

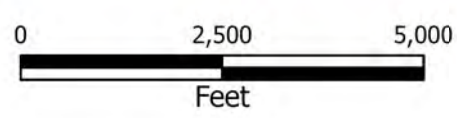
 Subject Parcel
 State Managed Conservation Lands
 City/County Managed Conservation Lands

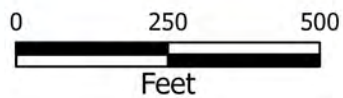


Tarpon Point Marina
 Freeman & Hasselwander Resort Properties, LLC
 Lee County, Florida

File Location: \\FLDEP1\W\Counties_GIS\Lee\Tarpon Point Marina
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- Subject Parcel
- Current Lease Area



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 Freeman & Hasselwander Resort Properties, LLC
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PROJECT DESCRIPTION

1. Location: Latitude 26° 32' 17.8416" N/Longitude 81° 59' 55.1539" W
Aquatic Preserve: No
Waterbody Name and Classification: Glover Bight, Class III Waters, Not Approved for Shellfish Harvesting Area
Designated Manatee County: Yes, with an approved Manatee Protection Plan
Manatee Aggregation Area: No
Manatee Protection Speed Zone: Yes
2. Preempted Area (square feet): 587,931 existing, 176,845 proposed, 764,776 total
Structure dimensions: Total over water of 83,223 square feet.
 - Existing Commercial Docking Structure: 63,645 square feet
 - Commercial Docking Structure Expansion: 19,578 square feetNumber of slips: 225 existing, 41 proposed, 266 total
Vessels: Private vessels ranging from 20 to 100 feet in length with a 1-foot to 5-foot draft.
3. Liveboards: Are currently prohibited and will not be authorized in the lease or permit.
4. Sewage Pump Out Facilities: Fixed and portable pump out facilities exist as authorized in the Department's environmental resource permit and lease.
5. Fueling Facilities: Vessels fueling with gasoline, diesel, or fuel oil are authorized in previous Department authorizations.

REQUIREMENTS/ASSESSMENTS/COMMENTS

1. DEP environmental resource permit: See attached "Consolidated Notice of Intent to Issue."
2. U.S. Army Corps of Engineers permit: A standard lease condition references the need to obtain approval, if required.
3. Fish and Wildlife Conservation Commission (FWC), Division of Habitat and Species Conservation, Imperiled Species Management Section, Manatees: Recommended on August 18, 2022, that the Applicant abide by the following conditions, which have been incorporated into the permit or lease:
 - a. The Standard Manatee Conditions for In-water Work (2011) shall be followed for all in-water activity;
 - b. Install and maintain manatee awareness signs and informational displays which shall be maintained for the life of the facility, no later than 60 days after construction commencement. The number and types of signs, as well as the on-site locations shall be submitted to ImperialSpecies@MyFWC.com in accordance with information provided at <https://myfwc.com/wildlifehabitats/wildlife/manatee/education-for-marinas/>.

Signs shall be replaced in accordance with FWC guidance by the Permittee if outdated, damaged or faded;

- c. Prior to the completion of construction or occupancy of the slips, the applicant shall provide the Department and FWC with a copy of a letter from the Division of Natural Resources, Lee County, stating that the project is consistent with all provisions of the Lee County Manatee Protection Plan, including payment of mitigation fees. If the project intends to use transferred slip credits, the assessments(s) must clearly delineate the STRAP number, MPP designation, and slip count for each individual donor and recipient parcel involved. Provide a copy of the recorded slip credit documents or, if not yet completed, a status and intended date of recording.
4. Department of State, Division of Historical Resources: DHR was notified November 29, 2022, and no comments were received. The permit contains the following condition: If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S.
5. Riparian Rights Line Setback: The proposed lease boundary complies with the required riparian setbacks. The Applicant issued a conservation easement to the South Florida Water Management District (Permit #36-04199-P) on June 13, 2002. The proposed lease area includes a portion of the conservation easement area. Pursuant to Rule 18-21.004(1)(m), F.A.C, the South Florida Water Management District was noticed on December 9, 2022. The district provided concurrence to the Department stating that the district has no objection to the Applicant's use of the area on December 12, 2022.
6. Noticing: Rule 18-21.004(1)(m), F.A.C., requires notice for revised leases. There are no other property owners within the 500-foot radius of the project; however, the South Florida Management District was noticed on December 9, 2022, as they have a conservation easement within the 500-foot radius of the project. No objections were received by the end of the comment period.

PUBLIC INTEREST STATEMENT

The subject project is not within an aquatic preserve and will not result in the sale of sovereignty submerged lands. Therefore, to receive approval, the proposal is not specifically required by rule

or statute to demonstrate that it is “in the public interest,” only that it be “not contrary to the public interest,” pursuant to Rule 18-21.004(1) (a), F.A.C.

Based on the merits of the proposal, the applicant has given reasonable assurance that the proposal will maintain essentially natural conditions and will not significantly impact fish and wildlife and other natural resources, including public recreation and navigation.

Therefore, it is the Department’s opinion that the proposal is not “contrary to the public interest” and otherwise meets all applicable requirements for a proprietary authorization to use sovereignty submerged lands.

EXISTING FACILITY

On November 5, 1985, the Board of Trustees approved the initial five-year sovereignty submerged lands lease for a preempted area of 355,014 square feet for Avatar Properties, Inc. At this time a permit was also issued authorizing the construction and operation of a 216-slip private/public marina.

On September 25, 1989, under delegation of authority, the former Department of Natural Resources (DNR) issued a lease modification to capture minor alterations authorized through permits issued on May 28, 1986, May 11, 1988, and September 25, 1989. The lease modification (1) extended the lease for five-years, (2) reduced the preempted area to 347,530.9 square feet, and (3) changed the use of the docking facility from private/public to commercial. The number of wet slips was also reduced at this time from 216 to 175.

On August 30, 1991, the Department executed documentation notating the assignment and assumption of the sovereignty submerged lands lease following the sale of the uplands. These documents changed the lessee to Tarpon Point, Inc. On November 15, 1994, the Department renewed the 347,531 square foot lease for another five-year term.

On October 13, 1998, a lease modification request to extend the lease term to 25 years was approved by the Board of Trustees.

On November 1, 1999, a modification of this lease was authorized to reflect a change to the lessee, now Marina Resources, Inc., who purchased the uplands. On May 24, 2002, a lease modification was issued reflecting another change in ownership to Tarpon Point Associates, LLC.

On January 5, 2004, the Department issued a lease modification to change the description of use. The changes notated therein included (1) 175-slip commercial docking facility for mooring of non-commercial recreational vessels and a single commercial vessel, and to operate a beach shuttle service between the marina and the local barrier islands. On June 16, 2010, a lease modification to reconfigure structures was authorized pursuant to permit 36-0153417 issued on February 27, 2008.

On July 29, 2010, a lease modification was approved by the Board of Trustees to increase the preempted area from 347,531 square feet to 588,101 square feet for a proposed reconfigured 185-slip commercial docking facility. In addition to this, the Board of Trustees authorized the placement of 213 cubic yards of riprap, the severance of 750 cubic yards of sovereignty material, and the planting of mangroves.

On November 23, 2011 and April 27, 2012, modified leases were issued to reflect changes in upland ownership to Tarpon Land, L.P. and Freeman & Hasselwander Resort Properties, LLC, respectively.

On June 1, 2017, the Department determined that the facility was out of compliance for installing 14 additional boat slips for 12 jet skis and two rental boats. The Department also observed mooring in areas not previously authorized for mooring. To bring the facility back into compliance, on September 19, 2017, a Temporary Use Authorization (TUA) was issued for the additional 14 boat slips and for the mooring of 12 jet skis and two rental boats. On February 8, 2018, a lease modification was approved by the Board of Trustees to reduce the preempted area from 588,101 square feet to 587,931 square feet and increase the number of wet slips from 185-slips to 225-slips. This lease modification resolved the TUA and expires on September 25, 2023.

On September 28, 2022, Hurricane Ian made landfall in Florida. This storm was a category four hurricane with sustained winds of 150 mph. The Tarpon Point Marina sustained severe damage to the in-water structures, which they are in process of rebuilding.

The Department inspected the site on July 20, 2023, and found it to be in compliance. Thus, on April 22, 2024, the sovereignty submerged land lease was renewed for another 25-year term. This lease is set to expire on September 25, 2048.

SPECIAL LEASE CONDITIONS

1. Minimum of ninety percent (90%) of the wet slips at the docking facility shall be made available for rent to the general public maintained on a “first-come, first-served” basis as defined in subsection 18-21.003(27), Florida Administrative Code, with longer than one-year rental terms and with no automatic renewal rights or conditions. To help ensure compliance with the requirement and to assist in providing public awareness of this requirement, the Lessee shall erect permanent signs at the waterward entrance to the docking facility and at the upland entrance to the docking facility which are clearly visible to passing boaters and the general public. The signs shall contain language clearly indicating that a minimum of ninety percent (90%) of the wet slips at the docking facility are available for rental by the general public. Any dockage rate sheet publications and docking advertising for the marina shall clearly state that slips are open to the public on a “first-come, first-served” basis.
2. The terms and conditions herein, including those related to assessment of lease fees, may be reviewed at any time during the term of this lease as deemed necessary by the Lessor or its designated agent, and such terms and conditions may be modified or additional conditions maybe imposed as deemed necessary by the Lessor. For the purpose of this provision, the

terms and conditions of this lease may be modified (which may include the addition of new terms and conditions) for, but not limited to, the following reasons:

- a. to conform to the adoption or revision of Florida Statutes (F.S.), rules, and standards that require the modification of the lease for compliance;
- b. to ensure compliance with the U.S. Endangered Species Act of 1973, 16 U.S.C., § 1531, et seq., and the Florida Endangered and Threatened Species Act of 1977, Section 372.072, F.S.;
- c. to conform to adoption or revision of rules regarding the assessment of lease fees;
- d. to conform to any modification to the terms and conditions of all applicable permits from the State of Florida Department of Environmental Protection, the applicable water management district and/or the U.S. Army Corps of Engineers, and all other required approvals; and,
- e. to remove any structure declared to be a public nuisance.

The Lessor shall allow the Lessee a reasonable time for compliance with the amended or new terms and conditions.

3. Authorization of this lease does not preclude the Lessor from adjusting the base lease fees or base rate during the term of this lease.
4. The Lessee shall prohibit mooring, on either a temporary or permanent basis, lessee shall prohibit mooring, on either a temporary or permanent basis outside of delineated slips. To ensure compliance, the Lessee shall place and maintain: (1) a 3-foot high railing at these locations, and (2) signs advising boaters that mooring at the above described locations, on either a temporary or permanent basis, is prohibited.
5. The Lessee shall provide and make available to all vessels utilizing the docking facility operational and well-maintained sewage pump out facilities acceptable to the State of Florida Department of Environmental Protection or State of Florida Department of Health, whichever agency has jurisdiction.
6. The Lessee shall inform all wet slip occupants in writing of the availability and requirement to use the sewage pumpout facilities provided at the pumpout station shown on Attachment A. The Lessee shall also advise all wet slip occupants that no overboard discharges of trash, human or animal waste, including fish carcasses, shall occur at the leased premises at any time. Discharge from any holding tank or marine sanitation device, including those approved by the United States Coast Guard is strictly prohibited within the leased premises.
7. Throughout the term of this lease and all subsequent renewals or modifications, Lessee shall use a State of Florida Department of Environmental Protection approved wet slip user agreement to assign or transfer the right to use a wet slip at the docking facility to a third party. The wet slip user agreement shall include provisions acceptable to the State of Florida Department of Environmental Protection.

8. Vessels that either do not possess a current vessel registration and title as required by Chapters 327 and 328, Florida Statutes, or do not have a current vessel registration and title as required in another state or country are prohibited within the leased premises.
9. All vessels that moor, dock, or otherwise use the leased premises shall be maintained in fully operational condition.
10. Any vessel moored at the docking facility, on either a temporary or permanent basis, shall be wholly located within its designated wet slip as depicted on Attachment A and no portion of a vessel may extend beyond the leased premises. Vessel length shall be measured as overall length including all parts and accessories such as outboard motors, bow pulpits, and swim platforms.
11. During the term of this lease and all subsequent renewal terms, the Lessee shall maintain the manatee informational display and manatee awareness signs as required by the State of Florida Department of Environmental Protection Consolidated Environmental Resource Permit No. 36-0153417-024.
12. If one or more residential units or dwellings in one or more residential developments which are identified on Attachment C to this lease and within the Tarpon Point Marina Development of Regional Impact are assigned the use of a boat slip during the term of this lease or any subsequent renewals or modifications, the Lessee is required to obtain the Lessor's written approval prior to allowing the owners of these residential units or dwellings to use any of the wet slips at the docking facility. If the Lessor agrees that a portion of the docking facility may be used by any future owners of residential units or dwellings in one or more residential developments which are identified on Attachment C to this lease and within the Tarpon Point Marina Development of Regional Impact, this lease shall be amended in accordance with subparagraph 18-21.004(4)(b)1. and 2., Florida Administrative Code, to limit the owners' use of the wet slips to no more than one wet slip for each residential unit or dwelling and in no event shall the cumulative preemption of sovereignty submerged lands for the private residential multifamily portion of the docking facility used by the owners exceed forty (40) square feet of sovereignty submerged lands for each linear foot of the Lessee's riparian shoreline. For purposes of this special lease condition, the term "owners" shall include the owners' tenants, guests and invitees.
13. The Lessee shall maintain a list of all vessel owners, that contains the name and physical address of each slip renter, and corresponding vessel registration numbers that are occupying slips at the docking facility. That list shall be made available to the State of Florida Department of Environmental Protection, South District Office, P.O. Box 2549, Fort Myers, Florida 33902-2549, within 10 days of the Department's request.

FEE CALCULATION

CONSIDERATION DUE: \$120,199.59

(1) Lease Fee $764,776 \times \$0.2074 =$ \$158,614.54

Less 30% Discount - \$47,584.36
(Lease Fee above $\times .30$)

(2) Plus 25% Surcharge on the additional area \$9,169.41
($764,776 - 587,931 = 176,845$
 $176,845 \times .2074 = 36,677.65 \times .25 = \$ 9,169.41$)

TOTAL CONSIDERATION DUE

\$120,199.59



FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

South District
PO Box 2549
Fort Myers FL 33902-2549
SouthDistrict@FloridaDEP.gov

In the matter of an Application for a Permit/Water Quality Certification and Authorization to Use Sovereign Submerged Lands by:

APPLICANT:

Freeman & Hasselwander Resort Properties, LLC
5951 Silver King Blvd.
Cape Coral, FL., 33914

FILE No.: 153417

LEASE NO.: 360189959

COUNTY: Lee

PROJECT NAME: Modify/Expand Marina

CONSOLIDATED NOTICE OF INTENT TO ISSUE ENVIRONMENTAL RESOURCE PERMIT AND LEASE TO USE SOVEREIGN SUBMERGED LANDS

The Department of Environmental Protection (Department) gives notice of its intent to issue an Environmental Resource Permit (ERP) in accordance with Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.) (draft copy of permit attached). Issuance of the ERP constitutes certification of compliance with state water quality standards pursuant to section 401 of the Clean Water Act U.S.C. § 1341 and a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act, 16 U.S.C. § 1456, unless expressly waived by the final permit.

The Department of Environmental Protection (Department) also gives notice of its intent to grant a lease to use sovereign submerged lands for the proposed activity, under Article X, Section 11 of the Florida Constitution, Chapter(s) 253, Title 18, F.A.C., and the policies of the Board of Trustees, as described, below subject to any fees, special lease, easement, or consent of use conditions. The actual terms of the lease will be formally executed at a later date and shall include provisions for rents and such other provisions as normally are included in such lease.

I. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicant, Freeman & Hasselwander Resort Properties, LLC., applied on March 9th, 2022 to the Department of Environmental Protection for a permit, water quality certification and authorization to use sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) to extend two existing docks, Dock G and Dock H, and add an additional dock, Dock I for the expansion of the previously authorized 225-slip

commercial marina to a 266-slip commercial marina used in conjunction with the upland commercial marina facility and mixed-use commercial development..

The activity is located 6179/6095 Silver King Blvd., Parcel ID number 22-45-23-C4-0050E.0000, Cape Coral, Florida 33914, in Section 22, Township 45 South, Range 23 East, in Lee County.

The activity includes consideration of an application to modify a 25-year sovereignty, submerged land lease containing 764,787 square feet, more or less for a 266-slip commercial marina, which requires payment of \$120,199.59, representing (1) \$111,030.18 as the initial annual lease fee computed at the base rate of \$0.2074 per square foot for the total of 764,776 square feet, discounted thirty percent because a minimum of ninety percent of the slips are open to the public on a first-come, first-serve basis pursuant to Rule 18-21.011(1)(b)2, F.A.C.; and (2) \$9,169.41 as the one time twenty-five percent surcharge payment for the new lease area of 176,845 square feet, pursuant to Rule 18-21.011(1)(b)3, F.A.C.

II. AUTHORITY FOR REVIEW

The Department is authorized to grant this permit pursuant to Part IV of Chapter 373, F.S., and Chapter 62-330, F.A.C. The activity is not exempt from the requirement to obtain an Environmental Resource Permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

The activity also requires a proprietary authorization, as it is located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain a proprietary authorization. Pursuant to Article X, Section 11 of the Florida Constitution, Sections 253.002 and 253.77, F.S., Sections 18-21.0040, 18-21.0051, 18-18, 62-330.075, F.A.C., the policies of the Board of Trustees, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this request for proprietary authorization.

III. BACKGROUND/BASIS FOR ISSUANCE

A. General

In November 1985, the Board of Trustees approved the initial lease for a 216-slip private/public marina preempting 355,014 square feet of sovereignty submerged lands for Avatar Properties, Inc.

In 1989, under delegation of authority, the former Department of Natural Resources (DNR) modified the lease to authorize minor changes to the docking facility as authorized by permit modifications issued by the former Department of Environmental Regulation in 1986, 1998 and 1989, including the reduction of boat slips from 216 to 175. The modified lease also changed the

use of the docking facility to a commercial marina and reduced the lease area to 347,531 square feet.

In 1991, under delegation of authority, DNR modified the lease to reflect a change in upland ownership to Tarpon Point, Inc. In 1994, under delegation of authority, DEP renewed the lease through September 25, 1994.

On October 13, 1998, the Board of Trustees approved issuance of a modified lease to extend the term to 25 years. In 1999, under delegation of authority, DEP modified the lease to reflect a change in upland ownership to Marina Resources, Inc. In 2002, under delegation of authority, DEP modified the lease to reflect a change in ownership to Tarpon Point Associates, LLC. In 2004, under delegation of authority, DEP modified the lease to change the use description to reflect a 175-slip commercial docking facility for mooring of non-commercial recreational vessels and a single commercial vessel, and to operate a beach shuttle service between the marina and the local barrier islands. On June 16, 2010, under delegation of authority, DEP modified the lease to reconfigure structures pursuant to DEP permit no. 36-0153417-003 issued on February 27, 2008.

On July 29, 2010, the Board of Trustees approved: (1) a modification of a 25-year sovereignty submerged lands lease to increase the preempted area from 347,531 square feet to 588,101 square feet for a proposed reconfigured 185-slip commercial docking facility; (2) authorization for the placement of 213 cubic yards of riprap; (3) authorization for the severance of 750 cubic yards of sovereignty material; and (4) authorization for the required planting on mangroves. On September 3, 2010, DEP issued the environmental resource permit (36-0153417-004) reflecting the Board of Trustees approval, and the modified lease was issued on March 17, 2011.

On November 23, 2011, under delegation of authority, DEP modified the lease to reflect a change in upland ownership to Tarpon Land, LP. On April 27, 2012, under delegation of authority, DEP modified the lease to reflect a change in upland ownership to the current lessee.

On February 8, 2018, the Board of Trustees approved a modification of a 25-year sovereignty submerged lands lease to (1) reduce the preempted area from 588,101 square feet to 587,931 square feet, more or less; and (2) increase the number of wet slips from 185 to 225 for an existing commercial docking facility. On March 16th, 2018, DEP issued the environmental resource permit (36-0153417-022) reflecting the Board of Trustees approval, and, under delegation of authority, DEP issued the modified lease on September 27, 2018.

On July 20, 2023, the Department inspected the site and found it to be in compliance.

Regulatory Basis of Issuance

I. Elimination or Reduction of Impacts – 10.2.1, A.H. Vol. I – No impacts to natural resources are proposed.

II. Fish, Wildlife, Listed Species and their Habitat – 10.2.2, A.H. Vol. I, 10.1.1(a), A.H. Vol. I – Fish and Wildlife Conservation Commission (FWC), Division of

Habitat and Species Conservation, Imperiled Species Management Section, Manatees: recommended on August 18, 2022, that the applicant: (1) comply with the standard manatee protection construction conditions; (2) install and maintain manatee awareness signs and informational displays; (3) prior to the completion of construction or occupancy of the slips, provide the Department and FWC (via ImperiledSpecies@myfwc.com) a copy of a letter from the Division of Natural Resources, Lee County, stating that the project is consistent with all provisions of the Lee County Manatee Protection Plan, including payment of mitigation fees. Rule 18-21.004(2)(a), (b) and (i), F.A.C., 18-20.004(2)(b)8, F.A.C.]

III. Water quantity, impacts to wetlands and other surface waters – 10.2.2.4, A.H. Vol. I
– Water quantity should not be impacted with the expansion of the slip count.

IV. Public Interest Test – Chapter 373.414(1)(a), F.S., Paragraph 62-330.302(1)(a), F.A.C., 10.2.3, A.H. Vol. I

- a) **Whether the activity will adversely affect public health, safety, or welfare or the property of others** (10.2.3.1, A.H. Vol. I): The project should not adversely affect the public environmental health, safety or welfare or the property of others. The marina has a current marina management plan and the project is consistent with the Lee County MPP.
- b) **Whether the activity will adversely affect the conservation of fish and wildlife and their habitats;** (10.2.3.2, A.H. Vol. I); addressed in section II above). The project should not adversely affect the conservation of fish and wildlife. The marina has a current marina management plan and the project is consistent with the Lee County MPP and FWC has approved the project.
- c) **Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or Shoaling;** (10.2.3.3, A.H. Vol. I)- No impacts proposed to adjacent wetlands. Project is piling supported docking facility not considered to impact surface waters if permit conditions are followed.
- d) **Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;** (10.2.3.4, A.H. Vol. I) No impacts proposed to adjacent wetlands. Project is piling supported docking facility not considered to impact surface waters if permit conditions are followed..
- e) **Whether the activity is temporary or permanent in nature;** (10.2.3.5, A.H. Vol. I) permanent
- f) **Whether the activity will adversely affect or will enhance significant historical and archeological resources;** (10.2.3.6, A.H. Vol. I)- The Division of Historical

Resources have been consulted. No response was received, however conditions are incorporated into the general conditions of the permit.

- g) **The current condition and relative value of functions being performed by areas affected by the proposed activity.** (10.2.3.7, A.H. Vol. I) – The project is intended to authorize expansion of a current existing marina. It will not change the current function of the area.
- V. **Water Quality** – 10.2.4, A.H. Vol. I – Short term water quality should be minimized to the direct project area through the use of appropriate best management practices. Long term water quality will be maintained through the use of best management practices and implementation of the submitted management plan.
- VI. **Class II Waters; Waters Approved for Shellfish Harvesting** – 10.2.5 A.H. Vol. I – The project is located in Class III Waters.
- VII. **Vertical Seawalls** – 10.2.6 A.H. Vol. I – Vertical seawalls are not part of this project.
- VIII. **Secondary Impacts** – 10.2.7 A.H. Vol. I – The project qualifies as Conditional in an Area of Special Concern and is authorized under the Lee County Manatee Protection Plan to construct a total of 266 slips. As a condition of the permit the applicant shall also provide the Department and FWC with a copy of a letter from the Division of Natural Resources, Lee County, stating that the project is consistent with all provisions of the Lee County Manatee Protection Plan, including payment of mitigation fees.
- IX. **Cumulative Impacts** – 10.2.8 A.H. Vol. I – The project is solely intended to authorize the additions to two existing docks, Dock G and Dock H, and add an additional dock, Dock I for the expansion of the previously authorized 225-slip commercial marina to a 266-slip commercial marina used in conjunction with the upland commercial marina facility and mixed-use commercial development. The project qualifies as Conditional in an Area of Special Concern and is authorized under the Lee County Manatee Protection Plan to construct a total of 266 slips. As a condition of the permit the applicant shall also provide the Department and FWC with a copy of a letter from the Division of Natural Resources, Lee County, stating that the project is consistent with all provisions of the Lee County Manatee Protection Plan, including payment of mitigation fees.
- X. **Mitigation** – 10.3 A.H. Vol. I – No mitigation is required.

