 4, 6, 7, 7A, and 7B. Tract 5, approved by Ordinance 132-05, has been eliminated by this amendment with this land area being largely incorporated into Tract 4. Tracts 8-12 as approved by Ordinance 132-05 remain unchanged by this PDP amendment.
2. The Developer shall meet all requirements of Section 4.2.11., Minimum Design Standards, City of Cape Coral Land Use and Development Regulations.
3. So long as all requirements of this development order and the City of Cape Coral Land Use and Development Regulations are satisfied, the subject development may be platted in one subdivision plat or parts of the development may be platted in individual subdivision plats in accordance with the subdivision plan. Prior to any final Subdivision Plat approval, the Site Plan for wastewater and water infrastructure for Phase 1 shall be approved by the City. Either the Developer shall satisfactorily complete all of the required development improvements, or the Developer shall provide a surety bond or certified check in an amount of the estimated cost to complete all required development improvements, as determined by the City. Such surety bond or certified check shall be returned to the Developer after the Director has determined that all required improvements have been satisfactorily completed.
4. The Director shall submit the Subdivision Plat for the Mayor's signature after all required development improvements have been satisfactorily completed or the City has received a surety bond or certified check in an amount of the estimated cost to complete all required development improvements. Such Plat shall then be recorded with the Lee County Clerk pursuant to Chapter 177, Florida Statutes. A duplicate recorded mylar copy of the Plat shall be submitted to the City.

E. GENERAL CONSIDERATIONS

1. All provisions and conditions contained in the "Judd Creek" PDP as approved by Ordinance 132-05 shall remain in full force and effect, except as otherwise stated in this Development Order. Although some provisions and conditions set forth in Ordinance 132-05 have been restated herein, failure to restate a provision or condition shall not be interpreted as an intention to delete or alter such provision or condition.
2. No lighting along the property boundary of Tract 4 shall exceed the illumination levels depicted in the lighting plan prepared by CREE, dated January 25, 2012. Lighting trespass and glare shall be limited to a reasonable level through the use of shielding and directional lighting methods, including, but not limited to, fixture location and height.

3. The design of the building depicted on Sheet A300 dated February 20, 2012 prepared by Interplan complies with the City's nonresidential design standards that are found in LDR, Section 5.6. Any other building design that complies with the City's land use and development regulations can be approved without an amendment to this development order.
4. Any wall constructed on the eastern side of Tract 6 shall be constructed of one or more of the following materials: concrete block coated with stucco, textured concrete block, stone, brick, or formed, decorative, or precast concrete.
5. Sidewalks shall be constructed along both sides of the road associated with Tract 7A. Sidewalks shall not be less than six (6) feet in width and shall be constructed in accordance with the City of Cape Coral Engineering Design Standards.
6. The Developer has been granted a deviation to Section 5.2.13.A.1 to allow the master stormwater pond occupying portions of Tracts 1A and 1B and serving the proposed development on Tract 4 to be exempt from the requirement that all sites have a minimum of one canopy tree for each 1,000 square feet of gross land. In the event Tract 1A or 1B are developed as anything other than a stormwater retention area in conjunction with another project or as a project in its own right, Developer shall fully comply with all City landscaping regulations and any deviations granted here for the stormwater retention areas shall be considered null and void. This requirement, however, is not intended to prohibit the Developer from seeking one or more landscaping deviations consistent with Section 5.2.19 for either Tract 1A or 1B, separately, or in combination.
7. This Development Order contemplates that each of the tracts approved by this PDP amendment shall remain and shall develop in accordance with the configuration identified in the subdivision plan approved herein. In the event any of these tracts are reconfigured, subdivided, and/or divided, regardless of whether such act requires additional subdivision or replatting pursuant to Section 4.2 of the Land Use and Development Regulations, any and all deviations from or waivers of any City regulation or ordinance shall terminate and be considered null and void for the specific tract that has been so reconfigured, subdivided and/or divided.
8. Tracts 1-7 as specified in Ordinance 132-05 were platted as Tracts 1, 6, and 7, and were not in accordance with the configuration approved by Ordinance 132-05. Therefore, all deviations granted in Ordinance 132-05 applicable to Tracts 1-7 are null and void. Only those deviations granted in this ordinance on the parcels now identified as Tracts 1A, 1B, 2A, 2B, 3A, 3B, 4, 6, 7, 7A, and 7B shall be considered to be in effect.

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

- A. This Development Order shall constitute an ordinance of the City of Cape Coral, adopted by this Council in response to the Planned Development Project Application filed for the "Judd Creek" PDP.
- B. This Development Order shall be binding on the Developer. Those portions of this Development Order which clearly apply only to the project Developer shall not be construed to be binding upon future owners of the project lots. It shall be binding upon any builder/developer who acquires any tract of land within the PDP.
- C. The terms and conditions set out in this document constitute a basis upon which the Developer and City may rely in future actions necessary to implement fully the final development contemplated by this Development Order.
- D. All conditions, restrictions, stipulations, and safeguards contained in this Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorney's fees, shall be paid by the defaulting party.

- E. Any references herein to any governmental agency shall be construed to mean to include any future instrumentality which may be created and designated as successor in interest to or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.
- F. The approval granted by this Development Order is limited. Such approval shall not be construed to obviate the duty of the Developer to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. Such approval shall also not obviate the duty of the Developer to comply with any City Ordinance or other regulations adopted after the effective date of this Development Order.
- G. Subsequent requests for local development permits shall not require further review, unless it is found by the City Council, after due notice and hearing, that one or more substantial deviation(s), or other changes to the approved development plans which create a reasonable likelihood of adverse impacts which were not evaluated in the review by the City have occurred. Substantial deviations include but are not limited to:
 - 1. Any change which requires a variance to code and above those specifically incorporated herein.
 - 2. An increase of more than five (5) percent in density, parking requirements, trip generation rates, water or sewer usage, or building square footage.
 - 3. An expiration of the period of effectiveness of this Development Order as herein provided.
 - 4. If development order conditions and applicant commitments incorporated within the Development Order to mitigate impacts are not carried out as indicated to the extent or in accordance with the Development Order, then this shall be presumed to be a substantial deviation from the Development Order.

Upon a finding that any of the above is present, the City Council may order a termination of all development activity until such time as a new PDP Application for Development Approval has been submitted, reviewed and approved and all local approvals have been obtained.

- H. The physical development authorized under this Development Order, together with that authorized in Ordinance 132-05, as amended by this ordinance, shall terminate in ten years from the date of adoption of this PDP amendment, unless an extension is approved by this Council. The Council may grant an extension without requiring a PDP amendment if the project has been developing substantially in conformance with the original plans and approved conditions, and if no substantial adverse impacts not known to Cape Coral at the time of their review and approval, or arising due to the extension, have been identified. The City Council in establishing a new expiration date for this project may impose additional conditions on the development if warranted. This provision shall allow the City Council to grant an extension to this project regardless of whether the request to extend the project is received by the City prior to or following the current expiration date of the project. For purposes of determining when the buildout date has been exceeded, the time shall be tolled during the pendency of administrative and judicial proceedings relating to development permits. All conditions imposed on the subject development shall remain in full force and effect throughout the life of the development unless rescinded or amended by the City and shall not be affected by any termination of the authorization for physical development.
- I. The Director of the Cape Coral Department of Community Development or his/her designee, shall be the local official responsible for assuring compliance with this Development Order. Upon reasonable notice by the City and at all reasonable times, the Developer shall allow the City of Cape Coral, its agents, employees, and/or representatives, access to the project site for the purpose of assuring compliance with this Development Order.
- J. The Developer, or its successors in title to the undeveloped portion of the subject property, shall submit a report annually to the Cape Coral City Council, the Director, and all affected permit agencies. This report shall describe the state of development and compliance as of the date of submission.

The first monitoring report shall be submitted to the Director not later than one (1) year from the effective date of this order, and further reports shall be submitted not later than annually thereafter. The Developer shall so inform any successor in title to any undeveloped portion of the real property covered by this Development Order. This shall not be construed to require reporting from tenants or owners of individual lots or units. Annual Monitoring Reports including Traffic Monitoring Reports shall be required until such time as the project is complete, at which time a final development report shall be submitted to the City.

- K. Within thirty (30) days of adoption of this Ordinance, this Development Order shall be recorded in the Office of the Clerk of the Circuit Court by the Developer or Authorized Representative, who shall thereafter return the original recorded Development Order to the City.

SECTION V. SEVERABILITY

In the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

SECTION VI. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption by the Cape Coral City Council. Permits issued prior to or after the effective date of this Ordinance are obtained solely at the risk of the Developer.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 5th DAY OF November, 2012.


JOHN J. SULLIVAN, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

SULLIVAN	<u>Aye</u>
MCCLAIN	<u>Aye</u>
BRANDT	<u>Aye</u>
DEILE	<u>Aye</u>
CHULAKES-LEETZ	<u>Aye</u>
KUEHN	<u>Aye</u>
MCGRAIL	<u>Aye</u>
DONNELL	<u>Aye</u>

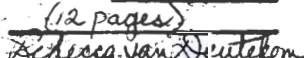
ATTESTED TO AND FILED IN MY OFFICE THIS 13th DAY OF November, 2012.


REBECCA VAN DEUTEKOM
CITY CLERK

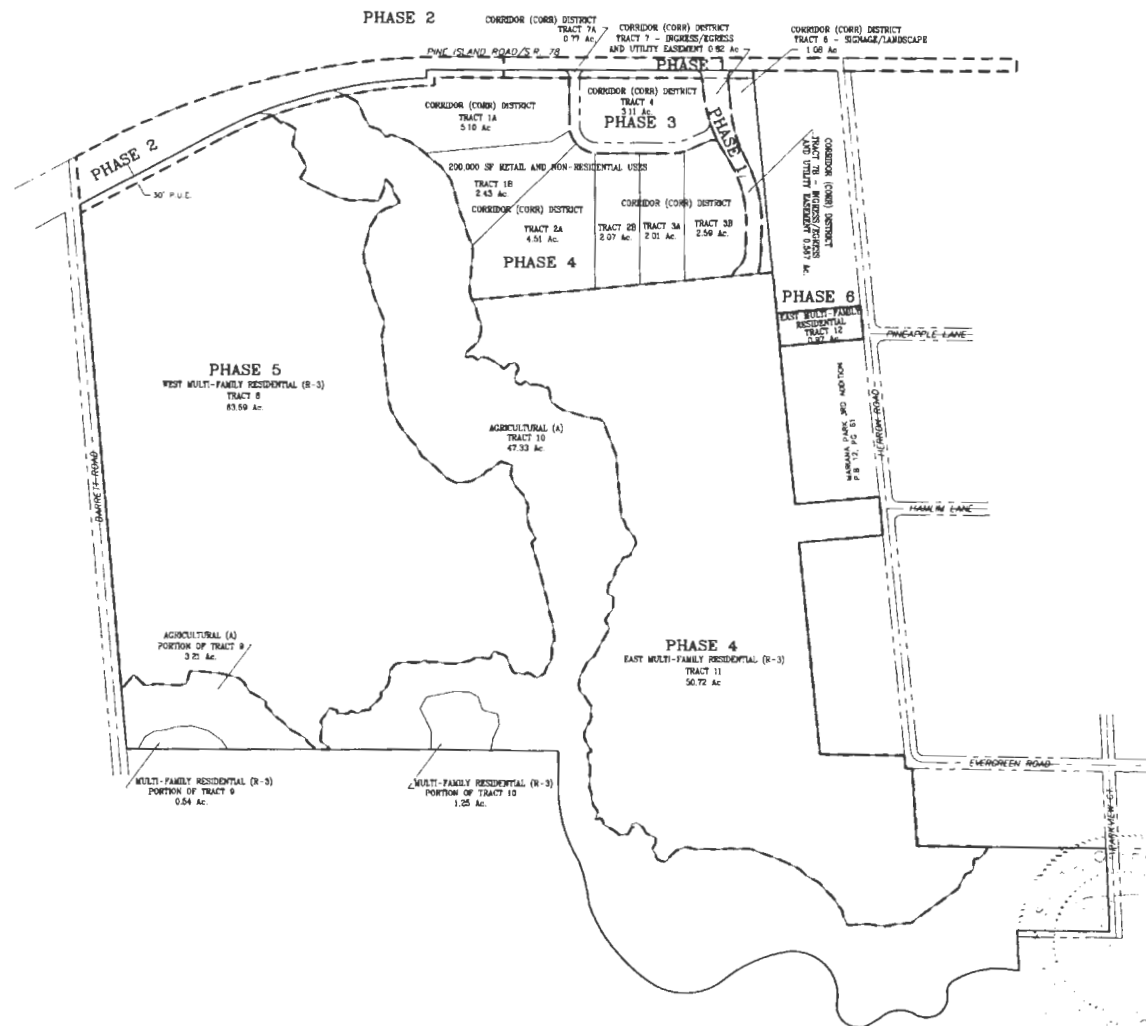
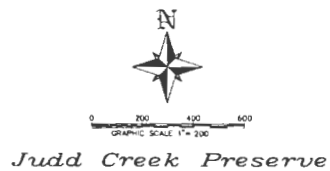
APPROVED AS TO FORM:


