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**VILLAGE OF ESTERO, FLORIDA
ZONING
RESOLUTION NO. 2023-01**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, ADOPTING A
RECODIFIED DEVELOPMENT ORDER FOR THE
STONEBROOK (CORKSCREW PINES) DEVELOPMENT
OF REGIONAL IMPACT (DRI) (12TH AMENDMENT TO
DRI DO STATE #3-8384-40); AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Mark Geschwendt, Esquire, authorized agent for International Design Center ("applicant") filed an application for a proposed change to the Stoneybrook Development of Regional Impact ("DRI") to allow the addition of office uses to the existing International Design Center building on the Miromar Square Corporate Center property; and

WHEREAS, the property is located in the southwest corner of Corkscrew Road and Interstate 75; and

WHEREAS, the subject property is a portion of the larger Stoneybrook DRI and zoned as Commercial Planned Development, and applicant has filed concurrently with the DRI amendments an application for amendment to the Planned Development; and

WHEREAS, the applicant is requesting to amend the DRI Development Order to also update the DRI and create the Twelfth Amendment to the DRI Development Order; and

WHEREAS, the Stoneybrook Development of Regional Impact is now within the jurisdiction of the Village of Estero; and

WHEREAS, Section 380.06, Florida Statutes (2018), as amended by Chapter 2018-158, Laws of Florida, provides, *inter alia*, that amendments to previously approved DRIs shall be reviewed in accordance with local procedures and standards; and

WHEREAS, the Village Council has reviewed the proposed Amendment and finds the changes are acceptable if development proceeds as conditioned in the Twelfth Amended DRI Development Order, Exhibit A hereto and incorporated herein, and the associated Planned Development amendment, Exhibit B hereto; and

WHEREAS, the proposed changes to the Stoneybrook (Corkscrew Pines) DRI Development Order described herein are consistent with the adopted Village of Estero Comprehensive Plan and applicable Village land development regulations; and

44 WHEREAS, the Planning and Zoning Board reviewed the request at its meeting on
45 January 10, 2023 and recommended approval with conditions.

46
47 NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero,
48 Florida:

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50 Section 1. The application for an amendment to the Development of Regional
51 Impact is approved as shown in Exhibit A.

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53 Section 2. This Resolution shall take effect immediately upon adoption.

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55 **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this
56 15th day of February, 2023.

57
58 Attest:

VILLAGE OF ESTERO, FLORIDA

59
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61 By: 

62 Carol Sacco, Village Clerk

By: 

Katy Errington, Mayor

63
64
65 Reviewed for legal sufficiency:

66
67
68 By: 

69 Nancy Stroud, Esq., Village Land Use Attorney

70
71
72 Exhibit:

73 A Codified Development Order for Stoneybrook (Corkscrew Pines) (Twelfth
74 Amendment to DRI DO, State #3-8384-40)
75

TWELFTH AMENDED
CODIFIED DEVELOPMENT ORDER¹
FOR
STONEBROOK (CORKSCREW PINES)

A DEVELOPMENT OF REGIONAL IMPACT

#3-8384-40

Let it Be Known that pursuant to Florida Statutes §380.06, the Board of County Commissioners of Lee County, Florida, heard at a public hearing convened on June 17, 1985 the Application for Development Approval for the Corkscrew Pines Development of Regional Impact, a mixed residential and commercial development consisting of approximately 900 acres to be developed in accordance with the application filed on March 1, 1984 by Corkscrew Properties, Ltd.

WHEREAS, the original Corkscrew Pines DRI Development Order was approved on June 17, 1985; and

WHEREAS, the Development Order was amended on November 10, 1986, to incorporate the terms of the stipulated settlement regarding transportation, vegetation and wildlife, community services, and other issues (fringe area); and

WHEREAS, the Development Order was subsequently amended a second time on September 23, 1991, to extend the buildout/expiration date from 1991 to 2001 and to extend the phase end dates (Phase 1 from 1989 to 1992, Phase 2 from 1993 to 1996, Phase 3 from 1998 to 2001); and

WHEREAS, a third amendment to the Development Order was adopted on March 1, 1993, to extend the buildout/effective date from 2001 to 2003 and to extend the phase end dates (Phase 1 to 1994, Phase 2 to 1998 and Phase 3 to 2003); and

WHEREAS, on December 1, 1997, the Development Order was amended a fourth time to modify the transportation conditions consistent with the Corkscrew Road Service Area (CRSA) resolutions adopted by the Board of County Commissioners on July 6, 1994, adopt new Maps G and H, revise the legal description to correctly describe the project lands, extend the buildout date from 2003 to 2010 and revise the conditions pertaining to community services and phasing; and

WHEREAS, the Development Order was amended a fifth time on April 21, 1998, to reduce the number of residential units from 3,000 to 1,840, provide for a single-family/multi-family conversion ratio, update conditions related to transportation and CRSA improvements, change the project name to "Stoneybrook, a Golf Course Community", and adopt a new Map H; and

¹ This is a codification and restatement of all DRI Development Orders rendered with respect to the Stoneybrook (Ina Corkscrew Pines) DRI, including actions taken on June 17, 1985, November 10, 1986, September 23, 1991, March 1, 1993, December 1, 1997, April 21, 1998 and June 21, 1999, May 6, 2002 and January 6, 2003, October 2, 2007, and October 15, 2007 and December 15, 2008 and February 15, 2023.

WHEREAS, a sixth amendment to the Development Order was adopted on June 21, 1999 to modify the phasing for residential unit construction and the conditions applicable to the residential unit conversion; and

WHEREAS, since the original approval, the total area of the project has been reduced from approximately 900 acres to 843.98± acres by virtue of the following deeds: 5 acres to a public utility franchise, 36.56± acres to the Lee County School Board, and 6.7± acres to Lee County for additional right-of-way for improvements to Corkscrew Road; and

WHEREAS, on May 6, 2002 the Development Order was amended a seventh time to: (1) decrease the total number of single family units from 1,200 to 785, (2) decrease multiple-family units from 640 to 500, (3) add 36,200 gross leasable square feet of retail commercial floor area (for a total of 236,200), (4) add 40,000 square feet of office floor area, (for a total of 140,000 square feet) and (5) add a fire station; and

WHEREAS, on January 6, 2003 the Development Order was amended an eighth time to accomplish the following: (1) increase gross retail floor area from 236,200 square feet to 450,345 square feet; (2) decrease gross office floor area from 140,000 square feet to 90,000 square feet; and (3) add 125 hotel units; and

WHEREAS, at the request of the Lee County Hearing Examiner, Applicant performed an affordable housing study based on the cumulative and proposed changes, which determined that the proposed 8th amendment would not create a regional impact on the demand of affordable housing in the area; and

WHEREAS, the Board adopted Resolution 7-10-02 as the ninth amendment to the Development Order to grant the three-year extension to the phase, buildout, and expiration date in accord with House Bill 7203 signed into law on June 19, 2007 and codified at Florida Statutes §380.06(19)(c); and

WHEREAS, on October 15, 2007 the Development Order was amended a tenth time to (1) increase total commercial square footage by 5,000 square feet from 450,345 to 455,345 square feet; (2) increase total office square footage by 40,000 from 90,000 to 130,000; and, (3) decrease hotel units from 125 to 120 units; and

WHEREAS, ~~ASAP Storage on October 22, 2007 the Development Order was amended an 11th time Corkscrew LC and Corkscrew Stoneybrook Retail, LLC submitted a Notice of Proposed Change on October 22, 2007 to~~ (1) decrease total office square footage from 130,000 to 91,500 square feet; (2) increase total commercial square footage from 455,345 to 469,145 square feet; and, (3) add 150,000 square feet of min-warehouse; and

~~WHEREAS, under §380.06(19), Florida Statutes, the proposed change must be reviewed cumulatively with previous changes to the DRI Development Order to determine whether they constitute a substantial deviation from the terms of the original DRI Development Order approvals; and~~

~~WHEREAS, the proposed simultaneous increase and decrease of two or more uses is presumed to be a substantial deviation under Florida Statutes §380.06(19)(e)(5) that may be rebutted by clear and convincing evidence; and~~

~~WHEREAS, the applicant submitted evidence to rebut the presumption; and~~

~~WHEREAS, the Board of County Commissioners has reviewed the proposed amendment along with the rebuttal evidence and found that the changes, as conditioned, do not constitute a substantial deviation; and~~

