

BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT



COMMISSION MINUTES

August 25, 2009

Seann Smith
DRI Coordinator
Charlotte County Growth Management Dept.
18500 Murdock Circle
Port Charlotte, FL 33948

We are forwarding a certified copies of Resolution #2009-237 and Resolution #2009-238 as required within each Resolution. Direction for Resolution 2009-237 per item H, on page 26 and Resolution #2009-238 per item 9, on page 4. This letter was not previously sent. These Resolutions were approved by the Board of Charlotte County Commissioners on Tuesday, August 18, 2009.

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 (2)
BTS/alp

Chg
BCL
#14

RESOLUTION
NUMBER 2009- 238

A RESOLUTION AMENDING RESOLUTION 2006-025, RESOLUTION 2004-243, RESOLUTION 2003-083, RESOLUTION 2002-109, RESOLUTION 94-111 AND RESOLUTION 89-141, AMENDING THE DEVELOPMENT ORDER FOR THE VICTORIA ESTATES DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR A REVISED MAP H "A-1" VICTORIA ESTATES DRI, TRACT A MASTER LAND USE PLAN; PROVIDING FOR A REVISED EXHIBIT 1-A TRACT "A"; PROVIDING FOR A REVISED EXHIBIT 3; FINDING THAT THIS AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING AN EFFECTIVE DATE.

CERTIFIED TRUE COPY
OF THE ORIGINAL
BARBARA SCOTT
CLERK OF THE CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA
BY: *[Signature]*
DEPUTY CLERK

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3412, PGS 410-417 8 pg(s)
INSTR # 1873203
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RECITALS

WHEREAS, on July 11, 1989, the Board of County Commissioners of Charlotte County, Florida (herein "the Board"), approved Resolution 89-141, constituting the Development Order for a development known as Victoria Estates Development of Regional Impact (herein "the Victoria Estates DRI"); and

WHEREAS, on June 21, 1994, the Board approved Resolution 94-111 thereby amending Resolution 89-141, extending the effective period of the Development Order for Victoria Estates DRI, amending the Land Use and Phasing Schedule, and determining that such amendments did not constitute a substantial deviation of the previously approved Development Order (such Development Order created by Resolution 89-141 as amended by Resolution 91-111 herein referred to as "the Development Order" or "Victoria Estates DRI Development Order"); and

WHEREAS, the Development Order allows a total of 1,700 mobile homes, 370,000 square feet of commercial and office uses, and a 18-hole golf course on separate parcels identified as Tracts A and B; and

WHEREAS, the Board approved Resolution 96-042 that rezoned Tract A from Mobile Home Park (MHP) to Planned Development (PD) and concurrently approved a Planned Development plan (PD-96-3) that allows a mix of housing types consisting of detached residential and mobile homes for Tract A; and

WHEREAS, on August 13, 2002, the Board approved Resolution 2002-109 thereby amending the Development Order, extending the effective date of the Development Order to December 30, 2004, amending the Land Use and Phasing Schedule, and finding those changes did not constitute a substantial deviation; and



WHEREAS, infrastructure, 18-hole golf course, lakes, open space and other development components of Tract A were essentially completed by the extended effective date of December 30, 2004 for the Development Order; and

WHEREAS, on May 27, 2003, the Board approved Resolution 2003-083 thereby amending the Development Order, as a condition for rezoning Tract B from MHP to PD (Resolution No. 2002-064 and Planned Development Plan PD-02-1), that involved reduction in construction of 360 mobile homes to 205 conventional site-built residential units, relocation of ingress and egress for Tract B, redistribution of recreational area within Tract B, and finding those changes did not constitute a substantial deviation; and

WHEREAS, on November 23, 2004, by adoption of Resolution 2004-243, the Board approved an amendment to the Development Order for Victoria Estates DRI, extending the effective period of the Development Order to May 31, 2007 allowing additional time for market absorption of remaining vertical residential and commercial construction on Tract A, commencing of construction on Tract B, amending the Land Use and Phasing Schedule, and finding that those changes did not constitute a substantial deviation; and

WHEREAS, on February 14, 2006, the Board approved Resolution 2006-025 providing for a revised Map H "A-1," a revised Map H "B-1-1," updating the Land Use and Phasing Schedule, providing monitoring report requirements and deadlines, providing a Rampart Boulevard improvement plan, extending the effective date of the development order to May 31, 2010 and finding those changes did not constitute a substantial deviation; and

WHEREAS, the Board has reviewed and considered the requested amendment and finds that it is not inconsistent with the Charlotte County Comprehensive Plan or local land use regulations, or with the previously approved Development Order, and also finds that, pursuant to Section 380.06 (19), F.S., the amendments do not constitute a substantial deviation.

