



MEMORANDUM

Date: June 26, 2012

To: Charlotte County Board of County Commissioners,
Planning and Zoning Board

From: Steven A. Ellis, Planner II *SAE*

Subject: FP-12-05-01, 2405 Bayside Subdivision

Richard Lake has applied for a one-lot Minor Subdivision called 2405 Bayside, being a re-plat of Lots 24 and 25 of Gulfridge Subdivision, as recorded in Plat Book 2, Page 61, of the Official Records of Charlotte County, Florida. The site is 0.90 acres, more or less, and is located east of North Beach Road, west of Lemon Bay, north of Estada Street, and south of Desoto Avenue, in Commission District III.

It is the applicant's intent to re-plat this portion of Gulfridge Subdivision, removing the lot line between Lots 24 and 25, and combining them into a single lot. No construction is contemplated as a part of this petition.

Addressing has reviewed the application and had no comments.

Zoning/Environmental recommends approval of the application and had the following comments:

The Zoning Environmental Review Section has reviewed the above referenced petition for Environmental and Landscape and Tree compliance and offers the following comments:

- ❖ A GIS aerial review was conducted by staff. The property consists of a developed multi-family use property located off of Lemon Bay which has direct access to the Gulf of Mexico. This site is currently developed and is not in the sea turtle lighting review area nor is it seaward of the Florida Department of Environmental Protection (FDEP) Coastal Construction Control Line (CCCL). Due to the location of the site and the fact that there are open grassy areas located on the property, there is a probability of gopher tortoise burrows occurring on site. A listed species assessment will be completed by staff during the development review process.

CHARLOTTE COUNTY COMMUNITY DEVELOPMENT
Zoning Division

18400 Murdock Circle, Port Charlotte, FL 33948
Phone: 941-764-4954 | Fax: 941-743-1598

Any future development of the site would be subject to the following:

1. Staff will conduct a site inspection to assess any listed species issues that may be present on site. If any listed species are identified, all required Fish & Wildlife Service (FWS) and Florida Fish and Wildlife Conservation Commission (FWCC) permits must be provided to staff prior to final DRC approval and the issuance of county permits and land clearing activities.
2. Per Article IX. *TREE REQUIREMENTS*. Section 3-2-190 (if heritage trees are identified on site); No person shall cut down, remove, relocated, or in any way damage a heritage tree. These trees shall be protected without regard to their location or the date of final development approval.
3. The applicant must submit an approved Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit (ERP). Final DRC approval shall reflect all SWFWMD conditions.
4. No new seawalls, docks, lifts or piers are proposed to be built on the adjacent waterbody through this site plan review. Any new or modified docks, lifts, seawalls or piers will require modified SWFWMD, ACOE and Charlotte County permits prior to permit approval and commencement of construction.
5. The project must comply with Chapter 3-5, Article XV, Upland Buffer Zone requirements of the County Code. Final site plans must document a minimum 15', average 25' naturally vegetated upland buffer along the perimeter of all wetlands and natural surface waters. The buffer width may be contracted along portions of the wetland or surface water border, in response to site-specific development constraints, provided that it is expanded along other portions such that the minimum buffer width is maintained, on average. An additional buffer may be required by other regulatory agencies.
6. The project must comply with Chapter 3-5, Article IV, Clearing, Filling and Soil Conservation requirements of the County Code. Best Use Management Plans must be documented on final site plans and utilized during all land clearing and development activities.
7. The project must comply with Chapter 3-5, Article XVI, Open Space/Habitat Reservation Trust requirements of the County Code. After a site inspection has been completed, staff will determine if the applicant will need to contribute an equal amount of \$300 per acre or fraction thereof, to the Open Space/Habitat Reservation Fund for a total of \$300.00 based on a project size of ±0.90 acres prior to the issuance any county permit or land improvement activities.

The applicant is advised that the Charlotte County site review is cursory, additional wildlife or environmental reviews may be required by state and federal agencies.

Zoning/Current Planning has reviewed the application and had the following comments:

Zoning/Current Planning has no objections to the proposed one-lot subdivision plat; however, staff requests that a different name be given to the proposed plat.

Suggested Changes:

1. The existing 18-foot walkway located adjacent to the north is referenced on the plat as: "PER P.B. 2, PGE 54, 1938", which staff believes may be incorrect. Staff found this subdivision plat in Plat Book 2 on Page 61. Please check and verify the correct reference.
2. The name of this proposed plat is "2405 Bayside". Staff prefers not to have a plat name begin with a number and recommends that the plat name be changed. Some suggestions are: "BAYSIDE 2405", "BAYSIDE LAKE", "LAKE RE-PLAT OF GULFRIDGE" and "UNICORN".
3. The rear lot line adjacent to Lemon Bay should be drawn across the mouth of the boat basin so that the boat basin area is included in the plat and made part of the lot so that the boat basin could be filled in at some future date if the owner so chooses.

Real Estate Services has reviewed the application and had no comments.

CCU has reviewed the application and had no comments.

GIS has reviewed the application and had the following comments:

The state plane coordinates easting in the 300,000 puts the lot in the Gulf of Mexico.

Engineering has reviewed the application and had no comments.

Land Development has reviewed the application and had no comments.

Comprehensive Planning has reviewed the application and had the following comments:

Comprehensive Planning recommends approval of this minor subdivision. The proposal is consistent with the County's policy of removing platted lots through reassembly.

FLU Policy 4.1.2 Overall Reduction in Platted Lands

The County shall continue to pursue the objective of reducing the total number of vacant lots by a minimum of one percent per year during the planning period (2010-2030) of this Plan, through the following actions:

1. Implementation of the Neighborhood Framework.
2. Implementation of a graduated impact fee schedule that encourages development within Revitalizing Neighborhoods.
3. Continued public acquisition of lots for preservation, restoration, recreation, viable habitat for listed species, or outdoor education using public funds as appropriate and available.
4. Creating incentives for plat vacations or re-platting lots within targeted areas through an administrative plat vacation or re-platting process where the cost is borne by the County if a density reduction occurs as a result of the plat vacation or re-platting.
5. Creating incentives for the assembly and re-platting of lots by private interests for redevelopment or other purposes.
6. Selective acquisition of lots by the County for use in property assembly, lot swaps, or transfers of density units where such action satisfies a public need, such as the provision of infrastructure or urban services.
7. Facilitation of the re-assembling of lots.

RECOMMENDATION

Community Development recommends approval of Petition #FP-12-05-01.



Open for Business

FP-12-05-01 2405 BAYSIDE SUBDIVISION General Area Map

Map Prepared By
Charlotte County
Community Development
Department



12/41/19 West-County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created 06-07-2012

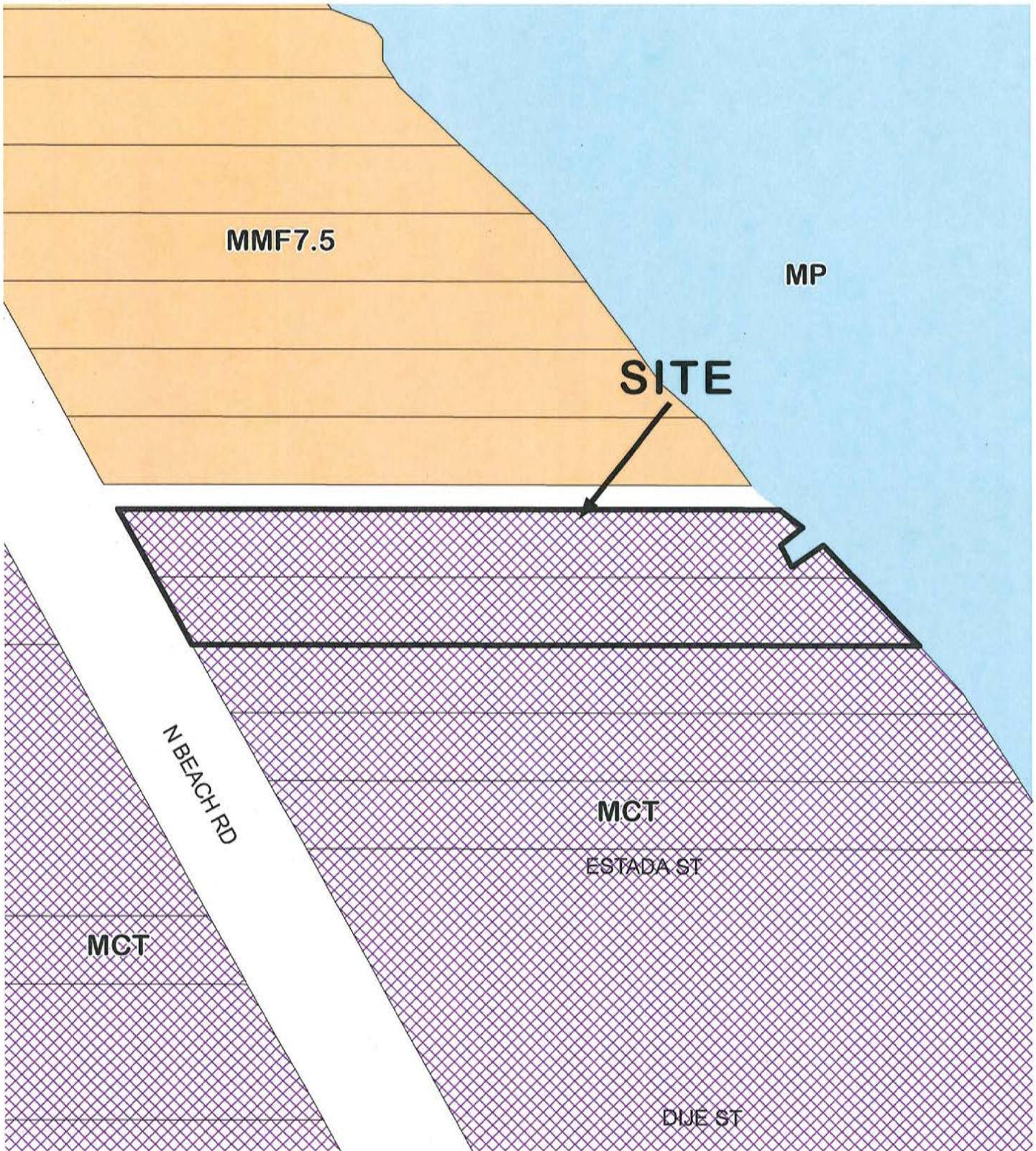




Open for Business

FP-12-05-01 2405 BAYSIDE SUBDIVISION Zoning Districts

Map Prepared By
Charlotte County
Community Development
Department



12/41/19 West-County

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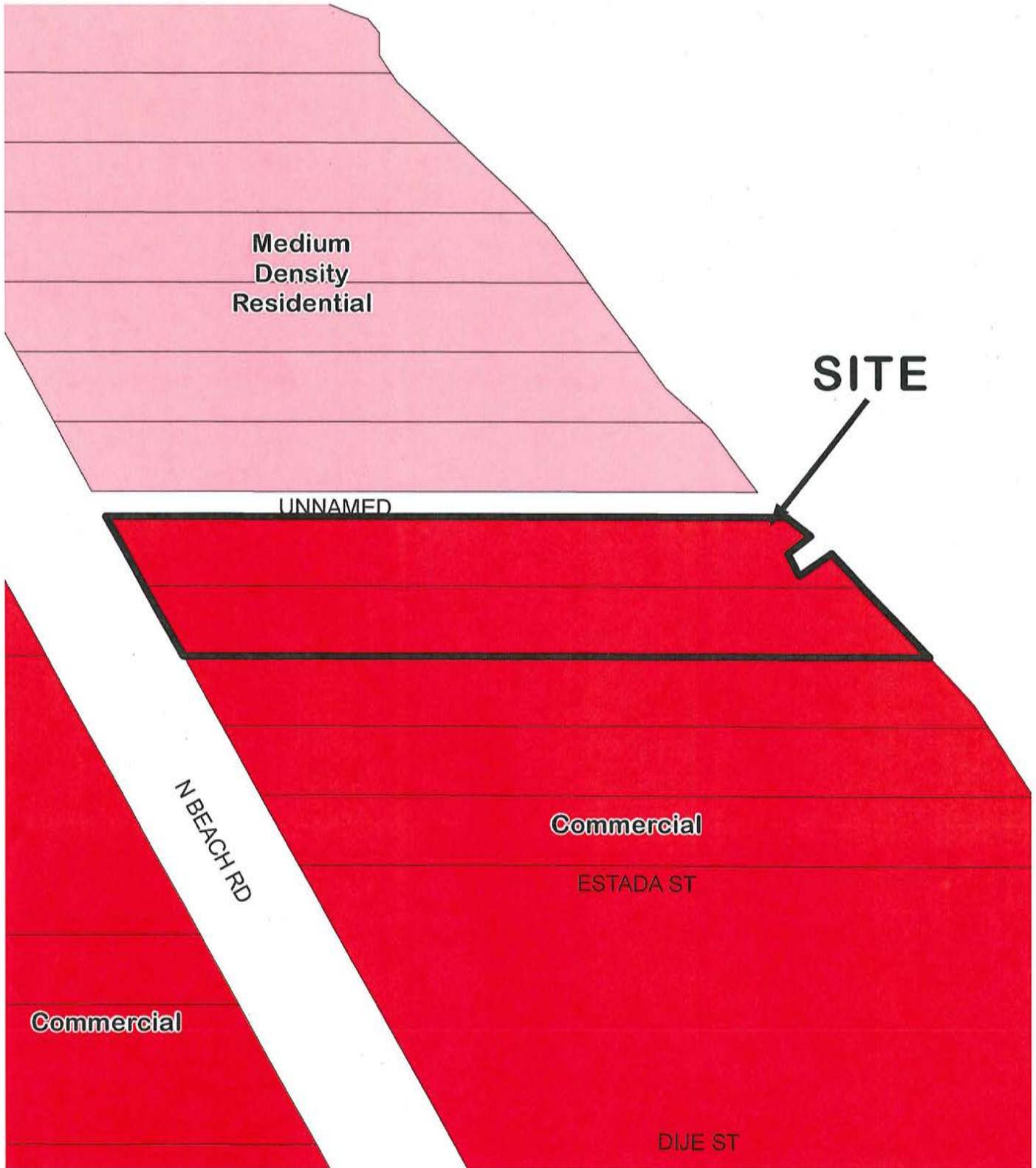




Open
for Business

FP-12-05-01
2405 BAYSIDE SUBDIVISION
2030 Future Land Use Designations

Map Prepared By
Charlotte County
Community Development
Department



12/41/19 West-County

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Mary E. Sprague, P.E.

