CITY OF MARCO ISLAND, FLORIDA

ESTATES ASSESSMENT AREA
FINAL ASSESSMENT RESOLUTION

Adopted December 6, 2010

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RESOLUTION NO. 10-41

A RESOLUTION OF THE CITY COUNCIL OF MARCO ISLAND, FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF WASTEWATER IMPROVEMENTS IN THE ESTATES ASSESSMENT AREA; RATIFYING AND CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITED BY THE WASTEWATER IMPROVEMENTS; ESTABLISHING THE METHOD OF ASSESSING THE COSTS OF THE IMPROVEMENTS AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; APPROVING THE ASSESSMENT ROLL; IMPOSING ASSESSMENTS UPON ALL TAX PARCELS DESCRIBED IN THE ASSESSMENT ROLL; PROVIDING THE METHOD OF COLLECTION; PROVIDING A DESCRIPTION OF THE ESTATES ASSESSMENT AREA; DIRECTING RECORDED NOTICE OF THE ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This Resolution of the City of Marco Island, Florida (the "City") is adopted pursuant to City Ordinance No. 99-1 (as amended from time to time and codified in the City Code in Sections 2-281 through 2-379, the "Assessment Ordinance"), City Resolution No. 10-34 (the "Initial Assessment Resolution"), Chapter 197, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS.

(A) This Resolution is the Final Assessment Resolution. All capitalized terms in this Resolution shall have the meanings defined in the Assessment Ordinance and the Initial Assessment Resolution.

(B) All references in this Resolution and the Initial Assessment Resolution to City Ordinance No. 2003-19, as amended, refer to and shall be deemed to also refer to City Ordinance No. 2004-06, as amended, as same is codified in Chapter 52, Division 2, of the City of Marco Island Code of Ordinances.

SECTION 3. FINDINGS. It is hereby ascertained, determined and declared that:

(A) The findings provided in Section 1.03 of the Initial Assessment Resolution are hereby ratified, confirmed, and incorporated as if set forth fully herein.

(B) On October 18, 2010, the Council adopted the Initial Assessment Resolution, proposing the construction and funding of the Wastewater Collection Improvements and Wastewater Treatment Capacity Improvements, describing the method of assessing the cost of such improvements against the real property that will be specifically benefited thereby, establishing a public hearing to consider imposition of the proposed assessments, and directing preparation of the preliminary Assessment Roll and provision of the notices required by the Assessment Ordinance.

(C) Pursuant to Section 2-326 of the Assessment Ordinance, the Council is required to repeal or confirm the Initial Assessment Resolution, with such amendments as the Council deems appropriate, after hearing concerns and receiving comments or objections of interested parties.

(D) The Assessment Roll has heretofore been filed at the offices of the City Clerk, 50 Bald Eagle Drive, Marco Island, Florida, and made available for public inspection.

(E) As required by the terms of the Initial Assessment Resolution, notice of a public hearing has been published and mailed to each property owner proposed to be assessed notifying such property owner of the opportunity to be heard; the proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively.

(F) A public hearing has been duly held and comments and objections of all interested persons have been heard and considered as required by law.

(G) The Assessments imposed pursuant to this Resolution will be imposed by the Council, not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution shall be construed solely as ministerial.

(H) The benefits derived from the Wastewater Collection Improvements and Wastewater Treatment Capacity Improvements exceed the amount of the Assessments

levied and imposed hereunder. The Assessment for any Tax Parcel within the Estates Assessment Area does not exceed the proportional benefits that such Tax Parcel will receive compared to any other Tax Parcel within such area.

(I) The Council hereby finds and determines that the Assessments to be imposed in accordance with this Resolution provide an equitable method of funding the Wastewater Collection Improvements and Wastewater Treatment Capacity Improvements by fairly and reasonably allocating the cost of such improvements to specially benefited property.

SECTION 4. RATIFICATION AND CONFIRMATION OF PRIOR ACTIONS AND INITIAL ASSESSMENT RESOLUTION.

(A) The City is a coastal community initially developed as an unincorporated subdivided area by the Collier family interests and Elliot Mackle, Robert Mackle and Frank Mackle, Jr. through the Deltona Corporation in the 1960's and 1970's, characterized by a predominance of similarly sized lots on sea-walled canals initially developed for the most part without central wastewater utilities. In 2003, the City purchased the only substantial central water and wastewater utility system on the island from Florida Water Services and is proceeding to extend wastewater collection facilities and expand, upgrade and modernize its wastewater treatment facilities in order to serve both existing customers and much of the unsewered areas of Marco Island.

