FORT MYERS BEACH, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING STAFF REPORT

TYPE OF CASE: Commercial Planned Development

CASE NUMBER: FMBDCI2006-0001 and FMBDCI2006-0002 (White Sands, Captiva Villas, and Bayside CPD amendments)

LPA DATE: March 24, 2009

HEARING TIME: 10:30 AM

APPLICATION SUMMARY:

Applicant: JABO LLC (Beverly Grady, Esq., authorized agent), with the authorization of at least 75% of the unit owners of White Sands Villas, a Condominium, and at least 75% of the unit owners of Captiva Villas, a Condominium.

Request: Amend White Sands, Captiva Villas, and Bayside CPD zoning districts to approve a revised, unified, and updated Master Concept Plan (MCP), schedule of uses, conditions, and deviations, reflecting the terminology and regulations of the current LDC, as required by LDC Section 34-214, for the Pink Shell Resort on approximately 9.6 acres (including adjacent beaches not rezoned), and to make certain changes including the addition of uses to the schedule of uses and MCP, clearly indicating all relevant deviations previously approved, altering prior limiting conditions, and to have a current and complete resolution for the Pink Shell CPD that does not require references to a previous resolution on the same property, in accordance with LDC Section 34-214. If approved as proposed, the development will deviate from requirements of the Fort Myers Beach Land Development Code.

Subject property: Pink Shell Resort, as described in the attached **Exhibit A**.

Subject property location: Turn right (north) at the base of the Sky Bridge and head north on Estero Boulevard for about 0.7 miles. Subject property is on both sides of the road; street addresses include 190 Estero Boulevard, 200 Estero Boulevard, and 275 Estero Boulevard.

Future Land Use designations: Mixed Residential

Current zoning: White Sands (aka “Pink Shell”), Captiva Villas, and Bayside CPD zoning districts. See discussion below.

Current use(s): Resort with hotel/motel, timeshare, and residential dwelling units, and assorted resort accessory uses. See discussion below.

Adjacent Properties

	Future Land Use Map (FLUM)	Zoning	Existing land uses
Northwest:	Mixed Residential, then Recreation	RM (Residential Multi-Family, then CF (Community Facilities)	Sanibel View Condo, Pink Shell Vacation Villas Condo, then Bowditch Point Park
Southeast:	Mixed Residential	RM and CPD	High-rise condominiums, then cottages
Enclave:	Mixed Residential	CPD	Abaco Villas rental Units
Southwest:	Recreation	EC (Environmentally Critical)	Gulf of Mexico beach
Northeast:	Tidal Water	None	San Carlos Bay

North Estero Boulevard runs between the "bayside" parcels of the subject property and the gulf side parcels, from southeast to northwest.

I. Recommendation:

Staff recommends **APPROVAL** of the request to amend the Pink Shell Bayside, Captiva Villas, and Pink Shell ("White Sands") CPD zoning districts, subject to the conditions below, and further recommends **APPROVAL** of Deviation #1 if modified as recommended, **DENIAL** of Deviation #2, and **DENIAL** of Deviation #3, as discussed in greater detail below.

Conditions:

1. Development must be consistent with the master concept plan (MCP) titled "Pink Shell CPD Master Concept Plan" for cases DCI2006-0001 and DCI2006-0002, stamped received February 10, 2009, except as specifically modified by conditions or deviations herein. In accordance with LDC Section 34-216(b)(5), the MCP must be updated to reflect the deviations and conditions approved by Town Council. Specifically the MCP must be updated to reflect the external boundary of the property subject to these amendments and must not include adjacent properties whose owners did not join in the application. If changes to the MCP are subsequently pursued, appropriate approvals will be required.

2. The following limits apply to the project and uses:

Schedule of Uses

Residential

Principal:

Dwelling unit, single-family (one existing cottage only)
Dwelling unit, two-family (one existing cottage only)

Dwelling unit, multi-family (92 existing units in White Sands Villas only)

Accessory:

Residential accessory uses

Lodging

Principal:

Hotel/motel (43 existing guest units in Captiva Villas only)

Rental of any permitted dwelling unit for periods of one day or longer

Resort

Timeshare units

Accessory:

Resort accessory uses, including:

Rental of beach furniture

Boat rental (see condition #11 below)

Charter and tour boats (see condition #11 below)

Personal watercraft operations office (see condition #14 below)

Parasailing operations office (see condition #14 below)

Dock (for use by water taxi or water shuttle

Subordinate commercial uses (see LDC Section 34-3021; allocated within the floor areas provided below only)

Office

Principal:

NONE

Accessory:

Administrative Office

Home occupation (no outside help)

Commercial accessory uses

Retail

Principal:

NONE

Accessory:

ATM

On-premises consumption of alcoholic beverages (see condition #10 below)

Marine

Principal:

NONE

Accessory:

Dock (for lease to non-occupants of the principal use)

Dock (for use by occupants of the principal use)

Civic

Principal:

Beach or bay access

Essential services

Essential service equipment

Park, neighborhood

Site Development Regulations

Maximum Floor Area Ratio: **As built**. No expansion is permitted.
Total Floor Area of living units in **Captiva Villas** is limited to the existing **28,219 square feet**.
Total Floor Area of living units in **White Sands** is limited to **85,250 square feet**.
Commercial floor areas are limited to the allocations below.
No expansion to the two existing cottages on Lots 5 and 6, Gulf Shore Subdivision, is approved.

Maximum Building Height (feet): **As built**. No expansion is permitted:
White Sands Building: 111.24 feet NGVD to bottom of roof structure
Captiva Villas Building: 97 feet NGVD to bottom of roof structure

Maximum Building Height (stories): **As built**. No expansion is permitted:
White Sands Building: 11 stories, not including roof and elevator/stairway structures as a story, and including the ground floor and the mezzanine as separate stories
Captiva Villas Building: 8 stories, not including roof and elevator/stairway structures as a story, and including the ground floor as a story

Minimum setbacks: **As built**. No new development of principal structures is authorized. Proposed accessory structures must meet the setbacks applicable to the RM (Residential Multifamily) zoning district. Redevelopment must comply with the setbacks and property development regulations applicable to the RM zoning district at the time of development order approval except where otherwise allowed by LDC Chapter 34, Article V.

Commercial Use Floor Area allocations:

Bayside:
400 square feet (existing, see condition #12 below)
Administrative office
Retail store, small (limited to bait-and-tackle shop only)

Captiva Villas:
Not to exceed **3750 square feet** (existing)
Restaurant
Not to exceed **900 square feet** (existing)
Personal services
Not to exceed **750 square feet** (existing)
Resort conference rooms

White Sands Villas:
Not to exceed **1700 square feet** (existing)
Restaurant
Not to exceed **4700 square feet** (existing)
Personal Services
Not to exceed **1000 square feet** (existing)
Poolside bar

Not to exceed **1000 square feet** (existing)
Retail
Not to exceed **3000 square feet** (existing)
Resort conference rooms

3. Vacation, exchange, or relocation of any easement, and/or any dedication of property to the public, and/or vacation of property heretofore dedicated to the public, are not addressed by approval of this zoning action.

4. Between the parking lot proposed on Lots 38 and 39, Block D, Island Shores Club Section, and the property containing an existing 5-unit multi-family building (Lot 37, Block D, Island Shores Club Section), a Type C buffer must be placed and maintained in accordance with LDC Section 10-416(d). The required vegetation must be located on the residential side of the required 6-foot wall. The landscape plan must be revised to indicate the placement of this buffer and all other required landscaping under LDC Section 10-416. The requested location of the proposed trash compactor on Lot 39, Block D, Island Shores Club Section is denied. Refuse containers on the subject property must comply with LDC Section 6-11 and all applicable buffer requirements.

5. Landscaping of the subject property must remain in compliance with prior development orders, and must comply with the LDC except where deviations were specifically approved by prior development orders. The approved development order for Captiva Villas and the Bayside is DOS2004-00099. The approved development order for White Sands is DOS2001-00133. Any future modifications to landscaping of the subject property must comply in all respects with the LDC and any other applicable Town ordinances at the time of permitting. This condition does not preclude the approval of a compliant alternative landscape betterment plan provided it accords with LDC Section 10-419 and condition #4 above.

6. No additional dwelling units or guest units are authorized by approval of this amendment.

7. No expansion of floor area for any use, whether residential or commercial, is authorized by approval of this amendment.

8. Any lawfully existing dwelling unit or guest unit within the subject property may be used as group quarters for employee housing without regard for the occupancy time limitations applicable to guests as set forth in LDC Section 34-1801(b)(4). Occupancy of group quarters is limited solely to bona fide employees of the Pink Shell Resort, including the businesses lawfully operating on the subject property in compliance with this zoning resolution and all other applicable regulations. Under no circumstances may occupancy of any dwelling unit or guest unit exceed the lawful occupancy established by applicable building, fire, and life-safety codes. If no building, fire, or life-safety code provision is more restrictive, the number of occupants of any individual living unit used for group quarters must not exceed four adults, or one family, whichever is larger. The term “family” is defined in LDC Section 34-2, as may be amended from time to time.

9. Subordinate commercial uses, including *restaurant*, *personal services*, and *retail store, small*, are permitted subject to the requirements of LDC Section 34-3021(b). Prior conditions limiting advertisement, marketing, and patronage of subordinate commercial uses using terms other than those of LDC Section 34-3021(b), specifically including but not limited to Condition 9 of Town Council Resolution 01-26 and Conditions 6 and 7 of Lee County Board of County Commissioners Resolution Z-95-017, are hereby repealed.

10. Consumption-on-premises of alcoholic beverages is limited to in-room self-service, the resort pool deck areas, the accessory restaurants, and “room service” operations. Any expansion of the areas for consumption-on-premises will require compliance with the Land Development Code provisions in effect at the time of the requested expansion.

11. Boat rentals, charter boat, and tour boat operations and all other uses of leased submerged lands are limited in accordance with the most recent submerged land lease from the State of Florida (Recorded in Official Record Book 3718, Page 2242, Public Records of Lee County, Florida). A total of 30 boat slips currently exist. Use of submerged land must comply with all applicable local, state, and federal regulations. Any expansion to the uses of leased submerged lands adjacent to the subject property, including increase to the number and/or size of boat slips, and/or the number and/or size of charter boats and/or tour boats, will require an amendment to this planned development and its MCP through the public hearing process, or rezoning. No live-aboard uses are permitted. Cruise ships are prohibited as provided by LDC Section 34-620(f).

12. No expansion to the existing “dockmaster” building on the Bayside parcel is approved. Use of this building is limited to accessory administrative offices for the leasing of boats and boat slips, a bait-and-tackle shop, and charter and tour boat ticket sales.

13. Lawfully nonconforming structures located seaward of the Coastal Construction Setback Line recorded in Plat Book 31, Pages 1-21, Public Records of Lee County, Florida, remain subject to the provisions of LDC Chapter 34, Article V. Lands lying seaward of this Line remain zoned EC (Environmentally Critical) and are not hereby rezoned.

14. The existing licensed personal watercraft operations office and the existing licensed parasailing operations office on the subject property remain lawfully nonconforming with regard to LDC Chapter 27. New or relocated personal watercraft operations office(s) and new or relocated parasailing operations office(s) must comply with all requirements of LDC Chapter 27 and may only be permitted if granted a special exception under LDC Section 34-88.

15. Any expansion of floor area or change of use to a use requiring more parking spaces will require amendment to this CPD or rezoning, and must comply with the parking requirements of the LDC in effect at the time of the hearing or seek a new deviation according to the standards then in effect.

16. Approval of this rezoning does not give the developer an undeniable right to local development order approval. Development or redevelopment of the subject property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and Land Development Code in effect at the time of development order approval and permitting, except as specifically modified herein.

17. All conditions and deviations of Resolution ADD2003-00160 (amending Pink Shell Bayside CPD) are repealed and the conditions and deviations provided herein shall be in full force and effect.

18. Conditions and deviations of Resolution ADD2003-00086 (amending Captiva Villas CPD (MPD converted to CPD by Fort Myers Beach Ordinance 03-03)) are modified as follows:

a. Conditions 1 and 2 of administrative Resolution ADD2003-00086 are repealed.

b. Conditions 3, 4, and 5 of Resolution ADD2003-00086 are repealed and the conditions provided herein shall be in full force and effect. The 1814-square-foot guest services/laundry area must remain a resort accessory use and is not approved for use as a commercial Laundromat.
c. Condition 6 of Resolution ADD2003-00086, approving building elevations, is repealed.
d. Condition 7 of Resolution ADD2003-00086, limiting future amendments, is repealed.
e. Deviations, if any, in Resolution ADD2003-00086 are repealed and the deviations and conditions provided herein shall be in full force and effect.

19. Conditions and deviations of Town Council Resolution 01-26 (rezoning Captiva Villas from RM-2 to MPD) are modified as follows:

a. Conditions 1 through 10 (inclusive) of Resolution 01-26 are repealed.
b. Condition 11 of Resolution 01-26 is repealed and the following condition shall be in full force and effect:
    1. The dune restoration area must be located as shown in the approved DOS2004-00099.
    2. Plant species must consist of a mix of sea oats, beach panic grass, railroad vine, and beach sunflower, in lines planted at 1.5 feet on center
    3. Temporary rope-and-bollard fencing must be used to allow plants to become established whenever replanting is necessary.
    4. No more than one winding pathway, delineated with rope-and-bollard fencing, may provide beach access through the dune planting area.
    5. Planting and replanting of the dune planting area will be coordinated with the Town's shore protection activities, if pursued.
    6. The dune plan must include a storage area behind the dune line for beach furniture and other rental equipment.
c. Deviations 1, 2, 3, and 4 of Resolution 01-26 are repealed.
d. Deviation 5 of Resolution 01-26 is repealed and the following condition shall be in full force and effect: Parking areas must comply with either LDC Section 34-2017(a) or LDC Section 34-2017(b).

20. Conditions and deviations of Town Council Resolution 01-21 (amending White Sands and Bayside PUD and CPD) are modified as follows:

a. Conditions 1 and 2, and Conditions 6 through 11 inclusive, of Resolution 01-21 are repealed.
b. Conditions 3, 4, and 5 of Resolution 01-21 are repealed and the following condition shall be in full force and effect: parking areas must comply with either LDC Section 34-2017(a) or LDC Section 34-2017(b).

21. Conditions and deviations of Town Council Resolution 00-07, as corrected by Town Council Resolution 00-07A, (amending the Pink Shell Gulf side (aka White Sands) PUD and amending Pink Shell Bayside CPD) are modified as follows:

a. Conditions 1 through 4 inclusive, and conditions 6, 8, and 9 of Resolution 00-07 are repealed.
b. Condition 5 of Resolution 00-07 is repealed and replaced by the following condition: surface water management on the Bayside parcel must comply with the requirements of LDC Chapter 10 and any other applicable requirements of the South Florida Water Management District at the time of permitting.

c. Condition 7 of Resolution 00-07 is repealed and replaced by the following condition: shoreline stabilization along the shore of San Carlos Bay must comply with applicable requirements of LDC Chapter 26 and all applicable federal and state regulations.
d. Condition 10 of Resolution 00-07 continues in force as restated with modifications, as follows:
    1. The dune restoration area must be located as shown in the approved DOS2001-00133.
    2. Plant species must consist of a mix of sea oats, beach panic grass, railroad vine, and beach sunflower in lines planted at 1.5 feet on center.
    3. The former swimming pool has been removed. No major structures may be constructed in the EC zoning district.
    4. Temporary rope-and-bollard fencing must be used to allow plants to become established whenever replanting is necessary.
    5. No more than two winding pathways delineated with rope-and-bollard fences may provide beach access, one adjacent to the northwesterly line of Lot 36 and one adjacent to the southeasterly line of Lot 35, both in Island Shores Unit 4 Subdivision.
    6. Planting and replanting of the dune restoration area will be coordinated with the Town's shore protection activities, if pursued.

22. Town Council Resolution 99-07 continues in force in accordance with the Fort Myers Beach Comprehensive Plan and Land Development Code. Lot 37, Block D, Island Shores Club Section Subdivision, as recorded in Plat Book 9, Page 41, Public Records of Lee County, Florida, (aka Abaco Beach Villas) is not included in the subject property or this approval.

23. Administrative Amendment PUD98-029 (summarizing existing development and remaining development rights as of 1998) has been rendered obsolete by subsequent rezoning and subsequent development, and all conditions and deviations therein are repealed.

24. Conditions and deviations of Administrative Amendment PUD95-041 (severing Pink Shell Bayside from the gulf side PUD) are repealed.

25. Conditions and deviations of Lee County Board of County Commissioners Resolution Z-95-017 (rezoning Pink Shell Bayside property from RM-2 and PUD to CPD) are modified as follows:
    1. Conditions 1 through 9 (inclusive) of Resolution Z-95-017 are repealed.
    2. Deviations 1 through 3 (inclusive) and 5 through 8 (inclusive) of Resolution Z-95-017 are repealed.
    3. The previous denial of requested Deviation 4 of Resolution Z-95-017 remains in full force and effect.

26. Conditions and deviations of Lee County Board of County Commissioners Resolution Z-93-057 (amending Pink Shell PUD for Phase III, now known as Estero Island Beach Villas Condominium) remain in force with respect to Estero Island Beach Villas Condominium, which did not join in this application, but the conditions and deviations set forth in aforesaid Resolution are repealed and replaced by other conditions and deviations provided herein insofar as they affect any part of the subject property.

27. Conditions and deviations of Lee County administrative Resolution PUD93-014, as corrected by Resolution PUD93-014A (amending Pink Shell PUD for Phases II, III, and IV) remain in force with respect to Estero Island Beach Villas Condominium, which did not join in

this application, but the conditions and deviations set forth in aforesaid Resolution are repealed and replaced by other conditions and deviations provided herein insofar as they affect any part of the subject property.

28. Conditions and deviations of Lee County administrative Resolution PUD91-010, as corrected by Resolution PUD91-010A, (amending Pink Shell PUD) remain in force with respect to Estero Island Beach Villas Condominium, which did not join in this application, but the conditions and deviations set forth in aforesaid Resolution are repealed and replaced by other conditions and deviations provided herein insofar as they affect any part of the subject property.

29. Conditions and deviations of Lee County Board of County Commissioners Resolution ZAB-84-196, as corrected by Resolution ZAB-84-196A (approving final PUD plans for phases II through V of Pink Shell PUD) remain in force to the extent they affect property other than the subject property. Conditions 1, 3, and 4 of Resolution ZAB-84-196 are repealed and replaced by other conditions and deviations provided herein insofar as they affect any part of the subject property. Condition 2 of Resolution ZAB-84-196 continues in force with respect to the subject property as restated with the following modification:

a. The six parking spaces provided by the developer on Lots 38 and 39, Block D, Island Shores Club Section Subdivision, are for the use of Pink Shell Vacation Villas Condominium. A minimum of six parking spaces must continue to be provided by the developer on Lots 38 and 39, Block D, Island Shores Club Section Subdivision for the use of Pink Shell Vacation Villas Condominium.

30. Conditions and deviations of Lee County Board of County Commissioners Resolution ZAB-83-353 (approving final PUD plan for Phase I of Pink Shell PUD) remain in force to the extent they affect property other than the subject property. Conditions and deviations of Resolution ZAB-83-353 are repealed and replaced by other conditions and deviations provided herein insofar as they affect any part of the subject property.

31. Conditions and deviations of Lee County Board of County Commissioners Resolution Z-82-170 (approving rezoning from RM-2 to PUD for the Pink Shell PUD) remain in force to the extent that they affect property other than the subject property. Conditions and deviations of Resolution Z-82-170 are repealed and replaced by other conditions and deviations provided herein insofar as they affect any part of the subject property.

<u>Deviations</u>

Deviation #1. Deviation from LDC Chapter 30 to allow a resort sign package as provided in "**Exhibit B."** The requested sign package exceeds height, area, and locational limitations for signage provided in LDC Chapter 30. As submitted, the package also includes signage for uses not located on the subject property. Staff recommends that any approval include the modification that signage advertising uses not located on the subject property, and signage not located on the subject property, is not approved. Staff recommends **APPROVAL** of deviation #1 if modified as recommended.

Deviation #2. Deviation from LDC Sections 10-415 and 10-416 to allow open space reduction and buffer reductions as indicated on the Landscape Plan prepared by Bellomo Herbert & Co. for case numbers DCI2006-0001 and DCI2006-0002, stamped received August 1, 2007. Staff recommends **DENIAL** of deviation #2.

Deviation #3. Deviation from LDC Section 34-2020 to allow 265 parking spaces instead of 316 spaces for the uses specified in condition #2 above advertised and made available to the public in accordance with condition #9 above. Staff recommends **DENIAL** of deviation #3.

II. Recommended Findings and Conclusions:

Staff recommends the following findings and conclusions to the LPA and to Town Council:

Regarding the request to amend the CPD zoning applicable to the subject property:

1. The requested CPD zoning district, as conditioned, **complies** with the Fort Myers Beach Comprehensive Plan, LDC Chapter 34, and all other applicable town ordinances or codes;
2. The proposed use or mix of uses, as conditioned, **is appropriate** at the subject location;
3. Sufficient safeguards to the public interest **are provided** by the special conditions to the master concept plan or by other applicable regulations;
4. All special conditions **are reasonably related** to the impacts on the public's interest created by or expected from the proposed development;
5. The proposed use or mix of uses, as conditioned, **meets** all specific requirements of the Comprehensive Plan that are relevant to the requested planned development, including **Policy 4-B-4** regarding the Mixed Residential Future Land Use Map category and **Policy 4-C-3** regarding commercial locations.

Regarding requested Deviation #1:

1. Deviation #1, as modified, **does enhance** the achievement of the objectives of the planned development; and
2. The general intent of LDC Chapter 34 to protect the public health, safety, and welfare **will be** preserved and promoted by Deviation #1 as modified; and
3. Deviation #1, as modified, **operates** to the benefit, or at least not to the detriment, of the public interest; and
4. Deviation #1, as modified, **is consistent** with the Fort Myers Beach Comprehensive Plan.

Regarding requested Deviation #2 and Deviation #3:

1. Deviation #2 and Deviation #3 **do not enhance** the achievement of the objectives of the planned development; and
2. The general intent of LDC Chapter 34 to protect the public health, safety, and welfare **will not** be preserved and promoted by Deviation #2 and Deviation #3; and
3. Deviation #2 and Deviation #3 **do not operate** to the benefit, and **may operate** to the detriment, of the public interest; and
4. Deviation #2 and Deviation #3 **are not consistent** with the Fort Myers Beach Comprehensive Plan.

III. Introduction:

Beverly Grady, authorized agent of JABO LLC, and with the authorization of at least 75% of the unit owners of White Sands Villas, a Condominium, and at least 75% of the unit owners of Captiva Villas, a Condominium, has requested amendments to the Pink Shell ("White Sands") CPD, Captiva Villas CPD, and Bayside CPD, to approve a revised and unified Master Concept

Plan (MCP) with deviations and conditions using the terminology of the current regulations, to alter current limiting conditions, to add additional uses to the schedule of uses and MCP, to add deviations from LDC Chapter 30 and LDC Chapter 10, and to obviate any necessity to refer to prior resolutions affecting the subject property. Development of the subject property is largely complete and no additional residential density or commercial intensity (measured in floor area) is requested to be approved in this application. Additional development includes the proposed replacement of tennis courts with a parking lot, and placement of signs, entrance gates, and a beach access boardwalk and dune walkover. Because some alteration of the current limiting conditions would arguably intensify commercial uses on the subject property, additional parking meeting the LDC parking requirements for those uses should be provided and staff has formulated a third deviation to capture the difference between the proposed parking and the parking that would be required under LDC Chapter 34, Article IV, Division 26. Some existing uses, such as the conference facilities and existing charter boat service and boat rentals, are not proposed to be expanded. Additional parking should be required for these uses if they are proposed to be expanded in the future.

The Pink Shell Resort consists of the subject property, including the parking areas and open landscaped areas on the bay side, and the land surrounding the White Sands and Captiva Villas buildings, which is all largely owned by JABO LLC but includes common elements of the White Sands Condominium and the Captiva Villas Condominium, and affects the use of some units within both condominiums. A complex of vacation cottages known as the Pink Shell Cottages formerly was located on the subject property and on some adjacent parcels that are not included in the current request. The redevelopment of these properties with high-rise resort and residential buildings has a long and complicated zoning history. The subject property, however, except for individual units within the condominiums and the common elements of the condominiums, remains under unified control and the property owner wishes to make changes to the approved planned development zoning affecting parts of the property. With these changes the allowable uses and conditions affecting the property can be specified according to current terminology and compiled within a single resolution, eliminating the need to refer to prior approvals in the future.

Because new and expanded uses are proposed, such as additional parking areas and opening restricted commercial uses to the public, and because of prior limiting conditions, these amendments can only be approved through the public hearing process and cannot be approved administratively.

Prior actions on the parcels involved can be broken roughly into three groups in accordance with the notes on the Town's Official Zoning Map adopted by Resolution 04-16, as follows (in reverse chronological order for each portion):

Bayside Parcels (note 144 on official zoning map): Administrative amendment to CPD to remove commercial uses from Bayside (ADD2003-00160); CPD zoning amended to remove 47 units on Bayside and add 47 units on Gulf side (FMB Resolution 00-07/00-07A); CPD zoning amended to remove 7 approved units (FMB Resolution 99-07); administrative amendment to PUD plan (PUD-95-41, Lee County); rezone to CPD (Lee County Resolution Z-95-017); administrative amendment to PUD plan (PUD-91-010/010A, Lee County); approve PUD plan for phases II through V (Lee County Resolution ZAB-84-196/196A); rezone to PUD (Lee County Resolution Z-82-170).

Captiva Villas (note 146 on official zoning map): Administrative amendment to CPD (ADD2003-00086); Rezone to MPD to reconstruct two buildings and transfer commercial uses from bayside (FMB Resolution 01-26)

White Sands (aka Pink Shell) (note 147 on official zoning map): Amend CPD and PUD to reorient 9-story building and revise size of units (FMB Resolution 01-21); amend CPD on Bayside to remove 47 units and amend PUD on Gulf side to add 47 units (FMB Resolution 00-07/07A); administrative amendment to PUD (PUD-98-29); administrative amendment to PUD (PUD-95-41); amend PUD (Lee County Resolution Z-93-057); administrative amendment to PUD (PUD-93-014/014A); administrative amendment to PUD (PUD-91-010/010A); approve PUD plan for phases II through V (Lee County Resolution ZAB-84-196/196A); rezone to PUD (Lee County Resolution Z-82-170).

Images of these prior resolutions are attached to this report, for information only, as **Attachment E**.

IV. Project Description:

The following forms of additional development and changes to previously approved development on the subject property are requested through this application:

1. Replace tennis courts on Lots 38 and 39, Block D, Island Shores Club Section, with an accessory parking lot as shown on proposed MCP.

2. Existing boat ramp on Bayside parcel to remain, with pedestrian walkway rerouted, as shown on proposed MCP.

3. Allow for possible relocation of pedestrian beach access on Lot 36, Block D, Island Shores Unit 4, and Lot 37, Block F, Island Shores Club Section (required by prior zoning conditions), to the northwesterly side of Lot 38, Block F, Island Shores Club Section, as shown on the proposed MCP.

4. Allow for dedication of 5 feet of right-of-way on either side of Estero Boulevard without detriment to existing development rights or impact upon existing buffering, open space, and other similar development requirements upon the subject property.

5. Make alterations to the landscaping of the right-of-way buffer and parking lot and open space areas on gulf side parcels to allow for possible right-of-way dedication and placement of stormwater management areas.

6. Remove prior condition restricting use of restaurants, personal services, and other commercial amenities within the resort to “guests of the Pink Shell Resort only.”

7. Remove prior condition limiting external advertisement of restaurants, personal services, and other commercial amenities.

8. Approve deviation to allow resort sign package providing identification and directional signage for the unified Pink Shell Resort. The package provided by the applicant includes signage for establishments not located on the subject property.

9. Add a trash compactor to the MCP near the northwesterly corner of Lot 39, Block D, Island Shores Club Section (adjacent to Bowditch Point Regional Park).

10. Add 8 valet parking spaces at the northwesterly end of the parking lot on the Bayside parcel, and 12 valet parking spaces at the southwesterly end of the parking lot on the Bayside parcel.

11. Add entrance gates at the parking lot entrances as shown on the MCP. Some entrance gates shown on the MCP are on parcels not included within the subject property.

V. Considerations and Analysis:

LDC Sections 34-85 and 34-216 contain several considerations for the LPA to address in making a recommendation, and for the Town Council to address in making a decision regarding a request to rezone to planned development. LDC Section 34-214(c) provides that the requisite considerations and findings for rezoning to planned development must also be made in public hearing approval of an amendment. All applicable factors must be supported by credible findings of fact for the request to be approved.

LDC Section 34-85

Whether there exists an error or ambiguity [that] must be corrected.

Several ambiguities have appeared over the course of a history of planned development approvals spanning nearly 30 years on the subject property. Among these are the precise nature of commercial uses "related to boat slips and dockage" that remain on the Bayside parcels; the limitations on marketing of retail and personal services uses on the Gulf side parcels; and the applicability of some limiting conditions to portions of the subject property. Staff recommends finding that **ambiguities exist and should be corrected**.

Whether there exist changed or changing conditions [that] make approval of the request appropriate.

Over three decades of planned development zoning on the subject property have led to many changes in plans for the development of this concentrated resort facility. The continued unified operation of the resort in spite of the creation of and ongoing sale of condominium units is a changing condition that makes approval of the requested easing of restrictions on approved resort commercial uses appropriate. The additional parking to be provided on the site of the unused tennis courts and elsewhere, combined with the option to use resort units as group quarters for workforce housing, will ease the existing parking pressures, though the parking provided would not meet the parking requirements that would apply if the development were proposed to be newly developed under current regulations. Staff recommends the finding that **changing conditions exist and that they make approval of the request, as conditioned, appropriate**.

The effect of the proposed change on the intent of LDC Chapter 34.

The primary question of effect upon the intent of LDC Chapter 34 raised by the proposed changes is whether changes in restrictions on existing uses that arguably intensify those uses, and therefore the overall use of the subject property, are appropriate given the context. The context, as described above, is a development history stretching back several decades within

which development was approved that greatly exceeds what would be permissible for new development under current regulations. The loosening of some prior restrictions on resort commercial uses including the restaurant, retail, and personal services uses within the subject property is appropriate to the stability of this business area, and does not impose upon the character of a residential area if the additional necessary parking is provided and proper restrictions on the extent of these activities are imposed in accordance with the current provisions of the Town's Land Development Code. There is a long history of conditions on such uses in zoning approvals dating to prior to the Town's incorporation. Such conditions used a variety of terms that were formulated ad hoc and are not consistent with the current LDC regulations applicable to Subordinate Commercial Uses. Whether these ad hoc conditions from prior approvals were the justification for providing a specific number of parking spaces or for allowing those commercial uses is unclear. As conditioned, the restrictions on these subordinate commercial uses would be the same as the restrictions on subordinate commercial uses elsewhere within the Town as provided in LDC Chapter 34. Additional parking is proposed to be provided, though the total parking would not meet the requirements that would apply to these uses if they were either new, expanded in floor area, or changed to a use that requires more parking than the existing use. Staff recommends the finding that **as conditioned, the proposed change would have no negative effect upon the intent of LDC Chapter 34.**

Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses set forth in the Fort Myers Beach Comprehensive Plan.

The developable areas of the subject property are within the Mixed Residential FLUM category. Additional density measured in terms of units and additional intensity measured in terms of floor-area are not requested over what is existing. Comprehensive Plan **Policy 4-B-4** regarding the Mixed Residential category provides that

> Commercial uses are limited to lower-impact uses such as offices, motels, churches, and public uses, and must be sensitive to nearby residential uses complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.

Comprehensive Plan **Policy 4-C-3** regarding commercial locations provides that

> When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply: […] In the "Mixed Residential" category, commercial uses are limited to lower-impact uses such as offices, motels, and public uses, and must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.

LDC Section 34-3021 allows subordinate commercial uses, including restaurant, retail store (small), and personal services, under certain conditions when clearly subordinate to permitted principal uses of cultural facilities, hotel/motel, multiple-family building, park (community or regional), and resort. The subject property contains an existing resort and multiple-family buildings, including restaurants, personal services uses, and other resort commercial facilities. The elimination of specific limiting requirements on commercial uses and their replacement with the regulations provided in LDC Section 34-3021 is consistent with the Comprehensive Plan. Neighboring residents and property owners have expressed a concern that prior limiting

conditions should not be changed because they represent an agreement under which the current intensity of commercial use of the subject property was originally allowed to commence. The current zoning of the subject property is not a contract to which neighboring property owners, the Town, the developer or any other entity or entities are parties. Zoning is an exercise of this municipality's police power. The Town Council must weigh the appropriateness of conditions and deviations according to the standards in its own land development regulations, which include the consideration of public comment as well as the testimony of the developer and the recommendations of the LPA and staff.

Staff recommends the finding that, **as conditioned, the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses set forth in the Comprehensive Plan.**

Whether the request meets or exceeds all performance and locational standards set forth for the proposed use or uses.

Specific performance and locational standards are not provided in the LDC for the proposed new or expanded uses. As conditioned, the subordinate commercial uses will be required to comply with the provisions of LDC Section 34-3021. As conditioned, appropriate buffers will be placed between parking areas and roadways and between parking areas and other uses, including the adjacent multiple-family building. Requested deviation #2, to reduce buffering and landscaping requirements, should be denied because it is unnecessary. Staff recommends the finding that **as conditioned, the request meets or exceeds all performance and locational standards set forth for the proposed use or uses**.

Whether urban services are, or will be, available and adequate to serve a proposed land use change.

The site is already served by North Estero Boulevard and water, sewer, and electrical facilities. Additional services are unlikely to become necessary solely due to removal of conditions limiting the advertisement of existing commercial floor areas. Upgrades that may be required to serve any land use changes on the subject property will be provided at the developer's expense, as conditioned. Staff recommends the finding that **as conditioned, urban services are, or will be, available and adequate to serve the proposed land use changes.**

Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.

New or expanded development of environmentally critical areas is not requested. Any new beach access boardwalk and dune walkover will be required to meet State and local standards for coastal construction. Former conditions requiring dune restoration will carry forward, as recommended. As conditioned, existing and future development will be required to meet current sea turtle protection standards as applied in the LDC. Staff recommends the finding that approval of the request **as conditioned, will protect, conserve, or preserve environmentally critical areas and natural resources**.

Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.

Restaurant, retail, and personal services uses are compatible with the existing resort and multi-family residential uses on the subject property if they operate within the regulations provided for

Subordinate Commercial Uses in the LDC and if sufficient parking is provided. As located on the subject property such uses are entirely within walled and roofed buildings or are not visible from adjacent roadways. The continued operation of limited existing boat rental, docking facilities, and charter boat services on the bayside portion of the subject property is compatible with the existing and planned use of the property as a parking lot and vegetated park area. Expansion to these marine uses has not been requested in this application. Appropriate buffers will be required, as conditioned. The proposed parking control gates will discourage inappropriate use of the parking lot and make operation of valet parking less unwieldy. Staff recommends the finding that, **as conditioned, the request will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property**.

Whether the location of the request places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.

The applicant's traffic impact statement indicates that approval of the request will not cause the minimum level of service standard to be exceeded. The location is already intensely developed and is connected to the existing transportation and other facilities. Specifically included within the request is a deviation from buffering requirements that would allow for dedication of right-of-way. Since this dedication has not occurred, deviation #2 should be denied as it is unnecessary. Staff recommends the finding that **the location of the request does not place an undue burden on existing transportation or other services and facilities, and that the location will be served by streets with the capacity to carry traffic generated by the development.**

<u>LDC Section 34-216</u>

Regarding requests for deviations pursuant to LDC Sections 34-212(3) and 34-932(b), LDC Section 34-216 allows the Town Council to approve, approve with modification, or reject each requested deviation based upon a finding that (a) each item enhances the achievement of the objectives of the planned development; (b) the general intent of LDC Chapter 34 to protect the public health, safety, and welfare will be preserved and promoted; (c) each deviation operates to the benefit, or at least not to the detriment, of the public interest; and (d) each deviation is consistent with the Fort Myers Beach Comprehensive Plan.

Each item enhances the achievement of the objectives of the planned development;

The additional signage requested in Deviation #1 departs from several standards of LDC Chapter 30, but considering the unusual size of the Pink Shell Resort and its location across both sides of Estero Boulevard, additional identification signage enhances the continuing operation of a large, unified resort. Identification signage combined with directional signage that in other circumstances would be placed within the confines of private property and not visible to the traveling public can address some of the logistical difficulties of a large resort with multiple uses and multiple parking lots. Staff recommends that the proposed signage for developments not included within the subject property should be denied, however. The owners of those properties have not joined in this application. The proposed sign package should be modified to remove signage for developments not located within the subject property.

Staff recommends the finding that **deviation #1, with the recommended modification, does enhance the achievement of the objectives of the planned development.**

Planned development, with associated approved deviations and conditions, is an appropriate method to allow design flexibility in landscaping where additional right-of-way has been dedicated to the public within an existing development. Both the developer and the adjacent properties would benefit if these upgrades had occurred, but conveyance of property interests is not a condition for approval of this zoning action, nor is this zoning action a condition prerequisite to conveyance of property interests. Since additional right-of-way has not been dedicated to the public, deviation #2 is unnecessary and should be denied.

Deviation #3, formulated by staff to address the applicant's lack of sufficient parking for the uses on the subject property under current code, would allow the applicant to justify what is arguably an intensification of the commercial use of the property without providing all the additional spaces that would be required if those uses were being newly developed. Staff does not recommend approval of deviation #3, but suggests that additional parking could be provided on the subject property so that the request could be approved without this deviation (and with a condition requiring a specific number of spaces), or with modification of deviation #3, suitable to Town Council, to allow a lesser deviation from the requirement. Staff recommends the finding that **deviation #2, and deviation #3 do not enhance the achievement of the objectives of the planned development**.

The general intent of LDC Chapter 34 to protect the public health, safety, and welfare will be preserved and promoted;

Individual signs proposed by Deviation #1 do not greatly exceed LDC Chapter 30 restrictions on the height and obtrusiveness of signs that protect the public from vehicle visibility problems and aesthetic degradation, so the effect on public health, safety, and welfare would be negligible. Staff recommends the finding that **approval of Deviation #1 will preserve and promote the general intent of LDC Chapter 34 to protect the public health, safety, and welfare.**

The additional right-of-way would have benefited both the developer and the public. However, the Town cannot grant development rights or deviations from its regulations in order to receive property. Granting deviation #2 would reduce the buffer and landscaping requirements and would negatively affect the public health, safety, and welfare.

The parking requirements of LDC Chapter 34, Article IV, Division 26 include the minimum number of spaces required for specific uses. Allowing commercial uses on the subject property to increase in intensity by loosening existing restrictions arguably expands those uses. To preserve the general intent of LDC Chapter 34, appropriate restrictions on the commercial uses should be in place to justify a smaller number of parking spaces than the requirement, or the additional parking should be provided.

Staff recommends the finding that **approval of Deviation #2 and Deviation #3 will not preserve and promote the general intent of LDC Chapter 34 to protect the public health, safety, and welfare**.

Each deviation operates to the benefit, or at least not to the detriment, of the public interest;

The public interest in limiting the hazard and aesthetic nuisance caused by an excess of signage will not be damaged under the circumstances involved in the current request. The Pink Shell Resort is an unusually large property with a great deal of street frontage (about 750 feet and 160 feet on the two Bayside parcels, and about 530 feet in total on the Gulf side parcel).

The additional requested signage will not detract from the appearance of the property. Staff recommends the finding that **Deviation #1, with the recommended modification, operates to the benefit, or at least not to the detriment, of the public interest.**

Reduced buffering and landscaping requirements would not benefit the public interest and would reduce the public's protection from obnoxious noises and lights that typically emanate from the parking lot. As such, Deviation #2 could act to the detriment of the public interest.

Providing additional parking on the site would reduce the impact to adjacent property owners attendant upon resort guests and patrons of the resort's amenities crowding into the existing parking areas and overflowing onto adjacent property. Allowing intensification of commercial uses on the subject property without requiring the additional parking would not benefit the public interest in this fashion and would primarily benefit the developer. Approval of deviation #3 with a suitable modification to require some further additional parking would potentially at least not be detrimental to the public interest.

Staff recommends the finding that **Deviation #2 and Deviation #3 would not operate to the benefit, and could operate to the detriment, of the public interest.**

Each deviation is consistent with the Fort Myers Beach Comprehensive Plan.

The Fort Myers Beach Comprehensive Plan does not directly address minimum standards for signage in the Town. In the context of the Pink Shell Resort, the additional signage is consistent with Comprehensive Plan **Objective 1-A**, which directs that the appearance and functioning of Estero Boulevard be improved as a premier public space and primary circulation route. Staff recommends the finding that **Deviation #1, with the recommended modification, is consistent with the Fort Myers Beach Comprehensive Plan.**

Improvements to the appearance and function of Estero Boulevard might have been possible in the event that additional right-of-way had been dedicated or taken by eminent domain. However, Deviation #2 would tend to increase the intrusion upon the surrounding residential areas by the commercial resort and its parking lots if it results in the permanent removal of vegetation. As such, the deviation is not consistent with the Comprehensive Plan.

The Comprehensive Plan does not specifically address the appropriate number of parking spaces for specific commercial uses. General provisions of the Comprehensive Plan related to commercial uses address the potential for intrusion into residential areas. **Policy 4-C-3** suggests that shopping and services for overnight guests should be preferred over shopping and services that will attract additional day visitors. Another portion of the same policy suggests that the orientation of parking areas and the type and scale of commercial activities can contribute to the intrusion into residential areas. Additional parking is not necessarily an improvement and may contribute to the intrusiveness of commercial activities; however, intensification of commercial uses would also contribute to their intrusiveness by encouraging crowding and parking overflow onto neighbors. Overall, if the Town Council wishes to allow the intensification of commercial uses on the subject property, additional parking with proper vegetative buffering would be more appropriate than a large deviation from parking requirements. Staff recommends the finding that **Deviation #2 and Deviation #3 would not be consistent with the Fort Myers Beach Comprehensive Plan**.

VI. Conclusion:

Applicant has proposed several modifications to the approved MCPs and attendant documentation affecting the subject property, most of which do not require specific deviations from current LDC provisions. One of the requested deviations, if approved, would allow a resort sign package that would exceed the height, area, and locational restrictions of LDC Chapter 30.

The second requested deviation would allow reduced buffering and landscaping in the event of dedication or taking of additional right-of-way along Estero Boulevard. Since the dedication of additional right-of-way has not occurred, **deviation #2 should be denied**.
The third deviation, for reduced parking, was formulated by staff to address the intensification of the existing commercial uses within the resort by the requested loosening of some prior restrictions. The quoted required number of parking spaces (316) includes the additional required parking for all the commercial uses that would be newly allowed to be held out to the public for general patronage if the prior restrictions were removed. Arguably the varying use of other spaces in the existing buildings (such as the occasional use of the conference rooms for banquets, or use of the hotel lobby as a ballroom) could require additional parking. If Town Council chooses to deny deviation #3 altogether, staff recommends that Town Council reconsider the recommended condition #9, which would remove the prior restrictions on advertising and use of commercial establishments within the resort, or require the applicant to provide the additional parking. On the other hand, Town Council could approve a modified deviation #3 to require more than 265 spaces but fewer than 316 spaces if the Town Council felt that the additional spaces would be sufficient to meet the criteria discussed above.

In conjunction with Town Council review of the proposed modifications, a multi-phase resort development with disparate zoning approvals and varying conditions that remains largely under unified control can be unified into a single MCP with a single set of consistent limiting conditions, phrased according to the current terminology of the LDC.

