

RECEIVED  
JAN 24 2005

WilsonMiller, Inc.  
Ft. Myers, FL


**NOTICE OF ADOPTION OF  
DEVELOPMENT ORDER AMENDMENTS FOR  
RIVERWOOD, A DEVELOPMENT OF REGIONAL IMPACT,  
INCREMENT I AND TWO DEVELOPMENT ORDERS**

Pursuant to Florida Statutes 380.06(15)(f), it is required that Notice of Adoption of, and Modification to, all Development of Regional Impact (DRI) Development Orders must be filed with the Clerk of the Circuit Court by the developer. Such Development Order amendments [Resolutions #2004-255 (Increment I DO) and #2004-256 (Increment Two DO)] were adopted by Charlotte County, Florida, at a hearing on December 15, 2004, and executed as approved on December 15, 2004. The Development Orders and amendments may be examined in the Charlotte County Community Development Division, Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida, 22948, and at the offices of the Southwest Florida Regional Planning Council, 4890 Bayline Drive, 4th Floor, North Fort Myers, Florida 33918. All parties are hereby put on notice of the adoption of the Development Order. Recording of the Development Order amendments shall not constitute a lien, cloud, or encumbrance on this real property, nor actual or constructive notice of any such lien, cloud or encumbrance. However they constitute land development regulations which are applicable to the subject property which is described more particularly in the original Notice of Adoption of the Development Orders found at Official Record Book 2803, Pages 838-842 and 869-884, Public Records of Charlotte County, Florida.

This Notice is hereby filed on behalf of the Developer with copies sent by U.S. Mail on this 20<sup>th</sup> day of January, 2005, to Dan Trescott, Southwest Florida Regional Planning Council, Post

Office Box 3455, North Fort Myers, Florida 33918; Charles Gauthier, Florida Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; and Tom Cookingham, Charlotte County Planning and Zoning Division Manager, 18500 Murdock Circle, Port Charlotte, Florida 33948.

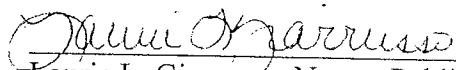
PAVESE, HAVERFIELD, DALTON,  
HARRISON & JENSEN, LLP  
Attorneys for Developer  
Post Office Drawer 1507  
1833 Hendry Street  
Fort Myers, Florida 33902  
(813) 336-6244

By:   
STEVEN C. HARTSELL  
Florida Bar #:305030

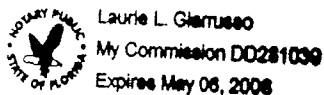
STATE OF FLORIDA            )  
COUNTY OF LEE            )

BEFORE ME the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared STEVEN C. HARTSELL, to me known and known to me to be the person who made and subscribed to the foregoing Notice of Adoption of Development Order amendments for Riverwood, a Development of Regional Impact, and certifies and acknowledges that he made and executed said instrument for the use and purposes therein expressed.

WITNESS MY hand and official seal this 20<sup>th</sup> day of January, 2005.

  
Laurie L. Giarrusso, Notary Public

My Commission Expires:





*Big Bell*

FILE 1308820 OR BK 02803 Pgs 0869 - 884; (16pgs) RECD 12/20/2004 10:19:40 AM  
BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY  
REC 137.50

RESOLUTION  
NUMBER 2004 - 255

A RESOLUTION AMENDING RESOLUTION 90-286, THE INCREMENT I DEVELOPMENT ORDER FOR RIVERWOOD DRI, AS AMENDED BY RESOLUTIONS 91-268, 92-07, 93-21, 94-38, 95-190 and 970870A0; FINDING THAT THIS AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

FINDINGS

WHEREAS, on November 13 1990, the Charlotte County Board of County Commissioners passed and approved Resolution #90-286, constituting the Increment I Development Order for a development known as Riverwood DRI; and

WHEREAS, the Increment I Development Order was amended by Charlotte County Resolution 91-268 on October 22, 1991, by Resolution 92-07 on January 14, 1992, by Resolution 93-21 on February 16, 1993 by Resolution 94-38 on April 5, 1994, by Resolution 95-190 on September 19, 1995, and by Resolution 97870A0 on July 29, 1997; and