(B) Although it would be legally permissible for the City to recover the entirety of all capital improvements for extending its wastewater collection facilities and expanding, upgrading and modernizing its wastewater treatment facilities through its utility rates, the City Council, in an attempt to more equitably distribute the costs associated with such overall expansion activities, has chosen to employ a combination of methods to fund such costs. For example, the pro rata costs for Wastewater Collection Improvements and Wastewater Treatment Capacity Improvements are equitably anticipated to be recovered through the special assessments similar to those imposed hereunder; new users not included in Assessment Areas are equitably required to pay comparable wastewater system related capital facilities fees (impact fees) for the cost of capital improvements necessary to serve their properties; and, all customers, new and old alike through their monthly utility rates, share in funding a real and substantial portion of the capital costs necessary to extend collection facilities and expand, up-grade and modernize wastewater treatment facilities not otherwise funded by special assessments or impact fees. The use of such an approach is a fair and reasonable means to equitably share the cost of such capital facilities amongst all of the wastewater utility system users, both present and future.

(C) All actions taken by the Council at its meeting commenced on October 18, 2010 are hereby ratified and confirmed. This Resolution reflects modifications to City Ordinance No. 2003-19, as amended, to set wastewater system capital facilities fees at

$4,610 per ERC and eliminates certain roadway paving costs from the calculation of Capital Cost. The Initial Assessment Resolution, as supplemented and modified by this Resolution, is hereby ratified and confirmed. Any resolution or parts thereof in conflict herewith are hereby superseded and repealed to the extent of such conflict.

SECTION 5. APPROVAL OF ASSESSMENT ROLL. The Assessment Roll, which is on file with the City Clerk, is hereby approved.

SECTION 6. ASSESSMENTS.

(A) The estimated Capital Cost of the Wastewater Collection Improvements necessary to serve the Estates Assessment Area is $12,550,626, of which $11,011,662 will be funded by the Assessments imposed hereunder and the balance will be funded by other legally available revenues of the City (which may include but are not limited to utility rates collected from all Utility System ratepayers).

(B) The estimated Capital Cost of the Wastewater Treatment Capacity Improvements necessary to serve the Estates Assessment Area is $2,745,670, substantially all of which will be funded by the Assessments imposed hereunder.

(C) Accordingly, for purposes of calculating the Assessments imposed hereunder, (1) the estimated Capital Cost for Wastewater Collection Improvements allocated to the Estates Assessment Area is $11,011,662 and the Project Cost for same is $11,712,003; and (2) the estimated Capital Cost for Wastewater Treatment Capacity

Improvements allocated to the Estates Assessment Area is $2,745,670 and the Project Cost for same is $2,920,295.

(D) As of adoption hereof, there are 558 ERCs for Wastewater Collection Improvements and 595.60 ERCs for Wastewater Treatment Capacity Improvements in the Estates Assessment Area.

(E) The Tax Parcels located within the Estates Assessment Area and described in the Assessment Roll are hereby found to be specially benefited by (1) construction of the Wastewater Collection Improvements based upon an estimated Capital Cost of $19,734 per ERC and an estimated Project Cost of $20,989 per ERC; and (2) construction of the Wastewater Treatment Capacity Improvements based upon an estimated Capital Cost of $4,610 per ERC and an estimated Project Cost of $4,903 per ERC.

(F) Affected property owners shall have the option of prepaying the Capital Cost for Wastewater Collection Improvements and Wastewater Treatment Capacity Improvements before the issuance of Obligations and thereby avoiding a pro rata share of financing costs and annual collection and administrative costs.

(G) If the combined Capital Cost amount is not prepaid, an annual non-ad valorem assessment will be collected pursuant to the Uniform Assessment Collection Act for a period of twenty (20) years. The annual non-ad valorem assessment shall be calculated based upon the combined Project Cost for Wastewater Collection Improvements and Wastewater Treatment Capacity Improvements, applicable interest

and financing costs, and annual collection and administrative costs. The maximum annual non-ad valorem assessment collected pursuant to the Uniform Assessment Collection Act shall not exceed the total of $2,064 per ERC for Wastewater Collection Improvements plus $483 per ERC for Wastewater Treatment Capacity Improvements.

(H) In order to provide extraordinary alternative payment options, affected Property Owners shall also have the opportunity to enter into a Deferred Payment Agreement pursuant to Section 3.09 or 3.10 of the Initial Assessment Resolution. The City shall advance and fund, on behalf of the owner of such property, the Assessment otherwise attributable to that property, and the Deferred Payment Agreement shall in turn provide for the alternative consensual special assessment of the benefited property which shall be collected separate and apart from any other Assessments imposed as a result hereof.

(I) The methodology for determining ERCs described in Section 3.03 of the Initial Assessment Resolution, as supplemented herein, is hereby approved and adopted. A special assessment computed in the manner described in the Initial Assessment Resolution, as supplemented and modified by this Final Assessment Resolution, is hereby levied and imposed on all Tax Parcels described in the Assessment Roll in order to fund Wastewater Collection Improvements and Wastewater Treatment Capacity Improvements, and unless prepaid, shall be collected by a series of non-ad valorem assessments over a period of twenty (20) years. It is anticipated that collection

under the Uniform Assessment Collection Act shall commence with the ad valorem tax bill to be mailed in November, 2013.

