

**Application No.**  
**PA-16-06-11-LS**  
**(Large Scale Plan Amendment)**

**Applicant**  
**Charlotte Commons Venture, LLC /**  
**Board of County Commissioners /**  
**Amendment to FLU Policy 1.2.16**

**Legislative**

**Countywide**



## MEMORANDUM

DATE: June 27, 2016

TO: Honorable Board of County Commissioners  
Planning and Zoning Board

FROM: Claire Jubb, Community Development Department Director  
Shaun Cullinan, Charlotte County Planning and Zoning Official  
Jie Shao, Planner, Principal

RE: **A Large Scale Text Amendment Petition Number PA-16-06-11-LS**

**Requested Action(s):**

Charlotte County, working with a private developer, request a text amendment to the County's Comprehensive Plan, as follows:

- Rename "Revitalizing Neighborhoods Incentive Density" (RAPID) to "Incentive Density";
- Revise Future Land Use (FLU) Policy 1.2.16: Incentive Density; and
- Add a new FLU Policy 1.2.17: Incentive Density Usage

**Staff Recommendation:**

Approve transmittal of Petition No. PA-16-06-11-LS to the Department of Economic Opportunity (DEO) and other State review agencies for review and comment, based on the findings and analysis in the Comprehensive Planning Division staff memorandum dated June 27, 2016 and any evidence presented at the public hearing.

**The Planning and Zoning Board proposed recommendations:**

Motion to forward application No. PA-16-06-11-LS to the Board of County Commissioners with a recommendation of Approval/Denial of transmittal of PA-16-06-11-LS to the Department of Economic Opportunity (DEO) and other State review agencies for review and comment, based on the findings and analysis in the Comprehensive Planning staff memorandum dated June 27, 2016, and the evidence presented at the public hearing.

**Applicants:**

Charlotte Commons venture, LLC  
12800 University Drive, Suite 275  
Fort Myers, FL 33907  
&

**COMMUNITY DEVELOPMENT DEPARTMENT**

18400 Murdock Circle  
Port Charlotte, FL 33948  
Phone: 941.764.4909 | Fax: 941.764-4180

Charlotte County Board of County Commissioners  
 18500 Murdock Circle  
 Port Charlotte, FL 33948

**Data and Analysis:**

In April 2016, the Charlotte County Economic Development Office selected John Burns Real Estate Consulting, LLC (JBREC) to conduct a study to analyze current and future housing demand for multifamily product in relation to the existing supply within Charlotte County. The study, Apartment Demand Analysis (see Attachment 1), states that:

*Based on economic and demographic trends within Charlotte County, JBREC projects new apartment demand in Charlotte County for 219 market rate units per year over the next five years. It is likely that the existing apartment supply will not be sufficient for the additional demand and new apartment supply will be needed.*

*Population growth in Charlotte County is projected to surpass the national average, and approximately 20.8% of households within the MSA favor rental housing. In addition, JBREC projects the trend of rental households in the US to increase by 4.4% annually over the next five years, due to demographic changes, convenience and mobility, as well as the lack of financial commitment.*

In addition, Charlotte County lacks low- and very low-income housing, and moderate-income/workforce housing.

The County retains a total of 13,092 units of Revitalizing Neighborhood Incentive Density (RAPID) since adoption of the County's Comprehensive Plan in 2010. RAPID is currently restricted to the Revitalizing Neighborhoods. For a residential development above the base density allowed on the property, a transfer of density unit(s) is required, except where specific policies have been established in the County's Comprehensive Plan. In order to address the deficiency of market-rate rental properties, low- and very low-income housing, and moderate-income/workforce housing, while, at the same time, meeting the intent of the Transfer of Density Units (TDU) program (which is that no new density can be transferred into the Coastal High Hazard Areas or west of the Myakka River and Charlotte Harbor), staff suggests using the RAPID densities to address this issue throughout the County. Therefore, staff is proposing to rename "RAPID" density to "Incentive Density", and to add a new policy that will allow the County to grant Incentive Density for all density increases above base density where the projects are designated for market- rental properties, low- and very low-income housing, and moderate-income/workforce housing and non-age restricted. Simultaneously, the proposed policy will also set restrictions to make sure that such projects cannot be located within the Coastal High Hazard Area; and if such projects are located west of the Myakka River and Charlotte Harbor, the Incentive Density shall come from Managed Neighborhoods west of the Myakka River and Charlotte Harbor, and must also come from a similar or more restrictive FEMA Flood Zone.

Furthermore, Charlotte Commons Venture, LLC is requesting to use RAPID density in an adopted Sandhill Development of Regional Impact (DRI) equivalency matrix to increase residential units above the maximum approved by the County's Comprehensive Plan and the Sandhill DRI Development Order. There are three developments within the County that currently use either an adopted equivalency matrix or conversion table, these are Sandhill DRI (see Attachment 2: Sandhill DRI Development Order, Resolution Number 2014-174), Babcock Community DRI (see Attachment

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3: Babcock Mixed Use FLUM Designation) and Murdock Village (see Attachment 4: Murdock Village Mixed Use FLUM Designation). An adopted equivalency matrix or conversion table allows for increases or decreases in land uses which do not increase the number of external peak hour trips and do not reduce open space and conservation areas within the development. The adopted equivalency matrix or conversion table provides flexibility for development within its project without any negative impacts on surrounding properties. None of the three projects are located inside the Coastal High Hazard Area, nor are they west of the Myakka River and Charlotte Harbor. The applicant's request meets the intent of the County's TDU program to assist and encourage compact, higher density, mixed-use development that is more sustainable and efficiently utilizes resources. Therefore, staff has no objection to the applicant's request.

The proposed text amendment is consistent with the goals, objectives, and policies of the County's Comprehensive Plan and is supported by the vision of the County to promote development within Economic Centers and Community Redevelopment Areas.

Based on the above reasons, staff recommends approval of this text amendment.

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**FLU Policy 1.2.16: ~~Revitalizing Neighborhoods~~ Incentive Density**

FLUM Series Map #2: 2050 Framework illustrates those lands within the County that are now designated as Managed Neighborhoods. FLU Policy 4.5.1, #3, states that no increases of density or intensity are allowed in these Neighborhoods. By removing the ability of these lands to increase in density, the County has removed 13,092 units of potential density from underneath the Future Land Use Map. The County shall hold this potential density, ~~to be known as Revitalizing Area Plan Incentive Density (RAPID)~~, and utilize it to incentivize redevelopment efforts consistent with FLU Policy 4.2.1. The County shall maintain a record of all density transferred into Revitalizing Neighborhoods under this FLU Policy 1.2.17, which shall be no greater than the total amount of RAPID Incentive Density.

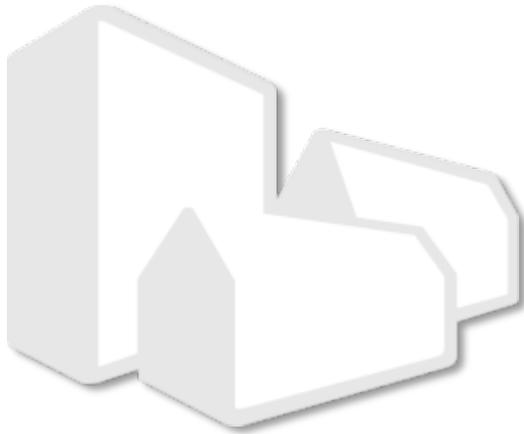
**FLU Policy 1.2.17: Incentive Density Usage**

In order to promote development and redevelopment within Revitalizing Neighborhoods, address the deficiency of market-rate rental properties, low-, very low- and moderate-income housing and workforce housing, and promote development within Economic Centers and Community Redevelopment Areas, the County may grant, at no cost to grantee, Incentive Density in the following circumstances:

1. ~~For In all~~ Revitalization Neighborhoods with plans created and adopted consistent with FLU Policy 4.2.1, ~~all for~~ density increases above base density ~~may be granted by the County through utilization of the RAPID from Managed Neighborhoods.~~
2. Increases above base density for projects solely used for long-term market-rate rental properties, low-, very low- and moderate-income housing, or workforce housing. Such uses must be in perpetuity. Such projects must be located outside of the Coastal High Hazard areas, within Economic Centers, Economic Districts, or Revitalizing Neighborhoods, and shall not be age-restricted. In addition, if such projects are located west of the Myakka River and Charlotte Harbor, the Incentive Density shall come from Managed Neighborhoods west of the Myakka River and Charlotte Harbor, and must come from a similar or more restrictive FEMA Flood Zone.
3. For use of an adopted equivalency matrix or conversion table to increase residential dwelling units above the maximum approved by this Plan or DRI development orders, provided such property is located outside of the Coastal High Hazard Area and shall not be located west of the Myakka River and Charlotte Harbor.

~~The County shall maintain a record of all density transferred into Revitalizing Neighborhoods under this policy, which shall be no greater than the total amount of RAPID.~~

Attachment 1:  
Apartment Demand Analysis  
Charlotte County  
Economic Development Office  
John Burns Real Estate Consulting



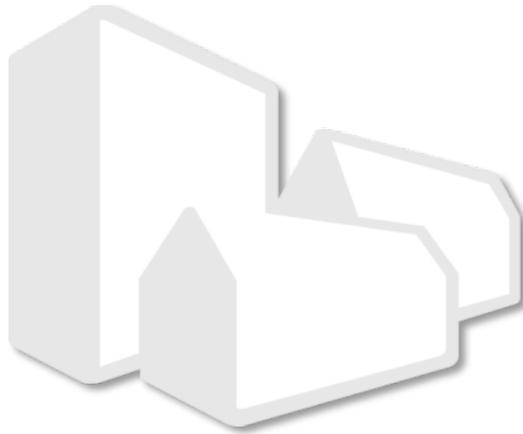
Charlotte County Economic Development Office

**Punta Gorda MSA**

Apartment Demand Analysis

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## Background & Objective

# Background and Objectives

**Background**

John Burns Real Estate Consulting, LLC (“JBREC”) was retained by The Charlotte County Economic Development Office (“Charlotte County” or “Client”) to analyze current and future housing demand in relation to existing supply for multifamily product in the Punta Gorda MSA.

**Objective**

The objective of this assignment is to analyze relevant real estate market conditions and economic and demographic trends in the MSA to determine the amount of demand for multifamily for-rent product. JBREC will comment on whether or not the current supply in the MSA is sufficient for the projected demand.

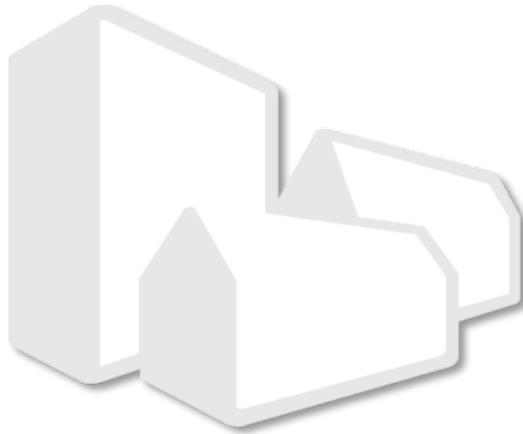
**Contact Information**

This analysis was prepared by John Burns Real Estate Consulting, LLC. Kristine Smale, Manager, served as Project Manager and managed the day-to-day operations of the analysis. Mike Willinger Senior Consultant, also contributed to this analysis. The Internal Peer Review was completed by Lesley Deutch, Principal. Follow-up questions should be directed to us at:

1900 Glades Road, Suite 205  
Boca Raton, FL 33431  
561.998.5814

**Market Experts:**

|   |  |  |
|---|--|--|
|   |  |  |
| <b>Lesley Deutch</b><br><i>Consulting</i>   | <b>Kristine Smale</b><br><i>Consulting</i>   | <b>Mike Willinger</b><br><i>Consulting</i>   |
| <p><a href="mailto:ldutch@realestateconsulting.com">ldutch@realestateconsulting.com</a><br/><a href="mailto:ksmale@realestateconsulting.com">ksmale@realestateconsulting.com</a><br/><a href="mailto:mwillinger@realestateconsulting.com">mwillinger@realestateconsulting.com</a></p> |  |  |



## Executive Summary

# Executive Summary – Findings

Based on economic and demographic trends within Charlotte County, JBREC projects new apartment demand in Charlotte County for **219 market rate units per year** over the next five years. It is likely that the existing apartment supply will not be sufficient for the additional demand and new apartment supply will be needed.

Population growth in Charlotte County is projected to surpass the national average, and approximately 20.8%<sup>1</sup> of households within the MSA favor rental housing. In addition, JBREC projects the trend of rental households in the US to increase by 4.4% annually over the next five years, due to demographic changes, convenience and mobility, as well as the lack of financial commitment.



<sup>1</sup> US Census 2014 American Community Survey

## Executive Summary – Findings

In addition to the JBREC model which results in the need for new apartment supply, Charlotte County has additional factors that could further increase the demand for rental housing.

### Cheney Brothers creates 380 jobs

- The distribution company, which opened a new facility in Charlotte County in 2015, has plans to hire 380 employees over the next five years. The median wage for these workers is \$35,000, and the added jobs will create additional demand for rental housing.

### An accredited 4-year college may open a campus in Charlotte County

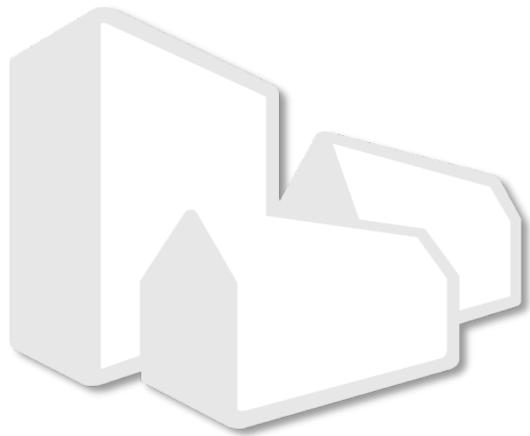
- Although no details have been publically confirmed, the Economic Development Office is working with an accredited school to open a campus in Charlotte County that will offer specialized degree programs, which could lead to 500 full-time students in the area. This will create demand for student and workforce housing within close proximity to the college.

### A growing number of Retirees opt to rent rather than buy

- Nationally, there is a growing trend of more retirees choosing to rent rather than purchase a home. Since Charlotte County is a strong retiree market, this trend will translate into additional demand for rental housing in the market.

### Tourism and airport traffic numbers continue to increase

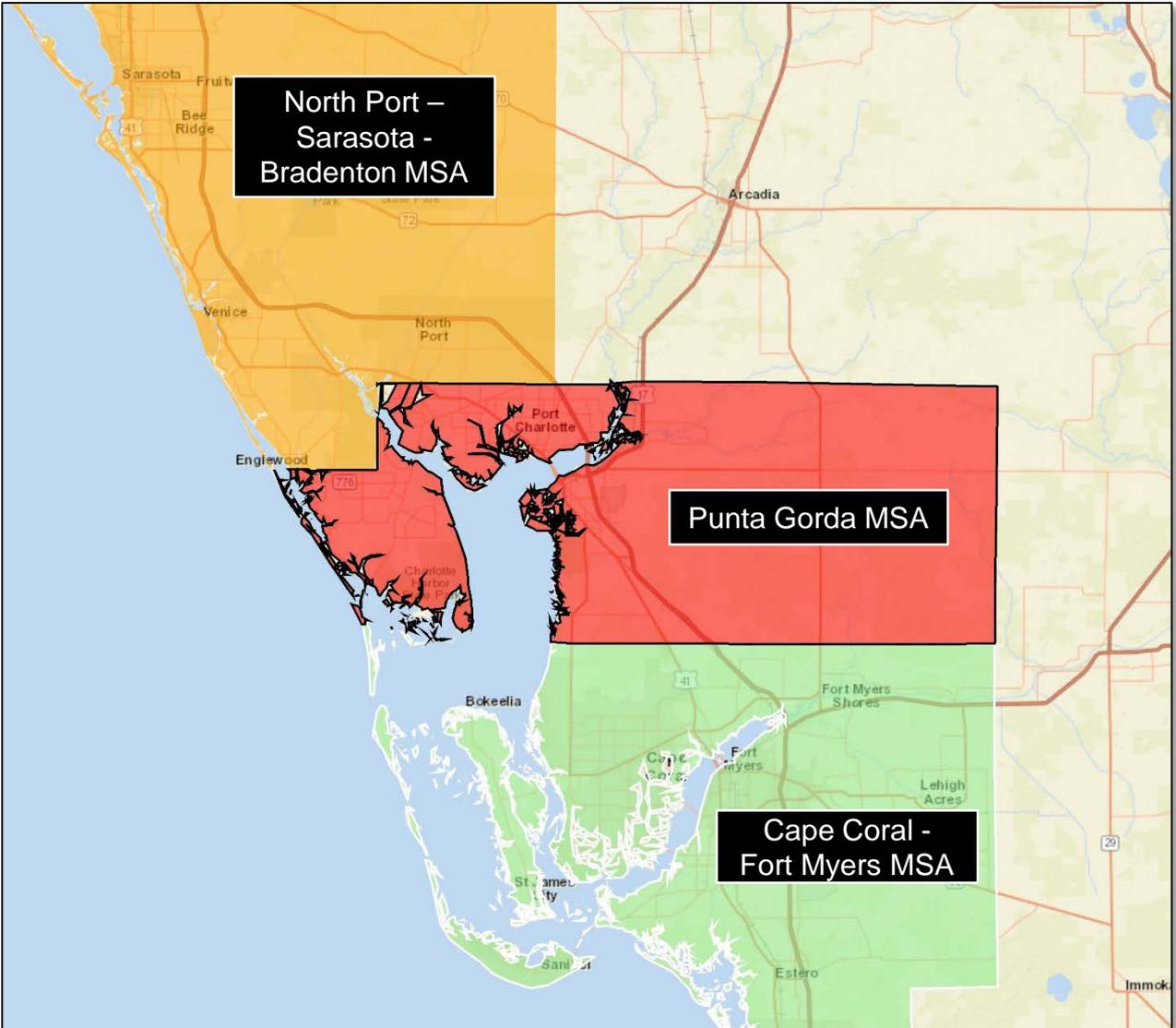
- 2015 was a record year for air traffic at the Punta Gorda Airport, and tourism to the region increased. The Charlotte Harbor Visitor & Convention Bureau is implementing a broad-based marketing program to increase awareness about the area as an affordable, eco-friendly tourist destination. The additional traffic and tax revenue will boost the local economy and create additional jobs, which will lead to additional demand for workforce housing.



## Economic and Demographic Trends

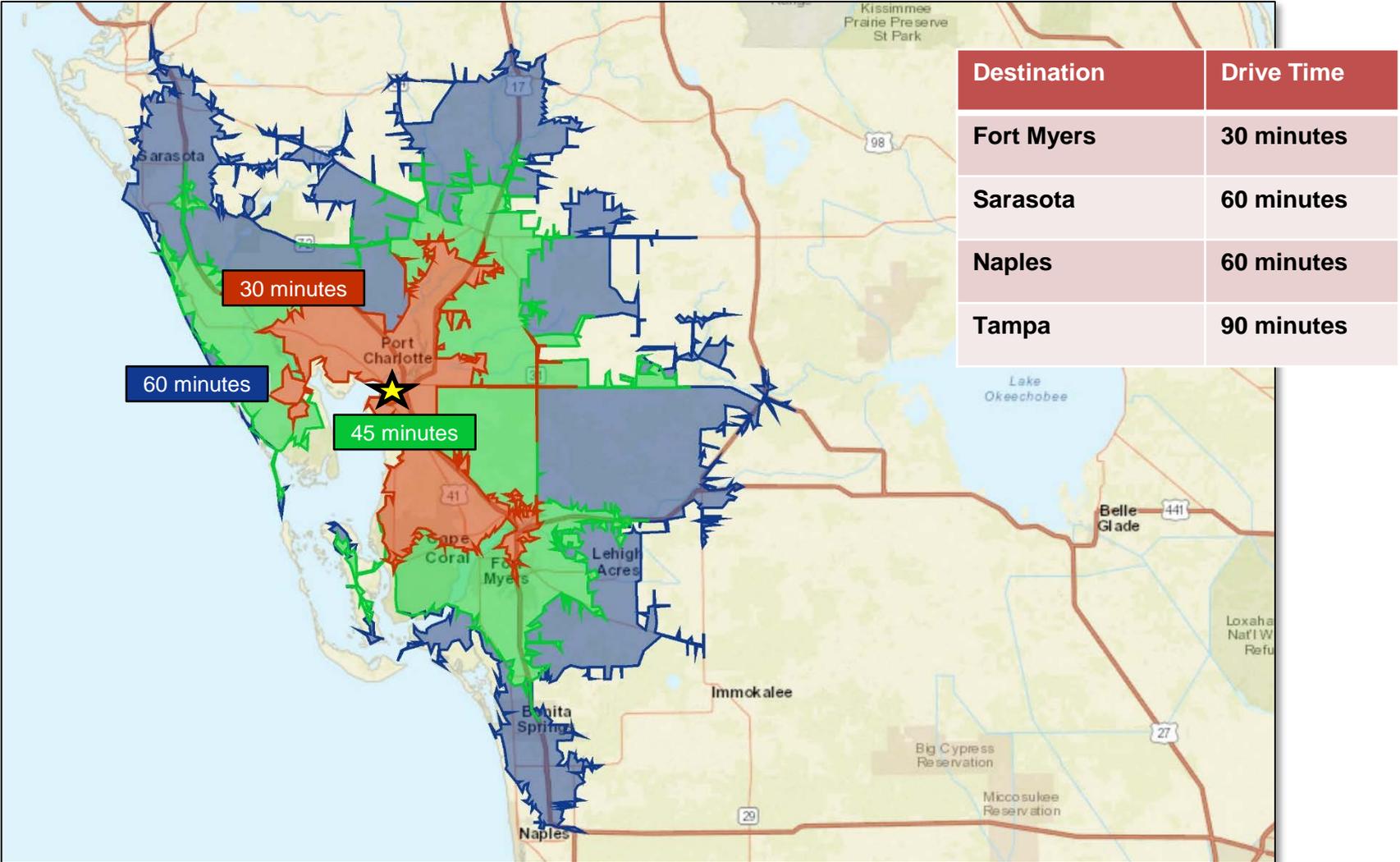
# Charlotte County (Punta Gorda MSA)

The Punta Gorda MSA is synonymous with Charlotte County. The Cape Coral-Fort Myers MSA is located directly south of Punta Gorda and the North Port-Sarasota-Bradenton MSA is north of Punta Gorda.



# Regional Location

The Punta Gorda MSA is located within a 30 and 60 minute commute to Fort Myers and Naples to the south, respectively and approximately 60 minute commute to Sarasota to the north. Punta Gorda is often chosen as the affordable housing alternative to surrounding employment centers.



# Charlotte County Tourism

The Charlotte Harbor Visitor & Convention Bureau announced that Charlotte County Tourist Development Tax Revenues collected during Fiscal Year 2014-2015 were up 19% over the previous Fiscal Year, making it a record year for tourism.

