

Charlotte County Board Of County Commissioners
Agenda Item Summary

1 DEPARTMENT MAKING REQUEST

Community Development

2 MEETING DATE

12/9/2014 9:00:00 AM

3 REQUESTED MOTION/ACTION

Conduct a public hearing to consider entering into a Development Agreement formulated to comply with the Florida Local Government Development Agreement Act (ss. 163.3220 of F.S.) for the Sandhill Development of Regional Impact (DRI). The land subject to the Development Agreement consists of 84± acres located in the northeast quadrant of the intersection of Interstate 75 and Kings Highway, in the Port Charlotte area. The project proposes 43,000 square feet of commercial development, 458 assisted living and memory care beds, 365,000 square feet of industrial development and 26 multi-family dwelling units. The Development Agreement sets forth the commitments by the Developer and the County as to transportation improvements necessary to ensure concurrency on all impacted regional roads and intersections as a result of the development of the Project.

Legislative

4 AGENDA

Regular

5 IS THIS ITEM BUDGETED (IF APPLICABLE) -

Budget Action
None

Financial Impact Summary Statement
None

Detailed Analysis Attached -

Budget Officer- N/A

6 BACKGROUND (Why is this Action Necessary, and What Action will be accomplished)

ATM II, LLC is requesting a Notice of Proposed Change (NOPC) to the Development Order and Map H for the Sandhill Development of Regional Impact (DRI).

The major NOPC request is:

- 1). to reduce open space by 5.84 acres and to eliminate the 84.09 acre golf course by replacing it with:
 - a. 6.48 acres of acres of commercial area with 43,000 square feet of commercial development;
 - b. 19.56 acres of assisted living area with 458 beds;
 - c. 47.64 acres of industrial park with 365,000 square feet of industrial development; and
 - d. 16.25 acres of residential with 26 multi-family units.

County staff has been working with the applicant, ATM II, LLC., to draft a development agreement (Attachment 4) which sets forth the commitments by the Developer and the County as to transportation improvements necessary to ensure concurrency on all impacted regional roads and intersections as a result of the proposed project.

If the Board of County Commissioners approves this Development Agreement, the proposed development will not cause any concurrency issues on all impacted regional roads.

ATTACHMENTS:

Name:

Description:

Type:

[FinalDraftDevelopmentAgreementfortransportationimpactsFinalrevised11262014.pdf](#)

Final Draft Development Agreement

Backup Material

DEVELOPMENT AGREEMENT

This Development Agreement (“Agreement”) is entered into this _____ day of _____, 2014, by and between ATM II, LLC, a Florida Limited Liability Company (“Developer”) and Charlotte County, a political subdivision of the State of Florida (“County”).

RECITALS

WHEREAS, Developer is the contract purchaser of that property located in the Sandhill Development of Regional Impact (“Sandhill DRI”) more particularly described in **Exhibit “A”** which is attached hereto and incorporated herein by this reference (the “Property”); and

WHEREAS, Developer, with the authorization of all owners of the Property, has submitted to County a Notice of Proposed Change which would replace a 84.09 acre golf course with 43,000 square feet of commercial development, 458 assisted living and memory care beds, 365,000 square feet of industrial development and 26 multi-family dwelling units (the “Project”); and

WHEREAS, the Project is in the northeast quadrant of the intersection of Interstate 75 and Kings Highway; and

WHEREAS, the Development Order in re the Application of Sandhill Properties, Inc., for PD Zoning and Development Approval was adopted by the Charlotte County Board of County Commissioners (“Board”) on February 17, 1981 and subsequently amended by the adoption of Resolutions #86-230 on September 9, 1986, #87-07 on January 20, 1987, #87-156 on July 21, 1987, #87-289 on December 15, 1987, by #88-56 on April 19, 1988, #88-57 on April 19, 1988, #88-235 on October 4, 1988, #88-262 on December 20, 1988, #89-42 on February 21, 1989, #89-90 on April 25, 1989, #89-234 on October 24, 1989, #89-330A on October 31, 1989, #90-258 on October 16, 1990, #91-99 on May 21, 1991, and #91-123 on June 18, 1991; and

WHEREAS, the Board approved a second substantial deviation amendment to the Sandhill DRI Development Order by Resolution 92-285 on December 15, 1992; and

WHEREAS, the substantial deviation Resolution 92-285 was amended by Resolution 93-59 on May 4, 1993; Resolution 97-0610A0 on July 15, 1997; Resolution 2002-064 on May 28, 2002; Resolution 2002-178 on November 12, 2002; Resolution 2003-028 on February 11, 2003; Resolution 2006-026 on February 21, 2006; Resolution 2006-027 on February 21, 2006, Resolution 2006-173 on September 19, 2006; Resolution 2006-212 on November 21, 2006; Resolution 2007-112 on August 14, 2007; Resolution 2007-161 on October 16, 2007; Resolution 2008-029 on March 18, 2008; Resolution 2008-158 and Resolution 2009-237 (all references to the Development Order for the Sandhill DRI shall hereafter refer cumulatively to Resolution 86-230, as

amended and Resolution 92-285, as amended and shall hereinafter be the “Sandhill DO”); and

WHEREAS, on December 16, 1986, the Board adopted Ordinance 86-68 creating a municipal service taxing unit to provide a funding mechanism for essential facilities and municipal services for the Sandhill DRI (“Sandhill MSTU”); and

WHEREAS, the Sandhill DRI has been found to be consistent with the Charlotte County Comprehensive Plan and the Charlotte County land development regulations; and

WHEREAS, County and Developer desire to enter into a Development Agreement setting forth the commitments by the Developer and the County as to transportation improvements necessary to ensure concurrency on all impacted regional roads and intersections as a result of the development of the Project.

NOW THEREFORE, for and in consideration of the premises and in reliance on the mutual promises, covenants, undertakings, recitals and other matters contained herein, the parties hereby covenant and agree as follows:

1. Land Subject to the Agreement

The land subject to this Agreement is more particularly described in **Exhibit “A”** attached hereto and incorporated herein by this reference.

2. Ownership

DA Port Charlotte Holdings, LLC, Etcetera, Etc Inc. and TA Kings Highway, LLC are the owners of the Project (“Owners”). Developer is authorized to act as agent for Owners.

3. Permitted Development Uses

Upon approval of the pending Notice of Proposed Change, the Sandhill DO will approve a total of 43,000 square feet of commercial development, 458 assisted living and memory care beds, 365,000 square feet of light industrial development and 650 multi-family dwelling units on the Property.

4. Public Facilities

The Project will receive water and sanitary sewer service from Charlotte County Utilities. Fire control, rescue services, solid waste removal and disposal will be provided by Charlotte County or its assigns.

5. Reservation, Dedication or Conveyance of Land

No reservations, dedication, or conveyances of land within the project for traffic purposes are anticipated.

6. County Development Permits

The following is a list of the local development approvals that have been granted to date and those that may be required for the development of the Project:

1. Sandhill DO;
2. Preliminary Development Review Committee approval;
3. Final detail plan approval;
4. Preliminary and final plat approval;
5. Construction plan approval;
6. Drainage permit;
7. Right-of-way permit;
8. Building permit.

Consistency

The County finds that the proposed development entitlements for the Project are consistent with the Charlotte County Comprehensive Plan and with the Charlotte County land development regulations. No development approvals are granted by this finding of consistency.

7. Terms of the Agreement

a. General

1. The Developer's total proportionate share obligation for the Project is Six Hundred Seventy Three Thousand, Seven Hundred Four and 00/100 Dollars (\$673,704.00) (hereinafter "Proportionate Share"). The Proportionate Share is derived from anticipated traffic impacts based on the development parameters set forth in the Sandhill DO, as may be amended.
 - i. The term "proportionate share" shall have the same meaning as in Rule 9J-2.045(1)(h), Florida Administrative Code except that construction cost shall not include the cost of sidewalks, bike lanes, utility relocation, improvement relocations on other private lands (e.g., mail boxes, driveways and trees), landscaping and other urban design elements.
 - ii. County agrees that Developer's compliance with this Agreement shall fulfill its Proportionate Share obligation and fully mitigate the transportation impact of the Project. Upon Developer's completion of its obligations under this Agreement, Developer

shall be exempt from any transportation-related assessment or other mitigation for completion of the Project.

- b. Developer shall design, permit and construct the improvements more specifically described in **Exhibit "B"** attached hereto and incorporated herein by this reference (collectively the "Improvements") except that Developer may alternatively pay its proportionate share contribution to signalize the Kings Highway & I-75 Southbound Ramps intersection.

The estimated cost for surveying, design, construction and construction administration of the Improvements is Eight Hundred Forty Three Thousand, Five Hundred Fifty Eight and 00/100 Dollars (\$843,558.00).

- c. If necessary, Developer shall provide stormwater drainage and retention for the Improvements within the Project's stormwater facilities or within the Sandhill DRI stormwater basins.
- d. The Developer shall submit design plans and a transportation impact analysis for Site Plan Review for approval of any portion of the Project.
- e. The Developer will prepare, submit and process all necessary permits from local, state and federal agencies for the Improvements. If wetlands are impacted by the design for the Improvements, Developer shall obtain the necessary local, state and federal permits for such impacts. All permit fees, application fees, administration fees and other expenses will be documented to the County.
- f. Developer may construct the Project in any number of phases. For each phase of the Project submitted for development approval, Developer shall provide a transportation impact analysis detailing the number of net new external trips that will be generated by the proposed phase. The following improvements or proportionate share payments will be required concurrent with development within the Project. External trip thresholds are cumulative, calculated by adding the net new external trips generated from prior development within on the Property with the net new external trips to be generated by the proposed development on the Property.

1,000 net new external trips or at the time a signal is warranted, whichever is later – Signalization of the site driveway intersection at Kings Highway, south of the existing St. James Place driveway.

1,400 net new external trips – Installation of a traffic signal at the I-75 southbound ramps intersection and signal optimizations at the signalized intersection at the I-75 northbound ramps intersection. Alternatively, Developer may pay its fifty nine percent (59%) proportionate share

contribution for design and installation at the time that the signal is warranted.

1,500 net new external trips – Signal optimization of the Sandhill Boulevard & Kings Highway intersection.

Until proposed development within the Project cumulatively generates 1,000 or more net new external trips there shall be no requirement for completing transportation improvements and development within the Project which cumulatively generates less than 1,000 new external trips may receive certificates of occupancy. Once approval is received for development within the Project which will cumulatively generate 1,000 or more net new external trips, no certificate of occupancy for any development which will cumulatively generate 1,000 or more net new external trips shall be issued until the required transportation improvements are complete.