(J) Following adoption of this Final Assessment Resolution but prior to the date on which the Assessment Roll is certified for collection, the City Manager and City Attorney are directed and authorized to promptly institute proceedings pursuant to Chapter 75, Florida Statutes, for validation of any Obligations secured by the Assessments. The collection of Assessments as provided herein is contingent upon a favorable outcome for the City in the validation proceeding. Any Obligations issued by the City shall contain a covenant by the City to adopt an Annual Assessment Resolution imposing Assessments for each Fiscal Year until the Obligations have been paid in full.

(K) Upon adoption hereof and of the Annual Assessment Resolution for each Fiscal Year, the Assessments shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, City or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon validation of the Obligations and adoption by the Council of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

SECTION 7. COLLECTION OF ASSESSMENTS. The Assessments shall be collected pursuant to the provisions of the Initial Assessment Resolution and Uniform Assessment Collection Act. Upon adoption of the Annual Assessment Resolution for each Fiscal Year, the City Manager shall cause the certification and delivery of the Assessment Roll to the Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act.

SECTION 8. EFFECT OF FINAL ASSESSMENT RESOLUTION. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented herein and in the Initial Assessment Resolution (including, but not limited to, the method by which the Assessments will be computed, the Assessment Roll, the maximum annual Assessment, the levy and lien of the Assessments and the terms for prepayment of the Assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of City Council's adoption of this Final Assessment Resolution.

SECTION 9. DESCRIPTION OF ESTATES ASSESSMENT AREA. The description of the Estates Assessment Area is set forth in Appendix D hereto and incorporated herein by reference.

SECTION 10. ASSESSMENT NOTICE. Upon validation of the Obligations and prior to certification of the Assessment Roll to the Tax Collector, the City Manager is hereby directed to record a general notice of the Assessments in the

Official Records in the office of the Collier County Clerk of Courts. Such notice shall be in substantially the form attached hereto as Appendix C. The preliminary Assessment Roll and each annual Assessment Roll shall be retained by the City Manager and shall be available for public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Assessment for each Tax Parcel can be determined by use of a computer terminal or internet access available to the public.

SECTION 11. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED this 6th day of December, 2010.

CITY COUNCIL OF MARCO ISLAND, FLORIDA

By: _____
Frank Recker, Chairman

(SEAL)

ATTEST:

_____
Laura M. Litzan, City Clerk

Approved as to Form:

_____
Alan L. Gabriel, City Attorney
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

APPENDIX A

PROOF OF PUBLICATION

APPENDIX B

AFFIDAVIT OF MAILING

AFFIDAVIT OF MAILING

BEFORE ME, personally appeared the undersigned affiant, who after being duly sworn depose and say:

(1) Camilla Augustine is Project Director of Ennead, LLC ("Ennead").

(2) On or before November 13, 2010, Ennead mailed notices in accordance with Section 2.05 of City Resolution No. 10-34, the Initial Assessment Resolution for the Estates Assessment Area (the "Initial Assessment Resolution") and Section 2-325 of the Code of Ordinances of the City of Marco Island, Florida by First Class Mail, to each owner of real property located within the Estates Assessment Area (as defined in the Initial Assessment Resolution), as reflected on, and at the addresses then shown on, the real property assessment tax roll database maintained by the Collier County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

(3) An exemplary form of such notice is attached hereto.

FURTHER AFFIANT SAYETH NAUGHT.

Camilla Augustine

Camilla Augustine, affiant

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 18th day of November, 2010, by Camilla Augustine. She is personally known to me or has produced N/A as identification and did take an oath.

HEIDI T. CAMPBELL
COMMISSION EXPIRES
April 23, 2012
(SEAL)
#DD 753694
NOTARY PUBLIC, STATE OF FLORIDA

Heidi T Campbell

Printed/Typed Name: HT Campbell
Notary Public-State of FL
Commission Expires: 4/23/12

City of Marco Island
50 Bald Eagle Drive
Marco Island, Florida 34145

November 13, 2010

D017

[redacted] N COPELAND DR
MARCO ISLAND, FL 34145 – 6631

Notice of Public Hearing on December 6, 2010
Estates Assessment Area
RE: Tax Parcel No. [redacted]
[redacted] COPELAND DR

Dear Property Owner:

The City Council is considering the imposition of special assessments to pay for wastewater collection improvements and wastewater treatment capacity improvements in the Estates Assessment Area; in the event such charges are not prepaid, the City Council will impose non-ad valorem assessments within the Estates Assessment Area in order to fund the construction of such wastewater collection improvements and wastewater treatment capacity improvements. The total revenue to be collected by the City through the non-ad valorem assessments is estimated to be $13,757,332 together with other costs associated with financing and collection of the assessments. The assessment for each improved parcel of property will be based on the total number of equivalent connection units or ERCs as of the date the assessment is imposed. A more specific description of the assessment program including a description of the Estates Assessment Area is included in the Initial Assessment Resolution adopted by the City Council on October 18, 2010. Copies of the Initial Assessment Resolution and the preliminary assessment roll are available for your review at the offices of the City Clerk at 50 Bald Eagle Drive, Marco Island, Florida. Information regarding the assessment for your specific property, including the number of ERCs, is found on the other side of this letter.

