

RESOLUTION NO. 2018-077

**AN AMENDMENT OF THE MASTER DEVELOPMENT ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA FOR THE BABCOCK RANCH COMMUNITY (CHARLOTTE COUNTY), A MASTER DEVELOPMENT OF REGIONAL IMPACT.**



WHEREAS, on February 23, 2007, Babcock Property Holdings, LLC ("Developer"), by and through its authorized agent, WilsonMiller, Inc. in accordance with Subsections 380.06(6) and (21), Florida Statutes, filed an Application for Master Development Approval ("AMDA") of a Development of Regional Impact (DRI) known as the Babcock Ranch Community (hereinafter "BRC") with Charlotte County, Florida ("County") and the Southwest Florida Regional Planning Council ("SWFRPC"); and

WHEREAS, Developer, County, and the SWFRPC entered into a Master DRI Agreement on March 13, 2007 (fully executed March 16, 2007), as required by Section 380.06(21)(b), Florida Statutes ("AMDA Agreement"); and

WHEREAS, the Babcock Ranch Community Independent Special District ("District") was established by the 2007 Session of the Florida Legislature to design, finance, construct, operate, and maintain various infrastructure elements within BRC; and

WHEREAS, on December 13, 2007, the Board of County Commissioners of Charlotte County, Florida ("Board") approved and adopted the Babcock Ranch Community Master Development of Regional Impact Master DRI Development Order ("MDO") under Resolution 2007-196; and

WHEREAS, the MDO was amended on June 17, 2008 under Resolution 2008-063 thereby giving the MDO an effective date of September 1, 2008; and subsequently amended on December 15, 2009 by Resolution 2009-283; December 13, 2011 by

Resolution 2011-485; April 24, 2012 by Resolution 2012-024; on June 11, 2013 by Resolution 2013-033; January 28, 2014 by Resolution 2014-047; on March 22, 2016 by Resolution 2016-034; on July 25, 2017 by Resolution 2017-187; and

WHEREAS, the Developer has timely notified the County of the extension of the phase, expiration and buildout dates for the MDO, as well as the associated mitigation requirements, under Section 73, Chapter 2011-139 Laws of Florida, and in accordance with Section 252.363, Florida Statutes, so that all phase, expiration and buildout dates, as well as associated mitigation dates contained within the MDO were cumulatively extended as hereinafter provided; and

WHEREAS, the Developer and Florida Power & Light have filed a Notice of Proposed Change (NOPC) to amend the MDO; and

WHEREAS, the Charlotte County Planning and Zoning Board has reviewed and considered the report and recommendations of the SWFRPC and held a public hearing to consider the amendments to the MDO on May 14, 2018; and

WHEREAS, on June 12, 2018, the Board, at a public hearing in accordance with Section 380.06, Florida Statutes, considered the application for amendment to the MDO submitted by Developer and Florida Power & Light, the report and recommendations of the SWFRPC, the documentary and oral evidence presented at the hearing before the Board, the report and recommendations of the Charlotte County Planning and Zoning Board, and the recommendations of County staff.

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

1. The Master Development Order (MDO) is hereby amended to extend the buildout date to September 10, 2045 and the expiration date to March 8, 2047.

2. Exhibit B: Master Concept Plan - Map H is hereby amended.


3. BIENNIAL REPORTS section hereby amended as follows:

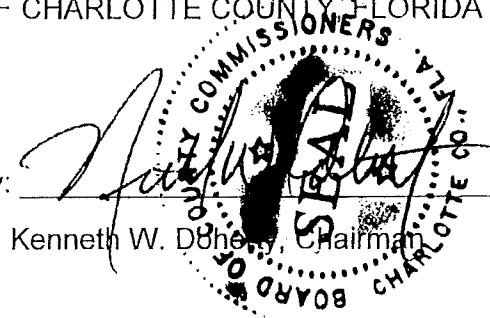
The Developer, or its successor(s)-in-title to the undeveloped portions of the Property, must submit a biennial report to the County, ~~the SWFRPC and the DEO, on Form RPM-BSP Annual Report — 1. This report must describe the stage of development and the status of compliance with the DRI development order conditions as of the date of submission and be consistent with the rules of DEO. The first monitoring report must be submitted to the DRI Coordinator for SWFRPC, DEO, and County no later than two years after the effective date of this development order. Further reporting must be submitted not later than once every two years for subsequent calendar years thereafter, until Buildout, whether actual or declared. Failure to comply with this biennial reporting procedure is governed by Subsection 380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI development order. The Developer must inform successors-in-title to any undeveloped portion of the real property covered by this development order of this reporting requirement.~~

4. All other terms and conditions of the Master Development Order (MDO) not affected by this resolution shall remain unchanged and in full force and effect.

PASSED AND DULY ADOPTED this June 12<sup>th</sup> day of June, 2018.

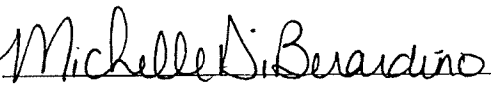
BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By:   
Kenneth W. Doherty, Chairman

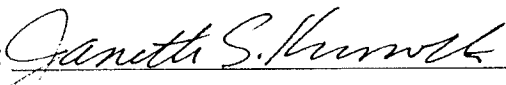



ATTEST:

Roger D. Eaton, Clerk of the 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

LR2018-0314

# EXHIBIT A

## Legal Description

**CHARLOTTE COUNTY PARCEL:**

A parcel of land lying within Sections 29, 31 through 33, Township 41 South, Range 26 East, AND, Sections 4 through 10, Sections 15 through 17 and Sections 19 through 36, Township 42 South, Range 26 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 50.00 feet to a point on the East right-of-way line of State Road No. 31, said point also being the Point of Beginning of the parcel of land herein described; Thence continue S89°41'45"E a distance of 5,189.75 feet to the Southwest corner of Section 32, Township 42 South, Range 26 East; Thence S89°41'45"E a distance of 5,306.08 feet to the Southeast corner of Section 32, Township 42 South, Range 26 East; Thence S89°37'16"E a distance of 5,289.11 feet to the Southwest corner of Section 34, Township 42 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Southeast corner of Section 34, Township 42 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Southwest corner of Section 36, Township 42 South, Range 26 East; Thence S89°35'44"E, along the South line of Section 36, Township 42 South, Range 26 East, a distance of 3,430.66 feet; Thence N00°00'40"W a distance of 10,185.53 feet; Thence N05°46'23"E a distance of 1,058.56 feet; Thence N66°40'38"W a distance of 200.62 feet; Thence S83°12'47"W a distance of 1,373.33 feet; Thence N30°17'33"W a distance of 1,686.63 feet; Thence N70°02'41"W a distance of 1,332.41 feet; Thence S72°42'44"W a distance of 1,430.81 feet; Thence N49°18'31"W a distance of 2,362.25 feet; Thence S69°00'57"W a distance of 1,518.19 feet; Thence S21°08'17"W a distance of 865.44 feet; Thence S20°29'11"E a distance of 1,376.91 feet; Thence N74°38'25"E a distance of 1,635.69 feet; Thence S00°18'50"E a distance of 1,309.92 feet; Thence S89°45'02"W a distance of 4,154.48 feet; Thence N51°39'36"W a distance of 782.53 feet; Thence N04°14'12"E a distance of 1,329.59 feet; Thence N39°20'59"W a distance of 1,779.16 feet; Thence N42°01'35"W a distance of 1,162.94 feet; Thence S52°01'16"W a distance of 818.34 feet; Thence S62°56'46"W a distance of 516.42 feet; Thence S89°59'33"W a distance of 307.20 feet; Thence N80°06'18"W a distance of 334.84 feet; Thence N20°54'51"W a distance of 336.86 feet; Thence N05°03'05"E a distance of 533.35 feet; Thence N22°47'49"E a distance of 5,490.82 feet; Thence N55°42'26"E a distance of 195.73 feet; Thence N21°59'06"W a distance of 1,739.17 feet; Thence N52°37'55"E a distance of 867.75 feet; Thence N13°36'57"W a distance of 2,507.33 feet; Thence S78°50'16"W a distance of 687.95 feet; Thence N19°48'25"W a distance of 366.25 feet; Thence N08°01'21"W a distance of 493.32 feet; Thence N03°43'40"E a distance of 607.22 feet; Thence N00°28'20"E a distance of 674.51 feet; Thence N25°12'33"W a distance of 261.13 feet; Thence N42°54'55"W a distance of 643.19 feet; Thence N32°40'01"W a distance of 186.12 feet; Thence N05°04'15"W a distance of 1,632.77 feet; Thence N19°47'08"W a distance of 527.20 feet; Thence N26°13'22"W a distance of 802.13 feet; Thence S79°06'55"W a distance of 475.20 feet; Thence N74°19'19"W a distance of 1,689.05 feet; Thence N01°26'06"W a distance of 897.42 feet; Thence N89°51'42"W a distance of 67.91 feet; Thence N00°00'03"W a distance of 1,218.37 feet; Thence N39°50'11"W a distance of 190.86 feet; Thence N00°00'29"W a distance of 324.62 feet; Thence N89°59'52"W a distance of 688.20 feet; Thence N00°00'00"E a distance of 1,967.22 feet; Thence N41°13'25"W a distance of 2,825.17 feet; Thence S89°59'57"W a distance of 3,566.80 feet; Thence S00°00'03"E a distance of 2,799.34 feet; Thence S89°11'17"W a distance of 5,960.98 feet to a point on the East right-of-way line for State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances: S00°48'43"E a distance of 2,976.13 feet and S00°34'01"W a distance of 786.25 feet; Thence S89°25'59"E a distance of 4,104.32 feet; Thence S00°01'22"E a distance of 2,084.04 feet; Thence S16°46'15"E a distance of 1,740.24 feet; Thence S09°11'59"W a distance of 1,325.85 feet; Thence S73°15'18"E a distance of 661.15 feet; Thence N59°20'29"E a distance of 577.75 feet; Thence S38°10'48"E a distance of 551.46 feet; Thence S86°25'58"E a distance of 385.80 feet; Thence S24°01'11"E a distance of 875.12 feet; Thence S57°46'34"E a distance of 530.20 feet; Thence S70°04'12"E a distance of 1,843.47 feet; Thence N63°01'21"E a distance of 1,214.99 feet; Thence S50°03'22"E a distance of 2,565.56 feet; Thence S13°56'09"W a distance of 1,953.90 feet; Thence S12°51'59"E a distance of 1,862.33 feet; Thence S71°59'01"W a distance of 448.53 feet; Thence N45°00'57"W a distance of 266.60 feet; Thence S69°50'23"W a distance of 1,104.27 feet; Thence S28°10'55"E a distance of 1,272.60 feet; Thence S62°45'03"W a distance of 4,638.30 feet; Thence S82°12'01"W a distance of 711.48 feet; Thence S81°38'00"W a distance of 5,167.82 feet; Thence N77°54'41"W a distance of 707.32 feet; Thence N69°28'15"W a distance of 289.98 feet to a point on the East right-of-way line for State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances: S00°31'45"W a distance of 4,197.71 feet, S00°26'10"W a distance of 5,282.33 feet and S00°36'46"W a distance of 5,337.00 feet to the Point of Beginning.

Containing 13,630.60 acres, more or less.  
Dimensions and acreage shown are grid values.  
Bearings hereinabove mentioned are based on the South line of Section 31, Township 42 South, Range 26 East to bear S89°41'45"E.

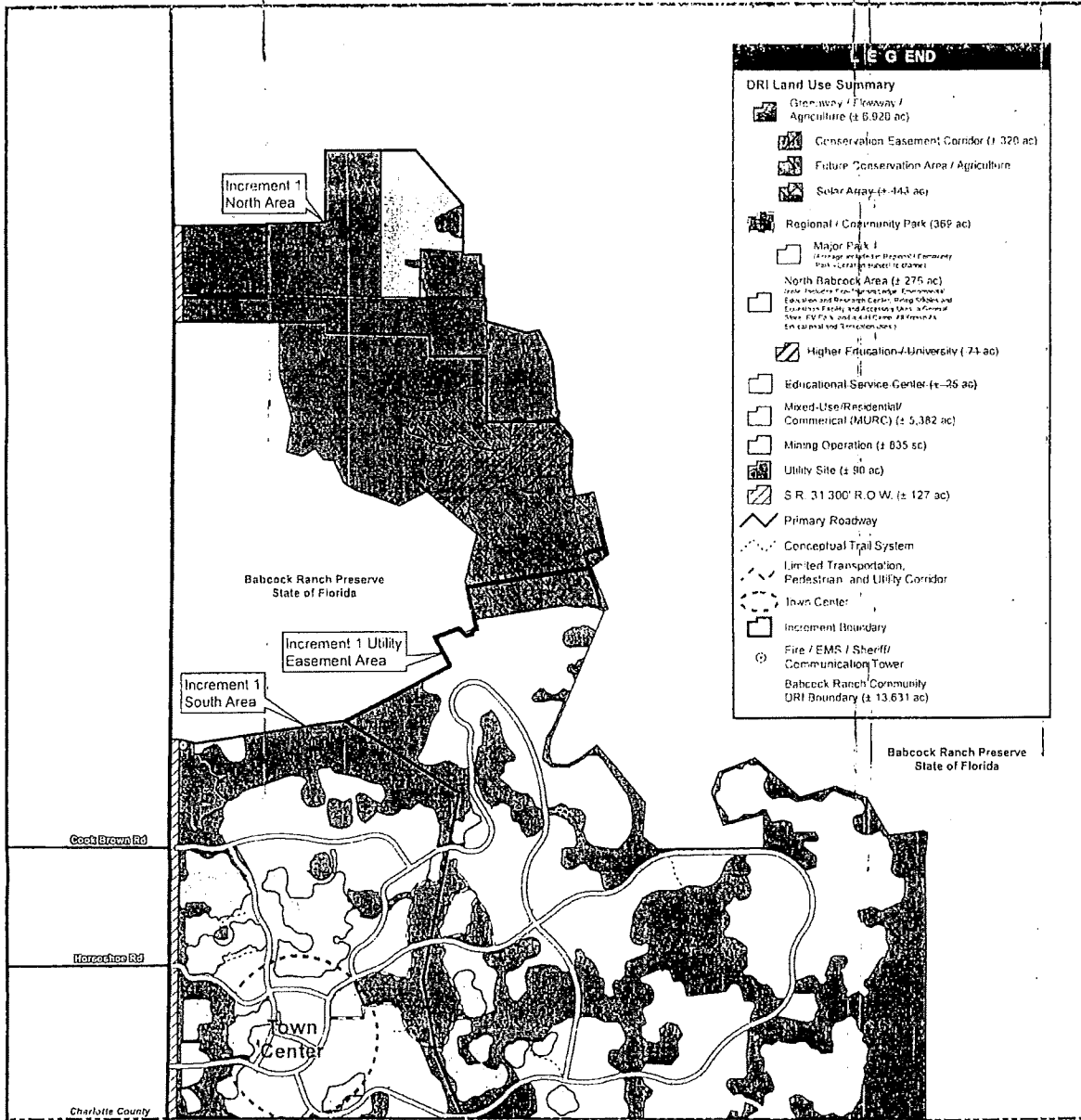
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251 WEST HICKPOCHEE AVENUE  
LABELLE, FLORIDA 33935  
PHONE (863) 612-0594  
FAX (863) 612-0341  
E.B. #842 & L.B. #642

Babcock Ranch Community  
Sketch Of Description

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
January 2007	20055693-602	31-42-26	As Shown	3



LEGEND	
	Greenway / Parkway / Agriculture (± 6,920 ac)
	Conservation Easement Corridor (± 320 ac)
	Future Conservation Area / Agriculture
	Solar Array (± 143 ac)
	Regional / Community Park (369 ac)
	Major Park 1 (Coverage available for Regional Community Park - Certain subject to zoning)
	North Babcock Area (± 275 ac) <small>Note: Includes the Babcock Ranch Environmental Education and Research Center, Living School and Education Facility, and Accessory Uses, a General Use (R-1) and a Future Use (R-2) Area, and an External and Transition Area.</small>
	Higher Education / University (± 74 ac)
	Educational Service Center (± 35 ac)
	Mixed-Use / Residential / Commercial (MURC) (± 5,382 ac)
	Mining Operation (± 635 ac)
	Utility Site (± 90 ac)
	S.R. 31 300' R.O.W. (± 127 ac)
	Primary Roadway
	Conceptual Trail System
	Limited Transportation, Pedestrian, and Utility Corridor
	Town Center
	Increment Boundary
	Fire / EMS / Sheriff / Communication Tower
	Babcock Ranch Community DRI Boundary (± 13,631 ac)

**FIXED AND VARIABLE DEVELOPMENT CRITERIA FOR PROPOSED DEVELOPMENT OF ± 13,631 ACRES LOCATED ON S.R. 31 IN CHARLOTTE COUNTY, FLORIDA**  
**BABCOCK RANCH**

**FIXED DEVELOPMENT CRITERIA**

- Development of the subject property shall not exceed 17,670 dwelling units, 4,000,000 square feet of non-residential uses, including commercial/office/retail space, light industrial, government/civic space (not including schools or churches), assisted living units, hospital beds, and hotel rooms. Ancillary facilities such as education service center, library, park buildings, schools, places of worship, and university research facilities and regional and community park sites will not be allocated to other development components and will not require use of the equity density matrix.
- Agricultural uses shall be permitted throughout the Babcock Ranch Community.
- There shall be a minimum of thirty-five (35%) percent Open Space provided overall.
- Open Space/Conservation Easements shall be addressed during subsequent incremental submissions, and recorded in the Public Records following final permitting.
- When combined with non-residential development in the Lee County Babcock Ranch development, the total non-residential development shall not exceed the total vacant inventory in the Charlotte County Babcock Ranch community development conceptual master plan or be subject to the applicable conservation matrix.
- Solar arrays and related facilities are permitted in all of Increment 1 North Area, except in the Future Greenway, Conservation Easement, and Conservation Easement Corridor.

**VARIABLE DEVELOPMENT CRITERIA**

- The following items will be refined during subsequent incremental review and/or final permitting:
  - Final acreages of all proposed uses;
  - Native habitat preservation, alteration, enhancement, mitigation, and conservation acreages may be modified based on stormwater lake design, other engineering requirements and final permitting;
  - The final location and allocation of civic facilities (i.e. internal parks, schools, emergency services buildings, etc.);
  - The internal road alignments and circulation;
  - The configuration and detail associated with the agriculture areas;
  - The final location, allocation, alignment and use of the conceptual trail system;
  - The location of vehicular access points, including existing temporary entry ways, to external public roadways; and
  - The limited transportation, pedestrian, and utility corridor between the northern most mixed use/residential/commercial area and North Babcock Area.
- The existing mining operations, including areas currently planned or permitted, will be allowed to continue consistent with mining permits for these areas. Additional mining areas may be allowed consistent with subsequent permitting. These areas will be shown on updated maps provided through the DRI monitoring process or through subsequent DRI increments.
- The boundaries of the areas shown as "Mixed Use/Residential/Commercial" (MURC) including Town Center, are conceptual in nature, and may be modified through the subsequent incremental review process. Specific uses to support mixed use or "commercial" included, but not limited to parking, stormwater lakes, preservation areas, parks, or other space may be identified and refined during the review and/or through subsequent permitting consistent with local land development regulations.
- Golf course/Recreation is allowed in MURC.

EXHIBIT  
 "B"