
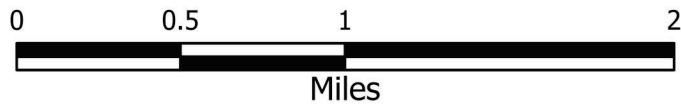


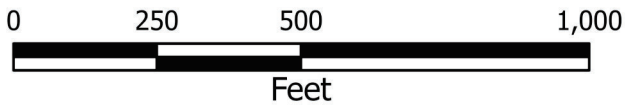
 Lease Area
 Easement Area



Fontana Lakes, LLC
 Lease No. 490368905 & Easement No. 43178
 Osceola County, Florida



 Lease Area
 Easement Area



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Lease No. 490368905 & Easement No. 43178
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PROJECT DESCRIPTION

1. Location: Latitude 28.179N, Longitude -81.319W
Aquatic Preserve: No
Waterbody Name and Classification: Lake Tohopekaliga, Class III Waters, Not Approved Shellfish Harvesting Area
Designated Manatee County: No
Manatee Aggregation Area: No
Manatee Protection Speed Zone: No

2. Preempted area: 330,755 square feet lease area and 154,213 square feet easement area
Structure dimensions: Dimensions of docks, staging areas, boat ramp, and gangways total approximately 36,160 square feet.
 - Dock A: 3,686 square feet
 - Dock B: 3,696 square feet
 - Dock C: 4,008 square feet
 - Dock D: 4,032 square feet
 - Dock E: 2,992 square feet
 - Marginal Docks: 5,720 square feet
 - Upland Access Docks: 5,380 square feet
 - Boat Ramp Staging Structures: 3,768 square feet
 - Boat Ramp: 2,878 square feetDredge: 31,807 cubic yards of sovereignty submerged material
Number of Slips: 174
Vessels: Private vessels ranging from 25-45 feet in length with a 1.5-foot to 3-foot draft.

3. Liveboards: Not authorized

4. Sewage pumpout facility: Not authorized

5. Fueling facility: Not authorized

6. New dredging: Dredging will be allowed in authorized areas of the proposed lease and easement area to provide sufficient depth of -4 ordinary low water for channel navigation via a 40-foot-wide channel and mooring of vessels. Approximately 31,807 cubic yards of sovereignty material will be dredged and deposited in a self-contained barge with fully loaded draft of no more than three feet, and taken to the onsite dredged material management area, which is sufficient to store the dredge volume of 31,807 cubic yards.

REQUIREMENTS / ASSESSMENTS / COMMENTS

1. SFWMD Environmental Resource Permit: See attached draft permit.

2. U.S. Army Corps of Engineers Permit: The Environmental Resource Permit references the need to obtain approval, if required.
3. Fish and Wildlife Conservation Commission, Office of Environmental Services, recommended on May 13, 2022 the following measures to reduce nesting potential during construction:
 - Conduct construction activities outside of the breeding season (generally April through August) if feasible, or,
 - If the site is cleared during the breeding season, clear the site only when ready to build, and
 - Avoid leaving cleared areas with little to no activity for an extended amount of time
4. Department of State, Division of Historical Resources (DHR): 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, 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 meets the setback criteria.
6. Noticing: Seven property owners within a 500-foot radius of the project, and all interested parties, were noticed pursuant to Rule 18-21.004(1), F.A.C. and no objections were received by March 15, 2023, the end of the comment period.

PUBLIC INTEREST ASSESSMENT

The subject property 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 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 or other natural resources, including public recreation and navigation. To offset the unavoidable in-water marina construction, the Applicant will purchase 1.64 credits from Twin Oaks Mitigation Bank.

Therefore, the District's opinion is 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.

SPECIAL LEASE CONDITIONS:

1. Lessee shall maintain in an active status all required state and federal permits during the term of this lease and during any subsequent renewals.
2. A minimum of ninety percent (90%) of the wet slips at the docking facility shall be made available for rent to the general public on a "first come, first served" basis, as defined in Rule 18-21.003, F.A.C., with no longer than one-year rental terms and with no automatic renewal rights or conditions. To help ensure compliance with and to assist in providing public awareness of this requirement, the Lessee shall erect permanent signs at the waterward entrance to the docking facility that are clearly visible to passing boaters and at the upland entrance to the docking facility that are clearly visible to 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 rent to the general public. Any dockage rate sheet publications and dockage advertising for the docking facility shall clearly state that a minimum of ninety percent (90%) of the wet slips at the docking facility are open to the general public on a "first come, first served" basis.

FEE CALCULATION

CONSIDERATION DUE: \$ 245,927.41

(1) Lease Fee	
330,755 x \$0.2074 =	\$68,598.59
Less 30% Discount	
\$68,598.59 x .30 =	-\$20,579.58
(2) Plus 25% Surcharge	
330,755 x .2074 = 68,598.59 x .25 =	\$ 17,149.65
(3) Easement Fee	
\$141,000 as determined by appraisal	\$141,000
(4) Plus Severance Fees	
31,807 x 1.25 =	\$39,758.75

TOTAL CONSIDERATION DUE

\$ 245,927.41



**South Florida Water Management District
Individual Environmental Resource Permit No. 49-108909-P
Date Issued:**

Permittee: Fontana Lakes, LLC
2405 W Princeton St Unit 2
Orlando, FL 32804

Project: Fontana Marina

Application No. 220718-35211

Location: Osceola County, See Exhibit 1

Your application for an Individual Environmental Resource Permit is approved. This action is taken based on Chapter 373, Part IV, of Florida Statutes (F.S.) and the rules in Chapter 62-330, Florida Administrative Code (F.A.C.). Unless otherwise stated, this permit constitutes certification of compliance with state water quality standards under section 401 of the Clean Water Act, 33 U.S.C. 1341, and a finding of consistency with the Florida Coastal Management Program. Please read this entire agency action thoroughly and understand its contents.

This permit is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- The attached General Conditions for Environmental Resource Permits.
- The attached General Conditions for Authorizations.
- The attached Special Conditions.
- All referenced Exhibits.

All documents are available online through the District's ePermitting site at www.sfwmd.gov/ePermitting.

If you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights", we will assume that you concur with the District's action.

The District does not publish notices of action. If you wish to limit the time within which a person may request an administrative hearing regarding this action, you are encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Legal requirements and instructions for publishing a notice of agency action, as well as a noticing format that can be used, are available upon request. If you publish a notice of agency action, please send a copy of the affidavit of publication provided by the newspaper to the District's West Palm Beach office for retention in this file.

If you have any questions regarding your permit or need any other information, please call us at 1-800-432-2045 or email epermits@sfwmd.gov.

**South Florida Water Management District
Individual Environmental Resource Permit No. 49-108909-P**

Date Issued:		Expiration Date:	
Project Name:	Fontana Marina		
Permittee:	Fontana Lakes, LLC 2405 W Princeton St Unit 2 Orlando, FL 32804		
Operating Entity:	Fontana Lakes Master Homeowners Association, Inc.		
Location:	Osceola County		
Permit Acres:	41.10 acres		
Project Land Use:	Commercial		
Special Drainage District:	N/A		
Water Body Classification:	CLASS III		
FDEP Water Body ID:	3173C		
Wetland and Surface Water Impacts:	9.124 acres		
Conservation Easement to District:	No		
Sovereign Submerged Lands:	Yes	Type:	Lease Private Easement
New Boat Slips:	174		

Project Summary

This Consolidated Environmental Resource Permit (ERP) authorizes Construction and Operation of a stormwater management (SWM) system serving 41.10 acres of commercial development and the construction of a 174-slip commercial marina known as Fontana Marina. This permit includes an intent to grant a lease and private easement to use Sovereign Submerged Lands.

The project proposes the construction of wet detention ponds SMA-Marina and a portion of SMA-1, an entrance road and parking areas for the marina, grading of the marina building pad, a temporary stockpile, a conveyance ditch between the two ponds and construction of previously permitted control structure for the SMA-Marina pond. Refer to the Engineering Evaluation and Exhibit Nos. 2.0 and 2.1 for additional information.

The in water work includes construction of boat ramps, a commercial marina and dredging of 8.8 acres for a commercial marina basin and channel. Refer to Exhibit No. 3.2.

Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, F.A.C.

Site Description

The site is a vacant parcel located on the north side of Friar's Cove Road, just west of the Florida Turnpike. Refer to Exhibit No. 1.0 for a location map.

For information on wetland and other surface water (OSW) impacts, please see the Wetlands and OSWs section of this permit.

Background:

Permit No. 49-00018-F, Application No. 140507-7, issued June 2, 2016 was a Formal Determination of Wetlands and Surface Waters.

Permit No. 49-100503-P, Application No. 180510-569, issued September 2, 2018, authorized Conceptual Approval of a stormwater management (SWM) system serving a 677.34 acre mixed-use residential and commercial development known as Fontana. The master SWM system consisted of 15 wet detention ponds for the required water quality treatment volume and attenuation and an additional pond that is not part of the SWM system.

Permit No. 49-100503-P, Application No. 190110-1099, issued February 14, 2019 authorized a modification to the Conceptual Approval with changes to the SWM system in the northwest corner of the project site to realign the project's future main connector roadway to the west to be consistent with an existing Osceola County right-of-way. In addition, stormwater management areas SMA-1, SMA-2, SMA-4 (currently modified to SMA-4A and SMA-4B), and SMA-6 were reconfigured with related changes to their respective drainage basins (38.5 acres). The control structure for Pond SMA-5 was also modified.

Permit No. 49-100503-P, Application No. 210308-5538, issued August 12, 2021 authorized a modification to the Conceptual Approval with changes to the previously authorized SWM system for the 135.33-acre project to include an access road, parking area, and site grading for a future commercial facility at the southwest corner of the project site. These changes include:

1. Revises the areas of Basins SMA-1, Marina, W-14, and W-16, with respective water quality treatment volume calculations.
2. Revises control structure CS-15, from Ponds SMA-15 to SMA-13.
3. Adds a spreader swale and bubble-up structure to W-16/Lake Toho outfall.

Permit No. 49-103744-P issued on September 30, 2020 authorized Construction and Operation of a stormwater management (SWM) system serving 64.65 acres of mass grading for a residential development known as Fontana Phase 1 Mass Grading.

Ownership and Operation & Maintenance (O&M)

Perpetual O&M of the SWM system is the responsibility of Fontana Lakes Master Homeowners Association, Inc. as indicated in the submitted draft governing documents. Refer to Exhibit 4.0. Upon completion of construction and in conjunction with submittal of the construction completion certification (CCC), a request for transfer to the operating entity and recorded copies of its governing documents must be submitted in accordance with General Condition No. 7.

Engineering Evaluation:

Land Use

Please refer to Exhibit No. 2.1 for land use details. There are 21.29 acres of basin area, which includes a 5.17-acre stockpile area, 8.94 acres of buffer/undisturbed area and 10.87 acres of in-water work area.

Water Quality

The landward portion of this project is consistent with the land use and site grading criteria of Conceptual ERP No. 49-100503-P. The master SWM system provides all required water quality treatment and complies with Section 4.2.1, ERP Applicant's Handbook (AH) Volume (Vol.) II.

The project includes implementation of a Turbidity and Erosion Control Plan (Exhibit No. 2.0) as additional reasonable assurance of compliance with water quality criteria during construction.

Water Quantity

Discharge

The landward portion of this project is a phase of construction consistent with Conceptual ERP No. 49-100503-P. The SWM design meets the criteria of Section 3.2(b), ERP AH Vol. II. Project discharge has not been limited to a specified rate.

Parking Lot Design

As found in Exhibit No. 2.1, minimum parking lot elevations have been set at or above the peak design storm elevation.

Road Design

As found in Exhibit No. 2.1, minimum road crown elevations have been set at or above the peak design storm elevation.

Finished Floors

As found in Exhibit No. 2.1, minimum finished floor elevations have been set at or above the peak design storm elevation.

Flood Plain/Compensating Storage

The permittee submitted calculations demonstrating that the project will result in 18.49 acre-feet of floodplain impacts and is designed to provide 21.39 acre-feet of floodplain compensating storage corresponding to a 100-year flood elevation of 57.1 feet NAVD within the compensating storage areas as depicted in Exhibit No. 2.2.

Construction Completion Certification (CCC) and O&M

Pursuant to Chapter 62-330.310, F.A.C., Individual Permits will not be converted from the construction phase to the operation phase until CCC of the project is submitted to and accepted by the District. This includes compliance with all permit conditions, except for any long-term maintenance and monitoring requirements. It is suggested that the permittee retain the services of an appropriate professional registered in the State of Florida for periodic observation of construction of the project.

For projects permitted with an operating entity that is different from the permittee, it should be noted that until the CCC is accepted by the District and the permit is transferred to an acceptable operating entity pursuant to Sections 12.1 - 12.3, ERP AH Vol. I and Section 62-330.310, F.A.C., the permittee is liable for O&M in compliance with the terms and conditions of this permit.

In accordance with Section 373.416(2), F.S., unless revoked or abandoned, all SWM systems and works permitted under Part IV of Chapter 373, F.S., must be operated and maintained in perpetuity.

The efficiency of SWM systems, dams, impoundments, and most other project components will decrease over time without periodic maintenance. The O&M entity must perform periodic inspections to identify if there are any deficiencies in structural integrity, degradation due to insufficient maintenance, or improper operation of projects that may endanger public health, safety, or welfare, or the water resources. If deficiencies are found, the O&M entity is responsible for correcting the deficiencies in a timely manner to prevent compromises to flood protection and water quality. See Section 12.4, ERP AH Vol. I for Minimum Operation and Maintenance Standards.