Staff recommends findings and conclusions as described above, in support of the recommended **APPROVAL** of the requested amendments to the Pink Shell Bayside, Captiva Villas, and Pink Shell ("White Sands") CPD zoning districts, and **APPROVAL** of requested Deviation #1 with the recommended modification, **DENIAL** of Deviation #2, and **DENIAL** of requested Deviation #3 unless modified, all subject to the recommended conditions.

EXHIBITS

Exhibit A – Legal Description of the Subject Property
Exhibit B – Proposed sign package

ATTACHMENTS

Attachment A – "Pink Shell CPD Master Concept Plan" (prepared by Gora-McGahey) stamped received February 10, 2009
Attachment B – "Pink Shell Resort and Spa" Landscape Plan (prepared by Bellomo, Herbert & Co.)
Attachment C – Captiva Villas condominium plat
Attachment D – White Sands Villas condominium plat
Attachment E – Images of prior planned development zoning resolutions affecting the subject property

Town of Fort Myers Beach
Exhibit A

BOYLE

Engineering Excellence Since 1942

Employee Owned

1400 Colonial Boulevard, Suite 31
Fort Myers, FL 33907
TEL: (239)931-0455
FAX: (239)931-0456
www.boyleengineering.com

Town of Fort Myers Beach

F M B DCI 2006 0 0 0 2

JOB # 32547
FILE # 32547SK02
SHEET 1 OF 2

JULY 16, 2007

DESCRIPTION:

PART OF GULFSHORE SUBDIVISION AS RECORDED IN PLAT BOOK 9, PAGE 88 AND PART OF UNIT 4 ISLAND SHORES AS RECORDED IN PLAT BOOK 9, PAGE 37 AND PART OF ISLAND SHORES CLUB SECTION AS RECORDED IN PLAT BOOK 9, PAGE 41, ALL RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 10 OF SAID GULFSHORE SUBDIVISION; THENCE S.47°52'35"W. ALONG THE SOUTHEASTERLY LINE OF LOTS 9 AND 10 OF SAID GULFSHORE SUBDIVISION FOR 98.24 FEET; THENCE N.42°07'25"W. FOR 24.00 FEET; THENCE S.47°52'35"W. FOR 2.50 FEET; THENCE N.42°07'25"W. FOR 43.54 FEET; THENCE N.47°52'35"E. FOR 2.50 FEET; THENCE N.42°07'25"W. FOR 50.00 FEET; THENCE N.40°31'28"E. FOR 14.49 FEET; THENCE N.50°19'25"W. FOR 27.57 FEET; THENCE N.59°22'01"W. FOR 20.23 FEET; THENCE S.39°40'35"W. FOR 31.50 FEET; THENCE S.59°17'28"E. FOR 2.30 FEET; THENCE S.30°21'33"W. FOR 15.24 FEET; THENCE N.58°42'37"W. FOR 3.31 FEET; THENCE S.29°58'13"W. FOR 29.45 FEET; THENCE S.48°42'33"W. FOR 77.19 FEET; THENCE S.40°09'10"E. FOR 31.53 FEET; THENCE S.07°36'21"E. FOR 37.67 FEET; THENCE N.40°27'57"W. FOR 313.13 FEET; THENCE N.19°21'03"W. FOR 162.23 FEET TO THE NORTHWESTERLY LINE OF LOT 38 OF SAID ISLAND SHORES CLUB SECTION; THENCE N.47°52'35"E. ALONG SAID NORTHWESTERLY LINE FOR 116.87 FEET; THENCE S.42°07'25"E. FOR 19.50 FEET; THENCE N.47°52'35"E. FOR 83.68 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF ESTERO BOULEVARD; THENCE ALONG SAID RIGHT OF WAY LINE FOR THE FOLLOWING 3 COURSES: (1) S.42°07'25"E. FOR 130.50 FEET; (2) S.47°52'35"W. FOR 5.00 FEET; (3) S.42°07'25"E. FOR 400.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 113.474 SQUARE FEET OR 2.61 ACRES MORE OR LESS

TOGETHER WITH:

LOTS 5 AND 6 OF GULFSHORE SUBDIVISION AS RECORDED IN BOOK 9, PAGE 88 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 6; THENCE S.42°07'25"E ALONG THE NORTHEASTERLY LINE OF SAID LOT 6 FOR 75.00 FEET; THENCE S.47°52'35"W. ALONG THE SOUTHEASTERLY LINE OF SAID LOTS 6 AND 5 FOR 100.00 FEET; THENCE N.42°07'25"W. ALONG THE SOUTHWESTERLY LINE OF SAID LOT 5 FOR 75.00 FEET; THENCE N.47°52'35"E. FOR 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,500 SQUARE FEET OR 0.17 ACRES MORE OR LESS

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

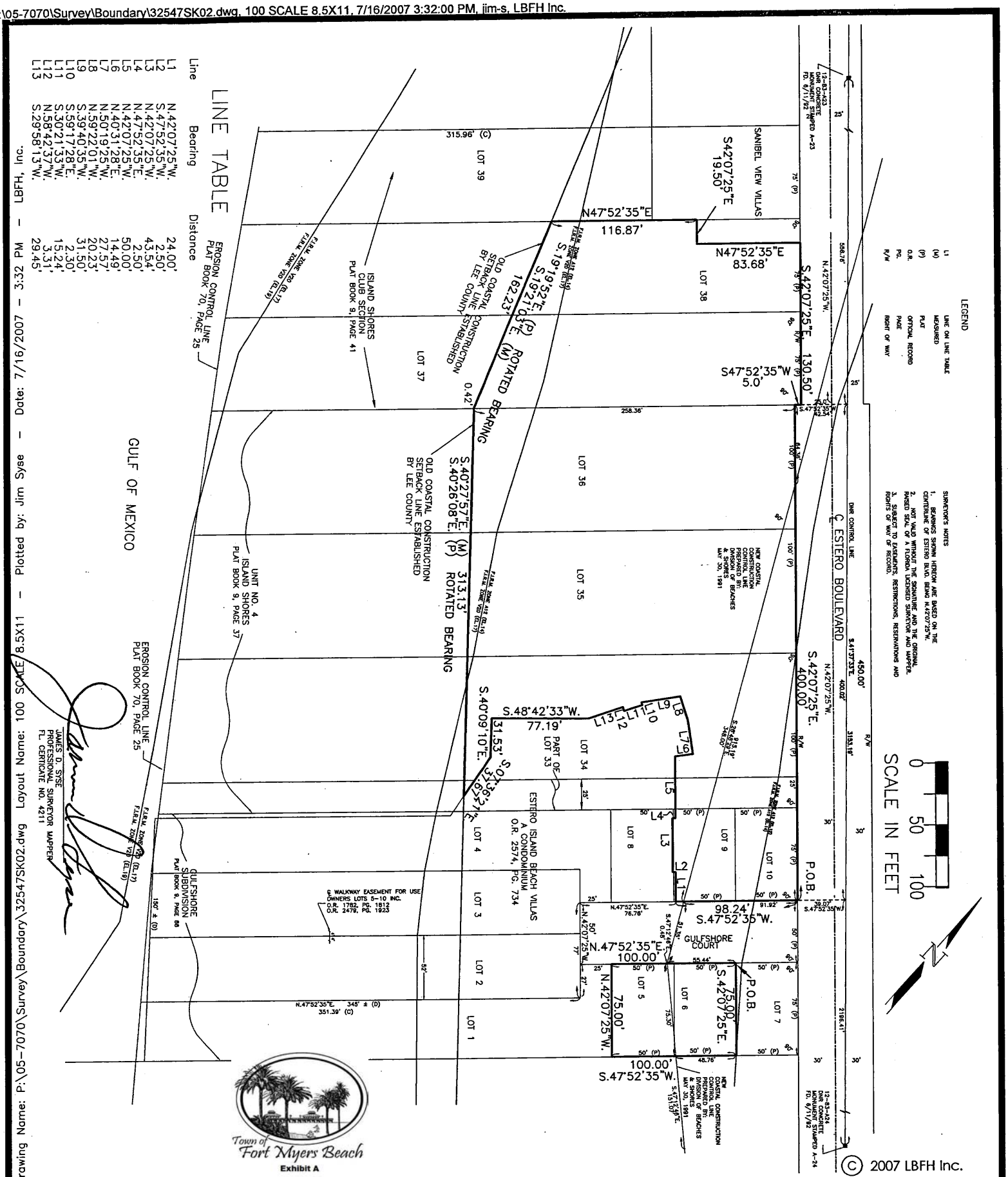
SEE SHEET 2 OF 2 FOR SKETCH

JAMES D. SYSE
PROFESSIONAL SURVEYOR AND MAPPER
FL. CERT. NO. 4211

RECEIVED
AUG 0 1 2007
BY:

EXHIBIT
7-2 + 7-4
Gulf Side
Legal + Sketch
July 2007

P:\Pink_Shell_Resort_&_Spa\32547.00\Survey\Sketch\32547SK02.doc



JAMES D. SYSE
PROFESSIONAL SURVEYOR MAPPER
FL. CERTIGATE NO. 4211

Drawing Name: P:\05-7070\Survey\Boundary\32547SK02.dwg Layout Name: 100 SCALE 8.5X11 - Plotted by: Jim Syse - Date: 7/16/2007 - 3:32 PM - LBFH, Inc.

LBFH INC. A BOYLE ENGINEERING COMPANY	CONSULTING CIVIL ENGINEERS, SURVEYORS & MAPPERS "Partners For Results, Value By Design"	Scale: 1"=100'	PROJECT NAME: SKETCH (NOT A SURVEY) LYING IN SECTION 24, TOWNSHIP 46 S., RANGE 23 E.	
		Sheet 2 OF 2		
1400 Colonial Blvd, Suite 31, Fort Myers, Florida 33907 (239) 931-0455 Fax: (239) 931-0456 BPR & FBPE License No: 959 www.lbfh.com		Computed: CP	Date 7/16/2007	FILE NO. 32547SK02	Project No. 32547
		Checked: JDS		

lbfh INC.

CIVIL
AGRICULTURAL
WATER RESOURCES
WATER & WASTEWATER
TRANSPORTATION
SURVEYING & MAPPING
GIS

Town of Fort Myers Beach
Exhibit A

OCTOBER 18, 2006
JOB # 06-7021
FILE # 06-7021 ZONING A LGL

BAYSIDE CPD

DESCRIPTION:

THE NORTHWESTERLY 1/2 OF LOT 28 AND LOTS 29 THROUGH 32, ALL IN BLOCK D, UNIT 4, ISLAND SHORES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 37, OF PUBLIC RECORDS OF LEE COUNTY FLORIDA.

TOGETHER WITH:

LOTS 33 THROUGH 36 AND LOTS 38 AND 39, ALL IN BLOCK D, ISLAND SHORES CLUB SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

Remove "less and except" because this property is included. FcS

LESS AND EXCEPT:

THE SOUTHWESTERLY 5.00 FEET OF SAID LOTS 33 THROUGH 36 AND THE SOUTHWESTERLY 5.00 FEET OF SAID LOTS 38 AND 39.

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

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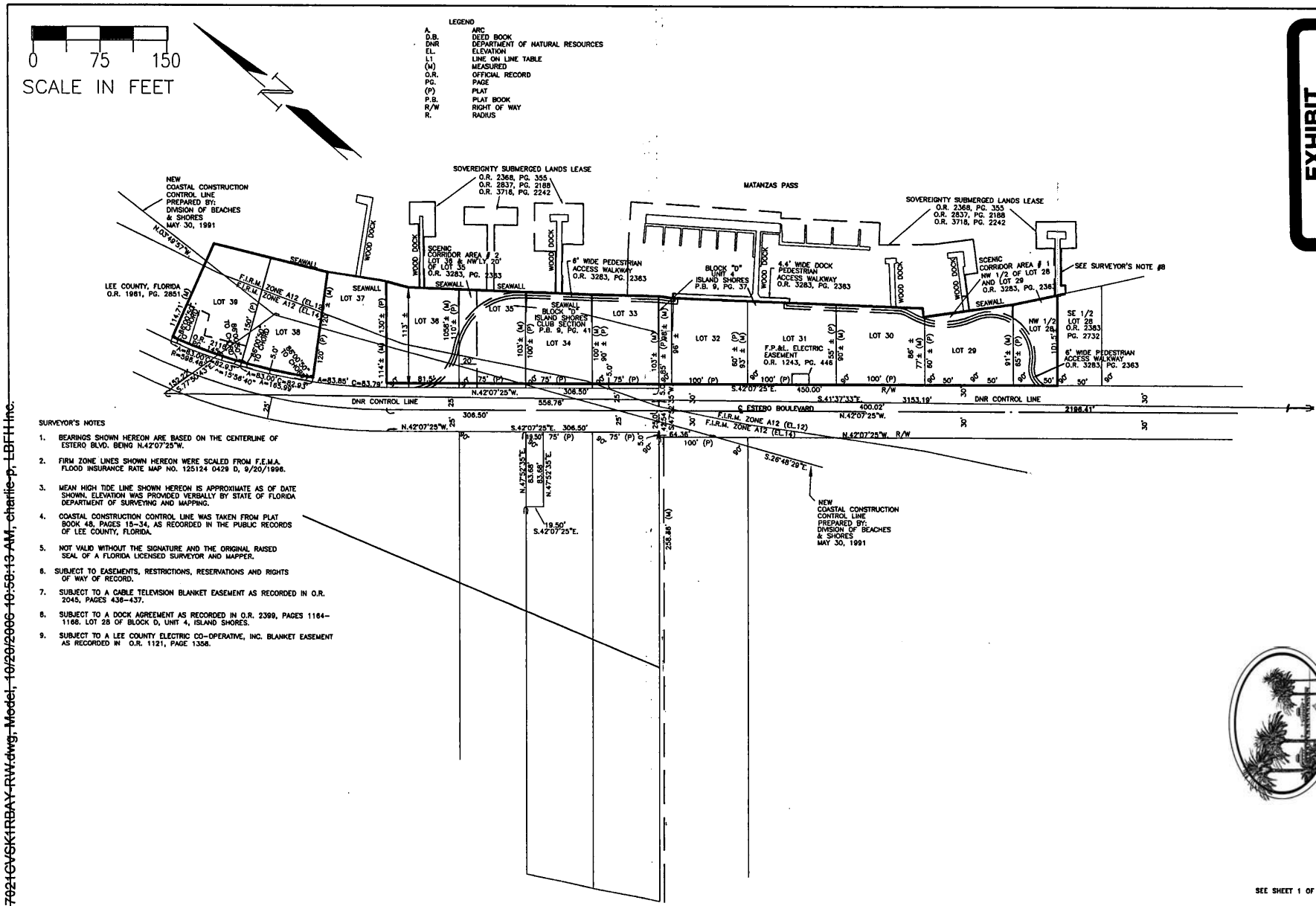
Value by Design"

JAMES D. SYSE
PROFESSIONAL SURVEYOR AND MAPPER
FL. CERT. NO. 4211

1400 Colonial Blvd., Suite 31
Fort Myers, FL 33907
(239) 931-0455
Fax: (239) 931-0456
www.lbfh.com

P:\06-7021\Survey\Sketch\05-7021 ZONING LGL A.doc

EXHIBIT
7-2
Bayside



SURVEYOR'S NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF ESTERO BLVD. BEING N.42°07'25"W.
2. FIRM ZONE LINES SHOWN HEREON WERE SCALED FROM F.E.M.A. FLOOD INSURANCE RATE MAP NO. 125124 0429 D, 9/20/1996.
3. MEAN HIGH TIDE LINE SHOWN HEREON IS APPROXIMATE AS OF DATE SHOWN. ELEVATION WAS PROVIDED VERBALLY BY STATE OF FLORIDA DEPARTMENT OF SURVEYING AND MAPPING.
4. COASTAL CONSTRUCTION CONTROL LINE WAS TAKEN FROM PLAT BOOK 48, PAGES 18–34, AS RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
5. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
6. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.
7. SUBJECT TO A CABLE TELEVISION BLANKET EASEMENT AS RECORDED IN O.R. 2045, PAGES 436–437.
8. SUBJECT TO A DOCK AGREEMENT AS RECORDED IN O.R. 2399, PAGES 1164–1168. LOT 28 OF BLOCK D, UNIT 4, ISLAND SHORES.
9. SUBJECT TO A LEE COUNTY ELECTRIC CO-OPERATIVE, INC. BLANKET EASEMENT AS RECORDED IN O.R. 1121, PAGE 1358.

EXHIBIT 7-4 Bayside

Town of Fort Myers Beach
Exhibit A

SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION

JAMES D. SYSE, FOR THE FIRM
PROFESSIONAL LAND SURVEYOR
FLA. CERTIFICATE NO. 4211

DATE	10/26/06
SCALE	AS NOTED
REVISION	
DRAWN	CP
CHECK	
APPROVED	
DATE	REVISION BY

LBFH INC.
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CONSULTING CIVIL ENGINEERS, SURVEYORS & MAPPERS
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(239) 931-3445 Fax (941) 931-3446
BPR & PSM Licenses No. 6513 www.lbfh.com

SKETCH (NOT A SURVEY)

PART OF
SECTION 24, TOWNSHIP 46 S., RANGE 23 E.
LEE COUNTY, FLORIDA

06-7021CVSKIRBAY-RW

JOB NO. 06-7021

SHEET 2 OF 2

24-46-23

P:\03-7021\Survey\Sketch\03-7021CVSKIRBAY-RW.dwg, Model, 10/26/2006 10:58:13 AM, charlie-p, LBFH Inc.

EXHIBIT

10

Town of Fort Myers Beach

Exhibit B

- **A** Front Entrance
- **B** Registration Entrance
- **C** Marina Entrance
- **D** Marina Wall Sign
- **E** Captiva Villas
- **F** Sanibel View
- **G** Beach Villas
- **H** Additional Parking
- **I** Dock Sign
- **J** Beach Side Sign
- **K** Front Sign 2

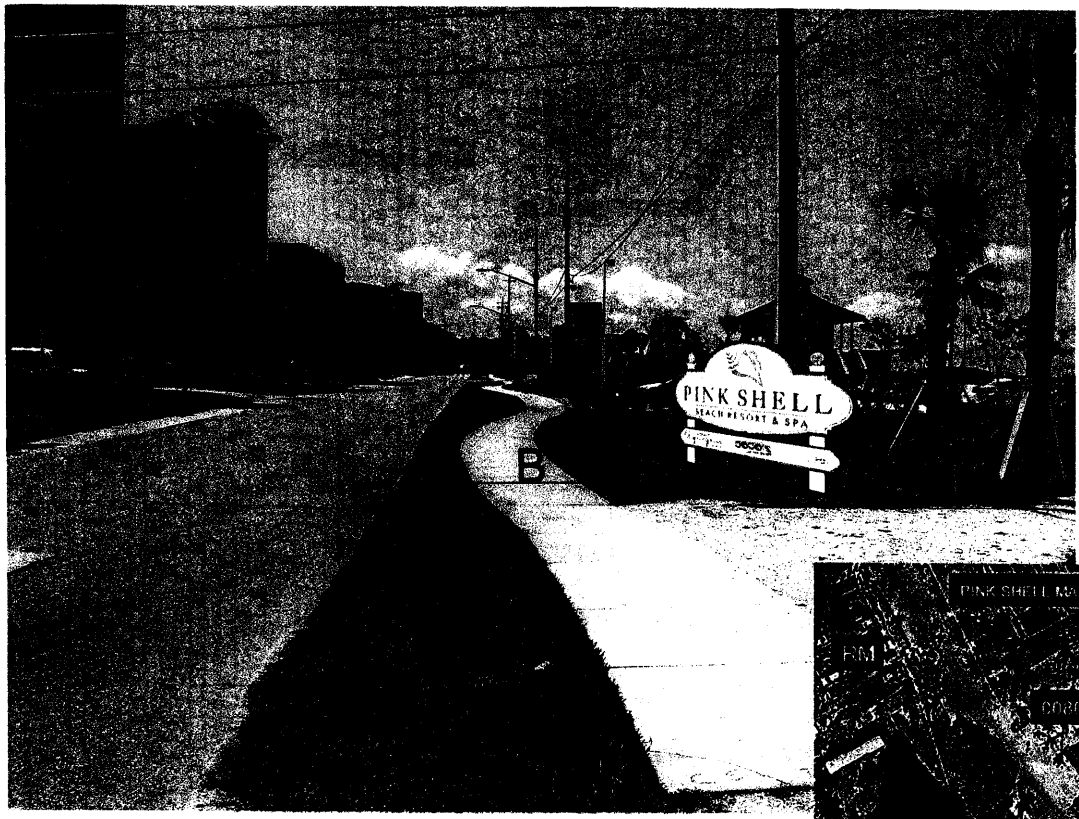
Customer:	Pink Shell Beach Resort & Spa
Company:	Boykin Lodging Co.
Address:	275 Estero Blvd.
City:	Ft. Myers Beach State/ZIP: Fl
Phone:	239.463.8601
Fax:	239.463.8672 bwaichulis@boykin.com

Sign: A

Front Entrance

Job No.:	Date: 8/24/2007
Order Date:	Salesperson:
Sign Dimensions:	Estimate:
Comments:	

This Artwork Is Property Of Sabal Signs Inc. The Use Of This Rendering Or Any Part Thereof, Will Result In A Design Charge.

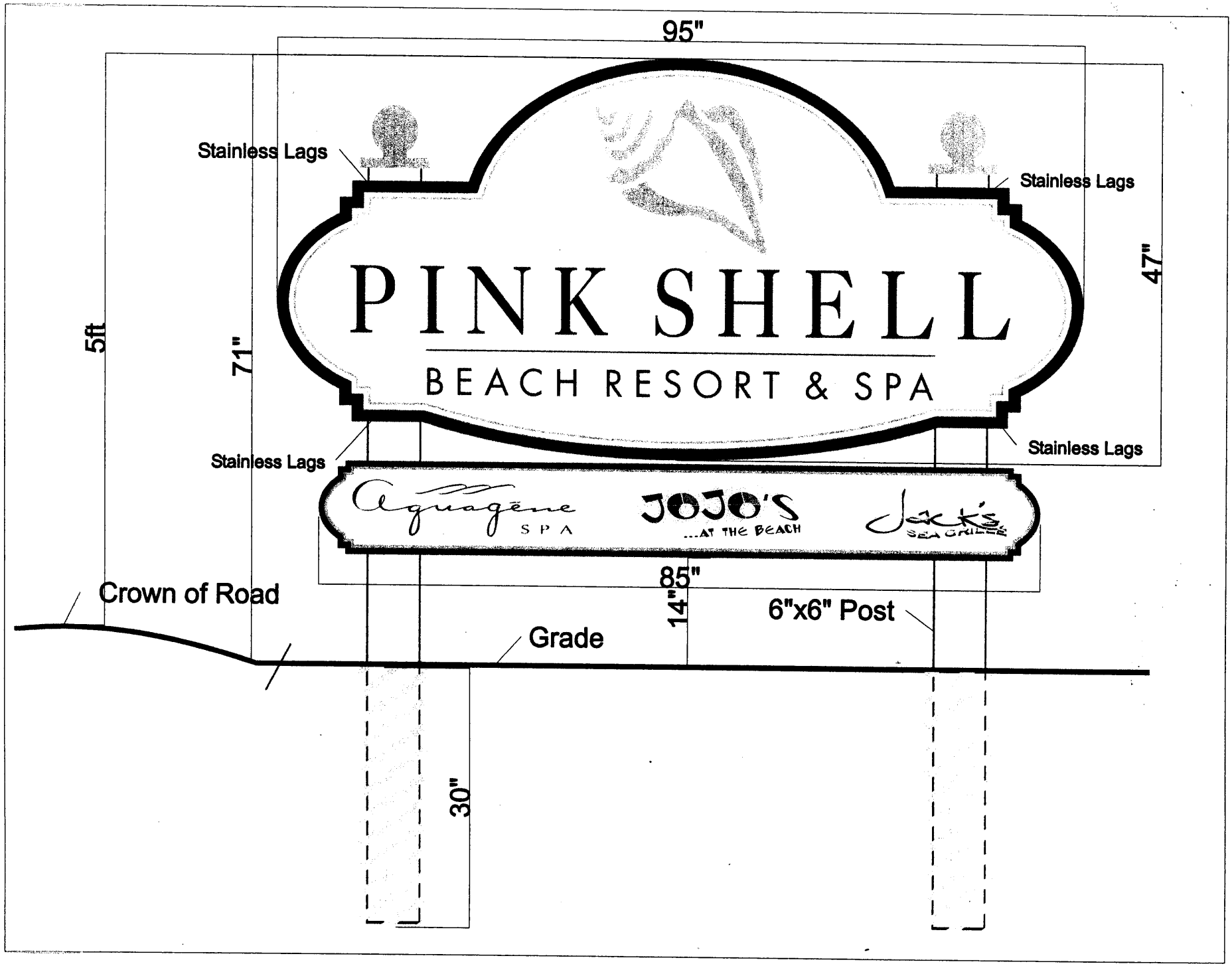


A: 6'

FORM SIGN TO SIDEWALK

B: 16'

FORM SIGN TO ESTERO BLVD.


95"
Stainless Lags
Stainless Lags
47"
5ft
71"
PINK SHELL
BEACH RESORT & SPA
Stainless Lags
Stainless Lags
Aquagene SPA
JOJO'S ...AT THE BEACH
Jack's SEA GRILLE
85"
14"
Crown of Road
6"x6" Post
Grade
30"

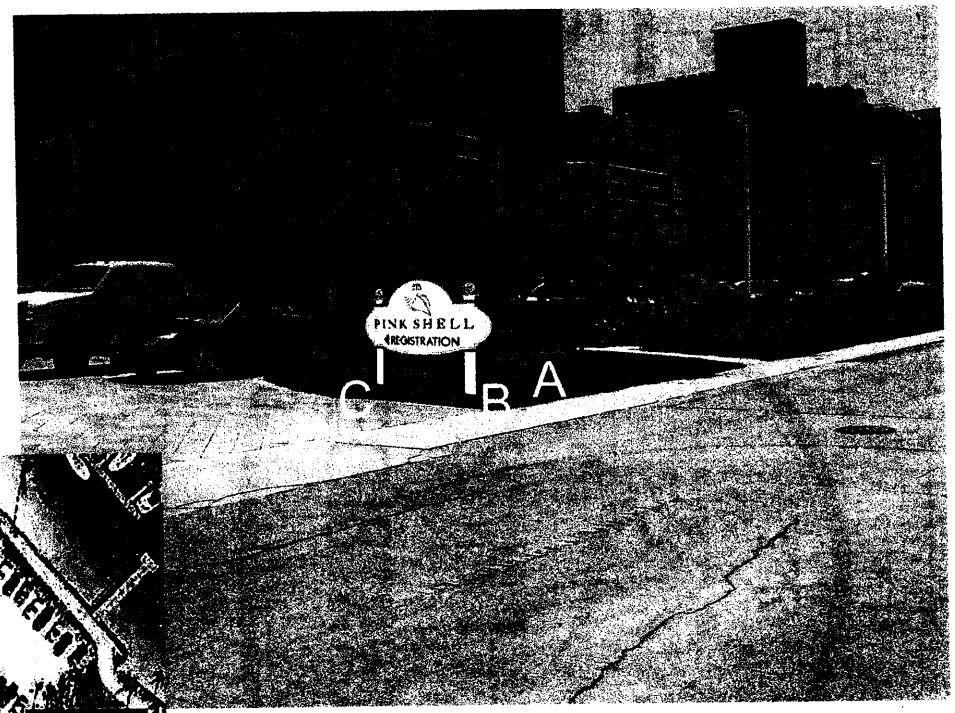
Customer:	Pink Shell Beach Resort & Spa
Company:	Boykin Lodging Co.
Address:	275 Estero Blvd.
City:	Ft. Myers Beach State/ZIP: Fl
Phone:	239.463.8601
Fax:	239.463.8672 bwaichulis@boykin.com

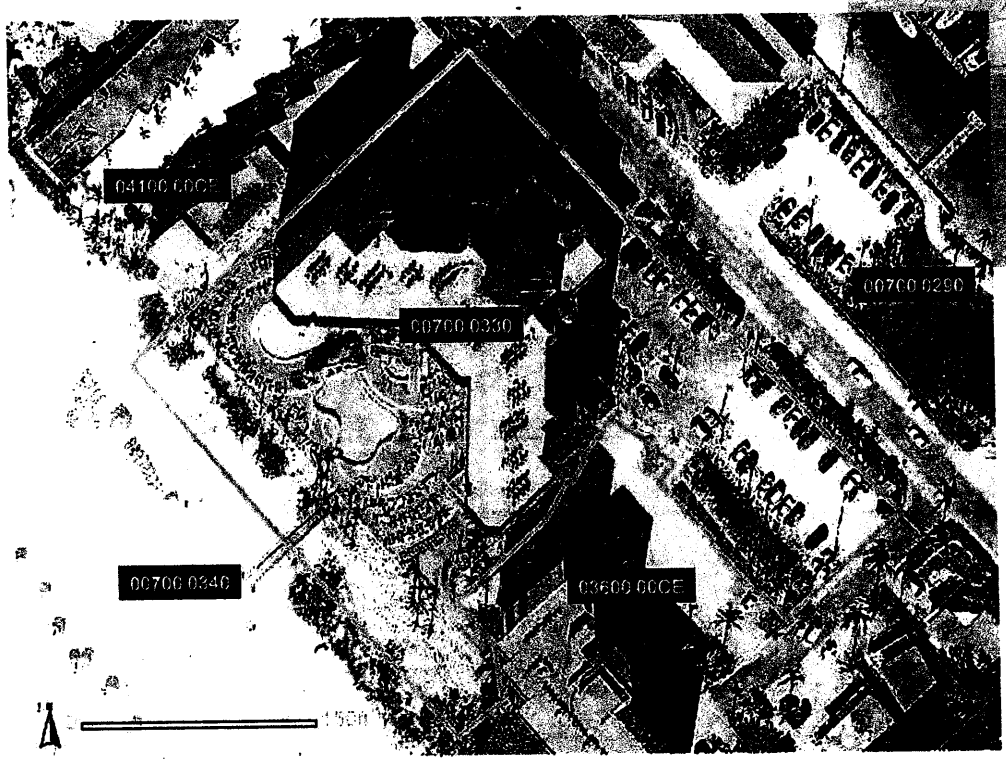
Sign: B

Registration Entrance

Job No.:	Date: 8/24/2007
Order Date:	Salesperson:
Sign Dimensions:	Estimate:
Comments:	

This Artwork Is Property Of Sabal Signs Inc. The Use Of This Rendering Or Any Part Thereof, Will Result In A Design Charge.

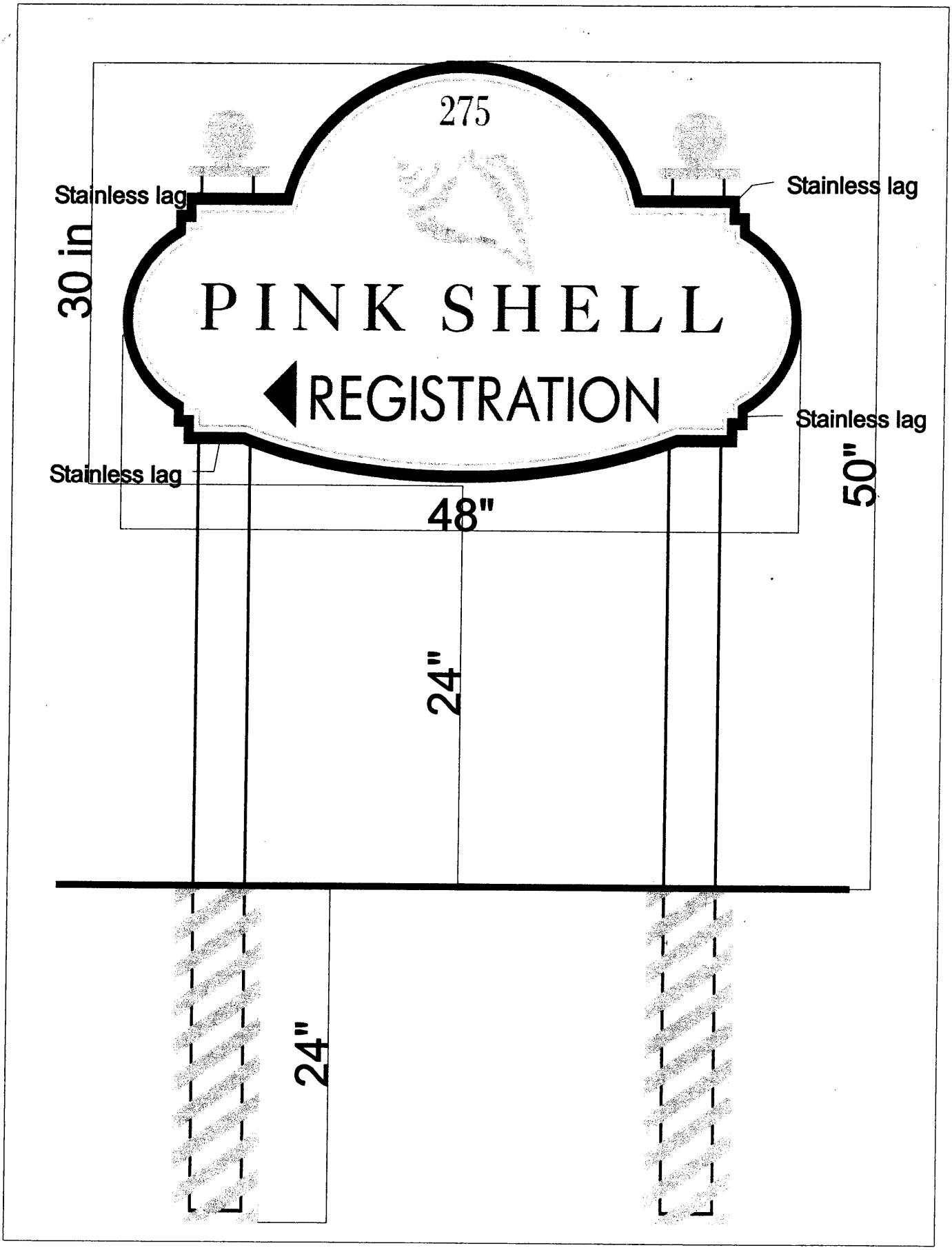




A: 17" From Sign To Estero Blvd.

B: 14' From Sign To Sidewalk

C: 7' From Sign To Driveway


275
Stainless lag
Stainless lag
30 in
PINK SHELL
REGISTRATION
Stainless lag
Stainless lag
50"
48"
24"
24"

Customer:	Pink Shell Beach Resort & Spa
Company:	Boykin Lodging Co.
Address:	275 Estero Blvd.
City:	Ft. Myers Beach State/ZIP: Fl
Phone:	239.463.8601
Fax:	239.463.8672 bwaichulis@boykin.com

Sign: C

Marina Entrance

Job No.:	Date: 8/24/2007
Order Date:	Salesperson:
Sign Dimensions:	Estimate:
Comments:	

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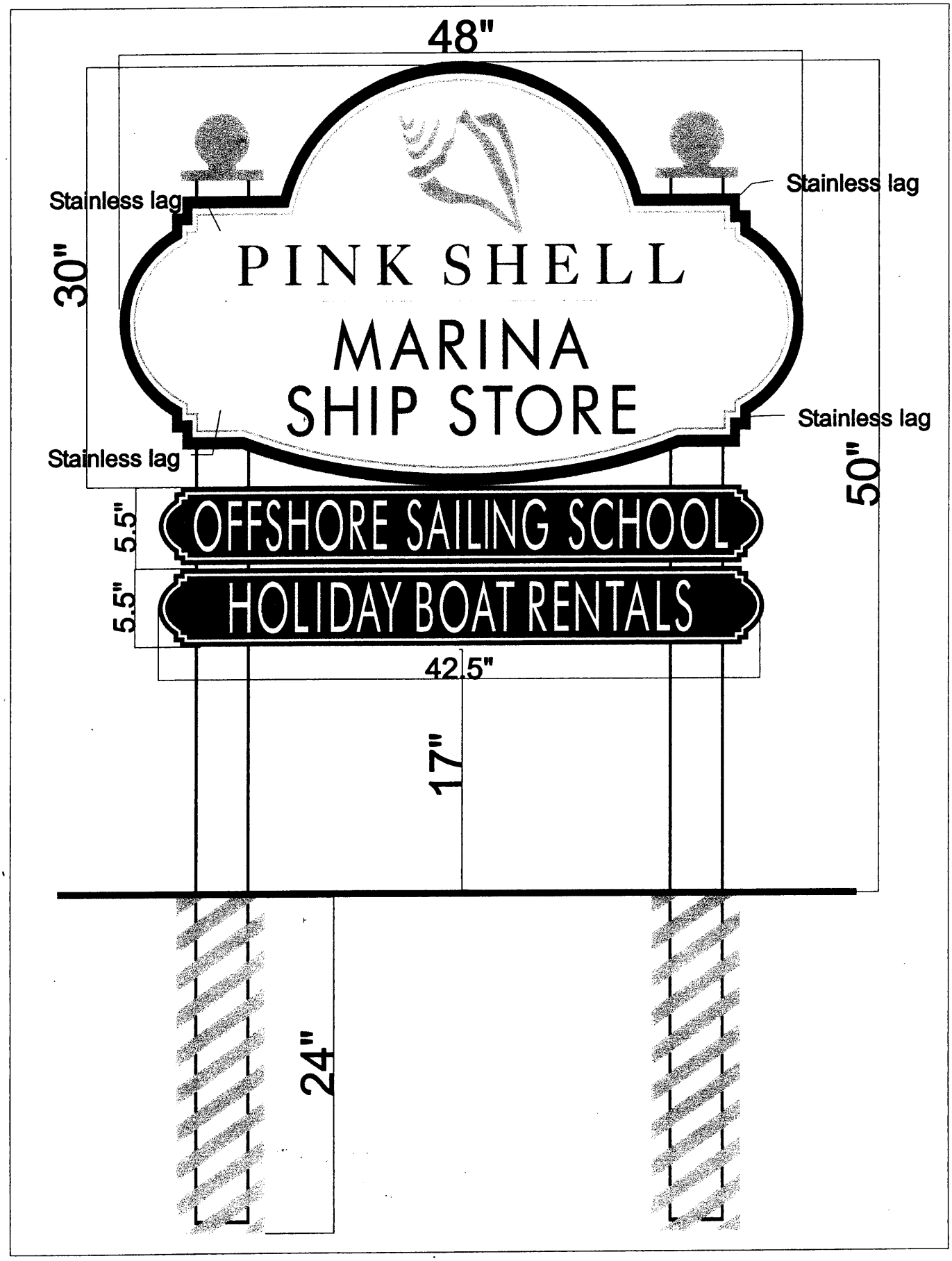
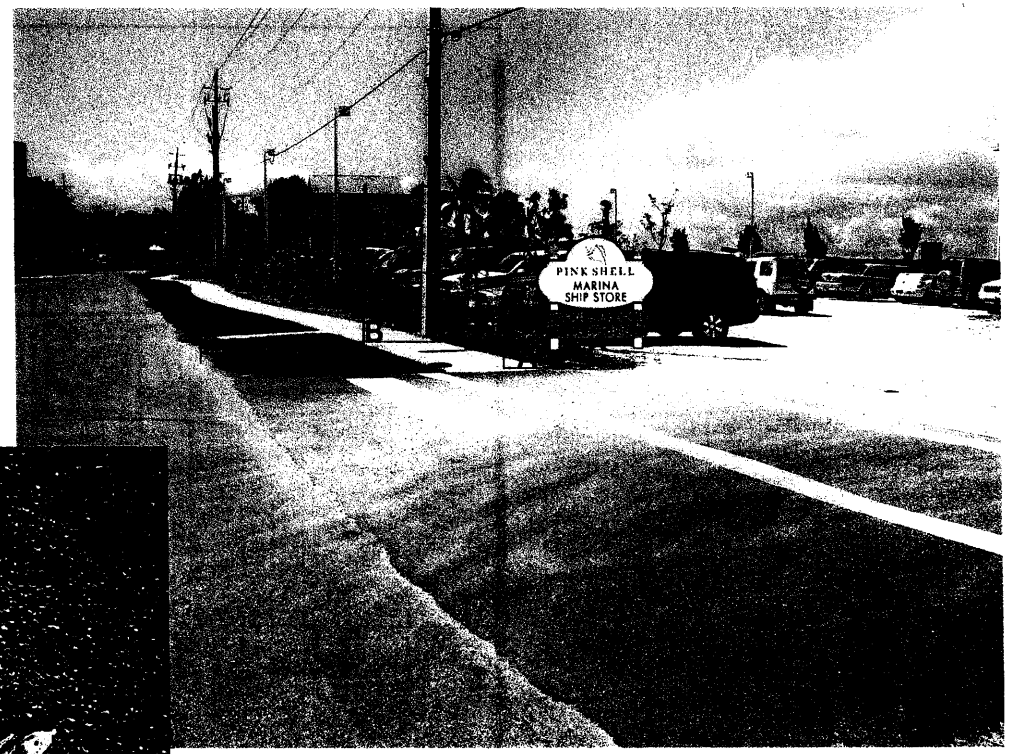
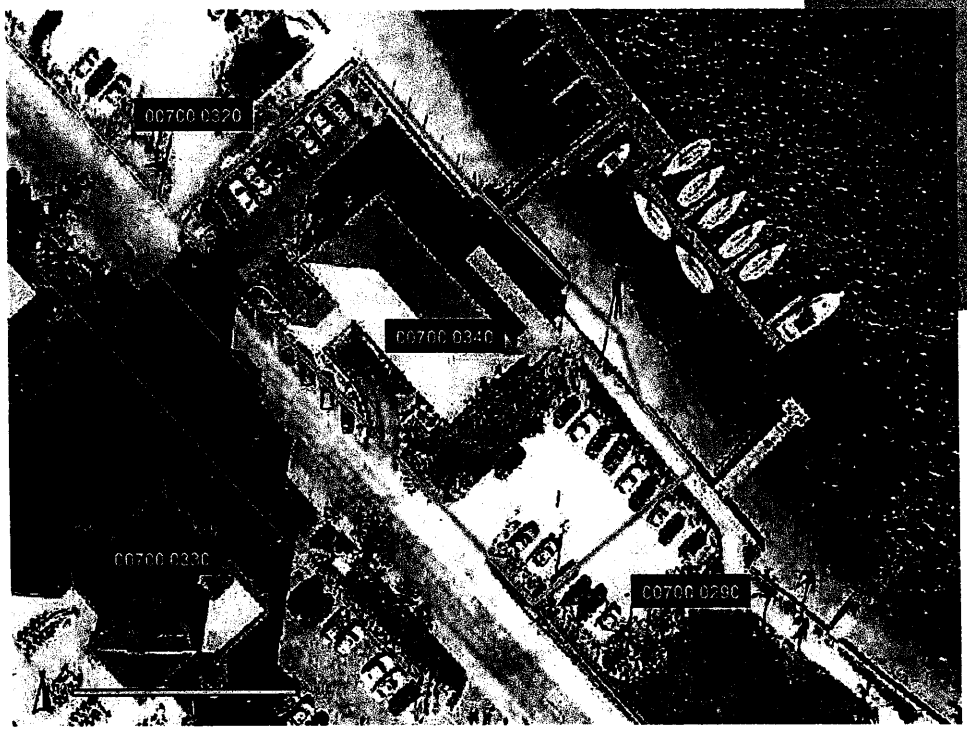

48"
30"
50"
Stainless lag
Stainless lag
Stainless lag
Stainless lag
PINK SHELL
MARINA
SHIP STORE
OFFSHORE SAILING SCHOOL
HOLIDAY BOAT RENTALS
5.5"
5.5"
42.5"
17"
24"





A: 4' From Sign To Sidewalk

B: 18' From Sign To Estero Blvd.

