



MEMORANDUM

Date: May 11, 2026

To: Honorable Board of County Commissioners
Planning and Zoning Board

From: Eileen Mastney, Zoning Coordinator

Subject: VPL-25-02 A portion of Re-subdivision of Tamiami Subdivision

Request:

EIP IV FL Caloos Land LLC is requesting to vacate the remaining portion of the Resubdivision of Tamiami Subdivision (**See Attachment 1**) to allow for the creation of a mitigation bank, specifically to vacate the remaining outparcels/lots and streets.(**See Attachment 2**) Most of this plat was previously vacated via Resolution 2008-159(**See Attachment 2A**); the Re-subdivision of Tamiami subdivision is shown on Plat Book 2, Page 24 ½ of the public records of Charlotte County (**See Attachment 3**) and located in the East County Area; Commission District I; Petition Number: VPL-25-02; providing an effective date. The applicant is concurrently seeking to amend Resolution No. 2008-156 (**See Attachment 4**) to replace the adopted conservation easement with a restrictive covenant (**See Attachment 4A**), in order to fulfill the previously approved transfer of density units and retain 12 density units on the property. The property is generally located north of Bermont Road, east of SR 31, and west of the Glades County line, in the East County area, Commission District I. (**See Attachment 5**).

Analysis and Background:

The properties are generally located north of Bermont Rd, south of De Soto County line, east of S.R. 31, west of Glades County line and is in Commission District I.

The subject area to be vacated lines outside the Urban Service Area. The proposed areas to be vacated are within Flood Zone A and Storm Surge Evacuation Zone N. According to the 2030 Future Land Use Map. The subject property is zoned Agriculture (AG). (**See Attachments 6-10**)

If approved, the petition would allow more developable space on the property. No residents will be denied reasonable access to their property as a result of this petition. All pertinent departments have reviewed the petition (**See Attachment 11**). All the affected utilities have been notified. County staff have offered the following comments:

Jie Shao, Planner, Principal, AICP, MCP/Community Development/Planning-Comment:

Project Summary: The applicant is requesting a Plat Vacation to vacate the remaining portion of the Re-subdivision of Tamiami subdivision to allow for the creation of a Mitigation Bank, specifically to vacate the remaining outparcels/lots and streets. Most of this plat was previously vacated via Resolution 2008-159; the Re-subdivision of Tamiami subdivision is shown on Plat Book 2, Page 24 ½ of the public records of Charlotte County. The applicant is concurrently seeking to amend Resolution No. 2008-156 to replace the adopted conservation easement with a restrictive covenant, in order to fulfill the previously approved transfer of density units and retain 12 density units on the property. The property is generally located north of Bermont Road, east of SR 31, and west of the Glades County line, in the East County area and in Commission District I.

Future Land Use Map (FLUM) Designation: According to the 2030 Future Land Use Map, the subject property is designated as Agriculture (AG).

Zoning: The subject property is zoned Agriculture (AG).

Comment: Staff has no comments from a Comprehensive Planning standpoint regarding this proposed Plat Vacation request.

On September 16, 2008, the Board of County Commissioners (Board) approved Resolution No. 2008-156 (Attachment 1) to sever 1,546 density units from the majority of the property and retain 12 density units on the property through a conservation easement, pursuant to the County's Transfer of Density Units (TDU) Code at that time. The Board also approved Resolution No. 2008-159 to vacate the portion of the property from which the density units were certified.

Since then, the County's TDU Code has been revised in 2008 and 2018. A restrictive covenant is now required instead of a conservation easement if the property owner wishes to retain base density units on the property.

In addition, according to the applicant, the purpose of this Plat Vacation application is to establish a mitigation bank with the State agency. As part of the creation of a mitigation bank, a conservation easement between the property owner and the State agency is required. To avoid any confusion and meet State requirements, staff has no objection to replacing the existing conservation easement with a restrictive covenant to fulfill the original intent of retaining 12 density units on the property.

It is staff's professional opinion that the proposed restrictive covenant is consistent with County Code Section 3-9-150, Transfer of Density Units.

The following comments / recommendations will need to be addressed as the project moves through the building process. There is potential for there to be wetlands and listed species onsite. Please know that an environmental assessment will need to be provided to staff.

Staff Summary:

Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application, **VPL-25-02**, is generally consistent with Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

Planning and Zoning Board proposed recommendation on May 11, 2026:

A motion to forward application **VPL-25-02** to the Board of County Commissioners with a recommendation of **Approval**, based on the findings and analysis in the staff memo dated **May 11, 2026**, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.

Attachment 1
Plat Vacation Application



**COMMUNITY DEVELOPMENT DEPARTMENT
PLAT VACATION APPLICATION**

Date Received:	Date of Log-in:
Petition #:	
Receipt #:	Amount Paid:

1. Name of plat to be vacated: A portion of Resubdivision of Tamiami

2. Plat Book # 2 **Page(s) #** 24 1/2

3. Parties involved in the application

A. Name of Applicant* (*Applicant must be owner of record*):

EIP IV FL CALOOS LAND LLC

Mailing Address: PO Box 130339

<u>City: Carlsbad</u>	<u>State:</u>	<u>Zip Code: 92013</u>
-----------------------	---------------	------------------------

<u>Phone Number: 449-921-9441</u>	<u>Fax Number:</u>
-----------------------------------	--------------------

Email Address: zack@ecosystempartners.com

* The name and address of every person having a beneficial interest in this property, however small, in the form of a partnership, limited partnership, corporation, trust, or in any form of representative capacity whatsoever for others, shall be disclosed and a list attached to this application, with no exceptions.

B. Name of Agent: Robert H. Berntsson

Mailing Address: 3195 S. Access Road

<u>City: Englewood</u>	<u>State: FL</u>	<u>Zip Code: 34224</u>
------------------------	------------------	------------------------

<u>Phone Number: 941-627-1000 x5</u>	<u>Fax Number:</u>
--------------------------------------	--------------------

Email Address: rberntsson@bigwlaw.com

C. Name of Surveyor: On Point Surveying, Inc.

Mailing Address: 502 Oakland Terrace

<u>City: Lake Mary</u>	<u>State: FL</u>	<u>Zip Code: 32746</u>
------------------------	------------------	------------------------

<u>Phone Number: 407-989-8102</u>	<u>Fax Number:</u>
-----------------------------------	--------------------

Email Address: www.on-pointsurveying.com

4. Property ID #*:

402734200001

*If there are more than can fit on the above line, attach a separate page with listing of ID #s.

5. Section 34 Township: 40 Range: 27

6. Commission District: 1

7. Total acreage of project site: _____

8. *Zoning designation(s): AG

*Future Land Use Map designation(s): Agriculture

*if more than one, provide acreage of each

9. Purpose of request: To vacate the remaining portion of the previously vacated subdivision to allow for the creation of a mitigation bank.

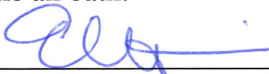
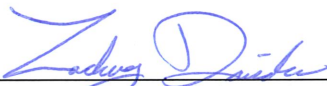
10. Names and acreage of all streets to be vacated as part of this application: Unnamed, unbuilt
platted streets

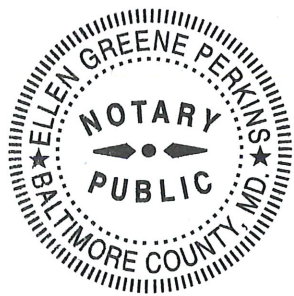
AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that I am the applicant or agent for this Plat Vacation and that data and other supplementary matter attached to and made part of the application are honest and true to the best of my knowledge.

STATE OF Maryland, COUNTY OF Baltimore

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this Dec 11th day of 2020, by Zachary Davidson, who is personally known, or produced identification with _____ and did did not take an oath.

	
Notary Public Signature	Signature of Applicant/Agent
<u>Ellen Greene Perkins</u>	<u>ZACHARY DAVIDSON</u>
Notary Printed Signature	Printed Signature of Applicant/Agent
<u>Managing Dir Finance</u>	<u>5550 Newbury St, Suite B</u>
Title	Address
<u>NA</u>	<u>Baltimore, MD 21209</u>
Commission Code	City, State, Zip
	<u>727-644-2225</u>
	Telephone Number



APPLICANT AUTHORIZATION TO AGENT

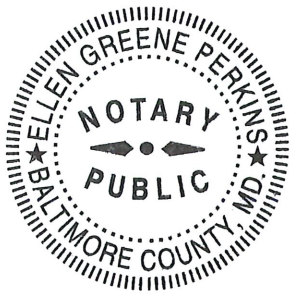
I, the undersigned, being first duly sworn, depose and say that I am the applicant for the Plat Vacation of the property described and which is the subject matter of the proposed hearing.

I give authorization for Robert H. Bertsson to be my agent for this application.

STATE OF Maryland, COUNTY OF Baltimore

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this Dec 11th day of 2025, by Zachary Davidson, who is personally known, or produced identification with _____ and did did not take an oath.

<u>Ellen</u>	<u>Zachary Davidson</u>
Notary Public Signature	Signature of Applicant
<u>Ellen Greene Perkins</u>	<u>ZACHARY DAVIDSON</u>
Notary Printed Signature	Printed Signature of Applicant
<u>Managing Dir Finance</u>	<u>5550 Newburg St</u>
Title	Address
<u>NA</u>	<u>Baltimore, MD, 21209</u>
Commission Code	City, State, Zip
	<u>727-644-2225</u>
	Telephone Number



Attachment 2
Survey of All Proposed Areas to be Vacated

Attachment 2A
Recorded Resolution

*Chg
Bce #14*



RESOLUTION
NUMBER 2008 - 159

A RESOLUTION VACATING A PORTION OF THE RESUBDIVISION OF TAMIAMI SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 24 OF THE OFFICIAL RECORDS OF CHARLOTTE COUNTY, FLORIDA, PETITION PV-08-08-16.

RECITALS

WHEREAS, Patricia Roebuck Swindle and Mark Stephen Roebuck, as Trustees ("Petitioners") have petitioned the Board of County Commissioners of Charlotte County, Florida ("Board"), pursuant to Section 177.101, Florida Statutes, to vacate a portion of the plat of Resubdivision of Tamiami Subdivision, as recorded in Plat Book 2, Page 24 of the Official Records of Charlotte County, Florida, more particularly described in Exhibit "A" attached hereto and by this reference provided herein; and

WHEREAS, the aforementioned lands are located in Commission District I and consist of approximately 159, 199 acres; and

WHEREAS, the Board finds that publication of notice of hearing was duly made and is in conformity with the laws and does give notice of the filing of said Petition requesting said partial plat vacation; and

WHEREAS, it has been shown by Petitioners on the application that Petitioners are the fee simple title owners of the property described above, on which property the plat sought to be vacated is located; and

WHEREAS, it is further determined that the plat vacation as petitioned for herein will not adversely affect the ownership or right of convenient access of persons owning other parts of the subdivision; and

WHEREAS, all state and county taxes due on the property which is the subject of the petition filed herein have been paid.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

1. Based upon consideration of the evidence in support of the petition and the findings of this Board as set forth above, the Board does hereby vacate and annul a portion of the plat of Resubdivision of Tamiami Subdivision, as recorded in Plat Book 2,

*3
Mina*

Page 24 of the Official Records of Charlotte County, Florida, and more particularly described in Exhibit "A" attached hereto and by this reference provided herein.

2. The recording of this resolution shall be withheld until, and the effectiveness of this resolution shall be subject to, the satisfaction of the following condition:

A. Petitioners must complete the process of Sending Zone Certification (CSZ) prior to recording of the plat vacation. The recording of the plat vacation will be done only once the Sending Zone Certification process is completed by the Petitioners.