WHEREAS, Centex Homes has requested that amendments to the Increment I Map H Development Plan be considered by the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has reviewed and considered the amendments requested by Centex Homes, and finds that they are consistent with the Charlotte County Comprehensive Plan and with the previously approved Riverwood Master Development Order, and also 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, that:

*#75  
PS  
must* ★

A. SECTION ONE: 1. is amended to provide as follows:

Pursuant to Section 380.06, Florida Statutes, the Board of County Commissioners of Charlotte County, Florida has heard, at a public hearing convened December 15, 2004, the application for development approval for Riverwood Increment I Development of Regional Impact, which consists of approximately 872.53 +/- acres to be developed in the manner described in the application filed by Centex Homes for said development.

B. I. FINDINGS OF FACT. A. is amended to provide as follows:

The approximately 872.53+/- acre Increment One, more particularly described in the attached Exhibit A.4, legal description, as shown on the Increment One Development Plan, Map H, as revised June 11, 2004, in Exhibit B attached, a copy of which was submitted with the Notice of Proposed Change included and incorporated by reference herein will contain Residential, Open Space, Recreational and Commercial facilities along with a Utility Site, and future Residential/Limited Development Areas.

C. II. CONCLUSIONS OF LAW. A. Conditions. 9. GENERAL CONSIDERATIONS. b. is amended to provide as follows:

Increment I is a single phase development of less than seventeen (17) years after adjustment to the effective date of the development order i.e., after expiration of any appeal or appeal period. Increment I has an amended build out date of January 8, 2009. If development order conditions and applicant

commitments incorporated with in the development order to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules specified within the development order and this phasing schedule, then this shall be presumed to be a substantial deviation for the affected regional issues.

2. This Incremental Development Order shall remain in effect for a period of seventeen (17) years from the date of its rendition, plus time for tolling during the pendency of any appeals, i.e., until January 8, 2009. In the event that significant physical development has not commenced within this time period, development approval will terminate and this development order shall no longer be effective. For purposes of this requirement, "significant physical development" does not include roads, drainage or landscaping but does include construction of buildings or installation of utilities and facilities such as sewer and water lines.

3. In accordance with Section 380.06(15)(c)(3), *Fla. Stat.*, the Riverwood Increment I Development Order shall not be subject to downzoning, unit density reduction or intensity reduction for a period of seventeen (17) years, plus time for tolling during the pendency of any appeals, i.e., until January 8, 2009, unless it can demonstrate that substantial changes have occurred in the conditions underlying the approval of this development order or that the change is clearly established by Charlotte County to be essential to the public health, safety or welfare.

4. The applicant or its successors in title to the subject property shall submit a report biannually, commencing one year from the effective date (i.e.,

after expiration of any appeal or appeal period) of this development order to Charlotte County, the Southwest Florida regional Planning Council, and the Department of Community Affairs. This report will contain the information required in Section 9-J-2.025, Florida Administrative Code. Failure to submit the biannual report shall be governed by Subsection 380.06 (18), Florida Statutes.

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


6. All other terms and conditions of the development order, not affected by this resolution, shall remain unchanged and in full force and effect.

7. This Resolution shall become effective immediately upon its adoption.

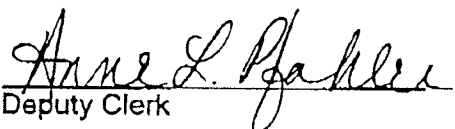
8. The Clerk of Circuit Court is hereby directed to forward a certified copy of this resolution and its attachments to Ms. Valerie Hubbard, Director of the Division of Community Planning, Florida Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100, and to Mr. David Y. Burr, Executive Director, Southwest Florida Regional Planning Council, 4980 Bayline Drive, North Fort Myers, FL 33917.

PASSED AND DULY ADOPTED this 15<sup>th</sup> day of December , 2004.