C: 7' From Sign To Driveway

Customer:	Pink Shell Beach Resort & Spa
Company:	Boykin Lodging Co.
Address:	275 Estero Blvd.
City:	Ft. Myers Beach State/ZIP: Fl
Phone:	239.463.8601
Fax:	239.463.8672 bwaichulis@boykin.com

Sign: D

Marina Wall

Job No.:	Date: 8/24/2007
Order Date:	Salesperson:
Sign Dimensions:	Estimate:

Comments:

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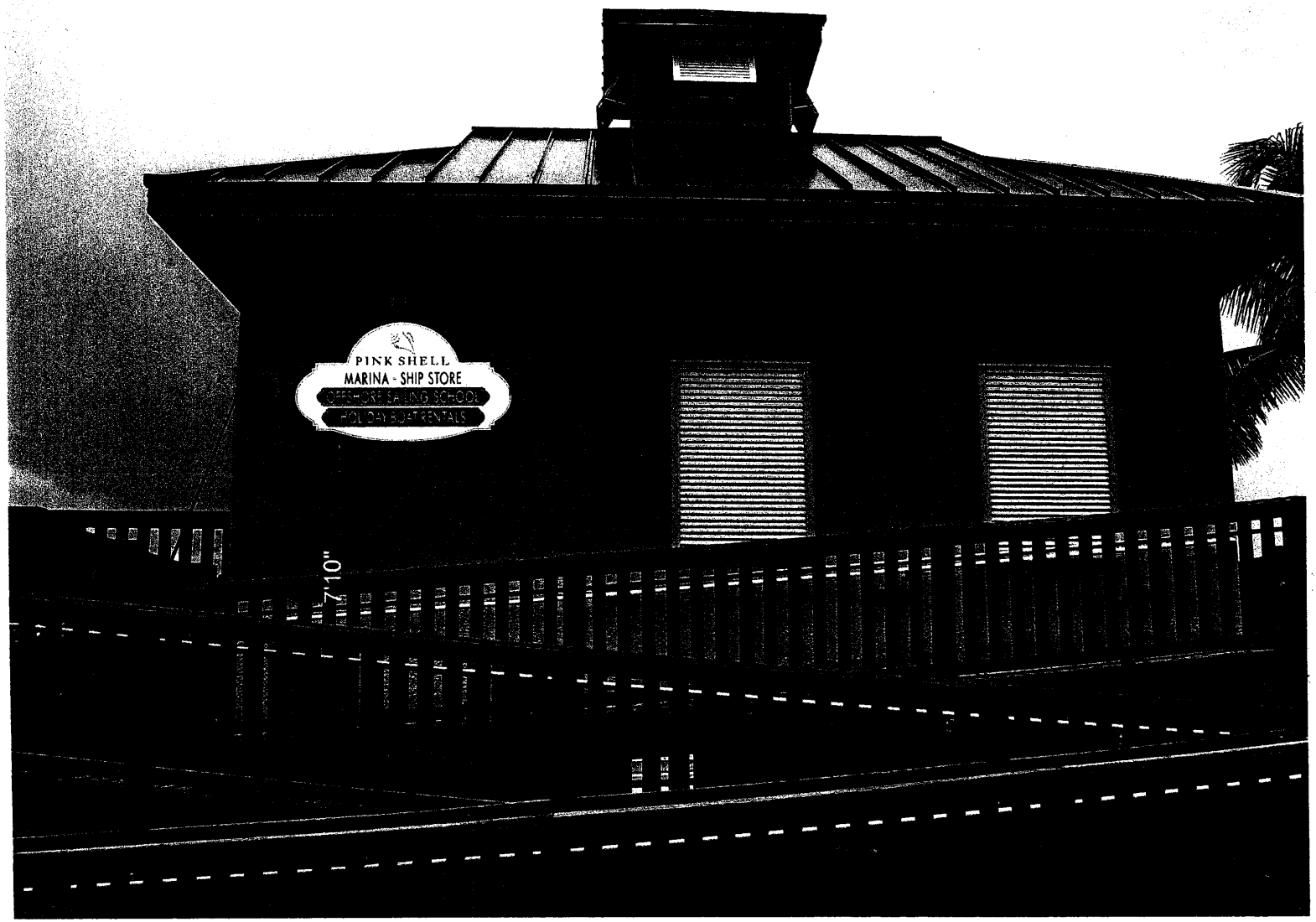
PINK SHELL
MARINA - SHIP STORE
OFFSHORE SAILING SCHOOL
HOLIDAY BOAT RENTALS
7'10"

Customer:	Pink Shell Beach Resort & Spa
Company:	Boykin Lodging Co.
Address:	275 Estero Blvd.
City:	Ft. Myers Beach State/ZIP: Fl
Phone:	239.463.8601
Fax:	239.463.8672 bwaichulis@boykin.com

Sign: E

Captiva Villas

Job No.:	Date: 8/24/2007
Order Date:	Salesperson:
Sign Dimensions:	Estimate:

Comments:

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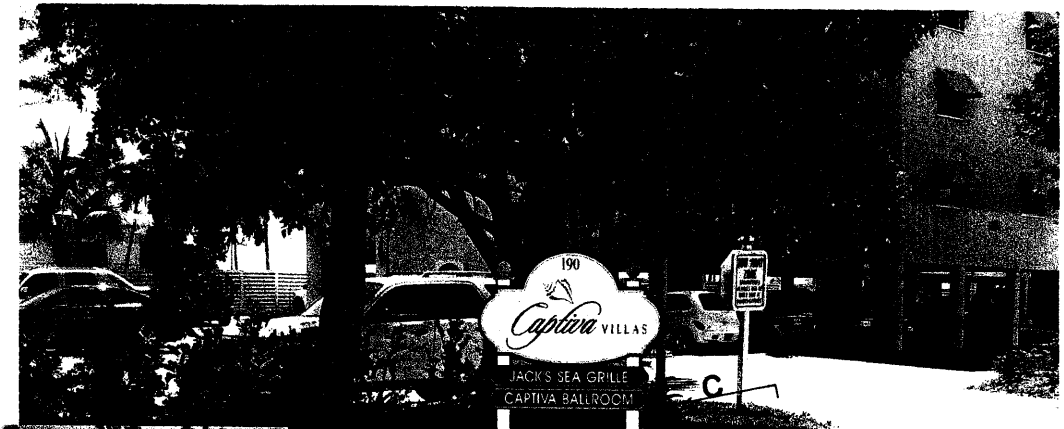
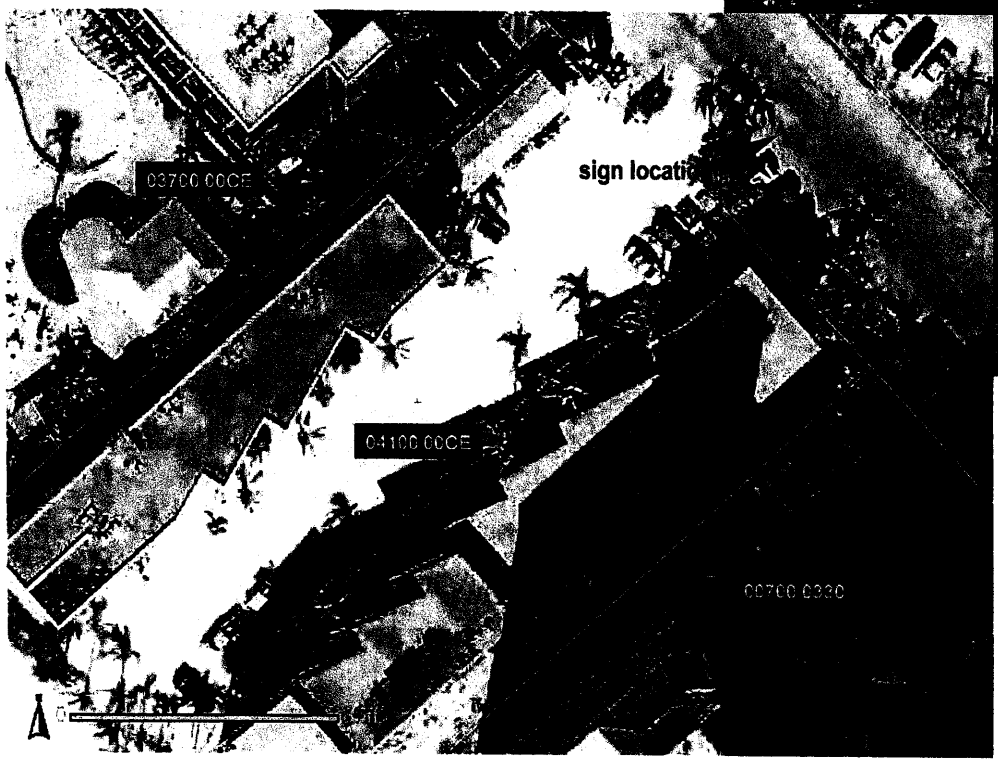
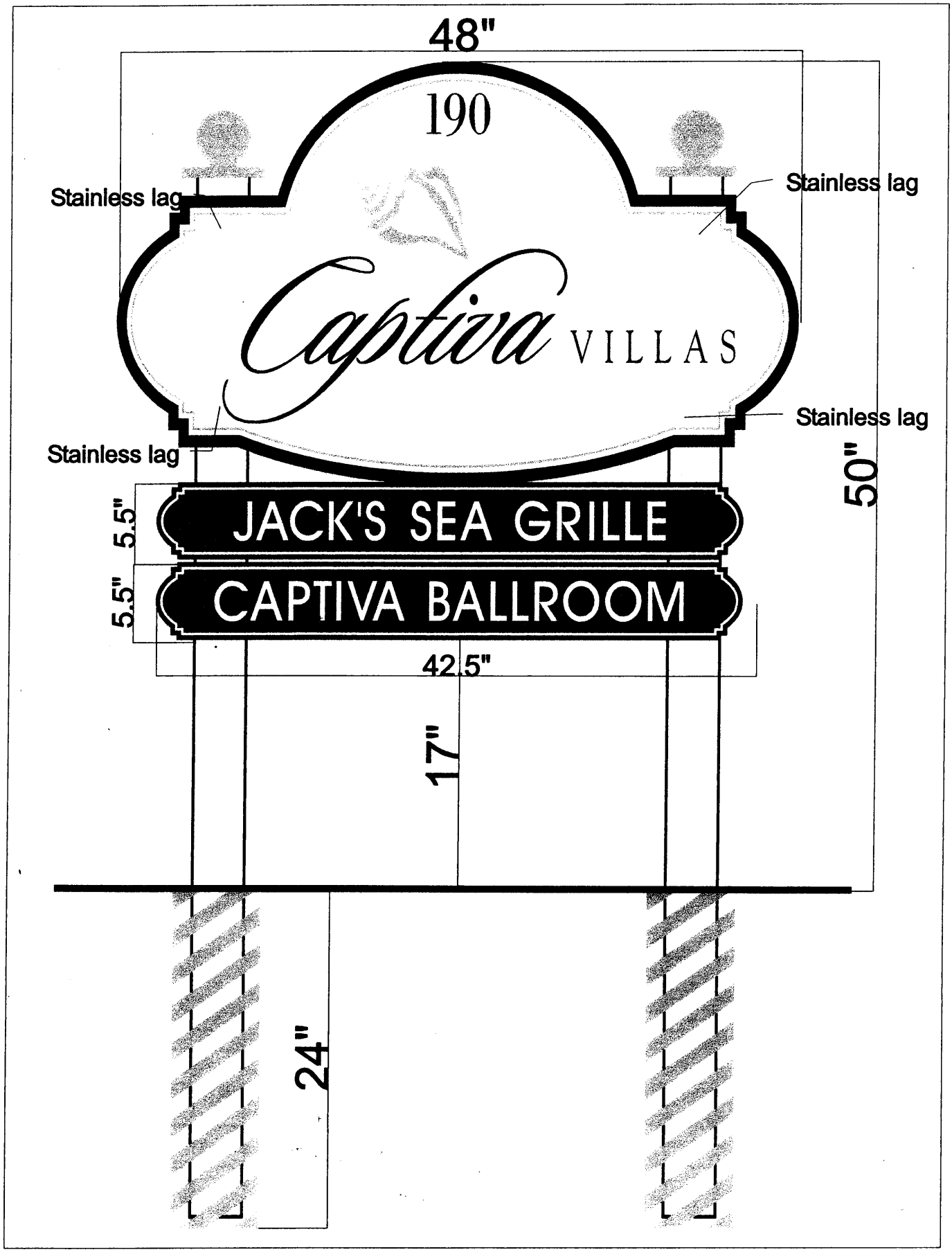




A: 8' From Sign To Sidewalk

B: 14'8" From Sign To Estero Blvd.

C: 12' From Sign To Driveway


48"
190
Stainless lag
Stainless lag
Captiva VILLAS
Stainless lag
Stainless lag
50"
5.5"
JACK'S SEA GRILLE
5.5"
CAPTIVA BALLROOM
42.5"
17"
24"

Property owners not included in this application.

Customer:	Pink Shell Beach Resort & Spa
Company:	Boykin Lodging Co.
Address:	275 Estero Blvd.
City:	Ft. Myers Beach State/ZIP: Fl
Phone:	239.463.8601
Fax:	239.463.8672 bwaichulis@boykin.com

Sign: F

Sanibel View

Job No.:	Date: 8/24/2007
Order Date:	Salesperson:
Sign Dimensions:	Estimate:

Comments:

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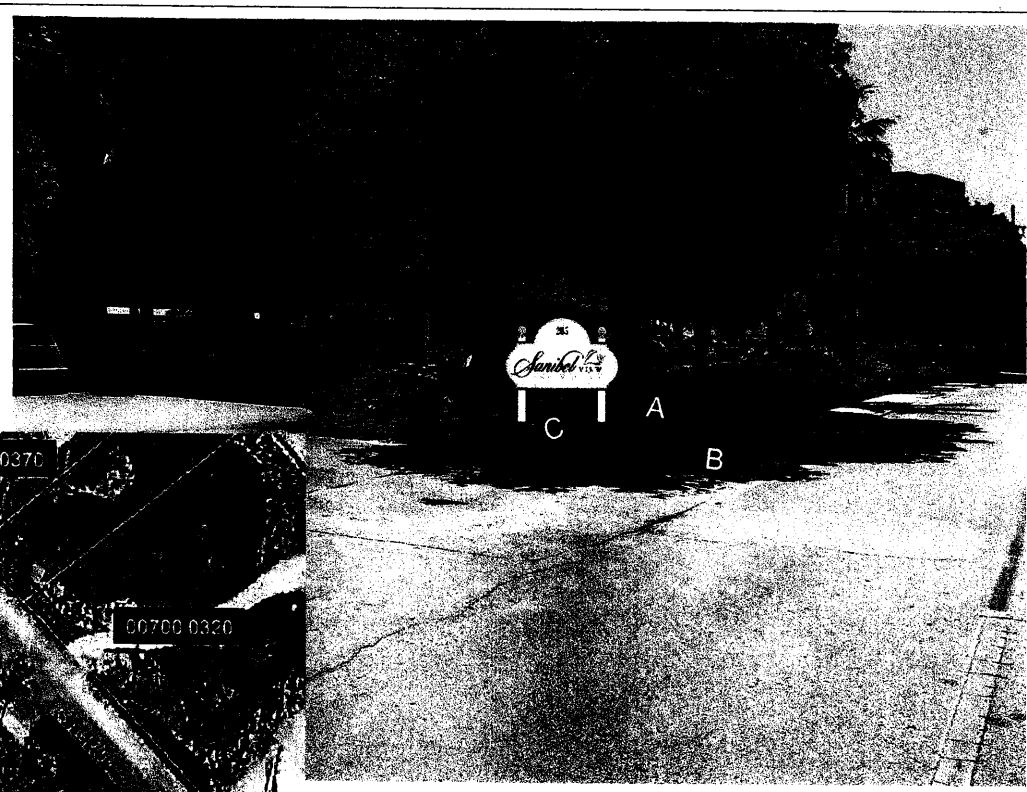
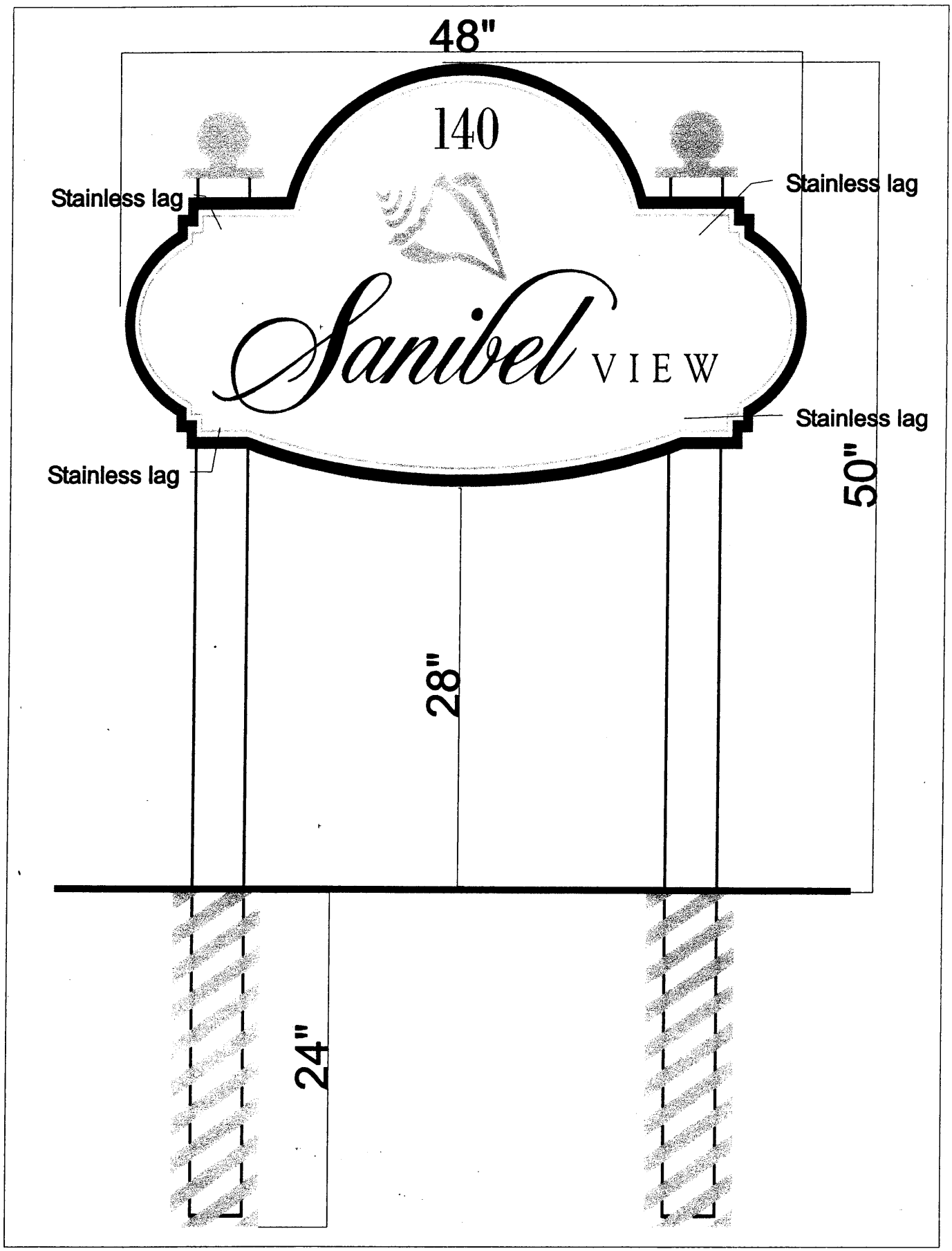


A: 6' From Sign To Sidewalk

B: 10' From Sign To Estero Blvd.

C: 7' From Sign To Drieway


48"
140
Stainless lag
Stainless lag
Sanibel VIEW
Stainless lag
Stainless lag
50"
28"
24"

Property owners not included in this application.

Customer:	Pink Shell Beach Resort & Spa
Company:	Boykin Lodging Co.
Address:	275 Estero Blvd.
City:	Ft. Myers Beach State/ZIP: Fl
Phone:	239.463.8601
Fax:	239.463.8672 bwaichulis@boykin.com

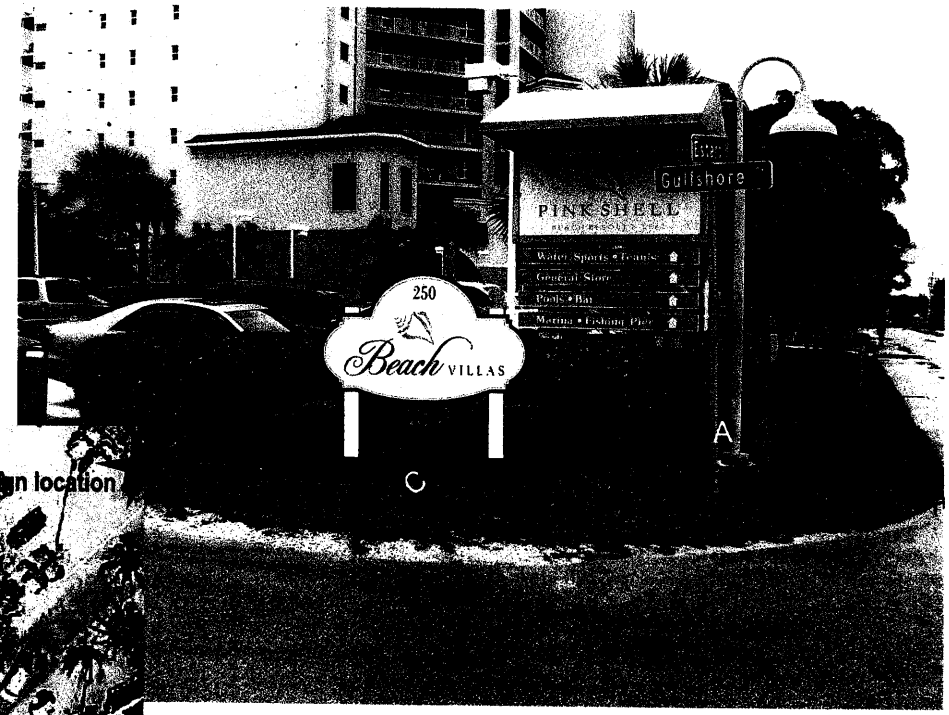
Sign: G
Beach Villas

Job No.:	Date: 8/24/2007
Order Date:	Salesperson:
Sign Dimensions:	Estimate:

Comments:

This Artwork Is Property Of Sabal Signs Inc. The Use Of This Rendering Or Any Part Thereof, Will Result In A Design Charge.

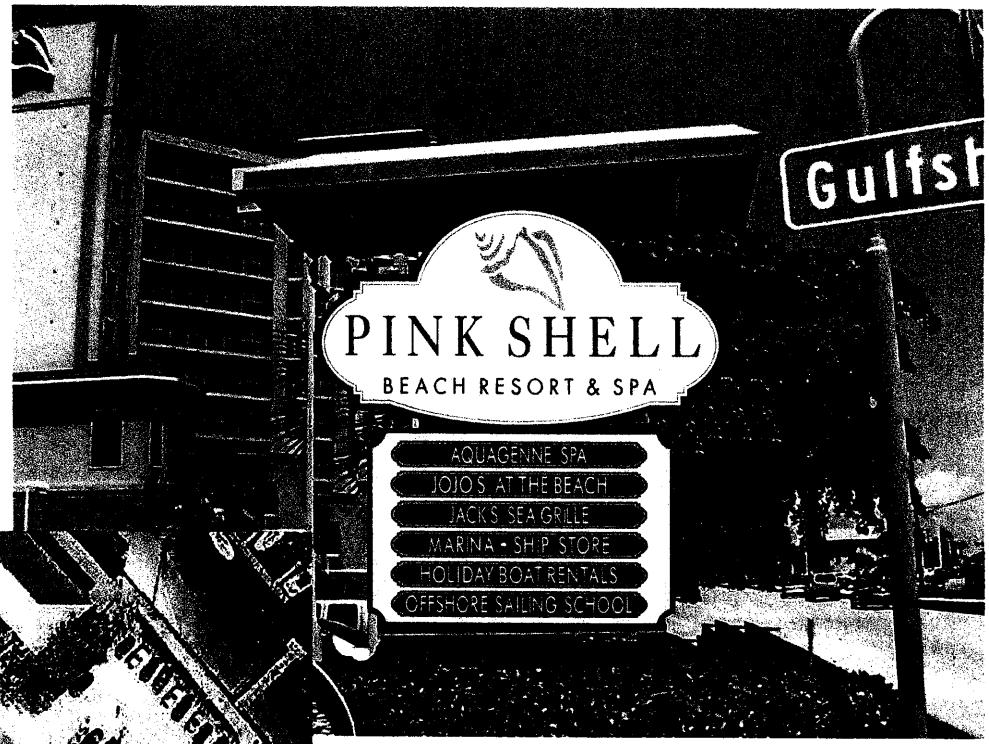
250
Beach VILLAS
101 • 102 • 103 • 104 • 105 • 106 • 107 • 108 • 109 • 110
101 • 102 • 103 • 104 • 105 • 106 • 107 • 108 • 109 • 110
101 • 102 • 103 • 104 • 105 • 106 • 107 • 108 • 109 • 110

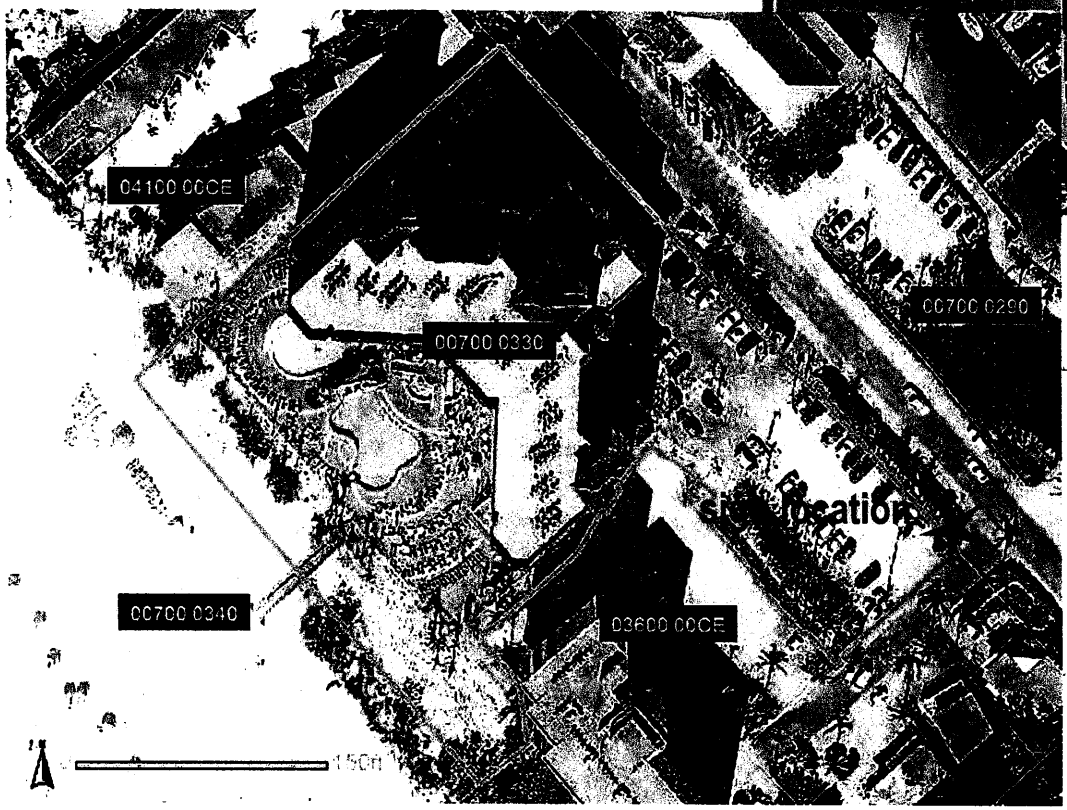


A: 14' From Sign To Sidewalk

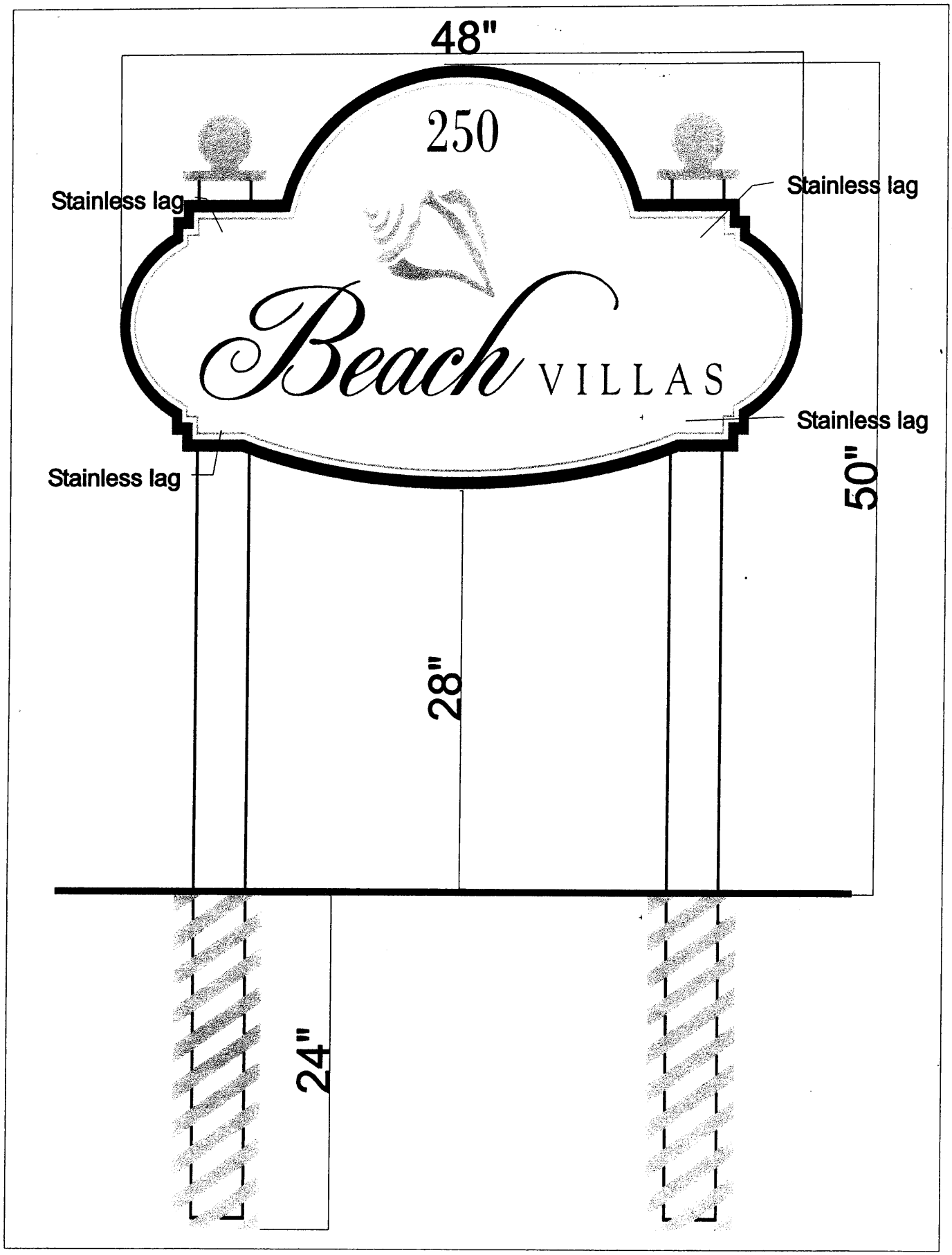
B: 19' From Sign To Estero Blvd.

C: 9' From Sign To Gulfshore Ct.





A: Installed On Existing Post


48"
250
Beach VILLAS
Stainless lag
Stainless lag
Stainless lag
Stainless lag
50"
28"
24"

Customer:	Pink Shell Beach Resort & Spa
Company:	Boykin Lodging Co.
Address:	275 Estero Blvd.
City:	Ft. Myers Beach State/ZIP: Fl
Phone:	239.463.8601
Fax:	239.463.8672 bwaichulis@boykin.com

Sign: H

Additional Parking

Job No.:	Date: 8/24/2007
Order Date:	Salesperson:
Sign Dimensions:	Estimate:
Comments:	

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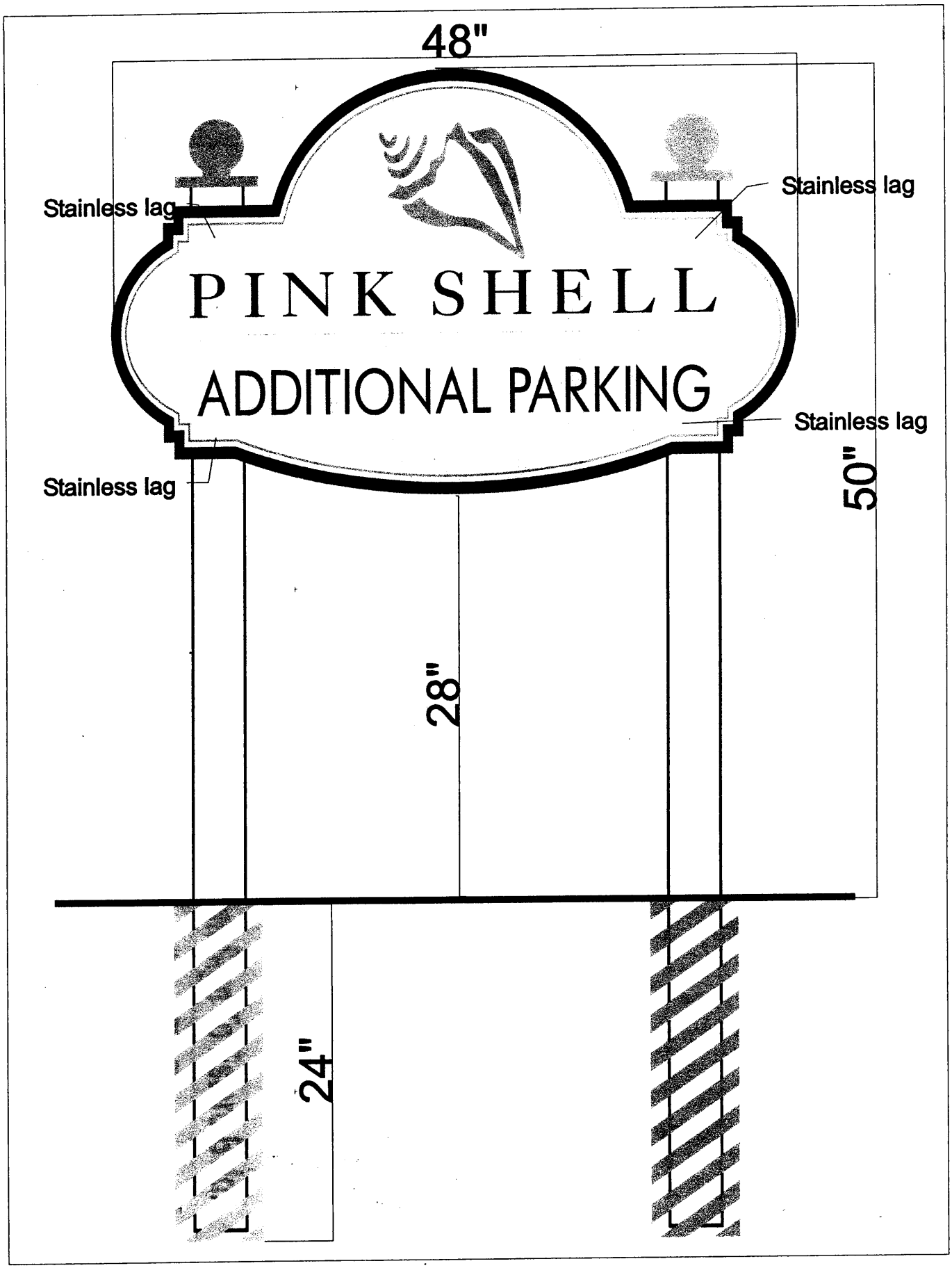
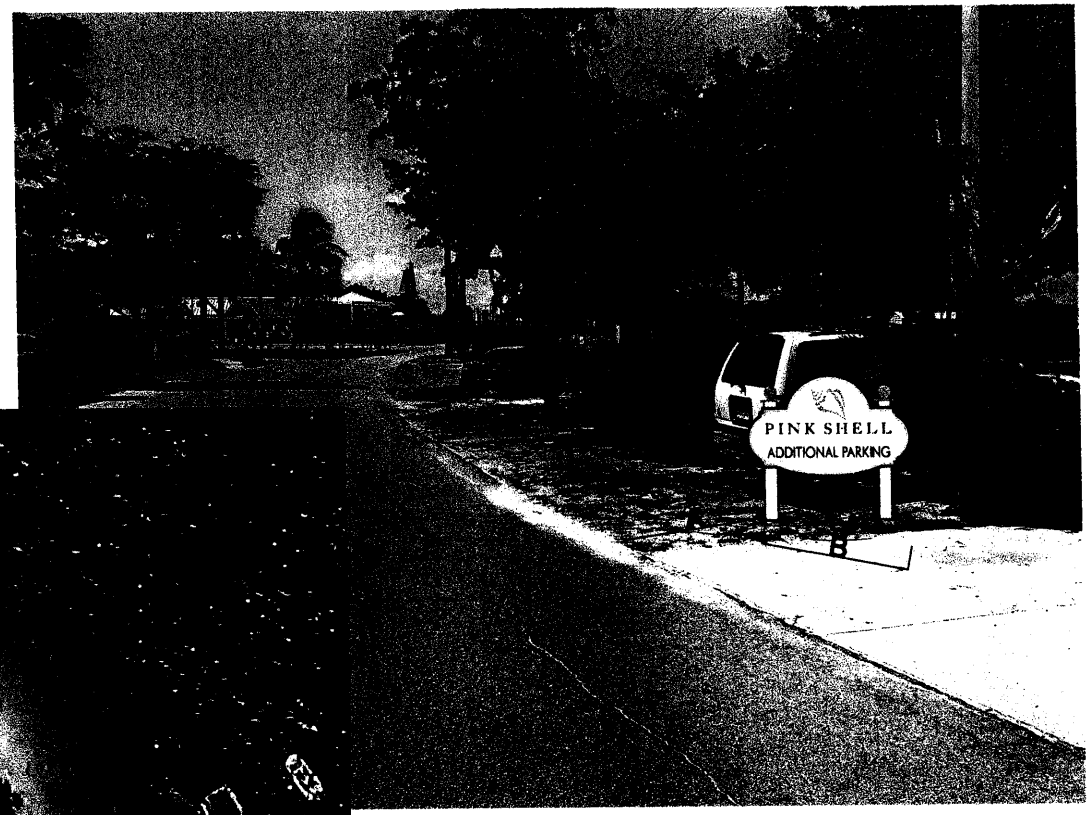
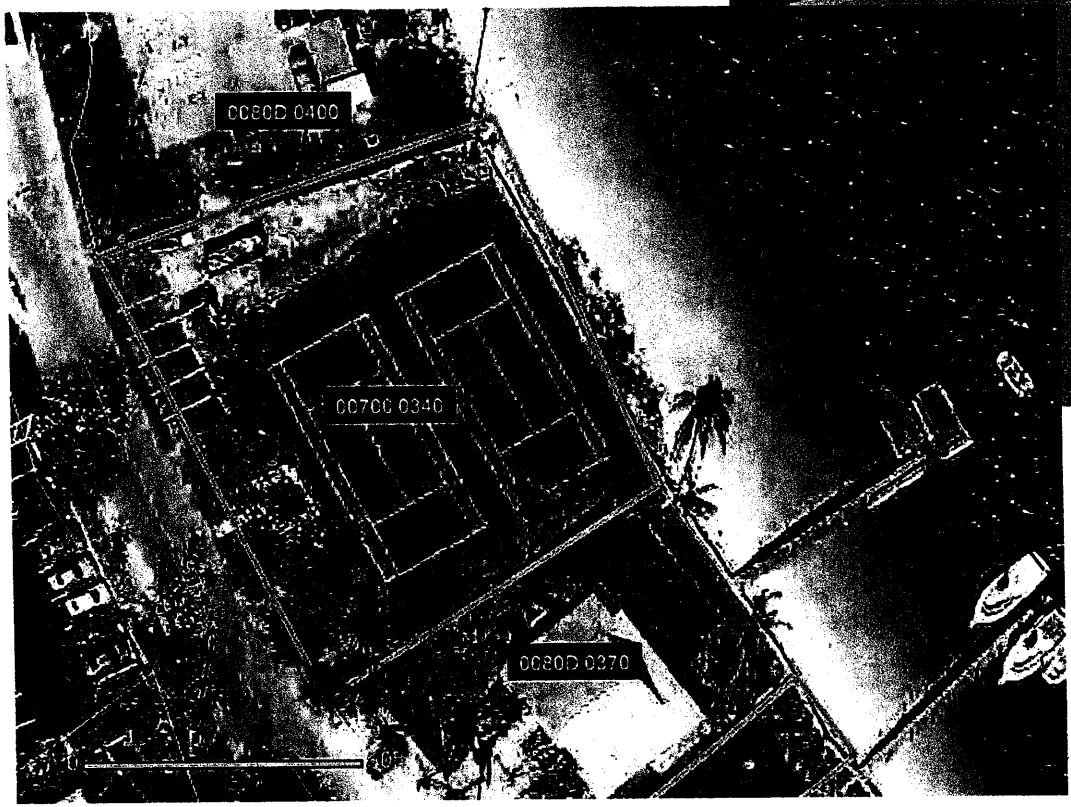
The Use Of This Rendering Or Any Part
Thereof, Will Result In A Design Charge.


48"
Stainless lag
Stainless lag
PINK SHELL
ADDITIONAL PARKING
Stainless lag
Stainless lag
50"
28"
24"





A: 12' From Sign To Estero Bvld.

