

LEE COUNTY
RECEIVED
JUN 25 PM 4:31
NEW
S. CTR.
FLOOR

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

WHEREAS, Timberland Ltd. and Tiburon Ltd. filed an application for a rezoning from General Commercial (CG), Tourist Commercial (CT), and Planned Unit Development (PUD) to Mixed Use Planned Development (MPD); and

WHEREAS, the subject property is located at 10751, 11631, 11121 and 10999 Corkscrew Road, and is described more particularly as:

portions of Sections 25, 26 and 35, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as:

begin at the Northeast corner of Section 25, Township 46 South, Range 25 East;
THENCE S89°27'49"W along the North line of said Section 25 for 5,248.73 feet to the Northwest corner of said Section 25;
THENCE N89°43'14"W along the North line of the Northeast Quarter (NE¼) of the aforementioned Section 26 for 2,687.71 feet to the Northeast corner of the Northwest Quarter (NW¼) of said Section 26;
THENCE N89°45'55"W along the North line of the Northwest Quarter (NW¼) of said Section 26 for 885.98 feet to an intersection with the Easterly right-of-way line of I-75;
THENCE along said Easterly right-of-way for the following described eleven (11) courses:
S18°17'53"E for 3,919.40 feet;
THENCE S19°26'38"E for 899.24 feet;
THENCE S21°18'00"E for 205.99 feet;
THENCE S25°00'43"E for 205.99 feet;
THENCE S26°52'05"E for 486.08 feet;
THENCE S28°49'54"E for 348.60 feet;
THENCE S73°34'03"E for 304.06 feet;
THENCE N63°17'11"E for 648.76 feet;
THENCE S28°18'12"E for 40.00 feet;
THENCE N61°41'48"E for 973.25 feet;
THENCE S28°18'12"E for 10.00 feet to an intersection with the Northerly right-of-way line of Corkscrew Road;
THENCE N61°48'34"E for 5,701.30 feet to an intersection with the East line of the Northeast Quarter (NE¼) of the aforementioned Section 25;
THENCE N00°48'48"W along said East line for 2,402.89 feet to the POINT OF BEGINNING.

Said parcel of land situate, lying and being in Lee County, Florida, containing 794.45 acres, more or less;

LESS

that portion of Sections 26 and 35, Township 46 South, Range 25 East, Lee County, Florida, located Northerly of the Northerly right-of-way line of Corkscrew Road and Easterly of I-75 (SR 93) more particularly described as:

Commence at the Northeast corner of Section 25, Township 46 South, Range 25 East, Lee County, Florida;
THENCE run S89°28'17"W, along the North line of the Northeast Quarter (NE¼) of said Section 25, for a distance of 2,625.10 feet to the North Quarter (N1/4) corner of said Section 25;
THENCE run S89°28'07"W, along the North line of the Northwest Quarter (NW¼) of said Section 25, for a distance of 2,624.90 feet to the Northwest corner of said Section 25;
THENCE run N89°44'39"W, along the North line of the Northeast Quarter (NE¼) of Section 26, Township 46 South, Range 25 East, Lee County, Florida, for a distance of 2,686.44 feet to the North Quarter (N1/4) corner of said Section 26;
THENCE run N89°45'24"W, along the North line of the Northwest Quarter (NW¼) of said Section 26, for a distance of 886.04 feet to a point on the Easterly right-of-way line of I-75 (SR 93) as the same is shown on the Florida Department of Transportation right-of-way map for SR 93 (I-75), Lee County, Section 12075-2402, Sheet 7 of 9, last revised 1/16/81;
THENCE run S18°17'53"E, along said right-of-way line, for a distance of 3,919.41 feet;
THENCE run S19°26'38"E, along said right-of-way line, for a distance of 833.88 feet to the POINT OF BEGINNING of the parcel of land herein described;
THENCE continue S19°26'38"E, along said right-of-way line, for a distance of 65.36 feet;
THENCE run S21°18'00"E, along said right-of-way line, for a distance of 205.99 feet;
THENCE run S25°00'43"E, along said right-of-way line, for a distance of 205.99 feet;
THENCE run S26°52'05"E, along said right-of-way line for a distance of 486.08 feet;
THENCE run S28°52'20"E, along said right-of-way line, for a distance of 348.28 feet;
THENCE run S73°34'19"E, along said right-of-way line, for a distance of 304.03 feet;
THENCE run N63°15'55"E, along said right-of-way line, for a distance of 648.87 feet;

THENCE run S28°20'39"E, along said right-of-way line, for a distance of 40.00 feet to a point on the Northerly right-of-way line of Corkscrew Road (CR 850);
THENCE run N61°41'02"E, along said Northerly right-of-way line, for a distance of 973.32 feet;
THENCE run S28°13'24"E, along said Northerly right-of-way line, for a distance of 10.00 feet;
THENCE run N61°46'36"E, along said Northerly right-of-way line, for a distance of 525.34 feet;
THENCE run N28°13'24"W for a distance of 205.92 feet to the beginning of a tangential circular curve, concave Easterly;
THENCE run Northerly, along the arc of said curve to the right, having a radius of 1,985.00 feet, through a central angle of 21°28'45", subtended by a chord of 739.79 feet at a bearing of N17°29'02"W, for a distance of 744.14 feet to the end of said curve;
THENCE run N06°44'39"W for a distance of 280.76 feet;
THENCE run S70°33'22"W for a distance of 2,580.69 feet to the POINT OF BEGINNING; and
containing 75.008 acres, more or less;

LESS

a parcel of land located in Sections 25 and 26, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as:

commencing at the Northeast corner of Section 26, Township 46 South, Range 25 East, Lee County, Florida;
THENCE run N89°44'39"W, along the North line of the Northeast Quarter (NE¼) of said Section 26, for a distance of 501.54 feet to the POINT OF BEGINNING of the parcel of land herein described;
THENCE continue N89°44'39"W, along the North line of the Northeast Quarter (NE¼) of said Section 26, for a distance of 150.00 feet;
THENCE run S00°14'58"W for a distance of 960.53 feet to the beginning of a tangential circular curve, concave Northeasterly;
THENCE run Southerly, along the arc of said curve to the left, having a radius of 1,985.00 feet, through a central angle of 30°59'37"; subtended by a chord of 1,060.72 feet at a bearing of S15°14'50"E, for a distance of 1,073.77 feet to the end of said curve;
THENCE run S30°44'39"E for a distance of 954.33 feet to the beginning of a tangential circular curve, concave Southwesterly;
THENCE run Southerly, along the arc of said curve to the right, having a radius of 1,835.00 feet, through a central angle of 24°00'00", subtended by a chord of 763.03 feet at a bearing of S18°44'39"E, for a distance of 768.64 feet to the end of said curve;

THENCE run S06°44'39"E for a distance of 390.46 feet to the beginning of a tangential circular curve, concave Northeasterly; THENCE run Southerly, along the arc of said curve to the left, having a radius of 1,985.00 feet, through a central angle of 21°28'45", subtended by a chord of 739.79 feet at a bearing of S17°29'02"E, for a distance of 744.14 feet to the end of said curve; THENCE run S28°13'24"E for a distance of 155.93 feet to a point 100.00 feet Northerly of, as measured at right angles to, the centerline of Corkscrew Road; THENCE run N61°46'36"E, parallel with the centerline of Corkscrew Road, for a distance of 150.00 feet; THENCE run N28°13'24"W for a distance of 155.93 feet to the beginning of a tangential circular curve, concave Northeasterly; THENCE run Northerly, along the arc of said curve to the right, having a radius of 1,835.00 feet, through a central angle of 21°28'45", subtended by a chord of 683.89 feet at a bearing of N17°29'02"W, for a distance of 687.91 feet to the end of said curve; THENCE run N06°44'39"W, for a distance of 390.46 feet to the beginning of a tangential circular curve, concave Southwesterly; THENCE run Northerly, along the arc of said curve to the left, having a radius of 1,985.00 feet, through a central angle of 24°00'00", subtended by a chord of 825.41 feet at a bearing of N18°44'39"W, for a distance of 831.47 feet to the end of said curve; THENCE run N30°44'39"W for a distance of 954.33 feet to the beginning of a tangential circular curve, concave Northeasterly; THENCE run Northerly, along the arc of said curve to the right, having a radius of 1,835.00 feet, through a central angle of 30°59'37", subtended by a chord of 980.57 feet at a bearing of N15°14'50"W, for a distance of 992.63 feet to the end of said curve; THENCE run N00°14'58"E for a distance of 960.51 feet to the POINT OF BEGINNING; and containing 17.253 acres, more or less;

LESS

a parcel of land located in Section 25, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as:

commencing at the Southeast corner of Section 26, Township 46 South, Range 25 East, Lee County, Florida;
THENCE run S89°43'10"W, along the South line of the Southeast Quarter (SE¼) of said Section 26, for a distance of 48.39 feet to a point on the centerline of Corkscrew Road;
THENCE run S61°46'36"W, along the centerline of Corkscrew Road, for a distance of 648.72 feet;

THENCE run N28°13'24"W for a distance of 58.43 feet to a point on the Northerly right-of-way line of Corkscrew Road as the same is monumented by the State of Florida Department of Transportation and as shown on the Florida Department of Transportation right-of-way map for I-75 (SR 93), Section 12075-2402, Sheet 7 of 9, Lee County, Florida;

THENCE run N28°20'39"W for a distance of 40.00 feet;

THENCE run N61°41'02"E for a distance of 973.41 feet to a point 100.00 feet Northerly of, as measured at right angles to, the centerline of Corkscrew Road;

THENCE run N61°46'36"E, parallel with the centerline of Corkscrew Road, for a distance of 675.34 feet; to the POINT OF BEGINNING of the parcel of land herein described;

THENCE continue N61°46'36"E, parallel with the centerline of Corkscrew Road, for a distance of 2,551.34 feet;

THENCE run S28°13'24"E for a distance of 50.00 feet to a point on the Northerly right-of-way line of Corkscrew Road;

THENCE run S61°46'36"W, along the Northerly right-of-way line of Corkscrew Road, for a distance of 2,551.34 feet;

THENCE run N28°13'24"W for a distance of 50.00 feet to the POINT OF BEGINNING; and

containing 2.928 acres, more or less;

LESS

a parcel of land located in Sections 25, 26 and 35, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as:

commencing at the Southeast corner of Section 26, Township 46 South, Range 25 East, Lee County, Florida;

THENCE run S89°43'10"W, along the South line of the Southeast Quarter (SE¼) of said Section 26, for a distance of 48.39 feet to a point on the centerline of Corkscrew Road;

THENCE run S61°46'36"W, along the centerline of Corkscrew Road, for a distance of 648.72 feet;

THENCE run N28°13'24"W for a distance of 58.43 feet to a point on the Northerly right-of-way line of Corkscrew Road as the same is monumented by the State of Florida Department of Transportation and as shown on the Florida Department of Transportation right-of-way map for I-75 (SR 93), Section 12075-2402, Sheet 7 of 9, Lee County, Florida, the same being the POINT OF BEGINNING of the parcel of land herein described;

THENCE run N28°20'39"W for a distance of 40.00 feet;

THENCE run N61°41'02"E for a distance of 973.41 feet to a point 100.00 feet Northerly of, as measured at right angles to, the centerline of Corkscrew Road;
THENCE run N61°46'36"E, parallel with the centerline of Corkscrew Road, for a distance of 675.34 feet;
THENCE run S28°13'24"E, for a distance of 50.00 feet to a point on the Northerly right-of-way line of Corkscrew Road;
THENCE run S61°46'36"W, along the Northerly right-of-way line of Corkscrew Road, for a distance of 675.34 feet;
THENCE run N28°13'24"W, along the Northerly right-of-way line of Corkscrew Road, for a distance of 10.00 feet to a point as monumented by the Florida Department of Transportation;
THENCE run S61°41'02"W, along the Northerly right-of-way line of Corkscrew Road as monumented, for a distance of 973.32 feet to the POINT OF BEGINNING; and
containing 1.669 acres, more or less; and

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 26-46-25-00-00001.1020 (portion of), 25-46-25-00-00001.1000, 25-46-25-00-00001.1010, and 26-46-25-00-00001.1010; and

WHEREAS, Timberland Ltd. and Tiburon Ltd., the owners of the subject parcel, authorized Humphrey & Knott, P.A., to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on January 21, 1997 before the Lee County Hearing Examiner as Case No. 95-08-002.03Z 01.01, who gave full consideration to the evidence available; and

WHEREAS, a public hearing was advertised and held on March 3, 1997 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS, that the Board **APPROVES** the requested rezoning from CG, CT and PUD to MPD; as follows:

SECTION A. CONDITIONS:

The MPD rezoning and Master Concept Plan are subject to the following conditions:

1. The development and use of the subject property is to be in substantial compliance with the approved Master Concept Plan entitled "Timberland & Tiburon" (Project No.90.44-D, last revised 10/08-96, stamped received October 18, 1996) prepared by Hole, Montes & Associates, except as modified by the conditions in this zoning resolution.