The Department has determined, based on the information currently on file and the general and specific conditions included within the attached draft permit, the applicant has provided reasonable assurance that the construction, including the direct, secondary and cumulative impacts, will comply with the provisions of Part IV of Chapter 373, F.S., and the rules adopted

thereunder, including the Conditions for Issuance of an environmental resource permit, as provided in Chapter 62-330, F.A.C., and Applicant's Handbook, Volumes I and II (as applicable). The construction and operations of the activity will not result in violations of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, 62-522, and 62-550, F.A.C. The applicant has also demonstrated that the construction of the activity, including a consideration of the direct, secondary and cumulative impacts, is not contrary to the public interest, pursuant to Section 373.414(1)(a), F.S.

Proprietary Basis of Issuance

No changes are proposed to the existing conditions, reproduced below:

A. minimum of ninety percent (90%) of the wet slips at the docking facility shall be made available for rent to the general public maintained on a "first-come, first-served" basis as defined in subsection 18-21.003(27), Florida Administrative Code, with longer than one-year rental terms and with no automatic renewal rights or conditions. To help ensure compliance with the requirement and to assist in providing public awareness of this requirement, the Lessee shall erect permanent signs at the waterward entrance to the docking facility and at the upland entrance to the docking facility which are clearly visible to passing boaters and the general public. The signs shall contain language clearly indicating that a minimum of ninety percent (90%) of the wet slips at the docking facility are available for rental by the general public. Any dockage rate sheet publications and docking advertising for the marina shall clearly state that slips are open to the public on a "first-come, first-served" basis.

B. The terms and conditions herein, including those related to assessment of lease fees, may be reviewed at any time during the term of this lease as deemed necessary by the Lessor or its designated agent, and such terms and conditions may be modified or additional conditions may be imposed as deemed necessary by the Lessor. For the purpose of this provision, the terms and conditions of this lease may be modified (which may include the addition of new terms and conditions) for, but not limited to, the following reasons:

- a. to conform to the adoption or revision of Florida Statutes (F.S.), rules, and standards that require the modification of the lease for compliance;
- b. to ensure compliance with the U.S. Endangered Species Act of 1973, 16 U.S.C., § 1531, et seq., and the Florida Endangered and Threatened Species Act of 1977, Section 372.072, F.S.;
- c. to conform to adoption or revision of rules regarding the assessment of lease fees;
- d. to conform to any modification to the terms and conditions of all applicable permits from the State of Florida Department of Environmental Protection, the applicable water management district and/or the U.S. Army Corps of Engineers, and all other required approvals; and,
- e. to remove any structure declared to be a public nuisance.

The Lessor shall allow the Lessee a reasonable time for compliance with the amended or new terms and conditions.

C. Authorization of this lease does not preclude the Lessor from adjusting the base lease fees or base rate during the term of this lease.

D. The Lessee shall prohibit mooring, on either a temporary or permanent basis, lessee shall prohibit mooring, on either a temporary or permanent basis outside of delineated slips. To ensure compliance, the Lessee shall place and maintain: (1) a 3-foot high railing at these locations, and (2) signs advising boaters that mooring at the above described locations, on either a temporary or permanent basis, is prohibited.

E. The Lessee shall provide and make available to all vessels utilizing the docking facility operational and well-maintained sewage pump out facilities acceptable to the State of Florida Department of Environmental Protection or State of Florida Department of Health, whichever agency has jurisdiction.

F. The Lessee shall inform all wet slip occupants in writing of the availability and requirement to use the sewage pumpout facilities provided at the pumpout station shown on Attachment A. The Lessee shall also advise all wet slip occupants that no overboard discharges of trash, human or animal waste, including fish carcasses, shall occur at the leased premises at any time. Discharge from any holding tank or marine sanitation device, including those approved by the United States Coast Guard is strictly prohibited within the leased premises.

G. Throughout the term of this lease and all subsequent renewals or modifications, Lessee shall use a State of Florida Department of Environmental Protection approved wet slip user agreement to assign or transfer the right to use a wet slip at the docking facility to a third party. The wet slip user agreement shall include provisions acceptable to the State of Florida Department of Environmental Protection.

H. Vessels that either do not possess a current vessel registration and title as required by Chapters 327 and 328, Florida Statutes, or do not have a current vessel registration and title as required in another state or country are prohibited within the leased premises.

I. All vessels that moor, dock, or otherwise use the leased premises shall be maintained in fully operational condition.

J. Any vessel moored at the docking facility, on either a temporary or permanent basis, shall be wholly located within its designated wet slip as depicted on Attachment A and no portion of a vessel may extend beyond the leased premises. Vessel length shall be measured as overall length including all parts and accessories such as outboard motors, bow pulpits, and swim platforms.

K. During the term of this lease and all subsequent renewal terms, the Lessee shall maintain the manatee informational display and manatee awareness signs as required by the State of Florida

Department of Environmental Protection Consolidated Environmental Resource Permit No. 36-0153417-024, dated TBD.

L. If one or more residential units or dwellings in one or more residential developments which are identified on Attachment C to this lease and within the Tarpon Point Marina Development of Regional Impact are assigned the use of a boat slip during the term of this lease or any subsequent renewals or modifications, the Lessee is required to obtain the Lessor's written approval prior to allowing the owners of these residential units or dwellings to use any of the wet slips at the docking facility. If the Lessor agrees that a portion of the docking facility may be used by any future owners of residential units or dwellings in one or more residential developments which are identified on Attachment C to this lease and within the Tarpon Point Marina Development of Regional Impact, this lease shall be amended in accordance with subparagraph 18-21.004(4)(b)l. and 2., Florida Administrative Code, to limit the owners' use of the wet slips to no more than one wet slip for each residential unit or dwelling and in no event shall the cumulative preemption of sovereignty submerged lands for the private residential multifamily portion of the docking facility used by the owners exceed forty (40) square feet of sovereignty submerged lands for each linear foot of the Lessee's riparian shoreline. For purposes of this special lease condition, the term "owners" shall include the owners' tenants, guests and invitees.

M. The Lessee shall maintain a list of all vessel owners, that contains the name and physical address of each slip renter, and corresponding vessel registration numbers that are occupying slips at the docking facility. That list shall be made available to the State of Florida Department of Environmental Protection, South District Office, P.O. Box 2549, Fort Myers, Florida 33902-2549, within 10 days of the Department's request.

B. Specific Regulatory Basis for Issuance

The Department has determined, based on the information currently on file and the general and specific conditions included within the attached draft permit, the applicant has provided reasonable assurance that the construction, including the direct, secondary and cumulative impacts, will comply with the provisions of Part IV of Chapter 373, F.S., and the rules adopted thereunder, including the Conditions for Issuance of an environmental resource permit, as provided in Chapter 62-330, F.A.C., and Applicant's Handbook, Volumes I and II (as applicable). The construction and operations of the activity will not result in violations of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, 62-522, and 62-550, F.A.C. The applicant has also demonstrated that the construction of the activity, including a consideration of the direct, secondary and cumulative impacts, is not contrary to the public interest, pursuant to Section 373.414(1)(a), F.S.

C. Specific Proprietary Basis for Issuance

Through the above and based on the general and/or specific conditions to the lease, the applicant has met all applicable requirements for proprietary authorizations to use sovereign submerged

lands, pursuant to Article X, Section 11 of the Florida Constitution, Chapter(s) 253, F.S., associated rule(s) 18-21, F.A.C., and the policies of the Board of Trustees. The applicant has provided reasonable assurance that the activity:

- (1) is "not contrary to the public interest" ;
- (2) will maintain essentially natural conditions;
- (3) will not cause adverse impacts to fish and wildlife resources or public recreation or navigation; and
- (4) will not interfere with the riparian rights of adjacent property owners.

IV. PUBLICATION OF NOTICE

The Department has determined that the proposed activity, because of its size, potential effect on the environment or the public, controversial nature, or location, is likely to have a heightened public concern or likelihood of request for administrative proceedings. Therefore, pursuant to Subsection 373.413(4), F.S. and section 5.5.5.3 of Applicant's Handbook, Volume I, you (the applicant) are required to publish at your own expense this Notice of Intent to Issue. The notice is required to be published one time, in the legal ad section in a newspaper or newspapers of general circulation in the areas affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. The applicant shall provide proof of publication to:

Florida Department of Environmental Protection
South District Office,
P.O. Box 2549, Fort Myers, Florida 33902

The proof of publication shall be provided to the above address within 30 days of issuance of intended agency action, or within 21 days of the date of publication, whichever occurs sooner. Failure to publish the notice and provide proof of publication within the allotted time shall be grounds for denial of the permit and lease to use sovereign submerged lands.

V. RIGHTS OF AFFECTED PARTIES

The Department will issue the environmental resource permit (draft permit attached) and lease to use sovereign submerged lands, unless a timely petition for an administrative proceeding (hearing) is filed under sections 120.569 and 120.57, Florida Statutes, before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, Florida Statutes.

Pursuant to rule 28-106.201, Florida Administrative Code, a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, 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 are or 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, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-

3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

EXECUTION AND CLERKING

Executed in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Elizabeth Sweigert
Interim District Director
South District Office

Attachment(s):

1. Draft Permit No. 153417-024
2. TPM SOP-010 HURRICANE & STORM PLAN March 2023

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

U.S. Army Corps of Engineers, Fort Myers Office, fdep.other@usace.army.mil
FWC, Imperiled Species Management Section, FWCConservationPlanningServices@myfwc.com
Lee County Property Appraiser, dataservices@leepa.org
Kathy Griffin, Division of State Lands, BOT # 360189959, Kathy.Griffin@dep.state.fl.us
Department of Economic Opportunity, dcpermits@deo.myflorida.com

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk

Date



FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

South District
PO Box 2549
Fort Myers FL 33902-2549
SouthDistrict@FloridaDEP.gov

Permittee/Authorized Entity:

Freeman & Hasselwander Resort Properties, LLC. (d/b/a or a/k/a Tarpon Point
Marina)
5951 Silver King Blvd.
Cape Coral, FL 33914
mbagley@tarponpoint.com

MOD/EXPAND MARINA

Authorized Agent:

Avalon Engineering, Inc.
% Bredon Sloan
2503 Del Prado Blvd. S.
Cape Coral, FL. 33904
brendan@avaloneng.com

**Environmental Resource Permit
State-owned Submerged Lands Authorization – Granted Pending Document
Execution**

**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization
Required**

Permit No.: 153417-024 EI
Lease No.: 360189959

**Permit Issuance Date: ~~XX~~, 2024
Permit Construction Phase Expiration Date: ~~XX~~, 2029**

Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

Permittee: Freeman & Hasselwander Resort Properties, LLC (d/b/a or a/k/a Tarpon Point Marina)

Permit No: 153417-024 EI
Lease No.: 360189959

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 6179/6095 Silver King Blvd., Parcel ID number 22-45-23-C4-0050E.0000, Cape Coral, Florida 33914, in Section 22, Township 45 South, Range 23 East, in Lee County. 26.53908499 Lat/ 81.99997725 Long.

PROJECT DESCRIPTION

The permittee is authorized to extend two existing docks, Dock G and Dock H, and add an additional dock, Dock I for the expansion of the previously authorized 225-slip commercial marina to a 266-slip commercial marina used in conjunction with the upland commercial marina facility and mixed-use commercial development. The existing total overwater structures is permitted as 63,645 square feet; and with the new configuration the total overwater structures is 83,223 square foot – a 19,578 square foot increase. The facility has a total of 225 slips located on sovereignty submerged lands. An upland dry storage facility or boat ramp is not associated with this facility in Glover Bight, Class III Waters.

Those activities include the construction and use of 83,223 square feet of overwater structure comprising 764,787 square feet of preemption of state-owned sovereignty submerged lands. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

MOD/EXPAND MARINA

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

On **X (date)**, the Board of Trustees granted authority for the Department, acting as staff to the Board in accordance with Sections 253.002, F.S., to proceed with issuance of a lease modification for the use for the activity described.

The final documents required to execute the lease modification will be sent to the lessee by the Department's Division of State Lands for execution. The Department intends to issue the lease

Permittee: Freeman & Hasselwander Resort Properties, LLC
Permit No: 153417-024 EI
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Permit Expiration: **XX**

modification, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in the previously issued Recommended Consolidated Intent to Issue lease modification. **You may not begin construction of the activities described until you receive a copy of the executed lease modification from the Department.**

Federal Authorization

Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using their *APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT*, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>.

Authority for review - an agreement with the USACOE entitled “Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit”, Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**

- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS – ADMINISTRATIVE

1. All required submittals, such as certifications, monitoring reports, notifications, etc., shall be submitted to the Florida Department of Environmental Protection, South District Office, Submerged Lands and Environmental Resource Permitting, P.O. Box 2549, Fort Myers, FL 33902-2549 or via e-mail to FTMERP_Compliance@dep.state.fl.us . All submittals shall include the project name and indicated permit number when referring to this project.

Note: In the event of an emergency, the Permittee should contact the Department by calling (800)320-0519. During normal business hours, the permittee should call (239)344-5600.

2. The project shall comply with applicable State Water Quality Standards, namely:
Rule 62-302.500, F.A.C. – Surface Waters: Minimum Criteria, General Criteria;
Rule 62-302.530, F.A.C. – Table: Surface Water Quality Criteria – Class III Waters

SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION

3. The terms, conditions, and provisions of the required lease shall be met. Construction of this activity shall not commence on sovereign submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required lease documents BOT No: 360189959 have been executed to the satisfaction of the Department.
4. Floating turbidity curtains with weighted skirts that extend to within 1 ft. of the bottom shall be placed around the described dredge area prior to the initiation of work authorized by this permit. The screens shall be maintained and remain in place for the duration of the construction to ensure turbidity levels outside the construction area do not exceed 29 NTU's above background levels. The permittee shall be responsible for inspecting and maintaining turbidity control devices so no degradation of the water quality of Florida Waters outside of the turbidity screens occurs. Turbidity shall be monitored as described in the monitoring portion of this permit.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

5. Watercraft associated with the construction of the permitted structure shall operate within waters of sufficient depth to preclude bottom scouring, prop dredging or damage to

Permittee: Freeman & Hasselwander Resort Properties, LLC
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submerged bottom or submerged resources. During all construction activities, there shall be a minimum of 1-foot clearance between the draft of the construction vessel/barge and the top of any submerged resources or submerged bottom.

SPECIFIC CONDITIONS LISTED SPECIES

6. Prior to the completion of construction or occupancy of the slips, the applicant shall provide the Department and the FWC with a copy of a letter from the Division of Natural Resources, Lee County, stating that the project is consistent with all provisions of the Lee County Manatee Protection Plan, including payment of mitigation fees. If the project intends to use transferred slip credits, the assessment(s) must clearly delineate the STRAP number, MPP designation, and slip count for each individual donor and recipient parcel involved. Provide a copy of the recorded slip credit documents or, if not yet completed, a status and intended date of recording.
7. The Permittee shall install permanent manatee educational signs, which shall be maintained for the life of the facility, no later than 60 days after construction commencement. The number and types of signs, as well as the on-site locations shall be approved by FWC staff prior to installation. A proposal for FWC sign approval shall be submitted to ImperiledSpecies@MyFWC.com in accordance with information provided at <https://myfwc.com/wildlifehabitats/wildlife/manatee/education-for-marinas/>. Signs shall be replaced in accordance with FWC guidance by the Permittee if outdated, damaged or faded.
8. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to FWCConservationPlanningServices@MyFWC.com.

SPECIFIC MANATEE PROTECTION CONDITIONS

9. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with, and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
10. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the

vessel provides less than a four-foot clearance from the bottom. All vessels shall follow routes of deep water whenever possible.

11. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers shall not impede manatee movement.
12. All on-site project personnel are responsible for observing water-related activities for the presence of manatees. All in-water operations, including vessels, shall be shutdown if a manatee comes within 50 feet of the operation. Activities shall not resume until every manatee has moved beyond the 50-foot radius of the project operation, or until 30 minutes has elapsed wherein a manatee has not reappeared within 50 feet of the operation. Animals shall not be herded away or harassed into leaving.
13. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida.
14. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Please see the Florida Fish and Wildlife Conservation Commission website for information on how to obtain appropriate signs: http://www.myfwc.com/docs/WildlifeHabitats/Manatee_EducationalSign.pdf

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

15. The permittee shall install and maintain reflective markers and lighted aids to navigation. The reflective markers and lighted aids to navigation shall be maintained for the life of the facility.
16. This permit does not authorize the construction of additional structures not illustrated on the permit drawings. Examples of additional structures, which are not authorized by this permit include but are not limited to: walkways, doors, awnings, and decking around or under the bottom of the pile supported structures. Storage of equipment, pesticides, herbicides, construction material, trash receptacles, or part of a septic tank system beneath the pile-supported structure is prohibited.

SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS

17. Turbidity levels outside the construction area shall not exceed 29 NTU's above background levels. The following measures shall be taken immediately by the permittee

whenever turbidity levels within waters of the State surrounding the project site exceed 29 NTUs above background.

- a. Notify the Department at 239-344-5600 at the time the violation is first detected.
- b. Immediately cease all work contributing to the water quality violation.
- c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, install more turbidity containment devices, and repair any non-functional turbidity containment devices.
- d. As required, perform turbidity monitoring per Specific Conditions.
- e. Resume construction activities once turbidity levels outside turbidity curtains fall below ambient within the Aquatic Preserve.

Measurements must be acquired in adherence to the Department's Standard Operating Procedure (SOP) for field turbidity, available at the website: www.dep.state.fl.us/labs/qa/sops.htm More specifically, the instruments used to measure turbidity shall be fully calibrated within one month of the commencement of the project, and at least once a month thereafter during the project. Calibration shall be verified each morning prior to use, and after each time the instrument is turned on, using a turbidity "standard" that is different from the one used during calibration.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment

control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
- b. For all other activities "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:

- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
- b. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
- b. Convey to the permittee or create in the permittee any interest in real property;

- c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
- d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

12. The permittee shall notify the Agency in writing:

- a. Immediately if any previously submitted information is discovered to be inaccurate; and
- b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

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 Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be

disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, 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 are or 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, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by

filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Elizabeth Sweigert
Interim District Director
South District Office

Attachments:

project drawing(s)

'Post Issuance' forms: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments, including all copies, were sent to the addressee and to the following listed persons:

U.S. Army Corps of Engineers, Fort Myers Office, fdep.other@usace.army.mil
FWC, Imperiled Species Management Section, FWCConservationPlanningServices@myfwc.com
Lee County Property Appraiser, dataservices@leepa.org
Kathy Griffin, Division of State Lands, BOT # 360189959, Kathy.Griffin@dep.state.fl.us

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.

Clerk

Date

SPECIAL PURPOSE SURVEY

SUBMERGED LANDS LEASE SURVEY, LYING IN "GLOVER BIGHT" WATERBODY SECTION 22, TWP 45S, RGE 23 E, LEE COUNTY, FL.



LOCATION MAP
N.T.S.

NOTES:

1. BEARING BASIS IS SOUTHERLY LINE OF TRACT "MV-1" AS S85°20'05"E (PLAT) COORDINATES ARE STATE PLANE, FLORIDA WEST ZONE, NAD83, ESTABLISHED WITH GPS (NOT SCALED)
2. ELEVATIONS ARE NAVD 1988.
3. UNDERGROUND STRUCTURES IF ANY NOT INCLUDED.
4. UPLAND PARCELS LIE IN F.I.R.M. ZONE AE, ELEVATION 8.0' (NAVD88), ACCORDING TO F.I.R.M. PANEL 125095 0415 F DATED 08-28-08.
5. THIS CERTIFICATION IS ONLY FOR LAND DESCRIBED HEREON.
6. NOT VALID WITHOUT SIGNATURE AND RAISED SEAL OF FLORIDA LICENSED SURVEYOR AND MAPPER (P.S.M.)
7. BOUNDARY OF THE DESCRIBED PARCEL RUNS ALONG THE WATERWARD FACE OF THE EXISTING SEAWALL AND IS ADJACENT TO AND CONTIGUOUS WITH THE PLAT OF TARPON POINT AS RECORDED IN PLAT BOOK 73 PAGE 70 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. PARCEL SHARES MULTIPLE COMMON BOUNDARY LINES WITH TRACT "U-1", "U-2" AND "U-3" OF SAID PLAT AND SAID LINES ARE MONUMENTED BY PK NAILS AND DISKS IN THE CONCRETE SEAWALL CAP AS SHOWN ON THIS SURVEY.
8. MEAN HIGH WATER ELEVATION = 0.17', MEAN LOW WATER = -1.4' (TIDE INTERPOLATION POINT ID 6280). SAFE UPLAND ELEVATION OF +0.7' FEET NAVD 1988 BASED UPON EMAIL FROM LAMAR EVERS DATED 02-15-10. ALL LEASE LINES THAT ABUT UPLAND PARCELS RUN ALONG CONCRETE SEAWALL.
9. LINEAR FOOTAGE OF SHORELINE EQUALS 5,614 LF, MORE OR LESS.
10. RIPARIAN RIGHTS TO THESE PARCELS ARE LIMITED TO FREEMAN & HASSELWANDER RESORT PROPERTIES, LLC (CURRENT OWNER OF TRACTS U-1, U-2, U-3 AND MV-1 OF TARPON POINT, PLAT BOOK 73, PGS 70-79, LEE COUNTY).
11. ALL STRUCTURES SHOWN ON SURVEY ARE EXISTING UNLESS OTHERWISE NOTED.