B: 6' From Sign To Property Line

PINK SHELL
MARINA
DOCKING FOR LUNCH & DINNER
SHIP STORE • BAIT • BOAT RENTALS

Customer:	Pink Shell Beach Resort & Spa
Company:	Boykin Lodging Co.
Address:	275 Estero Blvd.
City:	Ft. Myers Beach State/ZIP: Fl
Phone:	239.463.8601
Fax:	239.463.8672 bwaichulis@boykin.com

Sign: I
Dock Sign

Job No.:	Date: 8/24/2007
Order Date:	Salesperson:
Sign Dimensions:	Estimate:
Comments:	

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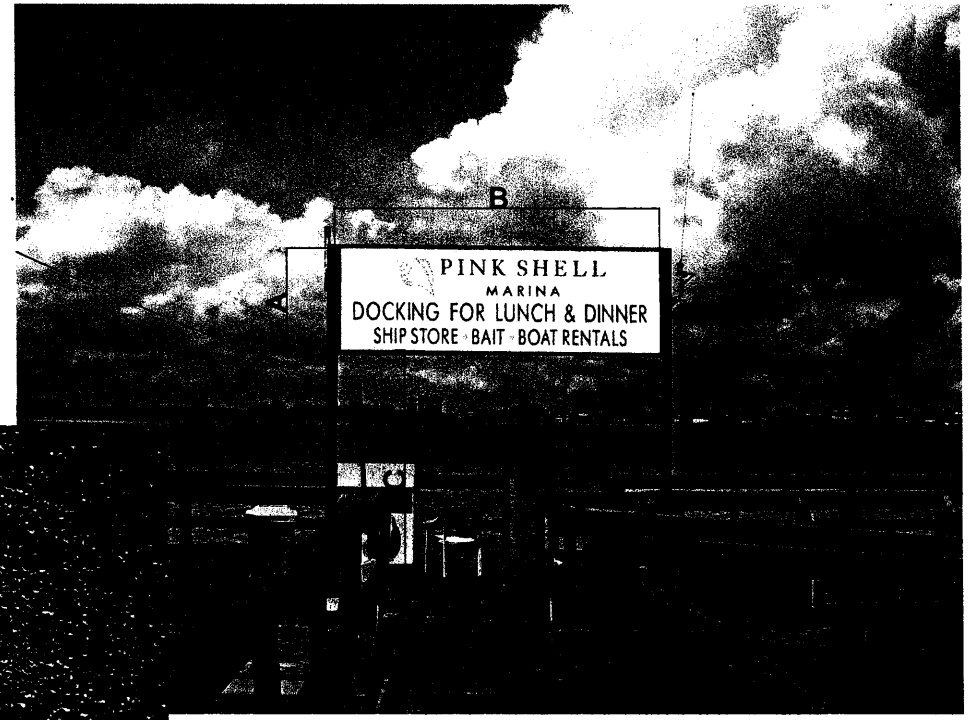


A: 36" Tall

B: 116" Long

C: 10'8" From Bottom Of Sign To Dock

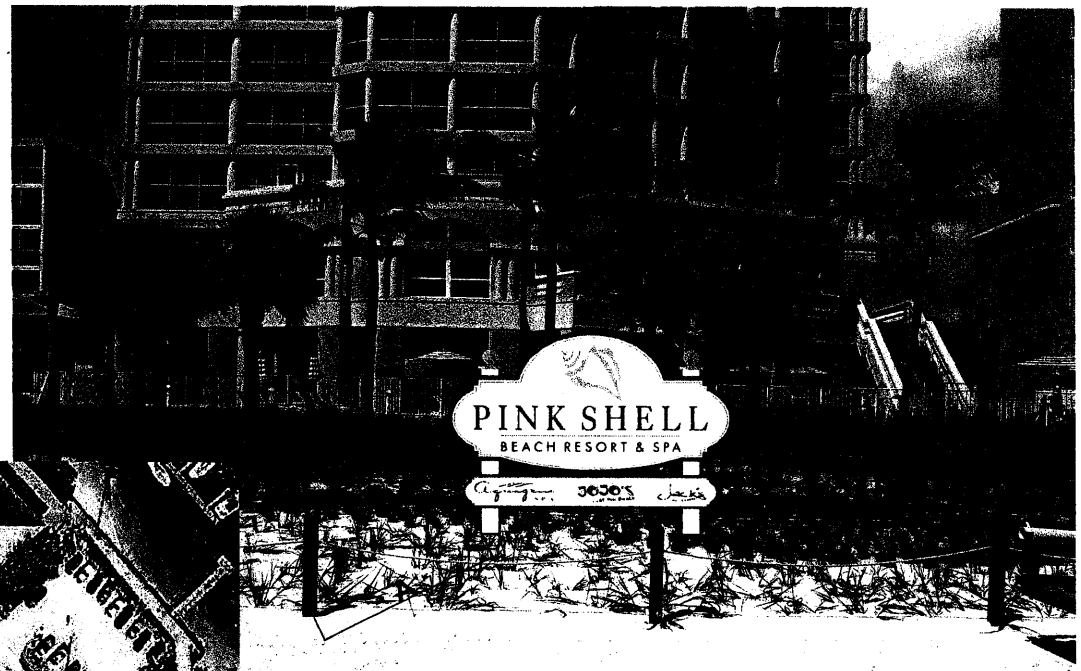
Customer:	Pink Shell Beach Resort & Spa
Company:	Boykin Lodging Co.
Address:	275 Estero Blvd.
City:	Ft. Myers Beach State/ZIP: Fl
Phone:	239.463.8601
Fax:	239.463.8672 bwaichulis@boykin.com

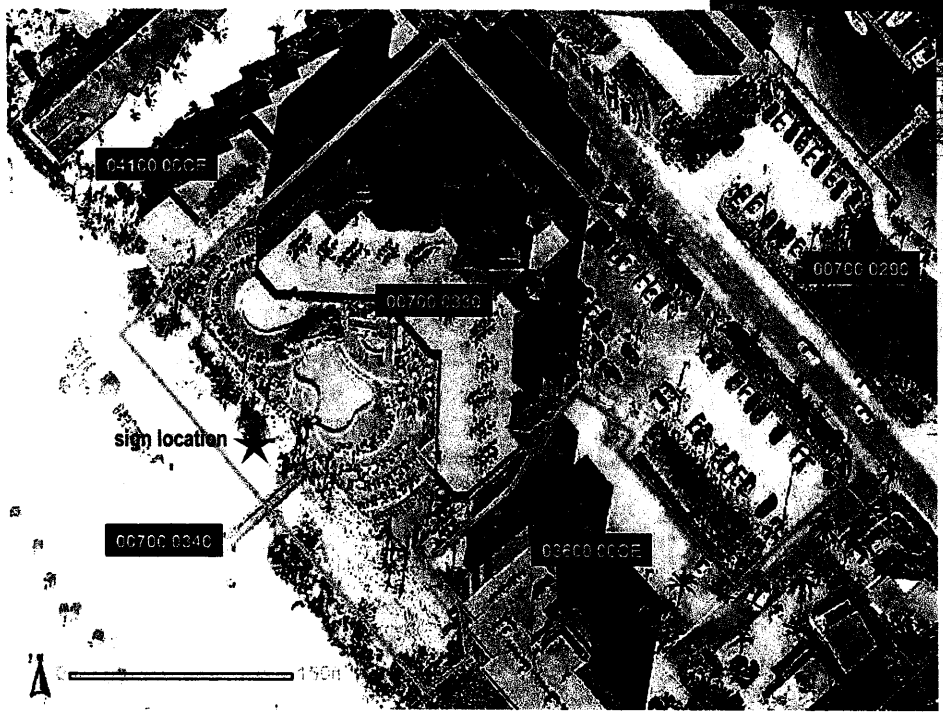
Sign: J

Beach Side Sign

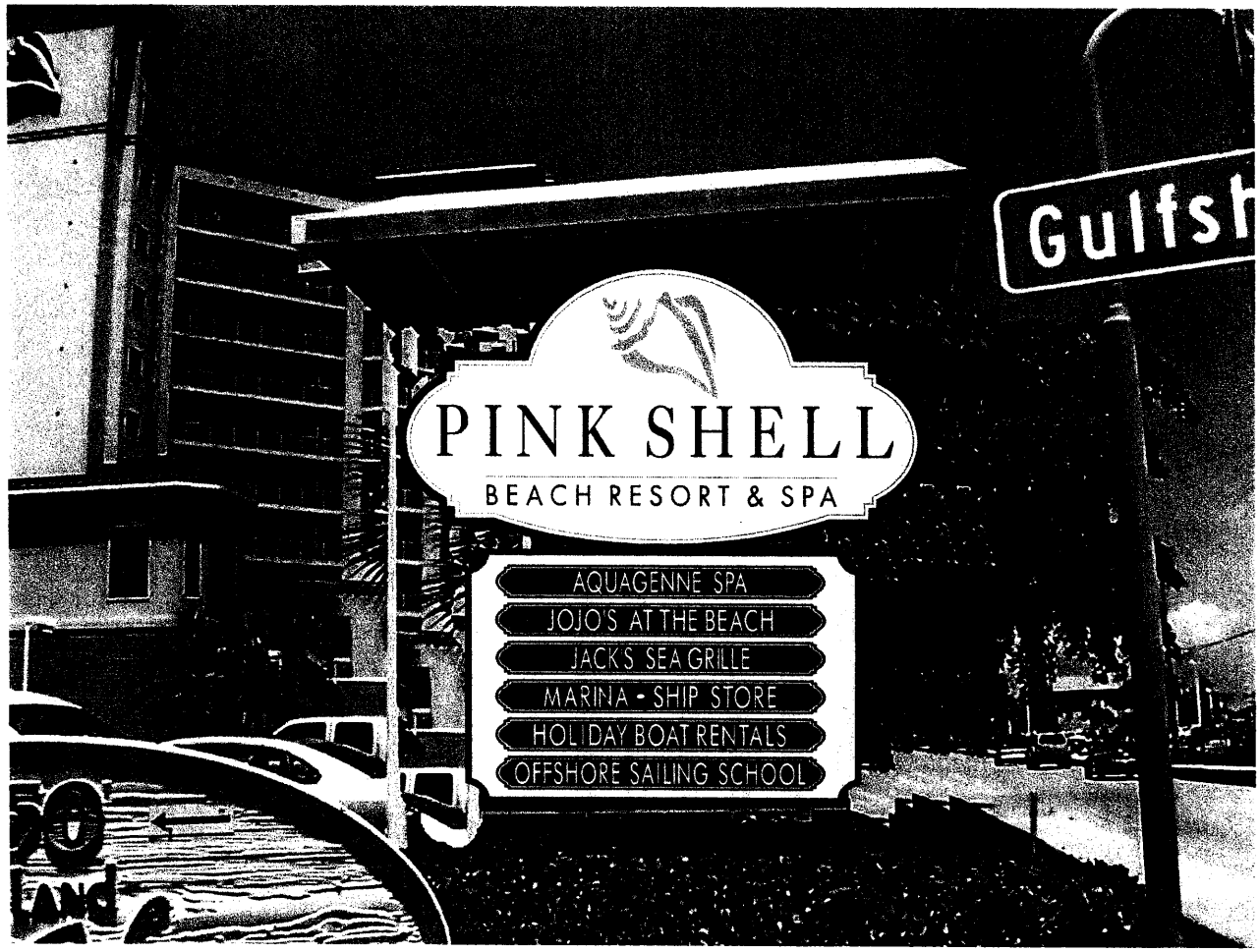
Job No.:	Date: 8/24/2007
Order Date:	Salesperson:
Sign Dimensions:	Estimate:
Comments:	

This Artwork Is Property Of Sabal Signs Inc. The Use Of This Rendering Or Any Part Thereof, Will Result In A Design Charge.





A: 10' From Sign To Post



Customer:	Pink Shell Beach Resort & Spa
Company:	Boykin Lodging Co.
Address:	275 Estero Blvd.
City:	Ft. Myers Beach State/ZIP: Fl
Phone:	239.463.8601
Fax:	239.463.8672 bwaichulis@boykin.com

Sign: K

Front Sign 2

Job No.:	Date: 8/24/2007
Order Date:	Salesperson:
Sign Dimensions:	Estimate:

Comments:

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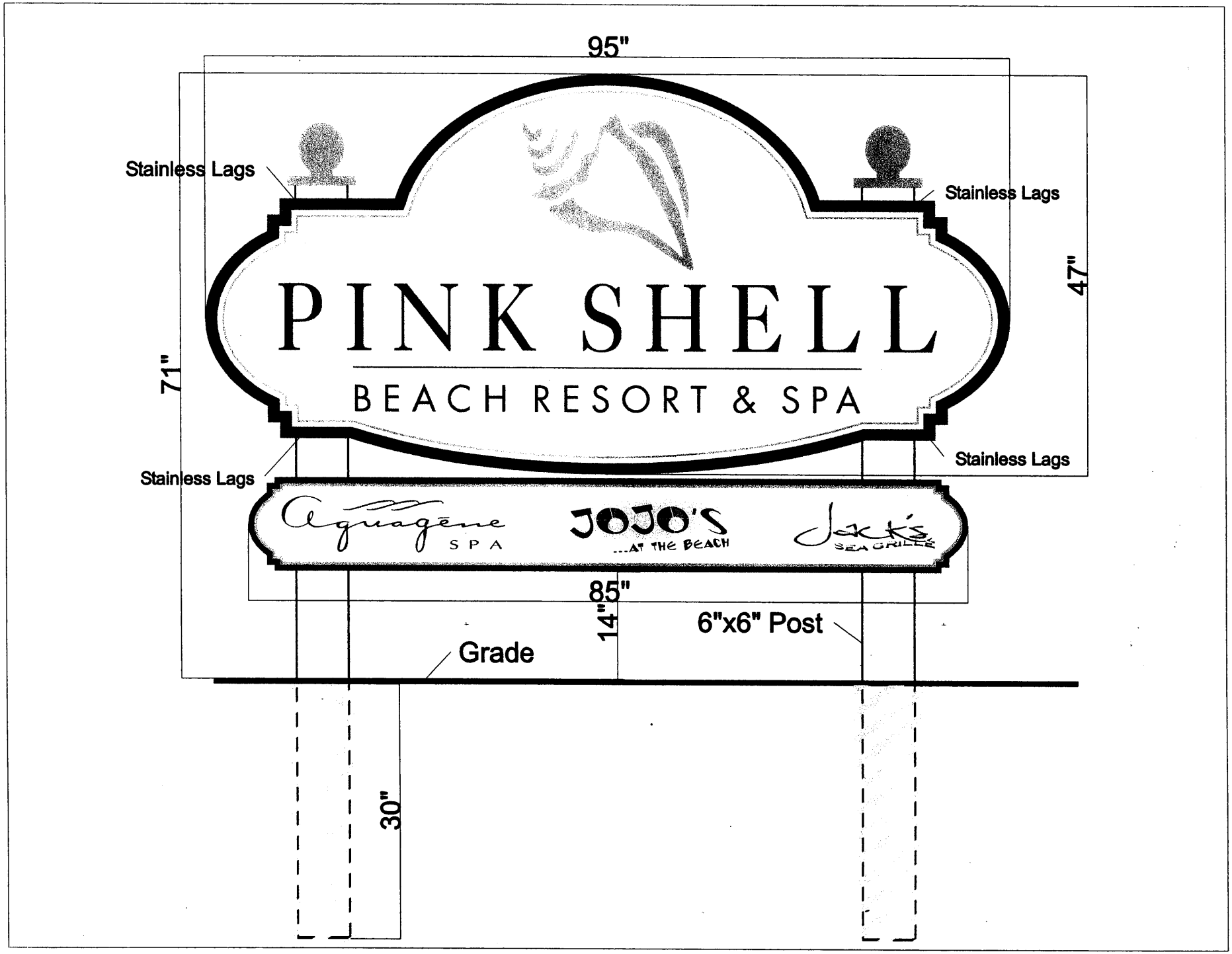
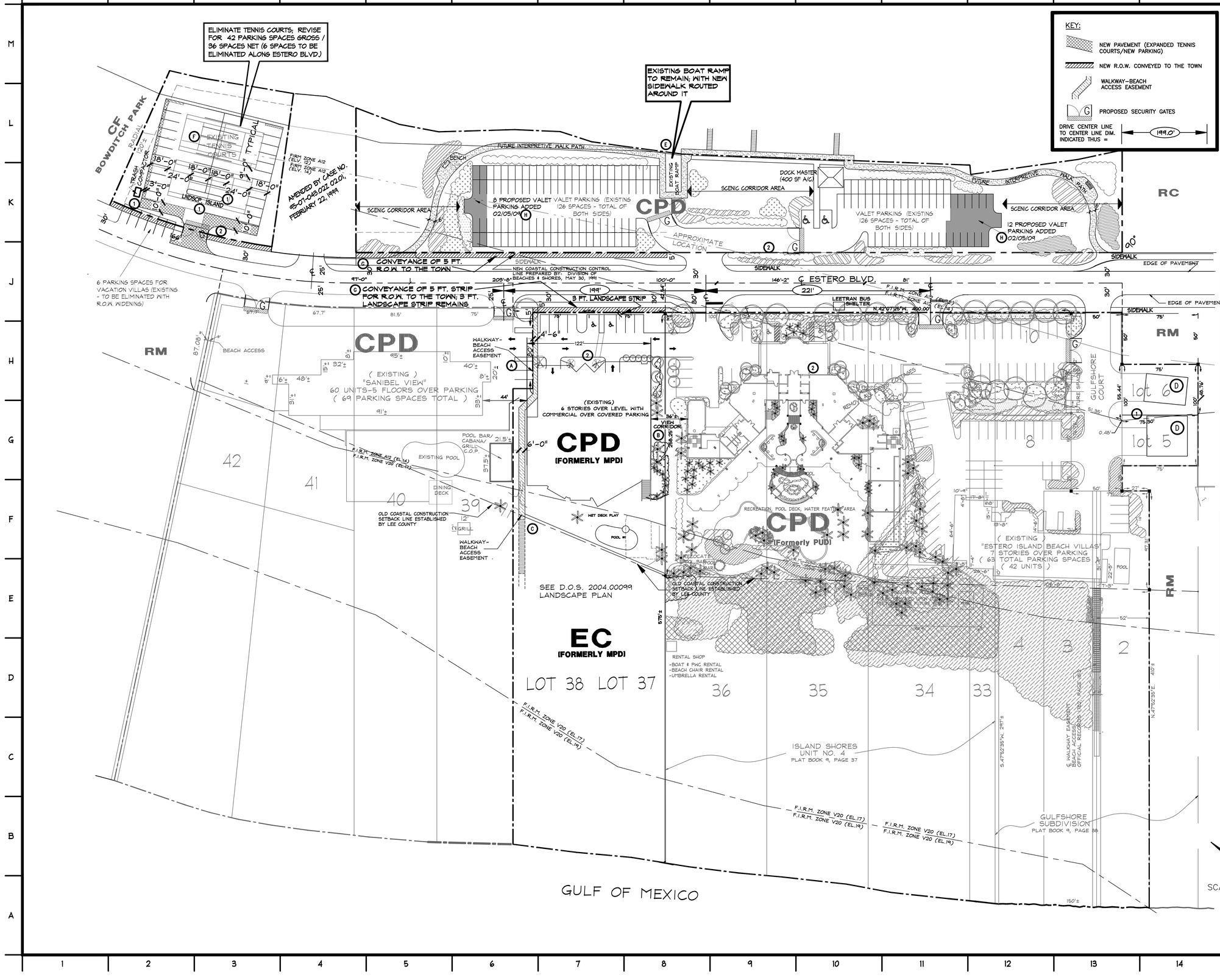

95"
Stainless Lags
Stainless Lags
47"
71"
PINK SHELL
BEACH RESORT & SPA
Stainless Lags
Stainless Lags
Aquagene SPA
JOJO'S ...AT THE BEACH
Jack's SEA GRILLE
85"
14"
6"x6" Post
Grade
30"



C P D NOTES:
ZONING – C P D

1. PHASE I "PINK SHELL ISLAND SHORES" – NOT PART OF PINK SHELL RESORT
2. PHASE II AND IV OF PUD PLAN (COMBINED "SANIBEL VIEW" EXISTING SIX (6) STORY, SIXTY (60) UNITS) NOT PART OF THIS APPLICATION
3. PHASE III ONE SEVEN (7) STORY STRUCTURE OVER PARKING WHICH NOW EXISTS AS ESTERO ISLAND BEACH VILLAS WITH 42 UNITS AND JANUARY 10, 2000 AND JUNE 25, 2001 AMENDMENTS TO PUD, ONE NINE (9) STORY STRUCTURE OVER SERVICE LEVEL AND GROUND LEVEL APPROVED WITH RESORT USES AND 92 UNITS

SCHEDULE OF DEVIATIONS – (PROPOSED)

1. DEVIATION FROM LDC, SECTION 10–416(c) –(d) TO: (c) REDUCE THE LANDSCAPE BUFFER ALONG ESTERO BLVD. FROM 15' TO 3' AND (d) ELIMINATE THE REQUIRED INTERNAL LANDSCAPEING FOR THE TENNIS COURT PARKING, AND APPROVAL OF AN ALTERNATE BETTERMENT PLAN PURSUANT TO LDC SECTION, 10– 419.
2. DEVIATION FROM LDC SECTION 30–153 REGARDING PERMANENT IDENTIFICATION SIGNS IN COMMERCIAL, AND APPROVAL OF A UNIFIED RESORT SIGN PACKAGE.

REVISIONS TO PINK SHELL MCP

A. REVISION TO WHITE SANDS CPD AND CAPTIVA VILLAS CPD TO RELOCATE PEDESTRIAN WALKWAY
B. VIEW CORRIDOR (WITHIN THE THIRTY SIX (36') BUILDING SEPARATION AREA TO BE SHARED BY WHITE SANDS PARCEL AND CAPTIVA VILLAS PARCEL). THE VIEW CORRIDOR SHALL BE A MINIMUM OF TWENTY FEET (20') IN WIDTH WITH LANDSCAPING. PERSUANT TO A RECORDED INSTRUMENT WITH THE TOWN OF FORT MYERS BEACH AS THE BENEFICIARY, TWELVE FEET (12') SHALL BE PRESERVED A MINIMUM CLEAR SITE AREA.
C. PEDESTRIAN WALKWAY WILL PROVIDE A DUNE CROSSOVER.
D. EMPLOYEE HOUSING APPROVAL.
E. EXISTING LOCATION OF BOAT RAMP AND WALKWAY
F. NEW PARKING AREA
G. 5–FOOT DONATION, REDUCTION IN PARCEL BOUNDARY DUE TO CONVEYANCE OF ROW TO TOWN.
H. ADD 20 VALET PARKING (02/05/09)

PARKING COUNT
EXISTING & PROPOSED

- ALL PREVIOUS PHASES HAVE INDIVIDUALLY SATISFIED THEIR PARKING REQUIREMENTS
- CAPTIVA VILLAS AND WHITE SANDS: 203 SPACES REQUIRED
- EXISTING PARKING:
  GULFSIDE = 88 SPACES
  BAYSIDE (VALET) = 126 SPACES
  SUB TOTAL = 209 SPACES
- PROPOSED ADDED PARKING:
  CONVERT EXISTING TENNIS COURTS TO PARKING = 42 (GROSS) 36 SPACES (NET)
  NEW VALET PARKING =20 SPACES
  SUB TOTAL = 56 SPACES
- PROPOSED TOTAL 265 SPACES

REVISED 05/10/07
REVISED 07/27/07
REVISED 09/10/07
REVISED 02/05/09

Town of Fort Myers Beach
Attachment A

PLOT SCALE

Gora McGahey
43 Barkley Circle Suite 202
Fort Myers, Florida 33907

PINK SHELL C P D

JOB NO. 98
SP-

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INSTR # 2007000091821, Doc Type RES, Pages 11, Recorded 03/21/2007 at 09:50 AM, Charlie Green, Lee County Clerk of Circuit Court, Rec. Fee $95.00 Deputy Clerk CMASSEY

Town of Fort Myers Beach
Attachment C

This instrument was prepared by
and After Recording Return to:
Steven M. Falk, Esq.
Roetzel & Andress, LPA
850 Park Shore Drive, Suite 300
Naples, Florida 34103
(239) 649-6200

_____(space above this line for recording data)_____

AMENDMENT TO DECLARATION OF CONDOMINIUM
CAPTIVA VILLAS, A CONDOMINIUM

THIS AMENDMENT is executed by CAPTIVA VILLAS DEVELOPMENT, LLC, (the "Developer").

WHEREAS, on December 28, 2006, Developer recorded a Declaration of Condominium for Captiva Villas, a Condominium (the "Condominium"), as Instrument #2006000478367 of the Public Records of Lee County, Florida (the "Declaration") and in Section 21.6 of the Declaration Developer reserved the right to amend the Declaration; and

WHEREAS, at the time the Declaration was recorded the Condominium was not substantially complete; and

WHEREAS, Developer wishes to amend the Declaration in order to record the final as-built legal description, site and floor plans for the Condominium (Exhibits "A" and "B", respectively).

NOW THEREFORE, pursuant to the rights reserved by Section 21.6 of the Declaration described above, the Developer hereby amends the Declaration as follows:

The final as-built legal description, site and floor plans for the Condominium attached hereto are substituted for the legal description, site and floor plans originally attached to the Declaration as Exhibits "A" and "B", respectively.

Witnesses:

CAPTIVA VILLAS DEVELOPMENT, LLC, a Delaware limited liability company

By: New Pink Shell, LLC, a Delaware limited liability company

By: _____
Robert W. Boykin
Its: Manager

Witness Name: Annamarie Norgrove

Witness Name: Gretchen Bayer

STATE OF OHIO
COUNTY OF CUYAHOGA

I HEREBY CERTIFY that on this 14th day of March, 2007, before me, an Officer duly authorized in the State and County aforesaid, to take acknowledgements, personally appeared before me Robert W. Boykin, Manager of New Pink Shell, LLC, a Delaware limited liability company, as Managing Member of Captiva Villas Development, LLC, a Delaware limited liability company, and acknowledged before me that he executed the same on behalf of those limited liability companies. He is personally known to me.

Erin C. Hannum
Notary Public
Name: ERIN C. HANNUM
Serial No.:
My Commission Expires:

ERIN C. HANNUM, NOTARY PUBLIC
STATE OF OHIO, CUYAHOGA COUNTY
MY COMMISSION EXPIRES 11/17/07

EXHIBIT "A"
TO THE DECLARATION OF CONDOMINIUM OF

CAPTIVA VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

NOTES

1. LAND IS IN FLOOD ZONE A12, BASED UPON F.E.M.A FLOOD INSURANCE RATE MAP NO. 125124-0429 D DATED 9-20-96, ELEVATION 14.0

2. ONLY ABOVE GROUND VISIBLE ENCROACHMENTS ONTO OR FROM ADJOINING PROPERTY ARE SHOWN. ENCROACHMENTS BENEATH THE GROUND SURFACE AND THOSE WHICH ARE NOT VISIBLE BY NORMAL OBSERVATION ARE NOT SHOWN.

3. THE BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF ESTERO BLVD. BEING N. 42°07'25"W.

4. ELEVATIONS SHOWN HEREON ARE IN FEET AND ARE RELATIVE TO THE F.M.B.B.H. BENCH MARK 18, ELEVATION 5.10.

5. LAND SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, SETBACKS, RESTRICTIONS, RESERVATIONS OR RIGHTS OF WAY OF RECORD.

6. THIS SURVEY WAS CONDUCTED FOR THE PURPOSES OF A CONDOMINIUM ONLY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OF FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITIES.

7. THE EASEMENTS SHOWN OR NOTED HEREON FOR UTILITIES AND DRAINAGE SERVING THE UNITS AND COMMON ELEMENTS ARE ONLY THOSE KNOWN TO OR ANTICIPATED BY THE UNDERSIGNED OR DEVELOPER. REFER TO DECLARATION FOR EASEMENTS NOT NOTED OR SHOWN.

8. SEWER WATER, ELECTRIC, TELEPHONE, TELEVISION, UTILITIES, CURBS, LANDSCAPING, IRRIGATION SYSTEM, & OTHER MINOR IMPROVEMENTS ARE NOT SHOWN.

9. UNIT BOUNDARIES ARE AS DESCRIBED OR SHOWN ON EXHIBITS, SUBJECT TO THE WORDING OF THE DECLARATION OF CONDOMINIUM.

10. COMMON ELEMENTS ARE DEFINED AS THOSE PORTIONS OF THE CONDOMINIUM PROPERTY NOT INCLUDED IN THE UNITS AS PROVIDED FOR IN DECLARATION OF CONDOMINIUM.

11. LIMITED COMMON ELEMENTS ARE DEFINED AS THOSE COMMON ELEMENTS WHICH ARE RESERVED FOR THE USE OF A CERTAIN CONDOMINIUM UNIT TO THE EXCLUSION OF OTHER UNITS, AS PROVIDED FOR IN THE DECLARATION OF CONDOMINIUM.

12. THIS CERTIFICATION IS ONLY FOR THE LANDS AS DESCRIBED HEREON; IT IS NOT A CERTIFICATION OF OWNERSHIP, TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.

13. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A LICENSED SURVEYOR AND MAPPER.

14. FLOOR PLANS SHOWN HEREON WERE OBTAINED FROM ELECTRONIC FILES PROVIDED BY HKS ARCHITECTS INC.

DESCRIPTION:

CAPTIVA VILLAS, A CONDOMINIUM, LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23, LEE COUNTY FLORIDA.

PARCELS OF LAND LYING IN LOT 37 AND LOT 38 OF ISLAND SHORES CLUB SECTION, PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDARY LIMITS OF GROUND PARCEL

COMMENCE AT SOUTHEAST CORNER OF SAID LOT 37 BEING A POINT ON THE SOUTHWEST RIGHT OF WAY OF ESTERO BOULEVARD 25 FEET FROM THE CENTERLINE; THENCE S.47°52'35"W ALONG THE SOUTHEAST LINE OF SAID LOT 37 FOR 89.94 FEET; THENCE N.42°07'25"W., FOR 10.16 FEET TO THE POINT OF BEGINNING OF PARCEL 1; THENCE N.42°07'25"W., FOR 16.33 FEET; THENCE S.47°52'35"W., FOR 1.67 FEET; THENCE N.42°07'25"W., FOR 10.67 FEET; THENCE N.47°52'35"E., FOR 3.74 FEET; THENCE N.12°07'24"W., FOR 8.66 FEET; THENCE N.47°52'35"E., FOR 32.16 FEET; THENCE S.42°07'25"E., FOR 24.50 FEET; THENCE S.47°52'35"W., FOR 2.00 FEET; THENCE S.42°07'25"E., FOR 10.00 FEET; THENCE S.47°52'35"W., FOR 36.58 FEET TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 1, N.60°15'12"W., FOR 28.41 FEET TO THE POINT OF BEGINNING OF PARCEL 2; THENCE S.42°07'25"E., FOR 10.67 FEET; THENCE S.47°52'35"W., FOR 1.91 FEET; THENCE S.42°07'25"E., FOR 14.50 FEET; THENCE S.47°52'35"W., FOR 17.00 FEET; THENCE N.42°07'25"W., FOR 13.00 FEET; THENCE N.47°52'35"E., FOR 8.25 FEET; THENCE N.42°07'25"W., FOR 12.17 FEET; THENCE N.47°52'35"E., FOR 10.67 FEET TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 2; THENCE N.20°28'47"W., FOR 21.70 FEET TO THE POINT OF BEGINNING OF PARCEL 3; THENCE N.42°07'25"W., FOR 9.00 FEET; THENCE N.47°52'35"E., FOR 9.00 FEET; THENCE S.42°07'25"E., FOR 9.00 FEET; THENCE S.47°52'35"W., FOR 9.00 FEET TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 2; THENCE S.72°31'37"W., FOR 23.38 FEET TO THE POINT OF BEGINNING OF PARCEL 4; THENCE N.42°07'25"W., FOR 9.00 FEET; THENCE N.47°52'35"E., FOR 13.00 FEET; THENCE S.42°07'25"E., FOR 9.00 FEET; THENCE S.47°52'35"W., FOR 13.00 FEET TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 4, S.88°32'07"W., FOR 10.87 FEET TO THE POINT OF BEGINNING OF PARCEL 5; THENCE S.47°52'35"W., FOR 10.67 FEET; THENCE N.42°07'25"W., FOR 10.67 FEET; THENCE N.47°52'35"E., FOR 10.67 FEET; THENCE S.42°07'25"E., FOR 10.67 FEET; TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 5, S.23°09'31"E., FOR 25.38 FEET; TO THE POINT OF BEGINNING OF PARCEL 6; THENCE N.47°52'35"E., FOR 10.67 FEET; THENCE S.42°07'25"E., FOR 10.67 FEET; THENCE S.47°52'35"W., FOR 10.67 FEET; THENCE N.42°07'25"W., FOR 10.67 FEET TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 6, S.54°17'43"W., FOR 13.42 FEET TO THE POINT OF BEGINNING OF PARCEL 7; THENCE S.42°07'25"E., FOR 19.00 FEET; THENCE N.47°52'35"E., FOR 18.75 FEET; THENCE S.42°07'25"E., FOR 9.50 FEET; THENCE S.47°52'35"W., FOR 22.46 FEET; THENCE N.42°07'25"W., FOR 3.50 FEET THENCE S.47°52'35"W., FOR 19.06 FEET; THENCE S.42°07'25"E., FOR 1.50 FEET; THENCE S.47°52'35"W., FOR 9.00 FEET; THENCE N.42°07'25"W., FOR 11.83 FEET; THENCE S.47°52'35"W., FOR 1.30 FEET; THENCE N.72°06'40"W., FOR 32.71 FEET; THENCE N.17°52'35"E., FOR 29.33 FEET; THENCE S.72°07'25"E., FOR 32.71 FEET; THENCE N.47°52'35"E., FOR 7.65 FEET TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 7, N.75°48'49"W., FOR 27.04 FEET TO THE POINT OF BEGINNING OF PARCEL 8; THENCE N.42°07'25"W., FOR 10.67 FEET; THENCE N.47°52'35"E., FOR 10.67 FEET; THENCE S.42°07'25"E., FOR 10.67 FEET; THENCE S.47°52'35"W., FOR 10.67 FEET TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 8 S.87°58'38"W., FOR 26.91 FEET; TO THE POINT OF BEGINNING OF PARCEL 9; THENCE N.42°07'25"W., FOR 10.67 FEET; THENCE N.47°52'35"E., FOR 10.67 FEET; THENCE S.42°07'25"E., FOR 10.67 FEET; THENCE S.47°52'35"W., FOR 10.67 FEET TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 9, S.46°15'05"W., FOR 5.88 FEET; TO THE POINT OF BEGINNING OF PARCEL 10; THENCE S.42°07'25"E., FOR 5.13 FEET; THENCE N.47°52'35"E., FOR 1.91 FEET; THENCE S.42°07'25"E., FOR 9.00 FEET; THENCE S.47°52'35"W., FOR 9.31 FEET; THENCE S.17°52'35"W., FOR 6.42 FEET; THENCE N.72°07'25"W., FOR 9.00 FEET; THENCE N.17°52'35"E., FOR 9.77 FEET; THENCE N.42°07'25"W., FOR 4.88 FEET; THENCE N.47°52'35"E., FOR 9.00 FEET TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 10, N.35°22'03"W., FOR 16.24 FEET; TO THE POINT OF BEGINNING OF PARCEL 11; THENCE S.47°52'35"W., FOR 1.91 FEET; THENCE S.42°07'25"E., FOR 5.13 FEET; THENCE S.47°52'35"W., FOR 9.00 FEET; THENCE N.42°07'25"W., FOR 5.13 FEET; THENCE N.47°52'35"E., FOR 1.91 FEET; THENCE N.42°07'25"W., FOR 9.00 FEET; THENCE N.47°52'35"E., FOR 9.00 FEET; THENCE S.42°07'25"E., FOR 9.00 FEET TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 11, N.60°03'01"E., FOR 25.11 FEET TO THE POINT OF BEGINNING OF PARCEL 12; THENCE N.47°52'35"E., FOR 10.67 FEET; THENCE S.42°07'25"E., FOR 10.67 FEET; THENCE S.47°52'35"W., FOR 10.67 FEET; THENCE N.42°07'25"W., FOR 10.67 FEET TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 12, N.60°14'55"W., FOR 31.44 FEET TO THE POINT OF BEGINNING OF PARCEL 13; THENCE S.11°22'18"E., FOR 9.00 FEET; THENCE S.78°37'42"W., FOR 2.03 FEET; THENCE S.12°07'25"E., FOR 4.55 FEET; THENCE S.77°52'35"W., FOR 9.00 FEET; THENCE N.12°07'25"W., FOR 4.67 FEET; THENCE S.78°37'42"W., FOR 1.97 FEET; THENCE N.11°22'18"W., FOR 9.00 FEET; THENCE N.78°37'42"E., FOR 13.00 FEET TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 13 , N.60°05'38"W., FOR 11.52 FEET; TO THE POINT OF BEGINNING OF PARCEL 14; THENCE S.47°52'35"W., FOR 9.00 FEET; THENCE N.42°07'25"W., FOR 9.00 FEET; THENCE N.47°52'35"E., FOR 9.00 FEET; THENCE S.42°07'25"E., FOR 9.00 FEET TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 14, N.43°44'56"E., FOR 16.21 FEET TO THE POINT OF BEGINNING OF PARCEL 15; THENCE N.42°07'25"W., FOR 9.00 FEET; THENCE N.47°52'35"E., FOR 33.00 FEET; THENCE S.42°07'25"E., FOR 9.00 FEET; THENCE S.47°52'35"W., FOR 33.00 FEET TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 15, S.89°00'42"E., FOR 10.73 FEET TO THE POINT OF BEGINNING OF PARCEL 16; THENCE S.42°07'25"E., FOR 10.67 FEET; THENCE S.47°52'35"W., FOR 10.67 FEET; THENCE N.42°07'25"W., FOR 10.67 FEET; THENCE N.47°52'35"E., FOR 10.67 FEET TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 16 S.66°33'16"E., FOR 38.99 FEET TO THE POINT OF BEGINNING OF PARCEL 17; THENCE N.47°52'35"E., FOR 9.00 FEET; THENCE S.42°07'25"E., FOR 9.00 FEET; THENCE S.47°52'35"W., FOR 9.00 FEET; THENCE N.42°07'25"W., FOR 9.00 FEET TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 17 N.02°59'08"E., FOR 13.41 FEET TO THE POINT OF BEGINNING OF PARCEL 18; THENCE N.47°52'35"E., FOR 9.00 FEET; THENCE S.42°07'25"E., FOR 9.00 FEET; THENCE S.47°52'35"W., FOR 9.00 FEET; THENCE N.42°07'25"W., FOR 9.00 FEET TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 18 N.29°13'38"E., FOR 28.54 FEE TO THE POINT OF BEGINNING OF PARCEL 19; THENCE S.47°52'35"W., FOR 13.00 FEET; THENCE N.42°07'25"W., FOR 2.83 FEET; THENCE S.47°52'35"W., FOR 30.83 FEET; THENCE N.42°07'25"W., FOR 10.67 FEET; THENCE N.47°52'35"E., FOR 19.17 FEET; THENCE N.42°07'25"W., FOR 9.58 FEET; THENCE N.47°52'35"E., FOR 2.75 FEET; THENCE N.42°07'25"W., FOR 9.00 FEET; THENCE N.47°52'35"E., FOR 9.00 FEET; THENCE S.42°07'25"E., FOR 9.00 FEET; THENCE N.47°52'35"E., FOR 25.88 FEET; THENCE S.42°07'25"E., FOR 9.67 FEET; THENCE S.47°52'35"W., FOR 12.96 FEET; THENCE S.42°07'25"E., FOR 13.41 FEET; TO THE POINT OF BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 19 N.24°25'17"E., FOR 32.03 FEET TO THE POINT OF BEGINNING OF PARCEL 20; THENCE N.42°07'25"W., FOR 9.00 FEET; THENCE N.47°52'35"E., FOR 9.00 FEET; THENCE S.42°07'25"E., FOR 9.00 FEET; THENCE S.47°52'35"W., FOR 9.00 FEET BEGINNING; THENCE COMMENCE FROM THE POINT OF BEGINNING OF SAID PARCEL 20 S.64°03'45"E., FOR 20.53 FEET TO THE POINT OF BEGINNING OF PARCEL 21; THENCE S.42°07'25"E., FOR 9.00 FEET; THENCE S.47°52'35"W., FOR 9.92 FEET; THENCE S.87°11'17"E., FOR 18.61 FEET; THENCE S.02°52'35"W., FOR 13.00 FEET; THENCE S.87°07'26"E., FOR 8.79 FEET; THENCE N.47°52'35"E., FOR 3.35 FEET; THENCE S.42°07'25"E., FOR 9.00 FEET; THENCE S.47°52'35"W., FOR 17.78 FEET; THENCE N.42°07'25"W., FOR 16.36 FEET; THENCE N.87°07'26"W., FOR 10.12 FEET; THENCE S.47°52'35"W., FOR 16.38 FEET; THENCE N.42°07'25"W., FOR 9.00 FEET; THENCE N.47°52'35"E., FOR 6.61 FEET; THENCE N.42°07'25"W., FOR 10.15 FEET; THENCE N.17°52'35"E., FOR 2.89 FEET; THENCE N.77°52'35"E., FOR 7.14 FEET; THENCE N.02°52'35"E., FOR 10.32 FEET; THENCE S.87°07'25"E., FOR 1.82 FEET; THENCE N.47°52'35"E., FOR 13.80 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

DESCRIPTION: STAIRS

LIMITED TO STRUCTURAL COMPONENTS LYING BELOW THE GROUND AND TO ELEVATION 22.67 FEET N.G.V.D. LYING WITHIN THE FOLLOWING DESCRIBED PARCEL.

COMMENCE AT SOUTHEAST CORNER OF SAID LOT 37 BEING A POINT ON THE SOUTHWEST RIGHT OF WAY OF ESTERO BOULEVARD 25 FEET FROM THE CENTERLINE; THENCE S.47°52'35"W ALONG THE SOUTHEAST LINE OF SAID LOT 37 FOR 89.94 FEET; THENCE N.42°07'25"W., FOR 11.99 FEET TO THE POINT OF BEGINNING; THENCE N.42°07'25"W. FOR 13.67 FEET; THENCE N.47°52'35"E. FOR 5.00 FEET; THENCE S.42°07'25"E. FOR 1.67 FEET; THENCE N.47°52'35"E. FOR 25.25 FEET; THENCE S.42°07'25"E. FOR 10.33 FEET; THENCE N.47°52'35"E. FOR 25.25 FEET; THENCE S.42°07'25"E. FOR 1.67 FEET; THENCE S.47°52'35"W. FOR 5.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

DESCRIPTION:

ALL AIR SPACE AND STRUCTURAL COMPONENTS LOCATED AT ELEVATION 20.55 FEET N.G.V.D. AND ABOVE MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCE AT SOUTHEAST CORNER OF SAID LOT 37 BEING A POINT ON THE SOUTHWEST RIGHT OF WAY OF ESTERO BOULEVARD 25 FEET FROM THE CENTERLINE; THENCE S.47°52'35"W ALONG THE SOUTHEAST LINE OF SAID LOT 37 FOR 53.88 FEET; THENCE N.42°07'25"W FOR 13.16 FEET TO THE POINT OF BEGINNING; THENCE S.47°52'35"W FOR 58.38 FEET; THENCE S.42°07'25"E., FOR 4.00 FEET ; THENCE S.47°52'35"W., FOR 34.00 FEET; THENCE N.42°07'25"W., FOR 4.00 FEET;THENCE S.47°52'35"W., FOR 26.39 FEET; THENCE N.42°07'25"W.,FOR 9.33FEET; THENCE S.47°52'35"W., FOR 1.35 FEET; THENCE N.72°07'25"W., FOR 51.23 FEET; THENCE N.17°52'35"E., FOR 11.09 FEET; THENCE N.42°05'59"W., FOR 0.42 FEET; THENCE S.47°52'35"W., FOR 2.00 FEET; THENCE N.42°07'25"W., FOR 22.00 FEET; THENCE N.47°52'35"E., FOR 2.00 FEET; THENCE N.42°07'19"W., FOR 1.27 FEET; THENCE N.12°07'25"W., FOR 1.27 FEET; THENCE S.77°52'35"W., FOR 2.00 FEET; THENCE N.12°07'25"W., FOR 18.44 FEET; THENCE N.42°07'25"W., FOR 26.99 FEET; THENCE N.47°52'35"E., FOR 30.33 FEET; THENCE S.42°07'25"E., FOR 4.00 FEET; THENCE N.47°52'35"E., FOR 42.75 FEET; THENCE S.42°07'25"E., FOR 6.33 FEET; THENCE N.47°52'35"E., FOR 17.92 FEET; THENCE S.42°07'25"E., FOR 4.00 FEET; THENCE N.47°52'35"E., FOR 33.38 FEET; THENCE S.42°07'25"E., FOR 33.12 FEET; THENCE S.02°52'35"W., FOR 4.45 FEET; THENCE S.87°07'25"E., FOR 16.26 FEET; THENCE S.02°52'35"W., FOR 16.67 FEET; THENCE S.87°07'25"E., FOR 9.98 FEET; THENCE S.42°07'25"E., FOR 10.73 FEET; THENCE N.47°52'35"E., FOR 4.00 FEET; THENCE S.42°07'25"E., FOR 31.00 FEET; THENCE S.47°52'35"W., FOR 4.00 FEET; THENCE S.42°07'25"E., FOR 5.33 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A"

SURVEYOR'S CERTIFICATE
CAPTIVA VILLAS, A CONDOMINIUM

WE HEREBY CERTIFY PURSUANT TO SECTION 718.104(4)(e) FLORIDA STATUTES AS AMENDED, THAT THE CONSTRUCTION OF CAPTIVA VILLAS, A CONDOMINIUM, AND COMMON ELEMENT FACILITIES SERVING SAID CONDOMINIUM INCLUDING, BUT NOT LIMITED TO, LANDSCAPING, UTILITY SERVICES AND ACCESS TO THE UNIT ARE SUBSTANTIALLY COMPLETE; SO THAT SUCH MATERIAL TOGETHER WITH THE PROVISIONS OF THE DECLARATION OF CONDOMINIUM OF CAPTIVA VILLAS, A CONDOMINIUM DESCRIBING THE CONDOMINIUM PROPERTY IS AN ACCURATE REPRESENTATION OF THE LOCATION AND DIMENSIONS OF THE COMMON ELEMENTS AND OF EACH UNIT CAN BE DETERMINED FROM THESE MATERIALS.

