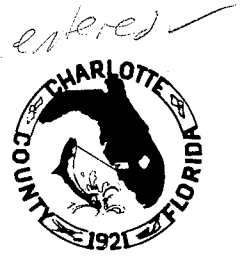
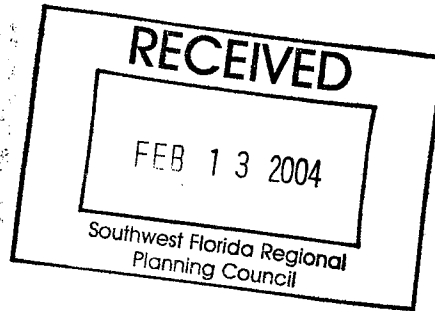


**BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT**

COMMISSION MINUTES



February 12, 2004

Daniel Trescott
Southwest Florida Regional Planning Council
4980 Bayline Drive
4th Floor
North Fort Myers, FL 33918-3909

We are forwarding a certified copy of Resolution #2004-019 as required within the Resolution per item 5 on page 2. This Resolution was approved by the Board of Charlotte County Commissioners on Tuesday, February 10, 2004.

If you have any questions, please contact me directly at (941) 743-1539.

Sincerely,

BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT

By: Anne L Pfahler
Anne L. Pfahler
Deputy Clerk

Enclosure (1)
BTS/alp

RESOLUTION
NUMBER 2004- 019

A RESOLUTION AMENDING RESOLUTION 88-83, A DEVELOPMENT ORDER FOR INCREMENT-I OF THE MURDOCK CENTER DEVELOPMENT OF REGIONAL IMPACT, AS AMENDED AND IMPACTED BY RESOLUTIONS 89-143, 89-368, 92-146, 92-170A, 92-174, AND 2003-53; FINDING THAT BRUCE H. CODVILLE, TRUSTEE'S NOPC TO EXTEND THE BUILDOUT DATE FROM JUNE 14, 2003, TO JUNE 13, 2008, OF PROPERTY LOCATED IN THE GENERAL VICINITY OF S.R. 776 AND TAMiami TRAIL (U.S. 41) IN CHARLOTTE COUNTY DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION UNDER SECTION 380.06(19)(c), FLORIDA STATUTES, AND IS NOT SUBJECT TO THE PUBLIC HEARING REQUIREMENTS SET FORTH UNDER SECTION 380.06(19)(e), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on March 3, 1987, the Board of County Commissioners of Charlotte County, Florida, ("the Board") adopted Resolution 87-48, a Master Development Order for the Murdock Center Development of Regional Impact ("DRI"), pursuant to Section 380.06(21), Florida Statutes, consisting of approximately 646 acres located near the intersection of U.S. 41 and S.R. 776 in Charlotte County; and

WHEREAS, on June 14, 1988, the Board passed and approved Resolution 88-83, constituting the development order for a development of regional impact known as Murdock Center Increment-I consisting of approximately 315 acres of mixed use development; and

WHEREAS, the Development Order adopted by Resolution 88-83 was amended by Resolution 89-143 on July 11, 1989; Resolution 89-368 on December 20, 1989; Resolution 92-147 on July 14, 1992; Resolution 92-170A on August 18, 1992; and Resolution 2003-53 on April 8, 2003, (such Development Order as amended shall hereinafter be referred to as "the Increment-I D.O."), and was impacted by Resolution 89-35 on February 15, 1989; and Resolution 92-174 on August 25, 1992; and

CERTIFIED TRUE COPY
OF THE ORIGINAL
BARBARA Y. SCOTT
CLERK OF THE CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA

BY: *Amelia G. Kahler*
DEPUTY CLERK

WHEREAS, the Southwest Florida Regional Planning Council reviewed and considered the amendments to the Increment-I D.O. requested by Bruce H. Codville, Trustee, in DRI #9-8485-57 and recommended acceptance of the proposed development order language finding that the extension of the buildout date from June 14, 2003, to June 13, 2008, is a proposed change which "either individually or cumulatively with other changes" does not constitute a substantial deviation under Section 380.06(19)(c), F.S., and shall not cause the development to be subject to further DRI review because it does not create a reasonable likelihood of additional regional impacts on regional resources or facilities; and

WHEREAS, the Board has reviewed and considered the amendments to Increment-I D.O. requested by Bruce H. Codville, Trustee, and finds that the amendments are consistent with the Charlotte County Comprehensive Plan, the previously approved Master Development Order, and the Increment-I D.O. and also finds that the extension of the buildout date is not presumed to create a substantial deviation under the standards set forth under Section 380.06(19)(c) and (e), F.S.; and

WHEREAS, this change is not subject to a public hearing pursuant to Section 380.06(19)(e)(1), F.S.; and

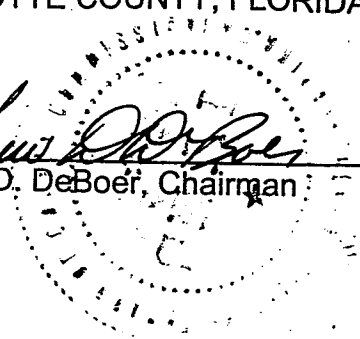
NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida, that:

1. The Increment-I D.O., contained in Resolution 88-83, is hereby amended to extend the buildout date from June 14, 2003, to June 13, 2008.
2. The amendments incorporated herein do not constitute a substantial deviation to the conditions of the Increment-I D.O.
3. All other terms and conditions of the Increment-I D.O. not affected by this resolution shall remain unchanged and in full force and effect.
4. This resolution shall become effective immediately upon its adoption.
5. The Clerk of the Circuit Court is hereby directed to forward a certified copy of this resolution and its attachments to Roger Wilburn, Department of Community Affairs, Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and to Daniel Trescott, Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33918-3909.