THIS IS A FIELD SURVEY

CERTIFIED TO:

- THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA (TIIF)
- FREEMAN & HASSELWANDER RESORT PROPERTIES, LLC
- AVALON ENGINEERING

Sheet 1 of 11



324 Nicholas Parkway W, Unit A
Cape Coral, Florida 33991
Phone: (239) 673-9541
www.Ardurra.com
License #LB-2610

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **January 21, 2022** is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

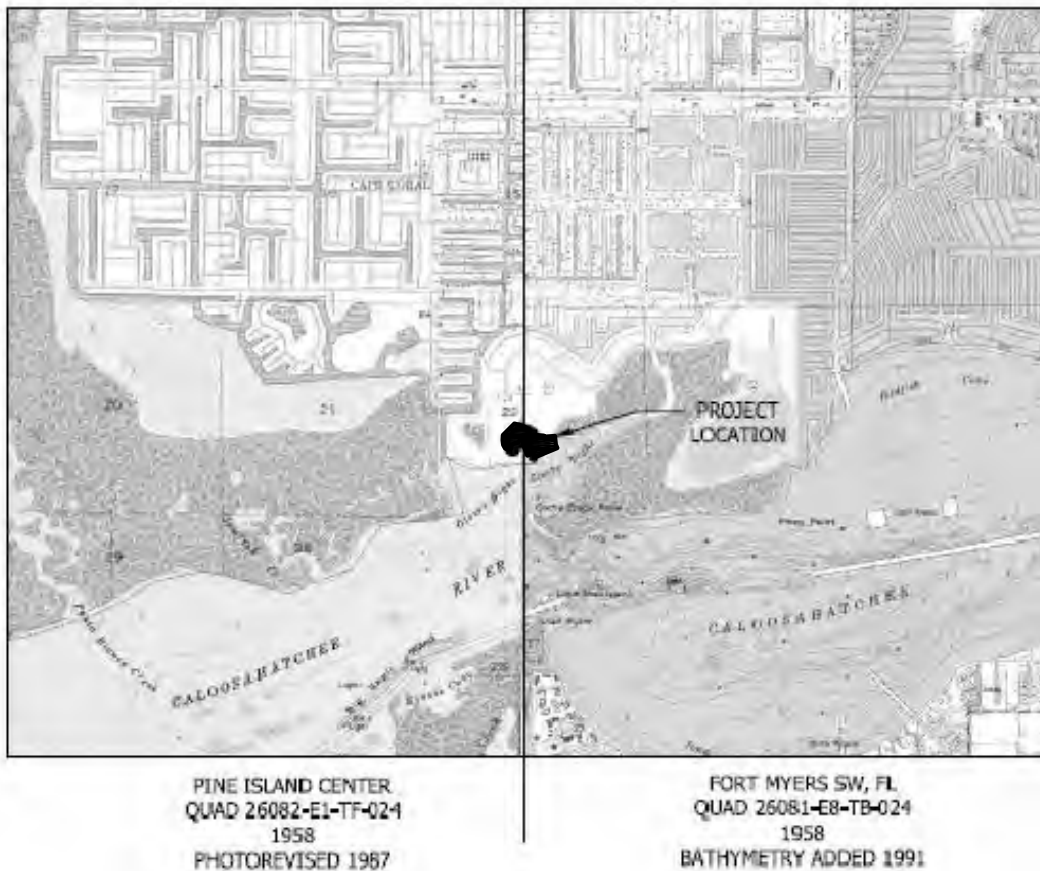
JEFFREY D. STOUTEN (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER

JOB # 21-7409 PREPARED FOR: Avalon Engineering

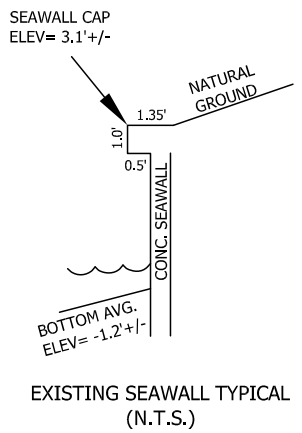
SECTION 22, TOWNSHIP 45S, RANGE 23E

SPECIAL PURPOSE SURVEY

SUBMERGED LANDS LEASE SURVEY, LYING IN "GLOVER BIGHT" WATERBODY
SECTION 22, TWP 45S, RGE 23 E, LEE COUNTY, FL.



- LEGEND:**
- FOUND NAIL AND DISK LB 43
 - X.XX SOUNDING ELEVATION
 - X.XX DOCK ELEVATION



Sheet 2 of 11



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See Sheet 1 of 11 for Signature and Seal

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JOB # 21-7409 PREPARED FOR: Avalon Engineering
SECTION 22, TOWNSHIP 45S, RANGE 23E

SPECIAL PURPOSE SURVEY

SUBMERGED LANDS LEASE SURVEY, LYING IN "GLOVER BIGHT" WATERBODY

SECTION 22, TWP 45S, RGE 23 E, LEE COUNTY, FL.

DESCRIPTION:

O.R. BOOK 3659, PAGE 1147

A PARCEL OF SUBMERGED LAND LOCATED IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS RECORDED IN O.R. BOOK 3659, PAGE 1147 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE PLATTED P.R.M. AT LOT 1, BLOCK 3483A, CAPE CORAL UNIT 67, ACCORDING TO PLAT BOOK 25, PAGE 59 OF THE PUBLIC RECORD OF LEE COUNTY, FLORIDA RUN S20°21'23"E, 1977.69 FEET TO A DRILL HOLE IN AN EXISTING SEAWALL AND THE POINT OF BEGINNING, SAID POINT OF BEGINNING ALSO BEING A POINT OF CUSP AT THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY AND WESTERLY ALONG SAID SEAWALL, ALSO BEING THE MEAN HIGH WATER LINE, AND ALONG THE ARC OF SAID CURVE 61.3 FEET THROUGH A CENTRAL ANGLE OF 145°16'08", (CHORD BEARING N78°19'08"W, CHORD 47.56 FEET) TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID SEAWALL AND MEAN HIGH WATER LINE THE FOLLOWING THIRTEEN COURSES: S30°26'59"W, 60.40 FEET; S33°48'49"W, 100.02 FEET; S68°36'03"W, 80.41 FEET; S78°38'48"W, 85.24 FEET; TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST; THENCE ALONG THE ARC OF SAID CURVE 51.0 FEET THROUGH A CENTRAL ANGLE OF 75°18'03", (CHORD BEARING S47°09'57"W, CHORD 47.52 FEET) TO A POINT OF TANGENCY; THENCE S03°20'45"W, 90.29 FEET; S50°42'38"W, 34.82 FEET; S85°09'30"W, 81.04 FEET; N62°27'36"W, 79.11 FEET; N26°12'49"W, 99.86 FEET; N11°03'12"W, 65.78 FEET; N07°29'52"W, 75.37 FEET; N05°11'45"E, 145.69 FEET TO THE END OF SAID PORTION OF SEAWALL; THENCE N44°43'53"E, 93.47 FEET TO THE BEGINNING OF AN EXISTING SEAWALL, ALSO BEING THE MEAN HIGH WATER LINE; THENCE N44°37'19"E, 221.79 FEET TO ITS TERMINUS; THENCE N44°50'19"E, 143.00 FEET TO THE BEGINNING OF AN EXISTING SEAWALL, ALSO BEING THE MEAN HIGH WATER LINE; THENCE ALONG SAID SEAWALL AND MEAN HIGH WATER LINE THE FOLLOWING SIX COURSES: S73°31'20"E, 136.02 FEET; S72°52'33"E, 155.24 FEET; S55°35'07"E, 171.52 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST; THENCE ALONG THE ARC OF SAID CURVE 46.0 FEET THROUGH A CENTRAL ANGLE OF 78°50'29", (CHORD BEARING S15°19'43"E, CHORD 41.72 FEET) TO A POINT OF TANGENCY; THENCE S23°15'22"W, 90.41 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST; THENCE ALONG THE ARC OF SAID CURVE 51.5 FEET THROUGH A CENTRAL ANGLE OF 117°10'00", (CHORD BEARING S34°26'19"E, CHORD 42.67 FEET); THENCE LEAVING SAID SEAWALL ALONG THE FOLLOWING SIX COURSES: S67°44'52"W, 141.71 FEET; S04°16'53"E, 137.56 FEET; S10,23'38"E, 146.12 FEET; S22°00'35"E, 157.28 FEET; S19°52'52"E, 72.47 FEET; THENCE S70°07'08"W, 50.00 FEET TO AN EXISTING SEAWALL, ALSO BEING THE MEAN HIGH WATER LINE; THENCE ALONG SAID SEAWALL AND THE MEAN HIGH WATER LINE THE FOLLOWING FOUR COURSES: N19°52'52"W, 71.54 FEET; N22°00'35"W, 161.44 FEET; N10°23'38"W, 151.26 FEET; THENCE N04°16'53"W, 126.71 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PARCEL OF SUBMERGED LAND LOCATED IN "GLOVER BIGHT" WATERBODY, SECTION 22, TOWNSHIP 45 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERN MOST CORNER OF TRACT MV-1, BLOCK 7025 OF TARPON POINT AS RECORDED IN PLAT BOOK 73, PAGES 70-79 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID POINT LYING 1.17 FEET FROM THE EASTERN LINE OF SAID TRACT; RUN S24°22'05"E FOR 89.58 FEET; THENCE RUN S04°39'55"W FOR 142.70 FEET; THENCE RUN S22°00'35"E FOR 91.25 FEET; THENCE RUN S67°59'25"W FOR 190.00 FEET; THENCE RUN S39°13'07"W FOR 91.27 FEET; THENCE RUN S67°59'25"W FOR 231.66 FEET; THENCE RUN S70°07'08"W FOR 25.00 FEET TO A POINT ON THE SOUTHERN END OF AN EXISTING SUBMERGED LAND LEASE PARCEL RECORDED IN O.R. BOOK 3659, PAGE 1147 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING FIVE (5) COURSES ALONG THE BOUNDARY OF SAID SUBMERGED PARCEL, 1) N19°52'52"W FOR 72.47 FEET; 2) N22°00'35"W FOR 157.28 FEET; 3) N10°23'38"W FOR 146.12 FEET; 4) N04°16'53"W FOR 137.56 FEET; 5) N67°44'52"E FOR 141.71 FEET TO A POINT ON THE SOUTHERN LINE OF ABOVE DESCRIBED TRACT MV-1; THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE SOUTHERLY BOUNDARY OF SAID PARCEL, 1) N86°28'20"E FOR 20.52 FEET; 2) N79°06'04"E FOR 61.30 FEET; 3) N79°08'24"E FOR 38.56 FEET; 4) S85°20'05"E FOR 284.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 587,931 SQUARE FEET, MORE OR LESS (13.5± ACRES).

TOGETHER WITH:

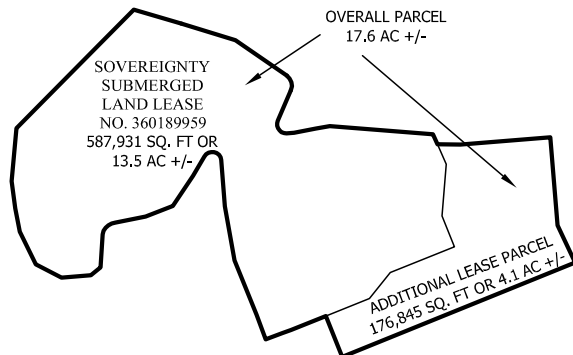
A PARCEL OF SUBMERGED LAND LOCATED IN "GLOVER BIGHT" WATERBODY, SECTION 22, TOWNSHIP 45 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERNMOST CORNER OF TRACT MV-1, BLOCK 7025 OF TARPON POINT AS RECORDED IN PLAT BOOK 73, PAGES 70-79 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID POINT LYING 1.17 FEET FROM THE EASTERN LINE OF SAID TRACT; RUN S24°22'05"E FOR 29.70 FEET LONG THE EASTERLY LINE OF AN EXISTING SUBMERGED LAND LEASE PARCEL RECORDED IN SOVEREIGNTY SUBMERGED LAND LEASE NO. 360189959 TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN S88°54'35"E FOR 63.68 FEET; THENCE RUN N85°19'21"E FOR 247.68 FEET; THENCE RUN S04°36'58"E FOR 242.32 FEET; THENCE RUN S25°25'35"E FOR 112.95 FEET; THENCE RUN S67°56'55"W FOR 690.66 FEET; THENCE RUN N21°48'58"W FOR 120.75 FEET TO A POINT ON THE SOUTH LINE OF AN EXISTING SUBMERGED LAND LEASE PARCEL RECORDED IN SOVEREIGNTY SUBMERGED LAND LEASE NO. 360189959; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG SAID EXISTING SUBMERGED LAND LEASE: N67°59'25"E FOR 129.35 FEET; N39°13'07"E FOR 91.27 FEET; N67°59'25"E FOR 190.00 FEET; N22°00'35"W FOR 91.25 FEET; N 04°39'55"E FOR 142.70 FEET; N 24°22'05"W FOR 59.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 176,845 SQUARE FEET, MORE OR LESS (4.1± ACRES).

OVERALL PARCEL CONTAINING 764,787 SQUARE FEET, MORE OR LESS (17.6± ACRES).



APPROVED
By Jorge G. Alonso at 9:41 am, Aug 15, 2022.

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	24.92	61.3	145°16'08"	N78°19'08"W	47.56
C2	38.95	51.0	75°18'03"	S47°09'57"W	47.52
C3	32.97	46.0	78°50'29"	S15°19'43"E	41.72
C4	25.01	51.5	117°10'00"	S34°26'19"E	42.67

Sheet 3 of 11



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I hereby certify that, to the best of my knowledge and belief, the sketch and description represented herein, made under my direction on **January 21, 2022** is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 51-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

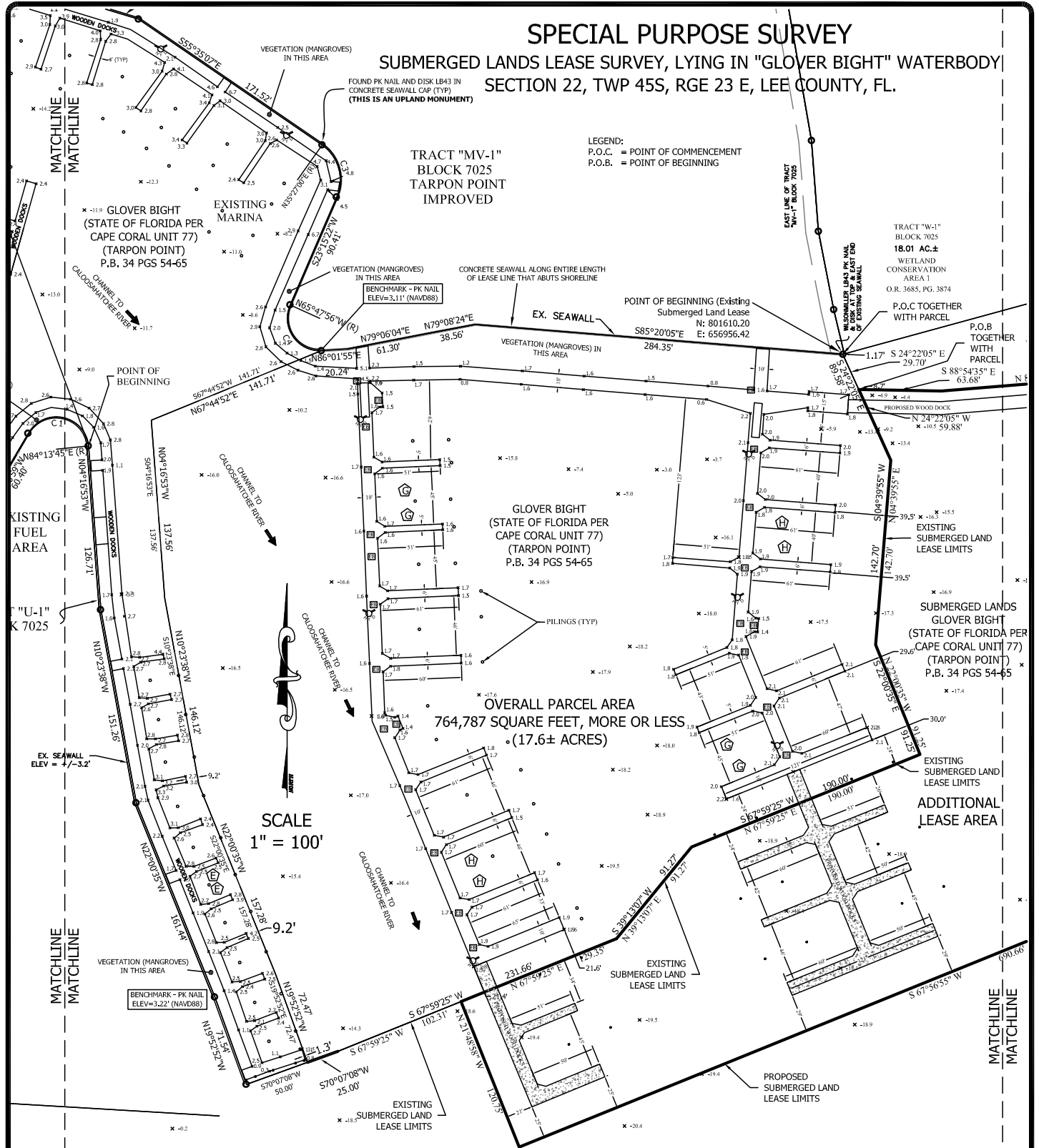
See Sheet 1 of 11 for Signature and Seal

JEFFREY D. STOUTEN (FOR THE FIRM)
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NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR
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JOB # 21-7409 PREPARED FOR: Avalon Engineering
SECTION 22, TOWNSHIP 45S, RANGE 23E

SPECIAL PURPOSE SURVEY

SUBMERGED LANDS LEASE SURVEY, LYING IN "GLOVER BIGHT" WATERBODY
SECTION 22, TWP 45S, RGE 23 E, LEE COUNTY, FL.



TRACT "MV-1"
BLOCK 7025
TARPON POINT
IMPROVED

LEGEND:
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING

FOUND PK NAIL AND DISK LB43 IN
CONCRETE SEAWALL CAP (TYP)
(THIS IS AN UPLAND MONUMENT)

TRACT "W-1"
BLOCK 7025
18.01 AC.±
WETLAND
CONSERVATION
AREA 1
O.R. 3685, PG. 3874

GLOVER BIGHT
(STATE OF FLORIDA PER
CAPE CORAL UNIT 77)
(TARPON POINT)
P.B. 34 PGS 54-65

OVERALL PARCEL AREA
764,787 SQUARE FEET, MORE OR LESS
(17.6± ACRES)

SCALE
1" = 100'

Sheet 5 of 11
JOB # 21-7409 PREPARED FOR: Avalon Engineering
SECTION 22, TOWNSHIP 45S, RANGE 23E



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ARDURRA
COLLABORATE. INNOVATE. CREATE.

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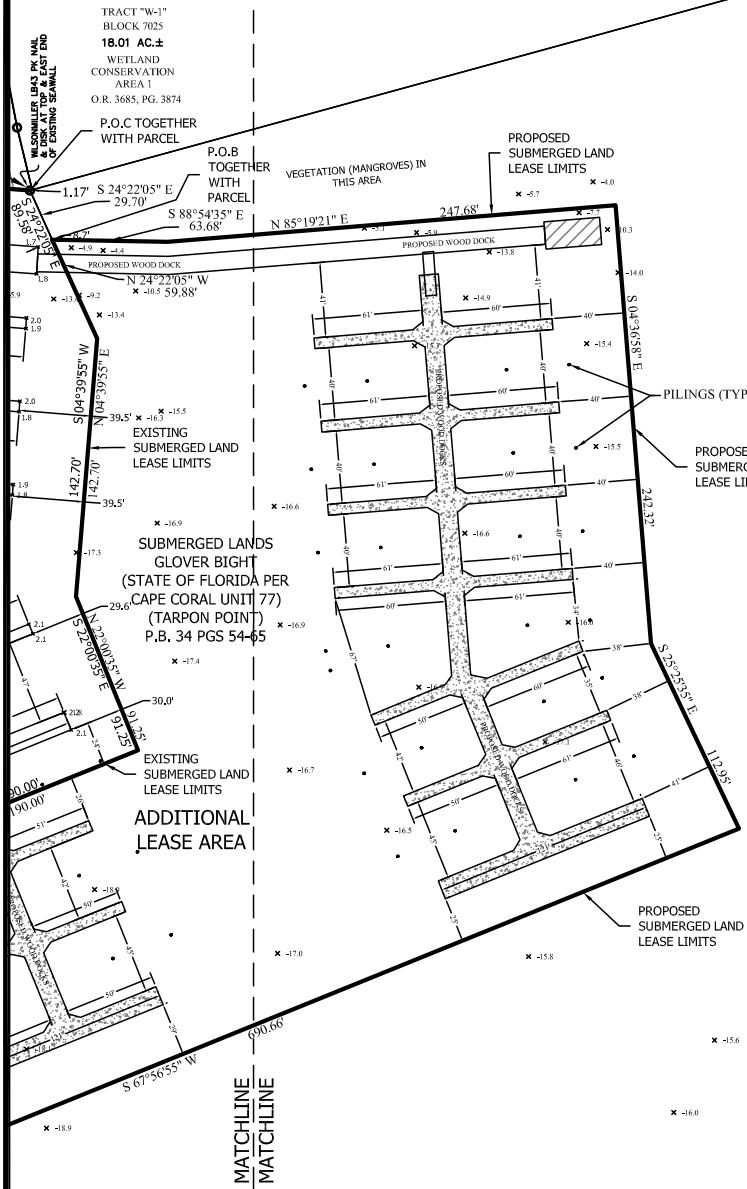
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SPECIAL PURPOSE SURVEY

SUBMERGED LANDS LEASE SURVEY, LYING IN "GLOVER BIGHT" WATERBODY SECTION 22, TWP 45S, RGE 23 E, LEE COUNTY, FL.

N36°58'32"W
25.00'

MEAN HIGH WATER
(WILSON MILLER SURVEY DATED 6-19-01)



SCALE
1" = 100'

Sheet 6 of 11



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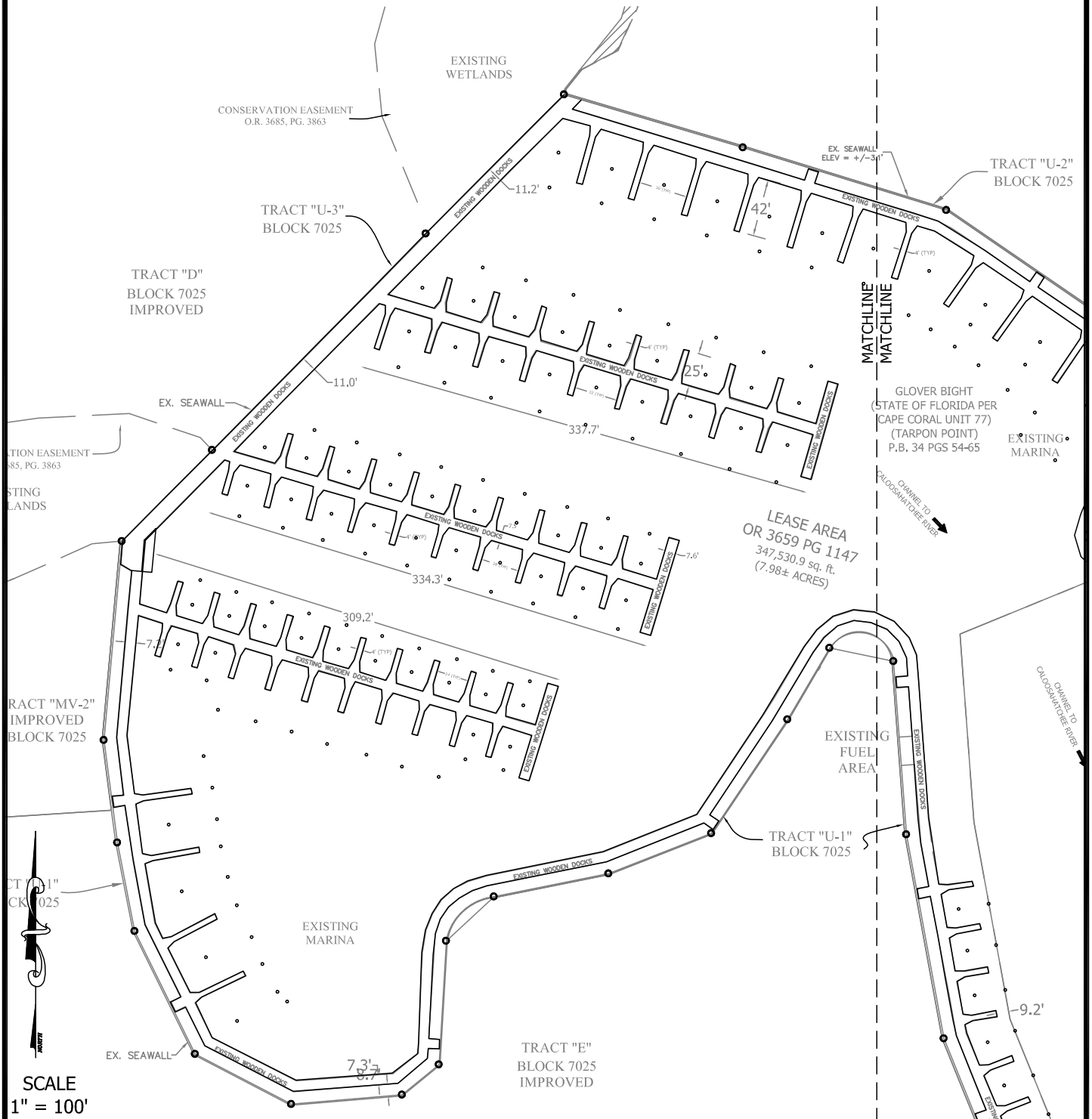
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JOB # 21-7409 PREPARED FOR: Avalon Engineering
SECTION 22, TOWNSHIP 45S, RANGE 23E

SPECIAL PURPOSE SURVEY

SUBMERGED LANDS LEASE SURVEY, LYING IN "GLOVER BIGHT" WATERBODY
SECTION 22, TWP 45S, RGE 23 E, LEE COUNTY, FL.



