



CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for
LARGE SCALE PLAN AMENDMENT (MAP)

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

1. PARTIES TO THE APPLICATION

Name of Applicant: Lake Lonely, LLC

Mailing Address: 7995 Mahogany Run Lane

City: Naples State: FL Zip Code: 34113

Phone Number: 239-280-1748 Fax Number:

Email Address: josephboff@hotmail.com

Name of Agent: Derek Rooney, Esq. of Gray Robinson, P.A.

Mailing Address: 1404 Dean St., Suite 300

City: Fort Myers State: FL Zip Code: 33901

Phone Number: 954-558-5049 Fax Number:

Email Address: derek.rooney@gray-robinson.com

Name of Engineer/Surveyor: Pond & Company

Mailing Address: 1200 Riverplace Blvd., Suite 600

City: Jacksonville State: FL Zip Code: 32207

Phone Number: 904-543-0400 Fax Number:

Email Address: chris.fagerstrom@pondco.com

Name of Property Owner (if more than one property owner, attach a separate sheet with a list of all owners):

Lake Lonely, LLC

Mailing Address: 7995 Mahogany Run Lane

City: Naples State: FL Zip Code: 34113

Phone Number: 239-280-1748 Fax Number:

Email Address: josephboff@hotmail.com

2. PROPERTY INFORMATION

If more than one account number exists, attach a separate sheet listing all information required by this section

Property Account #: 402618300001		
Section: 18	Township: 40S	Range: 26E
Parcel/Lot #:	Block #:	Subdivision:
Total acreage or square feet of the property: 220 acres		

3. SURVEY:

- For unplatted property, provide one original boundary survey that is **signed and sealed** by a registered land surveyor and an accurate legal description (including acreage) of the property.
- For platted land, provide one original surveyor's sketch that is **signed and sealed** by a registered land surveyor and an accurate legal description (including acreage) of the property.

4. PROOF OF LAND OWNERSHIP: Provide a recent *Ownership and Encumbrance Report* or *Title Insurance Policy* on the subject property.

5. NOTARIZED AUTHORIZATION:

- If the applicant is not the owner of the property, a written, notarized authorization from each owner must be provided with this application – use Form A, attached. Property owner authorization is required. If the property owner withdraws permission at any point during the review and approval process, the application is considered null and void.
- If an agent is submitting the application for the applicant – authorization from the applicant is required – use Form B, attached.

6. RESTRICTIONS: Provide a copy of any covenants, easements or restrictions that have been recorded for the subject site.

7. EXISTING LAND USE DESIGNATIONS

Future Land Use Map (FLUM) designation(s)	Acreage
Agriculture	220
Zoning District(s)	Acreage
AG	220

8. APPLICANT'S PROPOSED CHANGE(S):

Request a large scale plan amendment from Agriculture (AG) to Mineral Resource Extraction (MRE); companion rezoning from AG to Excavation and Mining (EM).

If the proposed change involves an increase in density, which of the Receiving Zone criteria does the property meet, or would this be an exemption consistent with a Revitalization Plan?

Not applicable.

9. REASON FOR PROPOSED CHANGE(S) (attach additional sheets if necessary):

Authorize excavation of sand, shell and rock.

10. CURRENT LAND USE OF SUBJECT PROPERTY (example: house, vacant land, barn, etc.):

Inactive agriculture.

11. SURROUNDING LAND USES:

North: Agricultural and excavation.

South: Agriculture

East: Agriculture

West: Agriculture and excavation.

12. ENVIRONMENTAL ASSESSMENT:

- Provide an *Environmental Assessment Report*, conducted within one year or less from the date of submittal, that includes:
 - Maps and surveys of the subject site illustrating the existing land cover according to Level 3 of the FLUCCS
 - Locations of listed flora and fauna species, if present.
 - If any wetlands are identified on site, provide a survey showing delineations of any wetlands, acreages, and the wetland Category (ENV Policy 3.1.3) under which they fall.
 - If the property is adjacent to any Federal, State, or County wildlife management areas, parks, preserves or reserves, supply a science-based analysis of possible impacts to the environmental resources of these lands and the manner in which these impacts can be eliminated. Where elimination is not possible, the analysis shall detail how these impacts can be reduced and mitigated.

13. INFRASTRUCTURE:

A. Roadway

- i. List the roads or streets upon which vehicles may travel to gain access to the site (generally within ¼ mile radius):

State Road 31

- ii. *Traffic Impact Analysis*: This study must be authored by a registered professional engineer in the State of Florida. Provide a study showing the impacts development of the subject site, at

the maximum buildout allowed, under the proposed FLUM designation(s) would have on the surrounding roadway network. Where traffic impacts reduce LOS below 'D', provide a proportionate fair share assessment for those impacted roadways. If buildout is voluntarily restricted by the applicant, the report may utilize the restricted buildout numbers.

- *Hurricane Evacuation Study*: For any property that is even partially located in a Coastal High Hazard Area, or which generates trips wherein the majority of those trips would utilize a roadway that runs through a Coastal High Hazard Area, a *Hurricane Evacuation Study* must accompany any *Traffic Impact Analysis*.

B. Potable Water and Sanitary Sewer and other Utility Services

- i. Submit a letter from any water or sewer utilities that will be serving the subject site stating availability of utility service to the property.
- ii. Attach an *Estimated Potable Water and Sanitary Sewer Usage Report*: provide a report showing the gallons per day that may be generated by development of the subject site at the maximum buildout allowed under the proposed FLUM designation(s). If buildout is voluntarily restricted by the applicant, the report may utilize the restricted buildout numbers.

14. HISTORICAL OR ARCHEOLOGICAL SITES: The applicant must submit an *Archeological/Historical Memo* indicating that a review of the National Register of Historic Places, the Florida Master Site File and the Local Historic Register (when available) has been performed and the results of that review. If the subject site contains any object listed in these resources, the applicant must provide an *Archeological/Historical Survey* performed by a professional archeologist licensed in the State of Florida.

15. ADJACENT PROPERTY OWNERS INFORMATION:

Provide an *electronic text file (.txt)* that includes the names and addresses of all property owners within 200 feet of the subject property (excluding street right-of-ways), and a map indicating which properties are included in the address list. The Adjacent Property Owner List must be based upon the latest available property records of the Property Appraiser's Office. The list shall include property owner's name, mailing address, and parcel(s) or lot(s) description or account number so each parcel can be referenced on the Adjacent Property Owner Map. Refer to the Geographic Information System Internet site for mapping and owner information at <http://www.ccgis.com/>. (Use a buffer of 250 feet or larger in order to account for right-of-ways, canals, etc.) Every property owner within 200 feet of every parcel of land involved will be notified of the schedule of public hearings

AFFIDAVIT B

The applicant/owner hereby acknowledges and agrees that any staff discussion about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

STATE OF FLORIDA, COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 27th day of SEPT, 2023 by

JOSEPH D BOFF who is personally known to me ~~or has/have~~ produced
~~as identification and who did/did not take an oath.~~

Teri L Wilson
Notary Public Signature

[Signature]
Signature of Applicant or Agent

Teri L Wilson
Notary Printed Signature

JOSEPH D BOFF
Printed Signature of Applicant or Agent

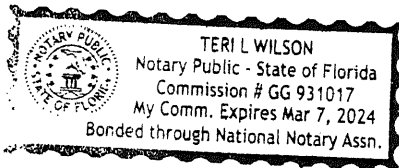
Notary Public
Title

7995 MANOAGANY RUN LANE
Address

GG931017
Commission Code

NAPLES, FL 34113
City, State, Zip

239-280-1748
Telephone Number



FORM B. APPLICANT AUTHORIZATION TO AGENT

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

I give authorization for Derek Rooney & Karen Bishop
to be my agent(s) for this application.

STATE OF Florida, COUNTY OF Charlotte ~~Collier~~

The foregoing instrument was acknowledged before me this 27th day of SEPT, 2023, by

JOSEPH D BOFF who is personally known to me or has/has produced
as identification and who did/did not take an oath.

Teri L Wilson

Notary Public Signature

[Signature]

Signature of Applicant

Teri L Wilson

Notary Printed Signature

JOSEPH D BOFF

Printed Signature of Applicant

Notary Public

Title

7995 MAHOGANY RUN LANE

Address

GG931017

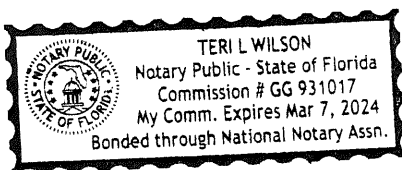
Commission Code

NARLES FL 34113

City, State, Zip¹

239-280-1748

Telephone Number



Application Narrative

The proposed large scale land use map amendment to a Mineral Resource Extraction (MRE) and a companion rezoning to Excavation and Mining (EM) zoning is based on the landowners desire to convert the property from its existing non-productive sod farm use to a sand, shell and rock mine. The following narrative is provided to address the standards of approval as required by Section 3-9-10 of the Charlotte County land development code:

- a. Whether the proposed change is consistent with the comprehensive plan.

The proposed rezoning is contingent upon a companion large scale land use map amendment to a Mineral Resource Extraction (MRE) which specifically contemplates, if not requires Excavation and Mining (EM) zoning and therefore will be consistent with the Comprehensive Plan. All contemplated uses post-rezoning will be agricultural or as a commercial excavation as permitted under the County's excavation regulations in Chapter 3-5, Article XXIII, Earthmoving. Specifically, the proposed rezoning shall meet or exceed the following Goals, Objectives and Policies:

FLU Policy 2.1.9: Natural Resource Protection during Mining Activities

ENV Objective 2.5: Excavation Activities

ENV Policy 2.5.1: Review of Excavation Activities

ENV Policy 2.5.2: Commercial Excavations

ENV Policy 2.5.4: Surface Water Storage

- b. The existing land use pattern in adjacent areas.

The proposed rezoning site currently has an Agricultural land use classification which already allows industrial and extractive agricultural activities as specified in FLU Appendix I: Land Use Guide. Similarly, the existing zoning of Agriculture (AG) also allows extractive and heavy agricultural uses as delineated in Section 3-9-30. All surrounding properties also consist of Agricultural land use and AG zoning and are engaged in active agricultural operations.

- c. The capacity of public facilities and services, including but not limited to schools, roads, recreational facilities, wastewater treatment, water supply, and stormwater drainage facilities.

The proposed rezoning and uses do not contemplate use of or foresee impact upon any public facilities other than roads. As detailed in the provided Traffic Impact Statement the expanded excavation operations will have negligible impact on traffic and no change in the level of service on State Road 31.

- d. Whether the proposed change will adversely influence living conditions or property values in adjacent areas.

Neither living conditions nor property values will be adversely affected by the proposed rezoning. Traffic conditions as a result of the rezoning will remain constant, the proposed use is similar to other extractive and agricultural uses. Unlike other agricultural uses in the area which may continue disruptive and potentially noxious practices for decades, at the conclusion of the proposed excavation there will be a series of large lakes that will not adversely affect adjacent users and will provide a potential surface water source for adjacent agricultural users.

An analysis of the further surrounding area up to one-half mile from the site indicates there are several single-family homes proximate to the site. There is single-family home to the east associated with a large agricultural operation, it is unclear if the home is used as a residence. There is also a caretaker's residence to the south associated with large agricultural operations at Williams Farms. There are three additional single-family homes, one to the northeast and two to the southeast of the site associated with smaller agricultural operations. Nevertheless, all surrounding properties, however, are similarly agriculturally classified and actively engaged in agricultural operations. There are also several existing or permitted excavations in every direction.

The applicant does not anticipate any health, safety or welfare issues and is unaware of any health, safety or welfare issues raised by the existing homeowner regarding the existing agricultural or excavation operations. Moreover, the proposed haul route will directly exit the site to the west and will not impact local roads. Additionally, specific erosion and emission control measures, as well as the proposed reclamation plans will be approved post land use and rezoning consistent with the County's earthmoving and excavation standards. Upon completion there should be no long-term adverse impacts associated with the project since at the conclusion of the proposed excavation there will be a series of large reclaimed lakes that will not adversely affect the existing home and will provide a potential surface water source for adjacent agricultural users. Unlike other agricultural uses which can be noxious, the reclaimed lakes will be quiet and will not adversely affect living conditions or property values.

e. Whether the proposed change will affect public safety.

Public safety will not be affected by the proposed rezoning. The proposed excavation expansion will add up to 50 peak hour vehicles to area roadway network but will not impact existing level of service of either State Road 31 or Bermont Road. There are no other potential public safety impacts associated with this rezoning.

AMERICAN LAND TITLE ASSOCIATION

COMMITMENT FOR TITLE INSURANCE

ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

NOTICE

IMPORTANT-READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Florida Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions.

Issued through the Office of

Law Offices of William G. Morris, P.A. - 7783
247 North Collier Boulevard
Suite 202
Marco Island, FL 34145

Authorized Signatory
William G. Morris
Attorney at Law



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By

C. Monroe

President

Attest

David Wald

Secretary

Commitment Conditions

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I-Requirements;
- (f) Schedule B, Part II-Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I-Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.

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- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

Old Republic National Title Insurance Company

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

Schedule A

Transaction Identification Data for reference only:

Commitment Number: 1295633	Revision Number: None	Issuing Office File Number: 22RE145	Issuing Office: 7783
Property Address: 2650 SR 31, Punta Gorda, FL 33982	Loan ID Number: None	ALTA Universal ID: None	Issuing Agent: Law Offices of William G. Morris, P.A.

1. Commitment Date: July 6, 2022 @ 11:00 PM

2. Policy to be issued: Proposed Policy Amount:

OWNER'S: ALTA Owner's Policy (6/17/06) (With Florida Modifications) \$3,250,000.00

Proposed Insured: Lely Development Corporation, a Florida corporation

MORTGAGEE: ALTA Loan Policy (6/17/06) (With Florida Modifications) \$

Proposed Insured:

3. The estate or interest in the Land described or referred to in this Commitment is FEE SIMPLE. (Identify estate covered, i.e., fee, leasehold, etc.)