In addition to the following conditions, all conditions of Resolution Z-96-072 and the related State DRI Development Order are incorporated into and apply as part of this zoning action.

2. The project may contain a maximum total of 2,895 dwelling units, 90,000 square feet of commercial space, and 200 hotel rooms. The commercial square footage may be increased by a maximum of 30,000 square feet of retail and 50,000 square feet of commercial office provided the number of residential units is decreased so as to ensure no net increase in the amount of external traffic associated with this development.
3. The following uses are permitted within each of the respective Areas of the Master Concept Plan:

AREA #1

Accessory Uses and Structures
Administrative Offices
Assisted Living Facility
Community Residential Home
Dormitory
Dwelling Unit: all types (with the exception of mobile home)
Essential Services
Excavation, Water Retention
Fraternity House
Home Care Facility
Models: Display Center Model Home and Model Unit (subject to Administrative Approval in accordance with LDC Sections 34-1951 et seq.)
Parks, public or private, Groups I and II
Recreational Facilities, Public, Private, Personal
Residential Accessory Uses

AREA #2

Administrative Offices
Animal Clinic and Control Center
ATM
Auto Parts Store, with or without installation service
Automobile Service Station
Auto Repair and Service, Group I
Bar or Cocktail Lounge (Permissible through Administrative Approval or Special Exception, subject to the regulations set forth in LDC Sections 34-1261 et seq.)
Banks and Financial Establishments, all groups
Boat Parts Store
Boat Rental
Broadcast Studio, Commercial Radio and Television
Business Services, All Groups

Caretaker's Residence
Car Wash
Cleaning and Maintenance Services
Clothing Stores, General
Clubs: commercial, fraternal, membership organization, private
Consumption on Premises (permissible through Administrative Approval or Special Exception, subject to the regulations set forth in LDC Section 34-1261 et seq.)
Convenience Food and Beverage Store
Day Care Center, adult or child
Department Store
Drive-through Facility for any permitted use
Drugstore
Dwelling unit - Multi-family building
Emergency Medical Service
Emergency Operations Center
Entrance Gate and Gatehouse
Essential Services
Essential Service Facility, Group I (only) and Group II (subject to the approval of a Special Exception)
Excavation, water retention
Fire Station
Food Store, all groups
Food and Beverage Service, limited
Hardware Store
Health Care Facility, All Groups
Hobby, Toy, and Game Shops
Household & Office Furnishings, Groups I and II
Insurance Companies
Laundromat
Laundry or Dry Cleaning, Group I
Lawn and Garden Supply Store
Library
Medical Office
Mini-warehouse
Model Display Center
Night Club (Permissible through Administrative Approval or Special Exception, subject to the regulations set forth in LDC Section 34-1201 et seq.; 34-1261 et seq.)
Non-store Retailers
Package Store
Paint, Glass, and Wallpaper
Parks, public or private, Groups I and II
Parking Lot, all uses
Personal Services, All Groups
Pet Shop
Pharmacy

Place of Worship
Police or Sheriff's Station
Post Office
Recreation, Commercial, Groups II and IV
Recreational Facilities: Private or Public, Indoor only
Religious Facilities
Rental or Leasing Establishments, Groups I, II, and III
Repair Shops, Groups I and II
Restaurant, Fast Food
Restaurants, All Groups
Schools, Commercial
Self-service Fuel Pumps
Self-service Fuel Pump Station
Signs in Accordance with LDC Chapter 30
Social Services, Group I
Specialty Retail Shop, All Groups
Storage, Indoor Only
Supermarket
Towers, Communication (100 feet or less in height)
Transportation Services, Groups II
Used Merchandise Stores, Groups I, II, and III
Variety Store
Vehicle and Equipment Dealers, Group II
Wholesale Establishment, Groups III and IV

AREA #3

Administrative Offices
Animal Clinic
ATM
Auto Parts Store, with or without Installation service
Automobile Service Station
Auto Repair and Service, Group I
Banks and Financial Establishments, All Groups
Bar or Cocktail Lounge (permissible through Administrative Approval or Special Exception, subject to the regulations set forth in LDC Section 34-1261 et seq.)
Boat Parts Store
Boat Rental
Broadcast Studio, Commercial Radio and Television
Business Services, All Groups
Car Wash
Caretaker's Residence
Cleaning and Maintenance Services
Clothing Stores, General
Clubs: Commercial, Fraternal, Membership Organization, Private
Convenience Food and Beverage Store

Consumption on Premises (permissible through Administrative Approval or Special Exception, subject to the Regulations set forth in LDC Section 34-1261 et seq.)
Day Care Center, Adult or Child
Department Store
Drive-through Facility for any permitted use
Drugstore
Entrance Gate and Gatehouse
Essential Services
Essential Service Facility, Group I (only) and Group II (subject to the approval of a Special Exception)
Excavation, Water Retention
Food Store, All Groups
Food and Beverage Service, limited
Hardware Store
Health Care Facility, Group III
Hobby, Toy, and Game Shops
Hotel/motel
Household & Office Furnishings, Groups I and II
Laundromat
Laundry or Dry Cleaning, Group I
Lawn and Garden Supply Store
Library
Medical Office
Mini-warehouse
Model Display Center
Night Club (permissible through Administrative Approval or Special Exception, subject to the regulations set forth in LDC Sections 34-1201 et seq. & 34-1261 et seq.)
Nonstore Retailers
Package Store
Paint, Glass, and Wallpaper
Parks, Public or Private, Groups I and II
Parking Lot: All Uses
Personal Services, All Groups
Pet Shop
Pharmacy
Place of Worship
Recreation, Commercial, Groups II and IV
Recreational Facilities: Private or Public, indoor only
Religious Facilities
Rental or Leasing Establishments, Groups I, II, and III
Repair Shops, Groups I and II
Restaurant, Fast Food
Restaurants, All Groups
Schools, Commercial
Self-service Fuel Pumps

Self-service Fuel Pump Station
Signs in Accordance with LDC Chapter 30
Social Services, Group I
Specialty Retail Shop, All Groups
Storage, Indoor Only
Studios
Supermarket
Towers, Communication (100 feet or less in height)
Transportation Services, Group II
Used Merchandise Stores, Groups I, II, and III
Variety Store
Vehicle and Equipment Dealers, Group II
Wholesale Establishment, Groups III and IV

AREA #4

Accessory Uses and Structures
Accessory Apartment
Administrative Offices
Club, Country or Private
Consumption on Premises
Dwelling Unit: All Types (with the exception of Mobile Home)
Essential Services
Excavation, Water Retention
Golf Course
Golf Course, Driving Range
Models: Display Center
Model Home and Model Unit (subject to Administrative Approval in accordance with LDC Section 34-1951 et seq.)
Parks, Public or Private, Groups I and II
Recreational Facilities: Personal, Private, and Public
Residential Accessory Uses

4. Development of the MPD will comply with the following Property Development Regulations:

AREAS #1 AND #4

Minimum Lot Area and Dimensions:

Area: 3,750 square feet
Width: 37.5 feet
Depth: 100 feet

Minimum Setbacks:

Street: variable according to the functional classification of the street or road (Section 34-2191 et seq.)
Side: 6 feet or zero (0) feet in the case of zero lot line units
Rear: 15 feet
Water Body: 25 feet

Maximum Lot Coverage: 55 percent

Maximum Building Height: 45 feet

AREAS #2 AND #3

Minimum Lot Area and Dimensions:

Area: 20,000 square feet
Width: 100 feet
Depth: 100 feet

Minimum Setbacks:

Street: variable according to the functional classification of the street or road (Section 34-2191 et seq.)
Side: 15 feet
Rear: 15 feet
Water Body: 25 feet

Maximum Lot Coverage: 40 percent

Maximum Building Height: Area #2 45 feet
Area #3 65 feet

5. The Developer has applied for and obtained a permit (Permit #199302371) from the U.S. Army Corps of Engineers (ACOE) to fill specified jurisdictional wetlands. The permit incorporates the terms of a June 19, 1996 agreement between the Developer and Lee County that requires the Developer to pay Environmental Assessments of \$1,700.00 per developed acre (\$1,200,000.00 in total) as off-site mitigation as a condition of receiving local Development Orders. This agreement is attached to the DRI Development Order.

Lee County will use the proceeds from this Environmental Assessment to acquire lands within the areas identified in Exhibit "D" of the June 19, 1996 agreement. The lands acquired will be managed by Lee County in an environmentally responsible manner and in accordance with procedures adopted by the County. Lee County will

be responsible for determining which specific lands to acquire and the method for acquisition and management. These actions will be coordinated with the South Florida Water Management District (SFWMD) and other Lee County programs so that the total area acquired under all such efforts is managed to preserve and enhance their wildlife habitat and environmental values.

Lee County may coordinate the selection of acquisition areas with the Florida Game and Freshwater Fish Commission (FGFWFC) and the U.S. Fish and Wildlife Service (USFWS). All development on the property must be consistent with the ACOE permit, all necessary permits from Florida Department of Environmental Protection (FDEP), the SFWMD, and the June 19, 1996 Agreement.

6. The Developer and his successor(s) must conduct and submit surveys for Lee County protected species meeting the standards of the applicable Lee County Administrative Code as part of each application for a local Development Order where required by Section 10-473 of the Lee County Land Development Code (LDC). The developer must submit a management plan meeting the requirements of LDC Section 10-474 as part of each local Development Order application for property on which a survey indicates the presence of one or more protected species.
7. The Developer and his successor(s) must utilize a native landscaping program through-out the project, with an effort to save and create native upland habitat. This program will be reviewed at time of local Development Order by the Lee County Department of Community Development.
8. The Developer and his successor(s) must comply with the standards for open space and indigenous preservation set forth in LDC Sections 10-413 and 34-935(g) on the MPD parcel as a whole. However, the County may permit individual parcels within the development to deviate from the requirements set forth in LDC Section 10-413. In addition, all development must comply with Open Space Notes #5 and #6 on the approved Master Concept Plan.
9. Prior to the issuance of a Lee County Tree Removal Permit for any phase of development, the Applicant/Developer must submit a plan, approved by the USFWS, which protects the Eastern Indigo snake from possible injuries associated with construction activities. This plan will be reviewed by the Lee County Division of Planning.
10. This zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of local Development Order.
11. This project is vested from the requirements of the Year 2010 Overlay use allocation requirements, if such allocation exists, for 2,895 dwelling units, 90,000 square feet of

commercial space, and 200 hotel units. Increases in the commercial square footage beyond that described in Condition 2 will not be vested.

12. This development must comply with all of the requirements of the Lee County Land Development Code at the time of local Development Order approval, except as granted by deviation as part of this planned development.

SECTION B. DEVIATION:

The Master Concept Plan deviates from Lee County development standards. The proposed deviation is granted as set forth below:

Deviation (A) requests relief from LDC Section 10-329(e)(3) to allow the lake excavation depth to exceed the allowed maximum of 12 feet to allow a maximum permitted depth of 20 feet or the impervious rock/soil layer, whichever is less. The requested deviation is **APPROVED** subject to implementation of the lake management plan titled "Timberland and Tiburon Lake Management Plan," dated December 18, 1996. The local Development Order must include the elements of this plan for all areas that contain lakes that may be excavated deeper than 12 feet.

SECTION C. Master Concept Plan:

A one-page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference.