Notable project components requiring routine inspection and maintenance include but are not limited to:

- Side slopes for stormwater lakes and ponds – maintain side slopes no steeper than 4:1 (horizontal:vertical) to a depth of 2.0 feet below the control elevation and nurtured or planted from 2.0 feet below to 1.0 feet above the control elevation pursuant to Section 5.4.2, ERP AH Vol. II.
- Conveyance pipes, conveyance structures and discharge structures – all pipes and structures must be inspected for structural integrity and be maintained clear of trash, sediment and vegetative debris.
- Exfiltration trenches – all pipes and structures must be inspected for structural integrity and be maintained clear of trash, sediment and vegetative debris.
- Swales – maintain the permitted cross-section and vegetative cover.
- Underground storage facilities – all facilities must be inspected for structural integrity and be maintained clear of trash, sediment and vegetative debris.
- Pumps – float switches should be inspected and any obstructions removed to ensure proper operation; intake and discharge pipes should be maintained clear of trash, sediment and vegetative debris; motors should be maintained to ensure proper operation.

Environmental Evaluation:

Detailed Project Description of In-Water Works

The project includes the construction of commercial marina in conjunction with commercial and residential development in the uplands. The marina development will include the construction of fixed wooden docks, floating docks, 174 wet-slips, boat ramps, and the associated dredging. The marina basin and access channel will be dredged to a depth of -4' Ordinary Low Water for a total dredged volume of 31,807 cubic yards. No pump outs, live-aboards, or fueling facilities are proposed.

Wetland and OSW Description

The project site contains four (4) wetlands and one (1) OSW totaling 9.124 acres. Please see Exhibit Nos. 2.0 and 3.0 for wetland and OSW locations. The wetlands can generally be described as Streams and Waterways (510), Lakes, larger than 500 acres (521), Vegetated Non-Forested Wetlands (640), and Freshwater Marshes (641). The on-site upland land use types/vegetative communities are classified as Improved Pastures (211) and Live Oak (427). Additional wetland descriptions are available in the ePermitting file.

A Formal Determination of Wetlands and Surface Water (FWD) was issued on June 2, 2016 via FWD No. 49-00018-F. The US Army Corps of Engineers (USACOE) has issued an Approved Jurisdictional Determination (AJD: SAJ-2018-2643 (JDJMB)).

Wetland and OSW Impacts

The project will result in 2.15 acres of wetland impacts, and 6.974 acres of work in OSW as described in Environmental Data Table. Exhibit Nos. 2.0 and 3.0 identifies the locations of the wetlands and OSW being impacted.

Secondary Impacts

Secondary impacts include 2.67 acres of wetland impacts to Wetlands 7, 14 and 16 where the minimum upland buffer requirements are not met. Exhibit Nos. 2.0 and 3.0 identifies the location of secondary impacts.

Elimination and Reduction of Impacts

The ecological value of the functions provided by the area of wetlands being impacted is low, based on a site specific analysis using the factors in Section 10.2.2.3 A.H. of Applicant's Handbook Volume I. The proposed mitigation will provide greater long term ecological value than the area of wetland to be adversely impacted, therefore the criteria of Section 10.2.1(a) of Applicant's Handbook Volume I have been met.

Hydrographic Analysis

A hydrographic analysis was conducted utilizing the Christenson's wind driven flushing methodology to demonstrate compliance with water quality standards, specifically that the marina should generally reduce a potential pollutant to 10% of its initial concentration within 4 days per section 10.2.4.3(b) A.H. Vol 1. To verify the model's accuracy, a dye study was completed.

After correcting the predicted surface water velocity and implementing the wind driven flushing methodology for dead end system, the estimated flushing time for this marina is 6.6 hours. Therefore, the criteria in Section 10.2.4.3(b) A.H. Vol 1 have been met.

Water Quality Analysis

The applicant collected water quality data to document and assess ambient water quality within the marina area. The water within the cove met water quality standards.

Mitigation Plan

To mitigate for the wetland and other surface water impacts, the applicant will purchase 1.10 herbaceous credits from Lake X Mitigation Bank and 1.64 credits from Twin Oaks Mitigation Bank as depicted in Exhibit 3.1. The amount of required mitigation was determined using the Uniform Mitigation Assessment Method in Chapter 62-345, F.A.C. The final scores can be found in the Exhibit No. 3.0.

Cumulative Impact Analysis

The impacts for the in water work will be offset with the purchase of credits from Twin Oaks Mitigation Bank that is located within the same basin as the impacts, therefore pursuant to Section 10.2.8 of ERP AH Vol. I, the impacts related to the in-water work will not result in unacceptable cumulative impacts to the Lake Toho Basin.

Since the mitigation for the herbaceous wetland impacts is not located within the same basin as the wetland impacts, a cumulative impact analysis was conducted for the herbaceous wetlands within the Lake Toho Basin (Basin) pursuant to Section 10.2.8 of ERP AH Vol. I. This analysis can be found in the ePermitting file.

The analysis identified herbaceous wetlands in the Basin that were not protected by land use restrictions or dedicated as public preserve land, as "at risk". Wetlands preserved/protected accounted for 11.2% of all herbaceous wetlands in the Basin. The proposed project will result in permanent impacts to 2.15 acres of herbaceous wetlands within the Lake Toho Basin. This represents 0.05% of all non-forested wetlands and 0.06% of the remaining, "at-risk" non-forested wetlands within the Lake Toho Basin.

Based on the analysis provided and available information, the District has determined that the project will not result in unacceptable cumulative impacts to the Lake Toho Basin. This conclusion is project specific and does not apply to any other application.

Monitoring

Turbidity will be monitored in accordance with the Fontana Lakes Turbidity Monitoring Plan as described in Exhibit No. 3.4.

Fish, Wildlife, and Listed Species

Protected species surveys were conducted by ecologists from Bio-Tech, Inc. The survey covered approximately 100% of the subject property's developable area, included both direct observations and indirect evidence, such as tracks, burrows, tree markings and vocalizations that indicated the presence of species observed. No State or federally listed aquatic or wetland-dependent listed species or species having special protection were observed to be using the wetlands or uplands within the project for nesting or denning.

In addition to the on-site evaluation for "listed" species, the Permittee conducted a review for any Audubon EagleWatch and FFWCC recorded Bald Eagle nests on or within the vicinity of the project site. This review revealed that there are no Bald Eagle nests through the 2020-2021 nesting season, within 660-feet of the Fontana Phase 1 site. Therefore, no developmental constraints are expected with respect to Bald Eagle nests.

Wading Birds

The project site contains potential nesting and foraging habitat for state-listed wading birds. Prior to the commencement of any clearing, grading, or filling activities, specific surveys for wading birds shall be conducted during their breeding season, which extends from March through August. The Species Conservation Measures and Permitting Guidelines for the Little Blue Heron, Reddish Egret, Roseate Spoonbill, and Tricolored Heron (<https://myfwc.com/media/18634/threatened-wading-birds-guidelines.pdf>) can be referenced for biological information, survey methodology, measures for avoiding impacts, and recommended conservation practices. If there is evidence of nesting during this period, wading bird sites shall be buffered by 330 feet to avoid disturbance by human activities. If nesting is discovered after construction has begun, or the removal of trees with active nests is unavoidable, or if maintaining the recommended buffer is not possible, the Permittee shall contact the FWC to discuss potential permitting alternatives.

Florida Sandhill Crane

The project site provides habitat for the Florida Sandhill Crane (*Antigone canadensis pratensis*) State Listed as "Threatened" by FFWCC. The proposed mitigation will provide or improve habitat for wetland-dependent and aquatic species. Surveys for nesting sandhill cranes shall be conducted immediately prior to any

construction that occurs during the January through August breeding season. If there is evidence of nesting during this period, any active Florida sandhill crane nests shall be buffered by 400 feet to avoid disturbance by human activities.

Gopher Tortoise

The project site may provide suitable habitat for gopher tortoise. The applicant should refer to the Gopher Tortoise Permitting Guidelines (revised April 2023) (<http://www.myfwc.com/license/wildlife/gopher-tortoise-permits/>) for survey methodology and permitting guidance prior to any development activity. Survey methodologies require a burrow survey covering a minimum of 15 percent of potential gopher tortoise habitat to be impacted by development activities including staging areas (refer to Appendix 4 in the Guidelines for additional information). Specifically, the permitting guidelines include methods for avoiding impacts (such as preservation of occupied habitat) as well as options and state requirements for minimizing, mitigating, and permitting potential impacts of the proposed activities. Any commensal species observed during burrow excavation should be handled in accordance with Appendix 9 of the Guidelines. For questions regarding gopher tortoise permitting, contact the Central Region Gopher Tortoise biologist by phone.

This permit does not relieve the permittee from complying with all applicable rules and any other agencies' requirements if, in the future, endangered or threatened species or species of special concern are discovered on the site.

Sovereignty Submerged Lands

The proposed marina and private channel is located on SSL - lands owned by the State of Florida; therefore, it requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S. The District is delegated the authority to take final agency action for this application on behalf of the Board of Trustees, pursuant to Rule 18-21.0051(2), F.A.C.

The Board of Trustees has determined that the activity qualifies for and requires a lease and private easement, as long as the work performed is located within the boundaries as described and is consistent with Exhibit Nos. 3.5 (Agenda Item and attachments), and conditions herein. The final documents required to execute the lease and private easement will be sent to the permittee by the Department of Environmental Protection's Division of State Lands (DSL) for execution. Upon satisfactory execution of those documents, including payment of required fees and compliance with any conditions herein, the final document will be issued by DSL.

Public Interest Test

The permittee has demonstrated that the proposed project is not contrary to the public interest in accordance with Section 10.2.3, ERP AH Vol. I. No adverse effects to fish and wildlife, navigation, fishing or recreational values, historical and archeological resources, or the relative values of function will occur as a result of the proposed activity.

Environmental Evaluation Tables:

Summary

Wetlands and Other Surface Waters: 11.794 acres
Direct Impacts: 9.124 acres
Secondary impacts: 2.67 acres
Net UMAM Functional Loss/ Gain: 0 units
Total Onsite Mitigation Area: 0 acres
Total Offsite Mitigation Area: 0 acres

Total Mitigation Bank Credits Provided

Mitigation Bank	Type	Total Credits
Lake X	FH	1.1
Twin Oaks	O	1.64
Total:		2.74

Boat Slips

Type of Slips	Existing	Proposed
Wet Slips		174
Dry Slips		0
Total Slips	0	174

Related Concerns:

Water Use Permit Status

The permittee has indicated that reclaimed water will be used as a source for irrigation water for the project.

The permittee has indicated that dewatering is required for construction of this project. The permittee has demonstrated that proposed dewatering qualifies for the permit by rule under Rule 40E-2.061, F.A.C.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation.

Potable Water, Reclaimed Water and Wastewater Service

Toho Water Authority

Historical/ Archaeological Resources

The District has received correspondence from the Florida Department of State, Division of Historical Resources indicating that no significant archaeological or historical resources are recorded on the project site; therefore, the project is unlikely to have an effect upon any such resources.

This permit does not release the permittee from complying with any other agencies requirements in the event that historical and/or archaeological resources are found on the site.

General Conditions for Individual Environmental Resource Permits, 62-330.350, F.A.C.

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), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, 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., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
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 12.3.4 of Volume I) as filed with the Florida 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 and Maintenance 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 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. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.

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 Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

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General Conditions for Authorizations for Use of Sovereign Submerged Lands, Rule 18-21.004(7), F.A.C.

All authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for aquaculture activities and geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (i) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or Chapter 258, Part II, F.S.

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.

(d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

(f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

(g) Structures or activities shall not create a navigational hazard.

(h) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(i) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

Special Conditions for Individual Environmental Resource Permits, 62-330.350, F.A.C.

1. The construction authorization for this permit shall expire on the date shown on page 2.
2. Perpetual O&M of the SWM system shall be the responsibility of Fontana Lakes Master Homeowners Association, Inc. Upon completion of construction and in conjunction with submittal of the as-built certification, a request for transfer to the operating entity with supporting documentation must be submitted in accordance with General Condition No. 7.
3. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of 2.0 feet below the control elevation. Side slopes shall be nurtured or planted from 2.0 feet below to 1.0 feet above control elevation to insure vegetative growth.
4. A stable, permanent and accessible elevation reference shall be established on or within 100 feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
5. Prior to any future construction, the permittee shall apply for and receive an Individual ERP. As part of the permit application, the applicant for that phase shall provide documentation verifying that the proposed construction is consistent with the design of the master stormwater management system, including the land use and site grading assumptions.
6. Prior to initiating construction activities associated with this ERP, the permittee is required to hold a pre-construction meeting with field representatives, consultants, contractors, District Environmental Resource Bureau (ERB) staff, and any other local government entities as necessary. The purpose of the pre-construction meeting is to discuss construction methods, sequencing, best management practices, identify work areas, staking and roping of preserves where applicable, and to facilitate coordination and assistance amongst relevant parties. To schedule a pre-construction meeting, please contact ERB staff from the Orlando Service Center at (407) 858-6100 or via e-mail at: precon@sfwmd.gov. When sending a request for a pre-construction meeting, please include the application number, permit number, and contact name and phone number.
7. All commercial/industrial parcels shall provide a minimum dry pre-treatment volume of 1/2 inch of runoff prior to discharge into the master stormwater management system.
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 permittee associated with this project. Please refer to Chapter 68A-27, F.A.C. 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.
9. Prior to commencement of construction, and in accordance with the work schedule herein, the permittee shall submit documentation from Lake X Mitigation Bank that 1.10 herbaceous credits for this project have been paid for in full and deducted from the Lake X Mitigation Bank 's ledger.
10. Prior to commencement of construction, and in accordance with the work schedule herein, the permittee

shall submit documentation from Twin Oaks Mitigation Bank 1.64 herbaceous credits for this project have been paid for in full and deducted from the Twin Oaks Mitigation Bank 's ledger.

