Agenda Item 7
Meeting of 6/14/06

ORDINANCE 06-11263

AN ORDINANCE GRANTING REZONE PETITION 06-R4 FOR PROPERTY LOCATED IN UNITS 2 AND 5, PARK SHORE, MORE FULLY DESCRIBED HEREIN, IN ORDER TO PERMIT REZONING FROM "PD" PLANNED DEVELOPMENT, TO A NEW "PD" PLANNED DEVELOPMENT, IN ORDER TO ALLOW FOR THE SALE AND USE OF BOAT SLIPS IN UNITS 2 AND 5 TO RESIDENTS OF UNITS 1, 2, 3, 4, AND 5; AMENDING THE PLANNED DEVELOPMENT DOCUMENT FOR PARK SHORE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, The Scottsdale Co., a Florida Corporation, owner of boat slips at Venetian Bay South and North Yacht Clubs, has petitioned to change the zoning from "PD" Planned Development, to a new "PD" Planned Development, in order to allow for the sale of boat slips belonging to Units 2 and 5 by making them available to residents of Park Shore Units 1, 2, 3, 4, and 5; and

WHEREAS, John M. Passidomo, Esq., has been authorized by the owner as agent for this petition; and

WHEREAS, following an advertised public hearing, the Planning Advisory Board considered the public input, staff recommendations and criteria in the Code of Ordinances and has recommended by a vote of 7 to 0 that Rezone Petition 06-R4 be approved; and

WHEREAS, after considering the recommendation of the Planning Advisory Board and City staff, following a public hearing on the subject, and providing the petitioner, staff and the public an opportunity to present testimony and evidence, the City Council has determined that the petition should be granted;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That Rezone Petition 06-R4 is hereby granted, for property located in Units 2 and 5, Park Shore, more fully described below, in order to permit rezoning from "PD" Planned Development, to a new "PD" Planned Development, in order to allow for the sale and use of boat slips in Units 2 and 5 to residents of Units 1, 2, 3, 4 and 5:

See Exhibits "A", "B", "C", and "D"

Section 2. That the Planned Development Document for Park Shore is hereby amended, a copy of which is attached hereto as Exhibit "E".

Section 3. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4. That all sections or parts of sections of the Code of Municipal Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 7TH DAY OF JUNE, 2006.

PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS 14TH DAY OF JUNE, 2006.

Bill Barnett, Mayor

Attest:

Tara A. Norman, City Clerk

Approved as to form and legality:

Robert D. Pritt, City Attorney

M:\REF\COUNCIL\ORD\2006\06-11263

Date filed with City Clerk: 8-14-06

See Supplemental Map Drawer #4 for Exhibit A to Planned Development.

WILSON, MILLER, BARTON, SOLL & PEEK, INC.
PROFESSIONAL ENGINEERS, PLANNERS AND LAND SURVEYORS

Legal Description of Outlot "A"
and part of Venetian Bay, Park Shore Unit No. 2
(P.B. 8, pages 54 and 55) Collier County, Florida

Parcel One - Venetian Bay Yacht Club
A condominium
(Docks "A", "B" and "C")

All of Outlot "A" and all that part of Venetian Bay of Park Shore Unit No. 2 according to the plat thereof as recorded in Plat Book 8, pages 54 and 55, Collier County Public Records, Collier County, Florida being more particularly described as follows;
Commencing at the southwest corner of Block 16 of said Park Shore Unit No. 2;
thence along the east right-of-way line of Gulfshore Boulevard (110' right-of-way) as shown on said Park Shore Unit No. 2 plat in the following two (2) described courses;

1) southerly 124.12 feet along the arc of a circular curve concave to the east, having a raidus of 710.00 feet, through a central angle of 10°-01'-00" and being subtended by a chord which bears South 03°-00'-30" West 123.97 feet;
2) South 02°-00'-00" East 451.34 feet to a point on the boundary of Block 15 of said Park Shore Unit No. 2 and the POINT OF BEGINNING of the parcel herein described;

thence along the boundary of said Block 15 North 88°-00'-00" East 3.00 feet to the east line of said Outlot "A";
thence along said east line South 02°-00'-00" East 70.00 feet;
thence continue along said east line southwesterly 106.61 feet along the arc of a circular curve concave to the northwest, having a radius of 513.00 feet, through a central angle of 11°-54'-25" and being subtended by a chord which bears South 03°-57'-12" West 106.42 feet to a point on said curve;
thence leaving said east line South 78°-50'-00" East 3.12 feet;
thence South 11°-10'-00" West 3.00 feet;
thence South 78°-50'-00" East 33.00 feet;
thence South 11°-10'-00" West 163.00 feet;
thence North 78°-50'-00" West 33.00 feet;
thence South 11°-10'-00" West 5.00 feet;
thence North 78°-50'-00" West 3.00 feet to the said east line of Outlot "A";
thence along said east line South 11°-10'-00" West 39.38 feet;
thence leaving said east line South 78°-50'-00" East 3.00 feet;
thence South 11°-10'-00" West 5.00 feet;
thence South 80°-45'-00" East 191.00 feet;
thence South 09°-15'-00" West 73.00 feet;
thence North 80°-45'-00" West 193.44 feet;
thence South 11°-10'-00" West 6.96 feet;
thence North 78°-50'-00" West 3.00 feet to the said east line of Outlot "A";
thence along said east line South 11°-10'-00" West 38.39 feet;
thence leaving said east line South 78°-50'-00" East 3.00 feet;
thence North 47°-30'-00" East 26.00 feet;
thence South 42°-30'-00" East 18.12 feet;
thence South 11°-10'-00" West 37.21 feet;
thence southwesterly and southerly 90.62 feet along the arc of a circular curve concave to the southeast, having a radius of 345.00 feet, through a central angle of 14°-40'-00" and being subtended by a chord which bears South 03°-50'-00" West 90.37 feet;
thence South 03°-30'-00" East 34.63 feet;
thence South 38°-30'-00" West 33.73 feet;

(continued on page 2)

OR BOOK 001249 PAGE 000892

WILSON • MILLER • BARTON • SOLL & PEEK, INC.

Legal Description of Outlot "A"
and part of Venetian Bay, Park Shore Unit No. 2
Parcel One - Venetian Bay Yacht Club
A condominium (Docks "A", "B" and "C")
(continued from page 1)

thence North 51°-30'-00" West 10.00 feet;
thence South 86°-30'-00" West 3.00 feet to the said east line of Outlot "A";
thence along said east line South 03°-30'-00" East 215.43 feet to the boundary of Block 14;
thence along said boundary South 86°-30'-00" West 3.00 feet to the said east right-of-way line of Gulfshore Boulevard;
thence along said east right-of-way line in the following five (5) described courses;

1) North 03°-30'-00" West 268.43 feet;
2) northeasterly 99.83 feet along the arc of a circular curve concave to the southeast, having a radius of 390.00 feet, through a central angle of 14°-40'-00" and being subtended by a chord which bears North 03°-50'-00" East 99.56 feet;
3) North 11°-10'-00" East 349.49 feet;
4) northeasterly and northerly 117.20 feet along the arc of a circular curve concave to the northwest, having a radius of 510.00 feet, through a central angle of 13°-10'-00" and being subtended by a chord which bears North 04°-35'-00" East 116.94 feet;
5) North 02°-00'-00" West 70.00 feet to the Point of Beginning of the parcel herein described;

subject to easements and restrictions of record;
containing 0.66 acres feet more or less.