Sheet 7 of 11



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FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR
DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER

JOB # 21-7409 PREPARED FOR: Avalon Engineering
SECTION 22, TOWNSHIP 45S, RANGE 23E

SPECIAL PURPOSE SURVEY
 SUBMERGED LANDS LEASE SURVEY, LYING IN "GLOVER BIGHT" WATERBODY
 SECTION 22, TWP 45S, RGE 23 E, LEE COUNTY, FL.

TRACT "MV-1"
 BLOCK 7025
 TARPON POINT
 IMPROVED

TRACT "W-1"
 BLOCK 7025
 18.01 AC.±
 WETLAND
 CONSERVATION
 AREA 1
 O.R. 3685, PG. 3874

GLOVER BIGHT
 (STATE OF FLORIDA PER
 CAPE CORAL UNIT 77)
 (TARPON POINT)
 P.B. 34 PGS 54-65

GLOVER BIGHT
 (STATE OF FLORIDA PER
 CAPE CORAL UNIT 77)
 (TARPON POINT)
 P.B. 34 PGS 54-65

SUBMERG
 GLOVER
 (STATE OF F
 CAPE CORA
 (TARPON
 P.B. 34 P

LEASE AREA
 OR 3659 PG 1147
 347,530.9 sq. ft.
 (7.98± ACRES)

EXISTING
 FUEL
 AREA

TRACT "U-1"
 BLOCK 7025

SCALE
 1" = 100'

SCALE
 1" = 100'

**PROPOSED MODIFICATIONS
 ARE PER AVALON
 ENGINEERING DRAWINGS**

Sheet 8 of 11



324 Nicholas Parkway W, Unit A
 Cape Coral, Florida 33991
 Phone: (239) 673-9541
 www.Ardurra.com
 License #LB-2610

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented herein, made under my direction on **January 21, 2022** is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 53-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

See Sheet 1 of 11 for Signature and Seal

JEFFREY D. STOUTEN (FOR THE FIRM)
 FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR
 DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER

JOB # 21-7409 PREPARED FOR: Avalon Engineering
 SECTION 22, TOWNSHIP 45S, RANGE 23E

SPECIAL PURPOSE SURVEY

SUBMERGED LANDS LEASE SURVEY, LYING IN "GLOVER BIGHT" WATERBODY
SECTION 22, TWP 45S, RGE 23 E, LEE COUNTY, FL.

TRACT "W-1"
BLOCK 7025
18.01 AC.±
WETLAND
CONSERVATION
AREA 1
O.R. 3685, PG. 3874

SUBMERGED LANDS
GLOVER BIGHT
(STATE OF FLORIDA PER
CAPE CORAL UNIT 77)
(TARPON POINT)
P.B. 34 PGS 54-63

ADDITIONAL LEASE AREA
176,845 sq. ft.
(4.06± ACRES)

PROPOSED MODIFICATIONS
ARE PER AVALON
ENGINEERING DRAWINGS

MATCHLINE
MATCHLINE

N08°15'10.37"
0.00
25.00
M

PILINGS (TYP)



SCALE
1" = 100'

Sheet 9 of 11

JOB # 21-7409 PREPARED FOR: Avalon Engineering

SECTION 22, TOWNSHIP 45S, RANGE 23E



ARDURRA
COLLABORATE. INNOVATE. CREATE.

324 Nicholas Parkway W, Unit A
Cape Coral, Florida 33991
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License #LB-2610

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SPECIAL PURPOSE SURVEY

SUBMERGED LANDS LEASE SURVEY, LYING IN "GLOVER BIGHT" WATERBODY
SECTION 22, TWP 45S, RGE 23 E, LEE COUNTY, FL.

SLIP DIMENSIONS

EXISTING SLIPS - TYPICAL DIMENSIONS

SLIP	WIDTH-FT	LENGTH-FT
A	18	42
B	16	25
C	14	25
D	12	25
E	14	24
F	20	42
G	22	50
H	20	60

PROPOSED SLIPS - TYPICAL DIMENSIONS
PER AVALON ENGINEERING DRAWINGS

SLIP (NUMBER INDICATES BOAT LENGTH)	WIDTH-FT (SLIP)	FINGER PIER WIDTHS
G-70	22.5	6
G-80	24	7
H-70	21	6
H-80	21	6
H-100	21	6
I-70	20	6
I-80	20	6
I-100	20	6

Sheet 10 of 11

JOB # 21-7409

PREPARED FOR: Avalon Engineering

SECTION 22, TOWNSHIP 45S, RANGE 23E



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COLLABORATE. INNOVATE. CREATE.

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Cape Coral, Florida 33991
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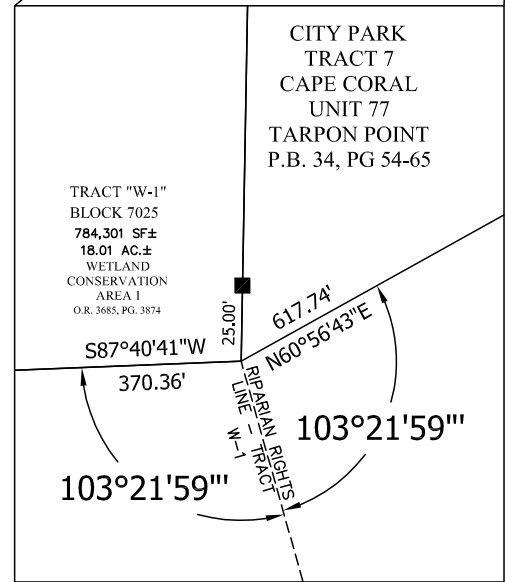
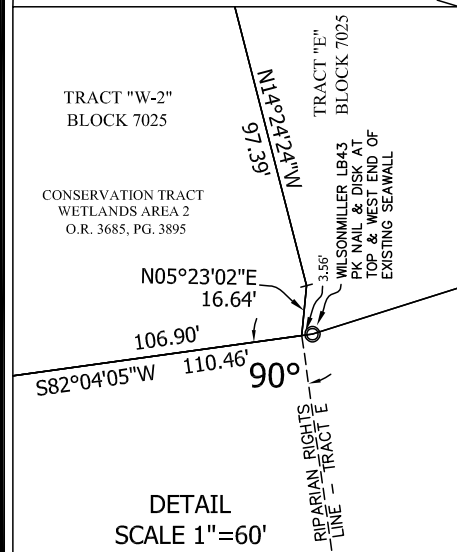
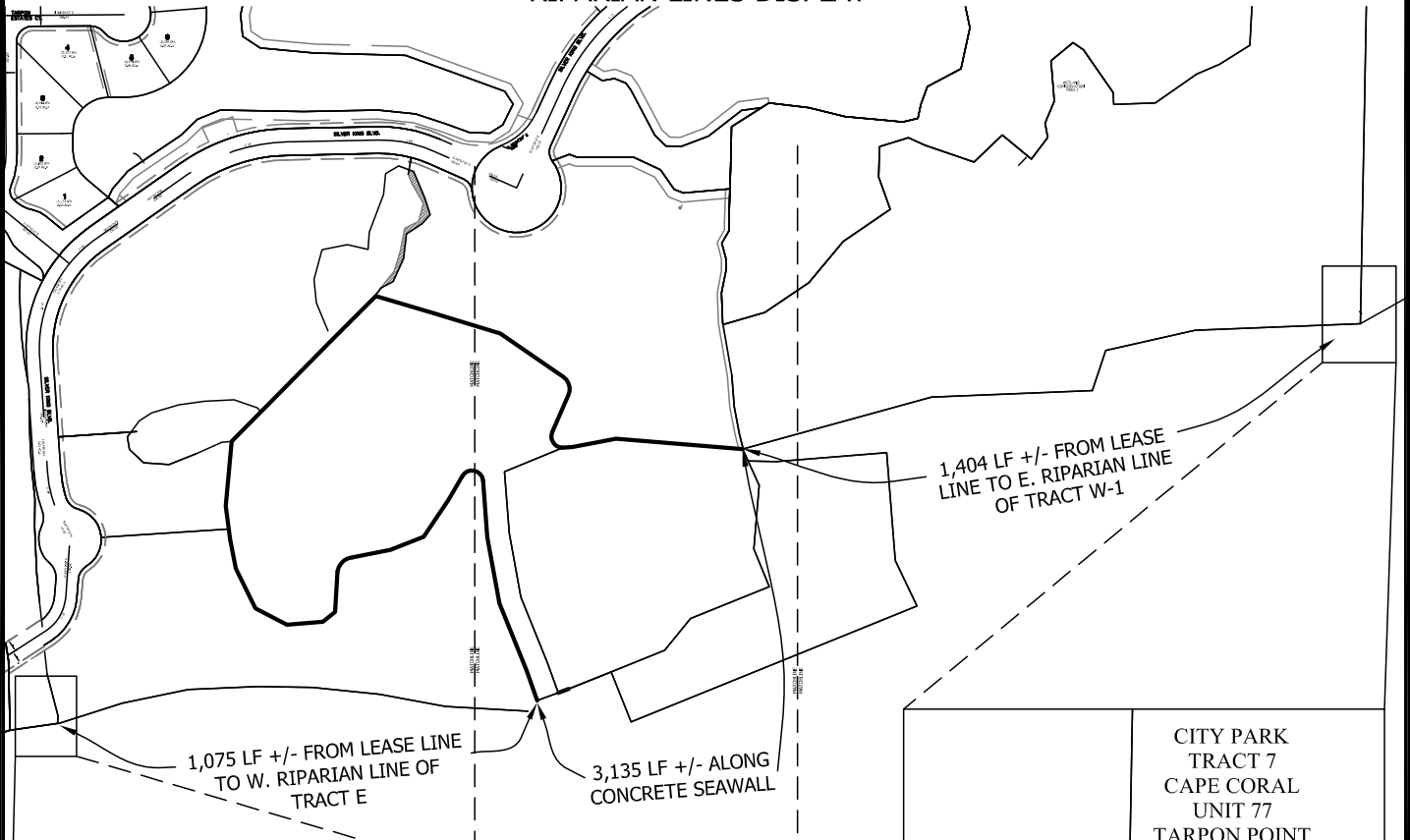
See Sheet 1 of 11 for Signature and Seal

JEFFREY D. STOUTEN (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR
DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SPECIAL PURPOSE SURVEY

SUBMERGED LANDS LEASE SURVEY, LYING IN "GLOVER BIGHT" WATERBODY
SECTION 22, TWP 45S, RGE 23 E, LEE COUNTY, FL.

RIPIARIAN LINES DISPLAY



NOT TO SCALE

Sheet 11 of 11

JOB # 21-7409 PREPARED FOR: Avalon Engineering

SECTION 22, TOWNSHIP 45S, RANGE 23E



ARDURRA
COLLABORATE. INNOVATE. CREATE.

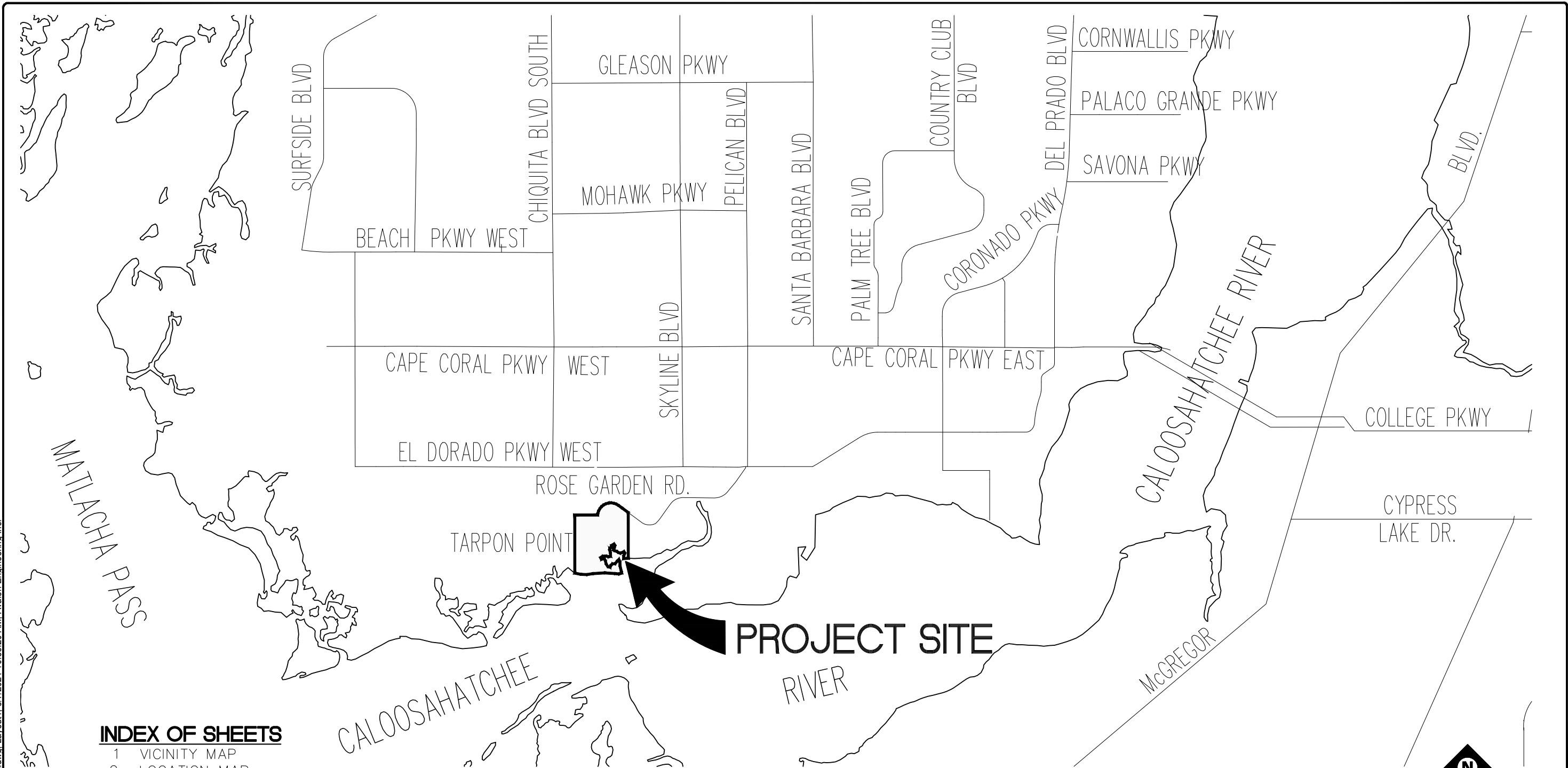
324 Nicholas Parkway W, Unit A
Cape Coral, Florida 33991
Phone: (239) 673-9541
www.Ardurra.com
License #LB-2610

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See Sheet 1 of 11 for Signature and Seal

JEFFREY D. STOUTEN (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584
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P:\CAD\2021\21-141\Construction\Plot\21-141 COVER.dwg, Layout1, 3/7/2024 10:33:20 AM, Avalon Engineering Inc.



INDEX OF SHEETS

- 1 VICINITY MAP
- 2 LOCATION MAP
- 3 EXISTING CONDITIONS
- 4 PROPOSED CONDITIONS MASTER PLAN
- 5 PROPOSED CONDITIONS DOCK G, H & I
- 6 BATHYMETRIC CONDITIONS
- 7 TYPICAL SECTIONS
- 8 PROPOSED CONDITIONS W/ AERIAL
- 9 DOCK SEWER, WATER & FIRE SERVICE LAYOUT
- 10 DOCK ELECTRICAL SERVICE LAYOUT
- 11-16 FLOATING DOCK DETAILS & SECTIONS (BY OTHERS)

SUBMERGED LAND LEASE LIMITS (SURVEY BY OTHERS)



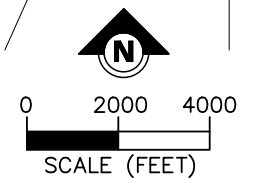
This item has been digitally signed and sealed by Brendan D. Sloan, PE, on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Brendan D. Sloan, P.E.
FL. LICENSE# 69978

CINITY MAP

TARPON POINT MARINA

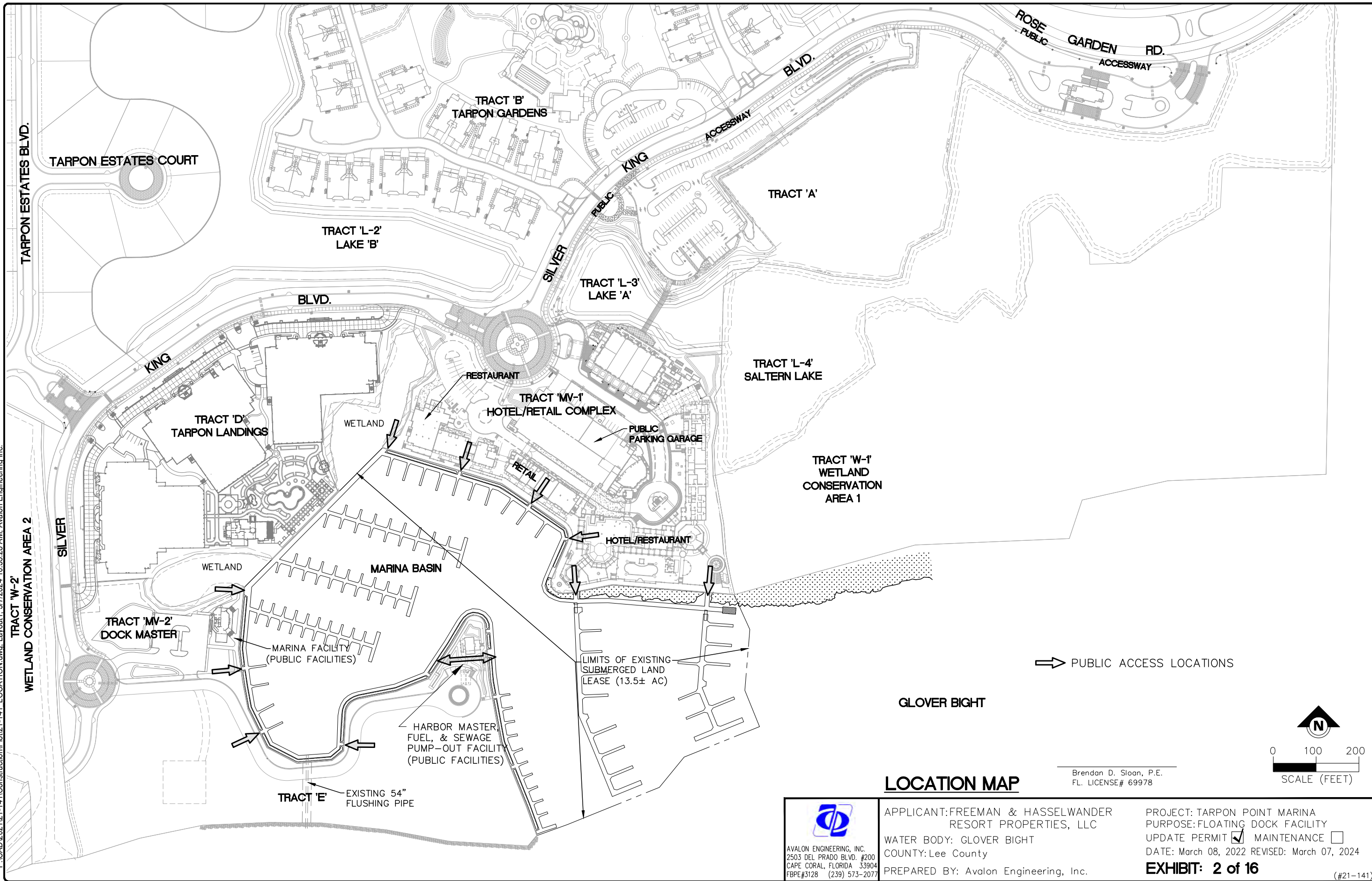
SECTION 22, TOWNSHIP 45S, RANGE 23E
LEE COUNTY, FLORIDA



LATITUDE: 26°32'21"
LONGITUDE: 81°59'58"

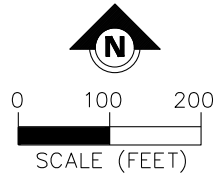
 AVALON ENGINEERING, INC. 2503 DEL PRADO BLVD. #200 CAPE CORAL, FLORIDA 33904 FBPE#3128 (239) 573-2077	APPLICANT: FREEMAN & HASSELWANDER RESORT PROPERTIES, LLC WATER BODY: GLOVER BIGHT COUNTY: Lee County PREPARED BY: Avalon Engineering, Inc.	PROJECT: TARPON POINT MARINA PURPOSE: FLOATING DOCK FACILITY UPDATE PERMIT <input checked="" type="checkbox"/> MAINTENANCE <input type="checkbox"/> DATE: March 08, 2022 REVISED: March 07, 2024 EXHIBIT: 1 of 16 (#21-141)
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P:\CAD\2021\21-141\Construction\Plot\21-141 LOCATION.dwg, Layout1, 3/7/2024, 10:33:28 AM, Avalon Engineering, Inc.



➔ PUBLIC ACCESS LOCATIONS

GLOVER BIGHT



LOCATION MAP

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FL. LICENSE# 69978



AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FBPE#3128 (239) 573-2077

APPLICANT: FREEMAN & HASSELWANDER
RESORT PROPERTIES, LLC
WATER BODY: GLOVER BIGHT
COUNTY: Lee County
PREPARED BY: Avalon Engineering, Inc.

