

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

**Date Critical  
Blue Sheet No. 2005-0620**

**1. ACTION REQUESTED/PURPOSE:** Direct to public hearing on June 14, 2005 at 9:30 a.m., or as soon thereafter as it may be heard, a non-emergency resolution in support of expansion of the Arborwood Community Development District ("District") boundaries by the Florida Land and Water Adjudicatory Commission ("FLAWAC").

**2. WHAT ACTION ACCOMPLISHES:** Supports the expansion of an independent special district.

**3. MANAGEMENT RECOMMENDATION:**

**4. Departmental Category:**

*C12B*

**5. Meeting Date:**

*05-17-2005*

**6. Agenda:**

**7. Requirement/Purpose: (specify)**

**8. Request Initiated:**

<input checked="" type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Statute	§190.046(1)(d), F.S	Commissioner	
	Administrative		Ordinance		Department	County Attorney
	Appeals		Admin. Code		Division	Land Use
	Public		Other		By:	<i>John J. Fredyma</i>
	Walk-On					John J. Fredyma, Asst. County Atty

**9. Background:**

The District is an existing uniform community development district created by law and established by F.A.C. Rule 42F as adopted by the FLAWAC on June 14, 2004.

The District currently has the power to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for the following basic infrastructure, stormwater management, potable water supply, sewer and wastewater management, bridges or culverts, district roads, and other projects within or without the district boundary for which a development order is issued.

In accordance with §190.046(1)(d), F.S., the District has petitioned the FLAWAC to amend F.A.C. Rule 42F to expand the external boundaries of the District to include an additional 12.28 acres within the City of Fort Myers. This represents a 0.5% increase in the size of the district, but is less than the permitted maximum of 10% (based upon a total initial acreage of 2,466.85 acres) or 250 acres as set forth in §190.046(1)(f)1, F.S.

The County's consideration of the District's petition is limited to the contents of the petition and whether the petition should be supported. The Planning Division of the County's Department of Community Development has reviewed the petition pursuant to §190.005(1)(e), F.S., and recommends that the Board of County Commissioners adopt a resolution consenting to the expansion of the District.

**Attachments:**

- Planning Division Staff Analysis
- District's Petition (including exhibits and attachments)
- Proposed Resolution in support of expansion of the external boundaries of the District

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services <i>04/11/05</i>				County Manager/P.W.
				<i>[Signature]</i>	Analyst	Risk	Grants	Mktg.	
					<i>RK 5/4</i>	<i>5/5/05</i>	<i>5/5/05</i>	<i>5/5/05</i>	<i>[Signature]</i>

**Commission Action:**

- Approved  
 Deferred  
 Denied  
 Other

CO. ATTY.  
 5/4/05 9AM

RECEIVED BY  
 COUNTY ADMIN: *RK*  
 5-4-05 *IMP*  
 2:25  
 COUNTY ADMIN  
 FORWARDED TO: *[Signature]*  
 5/5/05  
 3pm

**PLANNING DIVISION**  
M E M O R A N D U M



**to:** John Fredyma, Assistant County Attorney  
**from:** Paul O'Connor, AICP, Director of Planning  
**subject:** Petition to Amend the Arborwood Community Development District  
**date:** April 28, 2005

2005 APR 29 AM 8:24  
LEE COUNTY  
LEE CO. ATTORNEY

Planning staff has completed its review of the petition to amend the Arborwood Community Development District. Attached is the staff report being issued by the Lee County Division of Planning supporting the petition to amend the boundaries. Also attached is additional information staff has received regarding the anticipated completion date for the construction of Treeline Avenue.

Planning staff is requesting that notice of any scheduled hearings or meetings concerning this petition be forwarded to us.

Hopping Green & Sams

Attorneys and Counselors

April 25, 2005

**RECEIVED**  
APR 27 2005

COMMUNITY DEVELOPMENT

**Via Facsimile & First Class Mail**

Brandy Gonzalez  
Lee County Division of Planning  
P.O. Box 398  
Fort Myers, Florida 33902  
Facsimile: 239-479-8319

*Re: Petition to Amend the Boundary of the Arborwood CDD*

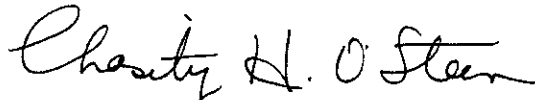
Dear Ms. Gonzalez:

Please accept this letter as written confirmation that the construction of Treeline Avenue is anticipated to be complete by the end of 2006. As we discussed Friday, the costs associated with the construction of Treeline Avenue are included in the District's adopted Improvement Plan, which has been provided to you in Exhibit 11 to the Petition to Amend the Boundary of the Arborwood Community Development District. Please let me know if you have any additional questions or comments.

We look forward to continuing to work with you and the rest of the staff at the County on this matter.

Very truly yours,

HOPPING GREEN & SAMS, P.A.



Chasity H. O'Steen

cc: Russell Schropp  
Jim Ward

**ANALYSIS OF THE ARBORWOOD UNIFORM COMMUNITY DEVELOPMENT DISTRICT  
PETITION TO AMEND BOUNDARIES**

Prepared for  
**Board of County Commissioners**  
by  
**Lee County Division of Planning**  
April 28, 2005

The Uniform Community Development District Act was originally adopted in 1980. The act sets forth the procedure for the establishment and amendment of such a district, the district's powers and duties for public improvements and community facilities, and additional special powers that the district may petition for. The Arborwood Community Development District has petitioned the Governor and members of the Cabinet, constituting the Florida Land and Water Adjudicatory Commission, to amend the District to add approximately 12.28 acres to the district. The existing district was established June 14, 2004 by the Commission. The petition is a request to add land to 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 42RR-1, Florida Administrative Code.

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.

The Arborwood Community Development District, as well as the added lands, are contained wholly within the City of Fort Myers. Currently the District covers approximately 2,466.85 acres of land. The amendment proposes new boundaries covering approximately 2,479.13 acres of land. The property is governed by the future land use categories designated by the City of Fort Myers.

The current property within the district is located in Lee County, Florida, lying within Sections 2, 3, 10, 11, 12, 13, 14, 15, and 23, Township 45 South, Range 25 East. The land area is bounded on the West by I-75 and the Airport Woods development, on the North by Colonial Country Club and Sun City, on the East by Gateway, and on the South by Airside Plaza, the Southwest Regional Commerce and Trade Center, and undeveloped parcels. The subject petition specifically involves land in the northern portion of the district boundaries in Sections 2 and 11, Township 45 South, Range 25 East. The petition states that the land being added to the District consists of right-of-way that has been vacated by Lee County and also existing right-of-way in which the District intends to construct a road. The latter being right-of-way for the construction of Treeline Avenue.

When established in 2004, the District was granted the power to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for the following basic infrastructure: water management; water supply, sewer, and waste water management; bridges or culverts; district roads; and other projects within or without the district boundary for which a Development Order is issued.

A petition to amend the District boundaries was received by Lee County from the District on April 4, 2005. Lee County Planning staff has reviewed the petition and finds it to be sufficient. In accordance with F.S. 190.046(1)(d)3, Lee County and the City of Fort Myers have the option of holding a public hearing. At the subject hearing the focus of the inquiry will not be the appropriateness of the established district, rather, the focus will be consideration of the contents of the petition and whether the petition for amendment should be supported. Staff has reviewed the factors set forth in 190.046 Florida Statutes involving the expansion or contraction of a district and can find no change in circumstance or condition which would be inconsistent with consenting to the boundary amendment.

As described in the petition, the subject lands are small in size and a majority of the land reflects right-of-way that has been vacated by Lee County. The ownership of this land has reverted to a developer. The remainder of the land to be added is existing right-of-way that is part of the Treeline Avenue extension connecting Daniels Parkway to Colonial Boulevard. The construction of this extension is part of the Arborwood District's adopted Improvement Plan.

Planning staff recommends that the Board of County Commissioners adopt a resolution supporting the petition to expand the Arborwood Uniform Community Development District in accordance with Section 190.046(1), F.S.

**BEFORE THE FLORIDA LAND AND  
WATER ADJUDICATORY COMMISSION  
STATE OF FLORIDA**

**IN RE:       Petition for Rule to Expand  
              the Boundary of Arborwood  
              Community Development District**

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Case No. \_\_\_\_\_

**PETITION TO AMEND THE BOUNDARY OF THE  
ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, the ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT (the “District”), a unit of special-purpose local government established by the Florida Land and Water Adjudicatory Commission (the “Commission”) pursuant to the provisions of Chapter 190, Florida Statutes, hereby petitions the Commission pursuant to the “Uniform Community Development District Act of 1980,” Chapter 190, Florida Statutes, and specifically section 190.046(1)(d), Florida Statutes, to adopt an amendment to Chapter 42RR-1, Florida Administrative Code, to add approximately 12.28 acres to the District. The purpose of this Petition is to amend the boundary of the District to include right-of-way that has been vacated by Lee County, Florida, the ownership of which has reverted to a developer within the District. The remaining acreage to be added into the District is existing right-of-way upon which the District intends to construct a road as contemplated in its adopted Improvement Plan, which is referenced herein. This same 12.28 acres was contracted out of the boundary of the Gateway Services Community Development District in FLWAC Case No. CDD-04-006. In support of this Petition, the District states:

1.     Location and Size. The District is located entirely within incorporated Fort Myers, in Lee County, Florida.     **Exhibit 1** depicts the general location of the existing District.

The District currently covers approximately 2,466.85 acres of land. The District is located generally east of Interstate 75, west of the Gateway P.U.D., south of Colonial Boulevard and the Sun City and Colonial Country Club developments and north of Daniels Parkway. The current metes and bounds description of the external boundary of the District is set forth in **Exhibit 2**. The general location of and the metes and bounds description of the land to be added into the boundary of the District is set forth in **Exhibit 3** (“the Expansion Parcel”). The Expansion Parcel meets the acreage requirements of section 190.046(1)(f)1., Florida Statutes (2004). Subsequent to expansion, the District will encompass a total of approximately 2,479.13 acres. The metes and bounds description of the proposed District boundary is set forth in **Exhibit 4**.

2. Excluded Parcels. There are no parcels within the Expansion Parcel or the proposed amended boundary of the District that are to be excluded from the District.

3. Amendment Process. Petitioner has not previously amended its boundary. Petitioner seeks to add approximately 12.28 acres to the District. This proposed boundary amendment meets the acreage limitations set forth in section 190.046(1)(f)1., Florida Statutes (2004). Therefore, Petitioner seeks amendment of its boundary pursuant to section 190.046(1)(d), Florida Statutes (2004).

4. Landowner Consent. A portion of the property proposed to be included within the boundary of the District is owned by Lee County (the “County”). Pursuant to section 190.003(13), Florida Statutes (2004), Petitioner is not required to obtain the consent of the County, which is a governmental entity not included within the definition of a Landowner. However, the District has notified the County of its intent to file this Petition. **Exhibit 5** contains correspondence from the Office of the Lee County Attorney confirming that it is not necessary

for the District to obtain the consent of the County prior to the filing of this Petition and acknowledging that it has received correspondence from the District in which the District has disclosed its intent to submit this Petition to amend its boundary pursuant to section 190.046(1), Florida Statutes (2004).

A portion of the property proposed to be included within the boundary of the District is owned by Worthington Holdings Southwest, LLC. Documentation of ownership and consent to the establishment of a community development district by Worthington Holdings Southwest, LLC, is contained in **Exhibit 6**.

The favorable action of the Board of Supervisors of the District constitutes consent for all other lands pursuant to section 190.046(1)(e), Florida Statutes, as is evidenced by the District's submission of this Petition.

5. Future Land Uses. The designation of the future general distribution, location and extent of public and private land uses proposed for the area by the future land use plan element of the adopted City of Fort Myers Comprehensive Plan and by the future land use plan element of the adopted Lee County Comprehensive Plan is shown on **Exhibit 7**. Expansion of the District in the manner proposed is consistent with the adopted City of Fort Myers Comprehensive Plan and with the adopted Lee County Comprehensive Plan.

6. Existing Master Plan Development. The existing Master Planned Development for the District is attached hereto as **Exhibit 8**. Currently, the lands within the Expansion Parcel are vacant.

7. District Facilities and Services. A portion of the Expansion Parcel consists of right-of-way as identified in **Exhibit 9**. This portion of the Expansion Parcel is owned by Lee



County. The remainder of the Expansion Parcel consists of right-of-way that has been vacated as shown on **Exhibit 10**. No services or facilities are currently provided to the Expansion Parcel. Services and facilities to be provided by the District for the lands within the Expansion Parcel are included within the District's adopted Improvement Plan, which has been validated by the Circuit Court of the Twentieth Judicial Circuit of the State of Florida, Case No. 04-CA-002873. A copy of the Improvement Plan is provided in **Exhibit 11**.

8. Statement of Estimated Regulatory Costs. **Exhibit 12** is the Statement of Estimated Regulatory Costs (the "SERC"), which has been prepared in accordance with the requirements of section 120.541, Florida Statutes (2004). The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

9. Authorized Agent. The authorized agents for the Petitioner are Jonathan T. Johnson of Hopping Green & Sams, P.A., and John Asher. See **Exhibit 13** - Authorization of Agent. Copies of all correspondence and official notices should be sent to:

Jonathan T. Johnson  
HOPPING GREEN & SAMS, P.A.  
123 South Calhoun  
Post Office Box 6526  
Tallahassee, FL 32314

10. Filing Fee. Prior to the filing of this Petition, Petitioner has submitted a copy of this Petition with Exhibits to the City of Fort Myers, Florida, and to Lee County, Florida, with the filing fee of \$1,500 required pursuant to section 190.046(d)2., Florida Statutes (2004).

11. This Petition to amend the boundary of the Arborwood Community Development District should be granted for the following reasons:

a. Amendment of the boundary of the District and all land uses and services planned within the District as amended are not inconsistent with applicable elements or portions of the adopted State Comprehensive Plan or the Lee County Comprehensive Plan.

b. The area of land within the District as amended is part of a planned community. The District as amended will continue to be of sufficient size and sufficiently compact and contiguous to be developed as one functional and interrelated community.

c. The amendment to the District will prevent the general body of taxpayers in Fort Myers and Lee County from bearing the burden for installation of the infrastructure and the maintenance of the above-described facilities within the Expansion Parcel. The District is the best alternative for delivering community development services and facilities to the Expansion Parcel without imposing an additional burden on the general population of the local general-purpose government. Amendment of the District to include such lands within a comprehensively planned community, as proposed, allows for a more efficient use of resources as well as providing the opportunity for new growth to pay for itself. The boundary amendment will only add land to the District; there will be no increase in the maximum amount of development approved or number of District residents contemplated at the time the District was originally established.

d. The community development services and facilities of the District as amended will not be incompatible with the capacity and use of existing local and regional community development services and facilities.

e. The area to be served by the District as amended will continue to be amendable to separate special-district government.

WHEREFORE, Petitioner respectfully requests that the Florida Land and Water Adjudicatory Commission to:

- a. Find this Petition complete and authorize the District's Board of Supervisors (the "Board") to conduct a hearing as required by section 190.046(1)(d)4., Florida Statutes (2004);
- b. Receive a record and transcript of the hearing, any resolutions adopted by the City of Fort Myers and Lee County, and the recommendation from the Board regarding whether to grant the Petition for amendment; and
- c. Adopt an amendment to Chapter 42RR-1 of the Florida Administrative Code, pursuant to Chapters 120 and 190, Florida Statutes (2004), granting this Petition and expanding the boundary of the Arborwood Community Development District.