WILSON, MILLER, BARTON, SOLL & PEEK, INC.
Reg. Engineers and Land Surveyors

BY _____ DATE 1/14/87
Wilbur M. Christiansen, Jr. P.L.S. #2765

Not valid unless embossed with the Professional's seal.

W.O. 26595
Ref: 4G-653 (LS:kd parcel-one)
Date: December 8, 1986

Exhibit "A" Page 3

WILSON, MILLER, BARTON, SOLL & PEEK, INC.
PROFESSIONAL ENGINEERS, PLANNERS AND LAND SURVEYORS

Legal Description of Outlot "B"
and part of Venetian Bay, Park Shore Unit No. 2
(P.B. 8, pages 54 and 55) Collier County, Florida

Parcel Two - Venetian Bay Yacht Club
A condominium
(Docks "D" and "E")

All of Outlot "B" and all that part of Venetian Bay of Park Shore Unit No. 2 according to the plat thereof as recorded in Plat Book 8, pages 54 and 55, Collier County Public Records, Collier County, Florida being more particularly described as follows;

Beginning at the southwest corner of Block 16 of said Park Shore Unit No. 2;
thence along the south line of said Block 16 North 82°-36'-10" East 3.11 feet;
thence along the east line of said Outlot "B" southwesterly 53.49 feet along the arc of a non-tangential circular curve concave to the southeast, having a radius of 707.00 feet, through a central angle of 04°-20'-05" and being subtended by a chord which bears South 05°-54'-58" West 53.48 feet to a point on said curve;
thence leaving said east line North 88°-45'-00" East 204.39 feet;
thence South 01°-15'-00" East 72.50 feet;
thence South 88°-45'-00" West 207.00 feet to the said east line of Outlot "B";
thence along said east line South 02°-00'-00" East 28.46 feet;
thence leaving said east line North 88°-00'-00" East 3.00 feet;
thence South 02°-00'-00" East 18.00 feet;
thence North 45°-00'-00" East 24.00 feet;
thence South 45°-00'-00" East 19.00 feet;
thence South 02°-00'-00" East 217.00 feet;
thence South 45°-00'-00" West 34.23 feet;
thence North 45°-00'-00" West 8.03 feet;
thence South 88°-00'-00" West 3.00 feet to said east line of Outlot "B";
thence along said east line South 02°-00'-00" East 51.24 feet to the boundary of Block 15 of said Park Shore Unit No. 2 plat;
thence along said boundary South 88°-00'-00" West 3.00 feet to the east right-of-way line of Gulfshore Boulevard (110' right-of-way) as shown on said Park Shore Unit No. 2 plat;
thence along said east right-of-way line North 02°-00'-00" West 331.34 feet;
thence continue along said east right-of-way line northeasterly 124.12 feet along the arc of a circular curve concave to the southeast, having a radius of 710.00 feet, through a central angle of 10°-01'-00" and being subtended by a chord which bears North 03°-00'-30" East 123.97 feet to the Point of Beginning of the parcel herein described;

subject to easements and restrictions of record;
containing 0.56 acres feet more or less.

WILSON, MILLER, BARTON, SOLL & PEEK, INC.
Reg. Engineers and Land Surveyors

BY Wilbur M. Christiansen, Jr., P.L.S. #2765 DATE 1/14/87

Not valid unless embossed with the Professional's seal.

W.O. 26595
Ref: 4G-653 (LS:kd parcel-2)
Date: December 8, 1986

OR BOOK 001249 PAGE 000894

WILSON • MILLER • BARTON • SOLL & PEEK, INC.
ENGINEERS PLANNERS SURVEYORS
1383 AIRPORT-PULLING ROAD NORTH, NAPLES, FLORIDA 33942-9986 (813) 643-4545

Legal description of Outlot "E" and part of Venetian Bay,
Park Shore Unit No. 5 (P.B. 12, page 39 and 40)
Collier County, Florida

Parcel One - Venetian Bay North Yacht Club, a Condominium
(Docks "C", "D", and "E")

All of Outlot "E" and all that part of Venetian Bay of Park Shore Unit No. 5 according to the plat thereof as recorded in Plat Book 12, pages 39 and 40 of the Public Records of Collier County, Florida being more particularly described as follows:

Beginning at the northwest corner of said Outlot "E"; thence along the north line of said Outlot "E" North 65°-15'-00" East 3.00 feet to a point on a curve; thence along the east line of said Outlot "E" southerly 81.91 feet along the arc of a non-tangential circular curve concave to the west, having a radius of 958.00 feet, through a central angle of 04°-53'-55" and being subtended by a chord which bears South 21°-54'-00" East 81.89 feet; thence leaving said east line North 86°-15'-00" East 89.75 feet; thence North 03°-45'-00" West 15.00 feet; thence North 86°-15'-00" East 48.30 feet; thence South 03°-45'-00" East 91.00 feet; thence South 86°-15'-00" West 120.00 feet to a point on a curve and the east line of said Outlot "E"; thence continue along said east line, southerly 114.36 feet, along the arc of a non-tangential circular curve concave to the west, having a radius of 958.00 feet, through a central angle of 06°-50'-23" and being subtended by a chord which bears South 11°-21'-26" East 114.30 feet; thence leaving said east line North 88°-05'-00" East 166.97 feet; thence South 01°-55'-00" East 76.00 feet; thence South 88°-05'-00" West 162.00 feet to a point on a curve and the east line of said Outlot "E"; thence continue along said east line southerly 24.49 feet along the arc of a non-tangential circular curve concave to the west, having a radius of 958.00 feet, through a central angle of 01°-27'-52" and being subtended by a chord which bears South 02°-38'-56" East 24.49 feet; thence continue along said eastline South 01°-53'-00" East 89.70 feet; thence leaving said east line North 88°-05'-00" East 164.00 feet; thence South 01°-55'-00" East 76.00 feet; thence South 88°-05'-00" West 164.00 feet to the east line of said Outlot "E"; thence along said east line South 01°-55'-00" East 87.56 feet to the south line of said Outlot "E"; thence along said south line South 88°-05'-00" West 3.00 feet to the west line of said Outlot "E"; thence along said west line North 01°-55'-00" West 253.26 feet; thence continue along said west line northwesterly 373.88 feet along the arc of a circular curve concave to the west, having a radius of 955.00 feet through a central angle of 22°-25'-53" and being subtended by a chord which bears North 13°-07'-56"

(continued on page 2)

RAYMOND W. MILLER, P.E. • WILLIAM L. BARTON, P.E. • THOMAS R. PEEK, P.E., P.L.S. • WILBUR M. CHRISTIANSEN, P.L.S. • CLIFFORD H. SCHNEIDER, P.E.
BENJAMIN C. PRATT, P.E., P.L.S. • CARL H. SOLL, P.L.S. • FERMIN A. DIAZ, P.E. • JOHN E. BOUTWELL, P.L.S. • GARY L. DANCA, C.P.A. • ALAN D. REYNOLDS, A.I.C.P.
Fort Myers, Florida (813) 337-4811

Exhibit "B" Page 2

WILSON · MILLER · BARTON · SOLL & PEEK, INC.