**The Charlotte Harbor Visitor and Convention Bureau has increased marketing for the region as an affordable vacation destination with an emphasis on eco-tourism. Popular things to do in the region include the following:**

- Arts, culture and history
- Baseball
- Beaches
- Boating and watersports
- Fishing
- Golf
- Nature and parks
- Shopping



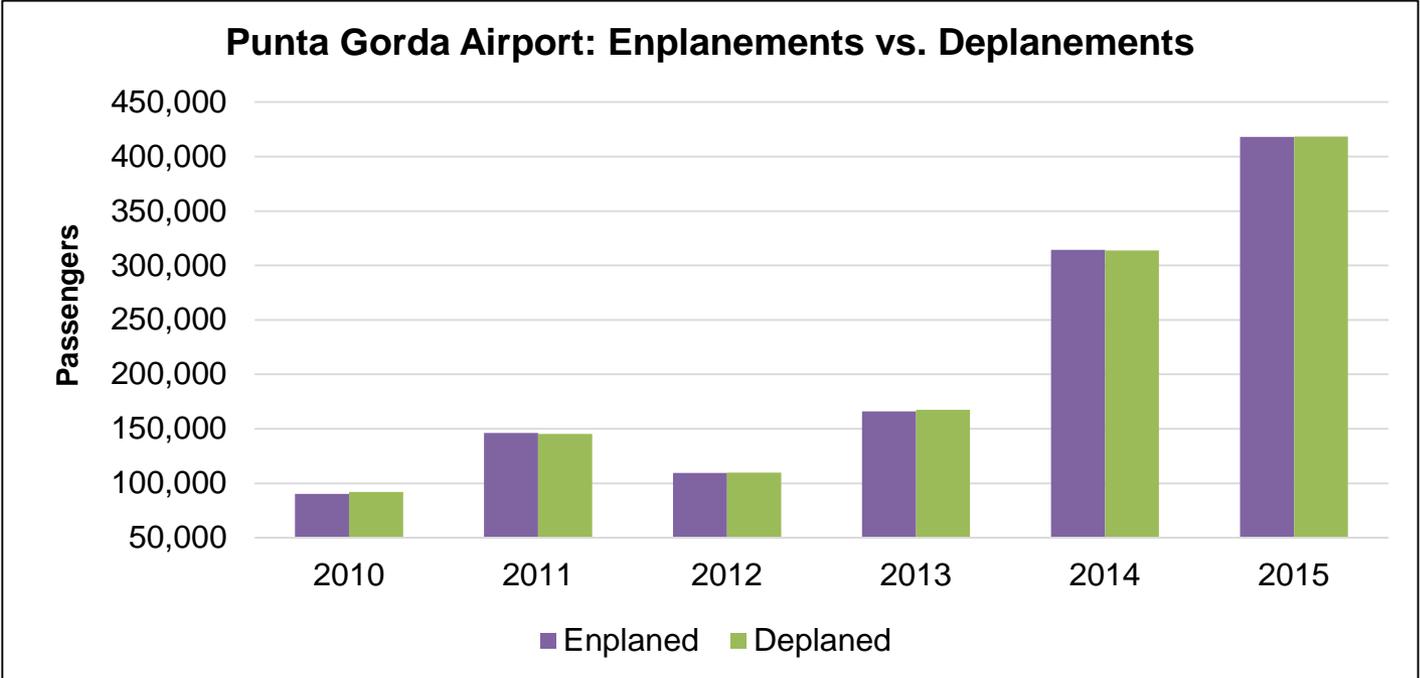
Source: Charlotte County Government, Charlotte Harbor

# Punta Gorda Airport Traffic

The Punta Gorda Airport traffic has grown significantly over the past few years. In 2013, Allegiant Air became the exclusive carrier for the airport and air traffic almost doubled in 2014, followed by a 33% increase in 2015. Increased air traffic and passenger capacity leads to additional jobs in the region, which leads to demand for housing, particularly for-rent as most of these jobs are lower-paying.

**Servicing Cities:**

- Allentown, PA
- Akron/Canton, OH
- Asheville, NC
- Belleville, IL
- Cedar Rapids, IA
- Cincinnati, OH
- Columbus, OH
- Des Moines, IA
- Fort Wayne, IN
- Greenville/Spartanburg, SC
- Grand Rapids, MI
- Harrisburg, PA
- Huntington, WV
- Indianapolis, IN
- Kansas City, MO
- Knoxville, TN
- Lexington, KY
- Moline/Quad Cities, IL
- Niagara Falls, NY
- Peoria, IL
- Pittsburgh, PA
- Raleigh/Durham, NC
- Rockford, IL
- South Bend, IN
- Springfield, IL
- Springfield/Branson, MO
- Plattsburgh, NY
- Portsmouth, NH
- Toledo, OH
- Youngstown, OH



Source: Punta Gorda Airport

# Demographic Snapshot: Punta Gorda MSA

With approximately 167,000 residents, the Punta Gorda MSA comprises approximately 1% of the people and households in Florida. The median household income is lower than both the state and national median income, but median net worth is significantly higher due to the large number of retirees in the region. This high median net worth is primarily due to home equity, as the Punta Gorda has nearly an 80% home ownership rate. Renter households comprise approximately 21% of total households, which is less than the state and national average, yet Charlotte County does not have the housing stock to accommodate a larger percentage of renters.



|   | Punta Gorda MSA | Florida    | United States |
|---|-----------------|------------|---------------|
| <b>Population</b>                           | 167,490         | 19,603,994 | 318,536,439   |
| <b>Annual Population Growth (2015-2020)</b> | 1.02%           | 1.05%      | 0.75%         |
| <b>Households</b>                           | 77,379          | 7,718,695  | 120,746,349   |
| <b>Annual Household Growth (2015-2020)</b>  | 1.08%           | 1.05%      | 0.77%         |
| <b>Median HH Income</b>                     | \$44,386        | \$47,255   | \$53,217      |
| <b>Renter Households</b>                    | 20.8%           | 35.9%      | 36.9%         |
| <b>Median Age</b>                           | 58.0            | 41.9       | 37.9          |
| <b>Median Net Worth</b>                     | \$154,135       | \$77,401   | \$84,518      |
| <b>Median Home Value (2015)</b>             | \$135,588       | \$175,924  |               |

Source: ESRI, US Census

# Demographic Snapshot: Punta Gorda MSA

The Punta Gorda population is approximately 25% the size of the Cape Cape-Fort Myers MSA. Median household income is highest in the North Port-Sarasota-Bradenton MSA, as well as the median home value. Punta Gorda has the highest median net worth, which is nearly 40% higher than the median net worth in the Cape Coral-Fort Myers MSA. This is due to the predominance of homeowners in the MSA; The higher homeownership rate correlates with a higher net worth.

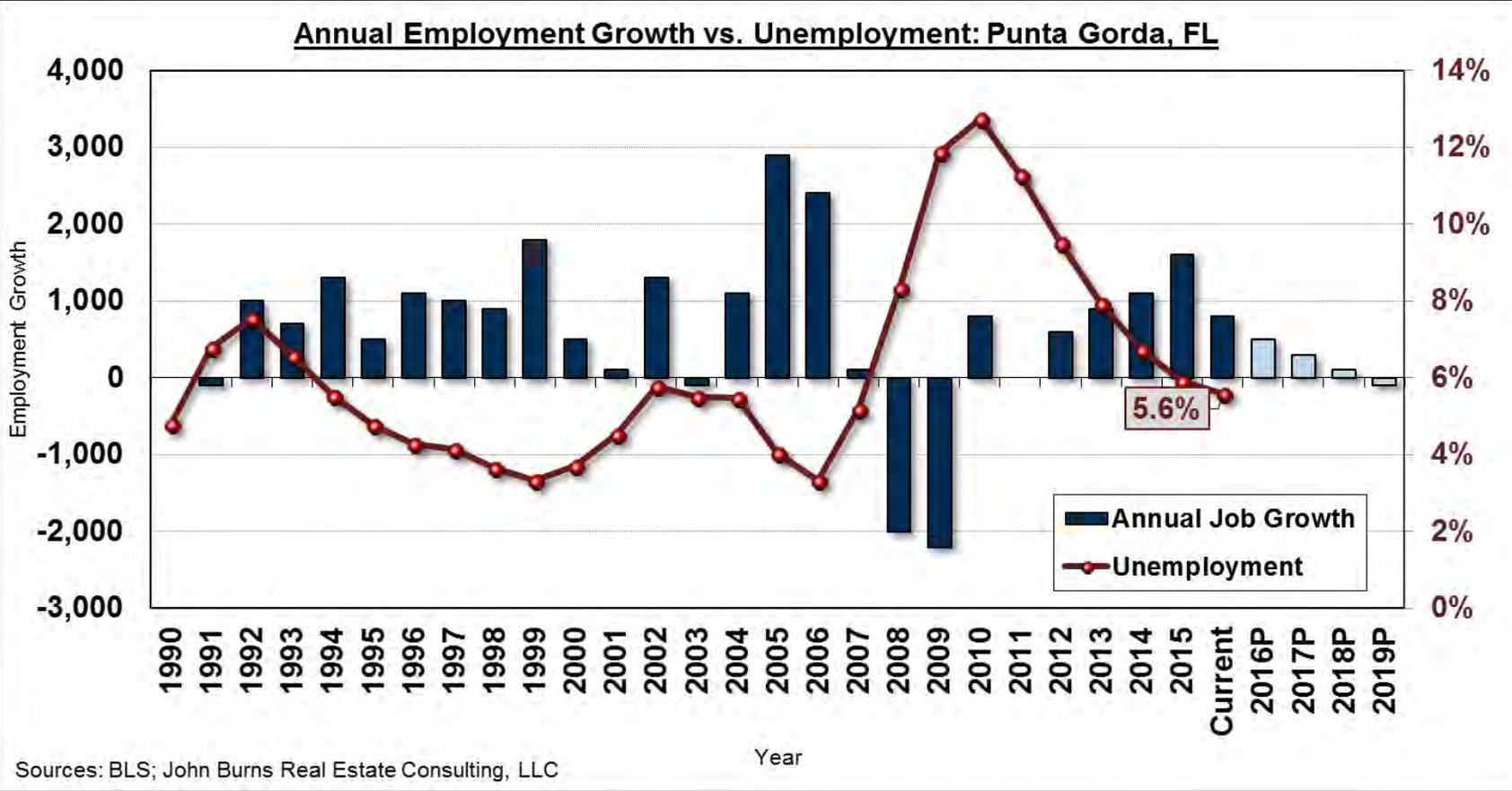


|   |           |           |           |
|---|-----------|-----------|-----------|
| <b>Population</b>                           | 167,490   | 666,270   | 737,473   |
| <b>Annual Population Growth (2015-2020)</b> | 1.02%     | 1.65%     | 1.22%     |
| <b>Households</b>                           | 77,379    | 278,409   | 325,978   |
| <b>Annual Household Growth (2015-2020)</b>  | 1.08%     | 1.63%     | 1.19%     |
| <b>Median HH Income</b>                     | \$44,386  | \$48,180  | \$50,306  |
| <b>Renter Households</b>                    | 20.8%     | 44.3%     | 38.6%     |
| <b>Median Age</b>                           | 58.0      | 47.1      | 51.4      |
| <b>Median Net Worth</b>                     | \$154,135 | \$109,581 | \$134,674 |
| <b>Median Home Value (2015)</b>             | \$135,588 | \$159,416 | \$195,167 |

Source: ESRI, US Census

# Employment Growth

Punta Gorda lost 4,200 jobs in 2008 and 2009 and recovered slightly in 2010, followed by no employment growth in 2011. The MSA has seen positive job growth since 2012 and currently there are 800 new jobs year over year, a growth rate of 1.8%. Job growth is expected to continue through 2018, with an average of 300 jobs to be added per year from 2016 through 2018 before losing 100 jobs in 2019. The current unemployment rate of 5.6% is slightly above the national rate of 5.0%.



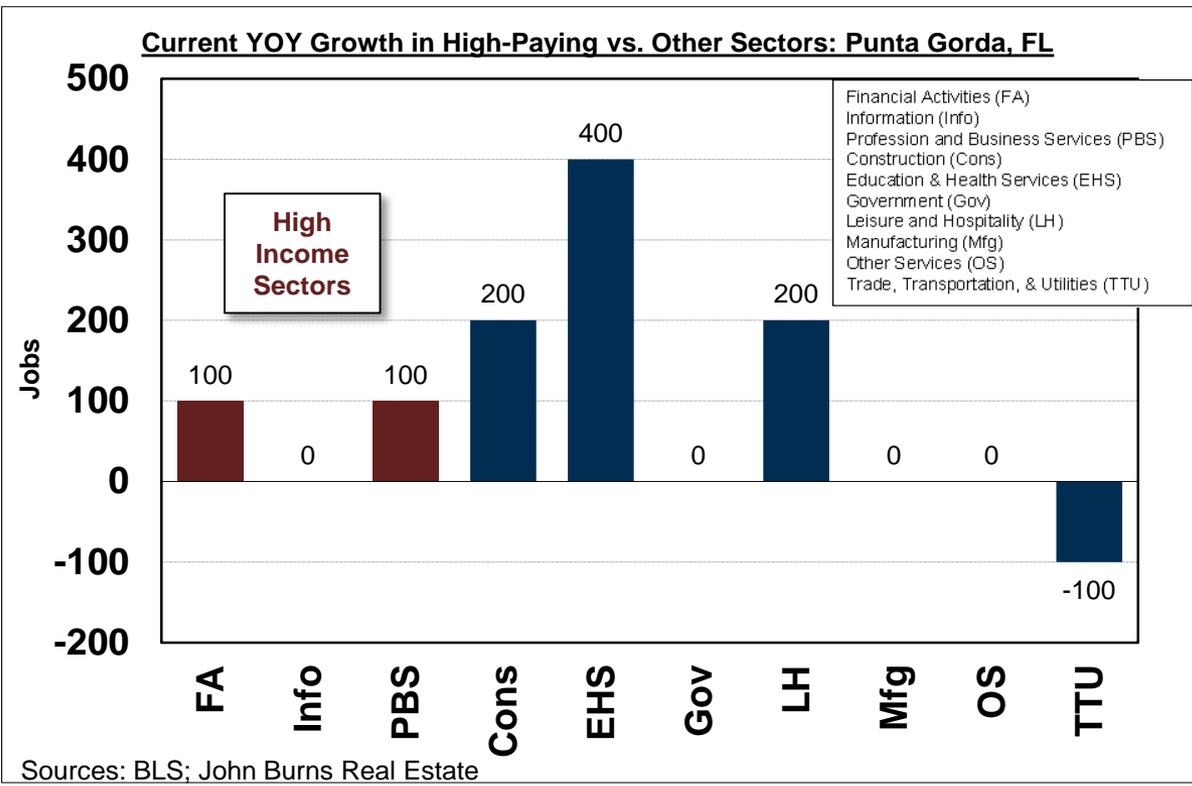
Sources: BLS; John Burns Real Estate Consulting, LLC

| Employment History & Projections | 2009   | 2010   | 2011   | 2012   | 2013   | 2014   | 2015   | Current* | 2016P  | 2017P  | 2018P  | 2019P  |
|----------------------------------|--------|--------|--------|--------|--------|--------|--------|----------|--------|--------|--------|--------|
| Payroll Survey Total             | 40,700 | 41,500 | 41,500 | 42,100 | 43,000 | 44,100 | 45,700 | 46,200   | 46,200 | 46,500 | 46,600 | 46,500 |
| 1-Year Change                    | -2,200 | 800    | 0      | 600    | 900    | 1,100  | 1,600  | 800      | 500    | 300    | 100    | -100   |
| 1-Year Growth Rate               | -5.1%  | 2.0%   | 0.0%   | 1.4%   | 2.1%   | 2.6%   | 3.6%   | 1.8%     | 1.1%   | 0.6%   | 0.2%   | -0.2%  |
| Unemployment Rate                | 11.9%  | 12.8%  | 11.3%  | 9.5%   | 7.9%   | 6.7%   | 5.9%   | 5.6%     |        |        |        |        |

\*Current time period reflects trailing twelve months data

# Employment Sectors

Over the last twelve months, the Punta Gorda MSA experienced the strongest employment growth in the Education & Health Services sector and the Professional and Business Services high income sector. The MSA primarily consists of service, health and business jobs with the largest employers being Bay Front Health Punta Gorda and Publix.



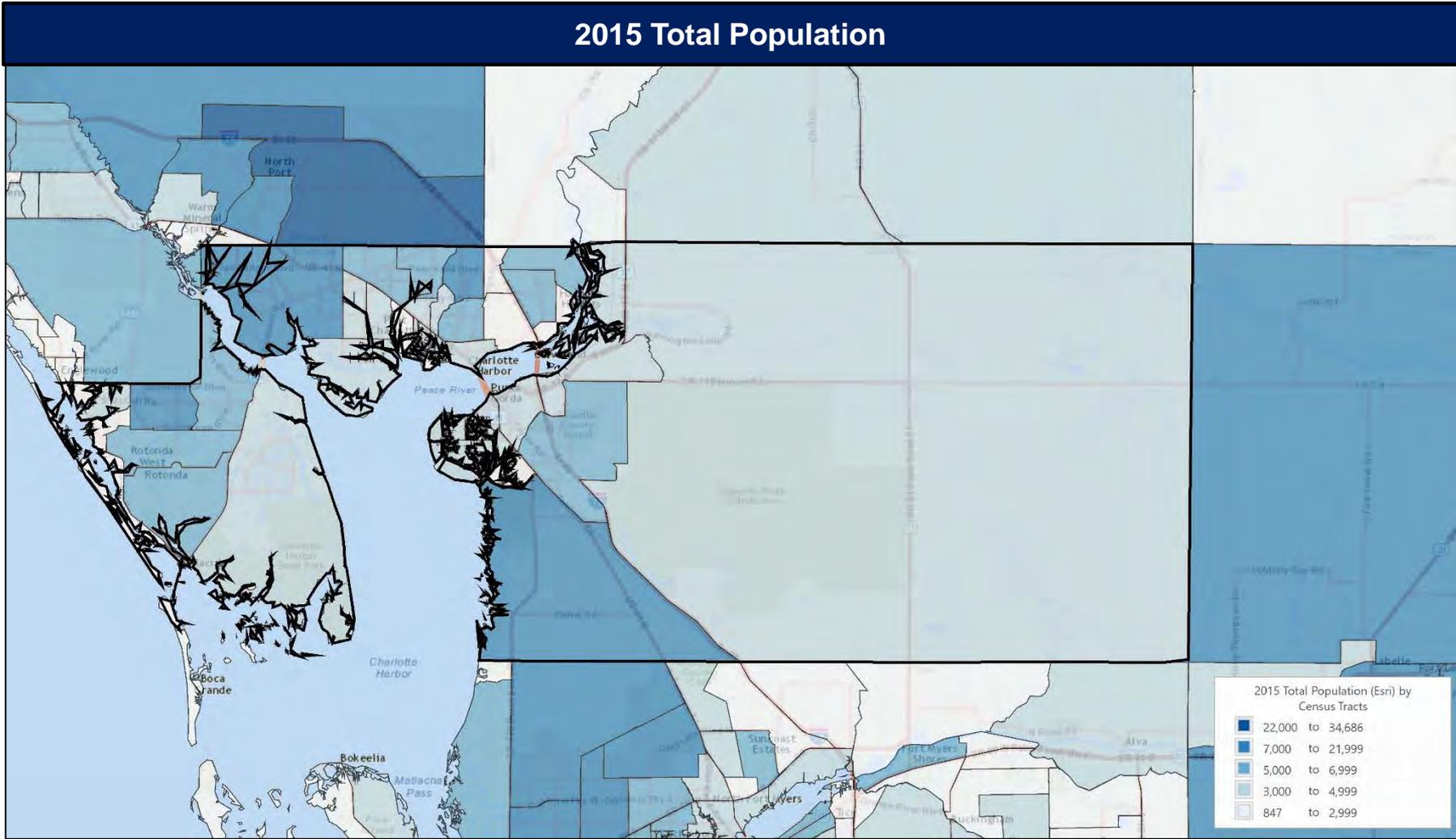
**2015 Largest Employers**

| Company Name                     | Employees |
|----------------------------------|-----------|
| 1 Bay Front Health Punta Gorda   | 1,739     |
| 2 Publix Super Market            | 1,361     |
| 3 Walmart                        | 1,300     |
| 4 Bayfront Health Port Charlotte | 1,000     |
| 5 Fawcett Memorial Hospital      | 854       |
| 6 Palm Automall                  | 670       |
| 7 Winn-Dixie                     | 664       |
| 8 The Home Depot                 | 600       |
| 9 South Port Square              | 400       |
| 10 McDonald's                    | 385       |

Source: Charlotte County Economic Development

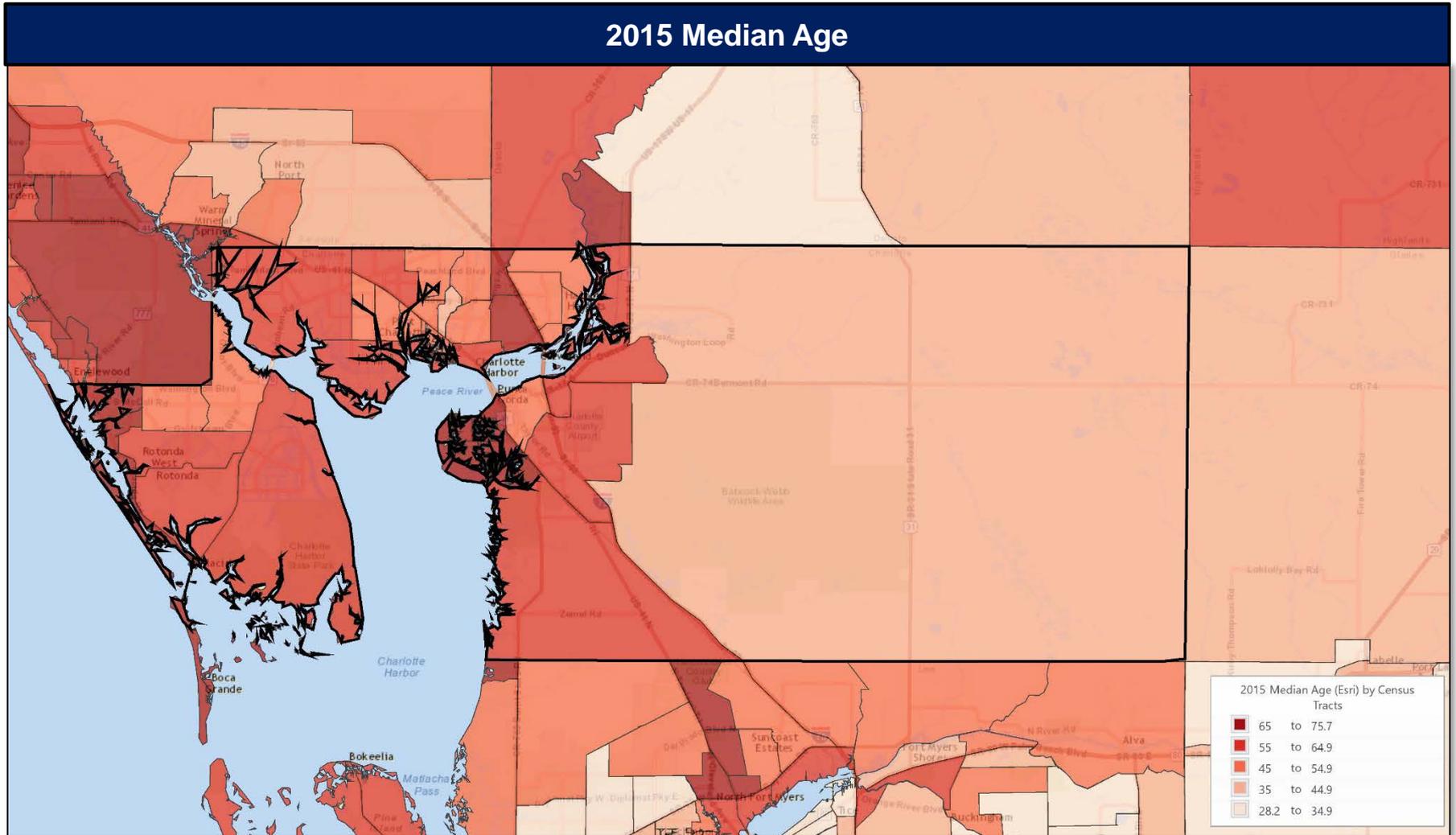
# Population Density

The majority of Punta Gorda residents live close to the coastline with the more eastern portions of the Country consisting of rural farms and homes. The heaviest concentration of residents in the MSA are along I75 and major transportation routes.