11. The terms, conditions, and provisions of the required lease and private easement 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 and private easement documents (BOT No: 490368905) have been executed to the satisfaction of the Department of Environmental Protection, Division of State Lands.
12. 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 Orlando Serve Center Compliance Team at 407-858-6100 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 29 NTUs.
13. A water quality monitoring program shall be implemented as outlined below: Turbidity expressed in nephelometric turbidity units (note). Background samples shall be taken 200 feet upstream of any construction activity within adjacent surface waters. Compliance samples shall be taken 200 feet downstream. Samples shall be taken twice daily, with at least a four-hour interval, during all work authorized by this permit. Monitoring shall begin on the first day of construction for all activities within or adjacent to surface waters. The monitoring data must demonstrate that turbidity 200 feet downstream of all proposed activities is less than or equal to 29 NTU's above natural background turbidity and 200 feet upstream of each proposed activity for a period of 7 consecutive days after completion of construction. If monitoring shows such levels to be exceeded, construction shall cease and District compliance staff shall be notified immediately. Work shall not resume until District staff is satisfied that adequate corrective measures have been taken and turbidity has returned to acceptable levels. All monitoring data shall be maintained on site and be available to District staff during regular business hours.

The content of the data shall include:

- (1) permit and application number;
 - (2) dates of sampling and analysis;
 - (3) statement describing the methods used in collection, handling, storage and analysis of the samples;
 - (4) a map indicating the sampling locations and
 - (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data. Monitoring reports shall also include the following information for each sample that is taken: (a) time of day samples taken; (b) depth of water body; (c) depth of samples; (d) antecedent weather conditions; (e) wind direction and velocity; (f) direction of tide.
14. During dredging activities, the permittee or permittee's contractor shall collect the following turbidity monitoring data at the frequency and water depths directed by Specific Condition 13:
 - a. Date and time of sampling event
 - b. Turbidity sampling results (background NTUs, compliance NTUs, and the difference between them)
 - c. Description of data collection methods
 - d. An aerial map indicating the sampling locations

- e. Depth of sample(s)
- f. Weather conditions at times of sampling

Data shall be collected in a turbidity log and shall include a statement by the individual responsible for implementation of the sampling program attesting to the authenticity, precision, limits of detection, and accuracy of the data. The turbidity log shall be scanned and sent on a weekly basis to as a Compliance Item to the Districts ePermitting System.

15. 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.
16. All vessels that moor, dock, or otherwise use the leased premises shall be maintained in a fully operational condition.
17. No liveaboards or vessels with permanent holding tanks shall be allowed to dock at the docking facilities authorized by this permit for the life of the facility. A liveaboard is defined as a vessel docked at a facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within any thirty (30) day period.
18. The Permittee shall comply with the Marina Management Plan. Refer to Exhibit No. 3.3.
19. Prior to the commencement of any clearing, grading, or filling activities, specific surveys for wading birds shall be conducted during their breeding season, which extends from March through August. Surveys shall be submitted to ePermitting and to the District's Environmental Resource Compliance Staff. Should any nest be identified, buffers shall be established as required by FWC and the adjacent construction schedule shall be adjusted to avoid activity within those areas.
20. If any construction is proposed in wetlands during the breeding season for sandhill cranes (January through August), the permittee shall first conduct a survey for active nesting sites. If active nesting sites are found, no work shall be performed in the area and the permittee shall coordinate with the Florida Fish and Wildlife Conservation Commission to determine what measures shall be taken to protect the nest(s) and obtain any necessary permits.
21. Permanent physical markers designating the preserve status of the wetland preservation areas and buffer zones shall be placed in the locations depicted on the Construction Plans. These markers shall be maintained in perpetuity.

Project Work Schedule for Permit No. 49-108909-P

The following activities are requirements of this Permit and shall be completed in accordance with the Project Work Schedule below. Please refer to General Conditions, Special Conditions and/or Specific Conditions for more information. Any deviation from these time frames will require prior approval from the District's Environmental Resources Bureau and may require a modification to this permit. Such requests must be made in writing and shall include: (1) reason for the change, (2) proposed start/finish and/or completion dates, and (3) progress report on the status of the project.

Condition No.	Date Added	Description (Application Number)	Due Date	Date Satisfied
GC 4	08/26/2024	Construction Commencement Notice	Prior to Construction	
GC 6	08/26/2024	Submit Certification	30 Days After Construction Completion	
GC 7	08/26/2024	Submit Operation Transfer Request	Within 30 days of Certification	
SC 6	08/26/2024	Pre-Construction Meeting	Prior to Construction	
SC 9	08/26/2024	Submit Mitigation Bank Ledger Documentation - Lake X	Within 90 days of Permit Issuance	
SC 10	08/26/2024	Submit Mitigation Bank Ledger Documentation - Twin Oaks	Within 90 days of Permit Issuance	
SC 19	08/26/2024	Submit Wildlife Survey and Establish Buffers	Prior to Construction	

GC = General Condition

SC = Special Condition

Distribution List

Steve Butler, Bio-Tech Consulting, Inc

James Nugent, Donald W McIntosh Associates, Inc

Div of Recreation and Park - District 3

Osceola County Engineer

DRAFT

Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website at <http://my.sfwmd.gov/ePermitting> and searching under this application number 220718-35211.

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 2.0 SWM Plans](#)

[Exhibit No. 2.1 Calculations](#)

[Exhibit No. 2.2 Floodplain Impacts](#)

[Exhibit No. 3.0 Environmental Exhibits](#)

[Exhibit No. 3.1 Mitigation Bank Credit Reservations](#)

[Exhibit No. 3.2 Marina Plans](#)

[Exhibit No. 3.3 Marina Management Plans](#)

[Exhibit No. 3.4 Turbidity Monitoring Plan](#)

[Exhibit No. 4.0 Draft Declaration of Covenants](#)

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.

- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

INITIATION OF ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

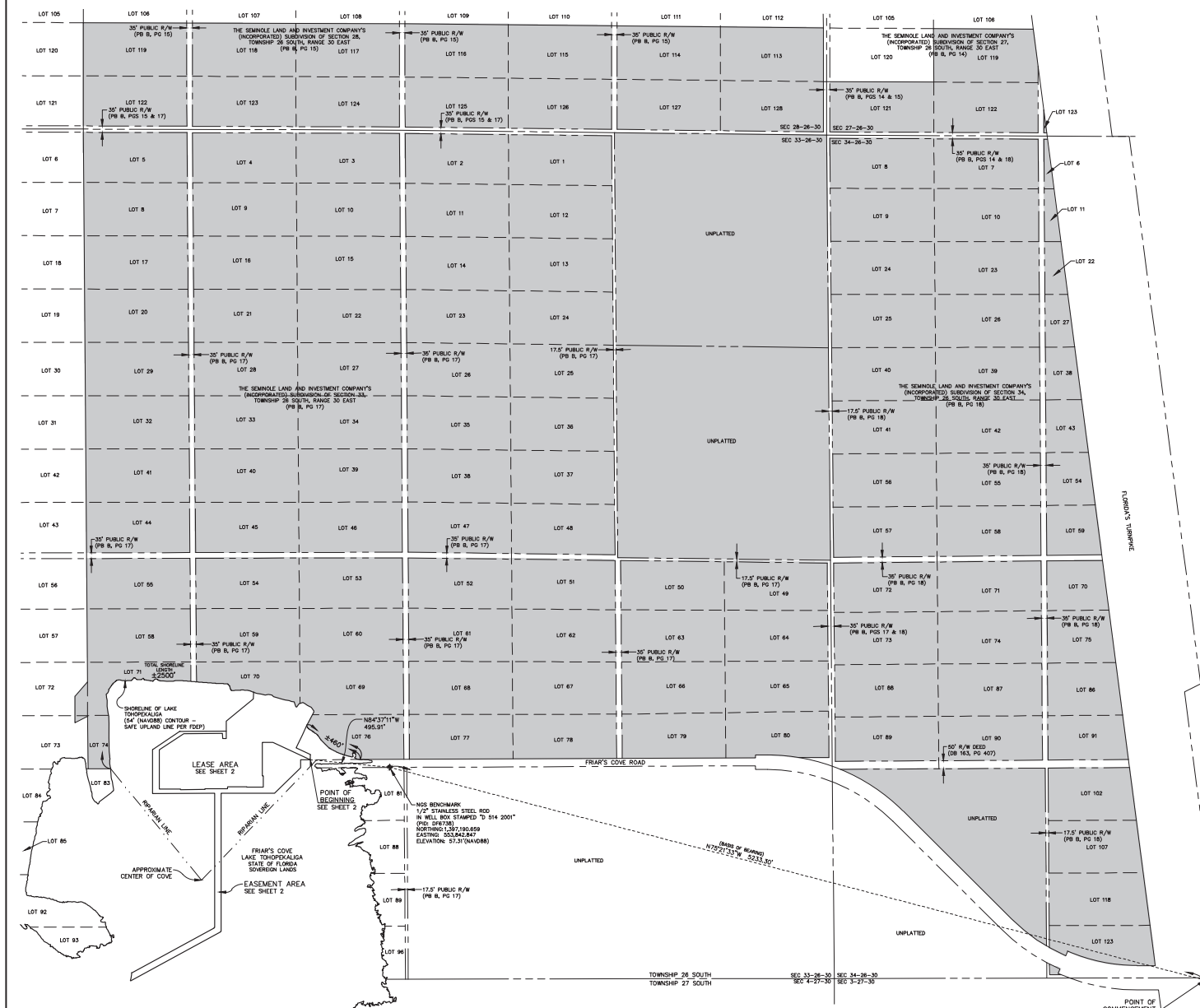
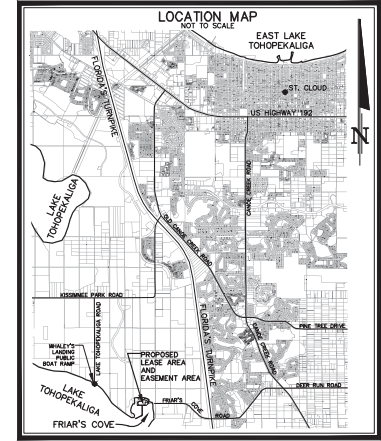
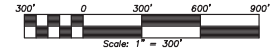
MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.

THIS IS A FIELD SURVEY
SEE SHEET 2 FOR DESCRIPTION AND NOTES



LEGEND

SEC 31-28-30 SECTION 31, TOWNSHIP 26 SOUTH, RANGE 30 EAST
 BOUNDARY LINE AS PROVIDED BY
 DEPARTMENT OF GOVERNMENTAL PROTECTION
 (DGP) RECORDING BOOK 1000, PAGE 1000
 NATIONAL GEODETIC SURVEY
 1983
 POINT OF BEGINNING
 POINT OF SURVEY
 POINT OF EVIDENCE
 POINT OF TANGENCY
 POINT OF CONTACT
 OVERLAP LINE
 SOLID LINE
 DASHED LINE
 DOTTED LINE
 OTHER NOT FOUND OR SET
 UNLESS OTHERWISE NOTED
 SET 1/2" PG. 1000
 UNLESS OTHERWISE NOTED

LANDS OWNED BY
 FONTANA LAKES, LLC.
 PER OSCEOLA COUNTY
 PROPERTY APPRAISER'S
 OFFICIAL WEBSITE,
 ACCESSED 01/12/2023

Certified to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Fontana Lakes, LLC.

SURVEY DATE: 03/28/2023
 I hereby certify that this survey, subject to the survey's notes contained herein, meets the applicable "Standards of Practice" set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 54-17.05, Florida Administrative Code, pursuant to Section 472.007, Florida Statutes.

