



**AMENDMENT  
TO THE  
DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS FOR  
HERITAGE COVE**

INST15875751 Official Records BK 03978 PG 2767 RECORDED 07/01/2003 02:38:03 PM  
CHALIE GREEN, CLERK OF COURT, LEE COUNTY  
DEPUTY CLERK C Keller

*THIS AMENDMENT* is made this 6<sup>th</sup> day of June, 2003 by U.S. HOME CORPORATION, a Delaware Corporation authorized to do business in the State of Florida, hereinafter called the "Declarant" to the Declaration of Covenants, Conditions and Restrictions for HERITAGE COVE.

*WHEREAS*, the Declaration is recorded in Official Records Book 3178, Page 0965 through 1052, and as later amended in Official Records Book 3335 at Pages 4253-4257 and as later amended in Official Records Book 3440 at Pages 2570-2575; Official Records Book 3559 at Pages 2457-2464; Official Records Book 3625 at Pages 4084-4086; Official Records Book 3629 at Pages 0515-0516; Official Records Book 3629 at Pages 0547-0549, and as further amended, all of the Public Records of Lee County, Florida; and

*WHEREAS*, pursuant to Sections 15.10 of this Declaration, the Declarant may, in its sole discretion, by an instrument filed of record, unilaterally modify, enlarge, amend, waive or add to the covenants, conditions, restrictions and other provisions of this Declaration, and any recorded exhibit hereto, so long as the Declarant holds property for sale in the ordinary course of business within the Community; and

*WHEREAS*, Section 5.2 of the Declaration sets forth the Association's responsibilities for the surface water management system within the Community; and

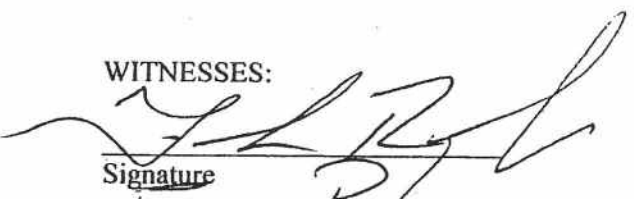
*WHEREAS*, the Declarant is desirous of attaching the South Florida Water Management District permit for the surface water management system as an Exhibit to the Declaration;

*NOW, THEREFORE*, the Declarant hereby amends the Declaration to include the attached Exhibit "A" to this Amendment as an Exhibit to the Declaration:

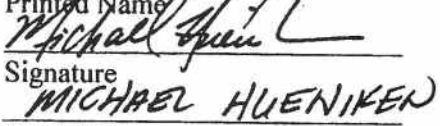
See attached Exhibit "A"

IN WITNESS WHEREOF, we have hereunto affixed our hands and the seal of said corporation, this 26 day of June, 2003.

WITNESSES:

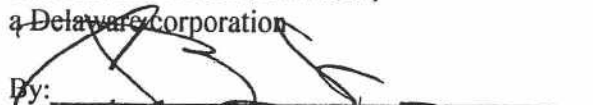
  
Signature

FRANK REYNOLDS  
Printed Name

  
Signature

MICHAEL HUENIKEN  
Printed Name

U.S. HOME CORPORATION,  
a Delaware Corporation

By:   
Printed: CONSTANTINE DEMETRIS  
Title: SR VP PROJ MGR

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was acknowledged before me this 26 day of June, 2003, by Constantine Benetis, Sr VP Proj. Mgr (title) of U.S. HOME CORPORATION, a Delaware corporation, on behalf of the corporation. He She is personally known to me or has produced \_\_\_\_\_ as identification and did not take an oath.

(Notary Seal)



Niki K Starbuck  
My Commission DD027246  
Expires May 20, 2005

Niki K Starbuck

Signature of Notary Public

Niki K Starbuck

(Print, type or stamp commissioned name of Notary Public)

Commission No: \_\_\_\_\_

This Instrument prepared by:  
Christopher J. Shields, Esq.  
PAVESE, HAVERFIELD, DALTON,  
HARRISON & JENSEN, L.L.P.  
1833 Hendry Street  
Fort Myers, Florida 33901  
(239) 334-2195



SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE PERMIT NO. 36-03512-P
DATE ISSUED: DECEMBER 10, 1998

Form # 0145
Rev 08/95

PERMITTEE: US HOME CORPORATION
(THE HERITAGE COVE)
E. BRUCE LAWSON, SR. VICE PRES., 10491 SIX MILE CYPRESS PKWY
FORT MYERS, FL 33912

PROJECT DESCRIPTION: AN ENVIRONMENTAL RESOURCE PERMIT AUTHORIZING CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM TO SERVE 133.3 ACRES OF A 148.13 ACRE PARCEL. THE RESIDENTIAL DEVELOPMENT DISCHARGES TO THE CALOOSAHATCHEE RIVER VIA IDD CANALS F AND C-1.

PROJECT LOCATION: LEE COUNTY, SECTION 28 TWP 45S RGE 24E

PERMIT DURATION: Five years from the date issued to complete construction of the surface water management system as authorized herein. See attached Rule 40E-4.321, Florida Administrative Code.

This Permit is issued pursuant to Application No. 980311-11, dated March 5, 1998. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373, Part IV Florida Statutes (F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414(1)(b), F.S., or as otherwise stated herein.

This Permit may be transferred pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-1.6107(1) and (2), and 40E-4.351(1), (2), and (4), Florida Administrative Code (F.A.C.). This Permit may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.351(1), (2), and (4), F.A.C.

This Permit shall be subject to the General Conditions set forth in Rule 40E-4.381, F.A.C., unless waived or modified by the Governing Board. The Application, and the Environmental Resource Permit Staff Review Summary of the Application, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit. All activities authorized by this Permit shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Environmental Resource Permit Staff Review Summary. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:

SEE PAGES 2-3 OF 7 (13 SPECIAL CONDITIONS).
SEE PAGES 4-7 OF 7 (19 GENERAL CONDITIONS).

FILED WITH THE CLERK OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

ON 12-21-98
BY [Signature] DEPUTY CLERK

By [Signature] ASSISTANT SECRETARY

SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION: 8 FEET NGVD.
2. MINIMUM ROAD CROWN ELEVATION: 6 FEET NGVD.
3. DISCHARGE FACILITIES:

STRUCTURE NO. 1:

1-1.17' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 3.5' NGVD.  
370 LF OF 2' WIDE X 3.17' HIGH RCP CULVERT.

RECEIVING BODY : CALOOSAHATCHEE RIVER VIA IDD CANAL F

CONTROL ELEV : 3.5 FEET NGVD. /3.5 FEET NGVD DRY SEASON.

STRUCTURE NO. 2:

1-1.17' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 3.5' NGVD.  
80 LF OF 3' DIA. RCP CULVERT.

RECEIVING BODY : CALOOSAHATCHEE RIVER VIA IDD CANAL C-1

CONTROL ELEV : 3.5 FEET NGVD. /3.5 FEET NGVD DRY SEASON.

4. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
5. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
6. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
7. LAKE SIDE SLOPES SHALL BE NO STEEPER THAN 4:1 (HORIZONTAL:VERTICAL) TO A DEPTH OF TWO FEET BELOW THE CONTROL ELEVATION. SIDE SLOPES SHALL BE NURTURED OR PLANTED FROM 2 FEET BELOW TO 1 FOOT ABOVE CONTROL ELEVATION TO INSURE VEGETATIVE GROWTH.
8. FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.
9. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF HERITAGE COVE COMMUNITY ASSOCIATION INC. THE PERMITTEE SHALL SUBMIT A COPY OF THE RECORDED DEED RESTRICTIONS (OR DECLARATION OF CONDOMINIUM, IF APPLICABLE), A COPY OF THE FILED ARTICLES OF INCORPORATION, AND A COPY OF

THE CERTIFICATE OF INCORPORATION FOR THE HOMEOWNERS ASSOCIATION CONCURRENT WITH THE ENGINEERING CERTIFICATION OF CONSTRUCTION COMPLETION.

10. A STABLE, PERMANENT AND ACCESSIBLE ELEVATION REFERENCE SHALL BE ESTABLISHED ON OR WITHIN ONE HUNDRED (100) FEET OF ALL PERMITTED DISCHARGE STRUCTURES NO LATER THAN THE SUBMISSION OF THE CERTIFICATION REPORT. THE LOCATION OF THE ELEVATION REFERENCE MUST BE NOTED ON OR WITH THE CERTIFICATION REPORT.
11. PRIOR TO THE COMMENCEMENT OF ANY SITE ACTIVITY AUTHORIZED BY THIS PERMIT, A PRE-CONSTRUCTION MEETING SHALL BE HELD WITH SFWMD FIELD ENGINEERING AND ENVIRONMENTAL POST PERMIT COMPLIANCE STAFF FROM THE FT. MYERS OFFICE.
12. A RECORDED COPY OF THE EASEMENT VACATION AND NEW EASEMENT FOR THE RELOCATION OF IDD CANAL F SHALL BE PROVIDED TO THE DISTRICT PRIOR TO ANY CANAL RELOCATION CONTRUCTION.
13. A RECORDED COPY OF THE APPROPRIATE TRANSFER OF DEEDS, RELATING TO THE NEW ACCESS TO RIVERVIEW PARK, SHALL BE PROVIDED TO THE DISTRICT PRIOR TO EXCAVATION OF THE LAKE ON THE NORTH SIDE OF THE ENTRANCE ROAD.

GENERAL CONDITIONS

1. ALL ACTIVITIES AUTHORIZED BY THIS PERMIT SHALL BE IMPLEMENTED AS SET FORTH IN THE PLANS, SPECIFICATIONS AND PERFORMANCE CRITERIA AS APPROVED BY THIS PERMIT. ANY DEVIATION FROM THE PERMITTED ACTIVITY AND THE CONDITIONS FOR UNDERTAKING THAT ACTIVITY SHALL CONSTITUTE A VIOLATION OF THIS PERMIT AND PART IV, CHAPTER 373, F.S.
2. THIS PERMIT OR A COPY THEREOF, COMPLETE WITH ALL CONDITIONS, ATTACHMENTS, EXHIBITS, AND MODIFICATIONS SHALL BE KEPT AT THE WORK SITE OF THE PERMITTED ACTIVITY. THE COMPLETE PERMIT SHALL BE AVAILABLE FOR REVIEW AT THE WORK SITE UPON REQUEST BY THE DISTRICT STAFF. THE PERMITTEE SHALL REQUIRE THE CONTRACTOR TO REVIEW THE COMPLETE PERMIT PRIOR TO COMMENCEMENT OF THE ACTIVITY AUTHORIZED BY THIS PERMIT.
3. ACTIVITIES APPROVED BY THIS PERMIT SHALL BE CONDUCTED IN A MANNER WHICH DOES NOT CAUSE VIOLATIONS OF STATE WATER QUALITY STANDARDS. THE PERMITTEE SHALL IMPLEMENT BEST MANAGEMENT PRACTICES FOR EROSION AND POLLUTION CONTROL TO PREVENT VIOLATION OF STATE WATER QUALITY STANDARDS. TEMPORARY EROSION CONTROL SHALL BE IMPLEMENTED PRIOR TO AND DURING CONSTRUCTION, AND PERMANENT CONTROL MEASURES SHALL BE COMPLETED WITHIN 7 DAYS OF ANY CONSTRUCTION ACTIVITY. TURBIDITY BARRIERS SHALL BE INSTALLED AND MAINTAINED AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO THE RECEIVING WATERBODY EXISTS DUE TO THE PERMITTED WORK. TURBIDITY BARRIERS SHALL REMAIN IN PLACE AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND SOILS ARE STABILIZED AND VEGETATION HAS BEEN ESTABLISHED. ALL PRACTICES SHALL BE IN ACCORDANCE WITH THE GUIDELINES AND SPECIFICATIONS DESCRIBED IN CHAPTER 6 OF THE FLORIDA LAND DEVELOPMENT MANUAL; A GUIDE TO SOUND LAND AND WATER MANAGEMENT (DEPARTMENT OF ENVIRONMENTAL REGULATION, 1988), INCORPORATED BY REFERENCE IN RULE 40E-4.091, F.A.C. UNLESS A PROJECT-SPECIFIC EROSION AND SEDIMENT CONTROL PLAN IS APPROVED AS PART OF THE PERMIT. THEREAFTER THE PERMITTEE SHALL BE RESPONSIBLE FOR THE REMOVAL OF THE BARRIERS. THE PERMITTEE SHALL CORRECT ANY EROSION OR SHOALING THAT CAUSES ADVERSE IMPACTS TO THE WATER RESOURCES.
4. THE PERMITTEE SHALL NOTIFY THE DISTRICT OF THE ANTICIPATED CONSTRUCTION START DATE WITHIN 30 DAYS OF THE DATE THAT THIS PERMIT IS ISSUED. AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ACTIVITY AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL SUBMIT TO THE DISTRICT AN ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMMENCEMENT NOTICE FORM NO. 0960 INDICATING THE ACTUAL START DATE AND THE EXPECTED COMPLETION DATE.
5. WHEN THE DURATION OF CONSTRUCTION WILL EXCEED ONE YEAR, THE PERMITTEE SHALL SUBMIT CONSTRUCTION STATUS REPORTS TO THE DISTRICT ON AN ANNUAL BASIS UTILIZING AN ANNUAL STATUS REPORT FORM. STATUS REPORT FORMS SHALL BE SUBMITTED THE FOLLOWING JUNE OF EACH YEAR.
6. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE PERMITTED ACTIVITY, THE PERMITTEE SHALL SUBMIT A WRITTEN STATEMENT OF COMPLETION AND

CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER OR OTHER APPROPRIATE INDIVIDUAL AS AUTHORIZED BY LAW, UTILIZING THE SUPPLIED ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION FORM NO.0881. THE STATEMENT OF COMPLETION AND CERTIFICATION SHALL BE BASED ON ONSITE OBSERVATION OF CONSTRUCTION OR REVIEW OF ASBUILT DRAWINGS FOR THE PURPOSE OF DETERMINING IF THE WORK WAS COMPLETED IN COMPLIANCE WITH PERMITTED PLANS AND SPECIFICATIONS. THIS SUBMITTAL SHALL SERVE TO NOTIFY THE DISTRICT THAT THE SYSTEM IS READY FOR INSPECTION. ADDITIONALLY, IF DEVIATION FROM THE APPROVED DRAWINGS ARE DISCOVERED DURING THE CERTIFICATION PROCESS, THE CERTIFICATION MUST BE ACCOMPANIED BY A COPY OF THE APPROVED PERMIT DRAWINGS WITH DEVIATIONS NOTED. BOTH THE ORIGINAL AND REVISED SPECIFICATIONS MUST BE CLEARLY SHOWN. THE PLANS MUST BE CLEARLY LABELED AS "ASBUILT" OR "RECORD" DRAWING. ALL SURVEYED DIMENSIONS AND ELEVATIONS SHALL BE CERTIFIED BY A REGISTERED SURVEYOR.

7. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE: UNTIL THE PERMITTEE HAS COMPLIED WITH THE REQUIREMENTS OF CONDITION (6) ABOVE, HAS SUBMITTED A REQUEST FOR CONVERSION OF ENVIRONMENTAL RESOURCE PERMIT FROM CONSTRUCTION PHASE TO OPERATION PHASE, FORM NO.0920; THE DISTRICT DETERMINES THE SYSTEM TO BE IN COMPLIANCE WITH THE PERMITTED PLANS AND SPECIFICATIONS; AND THE ENTITY APPROVED BY THE DISTRICT IN ACCORDANCE WITH SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, ACCEPTS RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE SYSTEM. THE PERMIT SHALL NOT BE TRANSFERRED TO SUCH APPROVED OPERATION AND MAINTENANCE ENTITY UNTIL THE OPERATION PHASE OF THE PERMIT BECOMES EFFECTIVE. FOLLOWING INSPECTION AND APPROVAL OF THE PERMITTED SYSTEM BY THE DISTRICT, THE PERMITTEE SHALL INITIATE TRANSFER OF THE PERMIT TO THE APPROVED RESPONSIBLE OPERATING ENTITY IF DIFFERENT FROM THE PERMITTEE. UNTIL THE PERMIT IS TRANSFERRED PURSUANT TO SECTION 40E-1.6107, F.A.C., THE PERMITTEE SHALL BE LIABLE FOR COMPLIANCE WITH THE TERMS OF THE PERMIT.
8. EACH PHASE OR INDEPENDENT PORTION OF THE PERMITTED SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO THE INITIATION OF THE PERMITTED USE OF SITE INFRASTRUCTURE LOCATED WITHIN THE AREA SERVED BY THAT PORTION OR PHASE OF THE SYSTEM. EACH PHASE OR INDEPENDENT PORTION OF THE SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO TRANSFER OF RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE PHASE OR PORTION OF THE SYSTEM TO A LOCAL GOVERNMENT OR OTHER RESPONSIBLE ENTITY.
9. FOR THOSE SYSTEMS THAT WILL BE OPERATED OR MAINTAINED BY AN ENTITY THAT WILL REQUIRE AN EASEMENT OR DEED RESTRICTION IN ORDER TO ENABLE THAT ENTITY TO OPERATE OR MAINTAIN THE SYSTEM IN CONFORMANCE WITH THIS PERMIT, SUCH EASEMENT OR DEED RESTRICTION MUST BE RECORDED IN THE PUBLIC RECORDS AND SUBMITTED TO THE DISTRICT ALONG WITH ANY OTHER FINAL OPERATION AND MAINTENANCE DOCUMENTS REQUIRED BY SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, PRIOR TO LOT OR UNIT SALES OR PRIOR TO THE COMPLETION OF THE SYSTEM, WHICHEVER OCCURS FIRST. OTHER DOCUMENTS CONCERNING THE ESTABLISHMENT AND AUTHORITY OF THE OPERATING ENTITY MUST BE FILED WITH THE SECRETARY OF STATE WHERE APPROPRIATE. FOR THOSE SYSTEMS WHICH ARE PROPOSED TO BE MAINTAINED BY THE COUNTY OR MUNICIPAL ENTITIES, FINAL OPERATION AND MAINTENANCE DOCUMENTS MUST BE RECEIVED BY THE

DISTRICT WHEN MAINTENANCE AND OPERATION OF THE SYSTEM IS ACCEPTED BY THE LOCAL GOVERNMENT ENTITY. FAILURE TO SUBMIT THE APPROPRIATE FINAL DOCUMENTS WILL RESULT IN THE PERMITTEE REMAINING LIABLE FOR CARRYING OUT MAINTENANCE AND OPERATION OF THE PERMITTED SYSTEM AND ANY OTHER PERMIT CONDITIONS.

10. SHOULD ANY OTHER REGULATORY AGENCY REQUIRE CHANGES TO THE PERMITTED SYSTEM, THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING OF THE CHANGES PRIOR TO IMPLEMENTATION SO THAT A DETERMINATION CAN BE MADE WHETHER A PERMIT MODIFICATION IS REQUIRED.
11. THIS PERMIT DOES NOT ELIMINATE THE NECESSITY TO OBTAIN ANY REQUIRED FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY ACTIVITY APPROVED BY THIS PERMIT. THIS PERMIT DOES NOT CONVEY TO THE PERMITTEE OR CREATE IN THE PERMITTEE ANY PROPERTY RIGHT, OR ANY INTEREST IN REAL PROPERTY, NOR DOES IT AUTHORIZE ANY ENTRANCE UPON OR ACTIVITIES ON PROPERTY WHICH IS NOT OWNED OR CONTROLLED BY THE PERMITTEE, OR CONVEY ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4 OR CHAPTER 40E-40, F.A.C.
12. THE PERMITTEE IS HEREBY ADVISED THAT SECTION 253.77, F.S. STATES THAT A PERSON MAY NOT COMMENCE ANY EXCAVATION, CONSTRUCTION, OR OTHER ACTIVITY INVOLVING THE USE OF SOVEREIGN OR OTHER LANDS OF THE STATE, THE TITLE TO WHICH IS VESTED IN THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND WITHOUT OBTAINING THE REQUIRED LEASE, LICENSE, EASEMENT, OR OTHER FORM OF CONSENT AUTHORIZING THE PROPOSED USE. THEREFORE, THE PERMITTEE IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AUTHORIZATIONS FROM THE BOARD OF TRUSTEES PRIOR TO COMMENCING ACTIVITY ON SOVEREIGNTY LANDS OR OTHER STATE-OWNED LANDS.
13. THE PERMITTEE MUST OBTAIN A WATER USE PERMIT PRIOR TO CONSTRUCTION DEWATERING, UNLESS THE WORK QUALIFIES FOR A GENERAL PERMIT PURSUANT TO SUBSECTION 40E-20.302(4), F.A.C., ALSO KNOWN AS THE "NO NOTICE" RULE.
14. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, ALTERATION, OPERATION, MAINTENANCE, REMOVAL, ABANDONMENT OR USE OF ANY SYSTEM AUTHORIZED BY THE PERMIT.
15. ANY DELINEATION OF THE EXTENT OF A WETLAND OR OTHER SURFACE WATER SUBMITTED AS PART OF THE PERMIT APPLICATION, INCLUDING PLANS OR OTHER SUPPORTING DOCUMENTATION, SHALL NOT BE CONSIDERED BINDING UNLESS A SPECIFIC CONDITION OF THIS PERMIT OR A FORMAL DETERMINATION UNDER SECTION 373.421(2), F.S., PROVIDES OTHERWISE.
16. THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING WITHIN 30 DAYS OF ANY SALE, CONVEYANCE, OR OTHER TRANSFER OF OWNERSHIP OR CONTROL OF A PERMITTED SYSTEM OR THE REAL PROPERTY ON WHICH THE PERMITTED SYSTEM IS LOCATED. ALL TRANSFERS OF OWNERSHIP OR TRANSFERS OF A PERMIT ARE SUBJECT TO THE REQUIREMENTS OF RULES 40E-1.6105 AND 40E-1.6107, F.A.C. THE PERMITTEE TRANSFERRING THE PERMIT SHALL REMAIN LIABLE FOR CORRECTIVE ACTIONS THAT MAY BE REQUIRED AS A RESULT OF ANY VIOLATIONS PRIOR TO THE SALE, CONVEYANCE OR OTHER TRANSFER OF THE SYSTEM.
17. UPON REASONABLE NOTICE TO THE PERMITTEE, DISTRICT AUTHORIZED STAFF WITH



PROPER IDENTIFICATION SHALL HAVE PERMISSION TO ENTER, INSPECT, SAMPLE AND TEST THE SYSTEM TO INSURE CONFORMITY WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE PERMIT.

18. IF HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS ARE DISCOVERED AT ANY TIME ON THE PROJECT SITE, THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE APPROPRIATE DISTRICT SERVICE CENTER.
19. THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE DISTRICT IN WRITING OF ANY PREVIOUSLY SUBMITTED INFORMATION THAT IS LATER DISCOVERED TO BE INACCURATE.



# South Florida Water Management District

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045  
TDD (561) 697-2574

November 30, 1998

E. Bruce Lawson  
US Home Corporation  
10491 Six Mile Cypress Parkway  
Fort Myers, FL 33912

Subject: Application No. 980311-11, The Heritage Cove,  
Lee County, S28/T45S/R24E

Enclosed is a copy of this District's staff report covering the permit application referenced therein. It is requested that you read this staff report thoroughly and understand its contents. The recommendations as stated in the staff report will be presented to our Governing Board for consideration on December 10, 1998.

Should you wish to object to the staff recommendations or file a petition, please provide written objections, petitions and/or waivers (refer to the attached "Notice of Right") to:

Vern Kaiser, Deputy Clerk  
South Florida Water Management District  
Post Office Box 24680  
West Palm Beach, Florida 33416-4680

The "Notice of Rights" addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. You are advised, however, to be prepared to defend your position regarding the permit application when it is considered by the Governing Board for final agency action, even if you agree with the staff recommendations, as the Governing Board may take final agency action which differs materially from the proposed agency action.

Please contact the District if you have any questions concerning this matter. If we do not hear from you prior to the date on the "Notice of Rights", we will assume you concur with our recommendations.

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the addressee this 30th day of November 1998, in accordance with Section 120.60 (3) Florida Statutes.

Sincerely,

Kenneth G. Ammon, P.E.  
Deputy Director  
Regulation Department

KGA/lj

CERTIFIED # P 370 994 320  
RETURN RECEIPT REQUESTED

*Governing Board:*

Frank Williamson, Jr., Chairman  
Eugene K. Pettis, Vice Chairman  
Mitchell W. Berger

Vera M. Carter  
William E. Graham  
William Hammond

Richard A. Machek  
Michael D. Minton  
Miriam Singer

Samuel E. Poole III, Executive Director  
Michael Slayton, Deputy Executive Director

## NOTICE OF RIGHTS

Section 120.569(1), Fla. Stat. (1997), requires that "each notice shall inform the recipient of any administrative hearing or judicial review that is available under this section, s. 120.57, or s. 120.68; shall indicate the procedure which must be followed to obtain the hearing or judicial review, and shall state the time limits which apply." Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

### **Petition for Administrative Proceedings**

1. A person whose substantial interests are affected by the South Florida Water Management District's (SFWMD) action has the right to request an administrative hearing on that action. The affected person may request either a formal or an informal hearing, as set forth below. A point of entry into administrative proceedings is governed by Rules 28-106.111 and 40E-1.511, Fla. Admin. Code, (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109), as set forth below. Petitions are deemed filed upon receipt of the original documents by the SFWMD Clerk.

a. Formal Administrative Hearing: If a genuine issue(s) of material fact is in dispute, the affected person seeking a formal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(1), Fla. Stat. or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.201(2), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

b. Informal Administrative Hearing: If there are no issues of material fact in dispute, the affected person seeking an informal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(2), Fla. Stat. or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.301(2), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

c. Administrative Complaint and Order: If a Respondent objects to a SFWMD Administrative Complaint and Order, pursuant to Section 373.119, Fla. Stat. (1997), the person named in the Administrative Complaint and Order may file a petition for a hearing no later than 14 days after the date such order is served. Petitions must substantially comply with the requirements of either subsection a. or b. above.

d. State Lands Environmental Resource Permit: Pursuant to Section 373.427, Fla. Stat., and Rule 40E-1.511(3), Fla. Admin. Code (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109(2)(c)), a petition objecting to the SFWMD's agency action regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands (SLERPs), must be filed within 14 days of the notice of consolidated intent to grant or deny the SLERP. Petitions must substantially comply with the requirements of either subsection a. or b. above.

e. Emergency Authorization and Order: A person whose substantial interests are affected by a SFWMD Emergency Authorization and Order, has a right to file a petition under Sections 120.569, 120.57(1), and 120.57(2), Fla. Stat., as provided in subsections a. and b. above. However, the person, or the agent of the person responsible for causing or contributing to the emergency conditions shall take whatever action necessary to cause immediate compliance with the terms of the Emergency Authorization and Order.

f. Order for Emergency Action: A person whose substantial interests are affected by a SFWMD Order for Emergency Action has a right to file a petition pursuant to Rules 28-107.005 and 40E-1.611, Fla. Admin. Code, copies of which are attached to this Notice of Rights, and Section 373.119(3), Fla. Stat., for a hearing on the Order. Any subsequent agency action or proposed agency action to initiate a formal revocation proceeding shall be separately noticed pursuant to section g. below.

g. Permit Suspension, Revocation, Annulment, and Withdrawal: If the SFWMD issues an administrative complaint to suspend, revoke, annul, or withdraw a permit, the permittee may request a hearing to be conducted in accordance with Sections 120.569 and 120.57, Fla. Stat., within 21 days of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-107.004(3), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

2. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the SFWMD's final action may be different from the position taken by it previously. Persons whose substantial interests may be affected by

any such final decision of the SFWMD shall have, pursuant to Rule 40E-1.511(2), Fla. Admin. Code (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109(2)(c)), an additional 21 days from the date of receipt of notice of said decision to request an administrative hearing. However, the scope of the administrative hearing shall be limited to the substantial deviation.

3. Pursuant to Rule 40E-1.511(4), Fla. Admin. Code, substantially affected persons entitled to a hearing pursuant to Section 120.57(1), Fla. Stat., may waive their right to such a hearing and request an informal hearing before the Governing Board pursuant to Section 120.57(2), Fla. Stat., which may be granted at the option of the Governing Board.

4. Pursuant to Rule 28-106.111(3), Fla. Admin. Code, persons may file with the SFWMD a request for extension of time for filing a petition. The SFWMD, for good cause shown, may grant the extension. The request for extension must contain a certificate that the petitioner has consulted with all other parties, if any, concerning the extension and that the SFWMD and all other parties agree to the extension.

#### CIRCUIT COURT

5. Pursuant to Section 373.617, Fla. Stat., any substantially affected person who claims that final agency action of the SFWMD relating to permit decisions constitutes an unconstitutional taking of property without just compensation may seek judicial review of the action in circuit court by filing a civil action in the circuit court in the judicial circuit in which the affected property is located within 90 days of the rendering of the SFWMD's final agency action.

6. Pursuant to Section 403.412, Fla. Stat., any citizen of Florida may bring an action for injunctive relief against the SFWMD to compel the SFWMD to enforce the laws of Chapter 373, Fla. Stat., and Title 40E, Fla. Admin. Code. The complaining party must file with the SFWMD Clerk a verified complaint setting forth the facts upon which the complaint is based and the manner in which the complaining party is affected. If the SFWMD does not take appropriate action on the complaint within 30 days of receipt, the complaining party may then file a civil suit for injunctive relief in the 15<sup>th</sup> Judicial Circuit in and for Palm Beach County or circuit court in the county where the cause of action allegedly occurred.

7. Pursuant to Section 373.433, Fla. Stat., a private citizen of Florida may file suit in circuit court to require the abatement of any stormwater management system, dam, impoundment, reservoir, appurtenant work or works that violate the provisions of Chapter 373, Fla. Stat.

#### DISTRICT COURT OF APPEAL

8. Pursuant to Section 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

#### LAND AND WATER ADJUDICATORY COMMISSION

9. A party to a "proceeding below" may seek review by the Land and Water Adjudicatory Commission (LAWAC) of SFWMD's final agency action to determine if such action is consistent with the provisions and purposes of Chapter 373, Fla. Stat. Pursuant to Section 373.114, Fla. Stat., and Rules 42-2.013 and 42-2.0132, Fla. Admin. Code, a request for review of (a) an order or rule of the SFWMD must be filed with LAWAC within 20 days after rendition of the order or adoption of the rule sought to be reviewed; (b) an order of the Department of Environmental Protection (DEP) requiring amendment or repeal of a SFWMD rule must be filed with LAWAC within 30 days of rendition of the DEP's order, and (c) a SFWMD order entered pursuant to a formal administrative hearing under Section 120.57(1), Fla. Stat., must be filed no later than 20 days after rendition of the SFWMD's final order. Simultaneous with filing, a copy of the request for review must be served on the DEP Secretary, any person named in the SFWMD or DEP final order, and all parties to the proceeding below. A copy of Rule 42-2.013, Fla. Admin. Code is attached to this Notice of Rights.

#### PRIVATE PROPERTY RIGHTS PROTECTION ACT

10. A property owner who alleges a specific action of the SFWMD has inordinately burdened an existing use of the real property, or a vested right to a specific use of the real property, may file a claim in the circuit court where the real property is located within 1 year of the SFWMD action pursuant to the procedures set forth in Subsection 70.001(4)(a), Fla. Stat.

#### LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION

11. A property owner who alleges that a SFWMD development order (as that term is defined in Section 70.51(2)(a), Fla. Stat. to include permits) or SFWMD enforcement action is unreasonable, or unfairly burdens the use of the real property, may file a request for relief with the SFWMD within 30 days of receipt of the SFWMD's order or notice of agency action pursuant to the procedures set forth in Subsections 70.51(4) and (6), Fla. Stat.

#### MEDIATION

12. A person whose substantial interests are, or may be, affected by the SFWMD's action may choose mediation as an alternative remedy under Section 120.573, Fla. Stat. Pursuant to Rule 28-106.111(2), Fla. Admin. Code, the petition for mediation shall be filed within 21 days of either written notice through mail or posting or

publication of notice that the SFWMD has or intends to take final agency action. Choosing mediation will not adversely affect the right to an administrative hearing if mediation does not result in settlement.

Pursuant to Rule 28-106.402, Fla. Admin. Code, the contents of the petition for mediation shall contain the following information:

- (1) the name, address, and telephone number of the person requesting mediation and that person's representative, if any;
- (2) a statement of the preliminary agency action;
- (3) an explanation of how the person's substantial interests will be affected by the agency determination; and
- (4) a statement of relief sought.

As provided in Section 120.573, Fla. Stat. (1997), the timely agreement of all the parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, Fla. Stat., for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within 60 days of the execution of the agreement. If mediation results in settlement of the dispute, the SFWMD must enter a final order incorporating the agreement of the parties. Persons whose substantial interest will be affected by such a modified agency decision have a right to petition for hearing within 21 days of receipt of the final order in accordance with the requirements of Sections 120.569 and 120.57, Fla. Stat., and SFWMD Rule 28-106.201(2), Fla. Admin. Code. If mediation terminates without settlement of the dispute, the SFWMD shall notify all parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Fla. Stat., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action.

