

R E S O L U T I O N
NUMBER 91- 268

A RESOLUTION AMENDING THE INCREMENT I DEVELOPMENT ORDER FOR RIVERWOOD DRI AS REPRESENTED BY RESOLUTION 90-286; AND FINDING THAT THESE AMENDMENTS DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION.

FINDINGS

1. On November 13, 1990, the Charlotte County Board of County Commissioners passed and approved Resolution No. 90-286, constituting the Increment I Development Order for a development known as Riverwood.

2. MRP Land Trust, Robert M. Taylor, Trustee, has requested that amendments to the Increment I Development Order be considered by the Board of County Commissioners.

3. The Board of County Commissioners has considered the amendments requested by MRP Land Trust, Robert M. Taylor, Trustee, and finds that pursuant to F.S. §380.06(19), they do not constitute a substantial deviation.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

4. Paragraph 1 of Resolution 90-286 is hereby amended as follows:

"1. Pursuant to Section 380.06, Florida Statutes, the Board of County Commissioners of Charlotte County, Florida, has heard, at a public hearing convened on November 13, 1990, the application for development approval for Riverwood Development of Regional Impact, which consists of approximately 752 682 acres to

be developed in the manner described in the application filed by Robert M. Taylor, Trustee, for said development."

5. The first paragraph of Section I.A FINDINGS OF FACT is amended as follows:

"A. The approximately ~~752~~ 744 acre Increment One, more particularly described in the attached Exhibit A.1 legal description will contain Residential, Open Space, Recreational and Commercial facilities along with a Utility Site, and Future Residential/Limited Development Areas."

6. Part A.1.n of Section II CONCLUSIONS OF LAW is hereby amended as follows:

"n. The applicant shall designate a specific entity to manage and maintain the surface water management system. This entity may be a utility company, a community development district, a homeowner's association or similar entity, or one of the entities described in the AMDA."

7. Part A.4 of Section II CONCLUSIONS OF LAW is hereby amended as follows:

"Construction and land clearing activity, outside the area approved for development pursuant to the amended Preliminary Development Agreement (PDA) shall be permitted pursuant to ~~prohibited, until the following two actions are completed and the~~ Increment I Master Development Plan (Map H) is as revised and dated August, 1990, revised September 30, 1991, if necessary, consistent with the findings of:

a. A detailed Gopher Tortoise survey and management plan, submitted to the SWFRPC, DCA and the FGFWFC, and Charlotte County and approved through the issuance of the necessary permits from FGFWFC; and

b. A Bald Eagle Management Plan submitted to SWFRPC and DCA, acceptable to the FGFWFC, dated April 2, 1991, incorporated herein as Exhibit C and revised pursuant to "Final Revisions to Riverwood DRI Bald Eagle Management Plan" attached hereto as Attachment 1. and approved by Charlotte County through the appropriate F.S. Chapter 380 development order amendment procedures.

8. The amendments incorporated herein do not constitute a substantial deviation to the conditions of the development order.

PASSED AND DULY ADOPTED this 22nd day of October, 1991.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

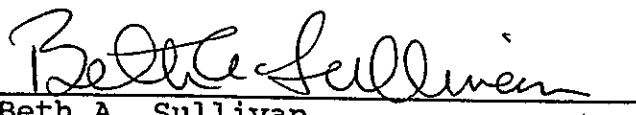
By 
Wm. D. Noel, Jr., Chairman

ATTEST:

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

By 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Beth A. Sullivan
Assistant County Attorney

ja:\res\rvrwd2/102291

Exhibit A.1



WILSON, MILLER, BARTON & PEEK, INC.