4. Title to the estate or interest in the Land is at the Commitment Date vested in:

Battista Farms SR 31 Real Property, LLC, a Florida limited liability company

5. The Land is described as follows:

Government Lots 3 and 4, also known as the W 1/2 of the SW 1/4 of Section 18, Township 40 South, Range 26 East, and the E 1/2 of the SW 1/4 of Section 18, Township 40 South, Range 26 East, LESS road on the West and South sides; The S 1/2 of the NW 1/4 of the SE 14 and the N 1/2 of the SW 1/4 of the SE 1/4, Section 18, Township 40 South, Range 26 East; The S 1/2 of the N 1/2 of the NE 1/4 of the SE 1/4 of Section 18, Township 40 South, Range 26 East; all located in Charlotte County, Florida. And the N 1/2 of the NW 1/4 of the SE 1/4 of Section 18, Township 40 South, Range 26 East, Charlotte County, Florida.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

400 Second Avenue South, Minneapolis, Minnesota 55401, (612) 371-1111

AUTHORIZED SIGNATORY

William G. Morris
Attorney at Law

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Old Republic National Title Insurance Company

AMERICAN LAND TITLE ASSOCIATION COMMITMENT Schedule B-I

Issuing Office File Number: 22RE145

Requirements

All of the following requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
 - A. Warranty Deed from Battista Farms SR 31 Real Property, LLC, a Florida limited liability company, to the proposed insured purchaser(s).
5. Certified copies of the estate administration proceeding of the Estate of Cora Faye Battista a/k/a Cora Battista a/k/a Cora O. Battista, under Case No. 10-CP-000856 in Lee County, Florida, to be recorded in Charlotte County, Florida.
6. Good standing under the State of Florida for Battista Farms SR 31 Real Property, LLC, a Florida limited liability company has been verified as of the certification date of this commitment. Satisfactory evidence must be furnished establishing that Battista Farms SR 31 Real Property, LLC, a Florida limited liability company remains in good standing under the laws of Florida at date of the insured purchase and sale and/or loan.
7. Confirm the authority of the individual designated to bind the LLC by the laws of its jurisdiction of formation, and where the authority is not confirmed by public records, record appropriate evidence of authority. If the LLC is a sole member LLC, provide the name of the sole member for review. The Company reserves the right to make further requirements.
8. Good standing under the State of Florida for Lely Development Corporation, a Florida corporation has been verified as of the certification date of this commitment. Satisfactory evidence must be furnished establishing that Lely Development Corporation, a Florida corporation remains in good standing under the laws of Florida at date of the insured purchase and sale and/or loan.
9. An update of the title search must be completed just prior to the closing and the commitment must be endorsed to require clearance of, or take exception for, any additional title defects or adverse matters found.
10. The Company has no liability under this commitment for the issuance of a mortgagee policy until an endorsement is issued stating the name of the proposed insured mortgagee. The Company reserves the right to make additional requirements, including but not limited to, review of additional documentation regarding the proposed insured mortgagee.
11. FOR INFORMATIONAL PURPOSES ONLY, a 20-year name search was performed on Lely Development Corporation, a Florida corporation for unsatisfied judgments and tax liens (state and federal and other liens for the recovery of money) and personal names were checked for unrestored incompetency and for guardianship proceedings, all of which resulted in the following, if any: Nothing found.

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Old Republic National Title Insurance Company

AMERICAN LAND TITLE ASSOCIATION COMMITMENT Schedule B-II

Issuing Office File Number: 22RE145

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Commitment Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by this Commitment.
2.
 - a. General or special taxes and assessments required to be paid in the year 2022 and subsequent years.
 - b. Rights or claims of parties in possession not recorded in the Public Records.
 - c. Any encroachment, encumbrance, violation, variation or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
 - d. Easements or claims of easements not recorded in the Public Records.
 - e. Any lien, or right to a lien, for services, labor or material furnished, imposed by law and not recorded in the Public Records.
3. Any Owner's Policy issued pursuant hereto will contain under Schedule B the following exception: *Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the Land insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.*
4. Any lien provided by County Ordinance or by Chapter 159, F.S., in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.
5. Easement contained in instrument recorded in O.R. Book 245, Page 159 and O.R. Book 281, Page 243, Public Records of Charlotte County, Florida.
6. Easement contained in Order of Taking recorded in O.R. Book 1785, Page 1190, as amended in O.R. Book 1886, Page 389, as affected by Final Judgment recorded in O.R. Book 2936, Page 1469, Public Records of Charlotte County, Florida.
7. Ordinance Number 93-54 recorded in O.R. Book 1312, Page 1667, Public Records of Charlotte County, Florida.
8. Lands lie within various county special assessment districts and municipal taxing districts and are subject to liens for any unpaid special assessments by virtue of the ordinances and resolutions creating these districts. The special assessments are payable with the ad valorem taxes.
9. Riparian and littoral rights are not insured.
10. Rights of the lessees under unrecorded leases.

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IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN
AND FOR CHARLOTTE COUNTY, FLORIDA AT LAW

NO. 1580

EAST CHARLOTTE DRAINAGE
DISTRICT, a public corporation
of the State of Florida,

Petitioner,

vs.

MARY WRIGHT SMITH, et al.,

Defendants.

AMENDED ORDER ON
STIPULATION

J. L. LAYMON
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA

1966 SEP 16 AM 9 24

FILED

THIS CAUSE is before me upon Stipulation made by and between the parties in open Court on July 14, 1966. It has been stipulated as follows by the respective parties:

1. The defendants, MARY WRIGHT SMITH and her husband HAROLD SMITH, give and grant unto EAST CHARLOTTE DRAINAGE DISTRICT a perpetual easement for drainage purposes across the North 130 feet of Section 17, Township 40 South, Range 26 East, and the South 130 feet of Section 7, Township 40 South, Range 26 East, lying east of a north-south existing drainage ditch, which intersects at the approximate center of Sections 18 and 7, Township 40 South, Range 26 East, Charlotte County, Florida, which is owned by either of them. These defendants also grant unto the Petitioner the right to use and maintain the above-mentioned existing ditch for drainage purposes where said ditch crosses any lands owned by either of them in Section 7, Township 40 South, Range 26 East, Charlotte County, Florida.

2. EAST CHARLOTTE DRAINAGE DISTRICT may enter upon the lands described immediately, to construct the necessary drainage canal as shown in the Plan of Reclamation prepared for EAST CHARLOTTE DRAINAGE DISTRICT, and an extension across additional lands as soon as the same is practicable.

3. EAST CHARLOTTE DRAINAGE DISTRICT will use due diligence to obtain an easement through either Section 18 or Section 7 in said

147600

Township and Range, to connect the two portions of the easement conveyed by Mrs. Smith.

BOOK 245 PAGE 160

4. That the defendant, MRS. SMITH, will cooperate with the Petitioner in obtaining such easements.

5. That after the application of reasonable diligence, EAST CHARLOTTE DRAINAGE DISTRICT shall fail to obtain rights-of-way to connect the two portions of easement granted herein, then, all of the foregoing easements conveyed shall revert to MARY WRIGHT SMITH.

6. The drainage ditch contemplated across the easement conveyed will connect with an existing ditch which intersects at approximately the center of Sections 18 and 7 and connects into Myrtle Slough.

7. The Petitioner shall pay to Gilbert Smith, attorney for the defendants, MARY WRIGHT SMITH and HAROLD SMITH, her husband the sum of \$350.00.

8. With reference to Parcel B owned by A. C. WRIGHT and LENA P. WRIGHT, the said defendants, WRIGHT, have granted unto EAST CHARLOTTE DRAINAGE DISTRICT a perpetual easement for drainage purposes over and across the West 80 feet of the North one-half of Section 28, Township 40 South, Range 26 East.

9. The Petitioner may immediately enter upon said lands for the construction of necessary drainage canal thereon.

10. The defendants, WRIGHT, further grant unto the Petitioner the right to enter upon said defendants' property in Sections 30 and 29 of Township 40 South, Range 26 East, for the purpose of making the necessary preparations and constructing a drainage canal connecting from the existing drainage canal previously constructed by the Petitioner in Section 30, commencing at the eastern terminus of said existing canal and running in a general east-west direction along a meander line to be determined by the Petitioner in accordance with the most feasible plan possible, based upon cost factors, and connecting with the southern terminus of the drainage canal to be constructed by the Petitioner in the easement granted by said defendants.

11. It is further ordered that the Petitioner shall construct the canal for which said defendant has given the Petitioner the right to enter upon said lands, said canal to be in accordance with the canal being constructed on that part which has heretofore been described as Parcel B, with a 22 foot top and a 4 foot depth, and the Petitioner shall have the right to deposit soil on either or both sides of the canal, as is required by the construction.

12. It is further ordered, adjudged and decreed that the defendants, A. C. WRIGHT and LENA P. WRIGHT, his wife, shall deliver to the Petitioner \$1,000.00 as his contribution toward the cost of constructing a culvert across the canal to be constructed in the area known as Parcel B, and that thereupon the district shall construct, or the plaintiff shall construct a 24 foot wide culvert or crossing, designed either with a pipe of adequate size, as determined by the district's engineer, or concrete beams, for the crossing, and that said culvert shall be located as far to the north in said Parcel B as is determined to be engineeringly and economically feasible by the district's engineer, with the location of said crossing to be at least one quarter mile north of the southern easement of Parcel B.

13. A. C. WRIGHT and LENA P. WRIGHT, his wife, shall pay their own attorney's fees and bear their own costs.

It is thereupon

ORDERED, ADJUDGED and DECREED that said Stipulation be and the same is hereby ratified, confirmed and approved and this cause stands dismissed with prejudice.

DONE and ORDERED this 15th day of September, 1966.

Lynn Gray
CIRCUIT COURT JUDGE

AGREEMENT AND GENERAL RELEASE

This Agreement and General Release, entered into as of this 10th day of January, 1968, by and between MARSHALL M. HAMPTON, ELAINE P. HAMPTON, WALTER MCNEILL, FRANK HALL, LEONARD HADDAD, SOUTH FLORIDA CITRUS INDUSTRIES, INC., EAST CHARLOTTE DRAINAGE DISTRICT, JACK A. FREEMAN and JULES FREEMAN.

1. This Agreement and General Release relates to that Agreement entered into by the same parties on June 25, 1965, and reference should be made to that Agreement in interpreting this Agreement and General Release.

2. Attorney Herman T. Isis warrants and represents that he has authority to execute this Agreement and General Release and to bind the parties for whom he has signed. Attorney Robert P. Murray warrants and represents that he has authority to execute this Agreement and General Release and to bind the parties for whom he has signed.

3. Parties Marshall M. Hampton, Elaine P. Hampton and Walter McNeill, commensurate with the execution of this Agreement and General Release, hereby pay to South Florida Citrus Industries, Inc., East Charlotte Drainage District, Jack A. Freeman and Jules Freeman, the sum of \$2,000.00. Parties Frank Hall and Leonard Haddad, commensurate with the execution of this Agreement and General Release, hereby pay to South Florida Citrus Industries, Inc., East Charlotte Drainage District, Jack A. Freeman and Jules Freeman, the sum of \$1,800.00. In consideration of the foregoing payments, South Florida Citrus Industries, Inc., East Charlotte Drainage District, Jack A. Freeman and Jules Freeman hereby grant to the aforesaid parties a general release of all claims or causes of action of any nature which they may have against the parties making these payments, either based on the Agreement of June 25, 1965, or relating to matters not incorporated

THIS INSTRUMENT WAS PREPARED BY

HOLLAND BEVIS SMITH, JESSE A. SMITH
92 LAKE WIRE DRIVE, LAKE AND FLA 32801

within that Agreement, whether such claims or causes of action are known or unknown, through the date of this general release.

4. In consideration of this Agreement and General Release, it is hereby specifically agreed that Marshall M. Hampton, Elaine P. Hampton, Walter McNeill, Frank Hall and Leonard Haddad shall have no obligations of any type (such as obligations for maintenance, cleaning out, construction, reconstruction, etc.) for any ditches or canals lying in the west one-half of Section 17, Township 40 South, Range 28 East, it being understood that the obligations for the existing drainage system lying in the west one-half of Section 17 and in Sections 18 and 7, Township 40 South, Range 28 East, shall be the sole responsibility of East Charlotte Drainage District. The one-half mile of ditch for a canal lying along the southern boundary of the east one-half of the said Section 17 shall be cleaned once each two years unless all parties agree that cleaning is not necessary, and the cost of such cleaning shall be determined by bid after notice to all parties. The cost of such cleaning shall be prorated according to the terms of paragraph 10 of the aforesaid June 25, 1965 Agreement. In all other respects the terms, conditions and provisions of the June 25, 1965 Agreement shall apply as though this agreement had never been entered into.

Signed, sealed and delivered in the presence of:

Diana H. Myrick
Donald R. Carls
Two witnesses as to Murray

Robert P. Murray (SEAL)
ROBERT P. MURRAY, as attorney
for Marshall M. Hampton, Elaine
P. Hampton, Walter McNeill,
Frank Hall and Leonard Haddad

James Wilson
Ben L. L. L.
Two witnesses as to Isis

Hermon T. Isis (SEAL)
HERMON T. ISIS, as attorney
for South Florida Citrus
Industries, Inc., East Charlotte
Drainage District, Jack A.
Freeman and Jules Freeman

STATE OF FLORIDA
COUNTY OF POLK

Before me personally appeared ROBERT P. MURRAY, as attorney for Marshall M. Hampton, Elaine P. Hampton, Walter McNeill, Frank Hall and Leonard Haddad, to me well known and known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that he executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal this 12 day of January, 1968.

My commission expires:

[Signature]
NOTARY PUBLIC
State of Florida at Large

STATE OF FLORIDA
COUNTY OF Polk

Before me personally appeared HERMAN T. Isler, attorney for South Florida Citrus Industries, Inc., East Charlotte Drainage District, Jack A. Freeman and Jules Freeman, to me well known and known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that he executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal this 18 day of January, 1968.

My commission expires:

[Signature]
NOTARY PUBLIC
State of Florida at Large

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES ON _____
NOTARY PUBLIC STATE OF FLORIDA

IN THE TWENTIETH JUDICIAL CIRCUIT COURT OF FLORIDA
IN AND FOR THE COUNTY OF CHARLOTTE,
CIVIL DIVISION

FLORIDA GAS TRANSMISSION COMPANY C1086798 Date: 04/12/00 - 17:15:07 id: 20
a Delaware corporation, Case#: 00000319CA Pages: 001

Petitioner,

v.