THE LEGAL DESCRIPTION SHOWN HEREON (EXHIBIT "A") AS ATTACHED HERETO, THE SURVEY PLOT PLAN AND FLOOR PLANS ARE SHOWN HEREON AS EXHIBIT "B".

LEON A. BOYLE ENGINEERING COMPANY

FOR THE FIRM,

BY:

GORDON D. MEYERS
PROFESSIONAL SURVEYOR AND MAPPER
FLA. REGISTRATION NO. 2858

STATE OF FLORIDA
GORDON D. MEYERS
CERTIFICATE
NO. 2858
PROFESSIONAL SURVEYOR & MAPPER

lbfh INC.
A BOYLE ENGINEERING COMPANY
CONSULTING CIVIL ENGINEERS
SURVEYORS & MAPPERS
"Partners For Results, Value By Design"
1400 Colonial Blvd, Suite 31, Fort Myers, Florida 33907
(239) 931-0455 Fax: (239) 931-0456
BPR & FBPE License No: 959 www.lbfh.com

DATE 2/20/04			
SCALE 1"=30'			
DESIGN	3/14/07	FINAL	CP
DRAWN CP	1/9/07	REV. PER ARCH. PLANS.	CP
CHECK	3/24/04	MISC.	CP
APPROVED	DATE	REVISION	BY

JOB NUMBER: 04-7011 | FILE NUMBER: 04-7011Plat01DESCREV

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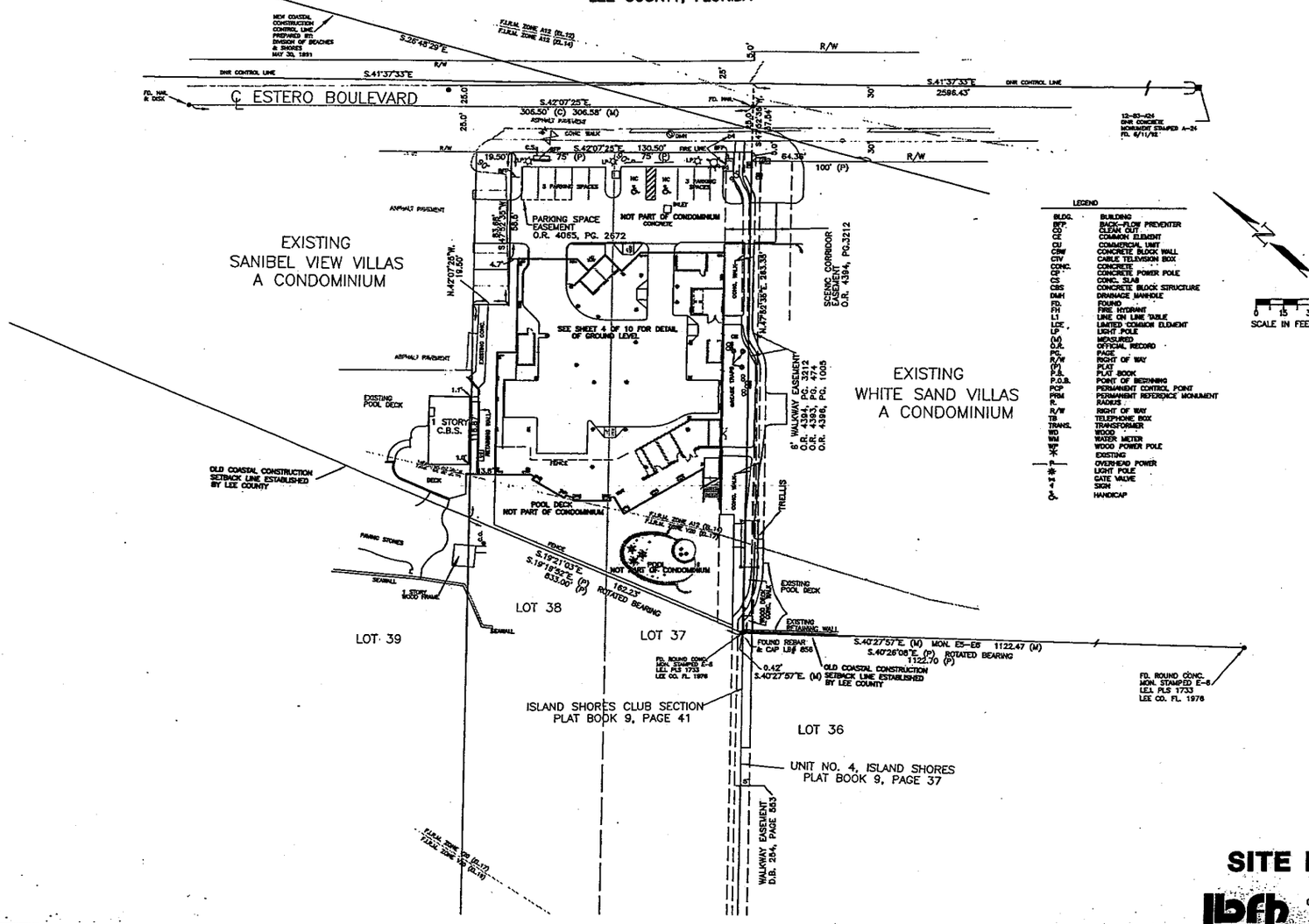
INSTR # 2007000091821 Page Number: 2 of 11

INSTRUMENT #

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

CAPTIVA VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



SITE PLAN

lbfh INC.
A BOYLE ENGINEERING COMPANY
CONSULTING CIVIL ENGINEERS, SURVEYORS & MAPPERS
"Partners For Results, Value By Design"
1400 Colonial Blvd., Suite 31, Fort Myers, Florida 33907
(239) 931-0455 Fax: (239) 931-0456
BPR & FBPE License No: 959 www.lbfh.com

DATE 2/20/04			
SCALE AS NOTED			
DESIGN	3/14/07	FINAL	CP
DRAWN CP	1/9/07	REV. PER ARCH. PLANS	CP
CHECK	3/24/04	MISC.	CP
APPROVED	DATE	REVISION	BY

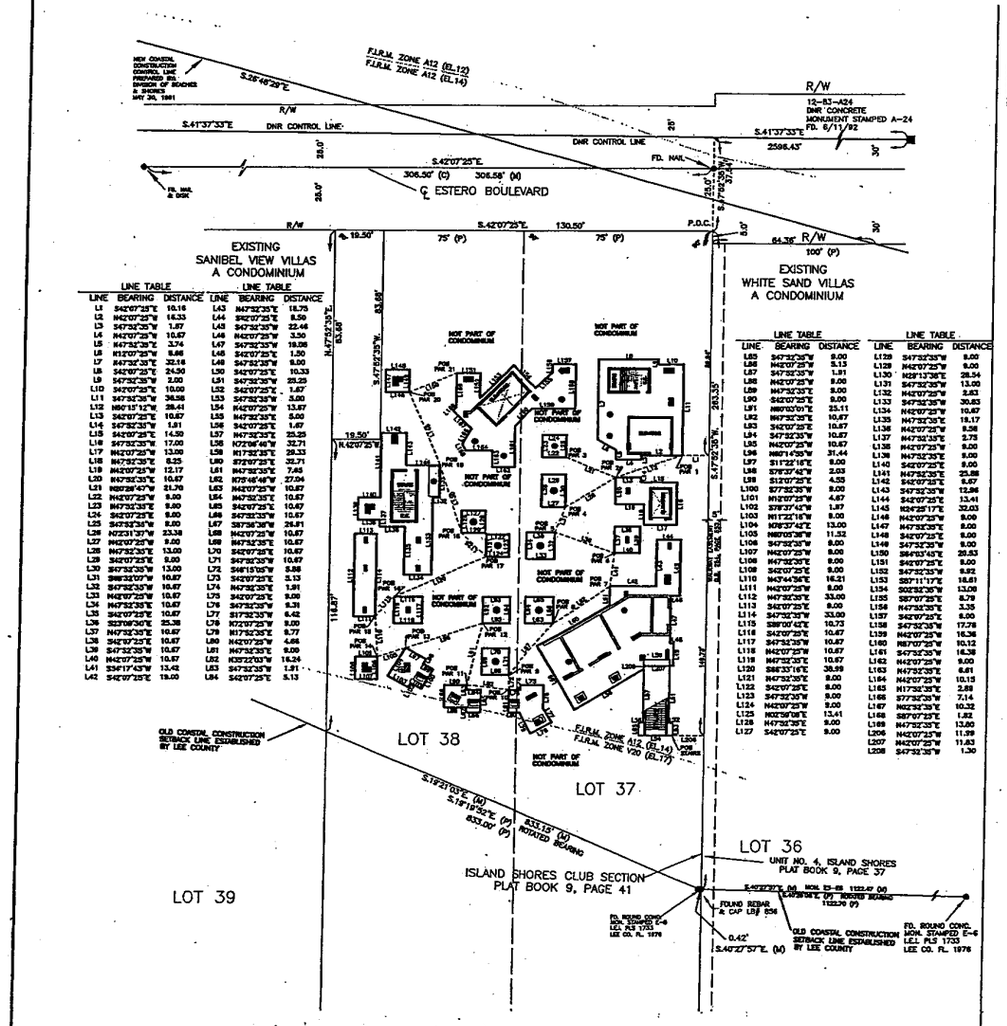
JOB NUMBER: 04-7011 | FILE NUMBER: 04-7011Plot01SITE

INSTRUMENT #

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

CAPTIVA VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



LINE TABLE

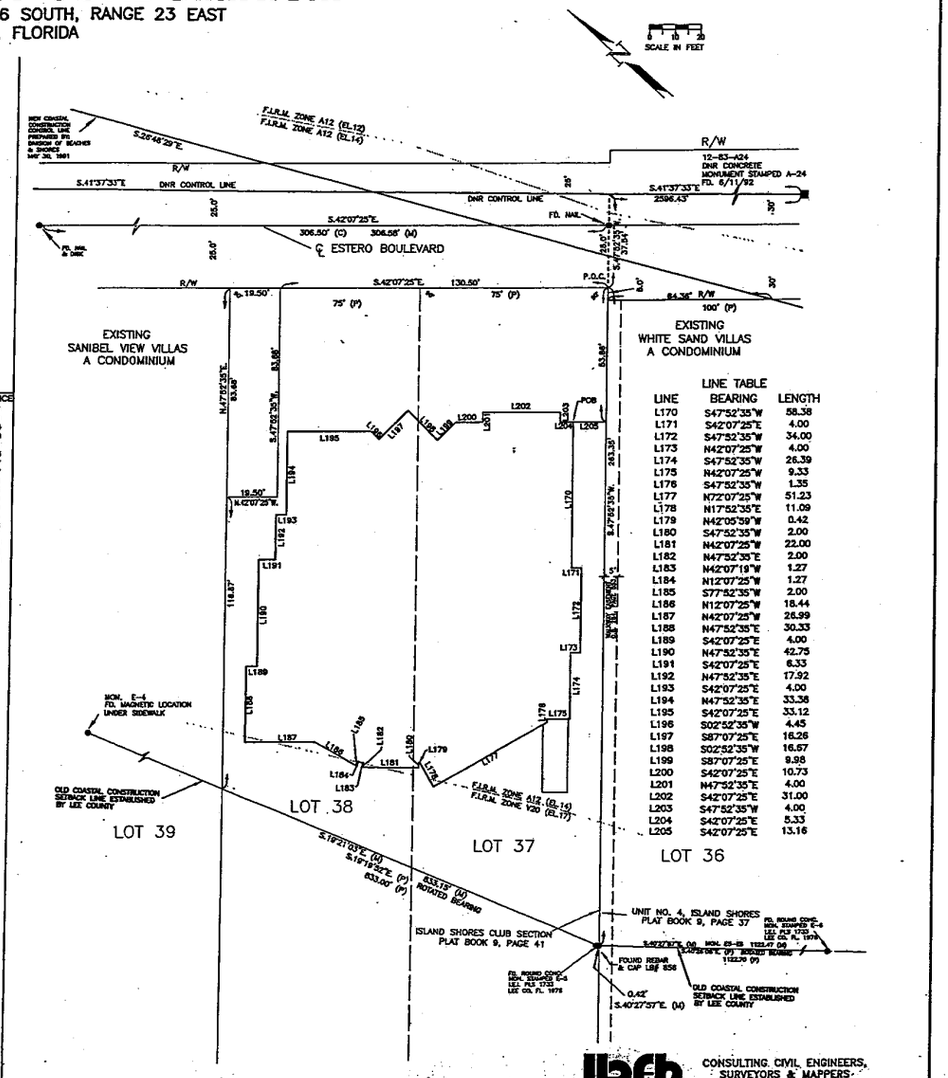
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S42°07'25"E	10.16	L43	N47°52'35"E	18.75
L2	N42°07'25"W	16.33	L44	S42°07'25"E	8.50
L3	S47°52'35"W	1.67	L45	S47°52'35"W	22.46
L4	N42°07'25"W	10.67	L46	N42°07'25"W	3.50
L5	N47°52'35"E	3.74	L47	S47°52'35"W	19.08
L6	N12°07'25"W	8.66	L48	S42°07'25"E	1.50
L7	N47°52'35"E	32.16	L49	S47°52'35"W	8.00
L8	S42°07'25"E	24.50	L50	S42°07'25"E	10.33
L9	S47°52'35"W	2.00	L51	S47°52'35"W	25.25
L10	S42°07'25"E	10.00	L52	S42°07'25"E	1.67
L11	S47°52'35"W	34.58	L53	S47°52'35"W	3.00
L12	N50°15'12"W	28.41	L54	N42°07'25"W	13.67
L13	S42°07'25"E	10.67	L55	N47°52'35"E	5.00
L14	S47°52'35"W	1.81	L56	S42°07'25"E	1.67
L15	S42°07'25"E	14.50	L57	N47°52'35"E	25.25
L16	S47°52'35"W	17.00	L58	N72°06'46"W	32.71
L17	N42°07'25"W	13.00	L59	N17°52'35"E	29.33
L18	N47°52'35"E	8.25	L60	S72°07'25"E	32.71
L19	N42°07'25"W	12.17	L61	N47°52'35"E	7.46
L20	N47°52'35"E	10.67	L62	S70°46'46"W	27.06
L21	N89°28'47"W	21.70	L63	N42°07'25"W	10.67
L22	N42°07'25"W	8.00	L64	N47°52'35"E	10.67
L23	N47°52'35"E	8.00	L65	S42°07'25"E	10.67
L24	S42°07'25"E	8.00	L66	S47°52'35"W	10.67
L25	S47°52'35"W	8.00	L67	S87°36'38"W	25.81
L26	N22°31'37"W	23.38	L68	N42°07'25"W	10.67
L27	N42°07'25"W	8.00	L69	N47°52'35"E	10.67
L28	N47°52'35"E	13.00	L70	S42°07'25"E	10.67
L29	S42°07'25"E	8.00	L71	S47°52'35"W	10.67
L30	S47°52'35"W	13.00	L72	S46°15'55"W	5.88
L31	S88°32'07"W	10.67	L73	S42°07'25"E	3.13
L32	S47°52'35"W	10.67	L74	N47°52'35"E	1.91
L33	N42°07'25"W	10.67	L75	S42°07'25"E	9.00
L34	N47°52'35"E	10.67	L76	S47°52'35"W	5.31
L35	S42°07'25"E	10.67	L77	S17°52'35"W	6.42
L36	S25°06'36"E	25.38	L78	N72°07'25"W	9.00
L37	N42°07'25"W	10.67	L79	N17°52'35"E	5.77
L38	S42°07'25"E	10.67	L80	N42°07'25"W	4.66
L39	S47°52'35"W	10.67	L81	N47°52'35"E	8.00
L40	N42°07'25"W	10.67	L82	N32°22'03"W	16.24
L41	S34°17'43"W	13.42	L83	S47°52'35"W	1.91
L42	S42°07'25"E	19.00	L84	S42°07'25"E	5.13

LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L85	S47°52'35"W	8.00	L128	S47°52'35"W	8.00
L86	N42°07'25"W	5.13	L129	N42°07'25"W	8.00
L87	S47°52'35"W	1.91	L130	N25°13'36"E	28.34
L88	N42°07'25"W	8.00	L131	S47°52'35"W	13.00
L89	N47°52'35"E	8.00	L132	N42°07'25"W	2.83
L90	S42°07'25"E	8.00	L133	S47°52'35"W	30.83
L91	N89°03'01"E	23.11	L134	N42°07'25"W	10.67
L92	N47°52'35"E	10.67	L135	N47°52'35"E	19.17
L93	S42°07'25"E	10.67	L136	N42°07'25"W	8.58
L94	S47°52'35"W	10.67	L137	N47°52'35"E	2.75
L95	N42°07'25"W	10.67	L138	N42°07'25"W	8.00
L96	N89°14'53"W	37.44	L139	N47°52'35"E	8.00
L97	S11°22'16"E	8.00	L140	S42°07'25"E	8.00
L98	S76°37'42"W	2.03	L141	N47°52'35"E	25.88
L99	S12°07'25"E	4.55	L142	S42°07'25"E	5.67
L100	S77°52'35"W	8.00	L143	S47°52'35"W	12.86
L101	N12°07'25"W	4.67	L144	S42°07'25"E	13.41
L102	S76°37'42"W	1.87	L145	N34°25'17"E	22.03
L103	N11°22'16"W	8.00	L146	N42°07'25"W	8.00
L104	N76°37'42"E	13.00	L147	N47°52'35"E	8.00
L105	N88°03'38"W	11.32	L148	S42°07'25"E	8.00
L106	S47°52'35"W	8.00	L149	S47°52'35"W	8.00
L107	N42°07'25"W	8.00	L150	S84°03'45"E	20.53
L108	N47°52'35"E	8.00	L151	S42°07'25"E	8.00
L109	S42°07'25"E	8.00	L152	S47°52'35"W	8.92
L110	N43°44'56"E	16.21	L153	S87°11'17"E	18.61
L111	N42°07'25"W	8.00	L154	S02°52'35"W	13.09
L112	N47°52'35"E	33.00	L155	S87°07'25"E	8.79
L113	S42°07'25"E	8.00	L156	N47°52'35"E	3.35
L114	S47°52'35"W	33.00	L157	S42°07'25"E	8.00
L115	S88°00'42"E	10.73	L158	S47°52'35"W	17.78
L116	S42°07'25"E	10.67	L159	N42°07'25"W	16.38
L117	S47°52'35"W	10.67	L160	N87°07'25"W	10.12
L118	N42°07'25"W	10.67	L161	S47°52'35"W	16.38
L119	N47°52'35"E	10.67	L162	N42°07'25"W	9.00
L120	S88°33'16"E	38.99	L163	N47°52'35"E	6.81
L121	N47°52'35"E	8.00	L164	N42°07'25"W	10.15
L122	S42°07'25"E	8.00	L165	N17°52'35"E	2.88
L123	S47°52'35"W	8.00	L166	S77°52'35"W	7.14
L124	N42°07'25"W	8.00	L167	N42°52'35"E	10.32
L125	N02°39'08"E	13.41	L168	S87°07'25"E	1.82
L126	N47°52'35"E	8.00	L169	N47°52'35"E	13.00
L127	S42°07'25"E	8.00	L206	N42°07'25"W	11.39
			L207	N42°07'25"W	11.83
			L208	S47°52'35"W	1.30

DATE	2/20/04		
SCALE	AS NOTED		
DESIGN			
DRAWN	CP	3/14/07	FINAL CP
CHECK		3/24/04	MISC. CP
APPROVED		DATE	REVISION BY

BOUNDARY LIMITS OF GROUND PARCEL AND AIR SPACE
ELEVATION 6.67' NGVD AND BELOW, TO ELEVATION 20.55' N.G.V.D.



LINE TABLE

LINE	BEARING	LENGTH
L170	S47°52'35"W	58.38
L171	S42°07'25"E	4.00
L172	S47°52'35"W	34.00
L173	N42°07'25"W	4.00
L174	S47°52'35"W	26.39
L175	N42°07'25"W	9.33
L176	S47°52'35"W	1.35
L177	N72°07'25"W	51.23
L178	N17°52'35"E	11.09
L179	N42°05'59"W	0.42
L180	S47°52'35"W	2.00
L181	N42°07'25"W	22.00
L182	N47°52'35"E	2.00
L183	N42°07'19"W	1.27
L184	N12°07'25"W	1.27
L185	S77°52'35"W	2.00
L186	N12°07'25"W	18.44
L187	N42°07'25"W	26.99
L188	N47°52'35"E	30.33
L189	S42°07'25"E	4.00
L190	N47°52'35"E	42.75
L191	S42°07'25"E	6.33
L192	N47°52'35"E	17.92
L193	S42°07'25"E	4.00
L194	N47°52'35"E	33.38
L195	S42°07'25"E	33.12
L196	S02°52'35"W	4.45
L197	S87°07'25"E	16.26
L198	S02°52'35"W	16.67
L199	S87°07'25"E	9.98
L200	S42°07'25"E	10.73
L201	N47°52'35"E	4.00
L202	S42°07'25"E	31.00
L203	S47°52'35"W	4.00
L204	S42°07'25"E	5.33
L205	S42°07'25"E	13.16

BOUNDARY LIMITS OF AIR AND STRUCTURAL
COMPONENTS ABOVE ELEVATION 20.55' NGVD

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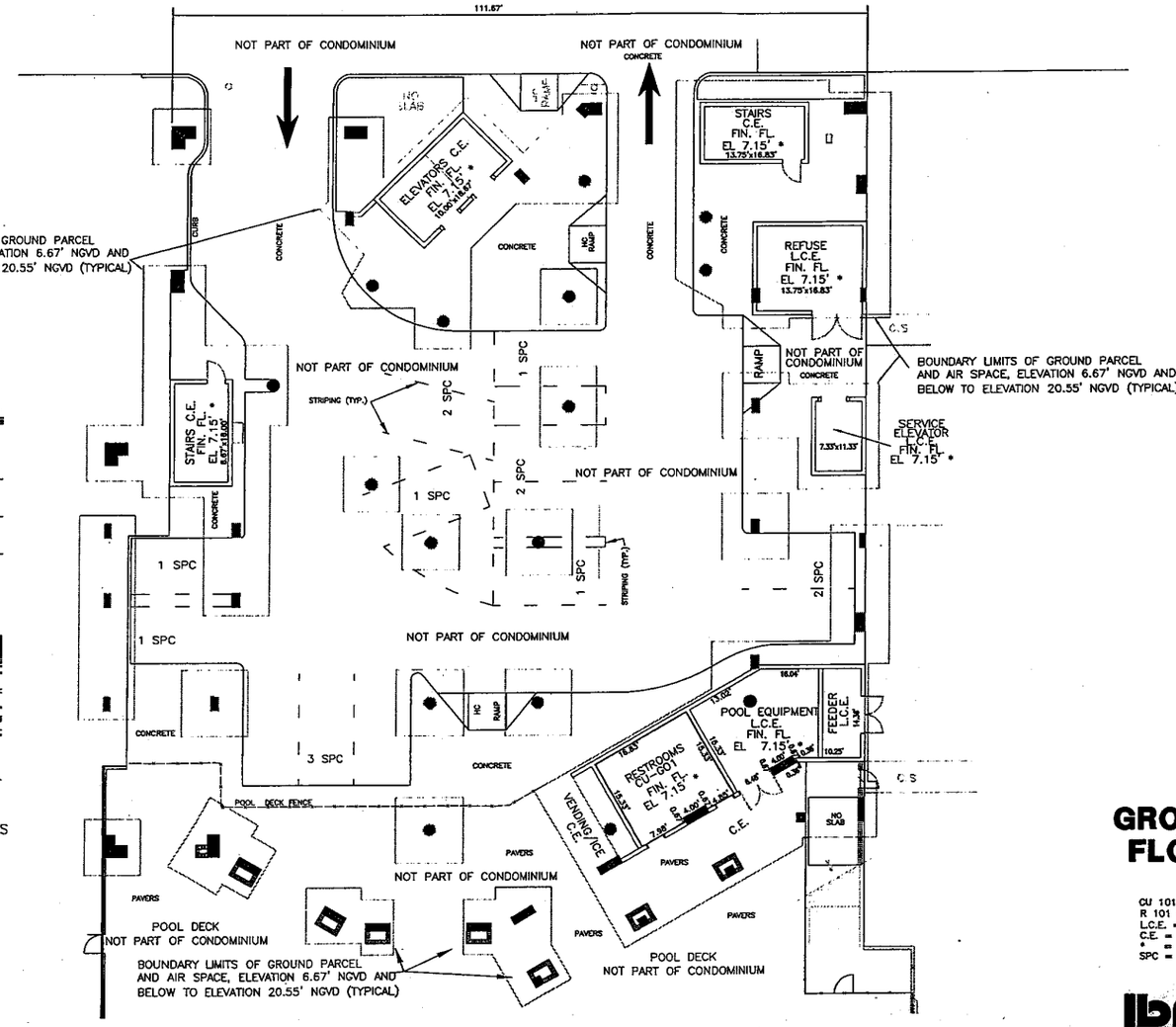
INSTRUMENT #

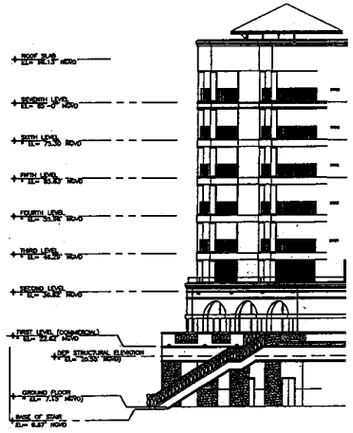
SHEET 4 OF 10

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

CAPTIVA VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA





HORIZONTAL ELEVATIONS

GROUND LEVEL FLOOR PLAN

LEGEND
CU 101 = COMMERCIAL FLOOR & UNIT NUMBER
R 101 = RESIDENTIAL FLOOR & UNIT NUMBER
L.C.E. = LIMITED COMMON ELEMENT
C.E. = COMMON ELEMENT
* = FIELD MEASURED
SPC = PARKING SPACE

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DESIGN	3/14/07	FINAL	CP
DRAWN CP	1/9/07	REV. PER ARCH. PLANS	CP
CHECK	3/24/04	MISC.	CP
APPROVED	DATE	REVISION	BY

JOB NUMBER: 04-7011 | FILE NUMBER: 04-7011Plot01GR

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INSTRUMENT #

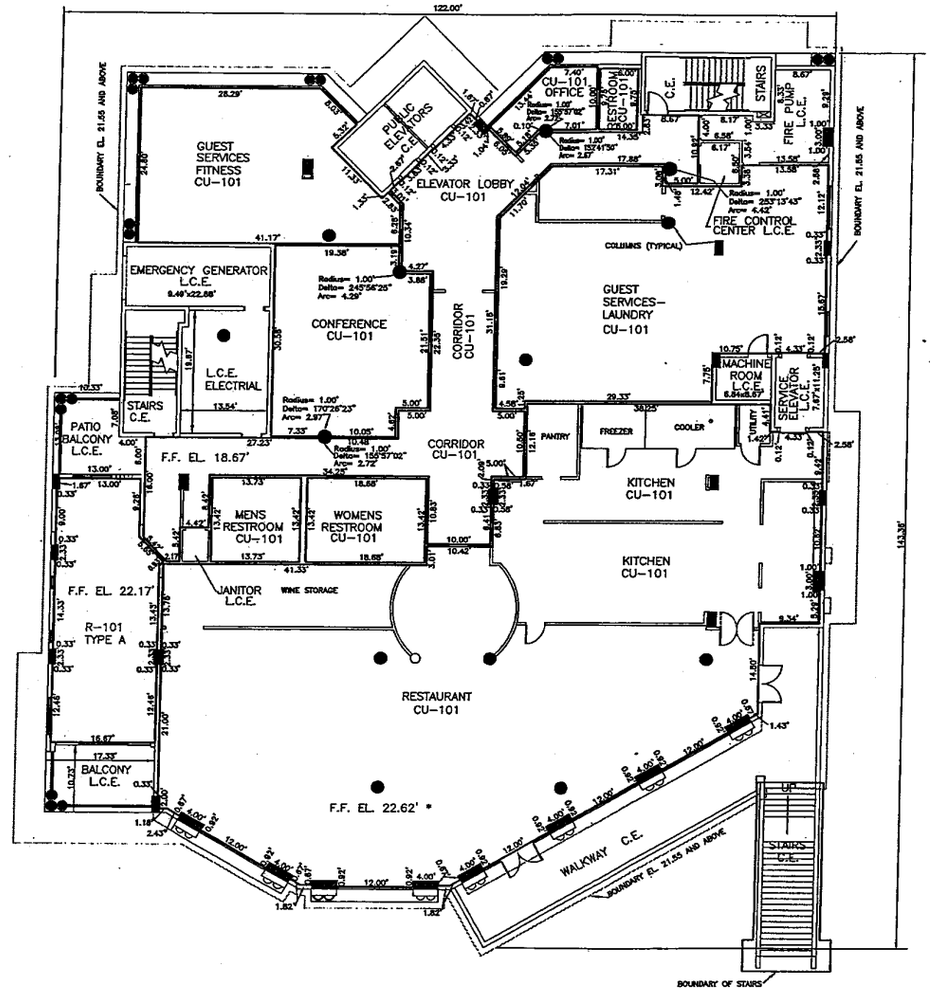
SHEET 5 OF 10

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

CAPTIVA VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

SCALE IN FEET



1 ST LEVEL FLOOR PLAN

LEGEND
CU 101 = COMMERCIAL FLOOR & UNIT NUMBER
R 101 = RESIDENTIAL FLOOR & UNIT NUMBER
L.C.E. = LIMITED COMMON ELEMENT
C.E. = COMMON ELEMENT
* = FIELD MEASURED

NOTE: FOR INTERIOR WALLS SEE SHEET 8-10

DATE 2/20/04			
SCALE AS NOTED			
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DRAWN CP	3/14/07	FINAL	CP
CHECK	3/24/04	MISC.	CP
APPROVED	DATE	REVISION	BY

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JOB NUMBER: 04-7011 | FILE NUMBER: 04-7011Plot01COMMREV

INSTRUMENT #

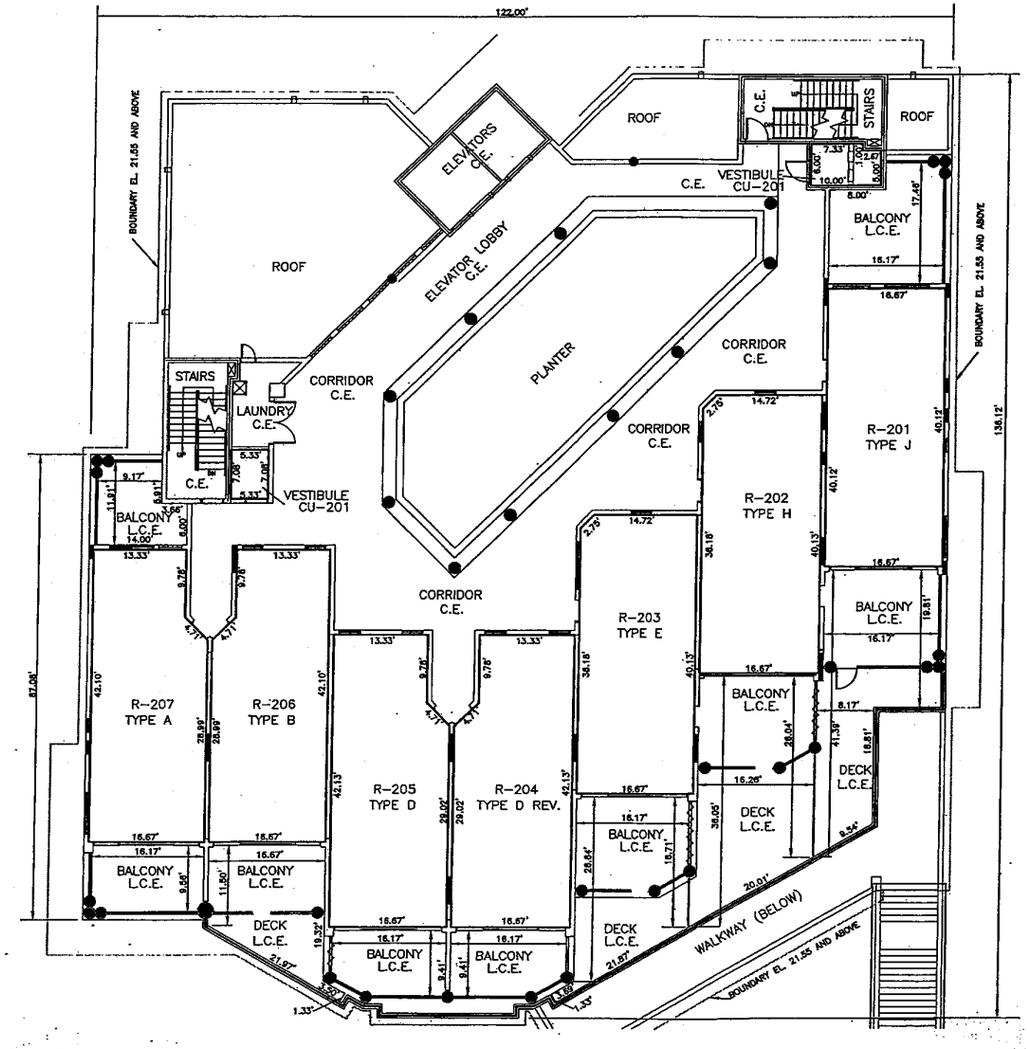
SHEET 6 OF 10

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

CAPTIVA VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

SCALE IN FEET



2ND LEVEL FLOOR PLAN

LEGEND
CU 101 = COMMERCIAL FLOOR & UNIT NUMBER
R 101 = RESIDENTIAL FLOOR & UNIT NUMBER
L.C.E. = LIMITED COMMON ELEMENT
C.E. = COMMON ELEMENT

NOTE: FOR INTERIOR WALLS SEE SHEET 8-10

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APPROVED	DATE	REVISION	BY

JOB NUMBER: 04-7011 | FILE NUMBER: 04-7011Plot02

INSTRUMENT #

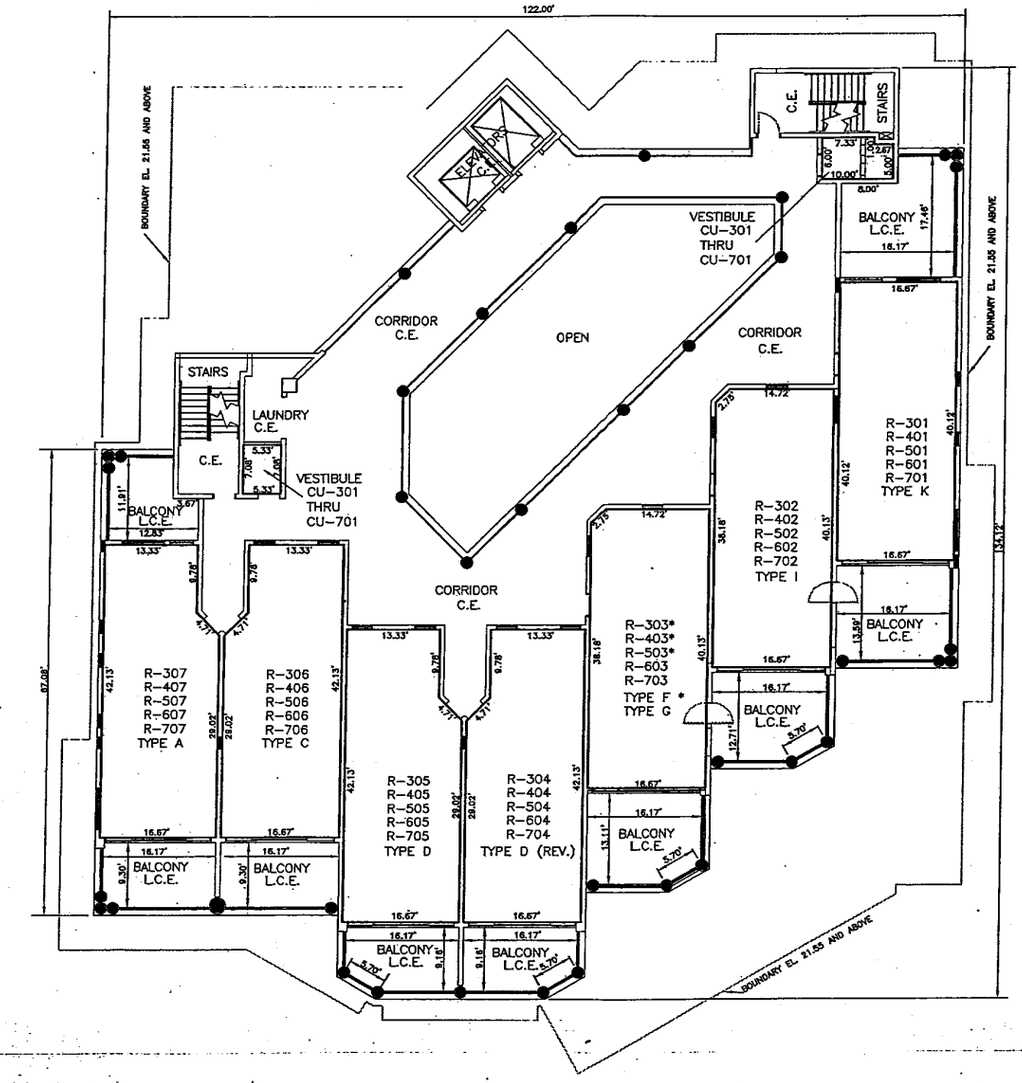
SHEET 7 OF 10

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

CAPTIVA VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

SCALE IN FEET



3RD-7TH FLOOR PLAN

LEGEND

R 101 = RESIDENTIAL FLOOR & UNIT NUMBER
L.C.E. = LIMITED COMMON ELEMENT
C.E. = COMMON ELEMENT

NOTE: FOR INTERIOR WALLS SEE SHEET 8-10

DATE: 2/20/04			
SCALE: AS NOTED			
DESIGN:	3/14/07	FINAL	CP
DRAWN: CP	1/9/07	REV. FOR ARCH. PLANS	CP
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APPROVED	DATE	REVISION	BY

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INSTR # 2007000091821 Page Number: 8 of 11

INSTRUMENT #

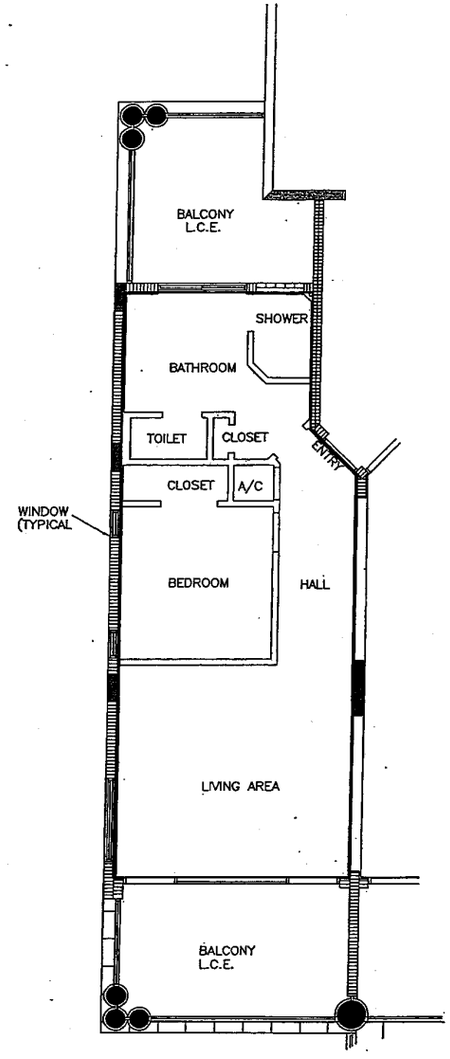
SHEET 8 OF 10

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

CAPTIVA VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

SCALE IN FEET 0 2 4



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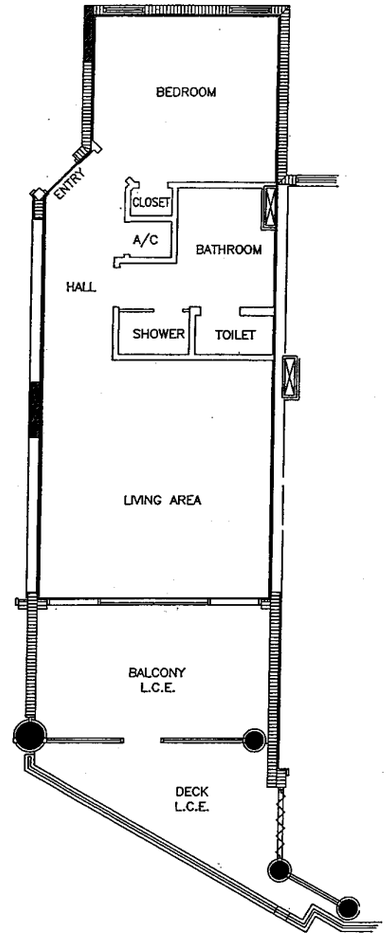

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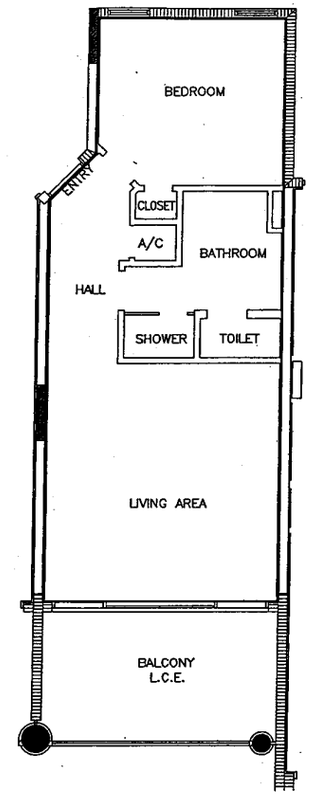

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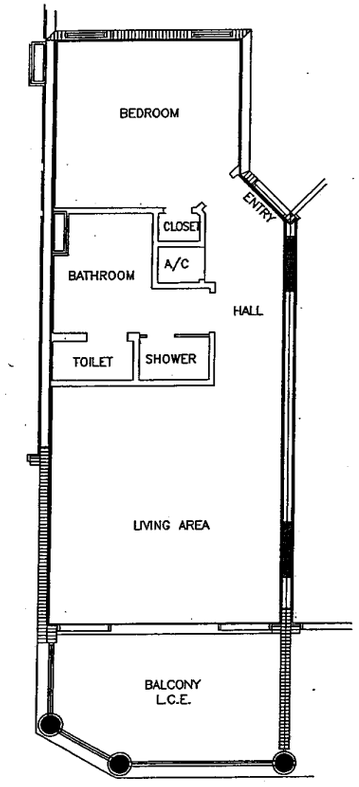

TYPE D
664 S.F.