3. This resolution shall take effect upon recordation in the Official Records of Charlotte County, Florida.

PASSED AND DULY ADOPTED this 16 day of December, 2008.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: Patricia M. Duffy
Patricia M. Duffy, Chair

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

By: Anne L. Parker
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney LR 2008-639
RB

LEGAL DESCRIPTION

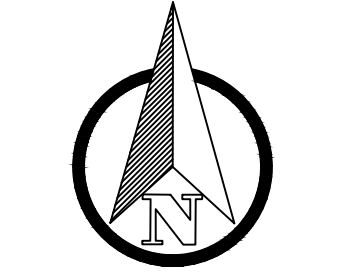
PV-08-08-16

Petitioners, Patricia Roebuck Swindle and Mark Stephen Roebuck, as Trustees

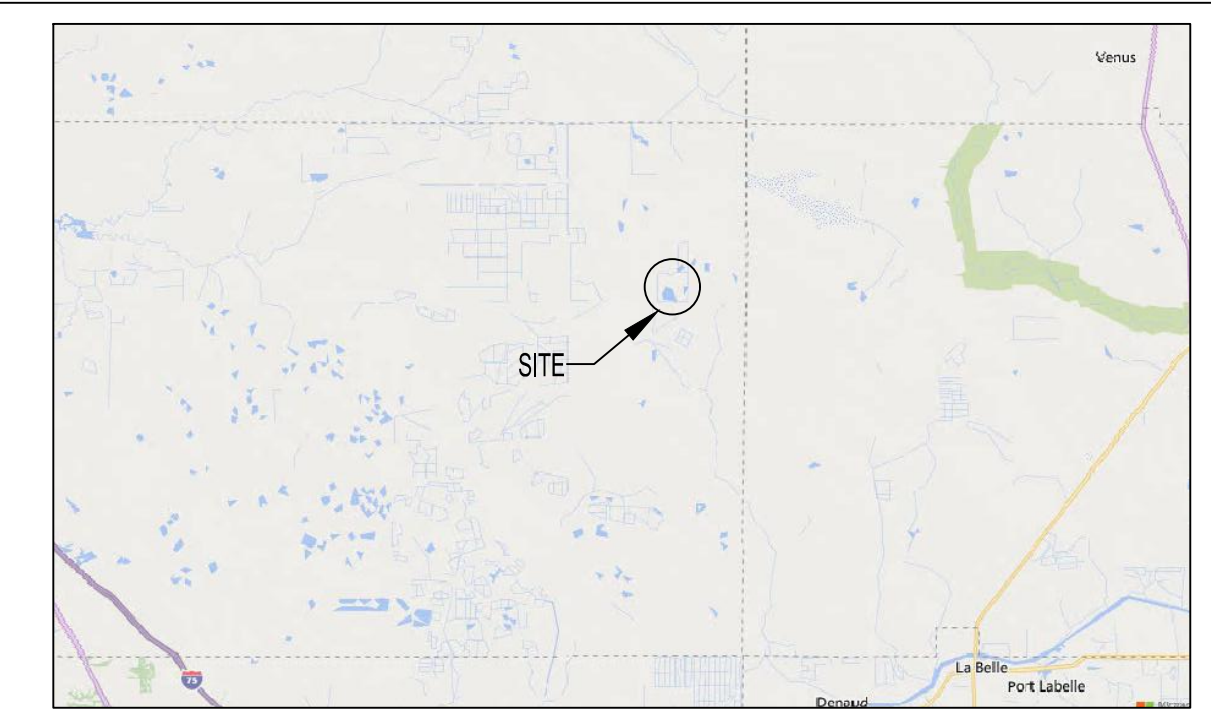
Resubdivision of Tamiami Subdivision as recorded in Plat Book 2, Page 24 of the Public Records of Charlotte County, Florida, lying within the northwest corner of Section 34, Township 40 South, Range 27 East, Charlotte County, Florida, more particularly described as the northwest $\frac{1}{4}$ of Section 34, Township 40 South, Range 27 East, less and except Lot 24 of Block 39; Lots 30 and 31 of Block 27; Lots 1, 2 and 3 of Block 29; Lots 1 and 2 of Block 30; Lots 1, 2, 16, and 17 of Block 22; Lot 8 of Block 44, and Lots 32 and 33 of Block 40, along with that portion of Carilinda Street bound by the south line of said plat to the north right of way line for Tamiami Avenue, that portion of Tamiami Avenue running from the west right of way line of Carilinda Street to the east boundary of Penobscot Street, that portion of Penobscot Street from the south boundary of Tamiami Avenue to the north boundary of Florida Avenue, as well as that portion of Penobscot Street from the south boundary of Tamiami Avenue to the south boundary line of Lot 32 of Block 40 and the south boundary line of Lot 2 of Block 41, and that portion of Florida Avenue from the west boundary of Penobscot Street to the east boundary of Samoset Street, that portion of Samoset Street from the south boundary of Florida Street to the south boundary of Sarasota Avenue. The site, located north of Bermont Road and east of S.R. 31, consists of 159,199 acres, more or less and is located in Commission District 1.

EXHIBIT A

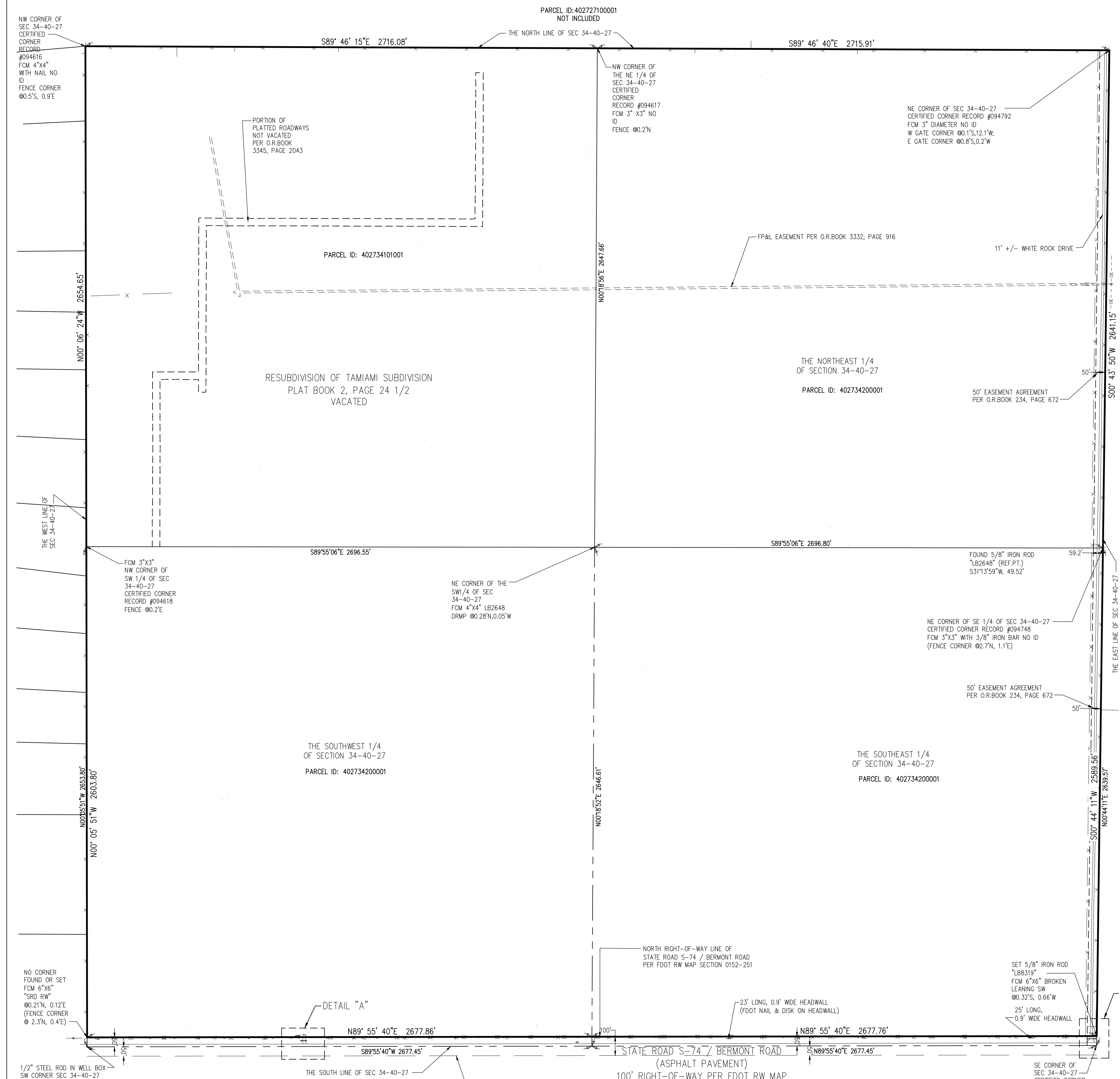
CALOOSAHATCHEE MITIGATION BANK
SECTION 34, TOWNSHIP 40 SOUTH, RANGE 27 EAST, CHARLOTTE COUNTY, FLORIDA



GRAPHIC SCALE
(IN FEET)
1 inch = 300 ft.



VICINITY MAP
NOT TO SCALE

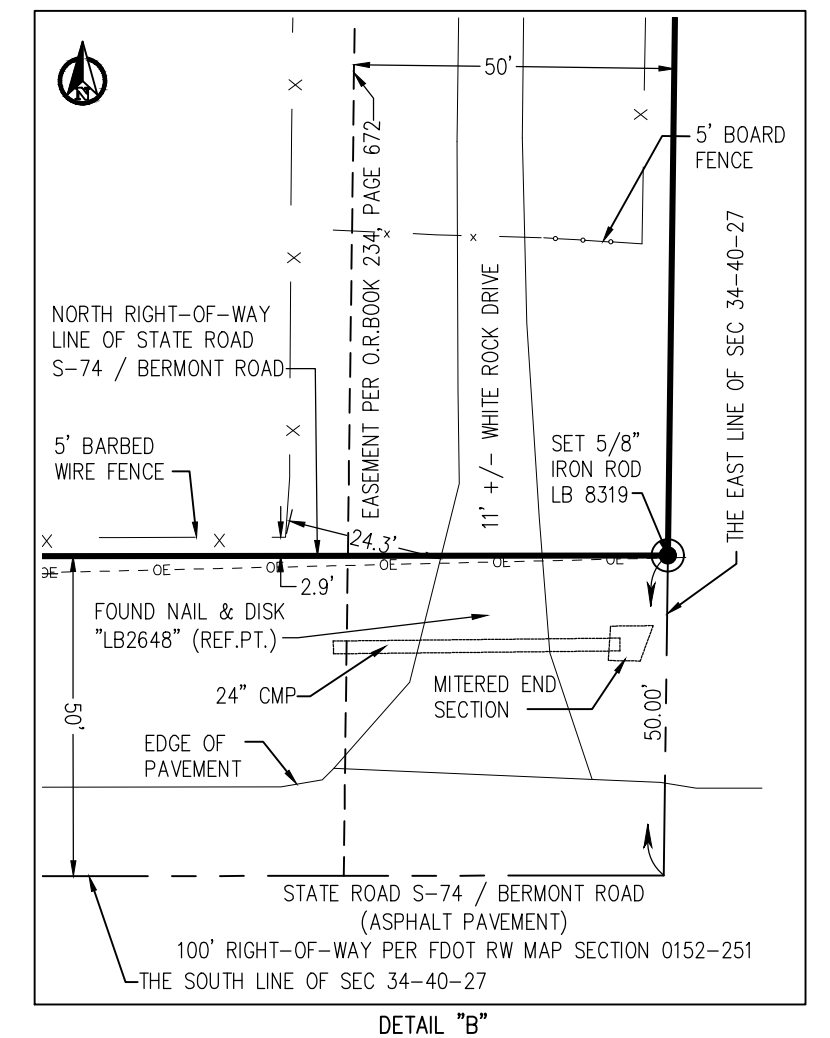
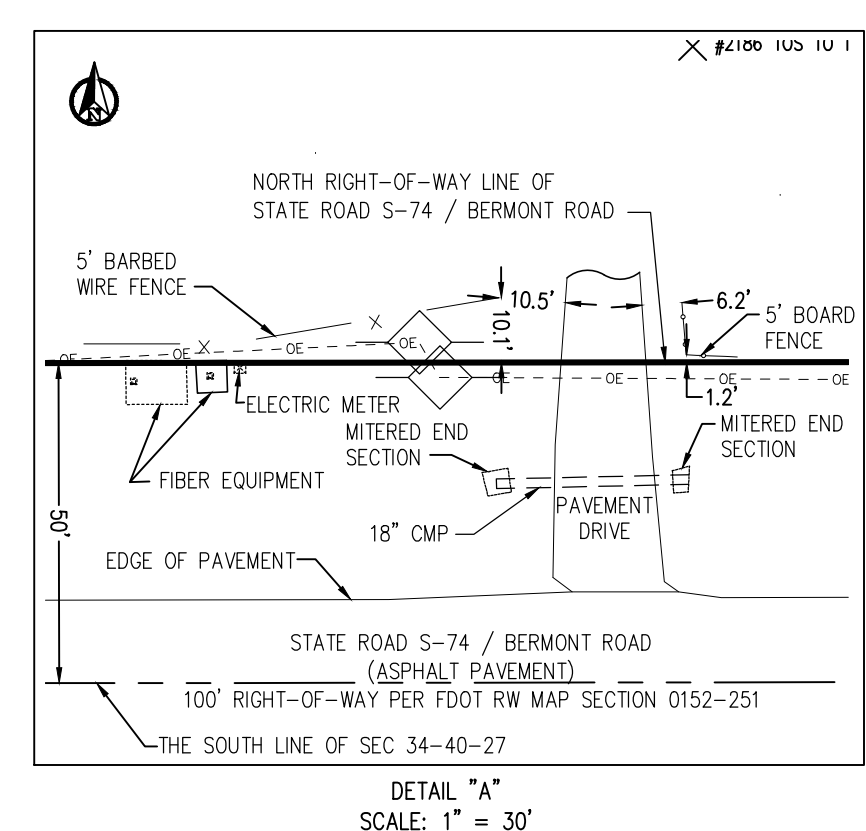


PROPERTY DESCRIPTION:

THE SOUTH 1/2 AND THE NE 1/4 OF SECTION 34, TOWNSHIP 40 SOUTH, RANGE 27 EAST, CHARLOTTE COUNTY, FLORIDA, LESS AND EXCEPT THE RIGHT OF WAY FOR STATE ROAD S-74, AND ALL THE LAND DESCRIBED IN THE RESUBDIVISION OF TAMIAMI SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE(S) 24 1/2, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA. DESCRIPTION BEING THE ENTIRE LANDS AS ORIGINALLY PLATED, WHICH INCLUDE LOTS VACATED BY RESOLUTION NUMBER 2008-159, AND RECORDED IN OFFICIAL RECORDS BOOK 3345, PAGE 2043, AS WELL AS THE LOTS THAT WERE NOT VACATED BY SAID RESOLUTION.