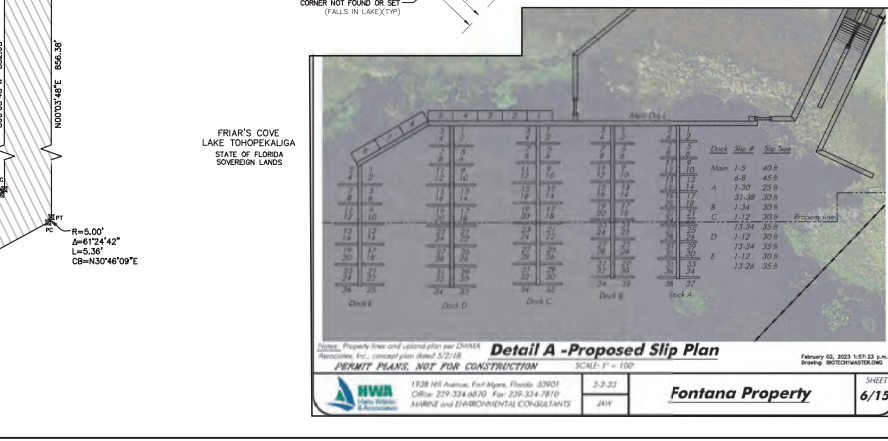
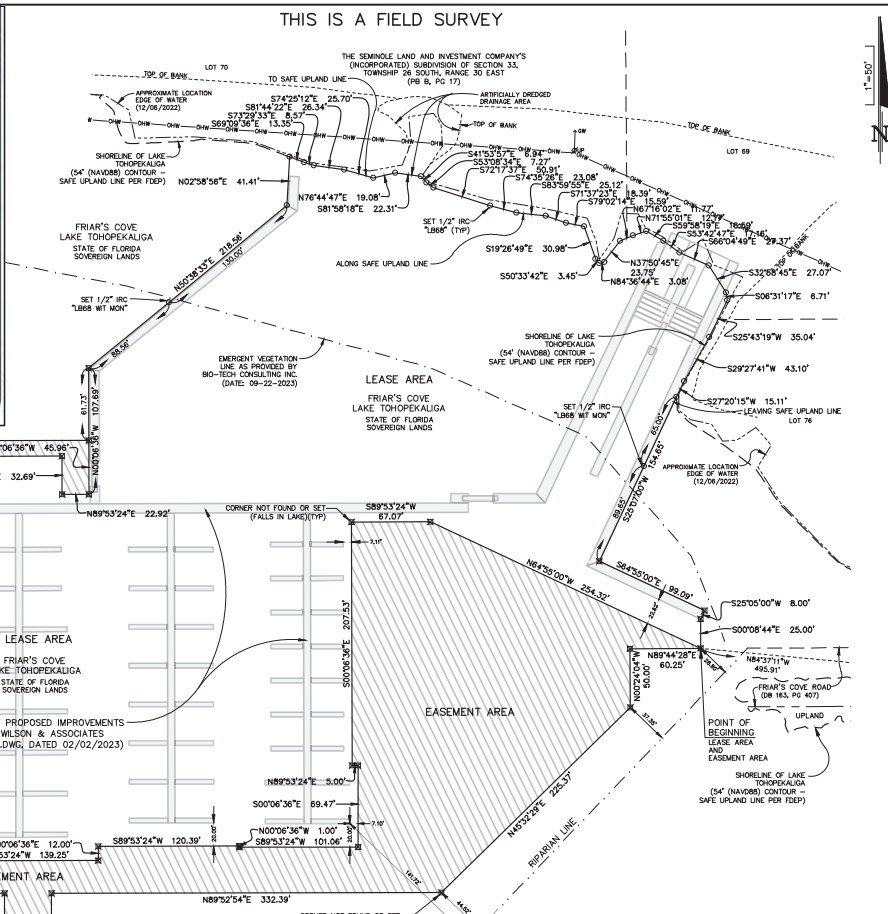
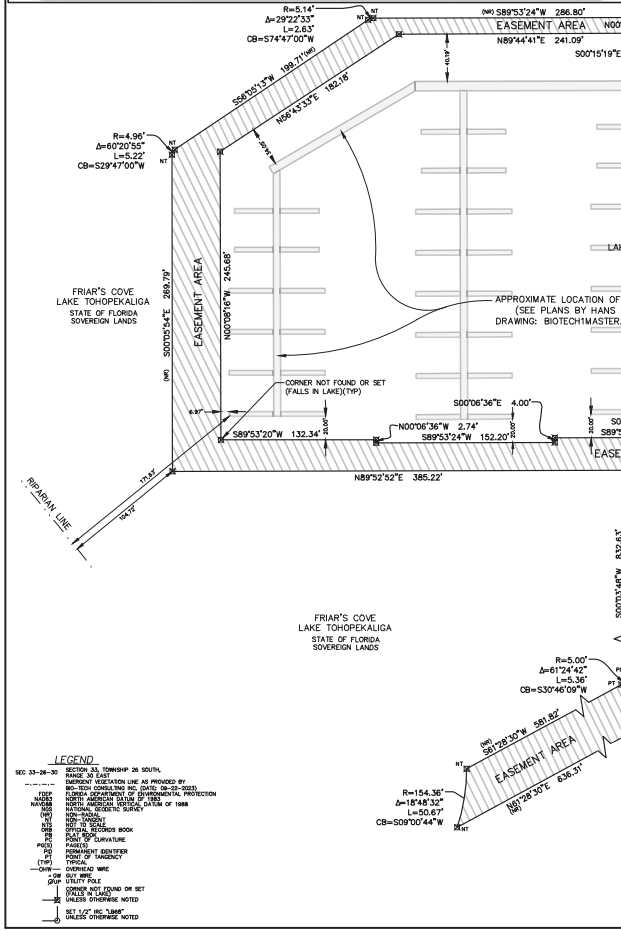
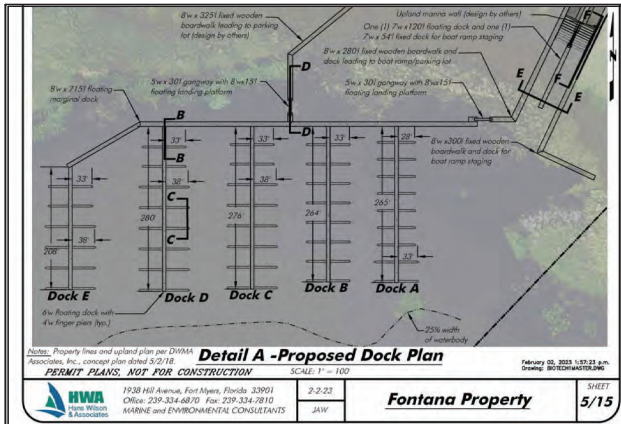
DONALD W. MCINTOSH ASSOCIATES, INC.
 CERTIFICATE OF AUTHORIZATION NO. 98

Rocky L. Carson
 Florida Registered Surveyor and Mapper
 Certificate No. 4285
 Signature Date
 NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ELECTRONIC SIGNATURE (S-17.06(2)) F.A.C. OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER.

DONALD W. MCINTOSH ASSOCIATES, INC.		DATE	SCALE	FIELD BOOK	FIELD NUMBER	JOB NUMBER	JOB DATE	JOB DESCRIPTION	CLIENT
1	1/19/23		1"=300'						
2	1/19/23								
DONALD W. MCINTOSH ASSOCIATES, INC. ENGINEERS, PLANNERS, SURVEYORS 1100 SHAWNT PARK DRIVE, SUITE 100 CORCORAN, FLORIDA 32909 (407) 644-1008 FAX: (407) 644-1009 www.donaldwmcintosh.com									
PREPARED FOR:	Fontana Lakes, LLC								
PROJECT:	Fontana Lakes Sewerage Submerged Lands Boundary Survey								
SHEET	1 OF 2								
DATE:	03/28/2023								

Printed: Thu, 23-Apr-2023 - 10:23AM
 C:\p\2023\230403\Fontana Lakes Sewerage Submerged Lands Boundary Surveys

D:\p\2023\230403\Fontana Lakes Sewerage Submerged Lands Boundary Surveys



LEASE AREA
Description: (Prepared by Donald W. McIntosh Associates, Inc.)
That part of the State of Florida sovereign submerged lands in Lake Tohopekaliga lying adjacent to Section 33, Township 26 South, Range 30 East, Osceola County, Florida described as follows:
COMMENCE at National Geodetic Survey benchmark C 514 (PID: DF6737) a disk set in concrete stamped "C 514 2001", having the coordinates: Northing = 1,395,867,888; Easting = 558,906,217; thence N75°21'33", 523.30 feet to National Geodetic Survey benchmark D 514 (PID: DF6738), a stainless steel rod in a well bolt stamped "D 514 2001", having the coordinates: Northing = 1,397,130,109; Easting = 553,842,847; thence N87°13'17", 67.07 feet to the POINT OF BEGINNING; thence N89°53'24", 1.00 feet; thence S89°53'24", 1.00 feet; thence S00°06'36", 101.06 feet; thence N00°06'36", 1.00 feet; thence S89°53'24", 120.39 feet; thence S00°06'36", 12.00 feet; thence S89°53'24", 139.25 feet; thence S89°53'24", 4.00 feet; thence S89°53'24", 152.20 feet; thence N00°06'36", 2.14 feet; thence S89°53'24", 113.34 feet; thence N00°06'36", 245.68 feet; thence N65°43'37", 182.18 feet; thence N89°44'41", 241.09 feet; thence S00°15'19", 32.69 feet; thence N89°53'24", 22.92 feet; thence N00°06'36", 107.69 feet; thence N00°06'36", 218.54 feet; thence N00°06'36", 41.61 feet to the Safe Upland Line of Lake Tohopekaliga; thence run the following courses along said Safe Upland Line: S69°09'38", 13.35 feet; thence S72°29'37", 85.71 feet; thence S81°44'22", 25.94 feet; thence S74°21'12", 29.70 feet; thence N76°44'47", 19.08 feet; thence S81°58'18", 22.31 feet; thence S41°53'57", 6.94 feet; thence S53°08'34", 7.27 feet; thence S72°17'37", 50.91 feet; thence S43°26'26", 23.08 feet; thence S89°59'55", 25.12 feet; thence S73°27'25", 18.39 feet; thence S79°02'45", 15.59 feet; thence S19°26'36", 30.98 feet; thence S00°53'42", 3.45 feet; thence N84°36'44", 3.08 feet; thence N17°50'45", 23.75 feet; thence N67°16'02", 11.77 feet; thence N75°03'05", 12.17 feet; thence S59°58'36", 16.59 feet; thence S53°42'46", 17.18 feet; thence S66°04'04", 27.37 feet; thence S32°58'45", 27.07 feet; thence N17°50'45", 23.75 feet; thence S25°43'19", 35.04 feet; thence S29°27'41", 43.10 feet; thence S27°02'55", 15.11 feet; thence departing said Safe Upland Line run S25°07'00", 154.65 feet; thence S64°55'00", 99.09 feet; thence S25°05'00", 8.00 feet; thence S00°08'44", 25.00 feet to the POINT OF BEGINNING; bearings, distances and coordinates are based on the Florida State Plane Coordinate System, East Zone, NAD 83 (2011) Epoch 2010.00, the reciprocal grid factor is 1.000046728.
Containing 2,593 acres (330,755 square feet) more or less and being subject to any rights-of-way, restrictions and easements of record.

EASEMENT AREA
Description: (Prepared by Donald W. McIntosh Associates, Inc.)
That part of the State of Florida sovereign submerged lands in Lake Tohopekaliga lying adjacent to Section 33, Township 26 South, Range 30 East, Osceola County, Florida described as follows:
COMMENCE at National Geodetic Survey benchmark C 514 (PID: DF6737), a disk set in concrete stamped "C 514 2001", having the coordinates: Northing = 1,395,867,888; Easting = 558,906,217; thence N75°21'33", 523.30 feet to National Geodetic Survey benchmark D 514 (PID: DF6738), a stainless steel rod in a well bolt stamped "D 514 2001", having the coordinates: Northing = 1,397,130,109; Easting = 553,842,847; thence N87°13'17", 67.07 feet to the POINT OF BEGINNING; thence N89°53'24", 1.00 feet; thence S89°53'24", 1.00 feet; thence S00°06'36", 101.06 feet; thence N00°06'36", 1.00 feet; thence S89°53'24", 120.39 feet; thence S00°06'36", 12.00 feet; thence S89°53'24", 139.25 feet; thence S89°53'24", 4.00 feet; thence S89°53'24", 152.20 feet; thence N00°06'36", 2.14 feet; thence S89°53'24", 113.34 feet; thence N00°06'36", 245.68 feet; thence N65°43'37", 182.18 feet; thence N89°44'41", 241.09 feet; thence S00°15'19", 32.69 feet; thence N89°53'24", 22.92 feet; thence N00°06'36", 107.69 feet; thence N00°06'36", 218.54 feet; thence N00°06'36", 41.61 feet to the Safe Upland Line of Lake Tohopekaliga; thence run the following courses along said Safe Upland Line: S69°09'38", 13.35 feet; thence S72°29'37", 85.71 feet; thence S81°44'22", 25.94 feet; thence S74°21'12", 29.70 feet; thence N76°44'47", 19.08 feet; thence S81°58'18", 22.31 feet; thence S41°53'57", 6.94 feet; thence S53°08'34", 7.27 feet; thence S72°17'37", 50.91 feet; thence S43°26'26", 23.08 feet; thence S89°59'55", 25.12 feet; thence S73°27'25", 18.39 feet; thence S79°02'45", 15.59 feet; thence S19°26'36", 30.98 feet; thence S00°53'42", 3.45 feet; thence N84°36'44", 3.08 feet; thence N17°50'45", 23.75 feet; thence N67°16'02", 11.77 feet; thence N75°03'05", 12.17 feet; thence S59°58'36", 16.59 feet; thence S53°42'46", 17.18 feet; thence S66°04'04", 27.37 feet; thence S32°58'45", 27.07 feet; thence N17°50'45", 23.75 feet; thence S25°43'19", 35.04 feet; thence S29°27'41", 43.10 feet; thence S27°02'55", 15.11 feet; thence departing said Safe Upland Line run S25°07'00", 154.65 feet; thence S64°55'00", 99.09 feet; thence S25°05'00", 8.00 feet; thence S00°08'44", 25.00 feet to the POINT OF BEGINNING; bearings, distances and coordinates are based on the Florida State Plane Coordinate System, East Zone, NAD 83 (2011) Epoch 2010.00, the reciprocal grid factor is 1.000046728.
Containing 3,540 acres (514,213 square feet) more or less (all water/water) and being subject to any rights-of-way, restrictions and easements of record.