PASSED AND DULY ADOPTED this 10 day of February, 2004.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: Matthew D. DeBoer
Matthew D. DeBoer, 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:

Renée Francis Lee
Renée Francis Lee, County Attorney *MLF*



Southwest Florida Regional Planning Council

4980 Bayline Drive, 4th Floor, N. Ft. Myers, FL 33917-9909 (239) 656-7720

P.O. Box 3455, N. Ft. Myers, FL 33918-3455 SUNCOM 749-7720.

FAX (239) 656-7724

January 26, 2004

Robert H. Berntsson
McKinley, Ittersagen, Gunderson & Berntsson, P.A.
18401 Murdock Circle
Port Charlotte, FL 33948-1088

Dear Mr. Berntsson:

On Thursday, January 15, 2004, the Southwest Florida Regional Planning Council (SWFRPC) adopted the Notice of Proposed Change (NOPC) staff assessment for the Murdock Center Increment I build out date extension NOPC without changes. If you have any questions, please let me know.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Marisa Erika Morr
Regional Planner/Assistant DRI Coordinator

cc: Gary Thompson, Charlotte County
Bernard Piawah, Department of Community Affairs

DEVELOPMENT OF REGIONAL IMPACT (DRI) APPLICATION
 CHARLOTTE COUNTY COMMUNITY DEVELOPMENT
 DEPARTMENT

DATE RECEIVED:	RECEIPT #:
PROJECT:	PETITION #:
APPLICANT:	AGENT:
	Phone: Fax:

Please indicate which application (s) are relevant to this project:

- Application for Development Approval
- Application for Master Development Approval
- Application for Incremental Development Approval
- Substantial Deviation
- Development Order Amendment (Notice of Proposed Change)
- Substantial Deviation Determination

Do you intend to submit any of the following associated applications? No if so please indicate below:

- Rezoning
- Planned Development (PD) Concept Plan Approval
- Future Land Use Map (FLUM) Amendment

The following items must be submitted as part of your DRI Application:

- 35 copies of the State's Application for Development Approval (includes Master, increment, and substantial deviation) or the Southwest Florida Regional Planning Council's (SWFRPC) Notice of Proposed Change.
- A draft-copy of the proposed development order or proposed amendment resolution on computer disk and submitted as 8 ½ x 11 size printed copy.
- 35 copies of the Conceptual Development Plan Map H (or two copies at a reproducible size, if legible at 11 x 17 or smaller). *(no map required - change to buildout date only)*.
- Appropriate filing fee with check made payable to the Charlotte County Board of County Commissioners or CCBCC.

AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owners of the majority of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary matters attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be completed and accurate before the hearing can be advertised, and that if I am not the owner of the property, I have attached a notarized authorization from the owner (s) to submit with this application.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 11th day of November, Yr. 2003,

by Robert H. Berntsson who is personally known

to me or has/have produced as identification and who did/did not take an oath.

Pam Sciancalepore
Notary Public Signature

[Signature]
Signature of Applicant or Agent

Pam Sciancalepore
Notary Printed Signature

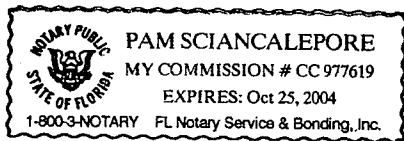
18401 Murdock Circle
Address

Title

Pt. Charlotte, FL 33948
Second Address

Commission

(941) 627-1000
Telephone



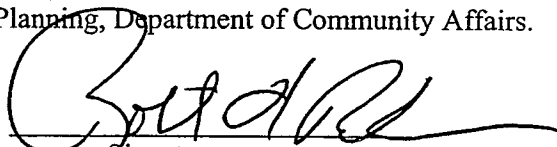
STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF COMMUNITY PLANNING
BUREAU OF LOCAL PLANNING
2555 Shumard Oak Blvd. Tallahassee, Florida 32399
850/488-4925

**NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES**

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, **ROBERT H. BERNTSSON**, the authorized representative of **BRUCE H. CODVILLE**, **TRUSTEE**, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the **Increment I of the Murdock Center Development of Regional Impact**, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to **Charlotte County**, to the **Southwest Regional Planning Council**, and to the Bureau of Local Planning, Department of Community Affairs.

November 11, 2003
Date


Signature

2. Applicant:

BRUCE H. CODVILLE, TRUSTEE, 1525 S. Tamiami Trail, Suite 603, Venice, FL 34285

3. Authorized Agent:

ROBERT H. BERNTSSON, 18401 Murdock Circle, Pt. Charlotte, FL 33948.

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

Port Charlotte, Charlotte County, Section 8, Township 40S, Range 22E

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

Extend build out date for Increment I from June 14, 2003 to June 13, 2008.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.

No change of land use. Chart not submitted.

7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

See attached list

8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.

NONE

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.

YES _____ NO X

10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.

Yes. New build-out date June 13, 2008

11. Will the proposed change require an amendment to the local government comprehensive plan?

No.

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06 (15), F.S., and 9J-2.025, Florida Administrative Code:

12. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

N/A

13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

- a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;
- b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;
- c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;
- d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;
- e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and
- f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025 (7), F.A.C.