SILVIO BATTISTA, as Trustee, et al,

Defendants,

ORDER OF TAKING

THIS CAUSE came on for consideration by the Court upon the Petition of Florida Gas Transmission Company, and it appearing that proper notice was given to all Defendants and all persons having or claiming any equity, lien, title, or other interest in or to Parcel DE-010.000 and the Court being otherwise fully advised in the premises, it is thereupon,

ORDERED AND ADJUDGED that this Court has jurisdiction of this action, of the subject property, and of the parties in this cause pursuant to Chapters 73, 74, 180 and 361 of the Florida Statutes; it is further

ORDERED AND ADJUDGED that the pleadings in this cause are sufficient, that Petitioner is properly exercising its delegated authority, and that the condemnation of Parcel DE-010.000 is for a valid public purpose and is necessary for such purpose; it

is further

ORDERED AND ADJUDGED that the interests acquired by Petitioner shall be the permanent easement, temporary construction easement and extra temporary construction easements described herein, together with the description in Exhibit "A", attached hereto and incorporated herein by reference, said easements known collectively as Parcel DE-010.000; it is further

ORDERED AND ADJUDGED that the estimates of value filed by Petitioner in this cause were made in good faith and based upon valid appraisals; it is further

ORDERED AND ADJUDGED that upon the payment of the deposit hereinafter specified into the Registry of this Court, the right and title to the property interests described herein and known collectively as Parcel DE-010.000, shall vest in the Petitioner; it is further

ORDERED AND ADJUDGED that the deposit ordered herein will secure the persons lawfully entitled to full compensation, which full compensation will ultimately be determined by final judgment of this Court; it is further

ORDERED AND ADJUDGED that upon payment of the deposit ordered herein and without further notice or order of this Court, the Petitioner shall be entitled to possession of the property interests described herein and known collectively as Parcel DE-010.000; it is further

ORDERED AND ADJUDGED that the interests acquired herein are a

permanent easement for construction, operation, maintenance, repair, removal and replacement of a natural gas pipeline, including rights of ingress and egress for those activities within said permanent easement, as well as a temporary construction easement and an extra temporary construction easements for construction and initial operation and maintenance of a natural gas pipeline, including rights of ingress and egress for those activities within said temporary construction easement and extra temporary construction easements; it is further

ORDERED AND ADJUDGED that the temporary construction easement and extra temporary construction easements acquired by Petitioner shall cease to exist upon completion of construction of the natural gas pipeline project but, in no event, shall said temporary easement and extra temporary construction easements exist longer than eighteen (18) months from the date of deposit of funds, unless the property owners consent to a period longer than eighteen (18) months; it is further

ORDERED AND ADJUDGED that notwithstanding the termination of the temporary construction easement and extra temporary construction easements in the preceding paragraph, Petitioner will retain, for as long as five (5) years, the rights of ingress and egress to any of those portions of said temporary construction easement and extra temporary construction easements which are determined to be jurisdictional wetlands for the purpose of conducting the environmental wetland mitigation, maintenance and monitoring activities which are necessary to satisfy the requirements

of its applicable government permits; it is further

ORDERED AND ADJUDGED that the interests hereby acquired are further described as follows:

- a. During construction, Petitioner will bury all line pipe to provide a minimum cover of thirty-six (36) inches.
- b. Petitioner shall have the right from time to time after initial construction of the pipeline to reclear the permanent easement surface by cutting and removing therefrom trees, brush and other obstructions that may, in Petitioner's judgment or pursuant to regulations, interfere with Petitioner's use of the easement.
- c. Petitioner will restore the surface of all disturbed areas on Defendants' land to its original contour as nearly as practicable, the disturbance or damage to which shall have been occasioned by the construction, maintenance, operation, repair, inspection, removal or replacement of the natural gas pipeline.
- d. Petitioner may displace any gopher tortoises found within the permanent easement, temporary construction easement or extra temporary construction easements to another location on either on Defendants' land or off-site (e.g., to a temporary holding pen) with subsequent replacement as near to their original location as practicable after construction is completed.
- e. Petitioner's rights and interests acquired hereby may be assigned in whole or in part; it is further

ORDERED AND ADJUDGED that it is expressly reserved that the owners of Parcel DE-010.000, their/its heirs, legal representatives, grantees, devisees, successors and assigns, shall retain all existing rights to use and enjoy the surface land over the easements taken, including the right to construct improvements, so long as such uses are not inconsistent with and do not interfere with Petitioner's construction, operation, maintenance, inspection, repair, removal and replacement of a natural gas pipeline, including Petitioner's rights of ingress and egress, and shall also retain the obligations of ownership associated therewith; provided, however, that water shall not be impounded upon the permanent easement; it is further

ORDERED AND ADJUDGED that upon making of the deposit ordered herein, the Petitioner shall notify in writing all attorneys of record and those Defendants not represented by counsel that the deposit has been made, and immediately thereafter the full amount of the good faith estimate of value for the parcel may be withdrawn by the Defendants, subject to the claims of apportionment, in accordance with the provisions of Section 74.071 of the Florida Statutes, upon payment of all unpaid taxes, delinquent tax certificates and prorata share of estimated current year taxes, where applicable on Parcel DE-010.000; it is further

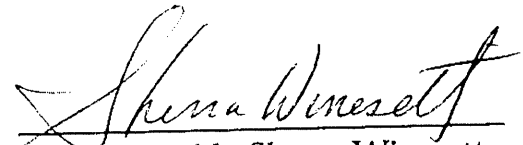
ORDERED AND ADJUDGED that Petitioner, Florida Gas Transmission Company, shall deposit the following sum into the Registry of the Court within twenty (20) days of entry of this Order:

Parcel	Total Estimate of Value	Amount of Deposit
DE-010.000	\$20,700.00	\$41,400.00

and, upon the deposit of said sum, all right and title to the property interests described herein and in Exhibit "A," attached hereto, said interests known collectively as Parcel DE-010.000, shall vest in Petitioner, and Petitioner shall be entitled to immediate possession of those property interests; it is further

ORDERED AND ADJUDGED that this Order is without prejudice to any party as to the ultimate amount of full compensation.

DONE AND ORDERED in chambers at Punta Gorda, Charlotte County, Florida, on this 6 day of April, 2000.


 The Honorable Sherra Winesett
 Circuit Judge

Copies furnished to those parties listed on attached service list
 cc: Clerk's accounting office

Service List - CH-010.000

Cora Battista, as Trustee
15831 County Court
Ft. Myers, FL 33912

Cora Battista, as Trustee
c/o Charles J. Basinait, Esquire
Henderson Franklin
Post Office Box 280
Ft. Myers, FL 33902-0280

Laurence R. Curtis & Marcia M. Curtis
5421 Tamiami Trail
Ft. Myers, FL

Frank Desquin, Property Appraiser
Charlotte County
c/o John L. Polk, Esquire
Post Office Box 511221
Punta Gorda, FL 33951

Vickie Potts, Tax Collector
Charlotte County
c/o Phillip J. Jones, Esquire
Wilkins, Frohlich, Jones, Hevia,
Russell & Sutter, P.A.
18501 Murdock Circle, Sixth Floor
Port Charlotte, FL 33948

CH-010.000PERMANENT EASEMENT

A permanent easement fifty (50) feet in width across a tract of land in Section 18, Township 40 South, Range 26 East, Charlotte County, Florida, conveyed to Silvio Battista and Cora Battista, as Trustees as described by instrument recorded in Official Record Book 1033, Page 82 of the Official Records of Charlotte County, Florida. Said tract being further designed by Florida Gas Transmission Company as tract FL-CH-010.000 and said permanent easement being more particularly described as follows:

COMMENCING at a 5/8" diameter iron rod marked "RLS 1955" found marking the Southwest corner of said Section 18;

THENCE North 89°46'48" East along the South line of said Section 18, a distance 51.39 feet to a point;

THENCE North 00°13'12" West, perpendicular to said Section line, a distance of 33.00 feet to the Southwest corner of said tract;

THENCE North 89°46'48" East along the South line of said tract, a distance of 76.66 feet to the POINT OF BEGINNING of the herein described permanent easement;

THENCE North 00°17'22" East, a distance of 2605.55 feet to the point on the North line of said tract;

THENCE North 89°49'15" East along said North line, a distance of 50.00 feet to a point;

THENCE South 00°17'22" West, a distance of 2605.52 feet to a point on the South line of said tract;

THENCE South 89°46'48" West along said South line, a distance of 50.00 feet to the POINT OF BEGINNING of said permanent easement and containing 2.991 acres of land, more or less.

TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement varying in width across a tract of land in Section 18, Township 40 South, Range 26 East, Charlotte County, Florida, conveyed to Silvio Battista and Cora Battista, as Trustees as described by instrument recorded in Official Record Book 1033, Page 82 of the Official Records of Charlotte County, Florida. Said tract being further designated by Florida Gas Transmission Company as tract FL-CH-010.000, and said temporary construction easement being more particularly described as follows:

COMMENCING at a 5/8" diameter iron rod marked "RLS 1955" found marking the Southwest corner of said Section 18;

EXHIBIT A

THENCE North $89^{\circ}46'48''$ East along the South line of said Section 18, a distance of 51.39 feet to a point;

THENCE North $00^{\circ}13'12''$ West, perpendicular to said Section line, a distance of 33.00 feet to the Southwest corner of said tract;

THENCE North $89^{\circ}46'48''$ East along the South line of said tract a distance of 126.66 feet to the POINT OF BEGINNING of the herein described temporary construction easement;

THENCE North $00^{\circ}17'22''$ East, a distance of 2605.51 feet to a point on the North line of said tract;

THENCE North $89^{\circ}49'15''$ East along the North line, a distance of 25.00 feet to a point;

THENCE South $00^{\circ}17'22''$ West, a distance of 8.10 feet to a point;

THENCE South $88^{\circ}45'52''$ East, a distance of 25.00 feet to a point;

THENCE South $00^{\circ}17'22''$ West, a distance of 9.29 feet to a point;

THENCE South $89^{\circ}41'53''$ West, a distance of 25.00 feet to a point;

THENCE South $00^{\circ}17'22''$ West, a distance of 15.19 feet to a point;

THENCE South $89^{\circ}42'36''$ East, a distance of 25.00 feet to a point;

THENCE South $00^{\circ}17'22''$ West, a distance of 20.06 feet to a point;

THENCE South $87^{\circ}35'59''$ West, a distance of 18.22 feet to a point;

THENCE South $73^{\circ}10'25''$ West, a distance of 7.11 feet to a point;

THENCE South $00^{\circ}17'26''$ West, a distance of 377.33 feet to a point;

THENCE South $89^{\circ}42'36''$ East, a distance of 24.99 feet to a point;

THENCE South $00^{\circ}17'11''$ West, a distance of 163.21 feet to a point;

THENCE South $89^{\circ}31'00''$ West, a distance of 25.00 feet to a point;

THENCE South $00^{\circ}17'22''$ West, a distance of 14.07 feet to a point;

THENCE South $89^{\circ}33'46''$ East, a distance of 25.00 feet to a point;

THENCE South $00^{\circ}17'22''$ West, a distance of 1938.23 feet to a point;

THENCE South $89^{\circ}35'12''$ West, a distance of 25.00 feet to a point;

THENCE South $00^{\circ}17'22''$ West, a distance of 24.10 feet to a point;

THENCE South $88^{\circ}40'22''$ East, a distance of 25.00 feet to a point;

THENCE South 00°17'22" West, a distance of 30.93 feet to a point on the South line of said tract;

THENCE South 89°46'48" West along said South line, a distance of 50.00 feet to the POINT OF BEGINNING of said temporary construction easement and containing 2.737 acres of land, more or less.

EXTRA TEMPORARY CONSTRUCTION EASEMENT NO. 1

An extra temporary construction easement across a tract of land in Section 18, Township 40 South, Range 26 East, Charlotte County, Florida, conveyed to Silvio Battista and Cora Battista, as Trustees as described by instrument recorded in Official Record Book 1033, Page 82 of the Official Records of Charlotte County, Florida. Said tract being further designated by Florida Gas Transmission Company as tract FL-CH-010.000 and said extra temporary construction easement being more particularly described as follows:

COMMENCING at a 5/8" diameter iron rod marked "RLS 1955" found marking the Southwest corner of said Section 18;

THENCE North 89°46'48" East along the South line of said Section 18, a distance of 51.39 feet to a point;

THENCE North 00°13'12" West, perpendicular to said Section line, a distance of 33.00 feet to the Southwest corner of said tract;

THENCE North 89°46'48" East along South line of said tract, a distance of 177.17 feet to a point;

THENCE North 00°17'22" East, perpendicular to said South line, a distance of 57.53 feet to the POINT OF BEGINNING of the herein described extra temporary construction easement;

THENCE North 00°17'22" East, a distance of 100.00 feet to a point;

THENCE North 89°55'53" East, a distance of 50.00 feet to a point;

THENCE South 00°17'22" West, a distance of 100.00 feet to a point;

THENCE South 89°55'53" West, a distance of 50.00 feet to the POINT OF BEGINNING of said extra temporary construction easement and containing 0.115 acre of land, more or less.

EXTRA TEMPORARY CONSTRUCTION EASEMENT NO. 2

An extra temporary construction easement across a tract of land in Section 18, Township 40 South, Range 26 East, Charlotte County, Florida, conveyed to Silvio Battista and Cora Battista, as Trustees as described by instrument recorded in Official Record Book 1033, Page 82 of the Official Records of Charlotte County, Florida. Said tract being further designated by Florida Gas Transmission Company

as tract FL-CH-010.000 and said extra temporary construction easement being more particularly described as follows:

COMMENCING at a 5/8" diameter iron rod marked "RLS 1955" found marking the Southwest corner of said Section 18;

THENCE North 89°46'48" East along the South line of said Section 18, a distance of 51.39 feet to a point;

THENCE North 00°13'12" West, perpendicular to said Section line, a distance of 33.00 feet to the Southwest corner of said tract;

THENCE North 00°16'36" East along the West line of said tract, a distance of 1892.37 feet to a point;

THENCE South 89°43'24" East, perpendicular to said West line, a distance of 177.07 feet to the POINT OF BEGINNING of the herein described extra temporary construction easement;

THENCE North 00°17'22" East, a distance of 100.00 feet to a point;

THENCE North 89°47'20" East, a distance of 50.00 feet to a point;

THENCE South 00°17'22" West, a distance of 100.00 feet to a point;

THENCE South 89°47'20" West, a distance of 50.00 feet to the POINT OF BEGINNING of said extra temporary construction easement and containing 0.115 acre of land, more or less.

EXTRA TEMPORARY CONSTRUCTION EASEMENT NO. 3

An extra temporary construction easement across a tract of land in Section 18, Township 40 South, Range 26 East, Charlotte County, Florida, conveyed to Silvio Battista and Cora Battista, as Trustees as described by instrument recorded in Official Record Book 1033, Page 82 of the Official Records of Charlotte County, Florida. Said tract being further designated by Florida Gas Transmission Company as tract FL-CH-010.000 and said extra temporary construction easement being more particularly described as follows:

COMMENCING at a 5/8" diameter iron rod marked "RLS 1955" found marking the Southwest corner of said Section 18;

THENCE North 89°46'48" East along the South line of said Section 18, a distance of 51.39 feet to a point;

THENCE North 00°13'12" West, perpendicular to said Section line, a distance of 33.00 feet to the Southwest corner of said tract;

THENCE North 00°16'36" East along the West line of said tract, a distance of 2073.22 feet to a point;