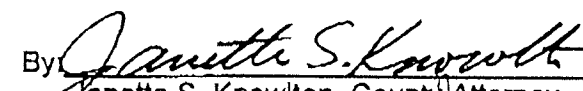
BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By:   
Sara J. Deyos, 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:

By:   
Janette S. Knowlton, County Attorney

P:\WPDATA\PUBLIC\Joyce\land use\RES\Riverwood Resolutionnopc.LW.doc  
LR2004-542  
12/01/2004

# WilsonMiller

New Directions In Planning, Design & Engineering

RIVERWOOD: AMENDED INCREMENT ONE

W.O.: 855/3133

REF: D-855-13

DATE: 11-30-93

REVISED: 5-23-95

REVISED: 3-26-97

REVISED: 4-24-97

REVISED: 6-11-97

REVISED: 6-11-04

## 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 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

Naples Fort Myers Sarasota  
4571 Colonial Boulevard, Suite 100

35500 Panama City Beach  
39-1020 239-939-7479

Received Time Jan. 12. 1:06PM

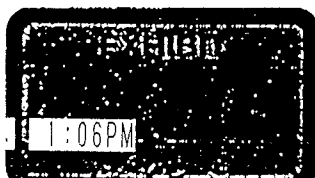


# Wilson Miller

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.

ing said centerline a distance of 2490.78 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:

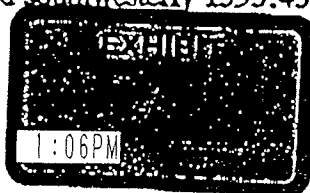
- 1) S.12°04'06"W. along said Westerly Right-of-Way line of said Southland Avenue a distance of 2123.59 feet; 2) S.77°55'54"E. a distance of 30.00 feet; 3) Southeasterly 212.87 feet along the arc of a circular curve concave to the Southwest, having a radius of 232.00 feet, through a central angle of 52°34'13" and being subtended by a chord which bears S.51°38'48"E. a distance of 205.48 feet to an inter-section with the Northerly Right-of-Way line of Russel Avenue extended; 4) S.72°04'06"W. along said extended



Received Time Jan. 12. 1:06PM

# Wilson Miller

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 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; 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



Received Time Jan. 12.

1:06PM

# Wilson Miller

curve concave to the southwest, having a radius of 750.00 feet, through a central angle of  $121^{\circ}52'54''$  and being subtended by a chord which bears  $N.59^{\circ}35'38''W.$  for a distance of 1311.18 feet; thence  $S.59^{\circ}27'55''W.$  for a distance of 211.57 feet; thence  $S.85^{\circ}28'42''W.$  for a distance of 569.41 feet; thence  $S.61^{\circ}29'42''W.$  for a distance of 472.85 feet; thence  $N.32^{\circ}51'38''W.$  for a distance of 176.52 feet; thence  $S.71^{\circ}28'27''W.$  for a distance of 272.78 feet; thence  $S.07^{\circ}48'30''E.$  for a distance of 249.19 feet; thence  $S.00^{\circ}12'03''W.$  for a distance of 101.53 feet; thence  $S.52^{\circ}02'05''E.$  for a distance of 177.05 feet; thence  $S.31^{\circ}36'28''W.$  for a distance of 131.77 feet; thence  $N.69^{\circ}29'10''W.$  for a distance of 360.80 feet; thence  $N.15^{\circ}59'46''W.$  for a distance of 220.94 feet; thence  $N.56^{\circ}40'45''E.$  for a distance of 123.06 feet; thence  $N.11^{\circ}03'35''E.$  for a distance of 126.37 feet; thence  $N.22^{\circ}01'40''W.$  for a distance of 76.55 feet; thence  $N.26^{\circ}00'00''E.$  for a distance of 650.00 feet; thence  $N.09^{\circ}00'00''E.$  for a distance of 270.00 feet; thence  $N.34^{\circ}00'00''E.$  for a distance of 1451.76 feet; thence  $N.08^{\circ}09'14''E.$  for a distance of 1432.65 feet; thence  $N.08^{\circ}00'00''E.$  for a distance of 947.02 feet; thence  $N.18^{\circ}08'08''E.$  for a distance of 203.14 feet; thence  $N.07^{\circ}33'53''W.$  for a distance of 133.22 feet; thence  $N.52^{\circ}51'52''W.$  for a distance of 520.81 feet; thence  $N.38^{\circ}49'01''W.$  for a distance of 231.42 feet; thence  $N.78^{\circ}25'19''W.$  for a distance of 325.05 feet; thence  $N.09^{\circ}35'37''W.$  for a distance of 1.19 feet; thence  $N.12^{\circ}10'31''E.$  for a distance of 278.92 feet; thence  $N.40^{\circ}16'27''E.$  for a distance of 192.88 feet; thence  $N.63^{\circ}30'41''E.$  for a distance of 231.71 feet; thence  $N.06^{\circ}03'17''E.$  for a distance of 330.70 feet; thence  $N.41^{\circ}49'59''E.$  for a distance of 873.07 feet; thence  $N.22^{\circ}57'15''E.$  for a distance of 346.67 feet to the Point of Beginning of the parcel herein described;

