

chey
BCC

FILED WITH THE DEPARTMENT OF STATE July 8, 2011

#4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

ORDINANCE
NUMBER 2011 - 021

AN ORDINANCE PURSUANT TO SECTION 163.3184, FLORIDA STATUTES, ADOPTING A LARGE SCALE PLAN AMENDMENT TO THE CHARLOTTE COUNTY FLUM SERIES MAP #1 2030 FUTURE LAND USE FROM AGRICULTURE (AG) TO RURAL COMMUNITY MIXED USE (RCMU) INCLUDING ADOPTION OF A MASTER DEVELOPMENT PLAN INTO APPENDIX VIII OF THE FUTURE LAND USE ELEMENT OF THE SMART CHARLOTTE 2050 COMPREHENSIVE PLAN, FOR PROPERTY LOCATED NORTH OF BERMONT ROAD (CR 74), SOUTH OF WASHINGTON LOOP ROAD, EAST OF DUNCAN ROAD (U.S. 17), AND WEST OF CR 31, IN THE EAST COUNTY AREA, CHARLOTTE COUNTY, FLORIDA, COMMISSION DISTRICT I, CONTAINING 740 ACRES MORE OR LESS; PETITION PA-10-02-10-LS, APPLICANT, BERMONT ROAD PARTNERSHIP; PROVIDING AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3585, PGS 1127-1163 37 pg(s)
INSTR # 2031636
Doc Type GOV, Recorded 07/21/2011 at 09:14 AM
Rec. Fee: \$316.00
Cashiered By: MARGEC Doc. #2

RECITALS

WHEREAS, in a public hearing held on Tuesday, June 21, 2011, the Board of County Commissioners of Charlotte County ("Board") reviewed land use amendment Petition PA-10-02-10-LS, for adoption of a large scale plan amendment to the Charlotte County FLUM Series Map #1 2030 Future Land Use, including adoption of a Master Development Plan into Appendix VIII of the Future Land Use Element of the Smart Charlotte 2050 Comprehensive Plan ("Master Development Plan"); attached as Exhibit "A" and by this reference incorporated herein; and

WHEREAS, Bermont Road Partnership ("Applicant") has filed Petition PA-10-02-10-LS seeking a large scale plan amendment to the Charlotte County FLUM Series Map #1 2030 Future Land Use, including adoption of a Master Development Plan into Appendix VIII of the Future Land Use Element of the Smart Charlotte 2050

Men.  37

1 Comprehensive Plan from Agriculture (AG) to Rural Community Mixed Use (RCMU)
2 including adoption of a Master Development Plan into the Future Land Use Element of the
3 Smart Charlotte 2050 Comprehensive Plan for property containing 740 acres more or less,
4 which is owned by Applicant, and described as property located North of Bermont Road
5 (CR 74), South of Washington Loop Road, East of Duncan Road (U.S. 17), and West of
6 CR 31, in the East County area, Charlotte County, Florida, and more particularly described
7 in Exhibit "B" attached hereto and by this reference incorporated herein; and

8 WHEREAS, on June 14, 2010, Petition PA-10-02-10-LS was heard before
9 the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings
10 and analysis presented in the Planning and Zoning Division Staff Report regarding the
11 proposed Petition PA-10-02-10-LS and the evidence presented to the P&Z Board, the P&Z
12 Board recommended approval of transmittal of Petition PA-10-02-10-LS to the Department
13 of Community Affairs ("DCA") for an Objections, Recommendations, and Comments report;
14 and

15 WHEREAS, on September 21, 2010, Petition PA-10-02-10-LS was heard by
16 the Board of County Commissioners of Charlotte County, Florida, and was approved for
17 transmittal to DCA for an Objections, Recommendations, and Comments report; and

18 WHEREAS, on May 6, 2011, DCA issued an Objections, Recommendations,
19 and Comments report for Petition PA-10-02-10-LS which is provided in the Planning
20 Division Staff Report dated May 20, 2011 ("Staff Report"); and

21 WHEREAS, after due consideration, and based on the findings and analysis
22 presented in the Staff Report regarding Petition PA-10-02-10-LS and the evidence
23 presented to the Board, the Board has found that the requirements and conditions of

1 Chapter 163, Florida Statutes, as they relate to this Petition, have been met, and that it is
2 in the best interests of the County to approve Petition PA-10-02-10-LS.

3 NOW, THEREFORE, BE IT ORDAINED by the Board of County
4 Commissioners of Charlotte County, Florida:

5 Section 1. Approval. The following petition for a large scale plan amendment
6 to the Charlotte County FLUM Series Map #1 2030 Future Land Use from Agriculture (AG)
7 to Rural Community Mixed Use (RCMU), including adoption of a Master Development Plan
8 into Future Land Use Element Appendix VIII of the Smart Charlotte 2050 Comprehensive
9 Plan is hereby approved as follows:

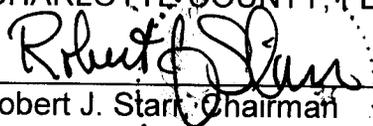
10 Petition PA-10-02-10-LS requesting adoption of a large scale
11 plan amendment from Agriculture (AG) to Rural Community
12 Mixed Use (RCMU) including adoption of a Master
13 Development Plan into Appendix VIII of the Future Land Use
14 Element of the Smart Charlotte 2050 Plan ("Master
15 Development Plan") attached hereto as Exhibit "A" and by this
16 reference incorporated herein, for property located North of
17 Bermont Road (CR 74), South of Washington Loop Road, East
18 of Duncan Road (U.S. 17), and West of CR 31, in the East
19 County area, containing 740 acres more or less, Commission
20 District I, Charlotte County, Florida, and more particularly
21 described in Exhibit "B" attached hereto and by this reference
22 incorporated herein.

23
24 Section 2. Effective date. The effective date of this plan amendment as to
25 the 1997-2010 Comprehensive Plan shall be the date a final order is issued by the
26 Department of Community Affairs or the Administration Commission finding the adopted
27 amendment to be in compliance with Section 163.3184, Florida Statutes, whichever occurs
28 earlier; provided this ordinance has been filed in the Office of the Secretary of State, State
29 of Florida. No development orders, development permits, or land uses dependent on this
30 amendment may be issued or commenced before it has become effective.

1 Section 3. Transmittal. County staff is hereby directed to forward a copy of
2 this ordinance and its attachments to the Florida Department of Community Affairs, 2555
3 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, and to the Executive Director,
4 Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort
5 Myers, FL 33918-3909.

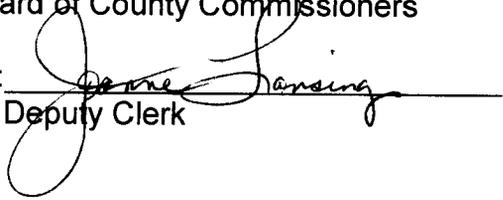
6 PASSED AND DULY ADOPTED this 21 day of June, 2011.