DOLORES D. MENENDEZ
CITY ATTORNEY
p1p11-10 - Judd Creek RaceTrac

I HEREBY CERTIFY that I am the duly appointed and qualified Clerk of the City of Cape Coral, Florida and the keeper of the records and corporate seal of said municipality; that this is a true and correct copy of Ordinance 31-12

(12 pages)

REBECCA VAN DEUTEKOM
City Clerk



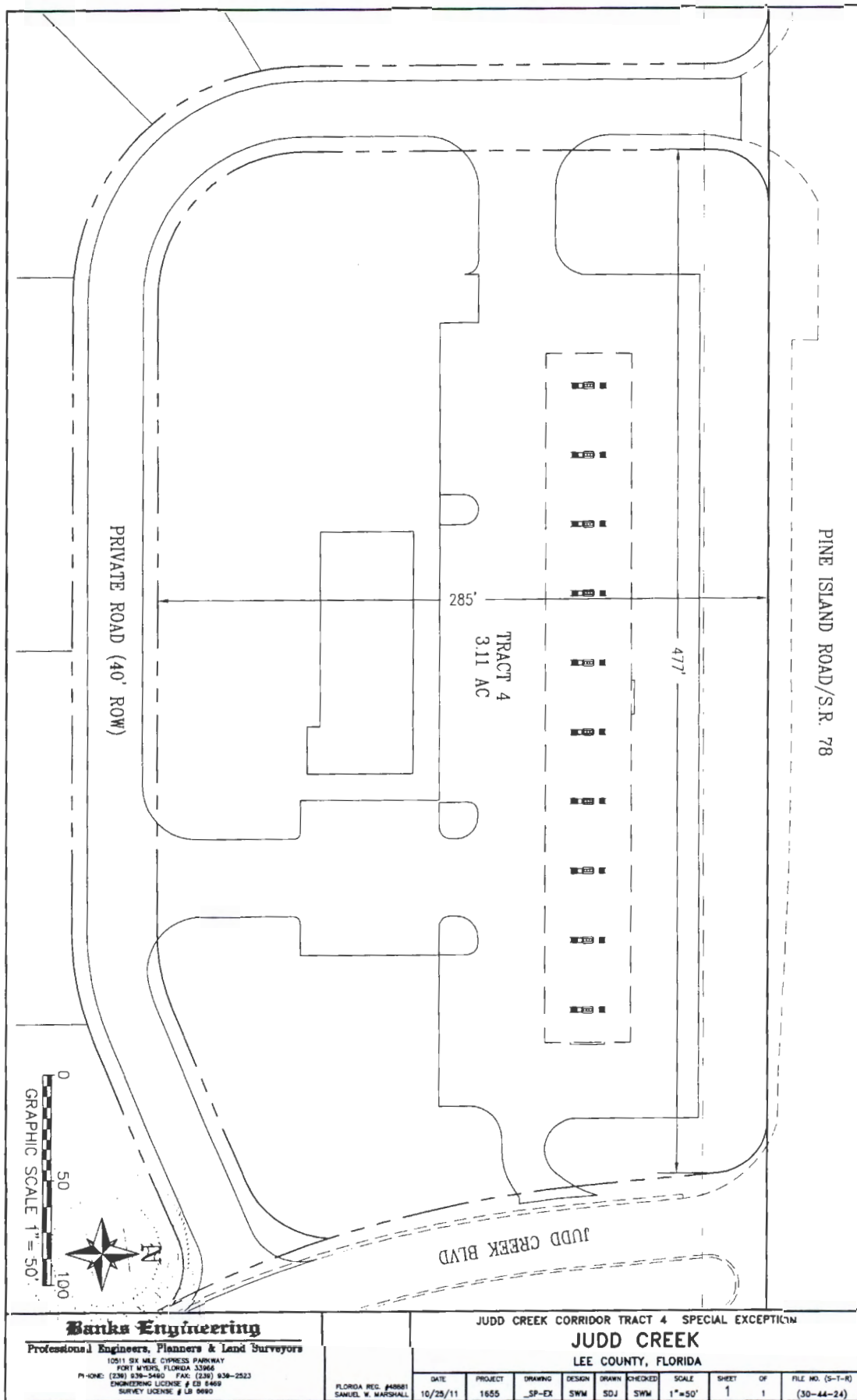


REALMARK GROUP			
5709 CAPE HARBOUR DRIVE, SUITE 201			
CAPE CORAL, FL 33914			
PHONE (339)-341-1372			
FAX (339)-341-1377			
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2	DATE	DESCRIPTION	BY
3	DATE	DESCRIPTION	BY
4	DATE	DESCRIPTION	BY
5	DATE	DESCRIPTION	BY
6	DATE	DESCRIPTION	BY
7	DATE	DESCRIPTION	BY
8	DATE	DESCRIPTION	BY
9	DATE	DESCRIPTION	BY
10	DATE	DESCRIPTION	BY

Banks Engineering, Inc.	
Professional Engineers, Planners & Land Surveyors	
1801 N. W. 1st STREET, SUITE 101	
FORT MYERS, FLORIDA 33901	
PHONE (239) 438-3434 FAX (239) 438-3433	
ENGINEERING LICENSE # 18,000	
SURVEY LICENSE # 18,000	

PHASING PLAN									
Judd Creek Preserve									
LEE COUNTY, FLORIDA									
DATE	PROJECT	DESIGN	DESIGN	CHECKED	SCALE	SHEET	OF	17	17
10/28/10	1855	Phase	SCH	1"=200'	1	0	0	03-44-24	03-44-24



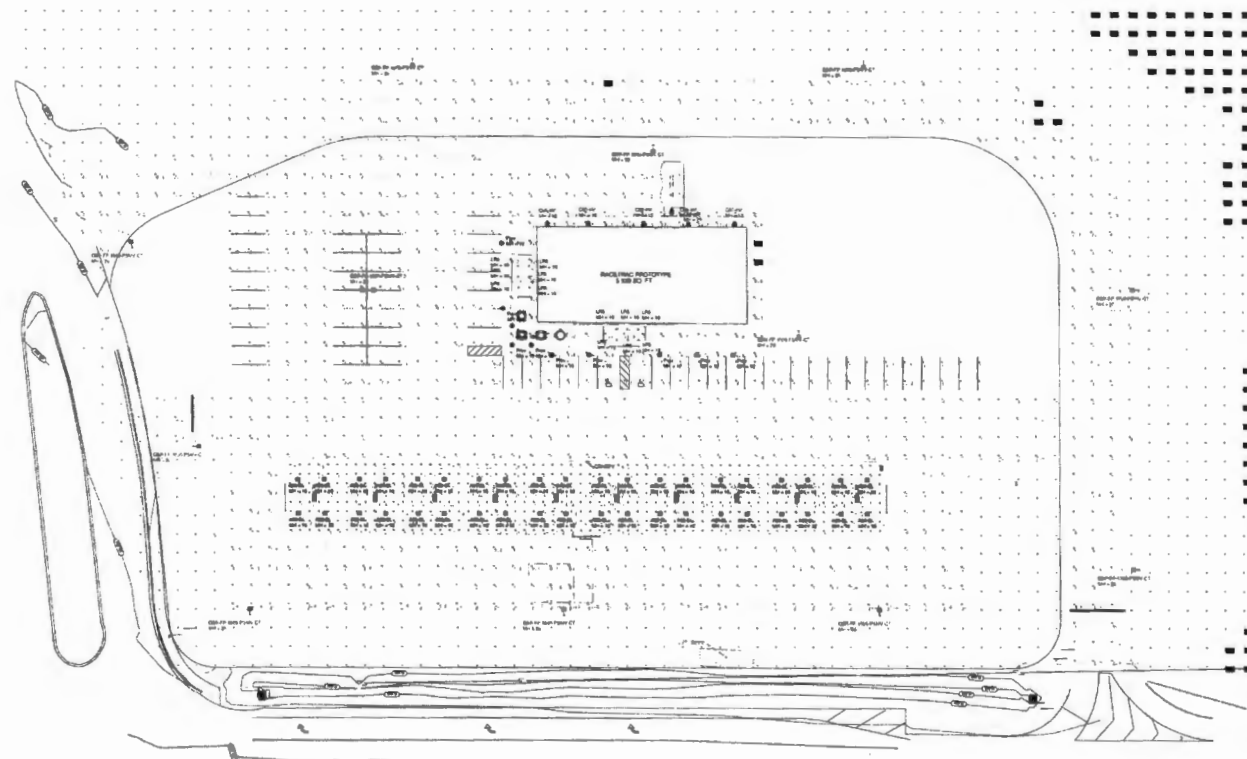




TYPE A60-SL
304 SERIES RECESSED CANOPY



TYPE C60-4M
SECURITY EDGE
PRODUCT



CREE LIGHTING INC. ASSUMES RESPONSIBILITY
FOR THE TESTED AND LABELED PRODUCTS ONLY.
See Notes and Schedules for other
Lumen maintenance for LED products values into design life span of operation
All LED values are in foot-candle (fc) units
L70 values shown in blue

Color	Temp	Beam	Beam	Beam	Beam
Power Area	4000	10	1.2	1.2	1.2
Power Area	4000	10	1.2	1.2	1.2
Power Area	4000	10	1.2	1.2	1.2

