

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

Blue Sheet No. 20030987

1. REQUESTED MOTION:

ACTION REQUESTED: Approve an amendment to an existing bonus density contract with Royal Palm Property Management, Inc., pertaining to a project known as the Gardens of Estero.

WHY ACTION IS NECESSARY: Amendments to the existing contract must be approved by the Board.

WHAT ACTION ACCOMPLISHES: Allows the developer to exercise the "cash contribution" option of the Bonus Density Program rather than the "site specific" option to develop 99 bonus density units at \$4,000 per unit.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # 5

C4A

3. MEETING DATE:

09-02-2003

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE LDC 34-1516(h)
- ADMIN. CODE 13-12
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Planning
- BY: Paul O'Connor, AICP, Director
- POC 8/19/03**

7. BACKGROUND:

Royal Palm Property Management, Inc., submitted a request to amend an existing bonus density contract pertaining to a project known as the Gardens of Estero RPD. The property is located on the east side of Three Oaks Parkway, south of the proposed extension of Koreshan.

The Board originally approved the development of 277 bonus density units utilizing the "site specific" option of the County's Bonus Density Program. Royal Palm has requested to amend the original contract in order to exercise the "cash contribution" option rather than the "site specific" option. The proposed revision to the original contract terms will reduce the number of bonus density units constructed on site from 277 to 99. Under the proposed "cash contribution" option, Royal Palm agrees to pay \$396,000, which will be deposited into the Lee County Affordable Housing Trust Fund. The \$396,000 represents 99 bonus density units at \$4,000 per unit.

Attachment: Proposed First Amendment to the Development Contract between the Board of County Commissioners and Royal Palm Property Management, Inc.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

Planning staff recommends approval of the proposed amendment.

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>Memo 8/19/03</i>	N/A	N/A	N/A	<i>DNC 8/20/03</i>	<i>8/21/03</i> OA	<i>8/20/03</i> ADM	<i>8/20/03</i> RISK	<i>8/20/03</i> GC	<i>W. H. ...</i>
					N/A	N/A	N/A	N/A	

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

Rec. by CoAtty
Date: 8/19/03
Time: 11:01 am
Forwarded to:
ADMIN
8/20/03 1:00p

RECEIVED BY
COUNTY ADMIN TO
8/20/03
10:5pm
COUNTY ADMIN
FORWARDED TO
8/21/03
N/A

BA

FIRST AMENDMENT TO THE
DEVELOPMENT CONTRACT

between

THE BOARD OF COUNTY COMMISSIONERS
Lee County, Florida

and

ROYAL PALM PROPERTY
MANAGEMENT, INC.

Electing to Use the Cash Contribution Option of
The Housing Bonus Density Program
For the Gardens of Estero Residential Planned Development

AGREEMENT

This Agreement is made and entered into this _____ day of _____, 2003, between Lee County, a political subdivision of the State of Florida, hereinafter referred to as the "County" and Royal Palm Property Management, Inc., hereinafter referred to as "Royal Palm."

Recitals

This contract is intended to amend the original development contract entered into between Lee County and Royal Palm recorded in the Public Records of Lee County, Florida in OR Book 3925 at Page 1806.

The purpose of this Agreement is to amend the terms of the original development contract whereby Royal Palm had selected the Site Specific Density Option (Option 1) of the Housing Bonus Density Program set forth in the Lee County Land Development Code.

Royal Palm desires to modify the terms of the original agreement in order to select the cash contribution density bonus option (Option 2).

In addition to changing the bonus density option, Royal Palm desires to reduce the number of bonus density units desired from 277 units to 99 units.

NOW, THEREFORE, in consideration of the terms and conditions set forth below, the County and Royal Palm hereby agree to amend the original development contract to allow Royal Palm to exercise the "Cash Contribution Option" of the County's Housing Bonus Density Program rather than the site specific density option described in the original contract as follows:

1. Amendment to Article IV. The original development contract recorded in the Official Record Books of Lee County in Book 3925 at Page 1806 is hereby amended by deleting all text set forth in Section 4.4 of Article IV. The deleted text is hereby replaced with the following text:

4.4 Royal Palm has elected to exercise the "Cash Contribution Option" of the Housing Bonus Density Program described in Chapter 34 of the Lee County Land Development Code. In addition, Royal Palm has elected to reduce the number of bonus density units sought from 277 to 99.

(a) Royal Palm agrees to pay \$396,000.00, which will be deposited in the Lee County Affordable Housing Trust Fund within thirty (30) days of the execution of this Agreement. The \$396,000.00 represents 99 bonus density units at \$4,000.00 per unit.

(b) If the cash contribution is not deposited in Lee County Affordable Housing Trust Fund within thirty (30) days of the execution of this Agreement, the terms and conditions of the original development contract will be reinstated.

(c) Cash contributions to the Lee County Affordable Housing Trust Fund will not be refunded once made, even if the development in question fails to occur for any reason.

(d) No development order or building permit will be issued until the required contribution has been paid in full.

In Witness of the foregoing, the County and Royal Palm have executed this First Amendment to the Development Contract to be effective on the date executed below.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Ray Judah, Chairman

DATE: _____

APPROVED AS TO FORM:

By: _____
Donna Marie Collins
Office of County Attorney

[Signature]
Witness DAVID TEMKIN

ROYAL PALM PROPERTY MANAGEMENT, INC.
a Florida Corporation

[Signature]
Witness DAVID WORKMAN

By: [Signature]
Daniel Kodosi, President

CORPORATE SEAL:

STATE OF Florida
COUNTY OF Palm Beach

The foregoing Contract was acknowledged before me this 15th day of July, 2003, by DANIEL KODSI, as President of Royal Palm Property Management, Inc., a Florida Corporation. He is personally known to me or has produced _____ as identification.

[Signature]
Notary Public

Catherine Goepfert
Printed Name

NOTARY SEAL



KORESHAN RD

THREE OAKS PKWY

1-75

SUBJECT PROPERTY

"EXHIBIT A"

"EXHIBIT A"

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND FURTHER DESCRIBED AS FOLLOWS: STARTING AT A CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE N 01°18'46" W ALONG THE WEST LINE OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 26 FOR 2425.81 FEET; THENCE EAST FOR 100.03 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING EAST FOR 2241.81 FEET TO A CONCRETE MONUMENT MARKING THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75; THENCE N 18°17'53" W ALONG SAID RIGHT-OF-WAY LINE FOR 1581.51 FEET TO A CONCRETE MONUMENT; THENCE WEST FOR 1764.33 FEET; THENCE S 01°17'49" E FOR 274.69 FEET; THENCE S 88°42'51" W FOR 15.00 FEET; THENCE S 01°17'49" E FOR 1002.05 FEET; THENCE S 01°18'46" E FOR 224.84 FEET TO THE POINT OF BEGINNING, CONTAINING 69.212 ACRES, MORE OR LESS.

LEE COUNTY
SOUTHWEST FLORIDA

KEY MAP