The City intends to issue obligations to finance this and other assessment projects. This will permit the cost attributable to your property to be amortized over a period of twenty (20) years. However, you may choose to prepay these special assessments and avoid the additional financing cost. If the assessments are imposed, you will receive a separate notice of the date and place for payment.

If you do not choose to prepay your assessment, the amount necessary to pay your assessment in full will be increased by your share of the financing cost (financing costs, capitalized interest and reserve account). The City anticipates that financing cost will increase the prepayment amount by 6.36%.

The annual assessment will include your share of the principal, interest, and amounts related to collection of the assessments. The maximum annual assessment is estimated to be $2,064 per ERC for Wastewater Collection Improvements and $483 per ERC for Wastewater Treatment Capacity Improvements. However, the actual annual assessment cannot be determined until the obligations are issued. The City intends to include annual assessments on your ad valorem tax bill with the first payment on the bill to be mailed in November 2013. Failure to pay your assessments will cause a tax certificate to be issued against the property which may result in a loss of title. As well, each assessment will be subject to mandatory prepayment of the balance due upon the transfer of title to your property.

The City Council will hold a public hearing at 5:30 PM on December 6, 2010, at the Community Meeting Room, 51 Bald Eagle Drive, Marco Island, Florida, for the purpose of receiving comments on the proposed improvement area and the assessments, including collection on the ad valorem tax bill. All affected property owners have a right to appear at the hearing and to file written objections with the City Manager within 20 days of this notice.

City of Marco Island
50 Bald Eagle Drive
Marco Island, Florida 34145

You are hereby notified that connection of your property to the City's wastewater utility system is mandatory, that availability of the utility system to your property is estimated to occur in January 2013, and that you will have 365 days from that date to connect your property to the utility system.

If you signed an agreement with the City to lock-in 2006 construction costs for the tax parcel referenced below, please contact the City's Utility Accountant, Keith Shinabarger, at (239) 389-3923 for additional information.

If you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, if you need a special accommodation or an interpreter to participate in this proceeding, please contact the City Clerk at (239) 389-5000 at least forty-eight (48) hours prior to the date of the hearing. Questions concerning the assessment program should be directed to Keith Shinabarger at (239) 389-3923.

CITY COUNCIL OF MARCO ISLAND, FLORIDA

* * * * * * * * * *

Estates Assessment Area

[redacted]
Tax Parcel Number [redacted]

Seq. No.
Location [redacted] COPELAND DR

Total number of Collection ERCs attributed to property:	1	
Total number of Capacity ERCs attributed to property:	1	
Amount to make full payment before obligations are issued:		
(no post construction financing cost)		
Wastewater Collection Improvements		$19,734.00
Wastewater Treatment Capacity Improvements		$4,610.00
	TOTAL	$24,344.00
Prepayment amount after bonds are issued*:		
(includes financing cost)		
Wastewater Collection Improvements		$20,989.00
Wastewater Treatment Capacity Improvements		$4,903.00
	TOTAL	$25,892.00
Number of annual payments:		20
Maximum annual payment:		
Wastewater Collection Improvements		$2,063.77
Wastewater Treatment Capacity Improvements		$482.11
	TOTAL	$2,545.88

* This amount will be reduced after each annual payment.