Engineers, Planners, Surveyors, Landscape Architects, Environmental Consultants & Construction Managers
4571 Colonial Boulevard, Fort Myers, Florida 33912 • (813) 939-1020 Fax (813) 939-7479

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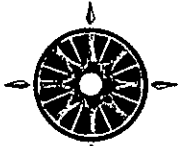
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DESCRIPTION (NOT SURVEYED)

All that part of Sections 17, 20, 21, 28 and 29, Township 40 South, Range 21 East, Charlotte County, Florida, also being, in part, those lands as described in Deeds recorded in O.R. Book 903 Pages 1729 through 1731, O.R. Book 999 Page 1854, O.R. Book 1014 Page 1891, also being all that part of those lands as described in O.R. Book 941 Page 164, and O.R. Book 941 Pages 165 through 180, O.R. Book 941 Page 181, O.R. Book 941 Pages 183 through 185, O.R. Book 941 Pages 186 through 188, and O.R. Book 981 Pages 766 & 777 (all of the Public Records of Charlotte County, Florida) lying within the herein described lands being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 17; thence N.89°27'35"E. along the North line of said Section 17, said line also being the South limit of PORT CHARLOTTE SUBDIVISION, Section 49, according to the Plat thereof as recorded in Plat Book 5, Pages 63-A through 63-E, Public Records of Charlotte County, Florida, a distance of 2683.48 feet to the Northwest corner of the Northeast Quarter of said Section 17; thence S.0°47'30"W. along the West line of the Northwest 1/4 of the Northeast 1/4 of said Section 17, said line also being the West limit of PORT CHARLOTTE SUBDIVISION, Section 61, according to the Plat thereof as recorded in Plat Book 5, Pages 75-A through 75-C, Public Records of Charlotte County, Florida, a distance of 1335.11 feet to the Southwest corner of the Northwest 1/4 of the Northeast 1/4 of said Section 17; thence S.89°40'23"E. along the South line of the Northwest 1/4 of the Northeast 1/4 of said Section 17, said line also being the South limit of said PORT CHARLOTTE SUBDIVISION, Section 61, a distance of 1323.43 feet to the Southeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 17; thence S.0°23'14"W. along the West line of the Southeast 1/4 of the Northeast 1/4 of said Section 17, said line also being the West limit of said PORT CHARLOTTE SUBDIVISION, Section 61, a distance of 1314.80 feet to the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 17; thence S.0°52'20"W. along the West line of the East 1/2 of the Southeast 1/4 of said Section 17, said line also being the West limit of Plat of said PORT CHARLOTTE SUBDIVISION, Section 61, a distance

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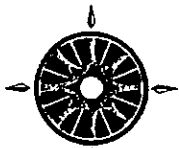
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of 1198.90 feet to the POINT OF BEGINNING of the Parcel herein described; thence continue S.0°52'20"W. along said West line a distance of 1518.36 feet to the Southwest corner of the East 1/2 of the Southeast 1/4 of said Section 17; thence N.89°26'20"E. along the South line of said Section 17, said line also being the South limit of said PORT CHARLOTTE SUBDIVISION, Section 61, a distance of 1328.90 feet to the Southeast corner of said Section 17 and the Northwest corner of said Section 21; thence S.89°41'20"E. along the North line of said Section 21, a distance of 1955.50 feet to the Westerly boundary of those lands as described in O.R. Book 688, Page 215, Public Records of Charlotte County, Florida; thence S.00°49'28"W. along said boundary a distance of 825.10 feet; thence S.89°41'20"E. along said boundary a distance of 369.37 feet to the Westerly Right-of-Way line of Hamner Avenue (a 60' Right-of-Way) as shown on PLAN NO. 2 OF A PART OF WARD 7, EL JOBE-AN according to the Plat thereof as recorded in Plat Book 2, Page 48, Public Records of Charlotte County, Florida; thence continue S.89°41'20"E. a distance of 30.64 feet to the centerline of said Hamner Avenue; thence N.12°04'06"E. along said centerline a distance of 256.48 feet to the centerline of Colonial Avenue (a 60' Right-of-Way) as shown on said Plat; thence N.72°04'06"E. along said centerline a distance of 610.84 feet to the centerline of Ward Road (a 50' Right-of-Way) as shown on said Plat; thence N.12°04'06"E. along said centerline a distance of 390.95 feet to the North line of said Section 21; thence S.89°41'20"E. along said North Section line a distance of 2237.96 feet to the centerline of C.H. & N. Railroad Right-of-Way (abandoned) as shown on said PLAN NO. 2 OF A PART OF WARD 7, EL JOBE-AN; thence S.12°04'06"W. along said centerline a distance of 709.20 feet; thence N.77°55'54"W. for a distance of 271.02 feet; thence N.12°04'06"E. for a distance of 159.26 feet to a point on a curve; thence Southwesterly 469.32 feet along the arc of a non-tangential circular curve concave to the Southeast, having a radius of 1156.00 feet, through a central angle of 23°15'41" and being subtended by a chord which bears S.54°57'30"W. a distance of 466.10 feet; thence