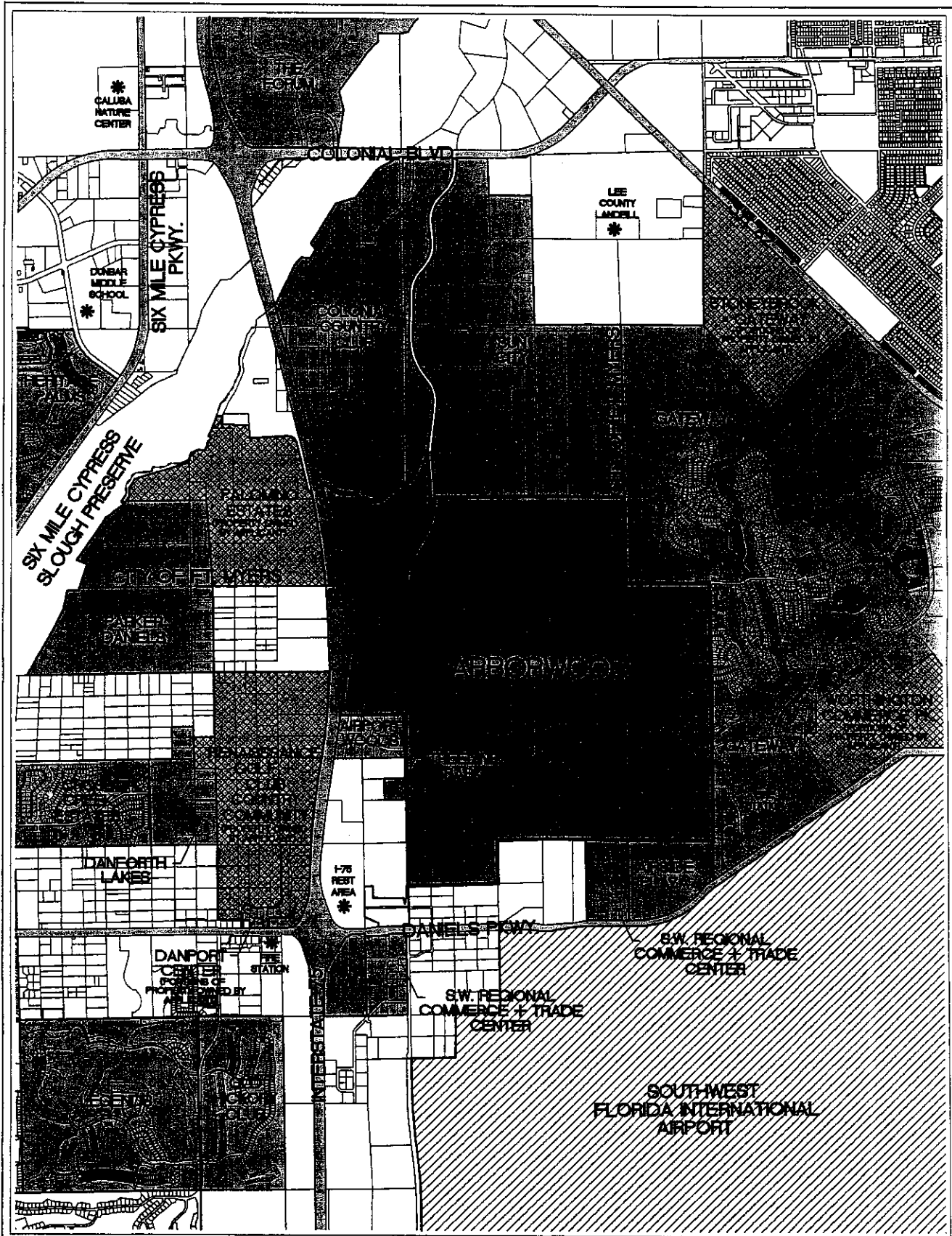
RESPECTFULLY SUBMITTED this 1 day of April, 2005.

HOPPING GREEN & SAMS, P.A.



Chasity H. O'Steen  
Florida Bar No. 659681  
Jonathan T. Johnson  
Florida Bar No. 986460  
123 Calhoun Street  
Post Office Box 6526  
Tallahassee, Florida 32314  
(850) 222-7500 (telephone)  
(850) 224-8551 (facsimile)

Attorneys for Petitioner



PREPARED BY  
**Wilson Miller**  
 Surveyors & Engineers  
 1000 ...  
 Fort Myers, Florida

PREPARED FOR



FILE #	0-22247
TO	MEMPHIS COUNTY
DATE	APRIL 1988
SCALE	AS SHOWN
PREPARED BY	WILSON MILLER
CHECKED BY	...
APPROVED BY	...

**EXHIBIT 1**  
**ARBORWOOD CDD**  
**LOCATION MAP**

## EXHIBIT 2

DESCRIPTION OF A PARCEL OF LAND LYING IN  
SECTIONS 2, 3, 10, 11, 12, 13, 14, 15, & 23, TOWNSHIP 45 SOUTH RANGE 25 EAST,  
LEE COUNTY, FLORIDA  
(ARBORWOOD CDD LESS & EXCEPT 01-23-2004)

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 2, 3, 10, 11, 12, 13, 14, 15, & 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF SAID SECTION 12; THENCE N.89°55'59"E. ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 12 FOR 2593.44 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 12; THENCE CONTINUE N.89°55'59"E. ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 12 FOR 69.69 FEET; THENCE S.01°05'49"E. FOR 2646.14 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12; THENCE N.89°55'48"E. ALONG NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12 FOR 2524.41 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12; THENCE S.00°57'31"E. ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12 FOR 2645.06 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE S.00°40'57"E. ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 13 FOR 2647.21 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 13; THENCE S.00°53'05"E. ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 13 FOR 2644.11 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE N.89°42'21"W. ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 13 FOR 2596.61 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 13; THENCE N.89°42'31"W. ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 13 FOR 2597.48 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE S.88°09'06"W. ALONG THE SOUTH LINE OF SECTION 14 FOR 1353.20 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 14; THENCE S.00°56'40"E. ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23 FOR 1321.04 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23; THENCE S.88°07'27"W. ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23 FOR 1351.52 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23; THENCE S.88°07'59"W. ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 23 FOR 1353.52 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 23; THENCE N.01°01'24"W. ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 23 FOR 909.59 FEET; THENCE N.13°29'05"E. FOR 98.76 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1262.50 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°33'33" FOR 320.81 FEET; THENCE N.01°04'28"W. FOR 2645.55 FEET TO A POINT ON THE NORTH LINE OF THE EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 14; THENCE N.00°52'49"W. FOR 843.65 FEET; THENCE S.89°07'11"W. FOR 65.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 14; THENCE N.00°52'49"W. ALONG THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 14 FOR 477.57 FEET THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER OF SAID SECTION 14; THENCE S.88°18'58"W. ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 14 FOR 1357.95 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 14; THENCE S.89°34'25"W. ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 15 FOR 640.89 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF I-75; THENCE N.08°21'16"E. ALONG

THE EAST RIGHT-OF-WAY LINE OF I-75 FOR 1925.01 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 5891.58 FEET; THENCE NORTHWESTERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF I-75 AND SAID CURVE THROUGH A CENTRAL ANGLE OF 23°11'09" FOR 2384.14 FEET; THENCE N.14°49'51"W. ALONG SAID EAST RIGHT-OF-WAY LINE OF I-75 FOR 2886.26 FEET TO AN INTERSECTION WITH THE CENTERLINE OF A WATER MANAGEMENT EASEMENT DESCRIBED IN OFFICIAL RECORD BOOK 2558, PAGE 2002, LEE COUNTY, FLORIDA; THENCE ALONG SAID CENTERLINE THE FOLLOWING COURSES; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 230.00 FEET, THROUGH A CENTRAL ANGLE OF 63°11'11" FOR AN ARC DISTANCE OF 253.65 FEET, A CHORD BEARING OF S.75°49'31"E. A CHORD DISTANCE OF 240.99 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 710.00 FEET, THROUGH A CENTRAL ANGLE OF 46°08'48" FOR 571.84 FEET; THENCE N.89°37'18"E. FOR 354.32 FEET; THENCE S.50°15'11"E. FOR 144.85 FEET TO THE BEGINNING OF A NON-TAGENT CURVE TO THE LEFT HAVING A RADIUS OF 600.00 FEET; THENCE ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 84°17'37" FOR 882.72 FEET, A CHORD BEARING OF N.87°36'01"E. A CHORD DISTANCE OF 805.24 FEET; THENCE N.45°27'12"E. FOR 398.60 FEET; THENCE N.67°03'34"E. FOR 478.36 FEET; THENCE N.34°14'49"E. FOR 127.19 FEET; THENCE N.23°40'29"E. FOR 475.63 FEET; THENCE N.06°52'49"W. FOR 109.55 FEET; THENCE N.36°30'44"E. FOR 109.13 FEET; THENCE N.20°42'13"E. FOR 118.75 FEET; THENCE N.60°38'04"E. FOR 92.29 FEET; THENCE N.74°41'42"E. FOR 85.73 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF TREELINE BOULEVARD; THENCE ALONG SAID WESTERLY LINE THE FOLLOWING COURSES; THENCE AROUND A CURVE TO THE LEFT, HAVING A RADIUS OF 2800.06 FEET THROUGH A CENTRAL ANGLE OF 05°12'07" AN ARC DISTANCE OF 254.22 FEET A CHORD BEARING OF S.01°14'59"E., A CHORD DISTANCE OF 254.14 FEET; THENCE S.03°51'03"E. FOR 959.31 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2500.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°28'22" FOR 195.16 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 11; THENCE N.89°04'48"E. ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 11 FOR 576.50 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 11; THENCE N.89°03'32"E. ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 11 FOR 2645.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 2479.13 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 12 BEING N.89°55'59"E.

**LESS & EXCEPT:**

A TRACT OR PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, IN SECTIONS 2 AND 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHEAST CORNER OF SAID SECTION 2; THENCE S 89°03'32" W ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 2 FOR 2645.22 FEET; THENCE S 89°04'48"W. ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 2 FOR 451.46 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF TREELINE AVENUE AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING BEARINGS AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2625.00 FEET (DELTA 29°12'53") (CHORD BEARING S 15°09'21" W) (CHORD 1324.02 FEET) FOR 1338.47 FEET TO A POINT OF TANGENCY; THENCE S 29°45'48" 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°20'35" W) (CHORD 740.87 FEET) FOR 748.75 FEET TO A POINT OF TANGENCY; THENCE S 00°55'22" W FOR 166.15 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 11; THENCE S 88°35'19" W ALONG SAID LINE FOR 125.10 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF TREELINE AVENUE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING BEARINGS AND

DISTANCES: THENCE N 00°55'22" E FOR 171.24 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°20'35" E) (CHORD 803.13 FEET) FOR 811.67 FEET TO A POINT OF TANGENCY; THENCE N 29°45'48" 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" E) (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 05°12'07") (CHORD BEARING N 01°14'59" W) (CHORD 254.14 FEET) FOR 254.22 FEET; THENCE S 88°38'56" E FOR 125.00 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF TREELINE AVENUE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING BEARING AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2675.06 FEET (DELTA 05°12'07") (CHORD BEARING S 01°14'59" E) (CHORD 242.79 FEET) FOR 242.87 FEET TO A POINT OF TANGENCY; THENCE S 03°51'03" E FOR 959.31 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2625.00 FEET (DELTA 04°23'58") (CHORD BEARING S 01°39'04" E) (CHORD 201.51 FEET) FOR 201.56 FEET TO THE POINT OF BEGINNING.

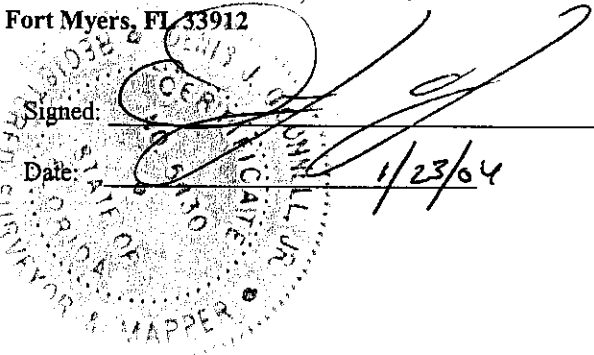
CONTAINING 12.28 ACRES, MORE OR LESS.

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

BEARINGS ARE BASED ON THE SOUTH LINE OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 25 EAST AS BEARING S 89°03'32"W.

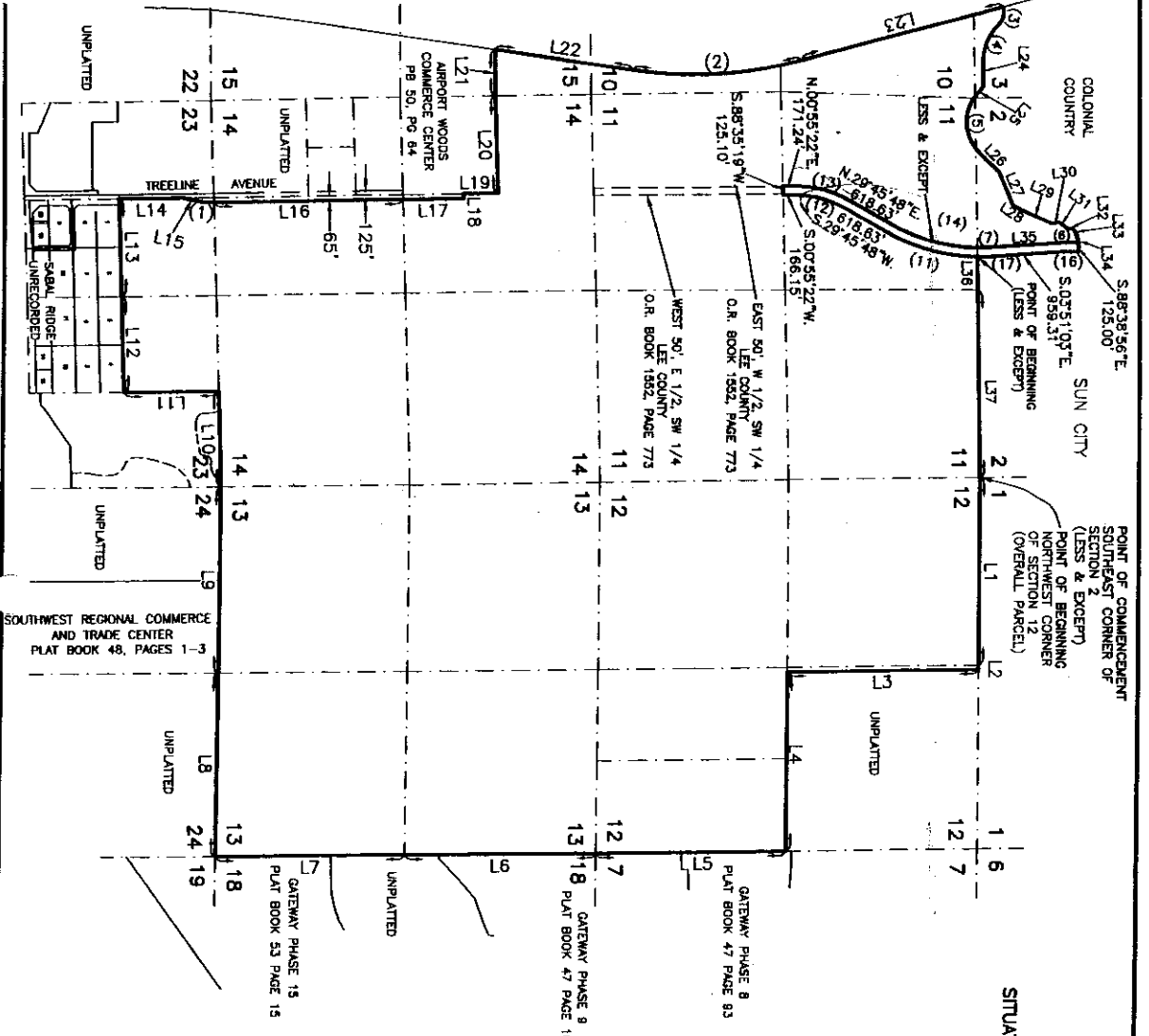
Certification for Description  
Surveyor and Mapper in Responsible Charge:  
**Denis J. O'Connell, Jr., LS #5430**  
**Community Engineering Services, Inc. LB #6572**  
**8991 Daniels Center Drive, Suite 103**  
**Fort Myers, FL 33912**