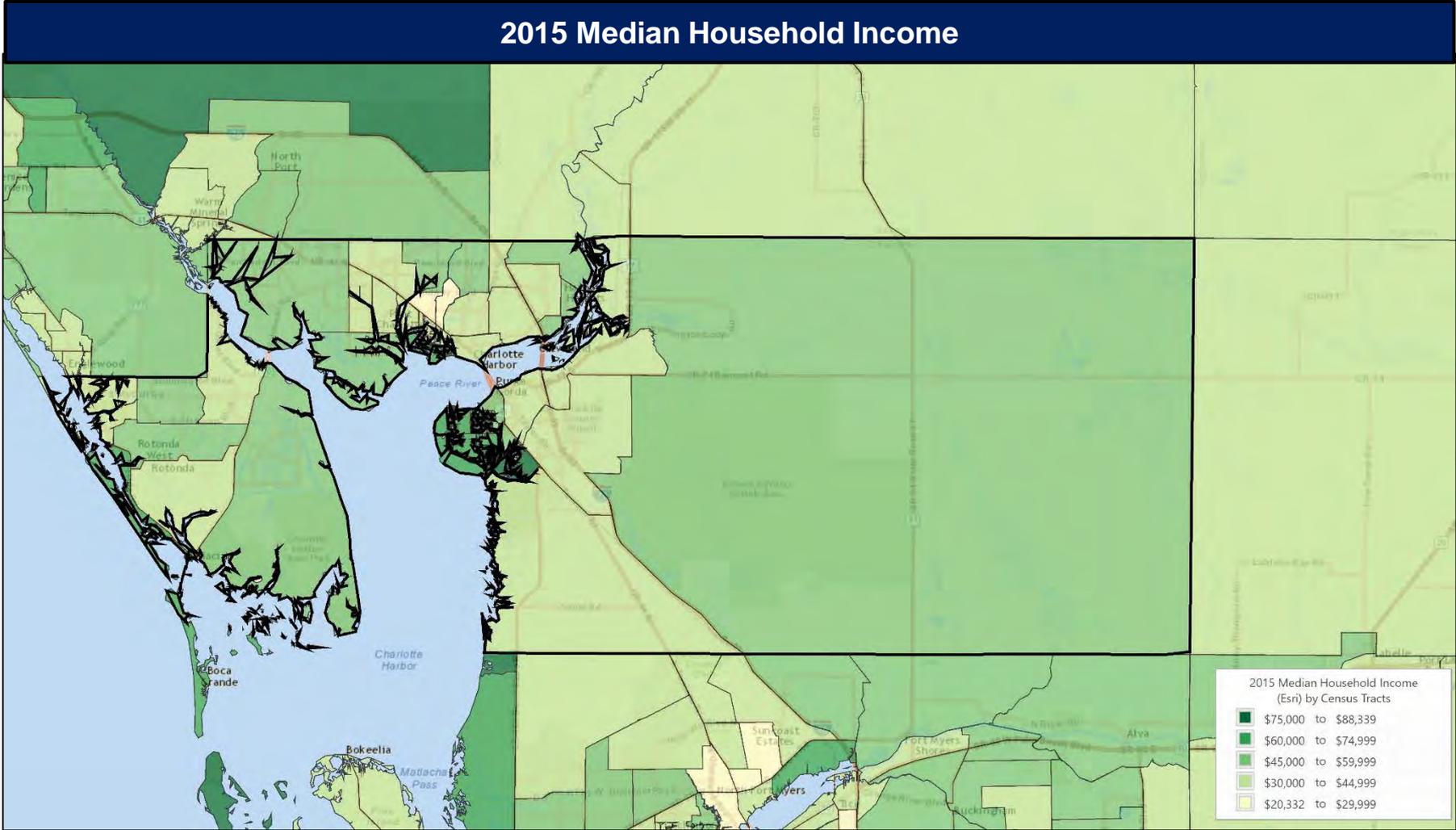
Source: John Burns Real Estate Consulting, ESRI

Punta Gorda is a retiree destination. The median age of the Punta Gorda MSA is 58.0 years (approximately 16 years older than that of Florida). Additionally, the 55 and older population comprises of almost 55% of the population in the Punta Gorda MSA.



# Median Income

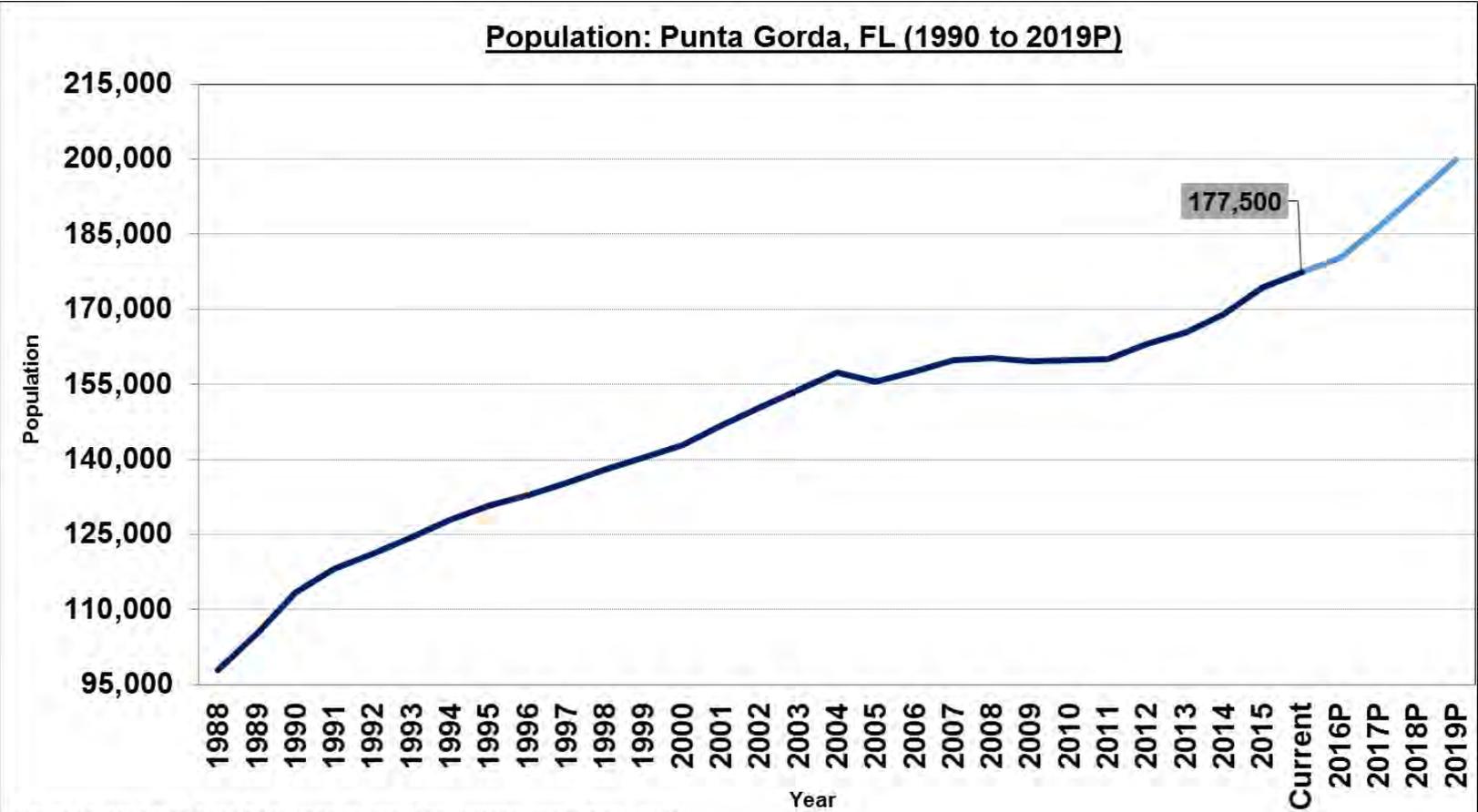
The median income of the Punta Gorda MSA is \$44,386, which is 6.0% lower than that of the state of Florida. The areas with the highest median household income are those closest to the coast.



Source: John Burns Real Estate Consulting, ESRI

# Population Growth

The Punta Gorda MSA population is currently growing rapidly at 3.3% year over year, according to Moody's. JBREC projects population growth to increase an average of 2.4% from 2016 through 2019, which equates to an additional 17,118 people in the MSA.



Sources: Moody's Analytics; John Burns Real Estate Consulting, LLC

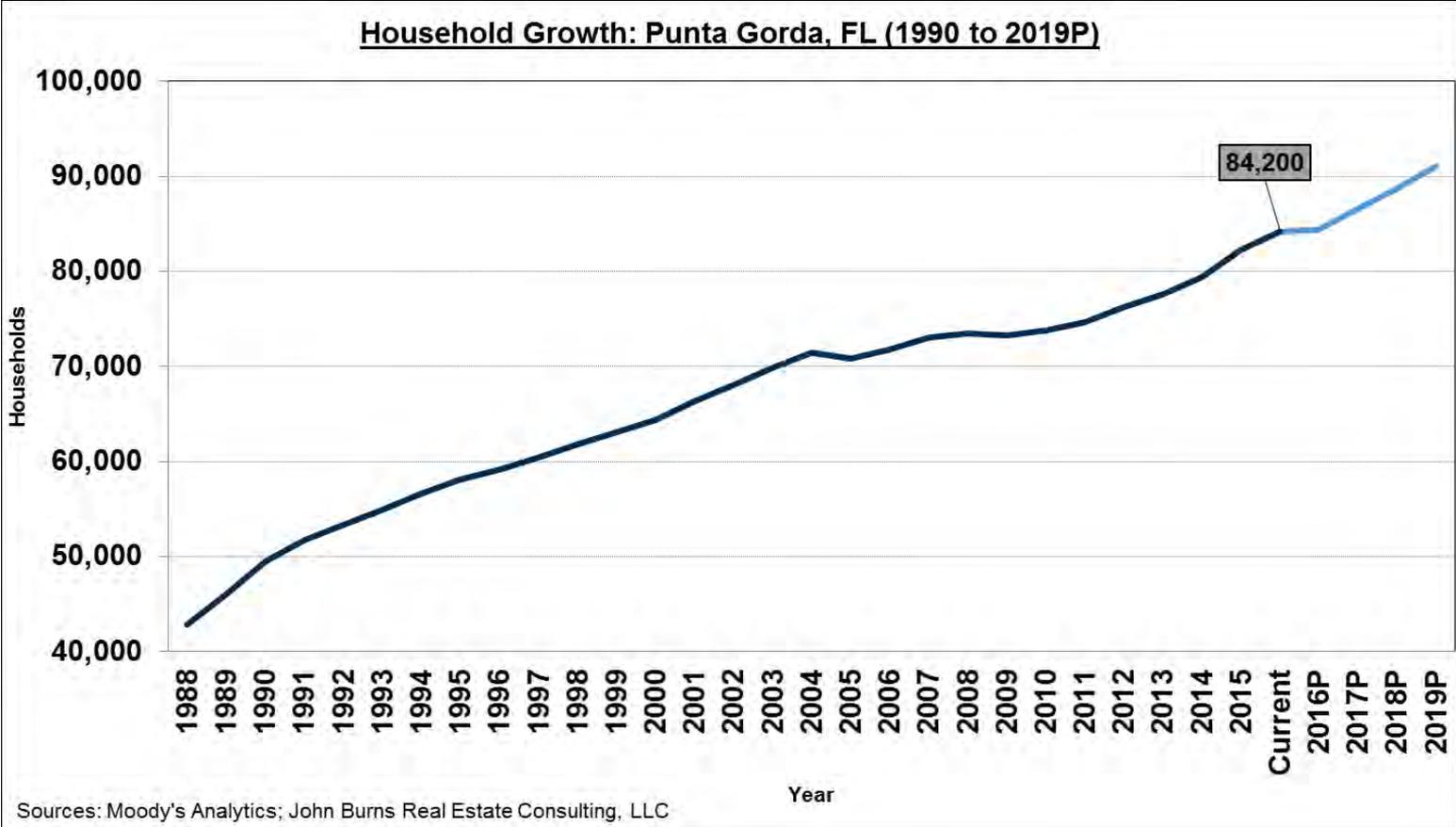
| Population History & Projections | 2009    | 2010    | 2011    | 2012    | 2013    | 2014    | 2015    | Current* | 2016P   | 2017P   | 2018P   | 2019P   |
|----------------------------------|---------|---------|---------|---------|---------|---------|---------|----------|---------|---------|---------|---------|
| Population Total                 | 159,700 | 159,800 | 160,100 | 163,100 | 165,300 | 169,100 | 174,400 | 177,500  | 178,586 | 182,771 | 187,031 | 191,317 |
| 1-Year Change                    | -600    | 100     | 300     | 3,000   | 2,200   | 3,800   | 5,300   | 5,600    | 4,186   | 4,260   | 4,286   | 4,387   |
| 1-Year Growth Rate               | -0.4%   | 0.1%    | 0.2%    | 1.9%    | 1.3%    | 2.3%    | 3.1%    | 3.3%     | 2.4%    | 2.4%    | 2.4%    | 2.4%    |

JBREC reviews population forecasts from Moody's and ESRI, then takes into account current housing and economic trends to forecast population growth for the MSA. ESRI is forecasting a 1.02% annual growth rate through 2019, while Moody's forecasts a 3.5% annual growth rate.

\*Current time period reflects trailing twelve months data

# Household Growth

Annual household growth in the Punta Gorda MSA has been steadily increasing since 2009, with 3,400 new household formations within the past twelve months, according to Moody's. JBREC projects household growth to average 2.6% during the next four years, which will create continued demand for housing in the MSA.



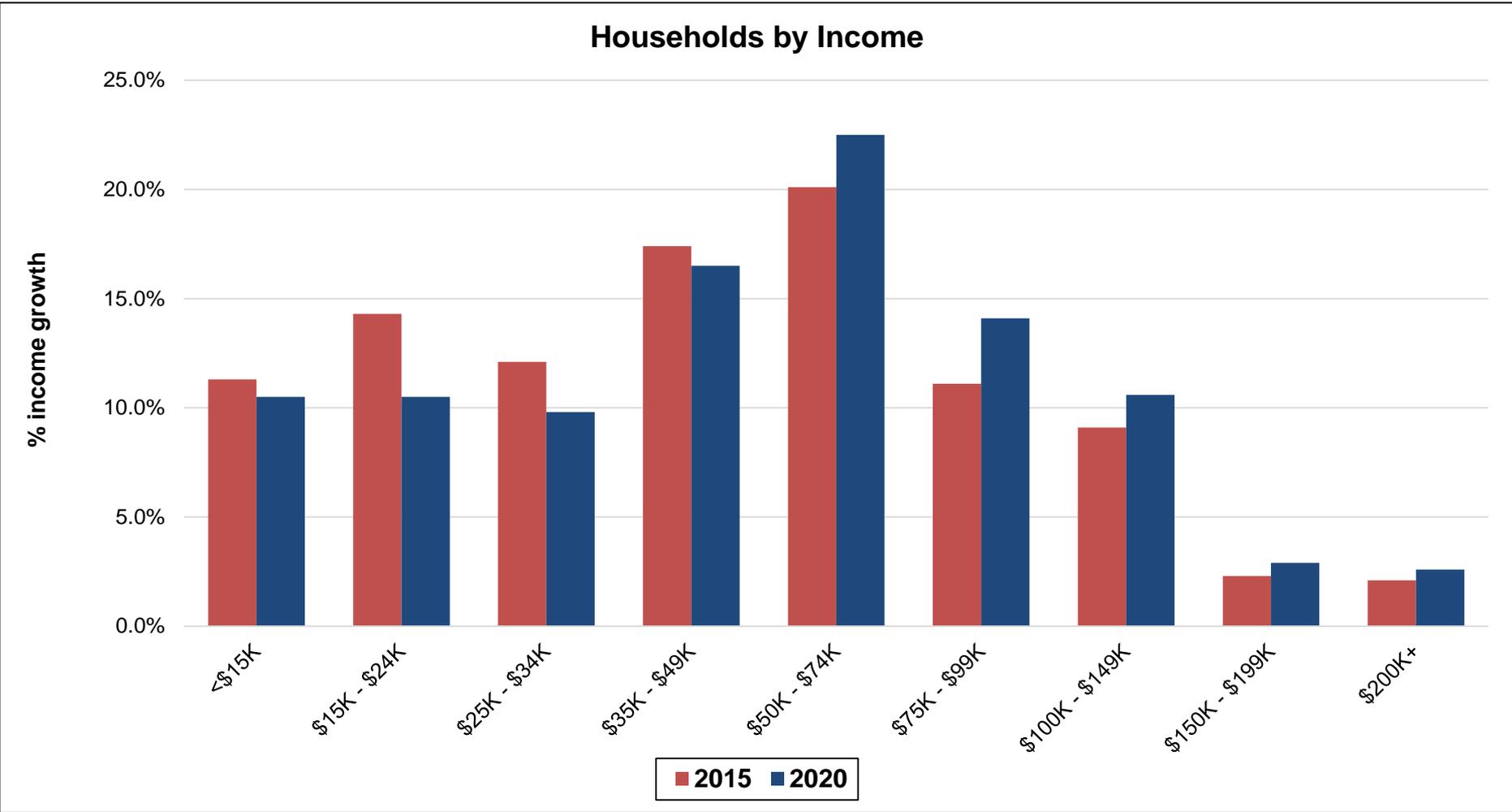
| Household History & Projections | 2009   | 2010   | 2011   | 2012   | 2013   | 2014   | 2015   | Current | 2016P  | 2017P  | 2018P  | 2019P  |
|---------------------------------|--------|--------|--------|--------|--------|--------|--------|---------|--------|--------|--------|--------|
| Household Total                 | 73,300 | 73,800 | 74,600 | 76,200 | 77,600 | 79,400 | 82,300 | 84,200  | 84,440 | 86,580 | 88,775 | 91,026 |
| 1-Year Change                   | -200   | 500    | 800    | 1,600  | 1,400  | 1,800  | 2,900  | 3,400   | 2,140  | 2,195  | 2,251  | 2,308  |
| 1-Year Growth Rate              | -0.3%  | 0.7%   | 1.1%   | 2.1%   | 1.8%   | 2.3%   | 3.7%   | 4.2%    | 2.6%   | 2.6%   | 2.6%   | 2.6%   |

JBREC reviews population forecasts from Moody's and ESRI, then takes into account current housing and economic trends to forecast population growth for the MSA. ESRI is forecasting a 1.08% annual growth rate through 2019, while Moody's forecasts a 4.2% annual growth rate.

\*Current time period reflects trailing twelve months data

# Household Growth by Income

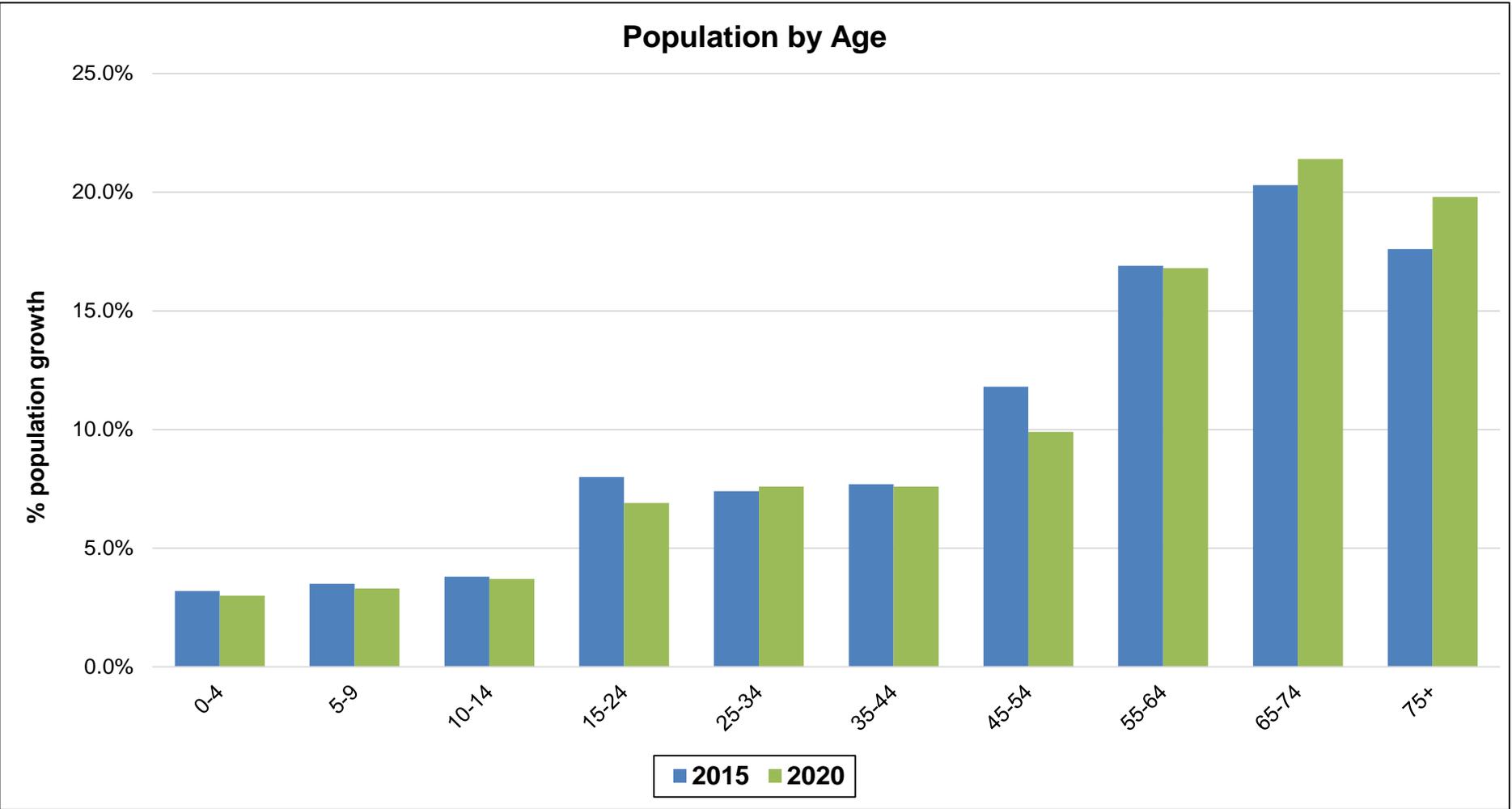
Household growth by income in the Punta Gorda MSA will occur mostly between \$50K and \$99K from 2015 to 2020.