8. County Obligations

- a. The Developer may use such County property as is necessary to design, permit, install, construct and complete the Improvements. County, as a political subdivision defined in Section 768.28, Florida Statutes, agrees to be fully responsible to the limits set forth in such statute for its own negligent acts or omissions, and agrees to be liable to the statutory limits for any damages proximately caused by said acts or omissions. Nothing contained in this section shall be construed to be a waiver by County of any protections under sovereign immunity, Section 768.28, Florida Statutes, or any other similar provision of law. Nothing contained herein shall be construed to be a consent by County to be sued by third parties in any matter arising out of this or any other agreement.
- b. If wetlands are impacted by the design for the Improvements, impacts shall be mitigated at the sole cost and expense of Developer.
- c. Developer will prepare and administer the bid package for construction of the Improvements in coordination with the County Engineer. Developer will notify the County Engineer upon the selection of the contractor.
- f. Developer shall receive road impact fee credits equal to the total cost of the design, permitting, construction and construction management of the Improvements including interest costs of any construction loan. Developer shall provide County with an updated estimate of costs concurrent with its notification to County of the selected contractor. If Developer chooses to make a proportionate share contribution, then Developer shall receive road impact fee credits equal to the cost of its proportionate share contribution.

- g. Developer shall submit invoices to County following completed installation of any required improvements. The invoices shall be subject to review and verification by the County Engineer. Impact fee credits shall be issued by County within thirty (30) days of submission of each invoice. Any amounts that remain uncredited following said 30 day period shall bear interest at the prime rate published from time to time by Wells Fargo Bank.
- h. Road impact fee credits may be applied to offset road impact fees due for development within the areas designated as Schedule A – Urban Zone in Chapter 3-3.5 Impact Fees of the Charlotte County Code of Ordinances and shall not expire.
- i. County agrees to cooperate with Developer, at no liability, loss or expense to County, in all submissions or applications to the appropriate government authorities, to obtain permits, approvals, licenses or authorizations necessary to develop the Property in accordance with Buyer's intended use. Promptly after request from Developer, County will execute such filings, applications, agreements, instruments, documents or similar items so as to enable the accomplishment of all of the foregoing at Developer's cost. To the extent reasonably possible, Developer will execute and/or perform all filings, applications, agreements, documents and similar items in Developer's name.

9. Failure to Comply with the Requirements

- a. If the Developer fails to comply with the terms of this agreement, then County may withhold building permits for the net new external trips for which no mitigation has been provided.
- b. The parties shall have all rights available by law to enforce this Agreement.

10. Concurrency and Vesting

- a. If the transportation mitigation is provided in accordance with Section 7 of this Agreement, the Project shall be deemed vested to construct 43,000 square feet of commercial development, 458 assisted living and memory care beds, 365,000 square feet of industrial development and 650 multi-family dwelling units or other development consistent with the Sandhill D.O. that will generate not more than 4,419 net new external trips, consistent with any subsequently approved Final Detail Plan.

11. Impact Fees

- a. The Developer shall pay road impact fees for construction of the Project.

12. Duration of Agreement

- a. This Agreement shall be effective upon execution of all parties and shall continue in force until thirty years from the effective date (Termination Date).
- b. This Agreement is executed in order to satisfy the concurrency requirements of the Project through its buildout. Provided that there are no prior acts of default or termination, the parties contemplate that this Agreement will be renewed at regular intervals until the Project is built out. This Agreement may be extended by written mutual consent of the County and Developer.
- c. If Developer has fully complied with the terms of this Agreement upon the Termination Date or upon any expiration of the Sandhill DO and County has not yet performed its obligations on the Termination Date, County is obligated to perform in accordance with the terms of this Agreement as though the Agreement or the Sandhill DO, whichever the case may be, had not expired.

13. Amendment of Agreement

This Agreement may only be amended in writing by mutual consent of the parties or their successors in interest.

14. Other Provisions

- a. The failure of this Agreement to address a particular permit, condition, term or restriction does not relieve the Developer of the necessity of complying with the law governing those permitting requirements, conditions, terms or restrictions.
- b. The terms of this Agreement may not supersede the procedural requirements of Florida law under Chapter 380.06, Florida Statutes.
- c. County, Developer or their successors or assigns may file an action for injunctive relief in the Circuit Court of Charlotte County to enforce the terms of this Agreement.
- d. This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein; and the parties agree that there are no commitments, agreements or understandings concerning the subject

matter of this Agreement that are not contained in or incorporated into this Agreement. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior written or oral representations or agreements.

- e. If any provisions of this Agreement are contrary to, prohibited by, or deemed invalid under any applicable law or regulation, such provisions shall be inapplicable and deemed omitted to the extent so contrary, prohibited or invalid. The remainder of this Agreement shall not be invalidated thereby and shall be given full force and effect.
- f. The parties agree that suits or actions at law arising from the provisions, performance, or breach of this Agreement shall initially be brought in Charlotte County, Florida, and no other jurisdiction. This Agreement shall be construed and interpreted under the laws of the State of Florida.
- g. This Agreement shall not be construed more strictly against any party.
- h. The parties shall have all rights available by law to enforce this Agreement.

15. Successors and Assigns

This Agreement shall inure to the benefit of and be obligatory upon the parties hereto and their respective successors and assigns.

16. Section 163 Development Agreement

This Agreement is consistent with and governed by the provisions of Sections 163.3220 – 163.3243, Fla. Stat.

IN WITNESS WHEREOF, County and Developer have executed this Agreement on the date first above written.

ATM II, LLC

1st Witness
Print Name: _____

By: _____
Print Name: _____
Title: _____

2nd Witness
Print Name: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2014 by _____, as _____ of ATM II, LLC, on behalf of the limited liability company. The above named person is personally known to me or has produced _____ as identification.

(Notary Seal)

Signature of Notary Public

Printed Name of Notary Public

My commission expires on _____

This Agreement is passed and duly adopted this ____ day of _____, 2014.

**BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA**

By: _____
William G. Truex, Chairman

ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners

By: _____
Deputy Clerk

Approved as to form:

Janette Knowlton, County Attorney

Exhibit "A"
Legal Description

EXHIBIT A

Newport West Parcel:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S 0 degrees 16' 27" W., along the East line of said Section, a distance of 565.39 feet; thence N. 89 degrees 43' 33" W., 2007.12 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in Quitclaim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning:

Thence N. 76 degrees 46' 06" W., along said boundary line, a distance of 521.00 feet; thence S. 89 degrees 44' 05" W., along said boundary line, a distance of 179.92 feet to a point on a circular curve concave to the West, having a radius of 165.00 feet, with a chord bearing and distance of S 0 degrees 25' 42" W., 203.19 feet; thence Southerly, along the arc of said curve, having a central angle of 76 degrees 00' 29", a distance of 218.89 feet to the boundary line of Eagle

Point Golf Course Parcel 4, as described in said Quitclaim Deed; thence S. 73 degrees 39' 28" E., along said boundary line, a distance of 317.32 feet; thence S. 81 degrees 22' 01" E., along said boundary line, a distance of 247.79 feet; thence N. 16 degrees 06' 15" E., 81.96 feet; thence S. 73 degrees 53' 45" E., 53.16 feet; thence N. 16 degrees 06' 15" E., 8.00 feet; thence S. 73 degrees 53' 45" E., 15.00 feet to the point of curvature of a circular curve concave to the North, having a radius of 272.00 feet, with a chord bearing and distance of S. 76 degrees 54' 37" E., 28.61 feet; thence Easterly, along the arc of said curve, through a central angle of 6 degrees 01' 46", a distance of 28.62 feet; thence N. 10 degrees 04' 40" E., 46.00 feet; thence S. 81 degrees 15' 21" E., 10.51 feet; thence N. 1 degrees 16' 49" E., 106.53 feet to the Point of Beginning.

Newport II Phase 3:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 716.11 feet; thence N. 89 degrees 43' 33" W., 1222.97 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in Quitclaim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence S. 15 degrees 34' 10" W., 28.06 feet; thence S. 19 degrees 23' 01" W., 18.00 feet; thence N. 70 degrees 36' 59" W., 37.23 feet; thence S. 19 degrees 23' 01" W., 8.00 feet to a point on a circular curve concave to the South, having a radius of 312.01 feet, with a chord bearing and distance of N. 76 degrees 59' 43" W., 69.33 feet; thence Westerly, along the arc of said curve, through a central angle of 12 degrees 45' 28", a distance of 69.47 feet; thence S. 6 degrees 37' 34" W., 82.83 feet to the boundary line of Eagle Point Golf Course Parcel 4, as described in said Quitclaim Deed; thence N. 88 degrees 43' 11" W., along said boundary line, a distance of 261.35 feet; thence N. 1 degrees 16' 49" E., 83.83 feet; thence S. 88 degrees 43' 11" E., 47.33 feet; thence N. 1 degrees 16' 49" E., 26.00 feet; thence N. 88 degrees 43' 11" W., 23.33 feet; thence N. 1 degrees 16' 49" E., 53.00 feet; thence S. 88 degrees 43' 11" E., 42.00 feet; thence S. 1 degrees 16' 49" W., 25.00 feet; thence S. 88 degrees 43' 11" E., 173.98 feet to the point of curvature of a circular curve concave South, having a radius of 366.01 feet, with a chord bearing and distance of S. 79 degrees 40' 05" E., 115.17 feet; thence Easterly along the arc of said curve, through a central angle of 18 degrees 06' 12", a distance of 115.65 feet to the point of tangency; thence S. 70 degrees 36' 59" E., 35.38 feet to the Point of Beginning. Less and Except that part of Phase 3 contained in the following described property:

A tract of land lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at a 4" x 4" concrete monument with disk stamped P.L.S. 2405 at the North 1/4 corner of said Section 6; Thence along the West line of "The Links", a subdivision recorded in Plat Book 15, Pages 18 and 18A, Public Records of Charlotte County, Florida, S 00 degrees 5' 56" W 259.07 feet to a point on a curve, concave to the East, having a radius of 105.00 feet and a delta angle of 101 degrees 11' 28", whose chord bears S 27 degrees 14' 41" W; thence along said curve in a counter-clockwise direction 185.44 feet to the beginning of a compound curve concave to the East having a radius of 150.00 feet and a delta angle of 20 degrees 09' 12" whose chord bears S 33 degrees 25' 39" E; thence along said curve in a counter-clockwise direction, 52.76 feet to the beginning of a reverse curve concave to the West having a radius of 165.00 feet and a delta angle of 05 degrees 55' 43" whose chord bears S 40 degrees 32' 24" E; thence along said curve in a clockwise direction, 17.07 feet, thence leaving said curve on a non-radial line N 89 degrees 44' 05" E, 179.92 feet; thence S 76 degrees 46' 06" E 521.00 feet; thence S 88 degrees 43' 11" E, 252.81 feet to the Point of Beginning of this description; thence continue S 88 degrees 43' 11" E, 217.13 feet; thence S 01 degrees 16' 49" W, 107.83 feet; thence N 88 degrees 43' 11" W, 217.13 feet; thence N 01 degrees 16' 49" E, 107.83 feet to the Point of Beginning.