SECTION D. FINDINGS AND CONCLUSIONS:

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

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested MPD zoning:
 - a) meets or exceeds all performance and locational standards set forth for the uses allowed by the request;
 - b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c) is compatible with existing or planned uses in the surrounding area; and
 - d) will not adversely affect environmentally critical areas or natural resources.

3. Approval of the request will not unduly burden existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The proposed use or mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviation granted will:
 - a) enhance the objectives of the planned development; and
 - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

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

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

DULY PASSED AND ADOPTED this 3rd day of March, 1997, A.D.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Anna S. Pierce*
Deputy Clerk

FILED

MAR 4 1997

CLERK, CIRCUIT COURT
BY: *Anna S. Pierce, C.*

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *John E. Albion*
Chairman

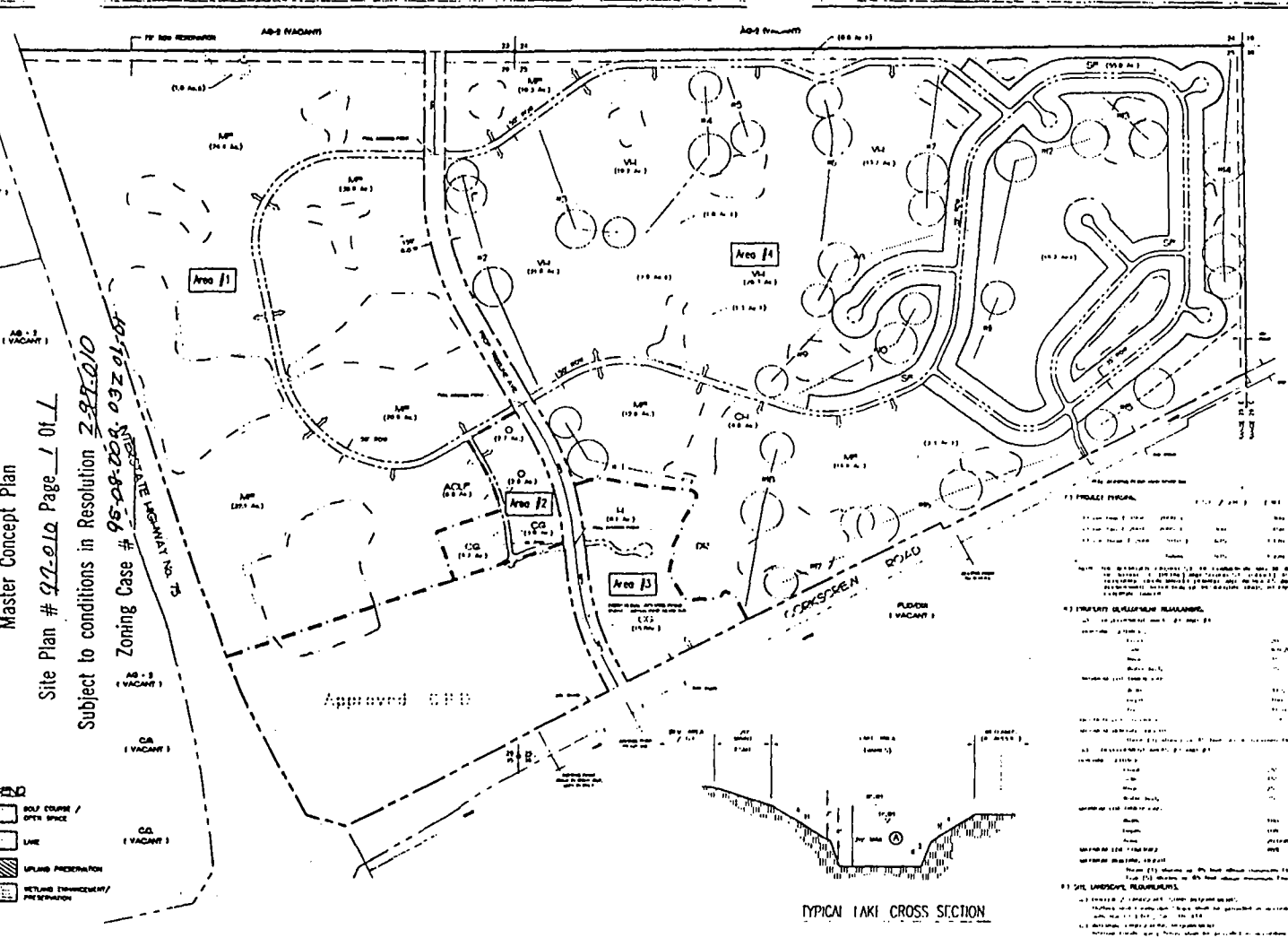
Approved as to form by:

Patricia A. ...
County Attorney's Office

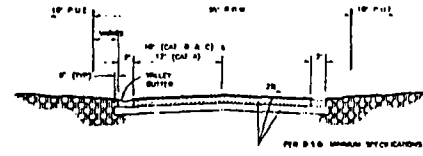
APPROVED

Master Concept Plan

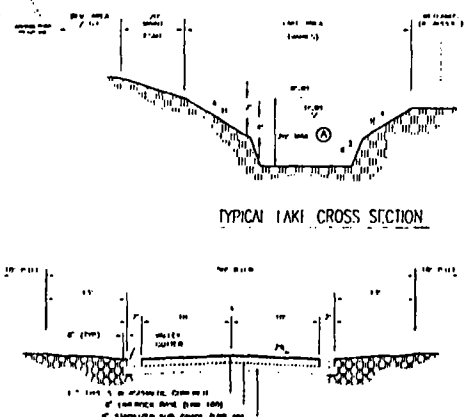
Site Plan # 92-010 Page 1 of 1
 Subject to conditions in Resolution 2-81-010
 Zoning Case # 95-08-2003, 09/21/05
 PRIVATE HIGHWAY NO. 75



- ADP ADULT DAYCARE (10000)
- CD COMMERCIAL DISTRICT
- OL OFFICE
- OS OFFICE BUILDING
- H HOTEL
- L LIGHT
- MP MULTIFAMILY
- O OFFICE
- SP SINGLE-FAMILY RESIDENTIAL
- VV VILLA HOUSING
- C OTHER ACCESS POINT



PRIVATE / LOCAL ROAD CROSS SECTION



PRIVATE/MINOR COLLECTOR ROAD CROSS SECTION

PROPOSED ROAD

ROAD NAME	TYPE	WIDTH	RIGHT-OF-WAY	ADDITIONAL NOTES
ADP DRIVE	ADP	20'	40'	
CD DRIVE	CD	20'	40'	
OL DRIVE	OL	20'	40'	
OS DRIVE	OS	20'	40'	
H DRIVE	H	20'	40'	
L DRIVE	L	20'	40'	
MP DRIVE	MP	20'	40'	
O DRIVE	O	20'	40'	
SP DRIVE	SP	20'	40'	
VV DRIVE	VV	20'	40'	

UTILITIES DEVELOPMENT REQUIREMENTS

UTILITIES	TYPE	WIDTH	RIGHT-OF-WAY	ADDITIONAL NOTES
Water	Water	12"	24"	
Sewer	Sewer	12"	24"	
Gas	Gas	12"	24"	
Electric	Electric	12"	24"	
Telecom	Telecom	12"	24"	

PROPOSED UTILITIES

UTILITIES	TYPE	WIDTH	RIGHT-OF-WAY	ADDITIONAL NOTES
Water	Water	12"	24"	
Sewer	Sewer	12"	24"	
Gas	Gas	12"	24"	
Electric	Electric	12"	24"	
Telecom	Telecom	12"	24"	

PROPOSED UTILITIES

UTILITIES	TYPE	WIDTH	RIGHT-OF-WAY	ADDITIONAL NOTES
Water	Water	12"	24"	
Sewer	Sewer	12"	24"	
Gas	Gas	12"	24"	
Electric	Electric	12"	24"	
Telecom	Telecom	12"	24"	

PROPOSED UTILITIES

UTILITIES	TYPE	WIDTH	RIGHT-OF-WAY	ADDITIONAL NOTES
Water	Water	12"	24"	
Sewer	Sewer	12"	24"	
Gas	Gas	12"	24"	
Electric	Electric	12"	24"	
Telecom	Telecom	12"	24"	

- 1) PROJECT NO. 92-010
- 2) DATE: 09/21/05
- 3) DESIGNER: HMA & ASSOCIATES
- 4) CLIENT: PRIVATE DEVELOPER

- 5) SCALE: 1" = 400'
- 6) SHEET NO. 1 OF 1

- 7) PROJECT LOCATION: PRIVATE HIGHWAY NO. 75

- 8) PROJECT DESCRIPTION: MASTER CONCEPT PLAN

- 9) PROJECT STATUS: APPROVED

- 10) PROJECT CONTACT: HMA & ASSOCIATES

- 11) PROJECT DATE: 09/21/05

- 12) PROJECT LOCATION: PRIVATE HIGHWAY NO. 75

- 13) PROJECT DESCRIPTION: MASTER CONCEPT PLAN

- 14) PROJECT STATUS: APPROVED

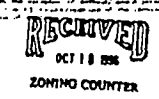
- 15) PROJECT CONTACT: HMA & ASSOCIATES

- 16) PROJECT DATE: 09/21/05

- 17) PROJECT LOCATION: PRIVATE HIGHWAY NO. 75

- 18) PROJECT DESCRIPTION: MASTER CONCEPT PLAN

- 19) PROJECT STATUS: APPROVED



ADP	ADULT DAYCARE (10000)
CD	COMMERCIAL DISTRICT
OL	OFFICE
OS	OFFICE BUILDING
H	HOTEL
L	LIGHT
MP	MULTIFAMILY
O	OFFICE
SP	SINGLE-FAMILY RESIDENTIAL
VV	VILLA HOUSING
C	OTHER ACCESS POINT

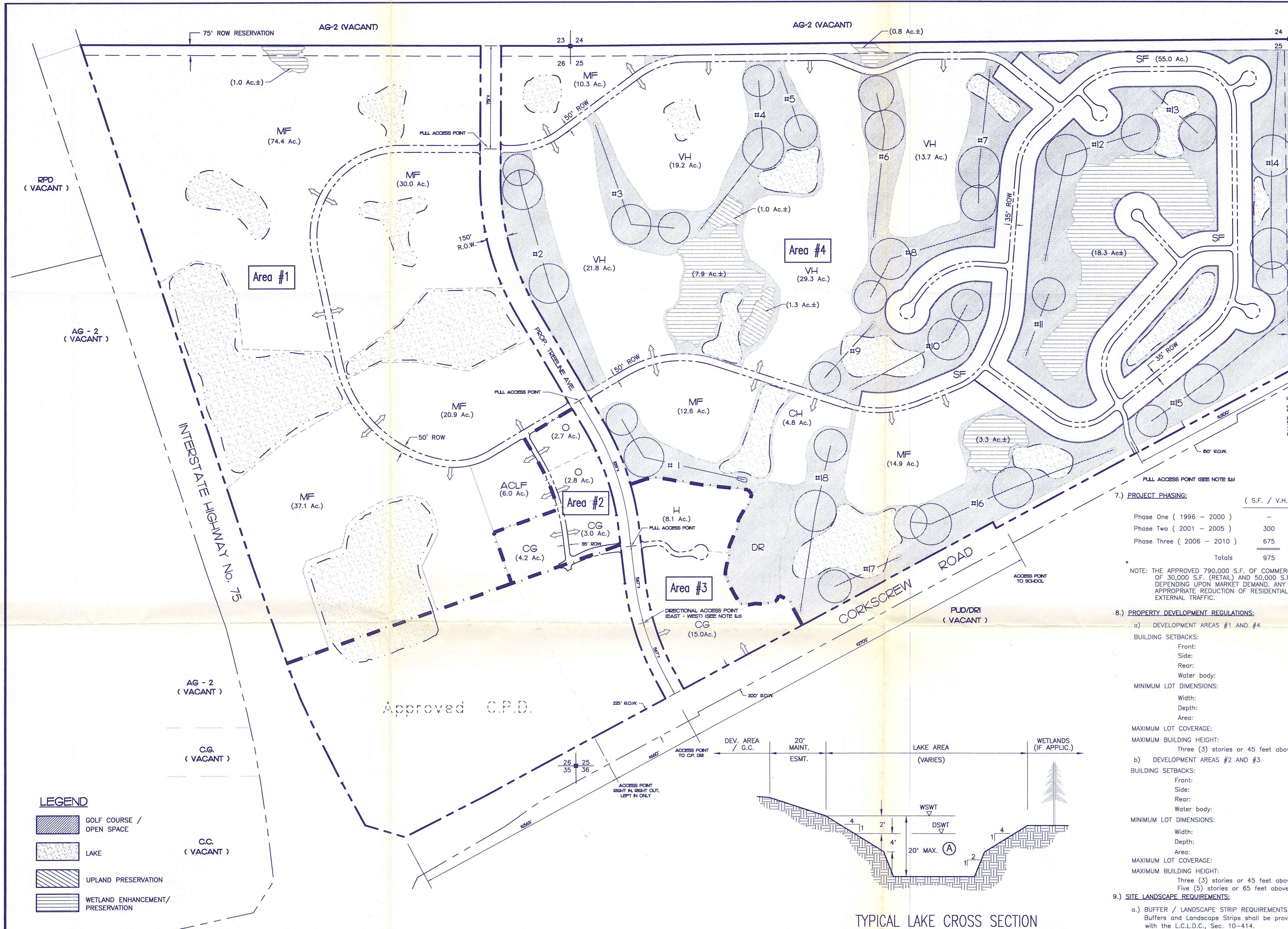
ADP	ADULT DAYCARE (10000)
CD	COMMERCIAL DISTRICT
OL	OFFICE
OS	OFFICE BUILDING
H	HOTEL
L	LIGHT
MP	MULTIFAMILY
O	OFFICE
SP	SINGLE-FAMILY RESIDENTIAL
VV	VILLA HOUSING
C	OTHER ACCESS POINT