LEGEND

R 101 = RESIDENTIAL FLOOR & UNIT NUMBER
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C.E. = COMMON ELEMENT

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JOB NUMBER: 04-7011 | FILE NUMBER: 04-7011Plot04REV

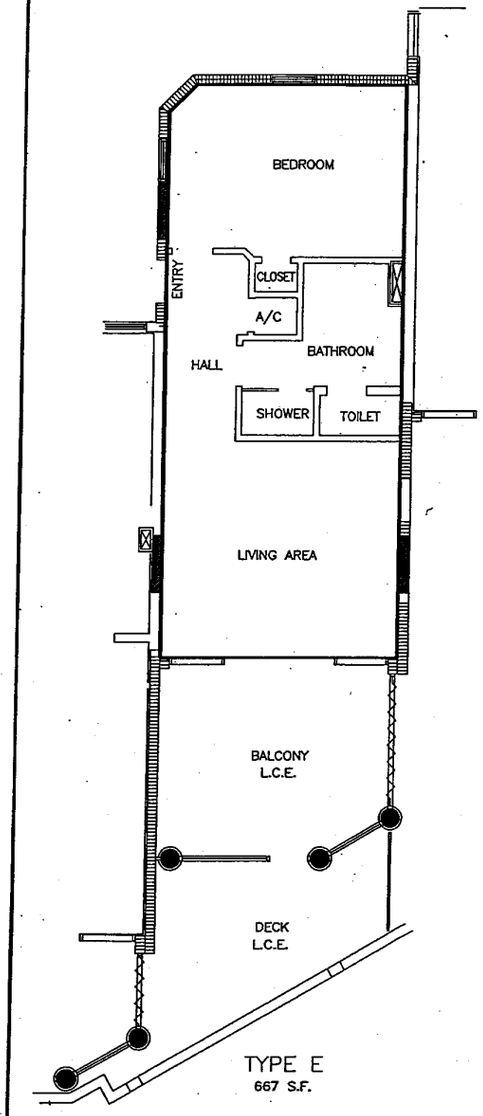
lbfh, INC. (Lee-Fl) 11/13/2007 1:11:42 PM

INSTRUMENT #

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

CAPTIVA VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



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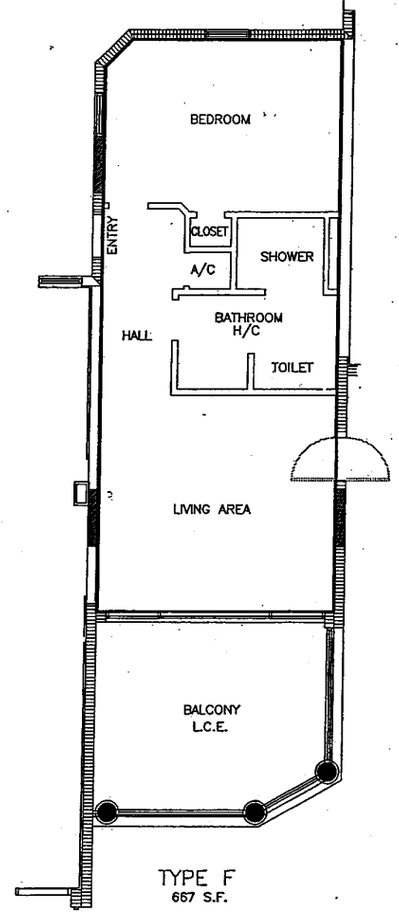

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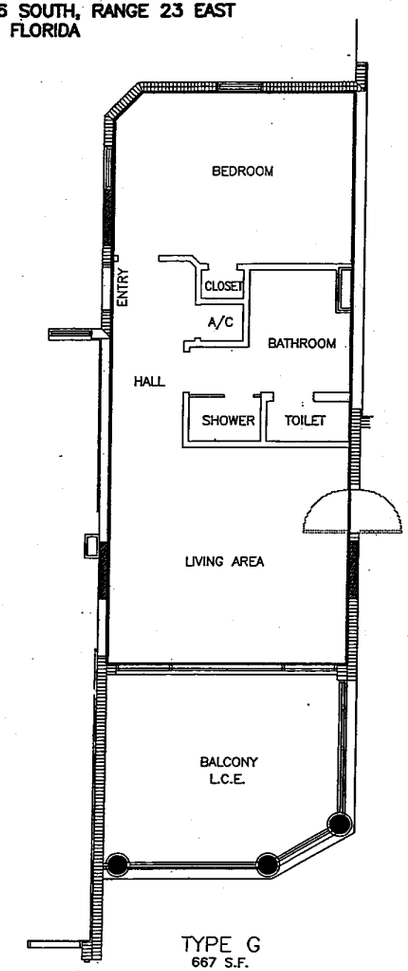

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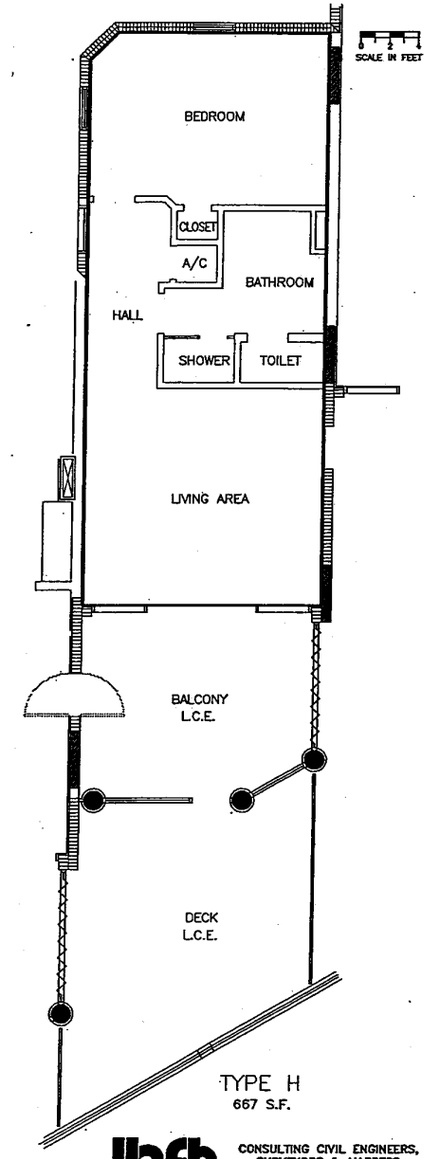

TYPE H
667 S.F.

LEGEND

R 101 = RESIDENTIAL FLOOR & UNIT NUMBER
L.C.E. = LIMITED COMMON ELEMENT
C.E. = COMMON ELEMENT

DATE 2/20/04			
SCALE AS NOTED			
DESIGN	3/14/07	FINAL	CP
DRAWN CP	1/9/07	REV. PER ARCH. PLANS	CP
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JOB NUMBER: 04-7011 | FILE NUMBER: 04-7011Plat04REV

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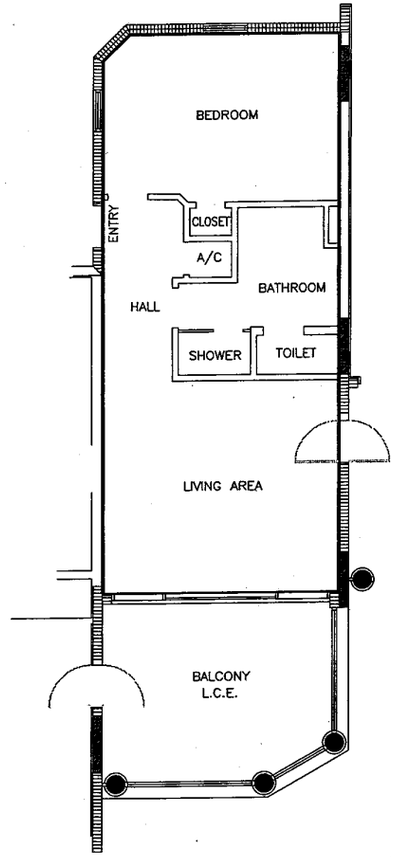
INSTRUMENT #

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

CAPTIVA VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

SCALE IN FEET



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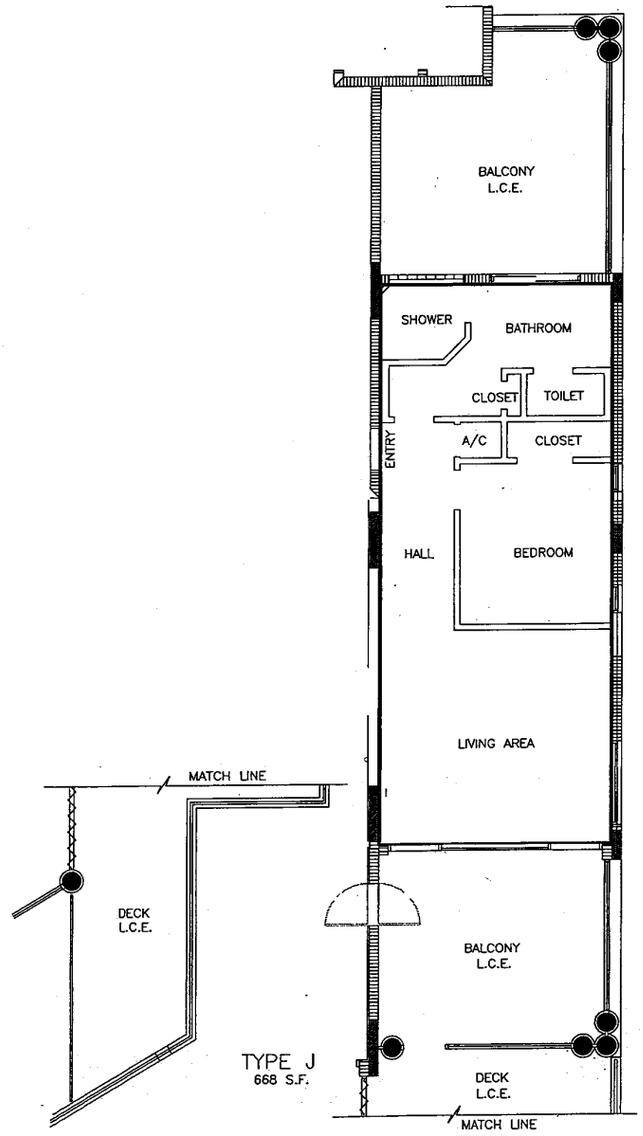

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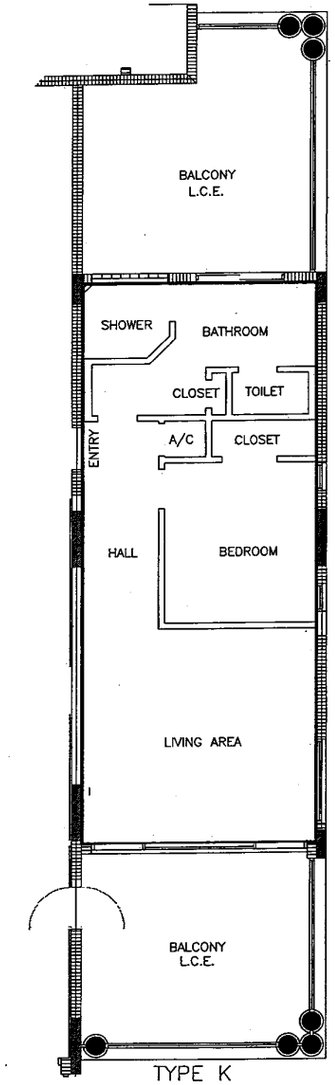

TYPE K
668 S.F.

LEGEND

R 101 = RESIDENTIAL FLOOR & UNIT NUMBER
L.C.E. = LIMITED COMMON ELEMENT
C.E. = COMMON ELEMENT

DATE 2/20/04				
SCALE AS NOTED				
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DRAWN CP		1/9/07	REV. PER ARCH. PLANS	CP
CHECK		3/24/04	MISC.	CP
APPROVED		DATE	REVISION	BY

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JOB NUMBER: 04-7011 | FILE NUMBER: 04-7011Plat04REV

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Instr # 6152861

EXHIBIT "A"
TO THE DECLARATION OF CONDOMINIUM OF

WHITE SAND VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

NOTES

1. LAND IS IN FLOOD ZONE A12, BASED UPON F.E.M.A FLOOD INSURANCE RATE MAP NO. 125124-0429 D DATED 9-20-96, ELEVATION 14.0
2. ONLY ABOVE GROUND VISIBLE ENCROACHMENTS ONTO OR FROM ADJOINING PROPERTY ARE SHOWN. ENCROACHMENTS BENEATH THE GROUND SURFACE AND THOSE WHICH ARE NOT VISIBLE BY NORMAL OBSERVATION ARE NOT SHOWN.
3. THE BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF ESTERO BLVD. BEING N. 42°07'25"W.
4. ELEVATIONS SHOWN HEREON ARE IN FEET AND ARE RELATIVE TO THE F.M.B.B.H. BENCH MARK 18, ELEVATION 5.10.
5. LAND SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, SETBACKS, RESTRICTIONS, RESERVATIONS OR RIGHTS OF WAY OF RECORD.
6. THIS SURVEY WAS CONDUCTED FOR THE PURPOSES OF A CONDOMINIUM ONLY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OF FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITIES.
7. THE EASEMENTS SHOWN OR NOTED HEREON FOR UTILITIES AND DRAINAGE SERVING THE UNITS AND COMMON ELEMENTS ARE ONLY THOSE KNOWN TO OR ANTICIPATED BY THE UNDERSIGNED OR DEVELOPER. REFER TO DECLARATION FOR EASEMENTS NOT NOTED OR SHOWN.
8. SEWER WATER, ELECTRIC, TELEPHONE, TELEVISION, UTILITIES, CURBS, LANDSCAPING, IRRIGATION SYSTEM, & OTHER MINOR IMPROVEMENTS ARE NOT SHOWN.
9. UNIT BOUNDARIES ARE AS DESCRIBED OR SHOWN ON EXHIBITS, SUBJECT TO THE WORDING OF THE DECLARATION OF CONDOMINIUM.
10. COMMON ELEMENTS ARE DEFINED AS THOSE PORTIONS OF THE CONDOMINIUM PROPERTY NOT INCLUDED IN THE UNITS AS PROVIDED FOR IN DECLARATION OF CONDOMINIUM.
11. LIMITED COMMON ELEMENTS ARE DEFINED AS THOSE COMMON ELEMENTS WHICH ARE RESERVED FOR THE USE OF A CERTAIN CONDOMINIUM UNIT TO THE EXCLUSION OF OTHER UNITS, AS PROVIDED FOR IN THE DECLARATION OF CONDOMINIUM.
12. THIS CERTIFICATION IS ONLY FOR THE LANDS AS DESCRIBED HEREON; IT IS NOT A CERTIFICATION OF OWNERSHIP, TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
13. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A LICENSED SURVEYOR AND MAPPER.

DESCRIPTION:

WHITE SAND VILLAS, A CONDOMINIUM, LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

COMMENCE AT THE INTERSECTION OF THE NORTHWEST CORNER OF LOT 36 OF UNIT NO.4 ISLAND SHORES, AS RECORDED IN PLAT BOOK 9, PAGE 37 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE SOUTHERLY RIGHT OF WAY ESTERO BOULEVARD, 30 FEET FROM THE CENTERLINE;; THENCE S.47°52'35"W ALONG THE NORTHWESTERLY LINE OF SAID LOT 36 FOR 86.39 FEET; THENCE S.42°07'25"E., FOR 17.46 FEET TO THE POINT OF BEGINNING; THENCE S.42°07'25"E., FOR 25.27 FEET; THENCE S.47°52'35"W., FOR 33.58 FEET; THENCE S.42°07'25"E., FOR 5.99 FEET; THENCE S.87°07'25"E., FOR 19.12 FEET; THENCE S.02°52'35"W., FOR 8.82 FEET; THENCE S.87°07'25"E., FOR 4.54 FEET; THENCE N.02°52'35"E., FOR 2.33 FEET; THENCE S.87°07'25"E., FOR 3.16 FEET; THENCE N.02°52'35"E., FOR 25.44 FEET; THENCE S.87°07'25"E., FOR 37.85 FEET; THENCE S.42°07'25"E., FOR 7.55 FEET; THENCE N.47°52'35"E., FOR 8.08 FEET; THENCE S.42°07'25"E., FOR 7.00 FEET; THENCE S.47°52'35"W., FOR 6.75 FEET; THENCE S.42°07'25"E., FOR 13.17 FEET; THENCE N.47°52'35"E., FOR 1.50 FEET; THENCE S.42°07'25"E., FOR 34.67 FEET; THENCE S.47°52'35"W., FOR 1.50 FEET; THENCE S.42°07'25"E., FOR 13.17 FEET; THENCE N.47°52'35"E., FOR 6.75 FEET; THENCE S.42°07'25"E., FOR 7.00 FEET; THENCE S.47°52'35"W., FOR 8.08 FEET; THENCE S.42°07'25"E., FOR 7.55 FEET; THENCE S.02°52'35"W., FOR 37.85 FEET; THENCE N.87°07'25"W., FOR 25.44 FEET; THENCE S.02°52'35"W., FOR 3.16 FEET; THENCE N.87°07'25"W., FOR 2.33 FEET; THENCE S.02°52'35"W., FOR 4.54 FEET; THENCE S.87°07'25"E., FOR 6.07 FEET; THENCE S.02°52'35"W., FOR 3.77 FEET; THENCE S.42°07'25"E., FOR 5.73 FEET; THENCE S.47°52'35"W., FOR 2.08 FEET; THENCE S.42°07'25"E., FOR 13.06 FEET; THENCE N.47°52'35"E., FOR 26.75 FEET; THENCE S.42°07'25"E., FOR 25.27 FEET; THENCE S.47°52'35"W., FOR 3.22 FEET; THENCE S.77°52'35"W., FOR 5.94 FEET; THENCE S.47°52'35"W., FOR 15.16 FEET; THENCE S.42°07'25"E., FOR 2.97 FEET; THENCE S.47°52'35"W., FOR 104.13 FEET; THENCE N.42°07'25"W., FOR 9.13 FEET; THENCE N.47°52'35"E. FOR 2.75; THENCE N.42°07'25"W. FOR 24.83 FEET; THENCE N.47°52'35"E., FOR 22.98 FEET; THENCE N.02°52'35"E., FOR 33.76 FEET; THENCE S.87°07'25"E., FOR 23.38 FEET; THENCE N.47°52'35"E., FOR 7.38 FEET; THENCE N.42°07'25"W., FOR 20.76 FEET; THENCE N.87°07'25"W., FOR 13.93 FEET; THENCE N.02°52'35"E., FOR 8.27 FEET; THENCE S.87°07'25"E., FOR 11.58 FEET; THENCE N.02°52'35"E., FOR 3.61 FEET; THENCE S.87°07'25"E., FOR 6.96 FEET; THENCE N.02°52'35"E., FOR 14.82 FEET; THENCE N.42°07'25"W., FOR 7.04 FEET; THENCE N.47°52'35"E., FOR 8.04 FEET; THENCE N.02°52'35"E., FOR 3.63 FEET; THENCE N.47°52'35"E., FOR 16.75 FEET; THENCE N.42°07'25"W., FOR 43.37 FEET; THENCE S.47°52'35"W., FOR 27.36 FEET; THENCE N.42°07'25"W., FOR 8.94 FEET; THENCE N.87°07'25"W., FOR 4.15 FEET; THENCE N.02°52'35"E., FOR 18.21 FEET; THENCE N.87°07'25"W., FOR 6.13 FEET; THENCE N.02°52'35"E., FOR 2.33 FEET; THENCE N.87°07'25"W., FOR 4.54 FEET; THENCE S.02°52'35"W., FOR 15.82 FEET; THENCE S.87°07'25"E., FOR 0.65 FEET; THENCE S.02°52'35"W., FOR 7.00 FEET; THENCE N.87°07'25"W., FOR 4.25 FEET; THENCE S.02°52'35"W., FOR 16.27 FEET; THENCE N.87°07'25"W., FOR 8.27 FEET; THENCE N.02°52'35"E., FOR 16.27 FEET; THENCE N.87°07'25"W., FOR 12.17 FEET; THENCE N.42°07'25"W., FOR 23.04 FEET; THENCE S.47°52'35"W., FOR 9.92 FEET; THENCE N.42°07'25"W., FOR 7.00 FEET; THENCE N.47°52'35"E., FOR 9.92 FEET; THENCE N.42°07'25"W., FOR 13.49 FEET; THENCE S.47°52'35"W., FOR 26.58 FEET; THENCE N.42°07'25"W., FOR 8.27 FEET; THENCE N.47°52'35"E., FOR 87.67 TO THE POINT OF BEGINNING.

CONTAINS 0.3334 ACRES, MORE OR LESS.

TOGETHER WITH

DESCRIPTION: PARCEL 2

COMMENCE AT THE INTERSECTION OF THE NORTHWEST CORNER OF LOT 36 OF UNIT NO. 4, ISLAND SHORES, AS RECORDED IN PLAT BOOK 9, PAGE 37 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. THENCE S.47°52'35"W., ALONG THE NORTHWESTERLY LINE OF SAID LOT 36 FOR 27.60 FEET; THENCE S.42°07'25"E., FOR 87.96 FEET TO THE POINT OF BEGINNING; THENCE S.42°07'25"E., FOR 30.20 FEET; THENCE N87°07'25"E., FOR 3.67 FEET; THENCE S.42°07'25"E., FOR 10.68 FEET; THENCE S.02°52'35"W., FOR 3.67 FEET; THENCE S.42°07'25"E., FOR 30.20 FEET; THENCE S.47°52'35"W., FOR 7.17 FEET; THENCE N.42°07'25"W., FOR 76.27 FEET; THENCE N.47°52'35"E., FOR 7.17 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.0133 ACRES, MORE OR LESS.

TOGETHER WITH

DESCRIPTION: PARCEL 3 THRU 12

COMMENCE AT THE INTERSECTION OF THE NORTHWEST CORNER OF LOT 36 OF UNIT NO.4, ISLAND SHORES, AS RECORDED IN PLAT BOOK 9, PAGE 37 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE SOUTHERLY RIGHT OF WAY OF ESTERO BOULEVARD 30 FEET FROM THE CENTERLINE; THENCE S.47°52'35"W., ALONG THE NORTHWESTERLY LINE OF SAID LOT 36 FOR 189.40 FEET; THENCE S.42°07'25"E.,FOR 35.67 FEET TO THE POINT OF BEGINNING OF PARCEL 3; THENCE S.02°52'35"W.,FOR 7.17 FEET; THENCE N.87°07'25"W., FOR 8.27 FEET; THENCE N.02°52'35"E., FOR 7.17 FEET; THENCE S.87°07'25"E., FOR 8.27 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING THENCE S.49°00'56"E., FOR 16.82 FEET TO THE POINT OF BEGINNING OF PARCEL 4; THENCE N.02°52'35"E., FOR 23.11 FEET; THENCE S.87°07'25"E., FOR 8.27 FEET; THENCE S.02°52'35"W., FOR 23.11 FEET; THENCE N.87°07'25"W., FOR 8.27 FEET TO THE POINT OF BEGINNING.; FROM SAID POINT OF BEGINNING THENCE S.87°07'25"E., FOR 24.17 FEET TO THE POINT OF BEGINNING OF PARCEL 5; THENCE N.02°52'35"E., FOR 21.11 FEET; THENCE S.87°07'25"E., FOR 8.27 FEET; THENCE S.02°52'35"W., FOR 21.11 FEET; THENCE N.87°07'25"W., FOR 8.27 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING THENCE S.38°09'36"E., FOR 38.83 FEET TO THE POINT OF BEGINNING OF PARCEL 6; THENCE S.02°52'35"W., FOR 8.67 FEET; THENCE N.87°07'25"W., FOR 7.92 FEET; THENCE N.02°52'35"E., FOR 8.67 FEET; THENCE S.87°07'25"E., FOR 7.92 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING THENCE S.42°07'25"E., FOR 35.73 FEET TO THE POINT OF BEGINNING OF PARCEL 7; THENCE S.02°52'35"W., FOR 7.92 FEET;THENCE N.87°07'25"W., FOR 8.67 FEET; THENCE N.02°52'35"E., FOR 7.92 FEET; THENCE N.87°07'25"W., FOR 8.67 FEET; TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING THENCE N.65°45'36"E., FOR 42.24 FEET TO THE POINT OF BEGINNING OF PARCEL 8; THENCE N.47°52'35"E., FOR 7.00 FEET; THENCE S.42°07'25"E., FOR 7.00 FEET; THENCE S.47°52'35"W., FOR 7.00 FEET; THENCE N.42°07'25"W., FOR 7.00 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING THENCE N.03°41'47"E., FOR 29.30 FEET TO THE POINT OF BEGINNING OF PARCEL 9; THENCE N.42°07'25"W., FOR 8.50 FEET; THENCE N.47°52'35"E., FOR 7.50 FEET; THENCE S.42°07'25"E., FOR 8.50 FEET; THENCE S.47°52'35"W., FOR 7.50 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING THENCE N.67°58'23"W., FOR 32.13 FEET; TO THE POINT OF BEGINNING OF PARCEL 10, THENCE S.47°52'35"W., A DISTANCE OF 7.00 FEET; THENCE N.42°07'25"W., FOR 7.00 FEET; THENCE N.47°52'35"E., FOR 7.00 FEET; THENCE S.42°07'25"E., FOR 7.00 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING; THENCE S.26°25'30"E., FOR 21.35 FEET TO THE POINT OF BEGINNING OF PARCEL 11; THENCE S.47°52'35"W., FOR 17.42 FEET; THENCE N.42°07'25"W., FOR 8.27 FEET; THENCE N.47°52'35"E., FOR 17.42 FEET; THENCE S.42°07'25"E., FOR 8.27 FEET TO THE POINT OF BEGINNING; THENCE S.42°07'25"E., FOR 8.23 FEET TO THE POINT OF BEGINNING OF PARCEL 12; THENCE S.42°07'25"E., FOR 8.27 FEET; THENCE S.47°52'35"W., FOR 17.42 FEET; THENCE N.42°07'25"W., FOR 8.27 FEET; THENCE N.47°52'35"E., FOR 17.42 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.0233 ACRES MORE OR LESS

TOGETHER WITH:

DESCRIPTION:

ALL AIR SPACE AND STRUCTURAL BUILDING COMPONENTS LOCATED AT ELEVATION 21.67 FEET NGVD AND ABOVE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF BEGINNING OF SAID PARCEL 2; THENCE S.42°07'25"E., FOR 28.21 FEET; THENCE S.87°07'25"E., FOR 5.79 FEET; THENCE S.42°07'25"E., FOR 11.65 FEET; THENCE S.02°52'35"W., FOR 5.79 FEET; THENCE S.42°07'25"E., FOR 28.21 FEET; THENCE S.47°52'35"W., OF 33.24 FEET; THENCE S.42°07'25"E., FOR 6.91 FEET; THENCE S.02°52'35"W., FOR 37.85 FEET; THENCE N.87°07'25"W., FOR 21.70 FEET; THENCE S.02°52'35"W., FOR 11.47 FEET; THENCE S.42°07'25"E., FOR 5.73 FEET; THENCE S.47°52'35"W., FOR 2.08 FEET; THENCE S.42°07'25"E., FOR 13.06 FEET; THENCE N.47°52'35"E., FOR 26.75 FEET; THENCE S.42°07'25"E., FOR 4.14 FEET; THENCE S.87°07'25"E., FOR 2.36 FEET; THENCE S.42°07'25"E., FOR 13.66 FEET; THENCE S.02°52'35"W., FOR 2.36 FEET; THENCE S.42°07'25"E., FOR 4.14 FEET; THENCE S.47°52'35"W., FOR 3.22 FEET; THENCE S.77°52'35"W., FOR 3.27 FEET; THENCE S.47°52'35"W., FOR 17.47 FEET; THENCE S.42°07'25"E., FOR 1.63 FEET; THENCE S.47°52'35"W., FOR 101.38 FEET; THENCE N.42°07'25"W., FOR 33.97 FEET; THENCE N.47°52'35"E., FOR 19.79 FEET; THENCE N.02°52'35"E., FOR 60.19 FEET; THENCE N.87°07'25"W., FOR 5.30 FEET; THENCE N.42°07'25"W., FOR 56.72 FEET; THENCE N.02°52'35"E., FOR 5.30 FEET; THENCE N.87°07'25"W., 66.96 FEET; THENCE N.42°07'25"W., FOR 19.23 FEET; THENCE N.02°52'35"E., FOR 8.93 FEET; THENCE S.47°52'35"E., FOR 15.93 FEET; THENCE N.42°07'25"W., FOR 3.63 FEET; THENCE N.47°52'35"E., FOR 87.67 FEET; THENCE S.42°07'25"E., FOR 4.14 FEET; THENCE S.87°07'25"E., FOR 2.36 FEET; THENCE S.42°07'25"E., FOR 13.66 FEET; THENCE S.02°52'35"W., FOR 2.36 FEET; THENCE S.42°07'25"E., FOR 4.14 FEET; THENCE S.47°52'35"W., FOR 27.41 FEET; THENCE S.42°07'25"E., FOR 12.16 FEET; THENCE S.87°07'25"E., FOR 18.09 FEET; THENCE N.02°52'35"E., FOR 18.96 FEET; THENCE S.87°07'25"E., FOR 37.85 FEET; THENCE S.42°07'25"E., FOR 6.91 FEET; THENCE N.47°52'35"E., FOR 33.24 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.5463 ACRES, MORE OR LESS.

DESCRIPTION:

TOGETHER WITH:

ALL AIR SPACE AND MONUMENTAL STAIRS LOCATED AT ELEVATION 6.67 FEET NGVD TO 21.67 FEET NGVD MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHWEST CORNER OF LOT 36 OF UNIT NO.4 ISLAND SHORES, AS RECORDED IN PLAT BOOK 9, PAGE 37 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE SOUTHERLY RIGHT OF WAY OF ESTERO BOULEVARD, 30 FEET FROM THE CENTERLINE;; THENCE S.47°52'35"W., ALONG THE NORTHWESTERLY LINE OF SAID LOT 36 FOR 180.93 FEET; THENCE S.42°07'25"E., FOR 102.89 FEET TO THE POINT OF BEGINNING; THENCE S.87°07'25"E., FOR 27.64 FEET; THENCE N.47°52'35"E., FOR 8.70 FEET; THENCE S.42°07'25"E., FOR 7.33 FEET; THENCE S.47°52'35"W., FOR 8.70 FEET; THENCE S.02°52'35"W., FOR 27.64 FEET; THENCE N.87°07'25"W., FOR 7.50 FEET; THENCE N.02°52'35"E., FOR 16.90 FEET; THENCE N.42°07'25"W., FOR 11.92 FEET; THENCE N.87°07'25"W., FOR 16.90 FEET; THENCE N.02°52'35"E., FOR 7.50 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.0120 ACRES MORE OR LESS

DATE 9/19/01			
SCALE			
DESIGN			
DRAWN CP			
CHECK	2/5/04	FINAL	CP
APPROVED	DATE	REVISION	BY

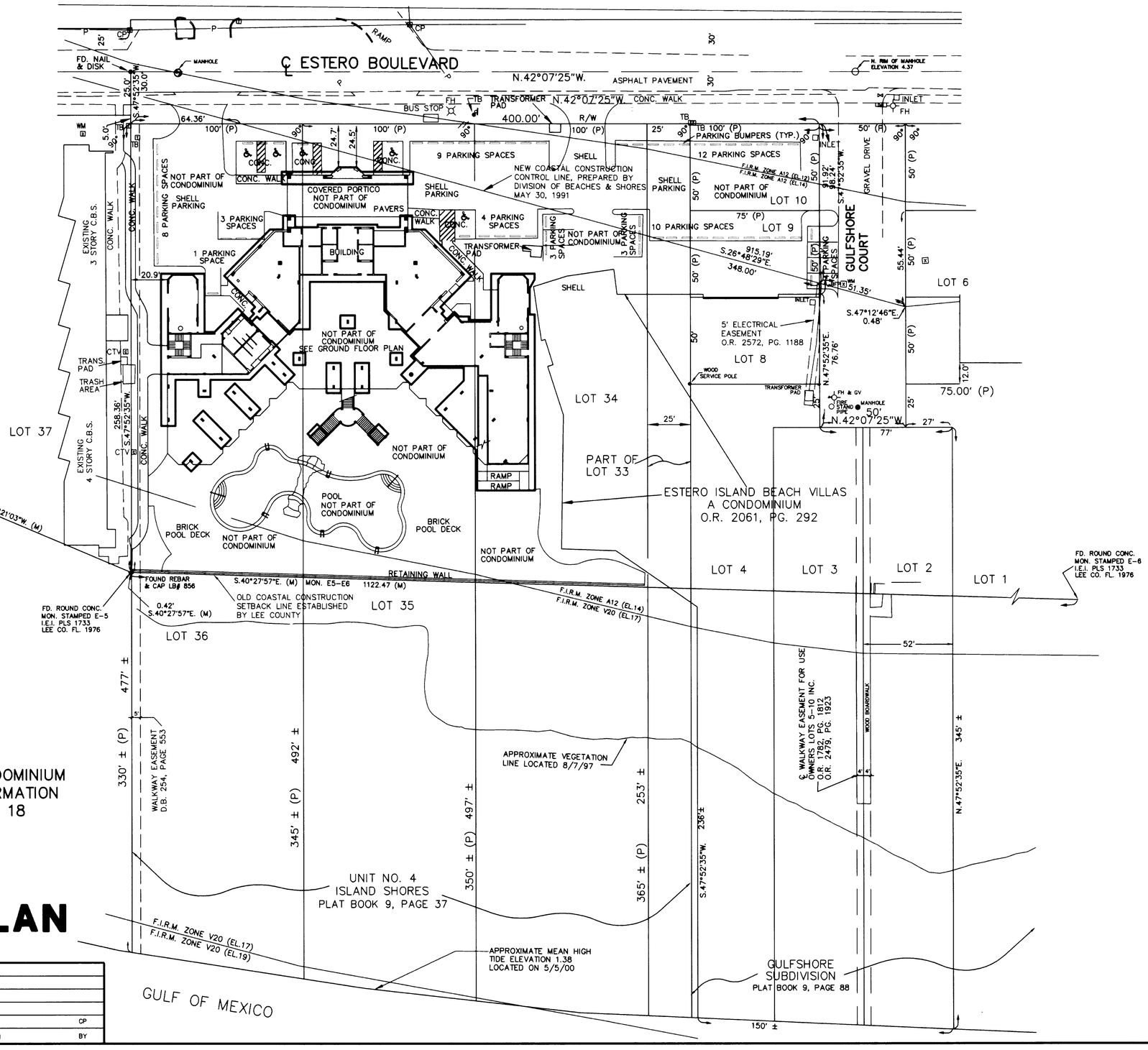
THIS INSTRUMENT WAS PREPARED BY
INK ENGINEERING
A DIVISION OF LBFH, INC.
ENGINEERS • SURVEYORS • PLANNERS
TEL (941) 931 - 0455 • 3660 CENTRAL AVE. (SUITE 8) • FT. MYERS, FLORIDA 33901
(LB 856)

JOB NUMBER: 8888WS | FILE NUMBER: 8888WSDESR

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

WHITE SAND VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



NOTE: FOR CONDOMINIUM BOUNDARY INFORMATION SEE SHEET 3 OF 18

SITE PLAN

DATE 8/1/01			
SCALE 1"=30'			
DESIGN			
DRAWN CP			
CHECK	2/5/04	FINAL	CP
APPROVED	DATE	REVISION	BY

SCALE IN FEET (30 15 0)

LEGEND

P.O.B.	POINT OF BEGINNING	P.O.C.	POINT OF COMMENCEMENT
R/W	RIGHT OF WAY	CTV	CABLE TELEVISION BOX
FD.	FOUND	CONC.	CONCRETE
BLDG.	BUILDING	R.	RADIUS
TB	TELEPHONE BOX	A.	ARC
O.R.	OFFICIAL RECORD	CS	CONC. SLAB
PG.	PAGE	CBS	CONCRETE BLOCK STRUCTURE
BFP	BACK-FLOW PREVENTER	LP	LIGHT POLE
WM	WATER METER	(M)	MEASURED
FH	FIRE HYDRANT	(P)	PLAT
WP	WOOD POWER POLE		SIGN
TRANS.	TRANSFORMER		LIGHT POLE
CP	CONCRETE POWER POLE		GATE VALVE
WD	WOOD	L1	LINE ON LINE TABLE
PCP	PERMANENT CONTROL POINT	CBW	CONCRETE BLOCK WALL
PRM	PERMANENT REFERENCE MONUMENT	P.B.	PLAT BOOK
C-1	COLUMN NUMBER	P	OVERHEAD POWER
	FOUND REBAR & CAP		HANDICAP PARKING

EXHIBIT "A"

SURVEYOR'S CERTIFICATE
WHITE SAND VILLAS, A CONDOMINIUM

WE HEREBY CERTIFY PURSUANT TO SECTION 718.104(4)(e) FLORIDA STATUTES AS AMENDED, THAT THE CONSTRUCTION OF WHITE SAND VILLAS, A CONDOMINIUM, AND COMMON ELEMENT FACILITIES SERVING SAID CONDOMINIUM INCLUDING, BUT NOT LIMITED TO, LANDSCAPING, UTILITY SERVICES AND ACCESS TO THE UNIT ARE SUBSTANTIALLY COMPLETE; SO THAT SUCH MATERIAL TOGETHER WITH THE PROVISIONS OF THE DECLARATION OF CONDOMINIUM OF WHITE SAND VILLAS, A CONDOMINIUM DESCRIBING THE CONDOMINIUM PROPERTY IS AN ACCURATE REPRESENTATION OF THE LOCATION AND DIMENSIONS OF THE COMMON ELEMENTS AND OF EACH UNIT CAN BE DETERMINED FROM THESE MATERIALS.

THE LEGAL DESCRIPTION SHOWN HEREON IS EXHIBIT "A" ATTACHED HERETO. THE SURVEY PLOT PLAN AND FLOOR PLANS ARE SHOWN HEREON AS EXHIBIT "B".