Newport II Phase 4:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 716.11 feet; thence N. 89 degrees 43' 33" W., 1222.97 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in a Quit Claim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence N. 1 degrees 16' 49" E., along said boundary line, a distance of 136.93 feet; thence N. 88 degrees 43' 11" W., along said boundary line, 363.34 feet; thence S. 1 degrees 16' 49" W., 82.82 feet; thence S. 88 degrees 43' 11" E., 42.00 feet; thence S. 1 degrees 16' 49" W., 25.00 feet; thence S. 88 degrees 43' 11" E., 173.98 feet to the point of curvature of a circular curve concave to the South, having a radius of 366.01 feet, with a chord bearing and distance of S. 79 degrees 40' 05" E., 115.17 feet; thence Easterly, along the arc of said curve, through a central angle of 18 degrees 06' 12", a distance of 115.65 feet to the point of tangency; thence S. 70 degrees 36' 59" E., 35.38 feet to the Point of Beginning. Less and Except that part of Phase 4 contained in the following described property:

A tract of land lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at a 4" x 4" concrete monument with disk stamped P.L.S. 2405 at the North 1/4 corner of said Section 6; Thence along the West line of "The Links", a subdivision recorded in Plat Book 15, Pages 18 and 18A, Public Records of Charlotte County, Florida, S 00 degrees 5' 56" W 259.07 feet to a point on a curve, concave to the East, having a radius of 105.00 feet and a delta angle of 101 degrees 11' 28", whose chord bears S 27 degrees 14' 41" W; thence along said curve in a counter-clockwise direction 185.44 feet to the beginning of a compound curve concave to the East having a radius of 150.00 feet and a delta angle of 20 degrees 09' 12" whose chord bears S 33 degrees 25' 39" E; thence along said curve in a counter-clockwise direction, 52.76 feet to the beginning of a reverse curve concave to the West having a radius of 165.00 feet, and a delta angle of 05 degrees 55' 43" whose chord bears S 40 degrees 32' 24" E; thence along said curve in a clockwise direction, 17.07 feet, thence leaving said curve on a non-radial line N 89 degrees 44' 05" E, 179.92 feet; thence S 76 degrees 46' 06" E 521.00 feet; thence S 88 degrees 43' 11" E, 252.81 feet to the Point of Beginning of this description; thence continue S 88 degrees 43' 11" E, 217.13 feet; thence S 01 degrees 16' 49" W, 107.83 feet; thence N 88 degrees 43' 11" W, 217.13 feet; thence N 01 degrees 16' 49" E, 107.83 feet to the Point of Beginning.

Newport II Phase 5:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 818.01 feet; thence N. 89 degrees 43' 33" W., 1612.16 feet to the boundary line of Eagle Point Golf Course Parcel 4, as described in Quitclaim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence N. 88 degrees 43' 11" W., along said boundary line, a distance of 259.32 feet; thence N. 1 degrees 16' 49" E., 83.83 feet; thence N. 88 degrees 43' 11" W., 32.35 feet; thence N. 1 degrees 16' 49" E., 54.00 feet; thence S. 88 degrees 43' 11" E., 315.67 feet; thence S. 01 degrees 16' 49" W., 28.00 feet; thence S. 88 degrees 43' 11" E., 23.33 feet; thence S. 1 degrees 16' 49" W., 26.00 feet; thence N. 88 degrees 43' 11" W., 47.33 feet; thence S. 1 degrees 16' 49" W., 83.83 feet to the Point of Beginning.

Newport II Phase 6:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 572.82 feet; thence N. 89 degrees 43' 33" W., 1583.85 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in a Quit Claim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence S. 1 degrees 16' 49" W., 107.82 feet; thence N. 88 degrees 43' 11" W., 347.33 feet; thence N. 1 degrees 16' 49" E., 43.00 feet; thence N. 88 degrees 43' 11" W., 18.00 feet; thence N. 1 degrees 16' 49" E., 64.82 feet to said boundary line of Eagle Point Golf Course Parcel 5; thence S. 88 degrees 43' 11" E., along said boundary line, a distance of 365.33 feet to the Point of Beginning. Less and Except that part of Phase 6 contained in the following described property:

A tract of land lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at a 4" x 4" concrete monument with disk stamped P.L.S. 2405 at the North 1/4 corner of said Section 6; Thence along the West line of "The Links", a subdivision recorded in Plat Book 15, Pages 18 and 18A, Public Records of Charlotte County, Florida, S 00 degrees 5' 56" W 259.07 feet to a point on a curve, concave to the East, having a radius of 105.00 feet and a delta angle of 101 degrees 11' 28", whose chord bears S 27 degrees 14' 41" W; thence along said curve in a counter-clockwise direction 185.44 feet to the beginning of a compound curve concave to the East having a radius of 150.00 feet and a delta angle of 20 degrees 09' 12" whose chord bears S 33 degrees 25' 39" E; thence along said curve in a counter-clockwise direction, 52.76 feet to the beginning of a reverse curve concave to the West having a radius of 165.00 feet and a delta angle of 05 degrees 55' 43" whose chord bears S 40 degrees 32' 24" E; thence along said curve in a clockwise direction, 17.07 feet, thence leaving said curve on a non-radial line N 89 degrees 44' 05" E, 179.92 feet; thence S 76 degrees 46' 06" E 521.00 feet; thence S 88 degrees 43' 11" E, 252.81 feet to the Point of Beginning of this description; thence continue S 88 degrees 43' 11" E, 217.13 feet; thence S 01 degrees 16' 49" W, 107.83 feet; thence N 88 degrees 43' 11" W, 217.13 feet; thence N 01 degrees 16' 49" E, 107.83 feet to the Point of Beginning.

Newport II Phase 7:

A parcel of land lying within Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:

From the Northeast corner of Section 6, bear S. 0 degrees 16' 27" W., along the East line of said Section, a distance of 566.41 feet; thence N. 89 degrees 43' 33" W., 1949.13 feet to the boundary line of Eagle Point Golf Course Parcel 5, as described in Quit Claim Deed correcting the property description, as recorded in Official Records Book 3618, Pages 708 through 722, of the Public Records of Charlotte County, Florida, and to the Point of Beginning;

thence S 1 degrees 16' 49" W., 64.82 feet; thence S. 88 degrees 43' 11" E., 18.00 feet; thence S 1 degrees 16' 49" W., 43.00 feet; thence S. 88 degrees 43' 11" E., 31.66 feet; thence S 1 degrees 16' 49" W., 54.00 feet; thence S. 88 degrees 43' 11" E., 32.35 feet; thence S 1 degrees 16' 49" W., 83.83 feet to the boundary line of Eagle Point Golf Course Parcel 4, as described in said Quit Claim Deed; thence N. 88 degrees 43' 11" W., along said boundary line, a distance of 249.34 feet; thence N. 37 degrees 19' 59" W., along said boundary line, 40.12 feet; thence N. 16 degrees 06' 15" E., 81.96 feet; thence S. 73 degrees 53' 45" E., 53.16 feet; thence N. 16 degrees 06' 15" E., 8.00 feet; thence S. 73 degrees 53' 45" E., 15.00 feet to the point of curvature of a circular curve concave to the North, having a radius of 272.00 feet,

with a chord bearing and distance of S. 76 degrees 54' 37" E., 28.61 feet; thence Easterly, along the arc of said curve, through a central angle of 6 degrees 01' 46", a distance of 28.62 feet; thence N. 10 degrees 04' 40" E., 46.00 feet; thence S. 81 degrees 15' 21" E., 10.51 feet; thence N. 1 degrees 16' 49" E., 106.53 feet to the said boundary line of Eagle Point Golf Course Parcel 5; thence S. 88 degrees 43' 11" E., along said boundary line, a distance of 58.00 feet to the Point of Beginning.

Easements:

Ingress, egress and utility easement set forth in that certain Easement Agreement recorded in Official Records Book 1868, Page 182, Public Records of Charlotte County, Florida and Official Records Book 474, Page 348, Desoto County, Florida. The subject easement is located in Desoto County, Florida.

And

Ingress and egress easement set forth in that certain Grant of Easement recorded in Official Records Book 1028, Page 205, Public Records of Charlotte County, Florida.

Together with:

PORTION OF SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20")

See Continuation Sheet

(Legal Description - Continued)

(CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (DELTA 59°55'52") (CHORD BEARING S43°17'09"W) (CHORD 249.74 FEET) FOR 261.50 FEET TO A POINT OF TANGENCY; THENCE RUN S13°19'13"W FOR 147.31 FEET; THENCE RUN N33°09'20"W FOR 223.84 FEET; THENCE RUN N54°05'01"W FOR 32.12 FEET; THENCE RUN N33°09'20"W FOR 208.47 FEET; THENCE RUN N23°55'45"W FOR 277.58 FEET; THENCE RUN N42°54'09"W FOR 88.52 FEET; THENCE RUN N33°39'37"W FOR 266.98 FEET; THENCE RUN S57°02'45"W FOR 217.85 FEET; THENCE RUN S33°39'37"E FOR 107.27 FEET; THENCE RUN S00°05'04"W FOR 45.21 FEET; THENCE RUN S28°30'00"E FOR 221.62 FEET; THENCE RUN S23°55'45"E FOR 331.58 FEET; THENCE RUN S31°08'43"E FOR 535.09 FEET; THENCE RUN S39°21'17"W FOR 31.69 FEET; THENCE RUN S50°38'43"E FOR 166.83 FEET; THENCE RUN N39°21'17"E FOR 299.40 FEET; THENCE RUN S75°08'04"E FOR 84.09 FEET; THENCE RUN S14°51'56"W FOR 29.33 FEET; THENCE RUN S75°08'04"E FOR 245.77 FEET; THENCE RUN S26°44'04"W FOR 74.82 FEET; THENCE RUN S63°15'56"E FOR 299.78 FEET; THENCE RUN S21°38'52"E FOR 220.40 FEET; THENCE RUN N49°59'02"E FOR 290.15 FEET; THENCE RUN N45°05'40"W FOR 83.09 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 152.00 FEET (DELTA 15°55'23") (CHORD BEARING N53°03'21"W) (CHORD 42.11) FOR 42.24 FEET; THENCE RUN N28°58'57"E FOR 29.33 FEET TO A POINT ON A CURVE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT OF RADIUS 181.33 FEET (DELTA 10°55'27") (CHORD BEARING N66°28'46"W) (CHORD 34.52) FOR 34.57 FEET TO A POINT OF TANGENCY; THENCE RUN N71°56'30"W FOR 123.77 FEET; THENCE RUN N26°44'04"E FOR 81.30 FEET; THENCE RUN N62°51'14"W FOR 283.19 FEET; THENCE RUN N75°08'04"W FOR 487.05 FEET; THENCE RUN N13°19'13"E FOR 166.77 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 200.00 FEET (DELTA 59°55'52") (CHORD BEARING N43°17'09"E) (CHORD 199.79 FEET) FOR 209.20 FEET TO THE POINT OF TANGENCY; THENCE RUN N73°15'05"E FOR 315.19 FEET TO THE POINT OF CURVATURE; THENCE RUN NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 165.00 FEET (DELTA 116°45'20") (CHORD BEARING N14°52'25"E) (CHORD 281.00) FOR 336.23 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 150.00 FEET (DELTA 20°09'12") (CHORD BEARING N33°25'39"W) (CHORD 52.49 FEET) FOR 52.76 FEET TO A POINT OF COMPOUND CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 105.00 (DELTA 101°11'19") (CHORD BEARING N27°14'36"E) (CHORD 162.26 FEET) FOR 185.44 FEET TO THE WEST LINE OF "THE LINKS" AS DESCRIBED IN PLAT BOOK 15, PAGES 18 AND 18A OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE RUN N00°05'56"W ALONG THE SAID EAST LINE OF "THE LINKS" FOR 259.07 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE EASEMENT RIGHTS SET FORTH IN THAT CERTAIN WARRANTY DEED DATED NOVEMBER 18, 2004, FROM CHARLOTTE LENDING, INC., A FLORIDA CORPORATION, TO ROYAL PALMS GOLF CONDOMINIUM PARTNERS, LLC RECORDED IN OFFICIAL RECORDS BOOK 2593, PAGE 574, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