ADP	ADULT DAYCARE (10000)
CD	COMMERCIAL DISTRICT
OL	OFFICE
OS	OFFICE BUILDING
H	HOTEL
L	LIGHT
MP	MULTIFAMILY
O	OFFICE
SP	SINGLE-FAMILY RESIDENTIAL
VV	VILLA HOUSING
C	OTHER ACCESS POINT

HMA & ASSOCIATES
 ENGINEERS-PLANNERS-SURVEYORS
 NAPLES-FORT MYERS-BONITA SPRINGS

MASTER CONCEPT PLAN
 EXHIBIT THREE-B.2
 EXHIBIT THREE-C.2

95-01-003-012



- 1.) PARCEL SIZE:
- a.) ENTIRE PARCEL REGULATED BY D.R.I. D.O. ± 794.5 Acres
 - b.) LESS Corkscrew Rd. R.O.W. Dedication ± 4.6 Acres
 - LESS Treeline Ave. R.O.W. Dedication ± 17.4 Acres
 - LESS Approved C.P.D. Parcel ± 75.0 Acres
 - c.) TOTAL REMAINING PARCEL ± 697.5 Acres

2.) REQUEST: A rezoning from P.U.D. / CT / CG to M.P.D.

- 3.) PERMITTED USES:
- AREA #1: Accessory Uses, Buildings and Structures, Administrative Offices, Assisted Living Facility, Community Residential Home, Dormitory, Dwelling unit, all types but Mobile Home, Essential Services, Excavation, Water Retention, Fraternity House, Home Care Facility, Model Display Center, Home, Unit, Parks, Groups I and II, Recreational Facilities: Public/Private/Personal, Residential Assesory Uses
- AREA #2: All uses permitted by right or special exception in the CC and CS-1 District, including Mini-Warehouse and except the following:
 Aircraft Landing Facility, Bolt and Tackle Shop, Bus Station, Commercial Use of Beachfront, Contractors and Builders, all Groups, Excavation, Oil and Gas, Flea Market, Indoor, Forestry Tower, Funeral Homes or Mortuary, Government Maintenance Facility, Mass Transit Depot, Research Laboratory, Group II, Storage, Open Theater, Indoor
- AREA #3: All uses permitted by right or special exception in the CC District, except (some exceptions as in AREA #2) and including: Hotel/Motel, Business and Efficiency.
- AREA #4: Accessory Uses, Buildings and Structures, Accessory Apartment, Administration Offices, Club, Country Club, Private Consumption on Premises, Dwelling Unit, all types but Mobile Home, Essential Services, Excavation, Water Retention, Golf Course, Golf Course, Driving Range, Model: Display Center, Home and Unit, Parks, Group I and II, Recreational Facilities: Personal, Private and Public, Residential Accessory Uses

7.) PROJECT PHASING:

	(S.F. / V.H.)	(M.F.)	Comm. (S.F.)	Hotel (Rooms)
Phase One (1996 - 2000)	-	300	525,000	200
Phase Two (2001 - 2005)	300	450	265,000	-
Phase Three (2006 - 2010)	675	1,170	-	-
Totals	975	1,920	790,000	200

NOTE: THE APPROVED 790,000 S.F. OF COMMERCIAL MAY BE INCREASED BY A MAXIMUM OF 30,000 S.F. (RETAIL) AND 50,000 S.F. (OFFICE), AS INDICATED ON THE MDP. DEPENDING UPON MARKET DEMAND. ANY INCREASES WILL BE MATCHED WITH AN APPROPRIATE REDUCTION OF RESIDENTIAL UNITS TO ENSURE NO NET INCREASE OF EXTERNAL TRAFFIC.

8.) PROPERTY DEVELOPMENT REGULATIONS:

a.) DEVELOPMENT AREAS #1 AND #4

- BUILDING SETBACKS:
 Front: 20'
 Side: 6.0'/0'(ZLL)
 Rear: 15'
 Water body: 25'
- MINIMUM LOT DIMENSIONS:
 Width: 37.5'
 Depth: 100'
 Area: 3750 S.F.
 MAXIMUM LOT COVERAGE: 55%
- MAXIMUM BUILDING HEIGHT:
 Three (3) stories or 45 feet above minimum Floor Elev.

b.) DEVELOPMENT AREAS #2 AND #3

- BUILDING SETBACKS:
 Front: 25'
 Side: 15'
 Rear: 25'
 Water body: 25'
- MINIMUM LOT DIMENSIONS:
 Width: 100'
 Depth: 100'
 Area: 20,000 S.F.
 MAXIMUM LOT COVERAGE: 40%
- MAXIMUM BUILDING HEIGHT:
 Three (3) stories or 45 feet above minimum Floor Elev. (AREA 2)
 Five (5) stories or 65 feet above minimum Floor Elev. (AREA 3)

9.) SITE LANDSCAPE REQUIREMENTS:

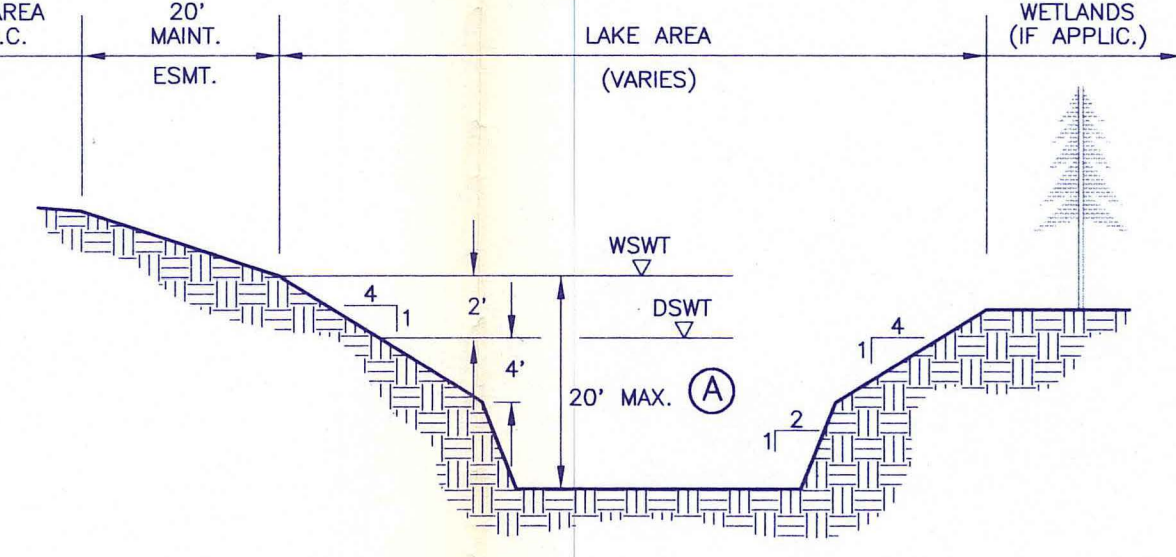
- a.) BUFFER / LANDSCAPE STRIP REQUIREMENTS:
 Buffers and Landscape Strips shall be provided in accordance with the L.C.L.D.C., Sec. 10-414.
- b.) INTERNAL LANDSCAPING REQUIREMENTS:
 Internal Landscaping Areas shall be provided in accordance with the L.C.L.D.C., Sec. 10-415 (2).
- c.) GENERAL LANDSCAPING REQUIREMENTS:
 General Landscaping Areas shall be provided in accordance with the L.C.L.D.C., Sec. 10-415 (a), Sec. 10-415 (b), and Sec. 10-415 (c).

10.) SCHEDULE OF DEVIATIONS:

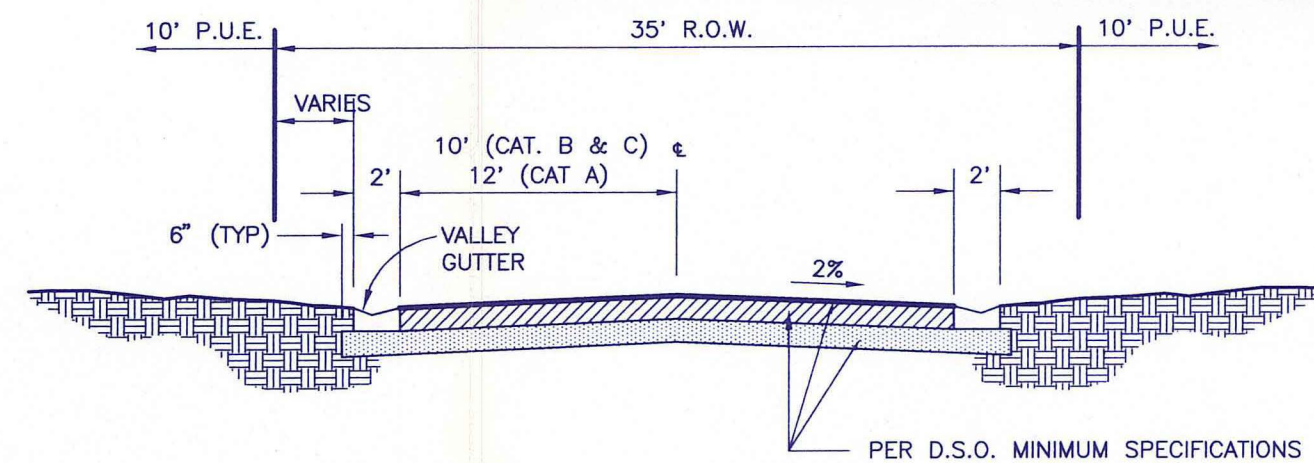
- A.) A deviation from Section 10-329 (e)(3) of the Lee County Development Standards Ordinance, which requires a maximum excavation depth of 12' to 20' or an impervious rock/soil layer, whichever is less. This deviation will apply to all proposed/existing lakes.