*** * * * * SEND NO MONEY NOW. THIS IS NOT AN INVOICE. * * * * ***

APPENDIX C

FORM OF ASSESSMENT NOTICE

NOTICE OF ASSESSMENTS FOR WASTEWATER IMPROVEMENTS IN THE ESTATES ASSESSMENT AREA

NOTICE IS HEREBY GIVEN THAT on December 6, 2010, the City Council of Marco Island, Florida, (the "City") adopted Resolution No. 10-__ which levied and imposed special assessments, sometimes referred to as non-ad valorem assessments, against property located within the Estates Assessment Area, described in Exhibit A attached hereto, for Wastewater Collection Improvements in an initial principal Capital Cost amount of $19,734 per Equivalent Residential Connection ("ERC") and Wastewater Treatment Capacity Improvements in an initial principal Capital Cost amount of $4,610.00 per ERC necessary to finance a portion of the wastewater improvements being constructed within the City. Such dollar amounts are exclusive of financing costs, collection costs and any amount allowed by law as the maximum discount for early payment of ad valorem taxes and non-ad valorem assessments. This notice was filed after validation of the special assessments and bonds or other debt obligations secured by the special assessments by the Collier County Circuit Court, Case No. _____, pursuant to Chapter 75, Florida Statutes. **Collection of the annual installments of the special assessments is expected to commence with the ad valorem tax bill mailed in November 2013 and will continue each year for a maximum of twenty (20) years or until the property is sold or transferred for other than nominal consideration at which time the entire outstanding balance of the special assessment shall be due in full.** The method of computing the annual assessment, provisions regarding payment in full upon sale or transfer of the property and definitions for capitalized terms not otherwise defined herein are set forth in City Resolution No. 10-34. Copies of Resolution Nos. 10-34, 10-__ and the special assessment roll which contains a list of the affected tax parcel numbers and property owners (as shown on the Collier County ad valorem tax assessment roll as of the effective date of Resolution No. 10-34), the number of ERCs attributable to each parcel and the dollar amount of the special assessment for each are on file with the City Manager, 50 Bald Eagle Drive, Marco Island, FL 34145, and open to public inspection. Additional information can be obtained on the internet at www.cityofmarcoisland.com.

This notice is recorded at the direction of the City Council of Marco Island, Florida pursuant to its Resolution No. 10-__ in order to provide constructive notice of the levy and imposition of non-ad valorem assessments upon real property located within the Estates Assessment Area.

The assessments constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, City or municipal taxes and other non-ad valorem assessments. This notice does not and shall not be construed to require that individual liens or releases be filed in the Official Records.

Dated this _____ day of _____ 2010

_____

Patricia Bliss, City Finance Director

[NOTARY BLOCK]

EXHIBIT A – ESTATES ASSESSMENT AREA

The Estates Assessment Area is described as follows*:

[INSERT DESCRIPTION]

[INSERT MAP]

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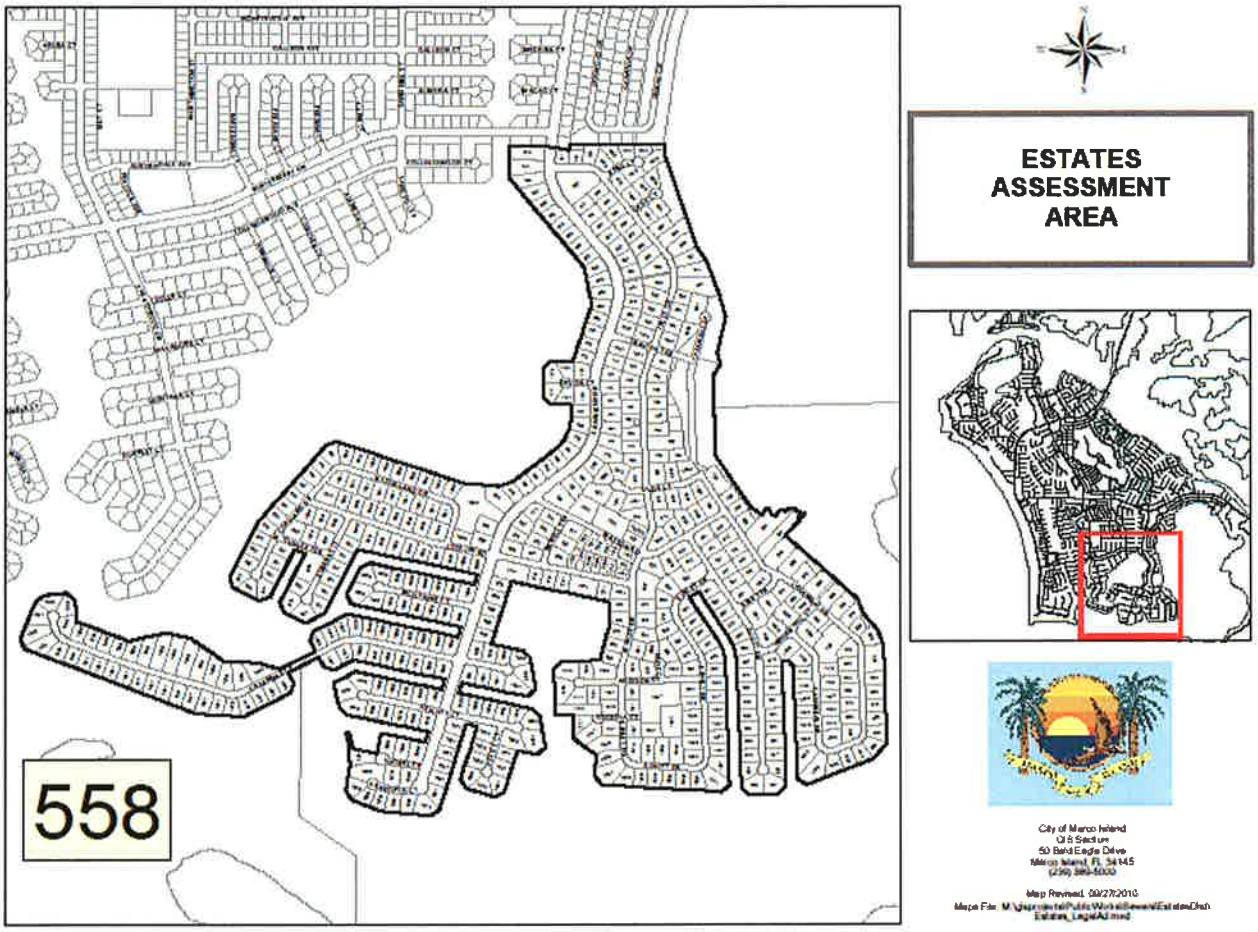
* Assessments for he following tax parcels, identified by folio number, have been prepaid prior to the filing of this notice: [list prepaid parcels]