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

1. For Tract A, Map H1, Master Development Plan, contained in Resolution 89-141, which was deleted in its entirety and replaced with Map H-"A" and Map H-"A-1" in Resolution 2002-109, Resolution 2003-083, Resolution 2004-242 and Resolution 2006-025, respectively, is hereby deleted in its entirety and replaced with Map H-"A-1" contained in Exhibit 1 of this Resolution.

2. Exhibit 1-A Tract "A" of Resolution 89-141 is hereby deleted in its entirety and replaced with Exhibit 1-A Tract "A" contained in Exhibit 2 of this Resolution.

3. Exhibit 3, Section 12 Commercial Areas of Resolution 89-141 is hereby deleted in its entirety and replaced with the following:

12. COMMERCIAL AREAS

- a. The applicant proposes to develop a 28.574 acre parcel and a 17.18 acre parcel within the project for commercial use. Both parcels have the appropriate designation on the comprehensive plan's future land use map for commercial development.

4. Exhibit 3, Section 4 Transportation of Resolution 89-141 is hereby amended to add the following new subparagraph e:

- e. The applicant shall extend Rampart Boulevard from Kings Highway to Loveland Boulevard (hereafter the "Extension"). The applicant shall receive impact fee credits equal to the total cost of designing, permitting and constructing the Extension.

5. Paragraph 5 of Resolution 2006-025 is hereby amended as follows:

- 5. The ~~effective date of~~ the Development Order is extended to May 31, ~~2010~~ 2013 to allow additional time for demolition of mobile homes and construction of vertical development on Tract A as presented in Map H "A-1" of Exhibit 1, Tract B as presented in Map H "B-1-1" of Exhibit 2 and Exhibit 3 of this Resolution. Charlotte County agrees that May 31, ~~2010~~ 2013 is the date until which that the approved DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred, or that the development order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare pursuant to 9J-2.025, F.A.C.

6. The amendments to the Development Order contained in this Resolution do not constitute a substantial deviation to the conditions of Victoria Estates DRI Development Order adopted by Resolution 89-141, as amended.

7. All other terms and conditions of the Victoria Estates DRI Development Order adopted by Resolution 89-141, as amended, not affected by this Resolution shall remain unchanged and in full force and effect.

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

9. The Clerk of the Circuit Court is hereby directed to forward certified copies of this Resolution to Department of Community Affairs, Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399; and to Southwest Florida Regional Planning Council, 1925 Victoria Avenue, Ft. Myers, Florida 33901.

PASSED AND DULY ADOPTED this 18 day August, 2009.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: Patricia M. Duffy
Patricia M. Duffy, Chair