Legal description of Outlot "E" and part of Venetian Bay,
Park Shore Unit No. 5 (P.B. 12, page 39 and 40)
Collier County, Florida
Parcel One - Venetian Bay North Yacht Club, a Condominium
(Docks "C", "D", and "E")
(continued from page 1)

West 371.50 feet to the Point of Beginning of the parcel herein described;
subject to easements and restrictions of record;
containing 0.86 acres more or less.

WILSON, MILLER, BARTON, SOLL & PEEK, INC.
Reg. Engineers and Land Surveyors

BY _____ DATE 1/5/88
Wilbur M. Christiansen, Jr., P.L.S. #2765

Not valid unless embossed with the Professional's seal.

W.O. 5633.2
Ref: 4G-753 (DKS:kjd outlot e)
Date: December 29, 1987

WILSON • MILLER • BARTON • SOLL & PEEK, INC.
ENGINEERS PLANNERS SURVEYORS
1383 AIRPORT-PULLING ROAD NORTH, NAPLES, FLORIDA 33942-9966 (813) 643-4545

Legal description of Outlot "D" and part of Ventian Bay,
Park Shore Unit No. 5 (P.B. 12, pages 39 and 40)
Collier County, Florida

Parcel Two - Venetian Bay North Yacht Club, a Condominium
(Docks "A" and "B")

All of Outlot "D" and all that part of Venetian Bay of Park Shore Unit No. 5 according to the plat thereof as recorded in Plat Book 12, pages 39 and 40 of the Public Records of Collier County, Florida being more particularly described as follows:

Beginning at the northwest corner of said Outlot "D";
thence along the north line of said Outlot "D", North 88°-05'-00" East 3.00 feet to the east line of said Outlot "D";
thence along said east line South 01°-55'-00" East 106.44 feet;
thence leaving said east line North 84°-40'-00" East 191.62 feet;
thence South 05°-20'-00" East 76.00 feet;
thence South 84°-40'-00" West 195.76 feet to a point on a curve;
thence along the east line of said Outlot "D" southerly 76.96 feet along the arc of a non-tangential circular curve concave to the east, having a radius of 636.15 feet, through a central angle of 06°-55'-54" and being subtended by a chord which bears South 07°-24'-52" East 76.92 feet;
thence leaving said east line North 75°-45'-00" East 1.54 feet;
thence South 14°-15'-00" East 1.50 feet;
thence North 36°-00'-00" East 25.74 feet;
thence South 54°-00'-00" East 19.50 feet;
thence South 14°-15'-00" East 243.15 feet;
thence South 31°-30'-00" West 34.70 feet;
thence North 58°-30'-00" West 10.60 feet;
thence South 75°-45'-00" West 2.64 feet to the east line of said Outlot "D";
thence along said east line South 14°-15'-00" East 92.59 feet;
thence continue along said east line South 02°-25'-00" East 81.01 feet to the south line of said Outlot "D";
thence along said south line South 87°-35'-00" West 3.00 feet to the west line of said Outlot "D";
thence along said west line North 02°-25'-00" West 80.70 feet;
thence continue along said west line North 14°-15'-00" West 314.70 feet;
thence continue along said west line northerly 137.58 feet alo concave to the east, having a radius of 639.15 feet, through a central angle of 12°-20'-00" and being subtended by a chord which bears North 08°-05'-00" West 137.32 feet;
thence continue along said west line North 01°-55'-00" West 160.00 feet to the Point of Beginning of the parcel herein des

subject to easements and restrictions of record;
containing 0.60 acres more or less.

WILSON, MILLER, BARTON, SOLL & PEEK, INC.

BY _____ DATE 1/5/88
Wilbur M. Christiansen, Jr., P.L.S. #2765

Not valid unless embossed with the Professional's seal.

W.O. 5633.2
Ref: 4G-753 (DKS:kjd outlot d)
Date: December 29, 1987

RAYMOND W. MILLER, P.E. • WILLIAM L. BARTON, P.E. • THOMAS R. PEEK, P.E., P.L.S. • WILBUR M. CHRISTIANSEN, P.L.S. • CLIFFORD H. SCHNEIDER, P.E.
BENJAMIN C. PRATT, P.E., P.L.S. • CARL H. SOLL, P.L.S. • FERMIN A. DIAZ, P.E. • JOHN E. BOUTWELL, P.L.S. • GARY L. DANCA, C.P.A. • ALAN D. REYNOLDS, A.I.C.P.
Fort Myers, Florida (813) 337-4511

Exhibit "C" - Deeds, Page 1

Pl Shr 2

ARTHUR W. MAIN, JR., divorced
and not remarried

to

SCOTTSDALE SHOPPING CENTER, INC.,
an Illinois corporation

QUIT CLAIM DEED
Dated September 30, 1965
Filed October 21, 1965
OR Book 200, Page 895
COLLIER COUNTY RECORDS
$10.00

QUIT-CLAIMS:

The East Half of the Southeast Quarter of Section 16 in Township 49 South, Range 25 East; excepting therefrom the right-of-way of U. S. Highway 41 (Tamiami Trail)

$286.00 Federal Stamps. $780.00 State Doc. Stamps.

Two witnesses Arthur W. Main, Jr.

ACKNOWLEDGED September 30, 1965 by Arthur W. Main, Jr., divorced and not remarried, before a Notary Public of the County of Cook, State of Illinois, whose commission expires March 19, 1967. (N. P. Seal)

****

Apr-10-2006 10:06 From- T-242 P.002/002 F-565

PK-2
See 21 Naples

NORTH 21 INVESTMENT CORPORATION, a Florida corporation	DEED Dated January 28, 1965 Filed January 29, 1965 OR Book 183, page 251 to 255 inclusive COLLIER COUNTY RECORDS $10.00 & o.g.v.c.
to	
SCOTTSDALE SHOPPING CENTER, INC., an Illinois corporation	

CONVEYS:

North half of fractional Section 21 of Township 49 South, Range 25 East; excepting therefrom the right of way of Tamiami Trail.

Less the following described portion of said land: From the Northeast corner of Section 21, Township 49 South, Range 25 East, run South 89° 08' 25" West 150.0 feet along the North line of said Section 21 to the West line of Tamiami Trail (U. S. 41) to establish the point of beginning. Thence South 1° 06' 55" East 470.0 feet along the said West line of Tamiami Trail; thence South 89° 08' 25" West 464.0 feet; thence North 1° 06' 55" West 470.0 feet to the said North line of Section 21; thence North 89° 08' 25" East 464.0 feet to the point of beginning.