THENCE South 89°43'24" East, perpendicular to said West line, a

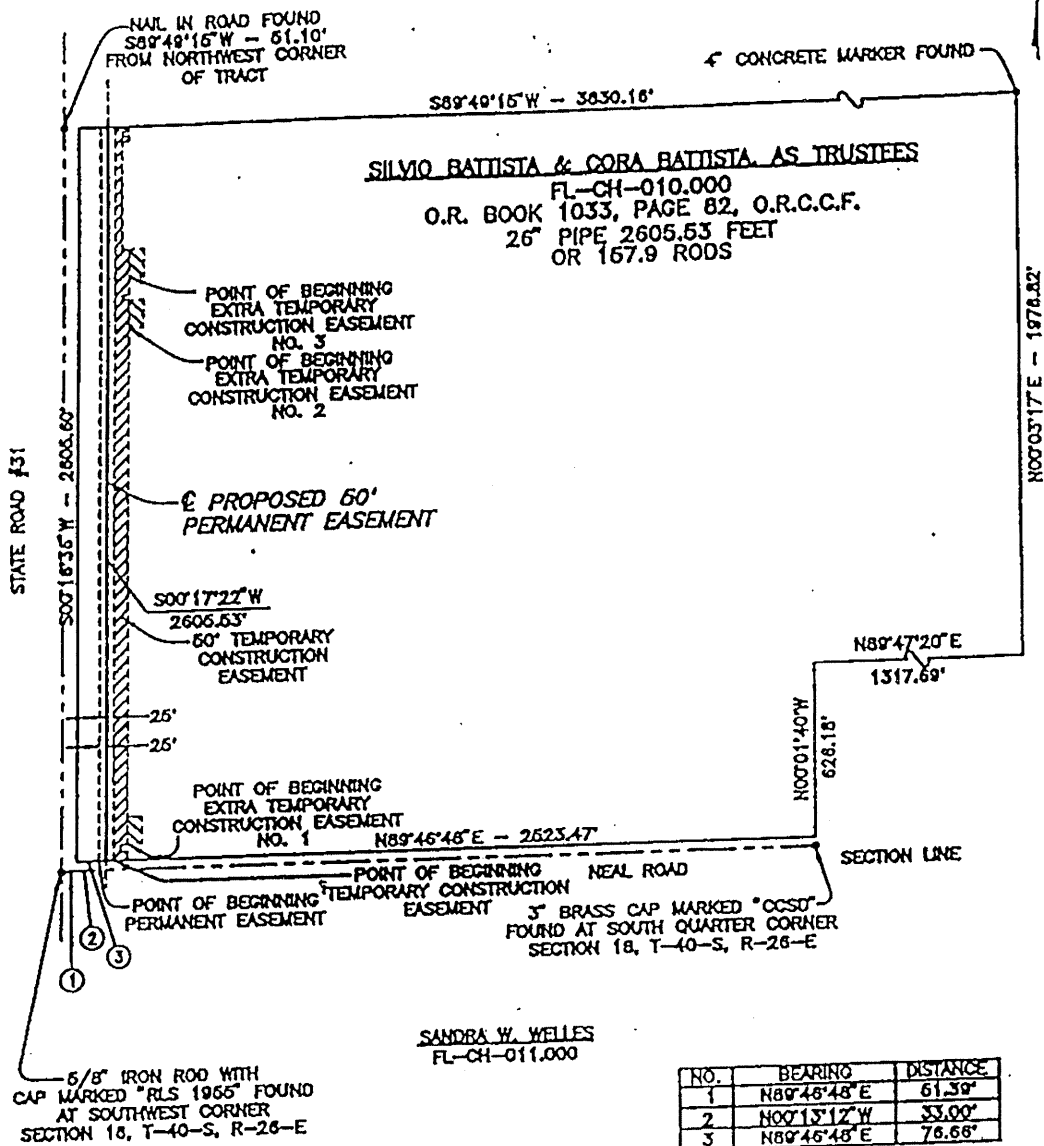
distance of 177.11 feet to the POINT OF BEGINNING of the herein described extra temporary construction easement;

THENCE North $00^{\circ}17'22''$ East, a distance of 100.00 feet to a point;

THENCE North $89^{\circ}47'20''$ East, a distance of 50.00 feet to a point;

THENCE South $00^{\circ}17'22''$ West, a distance of 100.00 feet to a point;

THENCE South $89^{\circ}47'20''$ West, a distance of 50.00 feet to the POINT OF BEGINNING of said extra temporary construction easement and containing 0.115 acre of land, more or less.

THEODORE SATIN
FL-CH-009.010

This Map of Survey is neither full or complete without Legal Description on Sheets 1, 2, 3, & 4 of 6 and Survey Report on Sheet 6 of 6.

LEGEND

T - TOWNSHIP
R - RANGE
S - SOUTH
E - EAST
O.R. - OFFICIAL RECORD

Sheet 5 of 6 FL-CH-010.000

OR File and No.		W.O.		2000 Construction		FOT Technical Services		Maitland, Florida		Florida Gas Transmission Company	
By	Date	Dr. By	Date	Dr. By	Date	Dr. By	Date	Dr. By	Date	Dr. By	Date
1		10/23/99									
2											
3											
4											
5											
6											
7											
8											
9											
10											

PROPOSED 26" WEST LEG
LATERAL EXTENSION
CROSSING PROPERTY OF
SILVIO BATTISTA AND CORA BATTISTA, AS TRUSTEES
CHARLOTTE COUNTY, FLORIDA

OWD. NO.
FGTPL306

S NAME:

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished

this 12th day of APRIL, 2000 to the following at the addresses indicated

below: BRIAN A BOLVES, ESQUIRE
BRICKLEMYER SMOLKER & BOLVES PA
500 EAST KENNEDY BLVD, SUITE 200
TAMPA, FL 33602

CORA BATTISTA, AS TRUSTEE
C/O CHARLES J BASINAIT, ESQUIRE
HENDERSON FRANKLIN
P O BOX 280
FT MYERS, FL 33902-0280

CORA BATTISTA AS TRUSTEE
15831 COUNTY COURT
FT MYERS, FL 33912

LAURENCE R CURTIS & MARCIA M CURTIS
5421 TAMIAMI TRAIL
FT MYERS, FL

FRANK DESGUIN PROPERTY APPRAISER
CHARLOTTE COUNTY
C/O JOHN L POLK, ESQUIRE
P O BOX 511221
PUNTA GORDA, FL 33951

VICKIE L POTTS, TAX COLLECTOR
CHARLOTTE COUNTY

C/O PHILLIP J JONES, ESQUIRE

WILKINS, FROHLICH, JONES

HEVIA, RUSSELL, & SUTTER PA

18501 MURDOCK CIRCLE

SIXTH FLOOR

PORT CHARLOTTE, FL 33948

BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT

BY: J. Newell
Deputy Clerk

PROTECTED SPECIES ASSESSMENT

**Battista Mine
Charlotte County, Florida**

March 2023

Prepared by:

I V A
Ian Vincent & Associates
Environmental Consulting Services

4050 Rock Creek Drive □ Port Charlotte, FL 33948
(941) 457-6272
www.IVAenvironmental.com

INTRODUCTION

The following assessment has been prepared to identify on-site vegetative communities and address wildlife species listed by the Florida Fish and Wildlife Conservation Commission (FWC) and U.S. Fish and Wildlife Service (FWS) as endangered, threatened, or species of special concern which may be utilizing the subject property.

The subject property (Charlotte County Parcel ID# 402618300001) is located in Sections 18 & 19, Township 40S, and Range 26E within Punta Gorda, Florida. Please refer to the attached Location Map.

SITE CONDITIONS

A site inspection was conducted by a qualified staff ecologist in March 2023. During the inspection, temperatures ranged from 71° - 78° F, winds were 10-15 mph, and skies were partly cloudy.

VEGETATIVE COMMUNITIES

Field observations, in conjunction with the Charlotte County Soil Survey and aerial photographs, were used to develop a map of the vegetative communities onsite. The vegetative communities were identified and classified utilizing the Florida Land Use Cover and Forms Classification System (FLUCCS). The following table displays the vegetative associations found on the subject property. A description of the communities is also included. Please refer to the attached Protected Species Assessment Map.

FLUCCS ID	FLUCCS DESCRIPTION	ACREAGE
190	Open Land	0.03
242	Sod Farm	208.31
434	Hardwood/Conifer, Mixed	3.46
510D	Ditch	7.91
742	Borrow Area	4.70
TOTAL		224.41

FLUCCS 190 – Open Land

This upland habitat lacks a significant canopy. Midstory and groundcover species present include: false buttonweed (*Spermacoce sp.*), greenbrier (*Smilax sp.*), grapevine (*Vitis sp.*), bluestem (*Schizachyrium sp.*), carpetgrass (*Axonopus furcatus*), tickseed (*Coreopsis sp.*), bog buttons (*Lachnocaulon sp.*), yellow-eyed grass (*Xyris sp.*), and flatsedges (*Cyperus sp.*).

FLUCCS 242 – Sod Farm

This upland habitat is being utilized as a sod farm primarily containing St. Augustine grass (*Stenotaphrum secundatum*). The sod farm also contains a shed, house, and scattered canopy of laurel oak (*Quercus laurifolia*). Midstory and groundcover species present include: bluestem, false buttonweed, ragweed (*Ambrosia*

artemisiifolia), beggar's tick (*Bidens alba*), Mexican clover (*Richardia brasiliensis*), finger grass (*Eustachys sp.*), Brazilian pepper (*Schinus terebinthifolius*), frog-fruit (*Phyla nodiflora*), fleabane (*Erigeron sp.*), Caesarweed (*Urena lobata*), and southern beeblossom (*Oenothera simulans*).

FLUCCS 434 – Hardwood/Conifer, Mixed

This upland habitat contains a canopy of slash pine (*Pinus elliottii*), cabbage palm (*Sabal palmetto*), melaleuca (*Melaleuca quinquenervia*), dahoon holly (*Ilex cassine*), and laurel oak. Midstory and groundcover species present include: saw palmetto (*Serenoa repens*), grapevine, greenbrier, wax myrtle (*Myrica cerifera*), false buttonweed, poison ivy (*Toxicodendron radicans*), rusty lyonia (*Lyonia ferruginea*), blackroot (*Pterocaulon pycnostachyum*), shiny blueberry (*Vaccinium myrsinites*), flatsedges, Caesarweed, and bluestem.

FLUCCS 510D – Ditch

This man made other surface water habitat lacks a significant canopy. Midstory and emergent species present include: flatsedges, false buttonweed, beaksedges (*Rhynchospora sp.*), duckweed (*Lemna sp.*), pepperweed (*Lepidium sp.*), torpedo grass (*Panicum repens*), creeping seedbox (*Ludwigia repens*), and dayflower (*Commelina diffusa*).

FLUCCS 742 – Borrow Area

This man made other surface water habitat contains primarily open water and lacks significant vegetation. Species found along the shoreline include: torpedo grass, water-hyssop (*Bacopa monnieri*), Carolina willow (*Salix caroliniana*), camphorweed (*Pluchea odorata*), Peruvian primrose willow (*Ludwigia peruviana*), smartweed (*Polygonum punctatum*), cattail (*Typha sp.*), and spatterdock (*Nuphar luteum*).

LISTED SPECIES SURVEY METHODOLOGY

To provide approximately 80 percent coverage of the site, both linear and nonlinear overlapping transects were completed across the parcel per FWC guidelines. Transects were spaced approximately 30-50 feet apart depending on the visibility within the vegetative association being surveyed. Evidence of protected species was gathered through both direct observation and through observation of signs such as tracks, nests, burrows, and fecal material. If evidence of utilization by a protected species which may require permitting prior to development of the subject property was observed, an aerial photograph was marked depicting the approximate location. In addition, a search of available online resources was conducted to reveal the previously documented presence of listed species which may be utilizing the subject property. These resources included, but were not limited to, the following: FWS Wood Stork Colony Map(s); Charlotte County Natural Resources Department Scrub Jay Territory Search Database; Audubon Society Eagle Nest Locator Database; FWS Florida Bonneted Bat Consultation Area Map(s); FWS Crested Caracara Consultation Area Map(s); FWS Red-cockaded Woodpecker Consultation Area Map(s); and FWS Panther Consultation Area Map(s). In the event that the site contained suitable habitat for a protected species, or if the site is within close proximity to a verified sighting or consultation area for a protected species, additional scrutiny was given during the inspection relative to that specific species.

LISTED SPECIES ASSESSMENT RESULTS

Search of available online resources revealed that the subject property is located within an 18.6-mile radius designated as Core Foraging Area of several wood stork (*Mycteria americana*) nesting colonies. Each of the documented colonies appears to be greater than 13 miles from the subject property. Under current regulations,

the proximity of the off-site nesting colonies is not likely to affect the future development of the subject property. However, any impacts which trigger federal review may lead to additional consultation relative to the species.

Search of available online resources revealed that the subject property is located within the Consultation Area of the Florida scrub jay (*Aphelocoma coerulescens*). However, review of the Charlotte County Natural Resources Department Florida Scrub Jay Territory Search Database revealed that the subject property is not a scrub jay review area parcel. No evidence of utilization by the species was observed on the subject property. Therefore, the Florida scrub jay is not likely to affect the future development of the property.

Search of the Audubon Society Bald Eagle Nest Locator website revealed no nests within a half mile radius of the subject property. No eagles or eagle nests were observed on or around the subject property. Bald eagle (*Haliaeetus leucocephalus*) should therefore not likely affect the future development of the subject property.

Search of available online resources revealed that the subject property is located within the Consultation Area of the crested caracara (*Caracara cheriway*). No evidence of nesting activity or utilization by the crested caracara was observed onsite. The crested caracara is not anticipated to be nesting within the subject property, and therefore, is not likely to affect the future development of the subject property.

Search of available online resources revealed that a portion of the subject property is located within the Consultation Area of the red-cockaded woodpecker (*Picoides borealis*). The nearest documented red-cockaded woodpecker (RCW) sighting is greater than 6 miles from the subject property. In accordance with FWC survey guideline protocol, suitable trees were inspected for the presence of RCW nesting cavities. No evidence of nesting or utilization by the species was observed. The red-cockaded woodpecker is not anticipated to be utilizing the subject parcel, and therefore, is not likely to affect the future development of the property. However, any impacts which trigger federal review may lead to additional consultation relative to the species.

The subject parcel is located within the FWS Consultation Area of the Florida bonneted bat (*Eumops floridanus*). No evidence of utilization by the Florida bonneted bat was observed onsite during the site inspection. Thus, the Florida bonneted bat is not likely to affect the future development of the property. However, any impacts which trigger federal review may lead to additional consultation relative to the species.

Search of available online resources did not reveal documentation of any other listed wildlife species currently utilizing the subject property.

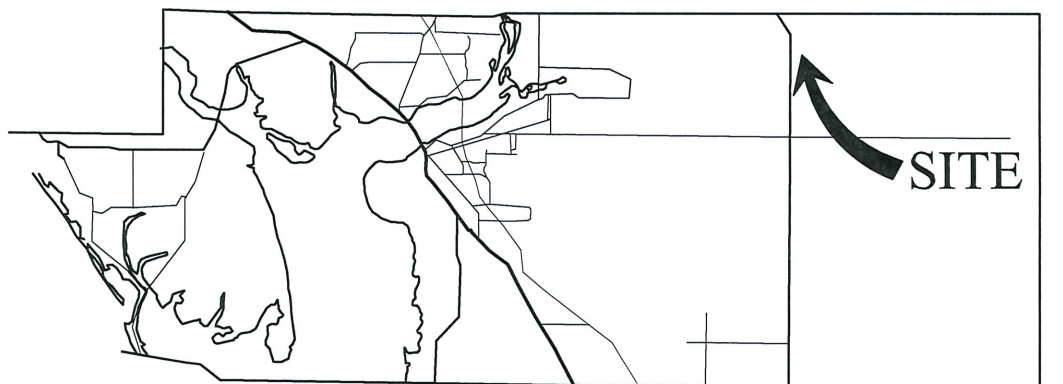
The subject site contains upland habitats which could potentially be utilized by the gopher tortoise (*Gopherus polyphemus*). No gopher tortoise burrows, or evidence of the species were observed on the parcel. If gopher tortoise burrows are found on the parcel, a 100% gopher tortoise survey and relocation permit from the Florida Fish and Wildlife Conservation Commission will be required prior to development of the site if gopher tortoise burrows cannot be avoided during construction.

No protected species or evidence of protected species utilization which would require permits from the FWC or FWS were observed onsite during the site inspection.

