

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20040879

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a resolution amending the Habitat DRI Development Order and DRI Map H.

WHY ACTION IS NECESSARY: Florida Statutes requires Board approval of amendments to developments of regional impact.

WHAT ACTION ACCOMPLISHES: Amends the DRI Development Order and Master Development Plan (Map H) for the Habitat DRI to an expedited process in accordance with Florida Statutes and the Lee County Land Development Code.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # 3

A12E

3. MEETING DATE:

07-27-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE 380.06(19)(e) (2)
- ORDINANCE LDC34-145 (d)(1)c
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
 - B. DEPARTMENT County Attorney & DCD
 - C. DIVISION Zoning & Land Use
- BY: *Donna Marie Collins*
Donna Marie Collins
Assistant County Attorney

7. BACKGROUND:

The Habitat DRI was first adopted by the BOCC in 1986. Habitat Lakes, LLC, has petitioned to amend the governing DRI Development Order and Master Development Plan (Map H) to: 1) Change the project name to Bella Terra DRI; 2) Eliminate the golf course; 3) revise the acreage assigned to lake and conservation areas; and 4) revise the frequency of filing monitoring reports (from annually to bi-annually).

The Lee County Land Development Code provides that after staff review and recommendation, certain amendments to DRI development orders may proceed directly to the Board of County Commissioners and will be scheduled on the Administrative Agenda of a regular weekly meeting. The Board may vote on this amendment based upon the recommendation of staff without review by the Hearing Examiner.

Staff supports the requested amendment to the DRI development order. The RPC staff concurs that the proposed changes will not create a likelihood of additional regional impacts. Accordingly, staff recommends the Board adopt the attached amendment to the Habitat DRI Development Order and DRI Map H.

Attachments: Resolution and Fourth Amendment to the Habitat DRI and DRI Map H including exhibits.

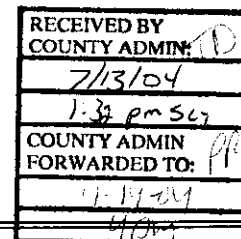
8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
n/a	n/a	n/a	n/a	<i>[Signature]</i>	<i>OA</i>	<i>OM</i>	<i>RISK</i>	<i>GC</i>	<i>[Signature]</i>
					<i>7/13/04</i>	<i>7/14/04</i>	<i>7/13/04</i>	<i>7/13/04</i>	<i>7-14-04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER



DS

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING THE HABITAT DRI DEVELOPMENT ORDER AND TO MODIFY THE MASTER PLAN OF DEVELOPMENT (MAP H).

WHEREAS, the Lee County Board of Commissioners adopted a DRI Development Order for The Habitat DRI on October 13, 1986; and

WHEREAS, DRI Development Order was subsequently amended on October 9, 1991; October 7, 1992; November 29, 1993; March 3, 1997; and October 26, 2000; and November 19, 2001; and

WHEREAS, Habitat Lakes LLC has filed a Notice of Proposed Change to amend the DRI Development Order by revising the Master Development Plan to: (1) change the project name to Bella Terra; (2) eliminate the golf course; (3) revise the acreage assigned to lake and conservation areas; and (4) revise the frequency of filing monitoring reports from annually to bi-annually; and

WHEREAS, the proposed changes to the DRI Development order and Map H do not constitute a substantial deviation and qualifies for expedited processing pursuant to Florida Statute §380.06(19)(e)2 and Land Development Code §34-145(d)(1)c.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA that:

1. The above stated recitals are incorporated into this Resolution by reference.
2. The DRI Development Order and Master Development Plan for The Habitat DRI are hereby amended as reflected in the attached Exhibit "A".
3. This Resolution and its exhibit constitute the Fourth Development Order Amendment to the Habitat Development of Regional Impact. Development of the project must be consistent with the DRI Development Order attached as exhibit A and the governing zoning approvals.
4. Certified copies of this Resolution will be forwarded to the Southwest Florida Regional Planning Council, the Florida Department of Community Affairs, and other appropriate agencies. This amendment is rendered as of the date of transmittal, but will not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Once

effective, the Notice of Adoption of this Development Order Amendment must be recorded as provided for in Chapter 380, Florida Statutes.

The motion to adopt this Resolution was offered by Commissioner _____, and seconded by Commissioner _____, and, upon poll of the members present, the vote was as follows:

Robert P. Janes
Douglas R. St. Cerny
Ray Judah
Andrew W. Coy
John E. Albion

DULY PASSED AND ADOPTED this _____ day of _____, 2004.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Donna Marie Collins
Office of the County Attorney

Attachment: DRI Development Order and Master Development Plan

FOURTH CODIFIED DEVELOPMENT ORDER AMENDMENT¹
FOR
THE HABITAT
A DEVELOPMENT OF REGIONAL IMPACT
STATE DRI #1-8384-37

Let It Be Known that pursuant to Florida Statutes §380.06, the Board of County Commissioners of Lee County, Florida, heard at public hearing convened on the 28th day of July 1986, the application for a Development of Regional Impact consisting of residential and commercial development on 1003 acres, in accordance with the application filed on behalf of the property owners, Corkscrew Enterprises.

WHEREAS, the original development order for The Habitat Development of Regional Impact (DRI) was approved on October 13, 1986; and

WHEREAS, The Habitat DRI Development Order was subsequently amended by Board action on: (1) October 9, 1991, by Resolution 91-10-11, to extend the deadline for commencement of significant physical development under the DRI from October 13, 1991 to October 13, 1992; (2) October 7, 1992, by Resolution 92-10-12, to extend the deadline for commencement of significant physical development under the DRI from October 13, 1992 to October 13, 1993; (3) November 29, 1993 to grant an extension of (a) the physical commencement date from October 13, 1993 to October 12, 1996; (b) the termination/expiration date and buildout date from October 13, 2006 to October 12, 2011; and (c) each phase by 4 years and 364 days; (4) March 3, 1997 to adopt: (a) a modified Map H reflecting increased wetland preserve area; (b) a revised phasing schedule corresponding to the Corkscrew Road Service Area improvement; (c) a commencement date of November 13, 1999 and a buildout date of November 13, 2010; (d) updated transportation conditions; and (5) November 19, 2001 for a third amendment to the DRI Development Order to: (a) extend Phase I by 4 years (for a cumulative extension of 12 years, 364 days) and Phase II by 2 years; (b) establish the physical commencement date as July 1998; (c) revise the acreage total to 1,012 acres; and (d) update the conditions pertaining to water management, water quality, environmental issues, affordable housing and education; and

WHEREAS, a Notice of Proposed Change was filed by Habitat lakes LLC on June 8, 2004, for a fourth amendment to the DRI Development Order to accomplish the following: (1) change the project name to Bella Terra; (2) eliminate the golf course; (3) revise the acreage assigned to lake and conservation areas; and (4) revise the frequency of filing monitoring reports from annually to bi-annually; and

¹This is a codification and restatement of all development orders rendered for The Habitat DRI, including actions taken on October 13, 1986, October 9, 1991, October 7, 1992, November 29, 1993, March 3, 1997, November 19, 2001 and July 27, 2004

WHEREAS, under F.S. §380.06(19), the proposed changes must be reviewed cumulatively with previous changes to determine whether they constitute a substantial deviation from the terms of the original development order approval; and

WHEREAS, a public hearing was advertised and held on June 27, 2004, before the Lee County Board of County Commissioners who gave full and complete consideration to the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County staff, the Lee County Hearing Examiner, the documents in the record and the testimony of all interested parties; and

WHEREAS, the Board found the proposed amendments do not constitute a substantial deviation.