SUBJECT, however, to the following covenant and restriction: The Grantee, for itself, its legal representatives, successors and assigns, hereby, for value received, covenants and agrees (and this covenant shall run with the above described land) that said land shall be platted and developed only in accordance with such plat as may be approved by Barron Collier, Jr., his legal representatives or assigns, or Isabel Collier Read, her legal representatives or assigns (which approval Barron Collier, Jr. or Isabel Collier Read, their legal representatives or assigns, shall not unreasonably withhold) or by Harland Bartholomew & Associates of Atlanta, Georgia; the covenant and restriction contained in the preceding clause to expire or December 31, 1974.

SEAL
TWO WITNESSES

NORTH 21 INVESTMENT CORPORATION
By: Henry F. Vallely
Vice President
ATTEST: Harold H. Williams
Secretary
Grantor

($.30 Fla. Documentary Stamps.)

SEAL
TWO WITNESSES

SCOTTSDALE SHOPPING CENTER, INC.
By: Henry F. Vallely
Vice President
ATTEST: Harold H. Williams
Secretary

CONTINUED.....

PL Sh 2

Dated February 16, 1965
Filed March 3, 1965
OR Book 185, Page 70
COLLIER COUNTY RECORDS

WHEREAS, SCOTTSDALE SHOPPING CENTER, INC., a corporation, duly organized and existing under and by virtue of the laws of the State of Illinois is authorized and permitted to exercise all the powers and privileges as like corporations organized under the Laws of the State of Florida, and to acquire, hold or dispose of property in the State of Florida, for the objects and purposes, and with the rights, powers and privileges contained in and provided by its said Articles of Incorporation.

IN WITNESS WHEREOF, I, TOM ADAMS, Secretary of State, of the State of Florida, have hereunto set my hand, and affixed the Great Seal of the State of Florida at Tallahassee, the Capital, this the 16th day of February, A.D. 1965.

SEAL Tom Adams, Secretary of State

****

CERTIFICATE OF AMENDMENT

Dated November 20, 1967
Filed January 25, 1968
OR Book 255, Pages 661 to 667 inclusive
COLLIER COUNTY RECORDS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:
WHEREAS, Articles of Amendment to the Articles of Incorporation duly signed and verified of SCOTTSDALE SHOPPING CENTER, INC., have been filed in the office of the Secretary of State on the 20th day of November, A.D. 1967, as provided by "THE BUSINESS CORPORATION ACT" of Illinois, in force July 13, A.D. 1933.

The following amendment or amendments were adopted in the manner prescribed by "The Business Corporation Act" of the State of Illinois:

RESOLVED, that the Articles of Incorporation of this corporation be amended so as to change the name of this corporation from SCOTTSDALE SHOPPING CENTER, INC. to THE SCOTTSDALE CO.

NOW THEREFORE, I, PAUL POWELL, Secretary of State of the State of Illinois by virtue of the powers vested in me by law, do hereby issue this certificate of amendment and attach thereto a copy of the Articles of Amendment to the Articles of Incorporation of the aforesaid corporation.

IN TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed the Great Seal of the State of Illinois, Done at the City of Springfield this 20th day of November, A.D. 1967 and of the Independence of the United States the one hundred and 92nd.

SEAL Paul Powell, Secretary of State

****

Exhibit "C" - Agreement of Merger

PK SW 2

AGREEMENT OF MERGER

Dated June 27, 1968
Filed August 30, 1968
OR Book 284, Page 549
COLLIER COUNTY RECORDS

I, TOM ADAMS, Secretary of State of the State of Florida, do hereby certify that the following is a true and correct copy of Agreement of Merger between THE SCOTTSDALE CO., an Illinois corporation and The Scottsdale Co., a Florida corporation, merging into and under the name of THE SCOTTSDALE CO., the continuing corporation under the laws of the State of Florida filed on the 25th day of June, A.D. 1968, as shown by the record of this office.

Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the 27th day of June A.D. 1968.

SEAL

Tom Adams, Secretary of State

****

CERTIFICATE OF MERGER
Dated August 21, 1968
Filed September 9, 1968
OR Book 285, Page 546
COLLIER COUNTY RECORDS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, Articles of Merger duly signed and verified of THE SCOTTSDALE CO., an Illinois corporation, Merged into THE SCOTTSDALE CO., a Florida corporation have been filed in the office of the Secretary of State on the 21st day of August, A.D. 1968, as provided by "THE BUSINESS CORPORATION ACT" of Illinois, in force July 13, A.D. 1933, as amended;

Now therefore, I Paul Powell, Secretary of State of the State of Illinois by virtue of the powers vested in me by law, do hereby issue this certificate of Merger and attach thereto a copy of the Articles of Merger of the aforesaid corporation.

IN TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed the Great Seal of the State of Illinois.
Done at the City of Springfield this 21st day of August, A.D. 1968 and of the Independence of the United State the one hundred and 93rd.

SEAL

Paul Powell
Secretary of State

****

Exhibit "D" – Unit 5 Deed – Page 1

447231

Warranty Deed

THIS INDENTURE, Made this 4th day of Feb, A. D. 19 77

Between PARK SHORE, a partnership the Grantor

OFF REC 676 PAGE 220

And THE SCOTTSDALE CO. a Florida corporation, an undivided 88%, Scott F. Lutgert, an undivided 6%, and Raymond L. Lutgert, an undivided 6%, all as tenants in common. the Grantee

whose post office address is: 4050 Gulf Shore Blvd. N. Naples, Fla. 33940

Witnesseth, That the Grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS in hand paid by the Grantee, receipt whereof is hereby acknowledged, hereby conveys to the Grantee the real property in Collier County, Florida, described as:

Those certain lands described in Exhibit"A", attached hereto and incorporated herein by reference.

This is in dissolution of partnership.

RECORDED OFFICIAL RECORD BOOK COLLIER COUNTY, FLORIDA FEB 4 4 20 PM '77

STATE OF FLORIDA DOCUMENTARY STAMP TAX DEPT. OF REVENUE FEB-4'77 00.30

COLLIER COUNTY FLORIDA DEPT. OF REVENUE FEB-4'77 DOCUMENTARY SUR TAX 00.55

And the said Grantor does covenant that the property is free of all encumbrances, that lawful seisin of and good right to convey that property are vested in the Grantor, and that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

Signed in the presence of:

PARK SHORE, a partnership

(SEAL)

(SEAL)

(SEAL)

STATE OF FLORIDA
COUNTY OF COLLIER

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments,

Scott F. Lutgert, a general partner of Park Shore a partnership

to me well known to be the person described as Grantor and who executed the foregoing deed, and acknowledged before me that said person executed the same freely and voluntarily for the purpose therein expressed.

