

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

DATE CRITICAL
Blue Sheet No. 2003/1412

1. REQUESTED MOTION:

ACTION REQUESTED: Approve Bald Eagle Management Plan Nest and Resolution for Oasis Key Development as recommended by Eagle Technical Advisory Committee (ETAC) and Environmental Sciences staff.

WHY ACTION IS NECESSARY: Board of County Commissioners must approve management plans.

WHAT ACTION ACCOMPLISHES: Accepts proposed Eagle Management Plan that provides for conditions to protect the bald eagle nest located near Oasis Key to enable compatible development of property.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

C4A

3. MEETING DATE:

12-02-2003

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER LDC § 14-119

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Environmental Sciences
- BY: *[Signature]*

7. BACKGROUND: Pursuant to Lee County Bald Eagle Ordinance, Section 14-119, Oasis Key has provided a Habitat Management Plan that proposes compatible development that is protective of Bald Eagle Nest LE-40A.

Highlights of the Resolution and Habitat Management Plan include the following:

- Exterior construction will not be conducted through nesting season within primary zone (750')
- Closest building is located 550' and the nearest road is located 500' from the eagles' nest
- No mechanical equipment will be used on the southwest property line during the nesting season

ETAC reviewed this plan on August 13, 2003 and recommends that the Board of County Commissioners approve the plan as presented. Staff recommends that the Board of County Commissioners approve the plan as presented.

- Attachments: (1) Bald Eagle Management Plan dated August 2003
(2) Resolution of ETAC
(3) Draft Resolution for BOCC Approval

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 |
|-----------------------------|------------------------------------|-------------------------|------------|-------------------------|----------------------|-----------------|-----------------|-----------------|------------------------|
| | | | | | QA | OM | RISK | CC | |
| <i>MAM 11/20/03</i> | N/A | N/A | N/A | <i>[Signature]</i> | <i>11/20/03</i> | <i>11/20/03</i> | <i>11/20/03</i> | <i>11/20/03</i> | <i>[Signature]</i> |

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by *[Signature]*
Date: *11/20/03*
Time: *3:00 PM*
Forwarded to: *Chairman*
4/22 4/24/03

RECEIVED BY
COUNTY ADMIN: *TD*
11/20/03
3:55 pm SGT
COUNTY ADMIN
FORWARDED TO: *[Signature]*
11/20 4/20

**BALD EAGLE MANAGEMENT PLAN
NEST LE-40A**

for

OASIS KEY

Section 10, Township 46S, Range 24E

**Winkler Road
Lee County, Florida**

August 2003

Prepared by:

**W. Dexter Bender & Associates, Inc.
2052 Virginia Avenue
Fort Myers, FL 33901
(239) 334-3680**

INTRODUCTION

The Oasis Key project is located at 17920 Winkler Road. The Oasis Key project is located on two parcels, each 19.2 acres on the east and west side of Winkler Road. The west parcel consists of an improved pasture bordered to the south by an undeveloped exotic vegetation infested parcel, to the west by Sutton Walk Lakeside Condominiums of Lexington, the north by Lexington Country Club, and to the east and southeast by Winkler Road and the Lee County Mosquito Control District Office and helicopter pad.

As shown on the attached Bald Eagle Management Plan Map, a southern bald eagle nest is located in an Australian pine tree located approximately 246' south of the southern property line of the Oasis Key parcel, identified as Bald Eagle Nest LE-40A. The eagle's nest has been observed from April 28, 2003 to June 3, 2003 to evaluate the nest site as well as observe eagle activity and flight patterns.