NOW, THEREFORE, it is resolved by the Board of County Commissioners that the development order for The Habitat DRI is further amended as follows:

NOTE: New language is underlined and deleted text is struck through.

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The Habitat Bella Terra DRI is a mixed use development consisting of 2,350 residential dwelling units, ~~a golf course,~~ and 120,000 square feet of commercial space (comprised of not more than 100,000 gross square feet of retail floor area) on approximately 1,012 acres. Specific land use information is provided in the Land Use Distribution by Category chart attached as Exhibit A and Map "H" attached as Exhibit B

The legal description of the property is ~~as follows~~ set forth in Exhibit F:

~~That portion of the South Half (S ½) of the Southeast Quarter (SE ¼) of Section 20, Township 46 South, Range 26 East, located South of that certain County Road known as Corkscrew Road, and the East Half (E ½) of Section 29, Township 46 South, Range 26 East, and all of Section 32, Township 46 South, Range 26 East, in Lee County, Florida.~~

B. The subject property is currently zoned Residential Planned Development (RPD) and Commercial Planned Development (CPD) in accordance with the Lee County Land Development Code (LDC); and

C. This Application for Development Approval is consistent with the requirements of §380.06, Florida Statutes; and

D. The proposed development is not in an area designated as an Area of Critical State Concern pursuant to the provisions of §380.05, Florida Statutes; and

E. This Development Order contains numerous conditions to make ~~The Habitat Bella Terra~~ conform with the adopted State Land Development Plan, and will not interfere with the achievement of the Plan objectives; and

F. The Southwest Florida Regional Planning Council has reviewed the proposed development and adopted recommendations subsequently forwarded to Lee County pursuant to §380.06, Florida Statutes. The development, as proposed in the Application for Development Approval and modified by the Amended Development Order, is consistent with the recommendations issued by of the Southwest Florida Regional Planning Council in accordance with §380.06(12), Florida Statutes; and

G. The proposed conditions below meet the criteria found in §380.06(15)(d) and (e), Florida Statutes; and

H. The residential development is consistent with the Lee County Comprehensive Plan if subject to the conditions contained within this Development Order. The commercial portion of this development is consistent with the Comprehensive Plan if subject to these conditions, and further provided that:

1. The gross floor area of all proposed retail activity does not exceed 100,000 square feet; and

2. No retail uses will be permitted until the entrance road into The Habitat (Bella Terra) has been constructed for a minimum distance of .5 miles south of its intersection with Corkscrew Road.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that the requested amendments to The Habitat (Bella Terra) Development of Regional Impact are hereby APPROVED, subject to the following conditions, restrictions, and limitations:

A. WATER MANAGEMENT/WATER QUALITY/WASTEWATER

1. ~~The Habitat Bella Terra~~ will be subject to all of the design requirements of its approved South Florida Water Management District Environmental Resource Permit² and the conditions set forth below.

²The current South Florida Water Management District Permit is #36-03269-P and the current Corps of Engineers permit is # 199202019 IP-MN.

2. ~~The Habitat Bella Terra must comply with the provisions of the Lee County Wellfield Protection Regulations found in LDC Sections 14-201 *et. seq.*, as may be amended. This provision also applies to those zones identified in the draft Well Head Protection Areas Map (Fig. 2-32 dated 1/31/00) of the draft update to the Water Supply Master Plan dated July 2000, attached as Exhibit C.~~

3. ~~The Habitat Bella Terra will be subject to all of the design requirements of its approved South Florida Water Management District Consumptive Use Permit as well as review and approval by Lee County Utilities prior to issuance of a local development order.~~

4. ~~The Habitat Bella Terra may not withdraw more than 0.7 MGD. However, if the monthly allocation for the Sandstone aquifer is withdrawn with a 6-day period there may be a negative effect on the existing wellfield. If the Developer desires to increase the daily withdrawal above 0.7 MGD in the future, then an application must be filed with all appropriate agencies, including but not limited to, Lee County Utilities. This application must specifically demonstrate, to Lee County Utilities' satisfaction, that an increase in the daily withdrawal will have no negative effect on the potable water wells serving the Corkscrew Water Treatment Plant. The application must also be approved prior to a local development order that will precipitate the additional water withdrawal.~~

5. ~~The Habitat Bella Terra must provide Lee County Utilities with copies of Pumpage Reports required by the limiting condition of the DRI's South Florida Water Management District water use permit.~~

~~B. GOLF COURSE AREAS~~

1. ~~Fertilizers with a low leaching potential (slow release) must be used. The fertilizers must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels.~~

2. ~~The golf course manager must implement a chemicals management plan, designed to reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, which includes an integrated pest management (IPM) program and a nutrient management program such that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. Application of pesticides must involve only the purposeful and minimal application of pesticides aimed at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and include the use of the US Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a~~

minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. No turf managed areas (including fairways, tees, and greens) are permitted within 35 feet of wetlands or preserve areas. This chemicals management plan must be submitted to and approved by Lee County Natural Resources Staff prior to the local development order approval:

~~3. The golf course manager must coordinate the application of pesticides with irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.~~

~~4. The golf course manager must be licensed by the state to use restricted pesticides and experienced in the principles of IPM.~~

~~5. The golf course manager is responsible for ensuring that golf course fertilizers are selected and applied in a manner that will minimize fertilizer runoff into the surface water or leaching into the groundwater.~~

~~8. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent or minimize, if prevention is not reasonably possible, the pollution of the natural environment.~~

~~7. When the planned development zoning for the subject property is amended to reflect the changes associated with this DRI Development Order, the location of the golf maintenance facility must be shown on the Master Concept Plan. At that time, the golf course maintenance area and any associated facilities must be shown in a location internal to the site, so as to preclude any external impacts to adjacent properties or the general public.~~

~~8. Best Management Practices~~

~~a. Prior to the issuance of local development order approval, the developer must demonstrate compliance with "Best Management Practices for Golf Course Maintenance Departments", prepared by the Florida Department of Environmental Protection, May 1995, as amended ("BMP Document").~~