Source: ESRI

# Population by Age

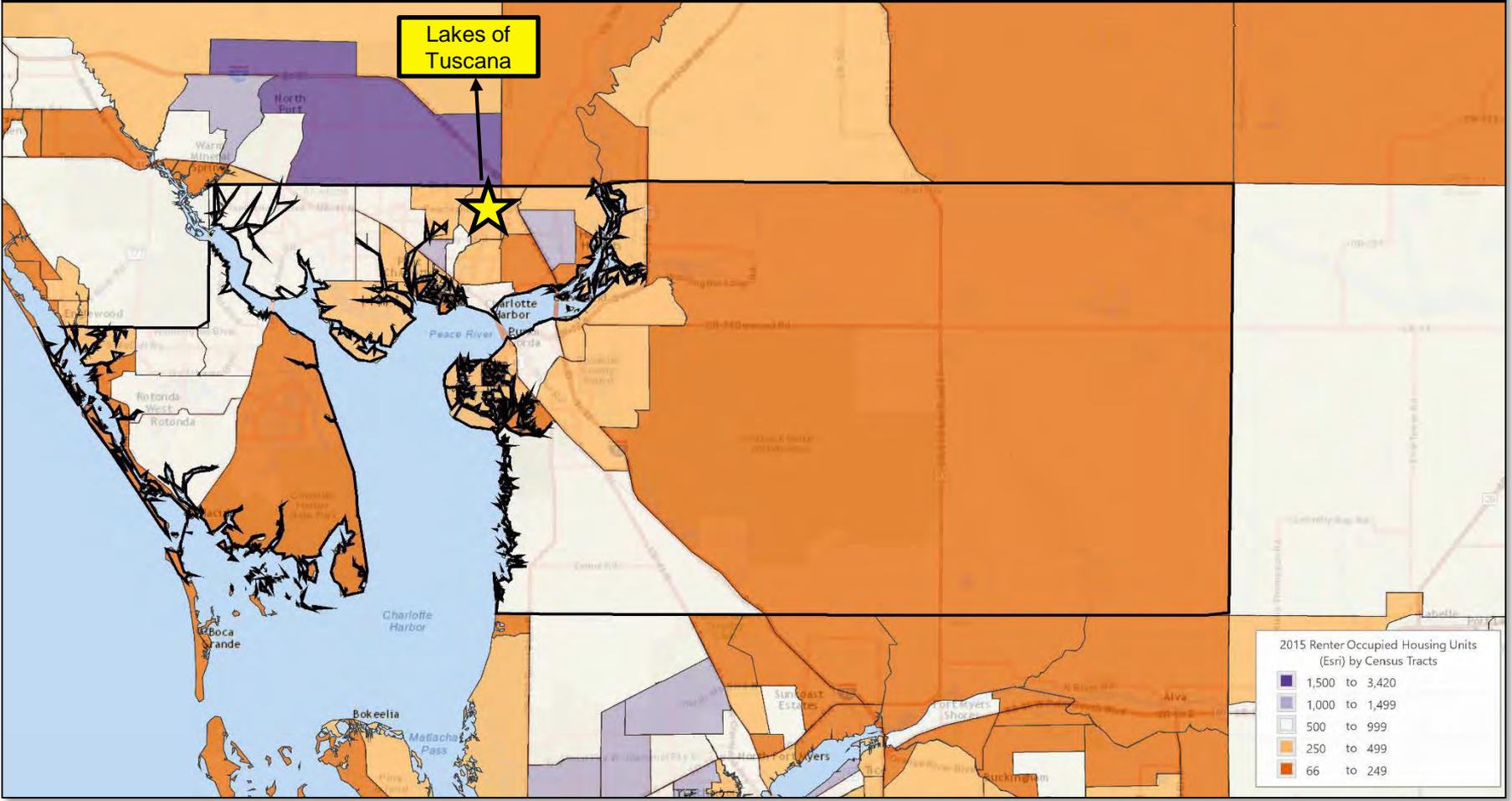
Population growth is forecast to occur primarily in the 65-74 and 75+ age groups within the Punta Gorda MSA. However, due to the projected job growth and a possible accredited college relocation, the younger age brackets may grow at a rate higher than what is currently forecast.



# Renter Occupied Housing

According to the US Census, approximately 20.8% of housing in the Punta Gorda MSA is renter occupied units. Most of these are in the northern portion of the MSA. One investment grade apartment community is identified below, and there are many single-family and condominium rentals in the MSA as well.

**2015 Renter Occupied Housing Units**

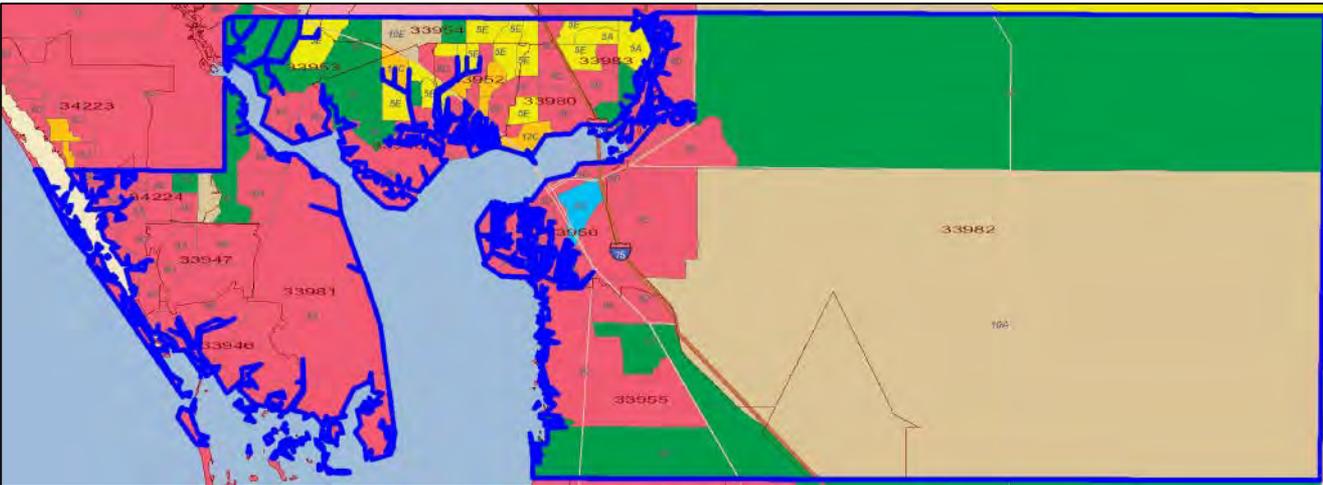


Source: John Burns Real Estate Consulting, ESRI, US Census

# Tapestry Segmentation: Lifestyle Groups

The dominant Lifestyle groups for the Punta Gorda MSA include Senior Styles, Rustic Outposts and Cozy Country Living.

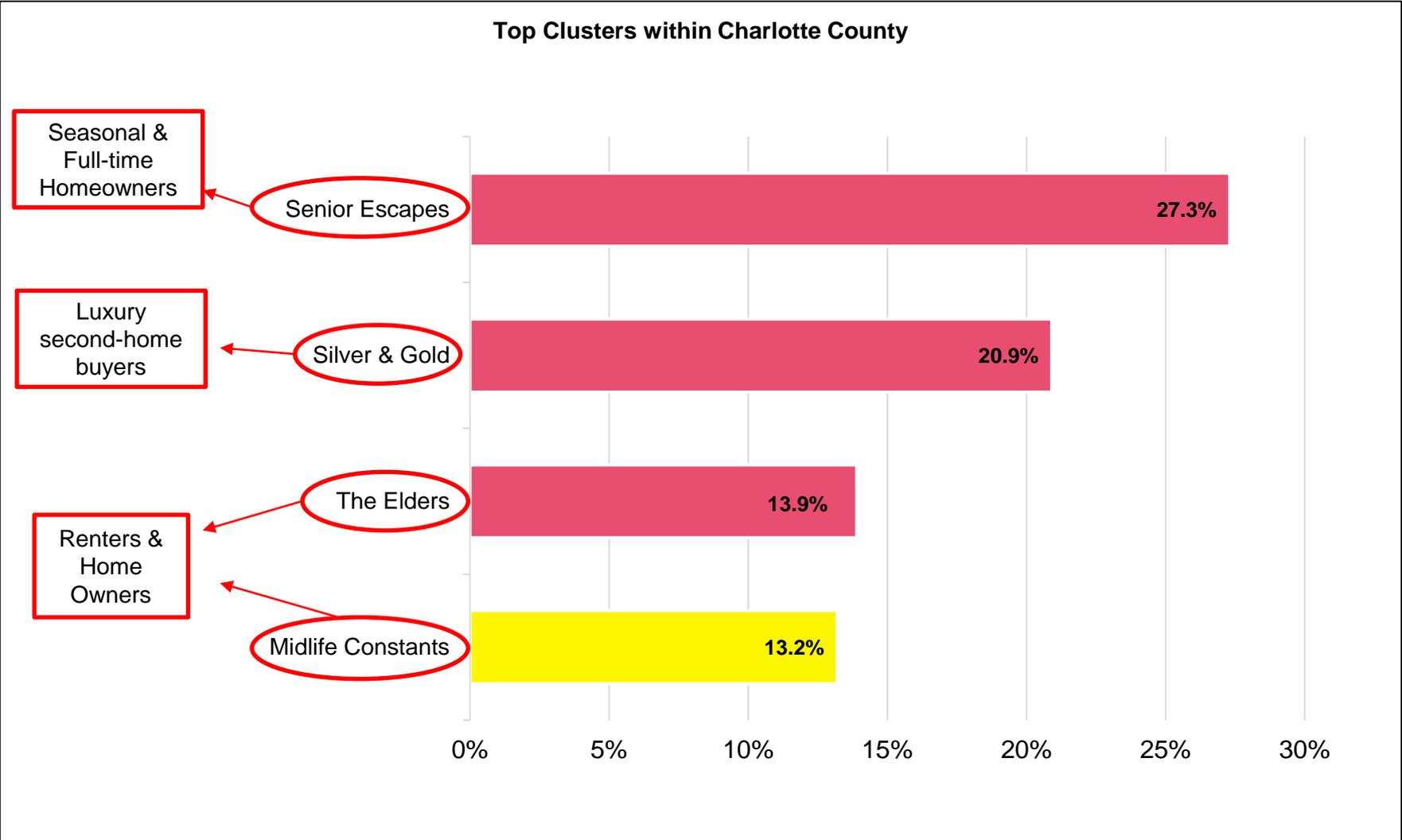
- Lifestyle Group:**
- Highest Income**
    - **Affluent Estates:** Established wealth - educated, well-traveled married couples
    - **Upscale Avenues:** Prosperous, married couples in higher density neighborhoods
    - **Uptown Individuals:** Younger, urban singles on the move
    - **Family Landscapes:** Successful younger families in newer housing
    - **GenXurban:** Gen X in middle age; families with fewer kids and mortgage
    - **Cozy Country Living:** Empty nesters in bucolic settings
  - Middle Income**
    - **Ethnic Enclaves:** Established diversity—young, Hispanic homeowners with families
    - **Middle Ground:** Lifestyles of thirty-somethings
    - **Senior Styles:** Senior lifestyles reveal the effects of saving for retirement
    - **Rustic Outposts:** Country life with older families, older home
  - Lowest Income**
    - **Midtown Singles:** Millennials on the move; single, diverse, and urban
    - **Hometown:** Growing up and staying close to home; single householders
    - **Next Wave:** Urban denizens; young, diverse, hardworking families
    - **Scholars and Patriots:** College campuses and military neighborhoods



Source: ESRI

# Tapestry Segmentation: Clusters

The largest clusters within the Punta Gorda MSA include the following: Senior Escapes, Silver & Gold, The Elders (Senior Styles Lifestyle Group) and Midlife Constants (GenXurban Lifestyle Group).



Source: ESRI

# Tapestry Segmentation: Clusters

**Senior Escapes**



Senior Escapes neighborhoods are heavily concentrated in the warmer states of Florida, California, and Arizona. These areas are highly seasonal, yet owner occupied. Many homes began as seasonal getaways and now serve as primary residences. Forty percent are mobile homes; half are single-family dwellings. About half are in unincorporated and more rural areas. Over a quarter of the population are 65–74 years old. Most are white and fairly conservative in their political and religious views. Residents enjoy watching TV, going on cruises, playing Bingo, golfing, boating, and fishing. They are very conscious of their health and buy specialty foods and dietary supplements.

**Silver and Gold**



Almost the oldest senior market (second to The Elders), the difference of 10 years in median age reveals a socioeconomic difference: This is the most affluent senior market and is still growing. The affluence of Silver and Gold has afforded the opportunity to retire to sunnier climates that feature exclusive communities and vacation homes. These consumers have the free time, stamina, and resources to enjoy the good life.

**The Elders**



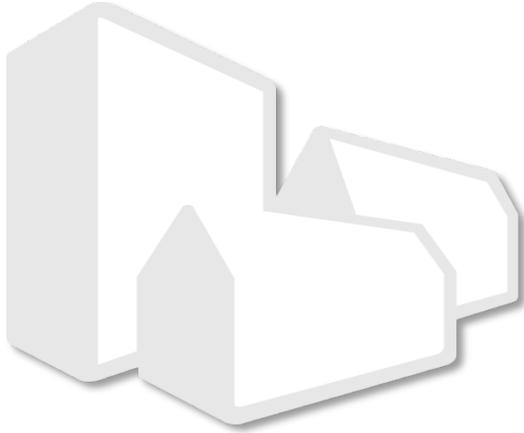
With a median age of 71.8 years, this is Tapestry Segmentation’s oldest market. The Elders residents favor communities designed for senior or assisted living, primarily in warmer climates with seasonal populations. Most of these householders are homeowners, although their housing varies from mobile homes to single-family residences to high-rise apartments. These seniors are informed, independent, and involved.

**Midlife Constants**



Midlife Constants residents are seniors, at or approaching retirement, with below average labor force participation and above average net worth. Although located in predominantly metropolitan areas, they live outside the central cities, in smaller communities. Their lifestyle is more country than urban. They are generous, but not spendthrifts.

Source: ESRI



## Apartment Analysis

# Rental Demand Analysis

Our rental demand analysis shows there will be significant demand for additional apartments in the Punta Gorda MSA. JBREC forecasts household growth of 2.6% annually, leading to an additional 348 units of annual rental demand in the MSA. Approximately 63% of this demand will be market rate apartments with a minimum rent of \$700.

| DEMAND FROM HH GROWTH   |                        | TOTAL HOUSEHOLDS           |                                | RENTAL HOUSEHOLDS           |                           |                             |                               | Annual New Rental HH (A) 4/ | % that Rent Apartment Homes | # that Rent Apartment Homes 5/ |
|-------------------------|------------------------|----------------------------|--------------------------------|-----------------------------|---------------------------|-----------------------------|-------------------------------|-----------------------------|-----------------------------|--------------------------------|
| Annual Household Income | Monthly Rental Rate 1/ | Total Households - 2015 2/ | Total Households - 2020 (P) 2/ | % Rental Households 2015 3/ | 2015 Calculated Renter HH | % Rental Households 2020 3/ | 2020 Calculated Renter HH (P) |                             |                             |                                |
| \$0 to \$25,000         | \$0 - \$700            | 21,139                     | 19,565                         | 33%                         | 6,966                     | 44%                         | 8,575                         | 322                         | 40%                         | 129                            |
| \$25,000 to \$35,000    | \$700 - \$1000         | 9,972                      | 9,161                          | 24%                         | 2,380                     | 32%                         | 2,908                         | 106                         | 40%                         | 42                             |
| \$35,000 to \$50,000    | \$1000 - \$1400        | 14,304                     | 15,472                         | 25%                         | 3,590                     | 33%                         | 5,164                         | 315                         | 25%                         | 79                             |
| \$50,000 to \$75,000    | \$1400 - \$2100        | 16,580                     | 21,081                         | 14%                         | 2,345                     | 19%                         | 3,965                         | 324                         | 20%                         | 65                             |
| \$75,000 to \$100,000   | \$2100 - \$2800        | 9,121                      | 13,220                         | 5%                          | 465                       | 7%                          | 896                           | 86                          | 15%                         | 13                             |
| \$100,000 to \$150,000  | \$2800 - \$4200        | 7,513                      | 9,914                          | 10%                         | 717                       | 13%                         | 1,258                         | 108                         | 15%                         | 16                             |
| \$150,000+              | \$4200+                | 3,669                      | 5,158                          | 7%                          | 244                       | 9%                          | 456                           | 42                          | 10%                         | 4                              |
| <b>Total</b>            | <b>Total</b>           | <b>82,300</b>              | <b>93,570</b>                  | <b>20%</b>                  | <b>16,707</b>             | <b>24.8%</b>                | <b>23,223</b>                 | <b>1,303</b>                | <b>27%</b>                  | <b>348</b>                     |

Household Growth for the Punta Gorda MSA  
**13.0%** for 5-years or **2.6%** per year  
(Forecast per JBREC, slightly below Moody's estimates)

JBREC increased the overall renter rate +/-4.4% and adjusted rate by income category to account for growth

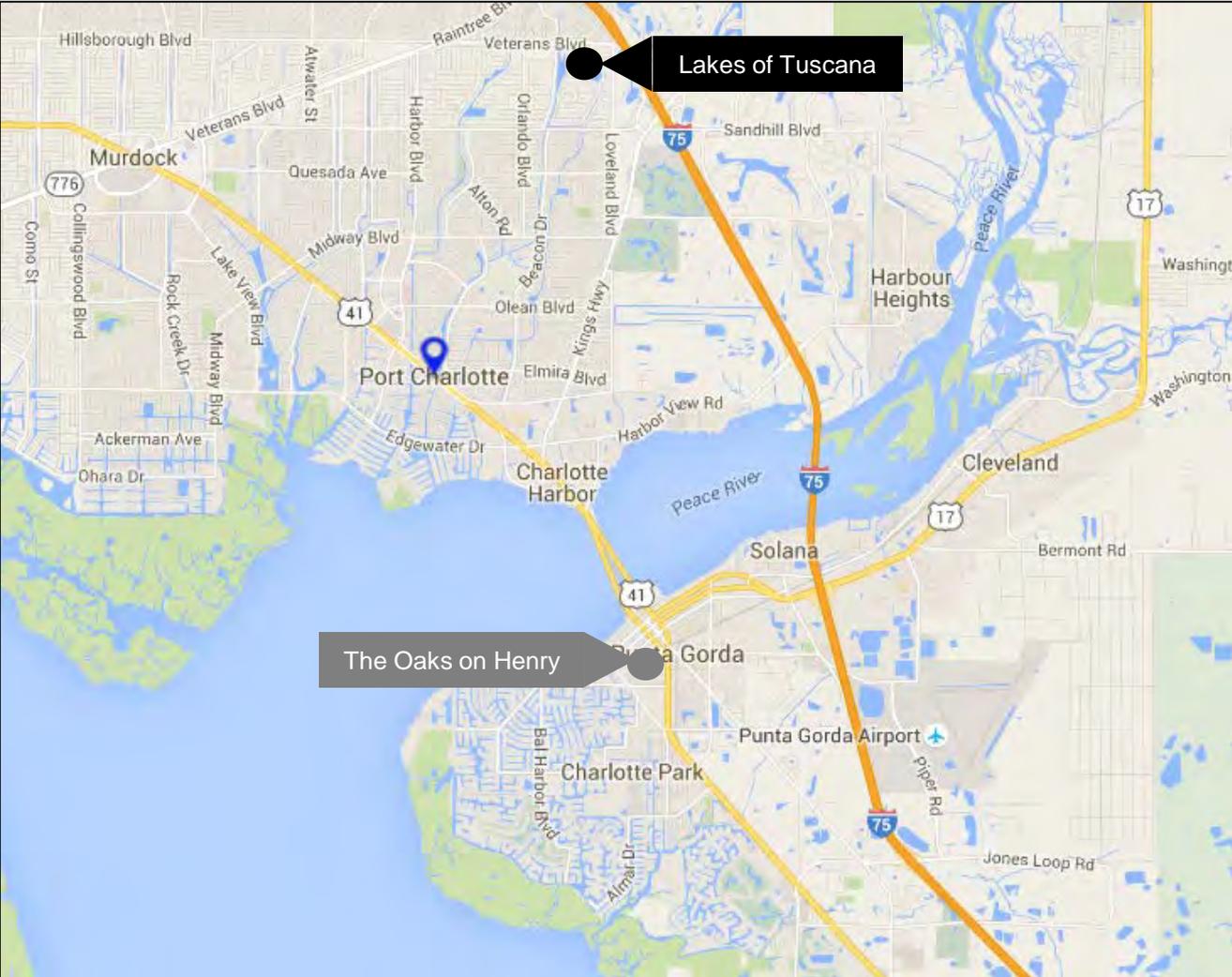
**27%** of the households who rent in the MSA, rent apartments with 5+ units (opposed to SFD). JBREC assumes lower income groups are more likely to rent apartments. The difference is attributed to future growth concentrated in the higher income groups that have a lower likelihood to rent apartments.

| Monthly Rental Rate     | Total Demand |  |
|-------------------------|--------------|--|
| \$0 - \$700             | 129          | 1/ Assumes that in the MSA, households pay <b>36.2%</b> of the annual income toward rent per American Community Survey 2014. While percentage paid by income may vary, the calculation is intended to establish reasonable rent ranges as perspective. Some households will spend more and some will spend less.<br>2/ Estimated total existing households and annual household growth between 2015 and 2020. Total HH for 2015 per Economy.com. Data is adjusted based on ACS distribution. 2020 growth per Economy.com.<br>3/ Percentage of area households that are renter occupied by income level per US Census American Community Survey 2014. For 2020 we adjusted the overall renter rate upward by <b>4.4%</b> given our expectation of higher renter ratio trend in coming years. Percentages by income increase given the adjusted household income distribution.<br>4/ Calculated gain in renter households 2015 to 2020. Those income categories that show a decrease in households will not show household growth demand.<br>5/ Percentage of renters by income level that are likely to rent apartments. Data per US Census Bureau. Census reports <b>27%</b> of all households in the MSA who rent, rent in structures that are 5+ units. For purposes of this analysis, JBREC defined these as apartments. JBREC model varies by income level assuming that lower income households are more likely to rent apartments than higher income households (which may tend toward single family homes). |
| \$700 - \$1000          | 42           |  |
| \$1000 - \$1400         | 79           |  |
| \$1400 - \$2100         | 65           |  |
| \$2100 - \$2800         | 13           |  |
| \$2800 - \$4200         | 16           |  |
| \$4200+                 | 4            |  |
| <b>Total</b>            | <b>348</b>   |  |
| Market Rate - Relevant: | 219          |  |

Source: John Burns Real Estate Consulting, US Census Bureau

# Comparable Communities Map

We analyzed one sizable (more than 100 units), investment grade apartment community in the Punta Gorda MSA. There is a very limited supply of market rate apartment communities in Charlotte County. The Oaks of Henry is the first market rate multifamily development in ten years and will open late 2016 with a scheduled delivery of 54 units.