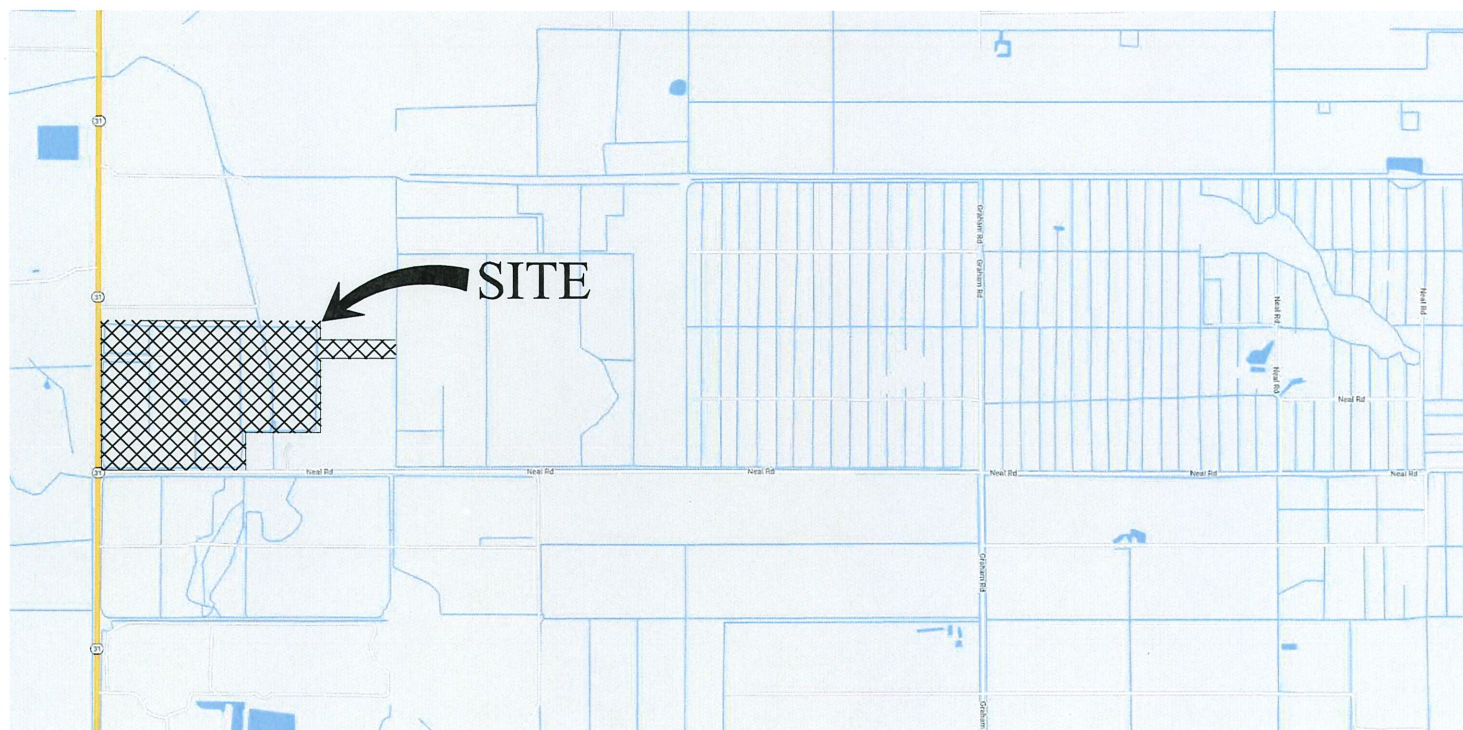


SECTIONS 18 & 19; TOWNSHIP 40S; RANGE 26E

NOT TO SCALE



CHARLOTTE COUNTY, FLORIDA



LOCATION MAP

23-073 / MARCH 15, 2023

BATTISTA MINE
LOCATION MAP

IWA
Ian Vincent & Associates
Environmental Consulting Services

SECTIONS 18 & 19; TOWNSHIP 40S; RANGE 26E



LEGEND

FLUCCS	DESCRIPTIONS	ACREAGE
190	OPEN LAND	0.03±
242	SOD FARM	208.31±
434	HARDWOOD/CONIFER, MIXED	3.46±
510D	DITCH	7.91±
742	BORROW AREA	4.70±
TOTAL		224.41±



OTHER SURFACE WATER

12.61±

- NOTES:
1. FOR PERMIT USE ONLY, NOT FOR CONSTRUCTION.
 2. PROJECT BOUNDARY IS APPROXIMATE AND WAS OBTAINED FROM CHARLOTTE COUNTY GIS.
 3. MAPPING APPROXIMATE AND BASED ON INTERPRETATION OF 2017 AERIAL PHOTOGRAPHY AT 1"=800' SCALE.
 4. THE DELINEATION OF ANY ON-SITE WETLANDS, SURFACE WATERS, AND/OR OTHER SURFACE WATERS IS PRELIMINARY AND SUBJECT TO REVIEW/APPROVAL BY APPLICABLE REGULATORY AGENCIES.

23-073 / MARCH 15, 2023

BATTISTA MINE
PROTECTED SPECIES ASSESSMENT MAP



TREBILCOCK
CONSULTING SOLUTIONS

Traffic Impact Statement

Lake Lonely Mine – Development Order

Charlotte County, Florida
07/19/2023

Prepared for:

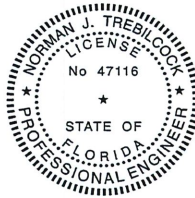
PMS of Naples
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Prepared by:

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Naples, FL 34104
Phone: 239-566-9551
Email: ntrebilcock@trebilcock.biz

Statement of Certification

I certify that this Traffic Impact Statement has been prepared by me or under my immediate supervision and that I have experience and training in the field of Traffic and Transportation Engineering.



Digitally signed by Norman Trebilcock
DN: c=US, st=Florida, l=Naples,
o=Norman Trebilcock, cn=Norman
Trebilcock,
email=ntrebilcock@trebilcock.biz
Date: 2023.07.21 08:18:52 -04'00'

Norman J. Trebilcock, AICP, PTOE, PE
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Project Description

The Lake Lonely Mine project is an existing, approximately 220-acre sod farm located east of SR 31 and approximately 3 miles north of Bermont Road, and lies within Sections 18, Township 40 South, Range 26 East, in Charlotte County, Florida.

Refer to **Figure 1 – Project Location Map** and **Appendix A: Project Concept Plan**.

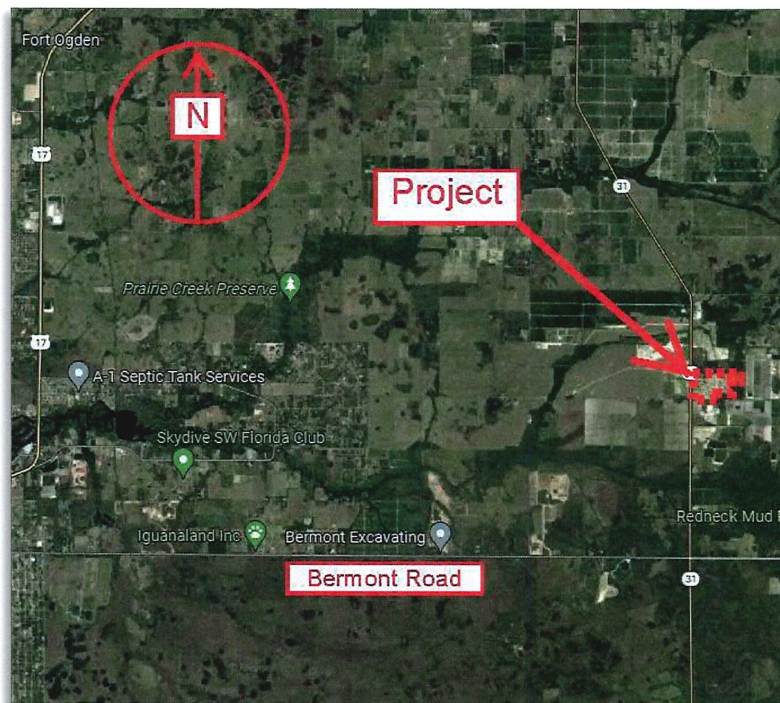


Figure 1: Project Location Map

The proposed Lake Lonely Mine project is a commercial excavation operation. This Traffic Impact Statement is in support of the Development Order (DO) application for the operation. The land is currently operating as a sod farm and zoned as agriculture. The mine is expected to produce a maximum of 2,640 CY per average weekday. The mine will be operating from 7:00 AM to 6:00 PM Monday through Friday and operating from 7 AM to 12 PM on Saturday. The mine will have a minimum lifespan of 5 years and a maximum lifespan of 10 years.

The proposed development program is illustrated in **Table 1**.

Table 1: Proposed Development Program

Land Use	ITE Land Use Code	Volume per Day	Truck Volume	Planning Horizon
Commercial Excavation	N/A*	2,640 cubic yards	20 cubic yards	2025

Note(s): *N/A = Not Available.

The project's access to the surrounding roadway network is an existing full movement connection onto SR 31.

For purposes of this evaluation, the future analyzed traffic conditions are assumed to be consistent with 2025 planning horizon year.

A methodology meeting was held with the Charlotte County Transportation Engineering staff designee on July 10, 2023, via email, as illustrated in **Appendix B: Initial Meeting Checklist (Methodology Meeting)**.

Trip Generation

The operations of this mine will perform in such a way that the maximum allowed volume of material exported off the site on an average weekday is 2,640 cubic yards (CY). The hauling trucks expected to remove the material from the property will have a capacity of 20 CY and will operate from 7:00 am until 6:00 pm. The average daily two-way trips are based on the number of trucks needed to remove the maximum amount of fill, deliver the fill off site and return to the mine.

The mining operation is expected to generate 264 daily two-way peak hour trips. Over an 11-hour workday, the project will generate 12 entering and 12 exiting trips for both the AM and PM peak hours.

No reductions for internal capture or pass-by trips have been considered in this TIS.

A 10% adjustment factor was applied to account for any visitor or vendor trips to the site.

A summary of the project trip generation calculations for the proposed DO is illustrated in **Table 2**, below. Detailed calculations can be found in **Appendix C – Trip Generation Calculations**.

Table 2: Proposed Project Trip Generation – Average Weekday

Land Use	Factor	Daily Two-Way Volume	AM Peak Hour ⁽¹⁾			PM Peak Hour ⁽¹⁾		
			Enter	Exit	Total	Enter	Exit	Total
Mining Operations		264	12	12	24	12	12	24
10% Adjustment Factor	1.10	290	13	13	26	13	13	26

Note(s): (1) Peak Hour Volume = Daily Traffic/11 hours. Directional distribution assumption is 50%/50%

Trip Distribution and Assignment

The traffic generated by the development is assigned to the adjacent roadway network based on the knowledge of the area and consistent with similar, recent traffic studies for mines in the area as coordinated within the methodology meeting.

As shown in **Table 2**, the project traffic peak hour is the PM peak hour traffic. For the purposes of concurrency analysis, the traffic impact is considered maximum when the project peak hour traffic is combined with the roadway peak hour, peak direction traffic.

The site-generated trip distribution is shown in **Table 3, Project Traffic Distribution for PM Peak Hour** and is graphically depicted in **Figure 2 – Project Distribution by Percentage and By PM Peak Hour**.

Table 3: Project Traffic Distribution for PM Peak Hour

Roadway Link	Roadway Link Location	Distribution of Project Traffic	PM Peak Hour Project Traffic Volume	
			Enter	Exit
SR 31	Project Access South to Bermont Road	100%	NB – 13	SB – 13
Bermont Rd	SR 31 to US 17	100%	EB – 13	WB – 13

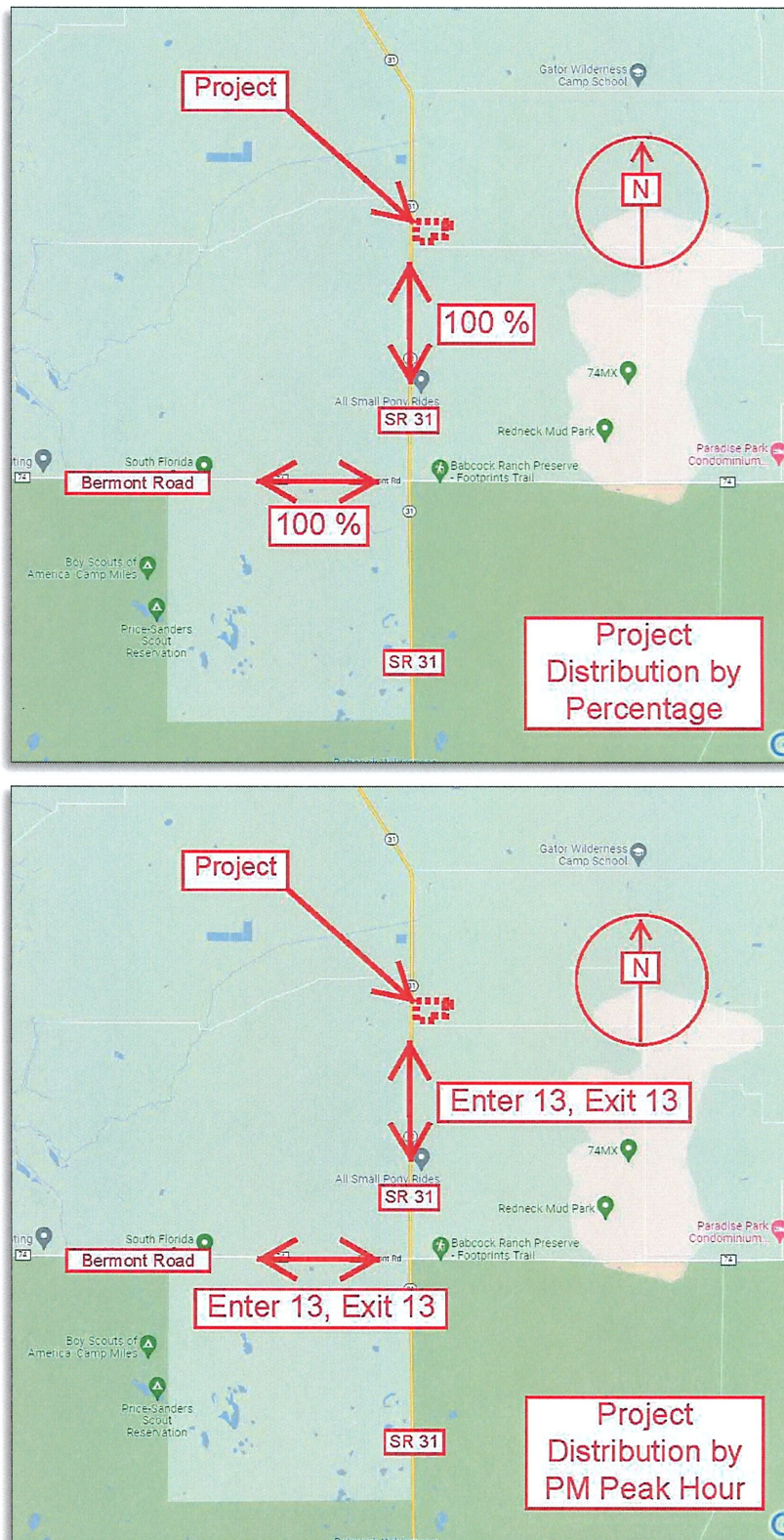


Figure 2 - Project Distribution by Percentage and PM Peak Hour

Background Traffic

As illustrated in the methodology meeting notes, for the purposes of this report, the surrounding roadway network is analyzed under 2025 traffic conditions.