WITNESS my hand and seal this 4th day of Feb, A. D. 19 77

My Commission Expires: Jan 9, 1980

Notary Public (NOTARY SEAL)

This instrument was prepared by B. Clarke Mitchell, Attorney

This instrument prepared by 2660 Airport Road Naples, Florida 33940

LAW OFFICES OF CARROLL, VEGA, BROWN and NICHOLS, P.A.
2660 AIRPORT ROAD, NAPLES, FLORIDA 33940

Exhibit "D" - Unit 5 Deed - Page 2

OFF REC 676 PAGE 221

WILSON, MILLER, BARTON & SOLL, INC.

PROFESSIONAL ENGINEERS, PLANNERS AND LAND SURVEYORS

Description of tentative boundary of Future Park Shore Unit No.5, a proposed subdivision; being part of Section 16, Township 49 South, Range 25 East, Collier County, Florida.

Commencing at the Northeast Corner of Government Lot 2 of Section 16, Township 49 South, Range 25 East, Collier County, Florida said Corner being also the Northeast Corner of Lot 8 of Block 35 of Park Shore Unit #4 according to the plat thereof as recorded in Plat Book 10, pages 101,102, and 103, Collier County Public Records, Collier County, Florida; thence along the north line of said Government Lot 2, along the north line of said Park Shore Unit No. 4, and along the South line of Seagate Subdivision Unit No.1 according to the plat thereof as recorded in Plat Book 3, page 85, Collier County Public Records, Collier County, Florida,South 89°-25'-50"West 1330.53 feet to the West line of said Park Shore Unit No.4 and the PLACE OF BEGINNING of the parcel herein described;

thence along the West lines of said Park Shore Unit No.4 in the following described courses: South 37°-25'-50" West 250.89 feet, South 0°-34'-10" East 225.44 feet, South 26°-45'-30" East 632.19 feet and South 5°-09'-00" East 580.72 feet to the Northwest Corner of Park Shore Unit No. 3 according to the plat thereof as recorded in Plat Book 8,pages 59 and 60, Collier County Public Records, Collier County, Florida;

thence along the West line of said Park Shore Unit No.3, South 5°-09'-00" East 1879.04 feet to the North line of Park Shore Unit No.2 according to the plat thereof as recorded in Plat Book 8, pages 54 and 55, Collier County Public Records, Collier County,Florida;

thence along the northerly lines of said Park Shore Unit No.2, in the following descirbed courses: North 84°-00'-00" West 433.28 feet, North 2°-25'-00" West 97.35 feet, South 87°-35'-00" West 110.00 feet, and South 87°-00'-00" West 1160 feet more or less to the Mean High Water line of the Gulf of Mexico;

thence along said Mean High Water line, northerly 3350 feet more or less to a point on the westerly extension of the South line of said Seagate Subdivision which South line bears South 89°-25'-50" West and passes through the Place of Beginning;

thence along said South line and the Westerly extension thereof, North 89°-25'-50" East 1450 feet more or less to the Place of Beginning;

being a part of the West 1/2 Section 16, Township 49 South, Range 25 East, Collier County, Florida;
subject to easements and restrictions of record;
containing 118 Acres more or less.

WILSON, MILLER, BARTON & SOLL, INC.
Reg. Engineers and Land Surveyors

BY _____ P.L.S.

W.O. #10399

[illegible] 16, 1973

Exhibit 'E' Amended Planned Development Document for Park Shore Units 2 and 5

March 6, 1989

PARK SHORE UNITS 2 AND 5

PLANNED DEVELOPMENT DOCUMENT

I. BACKGROUND INFORMATION

a. General Description of Project

The essential development components of Park Shore Units 2 and 5 are as follows:

1. Sites for tall elevator apartments, and specifically approved clustered low-rise residential structures along the gulf.

2. Six large beachfront common areas.

3. Four access commons areas located on the beach side of Gulf Shore Boulevard.

4. Five bayfront residential clusters which extend over water.

5. Two commercial parcels located at the intersection of Park Shore Drive and Gulf Shore Boulevard.

6. A bayfront apartment site.

7. A 100 ft. wide public beach access strip at the south end of Unit 2, platted as Horizon Way. It includes parking facilities and provides beach access for the general public and for emergency, maintenance, and other authorized vehicles.

8. A 20' wide public beach access easement at the north end of Unit 5, improved with a pedestrian beach walk which extends to the off-street parking facilities on Gulf Shore Boulevard.

9. A 200 ft. wide, 2.7 acre private beachfront recreational use parcel which is owned by the Park Shore property owners association, for use by its members.

10. 230 boat slips, extending into the waters of Venetian Bay adjacent Gulf Shore Boulevard. These slips are accessory to the residential and commercial properties in Park Shore Units 1, 2, 3, 4 & 5.

11. A fuel dock extending into the waters of Venetian Bay from commercially designated Block 17.

12. Portions of Gulf Shore Boulevard and Park Shore Drive.

The above listed project development components are indicated on attached Exhibit "A", the Park Shore Units 2 and 5 Master Development Plan, which is an integral part of this PD document.

b. Development and Sales Mechanism

The basic land improvements within Park Shore Units 2 and 5 have been accomplished by the Scottsdale Company, which is the project development sponsor. Buildings have been and will be developed by the Scottsdale Company and by development groups which have acquired or will acquire building parcels from the Scottsdale Company.

Administrative and sales offices are maintained and operated by the development organization, with locations occurring both within the commercially designated area and on or in close proximity of the site of residential development projects which are being marketed. The Scottsdale Company maintains its own marketing forces

and also markets in a conventional manner through all other area real estate organizations .

II. SPECIFIC PROJECT INFORMATION

a. Description of Project Participants

Developer: The Scottsdale Company. 42OO Gulf Shore Blvd., North, Naples. Florida 33940

Land Planner: Vines & Associates, Inc., 715 Tenth Street South, Naples, Florida 33940

Engineer: Wilson. Miller, Barton, Soll & Peek, Inc., 1383 Airport Road, North, Naples, Florida 33942

Traffic Engineer: Barr, Dunlop & Associates. Inc., 1208 Hayes Street, P.O. Box 5885, Tallahassee, Florida 32301

Coastal Engineer: Tackney and Associates, Inc., 9385 North 56th Street, Suite 309, Temple Terrace, Florida 33617

Environmental Consultant: Tropical BioIndustries, Inc. , 9869 East Fern Street, Miami, Florida 33157.

"

Attorney: Vega, Brown, Stanley & Martin, P.A., 2660 Airport Road, Naples, Florida 33942.

b. Legal Description of Property

Unit 2: Park Shore Unit 2, Plat Book 8, Pages 54 and 55. Public Records of Collier County, Florida.

Unit 5: Park Shore Unit 5, Plat Book 12, Pages 39 and 40, Public Records of Collier County, Florida.

c. Topographic Modifications

Planned modifications of the original natural topographic conditions in Units 2 and 5 are complete, in accord with all required local, state, and federal permits. The only future topographic modifications which will occur will be finished grading in connection with, individual building construction and landscaping projects.

d. Gross Area

Unit 2 contains 92 acres of land, 34 acres of water, for a gross platted are of 126 acres.

Unit 5 contains 88.6 acres of land, 29.4 acres of water, for a gross platted area of 118 acres.