~~WHEREAS, the Board of County Commissioners of Lee County Florida, has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Administrative Staff, the Lee County Hearing Examiner, and the documents and comments on the record in public hearing; and~~

~~WHEREAS, the Village of Estero was incorporated on December 31, 2014 and the property is now within the jurisdiction of the Village; and~~

~~WHEREAS, on February 15, 2023, the Development Order was proposed to be amended a twelfth time to allow for office uses in the Design Center building, and update and remove outdated provisions in the DRI development order.~~

~~NOW, THEREFORE, be it resolved by the Board of County Commissioners Village Council of the Village of Estero Lee County, Florida, that the Development Order for the Stoneybrook DRI is hereby amended as follows:~~

~~I. FINDINGS OF FACT/CONCLUSIONS OF LAW~~

~~A. The Developer proposes to develop a mixed use development, including a residential golf course community comprised of 1,285 dwelling, units and two separate commercial areas. The development includes a total of 469,145 560,645 gross leasable square feet of retail commercial space and 91,500 gross leasable square feet of and office space, 150,000 square feet of mini-warehouse and 120 hotel units. The retail commercial and office components will be developed as part of two separate projects: one on approximately 39± acres (Miromar Square) comprised of 400,000 square feet of Design Center/office use, 5,000 square feet is bank, and 14,145 square feet is general retail, 90,000 square feet of office and 120 hotel units;. and the other on The easternmost commercial parcel is approximately 21.1 acres comprised of 50,000 square feet of retail and 1,500 square feet of office, 150,000 square feet of mini-warehouse, 1.2 acre fire station site and 7.6 acres of conservation.~~

~~Development will be accomplished in accordance with the land use set forth in paragraph A above, and phasing schedule set forth in attached Exhibit A-1, the Single-Family/Multi-Family Conversion Ratio set forth in attached Exhibit A-2 (applicable to the RPD area/21 acre commercial site) and the Miromar Design Center Conversion Ratio set forth in attached Exhibit A-3 (applicable to the 39 acre/Design Center/Miromar Square site) provided the site development complies with all requirements, including parking, set forth in the LDC and Zoning resolution Z-02-043 approving the design center and Ordinance 2023-01. The development constitutes a mixed use residential and commercial Development of Regional Impact on the real property legally described in attached Exhibit B.~~

~~B. The subject property is presently zoned RPD, CPD, and CG CC.~~

~~C. The Application for Development Approval is consistent with the~~

requirements of §380.06, Florida Statutes.

D. The development does not unreasonably interfere with the achievement of the objectives of an adopted State Land Development Plan applicable to the area.

E. ~~The proposed conditions set forth below meet the criteria found in §380.06(15)(d), Florida Statutes.~~

F.E. The proposed development is not located in an area designated as an Area of Critical State Concern pursuant to the provisions of §380.05, Florida Statutes.

G. ~~The proposed development has been reviewed by the Southwest Florida Regional Planning Council (RPC) and is the subject of the report and recommendations adopted by that body. The report has been forwarded to Lee County in accordance with the provisions of §380.06, Florida Statutes. The proposed development is consistent with this report and its recommendations, the Southwest Florida Regional Comprehensive Plan, the State Comprehensive Plan, and the adopted State Land Development Plan.~~

H.F. The proposed development, is consistent with the adopted Lee County Village of Estero Comprehensive Plan, subject to the conditions as described herein, and all applicable local land development regulations.

I. ~~The changes requested as part of the eighth amendment to the DRI Development Order were reviewed cumulatively with previous changes and found not to be a substantial deviation from the original Development Order approvals. The presumption of substantial deviation related to the simultaneous increase and decrease of two or more uses was rebutted based upon the traffic data submitted by the applicant and reviewed by DOT.~~

J.G. Stoneybrook DRI qualified for the statutory three-year extension to all phase, buildout and expiration dates granted by the 2007 Florida Legislature under House Bill 7203 (amending F.S. §380.06(19)(c)) and signed into law on June 19, 2007. The Board of County Commissioners granted the extension pursuant to Lee County Resolution 07-10-02, as the Ninth Amendment to the Stoneybrook DRI Development Order, adopted on October 2, 2007. Under HB7203, the three-year extension is not a substantial deviation, is not subject to further Development of Regional Impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under F.S. §380.06(19)(c).

K. H. The buildout date is April 25, 2034, June 15, 2013 based on several state of emergency extensions authorized by the State of Florida.

L. Chapter 2018-158, Laws of Florida, returned control of Developments of Regional Impact to local government. Implementation and amendment to DRI DOs must now follow local procedural processes, and, with exceptions set out in Chapter 380.06, Florida Statutes, must be judged on consistency with the local government (Village of Estero) Land Development Code and Comprehensive Plan.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, BE IT RESOLVED BY THE ~~BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA~~ VILLAGE COUNCIL OF THE VILLAGE OF ESTERO in a public meeting duly constituted and assembled on that the proposed amendments to the Stoneybrook, a Golf Course Community (formerly known as Corkscrew Pines DRI) Development of Regional Impact are hereby APPROVED, subject to the following conditions, restrictions, and limitations.

A. ENERGY

The Developer must incorporate, as a minimum, the following energy conservation features into all site plans and architectural programs or insure that the following features are implemented through deed restrictions and covenants with successors in title.

These features are:

1. Provision of a bicycle/pedestrian system connecting all land uses, to be placed along arterial and collector roads within the project as shown on attached Map H, and also along Corkscrew Road. This system is to be constructed in accordance with Lee County requirements.
2. Provision of bicycle racks or storage facilities in recreational, commercial, and multifamily residential areas.
3. Location of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area, to specifications of the appropriate Lee County agencies.
4. Use of energy-efficient features in window design (e.g., tinting and exterior shading).
5. Use of operable windows and ceiling fans in residential units.
6. Installation of energy-efficient appliances and equipment.
7. Prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, clotheslines, and solar water heating systems).
8. 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.
9. Installation of energy-efficient lighting for streets, parking areas, recreation areas, and other interior and exterior public areas.
10. Use of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of

pressure per square inch) as specified in the Water Conservation Act, §553.14, F.S.

11. Selection, installation and maintenance of native plants, trees, and other vegetative and landscape design features within the project that reduce requirements for water, fertilizer, maintenance, and other needs.

12. Planting of native shade trees to provide shade for all recreation areas, streets, and parking areas.

13. Placement of trees to provide need shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.

14. Planting of native shade trees for each residential unit.

15. Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.

16. Provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.

17. Inclusion of porch/patio areas in residential units.

18. Establishment of a residential architectural review committee and consideration by the project residential architectural review committee(s) of energy conservation measures (both those noted here and others) to assist residential builders and residents in their efforts to achieve greater energy efficiency in the development.

B. DRAINAGE/WATER QUALITY

1. The Developer, his successor or assign, must implement an ongoing maintenance and monitoring program that regularly inspects, maintains and samples the stormwater drainage system through project lifetime. The program must be designed in consultation with the staffs of the Southwest Florida Regional Planning Council, the South Florida Water Management District (SFWMD), and Lee County. Final approval of the program rests with SFWMD. The sampling point will be the project control structure discharge point identified in the SFWMD permit.

2. ~~In order to protect well fields located on this property, the following requirements apply to the area within a 60 day travel time contour, as presented in the Lower West Coast Water Supply Plan dated February 1994 (see attached Map H);~~

~~a. No spray irrigation, or other disposal method for sewage effluent, may be conducted;~~

~~b. Lakes must not be excavated closer than four (4) feet to the limestone portion of the aquifer, as determined by test borings submitted to D.E.P.S at the time of final plan approval;~~

c. ~~If the limestone is encountered during excavation, it must be covered with four (4) feet of clean sand;~~

d. ~~Bulk storage of fuels or pesticides, gasoline stations, and sewage effluent disposal ponds are not permitted;~~

e. ~~No construction or development, except for boardwalks and/or nature trails, is permitted in the areas south of the preserve line (see attached Map H).~~ 2.3. Any gasoline station or future commercial site will be located only in the property currently zoned CPD or CG and any pesticide storage area for the golf course will be located only in the area indicated as "Golf Course Maintenance" on Map H. Any gasoline station or pesticide storage area must be designed with an extra bentonite (or comparable) liner outside of the tank to prevent any potential contaminant from entering the aquifer or the latest Best Management Practices permitted by the governing agencies.