8 BOARD OF COUNTY COMMISSIONERS
9 OF CHARLOTTE COUNTY, FLORIDA

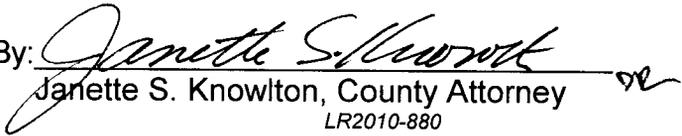
10 By: 
11 _____
12 Robert J. Starr, Chairman

13
14
15 ATTEST:

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

19
20 By: 
21 _____
22 Deputy Clerk

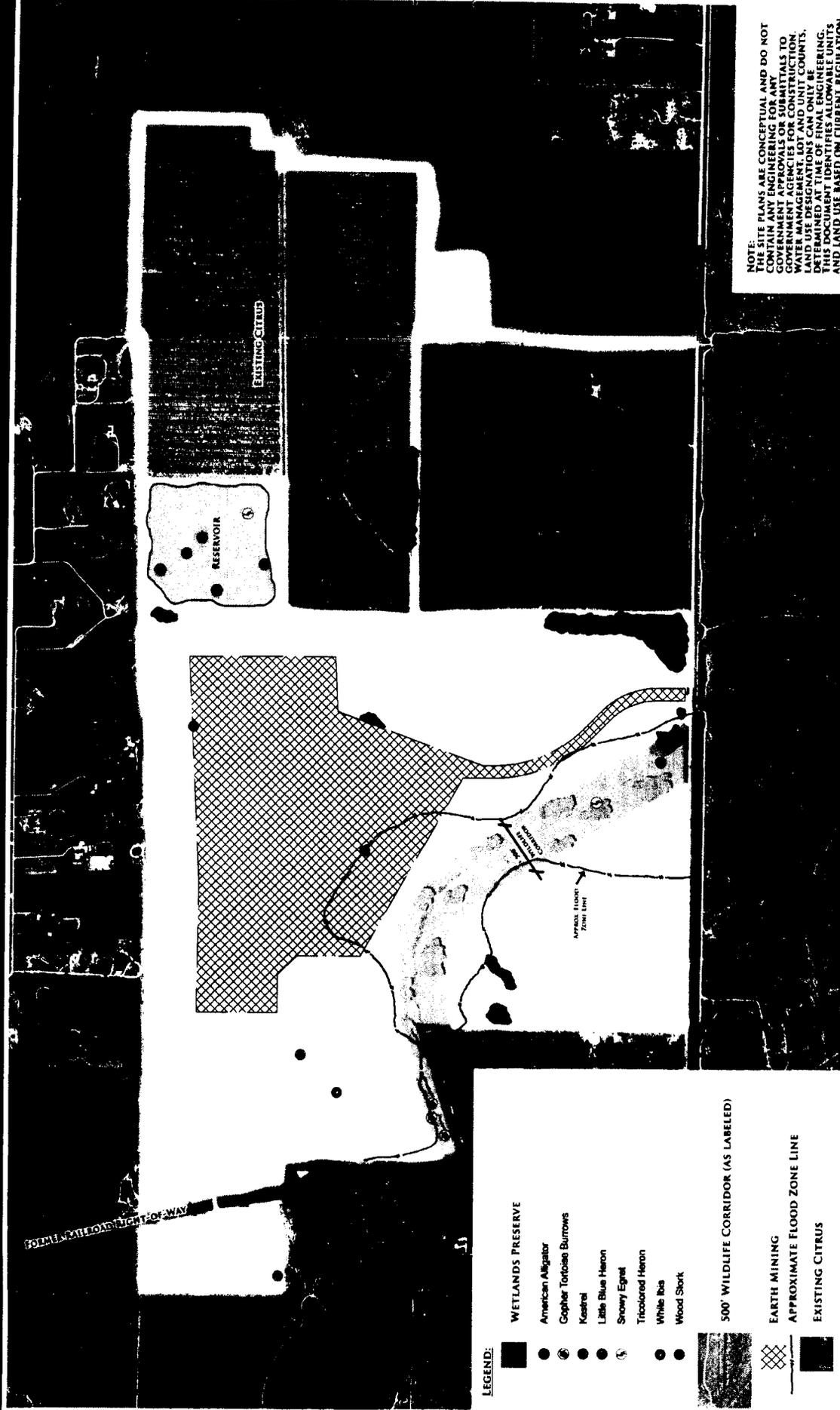
23
24 APPROVED AS TO FORM
25 AND LEGAL SUFFICIENCY:

26
27 By: 
28 _____
29 Janette S. Knowlton, County Attorney

30 LR2010-880
31
32
33
34
35
36
37
38
39
40
41
42
43

*Bermont Road Partnership
Master Development Plan A
Constraints and Opportunities Map*

EXHIBIT A



NOTE: THE SITE PLANS ARE CONCEPTUAL AND DO NOT CONTAIN ANY ENGINEERING OR ARCHITECTURAL DETAILS. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE GOVERNMENT AGENCIES FOR CONSTRUCTION, LAND USE, ZONING, ENVIRONMENT, LOT AND UNIT COUNTS, AND ALL OTHER APPLICABLE REGULATIONS. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THIS DOCUMENT IDENTIFIES ALLOWABLE UNITS AND LAND USE BASED ON CURRENT REGULATION.