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(Legal Description - Continued)

AND

PARCEL A

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6 THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET TO THE POINT OF BEGINNING; THENCE S00°05'56"W, FOR 260.18 FEET; THENCE S89°54'04"E FOR 23.41 FEET; THENCE S00°05'53"W FOR 24.06 FEET; THENCE S00°05'57"W FOR 60.64 FEET TO THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE EAST, OF WHICH THE RADIUS POINT LIES S89°54'04"E, A RADIAL DISTANCE OF 200.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°31'40", FOR 61.18 FEET; THENCE S89°44'05"W, FOR 49.74 FEET; THENCE N00°05'56"E, FOR 405.55 FEET; THENCE S89°30'14"E FOR 17.05 FEET TO THE POINT OF BEGINNING.

PARCEL B

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20") (CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT ON A CURVE, CONCAVE SOUTHEAST, OF WHICH THE RADIUS POINT LIES S16°44'55"E, A RADIAL DISTANCE OF 250.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 40°01'54", FOR 174.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°53'58" FOR 86.83 FEET; THENCE N33°09'20"W, FOR 224.01 FEET; THENCE N54°05'01"W, FOR 32.12 FEET; THENCE N33°09'20"W, FOR 208.47 FEET; THENCE N23°55'45"W, FOR 277.58 FEET; THENCE N42°54'09"W, FOR 88.52 FEET; THENCE N33°39'37"W, FOR 266.98 FEET; THENCE S57°02'45"W, FOR 217.85 FEET; THENCE S33°39'37"E, FOR 107.27 FEET; THENCE S00°05'04"E FOR 45.21 FEET; THENCE S28°30'00"E, FOR 221.62 FEET; THENCE S23°55'45"E, FOR 331.58 FEET; THENCE S31°08'43"E, FOR 535.09 FEET; THENCE S39°21'17"W FOR 10.21 FEET; THENCE CONTINUE S39°21'17"W, ALONG SAID LINE, A DISTANCE OF 21.48 FEET; THENCE N31°08'43"W, FOR 508.76 FEET; THENCE

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N23°55'45"W, FOR 370.95 FEET; THENCE N28°30'00"W, FOR 385.30 FEET; THENCE N00°29'46"E, FOR 172.99 FEET; THENCE S89°30'14"E, FOR 373.11 FEET; THENCE S23°55'45"E, FOR 327.43 FEET; THENCE S64°32'49"W, FOR 34.02 FEET; THENCE S23°55'45"E, FOR 276.19 FEET; THENCE S33°09'20"E, FOR 235.58 FEET; THENCE N84°29'39"E, FOR 158.48 FEET TO THE POINT OF BEGINNING.

PARCEL C

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20") (CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (DELTA 59°55'52") (CHORD BEARING S43°17'09"W) (CHORD 249.74 FEET) FOR 261.50 FEET TO A POINT OF TANGENCY; THENCE RUN S13°19'13"W FOR 147.31 FEET; THENCE RUN N33°09'20"W FOR 223.84 FEET; THENCE RUN N54°05'01"W FOR 32.12 FEET; THENCE RUN N33°09'20"W FOR 208.47 FEET; THENCE RUN N23°55'45"W FOR 277.58 FEET; THENCE RUN N42°54'09"W FOR 88.52 FEET; THENCE RUN N33°39'37"W FOR 266.98 FEET; THENCE RUN S57°02'45"W FOR 217.85 FEET; THENCE RUN S33°39'37"E FOR 107.27 FEET; THENCE RUN S00°05'04"W FOR 45.21 FEET; THENCE RUN S28°30'00"E FOR 221.62 FEET; THENCE RUN S23°55'45"E FOR 331.58 FEET; THENCE RUN S31°08'43"E FOR 535.09 FEET; THENCE RUN S39°21'17"W FOR 31.69 FEET; THENCE RUN S50°38'43"E FOR 166.83 FEET; THENCE RUN N39°21'17"E FOR 267.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N39°21'17"E FOR 32.23 FEET; THENCE S75°08'04"E FOR 84.09 FEET; THENCE S14°51'56"W FOR 29.33 FEET; THENCE N75°08'04"W FOR 97.45 FEET TO THE POINT OF BEGINNING.

PARCEL D

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG

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THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20") (CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (DELTA 59°55'52") (CHORD BEARING S43°17'09"W) (CHORD 249.74 FEET) FOR 261.50 FEET TO A POINT OF TANGENCY; THENCE RUN S13°19'13"W FOR 147.31 FEET; THENCE RUN N33°09'20"W FOR 223.84 FEET; THENCE RUN N54°05'01"W FOR 32.12 FEET; THENCE RUN N33°09'20"W FOR 208.47 FEET; THENCE RUN N23°55'45"W FOR 277.58 FEET; THENCE RUN N42°54'09"W FOR 88.52 FEET; THENCE RUN N33°39'37"W FOR 266.98 FEET; THENCE RUN S57°02'45"W FOR 217.85 FEET; THENCE RUN S33°39'37"E FOR 107.27 FEET; THENCE RUN S00°05'04"W FOR 45.21 FEET; THENCE RUN S28°30'00"E FOR 221.62 FEET; THENCE RUN S23°55'45"E FOR 331.58 FEET; THENCE RUN S31°08'43"E FOR 535.09 FEET; THENCE RUN S39°21'17"W FOR 31.69 FEET; THENCE RUN S50°38'43"E FOR 166.83 FEET; THENCE RUN N39°21'17"E FOR 299.40 FEET; THENCE RUN S75°08'04"E FOR 84.09 FEET; THENCE RUN S14°51'56"W FOR 29.33 FEET; THENCE RUN S75°08'04"E FOR 245.77 FEET; THENCE RUN S26°44'04"W FOR 74.82 FEET TO THE POINT OF BEGINNING; THENCE S63°15'56"E, FOR 299.78 FEET; THENCE S21°38'52"E, FOR 220.40 FEET; THENCE S49°59'02"W, FOR 21.07 FEET; THENCE N21°38'52"W, FOR 214.76 FEET; THENCE N62°51'14"W, FOR 295.68 FEET; THENCE N26°44'04"E, FOR 20.98 FEET TO THE POINT OF BEGINNING.

PARCEL E

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE RUN N89°30'14"W ALONG THE NORTH LINE OF SAID SECTION 6 FOR 159.83 FEET; THENCE RUN S00°05'56"W FOR 260.18 FEET; THENCE RUN S89°54'04"E FOR 23.41 FEET; THENCE RUN S00°05'56"W FOR 84.70 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 200.00 FEET (DELTA 43°36'11") (CHORD BEARING S21°42'10"E) (CHORD 148.56 FEET) FOR 152.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 115.00 (DELTA 116°45'20") (CHORD BEARING S14°52'25"W) (CHORD 195.85 FEET) FOR 234.34 FEET TO A POINT OF TANGENCY; THENCE RUN S73°15'05"W FOR 315.19 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (DELTA 59°55'52") (CHORD BEARING S43°17'09"W) (CHORD 249.74 FEET) FOR 261.50 FEET TO A POINT OF TANGENCY; THENCE RUN S13°19'13"W FOR 147.31 FEET; THENCE RUN N33°09'20"W FOR 223.84 FEET; THENCE RUN N54°05'01"W FOR 32.12 FEET; THENCE RUN N33°09'20"W FOR 208.47 FEET; THENCE RUN N23°55'45"W FOR 277.58 FEET; THENCE RUN N42°54'09"W FOR 88.52 FEET; THENCE RUN N33°39'37"W FOR 266.98 FEET; THENCE RUN S57°02'45"W FOR 217.85 FEET;

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THENCE RUN S33°39'37"E FOR 107.27 FEET; THENCE RUN S00°05'04"W FOR 45.21 FEET; THENCE RUN S28°30'00"E FOR 221.62 FEET; THENCE RUN S23°55'45"E FOR 331.58 FEET; THENCE RUN S31°08'43"E FOR 535.09 FEET; THENCE RUN S39°21'17"W FOR 31.69 FEET; THENCE RUN S50°38'43"E FOR 166.83 FEET; THENCE RUN N39°21'17"E FOR 299.40 FEET; THENCE RUN S75°08'04"E FOR 84.09 FEET; THENCE RUN S14°51'56"W FOR 29.33 FEET; THENCE RUN S75°08'04"E FOR 245.77 FEET; THENCE RUN S26°44'04"W FOR 74.82 FEET; THENCE RUN S63°15'56"E FOR 299.78 FEET; THENCE RUN S21°38'52"E FOR 220.40 FEET; THENCE RUN N49°59'02"E FOR 290.15 FEET TO THE POINT OF BEGINNING; THENCE N45°05'40"W, FOR 83.09 FEET TO A POINT OF CURVATURE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 152.00 FEET AND A CENTRAL ANGLE OF 15°55'23"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, FOR 42.24 FEET; THENCE N28°58'57"E, FOR 29.33 FEET TO THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE SOUTHWEST, OF WHICH THE RADIUS POINT LIES S28°58'57"W, A RADIAL DISTANCE OF 181.33 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 10°55'27", FOR 34.57 FEET; THENCE N71°56'30"W, FOR 123.77 FEET; THENCE N26°44'04"E, FOR 81.30 FEET; THENCE N62°51'14"W, FOR 283.19 FEET; THENCE N75°08'04"W, FOR 487.05 FEET; THENCE N13°19'13"E, FOR 37.09 FEET; THENCE S75°08'04"E, FOR 529.28 FEET; THENCE S62°51'14"E, FOR 198.74 FEET; THENCE S45°03'52"E, FOR 369.21 FEET; THENCE S49°59'02"W, FOR 58.15 FEET TO THE POINT OF BEGINNING.

PARCEL F

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE S00°05'56"W, FOR 403.20 FEET TO THE POINT OF BEGINNING; THENCE S52°40'31"W, FOR 63.14 FEET TO THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE NORTHEAST, OF WHICH THE RADIUS POINT LIES N49°24'16"E, A RADIAL DISTANCE OF 150.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°09'28", FOR 44.92 FEET; THENCE N89°44'05"E, FOR 73.94 FEET TO THE POINT OF BEGINNING.