CONTAINING 765 acres more or less;

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;



# Wilson Miller

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;

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

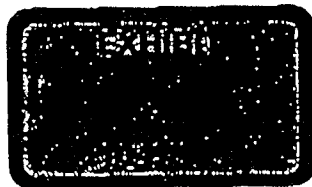
the parcel herein described being subject to easements, restrictions and reservations of record; the parcel herein described also being subject to the following recorded Plats:

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.



# Wilson Miller

## TOGETHER WITH:

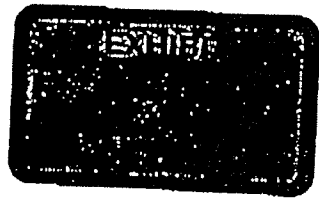
All that part of Section 28, Township 40 South, Range 21 East, Charlotte County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of said Section 28, thence S.89°46'08"E. along the North line of said Section 1913.63 feet to a point on a curve; thence Southeasterly 335.61 feet along the arc of a non-tangential circular curve concave to the Northeast, point bearing S.26°20'38"W. from the radius of said curve, having a radius 750.00 feet, through a central angle of 25°38'19" and being subtended by a chord which bears S.76°28'31"E. 332.82 feet; thence S.37°15'00"E. for 723.83 feet, thence S.14°04'06"W. 100.00 feet; thence N. 55°54"W. 125.49 feet; thence S.42°04'06"W. 260.00 feet; thence S.41°55'54"E. 125.50 feet; thence S.72°04'06"W. 734.39 feet to the Point of Beginning;

hence continue S.72°04'06"W. 57.74 feet; thence S.17°55'54"E. 60.00 feet; hence S.12°04'06"W. 558.88 feet; thence N.47°55'54"W. 380.78 feet to a point on a curve; thence Southwesterly, Northwesterly and Northeasterly 971.80 feet along the arc of a circular curve concave to the Northeast, point bearing S.55°21'41"E. from the radius point of said curve, having a radius of 232.00 feet, through a central angle of 240°00'00" and being subtended by a chord which bears N.25°21'41"W. 401.84 feet; thence N.12°04'06"E. 265.31 feet; thence S.77°55'54"E. 60.00 feet; thence S.47°55'54"E. 71.70 feet N.42°04'06"E. 150.00 feet; thence S.47°55'54"E. 458.31 feet to the Point of Beginning.

Parcel contains 10.53 acres, more or less;

Subject to easements, restrictions, reservations and rights-of-way of record;



# Wilson Miller

TOGETHER WITH:

All that part of Section 28, Township 40 South, Range 21 East, Charlotte County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of said Section 28, thence S.89°46'08"E. along the North line of said Section 1913.63 feet to a point on a curve; thence Southeasterly 335.61 feet along the arc of a non-tangential circular curve concave to the Northeast, point bearing S.26°20'38"W. from the radius of said curve, having a radius 750.00 feet, through a central angle of 25°38'19" and being subtended by a chord which bears S.76°28'31"E. 332.82 feet; thence S.37°15'00"E. for 723.83 feet; thence S.12°04'06"W. 100.00 feet; thence N.47°55'54"W. 125.49 feet; thence S.42°04'06"W. 260.00 feet; thence S.47°55'54"E. 125.50 feet; thence S.72°04'06"W. 734.39 feet; thence N.47°55'54"W. 458.31 feet to the Point of Beginning;

thence S.42°04'06"E. 150.00 feet; thence N.47°55'54"W. 71.70 feet; thence N.77°55'54"W. 70.00 feet; thence S.12°04'06"W. 265.31 feet to a point on a curve; thence Southwesterly 668.68 feet along the arc of a circular curve concave to the Southeast, point bearing N.04°38'19"E. from the radius point of said curve, having a radius of 232.00 feet, through a central angle of 65°08'26" and being subtended by a chord which bears S.12°04'06"W. 460.10 feet; thence S.12°04'06"W. 438.52 feet; thence N.47°55'54"W. 651.26 feet; thence N.12°04'06"E. 685.90 feet; thence N.72°04'06"E. 685.90 feet; thence S.47°55'54"E 192.95 feet to the Point of Beginning.

Tract contains 12.12 acres, more or less;

SO TOGETHER WITH the following

that part of Sections 28 and 29, Township 40 South, Range 21 East, Charlotte County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of said Section 28, thence S.89°46'08"E. along the North line of said Section 1913.63 feet to a point on a curve; thence Southeasterly 335.61 feet along the



# Wilson Miller

arc of a non-tangential circular curve concave to the Northeast, point bearing S.26°20'38"W. from the radius of said curve, having a radius 750.00 feet, through a central angle of 25°38'19" and being subtended by a chord which bears S.76°28'31"E. 332.82 feet; thence S.37°15'00"E. for 723.83 feet, thence S.12°04'06"W. 100.00 feet; thence N.47°55'54"W. 125.49 feet; thence S.42°04'06"W. 260.00 feet; thence S.47°55'54"E. 125.50 feet; thence S.72°04'06"W. 734.39 feet; thence N.47°55'54"W. 651.26 feet; thence N.72°04'06" E. 685.90 feet to the Point of Beginning.

Thence S.12°04'06"W. 685.90 feet; thence S.47°55'54"E. 292.95 feet; thence S.42°04'06"W. 565.42 feet; thence N.44°04'55"W. 37.94 feet; thence S.46°06'25"W. 338.96 feet; thence N.50°07'41"W. 373.83 feet; thence N.37°57'27"W. 311.36 feet; thence N.25°41'14"W. 288.71 feet; thence N.55°18'43"W. 597.63 feet; thence N.79°06'57"W. 719.24 feet; thence N.03°03'31"E. 973.99 feet; thence S.85°28'42"W. 171.62 feet; thence N.59°27'55"E. 211.57 feet to a point of curvature; thence Northeasterly and Southeasterly 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 S.59°35'38"E 1311.18 feet to a point of reverse curvature; thence Southeasterly and Northeasterly 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 1°02'25" and being subtended by a chord which bears S.68°40'24"E. 601.48 feet to a point of reverse curvature; thence Northeasterly 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 N.56°41'15"E 153.84 feet to a point of tangency; thence N.72°04'06"E. 104.01 feet to the Point of Beginning

parcel contains 67.55 acres, more or less;

ALSO TOGETHER WITH the following

Lot 969, 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, 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;

Lot 851, 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;

Lot 301, PLAN OF WARD 6, CITY OF EL JOBE-AN, FLORIDA, according to the Plat thereof as recorded in Plat Book 1, Page 61;

subject to easements, restrictions, reservations and rights-of-way of record;

Received Time Jan. 12.