#### VARIANCES AND WAIVERS

13. A person who is subject to regulation pursuant to a SFWMD rule and believes the application of that rule will create a substantial hardship or will violate principles of fairness (as those terms are defined in Subsection 120.542(2), Fla. Stat.) and can demonstrate that the purpose of the underlying statute will be or has been achieved by other means, may file a petition with the SFWMD Clerk requesting a variance from or waiver of the SFWMD rule. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have concerning the SFWMD's action. Pursuant to Rule 28-104.002(2), Fla. Admin. Code, the petition must include the following information:

- (a) the caption shall read:  
Petition for (Variance from) or (Waiver of) Rule (Citation)
- (b) The name, address, telephone number and any facsimile number of the petitioner;

- (c) The name, address telephone number and any facsimile number of the attorney or qualified representative of the petitioner, (if any);
- (d) the applicable rule or portion of the rule;
- (e) the citation to the statute the rule is implementing;
- (f) the type of action requested;
- (g) the specific facts that demonstrate a substantial hardship or violation of principals of fairness that would justify a waiver or variance for the petitioner;
- (h) the reason why the variance or the waiver requested would serve the purposes of the underlying statute; and
- (i) a statement of whether the variance or waiver is permanent or temporary. If the variance or waiver is temporary, the petition shall include the dates indicating the duration of the requested variance or waiver.

A person requesting an emergency variance from or waiver of a SFWMD rule must clearly so state in the caption of the petition. In addition to the requirements of Section 120.542(5), Fla. Stat. pursuant to Rule 28-104.004(2), Fla. Admin. Code, the petition must also include:

- a) the specific facts that make the situation an emergency; and
- b) the specific facts to show that the petitioner will suffer immediate adverse effect unless the variance or waiver is issued by the SFWMD more expeditiously than the applicable timeframes set forth in Section 120.542, Fla. Stat.

#### WAIVER OF RIGHTS

14. Failure to observe the relevant timeframes prescribed above will constitute a waiver of such right.

#### 28-106.201 INITIATION OF PROCEEDINGS (INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

- (2) All petitions filed under these rules shall contain:
  - (a) The name and address of each agency affected and each agency's file or identification number, if known;
  - (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding, and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
  - (c) A statement of when and how the petitioner received notice of the agency decision;
  - (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
  - (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
  - (f) A demand for relief.

**28-106.301 INITIATION OF PROCEEDINGS**  
(NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

- (2) All petitions filed under these rules shall contain:
- (a) The name and address of each agency affected and each agency's file or identification number, if known;
  - (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding, and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
  - (c) A statement of when and how the petitioner received notice of the agency decision;
  - (d) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
  - (e) A demand for relief.

**28-107.004 SUSPENSION, REVOCATION, ANNULMENT, OR WITHDRAWAL**

- (3) Requests for hearing filed in accordance with this rule shall include:
- (a) The name and address of the party making the request, for purposes of service;
  - (b) A statement that the party is requesting a hearing involving disputed issues of material fact, or a hearing not involving disputed issues of material fact; and
  - (c) A reference to the notice, order to show cause, administrative complaint, or other communication that the party has received from the agency.

**42-2.013 REQUEST FOR REVIEW PURSUANT TO SECTION 373.114 OR 373.217**

(1) In any proceeding arising under Chapter 373, F.S., review by the Florida Land and Water Adjudicatory Commission may be initiated by the Department or a party by filing a request for such review with the Secretary of the Commission and serving a copy on any person named in the rule or order, and on all parties to the proceeding which resulted in the order sought to be reviewed. A certificate of service showing completion of service as required by this subsection shall be a requirement for a determination of sufficiency under Rule 42-2.0132. Failure to file the request with the Commission within the time period provided in Rule 42-2.0132 shall result in dismissal of the request for review.

(2) The request for review shall identify the rule or order requested to be reviewed, the proceeding in which the rule or order was entered and the nature of the rule or order. A copy of the rule or order sought to be reviewed shall be attached. The request for review shall state with particularity:

- (a) How the order or rule conflicts with the requirements, provisions and purposes of Chapter 373, F.S., or rules duly adopted thereunder;

(b) How the rule or order sought to be reviewed affects the interests of the party seeking review;

(c) The oral or written statement, sworn or unsworn, which was submitted to the agency concerning the matter to be reviewed and the date and location of the statement, if the individual or entity requesting the review has not participated in a proceeding previously instituted pursuant to Chapter 120, F.S., on the order for which review is sought;

(d) If review of an order is being sought, whether and how the activity authorized by the order would substantially affect natural resources of statewide or regional significance, or whether the order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from a standpoint of agency precedent, and all the factual bases in the record which the petitioner claims support such determination(s); and

(e) The action requested to be taken by the Commission as a result of the review, whether to rescind or modify the order, or remand the proceeding to the water management district for further action, or to require the water management district to initiate rulemaking to adopt, amend or repeal a rule.

**28-107.005 EMERGENCY ACTION**

- (1) If the agency finds that immediate serious danger to the public health, safety, or welfare requires emergency action, the agency shall summarily suspend, limit, or restrict a license.
- (2) the 14-day notice requirement of Section 120.569(2)(b), F. S., does not apply and shall not be construed to prevent a hearing at the earliest time practicable upon request of an aggrieved party.

(3) Unless otherwise provided by law, within 20 days after emergency action taken pursuant to paragraph (1) of this rule, the agency shall initiate a formal suspension or revocation proceeding in compliance with Sections 120.569, 120.57, and 120.60, F.S.

**40E-1.611 EMERGENCY ACTION**

- (1) An emergency exists when immediate action is necessary to protect public health, safety or welfare; the health of animals, fish or aquatic life; the works of the District; a public water supply, or recreational, commercial, industrial, agricultural or other reasonable uses of land and water resources.
- (2) The Executive Director may employ the resources of the District to take whatever remedial action necessary to alleviate the emergency condition without the issuance of an emergency order, or in the event an emergency order has been issued, after the expiration of the requisite time for compliance with that order.

DRAFT  
Subject to Governing  
Board Approval

LAST DATE FOR GOVERNING BOARD ACTION:  
DECEMBER 10, 1998

ENVIRONMENTAL RESOURCE PERMIT STAFF REVIEW SUMMARY

I. ADMINISTRATIVE

APPLICATION NUMBER: 980311-11

PROJECT NAME: THE HERITAGE COVE

LOCATION: LEE COUNTY, S28/T45S/R24E

APPLICANT'S NAME: US HOME CORPORATION

OWNER'S NAME AND ADDRESS: US HOME CORPORATION  
E. BRUCE LAWSON, SR. VICE PRES.  
10491 SIX MILE CYPRESS PKWY  
FORT MYERS, FL 33912

ENGINEER: INK ENGINEERING, INC.

II. PROJECT DESCRIPTION

PROJECT AREA: 148.13 acres DRAINAGE AREA: 133.30 acres

DISTRICT DRAINAGE BASIN: CALOOSAHATCHEE RIVER

RECEIVING BODY: CALOOSAHATCHEE RIVER VIA IDD CANALS

CLASSIFICATION: CLASS III

PURPOSE:

This application request an Environmental Resource Permit authorizing Construction and Operation of a surface water management system to serve 133.3 acres of a 148.13 acre parcel. The residential development discharges to the Caloosahatchee River via IDD Canals F and C-1.

BACKGROUND:

**EXISTING FACILITIES:**

The site lies on the east side of A & W Bulb Road, about 100 ft. south of McGregor Blvd. A location map is attached as Exhibit 1. The existing IDD Canal F crosses the northwest corner of the property and IDD Canal C-1 extends along the entire southern border. The site contains fallow farm fields with row ditches connected to collector ditches. The collector ditches discharge directly, with no treatment or storage, into the IDD Canals and then to the Caloosahatchee River. Allowable discharge rates for this basin are limited to 50 CSM.

**PROPOSED FACILITIES:**

The project consists of 103 single family lots, 51 multi-family buildings with associated parking, internal road system, clubhouse with associated parking, recreation areas of a pool, tennis courts and shuffleboard courts and five interconnected lakes. The improvements also include a sales facility with parking which may be replaced with the tennis courts in the future. The lakes provide the required water quality and attenuation for the 25 year, 3 day storm event. The lake system discharges through two control structures into the canals at a rate of 10.02 cfs or less than the allowable 50 CSM.

The plans show the relocation of IDD Canal F to the project's northern boundary. The applicant provided documentation from Lee County, the entity responsible for the canal, indicating no objection to the relocation however the vacation and rededication of easements is required. No work in this area will take place until this occurs.

As part of the widening of McGregor Blvd., FDOT proposed the redesign of the three road intersection of McGregor Blvd., A&W Bulb Road, and Collier Drive, the access to the Riverview Park. FDOT intended to construct the access through a parcel of land on the east side of A&W Bulb Road, approximately 400 ft. south of the intersection. With the development of Heritage Cove, the applicant coordinated with FDOT to provide the access to Riverview Park through the project entrance road and then through a connector road extending north from the entrance road. FDOT and the applicant agreed to exchange properties to facilitate the new access and allow the applicant the use of the parcel previously acquired by FDOT. The plans show that the proposed improvements on the parcel will not be constructed until the transfer of property occurs.

**BASIN INFORMATION:**

<u>Basin</u>	<u>Area Acres</u>	<u>WSWT Elev (ft, NGVD)</u>	<u>Normal/Dry Ctrl Elev (ft, NGVD)</u>	<u>Method of Determination</u>
BASIN 1	133.30	3.50	3.5/3.5	SURROUNDING PROJECTS



**DISCHARGE STRUCTURE INFORMATION:**

Water Quality Structures:

Basin	Str. #	Bleeder Type	Dimensions	Invert Elev. (ft, NGVD)
BASIN 1	1	CIRCULAR ORIFICE	1.17' dia.	3.50
BASIN 1	2	CIRCULAR ORIFICE	1.17' dia.	3.50

Discharge Culverts:

Basin	Str. #	Description
BASIN 1	1	370' long, 2' wide X 3.17' high RCP
BASIN 1	2	80' long, 3' dia. RCP

Receiving Body:

Basin	Str. #	Receiving Body
BASIN 1	1	CALOOSAHATCHEE RIVER VIA IDD CANAL F
BASIN 1	2	CALOOSAHATCHEE RIVER VIA IDD CANAL C-1

**III. PROJECT EVALUATION**

**Discharge Rate:**

As shown in the table below, the proposed project discharge is within the allowable limit of 50 CSM for the area.

Discharge Storm Frequency: 25 YR, 3 DAY Design Rainfall: 10.20

Basin	Allow Disch (cfs)	Method of Determination	Design Disch (cfs)	Design Stage (ft, NGVD)
BASIN 1	10.4	DISCHARGE FORMULA	10.02	5.04

**WATER QUALITY:**

The wet detention ponds provide the required water quality treatment for the proposed improvements.

Basin	Treatment Method	Vol Req'd. (ac-ft)	Vol Prov'd (ac-ft)
BASIN 1	43.46 acres WET DETENTION	11.11	11.11

**ROAD DESIGN:**

As shown in the following table, minimum road center lines have been set at or above the calculated design storm flood elevation.

Design Storm Freq: 10 YR, 1 DAY      Design Rainfall: 6.50 inches

Basin	Flood Elevation (ft., NGVD)	Minimum Centerline Elevation (ft., NGVD)
BASIN 1	4.06	6

**FINISHED FLOORS:**

As shown in the following table, minimum finished floor elevations have been set at or above the calculated design storm flood elevation.

Design Storm Frequency: 100 YR, 3 DAY      Design Rainfall: 12.90 inches

Basin	Flood Elevation (ft., NGVD)	FEMA Elevation (ft., NGVD)	Minimum Design Elev (ft., NGVD)
BASIN 1	6.04	8	8

IV. ENVIRONMENTAL ASSESSMENT

**PROJECT SITE DESCRIPTION:**

The project site is a 148.13 acre upland parcel which is dominated by an agriculture field. The site also includes an extensive amount of Brazilian pepper dominated areas including the areas immediately adjacent to the Iona Drainage District (IDD) ditch. This area is mapped as a hydric soil however the area no longer exhibits the vegetation or hydrology of a wetland. The only undisturbed area on the site is a 9.9 acre pine flatwood located along the eastern property limits.

EXISTING ON SITE WETLAND COMMUNITIES AND OTHER SURFACE WATERS:

ID NO	TOTAL ACREAGE	BIOLOGICAL CONDITION	COMMUNITY TYPE	COMMUNITY ACREAGE
ditch	1.00	N/A	STREAMS AND WATERWAYS	1.00

TOTAL ON SITE WETLAND/SURFACE WATER ACREAGE: 1.00

EXISTING ON SITE UPLAND COMMUNITIES:

ID NO	TOTAL ACREAGE	BIOLOGICAL CONDITION	COMMUNITY TYPE	COMMUNITY ACREAGE
01	147.13	FAIR	PINE FLATWOODS BRAZILIAN PEPPER AUSTRALIAN PINE FALLOW CROP LAND	147.13

TOTAL ON SITE UPLAND ACREAGE: 147.13

ENDANGERED, THREATENED & SPECIES OF SPECIAL CONCERN SUMMARY:

The project site does not contain preferred habitat for wetland-dependent endangered/threatened species or species of special concern. No wetland-dependent endangered/threatened species or species of special concern were observed on site, and submitted information indicates that potential use of the site by such species is minimal. This permit does not relieve the applicant from complying with all applicable rules and any other agencies' requirements if in the future, endangered/threatened species or species of special concern are discovered on the site.

WETLAND INVENTORY:

PHASE-HERITAGE COVE		ONSITE				
Pre-Development	TOTAL EXISTING	Post-Development				
		PRESERVED	UNDISTURBED	IMPACTED	ENHANCED	RESTORED/ CREATED
OSW	1	0	0	1	0	0
TOTALS	1	0	0	1	0	0

---

UPLAND COMP: PRESERVED: N/A ENHANCED: N/A

**ENVIRONMENTAL SUMMARY:**

The proposed activities have been evaluated for potential secondary and cumulative impacts and to determine if the project is contrary to the public interest. Based upon the proposed project design, the District has determined that the project will not cause adverse secondary or cumulative impacts to the water resources and is not contrary to the public interest.

**SYSTEM OPERATION:**

Heritage Cove Community Association Inc

**PROPOSED LAND USE(S):**

Residential

**WATER USE PERMIT STATUS:**

Water Use application No. 980813-6 is currently under review for this project.

**DRI STATUS:**

This project is not a DRI.

**SAVE OUR RIVERS:**

The project is not within or adjacent to lands under consideration by the Save Our Rivers program.

**SWIM BASIN:**

The project is not within nor does it discharge directly to a designated SWIM basin.

**RIGHT-OF-WAY PERMIT STATUS:**

A Right-of-Way Permit is not required for this project.

**ENFORCEMENT ACTIVITY:**

There has been no enforcement activity associated with this application.

**THIRD PARTY INTEREST:**

No third party has contacted the District with concerns about this application.

**WELL FIELD ZONE OF INFLUENCE:**

The project is not located within the zone of influence of a wellfield.

V. APPLICABLE LAND AREA

The acreage listed as "other" is area outside the surface water management system and includes the relocation of IDD Canal F and some area set aside as preserve as required by local governmental requirements.

PROJECT

	TOTAL PROJECT	PREVIOUSLY PERMITTED	THIS PHASE	
TOTAL ACRES	148.13		148.13	acres
WTRM ACREAGE	43.46		43.46	acres
PAVEMENT	17.01		17.01	acres
BUILD COVERAGE	22.59		22.59	acres
PERVIOUS	50.24		50.24	acres
OTHER	14.83		14.83	acres

DRAFT  
Subject to Governing  
Sow...

VI. STAFF RECOMMENDATION

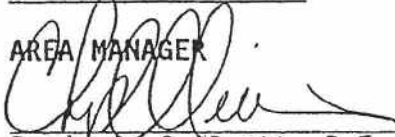
The Staff recommends that the following be issued:

An Environmental Resource Permit authorizing Construction and Operation of a surface water management system to serve 133.3 acres of a 148.13 acre parcel. The residential development discharges to the Caloosahatchee River via IDD Canals F and C-1.

Based on the information provided, District rules have been adhered to.