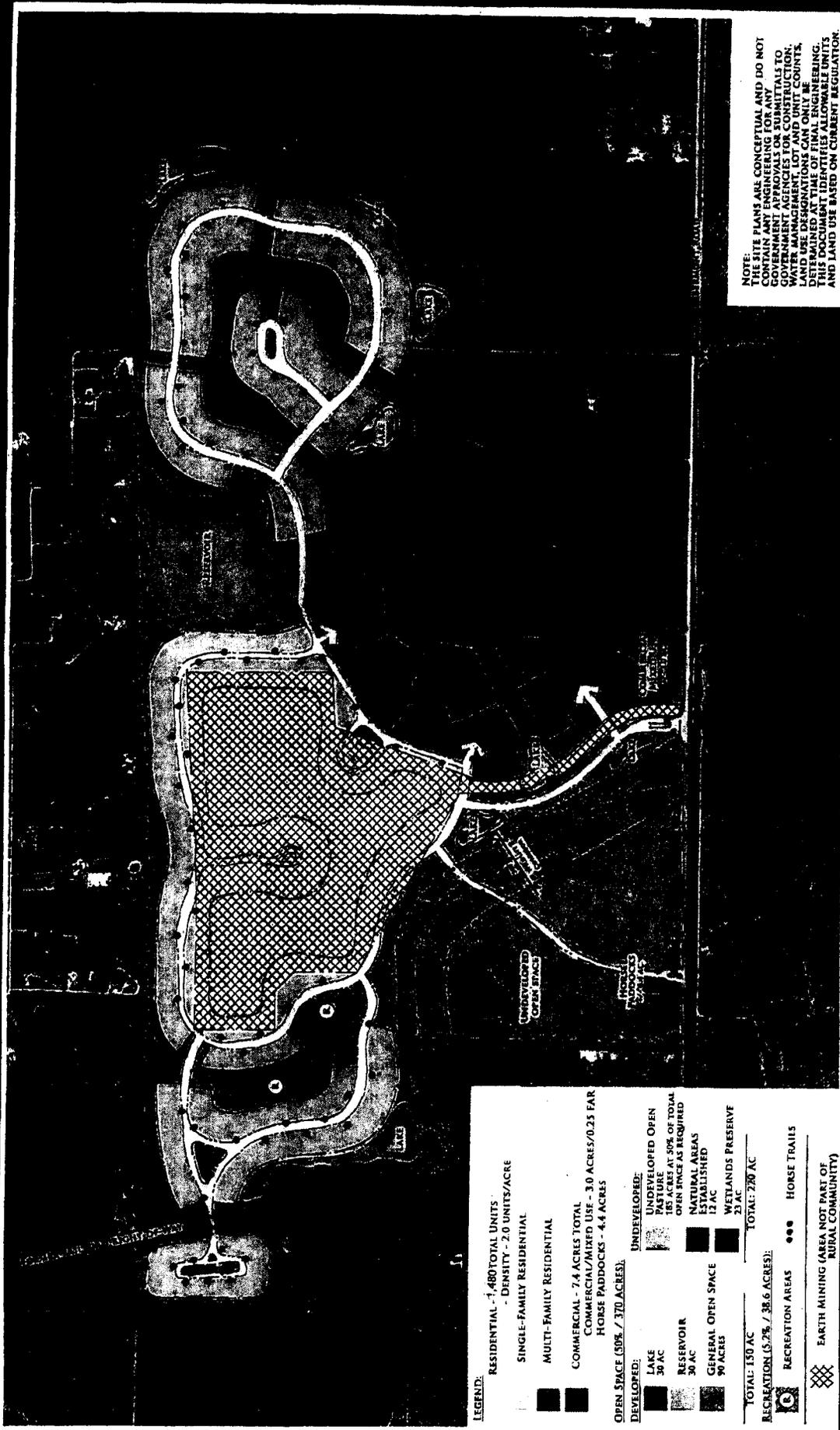
- LEGEND:**
- WETLANDS PRESERVE
 - American Alligator
 - Gopher Tortoise Burrows
 - Kestrel
 - Little Blue Heron
 - Snowy Egret
 - Tricolored Heron
 - White Ibis
 - Wood Stork
 - 500' WILDLIFE CORRIDOR (AS LABELED)
 - EARTH MINING
 - APPROXIMATE FLOOD ZONE LINE
 - EXISTING CITRUS

BIRMONT CREEK, A RURAL COMMUNITY
 CONSISTENT WITH
 THE

WilsonMiller



***Bermont Road Partnership
Master Development Plan B
Conceptual Development Plan***



NOTE:
 THE SITE PLANS ARE CONCEPTUAL AND DO NOT
 CONSTITUTE AN OFFER OF CONTRACT. FOR ANY
 GOVERNMENT AGENCY ENGINEERING FOR ANY
 GOVERNMENT AGENCY ENGINEERING FOR ANY
 WATER MANAGEMENT, LOT AND UNIT COUNTS,
 DISTRICT AND ZONING DESIGNATIONS CAN ONLY BE
 DETERMINED BY THE LOCAL GOVERNMENT.
 THIS DOCUMENT IDENTIFIES ALLOWABLE UNITS
 AND LAND USE BASED ON CURRENT REGULATION.



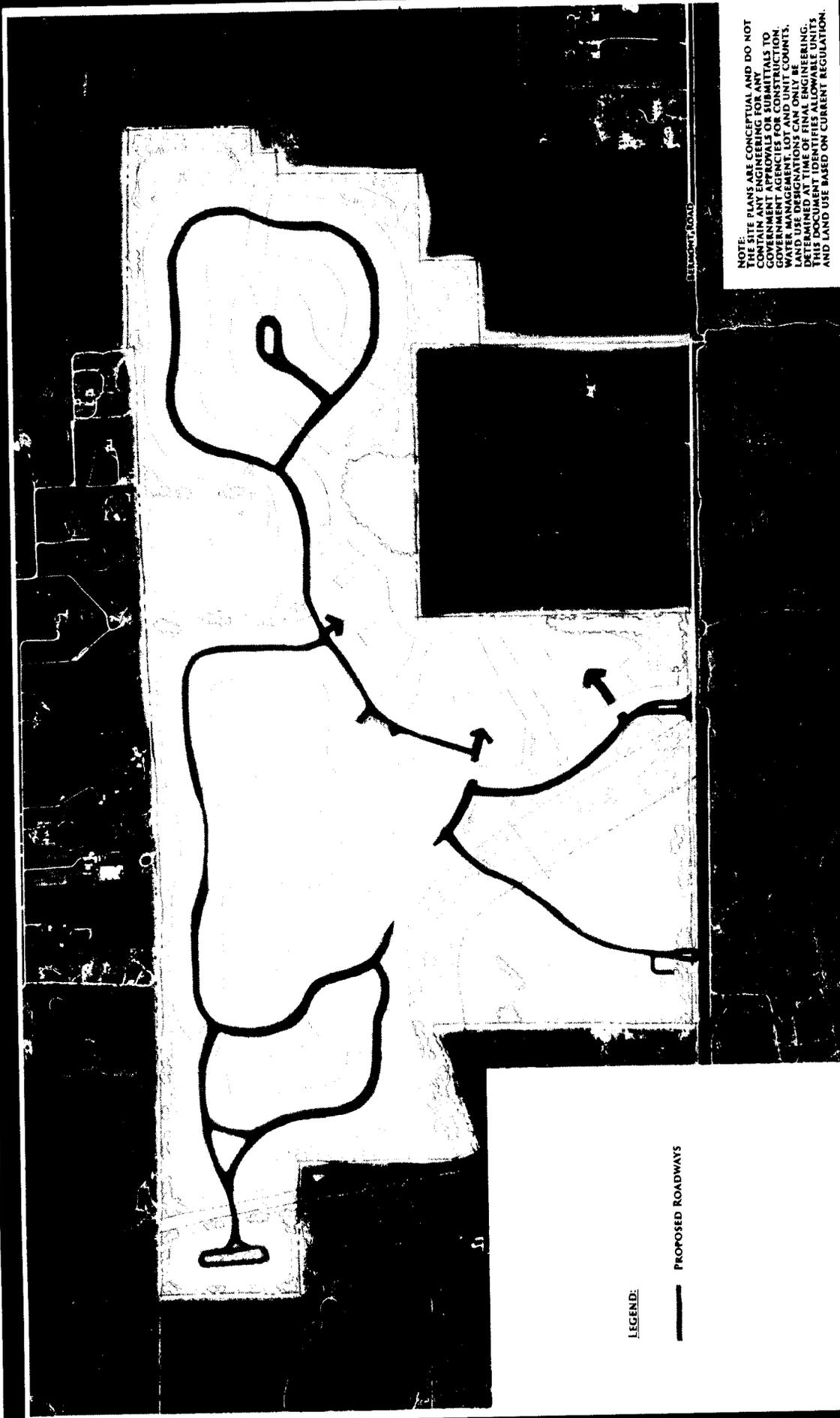
LEGEND:

RESIDENTIAL - 1,480 TOTAL UNITS - DENSITY - 2.0 UNITS/ACRE	UNDEVELOPED: LAKE 36 AC	UNDEVELOPED: PASTURE 185 ACRES AT 50% OF TOTAL OPEN SPACE AS REQUIRED	TOTAL: 720 AC
SINGLE-FAMILY RESIDENTIAL	RESERVOIR 36 AC	NATURAL AREAS 12 AC	RECREATION (5.7% / 38.6 ACRES):
MULTI-FAMILY RESIDENTIAL	GENERAL OPEN SPACE 90 ACRES	WETLANDS PRESERVE 23.4 AC	RECREATION AREAS ●●● HORSE TRAILS
COMMERCIAL - 7.4 ACRES TOTAL COMMERCIAL/MIXED USE - 3.0 ACRES/0.25 FAR HORSE PADDOCKS - 4.4 ACRES	OPEN SPACE (50% / 370 ACRES):		EARTH MINING (AREA NOT PART OF RURAL COMMUNITY)

BERMONT CREEK RURAL COMMUNITY

WilsonMiller

***Bermont Road Partnership
Master Development Plan C
Traffic Circulation Map***



BERMONT CREEK RURAL COMMUNITY
 REGULATORY ASSOCIATION

WilsonMiller

***Bermont Road Partnership
Master Development Plan D
Pattern Book***

THE HOMES OF BERMONT CREEK . . . A RURAL COMMUNITY

The homes of Bermont Creek will present the opportunity for a variety of rural residential products. Single family homes, as defined by the Charlotte County Land Development Code, include a variety of products, all available for fee simple purchase. The traditional single family home on lots ranging from 1/2 acre through estate-size lots will be the predominant residential product. Complimenting those products will be a variety of small lot, attached, detached, and town home opportunities.

Bermont Creek is a Rural Community, and, therefore, the design details for the residential structures must be established in order to truly create the rural theme. To accomplish this, the majority of the homes will have porches, both front and back, eave overhangs to help energy efficiency and create shadows and diversity, roof slopes of 10/12, or greater to create volume and replicate barn design, and building materials that are appropriate and say "country" versus materials which would normally be found on homes in urban subdivisions. Metal roofs and flat tile roofs will be the predominant roof material. Homes will be painted using earth tones, thereby blending into the overall environment of the rural area. The home products will be a combination of single-story and multi-story structures, with detached, as well as attached, garages.

**ROAD DESIGN AND ROAD DRAINAGE
OF BERMONT CREEK . . . A RURAL COMMUNITY**

A key element in creating a Rural Community is the design of the road system and road drainage system. Roads create character, and, therefore, the roads of Bermont Creek are specifically designed with gradual easy curves and meander through the Rural Community, minimizing straight sections and maximizing vistas of natural systems and amenities. The western and central entrance will be designed as two lane divided entrances with spacious medians to permit the placement of native vegetation. Throughout the Rural Community, the road system will utilize a drainage system of rural cross-sections of soft shoulders versus the traditional urban suburban design of curb and gutter. The width of the roads in the Rural Community will vary, with most of the internal road system being 22 feet of pavement. Narrow roads help slow traffic and create the feel of a rural experience.

FENCES AT BERMONT CREEK . . . A RURAL COMMUNITY

As Robert Frost wrote, "Good fences make good neighbors." In a Rural Community, this is especially important because the design of the fence helps carry the theme of the Rural Community. Traditional ranch-style fencing using horizontal 3-plank or 4-plank design will be the predominant fence theme. Materials used for the fences will be natural or plastic material replicating natural wood.

Walls, hedges, chain link, and vertical metal fencing will not be permitted, as this replicates an urban theme versus a rural theme.

RESIDENTIAL SETBACKS AT BERMONT CREEK . . . A RURAL COMMUNITY

Not only is the design of the residential structure a key element in creating a rural theme, but also the placement of the residential structures on the lots. Therefore, the residential units on ½ acre through estates will require large setbacks which create spaciousness between the rural road system and the residential structure. Side yard and rear yard setbacks will also be designed to create space and provide "elbow room" between rural neighbors. The small lot detached residential units, attached residential units, and town homes will be designed as independent rural neighborhoods, neatly tucked away as part of the overall Rural Community. This technique will utilize open space, as the set back for the development pod versus setbacks on individual lots.

SIGNAGE AT BERMONT CREEK . . . A RURAL COMMUNITY

Signs say a lot. However, the materials which the signs are made from say even more. The signage in Bermont Creek will utilize natural material, with a central theme for all signs throughout the community. The entrance signs, commercial development signs, internal directional signs, and general information signs will all utilize the same color palette with a unified architectural design.

RURAL COMMERCIAL AREA AT BERMONT CREEK . . . A RURAL COMMUNITY

The Mixed Use Rural Community designation within the Charlotte County Land Development Code requires a commercial component of approximately 1% of the total land area of the development. Therefore, the commercial is intended to be ancillary providing limited services to the residences of the Bermont Creek Rural Community and the general rural area. It is essential that the commercial component be designed with rural character, and, therefore, the buildings will have sloped roofs, overhangs, and porches. Color palettes will be earth tone, thereby blending into the surrounding Rural Community. Signage will be limited to ground signs and low level freestanding signs, as well as incidental signage on the buildings.

Bermont Road . . . A Rural Community

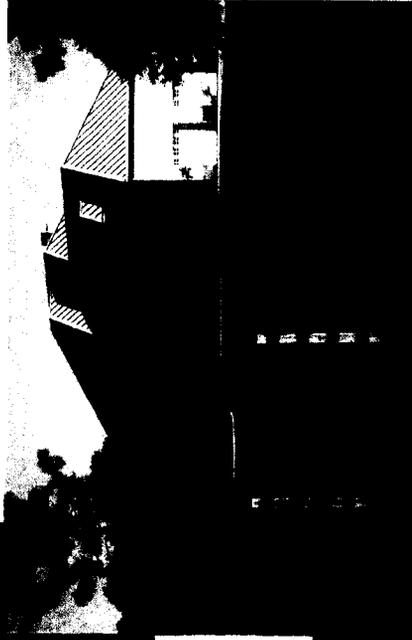
Home styles . . . Like these . . .