1:06PM

# Wilson Miller

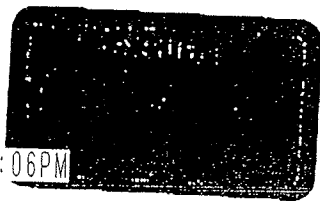
## TOGETHER WITH A 17.33 ACRE PARCEL:

All that part of Section 29, Township 40 South, Range 21 East, Charlotte County, Florida, being more particularly described as follows:

**COMMENCE** at the Northwest corner of Section 28, Township 40 South, Range 21 East, Charlotte County, Florida; thence, along the north line of said Section 28 S.89°46'08"E., 1913.63 feet; thence, along the arc of a non-tangent circular curve concave to the north and having for its elements a radius of 750.00 feet, a central angle of 25°38'19", a chord distance of 332.82 feet, a chord bearing of S.76°28'31"E., an arc distance of 335.61 feet; thence S.37°15'00"E., 723.83 feet; thence S.12°04'06"W., 100.00 feet; thence N.47°55'54"W., 125.49 feet; thence S.42°04'06"W., 260.00 feet; thence S.47°55'54"E., 125.50 feet; thence S.72°04'06"W., 734.39 feet; thence N.47°55'54"W., 651.26 feet; thence S.72°04'06"W., 789.91 feet; thence along the arc of a tangent circular curve concave to the southeast having for it elements a radius of 290.00 feet, a central angle of 30°45'42" a chord distance of 153.84 feet, a chord bearing of S.56°41'15"W., an arc distance of 155.70 feet to a point of reverse curvature; thence along the arc of a tangent circular curve concave to the north having for its elements a radius of 320.00 feet, a central angle of 140°02'25", a chord distance of 601.48 feet, a chord bearing of N.68°40'24"W., an arc distance of 782.13 feet to a point of reverse curvature; thence along the arc of a tangent circular curve concave to the southwest having for its elements a radius of 750.00 feet, a central angle of 121°52'54", a chord distance of 1,311.18 feet, a chord bearing of N.59°35'38"W., an arc distance of 1,595.43 feet; thence S.59°27'55"W., 211.57 feet; thence S.85°28'42"W., 171.62 feet to the **POINT OF BEGINNING**; thence S.03°03'31"W., 991.16 feet to the mean high water line of the Myakka River; thence, meander along said mean high water line for the following ten (10) courses:

1. N.77°30'42"W., 14.84 feet;
2. N.73°05'45"W., 66.84 feet;
3. N.66°16'05"W., 139.29 feet;
4. N.53°30'26"W., 55.05 feet;
5. N.63°10'59"W., 135.46 feet;
6. N.65°28'17"W., 158.21 feet;
7. N.68°15'29"W., 112.27 feet;
8. N.87°20'39"W., 107.47 feet;
9. S.85°33'13"W., 218.67 feet;
10. S.80°40'05"W., 43.32 feet;

thence, leaving said mean high water line of the Myakka River, N.31°36'28"E., 89.45 feet; thence N.52°02'05"W., 177.05 feet; thence N.00°12'03"E., 101.53 feet; thence N.07°48'30"W.,



Received Time Jan. 12. 1:06PM





249.19 feet; thence N.71°28'27"E., 272.78 feet; thence S.32°51'38"E., 176.52 feet; thence N.61°29'42"E., 472.85 feet; thence N.85°28'42"E., 397.79 feet to the POINT OF BEGINNING.

Said parcel contains 17.33 acres, more or less.

Subject to restrictions reservations and rights-of-way of record. This description and the attached sketch are not valid without the signature and raised seal of a Florida licensed surveyor and mapper.

SEE ATTACHED SKETCH

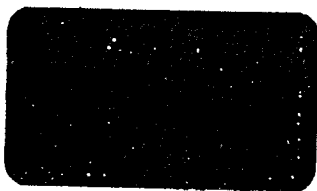
Prepared by:  
Wilson Miller, Inc.