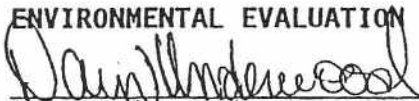
Staff recommendation is for approval subject to the attached General and Special Conditions.

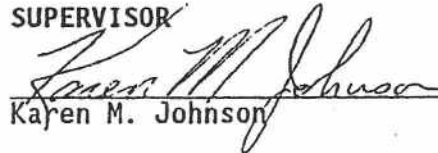
VII. STAFF REVIEW

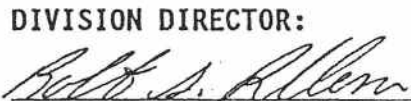
AREA MANAGER  
  
Benjamin C. Pratt, P.E.

DATE: 11-10-98

NATURAL RESOURCE MANAGEMENT DIVISION APPROVAL

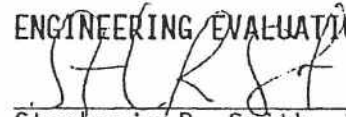
ENVIRONMENTAL EVALUATION  
  
Dawn Underwood

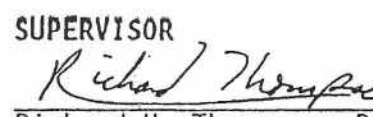
SUPERVISOR  
  
Karen M. Johnson

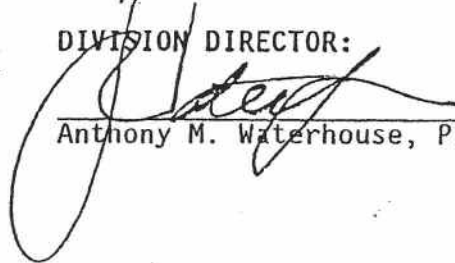
DIVISION DIRECTOR:  
  
Robert G. Robbins

DATE: 11-22-98

SURFACE WATER MANAGEMENT DIVISION APPROVAL

ENGINEERING EVALUATION  
  
Stephanie R. Smith, P.E.

SUPERVISOR  
  
Richard H. Thompson, P.E.

DIVISION DIRECTOR:  
  
Anthony M. Waterhouse, P.E.

DATE: 11/15/98

## GENERAL CONDITIONS

1. ALL ACTIVITIES AUTHORIZED BY THIS PERMIT SHALL BE IMPLEMENTED AS SET FORTH IN THE PLANS, SPECIFICATIONS AND PERFORMANCE CRITERIA AS APPROVED BY THIS PERMIT. ANY DEVIATION FROM THE PERMITTED ACTIVITY AND THE CONDITIONS FOR UNDERTAKING THAT ACTIVITY SHALL CONSTITUTE A VIOLATION OF THIS PERMIT AND PART IV, CHAPTER 373, F.S.
2. THIS PERMIT OR A COPY THEREOF, COMPLETE WITH ALL CONDITIONS, ATTACHMENTS, EXHIBITS, AND MODIFICATIONS SHALL BE KEPT AT THE WORK SITE OF THE PERMITTED ACTIVITY. THE COMPLETE PERMIT SHALL BE AVAILABLE FOR REVIEW AT THE WORK SITE UPON REQUEST BY THE DISTRICT STAFF. THE PERMITTEE SHALL REQUIRE THE CONTRACTOR TO REVIEW THE COMPLETE PERMIT PRIOR TO COMMENCEMENT OF THE ACTIVITY AUTHORIZED BY THIS PERMIT.
3. ACTIVITIES APPROVED BY THIS PERMIT SHALL BE CONDUCTED IN A MANNER WHICH DOES NOT CAUSE VIOLATIONS OF STATE WATER QUALITY STANDARDS. THE PERMITTEE SHALL IMPLEMENT BEST MANAGEMENT PRACTICES FOR EROSION AND POLLUTION CONTROL TO PREVENT VIOLATION OF STATE WATER QUALITY STANDARDS. TEMPORARY EROSION CONTROL SHALL BE IMPLEMENTED PRIOR TO AND DURING CONSTRUCTION, AND PERMANENT CONTROL MEASURES SHALL BE COMPLETED WITHIN 7 DAYS OF ANY CONSTRUCTION ACTIVITY. TURBIDITY BARRIERS SHALL BE INSTALLED AND MAINTAINED AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO THE RECEIVING WATERBODY EXISTS DUE TO THE PERMITTED WORK. TURBIDITY BARRIERS SHALL REMAIN IN PLACE AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND SOILS ARE STABILIZED AND VEGETATION HAS BEEN ESTABLISHED. ALL PRACTICES SHALL BE IN ACCORDANCE WITH THE GUIDELINES AND SPECIFICATIONS DESCRIBED IN CHAPTER 6 OF THE FLORIDA LAND DEVELOPMENT MANUAL; A GUIDE TO SOUND LAND AND WATER MANAGEMENT (DEPARTMENT OF ENVIRONMENTAL REGULATION, 1988), INCORPORATED BY REFERENCE IN RULE 40E-4.091, F.A.C. UNLESS A PROJECT-SPECIFIC EROSION AND SEDIMENT CONTROL PLAN IS APPROVED AS PART OF THE PERMIT. THEREAFTER THE PERMITTEE SHALL BE RESPONSIBLE FOR THE REMOVAL OF THE BARRIERS. THE PERMITTEE SHALL CORRECT ANY EROSION OR SHOALING THAT CAUSES ADVERSE IMPACTS TO THE WATER RESOURCES.
4. THE PERMITTEE SHALL NOTIFY THE DISTRICT OF THE ANTICIPATED CONSTRUCTION START DATE WITHIN 30 DAYS OF THE DATE THAT THIS PERMIT IS ISSUED. AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ACTIVITY AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL SUBMIT TO THE DISTRICT AN ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMMENCEMENT NOTICE FORM NO. 0960 INDICATING THE ACTUAL START DATE AND THE EXPECTED COMPLETION DATE.
5. WHEN THE DURATION OF CONSTRUCTION WILL EXCEED ONE YEAR, THE PERMITTEE SHALL SUBMIT CONSTRUCTION STATUS REPORTS TO THE DISTRICT ON AN ANNUAL BASIS UTILIZING AN ANNUAL STATUS REPORT FORM. STATUS REPORT FORMS SHALL BE SUBMITTED THE FOLLOWING JUNE OF EACH YEAR.
6. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE PERMITTED ACTIVITY, THE PERMITTEE SHALL SUBMIT A WRITTEN STATEMENT OF COMPLETION AND CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER OR OTHER APPROPRIATE INDIVIDUAL AS AUTHORIZED BY LAW, UTILIZING THE SUPPLIED ENVIRONMENTAL



RESOURCE PERMIT CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION FORM NO.0881. THE STATEMENT OF COMPLETION AND CERTIFICATION SHALL BE BASED ON ONSITE OBSERVATION OF CONSTRUCTION OR REVIEW OF ASBUILT DRAWINGS FOR THE PURPOSE OF DETERMINING IF THE WORK WAS COMPLETED IN COMPLIANCE WITH PERMITTED PLANS AND SPECIFICATIONS. THIS SUBMITTAL SHALL SERVE TO NOTIFY THE DISTRICT THAT THE SYSTEM IS READY FOR INSPECTION. ADDITIONALLY, IF DEVIATION FROM THE APPROVED DRAWINGS ARE DISCOVERED DURING THE CERTIFICATION PROCESS, THE CERTIFICATION MUST BE ACCOMPANIED BY A COPY OF THE APPROVED PERMIT DRAWINGS WITH DEVIATIONS NOTED. BOTH THE ORIGINAL AND REVISED SPECIFICATIONS MUST BE CLEARLY SHOWN. THE PLANS MUST BE CLEARLY LABELED AS "ASBUILT" OR "RECORD" DRAWING. ALL SURVEYED DIMENSIONS AND ELEVATIONS SHALL BE CERTIFIED BY A REGISTERED SURVEYOR.

7. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE: UNTIL THE PERMITTEE HAS COMPLIED WITH THE REQUIREMENTS OF CONDITION (6) ABOVE, HAS SUBMITTED A REQUEST FOR CONVERSION OF ENVIRONMENTAL RESOURCE PERMIT FROM CONSTRUCTION PHASE TO OPERATION PHASE, FORM NO.0920; THE DISTRICT DETERMINES THE SYSTEM TO BE IN COMPLIANCE WITH THE PERMITTED PLANS AND SPECIFICATIONS; AND THE ENTITY APPROVED BY THE DISTRICT IN ACCORDANCE WITH SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, ACCEPTS RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE SYSTEM. THE PERMIT SHALL NOT BE TRANSFERRED TO SUCH APPROVED OPERATION AND MAINTENANCE ENTITY UNTIL THE OPERATION PHASE OF THE PERMIT BECOMES EFFECTIVE. FOLLOWING INSPECTION AND APPROVAL OF THE PERMITTED SYSTEM BY THE DISTRICT, THE PERMITTEE SHALL INITIATE TRANSFER OF THE PERMIT TO THE APPROVED RESPONSIBLE OPERATING ENTITY IF DIFFERENT FROM THE PERMITTEE. UNTIL THE PERMIT IS TRANSFERRED PURSUANT TO SECTION 40E-1.6107, F.A.C., THE PERMITTEE SHALL BE LIABLE FOR COMPLIANCE WITH THE TERMS OF THE PERMIT.
8. EACH PHASE OR INDEPENDENT PORTION OF THE PERMITTED SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO THE INITIATION OF THE PERMITTED USE OF SITE INFRASTRUCTURE LOCATED WITHIN THE AREA SERVED BY THAT PORTION OR PHASE OF THE SYSTEM. EACH PHASE OR INDEPENDENT PORTION OF THE SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO TRANSFER OF RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE PHASE OR PORTION OF THE SYSTEM TO A LOCAL GOVERNMENT OR OTHER RESPONSIBLE ENTITY.
9. FOR THOSE SYSTEMS THAT WILL BE OPERATED OR MAINTAINED BY AN ENTITY THAT WILL REQUIRE AN EASEMENT OR DEED RESTRICTION IN ORDER TO ENABLE THAT ENTITY TO OPERATE OR MAINTAIN THE SYSTEM IN CONFORMANCE WITH THIS PERMIT, SUCH EASEMENT OR DEED RESTRICTION MUST BE RECORDED IN THE PUBLIC RECORDS AND SUBMITTED TO THE DISTRICT ALONG WITH ANY OTHER FINAL OPERATION AND MAINTENANCE DOCUMENTS REQUIRED BY SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, PRIOR TO LOT OR UNIT SALES OR PRIOR TO THE COMPLETION OF THE SYSTEM, WHICHEVER OCCURS FIRST. OTHER DOCUMENTS CONCERNING THE ESTABLISHMENT AND AUTHORITY OF THE OPERATING ENTITY MUST BE FILED WITH THE SECRETARY OF STATE WHERE APPROPRIATE. FOR THOSE SYSTEMS WHICH ARE PROPOSED TO BE MAINTAINED BY THE

COUNTY OR MUNICIPAL ENTITIES, FINAL OPERATION AND MAINTENANCE DOCUMENTS MUST BE RECEIVED BY THE DISTRICT WHEN MAINTENANCE AND OPERATION OF THE SYSTEM IS ACCEPTED BY THE LOCAL GOVERNMENT ENTITY. FAILURE TO SUBMIT THE APPROPRIATE FINAL DOCUMENTS WILL RESULT IN THE PERMITTEE REMAINING LIABLE FOR CARRYING OUT MAINTENANCE AND OPERATION OF THE PERMITTED SYSTEM AND ANY OTHER PERMIT CONDITIONS.

10. SHOULD ANY OTHER REGULATORY AGENCY REQUIRE CHANGES TO THE PERMITTED SYSTEM, THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING OF THE CHANGES PRIOR TO IMPLEMENTATION SO THAT A DETERMINATION CAN BE MADE WHETHER A PERMIT MODIFICATION IS REQUIRED.
11. THIS PERMIT DOES NOT ELIMINATE THE NECESSITY TO OBTAIN ANY REQUIRED FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY ACTIVITY APPROVED BY THIS PERMIT. THIS PERMIT DOES NOT CONVEY TO THE PERMITTEE OR CREATE IN THE PERMITTEE ANY PROPERTY RIGHT, OR ANY INTEREST IN REAL PROPERTY, NOR DOES IT AUTHORIZE ANY ENTRANCE UPON OR ACTIVITIES ON PROPERTY WHICH IS NOT OWNED OR CONTROLLED BY THE PERMITTEE, OR CONVEY ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4 OR CHAPTER 40E-40, F.A.C.
12. THE PERMITTEE IS HEREBY ADVISED THAT SECTION 253.77, F.S. STATES THAT A PERSON MAY NOT COMMENCE ANY EXCAVATION, CONSTRUCTION, OR OTHER ACTIVITY INVOLVING THE USE OF SOVEREIGN OR OTHER LANDS OF THE STATE, THE TITLE TO WHICH IS VESTED IN THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND WITHOUT OBTAINING THE REQUIRED LEASE, LICENSE, EASEMENT, OR OTHER FORM OF CONSENT AUTHORIZING THE PROPOSED USE. THEREFORE, THE PERMITTEE IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AUTHORIZATIONS FROM THE BOARD OF TRUSTEES PRIOR TO COMMENCING ACTIVITY ON SOVEREIGNTY LANDS OR OTHER STATE-OWNED LANDS.
13. THE PERMITTEE MUST OBTAIN A WATER USE PERMIT PRIOR TO CONSTRUCTION DEWATERING, UNLESS THE WORK QUALIFIES FOR A GENERAL PERMIT PURSUANT TO SUBSECTION 40E-20.302(4), F.A.C., ALSO KNOWN AS THE "NO NOTICE" RULE.
14. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, ALTERATION, OPERATION, MAINTENANCE, REMOVAL, ABANDONMENT OR USE OF ANY SYSTEM AUTHORIZED BY THE PERMIT.
15. ANY DELINEATION OF THE EXTENT OF A WETLAND OR OTHER SURFACE WATER SUBMITTED AS PART OF THE PERMIT APPLICATION, INCLUDING PLANS OR OTHER SUPPORTING DOCUMENTATION, SHALL NOT BE CONSIDERED BINDING UNLESS A SPECIFIC CONDITION OF THIS PERMIT OR A FORMAL DETERMINATION UNDER SECTION 373.421(2), F.S., PROVIDES OTHERWISE.
16. THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING WITHIN 30 DAYS OF ANY SALE, CONVEYANCE, OR OTHER TRANSFER OF OWNERSHIP OR CONTROL OF A PERMITTED SYSTEM OR THE REAL PROPERTY ON WHICH THE PERMITTED SYSTEM IS LOCATED. ALL TRANSFERS OF OWNERSHIP OR TRANSFERS OF A PERMIT ARE SUBJECT TO THE REQUIREMENTS OF RULES 40E-1.6105 AND 40E-1.6107, F.A.C. THE PERMITTEE

TRANSFERRING THE PERMIT SHALL REMAIN LIABLE FOR CORRECTIVE ACTIONS THAT MAY BE REQUIRED AS A RESULT OF ANY VIOLATIONS PRIOR TO THE SALE, CONVEYANCE OR OTHER TRANSFER OF THE SYSTEM.

17. UPON REASONABLE NOTICE TO THE PERMITTEE, DISTRICT AUTHORIZED STAFF WITH PROPER IDENTIFICATION SHALL HAVE PERMISSION TO ENTER, INSPECT, SAMPLE AND TEST THE SYSTEM TO INSURE CONFORMITY WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE PERMIT.
18. IF HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS ARE DISCOVERED AT ANY TIME ON THE PROJECT SITE, THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE APPROPRIATE DISTRICT SERVICE CENTER.
19. THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE DISTRICT IN WRITING OF ANY PREVIOUSLY SUBMITTED INFORMATION THAT IS LATER DISCOVERED TO BE INACCURATE.

## SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION: 8 FEET NGVD.
2. MINIMUM ROAD CROWN ELEVATION: 6 FEET NGVD.
3. DISCHARGE FACILITIES:

## STRUCTURE NO. 1:

1-1.17' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 3.5' NGVD.  
370 LF OF 2' WIDE X 3.17' HIGH RCP CULVERT.

RECEIVING BODY : CALOOSAHATCHEE RIVER VIA IDD CANAL F

CONTROL ELEV : 3.5 FEET NGVD. /3.5 FEET NGVD DRY SEASON.

## STRUCTURE NO..2:

1-1.17' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 3.5' NGVD.  
80 LF OF 3' DIA. RCP CULVERT.