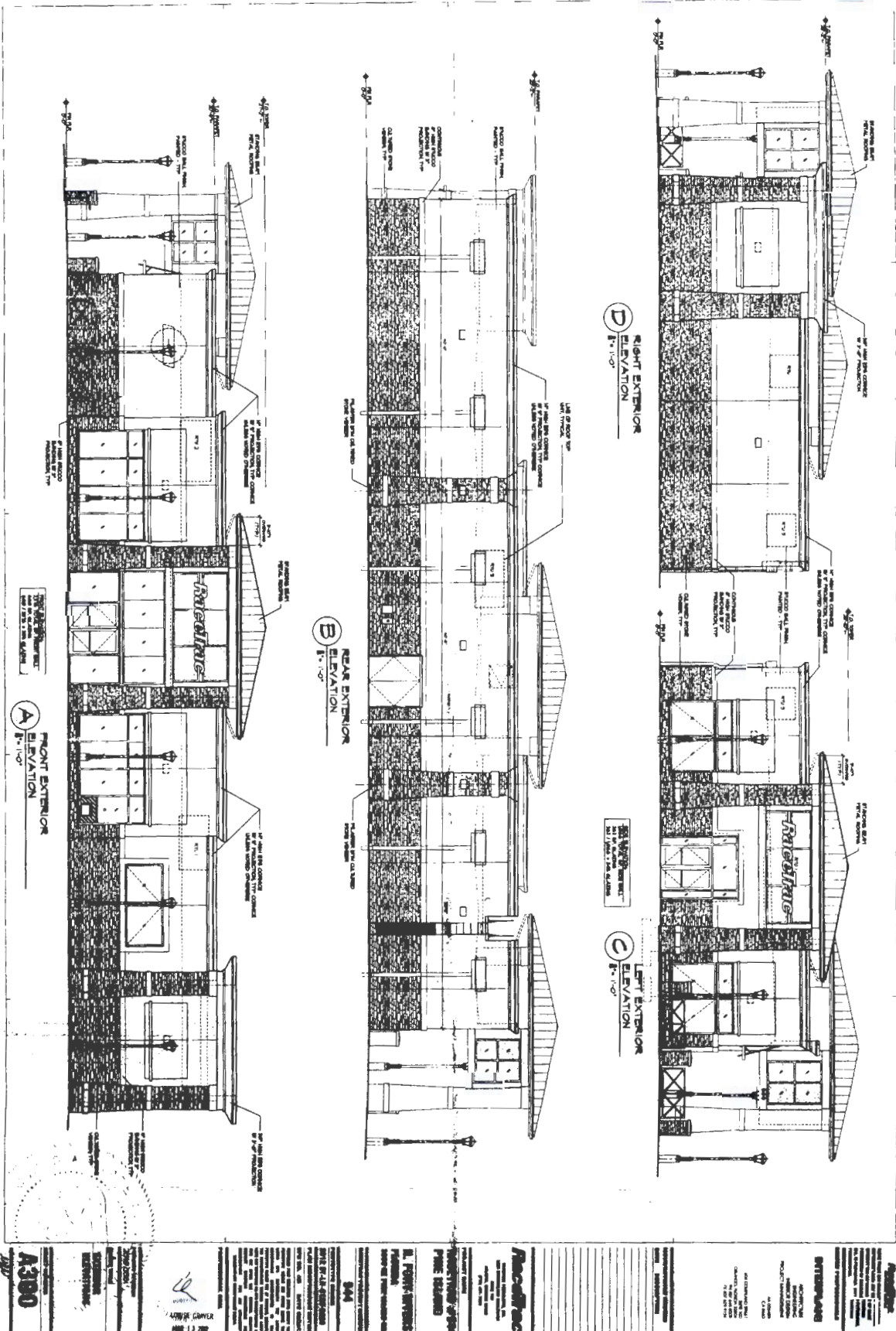
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Power Area	4000	10	1.2	1.2	1.2
Power Area	4000	10	1.2	1.2	1.2
Power Area	4000	10	1.2	1.2	1.2



Product Name: Roadside444 Clips Code: 71
Date: 10/20/13
Scale: 1"=10'
Footcandle included in plan
Customer: 011812

Responsible: 011812
Responsible: 011812
Responsible: 011812
Responsible: 011812





CONSTRUCTION PLANS

FOR:

RaceTrac - PINE ISLAND ROAD

PROJECT # 944

PARCEL ID NO. 03-44-24-C1-01701.000

SECTION 12060 - M.P. 14.523



311 NORTH NEWPORT AVENUE, SUITE 100
TAMPA, FL 33606

LB #6474

TEL (813) 250-3535
FAX (813) 250-3536



PROJECT LOCATION
3000 PINE ISLAND ROAD NE
NORTH FORT MYERS, FL
SEC 3 TWP 44S RGE 24E

ENGINEER

HAMILTON ENGINEERING & SURVEYING, INC.
311 N. NEWPORT AVENUE, SUITE 100
TAMPA, FLORIDA 33606
(813) 250-3535
(813) 250-3536 (FAX)

SURVEYOR

BLOOMSTER PROFESSIONAL LAND
SURVEYORS, INC.
791 NE DIXIE HIGHWAY
JENSEN BEACH, FL 34957
(772) 334-0888

PHOTOMETRIC DESIGNER

LSI INDUSTRIES INC.
10000 ALLIANCE ROAD
CINCINNATI, OH 45242
(800) 436-7800

OWNER/DEVELOPER

RACETRAC PETROLEUM, INC.
3225 CUMBERLAND BLVD. SUITE 100
ATLANTA, GA 30339
(770) 431-7600 EXT 1634
24-HOUR CONTACT: RYAN BURRELL
(404) 323-2738

LANDSCAPE ARCHITECT

HARDEMAN KEMPTON & ASSOCIATES
2207 W. NORTH A ST.
TAMPA, FL 33606
(813) 258-0066

THESE PLANS HAVE BEEN PREPARED IN ACCORDANCE WITH AND ARE GOVERNED BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION (DATED 2010) AND DESIGN STANDARDS BOOKLET (DATED JANUARY, 2010).

AT LEAST 72 HOURS IN ADVANCE OF BEGINNING CONSTRUCTION OF THE PROJECT, THE CONTRACTOR SHALL CONTACT THE LOCAL MAINTENANCE FDOT ENGINEER'S OFFICE TO SECURE GENERAL USE PERMITS AND/OR OTHER PERMITS AS REQUIRED FOR WORKING WITHIN THE DEPARTMENT'S RIGHT-OF-WAY.

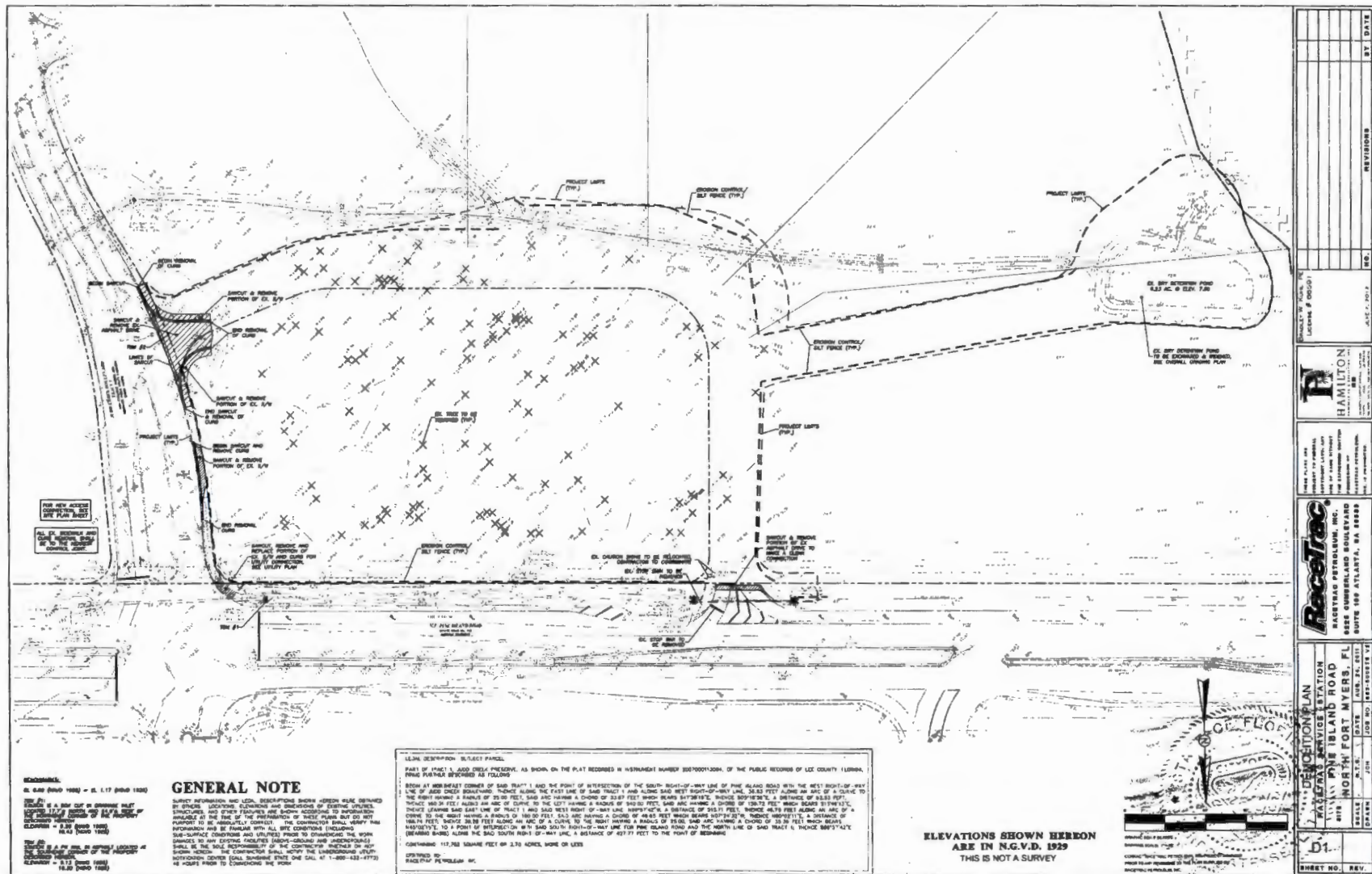
APPLICABLE DESIGN STANDARDS MODIFICATIONS: 1-1-2012
FOR DESIGN STANDARDS MODIFICATIONS CLICK ON
"DESIGN STANDARDS" AT THE FOLLOWING WEBSITE:
[HTTP://WWW.DOT.STATE.FL.US/ROADSIGN/](http://www.dot.state.fl.us/roadsign/)