Source: Google Earth, John Burns Real Estate Consulting LLC

# Comparable Communities Summary

The only large market rate apartment community we identified in the market, Lakes of Tuscana, was built more than ten years ago. The community is currently 96.3% occupied, which is indicative of the tight supply of market rate rental housing in Charlotte County.

**Lakes of Tuscana**



|                  |   |
|------------------|---|
| <b>Amenities</b> | Pool & clubhouse, fitness center, tennis courts, business center, tot lot, car care center, walking trails, fire pit, beach, paddle boats & kayaks, gated |
| <b>Parking</b>   | Street Parking  |

| Project Name              | City                  | PRODUCT |                    | Rents |           |      |         |         |            |         |        |        |
|---------------------------|-----------------------|---------|--------------------|-------|-----------|------|---------|---------|------------|---------|--------|--------|
|                           |                       | Sq. Ft. | Plan Configuration |       | Base Rent |      |         |         | Base \$/SF |         |        |        |
|                           |                       |         | Bed                | Bath  | Low       | High | Average | Low     | High       | Average |        |        |
| <b>LAKES OF TUSCANA</b>   |                       |         |                    |       |           |      |         |         |            |         |        |        |
| <b>Lakes of Tuscana</b>   | <b>Punta Gorda</b>    | 975     | 1                  | 1.0   | \$1,040   | -    | \$1,040 | \$1,040 | \$1.07     | -       | \$1.07 | \$1.07 |
|                           |                       | 1,107   | 1                  | 1.0   | \$1,025   | -    | \$1,025 | \$1,025 | \$0.93     | -       | \$0.93 | \$0.93 |
| Product: Garden Style     | Total Units: 272      | 1,168   | 1                  | 1.0   | \$1,090   | -    | \$1,090 | \$1,090 | \$0.93     | -       | \$0.93 | \$0.93 |
| Number of Floors: 2-floor | Total Occupied: 96.3% | 1,218   | 1                  | 1.0   | \$1,075   | -    | \$1,075 | \$1,075 | \$0.88     | -       | \$0.88 | \$0.88 |
|                           |                       | 1,384   | 2                  | 2.0   | \$1,355   | -    | \$1,355 | \$1,355 | \$0.98     | -       | \$0.98 | \$0.98 |
|                           |                       | 1,423   | 2                  | 2.0   | \$1,340   | -    | \$1,340 | \$1,340 | \$0.94     | -       | \$0.94 | \$0.94 |
| Year Built: 2005          |                       | 1,456   | 2                  | 2.0   | \$1,250   | -    | \$1,250 | \$1,250 | \$0.86     | -       | \$0.86 | \$0.86 |
|                           |                       | 1,477   | 3                  | 2.0   | \$1,385   | -    | \$1,385 | \$1,385 | \$0.94     | -       | \$0.94 | \$0.94 |
|                           |                       | 1,502   | 2                  | 2.0   | \$1,215   | -    | \$1,215 | \$1,215 | \$0.81     | -       | \$0.81 | \$0.81 |
|                           |                       | 1,592   | 3                  | 2.0   | \$1,355   | -    | \$1,355 | \$1,355 | \$0.85     | -       | \$0.85 | \$0.85 |
|                           |                       | 1,664   | 3                  | 2.0   | \$1,535   | -    | \$1,535 | \$1,535 | \$0.92     | -       | \$0.92 | \$0.92 |
| <b>Totals/Averages*:</b>  |                       | 1,361   |                    |       | \$1,242   | -    | \$1,242 | \$1,242 | \$0.92     | -       | \$0.92 | \$0.92 |

*\*Straight average of all units*

# New Apartment Projects

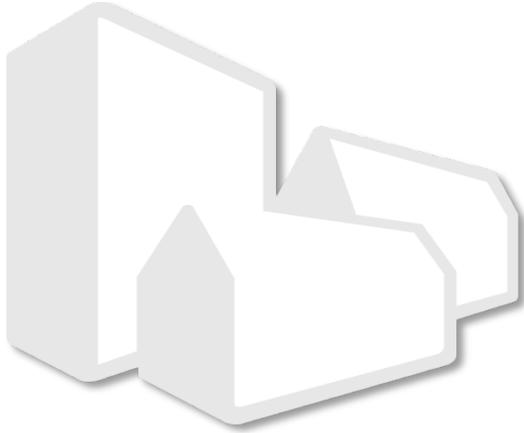
The Oaks on Henry is the first market rate apartment community to be built in Charlotte County in ten years and will contain 54 units. The first three buildings will be open mid-May 2016, with the following three within the next six months. The property started leasing units at the beginning of April, and has received several applications during the past two weeks. The community is not offering concessions and rents range from \$950 for a one bedroom to \$1,150 for a two bedroom unit.

| Project Name             | City               | MIX          | PRODUCT                                       |                    |      |           | Rents |         |            |        |         |        |        |
|--------------------------|--------------------|--------------|---|--------------------|------|-----------|-------|---------|------------|--------|---------|--------|--------|
|                          |                    |              | Sq. Ft.                                       | Plan Configuration |      | Base Rent |       |         | Base \$/SF |        |         |        |        |
|                          |                    |              |   | Bed                | Bath | Low       | High  | Average | Low        | High   | Average |        |        |
| <b>The Oaks on Henry</b> |                    |              |   |                    |      |           |       |         |            |        |         |        |        |
| <b>The Oaks on Henry</b> | <b>Punta Gorda</b> | 26           | 640   | 1                  | 1.0  | \$950     | -     | \$950   | \$950      | \$1.48 | -       | \$1.48 | \$1.48 |
|                          |                    | 26           | 875   | 2                  | 2.0  | \$1,150   | -     | \$1,150 | \$1,150    | \$1.31 | -       | \$1.31 | \$1.31 |
| Product:                 | Stacked Flats      | Total Units: | 54  |                    |      |           |       |         |            |        |         |        |        |
| Number of Floors:        | 2-Story            |              |   |                    |      |           |       |         |            |        |         |        |        |
| Parking:                 | Exterior           |              |   |                    |      |           |       |         |            |        |         |        |        |
| % Income/Age Restr:      | 0%                 |              | Tenants billed seperately for water and trash |                    |      |           |       |         |            |        |         |        |        |
| Year Built:              | 2016               |              |   |                    |      |           |       |         |            |        |         |        |        |
| Began Lease-Up:          | Apr-16             |              |   |                    |      |           |       |         |            |        |         |        |        |
| Finished Lease-Up:       | N/A                |              |   |                    |      |           |       |         |            |        |         |        |        |
| <b>Totals/Averages:</b>  |                    | 52           | 54  |                    |      | \$1,050   | -     | \$1,050 | \$1,050    | \$1.40 | -       | \$1.40 | \$1.40 |

- Amenities include:**
- Clubhouse w/media center
  - Heated pool
  - Car wash area
  - Doggie wash area
  - Covered parking & self-storage

- Luxury Interior Features:**
- Volume/Cathedral ceilings
  - Washer/Dryer
  - Stainless Steel appliances
  - Granite Countertops

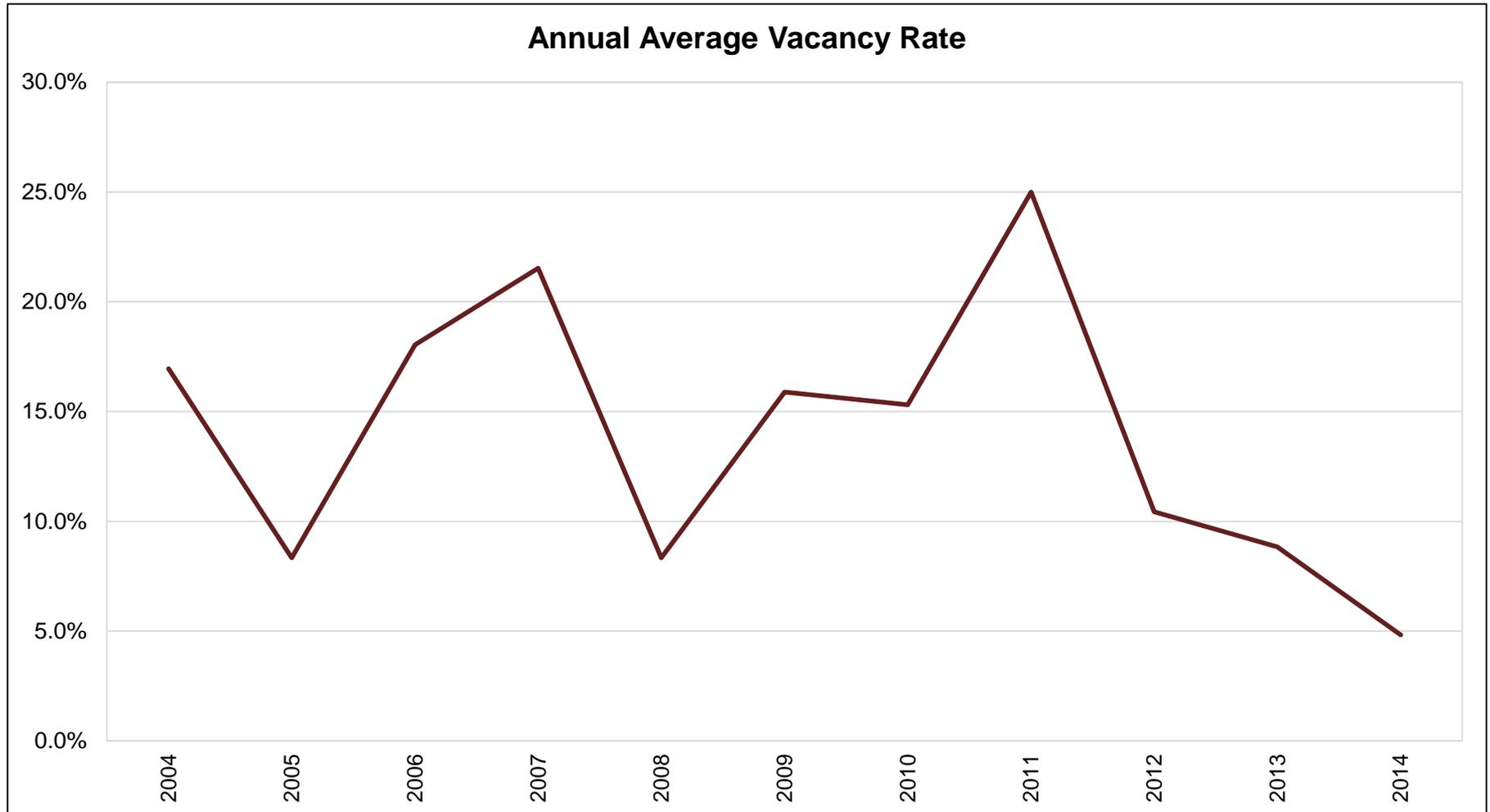




## Apartment & Residential Trends

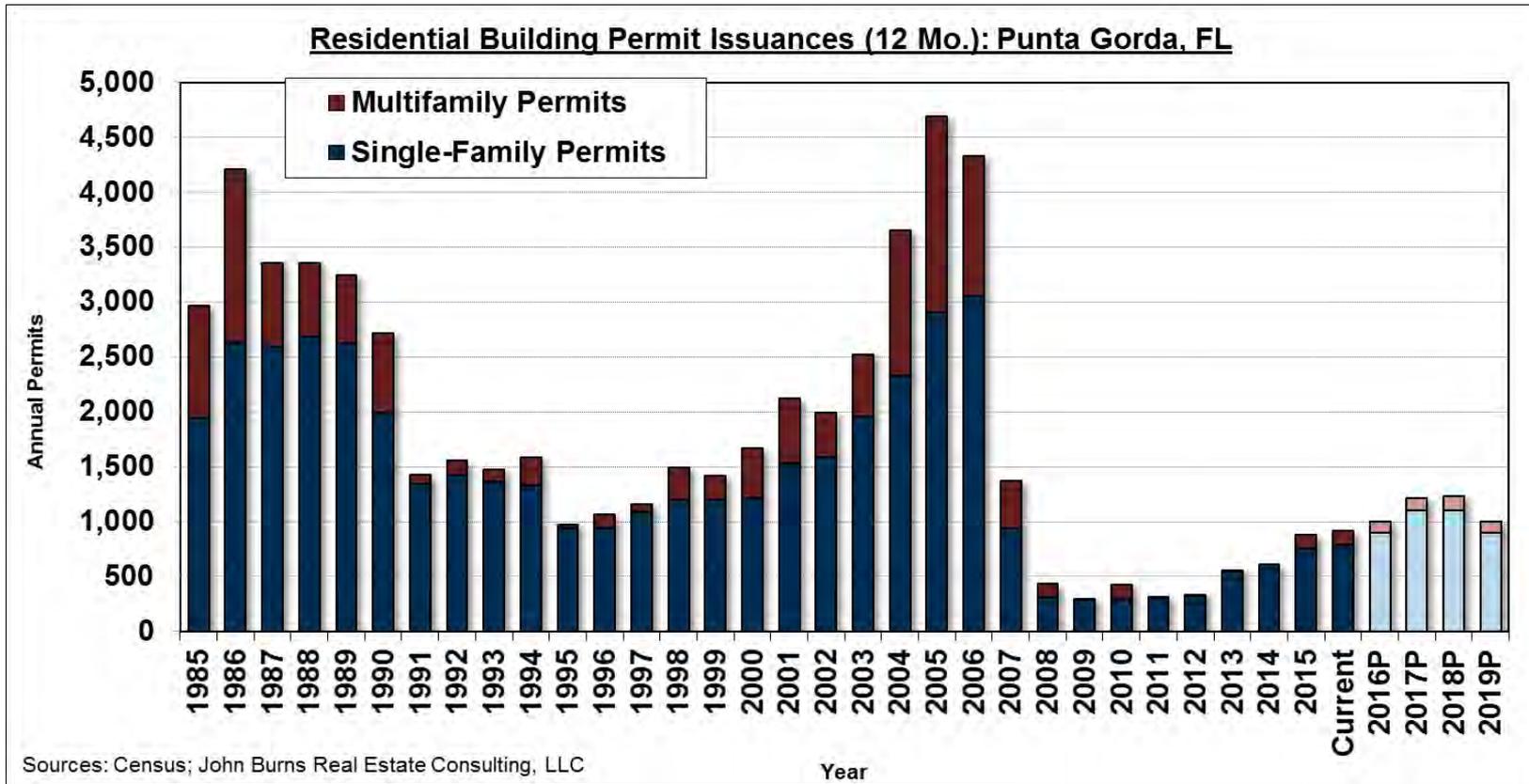
# Punta Gorda MSA Apartment Market – Vacancy

Vacancy rates in the Punta Gorda MSA have been decreasing since 2012 and were down 4.8% in 2014, indicating a tight apartment market.



Source: Dept. of Numbers

Permit activity declined to an all-time low in 2009 with around 300 units. Construction activity has been improving since then, and there were 914 permits issued in the past 12 months. The majority of these have been single-family permits; Only 50 of the multifamily permits issued since 2009 have been in buildings of three or more units. Permit activity is expected to average 1,110 per year from 2016 through 2019, although very few of these are projected to be multifamily permits.



Sources: Census; John Burns Real Estate Consulting, LLC

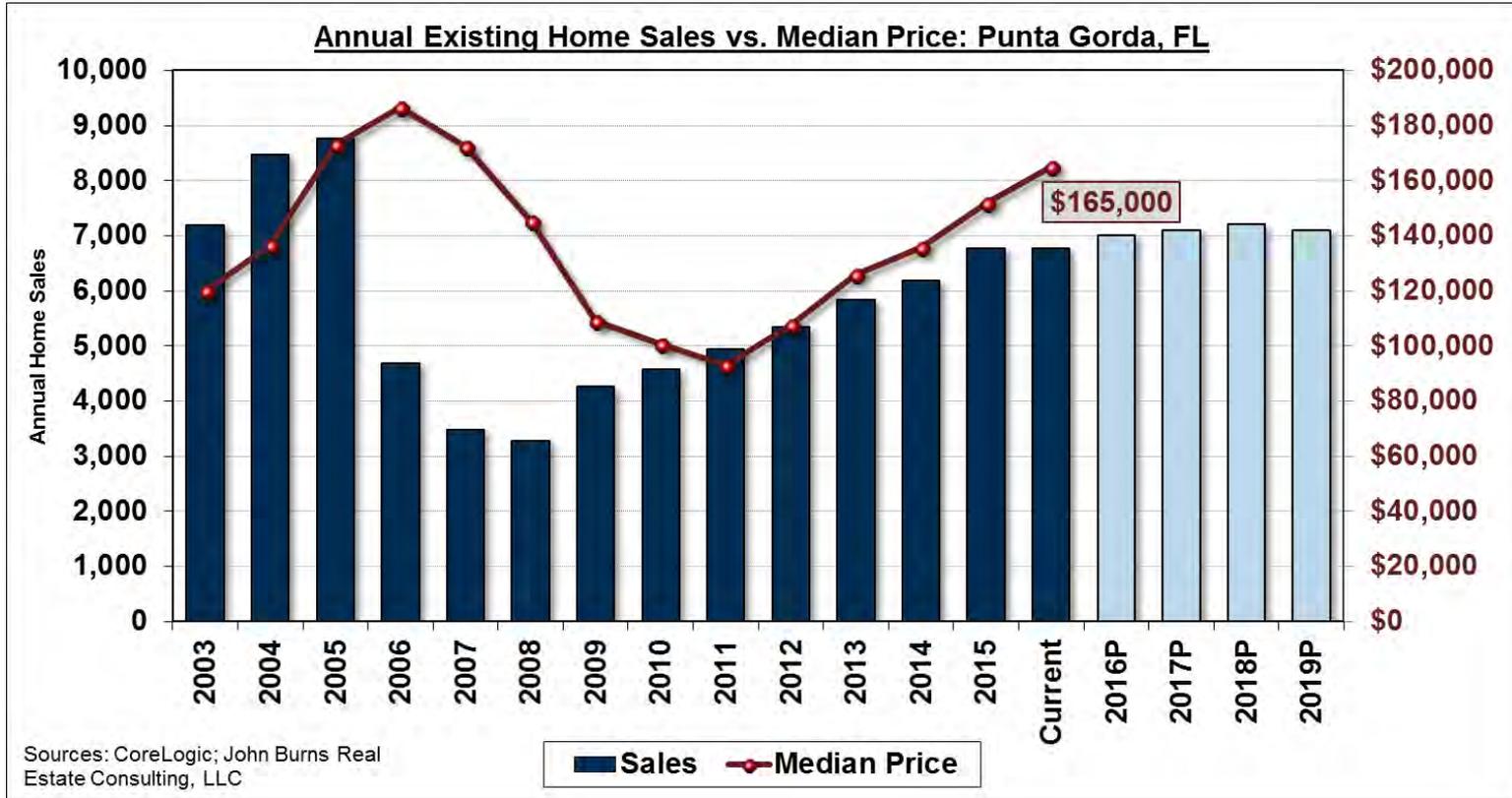
| Permit History & Projections | 2009 | 2010  | 2011 | 2012 | 2013 | 2014  | 2015   | Current | 2016P | 2017P | 2018P | 2019P |
|------------------------------|------|-------|------|------|------|-------|--------|---------|-------|-------|-------|-------|
| Single-Family Permits        | 286  | 293   | 302  | 327  | 549  | 610   | 750    | 784     | 900   | 1,100 | 1,100 | 900   |
| 1-Year Growth Rate           | -8%  | 2%    | 3%   | 8%   | 68%  | 11%   | 23%    | 27%     | 20%   | 22%   | 0%    | -18%  |
| Multifamily Permits          | 10   | 132   | 10   | 2    | 4    | 0     | 130    | 130     | 100   | 110   | 130   | 100   |
| 1-Year Growth Rate           | -92% | 1220% | -92% | -80% | 100% | -100% | 13000% | 13000%  | -23%  | 10%   | 18%   | -23%  |
| Total Permits                | 296  | 425   | 312  | 329  | 553  | 610   | 880    | 914     | 1,000 | 1,210 | 1,230 | 1,000 |
| 1-Year Growth Rate           | -32% | 44%   | -27% | 5%   | 68%  | 10%   | 44%    | 48%     | 14%   | 21%   | 2%    | -19%  |

\*Current time period reflects trailing twelve months data

Multifamily permits include rentals and for-sale condominiums.

# Existing Home Sales

The sales of existing homes peaked in the mid-2000s boom at close to 8,800 units per year, but dropped in 2008 to approximately 3,300 units. Since 2009, resale volume has been steadily increasing at an average of 11% per year. Sales activity increased 10% in 2015 and is currently up 9% year over year to 6,792 sales. Resale sales activity is expected to average 7,100 units per year from 2016 through 2019. Existing home prices have been increasing since 2012 and are currently at \$165,000 (or up 14% year over year).