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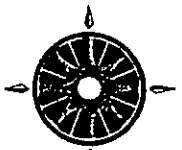
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S.43°19'39"W. for a distance of 548.59 feet; thence Southerly 39.27 feet along the arc of a circular curve concave to the east, having a radius of 25.00 feet, through a central angle of 90°00'00" and being subtended by a chord which bears S.01°40'21"E. a distance of 35.36 feet; thence S.46°40'21"E. for a distance of 349.78 feet; thence Southeasterly 218.23 feet along the arc of a circular curve concave to the Northeast, having a radius of 400.00 feet, through a central angle of 31°15'33" and being subtended by a chord which bears S.62°18'07"E. a distance of 215.53 feet; thence S.77°55'54"E. for a distance of 97.95 feet; thence N.12°04'06"E. for a distance of 210.00 feet; thence S.77°55'54"E. for a distance of 260.00 feet; thence S.12°04'06"W. along said railroad centerline a distance of 1066.48 feet to the Southerly Right-of-Way line of Lee Circle (a 100' Right-of-Way) as shown on said Plat and to a point on a curve; thence Westerly and Southwesterly along said Southerly Right-of-Way line 273.03 feet along the arc of a non-tangential circular curve concave to the Southeast, having a radius of 232.00 feet, through a central angle of 67°25'47" and being subtended by a chord which bears S.68°21'13"W. a distance of 257.55 feet to the Southerly Right-of-Way line of Rowe Avenue (a 60' Right-of-Way) as shown on said Plat and to a point on said curve; thence N.47°55'54"W. along said Southerly Right-of-Way line a distance of 1323.02 feet to the Southerly Right-of-Way line of Dade Avenue (a 60' Right-of-Way) as shown on said Plat; thence S.72°04'06"W. along said Southerly Right-of-Way line a distance of 1222.43 feet to a point on the Southeasterly projection of the Northerly Right-of-Way line of Lincoln Circle (a 100' Right-of-Way) as shown on said Plat; thence S.77°15'10"W. a distance of 332.00 feet to the radius point of Lincoln Circle; thence S.77°55'54"E. a distance of 125.10 feet; thence continue S.77°55'54"E. along the Northerly line of those lands as described in O.R. Book 981, Pages 776 and 777, Public Records of Charlotte County, Florida, a distance of 1204.90 feet to the Westerly Right-of-Way line of Southland Avenue (a 60' Right-of-Way); thence continue along the boundary of said described lands in the following six (6) described courses:

- 1) S.12°04'06"W. along said Westerly Right-of-Way line of said Southland Avenue a distance of 2123.59 feet;

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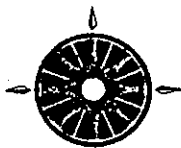
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2) S.77°55'54"E. a distance of 30.00 feet; 3) Southeasterly 212.87 feet along the arc of a circular curve concave to the Southwest, having a radius of 232.00 feet, through a central angle of 52°34'13" and being subtended by a chord which bears S.51°38'48"E. a distance of 205.48 feet to an intersection with the Northerly Right-of-Way line of Russel Avenue extended; 4) S.72°04'06"W. along said extended Right-of-Way line a distance of 42.00 feet more or less to the ordinary low water line of a lake; 5) Meander Southerly, then Southwesterly along said low waterline 400 feet more or less to an intersection with Easterly Right-of-Way line of Southland Avenue extended; 6) S.12°04'06"W. along said Easterly Right-of-Way line extended a distance of 100 feet more or less to an intersection of the Southerly Right-of-Way line of Seminole Circle and the Easterly Right-of-Way line of Southland Avenue; thence N.18°58'35"W. for a distance of 409.04 feet; thence N.28°23'22"W. for a distance of 308.23 feet; thence N.47°47'21"W. for a distance of 583.75 feet; thence N.40°12'10"W. for a distance of 325.45 feet; thence S.59°15'41"W. for a distance of 145.61 feet; thence S.12°04'06"W. for a distance of 247.74 feet; thence southerly and southeasterly 253.04 feet along the arc of circular curve concave to the east, having a radius of 1440.00 feet, through a central angle of 10°04'06" and being subtended by a chord which bears S.07°02'03"W. for a distance of 252.72 feet; thence S.02°00'00"W. for a distance of 927.12 feet to a point on a curve; thence easterly and southeasterly 500.57 feet along the arc of a non-tangential circular curve concave to the northeast, having a radius of 750.00 feet, through a central angle of 38°14'27" and being subtended by a chord which bears S.70°10'27"E. for a distance of 491.33 feet to a point on said curve; thence S.37°15'00"E. for a distance of 723.83 feet to an intersection with the westerly Right-of-Way line of Southland Avenue extended; thence along said Right-of-Way extended, S.12°04'06"W. for a distance of 100.00 feet to the Easternmost corner of Lot 556 as shown on PLAN NO. 2 OF A PART OF WARD TWO, EL JOBE-AN according to the plat thereof as recorded in Plat Book 2, Page 43, Public Records of Charlotte County, Florida; thence N.47°55'54"W. along the northeasterly line of said Lot 556 and of Lot 470, a

