

ORDINANCE NO. 01- 14

AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102, THE COLLIER COUNTY LAND DEVELOPMENT CODE WHICH INCLUDES THE COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF MARCO ISLAND, FLORIDA BY AMENDING THE OFFICIAL ZONING ATLAS MAP NUMBERS MB6B & MB7B; BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM "RT-MIZO" TO "PUD" PLANNED UNIT DEVELOPMENT KNOWN AS THE MARCO BEACH RESORT PUD, TO VEST THE EXISTING HOTEL ROOMS, ACCESORY USES, AND EXISTING PARKING SPACES LOCATED ON THE SUBJECT SITE IN ORDER TO PERMIT RENOVATION, REDEVELOPMENT, AND NEW DEVELOPMENT; INCREASE THE BUILDING HEIGHT FOR THE RESIDENTIAL PARCEL; AND TO PROVIDE A 103 UNIT CONDOMINIUM ON THE RESIDENTIAL PARCEL; FOR PROPERTY LOCATED AT 400 SOUTH COLLIER BOULEVARD, IN SECTIONS 17 AND 18, TOWNSHIP 52 SOUTH, RANGE 26 EAST, CITY OF MARCO ISLAND, FLORIDA, CONSISTING OF 39.32 ACRES; AND BY PROVIDING AN EFFECTIVE DATE.

Whereas, Donald A. Pickworth, P.A., representing Massachusetts Mutual Life Insurance Company and Cornerstone Real Estate Advisers, Inc., petitioned the Marco Island City Council to change the zoning classification of the herein described real property;

Now, therefore be it ordained by the City Council of Marco Island, Florida;

Section One:

The zoning classifications of the herein described real property located in Sections 17 and 18, Township 52 South, Range 26 East, City of Marco Island, Florida, is changed from "RT-MIZO" to "PUD" Planned Unit Development in accordance with the Marco Beach Resort PUD Document, attached hereto as Exhibit "A" and incorporated by reference herein. The Official Zoning Atlas Numbers MB6B & MB7B, as described in Ordinance 91-102, of the Collier County Land Development Code, is hereby amended accordingly.

Section Two:

The ordinance shall become effective upon adoption.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 5th day of September, 2001.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA



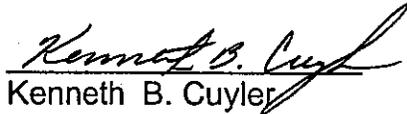
A. William Moss
City Manager/City Clerk

BY:



E. Glenn Tucker, Chairman

Approved as to form and
legal sufficiency:



Kenneth B. Cuyler
City Attorney

Marco Beach Resort

A

Planned Unit Development

Regulations and supporting Master Development Plan governing the Marco Beach Resort PUD, a planned unit development.

Prepared for:

Cornerstone Real Estate Advisers, Inc.
As agent for the Owners:
Massachusetts Mutual Life Insurance Company

Prepared by:

Donald A Pickworth, PA
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Naples, FL 34103

&

RWA, Inc.
3050 North Horseshoe Drive, Suite 270
Naples, FL 34104

Submitted: May 2001
Revised Draft: September 4, 2001

DATE REVIEWED BY MIPB:	<u>June 21, 2001</u>
DATE APPROVED BY MICC:	<u>September 5, 2001</u>
ORDINANCE NUMBER:	_____
AMENDMENTS AND REPEAL:	_____

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AND
LIST OF EXHIBITS**

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LIST OF EXHIBITS

EXHIBIT A	LEGAL DESCRIPTIONS
EXHIBIT B:	PUD Master Plan
EXHIBIT C:	Architectural Rendering of Residential Condominium

**STATEMENT OF COMPREHENSIVE PLAN CONSISTENCY
AND SHORT TITLE**

The Marco Beach Resort Planned Unit Development (the PUD) sets forth the development regulations to be applicable to the lands and improvements described herein (the Property), consisting of approximately 39.32 acres of land located on South Collier Boulevard in the City of Marco Island, Florida.

By the adoption of this PUD the City specifically finds and determines that all future development and/or redevelopment of the Property in accordance with this PUD (the Project) is consistent and in conformance with the City of Marco Island Comprehensive Plan (hereinafter the City Comprehensive Plan). The factors upon which this consistency determination is made includes, but is not limited to, the following:

1. The Project is consistent with Objective 1.1. of the Future Land Use Element (FLUE) of the City Comprehensive Plan requiring all new land uses to be consistent with the Future Land Use Map (FLUM).
2. The Property is located within the Resort Residential District as described on the FLUM, which allows for hotel and residential uses, including the resort hotel and residential uses authorized by this PUD.
3. The Project, as proposed, is compatible with adjacent land uses and includes adequate buffering where dissimilar land uses are located adjacent to each other.
4. The Florida Department of Community Affairs issued Binding Letter of Vested Rights (BLIVR) No. 900-06 and Binding Letter of Interpretation (BLID) No. 0900-010 on October 24, 2000 (the Binding Letters). The Binding Letters determined that the project is not required to be reviewed as a Development of Regional Impact (DRI).
5. The Project is not anticipated to cause or result in the Levels of Service (LOS) for any public facility to drop below the LOS adopted for such facility.
6. The Project is consistent with Policy 1.1.1 of the FLUE of the City's Comprehensive Plan in that the maximum anticipated residential density and hotel units is less than that which is authorized in the City's Comprehensive Plan and Land Development Code for the subject site.
7. The Project is consistent with Policy 1.3.1 of the FLUE in that the PUD requires the Resort Operator to provide meeting space for an annual Hurricane Awareness Seminar in order to educate residents regarding hurricane preparedness and hurricane evacuation procedures, thus enhancing hurricane evacuation plans.
8. The Project is consistent with Policy 1.8.1 of the FLUE in that it provides for the development of improvements to South Collier Boulevard that are intended to enhance pedestrian and bicycle facilities.

9. The project is consistent with Policy 1.1.3 of the Transportation Element of the City's Comprehensive Plan in that it is intended to promote improved pedestrian and bicycle facilities, which are ADA compliant.
10. The project is consistent with Policy 1.2.3 of the Transportation Element of the City's Comprehensive Plan in that it mitigates for traffic impacts, both on and off-site.
11. The project is consistent with Policy 1.3.4 of the Potable Water Sub-Element of the Infrastructure Element of the City's Comprehensive Plan in that the PUD requires the property owner to install the necessary infrastructure to utilize reclaimed (gray) water for irrigation and to negotiate with Florida Water Services to develop an agreement for such usage.
12. The project is consistent with the Stormwater Management Sub-Element of the Infrastructure Element of the City's Comprehensive Plan in that the Project will be designed to meet current stormwater management regulations for quantity discharge and water quality.
13. The project is consistent with Objective 1.2 and Policy 1.2.1 of the Stormwater Management Sub-Element of the Infrastructure Element of the City's Comprehensive Plan in that the property owner has agreed to fund and to construct drainage improvements within and adjacent to the South Collier Boulevard right-of-way, as more particularly described on Section 6.1 of this document
14. The project is consistent with Policy 1.5.2. of the Conservation Element of the City's Comprehensive Plan in that the PUD requires the Resort Hotel Parcel Owner to develop a Sea Turtle Nesting Awareness and Educational Program in order to make Employees and Guests fully aware of Sea Turtle Nesting concerns and protection measures.
15. The project is consistent with Objective 2.3 of the Conservation Element of the City's Comprehensive Plan in that the project provides for a reservation of land that may be utilized to provide pedestrian beach access in the future.