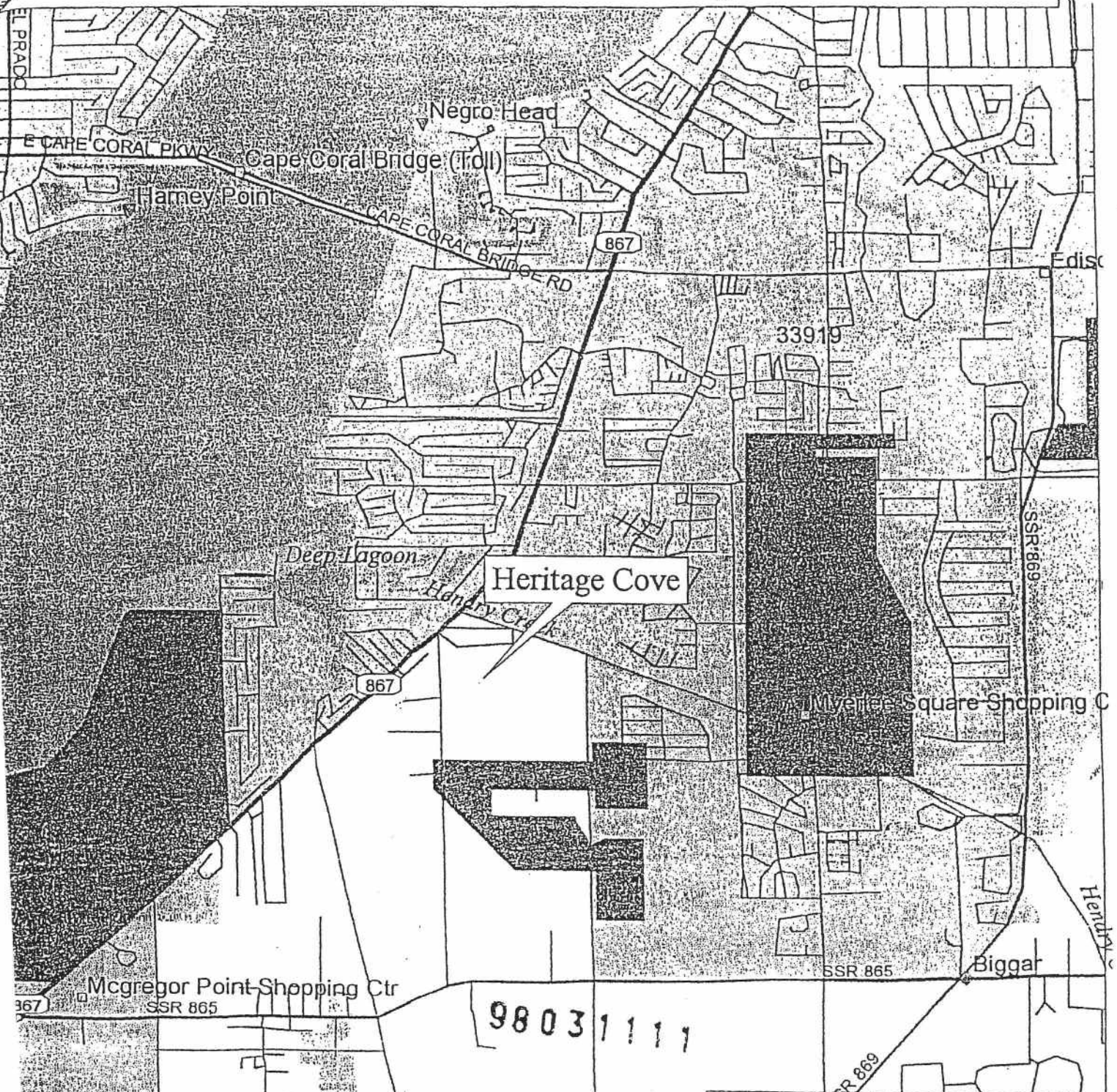
RECEIVING BODY : CALOOSAHATCHEE RIVER VIA IDD CANAL C-1

CONTROL ELEV : 3.5 FEET NGVD. /3.5 FEET NGVD DRY SEASON.

4. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
5. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
6. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
7. LAKE SIDE SLOPES SHALL BE NO STEEPER THAN 4:1 (HORIZONTAL:VERTICAL) TO A DEPTH OF TWO FEET BELOW THE CONTROL ELEVATION. SIDE SLOPES SHALL BE NURTURED OR PLANTED FROM 2 FEET BELOW TO 1 FOOT ABOVE CONTROL ELEVATION TO INSURE VEGETATIVE GROWTH.
8. FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.
9. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF HERITAGE COVE COMMUNITY ASSOCIATION INC. THE PERMITTEE SHALL SUBMIT A COPY OF THE RECORDED DEED RESTRICTIONS (OR DECLARATION OF CONDOMINIUM, IF APPLICABLE), A COPY OF THE FILED ARTICLES OF INCORPORATION, AND A COPY OF THE CERTIFICATE OF INCORPORATION FOR THE HOMEOWNERS ASSOCIATION CONCURRENT WITH THE ENGINEERING CERTIFICATION OF CONSTRUCTION COMPLETION.

10. A STABLE, PERMANENT AND ACCESSIBLE ELEVATION REFERENCE SHALL BE ESTABLISHED ON OR WITHIN ONE HUNDRED (100) FEET OF ALL PERMITTED DISCHARGE STRUCTURES NO LATER THAN THE SUBMISSION OF THE CERTIFICATION REPORT. THE LOCATION OF THE ELEVATION REFERENCE MUST BE NOTED ON OR WITH THE CERTIFICATION REPORT.
11. PRIOR TO THE COMMENCEMENT OF ANY SITE ACTIVITY AUTHORIZED BY THIS PERMIT, A PRE-CONSTRUCTION MEETING SHALL BE HELD WITH SFWMD FIELD ENGINEERING AND ENVIRONMENTAL POST PERMIT COMPLIANCE STAFF FROM THE FT. MYERS OFFICE.
12. A RECORDED COPY OF THE EASEMENT VACATION AND NEW EASEMENT FOR THE RELOCATION OF IDD CANAL F SHALL BE PROVIDED TO THE DISTRICT PRIOR TO ANY CANAL RELOCATION CONTRUCTION.
13. A RECORDED COPY OF THE APPROPRIATE TRANSFER OF DEEDS, RELATING TO THE NEW ACCESS TO RIVERVIEW PARK, SHALL BE PROVIDED TO THE DISTRICT PRIOR TO EXCAVATION OF THE LAKE ON THE NORTH SIDE OF THE ENTRANCE ROAD.

# Site Location Map



ADDL/REVISED SUBMITTAL

JUN 11 1998

FORT MYERS SERVICE CENTER

Mag 13.00  
 Fri May 09 13:17 1997  
 Scale 1:31,250 (at center)

2000 Feet

1000 Meters

**EXHIBIT**

THE HERITAGE COVE

INK ENGINEERING, INC.

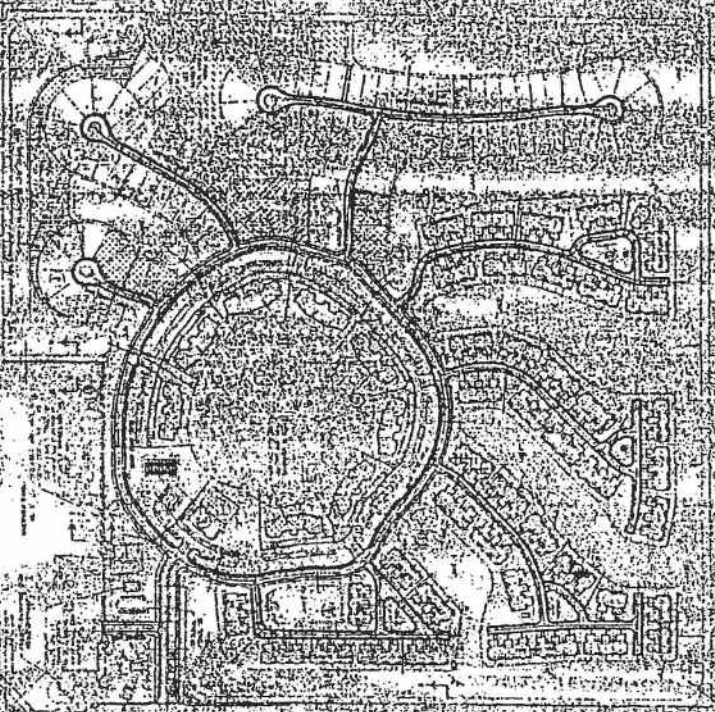


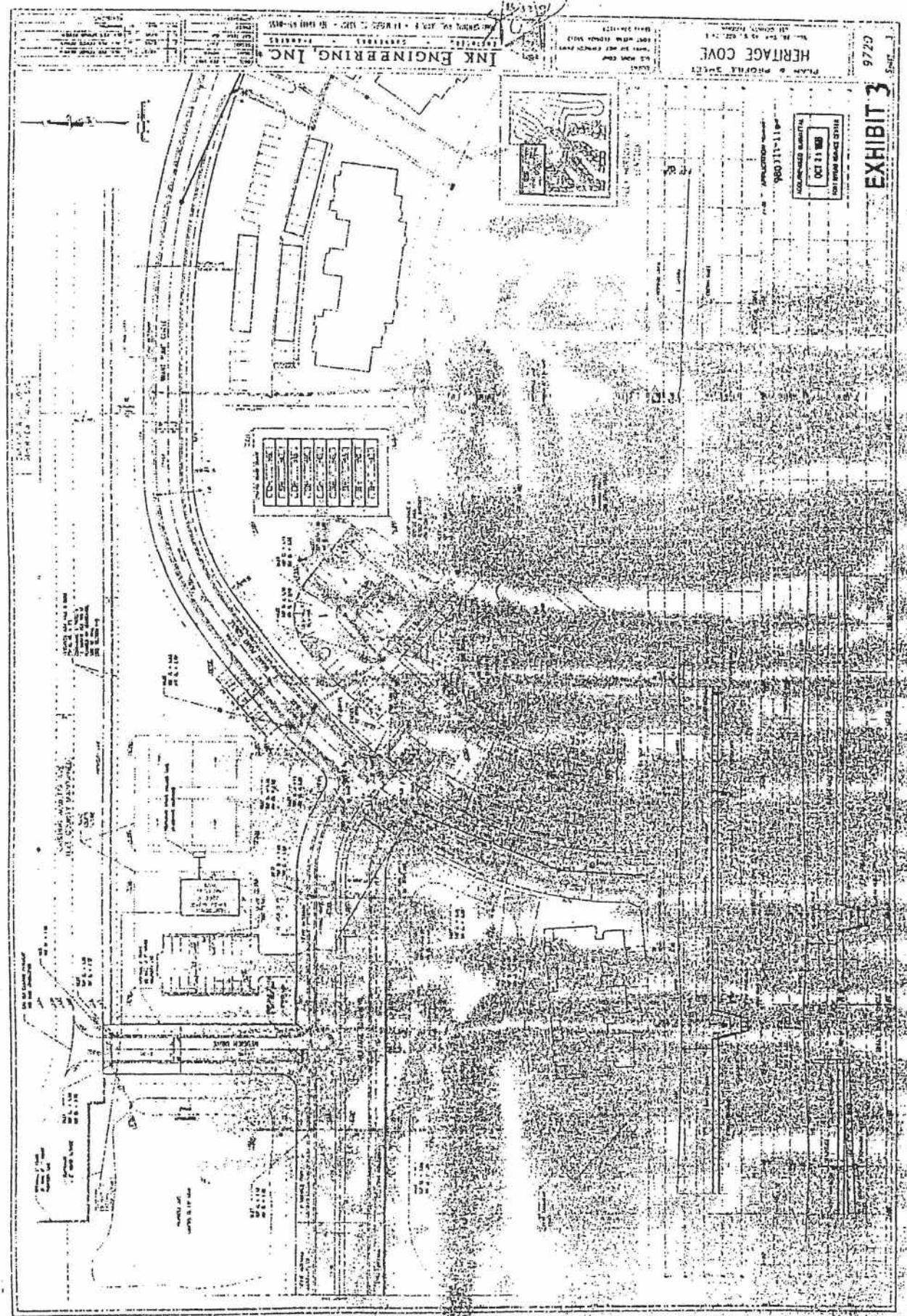
SHEET LOCATION GUIDE

NOTE: EXISTING SPOT ELEVATIONS PER PHOTOGRAMMERIC AERIAL, 1/8" = 1' - DATED 1981. SEE INDIVIDUAL SECTIONS FOR DETAILED EXISTING ELEVATIONS.

ADVANCED SURVEYING  
877 23 82  
4001 BROADWAY DRIVE  
DALLAS, TEXAS 75218

EXHIBIT 2







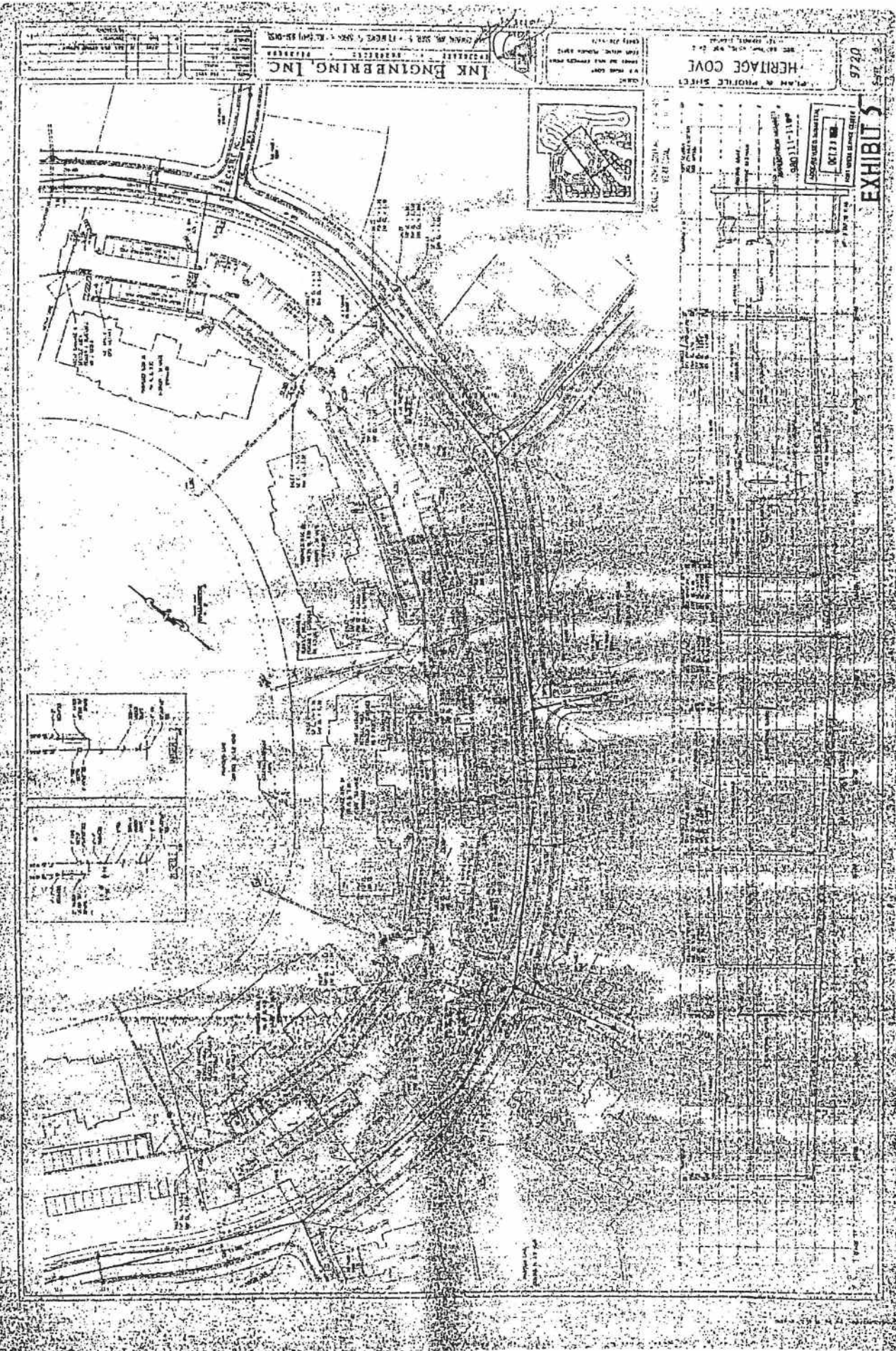


INK ENGINEERING, INC.