11.) NOTES:

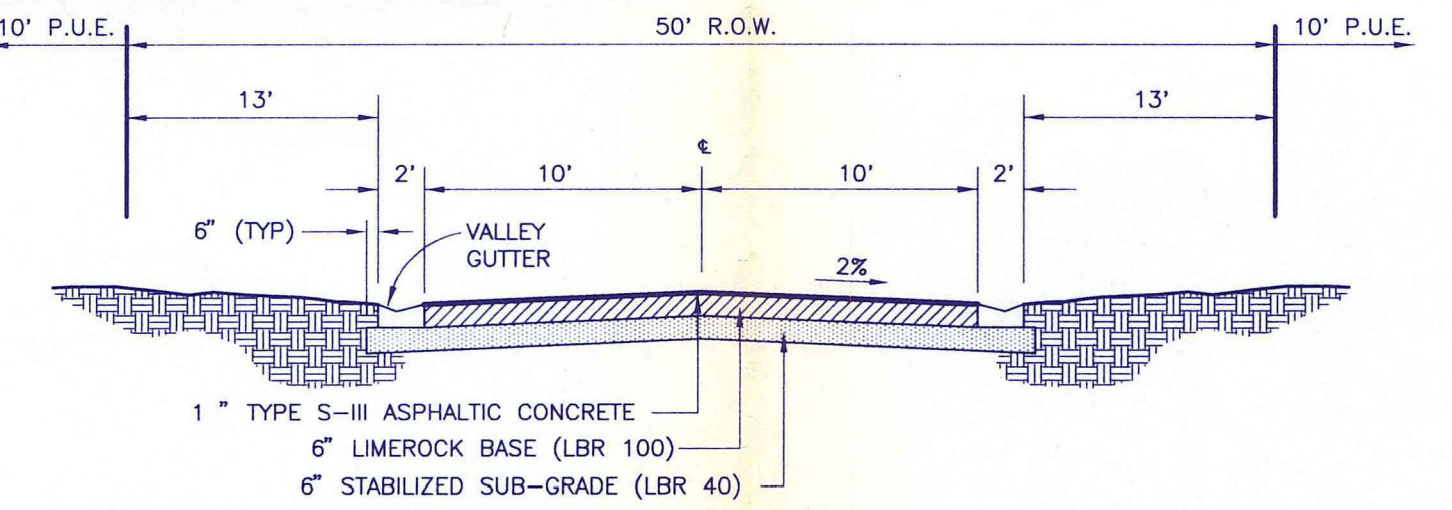
- a.) Full access points along proposed Treeline Avenue are shown per approved plans/permits for Treeline Avenue.
- b.) The proposed full access point on Corkscrew Road may be eliminated at time of local D.O., subject to a revised I.T.S.
- c.) Location of access points into the various development tracts to be determined at time of local D.O. and subject to Lee County D.S.O. spacing for local/collector roads.
- d.) The Treeline Ave. Directional Access Point to consist southbound and northbound right-in/right-out/leftout. The Access design to be reviewed/approved by LDOT&E during the local D.O. process.
- e.) The General Interchange Category has been extended to include all the parcels designated "M" and "C" pursuant to Lee Plan Policy 6.1.2.6.
- f.) The Villa Housing land use category may consist of the following types of dwelling units: duplex, two family attached, townhouse, zero-lot line, or multi-family.



TYPICAL LAKE CROSS SECTION



PRIVATE / LOCAL ROAD CROSS SECTION



PRIVATE/MINOR COLLECTOR ROAD CROSS SECTION

LEGEND

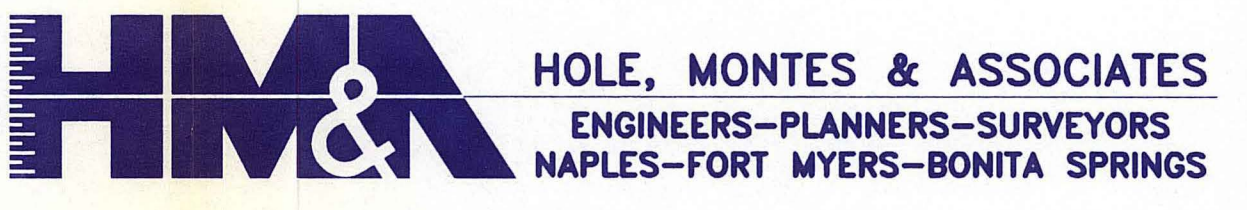
- [Symbol] GOLF COURSE / OPEN SPACE
- [Symbol] LAKE
- [Symbol] UPLAND PRESERVATION
- [Symbol] WETLAND ENHANCEMENT/PRESERVATION

- ACLF ADULT CONGREGATE LIVING FACILITY
- CG GENERAL COMMERCIAL
- CH CLUB HOUSE
- DR DRIVING RANGE
- H HOTEL
- L LAKES
- MF MULTI-FAMILY
- O OFFICE
- SF SINGLE FAMILY RESIDENTIAL
- VH VILLA HOUSING
- ← GENERAL ACCESS POINT

NUMBER	REVISIONS	DATE
1	PRELIMINARY ZONING STAFF SUFFICIENCY	10/08/96

TIMBERLAND & TIBURON

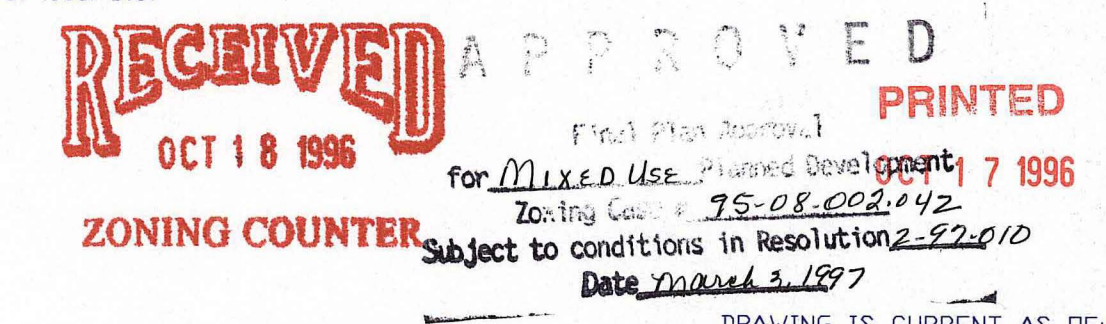
DESIGNED BY:	DATE:
C.R.B.	07/30/96
DRAWN BY:	DATE:
C.R.B.	07/30/96
CHECKED BY:	DATE:
N.E.D.	08/16/96
VERTICAL SCALE:	HORIZONTAL SCALE:
	1" = 400'



MASTER CONCEPT PLAN

EXHIBIT THREE: B.2.
EXHIBIT THREE: C.2.

REFERENCE NO.	DRAWING NO.
9044DMI	568-01
PROJECT NO.	SHEET NO.
90.44-D	1 OF 1



DRAWING IS CURRENT AS OF: 10/11/96

PAVESE LAW FIRM

NEALE MONTGOMERY

Direct dial: (239) 336-6235
Email: NealeMontgomery@paveselaw.com

1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Drawer 1507, Fort Myers, Florida 33902-1507 | (239) 334-2195 | Fax (239) 332-2243

March 1, 2017

Mr. Charles Kammerer
Southwest Florida Regional Planning Council
1400 Colonial Boulevard, Suite 1
Fort Myers, FL 33901

Ms. Mary Gibbs
Community Development Director
Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928

Ms. Brenda Winningham
Division of Community Planning
Department of Economic Opportunity
107 East Madison Street MSC-160
Tallahassee, FL 32399

**RE: Timberland and Tiburon DRI #7-8384-46
Biennial Monitoring Report - Period 12/15/2016 to 12/15/2018**

Dear Mr. Kammerer, Ms. Gibbs and Ms. Winningham:

I am writing in regards to the Timberland and Tiburon DRI which was amended in October of 2010. The DRI is subject to a biennial monitoring report. The property is located in the northeast quadrant of I-75 and Corkscrew Road. There are numerous landowners within the Development of Regional Impact. Grandezza is an essentially built out residential community. The developer of the community has turned control of the community and the amenities over to the homeowners and third parties. A Publix Shopping Center is located east of Ben Hill and north of Corkscrew Road, and is essentially built out. Miromar Outlets is located north of Corkscrew Road and east of I-75. The Outlet Mall is substantially complete. The majority of the undeveloped portion of the property is currently under the ownership and control of University Highland Limited Partnership. The University Highland Limited Partnership does not have any control over the developed properties, and has never had control over those properties.

The master concept plan (Map H) has not been amended during the reporting period.

Various tracts of land have been sold or are under contract to be sold. The ownership status of the tracts is shown on the UHLP-Estero Site Plan which is enclosed herein. Development of the parcel sold to Pulte Home Corporation is underway. No land has been purchased adjacent to the original DRI during the reporting period.

March 1, 2017
Page 2 of 2

No traffic monitoring will be provided because no additional development has occurred since the updated 2010 traffic assessment was provided. Information relating to traffic monitoring for the development is shown on the Highland Oaks Drive DOS2015-00047 Approval Letter dated December 10, 2015 which is enclosed herein.

The landowner has been actively working to obtain the necessary approvals and agreements as required by the DRI Development Order. No actions have been taken that are inconsistent with the DRI Development Order.

Should you need any additional information please feel free to contact me.

Sincerely,


Neale Montgomery

NM/JAA

cc: Mr. Al Moscato

Enclosures

1. Check for \$250.00 Fee
2. Form DEO-BCP-BIENNIAL REPORT-1
3. UHLP Estero Site Plan
4. Highland Oaks Drive DOS2015-00047 Approval Letter

PAVESE LAW FIRM

011972

DATE	DESCRIPTION	INVOICE #	AMOUNT	CHECK DEDUCTION	NET AMOUNT
03/01/17	266 SOUTHWEST FLORIDA REGIONAL PLANNING COUN Univ Highland/T&T DRI/142/Filing Fee-Biennial Monitor'g Rept	82431.001NM	250.00		250.00

CHECK DATE 03/01/17	CONTROL NUMBER 11972	TOTALS	Gross: 250.00	Ded: 0.00	Net: 250.00
------------------------	-------------------------	--------	---------------	-----------	-------------

THIS CHECK HAS A COLORED BACKGROUND AND CONTAINS MULTIPLE SECURITY FEATURES - SEE BACK FOR DETAILS

EDISON NATIONAL BANK
FT. MYERS, FLORIDA
63-1430/670

011972

**PAVESE
LAW FIRM**

POST OFFICE DRAWER 1507
FORT MYERS, FL 33902

DATE	CHECK	AMOUNT
03/01/17	11972	****\$250.00

*** TWO HUNDRED FIFTY & 00/100 DOLLARS

PAY
TO THE
ORDER
OF

SOUTHWEST FLORIDA REGIONAL PLANNING COUN
1926 VICTORIA STREET
FORT MYERS FL 33901



PAVESE LAW FIRM
VOID IF NOT CASHED WITHIN 90 DAYS
[Signature]
AUTHORIZED SIGNATURE

⑈011972⑈ ⑆067014301⑆ 30107423⑈

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY
DIVISION OF COMMUNITY PLANNING & DEVELOPMENT
The Caldwell Building, MSC 160
107 East Madison Street
Tallahassee, Florida 32399

**DEVELOPMENT OF REGIONAL IMPACT
BIENNIAL REPORT**

Subsection 380.06(18), Florida Statutes, (F.S.) places the responsibility on the developer of an approved development of regional impact (DRI) for submitting an biennial report to the local government, the regional planning agency, the Department of Economic Opportunity, and to all affected permit agencies, on the date specified in the development order. The failure of a developer to submit the report on the date specified in the development order may result in the temporary suspension of the development order by the local government until the biennial report is submitted to the review agencies. This requirement applies to all developments of regional impact which have been approved since August 6, 1980. If you have any questions about this required report, call the DRI Planner at (850) 717-8475.

Send the original completed annual report to the designated local government official stated in the development order with one copy to each of the following:

- a) The regional planning agency of jurisdiction;
- b) All affected permitting agencies;
- c) Division of Community Development
Bureau of Comprehensive Planning
107 East Madison
Caldwell Building, MSC 160
Tallahassee, Florida 32399

BIENNIAL STATUS REPORT

Reporting Period: 12/15/16 to 12/15/18
Month/Day/Year Month/Day/Year

Development: Timberland and Tiburon DRI #7-8384-46
Name of DRI

Location: Estero, Lee
City County

Developer: Name: University Highland Limited Partnership (see Note below)
Company Name

Address: 225 Banyan Boulevard, Suite 240
Street Location
Naples, FL 34102
City, State, Zip

***NOTE:** *Grandezza (Stock Development)*
Publix Center (Regency Centers)
Miromar Outlets (Miromar Outlets East LLC and Miromar Outlets West LLC)
Germain Arena (Craig Brush)
Undeveloped (University Highland Limited Partnership)
Undeveloped (Continental 376 Fund LLC)
Under Construction (Pulte Home Corporation)
Springs at Estero (Continental 305 Fund LLC)

1. Describe any changes made in the proposed plan of development, phasing, or in the representations contained in the Application for Development Approval since the Development of Regional Impact received approval. Note any actions (substantial deviation determinations) taken by local government to address these changes.