SURVEYOR'S NOTES:

- THIS MAP REPRESENTS A BOUNDARY SURVEY.
- BEARINGS SHOWN HEREON ARE BASED UPON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 45 SOUTH, RANGE 25 EAST, CHARLOTTE COUNTY, FLORIDA BEING N01°21'45"E (ASSUMED).
- THERE ARE NO GAPS, GORES, OVERLAPS OR HIATUS INHERENT TO THE SURVEYED PROPERTY BASED ON THE FIELD SURVEY PERFORMED.
- FEMA FLOOD MAP: PROPERTY LIES WITHIN ZONES X (AREAS OF MINIMAL FLOOD HAZARD) AND A (SPECIAL FLOOD HAZARD AREAS WITHOUT BASE FLOOD ELEVATION) CHARLOTTE COUNTY, FLORIDA PER FIRM MAP NUMBER 1200610350G WITH AN EFFECTIVE DATE OF DECEMBER 15, 2022.
- NO UNDERGROUND UTILITIES WERE COLLECTED.
- AREA: 28,286,542.95 SQUARE FEET / 649.370 ACRES MORE OR LESS.
- THE SURVEYOR HAS REVIEWED TITLE EXCEPTIONS PER TITLE POLICY PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY (FIRST AMERICAN FILE NUMBER: 025480-000047-A; POLICY NUMBER: 110721069), DATED FEBRUARY 8, 2026:
ITEM 9. TERMS AND CONDITIONS OF ANY EXISTING UNRECORDED LEASE(S), AND ALL RIGHTS OF LESSEE(S) AND ANY PARTIES CLAIMING THROUGH THE LESSEE(S) UNDER THE LEASE(S).
ITEM 10. EASEMENT AGREEMENT AS SET FORTH IN INSTRUMENT RECORDED IN BOOK 234, PAGE 627. (PLOTTED HEREON)
ITEM 11. FLORIDA POWER & LIGHT COMPANY EASEMENT AS SET FORTH IN INSTRUMENT RECORDED IN BOOK 3332, PAGE 916. (PLOTTED HEREON)
ITEM 12. RESOLUTION NO. 2008-156 AS SET FORTH IN INSTRUMENT RECORDED IN BOOK 3345, PAGE 1989. (REFERS TO A RESOLUTION APPROVING A PETITION FOR CERTIFICATION OF A SENDING ZONE FOR CALCULATION AND SEVERANCE OF DENSITY UNITS)
ITEM 13. RESOLUTION NO. 2008-159 AS SET FORTH IN INSTRUMENT RECORDED IN BOOK 3345, PAGE 2043. (REFERS TO A RESOLUTION VACATING A PORTION OF THE RESUBDIVISION OF TAMIAMI SUBDIVISION)
ITEM 14. RESOLUTION AS SET FORTH IN INSTRUMENT RECORDED IN BOOK 320, PAGE 315. (REFERS TO THE VACATION AND DISCONTINUANCE OF PALMDALE ROAD)
ITEM 15. CONSERVATION EASEMENT AS SET FORTH IN INSTRUMENT RECORDED IN BOOK 3345, PAGE 82. (REMOVES FUTURE DEVELOPMENT POTENTIAL ASSOCIATED WITH ALL PORTIONS OF THE RE-SUBDIVISION OF THE TAMIAMI, AS RECORDED IN PLAT BOOK 2, PAGE 24-1/2 WITH THE EXCEPTIONS OF LOTS OWN BY OTHERS AND THE ACCESS TO THEM, SHOWN ON THIS SURVEY AS "NOT INCLUDED" WITHIN THE RESUBDIVISION OF TAMIAMI SUBDIVISION. THIS DOCUMENT ALSO IDENTIFIES WETLAND AREAS THAT THIS SURVEYOR CANNOT PLOT ON THE SURVEY, AS THE DOCUMENT DOES NOT INCLUDE A DESCRIPTION OF SAID WETLAND LINES.)
ITEM 16. OIL, GAS AND MINERAL RESERVATIONS CONTAINED IN INSTRUMENT RECORDED IN BOOK 77, PAGE 635. (BLANKET IN NATURE, NOT PLOTTABLE)
ITEM 17. MINERAL RIGHTS DEEDS AS SET FORTH IN INSTRUMENT RECORDED IN BOOK 4010, PAGE 159; BOOK 4029, PAGE 2048; BOOK 4029, PAGE 2056; BOOK 4029, PAGE 2064; BOOK 4029, PAGE 2072; BOOK 4029, PAGE 2080; BOOK 4029, PAGE 2088; BOOK 4029, PAGE 2096. (BLANKET IN NATURE, NOT PLOTTABLE)
ITEM 18. OIL, GAS AND MINERAL RESERVATIONS CONTAINED IN INSTRUMENT RECORDED IN DEED BOOK 45, PAGE 348. (BLANKET IN NATURE, NOT PLOTTABLE)
ITEM 19. OIL, GAS AND MINERAL RESERVATIONS CONTAINED IN INSTRUMENT RECORDED IN DB BOOK 38, PAGE 360. (BLANKET IN NATURE; NOT PLOTTABLE)
ITEM 20. RESTRICTIONS, DEDICATIONS, CONDITIONS, RESERVATIONS, EASEMENTS AND OTHER MATTERS SHOWN ON THE PLAT OF RESUBDIVISION OF TAMIAMI SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE(S) 24 1/2, AS PARTIALLY VACATED BY RESOLUTION RECORDED IN BOOK 3345, PAGE 2043, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).
ITEM 21. RIGHTS OF THE PUBLIC IN AND TO ANY ROADS AND TRAIL ROADS CROSSING CAPTIONED PROPERTY.
ITEM 22. RIGHT OF WAY FOR STATE ROAD 74 AS NOW LAID OUT AND IN USE AND AS CONTAINED IN OFFICIAL RECORDS BOOK 9, PAGE 59.
- LAST FIELD DAY, FEBRUARY 27, 2026.



I HEREBY CERTIFY: THAT THIS "BOUNDARY SURVEY" WAS PREPARED UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND FURTHER, THAT SAID SURVEY MEETS THE INTENT OF THE APPLICABLE PROVISIONS OF THE "STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF FLORIDA," PURSUANT TO RULE 6J-17 OF THE FLORIDA ADMINISTRATIVE CODE AND ITS IMPLEMENTING LAW, CHAPTER 472.027 OF THE FLORIDA STATUTES.

BY: DDOUGLAS H. NEGRON PSM,
PROFESSIONAL SURVEYOR AND MAPPER, FLORIDA CERTIFICATE NO. 6901

NOTICE: NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS AND REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES. THIS NOTICE IS REQUIRED PURSUANT TO RULE 6J-17 OF THE FLORIDA ADMINISTRATIVE CODE.

- ABBREVIATIONS
- (C) = CALCULATED
 - (D) = DEED
 - (M) = MEASURED
 - (P) = PLAT
 - COR = CORNER
 - FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
 - EL. = ELEVATION
 - FCM = FOUND CONCRETE MONUMENT
 - FND = FOUND
 - ID = IDENTIFICATION
 - INV. = INVERT
 - N&D = NAIL AND DISK
 - RCP = REINFORCED CONCRETE PIPE
 - REF.PT. = REFERENCE POINT
 - RW = RIGHT OF WAY
 - SEC = SECTION

- LEGEND
- COMMUNICATION BOX
 - POWER POLE
 - SIGN
 - GUY ANCHOR
 - WETLAND FLAGS (DONE BY OTHERS)
 - OVERHEAD POWER
 - 4.5" BARBED WIRE FENCE (UNLESS OTHERWISE NOTED)



BOUNDARY SURVEY
PREPARED FOR AND CERTIFIED TO:
GREENSOURCE

ON POINT SURVEYING, INC.
502 OAKLAND TERRACE
LAKE MARY, FLORIDA 32746
407-898-8102
WWW.ON-POINTSURVEYING.COM
LICENSE BUSINESS NUMBER 6319



REVISION	REV. BY	REV. NO.	DATE

DATE:
07-08-24

SHEET
1 of 1
JOB # G004-11

Attachment 3
Plat Book 2, Pages 24 of Public Records of
Charlotte County, Florida

RESUBDIVISION OF
TAMIAMI
CHARLOTTE COUNTY
FLORIDA

Property of
MAINE-FLORIDA REALTY CO. INC.

KNOW ALL MEN BY THESE PRESENTS

That the "Maine-Florida Realty Co. Inc." caused to be made the attached plat of "Tamiami" of land described as follows: beginning at the S.W. Cor. of the N.W. 1/4 of Sec. 34, T.40S - R.27E - thence S 89° 58' E, 2642.64' - thence N 0° 32' E, 2640.0' - thence N 89° 58' W, 2645.28' - thence S 0° 35' W, 2640.0' to point of beginning. All of said 160 A more or less, lying in and being in Charlotte Co. Fla.
The streets, avenues, parks and parkways, alleys and playgrounds shown on said plat are hereby dedicated to the perpetual use of the public for proper purposes, reserving to themselves, their heirs and assigns the reversion or reversions thereof whenever discontinued by law
In witness whereof E.A. Munsey and W.H. Sanborn, president and secretary respectively of the "Maine-Florida Realty Co. Inc." have set their hands and seal at Charlotte Co. Fla. this 20 day of May A.D. 1926.

E.A. Munsey Witness: *E. G. Johnson* Seal.
F.P. Lowther Witness: *W.H. Sanborn* Seal.

COUNTY OF CHARLOTTE
STATE OF FLORIDA S.S.

Before me this day personally appeared E.A. Munsey and W.H. Sanborn, pres. and sec. respectively of the "Maine-Florida Realty Co." well known, and known to me to be the persons who executed the foregoing instrument of dedication, who being duly sworn acknowledged that they executed the same freely and voluntarily for the purpose therein set forth.

Witness my hand and official seal at Punta Gorda, Charlotte County, Fla. this 20 day of May A.D. 1926.
Charles F. Johnson
Notary Public, State of Florida
My Commission Expires 12-7-26

ENGINEERS OR SURVEYORS STATEMENT.