APPENDIX D

DESCRIPTION OF ESTATES ASSESSMENT AREA

ESTATES ASSESSMENT AREA

The Estates Assessment Area is geographically depicted as follows:



The Estates Assessment Area includes the following real property:

Caxambas Block 6 Lot 5 + commencing at northeastern most common corner of lots 5 + 6, run N 41 deg E along prolongation of boundary line between said lots 5 + 6 to the waters of Barfield Bay, thence run westerly + southerly along said waters to point of intersection with a prolongation of line between lots 4 + 5 of said Block 6 J.M. Barfield's Subdivision, prolongation to a point which is the northeastern most common corner of lots 4 and 5, run S 70 deg E 103.81 feet to point of beginning; and J.M. Barfield's S/D town of Caxambas Block 6, Lot 4 and that portion of Tr. B in Unit 13 of Marco Beach and Mangrove area of Barfield Bay out to the open bay within an extension of N & S lines of Lot 4 as described in OR 1409 PG 2127; and Block 7, Lots 18 and 20-21 as recorded in Plat Book 2, Page 13, of the Public Records of Collier County.

J.M. Barfield's SD of Town of Caxambas Block 6 Lot 6 & southeasterly 100.37 feet Tr. B of Marco Beach Unit 13 and that mangrove area of Barfield Bay out to the open bay lying within an extension of the north and south boundary lines of lot 6 as described in OR 1618 PG 1723.

Caxambas, Town Of, commencing southeast corner Block 4 J.M. Barfield's Subdivision, N 61 deg W 175 feet to POB, continuing N 61 deg W 320 feet, N 23 deg E 200 feet, S 61 deg E 320 feet, S 23 deg W 200 feet to point of beginning 1.5 acres OR 945 PG 1869; Caxambas Block 4 less that part described in OR 745-1649, less that part described in OR 754-21, less that part described in OR 755-33, less part described in OR 1624 PG 1391; A portion of Block 4 J.M. Barfield's Subdivision, a portion of Lot 1 Block 425 Marco Beach Unit 13, a portion of vacated Bay Rd described as follows: commencing at intersection of S Barfield Dr and Watson Rd, south 61 deg E along centerline Watson Rd 88.60 feet, N 28 deg E 30 feet to a point on the northerly r/w line of Watson Rd and the point of beginning, N 26 deg W 20.60 feet to a point on the easterly r/w line of S Barfield Dr, N 51 deg E along easterly r/w 196.22 feet, S 42 deg E 211.59 feet, S 37 deg W 123.98 feet to the northerly r/w line Watson Rd, N 64 deg W along r/w 239.83 feet to the point of beginning OR 1581 PG 2139, all of the Public Records of Collier County.

Town of Caxambas Beginning northeast corner Block 4 J.M. Barfield's Subdivision, south 23 deg west 100 feet, north 61 degrees west 175.06 feet, north 23 degrees east 100 feet, south 61 degrees east 175.06 feet to point of beginning; being a part of said Block 4, J.M. Barfield's Subdivision and containing 0.40 acres more or less.

Marco Beach Unit 9 Block 304 Lot 1 that portion of Lot 1 described as follows: beginning northwest corner Lot 1, N 51 deg E 197.37 feet, S 32 deg E 125.67 feet, S 51 deg W 184.68 feet, northwest 125 feet to the point of beginning OR 1366 PG 1168 OR 1455 PG 718 OR 1962 PG 1529; Marco Beach Unit 9 Block 304, Lots 2-10 ~~1-14~~; Marco Beach Unit 9 Block 304 Lots 11 + 12, less OR 1125 PG 1260 OR 1568 PG 269; Marco Beach Unit 9 Block 304 Lots 13 + 14, less that portion of Lot 14 as described in OR 1125 PG 1260-61; Block 305, Lots 7-21; Block 306, Lots 11-21 as recorded in Plat Book 6 Page 70 of the Public Records of Collier County.