SHORT TITLE

This Ordinance shall be known and cited as the Marco Beach Resort PUD.

SECTION I

PROPERTY OWNERSHIP AND DESCRIPTION

1.1 PURPOSE

The purpose of this Section is to set forth the legal description, ownership and location of the Property, and to describe the existing conditions of the Property.

1.2 PROPERTY DESCRIPTION

The Property is located on South Collier Boulevard, approximately 2,600 feet south of San Marco Drive, and runs for approximately 1,600 lineal feet on both sides of South Collier Boulevard. As shown on the PUD Master Plan, the Property consists of two parcels, identified as the Resort Hotel Parcel and the Residential Parcel respectively. The Resort Hotel Parcel contains an existing resort hotel with related amenities and parking areas. The Residential Parcel currently contains some hotel parking facilities, which will be relocated onto the Resort Hotel Parcel, and some villa-type hotel units, which will be demolished.

1.3 LEGAL DESCRIPTION

- A. The Property: See Exhibit A attached hereto
- B. The Resort Hotel Parcel: See Exhibit A attached hereto
- C. The Residential Parcel: See Exhibit A attached hereto
- D. The descriptions of the Resort Hotel Parcel and Residential Parcel set forth in Exhibit A are the approximate boundaries of the two parcels as of the time of adoption of this PUD, and will be subject to adjustment at the time of site development plan submittal. Adjustments to the common boundary between the Resort Hotel Parcel and the Residential Parcel shall be permitted without requiring an amendment to this PUD, so long as the development standards and density requirements are in compliance with this PUD.

1.4 PROPERTY OWNERSHIP

At the time of adoption of this PUD, beneficial title to the Property is vested in: Massachusetts Mutual Life Insurance Company, as the Beneficiary under a certain Trust Agreement dated April 27, 1979 and known as Trust No. 5003950, in which City National Bank of Miami, a United States National Banking Corporation, is Trustee.

SECTION II

LEGISLATIVE INTENT

In adopting this PUD, the City recognizes that the existing resort hotel located on the Property is a substantial economic and social asset to the City, and also recognizes that the development of the property in conformance with this PUD will result in the following benefits to the community:

1. A commitment to limit density and intensity below that which is currently authorized under the existing RT zoning as a result of the construction of high-end residential units in lieu of hotel rooms.
2. An architectural statement that is consistent with the character of Marco Island will be achieved through an increased height, stepped-back building design, and architectural excellence.
3. A front set back from South Collier Boulevard for the residential tower that is, at a minimum, 260 feet or 280% greater than code-required minimums, resulting in increased opens space, view corridors, and landscape design elements.
4. Many of the objectives of the City's Right-of-Way Master Plan will be advanced through the reconstruction and upgrade of South Collier Boulevard.
5. The carrying capacity of South Collier Boulevard is expected to be increased, and traffic flow and vehicular safety enhanced by the installation of turn lanes and pedestrian crossings.
6. Significant aesthetic improvements are anticipated along a portion of South Collier Boulevard pursuant to the provisions of this PUD through streetscape and landscape improvements.
7. Public safety will be significantly enhanced in the South Collier Boulevard right-of-way through improvements designed to maximize drainage capacity and control, thereby reducing ponding and stormwater inundation on South Collier Boulevard between San Marco Road and Spruce Street.
8. A significantly higher percentage of open space will be provided above and beyond the 30% minimum required by the LDC.
9. Enhanced landscaping and buffering, as required by the LDC, will be provided along the boundary between the parking areas and the residential parcels to the east. This landscape buffer will conform to the minimum 15-foot required width. Additionally, an architecturally designed wall, coupled with significantly larger than code minimum plantings, will be installed within the buffer area to maximize functionality and assure an aesthetically pleasing design.

10. The Resort Hotel Parcel Owner has committed to construct or fund roadway and drainage improvements to South Collier Boulevard. The improvements to South Collier Boulevard are more particularly described in Section 6.1, Transportation.

It is the express legislative intent, in adopting this PUD ordinance, to authorize and ensure that the hotel facilities located on the Resort Hotel Parcel can continue to develop, redevelop, and renovate. This ordinance will be liberally construed to effectuate this intent, and nothing in this ordinance shall be construed so as to make the existing resort hotel a non-conforming use.

SECTION III

GENERAL DEVELOPMENT REGULATIONS

3.1 PURPOSE

The purpose of this Section is to establish the general development regulations applicable to the development of the Property, and the relationship of these regulations to other applicable City Ordinances.

3.2 GENERAL

A. From and after the adoption of this PUD Ordinance, all development on the Property shall be in accordance with the development regulations set forth in this document and any other applicable provisions of the City of Marco Island Land Development Code (the LDC), the City Comprehensive Plan and other ordinances of the City. The PUD document is the prevailing ordinance governing the zoning, development and redevelopment of the Property. In the event of a conflict between the development regulations contained in this PUD and other ordinances of general application, including the LDC, the provisions of this PUD ordinance shall prevail. Should the PUD be silent on a particular matter, the LDC or other ordinances of general application shall apply. Unless otherwise noted, the definitions of all terms shall be the same as the definitions set forth in the LDC in effect at the time of building permit application.

B. The Property is located outside an area of historic/archaeological probability as designated on the official Collier County Probability Map. Therefore, no historic/archaeological survey and assessment is required. Pursuant to Section 2.2.25.8.1 of the LDC, if during the course of site clearing, excavation or other construction activity, an historic or archaeological artifact is found, all development within the minimum area necessary to protect the discovery shall be immediately stopped and the City of Marco Island Community Development Department contacted.

C. The PUD Master Plan depicts (i) the existing development on the Resort Hotel Parcel, (ii) the currently authorized redevelopment of a portion of the Resort Hotel Parcel, (iii) the general future location of additional hotel rooms; (iv) the currently authorized residential development area on the Residential Parcel, (v) the proposed redevelopment of a portion of South Collier Boulevard, and (vi) the re-configuration and expansion of the parking areas, landscape buffers, and tennis facilities on the east side of South Collier Boulevard. The Resort Hotel Parcel may be further developed or redeveloped as deemed necessary or desirable for resort hotel operations in accordance with the development standards contained in this PUD or, as may be applicable, with the LDC. Redevelopment of the Resort Hotel Parcel shall not constitute a substantial change from the approved PUD Master Plan and may be reviewed and approved

administratively through a site development plan or other applicable administrative process, provided it is in compliance with the development standards set forth in this PUD. Any future development or redevelopment of the Resort Hotel parcel that does not conform to the development standards and limitations set forth in this PUD, including but not limited to density, room count limitations and restrictions on the type and location of parking facilities shall be deemed substantial changes to the PUD and shall be processed as set forth in the LDC.

With respect to the Residential Parcel, the PUD Master Plan is intended to provide a well-defined and detailed concept for the future development of this parcel. Nevertheless, it is understood that during site plan review or construction, minor revisions to building layout, turn lane lengths, access point locations, architectural design and other site design and site improvement matters may become necessary. Such revisions, whether requested by staff or at the request of the property owner, shall not be considered a substantial deviation from the approved PUD Master Plan provided such revisions or changes do not differ substantially from the approved master plan and conforms to the development standards set forth in this PUD. Such minor deviations from the PUD Master plan may be reviewed and approved administratively by the Community Development Director

D. The plan for development and potential redevelopment of the Project, including access points, right-of-way improvements, and developable tracts, is illustrated graphically by the PUD Master Plan labeled Exhibit "B." Minor deviations from, or revisions to, the depictions represented on the attached exhibits and renderings may become necessary during site planning, site development and construction. It is recognized that minor revisions to the proposed median opening locations, turn lane lengths, and other proposed right-of-way improvements may be necessary during the site plan review or construction process. Such minor variations may be reviewed and approved administratively by the Community Development Director and/or the Public Works Director as may be applicable, provided such minor revisions do not include increased height or density and are otherwise in compliance with the development standards set forth in this PUD.