8017 Weyers Ct.
Englewood, FL 34224
(941) 504-0899

Engineering
Permitting

Site Planning
Optic System
Residential
Commercial
Industrial

May 9, 2012

Steve Ellis
Charlotte County
18500 Murdock Circle
Port Charlotte, FL 33948

RE: Plat for 2405 Bayside (Unicorn Apartments)

Dear Steve:

I have enclosed the following information as submittal for a minor subdivision plat:

1. Check in the amount of \$1469.00
2. Summary of Supporting Materials Narrative
3. Application for Preliminary Plat with Checklist
4. Application for Final Plat with Checklist
5. (5) Copies of each of the following:
 - a. Plats - 18" x 24"
 - b. Plats - 11" x 17"
 - c. Boundary and Topographical Surveys
6. Copy of proof that all taxes have been paid
7. Ownership and Encumbrance Report (Title Opinion)
8. Copy of Variance Approval
9. Copy of Preliminary Site Development Approval (DRC-P-12-04)
10. One Disc in .DWG format
11. One Disc in .PDF format

Should you have any questions, please do not hesitate to call me.

Sincerely,

Mary E. Sprague, PE

MES/mos
Enclosures

My Docts/Lake PlatSubmittal 0412

Mary E. Sprague, PE
2405 Bayside Plat
Minor Subdivision Application
May 9, 2012

**Summary of Supporting Materials Narrative
Letter of Explanation
2405 Bayside Plat**

The following explains why certain materials have not been included in the Plat Application.

PRELIMINARY PLAT APPLICATION

1. FLUCCS map – I spoke with Jamie Scudera and due to the conditions of the site – it has been previously developed and cleared, a FLUCCS map and associated materials are not necessary.

FINAL PLAT APPLICATION

1. Original Mylar – Since this is a combined Preliminary/Final Plat application, the mylar will be submitted directly to the Planning & Zoning Board once staff has fully reviewed the application submittal. Alternatively, I can deliver it to the County once all comments have been addressed and changes made.
2. Copy of Final Site Plan Review approval letter. This plat needs to be approved prior to the approval of the final site plat approval, due to the density issue. There is no required or proposed infrastructure improvements, and Buddy agreed that the plat can be reviewed without final approval.
3. Proof that all Preliminary Site Plat Review conditions have been met – We have obtained preliminary Site Development Approval, and a copy of that letter is enclosed. The conditions will be met through the final DRC review. All conditions have to do with the development of the proposed 7 units, and no infrastructure improvements are required.
4. Declaration of Covenants – The proposed site will be used for apartment buildings, and therefore there Declaration of Covenants are not required nor proposed.
5. Restrictions – No restrictions are required or proposed.
6. One disc of subdivision plans in PDF & .DWG formats – I have included one disc of each of these, which is the preliminary plat. I will provide a final disc of each the .PDF and .DWG once all comments have been received and plat has been revised, prior to the P&Z meeting.



**CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT**

PRELIMINARY PLAT APPLICATION

Date Received: 5/9/12	Log-in Date: 5/10/12
Petition #: FP-12-05-01	CAP # MSD-12-00003
Receipt #: 84948	Amount Paid: \$1,469.00

1. **Name of proposed subdivision:** 2405 BAYSIDE

2. **Parties involved in the application:**

A. Name of Applicant: Richard Lake, Trustee

Mailing Address: 4681 Fernway Dr.

City: North Port **State:** FL **Zip Code:** 34288

Phone Number: 941-979-0222 **Fax Number:**

Email Address: Ricklake@SBCGlobal.net

B. Name of Agent: Mary E. Sprague, PE

Mailing Address: 8017 Weyers Ct.

City: Englewood **State:** FL **Zip Code:** 34224

Phone Number: 941-504-0899 **Fax Number:** 941-475-3366

Email Address: LSEngineering@yahoo.com

C. Owner of Record*: Richard Lake, Trustee

Mailing Address: 4681 Fernway Dr.

City: North Port **State:** FL **Zip Code:** 34288

Phone Number: 941-979-0222 **Fax Number:**

Email Address: Ricklake@SBCGlobal.net

* The name and address of every person having a beneficial interest in this property, however small, in the form of a partnership, limited partnership, corporation, trust, or in any form of representative capacity whatsoever for others, shall be disclosed and a list attached to this application, with no exceptions.

D. Name of Surveyor: Bruce Lindh, PLS

Mailing Address: 1380 Cambridge Drive

City: Venice

State: FL

Zip Code: 34293

Phone Number: 941-488-6612

Fax Number:

Email Address: BLindh@Verizon.net

E. Name of Engineer: Mary E. Sprague, PE

Mailing Address: 8017 Weyers Ct.

City: Englewood

State: FL

Zip Code: 34224

Phone Number: 941-504-0899

Fax Number: 941-475-3366

Email Address: LSEngineering@yahoo.com

F. Name of Attorney: N/A

Mailing Address:

City:

State:

Zip Code:

Phone Number:

Fax Number:

Email Address:

3. Property Location

Section: 12 Township: 41S Range: 19E

Property ID #: 4119 1213 5001

Commission District: 3

4. Total acreage: 0.90 acres

5. Has the property ever been the subject of a public hearing?

Yes No

If yes,

Hearing Held by:

Date:

Petition #:

Board of County Commissioners

Planning and Zoning Board

Board of Zoning Appeals

Other (Describe)

12-14-2011

VAR-11-09

ATTACH ALL DEPARTMENT COMMENTS AND DECISION LETTERS

6. Has an administrative interpretation ever been applied for or received for the subject property?

Yes No

If yes, Date: _____ Type: _____

PROVIDE A COPY OF THIS INTERPRETATION.

7. Has this property been platted before?

Yes No

If yes, in what name? Gulfridge

Date recorded: 1946

Has the previous plat been vacated? Yes No

8. *Zoning designation(s): MCT

***Future Land Use Map designation(s):** Commercial

*if more than one, provide acreage of each

Number of lots allowed: 13 Number of lots proposed: 1

Minimum lot size: 39349 SF Proposed Minimum lot dimension: 87.49' x 435.4'

Total density: 0.9 lots/acre (proposed density is 13 apartment units on 1 lot)

9. Type of proposed development:

Single family Mobile home Institutional

Multi-family Commercial

Industrial Mixed Use

10. Is any variance from the subdivision requirements anticipated or requested per Article II, Section 3-7-21, of the County Code?

Yes No (Variance previously approved – VAR-11-09, app'd 12/14/11)

See attached for approval letter

If yes, ATTACH a description of the variance request.

11. Is this proposed plat part of a Development of Regional Impact (DRI)?

Yes No

If yes, name the DRI: _____

12. Is the proposed subdivision located within a flood hazard zone as established by F.E.M.A.?
 Yes No

If yes, please specify: AE, Elev. 13.0',12.0',11.0'

13. What is the proposed minimum elevation of road crown and of the lots?

Road: 5.48' feet above sea level Lots: 4.0' feet above sea level

Existing elevation ranges from an average low of 4.0' to an average high of 7.0' feet above sea level.

Elevations based on: NGVD - 1929 NGVD - 1988

14. What type of potable water and sanitary sewer facilities will service this plat?

Wells Septic Tanks

Central Water Central Sewer

ATTACH:

- Utility letters proving service is available
- or
- Health Dept. letter verifying that the septic systems are acceptable based on the proposed subdivision

15. Is development of utility infrastructure proposed prior to final plat?

Yes No

16. Rights-of-way for this proposed subdivision are intended to be:

dedicated private existing dedicated roads

Indicate which of the processes you will be following for roadway construction: N/A

Not constructing roadways prior to final plat. (note: bonding is required - show proof that applicant has met with County Engineer to ensure the rights-of-way will be constructed under the supervision of the County Engineer.)

Constructing roadways prior to final plat. (note: documentation must be submitted with final plat showing that the rights-of-way have been constructed under the supervision of the County Engineer and approved.)

If constructing new roads, and they are to be dedicated to the County, all paperwork shall be in accordance with Article VII of Charlotte County Code 3-7.

ALL ROADS SHALL BE CONSTRUCTED TO COUNTY STANDARDS

17. **Is any excavation activity proposed as part of this subdivision?** Yes No
If so, indicate if the applicant will need to file for an exemption from the Excavation and Earthmoving Code or what excavation Group # will be applied for: _____

17. **Will the subdivision be constructed in phases?** Yes No
If yes, please specify:

AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that I am the applicant or agent of the property described and that is the subject matter of the proposed Preliminary Plat request, that data and other supplementary matter attached to and made part of the application, are honest and true to the best of my knowledge.

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 12th day of March, 2012, by Richard Lake who is personally known to me or has/have produced DRIVERS License as identification and who did/did not take an oath.

Barbara S. Hahn
Notary Public Signature

Richard Lake
Signature of Applicant/Agent

BARBARA S. HAHN
Notary Printed Signature

Richard Lake
Printed Signature of Applicant/Agent

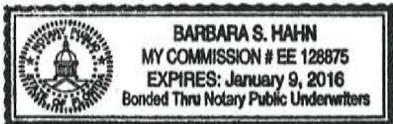
NOTARY
Title

4681 Fernway Dr.
Address

EE128825
Commission Code

North Port, FL 34288
City, State, Zip

941-876-3960
Telephone Number



APPLICANT AUTHORIZATION TO AGENT

I, the undersigned, being first duly sworn, depose and say that I am the applicant for the Preliminary Plat of the property described and which is the subject matter of the proposed hearing.

I give authorization for MARY E. SPRAGUE to be my agent for this application.

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 17th day of March, 2012 by Richard Lake who is personally known to me or has/have produced DRIVERS license as identification and who did/did not take an oath.

Barbara S. Hahn
Notary Public Signature

Richard Lake
Signature of Applicant

BARBARA S. HAHN
Notary Printed Signature

Richard Lake
Printed Signature of Applicant

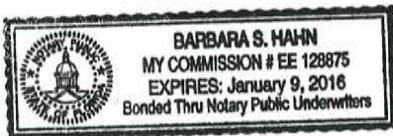
NOTARY
Title

4681 Fernway Dr.
Address

EE128875
Commission Code

North Port, FL 34988
City, State, Zip

941-876-3960
Telephone Number





CHARLOTTE COUNTY
 COMMUNITY DEVELOPMENT DEPARTMENT

FINAL PLAT APPLICATION

Date Received: 5/9/12	Date of Log-in: 5/10/12
Petition #: FP-12-05-01	CAP # MSD-12-00003
Receipt #: 84948	Amount Paid: \$1,469.00

- Name of proposed subdivision: 2405 Bayside
- Preliminary Plat Petition #: _____ Minor Subdivision – Preliminary & Final Application
 Date approved: _____ Being applied for simultaneously
- Parties involved in the application:
 Have any of the parties involved in this Application changed since the property received Preliminary Plat approval? ____ Yes ____ No
 If yes, please explain: _____

A. Name of Applicant: Richard Lake, Trustee

Mailing Address: 4681 Fernway Dr.

City: North Port	State: FL	Zip Code: 34288
Phone Number: 941-979-0222	Fax Number:	
Email Address: Ricklake@SBCGlobal.net		

B. Name of Agent: Mary E. Sprague, PE

Mailing Address: 8017 Weyers Ct.