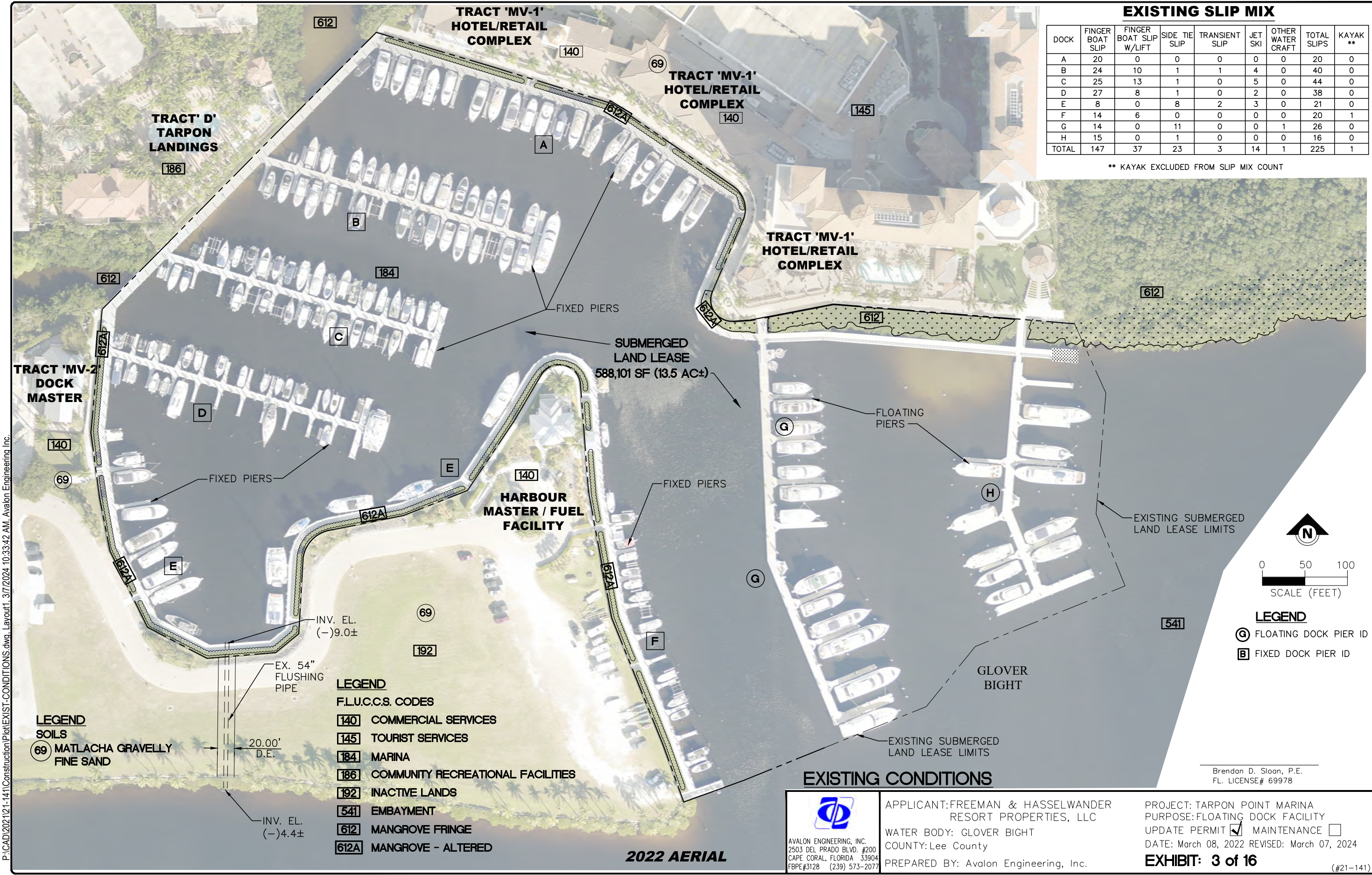
PROJECT: TARPON POINT MARINA
PURPOSE: FLOATING DOCK FACILITY
UPDATE PERMIT MAINTENANCE
DATE: March 08, 2022 REVISED: March 07, 2024
EXHIBIT: 2 of 16

(#21-141)

EXISTING SLIP MIX

DOCK	FINGER BOAT SLIP	FINGER BOAT SLIP W/LIFT	SIDE TIE SLIP	TRANSIENT SLIP	JET SKI	OTHER WATER CRAFT	TOTAL SLIPS	KAYAK **
A	20	0	0	0	0	0	20	0
B	24	10	1	1	4	0	40	0
C	25	13	1	0	5	0	44	0
D	27	8	1	0	2	0	38	0
E	8	0	8	2	3	0	21	0
F	14	6	0	0	0	0	20	1
G	14	0	11	0	0	1	26	0
H	15	0	1	0	0	0	16	0
TOTAL	147	37	23	3	14	1	225	1

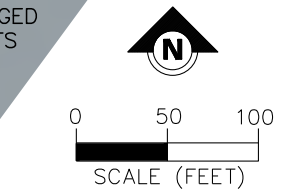
** KAYAK EXCLUDED FROM SLIP MIX COUNT



P:\CAD\2021\12-1-141\Construction\Plot\EXIST-CONDITIONS.dwg, Layout 1, 3/7/2024 10:33:42 AM, Avalon Engineering, Inc.

LEGEND
SOILS
69 MATLACHA GRAVELLY FINE SAND

LEGEND
F.L.U.C.S. CODES
140 COMMERCIAL SERVICES
145 TOURIST SERVICES
184 MARINA
186 COMMUNITY RECREATIONAL FACILITIES
192 INACTIVE LANDS
541 EMBAYMENT
612 MANGROVE FRINGE
612A MANGROVE - ALTERED



LEGEND
G FLOATING DOCK PIER ID
B FIXED DOCK PIER ID

Brendan D. Sloan, P.E.
FL. LICENSE # 69978

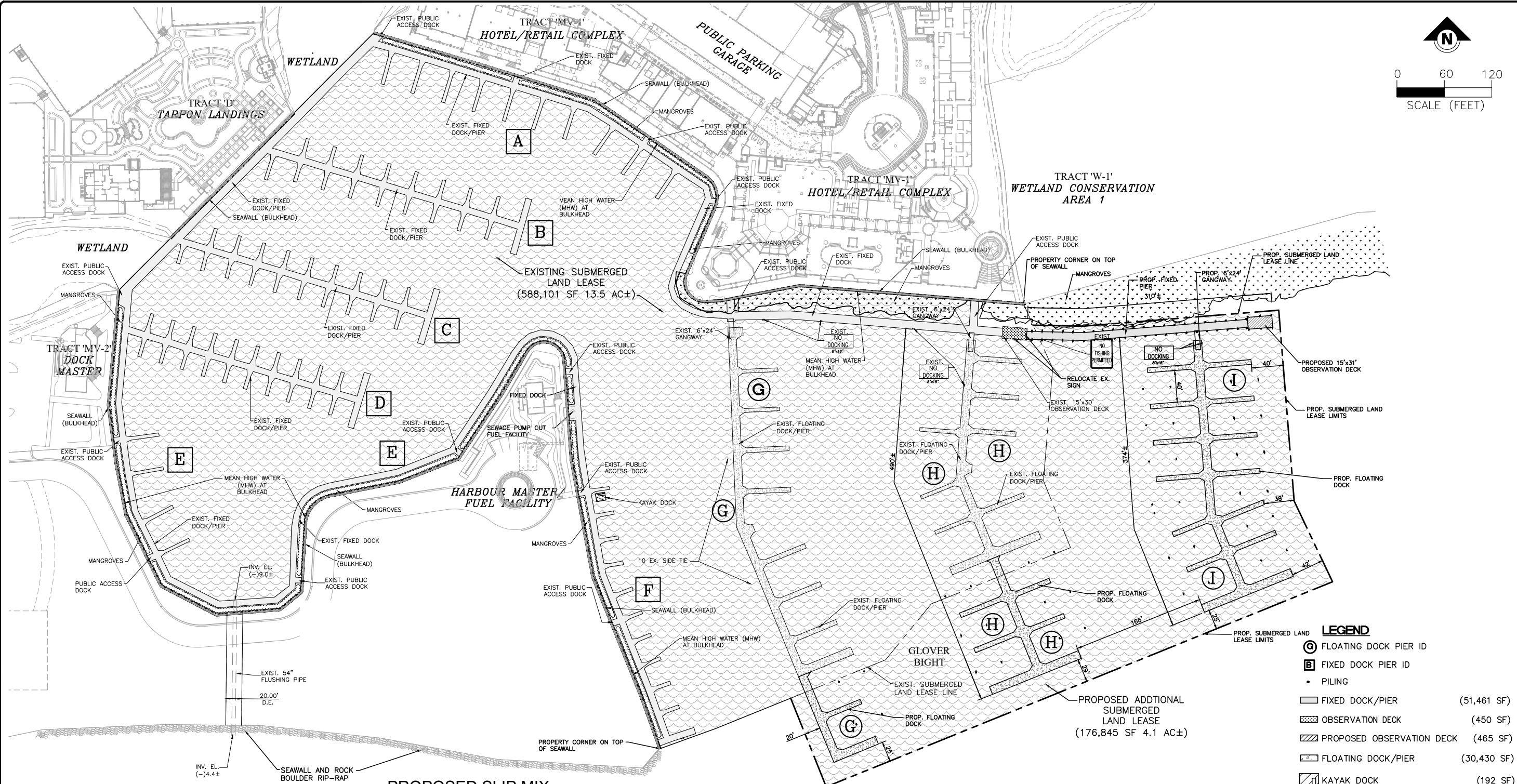
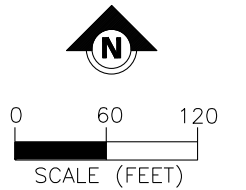
AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FBPE#3128 (239) 573-2077

APPLICANT: FREEMAN & HASSELWANDER RESORT PROPERTIES, LLC
WATER BODY: GLOVER BIGHT
COUNTY: Lee County
PREPARED BY: Avalon Engineering, Inc.

PROJECT: TARPON POINT MARINA
PURPOSE: FLOATING DOCK FACILITY
UPDATE PERMIT MAINTENANCE
DATE: March 08, 2022 REVISED: March 07, 2024
EXHIBIT: 3 of 16

(#21-141)

P:\CAD\2021\21-141\Construction\Plot1-141 PROPOSED CONDITIONS.dwg, LAYOUT, 3/7/2024 10:33:54 AM, Avalon Engineering Inc.



PROPOSED SLIP MIX

DOCK	FINGER BOAT SLIP	FINGER BOAT SLIP W/LIFT	SIDE TIE SLIP	TRANSIENT SLIP	JET SKI	OTHER WATER CRAFT	TOTAL SLIPS	KAYAK **	COMMENT
A	20	0	0	0	0	0	20	0	NO CHANGE
B	24	10	1	1	4	0	40	0	NO CHANGE
C	25	13	1	0	5	0	44	0	NO CHANGE
D	27	8	1	0	2	0	38	0	NO CHANGE
E	8	0	8	2	3	0	21	0	NO CHANGE
F	14	6	0	0	0	0	20	1	NO CHANGE
G	18	0	13	0	0	1	32	0	ADD'L SLIPS
H	27	0	1	0	0	0	28	0	ADD'L SLIPS
I	22	0	1	0	0	0	23	0	NEW DOCK
TOTAL	187	37	26	3	14	1	266	1	

** KAYAK EXCLUDED FROM SLIP MIX COUNT

REFER TO EXHIBITS 6 THRU 9 FOR MORE SPECIFIC DOCK/SLIP INFORMATION

* THE INSTALLATION OF BOAT LIFTS IS AUTHORIZED FOR ALL SLIPS IN THE MARINA

LEGEND

- ⊙ FLOATING DOCK PIER ID
- ⊠ FIXED DOCK PIER ID
- PILING
- ▭ FIXED DOCK/PIER (51,461 SF)
- ▨ OBSERVATION DECK (450 SF)
- ▩ PROPOSED OBSERVATION DECK (465 SF)
- ▭ FLOATING DOCK/PIER (30,430 SF)
- ▭ KAYAK DOCK (192 SF)

TOTAL STRUCTURE OVER WATER: (83,223± SF)

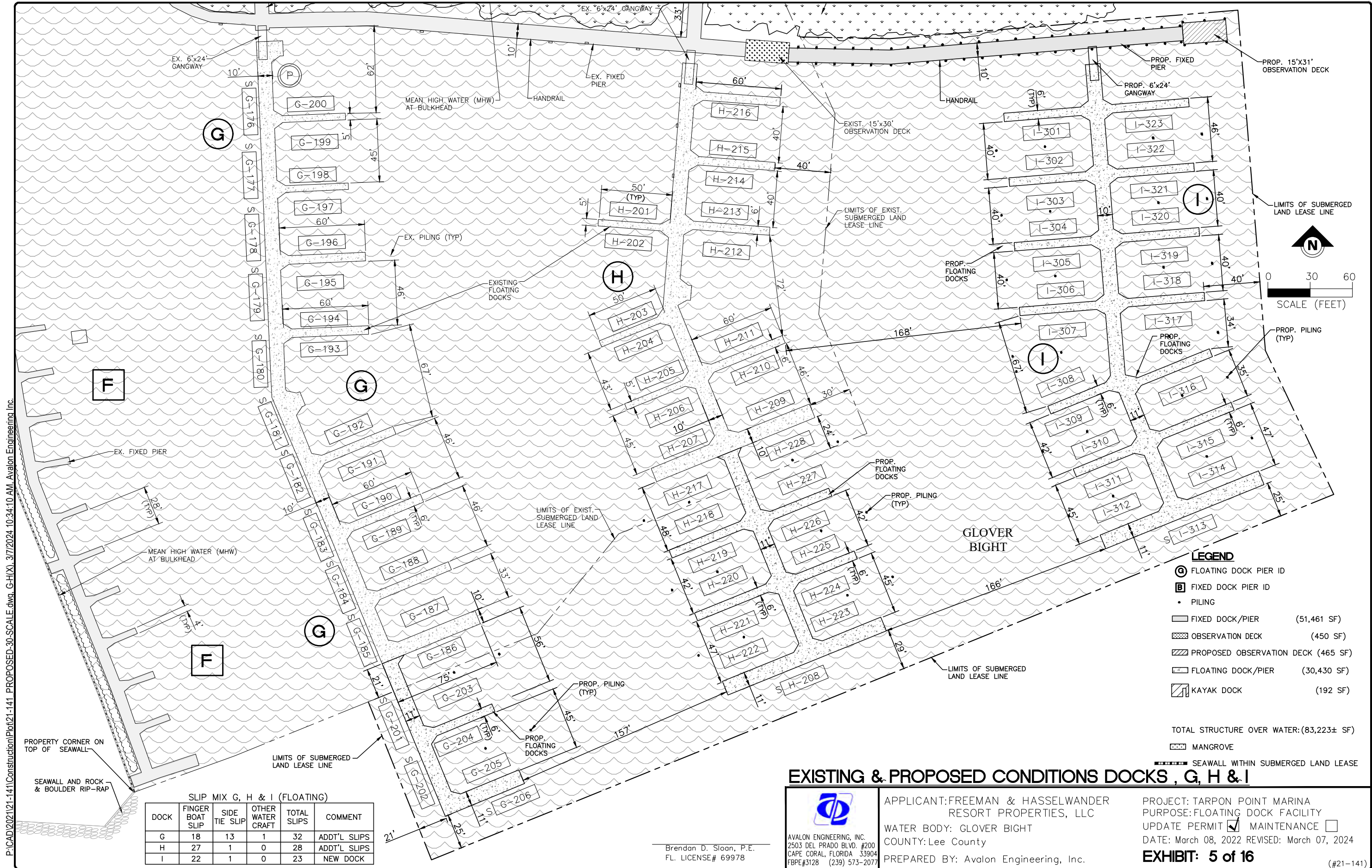
- ▨ MANGROVE
- ▬ SEAWALL WITHIN SUBMERGED LAND LEASE

PROPOSED CONDITIONS MASTER PLAN

AVALON ENGINEERING, INC.
 2503 DEL PRADO BLVD. #200
 CAPE CORAL, FLORIDA 33904
 FBPE#3128 (239) 573-2077

APPLICANT: FREEMAN & HASSELWANDER RESORT PROPERTIES, LLC
 WATER BODY: GLOVER BIGHT
 COUNTY: Lee County
 PREPARED BY: Avalon Engineering, Inc.

PROJECT: TARPON POINT MARINA
 PURPOSE: FLOATING DOCK FACILITY
 UPDATE PERMIT MAINTENANCE
 DATE: March 08, 2022 REVISED: March 07, 2024
EXHIBIT: 4 of 16
 (#21-141)



P:\CAD\2021\21-141\Construction\Plot\21-141 PROPOSED-30-SCALE.dwg, G-H(I), 3/7/2024 10:34:10 AM, Avalon Engineering Inc.

SLIP MIX G, H & I (FLOATING)

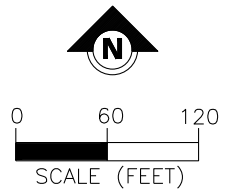
DOCK	FINGER BOAT SLIP	SIDE TIE SLIP	OTHER WATER CRAFT	TOTAL SLIPS	COMMENT
G	18	13	1	32	ADDT'L SLIPS
H	27	1	0	28	ADDT'L SLIPS
I	22	1	0	23	NEW DOCK

- LEGEND**
- ⊙ FLOATING DOCK PIER ID
 - ⊠ FIXED DOCK PIER ID
 - PILING
 - ▭ FIXED DOCK/PIER (51,461 SF)
 - ▨ OBSERVATION DECK (450 SF)
 - ▩ PROPOSED OBSERVATION DECK (465 SF)
 - ▭ FLOATING DOCK/PIER (30,430 SF)
 - ▧ KAYAK DOCK (192 SF)
 - TOTAL STRUCTURE OVER WATER: (83,223± SF)
 - ▨ MANGROVE
 - ▬ SEAWALL WITHIN SUBMERGED LAND LEASE

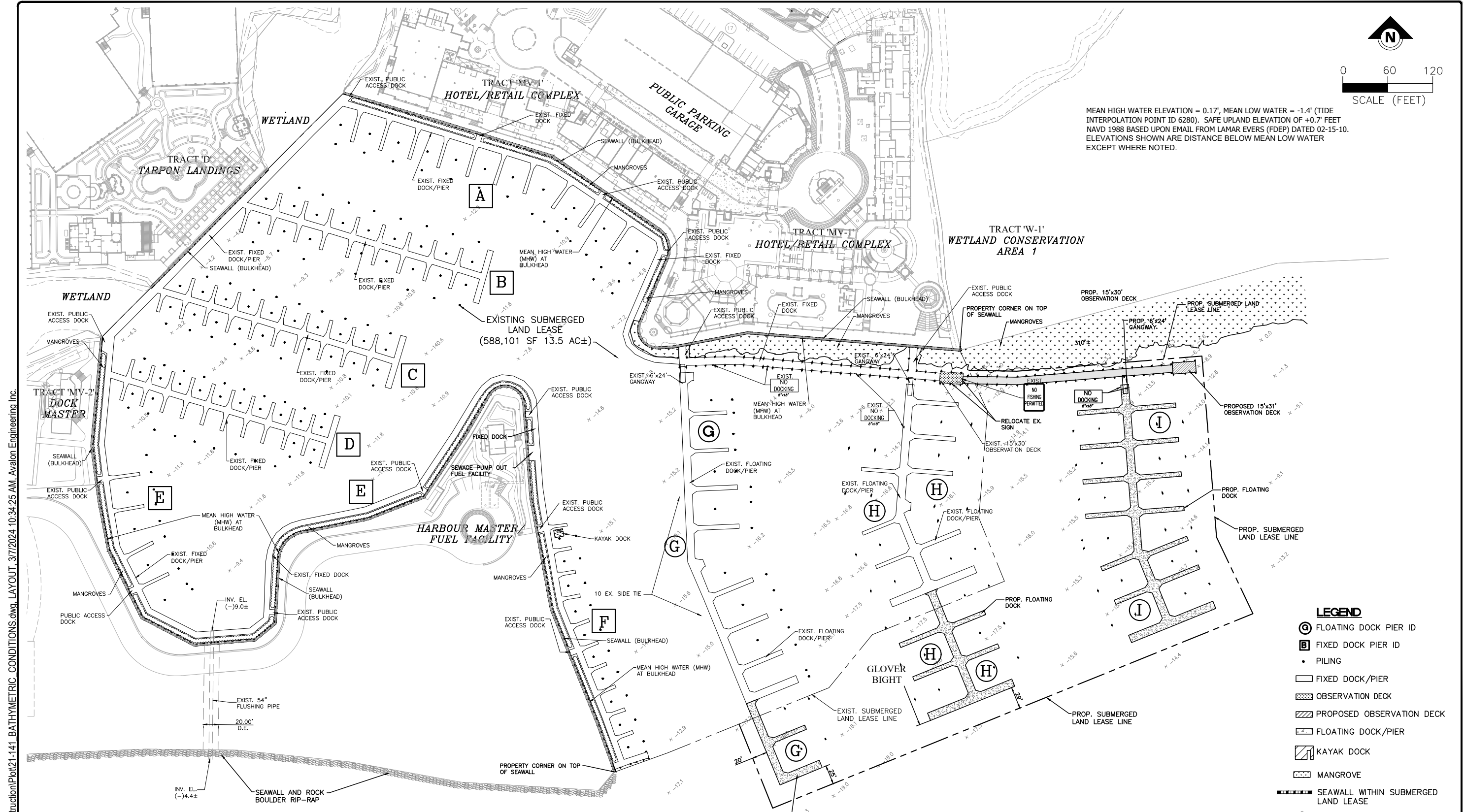
EXISTING & PROPOSED CONDITIONS DOCKS, G, H & I

<p>AVALON ENGINEERING, INC. 2503 DEL PRADO BLVD. #200 CAPE CORAL, FLORIDA 33904 FBPE#3128 (239) 573-2077</p>	<p>APPLICANT: FREEMAN & HASSELWANDER RESORT PROPERTIES, LLC</p>	<p>PROJECT: TARPON POINT MARINA PURPOSE: FLOATING DOCK FACILITY UPDATE PERMIT <input checked="" type="checkbox"/> MAINTENANCE <input type="checkbox"/></p>
	<p>WATER BODY: GLOVER BIGHT</p>	<p>DATE: March 08, 2022 REVISED: March 07, 2024</p>
	<p>COUNTY: Lee County</p>	<p>PREPARED BY: Avalon Engineering, Inc.</p>
	<p>EXHIBIT: 5 of 16</p>	<p>(#21-141)</p>

Brendan D. Sloan, P.E.
FL. LICENSE# 69978



MEAN HIGH WATER ELEVATION = 0.17'; MEAN LOW WATER = -1.4' (TIDE INTERPOLATION POINT ID 6280). SAFE UPLAND ELEVATION OF +0.7 FEET NAVD 1988 BASED UPON EMAIL FROM LAMAR EVERS (FDEP) DATED 02-15-10. ELEVATIONS SHOWN ARE DISTANCE BELOW MEAN LOW WATER EXCEPT WHERE NOTED.



- LEGEND**
- ⊙ FLOATING DOCK PIER ID
 - ⊠ FIXED DOCK PIER ID
 - PILING
 - ▭ FIXED DOCK/PIER
 - ▨ OBSERVATION DECK
 - ▩ PROPOSED OBSERVATION DECK
 - ▭ FLOATING DOCK/PIER
 - ▭ KAYAK DOCK
 - ▨ MANGROVE
 - ▬ SEAWALL WITHIN SUBMERGED LAND LEASE
 - ELEVATION

BATHYMETRIC CONDITIONS


 AVALON ENGINEERING, INC.
 2503 DEL PRADO BLVD. #200
 CAPE CORAL, FLORIDA 33904
 FBPE#3128 (239) 573-2077

APPLICANT: FREEMAN & HASSELWANDER
 RESORT PROPERTIES, LLC
 WATER BODY: GLOVER BIGHT
 COUNTY: Lee County
 PREPARED BY: Avalon Engineering, Inc.