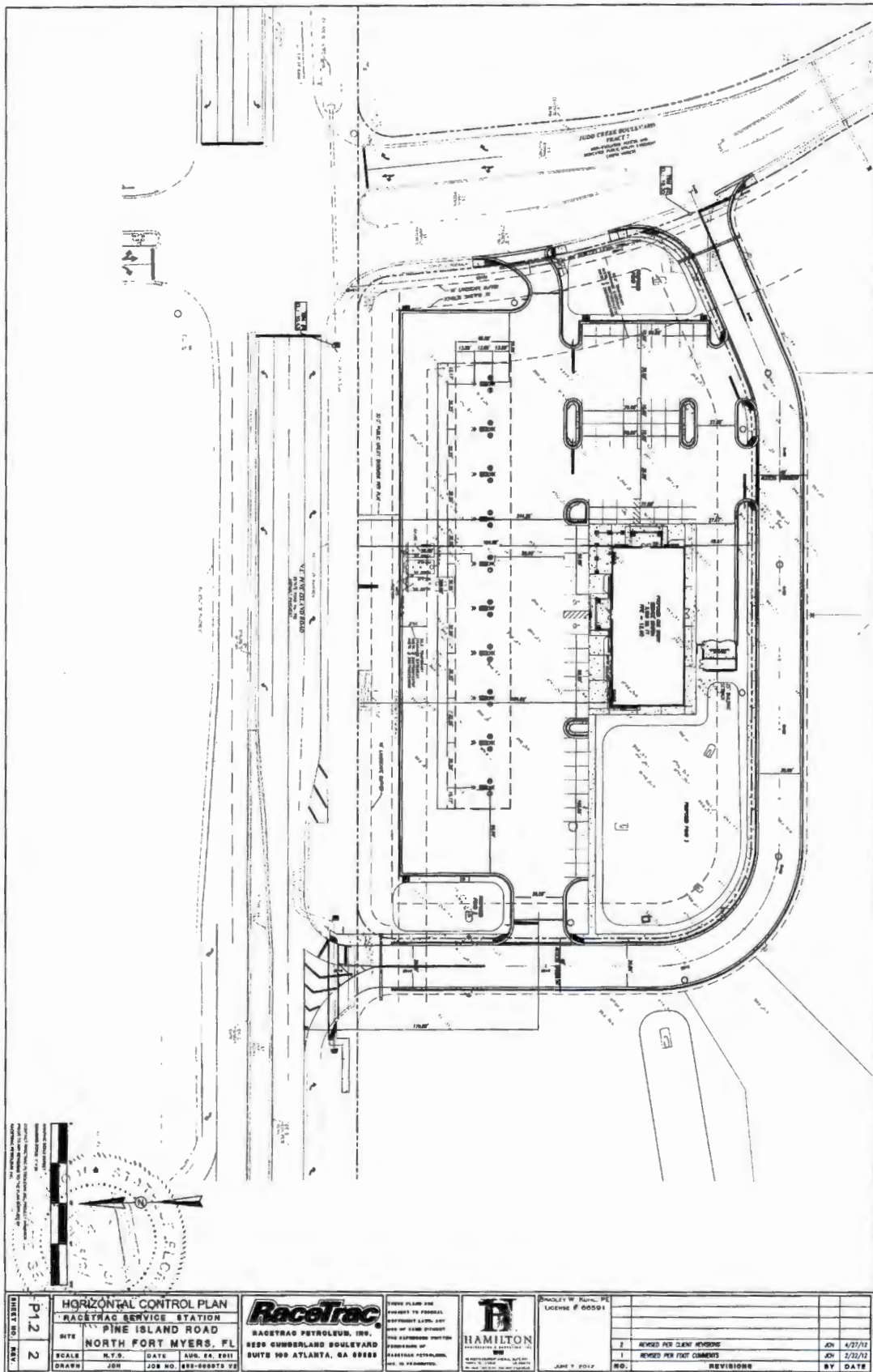
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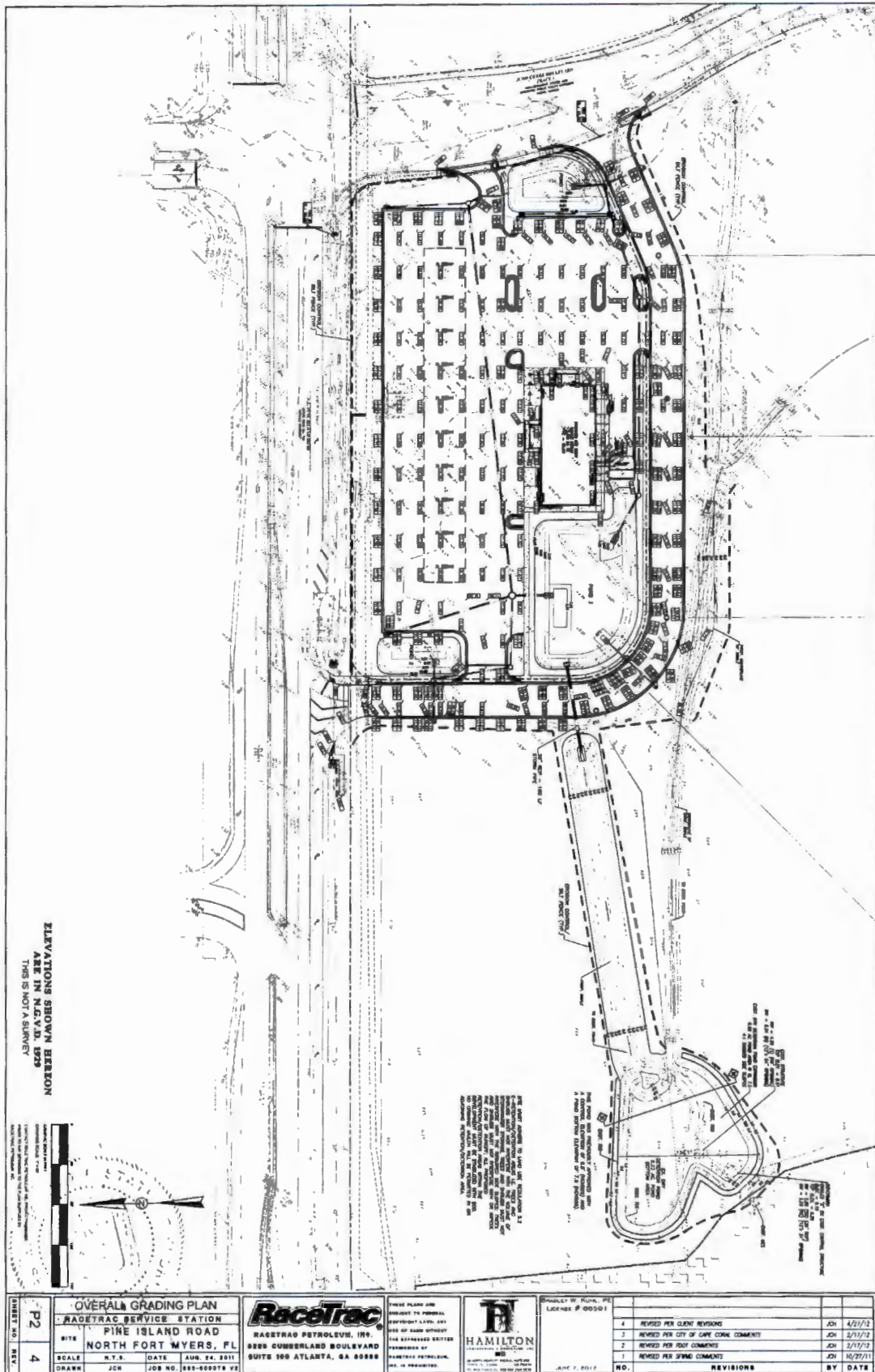
- I ALTA/ACSM LAND TITLE SURVEY
- NI NOTES
- D1 DEMOLITION PLAN
- P1 OVERALL SITE PLAN
- P1.1 SITE PLAN
- P1.2 HORIZONTAL CONTROL PLAN
- P2 OVERALL GRADING PLAN
- P2.1 GRADING PLAN
- P3 UTILITY PLAN
- P3.1 UTILITY PROFILE
- P4 EROSION CONTROL PLAN
- P5 SECTIONS
- P5.1 SECTIONS
- SD1 STANDARD DETAILS
- SD2 STANDARD DETAILS
- SD3 STANDARD DETAILS
- SD4 STANDARD DETAILS
- SD5 STANDARD DETAILS
- SD6 STANDARD DETAILS
- SD7 STANDARD DETAILS
- SD8 STANDARD DETAILS
- SD9 STANDARD DETAILS
- B1 POST BASIN MAP
- ES-1 PHOTOMETRIC SITE PLAN
- EX-1 TRUCK EXHIBIT
- L-1.0 TREE PRESERVATION PLAN
- L-1.1 LANDSCAPE PLAN
- L-1.2 LANDSCAPE DETAILS
- L-1.3 LANDSCAPE SPECIFICATIONS
- L-2.1 IRRIGATION PLAN
- L-2.2 IRRIGATION DETAILS
- L-2.3 IRRIGATION SPECIFICATIONS
- TR-1 TREE REMOVAL PLAN

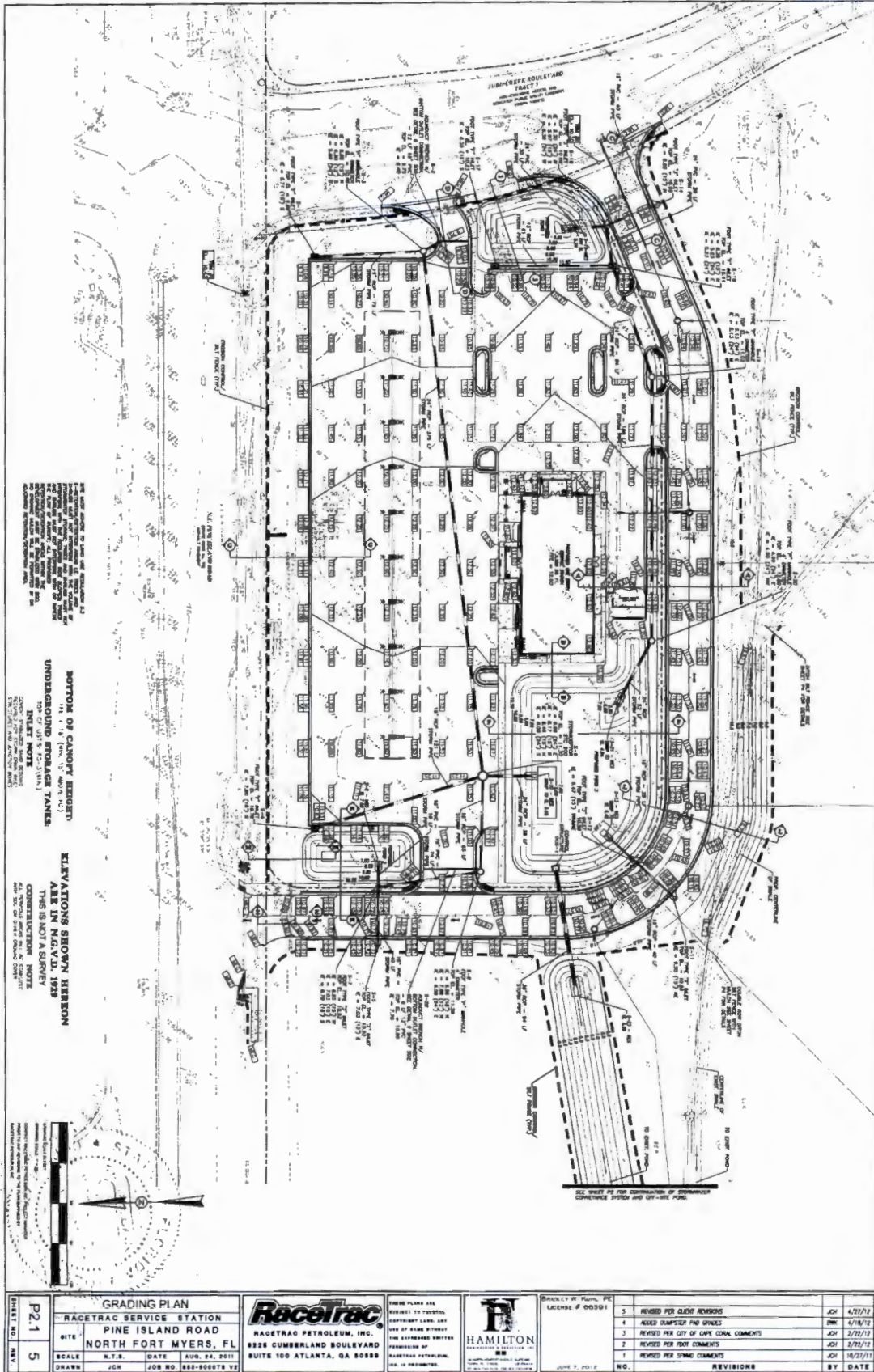
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2	PER FOOT CORRECTION	CON	10/15/12
3	PER CLIENT REVISIONS	CON	10/15/12

