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BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY  
REC 69.50

RESOLUTION

NUMBER 2004- *243*

A RESOLUTION AMENDING RESOLUTION 2003-083, RESOLUTION 2002-109, RESOLUTION 94-111 AND RESOLUTION 89-141, AMENDING THE DEVELOPMENT ORDER FOR VICTORIA ESTATES DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR AN AMENDED PROPOSED PHASING SCHEDULE, FINDING THAT THIS AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on July 11, 1989, the Board of County Commissioners of Charlotte County, Florida (herein "the Board"), approved Resolution 89-141, constituting the Development Order for a development known as Victoria Estates Development of Regional Impact (herein "the Victoria Estates DRI"); and

WHEREAS, on June 21, 1994, the Board approved Resolution 94-111 thereby amending Resolution 89-141, extending the effective period of the Development Order for Victoria Estates DRI, and amending the Proposed Land Use and Phasing Schedule, and determining that such amendments did not constitute a substantial deviation of the previously approved Development Order (such Development Order created by Resolution 89-141 as amended by Resolution 91-111 herein referred to as "the Development Order" or "Victoria Estates DRI Development Order"); and

WHEREAS, on August 13, 2002, by adoption of Resolution Number 2002-109, the Board received additional traffic analysis for the DRI project and approved an amendment to the Development Order for Victoria Estates DRI, extending the effective period of the Development Order to December 30, 2004, amending the land use and phasing schedule, and finding that those changes did not constitute a substantial deviation; and

IMAGED  
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WHEREAS, although the infrastructure of all of the parcels and development components of the DRI have been or are anticipated to be completed by December 30, 2004, vertical construction of houses and vertical construction of commercial buildings on certain parcels are anticipated to need additional time for market absorption and completion; and

WHEREAS, the Board has reviewed and considered the requested amendment and finds that it is consistent with the Charlotte County Comprehensive Plan or local land use regulations, or with the previously approved Development Order, and also finds that, pursuant to Section 380.06 (19), F.S., the amendments do not constitute a substantial deviation;

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

1. The Proposed Land Use and Phasing Schedule contained in Attachment VI of Exhibit 3 of Resolution 89-141, as replaced by Exhibit "A" of Resolution 94-111, and deleted in its entirety and replaced with the revised Land Use and Phasing Schedule, attached to Resolution 2002-109 as Exhibits "A" and "B", and as amended as to Exhibit B, concerning Parcel B, as indicated in Exhibit B attached to Resolution 2003-083, are hereby deleted in their entirety and replaced with the attached exhibit "A-1" and "B-1", which are incorporated herein by this reference. The effect of the changes is to extend the completion date for the DRI to May 31, 2007.

2. Map H1, containing the Master Phasing Plan, and consisting of Attachments VI A and VI B of Resolution 89-141, which was deleted in its entirety and replaced with Map H-"A" and Map H-"B" in Resolution 2002-109, and Map H-"B" which was deleted and replaced in its entirety by Map H "B-1" in Resolution 2003-083, is hereby deleted in its entirety and replaced by Map "B-1-1", attached hereto and incorporated herein by reference. Map H-"A" is deleted and replaced in its entirety by Map "A-1". The effect of the changes is to extend the completion date for the DRI to May 31, 2007.

3. The amendments to the Development Order contained in this resolution do not constitute a substantial deviation to the conditions of Victoria Estates DRI Development Order adopted by resolution 89-141, as amended.

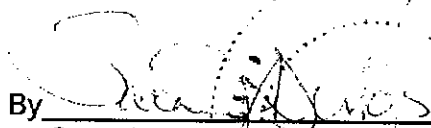
4. All other terms and conditions of the Victoria Estates DRI Development Order adopted by Resolution 89-141, as amended, not affected by this resolution shall remain unchanged and in full force and effect.

5. This resolution shall become effective immediately upon its adoption.

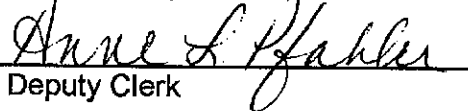
6. The Clerk of the Circuit Court is hereby directed to forward certified copies of this resolution to Department of Community Affairs, Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; and to Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33918-3909.