3.4. All irrigation water will be supplied through a centralized secondary system. No individual home wells will be permitted on the site. Irrigation will be according to the permit issued by the South Florida Water Management District.

C. TRANSPORTATION

1. The Developer must submit a traffic monitoring report prepared by a traffic engineer retained by the Developer, if requested by the Village. ~~with the general biennial report required below.~~ The program will be established to monitor the development's trip generation and impact on the area's roadways. The monitoring program must be designed in cooperation with the Village Lee County Division of Transportation, which will determine specific information needed, frequency of information, critical roadway points, and any other necessary information. The monitoring report must contain P.M. peak hour traffic counts with turning movements and level of service estimations at the project's access points on Corkscrew Road and at the intersections listed in Section C.6. For those intersections that exceed adopted Level of Service Standards, the report will also provide a Level of Service estimation for the roadway segments listed in Section C.6. ~~The developer must submit the first monitoring report to the Southwest Florida Regional Planning Council, the Lee County Division of Transportation, the Lee County Department of Community Development, and the Florida Department of transportation not more than one (1) year after the issuance of the first Lee County Certificate of Occupancy for the Stoneybrook, a Golf Course Community, Development. Reports must then be submitted every two years to the agencies listed above until final buildout of the project. If the monitoring report finds that the projected total of 1,691 net new external P.M. peak hour trips is exceed by 15% (1,945), the project will be deemed a substantial deviation pursuant to §380.06(19)(b)15., F.S., and the Developer must undergo additional DRI review.~~

2. The main entrance road of Stoneybrook, a Golf Course Community, and all other internal roads within Stoneybrook were constructed by the Developer and are now maintained by the Community Development District. ~~will be constructed, funded and maintained by the Developer. The Developer is not eligible for road impact fee credits for these improvements because they are 'site-related', as this term is defined in the Land Development Code.~~

3. The Developer has dedicated sufficient right-of-way along the north property line to provide 100 feet of right-of-way south of the proposed centerline of Corkscrew Road for the purpose of widening Corkscrew Road up to six (6) lanes. The Developer and its successors in interest will not be eligible for road impact fee credits for this dedication, but the Developer will be entitled to credits against assessments for the CRSA district in accordance with Lee County Resolutions #94-07-11, #94-07-12, #94-9-4, and #94-9-5, as amended.

4. During each phase of development, the Developer must make all intersection improvements including, but not limited to signalization, turn lanes and deceleration lanes, deemed necessary by the Lee County Village Engineer for the project's access points onto Corkscrew Road and any other public roads. The Developer is not eligible for credits against the roads impact fee for these intersection improvements because they are 'site-related', as this term is defined in the Land Development Code.

5. On July 6, 1994, the Lee County Board of County Commissioners adopted Resolution 94-07-11 relating to the provision of infrastructure within the CRSA. The resolution included a finding that the Board of County Commissioners accepted a study entitled "Corkscrew Road Service Area: Implementation of Privately Funded Infrastructure Overlay Concept". This study analyzed the demands for additional infrastructure that would be created by eight (8) developments within the CRSA, including Stoneybrook (f/k/a Corkscrew Pines), and made specific recommendations as to the nature and extent of mitigation that should be required by each of these developments. Ordinance 90-30 authorized the study by creating an MSBU for the CRSA. Resolutions 94-7-12 and 94-9-4 subsequently imposed assessments on the affected parcels to pay for the necessary improvements and costs incurred by Lee County in accordance with the findings of the study. The approved CRA plan indicated that the CRSA would be required to fund \$8,043,000.00 in road improvements in addition to the roads impact fees to be paid by the various developments to mitigate their traffic impacts. Stoneybrook's portion of the CRSA funding requirement is \$2,147,930.00. The plan also recommended that the CRSA assessments be used to widen Corkscrew Road from two (2) to four (4) lanes between I-75 and the Habitat DRI; the study found these improvements to be the equivalent of the property owners' proportionate share of the unfunded road improvements that would be necessary to mitigate the impact of the projects within the CRSA. The use of the CRSA assessments to 'pipeline' improvements to Corkscrew Road was approved by DCA on May 20, 1994. Stoneybrook's contribution to the four-laning of Corkscrew Road through the two assessment programs described above is, therefore, a 'pipeline' improvement that is funded in lieu of proportionate share payments for other roads in the area.

6. In addition to the CRSA special assessments described in Condition C.5., the Developers of Stoneybrook, a Golf Course Community, must pay roads impact fees in effect at the time building permits are issued for all applicable residential and nonresidential development. If roads impact fees are repealed, reduced, or made unenforceable by court action, the Developer must pay the roads impact fees in effect as of the day prior to such change. Payment of roads impact fees and CRSA assessments are in lieu of proportionate share payments for improvements to maintain the adopted level of service for all significantly impacted road segments and intersections through project buildout in 2013, including the following:

a. Phase 1 (2000)

Regional Roadways:

Corkscrew Road

-US 41 to Sandy Lane

Widen to 4 lanes

-Sandy Lane to Three Oaks Pkwy

Widen to 4 lanes

-Three Oaks Pkwy to I-75

Widen to 4 lanes

Intersections:

US 41/Corkscrew Road

Corkscrew Road/Three Oaks Pkwy

Corkscrew Road/I-75 West Ramp

Corkscrew Road/I-75 East Ramp

b. Phase II (2007)

Regional Roadways:

Alico Road

-US 41 to Three Oaks Pkwy

Widen to 6 lanes or alternate facility¹

-Three Oaks Pkwy to I-75

Widen to 6 lanes or alternate facility¹

Corkscrew Road

-Three Oaks Pkwy to I-75

Widen to 6 lanes

-I-75 to T&T Shopping Center Entrance

Widen to 6 lanes

-Ben Hill Griffin Pkwy to East T&T Entrance

Widen to 4 lanes

I-75

-Corkscrew Road to Alico Road

Widen to 6 lanes or parallel facility

-Alico Road to Daniels Pkwy

Widen to 6 lanes or parallel facility

Intersections:

US 41/Alico Road
Alico Road/Three Oaks Pkwy
Alico Road/I-75 West Ramps
Alico Road/I-75 East Ramps
Corkscrew Road/Ben Hill Griffin Parkway

c. Buildout (2013)

Regional Roadways:

Alico Road	
-US 41 to Three Oaks Parkway	Widen to 8 lanes or alternate facility ¹
-Three Oaks Pkwy to I-75	Widen to 8 lanes or alternate facility ¹
Corkscrew Road	
-T&T Shopping Center to Ben Hill Griffin Pkwy	Widen to 6 lanes
-East T&T Entrance to Wildcat Run	Widen to 4 lanes
I-75	
-Corkcrew Road to Alico Road	Widen to 8 lanes or parallel facility
-Alico Road to Daniels Pkwy	Widen to 8 lanes or parallel facility

Additional intersections are not impacted. However, additional improvements to those intersections listed in Phases I and II may be necessary.

Note: (1) Koreshan Blvd. (now known as Estero Parkway) Extension at 4 lanes to Ben Hill Griffin Parkway

The roads impact fees collected by Lee County from the Development will be used to mitigate the adverse impacts of Stoneybrook, a Golf Course Community, on the roadways and intersections listed above, either directly or by providing alternative improvements that are consistent with Lee County's 2020 Traffic Circulation map. Construction schedules for improvements to these roadways will be designed to have the improvements in place coincident with development of Stoneybrook, a Golf Course Community.

7. Nothing contained in this Development Order may be construed to exempt this development from participation in the funding, through Municipal Services Benefits Units (MSBUs) or other special assessment districts, of improvements to various state or county arterial and collector roads or intersections to the degree to which this development generates demand.

8. Findings "s" and "t" of Lee County Resolution #94-07-11, in which the County accepted the CRSA report, indicate that all of the development anticipated in the report will comply with Lee County's concurrency requirements if the report is fully implemented. In light of the "pipeline" transportation improvements recommended by the study and described in Condition C.5. above, the level of development for Stoneybrook, a Golf Course Community, that will generate 1,691 external p.m. peak hour trips will be deemed

concurrent for the duration of the project with regard to the following road segments and associated intersections regardless of their levels of service.

- a. Corkscrew Road, from US 41 to the entrance of The Habitat;
- b. Ben Hill Griffin Parkway, from Corkscrew Road to Alico Road;
and
- c. Alico Road, from US 41 to (I-75).