SURVEYOR'S NOTES:

- Bearings, distances and Coordinates are based Florida State Plane Coordinate System East Zone, NAD83 (2011) Epoch 2010.00, deriving a bearing of N02°21'13"W along a line between NGS benchmark C 514 (PID: DF6737) and D 514 (PID: DF6738) and having a reciprocal grid factor of 1.000046728.
- No underground improvements, installations, foundations or utilities located.
- All dimensions shown by boundary lines to improvements (other than buildings) are to center of said improvements. All symbols used to depict improvements are not to scale.
- This survey does not reflect or determine ownership.
- The 54 foot (NAVD 88) contour, shown herein regarding Lake Tohopekaliga, is based on topographic data collected by Donald W. McIntosh Associates, Inc. on 12/06/2022. Elevations are based on the following Benchmarks:
 - NGS point designated "C 514" (PID: DF6737), being a survey disk in the top of the Friar's Cove Road bridge walkway over Friar's Turnpike, 15.0' Southwest of the centerline of Friar's Cove Road and 8.3' Northwest of the Southeast end of the bridge walkway, having an elevation of 87.85 feet (NAVD 88)
 - NGS point designated "D 514" (PID: DF6738), being a stainless steel rod in well bolt located approximately 1 mile West of Friar's Turnpike at the end of Friar's Cove Road, 20.0' South of the Centerline of Friar's Cove Road, having an elevation of 97.13 feet (NAVD 88).
- By direction of Florida Department of Environmental Protection, the 54 foot (NAVD 88) contour has been determined to be the Safe Upland Line to Lake Tohopekaliga. The lands described herein use the Safe Upland Line as an approximation to the claim of sovereignty by the State of Florida to Lake Tohopekaliga.
- This survey may contain lands in navigable waterways which may be owned by the State of Florida. This survey does not attempt to resolve any issues of navigability or of ownership by the State of Florida. Users of this survey, boundary information, acreages, areas and descriptions shown herein are placed on notice that the use of such information is at their peril as regards to any state owned lands, riparian boundaries or littoral boundaries shown herein.
- Additions or omissions to survey maps or other than the delegations to parties is prohibited without written consent of the signing party or parties.
- Lands shown herein were not abstracted for rights-of-way, easements, ownership or other instruments of record by this firm.
- All adjoining rights-of-way, subdivisions and information on adjoining properties shown herein are from information shown on County Tax Assessor Maps. The undersigned surveyor and Donald W. McIntosh Associates, Inc. neither attempted nor were required to do a title search regarding such information. Users of this survey are placed on notice that reliance on such information is at their own peril, in this regard.
- No title opinion or abstract of matters affecting title or boundary to the subject property or those of adjoining land owners have been provided. It is possible there are deeds of record, unrecorded deeds or other instruments which could affect the boundaries or use of the subject property.
- The approximate location of proposed improvements shown herein are based on plans provided by Hans Wilson & Associates, drawing BIOTECHMASTER.DWG, dated 02/02/2023.

DONALD W. MCINTOSH ASSOCIATES, INC.
ENGINEERS
1190 SHAMROCK PARKWAY, SUITE 1000, AUSTIN, TEXAS 78747
PH: 512.452.1100 FAX: 512.452.1101
CHECKED BY: [Signature] DATE: 02/02/2023
SCALE: AS SHOWN
JOB NUMBER: 23-01-008
PROJECT: Fontana Property, Submerged Lands, Boundary Survey

Fontana Lakes, LLC
Fontana Lakes, Submerged Lands, Boundary Survey
1190 Shamrock Parkway, Suite 1000, Austin, Texas 78747
PH: 512.452.1100 FAX: 512.452.1101

PREPARED FOR: [Signature]
DATE: 02-21-2023
SHEET 2 OF 2

Fontana Marina
Sovereign Submerged Land Easement
JN: 21614.006 CS#22-123(S2)
Revised 04/22/2024

Description: (Prepared by Donald W. McIntosh Associates, Inc.)

That part of the State of Florida sovereign submerged lands in Lake Tohopekaliga lying adjacent to Section 33, Township 26 South, Range 30 East, Osceola County, Florida described as follows:

COMMENCE at National Geodetic Survey benchmark C 514 (PID: DF6737), a disk set in concrete stamped "C 514 2001", having the coordinates: Northing = 1,395,867.898, Easting = 558,906.217; thence N75°21'33"W, 5233.30 feet to National Geodetic Survey benchmark D 514 (PID: DF6738), a stainless steel rod in a well box stamped "D 514 2001", having the coordinates: Northing = 1,397,190.659, Easting = 553,842.847; thence N84°37'11"W, 495.91 feet to the POINT OF BEGINNING; thence N64°55'00"W, 254.32 feet; thence S89°53'24"W, 67.07 feet; thence S00°06'36"E, 207.53 feet; thence N89°53'24"E, 5.00 feet; thence S00°06'36"E, 69.47 feet; thence S89°53'24"W, 101.06 feet; thence N00°06'36"W, 1.00 feet; thence S89°53'24"W, 120.39 feet; thence S00°06'36"E, 12.00 feet; thence S89°53'24"W, 139.25 feet; thence S00°06'36"E, 4.00 feet; thence S89°53'24"W, 152.20 feet; thence N00°06'36"W, 2.74 feet; thence S89°53'20"W, 132.34 feet; thence N00°08'16"W, 245.68 feet; thence N56°43'33"E, 182.18 feet; thence N89°44'41"E, 241.09 feet; thence S00°15'19"E, 32.69 feet; thence N89°53'24"E, 22.92 feet; thence N00°06'36"W, 45.96 feet; thence S89°53'24"W, 286.80 feet to a non-tangent curve concave Southerly having a radius of 5.14 feet and a chord bearing of S74°47'00"W; thence Westerly along the arc of said curve through a central angle of 29°22'33" for a distance of 2.63 feet to a non-tangent line; thence S56°05'13"W, 199.71 feet to a non-tangent curve concave Southeasterly having a radius of 4.96 feet and a chord bearing of S29°47'00"W; thence Southwesterly along the arc of said curve through a central angle of 60°20'55" for a distance of 5.22 feet to a non-tangent line; thence S00°05'54"E, 269.79 feet; thence N89°52'52"E, 385.22 feet; thence S00°03'48"W, 832.63 feet to the point of curvature of a curve concave Northwesterly having a radius of 5.00 feet and a chord bearing of S30°46'09"W; thence Southwesterly along the arc of said curve through a central angle of 61°24'42" for a distance of 5.36 feet to the point of tangency; thence S61°28'30"W, 581.82 feet to a non-tangent curve concave Westerly having a radius of 154.36 feet and a chord bearing of S09°00'44"W; thence Southerly along the arc of said curve through a central angle of 18°48'32" for a distance of 50.67 feet to a non-tangent line; thence N61°28'30"E, 636.31 feet to the point of curvature of a curve concave Northwesterly having a radius of 5.00 feet and a chord bearing of N30°46'09"E; thence Northeasterly along the arc of said curve through a central angle of 61°24'42" for a distance of 5.36 feet to the point of tangency; thence N00°03'48"E, 856.38 feet; thence N89°52'54"E, 332.39 feet; thence N45°32'29"E, 225.37 feet; thence N00°24'04"W, 50.00 feet; thence N89°44'28"E, 60.25 feet to the POINT OF BEGINNING; bearings, distances and coordinates are based on the Florida State Plane Coordinate System, East Zone, NAD 83 (2011) Epoch 2010.00; the reciprocal grid factor is 1.000046728.

Containing 3.540 acres (154,213 square feet) more or less (all waterward) and being subject to any rights-of-way, restrictions and easements of record.

Rocky L Carson
Digitally signed by Rocky L Carson
DN: CN=Rocky L Carson,
dnQualifier=A01410D0000018BD999923600026AA3,
O=DONALD W. MCINTOSH ASSOC. INC., C=US
Reason: I am approving this document
Date: 2024.04.25 10:14:38-04'00'

Fontana Marina
Sovereign Submerged Land Lease
JN: 21614.006 CS#22-123(S1)
Revised 04/22/2024

Description: (Prepared by Donald W. McIntosh Associates, Inc.)

That part of the State of Florida sovereign submerged lands in Lake Tohopekaliga lying adjacent to Section 33, Township 26 South, Range 30 East, Osceola County, Florida described as follows:

COMMENCE at National Geodetic Survey benchmark C 514 (PID: DF6737), a disk set in concrete stamped "C 514 2001", having the coordinates: Northing = 1,395,867.898, Easting = 558,906.217; thence N75°21'33"W, 5233.30 feet to National Geodetic Survey benchmark D 514 (PID: DF6738), a stainless steel rod in a well box stamped "D 514 2001", having the coordinates: Northing = 1,397,190.659, Easting = 553,842.847; thence N84°37'11"W, 495.91 feet to the POINT OF BEGINNING; thence N64°55'00"W, 254.32 feet; thence S89°53'24"W, 67.07 feet; thence S00°06'36"E, 207.53 feet; thence N89°53'24"E, 5.00 feet; thence S00°06'36"E, 69.47 feet; thence S89°53'24"W, 101.06 feet; thence N00°06'36"W, 1.00 feet; thence S89°53'24"W, 120.39 feet; thence S00°06'36"E, 12.00 feet; thence S89°53'24"W, 139.25 feet; thence S00°06'36"E, 4.00 feet; thence S89°53'24"W, 152.20 feet; thence N00°06'36"W, 2.74 feet; thence S89°53'20"W, 132.34 feet; thence N00°08'16"W, 245.68 feet; thence N56°43'33"E, 182.18 feet; thence N89°44'41"E, 241.09 feet; thence S00°15'19"E, 32.69 feet; thence N89°53'24"E, 22.92 feet; thence N00°06'36"W, 107.69 feet; thence N50°38'33"E, 218.56 feet; thence N02°58'56"E, 41.41 feet to the Safe Upland Line of Lake Tohopekaliga; thence run the following courses along said Safe Upland Line: S69°09'36"E, 13.35 feet; thence S73°29'33"E, 8.57 feet; thence S81°44'22"E, 26.34 feet; thence S74°25'12"E, 25.70 feet; thence N76°44'47"E, 19.08 feet; thence S81°58'18"E, 22.31 feet; thence S41°53'57"E, 6.94 feet; thence S53°08'34"E, 7.27 feet; thence S72°17'37"E, 50.91 feet; thence S74°35'26"E, 23.08 feet; thence S83°59'55"E, 25.12 feet; thence S71°37'23"E, 18.39 feet; thence S79°02'14"E, 15.59 feet; thence S19°26'49"E, 30.98 feet; thence S50°33'42"E, 3.45 feet; thence N84°36'44"E, 3.08 feet; thence N37°50'45"E, 23.75 feet; thence N67°16'02"E, 11.77 feet; thence N71°55'01"E, 12.17 feet; thence S59°58'19"E, 16.59 feet; thence S53°42'47"E, 17.16 feet; thence S66°04'49"E, 27.37 feet; thence S32°58'45"E, 27.07 feet; thence S06°31'17"E, 6.71 feet; thence S25°43'19"W, 35.04 feet; thence S29°27'41"W, 43.10 feet; thence S27°20'15"W, 15.11 feet; thence departing said Safe Upland Line run S25°07'00"W, 154.65 feet; thence S64°55'00"E, 99.09 feet; thence S25°05'00"W, 8.00 feet; thence S00°08'44"E, 25.00 feet to the POINT OF BEGINNING; bearings, distances and coordinates are based on the Florida State Plane Coordinate System, East Zone, NAD 83 (2011) Epoch 2010.00; the reciprocal grid factor is 1.000046728.

Containing 7.593 acres (330,755 square feet) more or less and being subject to any rights-of-way, restrictions and easements of record.