PARCEL G

A TRACT OR PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE S00°05'56"W, FOR 259.07 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S00°05'56"W, ALONG SAID LINE, A DISTANCE OF 144.13 FEET; THENCE S89°44'05"W, FOR 73.94 FEET TO THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE CONCAVE SOUTHEAST OF WHICH THE RADIUS POINT LIES N66°31'29"E, A RADIAL DISTANCE OF 105.00 FEET;

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(Legal Description - Continued)

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 101°18'45", FOR 185.66 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH EASEMENT FOR INGRESS, EGRESS, STORMWATER AND UTILITY PURPOSES RECORDED IN OFFICIAL RECORD BOOK 1868, PAGE 182, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

Together with:

Eagle Point Golf Course Parcel 3

That portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, described as follows:

Commence at a 4" X 4" concrete monument with disk stamped PLS 2405 found at the North ¼ corner of said Section 6; Thence along the North Line of said Section 6, North 89°30'14" West, 159.83 feet to the point of beginning of land being described; Thence South 00°05'56" West, 260.18 feet; thence South 89°54'04" East, 23.41 feet; thence South 00°05'56" West, 84.70 feet to the beginning of a tangential curve concave to the East having a radius of 200.00 feet and a delta angle of 43°36'11" whose chord bears South 21°42'10" East; thence along said curve in a counterclockwise direction, 152.20 feet to the beginning of a reverse curve concave to the west; having a radius of 115.00 feet and a delta angle of 116°43'20", whose chord bears South 14°52'23" West, thence along said curve in a clockwise direction, 234.34 feet; thence tangent to the last curve, South 73°15'05" West, 315.19 feet to the beginning of a tangential curve concave to the southeast, having a radius of 250.00 feet and a delta angle of 39°55'52" whose chord bears South 43°17'09" West, thence along said curve in a counterclockwise direction, 261.50 feet; thence tangent to the last curve, South 13°19'13" West, 147.31 feet; thence North 33°09'20" West, 223.84 feet; thence North 34°05'01" West, 32.12 feet; thence North 33°09'20" West, 208.47 feet; thence North 23°53'43" West, 277.58 feet; thence North 42°54'09" West, 88.32 feet; thence North 33°39'37" West, 266.98 feet; thence South 57°02'45" West, 217.85 feet; thence South 33°39'37" East, 107.27 feet; thence South 00°05'04" West, 45.21 feet; thence South 28°30'00" East, 221.62 feet; thence South 23°55'45" East, 331.58 feet; thence South 31°08'43" East, 335.09 feet; thence South 39°21'17" West, 31.69 feet; thence South 50°38'43" East, 166.83 feet; thence North 39°21'17" East, 299.40 feet; thence South 75°08'04" East, 84.09 feet; thence South 14°51'56" West, 29.33 feet; thence South 75°08'04" East, 245.77 feet; thence South 26°44'04" West, 74.82 feet; thence South 63°15'56" East, 299.78 feet; thence South 21°38'52" East, 220.40 feet; thence South 49°59'02" West, 864.72 feet to the easterly limited access right of way line for Interstate 75 (State Road No. 93, Section D1075-2404); thence along said limited access right of way line, North 29°49'35" West, 578.34 feet to an angle point in said right of way line (lying 162.00 feet right of the center line of survey at station 274+25.94 feet); thence continue along said right of way line, North 28°40'49" West, 2123.19 feet to the north line of said Section 6; thence along said north line of Section 6, South 89°30'14" East, 1712.80 feet to the point of beginning

Eagle Point Golf Course Parcel 4

That portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, described as follows:

See continuation sheet

Commence at a 4" X 4" concrete monument with disk stamped PRM PLS 2405 found at the NE corner of said Section 6; thence along the east line of said Section 6, South 00°16'27" West 583.13 feet to the westerly maintained right of way line of Kings Highway (State of Florida Department of Transportation Section 01501-2601) at Station 373+11.47, 36 36 feet left of the survey baseline; thence along said maintained right of way line, South 25°24'50" West, 311.47 feet to Station 370+00. 35.80 feet left of the survey baseline; thence continue along said right of way line, South 25°22'46" West, 500.00 feet to Station 365+00, 34.60 feet left of the survey baseline; thence continue along said right of way line, South 25°23'46" West, 320.86 feet for a point of beginning of land being described; thence continue along said right of way line, South 25°33'46" West, 179.14 feet to Station 360+00, 35.00 feet left of the survey baseline; thence continue along said right of way line, South 23°42'58" West, 194.86 feet to Station 358+05.14 feet, 35.68 feet left of said survey baseline, to the beginning of state of Florida Department of Transportation right of way (Section 01075-2404) for Interstate 75; thence along said right of way line, North 64°28'59" West 14.32 feet; thence continue along said right of way line, South 27°17'24" West 323.19 feet; thence continue along said right of way, North 64°28'59" West, 10.00 feet to a point on a curve concave to the northwest, having a radius of 1839.86 feet and a delta angle of 08°27'48", whose chord bears South 29°44'55" West; thence along said curve and right of way in a clockwise direction 271.77 feet; thence radial to the last curve, North 56°01'11" West, 10.00 feet to a point on a curve concave to the northwest, having a radius of 1829.86 feet and a delta angle of 08°56'32" whose chord bears South 38°27'05" West, thence along said curve and right of way in a clockwise direction, 285.59 feet; thence radial to the last curve, North 47°04'39" West, 15.00 feet; thence continue along said right of way line, South 42°55'21" West, 43.60 feet to the southerly line of a 170 feet wide Florida Power and Light Company Easement recorded in Official Records Book 350, Page 128 and 129, of the Public Records of Charlotte County, Florida; thence along said southerly line, North 45°03'52" West 1603.85 feet; thence South 49°59'02" West 33.05 feet; thence North 45°05'40" West, 83.09 feet to the beginning of a tangential curve concave to the southwest, having a radius of 152.00 feet and a delta angle of 15°55'23", whose chord bears North 53°03'21" West; thence along said curve in a counterclockwise direction, 42.24 feet; thence radial to the last curve, North 28°58'57" East, 29.33 feet to a point on a curve concave to the southwest, having a radius of 181.33 feet and a delta angle of 10°55'27", whose chord bears North 66°28'46" West; thence along said curve in a counterclockwise direction, 34.57 feet; thence tangent to the last curve, North 71°56'30" West, 123.77 feet; thence North 26°44'04" East 81.30 feet; thence North 62°51'14" West, 283.19 feet; thence North 75°08'04" West, 487.05 feet; thence North 13°19'13" East, 166.77 feet to the beginning of a tangential curve concave to the southeast, having a radius of 200.00 feet and a delta angle of 39°55'52", whose chord bears North 43°17'09" East; thence along said curve in a clockwise direction, 209.20 feet; thence tangent to the last curve, North 73°15'05" East, 315.19 feet to the beginning of a tangential curve concave to the north, having a radius of 165.00 feet and a delta angle of 34°49'09", whose chord bears North 53°30'31" East; thence along said curve in a counterclockwise direction, 100.27 feet; thence leaving said curve on a non-radial line, South 73°39'28" East, 317.32 feet; thence South 81°22'01" East, 247.79 feet; thence South 37°19'59" East, 40.12 feet; thence South 88°43'11" East, 785.01 feet; thence South 70°36'59" East 217.57 feet; thence South 19°23'01" West, 12.17 feet; thence South 70°36'59" East 86.00 feet; thence North 19°23'01" East, 12.17 feet; thence South 70°36'59" East, 234.33 feet; thence North 19°23'01" East 74.87 feet; thence South 42°00'32" East, 55.40 feet; thence North 49°07'28" East, 24.33 feet to the beginning of a tangential curve concave to the south, having a radius of 5.00 feet and a delta angle of 90°00'00" whose chord bears South 85°32'32" East; thence along said curve in a clockwise direction, 7.85 feet; thence tangent to the last curve, South 40°52'32" East, 93.93 feet to the beginning of a tangential curve concave to the north, having a radius of 140.00 feet and a delta angle of 29°40'56" whose chord bears South 55°43'00" East, thence along said curve in a counterclockwise direction, 72.53 feet; thence tangent to the last curve, South 70°33'28" East, 40.88 feet to the beginning of a tangential curve concave to the southwest, having a radius of 35.00 feet and a delta angle of 90°00'00" whose chord bears South 25°33'28" East; thence along said curve in a clockwise direction, 54.98 feet; thence tangent to the last curve, South 19°26'32" West, 26.67 feet; thence North 86°03'28" West, 343.88 feet; thence North 56°03'28" West, 71.24 feet; thence South 33°56'32" West, 92.50 feet; thence South 56°03'28" East, 95.00 feet; thence South 03°56'32" West, 50.00 feet; thence South 56°03'28" East, 60.32 feet; thence South 03°56'32" West, 19.85 feet; thence South 86°03'28" East, 250.92 feet to the beginning of a tangential curve concave to the southwest, having a radius of 10.00 feet and a delta angle of 105°30'00" whose chord bears South 33°18'28" East; thence along said curve in a clockwise direction, 18.41 feet; thence tangent to the last curve, South 19°26'32" West, 41.80 feet to the beginning of a tangential curve concave to the east, having a radius of 365.51 feet and a delta angle of 14°37'16" whose chord bears South 12°08'12" West; thence along said curve in a counterclockwise direction, 93.27 feet; thence tangent to the last curve, South 04°49'34" West, 22.62 feet to the beginning of a tangential curve concave to the west, having a radius of 98.00 feet and a delta angle of 37°06'22" whose chord bears South 23°22'45" West; thence along said curve in a clockwise direction 63.47 feet; thence tangent to the last curve, South 41°55'56"

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West, 113.61 feet to the beginning of a tangential curve concave to the north, having a radius of 92.00 feet and a delta angle of 50°09'35", whose chord bears South 67°00'44" West; thence along said curve in a clockwise direction, 80.54 feet; thence tangent to the last curve, North 87°54'29" West, 56.79 feet; thence North 02°05'31" East, 54.41 feet; thence North 53°46'46" West, 610.89 feet; thence South 72°59'18" West, 481.43 feet; thence South 17°00'42" East, 163.90 feet; thence South 31°43'39" East 98.41 feet; thence North 58°16'21" East, 41.33 feet; thence South 31°43'39" East, 84.83 feet; thence North 58°16'21" East 249.97 feet; thence North 31°43'39" West, 84.83 feet; thence North 58°16'21" East, 55.36 feet to the beginning of a tangential curve concave to the south having a radius of 65.00 feet and a delta angle of 67°56'53", whose chord bears South 87°45'12" East; thence along said curve in a clockwise direction 77.08 feet; thence tangent to the last curve, South 53°46'46" East, 94.99 feet; thence South 36°13'14" West, 84.83 feet; thence South 53°46'46" East, 399.05 feet; thence South 11°19'43" West, 115.59 feet; thence South 78°40'17" East, 156.83 feet; thence North 11°19'43" East, 270.47 feet; thence South 87°54'29" East, 7.31 feet to the beginning of a tangential curve concave to the north having a radius of 116.00 feet and a delta angle of 50°09'35", whose chord bears North 67°00'44" East; thence along said curve in a counterclockwise direction, 101.55 feet; thence tangent to the last curve, North 41°55'56" East, 113.61 feet to the beginning of a tangential curve concave to the south, having a radius of 75.00 feet and a delta angle of 73°29'42", whose chord bears North 78°40'47" East; thence along said curve in a clockwise direction, 96.20 feet; thence tangent to the last curve, South 64°34'22" East, 120.89 feet to the point of beginning