If annual monitoring reports confirm that (1) project traffic exceeds 1,691 p.m. peak hour trips; and (2) peak season, peak hour directional traffic on any of the road segments and intersections, referenced in Condition C-6. Above, exceeds the standards in Lee County's concurrency management system; and (3) the project is utilizing more than 5% of the roadway's level of service "d" capacity (significant impact) then further building permits may not be granted until the standards of the County's concurrency management system have been met.

9. — A land use conversion rate of 1.91 multi-family units per single-family unit or 0.52 single-family units per multi-family unit may be used if external trip generation for each phase is not increased and the total number of units for each use do not exceed the approved land use build-out parameters. (See Exhibit A-2) The land use conversion will not create additional impact to other public facilities (such as sewer and water). It will not create a need for additional affordable housing. No alteration to the land uses as depicted on the Master Concept Plan may occur as a result of the land use conversion. Each annual monitoring report must identify units converted from one use to another during the preceding report period.

10. — Design Center.

a. — The transportation impacts are calculated specific to the estimated trip generation for the Design Center and office use. After the Design Center has been constructed, any change in use of the building will be presumed to create additional regional impacts and will require submittal of a Notice of Proposed Change to rebut the presumption. However, changes of the uses within the design center building are allowed, provided they are consistent with condition 5 of Resolution Z-02-043.

b. — The Design Center payment of the CRSA assessment will be based on \$773.50 per 1,000 square feet. Any land use conversion will require recalculation of the Design Center payment of the CRSA assessment. As an alternative, the Developer may pre-pay the balance of the CRSA assessment.

c. — The Design Center payment of Road Impact Fees will be based on 20.60 vehicle miles traveled per day per 1,000 square feet times the net cost per vehicle mile traveled established in LDC §2-266, as amended.

d. — Land uses may be converted in accordance with attached Exhibit A-3, without filing a Notice of Proposed Change, if all of the following conditions are met:

- (1) ~~The conversion is made prior to construction and the site development complies with all requirements, including parking, set forth in the LDC and Resolution Z-02-043.~~
- (2) ~~Net new external trips originally approved for the DRI remain the same.~~
- (3) ~~No additional impact will occur to other public facilities.~~
- (4) ~~The maximum cumulative increase or decrease in the size of a single use will be less than the substantial deviation threshold set forth in the Florida Statutes.~~
- (5) ~~The conversions are documented in the subsequent DRI Monitoring report.~~

11. ~~The Developer will notify the Department of Community Affairs, the Southwest Florida Regional Planning Council, and Lee County, in writing, 30 days prior to any land use conversion.~~

D. VEGETATION AND WILDLIFE

1. The Developer or his successor will conserve the preservation and cypress areas identified on Map H and must conform to the Land Development Code (LDC) Section 10-416(a) requirement that 75 percent of the total number of required trees used in buffers and landscaping must be of indigenous native varieties and 50 percent of the total number of required shrubs used in buffers and landscaping must be indigenous native varieties.

2. The Developer has completed all federal, state and county coordination regarding plant and wildlife species classified as Endangered, Threatened and Species of Special Concern. The Protected Species Management Plan (amended December 1997) addresses the concerns of, and has been approved by, the Florida Game and Freshwater Fish Commission. This Protected Species Management Plan must be incorporated into the County Development Order.

E. WETLANDS

The developer has obtained all federal, state and county permitting for wetland areas with approved mitigation and water management design through the Army Corps of Engineers Permit Number 199200530(IP-AM), SFWMD Permit Number 36-01685-S and previously approved Lee County local development orders.

F. SCHOOL BUS STOPS

The Developer must provide safe school bus stops within the project as required by the Lee County School Board.

G. SCHOOL SITES

The Developer donated approximately 36.56 acres to the School Board of Lee County for use as a school site. This donation satisfies the project's impacts on the Public School system.

H. HURRICANE EVACUATION

1. The Developer must meet with the Director of Lee County Public Safety or his designee prior to the first phase of final plan approval to discuss potential use of the non-residential areas for storm shelter purposes.

2. The Property Owners' Association(s) must host an annual educational seminar, and will be responsible for obtaining the place for the seminar and for providing invitations to the homeowners. The time will be coordinated with the Lee County Emergency Management staff, who will provide the education and information at the program.

3. The Developer will also provide one or more coordinated preparedness plan(s) for the residential areas within the DRI. The hurricane preparedness plan(s) must follow criteria established by the Lee County Emergency Management staff, including responsibility for developing and implementing plan, warning, and notification, evacuation routes and shelters, integration of the private security force, if any, and other appropriate items. The Developer must submit a plan before the 100th residential unit building permit is issued. Emergency Management staff will provide written objections or verification of approval within 30 business days of submittal of the plan.

I. RECREATION AND OPEN SPACE

The Developer must pay community park impact fees in accordance with the Land Development Code. The Developer may be eligible for credit for onsite recreational facilities in accordance with Lee County Administrative Code 13-20.

J. COMMUNITY SERVICES

Because the governing board of the Estero Fire District determined by formal resolution that an early construction schedule for a new fire station would impose operating costs on the district in excess of the increased revenues generated by new development within the new station service area, Corkscrew Properties, Ltd. and the Estero Fire Protection and Rescue Service District developed an alternate plan for fire protection in the early years of the new station's service area. Pursuant to the alternate plan, Corkscrew Properties, Ltd. agreed to pay the District \$200,000 over a period of three years starting in 1986. The payments were made in accordance with the plan. The \$200,000 mitigates the impacts on the fire and rescue service system created by the Stoneybrook, a Golf Course Community, DRI and will be credited toward the Fire and Emergency Medical Services Impact Fees owed by the DRI. Credit against impact fees may be applied toward any portion of the project at the Developer's discretion.

K. OTHER

1. The height of buildings in the development may not exceed four (4) habitable stories.

2. ~~The non residential portion of this project may not exceed square feet of, 150,000 square feet of mini-warehouse, 120 hotel units. Any change pursuant to §380.06(19), Florida Statutes.~~

3. ~~_____~~

4. ~~If Lee County establishes any special taxing districts, or other mechanisms to provide municipal services to this area, this development may be subject to additional equitable assessments for the provision of community services to satisfy the Lee County Comprehensive Plan.~~

III. EFFECT OF DEVELOPMENT ORDER APPROVAL

BE IT FURTHER RESOLVED, by the Village Council of the Village of Estero, Florida, that:

1. This codified Development Order constitutes a resolution of the Village of Estero adopted by the Village Council in response to the Development of Regional Impact Application for Amendment and Recodification ~~The project name is Stoneybrook, a Golf Course Community.~~

2. All commitments and impact mitigating actions volunteered by the Developer in the Application and supplementary documents and not in conflict with conditions or stipulations specifically enumerated above are hereby adopted as part of this Development Order by reference.

3. This Development Order is binding on the Developers and their heirs, assignees or successors in interest. It will not be construed to be binding on the future residents of single dwelling units or persons purchasing individual house sites for personal residential purposes.

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

All conditions, restrictions, stipulations and safeguards contained in this Resolution and Development Order may be enforced by either party hereto by action at law or equity.

4. It is understood that references to governmental agencies will be construed to mean any future instrumentality that may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of the referenced governmental agency in existence on the effective date of this Development Order.

5. In the event any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, that decision will not affect the remaining portions or sections of the Development Order which will remain in full force and effect.

6. The approval granted by this Development Order is limited. The approval will not be construed to obviate the duty of the Developer to comply with all applicable local or state review and permitting procedures.

~~7. An expiration of the period of effectiveness of this Development Order as provided herein.~~

~~7.8. This Development Order will remain in effect until April 25, 2034 May 10, 20. The effective period may be extended by the Village Council upon a finding of excusable delay in any proposed development activity and that conditions have not changed sufficiently to warrant further consideration of the development. The phasing schedule for the development, is amended by attached Exhibit A-1 to provide that Phase I will end June 15, 2000; Phase II will end June 15, 2007; and Phase III and project buildout will end.~~

8.9. The Village of Estero Director of Community Development or his/her designee, is the local official responsible for assuming compliance with this Development Order.