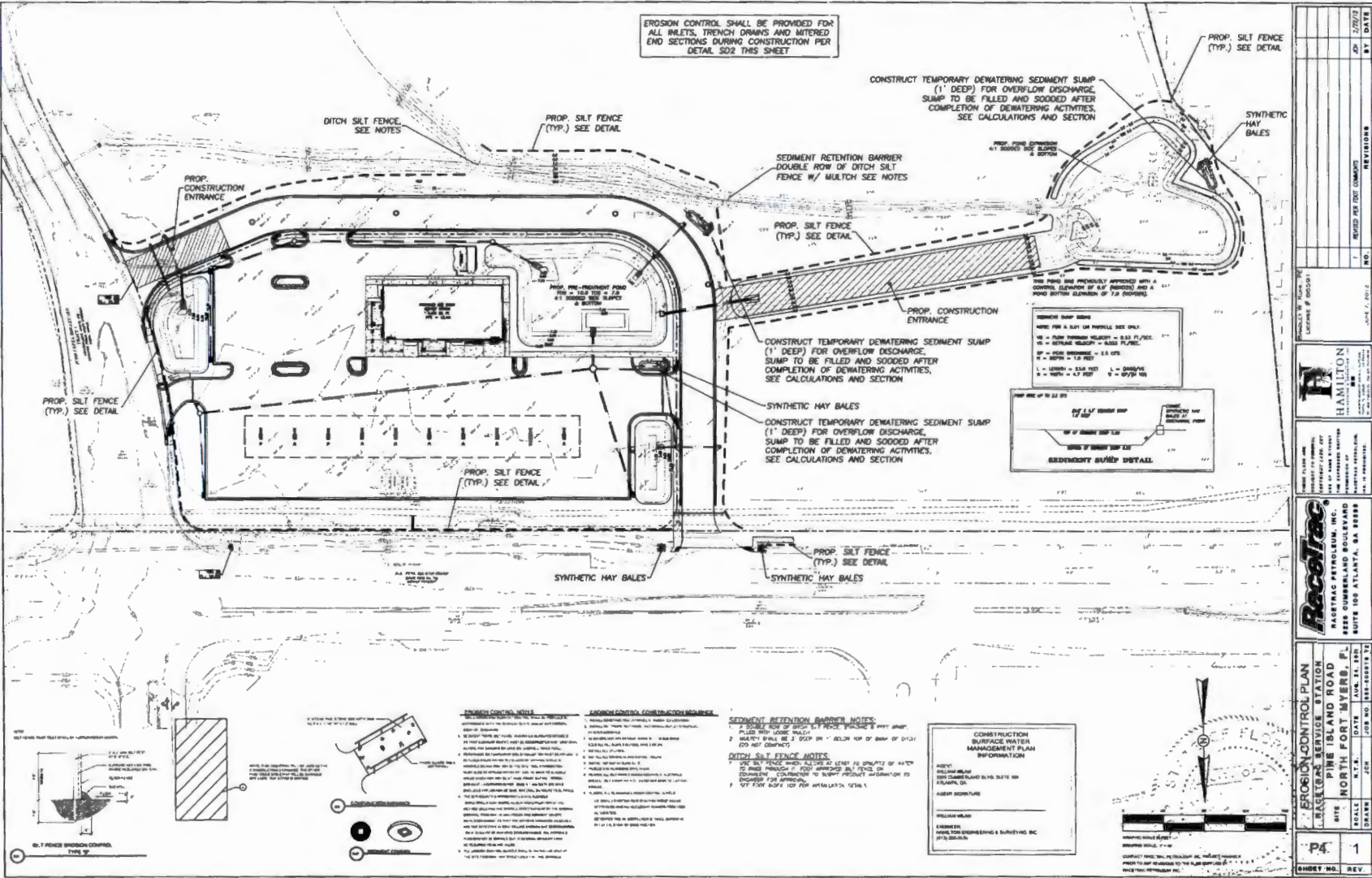
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RELEASED FOR CONSTRUCTION