PASSED AND DULY ADOPTED this 23 day of November, 2004.


BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By   
Sara J. Devos, Chairman

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

By   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
Brendan Bradley, Interim County Attorney

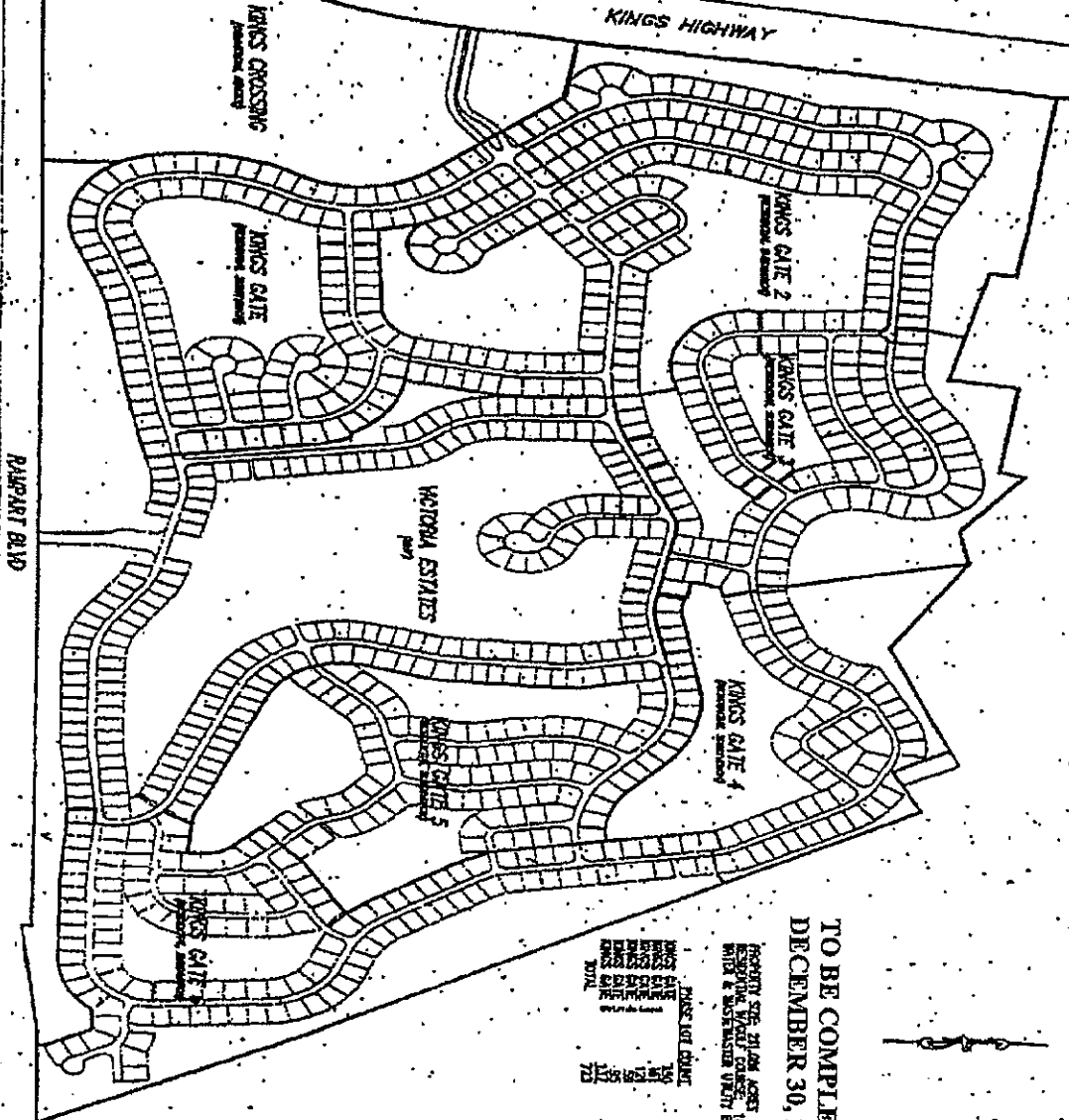
**EXHIBIT "A-1"**  
**VICTORIA ESTATES**  
**LAND USE AND PHASING SCHEDULE**

	VICTORIA ESTATES MOBILE HOMES; KINGS GATE RESIDENTIAL; KING S CROSSING COMMERCIAL; KINGS GATE II, GOLF COURSE CLUB HOUSE Completed/To Be Completed	KINGS GATE III Completed/To Be Completed	KINGS GATE IV Completed/To Be Completed	KINGS GATE V June 2003-May 2007 Completed/To Be Completed	TO BE COMPLETED: KINGS GATE VI June 2003-May 2007 Completed/To Be Completed
Residential: Mobile Homes (# of units)	198/0	0/0	0/0	0/0	0/0
Site Built Homes (# of units)	311/0	121/0	59/0	0/95	0/137
Commercial (All infrastructure completed; buildout to be completed May 2007)	123,250,000 square feet/126,750 square feet	N/A	N/A	N/A	N/A
Office (All infrastructure completed; buildout to be completed May 2007)	34,287 square feet/85,713 square feet	N/A	N/A	N/A	N/A