~~10. The Developer, or his successors in title to the undeveloped portion of the property must submit a biennial report to the. This report must describe the state of development and compliance as of the date of submission.~~

9.14 This Development Order is rendered effective upon adoption by the Village of Estero Village Council.

Exhibit A Miromar Square Conversion Ratio

Exhibit B Legal Description

Exhibit C Map H (DRI Map)

EXHIBIT A

MIROMAR DESIGN CENTER/MIROMAR SQUARE

CONVERSION RATIO*

From Use	To Use			
	Office	General Retail	Speciality Retail	Design Center
Hotel (1 room)	335 sq. ft.	95 sq. ft.	1140 sq. ft.	960 sq. ft.
Office (1,000 sq. ft.)	—	285 sq. ft.	3420 sq. ft.	2870 sq. ft.
Drug Store (1,000 sq. ft.)	2340 sq. ft.	665 sq. ft.	8010 sq. ft.	6730 sq. ft.
Design Center (1,000 sq. ft.)	20 sq. ft.	100 sq. ft.	1190 sq. ft.	—
Specialty Retail (1,000 sq. ft.)	100 sq. ft.	80 sq. ft.	—	840 sq. ft.

Land Use	Size/Increase that may be created by conversion
Office	59,999 sq. ft.
Retail	49,999 sq. ft.
Design Center	49,999 sq. ft.
Specialty Retail	49,999 sq. ft.
Hotel	74 units

*See Transportation Condition C

EXHIBIT B

Banks Engineering

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

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTIONS 25, 35 AND 36, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
(REVISED RPD)

A TRACT OF PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 25, 35 AND 36, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, THENCE S89°50'20"W ALONG THE SOUTH LINE OF SAID SECTION 35 FOR 212.74 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75; THENCE THE FOLLOWING FIVE (5) COURSES ALONG SAID RIGHT-OF-WAY LINE OF INTERSTATE 75; (1) THENCE N18°17'53"W FOR 2592.47 FEET; (2) THENCE N13°50'10"W FOR 498.64 FEET; (3) THENCE N12°28'59"W FOR 258.70 FEET; (4) THENCE N09°50'33"W FOR 258.63 FEET; (5) THENCE N08°33'22"W FOR 182.01 FEET; THENCE DEPARTING FROM SAID RIGHT-OF-WAY LINE N60°16'16"E FOR 1402.18 FEET; THENCE N55°53'35"E FOR 1250.00 FEET; THENCE N28°13'28"W FOR 585.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD; THENCE THE FOLLOWING THREE (3) COURSES ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD; (1) THENCE N61°46'32"E FOR 135.01 FEET; (2) THENCE N28°13'28"W FOR 25.00 FEET; (3) THENCE N61°46'32"E FOR 2661.58 FEET TO THE NORTHWESTERLY CORNER OF STONEYBROOK - UNIT 8, A SUBDIVISION RECORDED AS INSTRUMENT NUMBER 2007000198961 OF SAID PUBLIC RECORDS; THENCE S28°13'28"E ALONG THE SOUTHWESTERLY LINE OF SAID SUBDIVISION FOR 501.02 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS 335.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE AND SOUTHWESTERLY SUBDIVISION LINE THROUGH A CENTRAL ANGLE OF 08°24'31" FOR 49.16 FEET TO THE SOUTHWESTERLY CORNER OF SAID SUBDIVISION AND TO AN INTERSECTION OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2406 AT PAGE 49 OF SAID PUBLIC RECORDS; THENCE THE FOLLOWING SIX (6) COURSES ALONG THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2406 AT PAGE 49 OF SAID PUBLIC RECORDS; (1) THENCE S61°46'31"W FOR 5.05 FEET TO A POINT OF INTERSECTION WITH A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 330.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N70°18'37"E; (2) THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 33°29'53" FOR 192.93 FEET; (3) THENCE S13°48'30"W FOR 46.73 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 30.00 FEET; (4) THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 85°28'19" FOR 44.75 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 730.00 FEET; (5) THENCE SOUTHEASTERLY ALONG

SHEET 1 OF 3

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COMMUNITY DEVELOPMENT

Exhibit B
Page 1 of 8

SAID CURVE THROUGH A CENTRAL ANGLE OF 32°53'52" FOR 419.15 FEET; (6) THENCE N88°54'53"E ALONG A LINE NON-TANGENT TO SAID CURVE FOR 1384.27 FEET; THENCE S01°05'07"E PARALLEL WITH AND 60.00 FEET WESTERLY OF (AS MEASURED ON A PERPENDICULAR) THE EAST LINE OF SECTION 25 OF SAID TOWNSHIP 46 SOUTH, RANGE 25 EAST FOR 667.75 FEET; THENCE S00°33'14"E PARALLEL WITH AND 60.00 FEET WESTERLY OF (AS MEASURED ON A PERPENDICULAR) THE EAST LINE OF SECTION 36 OF SAID TOWNSHIP 46 SOUTH, RANGE 25 EAST FOR 2640.72 FEET; THENCE S00°27'46"E PARALLEL WITH AND 60.00 FEET WESTERLY OF (AS MEASURED ON A PERPENDICULAR) THE EAST LINE OF SAID SECTION 36 FOR 2643.91 FEET; THENCE S89°21'17"W ALONG THE SOUTH LINE OF SAID SECTION 36 FOR 2578.17 FEET TO THE SOUTH QUARTER CORNER; THENCE CONTINUE ALONG SOUTH SECTION LINE N88°39'22"W FOR 2631.68 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 36 AND THE POINT OF BEGINNING.

THE DESCRIBED PARCEL CONTAINS 784.74 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE PLATS OF STONEYBROOK AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD AS BEARING N61°46'32"E.

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

DESCRIPTION PREPARED JANUARY 15, 2008.

 1-15-08
THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

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SHEET 2 OF 3

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COMMUNITY DEVELOPMENT

Exhibit B
Page 2 of 8

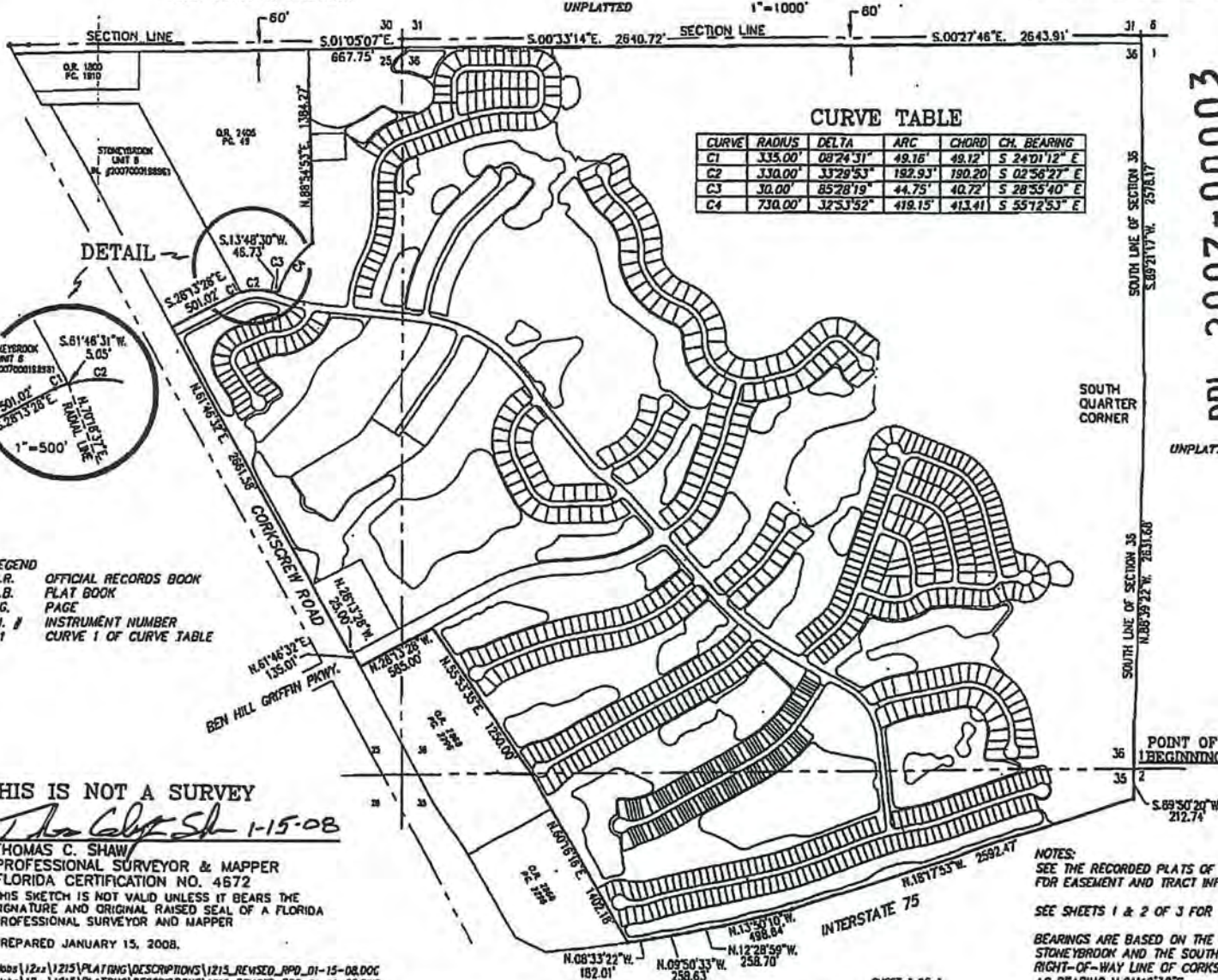
DRI 2007-nnn03

SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND LYING IN
SECTIONS 25, 35 & 36, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
10511 SIX MILE CYPRESS PARKWAY, SUITE 101
FORT MYERS, FLORIDA 33908
(238) 939-5480
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6890