Eagle Point Golf Course Parcel 5

That portion of Section 6, Township 40 South Range 23 East Charlotte County, Florida, described as follows:

Commence at a 4"x4" concrete monument with disk stamped PRM PLS 2405 found at the NE corner of said section 6; thence along the east line of said Section 6, South 00°16'27" West, 320.00 feet to a point on the south line of "The Links" a subdivision recorded in Plat Book 15, Page 18, of the Public Records of Charlotte County, Florida, for a point of beginning of land being described; thence continue along said section line, South 00°16'27" West, 263.13 feet to the westerly maintained right of way line of Kings Highway (State of Florida Department of Transportation Section 01501-2601) at Station 373+11.47, 36.36 feet left of the survey baseline; thence along said maintained right of way line, South 25°24'50" West, 311.47 feet to Station 370+00.35 80 feet left of the survey baseline; thence continue along said right of way line, South 25°22'46" West, 500.00 feet to Station 365+00, 34.60 feet left of the survey baseline; thence continue along said right of way line, South 25°33'46" West, 262.85 feet; thence leaving said right of way, North 64°34'22" West, 144.09 feet to the beginning of a tangential curve concave to the northeast, having a radius of 80.00 feet and a delta angle of 84°00'54", whose chord bears North 22°33'55" West; thence along said curve in a clockwise direction, 117.31 feet; thence tangent to the last curve, North 19°26'32" East, 504.45 feet to the beginning of a tangential curve concave to the east having a radius of 168.00 feet and a delta angle of 20°50'57", whose chord bears North 29°52'01" East; thence along said curve in a clockwise direction, 61.13 feet; thence tangent to the last curve, North 40°17'29" East, 240.00 feet; thence North 20°00'00" East, 75.00 feet; thence North 08°33'28" West, 77.70 feet; thence South 81°26'32" West, 266.90 feet; thence North 45°33'28" West, 42.69 feet; thence South 44°26'32" West, 90.00 feet; thence South 45°33'28" East, 40.00 feet; thence South 44°26'32" West, 76.83 feet; thence South 45°33'28" East, 253.07 feet to a point on a curve concave to the southeast, having a radius of 192.00 feet and a delta angle of 13°39'58", whose chord bears South 26°16'31" West; thence along said curve in a counterclockwise direction, 45.80 feet; thence tangent to the last curve, South 19°26'32" West, 129.59 feet to the beginning of a tangential curve concave to the north, having a radius of 35.00 feet and a delta angle of 90°00'00", whose chord bears South 64°26'32" West; thence along said curve in a clockwise direction, 54.98 feet; thence tangent to the last curve, North 70°33'28" West, 40.08 feet to the beginning of a tangential curve concave to the north, having a radius of 116.00 feet and a delta angle of 29°40'56", whose chord bears North 55°43'00" West; thence along said curve in a clockwise direction, 60.09 feet; thence tangent to the last curve, North 40°52'32" West, 140.42 feet to the beginning of a tangential curve concave to the southwest, having a radius of 171.50 feet and a delta angle of 29°44'27", whose chord bears North 55°44'46" West; thence along said curve in a counterclockwise direction, 89.02 feet; thence tangent to the last curve, North 70°36'59" West, 420.17 feet; thence North 01°16'49" East, 136.93 feet; thence North 88°43'11" West, 786.67 feet; thence North 76°46'06" West, 521.00 feet; thence South 89°44'05" West, 179.92 feet to a point on a curve concave to the southwest, having a radius of 165.00 feet and a delta angle of 03°55'43", whose center bears North 40°32'24" West; thence along said curve in a counterclockwise direction, 17.07 feet to the beginning of a reverse curve concave to the northeast, having a radius of 150.00 feet and a delta angle of 20°09'12", whose chord bears North 33°23'39" West; thence along said curve in a clockwise direction, 52.76 feet to the

beginning of a compound curve concave to the east having a radius of 105.00 feet and a delta angle of $101^{\circ}11'19''$, whose chord bears North $27^{\circ}14'36''$ East; thence along said curve in a clockwise direction, 185.44 feet to the west line of Lot 26, "The Links" a subdivision recorded in Plat Book 15, Page 18, of the Public Records of Charlotte County, Florida; thence along said west line South $00^{\circ}05'56''$ West 60.94 feet to a $3/8$ " iron rod with 2" aluminum cap stamped "Eagle Point Golf Course Boundary Marker PLS 4521" found at the SW corner of said Lot 26; thence along the south line of said "The Links", being a line 320.00 feet south of and parallel with the north line of the Northeast $1/4$ of said Section 6, South $89^{\circ}30'53''$ East 2660.73 feet to the point of beginning

All of the above described parcels are also together with the following:

Together with ingress and egress easements recorded in Official Records Book 972, Page 1905, and Official Records Book 1028, Page 205, of the Public Records of Charlotte County, Florida

Also together with the following described easement:

A relocatable ingress-egress easement being a strip of land 50.00 feet wide over that portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, and lying 25.00 feet on each side of the following described centerline:

Commence at the North $1/4$ corner of said Section 6; thence along the north line of said Section 6, North $89^{\circ}30'14''$ West 25.00 feet to the point of beginning of centerline being described; thence South $00^{\circ}05'56''$ West, 240.76 feet to a point of cusp with a curve concave to the southeast, having a radius of 130.00 feet and a delta angle of $92^{\circ}06'38''$, whose chord bears South $22^{\circ}42'26''$ West; thence along said curve in a counterclockwise direction, 209.00 feet to the beginning of a compound curve concave to the east, having a radius of 175.00 feet and a delta angle of $20^{\circ}09'12''$, whose chord bears South $33^{\circ}25'39''$ East; thence along said curve in counterclockwise direction, 61.56 feet to the beginning of a reverse curve concave to the west, having a radius of 140.00 feet and a delta angle of $116^{\circ}45'20''$, whose chord bears South $14^{\circ}32'25''$ West; thence along said curve in a clockwise direction 285.29 feet; thence tangent to the last curve, South $73^{\circ}15'05''$ West 315.19 feet to the beginning of a tangential curve concave to the south, having a radius of 225.00 feet and a delta angle of $59^{\circ}55'52''$, whose chord bears South $43^{\circ}17'09''$ West; thence along said curve in a counterclockwise direction 235.35 feet; thence tangent to the last curve, South $13^{\circ}19'13''$ West, 268.09 feet; thence South $39^{\circ}21'17''$ West 276.34 feet to the point of termination of said centerline

The sidelines of said easement are to be extended or shortened to their respective intersections

Also together with the following described easement:

A relocatable ingress-egress easement being a strip of land 24.00 feet wide over that portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, and lying 12.00 feet on each side of the following described centerline:

Commence at the North $1/4$ corner of said Section 6; thence along the north line of said Section 6 North $89^{\circ}30'14''$ West, 25.00 feet; thence South $00^{\circ}05'56''$ West, 240.76 feet to a point of cusp with a curve concave to the southeast, having a radius of 130.00 feet and a delta angle of $92^{\circ}06'58''$, whose chord bears South $22^{\circ}42'26''$ West; thence along said curve in a counterclockwise direction, 209.00 feet to the beginning of a compound curve concave to the east, having a radius of 175.00 feet and a delta angle of $20^{\circ}09'12''$, whose chord bears South $33^{\circ}25'39''$ East; thence along said curve in a counterclockwise direction 61.56 feet to the beginning of a reverse curve concave to the west, having a radius of 140.00 feet and a delta angle of $43^{\circ}55'37''$ whose chord bears South $21^{\circ}32'17''$ East; thence along said curve in a clockwise direction, 107.35 feet to the point of beginning of centerline being described; thence radial to the last curve, South $89^{\circ}34'18''$ East, 13.59 feet to the beginning of a tangential curve concave to the south, having a radius of 500.00 feet and a delta angle of $12^{\circ}08'01''$ whose chord bears South $83^{\circ}30'18''$ East; thence along said curve in a clockwise direction, 105.89 feet; thence tangent to the last curve, South $77^{\circ}26'17''$ East, 458.75 feet to the beginning of a tangential curve concave to the south, having a radius of 500.00 feet and a delta angle of $04^{\circ}33'04''$, whose chord bears South $75^{\circ}09'43''$ East; thence along said curve in clockwise direction, 39.72 feet to the beginning of a reverse curve concave to the north, having a radius of 240.00 feet and a delta angle of $07^{\circ}01'54''$ whose chord bears South $76^{\circ}24'10''$ East; thence along

said curve in a counterclockwise direction, 29.45 feet to the western-most end of an existing ingress-egress easement recorded in Official Records Book 1028, Page 205 of the Public Records of Charlotte County Florida for a point of termination of said centerline

The sidelines of said easement are to be extended or shortened to their respective intersections.

LESS AND EXCEPT:

DeSoto County Portion

Lot 25, Block 2, First Replat in Pembroke subdivision recorded in Plat Book 9, Page 80, of the Public Records of DeSoto County, Florida

LESS AND EXCEPT:

Charlotte County Portion

A tract of land lying in a portion of Parcel 4 of Eagle Point Golf Course as recorded in Official Records Book 1482, Page 1999 of the Public Records of Charlotte County, Florida, said parcel being in Section 6 Township 40 South Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the North $\frac{1}{4}$ corner of said Section 6, Township 40 South, Range 23 East, being a 4" concrete monument with aluminum disk "PRM PLS 2405", as described in Department of Natural Resources (DNR) document 0048018; thence South $00^{\circ}17'46''$ West, along the easterly line of the West half of Section 6, a distance of 672.80 feet to a point on the northerly line of Eagle Point Golf Course Parcel 4, said point also being the point of beginning.