E. Changes to the PUD that are deemed to be substantial, as set forth paragraph 3.2 (C) above, shall be reviewed in accordance with the policies and procedures set forth in the LDC.

3.3 PROJECT DENSITY

The aggregate density within the PUD shall not be in excess of the density permitted by the City Comprehensive Plan. The maximum number of residential units on the Residential Parcel shall not exceed 103 units or 167 hotel rooms. The

maximum number of hotel rooms on the Resort Hotel Parcel shall not exceed 810 rooms.

3.4 SUBDIVISION PLAT NOT REQUIRED

The division of the Property into the Resort Hotel Parcel and the Residential Parcel does not constitute a subdivision of the Property under the LDC, and therefore, site development as depicted on the PUD master Plan will not require submission of a subdivision plat.

**SECTION IV
DEVELOPMENT STANDARDS-RESORT HOTEL PARCEL**

4.1 USES PERMITTED

No building or structures or part thereof, shall be erected, altered or used, or land used, in whole or part, for other than the following:

A. Permitted Uses. The following uses are permitted as of right on the Resort Hotel Parcel.

1. Hotels, motels, and timeshare facilities
2. Multiple-family dwellings

B. Accessory Uses

1. Uses and structures that are accessory and incidental to the uses permitted as of right on the Resort Hotel Parcel, which shall include, but not be limited to: at grade parking and other existing facilities on the east side of Collier Boulevard; limited to the locations depicted on the PUD Master Plan; health spa; tennis facilities; swimming pools; parking facilities on the west side of Collier Boulevard; and other similar recreational facilities. Other than elevated tennis courts located on the northwest quadrant of the parking area on the east side of Collier Boulevard as depicted in the PUD master plan, no building or elevated structures, including but not limited to generators and elevated parking structures are permitted on the east side of Collier Boulevard.

Notwithstanding the foregoing, the existing cooling towers may be repaired or replaced, limited to the existing footprint as depicted on the Master Plan. The cooling towers may be relocated but shall not be moved any farther to the east (closer to the single-family development) of the existing location

2. Retail shops, personal service establishments, eating or drinking establishments, dancing and staged entertainment facilities, meeting rooms and auditoriums, and other amenities where such uses are an integral part of a hotel and are used wholly or partially by the patrons of the hotel.

4.2 DIMENSIONAL STANDARDS

A. Minimum Yard Requirements for structures:

1. Front Yard: One half the building height as measured from each exterior wall or wing of a structure with a minimum of 30 feet.
2. Side Yard: One half the building height as measured from each exterior wall with a minimum of 15 feet.
3. Rear yard: One half the building height as measured from each exterior wall with a minimum of 30 feet
4. Common yard between Resort Hotel Parcel and Residential Parcel: 5 feet, provided however, that structures shall be no closer together than 15 feet, or the separation required by applicable life safety codes, whichever is more restrictive.

D. Maximum height:

1. For all new development: Ten stories not to exceed 100 feet; or,
2. For redevelopment of existing structures which currently exceed 100 feet in height: 100 feet or the height of said structure existing at the date of adoption of this PUD.

E. Minimum floor area of hotel rooms: 300 square feet.

F. Distance between structures: Between any two separated principal buildings on the same parcel of land, there shall be provided a distance equal to 15 feet. Accessory structure yards shall be in accordance with the LDC.

4.3 MAXIMUM DENSITY PERMITTED: 810 hotel units.

4.4 OFF-STREET PARKING

- A. In order to establish a baseline from which the parking requirements of future development and redevelopment of the Resort Hotel Parcel may be determined, the existing development on the Resort Hotel Parcel (Existing Development) and the existing marked impervious parking spaces are set forth at Table 4.4 (a), based on a certain aerial image of existing parking by RWA, Inc. dated February, 1999, which is hereby approved. This baseline number of parking spaces is hereby declared to constitute the lawful and conforming parking for the Existing Development, as authorized by the LDC.

[See Table on Next Page]

TABLE 4.4 (a)

MARCO MARRIOTT HOTEL
EXISTING DEVELOPMENT

FACILITY	SIZE OR QUANTITY (EXPRESSED IN TERMS OF PARKING REQUIREMENT)
Guest Rooms	735 Rooms
Restaurant No. 1 (Voyager)	9,017 sq. ft.
Restaurant No. 2	120 seats
Restaurant No. 3	5,073 sq. ft.
Restaurant No. 4	62 seats
Restaurant No. 5	1,460 sq. ft.
Meeting rooms/Ballrooms	48,375 sq. ft.
Retail Shops	10,806 sq. ft.
Lounge	320 sq. ft.
Swimming Pool No.1 (@ Voyager)	3,068
Swimming Pool No.2	3,978 sq. ft.
Swimming Pool No. 3	4722
Tennis Courts	16 Courts
Pro Shop	1,076 sq. ft.
Total existing marked impervious parking spaces (per RWA, Inc. aerial)	897 spaces

- B. Future development and redevelopment will be required to provide parking for such development in accordance with the requirements of the LDC as of the date of the adoption of this PUD, subject to the following:

1. There will be a credit for any facilities that are demolished, reduced in size or quantity, or converted from another use. For example, if a restaurant containing 100 seats, which requires 25 parking spaces under the hotel parking regulations of the LDC (one space per two seats, reduced by 50 %) is demolished and a ballroom containing 7,000 square feet, which requires 70 parking spaces (one space per 100 square feet) is constructed, then 45 new spaces would be required (70 less the credit of 25 spaces).
2. In applying the above to future development, the following rules of construction shall apply:
 - a. If the proposed development results in the need for additional parking spaces (as in the example above), such development shall ~~provide only be authorized if~~ sufficient new guest parking spaces, calculated in accordance with the LDC ~~are provided~~, as set forth in Section 4.4 G below.
 - b. If the proposed development does not generate a need for additional guest spaces (i.e. the parking requirement for the proposed development is equal to the parking requirement for the existing development being demolished or converted), then no additional spaces will be required for the proposed development.
- C. Twenty-five (25%) percent of the self-parking may be striped to a dimension of 8 X 16 feet, with allowable overhang as provided in the LDC and designated as compact car spaces, which shall be denoted by pavement markings, in recognition of the fact that a large proportion of the hotel guests that arrive by automobile drive compact rental cars.
- D. Stacking of vehicles is permitted in all areas designated for valet parking.
- E. Twenty-five (25%) percent of the designated employee parking lot may be striped to a dimension of 8 X 16 feet, with allowable overhang as provided in the LDC and designated as compact car spaces, which shall be denoted by pavement markings.
- F. The hotel has and will continue to explore and encourage methods to decrease employee parking needs by such methods as ride-sharing and other forms of transit.