***Porches say
"Welcome!"***



Please . . . Fence me in!

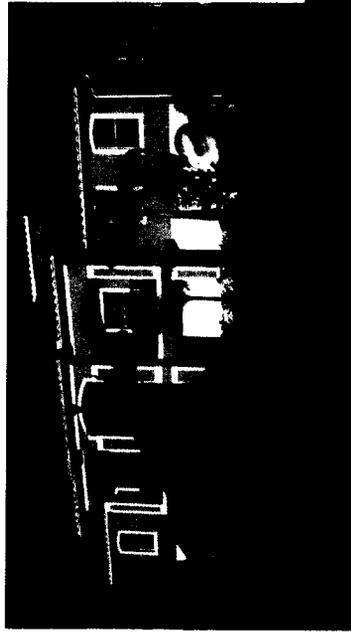


***. . . Roof design with
overhangs and barn-
style pitch***



***Roof materials that
say Country***

Home Styles . . . Not these



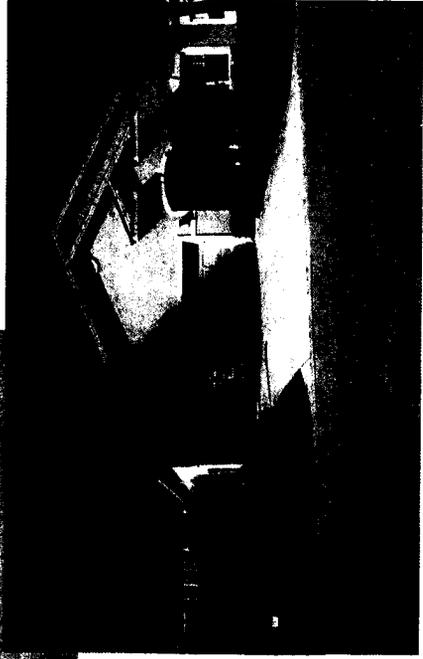
These say

. . . City

. . . Suburbs

. . . Density

. . . the car is King



Bermont Road . . . A Rural Community

Road Drainage . . . Like this



. . . Let it rain



. . . Soft edges



. . . Maximum percolation

Road Drainage . . . Not like this



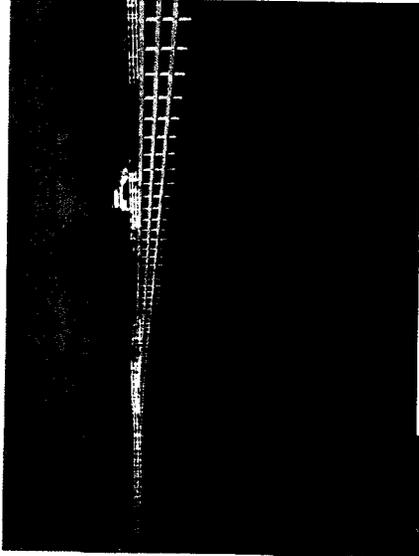
The "C" in curb means City!

Bermont Creek . . . A Rural Community

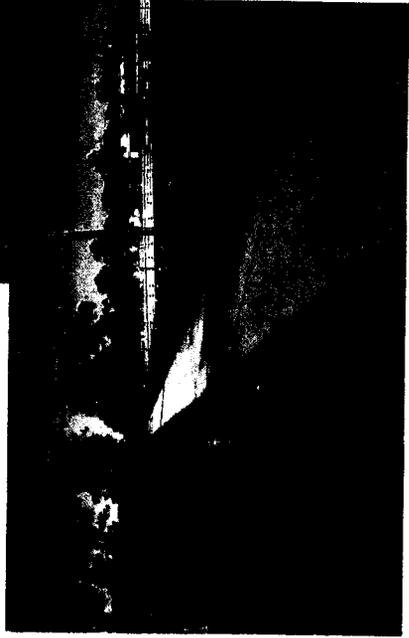
Fence Design . . . like this . . .



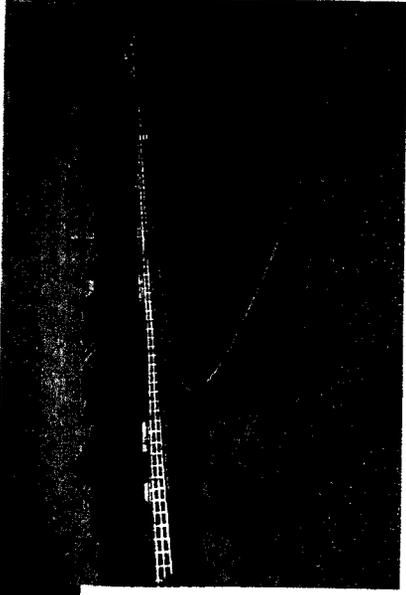
3-plank



4-plank



**Everywhere a
plank, plank**

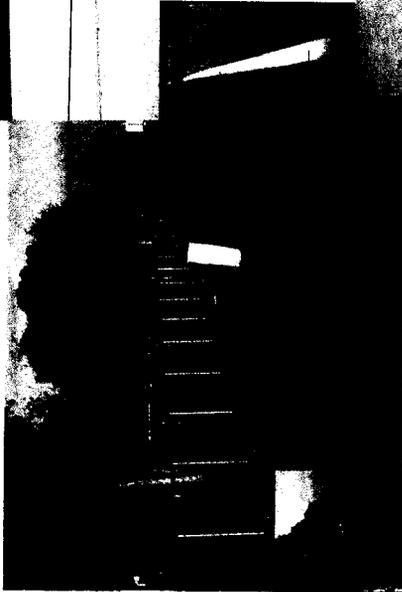


"Good fences make good neighbors"