 Digitally signed by Rocky L Carson
DN: CN=Rocky L Carson,
o=Qualifer=A0141DD000018BD999923600026AA3,
O=DONALD W. MCINTOSH ASSOC. INC., C=US
Reason: I am approving this document
Date: 2024.04.25 10:16:24-04'00'

SURVEY REVIEW CHECKLIST

Applicant: Fontana Lakes LLC File No. 220718-35211
 DEP/WMD Reviewer: Lisa Prather, P.W.S. Section Administrator Date: 4/23/2024
 For: Lease X or Private Easement _____ (> 3,000 sq. ft.) Approved: Yes X No _____

PLEASE ENSURE THIS CHECKLIST IS COMPLETED PRIOR TO THE SUBMITTAL OF ANY SURVEY

Surveyor Review	Agent or Applicant Review	Survey Requirements	Comments: Please fill in highlighted boxes	DEP/WMD Review
Yes	Yes	Surveyor's original signature		
Yes	Yes	Surveyor's original seal		
Yes	Yes	Surveyors certification number	No. <u>4285</u>	
Yes	Yes	Name and address of surveyor		
Yes	Yes	Date of survey	Date: <u>4/6/2023</u>	
Yes	Yes	Each submitted	Graphic Scale =	
Yes	Yes	North arrow		
Yes	Yes	Location or vicinity map of at least 7.5 minute quad scale		
Yes	Yes	Two 8 ½ by 11 originals		
Yes	Yes [a]	Boundaries of Lease/Easement (preempted area) shown, labeled (structures, mooring, activities)		
Yes	Yes [b]	Size and dimensions shown for all existing and proposed overwater structures and activities		
Yes	Yes	All structures, moorings and activities are within the Lease/Easement area		
Yes	Yes [c]	Upland Property (parcel) boundaries shown and labeled. This is not a requirement to survey the upland property; however, the survey must show where the upland property lines intersect the MHWL/OHWL/SUL.		
Yes	Yes [d]	Primary navigation channel(s) or direction to center of affected waterbody shown		
Yes	Yes [e]	Riparian rights line shown and labeled from both sides of property		
Yes	Yes [f]	Distance from structures/moorings/activities to riparian lines shown		
Yes	Yes	Distance from docks and waterward pilings to Lease limits		
Yes	Yes	Identify each slip and mooring area; provide slip length and width (if needed, cross reference slips to dimensions provided in a table). Identify any staging area.		
N/A	N/A [g]	Florida Keys Leases: Show water depths referenced to MLW in Lease area & out to navigation channel		
Yes/2500'	Yes [h]	Linear footage of applicant's shoreline shown and noted		
Yes	Yes [i]	Location of any existing shoreline vegetation shown and noted		
Yes-None	Yes [j]	Location of and distance to any structures within 100 feet of Lease/Easement area shown		
Yes	Yes [k]	Legal Description: Section(s) <u>33</u> Township <u>26S</u> Range <u>30E</u> County <u>Osceola</u> Water body <u>Lake Toho</u> STR matches survey, Deed, and/or Title Sheet		
Yes	Yes [k]	Legal description on separate page (if not legible on 8 ½" paper)		

Surveyor Review	Agent or Applicant Review	Survey Requirements	Comments: Please fill in highlighted boxes	DEP/WMD Review
Yes	Yes [k]	Total square footage and in Legal Description and noted	Sq. ft. <u>330,755</u>	
Yes	Yes [k]	Legal description tied to at least one corner of record (which must be a section corner, subsection corner, or record plat or deed corner; must be labeled on the survey drawing)		
Yes	Yes	Legal description has been cross-checked to ensure it matches drawing and the boundary closes.		
Yes	Yes [l]	Point of Beginning (POB) or Point of Commencement (POC) shown (from legal description) surveyed or scaled 1983 or 1927 NAD coordinate		
N/A	N/A [m]	Separate Legal Description for preempted area of non-water dependent structures including roof line on separate page or pages		
N/A	N/A [n]	Privately owned submerged land? Is deed from a private entity _____ or Trustee's Deed _____ ?	Trustees' Deed No. _____	
Yes	Yes [o]	Survey includes "This is a Field Survey"		
Yes	Yes [o]	Survey is "Certified to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida" or, "This survey is certified to . . ." It may also be certified to the owner if desired.		
Yes	Yes [p,q,r]	Lease/Easement boundary abuts MHWL/OHWL/SUL (circle which) or is located entirely waterward. Show ECL if applicable.		
Yes	Yes [s]	MHW/OHW/SUL procedure approved by BSM and noted on survey and including date		
N/A	N/A [s]	Lease/Easement boundary abuts seawall: top & bottom seawall elevations and datum (NGVD 29 or NAVD 88) shown and noted	Elevations: Top: _____ Bottom: _____	
N/A	N/A [s]	Aquatic Preserve: Show and note shoreline condition along Lease shoreline plus 1,000 feet on each side. Total linear feet = _____	Natural= _____ % Seawall/bulkhead/riprap = _____ %	

[The letters in brackets above correspond to the requirements in the survey instruction package.]

Surveyor's Signature Rocky L. Carson, PSM

Review Date 04/23/2024

Applicant's/Agent's Signature Jeff Fuqua

Review Date 04/23/2024

Comments: _____

SURVEY REVIEW CHECKLIST

Applicant: Fontana Marina LLC

File No. 220718-35211

DEP/WMD Reviewer: Lisa Prather, P.W.S. Section Administrator

Date: 4/23/2024

For: Lease _____ or Private Easement X (> 3,000 sq. ft.) Approved: Yes X No _____

PLEASE ENSURE THIS CHECKLIST IS COMPLETED PRIOR TO THE SUBMITTAL OF ANY SURVEY

Surveyor Review	Agent or Applicant Review	Survey Requirements	Comments: Please fill in highlighted boxes	DEP/WMD Review
Yes	Yes	Surveyor's original signature		
Yes	Yes	Surveyor's original seal		
Yes	Yes	Surveyors certification number	No. <u>4285</u>	
Yes	Yes	Name and address of surveyor		
Yes	Yes	Date of survey	Date: <u>4/6/2023</u>	
Yes	Yes	Each submitted	Graphic Scale =	
Yes	Yes	North arrow		
Yes	Yes	Location or vicinity map of at least 7.5 minute quad scale		
Yes	Yes	Two 8 ½ by 11 originals		
Yes	Yes [a]	Boundaries of Lease/Easement (preempted area) shown, labeled (structures, mooring, activities)		
Yes	Yes [b]	Size and dimensions shown for all existing and proposed overwater structures and activities		
Yes	Yes	All structures, moorings and activities are within the Lease/Easement area		
Yes	Yes [c]	Upland Property (parcel) boundaries shown and labeled. This is not a requirement to survey the upland property; however, the survey must show where the upland property lines intersect the MHWL/OHWL/SUL.		
Yes	Yes [d]	Primary navigation channel(s) or direction to center of affected waterbody shown		
Yes	Yes [e]	Riparian rights line shown and labeled from both sides of property		
Yes	Yes [f]	Distance from structures/moorings/activities to riparian lines shown		
Yes	Yes	Distance from docks and waterward pilings to Lease limits		
Yes	Yes	Identify each slip and mooring area; provide slip length and width (if needed, cross reference slips to dimensions provided in a table). Identify any staging area.		
N/A	N/A [g]	Florida Keys Leases: Show water depths referenced to MLW in Lease area & out to navigation channel		
Yes/2500'	Yes [h]	Linear footage of applicant's shoreline shown and noted		
Yes	Yes [i]	Location of any existing shoreline vegetation shown and noted		
Yes-None	Yes [j]	Location of and distance to any structures within 100 feet of Lease/Easement area shown		
Yes	Yes [k]	Legal Description: Section(s) <u>33</u> Township <u>26S</u> Range <u>30E</u> County <u>Osceola</u> Water body <u>Lake Toho</u> STR matches survey, Deed, and/or Title Sheet		
Yes	Yes [k]	Legal description on separate page (if not legible on 8 ½" paper)		

Surveyor Review	Agent or Applicant Review	Survey Requirements	Comments: Please fill in highlighted boxes	DEP/WMD Review
Yes	Yes [k]	Total square footage and in Legal Description and noted	Sq. ft. <u>154,213</u>	
Yes	Yes [k]	Legal description tied to at least one corner of record (which must be a section corner, subsection corner, or record plat or deed corner; must be labeled on the survey drawing)		
Yes	Yes	Legal description has been cross-checked to ensure it matches drawing and the boundary closes.		
Yes	Yes [l]	Point of Beginning (POB) or Point of Commencement (POC) shown (from legal description) surveyed or scaled 1983 or 1927 NAD coordinate		
N/A	N/A [m]	Separate Legal Description for preempted area of non-water dependent structures including roof line on separate page or pages		
N/A	N/A [n]	Privately owned submerged land? Is deed from a private entity _____ or Trustee's Deed _____ ?	Trustees' Deed No. _____	
Yes	Yes [o]	Survey includes "This is a Field Survey"		
Yes	Yes [o]	Survey is "Certified to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida" or, "This survey is certified to ..." It may also be certified to the owner if desired.		
Yes	Yes [p,q,r]	Lease/Easement boundary abuts MHWL/OHWL/SUL (circle which) or is located entirely waterward. Show ECL if applicable.		
Yes	Yes [s]	MHW/OHW/SUL procedure approved by BSM and noted on survey and including date		
N/A	N/A [s]	Lease/Easement boundary abuts seawall: top & bottom seawall elevations and datum (NGVD 29 or NAVD 88) shown and noted	Elevations: Top: _____ Bottom: _____	
N/A	N/A [s]	Aquatic Preserve: Show and note shoreline condition along Lease shoreline plus 1,000 feet on each side. Total linear feet = _____	Natural= _____ % Seawall/bulkhead/ riprap = _____ %	

[The letters in brackets above correspond to the requirements in the survey instruction package.]

Surveyor's Signature Rocky L. Carson, PSM

Review Date 04/23/2024

Applicant's/Agent's Signature Jeff Fuqua

Review Date 04/23/2024

Comments: _____



THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:

Jo Thacker, Esq.
BROAD AND CASSEL
390-North Orange Avenue, Suite 1400
Orlando, Florida 32801

CFN 2014049508
Bk 4593 Pgs 760-767 (8 Pgs)
DATE: 04/09/2014 09:01:00 AM
ARMANDO RAMIREZ, CLERK OF COURT
OSCEOLA COUNTY
RECORDING FEES \$69.50
DEED DOC \$92,750.00
EXTRA NAMES \$5.00

TAX PARCEL ID. NOS.: R332630-000000100000; R332630-000000200000; R332630-495000010010; R332630-495000010020; R332630-495000010490; R342630-000000200000; R342630-495000010080; R342630-495000010070; R272630-495000011210; R282630-495000011130; and R282630-495000011160.

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made and executed as of March 31, 2014, by LAWRENCE EDWARD WHALEY and NANCY ELIZABETH WHALEY HANBERY n/k/a NANCY ELIZABETH WHALEY JEWELL, both Individually, and as Co-Personal Representatives, and as Co-Trustees of the Fiduciary Trust referenced in Article V of the Last Will and Testament of the ESTATE OF A. E. WHALEY, DECEASED (hereinafter referred to as the "Grantors"), whose address is c/o Broad and Cassel, 390 North Orange Avenue, Suite 1400, Orlando, Florida 32801, to FONTANA LAKES, LLC, a Florida limited liability company (hereinafter called the "Grantee") whose address is 401 Ferguson Drive, Orlando, Florida 32805.

WITNESSETH: THAT Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell, alienate, remise, release, and transfer unto Grantee, all of that certain land lying and being in the County of Osceola, State of Florida, to-wit:

See Exhibit "A" attached hereto and made a part hereof by reference (hereinafter referred to as the "Property").

TOGETHER with (a) all buildings, structures, and improvements thereto or thereon, if any (the "Improvements"); and (b) all of the rights, privileges, appurtenances, hereditaments, easements, reversions, and remainders pertaining to or used in connection therewith and/or any of the Improvements (if any), including, without limitation, all (i) air rights, water rights and water stock, together with the right to and benefit of all utility rights, permits, and agreements and other similar matters that are useful, necessary, or beneficial to the ownership, development, use, or occupancy thereof, if any, and to the extent assignable or transferrable, and to the extent such matters relate to any or all of the Property, (ii) strips and gores, streets, alleys, easements, rights-of-way, public ways, or other rights appurtenant, adjacent, or connected thereto, and (iii) minerals, oil, gas, and other hydrocarbon substances in, under, or that may be produced from the Property.

GRANTORS hereby warrant that the property is not now and has never been their homestead property, nor is it contiguous to their homestead property, nor does it constitute the homestead property of any of their relations.

TO HAVE AND TO HOLD the same in fee simple forever.

FURTHER, Grantor hereby covenants with said Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good, right and lawful authority to sell and convey the Property, and hereby fully warrants the title to the Property and will defend the same against the claims of all persons claiming by, through or under Grantor, but against none other; and that the Property is free and clear of all encumbrances except: those matters appearing on Exhibit "B" attached hereto and by this reference made a part hereof, provided, however, that this reference shall not act to reimpose same.

[Signature to follow.]

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be duly executed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Print Name: Jo O Tracker

[Signature]
Print Name: Lynn C Dean

[Signature]
Print Name: Jo O Tracker

[Signature]
Print Name: Lynn C Dean

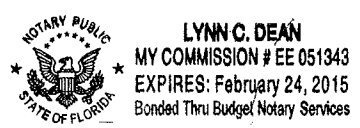
THE FIDUCIARY TRUST REFERENCED IN ARTICLE V OF THE LAST WILL AND TESTAMENT OF THE ESTATE OF A. E. WHALEY, DECEASED

By: [Signature]
Lawrence Edward Whaley, Individually and as Co-Personal Representative and Co-Trustee

By: [Signature]
Nancy Elizabeth Whaley Hanbery n/k/a Nancy Elizabeth Whaley Jewell, Individually and as Co-Personal Representative and Co-Trustee

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 31st day of March, 2014, by LAWRENCE EDWARD WHALEY, Individually, and as Co-Personal Representative and Co-Trustee of the Fiduciary Trust Referenced In Article V Of The Last Will And Testament Of The Estate Of A. E. Whaley, Deceased. He [] is personally known to me, or [] produced _____ as identification.