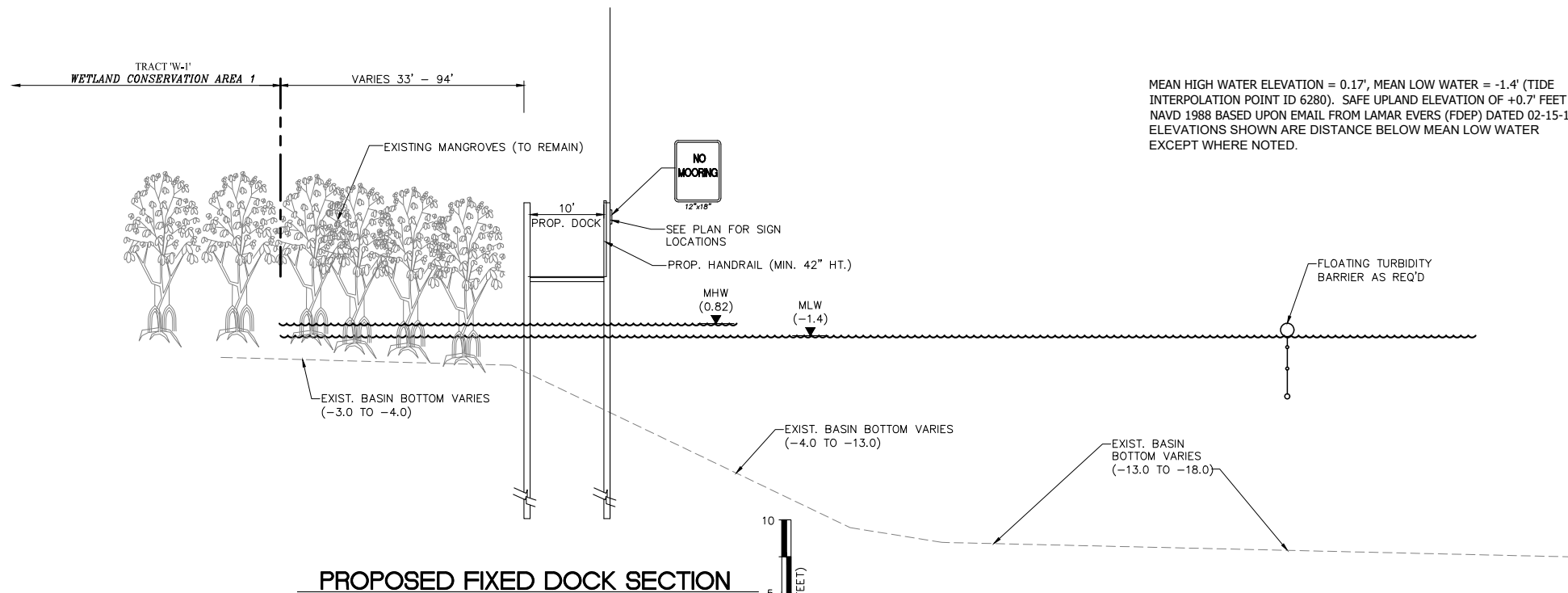
PROJECT: TARPON POINT MARINA
 PURPOSE: FLOATING DOCK FACILITY
 UPDATE PERMIT MAINTENANCE
 DATE: March 08, 2022 REVISED: March 07, 2024
EXHIBIT: 6 of 16

P:\CAD\2021\21-141\Construction\Plot\21-141 BATHYMETRIC CONDITIONS.dwg, LAYOUT, 3/7/2024 10:34:25 AM, Avalon Engineering Inc.

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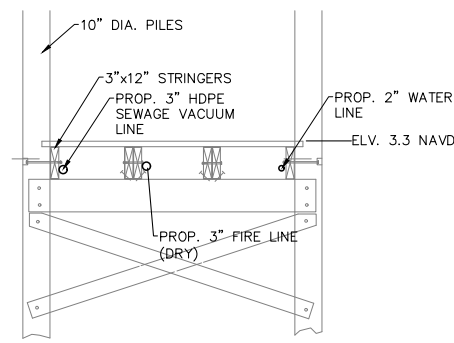
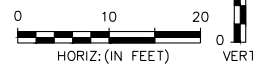
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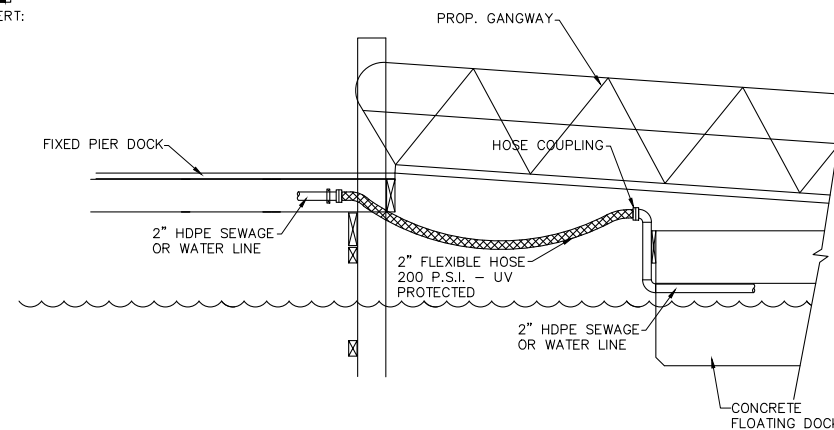


MEAN HIGH WATER ELEVATION = 0.17', MEAN LOW WATER = -1.4' (TIDE INTERPOLATION POINT ID 6280). SAFE UPLAND ELEVATION OF +0.7' FEET NAVD 1988 BASED UPON EMAIL FROM LAMAR EVERS (FDEP) DATED 02-15-10. ELEVATIONS SHOWN ARE DISTANCE BELOW MEAN LOW WATER EXCEPT WHERE NOTED.

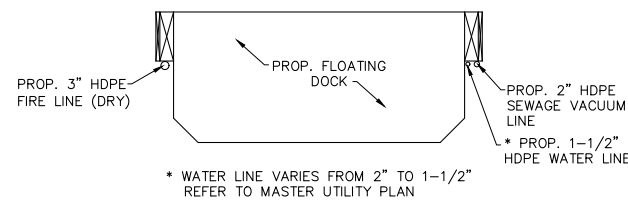
PROPOSED FIXED DOCK SECTION



PROPOSED 10' PIER CROSS SECTION
N.T.S.



WATER/SEWAGE FLEXIBLE CONNECTION TO FLOATING DOCK
N.T.S.



PROPOSED FLOATING DOCK
N.T.S.

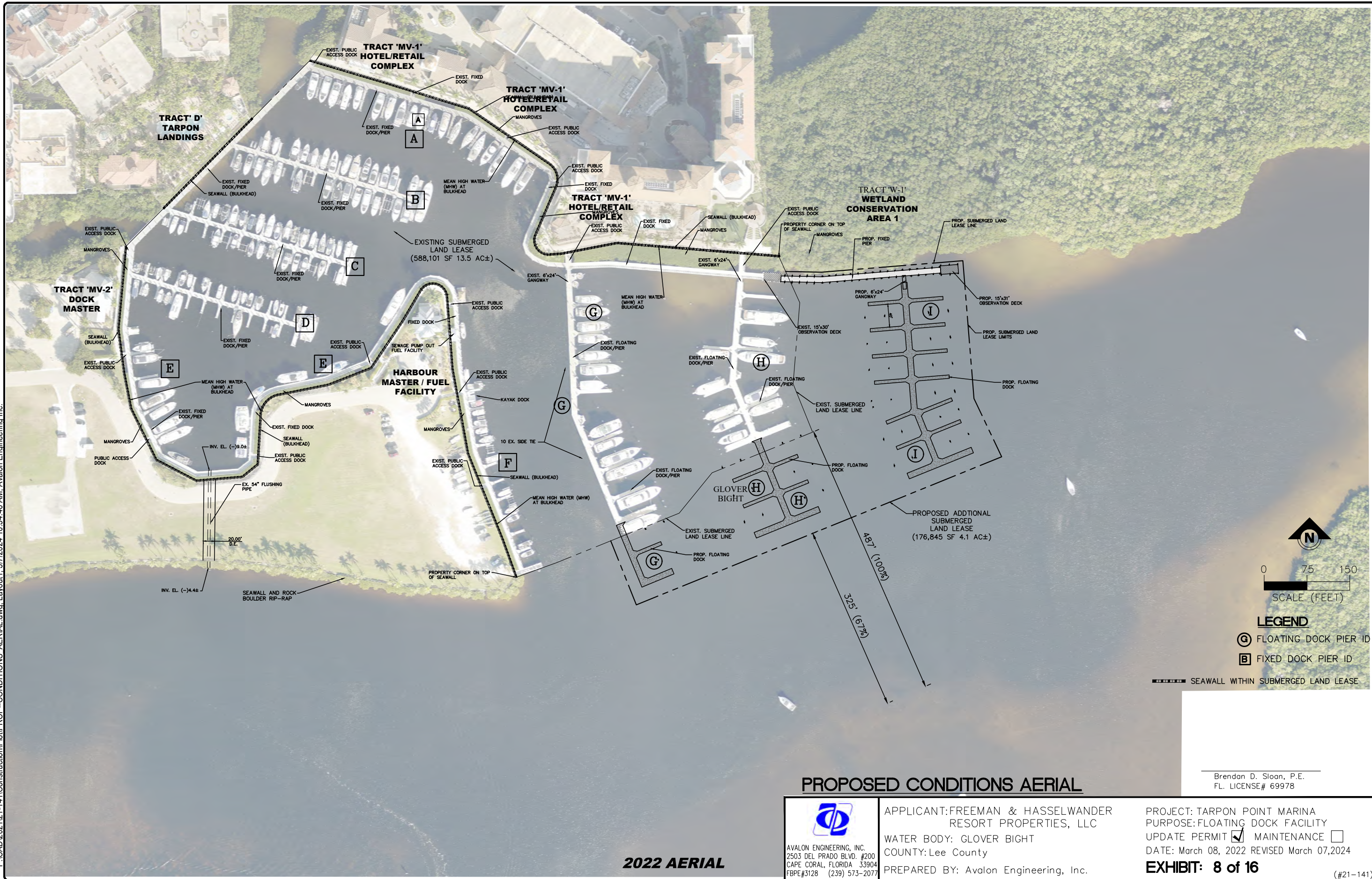
TYPICAL SECTIONS

 AVALON ENGINEERING, INC. 2503 DEL PRADO BLVD. #200 CAPE CORAL, FLORIDA 33904 FBPE#3128 (239) 573-2077	APPLICANT: FREEMAN & HASSELWANDER RESORT PROPERTIES, LLC	PROJECT: TARPON POINT MARINA PURPOSE: FLOATING DOCK FACILITY
	WATER BODY: GLOVER BIGHT COUNTY: Lee County	UPDATE PERMIT <input checked="" type="checkbox"/> MAINTENANCE <input type="checkbox"/> DATE: March 08, 2022 REVISED: March 07, 2024
	PREPARED BY: Avalon Engineering, Inc.	EXHIBIT: 7 of 16

Brendan D. Sloan, P.E.
FL. LICENSE# 69978

(#21-141)

P:\CAD\2021\21-141\Construction\Plot\PROP-CONDITIONS_AERIAL.dwg, Layout1, 3/7/2024 10:34:46 AM, Avalon Engineering, Inc.



2022 AERIAL

PROPOSED CONDITIONS AERIAL


 AVALON ENGINEERING, INC.
 2503 DEL PRADO BLVD. #200
 CAPE CORAL, FLORIDA 33904
 FBPE#3128 (239) 573-2077

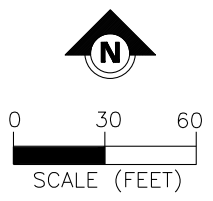
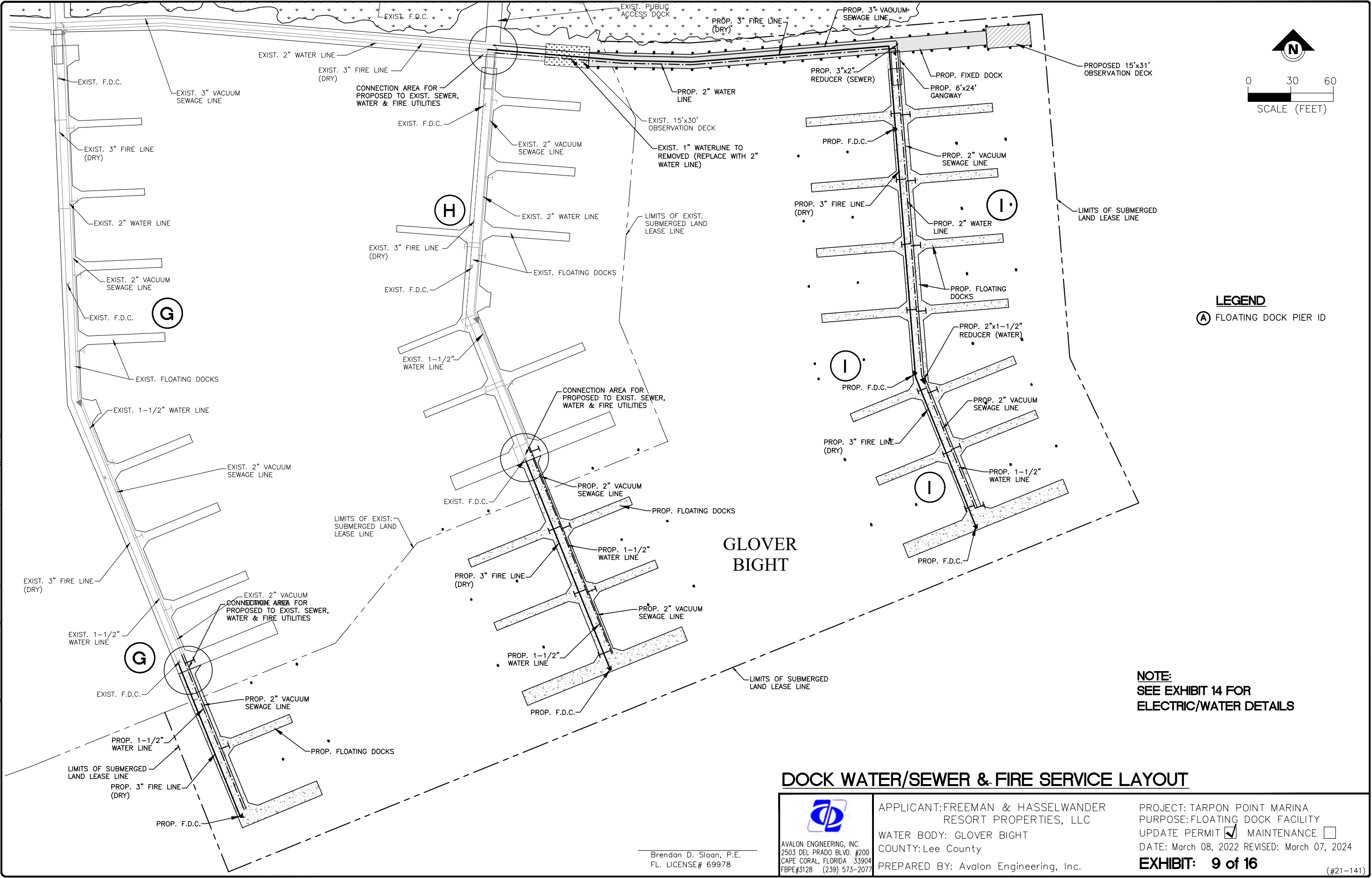
APPLICANT: FREEMAN & HASSELWANDER
 RESORT PROPERTIES, LLC
 WATER BODY: GLOVER BIGHT
 COUNTY: Lee County
 PREPARED BY: Avalon Engineering, Inc.

PROJECT: TARPON POINT MARINA
 PURPOSE: FLOATING DOCK FACILITY
 UPDATE PERMIT MAINTENANCE
 DATE: March 08, 2022 REVISED March 07, 2024
EXHIBIT: 8 of 16

Brendan D. Sloan, P.E.
 FL. LICENSE# 69978

(#21-141)

P:\CAD\2021\21-141\Construction\Plot\21-141 WATER-SEWER.dwg LAYOUT_3/7/2024 10:34:58 AM - Avalon Engineering Inc.



LEGEND
 (A) FLOATING DOCK PIER ID

NOTE:
 SEE EXHIBIT 14 FOR
 ELECTRIC/WATER DETAILS

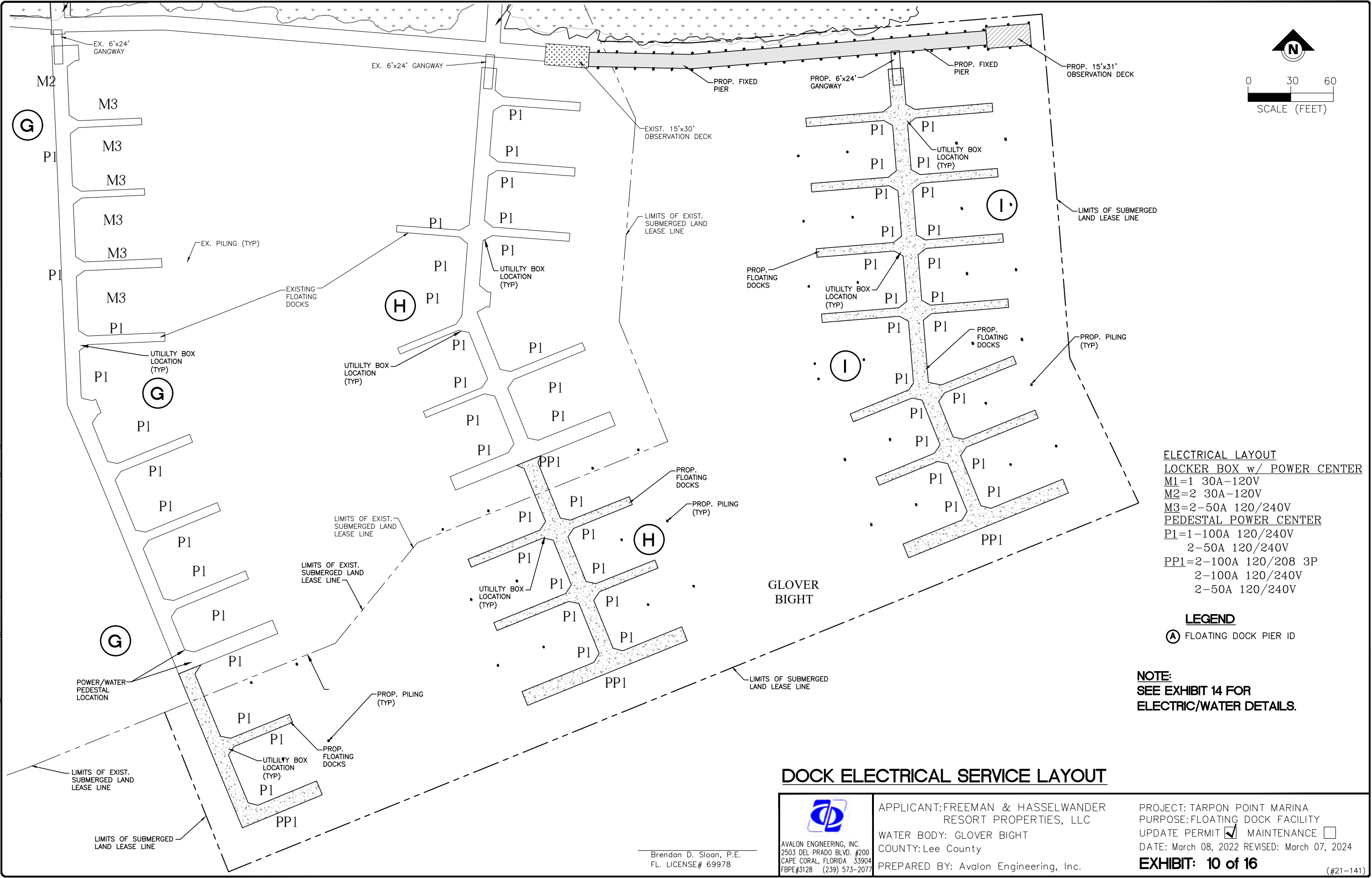
DOCK WATER/SEWER & FIRE SERVICE LAYOUT

 AVALON ENGINEERING, INC. 2503 DEL PRADO BLVD. #200 CAPE CORAL, FLORIDA 33904 FBPE#3128 (239) 573-2077	APPLICANT: FREEMAN & HASSELWANDER RESORT PROPERTIES, LLC	PROJECT: TARPON POINT MARINA PURPOSE: FLOATING DOCK FACILITY
	WATER BODY: GLOVER BIGHT	UPDATE PERMIT <input checked="" type="checkbox"/> MAINTENANCE <input type="checkbox"/>
	COUNTY: Lee County	DATE: March 08, 2022 REVISED: March 07, 2024
PREPARED BY: Avalon Engineering, Inc.		EXHIBIT: 9 of 16

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 FL. LICENSE# 69978

(#21-141)

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- ELECTRICAL LAYOUT**
LOCKER BOX w/ POWER CENTER
 M1=1 30A-120V
 M2=2 30A-120V
 M3=2-50A 120/240V
PEDESTAL POWER CENTER
 P1=1-100A 120/240V
 2-50A 120/240V
 PP1=2-100A 120/208 3P
 2-100A 120/240V
 2-50A 120/240V

LEGEND
 (A) FLOATING DOCK PIER ID

NOTE:
 SEE EXHIBIT 14 FOR
 ELECTRIC/WATER DETAILS.