Fence Design . . . Not like this



. . . Institutional



. . . City



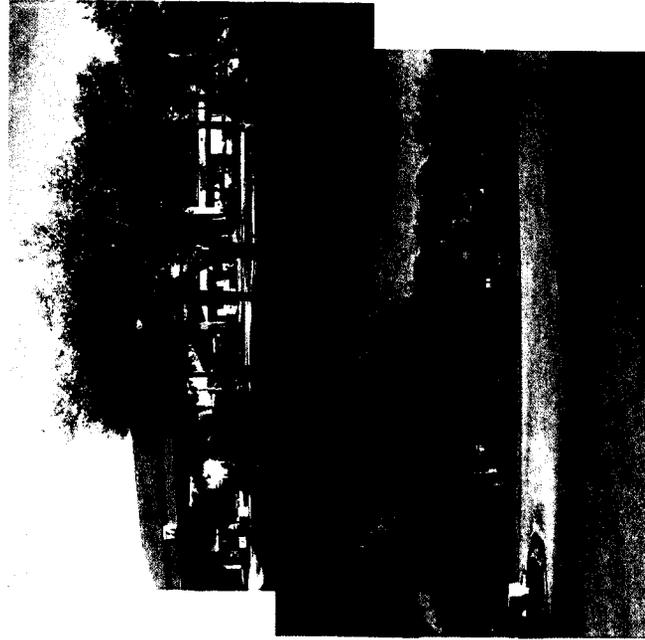
. . . Suburbs



Bermont Creek . . . A Rural Community

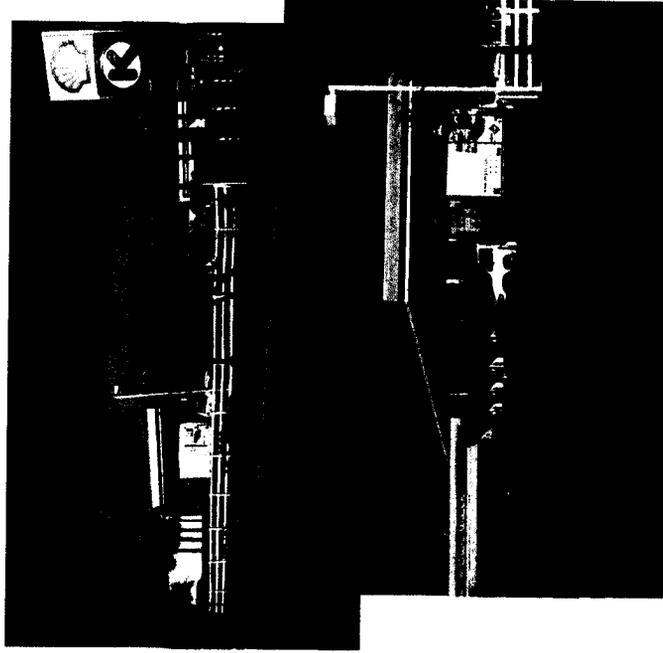
Commercial Design

Like this . . .



- ❖ Roof shingles
- ❖ Well landscaped
- ❖ Native vegetation
- ❖ Modest signage
- ❖ Proper earth tones

Not this!



Plastic, Plastic, Plastic

Landscape Design . . . Not like this



Where are we? Hawaii??



. . . Let's play follow the leader

**This says man
made!**

Bermont Creek . . . A Rural Community

Signs . . . Like these



To Grandmother's
house we go!!

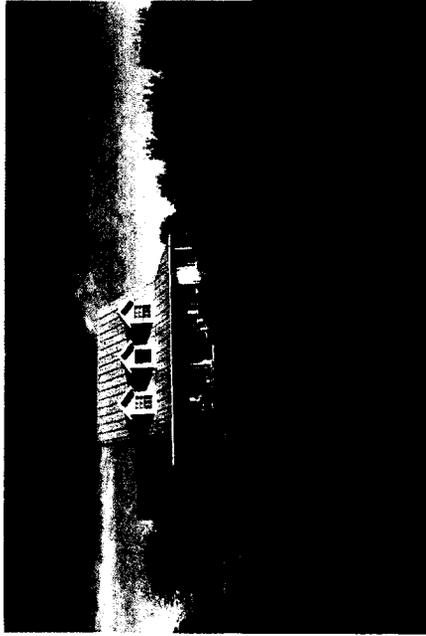
. . . Natural material

. . . Earth tones

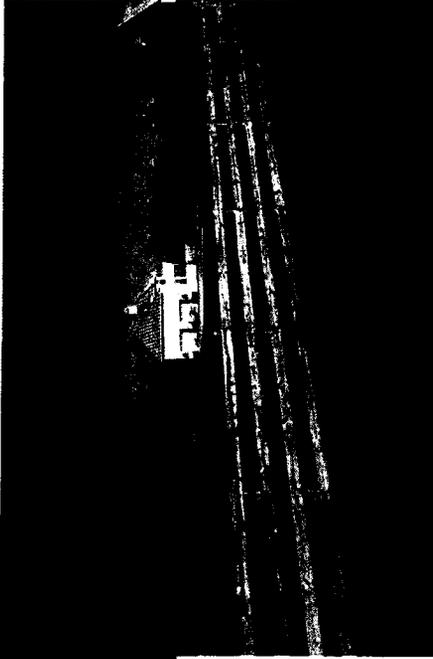


Bermont Creek . . . A Rural Community

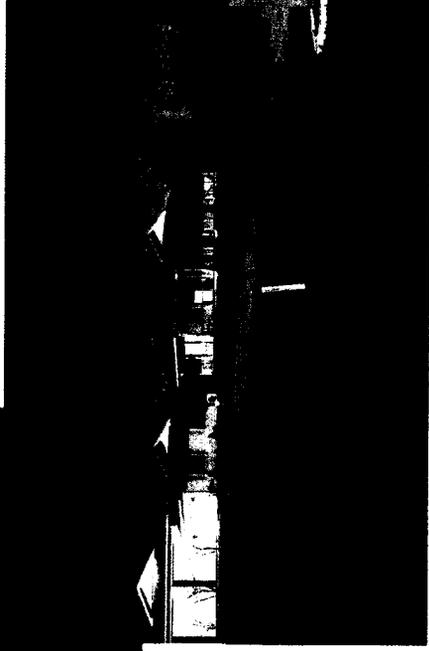
Home Set Backs . . . Like these



. . . Spacious . . .
These let you stretch!!

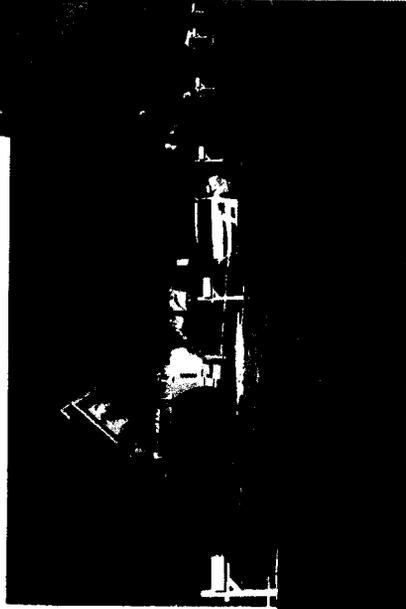


. . . Room to play all day!



Home Setbacks . . . Not like these

These say . . . No room to stretch



. . . No room to park



. . . No room to play

Bermont Creek . . . A Rural Community

Road Design . . . Like these

. . . Shady lanes

Slow and easy . . .