Signed: \_\_\_\_\_  
Date: 1/23/04





INTERSTATE 75



**SKETCH OF ARBORWOOD (CDD)**  
 SITUATED IN SECTIONS 2, 3, 10, 11, 12, 13, 14, 15 & 23  
 TOWNSHIP 45 SOUTH, RANGE 25 EAST  
 LEE COUNTY, FLORIDA

LINE TABLE

Line	Bearing	Distance	Line	Bearing	Distance
L1	N 89° 55' 19" E	2983.44'	L20	S 88° 38' 56" E	125.00'
L2	N 89° 55' 19" E	2983.44'	L21	S 88° 38' 56" E	125.00'
L3	N 89° 55' 19" E	2983.44'	L22	S 88° 38' 56" E	125.00'
L4	N 89° 55' 19" E	2983.44'	L23	S 88° 38' 56" E	125.00'
L5	N 89° 55' 19" E	2983.44'	L24	S 88° 38' 56" E	125.00'
L6	N 89° 55' 19" E	2983.44'	L25	S 88° 38' 56" E	125.00'
L7	N 89° 55' 19" E	2983.44'	L26	S 88° 38' 56" E	125.00'
L8	N 89° 55' 19" E	2983.44'	L27	S 88° 38' 56" E	125.00'
L9	N 89° 55' 19" E	2983.44'	L28	S 88° 38' 56" E	125.00'
L10	N 89° 55' 19" E	2983.44'	L29	S 88° 38' 56" E	125.00'
L11	N 89° 55' 19" E	2983.44'	L30	S 88° 38' 56" E	125.00'
L12	N 89° 55' 19" E	2983.44'	L31	S 88° 38' 56" E	125.00'
L13	N 89° 55' 19" E	2983.44'	L32	S 88° 38' 56" E	125.00'
L14	N 89° 55' 19" E	2983.44'	L33	S 88° 38' 56" E	125.00'
L15	N 89° 55' 19" E	2983.44'	L34	S 88° 38' 56" E	125.00'
L16	N 89° 55' 19" E	2983.44'	L35	S 88° 38' 56" E	125.00'
L17	N 89° 55' 19" E	2983.44'	L36	S 88° 38' 56" E	125.00'
L18	N 89° 55' 19" E	2983.44'	L37	S 88° 38' 56" E	125.00'
L19	N 89° 55' 19" E	2983.44'	L38	S 88° 38' 56" E	125.00'

CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARINGS
1	1292.40'	143° 32' 27"	320.81'	313.94'	N 08° 12' 19" E
2	5691.58'	22° 11' 09"	2384.12'	2307.81'	N 05° 14' 18" W
3	720.00'	42° 11' 18"	623.85'	620.89'	S 75° 49' 31" E
4	4411.18'	8° 41' 11"	823.85'	820.89'	N 87° 18' 11" E
5	600.00'	84° 17' 37"	862.22'	858.21'	S 01° 14' 59" E
6	2800.00'	05° 12' 07"	254.22'	254.14'	S 01° 14' 59" E
7	2500.00'	04° 28' 22"	198.11'	198.11'	S 01° 36' 53" E
8	2820.00'	04° 28' 22"	198.11'	198.11'	S 01° 36' 53" E
9	2820.00'	28° 12' 53"	1338.47'	1324.02'	S 15° 09' 21" W
10	1487.90'	28° 12' 53"	748.75'	740.87'	S 15° 20' 33" E
11	1487.90'	28° 12' 53"	748.75'	740.87'	S 15° 20' 33" E
12	1487.90'	28° 12' 53"	748.75'	740.87'	S 15° 20' 33" E
13	2500.00'	35° 38' 51"	234.14'	234.14'	N 01° 14' 59" E
14	2500.00'	05° 12' 07"	234.14'	234.14'	N 01° 14' 59" E
15	2800.00'	05° 12' 07"	234.14'	234.14'	N 01° 14' 59" E
16	2800.00'	05° 12' 07"	234.14'	234.14'	N 01° 14' 59" E
17	2800.00'	05° 12' 07"	234.14'	234.14'	N 01° 14' 59" E
18	2800.00'	05° 12' 07"	234.14'	234.14'	N 01° 14' 59" E
19	2800.00'	05° 12' 07"	234.14'	234.14'	N 01° 14' 59" E

THIS IS JOHN'S SIGNATURE

ARBORWOOD (CDD) LESS & EXCEPT 01-23-2004

SKETCH OF DESCRIPTION

COMPUTER ENGINEERING SERVICES, INC.  
 8911 Davulda Center Dr., Suite 103  
 Fort Myers, Florida 33912  
 Telephone: (239) 936-9777 Fax: (239) 936-0064

ARBORWOOD CDD LESS EXCEPT 01-23-2004/LINO

DATE: 3-2-2004

DRAWN BY: DLD

SCALE: 1" = 200'

TITLE: ARBORWOOD CDD LESS EXCEPT 01-23-2004

DATE: 3-2-2004

SCALE: 1" = 200'

TITLE: ARBORWOOD CDD LESS EXCEPT 01-23-2004



DESCRIPTION OF A PARCEL OF LAND LYING IN  
SECTIONS 2 AND 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA  
(ARBORWOOD TREELINE GSD 1-23-2004)

A TRACT OR PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, IN SECTIONS 2 AND 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHEAST CORNER OF SAID SECTION 2; THENCE S 89°03'32" W ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 2 FOR 2645.22 FEET; THENCE S 89°04'48" W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 2 FOR 451.46 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF TREELINE AVENUE AND **THE POINT OF BEGINNING**; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING BEARINGS AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2625.00 FEET (DELTA 29°12'53") (CHORD BEARING S 15°09'21" W) (CHORD 1324.02 FEET) FOR 1338.47 FEET TO A POINT OF TANGENCY; THENCE S 29°45'48" 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°20'35" W) (CHORD 740.87 FEET) FOR 748.75 FEET TO A POINT OF TANGENCY; THENCE S 00°55'22" W FOR 166.15 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 11; THENCE S 88°35'19" W ALONG SAID LINE FOR 125.10 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF TREELINE AVENUE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING BEARINGS AND DISTANCES: THENCE N 00°55'22" E FOR 171.24 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°20'35" E) (CHORD 803.13 FEET) FOR 811.67 FEET TO A POINT OF TANGENCY; THENCE N 29°45'48" 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" E) (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 05°12'07") (CHORD BEARING N 01°14'59" W) (CHORD 254.14 FEET) FOR 254.22 FEET; THENCE S 88°38'56" E FOR 125.00 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF TREELINE AVENUE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING BEARING AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2675.06 FEET (DELTA 05°12'07") (CHORD BEARING S 01°14'59" E) (CHORD 242.79 FEET) FOR 242.87 FEET TO A POINT OF TANGENCY; THENCE S 03°51'03" E FOR 959.31 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2625.00 FEET (DELTA 04°23'58") (CHORD BEARING S 01°39'04" E) (CHORD 201.51 FEET) FOR 201.56 FEET TO **THE POINT OF BEGINNING**.

CONTAINING 12.28 ACRES, MORE OR LESS.

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

BEARINGS ARE BASED ON THE SOUTH LINE OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 25 EAST AS BEARING S 89°03'32"W.

Certification for Description

Surveyor and Mapper in Responsible Charge:

Denis J. O'Connell, Jr. (LS 05420)

Community Engineering Services, Inc. LB #6572

8991 Daniels Center Drive, Suite 103

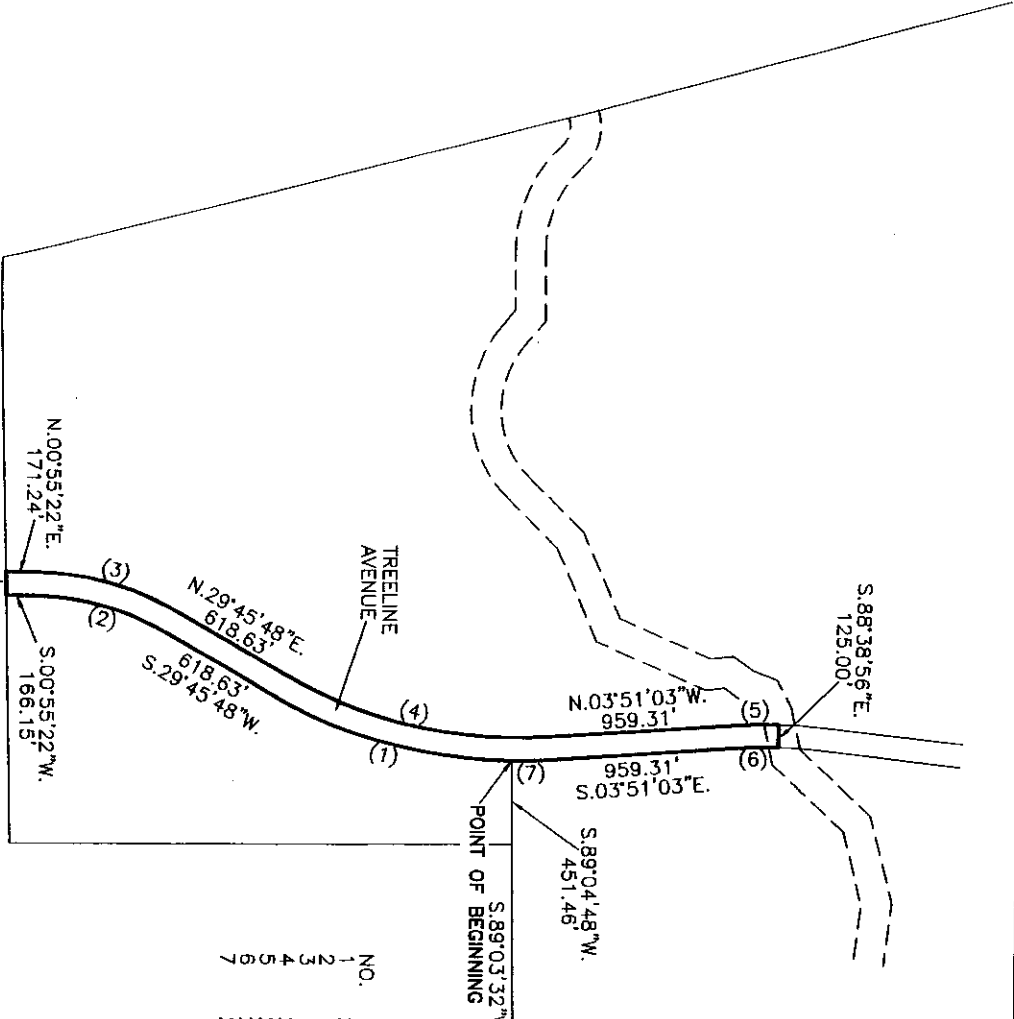
Fort Myers, FL 33912

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

Date: 1/28/04

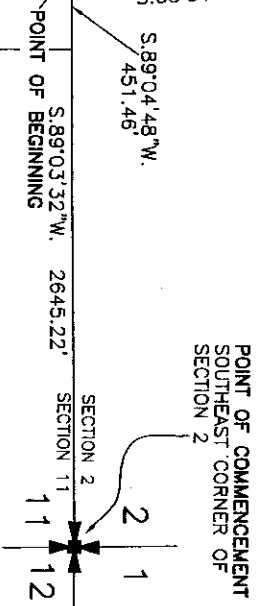


**SKETCH  
OF  
ARBORWOOD TREELINE PARCEL**  
SITUATED IN SECTION 2 & 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA



NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	2625.00'	29°12'53"	1338.47'	1324.02'	S.15°09'21"W
2	1487.50'	28°50'26"	748.75'	740.87'	S.15°20'35"W
3	1612.50'	28°50'26"	811.67'	803.13'	N.15°20'35"E
4	2500.00'	33°38'31"	1466.69'	1445.75'	N.12°57'22"E
5	2800.06'	05°12'07"	254.22'	254.14'	N.01°14'59"W
6	2675.06'	05°12'07"	242.87'	242.79'	S.01°14'59"E
7	2625.00'	04°23'58"	201.56'	201.51'	S.01°59'04"E

**CURVE TABLE**



THIS IS NOT A SURVEY  
 1/28/04  
 ARBORWOOD TREELINE GSD 12-15-2003  
 COMMUNITY ENGINEERING SERVICES, INC.  
 CIVIL ENGINEERING SUPERVISING PROJECT MANAGEMENT  
 1349 Colonial Boulevard Suite C-24  
 Tallahassee, Florida 32304  
 Telephone: (904) 936-9777 Fax: (904) 936-0004

**CES**  
 COMMUNITY ENGINEERING SERVICES, INC.  
 CIVIL ENGINEERING SUPERVISING PROJECT MANAGEMENT  
 1349 Colonial Boulevard Suite C-24  
 Tallahassee, Florida 32304  
 Telephone: (904) 936-9777 Fax: (904) 936-0004

## EXHIBIT 4

DESCRIPTION OF A PARCEL OF LAND LYING IN  
SECTIONS 2, 3, 10, 11, 12, 13, 14, 15, & 23, TOWNSHIP 45 SOUTH RANGE 25 EAST,  
LEE COUNTY, FLORIDA  
(ARBORWOOD CDD 08-01-2003)

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 2, 3, 10, 11, 12, 13, 14, 15, & 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF SAID SECTION 12; THENCE N.89°55'59"E. ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 12 FOR 2593.44 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 12; THENCE CONTINUE N.89°55'59"E. ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 12 FOR 69.69 FEET; THENCE S.01°05'49"E. FOR 2646.14 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12; THENCE N.89°55'48"E. ALONG NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12 FOR 2524.41 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12; THENCE S.00°57'31"E. ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12 FOR 2645.06 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE S.00°40'57"E. ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 13 FOR 2647.21 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 13; THENCE S.00°53'05"E. ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 13 FOR 2644.11 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE N.89°42'21"W. ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 13 FOR 2596.81 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 13; THENCE N.89°42'31"W. ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 13 FOR 2597.48 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE S.88°09'06"W. ALONG THE SOUTH LINE OF SECTION 14 FOR 1353.20 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 14; THENCE S.00°56'40"E. ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23 FOR 1321.04 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23; THENCE S.88°07'27"W. ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23 FOR 1351.52 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23; THENCE S.88°07'59"W. ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 23 FOR 1353.52 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 23; THENCE N.01°01'24"W. ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 23 FOR 909.59 FEET; THENCE N.13°29'05"E. FOR 98.76 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1262.50 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°33'33" FOR 320.81 FEET; THENCE N.01°04'28"W. FOR 2645.55 FEET TO A POINT ON THE NORTH LINE OF THE EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 14; THENCE N.00°52'49"W. FOR 843.65 FEET; THENCE S.89°07'11"W. FOR 65.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 14; THENCE N.00°52'49"W. ALONG THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 14 FOR 477.57 FEET THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER OF SAID SECTION 14; THENCE S.88°18'58"W. ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 14 FOR 1357.95 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 14; THENCE S.89°34'25"W. ALONG THE

SOUTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 15 FOR 640.89 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF I-75; THENCE N.08°21'16"E. ALONG THE EAST RIGHT-OF-WAY LINE OF I-75 FOR 1925.01 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 5891.58 FEET; THENCE NORTHWESTERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF I-75 AND SAID CURVE THROUGH A CENTRAL ANGLE OF 23°11'09" FOR 2384.14 FEET; THENCE N.14°49'51"W. ALONG SAID EAST RIGHT-OF-WAY LINE OF I-75 FOR 2886.26 FEET TO AN INTERSECTION WITH THE CENTERLINE OF A WATER MANAGEMENT EASEMENT DESCRIBED IN OFFICIAL RECORD BOOK 2558, PAGE 2002, LEE COUNTY, FLORIDA; THENCE ALONG SAID CENTERLINE THE FOLLOWING COURSES; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 230.00 FEET, THROUGH A CENTRAL ANGLE OF 63°11'11" FOR AN ARC DISTANCE OF 253.65 FEET, A CHORD BEARING OF S.75°49'31"E. A CHORD DISTANCE OF 240.99 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 710.00 FEET, THROUGH A CENTRAL ANGLE OF 46°08'48" FOR 571.84 FEET; THENCE N.89°37'18"E. FOR 354.32 FEET; THENCE S.50°15'11"E. FOR 144.85 FEET TO THE BEGINNING OF A NON-TAGENT CURVE TO THE LEFT HAVING A RADIUS OF 600.00 FEET; THENCE ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 84°17'37" FOR 882.72 FEET, A CHORD BEARING OF N.87°36'01"E. A CHORD DISTANCE OF 805.24 FEET; THENCE N.45°27'12"E. FOR 398.60 FEET; THENCE N.67°03'34"E. FOR 478.36 FEET; THENCE N.34°14'49"E. FOR 127.19 FEET; THENCE N.23°40'29"E. FOR 475.63 FEET; THENCE N.06°52'49"W. FOR 109.55 FEET; THENCE N.36°30'44"E. FOR 109.13 FEET; THENCE N.20°42'13"E. FOR 118.75 FEET; THENCE N.60°38'04"E. FOR 92.29 FEET; THENCE N.74°41'42"E. FOR 85.73 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF TREELINE BOULEVARD; THENCE ALONG SAID WESTERLY LINE THE FOLLOWING COURSES; THENCE AROUND A CURVE TO THE LEFT, HAVING A RADIUS OF 2800.06 FEET THROUGH A CENTRAL ANGLE OF 05°12'07" AN ARC DISTANCE OF 254.22 FEET A CHORD BEARING OF S.01°14'59"E., A CHORD DISTANCE OF 254.14 FEET; THENCE S.03°51'03"E. FOR 959.31 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2500.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°28'22" FOR 195.16 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 11; THENCE N.89°04'48"E. ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 11 FOR 576.50 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 11; THENCE N.89°03'32"E. ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 11 FOR 2645.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 2479.13 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 12 BEING N.89°55'59"E.

Certification for Description

Surveyor and Mapper in Responsible Charge:

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

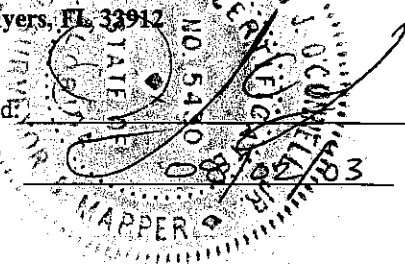
**Community Engineering Services, Inc. LB #6572**

**8991 Daniels Center Drive, Suite 103**

**Fort Myers, FL 33912**

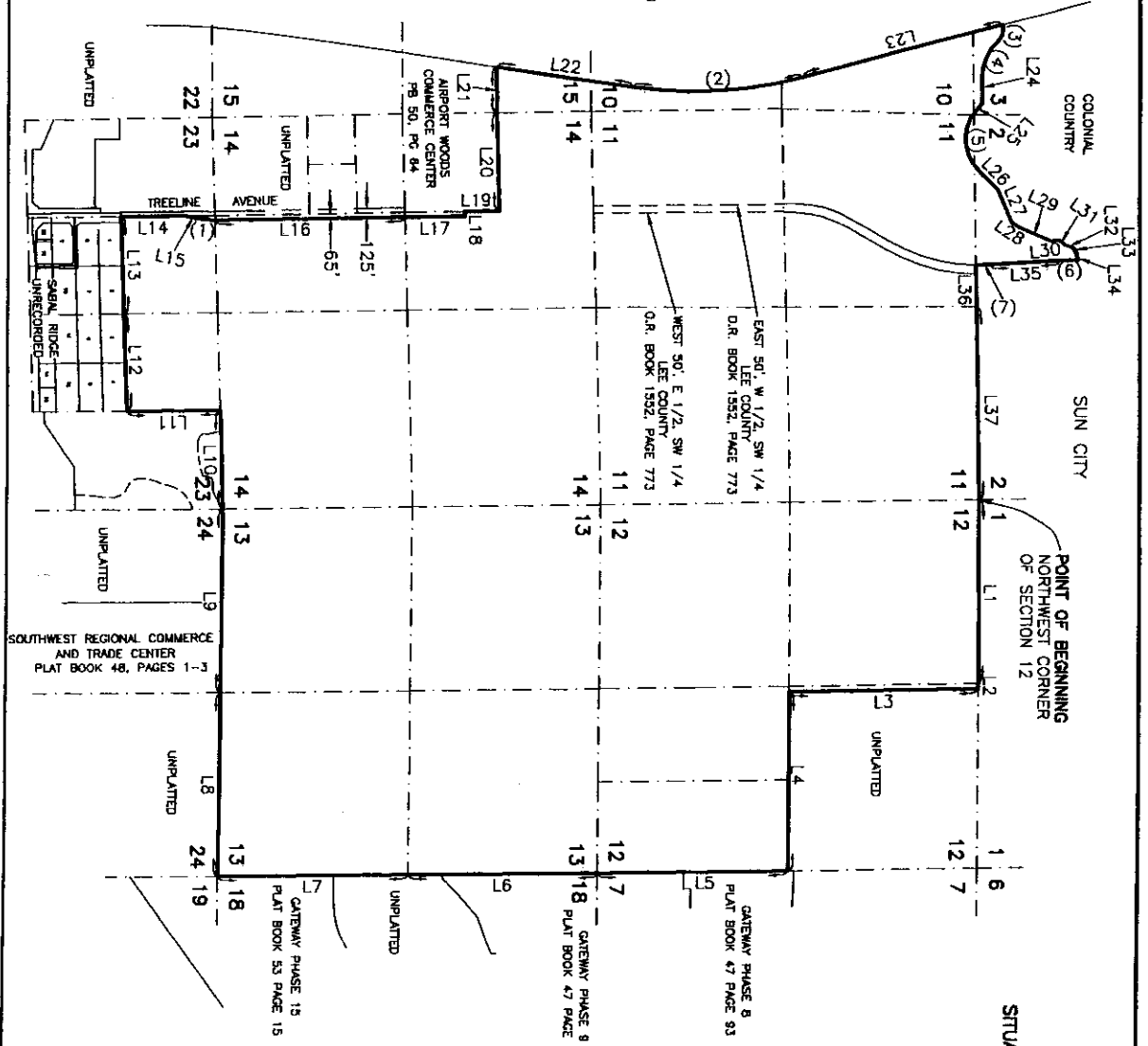
Signed: \_\_\_\_\_

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





INTERSTATE 75



**SKETCH**  
OF  
**ARBORWOOD (CDD)**  
SITUATED IN SECTIONS 2, 3, 10, 11, 12, 13, 14, 15 & 23  
TOWNSHIP 45 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

LINE TABLE

Line	Bearing	Distance	Line	Bearing	Distance
L1	N. 89°35'39"E	2593.44	L20	S. 85°18'58"W	1357.95
L2	N. 09°55'39"E	698.89	L21	S. 89°34'25"W	640.89
L3	N. 89°55'48"E	2948.14	L22	N. 09°21'16"E	1925.01
L4	N. 89°55'48"E	2842.06	L23	N. 14°59'51"W	2886.26
L5	S. 00°57'31"E	2647.21	L24	N. 89°17'18"E	334.32
L6	S. 00°53'05"E	2544.11	L25	N. 48°27'12"E	398.80
L7	N. 89°42'31"W	2597.48	L26	N. 57°07'12"E	478.90
L8	N. 89°42'31"W	1351.20	L27	N. 25°40'29"W	127.19
L9	S. 88°09'06"W	1321.04	L28	N. 05°52'49"W	108.55
L10	S. 88°05'40"E	1351.52	L29	N. 20°42'13"E	108.13
L11	S. 88°07'27"W	1351.52	L30	N. 60°38'04"E	118.75
L12	N. 01°01'24"W	908.59	L31	N. 74°41'42"E	85.73
L13	N. 13°29'05"E	2843.95	L32	S. 03°51'03"E	576.50
L14	N. 07°52'25"W	842.80	L33	N. 89°04'48"E	2645.22
L15	S. 89°52'49"W	477.97	L34		
L16			L35		
L17			L36		
L18			L37		

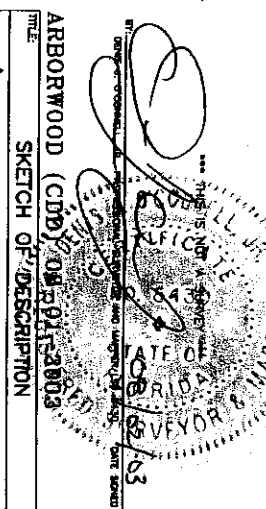
CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	1262.94	147°33'58"	320.81	319.94	N. 06°12'18"E
2	5691.58	27°31'08"	235.65	240.89	S. 75°49'31"W
3	230.00	63°11'11"	571.84	556.51	S. 67°18'18"E
4	710.00	46°08'48"	847.37	805.24	N. 87°38'01"E
5	600.00	84°17'37"	892.72	254.22	S. 01°14'59"E
6	2800.06	05°12'07"	254.22	195.16	S. 91°36'53"E
7	2500.00	04°28'22"	195.16		

**ARBORWOOD (CDD) OF 08-01-2003**  
SKETCH OF DESCRIPTION

**COMMUNITY ENGINEERING SERVICES, INC.**  
CIVIL ENGINEERING AND SURVEYING PROJECT MANAGEMENT  
18 6572  
8901 Double Center Plaza, Suite 100  
Fort Myers, Florida 33922  
Telephone (239) 536-9777 Fax (239) 536-0866

PROJECT NO. 3737  
DATE 08-01-2003  
SCALE 1" = 200.0'





**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239) 335-2236

Bob Janes  
District One

Facsimile (239) 335-2118

Douglas R. St. Cemy  
District Two

March 18, 2005

Ray Judah  
District Three

VIA U.S. MAIL AND  
FACSIMILE 850-224-8551

Tammy Hall  
District Four

John E. Albion  
District Five

Jonathan T. Johnson, Esq.  
123 South Calhoun Street  
Tallahassee, FL 32301

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Re: Arborwood Community Development District  
Petition to Amend Boundaries  
LU-05-03-2334.c.2.

Diana M. Parker  
County Hearing  
Examiner

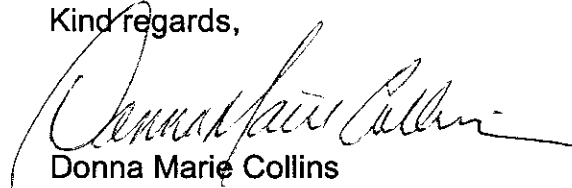
Dear Mr. Johnson:

The Office of the Lee County Attorney is in receipt of your correspondence dated February 28, 2005, regarding the Arborwood Community Development District. Please accept this correspondence as acknowledgment of the District's disclosure of its intent to submit a Petition to Amend its Boundary pursuant to Section 190.046(1), F.S.

Lee County owns land proposed for inclusion within the boundary of the District. However, since governmental entities are excluded from the definition of landowner set forth in Section 190.003(13), F.S., it is not necessary for the District to obtain the County's consent prior to filing the petition to amend. Please note that the County retains its option to hold a public hearing in accordance with Section 190.046(1)(d)3, F.S., to consider whether to support the petition once filed with the Florida Land and Water Adjudicatory Commission.

If I may be of further assistance, do not hesitate to contact me.

Kind regards,



Donna Marie Collins  
Assistant County Attorney

DMC/amp

cc: Timothy Jones, Chief Assistant County Attorney  
Brandy Gonzales, DCD, Planning Division

**EXHIBIT 6**  
**Consent and Joinder of Landowner for**  
**Inclusion in the Arborwood Community Development District**

The undersigned is the owner of certain lands that are more fully described on Exhibit A attached hereto (the "Property").

The undersigned understands and acknowledges that the Arborwood Community Development District (the "District") intends to submit a petition to amend its boundary to include the lands described in Petition Exhibit 3 in accordance with the provisions of Chapter 190 of the Florida Statutes.

As an owner of lands that are intended to constitute property to be included within the boundary of the District, the undersigned understands and acknowledges that pursuant to the provisions of section 190.046(1)(e), Florida Statutes (2004), the District is required to include the written consent from one hundred percent (100%) of the owners of the lands to be included.

The undersigned hereby consents to the inclusion of the Property within the District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the amendment to the District boundary.

The undersigned acknowledges that the consent will remain in full force and effect until the District's petition for a boundary agreement is completed or three years from the date hereof, whichever shall occur first. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by the District, a consent to inclusion within the District in substantially this form.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the person executing this instrument.

Executed this 30th day of MARCH, 2005.

**Worthington Holdings Southwest, LLC,**  
**a Florida limited liability company**

By: \_\_\_\_\_

(Print) \_\_\_\_\_

Its Authorized Signator

DESCRIPTION OF A PARCEL OF LAND LYING IN  
SECTION 11, TOWNSHIP 45 SOUTH RANGE 25 EAST,  
LEE COUNTY, FLORIDA  
(ARBORWOOD TREELINE VACATION 2)  
(3-03-2004)

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

**COMMENCING** AT THE NORTHEAST CORNER OF SAID SECTION 11; THENCE S.89°03'32"W. ALONG  
THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 11, A DISTANCE OF  
2645.22 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 11; THENCE S.89°04'48"W. ALONG  
THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 11, A DISTANCE OF  
576.50 FEET TO THE POINT OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS  
POINT LIES N.89°22'40"W., A RADIAL DISTANCE OF 2,500.00 FEET; THENCE SOUTHERLY ALONG THE  
ARC, THROUGH A CENTRAL ANGLE OF 00°06'27", A DISTANCE OF 4.69 FEET TO THE **POINT OF**  
**BEGINNING**; THENCE ALONG A CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES  
N.85°51'03"E., A RADIAL DISTANCE OF 1,170.50 FEET; THENCE SOUTHERLY ALONG THE ARC,  
THROUGH A CENTRAL ANGLE OF 19°12'10", A DISTANCE OF 392.30 FEET TO THE POINT OF A NON  
TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.80°59'23"W., A RADIAL  
DISTANCE OF 2,625.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE  
OF 20°45'11", A DISTANCE OF 950.80 FEET; THENCE S.29°45'48"W., A DISTANCE OF 618.63 FEET TO A  
POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 1,487.50 FEET AND A CENTRAL ANGLE OF  
28°50'26"; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 748.75 FEET; THENCE S.00°55'22"W.,  
A DISTANCE OF 166.08 FEET; THENCE S.88°33'56"W., A DISTANCE OF 125.11 FEET; THENCE  
N.00°55'22"E., A DISTANCE OF 171.23 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS  
OF 1,612.50 FEET AND A CENTRAL ANGLE OF 28°50'26"; THENCE NORTHERLY ALONG THE ARC A  
DISTANCE OF 811.67 FEET; THENCE N.29°45'48"E., A DISTANCE OF 618.63 FEET TO A POINT OF  
CURVE TO THE LEFT HAVING A RADIUS OF 2,500.00 FEET AND A CENTRAL ANGLE OF 29°02'02";  
THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 1,266.84 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 7.54 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 THE NORTHEAST QUARTER (NE 1/4) OF SECTION 11  
BEING S.89°03'32"W.