- G. Construction of additional parking facilities -The reconfiguration of the parking areas on the east side of South Collier Boulevard will result in the creation of additional surface parking which are required to provide parking displaced by construction on the Residential Parcel and additional parking in accordance with the LDC for the new health spa and ballroom to be constructed on the Resort Hotel Parcel and the renovation of certain restaurant and office facilities. The total number of parking spaces needed to provide for the existing uses, the proposed health spa and ballroom, and for up to 810 hotel rooms is 1,100. Table 4.4 (b) below provides the LDC required parking for the existing and proposed uses. Any additional construction of resort hotel facilities in addition to those depicted on the PUD master plan which results in the need for increased parking spaces pursuant to the methodology set forth in Section 4.4(B) of this PUD document shall require the construction of additional parking facilities in an amount required by the LDC for such additional facilities. In no case, however, shall a above grade buildings or elevated structures, including parking structures be permitted on the east side of Collier Boulevard, other than elevated tennis courts as provided for in Section 4.1(B) 1 of this PUD.

[See Table on Next Page]

TABLE 4.4 (b)

MARCO BEACH RESORT PUD
RESORT PARCEL REQUIRED PARKING MATRIX

FACILITY	SIZE OR QUANTITY (EXPRESSED IN TERMS OF PARKING REQUIREMENT)	REQUIRED SPACES
Existing Development	See Table 4.4 (a)	897
New Ballroom	10,009 sq. ft. @1 space per 100 sq. ft.	100
New Spa Facilities	20 treatment rooms @ 1.5 spaces/room	30
New Spa Facilities	7 manicure/pedicure stations @ 1.5 spaces/station	11
New Spa Facilities	4 cutting chairs @ 3 spaces per chair	12
New Spa Facilities	2,103 sq. ft. exercise/weight room @ 1 space/100 sq. ft.	21
New Spa Facilities	2, 686 sq. ft. retail @ 1 space/400 sq. ft.	7
Additional 75 Hotel Rooms ¹	75 rooms @ 11 spaces per 10 rooms	83
Credits for Deleted Uses		
Demolition of Voyager Restaurant		-75
Demolition of 12 Tennis Courts		-36
Total		1,049
	Total Parking provided for Resort Hotel Parcel with at grade Tennis Courts	1,058
	Total Parking for Resort Hotel Parcel with elevated tennis courts and for additional 75 Rooms.	1,100

4.5 LANDSCAPING AND BUFFERS

Landscape and buffers shall be as provided in the LDC subject to the following:

A. The eastern boundary of the portion of the Property located east of Collier Boulevard (i.e. the eastern boundary of the parking areas) shall be buffered by the installation of an architecturally designed concrete, masonry, and/or stucco wall. The actual height of the wall will be at the discretion of the current adjacent property owner, but shall be a minimum of 6-feet and a maximum of 8-feet, and may be intermittently interrupted with architecturally designed "wrought" iron or decorative treatments to provide for open "breaks" in the wall, also at the discretion of the adjacent property owner. The wall may be increased intermittently to provide for pilasters, gates, or columns in order to ensure design flexibility and to ensure adequate flow of light and air. The wall shall not be placed any closer than 10-feet to the property line allowing for the installation and irrigation of plantings on the east

¹ Note: The additional 83 parking spaces, or relative amount thereof, shall only be necessary at such time as the additional 75 rooms or relative amount thereof are constructed.

(residential) side of the wall within the required buffer area. The placement of the wall 10 feet back from the property line is at the request of adjacent property owners and the city. It is not intended to confer a license or invitation with regard to use of the 10 foot strip that will be created, nor is it intended to create or confer on adjacent owners any property rights to the 10 foot strip either expressly, by implication, or by prescription. The Resort Hotel Parcel Owner shall be responsible for maintenance and repair of open space and landscape buffer areas.

B. The buffers adjacent to single-family residential development for all existing and newly constructed parking areas east of Collier Boulevard shall be a minimum of 15 feet in width. Buffers adjacent to South Collier Boulevard shall be a 10-foot wide type "D" buffer as depicted on the PUD Master Plan and may be varied to accommodate right-of-way improvements.

C. The eastern boundary of the parking areas shall be landscaped as provided in the LDC, with the additional requirement that the required canopy trees shall be spaced no more than 30 feet on center and shall have a minimum caliper thickness at breast height of two and one-half (2.5) inches, a minimum height of 14 feet, and a minimum canopy spread of 6 feet.

4.6 SIGNS

As provided in the LDC

SECTION V

DEVELOPMENT STANDARDS-RESIDENTIAL PARCEL

5.1 USES PERMITTED

No building or structure or part thereof shall be erected altered or used, or land used, in whole or part, for other than the following:

- A. Permitted Uses. The following uses are permitted as of right on the Residential Parcel:
1. Multiple-family dwellings
 2. Hotel units - If the Residential Parcel is not developed for residential uses, it may be developed for resort hotel uses, in which case the development standards for the Resort Hotel Parcel shall apply. However in no case shall the total number of hotel units on the Residential Parcel exceed 167 units.
- B. Accessory Uses:
1. Uses and structures that are accessory and incidental to the uses permitted as of right on the Residential Parcel.
 2. If the residential Parcel is not developed for residential uses, accessory uses permitted in the Resort Hotel Parcel are permitted and the development standards for the Resort Hotel Parcel shall apply.

5.2 DIMENSIONAL STANDARDS

- A. Minimum Lot Area: 10,000 square feet.
- B. Minimum lot width: 100 feet.
- C. Minimum Yard Requirements for structures:
1. Front Yard: One half the building height as measured from each exterior wall or wing of a structure with a minimum of 30 feet; provided however, that the residential tower shall be a minimum of 260 feet from South Collier Boulevard
 2. Side Yard: One half the building height as measured from each exterior wall with a minimum of 15 feet.

3. Rear yard: One half the building height as measured from each exterior wall with a minimum of 30 feet
4. Common yard between Resort Hotel Parcel and Residential Parcel: 5 feet, provided however, that structures shall be no closer together than 15 feet, or the separation required by applicable life safety codes, whichever is more restrictive.

D. Maximum height:

Sixteen residential stories with a maximum height of 180 feet. Building height shall be measured from the top of the parking deck or from an elevation of 22 feet NGVD; whichever is the lesser, to the midpoint of the roof. As set forth in the Land Development Code, rooftop infrastructure, such as mechanical rooms for fire suppression systems, air-conditioning equipment, and elevator shafts and equipment are not included in the determination of building height.

E. Floor area requirements: 1000 square foot minimum per residential unit.

5.3 MAXIMUM RESIDENTIAL DENSITY PERMITTED

103 residential units or, if the residential Parcel is not developed for residential uses, 167 hotel units.

5.4 OFF-STREET PARKING

As set forth for multiple-family dwellings in the Land Development Code.

5.5 LANDSCAPING AND BUFFERS

As provided in the LDC.

5.6 SIGNS

As provided in the LDC.

**SECTION VI
DEVELOPMENT COMMITMENTS**

6.1 TRANSPORTATION

The Resort Hotel Parcel Owner will pay a total amount not-to-exceed \$2,500,000 for the reconstruction and expansion of South Collier Boulevard from a four lane divided rural roadway to a four lane divided urban roadway, hereinafter referred to as the "Improvements Work", from a point immediately south of Spruce Avenue to a point immediately north of San Marco Road, hereinafter referred to as the "Roadway Improvement Area", as more particularly described in paragraphs A. through K. below:

A. Roadway Improvement Area Construction Management.

1. The City of Marco Island, at its sole discretion and in the interest and benefit of the public, reserves the right to exclusively and fully manage the engineering, design and construction and all contract bid solicitations, to make contract awards and execute construction agreements, and to manage all construction stage activities of the Improvements Work within the Roadway Improvement Area. A "Joint Project Agreement" shall be executed between the City of Marco Island and the Resort Hotel Parcel Owner for Improvements Work within the Roadway Improvement Area. The joint project agreement shall be executed by the parties within 60 calendar days of approval of the PUD by the City.