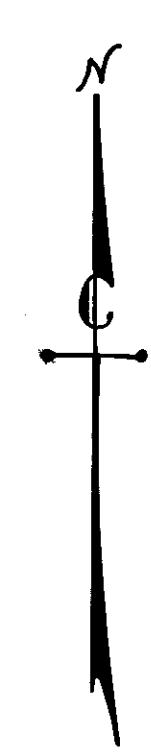
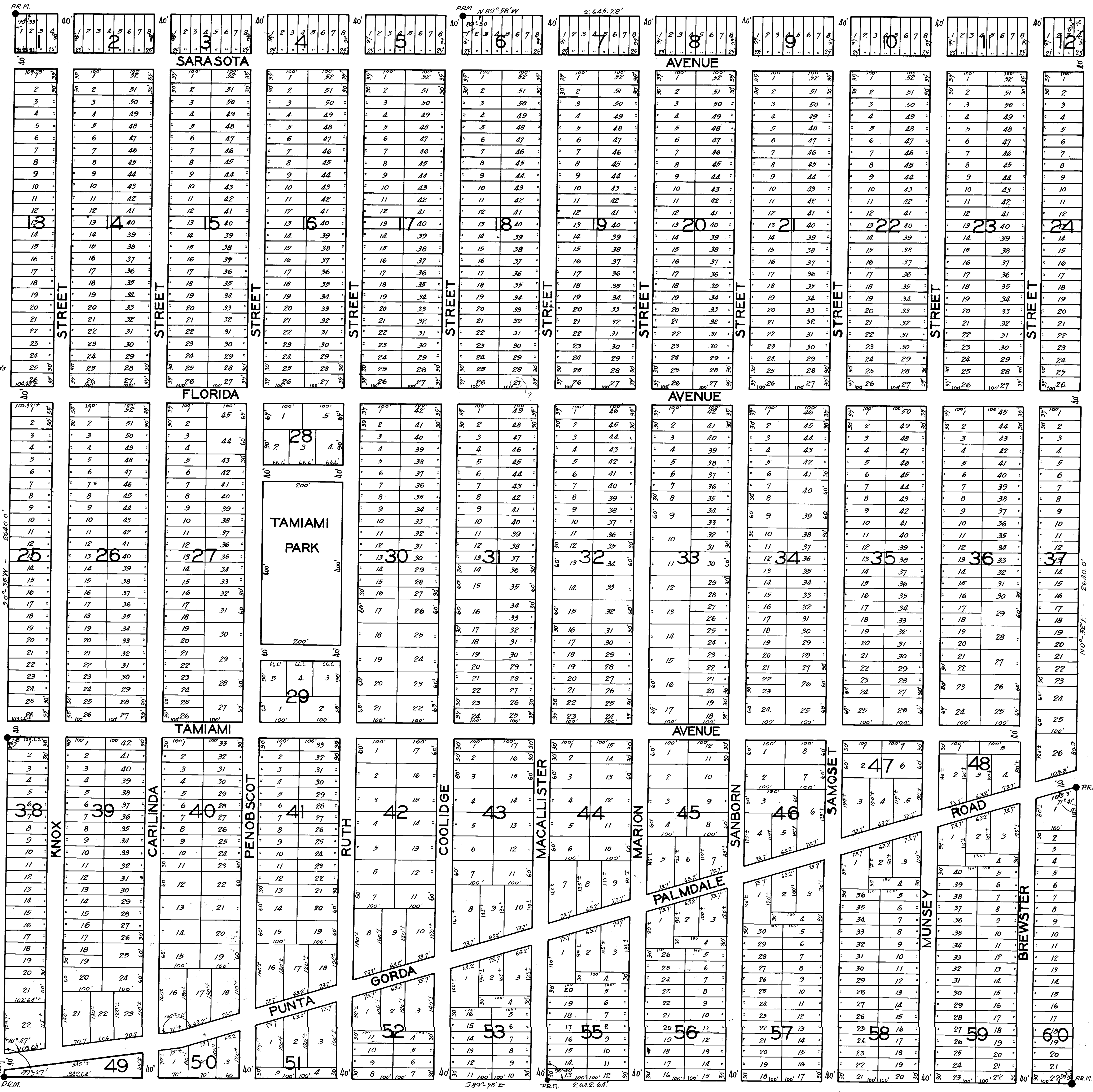
The attached plat is a true and correct plat of the above described property, according to a survey by the Charlotte Engineering Co., Punta Gorda, Fla. All P.R.M.s are placed as shown.

CHARLOTTE ENGINEERING CO.
By *F.P. Lowther*

APPROVED FOR RECORD.

Date *Apr 20* A.D. 1926.
R. L. Blount
Chairman, Board of Co. Commissioners.
Date *4/20* A.D. 1926.
R. L. Blount
Clerk of Circuit Court.
Date *Apr 20* A.D. 1926.
W. J. Allison
County Engineer.

STATE OF FLORIDA
COUNTY OF CHARLOTTE #11966
In the office of the Clerk of the Court of Charlotte County, Florida
this 20 day of April 1926
I have received the above described plat
and record it as the same.
By *W. J. Allison*



Attachment 4
Recorded Resolution 2008-159

copy
all #14
D

RESOLUTION
NUMBER 2008 - 156

CLERK'S OFFICE
COMMISSION MINUTES
MURDOCK ANNEX



CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3345, PGS 1989-1999 11 pg(s)
INSTR # 1814707
Doc Type GOV, Recorded 12/18/2008 at 03:27 PM
Rec. Fee: \$95.00
Cashiered By: MARIANNE Doc. #1

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, APPROVING A PETITION FOR CERTIFICATION OF A SENDING ZONE; FOR CALCULATION AND SEVERANCE OF DENSITY UNITS; PETITION CSZ-08-10-01, IN ACCORDANCE WITH CHAPTER 3-5, ARTICLE XX, CODE OF LAWS AND ORDINANCES, CHARLOTTE COUNTY, FLORIDA; APPROVING AND ACCEPTING A CONSERVATION EASEMENT; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, Chapter 3-5, Article XX, Code of Laws and Ordinances, Charlotte County, Florida (hereinafter "the TDU Code"), establishes processes and requirements for approval of petitions for transfers of density units; and

WHEREAS, Section 3-5-429 of the TDU Code provides the procedures for a severance of density involving a Sending Zone, or SZ (as that term is defined in the TDU Code); and

WHEREAS, applicants, Patricia Roebuck Swindle and Mark Stephen Roebuck, as Trustees ("Applicants"), submitted a Petition CSZ-08-10-01 for a Certification of a Sending Zone ("CSZ Petition") and for approval by the Board of County Commissioners of Charlotte County ("Board") to sever One Thousand Five Hundred and Thirty-Four (1,534) units of density from an available total of One Thousand Five Hundred and Forty-Six (1,546), from the property described in Exhibit "A" ("Sending Zone" or "SZ") which exhibit is attached hereto and incorporated herein by reference, in accordance with the provisions of the TDU Code; and

11
min

CERTIFIED TRUE COPY
OF THE ORIGINAL
BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA
BY: *Mark Roebuck*
DEPUTY CLERK

WHEREAS, the Applicant has submitted all of the information and documentation required for the approval of the CSZ Petition pursuant to Section 3-5-429 of the TDU Code, including a Conservation Easement, attached hereto as Exhibit "B", transferring certain property rights for the Sending Zone from the SZ owner to Charlotte County, Florida.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

1. Petition CSZ-08-10-01 submitted by the Applicant requesting the severance of One Thousand Five Hundred and Thirty-Four (1,534) units of density from an available total of One Thousand Five Hundred and Forty-Six (1,546), from the property described in Exhibit "A", which exhibit is attached hereto and incorporated herein by reference, is hereby approved.

2. The Conservation Easement attached hereto as Exhibit "B" provided by the Applicant, transferring certain property rights from the SZ owner to Charlotte County, Florida, is hereby approved and accepted by the Board.

3. The effective date of this Resolution shall be the date this Resolution and the documents required by Section 3-5-429 of the TDU Code are recorded and upon the Applicant's compliance with all other requirements of Section 3-5-429.

[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED this 16 day of December, 2008.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: Patricia M. Duffy
Patricia M. Duffy, Chair

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

By: Anne L. Pihler
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney LR 2008-624
RIS

EXHIBIT "A"

SURVEY DESCRIPTION:

A TRACT OR PARCEL OF LAND FOR VACATING A PORTION OF THE PLAT OF THE RE-SUBDIVISION OF TAMIAMI AS RECORDED IN PLAT BOOK 2, PAGE 24 1/2 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA. LYING WITHIN THE NORTHWEST QUARTER (NW-1/4) OF SECTION 34, TOWNSHIP 40 SOUTH, RANGE 27 EAST, CHARLOTTE COUNTY, FLORIDA. WHICH TRACT OR PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 40 SOUTH, RANGE 27 EAST, CHARLOTTE COUNTY, FLORIDA.

LESS AND ACCEPT THE FOLLOWING:

LOT 24, BLOCK 39; LOTS 30 AND 31, BLOCK 27; LOTS 1 THRU 3, BLOCK 29; LOTS 1 AND 2 BLOCK 30; LOTS 1, 2, 16 AND 17, BLOCK 22; LOT 8, BLOCK 44; LOT 31 AND 32, BLOCK 40.

ALSO:

THAT PORTION OF CARILINDA STREET (40 FOOT RIGHT-OF-WAY), BOUND BY THE SOUTH LINE OF SAID PLAT OF THE RE-SUBDIVISION OF TAMIAMI, BLOCKS 49, 50, 39 AND 40 AND THE NORTH RIGHT-OF-WAY LINE FOR TAMIAMI AVENUE (40 FOOT RIGHT-OF-WAY).

ALSO:

THAT PORTION OF TAMIAMI AVENUE (40 FOOT RIGHT-OF-WAY), BOUND BY THE WEST RIGHT-OF-WAY LINE FOR CARILINDA STREET (40 FOOT RIGHT-OF-WAY), BLOCKS 27, 29 AND 40 AND THE EAST RIGHT-OF-WAY LINE FOR PENOBSCOT STREET (40 FOOT RIGHT-OF-WAY).

ALSO:

THAT PORTION OF PENOBSCOT STREET (40 FOOT RIGHT-OF-WAY), BOUND BY THE SOUTH RIGHT-OF-WAY LINE FOR TAMIAMI AVENUE (40 FOOT RIGHT-OF-WAY), BLOCKS 27, 28, 29, TAMIAMI PARK, TWO UN NAMED ROADWAYS 40 FEET WIDE AND THE NORTH RIGHT-OF-WAY LINE FOR FLORIDA AVENUE (40 FOOT RIGHT-OF-WAY).

ALSO:

THAT PORTION OF FLORIDA AVENUE (40 FOOT RIGHT-OF-WAY), BOUND BY THE WEST RIGHT-OF-WAY LINE FOR PENOBSCOT STREET (40 FOOT RIGHT-OF-WAY), BLOCKS 16 THRU 22, 28, AND 30 THRU 34 AND THE EAST RIGHT-OF-WAY LINE FOR SAMOSET STREET (40 FOOT RIGHT-OF-WAY).

ALSO:

THAT PORTION OF SAMOSET STREET (40 FOOT RIGHT-OF-WAY), BOUND BY THE NORTH RIGHT-OF-WAY LINE FOR FLORIDA AVENUE (40 FOOT RIGHT-OF-WAY), BLOCKS 21 AND 22 AND THE SOUTH RIGHT-OF-WAY LINE FOR SARASOTA AVENUE (40 FOOT RIGHT-OF-WAY).

ALSO:

THAT PORTION OF PENOBSCOT STREET (40 FOOT RIGHT-OF-WAY), BOUND BY THE SOUTH RIGHT-OF-WAY LINE FOR TAMIAMI AVENUE (40 FOOT RIGHT-OF-WAY), BLOCK 40 TO THE SOUTH LINE OF LOT 32 AND BLOCK 41 TO SOUTH LINE OF LOT 2. ALL LYING WITHIN SAID PLAT OF THE RE-SUBDIVISION OF TAMIAMI.

PARCEL CONTAINS 159.199 ACRES, MORE OR LESS.

EXHIBIT A

CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT is made this 3rd day of September, 2008 by PATRICIA ROEBUCK SWINDLE and MARK STEPHEN ROEBUCK, as Trustees under Land Trust No. One, dated January 12, 2004, ("Grantor") in favor of CHARLOTTE COUNTY, FLORIDA, a political subdivision of the State of Florida, having a mailing address of 18500 Murdock Circle, Port Charlotte, Florida 34948 ("Grantee").

WITNESSETH:

WHEREAS, Grantor owns in fee simple certain real property in Charlotte county, Florida, more particularly described in Exhibit "A" attached hereto and incorporated by this reference (the "Property"); and

WHEREAS, Grantor owns 1,546 substandard lots and desires to sever 1,534 transferable density units (TDUs) from the property pursuant to the Charlotte County Code of Ordinances (the "Transfer of Density Units Ordinance"); and

WHEREAS, Grantor desires to retain 12 TDUs pursuant to the Charlotte County Code of Ordinances to preserve all future uses consistent with the Property's current zoning and Future Land Use Map designation; and

WHEREAS, Grantor, in consideration of the approval by Charlotte County to sever TDUs from the Property, is agreeable to granting and securing to Grantee a perpetual conservation easement as defined in Section 704.06 Florida Statutes, over the Property.