Two reference sources were utilized to obtain existing background traffic volumes and Level of Service (LOS) information. The peak hour, peak season, two-way 2021 100th Highest Hour traffic volume is used as illustrated in Charlotte County 2021 Concurrency Report for Charlotte County maintained facilities and the FDOT District One 2021 LOS Spreadsheet Peak Hour Two-way volumes is used for the state-maintained facilities.

Historic growth rates are estimated for the segments of the roadway network in the study area using a general guidance of a minimum 2% growth rate, or suggested growth rate as shown in the Charlotte County 2021 Concurrency Report. Based on Charlotte County 2021 Concurrency Report, a growth rate of 5% is used for Bermont Road.

As illustrated in the Florida Traffic Online Historical AADT, the growth rate for SR 31 of the analyzed segments is 0.4% (2018 = 5,900 trips, 2022 = 6,000 trips). As such, a 2% growth rate will be used to calculate future background traffic for these segments.

Table 4, Background Traffic without Project, illustrates the projected background (without project) peak hour peak direction traffic volume for the planning horizon year of 2025.

Refer to **Appendix D: Charlotte County 2021 Concurrency Report (Excerpts)**, **Appendix E: FDOT District One 2021 LOS Spreadsheet (Excerpts)** and **Appendix F: Florida Traffic Online – Historical AADT**.

Table 4 - Background Traffic Without Project

Roadway Link	Roadway Link Location	2021 Peak Hour, Two Way Traffic Volume (trips/Hr)	Projected Traffic Annual Growth Rate (%/yr) ⁽³⁾	Growth Factor	Future 2025 Background Peak Hour, Two-way Vol (trips/Hr) ⁽⁴⁾
SR 31 ⁽¹⁾	Project Access South to Bermont Road	447	2.0%	1.0824	484
Bermont Rd ⁽²⁾	SR 31 to US 17	769	5.0%	1.2155	935

- Note(s):
- (1) From FDOT District One 2021 LOS Spreadsheet (refer to **Appendix E**).
 - (2) From Charlotte County 2021 Concurrency Report (refer to **Appendix D**).
 - (3) 2% minimum or historical growth rate; Growth Factor = (1 + Annual Growth Rate)⁴.
 - (4) 2025 Projected Volume = 2021 Traffic Volume x Growth Factor.

Existing and Future Roadway Network

The adopted roadway LOS capacity conditions are extracted from the Charlotte County 2021 Concurrency Report and the FDOT District One 2021 LOS Spreadsheet Peak Hour Two-way volumes as applicable. Roadway improvements that are currently under construction or are scheduled to be constructed within

the first five years of the current Capital Improvement Program (CIP) are considered to be committed improvements for the purposes of this study. Improvements were identified in the Charlotte County – Punta Gorda Metropolitan Planning Organization – Transportation Improvement Program dated May 16, 2022, that will have an impact on roadway capacity.

The existing and future roadway conditions are illustrated in **Table 5**.

Table 5: Existing and Future Roadway Conditions

Roadway Link	Roadway Link Location	2021 Roadway Conditions	2021 Standard LOS	2021 Peak Dir, Peak Hr Capacity Volume	2025 Roadway Conditions	2025 Standard LOS	2025 Peak Dir, Peak Hr Capacity Volume
SR 31 ⁽¹⁾	Project Access South to Bermont Rd	2U	C	1,490	2U	C	1,490
Bermont Rd ⁽²⁾	SR 31 to US 17	2U	D	2,180	2U	D	2,180

Note(s): 2U = 2-lane undivided roadway; 2D, 4D, 6D = 2-lane, 4-lane, 6-lane divided roadway, respectively; LOS = Level of Service; N/A = not applicable, not available.

(1) From FDOT District One 2021 LOS Spreadsheet (refer to **Appendix E**).

(2) From Charlotte County 2021 Concurrency Report (refer to **Appendix D**).

Roadway Link Analysis

Levels of Service (LOS) volumes for the area roadway network are evaluated to determine the project impacts for the horizon year 2025. Future projected background traffic volumes are combined with estimated project trips, as illustrated in **Table 6**.

Table 6: Roadway Link Level of Service (LOS)

Roadway Link	2025 Background Two-way Vol ⁽³⁾ (trips/Hr)	2025 Background Pk Hr, Two-way LOS ⁽⁶⁾	Project Peak Hour, Two-way, Vol Added ⁽⁴⁾	2025 Total Pk Hr, Two-way Roadway Link Volume w/Project ⁽⁵⁾	2025 Total Pk Hr, Two-way LOS ⁽⁶⁾	Adopted LOS Peak Hour, Two-way Volume - Adopted LOS Standard	Exceeds Maximum Service Volumes
SR 31 ⁽¹⁾	484	B	26	510	B	1,490 – “C”	No
Bermont Rd ⁽²⁾	935	B	26	961	B	2,180 – “D”	No

Note(s): (1) From FDOT District One 2021 LOS Spreadsheet (refer to **Appendix E**).

(2) From Charlotte County 2021 Concurrency Report (refer to **Appendix D**).

(3) Refer to **Table 4** from this report.

(4) Refer to **Table 3** from this report.

(5) 2025 Projected Volume = 2025 background + Project Volume added.

(6) Based on Charlotte County 2021 Concurrency report or FDOT District One 2021 LOS Spreadsheet, as applicable, refer to **Appendix D** and **Appendix E**.

None of the analyzed links are projected to operate below the adopted LOS Standard with or without the project at 2025 future conditions. Based on the preceding, this project does not create adverse impacts to the area roadway network.

The impacted roadway network is presented in **Table 7**.

Table 7: Roadway LOS – Traffic Impact

Roadway Link	Adopted LOS Peak Hour, Two-way Volume ⁽³⁾	Project Peak Hour, Two-way, Vol Added ⁽⁴⁾	2025 Total Pk Hr, Two-way Roadway Link Volume – LOS ⁽⁵⁾	Project Pk Hr, Two-way as % of Adopted LOS Peak Hour, Two-way Volume	2025 Total Pk Hr, Two-way as % of Adopted LOS Peak Hour, Two-way Volume
SR 31 ⁽¹⁾	1,490	26	510 – “B”	1.7%	34.2%
Bermont Rd ⁽²⁾	2,180	26	961 – “B”	1.2%	44.1%

- Note(s):
- (1) From FDOT District One LOS Spreadsheet (refer to **Appendix E**).
 - (2) From Charlotte County 2021 Concurrency Report (refer to **Appendix D**).
 - (3) Refer to **Table 5, Appendix D** and **Appendix E**.
 - (4) Refer to **Table 3** from this report.

As illustrated in **Table 7**, the projected traffic consumes less than 5% of the adopted LOS volume for the analyzed roadway network.

Site Access Turn Lane Analysis

The project’s access to the surrounding roadway network is a full movement connection onto SR 31. For more details refer to **Appendix A: Project Master Site Plan**.

The site access turn lane analysis is calculated based on the projected and adjusted DO build-out trips during the weekday AM and PM peak hours (as illustrated in **Table 2**).

State Road 31 (SR 31) is under Florida Department of Transportation (FDOT) jurisdiction and is currently a north-south, two-lane, two-way, undivided arterial roadway and has a posted legal speed limit of 60 mph in the vicinity of the project.

Main Project Access

The project’s main access is an existing full-movement driveway connection to SR 31. Based on the posted speed limit of 60 mph on SR 31 in the vicinity of the project, the right-turning threshold volume for recommending a right-turn lane is 35-55 vph, according to the FDOT Driveway Information Guide.

The project is expected to generate 13 vph and 13 vph right-turning movements during AM and PM peak hour, respectively, which is below the threshold values. However, per the FDOT Access Management Guidebook, section 6.2.1, turn lanes may be required for very high operating speeds (such as 55 mph or above) and in rural locations where turns are not expected. On this basis, a dedicated northbound right-turn lane is recommended for this access. For more details refer to **Appendix G: Project Turning Movements**.

For a design speed of 60 mph, the recommended right-turn lane length is 405 feet plus queue. With a peak right-turn movement of 13 vph, the queue length is 25 feet and the turn-lane length is 430 feet, which includes a 50 taper.

Improvement Analysis

Based on the link analysis and trip distribution, the proposed project is not a significant or adverse traffic generator for the roadway network at this location. None of the analyzed links are projected to operate below the adopted LOS Standard with or without the project at 2025 future conditions.

Turn lane improvements are recommended at the project access point.

Mitigation of Impact

The developer proposes to pay the appropriate Charlotte County transportation impact fees as building permits are issued for the project.

Appendix A:

Project Concept Plan



Appendix B:

Initial Meeting Checklist (Methodology Meeting)

METHODOLOGY - INITIAL MEETING CHECKLIST

Date: July 10, 2023 Time: N/A

Location: N/A – Via Email

People Attending:

Name, Organization, and Telephone Numbers

- 1) Ravi Kamarajugadda, Charlotte County Transportation Engineering
- 2) Norman Trebilcock, TCS
- 3) Daniel Doyle, TCS

Study Preparer:

Preparer's Name and Title: Norman Trebilcock, PTOE, AICP, PE

Organization: Trebilcock Consulting Solutions, PA

Address & Telephone Number: 2800 Davis Boulevard, Suite 200, Naples, FL 34104; ph. 239-566-9551

Reviewer(s):

Reviewer's Name & Title: Ravi Kamarajugadda, Project Manager

Organization: Charlotte County Transportation Engineering

Address: 18400 Murdock Circle, Port Charlotte, FL 33948

Telephone Number: 941-575-3668

Applicant:

Applicant's Name: PMS Inc. of Naples

Address: 3125 54th Terrace SW, Naples, FL 34116

Telephone Number: 239-825-7230

Proposed Development:

Name: Lake Lonely Mine – Development Order

Location: Directly east of SR 31 and approximately 3 miles north of Bermont Road in unincorporated Charlotte County – refer to Figure 1.

Land Use Type: Mine

ITE Code #: N/A

Description: Proposed project site consists of an existing, approximately 220 acre sod farm. The Development Order (DO) project proposes to allow for a long-term earth mining operation. The mine is expected to operate between 5 and 10 years. The mine will have a maximum daily volume of 2,640 cubic yards of excavation.

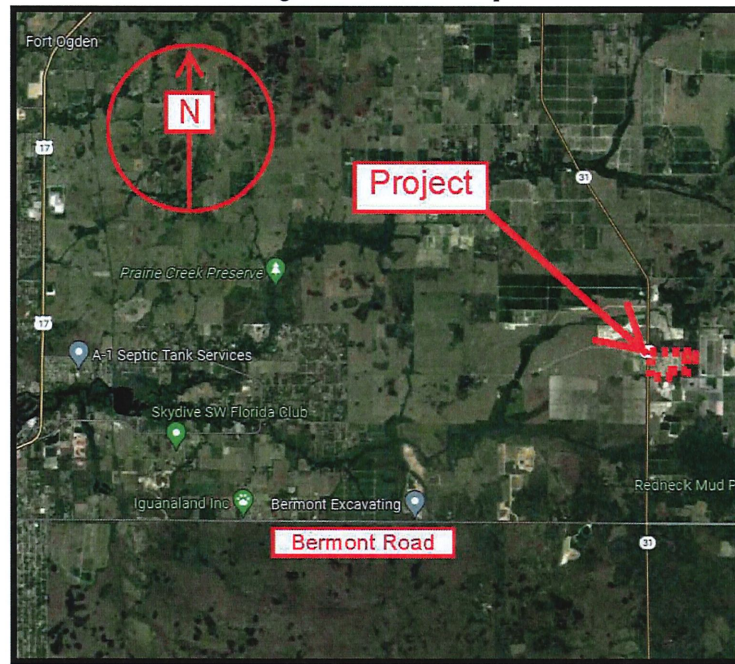
Zoning

Existing: Agriculture – AG

Comprehensive plan recommendation: N/A

Requested: To allow for development of the mine.

Figure 1 – Location Map



Findings of the Preliminary Study:

Minor Traffic Study as the estimated trip generation for the project is greater than 50 but less than 1,000 average daily trips.

No reductions for internal capture or pass-by reductions are considered for this analysis.

Consistent with similar, recent traffic studies for mines in the area, no adjustments for Passenger Car Equivalents for Trucks (E_T) are considered for this traffic study.

Trip generation utilizes a custom rate based on the maximum daily excavation volume of 2,640 cubic yards (CY) and the related trips from 20 CY haul trucks, for a maximum, weekday, adjusted, two-way truck volume of 264 trips. The adjusted, two-way peak hour volume (based on an 11-hour workday) is 24 trips and will be used for the concurrency analysis.

Concurrency – 5-year analysis horizon.

Impacted roadways to be studied – Consistent with similar, recent traffic studies for mines in the area, 100% of the project's (exiting) traffic is projected to travel south on SR 31, then continuing onto Bermont Road.

LOS – per adopted 2050 Charlotte County Comprehensive Plan – adopted LOS standard is “D” with the exception of FDOT facilities (“C” for SR 31 per FDOT District 1 2021 LOS Spreadsheet).

Study Area:

Roadway Links: SR 31, Bermont Road

Additional intersections to be analyzed: N/A

Build Out Year: N/A

Horizon Year: 2025

Analysis Time Period(s): Concurrency – Project generated traffic, two-way peak hour

Future Off-Site Developments: N/A

Source of Trip Generation Rates: Custom rate based on maximum daily volume of excavation related trips.

Reductions in Trip Generation Rates:

None: N/A

Pass-by trips: N/A

Internal trips: N/A

Transit use: N/A

Horizon Year Roadway Network Improvements: 2025

Methodology & Assumptions:

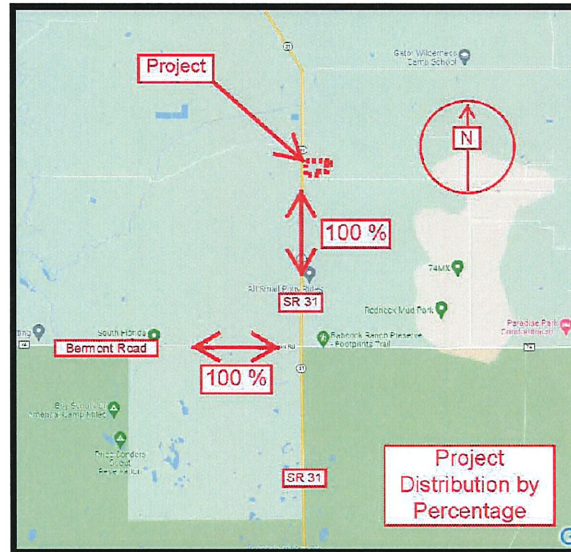
Non-site traffic estimates: 2021 Charlotte County Roadway Concurrency Report; Florida Traffic Online; FDOT District 1 2021 LOS Spreadsheet

Site-trip generation: Custom rate.

Trip distribution - assignment method: engineer's estimate - refer to **Figure 2**

Traffic growth rate: as illustrated in 2021 Charlotte County Concurrency Report and Florida Traffic Online Historical AADT data.