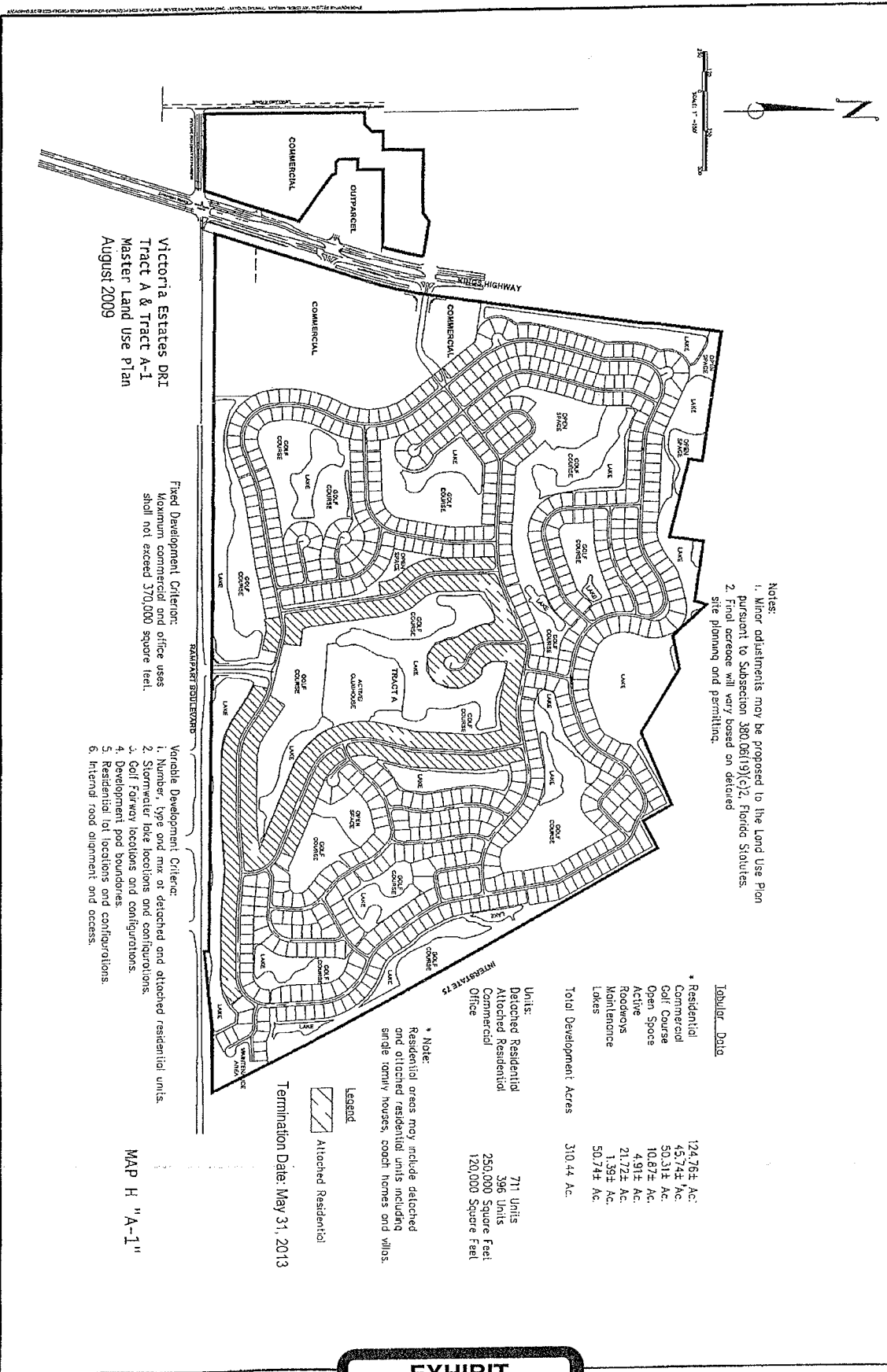
ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-officio
Clerk to Board of County Commissioners

By: Anne L. Bahler
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Janette S. Knowlton
Janette S. Knowlton, County Attorney LR09-444
RB

EXHIBIT 1



Victoria Estates DRI
Tract A & Tract A-1
Master Land Use Plan
August 2009

Fixed Development Criteria:
Maximum commercial and office uses
shall not exceed 370,000 square feet.

- Variable Development Criteria:
1. Number, type and mix of detached and attached residential units.
 2. Stormwater lake locations and configurations.
 3. Golf Fairway locations and configurations.
 4. Development pod boundaries.
 5. Residential lot locations and configurations.
 6. Internal road alignment and access.

Termination Date: May 31, 2013

Legend
Attached Residential

* Note:
Residential areas may include detached and attached residential units including single family houses, coach homes and villas.

Units:
Detached Residential 711 Units
Attached Residential 396 Units
Commercial 250,000 Square Feet
Office 120,000 Square Feet

Total Development Acres 310.44 Ac.
* Residential 124,76± Ac.
Commercial 45,74± Ac.
Golf Course 50,31± Ac.
Open Space 10,87± Ac.
Active 4,91± Ac.
Roadways 21,72± Ac.
Maintenance 1,39± Ac.
Lakes 50,74± Ac.

- Notes:
1. Minor adjustments may be proposed to the Land Use Plan pursuant to Subsection 380.06(1)(9)(c)2, Florida Statutes.
 2. Final acreage will vary based on detailed site planning and permitting.

Tabular Data

EXHIBIT

1

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EXHIBIT 2

EXHIBIT 1-A

Tract "A"

Part of Sections 7 and 8, Township 40 South, Range 23 East, Charlotte County, Florida described as follows:

Commence at a pipe filled with concrete found at the Southwest corner of the Southwest quarter of said Section 7; thence South $89^{\circ} 35' 32''$ East along the Southerly line of the Southwest quarter of said Section 7 a distance of 702.29 feet to the Easterly right-of-way line of Kings Highway (100 feet wide); thence North $17^{\circ} 56' 42''$ East along said Easterly right-of-way line a distance of 52.43 feet to a line which is 50 feet Northerly of and parallel with the Southerly line of said Section 7 for the Point of Beginning; thence South $89^{\circ} 35' 32''$ East along said parallel line a distance of 1947.16 feet; thence South $89^{\circ} 35' 59''$ East continuing along said parallel line a distance of 2664.35 feet to the Westerly line of premises described in Parcel 125 by Order of Taking dated July 21, 1976 recorded in Official Records Book 536 on Pages 185 and 186 of the Public Records of Charlotte County, Florida (the following 7 calls are along the lines of said premises described in Parcel 125); thence North $84^{\circ} 02' 15''$ East a distance of 437.05 feet; thence North $84^{\circ} 02' 27''$ East a distance of 50.28 feet; thence North $89^{\circ} 55' 37''$ East a distance of 403.85 feet; thence North $25^{\circ} 41' 58''$ West a distance of 218.25 feet to the PC of a curve to the left having a central angle of $03^{\circ} 14' 55''$ and a radius of 22,900.31 feet; thence Northwest along the arc a distance of 1292.75 feet; thence North $28^{\circ} 56' 52''$ West a distance of 3012.44 feet; thence North $30^{\circ} 05' 37''$ West a distance of 430.33 feet to its intersection with a line 901.25 feet Southerly of (as measured at right angles) and parallel with the Northerly line of said Section 7; thence North $89^{\circ} 56' 32''$ West along said parallel line a distance of 2224.70 feet to a point in the Easterly line of premises conveyed by Order of Taking dated July 21, 1976 and recorded in Official Records Book 536 on Page 186 of the aforementioned Public Records said point being a point on a curve of which the radius point lies South $67^{\circ} 00' 51''$ East a radial distance of 1467.89 feet (the following 2 calls are along the Easterly line of said premises conveyed by Order of Taking in Official Records Book 536, Page 186); thence Southwest along the arc through a central angle of $14^{\circ} 36' 35''$ a distance of 374.29 feet; thence South $11^{\circ} 13' 44''$ West a distance of 200.92 feet to the aforementioned Easterly right-of-way line of Kings Highway (the following 3 calls are along said Easterly right-of-way line); thence South $08^{\circ} 22' 34''$ West a distance of 2405.79 feet to the PC of a curve to the right having a central angle of $09^{\circ} 34' 08''$ and a radius of 2914.79 feet; thence Southwest along the arc a distance of 486.80 feet; thence South $17^{\circ} 56' 42''$ West a distance of 1013.58 feet to the Point of Beginning.

There is excluded from the above described parcel, the following described land:

Part of Section 7, Township 40 South, Range 23 East, Charlotte County, Florida described as follows:

Commence at a pipe filled with concrete found at the Southwest corner of the Southwest quarter of said Section 7; thence South $89^{\circ} 35' 32''$ East along the Southerly line of the Southwest quarter of said Section 7 a distance of 702.29 feet to the Easterly right-of-way line of Kings Highway (100 feet wide); thence North $17^{\circ} 56' 42''$ East along said Easterly right-of-way line a distance of 52.43 feet to a line which is 50 feet Northerly of and parallel with the Southerly line of said Section 7; thence South $89^{\circ} 35' 32''$ East along said parallel line a distance of 1947.16 feet;

EXHIBIT

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2

Thence South 89° 35' 32" East along said parallel line a distance of 1947.16 feet; thence South 89° 35' 59" East continuing along said parallel line a distance of 2664.35 feet to the Westerly line of premises described in Parcel 125 by Order of Taking, dated July 21, 1976 recorded in Official Records Book 536 on Pages 185 and 186 of the Public Records of Charlotte County, Florida (the following 8 calls are along the lines of said premises described in Parcel 125); thence North 84° 02' 15" East a distance of 437.05 feet; thence North 84° 02' 27" East a distance of 50.28 feet; thence North 89° 55' 37" East a distance of 403.85 feet; thence North 25° 41' 58" West a distance of 218.25 feet to the PC of a curve to the left having a central angle of 03° 14' 55" and a radius of 22,800.31 feet; thence Northwesterly along the arc a distance of 1292.75 feet; thence North 28° 56' 52" West a distance of 1691.13 feet to the Point of Beginning; thence continuing North 28° 56' 52" West a distance of 1321.31 feet; thence North 30° 05' 37" West a distance of 430.33 feet to its intersection with a line 901.25 feet Southerly of (as measured at right angles) and parallel with the Northerly line of said Section 7; thence North 89° 56' 32" West along said parallel line a distance of 2224.70 feet to a point in the Easterly line of premises conveyed by Order of Taking, dated July 21, 1976 and recorded in Official Records Book 536 on Page 186 of the aforementioned Public Records, said point being a point on a curve of which the radius point lies South 67° 00' 51" East a radial distance of 1467.89 feet (the following 2 calls are along the Easterly line of said premises conveyed by Order of Taking in Official Records Book 536, Page 186); thence Southwesterly along the arc through a central angle of 14° 36' 35" a distance of 374.29 feet; thence South 11° 13' 44" West a distance of 200.92 feet to the aforementioned Easterly right-of-way line of Kings Highway; thence South 08° 22' 34" West along said Easterly right-of-way line a distance of 574.74 feet; thence South 81° 37' 22" East a distance of 869.97 feet; thence South 38° 21' 58" West a distance of 82.84 feet; thence South 75° 54' 43" East a distance of 502.48 feet; thence North 08° 21' 46" East a distance of 214.95 feet; thence South 91° 37' 21" East a distance of 381.54 feet; thence North 17° 51' 01" East a distance of 77.69 feet; thence South 42° 40' 19" East a distance of 285.03 feet; thence North 78° 30' 10" East a distance of 211.31 feet; thence South 58° 36' 15" East a distance of 468.58 feet; thence North 67° 07' 58" East a distance of 574.39 feet; thence South 27° 54' 45" East a distance of 200.03 feet; thence North 62° 05' 14" East a distance of 126.82 feet to the Point of Beginning.

There is excluded from the above described parcel, the following described land:

A Tract of land lying in Section 7, Township 40 South, Range 23 East, Charlotte County, Florida described as follows:

Commence at a pipe filled with concrete found at the Southwest corner of the Southwest quarter of said Section 7; thence South 89° 35' 32" East along the Southerly line of the Southwest quarter of said Section 7 a distance of 702.29 feet to the Easterly right-of-way line of Kings Highway (100 feet wide); thence North 17° 56' 42" East along said Easterly right-of-way line a distance of 52.43 feet to a line which is 50 feet Northerly of and parallel with the Southerly line of said Section 7; thence South 89° 35' 32" East along said parallel line a distance of 1947.16 feet; thence South 89° 35' 59" East continuing along said parallel line a distance of 2664.35 feet to the Westerly line of premises described in Parcel 125 by Order of Taking dated July 21, 1976 recorded in Official Records Book 536 on Pages 185 and 186 of the Public Records of Charlotte County, Florida.

(The following B.Calls are along the lines of said premises described in Parcel 125);
thence North 84° 03' 15" East a distance of 437.05 feet; thence North 84° 02' 27" East
a distance of 50.28 feet; thence North 89° 55' 37" East a distance of 403.85 feet;
thence North 25° 41' 58" West a distance of 218.25 feet to the PC of a curve to the
left having a central angle of 03° 14' 55" and a radius of 22,800.31 feet; thence
Northwesterly along the arc of a distance of 1292.75 feet; thence North 28° 56' 52"
West a distance of 1691.13 feet to a SWN concrete monument; thence South 62° 05' 14"
West a distance of 126.82 feet to a SWN capped iron rod for the Point of Beginning;
thence North 27° 54' 45" West a distance of 200.03 feet to a SWN capped iron rod; thence
South 67° 07' 58" West a distance of 73.23 feet to a SWN concrete monument; thence
South 28° 56' 52" East a distance of 206.51 feet to a SWN concrete monument; thence
North 62° 05' 14" East a distance of 69.21 feet to the Point of Beginning.

Together with:

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

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

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

CONTAINING 748,523 SQUARE FEET (17.18 ACRES).