NOW THEREFORE, in consideration of the above and the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to the provisions of Section 704.06, Florida Statutes, Grantor hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over the Property in nature and character and to the extent hereinafter set forth (the "Conservation Easement"). Grantor fully warrants title to said Property, and will warrant and defend the same against the lawful claims of all persons whomsoever.

1. Purpose. The purpose of this Conservation Easement is to:

- a. remove the future development potential associated with all portions of the Re-Subdivision of the Tamiami, as Recorded in Plat Book 2, Page 24-1/2, (NE 1/4 Section 34, Township 40S, Range 27E only with the exception of lots owned by others and the 'access' to them as described on attached Exhibit 'A') Charlotte County Pubic Records owned by the Grantor; and

- b. limit the future development of the Property to those uses (existing uses are deemed to be in compliance) permitted under the existing Charlotte County Zoning Regulations and Comprehensive Plan as they may be amended.

The Grantor intends that this Conservation Easement will confine the use of the Property to such activities as are not inconsistent with the Purpose of this Conservation Easement.

2. Affirmative Rights of Grantee. To accomplish the purposes stated herein, Grantor conveys the following rights to Grantee:
 - a. Right of Entry. To enter the Property in a reasonable manner and at reasonable times to determine if Grantor or its successors and assigns are complying with the covenants and prohibitions contained in this Conservation Easement.
 - b. Enforcement. To proceed at law or in equity to enforce the provisions of the Conservation Easement and the covenants set forth herein, to prevent the occurrence of any6 of the prohibited activities set forth herein, and require repair of any damage by any activity inconsistent with the Conservation Easement.
3. Prohibited Uses. Any activity on or use of the Property inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited:
 - a. Any construction or placing of building, road signs, billboards or other advertising, utilities or other structures within the wetland areas as identified on the FLUCCS map attached hereto as Exhibit B,
 - b. Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash waste or unsightly or offensive materials,
 - c. Removal or destruction of trees, shrubs, or other vegetation within the wetland areas except that which is a necessary part of a management plan to remove exotics,
 - d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such a manner as to affect the surface within wetland areas,
 - e. Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition.
 - f. Activities detrimental to drainage, flood control, water conservation, erosion

- control; soil conservation or fish and wildlife habitat preservation,
- g. Acts or uses detrimental to such retention of land or water areas,
 - h. Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological or cultural significance.
4. Reserved Rights. Grantor reserves for itself and its successors and assigns, all rights accruing from its ownership of the Property, including:
- a. the right to engage in or permit to invite others to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Conservation Easement; and
 - b. the retention of 12 residential density units to preserve the right to utilize the Property for all uses consistent with the Property's zoning and Future Land Use Map designation including 12 residential home sites.
5. Taxes. Grantor shall pay, before delinquency, all taxes, assessments, fees and charges, of whatever description, levied on or assessed against the Property by competent authority (collectively, "taxes"), including any taxes imposed upon, or incurred as a result of this Conservation Easement, and shall furnish Grantee with satisfactory evidence of payment upon request.
6. Grantee's Discretion. Grantee may enforce the terms of this Conservation Easement at its discretion, but if Grantor breaches any term of this Conservation Easement and Grantee does not exercise its right under this Conservation Easement, Grantee's forbearance shall not be construed to be a waiver by Grantee of such term, or of any subsequent breach of the same, or any other term of this Conservation Easement, or of any of the Grantee's rights under this Conservation Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver. Grantee shall not be obligated to Grantor, or to any other person or entity, to enforce the provisions of this Conservation Easement.
7. Grantee's Liability. Grantee acknowledges its exposure to tort liability under Section 768.28, Florida Statutes as to injury or damage which may occur on the Property. Nothing contained in this section shall be construed to be a waiver by Grantee of any protections under sovereign immunity, Section 768.28, Florida Statutes, or any other similar provision of law.
8. Acts Beyond Grantor's Control. Nothing in this Conservation Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or

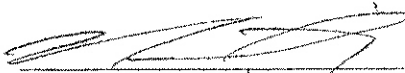
change in the Property resulting from natural causes beyond Grantor's control, including, without limitation, fire, flood, storm and earth movement, or from any necessary action taken by Grantor under emergency conditions to prevent, abate or mitigate significant injury to the Property resulting from such causes.

9. Recordation. Grantor shall record this Conservation Easement in timely fashion in the Official Records of Charlotte County, Florida, and shall rerecord it at any time Grantee may require to preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this Conservation Easement in the public records. Grantor will hold Grantee harmless from any recording costs or taxes necessary to record this Conservation Easement in the public records.


10. Successors. The covenants, terms, conditions and restrictions of this Conservation Easement shall be binding upon and insure to the benefits of the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.

IN WITNESS WHEREOF, Grantor has executed this Conservation Easement on the day and year first above written.

Witnesses:


Printed Name: NAVINDRA MARAS


PATRICIA ROEBUCK SWINDLE, Trustee


Printed Name: BRIDGETTE AMECIEN

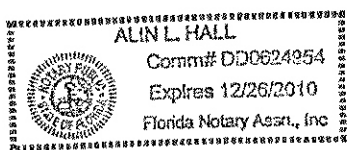

Printed Name: PATRICIA B. KOHN


MARK STEPHEN ROEBUCK, Trustee


Printed Name: DIANA PENEDO

STATE OF FLORIDA
COUNTY OF Palm Beach

The foregoing Conservation Easement was acknowledged before me this 3rd day of September, 2008 by PATRICIA ROEBUCK SWINDLE, Trustee, and MARK STEPHEN ROEBUCK, Trustee, and who are personally known to me or who have produced Florida Driver License as identification.



NOTARY PUBLIC

Alin Hall
Name: Alin Hall
Notary Public of the State of Florida
My commission number is: DD0624954
My commission expires: 12/26/10

EXHIBIT "A"

SURVEY DESCRIPTION:

A TRACT OR PARCEL OF LAND FOR VACATING A PORTION OF THE PLAT OF THE RE-SUBDIVISION OF TAMIAMI AS RECORDED IN PLAT BOOK 2, PAGE 24 1/2 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA. LYING WITHIN THE NORTHWEST QUARTER (NW-1/4) OF SECTION 34, TOWNSHIP 40 SOUTH, RANGE 27 EAST, CHARLOTTE COUNTY, FLORIDA. WHICH TRACT OR PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 40 SOUTH, RANGE 27 EAST, CHARLOTTE COUNTY, FLORIDA.

LESS AND ACCEPT THE FOLLOWING:

LOT 24, BLOCK 39; LOTS 30 AND 31, BLOCK 27; LOTS 1 THRU 3, BLOCK 29; LOTS 1 AND 2 BLOCK 30; LOTS 1, 2, 16 AND 17, BLOCK 22; LOT 8, BLOCK 44; LOT 31 AND 32, BLOCK 40.

ALSO:

THAT PORTION OF CARILINDA STREET (40 FOOT RIGHT-OF-WAY), BOUND BY THE SOUTH LINE OF SAID PLAT OF THE RE-SUBDIVISION OF TAMIAMI, BLOCKS 49, 50, 39 AND 40 AND THE NORTH RIGHT-OF-WAY LINE FOR TAMIAMI AVENUE (40 FOOT RIGHT-OF-WAY).

ALSO:

THAT PORTION OF TAMIAMI AVENUE (40 FOOT RIGHT-OF-WAY), BOUND BY THE WEST RIGHT-OF-WAY LINE FOR CARILINDA STREET (40 FOOT RIGHT-OF-WAY), BLOCKS 27, 29 AND 40 AND THE EAST RIGHT-OF-WAY LINE FOR PENOBSCOT STREET (40 FOOT RIGHT-OF-WAY).

ALSO:

THAT PORTION OF PENOBSCOT STREET (40 FOOT RIGHT-OF-WAY), BOUND BY THE SOUTH RIGHT-OF-WAY LINE FOR TAMIAMI AVENUE (40 FOOT RIGHT-OF-WAY), BLOCKS 27, 28, 29, TAMIAMI PARK, TWO UN NAMED ROADWAYS 40 FEET WIDE AND THE NORTH RIGHT-OF-WAY LINE FOR FLORIDA AVENUE (40 FOOT RIGHT-OF-WAY).

ALSO:

THAT PORTION OF FLORIDA AVENUE (40 FOOT RIGHT-OF-WAY), BOUND BY THE WEST RIGHT-OF-WAY LINE FOR PENOBSCOT STREET (40 FOOT RIGHT-OF-WAY), BLOCKS 16 THRU 22, 28, AND 30 THRU 34 AND THE EAST RIGHT-OF-WAY LINE FOR SAMOSET STREET (40 FOOT RIGHT-OF-WAY).

ALSO:

THAT PORTION OF SAMOSET STREET (40 FOOT RIGHT-OF-WAY), BOUND BY THE NORTH RIGHT-OF-WAY LINE FOR FLORIDA AVENUE (40 FOOT RIGHT-OF-WAY), BLOCKS 21 AND 22 AND THE SOUTH RIGHT-OF-WAY LINE FOR SARASOTA AVENUE (40 FOOT RIGHT-OF-WAY).

ALSO:

THAT PORTION OF PENOBSCOT STREET (40 FOOT RIGHT-OF-WAY), BOUND BY THE SOUTH RIGHT-OF-WAY LINE FOR TAMIAMI AVENUE (40 FOOT RIGHT-OF-WAY), BLOCK 40 TO THE SOUTH LINE OF LOT 32 AND BLOCK 41 TO SOUTH LINE OF LOT 2. ALL LYING WITHIN SAID PLAT OF THE RE-SUBDIVISION OF TAMIAMI.

PARCEL CONTAINS 159.199 ACRES, MORE OR LESS.

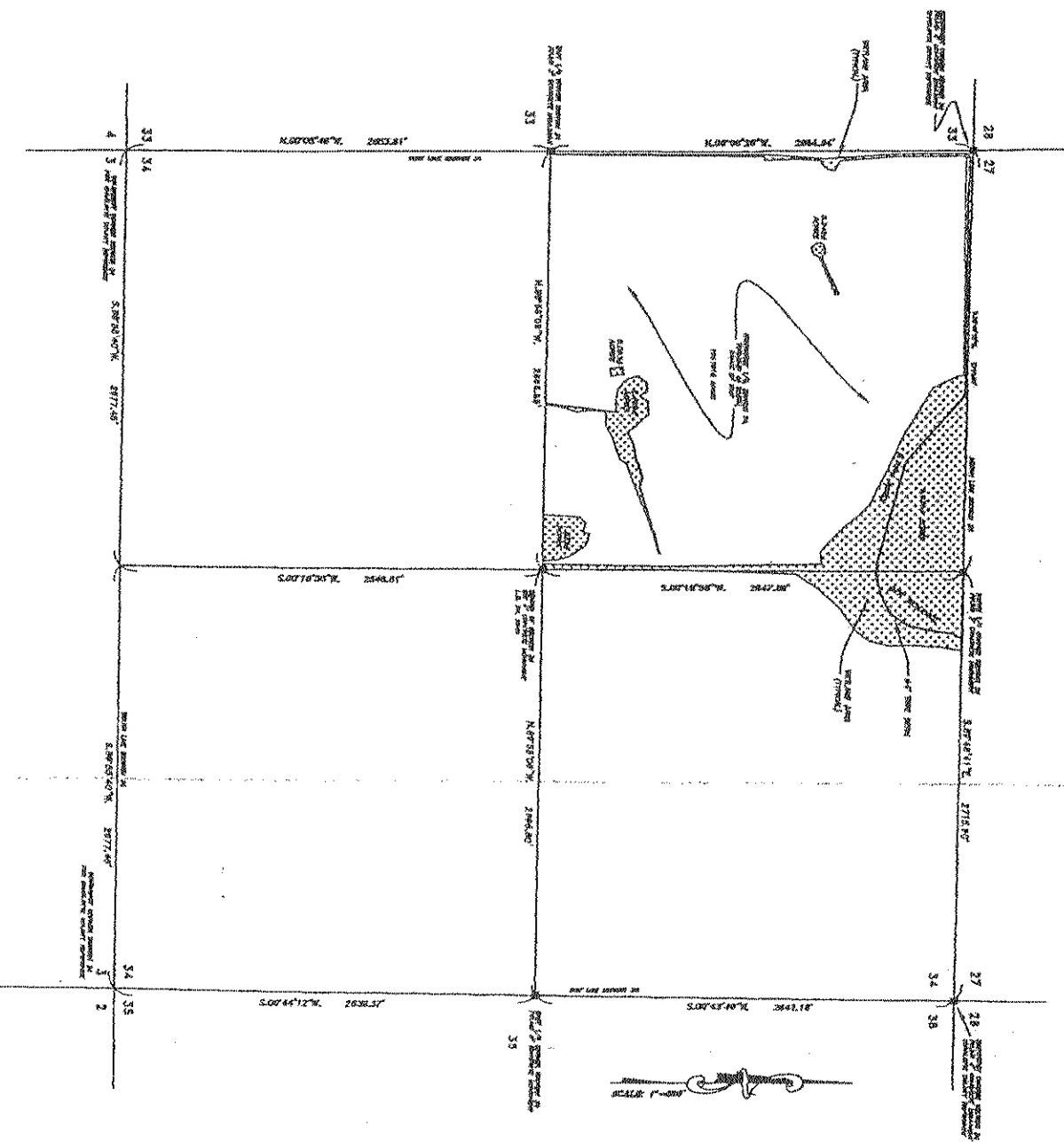
EXHIBIT "B"