Certification for Description  
Surveyor and Mapper in Responsible Charge:  
Denis J. O'Connell, Jr., LS #5430  
Community Engineering Services, Inc. LB #6572  
8991 Daniels Center Drive, Suite 103  
Fort Myers, FL 33912

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

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

3/5/04



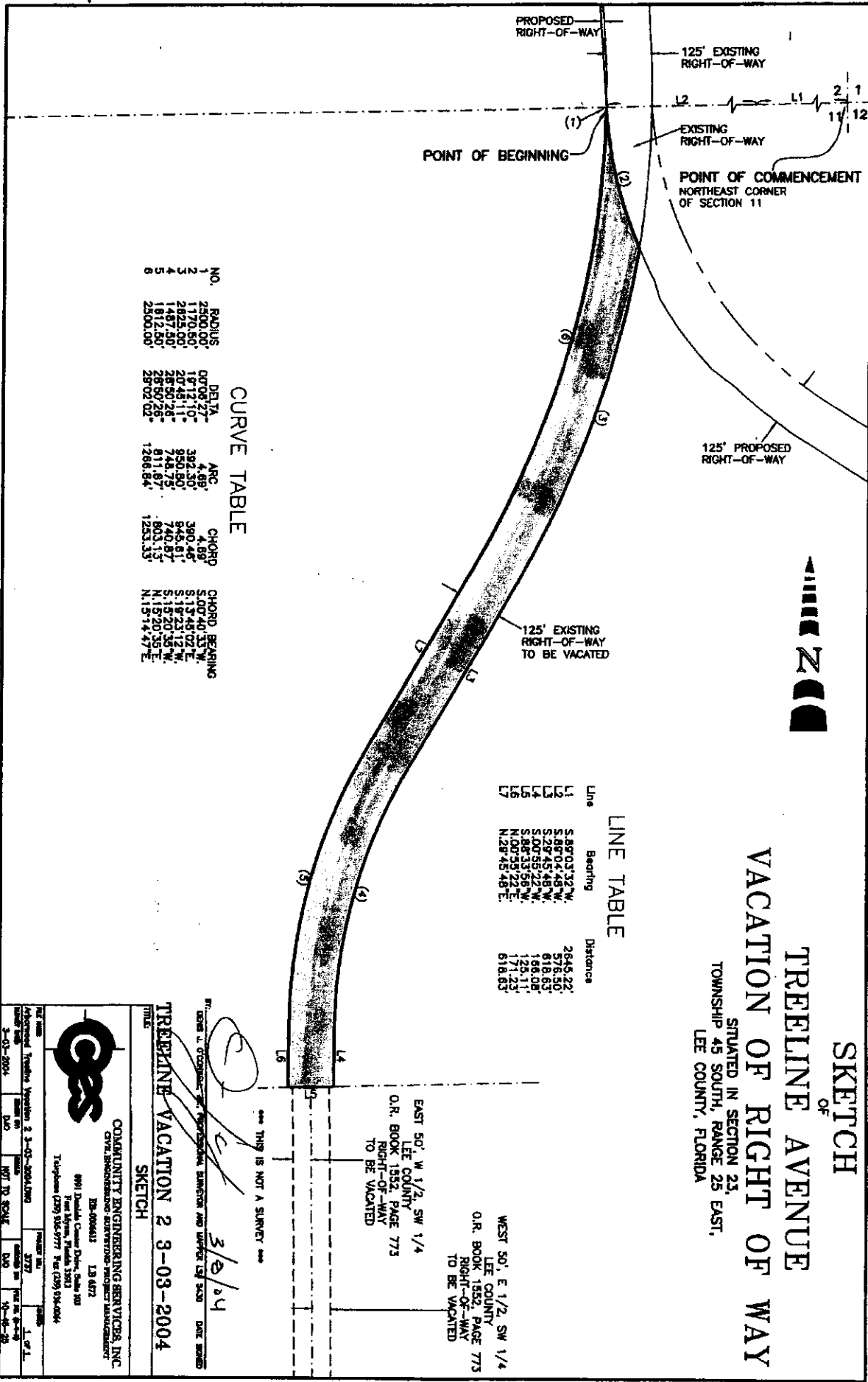


**SKETCH**

**TRELLINE AVENUE**

**VACATION OF RIGHT OF WAY**

SITUATED IN SECTION 23,  
TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA



**LINE TABLE**

Line	Bearing	Distance
L1	S 89°03'32"W	2645.22'
L2	S 89°04'48"W	576.50'
L3	S 29°45'48"W	618.63'
L4	S 00°58'22"W	196.08'
L5	S 88°33'58"W	125.11'
L6	N 00°35'22"E	171.23'
L7	N 29°45'48"E	618.63'

**CURVE TABLE**

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	2500.00'	00°06'22"	4.68'	3.00'	S 00°40'22"W
2	1770.50'	1°07'13"0"	392.30'	390.48'	S 12°51'12"E
3	2823.00'	2°07'45"11"	946.80'	946.81'	S 15°20'15"W
4	1487.50'	2°50'28"	748.75'	740.87'	N 15°20'15"E
5	1812.50'	2°50'28"	811.87'	803.13'	N 15°14'47"E
6	2500.00'	2°50'28"	1268.84'	1253.13'	

WEST 50' E 1/2 SW 1/4  
LEE COUNTY  
O.R. BOOK 1552 PAGE 773  
RIGHT-OF-WAY  
TO BE VACATED

EAST 50' W 1/2 SW 1/4  
LEE COUNTY  
O.R. BOOK 1552 PAGE 773  
RIGHT-OF-WAY  
TO BE VACATED

DATE SKETCHED 3/8/04

THIS IS NOT A SURVEY

**TRELLINE AVENUE VACATION 2 3-03-2004**

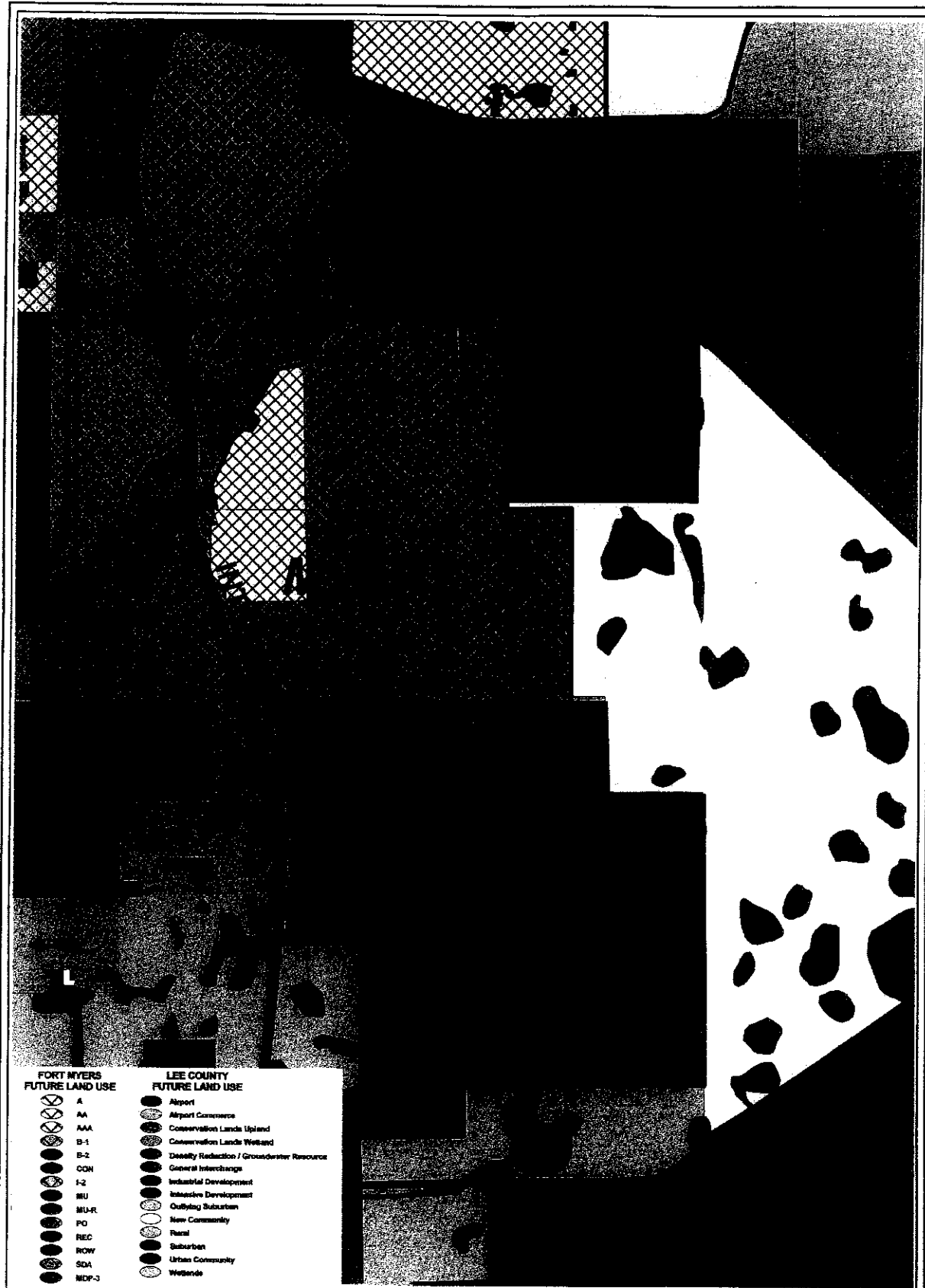
SKETCH

**COMMUNITY ENGINEERING SERVICES, INC.**  
CIVIL ENGINEERING SURVEYING PROJECT MANAGEMENT

DB-000641 LB 6472  
9911 Dandridge Center Drive, Suite 100  
Tampa, FL 33613  
Telephone (281) 536-9777 Fax (281) 536-0044

Author: [ ] Date: [ ]  
Checked: [ ] Date: [ ]  
Drawn: [ ] Date: [ ]  
Title: [ ]

# EXHIBIT 7

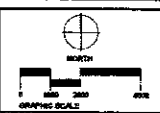


FORT MYERS FUTURE LAND USE	LEE COUNTY FUTURE LAND USE
A	● Airport
AA	● Airport Conserve
AAA	● Conservation Lands Upland
B-1	● Conservation Lands Wetland
B-2	● Density Reduction / Groundwater Resource
ODN	● General Interchange
I-2	● Industrial Development
IU	● Intensive Development
MU-R	● Outlying Suburban
PO	● New Community
REC	● Rural
ROW	● Suburban
SDA	● Urban Community
NDP-3	● Wetlands

PREPARED BY:  
**Wilson Miller**  
*Site Planning, Planning, Design & Engineering*  
 4771 Cleveland Boulevard, Fort Myers, Florida 33912  
 Phone: (813) 937-8888 Fax: (813) 937-2000  
 www.wilsonmiller.com

PREPARED FOR:  

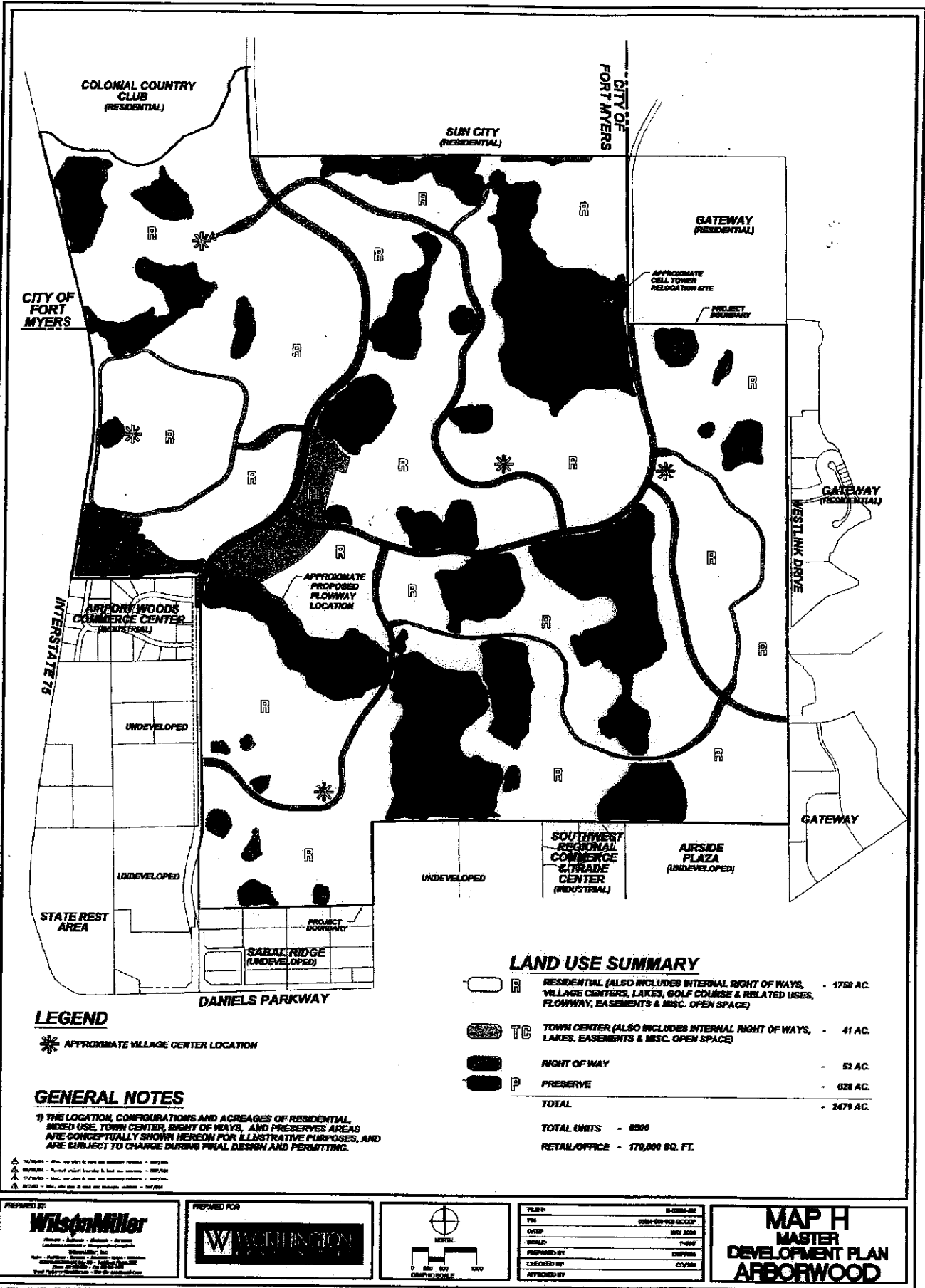

GENERAL NOTES:



PROJECT: C:\9914077  
 DATE: September 2007  
 SCALE: 1"=500'  
 PREPARED BY: [Signature]

**ARBORWOOD CDD  
 EXISTING FUTURE  
 LAND USE MAP**

# EXHIBIT 8



COLONIAL COUNTRY CLUB (RESIDENTIAL)

SUN CITY (RESIDENTIAL)

CITY OF FORT MYERS

GATEWAY (RESIDENTIAL)

CITY OF FORT MYERS

APPROXIMATE CELL TOWER RELOCATION SITE

PROJECT BOUNDARY

INTERSTATE 75

AIRPORT WOODS COMMERCE CENTER (INDUSTRIAL)

APPROXIMATE PROPOSED FLOWWAY LOCATION

WESTLINK DRIVE

GATEWAY (RESIDENTIAL)

UNDEVELOPED

UNDEVELOPED

STATE REST AREA

PROJECT BOUNDARY

SABAL RIDGE (UNDEVELOPED)

DANIELS PARKWAY

UNDEVELOPED

SOUTHWEST REGIONAL COMMERCE & TRADE CENTER (INDUSTRIAL)

AIRSIDE PLAZA (UNDEVELOPED)

GATEWAY

### LEGEND

\* APPROXIMATE VILLAGE CENTER LOCATION

### GENERAL NOTES

1) THE LOCATION, CONFIGURATIONS AND AGREAGES OF RESIDENTIAL, MIXED USE, TOWN CENTER, RIGHT OF WAYS, AND PRESERVES AREAS ARE CONCEPTUALLY SHOWN HEREON FOR ILLUSTRATIVE PURPOSES, AND ARE SUBJECT TO CHANGE DURING FINAL DESIGN AND PERMITTING.