City: Englewood	State: FL	Zip Code: 34224
Phone Number: 941-504-0899	Fax Number: 941-475-3366	
Email Address: LSEngineering@yahoo.com		

C. Owner of Record*: Richard Lake, Trustee

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City: North Port	State: FL	Zip Code: 34288
Phone Number: 941-979-0222	Fax Number:	
Email Address: Ricklake@SBCGlobal.net		

* The name and address of every person having a beneficial interest in this property, however small, in the form of a partnership, limited partnership, corporation, trust, or in any form of representative capacity whatsoever for others, shall be disclosed and a list attached to this application, with no exceptions.

D. Name of Surveyor: Bruce Lindh, P.L.S.

Mailing Address: 1380 Cambridge Drive

City: Venice	State: FL	Zip Code: 34293
Phone Number: 941-488-6612		Fax Number:
Email Address: BLindh@Verizon.net		

E. Name of Engineer: Mary E. Sprague, P.E.

Mailing Address: 8017 Weyers Ct.

City: Englewood	State: FL	Zip Code: 34224
Phone Number: 941-504-0899		Fax Number: 941-475-3366
Email Address: LSEngineering@yahoo.com		

F. Name of Attorney: N/A

Mailing Address:

City:	State:	Zip Code:
Phone Number:		Fax Number:
Email Address:		

4. Property ID #: 4119 1213 5001

5. Has the property undergone any public hearings, other than the public hearings for the Preliminary Plat approval, since the Preliminary Plat application was submitted?

Yes No

If yes,

<i>Hearing Held by:</i>	<i>Date:</i>	<i>Petition #:</i>
<input type="checkbox"/> Board of County Commissioners	_____	_____
<input type="checkbox"/> Planning and Zoning Board	_____	_____
<input checked="" type="checkbox"/> Board of Zoning Appeals	12-1	_____
<input type="checkbox"/> Other (Describe) _____	_____	_____

ATTACH ALL DEPARTMENT COMMENTS AND DECISION LETTERS

6. Number of lots allowed: 13 **Number of lots Proposed:** 1

Minimum lot size previously approved in Preliminary Plat: N/A (0.9 ac. Proposed)

Minimum lot dimension previously approved in Preliminary Plat: N/A (87.49' perpendicular to north & south lot lines, 100' road frontage proposed)

AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that I am the applicant or agent of the property described and that is the subject matter of the proposed Final Plat request, that data and other supplementary matter attached to and made part of the application, are honest and true to the best of my knowledge.

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 12th day of March, 2012,
by Richard Lake who is personally known
to me or has/have produced DRIVERS license as identification and who
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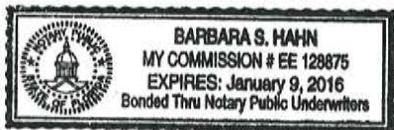
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Notary Public Signature | Signature of Applicant/Agent

BARBARA S. HAHN | Richard Lake
Notary Printed Signature | Signature of Applicant/Agent

NOTARY | 4681 Fernway Dr.
Title | Address

EE 128875 | North Port, FL 34288
Commission Code | City, State, Zip

941-876-3960
Telephone Number



APPLICANT AUTHORIZATION TO AGENT

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I give authorization for MARY E SPRAGUE to be my agent for this application.

STATE OF Florida, COUNTY OF Charlotte

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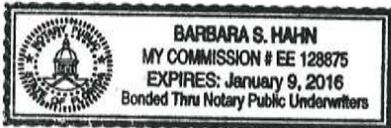
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Notary Printed Signature | Printed Signature of Applicant

Notary | 4681 Fernway Dr.
Title | Address

EE 128875 | North Port, FL 34288
Commission Code | City, State, Zip

941-876-3960
Telephone Number





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2011 Roll Details — Real Estate Account At 2405 N BEACH RD, ENGLEWOOD

Real Estate Account #411912135001

[Parcel details](#) [Latest bill](#) [Full bill history](#)

2011	2010	2009	2008	...	2000
Paid	Paid	Paid	Paid		Paid

Owner: LAKE RICHARD D TRUSTEE
 4681 FERNWAY DR
 NORTH PORT, FL 34288
Situs: 2405 N BEACH RD
 ENGLEWOOD

Account number: 411912135001
Alternate Key: 10001325036
Millage code: 003
Millage rate: 17.82200
Assessed value: 723,189
School assessed value: 723,189

Location is not guaranteed to be accurate.

Property Appraiser- GIS

2011 annual bill

Ad valorem:
Non-ad valorem:
Total tax:

[View](#)
\$12,888.68
\$2,020.27

Legal description
 GRG 000 0000 0024 GULFRIDGE LTS
 24 & 25 106/40 DC207/530 897/706
 898/1074-85 905/541 2321/1026
 2605/1396 CT3535/842 CT3539/964
 3572/668

Location

Book, page, item: --
Geo number: 0082500-
 000000-3
Range: 19
Township: 41
Section: 12
Neighborhood: GULFRIDGE
Total acres: 0.00

Paid 2011-11-22 \$14,312.59
Receipt #INT-00005392

OWNERSHIP AND ENCUMBRANCE REPORT

THE ATTACHED REPORT IS ISSUED TO Richard D. Lake, as Trustee of the Richard D. Lake Revocable Living Trust dated August 24, 2011. THE ATTACHED REPORT MAY NOT BE RELIED ON BY ANY OTHER PARTY. NO LIABILITY IS ASSUMED BY WELLBAUM AND EMERY, P.A. FOR ANY UNAUTHORIZED USE OR RELIANCE. THIS OWNERSHIP AND ENCUMBRANCE SEARCH REPORT IS ISSUED PURSUANT TO FLORIDA STATUTE SECTION 627.7843 AND LIABILITY HEREUNDER FOR INCORRECT INFORMATION IS LIMITED TO THE SUM OF \$1,000.00.

The attached Report prepared in accordance with the instructions given by the user named above includes a listing of the owner(s) of record of the land described herein together with current ad valorem tax information and a listing and copies of all open and unsatisfied leases, mortgage and judgments recorded in the Official Records of Charlotte County, Florida that appear to encumber the title to said land. It is the responsibility of the party named above to verify receipt of each document listed. If a copy of any document listed is not received, the office issuing this Report must be contacted immediately. This Report does not include easements, restrictions, notice and other documents not listed above.

This Report does not insure or guarantee the validity of sufficiency of any document attached, or is it to be considered a title insurance policy, an opinion of title, a guarantee of title or as any other form of guarantee or warranty of title. This Report shall not be used for the issuance of any title insurance policy or form.

Use of the term "Report" herein refers to this Ownership and Encumbrance Report and the documents attached hereto.

Effective Date: April 18, 2012 @ 11:00 P.M.

The land referred to herein is described as follows:

Lots 24 and 25, GULFRIDGE SUBDIVISION, according to the plat thereof recorded in Plat Book 2, Page 61, of the Public Records of Charlotte County, Florida.

Record Title appears to be vested in:

Richard D. Lake, as Trustee of the Richard D. Lake
Revocable Living Trust dated August 24, 2011

Vested by Virtue:

Trustee's Deed from Richard Lake to Richard D. Lake, as
Trustee of the Richard D. Lake Revocable Living Trust dated
August 24, 2011, dated August 24, 2011 and recorded in O.R.
Book 3595, Pages 668 thru 669, of the Public Records of
Charlotte County, Florida.

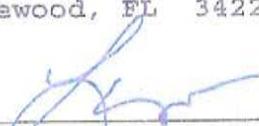
Tax Information: Tax ID# 411912135001
2011 taxes paid in the amount of
\$14,312.59.

Encumbrances:

- 1) Notice of Approval for Variance from Charlotte County
Zoning as recorded December 16, 2011 in O.R. Book 3617,
Pages 1657 and 1658 and a Corrected Notice of Approval
recorded February 14, 2012 in O.R. Book 3631, Pages 1406
and 1407, all in the Public Records of Charlotte County,
Florida.
- 2) Notice of Commencement with Anthony Leonard for re-roof
as recorded November 14, 2011 and recorded in O.R. Book
3610, Page 1385, of the Public Records of Charlotte County,
Florida.
- 3) Notice of Commencement with Southwest Building for
enclose porches and re-roof as recorded September 21, 2011
and recorded in O.R. Book 3598, Page 1327, of the Public
Records of Charlotte County, Florida.

All documents as shown above are recorded in the Public
Records of Charlotte County, Florida.

WELLBAUM and EMERY, P.A.
686 N. Indiana Avenue
Englewood, FL 34223

BY: 

Lori Wellbaum Emery

DATE: May 7, 2012



**CORRECTED
NOTICE OF APPROVAL
FOR A VARIANCE TO THE CHARLOTTE COUNTY ZONING CODE**

Pursuant to Charlotte County Code Section 3-9-6.1(d), this is to acknowledge the approval of the Variance application which was heard by the Charlotte County Board of Zoning Appeals.

Applicant: Mary Sprague, 8017 Weyers Court, Englewood, Florida 34224

Owner: Richard Lake, 4681 Fernway Drive, North Port, Florida 34288

Location: 2405 North Beach Road, Englewood, Florida and is described as Lots 24 and 25 of Gulfridge subdivision, located in Section 12, Township 41 South, Range 19 East.

Petition number: VAR-11-09

Approval Date: December 14, 2011

Approved Variance:

Seven (7) variances to allow construction of a new multifamily apartment building, in addition to the existing two-family and four-family residential buildings, located in a Manasota Commercial Tourist (MCT) zoning district.

Conditions Placed on Approval:

1. The variances, as approved by the Board of Zoning Appeals, are as follows:
 - (a) a variance of 10' to reduce both required side yard buffer strips from 20' to 10' to allow ten-foot wide buffer strips for both side yard buffers; and
 - (b) a variance of 0.1' to reduce the required front yard setback from 30' to 29.9' for an existing two-family residence; and
 - (c) a variance of 1.5' to reduce the required side yard setback from 10' to 8.5' to allow a roof overhang for a new multifamily residence; and
 - (d) a variance of 1.25' to reduce the required side yard setback from 10' to 8.75' to allow a swimming pool; and
 - (e) a variance of 2.5' to reduce the required side yard setback from 10' to 7.5' to allow an addition to the existing four-family residence ~~swimming pool~~; and
 - (f) a variance of 15.73' to reduce the required rear yard setback from 35' to 19.27' for an existing four-family residence; and
 - (g) a variance to allow storm-water management areas to be located within the buffer strips.
2. These variances are intended to allow construction of a new multifamily apartment building, which is a permitted use, in addition to the existing two-family and four-family buildings located on subject property.
3. These variances apply only to the existing two-family and four-family residences and shall carry with these structures and the proposed multifamily apartment building, if constructed, only. If the existing residences are ever removed or destroyed all future development must be constructed according to all applicable codes in existence at that time, unless a new variance is granted specific to the development proposed at that time.

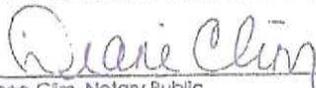
**NOTICE OF APPROVAL (continued)
FOR A VARIANCE TO THE CHARLOTTE COUNTY ZONING CODE**

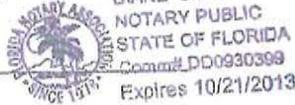
Please be advised that any variance granted shall expire three (3) years after the date of approval unless the use allowed by the variance is in existence and actively occurring on the subject property prior to the date of expiration. Any such variance which ceases to exist and actively occur on the subject property shall expire three years from the effective date of this regulation unless good faith commencement of the variance has begun prior to expiration. Prior to expiration, the applicant or property owner may request an extension from the Board of Zoning Appeals. Such extension may be granted to the applicant or owner upon showing of good cause. Any non-conforming variance shall be subject to the requirements of Section 3-9-10 of the Zoning Regulations with regard to non-conforming uses.

Prepared by: 
Shaun Cullinan, Zoning Official

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 14th day of December, 2011, by Shaun Cullinan, who is personally known to me, and who did not take an oath.


Diane Clim, Notary Public



Return to Community Development, Zoning Office, Ken Quillen

★ #116
CL Zoning

**NOTICE OF APPROVAL
FOR A VARIANCE TO THE CHARLOTTE COUNTY ZONING CODE**

Pursuant to Charlotte County Code Section 3-9-6.1(d), this is to acknowledge the approval of the Variance application which was heard by the Charlotte County Board of Zoning Appeals.

Applicant: Mary Sprague, 8017 Weyers Court, Englewood, Florida 34224

Owner: Richard Lake, 4681 Fernway Drive, North Port, Florida 34288

Location: 2405 North Beach Road, Englewood, Florida and is described as Lots 24 and 25 of Gulfridge subdivision, located in Section 12, Township 41 South, Range 19 East.

Petition number: VAR-11-09

Approval Date: December 14, 2011

Approved Variance:

Seven (7) variances to allow construction of a new multifamily apartment building, in addition to the existing two-family and four-family residential buildings, located in a Manasota Commercial Tourist (MCT) zoning district.

