

Date Critical

Lee County Board of County Commissioners  
Agenda Item Summary

Blue Sheet No. 20020698

1. **REQUESTED MOTION:**

**ACTION REQUESTED:** Adopt a resolution objecting to the contraction of the Gateway Services Community Development District boundaries by the Florida Land and Water Adjudicatory Commission.

**WHY ACTION IS NECESSARY:** Resolution objects to the State's grant of a Petition to Contract the Boundaries of a Uniform Development District consisting of more than 1,000 acres.

**WHAT ACTION ACCOMPLISHES:** The proposed resolution objects to the contraction of the Gateway Services Community Development District, an independent special district. The adoption of the resolution acknowledges the removal of approximately 973 acres from the Gateway Services Community Development District located within the incorporated boundaries of the City of Fort Myers and expresses the County's objection to the proposed removal to the Governor and Cabinet.

2. **DEPARTMENTAL CATEGORY:**  
COMMISSION DISTRICT #2 & 5

5:00 #4

3. **MEETING DATE:**

06-25-2002

4. **AGENDA:**

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

5. **REQUIREMENT/PURPOSE:**  
(Specify)

- STATUTE 190.046
- ORDINANCE
- ADMIN. CODE F.42F.1.001  
*et seq.*
- OTHER

6. **REQUESTOR OF INFORMATION:**

A. COMMISSIONER  
B. DEPARTMENT County Atty & DCD  
C. DIVISION Planning  
BY: Donna Marie Collins  
Assistant County Attorney

7. **BACKGROUND:**

The Gateway Services Community Development District is a Uniform Community Development District created by law and established by Florida Administrative Code 42F-1.001, *et seq.* In accordance with Florida Statutes, Section 190.046(1)(f), the Gateway Services District has petitioned the Florida Land and Water Adjudicatory Commission to amend FAC Rule 42F to delete approximately 973 acres from the District. The property proposed for removal (the contraction parcel) is located wholly within the incorporated boundaries of the City of Fort Myers. It represents property currently owned by Worthington Holdings, LLC, a Florida Limited Liability Corporation. (Continued on page 2)

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
					OA	OM	RISK	GC	
N/A	N/A	N/A	N/A	DMC	6/12/02	6/12/02	6/13	6/13	6-13-02

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY  
COUNTY ADMIN. CA  
6/12 11:35  
COUNTY ADMIN.  
FORWARDED TO: DD  
6/13/02  
12:59 PM

**Blue Sheet #:** 20020698

**Page No.:** 2

**Subject:** Gateway Services Community Development District

Petition to Contract the Boundaries of a Uniform Community Development District

Pursuant to Florida Statutes, Chapter 190, the County's role in these circumstances is limited to an evaluation of the contents of the Petition and a determination as to whether the Petition to Contract the District should be supported by the local government. The Department of Community Development, Planning Division, reviewed the petition and has prepared the attached staff report. The report recommends that the Board adopt a resolution objecting to the request to contract the Gateway Services Community Development District.

Attachments:

1. Draft Resolution
2. Staff Report prepared by the Planning Division
3. Petition and Attachments

RESOLUTION NO. 02-\_\_\_\_

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, OBJECTING TO A PETITION FILED BY THE GATEWAY SERVICES COMMUNITY DEVELOPMENT DISTRICT TO CONTRACT THE BOUNDARIES OF THE DISTRICT.

WHEREAS, Chapter 190, Florida Statutes, provides for the creation of a Uniform Community Development District by rule initiated by a petition to the Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission; and

WHEREAS, the Gateway Services Community Development District has petitioned the Governor and Cabinet to adopt an amendment to Chapter 42F-1, Florida Administrative Code, to delete approximately 973 acres from the Gateway Services Community Development District; and

WHEREAS, the establishment of the Gateway Services Community Development District as an independent special district does not affect the rights, authority and duty of Lee County to regulate land use and growth on property located within the district; and

WHEREAS, the Gateway Services Community Development District, through its Board of Supervisors, has filed a Petition to contract the boundaries of the Gateway Services Community Development District to remove property now owned by Worthington Holdings, LLC; and

WHEREAS, the contraction parcel is located wholly within the boundaries of the incorporated area of the City of Fort Myers.

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

1. Having reviewed the Petition to Contract the boundaries of the Gateway Services Community Development District, the Board concludes that the contraction of the boundaries of the Gateway Services Community Development District by 973 acres may adversely affect the residents of Lee County, or the property owners within the Gateway Services Community Development District remaining after the contraction.
2. The creation of a Uniform Community Development district with non-contiguous areas that are separated by a distance of approximately a mile is not consistent with the Uniform Community Development District Act.
3. The remaining areas of the District will no longer be compact or contiguous and can no longer be developed as one functional interrelated community

4. As such, the remaining areas are not amenable to separate special district government.
5. The Board objects to the Petition to Contract the Gateway Services Community Development District.

Should the Governor and members of the Cabinet amend the rule which established the district as requested by the petitioner, Lee County recommends that a statement be included in the rule that provides that not only the initial, but all subsequent purchasers be notified of the existence of the District. The following language is recommended:

Any seller of property within the boundaries of the Gateway Services Uniform Community Development District, and any successors or assigns, will include the disclosure statement contained in Section 190.048, Florida Statutes, in each initial land purchase agreement as well as all subsequent land purchase agreements. This condition will apply for the life of the UCDD.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_ and, upon being put to a vote, the result 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 \_\_\_\_\_, 2002.

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 County Attorney



ANALYSIS OF THE  
PETITION TO CONTRACT  
THE GATEWAY SERVICES  
DISTRICT UNIFORM  
COMMUNITY  
DEVELOPMENT DISTRICT

*Prepared for*  
*BOARD OF COUNTY COMMISSIONERS*

*by*  
*LEE COUNTY DIVISION OF PLANNING*

*June 11, 2002*

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## *INTRODUCTION*

The Gateway Services District has petitioned the Governor and members of the Cabinet, constituting the Florida Land and Water Adjudicatory Commission, to adopt a rule to delete approximately 973.27 acres from the district. The existing district was established May 22, 1986 by the Commission. The petition is a request to contract land from the Uniform Community Development District (UCDD) and to re-designate the land area within which the UCDD may manage and finance basic infrastructure systems, facilities and services pursuant to the Uniform Community Development District Act of Florida, Chapter 190, Florida Statutes and Rule 42-1, Florida Administrative Code.

The Uniform Community Development District Act (Act) was originally adopted in 1980. The Act sets forth the procedure for the establishment of such a district, the district's powers and duties for public improvements and community facilities, and additional special powers that the district, after its establishment, may petition for. It also establishes procedures for expansion or contraction of a district.

F.S. 190.005(1) sets forth the "exclusive and uniform method for the establishment of a community development district with a size of 1,000 acres or more." This establishment "shall be pursuant to a rule, adopted under chapter 120 by the Florida Land and Water Adjudicatory Commission, granting a petition for the establishment of a community development district." As noted above, this district was previously established in 1986 and the petitioner is now requesting a contraction of the existing district.

In accordance with F.S. 190.046(1)(d)2, prior to filing such a petition, the petitioner shall "submit a copy of the petition to the county and each municipality the boundaries of which are contiguous with, or contain all or a portion of the land within the external boundaries of the district." In accordance with 190.046 (1)(d)3. "the county and each municipality shall have the option of holding a public hearing as provided by s. 190.005(1)(c). However, such a public hearing shall be limited to consideration of the contents of the petition and whether the petition for amendment should be supported by the county or municipality." Staff is recommending that the Board of County Commissioners hold such a hearing to consider the relationship of this petition to the six factors established by the Act. The Board of County Commissioners may then express their support of, or objection to the granting of the petition.

## **BACKGROUND**

The Gateway Services District, hereafter called "Petitioner", is a single and special purpose local government created by state law pursuant to section 190.004(4) F.S., with district offices located at 210 N. University Drive, Suite 301, Coral Springs, Florida 33071 and whose Chairman of its Board of Supervisors is R. Lee Menzies.

The Petitioner has petitioned the Governor and members of the Cabinet, constituting the Florida Land and Water Adjudicatory Commission to adopt a rule contracting land from the Gateway Uniform Community Development District pursuant to the Uniform Community Development District Act of Florida, Chapter 190, Florida Statutes.

The Petitioner proposes to contract a Uniform Community Development District from approximately five thousand three hundred and twenty four (5,324±) acres of land to four thousand three hundred and fifty one (4,351±) acres of land located both in unincorporated Lee County and in the City of Fort Myers, Florida. The District lies within the following areas: Sections 2,3,4,10, and 11, Township 45 South, Range 25 East; and Sections 34 and 35, Township 44 South, Range 25 East. In accordance with section 190.046(1)(d)2. the petitioner has submitted a petition to the county. Also in accordance with the Act, Lee County may conduct a public hearing to consider the relationship of the petition to the factors discussed below. The 973 acres proposed for contraction is bounded on the West, East, and South by vacant land, and on the North by vacant land and Colonial Boulevard. Interstate 75 runs through the center of the proposed area. A map showing the land area to be contracted from the District is attached as "Exhibit 2" of the petition.

Supporting the granting of the petition by the Florida Land and Water Adjudicatory Commission would be supporting the district's petition to eliminate the management and financing of certain basic infrastructure, through its board of supervisors, for a portion of the existing district. This infrastructure, or basic systems, facilities and services, under Section 190.012(1), F.S., includes four basic types: water supply; sewers and wastewater management; water control and management (drainage); and, roads, bridges and streetlights, as well as "other projects" as specified under Section 190.012(1)(f), Florida Statutes.

Accordingly, if the Florida Land and Water Adjudicatory Commission adopts the rule to contract the subject land area from the district, the remaining land area of the Gateway Services Community Development District will continue to be an infrastructure management tool. The district will remain



a financing tool, providing financial incentives for long-range service benefits to the current and subsequent landowners.

### ***THE PETITION***

The statutes require that a petition for contraction be filed containing the following information:

- a metes and bounds description of the external boundaries of the district and the impact of the proposed district on property within the external boundaries of the district which is excluded from the district;
- a statement of estimated regulatory costs.

Such a petition was received from the Petitioner by Lee County on February 5, 2002. Supplemental material was furnished together with the Petition in order to assist the Commission and its staff in reviewing the petition. Much of that supplemental material has been incorporated into this analysis. Planning staff's review of the petition finds the submittal to be sufficient.

### ***FACTORS TO BE CONSIDERED***

In accordance with F.S. 190, the County, at its public hearing, should consider the relationship of the petition to the following six factors. After consideration, the County can adopt a Resolution expressing its support of, or objection to the petition.

The Florida Land and Water Adjudicatory Commission, in addition to the record of the local hearing, to be held by the Petitioner, and any resolutions adopted by local general purpose governments, is also required to consider the following six factors in making a determination to grant or deny a petition for the establishment or contraction of a portion of a community development district. The six factors are:

1. Whether all statements contained within the petition have been found to be true and correct.
2. Whether the creation of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.
3. Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.

4. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.

5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.

6. Whether the area that will be served by the district is amenable to separate special-district government.

In addition to these six factors, the contraction of a district should also consider the following:

1. What services and facilities, if any, are currently provided by the district to the area being removed.
2. The designation of the future general distribution, location, and extent of public and private uses of land proposed for the area by the future land use element of the adopted local government comprehensive plan.

The obligation of the Board of County Commissioners is to consider all of these factors using the information in the petition and its attachments, any other documents and information that have been filed, including the expert documents, and any information presented before the commission at the public hearing. The key decisions to be made by the Board in establishing a district is simply whether it is a reasonable thing to do in view of the six factors which the law requires the County to analyze.

It should be noted that these factors are not specific criteria nor are they legal permit requirements or standards. Neither are they the basis for rendering any kind of final order or judgement. All governmental planning, environmental, and land development laws, regulations, and ordinances still apply to the development of the land within a community development district.

### ***STAFF ANALYSIS OF FACTORS***

Planning staff has reviewed the petition and accompanied materials. Following is staff's determination of the petition's applicability to each of the initial six factors.

**Concerning Factor #1:** Staff concludes that the statement in the Petition under paragraph 13. B. is not entirely true and correct. The paragraph states: "After contraction, the district is sufficiently sized, compact and contiguous to be developed as one functional interrelated community." Please see the staff discussion under Factor 3 below.

**Concerning Factor #2:** Staff concludes that the contraction of the subject area of the district is not **inconsistent** with any applicable element or portion of either the state comprehensive plan or the Lee County local government comprehensive plan, the Lee Plan.

The establishment of the district was consistent with Objective 1.6 of the Lee Plan, the New Community future land use category, which states New Communities must have the following characteristics: "2. The land can be served with all necessary facilities and services at no expense to the county. Uniform Community Development Districts and special taxing districts may be utilized toward achieving this objective."

While the proposed contraction does not change the fact that the land still must be served with all necessary facilities at no expense to the county, it does remove the existing method of achieving this. At this time, it is staff's understanding that the current landowners of the proposed area will be proposing the establishment of a new community development district for the area being proposed for contraction at a later date.

**Concerning Factor #3:** The proposed contraction removes approximately 973 acres from the district. After this property is removed, the District will contain two distinct areas separated by approximately one mile. The district will no longer be compact or contiguous and can no longer be developed as one functional interrelated community. The proposed contraction is entirely inconsistent with this factor, leaving the District discontinuous.

**Concerning Factor #4:** Planning staff has reviewed the alternatives available for managing and financing basic systems, facilities and services for the remaining areas and concludes that the district remains an alternative for delivering services and facilities to the remaining areas.

**Concerning Factor #5:** Staff has reviewed the issue of the capacity and uses of any existing local and regional community development services and facilities. The establishment of the District will not create conflicts because it is anticipated by the petitioner that water and sewer will be provided by and operated and maintained by the City of Fort Myers and/or Gateway Utilities.

Staff has determined that the community development services and facilities of the district will not be incompatible with the capacity and uses of the existing local and regional services and facilities which deal with community development.

**Concerning Factor #6:** Staff has reviewed the area in question and has determined that it, as separate non-contiguous areas, the remaining areas are not amenable to separate special district government.

### ***ADDITIONAL ANALYSIS***

In accordance with the information provided in the petition, there are no services or facilities that are currently being provided by the district to the area proposed for removed.

As in previous reviews, staff has a concern that future purchasers of property or dwelling units within the remaining UCDD are aware that the property they are purchasing will be subject to additional assessments for public services and facilities, beyond those taxes and assessments levied by local governments. Section 190.048, Florida Statutes, contains a provision that requires that a buyer of an "initial" parcel, or the buyer of an "initial" residential unit within a UCDD be notified that the property or dwelling unit being purchased is subject to special assessments from the district. Second and third buyers of property or dwelling units, however, would not be notified that the property is subject to these special assessments. Staff believes that all future purchasers of property within a UCDD should be made aware that they will be subject to additional district assessments. Staff therefore recommends that the disclosure statement provided in Section 190.048, Florida Statutes apply to all subsequent sales within the UCDD, and not just to the initial sale. Staff recommends the inclusion of the following language in the rule for the proposed district:

Any seller of property within the boundaries of the Gateway Services Uniform Community Development District, and any successors or assigns, will include the disclosure statement contained in Section 190.048, Florida Statutes, in each initial land purchase agreement as well as all subsequent land purchase agreements. This condition will apply for the life of the UCDD.

### ***RECOMMENDATION***

Planning staff cannot support the proposed contraction of the District. Staff finds that the creation of a Uniform Community Development district with

non-contiguous areas that are separated by a distance of approximately a mile is not consistent with the Act. The remaining areas will no longer be compact or contiguous and can no longer be developed as one functional interrelated community. As such, the remaining areas are not amenable to separate special district government.














Planning staff recommends that the Board of County Commissioners adopt a Resolution in opposition to the proposed contracting of the District. A copy of that Resolution should be sent to the Governor and members of the Cabinet, constituting the Florida Land and Water Adjudicatory Commission, for their consideration when they review this Petition.