The following four (4) calls are along said northerly line of Parcel 4; thence South $73^{\circ}39'28''$ East, a distance of 283.19 feet; thence South $81^{\circ}22'01''$ East, a distance of 247.79 feet; thence South $34^{\circ}19'59''$ East, a distance of 40.12 feet; thence South $88^{\circ}43'11''$ East, a distance of 770.01 feet to the southwest corner of Newport II Condominiums, as recorded in Condominium Plat Book _____, Page _____ of the Public Records of Charlotte County, Florida; thence South $6^{\circ}37'34''$ West, a distance of 83.11 feet (The following fourteen (14) calls are along the northerly top of bank of a lake); thence North $82^{\circ}54'21''$ West, a distance of 260.21 feet to a point of curvature to the left of having a central angle of $51^{\circ}25'10''$, and a radius of 83.20 feet; thence along said curve in a southwesterly direction, an arc distance of 76.67 feet to a point of reverse curvature of a curve to the right, having a central angle of $9^{\circ}10'54''$, and radius of 977.54 feet; thence along said curve in a southwesterly direction, an arc distance of 158.65 feet to a point of compound curvature of a curve to the right, having a central angle of $25^{\circ}59'44''$, and a radius of 119.50 feet; thence along said arc in an easterly direction, an arc distance of 54.22 feet to a point of compound curvature of a curve to the right, having a central angle of $80^{\circ}12'57''$, and a radius of 99.85 feet thence along said curve in a northwesterly direction, an arc distance of 139.50 feet to a point of reverse curvature of a curve to the left having a central angle of $3^{\circ}57'12''$, and a radius of 656.81 feet; thence along said curve in a northerly direction, an arc distance of 68.25 feet to a point of compound curvature of a curve to the left, having a central angle of $55^{\circ}34'31''$, and a radius of 74.83 feet; thence along said curve in a northwesterly direction, an arc distance of 72.58 feet to a point of compound curvature of a curve to the left having a central angle of $29^{\circ}25'44''$, and a radius of 208.48 feet; thence along said curve in a westerly direction, an arc distance of 107.59 feet to the point of tangency of said curve; thence South $70^{\circ}05'37''$ West, a distance of 112.97 feet to a point of curvature of a curve to the right, having a central angle of $139^{\circ}31'37''$, and a radius of 37.55 feet; thence along said curve in a northwesterly direction, an arc distance of 140.14 feet to the point of tangency of said curve; thence North $29^{\circ}81'15''$ East, a distance of 28.64 feet to a point of curvature of a curve to the left having a central angle of $107^{\circ}27'23''$, and a radius of 17.94 feet; thence along said curve in a northwesterly direction, an arc distance of 33.64 feet to the point of tangency of said curve; thence North $77^{\circ}49'08''$ West, a distance of 112.45 feet to a point of curvature of a curve to the left, having a central angle of $74^{\circ}33'57''$, and a radius of 89.79 feet; thence along said curve in a southwesterly direction, an arc distance of 115.83 feet to the point of tangency of said curve; thence South $27^{\circ}37'55''$ West, a distance of 73.75 feet to a point on the northerly line of a 180.00 feet wide Florida Power and

Light Company Easement as recorded in Official Records Book 6, Page 104. of the Public Records of Charlotte County, Florida; thence North 45°03'52" West, along said Florida Power And Light Company Easement a distance of 231.33 feet to a point on the easterly limits of future development Parcel 2, said point being on a curve to the left of which the radius lies North 32°49'48" West, a radial distance of 165.00 feet; thence along said curve in a northeasterly direction, passing through a central angle of 18°44'16" an arc distance of 53.95 feet to the end of said curve; thence South 73°39'28" East, a distance of 34.13 feet to the point of beginning.

Subject to other restriction, easements and/or rights of way of record, if any

LESS AND EXCEPT

A tract or parcel of land lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Beginning at the North quarter corner of said Section 6 (said quarter corner of Section 6 being a concrete monument as described in Department of Natural Resources (D.N.R.) Document number 00448018; thence South 00°08'56" West, along the westerly line of "The Links" subdivision, Plat Book 15, Pages 18 through 18A. of the Public Records of Charlotte County, Florida a distance of 259.07 feet to a point on a curve to the left, which the radius lies South 12°09'34" East, a radial distance of 105.00 feet; thence along said curve in a southerly direction, passing through a central angle of 101°11'28", an arc distance of 185.44 feet to the point of compound curvature of a curve to the left having a radius of 150.00 feet and a central angle of 20°09'12"; thence along said curve in a southeasterly direction an arc distance of 52.76 feet to the point of reverse curvature of a curve to the right having a radius of 165.00 feet and a central angle of 116°45'20"; thence along said curve in a southerly direction an arc distance of 336.23 feet to the point of tangency of said curve; thence South 73°15'05" West, a distance of 315.19 feet to a point of curvature of a curve to the left, having a radius of 200.00 feet and central angle of 59°55'52"; thence along said curve in a southwesterly direction, an arc distance of 209.20 feet to the point of tangency of said curve; thence North 76°40'47" West, a distance of 50.00 feet to the point of beginning

From said point of beginning thence South 13°19'13" West, a distance of 147.31 feet; thence North 33°09'20" West, a distance of 223.84 feet; thence North 59°53'48" East, a distance of 56.63 feet; thence South 55°59'09" East a distance of 129.53 feet to the point of beginning.

LESS AND EXCEPT:

Description #1:

The easement rights granted to Pri-Car, a Florida general partnership, by Charlotte Golf Management Limited Partnership, a Michigan limited partnership, pursuant to an easement recorded in Official Records Book 1822, Page 2053, of the Public Records of Charlotte County, Florida, over the property described as follows:

A 10 foot wide utility easement lying in Section 6 Township 40 South Range 23 East, Charlotte County, Florida, and lying 5.00 feet each side of the following describe centerline:

Commence at the Northwest corner of said Section 6; thence run South 89°30'14" East, along the North line of Section 6, a distance of 806.98 feet, to a point lying 15.00 feet northeasterly of the northeasterly right-of-way of Interstate 75 (SR 93), as measured at right angles from said right-of-way, said point also being the point of beginning and lying on the centerline of said 10.00 foot utility easement. From said point of beginning run South 28°40'49" East, 15.00 feet northeasterly of and parallel to said northeasterly right-of-way, 1444.33 feet to the northerly side of a sign easement and the terminus of said centerline of easement

The sidelines of said easement are to be extended or shortened to their respective intersections

Description #2:

An easement lying in Section 6, Township 40S, Range 23E, Charlotte County, Florida, described as follows:

Commence at the North $\frac{1}{4}$ corner of said Section 6; thence along the North line of said Section 6, North $89^{\circ}30'14''$ West, 25.00 feet; thence South $00^{\circ}05'56''$ West, 240.76 feet to a point of cusp with a curve concave to the southeast, having a radius of 130.00 feet and a delta angle of $92^{\circ}06'58''$, whose chord bears South $22^{\circ}42'26''$ West, thence along said curve in a counterclockwise direction, 209.00 feet to the beginning of a compound curve concave to the east, having a radius of 175.00 feet and a delta angle of $20^{\circ}09'12''$, whose chord bears South $33^{\circ}25'39''$ East; thence along said curve in a counterclockwise direction 61.56 feet to the beginning of a reverse curve concave to the west, having a radius of 140.00 feet and a delta angle of $116^{\circ}45'20''$, whose chord bears South $14^{\circ}52'25''$ West; thence along said curve in a clockwise direction, 285.29 feet; thence tangent to the last curve, South $73^{\circ}15'05''$ West, 315.19 feet to the beginning of a tangential curve concave to the south, having a radius of 225.00 feet and a delta angle of $59^{\circ}55'52''$, whose chord bears South $43^{\circ}17'09''$ West, thence along said curve in a counterclockwise direction 235.35 feet; thence tangent to the last curve, South $13^{\circ}19'13''$ West, 268.09 feet; thence South $39^{\circ}21'17''$ West, 276.54 feet; run thence North $89^{\circ}13'39''$ West, 254.20 feet to a point lying 12.50 feet northeast of the northeasterly right-of-way of Interstate 75 (SR93) as measured at right angles from said right-of-way; thence run North $28^{\circ}40'49''$ West, parallel to and 12.50 feet northeasterly of aforementioned northeasterly right-of-way of Interstate 75, a distance of 141.21 feet to the point of beginning of an easement described as follows:

From said point of beginning run North $52^{\circ}17'03''$ East, 36.33 feet to the point of curvature of a curve concave to the southwest and having a radius of 21.50 feet a central angle of $166^{\circ}59'55''$ and a chord bearing of North $31^{\circ}12'54''$ West; thence run northerly and westerly along the arc of said curve 62.67 feet to the point of tangency thereof; thence run South $65^{\circ}17'08''$ West, 46.60 feet to a point on aforementioned northeasterly right-of-way of Interstate 75; thence run South $28^{\circ}40'49''$ East along said right-of-way, 33.60 feet; thence departing said right-of-way run North $52^{\circ}17'03''$ East, 12.66 feet to the point of beginning.

Description #3:

An ingress-egress easement lying in Section 6, Township 40S, Range 23E, Charlotte County, Florida, Charlotte County, Florida, described as follows:

Commence at the North $\frac{1}{4}$ corner of said Section 6; thence along the North line of said Section 6, North $89^{\circ}30'14''$ West, 25.00 feet; thence South $00^{\circ}05'56''$ West, 240.76 feet to a point of cusp with a curve concave to the southeast, having a radius of 130.00 feet and a delta angle of $92^{\circ}06'58''$, whose chord bears South $22^{\circ}42'26''$ West, thence along said curve in a counterclockwise direction, 209.00 feet to the beginning of a compound curve concave to the east, having a radius of 175.00 feet and a delta angle of $20^{\circ}09'12''$, whose chord bears South $33^{\circ}25'39''$ East; thence along said curve in a counterclockwise direction 61.56 feet to the beginning of a reverse curve concave to the west, having a radius of 140.00 feet and a delta angle of $116^{\circ}45'20''$, whose chord bears South $14^{\circ}52'25''$ West; thence along said curve in a clockwise direction, 285.29 feet; thence tangent to the last curve, South $73^{\circ}15'05''$ West, 315.19 feet to the beginning of a tangential curve concave to the south, having a radius of 225.00 feet and a delta angle of $59^{\circ}55'52''$, whose chord bears South $43^{\circ}17'09''$ West; thence along said curve in a counterclockwise direction 235.35 feet; thence tangent to the last curve, South $13^{\circ}19'13''$ West, 268.09 feet; thence South $39^{\circ}21'17''$ West, 276.54 feet to the point of beginning of a 25.00 foot ingress-egress easement and lying 12.50 feet on each side of the following described centerline:

From said point of beginning, run thence North $89^{\circ}13'39''$ West, 254.20 feet to a point lying 12.50 feet northeast of the northeasterly right-of-way of Interstate 75 (SR93) as measured at right angles from said right-of-way; thence run North $28^{\circ}40'49''$ West, parallel to and 12.50 feet northeasterly of aforementioned northeasterly right-of-way of Interstate 75, a distance of 141.21 feet to the terminus of said centerline.

The sidelines of said easement are to be extended or shortened to their respective intersections.

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Also including the right of ingress and egress to Kings Highway over the easements described in Official Records Book 1482, Page 2011 and in Official Records Book 1028, Page 205, of the Public Records of Charlotte County, Florida, for the owner of the easement recorded in Official Records Book 1822, Page 2053.