Conditions Placed on Approval:

1. The variances, as approved by the Board of Zoning Appeals, are as follows:
 - (a) a variance of 10' to reduce both required side yard buffer strips from 20' to 10' to allow ten-foot wide buffer strips for both side yard buffers; and
 - (b) a variance of 0.1' to reduce the required front yard setback from 30' to 29.9' for an existing two-family residence; and
 - (c) a variance of 1.5' to reduce the required side yard setback from 10' to 8.5' to allow a roof overhang for a new multifamily residence; and
 - (d) a variance of 1.25' to reduce the required side yard setback from 10' to 8.75' to allow a swimming pool; and
 - (e) a variance of 2.5' to reduce the required side yard setback from 10' to 7.5' to allow an addition to the existing four-family residence swimming pool; and
 - (f) a variance of 15.73' to reduce the required rear yard setback from 35' to 19.27' for an existing four-family residence; and
 - (g) a variance to allow storm-water management areas to be located within the buffer strips.
2. These variances are intended to allow construction of a new multifamily apartment building, which is a permitted use, in addition to the existing two-family and four-family buildings located on subject property.
3. These variances apply only to the existing two-family and four-family residences and shall carry with these structures and the proposed multifamily apartment building, if constructed, only. If the existing residences are ever removed or destroyed all future development must be constructed according to all applicable codes in existence at that time, unless a new variance is granted specific to the development proposed at that time.

**NOTICE OF APPROVAL (continued)
FOR A VARIANCE TO THE CHARLOTTE COUNTY ZONING CODE**

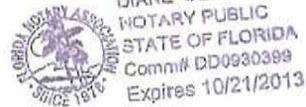
Please be advised that any variance granted shall expire three (3) years after the date of approval unless the use allowed by the variance is in existence and actively occurring on the subject property prior to the date of expiration. Any such variance which ceases to exist and actively occur on the subject property shall expire three years from the effective date of this regulation unless good faith commencement of the variance has begun prior to expiration. Prior to expiration, the applicant or property owner may request an extension from the Board of Zoning Appeals. Such extension may be granted to the applicant or owner upon showing of good cause. Any non-conforming variance shall be subject to the requirements of Section 3-9-10 of the Zoning Regulations with regard to non-conforming uses.

Prepared by: 
Shaun Cullinan, Zoning Official

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 14th day of December, 2011, by Shaun Cullinan, who is personally known to me, and who did not take an oath.


Diane Clim, Notary Public



Return to Community Development, Zoning Office, Ken Quillen

100



State of Florida
County of Charlotte

Notice of Commencement

THIS SPACE RESERVED FOR RECORDING

The undersigned hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

Permit Number: _____

Description of work to be done: Re-roof

Address where work is to be done: 2405 N. Beach Rd.
 Street Address Englewood, FL 34223
 City, State & Zip Code

Legal Description of Property: Lot 24&25 Block _____ Section 12 Subdivision GRG

Name of Property Owner: Richard D. Lake

Address of Property Owner: 4681 Farnway Dr., North Port, FL 34288

Contractor Name: Anthony Leonard

Contractor Address: 99 S. McCall Rd., Englewood, FL 34223

Bonding Company Name: _____ Phone # _____ Bond Amount _____

Bonding Company Address: _____ Phone # _____

Lending Company Name: _____ Phone # _____

Lending Company Address: _____

Persons within the State of Florida designated by the Owner upon whom notices or other documents may be served as provided in Section 713.13(1)(b), Florida Statutes.

Name: _____ Phone # _____

Address: _____

Expiration Date of Notice of Commencement: _____
 (The expiration date is one year from the date of recording unless a specified otherwise.)

Signature of Owner: [Signature]

Printed Name of Owner: Richard Lake

Address of Owner: 4181 Fernway Drive North Port, FL 34288

State of Florida

County of Sarasota

Subscribed and sworn (or affirmed) before me this 27 day of OCTOBER, 2011 by
RICHARD LAKE who is personally known to me [] or showed identification [x]. Type of
 Identification shown if applicable: FLDL

Commission # DD861562

Name of Notary (Please print) Zoe M. Bass

Notary Stamp or Seal

NOTARY PUBLIC-STATE OF FLORIDA
 Zoe M. Bass
 Commission # DD861562
 Expires: MAR. 27, 2013
 BONDED THRU ATLANTIC BONDING CO, INC.

Signature of Notary [Signature]



State of Florida
County of Charlotte

THIS SPACE RESERVED FOR RECORDING

Notice of Commencement

The undersigned hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

Permit Number: _____ *Revoog and →*

Description of work to be done: *Enclose porches to add second bedrooms*

Address where work is to be done: *2405 N. Beach Rd.*

Street Address: *Englewood, FL 34223*

City, State & Zip Code: _____

Legal Description of Property: Lot *24* Block *2014* Section *12* Subdivision *GRG*

Name of Property Owner: *Richard Lake*

Address of Property Owner: *4681 Fernway Drive, North Port, FL 34223*

Contractor Name: *Southwest Building*

Contractor Address: *51228 Westcott Street North Port, FL 34291*

Bonding Company Name: _____ Phone # _____ Bond Amount _____

Bonding Company Address: _____

Lending Company Name: *N/A* Phone # _____

Lending Company Address: _____

Persons within the State of Florida designated by the Owner upon whom notices or other documents may be served as provided in Section 713.13(1)(b), Florida Statutes.

Name: _____ Phone # _____

Address: _____

Expiration Date of Notice of Commencement: _____
(The expiration date is one year from the date of recording unless a specified otherwise.)



Signature of Owner: *[Signature]*

Printed Name of Owner: *Richard Lake*

Address of Owner: *4681 Fernway Drive North Port, FL 34288*

State of Florida
County of Sarasota

Subscribed and sworn (or affirmed) before me this 15th day of September, 2011 by Richard Lake who is personally known to me [] or showed identification [X]. Type of Identification shown if applicable: Florida Driver License

Commission # _____ Name of Notary (Please print) Joyce Klingler

Notary Stamp or Seal: JOYCE KLINGLER Comm# DD0823977 Expires 8/17/2012 Florida Notary Assn., Inc.
Signature of Notary: *[Signature]*

BARBARA T. SCOTT, CHARLOTTE COUNTY CLERK OR BOOK 3310, PGS 167-189 23 pg(s)
INSTR # 1780816 Doc Type EAS, Recorded 07/21/2008 at 02:38 PM Rec. Fee:
\$197.00 Cashier By: JANH

This is a true copy of the original document.



James F. Clark
915 Park Place
Englewood, FL 34223

James F. Clark

Sworn to and subscribed in my presence this 18th
Day of July, 2008

Janice Lee

Janice Lee
Notary
2400 N. Beach Road
Englewood, FL 34223



STATE of FLORIDA
county of CHARLOTTE
PERSONALLY KNOWN

Table of Contents

1. Assigns full legal right of use for vehicular and pedestrian ingress and egress to Unicorn Bay and Pelican Bay Condo Association.
2. Unicorn and the Boardwalk confirm and ratify the rights of Pelican Bay Condominium Association members to pedestrian ingress and egress over the walk to the Gulf of Mexico.
3. Unicorn Bay and Pelican Bay Condominium Association grant to Boardwalk and its members pedestrian ingress and egress over the "walk" to Lemon Bay.

2a SAME AS 2 EXCEPT EXTENDS SAME RIGHTS TO UNICORN BAY LLC

#1

Deed of Easement and Covenants and Maintenance Agreement.

THIS DEED of Easement and Covenants and Maintenance Agreement, is made this 6th day of October, 2005, between Unicorn Bay, LLC (Grantor and Covenantor) and Pelican Bay Condominium Association, Inc. (Grantee),

Whereas, Unicorn Bay, LLC (Grantee and Covenantor), hereinafter sometimes referred to as "Unicorn") owns lots 24 and 25 as shown on that Plat of "Gulf Ridge," recorded in Plat Book 2, Page 61, of the Public Records of Charlotte County, Florida, (herein sometimes referred to as the "Plat,") and

Whereas, the Pelican Bay Condominium Association, Inc. (hereinafter sometimes referred to as "Pelican Bay"), is the duly constituted Association of the Pelican Bay Condominium established on lot 23 depicted on that Plat, and

Whereas, the parties set forth on Ex. A, attached hereto and incorporated herein, are the owners of condominium units of the Pelican Bay Condominium, and,

Whereas, by the execution of that Plat, the "owners of the land described therein" dedicated "the roads in above subdivision for the public for thoroughfare purposes," and

Whereas, an area denoted as "Walk," is shown on that Plat as lying Northerly of Lot 24 and Southerly of Lot 23 and Easterly of the Easterly Right of Way line of State Road No. 776-A, being that portion of the "Walk" depicted as running between the boundaries of lots 24 and 23, and

Whereas Unicorn, owner of lot 24 adjoining that portion of the walk lying Northerly of Lot 24 and Southerly of Lot 23 and Easterly of the Easterly Right of Way line of State Road No. 776-A, being that portion of the "Walk" depicted on the Plat as running between the boundaries of lots 24 and 23, may possess an interest therein, and

Whereas, Pelican Bay asserts that it, its members, condominium unit owners and their successors and assigns, have the full legal right of use, for vehicular and pedestrian ingress and egress and all rights appurtenant thereto, over and with respect to that area designated on the Plat as "Walk", lying Northerly of Lot 24 and Southerly of Lot 23 and Easterly of the Easterly Right of Way line of State Road No.

776-A, being that portion of the "Walk" depicted on the Plat as running between the boundaries of lots 24 and 23, and

Whereas, Unicorn wishes to confirm and ratify the aforementioned rights of ingress and egress, and to grant an easement over and with respect to the area of the walk described herein, in which it may have a legal interest, and to further covenant not to interfere with the exercise of such rights, and

Whereas, the parties wish to agree with respect to the maintenance of that area of the Walk described herein,

Now, Therefore WITNESSETH, that on this 6th day of October, 2005 in consideration of Ten Dollars (\$10) and other good and valuable consideration, the receipt whereof is hereby acknowledged,

Grantor, Unicorn Bay, LLC, does hereby grant, bargain, sell, convey and confirm unto Pelican Bay, its members and condominium unit owners as listed on Exhibit A, and their successors and assigns, (Grantees), an easement for vehicular and pedestrian ingress and egress, and all rights appurtenant thereto, over and with respect to, any and all parts of that area designated as "Walk" on the Plat, lying Northerly of Lot 24 and Southerly of Lot 23 and Easterly of the Easterly Right of Way line of State Road No. 776-A, in which Unicorn Bay, LLC has an interest, or in which it may claim an interest, this area of the "Walk" thus being depicted as running between the boundaries of lots 24 and 23.

Grantor, Unicorn Bay, LLC, on behalf of itself, its members, its successors and assigns, acknowledges that the Pelican Bay, its members and condominium unit owners as listed on Exhibit A, and their successors and assigns, have the right to use that area of the "Walk" lying between lots 24 and 23 for vehicular and pedestrian ingress and egress, and on behalf of itself, its members, its successors and assigns, hereby covenants not to disturb, over-burden, impair or deny the exercise of such rights as part of its development or use of lots 24 or 25 or otherwise. Said covenant shall run with the land.

All the rights granted and covenanted to by Unicorn Bay, LLC, set forth herein, shall be in addition to, and not in derogation of, any other rights possessed by the Pelican Bay, its members and condominium unit owners, successors and assigns.

The parties hereto further agree that hereinafter they shall be jointly obligated to maintain that area of the "Walk" lying between lots 24 and 23, as described herein, and that they shall share equally in the cost of such future maintenance.

IN WITNESS WHEREOF, the Grantor and Covenantor, Unicorn Bay LLC, has caused these presents to be executed in its name, by its proper officers thereunto duly authorized, the day and year first above

Signed and delivered in our presence

[Signature]
Name ANICE

Unicorn Bay LLC, by
[Signature]
(Title)

ATTEST: _____

[Signature]
Name MILLIE BLASDE

State of Florida
County of

I HEREBY CERTIFY that on this 20th day of April ~~2005~~ 2006, personally appeared before me, an officer qualified to take acknowledgments, _____, as _____, on behalf of Unicorn Bay, LLC, who made oath that he is authorized to execute the foregoing instrument on behalf of Unicorn Bay, LLC, and that he/she acknowledged that he/she executed the foregoing instrument and further acknowledged that the execution ~~to be~~ his/her act and the act of Unicorn Bay, LLC. He is personally known to me or has produced _____ as identification and has produced _____ as evidence of his authority to act on behalf of Unicorn Bay, LLC.

Witness my hand and official seal in the County and State last aforesaid on this 21st day of April ~~2005~~ 2006
[Signature]

IN WITNESS WHEREOF, the Grantee, Pelican Bay Condominium Association, Inc., on behalf of itself and its members and condominium unit owners,

has caused these presents to be executed in its name, by its proper officers there-
unto duly authorized, the day and year first above

Pelican Bay Condominium Association Inc.

by

Signed and delivered in our presence

Jennifer E. Terry
Name Jennifer E. Terry

Harold R. Cannon
Sec. (Title)

ATTEST: PBCA

Cathy Rena Dozier
Name Cathy Rena Dozier

State of Florida
County of Polk

I HEREBY CERTIFY that on this 10th day of October, 2005, personally
appeared before me, an officer qualified to take acknowledgments,
Harold Cannon, as Sec., on behalf of Pelican Bay Condominium
Association, Inc., who made oath that he is authorized to execute the foregoing
instrument on behalf of Pelican Bay Condominium Association, Inc. and that he/she
acknowledged that he/she executed the foregoing instrument and further
acknowledged that the execution to be his/her act and the act of Pelican Bay
Condominium Association, Inc., on behalf of itself, its members and condominium
unit owners. He/she is personally known to me or has
produced FDL as identification and has produced Com. Dec. as
evidence of his authority to act on behalf of Pelican Bay Condominium Association,
Inc., and the parties aforesaid.

Witness my hand and official seal in the County and State last aforesaid on
this 10th of Oct., 2005.

Cathy Rena Dozier



#2

Deed of Easement and Covenants and Maintenance Agreement

THIS DEED of Easement and Covenants and Maintenance Agreement, is made this 6th day of Oct, 2005, between Unicorn Gulf, LLC and Boardwalk of Manasota Key Condominium Association, Inc., (Grantors) and Pelican Bay Condominium Association, Inc. (Grantee),

Whereas, Unicorn Gulf, LLC (hereinafter sometimes referred to as "Unicorn") owns lot 8 as shown on that Plat of "Gulf Ridge," recorded in Plat Book 2, Page 61, of the Public Records of Charlotte County, Florida, (herein sometimes referred to as the "Plat,") and

Whereas, Boardwalk of Manasota Key Condominium Association, Inc., (hereinafter sometimes referred to as the "Boardwalk") is the duly constituted Association of the Boardwalk of Manasota Key Condominium established on lots 6 and 7 as shown on that Plat and

Whereas, by the execution of that Plat, the "owners of the land described therein" dedicated "the roads in above subdivision for the public for thoroughfare purposes," and

Whereas, an area denoted as "Walk," is shown on that Plat as lying Northerly of Lot 7, Southerly of Lot 8, Easterly of the Gulf of Mexico and Westerly of the Westerly Right-of-Way line of State Road No. 776-A, as shown on the Plat, and

Whereas Unicorn, as owner of lot 8 adjoining that portion of the walk shown on that Plat as lying Northerly of Lot 7, Southerly of Lot 8, Easterly of the Gulf of Mexico and Westerly of the Westerly Right-of-Way line of State Road No. 776-A, and successor in interest to Marvin A. Giddings, Jr., under that quitclaim deed dated August 19, 1983, from Earl D. Farr and Emily Sue Farr, to William McCrabb, III, Trustee and Marvin A. Giddings, Jr., bearing the recordation designation OR 756 PG 818, FILE 83-642384, may possess an interest therein, and

Whereas the Boardwalk, and its members and unit owners as owners of the condominium established on lot 7 adjoining that portion of the walk shown on that Plat as lying Northerly of Lot 7, Southerly of Lot 8, Easterly of the Gulf of Mexico and Westerly of the Westerly Right-of-Way line of State Road No. 776-A, as shown on the Plat, may be the successors in interest to William McCrabb, III, under that

quitclaim deed dated August 19, 1983, from Earl D. Farr and Emily Sue Farr, to, Trustee and Marvin A. Giddings, Jr., bearing the recordation designation OR 756 PG 818, FILE 83-642384, and may possess an interest therein, and

Whereas, the Pelican Bay Condominium Association, Inc. (hereinafter sometimes referred to as "Pelican Bay") is the duly constituted Association of the Pelican Bay Condominium, established on lot 23 depicted on that Plat, and

Whereas, the parties set forth on Ex. A, attached hereto and incorporated herein by reference, are members of Pelican Bay and the owners of condominium units of the Pelican Bay Condominium, and

Whereas Pelican Bay on behalf of itself, and its members and owners of the condominium units of the Pelican Bay Condominium, wishes to have confirmed its right, and the right of its members and condominium unit owners, and their successors and assigns, to use that portion of the Walk described herein for pedestrian ingress and egress to the Gulf of Mexico, and

Whereas, Unicorn and the Boardwalk wish to confirm and ratify the rights of Pelican Bay, its members, condominium unit owners and their successors and assigns, to pedestrian ingress and egress over the Walk to the Gulf of Mexico, and to grant an easement over the area of the walk described herein, in which Unicorn and the Boardwalk may have a legal interest, and to further covenant not to interfere with the exercise of such rights, and

Now, Therefore WITNESSETH, that on this 6th day of Oct, 2005 in consideration of Ten Dollars (\$10) and other good and valuable consideration, the receipt whereof is hereby acknowledged,

Grantors, Unicorn Gulf, LLC, and Boardwalk of Manasota Key Condominium Association, Inc., on behalf of itself and its members and unit owners, do hereby grant, bargain, sell, convey and confirm unto Pelican Bay Condominium Association, Inc., its members and condominium unit owners as set forth on Ex. A., and their successors and assigns, (Grantees), an easement for pedestrian ingress and egress, over any and all parts of that area designated as "Walk" on the Plat, lying Northerly of Lot 7, Southerly of Lot 8, Easterly of the Gulf of Mexico and Westerly of the Westerly Right-of-Way line of State Road No. 776-A, in which Unicorn Gulf, LLC and/or Boardwalk of Manasota Key Condominium Association, Inc. or its members or condominium unit owners, have an interest, or in which any of them may claim an interest, this area of the "Walk" thus being depicted as running between the boundaries of lots 7 and 8.

Grantors, Unicorn Gulf, LLC on behalf of itself and its successors and assigns, and Boardwalk of Manasota Key Condominium Association, Inc., on behalf of itself, its members and condominium unit owners, and their successors and assigns, acknowledge that Pelican Bay Condominium Association, Inc., its members and condominium unit owners, and their successors and assigns, have the right to use that area of the "Walk" lying between lots 7 and 8 for pedestrian ingress and egress to the Gulf of Mexico, and hereby covenant not to deny the exercise of such rights. Said covenant shall run with the land.

All the rights granted and covenanted to by Unicorn Gulf, LLC, and Boardwalk of Manasota Key Condominium Association, Inc., set forth herein, shall be in addition to, and not in derogation of, any other rights possessed by Pelican Bay, its members and condominium unit owners, and their successors and assigns.

Unicorn Gulf and the Boardwalk further agree that hereinafter they shall be jointly obligated to maintain that area of the "Walk" lying between lots 7 and 8, as described herein, and that they shall share equally in the cost of such future maintenance

IN WITNESS WHEREOF, Grantors have caused these presents to be executed in their names, by its proper officers there-unto duly authorized, the day and year first above

by
Signed and delivered in our presence

MILLIE BLEASOME
Name MILLIE BLEASOME

JANICE LEE
Name JANICE LEE

Unicorn Gulf, LLC (GRANTOR),

Ma I Lee
(Title)

ATTEST: _____



State of Florida
County of Charlotte

MANAGER

I HEREBY CERTIFY that on this 20th day of April 2005, personally appeared before me, an officer qualified to take acknowledgments, MANAGER, as _____, on behalf of Unicorn Gulf, LLC., who made oath that he is authorized to execute the foregoing instrument on behalf of Unicorn Gulf, LLC, and that he/she acknowledged that he/she executed the foregoing instrument and further acknowledged that the execution to be his/her act and the act of Unicorn Gulf, LLC. (He/she is personally known to me or has produced _____ as identification and has produced _____ as evidence of his authority to act on behalf of Unicorn Gulf, LLC.

Witness my hand and official seal in the County and State last aforesaid on this 20th day of April, ~~2005~~ 2006

[Signature]

Boardwalk of
Manasota Key Condominium
Association, Inc., (GRANTOR)

By *[Signature]*
(Title)
PRESIDENT

Signed and delivered in our presence

[Signature]
Name Kimberly Eckman

[Signature]
Name Amy F. Astronsky

ATTEST: _____

State of Florida
County of Charlotte

I HEREBY CERTIFY that on this 20th day of April, 2005^b, personally appeared before me, an officer qualified to take acknowledgments, Robert Temple, as _____, on behalf of Pelican Bay Condominium Association, Inc., who made oath that he is authorized to execute the foregoing instrument on behalf of Pelican Bay Condo Association, its members and unit owners, and that he/she acknowledged that he/she executed the foregoing instrument and further acknowledged that the execution to be his/her act and the act of Pelican Bay Condominium Association, Inc., on behalf of itself and its members and unit owners. He/she is personally known to me or has produced _____ as identification and has produced _____ as evidence of his authority to act on behalf of Pelican Bay Condominium Association, Inc., and its members and unit owners.

Witness my hand and official seal in the County and State last aforesaid on this 20th of April, 2005. 6

Janice Lee
Notary



#2A

Deed of Easement and Covenants and Maintenance Agreement

THIS DEED of Easement and Covenants and Maintenance Agreement, is made this 06 day of Oct, 2005, between Unicorn Gulf, LLC and Boardwalk of Manasota Key Condominium Association, Inc., (Grantors) and Unicorn Bay LLC (Grantee),

Whereas, Unicorn Gulf, LLC (hereinafter sometimes referred to as "Unicorn") owns lot 8 as shown on that Plat of "Gulf Ridge," recorded in Plat Book 2, Page 61, of the Public Records of Charlotte County, Florida, (herein sometimes referred to as the "Plat,") and

Whereas, Boardwalk of Manasota Key Condominium Association, Inc., (hereinafter sometimes referred to as the "Boardwalk") is the duly constituted Association of the Boardwalk of Manasota Key Condominium established on lots 6 and 7 as shown on that Plat and

Whereas, by the execution of that Plat, the "owners of the land described therein" dedicated "the roads in above subdivision for the public for thoroughfare purposes," and

Whereas, an area denoted as "Walk," is shown on that Plat as lying Northerly of Lot 7, Southerly of Lot 8, Easterly of the Gulf of Mexico and Westerly of the Westerly Right-of-Way line of State Road No. 776-A, as shown on the Plat, and

Whereas Unicorn, as owner of lot 8 adjoining that portion of the walk shown on that Plat as lying Northerly of Lot 7, Southerly of Lot 8, Easterly of the Gulf of Mexico and Westerly of the Westerly Right-of-Way line of State Road No. 776-A, and successor in interest to Marvin A. Giddings, Jr., under that quitclaim deed dated August 19, 1983, from Earl D. Farr and Emily Sue Farr, to William McCrabb, III, Trustee and Marvin A. Giddings, Jr., bearing the recordation designation OR 756 PG 818, FILE 83-642384, may possess an interest therein, and

Whereas the Boardwalk, and its members and unit owners as owners of the condominium established on lot 7 adjoining that portion of the walk shown on that Plat as lying Northerly of Lot 7, Southerly of Lot 8, Easterly of the Gulf of Mexico and Westerly of the Westerly Right-of-Way line of State Road No. 776-A, as shown on the Plat, may be the successors in interest to William McCrabb, III, under that

quitclaim deed dated August 19, 1983, from Earl D. Farr and Emily Sue Farr, to, Trustee and Marvin A. Giddings, Jr., bearing the recordation designation OR 756 PG 818, FILE 83-642384, and may possess an interest therein, and

Whereas, the Unicorn Bay LLC (hereinafter sometimes referred to as "Unicorn Bay") is the duly constituted Association of the Unicorn Bay LLC, established on lot 23 depicted on that Plat, and

Whereas, the parties set forth on Ex. A, attached hereto and incorporated herein by reference, are members of Unicorn Bay and the owners of condominium units of the Unicorn Bay LLC, and

Whereas Unicorn Bay on behalf of itself, and its members and owners of the condominium units of the Unicorn Bay LLC, wishes to have confirmed its right, and the right of its members and condominium unit owners, and their successors and assigns, to use that portion of the Walk described herein for pedestrian ingress and egress to the Gulf of Mexico, and

Whereas, Unicorn and the Boardwalk wish to confirm and ratify the rights of Unicorn Bay, its members, condominium unit owners and their successors and assigns, to pedestrian ingress and egress over the Walk to the Gulf of Mexico, and to grant an easement over the area of the walk described herein, in which Unicorn and the Boardwalk may have a legal interest, and to further covenant not to interfere with the exercise of such rights, and

Now, Therefore WITNESSETH, that on this 6th day of October, 2005 in consideration of Ten Dollars (\$10) and other good and valuable consideration, the receipt whereof is hereby acknowledged,

Grantors, Unicorn Gulf, LLC, and Boardwalk of Manasota Key Condominium Association, Inc., on behalf of itself and its members and unit owners, do hereby grant, bargain, sell, convey and confirm unto Unicorn Bay LLC, its members and condominium unit owners as set forth on Ex. A., and their successors and assigns, (Grantees), an easement for pedestrian ingress and egress, over any and all parts of that area designated as "Walk" on the Plat, lying Northerly of Lot 7, Southerly of Lot 8, Easterly of the Gulf of Mexico and Westerly of the Westerly Right-of-Way line of State Road No. 776-A, in which Unicorn Gulf, LLC and/or Boardwalk of Manasota Key Condominium Association, Inc. or its members or condominium unit owners, have an interest, or in which any of them may claim an interest, this area of the "Walk" thus being depicted as running between the boundaries of lots 7 and 8.

Grantors, Unicorn Gulf, LLC on behalf of itself and its successors and assigns, and Boardwalk of Manasota Key Condominium Association, Inc., on behalf of itself, its members and condominium unit owners, and their successors and assigns, acknowledge that Unicorn Bay LLC, its members and condominium unit owners, and their successors and assigns, have the right to use that area of the "Walk" lying between lots 7 and 8 for pedestrian ingress and egress to the Gulf of Mexico, and hereby covenant not to deny the exercise of such rights. Said covenant shall run with the land.

All the rights granted and covenanted to by Unicorn Gulf, LLC, and Boardwalk of Manasota Key Condominium Association, Inc., set forth herein, shall be in addition to, and not in derogation of, any other rights possessed by Unicorn Bay, its members and condominium unit owners, and their successors and assigns.

Unicorn Gulf and the Boardwalk further agree that hereinafter they shall be jointly obligated to maintain that area of the "Walk" lying between lots 7 and 8, as described herein, and that they shall share equally in the cost of such future maintenance

IN WITNESS WHEREOF, Grantors have caused these presents to be executed in their names, by its proper officers there-unto duly authorized, the day and year first above

by
Signed and delivered in our presence

James F. Clark

Name JAMES F. CLARK

Janice Lee

Name JANICE LEE

Unicorn Gulf, LLC (GRANTOR),

Ma O. Lopez

(Title)

ATTEST: _____

State of Florida
County of Charlotte

I HEREBY CERTIFY that on this 21st day of April 2008, personally appeared before me, an officer qualified to take acknowledgments, _____, as _____, on behalf of Unicom Gulf, LLC., who made oath that he is authorized to execute the foregoing instrument on behalf of Unicom Gulf, LLC, and that he/she acknowledged that he/she executed the foregoing instrument and further acknowledged that the execution to be his/her act and the act of Unicom Gulf, LLC. He/she is personally known to me or has produced _____ as identification and has produced _____ as evidence of his authority to act on behalf of Unicom Gulf, LLC.

Witness my hand and official seal in the County and State last aforesaid on this 21st of April, 2008.



Janice Lee
NOTARY

Boardwalk of
Manasota Key Condominium
Association, Inc., (GRANTOR)

By Janice Lee
(Title)

Signed and delivered in our presence

Beth Tullis

Name Beth Tullis

Kim Caldwell

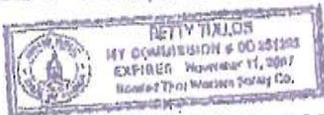
Name Kim Caldwell

ATTEST: _____

State of Florida
County of Charlotte

I HEREBY CERTIFY that on this 5th day of May, 2006, personally appeared before me, an officer qualified to take acknowledgments, Trice Lee as Agent, on behalf of Boardwalk of Manasota Key Condominium Association, Inc., who made oath that he is authorized to execute the foregoing instrument on behalf of Boardwalk of Manasota Key Condominium Association, Inc., and that he/she acknowledged that he/she executed the foregoing instrument and further acknowledged that the execution to be his/her act and the act of Boardwalk of Manasota Key Condominium Association, Inc., on behalf of itself, and its members and condominium unit owners. He/she is personally known to me or has produced _____ as identification and has produced _____ as evidence of his authority to act on behalf of Boardwalk of Manasota Key Condominium Association, Inc., its members and condominium unit owners.

Witness my hand and official seal in the County and State last aforesaid on this 5th of May, 2006.



Trice Lee

IN WITNESS WHEREOF, Unicorn Bay LLC, (GRANTEE) has caused these presents to be executed in its name, by its proper officers there-unto duly authorized, the day and year first above

ATTEST: _____

Signed and delivered in our presence

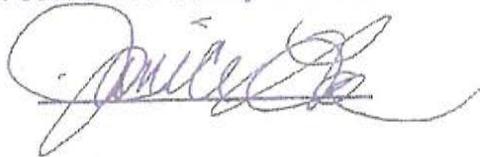
Millie Bledale
Name MILLIE BLEDSDALE
Trice Lee
Name TRICE LEE

Unicorn Bay LLC, (GRANTEE)

Ma O. O. O.
(Title)
By

State of Florida
County of Charlotte

I HEREBY CERTIFY that on this 26th day of April, ~~2005~~ ²⁰⁰⁶, personally appeared before me, an officer qualified to take acknowledgments DR MARION GUNN WRS as _____, on behalf of Unicorn Bay LLC, who made oath that he is authorized to execute the foregoing instrument on behalf of Unicorn Bay Condo Association, its members and unit owners, and that he/she acknowledged that he/she executed the foregoing instrument and further acknowledged that the execution to be his/her act and the act of Unicorn Bay LLC Association, Inc., on behalf of itself and its members and unit owners. He/she is personally known to me or has produced _____ as identification and has produced _____ as evidence of his authority to act on behalf of Unicorn Bay LLC, and its members and unit owners.

Witness my hand and official seal in the County and State last aforesaid on this 26th day of April, ~~2005~~ ²⁰⁰⁶.




3

Deed of Easement and Covenants

THIS DEED of Easement and Covenants, is made this 06th day of Oct, 2005, between Unicorn Bay, LLC and Pelican Bay Condominium Association, Inc., (Grantors) and Boardwalk of Manasota Key Condominium Association, Inc., (hereinafter sometimes referred to as the "Boardwalk"), (Grantee),

Whereas, Unicorn Bay, LLC (hereinafter sometimes referred to as "Unicorn") owns lots 24 and 25 as shown on that Plat of "Gulf Ridge," recorded in Plat Book 2, Page 61, of the Public Records of Charlotte County, Florida, (herein sometimes referred to as the "Plat,") and

Whereas, the Pelican Bay Condominium Association, Inc., (hereinafter sometimes referred to as "Pelican Bay"), is the duly constituted Association of the Pelican Bay Condominium established on lot 23 depicted on that Plat, and

Whereas, by the execution of that Plat, the "owners of the land described therein" dedicated "the roads in above subdivision for the public for thoroughfare purposes," and

Whereas, an area denoted as "Walk," is shown on that Plat as lying Northerly of Lot 24 and Southerly of Lot 23 and Easterly of the Easterly Right of Way line of State Road No. 776-A, being that portion of the "Walk" depicted as running between the boundaries of lots 24 and 23, and

Whereas Unicorn, owner of lot 24 adjoining that portion of the walk lying Northerly of Lot 24 and Southerly of Lot 23 and Easterly of the Easterly Right of Way line of State Road No. 776-A, being that portion of the "Walk" depicted on the Plat as running between the boundaries of lots 24 and 23, may possess an interest therein, and

Whereas Pelican Bay, and its members and condominium unit owners of the condominium established on lot 23 adjoining that portion of the walk lying Northerly of Lot 24 and Southerly of Lot 23 and Easterly of the Easterly Right of Way line of State Road No. 776-A, being that portion of the "Walk" depicted on the Plat as running between the boundaries of lots 24 and 23, may possess an interest therein, and

Whereas, the Boardwalk of Manasota Key Condominium Association, Inc., is the duly constituted Association for the Boardwalk Condominium established on lots 6 and 7 depicted on that Plat of "Gulf Ridge," recorded in Plat Book 2, Page 61, and,

Whereas, the parties listed on Ex. A, attached hereto and incorporated herein, are the owners of condominium units of the Boardwalk of Manasota Key Condominium, and

Whereas, the Boardwalk, on behalf of itself, and its members and owners of the condominium units of the Boardwalk of Manasota Key Condominium, wishes to have confirmed its right, and the right of its members and condominium unit owners, and their successors and assigns, to use that portion of the Walk described herein for pedestrian ingress and egress to Lemon Bay, and

Whereas, Unicorn and Pelican Bay, and its members and unit owners, wish to confirm and ratify the rights of the Boardwalk, its members and condominium unit owners and their successors and assigns, to pedestrian ingress and egress over the Walk to Lemon Bay, and to grant an easement over the area of the walk described herein, in which Unicorn and Pelican Bay may have a legal interest, and to further covenant not to interfere with the exercise of such rights, and

Now, Therefore WITNESSETH, that on this 6th day of October, 2005 in consideration of Ten Dollars (\$10) and other good and valuable consideration, the receipt whereof is hereby acknowledged,

Grantors, Unicorn Bay LLC, and Pelican Bay Condominium Association, Inc., on behalf of itself and its members and condominium unit owners, do hereby grant, bargain, sell, convey and confirm unto Boardwalk of Manasota Key Condominium Association, Inc, its members, condominium unit owners as set forth on Ex. A., and their successors and assigns, (Grantees) an easement for pedestrian ingress and egress, over any and all parts of that area designated as "Walk" on the Plat, lying Northerly of Lot 24 and Southerly of Lot 23 and Easterly of the Easterly Right of Way line of State Road No. 776-A, in which Unicorn Bay LLC and or Pelican Bay, or its members or condominium unit owners, have an interest, or in which any of them may claim an interest, this area of the "Walk" thus being depicted as running between the boundaries of lots 24 and 23.

Grantors, Unicorn Bay LLC on behalf of itself and its successors and assigns, and Pelican Bay Condominium Association, Inc., on behalf of itself, its members and condominium unit owners, and their successors and assigns, acknowledge that the Boardwalk of Manasota Key Condominium Association, Inc, its members and condominium unit owners, and their successors and assigns, have the right to use that area of the "Walk" lying between lots 24 and 23 for pedestrian ingress and egress, and hereby covenant not to deny the exercise of such rights as part of the development or use of lots 24 or 25 or otherwise. Said covenant shall run with the land.

All the rights granted and covenanted to by Unicorn Bay, LLC, and Pelican Bay Condominium Association, Inc., set forth herein, shall be in addition to, and not in derogation of, any other rights possessed by the Boardwalk of Manasota Key Condominium Association, Inc, its members and condominium unit owners, and their successors and assigns.

IN WITNESS WHEREOF, Grantors have caused these presents to be executed in their names, by its proper officers there-unto duly authorized, the day and year first above

Signed and delivered in our presence

Name

Name

[Signature]

ANICE Lee

[Signature]

MILLIE BHEASDALE

Unicorn Bay LLC, by

[Signature]

(Title)

ATTEST: _____

State of Florida
County of Charlotte

I HEREBY CERTIFY that on this 21st day of April, ~~2005~~ ²⁰⁰⁶, personally appeared before me, an officer qualified to take acknowledgments, MARVIN GIOVANNIS, on behalf of Unicorn Bay, LLC., who made oath that he is authorized to execute the foregoing instrument on behalf of Unicorn Bay, LLC, and that he/she acknowledged that he/she executed the foregoing instrument and further acknowledged that the execution ~~to be~~ his/her act and the act of Unicorn Bay, LLC. He/she is personally known to me or has produced _____ as identification and has produced _____ as evidence of his authority to act on behalf of Unicorn Bay LLC.

Witness my hand and official seal in the County and State last aforesaid on this 21st day of April, ~~2005~~ ²⁰⁰⁶

Janice Lee



Pelican Bay Condo Association
by

David R. Cannon
(Title) Sec.

Signed and delivered in our presence

[Signature]
Name CONTINUED DOWN
[Signature]
Name Jennifer Terry

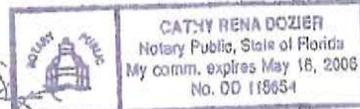
ATTEST: (PBCA)

State of Florida
County of Charlotte Polk

I HEREBY CERTIFY that on this 10 day of Oct, 2005, personally appeared before me, an officer qualified to take acknowledgments, Harold Chumera as Sec., on behalf of Pelican Bay Condominium Association, Inc., who made oath that he is authorized to execute the foregoing instrument on behalf of Pelican Bay Condominium Association, Inc., and that he/she acknowledged that he/she executed the foregoing instrument and further acknowledged that the execution to be his/her act and the act of Pelican Bay Condo Association. He/she is personally known to me or has produced FDL as identification and has produced Condo Doc. as evidence of his authority to act on behalf of Pelican Bay Condo Association.

Witness my hand and official seal in the County and State last aforesaid on this 10 of Oct, 2005.

Cathy Rena Dozier



IN WITNESS WHEREOF, Grantee, Boardwalk of Manasota Key Condominium Association, Inc have caused these presents to be executed, on behalf of itself and its members and condominium unit owners, by its proper officers there-unto duly authorized, the day and year first above

Boardwalk of Manasota Key
Condominium Association, Inc., by,

[Signature]
(Title)

Signed and delivered in
our presence

Name [Signature]
Beth Tullios

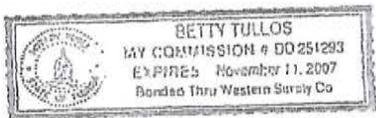
Name [Signature]
Kim Caldwell

State of Florida
County of Charlotte

I HEREBY CERTIFY that on this 5th day of May 2006, personally appeared before me, an officer qualified to take acknowledgments, Eric Lee, as President, Boardwalk of Manasota Key Condominium Association, Inc, who made oath that he is authorized to execute the foregoing instrument on behalf of Boardwalk of Manasota Key Condominium Association, Inc, and that he/she acknowledged that he/she executed the foregoing instrument and further acknowledged that the execution to be his/her act and the act of Boardwalk of Manasota Key Condominium Association, Inc. He/she is personally known to me or has produced _____ as identification and has produced _____ as evidence of his authority to act on behalf of Boardwalk of Manasota Key Condominium Association, Inc, its members and condominium unit owners.

Witness my hand and official seal in the County and State last aforesaid on this 5th of May 2006.

Betty Tullos



CORRECTED
NOTICE OF APPROVAL
FOR A VARIANCE TO THE CHARLOTTE COUNTY ZONING CODE

Pursuant to Charlotte County Code Section 3-9-6.1(d), this is to acknowledge the approval of the Variance application which was heard by the Charlotte County Board of Zoning Appeals.

Applicant: Mary Sprague, 8017 Weyers Court, Englewood, Florida 34224

Owner: Richard Lake, 4681 Fernway Drive, North Port, Florida 34288

Location: 2405 North Beach Road, Englewood, Florida and is described as Lots 24 and 25 of Gulfridge subdivision, located in Section 12, Township 41 South, Range 19 East.

Petition number: VAR-11-09

Approval Date: December 14, 2011

Approved Variance:

Seven (7) variances to allow construction of a new multifamily apartment building, in addition to the existing two-family and four-family residential buildings, located in a Manasota Commercial Tourist (MCT) zoning district.

Conditions Placed on Approval:

1. The variances, as approved by the Board of Zoning Appeals, are as follows:
 - (a) a variance of 10' to reduce both required side yard buffer strips from 20' to 10' to allow ten-foot wide buffer strips for both side yard buffers; and
 - (b) a variance of 0.1' to reduce the required front yard setback from 30' to 29.9' for an existing two-family residence; and
 - (c) a variance of 1.5' to reduce the required side yard setback from 10' to 8.5' to allow a roof overhang for a new multifamily residence; and
 - (d) a variance of 1.25' to reduce the required side yard setback from 10' to 8.75' to allow a swimming pool; and
 - (e) a variance of 2.5' to reduce the required side yard setback from 10' to 7.5' to allow an addition to the existing four-family residence swimming pool; and
 - (f) a variance of 15.73' to reduce the required rear yard setback from 35' to 19.27' for an existing four-family residence; and
 - (g) a variance to allow storm-water management areas to be located within the buffer strips.
2. These variances are intended to allow construction of a new multifamily apartment building, which is a permitted use, in addition to the existing two-family and four-family buildings located on subject property.
3. These variances apply only to the existing two-family and four-family residences and shall carry with these structures and the proposed multifamily apartment building, if constructed, only. If the existing residences are ever removed or destroyed all future development must be constructed according to all applicable codes in existence at that time, unless a new variance is granted specific to the development proposed at that time.

**NOTICE OF APPROVAL (continued)
FOR A VARIANCE TO THE CHARLOTTE COUNTY ZONING CODE**

Please be advised that any variance granted shall expire three (3) years after the date of approval unless the use allowed by the variance is in existence and actively occurring on the subject property prior to the date of expiration. Any such variance which, ceases to exist and actively occur on the subject property shall expire three years from the effective date of this regulation unless good faith commencement of the variance has begun prior to expiration. Prior to expiration, the applicant or property owner may request an extension from the Board of Zoning Appeals. Such extension may be granted to the applicant or owner upon showing of good cause. Any non-conforming variance shall be subject to the requirements of Section 3-9-10 of the Zoning Regulations with regard to non-conforming uses.

Prepared by: 
Shaun Cullinan, Zoning Official

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 14th day of December, 2011, by Shaun Cullinan, who is personally known to me, and who did not take an oath.


Diane Clim, Notary Public

 DIANE CLIM
NOTARY PUBLIC
STATE OF FLORIDA
Comm# DD0930399
Expires 10/21/2013

Return to Community Development, Zoning Office, Ken Quillen



March 22, 2012

Mary Sprague, P.E.
8017 Weyers Ct.
Englewood FL 34224

Re: DRC-P-12-04 Preliminary Site Plan
Unicorn apartments
March 22, 2012 agenda

Dear Mary:

County staff has reviewed your Preliminary Site Plan for Unicorn Apartments. This project consists of expanding an existing multi-family development from six residential units to twelve residential units. This 0.9+/- acre site is located on Manasota Key at 2405 N. Beach Road in Gulfridge Subdivision, Lots 24 and 25 in Section 12, Township 41 South, Range 19 East Englewood Florida.

It is the decision of the Zoning Official to approve this DRC-P-12-04 Preliminary Site Plan.

The following conditions must be met:

1. Recommend Preliminary Site Plan approval. Additional comments will be forthcoming upon submission of more detailed plans. William E. Searfoss, Construction Services
2. Recommend Preliminary Site Plan approval. Additional comments will be forthcoming upon submission of more detailed plans. Karen Bliss, Stormwater Management
3. There are no platted easements within this lot according to the plat. It will be the owner's/agent's/contractor's responsibility to verify with the utilities companies that construction will not interfere with any existing overhead or underground utility. Debra F. Alexander, Real Estate Services
4. Recommend preliminary approval. Prior to final approval survey needs to state Vertical Datum and the FEMA F.I.R.M. Community Panel Number and date of panel used to scale Flood Zone Elevations shown on survey. Steven Ford, County Surveyor
5. Provide a copy of the SWFWMD permit approval. Elevation data including survey and drainage plans must be in NGVD. North arrow and scale should be on drainage plans. Indicate on plans the location of all silt fence around the site, the hay bales or silt fencing protecting the outfalls and inlets. Add note to plans: "Direct all roof runoff to detention area". Add note to plans: "The driveway culvert size, sump, and material are subject to change as a function of design requirements, future drainage projects, of field conditions as determined by Charlotte County Right-of-Way at the time of line and grade inspections". Provide at least 2 detail

COMMUNITY DEVELOPMENT

Zoning | Current Planning

18400 Murdock Circle | Port Charlotte, FL 33948-1068

Phone: 941.743.1964 | Fax: 941.743.1598

sections through retention/detention area. Provide some topographical elevation information into adjoining properties.

6. The site plan is not clear on access and turn around for emergency vehicles as well as access to a fire? Hydrant? I will have to do an onsite inspection before final approval.
7. Staff will conduct a site inspection to assess any listed species issues that may be present on site. If any listed species are identified, all required FWS and Florida Fish and Wildlife Conservation Commission (FWCC) permits must be provided to staff prior to final DRC approval and the issuance of county permits and land clearing activities.
8. The applicant must submit an approved Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit (ERP). Final DRC approval shall reflect all SWFWMD conditions.
9. No new seawalls, docks, lifts or piers are proposed to be built on the adjoining waterbody through this site plan review. Any new or modified docks, lifts, seawalls or piers will require modified SWFWMD, ACOE and Charlotte County permits prior to permit approval and commencement of construction.
10. The project must comply with **Chapter 3-5, Article IV, Clearing, Filling and Soil Conservation** requirements of the County Code. Best Use Management Plans must be documented on final site plans and utilized during all land clearing and development activities.
11. The project must comply with **Chapter 3-5, Article XVI, Open Space/Habitat Reservation Trust** requirements of the County Code. After a site inspection has been completed, staff will determine if the applicant will need to contribute an equal amount of \$300 per acre or fraction thereof, to the Open Space/Habitat Reservation Fund for a total of \$300.00 based on a project size of ± 0.90 acres prior to the issuance any county permit or land improvement activities.
12. All trees that are to be preserved or removed must be in accordance with **Chapter 3-2, Article IX, Tree Requirements**, of the County Code. Tree permits must be obtained prior to any land clearing / fill activity or the issuance of any building permits.
13. The property frontage is shown on the landscape plan as 82', please verify. It now appears to scale about 94'.
14. All side and rear buffer areas shall be treated with Florida-friendly landscape material per Section 3-9-53(u)(3)(M)(iii). Treatment to the rear buffer area has not been provided on the landscape plan. The green area buffer by definition is a buffer with improvements that consist of plants, trees, other natural vegetation and open space.
15. Parking lot areas shall be required to be screened with low fencing and/or landscaping whenever areas abut residential uses, or property which contains residential density per Section 3-9-53(u)(4)(F). Provide additional coverage with shrubs or a low fence to assist in screening the parking areas on the south side of the site (outside the footprint of the building.)
16. The architectural plans must show the design of the walls for the space between the first floor of the building and the ground. Per Section 3-9-53(u)(3)(l)(v) and (vi), the choices are lattice or breakaway walls. Lattice placed along the south side along with the proposed shrubs, would provide sufficient screening of the parking area under the building.

17. The wheel stops proposed along the roadway on the north side of the development are not necessary to meet the requirements of code, and may be removed from the plans, if desired.
18. The plan shows a "Landscape Deco Block Wall" at the rear of the south side of the lot. Provide additional information...where is it and what is it? Does it comply with fencing and walls-Section 3-9-53(u)(3)(K)?
19. All current revisions made to the plans should be clearly identified on the plans (by clouding the revision or other similar identification) in addition to dated revision note in the title block.
20. Written explanation or clarification to each comment or condition shall be provided as part of the subsequent submittal for plan review.
21. Further review will be necessary upon submittal of revised plans for final approval.
22. Per the plans submitted for review, the proposed residential density for this project is thirteen units. Demonstrate compliance with Section 3-9-53(g)(8)(B). Choose one of the following:
 - a. Supply an approved subdivision re-plat that combines the two existing lots into one lot.
 - b. Reduce the number of residential units from thirteen residential units to twelve residential units.

Preliminary Site Plan approval is valid for 12 months. If you wish to request a 12 month extension, you must make this request in written form a minimum of 30 days prior to the expiration date. Final site plan approval will not be granted until all conditions are met. No permits to build will be issued until final approval. If you have any questions regarding the review please call the listed reviewer.

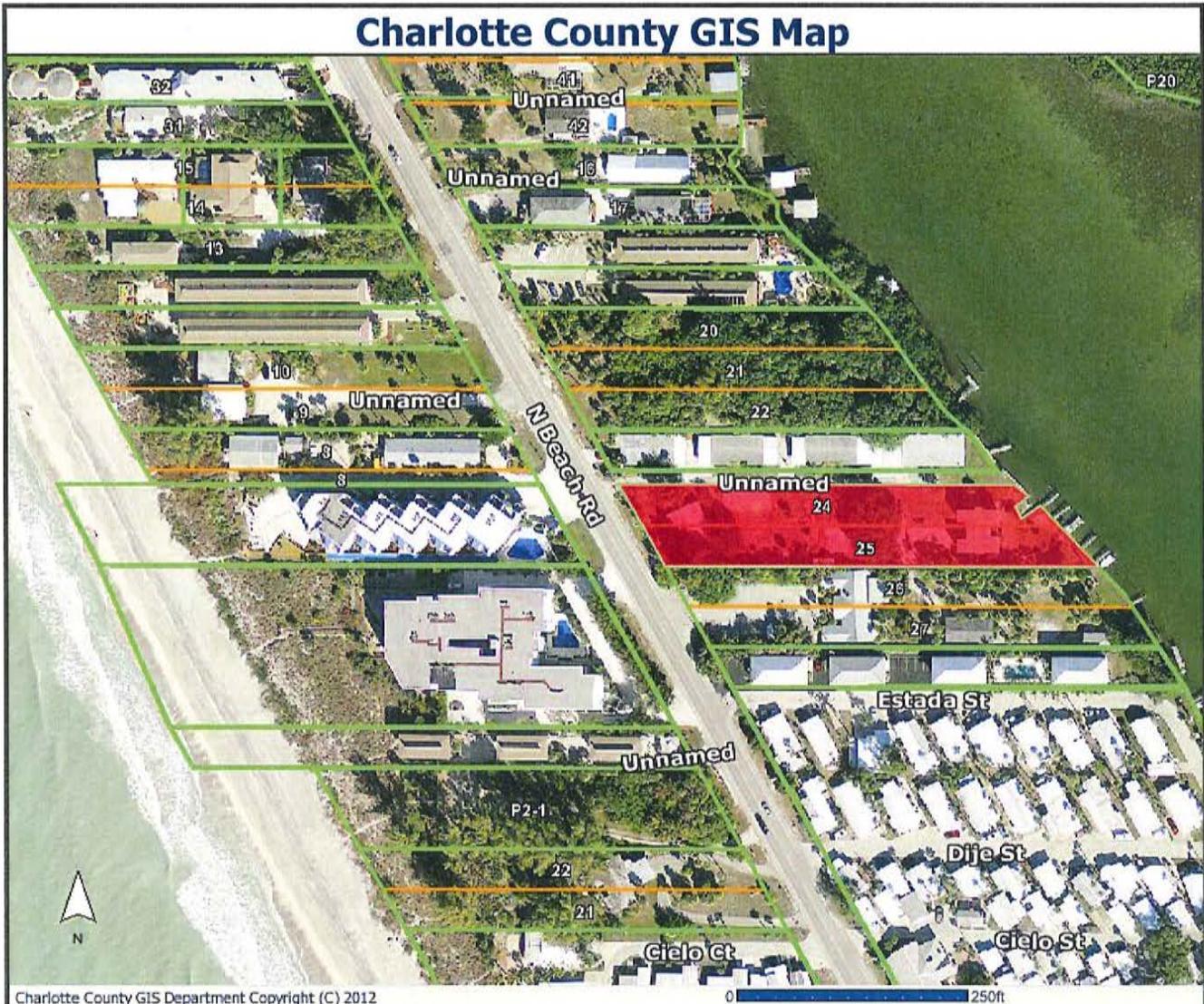
Sincerely,



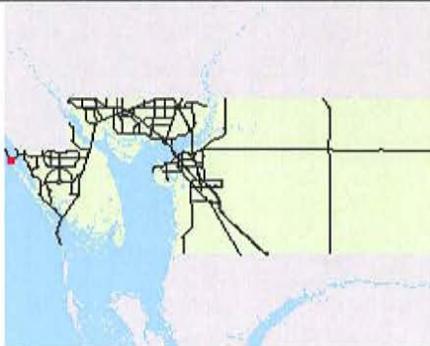
Shaun Cullinan
Zoning Official

cc: Richard Lake
4681 Fernway Dr.
North Port FL 34288

Charlotte County GIS Map



Charlotte County GIS Department Copyright (C) 2012



Copyright 2012
Charlotte County GIS
18500 Murdock Circle
Port Charlotte, FL 33948

- Legend**
- Highlighted_Feature
 - Selected_Features
 - Accounts
 - Lots
 - Waterway Names

DISCLAIMER : This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise to the accuracy or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. C.C.G.I.S. maintains a record regarding the methods used to produce this map and can be furnished upon request.



Charlotte County Government

"To exceed expectations in the delivery of public services"

www.charlottecountyfl.com

OFFICIAL RECEIPT

Trans Number : **84948**

Date Issued : 05/10/2012

Application No. : MSD-12-00003

Project Name : N/A

Received From : Richard Lake

PAYMENT INFO

Method of Payment Fee / Description	Ref Doc	Amount Paid	Comment
Check			
MIN_SUB_BASE Minor Subdivision Base Fee	2245	\$1,445.00	
MIN_SUB_LOT Minor Subdivision Per Lot Fee	2245	\$24.00	
		\$1,469.00	Total Check

Cashier ID : CARTHYL

Total Receipt Amount : **\$1,469.00**

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Job Address
MSD-12-00003	93756	\$1,469.00	

Total Amount : \$1,469.00

Community Development Department

18400 Murdock Circle | Port Charlotte, FL 33948

RICHARD LAKE
4681 FERNWAY DR
NORTH PORT, FL 34288

2245
63-751/631 10840
1010288583956

4/18/12
DATE

PAY TO THE
ORDER OF

CCBCC

\$ 1469.00

One thousand four hundred

DOLLARS

sixty-nine & 1/100



Wells Fargo Bank, N.A.
Florida
wellsfargo.com

FOR

2405

Richard J

MP

⑆063107513⑆1010288583956⑈02245

Harland Clarke

CASUAL

INTEROFFICE MEMORANDUM
Building & Growth Management Department
Land Information Section

To: Steven Ellis

FROM: Gerry Collins
Address Technician

DATE: May 14, 2012

RE: Addressing Comments

FP-12-05-01 – 2405 Bayside Subdivision

I have no comment on this application.



MEMORANDUM

Date: June 5, 2012
To: Steven Ellis, Planner II
From: Inga Williams, Principal Planner
Subject: Minor Subdivision Plat, 2405 Bayside

Comprehensive Planning recommends approval of this minor subdivision. The proposal is consistent with the County's policy of removing platted lots through reassembly.

FLU Policy 4.1.2 Overall Reduction in Platted Lands

The County shall continue to pursue the objective of reducing the total number of vacant lots by a minimum of one percent per year during the planning period (2010-2030) of this Plan, through the following actions:

1. Implementation of the Neighborhood Framework.
2. Implementation of a graduated impact fee schedule that encourages development within Revitalizing Neighborhoods.
3. Continued public acquisition of lots for preservation, restoration, recreation, viable habitat for listed species, or outdoor education using public funds as appropriate and available.
4. Creating incentives for plat vacations or re-platting lots within targeted areas through an administrative plat vacation or re-platting process where the cost is borne by the County if a density reduction occurs as a result of the plat vacation or re-platting.
5. Creating incentives for the assembly and re-platting of lots by private interests for redevelopment or other purposes.
6. Selective acquisition of lots by the County for use in property assembly, lot swaps, or transfers of density units where such action satisfies a public need, such as the provision of infrastructure or urban services.
7. Facilitation of the re-assembling of lots.



Charlotte County Government

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MEMORANDUM

Date: May 14, 2012
To: Steven Ellis, Planner II
From: Jamie Scudera, Environmental Specialist
Subject: FP-12-05-01
Bayside Subdivision
2405 North Beach Road

The Current Planning and Zoning (Environmental Review) Section has reviewed the above referenced petition for **Environmental and Landscape and Tree compliance** and offers the following comments:

- ❖ A GIS aerial review was conducted by staff. The property consists of a developed multi-family use property located off of Lemon Bay which has direct access to the Gulf of Mexico. This site is currently developed and is not in the sea turtle lighting review area nor is it seaward of the Florida Department of Environmental Protection (FDEP) Coastal Construction Control Line (CCCL). Due to the location of the site and the fact that there are open grassy areas located on the property, there is a probability of gopher tortoise burrows occurring on site. A listed species assessment will be completed by staff during the development review process.

The Current Planning and Zoning (Environmental Review) Section recommends **approval** of application **FP-12-05-01** with the following conditions:

1. Staff will conduct a site inspection to assess any listed species issues that may be present on site. If any listed species are identified, all required Fish & Wildlife Service (FWS) and Florida Fish and Wildlife Conservation Commission (FWCC) permits must be provided to staff prior to final DRC approval and the issuance of county permits and land clearing activities.

GROWTH MANAGEMENT DEPARTMENT

Zoning Division

18500 Murdock Circle | Port Charlotte, FL 33948

Phone: 941.743.1290 | Fax: 941.743.1598

2. Per Article IX. *TREE REQUIREMENTS*. Section 3-2-190 (if heritage trees are identified on site); No person shall cut down, remove, relocated, or in any way damage a heritage tree. These trees shall be protected without regard to their location or the date of final development approval.
3. The applicant must submit an approved Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit (ERP). Final DRC approval shall reflect all SWFWMD conditions.
4. No new seawalls, docks, lifts or piers are proposed to be built on the adjacent waterbody through this site plan review. Any new or modified docks, lifts, seawalls or piers will require modified SWFWMD, ACOE and Charlotte County permits prior to permit approval and commencement of construction.
5. The project must comply with **Chapter 3-5, Article XV, Upland Buffer Zone** requirements of the County Code. Final site plans must document a minimum 15', average 25' naturally vegetated upland buffer along the perimeter of all wetlands and natural surface waters. The buffer width may be contracted along portions of the wetland or surface water border, in response to site-specific development constraints, provided that it is expanded along other portions such that the minimum buffer width is maintained, on average. An additional buffer may be required by other regulatory agencies.
6. The project must comply with **Chapter 3-5, Article IV, Clearing, Filling and Soil Conservation** requirements of the County Code. Best Use Management Plans must be documented on final site plans and utilized during all land clearing and development activities.
7. The project must comply with **Chapter 3-5, Article XVI, Open Space/Habitat Reservation Trust** requirements of the County Code. After a site inspection has been completed, staff will determine if the applicant will need to contribute an equal amount of \$300 per acre or fraction thereof, to the Open Space/Habitat Reservation Fund for a total of \$300.00 based on a project size of ± 0.90 acres prior to the issuance any county permit or land improvement activities.

The applicant is advised that the Charlotte County site review is cursory, additional wildlife or environmental reviews may be required by state and federal agencies.

Thank you for giving the Environmental Review Section an opportunity to review this plat application. If there are any questions please contact me at (941) 743-1290.

JS P: animal/PLATS-2012/FP-12-05-01(BaysideSubdivision).doc

COMMUNITY DEVELOPMENT DEPARTMENT

Planning and Zoning Division
18500 Murdock Circle | Port Charlotte, FL 33948
Phone: 941.743.1242 | Fax: 941.743.1292

Ellis, Steven

From: Pederzolli, Gary
Sent: Wednesday, May 16, 2012 8:43 AM
To: Ellis, Steven
Subject: RE: FP-12-05-01, 2405 Bayside Subdivision

Steven,

The state plane coordinates easting in the 300,000 puts the lot in the Gulf of Mexico.

From: Ellis, Steven
Sent: Monday, May 14, 2012 2:11 PM
To: Matarese, Monte; Vattikuti, Venkat; Pederzolli, Gary; Quillen, Ken; Williams, Inga; Scudera, Jamie; MacDonald, John; Gilbreath, Gina; richard_duckworth@ccps.k12.fl.us; Collins, Gerry; Alexander, Debbie; DUrso, Chris
Cc: Cullinan, Shaun; Clim, Diane; Moore, Gayle
Subject: FP-12-05-01, 2405 Bayside Subdivision

Please see attachments.

Steven A. Ellis, Planner II
Community Development Department
Zoning Division
18400 Murdock Circle
Port Charlotte, FL 33948
Voice: 941-764-4954
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MEMORANDUM

Date: May 16, 2012
To: Steven Ellis, Planner II
From: Ken Quillen, AICP, Planner III 
Subject: Review of proposed Preliminary Plat (file number: **FP-12-05-01**)

The Zoning Division has the following comments regarding the proposed final plat called "**2405 Bayside**" located at 2405 North Beach Road, in Section 12, Township 41 South, Range 19 East. This Final Plat proposes the re-platting of two existing lots into a single lot intended for the development of a multifamily residential development.

Zoning: This property has an existing zoning classification of Manasota Commercial Tourist. The minimum lot size requirement of this zoning district defers to section 3-9-53(g), which ranges from 7,500 to 12,445 square feet in area. The minimum lot width is 80'. The proposed 39,349 square foot lot does comply with the minimum lot size requirements of the Zoning Code.

Variances: Seven variances were granted for this property by the Board of Zoning Appeals (see file # VAR-11-009). One variance was for the rear yard setback from the boat basin. Staff has contacted Florida DEP regarding this boat basin and they expressed a desire that the boat basin be filled in and eliminated. However, a permit will be necessary for a new seawall and the filling of this boat basin. If the owner chooses to eliminate this boat basin this will create a larger rear yard and eliminate possible future conflicts with setbacks from the water for other structures the owner may wish to construct.

FLUM: This property lies within the "Urban Service Area" as depicted on the **2030 Service Area Delineation** (Map #3), and has a Future Land Use Map (FLUM) classification of Commercial.

Flood Zone: This property has three Flood Zone classifications of "**11AE, 12AE and 13AE**". This property is also located in Zone "A" of the Storm Surge Evacuation Zones.

Suggested Changes:

1. The existing 18-foot walkway located adjacent to the north is referenced on the plat as: "**PER P.B. 2, PGE 54, 1938**", which staff believes may be incorrect. Staff found this subdivision plat in Plat Book 2 on Page 61. Please check and verify the correct reference.
2. The name of this proposed plat is "**2405 Bayside**". Staff prefers not to have a plat name begin with a number and recommends that the plat name be changed. Some suggestions are: "**BAYSIDE 2405**", "**BAYSIDE LAKE**", "**LAKE RE-PLAT OF GULFRIDGE**" and "**UNICORN**".
3. The rear lot line adjacent to Lemon Bay should be drawn across the mouth of the boat basin so that the boat basin area is included in the plat and made part of the lot so that the boat basin could be filled in at some future date if the owner so chooses.

Recommendation: The Zoning Division has no objections to the proposed one-lot subdivision plat; however, staff requests that a different name be given to the proposed plat.

cc: File, FP-12-05-01