HERITAGE COVE

9720

EXHIBIT 4

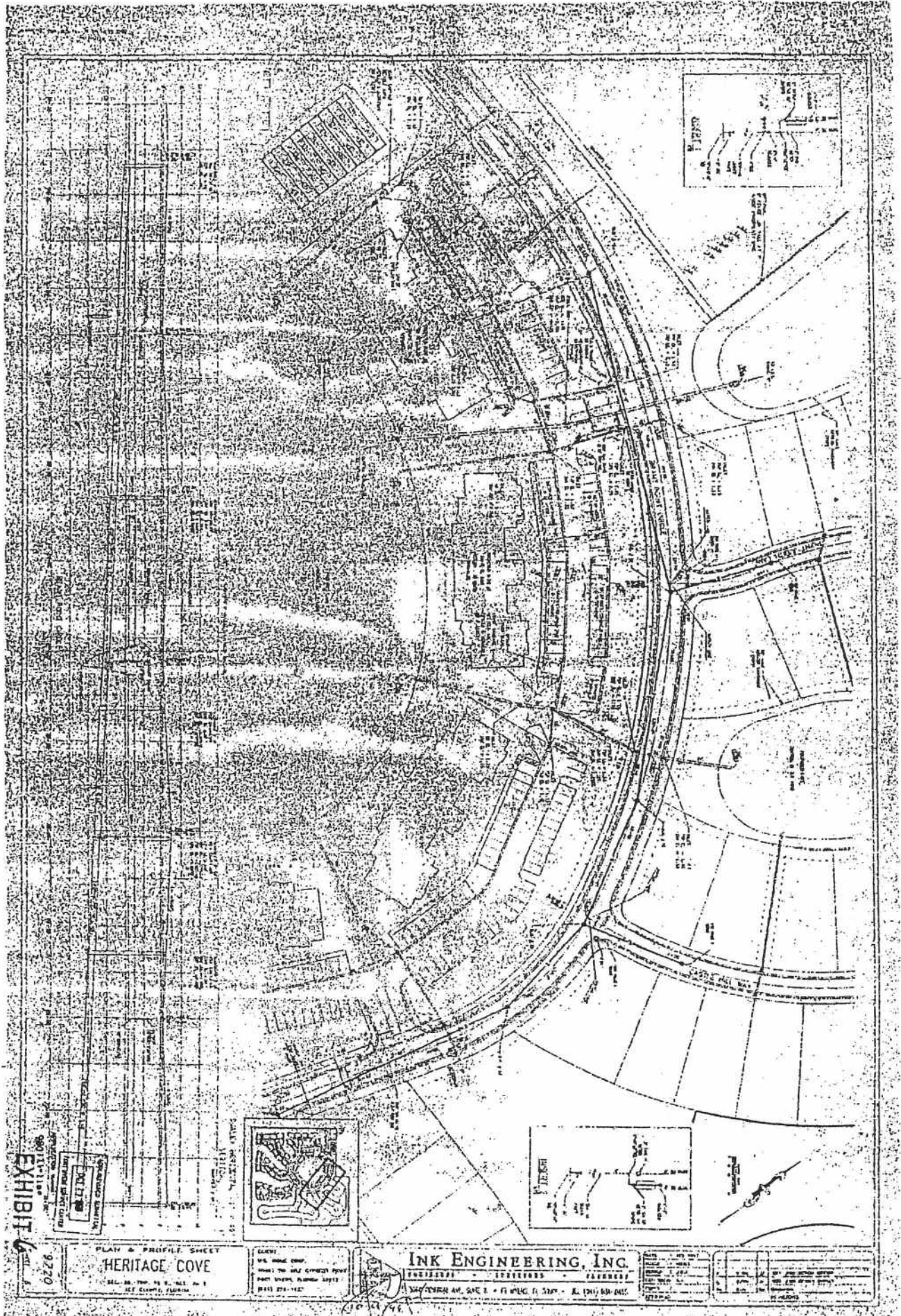


INK ENGINEERING, INC.  
INCORPORATED  
1100 W. 10TH AVENUE, SUITE 100  
DENVER, COLORADO 80202  
PHONE: 333-1111  
FAX: 333-1112

HERITAGE COVE  
PLAN & PROFILE SHEET

9720  
SHEET 3

EXHIBIT 5



EXHIBIT

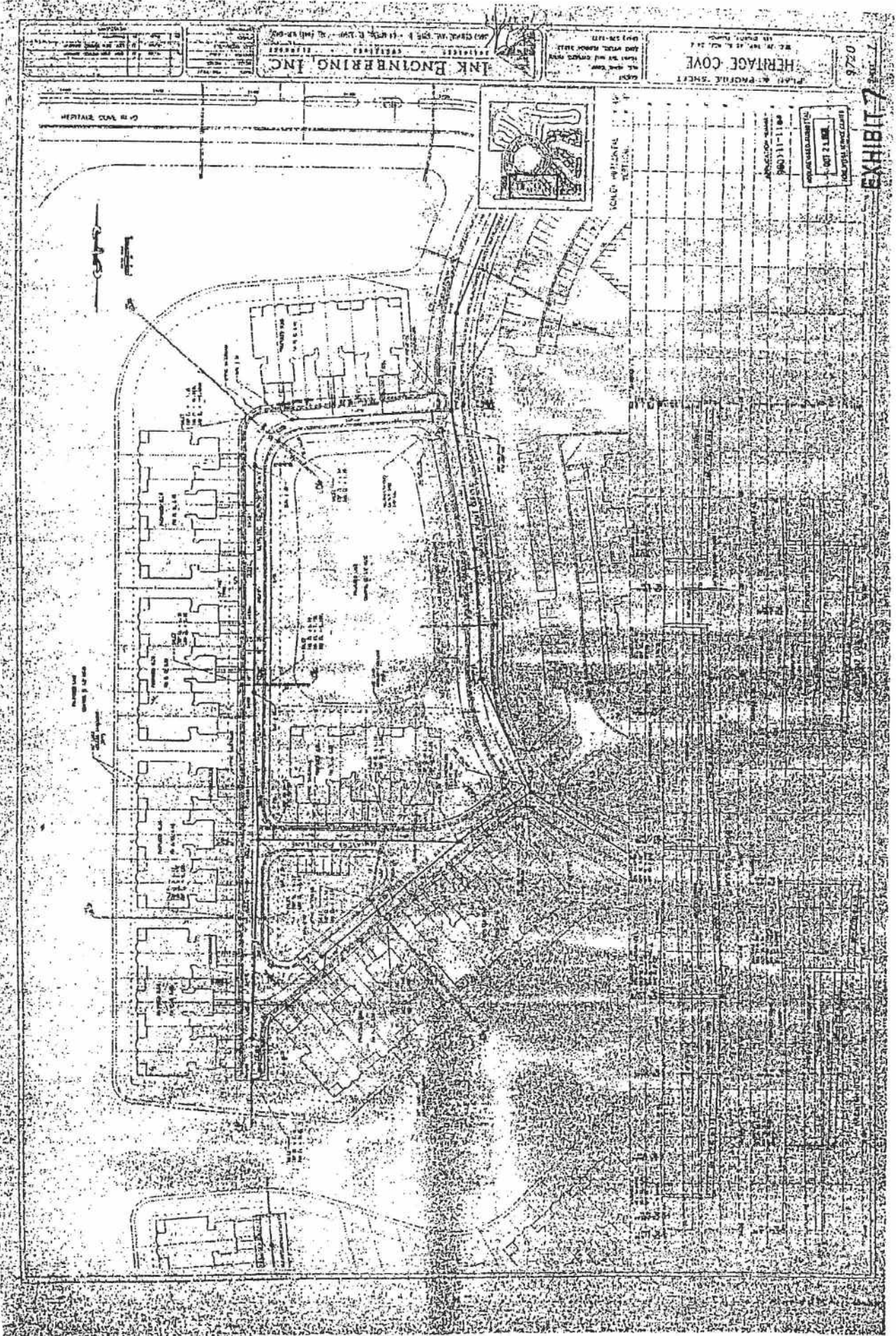
9220  
02/11/11  
DATE

PLAN & PROFILE SHEET  
**HERITAGE COVE**  
 2411 20' TYP. TO S. S. 1/4, SEC. 16, T. 11N., R. 10E., S. 100'

CLIENT  
 W.S. HARRIS GROUP  
 PROJECT: THE HERITAGE COVE  
 10000 W. HARRIS BLVD., SUITE 100  
 DALLAS, TEXAS 75243  
 (214) 278-1122

**INK ENGINEERING, INC.**  
 ENGINEERS ARCHITECTS PLANNERS  
 10000 W. HARRIS BLVD., SUITE 100 • DALLAS, TX 75243 • TEL: (214) 639-0400

NO.	DATE	DESCRIPTION
1	02/11/11	ISSUED FOR PERMIT
2	02/11/11	ISSUED FOR PERMIT
3	02/11/11	ISSUED FOR PERMIT
4	02/11/11	ISSUED FOR PERMIT
5	02/11/11	ISSUED FOR PERMIT
6	02/11/11	ISSUED FOR PERMIT
7	02/11/11	ISSUED FOR PERMIT
8	02/11/11	ISSUED FOR PERMIT
9	02/11/11	ISSUED FOR PERMIT
10	02/11/11	ISSUED FOR PERMIT



INK ENGINEERING, INC.  
ARCHITECTS  
1111-1111-1111  
1111-1111-1111

HERITAGE COVE  
PLANS & SPECIFICATIONS SHEET

0226

LIBRARY

DATE: 11/11/08  
BY: [Signature]



INK ENGINEERING, INC.  
ARCHITECTS

HERITAGE COVE

9-22-66

EXHIBIT 8

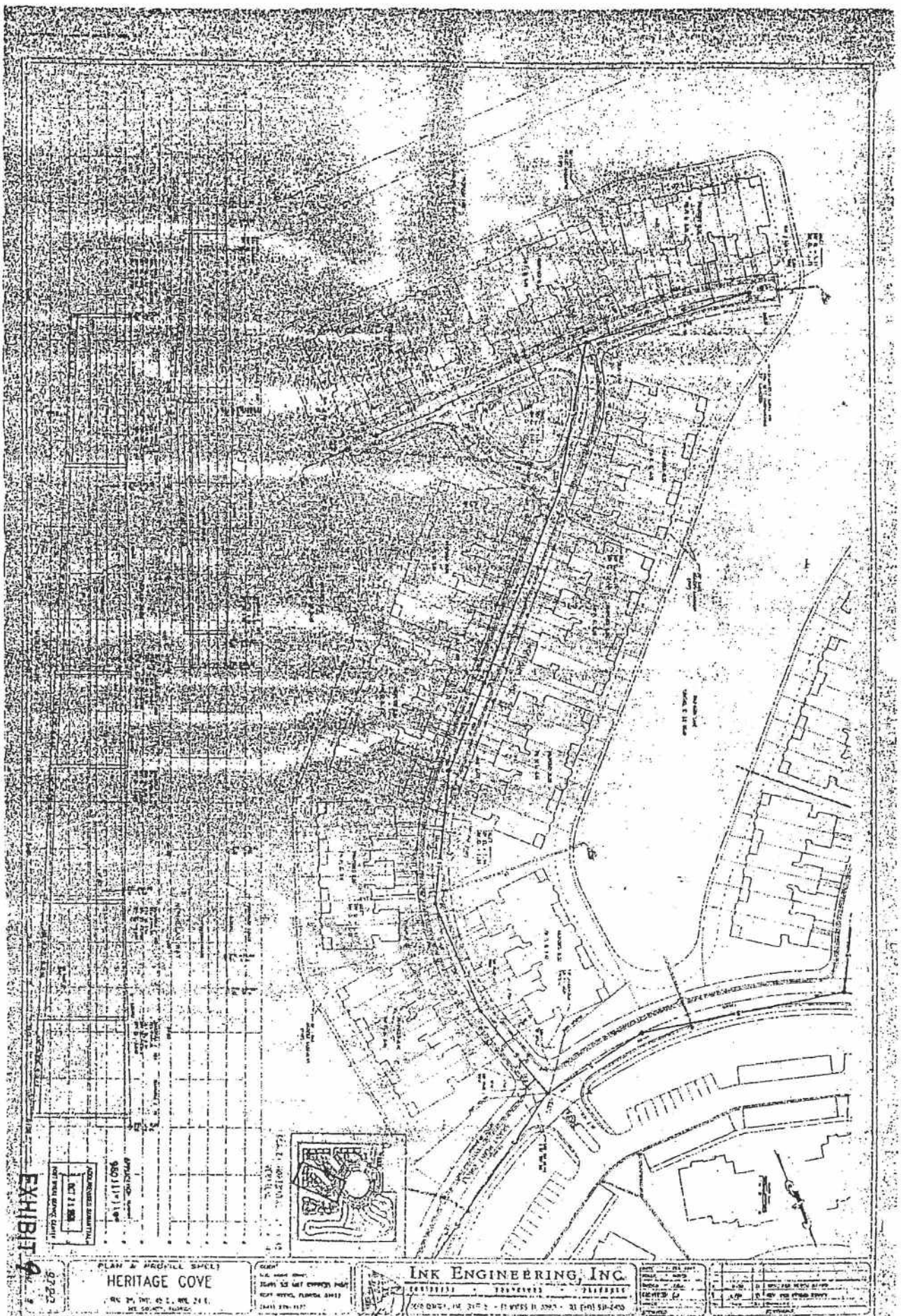
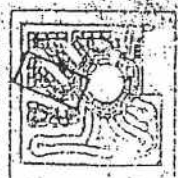


EXHIBIT 9

PLAN 21.000  
 HERITAGE COVE  
 2000 S. W. 10th St., Suite 200  
 Ft. Lauderdale, Florida 33304



**INK ENGINEERING, INC.**  
 4000 S.W. 10th St., Suite 200  
 Ft. Lauderdale, Florida 33304  
 (954) 530-4400

DATE	2000.08.15	BY	J. L. [Signature]
SCALE	AS SHOWN	CHECKED	J. L. [Signature]
PROJECT	HERITAGE COVE	DATE	2000.08.15
CLIENT	HERITAGE COVE	PROJECT NO.	2000.08.15
DESCRIPTION	PLAN 21.000	DATE	2000.08.15