Mark D. Haines

Mark D. Haines  
Professional Surveyor & Mapper No. LS5312  
State of Florida

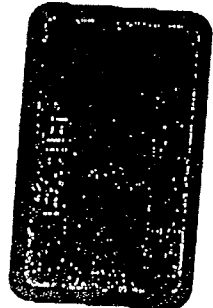
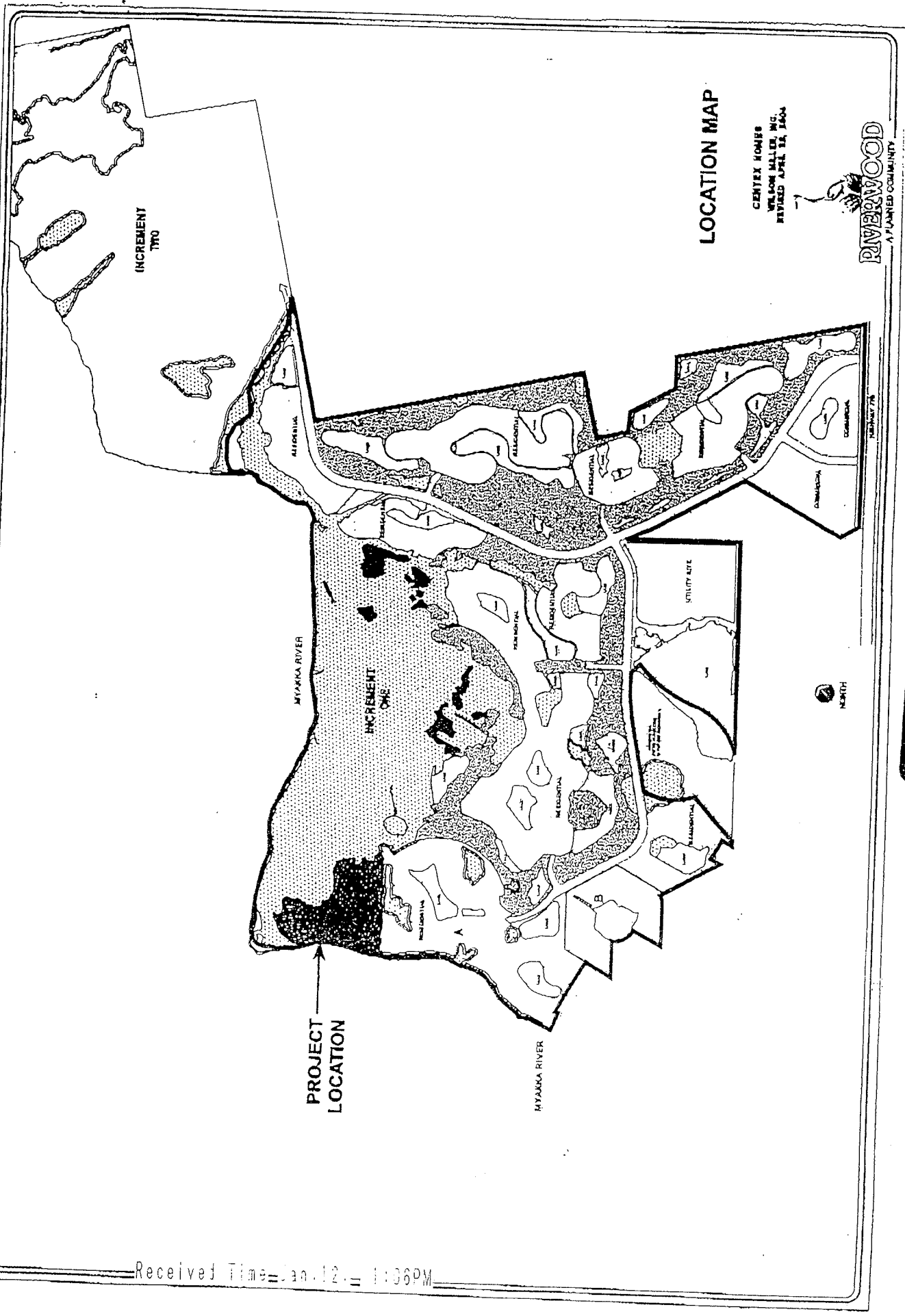
6/15/04  
Date

P.J.N.: F0300-018-000 MABS2; Date: May 27, 2004; Ref: D-0300-337, A-0300-781



004 Ver: 011- MR HAINES  
-000-000-0

Received Time Jan. 12. 1:06PM



*BCE*

RESOLUTION  
NUMBER 2004 - 256

A RESOLUTION AMENDING RESOLUTION 970030A0, THE INCREMENT TWO DEVELOPMENT ORDER FOR RIVERWOOD DRI; FINDING THAT THIS AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