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Banks Engineering

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

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 25, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY FLORIDA
(CPD EAST - STONEYBROOK - UNIT 8)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 25, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND BEING ALL OF STONEYBROOK - UNIT 8, A SUBDIVISION RECORDED AS INSTRUMENT NUMBER 2007000198961 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


STARTING AT THE NORTHEAST CORNER OF SAID STONEYBROOK - UNIT 8 AND BEING POINT OF BEGINNING OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE S.01°05'07"E. ALONG THE EASTERLY LINE OF SAID SUBDIVISION FOR 618.05 FEET TO THE SOUTHEASTERLY CORNER OF SAID SUBDIVISION; THENCE S.61°46'31"W. ALONG THE SOUTHEASTERLY LINE OF SAID SUBDIVISION FOR 1,525.95 FEET TO THE SOUTHWESTERLY CORNER OF SAID SUBDIVISION AND TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 335.00 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS N.70°11'03" E; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID SUBDIVISION AND SAID CURVE THROUGH A CENTRAL ANGLE OF 08°24'31" FOR 49.16 FEET; THENCE N.28°13'28"W. ALONG THE SOUTHWESTERLY LINE OF SAID SUBDIVISION FOR 501.02 FEET TO THE NORTHWESTERLY CORNER OF SAID SUBDIVISION AND TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD (200 FEET WIDE); THENCE N.61°46'32"E. ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD AND THE NORTHWESTERLY LINE OF SAID SUBDIVISION FOR 1,804.27 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED PARCEL CONTAINS 21.00 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE PLAT OF STONEYBROOK - UNIT 8, A SUBDIVISION RECORDED AS INSTRUMENT NUMBER 2007000198961 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD AS BEARING N.61°46'32"E.

THE PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED JANUARY 14, 2008.

 1-15-08
THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

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COMMUNITY DEVELOPMENT

SHEET 1 OF 2

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Exhibit B
Page 4 of 8

DRI 2007-00003

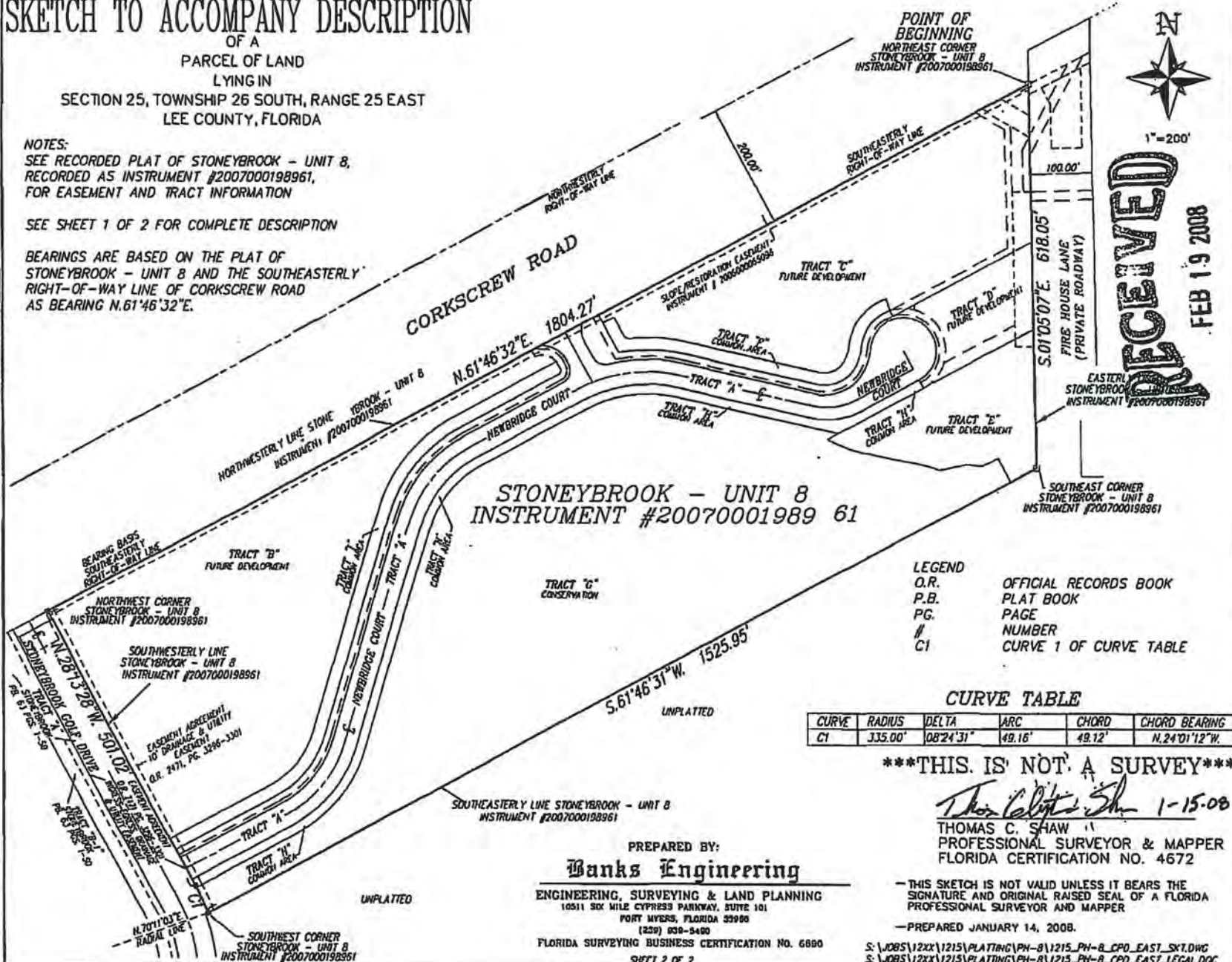
SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 25, TOWNSHIP 26 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

NOTES:
SEE RECORDED PLAT OF STONEYBROOK - UNIT 8,
RECORDED AS INSTRUMENT #2007000198961,
FOR EASEMENT AND TRACT INFORMATION

SEE SHEET 1 OF 2 FOR COMPLETE DESCRIPTION

BEARINGS ARE BASED ON THE PLAT OF
STONEYBROOK - UNIT 8 AND THE SOUTHEASTERLY
RIGHT-OF-WAY LINE OF CORKSCREW ROAD
AS BEARING N.61°46'32"E.



1" = 200'

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COMMUNITY DEVELOPMENT

LEGEND
O.R. OFFICIAL RECORDS BOOK
P.B. PLAT BOOK
PG. PAGE
NUMBER
C1 CURVE 1 OF CURVE TABLE

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	335.00'	08°24'31"	49.16'	49.12'	N.24°01'12"W.

THIS IS NOT A SURVEY

Thomas C. Shaw 1-15-08
THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

- THIS SKETCH IS NOT VALID UNLESS IT BEARS THE
SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER

- PREPARED JANUARY 14, 2008.