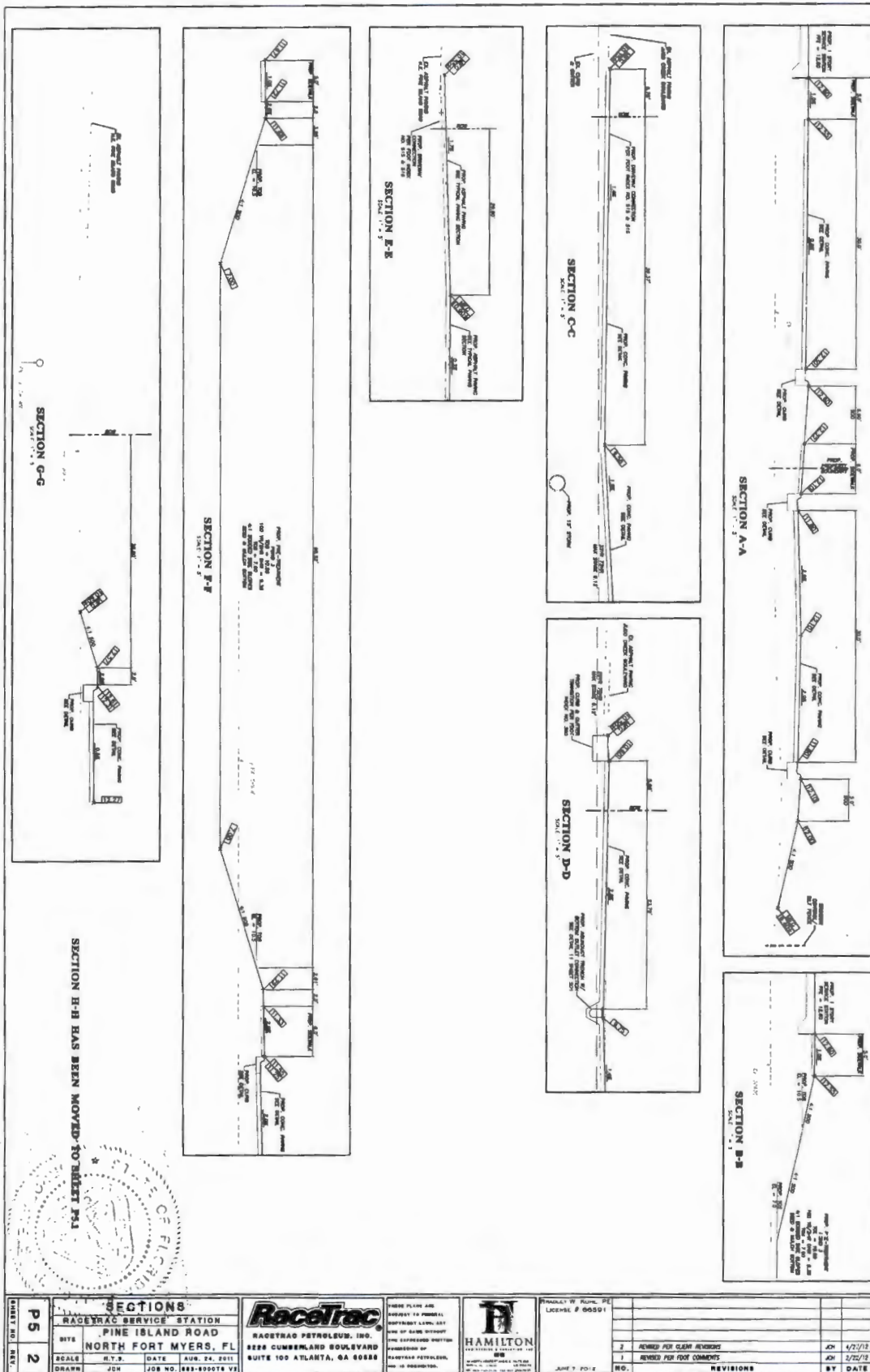


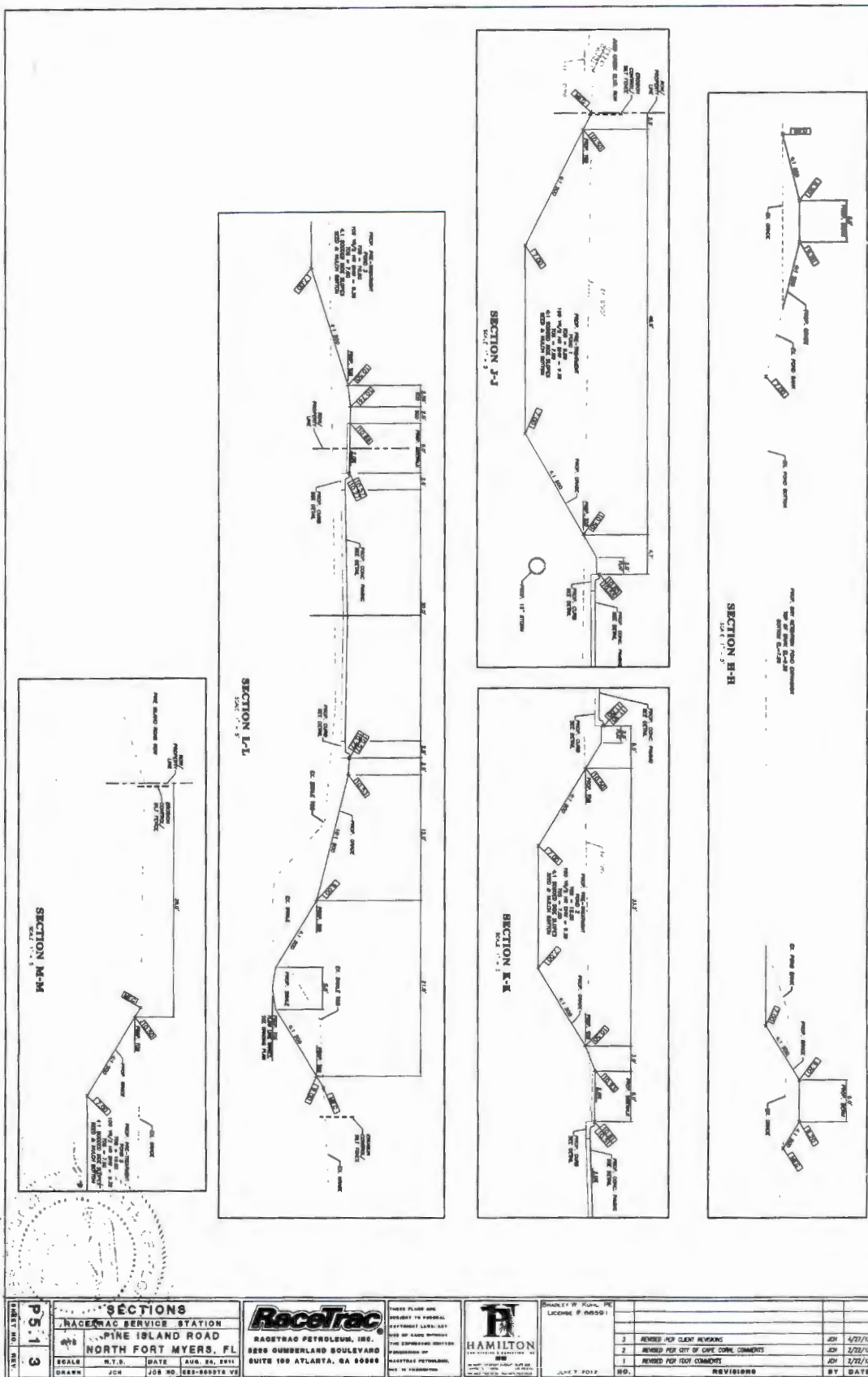




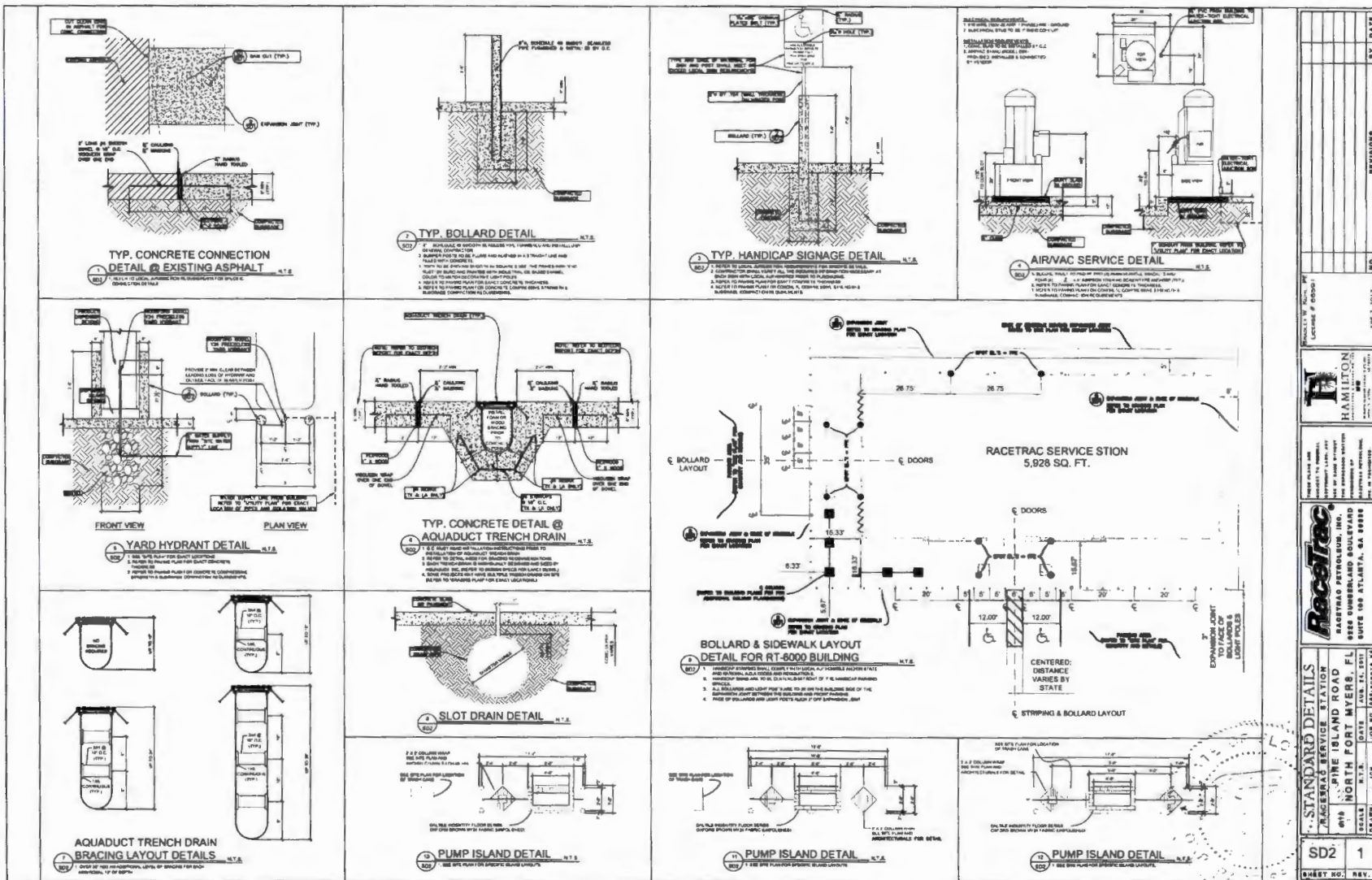


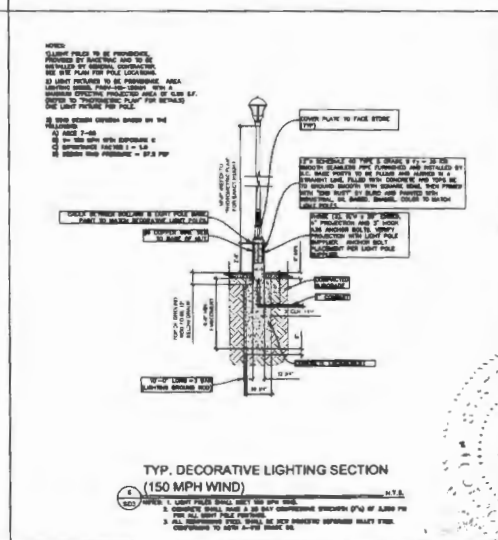
NO.	REVISION	DATE
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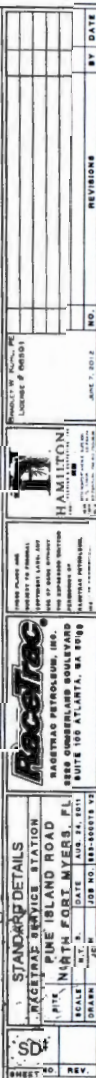


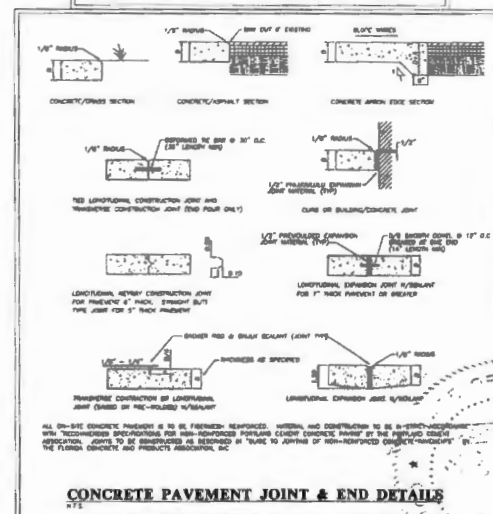
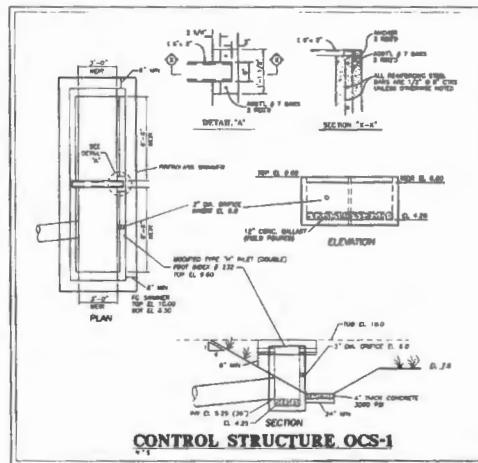
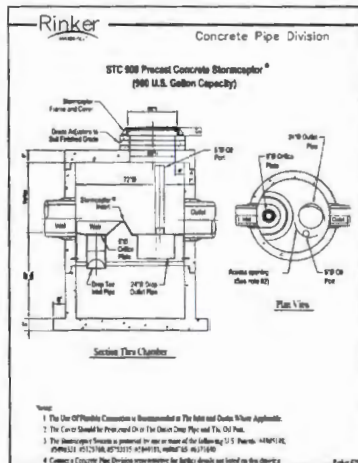


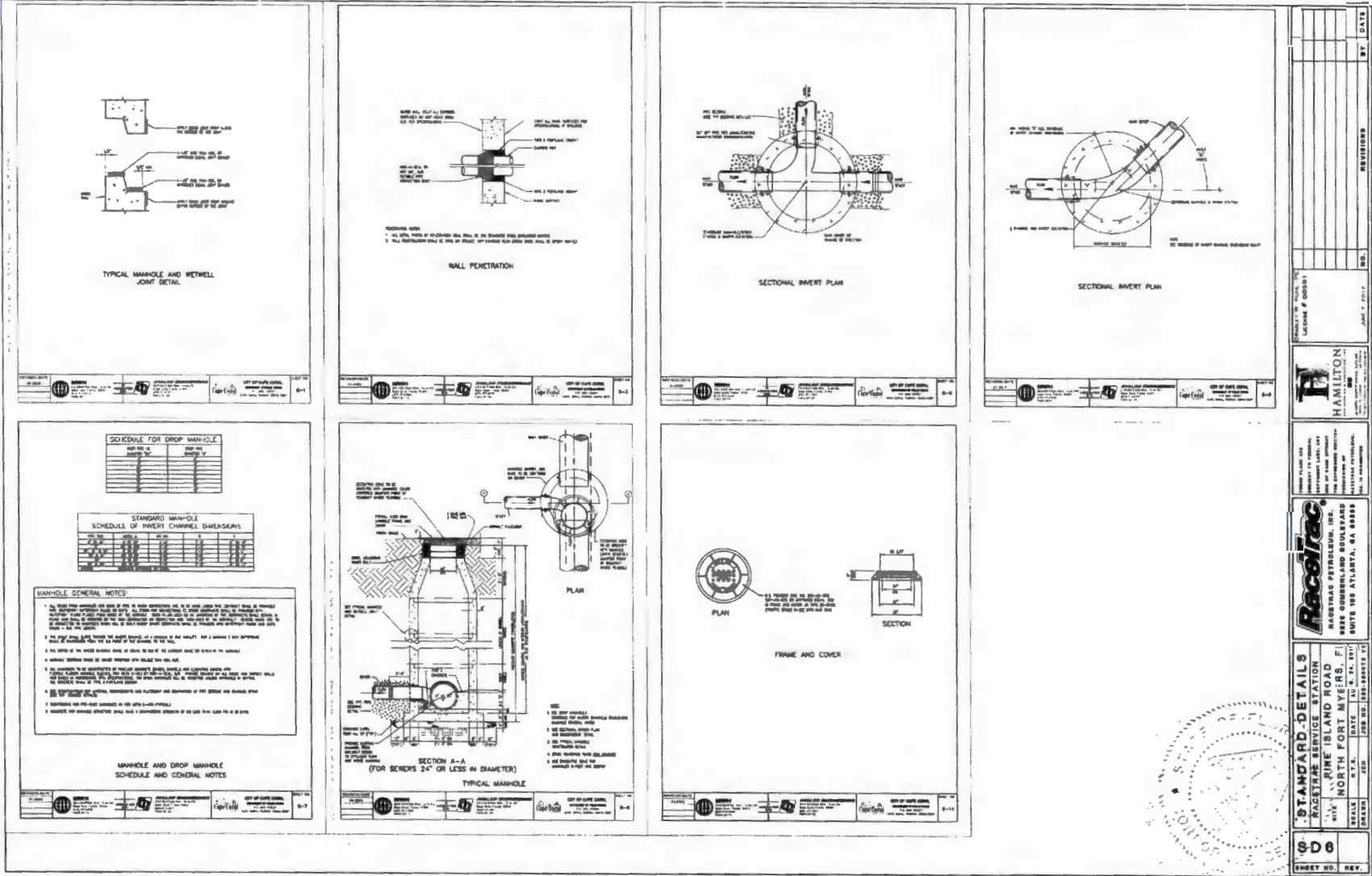


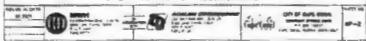











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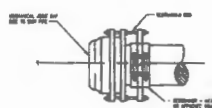


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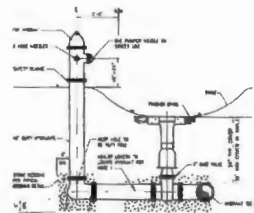