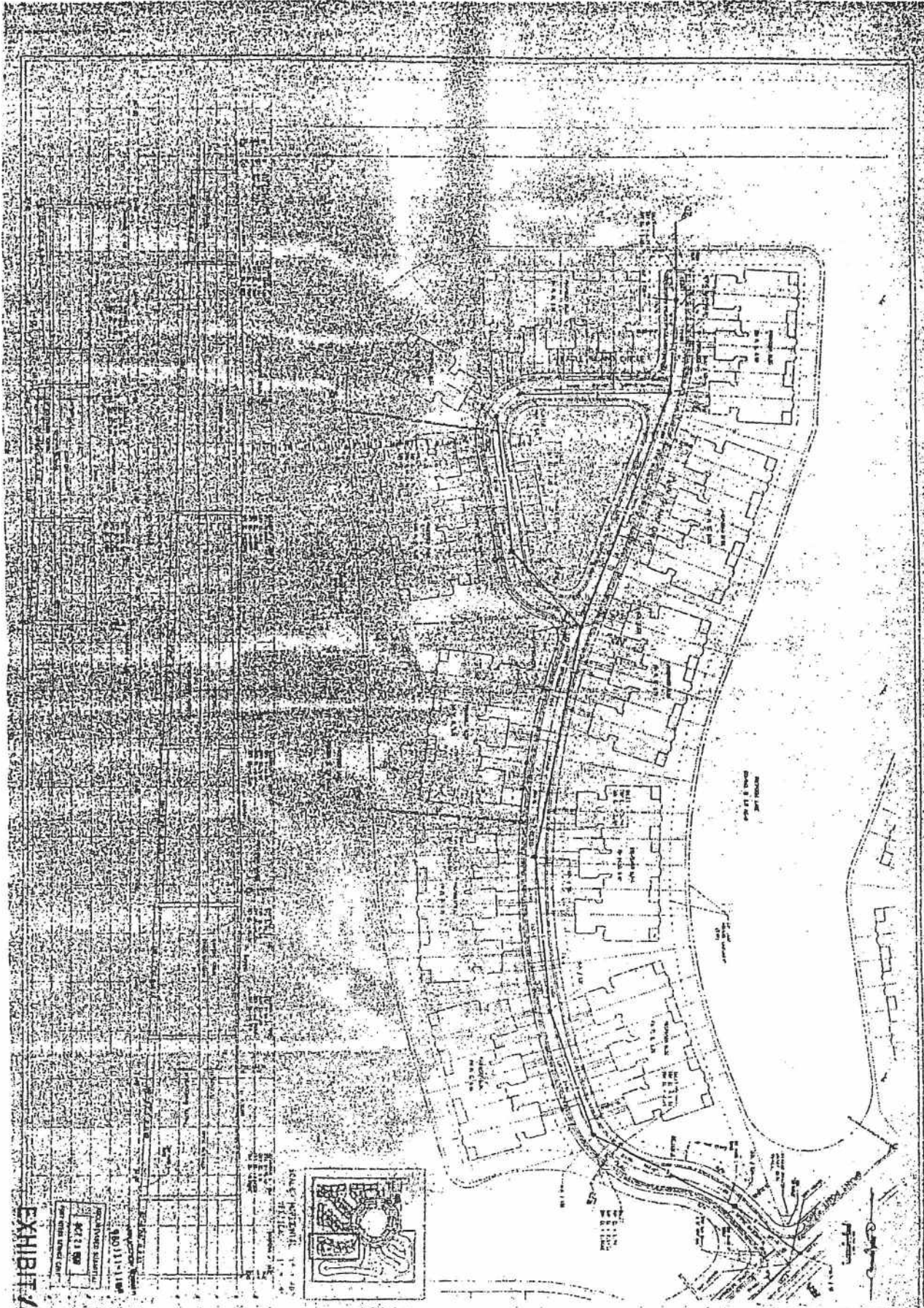


EXHIBIT 10

CE 7.6

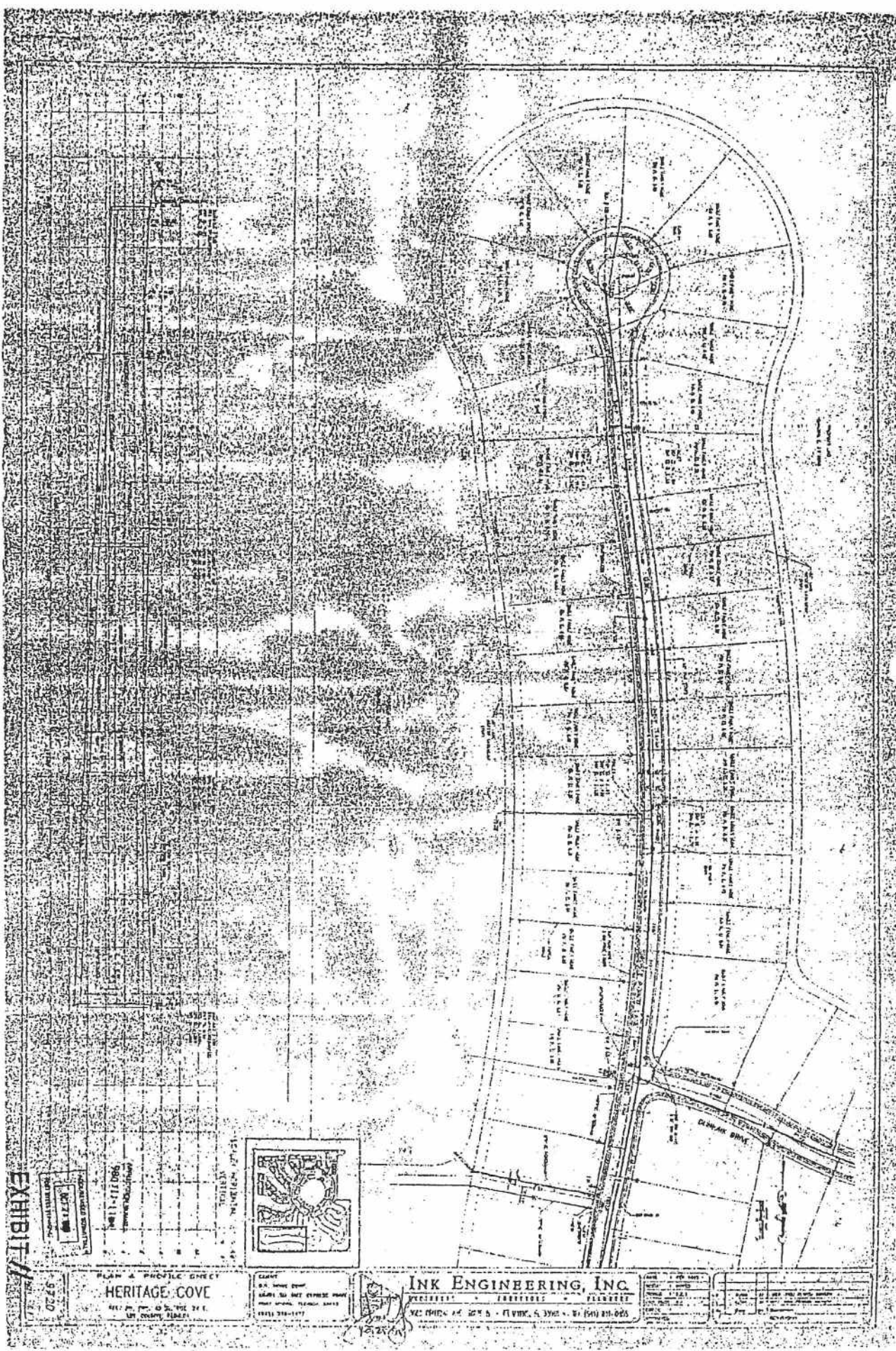
PLAN & PROFILES SHEET  
**HERITAGE COVE**  
 SEE EX. 100 - 101 - 102 - 103  
 ALL IN ACRES

FIGURE  
 1/8" = 1'-0" SCALE  
 1/4" = 1'-0" SCALE  
 1/2" = 1'-0" SCALE  
 1" = 1'-0" SCALE



**INK ENGINEERING, INC.**  
 1000 WEST 10TH AVENUE  
 SUITE 200  
 DENVER, COLORADO 80202  
 (303) 733-1111

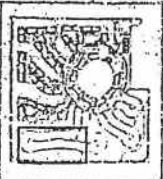
NO.	DATE	BY	DESCRIPTION
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			



EXHIBIT

11-11-06

PLAN & PROFILE SHEET  
**HERITAGE COVE**  
 4007 W. 40th St., Suite 204  
 Fort Worth, Texas 76116



**INK ENGINEERING, INC.**  
 ARCHITECTS • ENGINEERS • PLANNERS  
 4007 W. 40th St., Suite 204 • Fort Worth, TX 76116 • (817) 871-0055

DATE	11-11-06
SCALE	AS SHOWN
PROJECT	HERITAGE COVE
CLIENT	HERITAGE COVE
DESIGNER	INK ENGINEERING, INC.
CHECKED	[Signature]
DATE	11-11-06



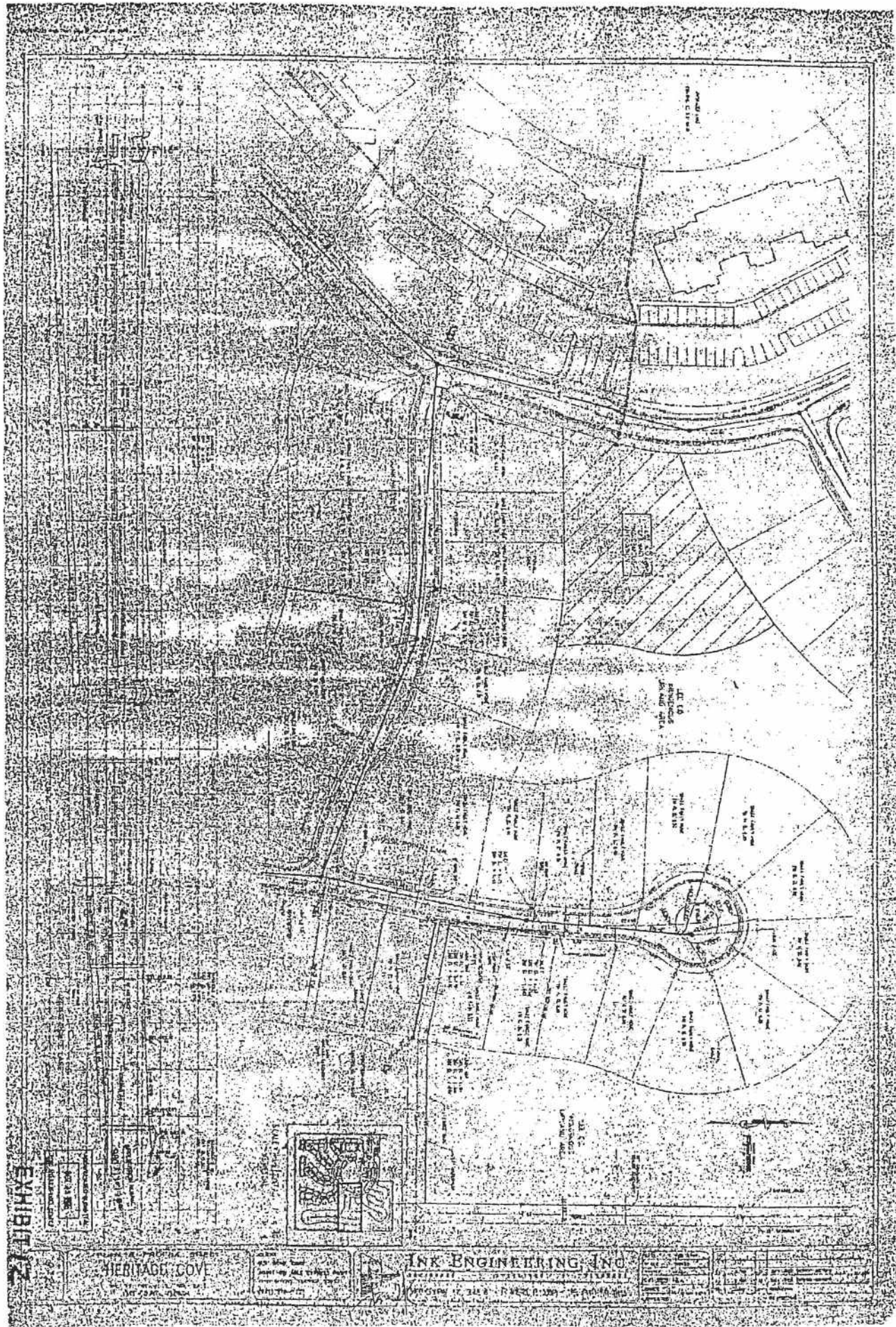
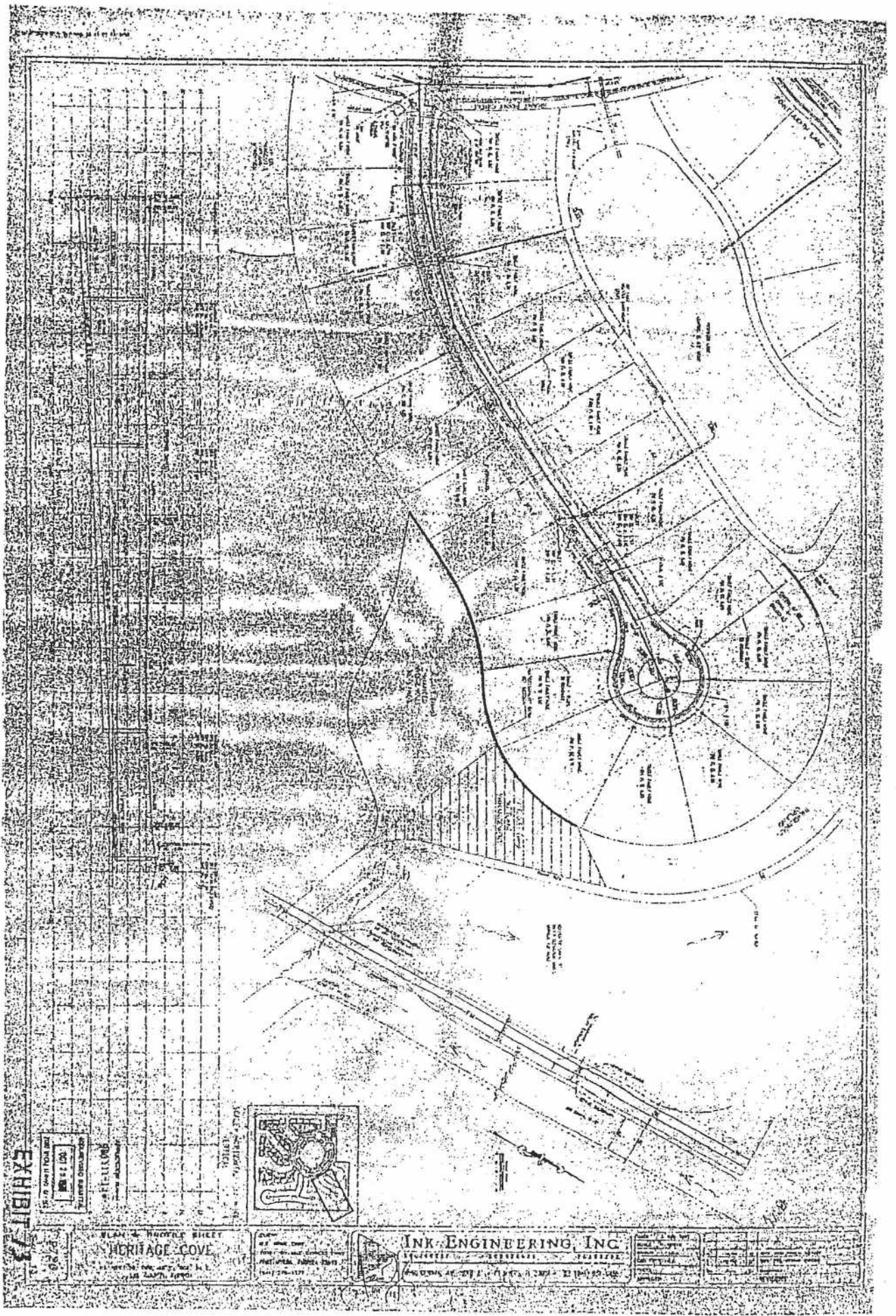
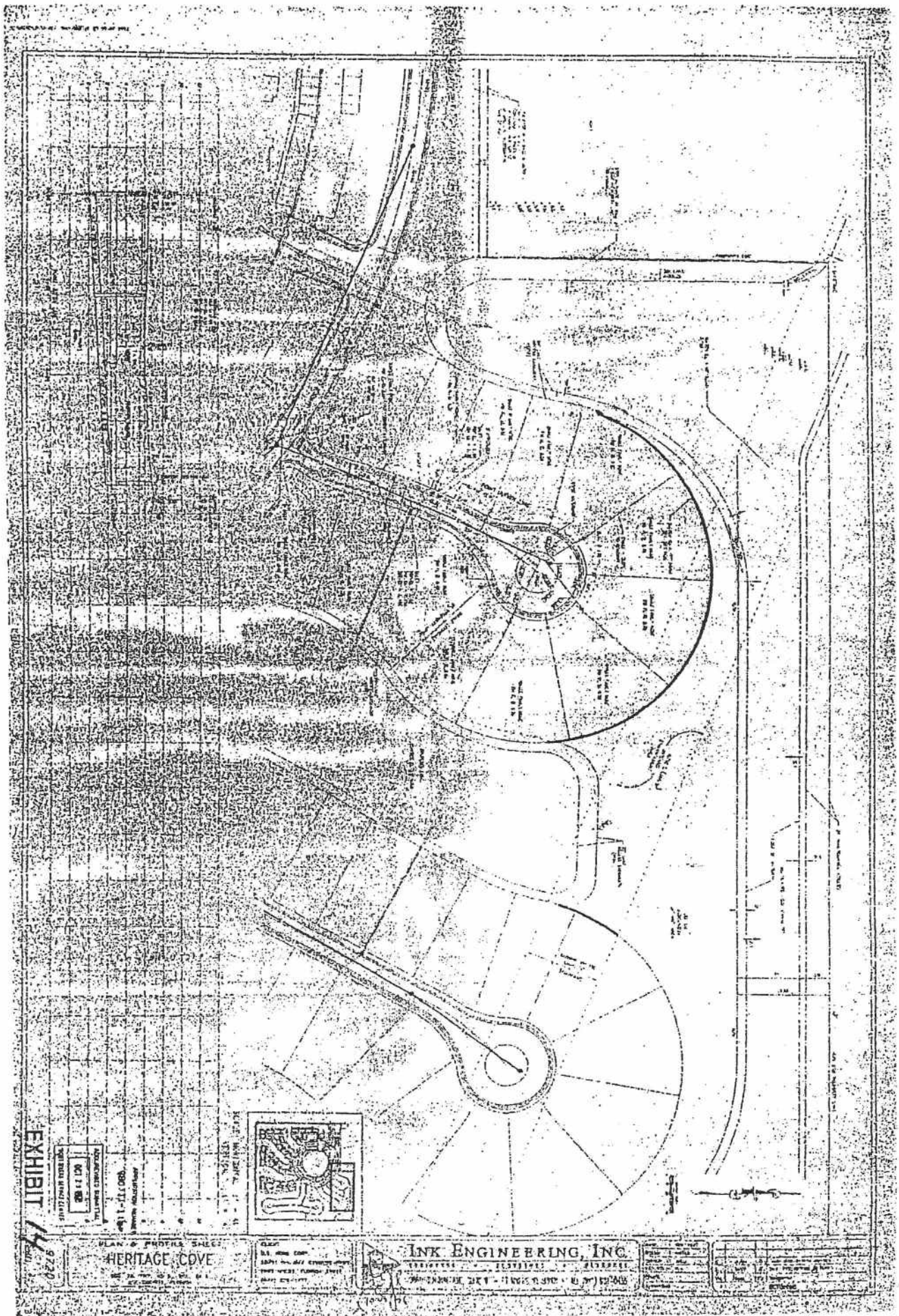


EXHIBIT 12

HERITAGE COVE

INK ENGINEERING, INC.