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
10511 SIX MILE CYPRESS PARKWAY, SUITE 101
FORT MYERS, FLORIDA 33906
(239) 838-3480
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690
SHEET 2 OF 2

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CPD PARCEL

A parcel of land located in a portion of Sections 25, 35 and 36, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Begin at the most northwesterly corner of Stoneybrook, according to the plat thereof as recorded in Plat Book 63 at Pages 1 through 50 of the Public Records of Lee County, Florida; thence run N.08°33'22"W. along the easterly right-of-way of Interstate 75, for a distance of 291.58 feet; thence run N.06°50'44"W. along said right-of-way, for a distance of 298.46 feet; thence run N.27°26'20"E. along said right-of-way, for a distance of 244.85 feet; thence run N.60°16'16"E. along said right-of-way, for a distance of 723.20 feet; thence run N.55°53'35"E. along said right-of-way, for a distance of 393.61 feet; thence departing from said right-of-way run N.61°46'32"E., for a distance of 767.61 feet; thence run S.28°13'28"E. for a distance of 214.00 feet; thence run N.61°46'32"E. for a distance of 135.43 feet; thence run N.15°14'17"E. for a distance of 19.33 feet; thence run N.61°46'32"E. for a distance of 205.18 feet to a point on the boundary of Tract A of said Stoneybrook; thence run S.28°13'28"E. along the boundary of said Tract A, for a distance of 385.03 feet to a point on the boundary of Tract "G-3" of said Stoneybrook; thence run S.55°53'35"W. along the boundary of said Tract "G-3" and along the boundary of Tract's "B-6", "G-4" and "B-7" of said Stoneybrook, for a distance of 1250.00 feet; thence run S.60°16'16"W. along the boundary of Tract's "B-7", "G-6" and "B-9" of said Stoneybrook, for a distance of 1402.18 feet to the Point of Beginning; containing 36.571 acres, more or less.

CG PARCEL

A parcel of land located in a portion of Sections 25 and 36, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the northwest corner of Tract G-3; Stoneybrook, according to the plat thereof as recorded in Plat Book 63 at Pages 1 through 50 of the Public Records of Lee County, Florida; thence run N.55°53'35"E. along the boundary of said Tract G-3, for a distance of 77.62 feet to a point on the boundary of Tract A of said Stoneybrook; thence run N.28°13'28"W. along the boundary of said Tract A, for a distance of 385.03 feet to the Point of Beginning of the parcel of land herein described; thence run S.61°46'32"W., for a distance of 205.18 feet; thence run S.15°14'17"W., for a distance of 19.33 feet; thence run S.61°46'32"W., for a distance of 135.43 feet; thence run N.28°13'28"W. for a distance of 214.00 feet; thence run N.61°46'32"E., for a distance of 353.90 feet to a point on the boundary of said Tract A; thence run S.28°13'28"E. along the boundary of said Tract A, for a distance of 199.97 feet to the Point of Beginning; containing 1.670 acres, more or less.

20000-5002 DR

CPD Parcel

PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 25, 35 AND 36, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST NORTHWESTERLY CORNER OF STONEYBROOK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63, AT PAGES 1 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.08°33'22"W. ALONG THE EASTERLY RIGHT-OF-WAY OF INTERSTATE 75, FOR A DISTANCE OF 291.58 FEET; THENCE RUN N.06°50'44"W. ALONG SAID RIGHT-OF-WAY, FOR A DISTANCE OF 298.46 FEET; THENCE RUN N.27°26'20"E. ALONG SAID RIGHT-OF-WAY, FOR A DISTANCE OF 244.85 FEET; THENCE RUN N.60°16'16"E. ALONG SAID RIGHT-OF-WAY, FOR A DISTANCE OF 723.20 FEET; THENCE RUN N.55°53'35"E. ALONG SAID RIGHT-OF-WAY, FOR A DISTANCE OF 393.61 FEET; THENCE DEPARTING FROM SAID RIGHT-OF-WAY RUN N.61°46'32"E. FOR A DISTANCE OF 767.61 FEET; THENCE RUN S.28°13'28"E. FOR A DISTANCE OF 214.00 FEET; THENCE RUN N.61°46'32"E. FOR A DISTANCE OF 135.43 FEET; THENCE RUN N.15°14'17"E. FOR A DISTANCE OF 19.33 FEET; THENCE RUN S.28°13'28"E. ALONG THE BOUNDARY OF SAID TRACT A, FOR A DISTANCE OF 385.03 FEET TO A POINT ON THE BOUNDARY OF TRACT "G-3" OF SAID STONEYBROOK; THENCE RUN S.65°53'35"W. ALONG THE BOUNDARY OF SAID TRACT "G-3" AND ALONG THE BOUNDARY OF TRACT'S "B-6", "G-4" AND "B-7" OF SAID STONEYBROOK, FOR A DISTANCE OF 1250.00 FEET; THENCE RUN S.60°16'16"W. ALONG THE BOUNDARY OF TRACT'S "B-7", "G-6" AND "B-9" OF SAID STONEYBROOK, FOR A DISTANCE OF 1402.18 FEET TO THE POINT OF BEGINNING; CONTAINING 36.571 ACRES, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS REFER TO THE NORTH LINE OF TRACT "B-9", STONEYBROOK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63, AT PAGES 1 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEING S.60°16'16"W.

STATE PLANE COORDINATES SHOWN REFER TO THE FLORIDA WEST ZONE NAD 83, 1990 ADJUSTMENT.

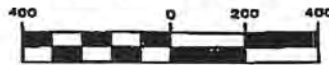
HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA

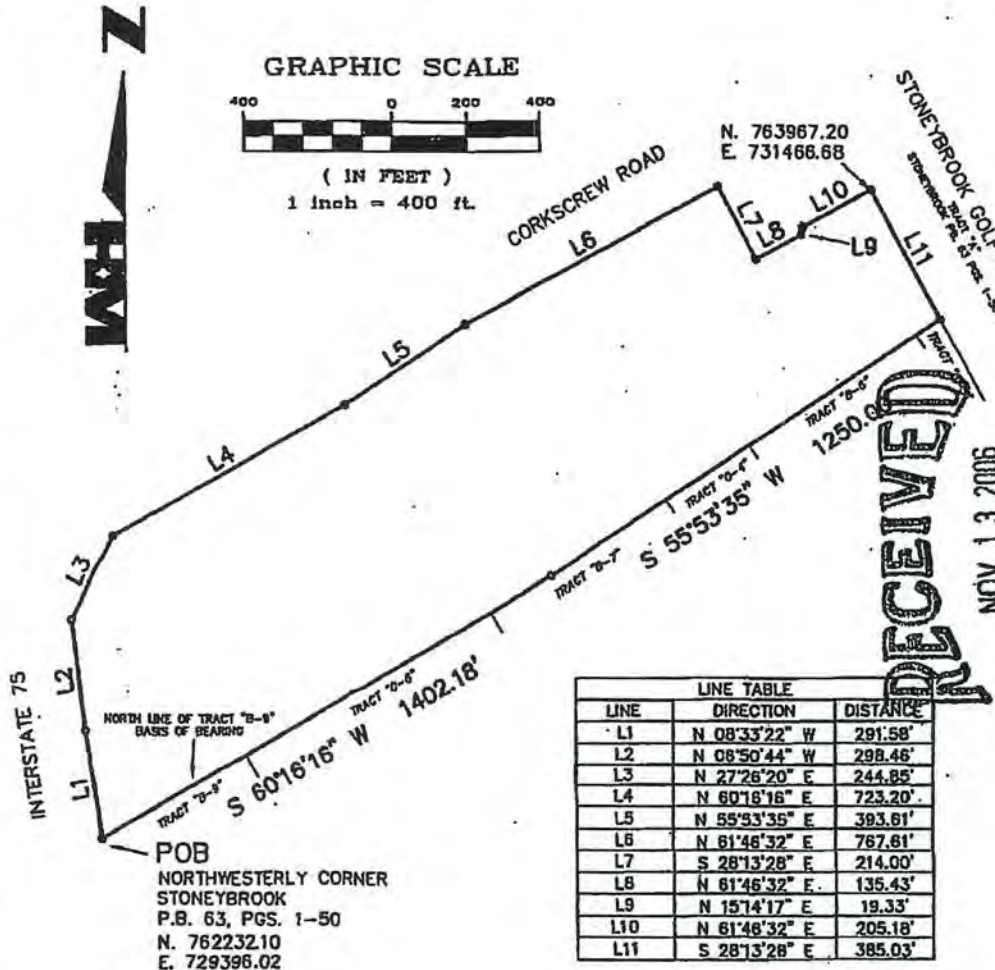
SKETCH AND LEGAL DESCRIPTION

PROJECT NO.
01.130
REFERENCE NO.
SL

GRAPHIC SCALE



(IN FEET)
1 inch = 400 ft.