LESS AND EXCEPT:

A tract or parcel lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 6; thence run South $00^{\circ}16'27''$ West along the East line of said Section 6 for 1555.01 feet; thence run North $89^{\circ}43'33''$ West for 457.96 feet to the westerly right-of-way line of Kings Highway; thence run South $25^{\circ}27'33''$ West, along said right-of-way for 58.00 feet to the point of beginning; thence run South $25^{\circ}33'46''$ West, for 179.14 feet; thence run South $25^{\circ}42'58''$ West for 194.86 feet; thence run North $64^{\circ}28'59''$ West for 14.32 feet; thence run South $27^{\circ}17'24''$ West for 323.19 feet; thence run North $64^{\circ}28'59''$ West for 10.00 feet to a point on a curve; thence run southeasterly along the arc of a curve to the right of radius 1839.86 feet (delta $8^{\circ}27'48''$) (chord bearing South $29^{\circ}44'55''$ West) (chord 271.52 feet) for 271.77 feet; thence run North $56^{\circ}01'11''$ West for 10.00 feet to a point on a curve; thence run southeasterly along the arc of a curve to the right of radius 1829.86 feet (delta $8^{\circ}56'32''$) (chord bearing South $38^{\circ}27'05''$ West) (chord 285.30 feet) for 285.59 feet; thence run North $47^{\circ}04'39''$ West for 15.00 feet; thence run South $42^{\circ}55'21''$ West for 43.60 feet; thence run North $45^{\circ}03'52''$ West leaving said westerly right-of-way line for 523.73 feet; thence run North $44^{\circ}56'08''$ East for 720.24 feet; thence run North $11^{\circ}19'43''$ East for 75.23 feet; thence run South $78^{\circ}40'17''$ East for 47.00 feet to a point on a curve; thence run northeasterly along the arc of a curve to the right of radius 72.95 feet (delta $80^{\circ}24'38''$) (chord bearing North $31^{\circ}44'05''$ East) (chord 94.18 feet) for 102.38 feet to the point of tangency; thence run South $87^{\circ}34'31''$ East for 56.73 feet to the point of curvature; thence run northeasterly along the arc of a curve to the left of radius 116.00 feet (delta $50^{\circ}09'35''$) (chord bearing North $67^{\circ}00'43''$ East) (chord 98.34 feet) for 101.55 feet to the point of tangency; thence run North $41^{\circ}58'56''$ East for 113.61 feet to the point of curvature; thence run northeasterly along the arc of a curve to the right of radius 75.00 feet (delta $73^{\circ}29'42''$) (chord bearing South $78^{\circ}40'47''$ West) (chord 89.74 feet) for 96.20 feet to the point of tangency; thence run South $64^{\circ}34'22''$ East for 120.89 feet to the point of beginning.

LESS AND EXCEPT:

A portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 6; thence run South $00^{\circ}16'27''$ West along the East line of said Section 6 for 583.12 feet to the westerly right-of-way line of Kings Highway; thence run southwestwardly along said right-of-way the following three courses, South $25^{\circ}24'50''$ West for 311.47 feet; thence run South $25^{\circ}22'46''$ West for 500.00 feet; thence run South $25^{\circ}33'46''$ West for 274.86 feet; thence run North $64^{\circ}34'22''$ West leaving said right-of-way for 144.06 feet to a point of curvature; thence run northwestwardly along the arc of a curve to the right of radius 92.00 feet (delta $84^{\circ}00'54''$) (chord bearing North $22^{\circ}33'55''$ West) (chord 123.14 feet) for 134.90 feet to the point of tangency; thence run North $19^{\circ}26'32''$ East for 339.86 feet; thence run North $70^{\circ}33'28''$ West for 87.08 feet to a point of curvature; thence run northwestwardly along the arc of a curve to the right of radius 116.00 feet (delta $29^{\circ}40'56''$) (chord bearing North $55^{\circ}43'00''$ West) (chord 59.42 feet) for 60.09 feet to the point of tangency; thence run North $40^{\circ}52'32''$ West for 140.40 feet to a point of curvature; thence run northwestwardly along the arc of a curve to the left of radius 171.51 feet (delta $29^{\circ}44'27''$) (chord bearing North $55^{\circ}44'45''$ West) (chord 88.03 feet) for 89.03 feet to the point of tangency; thence run North $70^{\circ}36'59''$ West for 420.19 feet to the point of beginning; thence run North $01^{\circ}16'49''$ East for 196.93 feet; thence run North $88^{\circ}43'11''$ West for 780.39 feet; thence run North $76^{\circ}46'06''$ West for 508.87 feet; thence run South $89^{\circ}44'05''$ West for 239.43 feet to a point on a curve; thence run southeasterly along the arc of a curve to the left of radius 150.00 feet (delta $20^{\circ}09'12''$) (chord bearing South $33^{\circ}25'39''$ East) (chord 52.49 feet) for 52.76 feet to the point of reverse curvature; thence run southeasterly southeasterly and southwestwardly along the arc of a curve to the right of radius 165.00 feet (delta $43^{\circ}58'33''$) (chord bearing South $21^{\circ}30'48''$ West) (chord 123.57 feet) for 126.66 feet to a point on a curve; thence run southeasterly along the arc of a curve to the right of radius 500.00 feet (delta $10^{\circ}49'37''$) (chord bearing South $82^{\circ}51'06''$ East) (chord

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94.34 feet for 94.48 feet to the point of tangency; thence run South 77°26'17" East for 582.83 feet; thence run South 88°43'11" East for 620.86 feet to the point of curvature; thence run southeasterly along the arc of a curve to the right of radius 350.00 feet (delta 18°06'12") (chord bearing South 79°40'05" East) (chord 110.13 feet) for 110.59 feet to the point of tangency; thence run South 70°36'59" East for 42.94 feet; thence run North 15°34'10" East for 16.32 feet to the point of beginning

Less and Except:

Land described in Official records book 1742, Page 882, of the Public Records of Charlotte County, Florida

Subject to:

A 24 feet wide ingress/egress easement as described in Official Records Book 1482 Page 2011 of the Public Records of Charlotte County, Florida.

Subject to:

A 28 feet wide ingress/egress easement as described in Official Records Book 1028, Page 205, of the Public Records of Charlotte County, Florida

LESS AND EXCEPT:

A portion of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 6; thence run South 00°16'27" West along the East line of said Section 6 for 583.12 feet to the westerly right-of-way line of Kings Highway; thence run southwesterly along said right-of-way the following three courses, South 25°24'50" West for 311.47 feet; thence run South 25°22'45" West for 500.00 feet; thence run South 25°33'45" West for 274.85 feet; thence run North 54°34'22" West leaving said right-of-way for 144.06 feet to a point of curvature; thence run northwesterly along the arc of a curve to the right of radius 92.00 feet (delta 64°00'34") (chord bearing North 22°33'55" West) (chord 123.14 feet) for 134.90 feet to the point of tangency; thence run North 19°26'32" East for 339.86 feet; thence run North 70°33'28" West for 87.08 feet to a point of curvature; thence run northwesterly along the arc of a curve to the right of radius 116.00 feet (delta 29°40'56") (chord bearing North 55°43'00" West) (chord 59.42 feet) for 60.09 feet to the point of tangency; thence run North 40°52'32" West for 140.40 feet to a point of curvature; thence run northwesterly along the arc of a curve to the left of radius 171.51 feet (delta 29°44'27") (chord bearing North 55°44'45" West) (chord 88.03 feet) for 89.03 feet to the point of tangency; thence run North 70°36'59" West for 420.19 feet; thence run South 15°34'10" West for 16.32 feet to the point of beginning; thence run North 70°36'59" East for 42.94 feet to the point of curvature; thence run northwesterly along the arc of a curve to the left of radius 350.00 feet (delta 18°06'12") (chord bearing North 79°40'05" West) (chord 110.13 feet) for 110.59 feet to the point of tangency; thence run North 88°43'11" West for 620.86 feet; thence run North 77°26'17" West for 582.83 feet to the point of curvature of a curve to the left of radius 500 feet (delta 10°49'37") (chord bearing North 82°51'06" West) (chord 94.34 feet) for 94.48 feet to a point on a curve; thence run southwesterly along the arc of a curve to the right of radius 165.00 feet (delta 73°06'26") (chord bearing South 37°01'51" West) (chord 196.54 feet) for 196.54 feet to the point of tangency; thence run South 73°15'05" West for 17.97 feet; thence run South 45°03'32" East for 337.90 feet; thence run North 27°37'55" East for 155.29 feet to the point of curvature; thence run northeasterly along the arc of a curve to the right of radius 29.79 feet (delta 74°32'57") (chord bearing North 64°34'23" East) (chord 36.08 feet) for 38.76 feet to the point of tangency; thence run South 77°49'08" East for 58.51 feet to a point on a curve; thence run southwesterly and southeasterly along the arc a curve to the left of radius 120.00 feet (delta 126°11'48") (chord bearing South 46°47'29" East) (chord 214.05 feet) for 254.31 feet to the point of tangency; thence run North 70°06'37" East for 112.97 feet to the point of curvature; thence run northeasterly along the arc a curve to the right of radius 140.00 feet (delta 30°32'54") (chord bearing North 85°23'04" East) (chord 73.76 feet) for 74.64 feet to the point of compound curvature; then run southeasterly along the arc a curve to the right of radius 160.00 feet (delta 56°38'35") (chord bearing South 50°51'11" West) (chord 15.26 feet) for 15.91 feet to the point of tangency; thence run South 22°21'53" East for 65.58 feet to the point of curvature; thence run southeasterly, easterly and northeasterly along the arc a curve to the left of radius 160.00 feet (delta 106°22'21") (chord bearing South 75°33'04" East) (chord 256.19 feet) for 297.05 feet to the point of tangency; thence run North 51°15'45" East for 168.73 feet to the point of curvature; thence run northeasterly along the arc a curve to the

right of radius 20.00 feet (delta 45°49'54") (chord bearing North 74°10'42" East) (chord 88.03 feet) for 16.00 feet to the point of tangency; thence run South 82°54'21" East for 260.70 feet; thence run North 06°37'34" East for 225.94 feet to a point on a curve; thence run southeasterly along the arc of a curve to the right of radius 312.01 feet (delta 12°45'27") (chord bearing South 76°59'43" East) (chord 69.33 feet) for 69.47 feet; thence run North 19°23'01" East for 8.00 feet; thence run South 70°36'59" East for 37.22 feet; thence run North 19°23'01" East for 18.00 feet; thence run North 15°34'10" East for 28.06 feet to the point of beginning.

Subject to:

A 24 feet wide ingress/egress easement as described in Official Records Book 1482, Page 2011, of the Public Records of Charlotte County, Florida

Subject to:

A 28 feet wide ingress/egress easement as described in Official Records Book 1028, Page 205 of the Public Records of Charlotte County, Florida.

Exhibit “B”

List of Improvements

1. Signalize the intersection of the proposed site driveway at Kings Highway to the south of the St. James Place driveway
2. Signalize the Kings Highway & I-75 Southbound Ramps intersection
3. Traffic signal optimization at the signalized intersections along Kings Highway from the I-75 interchange to Sandhill Boulevard
4. If any of the listed improvements were completed by either Charlotte County (County) and/or Florida Department of Transportation (FDOT), the County has the authority to move the funds to other needed improvements within the vicinity of the project.