Note: If a response is to be more than one sentence, attach as Exhibit A a detailed description of each change and copies of the modified site plan drawings. Exhibit A should also address the following additional items if applicable:

- a) Describe changes in the plan of development or phasing for the reporting year and for the subsequent years.

The plan of development has not changed for the reporting period.

- b) State any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

None

- c) Attach a copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), F.S.

No amendments to the DRI DO occurred during the reporting period.

2. Has there been a change in local government jurisdiction for any portion of the development since the development order was issued? If so, has the annexing local government adopted a new DRI development order for the project? Provide a copy of the order adopted by the annexing local government.

Yes, the development is now under the jurisdiction of the Village of Estero.

3. Provide copies of any revised master plans, incremental site plans, etc., not previously submitted.

Note: If a response is to be more than one or two sentences, attach as Exhibit B.

There are no changes to the Master Plan (Map H) since the approval of the NOPC in 2010.

4. Provide a summary comparison of development activity proposed and actually conducted for the reporting year as well as a cumulative total of development proposed and actually conducted to date.

Example: Number of dwelling units constructed, site improvements, lots sold, acres mined, gross floor area constructed, barrels of storage capacity completed, permits obtained, etc.

Note: If a response is to be more than one sentence, attach as Exhibit C.

The parcel owned by Pulte Home Corporation is currently under construction.

5. Have any undeveloped tracts of land in the development (other than individual single-family lots) been sold to a separate entity or developer? If so, identify tract, its size, and the buyer. Provide maps which show the tracts involved.

Note: If a response is to be more than one sentence, attach as Exhibit D.

Yes, the undeveloped Tract #2 under the ownership of University Highland Limited Partnership was sold to a separate entity, Continental 305 Fund LLC, during the reporting period. The other developments located within the DRI, other than University Highlands, are platted and developed so any sales within those developments would be the sale of platted land or individual homes.

Tract #11 of University Highland Tract "3" Replat, according to the plat thereof recorded in Instrument #2015000267130 of the Public Records of Lee County was conveyed to a separate entity, Continental 376 Fund LLC, on November 4, 2016. See Instrument #2016000238007 of the Public Records of Lee County.

A parcel of land lying in Tract 1 of the plat University Highland recorded in Instrument No. 2014000100081 of the Public Records of Lee County was conveyed to Pulte Home Corporation on February 25, 2015. See Instrument #2015000041374 of the Public Records of Lee County.

6. Describe any lands purchased or optioned adjacent to the original DRI site subsequent to issuance of the development order. Identify such land, its size, and intended use on a site plan and map.

Note: If a response is to be more than one sentence, attach as Exhibit E.

No land has been purchased.

7. List any substantial local, state and federal permits which have been obtained, applied for, or denied during this reporting period. Specify the agency, type of permit, and duty for each.

Note: If a response is to be more than one sentence, attach as Exhibit F.

Please see attached cover letter.

8. Provide a list specifying each development order conditions and each developer commitment as contained in the ADA. State how and when each condition or commitment has been complied with during the annual report reporting period.

Note: Attach as Exhibit G.

The existing development was developed in accordance with the approved DRI Development Order. The parcel owned by Pulte Home Corporation is currently under construction.

9. Provide any information that is specifically required by the development order to be included in the annual report.

None.

10. Provide a statement certifying that all persons have sent copies of the biennial report in conformance with Subsections 380.06(15) and (18), F.S.

Copies of this DRI Monitoring Report have been sent to the following:

***Mr. Charles Kammerer
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, FL 33901***

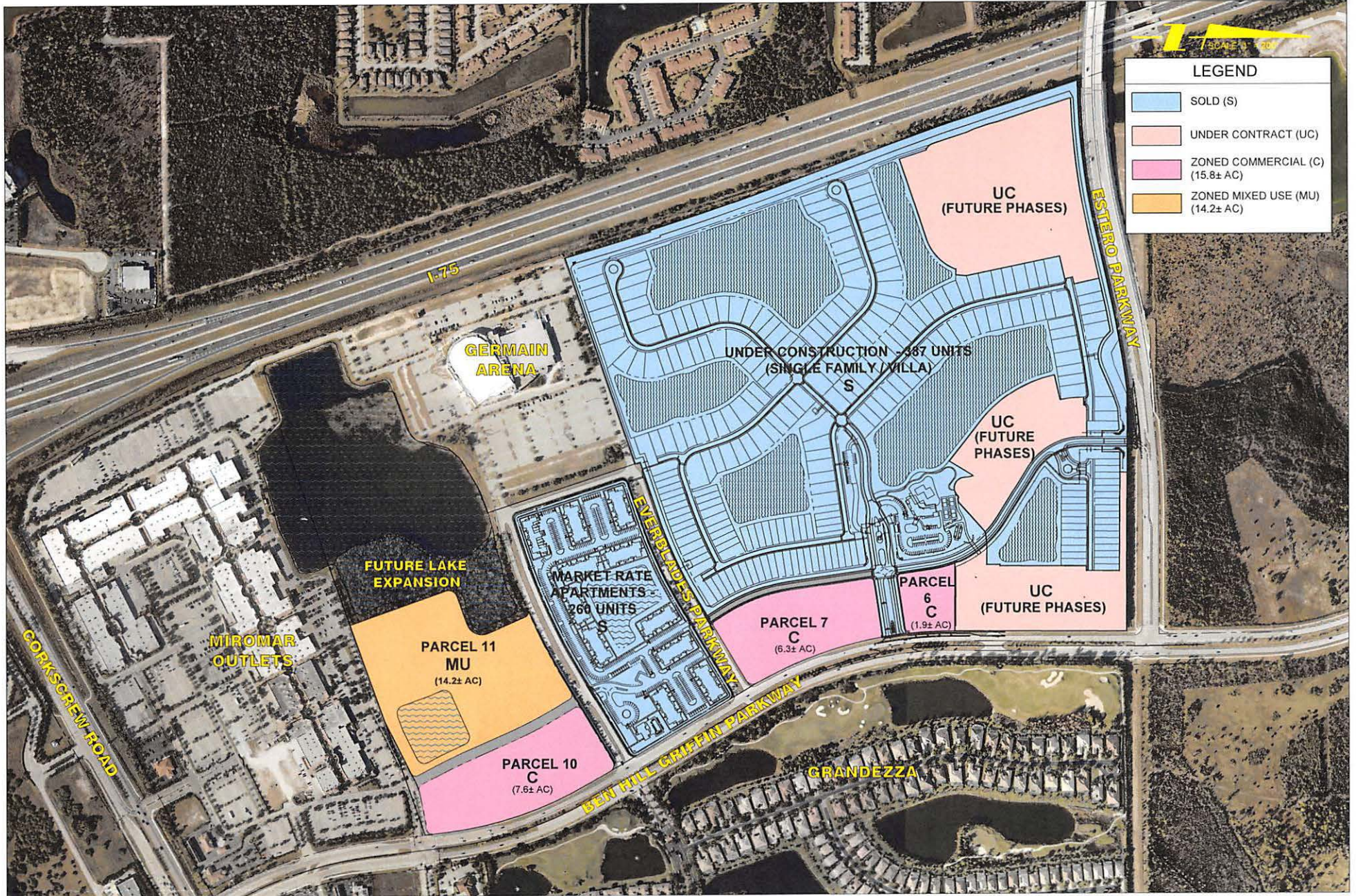
***Ms. Mary Gibbs
Community Development Director
Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928***

***Ms. Brenda Winningham
Division of Community Planning
Department of Economic Opportunity
107 East Madison Street MSC-160
Tallahassee, FL 32399***

Person completing the questionnaire: **NEALE MONTGOMERY, ESQ.**

Title: **ATTORNEY**

Representing: **University Highland Limited Partnership**



LEGEND	
	SOLD (S)
	UNDER CONTRACT (UC)
	ZONED COMMERCIAL (C) (15.8± AC)
	ZONED MIXED USE (MU) (14.2± AC)

I-75

GERMAIN ARENA

UNDER CONSTRUCTION - 387 UNITS
(SINGLE FAMILY/VILLA)

ESTERO PARKWAY

FUTURE LAKE EXPANSION

MARKET RATE APARTMENTS
260 UNITS

EVERLADE'S PARKWAY

PARCEL 6
C
(1.9± AC)

PARCEL 7
C
(6.3± AC)

UC
(FUTURE PHASES)

UC
(FUTURE PHASES)

GORKSCREW ROAD

MIROMAR OUTLETS

PARCEL 11
MU
(14.2± AC)

PARCEL 10
C
(7.6± AC)

BEN HILL GRIFFIN PARKWAY

GRANDEZZA



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 533-8586

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

December 10, 2015

DAVID HURST, P.E.
PENINSULA ENGINEERING
2600 GOLDEN GATE PARKWAY
NAPLES, FL 34105

RE: HIGHLAND OAKS DRIVE
DOS2015-00047 - DO Submittal Small
PO1 Appl. (pprwrk1 DO resub) A

Dear DAVID HURST, P.E. :

Your plans for the above-referenced project have been reviewed and approved for Concurrency and a Development Order with stipulation(s). Concurrency and the Development Order are granted for the following:

Approved for the single-phase construction of a 875-foot paved section of Highland Oaks Drive on a 4.19-acre site with connections to Miromar Outlet Drive and Everblades Parkway South, related site grading, and other improvements including constructing utility (electric, sanitary sewer, water, etc.) connections, stormwater management infrastructure, right turn/through lane on Miromar Outlet Drive, traffic signing and pavement marking, sidewalk, outdoor lighting, and related improvements in conformance with the approved plans. [CNC2015-00047]
Refer to the checklist items.

THIS CERTIFICATE OF CONCURRENCY SHALL BE VALID AND EFFECTIVE UNTIL 12/10/2018. DURING THE NEXT THREE (3) YEARS, the Development Services Division is authorized to issue building permits for the construction of the building(s) indicated above without further review of the Concurrency requirements by the Division. Upon expiration of the Concurrency Certificate, the project will be subject to the concurrency program in effect at the time of expiration. No vested right to a Concurrency Certificate will exist solely due to the existence of an otherwise effective Development Order.

This approval does not relieve the development from the responsibility to obtain all other necessary Federal, State and local permits.

THIS DEVELOPMENT ORDER WILL BE VALID FOR A PERIOD OF SIX (6) YEARS AND IS SCHEDULED TO EXPIRE ON 12/10/2021.

Approval is subject to the following stipulation(s) and/or comment(s):

LC DOS General/Submittal Checklist (Ord. 12-01)

27c) Improvements. Traffic improvements may include on- & off-site road & intersection improvements necessary to mitigate the development's adverse impacts by maintaining/restoring adopted levels of service on public roads providing immediate access to the site including the collector/arterial to which the street is tributary. [10-154(11)]

(1) The applicant shall construct or have constructed a second westbound lane (for two total westbound lanes) on Miromar Outlet Drive from just west of Ben Hill Griffin Parkway to Highland Oaks Drive. The two westbound lanes will be striped in accordance with the approved development order plan (DOS2015-00047).

(2) Other than Highland Oaks Drive, no additional driveway or roadway access will be allowed on the northerly side of Miromar Outlet Drive west of Ben Hill Griffin Parkway without written permission from the Development Services Director or designee.