~~b. The development order must demonstrate separate mixing and loading facilities for pesticides, and provide a separate pesticide storage area, in compliance with materials specified in the BMP Document. The development order must demonstrate separate mixing and loading facilities for fertilizer, and provide a separate fertilizer storage area, in compliance with materials specified in the BPM Document.~~

~~_____ c. The development order plans must indicate the construction material for all buildings in compliance with BPM Document~~

~~_____ d. Equipment to apply pesticides and fertilizers must be stored in an area protected from rainfall.~~

~~_____ 9. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;~~

~~_____ 10. The irrigation system must operate on an "as needed" basis through the use of weather forecasting and ongoing assessment of the soil moisture content.~~

~~_____ 11. All fairways, greens, and tees must be elevated above the 25-year flood level. All greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's stormwater management system.~~

~~_____ 12. Stormwater run-off must be pre-treated through an approved recreated natural system or dry retention and water retention system prior to discharge into lake or wetland (any aquatic) systems.~~

~~_____ 13. Prior to local development order approval for the golf course, the developer must conduct and submit a pre-development groundwater and surface water analysis to Lee County Division of Natural Resources. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals the developer anticipates will be associated with the project. Prior to commencing this baseline study, the developer must submit the methodology for review, comment, and approval by Lee County.~~

~~_____ 14. An annual monitoring report of ground water and surface water is required for the golf course operation. The monitoring program must (a) include testing results to assess whether there is any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; (b) identify the locations for the ground water monitoring and testing on a map(s); and (c) set forth the testing and recording requirements. Test results must be submitted along with the monitoring report to the Lee County Natural Resource Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 63-302, F.A.C., water quality standards.~~

~~_____ 15. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course, then the application must cease~~

~~until there is a revised management plan. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County must be implemented by the Developer.~~

C. B. VEGETATION/WILDLIFE/WETLANDS

1. All development on the site must comply with all existing permits (as they may be amended) from the U.S. Army Corps of Engineers and the South Florida Water Management District.

2. The developer has committed to recommending single family lot landscaping consist of 75% native vegetation and include a recommended planting list through the architectural and landscape review board. The plants included in the Exotic Pest Plant Control 2001 invasive exotic vegetation brochure are prohibited for any landscaping within ~~The Habitat~~ Bella Terra. No local development order permitting the subdivision of land will be approved until the development order notes state the developer recommends the use of 75% native vegetation for single family lot landscaping, the list of prohibited exotic vegetation is included on the development order, and a recommended native plant list has been approved by Lee County Division of Planning/Environmental Sciences staff.

3. ~~Native trees must not be removed from the golf course tract unless necessary for the golf course design.~~ Sabal palms with a minimum eight-foot clear trunk must be preserved in place or removed in a horticulturally correct manner pursuant to the University Extension Office pamphlet Lee 8/A. The utilization of any sabal palms not preserved or relocated on-site must be coordinated with Lee County Division of Planning/Environmental Sciences staff.

D. C. TRANSPORTATION

1. The developer must establish an annual monitoring program, to be performed by traffic engineers engaged by the developer, to monitor the development's impact upon the area's roadways. The monitoring program must be designed in cooperation with the Lee County Department of Transportation. The monitoring report must contain P.M. peak hour traffic counts with turning movements and Level of Service analysis at the project's access points on Corkscrew Road.

The developer must submit the first monitoring report to the Southwest Florida Regional Planning Council, the Lee County Department of Transportation, and the Florida Department of Transportation one year after the issuance of a certificate of occupancy for the first residence within ~~The Habitat~~ Bella Terra. Thereafter, the developer must submit monitoring reports to the agencies listed above each year until build-out. ~~of The Habitat~~ Bella Terra. If the annual monitoring report finds that the projected total of 1,350 net new external p.m. peak hour trips is exceeded by 15% (1,553),

the project will be deemed a substantial deviation pursuant to §380.06(19)(b)15, Florida Statutes, and the development must undergo additional DRI review.

2. The developer must construct, at no cost to Lee County, the main entrance road of ~~The Habitat~~ and all other internal roads within ~~The Habitat~~ Bella Terra. The developer must also provide all rights-of-way needed for these roads at no cost to Lee County.

The developer's obligation for these improvements includes the full costs of design/engineering, utility relocation, right-of-way acquisition, construction of turn lanes and acceleration and deceleration lanes, construction inspection, contract administration, testing, and signalization (as needed). The alignment, design, signalization, and construction schedule for these improvements are subject to approval by the Lee County Engineer.

The developer is not eligible for credits against Roads Impact Fees for these internal road improvements because they are "site-related," as this term is defined in Chapter 2, Article VI, Division 2 of the LDC.

3. On July 6, 1994, the Lee County Board of County Commissioners adopted Resolution 94-07-11 relating to the provision of infrastructure within the Corkscrew Road Service Area (CRSA). The resolution included a finding that the Board of County Commissioners accepted a study entitled "Corkscrew Road Service Area: Implementation of Privately Funded Infrastructure Overlay Concept". This study analyzed the demands for additional infrastructure that would be created by eight (8) developments within the CRSA, including The Habitat (Bella Terra), and made specific recommendations as to the nature and extent of the mitigation that should be required of each of these developments. Ordinance 90-30 authorized the study by creating an MSBU for the CRSA. Resolutions 94-07-12 and 94-09-04 subsequently imposed assessments on the affected parcels to pay for the necessary improvements and cost incurred by Lee County in accordance with the findings of the study.

The approved CRSA plan indicated that the CRSA would be required to fund \$8,043,000.00 in road improvements in addition to the impact fees to be paid by the various developments to mitigate their traffic impacts. The plan also recommended that the CRSA assessments be used to widen Corkscrew Road from two (2) to four (4) lanes between I-75 and the Habitat DRI (Bella Terra); the study found this improvement to be the equivalent of the property owners' proportionate share of the unfunded road improvements that would be necessary to mitigate the impact of the projects within the CRSA. The use of the CRSA assessments to "pipeline" improvements to Corkscrew Road was approved by DCA on May 20, 1994. The Habitat's (Bella Terra's) contribution to the four-laning of Corkscrew Road through the two assessment programs described above is,

therefore, a "pipeline" improvement funded in lieu of proportionate share payments for other impacted roads, including those listed in Condition C.6.

4. The developer has dedicated sufficient right-of-way along the north property line to provide 100 feet of right-of-way south of the centerline of Corkscrew Road for widening Corkscrew Road up to six lanes. The developer will not be eligible for any roads impact fee credits for this dedication, but it will be entitled to credits against the CRSA assessment for this dedication in accordance with Resolution 94-09-05.

5. During each phase of development, the developer must make all intersection improvements, including signalization, turn lanes, and acceleration and deceleration lanes, deemed necessary by the Lee County Engineer for the project's access points onto Corkscrew Road and any other public roads. Approval of final plans for the affected phase will be granted only if these improvements are included in the construction of that phase. Intersections of entrances and roads from ~~The Habitat~~ Bella Terra must be coordinated with those from properties on the opposite sides of the roads (where applicable).

The developer is not eligible for credits against Roads Impact Fees for these intersection improvements because they are "site-related," as this term is defined in Chapter 2, Article VI, Division 2 of the LDC.

6. In addition to the CRSA special assessments described in Condition C.3, the developer must pay Roads Impact Fees in effect at the time building permits are issued for all applicable residential and nonresidential development. Payment of Roads Impact Fees and CRSA assessments are in lieu of proportionate share payments for improvements to maintain the adopted level of service for the following significantly impacted road segments and intersections through project buildout in 2010:

a. Phase I (2004)

Regional Roadways:

Corkscrew Road	
-- US 41 to Sandy Lane	Widen to 4 lanes
-- Sandy Lane to Three Oaks Pkwy.	Widen to 4 lanes
-- Three Oaks Pkwy. to I-75	Widen to 4 lanes

Intersections:

- US 41/Corkscrew Road
- Corkscrew Road/Three Oaks Pkwy.
- Corkscrew Road/I-75 West Ramp
- Corkscrew Road/I-75 East Ramp

b. Phase II (2007)

Regional Roadways:

Corkscrew Road	
-- Three Oaks Pkwy. to I-75	Widen to 6 lanes
-- I-75 to T&T <u>Miromar Shopping Center</u> entrance	Widen to 6 lanes
-- Freeline Ave. Ben Hill Griffin Pkwy to East T&T <u>DRI</u> entrance	Widen to 4 lanes

Intersections:

Corkscrew Road/~~Freeline Ave.~~ Ben Hill Griffin Pkwy

c. Phase III (2010)

Regional Roadways:

Corkscrew Road	
-- T&T <u>Miromar Factory Outlets</u> Shopping Center to <u>Freeline Ave.</u> <u>Ben Hill Griffin Pkwy</u>	Widen to 6 lanes
-- East T&T <u>DRI</u> entrance to Wildcat Run	Widen to 4 lanes

The Roads Impact Fees collected by Lee County from the developer will be used to mitigate the adverse impacts of ~~The Habitat~~ Bella Terra on the roadway listed above either directly or by providing alternative improvements that are consistent with Lee County's 2020 traffic circulation map. Construction schedules for improvements to this roadway will be designed to have the improvements in place coincident with development of ~~The Habitat~~ Bella Terra.

7. Nothing contained in this Development Order will be construed to exempt this development from participation in the funding, through Municipal Service Benefit Units (MSBUs) or other special assessment districts, of improvements to various state or county arterial and collector roads or intersections to the degree to which this development generates demand or is benefitted.

8. Findings "s" and "t" of Lee County Resolution #94-07-11, in which the County accepted the CRSA report, indicate that all development anticipated in the report will comply with Lee County's concurrency requirements if the report is fully implemented. In light of these previous findings, the projected \$3.28 million contribution in excess of the project's proportionate share, and the magnitude of the "pipelined" transportation improvements described in Condition C.3 above relative to the project's proportionate

share, ~~The Habitat~~(Bella Terra will be deemed concurrent for the duration of the project³ for all road segments and intersections (except for site-related needs), including those listed in Condition C.6, regardless of their levels of service.

E.D. EDUCATION

1. The developer must provide school bus stops within the project, in conjunction with the roadway phasing. Design features and specific locations will be determined by the Lee County School Board and the developer as part of the local development order process for each appropriate phase.

2. If the Developer applies for building permits for dwelling units during the pendency of any lawsuit or other dispute resolution process, the Developer must pay the amount that would be payable under any duly adopted and legally effective school impact fee ordinance, without regard to any past creditor payments, into an escrow account maintained by Lee County as a condition of the issuance of the permits. Any funds so held in escrow by Lee County will be distributed by the County in accordance with the Final Order of a court or other dispute resolution process.

F. E. FIRE PROTECTION

The impacts of the development on the Estero Fire Protection and Rescue Service ("EFPRS") have been fully addressed by the execution and implementation of the agreement dated March 30, 1995 between the developer and EFPRS. This agreement requires the developer to pay an annual assessment of \$31,000.00 to EFPRS for a period of 10 years beginning on May 1, 1995. The developer is eligible for credit against the County's fire impact fee to the extent of this assessment.

G. E. HOUSING

Prior to development of the commercial portion of the DRI, a study evaluating the impact of the project's commercial development on the need of affordable housing must be prepared and submitted as a Notice of Proposed Change. The study must meet the requirements of FAC 9J-2.048 concerning the need for affordable housing in the area and identify adequate mitigation to address the housing need impact created by this commercial development. Prior to the issuance of a local development order for the commercial portion of the DRI, the mitigation identified by the above study must be provided, however no mitigation will be required if the study does not demonstrate an impact of regional significance.

³In accordance with the provisions of LDC §2-49, The Habitat is vested with respect to concurrency compliance until the buildout date of November 13, 2010.

H.G. RECREATION AND OPEN SPACE

The developer will provide on-site recreational facilities for the development based on the likely demographic profile of the residents. Some of these facilities may be eligible for credit against the Community Parks Impact Fee Program.

H. FISCAL REQUIREMENTS

Lee County and the developer have provided adequate assurances that ~~The~~ Habitat Bella Terra will generate sufficient funds to provide all infrastructure necessary to offset its impacts through the adoption and implementation of the CRSA plan and this Codified Development Order.

Lee County acknowledges that any infrastructure and public service deficits created as a result of the impacts of this development will be fully addressed by the payment of impact fees and the implementation of the CRSA plan, including the contributions described in Conditions D and E.

J. I. ENERGY

All site plans or architectural programs must incorporate, energy conservation features set forth below. In the alternative, the property owner/developer must insure that the following features are implemented through deed restrictions or covenants with successors in title. All applications for site plan approvals and building permits must be accompanied by a document detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance, the documents must be approved by the Lee County Attorney's Office prior to recording.

These features are:

1. A bicycle/pedestrian system connecting all land uses, placed along arterial and collector roads within the project, and also along Corkscrew Road. This system must be constructed in accordance with Lee County standards, and must also include walking/jogging paths substantially as shown on but not limited to Exhibit H from the A.D.A., (the proposed Master Development Plan), and the extension of the bicycle/pedestrian system along all through streets within the development;
2. Bicycle racks or storage facilities in recreational, commercial and multi-family residential areas;
3. Bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area, to specifications of the appropriate Lee County agencies;

4. Energy-efficient window design (e.g., tinting and exterior shading), and the use of operable windows and ceiling fans in residential units;
5. Energy-efficient appliances and equipment;
6. Prohibition of deed restrictions or covenants that prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, clotheslines, and solar water heating systems);
7. Minimum necessary coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat, as determined by the Lee County Department of Community Development;
8. The installation of energy-efficient lighting for streets, parking areas, and other interior and exterior public areas;
9. Installation 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. § 553.14, Florida Statutes;
10. Selection, installation and maintenance of native plants, trees, and other vegetative and landscape design features that can be shown to reduce requirements for water, fertilizer, maintenance, and other needs, compared to non-native exotic plant species;
11. Planting of native shade trees for each residential unit, and to provide shade for all streets and parking areas;
12. Placement of trees to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months;
13. Orientation of structures; to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind;
14. Structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively;
15. Porch/patio areas in residential units whenever possible; and

16. Establishment of an architectural review committee and consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and tenants in their efforts to achieve greater energy efficiency in the development and compliance with Conditions I.1. through I.15.

K. J. PHASING

The development phasing schedule attached to this document as Exhibit D, is hereby incorporated as a condition of approval. If the Development Order conditions and developer commitments incorporated in the Application for Development Approval, sufficiency documents, and this Development Order are not generally carried out in accord with the timing schedules specified within the Development Order and phasing schedule, then a substantial deviation for the affected regional issues will be presumed to have occurred.

III. LEGAL EFFECT AND LIMITATIONS OF THIS CODIFIED DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

1. This Development Order constitutes the response of this Board to the Development of Regional Impact Application for Development Approval and all subsequent Notices of Proposed Change filed by Corkscrew Enterprises and Habitat Lakes, LLC for The Habitat DRI (Bella Terra).

2. All commitments and impact mitigation actions volunteered by the developer in the Application for Development Approval, subsequent NOPC applications and supplementary documents, and not in conflict with conditions and stipulations specifically enumerated above, are hereby incorporated by reference into this Development Order.

3. This Development Order is binding upon the developer or its successors and assigns. Those portions of the Development Order that clearly apply only to the project developer, including but not limited to the initial construction of capital facilities, will not be construed as binding on future residents of single dwelling units. However, those portions of the development order will be binding on any builder/developer who acquires a tract of land within ~~The Habitat~~ Bella Terra that would allow the construction of commercial facilities or more than one residential unit on that tract.

4. 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 Development Order.

5. 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 proceedings, including reasonable attorney's fees, will be paid by the defaulting party.

6. Any reference herein to a governmental agency will be construed to mean any future instrumentality created and designated as successor in interest to, or that otherwise possesses the powers and duties of the referenced governmental agency in existence on the effective date of this Development Order Amendment.

7. If any portion or section of this Development Order Amendment is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision will not affect the remaining portions or sections of the Development Order Amendment, which will remain in full force and effect.

8. The approval granted by this Development Order Amendment is limited. The approval does not obviate the duty of the developer to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. The approval also does not obviate the duty of the developer to comply with other applicable ordinances or regulations adopted after the effective date of this Development Order.

9. Subsequent requests for local development permits will not require further review pursuant to §380.06, Florida Statutes, unless the Board of County Commissioners finds, after due notice and hearing, that one or more of the following occurs:

(a) A substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans create a reasonable likelihood of adverse regional impacts or other regional impacts that were not evaluated in the review by the Southwest Florida Regional Planning Council; or

(b) Expiration of the period of effectiveness of this Development Order; or

(c) Any other requirements of Chapter 380, Florida Statutes, that would require additional review.

Upon a finding that any of the above has occurred, the Board will order a termination of all development activity until a new DRI Application for Development Approval has been submitted, reviewed, and approved in accordance with §380.06, Florida Statutes, and all local approvals have been obtained.

10. The payment of the CRSA assessments in July 1998 (total of \$268,324) is deemed to satisfy the requirement to commence physical development by November 13, 1999. However, further development must occur in accordance with the development parameters and phasing schedule set forth in Exhibit A, B and D.

11. This project has a buildout date of November 13, 2010 and will terminate or expire on November 13, 2010. No permits for development will be issued by the County subsequent to the termination or expiration date unless the conditions set forth in §380.06(15)(g) are applicable. An extension may be granted by the Board of County Commissioners if the project has been developing substantially in conformance with the original plans and approval conditions, and if no substantial adverse impacts not known to the Southwest Florida Regional Planning Council or to Lee County at the time of their review and approval, or arising due to the extension, have been identified. Requests for extensions of the buildout, termination, expiration or phasing dates will be reviewed cumulatively and in accordance with §380.06(19)(c), Florida Statutes.

12. The Administrative Director of the Lee County Department of Community Development or his/her designee is the local official responsible for assuring compliance with this Development Order.

13. The developer must submit a report bi-annually to the Lee County Board of County Commissioners, The Southwest Florida Regional Planning Council, the State land planning agency, and all affected permit agencies. This report must describe the state of development and compliance with the rules of the date of submission and must also be consistent with the rules of the State land planning agency. The bi-annual report must contain information as specified in Exhibit E. The first monitoring report must be submitted to the Administrative Director of the Department of Community Development not later than May 1, 1987, and further reporting must be submitted not later than May 1st of subsequent calendar years. As of the year 2004, the monitoring report may be filed bi-annually. Failure to comply with this reporting procedure is governed by §380.06(18), Florida Statutes. This requirement will not be construed to require reporting from residents or owners of individual home sites or dwelling units.

14. The development will not be subject to down-zoning, unit density reduction, or intensity reduction, until November 13, 2010, unless the county demonstrates that substantial changes have occurred in the conditions underlying the approval of the Development Order including, but not limited to, such factors as a finding that the Development Order was based on substantially inaccurate information provided by the developer, or that the change is established by local government to be essential to the public health, safety, and welfare.

15. Certified copies of this Development Order will be forwarded to the Southwest Florida Regional Planning Council, the developer, and appropriate State agencies. This Development Order Amendment is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time

is greater. Upon this Development Order Amendment becoming effective, the developer must record a notice of its adoption in accordance with §380.06(15), Florida Statutes.

THE MOTION TO ADOPT the above Fourth Codified Development Order Amendment was offered by Commissioner _____ and seconded by Commissioner _____, and, upon poll of the members present, the vote was as follows:

Robert P. Janes
Douglas R. St. Cerny
Ray Judah
Andrew W. Coy
John E. Albion

DULY PASSED AND ADOPTED this _____ day of _____ 2004.

ATTEST:
Charlie Green, Clerk

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM

By: _____
Donna Marie Collins
County Attorney's Office

Attachments

- Exhibit A - Land Use Distribution by Category Chart
- Exhibit B - Map H, dated June 8, 2004
- Exhibit C - Well Head Protection Areas Delineated by Travel Time
- Exhibit D - Phasing Schedule
- Exhibit E - Information to be included in Bi-annual Monitoring Report
- Exhibit F - Legal Description

EXHIBIT A

THE HABITAT (BELLA TERRA) DRI

Land Use Distribution by Category (Rev 7/27/2004)

<u>Description</u>	<u>Approximate Acres</u>	<u>Number of Dwelling Units or Square Feet</u>
Conservation Areas	403.43	
Lakes	104.64	
Community Recreation	10.36	
Residential Single Family	120.61	470
Residential Multi-Family	240.46	1880
Commercial & Library Site	12.38	120,000 s.f. (excluding sq footage of the library)
Road R.O.W., Buffer Areas and Misc.	120.02	
	1011.9 acres	2350 D.U. 120,000 s.f.

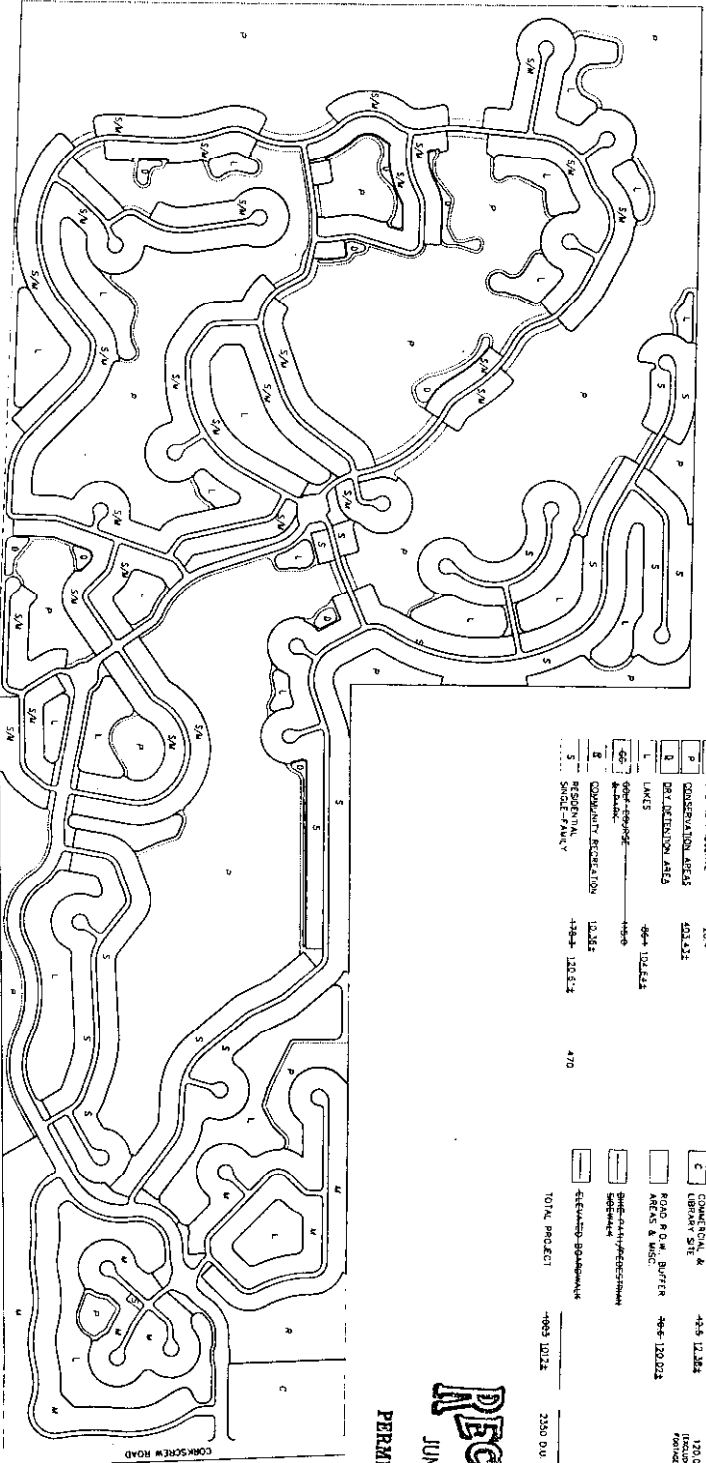
4th DRI DO Amendment (Elimination of Golf Course Use)

HABITAT LAKES, L.L.C.

742 N.W. 124th Ave
Miami, FL 33176

Debitus Engineering, Inc.

Professional Engineer's Plan and Land Survey
1001 N.W. 124th Ave, Suite 100
Miami, FL 33176
Phone: (305) 551-1234 Fax: (305) 551-1234
www.debitus.com



LEGEND

LAND USE DISTRIBUTION BY CATEGORY

MASTER DEVELOPMENT PLAN / EXHIBIT H

DESCRIPTION	APPROXIMATE ACRES	NO. OF DWELLING UNITS OR SQ. FT.	DESCRIPTION	APPROXIMATE ACRES	NO. OF DWELLING UNITS OR SQ. FT.
RESIDENTIAL	10.183	470	RESIDENTIAL	10.183	470
COMMERCIAL & LIBRARY SITE	12.184	120,000 SQ. FT.	COMMERCIAL & LIBRARY SITE	12.184	120,000 SQ. FT.
ROAD R.O.M. BUFFER	120.022	120,000 SQ. FT.	ROAD R.O.M. BUFFER	120.022	120,000 SQ. FT.
RECREATION AREAS	120.022	120,000 SQ. FT.	RECREATION AREAS	120.022	120,000 SQ. FT.
CONSCREEN ROAD	120.022	120,000 SQ. FT.	CONSCREEN ROAD	120.022	120,000 SQ. FT.
TOTAL PROJECT	230.511	230,511 SQ. FT.	TOTAL PROJECT	230.511	230,511 SQ. FT.

RECEIVED
JUN 28 2004
PERMIT COUNTER

DRI 2004-00006

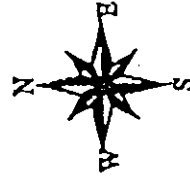
BELLA TERRA (F.K.A. THE HABITAT)
LEE COUNTY, FLORIDA

DATE	BY	REVISION
06/28/04	1580	1

FIGURE 2-32. WELL HEAD PROTECTION AREAS - Delineated by Travel Time
Lee County Utilities (Corkscrew)

DRAFT

- Pans, wells, etc.
- Roads
- Section Line
- Section Line
- Coast Line
- ▨ Protection Zone 1 (0.5 yr)
- ▨ Protection Zone 2 (1 yr)
- ▨ Protection Zone 3 (5 yr)
- ▨ Protection Zone 4 (10 yr)



0.8 Miles

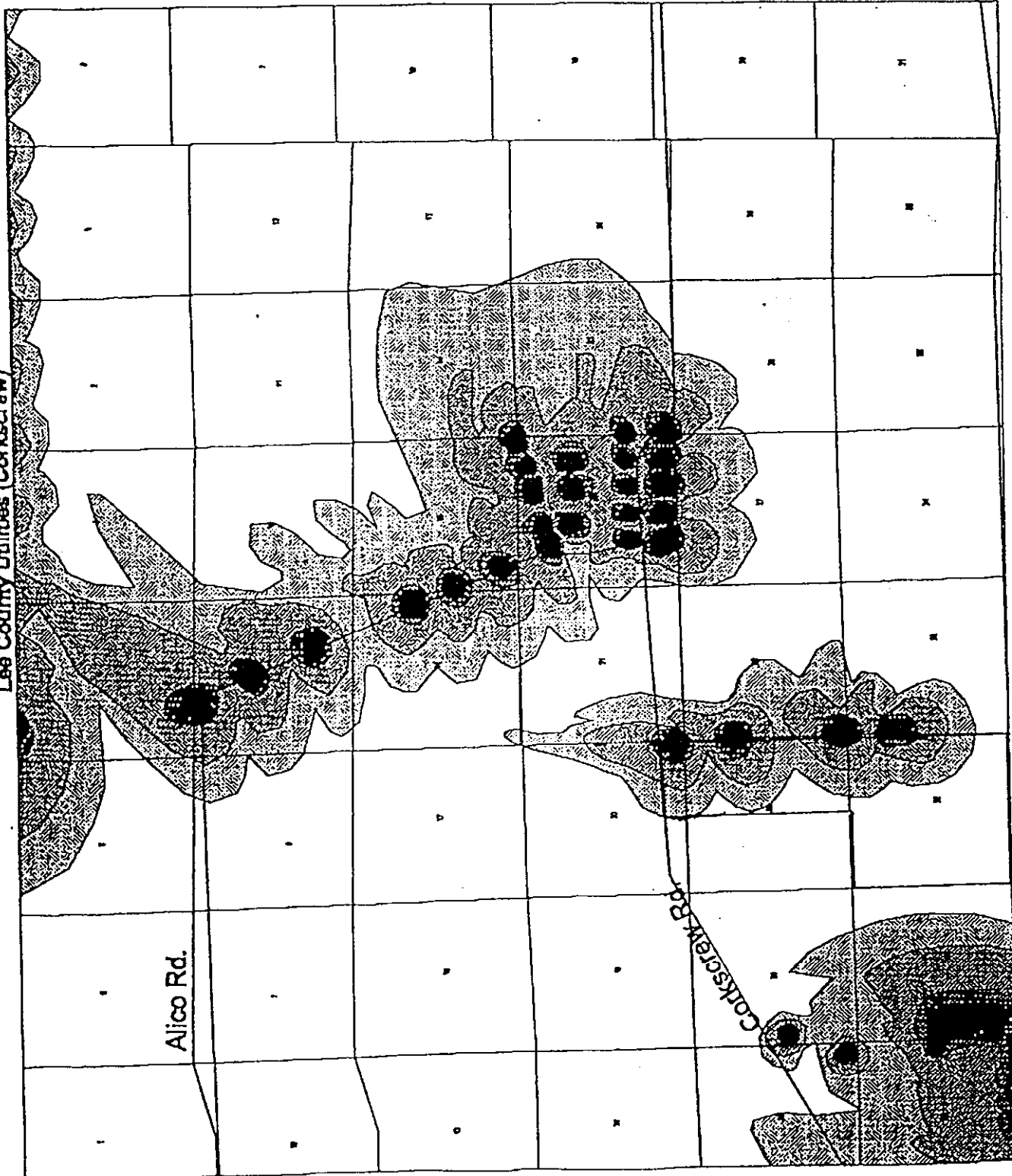


EXHIBIT C

EXHIBIT D

Phasing Schedule

	Phase I 2004	Phase II 2007	Phase III 2010
Single Family	100	300	470
Multi-Family	400	950	1880
Commercial	15,000	55,000	120,000 ¹

¹ 100,000 sq. feet retail and 20,000 sq. feet office

EXHIBIT E

INFORMATION TO BE INCLUDED IN BI-ANNUAL MONITORING REPORT

- (a) Any changes in the plan of development, or in the representations contained in the ADA, or in the phasing for the reporting year and for the next year;
- (b) A summary comparison of development activity proposed and actually conducted for the year;
- (c) Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;
- (d) Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the development order was issued;
- (e) An assessment of the developer's and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments which are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council or the Department of Community Affairs as being significant;
- (f) Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next;
- (g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
- (h) A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;
- (i) A statement that all persons have been sent copies of the annual report in conformance with Subsection 380.06(14) and (16), Florida Statutes; and
- (j) A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Subsection 380.06(14)(d), Florida Statutes.

EXHIBIT F

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors

FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ HOLMES BEACH ♦ CHARLOTTE

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 20, 29 AND 32, TOWNSHIP 46 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

**(BELLA TERRA UNIT ONE AND UNIT TWO)
(OVERALL BOUNDARY)**

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 20, 29 AND 32, TOWNSHIP 46 SOUTH, RANGE 26 EAST, BEING A PORTION OF THE SOUTHEAST QUARTER OF SAID SECTION 29, ALL OF SAID SECTION 32 AND ALL OF BELLA TERRA UNIT ONE A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 77, PAGES 84 THROUGH 99 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 29, AND A POINT ON THE EAST LINE OF SAID BELLA TERRA UNIT ONE; THENCE S.02°07'59"E. ALONG SAID EAST LINE OF SAID BELLA TERRA UNIT ONE AND THE EAST LINE OF SAID SECTION 29 FOR 2646.01 FEET TO THE EAST QUARTER CORNER OF SAID SECTION; THENCE CONTINUE S.02°07'59"E. ALONG SAID EAST LINE FOR 2646.01 FEET PASSING THROUGH THE SOUTHEAST CORNER OF SAID BELLA TERRA UNIT ONE AT 103.66 FEET TO THE NORTHEAST CORNER OF SAID SECTION 32; THENCE S.00°21'08"W. ALONG THE EAST LINE OF SAID SECTION FOR 2630.08 FEET TO THE EAST QUARTER CORNER OF SAID SECTION; THENCE S.00°20'24"W. ALONG SAID EAST LINE FOR 2637.27 FEET TO THE SOUTHEAST CORNER OF SAID SECTION; THENCE S.89°06'16"W. ALONG THE SOUTH LINE OF SAID SECTION FOR 2641.75 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE S.89°07'31"W. ALONG SAID SOUTH LINE FOR 2643.23 FEET TO THE SOUTHWEST CORNER OF SAID SECTION; THENCE N.00°32'00"W. ALONG THE WEST LINE OF SAID SECTION FOR 2646.77 FEET TO THE WEST QUARTER CORNER OF SAID SECTION; THENCE N.00°32'09"W. ALONG SAID WEST LINE FOR 2649.59 FEET TO THE NORTHWEST CORNER OF SAID SECTION 32; THENCE N.89°19'35"E. ALONG THE NORTH LINE OF SAID SECTION FOR 2634.39 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 29; THENCE N.01°08'12"W. ALONG THE NORTH SOUTH QUARTER SECTION LINE OF SAID SECTION FOR 2638.50 FEET PASSING THROUGH THE SOUTHWEST CORNER OF SAID BELLA TERRA UNIT ONE AT 2463.08 FEET TO THE CENTER OF SAID SECTION; THENCE CONTINUE N.01°08'12"W. ALONG SAID NORTH SOUTH QUARTER SECTION LINE AND THE WEST LINE OF SAID BELLA TERRA UNIT ONE FOR 2643.59 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 20; THENCE N.01°09'48"W. ALONG THE NORTH SOUTH QUARTER SECTION LINE OF SAID SECTION 20 AND THE WEST LINE OF SAID BELLA TERRA UNIT ONE FOR 595.30 FEET TO THE NORTHWEST CORNER OF SAID BELLA TERRA UNIT ONE AND TO THE SOUTHWEST CORNER OF A 50.00 FOOT ADDITIONAL RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 2232, AT PAGES 3955 THROUGH 3957 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.86°32'23"E. ALONG THE SOUTH LINE OF SAID ADDITIONAL RIGHT-OF-WAY AND THE NORTH LINE OF SAID BELLA TERRA UNIT ONE FOR 2641.46 FEET TO THE SOUTHEAST CORNER OF SAID ADDITIONAL RIGHT-OF-WAY LINE AND THE NORTHEAST CORNER OF SAID BELLA TERRA UNIT ONE, THE SAME BEING AN INTERSECTION WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 20; THENCE S.01°09'22"E. ALONG THE EAST LINE OF SAID FRACTION AND THE EAST LINE OF SAID BELLA TERRA UNIT ONE FOR 725.66 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1011.88 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

ASSUMED NORTH BASED ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEARING S.02°07'59"E

DESCRIPTION PREPARED APRIL 30, 2004

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

RECEIVED
JUN 08 2004

PERMIT COUNTER
DRI 2004-00006

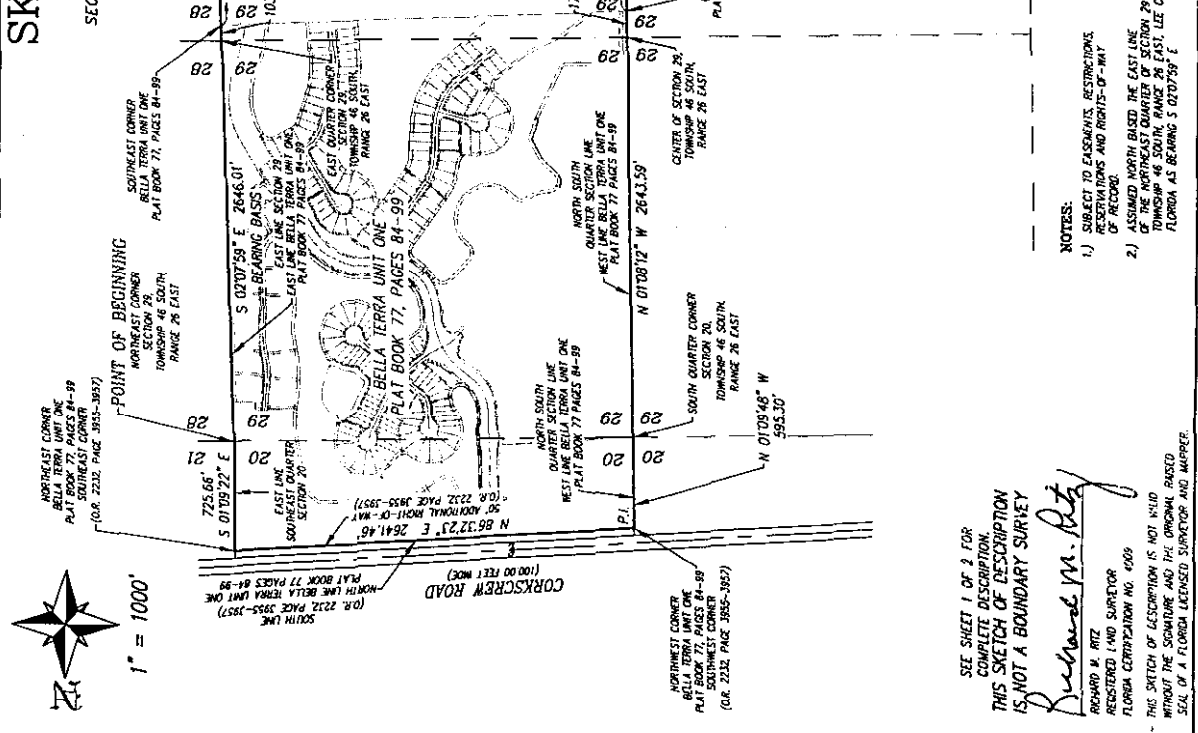
NORTH IS ASSUMED TO BE THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEARING S.02°07'59"E

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 8690
10811 5th MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33812
(239) 939-5490

SKETCH OF DESCRIPTION OF

A TRACT OR PARCEL OF LAND LYING IN
SECTION 20, 29 AND 32, TOWNSHIP 46 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA
(BELLA TERRA UNIT ONE AND UNIT TWO)
(OVERALL BOUNDARY)



SUBJECT PARCEL
PARCEL CONTAINS
1011.88 ACRES
MORE OR LESS

RECEIVED
JUN 08 2004

PERMIT COUNTER

DRI 2004-00006

NOTES:
1.) SUBJECT TO EASEMENTS, RESTRICTIONS, ENCUMBRANCES AND RIGHTS-OF-WAY OF RECORD.
2.) ASSUMED NORTH BASED THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 29 TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEARING S 02°07'59" E

SEE SHEET 1 OF 2 FOR COMPLETE DESCRIPTION. THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY.
Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009
THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SCHEDULE AND THE ORIGINAL PASTED COPY OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

LEGEND:
P.L. INDICATES POINT OF INTERSECTION

PREPARED 04-30-04
SHEET 2 OF 2

S:\081515\15801\5801 SURVEY\DESCRIPTIONS\1580_U1-U2_SKT_DESC.DWG
S:\081515\15801\5801 SURVEY\DESCRIPTIONS\1580_U1-U2_SKT_DESC.DWG