Figure 2 – Trip Distribution



Special Features: (from preliminary study or prior experience)

Accident locations: N/A

Sight distance: N/A

Queuing: N/A

Access location & configuration: N/A

Traffic control: MUTCD

Signal system location & progression needs: N/A

On-site parking needs: N/A

Data Sources: N/A

Base maps: N/A

Prior study reports: N/A

Access policy and jurisdiction: N/A

Review process: N/A

Requirements: N/A

Miscellaneous: N/A

SIGNATURES

Norman Trebilcock

Study Preparer—Norman Trebilcock

Appendix C:

Trip Generation Calculations

**Trip Generation Calculations - Battista Farms Mine
5-Year Total Excavation of Concept Volume**

Total Concept Volume to Trip Generation:

5 yr x 50 wk/yr x 5 days/wk = 1,250 production days
164,700 Total trips/1,250 days = 132 trips/day
132 trips x 2 = 264 two-way daily trips

Production Information:

2,640 cubic yards max per day
11 hours of operation (7 am - 6 pm)
20 cubic yard truck capacity

Trip Generation Calculations:

2,640 CY per day/20 CY per trip = 132 trips/day
132 trips/day x 2 = 264 two-way daily trips
264 trips/11 hours = 24 two-way peak hour trips
50%/50% distribution = 12 Enter and 12 Exit

Daily:

10% Adjustment Factor for Visitors or Vendors
 1.10×264 two-way trips = 290 two-way trips

Peak Hour:

10% Adjustment Factor for Visitors or Vendors
 1.10×12 trips = 13 trips (each for Enter/Exit)

Appendix D:
Charlotte County 2021 Concurrency Report (Excerpts)

CHARLOTTE COUNTY: 2021 ROADWAY LEVEL OF SERVICE DATA

VV SNO	Roadway	Station	From	To	Speed	Fed. Func. Class.	Lanes	2021 AADT	Sugg. Gr. Rate	K100	100 th Hr Vol.	Level of Service Calculations ¹						Percent (%) Capacity Used
												Level of Service Limits (Pkl. Hr. Two-way Vol.)						
												B	C	D	E	Level of Service	Current	
42	Cornelius Blvd	6	SR-776	Biscayne Dr.	40	RMC	2U	3,752	5.00%	0.091	341	-	1359	1440	*	D	C	24%
43	Cornelius Blvd	263	Biscayne Dr.	U.S. 41	40	RMC	2U	4,729	5.00%	0.091	430	-	1359	1440	*	D	C	30%
44	CR74/Bermont Road	111	U.S. 17	County Line	65	RMC	2U	8,455	5.00%	0.091	769	1050	1620	2180	2990	D	C	35%
45	CR 771	158	Agitation Blvd	Rotonda Blvd E	50	UC	4D	11,282	5.00%	0.091	1,027	-	3078	3222	*	D	C	32%
46	CR 771	157	Rotonda Blvd E	Ingraham Blvd	50	UC	4D	14,075	5.00%	0.091	1,281	-	3078	3222	*	D	C	40%
47	CR 771	165	Ingraham Blvd	Marathon Blvd	50	UC	4D	21,674	5.00%	0.091	1,972	-	3078	3222	*	D	C	61%
48	CR 771	169	Marathon Blvd	SR 776	50	UC	4D	19,594	5.00%	0.091	1,783	-	3078	3222	*	D	C	55%
49	CR 775	163	Boca Grande Causeway	E of Boca Grande Causeway	35	RMC	2U	6,874	3.00%	0.091	625	-	594	1197	1269	D	D	52%
50	CR 775	164	Boca Grande Causeway	Gaspard Dr.	45	RMC	2U	6,613	3.00%	0.091	602	-	1359	1440	*	D	C	42%
51	CR 775	165	Gaspard Dr.	Cape Haze Dr.	45	RMC	2U	7,749	3.00%	0.091	705	-	1359	1440	*	D	C	49%
52	CR 775	166	Cape Haze Dr.	Esther St.	45	RMC	2U	8,257	3.00%	0.091	751	-	1359	1440	*	D	C	52%
53	CR 775	141	Esther St.	Rotonda Blvd. W	45	RMC	2U	9,458	3.00%	0.091	881	-	1359	1440	*	D	C	50%
54	CR 775	140	Rotonda Blvd. W	Short St.	45	UC	4D	13,443	3.00%	0.091	1,223	-	3078	3222	*	D	C	38%
55	CR 775	128	Short St.	San Casa Dr.	45	UC	4D	12,536	3.00%	0.091	1,141	-	3078	3222	*	D	C	35%
56	CR 775	125	Mississippi Ave.	Pinebay Blvd	45	UC	4D	13,544	3.00%	0.091	1,233	-	3078	3222	*	D	C	38%
57	CR 775	126	Pine Bay Blvd	S.R. 776	45	UC	4D	14,112	3.00%	0.091	1,284	-	3078	3222	*	D	C	40%
58	Cranberry Blvd	217	U.S. 41	Hillsborough Blvd.	40	L	2U	12,954	5.00%	0.091	1,179	-	1359	1440	*	D	C	82%
59	David Blvd	210	Foresman Blvd	Wilmington Blvd.	30	UC	2U	2,471	3.00%	0.091	225	-	594	1197	1269	D	C	19%
60	Deep Creek Blvd	225	Rio De Janeiro Ave.	Sandhill Blvd.	35	UC	2U	5,981	3.00%	0.091	544	-	594	1197	1269	D	C	45%
61	Deep Creek Blvd	264	Rio De Janeiro Ave.	Seasons Dr.	35	UC	2U	2,459	4.00%	0.091	224	-	594	1197	1269	D	C	19%
62	Easy Street	29	U.S. 41	Olean Blvd.	30	L	2U	2,119	2.00%	0.091	193	-	594	1197	1269	D	C	16%
63	Easy Street	30	Olean Blvd.	Gibraltar Dr.	30	L	2U	2,676	4.00%	0.091	244	-	594	1197	1269	D	C	20%
64	Edgewater Drive	7	Flamingo Blvd.	Pellam Blvd.	40	MA	2U	4,805	5.00%	0.091	437	-	1359	1440	*	D	C	30%
65	Edgewater Drive	40	Pellam Blvd.	Midway Blvd.	40	MA	2U	8,831	5.00%	0.091	804	-	1359	1440	*	D	C	56%
66	Edgewater Drive	39	Midway Blvd.	Lakeview Blvd.	35	MA	4D	10,164	5.00%	0.091	925	-	1179	2628	2736	D	C	35%
67	Edgewater Drive	38	Lakeview Blvd.	W Tarpon Blvd.	35	MA	4D	11,868	5.00%	0.091	1,079	-	1179	2628	2736	D	C	41%
68	Edgewater Drive	41	W Tarpon Blvd.	Port Charlotte Blvd.	35	MA	4D	11,040	5.00%	0.091	1,005	-	1179	2628	2736	D	C	38%
69	Edgewater Drive	37	Port Charlotte Blvd	Harbor Blvd.	35	MA	4D	11,954	5.00%	0.091	1,068	-	1179	2628	2736	D	C	41%
70	Edgewater Drive	36	Harbor Blvd	Cousley Dr.	35	MA	4D	13,196	5.00%	0.091	1,201	-	1179	2628	2736	D	D	46%
71	Edgewater Drive	34	Cousley Dr.	Gardner Dr.	35	MA	4D	12,582	5.00%	0.091	1,145	-	1179	2628	2736	D	C	43%
72	Edgewater Drive	35	Gardner Dr.	U.S. 41	35	MA	4D	12,914	5.00%	0.091	1,175	-	1179	2628	2736	D	C	45%
73	Education Way	88	Toledo Blade Blvd.	Murdoch Circle	30	L	2U	4,739	5.00%	0.091	431	-	594	1197	1269	D	C	36%
74	Elkcam Blvd	43	U.S. 41	Midway Blvd.	35	L	2U	2,461	3.00%	0.091	224	-	594	1197	1269	D	C	19%
76	Elmira Blvd	90	Conway Blvd.	Beacon Dr.	30	L	2U	3,252	2.00%	0.091	298	-	594	1197	1269	D	C	25%
77	Elmita Blvd	91	Beacon Dr.	Kings Highway	30	L	2U	2,348	2.00%	0.091	214	-	594	1197	1269	D	C	18%
76	Flamingo Blvd	8	Edgewater Dr.	Christopher St	45	MA	2U	4,562	5.00%	0.091	417	-	1359	1440	*	D	C	29%
78	Flamingo Blvd	9	Christopher St	SR-776	45	MA	2U	4,949	5.00%	0.091	450	-	1359	1440	*	D	C	31%
76	Florida Street	172	Carmalia St.	Marion Ave	40	RMC	2U	1,673	5.00%	0.091	152	-	1359	1440	*	D	C	11%
80	Florida Street	153	Airport Rd	Carmalia St	40	RMC	2U	706	4.00%	0.091	84	-	1359	1440	*	D	C	4%
81	Forrest Nelson Blvd	82	U.S. 41	Peachland Blvd.	35	L	2U	5,424	5.00%	0.091	484	-	594	1197	1269	D	C	41%
82	Boca Grande Causeway	162	U.S. 41	S of Placida Rd	45	RMC	2U	6,883	3.00%	0.091	626	-	1359	1440	*	D	C	43%
83	Gillot Blvd	10	Bluestone St.	S.R. 776	40	RMC	2U	3,091	3.00%	0.091	281	-	1359	1440	*	D	C	20%
85	Gulf Blvd	121	Terminus	Beach Rd.	25	UC	2U	3,382	3.00%	0.091	308	-	594	1197	1269	D	C	28%

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Contact: Ravi Kamarajugadda - Ravi.Kamarajugadda@charlottecountyfl.gov or (941) 575-3658

Appendix E:

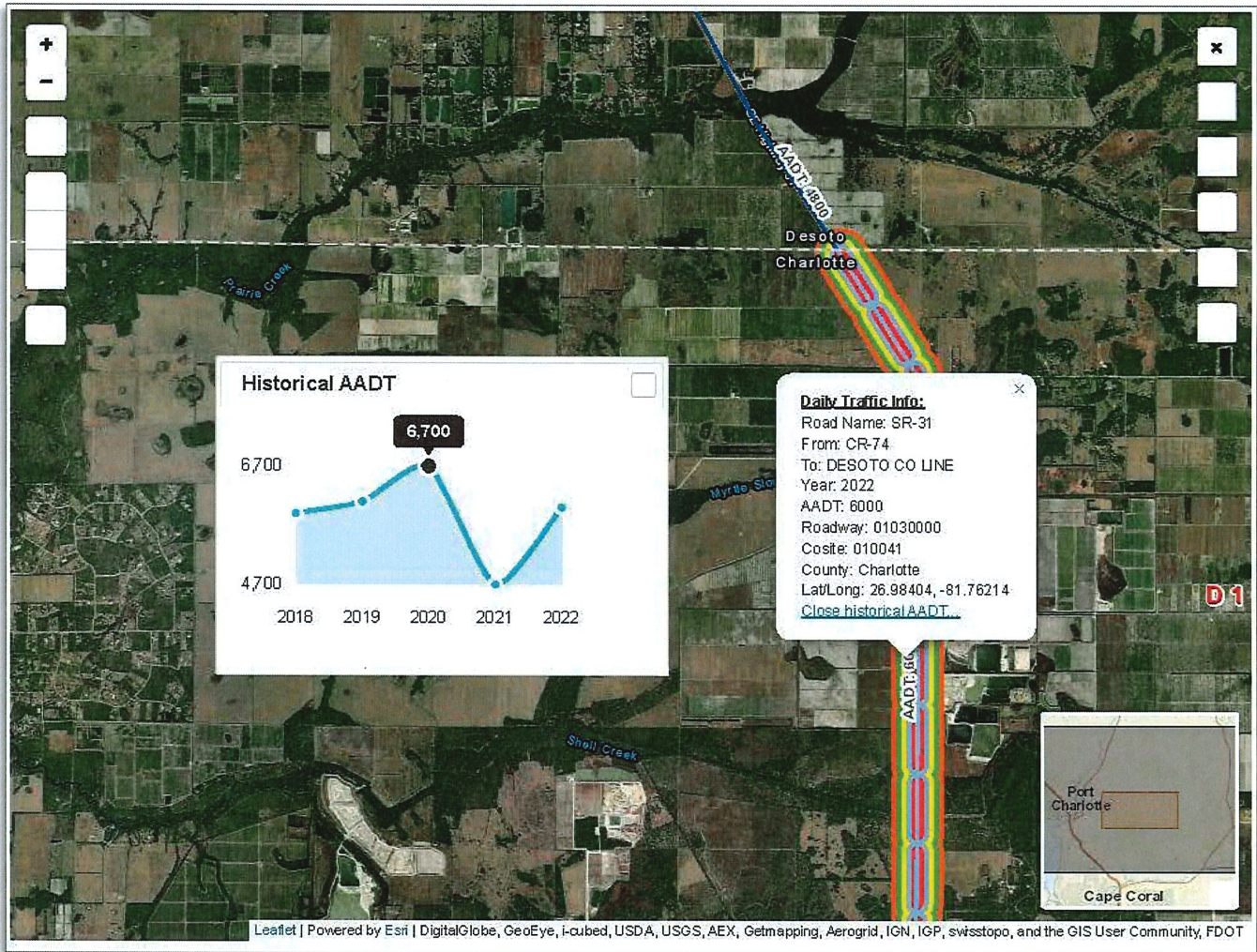
FDOT District One 2021 Spreadsheet (Excerpts)

2021 FDOT District 1 LOS Spreadsheet - Charlotte County											
Section No.	State Road No.	Local Road Name	From	To	To M.P.	Section Length	SIS	Existing Condi. Class	Functional Classification	Posted Speed	Area Type
01010000	US 41	TAMIAMI TRAIL	Lee County Line	Zamel Rd	0.000	2.339		C2	Principal Arterial-other	65	RDA
01010000	US 41	TAMIAMI TRAIL	Zamel Rd	Morningside Drive	2.339	3.223		C2	Principal Arterial-other	65	RDA
01010000	US 41	TAMIAMI TRAIL	Morningside Drive	Tuckers Grade Blvd	5.562	1.451		C3C	Principal Arterial-other	60	UA
01010000	US 41	TAMIAMI TRAIL	Tuckers Grade Blvd	CR 765A/Taylor Rd	7.013	1.570		C3C	Principal Arterial-other	60	UA
01010000	US 41	TAMIAMI TRAIL	CR 765A/Taylor Rd	CR 765/Burnt Store Rd	8.583	1.601		C3R	Principal Arterial-other	50	UA
01010000	US 41	TAMIAMI TRAIL	CR 765/Burnt Store Rd	US 41/Cross St	10.184	3.086		C3R	Principal Arterial-other	40	UA
01010000	US 41	TAMIAMI TRAIL	US 41/Cross St	Melbourne St	13.270	2.025		C3C	Principal Arterial-other	45	UA
01010000	US 41	TAMIAMI TRAIL	Melbourne St	CR 776/Harbor View Rd	15.295	1.019		C3C	Principal Arterial-other	45	UA
01010000	US 41	TAMIAMI TRAIL	CR 776/Harbor View Rd	Harbor Blvd	16.314	1.863		C3C	Principal Arterial-other	45	UA
01010000	US 41	TAMIAMI TRAIL	Harbor Blvd	Forest Nelson Blvd	18.177	2.044		C3C	Principal Arterial-other	45	UA
01010000	US 41	TAMIAMI TRAIL	Forest Nelson Blvd	Murdock Circle	20.221	1.327		C3C	Principal Arterial-other	45	UA
01010000	US 41	TAMIAMI TRAIL	Murdock Circle	Toledo Blade Blvd	21.548	1.533		C3C	Principal Arterial-other	45	UA
01010000	US 41	TAMIAMI TRAIL	Toledo Blade Blvd	Sarasota County Line	23.081	2.865		C3C	Principal Arterial-other	55	UA
01010101	US 41	CROSS ST US 41 SB	US 41 (Tamiami Trail)	Olympia Ave	0.000	1.617		C3C	Principal Arterial-other	45	UA
01010101	US 41	CROSS ST US 41 SB	Olympia Ave	US 41 (Tamiami Trail)	1.617	0.425		C3C	Principal Arterial-other	35	UA
01030000	SR 31	SR 31	Lee County Line	Cypress Pkwy	0.000	0.390	SIS	C2	Minor Arterial	60	TA
01030000	SR 31	SR 31	Cypress Pkwy	Lake Babcock Dr	0.390	0.750	SIS	C2	Minor Arterial	60	TA
01030000	SR 31	SR 31	Lake Babcock Dr	Cook Brown Rd	1.140	0.869	SIS	C2	Minor Arterial	60	TA
01030000	SR 31	SR 31	Cook Brown Rd	DeSoto County Line	2.009	6.271	SIS	C2	Minor Arterial	60	RDA
01030000	SR 31	SR 31	DeSoto County Line		18.397		SIS	C2	Minor Arterial	60	RDA