(3) The traffic projections submitted for Highland Oaks Drive, contained within the University Highland Development Order Traffic Study dated Revised June 16, 2014 (the "TIS"), reflected full build-out of University Highland. If a Development Order application for other Timberland & Tiburon DRI development, excluding University Highland, indicates that additional traffic will pass through the Miromar Outlet Drive/Highland Oaks Drive intersection then further analysis of the intersection will be required and if this analysis indicates that further improvements are needed at this intersection, then that Development Order applicant will be required to make improvements deemed necessary by the Village of Estero in consultation with Lee County. If University Highland, or its successor in interest, exceeds the full build-out numbers used in the TIS then they shall be responsible for further analysis and, if needed, such improvements as contemplated in the preceding sentence. Similarly, it is understood that if a Development Order is submitted for University Highland that goes above and beyond the land use assumptions in the TIS, further analysis and mitigation may be required. However, if a Development Order is submitted for land use improvements already accounted for in the TIS, which provided the University Highland volumes used for the turn lane warrant review for Highland Oaks Drive, then that Development Order will not include a requirement to make further improvements.

51a) Surety or Cash Performance Bond. Security in the form of a surety or cash performance bond must be posted and made payable to Lee County in an amount equal to 110 percent of the full cost of installing the required improvements as approved by the County. [10-154(26)a.]

STIPULATION: Prior to acceptance of the subdivision plat, the project must be completed and inspected, or security in the form of an irrevocable Letter of Credit, Cash Performance Bond or surety must be due and made payable to Lee County. Security will be provided in the amount of 110% of the Probable Cost of Construction for on-site construction as approved by the County. Please note that the instrument must be approved by the County Attorney's office.

61) Contact. The reviewer may be contacted for additional information regarding this LC DOS General/Submittal Checklist.

Robert Hutcherson, AICP
239-533-8890
rhutcherson@leegov.com

LC DOS Landscaping & Buffering Checklist (Ord. 12-01)

23) Plantings in Utility or Drainage Easements. Utility or drainage easements may overlap required buffers; however no required trees or shrubs may be located in any utility or drainage easement unless a written statement, from the entity holding the beneficial interest in the easement, is submitted. [10-421(a)(5)]

STIPULATION: Prior to issuance of a Certificate of Compliance, all code required plants must be installed outside of any easements.

25c) Plant Location/Size Near Overhead Utility Lines. To avoid conflicts with overhead utility lines, only trees less than twenty (20) feet in height at maturity may be used directly adjacent to an overhead line. Variances or deviations from these requirements of the LCLDC are prohibited. [10-421(a)(5)]

STIPULATION: Prior to issuance of a Certificate of Compliance, no trees will be planted where they interfere with buildings, utilities, site drainage, views, signs, or where they will require frequent pruning to avoid overhead power lines at mature height in perpetuity.

51) Miscellaneous Items.

STIPULATION: Prior to any site work or issuance of building permit, a vegetation removal permits must be obtained from ES staff at 239-533-8389.

52) Contact. The reviewer may be contacted for additional information regarding this LC DOS Landscaping & Buffering Checklist.

Aaron Martin, amartin@leegov.com, 239-533-8522

LC DOS LCDOT Right-of-Way Construction Requirements Checklist (Ord. 12-01)

10) Miscellaneous Items.

FOR INFORMATION PURPOSES ONLY:

a) A Signalization Agreement has been recorded with Lee County (Instrument #2014000178438) that requires UHLP DOS2014-00026 (Springs of Estero Development Order) and prior and subsequent development orders issued within the Timberland and Tiburon DRI to provide its proportionate share of the cost of the intersection signal improvements at the time traffic signal warrants are met in accordance with the terms of the Agreement. This condition is for information and notification purposes only and runs with the Development Order.

If you have any questions concerning this matter, please contact this office.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Electronically signed on 12/11/2015 by
Benjamin Dickson, Manager
Lee County Development Services

THIS DOCUMENT WAS PREPARED
WITHOUT OPINION OF TITLE BY:
Matthew L. Grabinski, Esq.
COLEMAN, YOVANOVICH
& KOESTER, P.A.
4001 Tamiami Trail N., #300
Naples, Florida 34103
239-435-3535

After recording return to:
Continental 376 Fund LLC
Attn: Legal Department
W134 N8675 Executive Parkway
Menomonee Falls, WI 53051

Parcel #: 26-46-25-E3-36011.0000

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

UNIVERSITY HIGHLAND LIMITED PARTNERSHIP, a Florida limited partnership ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid to the undersigned by Continental 376 Fund LLC, a Wisconsin limited liability company ("Grantee"), whose mailing address is: W134 N8675 Executive Parkway, Menomonee Falls, WI 53051, the receipt and sufficiency of such consideration being hereby acknowledged, has GRANTED, BARGAINED, SOLD, AND CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL, ALIEN, CONVEY and CONFIRM unto Grantee that certain real property situate in Collier County, Florida, being more particularly described in Schedule 1 attached hereto and made a part hereof for all purposes (the "Property"); subject, however, to those matters described in Schedule 2 attached hereto and made a part hereof for all purposes, but without hereby re-imposing any of same.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, unto Grantee, its successors, and Grantor hereby agrees to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or claim the same, or any part thereof, by, through or under Grantor but not otherwise.

EXECUTED this 4th day of November, 2016.

WITNESSES:

Maureen Sullivan
Print Name: Maureen Sullivan
Deborah A Ebert
Print Name: Deborah A Ebert

SELLER:

UNIVERSITY HIGHLAND LIMITED PARTNERSHIP, a Florida limited partnership

By: Nassant and Company, L.L.C., a Delaware limited liability company, Its Sole General Partner

By: David W. Nassif
David W. Nassif, Managing Member

Dated: 11/4/2016

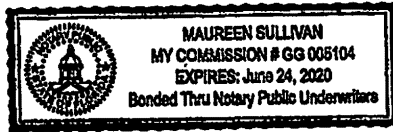
(Corporate Seal)

STATE OF FLORIDA)
) SS:
COUNTY OF COLLIER)

I HEREBY CERTIFY that the foregoing instrument was acknowledged and executed before this 4th day of November, 2016, by David W. Nassif, as Managing Member of Nassant and Company, L.L.C., a Delaware limited liability company, as the sole general partners of University Highland Limited Partnership, a Florida limited partnership, on behalf of said limited partnership. He is personally known to me or who has produced _____ as identification.

[Notary Seal]

Maureen Sullivan
Notary Public, State of _____
Printed Name: Maureen Sullivan
My commission expires: 6/24/2020



Schedule 1

Property Description

TRACT 11 OF UNIVERSITY HIGHLAND TRACT "3" REPLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN OFFICIAL RECORDS INSTRUMENT #2015000267130, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Schedule 2
Title Exceptions

Matter shown on plat of University Highland Tract "3" Replat, recorded as Official Records Instrument No. 2015000267130.

Matter shown on plat of University Highland, recorded as Official Records Instrument No. 2014000100081.

Notice of Adoption of Development Order, recorded in Official Records Book 1857, Page 2127 and Notice of Adoption of an Amendment to DRI Development Order, recorded in Official Records Book 2422, Page 912; Official Records Book 2702, Page 2312; Official Records Book 2798, Page 2955; Official Records Book 2908, Page 2796; Official Records Book 2975, Page 3670; Official Records Book 3798, Page 2722; and amendments recorded as Official Records Instrument No. 2007000291463, Official Records Instrument No. 2010000311696, Official Records Instrument No. 2012000018158, Public Records of Lee County, Florida. (Parcels 1 and 2)

Resolutions of the Board of County Commissioners, recorded in Official Records Book 1987, Page 3154 and Official Records Book 2055, Page 609, Public Records of Lee County, Florida. (Parcels 1 and 2)

Reciprocal Roadway and Utility Easement Agreement by and between Tiburon Limited, a Florida limited partnership and Minola, Inc., a Florida corporation, recorded in Official Records Book 2829, Page 1594, Public Records of Lee County, Florida. (Parcel 2)

Covenants, conditions and restrictions recorded in Official Records Book 2829, Page 1647, Public Records of Lee County, Florida. (Parcel 1)

Second Consolidated, Amended and Restated Declaration of Covenants, Conditions and Restrictions [T&T Umbrella Association] recorded in Official Records Instrument No. 2014000054787, amendment recorded in Official Records Instrument No. 2014000083642 and Second Amendment to Restrictions in Official Records Instrument No. 2014000185560, and Third Amendment recorded in Official Records Instrument No. 2015000041375, and Fourth Amendment recorded in Official Records Instrument No. 2016000034498; as affected by that certain Fifth Amendment to Second Consolidated, Amended and Restated Declaration of Covenants, Conditions and Restrictions recorded in Instrument No. 2016000211303 Public Records of Lee County, Florida. (Parcel 1)

Ingress, Egress and Utilities Easement described in Exhibit C of the Warranty Deed recorded in Official Records Book 2901, Page 859, Public Records of Lee County, Florida. (Parcel 1)

Joint Surface Water Management System Agreement recorded in Official Records Instrument No. 2014000019695; as affected by Assignment and Assumption of FDOT Agreement recorded in Official Records Instrument No. 2015000041379; and amended by Amendment#1 Joint Surface Water Management Agreement recorded in Official Records Instrument No. 2016000013967, Public Records of Lee County, Florida. (Parcel 1)

THIS DOCUMENT WAS PREPARED
WITHOUT OPINION OF TITLE BY:

Matthew L. Grabinski, Esq.
Coleman, Yovanovich & Koester, P.A.
Northern Trust Bank Building
4001 Tamiami Trail North, Suite 300
Naples, Florida 34103

AFTER RECORDING RETURN TO:
Steven R. Parson, Esq.
Shutts & Bowen LLP
CityPlace Tower
525 Okeechobee Blvd, Suite 1100
West Palm Beach, FL 33401

Folio No.: a portion of 26-46-25-34-00001.0000
AKA 26-46-25-E2-34001.0000

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

University Highland Limited Partnership, a Florida limited partnership ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid to the undersigned by **Pulte Home Corporation**, a Michigan corporation ("Grantee"), whose mailing address is: Attn: Richard McCormick, 24311 Walden Center Drive, Suite 300, Bonita Springs, Florida 34134, the receipt and sufficiency of such consideration being hereby acknowledged, has GRANTED, BARGAINED, SOLD, AND CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL, ALIEN, CONVEY and CONFIRM unto Grantee that certain real property situate in Lee County, Florida, being more particularly described in Schedule 1 attached hereto and made a part hereof for all purposes (the "Property"); subject, however, to those matters described in Schedule 2 attached hereto and made a part hereof for all purposes, but without hereby re-imposing any of same.

TOGETHER with all easements, tenements, hereditaments, and appurtenances belonging or in anywise appertaining to the Property, and the reversion and reversions, remainder and remainders, rents, issues, and profits of the Property, and all the estate, right, title, interest, claims, and demands whatsoever of the Grantor, either in law or equity, of, in, and to the Property, with the hereditaments and appurtenances to the Property.

TO HAVE AND TO HOLD the same in fee simple forever.

Grantor does hereby covenant with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property, and that Grantor hereby warrants title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against no others.

EXECUTED this 25th day of February, 2015.

WITNESSES:

SELLER:

Maurice Sullivan
Print Name: Maurice Sullivan

UNIVERSITY HIGHLAND LIMITED PARTNERSHIP, a Florida limited partnership

By: Nassant and Company, L.L.C., a Delaware limited liability company, Its Sole General Partner

Matthew L. Grabinski
Print Name: Matthew L. Grabinski

David W. Nassif
By: David W. Nassif, Managing Member

Dated: 2/25/15

STATE OF FLORIDA)
) SS:
COUNTY OF COLLIER)

I HEREBY CERTIFY that the foregoing instrument was acknowledged and executed before this 25 day of February, 2015, by David W. Nassif, as Managing Member of Nassant and Company, L.L.C., a Delaware limited liability company, as the sole general partners of University Highland Limited Partnership, a Florida limited partnership, on behalf of said limited partnership. He is personally known to me, or has produced _____ as identification.