- ▲ 10/1/01 - 100' x 100' x 100' x 100' - 100/100
- ▲ 10/1/01 - 100' x 100' x 100' x 100' - 100/100
- ▲ 10/1/01 - 100' x 100' x 100' x 100' - 100/100
- ▲ 10/1/01 - 100' x 100' x 100' x 100' - 100/100

### LAND USE SUMMARY

	R	RESIDENTIAL (ALSO INCLUDES INTERNAL RIGHT OF WAYS, VILLAGE CENTERS, LAKES, GOLF COURSE & RELATED USES, FLOWWAY, EASEMENTS & MISC. OPEN SPACE)	- 1758 AC.
	TC	TOWN CENTER (ALSO INCLUDES INTERNAL RIGHT OF WAYS, LAKES, EASEMENTS & MISC. OPEN SPACE)	- 41 AC.
		RIGHT OF WAY	- 52 AC.
	P	PRESERVE	- 628 AC.
TOTAL			- 2479 AC.

TOTAL UNITS - 6500  
RETAIL/OFFICE - 170,000 SQ. FT.

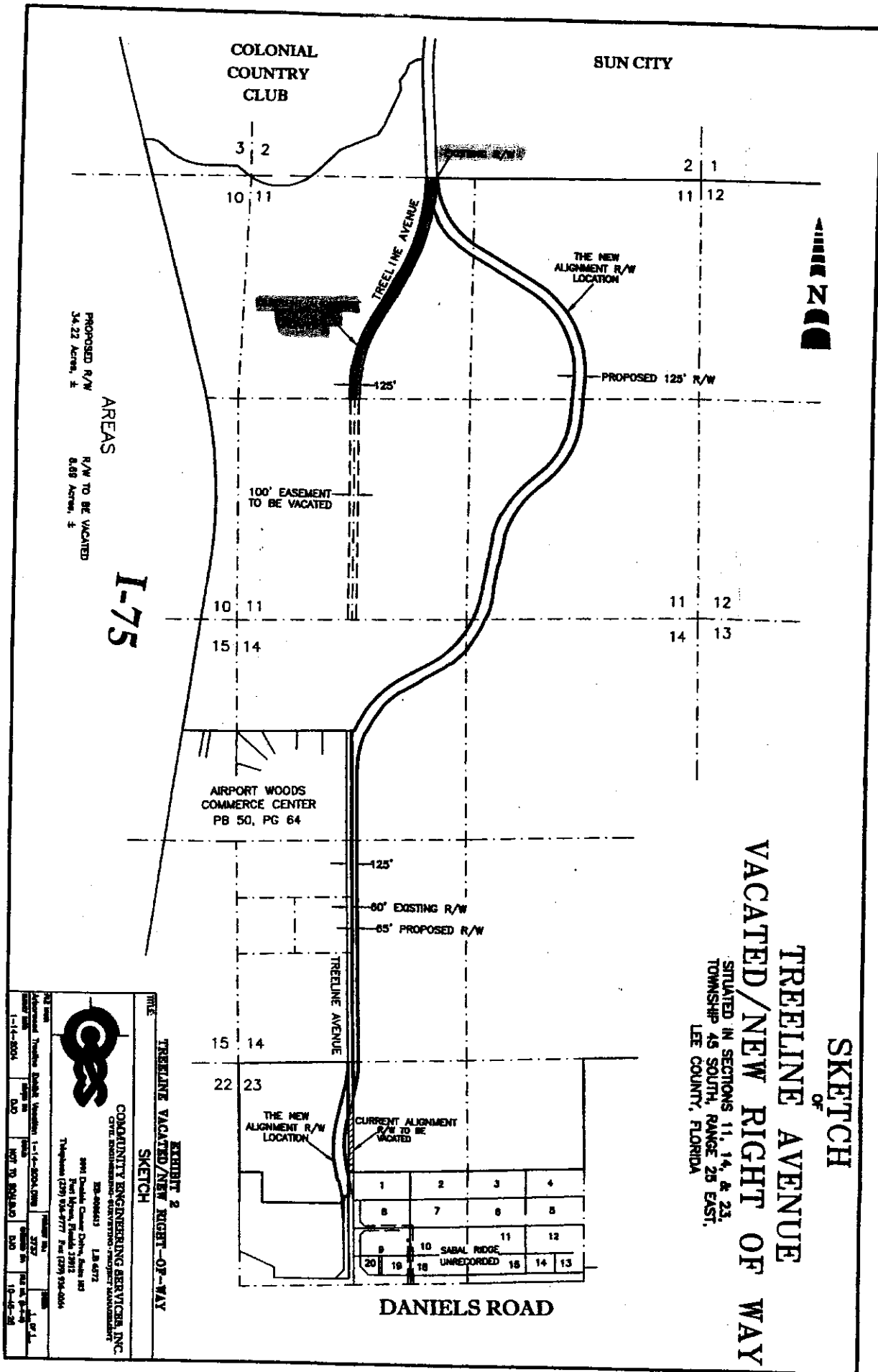
PREPARED BY  
**Wilson Miller**  
Surveyors & Engineers, Inc.  
1100 S. W. 10th St., Ft. Myers, FL 33902  
Phone: 941-933-1100  
Fax: 941-933-1101  
www.wilsonmiller.com

PREPARED FOR  
**WATERLINGTON**

0 500 1000  
GRAPHIC SCALE

FILE #	E-1000-01
DATE	03/04/03
OWNER	WY 800
DESIGNER	T-001
PREPARED BY	DM/PM
CHECKED BY	DM/PM
APPROVED BY	DM/PM

**MAP H**  
MASTER DEVELOPMENT PLAN  
**ARBORWOOD**



PROPOSED R/W  
34.22 Acres, ±

R/W TO BE VACATED  
8.68 Acres, ±

I-75



**SKETCH**  
OF  
**TREELINE AVENUE**  
**VACATED/NEW RIGHT OF WAY**

SITUATED IN SECTIONS 11, 14, & 23,  
TOWNSHIP 45 SOUTH, RANGE 28 EAST,  
LEE COUNTY, FLORIDA

**COMPLIANT ENGINEERING SERVICES, INC.**  
CIVIL ENGINEERING - SURVEYING - PROJECT MANAGEMENT

3811 Daniels Causeway, Suite 102  
Tampa, FL 33612  
Telephone: (813) 949-9177 Fax: (813) 949-0064

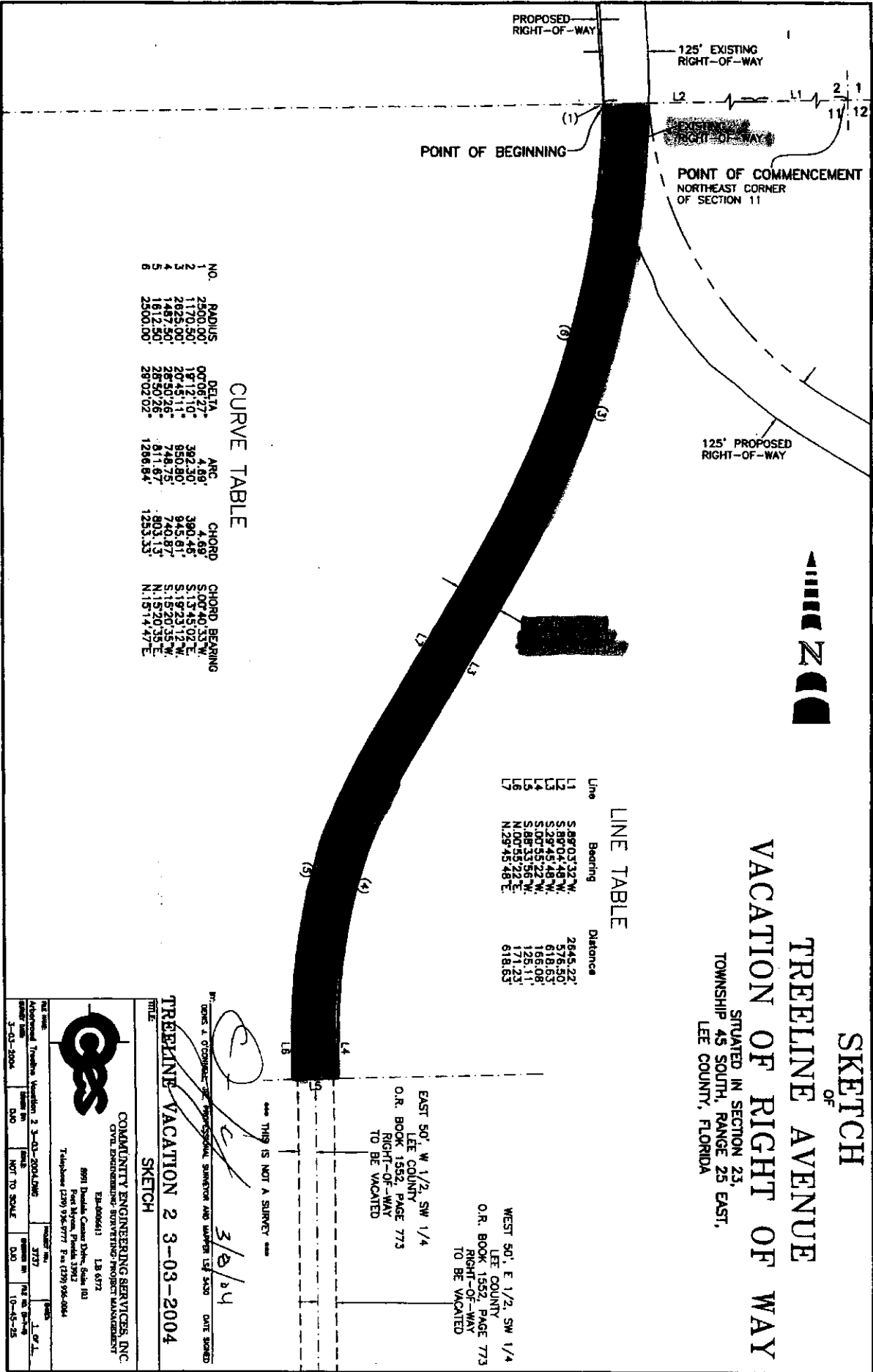
1B-6372

DATE: 1-14-2004  
BY: [Signature]  
CHECKED BY: [Signature]  
NOT TO SCALE

EXHIBIT 2  
TREELINE VACATED/NEW RIGHT-OF-WAY  
SKETCH

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20

SABAL RIDGE UNRECORDED



**CURVE TABLE**

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	2500.00'	00°06'27"	4.88'	4.69'	S.00°40'53"W.
2	1170.50'	19°12'10"	382.30'	390.45'	S.13°45'02"E.
3	2025.00'	20°45'11"	850.80'	845.81'	S.19°23'12"W.
4	1487.50'	26°50'25"	748.75'	740.87'	S.18°20'35"W.
5	1812.50'	26°50'25"	811.87'	803.13'	N.15°20'35"E.
6	2500.00'	29°02'02"	1286.84'	1253.33'	N.15°14'47"E.

**LINE TABLE**

Line	Bearing	Distance
L1	S.89°03'32"W.	2845.22'
L2	S.89°04'48"W.	575.50'
L3	S.29°45'48"W.	618.63'
L4	S.00°55'22"W.	166.08'
L5	S.88°33'56"W.	125.11'
L6	N.00°55'22"E.	171.23'
L7	N.29°45'48"E.	618.63'

**SKETCH**  
**OF**  
**TREELINE AVENUE**  
**VACATION OF RIGHT OF WAY**

SITUATED IN SECTION 23,  
 TOWNSHIP 4S SOUTH, RANGE 25 EAST,  
 LEE COUNTY, FLORIDA

EAST 50' W 1/2, SW 1/4  
 LEE COUNTY  
 O.R. BOOK 1552, PAGE 773  
 RIGHT-OF-WAY  
 TO BE VACATED

WEST 50' E 1/2, SW 1/4  
 LEE COUNTY  
 O.R. BOOK 1552, PAGE 773  
 RIGHT-OF-WAY  
 TO BE VACATED

DATE SIGNED: 3/8/04  
 BY: [Signature]  
 TITLE: [Signature]  
**TREELINE VACATION 2 3-03-2004**  
 SKETCH

COMMUNITY ENGINEERING SERVICES, INC.  
 CIVIL ENGINEERING SURVEYING PROJECT MANAGEMENT

6991 Dundas Center Drive, Suite 101  
 Fort Myers, Florida 33912  
 Telephone (239) 938-9777 Fax (239) 946-0864

ES-0006613 LS 6372

3-03-2004 3-03-2004 10-5-25

**ENGINEER'S REPORT  
FOR  
ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT**

**PREPARED FOR:**

**BOARD OF SUPERVISORS  
ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT**

**CLARK LEAMING  
JOHN LANDRESS  
GLENN CRIBBETT  
JOHN ASHER  
RON ZUL**

**ENGINEER:**

**WILSONMILLER, INC.  
4571 COLONIAL BOULEVARD  
FORT MYERS, FLORIDA 33912**

**October 11, 2004  
PIN: 03914-004-000  
TASK: GCCDD**

## **TABLE OF CONTENTS**

### **SECTION**

1.	INTRODUCTION	1
2.	DISTRICT BOUNDARY AND PROPERTIES SERVED	4
3.	PROPOSED PROJECT INFRASTRUCTURE	4
4.	OPINION OF PROBABLE CONSTRUCTION COSTS	8

### **TABLES**

TABLE 1 -	LAND USE SUMMARY	3
TABLE 2 -	OPINION OF PROBABLE COSTS FOR THE MASTER INFRASTRUCTURE	8
TABLE 3 -	OPINION OF PROBABLE COSTS FOR THE SUBDIVISION INFRASTRUCTURE AND SUPPLIMENTAL MASTER INFRASTRUCTURE	9

### **EXHIBITS**

EXHIBIT 1 -	LOCATION MAP AND DISTRICT BOUNDARIES	2
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### **APPENDIX**

APPENDIX 1 -	LEGAL DESCRIPTION	10-12
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# 1. INTRODUCTION

## 1.1 Description of the Arborwood Community

The Arborwood community is a proposed 2,466.9± acre master planned community in the City of Fort Myers, Florida. The project is generally located east of I-75, south of the Colonial Country Club and Sun City Fort Myers developments, west of the Gateway development and north of Daniels Parkway. Arborwood is within Sections 2, 3, 10, 11, 12, 13, 14, 15, and 23, Township 45 South, Range 25 East.

The future extension of Treeline Avenue, connecting Daniels Parkway to Colonial Boulevard, bisects the property. In addition to that north-south corridor, Arborwood will extend Commerce Lakes Drive westerly from Gateway to Arborwood Parkway, which ultimately intersects with Treeline Avenue.

The community will be fully amenitized and is approved for 4,050 single family homes; 2,450 multi-family units; 36-holes of golf; commercial space; a water management system; wetland preserves; full utility infrastructure; landscaped roadways; gated entries; and security berms and walls and will be classified as a Development of Regional Impact (DRI).

A land use summary is presented in Table 1 and the location of the community is shown on Exhibit 1.