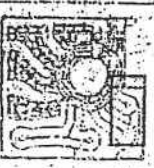




EXHIBIT

APPROVED SHEET  
DATE 11-11-80  
PROJECT NO. 11-11-80

PLAN & PROFILE SHEET  
HERITAGE COVE



CLIENT  
L. J. WINE CO.  
1801 W. 10th Avenue  
DENVER, CO 80202

**LNK ENGINEERING, INC.**  
 ENGINEERS, ARCHITECTS, PLANNERS  
 1000 EAST 17th Avenue, Suite 100  
 DENVER, CO 80202

DATE	DESCRIPTION
11-11-80	FINAL PLAN
11-11-80	FINAL PROFILE
11-11-80	FINAL SHEET

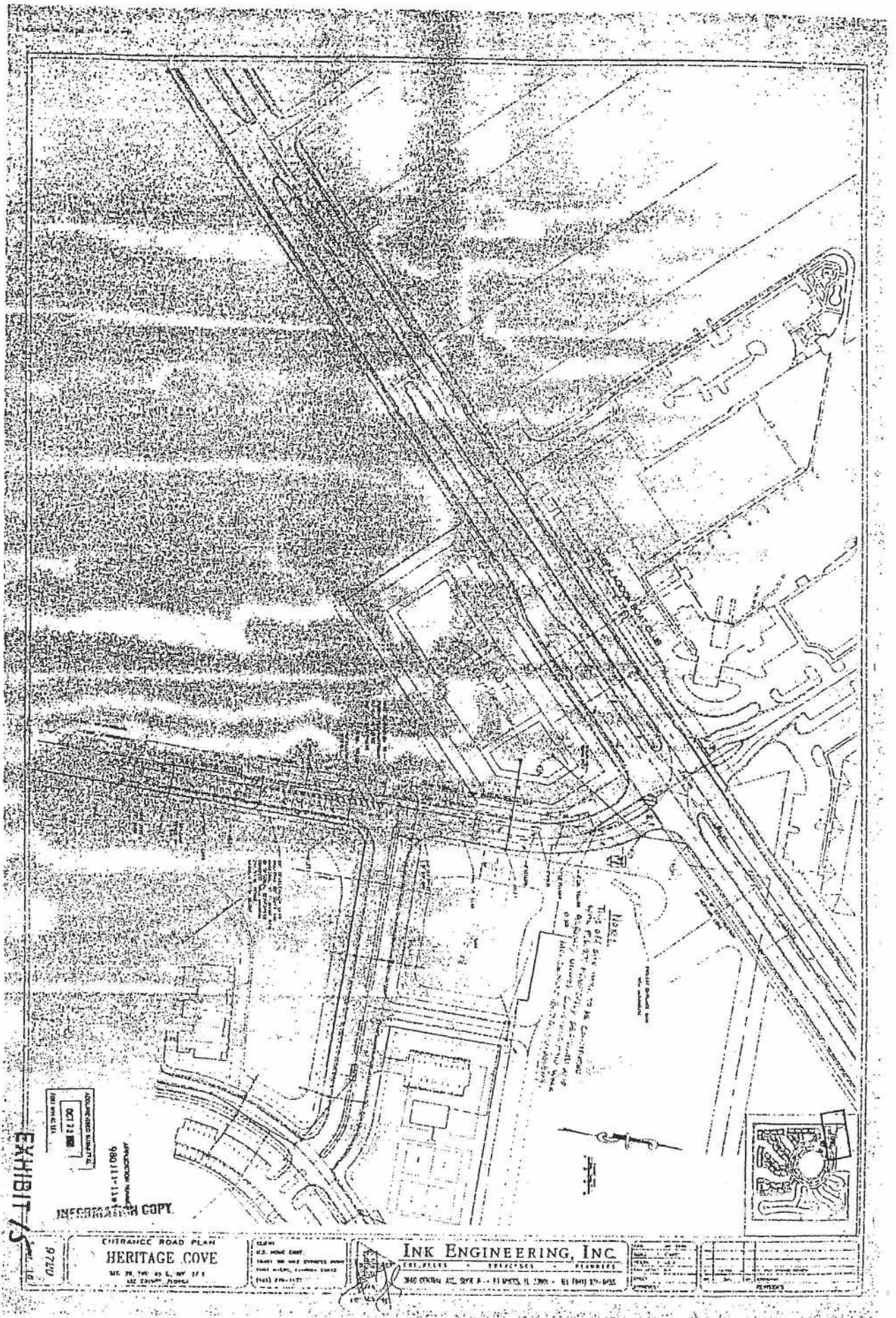


EXHIBIT 5

DATE: OCT 11 1988  
BY: [Signature]

INFORMATION COPY

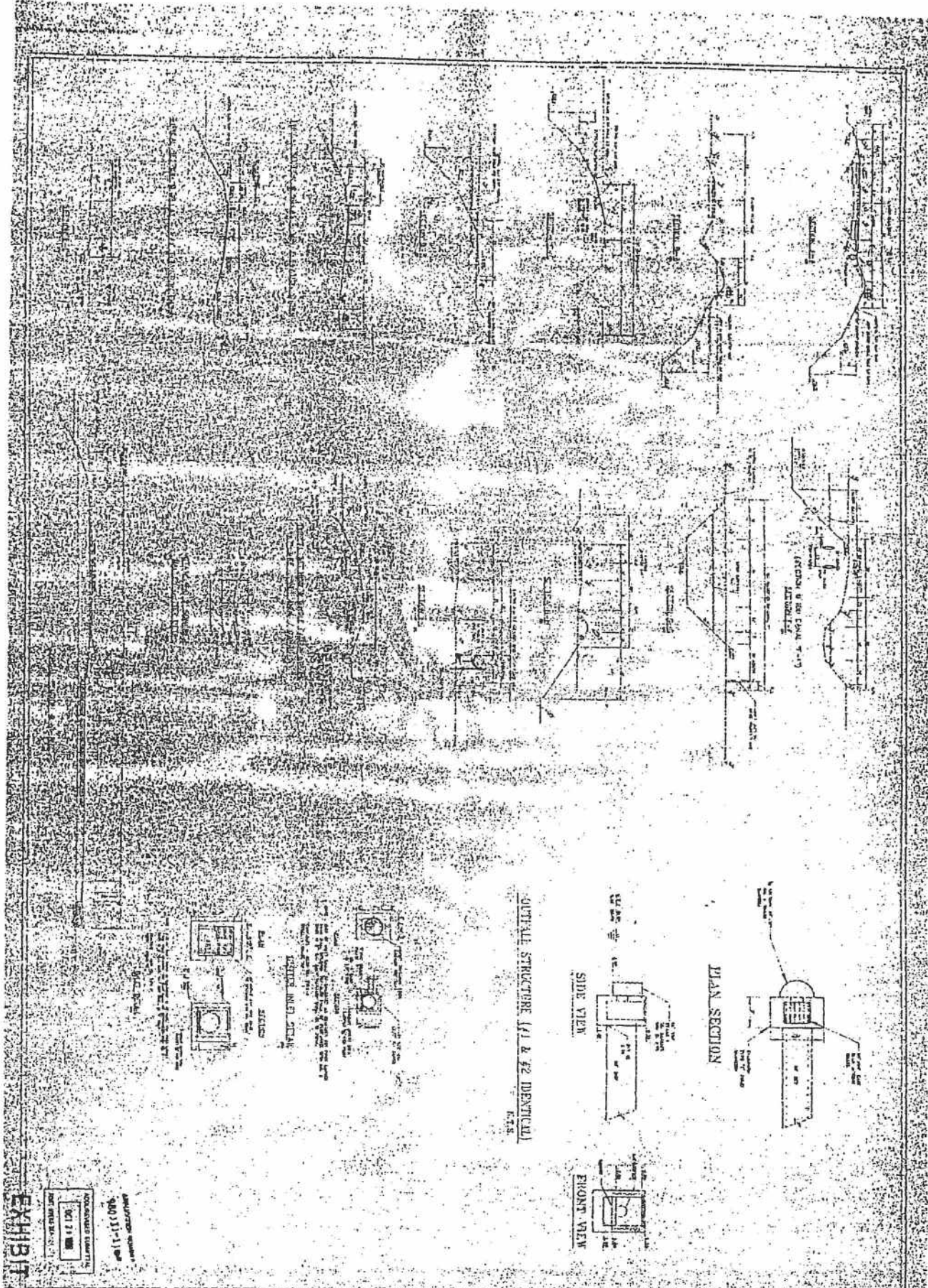
ENTRANCE ROAD PLAN  
HERITAGE COVE  
SHEET NO. 1 OF 1  
ALL RIGHTS RESERVED

INK ENGINEERING, INC.  
3400 CENTRAL AVE. SUITE 100 - FT. MYERS, FL 33905 - (813) 411-0455



INK ENGINEERING, INC.  
3400 CENTRAL AVE. SUITE 100 - FT. MYERS, FL 33905 - (813) 411-0455

DATE	BY	REVISION



OUTRIGER STRUCTURE (1/1 & 2/2 DETAIL)

SIDE VIEW

PLAN SECTION

FRONT VIEW

EXHIBIT 16

400-311-1100  
 400-311-1100  
 400-311-1100

THE HERITAGE COVE  
 400-311-1100



INK ENGINEERING INC

400-311-1100  
 400-311-1100

INK ENGINEERING, INC.  
GENERAL NOTES & DETAILS SHEET

THE HERITAGE COVE

7700

98011-1108

EXHIBIT 7

GENERAL NOTES & DETAILS SHEET

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES OF PRACTICE FOR STRUCTURAL STEEL AND CONCRETE.

2. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE AND SHALL BE SUBJECT TO INSPECTION AND TESTING BY THE ARCHITECT'S ENGINEER.

3. ALL DIMENSIONS SHALL BE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.

4. ALL FINISHES SHALL BE AS SHOWN ON THE ARCHITECT'S DRAWINGS.

5. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

7. ALL WORK SHALL BE SUBJECT TO INSPECTION AND TESTING BY THE ARCHITECT'S ENGINEER.

8. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE AND SHALL BE SUBJECT TO INSPECTION AND TESTING BY THE ARCHITECT'S ENGINEER.

9. ALL DIMENSIONS SHALL BE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.

10. ALL FINISHES SHALL BE AS SHOWN ON THE ARCHITECT'S DRAWINGS.

11. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

13. ALL WORK SHALL BE SUBJECT TO INSPECTION AND TESTING BY THE ARCHITECT'S ENGINEER.

14. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE AND SHALL BE SUBJECT TO INSPECTION AND TESTING BY THE ARCHITECT'S ENGINEER.

15. ALL DIMENSIONS SHALL BE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.

16. ALL FINISHES SHALL BE AS SHOWN ON THE ARCHITECT'S DRAWINGS.

17. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

19. ALL WORK SHALL BE SUBJECT TO INSPECTION AND TESTING BY THE ARCHITECT'S ENGINEER.

20. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE AND SHALL BE SUBJECT TO INSPECTION AND TESTING BY THE ARCHITECT'S ENGINEER.

21. ALL DIMENSIONS SHALL BE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.

22. ALL FINISHES SHALL BE AS SHOWN ON THE ARCHITECT'S DRAWINGS.

23. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

24. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

25. ALL WORK SHALL BE SUBJECT TO INSPECTION AND TESTING BY THE ARCHITECT'S ENGINEER.

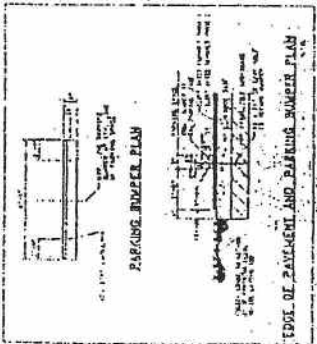
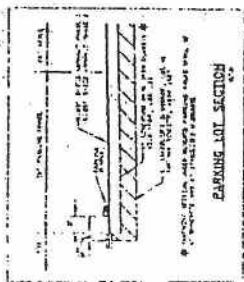
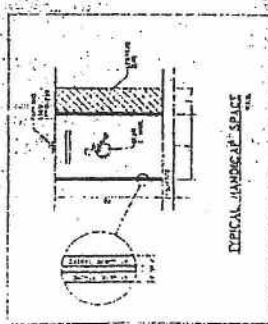
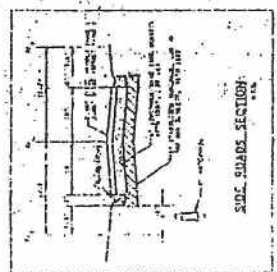
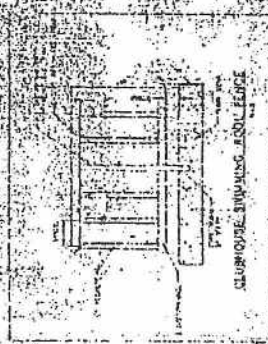
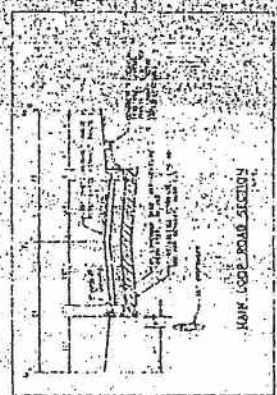
26. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE AND SHALL BE SUBJECT TO INSPECTION AND TESTING BY THE ARCHITECT'S ENGINEER.

27. ALL DIMENSIONS SHALL BE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.

28. ALL FINISHES SHALL BE AS SHOWN ON THE ARCHITECT'S DRAWINGS.

29. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

30. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.



STAFF REPORT DISTRIBUTION LIST

PROJECT: THE HERITAGE COVE  
APPLICATION NUMBER: 980311-11

INTERNAL DISTRIBUTION

- Reviewer:
- X Dawn Underwood
- X Stephanie R. Smith, P.E.
- X Karen M. Johnson
- X Richard H. Thompson, P.E.
  - J. Golden - REG
  - E. Hopkins - UDP
  - R. Robbins - NRM
  - Service Center Director - FTM
  - A. Waterhouse - REG
  - P. Bell - LEG
  - Enforcement
- X Environmental PPC Reviewer
- X Field Engineering
- X Permit File

EXTERNAL DISTRIBUTION

- X Applicant:
  - US HOME CORPORATION
- X Applicant's Consultant
  - INK ENGINEERING, INC.
- X Engineer, County of:
  - LEE
- Engineer, City of:
- Local Drainage District:

GOVERNING BOARD MEMBERS

- Mr. Mitchell W. Berger
- Ms. Vera Carter
- Mr. William Graham
- Mr. William Hammond
- Mr. Richard Machek
- Mr. Michael Minton
- Mr. Eugene K. Pettis
- Ms. Miriam Singer
- Mr. Frank Williamson, Jr.

COUNTY

- X Lee
  - Dept of Environmental Protection
  - Development & Review
  - Mosquito Control

BUILDING AND ZONING

OTHER

- X Brian Kenedy
- X Clara Anne Graham-Elliott
- X Div of Recreation and Park - District 8
- X F.G.F.W.F.C.
- X Florida Audubon - Charles Lee
- X S.W.F.R.P.C. - Glenn Heath

DEPT. OF ENVIRONMENTAL PROTECTION

- X Ft. Myers

Official Records BK 03978 PG 2813