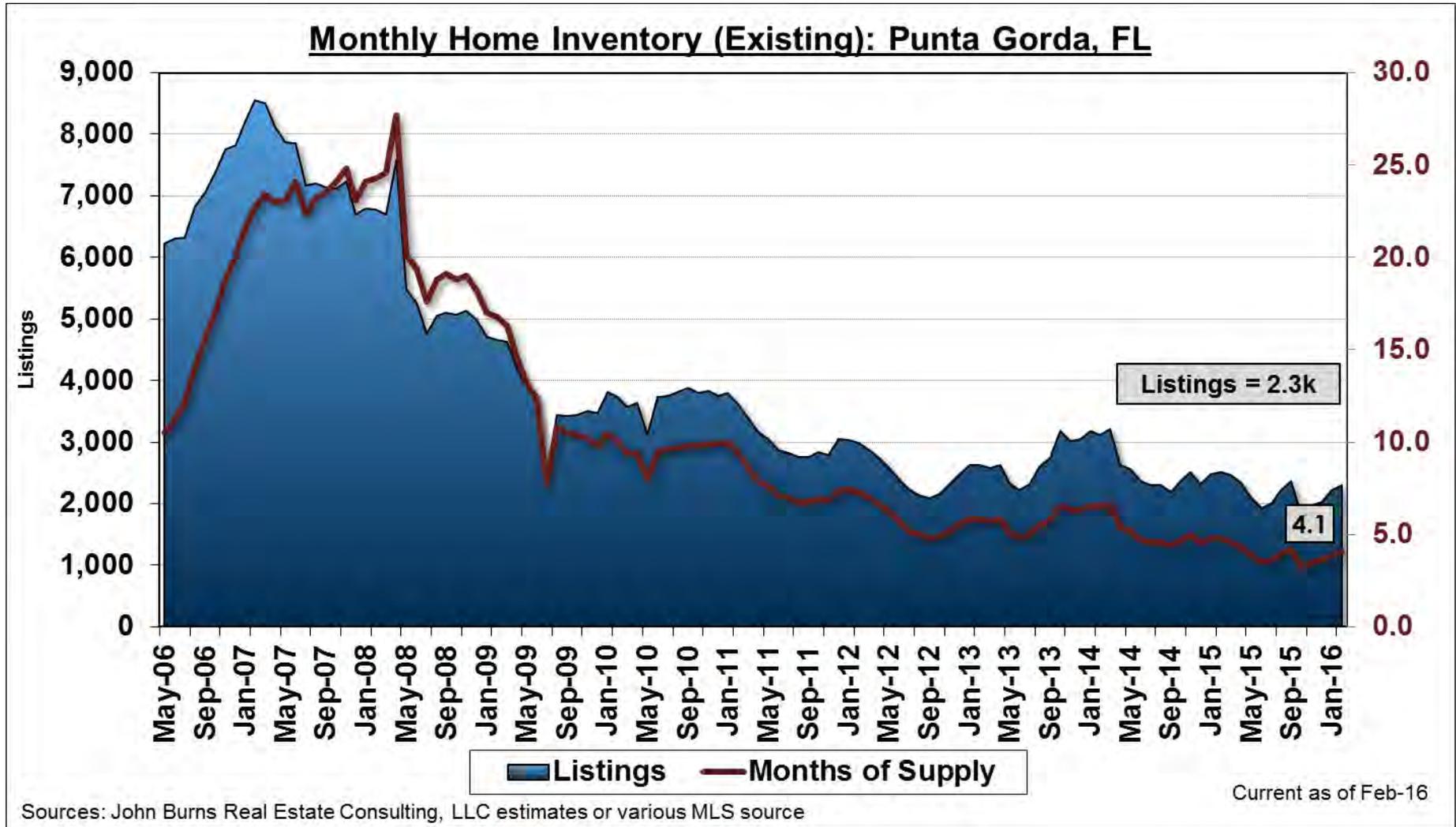


| Resale Home History & Projections | 2009      | 2010      | 2011     | 2012      | 2013      | 2014      | 2015      | Current   | 2016P | 2017P | 2018P | 2019P |
|-----------------------------------|-----------|-----------|----------|-----------|-----------|-----------|-----------|-----------|-------|-------|-------|-------|
| Annualized Existing Home Sales    | 4,270     | 4,573     | 4,941    | 5,340     | 5,829     | 6,176     | 6,773     | 6,762     | 7,000 | 7,100 | 7,200 | 7,100 |
| 1-Year Growth Rate                | 30%       | 7%        | 8%       | 8%        | 9%        | 6%        | 10%       | 9%        | 3%    | 1%    | 1%    | -1%   |
| Median Existing Home Price        | \$109,100 | \$100,600 | \$92,800 | \$107,500 | \$125,800 | \$135,800 | \$151,800 | \$165,000 | n/a   | n/a   | n/a   | n/a   |
| 1-Year Growth Rate                | -25%      | -8%       | -8%      | 16%       | 17%       | 8%        | 12%       | 14%       | n/a   | n/a   | n/a   | n/a   |
| Burns Home Value Index™           |           |           |          |           |           |           |           |           |       |       |       |       |

\*Current time period reflects trailing twelve months data

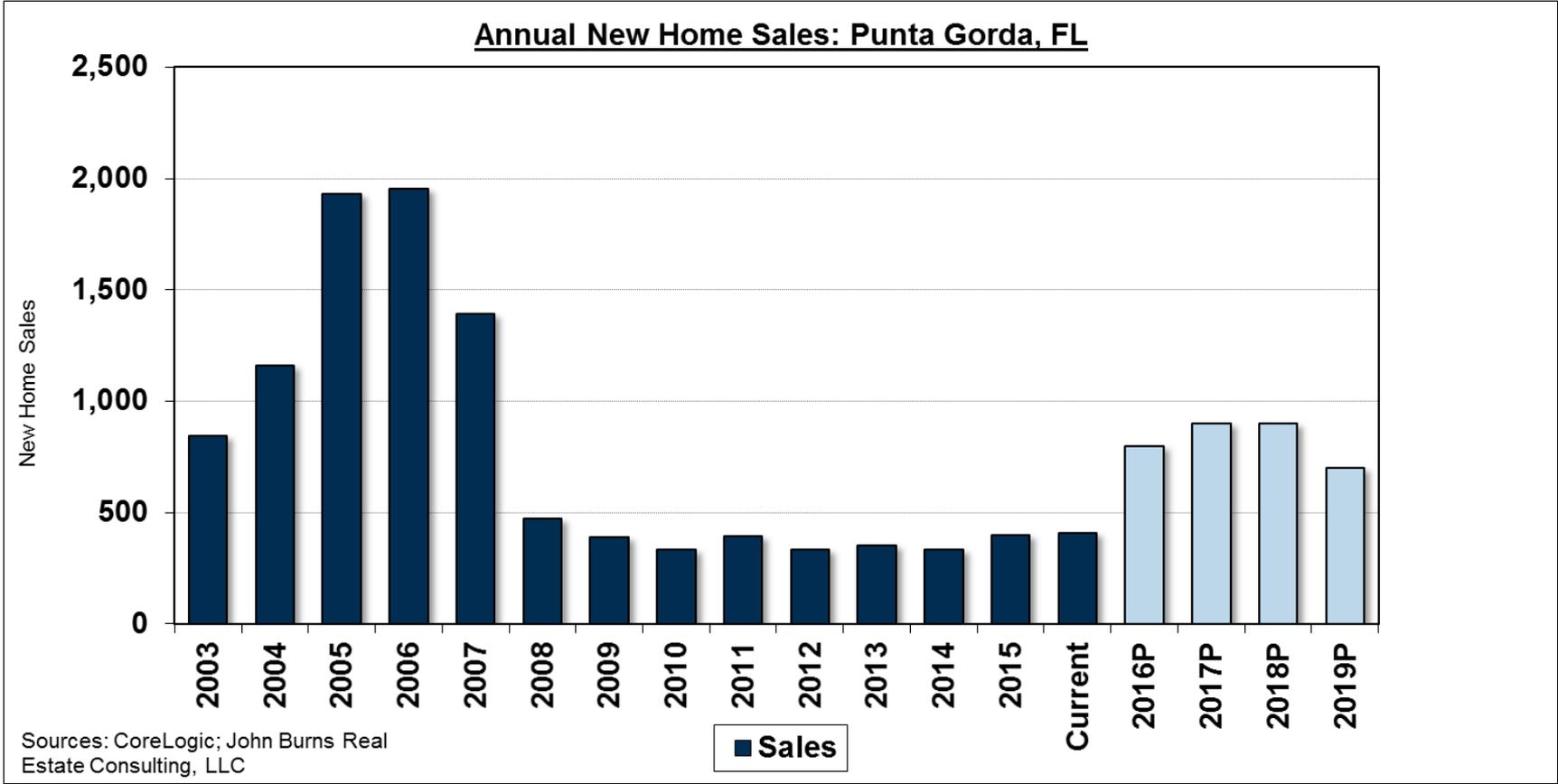
# Resale Inventory

The supply of listings in the Punta Gorda MSA has been trending down, with just over 2,200 listings on the market. Additionally, months of supply continues to decrease and there are currently 4.1 months of supply on the market (single-family and multifamily for-sale).



# New Home Sales

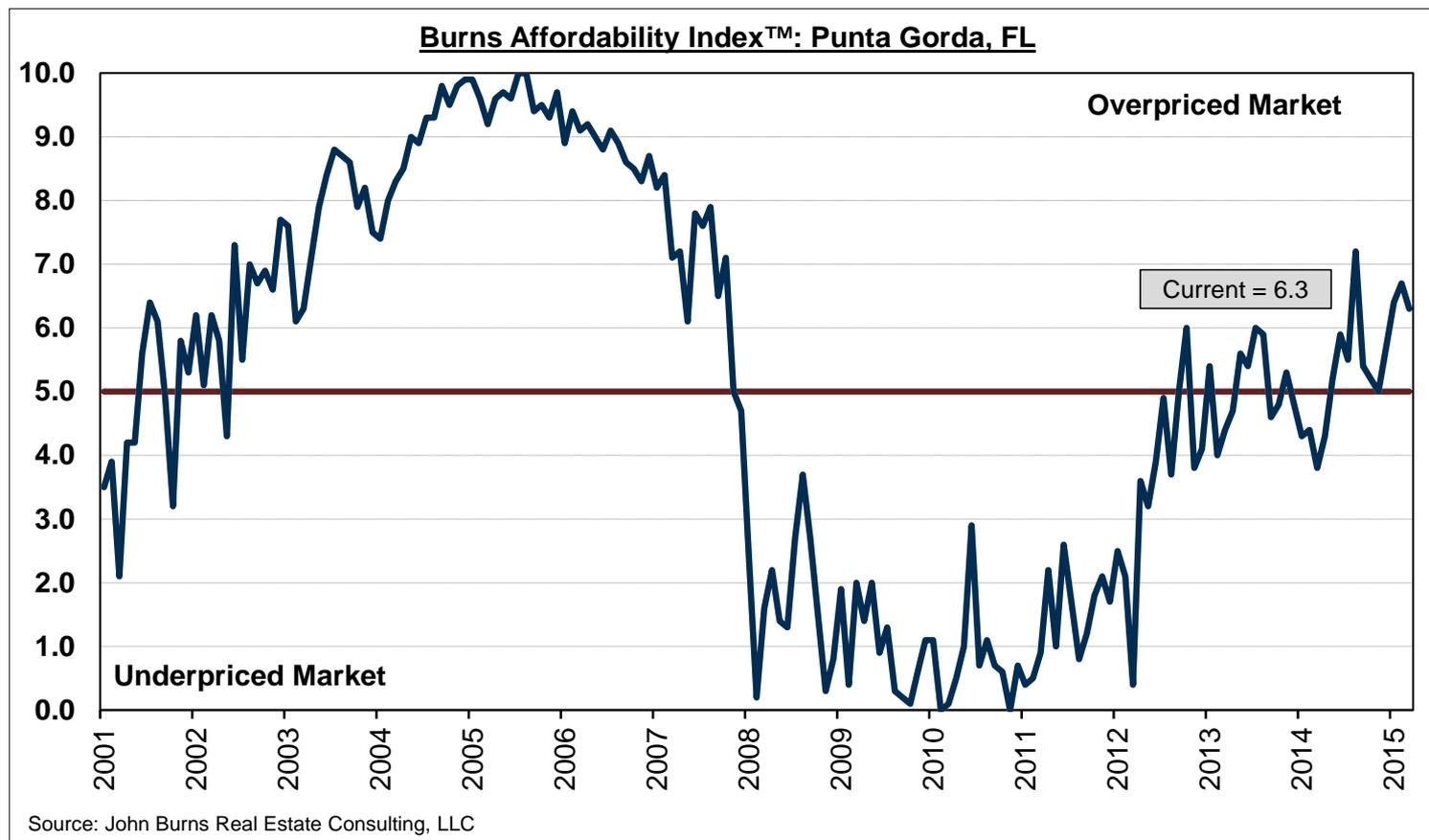
After peaking at around 2,000 sales per year in the mid-2000s, sales activity dropped to a low of 336 sales in 2010 and again in 2012. Sales have since increased to over 406 (year over year). JBREC forecasts that new home sales will reach 900 in 2017 and 2018. The median new home price is currently \$203,800 (up 3% year over year).



| New Home Projections      | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | Current | 2016P | 2017P | 2018P | 2019P |
|---------------------------|------|------|------|------|------|------|------|---------|-------|-------|-------|-------|
| Annualized New Home Sales | 389  | 336  | 392  | 336  | 354  | 335  | 397  | 406     | 800   | 900   | 900   | 700   |
| 1-Year Growth Rate        | -18% | -14% | 17%  | -14% | 5%   | -5%  | 19%  | 22%     | 102%  | 13%   | 0%    | -22%  |

\*Current time period reflects trailing twelve months data

Evaluating household income as a share of home value provides a measure of housing affordability. Ranked from 1 to 10 with five being the historical average, the current Punta Gorda MSA housing market remains slightly overpriced compared to its own history. The current affordability index is 6.3. The price increases over the past several years may lead future residents to consider renting, as home ownership is becoming less affordable.



| Affordability History & Projections | Dec-09 | Dec-10 | Dec-11 | Dec-12 | Dec-13 | Dec-14 | Dec-15 | Current |
|-------------------------------------|--------|--------|--------|--------|--------|--------|--------|---------|
| Burns Affordability Index™          | 1.9    | 1.1    | 0.4    | 2.5    | 5.4    | 4.3    | 6.4    | 6.3     |
| Median Housing Costs/Median Income  | 17%    | 16%    | 15%    | 16%    | 19%    | 21%    | 21%    | 23%     |

\*Current time period reflects trailing twelve months data

The conclusions and recommendations presented in this report are based on our analysis of the information available to us from our own research and from the client as of the date of this report. We assume that the information is correct and reliable and that we have been informed about any issues that would affect project marketability or success potential.

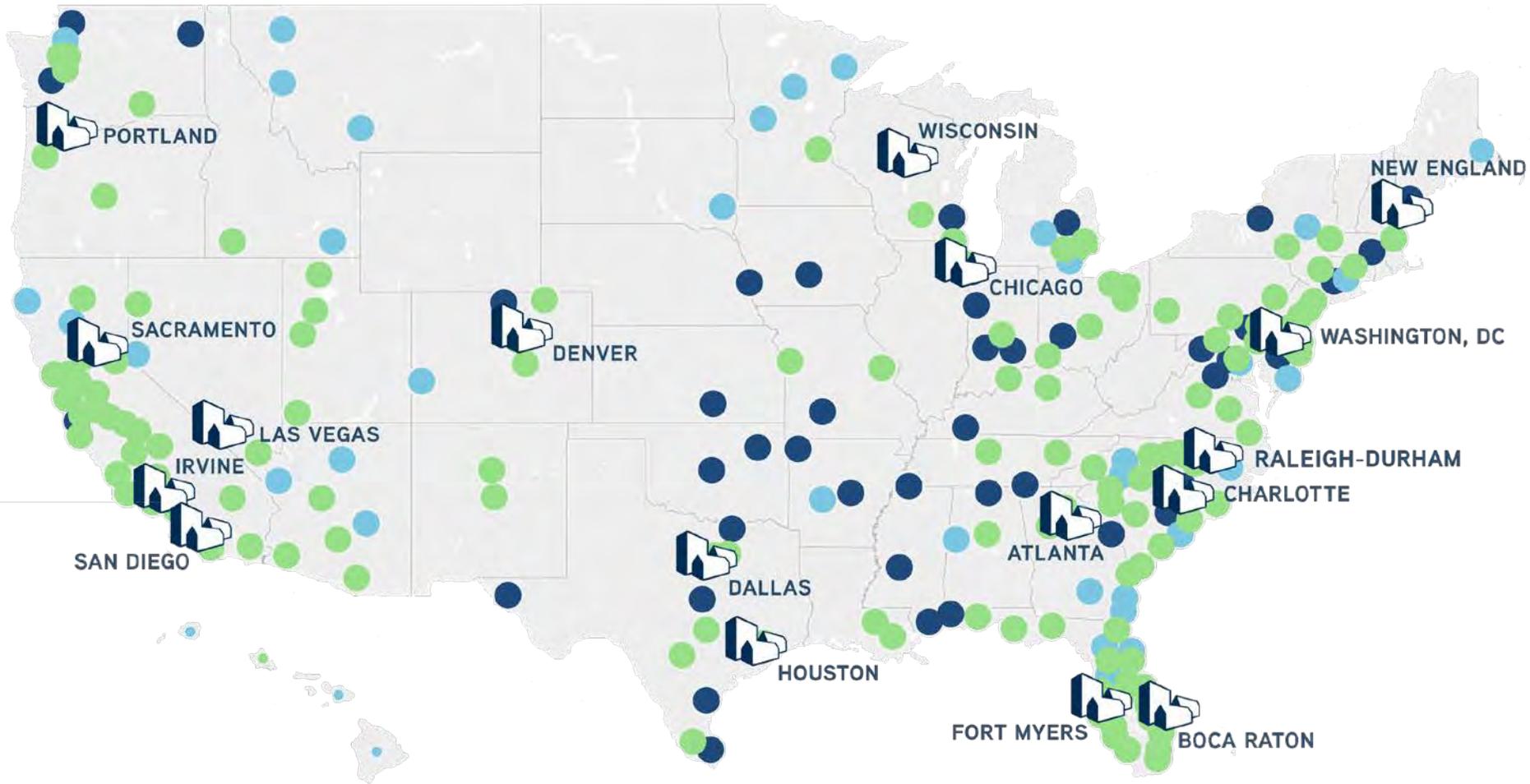
Our conclusions and recommendations are based on current and expected performance of the national, and/or local economy and real estate market. Given that economic conditions can change and real estate markets are cyclical, it is critical to monitor the economy and real estate market continuously, and to revisit key project assumptions periodically to ensure that they are still justified.

The future is difficult to predict, particularly given that the economy and housing markets can be cyclical, as well as subject to changing consumer and market psychology. There will usually be differences between projected and actual results because events and circumstances frequently do not occur as expected, and the differences may be material. We do not express any form of assurance on the achievability of any pricing or absorption estimates or reasonableness of the underlying assumptions.

In general, for projects out in the future, we are assuming “normal” real estate market conditions, and not a condition of either prolonged “boom” or “bust” market conditions. We do assume that economic, employment, and household growth will occur more or less in accordance with current expectations. We are not taking into account major shifts in the level of consumer confidence; in the ability of developers to secure needed project entitlements; in the cost of development or construction; in tax laws that favor or disfavor real estate markets; or in the availability and/or cost of capital and mortgage financing for real estate developers, owners and buyers. Should there be such major shifts affecting real estate markets, this analysis should be updated, with the conclusions and recommendations summarized herein reviewed and reevaluated under a potential range of build-out scenarios reflecting changed market conditions.

We have no responsibility to update our analysis for events and circumstances occurring after the date of our report.

# Geographic Coverage



- CONSULTING & RESEARCH
- CONSULTING
- RESEARCH
- 🏠 JBREC REGIONAL OFFICES

Attachment 2:  
Sandhill DRI Development Order  
Resolution Number 2014-174

RESOLUTION  
2014- 174



A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, 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 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> <del>138.59</del> acres | <u>2626</u> <del>2600</del> units   |
| ***Commercial             | <u>249.39</u> <del>242.91</del> acres | 2,008,800<br>gross square feet      |
| Hotel/Motel               |                                       | 120 units                           |
| *Research & Development   | 4.2 acres                             | 42,000<br>gross square feet         |
| <del>Golf Course</del>    | <del>84.09</del> acres                |                                     |
| **Park/Public/Semi-Public | <u>44.35</u> <del>50.18</del> acres   | 65,000<br>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                           | <u>365,000</u><br>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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> Eastbound right turn lane
10. Add an exclusive 2<sup>nd</sup> 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 "F"** 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 2017.

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.
- (l) Lands designated as Industrial on Revised Map H are limited to the Permitted Uses and Structures set forth in Sec. 3-9-43(b) of the Land Development Regulations, as they may be amended from time to time, with the addition of laboratories, class 1, 2, 3 and outdoor storage yard which shall also be

permitted as conditional uses and with the exception of the following uses which shall be prohibited: biofuel production, dairy, grain, fruit, field crop and vegetable processing, industrial marina, mass transit stations and sexually oriented business.

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 9<sup>th</sup> 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.

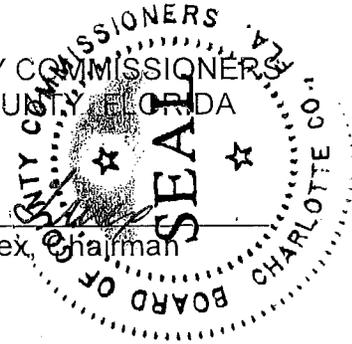
G. The approval granted by this Development Order is limited. Such approval shall not be construed to obviate the duty of the applicant to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. Such approval shall also not obviate the 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. Prescott~~, 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 Department, 185400 Murdock Circle, Port Charlotte, FL 33948.

PASSED AND DULY ADOPTED this 9<sup>th</sup> day of December, 2014.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: William G. Truex  
William G. Truex, Chairman



ATTEST:

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

By: Michelle DiBerardino  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton  
Janette S. Knowlton, County Attorney  
LR2014-3085

EXHIBIT A

All of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, LESS therefrom the following:

1. A parcel of land in said Section 6, Township 40 South, Range 23 East, being more particularly described as follows: Begin at the Northeast corner of said Section 6, the same being the Northeast corner of Lot 1, THE LINKS, according to the Plat thereof as recorded in Plat Book 15, at Page 18A, of the Public Records of Charlotte County, Florida; thence N89°30'39"W. [Bearings based on D.O.T. Right-of-Way Maps for State Road No. 93 (1-75), Section 01075-2404] along the North line of said Section 6 and along the North boundary of said plat of THE LINKS for 2661.15 feet; thence S00°07'52"W along the West line of Lot 26 of THE LINKS subdivision and along its northerly extension for 320.00 feet to the Southwest corner of said Lot 26; thence S89°30'39"E along the South boundary of the aforementioned plat of THE LINKS for 2661.22 feet to an intersection with the East line of the Northeast 1/4 of said Section 6; thence N0°16'25"E along the last described East line for 320.00 feet to the POINT OF BEGINNING.

2. The existing right-of-ways (either deeded by separate instrument or dedicated by prescriptive rights) of Interstate 75, Kings Highway, and Peachland Boulevard that lies within the above mentioned Section 6. Subject to two existing Florida Power and Light Easements recorded in Deed Book 6, Page 104, and Official Records Book 350, Page 128, both of the Public Records of Charlotte County, Florida.

AND

The North. 901.25 feet of Section 7, Township 40 South, Range 23 East, Charlotte County, Florida, bounded on the West by the D.O.T. Easterly Right-of-Way of Kings Highway and bounded on the East by the D.O.T. Westerly Right-of-Way of Interstate 75, as shown on the Right-of-Way Maps for State Road No. 93 (1-75), Section 01075-2404. Subject to maintained Right-of-Ways for Kings Highway and Peachland Boulevard.

AND

That portion of Section 7, Township 40 South, Range 23 East, Charlotte County, Florida, lying West of Kings Highway and South of Peachland Boulevard, LESS the following described parcel: COMMENCE at the Southwest corner of Section 7, Township 40 South, Range 23 East; thence N0°12'18"E [Bearings based on D.O.T. Right-of-Way Maps for State Road No. 93 (1-75), Section 01075-2404] along the West line of said Section 7 for 2971.01 feet; thence S89°47'42"E for 863.64 feet to the POINT OF BEGINNING of the herein described parcel; thence S2°27'18"W for 450.35 feet; thence S89°47'44"E for 401.03 feet to the centerline of Kings Highway; thence N8°36'56"E along the centerline of Kings Highway for 454.89 feet; thence N89°47'42"W for 209.87 feet; thence N0°12'18"E for 571.24 feet; thence N89°47'42"W for 217.56 feet; thence S2°27'18"W for 571.68 feet to the POINT OF BEGINNING.)