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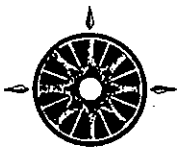


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distance of 125.49 feet to the northernmost corner of Lot 470; thence S.42°04'06"W. along the Northwesterly line of Lot said 470, a Southwesterly prolongation of Lot 470 and the Northwesterly line of Lot 469, a distance of 260.00 feet; thence S.47°55'54"E. along the Southeasterly line of Lot 469 and Lot 559, a distance of 125.50 feet to the Northerly Right-of-Way line of Weeksonia Avenue, all as shown on said Plat; thence S.72°04'06"W. along said northerly right-of-way line of Weeksonia Avenue for a distance of 734.39 feet; thence N.47°55'54"W. along the Northerly right-of-way line of Tampa Road as shown on said plat of PLAN NO. 2 OF A PART OF WARD TWO, EL JOBE-AN for a distance of 651.26 feet to a point herein after referred to as POINT "A"; thence S.72°04'06"W. along said northerly right-of-way line of Tampa Road, a distance of 789.91 feet to a point on a curve; thence westerly and southwesterly 155.70 feet along the arc of a circular curve concave to the southeast, having a radius of 290.00 feet, through a central angle of 30°45'42" and being subtended by a chord which bears S.56°41'15"W. for a distance of 153.84 feet to a point of reverse curvature; thence southwesterly, westerly, northwesterly and northerly 782.13 feet along the arc of a circular curve concave to the northeast, having a radius of 320.00 feet, through a central angle of 140°02'25" and being subtended by a chord which bears N.68°40'24"W. for a distance of 601.48 feet to a point of reverse curvature; thence northerly, northwesterly, westerly and southwesterly 1595.43 feet along the arc of a circular curve concave to the southwest, having a radius of 750.00 feet, through a central angle of 121°52'54" and being subtended by a chord which bears N.59°35'38"W. for a distance of 1311.18 feet; thence S.59°27'55"W. for a distance of 211.57 feet; thence S.85°28'42"W. for a distance of 569.41 feet; thence S.61°29'42"W. for a distance of 472.85 feet; thence N.32°51'38"W. for a distance of 176.52 feet; thence S.71°28'27"W. for a distance of 272.78 feet; thence S.07°48'30"E. for a distance of 249.19 feet; thence S.00°12'03"W. for a distance of 101.53 feet; thence S.52°02'05"E. for a distance of 177.05 feet; thence S.31°36'28"W. for a distance of 131.77 feet; thence N.69°29'10"W. for a distance of 360.80 feet; thence N.15°59'46"W. for a distance of 220.94 feet; thence N.56°40'45"E. for a distance of 123.06 feet;