- NOTES:
1. DATE OF LAST FIELD WORK: 04/09/08
 2. THIS SURVEY WAS PERFORMED WITHOUT THE ASSISTANCE OF A TITLE INSURANCE COMPANY.
 3. EXISTING SURVEY IS BASED ON FIELD OBSERVATIONS AND CONTAINS CORRECTED RECORDS.
 4. THIS SURVEY PLANS TO RECONSTRUCT THE SURVEY PLANS OF RECORD IN ACCORDANCE WITH THE SURVEY PLANS OF RECORD.
 5. THIS SURVEY PLANS TO RECONSTRUCT THE SURVEY PLANS OF RECORD IN ACCORDANCE WITH THE SURVEY PLANS OF RECORD.
 6. THIS SURVEY PLANS TO RECONSTRUCT THE SURVEY PLANS OF RECORD IN ACCORDANCE WITH THE SURVEY PLANS OF RECORD.
 7. THIS SURVEY PLANS TO RECONSTRUCT THE SURVEY PLANS OF RECORD IN ACCORDANCE WITH THE SURVEY PLANS OF RECORD.
 8. THIS SURVEY PLANS TO RECONSTRUCT THE SURVEY PLANS OF RECORD IN ACCORDANCE WITH THE SURVEY PLANS OF RECORD.
 9. THIS SURVEY PLANS TO RECONSTRUCT THE SURVEY PLANS OF RECORD IN ACCORDANCE WITH THE SURVEY PLANS OF RECORD.
 10. THIS SURVEY PLANS TO RECONSTRUCT THE SURVEY PLANS OF RECORD IN ACCORDANCE WITH THE SURVEY PLANS OF RECORD.


FOR THE EXCLUSIVE USE OF:

Project: Wetland Survey and Land Acquisition for the State of Florida, located in the County of Duval, Florida, at the intersection of the State Road 1 and the State Road 2.

DATE: 05/08/08
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]



JOB NAME: WETLAND SURVEY		DRAWN BY: [Signature]	
LOCATION: SECTION 34, TWP. 40 S., RGE. 27 E. CHARLOTTE COUNTY, FLORIDA		CHECKED BY: [Signature]	
DESCRIPTION: SPECIFIC PURPOSE SURVEY		DATE: 05/08/08	
JOB NUMBER: 08-0389.000		SHEET: 1 of 1	
SEC. 34 - TWP. 40S. - RNG. 27E.		SCALE: 1" = 500'	


DRMP
 DESIGN & CONSTRUCTION PLANNING & ENGINEERING
 204 MacKenzie St., Unit B - Ponte Gorda, Florida 33950
 Telephone (941) 505-1072

Dror, Kishor, MEd
 & Executive, Inc.
 204 MacKenzie St., Unit B - Ponte Gorda, Florida 33950

Attachment 4A
Proposed Restrictive Covenant

Document prepared under the supervision of:
Charlotte County Attorney
18500 Murdock Circle
Port Charlotte, FL 33948

This instrument prepared by
and after recording return to:
Robert H. Berntsson
BIG W LAW
3195 S. Access Road
Englewood, FL 34224

SPACE ABOVE THIS LINE FOR RECORDING DATA

DECLARATION OF RESTRICTIVE COVENANT

This Declaration of Restrictive Covenant is made this 11th day of December, 2026, by EIP IV FL Caloos Land Co, LLC, whose address is PO Box 130339, Carlsbad, CA 90213, hereinafter referred to as "Owner."

WHEREAS, Owner is the fee title owner of those certain real properties situated in Charlotte County, Florida, and legally described in Exhibit A, attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, Owner hereby declares that Owner is lawfully seized of said Property in fee simple; that the Property is free and clear of all encumbrances that are inconsistent with the terms of this Declaration; that Owner has good right and lawful authority to make this Declaration; and that Owner agrees to fully warrant and defend this Declaration against the claims of all persons whomsoever; and

WHEREAS, prior to Owner's acquisition of the Property, in connection with an application to sever density under the County's TDU program, a Conservation Easement in favor of Charlotte County was recorded in OR Book 3345, Page 82 of the Public Records of Charlotte County, Florida ("Conservation Easement"); and

WHEREAS, Owner and County wish to replace the Conservation Easement with a Restrictive Covenant; and

WHEREAS, Owner is willing to provide a Restrictive Covenant to replace the Conservation Easement; and

WHEREAS, pursuant to the Conservation Easement the Property retained 12 units of allowable density; and

WHEREAS, the Property is currently vacant; and

WHEREAS, a management plan is not required for the Property; and

WHEREAS, Owner intends to retain twelve (12) Density Units on the Property; and

WHEREAS, Owner hereby places the following restrictive covenant on the use of the Property;

NOW, THEREFORE.

1. Recitals. The recitals set forth above are true and correct and are incorporated into this restrictive covenant.
2. Conservation Easement. By County acceptance of this Restrictive Covenant, the Conservation Easement is hereby terminated.
3. Covenants. Owner hereby declares that the Property shall be held, maintained, transferred, sold, conveyed and owned subject to the following restrictive covenant:

Owner hereby agrees that twelve (12) Density Units exist on the Property. Any future development of the Property shall be restricted by the provisions herein, and the Density, as such term is defined by Charlotte County Code, shall be limited to twelve (12) units.

4. Except for the restrictive covenant described herein, Owner retains all zoning and land use rights afforded Owner pursuant to the Charlotte County Code, the Charlotte County Future Land Use Map and the Charlotte County Comprehensive Plan, as the same may exist from time to time, limited to the zoning designation of Agriculture (AG).
5. This Declaration of Restrictive Covenant shall be recorded in the Public Records of Charlotte County, Florida, and shall run with the Property, and be binding upon Owner and its heirs, successors and assigns.
6. Charlotte County, through its Board of County Commissioners, its successors and assigns, is the beneficiary of this restrictive covenant and Charlotte County may enforce this restrictive covenant by action at law or in equity against any person or persons, entity or entities, violating or attempting to violate the terms of this restrictive covenant.
7. This Declaration of Restrictive Covenant shall only be amended with the consent of Charlotte County, Florida, through its Board of County Commissioners.
8. Any failure of Charlotte County to enforce this restrictive covenant shall not be deemed a waiver of the right to do so thereafter.
9. This Declaration of Restrictive Covenant shall be recorded in the Public Records of Charlotte County, Florida, and shall become effective upon recordation.

[Signature page to follow.]

IN WITNESS WHEREOF, Owner has executed this Declaration of Restrictive Covenant as follows:

Signed, sealed and delivered in the presence of:

MB

Witness #1 Signature

Printed Name: Michael Banks

Address: 5550 Newbury St, Suite B

Address 2: Baltimore MD 21209

Ethen Ten

Witness #2 Signature

Printed Name: Ethen Ten

Address: 5550 Newbury St, Suite B

Address 2: Baltimore MD 21209

EIP IV FL CALOOS LAND LLC

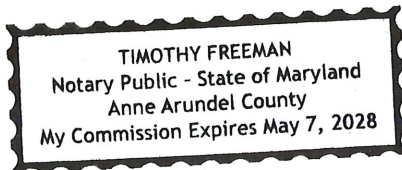
Zachary Davidson

By: ZACHARY DAVIDSON

Title: Authorized Agent

STATE OF Maryland
COUNTY OF Baltimore

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 11th day of December, 2026, by Zack Davidson, Authorized Agent of EIP IV FL CALOOS LAND CO LLC who is personally known to me or has produced personally known as identification and who did not take an oath.



Timothy Freeman
Notary Signature

EXHIBIT A

All of Section 34, Range 27, Township 40 Charlotte County, Florida

Attachment 5
Legal Description

Legal Description

The unvacated portion of the Resubdivision of Tamiami Subdivision as recorded in Plat Book 2, Page 24 of the Public Records of Charlotte County, Florida, lying within the northwest corner of Section 34, Township 40 South, Range 27 East, Charlotte County, Florida, more particularly described Lot 24 of Block 39; Lots 30 and 31 of Block 27; Lots 1, 2 and 3 of Block 29; Lots 1 and 2 of Block 30; Lots 1, 2, 16, and 17 of Block 22; Lot 8 of Block 44, and Lots 32 and 33 of Block 40, along with that portion of Carilinda Street bound by the south line of said plat to the north right of way line for Tamiami Avenue, that portion of Tamiami Avenue running from the west right of way line of Carilinda Street to the east boundary of Penobscot Street, that portion of Penobscot Street from the south boundary of Tamiami Avenue to the north boundary of Florida Avenue, as well as that portion of Penobscot Street from the south boundary of Tamiami Avenue to the south boundary line of Lot 32 of Block 40 and the south boundary line of Lot 2 of Block 41, and that portion of Florida Avenue from the west boundary of Penobscot Street to the east boundary of Samoset Street, that portion of Samoset Street from the south boundary of Florida Street to the south boundary of Sarasota Avenue. The site is generally located north of Bermont Road and east of S.R. 31, and in the East County area.

Attachment 6
Location Map

CHARLOTTE COUNTY

Location Map for VPL-25-02



34/40/27 East County



This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

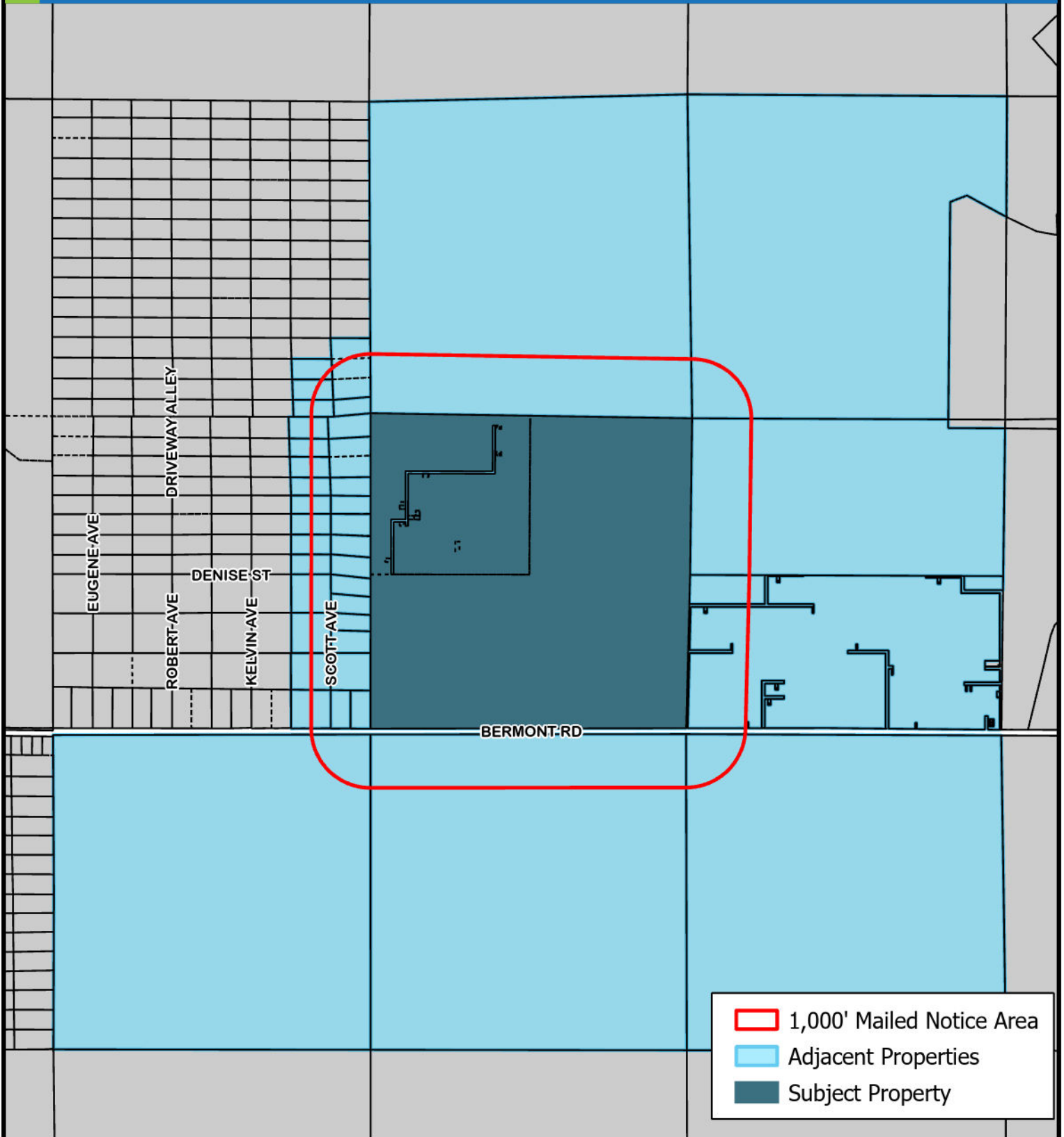
© Copyright 2026 Port Charlotte, FL by Charlotte County
Date Saved: 4/1/2026 10:13 AM TPrince-32988