2. Subject to the establishment of the Joint Project Agreement and Wwithin 60 calendar days of the date of approval of the PUD, the Resort Hotel Parcel Owner shall issue one or more irrevocable letters of credit in amounts totaling \$2,500,000 in a form satisfactory to the City of Marco Island Finance Director. During the design and construction of the Improvements Work, the City will approve all design and construction work and documents. Within 45 30 days of the City's notice of approval to the Resort Hotel Parcel Owner of the approval of a design or construction contract along with a copy of such approved executed design or construction contract, the Resort Hotel Parcel Owner shall pay in cash to the City, or as otherwise directed in writing by the City, the amount of such design or construction contract. Once payment has been received by the City of Marco Island, the Resort Hotel Parcel Owner may reduce the outstanding letter of credit by such amount. The City and the Resort Hotel Parcel Owner shall work together to create an accounting procedure that creates a minimum of time and effort on either party's part to effect the provisions of this paragraph.

3. In the event that the Resort Hotel Parcel Owner's improvements on the east and/or west side of South Collier Boulevard warrants permanent turn lane improvements, curb cuts, median modifications and other necessary

Improvements Work in front of the Resort Hotel Parcel Owner's property prior to the City's schedule for the Improvements Work within the Roadway Improvement Area, so as to preserve public safety and welfare, the Resort Hotel Parcel Owner may proceed with the design and construction of such permanent work, if approved by the appropriate officials of the City of Marco Island's Public Works Director. The cost of the design and construction of such work will be subtracted from the \$2,500,000 amount. Alternatively, the Resort Hotel Owner Parcel may, at the Resort Hotel Parcel Owner's cost, construct interim traffic access connections to the spa/ballroom and residential condominium projects.

4. Within 60 calendar days of the date of approval of the PUD, the City, at its sole discretion, may notify the Resort Hotel Parcel Owner by certified mail, of its election to require the Resort Hotel Parcel Owner to manage the design and construction of a portion of the Improvements Work that is in front of and adjacent to the Resort Hotel Parcel Owner's property as depicted on the PUD Master Plan (Exhibit "B"). If the City so elects, the Resort Hotel Parcel Owner will immediately proceed with the design and permitting of that portion of the Roadway Improvement Area in accordance with the scope as directed by the Public Works Director and as set forth in this PUD document. Upon approval of the design and related documents by the Public Works Director and other jurisdictional authorities, the Resort Hotel Parcel Owner will proceed with the construction of the Improvements Work of that portion of the Roadway Improvement Area in front of the Property. The cost of the design and construction shall be subject to periodic review and approval as deemed necessary by the City's Public Works Director and such approved costs will then be subtracted from the \$2,500,000 amount. The City of Marco Island will not issue a Certificate of Occupancy for the spa/ballroom project until such portion of the Improvement Work is completed and accepted approved by the City of Marco Island Public Works Director pursuant to the permitted construction plans.

5. Where this Section IV, Paragraph 6.1A, specifies a time for performance of any act by the Resort Hotel Parcel Owner, such time shall be tolled during the pendency (including any appeal periods of any suit, claim, or proceeding of any kind, initiated within the first 60 days of the PUD approval, which in whole or in part, contests the validity of this PUD or any development rights granted hereunder.

- B. The engineering design and construction of all intended roadway and related improvements for the Improvements Work within the Roadway Improvement Area shall be undertaken in accordance with latest edition criteria and specifications promulgated by the State of Florida Department of Transportation and the City of Marco Island. Moreover, the reconstruction and expansion of South Collier Boulevard shall be developed and implemented in accordance with the City of Marco Island Right-of-Way Master Plan document dated 1 December

1999 and revised on 1 April 2000, permitting regulations of the South Florida Water Management District and associated state and federal agencies. The Typical Cross Section for South Collier Boulevard and the side street intersections of San Marco Road and Spruce Street shall also comprise of full urban design features, including but not limited to, concrete subsurface storm sewer systems, relocation and/or upgrade to public utilities, stormwater management facilities, architectural roadway lighting, roadway and driveway access improvements, left and right turn lanes, acceleration / storage lanes, refuge "U-Turn pavement areas, refuge median areas, median and roadside landscape and streetscape improvements, traffic signalization installations, roadway signing, concrete and paver brick pathways, vehicular and pedestrian safety enhancements, and additional right-of-way and/or easements to be dedicated for public use as may be warranted or required by the City of Marco Island. Dimensionally, the preliminary Typical Cross Section for South Collier Boulevard along the Roadway Improvement Area, commencing at the east right-of-way and terminating at the west right-of-way, shall at a minimum consist of the following roadway elements:

- Greenstrip to right-of-way line;
- 8 foot wide pathway;
- 4 foot wide green strip;
- 2 foot wide concrete curb and gutter;
- 4 foot wide bicycle lane;
- Two 11 foot wide motor vehicle travel lanes;
- 19.5 foot wide raised and curbed median;
- Two 11 foot wide motor vehicle travel lanes;
- 4 foot wide bicycle lane;
- 2 foot wide concrete curb and gutter;
- 4 foot green strip; and
- 8-foot wide pathway;
- Greenstrip to right-of-way line.

It is recognized that revisions may be required to the foregoing preliminary Typical Section for South Collier Boulevard during site development plan activities, and all such revisions shall be conditioned on approvals by the Public Works Director.

- C. The PUD master plan drawings (dated 5 September 2001 by RWA, Inc. as may be subsequently updated or revised) shall only serve and will always be limited to application as a conceptual portrayal of the intended general features and schematic layout of the reconstruction and expansion of South Collier Boulevard within the Roadway Improvement Area and adjacent parking facilities and as such, shall not be construed nor interpreted as representing approved final design plans suitable for construction nor as a PUD exhibit which implies or depicts approved roadway access improvements. All final approvals of the Typical Cross Section for South Collier Boulevard within the Roadway Improvement Area and related design features such as, parking facilities, side street intersections,

concrete subsurface storm sewer systems, stormwater management facilities, architectural roadway lighting, roadway and driveway access improvements, left and right turn lanes, acceleration / storage lanes, refuge "U-Turn pavement areas, refuge median areas, median and roadside landscape and streetscape improvements, traffic signalization installations, roadway signing, concrete and paver brick pathways, vehicular and pedestrian safety enhancements, and additional right-of-way and/or easements to be dedicated for public use as may be warranted or required by the City of Marco Island, shall be reviewed and approved for construction by the City's Public Works Director during roadway designs and/or the formal Site Development Plan review processes.