AND

A parcel of land lying in Section 7, Township 40 South, Range 23 East, Charlotte County, Florida, more particularly described as follows: Commence at the Northwest corner of said Section 7, Township 40 South, Range 23 East; thence run S89°40'59"E [Bearings based on D.O.T. Right-of-Way Maps for State Road No. 93 (1-75), Section 01075-2404] along the North line of said Section 7 for 1694.45 feet to a point of intersection with the Northerly Right-of-Way line of Peachland Boulevard as shown as the aforementioned Right-of-Way Maps, said point being the POINT OF BEGINNING

EXHIBIT

"A"

of the herein described parcel; thence continue S89°40'59"E along the last described North line for 296.33 feet to an intersection with the Westerly Right-of-Way line of Kings Highway; thence along the Westerly Right-of-Way line of Kings Highway for the following three (3) described courses: (1) S36°54'32"W for 44.03 feet; (2) S53°05'20"E for 10.00 feet; (3) S36°54'32"W for 120.00 feet; thence N53°05'28"W for 205.01 feet; thence S36°54'32"W for 10.00 feet to a point on a circular curve concave to the Southwest, said point bearing N36°54'32"E from the center of said curve; thence Northwesterly along the arc of said curve having a radius of 360.00 feet and a central angle of 6°50'00" for 42.93 feet to the POINT OF BEGINNING. Subject to Right-of-Way for Peachland Boulevard.

AND  
Commence at the Southwest corner of Section 7, Township 40 South, Range 23 East. Thence North 00° 04' 11" West, along the West line of Section 7, 2,971.01 feet; Thence North, 89° 55' 49" East, 863.64 feet to the Point of Beginning; Thence North, 02° 10' 49" East, 571.68 feet; Thence North, 89° 55' 49" East, 217.56 feet; Thence South, 00° 04' 11" East, 571.24 feet; Thence, South, 89° 55' 49" West, 240.00 feet to the Point of Beginning and containing 3.00 acres, more or less and subject to a 15.00 foot wide easement along the Westerly line thereof, as more particularly set forth in that revised July 27, 1976, survey prepared by John C. Smith, Certificate Number 2357.

Less and except:

THAT CERTAIN PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 7, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE S 89°20'10" E, ALONG THE SOUTH LINE OF SAID SECTION 7, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE S 89°20'10" E, ALONG SAID SOUTH LINE, A DISTANCE OF 482.57 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF KINGS HIGHWAY; THENCE N 18°16'41" E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 645.79 FEET; THENCE N 53°28'53" W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 356.03 FEET; THENCE N 21°18'14" W, A DISTANCE OF 26.58 FEET; THENCE N 89°20'10" W, A DISTANCE OF 69.75 FEET; THENCE N 47°04'08" W, A DISTANCE OF 26.21 FEET; THENCE N 00°37'29" E, A DISTANCE OF 119.38 FEET; THENCE S 89°22'31" E, A DISTANCE OF 65.00 FEET; THENCE N 00°37'29" E, A DISTANCE OF 161.86 FEET; THENCE S 89°18'10" E, A DISTANCE OF 489.36 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS POINT LIES N 73°51'18" W, A DISTANCE OF 3091.90 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 05°04'49" A DISTANCE OF 274.16 FEET TO A POINT OF NON-TANGENCY; THENCE N 79°23'08" W, A DISTANCE OF 54.37 FEET; THENCE S 83°49'54" W, A DISTANCE OF 69.10 FEET; THENCE N 79°48'37" W, A DISTANCE OF 129.54 FEET; THENCE S 41°38'29" W, A DISTANCE OF 39.22 FEET; THENCE N 89°18'10" W, A DISTANCE OF 434.36 FEET; THENCE S 00°41'50" W, A DISTANCE OF 259.98 FEET; THENCE N 89°18'10" W, A DISTANCE OF 83.59 FEET; THENCE S 00°39'50" W, A DISTANCE OF 74.48 FEET; THENCE S 45°25'54" W, A DISTANCE OF 63.90 FEET; THENCE N 89°48'02" W, A DISTANCE OF 75.47 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF LOVELAND BOULEVARD; THENCE S 00°11'58" W, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1027.35 FEET TO THE POINT OF BEGINNING.

CONTAINING 748,523 SQUARE FEET (17.18 ACRES).



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                         | Allocated              |        |   |   |  |     |
|-------|---------------------|--------------------|-------------------------------------|-----------------------------------|----------------------|-----------------------------------|------------------------|--------|---|---|--|-----|
|       |                     | Commercial<br>(SF) | Park/Public/<br>Semi-Public<br>(SF) | Research &<br>Development<br>(SF) | Residential<br>(DUs) | Assisted<br>Living Area<br>(beds) | Hotel/Motel<br>(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                | 3,000 4,000        |                                     |                                   |                      |                                   |                        |        |   |   |  |     |
| 3     | C-16A               | 1,900              |                                     |                                   |                      |                                   |                        |        |   |   |  |     |
| 3     | C-16B/C/F &<br>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               |                    |                                     |                                   |                      |                                   |                        |        |   |   |  |     |

|                                 |                          |                 |        |        |         |            |     |
|---------------------------------|--------------------------|-----------------|--------|--------|---------|------------|-----|
| 4                               | C-19A                    | 43,000          |        |        |         |            |     |
| 4                               | C-19B                    | 50,000 12000    |        |        |         |            |     |
| 4                               | R-2                      | 0               | 0      | 0      | 320     |            | 0   |
| 4                               | Lakes                    |                 |        |        |         |            |     |
| 4                               | Mitigation               |                 |        |        |         |            |     |
| 4                               | Roads                    |                 |        |        |         |            |     |
| 5                               | 5-1 R&D                  | 40,500 0        | 0      | 42,000 | 0       |            | 0   |
| 5                               | 5-2                      | 4,136           |        |        |         |            |     |
| 5                               | 5-20<br>(old "Comm 5-3") | 35,362          |        |        |         |            |     |
| 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                      | 35,310 35,670   |        |        |         |            |     |
| 5                               | 5-10                     | 40,000 12,000   |        |        |         |            |     |
| 5                               | 5-11                     | 9,000 12,000    |        |        |         |            |     |
| 5                               | 5-12                     | 8,000           |        |        |         |            |     |
| 5                               | 5-13                     | 189,000 67,300  |        |        |         |            |     |
| 5                               | 5-14                     | 3,952           |        |        |         |            |     |
| 5                               | 5-15                     | 3,225           |        |        |         |            |     |
| 5                               | 5-16                     | 0               | 0      | 0      | 104     |            | 0   |
| 5                               | 5-18                     | 325,000 300,000 |        |        |         |            |     |
| 5                               | 5-19A                    | 3,500           |        |        |         |            |     |
| 5                               | 5-19B                    | 0               | 0      | 0      | 0       | 0          | 0   |
| 5                               | 5-19C                    | 0               | 0      | 0      | 144     | 0          | 0   |
| 5                               | 5-19D                    | 0               | 0      | 0      | 48      | 0          | 0   |
| 5                               | 5-19E                    | 0               | 0      | 0      | 48      | 0          | 0   |
| 5                               | 5-19F,G,J                | 0               | 0      | 0      | 624 650 | 0          | 0   |
| 5                               | 5-19H                    | 88,000          | 0      | 0      | 0       | 0          | 0   |
| 5                               | 5-19I                    | 365,000 (ind)   | 0      | 0      | 0       | 0          | 0   |
| 5                               | 5-19K                    | 43,000          | 0      | 0      | 0       | 0          | 0   |
| 5                               | 5-19L                    | 0               | 0      | 0      | 0       | 458 (beds) | 0   |
| 5                               | Lakes                    |                 |        |        |         |            |     |
| 5                               | Mitigation               |                 |        |        |         |            |     |
| 5                               | Parks                    |                 |        |        |         |            |     |
| 5                               | Public                   |                 |        |        |         |            |     |
| 5                               | Roads                    |                 |        |        |         |            |     |
| Unallocated Commercial Rights   |                          | 53,668          |        |        |         |            |     |
| Calculated Totals (Industrial): |                          | 365,000         |        |        |         |            |     |
| Calculated Totals (Commercial): |                          | 2,008,800       | 65,000 | 42,000 | 1,976   | 458 (beds) | 120 |

**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 365,000 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.



**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.

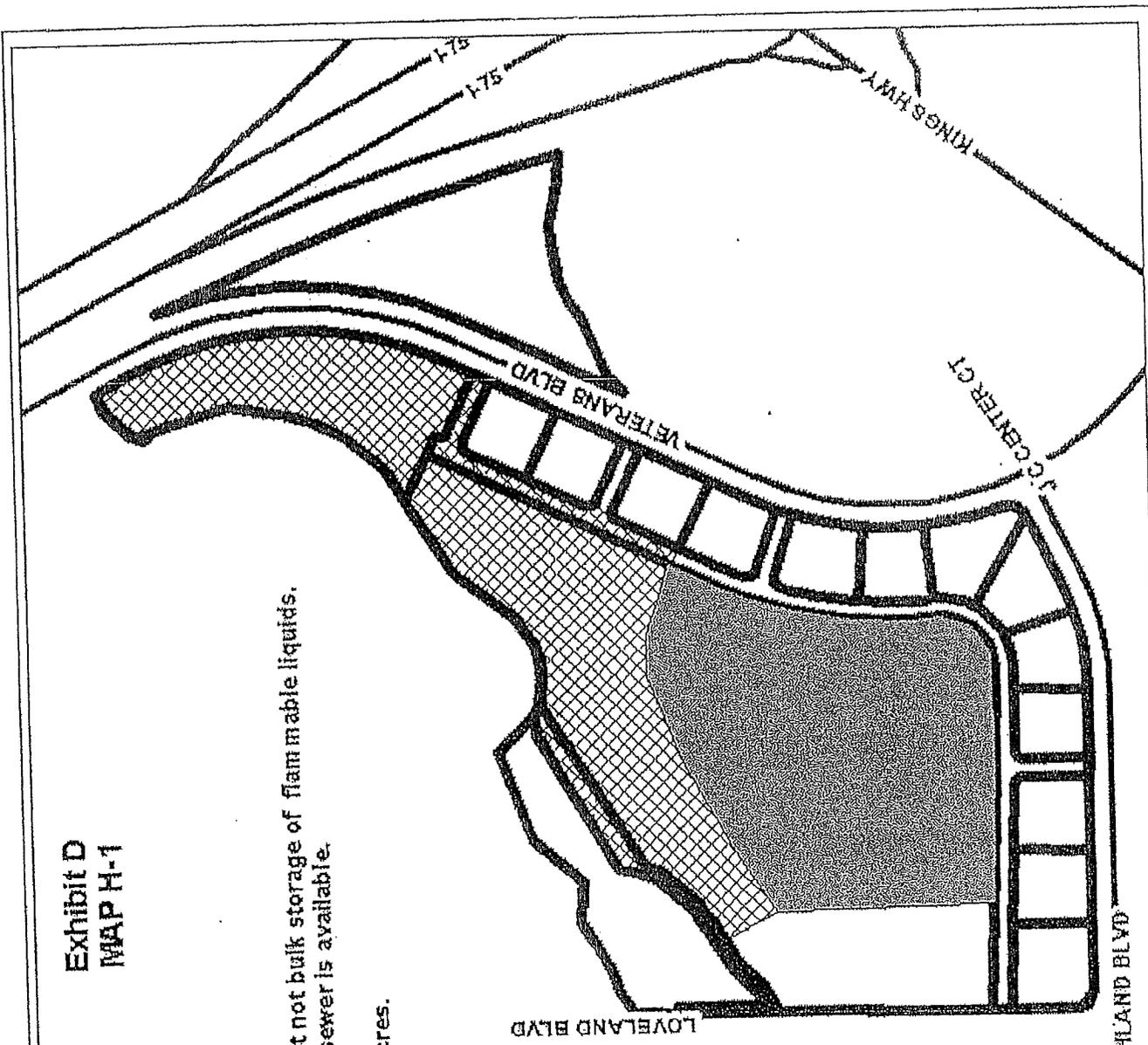
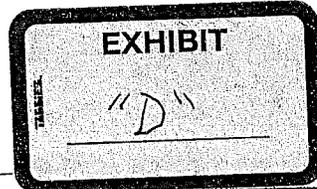


Exhibit E

EQUIVALENCY MATRIX

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

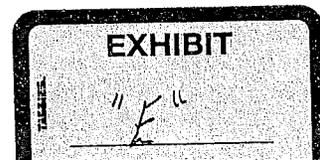
Land Use to be Increased

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 9<sup>th</sup> 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.



## DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this 9<sup>th</sup> day of December, 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

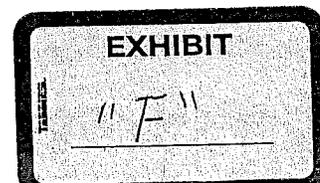
WHEREAS, Developer, with the authorization of all owners of the Property, has submitted to County a Notice of Proposed Change which would replace a 84.09 acre golf course with 43,000 square feet of commercial development, 458 assisted living and memory care beds, 365,000 square feet of industrial development 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. The Developer shall coordinate the locations of any new site access points with Charlotte County Public Works.
- 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, 365,000 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 4,419 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.

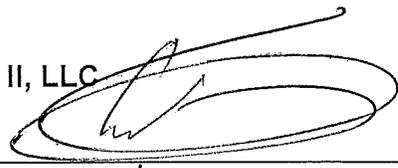
**16. Section 163 Development Agreement**

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.

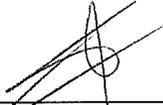
  
\_\_\_\_\_  
1<sup>st</sup> Witness  
Print Name: Lysander Warner

  
\_\_\_\_\_  
2<sup>nd</sup> Witness  
Print Name: Omar Cepeda

ATM II, LLC  
  
By: \_\_\_\_\_  
Print Name: Arturo Madero  
Title: MANAGER

STATE OF Florida  
COUNTY OF Miami-Dade

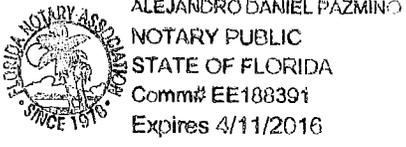
The foregoing instrument was acknowledged before me this 23 day of December, 2014 by Arturo Mervino, as Manager of ATM II, LLC, on behalf of the limited liability company. The above named person is personally known to me or has produced \_\_\_\_\_ as identification.

  
\_\_\_\_\_  
Signature of Notary Public

(Notary Seal)

Alejandro Pazmino  
\_\_\_\_\_  
Printed Name of Notary Public

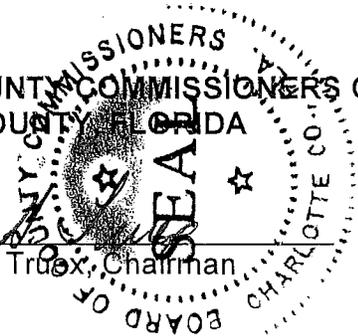
My commission expires on 4-11-16



This Agreement is passed and duly adopted this 9<sup>th</sup> day of Dec, 2014.

BOARD OF COUNTY COMMISSIONERS OF  
CHARLOTTE COUNTY, FLORIDA

By: William G. Truex  
William G. Truex, Chairman



ATTEST:

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

By: Michelle D. Berardino  
Deputy Clerk

Approved as to form:

Janette S. Knowlton  
Janette Knowlton, County Attorney

**Exhibit "A"**  
**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' 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:

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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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(Legal Description - Continued)

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 PL8 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°03'56" 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°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°52'23" West; thence along said curve in a clockwise direction, 234.34 feet; thence tangent to the last curve, South 73°15'03" 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°53'52" 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°03'01" 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, 88.32 feet; thence North 33°39'37" West, 266.98 feet; thence South 57°02'45" West, 217.85 feet; thence South 33°39'37" East, 107.27 feet; thence South 00°03'04" 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, 31.69 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, 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, 378.34 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 01501-2601) at Station 373+11.47, 36.16 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 25°44'51" 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, 283.59 feet; thence radial to the last curve, North 47°04'39" West, 13.00 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 43°03'52" West 1603.85 feet; thence South 49°59'02" West 33.05 feet; thence North 45°03'40" 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°35'23", 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, 34.37 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°35'32", 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 55°30'31" East; thence along said curve in a counterclockwise direction, 100.27 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 83°52'32" East; thence along said curve in a clockwise direction 7.85 feet; thence tangent to the last curve, South 40°52'52" 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, 40.08 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 10°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, 19.83 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°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, 36.79 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 38°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 36°13'14" West, 84.83 feet; thence South 53°46'46" East, 399.03 feet; thence South 11°19'43" West, 113.59 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, 320.00 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, 263.15 feet to the westerly maintained right of way line of Kings Highway (State of Florida Department of Transportation Section 01501-2601) at Station 373+1.47, 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, 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, 504.43 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, 266.90 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, 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°39'58", whose chord bears South 26°15'11" 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 83°43'11" West, 786.07 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 southwest, 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°23'39" 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  $00^{\circ}03'56''$  West 60.94 feet to a  $3/8''$  iron rod with 2" aluminum cap stamped "Hagie 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 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 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  $92^{\circ}06'38''$ , 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  $33^{\circ}23'39''$  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  $33^{\circ}23'39''$  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, 107.35 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  $83^{\circ}30'18''$  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  $75^{\circ}09'43''$  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 intersection.

LESS AND EXCEPT:

DeSoto County Portion

Lot 25, Block 2, FirstRAPL in Pombroke 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<sup>th</sup> concrete monument with aluminum disk "PRM PLS 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  $63^{\circ}1'34''$  West, a distance of 83.11 feet (The following fourteen (14) calls are along the northerly top of bank of a lake); thence North  $82^{\circ}34'21''$  West, a distance of 260.21 feet to a point of curvature to the left 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  $25^{\circ}59'44''$ , 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  $5^{\circ}57'12''$ , 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 107.39 feet to the point of tangency of said curve; thence South  $70^{\circ}03'37''$  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  $29^{\circ}81'15''$  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  $74^{\circ}31'57''$ , 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  $45^{\circ}03'52''$  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  $32^{\circ}49'48''$  West, a radial distance of 165.00 feet; thence along said curve in a northeasterly direction, passing through a central angle of  $18^{\circ}44'16''$ , an arc distance of 53.95 feet to the end of said curve; thence South  $73^{\circ}39'28''$  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 concrete monument as described in Department of Natural Resources (D.N.R.) Document number 0048018; thence South  $00^{\circ}00'56''$  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  $12^{\circ}09'34''$  East, a radial distance of 105.00 feet; thence along said curve in a southerly direction, passing through a central angle of  $101^{\circ}11'28''$ , 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  $20^{\circ}09'12''$ ; 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  $116^{\circ}43'20''$ ; 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  $73^{\circ}15'05''$  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  $59^{\circ}55'52''$ ; 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  $76^{\circ}40'47''$  West, a distance of 50.00 feet to the point of beginning

From said point of beginning thence South  $13^{\circ}19'13''$  West, a distance of 147.31 feet; thence North  $33^{\circ}09'20''$  West, a distance of 223.84 feet; thence North  $59^{\circ}53'48''$  East, a distance of 56.63 feet; thence South  $55^{\circ}59'09''$  East a distance of 129.51 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 2653, 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  $89^{\circ}30'14''$  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  $28^{\circ}40'49''$  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°03'56" 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, 53.60 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°03'56" 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  $89^{\circ}43'13''$  West for 457.96 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 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  $29^{\circ}44'53''$  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 285.50 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 323.73 feet; thence run North  $44^{\circ}16'01''$  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  $87^{\circ}34'31''$  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  $50^{\circ}09'34''$ ) (chord bearing North  $67^{\circ}00'43''$  East) (chord 98.34 feet) for 101.55 feet to the point of tangency; thence run North  $41^{\circ}53'56''$  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 southwesterly 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  $19^{\circ}16'32''$  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  $55^{\circ}43'00''$  West) (chord 59.62 feet) for 60.09 feet to the point of tangency; thence run North  $40^{\circ}52'12''$  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  $89^{\circ}44'03''$  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 southealy and southwesterly along the arc 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 a curve to the right of radius 500.00 feet (delta  $10^{\circ}49'37''$ ) (chord bearing South  $81^{\circ}31'06''$  East) (chord

17

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 274.83 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 125.14 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°15'01" West for 17.97 feet; thence run South 45°03'32" 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 160.00 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°49'54") (chord bearing North 74°10'42" East) (chord 88.01 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°45'27") (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 18.00 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:

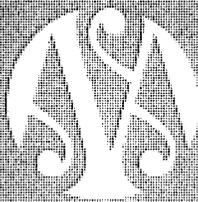
A 28 feet wide ingress/egress easement as described in Official Records Book 1028, Page 205, of the Public Records of Charlotte County, Florida.

## 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 (Project Proportionate Share Percentage: 100%. The proportionate share dollar equivalent will be based on Florida Department of Transportation (FDOT) cost information at time of development.)
2. Signalize the Kings Highway & I-75 Southbound Ramps intersection (Project Proportionate Share Percentage: 59%. The proportionate share dollar equivalent will be based on FDOT cost information at time of development.)
3. Traffic signal optimization at the signalized intersections along Kings Highway from the I-75 interchange to Sandhill Boulevard (Project Proportionate Share Percentage: 100%. The proportionate share dollar equivalent will be based on FDOT cost information at time of development.)
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.

A. Jill C. McCrory, J.D., M.A. Education  
Geri L. Waksler, M.Ed. Counsel  
Phyllis A. Walker, M.Ed.  
David P. Oliver  
Jeffrey R. Kuhns, J.D., M.A. Education  
Jenny C. Hazel



\* Certified Family Court Mediator  
\* Certified Circuit Court Mediator  
\* Certified County Court Mediator  
Also licensed in California  
Also licensed in Minnesota

2014 DEC 23 AM 10:32

**McCrory**  
Law Firm

COUNTY  
ATTORNEY'S  
OFFICE

December 22, 2014

Joshua Moye, Assistant County Attorney  
Charlotte County  
18500 Murdock Circle  
Port Charlotte, FL 33948

Re: Clarification of the Development Agreement between ATM II, LLC and Charlotte County which was adopted by Charlotte County Board of County Commissioners on December 9, 2014

Dear Mr. Moye:

This firm represents ATM II, LLC. The above-referenced Development Agreement ("DA") and the Sandhill DRI NOPC, which incorporates the DA, were presented and adopted by the Board of County Commissioners at its December 9, 2014 Land Use meeting. Subsequent to the meeting, it was discovered that Paragraph 7.b. on Page 4 of the DA could be interpreted in a way that was not the mutual understanding and intent of the parties. The current language reads:

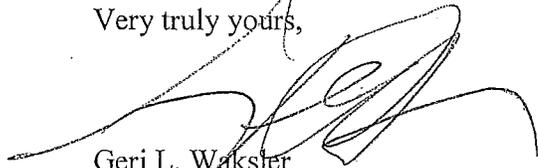
Developer shall design, permit and construct the improvements more specifically described in **Exhibit "B"** attached hereto and incorporated herein by this reference (collectively the "Improvements") except that Developer may alternatively pay its proportionate share contribution to signalize the Kings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

Therefore, in an abundance of caution, this letter is being sent to clarify and confirm that the mutual understanding and intent of the parties is better understood as follows:

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"). However, Developer may alternatively pay its proportionate share contribution for any or all of the improvements described in **Exhibit "B"** while remaining obligated to design, permit and construct any of the described improvements for which the

proportionate share contribution has not been paid.