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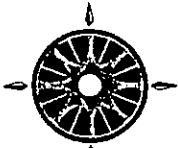
thence N.11°03'35"E. for a distance of 126.37 feet; thence N.22°01'40"W. for a distance of 76.55 feet; thence N.26°00'00"E. for a distance of 650.00 feet; thence N.09°00'00"E. for a distance of 270.00 feet; thence N.34°00'00"E. for a distance of 1451.76 feet; thence N.08°09'14"E. for a distance of 1432.65 feet; thence N.08°00'00"E. for a distance of 947.02 feet; thence N.18°08'08"E. for a distance of 203.14 feet; thence N.07°33'53"W. for a distance of 133.22 feet; thence N.52°51'52"W. for a distance of 520.81 feet; thence N.38°49'01"W. for a distance of 231.42 feet; thence N.78°25'19"W. for a distance of 325.05 feet; thence N.09°35'37"W. for a distance of 179.19 feet; thence N.12°10'31"E. for a distance of 278.92 feet; thence N.40°16'27"E. for a distance of 192.88 feet; thence N.63°30'41"E. for a distance of 231.71 feet; thence N.06°03'17"E. for a distance of 330.70 feet; thence N.41°49'59"E. for a distance of 873.07 feet; thence N.22°57'15"E. for a distance of 346.67 feet to the Point of Beginning of the parcel herein described;

CONTAINING 765 acres more or less;

LESS AND EXCEPT the following described parcel of land;

COMMENCING at the aforementioned POINT "A"; thence N.39°57'19"W. for a distance of 651.67 feet to the POINT OF BEGINNING of the parcel herein described; thence S.42°56'00"W. for a distance of 327.10 feet; thence N.76°35'21"W. for a distance of 250.17 feet; thence S.42°34'58"W. a distance of 260.55 feet to a point on a curve; thence northerly and northwesterly 1196.41 feet along the arc of a non-tangential, circular curve concave to the southwest, having a radius of 1150.00 feet, through a central angle of 59°36'28" and being subtended by a chord which bears N.40°42'29"W. for a distance of 1143.18 feet to a point on said curve; thence N.55°43'01"E. for a distance of 226.04 feet; thence S.39°24'43"E. for a distance of 75.90 feet; thence N.78°26'24"E. for a distance of 126.37 feet; thence S.65°09'39"E. for a distance of 152.71 feet; thence N.79°34'27"E. for a distance of 190.06 feet; thence N.19°28'04"E. for a distance of 191.93 feet;

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thence N.51°19'22"W. for a distance of 167.34 feet;
thence N.35°53'04"E. for a distance of 153.77 feet;
thence N.75°19'00"E. for a distance of 199.29 feet;
thence S.36°55'57"E. for a distance of 195.38 feet;
thence S.69°37'27"E. for a distance of 383.53 feet; thence
S.12°35'28"W. for a distance of 492.79 feet; thence
S.25°29'37"E. for a distance of 274.20 feet to
the Point of Beginning of the Parcel herein described;

CONTAINING 21.02 acres more or less;

CONTAINING 744 net acres more or less;

EXCEPTING THEREFROM the following;

Lots 816, 817, 831, 930, 931, 932, 967, 968, 969, and 1001,
all being part of PLAN NO. 1 OF A PART OF WARD TWO EL
JOBE-AN according to the Plat thereof as recorded in Plat
Book 2, Page 39;

Lots 436 and 437, both being part of PLAN NO. 2 OF A PART OF
WARD TWO EL JOBE-AN according to the Plat thereof as
recorded in Plat Book 2, Page 43;

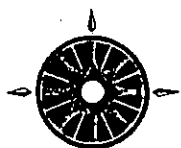
Lots 10, 11, 18, 19, 28, 29, 456, 464, 465, 466, 467, 584,
687, 688, 675 through 682, 792, 793, 829, 836, 837, 838,
851, 860, 861, 862, 863, 864, 865, and 866, all being part
of PLAN NO 1. OF A PART OF WARD 3 EL JOBE-AN according to
the Plat thereof as recorded in Plat Book 2, Page 42;

Lots 53, 94, 95, 96, 265 and 266, all being part of PLAN NO.
2 OF A PART OF WARD THREE EL JOBE-AN according to the Plat
thereof as recorded in Plat Book 2, Page 46;

Lots 176, 194, 195, 200, 201, 617, 618, 719, 737, 738 739,
and 754, all being part of PLAN OF WARD 4, CITY OF EL
JOBE-AN, FLORIDA, according to the Plat thereof as recorded
in Plat Book 1, Page 60;