CERTIFIED TO:
WHITE SAND VILLAS DEVELOPMENT, LLC

INK ENGINEERING, A DIVISION OF LBFH, INC.
FOR THE FIRM, DATED: SUPR. NO.
BY:
GORDON D. MYERS
PROFESSIONAL SURVEYOR MAPPER
FLA. REGISTRATION NO. 2858

THIS INSTRUMENT WAS PREPARED BY
INK ENGINEERING
A DIVISION OF LBFH, INC.
ENGINEERS · SURVEYORS · PLANNERS
TEL (941) 931 - 0455 · 3660 CENTRAL AVE. (SUITE 8) · FT. MYERS, FLORIDA 33901
(LB 856)

JOB NUMBER: 8888	03-7069	FILE NUMBER: 8888WSSITER116

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

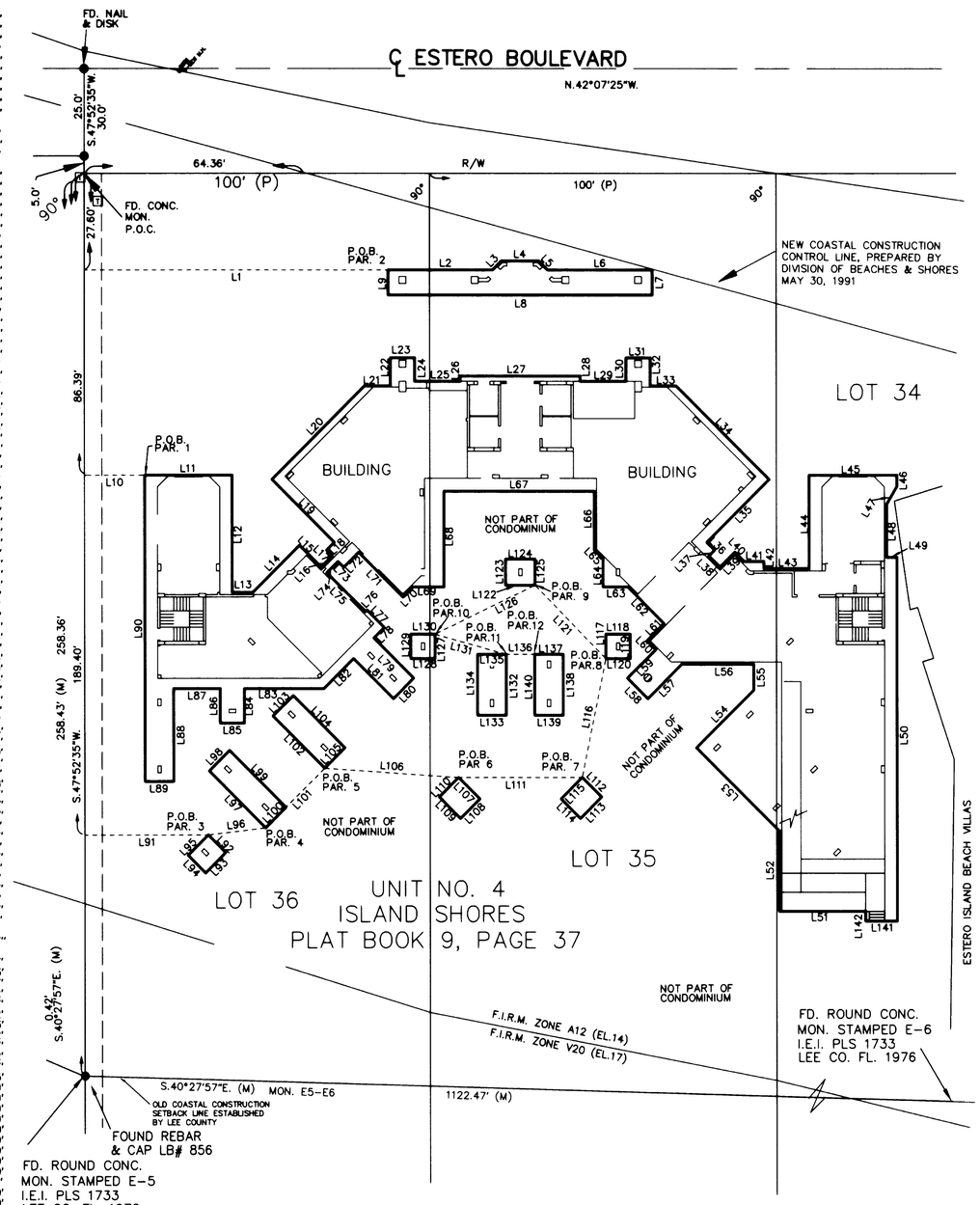
WHITE SAND VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

20 10 0
SCALE IN FEET

LINE TABLE

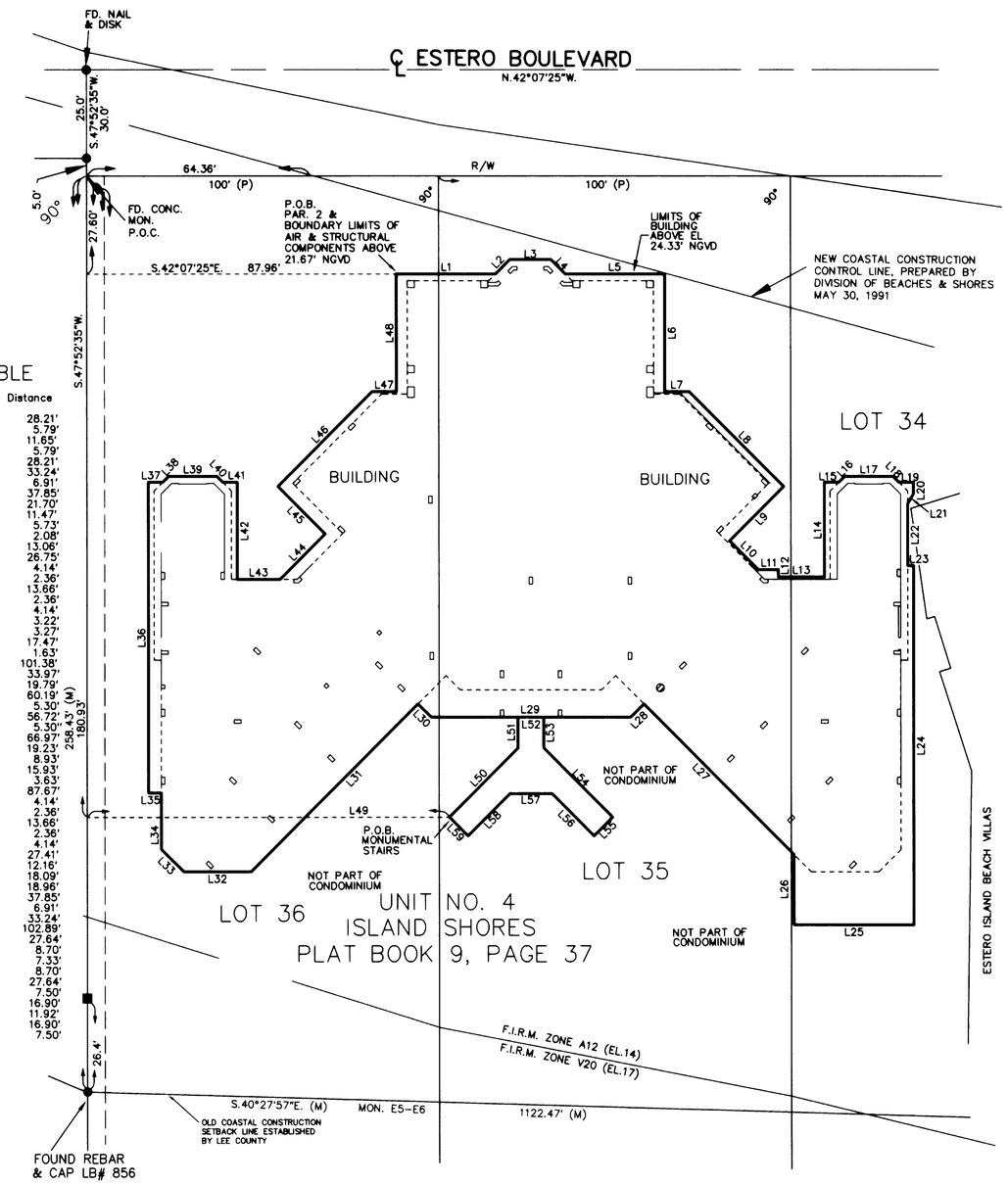
Line	Bearing	Distance
L1	S.42°07'25"E.	87.96'
L2	S.42°07'25"E.	30.20'
L3	N.87°07'25"W.	3.67'
L4	N.42°07'25"W.	10.68'
L5	N.02°52'35"E.	3.67'
L6	S.42°07'25"E.	30.20'
L7	N.47°52'35"E.	7.17'
L8	N.42°07'25"W.	76.27'
L9	N.47°52'35"E.	7.17'
L10	S.42°07'25"E.	17.46'
L11	S.42°07'25"E.	25.27'
L12	S.47°52'35"W.	33.58'
L13	S.42°07'25"E.	5.99'
L14	S.87°07'25"E.	19.12'
L15	S.02°52'35"W.	8.82'
L16	S.87°07'25"E.	4.54'
L17	N.02°52'35"E.	2.33'
L18	S.87°07'25"E.	3.16'
L19	N.02°52'35"E.	25.44'
L20	S.87°07'25"E.	37.85'
L21	S.42°07'25"E.	7.55'
L22	N.47°52'35"E.	8.08'
L23	N.42°07'25"W.	7.00'
L24	S.47°52'35"W.	6.75'
L25	S.42°07'25"E.	13.17'
L26	N.47°52'35"E.	1.50'
L27	S.42°07'25"E.	34.67'
L28	S.47°52'35"W.	1.50'
L29	S.42°07'25"E.	13.17'
L30	N.47°52'35"E.	6.75'
L31	S.42°07'25"E.	7.00'
L32	S.47°52'35"W.	8.08'
L33	S.42°07'25"E.	7.55'
L34	S.02°52'35"W.	37.85'
L35	N.87°07'25"W.	25.44'
L36	S.02°52'35"W.	3.16'
L37	N.87°07'25"W.	2.33'
L38	S.02°52'35"W.	4.54'
L39	S.87°07'25"E.	6.07'
L40	S.02°52'35"W.	3.77'
L41	S.42°07'25"E.	5.73'
L42	S.47°52'35"W.	2.08'
L43	S.42°07'25"E.	13.06'
L44	N.47°52'35"E.	26.75'
L45	S.42°07'25"E.	25.27'
L46	S.47°52'35"W.	3.22'
L47	S.77°52'35"W.	5.94'
L48	N.47°52'35"E.	15.16'
L49	S.42°07'25"E.	2.97'
L50	S.47°52'35"W.	104.13'
L51	N.42°07'25"W.	24.83'
L52	N.47°52'35"E.	22.98'
L53	N.02°52'35"E.	33.76'
L54	S.87°07'25"E.	23.38'
L55	N.47°52'35"E.	7.38'
L56	N.42°07'25"W.	20.76'
L57	N.87°07'25"W.	13.93'
L58	N.02°52'35"E.	8.27'
L59	S.87°07'25"E.	11.58'
L60	N.02°52'35"E.	3.61'
L61	S.87°07'25"E.	6.96'
L62	N.02°52'35"E.	14.82'
L63	N.42°07'25"W.	7.04'
L64	N.47°52'35"E.	8.04'
L65	N.02°52'35"E.	3.63'
L66	N.47°52'35"E.	16.75'
L67	N.42°07'25"W.	43.37'
L68	S.47°52'35"W.	27.36'
L69	N.42°07'25"W.	8.94'
L70	N.87°07'25"W.	4.15'
L71	N.02°52'35"E.	18.21'
L72	N.87°07'25"W.	6.13'
L73	N.02°52'35"E.	2.33'
L74	N.87°07'25"W.	4.54'
L75	S.02°52'35"W.	15.82'
L76	S.87°07'25"E.	0.65'
L77	S.02°52'35"W.	7.00'
L78	N.87°07'25"W.	4.25'
L79	S.02°52'35"W.	16.27'
L80	N.87°07'25"W.	8.27'
L81	N.02°52'35"E.	16.27'
L82	N.87°07'25"W.	12.17'
L83	N.42°07'25"W.	23.04'
L84	S.47°52'35"W.	9.92'
L85	N.42°07'25"W.	7.00'
L86	N.47°52'35"E.	9.92'
L87	N.42°07'25"W.	13.49'
L88	S.47°52'35"W.	26.58'
L89	S.42°07'25"E.	8.27'
L90	N.47°52'35"E.	87.67'
L91	S.42°07'25"E.	35.67'
L92	S.02°52'35"W.	7.17'
L93	N.87°07'25"W.	8.27'
L94	N.02°52'35"E.	7.17'
L95	S.87°07'25"E.	8.27'
L96	S.49°00'56"E.	16.82'
L97	N.02°52'35"E.	23.11'
L98	S.87°07'25"E.	8.27'
L99	S.02°52'35"W.	23.11'
L100	N.87°07'25"W.	8.27'
L101	S.87°07'25"E.	24.17'
L102	N.02°52'35"E.	21.11'
L103	S.87°07'25"E.	8.27'
L104	S.02°52'35"W.	21.11'
L105	N.87°07'25"W.	8.27'
L106	S.38°09'36"E.	38.83'
L107	S.02°52'35"W.	8.67'
L108	N.87°07'25"W.	7.92'
L109	N.02°52'35"E.	8.67'
L110	S.87°07'25"E.	7.92'
L111	S.42°07'25"E.	35.73'
L112	S.02°52'35"W.	7.92'
L113	N.87°07'25"W.	8.67'
L114	N.02°52'35"E.	7.92'
L115	S.87°07'25"E.	8.67'
L116	N.59°13'56"E.	34.75'
L117	N.47°52'35"E.	7.00'
L118	S.42°07'25"E.	7.00'
L119	S.47°52'35"W.	7.00'
L120	N.42°07'25"W.	7.00'
L121	N.03°41'47"E.	29.30'
L122	N.42°07'25"W.	8.50'
L123	N.47°52'35"E.	7.50'
L124	S.42°07'25"E.	8.50'
L125	S.47°52'35"W.	7.50'
L126	N.67°58'23"W.	32.13'
L127	S.47°52'35"W.	7.00'
L128	N.42°07'25"W.	7.00'
L129	N.47°52'35"E.	7.00'
L130	S.42°07'25"E.	7.00'
L131	S.26°25'30"E.	21.35'
L132	S.47°52'35"W.	17.42'
L133	N.42°07'25"W.	8.27'
L134	N.47°52'35"E.	17.42'
L135	S.42°07'25"E.	8.27'
L136	N.42°07'25"W.	8.23'
L137	S.42°07'25"E.	8.27'
L138	S.47°52'35"W.	17.42'
L139	N.42°07'25"W.	8.27'
L140	N.47°52'35"E.	17.42'
L141	N.42°07'25"W.	9.13'
L142	N.47°52'35"E.	2.75'



BOUNDARY LIMITS OF GROUND LEVEL
PARCEL EL. 6.67' NGVD TO EL. 21.67' NGVD

LINE TABLE

Line	Bearing	Distance
L1	S.42°07'25"E.	28.21'
L2	S.87°07'25"E.	5.79'
L3	S.42°07'25"E.	11.65'
L4	S.02°52'35"W.	5.79'
L5	S.42°07'25"E.	28.21'
L6	S.47°52'35"W.	33.24'
L7	S.42°07'25"E.	6.91'
L8	S.02°52'35"W.	37.85'
L9	N.87°07'25"W.	21.70'
L10	S.02°52'35"W.	11.47'
L11	S.42°07'25"E.	5.73'
L12	S.47°52'35"W.	2.08'
L13	S.42°07'25"E.	13.06'
L14	N.47°52'35"E.	26.75'
L15	S.42°07'25"E.	4.14'
L16	S.87°07'25"E.	2.36'
L17	S.42°07'25"E.	13.66'
L18	S.02°52'35"W.	2.36'
L19	S.42°07'25"E.	4.14'
L20	S.47°52'35"W.	3.22'
L21	S.77°52'35"W.	3.27'
L22	S.47°52'35"W.	17.47'
L23	S.42°07'25"E.	1.63'
L24	S.47°52'35"W.	101.38'
L25	N.42°07'25"W.	33.97'
L26	N.47°52'35"E.	19.79'
L27	N.02°52'35"E.	60.19'
L28	N.87°07'25"W.	5.30'
L29	N.42°07'25"W.	56.72'
L30	N.02°52'35"E.	5.30"
L31	N.87°07'25"W.	66.97'
L32	N.42°07'25"W.	19.23'
L33	N.02°52'35"E.	8.93'
L34	N.47°52'35"E.	15.93'
L35	N.42°07'25"W.	3.63'
L36	N.47°52'35"E.	87.67'
L37	S.42°07'25"E.	4.14'
L38	S.87°07'25"E.	2.36'
L39	S.42°07'25"E.	13.66'
L40	S.02°52'35"W.	2.36'
L41	S.42°07'25"E.	4.14'
L42	S.47°52'35"W.	27.41'
L43	S.42°07'25"E.	12.16'
L44	S.87°07'25"E.	18.09'
L45	N.02°52'35"E.	18.96'
L46	S.87°07'25"E.	37.85'
L47	S.42°07'25"E.	6.91'
L48	N.47°52'35"E.	33.24'
L49	S.42°07'25"E.	102.89'
L50	S.87°07'25"E.	27.64'
L51	N.47°52'35"E.	8.70'
L52	S.42°07'25"E.	7.33'
L53	S.47°52'35"W.	8.70'
L54	S.02°52'35"W.	27.64'
L55	N.87°07'25"W.	7.50'
L56	N.02°52'35"E.	16.90'
L57	N.42°07'25"W.	11.92'
L58	N.87°07'25"W.	16.90'
L59	N.02°52'35"E.	7.50'



BOUNDARY LIMITS OF AIR & STRUCTURAL
COMPONENTS ABOVE EL. 21.67' NGVD

DATE 8/1/01				
SCALE 1"=20'				
DESIGN				
DRAWN CP	2/5/04	FINAL	CP	
CHECK	11-6-01	REV. PER ARCH. PLANS	CP	
APPROVED	DATE	REVISION	BY	

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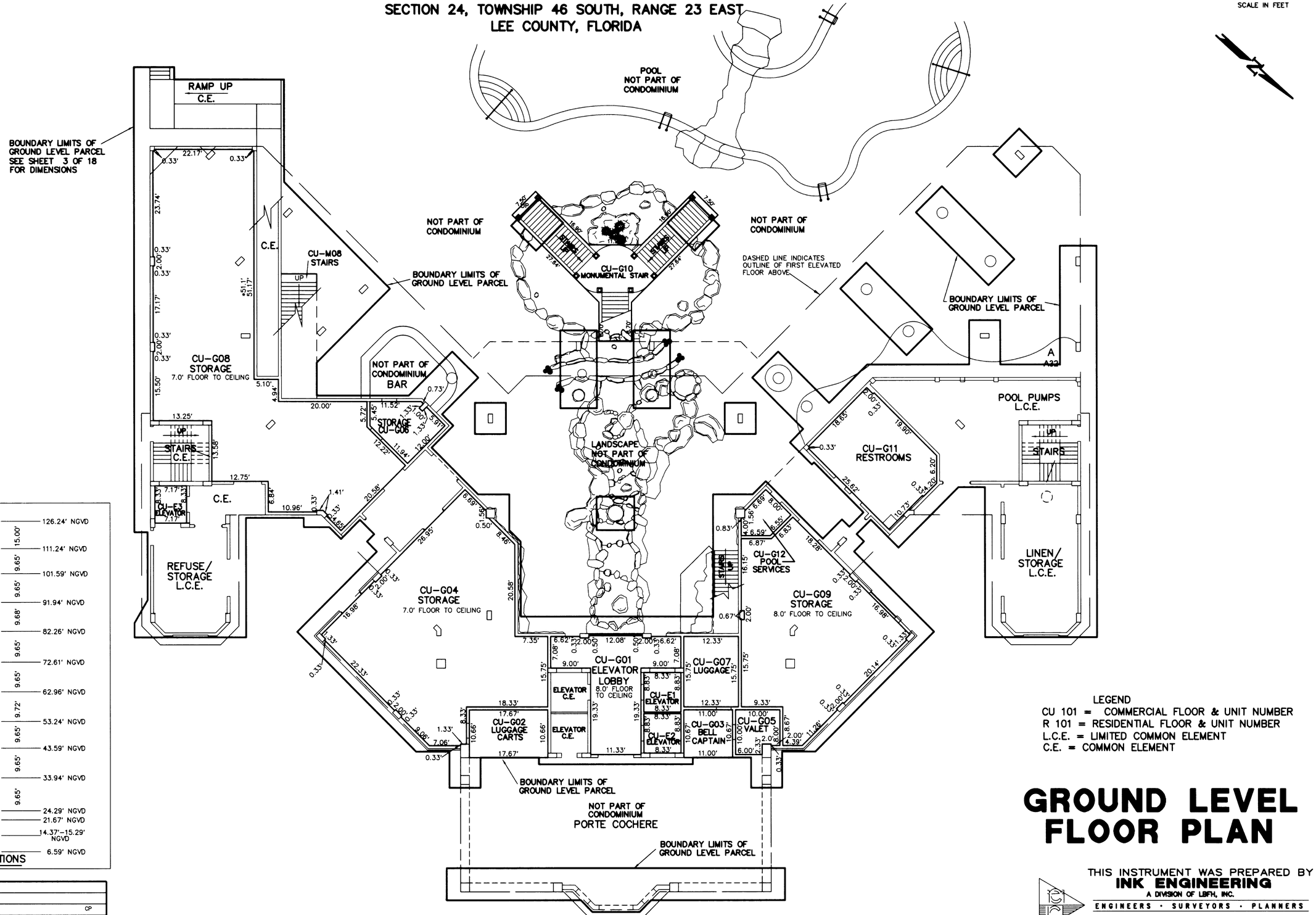
JOB NUMBER: 8888WS
FILE NUMBER: 8888WSBDY116

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

WHITE SAND VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



STAIR TOWER		126.24' NGVD
ROOF	15.00'	111.24' NGVD
PENTHOUSE FLOOR	9.65'	101.59' NGVD
ELEVATED FLOOR 8	9.65'	91.94' NGVD
ELEVATED FLOOR 7	9.68'	82.26' NGVD
ELEVATED FLOOR 6	9.65'	72.61' NGVD
ELEVATED FLOOR 5	9.65'	62.96' NGVD
ELEVATED FLOOR 4	9.72'	53.24' NGVD
ELEVATED FLOOR 3	9.65'	43.59' NGVD
ELEVATED FLOOR 2	9.65'	33.94' NGVD
ELEVATED FLOOR 1	9.65'	24.29' NGVD
UPPER BDY. SERVICE FLOOR		21.67' NGVD
PAVILION SERVICE LEVEL		14.37'-15.29' NGVD
GROUND FLOOR		6.59' NGVD

HORIZONTAL ELEVATIONS

LEGEND
CU 101 = COMMERCIAL FLOOR & UNIT NUMBER
R 101 = RESIDENTIAL FLOOR & UNIT NUMBER
L.C.E. = LIMITED COMMON ELEMENT
C.E. = COMMON ELEMENT

GROUND LEVEL FLOOR PLAN

DATE 8/1/01			
SCALE AS NOTED			
DESIGN	2/5/04	FINAL	CP
DRAWN CP	9/9/03	RECORD DIMENSIONS	CP
CHECK	11/14/01	REV. PER ARCH. PLANS	CP
APPROVED	DATE	REVISION	BY

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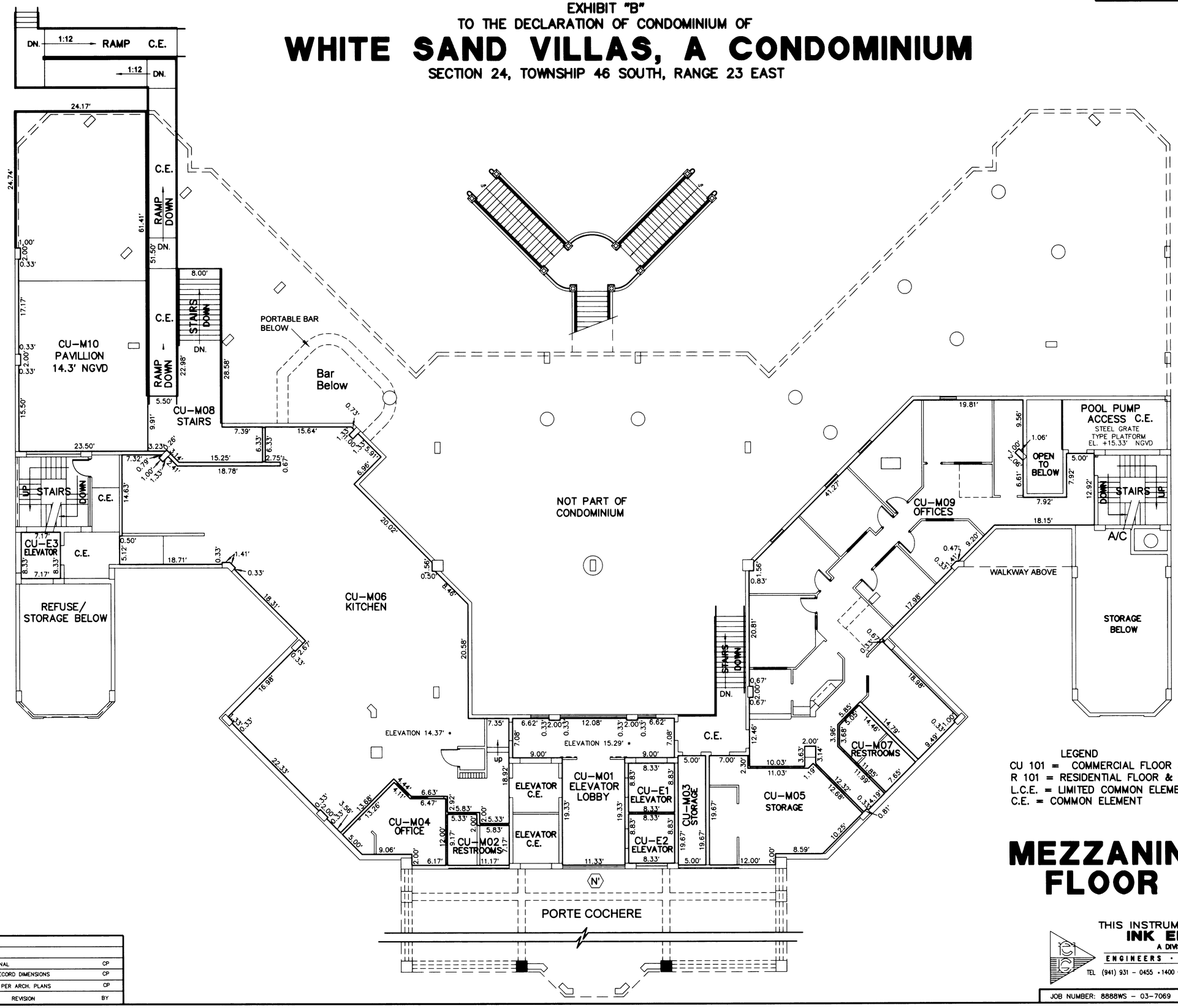
JOB NUMBER: 8888ws - 03-7069 | FILE NUMBER: 8888WSGR116

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

WHITE SAND VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST



LEGEND
CU 101 = COMMERCIAL FLOOR & UNIT NUMBER
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L.C.E. = LIMITED COMMON ELEMENT
C.E. = COMMON ELEMENT

MEZZANINE LEVEL FLOOR PLAN

DATE 8/1/01			
SCALE AS NOTED			
DESIGN	4/5/04	FINAL	CP
DRAWN CP	9/9/03	RECORD DIMENSIONS	CP
CHECK	11/19/01	REV. PER ARCH. PLANS	CP
APPROVED	DATE	REVISION	BY

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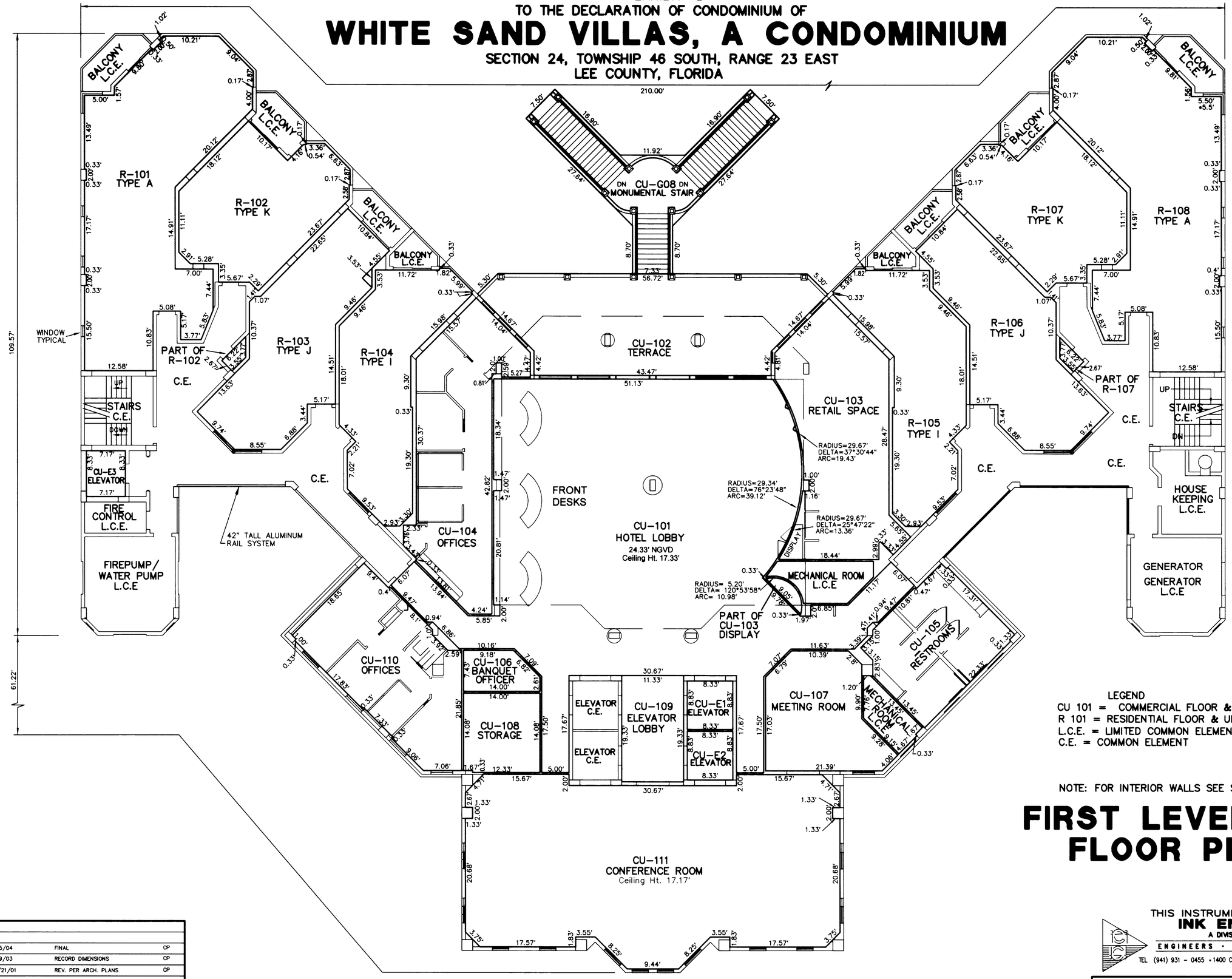
JOB NUMBER: 8888WS - 03-7069 | FILE NUMBER: 8888WSMEZR116

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

WHITE SAND VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



LEGEND
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L.C.E. = LIMITED COMMON ELEMENT
C.E. = COMMON ELEMENT

NOTE: FOR INTERIOR WALLS SEE SHEETS 15–18

FIRST LEVEL/LOBBY FLOOR PLAN

DATE 9/19/01			
SCALE AS NOTED			
DESIGN	2/5/04	FINAL	CP
DRAWN CP	9/9/03	RECORD DIMENSIONS	CP
CHECK	11/21/01	REV. PER ARCH. PLANS	CP
APPROVED	DATE	REVISION	BY

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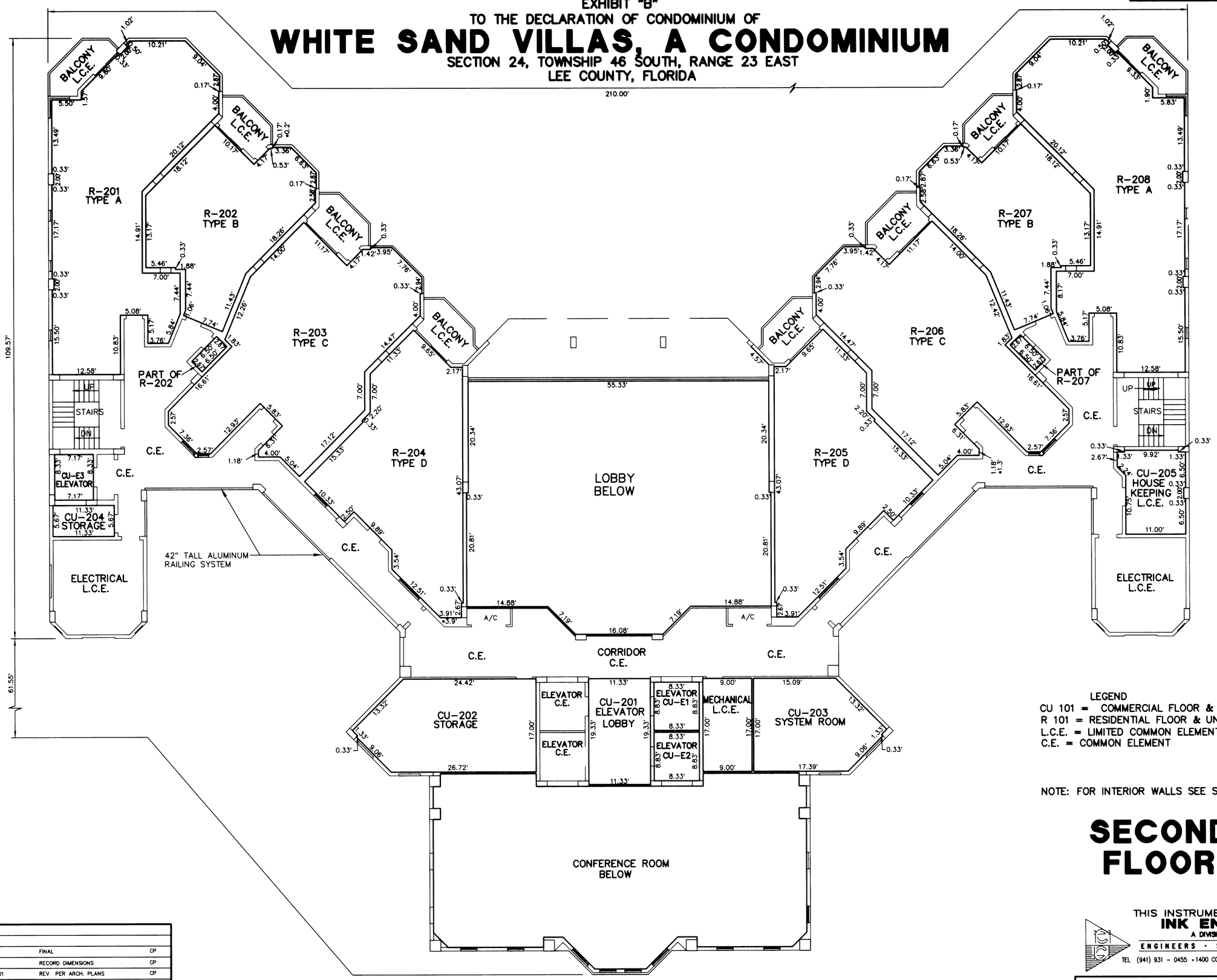
JOB NUMBER: 8888WS 03-7069 | FILE NUMBER: 8888LOBR116

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

WHITE SAND VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



LEGEND
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L.C.E. = LIMITED COMMON ELEMENT
C.E. = COMMON ELEMENT

NOTE: FOR INTERIOR WALLS SEE SHEETS 15–18

SECOND LEVEL FLOOR PLAN

DATE 7/31/01			
SCALE AS NOTED			
DESIGN	2/5/04	FINAL	CP
DRAWN CP	9/9/03	RECORD DIMENSIONS	CP
CHECK	11/26/01	REV PER ARCH. PLANS	CP
APPROVED	DATE	REVISION	BY

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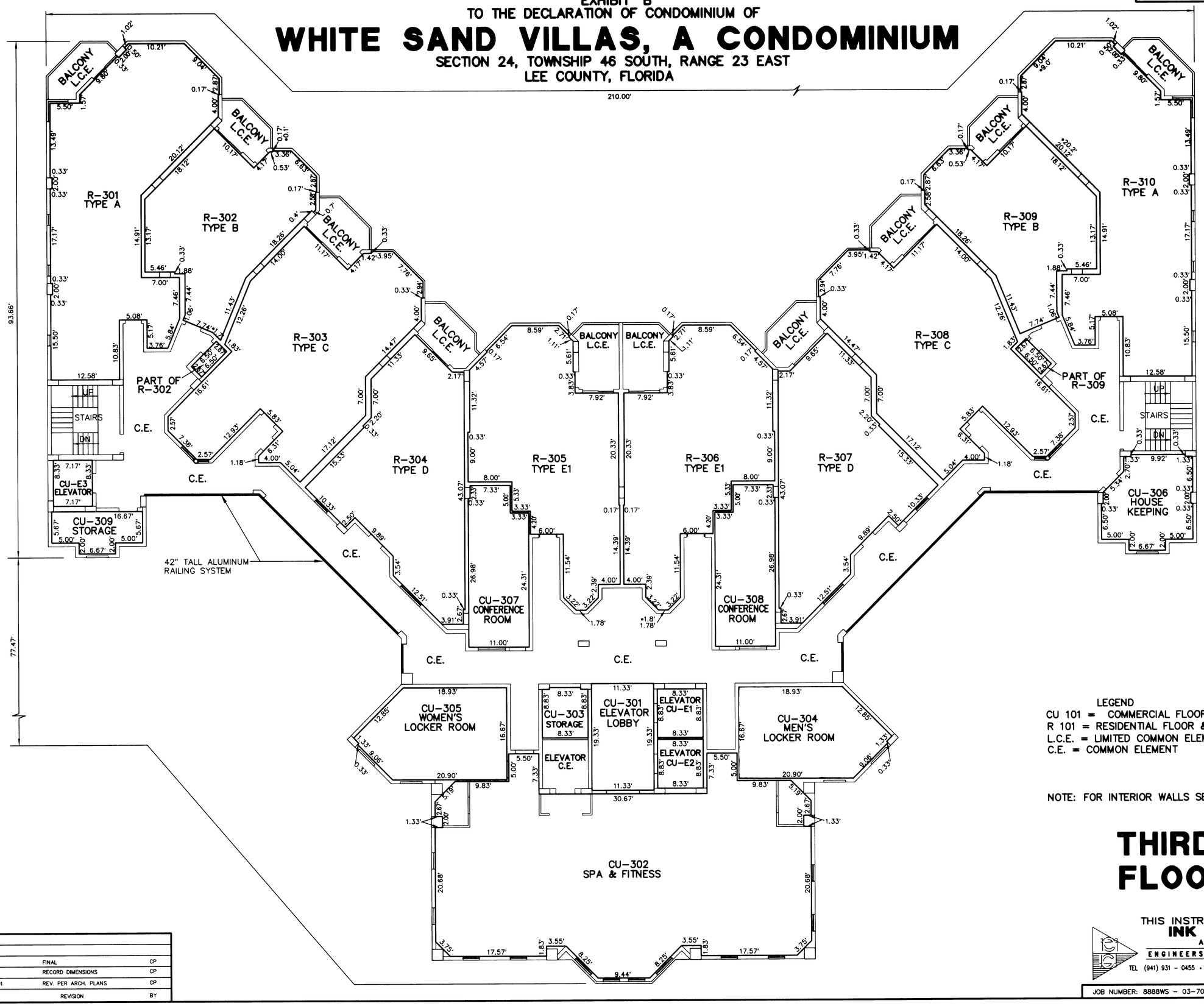
JOB NUMBER: 8888WS – 03–7069 | FILE NUMBER: 8888WS2R116

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

WHITE SAND VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



LEGEND
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L.C.E. = LIMITED COMMON ELEMENT
C.E. = COMMON ELEMENT

NOTE: FOR INTERIOR WALLS SEE SHEETS 15–18

THIRD LEVEL FLOOR PLAN

DATE 9/10/01			
SCALE AS NOTED			
DESIGN	2/5/04	FINAL	CP
DRAWN CP	9/9/03	RECORD DIMENSIONS	CP
CHECK	11/26/01	REV. PER ARCH. PLANS	CP
APPROVED	DATE	REVISION	BY

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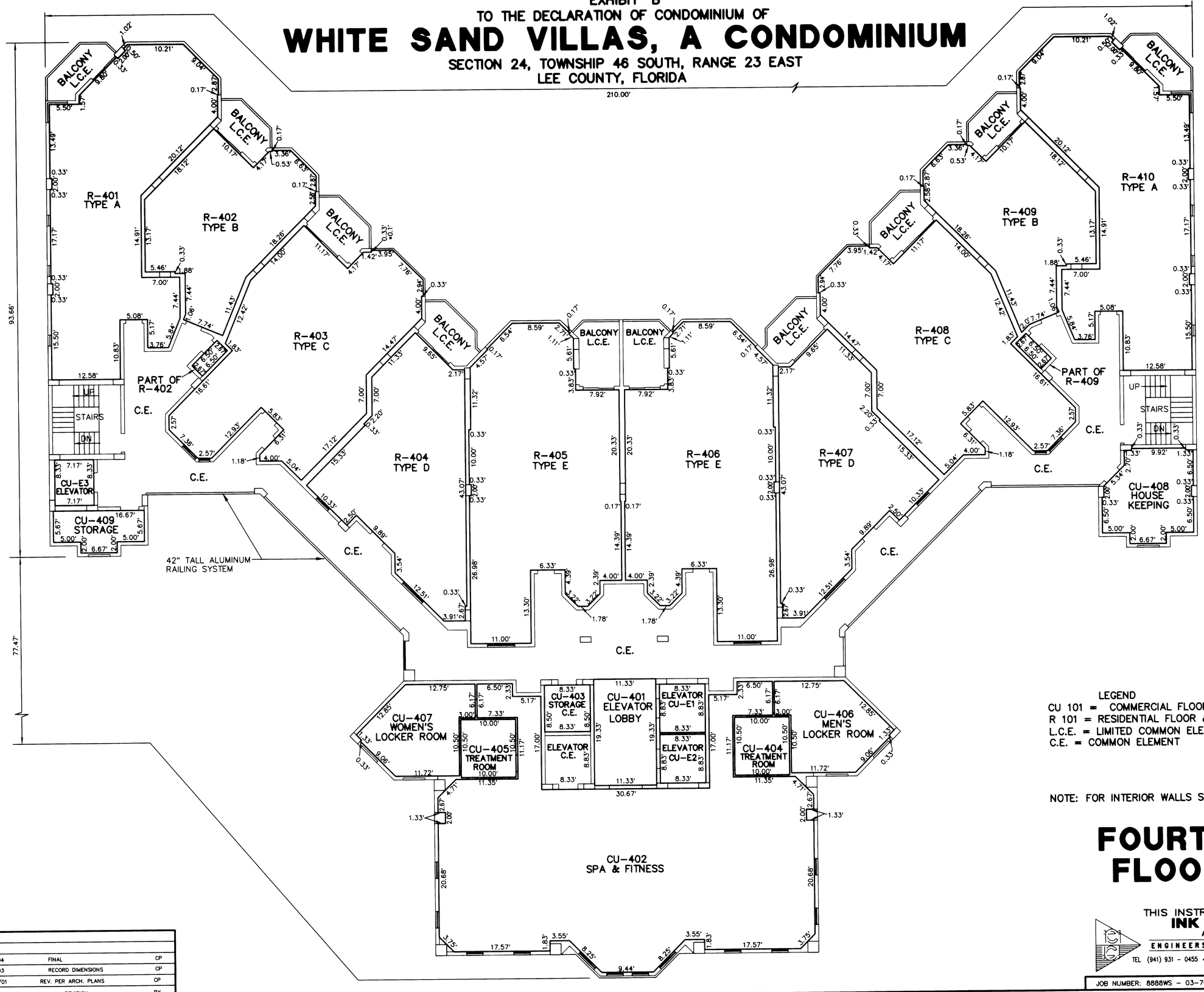
JOB NUMBER: 8888WS – 03-7069 | FILE NUMBER: 8888WS3R116

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

WHITE SAND VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



LEGEND
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NOTE: FOR INTERIOR WALLS SEE SHEETS 15–18

FOURTH LEVEL FLOOR PLAN

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DATE 9/11/01			
SCALE AS NOTED			
DESIGN	2/5/04	FINAL	CP
DRAWN CP	9/9/03	RECORD DIMENSIONS	CP
CHECK	11/27/01	REV. PER ARCH. PLANS	CP
APPROVED	DATE	REVISION	BY

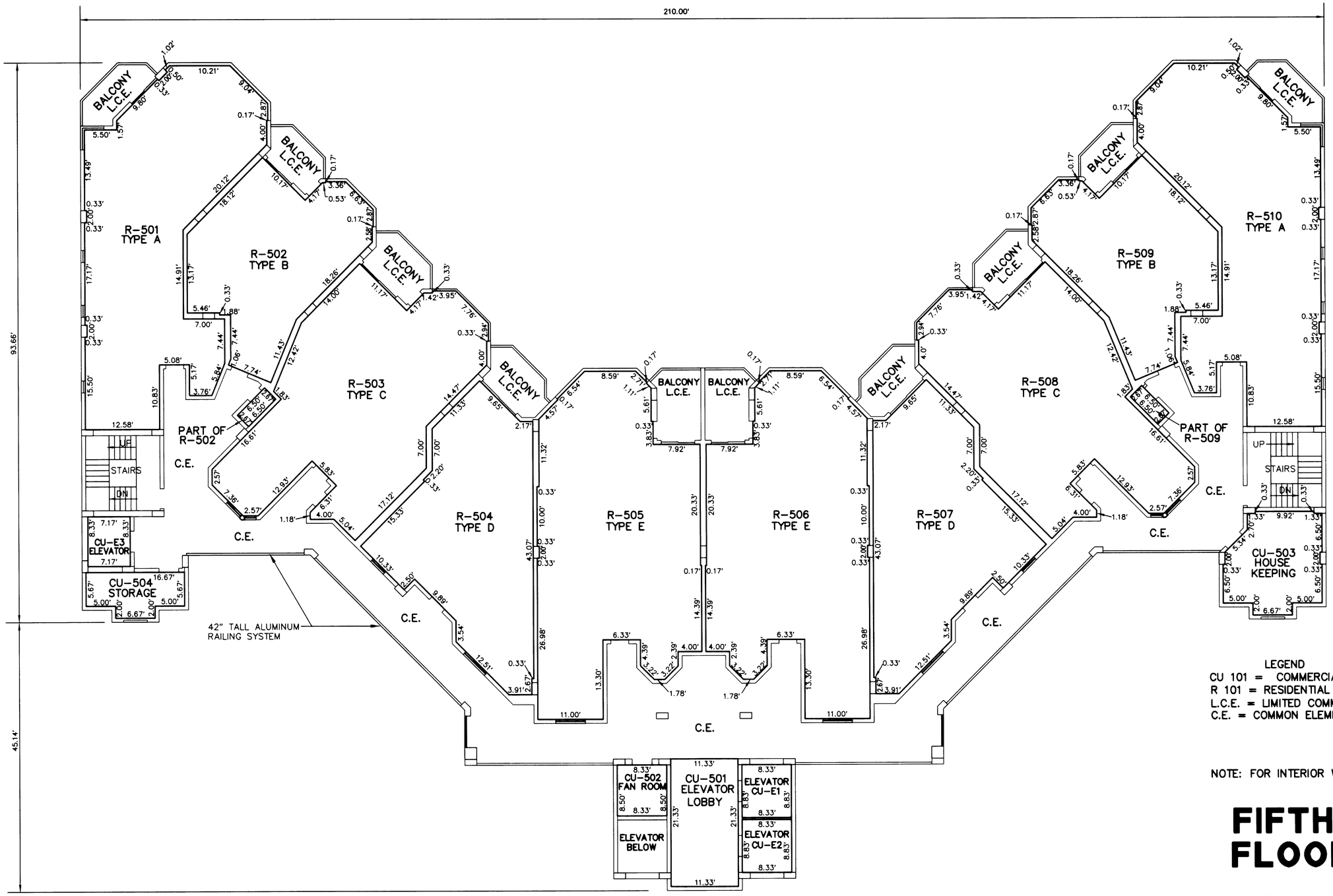
JOB NUMBER: 8888WS – 03–7069
FILE NUMBER: 8888WS4THR116