- D. The Resort Hotel Parcel Owner shall submit a traffic analysis report for South Collier Boulevard within the Roadway Improvement Area to support the basis for design of various roadway improvements such as access improvements, turn lanes, and pedestrian crosswalks and attendant traffic signalization installations. The traffic analysis report shall be prepared in accordance with criteria and standards in effect by the State of Florida Department of Transportation and signed and sealed by a professional engineer licensed in the State of Florida.
- E. The Resort Hotel Parcel Owner shall be responsible for a fair share cost of planning, designing, and constructing roadway traffic signals along the Roadway Improvement Area at such time as deemed necessary or warranted by the City in consideration of public safety, health and welfare.
- F. The Improvements Work includes all costs associated with the acquisition of easements and additional right-of-way necessitated by the reconstruction of South Collier Boulevard within the Roadway Improvement Area and the City shall be responsible for administrative and legal costs associated with right-of-way condemnation proceedings offsite of the Marco Beach Resort PUD. However, the Resort Hotel Parcel Owner shall dedicate and convey any temporary or permanent easements and/or fee simple right-of-way not to exceed 6 feet of additional width of fee simple right-of-way on both sides of the existing right-of-way necessary to construct the Improvements Work in front of and adjacent to the Resort Hotel Parcel Owner Property at no cost to the City of Marco Island.
- G. The Improvements Work includes installing landscape and irrigation improvements within the Road Improvement Area.
- H. The Improvements Work shall include specialty architectural street lighting along the Roadway Improvement Area in accordance with the City of Marco Island Right-of-Way Master Plan, document dated 1 December 1999 and revised on 1 April 2000 and subject to commenting and approval by the Public Works Director.
- I. Work on the project will be phased as follows:

Prior to the issuance of a certificate of occupancy for the spa/ballroom, work on the east side of Collier Boulevard shall be completed, including the reconfiguration of the parking areas, the architecturally designed wall, relocation of the existing above ground power lines underground, and the landscape improvements. Alternatively, a certificate of occupancy for the spa/ballroom may be issued prior to the completion of improvements on the east side of Collier Boulevard provided the Resort Hotel Parcel Owner provides evidence of a performance bond to cover the full cost of said improvements on the east side of Collier Blvd., and providing replacement parking is provided on the site development plan for the residential tower, sufficient to compensate for any parking eliminated on the west side of Collier Boulevard. During the construction period or until all Improvements Work to South Collier Boulevard in front of or adjacent to the Property is completed, the existing four crosswalks shall be retained as determined by the City's Public Works Director.

- J. The existing four pedestrian crossings shall be reduced to either two or three subject to review and approval by the Public Works Director during the site development review process, and located generally as depicted on the PUD Master Plan (Exhibit "B"). In addition, street-level lighting shall be installed adjacent to the proposed pedestrian crossing locations to enhance safety during evening and times of reduced visibility. Textured or stamped pavement markings and/or brick pavers shall be installed in conjunction with automated in-pavement lights or similar traffic control systems in order to enhance pedestrian safety and vehicle operator awareness of pedestrian activity.
- K. A news arbor shall be constructed on the east side of South Collier Boulevard within the Roadway Improvement Area. Additionally, a pedestrian node shall also be constructed at a location along South Collier Boulevard within the Roadway Improvement Area. The news arbor and pedestrian node shall be located in area mutually agreeable to both the Resort Hotel Parcel Owner and the City. The news arbor and pedestrian node will be designed generally as depicted in the Right-of-Way Master Plan.

6.2 UTILITIES

- A. Water service is available via Florida Water Services. The Resort Hotel Parcel Owner is responsible to tap the main to provide both potable water and fire fighting capability to the Property.
- B. Sewer service is available via Florida Water Services. The Resort Hotel Parcel Owner is responsible for providing the necessary connections to supply the Property with central sewer service.
- C. All water/sewer facilities extended to the Property and which lie within City public rights-of-way and/or easements shall be owned and maintained by Florida Water Services. Such facilities, whether owned by Florida Water Services or

privately owned, shall be reviewed and installed in accordance with established Florida Water Services requirements.

- D. The Resort Hotel Parcel Owner shall prepare the Property for conversion to reuse (gray) water for irrigation and shall work with Florida Water Services so that reuse water will be available for on-site irrigation within one year of the date of approval of the PUD.
- E. Subject to approval by Lee County Electric Cooperative, the Resort Hotel Parcel Owner shall be responsible for relocating the existing above ground electric transmission lines, located in the utility easement on the eastern property line, under ground and for removal of power poles. This shall be completed at the time of parking facility improvements on the east side of Collier Boulevard.

6.3 OPEN SPACE

The Property shall contain no less than 40% open space as defined in the LDC.

6.4 ADDITIONAL COMMITMENTS

- A. A 15-foot wide strip of land adjacent to the northern project boundary will be reserved along the projects northern boundary for a period of ten years (the "Reservation Period") from the date of approval of this PUD. The Reservation Period may be extended for up to two additional 5-year periods by approval of the City Council. This strip of land may be used to accommodate pedestrian beach access should a majority of the City Council vote to approve such access during the Reservation Period. Should an affirmative vote not occur during Reservation Period, the reservation shall expire and become null and void. In the event City Council votes to approve the use of this strip of land for pedestrian beach access, the City staff will work with the Resort Hotel Parcel Owner to develop appropriate security measures and safety mechanisms to address aesthetic, public nuisance, trespass and illegal vehicular parking issues. Any costs associated with improving the beach access or providing security or safety mechanism shall be the responsibility of the City of Marco Island.
- B. The Resort Operator (Management) will provide meeting space for an annual Hurricane Awareness Seminar in order to educated residents regarding hurricane preparedness and hurricane evacuation procedures.
- C. The Resort Operator (Management) shall work with City staff to develop a Sea Turtle Nesting Awareness and Educational Program to be implemented annual during Sea Turtle Nesting Season in order to educate the public, guests and employees of Sea Turtle Nesting concerns and protection measures.

6.5 EXHIBITS, RENDERINGS AND PUD MASTER PLAN

The improvements depicted on the master plan, as well as the exhibits and renderings attached to and made a part of this PUD document, are intended to provide specificity and definition as to building architecture, massing, colors, location and elevation for the proposed development. Nevertheless, minor deviations from, or revisions to, the depictions represented on these exhibits and renderings may become necessary during site planning, site development and construction. Such minor variations may be reviewed and approved administratively by the Community Development Director, provided such minor revisions do not include increased height or density and are otherwise in compliance with the development standards set forth in this PUD.

LEGAL DESCRIPTION OF
PARCEL LAND LYING IN SECTIONS 17 AND 18,
TOWNSHIP 52 SOUTH, RANGE 26 EAST,
OF COLLIER COUNTY, FLORIDA.

Being more particularly described as follows:

Commencing at the southwest corner of lot 7, Block 177 of Marco Beach Unit Seven, as recorded in Plat Book 6, Pages 55 through 62 of the Public Records of Collier County, Florida, said corner also being a point of curvature on the easterly Right-of-Way line of South Collier Boulevard, as shown on said Plat of Marco Beach Unit Seven; Thence leaving said easterly Right-of-way line, South $72^{\circ}33'30''$ West 100.00 feet, to the point of curvature of the westerly Right-of-Way line of said South Collier Boulevard, and said point also being the Point of Beginning of the parcel herein described;

Thence southerly and easterly along said westerly Right-of-way line, 777.90 feet along the arc of a tangential circular curve concave to the southwest having a radius of 9950.00 feet through a central angle of $04^{\circ}28'46''$ and being subtended by a chord which bears South $15^{\circ}12'07''$ East 777.70 feet;

Thence leaving said westerly Right-of-Way line, South $72^{\circ}33'30''$ West 755.52 feet to the Erosion Control Line (Sheet 4 of 11, C.E.C. File No. 88-001);

Thence along the said Erosion Control Line, North $16^{\circ}10'05''$ West 146.10 feet;

Thence leaving the said Erosion Control Line, South $73^{\circ}49'55''$ West 115.88 feet, to the (1.50) One Point Five Zero Contour Line, as it existed March 18, 2000.