A Community Development District (herein called the "District") will encompass the entire 2466.9 acres of the Arborwood community, as shown on Exhibit 1, and will construct, operate and maintain infrastructure to support the community. The legal description of the District can be seen in Appendix 1.

Construction of the master infrastructure needed to support development of the District started in May 2004 and will be complete by May 2006 by the master developer (herein called the "Developer") or the district. This backbone infrastructure will include the construction of Treeline Avenue, Arborwood Parkway and Commerce Lakes Drive; environmental mitigation and monitoring; community signage monuments and perimeter landscaping and lighting; offsite improvements; utilities and water management. A summary of the estimated costs for these improvements is provided in Table 2. Construction of the subdivision infrastructure will be done in multiple phases anticipated to start in January 2005 by the developers of the individual communities within Arborwood (herein called the "Sub-Developers") or the district. A summary of the estimated costs for these improvements is provided in Table 3.



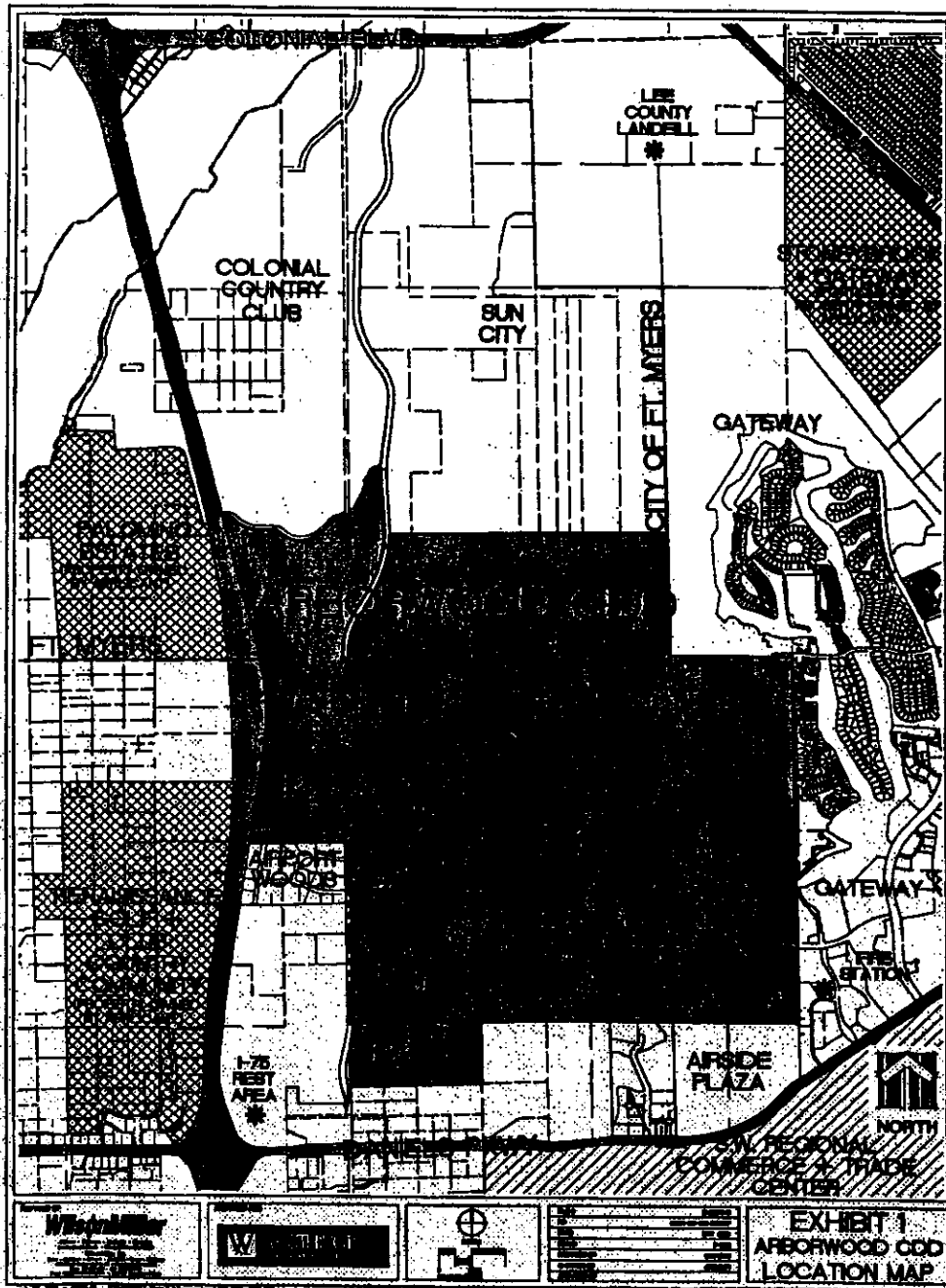


Exhibit 1

## 1.2 Purpose and Scope of the Report

The purpose of this report is to provide a description of the Arborwood community and the District which will serve a 2466.9 acres of the community; the capital improvements to be constructed and financed by the District; and an apportionment of the costs for the capital improvements. The financing and assessment methodology will be developed by the District's financial advisor.

**TABLE 1\***  
**LAND USE SUMMARY**  
**WITHIN THE DISTRICT BOUNDARIES**

<b>TYPE OF USE</b>	<b>ACRE</b>	<b>% OF TOTAL</b>
<b>Golf Course/Maint. Facility</b>	<b>85.4</b>	<b>3.4</b>
<b>Lake</b>	<b>386.1</b>	<b>15.6</b>
<b>Residential</b>	<b>786.1</b>	<b>31.7</b>
<b>Commercial / Town Center</b>	<b>39.2</b>	<b>1.6</b>
<b>Rec. Center</b>	<b>14.5</b>	<b>0.6</b>
<b>Clubhouse</b>	<b>10.0</b>	<b>0.4</b>
<b>Road Right-of-way</b>	<b>250.5</b>	<b>10.6</b>
<b>Preserve Areas</b>	<b>552.2</b>	<b>22.3</b>
<b>Other (Open Space, etc.)</b>	<b>342.9</b>	<b>13.8</b>
<b>TOTAL</b>	<b>2,466.9</b>	<b>100.0</b>

**\*The total development acreage is 2479.13 acres. 12.28 acres located within Parcel A is anticipated to be annexed into the District at a future date.**

## **2. DISTRICT BOUNDARY AND PROPERTIES SERVED**

### **2.1 Description of Properties Served**

The existing land within the District consists of fallow and active agricultural fields, wetlands, and forested open space. The terrain is relatively flat with elevations ranging from 20.0 to 24.0 feet NGVD with an average slope of 1.4 feet per mile or .03%. Ground water is generally located 1 to 2 feet below natural grade during the rainy season. However, during the dry season water table elevations may drop as much as 5 feet.

### **2.2 Existing Infrastructure**

There is no existing water, sewer, drainage, or roadway infrastructure within the District boundaries. However, these infrastructure needs will be extended into the District via the extension of nearby existing infrastructure.

## **3. PROPOSED PROJECT INFRASTRUCTURE**

### **3.1 Summary of the Proposed Project Infrastructure**

The project infrastructure will generally consist of the following:

- Water Management
- Utilities
- Right-of-way Improvements
- Perimeter Landscaping and Fencing
- School Site
- Wetland mitigation
- Off-site improvements

The District may acquire, construct, own, and operate any or all of the above project infrastructure. The Developer or Sub-Developers will complete any project infrastructure enumerated in this engineer's report not acquired or constructed by the District.

### **3.2 Water Management**

The stormwater management system may include the acquisition of approximately 386.1 acres of excavated stormwater management ponds, culverts, catch basins, swales, and water control structures. Stormwater runoff from the areas within the project will be routed to the stormwater management ponds for water quality treatment and water quantity storage. The stormwater will be subsequently released via water control structures.

The stormwater management system will be designed in accordance with the South Florida Water Management District standards. These regulations set minimum criteria for water quality treatment and flood protection.

### **3.3 Utilities**

The utilities within the project will consist of water, sewer, and irrigation systems. The current City of Fort Myers water service boundary is the same as the city limits and the project has been annexed into the City. The water and sewer will be designed and constructed in accordance with City of Fort Myers and the Florida Department of Environmental Protection standards. The water and sewer utilities will be dedicated to the City of Fort Myers Utilities for ownership and operation.

The potable water facilities will include both transmission and distribution mains along with necessary valving, fire hydrants and water services to individual lots and development parcels. It is currently estimated that 6.1 miles of water main will be installed during the construction of the master infrastructure system along Treeline Avenue, Arborwood Parkway and Commerce Lakes Drive. An additional estimate of 11.0 and 23.0 miles of water main will be constructed providing infrastructure to the residential subdivisions west and east of Treeline Avenue, respectively.

The wastewater facilities will include gravity collection mains with individual lot sewer services, collection system pump stations, and force mains to connect to the existing utility system. It is currently estimated that 4.6 miles of gravity collection system, 2.3 miles of force main, and 4 collection system pump stations will be constructed as part of the master infrastructure. An additional 8.2 miles of gravity collection system, 4.1 miles of force main and 7 collection system pump stations within the residential west of Treeline Avenue and approximately 19.1 miles of gravity collection system, 7.5 miles of force main and 12 collection system pump stations east of Treeline Avenue may be constructed.

The irrigation system will include an irrigation water storage facility in which either water from on-site wells and/or reclaimed water-stormwater may be stored; an irrigation pumping facility; and irrigation transmission/distribution mains with services for lots and development parcels. An initial phase of the on-site wells will be constructed until reclaimed water-stormwater becomes available. Depending upon the quantity of reclaimed water-stormwater available, additional future on-site wells may be constructed. An irrigation pumping facility will be constructed to deliver irrigation water to users within the project. It is estimated that 40.1 miles of irrigation transmission/distribution main will be constructed.

The project is located within the franchise areas of Florida Power and Light, Sprint, and Comcast. These utilities will provide electrical power, telephone service, and television cable to the project.

#### **3.4 Right-of-way Improvements**

The right-of-way improvements within the project may include clearing, fill, landscaping, irrigation, street lighting, street drainage, subgrade, curb, gutters, and paving. The roadways included in the project will consist of 2-lane undivided, 2-lane divided, and 4-lane divided sections. The roadways will serve the various land uses within the project. Construction of the roadways will consist of subgrade, limerock base, curbing, sidewalks, signals, signage, and striping. The roadways may also include landscaping and lighting. The roadways will be designed and constructed in accordance with the applicable Lee County standards.

#### **3.5 Perimeter Landscaping and Fencing**

Landscaping, irrigation, fencing, security facilities, and entry features may be provided for the perimeter berms, along primary roadways, and project entrances. The landscaping may consist of sod, annual flowers, shrubs, ground cover, littoral plants, and trees.

#### **3.6 School Site**

The project may include the purchase of a school site outside of the district as required per the DRI approval.

### **3.7 Wetland Mitigation**

The Wetland Mitigation included in the project will consist of the construction and planting of aquatic littoral zones, removal of exotic plant species, the re-establishment of on-site wetlands, enhancement of wetland hydroperiods and monitoring of the systems. Mitigation may occur off-site if required and on-site wetlands may be acquired.

### **3.8 Off-Site Improvements**

Off-site improvements include the landscaping, utility installation, and construction of Treeline Avenue from the development boundary north for approximately 6,000 LF, and improvements to an existing borrow pit lake southwest of the District required for the construction of Treeline Avenue.

4 **OPINION OF PROBABLE CONSTRUCTION COSTS**

Table 2 presents a summary of the costs for the master project infrastructure including water management, utilities, right-of-way improvements, perimeter landscaping and fencing, off-site improvements, wetland mitigation, and engineering and surveying services.

The costs in Table 2 represent the master infrastructure and are in accordance with the itemized opinion of probable construction costs (OPC) for Arborwood provided by Community Engineering Services, Inc. Cost estimates of Table 3 were developed from OPC's provided by the Sub-Developers.

**TABLE 2**  
**Opinion of Probable Costs For The Master Infrastructure\***

<b>Infrastructure</b>	<b>Cost</b>
<b>Water Management</b>	\$1,974,449
<b>Utilities</b>	\$4,705,341
<b>Right-of-way Improvements</b>	\$13,802,243
<b>Perimeter Landscaping and Fencing</b>	\$1,387,146
<b>Wetland Mitigation**</b>	\$818,548
<b>Off-site Improvements</b>	\$4,986,103
<b>Subtotal</b>	<b>\$27,673,830</b>
<b>Contingency @ 10%</b>	\$2,767,383
<b>Subtotal</b>	<b>\$30,441,213</b>
<b>Engineering &amp; Surveying Services</b>	\$2,544,243
<b>Subtotal</b>	<b>\$32,985,456</b>
<b>School Site***</b>	\$330,000
<b>TOTAL****</b>	<b>\$33,315,456</b>

\* Table includes cost outside district boundary, but within approximately 12.28 acres of the development boundary of parcel A. This area is anticipated to be annexed into the district at a future date and will not require modification to Table 2.

\*\*As required for the construction of Treeline Avenue

\*\*\* 10% contingency added to school site but no technical services are added

\*\*\*\*Of the costs listed above, with the exception of the utilities and site related roadway costs, approximately \$19,159,750 may be eligible for Roadway Impact Fee Credits.

**TABLE 3**  
**Opinion of Probable Costs For The Subdivision Infrastructure And**  
**Supplemental Master Infrastructure**

Infrastructure	Cost	
	East of Treeline	West of Treeline
Water Management	\$42,202,196	\$5,154,250
Utilities	\$25,600,000	\$4,357,875
Right-of-way Improvements	\$11,025,450	\$2,614,725
Wetland Mitigation	\$42,919,005	\$300,000
Perimeter Landscaping		\$0
• Supplemental Master	\$3,031,683	\$1,303,377
• Subdivision	\$10,090,000	\$0
<b>Subtotal</b>	<b>\$134,868,334</b>	<b>\$13,730,227</b>
Contingency @ 10%	\$13,486,833	\$1,373,023
<b>Subtotal</b>	<b>\$148,355,167</b>	<b>\$15,103,250</b>
Engineering & Surveying Services @ %10	\$14,835,517	\$1,510,325
<b>TOTAL</b>	<b>\$163,190,684</b>	<b>\$16,613,575</b>



DESCRIPTION OF A PARCEL OF LAND LYING IN  
SECTIONS 2, 3, 10, 11, 12, 13, 14, 15, & 23, TOWNSHIP 45 SOUTH RANGE 25 EAST,  
LEE COUNTY, FLORIDA  
(ARBORWOOD CDD LESS & EXCEPT 01-23-2004)

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 2, 3, 10, 11, 12, 13, 14, 15, & 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF SAID SECTION 12; THENCE N.89°55'59"E. ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 12 FOR 2593.44 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 12; THENCE CONTINUE N.89°55'59"E. ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 12 FOR 69.69 FEET; THENCE S.01°05'49"E. FOR 2646.14 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12; THENCE N.89°55'48"E. ALONG NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12 FOR 2524.41 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12; THENCE S.00°57'31"E. ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12 FOR 2645.06 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE S.00°40'57"E. ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 13 FOR 2647.21 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 13; THENCE S.00°53'05"E. ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 13 FOR 2644.11 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE N.89°42'21"W. ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 13 FOR 2596.61 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 13; THENCE N.89°42'31"W. ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 13 FOR 2597.48 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE S.88°09'06"W. ALONG THE SOUTH LINE OF SECTION 14 FOR 1353.20 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 14; THENCE S.00°56'40"E. ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23 FOR 1321.04 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23; THENCE S.88°07'27"W. ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23 FOR 1351.52 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23; THENCE S.88°07'59"W. ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 23 FOR 1353.52 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 23; THENCE N.01°01'24"W. ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 23 FOR 909.59 FEET; THENCE N.13°29'05"E. FOR 98.76 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1262.50 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°33'33" FOR 320.81 FEET; THENCE N.01°04'28"W. FOR 2645.55 FEET TO A POINT ON THE NORTH LINE OF THE EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 14; THENCE N.00°52'49"W. FOR 843.65 FEET; THENCE S.89°07'11"W. FOR 65.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 14; THENCE N.00°52'49"W. ALONG THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 14 FOR 477.57 FEET THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER OF SAID SECTION 14; THENCE S.88°18'58"W. ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 14 FOR 1357.95 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 14; THENCE S.89°34'25"W. ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 15