SITE CONDITIONS

The two parcels for the Oasis Key project are improved pastures which consist of open grass fields with minor melaleuca infestation. The property which Eagle Nest LE-40A is in is south and adjacent to the west parcel of the Oasis Key project and is owned by Mr. Gordon Biggar. The Biggar Parcel is 9.6 acres and consists of dense exotic tree vegetation approximately 45' tall including melaleuca and Australian pine. The property to the south of the Biggar Parcel is the Estero Bay Buffer Preserve (EBBP) which consists of melaleuca infested transitional wetlands, saltwater marshes, and open water. It is important to note that exotic vegetation removal activities (including heavy equipment, chainsaws, and hand removal techniques) took place in the EBBP outside of the last nesting season well within 100' of the nest with no apparent negative effect on nesting success. The portion of EBBP immediately south of the eagle's nest was dominated by melaleuca and scattered Australian pine that comprised a dense forest of 45' tall trees. This area now has scattered slash pine and little other canopy species. The habitat is now mostly open. The property to the west of the Oasis Key project includes multiple story condominiums within the Lexington community, parking garages, and storm water management lakes, all within 750' of the eagle's nest and as close as 507' from the nest. The structures and activity on this property were established prior to the construction of eagle nest LE-40A.

The property to the north of Lexington Country Club includes multifamily housing. The property to the east includes the eastern Oasis Key parcel and the Lee County Mosquito Control District helicopter pad. There is regular daily helicopter activity during the nesting season as close as 500' vertically/1,000' horizontally of the eagle's nest per U.S. Fish & Wildlife Service Bald Eagle Management Guidelines. The helicopter pad is approximately 1,460' from Bald Eagle Nest LE-40A, which is in the secondary zone.

Please see the attached 1" = 200' scale Lee County aerial photograph dated 2002 showing the existing structures in the vicinity of the eagle's nest.

SITE OBSERVATIONS

The bald eagle's nest is located in a living Australian pine just west of the southern end of Winkler Extension. Bald eagle nest LE-40A was first observed during the 2001-2002 nesting season and successfully fledged young during the 2001-2002 and 2002-2003 nesting seasons. The bald eagle's nest

and adjacent areas were observed for a total of twenty (20) hours on nine (9) separate occasions. The dates and times of these observations are recorded below along with weather conditions and a description of any significant activity at or near the nest location.

4/28/03 - 2:30pm-3:30pm

Temperatures were in the upper 80's °F with very little cloud cover. Winds were west at approximately 10mph. No bald eagle activity was observed. Two (2) red-tailed hawks were seen flying over the southern tip of Winkler Extension.

4/29/03 - 3:00pm-5:00pm

Temperatures were in the mid to upper 80's °F with clear skies and winds from the west at around 5-10mph. No bald eagle activity was observed. Several mosquito control UH1 helicopters were observed flying west from the landing area on the east side of Winkler Extension.

5/1/03 - 2:00pm-5:00pm

Temperatures were in the mid to upper 80's °F with partly cloudy skies and winds from the southwest at around 15-20mph. No bald eagle activity was observed. One (1) red-shouldered hawk was seen perched approximately 100 feet south of the nest.

5/2/03 - 7:00am-11:00am

Temperatures were in the mid to upper 70's °F with cloudy skies and no wind. No bald eagle activity was observed.

5/7/03 - 6:30pm-8:30pm

Temperatures were in the low to mid 80's °F with clear skies and winds from the south at approximately 5mph. At approximately 8:15pm a single immature eagle was seen flying from north to south along the edge of the condominiums that are located on the property west of the nest site.

5/14/03 - 7:30pm-8:30pm

Temperatures were in the upper 70's °F with cloudy skies, light rain, and no wind. No bald eagle activity was observed.

5/21/03 - 7:00pm-8:30pm

Temperatures were in the low to mid 80's °F with some light cloud cover. Winds were from the east at approximately 15mph but subsided as sunset approached. No bald eagle activity was observed.

5/27/03 - 6:30pm-8:00pm

Temperatures were in the mid to upper 80's °F with cloudy skies, light rain, and no wind. At approximately 7:15pm a single bald eagle was seen flying from the vicinity of the nest to the southwest roughly 200 ft east of the condominium development that is on the property west of the nest site. The eagle appeared to descend into the treeline southeast of the condominiums.

5/29/03 - 6:30pm-8:30pm

Temperatures were in the upper 70's °F to low 80's °F with partly cloudy skies. Winds were from the west at around 15mph but diminished as sunset approached. A single immature eagle was observed at approximately 7:30pm. It approached from the north from the vicinity of the nest site then banked southwest and disappeared into the treeline south of the condominiums.