Thence along the said (1.50) One Point Five Zero Contour Line, the following (12) twelve described courses;

Thence North $10^{\circ}34'29''$ West 114.09 feet;

Thence North $14^{\circ}36'27''$ West 108.67 feet;

Thence North $12^{\circ}30'51''$ West 179.68 feet;

Thence North $15^{\circ}12'28''$ West 146.39 feet;

Thence North $11^{\circ}59'30''$ West 72.39 feet;

Thence North $16^{\circ}41'46''$ West 140.09 feet;

Thence North $14^{\circ}03'54''$ West 91.51 feet;

Thence North $16^{\circ}40'11''$ West 98.13 feet;

Thence North $18^{\circ}41'42''$ West 97.58 feet;

Thence North $17^{\circ}23'18''$ West 123.63 feet;

Thence North $19^{\circ}20'43''$ West 105.49 feet;

Thence North $22^{\circ}38'56''$ West 99.44 feet;

Thence leaving the said (1.50) One Point Five Zero Line, North $72^{\circ}33'30''$ East 856.73 feet, to the said westerly Right-of-Way line;

Thence along the said westerly Right-of-Way line the following (2) two described courses;

Thence southerly and westerly 123.64 feet along the arc of a non-tangential circular curve concave to the southwest having a radius of 9950.00 feet through a central angle of $00^{\circ}42'43''$ and being subtended by a chord which bears South $17^{\circ}47'51''$ East 123.64 feet;

Thence South 17°26'30" East 622.24 feet, to the Point of Beginning of the herein described parcel;

And;

All Lots 1 through 8, Block 177 of Marco Beach Unit Seven, as recorded in Plat Book 6, Pages 55 through 62 of the Public Records of Collier County, Florida.

Containing 29.59 acres more or less. (West side of Property)

Containing 9.73 acres more or less. (East side of Property)

Containing 39.32 acres more or less. (Total Property)

Subject to easements and restrictions of record.

Bearings are based on the westerly line of Lot 8, Block 177 of Marco Beach Unit Seven, as recorded in Plat Book 6, Pages 55 through 62 of the Public Records of Collier County, Florida, as being South 17°26'30" East.

LEGAL DESCRIPTION OF A
PARCEL OF LAND LYING IN SECTIONS 17 AND 18,
TOWNSHIP 52 SOUTH, RANGE 26 EAST,
IN COLLIER COUNTY, FLORIDA.

A PARCEL OF LAND LYING IN SECTIONS 17 AND 18, TOWNSHIP 52 SOUTH, RANGE 26 EAST,
OF COLLIER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 7, BLOCK 177 OF
MARCO BEACH UNIT SEVEN, AS RECORDED IN PLAT BOOK 6, PAGES 55
THROUGH 62 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA,
SAID CORNER ALSO BEING A POINT OF CURVATURE ON THE EASTERLY
RIGHT-OF-WAY LINE OF SOUTH COLLIER BOULEVARD, AS SHOWN ON SAID
PLAT OF MARCO BEACH UNIT SEVEN;

THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 72°33'30"
WEST, 100.00 FEET, TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID
SOUTH COLLIER BOULEVARD,

THENCE NORTH 17°26'30" WEST, 492.44 FEET, TO THE POINT OF BEGINNING
OF THE HEREIN DESCRIBED PARCEL;

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING
(7) SEVEN DESCRIBED COURSES;

THENCE SOUTH 71°24'48" WEST, 87.63 FEET;

THENCE SOUTH 42°19'28" WEST, 134.20 FEET;

THENCE SOUTH 21°07'35" WEST, 156.73 FEET;

THENCE SOUTH 42°22'37" WEST, 65.15 FEET;

THENCE SOUTH 49°26'51" WEST, 129.73 FEET;

THENCE SOUTH 17°20'07" EAST, 67.45 FEET;

THENCE SOUTH 72°33'45" WEST, 371.27 FEET, TO THE (1.70) ONE POINT
SEVEN ZERO FOOT MEAN HIGH WATER LINE (NGVD 1929), AS IT EXISTED
MARCH 18, 2000.

THENCE ALONG THE SAID (1.70) ONE POINT SEVEN ZERO MEAN HIGH
WATER LINE, THE FOLLOWING (6) SIX DESCRIBED COURSES;

THENCE NORTH 13°43'41" WEST, 72.64 FEET;

THENCE NORTH 16°33'54" WEST, 98.64 FEET;

THENCE NORTH 18°52'58" WEST, 97.61 FEET;

THENCE NORTH 17°18'29" WEST, 123.62 FEET;

THENCE NORTH 19°25'25" WEST, 105.58 FEET;

THENCE NORTH 22°07'54" WEST, 98.88 FEET;

THENCE LEAVING THE SAID (1.70) ONE POINT SEVEN ZERO MEAN HIGH
WATER LINE, NORTH 72°33'30" EAST, 855.21 FEET, TO THE SAID WESTERLY
RIGHT-OF-WAY LINE;

THENCE ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE THE
FOLLOWING (2) TWO DESCRIBED COURSES;

THENCE SOUTHERLY AND EASTERLY 123.64 FEET ALONG THE ARC OF A
NON-TANGENTIAL CIRCULAR CURVE CONCAVE TO THE SOUTHWEST
HAVING A RADIUS OF 9950.00 FEET THROUGH A central ANGLE OF 00°42'43"

AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 17°47'51"
EAST, 123.64 FEET;
THENCE SOUTH 17°26'30" EAST, 129.80 FEET, TO THE POINT OF BEGINNING .

CONTAINING 399,295 SQUARE FEET OR 9.17 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS ARE BASED ON THE WESTERLY LINE OF LOT 7, BLOCK 177 OF
MARCO BEACH UNIT SEVEN, AS RECORDED IN PLAT BOOK 6, PAGES 55
THROUGH 62 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, AS
BEING SOUTH 17°26'30" EAST.

LEGAL DESCRIPTION OF A
PARCEL OF LAND LYING IN SECTIONS 17 AND 18,
TOWNSHIP 52 SOUTH, RANGE 26 EAST,
COLLIER COUNTY, FLORIDA.

