

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: PETITION TO CONTRACT ) Case No.: 02-1344  
THE GATEWAY SERVICES )  
DISTRICT, )  
\_\_\_\_\_ )

REPORT TO THE FLORIDA LAND AND WATER  
ADJUDICATORY COMMISSION

Pursuant to Sections 190.046(1)(g) and 190.005(1)(d), Florida Statutes, and Rule 42-1.012, Florida Administrative Code, Charles A. Stampelos, Administrative Law Judge, conducted a local public hearing on July 16, 2002, at 1:00 p.m., in Fort Myers, Lee County, Florida, for the purpose of taking testimony and public comment and receiving exhibits on the Petition of Gateway Services District (Petitioner) to contract the Gateway Services District.

APPEARANCES

For Gateway Services District (now known as Gateway Services Community Development District):

Erin McCormick Larrinaga, Esquire  
Fowler, White, Boggs, Banker, P.A.  
501 East Kennedy Boulevard  
Suite 1700  
Tampa, Florida 33602

STATEMENT OF THE ISSUE

The sole issue to be addressed is whether the Petition to contract the Gateway Services District meets the applicable

criteria set forth in Chapter 190, Florida Statutes, and Chapter 42-1, Florida Administrative Code.

PRELIMINARY STATEMENT

On January 31, 2002, the Petitioner filed the Petition to contract the Gateway Services District with the Secretary of Florida Land and Water Adjudicatory Commission (Commission), the City of Fort Myers, Florida, and Lee County, Florida. An Addendum to the Petition was filed with the Secretary of the Commission on or about March 25, 2002. A Second Addendum to the Petition was filed with the Secretary of the Commission on or about July 16, 2002. A Third Addendum to the Petition was filed with the Secretary of the Commission on or about July 25, 2002. A copy of the Petition, including its exhibits, and the First, Second, and Third Addenda, was received into evidence as Petitioner's Composite Exhibit 9.

On April 2, 2002, the Secretary of the Commission certified that the Petition contained all required elements, as defined in Section 190.005(1)(a), Florida Statutes, and forwarded it to the Division of Administrative Hearings for the purpose of conducting the local public hearing required under Sections 190.046(1)(g) and 190.005(1)(d), Florida Statutes.

The Commission published a Notice of Receipt of Petition in the Florida Administrative Weekly on May 17, 2002. A copy

of the Notice of Receipt of Petition was received into evidence as Petitioner's Exhibit 8.

The local public hearing was scheduled in Fort Myers, Lee County, Florida, for Tuesday, July 16, 2002, at 1:00 p.m. The Petitioner published notice of the hearing in accordance with Sections 190.046(1)(g) and 190.005(1)(d), Florida Statutes. The Proof of Publication of the Notice of Local Public Hearing was received into evidence as Petitioner's Exhibit 4.

The land currently within the District is located partially within the unincorporated Lee County, and partially within the incorporated City of Fort Myers, Florida. All of the property proposed for Contraction from the District is located within the City of Fort Myers, Florida.

Sections 190.046(1)(d)3. and 190.005(1)(c), Florida Statutes, provide that the county and each municipality containing all or a portion of the lands within the proposed District has the option to hold a public hearing within forty-five (45) days of the filing of the petition.

The City Council of the City of Fort Myers, Florida elected to hold such a hearing on March 4, 2002. After the public hearing, the City Council adopted a resolution in support of the contraction of the Gateway Services District. A certified copy of the resolution was received into evidence as Petitioner's Exhibit 5.

The Board of County Commissioners of Lee County elected to hold a hearing on June 25, 2002. After the public hearing, the Board of County of County Commissioners adopted a resolution in support of the contraction of the District. A certified copy of the resolution was received into evidence as Petitioner's Exhibit 6.

At the local public hearing on July 16, 2002, the Petitioner presented the testimony of John Gnagey (Gnagey) Principal of The Worthington Group; James P. Ward (Ward) Vice President of Operations for Severn Trent Environmental Services, Inc., and an expert in special district and community development district management, operations, planning and finance; Andrew D. Tilton (Tilton), Director of Water Resources for Johnson Engineering, Inc., and an expert in civil engineering with an emphasis in public infrastructure design, permitting, and cost estimation in construction for special districts and community development districts; and Carey Garland (Garland), an associate with Fishkind and Associates, Inc., and an expert in economics and finance, including financing and the use of community development districts and special taxing districts. The full names and addresses of Petitioner's witnesses are attached to this Report as Exhibit A. Petitioner's Exhibits 1 through 9, were received into

evidence at the hearing. A list of Petitioner's Exhibits in this proceeding is attached to this report as Exhibit B.

No other persons or entities presented any witnesses or exhibits. No members of the public provided any comment.

The one-volume transcript of the local public hearing was filed on August 5, 2002, with the Division of Administrative Hearings. The original transcript and hearing exhibits are transmitted with this Report.

## FINDINGS OF FACT

### Overview

1. The Petitioner is seeking the adoption of a rule by the Commission to contract a community development district currently comprised of approximately 5,474 acres located within the boundaries of unincorporated Lee County, Florida and the incorporated City of Fort Myers, Florida. The name for the District, after contraction, will be the Gateway Services Community Development District. At the time the Petition was filed, the District consisted of approximately 5,324 acres. However, on July 29, 2002, a Rule Amendment adopted by the Commission, and filed with the Secretary of State became effective, expanding the District to approximately 5,474 acres.

2. The Petitioner seeks to contract the District by approximately 973 acres. The District, after contraction, will encompass approximately 4,501 acres.

3. All of the property proposed to be contracted out of the District is located within the City of Fort Myers, Florida.

4. The sole purpose of this proceeding was to consider the contraction of the District as proposed by the Petitioner.

Summary of Evidence and Testimony

A. Whether all statements contained within the Petition have been found to be true and correct.

5. Petitioner's Composite Exhibit 9 was identified for the record as a copy of the Petition and its exhibits as filed with the Commission, dated January 2002; the Addendum to the Petition, dated March 25, 2002; and the Second Addendum to the Petition, dated July 16, 2002; and the Third Addendum to the Petition, dated July 25, 2002.

6. Ward testified that he had reviewed the contents of the Petition and Exhibits as supplemented and amended by the addenda to the Petition. Ward testified that the Petition and exhibits as supplemented and amended by the addenda, are true and correct to the best of his knowledge.

7. Tilton testified that he had reviewed Exhibits 1, 2, and 3 of the Petition. Exhibit 1 is the metes and bounds legal description and sketch of the existing District

boundaries. Exhibit 2 is the legal description and sketch of the contraction parcels. Exhibit 3 is the amended legal description and sketch of the District, after contraction.

8. Tilton testified that the legal description of the existing CDD boundaries was true and correct, and would be amended by a proposed Rule Amendment filed with the Secretary of State July 9, 2002, and effective July 29, 2002.

9. Tilton testified that Exhibit 2 truly and accurately depicted the legal description of the property proposed for contraction from the District.

10. A Third Addendum to the Petition, filed with the Department of Administrative Hearings on July 29, 2002, identified a scrivener's error in the proposed Rule Amendment filed on July 9, 2002, and included a legal description and sketch of the land within the District, after the contraction.

This legal description and sketch amends and replaces Exhibit 3 of the Petition. This legal description was certified as true and accurate by CES Engineering.

11. Garland testified that his office had prepared Exhibit 7 to the Petition, the Statement of Estimated Regulatory Costs (SERC). Garland also testified the SERC included with the Petition was true and correct to the best of his knowledge.

12. Gnagey testified that at the time of the hearing, Worthington Holdings, Inc. was the owner of all of the lands to be contracted out of the District. Gnagey testified that a portion of the contraction property was under contract for sale. A consent and joinder to the Petition to Contract, executed by the contract purchaser was placed into the record as Exhibit 3.

13. The Petition does not contain the written consent of the owners of all real property to be included in the new District after contraction; nor was there any documentation or other evidence demonstrating that either the District or those giving their written consent to the contraction have control by deed, trust agreement, contract, or option of one-hundred percent (100%) of the real property to be included in the new District, after contraction. See Conclusion of Law 65.

14. Based upon the foregoing, the Petition and its exhibits, as amended and supplemented by the addenda to the Petition, are true and correct.

B. Whether the contraction of the District is inconsistent with any applicable element or portion of the State Comprehensive Plan or of the effective local government comprehensive plan.

15. Ward addressed whether the contraction of the District was inconsistent in any way with the State Comprehensive Plan, Chapter 187, Florida Statutes. Ward also



reviewed the contraction of the District, in light of the local government comprehensive plans.

16. Ward testified that the District would continue to assist the local government in providing infrastructure services required pursuant to its locally adopted comprehensive plan. Furthermore, since the State Comprehensive Plan requires local governments to provide infrastructure in accordance with locally adopted comprehensive plans, the District would continue to function and assist in meeting this objective of Chapter 187.

17. Resolution No. 2002-11, adopted by the City Council of the City of Fort Myers, Florida, was introduced into evidence as Petitioner's Exhibit 5. Pursuant to this Resolution, the City Council made a determination that after the contraction, the District is not inconsistent with applicable elements or portions of the State Comprehensive Plan or the City of Fort Myers local comprehensive plan.

18. The Florida Department of Community Affairs reviewed the Petition and provided a letter dated April 16, 2002, which was placed into Evidence as Petitioner's Exhibit 7. The letter states that the Petition A "is consistent with the goals, objectives and policies of Lee County's Comprehensive Plan."

19. Based on the testimony and exhibits in the record, the proposed District will not be inconsistent with any applicable element or portion of the State Comprehensive Plan, the Lee County Comprehensive Plan, or City of Fort Myers Comprehensive Plan.

C. Whether the area of land within the district, after contraction, is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.

20. Testimony on this criterion was provided by Ward and Tilton. The lands that comprise the District, after contraction, will consist of approximately 4,501 acres, located within the borders of unincorporated Lee County, and the incorporated City of Fort Myers.

21. From a management perspective, the District, after contraction, will continue to be sufficiently sized, compact and contiguous to be developed as a functional interrelated community. The property remaining within the District will continue to be amenable to receiving services through a community development district.

22. From an engineering perspective, the District, after contraction, will still be larger than other community development districts. It is contiguous and relatively compact. The land remaining within the District can be well-served by water management facilities, water and sewer and

irrigation, roads lighting, landscaping and parks provided by the District.

23. From a development planning perspective, the owner of the property, which will be contracted out of the District, intends to market the contraction property for development as three separate, stand-alone communities. This property will be developed independently from the property remaining within the District. Its utility needs will be serviced by the City of Fort Myers.

24. From development planning, engineering, and management perspectives, the area of land to be included in the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as a single functionally interrelated community.

D. Whether the district, after contraction, is the best alternative available for delivering community development services and facilities to the area that will be served by the contracted district.

25. The District currently provides certain infrastructure improvements and facilities to the property which will remain in the District.

26. Currently, no services or facilities are provided by the District to the property to be contracted out of the District. Ward, Tilton, and Garland testified concerning whether the District, as contracted, is the best alternative

available for delivering community development services and facilities to the area remaining in the District.

27. Ward testified that since the 1980's, the District has provided and maintained infrastructure which services the existing residents of the District, and is also available to service future residents of the District. The District is responsible for financing, operating and maintaining this infrastructure. Based upon its historical track record, and its current activities, the District will continue to serve these purposes.

28. Tilton testified that, from an engineering perspective, the District is an excellent alternative for providing community services and facilities to the property remaining in the District because it provides a higher level of service than would be afforded by Lee County or the City of Fort Myers. This higher level of service meets the desire of the residents within the District.

29. Garland testified that, from an economic perspective, the District as contracted, will still consist of approximately 5,799 equivalent residential units. There will be no financial impact to the landowners remaining in the District because neither the capital assessments nor the operations and maintenance assessments will be affected by the contraction. Currently, the contraction parcel is not taking

any of the load for capital assessments or operations and maintenance assessments.

30. Garland also testified that the contraction property is geographically closer to infrastructure facilities available from the City of Fort Myers, than it is to District facilities. Therefore, the District is not the best alternative for providing this infrastructure to the contraction property.

31. From economic, engineering, and special district management perspectives, the District, after contraction, is the best alternative available for delivering community development services and facilities to the area that will continue to be served by the District.

E. Whether the community development services and facilities of the district, as contracted, will be incompatible with the capacity and uses of existing local and regional community development services and facilities.

32. The services and facilities which will continue to be provided by the District are not incompatible with uses and existing local and regional facilities and services. The District's facilities and services within the boundaries, as contracted, will not duplicate any existing regional services or facilities which are provided to the lands within the District by another entity. None of the proposed services or

facilities are presently being provided by another entity for the lands to remain within the District.

33. Ward, Tilton, and Garland testified concerning whether the community development services and facilities of the district, as contracted, would be incompatible with the capacity and uses of existing local and regional community development services and facilities.

34. Ward testified that the District provides services and facilities which compliment the general purpose local governments' services and facilities. For example, the District has constructed drainage facilities. These services address the requirements for infrastructure of the local government. After contraction, the District will continue to provide these infrastructure services.

35. Tilton testified that the services and facilities provided by the District work very well in concert with the adjacent facilities of the general purpose local government. The roadways, utilities, and water management facilities constructed by the District are integrated into the overall system of the adjacent areas.

36. From a management perspective and an engineering perspective, the facilities and services to be provided by the District, after the contraction, will not be incompatible with

the existing local and regional community development services and facilities.

- F. Whether the area that will be served by the district, after contraction, is amenable to separate special district government.

37. As cited previously, from economics, engineering, and special district management perspectives, the area of land to be included in the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed and become a functionally interrelated community. The community to be included in the District, after contraction, will continue to require basic infrastructure systems. A determination was made when the District was formed, that the District could best provide these services. This determination will not change as a result of the contraction.

38. From engineering, economic and management perspectives, the area that will be served by the amended District is amenable to separate special-district government.

- G. Other requirements imposed by statute or rule.

39. Chapter 190, Florida Statutes, and Chapter 42-1, Florida Administrative Code, impose specific requirements regarding the Petition and other information to be submitted to the Commission.

Elements of the Petition

40. The Commission has certified that the Petition to Contract the Gateway Services District meets all of the required elements of Section 190.005(1)(a), Florida Statutes.

Statement of Estimated Regulatory Costs (SERC)

41. The SERC contains an estimate of the costs and benefits to all persons directly affected by the proposed rule to contract the District--the State of Florida and its citizens, the County and its citizens, the City and its citizens, the landowners within the District after contraction, and the Petitioner.

42. Beyond administrative costs related to rule adoption, the State and its citizens, are not anticipated to incur any costs from contracting the District.

43. Administrative costs incurred by Lee County and the City of Fort Myers related to this Petition are minimal and should be offset by the filing fees paid by the Petitioner.

44. Landowners remaining within the District will continue to pay non-ad valorem or special assessments for certain facilities. The contraction of District will have no impact on the level of capital assessments or operations and maintenance assessments paid by residents remaining in the District. Benefits to landowners in the District will continue to be a higher level of public services and amenities



than might otherwise be available, construction, operation and maintenance of District-sponsored improvements to the area on a timely basis, and a larger share of direct control over community development services and facilities within the area.

45. Sections 190.046(1)(g) and 190.005(1)(a), Florida Statutes, require the Petition to include a SERC which meets the requirements of Section 120.541, Florida Statutes. The Petition contains a SERC. It meets the requirements of Section 120.541, Florida Statutes.

Other Requirements

46. Sections 190.046(1)(g) and 190.005(1)(d), Florida Statutes, require the Petitioner to publish notice of the local public hearing in a newspaper of general circulation in Lee County for four consecutive weeks prior to the hearing. The notice was published in The News-Press, a newspaper of general circulation in Lee County for four consecutive weeks, on June 18, 2002, June 25, 2002, July 2, 2002, and July 9, 2002. The Affidavit of Publication was placed into evidence as Petitioner's Exhibit 4.

Lee County Support for Establishment

47. Pursuant to the requirements of Sections 190.046(1)(g) and 190.005(1)(b), Florida Statutes, Petitioner filed a copy of the Petition with the City of Fort Myers and Lee County prior to filing the Petition with the Commission.

48. As permitted by Sections 190.046 and 190.005(1)(c), Florida Statutes, the City Council of the City of Fort Myers held a public hearing on March 4, 2002, to consider the contraction of the Gateway Services District.

49. At the conclusion of its public hearing on March 4, 2002, the City Council adopted Resolution 2002-11 expressing support for the Commission to promulgate a rule contracting the Gateway Services District.

50. The City of Fort Myers City Council Resolution specifically found that all six (6) of the statutory factors for evaluating the contraction of community development districts found in Section 190.005(1)(e), Florida Statutes, had been met by the Petitioner in this matter.

51. As permitted by Sections 190.046 and 190.005(1)(c), Florida Statutes, the Board of County Commissioners of Lee County held a public hearing on June 25, 2002, to consider the contraction of the Gateway Services District.

52. At the conclusion of the public hearing on June 25, 2002, the Board of County Commissioners of Lee County adopted Resolution No.02-06-43, expressing support for the Commission to promulgate a rule contracting the Gateway Services District.

CONCLUSIONS OF LAW

53. This proceeding is governed by Chapters 120 and 190, Florida Statutes, and Chapter 42-1, Florida Administrative Code.

54. The proceeding was properly noticed pursuant to Section 190.005, Florida Statutes, by publication of an advertisement in a newspaper of general circulation in Lee County once each week for the four (4) consecutive weeks immediately prior to the hearing.

55. The Petitioner has met the requirements of Sections 190.046(1)(g) and 190.005, Florida Statutes, regarding the submission of the Petition.

56. The Petitioner bears the burden of establishing that the Petition meets the relevant statutory criteria set forth in Section 190.005(1)(e), Florida Statutes.

57. All portions of the Petition and other submittals have been completed and filed as required by law.

58. All statements contained within the Petition as amended and supplemented by the Addenda to the Petition, and at the hearing are true and correct.

59. The contraction of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the effective City of Fort Myers Comprehensive Plan.

60. 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.

61. The proposed District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.

62. The community development services and facilities of the proposed District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.

63. The area to be served by the proposed District is amenable to separate special district government.

64. Notwithstanding the above, as found in Finding of Fact B, the Petition does not contain the written consent of the owners of the real property to be included in the new District, after contraction; nor was there any documentation or other evidence demonstrating that either the District or those giving their written consent to the contraction have control by deed, trust agreement, or contract, or option of one-hundred percent (100%) of the real property to be included in the new District, after contraction. Section 190.005(1)(a)2., Florida Statutes, requires that a Petition for establishment of a community development district (CDD)

contain the written consent of the owners of all of the real property to be included in the proposed CDD, or documentation demonstrating that the Petitioner has control by deed, trust agreement, contract, or option of one-hundred percent (100%) of the real property to be included in the proposed CDD.

Section 190.046(1)(e), Florida Statutes, requires the written consent of all landowners whose land is being deleted through contraction (which has been proven here), but paragraphs (f)-(g) of Section 190.046(1), Florida Statutes, would appear to require the Petitioner to follow all of the requirements specified in Section 190.005, including the "consent" requirement of Section 190.005(1)(a)2., Florida Statutes.

65. Nevertheless, Petitioner argues that emphasis should be placed on the word "procedures" in Section 190.046(1)(g), Florida Statutes, and that that does not necessarily include satisfaction of the "consent" requirements of Section 190.005(1)(a)2., Florida Statutes, where there is a request to contract more than 250 acres from a CDD, as here. This interpretation appears to be consistent with the Commission's past practice. See, e.g., Exhibit 1. See also In Re: Petition to Contract Tampa Palms Open Space and Transportation Community Development District, Case No. 96-4213, 1997 WL 1052656 (DOAH Report January 29, 1997)(Rule adopted July 31, 1997).

RECOMMENDATION

Based upon the foregoing Findings of Fact and Conclusions of Law, it is

RECOMMENDED that the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission, pursuant to Chapters 190 and 120, Florida Statutes, and Chapter 42-1, Florida Administrative Code, contract the Gateway Services District as requested by the Petitioner by formal adoption of the proposed Rule Amendment attached to this Report as Exhibit C.

DONE AND ORDERED this 9th day of August, 2002, in Tallahassee, Leon County, Florida.

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CHARLES A. STAMPELOS  
Administrative Law Judge  
Division of Administrative Hearings  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 9th day of August, 2002.

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Exhibit A  
Petitioner's Witnesses at Public Hearing

John Gnagey  
The Worthington Group  
14291 Metro Parkway, Building 1300  
Fort Myers, Florida 33912

James P. Ward  
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Coral Gables, Florida 33071

Andrew D. Tilton  
Johnson Engineering, Inc.  
2158 Johnson Street  
Fort Myers, Florida 33901

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



Exhibit B  
List of Petitioner's Exhibits

Exhibit	Description
Exhibit 1:	Memorandum from Greg Munson, Staff Attorney for the Florida Land and Water Adjudicatory Commission to Barbara Leighty, Clerk for the Florida Land and Water Adjudicatory Commission, dated March 12, 2002
Exhibit 2:	Sketch depicting Gateway Services District Boundaries (Parcels marked "A" constitute the Contraction Parcels which Petition seeks to have contracted from the Gateway Services District)
Exhibit 3:	Consent and Joinder to Petition to Contract Gateway Services District, executed by Pulte Home Corporation on July 16, 2002
Exhibit 4:	News-Press Affidavit of Publication, dated July 9, 2002
Exhibit 5:	Certified Copy of Resolution No. 2002-11, approved by the City Council of the City of Fort Myers on March 4, 2002
Exhibit 6:	Certified Copy of Resolution No. 02-06-43, approved by the Board of County Commissioners of Lee County, Florida on June 25, 2002
Exhibit 7:	Letter from the Florida Department of Community Affairs to Ms. Donna Arduin, Secretary, Florida Land and Water Adjudicatory Commission, dated April 16, 2002
Exhibit 8:	Notice of Receipt of Petition, published by the Florida Land and Water Adjudicatory Commission in the Florida Administrative Weekly on May 17, 2002

Composite

Exhibit 9: Petition to Contract Gateway Services District, dated January, 2002 (includes City of Ft. Myers Comprehensive Plan and Lee County Comprehensive Plan); Addendum to the Petition to Contract Gateway Services District, dated March 25, 2002; Second Addendum to the Petition to Contract Gateway Services District, dated July 16, 2002; and Third Addendum to the Petition to Contract Gateway Services District, dated July 25, 2002.

Exhibit C

THE FULL TEXT OF THE PROPOSED RULE AMENDMENT IS:

42F-1.002 Boundary.

The boundaries of the district are as follows:

~~A tract or parcel of land lying Section 35, Township 44 South, Range 25 East and in 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-3) 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-3) 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 west line of the northeast quarter (NE-1/4) of the northeast quarter (NE-1/4) of said Section; thence run S 02\_\_16' 01" E along said west line for 1,168.38 feet to the southwest corner of said fraction; thence run N 89\_\_54' 24" E along the south line of said fraction for 1324.86 feet to the southeast corner of said fraction; thence run S 03\_\_20' 25" E for 1284.37 feet to the quarter corner on the east line of said Section; thence run S 00\_\_01' 59" E along said east line for 2635.65 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 2,642.98 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 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 run 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 3,028.35 feet; thence run N 89\_\_33' 57" E for 605.03 feet; thence run S 01\_\_02' 00" E for 1800.10 feet; thence run S 89\_\_33' 57" W for 605.03 feet; thence run S 01\_\_02' 00" E for 500.03 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 and Light Company substation site as described in deed recorded in Official Record Book 1606 at Page 1286 of the 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 at Official Record Book 1644 at Page 1739 of the 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 the 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 1,477.45 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 2,643.95 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 19 for 2,674.35 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 2,645.34 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 2,524.67 feet to the west line of the east 2,524.14 feet of said northeast quarter (NE-1/4); thence run N 01\_05' 33" W along said west line for 2,646.07 feet to the south line of said Section 1; thence run S 89\_56' 14" W along said south line for 2,663.19 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 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 (NW-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" 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 31\_\_38' 21" E for 261.19 feet; N 01\_\_23' 47" W for 277.78; 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~~

~~108.95 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 1299.77 feet to the northwest corner of the west half (W-1/2) of the southwest quarter (SW-1/4) of the northeast quarter (NE-1/4) of said section; thence run N 88\_\_12' 52" E along the north line of said fraction for 323.06 feet to an intersection with said westerly line of State Road No. 93; thence run S 14\_\_49' 52" E along said westerly line for 2.67 feet to an intersection with the east line of said fraction ; thence run S 00\_\_37' 05" E along said east line for 650.21 feet to the southeast corner~~

~~of said fraction; thence run N 88\_\_09' 46" E along the north line of the southeast quarter (SE-1/4) of said Section 3 for 2250.18 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 5,474 5324 acres, more or less.~~

**PARCEL "A"**

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 3) 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 3) 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 WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION; THENCE RUN S 02 16'01" E ALONG SAID WEST LINE FOR 1168.38 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE RUN N 89 54'24" E ALONG THE SOUTH LINE OF SAID SECTION FOR 1324.86 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE RUN S 03 20'25" E FOR 1284.37 FEET TO THE QUARTER CORNER ON THE EAST LINE OF SAID SECTION; THENCE RUN S 00 01'59" E ALONG SAID EAST LINE FOR 2635.65 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 3) 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 3) 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 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 2) OF SAID  
SECTION 8 FOR 3028.35 FEET; THENCE RUN N 89 33'57" E FOR  
605.03 FEET; THENCE RUN S 01 02'02" E FOR 1800.10 FEET; THENCE  
S 89 33'57" W FOR 605.03 FEET; THENCE RUN S 01 02'00" E FOR  
500.03 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 3) 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 3) 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 3) 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 3) 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 3) 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 3) OF SAID SECTION 12 FOR 2524.67 FEET TO THE WEST LINE OF THE EAST 2524.14 FEET OF SAID NORTHEAST QUARTER (NE 3); 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 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 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 4,390 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

SECTION 3, TOWNSHIP 45 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

PARCEL "B"

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:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3 RUN N  
88 37'17" E ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER  
(NW 3) 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; THENCE 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 3) OF SAID SECTION 3;  
THENCE RUN S 00 49'05" E ALONG SAID EAST LINE FOR 1299.77 FEET  
TO THE NORTHWEST CORNER OF THE WEST HALF (W 2) OF THE  
SOUTHWEST QUARTER (SW 3) OF THE NORTHEAST QUARTER (NE 3) OF  
SAID SECTION; THENCE RUN N 88 12'52" E ALONG THE NORTH LINE OF  
SAID FRACTION FOR 323.06 FEET TO AN INTERSECTION WITH SAID  
WESTERLY LINE OF STATE ROAD NO. 93; THENCE RUN S 14 49'52" E  
ALONG SAID WESTERLY LINE FOR 2.67 FEET TO AN INTERSECTION WITH  
THE EAST LINE OF SAID FRACTION; THENCE RUN S 00 37'05" E ALONG  
SAID EAST LINE FOR 650.21 FEET TO THE SOUTHEAST CORNER OF SAID  
FRACTION; THENCE RUN N 88 09'46" E ALONG THE NORTH LINE OF  
THE SOUTHEAST ONE-QUARTER (SE 3) OF SAID SECTION 3 FOR 163.88  
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 (13) 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 251.79 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 3) 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 111.14 ACRES, MORE OR LESS.

TOTAL AREA FOR BOTH PARCELS 4,501.14 ACRES, MORE OR LESS.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON THE NORTH LINE OF  
THE NORTHWEST QUARTER (NW 3) 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).

Specific Authority 120.53(1), 190.005, FS.

Law Implemented 190.004, 190.005, FS.

History - new 5-22-86, Amended \_\_\_\_\_.