Combined area of Units 2 and 5 is 180.6 acres of land, 63.4 acres of water, for a gross platted area of 244 acres.

e. Density

A maximum of 3,590 multi-family units are planned for Units 2 and 5's 244 acres. These units would produce a gross density of 14.7 dwelling units per acre. Deducting the 8.4 acres of commercial sites from the acreage used in density calculations would increase the gross density to 15.24 dwelling units per acre. If the maximum density is calculated for the platted land area, exclusive of the platted water area, the figure is 19.88 dwelling units per acre.

f. Natural Features

Existing natural features which have been and are to be preserved consist of the gulf beach, foredune, and a sizeable portion of the native cabbage palm hammock which lies landward of the foredune. A low wall and stabilized fill has been placed landward of the natural foredune in Unit 2, broadening the dune and raising its peak elevation. A man-made dune has been constructed along the rear portion of the natural foredune in Unit 5, and stabilized with native vegetation.

g. Traffic Ways

Public streets within Units 2 & 5 consist of Gulf Shore Blvd., Park Shore Dr., and Horizon Way. All other traffic circulation within Unit 2

will occur on private drives. Gulf Shore Blvd. has a 110 ft. wide right of way and has been developed as a divided bayfront boulevard with pedestrian facilities along the bayshore.

h. Fire Protection

Access for fire control equipment, fire resistant construction, and internal fire control features, including standpipes, hoses and pressure pumps, in elevator structures, have been and are to be provided in full compliance with applicable fire codes.

i. Utilities

The entirety of Units 2 and 5 is supplied with central water and sewer service by the City of Naples. Electric power, telephone, and cable television service is underground throughout the project.

III. RECREATIONAL OPEN SPACE LANDS AND FACILITIES

a. At the southern end of Unit 2, extending from Gulf Shore Blvd. to the Gulf, 100 ft. wide Horizon Way has been platted and dedicated to the general public. Horizon Way functions as a general public beach access point, and has been developed with 43 off-street parking spaces.

b. West of the junction of Park Shore Drive and Gulf Shore Blvd., a 200 ft. wide tract of gulf front land, 2.7 acres in area, has been dedicated to the Park Shore property owners association, whose members include both mainland owners (Units 1, 3, and 4) and

beach to bay owners (Units 2 and 5). The Developer has installed off-street parking spaces. lighting and landscaping within the tract. Any additional improvements made to this tract will be an obligation of the Park Shore property owners association.

c. Platted beachfront park commons "R", "S", "T". "U", "V", and "W" lie between beachfront building sites and the gulf mean high water line. These beachfront commons, owned and/or leased by owners of dwellings in the adjoining building sites, are to be natural sand beach in part, landscaped open space in part, and are to contain no structures other than small recreation shelters, seat benches, walkways, ornamental retaining walls, statuary, fountains, outdoor lighting, etc. A meandering beachfront promenade extends the length of the beach within the beachfront commons, partially atop the previously mentioned artificial dune.

d. In the easterly edge of the Gulf Shore Blvd. right of way, the Developer has installed intermittent pods of off-street parking, along with sidewalks in landscaped strips which front on the bay.

e. At the north end of Unit 5, the Developer has installed a public beach access walk between the Gulf Shore Blvd. off-street parking areas and the beach.

f. Boat slips have been developed in Venetian Bay as shown on Exhibit A.

IV. USES PERMITTED AND DEVELOPMENT STANDARDS

The following standards govern development in Park Shore Units 2 and 5. Conflicting standards in the City of Naples Zoning Ordinance are not applicable. Definitions of words and terms not defined by this PD document shall be as set forth in the City of Naples Zoning Ordinance at the time of adoption of this PD Document. Any change in definitions applicable to this PD Document shall be effected by modification of this PD Document.

a. Platted Beachfront Commons " R" , "S" , "T" , "U" , "V" , and "W"

These beachfront commons lands, lying between the beachfront building corridor and the Gulf of Mexico, shall function as permanent gulf-front open space. The lands shall be owned and/or permanently leased in common by owners of the property within the building corridor, shall be commonly used by occupants of buildings in the building corridor, shall be devoted to landscaped open space and recreation facilities, and may only contain such structures as are necessary to their open space and recreational function. No portion of these lands shall be utilized for off-street parking or access drives. These common lands may contain water management facilities and underground utilities.

b. Lots 1 thru 29, Block 12

These building sites shall be used solely for tall, elevator served multiple family residence structures except for Lots 2 and 26 which have been

designated for low-rise, low-density clustered dwelling units. Customary accessory uses and structures are permitted on all 29 lots. Building sites may consist of platted lots, portions of platted lots, or any combination of lots and/or portions of lots.

1. Setbacks - Principal buildings and accessory structures: Lots 1, 3 thru 25, and 27 thru 29, Block 12

Any accessory structure which is in excess of two stories in height is defined as a principal building. No principal building or accessory structure shall be closer than 50 feet to a lot line which abuts a beachfront commons. No principal building or accessory structure shall be closer than 50 feet to the Gulf Shore Boulevard right-of-way. No principal building or accessory structure shall be closer to a side yard line than 25 feet. No principal building or accessory structure shall be closer than 50 feet to an access commons lot line. In addition to compliance with the above minimum setbacks, principal buildings shall be no closer than ½ their building height to Gulf Shore Boulevard or to a side lotline. Principal buildings and/or accessory structures on adjoining lots may be closer to their common side lines than required by the above rules so long as they are not closer together than 50 feet or ½ of their combined heights, whichever is greater, and so long as the lots are in common ownership or the separate owners are in agreement regarding the

planned separation between principal buildings and/or accessory structures.

These setback requirements are designed to insure adequate separation between and open space around residential structures, most of which involve tall residential towers which rise above one or two story parking structures, which may or may not be physically connected to the residential towers. In cases where buildings of different heights are physically attached or where single buildings have sections with different heights, required setbacks which are height-related shall be separately determined for each building or portion of a building. i.e., in the case of a 10 story building which has a projecting two story wing, a greater setback shall be required for the 10 story portion of the building than for the two story portion. Tall buildings shall comply with principal building setbacks, while attached lower garage or other structures may comply with accessory structure setbacks. In the case of two or more detached principal buildings on one lot, minimum separation between any two buildings shall be ½ the average height of those two buildings. Below ground and partially below ground structures, principal and accessory, which are covered with landscaping and/or with outdoor recreational facilities, and which are no higher than two feet above the finished grade, may be built within required yards. No principal building or accessory structure shall be constructed seaward of the

Coastal Construction Control Line unless necessary variances or agreements from the State of Florida have been secured. In no event shall structures be located closer to the Gulf than a line 75 feet landward of the vegetation line or closer than a line 150 feet landward of the mean high water line.

2. Setbacks - Principal Buildings and Accessory Structures: Lots 2 and 26

Same as the other Block 12 lots, except that lesser setbacks from side lot lines and/or from beachfront commons or access commons may be authorized via the General Development and Site Plan approval process.