M:\Departments\LIS\Projects\Petition_Maps\Land_Development\2025\PV\VPL_25_02\VPL_25_02.aprx

Attachment 7
Mailed Notice Area

CHARLOTTE COUNTY

1000' Mailed Notice Area for VPL-25-02



34/40/27 East County



This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

© Copyright 2026 Port Charlotte, FL by Charlotte County

Date Saved: 4/1/2026 10:13 AM

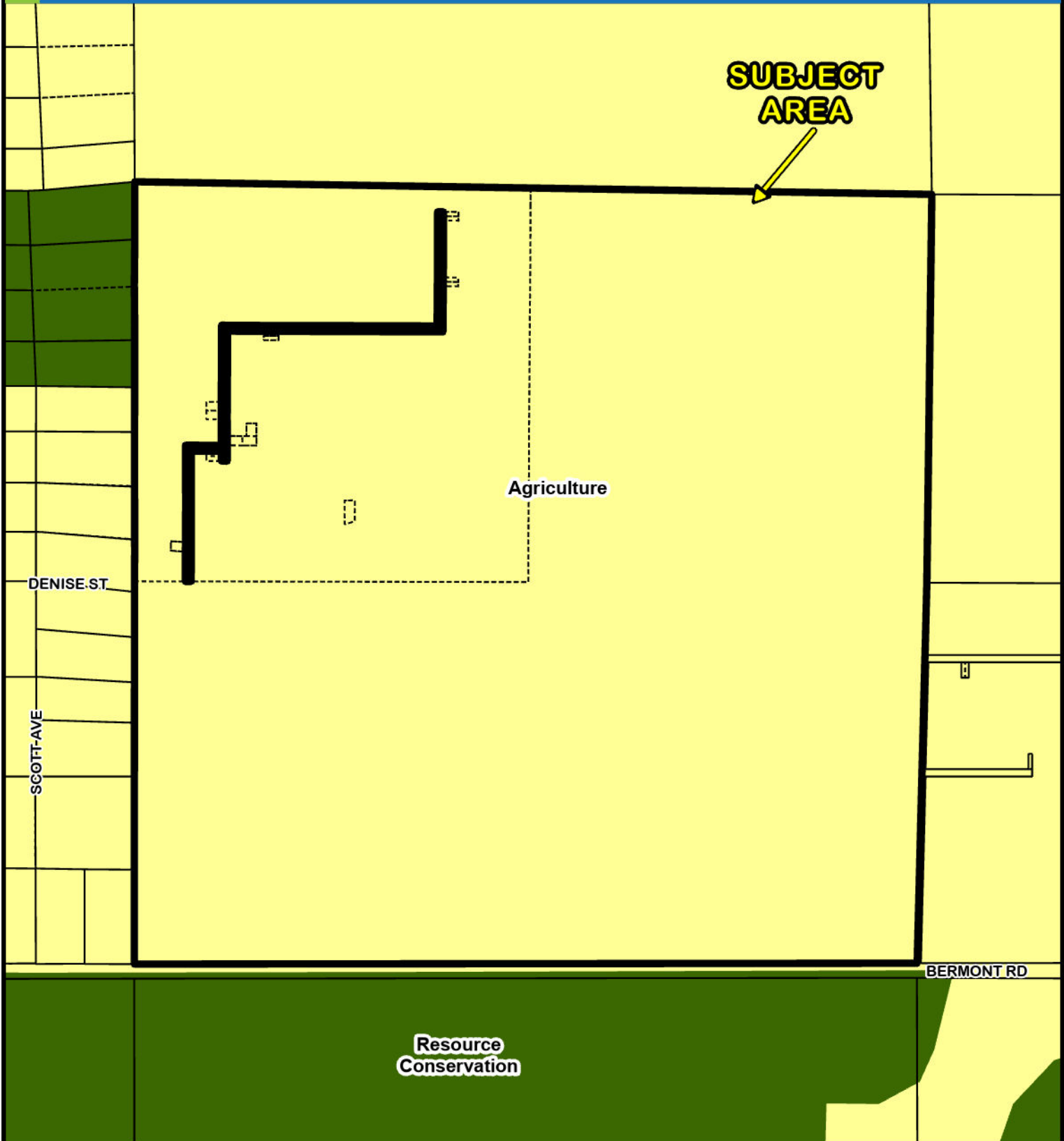
TPrince-32988

M:\Departments\GIS\Projects\Petition_Maps\Land_Development\2025\PV\VPL_25_02\WPL_25_02.aprx

Attachment 8
FLUM Designations

CHARLOTTE COUNTY

FLUM Designation for VPL-25-02



34/40/27 East County



This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

© Copyright 2026 Port Charlotte, FL by Charlotte County

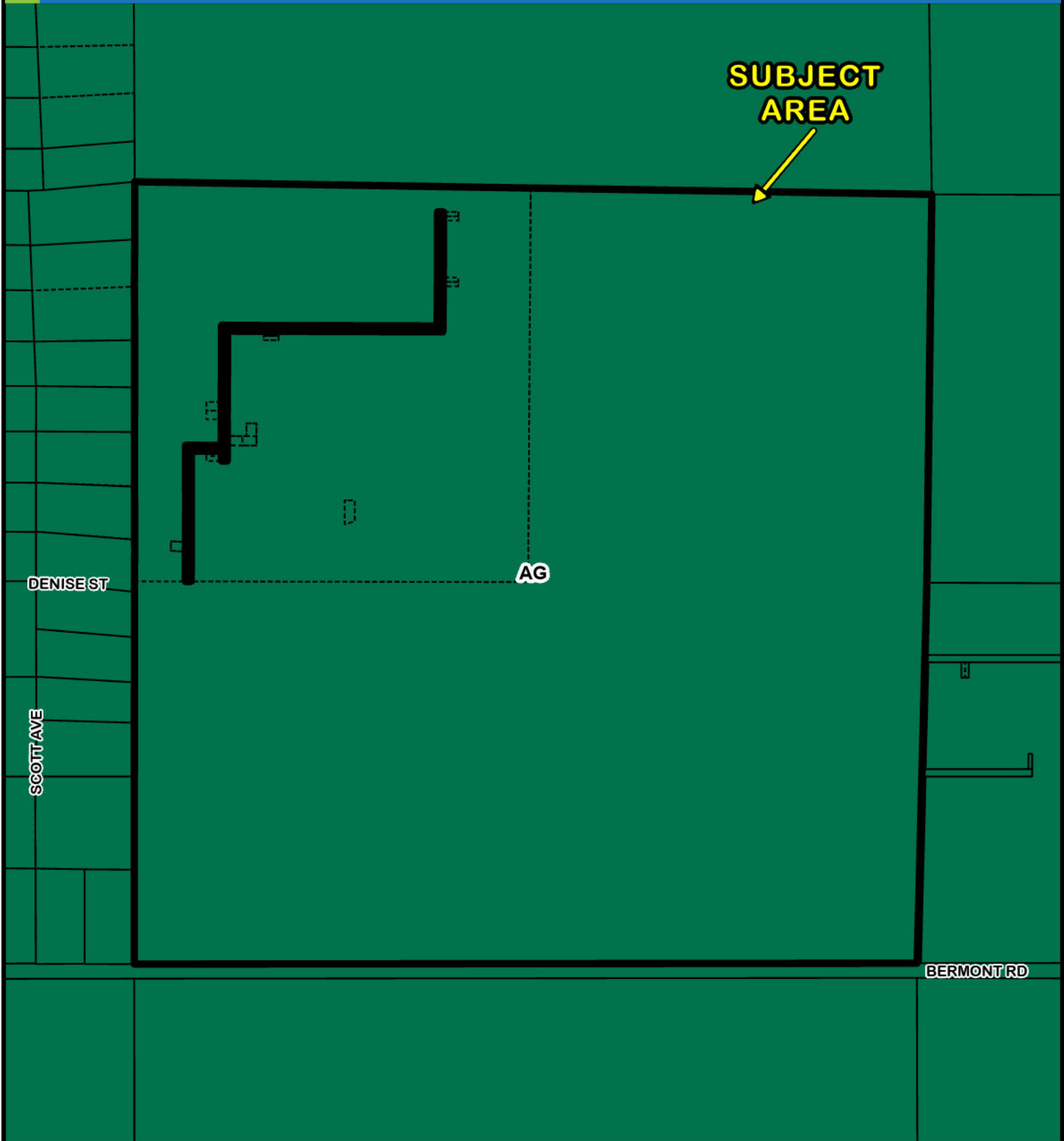
Date Saved: 4/1/2026 10:13 AM TPrince-32988

M:\Departments\GIS\Projects\Petition_Maps\Land_Development\2025\PI\VPL_25_02\VPL_25_02.aprx

Attachment 9
Zoning Designations

CHARLOTTE COUNTY

Zoning Designation for VPL-25-02



34/40/27 East County



This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

© Copyright 2026 Port Charlotte, FL by Charlotte County

Date Saved: 4/1/2026 10:13 AM TPrince-32988

M:\Departments\GIS\Projects\Petition_Maps\Land_Development\2025\IPV\VPL_25_02\VPL_25_02.aprx

Attachment 10
Proposed Changes



34/40/27 East County



This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

© Copyright 2026 Port Charlotte, FL by Charlotte County
Date Saved: 4/1/2026 10:13 AM TPrince-32988

M:\Departments\LIS\Projects\Petition_Maps\Land_Development\2025\PI\VPL_25_02\VPL_25_02.aprx

Attachment 11
Staff Review and Comments



COMMENT MEMORANDUM

Date: 04-05-26

To: Eileen Mastney, Zoning Coordinator
Community Development/Planning

From: Jie Shao, Planner, Principal, AICP, MCP
Community Development/Planning

Subject: VPL-26-02- A portion of Resubdivision of Tamiami.

Project Summary: The applicant is requesting a Plat Vacation to vacate the remaining portion of the Re-subdivision of Tamiami subdivision to allow for the creation of a Mitigation Bank, specifically to vacate the remaining outparcels/lots and streets. Most of this plat was previously vacated via Resolution 2008-159; the Re-subdivision of Tamiami subdivision is shown on Plat Book 2, Page 24 ½ of the public records of Charlotte County. The applicant is concurrently seeking to amend Resolution No. 2008-156 to replace the adopted conservation easement with a restrictive covenant, in order to fulfill the previously approved transfer of density units and retain 12 density units on the property. The property is generally located north of Bermont Road, east of SR 31, and west of the Glades County line, in the East County area and in Commission District I.

Future Land Use Map (FLUM) Designation: According to the 2030 Future Land Use Map, the subject property is designated as Agriculture (AG).

Zoning: The subject property is zoned Agriculture (AG).

