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BCC

RESOLUTION  
2018-031

A RESOLUTION AMENDING RESOLUTION 2017-255, THE SANDHILL DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER; FINDING THAT THIS AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on February 17, 1981, the Board of County Commissioners of Charlotte County, Florida ("Board") approved and adopted a Development Order ("DO") for the Sandhill Development of Regional Impact (DRI) Planned Development (PD-80-4), pursuant to Section 380.06, Florida Statutes; and

WHEREAS, Sandhill Properties requested changes to the Sandhill DO that were considered to be a Substantial Deviation from (PD-80-4), and an Application for Development Approval ("ADA") was submitted by Sandhill Properties on September 30, 1985 as well as two supplemental sufficiency responses; and

WHEREAS, on September 9, 1986, the Board approved and adopted Resolution 86-230 which amended the Sandhill DO (PD-80-4) adopted on February 17, 1981; and

WHEREAS, the Sandhill DO adopted by Resolution 86-230 was amended by various resolutions including, but not limited to, Resolution 86-325 on November 18, 1986; Resolution 87-07 on January 20, 1987; Resolution 87-156 on July 21, 1987; Resolution 87-289 on December 15, 1987; Resolution 88-56 on April 19, 1988; Resolution 88-57 on April 19, 1988; Resolution 88-235 on October 4, 1988; Resolution 88-282 on December 20, 1988; Resolution 89-42 on February 21, 1989; Resolution 89-90 on April 25, 1989; Resolution 89-324 on October 24, 1989; Resolution 89-330A on October 31, 1989; Resolution 90-258 on October 16, 1990; Resolution 91-99 on May 21, 1991; and Resolution 91-123 on June 18, 1991; and

WHEREAS, Wallace B. Hinshaw, Jr. and James E. Moore, III, as Trustees requested changes to the Sandhill DO which constituted a Substantial Deviation from the approved DRI and an ADA was submitted on October 23, 1991, as well as one supplemental sufficiency statement on February 10, 1992; and

WHEREAS, on December 15, 1992, the Board approved and adopted Resolution 92-285 which amended the Sandhill DO; and



Certified to be a true and correct copy of the original document on file in my office.  
Witness my hand and official seal this 15th day of March, 2018.  
ROGER D. EATON  
Clerk of the Circuit Court  
By: [Signature] Deputy Clerk

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WHEREAS, the Sandhill DO adopted by Resolution 92-285 was amended by various resolutions including, but not limited to, Resolution 93-59 on May 4, 1993; Resolution 97-0610A0 on July 15, 1997; Resolution 2002-064 on May 28, 2002; Resolution 2002-178 on November 12, 2002; Resolution 2003-028 on February 11, 2003; Resolution 2006-026 on February 21, 2006; Resolution 2006-027 on February 21, 2006, Resolution 2006-173 on September 19, 2006; Resolution 2006-212 on November 21, 2006; Resolution 2007-112 on August 14, 2007; Resolution 2007-161 on October 16, 2007; Resolution 2008-029 on March 18, 2008; Resolution 2008-158; Resolution 2009-237 on August 18, 2009; Resolution 2013-033 on June 11, 2013; Resolution 2014-174 on December 9, 2014; Resolution 2015-040 on June 23, 2015, Resolution 2016-034 on March 22, 2016, Resolution 2017-163 on June 13, 2017, and Resolution 2017-255 on November 28, 2017, and as amended herein.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Sandhill DRI, as described in Exhibit "A" attached hereto and incorporated herein by this reference, is not in an area of critical State concern designated pursuant to the provisions of Section 380.05, F.S.
2. The proposed development does not unreasonably interfere with the achievement of the objectives of any adopted State land development plan applicable to Charlotte County.
3. The granting of the requested amendment to the Development Order as described in Revised Map H submitted by the applicant, attached as Exhibit "B" hereto, is consistent with the local Land Development Regulations, the local Comprehensive Plan, the State Land Development Plan and the State Comprehensive Plan.
4. Section 3-9-49 of the Charlotte County Code requires final development plan approval by the Board of County Commissioners prior to the issuance of construction or other permits by Charlotte County consistent with the Concept Plan and conditions attached hereto and establishes the standards and requirements for the approval of a final development plan.
5. A Municipal Service Taxing Unit has been established, pursuant to Ordinance 86-68 as amended by Ordinance 90-45, for the whole project area to meet the requirements for essential services and municipal services and capital improvements. In addition, right-of-way dedications listed pursuant to Resolution 86-230 have been made.
6. The removal of phasing within the Sandhill DRI as authorized pursuant to the Development Order as amended, and amended herein, permits the Master Plan submitted for the DRI, and in accordance with Capital

Improvements commitments and funding made through the MSTU/BU established for the overall DRI, as well as commitments through developer agreements and designated improvements under the Charlotte County Comprehensive Plan. It is consistent with all conditions and commitments made within the original Development Order for the Sandhill DRI, as amended by Resolution 86-230 and as amended herein.

7. The Sandhill site contains 713.12± acres with the land use distributed and approved as follows:

|                           |                         |                                |
|---------------------------|-------------------------|--------------------------------|
| Residential units         | 488 <u>193.61</u> acres | <del>3001</del> — <u>3,002</u> |
| ***Commercial             | 245 <u>210.62</u> acres |                                |
| 1,690,021                 | <u>1,678,021</u>        |                                |
|                           | gross square feet       |                                |
| Hotel/Motel               |                         | 120 units                      |
| *Research & Development   | 4.2 acres               | 42,000 gross square feet       |
| **Park/Public/Semi-Public | 44.3 acres              | 65,000 gross square feet       |
| Lake                      | 61.4 acres              |                                |
| Public                    | 2.6 acres               |                                |
| Mitigation                | 84.7 acres              |                                |
| Preservation              | 6.55 acres              |                                |
| Roads                     | 37.9 acres              |                                |
| Nursing Home/ACLF         | 19.56 acres             | 458 beds                       |
| Industrial                | 47.64 acres             | 365,000 gross square feet      |
| Retail Parking Spaces     |                         | 8,030                          |

\*261,000 gross square feet of the originally approved Research and Development gross square footage was analyzed as commercial retail for traffic purposes

\*\*Building area only applies to Tract 2 Public/Semi-Public 24.78 acres for government offices

\*\*\*On Parcel C-24 of Tract 2, 17,000 square feet of commercial and 120 hotel/motel units.

NOW THEREFORE, be it resolved that the Sandhill DO is deleted in its entirety and replaced with the following:

A. Drainage/Water Quality:

Condition 2. Drainage/Water Quality:

- (1) Subsequent to the issuance of Amended Development Order pursuant to Resolution #86-230, the Sandhill Master Drainage Plan has been submitted and approved by the Southwest Florida Water Management District (SWFWMD), and the Sandhill MSTU/BU is in place with authorization to assess the properties in the DRI for drainage improvements. For each sub-basin, the following has been completed:
  - (a) Detailed survey, design and analysis of downstream discharge capabilities;
  - (b) Submission of the information and design to the County engineer for review and approval;
  - (c) Approval of the construction and funding for the drainage facilities as necessary by the Sandhill MSTU/BU or developer.
- (2) Individual sites will not be approved for stormwater by Charlotte County until any and all downstream facilities for each sub-basin related to that site are in place and certified as proper and functional by an engineer of record registered in the State of Florida except on-site stormwater retention for individual properties will be permitted as a temporary means of accommodating stored drainage provided that they be designed to tie into the master drainage system as soon as downstream facilities are in place.
- (3) All costs for surveying, engineering and monitoring shall be assessed through the MSTU/BU on a sub-basin basis. Where benefit accrues to a sub-basin, that cost shall not be assessed on parcels outside the sub-basin, however, the benefit shall be assessed on a fair proportionate basis on all parcels in the sub-basin including parcels owned by the government.
- (4) Prior to any construction associated with this substantial deviation, the applicant shall be required to receive written notice from the Southwest Florida Water Management District stating that the proposed changes do not require a modification of the previously issued conceptual permit or shall obtain such modified permits as required.
- (5) The development parcels near the roosting area within Tract 2, which includes parcel C-13 as shown on Revised Map H (attached hereto and by reference incorporated herein), shall

have shielded lighting (i.e., no spotlights or overhead dusk to dawn lights which may light up the roosting area).

- (6) Any site development plan for the public/semi-public that provides for government office space as herein otherwise permitted near the roosting area shall be reviewed by Charlotte County, the Florida Fish and Wildlife Commission and the Southwest Florida Regional Planning Council for potential impacts to the roost site.

Passive types of recreation shall be encouraged near the roosting area, notwithstanding the development of government office space.

- (7) In order to provide an added buffer to the roosting area, the oak hammock located in the public/semi-public park area on the eastern edge of the roost shall be preserved and, if possible, a fringe of oaks shall be preserved in parcel C-22, and if not possible, there shall be mitigation at the time of final plan approval by providing additional vegetation in the public/semi-public parcel to provide a visual buffer, however, cross access of sixty feet (60') shall be permitted through parcel C-22, parallel to Kings Highway.
- (8) Implementation of the Southwest Florida Water Management District permit requires buffering of existing and created wetlands and the creation of three islands which are intended to function like the existing willow-heads to provide a visual barrier to wetlands and nesting and roosting areas for wading birds.
- (9) All of the wetlands shall be incorporated into the overall design of the project surface water management system.
- (10) Restoration of hydroperiod to wetlands which have been partially drained by past activities.
- (11) The building site and stormwater management system for the automotive convenience maintenance service shall be designed to include appropriate structural elements such as oil water separators, spill containment barriers, sediment collectors, and detention areas to prevent, to the greatest extent technically feasible, automobile generated pollutants from entering receiving bodies. Furthermore, a regular monitoring and maintenance program shall be established by the applicant (developer of the individual site) to ensure

that the proper storage and treatment functions of the stormwater management system are maintained, in accordance with the SWFWMD permit.

- B. Energy: The development as proposed would be an all electric development and would increase the energy demands of the region. The applicant has committed in the ADA to provide a variety of energy conservation measures to reduce the impact of that increased energy demand.

Conditions:

As a condition precedent to final detail plan and development plan approval, the applicant shall include the following energy conservation features in the final site plans and architecture for Sandhill Properties:

- (1) Provision of a bicycle/pedestrian system connecting land uses, to be placed along arterial and collector roads within the project, which system is to be consistent with Charlotte County requirements, and provision for bicycle racks or storage facilities in recreational, commercial, and multi-family residential areas.
- (2) Use of energy-efficient features in window design (e.g. tinting and exterior shading).
- (3) Reduced coverage by asphalt, concrete, rock, and other similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.
- (4) Installation of energy-efficient lighting for streets, parking areas, recreation areas, and other in exterior public areas.
- (5) Use of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) (as specified in the Water Conservation Act, Chapter 553.14, F.S.)
- (6) Selection of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs.
- (7) Planting of native shade trees to provide reasonable shade for all recreation areas, streets, and parking areas, and

placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.

- (8) Planting of native shade trees for each residential unit.
- (9) Orientation of structures as possible to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.
- (10) Provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.
- (11) Inclusion of porch/patio areas in residential units.
- (12) Cooperation in the locating of bus stops, shelters, and other passenger and system accommodations for any transit system to serve the project area.
- (13) Use of operable windows and ceiling fans.
- (14) Installation of energy-efficient appliances and equipment.
- (15) There shall be no deed restrictions or covenants that would prevent or unnecessarily hamper any of the conservation efforts.

C. Fire Protection:

Conditions:

- (1) As a condition precedent to any detail plan and development plan approval, the developer must obtain from the Charlotte County fire official and, if it has not been consolidated with the County, the representative of the Harbour Heights Fire District, certification that the facilities, equipment and full time paid manpower necessary to provide adequate fire protection to the development will be available to service that portion of the development for which approval is sought. In determining whether to issue such certification, a determination shall be made of whether sufficient revenue will be available from the District's special fire assessment, or from any successor fire assessment district in which the development is included, or from an MSTU set up for this purpose to meet the costs of the additional facilities,

manpower, and equipment, and in the event projected revenues from the subject development are not sufficient, the developer may enter into an agreement with the County, in a form found to be sufficient by the County Attorney, to contribute the additional funds needed. If the County Impact Fee Ordinance is amended to include a public safety component, the developer shall be subject to that component.

- (2) Fire sprinklers shall be included in the commercial and research and development areas, and the common areas of the residential buildings.

- D. Flood Plain/Hurricane Evaluation: The project area has a natural elevation above the category 3 storm surge height (19.0 feet MSL). Furthermore, any community/recreation buildings with onsite shelter potential will have a minimum first floor elevation of 20 feet MSL. The potential for onsite public use areas to serve as areawide hurricane evacuation shelter would provide a use of regional benefits:

Condition:

- (1) The applicant shall meet with Charlotte County Emergency Management to identify those public areas to be used as shelters.

- E. Solid Waste: The project will generate about 37.5 tons of solid waste per day at build out, which will place additional demand on the Charlotte County landfill. The increased size of the commercial uses and the addition of a research and development use could generate significant amounts of hazardous wastes.

Condition:

- (1) As a condition precedent to detail plan and development plan approval, the applicant shall submit to all appropriate local, state and federal agencies for prior approval a plan identifying the proper onsite handling procedures and temporary storage facilities for any generated on site, in accordance with local regional and state hazardous waste programs; this plan shall indicate how the applicant and subsequent tenants will carry out these procedures and maintain these storage facilities.



- F. Wastewater: The applicant estimates the project will generate about 1.31 million gallons per day of waste water at build out. The applicant has committed not to use septic tanks on the project. The addition of a research and development use and the expansion of the commercial use may change the character of the waste water.

Conditions:

- (1) Consistent with the original development order, as a condition precedent to detail plan and final development plan approval, the applicant must obtain a letter of commitment to serve the project throughout its life prior to construction of each phase or year.
- (2) As a condition of detail plan and final development plan approval, the applicant shall indicate how any waste water containing hazardous waste will be segregated from every day wastewater.

- G. Water Supply: Total potable water demands for the project will be according to the applicant 1.7 MGD.

Conditions: As a condition precedent to detail plan and development plan approval:

- (1) The applicant shall demonstrate to Charlotte County and the Southwest Florida Water Management District, through letters of commitment, that adequate water supplies are available for that respective portion of construction throughout the life of the project.
- (2) The applicant shall demonstrate to Charlotte County that a modification to the existing Consumptive Use Permit has been granted by SWFWMD as stipulated within Chapter 40D-2, F.A.C.
- (3) The lowest quality of water possible and appropriate shall be utilized for all non-potable water use.
- (4) Water conservation measures and practices shall be utilized. At a minimum, water conservation devices as described within the Water Conservation Act must be used; landscape irrigation shall be restricted to the hours of 5:00 P.M. to 9:00 A.M. after the establishment of landscaping, the non-potable water sources and/or reuse shall be utilized.

- H. Education: The Sandhill DRI will add an estimated 1,256 students to the Charlotte County School System, which are expected to enter Charlotte County schools at a fairly constant rate of 83 students per year. The School Board is under contract to purchase an elementary school site at a cost of \$123,800 with a capacity for 600 students that will serve the Sandhill DRI.

Condition: Prior to final building inspection and issuance of Certificate of Occupancy for residential units, the developer shall contribute the sum of \$26, plus 5% for each year payment is made after 1987, per unit to offset the elementary school acquisition costs; this contribution shall be paid to the Zoning Director. In the event an Impact Fee Ordinance component for schools is established, the developer shall be subject to that component in lieu of this contribution for schools.

- I. Transportation:

Condition 12. Transportation

- (a) Site Related Improvements – The property owners and their successors within Sandhill shall be responsible for their site-related roadway and intersection improvements required within the Sandhill DRI. The property owners or their successors shall be required to pay the full cost for any of their site-related intersection improvements (including but not limited to signalization, turn lanes and additional through lanes) found to be necessary by Charlotte County or the Florida Department of Transportation (FDOT) for the project's access intersections. The MSTU/BU, which has been created for Sandhill, shall be responsible for funding the cost of an Interchange Modification Report, when needed, as shown by the biennial monitoring report, to identify any improvements to the interchange.
- (b) Significant Impacts – Contributions shall be made by the property owners in Sandhill through impact fees and by Charlotte County in order to provide the necessary transportation improvements, including design and engineering, utility relocation, right-of-way acquisition, construction, construction contract administration and construction inspection necessary to maintain the adopted level of service for the

following significantly impacted regional and local roadways through project buildout on July 3, 2020.

(1) Regional Road Segments

Kings Highway

-DeSoto County line to Sandhill Boulevard: 4 lanes (2 additional lanes)

-Sandhill Boulevard to I-75: 6 lanes (2 additional lanes)

-I-75 to Hillsborough Boulevard: 8 lanes (4 additional lanes)

-Hillsborough Boulevard to Midway Boulevard: 6 lanes (2 additional lanes)

Hillsborough Boulevard

-Kings Highway to Peachland Boulevard: 6 lanes (2 additional lanes)

-Peachland Boulevard to Murdock Circle: 4 lanes (2 additional lanes)

I-75 ramps

-Kings Highway to southbound lanes: 2 lanes (1 additional lane)

-Southbound lanes to Kings Highway: 2 lanes (1 additional lane)

-Northbound lanes to Kings Highway: 3 lanes (2 additional lanes)

Local Road Segments

Peachland Boulevard

-Loveland Boulevard to Yorkshire Street: 4 lanes (2 additional lanes)

Sandhill Boulevard

-Kings Highway to Deep Creek Boulevard: 4 lanes (2 additional lanes)

Rampart Boulevard

-Rio de Janeiro Avenue to I-75: 4 lanes (2 additional lanes)

-I-75 to Kings Highway: 6 lanes (4 additional lanes)

(2) Regional Intersections

Kings Highway/Sandhill  
-Signalization/turn lanes

Kings Highway/I-75 NB Ramps  
-Signalization/turn lanes

Kings Highway/I-75 SB Ramps  
-Signalization/turn lanes

Kings Highway/Hillsborough Boulevard  
-Turn lanes

Kings Highway/Rampart Boulevard  
-Turn lanes

Kings Highway/Midway Boulevard  
-Turn lanes

Hillsborough Boulevard/Peachland Blvd.  
-Signalization/turn lanes

Hillsborough Boulevard/Loveland Avenue  
-Turn lanes

Hillsborough Boulevard/Harbor Boulevard  
-Signalization/turn lanes

#### Local Intersections

Peachland Boulevard/Loveland Avenue  
-Signalization/turn lanes

Peachland Boulevard/Orlando Avenue  
-Turn lanes

Peachland Boulevard/Harbor Boulevard  
-Signalization/Turn lanes

Midway Boulevard/Loveland Avenue  
-Turn lanes

Midway Boulevard/Beacon Avenue  
-Turn lanes

Midway Boulevard/Conway Boulevard

-Turn lanes

Midway Boulevard/Harbor Boulevard  
-Turn lanes

Significant Impacts – The estimated cost of construction of the above road links and intersection improvements is \$20,980,000. These improvements would serve Sandhill at buildout in the year 2012 and serve the projected growth in the surrounding area. The proportionate share of Sandhill's impact of the above improvements is:

|                       |             |
|-----------------------|-------------|
| Link-Related          | \$7,600,150 |
| Intersection-Related  | \$1,697,850 |
| Total Project Impacts | \$9,298,000 |

- (c) Mitigation – As mitigation for the above transportation impacts of the Sandhill DRI, the property owners or their successors shall pay Charlotte County road impact fees in effect at the time building permits are issued pursuant to the Charlotte County Road Impact Fee Ordinance. (Road impact fees are estimated to generate \$10,205,126. In addition, \$1,324,214 of right-of-way donation has been received by Charlotte County. Total project contributions towards needed road improvements are estimated to be \$11,529,340.)

As mitigation for transportation impacts of the 514,500 square feet of commercial retail uses approved for parcels C-21, C-25 and C-1 ("Charlotte Commons Parcels") within Tract 1 as depicted on Revised Map H, the property owners or their successors shall design, permit and construct the following improvements (the "Improvements"):

Kings Highway and Veterans Boulevard  
(Assume Kings Highway is East-West and Veterans Boulevard is North-South)

1. Add an exclusive Southbound through lane.
2. Add an exclusive 2<sup>nd</sup> Eastbound left turn lane
3. Add a receiving Eastbound through lane (Length approximately 800 ft from Veterans Blvd to I-75)
4. Add an exclusive 2<sup>nd</sup> Westbound right-turn lane

5. Mill and resurface the existing Eastbound right-turn lane to convert to a shared Eastbound through/right-turn lane
6. Signal Upgrade

Peachland Boulevard and Veterans Boulevard  
(Assume Peachland Boulevard is East-West and Veterans Boulevard is North-South)

7. Add an exclusive Southbound left turn lane.
8. Add an exclusive Southbound through lane (completed)
9. Add an exclusive 2<sup>nd</sup> Eastbound right turn lane
10. Add an exclusive 2<sup>nd</sup> Northbound left turn lane
11. Upgrade Westbound approach (completed)
12. Signal Upgrade
13. Interconnect

Additionally, the property owners of the Charlotte Commons Parcels or their successors shall:

- 1) Pay Charlotte County road impact fees equal to the total cost of the design, permitting, construction and construction management of the Improvements including interest costs of any construction loan.;
- 2) Provide stormwater drainage and retention for the Improvements within the Charlotte Commons Parcels' stormwater facilities or within the Sandhill DRI stormwater basins.
- 3) Submit design plans for Improvements numbered 1, 2, 4, 6, 7, 9, 11 and 12, above ("Phase I Improvements"), as part of its first submittal to the Development Review Committee for approval of any portion of up to 100,000 square feet of commercial space.
- 4) Submit design plans for Improvements numbered 3, 5, 8, 10, and 13 above ("Phase II Improvements"), as part of its first submittal to the Development Review Committee for approval of any portion of commercial space in excess of 100,000 square feet.
- 5) Prepare, submit and process all necessary permits from local, state and federal agencies for the

Improvements. If wetlands are impacted by the design for the Improvements, the property owners of the Charlotte Commons Parcels shall obtain the necessary local, state and federal permits for such impacts. All permit fees, application fees, administration fees and other expenses will be documented to Charlotte County.