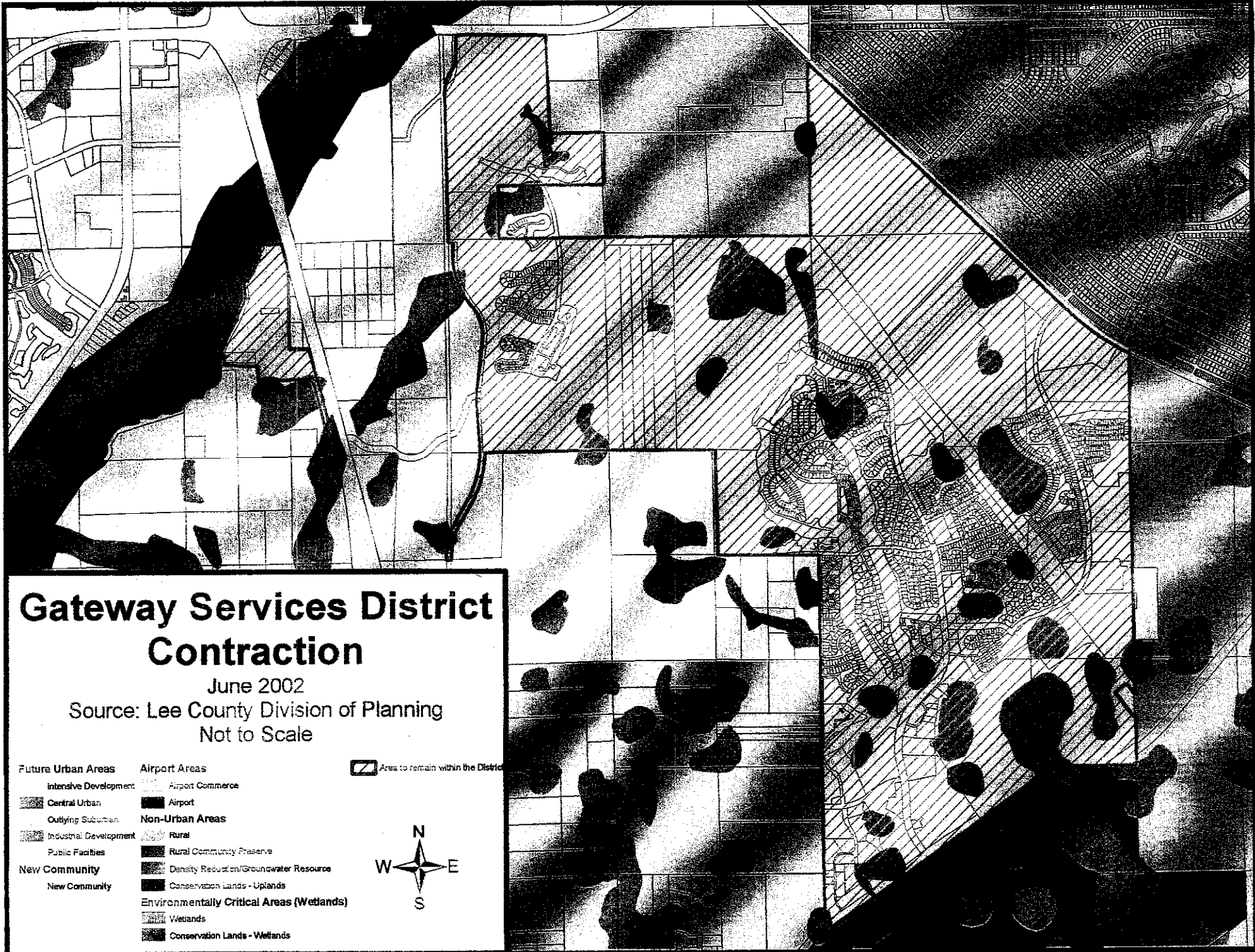
Should the Governor and members of the Cabinet amend the rule which established the district as requested by the petitioner, staff recommends that the Resolution contain a statement requesting that the rule also include provisions that notify not only initial, but all subsequent purchasers.

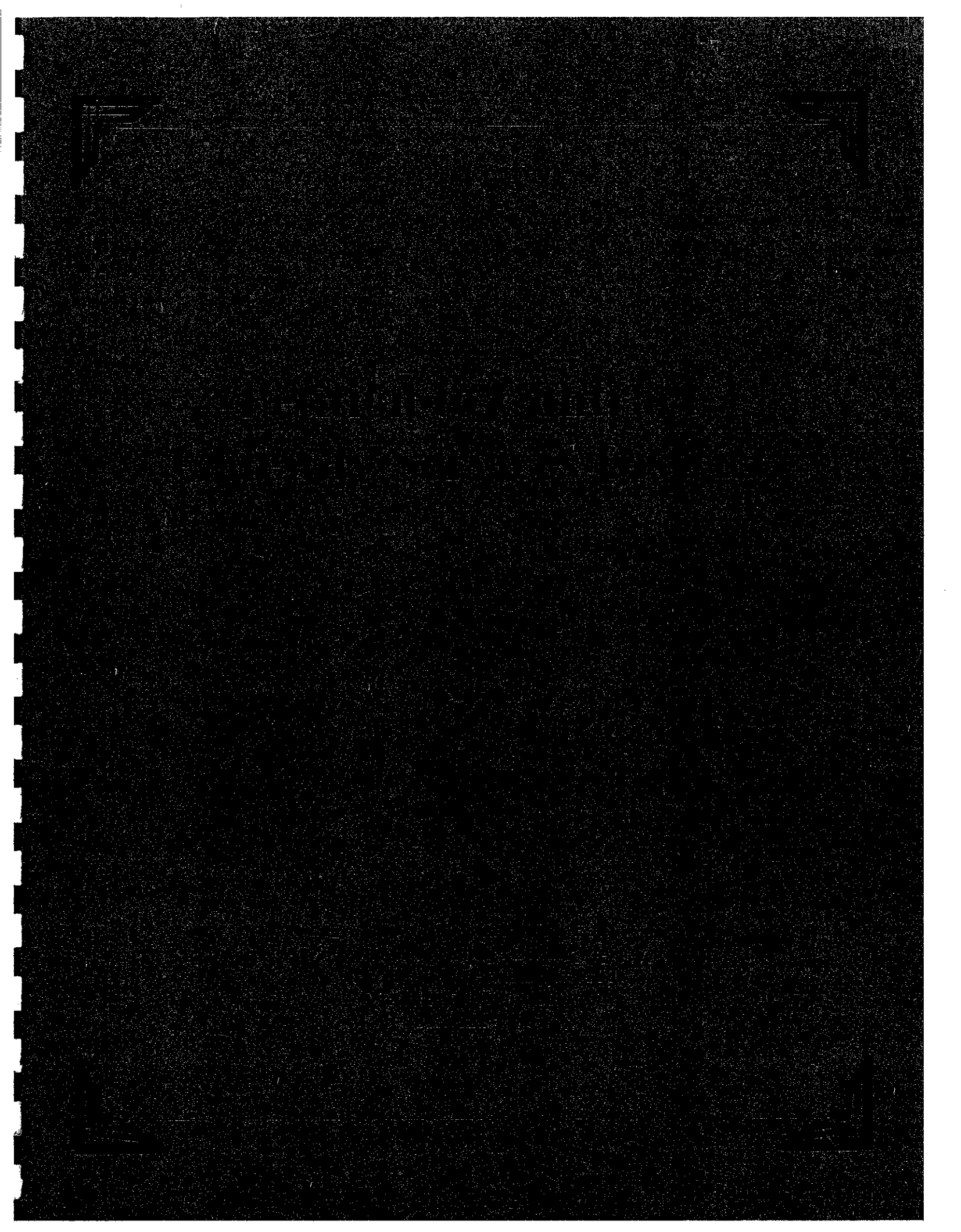
# Gateway Services District Contraction

June 2002

Source: Lee County Division of Planning  
Not to Scale

- |  |  |  |
|--|--|--|
| <b>Future Urban Areas</b>  | <b>Airport Areas</b>   |  Area to remain within the District |
|  Intensive Development  |  Airport Commerce                       |  |
|  Central Urban          |  Airport                                |  |
|  Outlying Suburban      | <b>Non-Urban Areas</b>   |  |
|  Industrial Development |  Rural                                  |  |
|  Public Facilities      |  Rural Community Preserve               |  |
| <b>New Community</b>   |  Density Reduction/Groundwater Resource |  |
|  New Community          |  Conservation Lands - Uplands           |  |
|  | <b>Environmentally Critical Areas (Wetlands)</b>   |  |
|  |  Wetlands                               |  |
|  |  Conservation Lands - Wetlands          |  |





Petition to Contract  
Gateway Services District  
January, 2002

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Petition for a Rule to Contract Gateway Services District

- Exhibit 1: Metes and bounds legal description and sketch of the existing boundaries of the District
- Exhibit 2: Description sketch and metes and bounds legal description of the contraction parcel
- Exhibit 3: Description sketch and metes and bounds legal description of the land area to be serviced by the district after contraction
- Exhibit 4: Consent and Joinder
- Exhibit 5: Documentation of landowner's ownership
- Exhibit 6: Statement of Estimated Regulatory Costs
- Exhibit 7: City of Ft. Myers Comprehensive Plan
- Exhibit 8: Lee County Comprehensive Plan



BEFORE THE FLORIDA LAND AND  
WATER ADJUDICATORY COMMISSION  
STATE OF FLORIDA

RECEIVED  
FEB 05 2002

ZONING COUNTER

IN RE: **Petition for a Rule to Contract  
Gateway Services District**

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**Petition to Contract Gateway Services District**

Petitioner, GATEWAY SERVICES DISTRICT (hereinafter referred to as the "District") an independent special district established by the Florida Land and Water Adjudicatory Commission pursuant to Chapter 190, Florida Statutes, hereby petitions the Florida Land and Water Adjudicatory Commission (hereinafter referred to as the "Commission"), to adopt an amendment to Chapter 42F-1, Florida Administrative Code, to delete approximately 973.27 acres (the "Contraction Parcel") from the District. In support of its petition, Petitioner states:

1. The District was established by the Commission pursuant to Rule 42F-1.001, et. seq., Florida Administrative Code, on May 22, 1986, and the address of its principal place of business is 210 N. University Drive, Suite 301, Coral Springs, Florida 33071.
2. The District is located within the unincorporated area of Lee County, and a portion of the District is located within the City of Fort Myers. Exhibit 1 is a metes and bounds legal description and sketch of the existing boundaries of the District.
3. The description sketch and metes and bounds legal description of the Contraction Parcel is attached as Exhibit 2.
4. The land area to be served by the District after contraction of the boundaries will be approximately 4,351 acres (5,324 less 973=4,351). A description sketch, and metes and bounds legal description of the land area to be serviced by the District after contraction is attached as Exhibit 3.
5. Worthington Holdings, LLC, a Florida limited liability corporation, presently owns 100% of the real property comprising the Contraction Parcel. Landowner's written consent and joinder to the Petition for a Rule to Contract the District is contained in Exhibit 4. Documentation of Landowner's ownership of 100% of the real property to be contracted from the District is contained in Exhibit 5.
6. The current members of the Board of Supervisors for the District are:

BOARD OF SUPERVISORS

- A. R. Lee Menzies

ADD 2002-0001 1

- B. Robin Martin
- C. Susan Pritchard
- D. Lee Boyd
- E. Terrey Dolan

All of the above persons are residents of the State of Florida and citizens of the United States of America.

7. The name of the District after contraction will be Gateway Community Development District.

8. The current outfalls within the Contraction Parcel are depicted on Exhibit 3. There are no major trunk water mains or sewer interceptors within the Contraction Parcel.

9. Exhibit 6 is a Statement of Estimated Regulatory Costs prepared in accordance with the requirements of Section 120.54(2)(b), Florida Statutes and Chapter 190, Florida Statutes.

10. The future general distribution, location and extent of public and private uses of land within the Contraction Parcel has been designated by the future land use plan element of the City of Ft. Myers Comprehensive Plan. The City of Ft. Myers Comprehensive Plan includes all mandatory elements in compliance with the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes. A copy of the currently effective City of Ft. Myers Comprehensive Plan is attached as Exhibit 7.

11. The future general distribution, location, and extent of public and private uses of land within the District, after contraction, has been designated by the future land use plan element of the Lee County Comprehensive Plan. The Lee County Comprehensive Plan includes all mandatory elements in compliance with the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes. A copy of the currently effective Lee County Comprehensive Plan is attached as Exhibit 8.

12. Prior to filing this Petition, Petitioner submitted a copy of this Petition with exhibits to Lee County and to the City of Ft. Myers. These actions provide the County and the City with an opportunity to exercise their rights pursuant to Section 190.005(1)(c), Florida Statutes.

13. The proposed amendment to the boundaries of the District will have no negative impact on the Contraction Parcel or the property within the District after the contraction.

A. The proposed contraction is consistent with the applicable elements or portions of the City of Ft. Myers Comprehensive Plan , the Lee County Comprehensive Plan and the State Comprehensive Plan, contained in Chapter 187, Florida Statutes.

B. After the contraction, the District is sufficiently sized, compact and contiguous to be developed as one functionally interrelated community.

C. After contraction, the District remains the best alternative available for the delivery of community development services and facilities to the lands within its boundaries.

D. After the contraction, the community development services and facilities will remain compatible with the capacity and uses of existing local and regional community development services and facilities.

E. The area served by the District after contraction will continue to be amenable to separate special district government.

14. All notices, pleadings, etc., should be sent to Erin McCormick Larrinaga, attorney for the Petitioner, at the address provided below.

WHEREFORE, Petitioner respectfully requests the Commission to:

A. Determine that all the elements and contents of this Petition, as required by Section 190.046 and 190.005(1)(a), Florida Statutes, are contained herein, and the Petition is complete.

B. Forward this Petition to the Division of Administrative Hearings, requesting that a hearing officer be appointed to conduct a public hearing as set forth in Section 190.005(1)(d), Florida Statutes.

C. Receive a report and conclusions from the hearing officer as to whether the evidence presented in support of this Petition meets the criteria of Section 190.005(1)(e), Florida Statutes.

D. Amend Chapter 42F-1, F.A.C. to contract the Gateway Services District as described herein, pursuant to Chapters 120 and 190, Florida Statutes.

RESPECTFULLY SUBMITTED this  
day of January, 28, 2002.

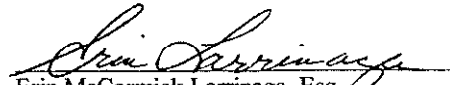
**PETITIONER:**

GATEWAY SERVICES DISTRICT

By: 

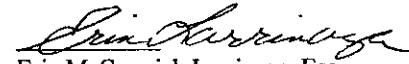
R. Lee Menzies, as Chairman of  
the Board of Supervisors

**ATTORNEYS FOR PETITIONER:**

  
Erin McCormick Larrinaga, Esq.  
Florida Bar No.: 938564  
FOWLER WHITE BOGGS BANKER P.A.  
P.O. Box 1438  
Tampa, FL 33601  
Telephone (813) 228-7411

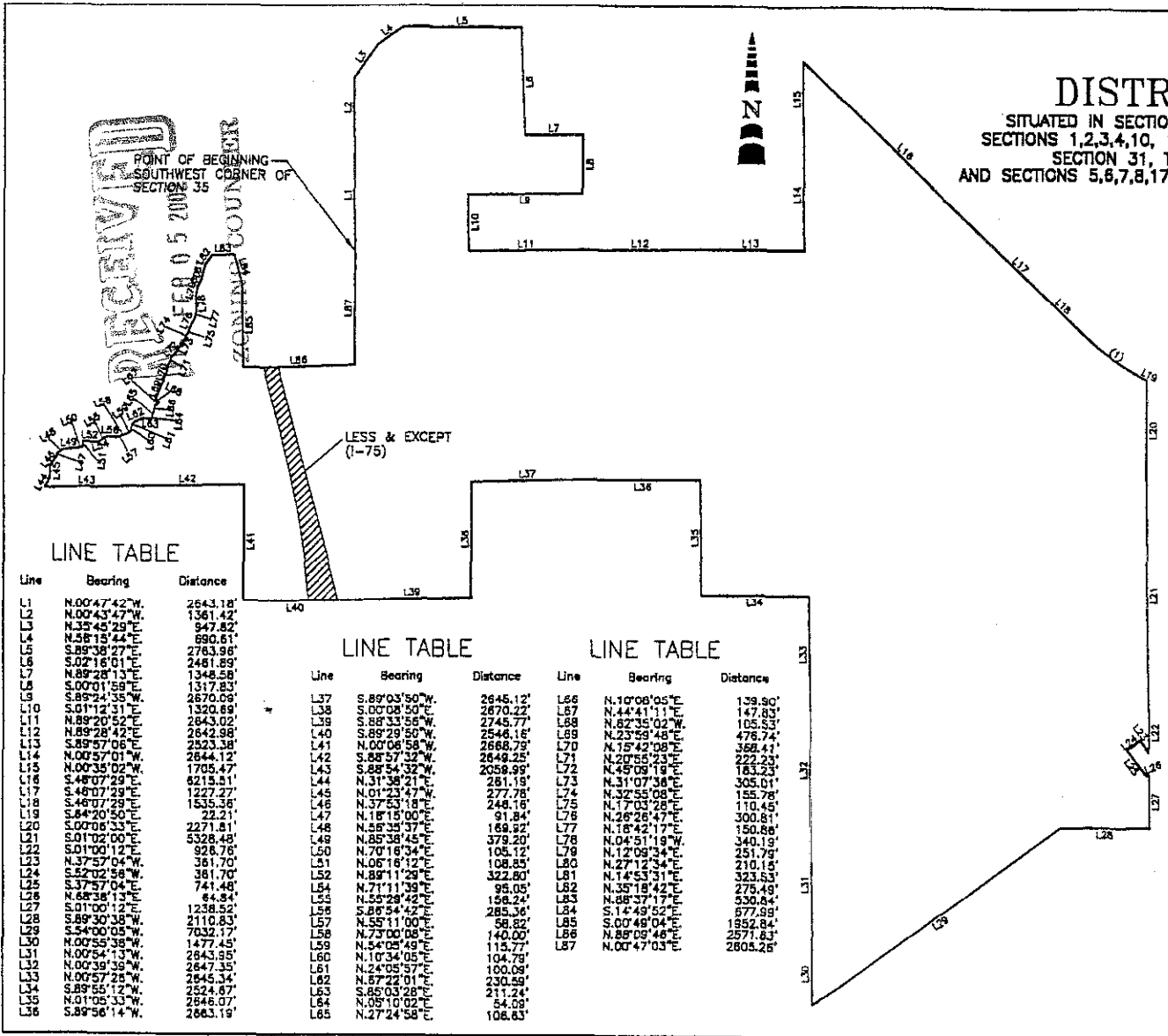
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished this day of January 30, 2002, by Federal Express to Secretary Donna Arduin, Florida Land and Water Adjudicatory Commission, Office of the Governor, Office of Planning and Budgeting, Growth Management, 2105 The Capitol, Tallahassee, Florida 32399-0001, and to Cari Roth, General Counsel of the Florida Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.

  
Erin McCormick Larrinaga, Esq.

# SKETCH OF DISTRICT BOUNDARY

SITUATED IN SECTION 35 TOWNSHIP 44 SOUTH, RANGE 25 EAST,  
SECTIONS 1,2,3,4,10, 11 AND 12 TOWNSHIP 45 SOUTH, RANGE 25 EAST  
SECTION 31, TOWNSHIP 44 SOUTH, RAHGE 26 EAST  
AND SECTIONS 5,6,7,8,17,18 AND 19, TOWNSHIP 45 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA



### CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	5824.88'	18°13'21"	1852.55'	1844.76'	S.55°14'10"E.

\*SPECIAL NOTE:  
LINE NUMBER 44 (L44) DESCRIPTION CALLS FOR  
N.32°38'21"E. AND THE CALCULATED BEARING  
AND THE BEARING ON THE JOHNSON ENGINEERING,  
INC. SURVEY CALLS FOR N.31°38'21"E.

SKETCH TO ACCOMPANY DESCRIPTION PREPARED  
BY OTHERS.

### LINE TABLE

Line	Bearing	Distance
L1	N.00°47'42"W.	2643.18'
L2	N.00°43'47"W.	1361.42'
L3	N.35°45'29"E.	947.82'
L4	N.58°19'44"E.	690.61'
L5	S.89°38'27"E.	2763.96'
L6	S.02°16'01"E.	2461.89'
L7	N.89°28'13"E.	1348.58'
L8	S.00°01'59"E.	1317.83'
L9	S.85°24'35"W.	2670.09'
L10	S.01°12'31"E.	1320.69'
L11	N.89°20'52"E.	2643.02'
L12	N.89°28'42"E.	2642.98'
L13	S.89°57'06"E.	2523.38'
L14	N.00°57'01"W.	2644.12'
L15	N.00°35'02"W.	1705.47'
L16	S.48°07'29"E.	6215.51'
L17	S.48°07'29"E.	1227.27'
L18	S.48°07'29"E.	1535.36'
L19	S.84°20'50"E.	22.21'
L20	S.00°08'33"E.	2271.61'
L21	S.01°02'00"E.	5328.48'
L22	S.01°00'12"E.	926.78'
L23	N.37°57'04"W.	361.70'
L24	S.52°02'58"W.	361.70'
L25	S.37°57'04"E.	741.48'
L26	N.68°38'13"E.	84.84'
L27	S.01°00'12"E.	1238.52'
L28	S.89°30'38"W.	2110.83'
L29	S.54°00'05"W.	7032.17'
L30	N.00°58'38"W.	1477.45'
L31	N.00°54'13"W.	2643.95'
L32	N.00°39'38"W.	2647.35'
L33	N.00°57'28"W.	2645.34'
L34	S.89°55'12"W.	2524.67'
L35	N.01°05'33"W.	2546.07'
L36	S.89°56'14"W.	2663.19'

### LINE TABLE

Line	Bearing	Distance
L37	S.89°03'50"W.	2645.12'
L38	S.00°08'50"E.	2670.22'
L39	S.88°33'56"W.	2745.77'
L40	S.89°29'50"W.	2546.16'
L41	N.00°08'58"W.	2668.79'
L42	S.88°57'33"W.	2649.25'
L43	S.88°54'33"W.	2058.99'
L44	N.31°38'21"E.	261.18'
L45	N.01°23'47"W.	277.78'
L46	N.37°53'18"E.	248.16'
L47	N.18°15'00"E.	91.84'
L48	N.58°39'37"E.	169.92'
L49	N.85°38'45"E.	379.20'
L50	N.70°16'34"E.	105.12'
L51	N.06°16'12"E.	108.85'
L52	N.89°11'29"E.	322.80'
L53	N.71°11'39"E.	98.05'
L54	N.53°29'42"E.	158.24'
L55	S.88°54'42"E.	285.56'
L56	N.55°11'00"E.	58.82'
L57	N.73°00'08"E.	140.00'
L58	N.54°05'49"E.	115.77'
L59	N.10°34'05"E.	104.79'
L60	N.24°05'57"E.	100.08'
L61	N.67°22'01"E.	230.59'
L62	S.85°03'28"E.	211.24'
L63	N.05°10'02"E.	54.09'
L64	N.27°24'58"E.	108.83'

### LINE TABLE

Line	Bearing	Distance
L66	N.10°08'05"E.	139.90'
L67	N.44°41'11"E.	147.83'
L68	N.82°35'02"W.	105.53'
L69	N.23°59'48"E.	476.74'
L70	N.15°42'08"E.	368.41'
L71	N.20°55'43"E.	222.29'
L72	N.45°08'19"E.	183.23'
L73	N.31°07'38"E.	305.01'
L74	N.32°58'08"E.	155.78'
L75	N.17°03'28"E.	110.45'
L76	N.26°28'47"E.	300.81'
L77	N.18°42'17"E.	150.86'
L78	N.04°51'19"W.	340.19'
L79	N.12°09'34"E.	251.79'
L80	N.27°12'34"E.	210.15'
L81	N.14°53'31"E.	323.53'
L82	N.35°19'42"E.	275.49'
L83	N.88°37'17"E.	530.84'
L84	S.14°49'52"E.	677.99'
L85	S.00°48'04"E.	1952.84'
L86	N.88°09'46"E.	2571.83'
L87	N.00°47'03"E.	2605.26'

\*\*\* THIS IS NOT A SURVEY \*\*\*  
  
 DENIS J. O'CONNELL, JR., PROFESSIONAL SURVEYOR AND MAPPER L#65430 DATE SIGNED 1/04/01  
**GSD - DISTRICT BOUNDARY**

TITLE: <b>SKETCH OF DESCRIPTION</b>			
COMMUNITY ENGINEERING SERVICES, INC. CIVIL ENGINEERING-SURVEYING PROJECT MANAGEMENT			
		EE-0006601 L# 6372 9200 Bonita Beach Road Suite 213 Bonita Springs, Florida 34135 Telephone (941) 495-0009 Fax (941) 495-7934	
FILE NAME: COLEXP/ARCEL/DWG	FIELD NO./REVISED	PROJECT NO.: 1353	SHEET: 1 OF 2
SURVEY DATE: 01-04-2002	DRAWN BY: DJG	SCALE: 1" = 3000'	CHECKED BY: DJG FILE NO. (S-1-0) 35-44-25

GATEWAY SERVICES DISTRICT  
CHAPTER 42F-1  
GATEWAY SERVICES DISTRICT

- 42F-1.001 Creation.  
42F-1.002 Boundary.  
42F-1.003 Supervisors.

**42F-1.001 Creation.** The Gateway Services District is hereby created.

*Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.005 FS. History—New 5-22-86.*

**42F-1.002 Boundary.** The boundaries of the district are as follows:

A tract or parcel of land lying in Section 35, Township 44 South, Range 26 East, Sections 1, 2, 3, 4, 10, 11 and 12, Township 45 South, Range 25 East; Section 31, Township 44 South, Range 26 East and in Sections 5, 6, 7, 8, 17, 18 and 19, Township 45 South, Range 26 East, Lee County, Florida, more particularly described as follows:

Beginning at the southwest corner of said Section 35 run N 00° 47' 42" W along the west line of the southwest quarter (SW-1/4) of said Section for 2643.18 feet to the quarter corner on the west line of said section; thence run N 00° 43' 47" W along the west line of the northwest quarter (NW-1/4) of said Section for 1361.42 feet; thence run N 35° 45' 29" E for 947.82 feet; thence run N 56° 15' 44" E for 690.61 feet to the south line of the Colonial Boulevard right-of-way (State Road 884) (250 feet wide); thence run S 89° 38' 27" E along said south line for 2763.96 feet to an intersection with the east line of the west half (W-1/2) of the northeast quarter (NE-1/4) of said Section; thence run S 02° 16' 01" E along said east line for 2461.89 feet to the southeast corner of said fraction; thence run N 89° 28' 13" E along the north line of the southeast quarter (SE-1/4) of said Section for 1348.58 feet to the quarter corner on the east line of said Section; thence run S 00° 01' 59" E along said east line for 1317.83 feet to the southeast corner of the north half (N-1/2) of said southeast quarter (SE-1/4); thence run S 89° 24' 35" W along the south line of said north half (N-1/2) for 2670.09 feet to the southwest corner of said fraction; thence run S 01° 12' 31" E along the east line of said southwest quarter (SW-1/4) of said section for 1320.69 feet to the quarter corner common to said Sections 35 and 2; thence run N 89° 20' 52" E along the line common to said Sections 35 and 2 for 2643.02 feet to the northwest corner of said Section 1; thence run N 89° 28' 42" E along the north line of the northwest quarter (NW-1/4) of said Section 1 for 2642.98 feet to the quarter corner on said north line; thence run S 89° 57' 06" E along the north line of the northeast quarter (NE-1/4) of said Section 1 for 2523.38 feet to the northeast corner of said section; thence run N 00° 57' 01" W along the west line of said Section 31 for 2644.12 feet to the quarter corner on said west line; thence run N 00° 35' 02" W along said west line of said Section 31 for 1705.47 feet to an intersection with the southwesterly line of Immokalee Road (State Road No. 82) (200 feet wide); thence run S 46° 07' 29" E along said southwesterly line for 6215.51 feet to an intersection with the south line of said Section 31; thence continue S 46° 07' 29" E along said southwesterly line for 1227.27 feet to an intersection with a line common to said Sections 5 and 6; thence continue S 46° 07' 29" E along said southwesterly line for 1535.36 feet to a point of curvature; thence southeasterly along said

southwesterly line, along the arc of a curve to the left of radius 5824.88 feet (delta 18° 13' 21") (chord bearing S 55° 14' 10" E) (chord 1844.76 feet) for 1852.55 feet to a point of tangency; thence continue along said southwesterly line S 64° 20' 50" E for 22.21 feet to an intersection with the east line of the west half (W-1/2) of said Section 5; thence run S 00° 06' 33" E along said east line for 2271.81 feet to the quarter corner common to said Sections 5 and 8; thence run S 01° 02' 00" E along the east line of the west half (W-1/2) of said Section 8 for 5328.48 feet to the quarter corner common to said Sections 8 and 17; thence run S 01° 00' 12" E along the east line of the northwest quarter (NW-1/4) of said Section 17 for 926.76 feet to an intersection with the northeasterly line of a Florida Power & Light Company substation site as described in deed recorded in Official Record Book 1606 at page 1286, Lee County Records; thence run N 37° 57' 04" W along said northeasterly line for 361.70 feet; thence run S 52° 02' 56" W along the northwesterly line of said site for 361.70 feet; thence run S 37° 57' 04" E along the southwesterly line of said site for 741.48 feet to an intersection with the northwesterly line of Daniels Road Extension (200 feet wide) as described in deed recorded in Official Record Book 1644 at page 1739, Lee County Records; thence run N 68° 38' 13" E along said northwesterly line for 64.84 feet to an intersection with said easterly line of said northwest quarter (NW-1/4) of said Section 17; thence run S 01° 00' 12" E along said east line for 1238.52 feet to the southeast corner of said fraction; thence run S 89° 30' 38" W along the south line of said fraction and a north line of the Southwest Florida Regional Airport for 2110.83 feet to an intersection with the southeasterly line of said Daniels Road Extension; thence run S 54° 00' 05" W through said Sections 17, 18 and 19 along the southeasterly line of a road right-of-way (200 feet wide) for 7032.17 feet to an intersection with the west line of said Section 19; thence run N 00° 55' 36" W along said west line for 1477.45 feet to the northwest corner of said section; thence run N 00° 54' 13" W along the west line of the southwest quarter (SW-1/4) of said Section 18 for 2643.95 feet to the quarter corner on said west line; thence run N 00° 39' 39" W along the west line of the northwest quarter (NW-1/4) of said Section 18 for 2647.35 feet to the northwest corner of said section; thence run N 00° 57' 26" W along the west line of the southwest quarter (SW-1/4) of said Section 7 for 2645.34 feet to the quarter corner common to said Sections 7 and 12; thence run S 89° 55' 12" W along the south line of the northeast quarter (NE-1/4) of said Section 12 for 2524.67 feet to the west line of the East 2524.14 feet of said northeast quarter (NE-1/4); thence run N 01° 05' 33" W along said west line for 2646.07 feet to the south line of said Section 1; thence run S 89° 56' 14" W along said south line for 2663.19 feet to the southwest corner of said section, passing through the quarter corner on the south line of said section at 69.26 feet; thence run S 89° 03' 50" W along the south line of said Section 2 for 2645.12 feet to the quarter corner on said south line; thence run S 00° 08' 50" E along the east line of the northwest quarter (NW-1/4) of said Section 11 for 2670.22 feet to the center of said section; thence run S 88° 33' 56" W along the south line of said northwest quarter (NE-1/4) for 2745.77 feet to the quarter corner on the west line of said Section 11; thence run S 89° 29' 50" W along the south line of the northeast quarter (NE-1/4) of said Section 10 for 2546.16 feet to the center of said section; thence run N 00° 06' 58"

**EXHIBIT 1**

**Page 2 of 3**

W along the west line of said northeast quarter (NE-1/4) for 2668.79 feet to the quarter corner on the north line of said section; thence run S 88° 57' 32" W along the south line of said Section 3 for 2649.25 feet to the southwest corner of said Section; thence run S 88° 54' 32" W along the south line of said Section 4 for 2059.99 feet to an intersection with the southeasterly line of the Six Mile Cypress Acquisition area; thence run northeasterly along said southeasterly line the following courses and distances: N 32° 38' 21" for 261.19 feet, N 01° 23' 47" W for 277.78 feet, N 37° 53' 18" E for 246.16 feet, N 18° 15' 00" E for 91.84 feet, N 56° 35' 37" E for 169.92 feet, N 85° 38' 45" E for 379.20 feet, N 70° 16' 34" E for 105.12 feet, N 06° 16' 12" E for 108.85 feet, N 89° 11' 29" E for 322.80 feet, N 71° 11' 39" E for 95.05 feet, N 55° 29' 43" E for 156.24 feet, S 86° 54' 42" E for 285.36 feet, N 55° 11' 00" E for 58.82 feet, N 73° 00' 08" E for 140.00 feet, N 54° 05' 49" E for 115.77 feet, N 10° 34' 05" E for 104.79 feet, N 24° 05' 57" E for 100.09 feet; N 67° 22' 01" E for 230.59 feet, S 85° 03' 28" E for 211.24 feet, N 05° 10' 02" E for 54.09 feet, N 27° 24' 58" E for 106.63 feet, N 10° 08' 05" E for 139.90 feet, N 44° 41' 11" E for 147.83 feet, N 62° 35' 02" W for 105.53 feet, N 23° 59' 48" E for 476.74 feet, N 15° 42' 08" E for 368.41 feet, N 20° 55' 23" E for 222.23 feet, N 45° 09' 19" E for 183.23 feet, N 31° 07' 36" E for 305.01 feet, N 32° 55' 08" E for 155.78 feet, N 17° 03' 28" E for 110.45 feet, N 26° 26' 47" E for 300.81 feet, N 18° 42' 17" E for 150.86 feet, N 04° 51' 19" W for 340.19 feet, N 12° 09' 34" E for 251.79 feet, N 27° 12' 34" E for 210.15 feet, N 14° 53' 31" E for 323.53 feet and N 35° 18' 42" E for

275.49 feet to an intersection with the north line of said Section 3; thence run N 88° 37' 17" E along said north line for 530.84 feet to an intersection with the westerly line of State Road No. 93 (Interstate 75) (324 feet wide); thence run S 14° 49' 52" E along said westerly line for 677.99 feet to an intersection with the east line of the northwest quarter (NW-1/4) of said Section 3; thence run S 00° 49' 04" E along said east line for 1952.84 feet to the center of said section; thence run N 88° 09' 46" E along the north line of the southeast quarter (SE-1/4) of said Section 3 for 2571.63 feet to the quarter corner common to said Sections 2 and 3; thence run N 00° 47' 03" E along the west line of the northwest quarter (NW-1/4) of said Section 2 for 2605.26 feet to the Point of Beginning.

Less and except all that part of the right-of-way for State Road No. 93 (Interstate 75) lying within the southeast quarter (SE-1/4) of Section 3 and within the northeast quarter (NE-1/4) of Section 10, Township 45 South, Range 25 East, Lee County, Florida, as more particularly described in the petition for this rule. Containing 5324 acres, more or less.

*Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New 5-22-86.*

**42F-1.003 Supervisors.** The following five persons are designated as the initial members of the Board of Supervisors: Steven R. Whitley, Roger G. Nooe, Andre J. Patrone, Douglas Brown, and W. Harmon Turner.

*Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.005, 190.006 FS. History—New 5-22-86.*

Description of a Parcel of Land Lying in  
Situating on sections 34 & 35 township 44 South Range 25 E,  
And Sections 2,3,10 & 11 Township 45 South, Range 25 East,  
Lee County, Florida  
(CONTRACTION PARCEL)

A PARCEL OF LAND LYING IN SECTION 34 AND 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST AND SECTION 2, 3, 10 AND 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 25 EAST THENCE RUN N 00°47'42" W ALONG THE EAST LINE OF SAID SECTION FOR 2643.18 FEET; THENCE N 00°43'47" W ALONG THE EAST LINE OF SAID SECTION FOR 1361.42 FEET; THENCE N 35°45'29" E FOR 947.82 FEET; THENCE N 56°15'44" E FOR 690.61 FEET TO AN INTERSECTION WITH SOUTH LINE OF COLONIAL BOULEVARD (STATE ROAD NO. 884); THENCE S 89°38'27" E ALONG SAID SOUTH LINE FOR 539.91 FEET; THENCE S 45°21'33" W FOR 42.43 FEET; THENCE S 00°21'33" W ALONG THE EAST LINE OF A ROAD RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 2581 BEGINNING AT PAGE 4060 OF THE LEE COUNTY RECORDS FOR 721.50 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1050.00 FEET; THENCE THROUGH A CENTRAL ANGLE OF 41°49'26" AN ARC DISTANCE OF 766.46 FEET, A CHORD BEARING OF S 21°16'16" W FOR 749.55 FEET TO A POINT ON THE EAST LINE OF TREELINE BOULEVARD (TO BE RE-ALIGNED) AS DESCRIBED IN OFFICIAL RECORD BOOK 1529 BEGINNING AT PAGE 412 OF THE LEE COUNTY RECORDS; THENCE S 00°58'02" E ALONG SAID EAST LINE FOR 1048.01 FEET; THENCE S 01°00'06" E ALONG SAID EAST LINE FOR 2642.68 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 25 EAST; THENCE S 00°02'17" E ALONG SAID EAST LINE OF TREELINE BOULEVARD FOR 68.31 FEET; THENCE LEAVING SAID EAST LINE AND RUNNING N 89°25'36" E FOR 114.67 FEET, TO A POINT ON THE WEST LINE OF NEW PROPOSED ALIGNMENT FOR SAID TREELINE BOULEVARD; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG SAID WEST LINE, S 01°10'24" W FOR 245.53 FEET; TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2000.00 FEET; THENCE THROUGH A CENTRAL ANGLE OF 37°40'00" AN ARC DISTANCE OF 1314.81 FEET, A CHORD BEARING OF S 17°39'36" E FOR 1291.26 FEET; THENCE S 36°29'36" E FOR 266.36 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1000.00 FEET; THENCE THROUGH A CENTRAL ANGLE OF 43°02'49" AN ARC DISTANCE OF 751.31 FEET, A CHORD BEARING OF S 14°58'12" E FOR 733.76 FEET; THENCE S 06°33'12" W FOR 1166.54 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2800.06 FEET; THENCE THROUGH A CENTRAL ANGLE OF 10°24'15" AN ARC DISTANCE OF 508.45 FEET, A CHORD BEARING OF S 01°21'05" W FOR 507.75 FEET; THENCE S 03°51'03" E FOR 959.31 FEET; THENCE AROUND A CURVE TO THE RIGHT HAVING A RADIUS OF 2500.00 FEET; THENCE THROUGH A CENTRAL ANGLE OF 33°36'51" FEET AN ARC DISTANCE OF 1466.69 FEET A CHORD BEARING OF S 12°57'22" W A DISTANCE OF 1445.75 FEET; THENCE S 29°45'46" W FOR 618.63 FEET; THENCE AROUND A CURVE TO THE LEFT HAVING A RADIUS OF 1612.50 FEET; THENCE THROUGH A CENTRAL ANGLE OF 28°50'26" AN ARC DISTANCE OF 811.67 FEET A CHORD BEARING OF S 15°20'35" W A DISTANCE OF 803.13 FEET; THENCE S 00°55'22" W FOR 171.23 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST; THENCE ALONG SAID SOUTH LINE S 88°33'56" W FOR 1310.34 FEET; THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER S 89°29'50" W FOR 365.69 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF INTERSTATE 75 (STATE ROAD 93); THENCE ALONG SAID EASTERLY LINE AROUND A CURVE TO THE LEFT HAVING A RADIUS OF 5891.58 FEET; THENCE THROUGH A CENTRAL ANGLE OF 02°57'55" AN ARC DISTANCE OF 304.91 FEET A CHORD BEARING OF N 13°20'53" W A DISTANCE OF 304.88 FEET; THENCE N 14°49'51" W ALONG SAID EASTERLY LINE FOR 5219.79 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 25 EAST; THENCE N 88°09'46" E ALONG SAID SOUTH LINE FOR 1753.81 FEET; THENCE N 00°47'03" E FOR 2605.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 636.51 ACRES, MORE OR LESS.

**TOGETHER WITH:**

A PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST; THENCE ALONG THE EAST LINE OF SAID NORTHWEST QUARTER SECTION S 00°08'50" E A DISTANCE OF 2670.22' TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER SECTION; THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER SECTION S 88°33'56" W, A DISTANCE OF 1310.32' TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF PROPOSED TREELINE BOULEVARD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING BEARING AND DISTANCES: N 00°55'22" E A DISTANCE OF 166.10' TO A POINT; THENCE RUN AROUND A CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 28°50'26" AN ARC DISTANCE OF 748.75' A CHORD BEARING OF N15°20'35" E, A DISTANCE OF 740.87' TO A POINT; THENCE N 29°45'48" E A DISTANCE OF 618.63' TO A POINT; THENCE RUN AROUND A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 29°13'02" AN ARC DISTANCE OF 1338.58' A CHORD BEARING OF N 15°09'16" E A DISTANCE OF 1324.12' TO AN INTERSECTION WITH THE NORTH LINE OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST; THENCE ALONG SAID NORTH LINE N 89°03'49" E A DISTANCE OF 451.16' TO THE POINT OF BEGINNING.

CONTAINING 53.287 ACRES MORE OR LESS.

**EXHIBIT 2**  
**Page 1 of 5**



**TOGETHER WITH:**

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 3, 4, & 10, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 25 EAST; THENCE S88°54'32"W FOR 2,059.99 FEET; THENCE N31°38'21"E FOR 261.19 FEET; THENCE N01°23'47"W FOR 277.78 FEET; THENCE N37°53'18"E FOR 246.16 FEET; THENCE N18°15'00"E FOR 91.84 FEET; THENCE N56°35'37"E FOR 169.92 FEET; THENCE N85°38'45"E FOR 379.20 FEET; THENCE N70°16'34"E FOR 105.12 FEET; THENCE N06°16'12"E FOR 108.85 FEET; THENCE N89°11'29"E FOR 322.80 FEET; THENCE N71°11'39"E FOR 95.05 FEET; THENCE N55°29'42"E FOR 156.24 FEET; THENCE S86°54'42"E FOR 285.36 FEET; THENCE N55°11'00"E FOR 58.82 FEET; THENCE N73°00'08"E FOR 140.00 FEET; THENCE N54°05'49"E FOR 115.77 FEET; THENCE N10°34'05"E FOR 104.79 FEET; THENCE N24°05'57"E FOR 100.09 FEET; THENCE N67°22'01"E FOR 230.59 FEET; THENCE S85°03'28"E FOR 211.24 FEET; THENCE N05°10'02"E FOR 54.09 FEET; THENCE N27°24'58"E FOR 106.63 FEET; THENCE N10°08'05"E FOR 139.90 FEET; THENCE N44°41'11"E FOR 147.83 FEET; THENCE N62°35'02"W FOR 105.53 FEET; THENCE N23°59'48"E FOR 476.74 FEET; THENCE N15°42'08"E FOR 184.08 FEET; THENCE N88°09'46"E FOR 190.18 FEET; THENCE S01°19'23"W FOR 243.00 FEET; THENCE S87°40'37"E FOR 838.00 FEET; THENCE S02°10'37"E FOR 387.06 FEET; THENCE N86°41'03"E FOR 1,133.07 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 78°29'05" FOR 342.45 FEET; THENCE S14°49'52"E FOR 542.01 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 22,685.31 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°26'29" FOR 966.63 FEET; THENCE S82°23'52"E FOR 122.32 FEET TO THE INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 (I-75), SAID POINT BEING ON A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S77°42'57"W, A RADIAL DISTANCE OF 22,800.31 FEET; THENCE SOUTHERLY ALONG THE ARC AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 07°26'36" FOR 2962.03 FEET TO THE INTERSECTION WITH THE EAST-WEST QUARTER SECTION LINE OF SECTION 10; THENCE S89°29'50"W ALONG SAID EAST-WEST QUARTER SECTION LINE OF SAID SECTION 10 FOR 1497.41 FEET; THENCE N00°06'58"W FOR 2,668.79 FEET TO THE INTERSECTION WITH THE NORTH SECTION LINE OF SAID SECTION 10; THENCE S88°57'32"W ALONG SAID NORTH SECTION LINE OF SAID SECTION 10 FOR 2,649.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 283.47 ACRES, MORE OR LESS.

TOTAL OF ALL PARCELS: CONTAINING 973.27 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 25 EAST AS BEARING S88°57'32"W.

Certification for Boundary Description

Surveyor and Mapper in Responsible Charge:

Denis J. O'Connell, Jr., LS #5430

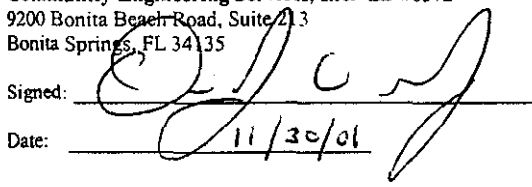
Community Engineering Services, Inc. LB #6572

9200 Bonita Beach Road, Suite 213

Bonita Springs, FL 34135

Signed: \_\_\_\_\_

Date: \_\_\_\_\_



**EXHIBIT 2**  
**Page 2 of 5**

**RECEIVED**  
 FEB 05 2007

ZONING COUNTER

EAST R.O.W.  
PROPOSED TREELINE BLVD

N 28°45'48" E  
678.63'

53.287 ACRES

N 00°55'22" E  
166.10'

S 88°33'56" W  
1310.32'

N 88°03'48" E  
451.16'

S 00°08'50" E 2670.22'

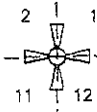
NORTH LINE  
SECTION 11

P.O.B.  
NE CORNER  
NW 1/4 SECTION 11  
TOWNSHIP 45 SOUTH  
RANGE 25 EAST

EAST LINE  
NW 1/4 SECTION 11

SE CORNER  
NW 1/4 SECTION 11

SOUTH LINE  
NW 1/4 SECTION 11



**LEGEND**

- R.O.W. = RIGHT-OF-WAY
- P.O.B. = POINT OF BEGINNING
- R' = RADIUS
- L' = ARC LENGTH
- CD = CORD DIRECTION
- LC = CHORD LENGTH
- ⊕ = SECTION CORNER

NOT A SURVEY

NUMBER/DELTA	R'	L'	CD	LC'
C1	28°13'02"	2625.00	N 15°08'16" E	1324.12
C2	28°50'26"	1487.50	N 15°20'35" E	740.87

date 02-10-01  
drawn CB  
file name: CCL\_BND  
job CCL\_GL



**COMMUNITY ENGINEERING SERVICES, INC.**  
 Civil Engineering • Planning • Project Management  
 LB# 6572  
 9200 Bonite Beach Road Suite 209  
 Bonite Springs, Florida 33923  
 Telephone (813) 495-0009 Fax (813) 495-7934

**BOUNDARY SKETCH**  
 TO ACCOMPANY LEGAL DESCRIPTION  
 PORTION OF CONTRACTION PARCEL  
 SITUATED IN SECTION 11 OF TWP 45S, RGE 25E  
 LEE COUNTY FLORIDA

Scale: 1"=400'  
 NA  
**SHEET**  
 1 of 1

date \_\_\_\_\_

# SKETCH OF DESCRIPTION

OF A PARCEL LYING IN  
SECTIONS 3, 4, & 10, TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
LBE COUNTY, FLORIDA

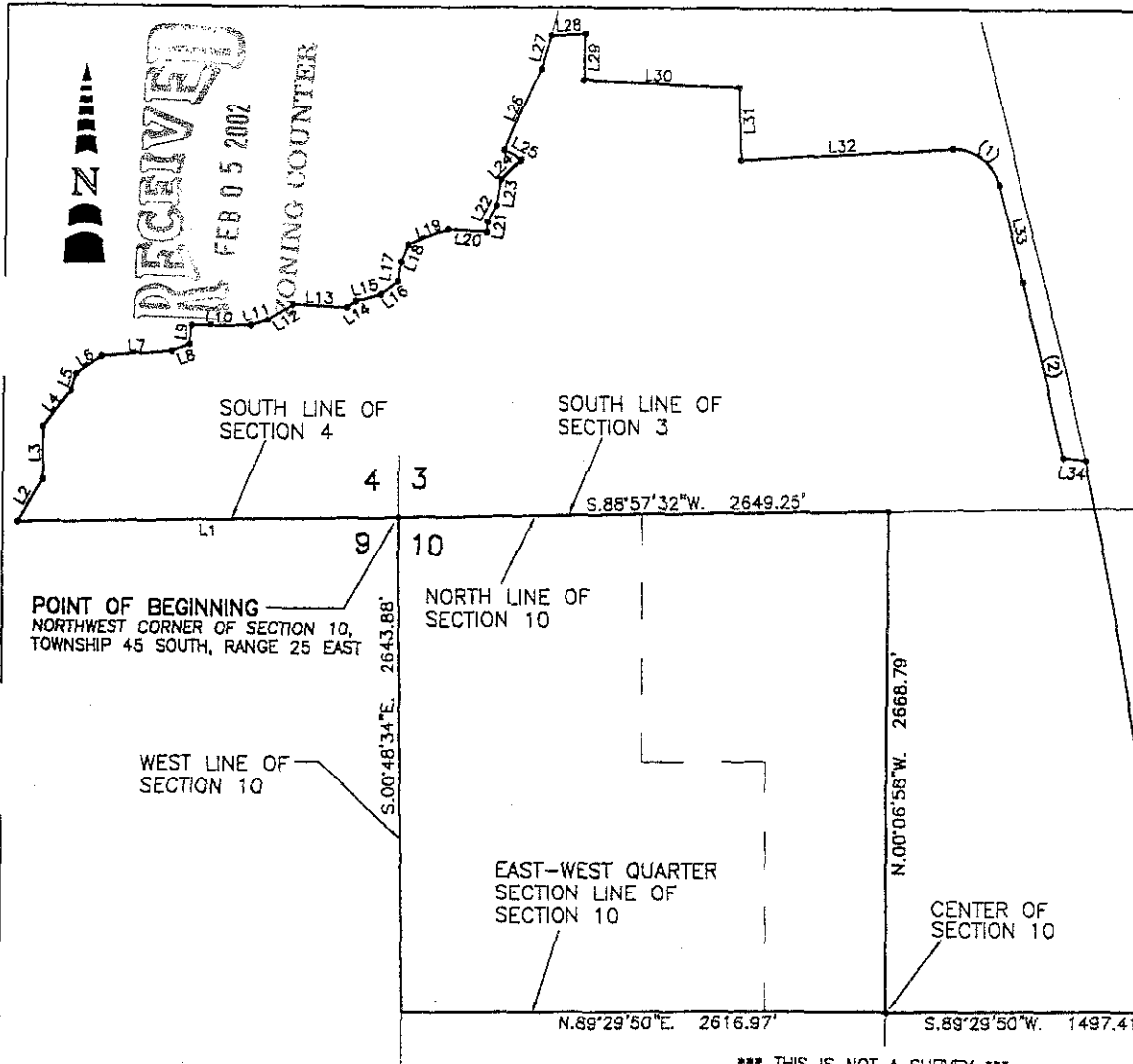
## CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	250.00'	78°29'05"	342.45'	316.30'	S.54°04'25"E
2	22686.31'	02°26'29"	966.63'	966.55'	S.13°38'38"E
3	22800.31'	07°26'36"	2952.03'	2959.95'	S.08°33'45"E

## LINE TABLE

Line	Bearing	Distance
L1	S.88°54'32"W.	2059.99'
L2	N.31°38'21"E.	261.19'
L3	N.01°23'47"W.	277.78'
L4	N.37°53'18"E.	246.16'
L5	N.18°15'00"E.	91.84'
L6	N.56°35'37"E.	169.92'
L7	N.85°38'45"E.	379.20'
L8	N.70°18'34"E.	105.12'
L9	N.06°16'12"E.	108.85'
L10	N.89°11'29"E.	322.80'
L11	N.71°11'39"E.	95.05'
L12	N.55°29'42"E.	156.24'
L13	S.66°54'42"E.	285.31'
L14	N.55°11'00"E.	58.82'
L15	N.73°00'08"E.	140.00'
L16	N.54°05'49"E.	115.77'
L17	N.10°34'05"E.	104.79'
L18	N.24°05'57"E.	100.09'
L19	N.67°22'01"E.	230.59'
L20	S.65°03'28"E.	211.24'
L21	N.05°10'02"E.	54.09'
L22	N.27°24'58"E.	106.63'
L23	N.10°08'05"E.	139.90'
L24	N.44°41'11"E.	147.83'
L25	N.62°35'02"W.	105.53'
L26	N.23°59'48"E.	476.74'
L27	N.15°42'08"E.	184.08'
L28	N.88°09'46"E.	190.18'
L29	S.01°19'23"W.	243.00'
L30	S.67°40'37"E.	838.00'
L31	S.02°10'37"E.	387.06'
L32	N.86°41'03"E.	1133.07'
L33	S.14°49'52"E.	542.01'
L34	S.82°23'52"E.	122.32'

INTERSTATE 75 (1-75)



**NOTES:**  
BEARINGS BASED ON THE NORTH LINE OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 25 EAST, AS BEARING S.88°57'32"W.  
SUBJECT TO ANY EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAY OF RECORD.

\*\*\* THIS IS NOT A SURVEY \*\*\*

*[Signature]*  
DATE: 12/83/01  
BY: J. [Name] PROFESSIONAL SURVEYOR AND MAPPER L&P 5430 DATE ISSUED

## PORTION OF CONTRACTION PARCEL

TITLE: SKETCH OF DESCRIPTION			
COMMUNITY ENGINEERING SERVICES, INC. CIVIL ENGINEERING · SURVEYING · PROJECT MANAGEMENT			
		EB-0006613 LB 6572	
		9200 Bonita Beach Road, Suite 213 Bonita Springs, Florida 34135 Telephone (941) 495-0009 Fax (941) 495-7934	
FILE NAME: 1356SK283.DWG	FIELD BOOK/PAGE:	PROJECT NO.: 1356	SHEET: 2 OF 2
SURVEY DATE: 8-9-2001	DRAWN BY: CJO	SCALE: 1" = 800'	CHECKED BY: CJO/JSW FILE NO. S-T-43 10-45-25

EXHIBIT 2  
Page 5 of 5  
ADD 2002-00011

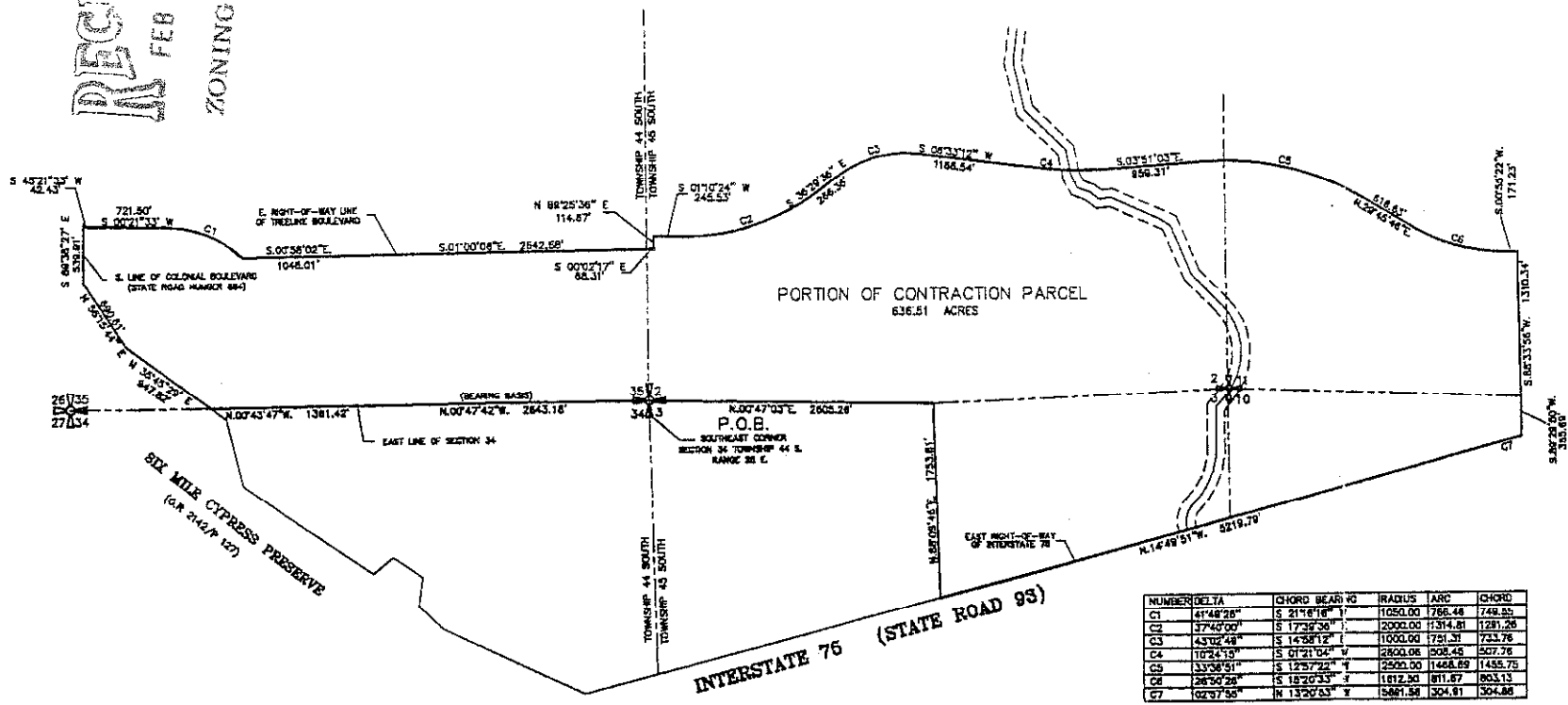
RECEIVED  
 FEB 05 2002  
 ZONING COUNTER

# BOUNDARY SKETCH

TO ACCOMPANY LEGAL DESCRIPTION

## PORTION OF CONTRACTION PARCEL

SITUATED IN SECTIONS 34 & 35 TOWNSHIP 44 S, RANGE 25 E,  
 AND SECTIONS 2,3,10, AND 11 OF TOWNSHIP 45 S, RANGE 25 E  
 LEE COUNTY, FLORIDA



NUMBER	DELTA	CHORD BEARING	RADIUS	ARC	CHORD
C1	41°48'28"	S 21°0'16" W	1050.00	1766.48	748.55
C2	37°40'00"	S 17°39'30" W	2000.00	1314.81	1281.26
C3	43°02'48"	S 14°58'12" W	1000.00	1751.31	733.78
C4	10°24'15"	S 01°21'04" W	2800.06	508.48	557.78
C5	33°08'51"	S 12°57'22" W	2550.00	1458.89	1455.75
C6	28°50'28"	S 18°20'33" W	1812.50	811.67	803.13
C7	02°37'50"	N 13°20'03" W	5861.58	304.81	304.88

NOT A SURVEY

DRAWN BY: N.M./D.J.  
 DATE: 12-03-2001  
 CHECKED BY: D.J.  
 JOB ID: COLCONTRACT.DWG



**COMMUNITY ENGINEERING SERVICES, INC.**  
 Civil Engineering • Surveying • Project Management  
 EB-0006813  
 9200 Bonita Beach Road, Suite 213  
 Bonita Springs, Florida 34135  
 Telephone (841) 485-0000 Fax (841) 495-7934

Dated & Corrected by  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA LICENSE NO. 12418-0300  
 DATE SKETCHED 12/03/01

EXHIBIT 2  
Page 3 of 5

ADD 2002-00011

DESCRIPTION OF A PARCEL OF LAND LYING IN  
SECTION 35, TOWNSHIP 44 SOUTH RANGE 25 EAST,  
AND SECTIONS 1,2,3,11 AND 12 TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
AND SECTION 31, TOWNSHIP 44 SOUTH, RANGE 26 EAST,  
AND SECTIONS 5,6,7,8,17,18 AND 19, TOWNSHIP 45 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA  
(NEW DISTRICT BOUNDARY)

A TRACT OR PARCEL OF LAND LYING IN SECTION 35 TOWNSHIP 44 SOUTH, RANGE 25 EAST, SECTIONS 1, 2, 11 AND 12, TOWNSHIP 45 SOUTH, RANGE 25 EAST; SECTION 31, TOWNSHIP 44 SOUTH, RANGE 26 EAST AND IN SECTIONS 5, 6, 7, 8, 17, 18 AND 19, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35 RUN N 00°47'42" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION FOR 2643.18 FEET TO THE QUARTER CORNER ON THE WEST LINE OF SAID SECTION; THENCE RUN N 00°43'47" W ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION FOR 1361.42 FEET; THENCE RUN N 35°45'29" E FOR 947.82 FEET; THENCE RUN N 56°15'44" E FOR 690.61 FEET TO THE SOUTH LINE OF THE COLONIAL BOULEVARD RIGHT-OF-WAY (STATE ROAD 884) (250 FEET WIDE); THENCE RUN S 89°38'27" E ALONG SAID SOUTH LINE FOR 539.91 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°38'27" E ALONG SAID SOUTH LINE FOR 2224.05 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST HALF (W ½) OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION; THENCE RUN S 02°16'01" E ALONG SAID EAST LINE FOR 2461.89 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE RUN N 89°28'13" E ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION FOR 1348.58 FEET TO THE QUARTER CORNER ON THE EAST LINE OF SAID SECTION; THENCE RUN S 00°01'59" E ALONG SAID EAST LINE FOR 1317.83 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF (N ½) OF SAID SOUTHEAST QUARTER (SE ¼); THENCE RUN S 89°24'35" W ALONG THE SOUTH LINE OF SAID NORTH HALF (N ½) FOR 2670.09 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE RUN S 01°12'31" E ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (SW ¼) OF SAID SECTION FOR 1320.69 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 35 AND 2; THENCE RUN N 89°20'52" E ALONG THE LINE COMMON TO SAID SECTIONS 35 AND 2 FOR 2643.02 FEET TO THE NORTHWEST CORNER OF SAID SECTION 1; THENCE RUN N 89°28'42" E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 1 FOR 2642.98 FEET TO THE QUARTER CORNER ON SAID NORTH LINE; THENCE RUN S 89°57'06" E ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 1 FOR 2523.38 FEET TO THE NORTHEAST CORNER OF SAID SECTION; THENCE RUN N 00°57'01" W ALONG THE WEST LINE OF SAID SECTION 31 FOR 2644.12 FEET TO THE QUARTER CORNER ON SAID WEST LINE; THENCE RUN N 00°35'02" W ALONG SAID WEST LINE OF SAID SECTION 31 FOR 1705.47 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF IMMOKALEE ROAD (STATE ROAD 82) (200 FEET WIDE); THENCE RUN S 46°07'29" E ALONG SAID SOUTHWESTERLY LINE FOR 6215.51 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 31; THENCE CONTINUE S 46°07'29" E ALONG SAID SOUTHWESTERLY LINE FOR 1227.27 FEET TO AN INTERSECTION WITH A LINE COMMON TO SAID SECTIONS 5 AND 6; THENCE CONTINUE S 46°07'29" E ALONG SAID SOUTHWESTERLY LINE FOR 1535.36 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 5824.88 FEET (DELTA 18°13'21") (CHORD BEARING S 55°14'10" E) (CHORD 1844.76 FEET) FOR 1852.55 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID SOUTHWESTERLY LINE S 64°20'50" E FOR 22.21 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST HALF (W ½) OF SAID SECTION 5; THENCE RUN S 00°06'33" E ALONG SAID EAST LINE FOR 2271.81 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 5 AND 8; THENCE RUN S 01°02'00" E ALONG THE EAST LINE OF THE WEST HALF (W ½) OF SAID SECTION 8 FOR 5328.48 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 8 AND 17; THENCE RUN S 01°00'12" E ALONG THE EAST LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 17 FOR 926.76 FEET TO AN INTERSECTION WITH

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**EXHIBIT 3**

**Page 1 of 5**

THE NORTHEASTERLY LINE OF A FLORIDA POWER & LIGHT COMPANY SUBSTATION SITE AS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 1606 AT PAGE 1286, LEE COUNTY RECORDS; THENCE RUN N 37°57'04" W ALONG SAID NORTHEASTERLY LINE FOR 361.70 FEET; THENCE RUN S 52°02'56" W ALONG THE NORTHWESTERLY LINE OF SAID SITE FOR 361.70 FEET; THENCE RUN S 37°57'04" E ALONG THE SOUTHWESTERLY LINE OF SAID SITE FOR 741.48 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF DANIELS ROAD EXTENSION (200 FEET WIDE) AS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 1644 AT PAGE 1739, LEE COUNTY RECORDS; THENCE RUN N 68°38'13" E ALONG SAID NORTHWESTERLY LINE FOR 64.84 FEET TO AN INTERSECTION WITH SAID EASTERLY LINE OF SAID NORTHWEST QUARTER (NW ¼) OF SAID SECTION 17; THENCE RUN S 01°00'12" E ALONG SAID EST LINE FOR 1238.52 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE RUN S 89°30'38" W ALONG THE SOUTH LINE OF SAID FRACTION AND A NORTH LINE OF THE SOUTHWEST FLORIDA REGIONAL AIRPORT FOR 2110.83 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF SAID DANIELS ROAD EXTENSION; THENCE RUN S 54°00'05" W THROUGH SAID SECTIONS 17, 18, AND 19 ALONG THE SOUTHEASTERLY LINE OF A ROAD RIGHT-OF-WAY (200 FEET WIDE) FOR 7032.17 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SECTION 19; THENCE RUN N 00°55'36" W ALONG SAID WEST LINE FOR 1477.45 FEET TO THE NORTHWEST CORNER OF SAID SECTION; THENCE RUN N 00°54'13" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 18 FOR 2643.95 FEET TO THE QUARTER CORNER OF SAID WEST LINE; THENCE RUN N 00°39'39" W ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 18 FOR 2647.35 FEET TO THE NORTHWEST CORNER OF SAID SECTION; THENCE RUN N 00°57'26" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 7 FOR 2645.34 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 7 AND 12; THENCE RUN S 89°55'12" W ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 12 FOR 2524.67 FEET TO THE WEST LINE OF THE EAST 2524.14 FEET OF SAID NORTHEAST QUARTER (NE ¼); THENCE RUN N 01°05'33" W ALONG SAID WEST LINE FOR 2646.07 FEET TO THE SOUTH LINE OF SAID SECTION 1; THENCE RUN S 89°56'14" W ALONG SAID SOUTH LINE FOR 2663.19 FEET TO THE SOUTHWEST CORNER OF SAID SECTION, PASSING THROUGH THE QUARTER CORNER ON THE SOUTH LINE OF SAID SECTION AT 69.25 FEET; THENCE RUN S 89°03'50" W ALONG THE SOUTH LINE OF SAID SECTION 2 FOR 3096.18 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF PROPOSED TREELINE BOULEVARD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING BEARING AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2625.00 FEET (DELTA 29°13'02") (CHORD BEARING S 15°09'16" W) (CHORD 1324.12 FEET) FOR 1338.58 FEET TO A POINT OF TANGENCY; THENCE RUN S 29°45'46" W FOR 618.63 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1487.50 FEET (DELTA 28°50'26") (CHORD BEARING S 15°20'33" W) (CHORD 740.87 FEET) FOR 748.75 FEET TO A POINT OF TANGENCY; THENCE RUN S 00°55'22" W FOR 166.10 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 11; THENCE RUN S 88°33'56" W ALONG SAID LINE FOR 125.11 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF PROPOSED TREELINE BOULEVARD; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING BEARING AND DISTANCES: THENCE RUN N 00°55'22" E FOR 171.23 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1612.50 FEET (DELTA 28°50'26") (CHORD BEARING N 15°20'33" E) (CHORD 803.13 FEET) FOR 811.67 FEET TO A POINT OF TANGENCY; THENCE N 29°45'46" E FOR 618.63 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2500.00 FEET (DELTA 33°36'51") (CHORD BEARING N 12°57'22" W) (CHORD 1445.75 FEET) FOR 1466.69 FEET TO A POINT OF TANGENCY; THENCE N 03°51'03" W FOR 959.31 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2800.06 FEET (DELTA 10°24'15") (CHORD BEARING N 01°21'04" E) (CHORD 507.76 FEET) FOR 508.45 FEET TO A POINT OF TANGENCY; THENCE N 06°33'12" E FOR 1166.54 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1000.00 FEET (DELTA 43°02'49") (CHORD BEARING N 14°58'12" W) (CHORD 733.76 FEET) FOR 751.31 FEET TO A POINT OF TANGENCY; THENCE N 36°29'36" W FOR 266.36 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2000.00 FEET (DELTA 37°40'00") (CHORD BEARING N 17°39'36" W) (CHORD 1291.27 FEET) FOR 1314.81 FEET TO A POINT OF TANGENCY; THENCE N 01°10'24" E FOR 245.33 FEET; THENCE S 89°25'36" W LEAVING SAID WEST LINE FOR 114.67 FEET TO A POINT ON THE EAST LINE OF TREELINE BOULEVARD (TO BE RE-ALIGNED) AS DESCRIBED IN OFFICIAL RECORD BOOK 1529 BEGINNING AT

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**EXHIBIT 3**

**Page 2 of 5**

PAGE 412 OF THE PUBLIC RECORDS OF LEE COUNTY; THENCE N 00°02'17" W FOR 68.31 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 25 EAST; THENCE N 01°00'06" W ALONG SAID EAST LINE OF TREELINE BOULEVARD (TO BE RE-ALIGNED) FOR 2642.68 FEET; THENCE N 00°58'02" W ALONG SAID EAST LINE OF TREELINE BOULEVARD (TO BE RE-ALIGNED) FOR 1048.01 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1050.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS S 47°49' 01" E; SAID POINT ALSO BEING ON THE EAST LINE OF A ROAD RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 2581 BEGINNING AT PAGE 4060 OF THE LEE COUNTY RECORDS; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1050.00 FEET (DELTA 41°49'26") (CHORD BEARING N 21°16'16" E) (CHORD 749.56 FEET) FOR 766.46 FEET TO A POINT OF TANGENCY; THENCE N 00°21'33" E ALONG SAID EAST LINE FOR 721.50 FEET; THENCE N 45°21'33" E FOR 42.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,245 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 25 EAST AS BEARING S88°57'32"W.

TOGETHER WITH:

DESCRIPTION  
PARCEL S-1  
SECTION 3, TOWNSHIP 45 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID SECTION 3 RUN N 88°37'17" E ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SAID SECTION 3 FOR 2477.68 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 (I-75) (STATE ROAD NO. 93) (324 FEET WIDE) AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN S 14°49'52" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 677.94 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SAID SECTION 3; THENCE RUN S 00°49'05" E ALONG SAID EAST LINE FOR 1952.88 FEET TO THE CENTER OF SAID SECTION 3; THENCE RUN N 88°09'45" E ALONG THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER (SE ¼) OF SAID SECTION 3 FOR 485.29 FEET TO AN INTERSECTION WITH SAID WESTERLY RIGHT-OF-WAY LINE; THENCE RUN S 14°49'52" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 1474.99 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 22800.31 FEET (CHORD BEARING S 13°33'28" E) (CHORD 1013.23 FEET) (DELTA 02°32'47") FOR 1013.31 FEET TO A POINT ON A NON-TANGENT LINE; THENCE RUN N 82°23'52" W FOR 122.32 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE RUN NORTHERLY ALONG AN ARC OF A CURVE TO THE LEFT OF RADIUS 22685.31 FEET (CHORD BEARING N 13°36'38" W) (CHORD 966.55 FEET) (DELTA 02°26'29") FOR 966.63 FEET TO A POINT OF TANGENCY; THENCE RUN N 14°49'52" W FOR 542.01 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY ALONG AN ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (CHORD BEARING N 54°04'24" W) (CHORD 316.30 FEET) (DELTA 78°29'05") FOR 342.45 FEET TO A POINT OF TANGENCY; THENCE RUN S 86°41'03" W FOR 1133.06 FEET; THENCE RUN N 02°10'37" W FOR 387.06 FEET; THENCE RUN N 87°40'37" W FOR 838.00 FEET; THENCE RUN N 01°19'23" E FOR 243.00 FEET; THENCE RUN S 88°09'46" W FOR 190.18 FEET TO AN INTERSECTION WITH THE

SOUTHEASTERLY LINE OF SIX MILE CYPRESS PRESERVE, AS RECORDED IN OFFICIAL RECORD BOOK 1741 AT PAGE 1241 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING FIFTEEN (15) COURSES ALONG SAID SOUTHEASTERLY LINE:

N 15°42'08" E FOR 184.34 FEET;

N 20°55'23" E FOR 222.23 FEET;

N 45°09'19" E FOR 183.23 FEET;

N 31°07'36" E FOR 305.01 FEET;

N 32°55'08" E FOR 155.78 FEET;

N 17°03'28" E FOR 110.45 FEET;

N 26°26'47" E FOR 300.81 FEET;

N 18°42'17" E FOR 150.86 FEET;

N 04°51'19" W FOR 340.19 FEET;

N 12°09'34" E FOR 251.80 FEET;

N 27°12'34" E FOR 210.15 FEET;

N 14°53'31" E FOR 323.53 FEET;

N 35°18'42" E FOR 275.49 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SAID SECTION 3; THENCE RUN N 88°37'17" E ALONG SAID NORTH LINE FOR 530.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 106.31 ACRES, MORE OR LESS.

LESS AND EXCEPT:

GATEWAY SERVICES DISTRICT PARCELS DESCRIBED IN OFFICIAL RECORD BOOK 2410 AT PAGE 2473 OF SAID PUBLIC RECORDS.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 3 TO BEAR N 88°37'17" W WHICH BEARING IS DERIVED FROM PLANE COORDINATE FOR THE FLORIDA WEST ZONE (1979 ADJUSTMENT).

Certification for Boundary Description

Surveyor and Mapper in Responsible Charge:

**Denis J. O'Connell, Jr., LS #5430**

Community Engineering Services, Inc. LB #6572

9200 Bonita Beach Road, Suite 213

Bonita Springs, FL 34135

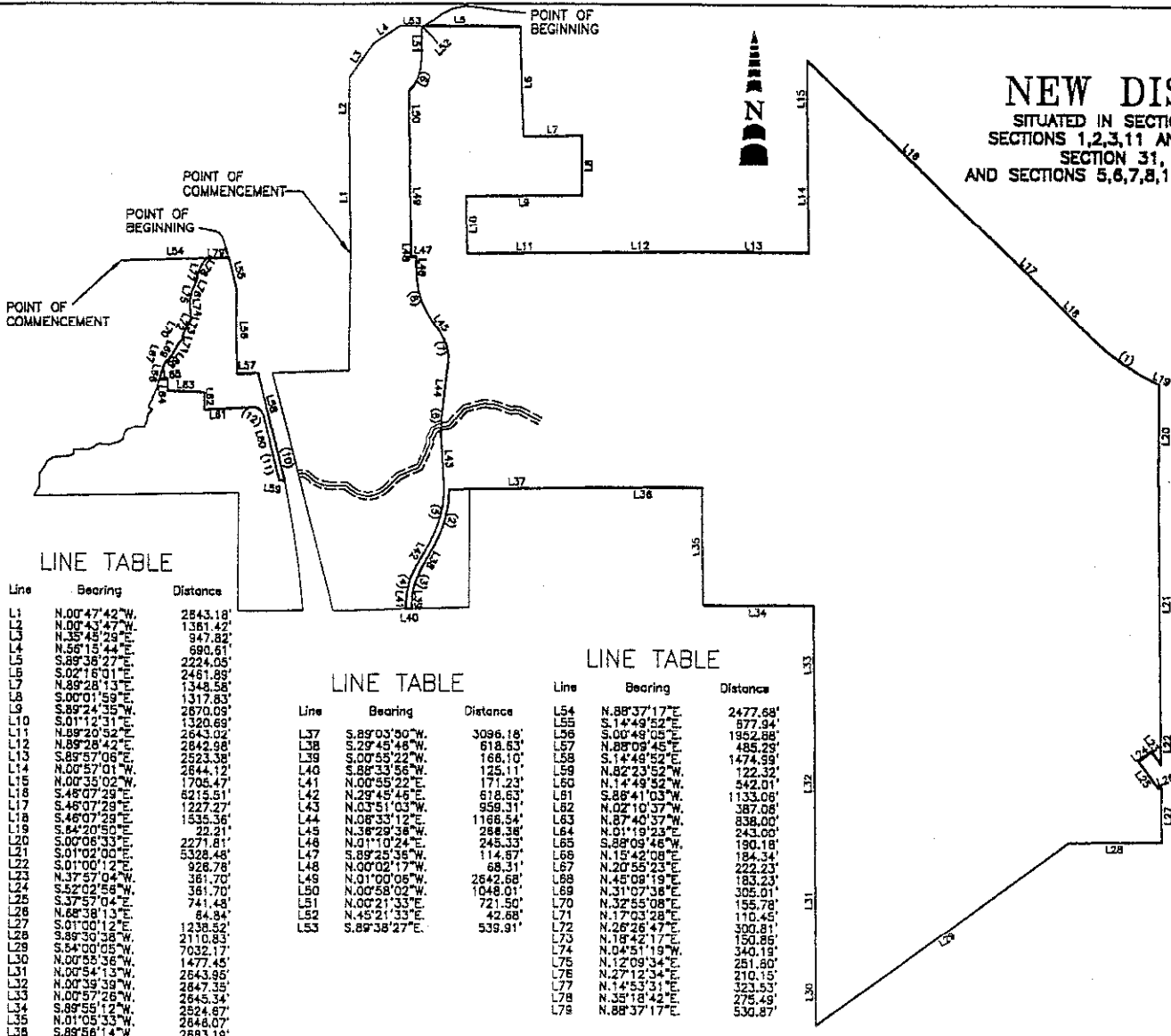
Signed: 

Date: 12/04/01



# SKETCH OF NEW DISTRICT BOUNDARY

SITUATED IN SECTION 35 TOWNSHIP 44 SOUTH, RANGE 25 EAST,  
SECTIONS 1,2,3,11 AND 12 TOWNSHIP 45 SOUTH, RANGE 25 EAST  
SECTION 31, TOWNSHIP 44 SOUTH, RANGE 28 EAST  
AND SECTIONS 5,6,7,8,17,18 AND 19, TOWNSHIP 45 SOUTH, RANGE 28 EAST  
LEE COUNTY, FLORIDA



CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	5824.88'	18°13'21"	1852.55'	1844.76'	S.55°14'10"E
2	2625.00'	29°13'02"	1338.58'	1324.12'	S.15°09'16"W
3	1487.50'	28°50'26"	748.75'	740.87'	S.15°20'33"W
4	1612.50'	28°50'26"	811.67'	803.13'	N.16°20'33"E
5	2500.00'	33°38'51"	1466.89'	1443.78'	N.12°37'22"E
6	2800.00'	10°24'15"	508.43'	507.28'	N.01°21'04"E
7	1000.00'	43°02'48"	751.31'	733.78'	N.1°58'12"W
8	2000.00'	37°40'00"	1314.81'	1291.27'	N.17°38'38"W
9	1050.00'	41°49'26"	766.46'	749.56'	N.21°16'16"E
10	22800.31'	02°32'47"	1013.31'	1013.23'	S.13°33'28"E
11	22895.31'	02°28'29"	966.83'	966.55'	N.13°38'38"W
12	250.00'	78°29'05"	342.48'	316.30'	N.54°04'24"W

LINE TABLE

Line	Bearing	Distance
L1	N.00°47'42"W	2843.18'
L2	N.00°43'47"W	1361.42'
L3	N.35°45'29"E	947.82'
L4	N.56°15'44"E	690.61'
L5	S.89°38'27"E	2224.05'
L6	S.02°16'01"E	2461.89'
L7	N.89°28'13"E	1348.58'
L8	S.00°01'59"E	1317.83'
L9	S.89°24'35"W	2670.09'
L10	S.01°12'31"E	1320.69'
L11	N.89°20'52"E	2643.02'
L12	N.89°26'42"E	2642.98'
L13	S.89°57'06"E	2523.38'
L14	N.00°57'01"W	2844.12'
L15	N.00°35'02"W	1705.47'
L16	S.48°07'29"E	6215.51'
L17	S.46°07'29"E	1227.27'
L18	S.46°07'29"E	1535.36'
L19	S.44°20'50"E	22.21'
L20	S.00°06'33"E	2271.81'
L21	S.01°02'00"E	5328.48'
L22	S.01°00'12"E	926.78'
L23	N.37°57'04"W	361.70'
L24	S.52°02'58"W	361.70'
L25	S.37°57'04"E	741.48'
L26	N.68°38'13"E	64.84'
L27	S.01°00'12"E	1238.82'
L28	S.89°30'38"W	2110.83'
L29	S.54°00'05"W	7032.17'
L30	N.00°55'36"W	1477.45'
L31	N.00°54'13"W	2643.95'
L32	N.00°49'30"W	2647.35'
L33	N.00°57'26"W	2845.34'
L34	S.89°55'12"W	2824.87'
L35	N.01°05'33"W	2848.07'
L36	S.89°56'14"W	2693.19'

LINE TABLE

Line	Bearing	Distance
L37	S.89°03'50"W	3096.18'
L38	S.29°45'46"W	618.53'
L39	S.00°55'22"W	168.10'
L40	S.89°33'56"W	125.11'
L41	N.00°55'22"E	171.23'
L42	N.29°45'46"E	618.63'
L43	N.03°51'03"W	959.31'
L44	N.08°33'12"E	1168.54'
L45	N.36°29'38"W	286.38'
L46	N.01°10'24"E	248.33'
L47	S.89°25'38"W	114.67'
L48	N.00°02'17"W	68.31'
L49	N.01°00'06"W	2642.68'
L50	N.00°58'02"W	1048.01'
L51	N.00°21'33"E	721.50'
L52	N.45°21'33"E	42.68'
L53	S.89°38'27"E	539.91'
L54	N.88°37'17"E	2477.68'
L55	S.14°49'52"E	677.94'
L56	S.00°49'05"E	1952.88'
L57	N.88°09'45"E	485.29'
L58	S.14°49'52"E	1474.59'
L59	N.82°23'52"W	122.32'
L60	N.14°49'52"W	542.01'
L61	S.88°41'03"W	1133.06'
L62	N.02°10'37"W	387.06'
L63	N.87°40'37"W	838.00'
L64	N.01°19'23"E	243.00'
L65	S.88°09'48"W	190.18'
L66	N.15°42'08"E	184.34'
L67	N.20°55'23"E	222.23'
L68	N.45°08'19"E	183.23'
L69	N.31°07'36"E	305.01'
L70	N.32°55'08"E	155.78'
L71	N.17°03'28"E	110.45'
L72	N.26°26'47"E	300.81'
L73	N.18°42'17"E	150.89'
L74	N.04°51'19"W	340.19'
L75	N.12°09'34"E	251.60'
L76	N.27°12'34"E	210.15'
L77	N.14°53'01"E	323.53'
L78	N.35°18'42"E	275.49'
L79	N.88°37'17"E	530.87'

\*\*\* THIS IS NOT A SURVEY \*\*\*

12/04/01

DR. *[Signature]*  
DORIS J. CONNELL, L.S.P., PROFESSIONAL SURVEYOR AND MAPPER LSE 0430 DATE SIGNED

**GSD - NEW DISTRICT BOUNDARY**

<b>TITLE</b>	
SKETCH OF DESCRIPTION	
COMMUNITY ENGINEERING SERVICES, INC. CIVIL ENGINEERING SURVEYING PROJECT MANAGEMENT	
BB-0006613 L2 6572 9200 Bonita Beach Road Suite 213 Bonita Springs, Florida 34135 Telephone (941) 491-0009 Fax (941) 491-7934	
FILE NAME	FIELD BOOK/PW/
COLEXPARCEL.DWG	1353
SURVEY DATE	DATE PLOTTED
12-03-2001	04/01
SCALE	DATE PLOTTED
1" = 3000'	04/01
SHEET NO.	TOTAL SHEETS
35-44-25	2 OF 2

EXHIBIT 3  
Page 5 of 5

EXHIBIT "4"

CONSENT AND JOINDER TO PETITION TO CONTRACT THE GATEWAY SERVICES DISTRICT

The undersigned is the owner of the Construction Parcel more fully described in Exhibit "2" to this Petition.

The undersigned understands and acknowledges that the Board of Supervisors of the Gateway Services District (the "Petitioner"), created by Rule Chapter 42F-1, F.A.C. of the Florida Land and Water Adjudicatory Commission, effective May 22, 1986, is submitting this Petition for a Rule to Contract the Gateway Services District, in accordance with the provisions of Chapter 190, of the Florida Statutes.

As the owner of lands which constitute 100% of the proposed Contraction Parcel, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.046(5)(e), Florida Statutes, the Petitioner is required to include the written consent of all the landowners whose land is to be deleted from the District.

The undersigned hereby consents to the contraction and agrees to further execute any documentation necessary or convenient to evidence this Consent and Joinder during the application process for the contraction of the District.

The undersigned acknowledges that the Consent will remain in full force and effect until the District is contracted or two years from the date hereof, which ever shall first occur.

The undersigned hereby represents and warrants that he/she is a duly authorized representative of the owner, and has the authority to execute this Consent and Joinder on behalf of the owner.

Executed this 21st day of January, 2002.

OWNER: WORTHINGTON HOLDINGS, LLC, a Florida limited liability company

WITNESSES:

Adriana Skiera

Printed Name

Adriana Skiera

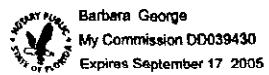
Printed Name

STATE OF FLORIDA COUNTY OF LEE

By: [Signature] Name: JOHN GANAGEY Title: VICE PRESIDENT Address: 14291 Metro Parkway Fort Myers, Florida 33912

The foregoing instrument was acknowledged before me on this 21st day of JANUARY, 2002, by JOHN GANAGEY, as VICE PRESIDENT, of Worthington Holdings, LLC, a Florida limited liability company, on behalf of the corporation. He is: (X) personally known to me; or ( ) has produced as identification.

SWORN to and subscribed before me this 21st day of JANUARY, 2002.



[Signature] Signature of Notary Public Barbara George Printed name of Notary Public

INSTR # 4844463  
OR BK 03237 PG 1432

This Instrument Prepared By:  
Jay A. Brett  
SHEPPARD, BRETT, STEWART, HERSCH & KINSEY, P.A.  
2121 West First Street  
P. O. Drawer 400  
Fort Myers, Florida 33902

RECORDED 03/30/00 02:52 PM  
CHARLIE GREEN CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 19.50  
DOC TAX PD(F.S.201.02)114,585.80  
DEPUTY CLERK J Miller

THIS WARRANTY DEED, made this 30th day of March, 2000, between **GEORGE SANDERS, INDIVIDUALLY AND AS TRUSTEE U/T/D January 18, 1982**, whose mailing address is: 2026 Wilna Street, Fort Myers, Florida 33901, as Grantor, and **WORTHINGTON HOLDINGS, LLC, a Florida limited liability company**, whose mailing address is: 14291 Metro Parkway, Fort Myers, Florida 33912, as Grantee,

**WITNESSETH**, that the Grantor, for and in consideration of the sum of **TEN DOLLARS AND OTHER GOOD & VALUABLE CONSIDERATION**-----to him in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, its heirs and assigns forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to-wit:

See Exhibit "A" attached hereto and made a part hereof by reference.

SUBJECT to taxes for the current calendar year, easements, restrictions and reservations of record, if any.

Property Appraiser's Parcel Identification Numbers:

35-44-25-P1-00006.0020  
35-44-25-P1-00006.0030  
35-44-25-P4-00006.0010  
34-44-25-P3-00062.0000  
02-45-25-P1-00001.0000  
02-45-25-P4-00002.0020  
02-45-25-P4-00005.0010  
02-45-25-P4-00005.0020  
03-45-25-P3-00001.1050  
03-45-25-P3-00001.1060  
10-45-25-P2-00005.0010  
11-45-25-P1-00001.0000

THE ABOVE DESCRIBED PROPERTY IS VACANT LAND AND IS NEITHER HOMESTEAD PROPERTY NOR THE RESIDENCE OF THE GRANTOR OR HIS SPOUSE.

And the Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

**EXHIBIT 5**  
**Page 1 of 7**

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

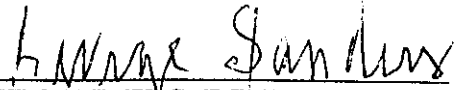
Signed, Sealed and Delivered  
in Our Presence:



Witness Signature

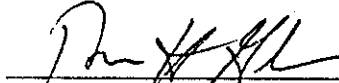
Jay A Brett

Printed Name of Witness



GEORGE SANDERS, INDIVIDUALLY  
AND AS TRUSTEE U/T/D

January 18, 1982



Witness Signature

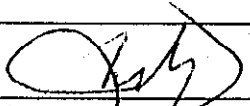
Thomas H. Gunderson

Printed Name of Witness

STATE OF FLORIDA

COUNTY OF LEE

Execution of the foregoing instrument was acknowledged before me this 30 day of March, 2000, by **GEORGE SANDERS, INDIVIDUALLY AND AS TRUSTEE U/T/D January 18, 1982**, who is (X) personally known to me or who has ( ) produced \_\_\_\_\_ as identification.



Signature of Notary Public

Jay A Brett

Printed Name of Notary Public

Commission Number:

Commission Expires Date:



Jay A. Brett  
MY COMMISSION # CC632128 EXPIRES  
July 8, 2001  
BONDED THRU TROY FAIR INSURANCE, INC.

**EXHIBIT 5**  
**Page 2 of 7**

EXHIBIT "A"

March 30, 2000

## DESCRIPTION

## PARCEL IN

SECTIONS 34 AND 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST  
AND  
SECTIONS 2, 3, 10 AND 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 34 AND 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST AND SECTIONS 2, 3, 10 AND 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 25 EAST THENCE RUN S 88° 21' 53" W ALONG THE SOUTH LINE OF SAID SECTION FOR 2475.52 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF INTERSTATE 75 (STATE ROAD NO. 93); THENCE RUN N 14° 49' 51" W ALONG SAID EASTERLY LINE FOR 691.78 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF SIX MILE CYPRESS PRESERVE; THENCE RUN N 25° 00' 29" E ALONG SAID LINE FOR 1410.37 FEET; THENCE RUN N 43° 45' 29" E FOR 295.00 FEET; THENCE RUN S 82° 44' 31" E FOR 268.00 FEET; THENCE RUN N 34° 11' 39" E FOR 328.06 FEET; THENCE RUN N 40° 14' 31" W FOR 232.00 FEET; THENCE RUN N 33° 30' 29" E FOR 1435.00 FEET; THENCE RUN N 75° 15' 29" E FOR 620.00 FEET; THENCE RUN N 35° 45' 29" E FOR 1127.82 FEET; THENCE RUN N 56° 15' 44" E FOR 690.61 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF COLONIAL BOULEVARD (STATE ROAD NO. 884); THENCE RUN S 89° 38' 27" E ALONG SAID SOUTH LINE FOR 379.91 FEET; THENCE RUN S 44° 38' 27" E FOR 42.43 FEET; THENCE RUN S 00° 21' 33" W ALONG THE WEST LINE OF A ROAD RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 2581 BEGINNING AT PAGE 4060 OF THE LEE COUNTY RECORDS FOR 721.50 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY AND SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 950.00 FEET (CHORD BEARING S 17° 49' 30" W) (CHORD 570.26 FEET) (DELTA 34° 55' 54") FOR 579.19 FEET TO AN INTERSECTION WITH THE EAST LINE OF TREELINE BOULEVARD AS DESCRIBED IN OFFICIAL RECORD BOOK 1529 BEGINNING AT PAGE 412 OF THE LEE COUNTY RECORDS; THENCE RUN S 00° 58' 02" E ALONG SAID EAST LINE FOR 1204.27 FEET; THENCE RUN S 01° 00' 06" E ALONG SAID EAST LINE FOR 2642.68 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 25 EAST; THENCE RUN S 00° 02' 17" E ALONG SAID EAST LINE OF TREELINE BOULEVARD FOR 68.31 FEET; THENCE RUN N 89° 25' 36" E FOR 214.71 FEET; THENCE RUN S 01° 10' 24" W FOR 248.58 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 1900.00 FEET (CHORD BEARING S 17° 39' 36" E) (CHORD 1226.70 FEET) (DELTA 37° 40' 00") FOR 1249.07 FEET TO A POINT OF TANGENCY; THENCE RUN S 36° 29' 36" E FOR 266.36 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 1100.00 FEET (CHORD BEARING S 14° 58' 12" E) (CHORD 807.14 FEET) (DELTA 43° 02' 48") FOR 826.44 FEET TO A POINT OF TANGENCY; THENCE RUN S 06° 33' 12" W FOR 1166.54 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF A CURVE

**EXHIBIT 5****Page 3 of 7**

TO THE LEFT OF RADIUS 2700.06 FEET (CHORD BEARING S 01° 21' 04" W) (CHORD 489.62 FEET) (DELTA 10° 24' 15") FOR 490.30 FEET TO A POINT OF TANGENCY; THENCE RUN S 03° 51' 03" E FOR 959.31 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 2599.95 FEET (CHORD BEARING S 01° 38' 43" E) (CHORD 200.13 FEET) (DELTA 04° 24' 41") FOR 200.18 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST; THENCE RUN N 89° 03' 49" E ALONG SAID NORTH LINE FOR 476.16 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 11; THENCE RUN S 00° 08' 50" E FOR 2670.22 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER (NW-1/4); THENCE RUN S 88° 33' 56" W FOR 2745.77 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER (NW-1/4); THENCE RUN S 89° 29' 50" W ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE-1/4) OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 25 EAST FOR 365.69 FEET TO AN INTERSECTION WITH THE CURVED EASTERLY LINE OF INTERSTATE 75; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 5891.58 FEET (CHORD BEARING N 13° 20' 53" W) (CHORD 304.88 FEET) (DELTA 02° 57' 55") FOR 304.91 FEET TO A POINT OF TANGENCY; THENCE RUN N 14° 49' 51" W ALONG SAID EASTERLY LINE FOR 5219.79 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTHEAST QUARTER (NE-1/4) OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 25 EAST; THENCE RUN N 88° 09' 46" E ALONG SAID SOUTH LINE FOR 1753.81 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 3; THENCE RUN N 00° 47' 03" E ALONG THE EAST LINE OF SAID SECTION 3 FOR 2605.26 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT RIGHT-OF-WAY RECORDED IN OFFICIAL RECORD BOOK 2581 AT PAGE 4060, LEE COUNTY RECORDS.

LESS AND EXCEPT RIGHT-OF-WAY OF TREELINE BOULEVARD RECORDED IN OFFICIAL RECORD BOOK 1529 AT PAGES 412 AND 415 AND IN OFFICIAL RECORD BOOK 1660 AT PAGE 231, LEE COUNTY RECORDS.

LESS AND EXCEPT THAT PORTION OF A WATER MANAGEMENT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 2558 AT PAGE 2002, LEE COUNTY RECORDS, LYING WITHIN THE HEREIN DESCRIBED PROPERTY.

PARCEL CONTAINS 818.47 ACRES, MORE OR LESS.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON THE NORTH LINE OF SECTION 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST (CENTERLINE OF COLONIAL BOULEVARD) TO BEAR N 89° 38' 27" E.

## **EXHIBIT 5**

### **Page 4 of 7**

INSTR # 4813752  
OR BK 03220 PG 3408

RECORDED 02/15/00 04:07 PM  
CHARLIE GREEN CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 15.00  
DOC TAX PD(F.S.201.02) 0.70  
DEPUTY CLERK C Keller

This Instrument Prepared By:  
Jay A. Brett  
SHEPPARD, BRETT, STEWART, HERSCH & KINSEY, P.A.  
Attorneys at Law  
2121 West First Street  
P. O. Drawer 400  
Fort Myers, Florida 33902

( )

15.00  
30 Dec 97  
15.70

THIS WARRANTY DEED, made this 11th day of February  
2000, between **GEORGE SANDERS, TRUSTEE U/T/D** January 18, 1982, whose mailing  
address is: 2026 Wilna Street, Fort Myers, Florida 33901, as Grantor, and **WORTHINGTON**  
**HOLDINGS, LLC, a Florida limited liability company**, whose mailing address is: 17380  
Winkler Road, Fort Myers, Florida 33908, as Grantee,

INSTR # 4818172 OR BK 3223 PG 0165 RECD 02/22/00 04:03 PM  
CHARLIE GREEN, CLERK OF COURT, LEE COUNTY  
DOC TAX PD(F.S.201.02) 0.70  
DEPUTY CLERK C Keller

WITNESSETH, that the Grantor, for and in consideration of the sum of TEN DOLLARS  
AND OTHER GOOD & VALUABLE CONSIDERATION-----to him in hand paid by the  
Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the  
Grantee, its heirs and assigns forever, the following described land, situate, lying and being in the  
County of Lee, State of Florida, to-wit:

See Exhibit "A" attached hereto and made a part hereof by reference.

SUBJECT to taxes for the current calendar year, easements, restrictions and  
reservations of record, if any.

Property Appraiser's Parcel Identification Number: #10-45-25-P2-00005.0000  
#03-45-25-P4-00001.0000  
#03-45-25-P4-00001.2000

THIS IS A CORRECTIVE DEED TO CORRECT ERRONEOUS STRAP NUMBERS ON THE  
PREVIOUS DEED BETWEEN THE PARTIES DATED JANUARY 19, 2000 RECORDED IN  
O.R. BOOK 3211, PAGE 2572, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

And the Grantor does hereby fully warrant the title to said land, and will defend the same against  
the lawful claims of all persons whomsoever.

**EXHIBIT 5**  
**Page 5 of 7**

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered  
in Our Presence:

Jay A Brett  
Witness Signature  
Jay A Brett  
Printed Name of Witness

George Sanders  
GEORGE SANDERS, TRUSTEE,  
U/T/D January 18, 1982

Lauren Taylor  
Witness Signature  
LAUREN TAYLOR  
Printed Name of Witness

STATE OF FLORIDA

COUNTY OF LEE

Execution of the foregoing instrument was acknowledged before me this 11<sup>th</sup> day of February, 2000, by **GEORGE SANDERS, TRUSTEE U/T/D January 18, 1982**, who is () personally known to me or who has ( ) produced \_\_\_\_\_ as identification.

Jay A Brett  
Signature of Notary Public  
Jay A Brett  
Printed Name of Notary Public

Commission Number:  
Commission Exp. Date:



Jay A. Brett  
MY COMMISSION # CC632128 EXPIRES  
July 8, 2001  
BONDED THRU TROY FAIN INSURANCE, INC.

West of I-75 Property

**EXHIBIT 5**  
**Page 6 of 7**



EXHIBIT "A"  
(Land West of I-75) ✓

DESCRIPTION

PARCEL IN  
SECTIONS 3, 4 AND 10, T. 45 S., R. 25 E.  
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 3, 4 and 10, Township 45 South, Range 25 East, Lee County, Florida which tract or parcel is described as follows:

Beginning at the southeast corner of said Section 4 run S 88° 54' 32" W along the south line of said Section 4 for 2060.00 feet to an intersection with the southeasterly line of Six Mile Cypress Preserve as recorded in Official Record Book 1741 at Page 1241 of the Public Records of Lee County, Florida; thence run the following courses along said southeasterly line: N 31° 38' 21" E for 261.19 feet; N 01° 23' 47" W for 277.77 feet; N 37° 53' 18" E for 246.16 feet; N 18° 15' 00" E for 91.84 feet; N 56° 35' 37" E for 169.92 feet; N 85° 38' 45" E for 379.20 feet; N 70° 16' 34" E for 105.12 feet; N 06° 16' 12" E for 108.85 feet; N 89° 11' 29" E for 322.80 feet; N 71° 11' 39" E for 95.05 feet; N 55° 29' 42" E for 156.24 feet; S 86° 54' 42" E for 285.36 feet; N 55° 11' 00" E for 58.82 feet; N 73° 00' 08" E for 140.00 feet; N 54° 05' 49" E for 115.77 feet; N 10° 34' 05" E for 104.79 feet; N 24° 05' 57" E for 100.09 feet; N 67° 22' 01" E for 230.59 feet; S 85° 03' 28" E for 211.24 feet; N 05° 10' 02" E for 54.09 feet; N 27° 24' 58" E for 106.63 feet; N 10° 08' 05" E for 139.90 feet; N 44° 41' 11" E for 147.83 feet; N 62° 35' 02" W for 105.53 feet; N 23° 59' 48" E for 476.74 feet; and N 15° 42' 08" E for 184.07 feet; thence run N 88° 09' 46" E for 190.18 feet; thence run S 01° 19' 23" W for 243.00 feet; thence run S 87° 40' 37" E for 838.00 feet; thence run S 02° 10' 37" E for 387.06 feet; thence run N 86° 41' 03" E for 1133.06 feet to a point of curvature; thence run easterly and southeasterly along the arc of a curve to the right of radius 250.00 feet (chord bearing S 54° 04' 24" E) (chord 316.30 feet) (delta 78° 29' 05") for 342.45 feet to a point of tangency; thence run S 14° 49' 52" E for 542.01 feet to a point of curvature; thence run southeasterly along the arc of a curve to the right of radius 22685.31 feet (chord bearing S 13° 36' 38" E) (chord 966.55 feet) (delta 02° 26' 29") for 966.63 feet; thence run S 82° 23' 52" E along a non-tangent line for 122.31 feet to an intersection with the westerly right-of-way line of Interstate 75 (State Road No. 93); thence run southeasterly along said westerly right-of-way line along the arc of a curve to the right of radius 22800.31 feet (chord bearing S 08° 33' 45" E) (chord 2959.92 feet) (delta 07° 26' 36") for 2962.00 feet to an intersection with the south line of the Northeast Quarter (NE-1/4) of said Section 10; thence run S 89° 29' 50" W along said south line for 1497.40 feet to the southwest corner of said Northeast Quarter (NE-1/4); thence run N 00° 06' 58" W along the west line of said Northeast Quarter (NE-1/4) for 2668.79 feet to the Northwest Quarter (NW-1/4) of said Northeast Quarter (NE-1/4); thence run S 88° 57' 32" W along the south line of the Southwest Quarter (SW-1/4) of said Section 3 for 2649.25 feet to the Point of Beginning.

Containing 283.47 acres more or less.

Bearings hereinabove mentioned are based on the south line of the Southeast Quarter (SE-1/4) of Section 4, Township 45 South, Range 25 East to bear S 88° 54' 32" W, which bearing is derived from Plane Coordinate for the Florida West Zone (1979 Adjustment).

**EXHIBIT 5**

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OR BK 03223 PG 0167

# **GATEWAY SERVICES DISTRICT**

## **Statement of Estimated Regulatory Costs For the Petition to Contract the Gateway Services District**

**Prepared By:**

**Fishkind & Associates, Inc.  
11869 High Tech Avenue  
Orlando, Florida 32817**



**January 25, 2002**

**EXHIBIT "6"  
Page 1 of 8**

## **GATEWAY SERVICES DISTRICT**

### **STATEMENT OF ESTIMATED REGULATORY COSTS**

**January 25, 2002**

#### **1.0 Introduction**

#### **1.1 Purpose and Scope**

This Statement Of Estimated Regulatory Costs ("SERC") supports the petition to contract the Gateway Services District ("Gateway Services District," or "District"), a community development district established pursuant to Chapter 190, Florida Statutes. As part of such petition, this SERC is subject to the provisions of Section 190.046 (1)(a), Section 190.005 (1) (a) 8, and Section 120.541, Florida Statutes (2000).

#### **1.2 The Gateway Services District**

The proposed contraction of the District encompasses approximately 973.27+/- acres ("Contraction Parcel") within the City of Fort Myers, Florida ("City"). The proposed contracted District (an approximate total of 4,351+/- acres) is designed as a master planned, highly amenitized community including extensive recreational facilities.

A community development district ("CDD") is an independent unit of special purpose local government authorized by Chapter 190, Florida Statutes, to plan, finance, construct, operate and maintain community-wide infrastructure in large, planned community developments. CDD's provide a "solution to the state's planning, management and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers." Section 190.002 (1) (a) Florida Statutes.

A CDD is not a substitute for the local, general purpose, government unit, i.e., the County in which the CDD lies. A CDD does not have the permitting, zoning or police powers possessed by general purpose governments. A community development district is an alternative means of financing, constructing, operating and maintaining community infrastructure for planned developments, such as Gateway Services District. The scope of this SERC is limited to evaluating the consequences of approving the proposal to contract the Gateway Services District.

### **1.3 Requirements for Statement of Estimated Regulatory Costs**

Section 120.541(2), Florida Statutes (2000), defines the elements a Statement Of Estimated Regulatory Costs must contain:

"(a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

(c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and including filing fees, the costs of obtaining a license, the costs of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and report.

(d) An analysis of the impact on small businesses as defined by Section 288.703, Florida Statutes, and an analysis of the impact on small counties and small cities as defined by Section 120.52, Florida Statutes (Lee County and the City of Fort Myers are not defined as a small county or city for purposes of this requirement).

(e) Any additional information that the agency determines may be useful.

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1) (a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule."

**2.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.**

The principal entities that are likely to be required to comply with the rule include the State of Florida ("State"), Lee County ("County"), the City, and the District. The types of individuals likely to be affected by the rule are landowners within the contracted District and the developer/landowner of the Contraction Parcel.

An estimate of the total number of entities impacted by the proposed rule follows. The estimated number of equivalent residential units (landowners) planned for the present Gateway Services District prior to the proposed contraction is approximately 7,299. Zoning for up to 1,500 residential units may be sought for the Contraction Parcel, leaving a net 5,799 planned residential units within Gateway Services District after the proposed contraction.

Landowners remaining within the Gateway Services District after the proposed contraction will not be impacted financially as they will continue to enjoy the full benefit of the infrastructure in place within the District.

**3.0 Good faith estimate of the cost to the State of Florida, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.**

**3.1 Costs to Governmental Agencies of Implementing and Enforcing Rule**

The State of Florida and local governments will incur minimal costs to implement and enforce the proposed amendment to Rule Chapter 42F-1.001, et. seq. Florida Administrative Code ("Rule") contracting the District. Since the contracted District will consist of more than 1,000 acres, it is the Governor and members of the Cabinet, constituting the Florida Land and Water Adjudicatory Commission ("Commission") that must evaluate and decide upon the proposed amendment to the Rule. The State will also have some implementation costs relating to the various reports the District must file. All of the above costs are offset by the \$15,000 filing fee established by the State to pay for these costs.

Since Gateway Services District is in Lee County, and the City of Fort Myers, the County and the City may examine the petition to contract the District. There will be minimal staff costs for these reviews.

These costs are modest for a number of reasons. First, review of the petition to contract the District is limited by statute to the financial and operational aspects of the District, and they do not include analysis of the Gateway Services

development project itself. Second, the petition itself provides most, if not all, of the information needed for a staff review. Third, local governments already possess the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Finally, local governments routinely process similar petitions for land uses and zoning changes which are far more complex than is the petition to contract a community development district.

Furthermore, these should be fully offset by the filing fees (\$1,500 to the County, and \$1,500 to the City) allowed under State law. Thus, the net cost to the County and the City to review the proposed ordinance is very small, if it exists at all.

As units of local government, CDDs must file all reports required by units of local government in Florida. The District does indeed file these reports, and will continue to do so after contraction. These include, but are not necessarily limited to the following:

- (a) copies of each annual financial report for the previous year must be filed with the County and the State Department of Banking and Finance no later than March 31 of each year;
- (b) budgets for the upcoming fiscal year are the subject of public hearing, after proper newspaper notice, and are subject to review and optional comments by the County in which the CDD is located;
- (c) within twelve months of the close of each fiscal year, a CDD must file certified copies of its audited financial statements with the County;
- (d) each year a CDD must file with the County and the Division of Bond Finance of the State Board of Administration a complete description of all of its outstanding bonds (Chapter 218.38, Florida Statutes);
- (e) each year a CDD must file with the County a schedule of time, date and location of all regular meetings of the Board of Supervisors (Chapter 189, Florida Statutes);
- (f) each year a CDD must file a public facilities report pursuant to the requirements of Chapter 189.415, Florida Statutes;
- (g) certain certifications to the State Department of Community Affairs Special District Information Program concerning bond sales and the character of the bond issue to the effect that either:
  - (1) the bonds were rated in one of the highest four categories by a nationally recognized rating service;
  - (2) the bonds were privately placed with or otherwise sold to accredited investors;

- (3) the bonds were backed by credit enhancement; or
- (4) the bonds were accompanied by an independent financial advisory opinion stating the estimates of debt service coverage and probability of repayment as reasonable; and
- (h) the obligation to notify the Governor and the Legislative Auditing Committee of any impending or existing financial emergency of the CDD (Chapter 189.409, Florida Statutes).

In addition, CDDs are governed by the provisions of Chapter 189.412, Florida Statutes, and must participate in the Special District Information Program conducted by the Department of Community Affairs. The Department charges a fee of \$175 per year to each CDD to offset the Department's costs.

The review and collation of all of these reports absorbs some resources of the State and its various agencies. However, since the District is already filing its reports, there is no additional cost involved.

### **3.2 Impact on State and Local Revenues**

Adoption of the proposed rule to approve the contraction of the Gateway Services District will have no impact on State and local revenues. As noted above, the District's sole functions are outlined in Chapter 190, Florida Statutes, and relate strictly to the planning, financing, constructing, operating and maintaining community infrastructure and services to serve the Gateway Services community.

### **4.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the rule.**

Transactional costs to the State and local agencies in reviewing the petition to contract the District have been discussed above. Beyond those administrative costs, there will be no cost incurred by the State of Florida, any of its agencies, or local governments.

The Gateway Services District is designed to plan, finance, operate, and maintain community infrastructure and services to serve the Gateway Services community. The District imposes special assessments on properties within its boundaries to finance the infrastructure funded by the District and to defray the costs of operating and maintaining that infrastructure and associated community facilities.

In considering the costs that must be paid by those affected by the proposed rule to contract the Gateway Services Community Development District, two points

are important. First, unlike the rules which affect most other situations, 100% of the costs which would be funded by the District would have to be incurred in any event. These costs are not peculiar to the contraction of the District. If the District does not provide these facilities and services, the Developer would borrow money, construct the facilities, and raise the prices for its real estate products to cover these extra costs. If the District does not operate and maintain these facilities, a homeowners association (or similar entity) would have to assess its members to pay for this service. The point is that these costs exist in any event.

The area being contracted out of the District contains no infrastructure funded by District bonds, nor are there any operations or maintenance fees attendant to such infrastructure allocated to the Contraction Parcel. Existing infrastructure and the cost/benefits associated with it will continue to be shared in its entirety only by the landowners, both current and potential, and the developer of the contracted District. Therefore, if the petition to contract the District is approved there will be no change in the capital assessment on any individual single-family lot.

Second, State law requires that prospective property owners be notified that these District levies exist. Anyone purchasing property subject to the District's levies does so voluntarily and with full information. Thus, contraction of the District does not change these requirements for those who choose, voluntarily, to be governed by the rule.

**5.0 An analysis of the impact on small businesses as defined by Section 288.03, Florida Statutes, and an analysis of the impact on small counties and small cities as defined by Section 120.52, Florida Statutes.**

Approval of the petition to contract the Gateway Services District will have only incidental or a positive impact on small businesses. The District still must operate according to Florida's "sunshine" laws, and the District must still competitively bid certain contracts for goods and services. As a result, small businesses will still be better able to compete for District business serving the lands included within the District.

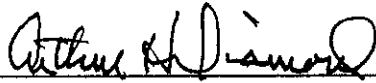
The approval of the contraction of the District is not expected to have any impact on small counties and cities as defined in Section 120.52, Florida Statutes. As of April 1, 2000, the census population count for Lee County was 440,888. Since the definition of a small county is 75,000 or less, the County does not fall within the category of a small county as defined. As of April 1, 2000, the census population count for the City of Fort Myers was 48,208. The definition of a small city is 10,000 or less; therefore, the City does not fall within the category of a small city as defined.



**6.0 Any additional useful information.**

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of costs and benefits. Inputs were received from the Developer's Engineer and other professionals associated with the Developer.

It might be useful at this time to consider whether the proposed contraction of the District will fundamentally impact on the original decision that the District was the best alternative to provide community facilities and services to the project. There will be no change in the character or amount of infrastructure being provided to the remaining landowners in the District; therefore it is our opinion that the factors that went into the decision that the District was the best alternative have not been fundamentally altered.



Arthur H. Diamond, Associate  
Fishkind & Associates, Inc.

**CITY OF FT. MYERS COMPREHENSIVE PLAN**

**SUBMITTED WITH THIS PETITION**

**AS A SEPARATE DOCUMENT**

LEE COUNTY COMPREHENSIVE PLAN  
SUBMITTED WITH THIS PETITION  
AS A SEPARATE DOCUMENT