Lots 301, 555, 676, 677, 1248, 1249 and 1743 all being part
of PLAN OF WARD 6, CITY OF EL JOBE-AN, FLORIDA, according to
the Plat thereof as recorded in Plat Book 1, Page 61;

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all being of the Public Records of Charlotte County, Florida;

the parcel herein described being subject to easements, restrictions and reservations of record; the parcel herein described also being subject to the following recorded Plats:

- PLAN NO. 1 OF A PART OF WARD TWO EL JOBE-AN (P.B. 2, P.39),
 - PLAN NO. 2 OF A PART OF WARD TWO EL JOBE-AN (P.B. 2, P.43),
 - PLAN NO. 1 OF A PART OF WARD 3 EL JOBE-AN (P.B. 2, P.42),
 - PLAN NO. 2 OF A PART OF WARD THREE EL JOBE-AN (P.B. 2, P.46),
 - PLAN OF WARD 4, CITY OF EL JOBE-AN, FLORIDA (P.B. 1, P.60),
 - PLAN OF WARD 6 CITY OF EL JOBE-AN, FLORIDA (P.B. 1, P.61)
 - PLAN NO. 1 OF A PART OF WARD SEVEN, EL JOBE-AN (P.B. 2, P.37);
 - PLAN NO. 2 OF A PART OF WARD SEVEN, EL JOBE-AN (P.B.2, P.48);
- all being of the Public Records of Charlotte County, Florida;

Basis of bearings assumes the West Right-of-Way line of State Road 771 - EL JOBE-AN Road (130' R/W) being S.12°04'06"W. as shown on the State Right-of-Way Maps for State Road 771.

Elizabeth F. Gaines, P.L.S.

FINAL REVISIONS TO RIVERWOOD DRI BALD EAGLE MANAGEMENT PLAN
DATED APRIL 2, 1991

1. Page 3, Section III "Plan Approach" - Add the following to the end of the section:

This Bald Eagle Management Plan applies only to Increment One. Within the primary, secondary or flyway zones located outside Increment One (as shown in Exhibits A and B which are specifically incorporated into and are a part of the Bald Eagle Management Plan along with the restrictions contained in Appendix I which are also hereby specifically incorporated into the Bald Eagle Management Plan), it also provides recommendations on avoiding the disturbance of nesting bald eagles. It does not address permanent habitat protection for eagles in those areas, however, and is therefore subject to future review and revision regarding that issue.

For those areas outside Increment One, including those areas within the primary, secondary and flyway zones, the Applicant acknowledges that prior to development in those areas, a future Application for Incremental Development Approval must be filed and that DRI review of bald eagle habitat and management will take place pursuant to the laws, rules and regulations governing the DRI process in effect at the time of the review.

2. Page 6, Section VI "Habitat Management", paragraph 3 - Add the following:

Any berms used with vegetative buffering will be located adjacent to the Primary Zone to enhance the visual buffer in areas where vegetation is sparse or non-existent and to provide additional height to trees needed to provide visual buffer where necessary, and will not be continuous, uninterrupted berms requiring clearing and replanting.

3. Page 6, Section VI "Habitat Management", paragraph 4 - Add the following:

"No Trespassing" signs will be posted inside the Primary Zone perimeter treeline pursuant to Florida Statutes §810.011(5).

4. Page 7, Section IX "Abandoned Nests" - Add the following to the end of the section:

Determination of abandonment under this Section shall be made by the Florida Game and Fresh Water Fish Commission, Office of Environmental Services upon application made by, and considering factual evidence provided by, the Applicant. Notice of the application shall be simultaneously provided by the Applicant to the Southwest Florida Regional Planning Council and the Department of Community Affairs who may also provide evidence for Florida Game and Fresh Water Fish Commission's consideration on the matters if they so desire.

In the event that a future Application for Incremental Development Approval is filed for development in the primary or flyway zones because a nest has been determined to be abandoned, the Applicant acknowledges that that DRI review of bald eagle habitat management will take place pursuant to the laws, rules, and regulations in effect at the time of the review. The reviewing agencies will not be deemed to have waived their rights to apply those laws, rules, and regulations by virtue of this Bald Eagle Management Plan having been previously approved.

JA:AMEND2/102291