3. Maximum Permitted Dwelling Units

As shown on Table Number 1 , located at the rear of this document.

4. Minimum Dwelling Unit Floor Area

1,200 square feet for principal dwelling units; 600 square feet for one manager's unit and up to three guest suites per principal residential building. Useable floor area on covered or uncovered balconies which are integral to dwelling units shall be calculated as a part of the dwelling unit floor area.

5. General Development Site Plan Requirement

No General Development and Site Plan (GDSP) approval shall be required, except in the instance of two or more lots being combined into a single development site which is five acres or more in net development site area, exclusive of the fractional commons area assigned to the development site.

6. Minimum Off-street Parking

1.5 spaces per dwelling unit, which may be located on the building site and/or within the adjoining parking commons.

7. Minimum Recreational Open Space

750 square feet for efficiency or one bedroom apartments, 150 additional square feet for each additional bedroom. Recreational open space includes landscaped ground area; ground and roof area which has been developed for recreational use by apartment residents; and open apartment balconies. Open space credited to each apartment project includes that which is on the building site plus that which occurs in the fractional commons areas assigned to that building site. (See Table Number 1)

8. Minimum Lot Coverage

None. Lot coverage is controlled by setbacks and recreational open space requirements.

9. Maximum Building Height

As shown on Table 2 Building height is measured from the minimum permitted elevation for the first habitable floor. Chimneys; elevator shafts; television and radio antennae; open or structurally enclosed rooftop heating, ventilation. and air conditioning equipment; ornamental screens; stair access enclosures and small cupolas used as architectural ornamentation may extend a maximum of 20 feet above the maximum permitted building height, and shall not be included in the building height measurement.

10. Maximum Horizontal Dimension of Principal Buildings

250 feet, measured by straight horizontal line between the end points of the longest perimeter wall of a principal building. This standard does not apply to privacy walls or other accessory structures.

c. <u>The Southerly 200 ft. of Platted Lot 13, Block 12.</u>

This tract, of land shall be owned and used by Park Shore property owners for beach access, off-street parking, landscaping, and outdoor recreation facilities. A beach club, pavilion, or other recreation structure may be developed subject to approval via the General Development and Site Plan approval process.

d. Access Commons "A","B","C", and "D".

These tracts are to be used for vehicular access drives, covered or uncovered vehicular parking, landscaping, ornamental entry structures and signage, statuary, fountains, walks, and public utilities facilities. Each access commons will be owned, improved, and maintained by the owners of the abutting lots. Parking spaces developed within the commons may be credited as part of the required parking for any adjoining building, so long as each parking space is credited only once. The commons parking spaces shall be utilized as an overflow parking pool for all abutting sites, and are not to be marked for use by a particular apartment or building. No covered parking structures within the access commons shall be taller than one story, nor closer to Gulf Shore Blvd. right of way than 50 ft. , nor closer to any other boundary of the access commons than 25 ft. Upon issuance of a Temporary Use Permit, temporary sales facilities may occur in an access commons adjacent a Block 12 building site on which dwelling units are being marketed by the site developer.

e. Blocks 14, 15, 36, 37, and 38.

These blocks are in part land and in part man-made waters within Venetian Bay. These blocks shall be used for single or multiple family residential structures, off-street parking, and accessory recreational facilities. Permitted structures may extend on pilings from the land mass within the blocks over the waters of Venetian Bay, so long as the

structures extend no further than the platted building limit lines. Each of the blocks constitutes a site for either a multiple family complex not exceeding 33 dwelling units and not exceeding 3 stories in height, or a maximum of 5 single family detached residences, not exceeding 3 stories in height. Each dwelling unit shall be provided a minimum of 2 on site parking spaces. No more than 72 on site parking spaces per block may be developed. Minimum dwelling unit floor area shall be 1,500 sq. ft., except for one manager's apartment per block which shall be a minimum of 600 sq. ft. Detached principal buildings within each block shall be no closer to each other than 25 ft.

f. Platted Blocks 16 and 17.

These two tracts may be utilized for development of an integrated commercial complex, comprising retail shops, offices, restaurants, cocktail lounges, (no facilities for dancing or staged entertainment other than solo performances shall be permitted) personal service establishments, financial institutions, clinics, private clubs, boat docking and fueling facilities, and uses which are customarily accessory in commercial areas. Structures may extend over the waters of Venetian Bay so long as they do not extend past the platted property and building limit lines. Blocks 16 and 17 may be connected by internal vehicular and pedestrian pathways, so that upon completion of development they will function as a single commercial complex.

1. Minimum Setbacks

10 ft. from Park Shore Drive right of way within 100 ft. of the pedestrian walkway under the bridge approach; 25 ft. from all other right of way lines. Minimum separation between detached principal buildings: 12 feet.

2. Maximum Building Height

3 Stories

3. Minimum Off Street Parking

1 space per 300 square feet of retail or office g.l.a.

1 space per 100 square feet of restaurant or lounge g.l.a. In the case of restaurants and/or cocktail lounges which are located above the ground floor, the ground floor entry area, stairway, and elevator areas which serve the restaurant and/or lounge shall be excluded from the g.l.a. calculation. 1 space per 300 square feet of g.l.a. for all other uses.

4. Outdoor Lighting

Shall be indirect or of such low intensity as to avoid glare or other interference with the enjoyment of nearby residential properties. No flashing or moving lights shall be permitted.

g. Platted Block 11

This building site shall be used solely for multiple-family residence development and customary multi-family residence accessory uses and structures.

1. Minimum Setbacks

Front yard: 30 ft. plus 1 ft. for each 2 ft. over 45 ft.

Side yard: 15 ft. plus 1 ft. for each 2 ft. over 45 ft.

Rear yard: 25 ft. from the seawall plus 1 ft. for each 2 ft. over 45 ft.

2. Minimum Floor Area

720 sq. ft. per unit

3. Maximum Building Height

55 ft.

4. Minimum Off-street Parking

2 spaces per dwelling unit

5. Minimum Recreational Open Space

750 sq. ft. for 1 bedroom dwellings, 150 additional sq. ft. for each additional bedroom.

h. Landscaping Requirements in Off-street Parking Areas

Blocks 14, 15, 36, 37 and 38: None

Development of all other off-street parking areas in Park Shore Units 2 and 5 shall comply with City off-street parking area landscape requirements in force at the time the Park Shore Units 2 & S PD document is approved by the City.

i. Sign Regulations

Signs in Park Shore Units 2 and 5 shall comply with the City Zoning Regulations in force at the time sign permits are requested.

J. Overnight Parking Prohibited

No commercial vehicle, mobile home, motor home, or recreational camper shall be parked overnight within Park Shore Units 2 and 5 except when such vehicle is parked on a construction site and is legitimately associated with permitted construction activity.

k. Boat docking facilities may be developed in the waters of Venetian Bay extending from the seawall adjacent Gulf Shore Boulevard and from Blocks 11, 14, 15, 16, 17, 36, 37, and 38. Construction, reconstruction, modification or expansion of docking facilities shall be authorized by applicable permit issuing agencies.