**EXHIBIT "A-1"**  
**VICTORIA ESTATES**  
**LAND USE AND PHASING SCHEDULE**

Golf Course	50.07 acres/0 acres	N/A	N/A	N/A	N/A
Open Space	6.66 acres/0 acres	0*	0*	0*	0*
Active	5.3 acres/0 acres	0*	0*	0*	0*
Roadways	13.96 acres/0 acres	2.35 acres/0 acres	1.39 acres/0 acres	2.39 acres/0 acres	3.21 acres/0 acres
Maintenance	3.4 acres/0 acres	0*	0*	0*	0*
Lakes	50.37 acres/0 acres	0*	0*	0*	1.2 acres/0 acres

\*Zero values for Open Space, Active, Roadways, Maintenance, and Lakes--counted in what was previously constructed



MAP H "A-1"

TO BE COMPLETED  
DECEMBER 30, 2011

PROPERTY SIZE: 21.08 ACRES  
 TOTAL AREA: 1,482,000 SQ. FT.  
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FOR <b>KINGS GATE ASSOCIATES II LTD</b> 375 DELAWARE AVE BUFFALO, NY 14202 (716) 834-0211	<b>SITE &amp; PHASE PLAN</b>	 <b>CHARLOTTE ENGINEERING &amp; SURVEYING, INC.</b> CIVIL ENGINEERING - LAND SURVEYING - LANDSCAPE ARCHITECTURE LAND DEVELOPMENT CONSULTANTS 1000 W. STATE ST., SUITE 2000, BUFFALO, NY 14202
	<b>VICTORIA ESTATES</b> <small>(aka KINGS GATE, KINGSWAY, KINGS BRIDGES)</small>	