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RESTRAINED END PLUG

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HYDRANT ASSOCIATION

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RESTRAINED JOINT SCHEDULE

NEW YORK STATE IN PLACE		Inventory Date Rec'd _____ By _____ Page _____		Statewide Distribution Date Rec'd _____ By _____ Page _____		CITY OF CHATEAUGUS Date Rec'd _____ By _____ Page _____	PAGE 5
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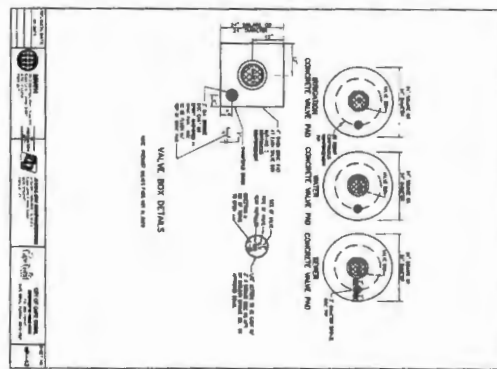
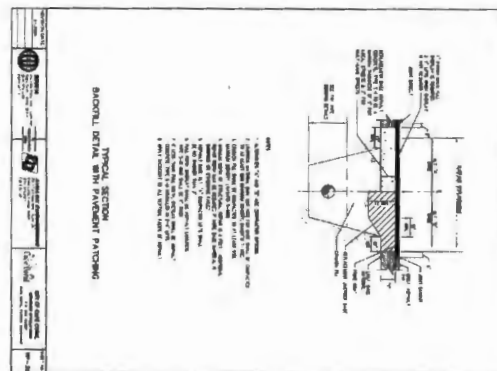
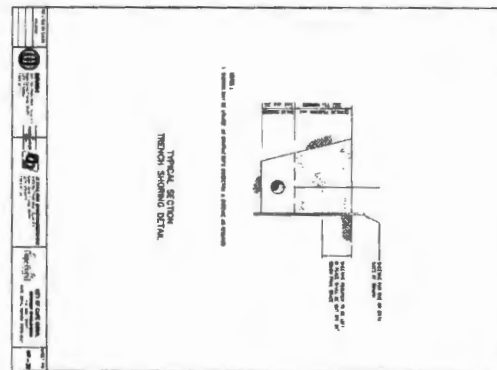
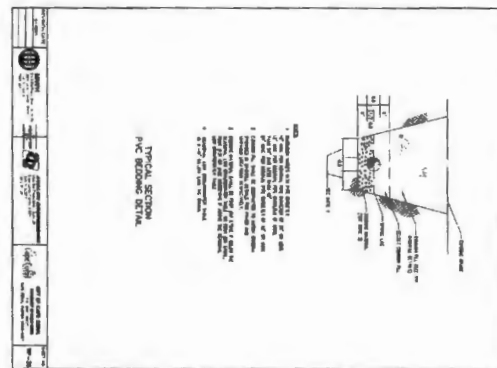
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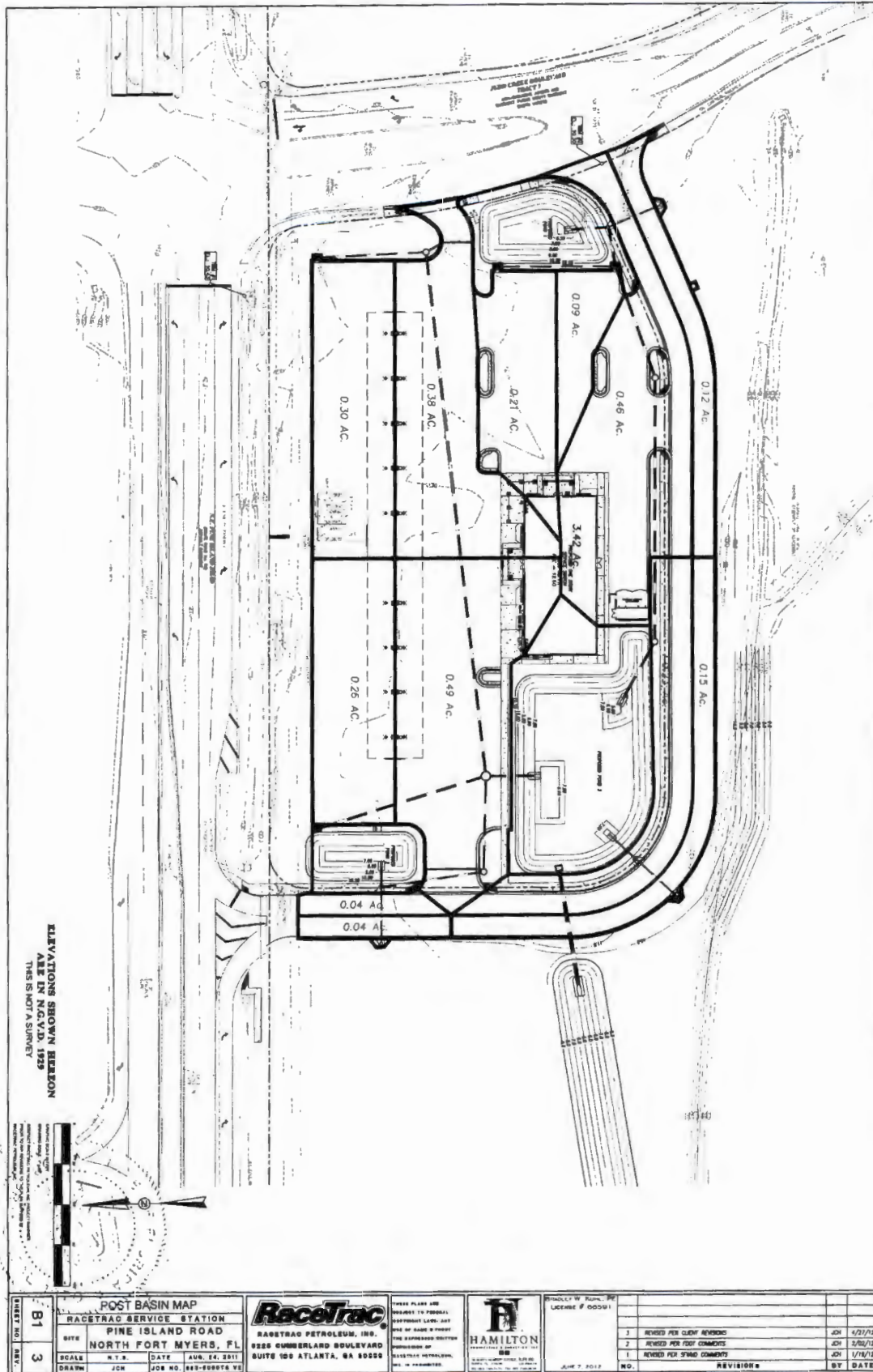
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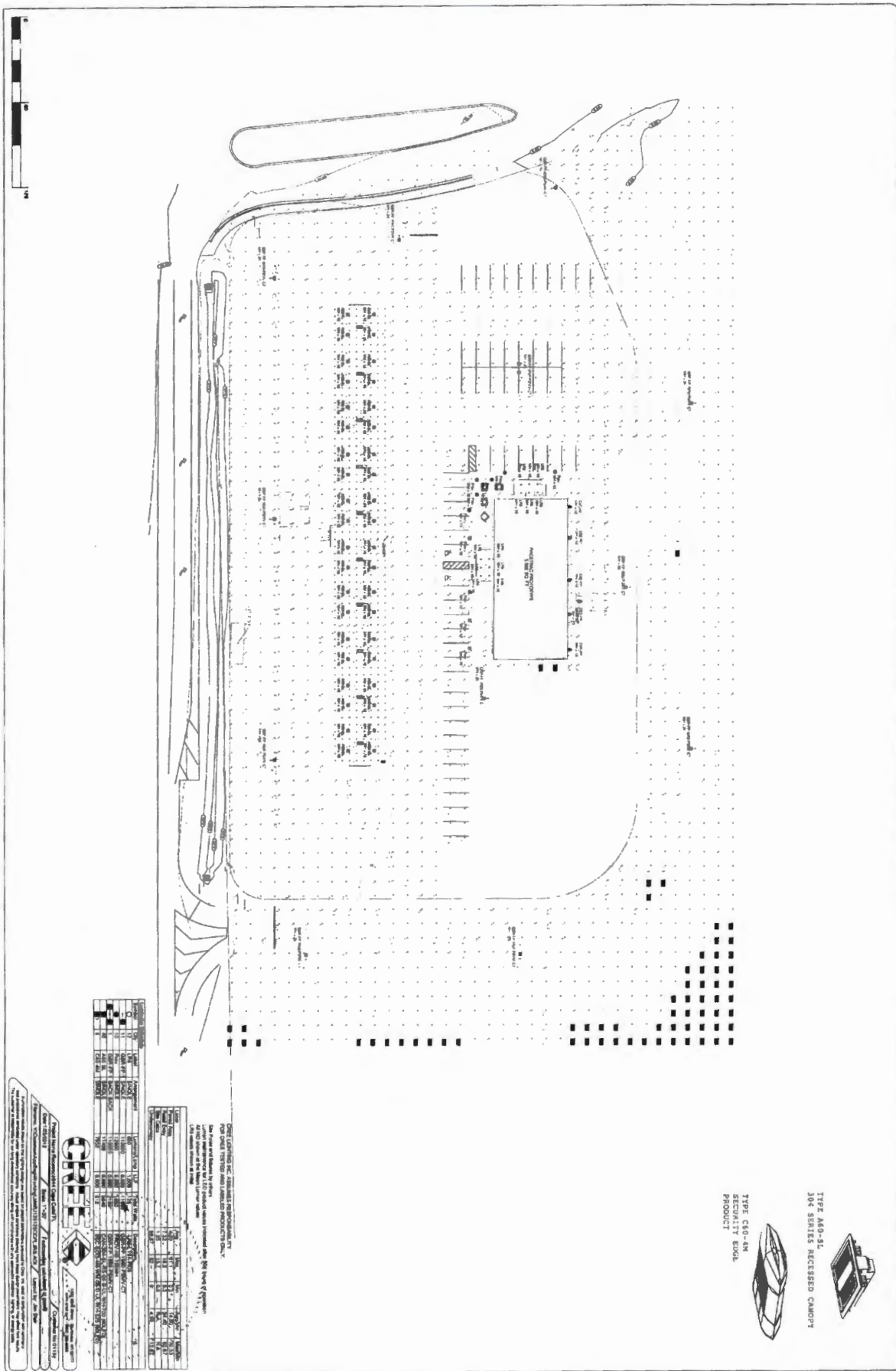
RaceTrac
RACETRAC PETROLEUM, INC.
1836 CUMBERLAND BOULEVARD
SUITE 100 ATLANTA, GA 30309

STANDARD DETAILS	
RACETRACK SERVICE STATION	
PINE ISLAND ROAD	
NORTH FORT MYERS, FL	
DATE	
SCALE	N.T.S.
DRAWN	J.H.
	DATE AUG. 24, 1911
	JOB NO. 883-ESTATE V2

SD 7	
SHEET NO.	REV.

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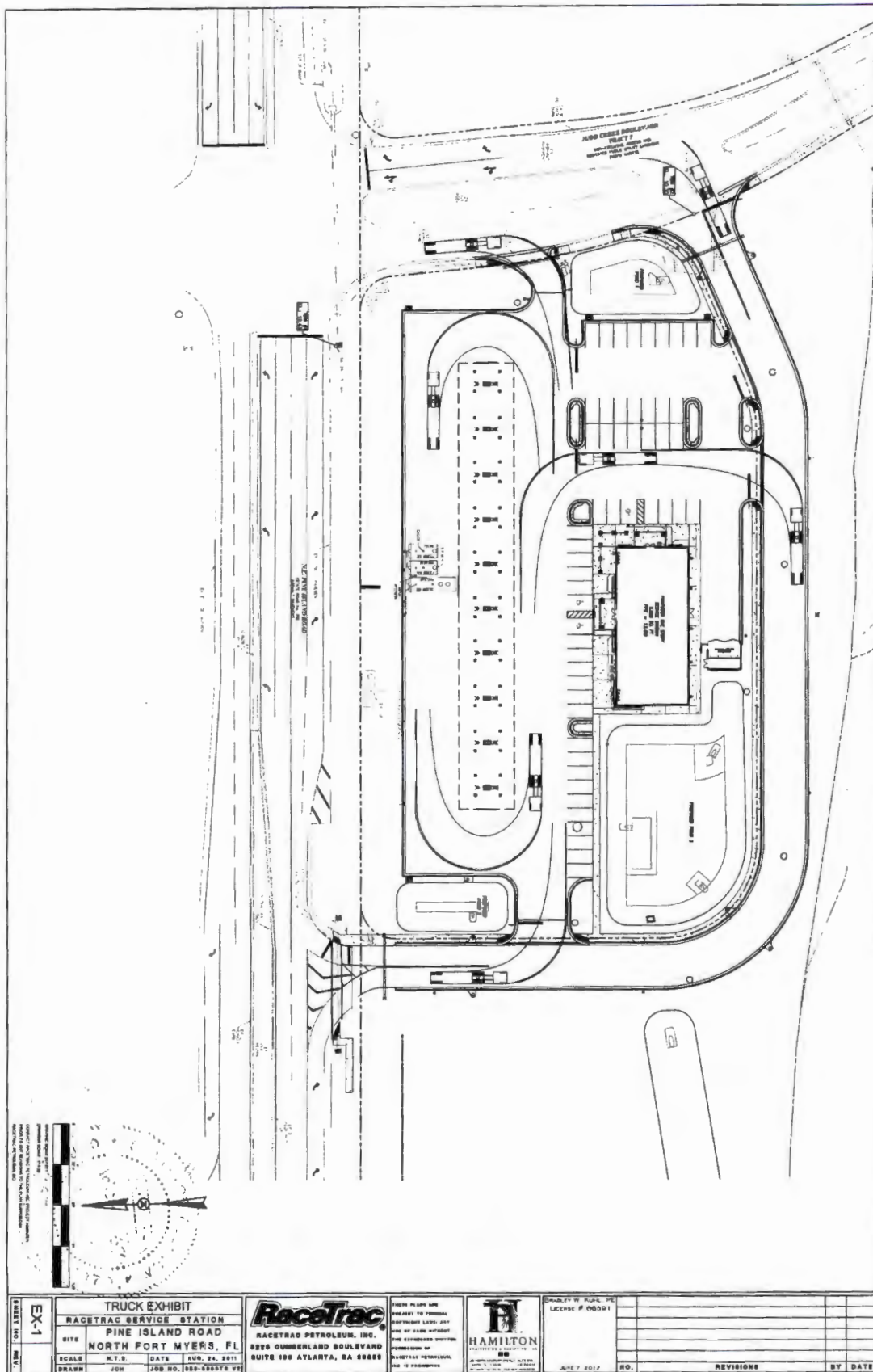