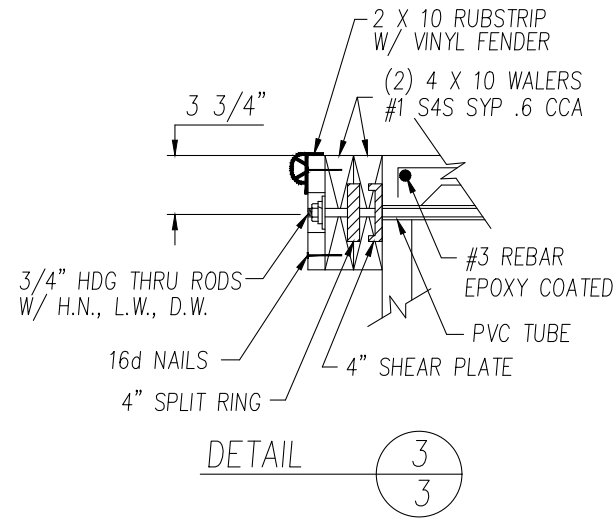
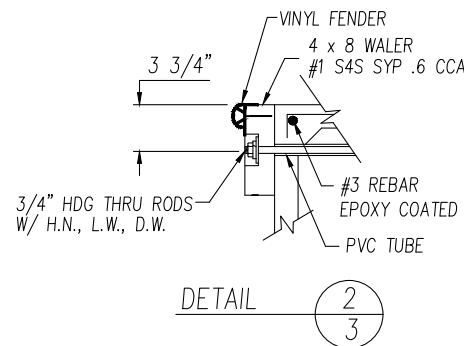
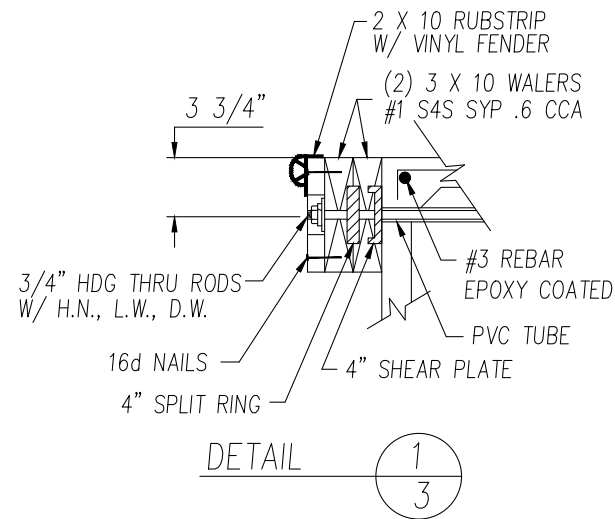
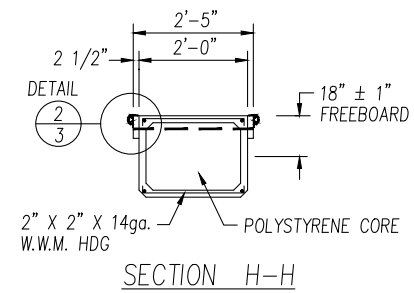
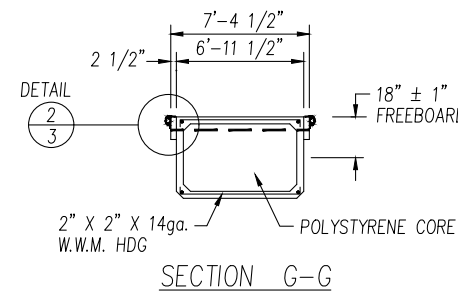
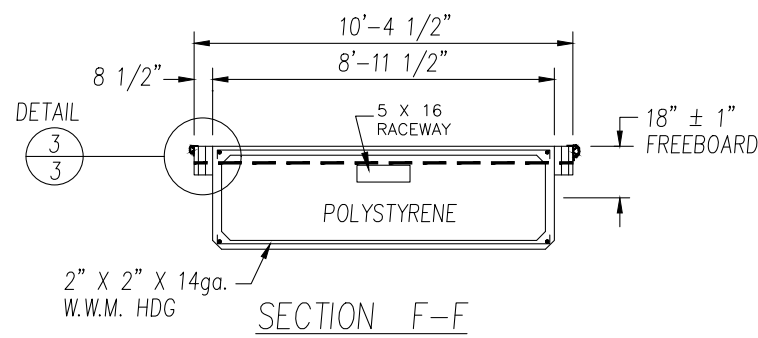
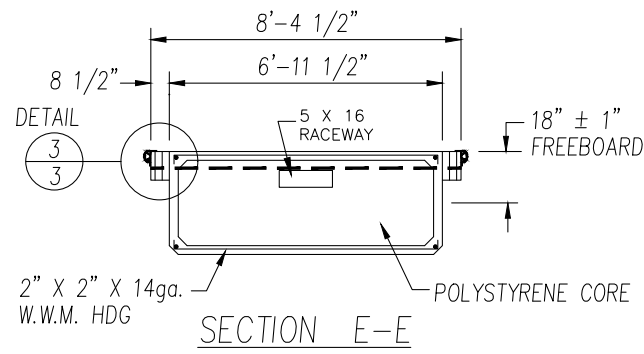
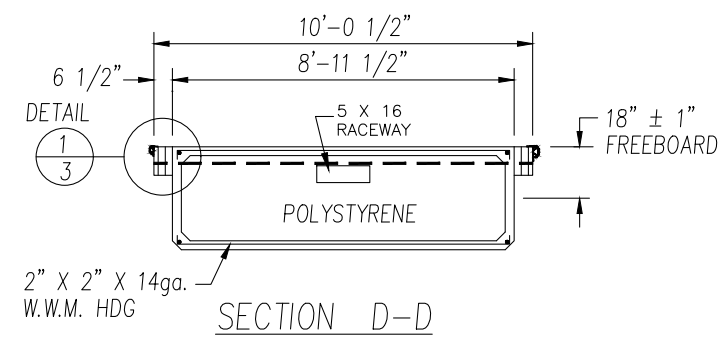
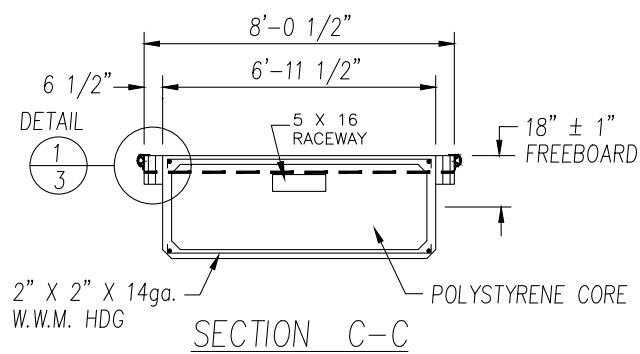
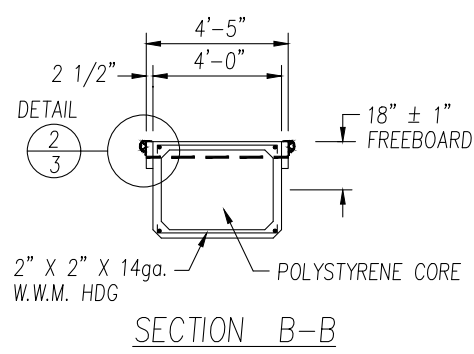
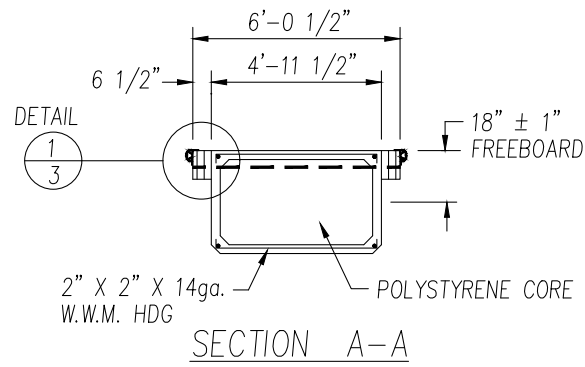
DOCK ELECTRICAL SERVICE LAYOUT

 AVALON ENGINEERING, INC. 2503 DEL PRADO BLVD. #200 CAPE CORAL, FLORIDA 33904 FBPE#3128 (239) 573-2077	APPLICANT: FREEMAN & HASSELWANDER RESORT PROPERTIES, LLC	PROJECT: TARPON POINT MARINA PURPOSE: FLOATING DOCK FACILITY
	WATER BODY: GLOVER BIGHT COUNTY: Lee County	UPDATE PERMIT <input checked="" type="checkbox"/> MAINTENANCE <input type="checkbox"/> DATE: March 08, 2022 REVISED: March 07, 2024
	PREPARED BY: Avalon Engineering, Inc.	EXHIBIT: 10 of 16

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(#21-141)

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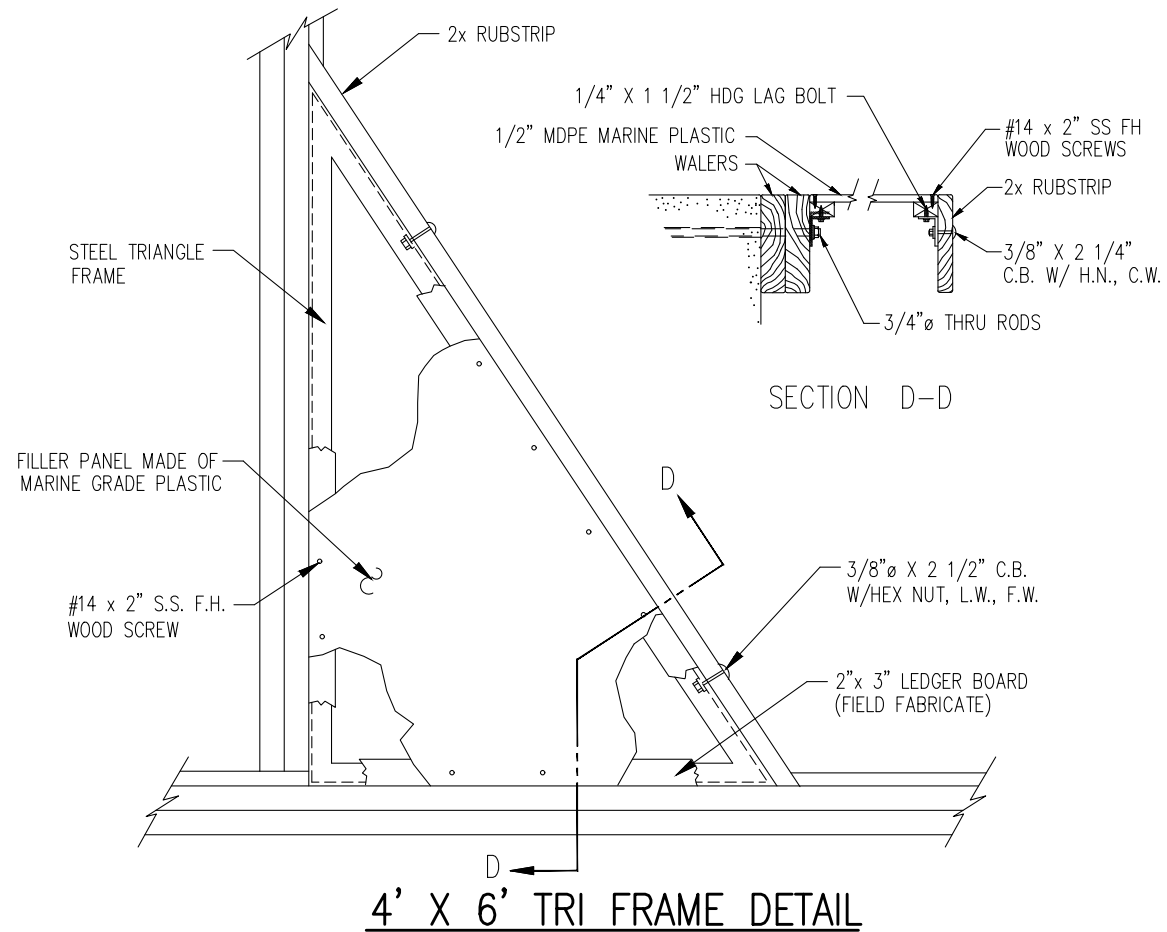
**TARPON POINT
MARINA
CAPE CORAL, FL.
FLOATING DOCK
SECTION DETAILS**

Revisions:

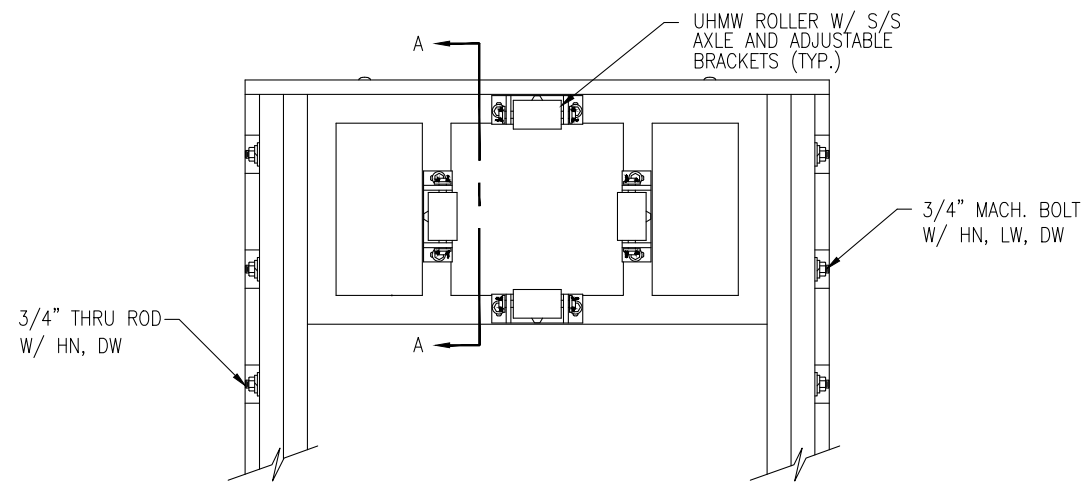
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11 of **16**

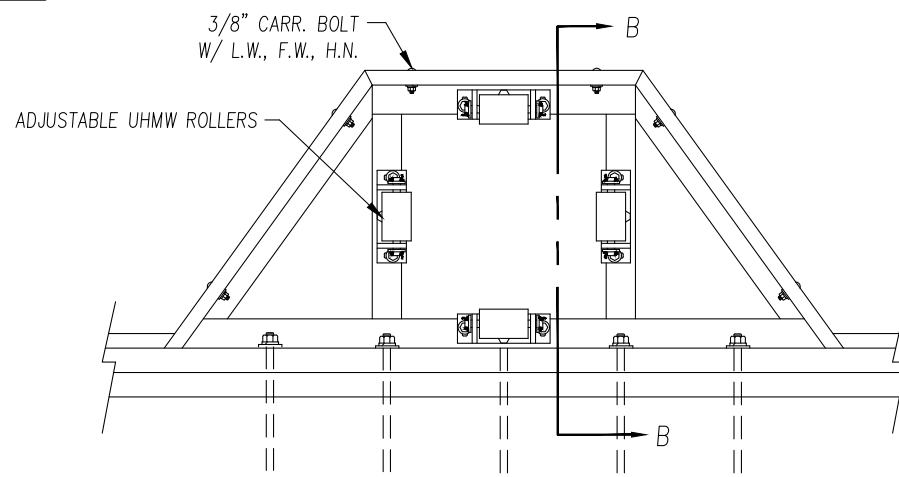
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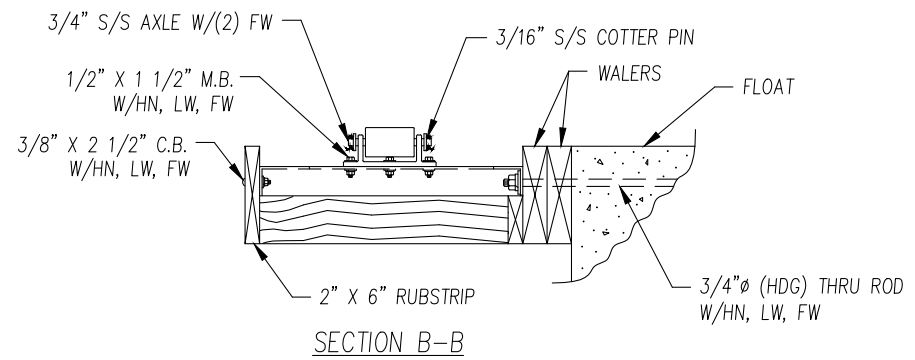
4' X 6' TRI FRAME DETAIL



**SECTION A-A
STANDARD FINGER END PILE GUIDE**



TYPICAL SIDE PILE GUIDE



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**TARPON POINT MARINA
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FLOATING DOCK
PILE GUIDE DETAILS**

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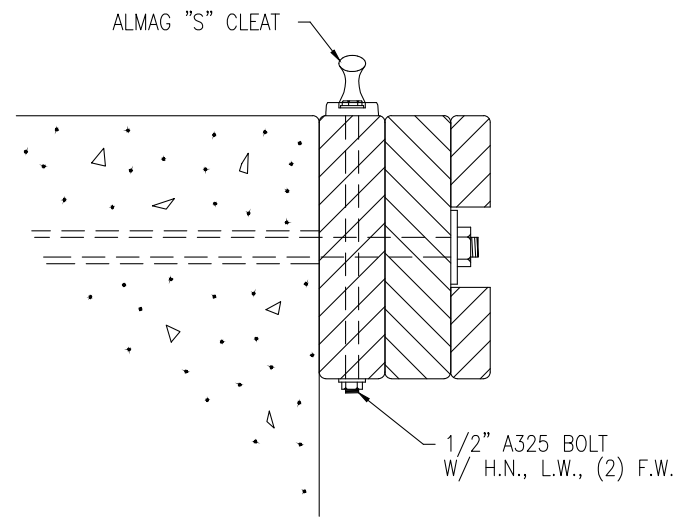
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**TARPON POINT
 MARINA
 CAPE CORAL, FL.
 FLOATING DOCK
 DETAILS**

Revisions:

Drawn by: JWC
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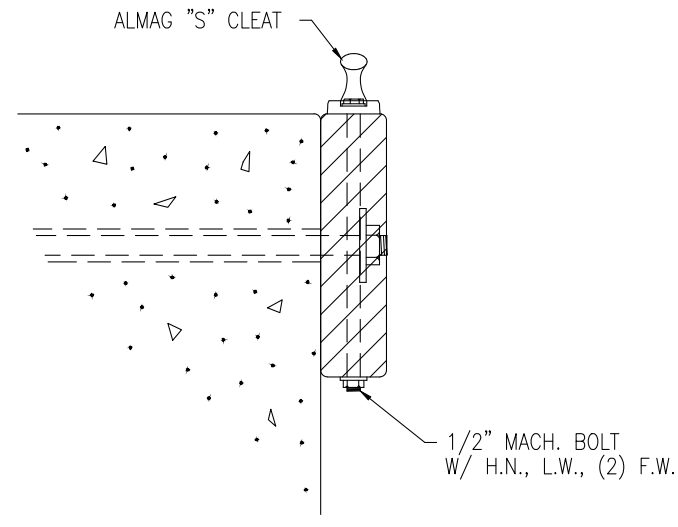
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13 of **16**



CLEAT ATTACHMENT DETAIL

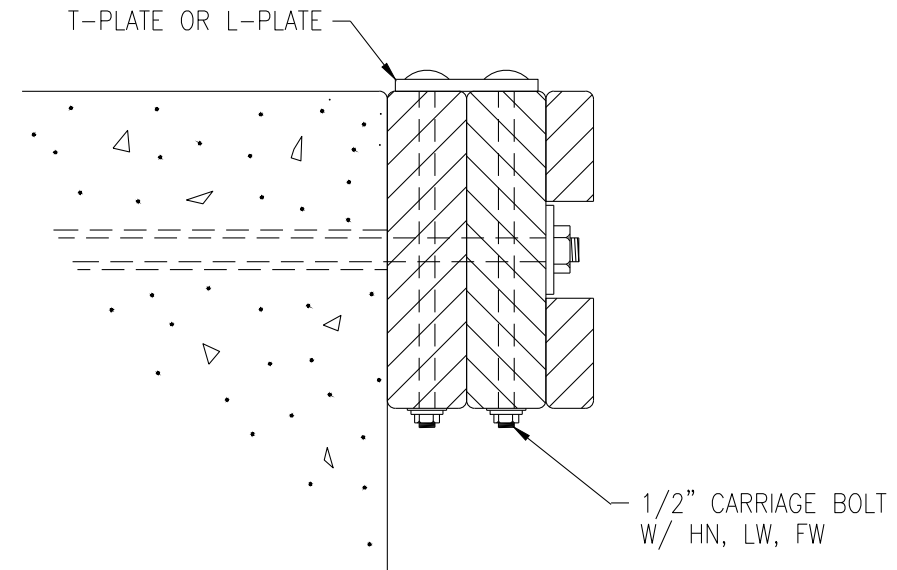
NOTES:

1. CLEATS ARE INSTALLED ON THE INSIDE WALER.
2. CLEATS AT THE END SHALL BE INBOARD OF THE LAST THRU ROD.
3. AVOID LOCATING CLEATS AT FLOAT JOINTS.
4. CLEATS SHALL BE 6" MIN. FROM NEAREST WOOD SPLICE.

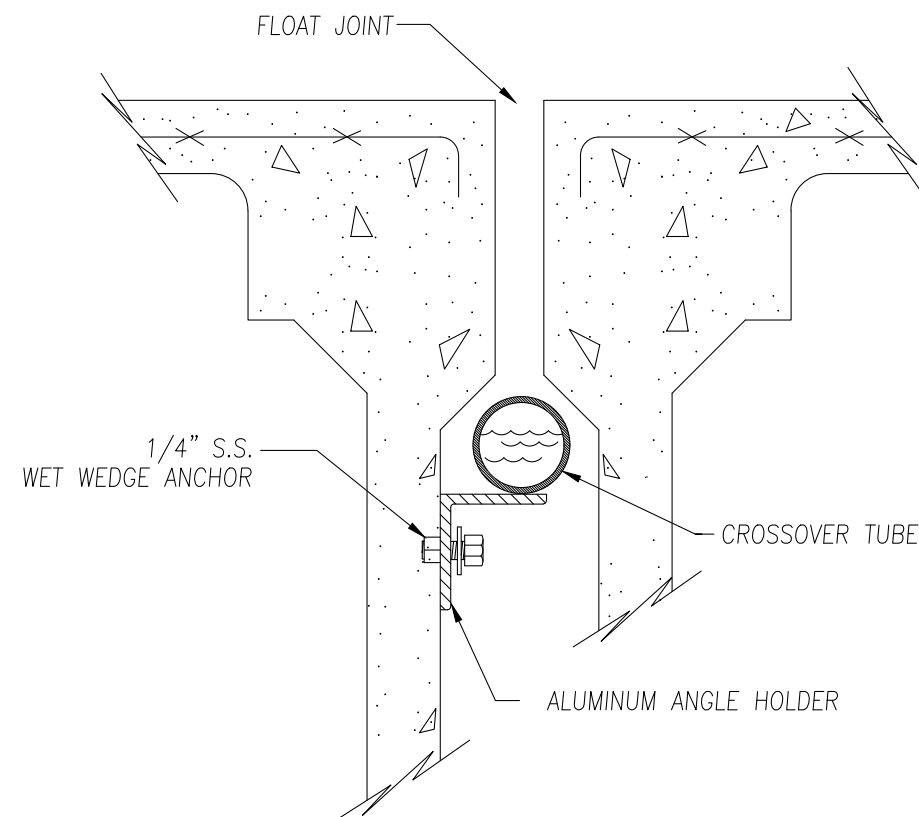


**SINGLE PIECE FINGER
 CLEAT ATTACHMENT DETAIL**

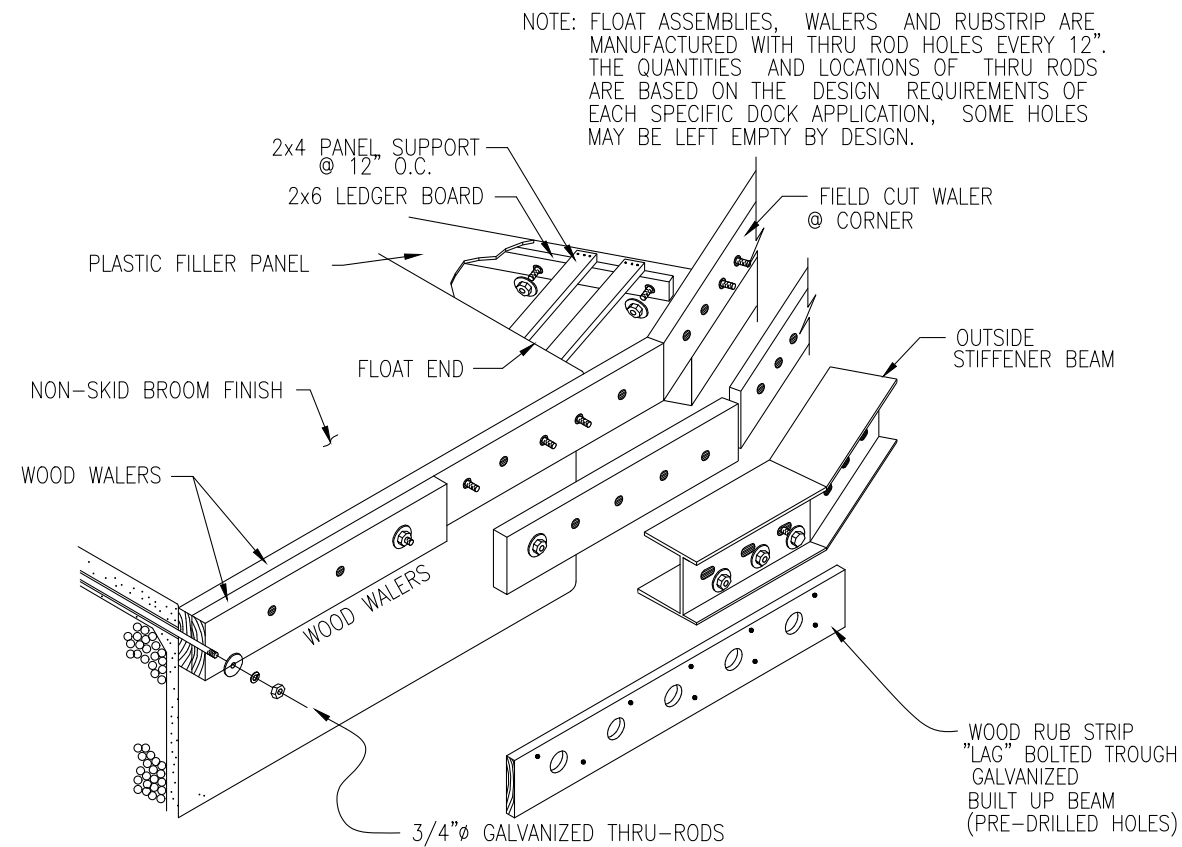
NOTE: PLACE CLEAT WITHIN 12" OR STRADDLE THRU-ROD



**T-PLATE/L-PLATE
 ATTACHMENT DETAIL**



WATER CROSSOVER DETAIL



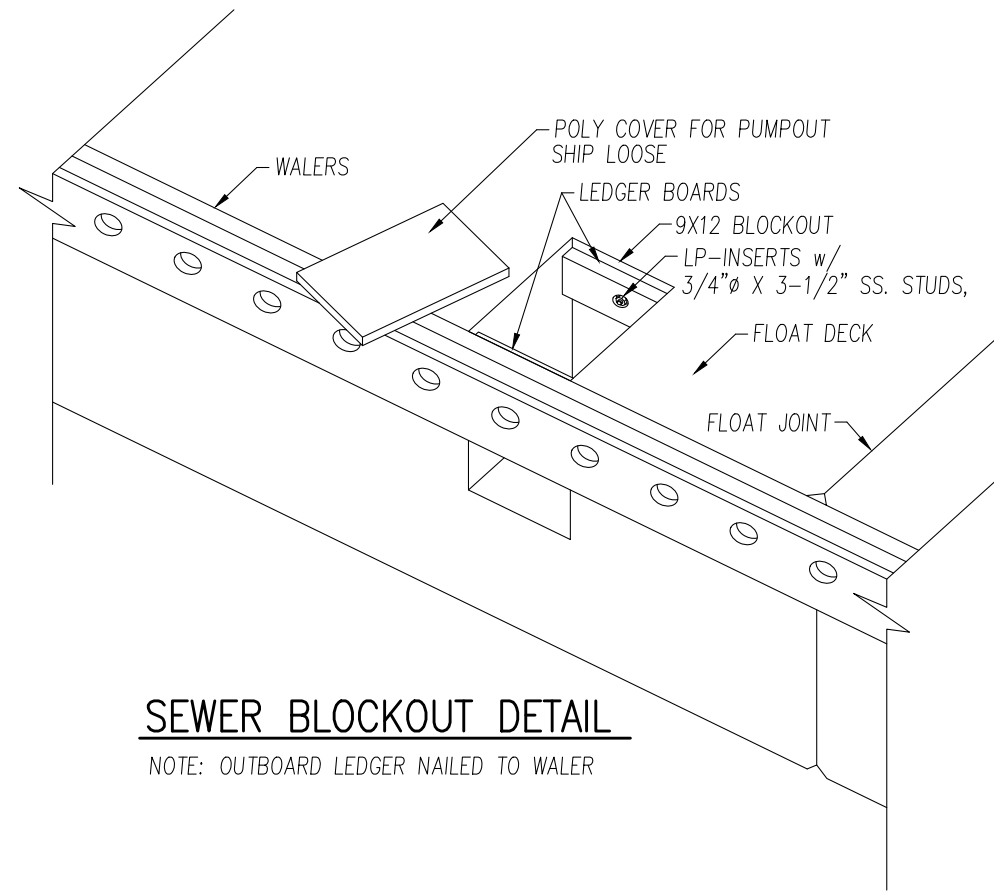
NOTE: FLOAT ASSEMBLIES, WALERS AND RUBSTRIP ARE MANUFACTURED WITH THRU ROD HOLES EVERY 12". THE QUANTITIES AND LOCATIONS OF THRU RODS ARE BASED ON THE DESIGN REQUIREMENTS OF EACH SPECIFIC DOCK APPLICATION, SOME HOLES MAY BE LEFT EMPTY BY DESIGN.