6/3/03 - 6:30pm-8:30pm

Temperatures were in the low to mid 80's °F with cloudy skies and winds from the south at approximately 15mph. At approximately 7:45pm a single immature bald eagle was observed as it emerged from the treeline southeast of the condominiums and traveled northwest towards the condominiums.

The following is a description of the various human activities that were observed throughout the monitoring study in the vicinity of the nest site: There was light vehicular traffic along Winkler Extension. There was frequent commercial airline and Lee County Mosquito Control helicopter traffic passing overhead. Vehicular traffic was frequent in the parking lot of the condominium development, and Lexington Golf Course mowers, voices, and music could be heard. On several occasions pedestrians and dogs could be heard at the south end of Winkler Extension.

GENERAL DEVELOPMENT GUIDELINES

Primary and Secondary Zones

The site observations and flight study show that the eagles from nest LE-40A fly primarily to the west and south to presumably forage in the storm water management lakes of the Lexington Country Club and Condominiums. These eagles are flying over active roads and multiple story residences. These eagles are also flying to the south to presumably forage in the Estero Bay Buffer Preserve. The LE-40A eagles have demonstrated a high tolerance to human activity including the residential activity and structures 507' west of the nest, gulf course maintenance within 750' of the nest, helicopter flights 500' vertical of the nest as well as mechanical exotic vegetation removal within 100' from the nest outside of the nesting season. Therefore, minimal structures and activities within the primary (within 750') and secondary zones (within 1,500') of LE-40A are proposed as described below for the Oasis Key project and shown on the attached Bald Eagle Management Plan Map. These proposed structures and activities apply to the Oasis Key project and are not binding on any other property in the vicinity of Nest LE-40A.

Development Phasing

Primary Zone Activities & Restrictions

Within the primary zone, a portion of a storm water management lake as shown on the attached Bald Eagle Management Plan Map shall be excavated. This lake shall be approximately 300' from the eagle's nest and will be buffered by the existing dense tree canopy. The lake will include littoral zone tree plantings to act as a buffer within the primary zone. A total of 16 multifamily buildings (duplexes) which represents 29 living units shall be built within the primary zone, with the closest building being 550' and the road being 500' from the eagle's nest. The structures (residences) will be no taller than 30' above proposed grades. These structures are single and double story with a pitched roof. All external lighting within the primary and secondary zones shall be shielded away from the eagle's nest.

The following conditions will be added to the Home Owners Association documents:

1. The 29 units within the primary zone will be allowed to have pools only if they are in a caged enclosure with a landscaped hedge surrounding the enclosure.

2. A 50' wide buffer along the southern property line will be described as a Conservation Area with restricted activities and uses. This area will be deeded to the Home Owners Association. A 50' wide flight corridor located along the west property line will include Deed Restrictions in the Home Owners Association documents and there will be a Conservation Easement placed over this area that will prohibit activities other than maintenance.
3. The stormwater management lakes and shorelines within the primary zone will have activities restricted to maintenance only (i.e. not boating activities). No mechanical activities will be permitted along the south shoreline of the storm water lake of the west parcel between October 1 and February 28.
4. Two 100' wide flight corridors consisting of stormwater management lakes will be established.

The 50' buffer along the southern property line will be planted with 7 gallon container size trees including slash pine, dahoon holly, and laurel oaks on 10' centers. Additional shrubs from 5 gallon containers including wax myrtle and myrsine will be planted on 10' centers. All stormwater management lake shorelines (8' wide) within the primary and secondary zones will be planted with 5 gallon size container bald cypress trees on 4' centers.

Construction of structures will take place during two (2) non-nesting seasons in two (2) phases. The easternmost and middle cul de sac will have structures constructed first, and the west cul de sac second. The stormwater management lake and roadway infrastructure shall be built during the first non-nesting season phased construction.

The exterior construction work shall only be conducted during the non-nesting season (May 15 through October 1). Interior construction will be allowed during the nesting season. If the nest is vacated before the end of the nesting season (May 15), construction activities may commence upon confirmation that the eagle nest has been vacated by the Lee County Division of Environmental Sciences and the Eagle Technical Advisory Committee (ETAC). If the nest is not active by March 15 then the nesting season shall be considered over and the construction restrictions shall not apply. After construction, normal residential activities will be allowed within the primary and secondary zones. All lake and bank maintenance activities within the primary and secondary zones will be conducted biweekly during the nesting and non-nesting season. No mechanical activities will be permitted along the south shoreline of the storm water lake of the west parcel between October 1 and February 28.

If any interior construction is to occur during the nesting season, the following conditions will be followed:

- If doors and windows have not been installed, plywood and blankets will be install in their place to muffle sounds from within the house.
- All doors and windows facing the eagle's nest are to remain closed at all times except for access and deliveries.
- All deliveries will be unloaded in the garage or at the entrance to the garage. No machinery is allowed. All construction materials and deliveries will be stored inside the garage or house.

- No construction dumpsters are allowed on the site. If a construction dumpster is necessary, it will be located behind the existing residence to the north, out of sight of the nest tree.
- Any portable sanitation facility will be located behind the house, out of view from the nest.
- No exterior work of any kind will be permitted.
- No radios will be permitted.
- A sign will be prepared and posted that states:

**NO RADIOS OR LOUD NOISED ARE ALLOWED ON THE PROPERTY ALL
WINDOWS AND DOORS ARE TO REMAIN CLOSED AT ALL TIMES NO
EXTERIOR WORK OF ANY KIND IS PERMITTED**

- All interior activities including preparatory cutting, sawing, etc. will only occur inside the house or garage.
- Parking of vehicles will be limited to two at any given time. Parking inside the garage is preferred. Any additional vehicles will be parked behind the adjacent residence to the north. No more than a total of 6 vehicles will be located behind either residence at one time. All vehicles will be parked out of sight of the nest.
- Construction work is limited to three trades at a time. No more than eight workers at one time.
- It is the responsibility of the general contractor/builder to insure that all workers including subcontractors, know and follow the above conditions.

Secondary Zone Activities & Restrictions

Within the secondary zone, construction of the road infrastructure, lakes, and exterior of the buildings shown on the Bald Eagle Management Plan Map will be conducted during the non-nesting season. All of the interior construction conditions listed above apply to construction within the secondary zone (1,500' from the eagle's nest) as well.

Management

ES staff and ETAC members will monitor the construction activities closely. The homeowners association will be responsible for following this Management Plan. Any violation of these conditions will result in a Stop Work Order being issued to halt all construction activity during the eagle nesting season, including building inspections.

All of the management practices will be in effect until the nest is deemed abandoned by the Florida Fish and Wildlife Conservation Commission. An abandoned nest will be defined as nest non-occupied for five (5) consecutive breeding seasons or two (2) years after a loss of the nest.

RESOLUTION NO. 03-01
EAGLE TECHNICAL ADVISORY COMMITTEE
LEE COUNTY, FLORIDA

WHEREAS, Edward McArdle, Trustee is the owner of a proposed residential community located in Section 10, Township 46 South, Range 24 East, Lee County, Florida, consisting of 19.2± acres (hereinafter referred to as the "Subject Property"); and

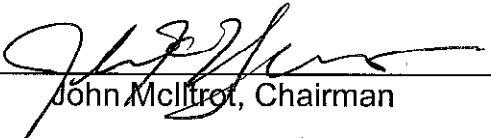
WHEREAS, the Subject Property contains a Southern Bald Eagle Nest as defined in Lee County Ordinance No. 86-15, as amended in Division 3, Chapter 14 of the Lee County LDC (hereinafter referred to as the Eagle Protection Ordinance); and

WHEREAS, both the owner and the Eagle Technical Advisory Committee have recognized the need for establishing a Critical Eagle Nesting Habitat as defined in the Eagle Protection Ordinance;

NOW, THEREFORE, be it resolved by the Lee County Eagle Technical Advisory Committee that the Committee hereby recommends approval of the Developer's proposed habitat preservation measures in accordance with the following additional specifications:

1. No mechanical or motorized equipment may be used along the southwestern property line from October 1 through February 28 of each year of development.
2. The Management Plan complies with Division 3, Chapter 14 of the LDC.
3. The Homeowner's Association will be the entity responsible for implementation and requirements of the plan.

The LE-40A habitat Management Plan is hereby approved pursuant to Section 14-119 of the LDC. Upon motion by member Cindy Bear and seconded by member Bob Baker the foregoing resolution was unanimously passed and adopted this 13th day of August, 2003.



John McIlroy, Chairman

APPROVED AS TO FORM:

By: _____
Joan C. Henry
Assistant County Attorney

S:\LU\Jch\Jchmisc\ETAC Resolution.wpd

RESOLUTION NO. _____

BOARD OF COUNTY COMMISSIONERS

LEE COUNTY, FLORIDA

WHEREAS, the Lee County Board of Commissioners has provided for the protection of the threatened Southern Bald Eagle as referenced in the Conservation and Coastal Management Element of the Lee County Comprehensive Plan, Goal 77; Objective 77.6; Policies 77.6.1; 77.6.2; and 77.6.3; and

WHEREAS, the Lee County Board of Commissioners has adopted Lee County Ordinance No. 86-15 as amended in Division 3, Chapter 14 of the Lee County Land Development Code, (hereinafter referred to as the Eagle Protection Ordinance) intended to protect critical nesting habitat of the Southern Bald Eagle with proper habitat protection and management, and

WHEREAS, the Eagle Protection ordinance created the Eagle Technical Advisory Committee (ETAC) whose purpose is to advise the Board of County Commissioners and the Department of Community Development on matters relating to the protection and management of the Southern Bald Eagle; and

WHEREAS, Oasis Key is a proposed residential community/development owned by Gordon Biggar located in Section 10, Township 46 South, Range 24 East, Lee County, Florida, consisting of 19.2 ± acres, (hereinafter referred to as "Subject Property") and

WHEREAS, THE SUBJECT PROPERTY IS A PARCEL WHICH CONTAINS A Southern Bald Eagle nest, named LE-40A, as defined in the Eagle Protection Ordinance; and

WHEREAS, the Developer, the Eagle Technical Advisory Committee, and the Lee County Department of Community Development staff have recognized the need for establishing a Critical Eagle Nesting habitat as defined in the Eagle Protection Ordinance; and

WHEREAS, the Department of Community Development and the Eagle Technical Advisory Committee have recommended approval of the Developer's proposed Oasis Key Eagle Habitat Management Plan, dated August 2003.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County that the Oasis Key Eagle Habitat Management Plan dated August 2003 is adopted by Lee County.

THE FOREGOING RESOLUTION was offered by Commissioner _____,
who moved its adoption. The motion was seconded by Commissioner _____,
and, upon being put to a vote, the vote was as follows:

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

DULY PASSED AND ADOPTED this ____ day of _____ 2003.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairman

Approved as to form by:

County Attorney's Office

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ ANNA MARIA ISLAND

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 10, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(OASIS KEY)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 10, TOWNSHIP 46 SOUTH, RANGE 24 EAST, AND BEING A REPLAT OF LOTS 17, 18, 19, 46, 47, 50, AND 51, OF SEMINOLE GARDENS, AS RECORDED IN PLAT BOOK 4 AT PAGE 48 OF THE LEE COUNTY PUBLIC RECORDS, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 17 OF SAID SEMINOLE GARDENS; THENCE S.88°42'29"W. ALONG THE SOUTH LINE OF SAID LOT 17 FOR 1297.03 FEET TO THE SOUTHWEST CORNER OF SAID LOT 17; THENCE N.01°13'03"W. ALONG THE WEST LINE OF SAID LOT 17 FOR 329.95 FEET TO THE SOUTHEAST CORNER OF LOT 47 OF SAID SEMINOLE GARDENS; THENCE S.88°42'52"W. ALONG THE SOUTH LINE OF SAID LOT 47 FOR 1267.68 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF WINKLER ROAD EXTENSION (100 FEET WIDE); THENCE N.01°16'56"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 659.86 FEET; THENCE N.88°43'16"E. ALONG THE NORTHERLY LINE OF LOT 46 OF SAID SEMINOLE GARDENS FOR 1267.65 FEET TO THE NORTHEAST CORNER OF SAID LOT 46; THENCE N.88°39'56"E. ALONG THE NORTHERLY LINE OF LOT 19 OF SAID SEMINOLE GARDENS FOR 1296.68 FEET TO THE NORTHEAST CORNER OF SAID LOT 19; THENCE S.01°17'00"E. ALONG THE EAST LINE OF LOTS 19, 18, AND 17, OF SAID SEMINOLE GARDENS, FOR 990.62 FEET TO THE **POINT OF BEGINNING**.

TOGETHER WITH;

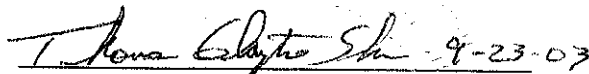
BEGINNING AT THE SOUTHWEST CORNER OF LOT 50 OF SAID SEMINOLE GARDENS; THENCE N.01°17'31"W. ALONG THE WEST LINE OF LOTS 50 AND 51 OF SAID SEMINOLE GARDENS, SAID LINE ALSO BEING THE EAST LINE OF TRACT 37 OF LEXINGTON COUNTRY CLUB, AS RECORDED IN PLAT BOOK 56 AT PAGES 59 THROUGH 68 OF THE LEE COUNTY PUBLIC RECORDS, FOR 659.97 FEET TO THE NORTHWEST CORNER OF SAID LOT 51; THENCE N.88°43'57"E. ALONG THE NORTH LINE OF SAID LOT 51, SAID LINE ALSO BEING THE SOUTH LINE OF TRACT 38 OF SAID LEXINGTON COUNTRY CLUB, FOR 1269.91 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF WINKLER ROAD EXTENSION (100 FEET WIDE); THENCE S.01°16'56"E. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 659.97 FEET; THENCE S.88°43'57"W. ALONG THE SOUTH LINE OF SAID LOT 50 FOR 1269.80 FEET TO THE **POINT OF BEGINNING**.

PARCELS CONTAIN 67.91 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF WINKLER ROAD EXTENSION AS BEARING S.01°16'56"E.

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

DESCRIPTION PREPARED MARCH 31, 2003.


THOMAS C. SHAW, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION No. 4672

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SHEET 1 OF 1

6640 Willow Park Drive, Suite B, Naples, Florida 34109 • (239) 597-2061 • Fax (239) 597-3082

APPLICANT'S LEGAL CHECKED
BY: *[Handwritten Signature]*



LETTER OF AUTHORIZATION

TO: LEE COUNTY DIVISION OF PLANNING, ENVIRONMENTAL SCIENCES PROGRAM

RE: STRAP NUMBER(S): 10-46-24-01-00046.0000
10-46-24-01-00050.0000
10-46-24-01-00051.0000

As the owner of the parcel of land indicated by the STRAP number(s) above, I hereby authorize Banks Engineering, Inc. & W. Dexter Bender & Associates, Inc. to file my application for a Eagle Management Plan to be presented to the Lee County Board of County Commissioners for the property located at 17860, 17861 & 17920 Winkler Road

Edward J. McArdle, Trustee
Authorized Signature of the **Edward J. McArdle Trust dated January 6, 1992**

Authorized Signature

STATE OF ~~FLORIDA~~ Illinois
COUNTY OF ~~LEE~~ Kane

The foregoing instrument was acknowledged before me this 1st day of October, 2003, by Edward J. McArdle who is personally known to me or who produced _____ as identification and who did not take an oath.)

MY COMMISSION EXPIRES:

Sonja N. Gallagher
Notary Public