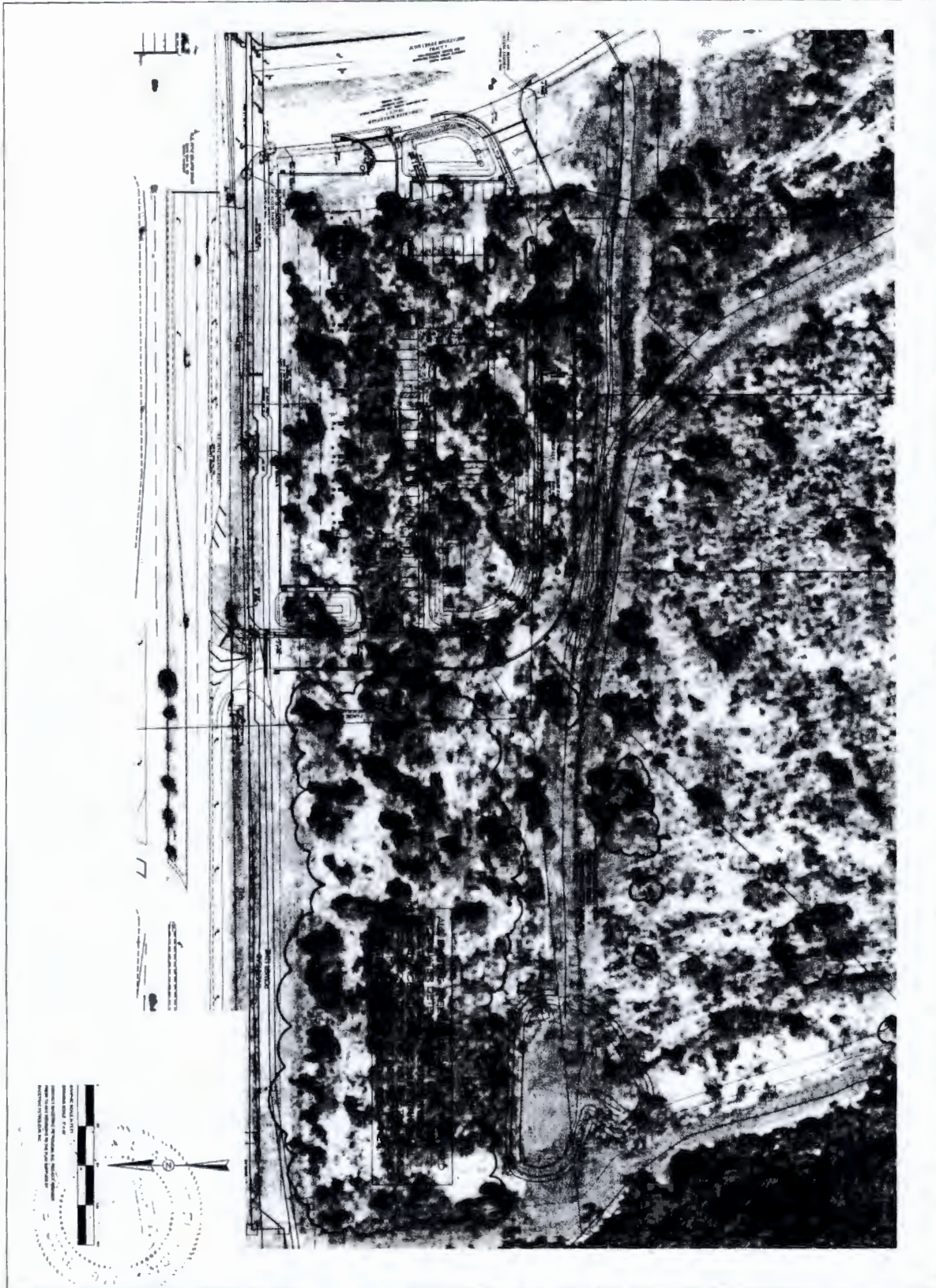
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 RECONSTRUCTION
 PRODUCT



TYPE A40-3L
 JOY SERIES RECESSED CANOPY

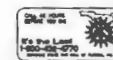


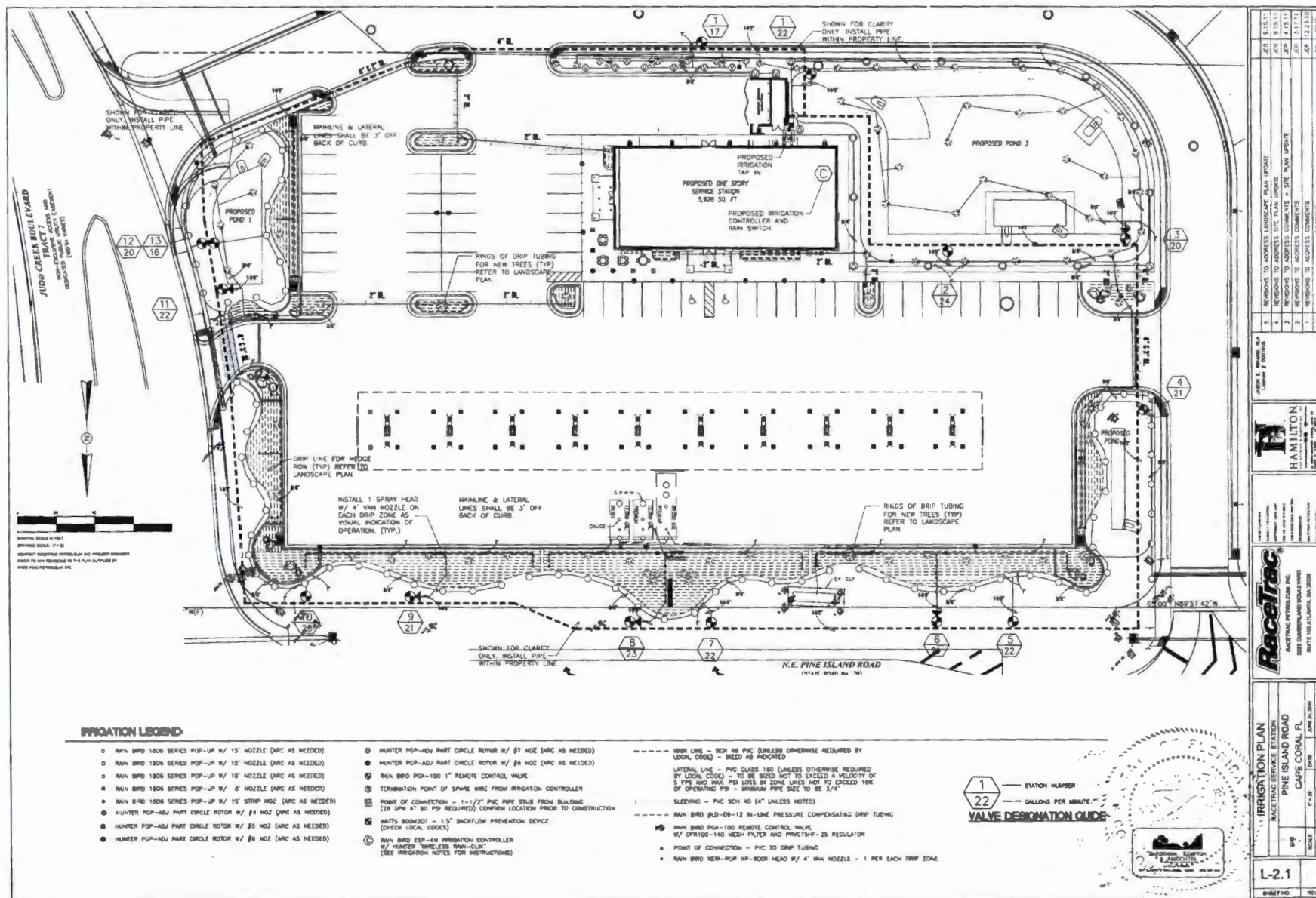




L-10 TREE PRESERVATION PLAN RACETRAC SERVICE STATION PINE ISLAND ROAD FORT MYERS, FL	RaceTrac RACETRAC PETROLEUM, INC. 3229 CHAMBERLAND BOULEVARD SUITE 100 ATLANTA, GA 30328		HAMILTON LANDSCAPE ARCHITECTS, P.A. 1000 N. W. 10TH AVENUE, SUITE 100 MIAMI, FL 33136		JASON E. BRADY, R.A. License # 0001603	
	DATE: 08-21-10 DRAWN: JEP CHECKED: JEP DESIGNED: JEP	SCALE: 1" = 10' DATE: 08-21-10 JOB NO: 08-0000010	SHEET NO: 10 TOTAL SHEETS: 10 PROJECT NO: 08-0000010	REVISIONS: 1. ADJUST PROJECT AREA ENVELOPE PER CITY COMMENTS 2. PLAN UPDATED PER PLAN 3. REVISIONS FOR LANDSCAPE UPGRADE AND COMMENTS 4. REVISED PAGE NUMBER FROM L-7 TO L-10	BY: JEB DATE: 08-25-11 DATE: 08-23-11 DATE: 08-23-11	NO. 10 REVISIONS BY DATE







1 DRIP VALVE: XCZ-PRB-100-B-COM

LANDSCAPE DRIPLINE LAYOUT IN PLANTING BEDS/PLANTED ISLANDS

NOTES:
1. PLACE THE DOWN STAKES EVERY THREE FEET IN SAND, FOUR FEET IN LOAM, AND FIVE FEET IN CLAY.
2. AT PLACES WHERE THERE IS A CHANGE OF DIRECTION SUCH AS TIES OR CURVES, USE THE DOWN STAKES ON EACH LEG OF THE CHANGE OF DIRECTION.

4 DRIP LAYOUT AROUND TREES IN TURF AREAS

5 DISCIPLINE OPERATION INDICATOR

6 TURF VALVE: PGA-PR3-D

7 ROTOR POP-UP SPRINKLER: 5004-MPR NOZZLE

8 ROTARY NOZZLE: 1004 POP-UP SPRAY SPRINKLER

9 MAIN LINE/LATERAL LINE LOCATION ADJACENT TO DRIVE ISLE

10 SMART CONTROLLER: ESP-SMT

Item Number:	3.A.
Meeting Date:	9/3/2019
Item Type:	DATE AND TIME OF NEXT MEETING

**AGENDA REQUEST
FORM**
CITY OF CAPE CORAL



TITLE:

Tuesday, September 10 , 2019, at 9:00 a.m., in Council Chambers

REQUESTED ACTION:

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?

2. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:

Division- Department-

SOURCE OF ADDITIONAL INFORMATION: