

Application No.
NOPC-14-07-11
(Notice of Proposed Change)

Applicant
ATM II, LLC /
Amending Sandhill DRI

Legislative

Commission District I



Community Development

CHARLOTTE COUNTY

Location Map for NOPC-14-07-11

Charlotte County Government

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7/40/23 Mid-County

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CHARLOTTE COUNTY

Zoning Map for NOPC-14-07-11

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7140/23 Mid County

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Community Development

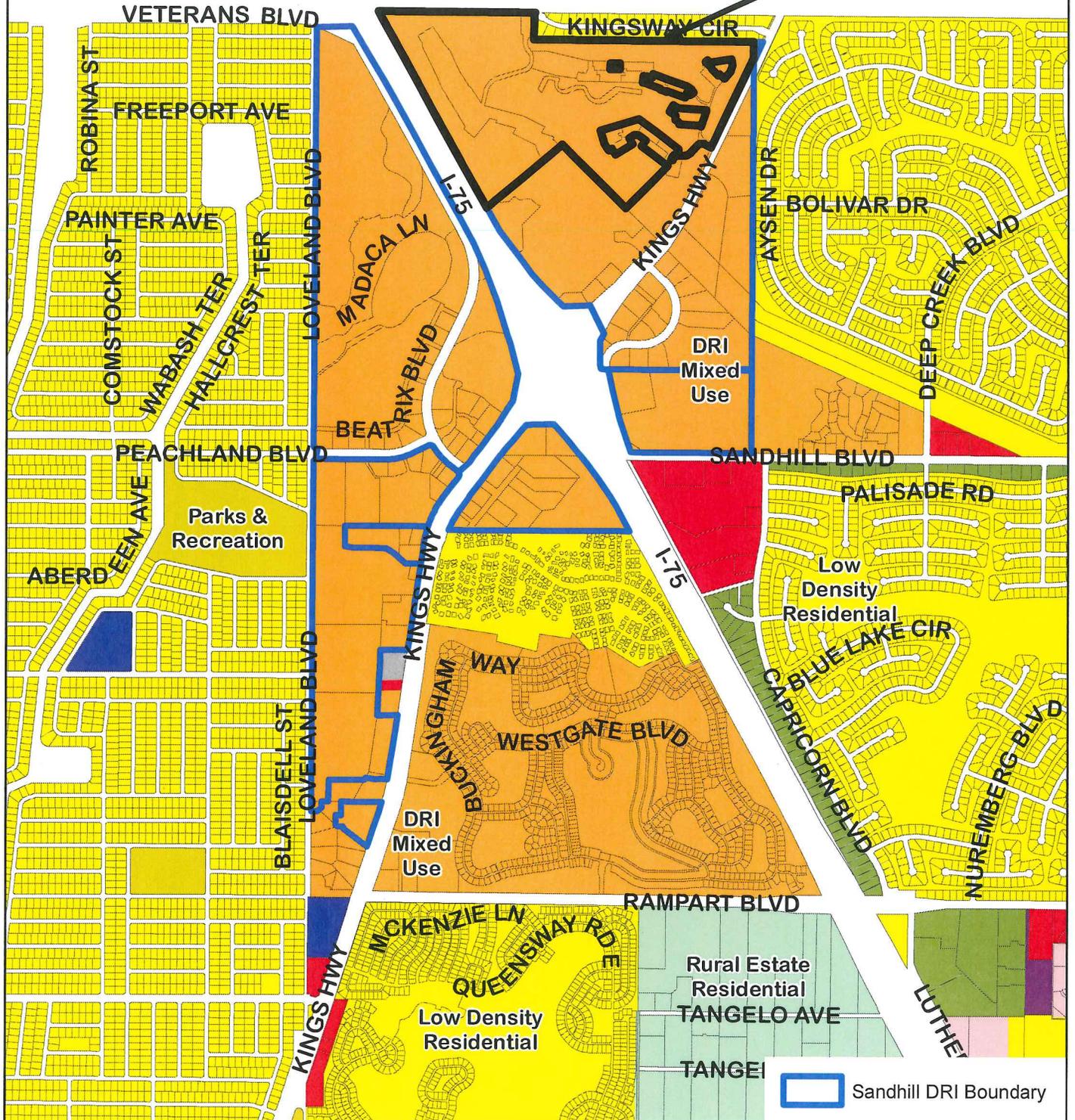
CHARLOTTE COUNTY FLU Map for NOPC-14-07-11

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Sandhill DRI Boundary

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Community Development Department Staff Report for NOPC-14-07-11

DATE: October 24, 2014

TO: Honorable Board of County Commissioners
Planning and Zoning Board

FROM: Jie Shao, Planner III

REQUESTED

ACTION(S): A privately-initiated request to amend the Development Order (DO) and Map H for the Sandhill Development of Regional Impact (DRI) to correct scrivener's errors, as well as to reduce open space by 5.84 acres and to eliminate the 84.09 acre golf course by replacing it with:

- 6.48 acres of acres of commercial area with 43,000 square feet of commercial development;
- 19.56 acres of assisted living area with 458 beds;
- 47.64 acres of industrial park with 365,000 square feet of industrial development; and
- 16.25 acres of residential with 26 multi-family units.

PART I

Applicant(s): ATM II, LLC
5722 South Flamingo Road, #286
Cooper City, FL 33330

Owner(s): DA Port Charlotte Holdings LLC
5722 S Flamingo Road, PMB 286
Cooper City, FL 33330
&
TA Kings Highway LLC
11921 West Ridgeview Drive
Davie, FL 33330
&
Etcetera ETC Inc.
1108 Rocky Knob Road
Waynesville, NC 28786

**General Location
and Acreage:**

The Sandhill DRI is located south of the DeSoto County Line, north of Rampart Boulevard, east of Loveland Boulevard and west of the Deep

Creek area; Section 7, Township 40 South, and Range 23 East, in the Port Charlotte area. It contains a total of 713.12± acres.

Account Number(s): Multi-accounts and legal descriptions (See Attachments 1 and 2 respectively, and for the subject property located in Tract 5).

Analysis:

The applicant, ATM II LLC., is requesting a Notice of Proposed Change (NOPC) to amend the Development Order (DO) for the Sandhill Development of Regional Impact (DRI) and Map H. As part of this NOPC, County staff is also requesting to correct scrivener's errors.

Project Background

On February 17, 1981, the Charlotte County Board of County Commissioners (Board) approved Planned Development 80-4 (PD 80-4) constituting the Sandhill DRI Development Order (DO). On September 9, 1986, the Board approved Resolution Number 86-230 which was the first substantial deviation to the Sandhill DRI DO. On December 15, 1992, the Board approved Resolution Number 92-285 which was the second substantial deviation. This resolution removed all phasing and revised the land use allocations. The Department of Community Affairs (now the Department of Economic Opportunity) subsequently filed an appeal of DO Resolution Number 92-285 on February 5, 1993. On May 4, 1993, the Board adopted Resolution Number 93-59 which incorporated settlement language into this DRI DO's approval conditions. Over the years, the project has undergone ownership changes and numerous DO changes. The latest DO revisions were adopted in 2009 through Resolution Number 2009-237 to remove 17.18± acres of residential land from the DRI, to reassign the residential development rights associated with the 17.18± acres within the remainder of the DRI, and to correct numerous scrivener's errors. On June 11, 2013, the Board also approved Resolution Number 2013-033 to extend the buildout date of the Sandhill DRI DO to July 3, 2017.

The existing Sandhill DRI contains residential and commercial uses as well as some vacant lands. The portion of Tract 5 which is subject to this NOPC is an abandoned golf course.

Proposal and Detailed Review

Staff reviewed this proposed NOPC application based on the "Substantial Deviation Determination Chart" provided by the applicant, the provisions set forth in *Section 380.06(19) Florida Statutes (F.S.)* (Attachment 3) and the County's Comprehensive Plan. The changes proposed by this NOPC are as follows:

- ***Reduce open space by 5.84 acres***

According to the application, the applicant is proposing to reduce the open space of the development by 5.84 acres, which is a decrease of three percent of the open space in the original DRI DO approval and 2.9 percent of the existing open space. The DRI substantial deviation thresholds are regulated by *Section 380.06(19)(b)8 F.S.*, which states that "a decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less." Therefore, the proposed decrease as a percentage and by acreage, individually and cumulatively are below the open space thresholds.

- ***Eliminate the 84.09 acre golf course by replacing it with:***
 - *6.48 acres of acres of commercial area with 43,000 square feet of commercial development;*
 - *19.56 acres of assisted living area with 458 beds;*
 - *47.64 acres of industrial park with 365,000 square feet of industrial development; and*
 - *16.25 acres of residential with 26 multi-family units.*

According to the open space chart and analysis, prepared by the applicant's agent, Geri Waksler, dated October 2, 2014; since the Sandhill DRI was approved, the amount of open space within the project has been increased with the addition of new mitigation and preservation areas (6.55 acres of preservation was added to the DRI through Resolution Number 2003-028). A public golf course was added in a NOPC proposal which was adopted by the Board through Resolution Number 87-07. If the proposed NOPC application is approved, the entire golf course recreation area will be eliminated and redesigned for other uses. The DRI will contain a total of 208.03 acres of open space, which exceeds both the open space approved in Resolution Number 86-230 and the combined acreage of the open space and recreation areas after the golf course was added in 1987. Therefore, the proposed elimination of the existing abandoned golf course will not constitute a Substantial Deviation.

- *Section 380.06(19)(b)1, 2, 3, 5, 7, 11, (c), and (d) F.S.* do not apply to this NOPC. The proposed development will increase the allowable residential units of 26, which is less than the DRI substantial deviation residential threshold of 55 dwelling units set forth under *Section 380.06(19)(b)4 F.S.*
- *Section 380.06.19(b)(6) F.S.* states that "an increase in commercial development by 60,000 square feet of gross floor area or of parking spaces provided for customers for 425 cars or a 10 percent increase, whichever is greater." The proposed increase of 43,000 square feet of commercial development represents an approximately 2.2 percent increase in the commercial gross floor area, while 10 percent of the existing, approved, commercial square footage is 196,580. Both numbers are below the commercial thresholds set forth in *Section 380.06.19(b)(6) F.S.*
- *Section 380.06.19(b)(9) F.S.* states that "a proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded." This proposal includes an increase in commercial square footage by 43,000 square feet, and a decrease in open space by 5.84 acres; with a 1.16 acre cumulative increase in open space for the entirety of the project (according to Resolution Number 92-285 and Resolution Number 2003-028, there were 50.18 acres of park, 60.7 acres of lakes and 78.4 acres of mitigation areas, which were a total of 189.28 acres of open space. The proposal contains a total of 190.44 acres of open space.) The commercial change is 72 percent of the 60,000 square foot threshold and 22 percent of the 10 percent floor area threshold. The open space reduction is 29 percent of the 20 acre threshold and 58 percent of the five percent threshold. Therefore, the sum of the increase of each land use as a percentage of the applicable substantial deviation criteria is 101 percent of the area thresholds and 80 percent of the percentage thresholds, which is less than 110 percent of the thresholds as set forth in *Section 380.06.19(b)(9) F.S.*

➤ Section 380.06.19(b)(10) F.S. states that if “a 15 percent increase in the number of external vehicle trips generated by the development is above that which was projected during the original development-of-regional-impact review, the proposed change shall constitute a substantial deviation.” According to “the Sandhill Development of Regional Impact Tract 5 - Notice of Proposed Change Transportation Analysis and 2014 Traffic Monitoring Report” prepared by Kimley-Horn and Associates, Inc., and revised October 2014, the approved development and the proposed additional commercial, assisted living facility, industrial and multi-family uses will generate a total of 4,419 P.M. peak hour net new trips, which will generate an additional 571 P.M. peak hour net new trips. This change represents a 14.8 percent increase in trips from the original approval. Therefore, the proposed NOPC does not constitute a Substantial Deviation as defined in Section 380.06.19(b)(10) F.S. A letter from the Florida Department of Transportation (FDOT) dated October 7, 2014 offered the following comment:

1. The revised land use changes do not result in a Substantial Deviation.

Additionally, County staff has been working with the applicant, ATM II, LLC., to draft a development agreement (Attachment 4) which sets forth the commitments by the Developer and the County as to transportation improvements necessary to ensure concurrency on all impacted regional roads and intersections as a result of the proposed project. The proposed development agreement is scheduled to be presented to the Board for approval concurrently with this NOPC application.

- ***Provide an equivalency matrix***

Per County staff’s request, the equivalency matrix is proposed as part of the Snadhill DRI DO to allow for increases or decreases in land uses which will not increase the number of external peak hour trips and will not reduce open space and conservation areas within the development. Therefore, the proposed equivalency matrix will provide flexibility for development within this DRI.

- ***Correct scrivener’s errors***

In 2012, staff had communicated with the Department of Economic Opportunity (DEO) about correcting scriveners’ errors in the DO. The DEO had indicated, via letter dated July 11, 2012 (Attachment 5) that these amendments do not require a NOPC. However, due to the workload in the Community Development Department, the DO was never amended to incorporate these corrections. The corrections are included as part of this proposed DO and included with this application. **The detail report is as follows:**

In 2009, the Board approved Resolution 2009-237, which included an updated Map H (Exhibit A) and an Exhibit B. Exhibit B is a table showing allocations of developable square footage per each parcel identified on Map H. After it was adopted, staff noticed that the total commercial square footage allocation shown in Exhibit B is 2,125,834 square feet. This is 160,034 square feet more than the total commercial square footage actually allowed by the DRI DO, which is 1,965,800 square feet. Given that the total square footage of the DRI is the correct total allocation of square footage, Staff worked on correcting errors in Exhibit B of the resolution as well as providing for updates to reflect approved permits and property limitations.

Since the Sandhill DRI was originally approved in 1981, there have been over 32 amendments and more than seven different County Planners who have managed and maintained the DRIs within the County. Staff research into all of these amendments has revealed that there are eight scrivener's errors regarding the commercial square footage allocation. The following are the mistakes and recommendations for correcting them:

1. Resolution 2009-237 provides for a maximum allowable commercial square footage of 3,000 square feet for Parcel C-15 in Tract 1. However, in 2011, the County approved the request by the property owner to enclose Burger King's accessory outdoor playground, which contained approximately 880 square feet. In 2012, the owner indicated they would like to replace the old walk-in freezer/cooler with a new one which contains 98 square feet more than the old one. In order to accommodate these two changes, the table needs to be corrected to increase the maximum allowable commercial square footage on that parcel to 4,000 square feet.
2. The original maximum allowable commercial square footage for Parcel C-19B in Tract 4 was 50,000 square feet. Resolution Number 2006-173 approved a reallocation of 38,000 square feet of commercial square footage from Parcel C-19B in Tract 4 to Parcel 5-19H in Tract 5. Therefore, the table needs to be corrected to show that 12,000 square feet is the remaining maximum allowable commercial square footage for Parcel C-19B.
3. Resolution Number 2006-212 allowed for research and development up to 42,000 square feet on Parcel 5-1 in Tract 5. There have been no deliberate changes to this number; however, Resolution 2009-237 allows only a maximum commercial square footage of 40,500 square feet. The table needs to be corrected to restore that number to 42,000 square feet.
4. The Site Plan Review (Petition Number DRC-PD-80-4AA) approved a total of 35,670 square feet for the Hampton Inn development on Parcel 5-9 in Tract 5. However, Resolution 2009-237 only allows a maximum commercial square footage of 35,310 square feet. The table needs to be corrected to increase the maximum allowable square footage on that parcel 35,670 square feet.
5. Resolution 2009-237 allows a maximum commercial square footage of 10,000 square feet for Parcel 5-10 in Tract 5. The Warranty Deed (O.R. Book 2398, Page 811) states that the real property may not be used for more than twelve thousand (12,000) square feet of commercial retail uses (as defined in Sandhill Development of Regional Impact Development Order, as amended). The table has been changed to reflect the commercial square footage shown in the deed of 12,000 square feet.
6. Resolution 2009-237 allows a maximum commercial square footage of 10,000 square feet for Parcel 5-11 in Tract 5. The Warranty Deed (O.R. Book 2398, Page 811) states that the real property may not be used for more than twelve thousand (12,000) square feet of commercial retail uses (as defined in Sandhill Development of Regional Impact Development Order, as amended). The table has been changed to reflect the commercial square footage shown in the deed of 12,000 square feet.
7. Resolution 2009-237 allows a maximum commercial square footage of 189,000 square feet for Parcel 5-13 in Tract 5. The Warranty Deed (O.R. Book 2432, Page 147) states that the

real property may not be used for more than sixty-seven thousand (67,000) square feet of commercial retail uses (as defined in Sandhill Development of Regional Impact Development Order, as amended). The table has been changed to reflect the commercial square footage shown in the deed of 67,000 square feet.

8. The original maximum allowable commercial square footage was given as 325,000 for Parcel 5-18 in Tract 5. However, the applicant, Trinity Property Group LLC filed an application (Petition Number is NOPC-06-054-25 and Resolution Number is 2006-173) to request reallocating 25,000 square feet of existing commercial square footage from Parcel 5-18 to Parcel 5-19H. Exhibit B did not remove the 25,000 square feet from the allocation. Therefore, the table needs to be corrected to show that 300,000 square feet is the remaining maximum allowable commercial square footage for Parcel 5-18.

The following table is summary of the corrections:

Tract	Parcel	2009-237 Allocated SF	Corrected Allocated SF
3	C-15	3,000	4,000
4	C-19B	50,000	12,000
5	5-1	40,500	42,000
5	5-9	35,310	35,670
5	5-10	10,000	12,000
5	5-11	10,000	12,000
5	5-13	189,000	67,300
5	5-18	325,000	300,000

Additionally, since the Sandhill DRI was originally approved in 1981, there have been several amendments. The DRI boundary was slightly changed from time to time, specifically with regard to property identified as Parcel 5-20 on Exhibit B of Resolution 2009-237. The property is approximately two acres and is a portion of a five acre property. The entire 5 acres has been developed with a warehouse and was not permitted through the DRI PD process. I reviewed all Development Orders associated with this DRI, the property owner information, the plats, and the permits associated with the property, and have determined that this two acre parcel of the land included in the Sandhill DRI is an error and should be removed from the DRI boundary.

Staff reported these errors and issues to the DEO and received DEO approval to make corrections through the administrative process rather than the Notice of Proposed Change process. This reduces the process to a single approval by the Board of County Commissioners.

If the Board approves these corrections, the total commercial square footage allocation of each parcel will equal to 1,965,800 square feet which is allowed by the Sandhill DRI Development Order, and the revised boundary will also correctly represent the geographic area determined by the Sandhill DRI DO. The applicant agrees with these corrections regarding scriveners' errors.

The Sandhill DRI is designated as part of an Economic Center on the 2050 Framework Map. According to **FLU Policy 5.3.1: Economic Centers** of the Smart Charlotte 2050 Plan, *Economic Centers are focused locations of regional commercial and employment uses and these areas will be*

encouraged to change and redevelop over time into economically vibrant, walkable, mixed use centers with unique and identifiable character. Redevelopment of the abandoned golf course with a mixture of commercial, industrial, medical and multi-family development will provide job opportunities in this area. Therefore, the proposed changes to the DO (Attachment 6. Draft Sandhill Development Order) is supported by the County’s Comprehensive Plan.

This NOPC application was submitted to the Southwest Florida Regional Planning Council (SWFRPC) on July 21, 2014 and was heard by the SWFRPC on October 16, 2014. Staff has received a report from the SWFRPC stating that the proposal is not a substantial deviation. Staff concurs that, by the standards set in Chapter 380.06(19) F.S., the applicant has provided clear and convincing evidence their request does not constitute a substantial deviation.

STAFF RECOMMENDATION:

“Approve adoption of Petition No. NOPC-14-07-11 based on the findings and analysis in the Comprehensive Planning Division staff report dated October 24, 2014 and the evidence presented at the public hearing on the application.”

The Planning and Zoning Board proposed recommendations:

“Motion to forward application No. NOPC-14-07-11 to the Board of County Commissioners with a recommendation of Approval/Denial, based on the findings and analysis in the staff report dated October 24, 2014 and the evidence presented at the public hearing on the application.”

PART II: RESEARCH AND FINDINGS

1. **2050 Framework Designation:** Economic Center
2. **2030 Service Area Delineation:** Urban Service Area
3. **Existing Land Use on the Site:** The existing Sandhill DRI contains residential and commercial uses as well as some vacant lands. Specifically, the portion of Tract 5 which is subject to this NOPC is an abandoned golf course.

4. Existing Designation(s):

FLUM	Development Standard
Development of Regional Impact Mixed Use (DRI)	The DRI category is used for lands where development is proposed that, because of the character, magnitude, or location, has a substantial effect upon the health, safety, and welfare of citizens within Charlotte County and at least one additional surrounding county or municipality. Lands designated as such meet the threshold requirements identified within Chapter 380.06, Florida Statutes and must undergo intergovernmental review as specified in that chapter as a Development of Regional Impact (DRI). All developments within a DRI Mixed Use district must be constructed in accordance with a final development order (DO or MDO) approved by the Board of County Commissioners. The mix of

	land uses and allowed densities and intensities within an approved DRI MDO, or DO if no MDO is approved, shall be adopted into Appendix VI: Developments of Regional Impact. Active DRIs are depicted on FLUM Series Map #25.
Zoning	Development Standard
Planned Development (PD) (The site contains multi-phases of site plan approval, which include unique development standards for different parcels.)	<p><u>Minimum lot and yard requirements.</u> There are no minimum lot and yard requirements for this district, provided no structure shall be located closer to the peripheral property line of the PD than twenty-five (25) feet or as required by section 3-9-98, "Waterfront property," as the same may be amended, whichever is greater. If the PD abuts water, the minimum setback shall be twenty (20) feet. However, minimum lot and yard requirements other than those contained in this section and section 3-9-98 may also be established through the final site plan approval process.</p> <p><u>Maximum height of structures.</u> There is no maximum height for structures in this district, except as required by section 3-9-98, "Waterfront property," as the same may be amended. Maximum height limits other than those contained in section 3-9-98 may also be established through the PD review process.</p> <p><u>Open space.</u> A minimum of twenty (20) percent of the entire PD parcel or phase shall be open space, which may include vegetated areas unencumbered by an impervious surface.</p> <p><u>Utilities.</u> Potable water supply, sewage treatment and water management systems, utility lines and easements shall be designed in accordance with requirements of the county subdivision regulations except as modified in subsection (c) (1)e of this section, "Relation to utilities, public facilities and services."</p> <p><u>Internal circulation.</u> Streets to be dedicated to the public shall be designed and constructed in accordance with the subdivision regulations or other appropriate design standards. All streets shall be designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development. In addition to vehicular thoroughfares, functional pedestrian and bicycle-path systems are required in accordance with the master plan.</p>

Table 1

Attachment 1
Account Numbers

402306100002, 402306100003, 402306100005, 402306100006, 402306100007, 402306100008
402306203001, 402306203002, 402306203003, 402306203004, 402306203006, 402306227015
402306227017, 402306276001, 402306601049, 402306601050, 402306601051, 402306601052,
402306601053, , 402306676145, 402306227016

Attachment 2
Legal Description

EXHIBIT A

Newport West Parcel:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S 0 degrees 16' 27" W., along the East line of said Section, a distance of 565.39 feet; thence N. 89 degrees 43' 33" W., 2007.12 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in Quitclaim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

Thence N. 76 degrees 46' 06" W., along said boundary line, a distance of 521.00 feet; thence S. 89 degrees 44' 05" W., along said boundary line, a distance of 179.92 feet to a point on a circular curve concave to the West, having a radius of 165.00 feet, with a chord bearing and distance of S 0 degrees 25' 42" W., 203.19 feet; thence Southerly, along the arc of said curve, having a central angle of 76 degrees 00' 29", a distance of 218.89 feet to the boundary line of Eagle

Point Golf Course Parcel 4, as described in said Quitclaim Deed; thence S. 73 degrees 39' 28" E., along said boundary line, a distance of 317.32 feet; thence S. 81 degrees 22' 01" E., along said boundary line, a distance of 247.79 feet; thence N. 16 degrees 06' 15" E., 81.96 feet; thence S. 73 degrees 53' 45" E., 53.16 feet; thence N. 16 degrees 06' 15" E., 8.00 feet; thence S. 73 degrees 53' 45" E., 15.00 feet to the point of curvature of a circular curve concave to the North, having a radius of 272.00 feet, with a chord bearing and distance of S. 76 degrees 54' 37" E., 28.61 feet; thence Easterly, along the arc of said curve, through a central angle of 6 degrees 01' 46", a distance of 28.62 feet; thence N. 10 degrees 04' 40" E., 46.00 feet; thence S. 81 degrees 15' 21" E., 10.51 feet; thence N. 1 degrees 16' 49" E., 106.53 feet to the Point of Beginning.

Newport II Phase 3:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 716.11 feet; thence N. 89 degrees 43' 33" W., 1222.97 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in Quitclaim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence S. 15 degrees 34' 10" W., 28.06 feet; thence S. 19 degrees 23' 01" W., 18.00 feet; thence N. 70 degrees 36' 59" W., 37.23 feet; thence S. 19 degrees 23' 01" W., 8.00 feet to a point on a circular curve concave to the South, having a radius of 312.01 feet, with a chord bearing and distance of N. 76 degrees 59' 43" W., 69.33 feet; thence Westerly, along the arc of said curve, through a central angle of 12 degrees 45' 28", a distance of 69.47 feet; thence S. 6 degrees 37' 34" W., 82.83 feet to the boundary line of Eagle Point Golf Course Parcel 4, as described in said Quitclaim Deed; thence N. 88 degrees 43' 11" W., along said boundary line, a distance of 261.35 feet; thence N. 1 degrees 16' 49" E., 83.83 feet; thence S. 88 degrees 43' 11" E., 47.33 feet; thence N. 1 degrees 16' 49" E., 26.00 feet; thence N. 88 degrees 43' 11" W., 23.33 feet; thence N. 1 degrees 16' 49" E., 53.00 feet; thence S. 88 degrees 43' 11" E., 42.00 feet; thence S. 1 degrees 16' 49" W., 25.00 feet; thence S. 88 degrees 43' 11" E., 173.98 feet to the point of curvature of a circular curve concave South, having a radius of 366.01 feet, with a chord bearing and distance of S. 79 degrees 40' 05" E., 115.17 feet; thence Easterly along the arc of said curve, through a central angle of 18 degrees 06' 12", a distance of 115.65 feet to the point of tangency; thence S. 70 degrees 36' 59" E., 35.38 feet to the Point of Beginning. Less and Except that part of Phase 3 contained in the following described property:

A tract of land lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at a 4" x 4" concrete monument with disk stamped P.L.S. 2405 at the North 1/4 corner of said Section 6; Thence along the West line of "The Links", a subdivision recorded in Plat Book 15, Pages 18 and 18A, Public Records of Charlotte County, Florida, S 00 degrees 5' 36" W 259.07 feet to a point on a curve, concave to the East, having a radius of 105.00 feet and a delta angle of 101 degrees 11' 28", whose chord bears S 27 degrees 14' 41" W; thence along said curve in a counter-clockwise direction 185.44 feet to the beginning of a compound curve concave to the East having a radius of 150.00 feet and a delta angle of 20 degrees 09' 12" whose chord bears S 33 degrees 25' 39" E; thence along said curve in a counter-clockwise direction, 52.76 feet to the beginning of a reverse curve concave to the West having a radius of 165.00 feet and a delta angle of 05 degrees 55' 43" whose chord bears S 40 degrees 32' 24" E; thence along said curve in a clockwise direction, 17.07 feet, thence leaving said curve on a non-radial line N 89 degrees 44' 05" E, 179.92 feet; thence S 76 degrees 46' 06" E 521.00 feet; thence S 88 degrees 43' 11" E, 252.81 feet to the Point of Beginning of this description; thence continue S 88 degrees 43' 11" E, 217.13 feet; thence S 01 degrees 16' 49" W, 107.83 feet; thence N 88 degrees 43' 11" W, 217.13 feet; thence N 01 degrees 16' 49" E, 107.83 feet to the Point of Beginning.

Newport II Phase 4:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 716.11 feet; thence N. 89 degrees 43' 33" W., 1222.97 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in a Quit Claim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence N. 1 degrees 16' 49" E., along said boundary line, a distance of 136.93 feet; thence N. 88 degrees 43' 11" W., along said boundary line, 363.34 feet; thence S. 1 degrees 16' 49" W., 82.82 feet; thence S. 88 degrees 43' 11" E., 42.00 feet; thence S. 1 degrees 16' 49" W., 25.00 feet; thence S. 88 degrees 43' 11" E., 173.98 feet to the point of curvature of a circular curve concave to the South, having a radius of 366.01 feet, with a chord bearing and distance of S. 79 degrees 40' 05" E., 115.17 feet; thence Easterly, along the arc of said curve, through a central angle of 18 degrees 06' 12", a distance of 115.65 feet to the point of tangency; thence S. 70 degrees 36' 59" E., 35.38 feet to the Point of Beginning. Less and Except that part of Phase 4 contained in the following described property:

A tract of land lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at a 4" x 4" concrete monument with disk stamped P.L.S. 2405 at the North 1/4 corner of said Section 6; Thence along the West line of "The Links", a subdivision recorded in Plat Book 15, Pages 18 and 18A, Public Records of Charlotte County, Florida, S 00 degrees 5' 56" W 259.07 feet to a point on a curve, concave to the East, having a radius of 105.00 feet and a delta angle of 101 degrees 11' 28", whose chord bears S 27 degrees 14' 41" W; thence along said curve in a counter-clockwise direction 185.44 feet to the beginning of a compound curve concave to the East having a radius of 150.00 feet and a delta angle of 20 degrees 09' 12" whose chord bears S 33 degrees 25' 39" E; thence along said curve in a counter-clockwise direction, 52.76 feet to the beginning of a reverse curve concave to the West having a radius of 165.00 feet and a delta angle of 05 degrees 55' 43" whose chord bears S 40 degrees 32' 24" E; thence along said curve in a clockwise direction, 17.07 feet, thence leaving said curve on a non-radial line N 89 degrees 44' 05" E, 179.92 feet; thence S 76 degrees 46' 06" E 521.00 feet; thence S 88 degrees 43' 11" E, 252.81 feet to the Point of Beginning of this description; thence continue S 88 degrees 43' 11" E, 217.13 feet; thence S 01 degrees 16' 49" W, 107.83 feet; thence N 88 degrees 43' 11" W, 217.13 feet; thence N 01 degrees 16' 49" E, 107.83 feet to the Point of Beginning.

Newport II Phase 5:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 818.01 feet; thence N. 89 degrees 43' 33" W., 1612.16 feet to the boundary line of Eagle Point Golf Course Parcel 4, as described in Quitclaim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence N. 88 degrees 43' 11" W., along said boundary line, a distance of 259.32 feet; thence N. 1 degrees 16' 49" E., 83.83 feet; thence N. 88 degrees 43' 11" W., 32.35 feet; thence N. 1 degrees 16' 49" E., 54.00 feet; thence S. 88 degrees 43' 11" E., 315.67 feet; thence S. 01 degrees 16' 49" W., 28.00 feet; thence S. 88 degrees 43' 11" E., 23.33 feet; thence S. 1 degrees 16' 49" W., 26.00 feet; thence N. 88 degrees 43' 11" W., 47.33 feet; thence S. 1 degrees 16' 49" W., 83.83 feet to the Point of Beginning.

Newport II Phase 6:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 572.82 feet; thence N. 89 degrees 43' 33" W., 1583.85 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in a Quit Claim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence S. 1 degrees 16' 49" W., 107.82 feet; thence N. 88 degrees 43' 11" W., 347.33 feet; thence N. 1 degrees 16' 49" E., 43.00 feet; thence N. 88 degrees 43' 11" W., 18.00 feet; thence N. 1 degrees 16' 49" E., 64.82 feet to said boundary line of Eagle Point Golf Course Parcel 5; thence S. 88 degrees 43' 11" E., along said boundary line, a distance of 365.33 feet to the Point of Beginning. Less and Except that part of Phase 6 contained in the following described property:

A tract of land lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at a 4" x 4" concrete monument with disk stamped P.L.S. 2405 at the North 1/4 corner of said Section 6; Thence along the West line of "The Links", a subdivision recorded in Plat Book 15, Pages 18 and 18A, Public Records of Charlotte County, Florida, S 00 degrees 5' 56" W 259.07 feet to a point on a curve, concave to the East, having a radius of 105.00 feet and a delta angle of 101 degrees 11' 28", whose chord bears S 27 degrees 14' 41" W; thence along said curve in a counter-clockwise direction 185.44 feet to the beginning of a compound curve concave to the East having a radius of 150.00 feet and a delta angle of 20 degrees 09' 12" whose chord bears S 33 degrees 25' 39" E; thence along said curve in a counter-clockwise direction, 52.76 feet to the beginning of a reverse curve concave to the West having a radius of 165.00 feet and a delta angle of 05 degrees 55' 43" whose chord bears S 40 degrees 32' 24" E; thence along said curve in a clockwise direction, 17.07 feet, thence leaving said curve on a non-radial line N 89 degrees 44' 05" E, 179.92 feet; thence S 76 degrees 46' 06" E 521.00 feet; thence S 88 degrees 43' 11" E, 252.81 feet to the Point of Beginning of this description; thence continue S 88 degrees 43' 11" E, 217.13 feet; thence S 01 degrees 16' 49" W, 107.83 feet; thence N 88 degrees 43' 11" W, 217.13 feet; thence N 01 degrees 16' 49" E, 107.83 feet to the Point of Beginning.

Newport II Phase 7:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 566.41 feet; thence N. 89 degrees 43' 33" W., 1949.13 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in Quit Claim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence S 1 degrees 16' 49" W., 64.82 feet; thence S. 88 degrees 43' 11" E., 18.00 feet; thence S 1 degrees 16' 49" W., 43.00 feet; thence S. 88 degrees 43' 11" E., 31.66 feet; thence S 1 degrees 16' 49" W., 54.00 feet; thence S. 88 degrees 43' 11" E., 32.35 feet; thence S 1 degrees 16' 49" W., 83.83 feet to the boundary line of Eagle Point Golf Course Parcel 4, as described in said Quit Claim Deed; thence N. 88 degrees 43' 11" W., along said boundary line, a distance of 249.34 feet; thence N. 37 degrees 19' 59" W., along said boundary line, 40.12 feet; thence N. 16 degrees 06' 15" E., 81.96 feet; thence S. 73 degrees 53' 45" E., 53.16 feet; thence N. 16 degrees 06' 15" E., 8.00 feet; thence S. 73 degrees 53' 45" E., 15.00 feet to the point of curvature of a circular curve concave to the North, having a radius of 272.00 feet,

with a chord bearing and distance of S. 76 degrees 54' 37" E., 28.61 feet; thence Easterly, along the arc of said curve, through a central angle of 6 degrees 01' 46", a distance of 28.62 feet; thence N. 10 degrees 04' 40" E., 46.00 feet; thence S. 81 degrees 15' 21" E., 10.51 feet; thence N. 1 degrees 16' 49" E., 106.53 feet to the said boundary line of Eagle Point Golf Course Parcel 5; thence S. 88 degrees 43' 11" E., along said boundary line, a distance of 58.00 feet to the Point of Beginning.

Easements:

Ingress, egress and utility easement set forth in that certain Easement Agreement recorded in Official Records Book 1868, Page 182, Public Records of Charlotte County, Florida and Official Records Book 474, Page 348, Desoto County, Florida. The subject easement is located in Desoto County, Florida.

And

Ingress and egress easement set forth in that certain Grant of Easement recorded in Official Records Book 1028, Page 205, Public Records of Charlotte County, Florida.

Together with:

PORTION OF SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20")

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(CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (DELTA 59°55'52") (CHORD BEARING S43°17'09"W) (CHORD 249.74 FEET) FOR 261.50 FEET TO A POINT OF TANGENCY; THENCE RUN S13°19'13"W FOR 147.31 FEET; THENCE RUN N33°09'20"W FOR 223.84 FEET; THENCE RUN N54°05'01"W FOR 32.12 FEET; THENCE RUN N33°09'20"W FOR 208.47 FEET; THENCE RUN N23°55'45"W FOR 277.58 FEET; THENCE RUN N42°54'09"W FOR 88.52 FEET; THENCE RUN N33°39'37"W FOR 266.98 FEET; THENCE RUN S57°02'45"W FOR 217.85 FEET; THENCE RUN S33°39'37"E FOR 107.27 FEET; THENCE RUN S00°05'04"W FOR 45.21 FEET; THENCE RUN S28°30'00"E FOR 221.62 FEET; THENCE RUN S23°55'45"E FOR 331.58 FEET; THENCE RUN S31°08'43"E FOR 535.09 FEET; THENCE RUN S39°21'17"W FOR 31.69 FEET; THENCE RUN S50°38'43"E FOR 166.83 FEET; THENCE RUN N39°21'17"E FOR 299.40 FEET; THENCE RUN S75°08'04"E FOR 84.09 FEET; THENCE RUN S14°51'56"W FOR 29.33 FEET; THENCE RUN S75°08'04"E FOR 245.77 FEET; THENCE RUN S26°44'04"W FOR 74.82 FEET; THENCE RUN S63°15'56"E FOR 299.78 FEET; THENCE RUN S21°38'52"E FOR 220.40 FEET; THENCE RUN N49°59'02"E FOR 290.15 FEET; THENCE RUN N45°05'40"W FOR 83.09 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 152.00 FEET (DELTA 15°55'23") (CHORD BEARING N53°03'21"W) (CHORD 42.11) FOR 42.24 FEET; THENCE RUN N28°58'57"E FOR 29.33 FEET TO A POINT ON A CURVE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT OF RADIUS 181.33 FEET (DELTA 10°55'27") (CHORD BEARING N66°28'46"W) (CHORD 34.52) FOR 34.57 FEET TO A POINT OF TANGENCY; THENCE RUN N71°56'30"W FOR 123.77 FEET; THENCE RUN N26°44'04"E FOR 81.30 FEET; THENCE RUN N62°51'14"W FOR 283.19 FEET; THENCE RUN N75°08'04"W FOR 487.05 FEET; THENCE RUN N13°19'13"E FOR 166.77 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 200.00 FEET (DELTA 59°55'52") (CHORD BEARING N43°17'09"E) (CHORD 199.79 FEET) FOR 209.20 FEET TO THE POINT OF TANGENCY; THENCE RUN N73°15'05"E FOR 315.19 FEET TO THE POINT OF CURVATURE; THENCE RUN NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 165.00 FEET (DELTA 116°45'20") (CHORD BEARING N14°52'25"E) (CHORD 281.00) FOR 336.23 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 150.00 FEET (DELTA 20°09'12") (CHORD BEARING N33°25'39"W) (CHORD 52.49 FEET) FOR 52.76 FEET TO A POINT OF COMPOUND CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 105.00 (DELTA 101°11'19") (CHORD BEARING N27°14'36"E) (CHORD 162.26 FEET) FOR 185.44 FEET TO THE WEST LINE OF "THE LINKS" AS DESCRIBED IN PLAT BOOK 15, PAGES 18 AND 18A OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE RUN N00°05'56"W ALONG THE SAID EAST LINE OF "THE LINKS" FOR 259.07 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE EASEMENT RIGHTS SET FORTH IN THAT CERTAIN WARRANTY DEED DATED NOVEMBER 18, 2004, FROM CHARLOTTE LENDING, INC., A FLORIDA CORPORATION, TO ROYAL PALMS GOLF CONDOMINIUM PARTNERS, LLC RECORDED IN OFFICIAL RECORDS BOOK 2593, PAGE 574, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

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AND

PARCEL A

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6 THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET TO THE POINT OF BEGINNING; THENCE S00°05'56"W, FOR 260.18 FEET; THENCE S89°54'04"E FOR 23.41 FEET; THENCE S00°05'53"W FOR 24.06 FEET; THENCE S00°05'57"W FOR 60.64 FEET TO THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE EAST, OF WHICH THE RADIUS POINT LIES S89°54'04"E, A RADIAL DISTANCE OF 200.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°31'40", FOR 61.18 FEET; THENCE S89°44'05"W, FOR 49.74 FEET; THENCE N00°05'56"E, FOR 405.55 FEET; THENCE S89°30'14"E FOR 17.05 FEET TO THE POINT OF BEGINNING.

PARCEL B

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20") (CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT ON A CURVE, CONCAVE SOUTHEAST, OF WHICH THE RADIUS POINT LIES S16°44'55"E, A RADIAL DISTANCE OF 250.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 40°01'54", FOR 174.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°53'58" FOR 86.83 FEET; THENCE N33°09'20"W, FOR 224.01 FEET; THENCE N54°05'01"W, FOR 32.12 FEET; THENCE N33°09'20"W, FOR 208.47 FEET; THENCE N23°55'45"W, FOR 277.58 FEET; THENCE N42°54'09"W, FOR 88.52 FEET; THENCE N33°39'37"W, FOR 266.98 FEET; THENCE S57°02'45"W, FOR 217.85 FEET; THENCE S33°39'37"E, FOR 107.27 FEET; THENCE S00°05'04"E FOR 45.21 FEET; THENCE S28°30'00"E, FOR 221.62 FEET; THENCE S23°55'45"E, FOR 331.58 FEET; THENCE S31°08'43"E, FOR 535.09 FEET; THENCE S39°21'17"W FOR 10.21 FEET; THENCE CONTINUE S39°21'17"W, ALONG SAID LINE, A DISTANCE OF 21.48 FEET; THENCE N31°08'43"W, FOR 508.76 FEET; THENCE

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N23°55'45"W, FOR 370.95 FEET; THENCE N28°30'00"W, FOR 385.30 FEET; THENCE N00°29'46"E, FOR 172.99 FEET; THENCE S89°30'14"E, FOR 373.11 FEET; THENCE S23°55'45"E, FOR 327.43 FEET; THENCE S64°32'49"W, FOR 34.02 FEET; THENCE S23°55'45"E, FOR 276.19 FEET; THENCE S33°09'20"E, FOR 235.58 FEET; THENCE N84°29'39"E, FOR 158.48 FEET TO THE POINT OF BEGINNING.

PARCEL C

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20") (CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (DELTA 59°55'52") (CHORD BEARING S43°17'09"W) (CHORD 249.74 FEET) FOR 261.50 FEET TO A POINT OF TANGENCY; THENCE RUN S13°19'13"W FOR 147.31 FEET; THENCE RUN N33°09'20"W FOR 223.84 FEET; THENCE RUN N54°05'01"W FOR 32.12 FEET; THENCE RUN N33°09'20"W FOR 208.47 FEET; THENCE RUN N23°55'45"W FOR 277.58 FEET; THENCE RUN N42°54'09"W FOR 88.52 FEET; THENCE RUN N33°39'37"W FOR 266.98 FEET; THENCE RUN S57°02'45"W FOR 217.85 FEET; THENCE RUN S33°39'37"E FOR 107.27 FEET; THENCE RUN S00°05'04"W FOR 45.21 FEET; THENCE RUN S28°30'00"E FOR 221.62 FEET; THENCE RUN S23°55'45"E FOR 331.58 FEET; THENCE RUN S31°08'43"E FOR 535.09 FEET; THENCE RUN S39°21'17"W FOR 31.69 FEET; THENCE RUN S50°38'43"E FOR 166.83 FEET; THENCE RUN N39°21'17"E FOR 267.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N39°21'17"E FOR 32.23 FEET; THENCE S75°08'04"E FOR 84.09 FEET; THENCE S14°51'56"W FOR 29.33 FEET; THENCE N75°08'04"W FOR 97.45 FEET TO THE POINT OF BEGINNING.

PARCEL D

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG

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THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20") (CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (DELTA 59°55'52") (CHORD BEARING S43°17'09"W) (CHORD 249.74 FEET) FOR 261.50 FEET TO A POINT OF TANGENCY; THENCE RUN S13°19'13"W FOR 147.31 FEET; THENCE RUN N33°09'20"W FOR 223.84 FEET; THENCE RUN N54°05'01"W FOR 32.12 FEET; THENCE RUN N33°09'20"W FOR 208.47 FEET; THENCE RUN N23°55'45"W FOR 277.58 FEET; THENCE RUN N42°54'09"W FOR 88.52 FEET; THENCE RUN N33°39'37"W FOR 266.98 FEET; THENCE RUN S57°02'45"W FOR 217.85 FEET; THENCE RUN S33°39'37"E FOR 107.27 FEET; THENCE RUN S00°05'04"W FOR 45.21 FEET; THENCE RUN S28°30'00"E FOR 221.62 FEET; THENCE RUN S23°55'45"E FOR 331.58 FEET; THENCE RUN S31°08'43"E FOR 535.09 FEET; THENCE RUN S39°21'17"W FOR 31.69 FEET; THENCE RUN S50°38'43"E FOR 166.83 FEET; THENCE RUN N39°21'17"E FOR 299.40 FEET; THENCE RUN S75°08'04"E FOR 84.09 FEET; THENCE RUN S14°51'56"W FOR 29.33 FEET; THENCE RUN S75°08'04"E FOR 245.77 FEET; THENCE RUN S26°44'04"W FOR 74.82 FEET TO THE POINT OF BEGINNING; THENCE S63°15'56"E, FOR 299.78 FEET; THENCE S21°38'52"E, FOR 220.40 FEET; THENCE S49°59'02"W, FOR 21.07 FEET; THENCE N21°38'52"W, FOR 214.76 FEET; THENCE N62°51'14"W, FOR 295.68 FEET; THENCE N26°44'04"E, FOR 20.98 FEET TO THE POINT OF BEGINNING.

PARCEL E

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20") (CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (DELTA 59°55'52") (CHORD BEARING S43°17'09"W) (CHORD 249.74 FEET) FOR 261.50 FEET TO A POINT OF TANGENCY; THENCE RUN S13°19'13"W FOR 147.31 FEET; THENCE RUN N33°09'20"W FOR 223.84 FEET; THENCE RUN N54°05'01"W FOR 32.12 FEET; THENCE RUN N33°09'20"W FOR 208.47 FEET; THENCE RUN N23°55'45"W FOR 277.58 FEET; THENCE RUN N42°54'09"W FOR 88.52 FEET; THENCE RUN N33°39'37"W FOR 266.98 FEET; THENCE RUN S57°02'45"W FOR 217.85 FEET;

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(Legal Description - Continued)

THENCE RUN S33°39'37"E FOR 107.27 FEET; THENCE RUN S00°05'04"W FOR 45.21 FEET; THENCE RUN S28°30'00"E FOR 221.62 FEET; THENCE RUN S23°55'45"E FOR 331.58 FEET; THENCE RUN S31°08'43"E FOR 535.09 FEET; THENCE RUN S39°21'17"W FOR 31.69 FEET; THENCE RUN S50°38'43"E FOR 166.83 FEET; THENCE RUN N39°21'17"E FOR 299.40 FEET; THENCE RUN S75°08'04"E FOR 84.09 FEET; THENCE RUN S14°51'56"W FOR 29.33 FEET; THENCE RUN S75°08'04"E FOR 245.77 FEET; THENCE RUN S26°44'04"W FOR 74.82 FEET; THENCE RUN S63°15'56"E FOR 299.78 FEET; THENCE RUN S21°38'52"E FOR 220.40 FEET; THENCE RUN N49°59'02"E FOR 290.15 FEET TO THE POINT OF BEGINNING; THENCE N45°05'40"W, FOR 83.09 FEET TO A POINT OF CURVATURE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 152.00 FEET AND A CENTRAL ANGLE OF 15°55'23"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, FOR 42.24 FEET; THENCE N28°58'57"E, FOR 29.33 FEET TO THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE SOUTHWEST, OF WHICH THE RADIUS POINT LIES S28°58'57"W, A RADIAL DISTANCE OF 181.33 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 10°55'27", FOR 34.57 FEET; THENCE N71°56'30"W, FOR 123.77 FEET; THENCE N26°44'04"E, FOR 81.30 FEET; THENCE N62°51'14"W, FOR 283.19 FEET; THENCE N75°08'04"W, FOR 487.05 FEET; THENCE N13°19'13"E, FOR 37.09 FEET; THENCE S75°08'04"E, FOR 529.28 FEET; THENCE S62°51'14"E, FOR 198.74 FEET; THENCE S45°03'52"E, FOR 369.21 FEET; THENCE S49°59'02"W, FOR 58.15 FEET TO THE POINT OF BEGINNING.

PARCEL F

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE S00°05'56"W, FOR 403.20 FEET TO THE POINT OF BEGINNING; THENCE S52°40'31"W, FOR 63.14 FEET TO THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE NORTHEAST, OF WHICH THE RADIUS POINT LIES N49°24'16"E, A RADIAL DISTANCE OF 150.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°09'28", FOR 44.92 FEET; THENCE N89°44'05"E, FOR 73.94 FEET TO THE POINT OF BEGINNING.

PARCEL G

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE S00°05'56"W, FOR 259.07 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S00°05'56"W, ALONG SAID LINE, A DISTANCE OF 144.13 FEET; THENCE S89°44'05"W, FOR 73.94 FEET TO THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE CONCAVE SOUTHEAST OF WHICH THE RADIUS POINT LIES N66°31'29"E, A RADIAL DISTANCE OF 105.00 FEET;

See Continuation Sheet

(Legal Description - Continued)

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 101°18'45", FOR 185.66 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH EASEMENT FOR INGRESS, EGRESS, STORMWATER AND UTILITY PURPOSES RECORDED IN OFFICIAL RECORD BOOK 1868, PAGE 182, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

Together with:

Eagle Point Golf Course Parcel 3

That portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, described as follows:

Commence at a 4" X 4" concrete monument with disk stamped FLS 2405 found at the North ¼ corner of said Section 6; Thence along the North Line of said Section 6, North 89°30'14" West, 159.83 feet to the point of beginning of land being described; Thence South 00°05'56" West, 360.18 feet; thence South 89°54'04" East, 23.41 feet; thence South 00°05'56" West, 84.70 feet to the beginning of a tangential curve concave to the East having a radius of 200.00 feet and a delta angle of 43°36'11" whose chord bears South 21°42'10" East; thence along said curve in a counterclockwise direction, 152.20 feet to the beginning of a reverse curve concave to the west; having a radius of 115.00 feet and a delta angle of 116°45'20", whose chord bears South 14°52'25" West, thence along said curve in a clockwise direction, 234.34 feet; thence tangent to the last curve, South 73°15'05" West, 315.19 feet to the beginning of a tangential curve concave to the southeast, having a radius of 250.00 feet and a delta angle of 39°55'52" whose chord bears South 43°17'09" West; thence along said curve in a counterclockwise direction, 261.50 feet; thence tangent to the last curve, South 13°19'13" West, 147.31 feet; thence North 33°09'20" West, 223.84 feet; thence North 34°05'01" West, 32.12 feet; thence North 33°09'20" West, 208.47 feet; thence North 23°53'45" West, 277.58 feet; thence North 42°54'09" West, 88.52 feet; thence North 33°39'37" West, 266.98 feet; thence South 57°02'45" West, 217.85 feet; thence North 33°39'37" East, 107.27 feet; thence South 00°05'04" West, 45.21 feet; thence South 28°30'00" East, 221.62 feet; thence South 23°53'45" East, 331.58 feet; thence South 31°08'43" East, 335.09 feet; thence South 39°21'17" West, 21.69 feet; thence South 50°38'43" East, 166.83 feet; thence North 39°21'17" East, 299.40 feet; thence South 75°08'04" East, 84.09 feet; thence South 14°51'56" West, 29.33 feet; thence South 75°08'04" East, 243.77 feet; thence South 26°44'14" West, 74.82 feet; thence South 63°15'56" East, 299.78 feet; thence South 21°38'52" East, 220.40 feet; thence South 49°59'02" West, 864.72 feet to the easterly limited access right of way line for Interstate 75 (State Road No. 93, Section D1073-2404); thence along said limited access right of way line, North 29°49'35" West, 578.34 feet to an angle point in said right of way line (lying 162.00 feet right of the center line of survey at station 274+25.94 feet; thence continue along said right of way line, North 28°40'49" West, 2123.19 feet to the north line of said Section 6; thence along said north line of Section 6, South 89°30'14" East, 1712.80 feet to the point of beginning

Eagle Point Golf Course Parcel 4

That portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, described as follows:

See continuation sheet

Commence at a 4' X 4' concrete monument with disk stamped PRM PLS 2405 found at the NE corner of said Section 6; thence along the east line of said Section 6, South 00°16'27" West 383.13 feet to the westerly maintained right of way line of Kings Highway (State of Florida Department of Transportation Section 01501-2661) at Station 373+11.47, 36.36 feet left of the survey baseline; thence along said maintained right of way line, South 25°24'30" West, 311.47 feet to Station 370+00. 35.80 feet left of the survey baseline; thence continue along said right of way line, South 25°22'46" West, 500.00 feet to Station 365+00, 34.60 feet left of the survey baseline; thence continue along said right of way line, South 25°33'46" West, 320.86 feet for a point of beginning of land being described; thence continue along said right of way line, South 25°33'46" West, 179.14 feet to Station 360+00, 33.00 feet left of the survey baseline; thence continue along said right of way line, South 25°42'58" West, 194.86 feet to Station 358+05.14 feet, 35.68 feet left of said survey baseline, to the beginning of state of Florida Department of Transportation right of way (Section 01075-2404) for Interstate 75; thence along said right of way line, North 64°28'59" West 14.32 feet; thence continue along said right of way line, South 27°17'24" West 323.19 feet; thence continue along said right of way, North 64°28'59" West, 10.00 feet to a point on a curve concave to the northwest, having a radius of 1839.86 feet and a delta angle of 08°27'48", whose chord bears South 29°44'53" West; thence along said curve and right of way in a clockwise direction 271.77 feet; thence radial to the last curve, North 56°01'11" West, 10.00 feet to a point on a curve concave to the northwest, having a radius of 1829.86 feet and a delta angle of 08°56'32" whose chord bears South 38°27'05" West; thence along said curve and right of way in a clockwise direction, 285.59 feet; thence radial to the last curve, North 47°04'39" West, 15.00 feet; thence continue along said right of way line, South 42°55'21" West, 43.60 feet to the southerly line of a 170 feet wide Florida Power and Light Company easement recorded in Official Records Book 350, Page 128 and 129, of the Public Records of Charlotte County, Florida; thence along said southerly line, North 45°03'42" West 1603.85 feet; thence South 49°59'02" West 33.05 feet; thence North 45°05'40" West, 83.09 feet to the beginning of a tangential curve concave to the southwest, having a radius of 152.00 feet and a delta angle of 15°55'23", whose chord bears North 53°03'21" West; thence along said curve in a counterclockwise direction 42.24 feet; thence radial to the last curve, North 28°58'57" East, 29.33 feet to a point on a curve concave to the southwest, having a radius of 181.33 feet and a delta angle of 10°35'27", whose chord bears North 66°28'46" West; thence along said curve in a counterclockwise direction, 34.57 feet; thence tangent to the last curve, North 11°56'30" West, 123.77 feet; thence North 26°44'04" East 81.30 feet; thence North 62°31'14" West, 283.19 feet; thence North 75°08'04" West, 487.05 feet; thence North 13°19'13" East, 166.77 feet to the beginning of a tangential curve concave to the southeast, having a radius of 200.00 feet and a delta angle of 39°55'52", whose chord bears North 43°17'09" East; thence along said curve in a clockwise direction, 209.20 feet; thence tangent to the last curve, North 73°15'03" East, 315.19 feet to the beginning of a tangential curve concave to the north, having a radius of 165.00 feet and a delta angle of 34°49'09", whose chord bears North 53°10'31" East; thence along said curve in a counterclockwise direction, 109.27 feet; thence leaving said curve on a non-radial line, South 73°39'28" East, 317.32 feet; thence South 81°22'01" East, 247.79 feet; thence South 37°19'59" East, 40.12 feet; thence South 88°43'11" East, 785.01 feet; thence South 70°36'59" East 217.57 feet; thence South 19°23'01" West, 12.17 feet; thence South 70°36'59" East 86.00 feet; thence North 19°23'01" East, 12.17 feet; thence South 70°36'59" East, 234.33 feet; thence North 19°23'01" East 74.87 feet; thence South 42°09'32" East 55.40 feet; thence North 49°07'28" East, 24.33 feet to the beginning of a tangential curve concave to the south, having a radius of 5.00 feet and a delta angle of 90°00'00" whose chord bears South 85°32'32" East; thence along said curve in a clockwise direction 7.85 feet; thence tangent to the last curve, South 40°52'32" East, 93.93 feet to the beginning of a tangential curve concave to the north, having a radius of 140.00 feet and a delta angle of 29°40'56" whose chord bears South 53°43'00" East; thence along said curve in a counterclockwise direction, 72.53 feet; thence tangent to the last curve, South 70°33'28" East, 40.98 feet to the beginning of a tangential curve concave to the southwest, having a radius of 35.00 feet and a delta angle of 90°00'00" whose chord bears South 25°33'28" East; thence along said curve in a clockwise direction, 54.98 feet; thence tangent to the last curve, South 19°26'32" West, 26.67 feet; thence North 86°03'28" West, 343.88 feet; thence North 56°03'28" West, 71.24 feet; thence South 33°56'22" West, 92.50 feet; thence South 56°03'18" East, 95.00 feet; thence South 03°56'32" West, 50.00 feet; thence South 56°03'28" East 60.32 feet; thence South 03°56'32" West, 19.85 feet; thence South 86°03'28" East, 250.92 feet to the beginning of a tangential curve concave to the southwest, having a radius of 16.00 feet and a delta angle of 105°30'00" whose chord bears South 33°18'28" East; thence along said curve in a clockwise direction, 18.41 feet; thence tangent to the last curve, South 19°26'32" West, 41.80 feet to the beginning of a tangential curve concave to the east, having a radius of 365.51 feet and a delta angle of 14°37'16" whose chord bears South 12°08'12" West; thence along said curve in a counterclockwise direction 93.27 feet; thence tangent to the last curve, South 04°49'34" West, 22.62 feet to the beginning of a tangential curve concave to the west, having a radius of 98.00 feet and a delta angle of 37°06'22" whose chord bears South 23°22'45" West; thence along said curve in a clockwise direction 63.47 feet; thence tangent to the last curve, South 41°55'56"

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West, 113.61 feet to the beginning of a tangential curve concave to the north, having a radius of 92.00 feet and a delta angle of 50°09'35", whose chord bears South 67°00'44" West; thence along said curve in a clockwise direction, 80.54 feet; thence tangent to the last curve, North 87°54'29" West, 56.79 feet; thence North 02°05'31" East, 54.41 feet; thence North 53°46'46" West, 610.89 feet; thence South 72°59'18" West, 481.43 feet; thence South 17°00'42" East, 163.90 feet; thence South 31°43'39" East 98.41 feet; thence North 58°16'21" East, 41.33 feet; thence South 31°43'39" East, 84.83 feet; thence North 58°16'21" East 249.97 feet; thence North 31°43'39" West, 84.83 feet; thence North 58°16'21" East, 55.36 feet to the beginning of a tangential curve concave to the south, having a radius of 65.00 feet and a delta angle of 67°56'53", whose chord bears South 87°45'12" East; thence along said curve in a clockwise direction, 77.08 feet; thence tangent to the last curve, South 53°46'46" East, 94.99 feet; thence South 56°13'14" West, 84.83 feet; thence South 53°46'46" East, 399.85 feet; thence South 11°19'43" West, 115.59 feet; thence South 78°40'17" East, 156.83 feet; thence North 11°19'43" East, 270.47 feet; thence South 87°54'29" East, 7.31 feet to the beginning of a tangential curve concave to the north, having a radius of 116.00 feet and a delta angle of 50°09'35", whose chord bears North 67°00'44" East; thence along said curve in a counterclockwise direction, 101.55 feet; thence tangent to the last curve, North 41°55'56" East, 113.61 feet to the beginning of a tangential curve concave to the south, having a radius of 75.00 feet and a delta angle of 73°29'42", whose chord bears North 78°40'47" East; thence along said curve in a clockwise direction, 96.20 feet; thence tangent to the last curve, South 64°34'22" East, 120.89 feet to the point of beginning.

Eagle Point Golf Course Parcel 5

That portion of Section 6, Township 40 South Range 23 East, Charlotte County, Florida, described as follows:

Commence at a 4"X4" concrete monument with disk stamped PRM PLS 2405 found at the NE corner of said section 6; thence along the east line of said Section 6, South 00°16'27" West, 328.00 feet to a point on the south line of "The Links" a subdivision recorded in Plat Book 15, Page 18, of the Public Records of Charlotte County, Florida, for a point of beginning of land being described; thence continue along said section line, South 00°16'27" West, 263.13 feet to the westerly maintained right of way line of Kings Highway (State of Florida, Department of Transportation Section 01501-2601) at Station 373+11.47, 35.36 feet left of the survey baseline; thence along said maintained right of way line, South 25°24'50" West, 311.47 feet to Station 370+00, 35.80 feet left of the survey baseline; thence continue along said right of way, South 25°22'46" West, 500.00 feet to Station 365+00, 34.60 feet left of the survey baseline; thence continue along said right of way line, South 25°33'46" West, 262.86 feet; thence leaving said right of way, North 64°34'22" West, 144.09 feet to the beginning of a tangential curve concave to the northeast, having a radius of 80.00 feet and a delta angle of 84°00'54", whose chord bears North 22°33'55" West; thence along said curve in a clockwise direction, 117.31 feet; thence tangent to the last curve, North 19°26'32" East, 504.45 feet to the beginning of a tangential curve concave to the east, having a radius of 168.00 feet and a delta angle of 20°50'57", whose chord bears North 29°52'01" East; thence along said curve in a clockwise direction, 61.13 feet; thence tangent to the last curve, North 40°17'29" East, 240.00 feet; thence North 20°00'00" East, 75.00 feet; thence North 08°33'28" West, 77.70 feet; thence South 81°26'32" West, 266.99 feet; thence North 45°33'28" West, 42.69 feet; thence South 44°26'32" West, 90.00 feet; thence South 45°33'28" East, 40.00 feet; thence South 44°26'32" West, 76.83 feet; thence South 45°33'28" East, 253.07 feet to a point on a curve concave to the southeast, having a radius of 192.00 feet and a delta angle of 13°39'58", whose chord bears South 26°16'31" West; thence along said curve in a counterclockwise direction, 45.80 feet; thence tangent to the last curve, South 19°26'32" West, 129.59 feet to the beginning of a tangential curve concave to the north, having a radius of 35.00 feet and a delta angle of 90°00'00", whose chord bears South 64°26'32" West; thence along said curve in a clockwise direction, 54.98 feet; thence tangent to the last curve, North 70°33'28" West, 40.08 feet to the beginning of a tangential curve concave to the north, having a radius of 116.00 feet and a delta angle of 29°40'56", whose chord bears North 55°43'00" West; thence along said curve in a clockwise direction, 60.09 feet; thence tangent to the last curve, North 40°52'32" West, 140.42 feet to the beginning of a tangential curve concave to the southwest, having a radius of 171.50 feet and a delta angle of 29°44'27", whose chord bears North 55°44'46" West; thence along said curve in a counterclockwise direction, 89.02 feet; thence tangent to the last curve, North 70°36'59" West, 420.17 feet; thence North 01°16'49" East, 136.93 feet; thence North 88°43'11" West, 786.67 feet; thence North 76°46'06" West, 521.00 feet; thence South 89°44'05" West, 179.92 feet to a point on a curve concave to the northwest, having a radius of 165.00 feet and a delta angle of 05°55'43", whose center bears North 40°32'24" West; thence along said curve in a counterclockwise direction, 17.07 feet to the beginning of a reverse curve concave to the northeast, having a radius of 150.00 feet and a delta angle of 20°09'12", whose chord bears North 33°29'39" West; thence along said curve in a clockwise direction, 52.76 feet to the

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beginning of a compound curve concave to the east having a radius of 105.00 feet and a delta angle of $101^{\circ}11'19''$, whose chord bears North $27^{\circ}14'36''$ East; thence along said curve in a clockwise direction, 185.44 feet to the west line of Lot 26, "The Links" a subdivision recorded in Plat Book 15, Page 18, of the Public Records of Charlotte County, Florida; thence along said west line South $00^{\circ}05'56''$ West 60.94 feet to a $3/8$ " iron rod with 2" aluminum cap stamped "Eagle Point Golf Course Boundary Marker PLS 4521" found at the SW corner of said Lot 26; thence along the south line of said "The Links", being a line 320.00 feet south of and parallel with the north line of the Northeast $1/4$ of said Section 6, South $89^{\circ}30'55''$ East 2660.73 feet to the point of beginning

All of the above described parcels are also together with the following:

Together with ingress and egress easements recorded in Official Records Book 972, Page 1908, and Official Records Book 1028, Page 205, of the Public Records of Charlotte County, Florida

Also together with the following described easement:

A relocatable ingress-egress easement being a strip of land 30.00 feet wide over that portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, and lying 25.00 feet on each side of the following described centerline:

Commence at the North $1/4$ corner of said Section 6; thence along the north line of said Section 6, North $89^{\circ}30'14''$ West 25.00 feet to the point of beginning of centerline being described; thence South $00^{\circ}05'56''$ West, 240.76 feet to a point of cusp with a curve concave to the southeast, having a radius of 130.00 feet and a delta angle of $92^{\circ}06'58''$, whose chord bears South $22^{\circ}42'26''$ West; thence along said curve in a counterclockwise direction, 209.00 feet to the beginning of a compound curve concave to the east, having a radius of 175.00 feet and a delta angle of $20^{\circ}09'12''$, whose chord bears South $33^{\circ}25'39''$ East; thence along said curve in a counterclockwise direction, 61.56 feet to the beginning of a reverse curve concave to the west, having a radius of 140.00 feet and a delta angle of $116^{\circ}45'20''$, whose chord bears South $14^{\circ}32'25''$ West; thence along said curve in a clockwise direction, 285.29 feet; thence tangent to the last curve, South $73^{\circ}15'05''$ West 315.19 feet to the beginning of a tangential curve concave to the south, having a radius of 225.00 feet and a delta angle of $59^{\circ}55'52''$, whose chord bears South $43^{\circ}17'49''$ West; thence along said curve in a counterclockwise direction 235.35 feet; thence tangent to the last curve, South $13^{\circ}19'13''$ West, 268.09 feet; thence South $39^{\circ}21'17''$ West 276.34 feet to the point of termination of said centerline

The sidelines of said easement are to be extended or shortened to their respective intersections

Also together with the following described easement:

A relocatable ingress-egress easement being a strip of land 24.00 feet wide over that portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, and lying 12.00 feet on each side of the following described centerline:

Commence at the North $1/4$ corner of said Section 6; thence along the north line of said Section 6 North $89^{\circ}30'14''$ West, 25.00 feet; thence South $00^{\circ}05'56''$ West, 240.76 feet to a point of cusp with a curve concave to the southeast, having a radius of 130.00 feet and a delta angle of $92^{\circ}06'58''$, whose chord bears South $22^{\circ}42'26''$ West; thence along said curve in a counterclockwise direction, 209.00 feet to the beginning of a compound curve concave to the east, having a radius of 175.00 feet and a delta angle of $20^{\circ}09'12''$, whose chord bears South $33^{\circ}25'39''$ East; thence along said curve in a counterclockwise direction 61.56 feet to the beginning of a reverse curve concave to the west, having a radius of 140.00 feet and a delta angle of $43^{\circ}55'57''$ whose chord bears South $21^{\circ}52'17''$ East; thence along said curve in a clockwise direction, 107.35 feet to the point of beginning of centerline being described; thence radial to the last curve, South $89^{\circ}34'18''$ East, 13.59 feet to the beginning of a tangential curve concave to the south, having a radius of 500.00 feet and a delta angle of $12^{\circ}08'01''$ whose chord bears South $83^{\circ}34'18''$ East; thence along said curve in a clockwise direction, 105.89 feet; thence tangent to the last curve, South $77^{\circ}26'17''$ East, 488.75 feet to the beginning of a tangential curve concave to the south, having a radius of 500.00 feet and a delta angle of $104^{\circ}33'04''$, whose chord bears South $75^{\circ}09'45''$ East; thence along said curve in clockwise direction 39.72 feet to the beginning of a reverse curve concave to the north, having a radius of 240.00 feet and a delta angle of $67^{\circ}01'54''$ whose chord bears South $76^{\circ}24'10''$ East; thence along

said curve in a counterclockwise direction, 29.45 feet to the western-most end of an existing ingress-egress easement recorded in Official Records Book 1028, Page 205 of the Public Records of Charlotte County, Florida for a point of termination of said centerline.

The sidelines of said easement are to be extended or shortened to their respective intersection.

LESS AND EXCEPT:

DeSoto County Portion

Lot 25, Block 2, First Rapids in Pembroke subdivision recorded in Plat Book 9, Page 80, of the Public Records of DeSoto County, Florida.

LESS AND EXCEPT:

Charlotte County Portion

A tract of land lying in a portion of Parcel 4 of Eagle Point Golf Course as recorded in Official Records Book 1482, Page 1999 of the Public Records of Charlotte County, Florida, said parcel being in Section 6 Township 40 South Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the North $\frac{1}{4}$ corner of said Section 6, Township 40 South, Range 23 East, being a 4" concrete monument with aluminum disk "PRM FLS 2405", as described in Department of Natural Resources (DNR) document 0048018; thence South $03^{\circ}17'46''$ West, along the easterly line of the West half of Section 6, a distance of 672.80 feet to a point on the northerly line of Eagle Point Golf Course Parcel 4, said point also being the point of beginning.

The following four (4) calls are along said northerly line of Parcel 4; thence South $73^{\circ}39'28''$ East, a distance of 283.19 feet; thence South $81^{\circ}22'01''$ East, a distance of 247.79 feet; thence South $34^{\circ}19'39''$ East, a distance of 40.12 feet; thence South $88^{\circ}43'11''$ East, a distance of 770.01 feet to the southwest corner of Newport II Condominiums, as recorded in Condominium Plat Book _____, Page _____ of the Public Records of Charlotte County, Florida; thence South $6^{\circ}31'34''$ West, a distance of 83.11 feet (The following fourteen (14) calls are along the northerly top of bank of a lake); thence North $32^{\circ}54'21''$ West, a distance of 260.21 feet to a point of curvature to the left of having a central angle of $54^{\circ}25'10''$, and a radius of 83.20 feet; thence along said curve in a southwesterly direction, an arc distance of 76.67 feet to a point of reverse curvature of a curve to the right, having a central angle of $9^{\circ}10'54''$, and a radius of 977.54 feet; thence along said curve in a southwesterly direction, an arc distance of 158.65 feet to a point of compound curvature of a curve to the right, having a central angle of $25^{\circ}59'44''$, and a radius of 119.50 feet; thence along said arc in an easterly direction, an arc distance of 54.22 feet to a point of compound curvature of a curve to the right, having a central angle of $80^{\circ}12'57''$, and a radius of 99.85 feet; thence along said curve in a northwesterly direction, an arc distance of 139.50 feet to a point of reverse curvature of a curve to the left, having a central angle of $3^{\circ}57'12''$, and a radius of 656.81 feet; thence along said curve in a northerly direction, an arc distance of 68.25 feet to a point of compound curvature of a curve to the left, having a central angle of $53^{\circ}34'31''$, and a radius of 74.83 feet; thence along said curve in a northwesterly direction, an arc distance of 72.58 feet to a point of compound curvature of a curve to the left, having a central angle of $29^{\circ}25'44''$, and a radius of 208.48 feet; thence along said curve in a westerly direction, an arc distance of 107.59 feet to the point of tangency of said curve; thence South $70^{\circ}05'37''$ West, a distance of 112.97 feet to a point of curvature of a curve to the right, having a central angle of $139^{\circ}31'37''$, and a radius of 57.55 feet; thence along said curve in a northwesterly direction, an arc distance of 140.14 feet to the point of tangency of said curve; thence North $29^{\circ}41'15''$ East, a distance of 28.64 feet to a point of curvature of a curve to the left, having a central angle of $107^{\circ}27'23''$, and a radius of 17.94 feet; thence along said curve in a northwesterly direction, an arc distance of 33.64 feet to the point of tangency of said curve; thence North $77^{\circ}49'08''$ West, a distance of 112.45 feet to a point of curvature of a curve to the left, having a central angle of $74^{\circ}23'57''$, and a radius of 89.79 feet; thence along said curve in a southwesterly direction, an arc distance of 115.83 feet to the point of tangency of said curve; thence South $27^{\circ}37'55''$ West, a distance of 73.75 feet to a point on the northerly line of a 180.00 feet wide Florida Power and

Light Company Easement as recorded in Official Records Book 6, Page 104, of the Public Records of Charlotte County, Florida; thence North 45°03'52" West, along said Florida Power And Light Company Easement a distance of 231.33 feet to a point on the easterly limits of future development Parcel 2, said point being on a curve to the left of which the radius lies North 32°49'48" West, a radial distance of 165.00 feet; thence along said curve in a northeasterly direction, passing through a central angle of 18°44'16", an arc distance of 53.95 feet to the end of said curve; thence South 73°39'28" East, a distance of 14.13 feet to the point of beginning.

Subject to other restriction, easements and/or rights of way of record, if any

LESS AND EXCEPT

A tract or parcel of land lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Beginning at the North quarter corner of said Section 6 (said quarter corner of Section 6 being a concrete monument as described in Department of Natural Resources (D.N.R.) Document number 0048018; thence South 09°09'56" West, along the westerly line of "The Links" subdivision, Plat Book 15, Pages 18 through 18A, of the Public Records of Charlotte County, Florida, a distance of 239.07 feet to a point on a curve to the left, which the radius lies South 12°09'34" East, a radial distance of 105.00 feet; thence along said curve in a southerly direction, passing through a central angle of 101°11'28", an arc distance of 185.44 feet to the point of compound curvature of a curve to the left having a radius of 150.00 feet and a central angle of 20°09'12"; thence along said curve in a southeasterly direction, an arc distance of 52.76 feet to the point of reverse curvature of a curve to the right having a radius of 165.00 feet and a central angle of 116°45'20"; thence along said curve in a southerly direction an arc distance of 336.23 feet to the point of tangency of said curve; thence South 73°15'05" West, a distance of 315.19 feet to a point of curvature of a curve to the left, having a radius of 200.00 feet and central angle of 59°55'52"; thence along said curve in a southwesterly direction, an arc distance of 209.29 feet to the point of tangency of said curve; thence North 76°40'47" West, a distance of 50.00 feet to the point of beginning

From said point of beginning thence South 13°19'13" West, a distance of 147.31 feet; thence North 33°09'20" West, a distance of 221.84 feet; thence North 59°53'48" East, a distance of 56.63 feet; thence South 55°59'09" East a distance of 129.53 feet to the point of beginning

LESS AND EXCEPT:

Description #1:

The easement rights granted to Pri-Car, a Florida general partnership, by Charlotte Golf Management Limited Partnership, a Michigan limited partnership, pursuant to an easement recorded in Official Records Book 1822, Page 2053, of the Public Records of Charlotte County, Florida, over the property described as follows:

A 10 foot wide utility easement lying in Section 6 Township 40 South Range 23 East, Charlotte County, Florida, and lying 5.00 feet each side of the following describe centerline:

Commence at the Northwest corner of said Section 6; thence run South 89°30'14" East, along the North line of Section 6, a distance of 306.98 feet, to a point lying 15.00 feet northeasterly of the northeasterly right-of-way of Interstate 75 (SR 93), as measured at right angles from said right-of-way, said point also being the point of beginning and lying on the centerline of said 10.00 foot utility easement. From said point of beginning run South 28°40'49" East, 15.00 feet northeasterly of and parallel to said northeasterly right-of-way, 1444.33 feet to the northerly side of a sign easement and the terminus of said centerline of easement

The sidelines of said easement are to be extended or shortened to their respective intersections

Description #2:

An easement lying in Section 6, Township 40S, Range 23E, Charlotte County, Florida, described as follows:

Commence at the North ¼ corner of said Section 6; thence along the North line of said Section 6, North 89°30'14" West, 25.00 feet; thence South 00°05'56" West, 240.76 feet to a point of cusp with a curve concave to the southeast, having a radius of 130.00 feet and a delta angle of 92°06'58", whose chord bears South 22°42'26" West, thence along said curve in a counterclockwise direction, 209.00 feet to the beginning of a compound curve concave to the east, having a radius of 175.00 feet and a delta angle of 20°09'12", whose chord bears South 33°25'39" East; thence along said curve in a counterclockwise direction 61.56 feet to the beginning of a reverse curve concave to the west, having a radius of 140.00 feet and a delta angle of 116°45'20", whose chord bears South 14°52'25" West; thence along said curve in a clockwise direction, 285.29 feet; thence tangent to the last curve, South 73°15'05" West, 315.19 feet to the beginning of a tangential curve concave to the south, having a radius of 225.00 feet and a delta angle of 59°55'52", whose chord bears South 43°17'09" West, thence along said curve in a counterclockwise direction 235.35 feet; thence tangent to the last curve, South 13°19'13" West, 268.09 feet; thence South 39°21'17" West, 276.54 feet; run thence North 89°13'39" West, 254.20 feet to a point lying 12.50 feet northeast of the northeasterly right-of-way of Interstate 75 (SR93) as measured at right angles from said right-of-way; thence run North 28°40'49" West, parallel to and 12.50 feet northeasterly of aforementioned northeasterly right-of-way of Interstate 75, a distance of 141.21 feet to the point of beginning of an easement described as follows:

From said point of beginning run North 52°17'03" East, 36.33 feet to the point of curvature of a curve concave to the southwest and having a radius of 21.50 feet a central angle of 166°59'55" and a chord bearing of North 31°12'54" West; thence run northerly and westerly along the arc of said curve 62.67 feet to the point of tangency thereof; thence run South 65°17'08" West 46.60 feet to a point on aforementioned northeasterly right-of-way of Interstate 75; thence run South 28°40'49" East along said right-of-way, 53.68 feet; thence departing said right-of-way run North 52°17'03" East, 12.56 feet to the point of beginning.

Description #3:

An ingress-egress easement lying in Section 6, Township 40S, Range 23E, Charlotte County, Florida, Charlotte County, Florida, described as follows:

Commence at the North ¼ corner of said Section 6; thence along the North line of said Section 6, North 89°30'14" West, 25.00 feet; thence South 00°05'56" West, 240.76 feet to a point of cusp with a curve concave to the southeast, having a radius of 130.00 feet and a delta angle of 92°06'58", whose chord bears South 22°42'26" West, thence along said curve in a counterclockwise direction, 209.00 feet to the beginning of a compound curve concave to the east, having a radius of 175.00 feet and a delta angle of 20°09'12", whose chord bears South 33°25'39" East; thence along said curve in a counterclockwise direction 61.56 feet to the beginning of a reverse curve concave to the west, having a radius of 140.00 feet and a delta angle of 116°45'20", whose chord bears South 14°52'25" West; thence along said curve in a clockwise direction, 285.29 feet; thence tangent to the last curve, South 73°15'05" West, 315.19 feet to the beginning of a tangential curve concave to the south, having a radius of 225.00 feet and a delta angle of 59°55'52", whose chord bears South 43°17'09" West; thence along said curve in a counterclockwise direction 235.35 feet; thence tangent to the last curve, South 13°19'13" West, 268.09 feet; thence South 39°21'17" West, 276.54 feet to the point of beginning of a 25.00 foot ingress-egress easement and lying 12.50 feet on each side of the following described centerline:

From said point of beginning, run thence North 89°13'39" West, 254.20 feet to a point lying 12.50 feet northeast of the northeasterly right-of-way of Interstate 75 (SR93) as measured at right angles from said right-of-way; thence run North 28°40'49" West, parallel to and 12.50 feet northeasterly of aforementioned northeasterly right-of-way of Interstate 75, a distance of 141.21 feet to the terminus of said centerline.

The sidelines of said easement are to be extended or shortened to their respective intersections.

Also including the right of ingress and egress to Kings Highway over the easements described in Official Records Book 1482, Page 2011 and in Official Records Book 1028, Page 205, of the Public Records of Charlotte County, Florida, for the owner of the easement recorded in Official Records Book 1822, Page 2053.

LESS AND EXCEPT:

A tract or parcel lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 6; thence run South $00^{\circ}16'27''$ West along the East line of said Section 6 for 1555.01 feet; thence run North $89^{\circ}43'33''$ West for 437.96 feet to the westerly right-of-way line of Kings Highway; thence run South $25^{\circ}27'33''$ West, along said right-of-way for 38.00 feet to the point of beginning; thence run South $25^{\circ}33'48''$ West for 179.14 feet; thence run South $25^{\circ}42'58''$ West for 194.86 feet; thence run North $64^{\circ}28'59''$ West for 14.32 feet; thence run South $27^{\circ}17'24''$ West for 323.19 feet; thence run North $64^{\circ}28'59''$ West for 10.00 feet to a point on a curve; thence run southeasterly along the arc of a curve to the right of radius 1839.86 feet (delta $8^{\circ}27'48''$) (chord bearing South $29^{\circ}44'55''$ West) (chord 271.52 feet) for 271.77 feet; thence run North $56^{\circ}01'11''$ West for 10.00 feet to a point on a curve; thence run southeasterly along the arc of a curve to the right of radius 1829.86 feet (delta $8^{\circ}56'32''$) (chord bearing South $38^{\circ}27'05''$ West) (chord 285.30 feet) for 285.59 feet; thence run North $47^{\circ}04'39''$ West for 15.00 feet; thence run South $42^{\circ}55'21''$ West for 43.60 feet; thence run North $45^{\circ}03'52''$ West leaving said westerly right-of-way line for 523.73 feet; thence run North $44^{\circ}55'09''$ East for 720.24 feet; thence run North $11^{\circ}19'43''$ East for 73.23 feet; thence run South $78^{\circ}40'17''$ East for 47.00 feet to a point on a curve; thence run northeasterly along the arc of a curve to the right of radius 72.95 feet (delta $80^{\circ}24'38''$) (chord bearing North $91^{\circ}44'05''$ East) (chord 94.18 feet) for 102.38 feet to the point of tangency; thence run South $87^{\circ}34'31''$ East for 56.73 feet to the point of curvature; thence run northeasterly along the arc of a curve to the left of radius 116.00 feet (delta $50^{\circ}09'33''$) (chord bearing North $67^{\circ}00'43''$ East) (chord 98.34 feet) for 101.55 feet to the point of tangency; thence run North $41^{\circ}59'56''$ East for 113.61 feet to the point of curvature; thence run northeasterly along the arc of a curve to the right of radius 75.00 feet (delta $73^{\circ}29'42''$) (chord bearing South $78^{\circ}40'47''$ West) (chord 89.74 feet) for 96.20 feet to the point of tangency; thence run South $64^{\circ}34'22''$ East for 120.89 feet to the point of beginning.

LESS AND EXCEPT:

A portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 6; thence run South $00^{\circ}16'27''$ West along the East line of said Section 6 for 583.12 feet to the westerly right-of-way line of Kings Highway; thence run southwestwardly along said right-of-way the following three courses, South $25^{\circ}24'50''$ West for 311.47 feet; thence run South $25^{\circ}22'46''$ West for 500.00 feet; thence run South $25^{\circ}33'46''$ West for 274.86 feet; thence run North $64^{\circ}34'22''$ West leaving said right-of-way for 144.06 feet to a point of curvature; thence run northwesterly along the arc of a curve to the right of radius 92.00 feet (delta $84^{\circ}00'54''$) (chord bearing North $22^{\circ}33'55''$ West) (chord 123.14 feet) for 134.90 feet to the point of tangency; thence run North $19^{\circ}26'39''$ East for 339.86 feet; thence run North $70^{\circ}33'28''$ West for 87.08 feet to a point of curvature; thence run northwesterly along the arc of a curve to the right of radius 116.00 feet (delta $29^{\circ}40'56''$) (chord bearing North $55^{\circ}43'00''$ West) (chord 59.42 feet) for 60.09 feet to the point of tangency; thence run North $46^{\circ}52'32''$ West for 140.40 feet to a point of curvature; thence run northwesterly along the arc of a curve to the left of radius 171.51 feet (delta $29^{\circ}44'27''$) (chord bearing North $55^{\circ}44'45''$ West) (chord 88.03 feet) for 89.03 feet to the point of tangency; thence run North $70^{\circ}36'59''$ West for 420.19 feet to the point of beginning; thence run North $01^{\circ}16'49''$ East for 196.93 feet; thence run North $88^{\circ}43'11''$ West for 780.39 feet; thence run North $76^{\circ}46'06''$ West for 508.87 feet; thence run South $89^{\circ}44'05''$ West for 239.43 feet to a point on a curve; thence run southeasterly along the arc of a curve to the left of radius 150.00 feet (delta $20^{\circ}09'12''$) (chord bearing South $33^{\circ}25'39''$ East) (chord 52.49 feet) for 52.76 feet to the point of reverse curvature; thence run southeasterly southerly and southwesterly along the arc of a curve to the right of radius 163.00 feet (delta $43^{\circ}58'53''$) (chord bearing South $21^{\circ}30'48''$ West) (chord 123.57 feet) for 126.86 feet to a point on a curve; thence run southeasterly along the arc of a curve to the right of radius 500.00 feet (delta $10^{\circ}49'37''$) (chord bearing South $82^{\circ}51'06''$ East) (chord

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94.34 feet) for 94.48 feet to the point of tangency; thence run South 77°26'17" East for 582.83 feet; thence run South 88°43'11" East for 620.86 feet to the point of curvature; thence run southeasterly along the arc of a curve to the right of radius 350.00 feet (delta 18°06'12")(chord bearing South 79°40'05" East)(chord 110.13 feet) for 110.59 feet to the point of tangency; thence run South 70°36'59" East for 42.94 feet; thence run North 15°34'10" East for 16.32 feet to the point of beginning

Less and Except:

Land described in Official records book 1742, Page 882, of the Public Records of Charlotte County, Florida

Subject to:

A 24 feet wide ingress/egress easement as described in Official Records Book 1482 Page 2811 of the Public Records of Charlotte County, Florida:

Subject to:

A 28 feet wide ingress/egress easement as described in Official Records Book 1028, Page 205, of the Public Records of Charlotte County, Florida

LESS AND EXCEPT:

A portion of Section 6, Township 40 South Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 6; thence run South 00°16'27" West along the East line of said Section 6 for 583.12 feet to the westerly right-of-way line of Kings Highway; thence run southwesterly along said right-of-way the following three courses, South 25°24'50" West for 311.47 feet; thence run South 25°22'45" West for 500.00 feet; thence run South 25°33'45" West for 274.85 feet; thence run North 54°34'22" West leaving said right-of-way for 144.06 feet to a point of curvature; thence run northwesterly along the arc of a curve to the right of radius 92.00 feet (delta 64°00'34")(chord bearing North 22°33'55" West)(chord 123.14 feet) for 134.90 feet to the point of tangency; thence run North 18°26'32" East for 339.36 feet; thence run North 70°33'28" West for 87.08 feet to a point of curvature; thence run northwesterly along the arc of a curve to the right of radius 116.00 feet (delta 29°40'56")(chord bearing North 55°43'00" West)(chord 59.42 feet) for 66.09 feet to the point of tangency; thence run North 40°52'32" West for 140.40 feet to a point of curvature; thence run northwesterly along the arc of a curve to the left of radius 171.51 feet (delta 29°44'27")(chord bearing North 55°44'45" West)(chord 88.03 feet) for 89.03 feet to the point of tangency; thence run North 70°36'59" West for 420.19 feet; thence run South 15°34'10" West for 16.32 feet to the point of beginning; thence run North 70°36'59" East for 42.94 feet to the point of curvature; thence run northwesterly along the arc of a curve to the left of radius 350.00 feet (delta 18°06'12")(chord bearing North 79°40'05" West)(chord 110.13 feet) for 110.59 feet to the point of tangency; thence run North 88°43'11" West for 620.86 feet; thence run North 77°26'17" West for 582.83 feet to the point of curvature of a curve to the left of radius 500 feet (delta 10°49'37")(chord bearing North 82°51'06" West)(chord 94.34 feet) for 94.48 feet to a point on a curve; thence run southwesterly along the arc of a curve to the right of radius 165.00 feet (delta 73°06'26")(chord bearing South 37°01'51" West)(chord 196.54 feet) for 196.54 feet to the point of tangency; thence run South 73°15'03" West for 17.97 feet; thence run South 45°03'52" East for 337.90 feet; thence run North 27°37'55" East for 155.29 feet to the point of curvature; thence run northeasterly along the arc of a curve to the right of radius 29.79 feet (delta 74°32'57")(chord bearing North 64°54'23" East)(chord 36.08 feet) for 38.76 feet to the point of tangency; thence run South 77°49'08" East for 58.51 feet to a point on a curve; thence run southwesterly and southeasterly along the arc a curve to the left of radius 120.00 feet (delta 126°11'48")(chord bearing South 46°47'29" East)(chord 214.03 feet) for 264.31 feet to the point of tangency; thence run North 70°06'37" East for 112.97 feet to the point of curvature; thence run northeasterly along the arc a curve to the right of radius 140.00 feet (delta 30°32'54")(chord bearing North 85°23'04" East)(chord 73.76 feet) for 74.64 feet to the point of compound curvature; then run southeasterly along the arc a curve to the right of radius 16.00 feet (delta 56°38'35")(chord bearing South 50°51'11" West)(chord 15.26 feet) for 15.91 feet to the point of tangency; thence run South 22°21'53" East for 65.58 feet to the point of curvature; thence run southeasterly, easterly and northeasterly along the arc a curve to the left of radius 160.00 feet (delta 106°22'21")(chord bearing South 75°33'04" East)(chord 256.19 feet) for 297.05 feet to the point of tangency; thence run North 51°15'45" East for 168.73 feet to the point of curvature; thence run northeasterly along the arc a curve to the

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right of radius 20.00 feet (delta $45^{\circ}49'54''$) (chord bearing North $74^{\circ}10'42''$ East) (chord 88.03 feet) for 16.00 feet to the point of tangency; thence run South $82^{\circ}54'21''$ East for 260.70 feet; thence run North $06^{\circ}37'54''$ East for 225.94 feet to a point on a curve; thence run southeasterly along the arc of a curve to the right of radius 312.01 feet (delta $12^{\circ}45'27''$) (chord bearing South $76^{\circ}59'43''$ East) (chord 69.33 feet) for 69.47 feet; thence run North $19^{\circ}23'01''$ East for 8.00 feet; thence run South $70^{\circ}36'59''$ East for 37.22 feet; thence run North $19^{\circ}23'01''$ East for 18.00 feet; thence run North $15^{\circ}34'10''$ East for 28.06 feet to the point of beginning.

Subject to:

A 24 feet wide ingress/egress easement as described in Official Records Book 1482, Page 2011, of the Public Records of Charlotte County, Florida.

Subject to:

A 28 feet wide ingress/egress easement as described in Official Records Book 1028, Page 205, of the Public Records of Charlotte County, Florida.

Attachment 3
2014 Florida Statutes
380.06 Developments of regional impact
(19) SUBSTANTIAL DEVIATIONS

(19) SUBSTANTIAL DEVIATIONS.

(a) Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the proposed change to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including changed market conditions. The procedures set forth in this subsection are for that purpose.

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 15 percent or 500 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 15 percent or 1,500 spectators, whichever is greater.
2. A new runway, a new terminal facility, a 25 percent lengthening of an existing runway, or a 25 percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.
3. An increase in land area for office development by 15 percent or an increase of gross floor area of office development by 15 percent or 100,000 gross square feet, whichever is greater.
4. An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.
5. An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.
6. An increase in commercial development by 60,000 square feet of gross floor area or of parking spaces provided for customers for 425 cars or a 10 percent increase, whichever is greater.
7. An increase in a recreational vehicle park area by 10 percent or 110 vehicle spaces, whichever is less.
8. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.
9. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.
10. A 15 percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.
11. Any change that would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (e)2.j.

The substantial deviation numerical standards in subparagraphs 3., 6., and 9., excluding residential uses, and in subparagraph 10., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Department of Economic Opportunity as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 3., 4., 5., 6., 9., and

10. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

⁵(c) An extension of the date of buildout of a development, or any phase thereof, by more than 7 years is presumed to create a substantial deviation subject to further development-of-regional-impact review.

1. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years is presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation.

2. In recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, buildout, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension. Associated mitigation requirements are extended for the same period unless, before December 1, 2011, a governmental entity notifies a developer that has commenced any construction within the phase for which the mitigation is required that the local government has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer. The 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension.

For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time.

(d) A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order which individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-10. and does not exceed any other criterion, or which involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice must include a description of previous individual changes made to the development, including changes previously approved by the local government, and must include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

- a. Changes in the name of the project, developer, owner, or monitoring official.
- b. Changes to a setback which do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.
- c. Changes to minimum lot sizes.
- d. Changes in the configuration of internal roads which do not affect external access points.
- e. Changes to the building design or orientation which stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.
- f. Changes to increase the acreage in the development, if no development is proposed on the acreage to be added.
- g. Changes to eliminate an approved land use, if there are no additional regional impacts.
- h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, if these changes do not create additional regional impacts.
- i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

- j. Changes that modify boundaries and configuration of areas described in subparagraph (b)11. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur before the time that a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.
- k. Changes that do not increase the number of external peak hour trips and do not reduce open space and conserved areas within the project except as otherwise permitted by sub-subparagraph j.
- l. Any other change that the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-k. and that does not create the likelihood of any additional regional impact.

This subsection does not require the filing of a notice of proposed change but requires an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., sub-subparagraph k., or sub-subparagraph l. and if the agency believes that the change creates a reasonable likelihood of new or additional regional impacts.

- 3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.
- 4. Any submittal of a proposed change to a previously approved development must include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.
- 5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.
 - a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.
 - b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c) and (d) and residential use.
- 6. If a local government agrees to a proposed change, a change in the transportation proportionate share calculation and mitigation plan in an adopted development order as a result of recalculation of the proportionate share contribution meeting the requirements of s. 163.3180(5)(h) in effect as of the date of such change shall be presumed not to create a substantial deviation. For purposes of this subsection, the proposed change in the proportionate share calculation or mitigation plan may not be considered an additional regional transportation impact.
- (f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.
 - 2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.
 - 3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 60 days after submittal of the proposed changes, unless that time is extended by the developer.
 - 4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer.

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and subparagraph (e)3. shall be applicable in determining whether further development-of-regional-impact review is required. The local government may also deny the proposed change based on matters relating to local issues, such as if the land on which the change is sought is plat restricted in a way that would be incompatible with the proposed change, and the local government does not wish to change the plat restriction as part of the proposed change.

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The requirement that a change be otherwise approved shall not be construed to require additional local review or approval if the change is allowed by applicable local ordinances without further local review or approval. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)1. or subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.

(g) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:

1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.

2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the entire development, is unacceptable, the local government shall deny the change.

3. If the local government determines that the proposed change should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change and require mitigation only for the individual and cumulative impacts of the proposed change.

4. Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not directly affected by the proposed change.

(h) When further development-of-regional-impact review is required because a substantial deviation has been determined or admitted by the developer, the amendment to the development order issued by the local government shall be consistent with the requirements of subsection (15) and shall be subject to the hearing and appeal provisions of s. 380.07. The state land planning agency or the appropriate regional planning agency need not participate at the local hearing in order to appeal a local government development order issued pursuant to this paragraph.

(i) An increase in the number of residential dwelling units shall not constitute a substantial deviation and shall not be subject to development-of-regional-impact review for additional impacts, provided that all the residential dwelling units are dedicated to affordable workforce housing and the total number of new residential units does not exceed 200 percent of the substantial deviation threshold. The affordable workforce housing shall be subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

Attachment 4 Development Agreement

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this _____ day of _____, 2014, by and between ATM II, LLC, a Florida Limited Liability Company ("Developer") and Charlotte County, a political subdivision of the State of Florida ("County").

RECITALS

WHEREAS, Developer is the contract purchaser of that property located in the Sandhill Development of Regional Impact ("Sandhill DRI") more particularly described in **Exhibit "A"** which is attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, Developer, with the authorization of all owners of the Property, has submitted to County a Notice of Proposed Change which would replace a 84.09 acre golf course with 43,000 square feet of commercial development, 458 assisted living and memory care beds, 430,000 square feet of industrial development and 26 multi-family dwelling units (the "Project"); and

WHEREAS, the Project is in the northeast quadrant of the intersection of Interstate 75 and Kings Highway; and

WHEREAS, the Development Order in re the Application of Sandhill Properties, Inc., for PD Zoning and Development Approval was adopted by the Charlotte County Board of County Commissioners ("Board") on February 17, 1981 and subsequently amended by the adoption of Resolutions #86-230 on September 9, 1986, #87-07 on January 20, 1987, #87-156 on July 21, 1987, #87-289 on December 15, 1987, by #88-56 on April 19, 1988, #88-57 on April 19, 1988, #88-235 on October 4, 1988, #88-262 on December 20, 1988, #89-42 on February 21, 1989, #89-90 on April 25, 1989, #89-234 on October 24, 1989, #89-330A on October 31, 1989, #90-258 on October 16, 1990, #91-99 on May 21, 1991, and #91-123 on June 18, 1991; and

WHEREAS, the Board approved a second substantial deviation amendment to the Sandhill DRI Development Order by Resolution 92-285 on December 15, 1992; and

WHEREAS, the substantial deviation Resolution 92-285 was amended by Resolution 93-59 on May 4, 1993; Resolution 97-0610A0 on July 15, 1997; Resolution 2002-064 on May 28, 2002; Resolution 2002-178 on November 12, 2002; Resolution 2003-028 on February 11, 2003; Resolution 2006-026 on February 21, 2006; Resolution 2006-027 on February 21, 2006, Resolution 2006-173 on September 19, 2006; Resolution 2006-212 on November 21, 2006; Resolution 2007-112 on August 14, 2007; Resolution 2007-161 on October 16, 2007; Resolution 2008-029 on March 18, 2008;

Resolution 2008-158 and Resolution 2009-237 (all references to the Development Order for the Sandhill DRI shall hereafter refer cumulatively to Resolution 86-230, as amended and Resolution 92-285, as amended and shall hereinafter be the "Sandhill DO"); and

WHEREAS, on December 16, 1986, the Board adopted Ordinance 86-68 creating a municipal service taxing unit to provide a funding mechanism for essential facilities and municipal services for the Sandhill DRI ("Sandhill MSTU"); and

WHEREAS, the Sandhill DRI has been found to be consistent with the Charlotte County Comprehensive Plan and the Charlotte County land development regulations; and

WHEREAS, County and Developer desire to enter into a Development Agreement setting forth the commitments by the Developer and the County as to transportation improvements necessary to ensure concurrency on all impacted regional roads and intersections as a result of the development of the Project.

NOW THEREFORE, for and in consideration of the premises and in reliance on the mutual promises, covenants, undertakings, recitals and other matters contained herein, the parties hereby covenant and agree as follows:

1. Land Subject to the Agreement

The land subject to this Agreement is more particularly described in **Exhibit "A"** attached hereto and incorporated herein by this reference.

2. Ownership

DA Port Charlotte Holdings, LLC, Etcetera, Etc Inc. and TA Kings Highway, LLC are the owners of the Project ("Owners"). Developer is authorized to act as agent for Owners.

3. Permitted Development Uses

Upon approval of the pending Notice of Proposed Change, the Sandhill DO will approve a total of 43,000 square feet of commercial development, 458 assisted living and memory care beds, 365,000 square feet of light industrial development and 650 multi-family dwelling units on the Property.

4. Public Facilities

The Project will receive water and sanitary sewer service from Charlotte County Utilities. Fire control, rescue services, solid waste removal and disposal will be

provided by Charlotte County or its assigns.

5. Reservation, Dedication or Conveyance of Land

No reservations, dedication, or conveyances of land within the project for traffic purposes are anticipated.

6. County Development Permits

The following is a list of the local development approvals that have been granted to date and those that may be required for the development of the Project:

1. Sandhill DO;
2. Preliminary Development Review Committee approval;
3. Final detail plan approval;
4. Preliminary and final plat approval;
5. Construction plan approval;
6. Drainage permit;
7. Right-of-way permit;
8. Building permit.

Consistency

The County finds that the proposed development entitlements for the Project are consistent with the Charlotte County Comprehensive Plan and with the Charlotte County land development regulations. No development approvals are granted by this finding of consistency.

7. Terms of the Agreement

a. General

1. The Developer's total proportionate share obligation for the Project is Six Hundred Seventy Three Thousand, Seven Hundred Four and 00/100 Dollars (\$673,704.00) (hereinafter "Proportionate Share"). The Proportionate Share is derived from anticipated traffic impacts based on the development parameters set forth in the Sandhill DO, as may be amended.
 - i. The term "proportionate share" shall have the same meaning as in Rule 9J-2.045(1)(h), Florida Administrative Code except that construction cost shall not include the cost of sidewalks, bike lanes, utility relocation, improvement relocations on other private lands (e.g., mail boxes, driveways and trees), landscaping and

other urban design elements.

ii. County agrees that Developer's compliance with this Agreement shall fulfill its Proportionate Share obligation and fully mitigate the transportation impact of the Project. Upon Developer's completion of its obligations under this Agreement, Developer shall be exempt from any transportation-related assessment or other mitigation for completion of the Project.

b. Developer shall design, permit and construct the improvements more specifically described in **Exhibit "B"** attached hereto and incorporated herein by this reference (collectively the "Improvements") except that Developer may alternatively pay its proportionate share contribution to signalize the Kings Highway & I-75 Southbound Ramps intersection.

The estimated cost for surveying, design, construction and construction administration of the Improvements is Eight Hundred Forty Three Thousand, Five Hundred Fifty Eight and 00/100 Dollars (\$843,558.00).

c. If necessary, Developer shall provide stormwater drainage and retention for the Improvements within the Project's stormwater facilities or within the Sandhill DRI stormwater basins.

d. The Developer shall submit design plans and a transportation impact analysis for Site Plan Review for approval of any portion of the Project.

e. The Developer will prepare, submit and process all necessary permits from local, state and federal agencies for the Improvements. If wetlands are impacted by the design for the Improvements, Developer shall obtain the necessary local, state and federal permits for such impacts. All permit fees, application fees, administration fees and other expenses will be documented to the County.

f. Developer may construct the Project in any number of phases. For each phase of the Project submitted for development approval, Developer shall provide a transportation impact analysis detailing the number of net new external trips that will be generated by the proposed phase. The following improvements or proportionate share payments will be required concurrent with development within the Project. External trip thresholds are cumulative, calculated by adding the net new external trips generated from prior development within on the Property with the net new external trips to be generated by the proposed development on the Property.

1,000 net new external trips or at the time a signal is warranted, whichever is later – Signalization of the site driveway intersection at Kings Highway, south of the existing St. James Place driveway.

1,400 net new external trips – Installation of a traffic signal at the I-75 southbound ramps intersection and signal optimizations at the signalized intersection at the I-75 northbound ramps intersection. Alternatively, Developer may pay its fifty nine percent (59%) proportionate share contribution for design and installation at the time that the signal is warranted.

1,500 net new external trips – Signal optimization of the Sandhill Boulevard & Kings Highway intersection.

Until proposed development within the Project cumulatively generates 1,000 or more net new external trips there shall be no requirement for completing transportation improvements and development within the Project which cumulatively generates less than 1,000 new external trips may receive certificates of occupancy. Once approval is received for development within the Project which will cumulatively generate 1,000 or more net new external trips, no certificate of occupancy for any development which will cumulatively generate 1,000 or more net new external trips shall be issued until the required transportation improvements are complete.

8. County Obligations

- a. The Developer may use such County property as is necessary to design, permit, install, construct and complete the Improvements. County, as a political subdivision defined in Section 768.28, Florida Statutes, agrees to be fully responsible to the limits set forth in such statute for its own negligent acts or omissions, and agrees to be liable to the statutory limits for any damages proximately caused by said acts or omissions. Nothing contained in this section shall be construed to be a waiver by County of any protections under sovereign immunity, Section 768.28, Florida Statutes, or any other similar provision of law. Nothing contained herein shall be construed to be a consent by County to be sued by third parties in any matter arising out of this or any other agreement.
- b. If wetlands are impacted by the design for the Improvements, impacts shall be mitigated at the sole cost and expense of Developer.
- c. Developer will prepare and administer the bid package for construction of the Improvements in coordination with the County Engineer. Developer

will notify the County Engineer upon the selection of the contractor.

- f. Developer shall receive road impact fee credits equal to the total cost of the design, permitting, construction and construction management of the Improvements including interest costs of any construction loan. Developer shall provide County with an updated estimate of costs concurrent with its notification to County of the selected contractor. If Developer chooses to make a proportionate share contribution, then Developer shall receive road impact fee credits equal to the cost of its proportionate share contribution.
- g. Developer shall submit invoices to County following completed installation of any required improvements. The invoices shall be subject to review and verification by the County Engineer. Impact fee credits shall be issued by County within thirty (30) days of submission of each invoice. Any amounts that remain uncredited following said 30 day period shall bear interest at the prime rate published from time to time by Wells Fargo Bank.
- h. Road impact fee credits may be applied to offset road impact fees due for development within the areas designated as Schedule A – Urban Zone in Chapter 3-3.5 Impact Fees of the Charlotte County Code of Ordinances and shall not expire.
- i. County agrees to cooperate with Developer, at no liability, loss or expense to County, in all submissions or applications to the appropriate government authorities, to obtain permits, approvals, licenses or authorizations necessary to develop the Property in accordance with Buyer's intended use. Promptly after request from Developer, County will execute such filings, applications, agreements, instruments, documents or similar items so as to enable the accomplishment of all of the foregoing at Developer's cost. To the extent reasonably possible, Developer will execute and/or perform all filings, applications, agreements, documents and similar items in Developer's name.

9. Failure to Comply with the Requirements

- a. If the Developer fails to comply with the terms of this agreement, then County may withhold building permits for the net new external trips for which no mitigation has been provided.
- b. The parties shall have all rights available by law to enforce this Agreement.

10. Concurrency and Vesting

- a. If the transportation mitigation is provided in accordance with Section 7 of this Agreement, the Project shall be deemed vested to construct 43,000 square feet of commercial development, 458 assisted living and memory care beds, 430,000 square feet of industrial development and 650 multi-family dwelling units or other development consistent with the Sandhill D.O. that will generate not more than 4,512 net new external trips, consistent with any subsequently approved Final Detail Plan.

11. Impact Fees

- a. The Developer shall pay road impact fees for construction of the Project.

12. Duration of Agreement

- a. This Agreement shall be effective upon execution of all parties and shall continue in force until thirty years from the effective date (Termination Date).
- b. This Agreement is executed in order to satisfy the concurrency requirements of the Project through its buildout. Provided that there are no prior acts of default or termination, the parties contemplate that this Agreement will be renewed at regular intervals until the Project is built out. This Agreement may be extended by written mutual consent of the County and Developer.
- c. If Developer has fully complied with the terms of this Agreement upon the Termination Date or upon any expiration of the Sandhill DO and County has not yet performed its obligations on the Termination Date, County is obligated to perform in accordance with the terms of this Agreement as though the Agreement or the Sandhill DO, whichever the case may be, had not expired.

13. Amendment of Agreement

This Agreement may only be amended in writing by mutual consent of the parties or their successors in interest.

14. Other Provisions

- a. The failure of this Agreement to address a particular permit, condition, term or restriction does not relieve the Developer of the necessity of

complying with the law governing those permitting requirements, conditions, terms or restrictions.

- b. The terms of this Agreement may not supersede the procedural requirements of Florida law under Chapter 380.06, Florida Statutes.
- c. County, Developer or their successors or assigns may file an action for injunctive relief in the Circuit Court of Charlotte County to enforce the terms of this Agreement.
- d. This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein; and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in or incorporated into this Agreement. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior written or oral representations or agreements.
- e. If any provisions of this Agreement are contrary to, prohibited by, or deemed invalid under any applicable law or regulation, such provisions shall be inapplicable and deemed omitted to the extent so contrary, prohibited or invalid. The remainder of this Agreement shall not be invalidated thereby and shall be given full force and effect.
- f. The parties agree that suits or actions at law arising from the provisions, performance, or breach of this Agreement shall initially be brought in Charlotte County, Florida, and no other jurisdiction. This Agreement shall be construed and interpreted under the laws of the State of Florida.
- g. This Agreement shall not be construed more strictly against any party.
- h. The parties shall have all rights available by law to enforce this Agreement.

15. Successors and Assigns

This Agreement shall inure to the benefit of and be obligatory upon the parties hereto and their respective successors and assigns.

16. Section 163 Development Agreement

This Agreement is consistent with and governed by the provisions of Sections 163.3220 – 163.3243, Fla. Stat.

IN WITNESS WHEREOF, County and Developer have executed this Agreement on the date first above written.

ATM II, LLC

1st Witness
Print Name: _____

By: _____
Print Name: _____
Title: _____

2nd Witness
Print Name: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2014 by _____, as _____ of ATM II, LLC, on behalf of the limited liability company. The above named person is personally known to me or has produced _____ as identification.

(Notary Seal)

Signature of Notary Public

Printed Name of Notary Public
My commission expires on _____

This Agreement is passed and duly adopted this ____ day of _____, 2014.

**BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA**

By: _____
Kenneth Doherty, Chairman

ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners

By: _____
Deputy Clerk

Approved as to form:

Janette Knowlton, County Attorney

Exhibit "A"
Legal Description

DRAFT

Exhibit "B"

List of Improvements

1. Signalize the intersection of the proposed site driveway at Kings Highway to the south of the St. James Place driveway
2. Signalize the Kings Highway & I-75 Southbound Ramps intersection
3. Traffic signal optimization at the signalized intersections along Kings Highway from the I-75 interchange to Sandhill Boulevard
4. If any of the listed improvements were completed by either Charlotte County (County) and/or Florida Department of Transportation (FDOT), the County has the authority to move the funds to other needed improvements within the vicinity of the project.

EXHIBIT A

Newport West Parcel:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S 0 degrees 16' 27" W., along the East line of said Section, a distance of 565.39 feet; thence N. 89 degrees 43' 33" W., 2007.12 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in Quitclaim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

Thence N. 76 degrees 46' 06" W., along said boundary line, a distance of 521.00 feet; thence S. 89 degrees 44' 05" W., along said boundary line, a distance of 179.92 feet to a point on a circular curve concave to the West, having a radius of 165.00 feet, with a chord bearing and distance of S 0 degrees 25' 42" W., 203.19 feet; thence Southerly, along the arc of said curve, having a central angle of 76 degrees 00' 29", a distance of 218.89 feet to the boundary line of Eagle

Point Golf Course Parcel 4, as described in said Quitclaim Deed; thence S. 73 degrees 39' 28" E., along said boundary line, a distance of 317.32 feet; thence S. 81 degrees 22' 01" E., along said boundary line, a distance of 247.79 feet; thence N. 16 degrees 06' 15" E., 81.96 feet; thence S. 73 degrees 53' 45" E., 53.16 feet; thence N. 16 degrees 06' 15" E., 8.00 feet; thence S. 73 degrees 53' 45" E., 15.00 feet to the point of curvature of a circular curve concave to the North, having a radius of 272.00 feet, with a chord bearing and distance of S. 76 degrees 54' 37" E., 28.61 feet; thence Easterly, along the arc of said curve, through a central angle of 6 degrees 01' 46", a distance of 28.62 feet; thence N. 10 degrees 04' 40" E., 46.00 feet; thence S. 81 degrees 15' 21" E., 10.51 feet; thence N. 1 degrees 16' 49" E., 106.53 feet to the Point of Beginning.

Newport II Phase 3:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 716.11 feet; thence N. 89 degrees 43' 33" W., 1222.97 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in Quitclaim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence S. 15 degrees 34' 10" W., 28.06 feet; thence S. 19 degrees 23' 01" W., 18.00 feet; thence N. 70 degrees 36' 59" W., 37.23 feet; thence S. 19 degrees 23' 01" W., 8.00 feet to a point on a circular curve concave to the South, having a radius of 312.01 feet, with a chord bearing and distance of N. 76 degrees 59' 43" W., 69.33 feet; thence Westerly, along the arc of said curve, through a central angle of 12 degrees 45' 28", a distance of 69.47 feet; thence S. 6 degrees 37' 34" W., 82.83 feet to the boundary line of Eagle Point Golf Course Parcel 4, as described in said Quitclaim Deed; thence N. 88 degrees 43' 11" W., along said boundary line, a distance of 261.35 feet; thence N. 1 degrees 16' 49" E., 83.83 feet; thence S. 88 degrees 43' 11" E., 47.33 feet; thence N. 1 degrees 16' 49" E., 26.00 feet; thence N. 88 degrees 43' 11" W., 23.33 feet; thence N. 1 degrees 16' 49" E., 53.00 feet; thence S. 88 degrees 43' 11" E., 42.00 feet; thence S. 1 degrees 16' 49" W., 25.00 feet; thence S. 88 degrees 43' 11" E., 173.98 feet to the point of curvature of a circular curve concave South, having a radius of 366.01 feet, with a chord bearing and distance of S. 79 degrees 40' 05" E., 115.17 feet; thence Easterly along the arc of said curve, through a central angle of 18 degrees 06' 12", a distance of 115.65 feet to the point of tangency; thence S. 70 degrees 36' 59" E., 35.38 feet to the Point of Beginning. Less and Except that part of Phase 3 contained in the following described property:

A tract of land lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at a 4" x 4" concrete monument with disk stamped P.L.S. 2405 at the North 1/4 corner of said Section 6; Thence along the West line of "The Links", a subdivision recorded in Plat Book 15, Pages 18 and 18A, Public Records of Charlotte County, Florida, S 00 degrees 5' 56" W 259.07 feet to a point on a curve, concave to the East, having a radius of 105.00 feet and a delta angle of 101 degrees 11' 28", whose chord bears S 27 degrees 14' 41" W; thence along said curve in a counter-clockwise direction 185.44 feet to the beginning of a compound curve concave to the East having a radius of 150.00 feet and a delta angle of 20 degrees 09' 12" whose chord bears S 33 degrees 25' 39" E; thence along said curve in a counter-clockwise direction, 52.76 feet to the beginning of a reverse curve concave to the West having a radius of 165.00 feet and a delta angle of 05 degrees 55' 43" whose chord bears S 40 degrees 32' 24" E; thence along said curve in a clockwise direction, 17.07 feet, thence leaving said curve on a non-radial line N 89 degrees 44' 05" E, 179.92 feet; thence S 76 degrees 46' 06" E 521.00 feet; thence S 88 degrees 43' 11" E, 252.81 feet to the Point of Beginning of this description; thence continue S 88 degrees 43' 11" E, 217.13 feet; thence S 01 degrees 16' 49" W, 107.83 feet; thence N 88 degrees 43' 11" W, 217.13 feet; thence N 01 degrees 16' 49" E, 107.83 feet to the Point of Beginning.

Newport II Phase 4:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 716.11 feet; thence N. 89 degrees 43' 33" W., 1222.97 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in a Quit Claim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence N. 1 degrees 16' 49" E., along said boundary line, a distance of 136.93 feet; thence N. 88 degrees 43' 11" W., along said boundary line, 363.34 feet; thence S. 1 degrees 16' 49" W., 82.82 feet; thence S. 88 degrees 43' 11" E., 42.00 feet; thence S. 1 degrees 16' 49" W., 25.00 feet; thence S. 88 degrees 43' 11" E., 173.98 feet to the point of curvature of a circular curve concave to the South, having a radius of 366.01 feet, with a chord bearing and distance of S. 79 degrees 40' 05" E., 115.17 feet; thence Easterly, along the arc of said curve, through a central angle of 18 degrees 06' 12", a distance of 115.65 feet to the point of tangency; thence S. 70 degrees 36' 59" E., 35.38 feet to the Point of Beginning. Less and Except that part of Phase 4 contained in the following described property:

A tract of land lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at a 4" x 4" concrete monument with disk stamped P.L.S. 2405 at the North 1/4 corner of said Section 6; Thence along the West line of "The Links", a subdivision recorded in Plat Book 15, Pages 18 and 18A, Public Records of Charlotte County, Florida, S 00 degrees 5' 56" W 259.07 feet to a point on a curve, concave to the East, having a radius of 105.00 feet and a delta angle of 101 degrees 11' 28", whose chord bears S 27 degrees 14' 41" W; thence along said curve in a counter-clockwise direction 185.44 feet to the beginning of a compound curve concave to the East having a radius of 150.00 feet and a delta angle of 20 degrees 09' 12" whose chord bears S 33 degrees 25' 39" E; thence along said curve in a counter-clockwise direction, 52.76 feet to the beginning of a reverse curve concave to the West having a radius of 165.00 feet and a delta angle of 05 degrees 55' 43" whose chord bears S 40 degrees 32' 24" E; thence along said curve in a clockwise direction, 17.07 feet, thence leaving said curve on a non-radial line N 89 degrees 44' 05" E, 179.92 feet; thence S 76 degrees 46' 06" E 521.00 feet; thence S 88 degrees 43' 11" E, 252.81 feet to the Point of Beginning of this description; thence continue S 88 degrees 43' 11" E, 217.13 feet; thence S 01 degrees 16' 49" W, 107.83 feet; thence N 88 degrees 43' 11" W, 217.13 feet; thence N 01 degrees 16' 49" E, 107.83 feet to the Point of Beginning.

Newport II Phase 5:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows;

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 818.01 feet; thence N. 89 degrees 43' 33" W., 1612.16 feet to the boundary line of Eagle Point Golf Course Parcel 4, as described in Quitclaim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence N. 88 degrees 43' 11" W., along said boundary line, a distance of 259.32 feet; thence N. 1 degrees 16' 49" E., 83.83 feet; thence N. 88 degrees 43' 11" W., 32.35 feet; thence N. 1 degrees 16' 49" E., 54.00 feet; thence S. 88 degrees 43' 11" E., 315.67 feet; thence S. 01 degrees 16' 49" W., 28.00 feet; thence S. 88 degrees 43' 11" E., 23.33 feet; thence S. 1 degrees 16' 49" W., 26.00 feet; thence N. 88 degrees 43' 11" W., 47.33 feet; thence S. 1 degrees 16' 49" W., 83.83 feet to the Point of Beginning.

Newport II Phase 6:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 572.82 feet; thence N. 89 degrees 43' 33" W., 1583.85 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in a Quit Claim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence S. 1 degrees 16' 49" W., 107.82 feet; thence N. 88 degrees 43' 11" W., 347.33 feet; thence N. 1 degrees 16' 49" E., 43.00 feet; thence N. 88 degrees 43' 11" W., 18.00 feet; thence N. 1 degrees 16' 49" E., 64.82 feet to said boundary line of Eagle Point Golf Course Parcel 5; thence S. 88 degrees 43' 11" E., along said boundary line, a distance of 365.33 feet to the Point of Beginning. Less and Except that part of Phase 6 contained in the following described property:

A tract of land lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at a 4" x 4" concrete monument with disk stamped P.L.S. 2405 at the North 1/4 corner of said Section 6; Thence along the West line of "The Links", a subdivision recorded in Plat Book 15, Pages 18 and 18A, Public Records of Charlotte County, Florida, S 00 degrees 5' 56" W 259.07 feet to a point on a curve, concave to the East, having a radius of 105.00 feet and a delta angle of 101 degrees 11' 28", whose chord bears S 27 degrees 14' 41" W; thence along said curve in a counter-clockwise direction 185.44 feet to the beginning of a compound curve concave to the East having a radius of 150.00 feet and a delta angle of 20 degrees 09' 12" whose chord bears S 33 degrees 25' 39" E; thence along said curve in a counter-clockwise direction, 52.76 feet to the beginning of a reverse curve concave to the West having a radius of 165.00 feet and a delta angle of 05 degrees 55' 43" whose chord bears S 40 degrees 32' 24" E; thence along said curve in a clockwise direction, 17.07 feet, thence leaving said curve on a non-radial line N 89 degrees 44' 05" E, 179.92 feet; thence S 76 degrees 46' 06" E 521.00 feet; thence S 88 degrees 43' 11" E, 252.81 feet to the Point of Beginning of this description; thence continue S 88 degrees 43' 11" E, 217.13 feet; thence S 01 degrees 16' 49" W, 107.83 feet; thence N 88 degrees 43' 11" W, 217.13 feet; thence N 01 degrees 16' 49" E, 107.83 feet to the Point of Beginning.

Newport II Phase 7:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 566.41 feet; thence N. 89 degrees 43' 33" W., 1949.13 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in Quit Claim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence S 1 degrees 16' 49" W., 64.82 feet; thence S. 88 degrees 43' 11" E., 18.00 feet; thence S 1 degrees 16' 49" W., 43.00 feet; thence S. 88 degrees 43' 11" E., 31.66 feet; thence S 1 degrees 16' 49" W., 54.00 feet; thence S. 88 degrees 43' 11" E., 32.35 feet; thence S 1 degrees 16' 49" W., 83.83 feet to the boundary line of Eagle Point Golf Course Parcel 4, as described in said Quit Claim Deed; thence N. 88 degrees 43' 11" W., along said boundary line, a distance of 249.34 feet; thence N. 37 degrees 19' 59" W., along said boundary line, 40.12 feet; thence N. 16 degrees 06' 15" E., 81.96 feet; thence S. 73 degrees 53' 45" E., 53.16 feet; thence N. 16 degrees 06' 15" E., 8.00 feet; thence S. 73 degrees 53' 45" E., 15.00 feet to the point of curvature of a circular curve concave to the North, having a radius of 272.00 feet,

with a chord bearing and distance of S. 76 degrees 54' 37" E., 28.61 feet; thence Easterly, along the arc of said curve, through a central angle of 6 degrees 01' 46", a distance of 28.62 feet; thence N. 10 degrees 04' 40" E., 46.00 feet; thence S. 81 degrees 15' 21" E., 10.51 feet; thence N. 1 degrees 16' 49" E., 106.53 feet to the said boundary line of Eagle Point Golf Course Parcel 5; thence S. 88 degrees 43' 11" E., along said boundary line, a distance of 58.00 feet to the Point of Beginning.

Easements:

Ingress, egress and utility easement set forth in that certain Easement Agreement recorded in Official Records Book 1868, Page 182, Public Records of Charlotte County, Florida and Official Records Book 474, Page 348, Desoto County, Florida. The subject easement is located in Desoto County, Florida.

And

Ingress and egress easement set forth in that certain Grant of Easement recorded in Official Records Book 1028, Page 205, Public Records of Charlotte County, Florida.

Together with:

PORTION OF SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20")

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(CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (DELTA 59°55'52") (CHORD BEARING S43°17'09"W) (CHORD 249.74 FEET) FOR 261.50 FEET TO A POINT OF TANGENCY; THENCE RUN S13°19'13"W FOR 147.31 FEET; THENCE RUN N33°09'20"W FOR 223.84 FEET; THENCE RUN N54°05'01"W FOR 32.12 FEET; THENCE RUN N33°09'20"W FOR 208.47 FEET; THENCE RUN N23°55'45"W FOR 277.58 FEET; THENCE RUN N42°54'09"W FOR 88.52 FEET; THENCE RUN N33°39'37"W FOR 266.98 FEET; THENCE RUN S57°02'45"W FOR 217.85 FEET; THENCE RUN S33°39'37"E FOR 107.27 FEET; THENCE RUN S00°05'04"W FOR 45.21 FEET; THENCE RUN S28°30'00"E FOR 221.62 FEET; THENCE RUN S23°55'45"E FOR 331.58 FEET; THENCE RUN S31°08'43"E FOR 535.09 FEET; THENCE RUN S39°21'17"W FOR 31.69 FEET; THENCE RUN S50°38'43"E FOR 166.83 FEET; THENCE RUN N39°21'17"E FOR 299.40 FEET; THENCE RUN S75°08'04"E FOR 84.09 FEET; THENCE RUN S14°51'56"W FOR 29.33 FEET; THENCE RUN S75°08'04"E FOR 245.77 FEET; THENCE RUN S26°44'04"W FOR 74.82 FEET; THENCE RUN S63°15'56"E FOR 299.78 FEET; THENCE RUN S21°38'52"E FOR 220.40 FEET; THENCE RUN N49°59'02"E FOR 290.15 FEET; THENCE RUN N45°05'40"W FOR 83.09 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 152.00 FEET (DELTA 15°55'23") (CHORD BEARING N53°03'21"W) (CHORD 42.11) FOR 42.24 FEET; THENCE RUN N28°58'57"E FOR 29.33 FEET TO A POINT ON A CURVE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT OF RADIUS 181.33 FEET (DELTA 10°55'27") (CHORD BEARING N66°28'46"W) (CHORD 34.52) FOR 34.57 FEET TO A POINT OF TANGENCY; THENCE RUN N71°56'30"W FOR 123.77 FEET; THENCE RUN N26°44'04"E FOR 81.30 FEET; THENCE RUN N62°51'14"W FOR 283.19 FEET; THENCE RUN N75°08'04"W FOR 487.05 FEET; THENCE RUN N13°19'13"E FOR 166.77 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 200.00 FEET (DELTA 59°55'52") (CHORD BEARING N43°17'09"E) (CHORD 199.79 FEET) FOR 209.20 FEET TO THE POINT OF TANGENCY; THENCE RUN N73°15'05"E FOR 315.19 FEET TO THE POINT OF CURVATURE; THENCE RUN NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 165.00 FEET (DELTA 116°45'20") (CHORD BEARING N14°52'25"E) (CHORD 281.00) FOR 336.23 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 150.00 FEET (DELTA 20°09'12") (CHORD BEARING N33°25'39"W) (CHORD 52.49 FEET) FOR 52.76 FEET TO A POINT OF COMPOUND CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 105.00 (DELTA 101°11'19") (CHORD BEARING N27°14'36"E) (CHORD 162.26 FEET) FOR 185.44 FEET TO THE WEST LINE OF "THE LINKS" AS DESCRIBED IN PLAT BOOK 15, PAGES 18 AND 18A OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE RUN N00°05'56"W ALONG THE SAID EAST LINE OF "THE LINKS" FOR 259.07 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE EASEMENT RIGHTS SET FORTH IN THAT CERTAIN WARRANTY DEED DATED NOVEMBER 18, 2004, FROM CHARLOTTE LENDING, INC., A FLORIDA CORPORATION, TO ROYAL PALMS GOLF CONDOMINIUM PARTNERS, LLC RECORDED IN OFFICIAL RECORDS BOOK 2593, PAGE 574, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

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AND

PARCEL A

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6 THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET TO THE POINT OF BEGINNING; THENCE S00°05'56"W, FOR 260.18 FEET; THENCE S89°54'04"E FOR 23.41 FEET; THENCE S00°05'53"W FOR 24.06 FEET; THENCE S00°05'57"W FOR 60.64 FEET TO THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE EAST, OF WHICH THE RADIUS POINT LIES S89°54'04"E, A RADIAL DISTANCE OF 200.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°31'40", FOR 61.18 FEET; THENCE S89°44'05"W, FOR 49.74 FEET; THENCE N00°05'56"E, FOR 405.55 FEET; THENCE S89°30'14"E FOR 17.05 FEET TO THE POINT OF BEGINNING.

PARCEL B

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20") (CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT ON A CURVE, CONCAVE SOUTHEAST, OF WHICH THE RADIUS POINT LIES S16°44'55"E, A RADIAL DISTANCE OF 250.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 40°01'54", FOR 174.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°53'58" FOR 86.83 FEET; THENCE N33°09'20"W, FOR 224.01 FEET; THENCE N54°05'01"W, FOR 32.12 FEET; THENCE N33°09'20"W, FOR 208.47 FEET; THENCE N23°55'45"W, FOR 277.58 FEET; THENCE N42°54'09"W, FOR 88.52 FEET; THENCE N33°39'37"W, FOR 266.98 FEET; THENCE S57°02'45"W, FOR 217.85 FEET; THENCE S33°39'37"E, FOR 107.27 FEET; THENCE S00°05'04"E FOR 45.21 FEET; THENCE S28°30'00"E, FOR 221.62 FEET; THENCE S23°55'45"E, FOR 331.58 FEET; THENCE S31°08'43"E, FOR 535.09 FEET; THENCE S39°21'17"W FOR 10.21 FEET; THENCE CONTINUE S39°21'17"W, ALONG SAID LINE, A DISTANCE OF 21.48 FEET; THENCE N31°08'43"W, FOR 508.76 FEET; THENCE

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N23°55'45"W, FOR 370.95 FEET; THENCE N28°30'00"W, FOR 385.30 FEET; THENCE N00°29'46"E, FOR 172.99 FEET; THENCE S89°30'14"E, FOR 373.11 FEET; THENCE S23°55'45"E, FOR 327.43 FEET; THENCE S64°32'49"W, FOR 34.02 FEET; THENCE S23°55'45"E, FOR 276.19 FEET; THENCE S33°09'20"E, FOR 235.58 FEET; THENCE N84°29'39"E, FOR 158.48 FEET TO THE POINT OF BEGINNING.

PARCEL C

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20") (CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (DELTA 59°55'52") (CHORD BEARING S43°17'09"W) (CHORD 249.74 FEET) FOR 261.50 FEET TO A POINT OF TANGENCY; THENCE RUN S13°19'13"W FOR 147.31 FEET; THENCE RUN N33°09'20"W FOR 223.84 FEET; THENCE RUN N54°05'01"W FOR 32.12 FEET; THENCE RUN N33°09'20"W FOR 208.47 FEET; THENCE RUN N23°55'45"W FOR 277.58 FEET; THENCE RUN N42°54'09"W FOR 88.52 FEET; THENCE RUN N33°39'37"W FOR 266.98 FEET; THENCE RUN S57°02'45"W FOR 217.85 FEET; THENCE RUN S33°39'37"E FOR 107.27 FEET; THENCE RUN S00°05'04"W FOR 45.21 FEET; THENCE RUN S28°30'00"E FOR 221.62 FEET; THENCE RUN S23°55'45"E FOR 331.58 FEET; THENCE RUN S31°08'43"E FOR 535.09 FEET; THENCE RUN S39°21'17"W FOR 31.69 FEET; THENCE RUN S50°38'43"E FOR 166.83 FEET; THENCE RUN N39°21'17"E FOR 267.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N39°21'17"E FOR 32.23 FEET; THENCE S75°08'04"E FOR 84.09 FEET; THENCE S14°51'56"W FOR 29.33 FEET; THENCE N75°08'04"W FOR 97.45 FEET TO THE POINT OF BEGINNING.

PARCEL D

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG

See Continuation Sheet

(Legal Description - Continued)

THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20") (CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (DELTA 59°55'52") (CHORD BEARING S43°17'09"W) (CHORD 249.74 FEET) FOR 261.50 FEET TO A POINT OF TANGENCY; THENCE RUN S13°19'13"W FOR 147.31 FEET; THENCE RUN N33°09'20"W FOR 223.84 FEET; THENCE RUN N54°05'01"W FOR 32.12 FEET; THENCE RUN N33°09'20"W FOR 208.47 FEET; THENCE RUN N23°55'45"W FOR 277.58 FEET; THENCE RUN N42°54'09"W FOR 88.52 FEET; THENCE RUN N33°39'37"W FOR 266.98 FEET; THENCE RUN S57°02'45"W FOR 217.85 FEET; THENCE RUN S33°39'37"E FOR 107.27 FEET; THENCE RUN S00°05'04"W FOR 45.21 FEET; THENCE RUN S28°30'00"E FOR 221.62 FEET; THENCE RUN S23°55'45"E FOR 331.58 FEET; THENCE RUN S31°08'43"E FOR 535.09 FEET; THENCE RUN S39°21'17"W FOR 31.69 FEET; THENCE RUN S50°38'43"E FOR 166.83 FEET; THENCE RUN N39°21'17"E FOR 299.40 FEET; THENCE RUN S75°08'04"E FOR 84.09 FEET; THENCE RUN S14°51'56"W FOR 29.33 FEET; THENCE RUN S75°08'04"E FOR 245.77 FEET; THENCE RUN S26°44'04"W FOR 74.82 FEET TO THE POINT OF BEGINNING; THENCE S63°15'56"E, FOR 299.78 FEET; THENCE S21°38'52"E, FOR 220.40 FEET; THENCE S49°59'02"W, FOR 21.07 FEET; THENCE N21°38'52"W, FOR 214.76 FEET; THENCE N62°51'14"W, FOR 295.68 FEET; THENCE N26°44'04"E, FOR 20.98 FEET TO THE POINT OF BEGINNING.

PARCEL E

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20") (CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (DELTA 59°55'52") (CHORD BEARING S43°17'09"W) (CHORD 249.74 FEET) FOR 261.50 FEET TO A POINT OF TANGENCY; THENCE RUN S13°19'13"W FOR 147.31 FEET; THENCE RUN N33°09'20"W FOR 223.84 FEET; THENCE RUN N54°05'01"W FOR 32.12 FEET; THENCE RUN N33°09'20"W FOR 208.47 FEET; THENCE RUN N23°55'45"W FOR 277.58 FEET; THENCE RUN N42°54'09"W FOR 88.52 FEET; THENCE RUN N33°39'37"W FOR 266.98 FEET; THENCE RUN S57°02'45"W FOR 217.85 FEET;

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THENCE RUN S33°39'37"E FOR 107.27 FEET; THENCE RUN S00°05'04"W FOR 45.21 FEET; THENCE RUN S28°30'00"E FOR 221.62 FEET; THENCE RUN S23°55'45"E FOR 331.58 FEET; THENCE RUN S31°08'43"E FOR 535.09 FEET; THENCE RUN S39°21'17"W FOR 31.69 FEET; THENCE RUN S50°38'43"E FOR 166.83 FEET; THENCE RUN N39°21'17"E FOR 299.40 FEET; THENCE RUN S75°08'04"E FOR 84.09 FEET; THENCE RUN S14°51'56"W FOR 29.33 FEET; THENCE RUN S75°08'04"E FOR 245.77 FEET; THENCE RUN S26°44'04"W FOR 74.82 FEET; THENCE RUN S63°15'56"E FOR 299.78 FEET; THENCE RUN S21°38'52"E FOR 220.40 FEET; THENCE RUN N49°59'02"E FOR 290.15 FEET TO THE POINT OF BEGINNING; THENCE N45°05'40"W, FOR 83.09 FEET TO A POINT OF CURVATURE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 152.00 FEET AND A CENTRAL ANGLE OF 15°55'23"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, FOR 42.24 FEET; THENCE N28°58'57"E, FOR 29.33 FEET TO THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE SOUTHWEST, OF WHICH THE RADIUS POINT LIES S28°58'57"W, A RADIAL DISTANCE OF 181.33 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 10°55'27", FOR 34.57 FEET; THENCE N71°56'30"W, FOR 123.77 FEET; THENCE N26°44'04"E, FOR 81.30 FEET; THENCE N62°51'14"W, FOR 283.19 FEET; THENCE N75°08'04"W, FOR 487.05 FEET; THENCE N13°19'13"E, FOR 37.09 FEET; THENCE S75°08'04"E, FOR 529.28 FEET; THENCE S62°51'14"E, FOR 198.74 FEET; THENCE S45°03'52"E, FOR 369.21 FEET; THENCE S49°59'02"W, FOR 58.15 FEET TO THE POINT OF BEGINNING.

PARCEL F

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE S00°05'56"W, FOR 403.20 FEET TO THE POINT OF BEGINNING; THENCE S52°40'31"W, FOR 63.14 FEET TO THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE NORTHEAST, OF WHICH THE RADIUS POINT LIES N49°24'16"E, A RADIAL DISTANCE OF 150.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°09'28", FOR 44.92 FEET; THENCE N89°44'05"E, FOR 73.94 FEET TO THE POINT OF BEGINNING.

PARCEL G

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE S00°05'56"W, FOR 259.07 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S00°05'56"W, ALONG SAID LINE, A DISTANCE OF 144.13 FEET; THENCE S89°44'05"W, FOR 73.94 FEET TO THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE CONCAVE SOUTHEAST OF WHICH THE RADIUS POINT LIES N66°31'29"E, A RADIAL DISTANCE OF 105.00 FEET;

See Continuation Sheet

(Legal Description - Continued)

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 101°18'45", FOR 185.66 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH EASEMENT FOR INGRESS, EGRESS, STORMWATER AND UTILITY PURPOSES RECORDED IN OFFICIAL RECORD BOOK 1868, PAGE 182, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

Together with:

Eagle Point Golf Course Parcel 3

That portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, described as follows:

Commence at a 4" X 4" concrete monument with disk stamped PLS 2405 found at the North W corner of said Section 6; Thence along the North Line of said Section 6, North 89°30'14" West, 159.83 feet to the point of beginning of land being described; Thence South 00°05'56" West, 260.18 feet; thence South 89°54'04" East, 23.41 feet; thence South 00°05'56" West, 84.70 feet to the beginning of a tangential curve concave to the East having a radius of 200.00 feet and a delta angle of 43°26'11" whose chord bears South 21°42'10" East; thence along said curve in a counterclockwise direction, 152.28 feet to the beginning of a reverse curve concave to the west, having a radius of 115.00 feet and a delta angle of 116°45'20", whose chord bears South 14°52'23" West, thence along said curve in a clockwise direction, 234.34 feet; thence tangent to the last curve, South 73°15'05" West, 315.19 feet to the beginning of a tangential curve concave to the southeast, having a radius of 250.00 feet and a delta angle of 39°55'52" whose chord bears South 43°17'09" West, thence along said curve in a counterclockwise direction, 261.50 feet; thence tangent to the last curve, South 13°19'13" West, 147.31 feet; thence North 33°09'20" West, 223.84 feet; thence North 34°05'01" West, 32.12 feet; thence North 33°09'20" West, 208.47 feet; thence North 23°53'45" West, 277.58 feet; thence North 42°54'09" West, 88.52 feet; thence North 33°39'37" West, 266.98 feet; thence South 57°02'45" West, 217.85 feet; thence North 33°39'37" East, 107.27 feet; thence South 00°05'04" West, 45.21 feet; thence South 28°30'00" East, 221.62 feet; thence South 23°55'45" East, 331.58 feet; thence South 31°08'43" East, 535.09 feet; thence South 39°21'17" West, 31.69 feet; thence South 50°38'43" East, 166.85 feet; thence North 39°21'17" East, 299.40 feet; thence South 75°08'04" East, 84.09 feet; thence South 14°51'56" West, 29.33 feet; thence South 75°08'04" East, 245.77 feet; thence South 26°44'04" West, 74.82 feet; thence South 63°15'56" East, 299.78 feet; thence South 21°38'52" East, 220.40 feet; thence South 49°59'02" West, 864.72 feet to the easterly limited access right of way line for Interstate 75 (State Road No. 93, Section 01075-2404); thence along said limited access right of way line, North 29°49'35" West, 578.34 feet to an angle point in said right of way line lying 162.00 feet right of the center line of survey at station 274+25.94 feet; thence continue along said right of way line, North 28°40'49" West, 2123.19 feet to the north line of said Section 6; thence along said north line of Section 6, South 89°30'14" East, 1712.80 feet to the point of beginning.

Eagle Point Golf Course Parcel 4

That portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, described as follows:

See continuation sheet

Commence at a 4" X 4" concrete monument with disk stamped PRM PLS 2405 found at the NE corner of said Section 6; thence along the east line of said Section 6, South 00°16'27" West 583.13 feet to the westerly maintained right of way line of Kings Highway (State of Florida Department of Transportation Section 01501-2601) at Station 313+11.47, 36.36 feet left of the survey baseline; thence along said maintained right of way line, South 25°24'50" West, 311.47 feet to Station 370+00. 35.80 feet left of the survey baseline; thence continue along said right of way line, South 25°22'46" West, 500.00 feet to Station 365+00, 34.60 feet left of the survey baseline; thence continue along said right of way line, South 25°33'46" West, 320.86 feet for a point of beginning of land being described; thence continue along said right of way line, South 25°33'46" West, 179.14 feet to Station 360+00, 35.00 feet left of the survey baseline; thence continue along said right of way line, South 25°42'58" West, 194.86 feet to Station 358+05.14 feet, 35.68 feet left of said survey baseline, to the beginning of state of Florida Department of Transportation right of way (Section 01075-2404) for Interstate 75; thence along said right of way line, North 64°28'59" West 14.32 feet; thence continue along said right of way line, South 27°17'24" West 323.19 feet; thence continue along said right of way, North 64°28'59" West, 10.00 feet to a point on a curve concave to the northwest, having a radius of 1839.86 feet and a delta angle of 08°27'48", whose chord bears South 29°44'53" West; thence along said curve and right of way in a clockwise direction 271.77 feet; thence radial to the last curve, North 56°01'11" West, 10.00 feet to a point on a curve concave to the northwest, having a radius of 1829.86 feet and a delta angle of 08°56'32" whose chord bears South 38°27'05" West; thence along said curve and right of way in a clockwise direction, 285.59 feet; thence radial to the last curve, North 47°04'39" West, 15.00 feet; thence continue along said right of way line, South 42°55'21" West, 43.60 feet to the southerly line of a 170 feet wide Florida Power and Light Company Easement recorded in Official Records Book 350, Page 128 and 129, of the Public Records of Charlotte County, Florida; thence along said southerly line, North 45°03'42" West 1603.85 feet; thence South 49°59'02" West 33.05 feet; thence North 45°05'40" West, 83.09 feet to the beginning of a tangential curve concave to the southwest, having a radius of 152.00 feet and a delta angle of 15°55'23", whose chord bears North 53°03'21" West; thence along said curve in a counterclockwise direction 42.24 feet; thence radial to the last curve, North 28°58'57" East, 29.33 feet to a point on a curve concave to the southwest, having a radius of 181.33 feet and a delta angle of 10°55'27", whose chord bears North 66°28'46" West; thence along said curve in a counterclockwise direction, 34.57 feet; thence tangent to the last curve, North 71°56'30" West, 123.77 feet; thence North 26°44'04" East 81.30 feet; thence North 62°51'14" West, 283.19 feet; thence North 75°08'04" West, 487.05 feet; thence North 13°19'13" East, 166.77 feet to the beginning of a tangential curve concave to the southeast, having a radius of 200.00 feet and a delta angle of 39°53'52", whose chord bears North 43°17'09" East; thence along said curve in a clockwise direction, 209.20 feet; thence tangent to the last curve, North 73°15'05" East, 315.19 feet to the beginning of a tangential curve concave to the north, having a radius of 163.00 feet and a delta angle of 34°49'09", whose chord bears North 55°10'31" East; thence along said curve in a counterclockwise direction, 180.27 feet; thence leaving said curve on a non-radial line, South 73°39'28" East, 317.32 feet; thence South 81°22'01" East, 247.79 feet; thence South 37°19'59" East, 40.12 feet; thence South 88°43'11" East, 785.01 feet; thence South 70°36'59" East 217.57 feet; thence South 19°23'01" West, 12.17 feet; thence South 70°36'59" East 86.00 feet; thence North 19°23'01" East, 12.17 feet; thence South 70°36'59" East, 234.33 feet; thence North 19°23'01" East 74.87 feet; thence South 42°00'32" East 55.40 feet; thence North 49°07'28" East, 24.33 feet to the beginning of a tangential curve concave to the south, having a radius of 5.00 feet and a delta angle of 90°00'00" whose chord bears South 85°52'32" East; thence along said curve in a clockwise direction 7.85 feet; thence tangent to the last curve, South 40°52'32" East, 93.93 feet to the beginning of a tangential curve concave to the north, having a radius of 140.00 feet and a delta angle of 29°40'56" whose chord bears South 55°43'00" East; thence along said curve in a counterclockwise direction, 72.53 feet; thence tangent to the last curve, South 70°33'28" East, 40.88 feet to the beginning of a tangential curve concave to the southeast, having a radius of 35.00 feet and a delta angle of 90°00'00" whose chord bears South 25°33'28" East; thence along said curve in a clockwise direction 54.98 feet; thence tangent to the last curve, South 19°26'32" West, 26.67 feet; thence North 86°03'28" West, 343.88 feet; thence North 56°03'28" West, 71.24 feet; thence South 33°56'32" West 92.50 feet; thence South 56°03'18" East, 95.00 feet; thence South 03°56'32" West, 50.00 feet; thence South 56°03'28" East 60.32 feet; thence South 03°56'32" West, 19.85 feet; thence South 86°03'28" East, 250.92 feet to the beginning of a tangential curve concave to the southwest, having a radius of 10.00 feet and a delta angle of 105°30'00" whose chord bears South 33°18'28" East; thence along said curve in a clockwise direction, 18.41 feet; thence tangent to the last curve, South 19°26'32" West, 41.80 feet to the beginning of a tangential curve concave to the east, having a radius of 365.51 feet and a delta angle of 14°37'16" whose chord bears South 12°08'12" West; thence along said curve in a counterclockwise direction 93.27 feet; thence tangent to the last curve, South 04°49'34" West, 22.62 feet to the beginning of a tangential curve concave to the west, having a radius of 98.00 feet and a delta angle of 37°06'22" whose chord bears South 23°22'45" West; thence along said curve in a clockwise direction 63.47 feet; thence tangent to the last curve, South 41°55'56"

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West, 113.61 feet to the beginning of a tangential curve concave to the north, having a radius of 92.00 feet and a delta angle of $50^{\circ}09'35''$, whose chord bears South $67^{\circ}00'44''$ West; thence along said curve in a clockwise direction, 80.54 feet; thence tangent to the last curve, North $87^{\circ}54'29''$ West, 56.79 feet; thence North $02^{\circ}05'31''$ East, 54.41 feet; thence North $53^{\circ}46'46''$ West, 610.89 feet; thence South $72^{\circ}59'18''$ West, 481.43 feet; thence South $17^{\circ}00'42''$ East, 163.90 feet; thence South $31^{\circ}43'39''$ East, 98.41 feet; thence North $58^{\circ}16'21''$ East, 41.33 feet; thence South $31^{\circ}43'39''$ East, 84.83 feet; thence North $58^{\circ}16'21''$ East, 249.97 feet; thence North $31^{\circ}43'39''$ West, 84.83 feet; thence North $58^{\circ}16'21''$ East, 55.36 feet to the beginning of a tangential curve concave to the south, having a radius of 65.00 feet and a delta angle of $67^{\circ}56'53''$, whose chord bears South $87^{\circ}45'12''$ East; thence along said curve in a clockwise direction, 77.08 feet; thence tangent to the last curve, South $53^{\circ}46'46''$ East, 94.99 feet; thence South $36^{\circ}13'14''$ West, 84.83 feet; thence South $53^{\circ}46'46''$ East, 399.05 feet; thence South $11^{\circ}19'43''$ West, 115.59 feet; thence South $78^{\circ}40'17''$ East, 156.83 feet; thence North $11^{\circ}19'43''$ East, 270.47 feet; thence South $87^{\circ}54'29''$ East, 7.31 feet to the beginning of a tangential curve concave to the north, having a radius of 116.00 feet and a delta angle of $50^{\circ}09'35''$, whose chord bears North $67^{\circ}00'44''$ East; thence along said curve in a counterclockwise direction, 101.55 feet; thence tangent to the last curve, North $41^{\circ}55'56''$ East, 113.61 feet to the beginning of a tangential curve concave to the south, having a radius of 75.00 feet and a delta angle of $73^{\circ}29'42''$, whose chord bears North $78^{\circ}40'47''$ East; thence along said curve in a clockwise direction, 95.20 feet; thence tangent to the last curve, South $64^{\circ}34'22''$ East, 120.89 feet to the point of beginning.

Eagle Point Golf Course Parcel 5

That portion of Section 6, Township 40 South Range 23 East Charlotte County, Florida, described as follows:

Commence at a 4"X4" concrete monument with disk stamped PRM PLS 2405 found at the NE corner of said section 6; thence along the east line of said Section 6, South $00^{\circ}16'27''$ West, 329.00 feet to a point on the south line of "The Links" a subdivision recorded in Plat Book 15, Page 18, of the Public Records of Charlotte County, Florida, for a point of beginning of land being described; thence continue along said section line, South $00^{\circ}16'27''$ West, 263.13 feet to the westerly maintained right of way line of Kings Highway (State of Florida Department of Transportation Section 01501-2601) at Station 373+11.47, 36.36 feet left of the survey baseline; thence along said maintained right of way line, South $25^{\circ}24'50''$ West, 311.47 feet to Station 370+00.35 80 feet left of the survey baseline; thence continue along said right of way, South $25^{\circ}22'46''$ West, 500.00 feet to Station 365+00.34 60 feet left of the survey Baseline; thence continue along said right of way line, South $25^{\circ}33'46''$ West, 262.86 feet; thence leaving said right of way, North $64^{\circ}34'22''$ West, 144.09 feet to the beginning of a tangential curve concave to the northeast, having a radius of 80.00 feet and a delta angle of $84^{\circ}00'54''$, whose chord bears North $22^{\circ}31'55''$ West; thence along said curve in a clockwise direction, 117.31 feet; thence tangent to the last curve, North $19^{\circ}26'32''$ East, 504.45 feet to the beginning of a tangential curve concave to the east, having a radius of 168.00 feet and a delta angle of $20^{\circ}50'57''$, whose chord bears North $29^{\circ}52'01''$ East; thence along said curve in a clockwise direction, 61.13 feet; thence tangent to the last curve, North $40^{\circ}17'29''$ East, 240.00 feet; thence North $20^{\circ}00'00''$ East, 75.00 feet; thence North $08^{\circ}33'28''$ West, 77.70 feet; thence South $81^{\circ}26'32''$ West, 266.99 feet; thence North $45^{\circ}33'28''$ West, 42.69 feet; thence South $44^{\circ}26'32''$ West, 90.00 feet; thence South $45^{\circ}33'28''$ East, 40.00 feet; thence South $44^{\circ}26'32''$ West, 76.83 feet; thence South $45^{\circ}33'28''$ East, 251.07 feet to a point on a curve concave to the southeast, having a radius of 192.00 feet and a delta angle of $13^{\circ}39'58''$, whose chord bears South $26^{\circ}16'31''$ West; thence along said curve in a counterclockwise direction, 45.80 feet; thence tangent to the last curve, South $19^{\circ}26'32''$ West, 129.59 feet to the beginning of a tangential curve concave to the north, having a radius of 35.00 feet and a delta angle of $90^{\circ}00'00''$, whose chord bears South $64^{\circ}26'32''$ West; thence along said curve in a clockwise direction, 54.98 feet; thence tangent to the last curve, North $70^{\circ}33'28''$ West, 40.08 feet to the beginning of a tangential curve concave to the north, having a radius of 116.00 feet and a delta angle of $29^{\circ}40'56''$, whose chord bears North $55^{\circ}43'00''$ West; thence along said curve in a clockwise direction, 60.09 feet; thence tangent to the last curve, North $40^{\circ}52'32''$ West, 140.42 feet to the beginning of a tangential curve concave to the southwest, having a radius of 171.50 feet and a delta angle of $29^{\circ}44'27''$, whose chord bears North $55^{\circ}44'46''$ West, thence along said curve in a counterclockwise direction, 89.02 feet; thence tangent to the last curve, North $70^{\circ}36'59''$ West, 420.17 feet; thence North $01^{\circ}16'49''$ East, 136.93 feet; thence North $88^{\circ}43'11''$ West, 786.67 feet; thence North $76^{\circ}46'06''$ West, 521.00 feet; thence South $89^{\circ}44'05''$ West, 179.92 feet to a point on a curve concave to the southwest, having a radius of 163.00 feet and a delta angle of $05^{\circ}55'43''$, whose center bears North $40^{\circ}32'24''$ West; thence along said curve in a counterclockwise direction, 17.07 feet to the beginning of a reverse curve concave to the northeast, having a radius of 150.00 feet and a delta angle of $20^{\circ}09'12''$, whose chord bears North $33^{\circ}25'39''$ West; thence along said curve in a clockwise direction, 52.76 feet to the

beginning of a compound curve concave to the east having a radius of 105.00 feet and a delta angle of $101^{\circ}11'19''$, whose chord bears North $27^{\circ}14'36''$ East; thence along said curve in a clockwise direction, 185.44 feet to the west line of Lot 26, "The Links" a subdivision recorded in Plat Book 15, Page 18, of the Public Records of Charlotte County, Florida; thence along said west line South $03^{\circ}03'36''$ West 60.94 feet to a $3/8$ " iron rod with 2" aluminum cap stamped "Eagle Point Golf Course Boundary Marker PLS 4521" found at the SW corner of said Lot 26; thence along the south line of said "The Links", being a line 320.00 feet south of and parallel with the north line of the Northeast $1/4$ of said Section 6, South $89^{\circ}30'53''$ East 2660.73 feet to the point of beginning

All of the above described parcels are also together with the following:

Together with ingress and egress easements recorded in Official Records Book 972, Page 1905, and Official Records Book 1028, Page 205, of the Public Records of Charlotte County, Florida

Also together with the following described easement:

A relocatable ingress-egress easement being a strip of land 50.00 feet wide over that portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, and lying 25.00 feet on each side of the following described centerline:

Commence at the North $1/4$ corner of said Section 6; thence along the north line of said Section 6, North $89^{\circ}30'14''$ West 25.00 feet to the point of beginning of centerline being described; thence South $00^{\circ}05'56''$ West, 240.76 feet to a point of cusp with a curve concave to the southeast, having a radius of 130.00 feet and a delta angle of $92^{\circ}06'58''$, whose chord bears South $22^{\circ}42'26''$ West; thence along said curve in a counterclockwise direction, 209.00 feet to the beginning of a compound curve concave to the east, having a radius of 175.00 feet and a delta angle of $20^{\circ}09'12''$, whose chord bears South $33^{\circ}25'39''$ East; thence along said curve in counterclockwise direction, 61.56 feet to the beginning of a reverse curve concave to the west, having a radius of 140.00 feet and a delta angle of $116^{\circ}45'20''$, whose chord bears South $14^{\circ}32'25''$ West; thence along said curve in a clockwise direction, 285.29 feet; thence tangent to the last curve, South $73^{\circ}15'05''$ West 315.19 feet to the beginning of a tangential curve concave to the south, having a radius of 225.00 feet and a delta angle of $59^{\circ}55'52''$, whose chord bears South $43^{\circ}17'09''$ West; thence along said curve in a counterclockwise direction 235.35 feet; thence tangent to the last curve, South $13^{\circ}19'13''$ West, 268.09 feet; thence South $39^{\circ}21'17''$ West 276.34 feet to the point of termination of said centerline

The sidelines of said easement are to be extended or shortened to their respective intersections

Also together with the following described easement:

A relocatable ingress-egress easement being a strip of land 24.00 feet wide over that portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, and lying 12.00 feet on each side of the following described centerline:

Commence at the North $1/4$ corner of said Section 6; thence along the north line of said Section 6 North $89^{\circ}30'14''$ West, 25.00 feet; thence South $00^{\circ}05'56''$ West, 240.76 feet to a point of cusp with a curve concave to the southeast, having a radius of 130.00 feet and a delta angle of $92^{\circ}06'58''$, whose chord bears South $22^{\circ}42'26''$ West; thence along said curve in a counterclockwise direction, 209.00 feet to the beginning of a compound curve concave to the east, having a radius of 175.00 feet and a delta angle of $20^{\circ}09'12''$, whose chord bears South $33^{\circ}25'39''$ East; thence along said curve in a counterclockwise direction 61.56 feet to the beginning of a reverse curve concave to the west, having a radius of 140.00 feet and a delta angle of $43^{\circ}55'57''$ whose chord bears South $21^{\circ}32'17''$ East; thence along said curve in a clockwise direction, 107.33 feet to the point of beginning of centerline being described; thence radial to the last curve, South $89^{\circ}34'18''$ East, 13.59 feet to the beginning of a tangential curve concave to the south, having a radius of 500.00 feet and a delta angle of $12^{\circ}08'01''$ whose chord bears South $83^{\circ}30'18''$ East; thence along said curve in a clockwise direction, 105.89 feet; thence tangent to the last curve, South $77^{\circ}26'17''$ East, 488.75 feet to the beginning of a tangential curve concave to the south, having a radius of 500.00 feet and a delta angle of $04^{\circ}33'04''$, whose chord bears South $75^{\circ}09'45''$ East; thence along said curve in clockwise direction, 39.72 feet to the beginning of a reverse curve concave to the north, having a radius of 240.00 feet and a delta angle of $07^{\circ}01'54''$ whose chord bears South $76^{\circ}24'10''$ East; thence along

said curve in a counterclockwise direction, 29.45 feet to the western-most end of an existing ingress-egress easement recorded in Official Records Book 1028, Page 205 of the Public Records of Charlotte County, Florida for a point of termination of said centerline.

The sidelines of said easement are to be extended or shortened to their respective intersections.

LESS AND EXCEPT:

DeSoto County Portion

Lot 25, Block 2, First Replat in Pembroke subdivision recorded in Plat Book 9, Page 80, of the Public Records of DeSoto County, Florida.

LESS AND EXCEPT:

Charlotte County Portion

A tract of land lying in a portion of Parcel 4 of Eagle Point Golf Course as recorded in Official Records Book 1482, Page 1999 of the Public Records of Charlotte County, Florida, said parcel being in Section 6 Township 40 South Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the North $\frac{1}{4}$ corner of said Section 6, Township 40 South, Range 23 East, being a 4" concrete monument with aluminum disk "PRM FLS 2403", as described in Department of Natural Resources (DNR) document 0048018; thence South $00^{\circ}17'46''$ West, along the easterly line of the West half of Section 6, a distance of 672.80 feet to a point on the northerly line of Eagle Point Golf Course Parcel 4, said point also being the point of beginning.

The following four (4) calls are along said northerly line of Parcel 4; thence South $73^{\circ}39'28''$ East, a distance of 283.19 feet; thence South $81^{\circ}22'01''$ East, a distance of 247.79 feet; thence South $34^{\circ}19'59''$ East, a distance of 40.12 feet; thence South $88^{\circ}43'11''$ East, a distance of 770.01 feet to the southwest corner of Newport II Condominiums, as recorded in Condominium Plat Book _____, Page _____ of the Public Records of Charlotte County, Florida; thence South $6^{\circ}37'34''$ West, a distance of 83.11 feet (The following fourteen (14) calls are along the northerly top of bank of a lake); thence North $32^{\circ}54'21''$ West, a distance of 260.21 feet to a point of curvature to the left of having a central angle of $51^{\circ}25'10''$, and a radius of 83.20 feet; thence along said curve in a southwesterly direction, an arc distance of 76.67 feet to a point of reverse curvature of a curve to the right, having a central angle of $9^{\circ}10'54''$, and a radius of 977.54 feet; thence along said curve in a southwesterly direction, an arc distance of 158.65 feet to a point of compound curvature of a curve to the right, having a central angle of $25^{\circ}57'44''$, and a radius of 119.50 feet; thence along said arc in an easterly direction, an arc distance of 54.23 feet to a point of compound curvature of a curve to the right, having a central angle of $80^{\circ}12'57''$, and a radius of 99.85 feet; thence along said curve in a northwesterly direction, an arc distance of 139.50 feet to a point of reverse curvature of a curve to the left, having a central angle of $5^{\circ}57'12''$, and a radius of 656.81 feet; thence along said curve in a northerly direction, an arc distance of 68.25 feet to a point of compound curvature of a curve to the left, having a central angle of $55^{\circ}34'31''$, and a radius of 74.83 feet; thence along said curve in a northwesterly direction, an arc distance of 72.58 feet to a point of compound curvature of a curve to the left, having a central angle of $29^{\circ}25'44''$, and a radius of 208.48 feet; thence along said curve in a westerly direction, an arc distance of 107.59 feet to the point of tangency of said curve; thence South $70^{\circ}05'37''$ West, a distance of 112.97 feet to a point of curvature of a curve to the right, having a central angle of $139^{\circ}31'37''$, and a radius of 37.55 feet; thence along said curve in a northwesterly direction, an arc distance of 140.14 feet to the point of tangency of said curve; thence North $29^{\circ}81'13''$ East, a distance of 28.64 feet to a point of curvature of a curve to the left, having a central angle of $107^{\circ}27'23''$, and a radius of 17.94 feet; thence along said curve in a northwesterly direction, an arc distance of 33.64 feet to the point of tangency of said curve; thence North $77^{\circ}49'08''$ West, a distance of 112.45 feet to a point of curvature of a curve to the left, having a central angle of $74^{\circ}33'57''$, and a radius of 89.79 feet; thence along said curve in a southwesterly direction, an arc distance of 115.83 feet to the point of tangency of said curve; thence South $27^{\circ}37'55''$ West, a distance of 73.75 feet to a point on the northerly line of a 180.00 foot wide Florida Power and

Light Company Easement as recorded in Official Records Book 6, Page 104, of the Public Records of Charlotte County, Florida; thence North 45°03'52" West, along said Florida Power And Light Company Easement a distance of 231.33 feet to a point on the easterly limits of future development Parcel 2, said point being on a curve to the left of which the radius lies North 32°49'48" West, a radial distance of 165.00 feet; thence along said curve in a northeasterly direction, passing through a central angle of 18°44'16", an arc distance of 53.95 feet to the end of said curve; thence South 73°39'28" East, a distance of 34.13 feet to the point of beginning.

Subject to other restriction, easements and/or rights of way of record, if any

LESS AND EXCEPT:

A tract or parcel of land lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Beginning at the North quarter corner of said Section 6 (said quarter corner of Section 6 being a concrete monument as described in Department of Natural Resources (D.N.R.) Document number 0048018; thence South 00°03'56" West, along the westerly line of "The Links" subdivision, Plat Book 15, Pages 18 through 18A of the Public Records of Charlotte County, Florida a distance of 239.07 feet to a point on a curve to the left, which the radius lies South 12°09'34" East, a radial distance of 105.00 feet; thence along said curve in a southerly direction, passing through a central angle of 101°11'28", an arc distance of 185.44 feet to the point of compound curvature of a curve to the left having a radius of 150.00 feet and a central angle of 20°09'12"; thence along said curve in a southeasterly direction, an arc distance of 52.76 feet to the point of reverse curvature of a curve to the right having a radius of 165.00 feet and a central angle of 116°45'20"; thence along said curve in a southerly direction an arc distance of 336.23 feet to the point of tangency of said curve; thence South 73°15'05" West, a distance of 315.19 feet to a point of curvature of a curve to the left, having a radius of 200.00 feet and central angle of 59°55'52"; thence along said curve in a southwesterly direction, an arc distance of 209.20 feet to the point of tangency of said curve; thence North 76°40'47" West, a distance of 58.00 feet to the point of beginning

From said point of beginning thence South 13°19'13" West, a distance of 147.31 feet; thence North 33°09'20" West, a distance of 221.84 feet; thence North 59°53'48" East, a distance of 56.63 feet; thence South 55°59'09" East a distance of 129.53 feet to the point of beginning

LESS AND EXCEPT:

Description #1:

The easement rights granted to Pri-Car, a Florida general partnership, by Charlotte Golf Management Limited Partnership, a Michigan limited partnership, pursuant to an easement recorded in Official Records Book 1822, Page 2053, of the Public Records of Charlotte County, Florida, over the property described as follows:

A 10 foot wide utility easement lying in Section 6 Township 40 South Range 23 East, Charlotte County, Florida, and lying 5.00 feet each side of the following describe centerline:

Commence at the Northwest corner of said Section 6; thence run South 89°30'14" East, along the North line of Section 6, a distance of 806.98 feet, to a point lying 15.00 feet northeasterly of the northeasterly right-of-way of Interstate 75 (SR 93), as measured at right angles from said right-of-way, said point also being the point of beginning and lying on the centerline of said 10.00 foot utility easement. From said point of beginning run South 28°40'49" East, 15.00 feet northeasterly of and parallel to said northeasterly right-of-way, 1444.33 feet to the northerly side of a sign easement and the terminus of said centerline of easement

The sidelines of said easement are to be extended or shortened to their respective intersections

Description #2:

An easement lying in Section 6, Township 40S, Range 23E, Charlotte County, Florida, described as follows:

Commence at the North ¼ corner of said Section 6; thence along the North line of said Section 6, North 89°30'14" West, 25.00 feet; thence South 00°05'56" West, 240.76 feet to a point of cusp with a curve concave to the southeast, having a radius of 130.00 feet and a delta angle of 92°06'58", whose chord bears South 22°42'26" West; thence along said curve in a counterclockwise direction, 209.00 feet to the beginning of a compound curve concave to the east, having a radius of 175.00 feet and a delta angle of 20°09'12", whose chord bears South 33°25'39" East; thence along said curve in a counterclockwise direction 61.56 feet to the beginning of a reverse curve concave to the west, having a radius of 140.00 feet and a delta angle of 116°45'20", whose chord bears South 14°52'23" West; thence along said curve in a clockwise direction, 285.29 feet; thence tangent to the last curve, South 73°15'05" West, 315.19 feet to the beginning of a tangential curve concave to the south, having a radius of 225.00 feet and a delta angle of 59°55'52", whose chord bears South 43°17'09" West; thence along said curve in a counterclockwise direction 235.35 feet; thence tangent to the last curve, South 13°19'13" West, 268.09 feet; thence South 39°21'17" West, 276.54 feet; run thence North 89°13'39" West, 254.20 feet to a point lying 12.50 feet northeast of the northeasterly right-of-way of Interstate 75 (SR93) as measured at right angles from said right-of-way; thence run North 28°40'49" West, parallel to and 12.50 feet northeasterly of aforementioned northeasterly right-of-way of Interstate 75, a distance of 141.21 feet to the point of beginning of an easement described as follows:

From said point of beginning run North 52°17'03" East, 36.33 feet to the point of curvature of a curve concave to the southwest and having a radius of 21.50 feet a central angle of 166°39'53" and a chord bearing of North 31°12'54" West; thence run northerly and westerly along the arc of said curve 62.67 feet to the point of tangency thereof; thence run South 65°17'08" West 46.60 feet to a point on aforementioned northeasterly right-of-way of Interstate 75; thence run South 28°40'49" East along said right-of-way, 53.60 feet; thence departing said right-of-way run North 52°17'03" East, 12.66 feet to the point of beginning.

Description #3:

An ingress-egress easement lying in Section 6, Township 40S, Range 23E, Charlotte County, Florida, Charlotte County, Florida, described as follows:

Commence at the North ¼ corner of said Section 6; thence along the North line of said Section 6, North 89°30'14" West, 25.00 feet; thence South 00°05'56" West, 240.76 feet to a point of cusp with a curve concave to the southeast, having a radius of 130.00 feet and a delta angle of 92°06'58", whose chord bears South 22°42'26" West; thence along said curve in a counterclockwise direction, 209.00 feet to the beginning of a compound curve concave to the east, having a radius of 175.00 feet and a delta angle of 20°09'12", whose chord bears South 33°25'39" East; thence along said curve in a counterclockwise direction 61.56 feet to the beginning of a reverse curve concave to the west, having a radius of 140.00 feet and a delta angle of 116°45'20", whose chord bears South 14°52'23" West; thence along said curve in a clockwise direction, 285.29 feet; thence tangent to the last curve, South 73°15'05" West, 315.19 feet to the beginning of a tangential curve concave to the south, having a radius of 225.00 feet and a delta angle of 59°55'52", whose chord bears South 43°17'09" West; thence along said curve in a counterclockwise direction 235.35 feet; thence tangent to the last curve, South 13°19'13" West, 268.09 feet; thence South 39°21'17" West, 276.54 feet to the point of beginning of a 25.00 foot ingress-egress easement and lying 12.50 feet on each side of the following described centerline:

From said point of beginning, run thence North 89°13'39" West, 254.20 feet to a point lying 12.50 feet northeast of the northeasterly right-of-way of Interstate 75 (SR93) as measured at right angles from said right-of-way; thence run North 28°40'49" West, parallel to and 12.50 feet northeasterly of aforementioned northeasterly right-of-way of Interstate 75, a distance of 141.21 feet to the terminus of said centerline.

The sidelines of said easement are to be extended or shortened to their respective intersections.

Also including the right of ingress and egress to Kings Highway over the easements described in Official Records Book 1482, Page 2011 and in Official Records Book 1028, Page 205, of the Public Records of Charlotte County, Florida, for the owner of the easement recorded in Official Records Book 1822, Page 2053.

LESS AND EXCEPT:

A tract or parcel lying in Section 6, Township 40 South Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 6; thence run South $00^{\circ}16'27''$ West along the East line of said Section 6 for 1555.01 feet; thence run North $89^{\circ}43'33''$ West for 457.96 feet to the westerly right-of-way line of Kings Highway; thence run South $23^{\circ}27'33''$ West, along said right-of-way for 58.00 feet to the point of beginning; thence run South $25^{\circ}33'46''$ West, for 179.14 feet; thence run South $25^{\circ}42'58''$ West for 194.86 feet; thence run North $64^{\circ}28'59''$ West for 14.32 feet; thence run South $27^{\circ}17'24''$ West for 323.19 feet; thence run North $64^{\circ}28'59''$ West for 10.00 feet to a point on a curve; thence run southeasterly along the arc of a curve to the right of radius 1839.86 feet (delta $8^{\circ}27'48''$) (chord bearing South $29^{\circ}44'55''$ West) (chord 271.52 feet) for 271.77 feet; thence run North $56^{\circ}01'11''$ West for 10.00 feet to a point on a curve; thence run southeasterly along the arc of a curve to the right of radius 1829.86 (delta $8^{\circ}56'32''$) (chord bearing South $38^{\circ}27'05''$ West) (chord 285.30 feet) for 285.59 feet; thence run North $47^{\circ}04'39''$ West for 15.00 feet; thence run South $42^{\circ}35'21''$ West for 43.60 feet; thence run North $45^{\circ}03'52''$ West leaving said westerly right-of-way line for 523.73 feet; thence run North $44^{\circ}56'08''$ East for 720.24 feet; thence run North $11^{\circ}19'43''$ East for 73.23 feet; thence run South $78^{\circ}40'17''$ East for 47.00 feet to a point on a curve; thence run northeasterly along the arc of a curve to the right of radius 72.95 feet (delta $80^{\circ}24'38''$) (chord bearing North $51^{\circ}44'05''$ East) (chord 94.18 feet) for 102.38 feet to the point of tangency; thence run South $87^{\circ}54'31''$ East for 56.73 feet to the point of curvature; thence run northeasterly along the arc of a curve to the left of radius 116.00 feet (delta $50^{\circ}09'33''$) (chord bearing North $67^{\circ}09'43''$ East) (chord 98.34 feet) for 101.55 feet to the point of tangency; thence run North $41^{\circ}53'56''$ East for 113.61 feet to the point of curvature; thence run northeasterly along the arc of a curve to the right of radius 75.00 feet (delta $73^{\circ}29'42''$) (chord bearing South $78^{\circ}40'47''$ West) (chord 89.74 feet) for 96.20 feet to the point of tangency; thence run South $64^{\circ}34'22''$ East for 120.89 feet to the point of beginning

LESS AND EXCEPT:

A portion of Section 6, Township 40 South Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 6; thence run South $00^{\circ}16'27''$ West along the East line of said Section 6 for 583.12 feet to the westerly right-of-way line of Kings Highway; thence run southwestwardly along said right-of-way the following three courses, South $25^{\circ}24'50''$ West for 311.47 feet; thence run South $25^{\circ}22'46''$ West for 500.00 feet; thence run South $25^{\circ}33'46''$ West for 274.86 feet; thence run North $64^{\circ}34'22''$ West leaving said right-of-way for 144.06 feet to a point of curvature; thence run northwesterly along the arc of a curve to the right of radius 92.00 feet (delta $84^{\circ}00'54''$) (chord bearing North $22^{\circ}33'55''$ West) (chord 123.14 feet) for 134.90 feet to the point of tangency; thence run North $19^{\circ}26'32''$ East for 339.86 feet; thence run North $70^{\circ}33'28''$ West for 87.08 feet to a point of curvature; thence run northwesterly along the arc of a curve to the right of radius 116.00 feet (delta $29^{\circ}40'56''$) (chord bearing North $55^{\circ}43'06''$ West) (chord 59.42 feet) for 60.09 feet to the point of tangency; thence run North $40^{\circ}52'32''$ West for 140.40 feet to a point of curvature; thence run northwesterly along the arc of a curve to the left of radius 171.51 feet (delta $25^{\circ}44'27''$) (chord bearing North $55^{\circ}44'45''$ West) (chord 88.03 feet) for 89.03 feet to the point of tangency; thence run North $70^{\circ}36'59''$ West for 420.19 feet to the point of beginning; thence run North $01^{\circ}16'49''$ East for 196.93 feet; thence run North $88^{\circ}43'11''$ West for 780.39 feet; thence run North $76^{\circ}46'06''$ West for 508.87 feet; thence run South $89^{\circ}44'03''$ West for 239.43 feet to a point on a curve; thence run southeasterly along the arc a curve to the left of radius 150.00 feet (delta $20^{\circ}09'12''$) (chord bearing South $33^{\circ}25'39''$ East) (chord 52.49 feet) for 52.76 feet to the point of reverse curvature; thence run southeasterly southerly and southwesterly along the arc a curve to the right of radius 165.00 feet (delta $43^{\circ}58'33''$) (chord bearing South $21^{\circ}30'48''$ West) (chord 123.57 feet) for 126.66 feet to a point on a curve; thence run southeasterly along the arc a curve to the right of radius 500.00 feet (delta $10^{\circ}49'37''$) (chord bearing South $82^{\circ}51'06''$ East) (chord

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94.34 feet) for 94.48 feet to the point of tangency; thence run South 77°26'17" East for 582.83 feet; thence run South 88°43'11" East for 620.86 feet to the point of curvature; thence run southeasterly along the arc of a curve to the right of radius 350.00 feet (delta 18°06'12")(chord bearing South 79°40'05" East)(chord 110.13 feet) for 110.59 feet to the point of tangency; thence run South 70°36'59" East for 42.94 feet; thence run North 15°34'10" East for 16.32 feet to the point of beginning

Less and Except:

Land described in Official records book 1742, Page 882, of the Public Records of Charlotte County, Florida

Subject to:

A 24 feet wide ingress/egress easement as described in Official Records Book 1482 Page 2011 of the Public Records of Charlotte County, Florida.

Subject to:

A 28 feet wide ingress/egress easement as described in Official Records Book 1028, Page 205, of the Public Records of Charlotte County, Florida

LESS AND EXCEPT:

A portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 6; thence run South 00°16'27" West along the East line of said Section 6 for 583.12 feet to the westerly right-of-way line of Kings Highway; thence run southwesterly along said right-of-way the following three courses, South 25°24'50" West for 311.47 feet; thence run South 25°22'45" West for 500.00 feet; thence run South 25°33'45" West for 274.85 feet; thence run North 54°34'22" West leaving said right-of-way for 144.06 feet to a point of curvature; thence run northwesterly along the arc of a curve to the right of radius 92.00 feet (delta 64°00'34")(chord bearing North 22°33'55" West)(chord 123.14 feet) for 134.90 feet to the point of tangency; thence run North 19°26'32" East for 339.86 feet; thence run North 70°33'28" West for 87.08 feet to a point of curvature; thence run northwesterly along the arc of a curve to the right of radius 116.00 feet (delta 29°40'56")(chord bearing North 55°43'00" West)(chord 59.42 feet) for 60.09 feet to the point of tangency; thence run North 40°52'32" West for 140.40 feet to a point of curvature; thence run northwesterly along the arc of a curve to the left of radius 171.51 feet (delta 29°44'27")(chord bearing North 55°44'45" West)(chord 88.03 feet) for 89.03 feet to the point of tangency; thence run North 70°36'59" West for 420.19 feet; thence run South 15°34'10" West for 16.32 feet to the point of beginning; thence run North 70°36'59" East for 42.94 feet to the point of curvature; thence run northwesterly along the arc of a curve to the left of radius 350.00 feet (delta 18°06'12")(chord bearing North 79°40'05" West)(chord 110.13 feet) for 110.59 feet to the point of tangency; thence run North 88°43'11" West for 620.86 feet; thence run North 77°26'17" West for 582.83 feet to the point of curvature of a curve to the left of radius 500 feet (delta 10°49'37")(chord bearing North 82°51'06" West)(chord 94.34 feet) for 94.48 feet to a point on a curve; thence run southwesterly along the arc of a curve to the right of radius 165.00 feet (delta 73°06'26")(chord bearing South 37°01'51" West)(chord 196.54 feet) for 196.54 feet to the point of tangency; thence run South 73°15'05" West for 17.97 feet; thence run South 45°03'52" East for 337.90 feet; thence run North 27°37'55" East for 155.29 feet to the point of curvature; thence run northeasterly along the arc of a curve to the right of radius 29.79 feet (delta 74°32'57")(chord bearing North 64°54'23" East)(chord 36.08 feet) for 38.76 feet to the point of tangency; thence run South 77°49'06" East for 58.51 feet to a point on a curve; thence run southwesterly and southeasterly along the arc of a curve to the left of radius 120.00 feet (delta 126°11'48")(chord bearing South 46°47'29" East)(chord 214.03 feet) for 264.31 feet to the point of tangency; thence run North 70°06'37" East for 112.97 feet to the point of curvature; thence run northeasterly along the arc of a curve to the right of radius 140.00 feet (delta 30°32'54")(chord bearing North 85°23'04" East)(chord 73.76 feet) for 74.64 feet to the point of compound curvature; then run southeasterly along the arc of a curve to the right of radius 16.00 feet (delta 56°38'35")(chord bearing South 50°51'11" West)(chord 15.26 feet) for 15.91 feet to the point of tangency; thence run South 22°21'53" East for 65.58 feet to the point of curvature; thence run southeasterly, easterly and northeasterly along the arc of a curve to the left of radius 160.00 feet (delta 106°22'21")(chord bearing South 75°33'04" East)(chord 256.19 feet) for 297.05 feet to the point of tangency; thence run North 51°15'45" East for 168.73 feet to the point of curvature; thence run northeasterly along the arc of a curve to the

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right of radius 20.00 feet (delta 45°49'54") (chord bearing North 74°10'42" East) (chord 88.03 feet) for 16.00 feet to the point of tangency; thence run South 82°54'21" East for 260.70 feet; thence run North 06°37'34" East for 225.94 feet to a point on a curve; thence run southeasterly along the arc of a curve to the right of radius 312.01 feet (delta 12°43'27") (chord bearing South 76°59'43" East) (chord 69.33 feet) for 69.47 feet; thence run North 19°23'01" East for 8.00 feet; thence run South 70°36'59" East for 37.22 feet; thence run North 19°23'01" East for 18.09 feet; thence run North 15°34'10" East for 28.06 feet to the point of beginning.

Subject to:

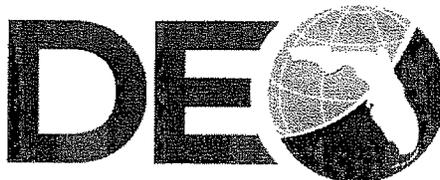
A 24 feet wide ingress/egress easement as described in Official Records Book 1482, Page 2011, of the Public Records of Charlotte County, Florida.

Subject to:

A 28 feet wide ingress/egress easement as described in Official Records Book 1028, Page 205, of the Public Records of Charlotte County, Florida.

Attachment 5
DEO Letter Dated July 11, 2012 Regarding Sandhill DRI DO
Scriveners' Errors

Rick Scott
GOVERNOR



Hunting F. Deutsch
EXECUTIVE DIRECTOR

FLORIDA DEPARTMENT of
ECONOMIC OPPORTUNITY

July 11, 2012

Ms. Inga Williams, Principle Planner
Charlotte County Community Development Department
Charlotte County Administrative Complex
18400 Murdock Circle
Port Charlotte, Florida 33948

RE: Sandhill Development of Regional Impact
Scrivener's Error in Exhibit B to the Development Order and Adjustments to Map H

Dear Ms. Williams:

The Department of Economic Opportunity, in its role as the State Land Planning Agency, has evaluated your request for changes to the Sandhill Development of Regional Impact (DRI) development order (approved by Resolution 2009-267) and whether these changes are governed by Section 163.06(19)(e)2, Florida Statutes (F.S.). The first change corrects the parcel by parcel commercial square footage amounts in the development order's Exhibit B so that it accurately reflects the amounts built or allocated; no change to the total square footage set forth in the body of the development order is proposed. The second change excludes a 2-acre parcel inadvertently included in the DRI boundaries through a GIS mapping error.

The Department has consulted with the Southwest Florida Regional Planning Council and we both agree that these changes fall under Section 380.06 380.06(19)(e)2.I., F.S. Thus, pursuant to subparagraph 380.06 380.06(19)(e)2.I., F.S., the proposed changes do not require the filing of a notice of proposed change. However, the amendment to the development order should be in accordance with the local government's procedures for amendment of a development order; and if approved, the local government must render the amended development order to the Department.

Any questions regarding this determination may be directed to Brenda Winningham, Regional Planning Administrator, at (850) 717-8516.

Sincerely,

Mike McDaniel, Chief
Bureau of Community Planning

cc: Mr. Dan Trescott, Planner IV, Southwest Florida Regional Planning Council
Mr. Ray Sandrock, County Administrator, Charlotte County

Florida Department of Economic Opportunity | The Caldwell Building | 107 E. Madison Street | Tallahassee, FL | 32399-4120
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Attachment 6
Draft Sandhill Development Order

RESOLUTION
2014-

A RESOLUTION AMENDING RESOLUTION 2009-237, THE SANDHILL DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER; FINDING THAT THIS AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on February 17, 1981, the Board of County Commissioners of Charlotte County, Florida ("Board") approved and adopted a Development Order ("DO") for the Sandhill Development of Regional Impact (DRI) Planned Development (PD-80-4), pursuant to Section 380.06, Florida Statutes; and

WHEREAS, Sandhill Properties requested changes to the Sandhill DO that were considered to be a Substantial Deviation from (PD-80-4), and an Application for Development Approval ("ADA") was submitted by Sandhill Properties on September 30, 1985 as well as two supplemental sufficiency responses; and

WHEREAS, on September 9, 1986, the Board approved and adopted Resolution 86-230 which amended the Sandhill DO (PD-80-4) adopted on February 17, 1981; and

WHEREAS, the Sandhill DO adopted by Resolution 86-230 was amended by various resolutions including, but not limited to, Resolution 86-325 on November 18, 1986; Resolution 87-07 on January 20, 1987; Resolution 87-156 on July 21, 1987; Resolution 87-289 on December 15, 1987; Resolution 88-56 on April 19, 1988; Resolution 88-57 on April 19, 1988; Resolution 88-235 on October 4, 1988; Resolution 88-282 on December 20, 1988; Resolution 89-42 on February 21, 1989; Resolution 89-90 on April 25, 1989; Resolution 89-324 on October 24, 1989; Resolution 89-330A on October 31, 1989; Resolution 90-258 on October 16, 1990; Resolution 91-99 on May 21, 1991; and Resolution 91-123 on June 18, 1991; and

WHEREAS, Wallace B. Hinshaw, Jr. and James E. Moore, III, as Trustees requested changes to the Sandhill DO which constituted a Substantial Deviation from the approved DRI and an ADA was submitted on October 23, 1991, as well as one supplemental sufficiency statement on February 10, 1992; and

WHEREAS, on December 15, 1992, the Board approved and adopted Resolution 92-285 which amended the Sandhill DO; and

WHEREAS, the Sandhill DO adopted by Resolution 92-285 was amended by various resolutions including, but not limited to, Resolution 93-59 on May 4, 1993; Resolution 97-0610A0 on July 15, 1997; Resolution 2002-064 on May 28, 2002; Resolution 2002-178 on November 12, 2002; Resolution 2003-028 on February 11, 2003; Resolution 2006-026 on February 21, 2006; Resolution 2006-027 on February 21, 2006, Resolution 2006-173 on September 19, 2006; Resolution 2006-212 on November 21, 2006; Resolution 2007-112 on August 14, 2007; Resolution 2007-161 on October 16, 2007; Resolution 2008-029 on March 18, 2008; Resolution 2008-158; Resolution 2009-237; and as amended herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Sandhill DRI, as described in Exhibit "A" attached hereto and incorporated herein by this reference, is not in an area of critical State concern designated pursuant to the provisions of Section 380.05, F.S.
2. The proposed development does not unreasonably interfere with the achievement of the objectives of any adopted State land development plan applicable to Charlotte County.
3. The granting of the requested amendment to the Development Order as described in Revised Map H submitted by the applicant, attached as Exhibit "B" hereto, is consistent with the local Land Development Regulations, the local Comprehensive Plan, the State Land Development Plan and the State Comprehensive Plan.
4. Section 3-9-49 of the Charlotte County Code requires final development plan approval by the Board of County Commissioners prior to the issuance of construction or other permits by Charlotte County consistent with the Concept Plan and conditions attached hereto and establishes the standards and requirements for the approval of a final development plan.
5. A Municipal Service Taxing Unit has been established, pursuant to Ordinance 86-68 as amended by Ordinance 90-45, for the whole project area to meet the requirements for essential services and municipal services and capital improvements. In addition, right-of-way dedications listed pursuant to Resolution 86-230 have been made.
6. The removal of phasing within the Sandhill DRI as authorized pursuant to the Development Order as amended, and amended herein, permits the Master Plan submitted for the DRI, and in accordance with Capital Improvements commitments and funding made through the MSTU/BU established for the overall DRI, as well as commitments through developer agreements and designated improvements under the Charlotte County

Comprehensive Plan. It is consistent with all conditions and commitments made within the original Development Order for the Sandhill DRI, as amended by Resolution 86-230 and as amended herein.

7. The Sandhill site contains 713.12± acres with the land use distributed and approved as follows:

Residential	<u>154.84</u> 138.59 acres	<u>2626</u>
<u>2600</u> units		
***Commercial	<u>249.39</u> 242.91 acres	_____
2,008,800		
gross square feet		
Hotel/Motel		120 units
*Research & Development	4.2 acres	42,000
		gross square feet
<u>Golf Course</u>	<u>84.09</u> acres	
**Park/Public/Semi-Public	<u>44.35</u> 40.18 acres	_____65,000
		gross square feet
Lake	61.4 acres	
Public	2.6 acres	
Mitigation	84.7 acres	
Preservation	6.55 acres	
Roads	37.9 acres	
Nursing Home/ACLF	19.56 acres	458 beds
Industrial	47.64 acres	430365,000
		gross square feet
Retail Parking Spaces		8,030

*261,000 gross square feet of the originally approved Research and Development gross square footage was analyzed as commercial retail for traffic purposes

**Building area only applies to Tract 2 Public/Semi-Public 24.78 acres for government offices

***On Parcel C-24 of Tract 2, 17,000 square feet of commercial and 120 hotel/motel units.

NOW THEREFORE, be it resolved that the Sandhill DO is deleted in its entirety and replaced with the following:

A. Drainage/Water Quality:

Condition 2. Drainage/Water Quality:

- (1) Subsequent to the issuance of Amended Development Order pursuant to Resolution #86-230, the Sandhill Master Drainage Plan has been submitted and approved by the

Southwest Florida Water Management District (SWFWMD), and the Sandhill MSTU/BU is in place with authorization to assess the properties in the DRI for drainage improvements. For each sub-basin, the following has been completed:

- (a) Detailed survey, design and analysis of downstream discharge capabilities;
 - (b) Submission of the information and design to the County engineer for review and approval;
 - (c) Approval of the construction and funding for the drainage facilities as necessary by the Sandhill MSTU/BU or developer.
- (2) Individual sites will not be approved for stormwater by Charlotte County until any and all downstream facilities for each sub-basin related to that site are in place and certified as proper and functional by an engineer of record registered in the State of Florida except on-site stormwater retention for individual properties will be permitted as a temporary means of accommodating stored drainage provided that they be designed to tie into the master drainage system as soon as downstream facilities are in place.
- (3) All costs for surveying, engineering and monitoring shall be assessed through the MSTU/BU on a sub-basin basis. Where benefit accrues to a sub-basin, that cost shall not be assessed on parcels outside the sub-basin, however, the benefit shall be assessed on a fair proportionate basis on all parcels in the sub-basin including parcels owned by the government.
- (4) Prior to any construction associated with this substantial deviation, the applicant shall be required to receive written notice from the Southwest Florida Water Management District stating that the proposed changes do not require a modification of the previously issued conceptual permit or shall obtain such modified permits as required.
- (5) The development parcels near the roosting area within Tract 2, which includes parcel C-13 as shown on Revised Map H (attached hereto and by reference incorporated herein), shall have shielded lighting (i.e., no spotlights or overhead dusk to dawn lights which may light up the roosting area).

- (6) Any site development plan for the public/semi-public that provides for government office space as herein otherwise permitted near the roosting area shall be reviewed by Charlotte County, the Florida Fish and Wildlife Commission and the Southwest Florida Regional Planning Council for potential impacts to the roost site.

Passive types of recreation shall be encouraged near the roosting area, notwithstanding the development of government office space.

- (7) In order to provide an added buffer to the roosting area, the oak hammock located in the public/semi-public park area on the eastern edge of the roost shall be preserved and, if possible, a fringe of oaks shall be preserved in parcel C-22, and if not possible, there shall be mitigation at the time of final plan approval by providing additional vegetation in the public/semi-public parcel to provide a visual buffer, however, cross access of sixty feet (60') shall be permitted through parcel C-22, parallel to Kings Highway.
- (8) Implementation of the Southwest Florida Water Management District permit requires buffering of existing and created wetlands and the creation of three islands which are intended to function like the existing willow-heads to provide a visual barrier to wetlands and nesting and roosting areas for wading birds.
- (9) All of the wetlands shall be incorporated into the overall design of the project surface water management system.
- (10) Restoration of hydroperiod to wetlands which have been partially drained by past activities.
- (11) The building site and stormwater management system for the automotive convenience maintenance service shall be designed to include appropriate structural elements such as oil water separators, spill containment barriers, sediment collectors, and detention areas to prevent, to the greatest extent technically feasible, automobile generated pollutants from entering receiving bodies. Furthermore, a regular monitoring and maintenance program shall be established by the applicant (developer of the individual site) to ensure that the proper storage and treatment functions of the stormwater management system are maintained, in accordance with the SWFWMD permit.

- B. Energy: The development as proposed would be an all electric development and would increase the energy demands of the region. The applicant has committed in the ADA to provide a variety of energy conservation measures to reduce the impact of that increased energy demand.

Conditions:

As a condition precedent to final detail plan and development plan approval, the applicant shall include the following energy conservation features in the final site plans and architecture for Sandhill Properties:

- (1) Provision of a bicycle/pedestrian system connecting land uses, to be placed along arterial and collector roads within the project, which system is to be consistent with Charlotte County requirements, and provision for bicycle racks or storage facilities in recreational, commercial, and multi-family residential areas.
- (2) Use of energy-efficient features in window design (e.g. tinting and exterior shading).
- (3) Reduced coverage by asphalt, concrete, rock, and other similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.
- (4) Installation of energy-efficient lighting for streets, parking areas, recreation areas, and other in exterior public areas.
- (5) Use of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) (as specified in the Water Conservation Act, Chapter 553.14, F.S.)
- (6) Selection of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs.
- (7) Planting of native shade trees to provide reasonable shade for all recreation areas, streets, and parking areas, and placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.

- (8) Planting of native shade trees for each residential unit.
- (9) Orientation of structures as possible to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.
- (10) Provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.
- (11) Inclusion of porch/patio areas in residential units.
- (12) Cooperation in the locating of bus stops, shelters, and other passenger and system accommodations for any transit system to serve the project area.
- (13) Use of operable windows and ceiling fans.
- (14) Installation of energy-efficient appliances and equipment.
- (15) There shall be no deed restrictions or covenants that would prevent or unnecessarily hamper any of the conservation efforts.

C. Fire Protection:

Conditions:

- (1) As a condition precedent to any detail plan and development plan approval, the developer must obtain from the Charlotte County fire official and, if it has not been consolidated with the County, the representative of the Harbour Heights Fire District, certification that the facilities, equipment and full time paid manpower necessary to provide adequate fire protection to the development will be available to service that portion of the development for which approval is sought. In determining whether to issue such certification, a determination shall be made of whether sufficient revenue will be available from the District's special fire assessment, or from any successor fire assessment district in which the development is included, or from an MSTU set up for this purpose to meet the costs of the additional facilities, manpower, and equipment, and in the event projected revenues from the subject development are not sufficient, the developer may enter into an agreement with the County,

in a form found to be sufficient by the County Attorney, to contribute the additional funds needed. If the County Impact Fee Ordinance is amended to include a public safety component, the developer shall be subject to that component.

- (2) Fire sprinklers shall be included in the commercial and research and development areas, and the common areas of the residential buildings.

- D. Flood Plain/Hurricane Evaluation: The project area has a natural elevation above the category 3 storm surge height (19.0 feet MSL). Furthermore, any community/recreation buildings with onsite shelter potential will have a minimum first floor elevation of 20 feet MSL. The potential for onsite public use areas to serve as areawide hurricane evacuation shelter would provide a use of regional benefits:

Condition:

- (1) The applicant shall meet with Charlotte County Emergency Management to identify those public areas to be used as shelters.

- E. Solid Waste: The project will generate about 37.5 tons of solid waste per day at build out, which will place additional demand on the Charlotte County landfill. The increased size of the commercial uses and the addition of a research and development use could generate significant amounts of hazardous wastes.

Condition:

- (1) As a condition precedent to detail plan and development plan approval, the applicant shall submit to all appropriate local, state and federal agencies for prior approval a plan identifying the proper onsite handling procedures and temporary storage facilities for any generated on site, in accordance with local regional and state hazardous waste programs; this plan shall indicate how the applicant and subsequent tenants will carry out these procedures and maintain these storage facilities.

- F. Wastewater: The applicant estimates the project will generate about 1.31 million gallons per day of waste water at build out. The applicant has committed not to use septic tanks on the project. The addition of a research and development use and the expansion of the commercial use may change the character of the waste water.

Conditions:

- (1) Consistent with the original development order, as a condition precedent to detail plan and final development plan approval, the applicant must obtain a letter of commitment to serve the project throughout its life prior to construction of each phase or year.
- (2) As a condition of detail plan and final development plan approval, the applicant shall indicate how any waste water containing hazardous waste will be segregated from every day wastewater.

- G. Water Supply: Total potable water demands for the project will be according to the applicant 1.7 MGD.

Conditions: As a condition precedent to detail plan and development plan approval:

- (1) The applicant shall demonstrate to Charlotte County and the Southwest Florida Water Management District, through letters of commitment, that adequate water supplies are available for that respective portion of construction throughout the life of the project.
- (2) The applicant shall demonstrate to Charlotte County that a modification to the existing Consumptive Use Permit has been granted by SWFWMD as stipulated within Chapter 40D-2, F.A.C.
- (3) The lowest quality of water possible and appropriate shall be utilized for all non-potable water use.
- (4) Water conservation measures and practices shall be utilized. At a minimum, water conservation devices as described within the Water Conservation Act must be used; landscape irrigation shall be restricted to the hours of 5:00 P.M. to 9:00 A.M. after the establishment of landscaping, the non-potable water sources and/or reuse shall be utilized.

- H. Education: The Sandhill DRI will add an estimated 1,256 students to the Charlotte County School System, which are expected to enter Charlotte County schools at a fairly constant rate of 83 students per year. The School Board is under contract to purchase an elementary school site at a cost of \$123,800 with a capacity for 600 students that will serve the Sandhill DRI.

Condition: Prior to final building inspection and issuance of Certificate of Occupancy for residential units, the developer shall contribute the sum of \$26, plus 5% for each year payment is made after 1987, per unit to offset the elementary school acquisition costs; this contribution shall be paid to the Zoning Director. In the event an Impact Fee Ordinance component for schools is established, the developer shall be subject to that component in lieu of this contribution for schools.

- I. Transportation:

Condition 12. Transportation

- (a) Site Related Improvements – The property owners and their successors within Sandhill shall be responsible for their site-related roadway and intersection improvements required within the Sandhill DRI. The property owners or their successors shall be required to pay the full cost for any of their site-related intersection improvements (including but not limited to signalization, turn lanes and additional through lanes) found to be necessary by Charlotte County or the Florida Department of Transportation (FDOT) for the project's access intersections. The MSTU/BU, which has been created for Sandhill, shall be responsible for funding the cost of an Interchange Modification Report, when needed, as shown by the biennial monitoring report, to identify any improvements to the interchange.
- (b) Significant Impacts – Contributions shall be made by the property owners in Sandhill through impact fees and by Charlotte County in order to provide the necessary transportation improvements, including design and engineering, utility relocation, right-of-way acquisition, construction, construction contract administration and construction inspection necessary to maintain the adopted level of service for the

following significantly impacted regional and local roadways through project buildout on March 2, 2012.

(1) Regional Road Segments

Kings Highway

-DeSoto County line to Sandhill Boulevard: 4 lanes (2 additional lanes)

-Sandhill Boulevard to I-75: 6 lanes (2 additional lanes)

-I-75 to Hillsborough Boulevard: 8 lanes (4 additional lanes)

-Hillsborough Boulevard to Midway Boulevard: 6 lanes (2 additional lanes)

Hillsborough Boulevard

-Kings Highway to Peachland Boulevard: 6 lanes (2 additional lanes)

-Peachland Boulevard to Murdock Circle: 4 lanes (2 additional lanes)

I-75 ramps

-Kings Highway to southbound lanes: 2 lanes (1 additional lane)

-Southbound lanes to Kings Highway: 2 lanes (1 additional lane)

-Northbound lanes to Kings Highway: 3 lanes (2 additional lanes)

Local Road Segments

Peachland Boulevard

-Loveland Boulevard to Yorkshire Street: 4 lanes (2 additional lanes)

Sandhill Boulevard

-Kings Highway to Deep Creek Boulevard: 4 lanes (2 additional lanes)

Rampart Boulevard

-Rio de Janeiro Avenue to I-75: 4 lanes (2 additional lanes)

-I-75 to Kings Highway: 6 lanes (4 additional lanes)

(2) Regional Intersections

Kings Highway/Sandhill
-Signalization/turn lanes

Kings Highway/I-75 NB Ramps
-Signalization/turn lanes

Kings Highway/I-75 SB Ramps
-Signalization/turn lanes

Kings Highway/Hillsborough Boulevard
-Turn lanes

Kings Highway/Rampart Boulevard
-Turn lanes

Kings Highway/Midway Boulevard
-Turn lanes

Hillsborough Boulevard/Peachland Blvd.
-Signalization/turn lanes

Hillsborough Boulevard/Loveland Avenue
-Turn lanes

Hillsborough Boulevard/Harbor Boulevard
-Signalization/turn lanes

Local Intersections

Peachland Boulevard/Loveland Avenue
-Signalization/turn lanes

Peachland Boulevard/Orlando Avenue
-Turn lanes

Peachland Boulevard/Harbor Boulevard
-Signalization/Turn lanes

Midway Boulevard/Loveland Avenue
-Turn lanes

Midway Boulevard/Beacon Avenue
-Turn lanes

Midway Boulevard/Conway Boulevard

-Turn lanes

Midway Boulevard/Harbor Boulevard

-Turn lanes

Significant Impacts – The estimated cost of construction of the above road links and intersection improvements is \$20,980,000. These improvements would serve Sandhill at buildout in the year 2012 and serve the projected growth in the surrounding area. The proportionate share of Sandhill’s impact of the above improvements is:

Link-Related	\$7,600,150
Intersection-Related	\$1,697,850
Total Project Impacts	\$9,298,000

- (c) Mitigation – As mitigation for the above transportation impacts of the Sandhill DRI, the property owners or their successors shall pay Charlotte County road impact fees in effect at the time building permits are issued pursuant to the Charlotte County Road Impact Fee Ordinance. (Road impact fees are estimated to generate \$10,205,126. In addition, \$1,324,214 of right-of-way donation has been received by Charlotte County. Total project contributions towards needed road improvements are estimated to be \$11,529,340.)

As mitigation for transportation impacts of the 514,500 square feet of commercial retail uses approved for parcels C-21, C-25 and C-1 (“Charlotte Commons Parcels”) within Tract 1 as depicted on Revised Map H, the property owners or their successors shall design, permit and construct the following improvements (the “Improvements”):

Kings Highway and Veterans Boulevard
(Assume Kings Highway is East-West and Veterans Boulevard is North-South)

1. Add an exclusive Southbound through lane.
2. Add an exclusive 2nd Eastbound left turn lane
3. Add a receiving Eastbound through lane (Length approximately 800 ft from Veterans Blvd to I-75)
4. Add an exclusive 2nd Westbound right-turn lane

5. Mill and resurface the existing Eastbound right-turn lane to convert to a shared Eastbound through/right-turn lane
6. Signal Upgrade

Peachland Boulevard and Veterans Boulevard
(Assume Peachland Boulevard is East-West and Veterans Boulevard is North-South)

7. Add an exclusive Southbound left turn lane.
8. Add an exclusive Southbound through lane (completed)
9. Add an exclusive 2nd Eastbound right turn lane
10. Add an exclusive 2nd Northbound left turn lane
11. Upgrade Westbound approach (completed)
12. Signal Upgrade
13. Interconnect

Additionally, the property owners of the Charlotte Commons Parcels or their successors shall:

- 1) Pay Charlotte County road impact fees equal to the total cost of the design, permitting, construction and construction management of the Improvements including interest costs of any construction loan.;
- 2) Provide stormwater drainage and retention for the Improvements within the Charlotte Commons Parcels' stormwater facilities or within the Sandhill DRI stormwater basins.
- 3) Submit design plans for Improvements numbered 1, 2, 4, 6, 7, 9, 11 and 12, above ("Phase I Improvements"), as part of its first submittal to the Development Review Committee for approval of any portion of up to 100,000 square feet of commercial space.
- 4) Submit design plans for Improvements numbered 3, 5, 8, 10, and 13 above ("Phase II Improvements"), as part of its first submittal to the Development Review Committee for approval of any portion of commercial space in excess of 100,000 square feet.
- 5) Prepare, submit and process all necessary permits from local, state and federal agencies for the

Improvements. If wetlands are impacted by the design for the Improvements, the property owners of the Charlotte Commons Parcels shall obtain the necessary local, state and federal permits for such impacts. All permit fees, application fees, administration fees and other expenses will be documented to Charlotte County.

6) Commence Phase I Improvements within 24 months from May 4, 2008.

The approved 514,500 square feet may be constructed in two phases. Phase I shall consist of not more than 100,000 square feet of commercial space. No certificate of occupancy for any portion of the 100,000 square feet of Phase I development shall be issued until the Phase I Improvements are complete. Phase II shall consist of not more than 414,500 square feet of commercial space. No certificate of occupancy for any portion of the 414,500 square feet of Phase II development shall be issued until the Improvements are complete.

The property owners of the Charlotte Commons Parcels or their successors may use such County property as is necessary to design, permit, install, construct and complete the Improvements.

If wetlands are impacted by the design for the Improvements, impacts shall be mitigated. Those mitigation costs attributable to the Improvements will be paid solely and directly by the County.

The property owners of the Charlotte Commons Parcels or their successors will prepare and administer the bid package for construction of the Improvements in coordination with the County Engineer and will notify the County Engineer upon the selection of the qualified lowest contractor bid.

The property owners of the Charlotte Commons Parcels or their successors shall receive road impact fee credits equal to the total cost of the design, permitting and construction of the Improvements including interest costs of any construction loan. The County shall be provided with an updated estimate of

costs concurrent with notification to County of the qualified lowest contractor bid.

The property owners of the Charlotte Commons Parcels or their successors shall submit monthly invoices to County. The invoices shall be subject to review and verification by the County Engineer. Impact fee credits shall be issued by County within thirty (30) days of submission of each monthly invoice. Any amounts that remain uncredited following said 30 day period shall bear interest at the prime rate published from time to time by Wells Fargo Bank.

Road impact fee credits shall only be applied to offset the road impact fees due for development of the Charlotte Commons Parcels and shall not expire. The road impact fee obligation for the Charlotte Commons Parcels shall be equal to the total cost of the design, permitting, construction and construction management of the Improvements including interest costs of any construction loan.

If the Improvements are provided as detailed herein, the Charlotte Commons Parcels shall be deemed vested to construct 514,500 square feet of commercial/retail uses, consistent with any subsequently approved Final Detail Plan.

7) As mitigation for development of Parcels 5-19B, C, F, G, I J K and L with 43,000 square feet of commercial development, 458 assisted living and memory care beds, 365,000 square feet of industrial development and 650 multi-family dwelling units or other development consistent with this Sandhill DRI Development Order that will generate not more than 4,419 net new external trips, the developer shall comply with the terms of the Development Agreement attached as **Exhibit "C"** hereto and incorporated herein by this reference.

- (d) Monitoring – The timing for the initiation of the improvements outlined in Condition 12 (b) above shall be made at the time that a road segment or intersection is projected to exceed the level of service

standard adopted in the local comprehensive plan. To determine the existing and projected levels of service on regional and local facilities in need of improvements in a timely manner, the Sandhill DRI through the Sandhill MSTU/BU shall submit a biennial monitoring report to Charlotte County, FDOT, the Florida Department of Community Affairs and the Southwest Florida Regional Planning Council for review and approval. This first monitoring report shall be submitted one year after the issuance of this development order for the Sandhill DRI Substantial Deviation and every two years thereafter until after buildout of the project in year 2012.

At a minimum, the report shall contain p.m. peak hour trip generation estimates and turning movements at each of the access intersections and the off-site intersections listed above in Condition 12 (b)(2), and a calculation of the peak season peak hour level of service at these intersections and on the road segments indicated above Condition 12 (b)(1). The levels of service shall be calculated according to current professional standards. Prior to submitting each biennial monitoring report, the property owners shall coordinate with the reviewing agencies to review the methodology. The applicant will furnish all traffic analysis in a format compatible with Charlotte County's Comprehensive Plan, Traffic Element, Policy 1.1 and Charlotte County's Concurrency Management System; that is traffic data in the format of "Average Daily Trips" and "Peak Season/Peak Hour".

The biennial monitoring report shall, in addition to current counts and traffic information, provide a projection of project traffic for the following year to be based on anticipated construction for the same period of one year on all of the above listed regional roads and intersections. The projection will include traffic generated by all of the completed project development, all of the portion of the project for which building permits have been issued, and the amount of project development for which the property owners intend to seek building permits in the following year. Also, the biennial monitoring report should indicate the status of those road improvements from the

County's Capital Improvements Element that were assumed to be committed for this analysis.

- (e) If the analysis from the biennial monitoring report indicates that any of the identified roadways now exceeds or will exceed during the next year the level of service standards adopted by the County and the project is utilizing or is projected to utilize more than 5% of the level of service "D" capacity for urban areas or "C" for rural areas, then further building permits shall not be granted, with the exception of building permits for up to 514,500 square feet of commercial retail or less intense development on parcels C-21, C-25 and C-1 within Tract 1 as shown on Revised Map H, until the standards of the County's concurrency management system have been met and the affected roadway improvement, as identified in this Development Order, is listed as committed for construction based on the criteria listed below.

No building permits for developments beyond those projected in the biennial monitoring report shall be issued until the next biennial monitoring report with projections is performed.

A committed roadway improvement for the purpose of meeting the requirements of Section 380.06(15) (e)2., Florida Statutes, shall be recognized as either:

- 1) A roadway improvement scheduled for construction to commence in or before the first year of the appropriate local government's Comprehensive Plan capital improvement element. A roadway improvement scheduled for construction to commence in or before the third year of Charlotte County's Comprehensive Plan capital improvements element will be recognized as a committed roadway improvement; with no additional amendment to this Development Order required, when Charlotte County amends its adopted comprehensive plan and the comprehensive plan amendment is found to be in compliance

by final agency action with Rule 9J-5.0055(2)(c), Florida Administrative Code, except insofar as (2)(c) would allow concurrency to be satisfied by using the provision in Rule 9J-5.0055(2)(a)1. - 4, Florida Administrative Code or Rule 9J-5.0055(2)(b)1. and 2., Florida Administrative Code.

- 2) A roadway improvement scheduled for construction within the first three years of the Florida Department of Transportation's Five Year Work Program; or
- 3) Any alternative agreed upon by the Charlotte County, SWFRPC, FDCA, and the property owners in Sandhill. The property owners have the right to propose as an alternative, the use of a Local Government Development Agreement pursuant to Section 163.3220, Florida Statutes, which contains commitments by the property owners (potentially including a proportionate share payment) and the local government to provide the necessary improvements which ensures concurrency on all significantly impacted regional and local roads and intersections. As an alternative, the MSTU/BU may provide the necessary improvements pursuant to the above described agreement. Any agreed upon alternative shall be incorporated into this Development Order by amendment pursuant to the procedures set forth in Section 380.06(19), Florida Statutes.

- (f) The location of individual access points to the project shall be determined in consultation with the County Engineer's Department prior to submission of detail plans for approval; access points and curb cuts onto public roads shall be minimized and arterial and collector roads within the project should be

constructed to minimize the need for offsite circulation, and an interior roadway and frontage road concept should be utilized within the commercial and research and development areas to enable access to adjoining development without accessing existing streets.

- (g) Parcel C-22 (Parcel 4 in Comprehensive Plan Amendment) shall not have direct access onto Kings Highway; Parcel C-13 (Parcel 5 in Comprehensive Plan Amendment) shall be allowed access in compliance with the Charlotte County Access Management Ordinance; Parcel C-25 shall have direct access onto Loveland Boulevard, however all truck access from Parcel C-25 onto Loveland Boulevard shall be prohibited.

J. Master Concept Plan:

- (1) The Sandhill DRI Master Concept Plan is approved and is attached and incorporated herein as Exhibit "B", Revised Map H, December 6, 2007 Attachment "B" as incorporated into Resolution #86-230 is hereby null and void. Exhibit C provides a site plan that illustrates the area of the Public/Semi-Public section in which government office buildings are permitted.

- (a) All commercial areas are to be restricted to uses permitted in the CG (Commercial, General Classification) of the Charlotte County Zoning Regulations and all listed special exceptions, excluding multi-family, schools and flea markets, and billiard parlors and game arcades, in effect as of the date of Development Review Committee site plan approval, with the exceptions of Parcel 5-19A which shall be restricted to uses permitted in the CN (Commercial, Neighborhood Classification) of the Charlotte County Zoning Regulations, in effect as of the date of Development Review Committee site plan approval and portions of Parcels C-21 and C-25 as depicted on Map H-1, attached as Exhibit "D" hereto, which shall be restricted to

uses permitted in the CG (Commercial General Classification) or the following uses:

1. Equipment rental;
2. Wholesale sales;
3. Car wash;
4. Mini-warehouses or storage facilities, but not bulk storage of flammable liquids;
5. Laboratories, class 3, provided central sewer is available;
6. Automobile rental agencies located on a parcel no larger than 1.5 acres;
7. Light manufacturing and assembly in a completely enclosed building;
and
8. Carpentry, cabinet and machine shops in a completely enclosed building,

and adding as a use "automotive convenience maintenance service" to the commercial general areas which would include; cleaning windshields, checking tire pressure, filling the fluid reservoirs and battery, changing lubricants and filters and replacing bulbs and other items that require periodic maintenance. The uses permitted are subject to the following requirements:

- (i) The landscaping plans for perimeter landscaping of all street parking areas and interior landscaping for drive-thru restaurants and gasoline pumping stations shall be in compliance with regulations in existence at the time of local permitting.
- (ii) All signage shall be in compliance with existing regulations at the time of permitting.

- (iii) The internal circulation system shall comply with regulations in effect at the time of permitting.
 - (iv) All perimeter interior landscaping, interior circulation system and signs shall be consistent with the regulations in effect at the time of permitting.
 - (v) All light manufacturing and assembly uses and all carpentry, cabinet and machine shops shall be limited to those internal locations depicted on Map H-1, attached as Exhibit "D" hereto.
- (b) Research and development areas to be restricted to uses found in the OMI (Office, medical, institutional) zoning classification as of the date of Development Review Committee site plan approval and to light manufacturing in completely enclosed buildings and warehousing.
 - (c) Substantial buffers shall be provided to protect residential areas from the research and development sites.
 - (d) Development standards are to be provided to the Zoning Director and Planning Director for review prior to final detail plan submissions.
 - (e) All wetlands shall be preserved, or, when preservation is not possible, mitigated on a one-to-one basis.
 - (f) Upland areas which are considered to be important habitat or quality passive recreational sites, including, but not limited to, oak hammocks, shall be identified by the appropriate County employee and the developer prior to site planning. These areas shall be the primary consideration for recreation and/or preservation of natural areas of each development stage. Evidence of compliance with this item shall be the burden of the developer.
 - (g) Phasing of recreation areas shall be by section and allocated proportionately to each multi-family project.

- (h) All costs for maintaining and installing additional recreation facilities are to be borne by the developer and/or MSTU/BU. The MSTU/BU was established by December 31, 1986, and the costs for maintaining the public park and open space areas may be funded through it. A site and design plan shall be submitted to Florida Power and Light for approval for those areas within its easement. The 24.78 acre public/semi-public parcel in Tract 2 is excluded from this section and the County shall provide facilities and maintenance as specified in the Agreement for Park and Surface Water Management Retention Area.
- (i) The Planned Development stipulations and the conditions of this development order are to run with the land.
- (j) The lands designated as mitigation on Revised Map H are those lands in the Water Management District permit that are or will be part of the surface water management system and includes but is not limited to preservation of existing wetlands and mitigation wetlands to be created in the future. Although the precise boundaries of the mitigation areas will be established at the time of final plan approval, the acreage figures are binding.
- (k) Land uses may be increased or decreased in conformance with the Equivalency Matrix in Exhibit "E" attached hereto and incorporated herein by this reference. Pursuant to §380.06(19)(e)2, Fla. Stat., such increases and decreases, which will not increase the number of external peak hour trips and which do not reduce open space and conserved areas within the project shall not be deemed to be a substantial deviation and shall not require the filing of a notice of proposed change but shall require an application to Charlotte County to amend the development order. Following adoption, Charlotte County shall render to the state land planning agency the amendment to the development order.

K. Phasing:

Specific properties in land uses incorporated into the Sandhill DRI shall submit detailed preliminary and final plans in accordance with Charlotte County Zoning Regulations as governed by the conditions and commitments contained herein.

L. Housing:

Charlotte County has completed an affordable housing study as a prelude to updating the Housing Element of its Comprehensive Plan in 2010. The study was prepared by Novogradac and Company, LLP and is dated February 6, 2007. Any appropriate mitigation required within the Sandhill DRI as a result of the study shall be reviewed as a notice of proposed change by the Southwest Florida Regional Planning Council.

M. The existing procedures for the granting of building permits being adequate to insure compliance with this order, the Director of Zoning, the Director of Planning, the County Energy Officer, the Director of Building and the County Engineer are designated as the local officials responsible for insuring compliance.

The developer's biennial report required by Chapter 380, Florida Statutes, shall contain copies of all documents filed with the County in connection with final development approval and, after final development approval, shall contain a report by date and filing number of all building and other permits applied for and a statement of all acts taken toward compliance with the conditions of the final development approval and all information required in section 9B-16.25, F.A.C. The developer shall submit the report beginning October 1, 1987 and each subsequent October 1, until project build-out. The developer shall submit the biennial report to Charlotte County, the Southwest Florida Regional Planning Council, the Department of Community Affairs, and all affected State permitting agencies. If the biennial report is not received, the Southwest Florida Regional Planning Council or the Department of Community Affairs shall notify Charlotte County. If Charlotte County does not receive the biennial report or receives notification that the Southwest Florida Regional Planning Council or the Department of Community Affairs has not received the report, Charlotte County shall request in writing that the developer submit the report within 30 days. Failure to submit the report after 30 days shall result in Charlotte County temporarily suspending this Development Order. This report shall specify the number of parking spaces approved for the commercial and research and development uses.

- N. This order shall terminate July 3, 2017 ~~March 1, 2012~~, or upon the completion of the project, whichever shall have occurred first. This Order shall become effective on the 9th day of September, 1986.
- O. The developer shall cause to be filed in the public records such notice as will inform prospective purchasers of this Development Order and the conditions established herein for detail plan and final development plan approval, including required reassessments and review.
- P. Legal effect and limitations of this development order and administrative requirements

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Charlotte County, Florida that:

A. This Resolution shall constitute the Amended Development Order of this Board issued in response to the Development of Regional Impact known as the Sandhill DRI.

B. All commitments and impact mitigating actions committed to by the project in the original Development Order, subsequent Resolution #86-230, within the September 30, 1985 and October 25, 1991 Substantial Deviation Applications for Development Approval (and supplementary documents) not in conflict with the conditions or stipulations specifically enumerated herein are hereby incorporated to this Amended Development Order by reference.

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

D. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorneys' fees, shall be paid by the defaulting party.

E. Any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor-in-interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

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

G. The approval granted by this Development Order is limited. Such approval shall not be construed to obviate the duty of the applicant to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. Such approval shall also not obviate the duty of the applicant to comply with any County ordinance or other regulations not in conflict with the provisions herein adopted after the effective date of this Amended Development Order.

H. The Clerk of the Circuit Court is hereby directed to forward a certified copy of this resolution and its attachments to Daniel L. Trescott, the Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL 33901-3414, ~~Suzanne Lex, the Department of Community Affairs, 2555 Shumard Oak Boulevard, State of Florida, Department of Economic Opportunity, Division of Community Planning & Development, The Caldwell Building MSC 160, 107 East Madison Street, Tallahassee, FL 32399 and to Seann Smith DRI Coordinator, Jie Shao, Charlotte County Community Development, 1854500 Murdock Circle, Port Charlotte, FL 33948.~~

PASSED AND DULY ADOPTED this ____ day of _____, 2014.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
Kenneth Doherty, Chair

ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney

**Sandhill DRI
Map H, Exhibit #2
Notes**

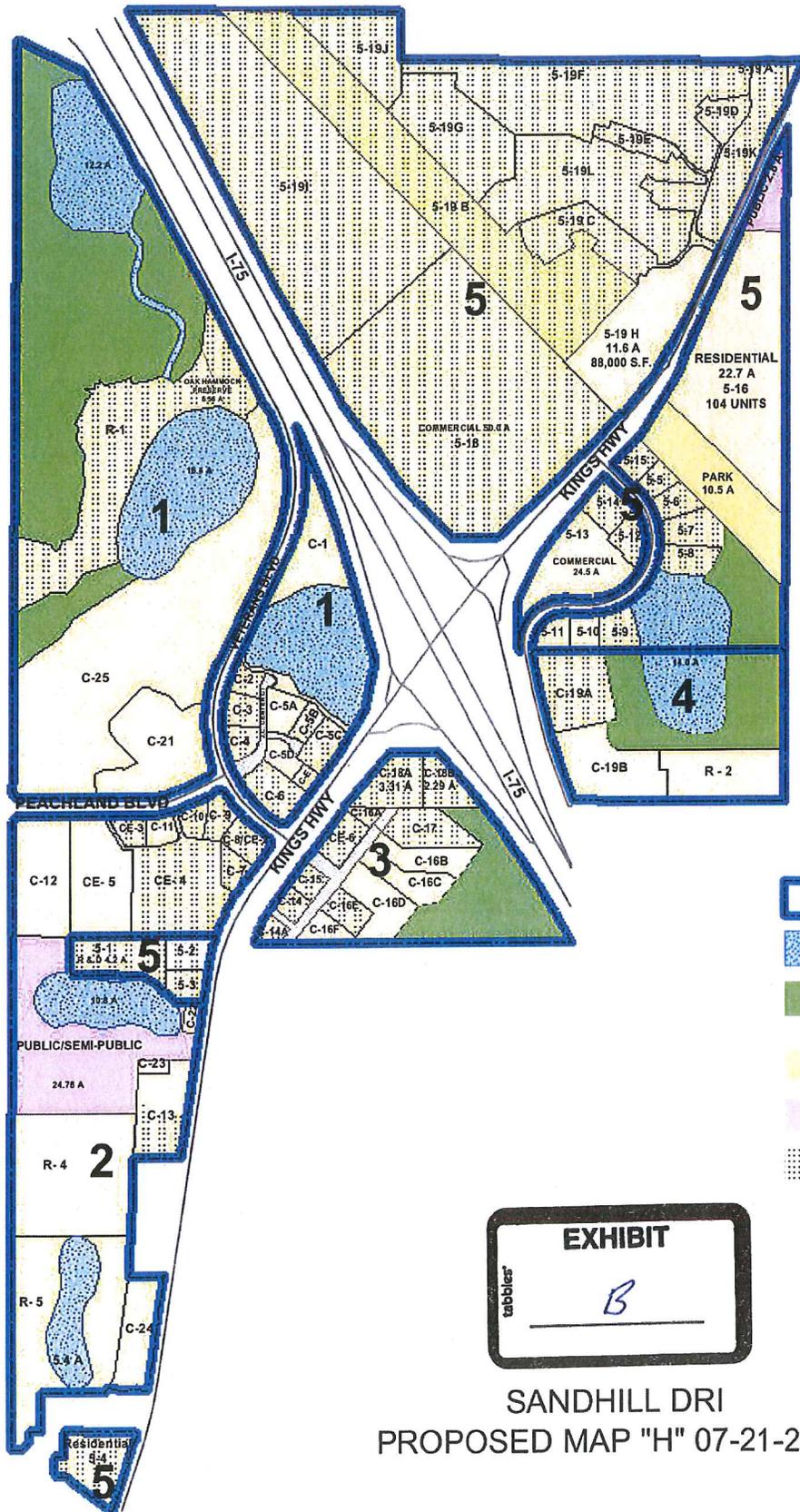
Revision Notes:

1. July 2002 Revisions:
 - a. Tract 1: Revised Parcels, lakes & wetlands
 - b. Tract 3: Revised Parcel C-16 & removed wetland
 - c. Tract 4: Revised Parcel C-19 & increased wetland
2. January 2006 (NOPC-051283) Revisions:
 - a. Subdivided C-16, C-17, C-18, C-20, Newport Golf
3. January 2006 (NOPC-051284) Revisions:
 - a. Reallocated Commercial S.F. & residential units between existing tracts 1 & 4
 - i. Transferred 320 residential units from R-1 (Tract 1) to R-2 (Tract 4)
 - ii. Transferred 75,000 S.F. of commercial from R-2 (Tract 4) to C-21 & C-25 (Tract 1)
4. Added Parcel 5-19A
5. Add commercial parcel 5-19A
6. July 14, 2006 – revise acreages
7. July 17, 2006 – Revise acreages and 5-16
8. November 9, 2006 – add S.F. to 5-19H
9. August 14, 2007 – consolidation of resolutions
10. October 16, 2007 – add 65,000 S.F. to Tract 2 Public/Semi-Public site
11. March 18, 2008 – Revision to C-24, 30,400 SF to 17,000 SF & 120 hotel rooms
12. December 16, 2008 – relocate mitigation area, allow access to Loveland, incorporate road improvement obligations
13. August 18, 2009 – Correct scrivener's errors; reallocate dwelling units from 5-4 to R-5; remove portions of R-5 and 5-4 from Sandhill DRI and add to Victoria Estates DRI
14. 2014 Proposed – Correct scrivener's errors; eliminate 84.09 acre golf course and replace with 6.48 acres and 43,000 SF of commercial, 19.56 acres and 458 ACLF beds; 47.64 acres and 430,000 SF of industrial; 16.35 acres and 26 multi-family units; the increased 26 dwelling units shall be transferred to the site through the County's Transfer of Density Units process according to the provisions set forth in the Transfer of Density Units Code; add equivalency matrix

General Notes:

1. Roads and other improvements are conceptual
2. Wetlands shown are based on Southwest Florida Water Management District Master Drainage Permit (MSW 492947.049), as amended.

3. All parcels not included in the most recently approved substantial deviation (Resolution 92-285) were assigned to Tract 5. ~~"5", 26 parcels~~
~~were assigned to Tract 5 (Parcels 5-1 thru 5-19, including parcels 5-16A,~~
~~5-16B, 5-19A, 5-19B, 5-19C, 5-19E, 5-19F, & 5-19G)~~
4. This map and associated exhibits were revised by Charlotte County staff.



-  TRACTS 1-5
-  LAKE AREAS
-  WETLAND, MITIGATION, AND PRESERVE AREAS
-  PARKS/OPEN SPACE
-  PUBLIC/SEMI-PUBLIC AREA
-  EXISTING DEVELOPMENT

EXHIBIT

tabbles® B

**SANDHILL DRI
PROPOSED MAP "H" 07-21-2014**



This map is a representation of compiled public information. It is based on conceptual design rather than legal description. Charlotte County and its employees make no guarantees, implied or otherwise as to its use. This is not a survey or is it to be used for design.

SANDHILL DEVELOPMENT OF REGIONAL IMPACT
Exhibit B, Map H Notes #1 - Vested Rights As of 12/09/2014

Tract	Parcel	Allocated	Allocated	Allocated	Allocated	Allocated				
		Commercial (SF)	Park/Public/ Semi-Public (SF)	Research & Development (SF)	Residential (DUs)	Hotel/Motel(Rooms)				
1	R-1	0	0	0	280	0				
1	C-1	41,000								
1	C-2	11,000								
1	C-3	10,000								
1	C-4	8,200								
1	C-5A (old "C-4")	11,200								
1	C-5B	7,500								
1	C-5C	54,000								
1	C-5D	8,200								
1	C-6	17,000								
1	C-21	63,500								
1	C-25	410,000								
1	CE-1	1,074								
1	Lakes									
1	Mitigation									
1	Preservation									
1	Roads									
2	R-4	0	0	0	436	0				
2	R-5	0	0	0	542	0				
2	C-7 (old "5-19H")	10,000								
2	C-8	4,000								
2	C-9	13,000								
2	C-10	9,000								
2	C-11	9,000								
2	C-12	73,000								
2	C-13	40,000								
2	C-22	5,000								
2	C-23	5,000								
2	C-24	17,000					0	0	0	120
2	Public/Semi-Public	0					65,000	0	0	0
2	CE-2	7,013								
2	CE-3	4,495								
2	CE-4	91,747								
2	CE-5	89,300								
2	Lakes									
2	Roads									
3	C-14A	8,000								
3	C-14	6,800								
3	C-15	4,000								
3	C-16A	1,900								
3	C-16B/C/F & C-17	90,100								
3	C-16D	56,000								
3	C-16E	12,000								
3	C-18A	10,175								
3	C-18B	39,825								
3	CE-6	4,000								

3	Mitigation	
3	Roads	

Exhibit B, Map H Notes #1 - Vested Rights As of 12/2012 (page 2)

4	C-19A	43,000				
4	C-19B	12,000				
4	R-2	0	0	0	320	0
4	Lakes					
4	Mitigation					
4	Roads					
5	5-1 R&D	0	0	42,000	0	0
5	5-2	4,136				
5	5-3	2,160				
5	5-4	0	0	0	54	0
5	5-5	3,260				
5	5-6	24,000				
5	5-7					
5	5-8	36,900				
5	5-9	35,670				
5	5-10	12,000				
5	5-11	12,000				
5	5-12	8,000				
5	5-13	67,300				
5	5-14	3,952				
5	5-15	3,225				
5	5-16	0	0	0	104	0
5	5-18	300,000				
5	5-19A	3,500				
5	5-19B	0	0	0	0	0
5	5-19C	0	0	0	144	0
5	5-19D	0	0	0	48	0
5	5-19E	0	0	0	48	0
5	5-19F,G,J	0	0	0	624-650	0
5	5-19H	88,000	0	0	0	0
5	5-19I	365,000 (ind)	0	0	0	0
5	5-19K	43,000	0	0	0	0
5	5-19L	0	0	0	0	458 (beds)
5	Lakes					
5	Mitigation					
5	Parks					
5	Public					
5	Roads					
Unallocated Commercial Rights		53,668				
Calculated Totals:			2,008,800	65,000	42,000	1,976
						120

EQUIVALENCY MATRIX

Land Use to be Increased

	110: General Light Industrial	220: Apartment Multi-family	820: Shopping Center	710: Office Building	210: Single Family Detached	310: Hotel	254: Assisted Living
110: General Light Industrial	-	0.639 du/ksf	3.825 ksf/ksf	1.536 ksf/ksf	1.031 du/ksf	0.619 room/ksf	0.227 bed/ksf
220: Apartment Multi-family	1.565 ksf/du	-	5.984 ksf/du	2.403 ksf/du	1.613 du/du	0.968 room/du	0.355 bed/du
820: Shopping Center	0.261 ksf/ksf	0.167 du/ksf	-	0.402 ksf/ksf	0.270 du/ksf	0.162 room/ksf	0.059 bed/ksf
710: Office Building	0.651 ksf/ksf	0.416 du/ksf	2.490 ksf/ksf	-	0.671 du/ksf	0.403 room/ksf	0.148 bed/ksf
210: Single Family Detached	0.970 ksf/du	0.620 du/ksf	3.710 ksf/du	1.490 ksf/du	-	0.600 room/du	0.220 bed/du
310: Hotel	1.617 ksf/room	1.033 du/room	6.183 ksf/room	2.483 ksf/room	1.667 du/room	-	0.367 bed/room
254: Assisted Living	4.409 ksf/bed	2.818 du/bed	16.864 ksf/bed	6.773 ksf/bed	4.545 du/bed	2.727 room/bed	-

1. Land use changes are based on the peak hour of adjacent street traffic, one hour between 4 and 5 PM
2. Equivalency factors are based on the ITE Trip Generation Manual 9th Edition, 2012 average rate for each land use
3. When increasing a land use, multiply by the value in the table. When decreasing a land use, divide by the value in the table

Examples:

Increase 50 single-family dwelling units by decreasing 13,500 SF of shopping center ($50 \times 0.270 = 13.5$)

Increase 10,000 SF of office building by decreasing 15,360 SF of light industrial ($10 \times 1.536 = 15.36$)

Decrease 15,000 SF. of shopping center by increasing 37,313 SF of office ($15/0.402 = 37.313$)

4. Any conversion to residential dwelling units above the maximum approved by the original Sandhill DRI DO, which is 2,626 density units, shall be subject to the Transfer Density Units (TDU) provisions set forth in the County's Comprehensive Plan.

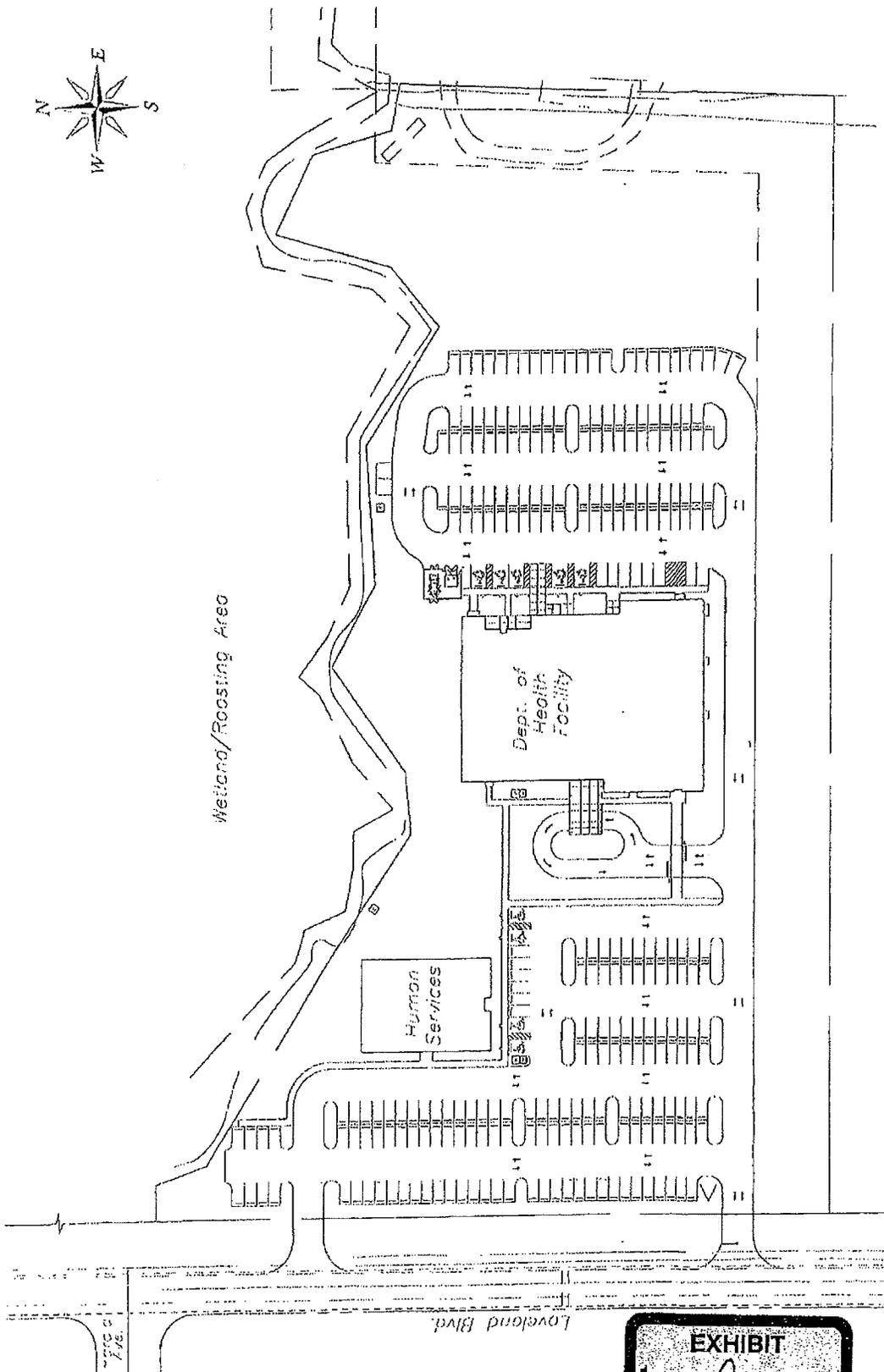
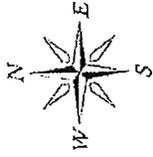


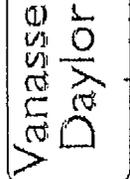
EXHIBIT
C

DATE: 07-25-07
SCALE: 1" = 100'
EXHIBIT C

PROJECT TITLE
Charlotte Co. Health Department
Site Plan for Tract 2 - Public/Semi-Public
Sandhill DRI

PREPARED FOR
Charlotte Co. Health Department
1100 S. Wood St.
Spartanburg, SC 29542

Urban Planning, Traffic Engineering,
Landscape Architecture, Environmental Science
Civil Engineering
10320 New Britain Boulevard, Suite 800
Fort Worth, TX 76107
1-817-331-8400 • 214-337-4836
www.vandaylor.com



PROJECT NO: 21000
JOB NO: 21000-NOPC
DATE: 07/25/07

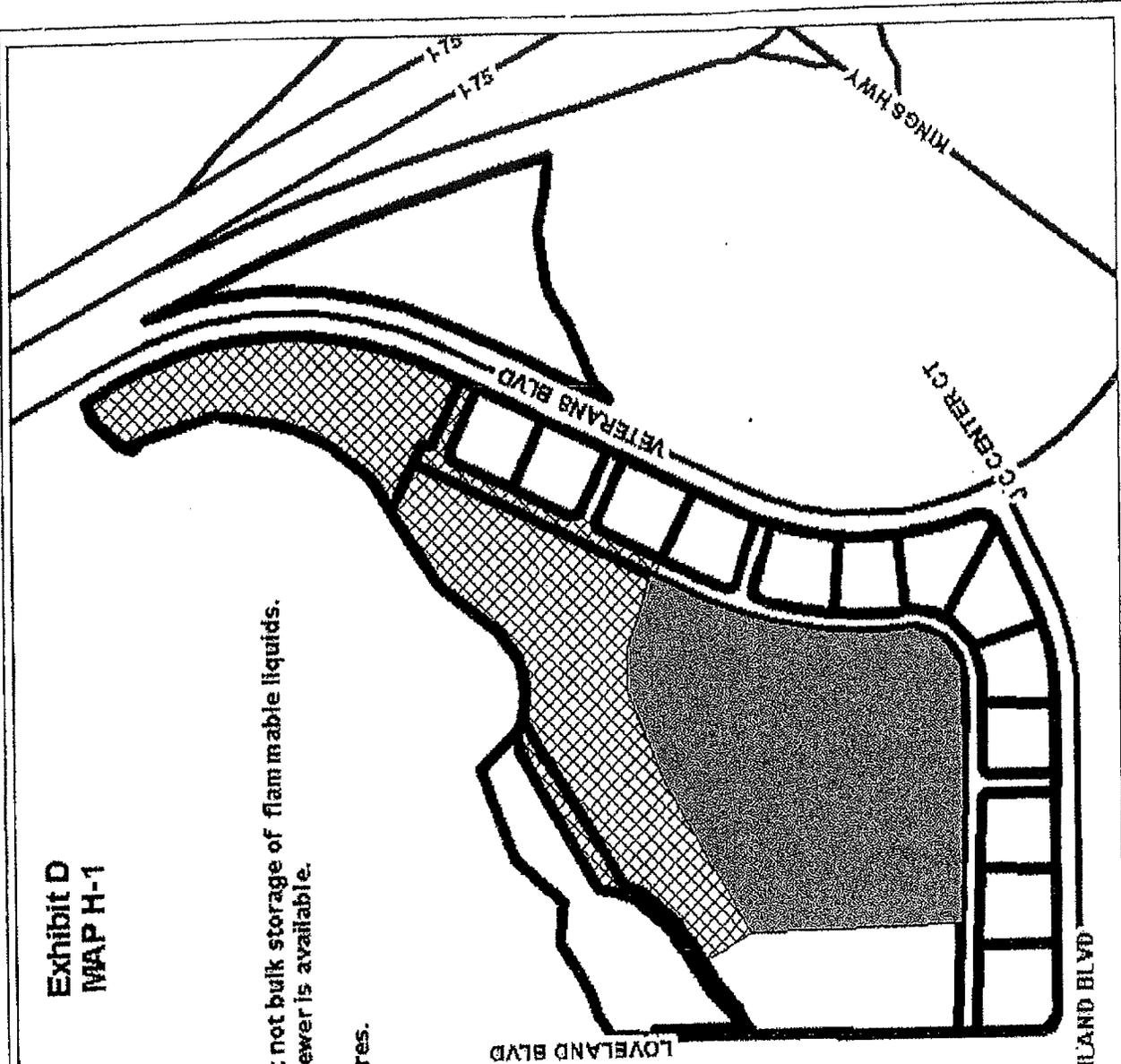
**Exhibit D
MAP H-1**



All CG uses.
 Equipment retail.
 Wholesale Sales.
 Car wash.
 Mini warehouses or storage facilities but not bulk storage of flammable liquids.
 Laboratories, class 3, provided central sewer is available.
 Automobile rental agencies
 located on parcels no larger than 1.5 acres.



All uses listed above plus:
 Light manufacturing in a
 completely enclosed building.
 Carpentry, cabinet and machine shops
 in a completely enclosed building.





CHARLOTTE COUNTY
 COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for
 NOTICE OF PROPOSED CHANGES (NOPC)

Date Received: 7/21/2014	Time Received: 3:15 PM
Date of Log-in: 7/24/2014	Petition #: NOPC-14-07-11 Accela #: NOPC-14-33-16
Receipt #: 199151	Amount Paid:

A. Indicate the name of the existing DRI:

Sandhill Development of Regional Impact

- ❖ Provide a complete copy of the existing DO, which includes any prior changes, in Word format with use of strikethrough and underline to show the proposed changes.

B. Parties involved in the Application

Name of Applicant: ATM II, LLC

Mailing Address: 5722 South Flamingo Rd. #286

City: Cooper City	State: FL	Zip Code: 33330
Phone Number:	Fax Number:	

Email Address:

Name of Agent: Geri L. Waksler; McCrory Law Firm

Mailing Address: 150 Laishley Court, Suite 122

City: Punta Gorda	State: FL	Zip Code: 33950
Phone Number: (941) 205-1122	Fax Number: (941) 205-1133	

Email Address: geri@mccrorylaw.com

Name of Engineer/Surveyor: Joseph S. Menen, P.E., P.S.M.; CES/American

Mailing Address: 1700 El Jobean Rd.

City: Port Charlotte	State: FL	Zip Code: 33948
Phone Number: (941) 629-2552	Fax Number: (941) 743-8298	

Email Address: jmenen@acp-ces.com

Name of Property Owner (if more than one property owner, attach a separate sheet with a list of all owners):
 See Exhibit "A," attached

Mailing Address:

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

C. ASSOCIATED APPLICATION(S):

Please indicate if you intend to separately submit any of the following associated applications:

_____ Future Land Use Map (FLUM) Amendment

_____ Rezoning

Provide a summary of the proposed changes:

Add industrial and ACLF uses; increase commercial and multifamily uses; eliminate golf course; correct scrivener's errors

D. PROPERTY INFORMATION:

Attach a separate list that includes the following information for each parcel or lot included within the DRI associated with this NOPC application, grouped by account number .

Property Account Number: See Exhibit "A," attached

Section:	Township:	Range:
Parcel/Lot #:	Block #:	Subdivision:
Total acreage or square feet of the property:		

Exhibit "A"

Property Owners:

1. DA Port Charlotte Holdings LLC
2. Etcerra Etc. Inc.
3. TA Kings Highway LLC

Community Development Department
Comprehensive Planning Section
Room 205
18500 Murdock Circle
Port Charlotte, FL, 33948

FORM A. PROPERTY OWNER AUTHORIZATION TO APPLICANT

I, the undersigned, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing.
I give authorization for ATM II, LLC to be the applicant for this DEVELOPMENT ORDER.

STATE OF Florida, COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 15th day of July, 20 14, by

Arturo Marrero who is personally known to me or has/have produced

Drivers License as identification and who did/did not take an oath.
TA KINGS HIGHWAY LLC

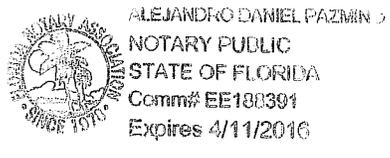
[Signature] Notary Public Signature
[Signature] Signature of Owner
Print Title: Manager

Alejandro Pazmino Notary Printed Signature
Arturo Marrero Printed Signature of Owner

Title
Address

Commission Code
1550 W-34 Place
City, State, Zip MIAMI, FL 33012

954-868-4626
Telephone Number



Community Development Department
Comprehensive Planning Section
Room 205
18500 Murdock Circle
Port Charlotte, FL, 33948

FORM A. PROPERTY OWNER AUTHORIZATION TO APPLICANT

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

I give authorization for ATM II, LLC to be the applicant for this DEVELOPMENT ORDER.

STATE OF North Carolina, COUNTY OF Haywood

The foregoing instrument was acknowledged before me this 18th day of July, 2014, by

Eileen S. Schwartz who is personally known to me or has/have produced

Driver's License as identification and who did/did not take an oath.
ETCERRA ETC INC.

Kevin W. Donochod
Notary Public Signature

Eileen S. Schwartz
Signature of Owner
Print Title: PRESIDENT

KEVIN W. DONOCHOD
Notary Printed Signature

Eileen S. Schwartz
Printed Signature of Owner

NOTARY PUBLIC
Title

1108 Rocky Knob Rd
Address

Commission Code

Waynesville NC 28786
City, State, Zip

828-246-0540
Telephone Number

Kevin W Donochod
NOTARY PUBLIC
Haywood County, NC
My Commission Expires February 20, 2018

Community Development Department
Comprehensive Planning Section
Room 205
18500 Murdock Circle
Port Charlotte, FL, 33948

FORM B. APPLICANT AUTHORIZATION TO AGENT

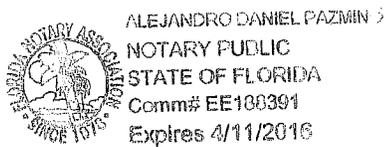
I, the undersigned, being first duly sworn, depose and say that I am the applicant for the property described and which is the subject matter of the proposed hearing.
I give authorization for Gerl L. Waksler; McCrory Law Firm to be my agent for this application.

STATE OF Florida, COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 15th day of July, 20 14, by

Arturo Marrero who is personally known to me or has/have produced
Drivers License as identification and who ~~did~~ did not take an oath.
ATM II, LLC

	
Notary Public Signature	Signature of Applicant
<u>Alejandro Pazmino</u>	Print Title: <u>MANAGER</u>
Notary Printed Signature	Printed Signature of Applicant
	<u>Arturo Marrero</u>
Title	Address
	<u>1550 W. 34 Place</u>
Commission Code	City, State, Zip <u>HIACLEAH, FL 33012</u>
	<u>954-868-4626</u>
	Telephone Number



AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that I am the owner or agent of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that if I am not the owner of the property I have attached a notarized authorization from the owner(s) to submit this application. For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed. I acknowledge that all items listed in the application must be submitted concurrent at the time the County accepts the application. I swear that the attached list of adjacent property owners is complete, including all property owners within 200 feet of the subject properties (excluding right-of-ways), that it is correct, providing addresses as listed in the County Tax Roll.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 21st day of July, 2014, by

Gerri L. Waksler who is personally known to me or has/have produced
_____ as identification and who did/did not take an oath.

<p><u><i>Susan C. Johnson</i></u> Notary Public Signature</p>	<p><u><i>Gerri L. Waksler</i></u> Signature of Applicant or Agent</p>
<p>Susan C. Johnson Notary Printed Signature</p>	<p>Gerri L. Waksler Printed Signature of Applicant or Agent</p>
<p>_____ Title</p>	<p>McCrorry Law Firm 150 Laishley Court, Suite 122 Address</p>
<p>_____ Commission Code</p>	<p>Punta Gorda, FL 33950 City, State, Zip</p>
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**SANDHILL DRI
A SUMMARY OF EVIDENCE FOR A DETERMINATION OF NO SUBSTANTIAL
DEVIATION**

CONSISTENCY WITH SECTION 380.06(19), FLORIDA STATUTES

The proposed amendment to the Sandhill DRI Development Order does not qualify as a substantial deviation in accordance with the following provisions specified under Section 380.06(19), F.S., as follows:

(19)(a) Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including changed market conditions. The procedures set forth in this subsection are for that purpose.

No response required.

(19)(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 15 percent or 500 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 15 percent or 1,500 spectators, whichever is greater.

The entirety of an 84.01 acre golf course area is being eliminated.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.

No runway facilities are proposed.

3. An increase in land area for office development by 15 percent or an increase of gross floor area of office development by 15 percent or 100,000 gross square feet, whichever is greater.

No change in office area is proposed.

4. An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.

This NOPC proposes an increase of 26 dwelling units. This brings approved dwelling units to 2,626 which represent a decrease from the 4,022 units approved under the original plan.

5. An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term “affordable workforce housing” means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term “statewide median purchase price of a single-family existing home” means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

No change proposed.

6. An increase in commercial development by 60,000 square feet of gross floor area or of parking spaces provided for customers for 425 cars or a 10 percent increase of either of these, whichever is greater.

43,000 square feet of new commercial development is proposed bringing total commercial square footage to 1,995,400 square feet. The original plan approved 1,606,000 square feet. However, the 359,800 square feet added by Resolution 2003-028 on February 11, 2003 was accompanied by a concurrent reduction of 1,112 multi-family units. This 2003 increase dramatically exceeded both the square footage and percentage thresholds as set forth in §380.06(19) and applicable at the time. However, the change was not deemed to be a substantial deviation because it did not result in any net increase in external vehicle trips. Commercial square footage was subsequently reduced by Resolution 2008-029 which exchanged 13,400 square feet of commercial development for 120 hotel/motel units. This proposed increase of 43,000 square feet is

below the 60,000 square foot threshold. It represents a 2.2 percent increase in the gross floor area, which is also below the 10 percent threshold.

7. An increase in a recreational vehicle park area by 10 percent or 110 vehicle spaces, whichever is less.

No recreational vehicle park area proposed.

8. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

Open space is proposed to be reduced by 5.84 acres which is a decrease of 3 percent of the open space in the original approval and 2.9 percent of the existing open space (which was increased by 6.55 acres in a NOPC subsequent to the original approval). The proposed decrease as a percentage and by acreage, individually and cumulatively are below the thresholds.

9. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.

The substantial deviation criteria implicated by this proposed change is the increase to commercial square footage by 43,000 square feet and the decrease in open space by 5.84 acres individually and .49 acre increase cumulatively. The commercial change is 71 percent of the 60,000 square foot threshold and 22 percent of the floor area threshold. The open space reduction is 29 percent of the 20 acre threshold, individually and 58 percent of the 5 percent threshold. Therefore, the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is 93 percent of the area thresholds and 80 percent of the percentage thresholds. Neither of these sums is equal to or exceeds 110 percent.

10. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

The Sandhill DRI was approved for various land uses, but specific land uses in Tract 5 are all that are proposed for change in this application. A trip generation analysis was conducted to determine if the proposed land use changes result in a substantial deviation, defined as a 15 percent increase in the number of external trips generated from the site. The trip generation analysis determined that the proposed change results in an increase of 664 P.M. peak hour trips, or a 14.7 percent increase in trips. Therefore, the proposed change does not meet the transportation thresholds for a substantial deviation. The transportation analysis was performed by Kimley-Horn and

Associates, Inc. and is included with this application. It is important to note that the transportation analysis assumes an additional 30,000 square feet of office development, which has since been eliminated from the application. Therefore, the actual increase in external vehicle trips will actually be less than projected in the analysis, but is below the substantial deviation threshold in both scenarios.

11. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (e)2.j.

No change to any preservation areas is proposed.

- 19(c) An extension of the date of buildout of a development, or any phase thereof, by more than 7 years is presumed to create a substantial deviation subject to further development-of-regional-impact review.

1. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years is presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation.

2. In recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, buildout, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension. Associated mitigation requirements are extended for the same period unless, before December 1, 2011, a governmental entity notifies a developer that has commenced any construction within the phase for which the mitigation is required that the local government has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer. The 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension.

For the purpose of calculating when a buildout or phase date has been exceeded, the time

shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time.

No extension is proposed.

- (d) A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

The proposed change is not the result of any requirement imposed by a state or federal environmental regulatory agency.

- (e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-10. and does not exceed any other criterion, or which involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

A notice of proposed change has been submitted to the Southwest Florida Regional Planning Council and the Department of Economic Opportunity together with the required supporting materials.

- 2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:
 - a. Changes in the name of the project, developer, owner, or monitoring official.

No change proposed.

- b. Changes to a setback which do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

All setbacks will comply with the County's Planned District (PD) regulations and any applicable development order conditions. This is a local issue governed by Charlotte County's regulations.

- c. Changes to minimum lot sizes.

Lot sizes are governed by the existing PD zoning district for this development. This is a local issue only governed by Charlotte County's regulations.

- d. Changes in the configuration of internal roads that do not affect external access points.

The configuration of internal roads will be reviewed as part of Charlotte County's site plan review process. The addition of one external access point is anticipated and its potential impacts were evaluated in the transportation analysis submitted in support of this application. Additional conditions of development resulting from this new access points have been included in a development agreement, the terms of which are included in the proposed Development Order submitted with this application.

- e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

No changes proposed.

- f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

No changes proposed.

- g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

The golf course, which was an approved recreational land use, is being eliminated and replaced with a combination of industrial, commercial, residential and nursing home/ACLF uses. The net new external vehicle trips generated by the replacement uses are beneath the substantial deviation thresholds even when including the industrial and nursing home/ACLF uses,

which are exempt from DRI review. Additionally, please see the evidence rebutting a presumption of substantial deviation in sub-subparagraph 3, below.

- h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

The proposed changes do not result from action taken by any permitting agency.

- i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

Redevelopment of the golf course with other land uses is proposed. Please see the evidence rebutting a presumption of substantial deviation in sub-subparagraph 3, below.

- j. Changes that modify boundaries and configuration of areas described in subparagraph (b)11. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur before the time that a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.

No modifications are proposed.

- k. Changes that do not increase the number of external peak hour trips and do not reduce open space and conserved areas within the project except as otherwise permitted by sub-subparagraph j.

External peak hour trips are increased, but remain beneath the substantial deviation threshold enumerated in 380.06(19)(b)10. There are no proposed reductions to open space or conserved areas.

- l. Any other change that the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-k. and that does not create the likelihood of any additional regional impact.

There are no changes proposed that are similar in nature, impact or character to the changes enumerated in sub-subparagraphs a.-k.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

No addition of land is proposed. There are three changes proposed which are not specified in paragraph (b) or paragraph (c). These proposed changes and the evidence rebutting that the changes create a substantial deviation are as follows:

- 1) **The conversion of 80 acres of golf course to other land uses.**

The golf course has been abandoned and un-maintained for over 10 years. Stormwater systems within the golf course and which serve all development within Tract 5 were incorrectly installed and function improperly. Redevelopment of this site will include amending the existing environmental resource permits to allow for creation of a properly-functioning stormwater management system. Additionally, the transportation impacts of the proposed redevelopment have been analyzed and new external pm peak hour trips remain beneath the 15 percent substantial deviation threshold.

- 2) **The addition of 408 assisted living beds and 50 memory care beds.**

Nursing homes and assisted living facilities are exempt from DRI review pursuant to §380.06(24)(p). Notwithstanding this exemption, this assisted living facility is proposed as a redevelopment on a portion of the golf course. The golf course has been abandoned and un-maintained for over 10 years. Stormwater systems within the golf course and which serve all development within Tract 5 were incorrectly installed and function improperly. Redevelopment of this site will include amending the existing environmental resource permits to allow for creation of a properly-functioning stormwater management system. The transportation impacts of the proposed assisted living beds and memory care beds were included in the transportation analysis submitted in support of this application. Cumulatively with the other proposed changes, the new external pm peak hour trips remain beneath the 15 percent substantial deviation threshold. The assisted living beds and 50 memory care beds will have no impact on the Charlotte County Public Schools district. Additionally, the facility housing the proposed assisted living beds and memory care beds will provide new jobs for the area.

- 3) **The addition of 430,000 square feet of light industrial use.**

Industrial plants, industrial parks and distribution, warehousing or wholesaling facilities were exempted from DRI review pursuant to Chapter 2011-139, Laws of Florida. Notwithstanding this exemption, this industrial park land use is proposed as redevelopment on a portion of the golf course. The golf course has been abandoned and un-maintained for over 10 years. Stormwater systems within the golf course and which serve all development within Tract 5 were incorrectly installed and function improperly. Redevelopment of this site will include amending the existing environmental resource permits to allow for creation of a properly-functioning stormwater management system. The transportation impacts of the proposed light industrial land use were included in the transportation analysis submitted in support of this application. Cumulatively with the other proposed changes, the new external pm peak hour trips remain beneath the 15 percent substantial deviation threshold. The proposed industrial land use will have no impact on the Charlotte County Public Schools district. Additionally, development of industrial land uses will provide new jobs for the area.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

The past changes approved by local government for this development and the current proposed changes are described in the NOPC application and the substantial deviation chart.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.
 - a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

The assisted living facility and the light industrial uses are land uses not previously approved in the development order. However, these uses are exempt from DRI review. Notwithstanding this exemption, these uses are proposed on 63.11 acres within the 713.12 acre Sandhill DRI, or 8.8 percent which is below the 15 percent threshold identified in this section.

- b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within

an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651 (3)(c) and(d) and residential use.

The Sandhill DRI was originally approved for 261,000 square feet of office use (designated as “Research and Development” in the DRI Development Order and on Map H). S. 380.0651(3)(c) addresses office development that encompasses 300,000 or more square feet of gross floor area. Therefore the Sandhill DRI was not originally approved with three or more of the uses specified in s. 380.0651(3)(c) and (d) and this section does not apply.