. . . Nature first

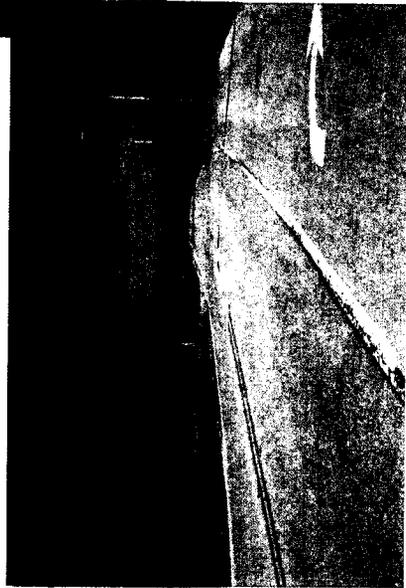
Roads second . . .

Road Design . . . Not like these

. . . Wide and fast



. . . An island in a sea of asphalt



❖ Curbs
❖ 14-foot lanes

Bermont Road Partnership Master Development Plan E Population Projections

According to the revised project narrative, individual project phases have not been determined at this time; however, the applicant has provided the population projection based on 1.95 persons per single-family dwelling unit (data from "Charlotte County Population and Employment Projections Technical Memorandum", prepared by Renaissance Planning Group, dated December 1, 2008) multiplied by the total number of built-out units (which is 1,480), for a total development population of 2,886.

Bermont Road Partnership Master Development Plan F Student Projections

According to the application, the applicant provided the projections of school-age children using the adopted student generation rates, showing that the proposed development will generate 96 elementary students, 53 middle school students, and 75 high school students. Because the increase in on-site density will come from transfers of residential density units, the project will not result in any additional students. In addition, per this requirement, the applicant/developer must provide an opportunity for the School Board to consider establishment of needed schools within a central portion of the development.

ATTACHMENT 1

LEGAL DESCRIPTION: (PROVIDED BY CLIENT) (PARCEL ONE)

THE WEST 1/2 OF SECTION 33, TOWNSHIP 40 SOUTH, RANGE 24 EAST, CHARLOTTE COUNTY, FLORIDA; LESS STATE ROAD RIGHT-OF-WAY.

CONTAINING 317.26 AC. MORE OR LESS.

TOGETHER WITH:

LEGAL DESCRIPTION: (A PORTION OF LANDS DESCRIBED IN O.R. BOOK 2080, PG. 1910) (PARCEL TWO)

THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 TOGETHER WITH THE WEST 1/2 OF THE NORTHEAST 1/4 TOGETHER WITH THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 40 SOUTH, RANGE 24 EAST, CHARLOTTE COUNTY, FLORIDA, LYING NORTH OF THE CENTERLINE OF MYRTLE SLOUGH MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 32, SAID POINT ALSO BEING ON THE CENTERLINE OF COUNTY ROAD 74 (100 FEET WIDE); THENCE N 89° 38' 10" W, ALONG THE SOUTH LINE OF SAID SECTION 32 AND THE CENTERLINE OF SAID COUNTY ROAD 74, 1325.90 FEET TO THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 32; THENCE N 00° 31' 36" E, A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 74

THENCE N 89° 38' 10" W, ALONG THE NORTHERLY RIGHT-OF-WAY, 845.80 FEET TO THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE AND THE EASTERLY RIGHT-OF-WAY LINE OF THE SEABOARD (ABANDONED) RAILROAD; THENCE N 10° 31' 11" W, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 2123.03 FEET TO THE CENTERLINE OF SAID MYRTLE SLOUGH AND THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED:

THENCE CONTINUE NORTH 10° 31' 11" WEST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 514.46 FEET TO THE NORTH LINE OF THE SOUTHWEST 1/4; THENCE SOUTH 89° 40' 25" EAST ALONG SAID NORTH LINE, A DISTANCE OF 33.13 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 32; THENCE NORTH 00° 35' 53" EAST ALONG THE WEST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4, A DISTANCE OF 1301.40 FEET; THENCE NORTH 89° 15' 00" WEST ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 1320.73 FEET; THENCE NORTH 00° 39' 40" EAST ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 1310.78 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 AND THE NORTH LINE OF SECTION 32; THENCE SOUTH 88° 50' 31" EAST ALONG SAID NORTH LINE, A DISTANCE OF 1318.35 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST 1/4 BEING MARKED BY A 1 1/2" IRON PIPE; THENCE SOUTH 89° 01' 03" EAST ALONG SAID NORTH LINE, A DISTANCE OF 1316.33 FEET TO A POINT MARKED BY AND IRON ROD & CAP (#2668) AND THE NORTHWEST CORNER OF LANDS DESCRIBED IN O.R. BOOK 2385, PAGE 1410, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE SOUTH 00° 33' 15" WEST ALONG THE COMMON LINE WITH LANDS DESCRIBED IN SAID O. R. BOOK 2385, PG. 1410, A DISTANCE OF 2598.92 FEET TO THE CENTERLINE OF MYRTLE SLOUGH; THENCE SOUTH 87° 50' 12" WEST, A DISTANCE OF 2.86 FEET; THENCE SOUTHWESTERLY MEANDERING THE SINOSITIES OF SAID CENTERLINE (BEING SUBTENDED BY A COURSE OF SOUTH 68° 46' 09" WEST AND A DISTANCE OF 1344.78 FEET TO THE POINT OF BEGINNING.

LESS & EXCEPT:

THAT PORTION OF FORMER SEABOARD RAILROAD RIGHT-OF-WAY (100 FEET WIDE) ALSO REFERRED TO AS ZEMEL GRADE, LYING IN THE NORTHEAST 1/4 OF THE OF THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

TOGETHER WITH:

AND INGRESS & EGRESS EASEMENT OVER AND ACROSS THE NORTHERLY 50 FEET OF THAT PORTION OF FORMER SEABOARD RAILROAD RIGHT-OF-WAY (100' WIDE) ALSO REFERRED TO AS ZEMEL GRADE, LYING IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 40 SOUTH, RANGE 24 EAST,

CHARLOTTE COUNTY, FLORIDA.

TOGETHER WITH:

AN INGRESS & EGRESS EASEMENT OVER THE EASTERLY 50 FEET OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 40 SOUTH, RANGE 24 EAST, CHARLOTTE COUNTY, FLORIDA, LYING SOUTH OF THE CENTERLINE OF MYRTLE SLOUGH.