3/4" GALVANIZED THRU-RODS

WOOD RUB STRIP "LAG" BOLTED TROUGH GALVANIZED BUILT UP BEAM (PRE-DRILLED HOLES)

FLOAT BEAM ASSEMBLY DETAIL
 CONFIGURATION SIMILAR FOR INSIDE CONDITION

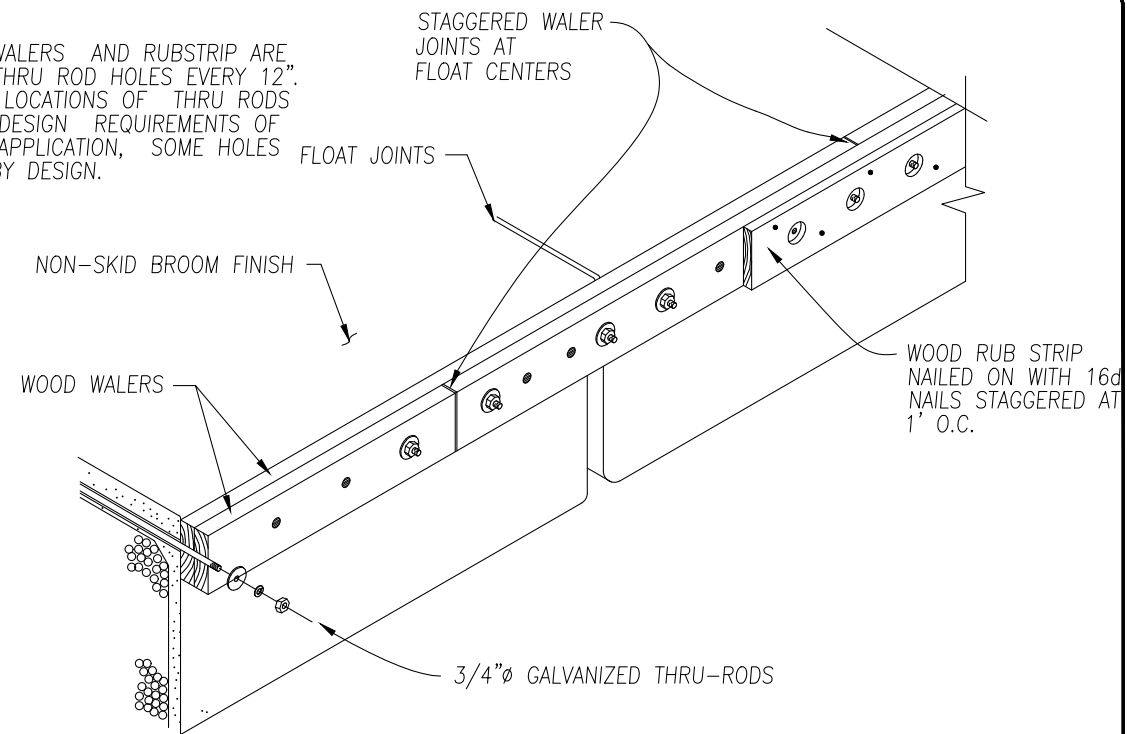
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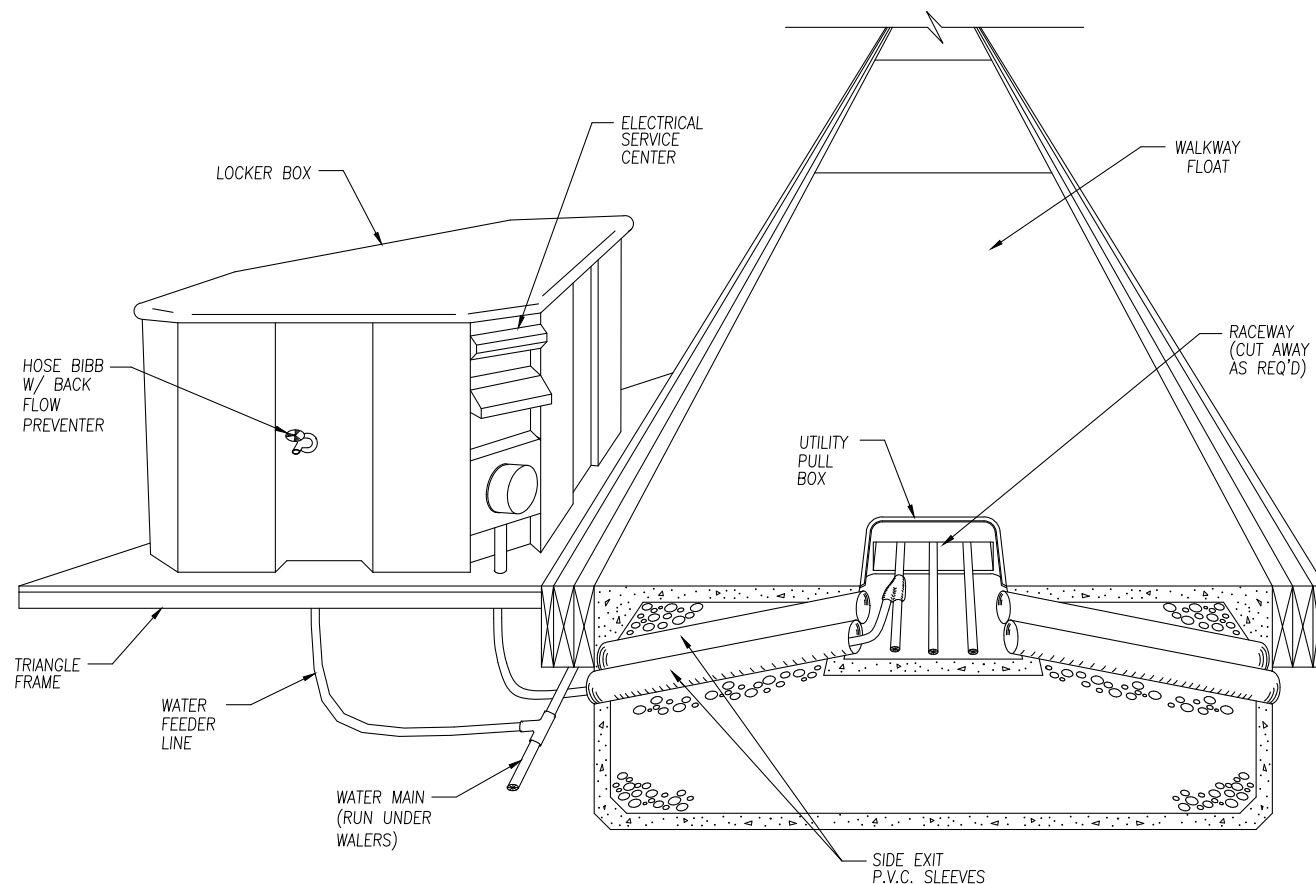
SEWER BLOCKOUT DETAIL

NOTE: OUTBOARD LEDGER NAILED TO WALTER

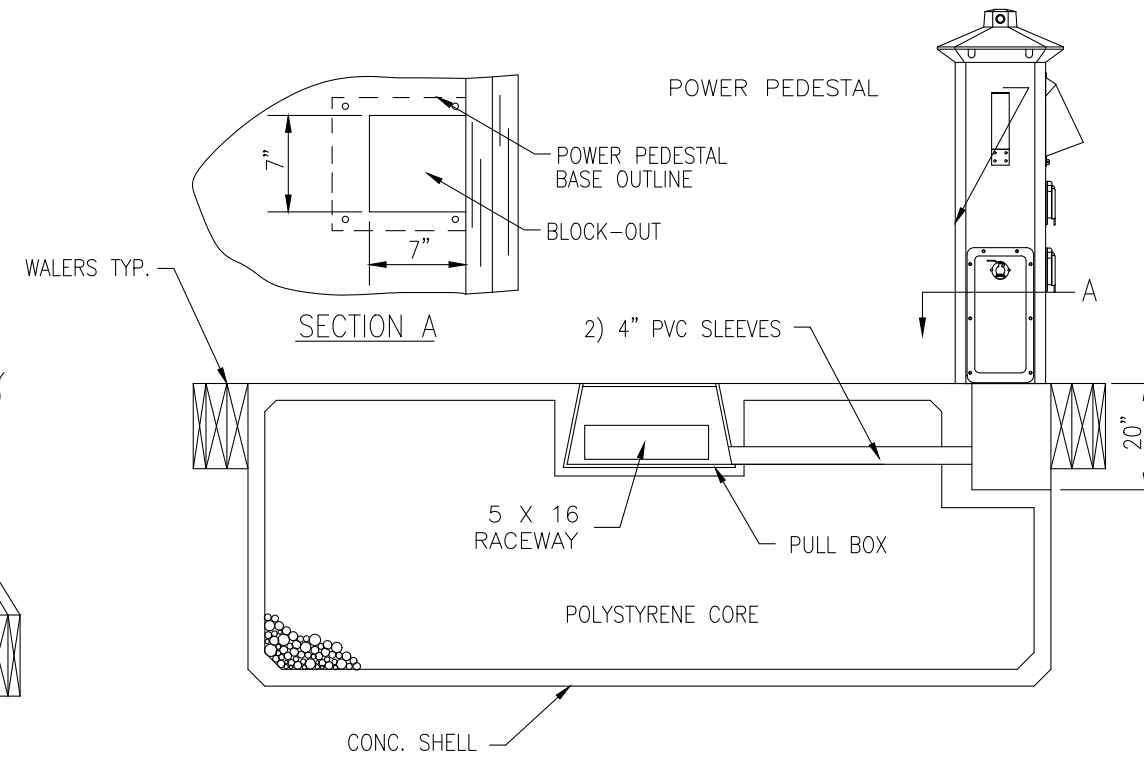
NOTE: FLOAT ASSEMBLIES, WALTERS AND RUBSTRIP ARE MANUFACTURED WITH THRU ROD HOLES EVERY 12". THE QUANTITIES AND LOCATIONS OF THRU RODS ARE BASED ON THE DESIGN REQUIREMENTS OF EACH SPECIFIC DOCK APPLICATION, SOME HOLES MAY BE LEFT EMPTY BY DESIGN.



FLOAT ASSEMBLY DETAIL



TYPICAL DOCK UTILITY SERVICES



TYPICAL POWER PEDESTAL INSTALLATION

- NOTES:
1. MOUNT PEDESTAL BASE USING SS STUDS EPOXIED INTO THICKENED DECK.
 2. PEDESTAL AND MOUNTING STUDS BY OTHERS.
 3. PVC SLEEVES ARE NOT ELECT CONDUIT.

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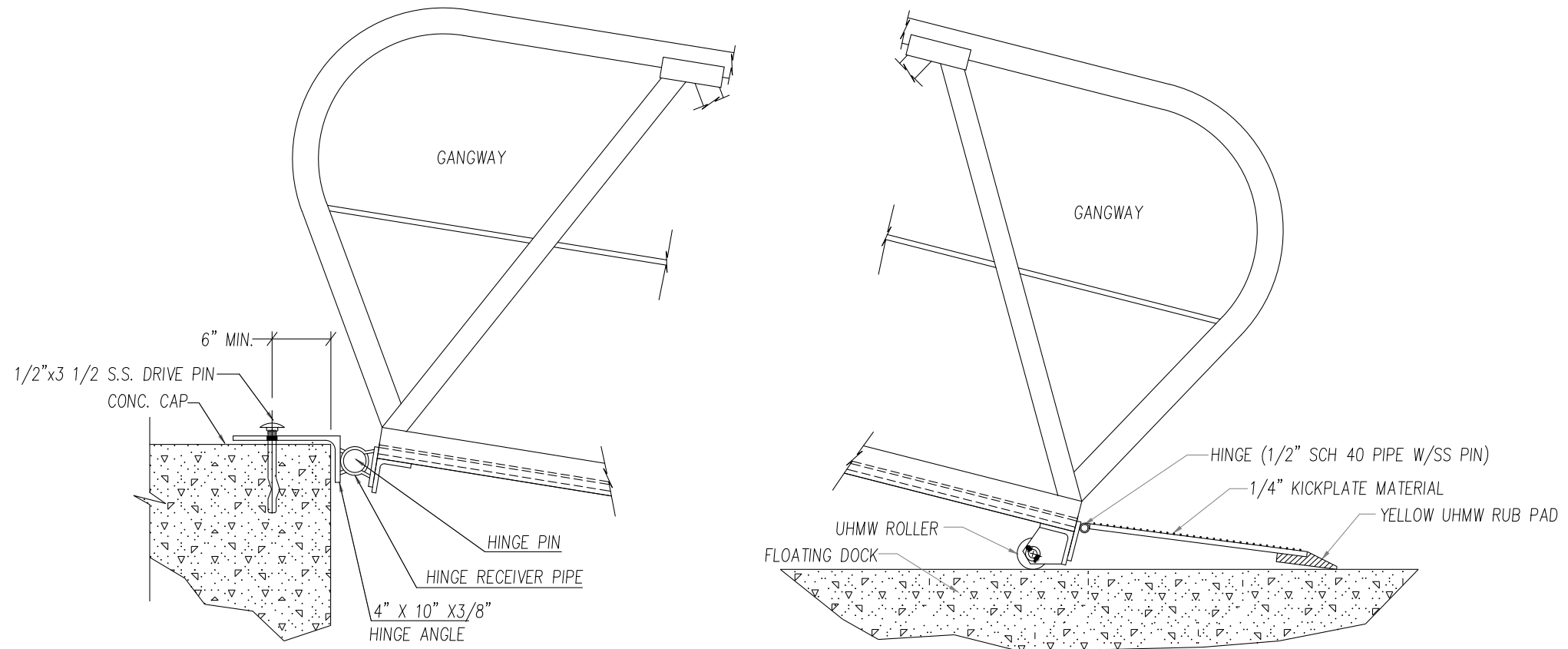
**TARPON POINT MARINA
 CAPE CORAL, FL.
 FLOATING DOCK DETAILS**

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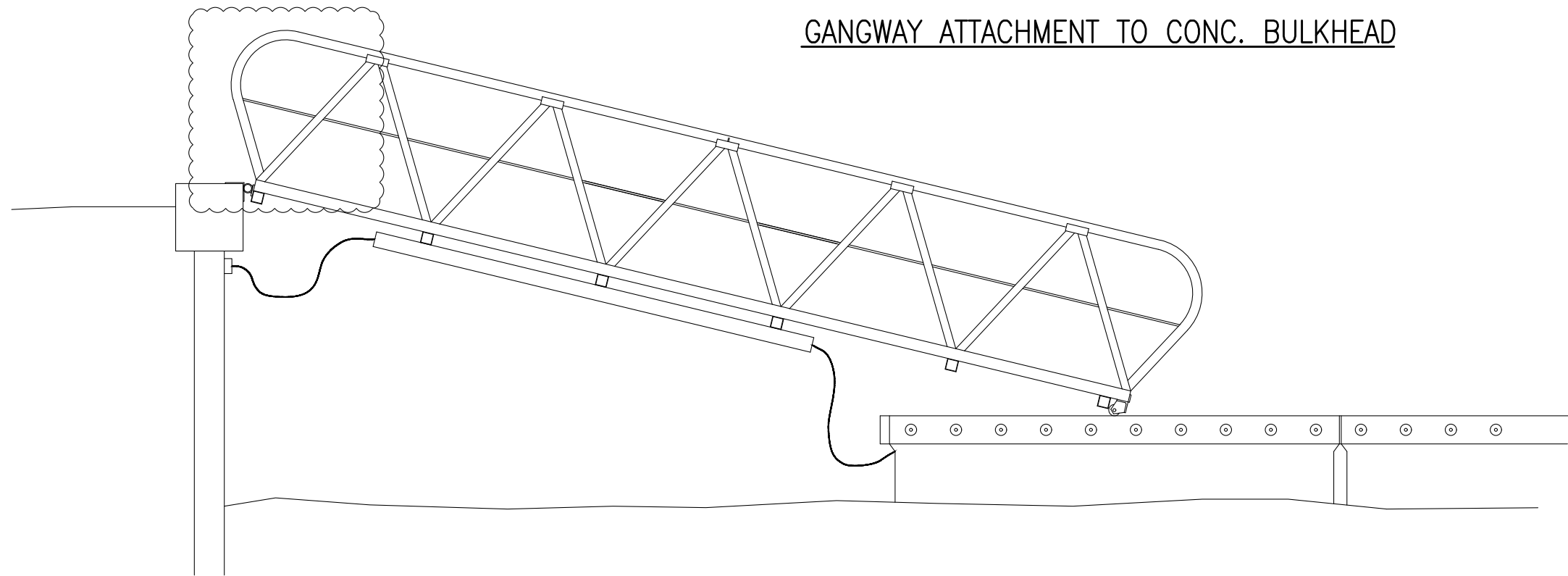
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GANGWAY ATTACHMENT TO CONC. BULKHEAD



TYPICAL GANGWAY ELECTRICAL FLEX CONNECTION

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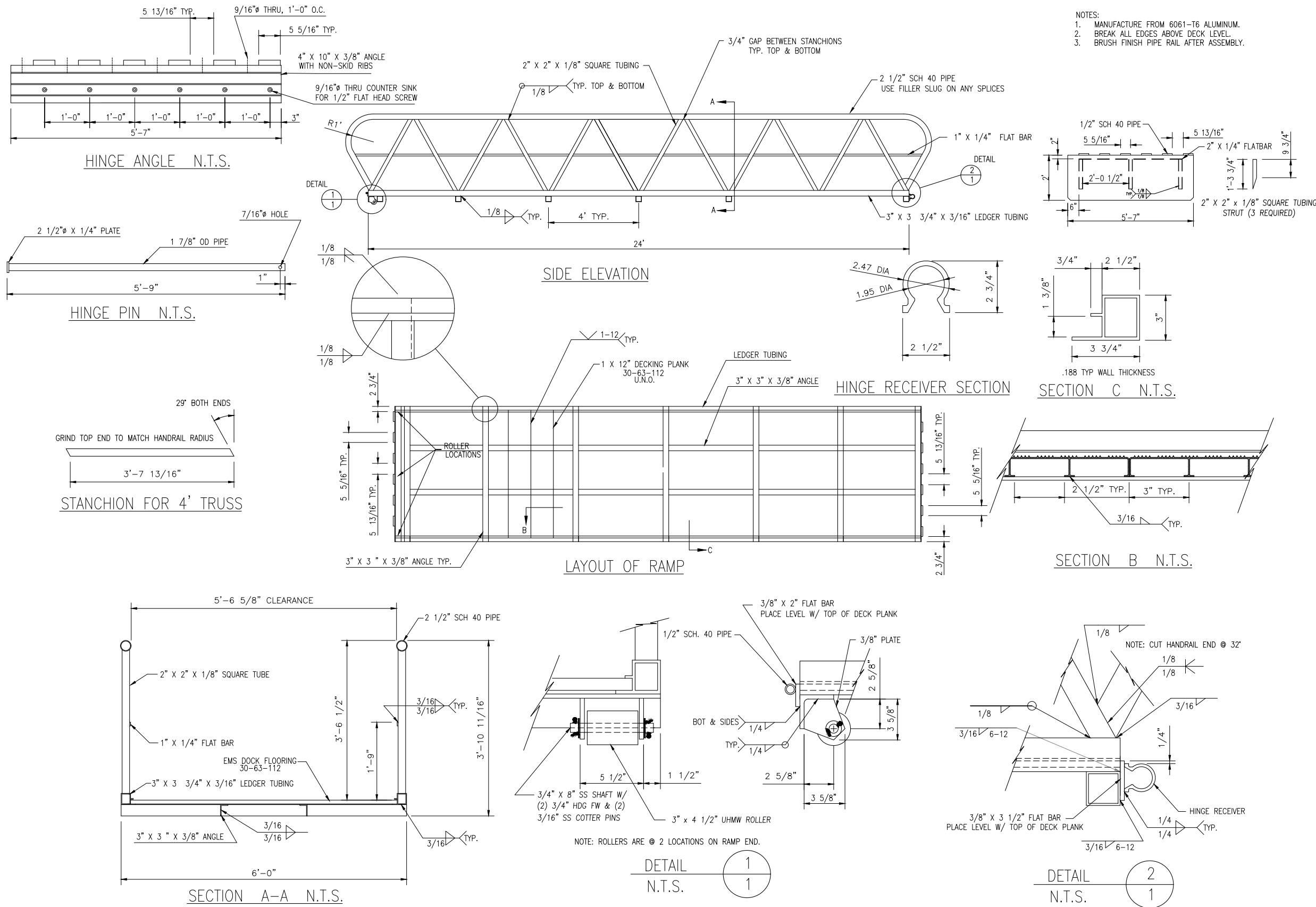
**TARPON POINT
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 FLOATING DOCK
 GANGWAY DETAILS**

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- NOTES:
 1. MANUFACTURE FROM 6061-T6 ALUMINUM.
 2. BREAK ALL EDGES ABOVE DECK LEVEL.
 3. BRUSH FINISH PIPE RAIL AFTER ASSEMBLY.

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**TARPON POINT MARINA
 CAPE CORAL, FL.
 FLOATING DOCK
 TYP. GANGWAY**

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