SAID SECTION 15 FOR 640.89 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF I-75; THENCE N.08°21'16"E. ALONG THE EAST RIGHT-OF-WAY LINE OF I-75 FOR 1925.01 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 5891.58 FEET; THENCE NORTHWESTERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF I-75 AND SAID CURVE THROUGH A CENTRAL ANGLE OF 23°11'09" FOR 2384.14 FEET; THENCE N.14°49'51"W. ALONG SAID EAST RIGHT-OF-WAY LINE OF I-75 FOR 2886.26 FEET TO AN INTERSECTION WITH THE CENTERLINE OF A WATER MANAGEMENT EASEMENT DESCRIBED IN OFFICIAL RECORD BOOK 2558, PAGE 2002, LEE COUNTY, FLORIDA; THENCE ALONG SAID CENTERLINE THE FOLLOWING COURSES; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 230.00 FEET, THROUGH A CENTRAL ANGLE OF 63°11'11" FOR AN ARC DISTANCE OF 253.65 FEET, A CHORD BEARING OF S.75°49'31"E. A CHORD DISTANCE OF 240.99 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 710.00 FEET, THROUGH A CENTRAL ANGLE OF 46°08'48" FOR 571.84 FEET; THENCE N.89°37'18"E. FOR 354.32 FEET; THENCE S.50°15'11"E. FOR 144.85 FEET TO THE BEGINNING OF A NON-TAGENT CURVE TO THE LEFT HAVING A RADIUS OF 600.00 FEET; THENCE ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 84°17'37" FOR 882.72 FEET, A CHORD BEARING OF N.87°36'01"E. A CHORD DISTANCE OF 805.24 FEET; THENCE N.45°27'12"E. FOR 398.60 FEET; THENCE N.67°03'34"E. FOR 478.36 FEET; THENCE N.34°14'49"E. FOR 127.19 FEET; THENCE N.23°40'29"E. FOR 475.63 FEET; THENCE N.06°52'49"W. FOR 109.55 FEET; THENCE N.36°30'44"E. FOR 109.13 FEET; THENCE N.20°42'13"E. FOR 118.75 FEET; THENCE N.60°38'04"E. FOR 92.29 FEET; THENCE N.74°41'42"E. FOR 85.73 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF TREELINE BOULEVARD; THENCE ALONG SAID WESTERLY LINE THE FOLLOWING COURSES; THENCE AROUND A CURVE TO THE LEFT, HAVING A RADIUS OF 2800.06 FEET THROUGH A CENTRAL ANGLE OF 05°12'07" AN ARC DISTANCE OF 254.22 FEET A CHORD BEARING OF S.01°14'59"E., A CHORD DISTANCE OF 254.14 FEET; THENCE S.03°51'03"E. FOR 959.31 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2500.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°28'22" FOR 195.16 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 11; THENCE N.89°04'48"E. ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 11 FOR 576.50 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 11; THENCE N.89°03'32"E. ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 11 FOR 2645.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 2479.13 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 12 BEING N.89°55'59"E.

**LESS & EXCEPT:**

A TRACT OR PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, IN SECTIONS 2 AND 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHEAST CORNER OF SAID SECTION 2; THENCE S 89°03'32" W ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 2 FOR 2645.22 FEET; THENCE S 89°04'48"W. ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 2 FOR 451.46 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF TREELINE AVENUE AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING BEARINGS AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2625.00 FEET (DELTA 29°12'53") (CHORD BEARING S 15°09'21" W) (CHORD 1324.02 FEET) FOR 1338.47 FEET TO A POINT OF TANGENCY; THENCE S 29°45'48" 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°20'35" W) (CHORD

740.87 FEET) FOR 748.75 FEET TO A POINT OF TANGENCY; THENCE S 00°55'22" W FOR 166.15 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 11; THENCE S 88°35'19" W ALONG SAID LINE FOR 125.10 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF TREELINE AVENUE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING BEARINGS AND DISTANCES: THENCE N 00°55'22" E FOR 171.24 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°20'35" E) (CHORD 803.13 FEET) FOR 811.67 FEET TO A POINT OF TANGENCY; THENCE N 29°45'48" E FOR 618.63 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2500.00 FEET (DELTA 33°38'51") (CHORD BEARING N 12°57'22" E) (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 05°12'07") (CHORD BEARING N 01°14'59" W) (CHORD 254.14 FEET) FOR 254.22 FEET; THENCE S 88°38'56" E FOR 125.00 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF TREELINE AVENUE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING BEARING AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2675.06 FEET (DELTA 05°12'07") (CHORD BEARING S 01°14'59" E) (CHORD 242.79 FEET) FOR 242.87 FEET TO A POINT OF TANGENCY; THENCE S 03°51'03" E FOR 959.31 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2625.00 FEET (DELTA 04°23'58") (CHORD BEARING S 01°39'04" E) (CHORD 201.51 FEET) FOR 201.56 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.28 ACRES, MORE OR LESS.

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

BEARINGS ARE BASED ON THE SOUTH LINE OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 25 EAST AS BEARING S 89°03'32"W.

**Certification for Description**

**Surveyor and Mapper in Responsible Charge:**

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

**Community Engineering Services, Inc. LB #6572**

**8991 Daniels Center Drive, Suite 103**

**Fort Myers, FL 33912**

STATEMENT OF ESTIMATED REGULATORY COSTS

**1.0 Introduction**

**1.1 Purpose and Scope**

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to amend the boundaries of the Arborwood Community Development District ("District") by amending Chapter 42RR-1, Florida Administrative Code, to add approximately 12.28 acres to the District. The District was established by the Florida Land and Water Adjudicatory Commission (the "Commission") pursuant to the provisions of Chapter 190, Florida Statutes, on June 14, 2004.

The District currently contains approximately 2,466.85 acres located entirely within the incorporated boundaries of the City of Fort Myers, in Lee County, Florida. The limitations on the scope of this SERC are set out in Chapters 120 and 190, Florida Statutes, specifically, Sections 190.046(1)(a), 190.005(1)(a)8 and 120.541(2).

**1.2 Overview of the Arborwood Development and the District**

The District currently comprises land area of 2,466.85 acres within the incorporated boundaries of the City of Fort Myers, in Lee County, Florida. The District is designed to provide certain ongoing operations and maintenance services to the Arborwood development (the "Development" or "Arborwood"). A community development district ("CDD") is an independent unit of special purpose local government created and existing pursuant to 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), F.S.

As the Petition to which this Statement of Estimated Regulatory Costs is an exhibit seeks to expand the boundaries of the District, the scope of this SERC is limited to evaluating the consequences of adding the proposed 12.28 acres to the District. No services or facilities are currently provided to the expansion parcel, however, services and facilities to be provided by the District for lands within the expansion parcel are included in the District's adopted Improvement Plan, which is attached to the Petition as Exhibit 8.

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

Section 120.541(2), F.S., 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 include filing fees, the cost of obtaining a license, the cost 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 reporting.

(d) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52 F.S. The City of Fort Myers, Florida (the "City"), is not defined as a small 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.**

Expanding the boundaries of the District would provide for lands that contain an existing right of way that will be used by the District residents as well as a portion of a roadway that has been vacated as shown in Exhibit 7. No services or facilities are currently provided to the expansion parcel. Services and facilities to be provided by the District for lands within the expansion parcel are included in the District's adopted Improvement Plan, which is attached to the Petition as Exhibit 8. Therefore, it is not anticipated that anyone outside the Development would be affected by the rule, although the State of Florida, the City and the County would be required to comply with reviewing reports as a consequence of the rule.

**3.0 Good faith estimate of the cost to 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**

**State Government Entities**

There will be only modest costs to various State governmental entities to implement and enforce the proposed minor expansion of the District's boundaries. The District, as it is over 1,000 acres, has been established by the Florida Water and Adjudicatory Commission, which already possesses the staff needed to conduct the review without the need for additional staff. The modest costs to various other State entities to implement and enforce the amended rule relate strictly to the receipt and processing of various reports that the District is required to file with the State and its various entities. The costs to those State agencies that will receive and process the District's reports are very small because the District is only one of many governmental units required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to Section 189.412, F.S., the District must pay an annual fee to the State of Florida Department of Community Affairs, which offsets such costs.

## **Local General Purpose Governments**

Local general entities, such as Lee County and the City of Fort Myers, will review and analyze the Petition to amend the boundaries of the District and may conduct a public hearing on the Petition. These activities will absorb some resources, however, the costs of such proceedings will be offset by the filing fees paid by the Developer.

## **The District**

In order to file the Petition to amend the boundaries of the District, the District will have to pay for certain filing and professional fees. However, as the District has a funding agreement with the Developer of the property within the District, there will be no cost of the proposed boundary change to the District as the Developer will pay for all costs associated with implementing the rule.

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

Adoption of the proposed rule will have no negative impact on State and local revenues. The District is an independent unit of local government. It is designed to provide community facilities and services to serve the Arborwood development. It has its own sources of revenue. No State or local subsidies are required or expected.

No services or facilities are currently provided to the expansion parcel. Services and facilities to be provided by the District for lands within the expansion parcel are included in the District's adopted Improvement Plan, which is attached to the Petition as Exhibit 8.

Any possible future debt obligations incurred by the District to construct infrastructure, or for any other reason, will not be debts of the State of Florida, the County, or any other unit of local government. In accordance with State law, debts of the District are always strictly its own responsibility.

### **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.**

There is nothing peculiar about the District's financing that requires additional infrastructure over and above what would normally be needed. Therefore, these costs are not in addition to normal development costs. Furthermore, the decision

to locate within the District is completely voluntary and potential residents are given full disclosure of the existence of the District and the level of anticipated assessments.

**5.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.**

It is anticipated that the expansion of the District's boundaries will have no impact on small businesses.

The City has an estimated population that is greater than 10,000 according to the United States Census Bureau. Therefore, the City is not defined as a "small" city according to Section 120.52, F.S.

**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 regulatory costs and benefits.

**7.0 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.**

No written proposal, statement adopting an alternative or statement of the reasons for rejecting an alternative have been submitted.

Based upon the information provided herein, this Statement of Estimated Regulatory Costs supports the petition to amend the boundaries of the District by amending Chapter 42RR-1, Florida Administrative Code, to add approximately 12.28 acres to the District.

Prepared by: Michael Symonovic  
Severn Trent Services, Inc.

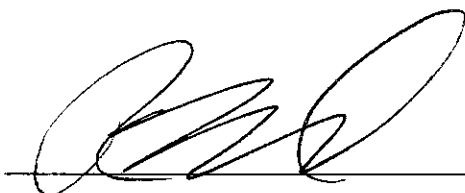
02/02/2005



**EXHIBIT 13**  
**Authorization of Agent**

This letter shall serve as a designation of John Asher to act as agent for the Arborwood Community Development District with regard to any and all matters pertaining to the Petition to Amend the Boundary of the Arborwood Community Development District in Fort Myers, Lee County, Florida, which shall be filed with the Florida Land and Water Adjudicatory Commission pursuant to Chapter 190, Florida Statutes. This authorization shall remain in effect until revoked in writing.

DATE: 11/23/04



Ron Zul, Vice Chairman  
Arborwood Community Development District

STATE OF FLORIDA  
COUNTY OF LEE

I hereby certify that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared Ron Zul, Vice Chairman of Arborwood Community Development District, who executed the foregoing instrument, acknowledged before me that she/he executed the same on behalf of the foregoing entity and was identified in the manner indicated below.

Witness my hand and official seal in the County of Lee and State of Florida this 23<sup>rd</sup> day of November, 2004.

Kristen A. Bumgarner  
Notary Public

Personally known: \_\_\_\_\_  
Produced Identification: \_\_\_\_\_  
Type of Identification: \_\_\_\_\_  
\_\_\_\_\_



Kristen A. Bumgarner  
My Commission DD133673  
Expires August 16, 2006

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, IN SUPPORT OF WORTHINGTON HOLDINGS SOUTHWEST, L.L.C.'S PETITION TO EXPAND THE ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT; AND TO AUTHORIZE THE COUNTY MANAGER AND COUNTY ATTORNEY TO TAKE PROPER AND REASONABLE ACTION NECESSARY TO SUPPORT THE PETITION.**

**WHEREAS**, Chapter 190, Florida Statutes, provides for expansion of a Uniform Community Development District in excess of One Thousand acres in size pursuant to rulemaking triggered by petition to the Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission (*FLWAC*); and

**WHEREAS**, Worthington Holdings Southwest, L.L.C. (*Petitioner*) has petitioned the Governor and Cabinet to expand the Arborwood Community Development District (*District*), a community development district in Lee County, within the City of Fort Myers, first established June 14, 2004, on lands generally described as follows:

The district is bounded on the West by I-75; bounded on the North by Colonial Boulevard and the Sun City and Colonial Country Club developments; bounded on the East by the Gateway P.U.D. and bounded on the south by Daniels Parkway, and comprises 2,466.85 acres, more or less.

**WHEREAS**, Petitioner has not previously amended its boundary and seeks now to add 12.28 acres, more or less, to the District, increasing the size of the District to 2,479.13 acres, more or less, and the proposed expansion meets the acreage limitations set forth in Section 190.046(1)(f)1., Florida Statutes; and

**WHEREAS**, expansion of the proposed district government does not, and by law may not, affect the rights, authority and duty of Lee County or the City Of Fort Myers to regulate land use and growth on the above-referenced property; and

**WHEREAS**, subsequent to the filing of the petition with the Governor and Cabinet on April 1, 2005, Worthington Holdings Southwest, L.L.C., on April 4, 2005, submitted the petition to Lee County for its review, along with a processing fee of \$1,500.00; and

**WHEREAS**, under Section 190.046(1)(d)3., Florida Statutes, Lee County may notice and conduct an optional hearing pursuant to Section 190.005(1)(c), Florida Statutes, on what position, if any, to take on the petition to expand the district; and

**WHEREAS**, the exercise of its power and functions by a community development district government must by law comply with, not function inconsistent with, must be compatible with, and subject to, all laws, policies, regulations and ordinances governing the existing and future use of the land on which the proposed district will be established, as provided in Chapter 190, Florida Statutes; and

**WHEREAS**, the exercise of the board of supervisors of the general and special powers of a community development district is subject to all procedural requirements including noticed meetings, government-in-the-sunshine, ethics and conflicts of interest, and various limitations on the powers, functions and duties of the district; and

**WHEREAS**, the adoption of this Resolution of Support, will not under any circumstances, prejudice or preempt any land use decisions currently in effect or to be decided in the future by Lee County or the City of Fort Myers.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY**, that, having considered and reviewed the subject Petition and the representations and acknowledgments of Worthington Holdings Southwest, L.L.C., its representatives and counsel, and after a noticed public hearing on the matter, the Board finds and determines: (1) that expansion of the proposed community development district in this particular instance is in the best interest of Lee County and its citizens; and (2) it is in the best interests of the citizens of Lee County to support the expansion of the proposed district; and the Board so instructs the County Manager and County Attorney to take such actions as are proper and reasonable to support the proposed district expansion and to take steps to file this Resolution in the record of the rulemaking process.

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 \_\_\_\_\_  
Tammy Hall \_\_\_\_\_  
John E. Albion \_\_\_\_\_

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of June 2005.

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