Marco Beach Unit 9 Block 303 A Portion of Lot 1 as Described in OR 1902 PG 2301; Lot 2 Less the Northerly 59 feet as described in OR 3770 PG 3500; Lot 7 Less OR 1125-1260-61; Lot 13 Less OR 1611 PG 2205; Marco Beach Unit 9 Block 303, Lots 3 – 6, 8-12, 16 -17; Block 305, Lots 1, 2 & 27; Block 305 Lots 3-6 and 22-26; and Block 306, Lots 1-10 as recorded in Plat Book 6 Page 71 of the Public Records of Collier County.

Marco Beach Unit 13 Block 425 A Portion of Lot 1, + Portion of Block 4 Barfields Subdivision, + a portion of Vacated Bay Rd Described as Follows: Commencing at intersection of S Barfield Dr + Watson Rd S 61 Deg E along centerline Watson Rd 88.60 ft, N 28 deg E 30 feet to a point on northerly r/w line of Watson Rd, N 26 deg W 20.60 feet to a point easterly r/w line of S Barfield Dr, N 51 deg E along easterly r/w S Barfield Dr 125 ft, S 38 deg E 187.27 ft, S 37 deg W 34.19 feet, N 61 deg W 3.89 feet, S 37 deg W 80 feet, N 42 deg W 211.59 feet to POB OR 1347 PG 2155 of the Public Records of Collier County.

Caxambas Block 18 Lot 1 Tract Described in DB 56-221 L C Records + N 7 feet of Lot 1 Block 405 Marco Beach Unit 13 OR 1955 PG 592 of the Public Records of Collier Count, Florida.

Marco Beach Unit 13, Block 414, Lots 1-38 as recorded in Plat Book 6 Page 94 of the Public Records of Collier County.

Marco Beach Unit 13, Block 415, Lots 1-11; Block 416, Lots 1-16; Block 417, Lots 1-19; Block 417 Lot 20 & 21; Block 418, Lots 1-6; Block 419, Lots 1-25; Block 420, Lots 1-18; Block 421 Lot 1; Block 421 Lots 2, 3, 4 & 8; Block 421, Lots 5-7; and Block 421, Lots 9-11 as recorded in Plat Book 6 Page 95 of the Public Records of Collier County.

Marco Beach Unit 13, Block 409, Lots 1-12; Block 410, Lots 1-16; Block 411, Lots 1-7; Block 412, Lots 1-13; and Block 413, Lots 1-9 as recorded in Plat Book 6 Page 96 of the Public Records of Collier County.

Marco Beach Unit 13; Block 398, Lots 1 – 6; Block 398 Lot 7, and that portion of Lots 12 & 13 as described in OR 2433 PG 2387; Block 398 Lots 8 - 10; Block 398 Lot 11 + that portion of Highland Rd A/K/A Caxambas Dr vacated per Res #89-124; Block 398 that portion of Lot 12 described in OR 1851 PG 989-9, less OR 2433 PG 2387; Block 399, Lots 1-10; Block 421, Lots 12-21; and Block 425, Lots 2-17; Block 425 Lot 18, less that part of said Lot 18 Block 425 known to be an existing cemetery OR 184 PG 279-285, OR 1417 PG 1167 OR 1472 PG 736 OR 1828 PG 554 OR 1828 PG 555; Block 425 Lots 19-28 as recorded in Plat Book 6 Page 97 of the Public Records of Collier County.

Commencing at the Northeast corner of Block 4, J.M. Barfield's Subdivision as recorded in Plat Book 4, Page 3, Public Records of Lee County, Florida, Plat Book 2, Page 13, Collier County Records, said corner being the Southeasterly corner of Lot 28, Block 425, Marco Beach Thirteen as recorded in Plat Book 6, Page 97, Public Records of Collier County, Florida; thence along the Easterly line of said Block 4 and the Westerly line of Inlet Drive S 23 degrees 37' 01" W 100.00 feet for a PLACE OF BEGINNING; Thence continuing along the last described course S 23 degrees 37' 01" W 100.00 feet to the Northerly line of Watson Road as shown on said Marco Beach Unit Thirteen, thence along the Northerly line of Watson Road N 61 degrees 24' 59" W 175.00 feet; thence parallel with Inlet Drive N 23 degrees 37' 01" E 100.66 feet; thence parallel with the Northerly line of said Block 4 South 61 degrees 12' 08" E 175.06 feet to the Place of Beginning, being a part of said Lot 4, J.M. Barfield's Subdivision, Public Records of Collier County.