SUBJECT TO:

AN EASEMENT FOR THE PURPOSE OF THE INSTALLATION AND MAINTENANCE OF AN IRRIGATION LINE OVER A PORTION OF SECTION 32, TOWNSHIP 40 SOUTH, RANGE 24 EAST, CHARLOTTE COUNTY, FLORIDA, BEING 10 FEET IN WIDTH, LYING 5 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4; THENCE RUN NORTH 89° 01' 03" WEST ALONG THE NORTH LINE OF SAID SECTION 32, A DISTANCE OF 72.84 FEET; THENCE SOUTH 00° 33' 15" WEST, A DISTANCE OF 1149.68 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE HEREIN DESCRIBED AND AN ARTESIAN WELL; THENCE SOUTH 89° 26' 45" EAST, A DISTANCE OF 42.84 FEET; THENCE SOUTH 00° 33' 15" WEST PARALLEL WITH THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4, A DISTANCE OF 1492.86 FEET TO THE POINT OF TERMINUS.

TOGETHER WITH:

LEGAL DESCRIPTION: (PROVIDED BY CLIENT) (PARCEL THREE)

A PARCEL OF LAND LYING WITHIN SECTION 32, TOWNSHIP 40 SOUTH, RANGE 24 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID SECTION 32, BEAR NORTH 00°00'55" WEST, ALONG THE EAST LINE OF SAID SECTION, A DISTANCE OF 50.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 74 AND THE POINT OF BEGINNING;

THENCE CONTINUE NORTH 00°00'55" WEST, ALONG SAID EAST LINE, A DISTANCE OF 2592.26 FEET TO A CONCRETE MONUMENT LOCATING THE EAST QUARTER SECTION CORNER; THENCE NORTH 00°04'41" EAST, 2573.11 FEET TO A CONCRETE MONUMENT; THENCE NORTH 89°24'28" WEST, 1313.95 FEET; THENCE SOUTH 00°08'11" WEST, 2598.92 FEET; THENCE SOUTH 89°06'12" WEST, 2.94 FEET; THENCE SOUTH 00°06'30" WEST, 2580.00 FEET TO SAID NORTH RIGHT-OF-WAY LINE; THENCE SOUTH 90°00'00" EAST, (EAST), ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1325.06 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION: (LESS & EXCEPT MINE PARCEL)

A PARCEL OF LAND LYING IN SECTIONS 32 & 33, TOWNSHIP 40 SOUTH, RANGE 24 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST LINE OF SAID SECTION 33 AND THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD #74 (100' RIGHT-OF-WAY); THENCE RUN SOUTH 89°52'58" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1790.07 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED:

THENCE RUN NORTH 00°07'08" WEST, A DISTANCE OF 271.43 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, HAVING AS ELEMENTS, A RADIUS OF 640.00 FEET, A CENTRAL ANGLE OF 44°52'52" AND A CHORD BEARING

03-9768B.txt

OF NORTH 22°33'34" WEST; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 501.33 FEET TO THE POINT OF TANGENCY; THENCE NORTH 45°00'00" WEST, A DISTANCE OF 241.80 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, HAVING AS ELEMENTS, A RADIUS OF 1360.00 FEET, A CENTRAL ANGLE OF 44°52'52" AND A CHORD BEARING OF NORTH 22°33'34" WEST; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1065.32 FEET TO THE POINT OF TANGENCY; THENCE NORTH 00°07'08" WEST, A DISTANCE OF 299.56 FEET; THENCE NORTH 60°06'44" WEST, A DISTANCE OF 1996.16 FEET; THENCE NORTH 00°10'09" EAST, A DISTANCE OF 617.83 FEET; THENCE NORTH 44°54'55" WEST, A DISTANCE OF 254.64 FEET; THENCE NORTH 89°49'51" WEST, A DISTANCE OF 369.60 FEET; THENCE NORTH 00°10'09" EAST, A DISTANCE OF 787.58 FEET; THENCE SOUTH 89°18'49" EAST, A DISTANCE OF 1266.25 FEET; THENCE NORTH 87°11'54" EAST, A DISTANCE OF 2169.59 FEET; THENCE SOUTH 00°05'24" EAST, A DISTANCE OF 1421.59 FEET; THENCE SOUTH 87°11'54" WEST, A DISTANCE OF 527.11 FEET; THENCE SOUTH 19°52'02" WEST, A DISTANCE OF 1508.32 FEET; THENCE SOUTH 00°07'08" EAST, A DISTANCE OF 105.79 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, HAVING AS ELEMENTS, A RADIUS OF 1240.00 FEET, A CENTRAL ANGLE OF 44°52'52" AND A CHORD BEARING OF SOUTH 22°33'34" EAST; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 971.32 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 45°00'00" EAST, A DISTANCE OF 241.80 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, HAVING AS ELEMENTS, A RADIUS OF 760.00 FEET, A CENTRAL ANGLE OF 44°52'52" AND A CHORD BEARING OF SOUTH 22°33'34" EAST; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 595.33 FEET; THENCE SOUTH 00°07'08" EAST, A DISTANCE OF 271.92 FEET TO THE NORTHERLY RIGHT-OF-WAY OF STATE ROAD #74; THENCE NORTH 89°52'58" WEST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAIN 148.92 ACRES MORE OR LESS.

SUN NEWSPAPERS

Charlotte • DeSoto • Englewood • North Port • Venice

PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Diane Brinckman, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, The Arcadian, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Hearing, was published in said newspaper in the issues of:

June 6, 2011

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Diane Brinckman
(Signature of Affiant)

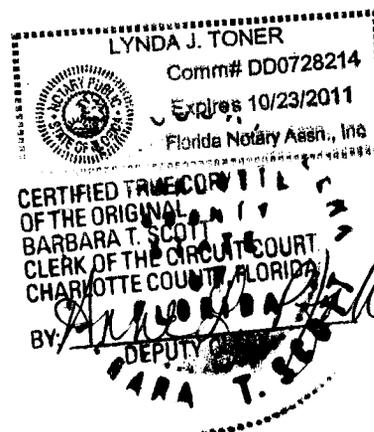
Sworn and subscribed before me this 6th day of June, 2011.

\$ 525.00

Lynda J. Toner
(Signature of Notary Public)
LYNDA J. TONER

Personally known OR Produced Identification

Type of Identification Produced _____





FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

July 8, 2011

Ms. Barbara T. Scott
Clerk of the Circuit Court
Charlotte County
350 East Marion Avenue
Punta Gorda, Florida 33950

RECEIVED AT
HURNOOK BRANCH
2011 JUL 15 AM 8:35
P. J. SCOTT, E. S. J.
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY

Attention: Ms. Susan F. Carleton, Deputy Clerk Commission Minutes

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 27, 2011 and certified copies of Charlotte County Ordinance Nos. 2011-018, 2011-019, 2011-020, 2011-021, 2011-022 and 2011-023, which were filed in this office on July 8, 2011.

Sincerely,

Liz Cloud
Program Administrator

LC/vm

DIRECTOR'S OFFICE
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6282 • TDD: 850.922.4085 • <http://info.florida.gov>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

CAPITOL BRANCH
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282

IMAGED