2021 FDOT District 1 LOS Spreadsheet - Charlotte County															
Posted Speed	Area Type	Facility Type	FDOT LOS Std.	County LOS Std.	City LOS Std.	Year 2021								Deficiency Determination	
						Arterial Class	Divided/UnDivided	One/Two Way	Left Turn Bays	Right Turn Bays	Thru Lanes	Peak Hour Two-Way			
												Capacity	Volume		LOS
65	RDA	H	C	D		D	2W	WL	WR	4	4020	2043	B		
65	RDA	H	C	D		D	2W	WL	WR	4	4020	1539	B		
60	UA	H	D	D		D	2W	WL	WR	4	5960	1539	B		
60	UA	H	D	D		D	2W	WL	WR	4	5960	1539	B		
50	UA	A	D	D	D	1	D	2W	WL	WR	4	3759	1395	C	
40	UA	A	D	D	D	1	D	2W	WL	WR	4	3759	2925	C	
45	UA	H	D	D	D		U	1W	WL	WR	2	3936	2046	B	
45	UA	A	D	D	D	1	D	2W	WL	WR	6	5660	3915	C	
45	UA	A	D	D		1	D	2W	WL	WR	6	5660	3915	C	
45	UA	A	D	D		1	D	2W	WL	WR	6	5660	4237	C	
45	UA	A	D	D		1	D	2W	WL	WR	6	5660	4416	C	
45	UA	A	D	D		1	D	2W	WL	WR	6	5660	2903	C	
55	UA	A	D	D		1	D	2W	WL	WR	6	5660	2700	C	
45	UA	H	D	D			U	1W	OL	WR	2	3936	2340	C	
35	UA	A	D	D	D	2	U	1W	WL	OR	3	3024	1530	D	
60	TA	H	C				U	2W	OL	WR	2	1560	1108	C	
60	TA	H	C				U	2W	WL	WR	2	1560	1108	C	
60	TA	H	C				U	2W	WL	WR	2	1560	1108	C	
60	RDA	H	C				U	2W	WL	WR	2	1490	494	B	
60	RDA	H	C				U	2W	OL	WR	2	1490	447	B	

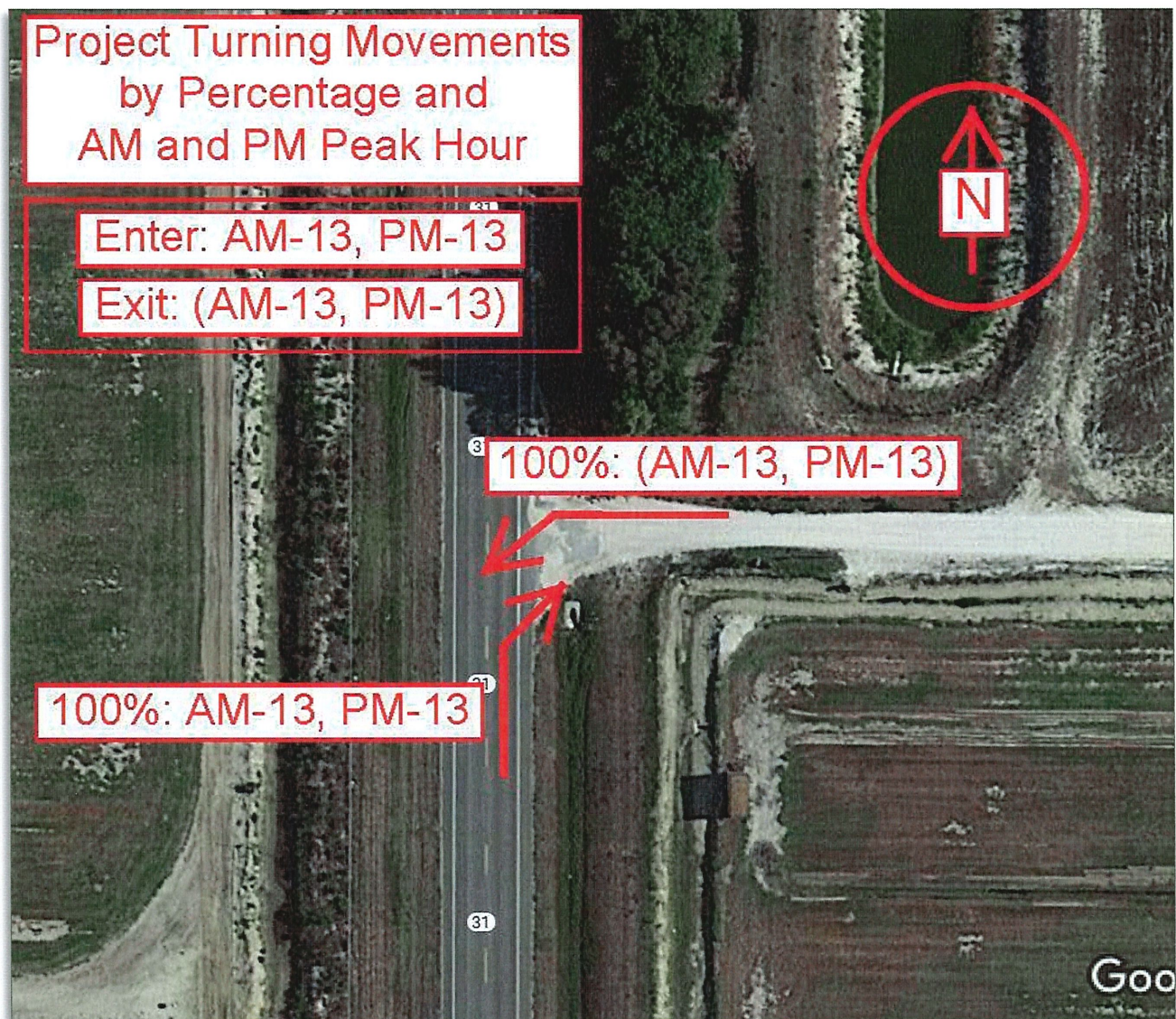
Appendix F:

Florida Traffic Online – Historical AADT



Appendix G:

Project Turning Movements



Enter: AM-13, PM-13

Exit: (AM-13, PM-13)

100%: (AM-13, PM-13)

100%: AM-13, PM-13

**Trip Generation Calculations - Battista Farms Mine
5-Year Total Excavation of Concept Volume**

Total Concept Volume to Trip Generation:

5 yr x 50 wk/yr x 5 days/wk = 1,250 production days

164,700 Total trips/1,250 days = 132 trips/day

132 trips x 2 = 264 two-way daily trips

Production Information:

2,640 cubic yards max per day

11 hours of operation (7 am - 6 pm)

20 cubic yard truck capacity

Trip Generation Calculations:

2,640 CY per day/20 CY per trip = 132 trips/day

132 trips/day x 2 = 264 two-way daily trips

264 trips/11 hours = 24 two-way peak hour trips

50%/50% distribution = 12 Enter and 12 Exit

Passenger Car Equivalents for Trucks (E_T):

$E_T = 1.9$

Daily:

264 two-way trips x 1.9 = 501.6 two-way trips

10% Adjustment Factor

1.10 x 501.6 two-way trips

= 552 two-way daily trips

Peak Hour:

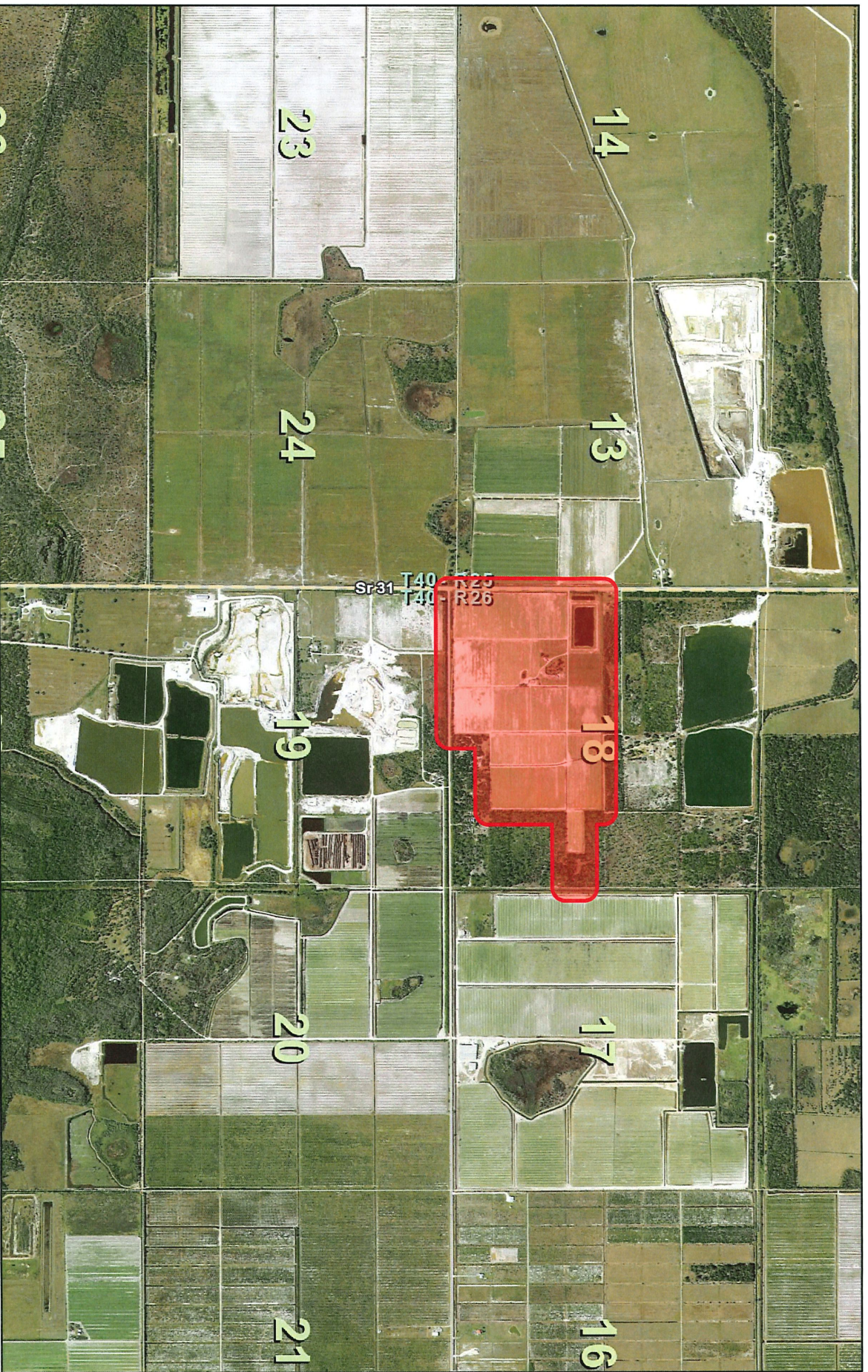
12 trips x 1.9 = 22.8 trips

10% Adjustment Factor

1.10 x 22.8 trips = 25 trips (each for Enter/Exit)

= 50 two-way peak hour trips

Neighboring Properties

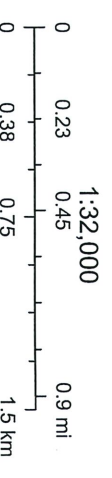


November 5, 2023

Buffer



City of Punta Gorda Boundary



Charlotte County, Charlotte County GIS

Charlotte County GIS

239-598-3601

DEREK.ROONEY@GRAY-ROBINSON.COM

MEMORANDUM

TO: Charlotte County Planning & Zoning Division

FROM: Derek P. Rooney

DATE: November 6, 2023

SUBJECT: Archeological/Historical Research

In support of the large-scale plan amendment and companion rezoning applications submitted by Lake Lonely, LLC a search was conducted of the National Register of Historic Places, as well as a search was requested from the Florida Division of Historical Resources of the Florida Master Site. The results of both searches found no archeological or historical resources on the subject properties or within one-half mile of the properties. The only item identified by the Master file was SR 31.

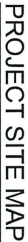
Respectfully,

/s/ Derek Rooney

CONCEPT PLAN
PUNTA GORDA, FLORIDA
JULY 21, 2022

CIVIL ENGINEER
POND & COMPANY
1200 RIVERPLACE BLVD., SUITE 600
JACKSONVILLE, FLORIDA, 32207
(904) 543-0400
CHRIS R. FAGERSTROM, PE
FLORIDA PE:
EXPIRES: 02/28/2023

TOTAL SITE AREA: 220 ACRES
TOTAL DISTURBED AREA: XXX ACRES
PARCEL:
ZONING:
FEMA:



PROJECT LOCATION



VICINITY MAP

NOT FOR CONSTRUCTION

PREPARED BY:

POND

1200 RIVERPLACE BLVD., SUITE 600

JACKSONVILLE, FL 32207

PHONE (904) 543

-0400

WWW.PONDSCO.COM

CONTACT: CHRIS R. FAGERSTROM, P.E.


NOT FOR CONSTRUCTION

[illegible]

A1
CONCEPT PLAN 1
SCALE: 1" = 200'



NOT FOR CONSTRUCTION

SHEET IDENTIFICATION C-001 SHEET 1 OF 21	BERMONT EXCAVATING BATTISTA MINE - DUE DILIGENCE 2650 STATE ROAD 31 PUNTA GORDA, FLORIDA 33982 CONCEPT PLAN 1	 1200 Hercules Blvd., Suite 600 Jacksonville, FL 32207 Phone (904) 544-6400 www.pondco.com 208 INC. 1230000	DESIGNED BY: DMW	DATE: 07/21/2022	A		ISSUED FOR CLIENT REVIEW		07/21/2022	PL										
			DWN BY: DMW	CHK BY: CRF																
			SUBMITTED BY: DMW																	
			PLOT SCALE: 1"=200'	PLOT DATE: 07/21/2022																
			SIZE: ANSI D	FILE NAME: CE-100.DWG		MARK	DESCRIPTION	DATE	APPR.	MARK	DESCRIPTION	DATE	APPR.							