FINDINGS

WHEREAS, on January 9, 1997, the Charlotte County Board of County Commissioners passed and approved Resolution #970030A0, constituting the Increment Two Development Order for a development known as Riverwood DRI; and

WHEREAS, Centex Homes has requested that amendments to the Increment Two build out date be considered by the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has reviewed and considered the amendments requested by Centex Homes, and finds that they are consistent with the Charlotte County Comprehensive Plan and with the previously approved Riverwood Master Development Order, and also 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, that:

SECTION ONE:

Resolution No. 970030A0 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 ~~January 9, 1997,~~ December 15, 2004, the application for development approval for Riverwood Increment Two Development of Regional Impact, which consists of approximately 307 +/- acres to be developed in the

FILE 1308800 DR BK 02803 Pgs 0838 - 842: (5pgs) RECD 12/20/2004 10:07:06 AM  
BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY  
REC 44100



*minutes*

manner described in the application filed by ~~Riverwood Land Development Company Limited Partnership~~ Centex Homes for said development.

II. CONCLUSIONS OF LAW

A. Conditions.

9. GENERAL CONSIDERATIONS.

b. This Increment Two is a single ~~five (5)~~ less than twelve (12) year phase build out, as adjusted to the effective date of the development order (i.e., after expiration of any appeal or appeal period) with an amended build out date of January 8, 2009 with an amended build out date of January 8, 2009, plus time for tolling during the pendency of any appeals. If development order conditions and applicant commitments incorporated with in the development order to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules specified within the development order and this phasing schedule, then this shall be presumed to be a substantial deviation for the affected regional issues.

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

3. This Incremental Development Order shall remain in effect for a period of ~~ten (10)~~ twelve (12) years from the date of its rendition i.e., until January 8, 2009 plus time for tolling during the pendency of any appeals. In the event that significant physical development has not commenced within this time period, development approval will terminate and this development order shall no longer be effective. For purposes of this requirement, "significant physical development" does not include roads, drainage or landscaping but does include

construction of buildings or installation of utilities and facilities such as sewer and water lines.

4. Pursuant to Section 380.06(15)(c)(3), *Fla. Stat., Charlotte County agrees that the Riverwood Increment Two Development Order shall not be subject to down zoning, unit density reduction or intensity reduction for a period of ~~ten (10)~~ twelve (12) years, plus time for tolling during the pendency of any appeals, i.e., until January 8, 2009, unless it can demonstrate that substantial changes have occurred in the conditions underlying the approval of this development order or that the change is clearly established by Charlotte County to be essential to the public health, safety or welfare.*

4. The applicant or its successors in title to the subject property shall submit a report ~~annually~~ biannually, commencing one year from the effective date (i.e., after expiration of any appeal or appeal period) of this development order to Charlotte County, the Southwest Florida regional Planning Council, and the Department of Community Affairs. This report will contain the information required in Section 9-J-2.025, Florida Administrative Code. Failure to submit the biannual report shall be governed by Subsection 380.06 (18), Florida Statutes.

SECTION TWO:

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

B. All other terms and conditions of the development order, not affected by this resolution, shall remain unchanged and in full force and effect.

C. This Resolution shall become effective immediately upon its adoption.

D. The Clerk of Circuit Court is hereby directed to forward a certified copy of this resolution and its attachments to Ms. Valerie Hubbard, Director of the Division of Community Planning, Florida Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100, and to Mr. David Y. Burr, Executive Director, Southwest Florida Regional Planning Council, 4980 Bayline Drive, North Fort Myers, FL 33917.

PASSED AND DULY ADOPTED this 15<sup>th</sup> day of December, 2004.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: Sara J. Devos  
Sara J. Devos, Chairman

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

By: Anne L. Pfahler  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton  
Janette S. Knowlton, County Attorney

P:\WPDATA\PUBLIC\JoyceVand use\RES\Riverwood ResolutionnopcPh.2.LW.doc  
LR2004-544  
12/02/2004