Comment: Staff has no comments from a Comprehensive Planning standpoint regarding this proposed Plat Vacation request.

On September 16, 2008, the Board of County Commissioners (Board) approved Resolution No. 2008-156 (Attachment 1) to sever 1,546 density units from the majority of the property and retain 12 density units on the property through a conservation easement, pursuant to the



County's Transfer of Density Units (TDU) Code at that time. The Board also approved Resolution No. 2008-159 to vacate the portion of the property from which the density units were certified.

Since then, the County's TDU Code has been revised in 2008 and 2018. A restrictive covenant is now required instead of a conservation easement if the property owner wishes to retain base density units on the property.

In addition, according to the applicant, the purpose of this Plat Vacation application is to establish a mitigation bank with the State agency. As part of the creation of a mitigation bank, a conservation easement between the property owner and the State agency is required. To avoid any confusion and meet State requirements, staff has no objection to replacing the existing conservation easement with a restrictive covenant to fulfill the original intent of retaining 12 density units on the property.

It is staff's professional opinion that the proposed restrictive covenant is consistent with County Code Section 3-9-150, Transfer of Density Units.



Attachment 1

Resolution Number 2008-156

Mastney, Eileen

From: Hucknall, Chandler
Sent: Monday, March 30, 2026 9:18 AM
To: Mastney, Eileen
Cc: Jones, Michael; Prince, Tara
Subject: RE: VPL-25-02 A portion of Resubdivision of Tamiami

I have no comments.

Respectfully,



Chandler Hucknall
Design Technician
Charlotte County Board of County Commissioners
E. Jay Carlson Community Development Building
18400 Murdock Circle
Port Charlotte, FL 33948
Direct Phone: 941.743.1520
CharlotteCountyFL.gov
Delivering Exceptional Service

How was your service? [CLICK HERE](#) to let us know

From: Mastney, Eileen <Eileen.Mastney@charlottecountyfl.gov>
Sent: Monday, March 30, 2026 8:53 AM
To: Benak, Karen <Karen.Benak@charlottecountyfl.gov>; Benjamin, Roy <Roy.Benjamin@charlottecountyfl.gov>; Dangerfield, Faith <Faith.Dangerfield@charlottecountyfl.gov>; Davis, James K. <James.Davis@charlottecountyfl.gov>; Davison, Denise <Denise.Davison@charlottecountyfl.gov>; DBarton@ccsofl.net; Duffy, Kathleen <Kathleen.Duffy@charlottecountyfl.gov>; Elliott, Denise <Denise.Elliott@charlottecountyfl.gov>; Erdman, Stephanie <Stephanie.Erdman@charlottecountyfl.gov>; Finnerty, Thomas <Thomas.Finnerty@charlottecountyfl.gov>; Franks, Maryann <Maryann.Franks@charlottecountyfl.gov>; Greene, Karly <Karly.Greene@charlottecountyfl.gov>; Hobson, Carly <Carly.Hobson@charlottecountyfl.gov>; Hucknall, Chandler <Chandler.Hucknall@charlottecountyfl.gov>; jmstewart@ccsofl.net; Jorge, Danielle <Danielle.Jorge@charlottecountyfl.gov>; Kamarajugadda, Ravi Shankar <Ravi.Kamarajugadda@charlottecountyfl.gov>; Keltner, Jim <Jim.Keltner@charlottecountyfl.gov>; Kipa, Stephen <Stephen.Kipa@charlottecountyfl.gov>; Lee, Robert <Robert.Lee@charlottecountyfl.gov>; Lukasek, Katie <Katie.Lukasek@charlottecountyfl.gov>; Melanie.Brese@flhealth.gov; Mosher, Greg <Gregory.Mosher@charlottecountyfl.gov>; Parkman, Matthew V. <Matthew.Parkman@charlottecountyfl.gov>; Shao, Jie <Jie.Shao@charlottecountyfl.gov>; Smith, Kelly <Kelly.Smith@charlottecountyfl.gov>; Thomas, Jason <Jason.Thomas@charlottecountyfl.gov>; Vernon, Joanne <Joanne.Vernon@charlottecountyfl.gov>; Weaver, Sandra <Sandra.Weaver@charlottecountyfl.gov>
Cc: Norman, Victoria <Victoria.Norman@charlottecountyfl.gov>; Prince, Tara <TaraG.Prince@Charlottecountyfl.gov>; Jones, Michael <Michael.Jones@charlottecountyfl.gov>
Subject: VPL-25-02 A portion of Resubdivision of Tamiami

Good morning,

EIP IV FL Caloos Land LLC is requesting a Plat Vacation for a portion of a resubdivision of Tamiami.

Please use the link provided below to access the application documents.

[VPL-25-02 resubdivision of Tamiami](#)

Thank you,



Eileen Mastney

Zoning Coordinator

Charlotte County Community Development

941.764.4124

CharlotteCountyFL.gov

Delivering Exceptional Service



COMMENT MEMORANDUM

Date: 4/14/2026

To: Eileen Mastney, Zoning Coordinator
Community Development/Planning

From: Kathleen Duffy, GIS Specialist
Information Technology

Subject: VPL-26-02- A portion of Resubdivision of Tamiami.

I have no comments for VPL-26-02- A portion of Resubdivision of Tamiami.



COMMENT MEMORANDUM

Date: 3/27/2026

To: Eileen Mastney, Zoning Coordinator
Community Development/Planning

From: Public Works- Engineering- Roy Benjamin

Subject: VPL-26-02- A portion of Resubdivision of Tamiami.

No comments or concerns.



COMMENT MEMORANDUM

Date: 03/27/2026

To: Eileen Mastney, Zoning Coordinator
Community Development/Planning

From:

Subject: VPL-26-02- A portion of Resubdivision of Tamiami.

Real Estate Services

No easements to Charlotte County. No further comments.

Mastney, Eileen

From: Jorge, Danielle
Sent: Wednesday, April 15, 2026 1:37 PM
To: Mastney, Eileen; Davis, James K.
Cc: Jones, Michael; Prince, Tara
Subject: Re: VPL-25-02 A portion of Resubdivision of Tamiami

Good afternoon,
We approve this vacation.

Thank you!



Danielle Jorge
Surveying Project Manager
Charlotte County Public Works
Phone: (941)575-3622
CharlotteCountyFL.gov
Delivering Exceptional Service

From: Mastney, Eileen <Eileen.Mastney@charlottecountyfl.gov>
Sent: Tuesday, April 14, 2026 12:18 PM
To: Benak, Karen <Karen.Benak@charlottecountyfl.gov>; Benjamin, Roy <Roy.Benjamin@charlottecountyfl.gov>; Dangerfield, Faith <Faith.Dangerfield@charlottecountyfl.gov>; Davis, James K. <James.Davis@charlottecountyfl.gov>; Davison, Denise <Denise.Davison@charlottecountyfl.gov>; DBarton@ccsofl.net <dbarton@ccsofl.net>; Duffy, Kathleen <Kathleen.Duffy@charlottecountyfl.gov>; Elliott, Denise <Denise.Elliott@charlottecountyfl.gov>; Erdman, Stephanie <Stephanie.Erdman@charlottecountyfl.gov>; Finnerty, Thomas <Thomas.Finnerty@charlottecountyfl.gov>; Franks, Maryann <Maryann.Franks@charlottecountyfl.gov>; Greene, Karly <Karly.Greene@charlottecountyfl.gov>; Hobson, Carly <Carly.Hobson@charlottecountyfl.gov>; Hucknall, Chandler <Chandler.Hucknall@charlottecountyfl.gov>; jmstewart@ccsofl.net <jmstewart@ccsofl.net>; Jorge, Danielle <Danielle.Jorge@charlottecountyfl.gov>; Kamarajugadda, Ravi Shankar <Ravi.Kamarajugadda@charlottecountyfl.gov>; Keltner, Jim <Jim.Keltner@charlottecountyfl.gov>; Kipa, Stephen <Stephen.Kipa@charlottecountyfl.gov>; Lee, Robert <Robert.Lee@charlottecountyfl.gov>; Lukasek, Katie <Katie.Lukasek@charlottecountyfl.gov>; Melanie.Brese@flhealth.gov <melanie.brese@flhealth.gov>; Mosher, Greg <Gregory.Mosher@charlottecountyfl.gov>; Parkman, Matthew V. <Matthew.Parkman@charlottecountyfl.gov>; Shao, Jie <Jie.Shao@charlottecountyfl.gov>; Smith, Kelly <Kelly.Smith@charlottecountyfl.gov>; Thomas, Jason <Jason.Thomas@charlottecountyfl.gov>; Vernon, Joanne <Joanne.Vernon@charlottecountyfl.gov>; Weaver, Sandra <Sandra.Weaver@charlottecountyfl.gov>
Cc: Jones, Michael <Michael.Jones@charlottecountyfl.gov>; Prince, Tara <TaraG.Prince@Charlottecountyfl.gov>
Subject: RE: VPL-25-02 A portion of Resubdivision of Tamiami

Good afternoon,

This is a friendly reminder that the staff review deadline for this Plat vacation is 4/15/26.

Thank you,



Eileen Mastney
Zoning Coordinator
Charlotte County Community Development
941.764.4124
CharlotteCountyFL.gov
Delivering Exceptional Service

From: Mastney, Eileen
Sent: Monday, March 30, 2026 9:07 AM
To: Jones, Michael <Michael.Jones@charlottecountyfl.gov>
Subject: RE: VPL-25-02 A portion of Resubdivision of Tamiami

Good morning,

Resending link.

 [VPL-25-02 resubdivision of Tamiami](#)

From: Mastney, Eileen
Sent: Monday, March 30, 2026 8:53 AM
To: Benak, Karen <Karen.Benak@charlottecountyfl.gov>; Benjamin, Roy <Roy.Benjamin@charlottecountyfl.gov>; Dangerfield, Faith <Faith.Dangerfield@charlottecountyfl.gov>; Davis, James K. <James.Davis@charlottecountyfl.gov>; Davison, Denise <Denise.Davison@charlottecountyfl.gov>; DBarton@ccsofl.net; Duffy, Kathleen <Kathleen.Duffy@charlottecountyfl.gov>; Elliott, Denise <Denise.Elliott@charlottecountyfl.gov>; Erdman, Stephanie <Stephanie.Erdman@charlottecountyfl.gov>; Finnerty, Thomas <Thomas.Finnerty@charlottecountyfl.gov>; Franks, Maryann <Maryann.Franks@charlottecountyfl.gov>; Greene, Karly <Karly.Greene@charlottecountyfl.gov>; Hobson, Carly <Carly.Hobson@charlottecountyfl.gov>; Hucknall, Chandler <Chandler.Hucknall@charlottecountyfl.gov>; jmstewart@ccsofl.net; Jorge, Danielle <Danielle.Jorge@charlottecountyfl.gov>; Kamarajugadda, Ravi Shankar <Ravi.Kamarajugadda@charlottecountyfl.gov>; Keltner, Jim <Jim.Keltner@charlottecountyfl.gov>; Kipa, Stephen <Stephen.Kipa@charlottecountyfl.gov>; Lee, Robert <Robert.Lee@charlottecountyfl.gov>; Lukasek, Katie <Katie.Lukasek@charlottecountyfl.gov>; Melanie.Brese@flhealth.gov; Mosher, Greg <Gregory.Mosher@charlottecountyfl.gov>; Parkman, Matthew V. <Matthew.Parkman@charlottecountyfl.gov>; Shao, Jie <Jie.Shao@charlottecountyfl.gov>; Smith, Kelly <Kelly.Smith@charlottecountyfl.gov>; Thomas, Jason <Jason.Thomas@charlottecountyfl.gov>; Vernon, Joanne <Joanne.Vernon@charlottecountyfl.gov>; Weaver, Sandra <Sandra.Weaver@charlottecountyfl.gov>
Cc: Norman, Victoria <Victoria.Norman@charlottecountyfl.gov>; Prince, Tara <TaraG.Prince@Charlottecountyfl.gov>; Jones, Michael <Michael.Jones@charlottecountyfl.gov>
Subject: VPL-25-02 A portion of Resubdivision of Tamiami

Good morning,

EIP IV FL Caloos Land LLC is requesting a Plat Vacation for a portion of a resubdivision of Tamiami.

Please use the link provided below to access the application documents.

[☐VPL-25-02 resubdivision of Tamiami](#)

Thank you,



Eileen Mastney

Zoning Coordinator

Charlotte County Community Development

941.764.4124

CharlotteCountyFL.gov

Delivering Exceptional Service