[Signature]
Notary Public
Print Name: Lynn C. Dean
Commission No.: _____
My Commission Expires: _____

{Affix Notary Seal}

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 31st day of March, 2014, by NANCY ELIZABETH WHALEY HANBERY n/k/a NANCY ELIZABETH WHALEY JEWELL, Individually and as Co-Personal Representative and Co-Trustee of the Fiduciary Trust Referenced In Article V Of The Last Will And Testament Of The Estate Of A. E. Whaley, Deceased. She is personally known to me, or produced _____ as identification.



LYNN C. DEAN
MY COMMISSION # EE 051343
EXPIRES: February 24, 2015
Bonded Thru Budget Notary Services

[Signature]
Notary Public
Print Name: Lynn C. Dean
Commission No.: _____
My Commission Expires: _____

{Affix Notary Seal}

EXHIBIT "A" TO DEED

LEGAL DESCRIPTION OF PROPERTY

Lots 121 and 122 and that portion of Lots 119 and 123, lying westerly of Florida's Turnpike, *THE SEMINOLE LAND AND INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 27*, according to the plat thereof, as recorded in Plat Book B, Page 14; AND Lots 113 through 119 and Lots 122 through 128, *THE SEMINOLE LAND AND INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 28*, according to the plat thereof, as recorded in Plat Book B, Page 15; AND Lots 1 through 5, Lots 8 through 17, Lots 20 through 29, Lots 32 through 41, Lots 44 through 55, Lots 58 through 71, Lots 74 through 80 and a portion of Lots 72 and 73, *THE SEMINOLE LAND AND INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 33*, according to the plat thereof, as recorded in Plat Book B, Page 17; AND Lots 7 through 10, Lots 23 through 26, Lots 39 through 42, Lots 55 through 58, Lots 71 through 74, Lots 87 through 90 and that portion of Lots 6, 11, 22, 27, 38, 43, 54, 59, 70, 75, 86, 91, 102, 107, 118, 123 and 124, lying westerly of Florida's Turnpike, *THE SEMINOLE LAND AND INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 34*, according to the plat thereof, as recorded in Plat Book B, Page 18, all being of the Public Records of Osceola County, Florida; AND the Northeast 1/4 of the Northeast 1/4 and the Southeast 1/4 of the Northeast 1/4 of Section 33, Township 26 South, Range 30 East; AND that part of the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 26 South, Range 30 East, lying northeasterly of Friar's Cove Road; LESS right-of-way for Friar's Cove Road and LESS right-of-way as shown on the aforesaid plats of *THE SEMINOLE LAND AND INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION*; all lying in Sections 27, 28, 33 and 34, Township 26 South, Range 30 East, Osceola County, Florida, being more particularly described as follows:

BEGIN at the northwest corner of said Lot 119 of said *THE SEMINOLE LAND AND INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 28*; thence run S 89°41'20" E, along the north line of said Lot 119 and the easterly extension thereof, a distance of 1980.71 feet to a point on the west line of the Southeast 1/4 of said Section 28; thence run S 89°19'13" E, a distance of 17.50 feet to the northwest corner of said Lot 116; thence continue S 89°19'13" E, along the north line of said Lot 116 and the easterly extension thereof, a distance of 2597.77 feet to a point on the east line of said Lot 113; thence run S 00°05'51" W, along said east line, a distance of 332.65 feet to a point on the south line of said Lot 113; thence run S 89°16'02" E, along the easterly extension of the south line of said Lot 113, a distance of 20.00 feet to a point on the west line of the Southwest 1/4 of said Section 27; thence run S 89°37'55" E, a distance of 20.00 feet to the northwest corner of said Lot 121 of said *THE SEMINOLE LAND AND INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 27*; thence continue S 89°37'55" E, along the north line of said Lot 121, a distance of 645.86 feet to a point on the west line of said Lot 119 of said *THE SEMINOLE LAND AND INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 27*; thence run N 00°02'59" E, along said west line, a distance of 332.37 feet to a point on the north line of said Lot 119; thence run S 89°36'23" E, along said north line, a distance of 618.45 feet to a point on the westerly limited access right-of-way line of Florida's Turnpike; thence run S 07°19'00" E, along said westerly limited access right-of-way line, a distance of 5868.32 feet to a point on the northeasterly right-of-way line of Friar's Cove Road, as shown and described on Florida State Turnpike Authority Right Of Way Map Station 4389+39.07 to Station 4443+03.50, Osceola County, Florida; thence northwesterly, along said northeasterly right-of-way line, the following courses and distances; run S 89°59'03" W, a distance of 113.53 feet to a point of curvature of a curve, concave northeasterly, having a radius of 1070.92 feet and a central angle of 23°44'04"; thence run northwesterly, along the arc of said curve, a distance of 443.62 feet to a point; thence run S 23°43'07" W, a distance of 30.00 feet to a point on a non-tangent curve, concave northeasterly, having a radius of 1100.92 feet and a central angle of 21°15'56"; thence on a chord bearing of N 55°38'55" W, run 408.61 feet along the arc of said curve to the point of tangency thereof; thence run N 45°00'57" W, a distance of 951.16 feet to a point of curvature of a curve, concave southwesterly, having a radius of 1190.92 feet and a central angle of 45°00'00"; thence run northwesterly, along the arc of said curve, a distance of 935.35 feet to the point of tangency thereof; thence run S 89°59'03" W, a distance of 73.53 feet; thence run S 00°00'57" E, a distance of 16.46 feet to a point on the north right-of-way line of said Friar's Cove Road, as described and recorded in Deed Book 163, Page 407, Public Records of Osceola County, Florida; thence run S 89°51'04" W, along said north right-of-way line, a distance of 2826.17 feet to a point on the east line of Lot 75, *THE SEMINOLE LAND AND INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 33*; thence run S 00°17'28" E, along said east line, a distance of 50.00 feet to a point on the south line of said Lot 75; thence run S 89°51'04" W, along the south line of

said Lot 75 and the westerly extension thereof, a distance of 1319.79 feet to a point on the west line of said Lot 74; thence run N 00°16'57" W, along the west line of said Lot 74, a distance of 327.03 feet; thence run S 63°05'39" W, a distance of 88.16 feet; thence run N 00°16'57" W, a distance of 162.82 feet; thence run N 41°03'55" E, a distance of 119.30 feet to a point on the west line of said Lot 71, *THE SEMINOLE LAND AND INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 33*; thence run N 00°16'57" W, along the west line of said Lot 71 and the northerly extension thereof, a distance of 784.23 feet to a point on the south line of the Northwest 1/4 of said Section 33; thence run N 00°19'18" W, a distance of 17.50 feet to the southwest corner of said Lot 44; thence continue N 00°19'18" W, along the west line of said Lot 44 and the northerly extension thereof, a distance of 2632.86 feet to a point on the south line of the Southwest 1/4 of said Section 28; thence run N 00°02'46" E, a distance of 20.00 feet to the southwest corner of said Lot 122, *THE SEMINOLE LAND AND INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 28* ; thence continue N 00°02'46" E, along the west line of said Lot 122 and the northerly extension thereof, a distance of 641.02 feet to the **POINT OF BEGINNING**.

Subject to existing platted right-of-ways.

EXHIBIT "B" TO DEED

PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 2014, which are not yet due and payable.
2. Easement in favor of Florida Power Corporation recorded March 15, 1961, in Official Records Book 73, Page 56, Public Records of Osceola County, Florida.
3. Access, Drainage and Maintenance Easement recorded February 1, 1999, in Official Records Book Book 1572, Page 2970, Public Records of Osceola County, Florida.

4817-3643-7017, v. 1



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
TITLE AND LAND RECORDS SECTION
BOARD OF TRUSTEES LAND DOCUMENT SYSTEM
WORKSHEET SHORT FORM (FOR INTERNAL DEP USE ONLY)

WORKSHEET ID: 124921
COUNTY: Osceola
FILE NUMBER: 49-WMD APP. NO. 220718-35211
APPLICANT: JEFFRY FUQUA
COMPANY: FONTANA LAKES LLC
SITE: 3327 FRIARS COVE RD; PID: 33-26-30-4950-0001-0490; PASTURELAND 1-IMP
TYPE OF ACTIVITY: SUBMERGED LANDS DETERMINATION
PROJECT LOCATION: 25 26S 29E
AQUATIC PRESERVE: N/A
WATER BODY: LAKE TOHOPEKALIGA

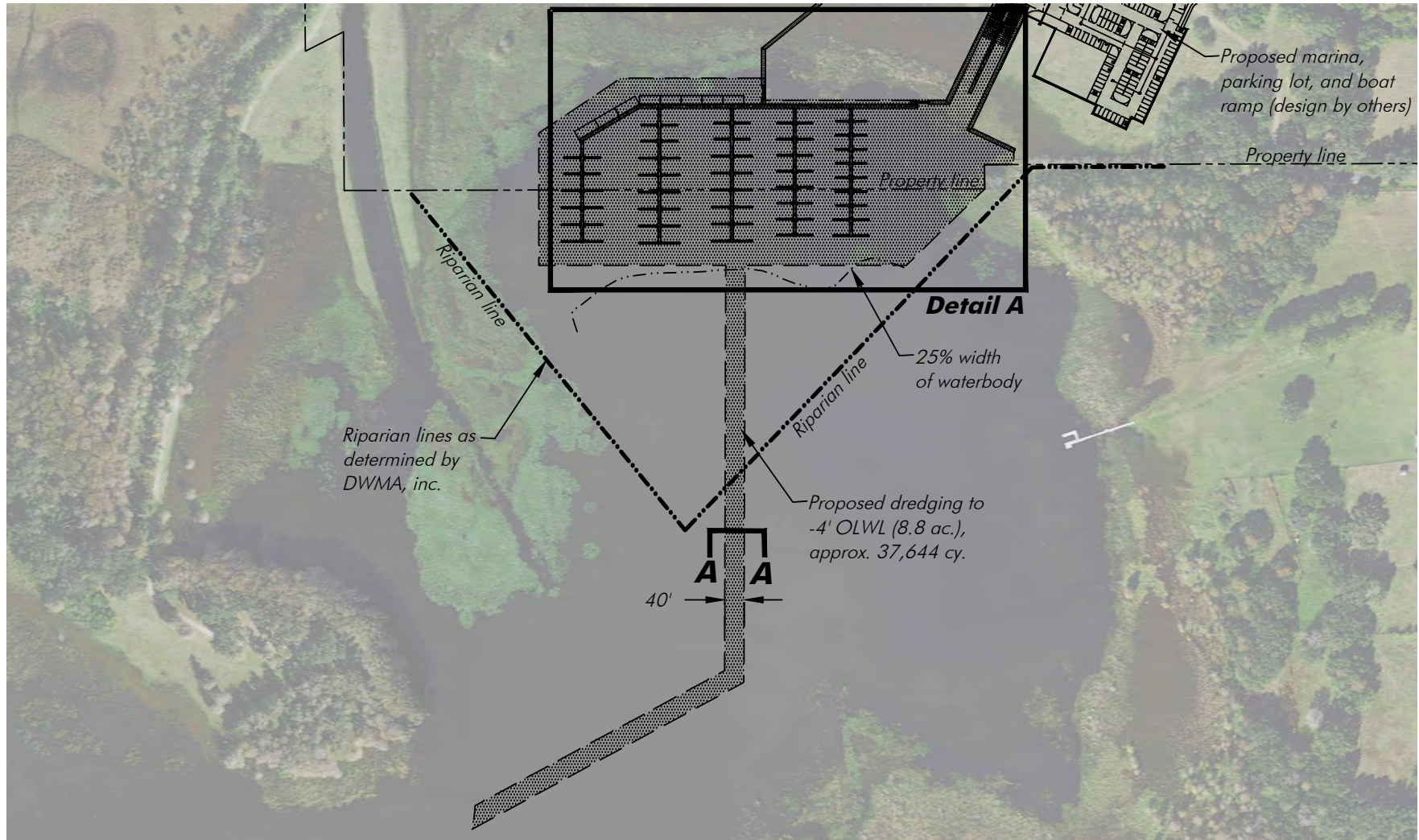
DETERMINATION STATEMENT: BASED ON THE RECORDS WITHIN THE TITLE AND LAND RECORDS SECTION, THE BOARD OF TRUSTEES HOLDS TITLE TO THE LANDS BELOW THE ORDINARY HIGH WATER LINE OF LAKE TOHOPEKALIGA. ANY WORK DONE LANDWARD OF THE ORDINARY HIGH WATER LINE WOULD NOT AFFECT BOARD OF TRUSTEES OWNED LANDS.
TO LISA PRATHER
CRH 07/25/2022

PREPARER: HALL_C
DATE APPROVED: 07/27/2022
APPROVED BY: ASHMAN_M
WORKSHEET STATUS: Approved

SECTION: 33
 TOWNSHIP: 26 South
 RANGE: 30 East

0 150 300
 SCALE FEET

2019 Labins Aerial



Notes: Property lines and upland plan per DWMA Associates, Inc., concept plan dated 3/23/18.