Marco Beach Unit 13, Block 400, Lots 1-12; Block 401, Lots 1-5; Block 403, Lot 27, Less that portion described in OR 2833 PG 991; Block 403, Lot 28 & A portion of Lot 27 as described in OR 2833 PG 991, Less OR 1125 PG 1260 (Parcel 28.1); Block 403, Lots 29-30; Block 397, Lot 10 & that portion of Lots 8 & 9 further described in OR 1138-2373 and that portion of Highland Rd A/K/A Caxambas Dr vacated per Res #89-124, OR 1197 PG 869 OR 1456 PG 1530 OR 1570 PG 544; Block 397, Lot 11 - 13; Block 404, Lots 1-7; Block 405, Lots 21-26; Block 408, Lot 1; Block 408,

Lots 2 & 3 OR 1871 PG 195; Block 408 Lots 4-10; Block 408 Lot 11 + that portion of Lot 12 described as follows: beginning at northeast corner of Lot 12, run S 01 deg E along east line of Lot 12 a distance of 87.50 feet, N 26 deg West 96.21 feet to north line of Lot 12, N 88 deg East 40 feet to point of beginning OR 1262 PG 659 OR 1634 PG 1410 OR 1819 PG 863; Block 408 Lot 12, Less following: beginning at northeast corner of Lot 12, run S 01 deg East along E line of Lot 12 87.50 feet, N 26 deg W 96.21 feet to North line of Lot 12, N 88 deg E 40 feet to point of beginning OR 1260 PG 851; Block 408, Lot 13; Block 409, Lots 13-14; Block 409, Lot 16 and Lot 15; Block 409, Lots 17-18; Block 422, Lots 1-8; Block 423 Lots 1-3; and Block 424, Lot 1-2; Block 424, Lots 3 & 4; Block 424, Lots 5-20; Block 424, Lots 21 & 22; Block 424, Lots 23 – 24 as recorded in Plat Book 6 Page 98 of the Public Records of Collier County.

Marco Beach Unit 13 Block 402, Lot 1 + NW 70 feet of Lot 2; Block 402 Lots 2,3,17 & 18, less northwesterly 70 feet of Lot 2, less northwesterly 50 feet of Lot 18; Block 402, Lots 4 – 16; Block 402, Lot 19; Block 403, Lots 1-19; Block 403, Lots 20 + 21 OR 1520 PG 1678 OR 1522 PG 1148; Block 403, Lot 22; Block 403, Lot 23, Less; Block 403 Lots 24 – 26; Block 404, Lots 8-26; Block 405, Lot 1 less N 7 feet OR 1955 PG 595; Block 405, Lots 2-20; Block 406, Lots 1-11; Block 407, Lots 1-2; and Block 408, Lots 14-18 as recorded in Plat Book 6 Page 99 of the Public Records of Collier County.

Marco Beach Unit 13 Block 802, Replat Portion of Tract A, Lots 1; Block 802, Replat Portion of Tract A, Lot 2 and that portion of Lot 3 described as: commencing southeast corner Lot 3, N 17 Deg 43' 56"e 183.68 feet to a point which is northeast corner Lot 3, thence N 81 deg 181.11 feet to point of beginning; Block 802, Replat Portion of Tract A, Lots 3 & 4, less that portion of Lot 3 as described in OR 2558 PG 2203; Block 802, Replat Portion of Tract A, Lots 5-9 as recorded in Plat Book 12 Page 91 of the Public Records of Collier County.

Caxambas Estates 2nd Replat Lots 1 – 14 as recorded in Plat Book 24 Page 57 of the Public Records of Collier County.

Tracts A, B, C, and D of Seven Sailors Subdivision, according to the Plat thereof recorded in Plat Book 25, Pages 35 and 36 of the Public Records of Collier County.

Addison Estates, Lots 1 – 3 and Caxambas Block 9 par g described as follows: commencing at N1/4 corner of 21 52 26, S 1 deg 52' 49" E 3547.21 feet, N 1 deg 52'49" W 470 feet, S 88 deg 07'11" W 159 feet, N 1 deg 52'49" W 135 feet to point of beginning then N 1 deg 52'49" W 160 feet, N 88 deg 07'11" E 184.50 feet, 1 deg 52'49" E 160 feet then S 88 deg 07' 11" W 184.50 feet to point of beginning; as Recorded in Plat Book 39, Page 96-97 in the Public Records of Collier County.

Caxambas Block 9 Par D described as follows, commencing N1/4 corner of 21 52 26, S 3547.21 feet, N 470 feet, E 210 feet to northeast corner of Block 15 of J. M. Barfield S/D also point of beginning, W 184.5 feet, E 184.5 feet, S 295 feet to point of beginning 1.25 acre OR 1168 PG 1 of the Public Records of Collier County.

Caxambas Block 9 Par A described as follows, commencing N1/4 corner of 21 52 26, S 3547.21 feet, N 470 feet to point of beginning, W 159 feet, N 135 feet, E 184.5 feet, S 135 feet, W 25.5 feet to point of beginning .57 acre OR 638 PG 959 of the Public Records of Collier County.