6) Commence Phase I Improvements within 24 months from May 4, 2008.

The approved 514,500 square feet may be constructed in two phases. Phase I shall consist of not more than 100,000 square feet of commercial space. No certificate of occupancy for any portion of the 100,000 square feet of Phase I development shall be issued until the Phase I Improvements are complete. Phase II shall consist of not more than 414,500 square feet of commercial space. No certificate of occupancy for any portion of the 414,500 square feet of Phase II development shall be issued until the Improvements are complete.

The property owners of the Charlotte Commons Parcels or their successors may use such County property as is necessary to design, permit, install, construct and complete the Improvements.

If wetlands are impacted by the design for the Improvements, impacts shall be mitigated. Those mitigation costs attributable to the Improvements will be paid solely and directly by the County.

The property owners of the Charlotte Commons Parcels or their successors will prepare and administer the bid package for construction of the Improvements in coordination with the County Engineer and will notify the County Engineer upon the selection of the qualified lowest contractor bid.

The property owners of the Charlotte Commons Parcels or their successors shall receive road impact fee credits equal to the total cost of the design, permitting and construction of the Improvements including interest costs of any construction loan. The County shall be provided with an updated estimate of

costs concurrent with notification to County of the qualified lowest contractor bid.

The property owners of the Charlotte Commons Parcels or their successors shall submit monthly invoices to County. The invoices shall be subject to review and verification by the County Engineer. Impact fee credits shall be issued by County within thirty (30) days of submission of each monthly invoice. Any amounts that remain uncredited following said 30 day period shall bear interest at the prime rate published from time to time by Wells Fargo Bank.

Road impact fee credits shall only be applied to offset the road impact fees due for development of the Charlotte Commons Parcels and shall not expire. The road impact fee obligation for the Charlotte Commons Parcels shall be equal to the total cost of the design, permitting, construction and construction management of the Improvements including interest costs of any construction loan.

If the Improvements are provided as detailed herein, the Charlotte Commons Parcels shall be deemed vested to construct 514,500 square feet of commercial/retail uses, consistent with any subsequently approved Final Detail Plan.

7) As mitigation for development of Parcels 5-19B, C, F, G, I J K and L with 43,000 square feet of commercial development, 458 assisted living and memory care beds, 365,000 square feet of industrial development and 650 multi-family dwelling units or other development consistent with this Sandhill DRI Development Order that will generate not more than 4,419 net new external trips, the developer shall comply with the terms of the Development Agreement attached as **Exhibit "C"** hereto and incorporated herein by this reference.

- (d) Monitoring – The timing for the initiation of the improvements outlined in Condition 12 (b) above shall be made at the time that a road segment or intersection is projected to exceed the level of service



standard adopted in the local comprehensive plan. To determine the existing and projected levels of service on regional and local facilities in need of improvements in a timely manner, the Sandhill DRI through the Sandhill MSTU/BU shall submit a biennial monitoring report to Charlotte County, FDOT, the Florida Department of Community Affairs and the Southwest Florida Regional Planning Council for review and approval. This first monitoring report shall be submitted one year after the issuance of this development order for the Sandhill DRI Substantial Deviation and every two years thereafter until after buildout of the project in year 2012.

At a minimum, the report shall contain p.m. peak hour trip generation estimates and turning movements at each of the access intersections and the off-site intersections listed above in Condition 12 (b)(2), and a calculation of the peak season peak hour level of service at these intersections and on the road segments indicated above Condition 12 (b)(1). The levels of service shall be calculated according to current professional standards. Prior to submitting each biennial monitoring report, the property owners shall coordinate with the reviewing agencies to review the methodology. The applicant will furnish all traffic analysis in a format compatible with Charlotte County's Comprehensive Plan, Traffic Element, Policy 1.1 and Charlotte County's Concurrency Management System; that is traffic data in the format of "Average Daily Trips" and "Peak Season/Peak Hour".

The biennial monitoring report shall, in addition to current counts and traffic information, provide a projection of project traffic for the following year to be based on anticipated construction for the same period of one year on all of the above listed regional roads and intersections. The projection will include traffic generated by all of the completed project development, all of the portion of the project for which building permits have been issued, and the amount of project development for which the property owners intend to seek building permits in the following year. Also, the biennial monitoring report should indicate the status of those road improvements from the

County's Capital Improvements Element that were assumed to be committed for this analysis.

- (e) If the analysis from the biennial monitoring report indicates that any of the identified roadways now exceeds or will exceed during the next year the level of service standards adopted by the County and the project is utilizing or is projected to utilize more than 5% of the level of service "D" capacity for urban areas or "C" for rural areas, then further building permits shall not be granted, with the exception of building permits for up to 514,500 square feet of commercial retail or less intense development on parcels C-21, C-25 and C-1 within Tract 1 as shown on Revised Map H, until the standards of the County's concurrency management system have been met and the affected roadway improvement, as identified in this Development Order, is listed as committed for construction based on the criteria listed below.

No building permits for developments beyond those projected in the biennial monitoring report shall be issued until the next biennial monitoring report with projections is performed.

A committed roadway improvement for the purpose of meeting the requirements of Section 380.06(15) (e)2., Florida Statutes, shall be recognized as either:

- 1) A roadway improvement scheduled for construction to commence in or before the first year of the appropriate local government's Comprehensive Plan capital improvement element. A roadway improvement scheduled for construction to commence in or before the third year of Charlotte County's Comprehensive Plan capital improvements element will be recognized as a committed roadway improvement; with no additional amendment to this Development Order required, when Charlotte County amends its adopted comprehensive plan and the comprehensive plan amendment is found to be in compliance

by final agency action with Rule 9J-5.0055(2)(c), Florida Administrative Code, except insofar as (2)(c) would allow concurrency to be satisfied by using the provision in Rule 9J-5.0055(2)(a)1. - 4, Florida Administrative Code or Rule 9J-5.0055(2)(b)1. and 2., Florida Administrative Code.

- 2) A roadway improvement scheduled for construction within the first three years of the Florida Department of Transportation's Five Year Work Program; or
  - 3) Any alternative agreed upon by the Charlotte County, SWFRPC, FDCA, and the property owners in Sandhill. The property owners have the right to propose as an alternative, the use of a Local Government Development Agreement pursuant to Section 163.3220, Florida Statutes, which contains commitments by the property owners (potentially including a proportionate share payment) and the local government to provide the necessary improvements which ensures concurrency on all significantly impacted regional and local roads and intersections. As an alternative, the MSTU/BU may provide the necessary improvements pursuant to the above described agreement. Any agreed upon alternative shall be incorporated into this Development Order by amendment pursuant to the procedures set forth in Section 380.06(19), Florida Statutes.
- (f) The location of individual access points to the project shall be determined in consultation with the County Engineer's Department prior to submission of detail plans for approval; access points and curb cuts onto public roads shall be minimized and arterial and collector roads within the project should be

constructed to minimize the need for offsite circulation, and an interior roadway and frontage road concept should be utilized within the commercial and research and development areas to enable access to adjoining development without accessing existing streets.

- (g) Parcel C-22 (Parcel 4 in Comprehensive Plan Amendment) shall not have direct access onto Kings Highway; Parcel C-13 (Parcel 5 in Comprehensive Plan Amendment) shall be allowed access in compliance with the Charlotte County Access Management Ordinance; Parcel C-25 shall have direct access onto Loveland Boulevard, however all truck access from Parcel C-25 onto Loveland Boulevard shall be prohibited.

J. Master Concept Plan:

- (1) The Sandhill DRI Master Concept Plan is approved and is attached and incorporated herein as Exhibit "B", Revised Map H, June 13, 2017. Attachment "B" as incorporated into Resolution #86-230 is hereby null and void. Exhibit C provides a site plan that illustrates the area of the Public/Semi-Public section in which government office buildings are permitted.

- (a) All commercial areas are to be restricted to uses permitted in the CG (Commercial, General Classification) of the Charlotte County Zoning Regulations and all listed special exceptions, excluding multi-family, schools and flea markets, and billiard parlors and game arcades, in effect as of the date of Development Review Committee site plan approval, with the exceptions of Parcel 5-19A which shall be restricted to uses permitted in the CN (Commercial, Neighborhood Classification) of the Charlotte County Zoning Regulations, in effect as of the date of Development Review Committee site plan approval and adding as a use "automotive convenience maintenance service" to the commercial general areas which would include; cleaning windshields, checking tire pressure,

filling the fluid reservoirs and battery, changing lubricants and filters and replacing bulbs and other items that require periodic maintenance. The uses permitted are subject to the following requirements:

- (i) The landscaping plans for perimeter landscaping of all street parking areas and interior landscaping for drive-thru restaurants and gasoline pumping stations shall be in compliance with regulations in existence at the time of local permitting.
  - (ii) All signage shall be in compliance with existing regulations at the time of permitting.
  - (iii) The internal circulation system shall comply with regulations in effect at the time of permitting.
  - (iv) All perimeter interior landscaping, interior circulation system and signs shall be consistent with the regulations in effect at the time of permitting.
  - (v) All ~~light~~ manufacturing and assembly uses and ~~all~~ carpentry, cabinet and machine shops shall not be limited permitted to those internal on Parcels C-21 and C-25 locations depicted on Map H-1, attached as Exhibit "D" heretofore Tract 1.
- (b) Research and development areas to be restricted to uses found in the OMI (Office, medical, institutional) zoning classification as of the date of Development Review Committee site plan approval and to light manufacturing in completely enclosed buildings and warehousing.
- (c) Substantial buffers shall be provided to protect residential areas from the research and development sites.

- (d) Development standards are to be provided to the Zoning Director and Planning Director for review prior to final detail plan submissions.
- (e) All wetlands shall be preserved, or, when preservation is not possible, mitigated on a one-to-one basis.
- (f) Upland areas which are considered to be important habitat or quality passive recreational sites, including, but not limited to, oak hammocks, shall be identified by the appropriate County employee and the developer prior to site planning. These areas shall be the primary consideration for recreation and/or preservation of natural areas of each development stage. Evidence of compliance with this item shall be the burden of the developer.
- (g) Phasing of recreation areas shall be by section and allocated proportionately to each multi-family project.
- (h) All costs for maintaining and installing additional recreation facilities are to be borne by the developer and/or MSTU/BU. The MSTU/BU was established by December 31, 1986, and the costs for maintaining the public park and open space areas may be funded through it. A site and design plan shall be submitted to Florida Power and Light for approval for those areas within its easement. The 24.78 acre public/semi-public parcel in Tract 2 is excluded from this section and the County shall provide facilities and maintenance as specified in the Agreement for Park and Surface Water Management Retention Area.
- (i) The Planned Development stipulations and the conditions of this development order are to run with the land.
- (j) The lands designated as mitigation on Revised Map H are those lands in the Water Management District permit that are or will be part of the surface water management system and includes but is not limited to preservation of existing wetlands and mitigation wetlands to be created in the future. Although the precise boundaries of the mitigation areas will be

established at the time of final plan approval, the acreage figures are binding.

- (k) Land uses may be increased or decreased in conformance with the Equivalency Matrix in Exhibit "E" attached hereto and incorporated herein by this reference. Pursuant to §380.06(19)(e)2, Fla. Stat., such increases and decreases, which will not increase the number of external peak hour trips and which do not reduce open space and conserved areas within the project shall not be deemed to be a substantial deviation and shall not require the filing of a notice of proposed change but shall require an application to Charlotte County to amend the development order. Following adoption, Charlotte County shall render to the state land planning agency the amendment to the development order.
- (l) Lands designated as Industrial on Revised Map H are limited to the Permitted Uses and Structures set forth in Sec. 3-9-43(b) of the Land Development Regulations, as they may be amended from time to time, with the addition of laboratories, class 1, 2, 3 and outdoor storage yard which shall also be permitted as conditional uses and with the exception of the following uses which shall be prohibited: biofuel production, dairy, grain, fruit, field crop and vegetable processing, industrial marina, mass transit stations and sexually oriented business.
- (m) Exterior signage shall meet the sign regulation in effect at the time of permitting. One sign located on PA, PD or PE within parcel 5-13 of Tract 5 of the Sandhill DRI as shown on Exhibit "G", may be a pole sign greater than forty feet tall but no taller than eighty feet above the crown of the adjoining right-of-way on which the parcel fronts. A maximum of four individual signs, each not more than 200 square feet for a total of 800 square feet, shall be permitted on the pole sign. The four individual signs may not be connected but must have airspace between them. Additionally, one sign located on Lot1 of King's Highway Wal-Mart, Parcel 5-18 of Tract 5, may be a pole sign greater than forty feet but no taller than eighty feet above the crown of the adjoining right-of-way on which the parcel fronts. A maximum of two

individual signs, each not more than 200 square feet for a total of 400 square feet, shall be permitted on the pole sign. The two individual signs may not be connected but must have airspace between them. These pole signs shall not be deducted from the sign area allocation of lots on which the businesses are located.

K. Phasing:

Specific properties in land uses incorporated into the Sandhill DRI shall submit detailed preliminary and final plans in accordance with Charlotte County Zoning Regulations as governed by the conditions and commitments contained herein.

L. Housing:

Charlotte County has completed an affordable housing study as a prelude to updating the Housing Element of its Comprehensive Plan in 2010. The study was prepared by Novogradac and Company, LLP and is dated February 6, 2007. Any appropriate mitigation required within the Sandhill DRI as a result of the study shall be reviewed as a notice of proposed change by the Southwest Florida Regional Planning Council.

M. The existing procedures for the granting of building permits being adequate to insure compliance with this order, the Director of Zoning, the Director of Planning, the County Energy Officer, the Director of Building and the County Engineer are designated as the local officials responsible for insuring compliance.

The developer's biennial report required by Chapter 380, Florida Statutes, shall contain copies of all documents filed with the County in connection with final development approval and, after final development approval, shall contain a report by date and filing number of all building and other permits applied for and a statement of all acts taken toward compliance with the conditions of the final development approval and all information required in section 9B-16.25, F.A.C. The developer shall submit the report beginning October 1, 1987 and each subsequent October 1, until project build-out. The developer shall submit the biennial report to Charlotte County, the Southwest Florida Regional Planning Council, the Department of Community Affairs, and all affected State permitting agencies. If the biennial report is not received, the Southwest Florida Regional Planning Council or the Department of Community Affairs shall notify Charlotte County. If Charlotte



County does not receive the biennial report or receives notification that the Southwest Florida Regional Planning Council or the Department of Community Affairs has not received the report, Charlotte County shall request in writing that the developer submit the report within 30 days. Failure to submit the report after 30 days shall result in Charlotte County temporarily suspending this Development Order. This report shall specify the number of parking spaces approved for the commercial and research and development uses.

- N. This order shall terminate July 3, 2020 or upon the completion of the project, whichever shall have occurred first. This Order shall become effective on the 9<sup>th</sup> day of September, 1986.
- O. The developer shall cause to be filed in the public records such notice as will inform prospective purchasers of this Development Order and the conditions established herein for detail plan and final development plan approval, including required reassessments and review.
- P. Legal effect and limitations of this development order and administrative requirements

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

A. This Resolution shall constitute the Amended Development Order of this Board issued in response to the Development of Regional Impact known as the Sandhill DRI.

B. All commitments and impact mitigating actions committed to by the project in the original Development Order, subsequent Resolution #86-230, within the September 30, 1985 and October 25, 1991 Substantial Deviation Applications for Development Approval (and supplementary documents) not in conflict with the conditions or stipulations specifically enumerated herein are hereby incorporated to this Amended Development Order by reference.

C. The terms and conditions set out in this document constitute a basis upon which the developer and County may rely in future actions necessary to implement fully the final development contemplated by this Amended Development Order.

D. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party hereto by action at law or equity, and all costs of such

proceedings, including reasonable attorneys' fees, shall be paid by the defaulting party.

E. Any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor-in-interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

F. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of the Development Order which shall remain in full force and effect.

G. The approval granted by this Development Order is limited. Such approval shall not be construed to obviate the duty of the applicant to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. Such approval shall also not obviate the duty of the applicant to comply with any County ordinance or other regulations not in conflict with the provisions herein adopted after the effective date of this Amended Development Order.

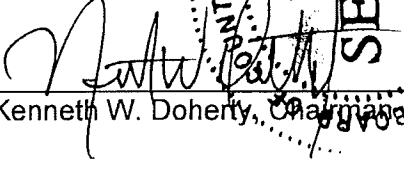
H. The Clerk of the Circuit Court is hereby directed to forward a certified copy of this resolution and its attachments to the Southwest Florida Regional Planning Council, 1400 Colonial Boulevard, Suite 1, Fort Myers, FL. 339071926 ~~Victoria Avenue, Fort Myers, FL 33901-3414,~~ State of Florida, Department of Economic Opportunity, Division of Community Planning & Development, The Caldwell Building MSC 160, 107 East Madison Street, Tallahassee, FL 32399 and to Jie Shao, Charlotte County Community Development, 18400 Murdock Circle, Port Charlotte, FL 33948.

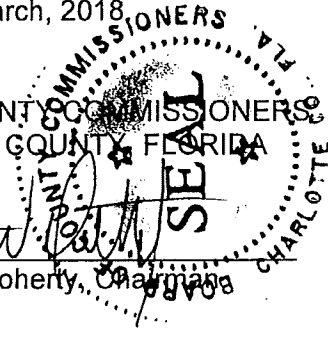
I. Effective Date. This Sandhill Development of Regional Impact (DRI) Development Order, LADO-17-12-42, shall become effective as provided by law.

PASSED AND DULY ADOPTED this 27<sup>th</sup> day of March, 2018

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By:

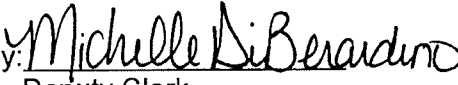
  
Kenneth W. Doherty, Chairman



ATTEST:

Roger D. Eaton, Clerk of Circuit Court  
and Ex-Officio Clerk to the  
Board of County Commissioners

By:

  
Michelle DiBerardino  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By:

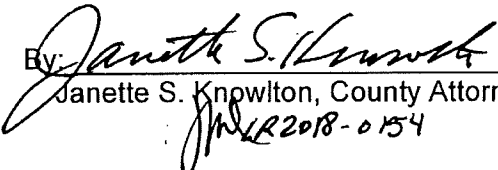
  
Janette S. Knowlton, County Attorney  
JMK 2018-0154

EXHIBIT A

All of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, LESS therefrom the following:

1. A parcel of land in said Section 6, Township 40 South, Range 23 East, being more particularly described as follows: Begin at the Northeast corner of said Section 6, the same being the Northeast corner of Lot 1, THE LINKS, according to the Plat thereof as recorded in Plat Book 15, at Page 18A, of the Public Records of Charlotte County, Florida; thence N89°30'39"W. [Bearings based on D.O.T. Right-of-Way Maps for State Road No. 93 (1-75), Section 01075-2404] along the North line of said Section 6 and along the North boundary of said plat of THE LINKS for 2661.15 feet; thence S00°07'52"W along the West line of Lot 26 of THE LINKS subdivision and along its northerly extension for 320.00 feet to the Southwest corner of said Lot 26; thence S89°30'39"E along the South boundary of the aforementioned plat of THE LINKS for 2661.22 feet to an intersection with the East line of the Northeast 1/4 of said Section 6; thence N0°15'25"E along the last described East line for 320.00 feet to the POINT OF BEGINNING.

2. The existing right-of-ways (either deeded by separate instrument or dedicated by prescriptive rights) of Interstate 75, Kings Highway, and Peachland Boulevard that lies within the above mentioned Section 6. Subject to two existing Florida Power and Light Easements recorded in Deed Book 6, Page 104, and Official Records Book 350, Page 128, both of the Public Records of Charlotte County, Florida.

AND

The North 901.25 feet of Section 7, Township 40 South, Range 23 East, Charlotte County, Florida, bounded on the West by the D.O.T. Easterly Right-of-Way of Kings Highway and bounded on the East by the D.O.T. Westerly Right-of-Way of Interstate 75, as shown on the Right-of-Way Maps for State Road No. 93 (1-75), Section 01075-2404. Subject to maintained Right-of-Ways for Kings Highway and Peachland Boulevard.

AND

That portion of Section 7, Township 40 South, Range 23 East, Charlotte County, Florida, lying West of Kings Highway and South of Peachland Boulevard, LESS the following described parcel: COMMENCE at the Southwest corner of Section 7, Township 40 South, Range 23 East; thence N0°12'18"E [Bearings based on D.O.T. Right-of-Way Maps for State Road No. 93 (1-75), Section 01075-2404] along the West line of said Section 7 for 2971.01 feet; thence S89°47'42"E for 863.64 feet to the POINT OF BEGINNING of the herein described parcel; thence S2°27'18"W for 450.35 feet; thence S89°47'44"E for 401.03 feet to the centerline of Kings Highway; thence N8°36'56"E along the centerline of Kings Highway for 454.89 feet; (thence N89°47'42"W for 209.87 feet; thence N0°12'18"E for 671.24 feet; thence N89°47'42"W for 217.56 feet; thence S2°27'18"W for 571.68 feet to the POINT OF BEGINNING.)

AND

A parcel of land lying in Section 7, Township 40 South, Range 23 East, Charlotte County, Florida, more particularly described as follows: Commence at the Northwest corner of said Section 7, Township 40 South, Range 23 East; thence run S89°40'59"E [Bearings based on D.O.T. Right-of-Way Maps for State Road No. 93 (1-75), Section 01075-2404] along the North line of said Section 7 for 1694.45 feet to a point of intersection with the Northerly Right-of-Way line of Peachland Boulevard as shown on the aforementioned Right-of-Way Maps, said point being the POINT OF BEGINNING

EXHIBIT

"A"

of the herein described parcel; thence continue S89°40'59"E along the last described North line for 296.33 feet to an intersection with the Westerly Right-of-Way line of Kings Highway; thence along the Westerly Right-of-Way line of Kings Highway for the following three (3) described courses: (1) S36°54'32"W for 44.03 feet; (2) S53°05'20"E for 10.00 feet; (3) S36°54'32"W for 120.00 feet; thence N53°05'28"W for 205.01 feet; thence S36°54'32"W for 10.00 feet to a point on a circular curve concave to the Southwest, said point bearing N36°54'32"E from the center of said curve; thence Northwesterly along the arc of said curve having a radius of 360.00 feet and a central angle of 6°50'00" for 42.99 feet to the POINT OF BEGINNING. Subject to Right-of-Way for Peachland Boulevard.

AND

Commence at the Southwest corner of Section 7, Township 40 South, Range 23 East, Thence North 00° 04' 11" West, along the West line of Section 7, 2,971.01 feet; Thence North, 89° 55' 49" East, 863.64 feet to the Point of Beginning; Thence North, 02° 10' 49" East, 571.68 feet; Thence North, 89° 55' 49" East, 217.56 feet; Thence South, 00° 04' 11" East, 571.24 feet; Thence, South, 89° 55' 49" West, 240.00 feet to the Point of Beginning and containing 3.00 acres, more or less and subject to a 15.00 foot wide easement along the Westerly line hereof, as more particularly set forth in that revised July 27, 1976, survey prepared by John C. Smith, Certificate Number 2357.

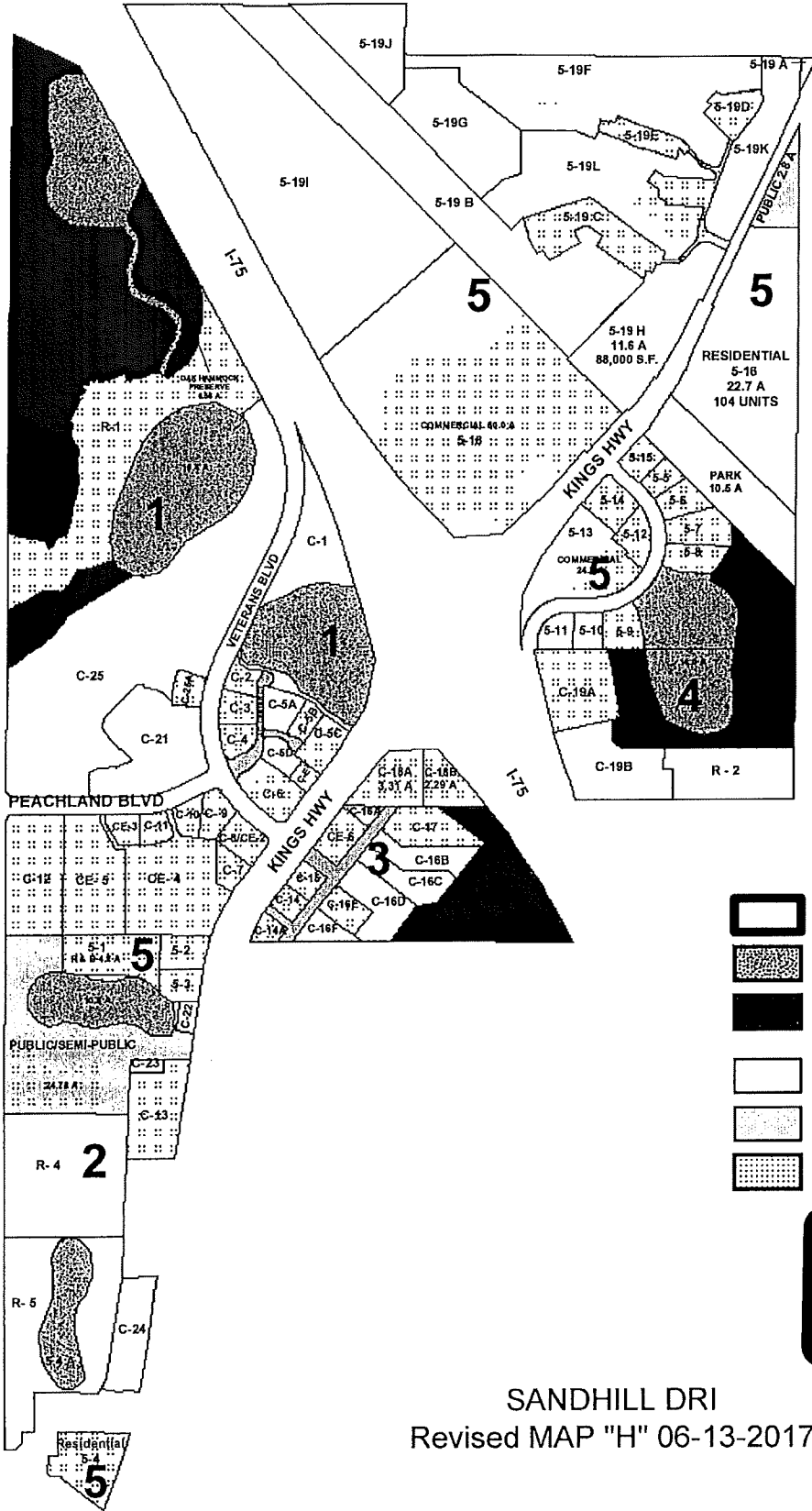
Less and except:

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).



-  TRACTS 1-5
-  LAKE AREAS
-  WETLAND, MITIGATION, AND PRESERVE AREAS
-  PARKS/OPEN SPACE
-  PUBLIC/SEMI-PUBLIC AREA
-  EXISTING DEVELOPMENT

**EXHIBIT**  
"B"

**SANDHILL DRI**  
Revised MAP "H" 06-13-2017



This map is a representation of compiled public information. It is based on conceptual design rather than legal description. Charlotte County and its employees make no guarantees, implied or otherwise as to its use. This is not a survey or is it to be used for design.

**SANDHILL DEVELOPMENT OF REGIONAL IMPACT**  
**Exhibit B, Map H Notes #1 - Vested Rights As of 03/27/2018**

| Tract | Parcel              | Allocated       | Allocated                           | Allocated                         | Allocated            | Allocated                         | Allocated              |
|-------|---------------------|-----------------|-------------------------------------|-----------------------------------|----------------------|-----------------------------------|------------------------|
|       |                     | Commercial (SF) | Park/Public/<br>Semi-Public<br>(SF) | Research &<br>Development<br>(SF) | Residential<br>(DUs) | Assisted<br>Living Area<br>(beds) | Hotel/Motel/<br>Rooms) |
| 1     | R-1                 | 0               | 0                                   | 0                                 | 280                  | 0                                 | 0                      |
| 1     | C-1                 | 41,000          |                                     |                                   |                      |                                   |                        |
| 1     | C-2                 | 11,000          |                                     |                                   |                      |                                   |                        |
| 1     | C-3                 | 10,000          |                                     |                                   |                      |                                   |                        |
| 1     | C-4                 | 8,200           |                                     |                                   |                      |                                   |                        |
| 1     | C-5A (old "C-4")    | 11,200          |                                     |                                   |                      |                                   |                        |
| 1     | C-5B                | 7,500           |                                     |                                   |                      |                                   |                        |
| 1     | C-5C                | 54,000          |                                     |                                   |                      |                                   |                        |
| 1     | C-5D                | 8,200           |                                     |                                   |                      |                                   |                        |
| 1     | C-6                 | 17,000          |                                     |                                   |                      |                                   |                        |
| 1     | C-21 & C-25         | 150,000         | 20                                  | 20                                | 375                  | 0                                 | 0                      |
| 1     | C-25A               | 4,721           |                                     |                                   |                      |                                   |                        |
| 1     | CE-1                | 1,074           |                                     |                                   |                      |                                   |                        |
| 1     | Lakes               |                 |                                     |                                   |                      |                                   |                        |
| 1     | Mitigation          |                 |                                     |                                   |                      |                                   |                        |
| 1     | Preservation        |                 |                                     |                                   |                      |                                   |                        |
| 1     | Roads               |                 |                                     |                                   |                      |                                   |                        |
| 2     | R-4                 | 0               | 0                                   | 0                                 | 436                  | 0                                 | 0                      |
| 2     | R-5                 | 0               | 0                                   | 0                                 | 542                  | 0                                 | 0                      |
| 2     | C-7 (old "5-19H")   | 10,000          |                                     |                                   |                      |                                   |                        |
| 2     | C-8                 | 4,000           |                                     |                                   |                      |                                   |                        |
| 2     | C-9                 | 13,000          |                                     |                                   |                      |                                   |                        |
| 2     | C-10                | 9,000           |                                     |                                   |                      |                                   |                        |
| 2     | C-11                | 9,000           |                                     |                                   |                      |                                   |                        |
| 2     | C-12                | 73,000          |                                     |                                   |                      |                                   |                        |
| 2     | C-13                | 40,000          |                                     |                                   |                      |                                   |                        |
| 2     | C-22                | 5,000           |                                     |                                   |                      |                                   |                        |
| 2     | C-23                | 5,000           |                                     |                                   |                      |                                   |                        |
| 2     | C-24                | 17,000          | 0                                   | 0                                 | 0                    |                                   | 120                    |
| 2     | Public/Semi-Public  | 0               | 65,000                              | 0                                 | 0                    |                                   | 0                      |
| 2     | CE-2                | 7,013           |                                     |                                   |                      |                                   |                        |
| 2     | CE-3                | 4,495           |                                     |                                   |                      |                                   |                        |
| 2     | CE-4                | 91,747          |                                     |                                   |                      |                                   |                        |
| 2     | CE-5                | 89,300          |                                     |                                   |                      |                                   |                        |
| 2     | Lakes               |                 |                                     |                                   |                      |                                   |                        |
| 2     | Roads               |                 |                                     |                                   |                      |                                   |                        |
| 3     | C-14A               | 8,000           |                                     |                                   |                      |                                   |                        |
| 3     | C-14                | 6,800           |                                     |                                   |                      |                                   |                        |
| 3     | C-15                | 4,000           |                                     |                                   |                      |                                   |                        |
| 3     | C-16A               | 1,900           |                                     |                                   |                      |                                   |                        |
| 3     | C-16B/C/F &<br>C-17 | 90,100          |                                     |                                   |                      |                                   |                        |
| 3     | C-16D               | 56,000          |                                     |                                   |                      |                                   |                        |
| 3     | C-16E               | 12,000          |                                     |                                   |                      |                                   |                        |
| 3     | C-18A               | 10,175          |                                     |                                   |                      |                                   |                        |
| 3     | C-18B               | 39,825          |                                     |                                   |                      |                                   |                        |
| 3     | CE-6                | 4,000           |                                     |                                   |                      |                                   |                        |
| 3     | Mitigation          |                 |                                     |                                   |                      |                                   |                        |
| 3     | Roads               |                 |                                     |                                   |                      |                                   |                        |

|                                 |            |               |           |        |          |            |                |
|---------------------------------|------------|---------------|-----------|--------|----------|------------|----------------|
| 4                               | C-19A      | 43,000        |           |        |          |            |                |
| 4                               | C-19B      | 12,000        |           |        | 44*      |            |                |
| 4                               | R-2        | 0             | 0         | 0      | 320,277* | 0          |                |
| 4                               | Lakes      |               |           |        |          |            |                |
| 4                               | Mitigation |               |           |        |          |            |                |
| 4                               | Roads      |               |           |        |          |            |                |
| 5                               | 5-1 R&D    | 0             | 0         | 42,000 | 0        | 0          |                |
| 5                               | 5-2        | 4,136         |           |        |          |            |                |
| 5                               | 5-3        | 2,160         |           |        |          |            |                |
| 5                               | 5-4        | 0             | 0         | 0      | 54       | 0          |                |
| 5                               | 5-5        | 3,260         |           |        |          |            |                |
| 5                               | 5-6        | 24,000        |           |        |          |            |                |
| 5                               | 5-7        | 36,900        |           |        |          |            |                |
| 5                               | 5-8        | 35,670        |           |        |          |            |                |
| 5                               | 5-9        | 12,000        |           |        |          |            |                |
| 5                               | 5-10       | 12,000        |           |        |          |            |                |
| 5                               | 5-11       | 8,000         |           |        |          |            |                |
| 5                               | 5-12       | 67,300        |           |        |          |            |                |
| 5                               | 5-13       | 3,952         |           |        |          |            |                |
| 5                               | 5-14       | 3,225         |           |        |          |            |                |
| 5                               | 5-15       | 0             | 0         | 0      | 104      | 0          |                |
| 5                               | 5-16       | 300,000       |           |        |          |            |                |
| 5                               | 5-18       | 3,500         |           |        |          |            |                |
| 5                               | 5-19A      | 0             | 0         | 0      | 0        | 0          |                |
| 5                               | 5-19B      | 0             | 0         | 0      | 0        | 0          |                |
| 5                               | 5-19C      | 0             | 0         | 0      | 144      | 0          |                |
| 5                               | 5-19D      | 0             | 0         | 0      | 48       | 0          |                |
| 5                               | 5-19E      | 0             | 0         | 0      | 48       | 0          |                |
| 5                               | 5-19F,G,J  | 0             | 0         | 0      | 650      | 0          |                |
| 5                               | 5-19H      | 88,000        | 0         | 0      | 0        | 0          |                |
| 5                               | 5-19I      | 365,000 (ind) | 0         | 0      | 0        | 0          |                |
| 5                               | 5-19K      | 43,000        | 0         | 0      | 0        | 0          |                |
| 5                               | 5-19L      | 0             | 0         | 0      | 0        | 458 (beds) |                |
| 5                               | Lakes      |               |           |        |          |            |                |
| 5                               | Mitigation |               |           |        |          |            |                |
| 5                               | Parks      |               |           |        |          |            |                |
| 5                               | Public     |               |           |        |          |            |                |
| 5                               | Roads      |               |           |        |          |            |                |
| Unallocated Commercial Rights   |            | 53,668        |           |        |          |            |                |
| Calculated Totals (Industrial): |            | 365,000       |           |        |          |            |                |
| Calculated Totals (Commercial): |            | 4,690,021     | 1,678,021 | 65,000 | 42,000   | 3,004,300  | 458 (beds) 120 |

\*A total allocation of 321 units across both parcels (114 single-family residential units and 207 multi-family residential units).



**Sandhill DRI  
Map H, Exhibit #2  
Notes**

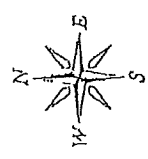
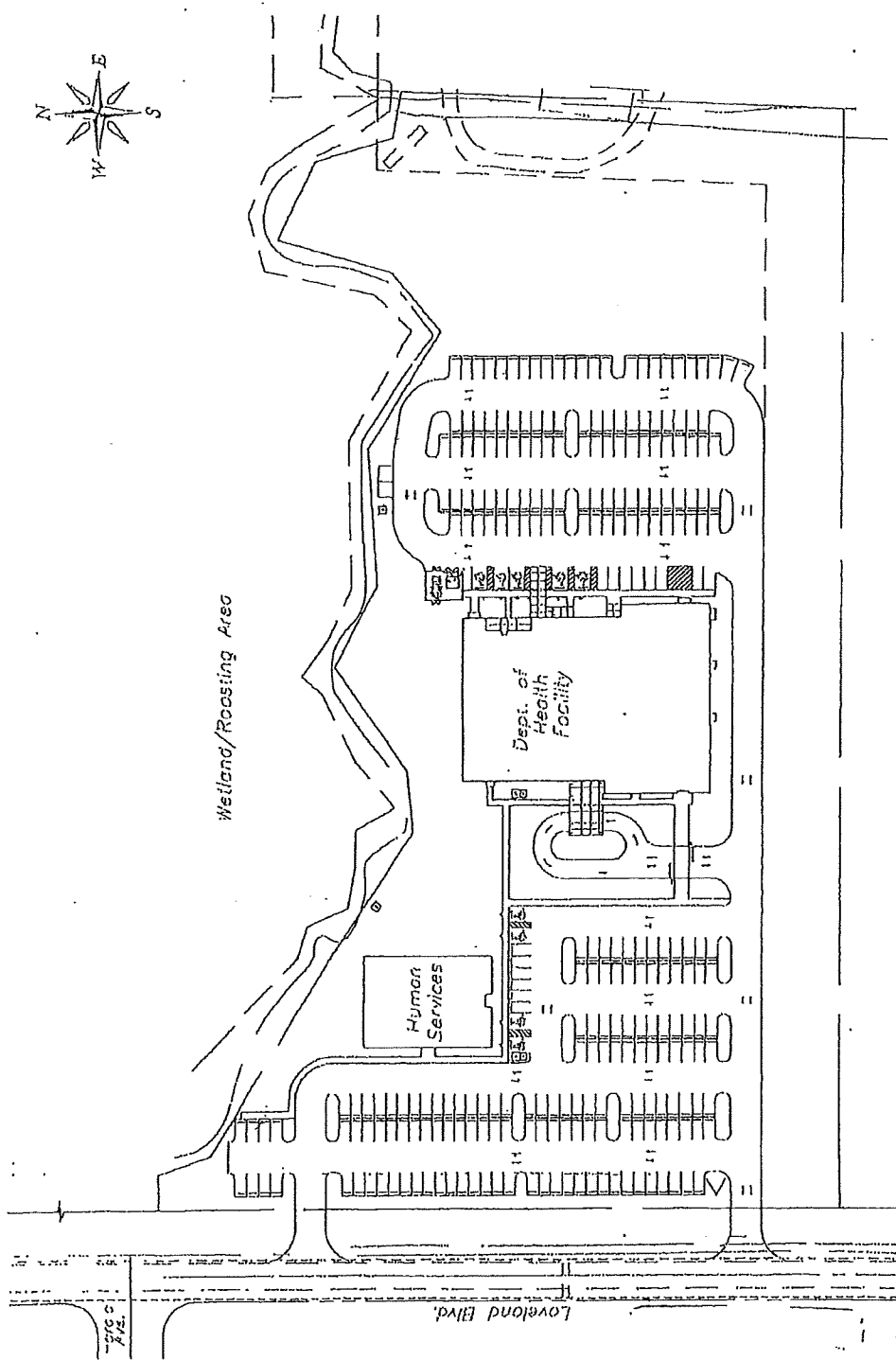
Revision Notes:

1. July 2002 Revisions:
  - a. Tract 1: Revised Parcels, lakes & wetlands
  - b. Tract 3: Revised Parcel C-16 & removed wetland
  - c. Tract 4: Revised Parcel C-19 & increased wetland
2. January 2006 (NOPC-051283) Revisions:
  - a. Subdivided C-16, C-17, C-18, C-20, Newport Golf
3. January 2006 (NOPC-051284) Revisions:
  - a. Reallocated Commercial S.F. & residential units between existing tracts 1 & 4
    - i. Transferred 320 residential units from R-1 (Tract 1) to R-2 (Tract 4)
    - ii. Transferred 75,000 S.F. of commercial from R-2 (Tract 4) to C-21 & C-25 (Tract 1)
4. Added Parcel 5-19A
5. Add commercial parcel 5-19A
6. July 14, 2006 – revise acreages
7. July 17, 2006 – Revise acreages and 5-16
8. November 9, 2006 – add S.F. to 5-19H
9. August 14, 2007 – consolidation of resolutions
10. October 16, 2007 – add 65,000 S.F. to Tract 2 Public/Semi-Public site
11. March 18, 2008 – Revision to C-24, 30,400 SF to 17,000 SF & 120 hotel rooms
12. December 16, 2008 – relocate mitigation area, allow access to Loveland, incorporate road improvement obligations
13. August 18, 2009 – Correct scrivener's errors; reallocate dwelling units from 5-4 to R-5; remove portions of R-5 and 5-4 from Sandhill DRI and add to Victoria Estates DRI
14. December 9, 2014 – Correct scrivener's errors; eliminate 84.09 acre golf course and replace with 6.48 acres and 43,000 SF of commercial, 19.56 acres and 458 ACLF beds; 47.64 acres and 430,000 SF of industrial; 16.35 acres and 26 multi-family units; the increased 26 dwelling units shall be transferred to the site through the County's Transfer of Density Units process according to the provisions set forth in the Transfer of Density Units Code; add equivalency matrix
15. 2017 Proposed – Revision to C-21 and C-25 of Tract 1 by adding 300 multi-family units and eliminating 50,100 SF of commercial utilizing the equivalency matrix
16. 2017 Proposed – Revision to C-19B of Tract 4 by adding 44 single-family residential units and eliminating 12,000 SF of commercial utilizing the equivalency matrix. Revision to R-2 of Tract 4 by adding 70 single-family

residential units and reducing multi-family residential units from 320 units to 207 units, creating a total allocation of 321 units across both parcels.

General Notes:

1. Roads and other improvements are conceptual
2. Wetlands shown are based on Southwest Florida Water Management District Master Drainage Permit (MSW 492947.049), as amended.
3. All parcels not included in the most recently approved substantial deviation (Resolution 92-285) were assigned to Tract 5.
4. This map and associated exhibits were revised by Charlotte County staff.



Wetland/Roosting Area

Dept. of Health Facility

Human Services

Loveland Blvd.

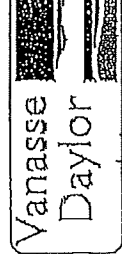
WCS Ave.

DATE: 01-25-97  
 SCALE: 1" = 120'  
 Exhibit C

Charlotte Co. Health Department  
 Site Plan for Tract 2 - Public/Semi-Public  
 Sandhill DRI

Charlotte Co. Health Department  
 109 S. Orange Blvd.  
 East, Charlotte, FL 33542

Public Engineering  
 Landscape Architecture  
 Environmental Science  
 Civil Engineering  
 13700 Lee Valley Parkway, Suite 100  
 Fort Myers, FL 33907  
 P. 941-937-0014  
 V. 941-937-0014



Vanasse  
 Daylor

tabbles  
 EXHIBIT  
 "C"

CA:\proj\13101\131001\PLAN\NET\13100-100-000.dwg, 10/10/2007 3:31:13 PM, Adobe PDF

**Exhibit D  
MAP H-1**



All CG uses.  
 Equipment retail.  
 Wholesale Sales.  
 Car wash.  
 Mini warehouses of storage facilities but not bulk storage of flammable liquids.  
 Laboratories, class 3, provided central sewer is available.  
 Automobile rental agencies  
 located on parcels no larger than 1.5 acres.



All uses listed above plus:  
 Light manufacturing in a  
 completely enclosed building.  
 Carpentry, cabinet and machine shops  
 in a completely enclosed building.

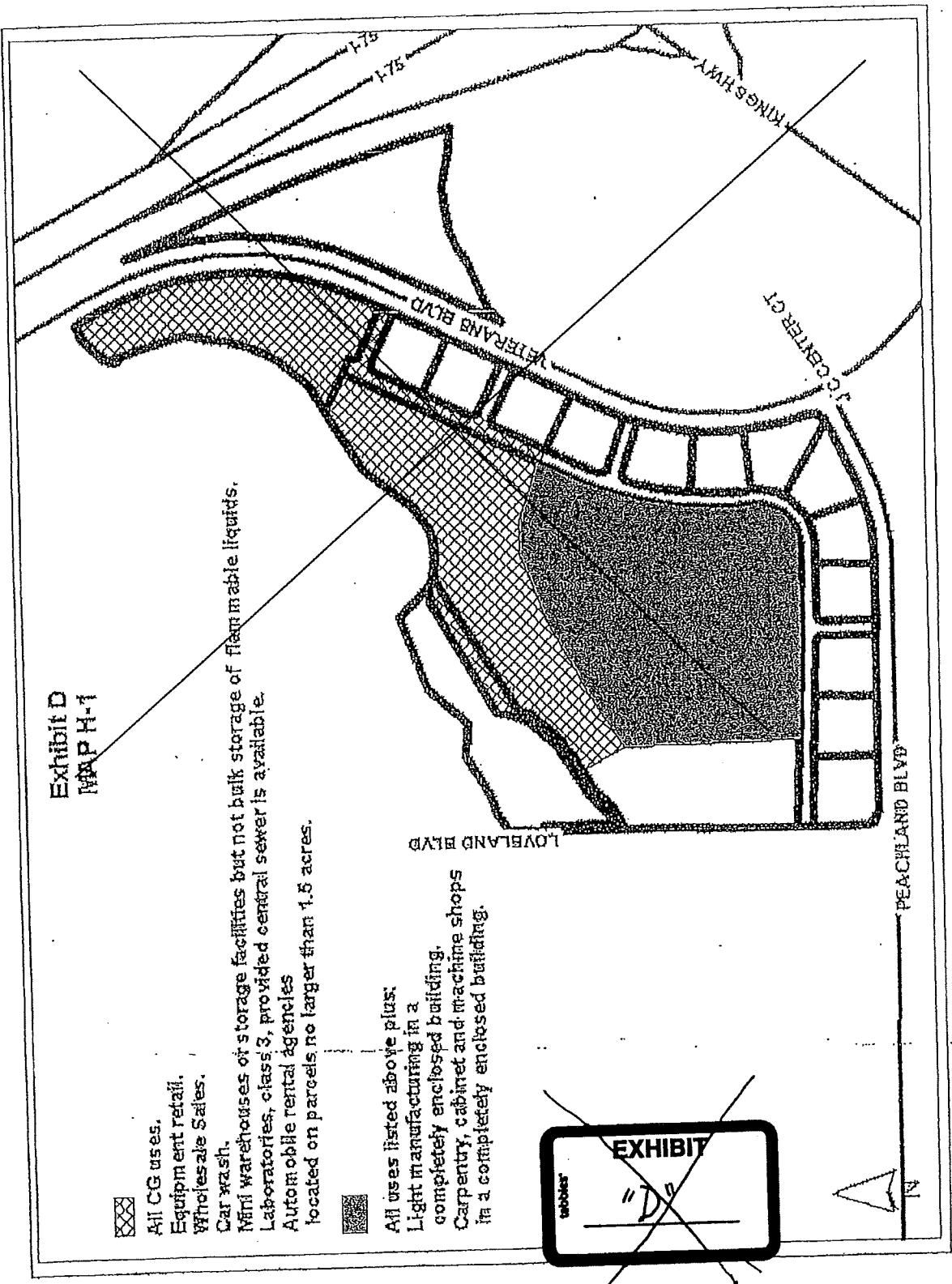
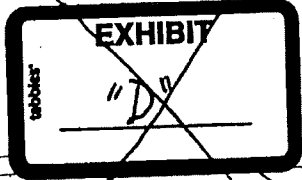


Exhibit E  
EQUIVALENCY MATRIX

|  | 110:<br>General<br>Light<br>Industrial | 220:<br>Apartment<br>Multi-family | 820:<br>Shopping<br>Center | 710:<br>Office<br>Building | 210:<br>Single<br>Family<br>Detached | 310:<br>Hotel     | 254:<br>Assisted<br>Living |
|--|--|-----------------------------------|----------------------------|----------------------------|--------------------------------------|-------------------|----------------------------|
| 110:<br>General<br>Light<br>Industrial | -                                      | 0.639<br>du/ksf                   | 3.825<br>ksf/ksf           | 1.536<br>ksf/ksf           | 1.031<br>du/ksf                      | 0.619<br>room/ksf | 0.227<br>bed/ksf           |
| 220:<br>Apartment<br>Multi-family      | 1.565<br>ksf/du                        | -                                 | 5.984<br>ksf/du            | 2.403<br>ksf/du            | 1.613<br>du/du                       | 0.968<br>room/du  | 0.355<br>bed/du            |
| 820:<br>Shopping<br>Center             | 0.261<br>ksf/ksf                       | 0.167<br>du/ksf                   | -                          | 0.402<br>ksf/ksf           | 0.270<br>du/ksf                      | 0.162<br>room/ksf | 0.059<br>bed/ksf           |
| 710:<br>Office<br>Building             | 0.651<br>ksf/ksf                       | 0.416<br>du/ksf                   | 2.490<br>ksf/ksf           | -                          | 0.671<br>du/ksf                      | 0.403<br>room/ksf | 0.148<br>bed/ksf           |
| 210:<br>Single<br>Family<br>Detached   | 0.970<br>ksf/du                        | 0.620<br>du/ksf                   | 3.710<br>ksf/du            | 1.490<br>ksf/du            | -                                    | 0.600<br>room/du  | 0.220<br>bed/du            |
| 310:<br>Hotel                          | 1.617<br>ksf/room                      | 1.033<br>du/room                  | 6.183<br>ksf/room          | 2.483<br>ksf/room          | 1.667<br>du/room                     | -                 | 0.367<br>bed/room          |
| 254:<br>Assisted<br>Living             | 4.409<br>ksf/bed                       | 2.818<br>du/bed                   | 16.864<br>ksf/bed          | 6.773<br>ksf/bed           | 4.545<br>du/bed                      | 2.727<br>room/bed | -                          |

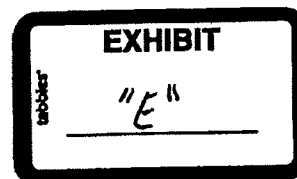
Land Use to be Increased

1. Land use changes are based on the peak hour of adjacent street traffic, one hour between 4 and 5 PM
2. Equivalency factors are based on the ITE Trip Generation Manual 9<sup>th</sup> Edition, 2012 average rate for each land use
3. When increasing a land use, multiply by the value in the table. When decreasing a land use, divide by the value in the table

Examples:

Increase 50 single-family dwelling units by decreasing 13,500 SF of shopping center ( $50 \times 0.270 = 13.5$ )  
 Increase 10,000 SF of office building by decreasing 15,360 SF of light industrial ( $10 \times 1.536 = 15.36$ )  
 Decrease 15,000 SF. of shopping center by increasing 37,313 SF of office ( $15/0.402 = 37.313$ )

4. Any conversion to residential dwelling units above the maximum approved by the original Sandhill DRI DO, which is 2,626 density units, shall be subject to the Transfer Density Units (TDU) provisions set forth in the County's Comprehensive Plan.



H6  
BCC

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT  
BOOK: 3932, PAGE 593 PAGE 1 OF 33  
INSTR # 2319313 Doc Type: AGR  
Recorded: 1/6/2015 at 12:35 PM  
Rec. Fee: RECORDING \$282.00  
Cashier By: VERONICAT

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this 9<sup>th</sup> day of December, 2014, by and between ATM II, LLC, a Florida Limited Liability Company ("Developer") and Charlotte County, a political subdivision of the State of Florida ("County").

RECITALS

WHEREAS, Developer is the contract purchaser of that property located in the Sandhill Development of Regional Impact ("Sandhill DRI") more particularly described in Exhibit "A" which is attached hereto and incorporated herein by this reference (the "Property"); and

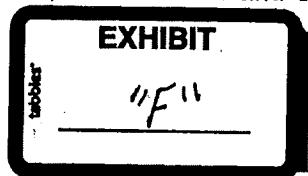
WHEREAS, Developer, with the authorization of all owners of the Property, has submitted to County a Notice of Proposed Change which would replace a 84.09 acre golf course with 43,000 square feet of commercial development, 458 assisted living and memory care beds, 365,000 square feet of industrial development and 26 multi-family dwelling units (the "Project"); and

WHEREAS, the Project is in the northeast quadrant of the intersection of Interstate 75 and Kings Highway; and

WHEREAS, the Development Order in re the Application of Sandhill Properties, Inc., for PD Zoning and Development Approval was adopted by the Charlotte County Board of County Commissioners ("Board") on February 17, 1981 and subsequently amended by the adoption of Resolutions #86-230 on September 9, 1986, #87-07 on January 20, 1987, #87-156 on July 21, 1987, #87-289 on December 15, 1987, by #88-56 on April 19, 1988, #88-57 on April 19, 1988, #88-235 on October 4, 1988, #88-262 on December 20, 1988, #89-42 on February 21, 1989, #89-90 on April 25, 1989, #89-234 on October 24, 1989, #89-330A on October 31, 1989, #90-258 on October 16, 1990, #91-99 on May 21, 1991, and #91-123 on June 18, 1991; and

WHEREAS, the Board approved a second substantial deviation amendment to the Sandhill DRI Development Order by Resolution 92-285 on December 15, 1992; and

WHEREAS, the substantial deviation Resolution 92-285 was amended by Resolution 93-59 on May 4, 1993; Resolution 97-0610A0 on July 15, 1997; Resolution 2002-064 on May 28, 2002; Resolution 2002-178 on November 12, 2002; Resolution 2003-028 on February 11, 2003; Resolution 2006-026 on February 21, 2006; Resolution 2006-027 on February 21, 2006, Resolution 2006-173 on September 19, 2006; Resolution 2006-212 on November 21, 2006; Resolution 2007-112 on August 14, 2007; Resolution 2007-161 on October 16, 2007; Resolution 2008-029 on March 18, 2008; Resolution 2008-158 and Resolution 2009-237 (all references to the Development Order for the Sandhill DRI shall hereafter refer cumulatively to Resolution 86-230, as amended and Resolution 92-285, as amended and shall hereinafter be the "Sandhill



33

DO"); and

WHEREAS, on December 16, 1986, the Board adopted Ordinance 86-68 creating a municipal service taxing unit to provide a funding mechanism for essential facilities and municipal services for the Sandhill DRI ("Sandhill MSTU"); and

WHEREAS, the Sandhill DRI has been found to be consistent with the Charlotte County Comprehensive Plan and the Charlotte County land development regulations; and

WHEREAS, County and Developer desire to enter into a Development Agreement setting forth the commitments by the Developer and the County as to transportation improvements necessary to ensure concurrency on all impacted regional roads and intersections as a result of the development of the Project.

NOW THEREFORE, for and in consideration of the premises and in reliance on the mutual promises, covenants, undertakings, recitals and other matters contained herein, the parties hereby covenant and agree as follows:

**1. Land Subject to the Agreement**

The land subject to this Agreement is more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference.

**2. Ownership**

DA Port Charlotte Holdings, LLC, Etcetera, Etc Inc. and TA Kings Highway, LLC are the owners of the Project ("Owners"). Developer is authorized to act as agent for Owners.

**3. Permitted Development Uses**

Upon approval of the pending Notice of Proposed Change, the Sandhill DO will approve a total of 43,000 square feet of commercial development, 458 assisted living and memory care beds, 365,000 square feet of light industrial development and 650 multi-family dwelling units on the Property.

**4. Public Facilities**

The Project will receive water and sanitary sewer service from Charlotte County Utilities. Fire control, rescue services, solid waste removal and disposal will be provided by Charlotte County or its assigns.

**5. Reservation, Dedication or Conveyance of Land**

No reservations, dedication, or conveyances of land within the project for traffic purposes are anticipated.

6. County Development Permits

The following is a list of the local development approvals that have been granted to date and those that may be required for the development of the Project:

1. Sandhill DO;
2. Preliminary Development Review Committee approval;
3. Final detail plan approval;
4. Preliminary and final plat approval;
5. Construction plan approval;
6. Drainage permit;
7. Right-of-way permit;
8. Building permit.

Consistency

The County finds that the proposed development entitlements for the Project are consistent with the Charlotte County Comprehensive Plan and with the Charlotte County land development regulations. No development approvals are granted by this finding of consistency.

7. Terms of the Agreement

a. General

1. The Developer's total proportionate share obligation for the Project is Six Hundred Seventy Three Thousand, Seven Hundred Four and 00/100 Dollars (\$673,704.00) (hereinafter "Proportionate Share"). The Proportionate Share is derived from anticipated traffic impacts based on the development parameters set forth in the Sandhill DO, as may be amended.
  - i. The term "proportionate share" shall have the same meaning as in Rule 9J-2.045(1)(h), Florida Administrative Code except that construction cost shall not include the cost of sidewalks, bike lanes, utility relocation, improvement relocations on other private lands (e.g., mail boxes, driveways and trees), landscaping and other urban design elements.
  - ii. County agrees that Developer's compliance with this Agreement shall fulfill its Proportionate Share obligation and fully mitigate the transportation impact of the Project. Upon Developer's completion of its obligations under this Agreement, Developer shall be exempt from any transportation-related assessment or other mitigation for completion of the Project.



- b. Developer shall design, permit and construct the improvements more specifically described in Exhibit "B" attached hereto and incorporated herein by this reference (collectively the "Improvements") except that Developer may alternatively pay its proportionate share contribution to signalize the Kings Highway & I-75 Southbound Ramps intersection.

The estimated cost for surveying, design, construction and construction administration of the Improvements is Eight Hundred Forty Three Thousand, Five Hundred Fifty Eight and 00/100 Dollars (\$843,558.00).

- c. If necessary, Developer shall provide stormwater drainage and retention for the Improvements within the Project's stormwater facilities or within the Sandhill DRI stormwater basins.
- d. The Developer shall submit design plans and a transportation impact analysis for Site Plan Review for approval of any portion of the Project. The Developer shall coordinate the locations of any new site access points with Charlotte County Public Works.
- e. The Developer will prepare, submit and process all necessary permits from local, state and federal agencies for the Improvements. If wetlands are impacted by the design for the Improvements, Developer shall obtain the necessary local, state and federal permits for such impacts. All permit fees, application fees, administration fees and other expenses will be documented to the County.
- f. Developer may construct the Project in any number of phases. For each phase of the Project submitted for development approval, Developer shall provide a transportation impact analysis detailing the number of net new external trips that will be generated by the proposed phase. The following improvements or proportionate share payments will be required concurrent with development within the Project. External trip thresholds are cumulative, calculated by adding the net new external trips generated from prior development within on the Property with the net new external trips to be generated by the proposed development on the Property.

1,000 net new external trips or at the time a signal is warranted, whichever is later -- Signalization of the site driveway intersection at Kings Highway, south of the existing St. James Place driveway.

1,400 net new external trips -- Installation of a traffic signal at the I-75 southbound ramps intersection and signal optimizations at the signalized intersection at the I-75 northbound ramps intersection. Alternatively, Developer may pay its fifty nine percent (59%) proportionate share contribution for design and installation at the time that the signal is warranted.

1,500 net new external trips – Signal optimization of the Sandhill Boulevard & Kings Highway intersection.

Until proposed development within the Project cumulatively generates 1,000 or more net new external trips there shall be no requirement for completing transportation improvements and development within the Project which cumulatively generates less than 1,000 new external trips may receive certificates of occupancy. Once approval is received for development within the Project which will cumulatively generate 1,000 or more net new external trips, no certificate of occupancy for any development which will cumulatively generate 1,000 or more net new external trips shall be issued until the required transportation improvements are complete.

#### 8. County Obligations

- a. The Developer may use such County property as is necessary to design, permit, install, construct and complete the Improvements. County, as a political subdivision defined in Section 768.28, Florida Statutes, agrees to be fully responsible to the limits set forth in such statute for its own negligent acts or omissions, and agrees to be liable to the statutory limits for any damages proximately caused by said acts or omissions. Nothing contained in this section shall be construed to be a waiver by County of any protections under sovereign immunity, Section 768.28, Florida Statutes, or any other similar provision of law. Nothing contained herein shall be construed to be a consent by County to be sued by third parties in any matter arising out of this or any other agreement.
- b. If wetlands are impacted by the design for the Improvements, impacts shall be mitigated at the sole cost and expense of Developer.
- c. Developer will prepare and administer the bid package for construction of the Improvements in coordination with the County Engineer. Developer will notify the County Engineer upon the selection of the contractor.
- f. Developer shall receive road impact fee credits equal to the total cost of the design, permitting, construction and construction management of the Improvements including interest costs of any construction loan. Developer shall provide County with an updated estimate of costs concurrent with its notification to County of the selected contractor. If Developer chooses to make a proportionate share contribution, then Developer shall receive road impact fee credits equal to the cost of its proportionate share contribution.
- g. Developer shall submit invoices to County following completed installation of any required improvements. The invoices shall be subject to review and

verification by the County Engineer. Impact fee credits shall be issued by County within thirty (30) days of submission of each invoice. Any amounts that remain uncredited following said 30 day period shall bear interest at the prime rate published from time to time by Wells Fargo Bank.

- h. Road impact fee credits may be applied to offset road impact fees due for development within the areas designated as Schedule A – Urban Zone in Chapter 3-3.5 Impact Fees of the Charlotte County Code of Ordinances and shall not expire.
- i. County agrees to cooperate with Developer, at no liability, loss or expense to County, in all submissions or applications to the appropriate government authorities, to obtain permits, approvals, licenses or authorizations necessary to develop the Property in accordance with Buyer's intended use. Promptly after request from Developer, County will execute such filings, applications, agreements, instruments, documents or similar items so as to enable the accomplishment of all of the foregoing at Developer's cost. To the extent reasonably possible, Developer will execute and/or perform all filings, applications, agreements, documents and similar items in Developer's name.

**9. Failure to Comply with the Requirements**

- a. If the Developer fails to comply with the terms of this agreement, then County may withhold building permits for the net new external trips for which no mitigation has been provided.
- b. The parties shall have all rights available by law to enforce this Agreement.

**10. Concurrency and Vesting**

- a. If the transportation mitigation is provided in accordance with Section 7 of this Agreement, the Project shall be deemed vested to construct 43,000 square feet of commercial development, 458 assisted living and memory care beds, 365,000 square feet of industrial development and 650 multi-family dwelling units or other development consistent with the Sandhill D.O. that will generate not more than 4,419 net new external trips, consistent with any subsequently approved Final Detail Plan.

**11. Impact Fees**

- a. The Developer shall pay road impact fees for construction of the Project.

**12. Duration of Agreement**

- a. This Agreement shall be effective upon execution of all parties and shall continue in force until thirty years from the effective date (Termination Date).
- b. This Agreement is executed in order to satisfy the concurrency requirements of the Project through its buildout. Provided that there are no prior acts of default or termination, the parties contemplate that this Agreement will be renewed at regular intervals until the Project is built out. This Agreement may be extended by written mutual consent of the County and Developer.
- c. If Developer has fully complied with the terms of this Agreement upon the Termination Date or upon any expiration of the Sandhill DO and County has not yet performed its obligations on the Termination Date, County is obligated to perform in accordance with the terms of this Agreement as though the Agreement or the Sandhill DO, whichever the case may be, had not expired.

**13. Amendment of Agreement**

This Agreement may only be amended in writing by mutual consent of the parties or their successors in interest.

**14. Other Provisions**

- a. The failure of this Agreement to address a particular permit, condition, term or restriction does not relieve the Developer of the necessity of complying with the law governing those permitting requirements, conditions, terms or restrictions.
- b. The terms of this Agreement may not supersede the procedural requirements of Florida law under Chapter 380.06, Florida Statutes.
- c. County, Developer or their successors or assigns may file an action for injunctive relief in the Circuit Court of Charlotte County to enforce the terms of this Agreement.
- d. This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein; and the parties agree that there are no commitments, agreements or understandings concerning the subject

matter of this Agreement that are not contained in or incorporated into this Agreement. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior written or oral representations or agreements.

- e. If any provisions of this Agreement are contrary to, prohibited by, or deemed invalid under any applicable law or regulation, such provisions shall be inapplicable and deemed omitted to the extent so contrary, prohibited or invalid. The remainder of this Agreement shall not be invalidated thereby and shall be given full force and effect.
- f. The parties agree that suits or actions at law arising from the provisions, performance, or breach of this Agreement shall initially be brought in Charlotte County, Florida, and no other jurisdiction. This Agreement shall be construed and interpreted under the laws of the State of Florida.
- g. This Agreement shall not be construed more strictly against any party.
- h. The parties shall have all rights available by law to enforce this Agreement.

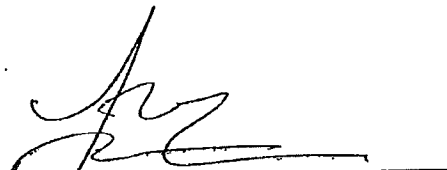
**15. Successors and Assigns**

This Agreement shall inure to the benefit of and be obligatory upon the parties hereto and their respective successors and assigns.

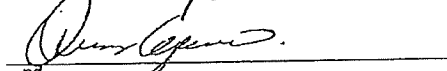
**16. Section 163 Development Agreement**

This Agreement is consistent with and governed by the provisions of Sections 163.3220 – 163.3243, Fla. Stat.

IN WITNESS WHEREOF, County and Developer have executed this Agreement on the date first above written.




1<sup>st</sup> Witness  
Print Name: Lysander Marrero



2<sup>nd</sup> Witness  
Print Name: Omar Cepeda

ATM II, LLC

By: 

Print Name: Anna Marrero

Title: Manager

STATE OF FL.  
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 23 day of Dec, 2014 by Arturo Manera, as MANAGER of ATM II, LLC, on behalf of the limited liability company. The above named person is personally known to me or has produced \_\_\_\_\_ as identification.

(Notary Seal)



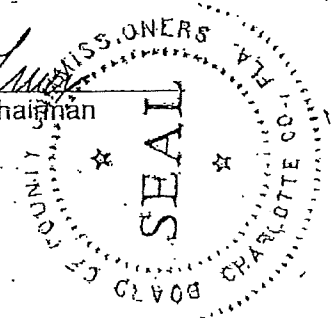
ALEJANDRO DANIEL PAZMINO  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# EE188391  
Expires 4/11/2016

[Signature]  
Signature of Notary Public  
Alejandro Pazmino  
Printed Name of Notary Public  
My commission expires on 4-11-16

This Agreement is passed and duly adopted this 9<sup>th</sup> day of Dec., 2014.

BOARD OF COUNTY COMMISSIONERS OF  
CHARLOTTE COUNTY, FLORIDA

By: William G. Truex  
William G. Truex, Chairman



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

By: Michelle D. Brundage  
Deputy Clerk AGR2014-064

Approved as to form:

Janette S. Knowlton  
Janette Knowlton, County Attorney

EXHIBIT A

Newport West Parcel:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S 0 degrees 16' 27" W., along the East line of said Section, a distance of 565.39 feet; thence N. 89 degrees 43' 33" W., 2007.12 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in Quitclaim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning:

Thence N. 76 degrees 46' 06" W., along said boundary line, a distance of 521.00 feet; thence S. 89 degrees 44' 05" W., along said boundary line, a distance of 179.92 feet to a point on a circular curve concave to the West, having a radius of 165.00 feet, with a chord bearing and distance of S 0 degrees 25' 42" W., 201.19 feet; thence Southerly, along the arc of said curve, having a central angle of 76 degrees 00' 29", a distance of 218.89 feet to the boundary line of Eagle

Point Golf Course Parcel 4, as described in said Quitclaim Deed; thence S. 73 degrees 39' 28" E., along said boundary line, a distance of 317.32 feet; thence S. 81 degrees 22' 01" E., along said boundary line, a distance of 247.79 feet; thence N. 16 degrees 06' 15" E., 81.96 feet; thence S. 73 degrees 53' 45" E., 53.16 feet; thence N. 16 degrees 06' 15" E., 8.00 feet; thence S. 73 degrees 53' 45" E., 15.00 feet to the point of curvature of a circular curve concave to the North, having a radius of 272.00 feet, with a chord bearing and distance of S. 76 degrees 54' 37" E., 28.61 feet; thence Easterly, along the arc of said curve, through a central angle of 6 degrees 01' 46", a distance of 28.62 feet; thence N. 10 degrees 04' 40" E., 46.00 feet; thence S. 81 degrees 15' 21" E., 10.51 feet; thence N. 1 degrees 16' 49" E., 106.53 feet to the Point of Beginning.

Newport II Phase 3:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 716.11 feet; thence N. 89 degrees 43' 33" W., 1222.97 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in Quitclaim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence S. 15 degrees 34' 10" W., 28.06 feet; thence S. 19 degrees 23' 01" W., 18.00 feet; thence N. 70 degrees 36' 59" W., 37.23 feet; thence S. 19 degrees 23' 01" W., 8.00 feet to a point on a circular curve concave to the South, having a radius of 312.01 feet, with a chord bearing and distance of N. 76 degrees 59' 43" W., 69.33 feet; thence Westerly, along the arc of said curve, through a central angle of 12 degrees 45' 28", a distance of 69.47 feet; thence S. 6 degrees 37' 34" W., 82.83 feet to the boundary line of Eagle Point Golf Course Parcel 4, as described in said Quitclaim Deed; thence N. 88 degrees 43' 11" W., along said boundary line, a distance of 261.35 feet; thence N. 1 degrees 16' 49" E., 83.83 feet; thence S. 88 degrees 43' 11" E., 47.33 feet; thence N. 1 degrees 16' 49" E., 26.00 feet; thence N. 88 degrees 43' 11" W., 23.33 feet; thence N. 1 degrees 16' 49" E., 53.00 feet; thence S. 88 degrees 43' 11" E., 42.00 feet; thence S. 1 degrees 16' 49" W., 25.00 feet; thence S. 88 degrees 43' 11" E., 173.98 feet to the point of curvature of a circular curve concave South, having a radius of 366.01 feet, with a chord bearing and distance of S. 79 degrees 40' 05" E., 115.17 feet; thence Easterly along the arc of said curve, through a central angle of 18 degrees 06' 12", a distance of 115.65 feet to the point of tangency; thence S. 70 degrees 36' 59" E., 35.38 feet to the Point of Beginning. Less and Except that part of Phase 3 contained in the following described property:

A tract of land lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at a 4" x 4" concrete monument with disk stamped P.L.S. 2405 at the North 1/4 corner of said Section 6; Thence along the West line of "The Links", a subdivision recorded in Plat Book 15, Pages 18 and 18A, Public Records of Charlotte County, Florida, S 00 degrees 5' 56" W 259.07 feet to a point on a curve, concave to the East, having a radius of 105.00 feet and a delta angle of 101 degrees 11' 28", whose chord bears S 27 degrees 14' 41" W; thence along said curve in a counter-clockwise direction 185.44 feet to the beginning of a compound curve concave to the East having a radius of 150.00 feet and a delta angle of 20 degrees 09' 12" whose chord bears S 33 degrees 25' 39" E; thence along said curve in a counter-clockwise direction, 52.76 feet to the beginning of a reverse curve concave to the West having a radius of 165.00 feet and a delta angle of 05 degrees 55' 43" whose chord bears S 40 degrees 32' 24" E; thence along said curve in a clockwise direction, 17.07 feet, thence leaving said curve on a non-radial line N 89 degrees 44' 05" E, 179.92 feet; thence S 76 degrees 46' 06" E 521.00 feet; thence S 88 degrees 43' 11" E, 252.81 feet to the Point of Beginning of this description; thence continue S 88 degrees 43' 11" E, 217.13 feet; thence S 01 degrees 16' 49" W, 107.83 feet; thence N 88 degrees 43' 11" W, 217.13 feet; thence N 01 degrees 16' 49" E, 107.83 feet to the Point of Beginning.



Newport II Phase 4;

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 716.11 feet; thence N. 89 degrees 43' 33" W., 1222.97 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in a Quit Claim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence N. 1 degrees 16' 49" E., along said boundary line, a distance of 136.93 feet; thence N. 88 degrees 43' 11" W., along said boundary line, 363.34 feet; thence S. 1 degrees 16' 49" W., 82.82 feet; thence S. 88 degrees 43' 11" E., 42.00 feet; thence S. 1 degrees 16' 49" W., 25.00 feet; thence S. 88 degrees 43' 11" E., 173.98 feet to the point of curvature of a circular curve concave to the South, having a radius of 366.01 feet, with a chord bearing and distance of S. 79 degrees 40' 05" E., 115.17 feet; thence Easterly, along the arc of said curve, through a central angle of 18 degrees 06' 12", a distance of 115.65 feet to the point of tangency; thence S. 70 degrees 36' 59" E., 35.38 feet to the Point of Beginning. Less and Except that part of Phase 4 contained in the following described property:

A tract of land lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at a 4" x 4" concrete monument with disk stamped P.L.S. 2405 at the North 1/4 corner of said Section 6; Thence along the West line of "The Links", a subdivision recorded in Plat Book 15, Pages 18 and 18A, Public Records of Charlotte County, Florida, S 00 degrees 5' 56" W 259.07 feet to a point on a curve, concave to the East, having a radius of 105.00 feet and a delta angle of 101 degrees 1' 28", whose chord bears S 27 degrees 14' 41" W; thence along said curve in a counter-clockwise direction 185.44 feet to the beginning of a compound curve concave to the East having a radius of 150.00 feet and a delta angle of 20 degrees 09' 12" whose chord bears S 33 degrees 25' 39" E; thence along said curve in a counter-clockwise direction, 52.76 feet to the beginning of a reverse curve concave to the West having a radius of 165.00 feet and a delta angle of 05 degrees 55' 43" whose chord bears S 40 degrees 32' 24" E; thence along said curve in a clockwise direction, 17.07 feet, thence leaving said curve on a non-radial line N 89 degrees 44' 05" E, 179.92 feet; thence S 76 degrees 46' 06" E 521.00 feet; thence S 88 degrees 43' 11" E, 252.81 feet to the Point of Beginning of this description; thence continue S 88 degrees 43' 11" E, 217.13 feet; thence S 01 degrees 16' 49" W, 107.83 feet; thence N 88 degrees 43' 11" W, 217.13 feet; thence N 01 degrees 16' 49" E, 107.83 feet to the Point of Beginning.

Newport II Phase 5:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 818.01 feet; thence N. 89 degrees 43' 33" W., 1612.16 feet to the boundary line of Eagle Point Golf Course Parcel 4, as described in Quitclaim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence N. 88 degrees 43' 11" W., along said boundary line, a distance of 259.32 feet; thence N. 1 degrees 16' 49" E., 83.83 feet; thence N. 88 degrees 43' 11" W., 32.35 feet; thence N. 1 degrees 16' 49" E., 54.00 feet; thence S. 88 degrees 43' 11" E., 315.67 feet; thence S. 01 degrees 16' 49" W., 28.00 feet; thence S. 88 degrees 43' 11" E.; 23.33 feet; thence S. 1 degrees 16' 49" W., 26.00 feet; thence N. 88 degrees 43' 11" W., 473.33 feet; thence S. 1 degrees 16' 49" W., 83.83 feet to the Point of Beginning.

Newport II Phase 6:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 572.82 feet; thence N. 89 degrees 43' 33" W., 1583.85 feet to the boundary line of Eagle Point Golf Course Parcel 5; as described in a Quit Claim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence S. 1 degrees 16' 49" W., 107.82 feet; thence N. 88 degrees 43' 11" W., 347.33 feet; thence N. 1 degrees 16' 49" E., 43.00 feet; thence N. 88 degrees 43' 11" W., 18.00 feet; thence N. 1 degrees 16' 49" E., 64.82 feet to said boundary line of Eagle Point Golf Course Parcel 5; thence S. 88 degrees 43' 11" E., along said boundary line, a distance of 365.33 feet to the Point of Beginning. Less and Except that part of Phase 6 contained in the following described property:

A tract of land lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at a 4" x 4" concrete monument with disk stamped P.L.S. 2405 at the North 1/4 corner of said Section 6; Thence along the West line of "The Links", a subdivision recorded in Plat Book 15, Pages 18 and 18A, Public Records of Charlotte County, Florida, S 00 degrees 5' 56" W 259.07 feet to a point on a curve, concave to the East, having a radius of 105.00 feet and a delta angle of 101 degrees 11' 28", whose chord bears S 27 degrees 14' 41" W; thence along said curve in a counter-clockwise direction 185.44 feet to the beginning of a compound curve concave to the East having a radius of 150.00 feet and a delta angle of 20 degrees 09' 12" whose chord bears S 33 degrees 25' 39" E; thence along said curve in a counter-clockwise direction, 52.76 feet to the beginning of a reverse curve concave to the West having a radius of 165.00 feet and a delta angle of 05 degrees 55' 43" whose chord bears S 40 degrees 32' 24" E; thence along said curve in a clockwise direction, 17.07 feet, thence leaving said curve on a non-radial line N 89 degrees 44' 05" E, 179.92 feet; thence S 76 degrees 46' 06" E 521.00 feet; thence S 88 degrees 43' 11" E, 252.81 feet to the Point of Beginning of this description; thence continue S 88 degrees 43' 11" E, 217.13 feet; thence S 01 degrees 16' 49" W, 107.83 feet; thence N 88 degrees 43' 11" W, 217.13 feet; thence N 01 degrees 16' 49" E, 107.83 feet to the Point of Beginning.

Newport II Phase 7:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 566.41 feet; thence N. 89 degrees 43' 33" W., 1949.13 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in Quit Claim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence S. 1 degrees 16' 49" W., 64.82 feet; thence S. 88 degrees 43' 11" E., 18.00 feet; thence S. 1 degrees 16' 49" W., 43.00 feet; thence S. 88 degrees 43' 11" E., 31.66 feet; thence S. 1 degrees 16' 49" W., 54.00 feet; thence S. 88 degrees 43' 11" E., 32.35 feet; thence S. 1 degrees 16' 49" W., 83.83 feet to the boundary line of Eagle Point Golf Course Parcel 4, as described in said Quit Claim Deed; thence N. 88 degrees 43' 11" W., along said boundary line, a distance of 249.34 feet; thence N. 37 degrees 19' 59" W., along said boundary line, 40.12 feet; thence N. 16 degrees 06' 15" E., 81.96 feet; thence S. 73 degrees 53' 45" E., 53.16 feet; thence N. 16 degrees 06' 15" E., 8.00 feet; thence S. 73 degrees 53' 45" E., 15.00 feet to the point of curvature of a circular curve concave to the North, having a radius of 272.00 feet,

with a chord bearing and distance of S. 76 degrees 54' 37" E., 28.61 feet; thence Easterly, along the arc of said curve, through a central angle of 6 degrees 01' 46", a distance of 28.62 feet; thence N. 10 degrees 04' 40" E., 46.00 feet; thence S. 81 degrees 15' 21" E., 10.51 feet; thence N. 1 degrees 16' 49" E., 106.53 feet to the said boundary line of Eagle Point Golf Course Parcel 5; thence S. 88 degrees 43' 11" E., along said boundary line, a distance of 58.00 feet to the Point of Beginning.

Easements:

Ingress, egress and utility easement set forth in that certain Easement Agreement recorded in Official Records Book 1868, Page 182, Public Records of Charlotte County, Florida and Official Records Book 474, Page 348, Desoto County, Florida. The subject easement is located in Desoto County, Florida.

And

Ingress and egress easement set forth in that certain Grant of Easement recorded in Official Records Book 1028, Page 205, Public Records of Charlotte County, Florida.

Together with:

PORTION OF SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20")

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(CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (DELTA 59°55'52") (CHORD BEARING S43°17'09"W) (CHORD 249.74 FEET) FOR 261.50 FEET TO A POINT OF TANGENCY; THENCE RUN S13°19'13"W FOR 147.31 FEET; THENCE RUN N33°09'20"W FOR 223.84 FEET; THENCE RUN N54°05'01"W FOR 32.12 FEET; THENCE RUN N33°09'20"W FOR 208.47 FEET; THENCE RUN N23°55'45"W FOR 277.58 FEET; THENCE RUN N42°54'09"W FOR 88.52 FEET; THENCE RUN N33°39'37"W FOR 266.98 FEET; THENCE RUN S57°02'45"W FOR 217.85 FEET; THENCE RUN S33°39'37"E FOR 107.27 FEET; THENCE RUN S00°05'04"W FOR 45.21 FEET; THENCE RUN S28°30'00"E FOR 221.62 FEET; THENCE RUN S23°55'45"E FOR 331.58 FEET; THENCE RUN S31°08'43"E FOR 535.09 FEET; THENCE RUN S39°21'17"W FOR 31.69 FEET; THENCE RUN S50°38'43"E FOR 166.83 FEET; THENCE RUN N39°21'17"E FOR 299.40 FEET; THENCE RUN S75°08'04"E FOR 84.09 FEET; THENCE RUN S14°51'56"W FOR 29.33 FEET; THENCE RUN S75°08'04"E FOR 245.77 FEET; THENCE RUN S26°44'04"W FOR 74.82 FEET; THENCE RUN S63°15'56"E FOR 299.78 FEET; THENCE RUN S21°38'52"E FOR 220.40 FEET; THENCE RUN N49°59'02"E FOR 290.15 FEET; THENCE RUN N45°05'40"W FOR 83.09 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 152.00 FEET (DELTA 15°55'23") (CHORD BEARING N53°03'21"W) (CHORD 42.11) FOR 42.24 FEET; THENCE RUN N28°58'57"E FOR 29.33 FEET TO A POINT ON A CURVE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT OF RADIUS 181.33 FEET (DELTA 10°55'27") (CHORD BEARING N66°28'45"W) (CHORD 34.52) FOR 34.57 FEET TO A POINT OF TANGENCY; THENCE RUN N71°56'30"W FOR 123.77 FEET; THENCE RUN N26°44'04"E FOR 81.30 FEET; THENCE RUN N62°51'14"W FOR 283.19 FEET; THENCE RUN N75°08'04"W FOR 487.05 FEET; THENCE RUN N13°19'13"E FOR 166.77 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 200.00 FEET (DELTA 59°55'52") (CHORD BEARING N43°17'09"E) (CHORD 199.79 FEET) FOR 209.20 FEET TO THE POINT OF TANGENCY; THENCE RUN N73°15'05"E FOR 315.19 FEET TO THE POINT OF CURVATURE; THENCE RUN NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 165.00 FEET (DELTA 116°45'20") (CHORD BEARING N14°52'25"E) (CHORD 281.00) FOR 336.23 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 150.00 FEET (DELTA 20°09'12") (CHORD BEARING N33°25'39"W) (CHORD 52.49 FEET) FOR 52.76 FEET TO A POINT OF COMPOUND CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 105.00 (DELTA 101°11'19") (CHORD BEARING N27°14'36"E) (CHORD 162.26 FEET) FOR 185.44 FEET TO THE WEST LINE OF "THE LINKS" AS DESCRIBED IN PLAT BOOK 15, PAGES 18 AND 18A OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE RUN N00°05'56"W ALONG THE SAID EAST LINE OF "THE LINKS" FOR 259.07 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE EASEMENT RIGHTS SET FORTH IN THAT CERTAIN WARRANTY DEED DATED NOVEMBER 18, 2004, FROM CHARLOTTE LENDING, INC.; A FLORIDA CORPORATION, TO ROYAL PALMS GOLF CONDOMINIUM PARTNERS, LLC RECORDED IN OFFICIAL RECORDS BOOK 2593, PAGE 574, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

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(Legal Description - Continued)

AND

PARCEL A

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6 THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET TO THE POINT OF BEGINNING; THENCE S00°05'56"W, FOR 260.18 FEET; THENCE S89°54'04"E FOR 23.41 FEET; THENCE S00°05'53"W FOR 24.06 FEET; THENCE S00°05'57"W FOR 60.64 FEET TO THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE EAST, OF WHICH THE RADIUS POINT LIES S89°54'04"E, A RADIAL DISTANCE OF 200.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°31'40", FOR 61.18 FEET; THENCE S89°44'05"W, FOR 49.74 FEET; THENCE N00°05'56"E, FOR 405.55 FEET; THENCE S89°30'14"E FOR 17.05 FEET TO THE POINT OF BEGINNING.

PARCEL B

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20") (CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT ON A CURVE, CONCAVE SOUTHEAST, OF WHICH THE RADIUS POINT LIES S16°44'55"E, A RADIAL DISTANCE OF 250.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 40°01'54", FOR 174.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°53'58" FOR 86.83 FEET; THENCE N33°09'20"W, FOR 224.01 FEET; THENCE N54°05'01"W, FOR 32.12 FEET; THENCE N33°09'20"W, FOR 208.47 FEET; THENCE N23°55'45"W, FOR 277.58 FEET; THENCE N42°54'09"W, FOR 88.52 FEET; THENCE N33°39'37"W, FOR 266.98 FEET; THENCE S57°02'45"W, FOR 217.85 FEET; THENCE S33°39'37"E, FOR 107.27 FEET; THENCE S00°05'04"E FOR 45.21 FEET; THENCE S28°30'00"E, FOR 221.62 FEET; THENCE S23°55'45"E, FOR 331.58 FEET; THENCE S31°08'43"E, FOR 535.09 FEET; THENCE S39°21'17"W FOR 10.21 FEET; THENCE CONTINUE S39°21'17"W, ALONG SAID LINE, A DISTANCE OF 21.48 FEET; THENCE N31°08'43"W, FOR 508.76 FEET; THENCE

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N23°55'45"W, FOR 370.95 FEET; THENCE N28°30'00"W, FOR 385.30 FEET; THENCE N00°29'46"E, FOR 172.99 FEET; THENCE S89°30'14"E, FOR 373.11 FEET; THENCE S23°55'45"E, FOR 327.43 FEET; THENCE S64°32'45"W, FOR 34.02 FEET; THENCE S23°55'45"E, FOR 276.19 FEET; THENCE S33°09'20"E, FOR 235.58 FEET; THENCE N84°29'39"E, FOR 158.48 FEET TO THE POINT OF BEGINNING.

PARCEL C

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20") (CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (DELTA 59°55'52") (CHORD BEARING S43°17'09"W) (CHORD 249.74 FEET) FOR 261.50 FEET TO A POINT OF TANGENCY; THENCE RUN S13°19'13"W FOR 147.31 FEET; THENCE RUN N33°09'20"W FOR 223.84 FEET; THENCE RUN N54°05'01"W FOR 32.12 FEET; THENCE RUN N33°09'20"W FOR 208.47 FEET; THENCE RUN N23°55'45"W FOR 277.58 FEET; THENCE RUN N42°54'09"W FOR 88.52 FEET; THENCE RUN N33°39'37"W FOR 266.98 FEET; THENCE RUN S57°02'45"W FOR 217.85 FEET; THENCE RUN S33°39'37"E FOR 107.27 FEET; THENCE RUN S00°05'04"W FOR 45.21 FEET; THENCE RUN S28°30'00"E FOR 221.62 FEET; THENCE RUN S23°55'45"E FOR 331.58 FEET; THENCE RUN S31°08'43"E FOR 535.09 FEET; THENCE RUN S39°21'17"W FOR 31.69 FEET; THENCE RUN S50°38'43"E FOR 166.83 FEET; THENCE RUN N39°21'17"E FOR 267.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N39°21'17"E FOR 32.23 FEET; THENCE S75°08'04"E FOR 84.09 FEET; THENCE S14°51'56"W FOR 29.33 FEET; THENCE N75°08'04"W FOR 97.45 FEET TO THE POINT OF BEGINNING.

PARCEL D

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG

See Continuation Sheet

(Legal Description - Continued)

THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20") (CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (DELTA 59°55'52") (CHORD BEARING S43°17'09"W) (CHORD 249.74 FEET) FOR 261.50 FEET TO A POINT OF TANGENCY; THENCE RUN S13°19'13"W FOR 147.31 FEET; THENCE RUN N33°09'20"W FOR 223.84 FEET; THENCE RUN N54°05'01"W FOR 32.12 FEET; THENCE RUN N33°09'20"W FOR 208.47 FEET; THENCE RUN N23°55'45"W FOR 277.58 FEET; THENCE RUN N42°54'09"W FOR 88.52 FEET; THENCE RUN N33°39'37"W FOR 266.98 FEET; THENCE RUN S57°02'45"W FOR 217.85 FEET; THENCE RUN S33°39'37"E FOR 107.27 FEET; THENCE RUN S00°05'04"W FOR 45.21 FEET; THENCE RUN S28°30'00"E FOR 221.62 FEET; THENCE RUN S23°55'45"E FOR 331.58 FEET; THENCE RUN S31°08'43"E FOR 535.09 FEET; THENCE RUN S39°21'17"W FOR 31.69 FEET; THENCE RUN S50°38'43"E FOR 166.83 FEET; THENCE RUN N39°21'17"E FOR 299.40 FEET; THENCE RUN S75°08'04"E FOR 84.09 FEET; THENCE RUN S14°51'56"W FOR 29.33 FEET; THENCE RUN S75°08'04"E FOR 245.77 FEET; THENCE RUN S26°44'04"W FOR 74.82 FEET TO THE POINT OF BEGINNING; THENCE S63°15'56"E, FOR 299.78 FEET; THENCE S21°38'52"E, FOR 220.40 FEET; THENCE S49°59'02"W, FOR 21.07 FEET; THENCE N21°38'52"W, FOR 214.76 FEET; THENCE N62°51'14"W, FOR 295.68 FEET; THENCE N26°44'04"E, FOR 20.98 FEET TO THE POINT OF BEGINNING.

PARCEL E

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20") (CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (DELTA 59°55'52") (CHORD BEARING S43°17'09"W) (CHORD 249.74 FEET) FOR 261.50 FEET TO A POINT OF TANGENCY; THENCE RUN S13°19'13"W FOR 147.31 FEET; THENCE RUN N33°09'20"W FOR 223.84 FEET; THENCE RUN N54°05'01"W FOR 32.12 FEET; THENCE RUN N33°09'20"W FOR 208.47 FEET; THENCE RUN N23°55'45"W FOR 277.58 FEET; THENCE RUN N42°54'09"W FOR 88.52 FEET; THENCE RUN N33°39'37"W FOR 266.98 FEET; THENCE RUN S57°02'45"W FOR 217.85 FEET;

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(Legal Description - Continued)

THENCE RUN S33°39'37"E FOR 107.27 FEET; THENCE RUN S00°05'04"W FOR 45.21 FEET; THENCE RUN S28°30'00"E FOR 221.62 FEET; THENCE RUN S23°55'45"E FOR 331.58 FEET; THENCE RUN S31°08'43"E FOR 535.09 FEET; THENCE RUN S39°21'17"W FOR 31.69 FEET; THENCE RUN S50°38'43"E FOR 166.83 FEET; THENCE RUN N39°21'17"E FOR 299.40 FEET; THENCE RUN S75°08'04"E FOR 84.09 FEET; THENCE RUN S14°51'56"W FOR 29.33 FEET; THENCE RUN S75°08'04"E FOR 245.77 FEET; THENCE RUN S26°44'04"W FOR 74.82 FEET; THENCE RUN S63°15'56"E FOR 299.78 FEET; THENCE RUN S21°38'52"E FOR 220.40 FEET; THENCE RUN N49°59'02"E FOR 290.15 FEET TO THE POINT OF BEGINNING; THENCE N45°05'40"W, FOR 83.09 FEET TO A POINT OF CURVATURE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 152.00 FEET AND A CENTRAL ANGLE OF 15°55'23"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, FOR 42.24 FEET; THENCE N28°58'57"E, FOR 29.33 FEET TO THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE SOUTHWEST, OF WHICH THE RADIUS POINT LIES S28°58'57"W, A RADIAL DISTANCE OF 181.33 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 10°55'27", FOR 34.57 FEET; THENCE N71°56'30"W, FOR 123.77 FEET; THENCE N26°44'04"E, FOR 81.30 FEET; THENCE N62°51'14"W, FOR 283.19 FEET; THENCE N75°08'04"W, FOR 487.05 FEET; THENCE N13°19'13"E, FOR 37.09 FEET; THENCE S75°08'04"E, FOR 529.28 FEET; THENCE S62°51'14"E, FOR 198.74 FEET; THENCE S45°03'52"E, FOR 369.21 FEET; THENCE S49°59'02"W, FOR 58.15 FEET TO THE POINT OF BEGINNING.

PARCEL F

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE S00°05'56"W, FOR 403.20 FEET TO THE POINT OF BEGINNING; THENCE S52°40'31"W, FOR 63.14 FEET TO THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE NORTHEAST, OF WHICH THE RADIUS POINT LIES N49°24'16"E, A RADIAL DISTANCE OF 150.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°09'28", FOR 44.92 FEET; THENCE N89°44'05"E, FOR 73.94 FEET TO THE POINT OF BEGINNING.

PARCEL G

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE S00°05'56"W, FOR 259.07 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S00°05'56"W, ALONG SAID LINE, A DISTANCE OF 144.13 FEET; THENCE S89°44'05"W, FOR 73.94 FEET TO THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE CONCAVE SOUTHEAST OF WHICH THE RADIUS POINT LIES N66°31'29"E, A RADIAL DISTANCE OF 105.00 FEET;

See Continuation Sheet



(Legal Description - Continued)

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $101^{\circ}18'45''$ , FOR 185.66 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH EASEMENT FOR INGRESS, EGRESS, STORMWATER AND UTILITY PURPOSES RECORDED IN OFFICIAL RECORD BOOK 1868, PAGE 182, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

Together with:

Eagle Point Golf Course Parcel 3

That portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, described as follows:

Commence at a 4" X 4" concrete monument with disk stamped F.L.B. 7405 found at the North W corner of said Section 6; thence along the North Line of said Section 6, North  $89^{\circ}30'14''$  West, 159.83 feet to the point of beginning of land being described; thence South  $00^{\circ}01'56''$  West, 260.18 feet; thence South  $89^{\circ}54'08''$  East, 73.41 feet; thence South  $00^{\circ}05'56''$  West, 84.70 feet to the beginning of a tangential curve concave to the East having a radius of 200.00 feet and a delta angle of  $43^{\circ}36'11''$  whose chord bears South  $21^{\circ}42'10''$  East; thence along said curve in a counterclockwise direction, 152.70 feet to the beginning of a reverse curve concave to the west, having a radius of 115.00 feet and a delta angle of  $116^{\circ}45'20''$ , whose chord bears South  $14^{\circ}52'13''$  West; thence along said curve in a clockwise direction, 234.34 feet; thence tangent to the last curve, South  $73^{\circ}15'03''$  West, 315.19 feet to the beginning of a tangential curve concave to the southeast, having a radius of 250.00 feet and a delta angle of  $39^{\circ}53'52''$  whose chord bears South  $43^{\circ}17'09''$  West; thence along said curve in a counterclockwise direction, 261.50 feet; thence tangent to the last curve, South  $13^{\circ}19'13''$  West, 147.31 feet; thence North  $33^{\circ}09'20''$  West, 223.84 feet; thence North  $34^{\circ}05'01''$  West, 32.12 feet; thence North  $33^{\circ}09'20''$  West, 208.47 feet; thence North  $25^{\circ}35'43''$  West, 277.58 feet; thence North  $42^{\circ}54'09''$  West, 88.32 feet; thence North  $33^{\circ}39'37''$  West, 266.98 feet; thence South  $57^{\circ}02'45''$  West, 21.75 feet; thence South  $33^{\circ}39'37''$  East, 107.27 feet; thence South  $00^{\circ}03'04''$  West, 45.21 feet; thence South  $24^{\circ}30'00''$  East, 21.62 feet; thence South  $23^{\circ}35'43''$  East, 331.38 feet; thence South  $31^{\circ}08'43''$  East, 333.09 feet; thence South  $39^{\circ}21'17''$  West, 31.69 feet; thence South  $50^{\circ}38'43''$  East, 166.88 feet; thence North  $39^{\circ}21'17''$  East, 299.40 feet; thence South  $75^{\circ}04'04''$  East, 84.09 feet; thence South  $14^{\circ}51'56''$  West, 29.33 feet; thence South  $75^{\circ}08'04''$  East, 245.77 feet; thence South  $26^{\circ}44'04''$  West, 74.82 feet; thence South  $63^{\circ}15'56''$  East, 299.78 feet; thence South  $21^{\circ}38'52''$  East, 229.40 feet; thence South  $49^{\circ}39'02''$  West, 164.72 feet to the easterly limited access right of way line for Interstate 25 (State Road No. 93, Section 01075-2404); thence along said limited access right of way line, North  $29^{\circ}49'35''$  West, 378.34 feet to an angle point in said right of way line (being 162.00 feet right of the center line of survey at station 274+25.94 feet); thence continue along said right of way line, North  $28^{\circ}40'49''$  West, 2123.19 feet to the north line of said Section 6; thence along said north line of Section 6, South  $89^{\circ}30'14''$  East, 1712.10 feet to the point of beginning

Eagle Point Golf Course Parcel 4

That portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, described as follows:

See continuation sheet

Commence at a 4' x 4' concrete monument with disk stamped PBM PLS 2405 found at the NE corner of said Section 6; thence along the east line of said Section 6, South 00°16'27" West 583.13 feet to the westerly maintained right-of-way line of Kings Highway (State of Florida Department of Transportation Section 01501-2601) at Station 3731+11.47, 36°36 feet left of the survey baseline; thence along said maintained right-of-way line, South 25°24'50" West, 311.47 feet to Station 3704+00.15, 80 feet left of the survey baseline; thence continue along said right-of-way line, South 25°22'46" West, 580.00 feet to Station 3654+00.34, 60 feet left of the survey baseline; thence continue along said right-of-way line, South 25°33'46" West, 370.86 feet to a point of beginning of land being described; thence continue along said right-of-way line, South 25°33'46" West, 179.14 feet to Station 3604+00.15, 00 feet left of the survey baseline; thence continue along said right-of-way line, South 25°42'46" West, 194.86 feet to Station 3584+05.14 feet, 35.68 feet left of said survey baseline, to the beginning of state of Florida Department of Transportation right-of-way (Section 01075-2404) for Interstate 75; thence along said right-of-way line, North 64°28'59" West 14.32 feet; thence continue along said right-of-way line, South 27°17'24" West 323.19 feet; thence continue along said right-of-way, North 64°28'59" West, 10.00 feet to a point on a curve concave to the northwest, having a radius of 1839.86 feet and a delta angle of 08°27'48", whose chord bears South 29°44'51" West; thence along said curve and right-of-way in a clockwise direction 271.77 feet; thence radial to the last curve, North 56°01'11" West, 10.00 feet to a point on a curve concave to the northwest, having a radius of 1829.86 feet and a delta angle of 08°56'32", whose chord bears South 38°27'05" West; thence along said curve and right-of-way in a clockwise direction, 285.49 feet; thence radial to the last curve, North 47°04'39" West, 13.00 feet; thence continue along said right-of-way line, South 44°55'21" West, 43.60 feet to the southerly line of a 170 feet wide Florida Power and Light Company easement recorded in Official Records Book 350, Page 128 and 129, of the Public Records of Charlotte County, Florida; thence along said southerly line, North 43°03'52" West 1603.25 feet; thence South 49°59'00" West 33.03 feet; thence North 43°03'40" West, 83.09 feet to the beginning of a tangential curve concave to the southwest, having a radius of 152.00 feet and a delta angle of 15°55'23", whose chord bears North 53°03'21" West; thence along said curve in a counterclockwise direction 42.24 feet; thence radial to the last curve, North 38°58'57" East, 19.33 feet to a point on a curve concave to the southwest, having a radius of 181.33 feet and a delta angle of 10°53'27", whose chord bears North 66°28'46" West; thence along said curve in a counterclockwise direction, 34.57 feet; thence tangent to the last curve, North 71°51'30" West, 123.77 feet; thence North 26°44'04" East, 81.30 feet; thence North 62°51'14" West, 283.19 feet; thence North 73°01'04" West, 487.05 feet; thence North 13°19'13" East, 166.77 feet to the beginning of a tangential curve concave to the southeast, having a radius of 200.00 feet and a delta angle of 39°35'52", whose chord bears North 43°17'09" East; thence along said curve in a clockwise direction, 209.20 feet; thence tangent to the last curve, North 73°15'03" East, 315.19 feet to the beginning of a tangential curve concave to the north, having a radius of 165.00 feet and a delta angle of 34°49'09", whose chord bears North 53°30'31" East; thence along said curve in a counterclockwise direction, 100.27 feet; thence leaving said curve on a non-radial line, South 73°39'28" East, 317.32 feet; thence South 81°22'01" East, 247.79 feet; thence South 37°19'59" East, 40.12 feet; thence South 88°43'11" East, 785.01 feet; thence South 70°36'59" East, 217.57 feet; thence South 19°23'01" West, 12.17 feet; thence South 70°36'59" East, 46.00 feet; thence North 19°23'01" East, 12.17 feet; thence South 70°36'59" East, 214.33 feet; thence North 19°23'01" East, 74.87 feet; thence South 42°00'32" East, 53.40 feet; thence North 49°07'28" East, 24.33 feet to the beginning of a tangential curve concave to the south, having a radius of 3.00 feet and a delta angle of 90°00'00", whose chord bears South 85°42'32" East; thence along said curve in a clockwise direction 7.85 feet; thence tangent to the last curve, South 40°52'32" East, 93.93 feet to the beginning of a tangential curve concave to the north, having a radius of 140.00 feet and a delta angle of 29°40'56", whose chord bears South 53°43'00" East; thence along said curve in a counterclockwise direction, 72.53 feet; thence tangent to the last curve, South 70°33'28" East, 40.08 feet to the beginning of a tangential curve concave to the southwest, having a radius of 33.00 feet and a delta angle of 90°00'00", whose chord bears South 25°33'28" East; thence along said curve in a clockwise direction 54.98 feet; thence tangent to the last curve, South 10°26'32" West, 26.67 feet; thence North 86°03'28" West, 143.88 feet; thence North 56°03'28" West, 71.24 feet; thence South 33°56'32" West, 82.50 feet; thence South 36°03'28" East, 95.00 feet; thence South 03°56'32" West, 50.00 feet; thence South 56°03'28" East, 60.32 feet; thence South 03°56'32" West, 19.85 feet; thence South 86°03'28" East, 250.92 feet to the beginning of a tangential curve concave to the southwest, having a radius of 10.00 feet and a delta angle of 105°30'00", whose chord bears South 33°18'28" East; thence along said curve in a clockwise direction, 18.41 feet; thence tangent to the last curve, South 19°26'32" West, 41.80 feet to the beginning of a tangential curve concave to the east, having a radius of 363.51 feet and a delta angle of 14°37'16", whose chord bears South 12°08'12" West; thence along said curve in a counterclockwise direction 93.27 feet; thence tangent to the last curve, South 04°49'36" West, 22.82 feet to the beginning of a tangential curve concave to the west, having a radius of 98.00 feet and a delta angle of 37°06'21", whose chord bears South 23°22'45" West; thence along said curve in a clockwise direction 63.47 feet; thence tangent to the last curve, South 41°55'58"

West, 111.61 feet to the beginning of a tangential curve concave to the north, having a radius of 92.00 feet and a delta angle of  $50^{\circ}09'35''$ , whose chord bears South  $67^{\circ}00'44''$  West; thence along said curve in a clockwise direction, 80.54 feet; thence tangent to the last curve, North  $87^{\circ}54'29''$  West, 36.79 feet; thence North  $02^{\circ}05'31''$  East, 54.41 feet; thence North  $53^{\circ}46'46''$  West, 610.49 feet; thence South  $72^{\circ}59'18''$  West, 481.43 feet; thence South  $17^{\circ}00'42''$  East, 163.90 feet; thence South  $31^{\circ}43'39''$  East, 98.41 feet; thence North  $58^{\circ}16'21''$  East, 41.33 feet; thence South  $31^{\circ}43'39''$  East, 84.83 feet; thence North  $58^{\circ}16'21''$  East, 249.97 feet; thence North  $31^{\circ}43'39''$  West, 84.83 feet; thence North  $38^{\circ}16'21''$  East, 55.36 feet to the beginning of a tangential curve concave to the south, having a radius of 63.00 feet and a delta angle of  $67^{\circ}56'53''$ , whose chord bears South  $87^{\circ}45'12''$  East; thence along said curve in a clockwise direction, 77.08 feet; thence tangent to the last curve, South  $53^{\circ}46'46''$  East, 94.99 feet; thence South  $36^{\circ}13'14''$  West, 84.83 feet; thence South  $53^{\circ}46'46''$  East, 399.05 feet; thence South  $11^{\circ}19'43''$  West, 113.39 feet; thence South  $78^{\circ}40'17''$  East, 156.83 feet; thence North  $11^{\circ}19'43''$  East, 270.47 feet; thence South  $87^{\circ}54'29''$  East, 1.31 feet to the beginning of a tangential curve concave to the south, having a radius of 116.00 feet and a delta angle of  $50^{\circ}09'35''$ , whose chord bears North  $67^{\circ}00'44''$  East; thence along said curve in a counterclockwise direction, 101.35 feet; thence tangent to the last curve, North  $41^{\circ}35'56''$  East, 113.61 feet to the beginning of a tangential curve concave to the south, having a radius of 75.00 feet and a delta angle of  $73^{\circ}29'42''$ , whose chord bears North  $78^{\circ}40'47''$  East; thence along said curve in a clockwise direction, 96.20 feet; thence tangent to the last curve, South  $64^{\circ}34'22''$  East, 120.89 feet to the point of beginning.

**Eagle Point Golf Course Parcel 5**

That portion of Section 6, Township 40 South Range 23 East Charlotte County, Florida, described as follows:

Commence at a 4"x4" concrete monument with disk stamped FRM PLS 2405 faint at the NE corner of said section 6; thence along the east line of said Section 6, South  $00^{\circ}16'27''$  West, 320.80 feet to a point on the south line of "The Links" a subdivision recorded in Plat Book 13, Page 18, of the Public Records of Charlotte County, Florida, for a point of beginning of land being described; thence continue along said section line, South  $00^{\circ}16'27''$  West, 263.15 feet to the westerly maintained right of way line of Kings Highway (State of Florida Department of Transportation Section 01J01-2601) at Station 373+11.47, 36.16 feet left of the survey baseline; thence along said maintained right of way line, South  $25^{\circ}24'50''$  West, 311.47 feet to Station 370+00.35 80 feet left of the survey baseline; thence continue along said right of way, South  $25^{\circ}22'46''$  West, 500.00 feet to Station 365+00.34 60 feet left of the survey baseline; thence continue along said right of way line, South  $25^{\circ}33'46''$  West, 262.86 feet; thence leaving said right of way, North  $64^{\circ}34'22''$  West, 144.03 feet to the beginning of a tangential curve concave to the northeast, having a radius of 80.00 feet and a delta angle of  $84^{\circ}00'54''$ , whose chord bears North  $22^{\circ}33'45''$  West; thence along said curve in a clockwise direction, 117.31 feet; thence tangent to the last curve, North  $19^{\circ}26'32''$  East, 304.45 feet to the beginning of a tangential curve concave to the east, having a radius of 168.00 feet and a delta angle of  $20^{\circ}50'37''$ , whose chord bears North  $29^{\circ}52'01''$  East; thence along said curve in a clockwise direction, 61.13 feet; thence tangent to the last curve, North  $40^{\circ}17'29''$  East, 240.00 feet; thence North  $20^{\circ}00'00''$  East, 75.00 feet; thence North  $08^{\circ}33'28''$  West, 77.70 feet; thence South  $81^{\circ}26'32''$  West, 266.90 feet; thence North  $45^{\circ}33'28''$  West, 42.69 feet; thence South  $44^{\circ}26'32''$  West, 99.00 feet; thence South  $45^{\circ}33'28''$  East, 40.00 feet; thence South  $44^{\circ}26'32''$  West, 76.83 feet; thence South  $45^{\circ}33'28''$  East, 23.07 feet to a point on a curve concave to the southwest, having a radius of 192.00 feet and a delta angle of  $13^{\circ}39'58''$ , whose chord bears South  $26^{\circ}16'31''$  West; thence along said curve in a counterclockwise direction, 45.80 feet; thence tangent to the last curve, South  $19^{\circ}26'32''$  West, 129.59 feet to the beginning of a tangential curve concave to the north, having a radius of 35.00 feet and a delta angle of  $50^{\circ}09'35''$ , whose chord bears South  $64^{\circ}26'32''$  West; thence along said curve in a clockwise direction, 54.98 feet; thence tangent to the last curve, North  $70^{\circ}33'28''$  West, 40.08 feet to the beginning of a tangential curve concave to the north, having a radius of 116.00 feet and a delta angle of  $29^{\circ}40'56''$ , whose chord bears North  $55^{\circ}43'00''$  West; thence along said curve in a clockwise direction, 60.09 feet; thence tangent to the last curve, North  $40^{\circ}52'22''$  West, 140.42 feet to the beginning of a tangential curve concave to the southwest, having a radius of 171.50 feet and a delta angle of  $29^{\circ}44'27''$ , whose chord bears North  $55^{\circ}44'46''$  West; thence along said curve in a counterclockwise direction, 89.02 feet; thence tangent to the last curve, North  $70^{\circ}36'59''$  West, 420.17 feet; thence North  $01^{\circ}46'49''$  East, 136.93 feet; thence North  $88^{\circ}43'11''$  West, 786.47 feet; thence North  $76^{\circ}46'08''$  West, 321.03 feet; thence South  $89^{\circ}44'05''$  West, 179.92 feet to a point on a curve concave to the southwest, having a radius of 165.00 feet and a delta angle of  $07^{\circ}55'43''$ , whose chord bears North  $40^{\circ}32'24''$  West; thence along said curve in a counterclockwise direction, 17.07 feet to the beginning of a reverse curve concave to the northeast, having a radius of 130.00 feet and a delta angle of  $20^{\circ}09'12''$ , whose chord bears North  $33^{\circ}23'39''$  West; thence along said curve in a clockwise direction, 52.76 feet to the

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beginning of a compound curve concave to the east having a radius of 105.00 feet and a central angle of  $101^{\circ}11'19''$ , whose chord bears North  $27^{\circ}14'36''$  East; thence along said curve in a clockwise direction, 185.44 feet to the west line of Lot 26, "The Links" a subdivision recorded in Plat Book 15, Page 18, of the Public Records of Charlotte County, Florida; thence along said west line South  $80^{\circ}09'56''$  West 60.94 feet to a  $3/8''$  iron rod with 2" aluminum cap stamped "Hedge Point Golf Course Boundary Marker PLS 4321" found at the SW corner of said Lot 26; thence along the south line of said "The Links", being a line 320.00 feet north of and parallel with the north line of the Northeast  $1/4$  of said Section 6, South  $89^{\circ}30'55''$  East 2660.73 feet to the point of beginning.

All of the above described parcels are also together with the following:

Together with ingress and egress easements recorded in Official Records Book 972, Page 1905, and Official Records Book 1028, Page 205, of the Public Records of Charlotte County, Florida.

Also together with the following described easement:

A relocatable ingress-egress easement being a strip of land 50.00 feet wide over that portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, and lying 25.00 feet on each side of the following described centerline:

Commence at the North  $1/4$  corner of said Section 6; thence along the north line of said Section 6, North  $89^{\circ}30'14''$  West 25.00 feet to the point of beginning of centerline being described; thence South  $00^{\circ}05'56''$  West, 240.76 feet to a point of cusp with a curve concave to the southeast, having a radius of 130.00 feet and a delta angle of  $92^{\circ}06'58''$ , whose chord bears South  $22^{\circ}42'26''$  West; thence along said curve in a counterclockwise direction, 209.00 feet to the beginning of a compound curve concave to the east, having a radius of 175.00 feet and a delta angle of  $20^{\circ}09'12''$ , whose chord bears South  $33^{\circ}21'39''$  East; thence along said curve in counterclockwise direction, 61.36 feet to the beginning of a reverse curve concave to the west, having a radius of 140.00 feet and a delta angle of  $116^{\circ}45'20''$ , whose chord bears South  $14^{\circ}33'23''$  West; thence along said curve in a clockwise direction, 285.29 feet; thence tangent to the last curve, South  $73^{\circ}15'05''$  West 315.19 feet to the beginning of a tangential curve concave to the south having a radius of 225.00 feet and a delta angle of  $39^{\circ}55'32''$ , whose chord bears South  $43^{\circ}17'19''$  West; thence along said curve in a counterclockwise direction 235.55 feet; thence tangent to the last curve, South  $13^{\circ}19'13''$  West, 268.09 feet; thence South  $39^{\circ}21'17''$  West 276.34 feet to the point of termination of said centerline.

The sidelines of said easement are to be extended or shortened to their respective intersections.

Also together with the following described easement:

A relocatable ingress-egress easement being a strip of land 24.00 feet wide over that portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, and lying 12.00 feet on each side of the following described centerline:

Commence at the North  $1/4$  corner of said Section 6; thence along the north line of said Section 6, North  $89^{\circ}30'14''$  West 25.00 feet; thence South  $00^{\circ}05'56''$  West, 240.76 feet to a point of cusp with a curve concave to the southeast, having a radius of 130.00 feet and a delta angle of  $92^{\circ}06'58''$ , whose chord bears South  $22^{\circ}42'26''$  West; thence along said curve in a counterclockwise direction, 209.00 feet to the beginning of a compound curve concave to the east, having a radius of 175.00 feet and a delta angle of  $20^{\circ}09'12''$ , whose chord bears South  $33^{\circ}21'39''$  East; thence along said curve in a counterclockwise direction, 61.36 feet to the beginning of a reverse curve concave to the west, having a radius of 140.00 feet and a delta angle of  $43^{\circ}55'37''$ , whose chord bears South  $31^{\circ}52'17''$  East; thence along said curve in a clockwise direction, 107.33 feet to the point of beginning of centerline being described; thence radial to the last curve, South  $89^{\circ}34'18''$  East, 13.59 feet to the beginning of a tangential curve concave to the south, having a radius of 300.00 feet and a delta angle of  $12^{\circ}08'01''$ , whose chord bears South  $11^{\circ}30'18''$  East; thence along said curve in a clockwise direction, 105.89 feet; thence tangent to the last curve, South  $77^{\circ}28'17''$  East, 488.73 feet to the beginning of a tangential curve concave to the south, having a radius of 300.00 feet and a delta angle of  $104^{\circ}33'04''$ , whose chord bears South  $75^{\circ}09'43''$  East; thence along said curve in clockwise direction, 39.72 feet to the beginning of a reverse curve concave to the north, having a radius of 240.00 feet and a delta angle of  $07^{\circ}01'54''$ , whose chord bears South  $76^{\circ}24'10''$  East; thence along

said curve in a counterclockwise direction, 29.45 feet to the westernmost end of an existing log-spike easement recorded in Official Records Book 1028, Page 203 of the Public Records of Charlotte County, Florida; a point of termination of said centerline.

The sidelines of said easement are to be extended or shortened to their respective interseptions.

**LESS AND EXCEPT:**

**DeSoto County Portion**

Lot 23, Block 2, First Replat in Pombrook subdivision recorded in Plat Book 9, Page 80, of the Public Records of DeSoto County, Florida.

**LESS AND EXCEPT:**

**Charlotte County Portion**

A tract of land lying in a portion of Parcel 4 of Eagle Point Golf Course as recorded in Official Records Book 1462, Page 1999 of the Public Records of Charlotte County, Florida, said parcel being in Section 6 Township 40 South Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the North W corner of said Section 6, Township 40 South, Range 23 East, being a 4' concrete monument with aluminum disk "ERM PL 2403", as described in Department of Natural Resources (DNR) document 0048018; thence South 00°17'46" West, along the easterly line of the West half of Section 6, a distance of 672.80 feet to a point on the northerly line of Eagle Point Golf Course Parcel 4, said point also being the point of beginning.

The following four (4) calls are along said northerly line of Parcel 4; thence South 73°29'28" East, a distance of 283.19 feet; thence South 81°22'01" East, a distance of 247.79 feet; thence South 34°19'39" East, a distance of 40.12 feet; thence South 88°43'11" East, a distance of 770.01 feet to the southwest corner of Newport II Condominium, as recorded in Condominium Plat Book \_\_\_\_\_, Page \_\_\_\_\_ of the Public Records of Charlotte County, Florida; thence South 63°1'34" West, a distance of 83.11 feet (The following fourteen (14) calls are along the northerly top of bank of a lake); thence North 82°54'21" West, a distance of 260.21 feet to a point of curvature to the left of having a central angle of 51°25'10", and a radius of 83.20 feet; thence along said curve in a southwesterly direction, an arc distance of 76.67 feet to a point of reverse curvature of a curve to the right, having a central angle of 9°10'54", and a radius of 977.54 feet; thence along said curve in a northwesterly direction, an arc distance of 158.65 feet to a point of compound curvature of a curve to the right, having a central angle of 25°59'44", and a radius of 119.50 feet; thence along said arc in an easterly direction, an arc distance of 54.22 feet to a point of compound curvature of a curve to the right, having a central angle of 80°12'57", and a radius of 99.85 feet; thence along said curve in a northwesterly direction, an arc distance of 139.50 feet to a point of reverse curvature of a curve to the left, having a central angle of 3°57'12", and a radius of 636.81 feet; thence along said curve in a northerly direction, an arc distance of 68.25 feet to a point of compound curvature of a curve to the left, having a central angle of 55°34'31", and a radius of 74.83 feet; thence along said curve in a northwesterly direction, an arc distance of 72.58 feet to a point of compound curvature of a curve to the left, having a central angle of 29°25'44", and a radius of 208.48 feet; thence along said curve in a westerly direction, an arc distance of 107.39 feet to the point of tangency of said curve; thence South 70°05'37" West, a distance of 112.91 feet to a point of curvature of a curve to the right, having a central angle of 139°31'37", and a radius of 37.35 feet; thence along said curve in a northwesterly direction, an arc distance of 140.14 feet to the point of tangency of said curve; thence North 29°81'13" East, a distance of 24.64 feet to a point of curvature of a curve to the left, having a central angle of 107°27'23", and a radius of 17.94 feet; thence along said curve in a northwesterly direction, an arc distance of 33.64 feet to the point of tangency of said curve; thence North 77°49'01" West, a distance of 112.45 feet to a point of curvature of a curve to the left, having a central angle of 74°43'57", and a radius of 89.79 feet; thence along said curve in a southwesterly direction, an arc distance of 115.83 feet to the point of tangency of said curve; thence South 27°37'55" West, a distance of 73.75 feet to a point on the northerly line of a 100.00 feet wide Florida Power and

Light Company Easement as recorded in Official Records Book 6, Page 104, of the Public Records of Charlotte County, Florida, thence North 45°03'52" West, along said Florida Power And Light Company Easement a distance of 231.33 feet to a point on the easterly limits of future development Parcel 2, said point being on a curve to the left of which the radius lies North 32°49'48" West, a radial distance of 165.00 feet; thence along said curve in a northeasterly direction, passing through a central angle of 18°44'16", an arc distance of 53.95 feet to the end of said curve; thence South 73°39'28" East, a distance of 34.13 feet to the point of beginning.

Subject to other restriction, easements and/or rights of way of record, if any.

**LESS AND EXCEPT**

A tract or parcel of land lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Beginning at the North quarter corner of said Section 6 (said quarter corner of Section 6 being more particularly as described in Department of Natural Resources (DNR) Document number 0048018; thence South 00°03'56" West, along the westerly line of "The Lakes" subdivision, Plat Book 15, Pages 18 through 18A of the Public Records of Charlotte County, Florida, a distance of 259.87 feet to a point on a curve to the left, which the radius lies South 12°09'34" East, a radial distance of 165.00 feet; thence along said curve in a southerly direction, passing through a central angle of 101°11'28", an arc distance of 183.44 feet to the point of tangency of a curve to the left having a radius of 150.00 feet and a central angle of 20°09'12"; thence along said curve in a northeasterly direction, an arc distance of 52.76 feet to the point of tangency of a curve to the right having a radius of 165.00 feet and a central angle of 116°43'20"; thence along said curve in a southerly direction an arc distance of 336.23 feet to the point of tangency of said curve; thence South 73°15'05" West, a distance of 315.19 feet to a point of curvature of a curve to the left, having a radius of 200.00 feet and central angle of 59°35'32"; thence along said curve in a southwesterly direction, an arc distance of 209.20 feet to the point of tangency of said curve; thence North 76°40'47" West, a distance of 50.00 feet to the point of beginning.

From said point of beginning thence South 13°19'19" West, a distance of 147.31 feet; thence North 33°09'20" West, a distance of 221.44 feet; thence North 59°53'48" East, a distance of 56.63 feet; thence South 55°59'09" East a distance of 129.53 feet to the point of beginning.

**LESS AND EXCEPT:**

**Description #1:**

The easement rights granted to Ft. Cox, a Florida general partnership, by Charlotte Golf Management Limited Partnership, a Michigan limited partnership, pursuant to an easement recorded in Official Records Book 1822, Page 2853, of the Public Records of Charlotte County, Florida, over the property described as follows:

A 10 foot wide utility easement lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, and lying 500 feet each side of the following described centerline:

Commences at the Northwest corner of said Section 6; thence run South 89°30'14" East, along the North line of Section 6, a distance of 806.98 feet, to a point lying 15.00 feet northeasterly of the northeasterly right-of-way of Interstate 75 (SR 93), as measured at right angles from said right-of-way, said point also being the point of beginning and Meig on the centerline of said 10.00 foot utility easement. From said point of beginning run South 28°40'49" East, 15.00 feet northeasterly of and parallel to said northeasterly right-of-way, 1444.33 feet to the northerly side of a sign easement and the terminus of said centerline of easement.

The side lines of said easement are to be extended or shortened to their respective intersections.

**Description #2:**

An easement lying in Section 6, Township 40S, Range 23E, Charlotte County, Florida, described as follows:

Commence at the North ¼ corner of said Section 6; thence along the North line of said Section 6, North 89°30'14" West, 25.00 feet; thence South 00°05'38" West, 240.76 feet to a point of cusp with a curve concave to the southeast, having a radius of 130.00 feet and a delta angle of 92°06'58", whose chord bears South 22°42'28" West, thence along said curve in a counterclockwise direction, 209.00 feet to the beginning of a compound curve concave to the east, having a radius of 175.00 feet and a delta angle of 20°09'12", whose chord bears South 33°25'39" East; thence along said curve in a counterclockwise direction, 61.56 feet to the beginning of a reverse curve concave to the west, having a radius of 140.00 feet and a delta angle of 116°43'20", whose chord bears South 14°52'25" West; thence along said curve in a clockwise direction, 285.29 feet; thence tangent to the last curve, South 73°15'03" West, 315.19 feet to the beginning of a tangential curve concave to the south, having a radius of 225.00 feet and a delta angle of 59°55'52", whose chord bears South 43°17'09" West; thence along said curve in a counterclockwise direction, 235.35 feet; thence tangent to the last curve, South 13°19'13" West, 268.09 feet; thence South 39°11'17" West, 276.54 feet; run thence North 89°13'39" West, 254.20 feet to a point lying 12.50 feet northeast of the northeastern right-of-way of Interstate 75 (SR93) as measured at right angles from said right-of-way; thence run North 28°40'49" West, parallel to and 12.50 feet northeast of aforementioned northeastern right-of-way of Interstate 75, a distance of 141.21 feet to the point of beginning of an easement described as follows:

From said point of beginning run North 52°17'03" East, 36.33 feet to the point of curvature of a curve concave to the southwest and having a radius of 21.30 feet a central angle of 166°59'55" and a chord bearing of North 31°17'54" West; thence run northerly and westerly along the arc of said curve 62.67 feet to the point of tangency thereof; thence run South 65°17'08" West, 46.60 feet to a point on aforementioned northeastern right-of-way of Interstate 75; thence run South 21°40'49" East along said right-of-way, 53.60 feet; thence departing said right-of-way run North 32°17'03" East, 12.66 feet to the point of beginning.

**Description #3:**

An ingress-egress easement lying in Section 6, Township 40S, Range 23E, Charlotte County, Florida, Charlotte County, Florida, described as follows:

Commence at the North ¼ corner of said Section 6; thence along the North line of said Section 6, North 89°30'14" West, 25.00 feet; thence South 00°05'38" West, 240.76 feet to a point of cusp with a curve concave to the southeast, having a radius of 130.00 feet and a delta angle of 92°06'58", whose chord bears South 22°42'28" West, thence along said curve in a counterclockwise direction, 209.00 feet to the beginning of a compound curve concave to the east, having a radius of 175.00 feet and a delta angle of 20°09'12", whose chord bears South 33°25'39" East; thence along said curve in a counterclockwise direction, 61.56 feet to the beginning of a reverse curve concave to the west, having a radius of 140.00 feet and a delta angle of 116°43'20", whose chord bears South 14°52'25" West; thence along said curve in a clockwise direction, 285.29 feet; thence tangent to the last curve, South 73°15'03" West, 315.19 feet to the beginning of a tangential curve concave to the south, having a radius of 225.00 feet and a delta angle of 59°55'52", whose chord bears South 43°17'09" West; thence along said curve in a counterclockwise direction, 235.35 feet; thence tangent to the last curve, South 13°19'13" West, 268.09 feet; thence South 39°11'17" West, 276.54 feet to the point of beginning of a 25.00 foot ingress-egress easement and lying 12.50 feet on each side of the following described centerline:

From said point of beginning, run thence North 89°13'39" West, 254.20 feet to a point lying 12.50 feet northeast of the northeastern right-of-way of Interstate 75 (SR93) as measured at right angles from said right-of-way; thence run North 28°40'49" West, parallel to and 12.50 feet northeast of aforementioned northeastern right-of-way of Interstate 75, a distance of 141.21 feet to the terminus of said centerline.

The sideslines of said easement are to be extended or shortened to their respective intersections.

Also including the right of ingress and egress to Kings Highway over the easements described in Official Records Book 1422, Page 2011 and in Official Records Book 1022, Page 205, of the Public Records of Charlotte County, Florida, for the owner of the easement recorded in Official Records Book 1422, Page 2053.

**LESS AND EXCEPT:**

A tract or parcel lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 6; thence run South  $00^{\circ}16'27''$  West along the East line of said Section 6 for 1533.01 feet; thence run North  $89^{\circ}43'33''$  West for 457.96 feet to the westerly right-of-way line of Kings Highway; thence run South  $21^{\circ}27'33''$  West, along said right-of-way for 34.00 feet to the point of beginning; thence run South  $25^{\circ}33'48''$  West, for 179.14 feet; thence run South  $25^{\circ}42'58''$  West for 194.86 feet; thence run North  $64^{\circ}28'59''$  West for 14.34 feet; thence run South  $27^{\circ}17'24''$  West for 323.19 feet; thence run North  $64^{\circ}28'59''$  West for 18.00 feet to a point on a curve; thence run southeasterly along the arc of a curve to the right of radius 1835.86 feet (delta  $8^{\circ}27'48''$ ) (chord bearing South  $25^{\circ}44'55''$  West) (chord 271.52 feet) for 271.77 feet; thence run North  $56^{\circ}01'11''$  West for 10.00 feet to a point on a curve; thence run southeasterly along the arc of a curve to the right of radius 1829.86 (delta  $8^{\circ}56'37''$ ) (chord bearing North  $38^{\circ}27'03''$  West) (chord 285.30 feet) for 285.59 feet; thence run North  $47^{\circ}04'39''$  West for 15.00 feet; thence run South  $42^{\circ}55'21''$  West for 43.60 feet; thence run North  $45^{\circ}03'52''$  West leaving said westerly right-of-way line for 523.73 feet; thence run North  $44^{\circ}48'01''$  East for 720.24 feet; thence run North  $11^{\circ}19'43''$  East for 73.23 feet; thence run South  $78^{\circ}40'17''$  East for 47.00 feet to a point on a curve; thence run northeasterly along the arc of a curve to the right of radius 72.95 feet (delta  $80^{\circ}24'38''$ ) (chord bearing North  $31^{\circ}44'05''$  East) (chord 94.18 feet) for 102.38 feet to the point of tangency; thence run South  $87^{\circ}34'31''$  East for 56.23 feet to the point of curvature; thence run northeasterly along the arc of a curve to the left of radius 116.00 feet (delta  $50^{\circ}09'33''$ ) (chord bearing North  $67^{\circ}00'43''$  East) (chord 98.34 feet) for 101.55 feet to the point of tangency; thence run North  $41^{\circ}55'56''$  East for 111.61 feet to the point of curvature; thence run northeasterly along the arc of a curve to the right of radius 73.00 feet (delta  $73^{\circ}29'42''$ ) (chord bearing South  $78^{\circ}40'47''$  West) (chord 89.74 feet) for 96.20 feet to the point of tangency; thence run South  $64^{\circ}24'22''$  East for 120.89 feet to the point of beginning.

**LESS AND EXCEPT:**

A portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 6; thence run South  $00^{\circ}16'27''$  West along the East line of said Section 6 for 583.12 feet to the westerly right-of-way line of Kings Highway; thence run southwestwardly along said right-of-way the following three courses, South  $25^{\circ}24'50''$  West for 311.47 feet; thence run South  $25^{\circ}22'46''$  West for 500.00 feet; thence run South  $25^{\circ}31'46''$  West for 274.86 feet; thence run North  $64^{\circ}34'22''$  West leaving said right-of-way for 144.06 feet to a point of curvature; thence run northwestwardly along the arc of a curve to the right of radius 92.00 feet (delta  $14^{\circ}00'54''$ ) (chord bearing North  $22^{\circ}33'55''$  West) (chord 123.14 feet) for 134.90 feet to the point of tangency; thence run North  $19^{\circ}16'32''$  East for 339.86 feet; thence run North  $70^{\circ}33'28''$  West for 87.08 feet to a point of curvature; thence run northwesterly along the arc of a curve to the right of radius 116.00 feet (delta  $28^{\circ}40'56''$ ) (chord bearing North  $56^{\circ}43'00''$  West) (chord 59.82 feet) for 60.09 feet to the point of tangency; thence run North  $40^{\circ}52'12''$  West for 140.40 feet to a point of curvature; thence run northwesterly along the arc of a curve to the left of radius 171.51 feet (delta  $29^{\circ}44'27''$ ) (chord bearing North  $53^{\circ}44'45''$  West) (chord 88.03 feet) for 89.01 feet to the point of tangency; thence run North  $70^{\circ}36'59''$  West for 420.19 feet to the point of beginning; thence run North  $01^{\circ}16'49''$  East for 196.93 feet; thence run North  $88^{\circ}43'11''$  West for 780.59 feet; thence run North  $76^{\circ}46'08''$  West for 508.87 feet; thence run South  $89^{\circ}44'03''$  West for 239.43 feet to a point on a curve; thence run southeasterly along the arc of a curve to the left of radius 150.00 feet (delta  $20^{\circ}09'12''$ ) (chord bearing South  $33^{\circ}33'39''$  East) (chord 52.49 feet) for 52.76 feet to the point of reversion curvature; thence run southeasterly southeasterly and southwesterly along the arc of a curve to the right of radius 163.00 feet (delta  $43^{\circ}58'33''$ ) (chord bearing South  $21^{\circ}30'48''$  West) (chord 123.57 feet) for 126.86 feet to a point on a curve; thence run southeasterly along the arc of a curve to the right of radius 310.00 feet (delta  $10^{\circ}49'37''$ ) (chord bearing South  $82^{\circ}51'08''$  East) (chord



94.34 feet to the point of tangency; thence run South 77°26'17" East for 582.83 feet; thence run South 88°43'11" East for 620.86 feet to the point of curvature; thence run southeasterly along the arc of a curve to the right of radius 350.00 feet (delta 18°06'12") (chord bearing South 79°40'05" East) (chord 110.73 feet) for 110.59 feet to the point of tangency; thence run South 70°36'59" East for 42.94 feet; thence run North 13°34'10" East for 16.32 feet to the point of beginning.

Less and Except:  
Land described in Official records book 1742, Page 882, of the Public Records of Charlotte County, Florida

Subject to:  
A 28 feet wide ingress/egress easement as described in Official Records Book 1482 Page 2011 of the Public Records of Charlotte County, Florida:

Subject to:  
A 28 feet wide ingress/egress easement as described in Official Records Book 1028, Page 205, of the Public Records of Charlotte County, Florida

**LESS AND EXCEPT:**

A portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 6; thence run South 00°16'27" West along the East line of said Section 6 for 583.12 feet to the westerly right-of-way line of Kings Highway; thence run southeasterly along said right-of-way the following three courses, South 25°24'50" West for 311.47 feet; thence run South 23°22'45" West for 100.00 feet; thence run South 23°53'45" West for 274.85 feet; thence run North 34°34'22" West leaving said right-of-way for 144.06 feet to a point of curvature; thence run northwesterly along the arc of a curve to the right of radius 92.00 feet (delta 64°00'34") (chord bearing North 22°33'55" West) (chord 123.14 feet) for 134.90 feet to the point of tangency; thence run North 13°26'32" East for 339.86 feet; thence run North 70°33'28" West for 87.08 feet to a point of curvature; thence run northwesterly along the arc of a curve to the right of radius 116.00 feet (delta 29°40'56") (chord bearing North 55°43'00" West) (chord 59.42 feet) for 60.00 feet to the point of tangency; thence run North 40°52'32" West for 140.40 feet to a point of curvature; thence run northwesterly along the arc of a curve to the left of radius 171.51 feet (delta 29°44'27") (chord bearing North 55°44'45" West) (chord 81.03 feet) for 89.03 feet to the point of tangency; thence run North 70°36'59" West for 420.19 feet; thence run South 13°34'10" West for 16.32 feet to the point of beginning; thence run North 70°36'59" East for 42.94 feet to the point of curvature; thence run northwesterly along the arc of a curve to the left of radius 350.00 feet (delta 18°06'12") (chord bearing North 79°40'05" West) (chord 110.73 feet) for 110.59 feet to the point of tangency; thence run North 88°43'11" West for 620.86 feet; thence run North 77°26'17" West for 582.83 feet to the point of curvature of a curve to the left of radius 300 feet (delta 10°49'37") (chord bearing North 82°51'06" West) (chord 94.34 feet) for 94.48 feet to a point on a curve; thence run southeasterly along the arc of a curve to the right of radius 163.00 feet (delta 73°06'26") (chord bearing South 37°01'51" West) (chord 196.34 feet) for 196.34 feet to the point of tangency; thence run South 73°15'03" West for 17.97 feet; thence run South 45°03'52" East for 337.59 feet; thence run North 27°37'55" East for 135.29 feet to the point of curvature; thence run northeasterly along the arc of a curve to the right of radius 29.79 feet (delta 74°32'57") (chord bearing North 64°54'23" East) (chord 36.08 feet) for 36.76 feet to the point of tangency; thence run South 77°49'01" East for 58.51 feet to a point on a curve; thence run southwesterly and southwesterly along the arc of a curve to the left of radius 120.00 feet (delta 126°11'48") (chord bearing South 46°47'29" East) (chord 214.03 feet) for 264.31 feet to the point of tangency; thence run North 70°06'37" East for 112.97 feet to the point of curvature; thence run northeasterly along the arc of a curve to the right of radius 140.00 feet (delta 30°32'54") (chord bearing North 85°23'04" East) (chord 71.66 feet) for 74.64 feet to the point of compound curvature; thence run southeasterly along the arc of a curve to the right of radius 14.00 feet (delta 56°38'35") (chord bearing South 30°51'11" West) (chord 15.26 feet) for 15.91 feet to the point of tangency; thence run South 22°21'53" East for 65.58 feet to the point of curvature; thence run southeasterly, easterly and northeasterly along the arc of a curve to the left of radius 160.00 feet (delta 106°22'21") (chord bearing South 75°33'04" East) (chord 256.19 feet) for 257.03 feet to the point of tangency; thence run North 51°15'45" East for 168.73 feet to the point of curvature; thence run northeasterly along the arc of a curve to the

right of radius 20.00 feet (delta  $45^{\circ}49'54''$ ) (chord bearing North  $74^{\circ}10'42''$  East) (chord 88.01 feet) for 16.00 feet to the point of tangency; thence run South  $82^{\circ}54'21''$  East for 260.70 feet; thence run North  $06^{\circ}37'34''$  East for 223.94 feet to a point on a curve; thence run counterclockwise along the arc of a curve to the right of radius 312.01 feet (delta  $12^{\circ}43'27''$ ) (chord bearing South  $76^{\circ}59'43''$  East) (chord 69.33 feet) for 69.47 feet; thence run North  $19^{\circ}23'01''$  East for 8.00 feet; thence run South  $70^{\circ}38'59''$  East for 37.22 feet; thence run North  $19^{\circ}23'01''$  East for 18.00 feet; thence run North  $15^{\circ}34'10''$  East for 28.06 feet to the point of beginning.

Subject to:  
A 24 foot wide ingress/egress easement as described in Official Records Book 1482, Page 2011, of the Public Records of Charlotte County, Florida.

Subject to:  
A 23 foot wide ingress/egress easement as described in Official Records Book 1028, Page 205 of the Public Records of Charlotte County, Florida.

## Exhibit "B"

### List of Improvements

1. Signalize the intersection of the proposed site driveway at Kings Highway to the south of the St. James Place driveway (Project Proportionate Share Percentage: 100%. The proportionate share dollar equivalent will be based on Florida Department of Transportation (FDOT) cost information at time of development.)
2. Signalize the Kings Highway & I-75 Southbound Ramps intersection (Project Proportionate Share Percentage: 59%. The proportionate share dollar equivalent will be based on FDOT cost information at time of development.)
3. Traffic signal optimization at the signalized intersections along Kings Highway from the I-75 interchange to Sandhill Boulevard (Project Proportionate Share Percentage: 100%. The proportionate share dollar equivalent will be based on FDOT cost information at time of development.)
4. If any of the listed improvements were completed by either Charlotte County (County) and/or Florida Department of Transportation (FDOT), the County has the authority to move the funds to other needed improvements within the vicinity of the project.

A. Jill C. McCrory, J.D., M.B.A.  
Geri L. Waksler, J.D.  
Phyllis A. Walker, J.D.  
David T. Oliver, J.D.  
Jeffrey R. Kuhns, J.D.  
Jenny C. Hazel, J.D.



Certified Family Court Mediator  
Certified Circuit Court Mediator  
Certified County Court Mediator  
Ala. Licensed in California  
Ala. Licensed in Mississippi  
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**McCrory**  
Law Firm

COUNTY  
ATTORNEY'S  
OFFICE

December 22, 2014

Joshua Moye, Assistant County Attorney  
Charlotte County  
18500 Murdock Circle  
Port Charlotte, FL 33948

Re: Clarification of the Development Agreement between ATM II, LLC and Charlotte County which was adopted by Charlotte County Board of County Commissioners on December 9, 2014

Dear Mr. Moye:

This firm represents ATM II, LLC. The above-referenced Development Agreement ("DA") and the Sandhill DRI NOPC, which incorporates the DA, were presented and adopted by the Board of County Commissioners at its December 9, 2014 Land Use meeting. Subsequent to the meeting, it was discovered that Paragraph 7.b. on Page 4 of the DA could be interpreted in a way that was not the mutual understanding and intent of the parties. The current language reads:

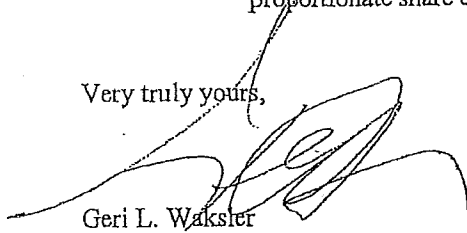
Developer shall design, permit and construct the improvements more specifically described in Exhibit "B" attached hereto and incorporated herein by this reference (collectively the "Improvements") except that Developer may alternatively pay its proportionate share contribution to signalize the Kings Highway & I-75 Southbound Ramps intersection.

Therefore, in an abundance of caution, this letter is being sent to clarify and confirm that the mutual understanding and intent of the parties is better understood as follows:

Developer shall design, permit and construct the improvements more specifically described in Exhibit "B" attached hereto and incorporated herein by this reference (collectively the "Improvements"). However, Developer may alternatively pay its proportionate share contribution for any or all of the improvements described in Exhibit "B" while remaining obligated to design, permit and construct any of the described improvements for which the

proportionate share contribution has not been paid.




Very truly yours,

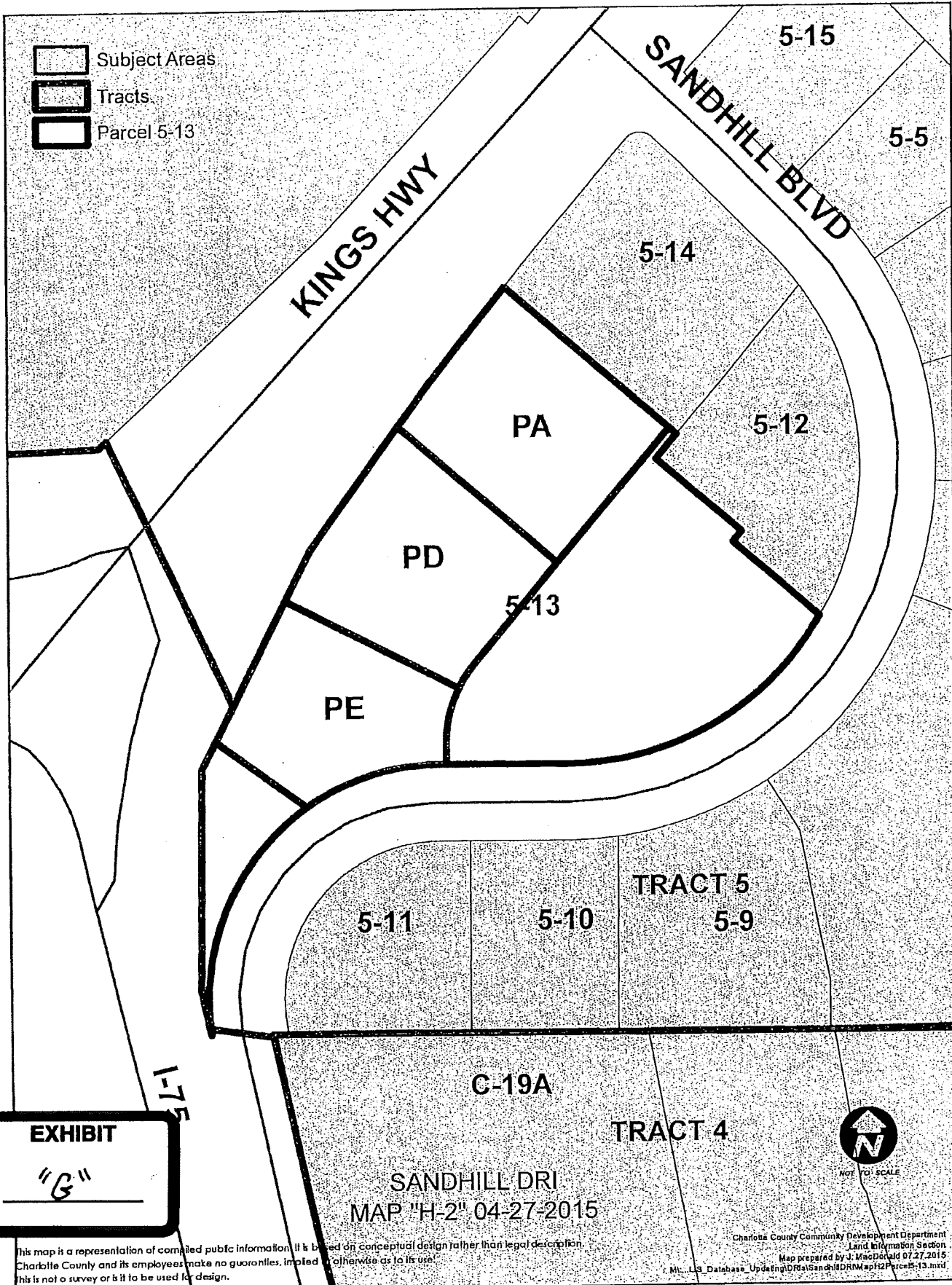


Geri L. Waksler

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-  Subject Areas
-  Tracts
-  Parcel 5-13



**EXHIBIT**  
"G"

This map is a representation of compiled public information. It is based on conceptual design rather than legal description. Charlotte County and its employees make no guarantees, implied or otherwise as to its use. This is not a survey or is to be used for design.

Charlotte County Community Development Department  
Land Information Section  
Map prepared by J. MacDonald 07.27.2015  
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