Very truly yours,

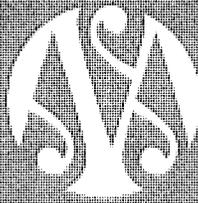
A handwritten signature in black ink, appearing to read 'Geri L. Wakster', is written over the typed name. The signature is stylized and somewhat cursive.

Geri L. Wakster

2014 DEC 23 AM 10: 32

COUNTY  
ATTORNEY'S  
OFFICE

A. Jill C. McCrory, D.M. Taxation  
Geri L. Waksler, Of Counsel  
Phyllis A. Walker  
David P. Oliver  
Jeffrey R. Kuhns, D.M. Taxation  
Jenny C. Hazel



• Certified Family Court Mediator  
• Certified Circuit Court Mediator  
• Certified County Court Mediator  
• Also Licensed in California  
• Also Licensed in Minnesota

2014 DEC 23 AM 10:32

**McCrory**  
Law Firm

COUNTY  
ATTORNEY'S  
OFFICE

December 22, 2014

Joshua Moye, Assistant County Attorney  
Charlotte County  
18500 Murdock Circle  
Port Charlotte, FL 33948

Re: *Clarification of the Development Agreement between ATM II, LLC and Charlotte County which was adopted by Charlotte County Board of County Commissioners on December 9, 2014*

Dear Mr. Moye:

This firm represents ATM II, LLC. The above-referenced Development Agreement ("DA") and the Sandhill DRI NOPC, which incorporates the DA, were presented and adopted by the Board of County Commissioners at its December 9, 2014 Land Use meeting. Subsequent to the meeting, it was discovered that Paragraph 7.b. on Page 4 of the DA could be interpreted in a way that was not the mutual understanding and intent of the parties. The current language reads:

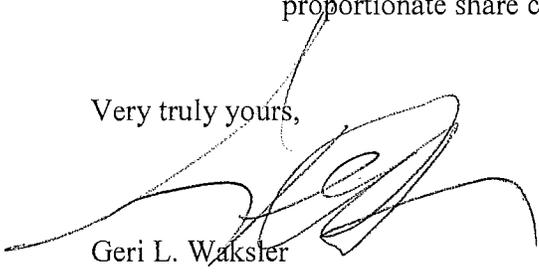
Developer shall design, permit and construct the improvements more specifically described in **Exhibit "B"** attached hereto and incorporated herein by this reference (collectively the "Improvements") except that Developer may alternatively pay its proportionate share contribution to signalize the Kings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

Therefore, in an abundance of caution, this letter is being sent to clarify and confirm that the mutual understanding and intent of the parties is better understood as follows:

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"). However, Developer may alternatively pay its proportionate share contribution for any or all of the improvements described in **Exhibit "B"** while remaining obligated to design, permit and construct any of the described improvements for which the

proportionate share contribution has not been paid.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Geri L. Waksler', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Geri L. Waksler

2014 DEC 23 AM 10: 32

COUNTY  
ATTORNEY'S  
OFFICE

**Attachment 3:**  
**Babcock Mixed Use FLUM Designation**

throughout the MVMU. Site development standards, locational criteria and design guidelines for all uses shall be developed and adopted by the County as Land Development Regulations for MVMU.

### **Special Provisions**

1. *Comprehensive Transportation Analysis:* The County shall require a transportation component for MVMU to focus both on vehicular and pedestrian traffic. By providing a proper mix of land uses and transportation options, a substantial portion of the trips for residents and employees of the District should be satisfied within the development itself. MVMU shall be included in the County's comprehensive bicycle and pedestrian facilities plan to be prepared once redevelopment begins to address access, connectivity and mobility. This plan will be incorporated into the MPO's Long Range Transportation Plan.
2. *Specific Transportation Connections:* The close proximity of the District to major arterials, Tamiami Trail (U.S. 41) and El Jobean Road (S.R. 776) will enable the creation of a new network of connecting roads with gateways into the MVMU. In order to facilitate emergency evacuation, the County shall require north-south gateways and an east-west connector to be incorporated into the MVMU transportation design.
3. *Multi-modal Street Design:* The arrangement and design of streets within the MVMU shall promote a pedestrian and bicycle friendly environment with an emphasis on comfortable and convenient access to neighborhoods, the Town Center, neighborhood shopping, parks, schools and civic uses.
4. *Open Space:* Open space shall constitute no less than 20 percent of the gross acreage of the MVMU. As permitted throughout the MVMU, the term "open space" shall include, but not be limited to: preserve areas, both passive and active parks (including the existing regional park), pedestrian and cycling systems; and properly-designed buffers, lakes, and waterbodies.
5. *Schools:* The County shall require the MVMU to include a maximum of 35 acres available for development as a public primary or secondary school or other educational facility. Schools of higher education, including universities/colleges and vocational schools are not included in the acreage limitation set forth above.
6. *Other Public Facilities:* At the time of rezoning, the County shall determine the need to locate public facilities such as sheriff substations, fire stations, government offices and other public services within the MVMU.

### ***BABCOCK MIXED USE (BMU)***

These lands shall develop to the standards and guidelines provided in this Comprehensive Plan within the policies of the Babcock Ranch Overlay District (BROD), within the Master Development Order for the Babcock DRI, and subsequent incremental Development Orders, and in the Babcock Ranch Zoning District. The BMU covers approximately 13,630 acres and is

situated in the southwest portion of the Babcock Ranch, east of S.R. 31 and adjacent to the Charlotte-Lee County line.

**Maximum Density/Intensity**

Development within the BROD is limited to 17,870 dwelling units and 6,000,000 square feet of non-residential uses. This total square footage for non-residential uses is further defined as including:

- 4,840,000 square feet commercial/office/retail (including medical),
- 650,000 square feet of light industrial,
- 150,000 square feet of government/civic uses,
- 72 golf course holes, and
- 600 hotel rooms (360,000 square feet).
- Primary Greenways: Minimum 4,700 acres
- Parks: Minimum 255 acres
- Schools square footage shall not count as part of the 6,000,000 square feet of non-residential or public/civic square footage.

The allocations for these uses throughout the BROD are set forth below, subject to the above totals:

| <b>FLU Table A-8: Babcock Mixed Use Density/Intensity Standards</b> |  |   |
|---|--|---|
| <b>Land Use Classification</b>                                      | <b>Development Type</b>                                | <b>Density/Acre and Intensity (FAR)</b> |
| <b>Town Center</b>  | Residential  | 3-24 density/ac                         |
|   | Non-residential (commercial, retail, light industrial) | Up to 2.0                               |
| <b>Village and Hamlet</b>   | Single-family  | 3-6 density/ac                          |
|   | Multi-family   | 6-16 density/ac                         |
|   | Non-residential/Commercial                             | Up to 1.0                               |
| <b>Civic, Community, &amp; Misc. Public Facilities</b>              | Institutional uses, government facilities, etc.        | Up to 2.0                               |

**OTHER DESIGNATIONS**

*Public Lands and Facilities*

**PUBLIC LANDS AND FACILITIES (PL)**

These lands may be publicly or privately owned. Public Lands and Facilities include those lands owned by Charlotte County government, the Charlotte County School Board, private schools, churches, auditoriums, theatres, museums, the City of Punta Gorda, the State of Florida, the United States government, private hospitals, or utilities.

Attachment 4:  
Murdock village Mixed Use  
FLUM Designation

- a. Development is limited to personal and business services, general retail and neighborhood stores, tourism establishments and restaurants.
- b. Maximum FAR is 2.5.
- 5. *Mixed Development*: Mixed development of Residential and Commercial/Professional Office uses shall comply with the following:
  - a. Provide for a combination of residential and low intensity commercial or professional office uses on the same parcel site;
  - b. Maximum residential density is 15 dwelling units per acre;
  - c. Residential development must be located on a separate floor from commercial or office uses; and
  - d. Maximum FAR is 2.5.

**CHARLOTTE HARBOR NEIGHBORHOOD BUSINESS/RESIDENTIAL (CHNBR)**

The Charlotte Harbor Neighborhood Business/Residential category provides for daily convenience goods, professional, personal and business services, and allows for residential development.

**General Range of Uses**

Residential and commercial uses; commercial uses allowed within this category may include small restaurants, drug stores, specialty retail shops, professional offices and public services and facilities.

**Maximum Density/Intensity**

*Density*: Maximum density is ten dwelling units per acre.

*Intensity*: Maximum FAR is 2.5.

**Special Provisions**

- 1. For non-residential structures that exceed 3,000 square feet of gross leasable area, a mix of residential and commercial uses must be provided.
- 2. Developments planned for greater than 3,000 square feet of non-residential uses shall be approved through the Special Exception process and no one use (commercial or residential) shall exceed 80% of the total development.

**MURDOCK VILLAGE MIXED USE (MVMU)**

The Murdock Village Mixed Use category is designed for the Murdock Village Community Redevelopment Area (MVCRA) and will encourage a high-tech, energy efficient and environmentally-friendly mix of residential, retail commercial, medical, office, office showroom, public and educational facilities, recreational and institutional redevelopment. The mixed use development focus will be on creating a vibrant and attractive gathering place for the entire community in the form of a town center; adequate provisions for distinct and interconnected multi-generational neighborhoods; "five minute walk" (the reference is not intended to be taken literally but to suggest easy walkable access) to parks, facilities and services; a pedestrian-

friendly street network; and interior greenway and blueway open space linkages that integrate the MVCRA with existing County resources.

### **Maximum Development**

Total development within the MVMU shall be limited to 3,023,882 square feet of commercial uses, 538 multi-family dwelling units and 2,744 single-family dwelling units, provided that these uses and development totals may be modified in accordance with the MVMU Equivalency Matrix, provided in FLU Section A-6. Table A-3.6, Murdock Village Mixed Use Densities/Intensities, provides additional development parameters for the primary use areas located within MVMU.

### **General Range of Uses**

Within the MVMU classification, the County shall allow a combination of residential, commercial, office, research and development, office showroom, hotels, civic, healthcare, parks and open space, public/institutional, educational land uses, and public services and facilities in order to encourage long-term sustainable development. Mobile homes and industrial uses, except as otherwise provided herein, are prohibited within the MVMU. The following types of uses are permitted in MVMU:

#### *Neighborhood Residential:*

- a. MVMU shall include distinct interconnected, multi-generational, residential neighborhoods.
- b. Residential neighborhoods shall feature easy access to a network of open space which may include bicycle/pedestrian facilities, greenways and blueways.
- c. Assisted Living Facilities shall be permitted within areas designated as Neighborhood Residential.
- d. Non-residential land uses located within areas designated as Neighborhood Residential shall be designed and developed to protect the integrity of the surrounding residential land uses.
- e. Internal Commercial sites shall be a maximum of four acres, although the total acreage of all Internal Commercial shall not exceed 16 acres, and shall only be built within the Neighborhood Residential Land Use District to provide for local daily convenience goods, retail, professional, office showrooms, healthcare, personal and business services.
- f. Both single-use and multi-use development sites can be located within Internal Commercial areas.
- g. Medium- to high-density residential will be permitted in these areas provided they are located on the upper floors of a mixed-use building.
- h. Multi-use development on a single parcel shall be designed and developed to protect the integrity of the surrounding land uses.

**SECTION 6: MVMU Equivalency Matrix**

|                            | Single Family             | Multi Family              | Regional Commercial         | Other Commercial          | ILF / ALF                 | Office Showroom            | Community Commercial        | Recreational Facility       | Internal Commercial         | Student Housing           |
|----------------------------|---------------------------|---------------------------|-----------------------------|---------------------------|---------------------------|----------------------------|-----------------------------|-----------------------------|-----------------------------|---------------------------|
| <b>Single Family</b>       | N/A                       | 1.33 du / du<br>1.3276    | 242.14 sf / du<br>0.2421    | 59.74 sf / du<br>0.0597   | 3.50 lu / du<br>3.5000    | 0.79 ksf / du<br>0.7857    | 188.26 sf / du<br>0.1883    | 12.83 ac / du<br>12.8333    | 179.07 sf / du<br>0.1791    | 2.66 lu / du<br>2.6552    |
| <b>Multi Family</b>        | 0.75 du / du<br>0.7532    | N/A                       | 182.39 sf / du<br>0.1824    | 45.00 sf / du<br>0.0450   | 2.64 lu / du<br>2.6364    | 0.59 ksf / du<br>0.5918    | 141.81 sf / du<br>0.1418    | 9.67 ac / du<br>9.6667      | 134.88 sf / du<br>0.1349    | 2.00 lu / du<br>2.0000    |
| <b>Regional Commercial</b> | 4.13 du / ksf<br>4.1299   | 5.48 du /ksf<br>5.4828    | N/A                         | 246.70 sf / ksf<br>0.2467 | 14.45 lu / ksf<br>14.4545 | 3.24 ksf / ksf<br>3.2449   | 777.51 sf / ksf<br>0.7775   | 53.00 ac / ksf<br>53.0000   | 739.53 sf / ksf<br>0.7395   | 10.97 lu / ksf<br>10.9655 |
| <b>Other Commercial</b>    | 16.74 du / ksf<br>16.7403 | 22.22 du / ksf<br>22.2241 | 4,053.46 sf / ksf<br>4.0535 | N/A                       | 58.59 lu / ksf<br>58.5909 | 13.15 ksf / ksf<br>13.1531 | 3,151.59 sf / ksf<br>3.1516 | 214.83 ac / ksf<br>214.8333 | 2,997.67 sf / ksf<br>2.9977 | 44.45 lu / ksf<br>44.4483 |

<sup>1</sup> Land use exchanges are based on two-way P.M. peak hour project traffic. Use of this matrix shall be limited to the following minimums and maximums to ensure that impacts for transportation, water, wastewater, solid waste, and affordable housing are not exceeded. Commercial includes such uses as: shopping centers; restaurants; churches; educational (all levels); technical and vocational facilities; movie theaters; clubs and lodges; hotel/motel; funeral homes; and offices A university which is governed by Sec 1013.30 F.S., is subject to the requirement to adopt a Campus Master Plan and enter into an interlocal agreement with the local government to address its impacts and is therefore, not subject to the maximum development amounts permitted within the MVMU, i.e., development amounts which are established under an approved Campus Master Plan and interlocal agreement shall not be considered as being derived from development totals allowed within the MVMURD, notwithstanding that it may be located within the boundaries of the MVMURD.

| <u>Land Use</u>               | <u>Minimum / Maximum</u>        | <u>Land Use</u>         | <u>Minimum / Maximum</u> |
|-------------------------------|---------------------------------|-------------------------|--------------------------|
| Single Family                 | 500 dus / 5,000 dus             | Student Housing         | 0 lus / 1,000 lus        |
| Multi Family                  | 400 dus / 5,300 dus             | Community Commercial    | 0 sfgla / 400,000 sfgla  |
| Regional Commercial           | 200,000 sfgla / 1,500,000 sfgla | Recreational Facilities | 0 ac / 250 ac            |
| Other Commercial <sup>b</sup> | 593,600 sfgla / 2,291,448 sfgla | Internal Commercial     | 0 sfgla / 100,000 sfgla  |
| ILF / ALF                     | 0 lus / 1,000 lus               | Office Showroom         | 0 sf / 200,000 sf        |

<sup>b</sup> Other Commercial and General Commercial are the same for the purposes of this  
Equivalency Matrix

Example Exchange -- Add 500 ALF / ILF living units by reducing Other Commercial: 500 lus /  
58.5909 lus/ksfgla = 8.534 or 8,534 sfgla of Other Commercial



CHARLOTTE COUNTY  
 COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for  
 LARGE SCALE PLAN AMENDMENT (TEXT)

|                               |   |
|-------------------------------|---|
| Date Received: 6/23/2016      | Time Received: 4:00PM                   |
| Date of Log-in: JUNE 23, 2016 | Petition #: PA-16-06-11-LS<br>Accela #: |
| Receipt #: N/A                | Amount Paid: N/A                        |

1. PARTIES TO THE APPLICATION

**Name of Applicant:** Charlotte Commons Venture, LLC/ Charlotte County Board of County Commissioners

Mailing Address: 12800 University Drive, Suite 275 /18500 Murdock Circle

City: Ft. Myers/Port Charlotte      State: FL      Zip Code: 33907/33948

Phone Number:      Fax Number:

Email Address:

**Name of Agent:** Geri Waksler, McCrory Law Firm / Charlotte County Community Development Department

Mailing Address: 309 Tamiami Trail / 18400 Murdock Circle

City: Punta Gorda/Port Charlotte      State: FL      Zip Code: 33950/33948

Phone Number:      Fax Number:

Email Address:

2. APPLICANT'S ATTACHMENTS

- a. Submit a strikethrough/underline version of the proposed changes. Attached
- b. Describe the purpose of/reason for the proposed change. In order to promote development and redevelopment within Revitalizing Neighborhoods, address the deficiency of market rental properties, low and very low income housing and workforce housing, and promote development within Economic Centers and Community Redevelopment Areas.

3. ADDITIONAL REQUIREMENTS

- a. *Traffic Impact Study:* If the proposed change could influence traffic patterns, supply a study that identifies the impacts that could occur through adoption of the proposed change. N/A
- b. *Environmental Impact Assessment:* If the proposed change could have an impact on environmental resources, supply a narrative discussing what those impacts could be and how they will be mitigated. N/A
- c. *Public Infrastructure and Service Impact Assessment:* If the proposed change could have an impact on infrastructure or services, supply a narrative discussing what those impacts could be and how they will be mitigated or addressed. N/A

**FLU Policy 1.2.16: ~~Revitalizing Neighborhoods~~ Incentive Density**

FLUM Series Map #2: 2050 Framework illustrates those lands within the County that are now designated as Managed Neighborhoods. FLU Policy 4.5.1, #3, states that no increases of density or intensity are allowed in these Neighborhoods. By removing the ability of these lands to increase in density, the County has removed 13,092 units of potential density from underneath the Future Land Use Map. The County shall hold this potential density, ~~to be known as Revitalizing Area Plan Incentive Density (RAPID)~~, and utilize it to incentivize redevelopment efforts consistent with FLU Policy 4.2.1. The County shall maintain a record of all density transferred into Revitalizing Neighborhoods under this FLU Policy 1.2.17, which shall be no greater than the total amount of RAPID Incentive Density.

**FLU Policy 1.2.17: Incentive Density Usage**

In order to promote development and redevelopment within Revitalizing Neighborhoods, address the deficiency of market-rate rental properties, low-, very low- and moderate-income housing and workforce housing, and promote development within Economic Centers and Community Redevelopment Areas, the County may grant, at no cost to grantee, Incentive Density in the following circumstances:

1. For In all Revitalization Neighborhoods with plans created and adopted consistent with FLU Policy 4.2.1, all for density increases above base density may be granted by the County through utilization of the RAPID from Managed Neighborhoods.
2. Increases above base density for projects solely used for long-term market-rate rental properties, low-, very low- and moderate-income housing, or workforce housing. Such uses must be in perpetuity. Such projects must be located outside of the Coastal High Hazard areas, within Economic Centers, Economic Districts, or Revitalizing Neighborhoods, and shall not be age-restricted. In addition, if such projects are located west of the Myakka River and Charlotte Harbor, the Incentive Density shall come from Managed Neighborhoods west of the Myakka River and Charlotte Harbor, and must come from a similar or more restrictive FEMA Flood Zone.
3. For use of an adopted equivalency matrix or conversion table to increase residential dwelling units above the maximum approved by this Plan or DRI development orders, provided such property is located outside of the Coastal High Hazard Area and shall not be located west of the Myakka River and Charlotte Harbor.

~~The County shall maintain a record of all density transferred into Revitalizing Neighborhoods under this policy, which shall be no greater than the total amount of RAPID.~~

Community Development Department  
Comprehensive Planning Section  
18400 Murdock Circle  
Port Charlotte, FL, 33948

### APPLICANT AUTHORIZATION TO AGENT

I, the undersigned, being first duly sworn, depose and say that I am the applicant for this PLAN AMENDMENT.

I give authorization for Gerri L. Waksler, McCrory Law Firm to be my agent for this application.

STATE OF Florida, COUNTY OF Lee

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of June, 2016, by Donald Schrottenboer who is personally known to me or has/have produced

as identification and who did/did not take an oath.

Michelle A. Preiss

Notary Public Signature

Donald Schrottenboer

Signature of Applicant

Michelle A. Preiss

Notary Printed Signature

Donald Schrottenboer

Printed Signature of Applicant

Notary Public

Title

12800 University Drive, Suite 275

Address

FF 075706

Commission Code

Fort Myers, FL 33907

City, State, Zip

(239) 590-9066

Telephone Number

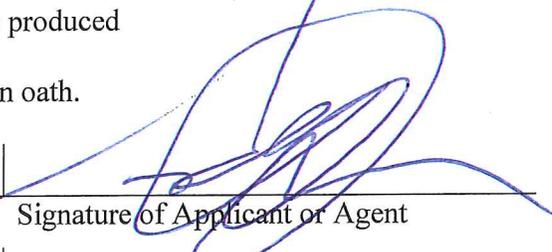
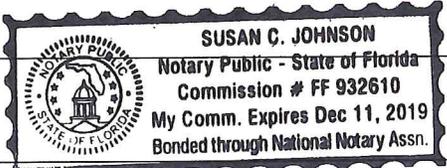


### AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that all data and other supplementary matter attached to and made a part of the application and staff report are honest and true to the best of my knowledge and belief.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of June, 2016, by  
who is personally known to me or has/have produced  
as identification and who did/did not take an oath.

|  |   |
|--|---|
| <br>Notary Public Signature | <br>Signature of Applicant or Agent |
| <b>Susan C. Johnson</b><br>Notary Printed Signature  | Gerl L. Waksler<br>Printed Signature of Applicant or Agent  |
| <br>Title                 | McCroy Law Firm<br>309 Tamiami Trail<br>Address   |
| Commission Code  | Punta Gorda, FL 33950<br>City, State, Zip   |
|  | (941) 205-1122<br>Telephone Number  |

### AFFIDAVIT

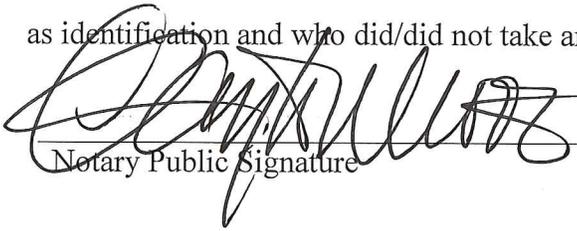
I, the undersigned, being first duly sworn, depose and say that all data and other supplementary matter attached to and made a part of the application and staff report are honest and true to the best of my knowledge and belief.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of JUNE, 2016, by

JIE SHAO  
who is personally known to me or has have produced

as identification and who did/did not take an oath.



Notary Public Signature

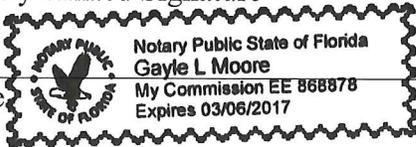
Jie Shao

Signature of Applicant or Agent

Notary Printed Signature

Printed Signature of Applicant or Agent

Title



Address

Commission Code

City, State, Zip

Telephone Number