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

WHITE SAND VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

SCALE IN FEET



LEGEND
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C.E. = COMMON ELEMENT

NOTE: FOR INTERIOR WALLS SEE SHEETS 15–18

FIFTH LEVEL FLOOR PLAN

DATE 9/11/01			
SCALE AS NOTED			
DESIGN	2/5/04	FINAL	CP
DRAWN CP	9/9/03	RECORD DIMENSIONS	CP
CHECK	12/4/01	REV. PER ARCH PLANS	CP
APPROVED	DATE	REVISION	BY

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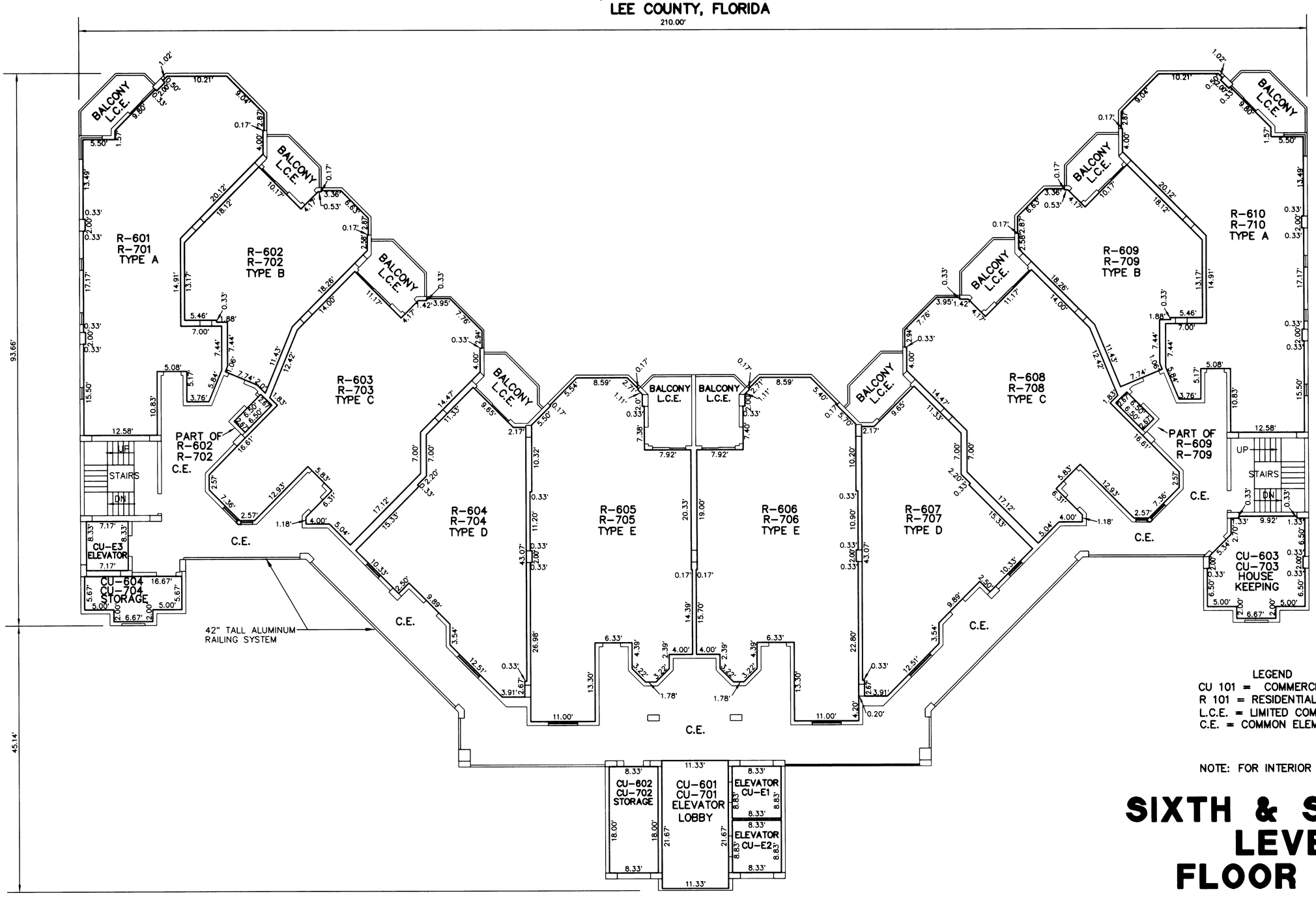
JOB NUMBER: 8888WS – 03-7069
FILE NUMBER: 8888WS5THR116

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

WHITE SAND VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

SCALE IN FEET



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C.E. = COMMON ELEMENT

NOTE: FOR INTERIOR WALLS SEE SHEETS 15–18

SIXTH & SEVENTH LEVEL FLOOR PLAN

DATE 9/11/01			
SCALE AS NOTED			
DESIGN	2/5/04	FINAL	CP
DRAWN CP	9/9/03	RECORD DIMENSIONS	CP
CHECK	12-4-01	REV. PER ARCH. PLANS	CP
APPROVED	DATE	REVISION	BY

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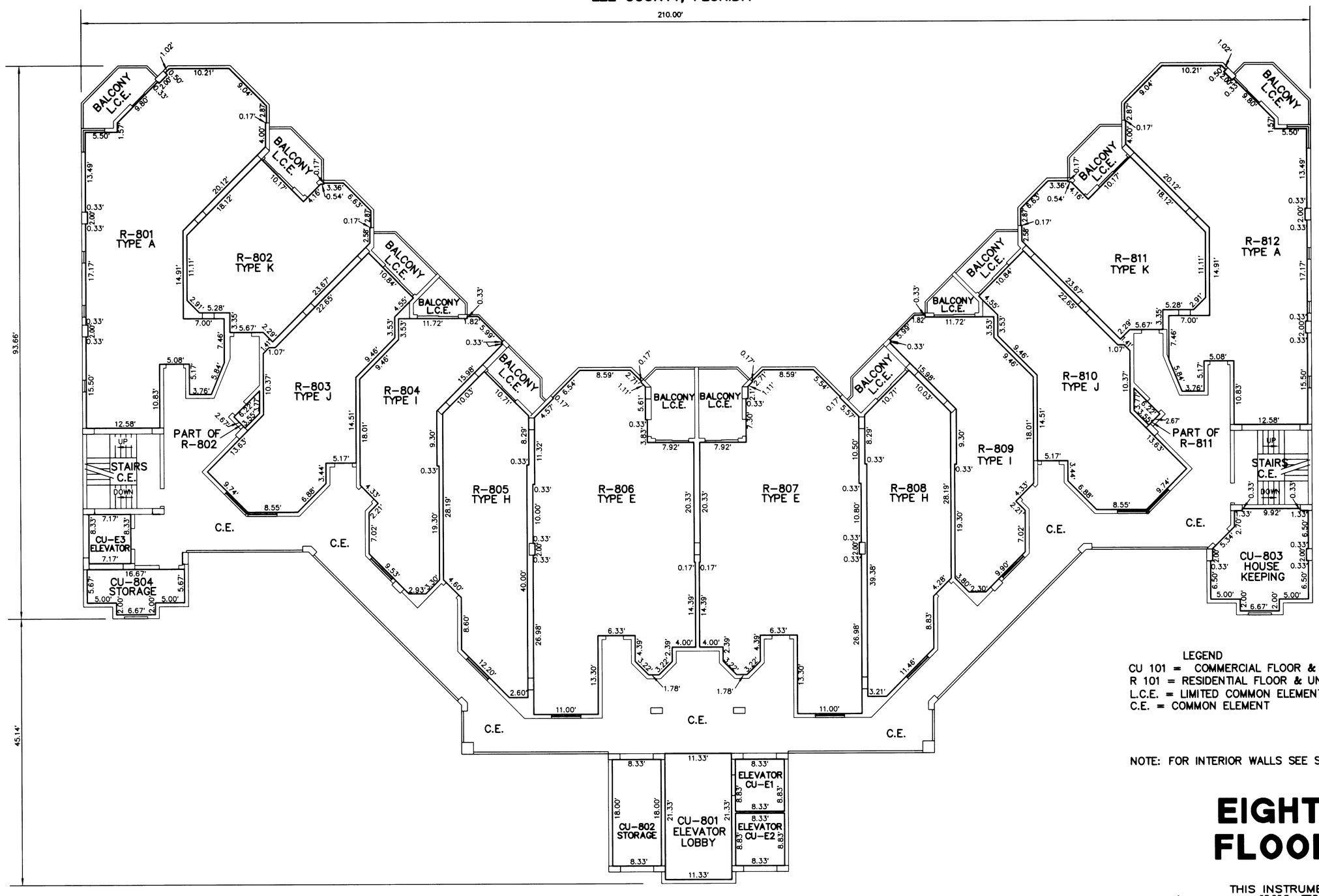
JOB NUMBER: 8888WS – 03-7069 | FILE NUMBER: 8888WS6-7R116

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

WHITE SAND VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

SCALE IN FEET



LEGEND
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L.C.E. = LIMITED COMMON ELEMENT
C.E. = COMMON ELEMENT

NOTE: FOR INTERIOR WALLS SEE SHEETS 15–18

EIGHT LEVEL FLOOR PLAN

DATE 9/12/01			
SCALE 1"=30'			
DESIGN	2/5/04	FINAL	CP
DRAWN CP	9/9/03	RECORD DIMENSIONS	CP
CHECK	12-4-01	REV. PER ARCH. PLAN	CP
APPROVED	DATE	REVISION	BY

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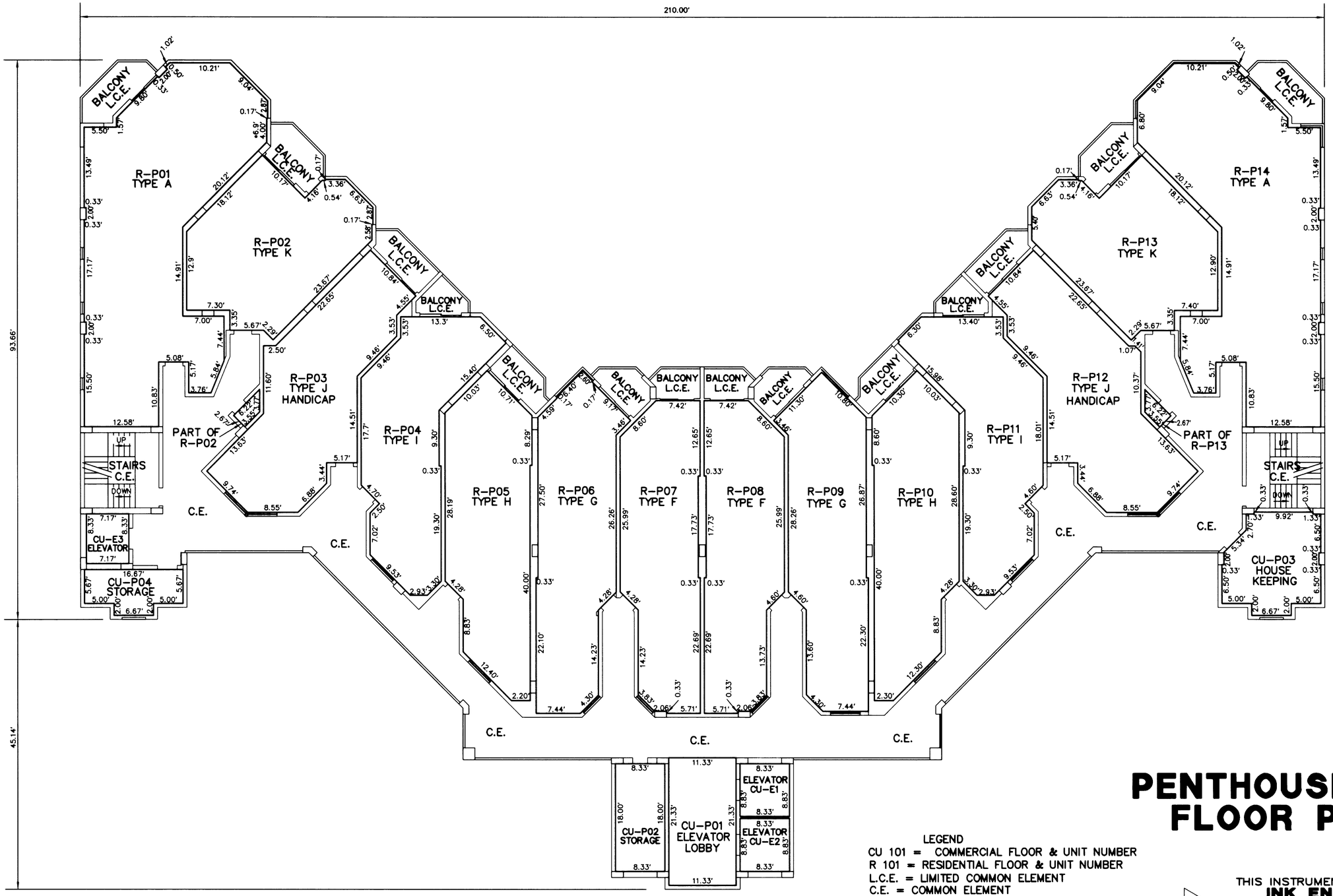
JOB NUMBER: 8888WS – 03-7069 | FILE NUMBER: 8888WS8R116

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

WHITE SAND VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

SCALE IN FEET



PENTHOUSE LEVEL FLOOR PLAN

LEGEND
CU 101 = COMMERCIAL FLOOR & UNIT NUMBER
R 101 = RESIDENTIAL FLOOR & UNIT NUMBER
L.C.E. = LIMITED COMMON ELEMENT
C.E. = COMMON ELEMENT

NOTE: FOR INTERIOR WALLS SEE SHEET 15-18

DATE 8/1/01			
SCALE 1"=30'			
DESIGN	2/5/04	FINAL	CP
DRAWN CP	9/9/03	RECORD DIMENSIONS	CP
CHECK	12-4-01	REV. FLOOR PLAN PER ARCH.	CP
APPROVED	DATE	REVISION	BY

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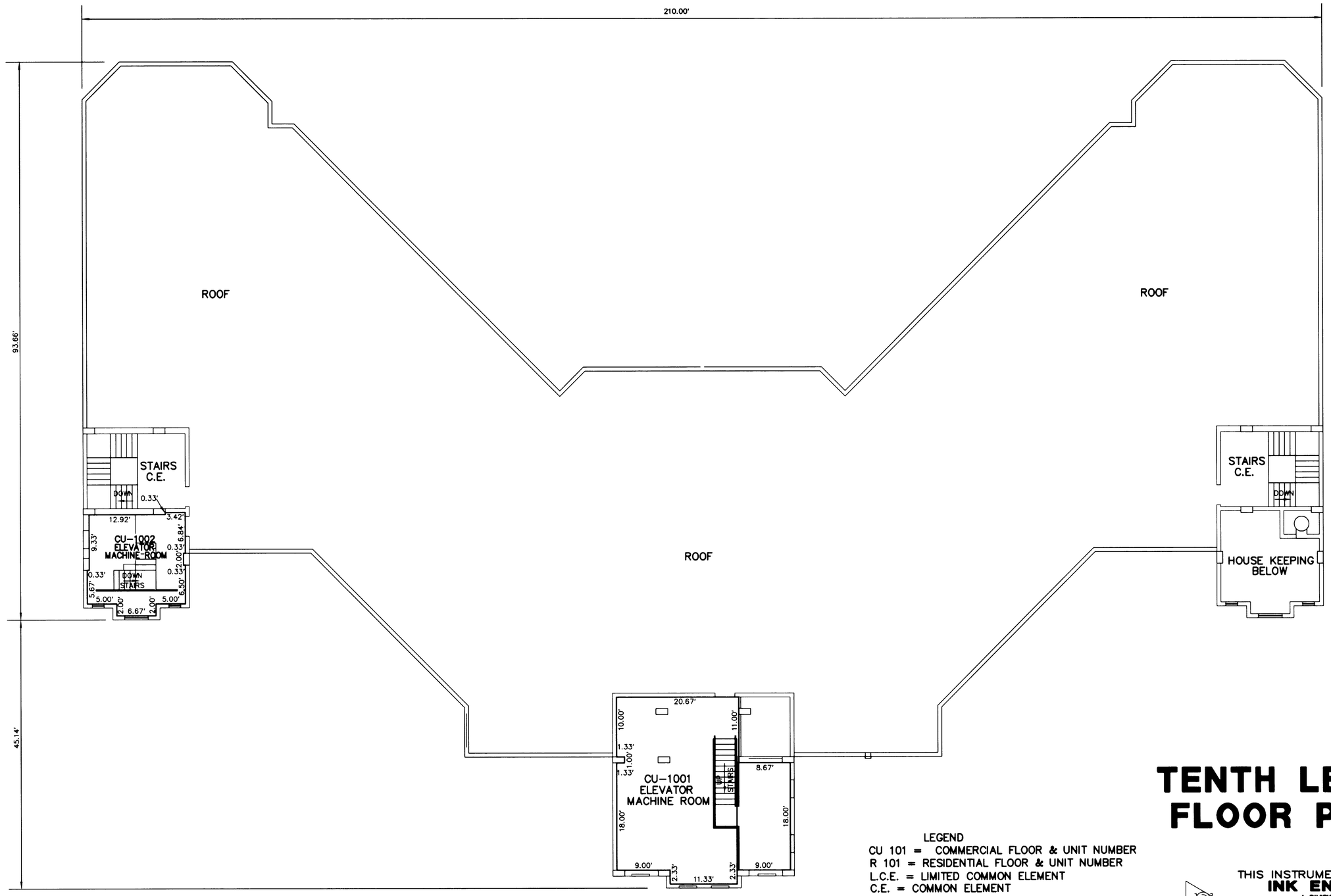
JOB NUMBER: 8888WS - 03-7069 | FILE NUMBER: 8888PENTR116

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

WHITE SAND VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

SCALE IN FEET



LEGEND
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L.C.E. = LIMITED COMMON ELEMENT
C.E. = COMMON ELEMENT

TENTH LEVEL FLOOR PLAN

DATE 8/1/01			
SCALE AS NOTED			
DESIGN	2/5/04	FINAL	CP
DRAWN CP	9/9/03	RECORD DIMENSIONS	CP
CHECK	12-4-01	REV. PER ARCH. PLANS	CP
APPROVED	DATE	REVISION	BY

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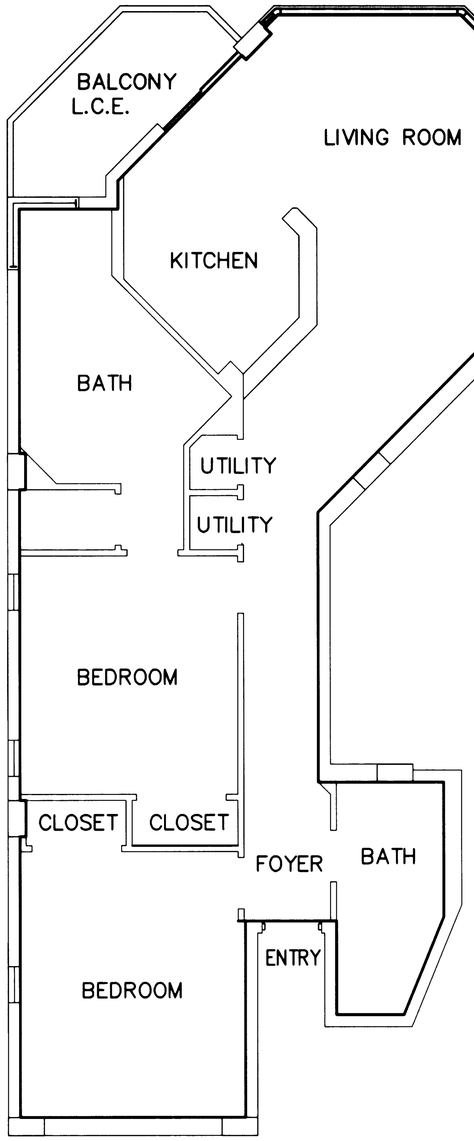
JOB NUMBER: 8888WS - 03-7069 | FILE NUMBER: 8888WS10116

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

WHITE SAND VILLAS, A CONDOMINIUM

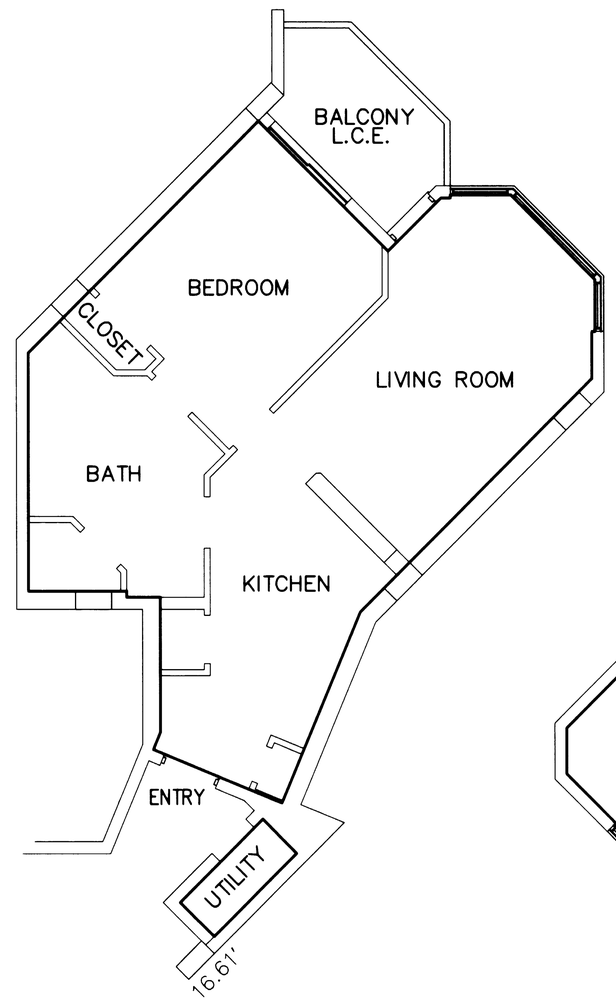
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

SCALE IN FEET 0 2 4



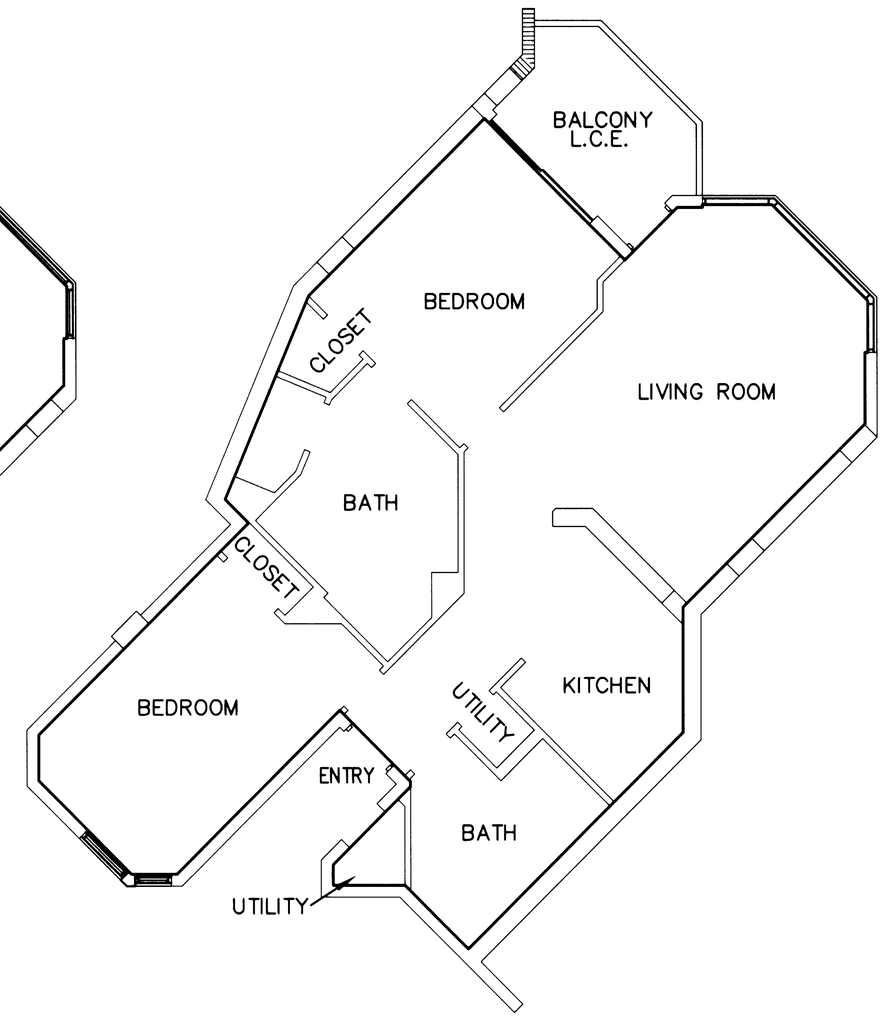
TYPE "A" FLOOR PLAN

Scale: 1/4" = 1'-0"



TYPE "B" FLOOR PLAN

Scale: 1/4" = 1'-0"



TYPE "C" FLOOR PLAN

Scale: 1/4" = 1'-0"

LEGEND
L.C.E. = LIMITED COMMON ELEMENT

DATE 9/19/01			
SCALE NOTED			
DESIGN			
DRAWN CP	2/5/04	FINAL	CP
CHECK	11-6-01	REV. FLOOR PLAN PER ARCH.	CP
APPROVED	DATE	REVISION	BY

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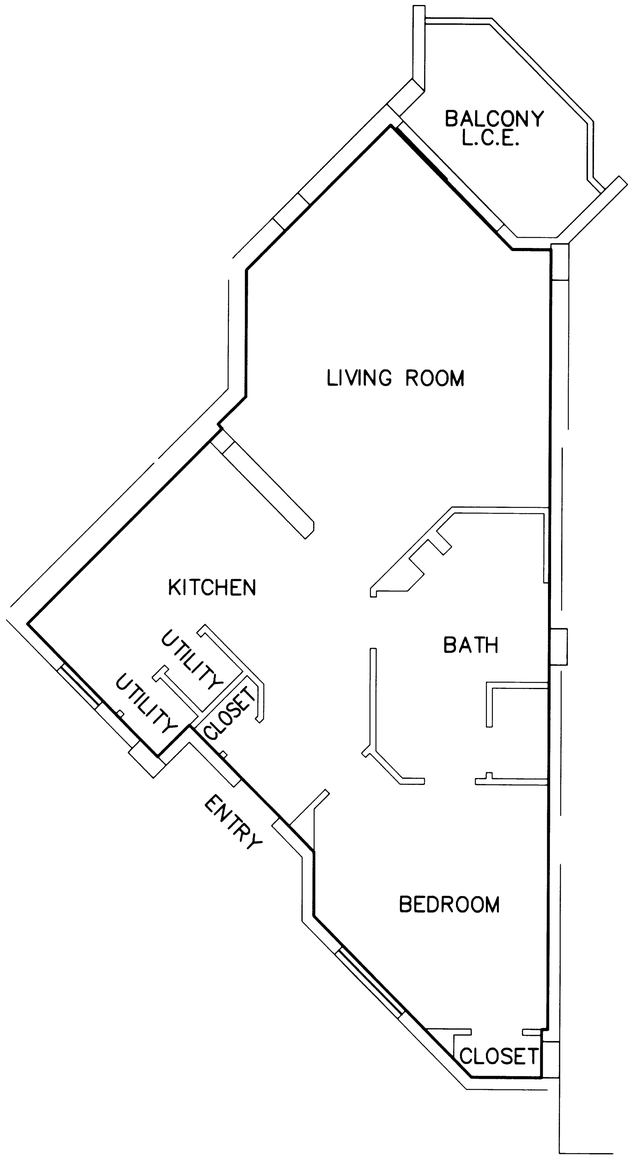
JOB NUMBER: 8888ws | FILE NUMBER: 8888WSFP1116

EXHIBIT "B"
TO THE DECLARATION OF CONDOMINIUM OF

WHITE SAND VILLAS, A CONDOMINIUM

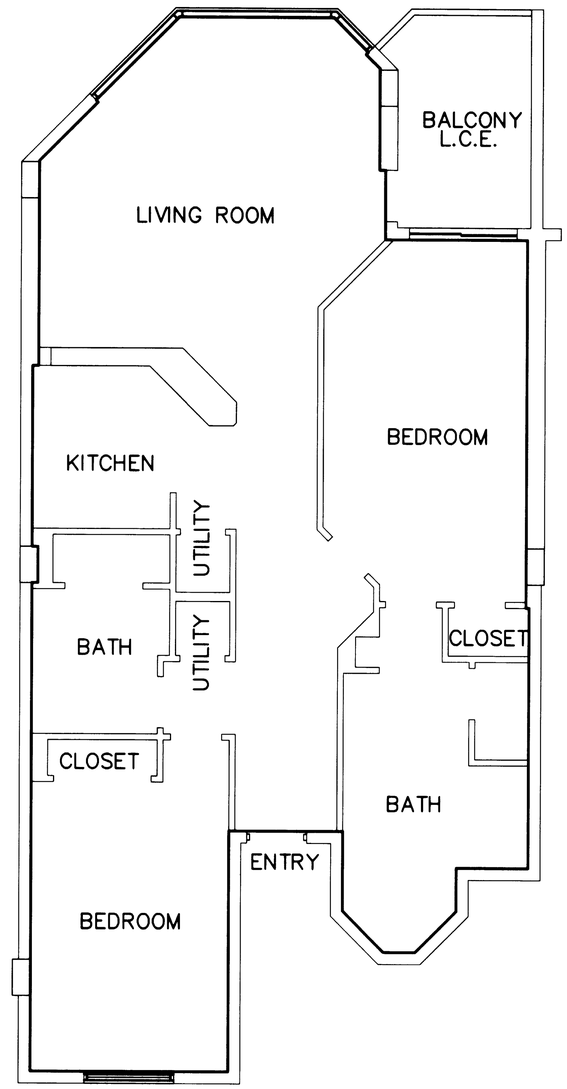
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

SCALE IN FEET



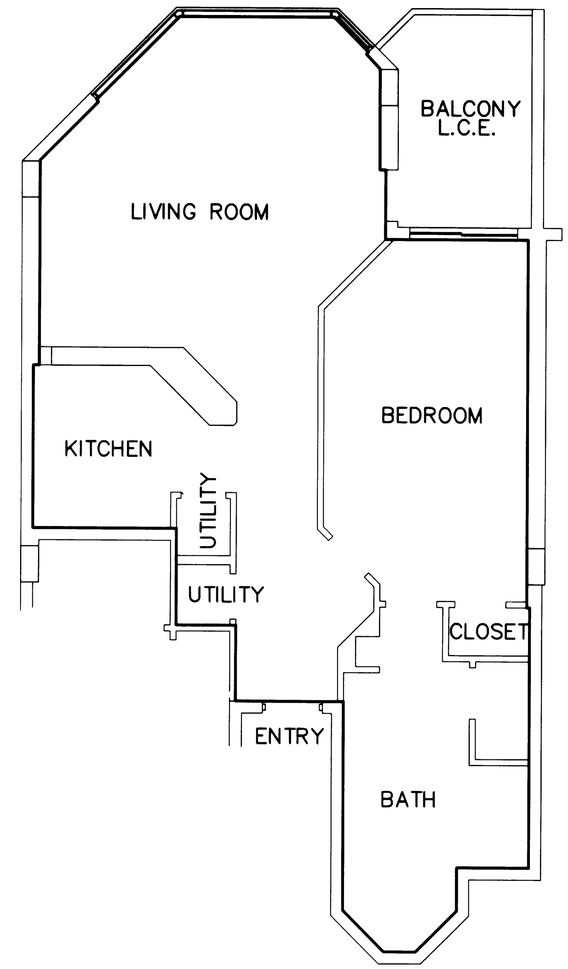
TYPE "D" FLOOR PLAN

Scale: 1/4" = 1'-0"



TYPE "E" FLOOR PLAN

Scale: 1/4" = 1'-0"



TYPE "E1" FLOOR PLAN

Scale: 1/4" = 1'-0"

L.C.E. = LIMITED COMMON ELEMENT

DATE 9/19/01			
SCALE AS NOTED			
DESIGN			
DRAWN CP	2/5/04	FINAL	CP
CHECK	11-6-01	REV. FLOOR PLAN PER ARCH.	CP
APPROVED	DATE	REVISION	BY

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JOB NUMBER: 8888WS | FILE NUMBER: 8888WSFP1116

EXHIBIT "B"
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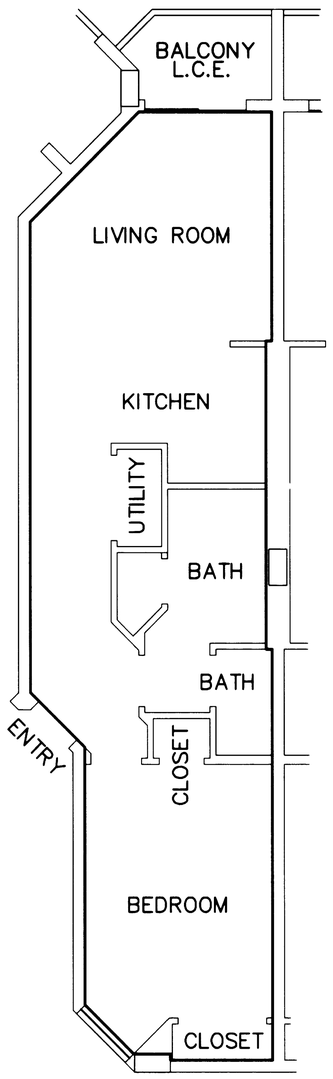
WHITE SAND VILLAS, A CONDOMINIUM

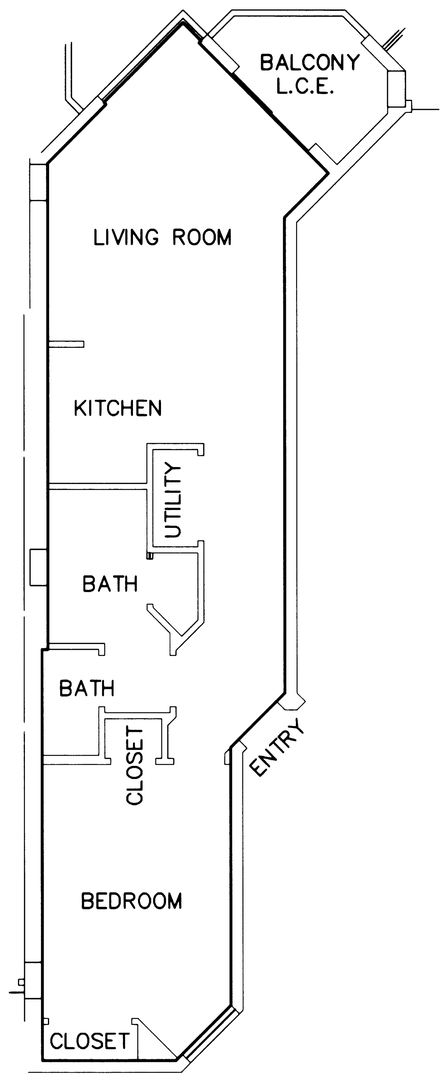
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

SCALE IN FEET



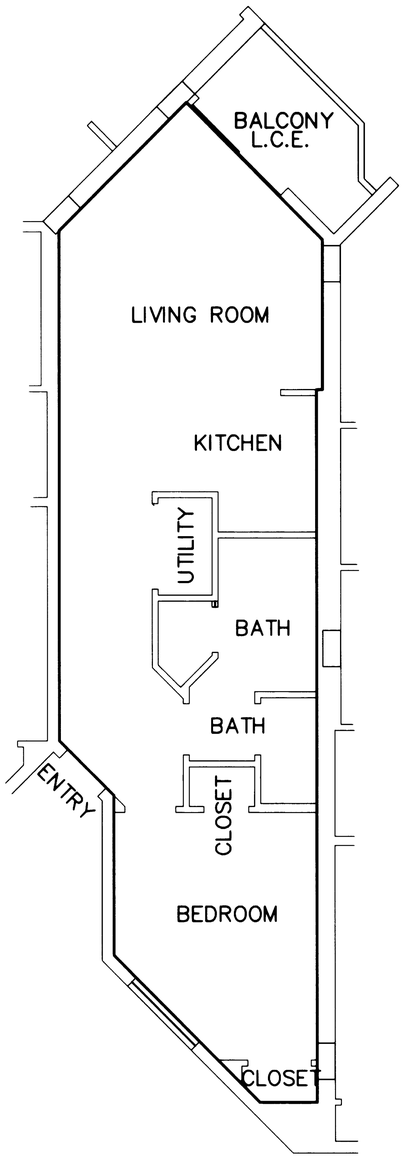
TYPE "F" FLOOR PLAN

Scale: 1/4" = 1'-0"



TYPE "G" FLOOR PLAN

Scale: 1/4" = 1'-0"



TYPE "H" FLOOR PLAN

Scale: 1/4" = 1'-0"

L.C.E. = LIMITED COMMON ELEMENT

DATE 2/26/01			
SCALE AS NOTED			
DESIGN			
DRAWN CP	2/5/04	FINAL	CP
CHECK	11-6-01	REV. FLOOR PLAN PER ARCH.	CP
APPROVED	DATE	REVISION	BY

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JOB NUMBER: 8888WS | FILE NUMBER: 8888WSFP1

EXHIBIT "B"
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WHITE SAND VILLAS, A CONDOMINIUM

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
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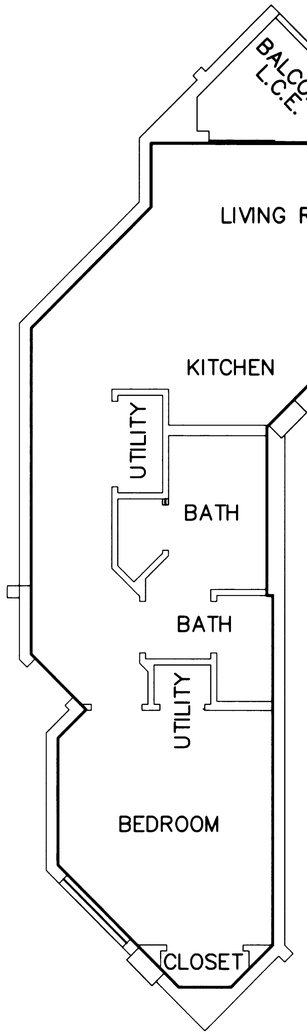
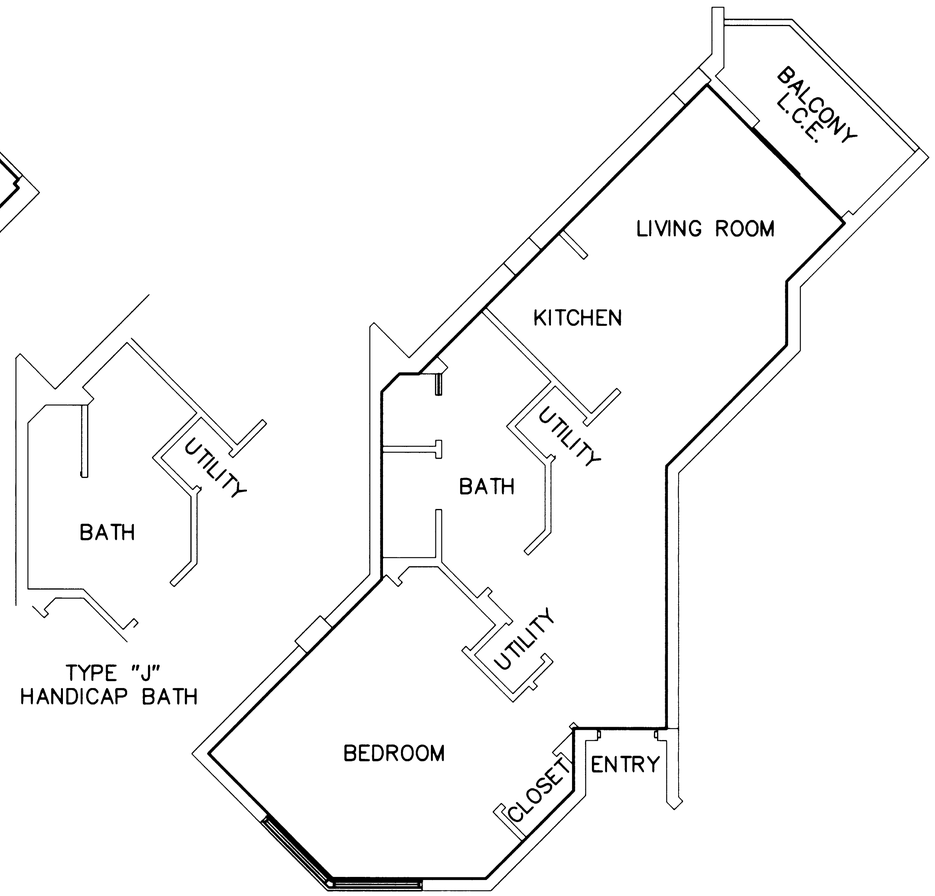
SCALE IN FEET



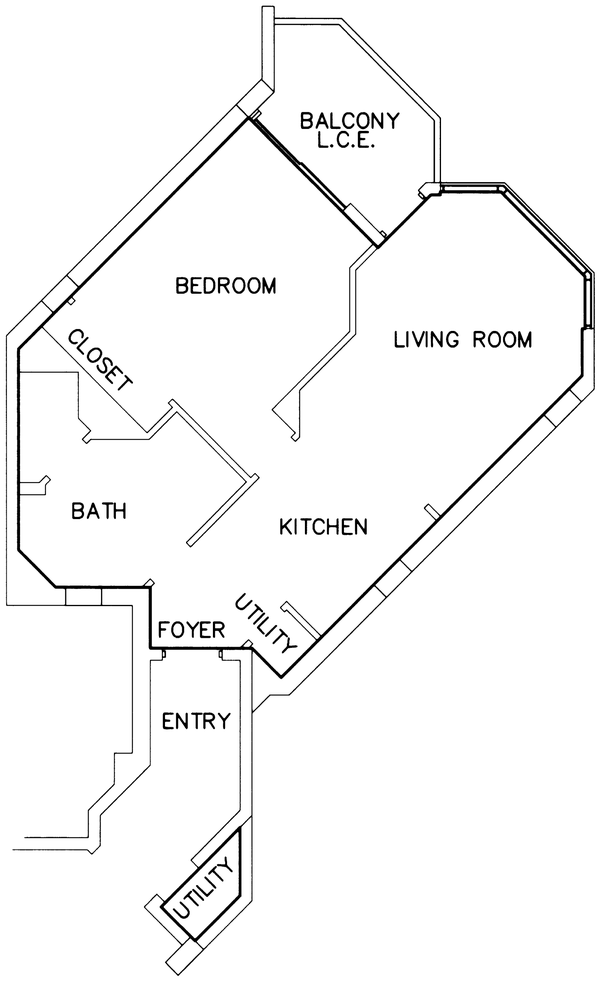
TYPE "I" FLOOR PLAN

Scale: 1/4" = 1'-0"



TYPE "J" FLOOR PLAN

Scale: 1/4" = 1'-0"



TYPE "K" FLOOR PLAN

Scale: 1/4" = 1'-0"

LEGEND
L.C.E. = LIMITED COMMON ELEMENT

DATE 9/19/01			
SCALE AS NOTED			
DESIGN			
DRAWN CP	2/5/04	FINAL	CP
CHECK	11-6-01	REV. FLOOR PLAN PER ARCH.	CP
APPROVED	DATE	REVISION	BY

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JOB NUMBER: 8888WS | FILE NUMBER: 8888SWFP1