LINE	DIRECTION	DISTANCE
L1	N 08°33'22" W	291.58'
L2	N 06°50'44" W	298.46'
L3	N 27°26'20" E	244.85'
L4	N 60°16'16" E	723.20'
L5	N 55°53'35" E	393.61'
L6	N 61°46'32" E	767.61'
L7	S 28°13'28" E	214.00'
L8	N 61°46'32" E	135.43'
L9	N 15°14'17" E	19.33'
L10	N 61°46'32" E	205.18'
L11	S 28°13'28" E	385.03'

LEGEND

POB POINT OF BEGINNING

* NOT A SURVEY *

PARTY CHIEF:	DATE
DRAWN BY:	DATE
CHECKED BY:	DRAWING NO.

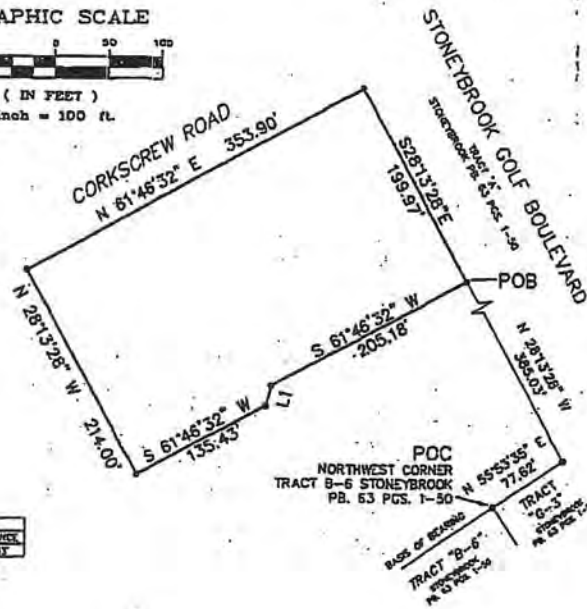
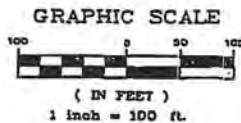


950 Encore Way
Naples, FL 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No.1772

NOT VALID WITHOUT
THE SIGNATURE AND
THE ORIGINAL RAISED
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER

Exhibit B
Page 7 of 8

14-2001-2001130.DWG SKETCHES \sliding Tab Model Aug 15, 2006 - 11:02am Plotted by Tom Murphy



LEG. TABLE		
LINE	DIRECTION	DISTANCE
LI	S 12°14'17" W	19.37

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

PARTY DRA:	DATE
DRAWN BY:	DATE
TH	9/02
CHECKED BY:	DRAWING NO.
TLM	8-3839-1



950 Encore Way
Naples, FL 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No. 1772

NOT VALID WITHOUT
THE SIGNATURE AND
THE ORIGINAL RUBED
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPLE

SKETCH AND LEGAL DESCRIPTION

A PORTION OF SECTION 25 & 36, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

PROJECT NO.
01.130
REFERENCE NO.
MODEL-1

C6 Parcel

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 25 AND 36, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF TRACT G-3, STONEYBROOK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63 AT PAGES 1 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.65°53'35"E. ALONG THE BOUNDARY OF SAID TRACT G-3, FOR A DISTANCE OF 77.62 FEET TO A POINT ON THE BOUNDARY OF TRACT A OF SAID STONEYBROOK; THENCE RUN N.28°13'28"W. ALONG THE BOUNDARY OF SAID TRACT A, FOR A DISTANCE OF 385.03 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.61°46'32"W., FOR A DISTANCE OF 205.18 FEET; THENCE RUN S.15°14'17"W., FOR A DISTANCE OF 19.33 FEET; THENCE RUN S.61°46'32"W., FOR A DISTANCE OF 135.43 FEET; THENCE RUN N.28°13'28"W. FOR A DISTANCE OF 214.00 FEET; THENCE RUN N.61°46'32"E., FOR A DISTANCE OF 353.90 FEET TO A POINT ON THE BOUNDARY OF SAID TRACT A; THENCE RUN S.28°13'28"E. ALONG THE BOUNDARY OF SAID TRACT A, FOR A DISTANCE OF 199.97 FEET TO THE POINT OF BEGINNING; CONTAINING 1.670 ACRES, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF TRACT B-6, STONEYBROOK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63 AT PAGES 1 THROUGH 50 OF THE PUBLIC RECORDS OF LEE, COUNTY, FLORIDA AS BEING N.55°53'35"E.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

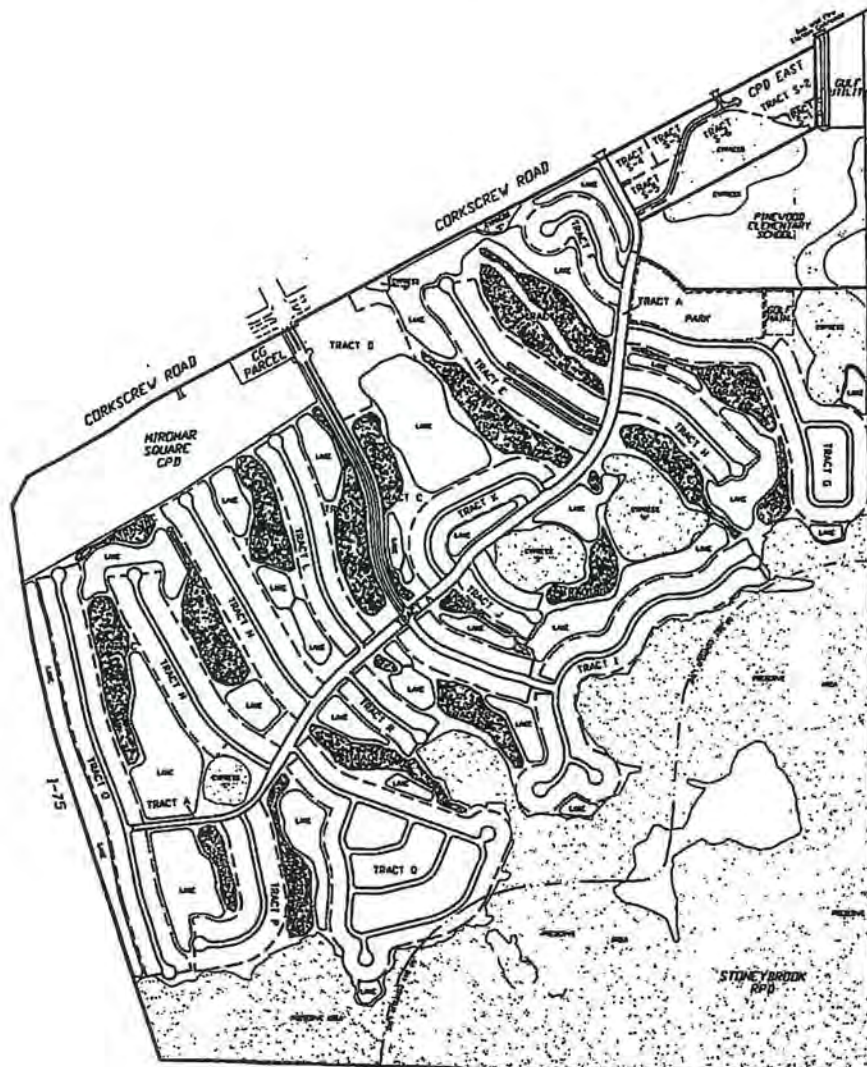
BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA

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COMMUNITY DEVELOPMENT

DRI 2005-00002

EXHIBIT C (Map H Update)



ASAP CORKSCREW MINI STORAGE

Estero, Florida

(CPD EAST)

MAP H UPDATE

LAND USE SUMMARY

DISTRICTS	
STONEBROOK RPD:	784.74 acres
MIROMAR SQUARE CPD:	36.57 acres
CPD EAST:	21.00 acres
CG PARCEL:	4.87 acres
TOTAL ACREAGE:	843.98 acres

OPEN SPACE: 450.00 acres
Including the 18-hole golf course, park, conservation area and open space within the tracts.

PRESERVE AREA: 283.70 acres

RESIDENTIAL UNITS	
Multi-Family:	500
Single-Family:	785
TOTAL:	1,285

Exhibit C



Quattrone & Associates, Inc.

Engineers, Planners & Development Consultants

201 Veranda Boulevard, Suite 100, Fort Myers, Florida 33901-1000