1. Residential Docking Facilities:

All docking facilities except those which are associated with commercially designated Blocks 16 and 17 shall be limited to use by residents of Park Shore Units 1, 2, 3, 4 & 5 and shall be limited to 219 boat slips. Boat slip maintenance responsibilities will be that of the owner. Boat slips shall be owned or leased, and exclusively used, by residents of Units 1, 2, 3, 4 and 5. Slip facilities may be constructed either by the Park Shore development organization, by condominium associations or by bay front single family homeowners in Units 1, 2, 3, 4 and 5. The minimum slip lease period shall be 3 months. Subleases are prohibited. Overnight

lodging on boats is prohibited. Charter or other commercial fishing operations are prohibited.

2. Blocks 16 and 17 Docking Facilities: Two boat slips are permitted at the junction of commercially designated Block 16 and Gulf Shore Boulevard. These slips may be utilized by the owner and/or by visitors to commercial properties in Block 16. A dock is permitted to extend from commercially designated Block 17 as shown on Exhibit A. The Block 17 dock may accommodate up to nine boat slips: may accommodate fueling and marine convenience item sales; may be utilized in connection with a boat rental operation; and may be briefly utilized by persons who visit the Block 17 commercial complex by boat. Charter fishing or other commercial fishing operations are prohibited.

TABLE NUMBER 1
(Page 1 of 2)

The following table provides statistical data on the various building sites within Park Shore Units 2 and 5.

PARCEL		AREA (Acres)	PRINCIPAL USE	MAXIMUM NO. OF D.U.'S	11/88 ACTUAL D.U.'S
Access Commons	A	2.26	Parking	-	
" "	B	4.27	"	-	
" "	C	2.88	"	-	
" "	D	2.41	"	-	
Beach Commons	R	5.25	Recreational Open Space	-	
" "	S	6.50	" " "	-	
" "	T	4.25	" " "	-	
" "	U	4.71	" " "	-	
" "	V	7.14	" " "	-	
" "	W	6.62	" " "	-	
Block 11		2.51	Multiple Family Dwelling	60	60
Block 14, within building limit line		3.09	Dwelling Units	33	33
Block 15, within building limit line		3.07	Dwelling Units	33	3
Block 15, within building limit line		3.94	Commercial	-	-
Block 17, within building limit line		4.46	"	-	-
Block 36, within building limit line		3.09	Dwelling Units	33	33
Block 37, within building limit line		2.60	"	33	33
Block 38, within building limit line		2.60	"	6	6
			TOTAL	198	168

Commons "A" area is distributed equally among Lots 5, 6, 7, 8.
Commons "B" area is distributed 1/4 to Lot 11, 1/4 to Lot 12, ½ to fractional Lot 13 and Lot 14.
Commons "C" area is distributed equally among Lots 17, 18, 19, and 20.
Commons "D" area is distributed equally among Lots 23, 24, 25, and 26.
Commons "R" area is distributed equally among Lots 1, 2, 3, 4, 5, and 6.
Commons "S" area is distributed equally among Lots 7, 8, 9, 10, 11, and 12.
Commons "T" area is distributed ½ to fractional Lot 13 and Lot 14, ½ to Lot 15.
Commons "U" area is distributed equally among Lots 16, 17, and 18.
Commons "V" area is distributed equally among Lots 19, 20, 21, 22, 23, and 24.
Commons "W" area is distributed equally among Lots 25, 26, 27, 28, and 29.

(Page 2 of 2)

Lot No. (Blk. 12)	Lot Area (Acres)	Fractional Commons Area (Acres)	Lot Area & Fractional Commons Area (Acres)	Principal Use	Maximum No. Of D.U.'s	D.U.'s Aug. '88
1	2.77	.875	3.65	Residential	78	78
2	2.5	.875	3.37	"	12	12
3	2.29	.875	3.17	"	79	
4	2.43	.875	3.31	"	83	
5	3.14	1.44	4.58	"	115	
6	2.96	1.44	4.4	"	113	113
7	3.17	1.65	4.82	"	113	113
8	3.38	1.65	5.03	"	126	
9	2.75	1.08	3.83	"	96	
10	2.89	1.08	3.97	"	99	77
11	3.85	2.15	6.0	"	150	142
12	3.81	2.15	5.96	"	148	105
S 200 ft. 13	2.7	-	2.7	Beach Park	-	
Remainder 13 & 14	4.88	4.26	9.14	Residential	229	
15	3.21	2.12	5.33	"	134	
16	3.37	1.57	4.94	"	123	
18	4.91	2.29	7.20	"	180	76*
18	4.21	2.29	6.50	"	162	91
19	4.19	1.91	6.10	"	152	
20	4.37	1.91	6.28	"	156	138
21	3.09	1.19	4.28	"	107	107
22	3.12	1.19	4.31	"	107	
23	4.54	1.79	6.33	"	158	122
24	3.88	1.79	5.67	"	142	
25	3.52	1.92	5.44	"	136	132
26	4.21	1.92	6.13	"	27	27
27	3.0	1.32	4.32	"	108	118
28	3.52	1.32	4.84	"	121	85
29	4.2	1.32	5.52	"	138	79
	100.86	46.25	147.11		3392	1615

NOTE: The "Maximum Number of D.U.'s" column in the above table is based on a maximum of 25 dwelling units per acre, except in the case of Lots 2 and 26 which have been approved for low-rise low density cluster development. To accommodate definitive building and site plans. permitted dwelling units may be transferred from one Block 12 lot to another, so long as the total number of dwelling units in Lots 1 through 29, Block 12, does not exceed 3392. Except for the specifically authorized low rise cluster developments on lots 2 and 26, the number of dwellings listed in the above table for the various lots in Block 12 was computed on the basis of the lot area, plus the fractional area of the abutting commons assigned to that lot, times 25, rounded to the nearest whole number.

*Partial lot development only. The remaining development will occur at a later date.

TABLE NUMBER 2
(Page 1 of 2)

BUILDING HEIGHTS
PARK SHORE UNITS 2 AND 5

LOT #	BUILDING	MAXIMUM HEIGHT
1	HORIZON HOUSE	130' *
2	CASA MAR	60' *
3		180'
4		180'
5		180'
6	SURFSEDGE	130' *
7	GULFSIDE	130' *
8		200'
9		200'
10	ALLEGRO	137' *
11	SAVOY	170' *
12	LA MER	149' *
14		245'
15		200'
16		200'
17	P.S. TOWERS	174' *
18	PARK PLAZA	190' *
19		245'
20	MONACO	160' *

TABLE NUMBER 2

(Page 2 of 2)

21	SOLAMAR	166' *
22		200'
23	ESPLANADE	158' *
24		277'
25	VISTAS	185' *
26	VILLA MARE'	60' *
27	TERRACES	158' *
28	MERIDIAN	198' *
29	LE PARC	245' *

1. Existing building height at the time of enactment of this PD document, measured from 11' N.C.V.D., rounded to the next highest foot.