Matthew L. Grabinski
Notary Public, State of FLORIDA
Printed Name: Matthew L. Grabinski Seal
My commission expires: 1/20/16

[Notary



Schedule 1

DESCRIPTION

Parcel in
Section 26, Township 46 South, Range 25 East,
Lee County, Florida

A tract or parcel of land lying in Tract "1" of the record plat of "UNIVERSITY HIGHLAND", recorded in Instrument No. 2014000100081, of the Public Records of Lee County, Florida, lying in Section 26, Township 46, Range 25, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

COMMENCING at the Northeast Corner of said Section 26 run N89°44'36"W along the North line of the Northeast Quarter (NE 1/4) of said Section 26 for 1,462.79 feet; thence run S00°15'24"W for 75.00 feet to an intersection with the Southerly right of way line of Estero Parkway, also being the Southerly line of Parcel 106, as described in a deed recorded in Instrument No. 2006000069199, Lee County Records, and the POINT OF BEGINNING.

From said Point of Beginning run S00°15'24"W for 37.00 feet; thence run N89°44'36"W for 98.69 feet; thence run S45°15'24"W for 7.07 feet; thence run S00°15'24"W for 84.94 feet; thence run N89°44'36"W for 31.60 feet; thence run S00°15'24"W for 99.68 feet to a point of curvature and a point designated as POINT "A"; thence run Southeasterly along an arc of a curve to the left of radius 277.50 feet (delta 58°31'00") (chord bearing S29°00'06"E) (chord 271.26 feet) for 283.41 feet to a point of tangency; thence run S58°15'37"E for 298.54 feet to a point of curvature; thence run Southeasterly along an arc of a curve to the right of radius 522.50 feet (delta 49°58'39") (chord bearing S33°16'17"E) (chord 441.45 feet) for 455.76 feet to a point of tangency; thence run S08°16'57"E for 160.99 feet to a point of curvature; thence run Southeasterly along an arc of a curve to the left of radius 20.00 feet (delta 90°00'00") (chord bearing S53°16'57"E) (chord 28.28 feet) for 31.42 feet to a point of tangency; thence run N81°43'03"E for 286.18 feet to a point on a non-tangent curve and an intersection with the Westerly right of way line of Treeline Drive, also known as Ben Hill Griffin Parkway, (150 feet wide right of way), as described in a deed recorded in Official Records Book 2745, at Page 1550, Lee County Records; thence run Southerly along said Westerly right of way line along an arc of a curve to the left of radius 1,985.00 feet (delta 03°27'51") (chord bearing S08°17'12"E) (chord 120.00 feet) for 120.02 feet; thence run S81°43'03"W for 371.19 feet to a point of cusp; thence run Southeasterly along an arc of a curve to the right of radius 20.00 feet (delta 90°00'00") (chord bearing S53°16'57"E) (chord 28.28 feet) for 31.42 feet to a point of tangency; thence run S08°16'57"E for 410.33 feet to a point of curvature; thence run Southerly along an arc of a curve to the left of radius 872.50 feet (delta 24°05'32") (chord bearing S20°19'43"E) (chord 364.18 feet) for 366.88 feet to a point of tangency; thence run S32°22'29"E for 83.46 feet to an intersection with the Northerly right of way line of Everblades Parkway, Tract "A", of said record plat; thence run along the Northerly right of way line of said Everblades Parkway the following four (4) courses: S59°15'21"W for 97.60 feet to a point of curvature; Southwesterly along an arc of a curve to the right of radius 2,258.00 feet (delta 12°21'52") (chord bearing S65°26'17"W) (chord 486.33 feet) for 487.28 feet to a point of tangency; S71°37'13"W for 273.35 feet and S18°18'02"E for 25.65 feet to the Northerly most corner of lands described in a deed recorded in Official Records Book 2901, at Page 859, Lee County Records; thence run S71°41'58"W along the Northwesterly line

of said lands for 1,109.14 feet to a point on a curve and an intersection with the Easterly right way line of Interstate 75 (State Road 93) (F.D.O.T. right of way section No. 12075-000), also being the Easterly line of Parcel 103 (A) as described in a deed recorded in Instrument No. 2009000063112, Lee County Records; thence run along said Easterly right of way line the following five (5) courses: Northerly along an arc of a curve to the right of radius 35,918.50 feet (delta 00°07'55") (chord bearing N16°14'44"W) (chord 82.74 feet) for 82.74 feet to a point of reverse curvature; Northerly along an arc of a curve to the left of radius 15,081.49 feet (delta 01°24'08") (chord bearing N16°52'50"W) (chord 369.11 feet) for 369.12 feet; S71°32'48"W for 8.23 feet to a point on a non-tangent curve; Northerly along an arc of a curve to the left of radius 15,071.50 feet (delta 03°09'04") (chord bearing N19°09'29"W) (chord 828.77 feet) for 828.87 feet to a point of reverse curvature and Northerly along an arc of a curve to the right of radius 35,896.14 feet (delta 01°11'10") (chord bearing N20°08'26"W) (chord 743.08 feet) for 743.09 feet to an intersection with the Easterly right of way line of Interstate 75 (State Road 93) (F.D.O.T. right of way section No. 12075-2402), being 162 feet Easterly as measured perpendicular to the center line thereof; thence run N18°18'02"W along said right of way line for 727.28 feet to a point on a non-tangent curve and an intersection with said Southerly right of way line of Estero Parkway; thence run along said Southerly line the following four (4) courses: Easterly along an arc of a curve to the left of radius 3,506.50 feet (delta 12°30'51") (chord bearing N83°37'40"E) (chord 764.34 feet) for 765.86 feet to a point of tangency; N77°22'15"E for 321.73 feet to a point on a non-tangent curve; Easterly along an arc of a curve to the right of radius 5,375.00 feet (delta 05°27'56") (chord bearing N80°06'09"E) (chord 512.54 feet) for 512.73 feet and S89°44'36"E for 423.14 feet to the POINT OF BEGINNING.
Containing 115.18 acres, more or less.

LESS AND EXCEPT:

COMMENCING from the point designated as POINT "A" run N89°44'36"W for 45.00 feet to a point on a radial curve and the POINT OF BEGINNING.
From said Point of Beginning run Southeasterly along an arc of a curve to the left of radius 322.50 feet (delta 58°31'00") (chord bearing S29°00'06"E) (chord 315.24 feet) for 329.37 feet to a point of tangency; thence run S58°15'37"E for 298.54 feet to a point of curvature; thence run Southeasterly along an arc of a curve to the right of radius 477.50 feet (delta 11°48'53") (chord bearing S52°21'10"E) (chord 98.29 feet) for 98.46 feet; thence run S48°20'00"W for 203.97 feet; thence run S82°51'03"W for 33.37 feet to a point on a non-tangent curve; thence run Westerly along an arc of a curve to the right of radius 55.00 feet (delta 137°48'01") (chord bearing N68°18'28"W) (chord 102.63 feet) for 132.28 feet to a point of reverse curvature; thence run Northerly along an arc of a curve to the left of radius 90.00 feet (delta 25°48'16") (chord bearing N12°18'35"W) (chord 40.19 feet) for 40.53 feet; thence run S31°44'23"W for 141.57 feet; thence run N51°45'08"W for 258.94 feet to a point of curvature; thence run Northwesterly along an arc of a curve to the right of radius 654.50 feet (delta 39°37'03") (chord bearing N31°56'36"W) (chord 443.60 feet) for 452.56 feet; thence run N77°51'55"E along a radial line for 131.00 feet to a point on a radial curve; thence run Northerly along an arc of a curve to the right of radius 523.50 feet (delta 00°40'05") (chord bearing N11°48'02"W) (chord 6.10 feet) for 6.10 feet to a point on a non-tangent curve; thence run Westerly along an arc of a curve to the left of radius 5,038.00 feet (delta 04°38'44") (chord bearing S80°37'07"W) (chord 408.36 feet) for 408.47 feet; thence run N11°42'15"W for 131.00 feet to a point on a non-tangent curve; thence run Westerly along an arc of a curve to the left of radius 5,169.00 feet (delta 00°03'48") (chord

bearing S78°15'51"W) (chord 5.71 feet) for 5.71 feet; thence run S11°42'30"E for 429.67 feet to a point of curvature; thence run Southeasterly along an arc of a curve to the left of radius 449.00 feet (delta 33°56'15") (chord bearing S28°40'38"E) (chord 262.08 feet) for 265.95 feet to a point of tangency; thence run S45°38'45"E for 584.56 feet to a point on a non-tangent curve; thence run Southwesterly along an arc of a curve to the left of radius 278.00 feet (delta 18°20'48") (chord bearing S53°31'39"W) (chord 88.64 feet) for 89.02 feet to a point of tangency; thence run S44°21'15"W for 28.49 feet to a point of curvature; thence run Westerly along an arc of a curve to the right of radius 15.00 feet (delta 90°00'00") (chord bearing S89°21'15"W) (chord 21.21 feet) for 23.56 feet; thence run S44°21'15"W for 40.00 feet; thence run S45°38'45"E for 8.00 feet to a point of curvature; thence run Southerly along an arc of a curve to the right of radius 15.00 feet (delta 90°00'00") (chord bearing S00°38'45"E) (chord 21.21 feet) for 23.56 feet to a point of tangency; thence run S44°21'15"W for 119.10 feet; thence run N45°38'45"W for 423.21 feet; thence run S44°21'15"W for 134.10 feet; thence run N45°38'45"W for 14.26 feet; thence run S44°21'15"W for 171.00 feet; thence run N45°38'45"W for 15.70 feet to a point of curvature; thence run Westerly along an arc of a curve to the left of radius 49.00 feet (delta 62°39'17") (chord bearing N76°58'24"W) (chord 50.95 feet) for 53.58 feet to a point of tangency; thence run S71°41'58"W for 294.60 feet; thence run S34°56'07"W for 102.33 feet; thence run S63°55'22"W for 50.67 feet; thence run S71°41'58"W for 50.20 feet; thence run N18°18'02"W for 134.55 feet to a point on a non-tangent curve; thence run Northwesterly along an arc of a curve to the right of radius 55.00 feet (delta 83°41'10") (chord bearing N40°43'56"W) (chord 73.38 feet) for 80.33 feet; thence run N18°18'02"W for 167.72 feet; thence run N33°48'11"W for 35.22 feet; thence run N20°05'42"W for 94.51 feet; thence run N22°37'06"W for 38.95 feet; thence run N18°18'02"W for 180.57 feet to a point on a non-tangent curve; thence run Northwesterly along an arc of a curve to the right of radius 55.00 feet (delta 06°27'05") (chord bearing N21°31'35"W) (chord 6.19 feet) for 6.19 feet; thence run N18°18'02"W for 184.10 feet; thence run N24°56'14"W for 37.94 feet; thence run N18°18'02"W for 83.78 feet; thence run N13°31'43"W for 38.47 feet; thence run N18°18'02"W for 392.08 feet to a point on a non-tangent curve; thence run Easterly along an arc of a curve to the left of radius 3,542.50 feet (delta 11°05'02") (chord bearing N82°54'46"E) (chord 684.24 feet) for 685.31 feet to a point of tangency; thence run N77°22'15"E for 321.83 feet to a point of curvature; thence run Easterly along an arc of a curve to the right of radius 5,339.00 feet (delta 02°11'00") (chord bearing N78°27'45"E) (chord 203.44 feet) for 203.46 feet to a point of tangency; thence run S48°12'22"E for 40.96 feet to a point of curvature; thence run Easterly along an arc of a curve to the left of radius 139.98 feet (delta 64°57'48") (chord bearing S80°40'57"E) (chord 150.35 feet) for 158.71 feet to a point of tangency; thence run N66°50'28"E for 123.30 feet; thence run N67°32'05"E for 47.53 feet; thence run N71°09'11"E for 60.26 feet; thence run N86°30'27"E for 108.97 feet; thence run S44°44'36"E for 11.72 feet; thence run S00°15'24"W for 78.16 feet; thence run S89°44'36"E for 30.00 feet; thence run S00°15'24"W for 99.68 feet to the POINT OF BEGINNING.

Less and Except parcel Contains 42.13 acres, more or less.

Net area is 73.04 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD1983/NSRS 2007) and are based on the North line of the Northeast Quarter (NE 1/4) of said Section 26 to bear S89°44'36"E.

Schedule 2
Title Exceptions

[All title exceptions identified on Schedule B-II of Chicago Title Insurance Company Commitment for Title Insurance with an effective date of January 30, 2015, issued by its agent, Shutts & Bowen LLP, under Order No. 4686588, Customer Reference 34037.0015].