Attachment VI A

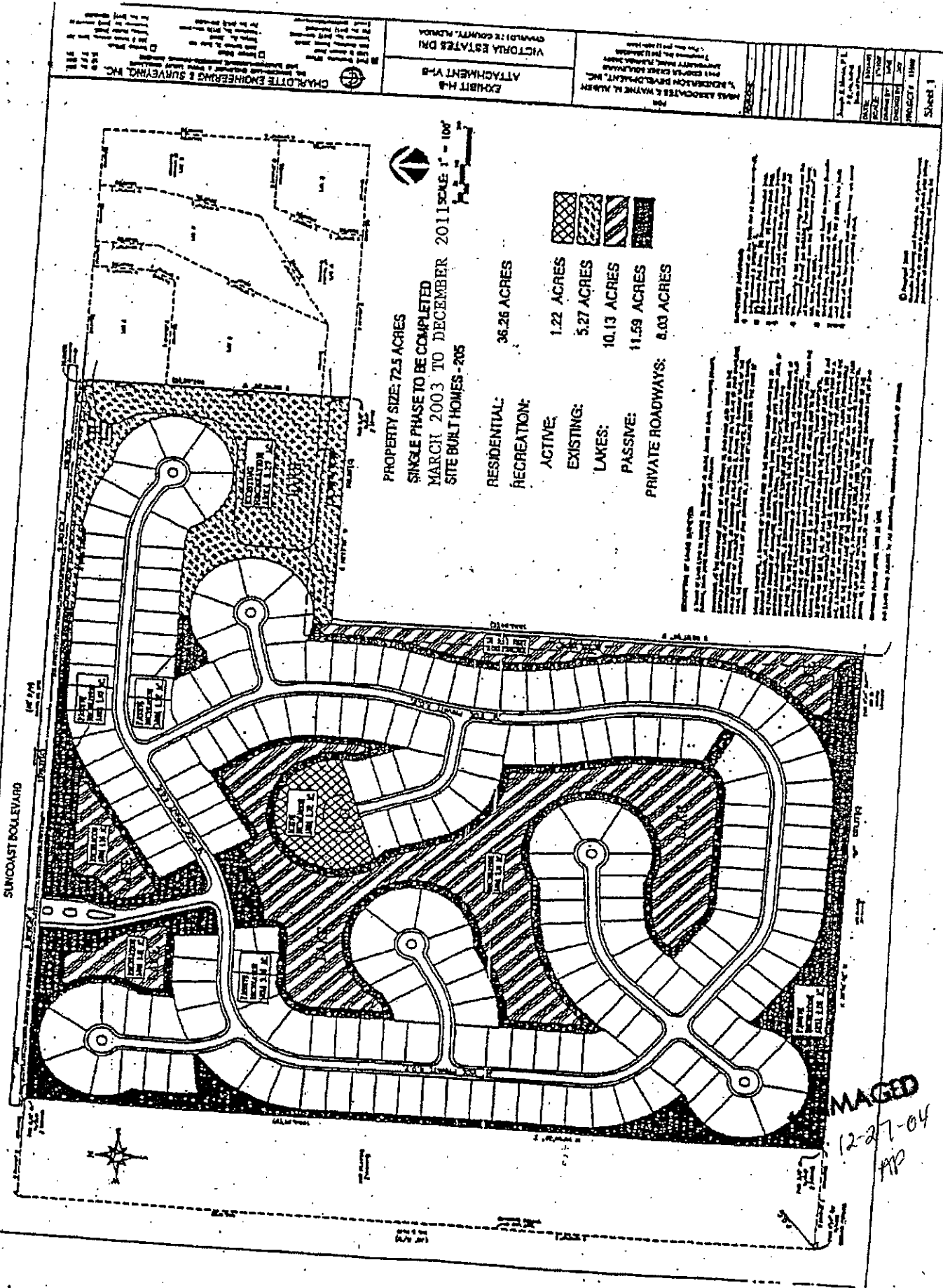
**EXHIBIT "B-1"**  
**VICTORIA ESTATES**  
**LAND USE AND PHASING SCHEDULE**  
**RESOLUTION 89-141**  
**DATE DEVELOPMENT ORDER RECORDED: JULY 18, 1989**  
**RESOLUTION 94-111, RECORDED JUNE 21, 1994**  
**RESOLUTION 2002-109 RECORDED AUGUST 29, 2002**  
**RESOLUTION 2003-083 RECORDED JUNE 5, 2003**  
**RESOLUTION 2004-\_\_\_\_\_**

**TRACT "B"**  
**(72.5 acres remaining from the initial 122.5 acres)**

	<b>TO BE COMPLETED</b> March 2003-May 2007
<u><b>Residential:</b></u> Conventional Site Built Homes (# of units)	36.26 Acres 205 Units
<u><b>Recreation:</b></u> Active: Existing: Lakes: Passive:	1.22 Acres 5.27 Acres 10.13 Acres 11.59 Acres
<u><b>Private</b></u> <u><b>Roadways</b></u>	8.03 Acres

MAP "B-1-1"

OR BOOK 02241 PAGE '0986.



19417438298 Charlotte Engineering