A PARCEL OF LAND LYING IN SECTIONS 17 AND 18, TOWNSHIP 52 SOUTH,
RANGE 26 EAST,
OF COLLIER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED
AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 7, BLOCK 177 OF
MARCO BEACH UNIT SEVEN, AS RECORDED IN PLAT BOOK 6, PAGES 55
THROUGH 62 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA,
SAID CORNER ALSO BEING A POINT OF CURVATURE ON THE EASTERLY
RIGHT-OF-WAY LINE OF SOUTH COLLIER BOULEVARD, AS SHOWN ON SAID
PLAT OF MARCO BEACH UNIT SEVEN;

THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 72°33'30"
WEST, 100.00 FEET, TO THE POINT OF CURVATURE OF THE WESTERLY
RIGHT-OF-WAY LINE OF SAID SOUTH COLLIER BOULEVARD, SAID POINT
ALSO BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN
DESCRIBED;

THENCE SOUTHERLY AND EASTERLY ALONG SAID WESTERLY RIGHT-OF-
WAY LINE, 777.90 FEET ALONG THE ARC OF A TANGENTIAL CIRCULAR
CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 9950.00 FEET
THROUGH A CENTRAL ANGLE OF 04°28'46" AND BEING SUBTENDED BY A
CHORD WHICH BEARS SOUTH 15°12'07" EAST, 777.70 FEET;

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 72°33'30"
WEST, 755.52 FEET TO THE EROSION CONTROL LINE (SHEET 4 OF 11, C.E.C.
FILE NO. 88-001);

THENCE ALONG THE SAID EROSION CONTROL LINE, NORTH 16°10'05"
WEST, 146.10 FEET;

THENCE LEAVING THE SAID EROSION CONTROL LINE, SOUTH 73°49'55"
WEST, 106.09 FEET, TO THE (1.70) ONE POINT SEVEN ZERO MEAN HIGH
WATER LINE, (NGVD 1929), AS IT EXISTED MARCH 18, 2000;

THENCE ALONG THE SAID MEAN HIGH WATER LINE, THE FOLLOWING (9)
NINE DESCRIBED COURSES;

THENCE NORTH 04°50'12" WEST, 3.21 FEET;

THENCE NORTH 14°55'19" WEST, 110.22 FEET;

THENCE NORTH 14°35'14" WEST, 108.36 FEET;

THENCE NORTH 12°35'45" WEST, 81.61 FEET;

THENCE NORTH 12°25'16" WEST, 98.20 FEET;

THENCE NORTH 15°10'35" WEST, 146.04 FEET;

THENCE NORTH 12°01'53" WEST, 73.32 FEET;

THENCE NORTH 16°38'46" WEST, 139.75 FEET;

THENCE NORTH 18°28'53" WEST, 18.87 FEET;

THENCE LEAVING THE SAID MEAN HIGH WATER LINE, NORTH 72°33'45"
EAST, 371.27 FEET,

THENCE NORTH 17°20'07" WEST, 67.45 FEET;
THENCE NORTH 49°26'51" EAST, 129.73 FEET;
THENCE NORTH 42°22'37" EAST, 65.15 FEET;
THENCE NORTH 21°07'35" EAST, 156.73 FEET;
THENCE NORTH 42°19'28" EAST, 134.20 FEET;
THENCE NORTH 71°24'48" EAST, 87.63 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID SOUTH COLLIER BOULEVARD;
THENCE ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 17°26'30" EAST, 492.44 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

CONTAINING 887,503 SQUARE FEET OR 20.37 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS ARE BASED ON THE WESTERLY LINE OF LOT 7, BLOCK 177 OF MARCO BEACH UNIT SEVEN, AS RECORDED IN PLAT BOOK 6, PAGES 55 THROUGH 62 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, AS BEING SOUTH 17°26'30" EAST.

AND ALSO;

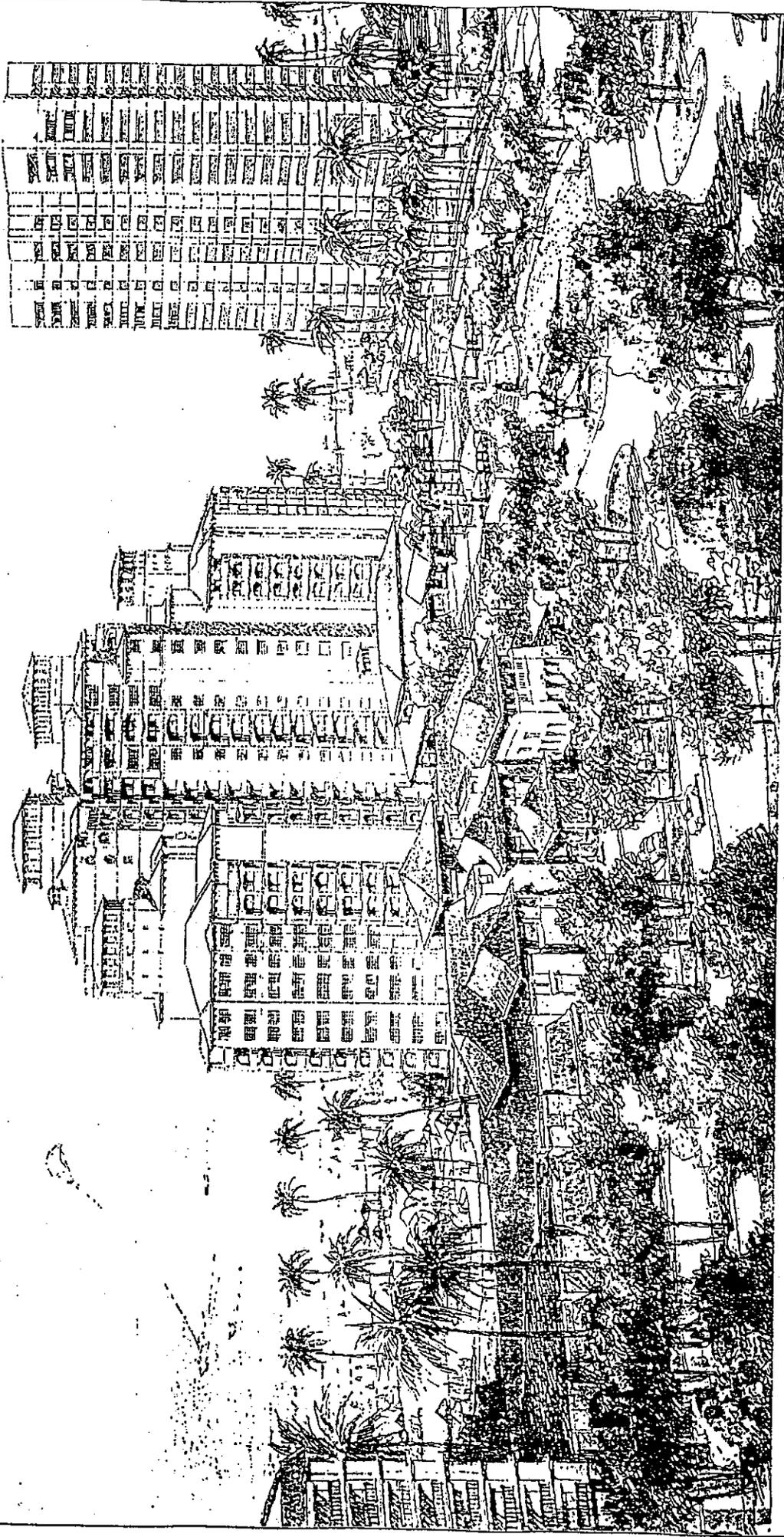
ALL OF LOTS 1 THROUGH 8, BLOCK 177 OF MARCO BEACH UNIT SEVEN, AS RECORDED IN PLAT BOOK 6, PAGES 55 THROUGH 62 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

CONTAINING 423,901 SQUARE FEET OR 9.73 ACRES MORE OR LESS

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS ARE BASED ON THE WESTERLY LINE OF LOT 7, BLOCK 177 OF MARCO BEACH UNIT SEVEN, AS RECORDED IN PLAT BOOK 6, PAGES 55 THROUGH 62 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, AS BEING SOUTH 17°26'30" EAST.

TOTAL AREA BOTH PARCELS, 1,311,404 SQUARE FEET OR 30.11 ACRES MORE OR LESS.



MARCO ISLAND CONDOMINIUMS
COLLIER BOULEVARD VIEW

EXHIBIT "C"

SANDY & BARCOCK
Architects & Planners