Proposed Dredging Plan

February 02, 2023 1:57:23 p.m.
 Drawing: BIOTECH1MASTER.DWG

PERMIT PLANS, NOT FOR CONSTRUCTION

SCALE: 1" = 300'



1938 Hill Avenue, Fort Myers, Florida 33901
 Office: 239-334-6870 Fax: 239-334-7810
 MARINE and ENVIRONMENTAL CONSULTANTS

2-2-23

JAW

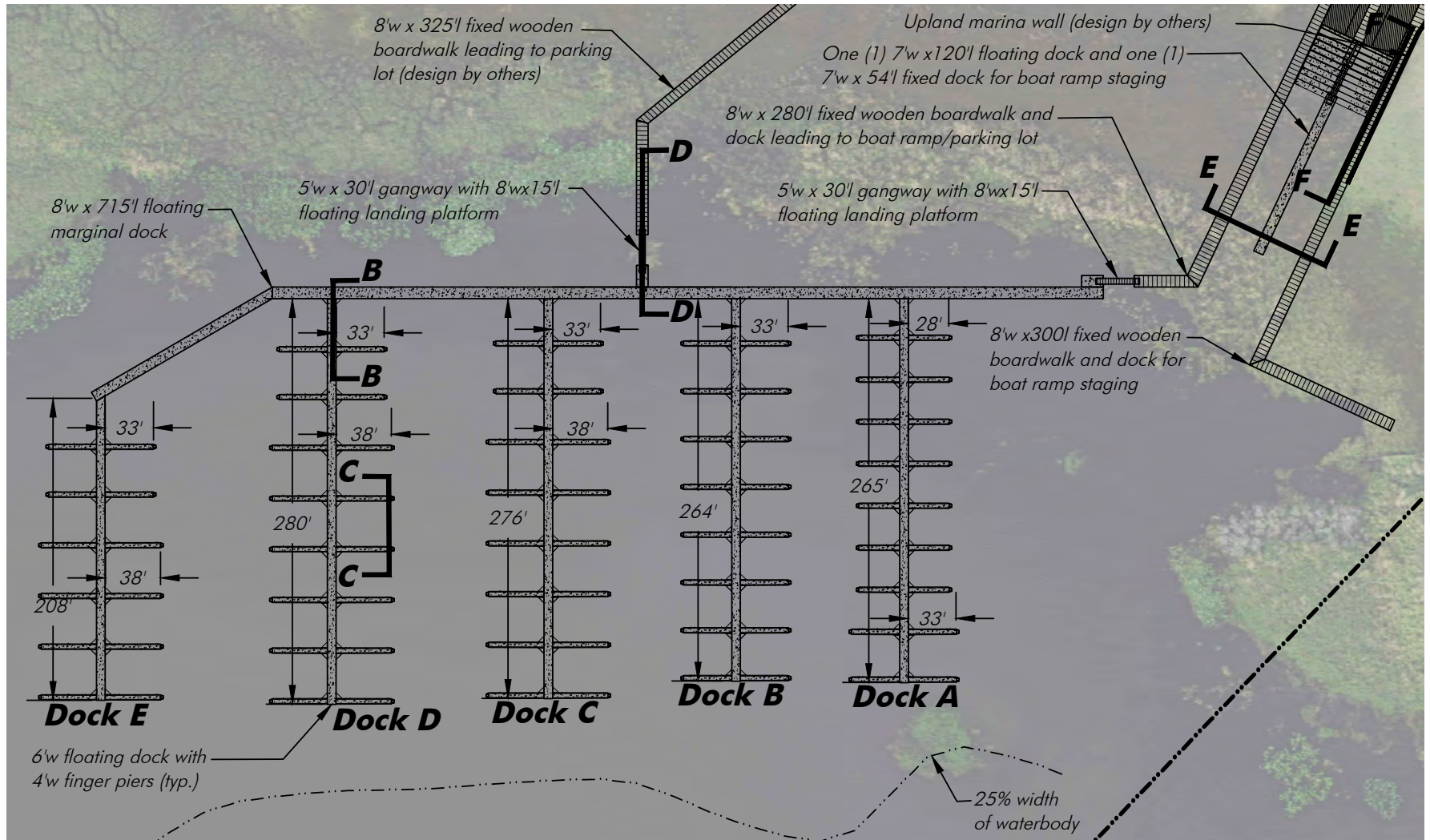
Fontana Property

SHEET
4/15

SECTION: 33
 TOWNSHIP: 26 South
 RANGE: 30 East

0 50 100
 SCALE FEET

2019 Labins Aerial



Notes: Property lines and upland plan per DWMA Associates, Inc., concept plan dated 5/2/18.

Detail A - Proposed Dock Plan

February 02, 2023 1:57:23 p.m.
 Drawing: BIOTECH1MASTER.DWG

PERMIT PLANS, NOT FOR CONSTRUCTION

SCALE: 1" = 100'



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 Office: 239-334-6870 Fax: 239-334-7810
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2-2-23

JAW

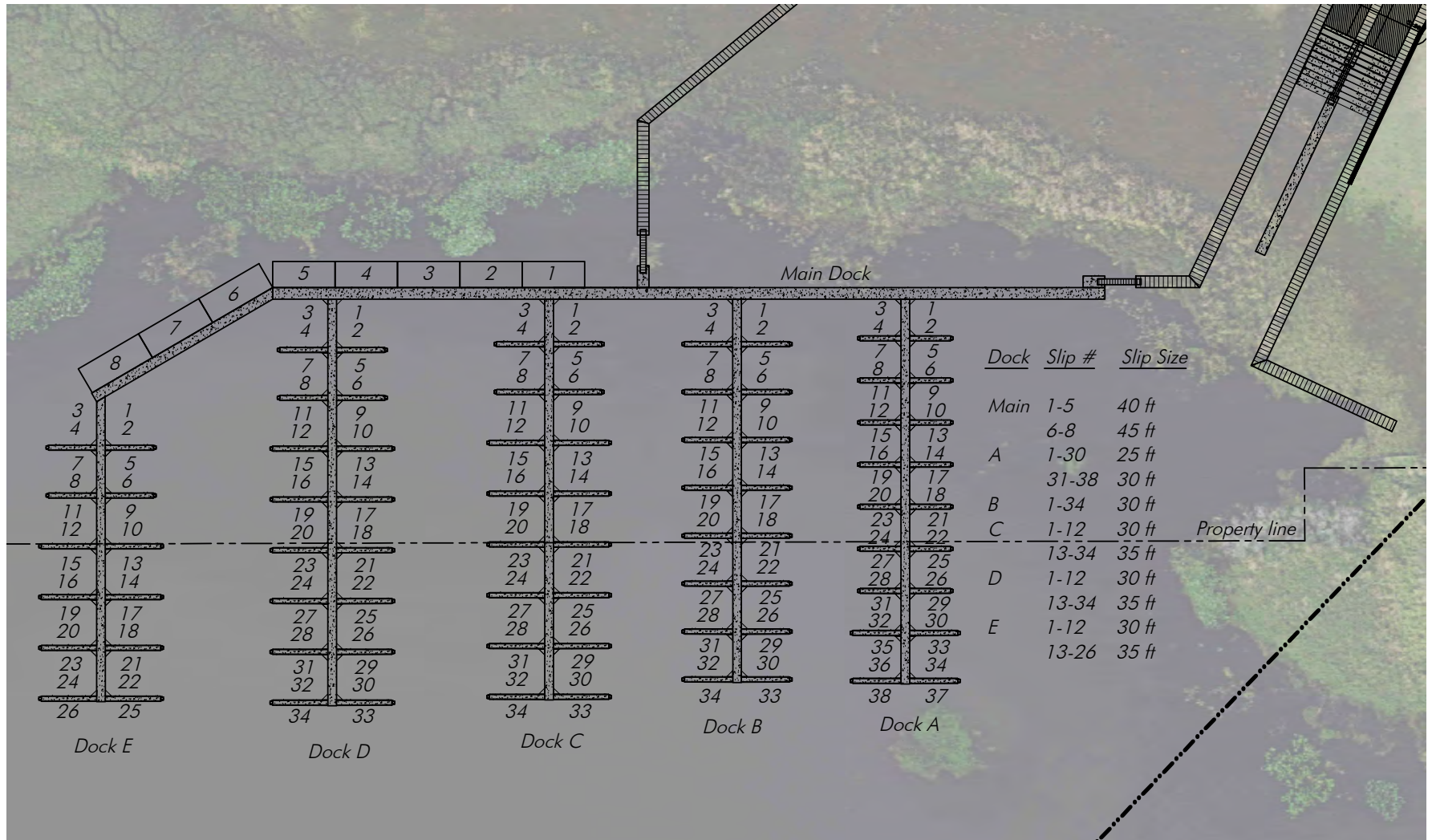
Fontana Property

SHEET
5/15

SECTION: 33
 TOWNSHIP: 26 South
 RANGE: 30 East

0 50 100
 SCALE FEET

2017 Labins Aerial



Notes: Property lines and upland plan per DWMA Associates, Inc., concept plan dated 5/2/18.

Detail A - Proposed Slip Plan

February 02, 2023 1:57:23 p.m.
 Drawing: BIOTECH1MASTER.DWG

PERMIT PLANS, NOT FOR CONSTRUCTION

SCALE: 1" = 100'



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2-2-23

JAW

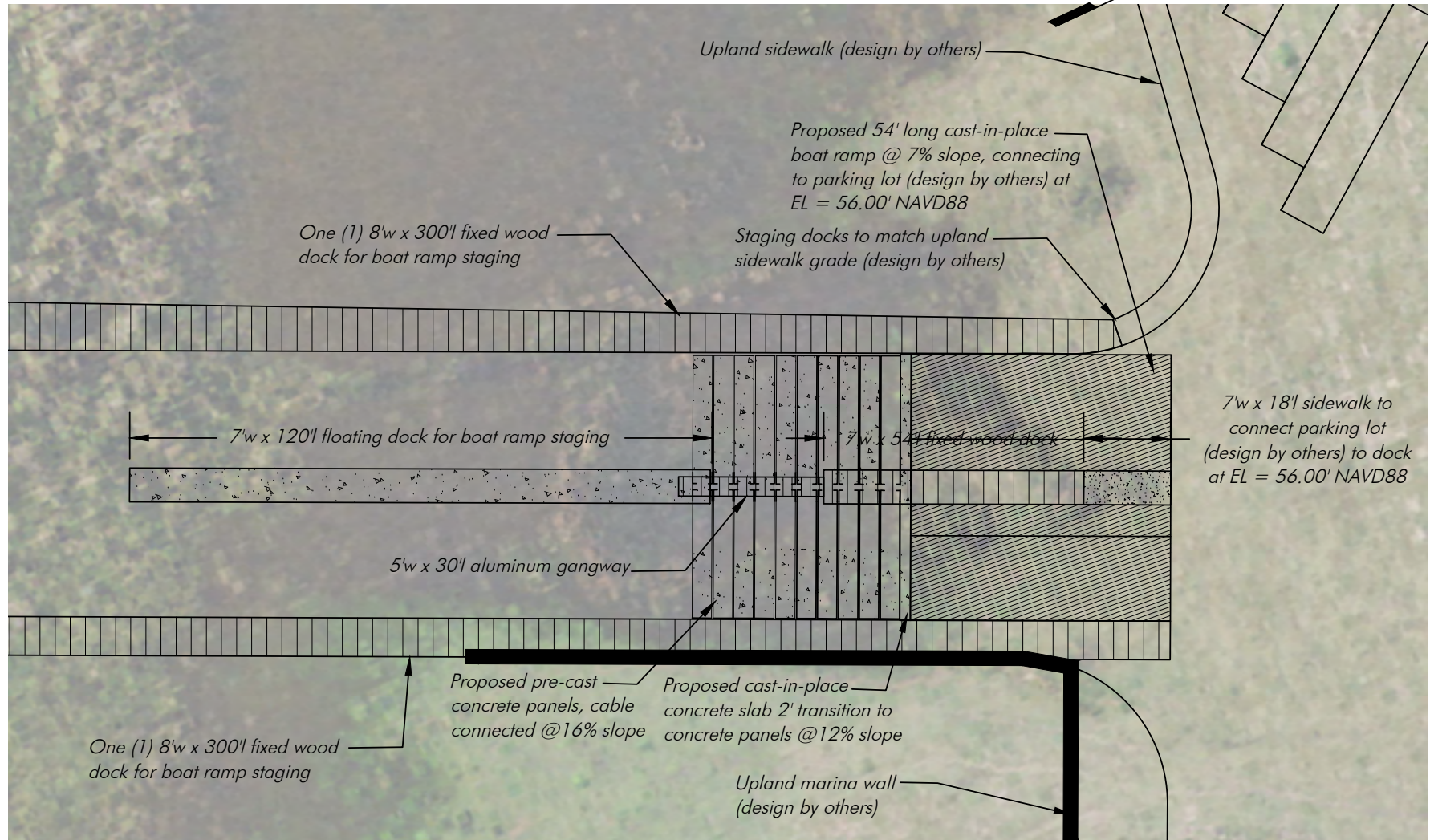
Fontana Property

SHEET

6/15

SECTION: 33
 TOWNSHIP: 26 South
 RANGE: 30 East

2019 Labins Aerial



Notes: Property lines and upland plan per DWMA Associates, Inc., concept plan dated 5/2/18.

Proposed Boat Ramp Plan

February 02, 2023 1:57:23 p.m.
 Drawing: BIOTECH1MASTER.DWG

PERMIT PLANS, NOT FOR CONSTRUCTION

SCALE: 1" = 30'



1938 Hill Avenue, Fort Myers, Florida 33901
 Office: 239-334-6870 Fax: 239-334-7810
 MARINE and ENVIRONMENTAL CONSULTANTS

2-2-23

JAW

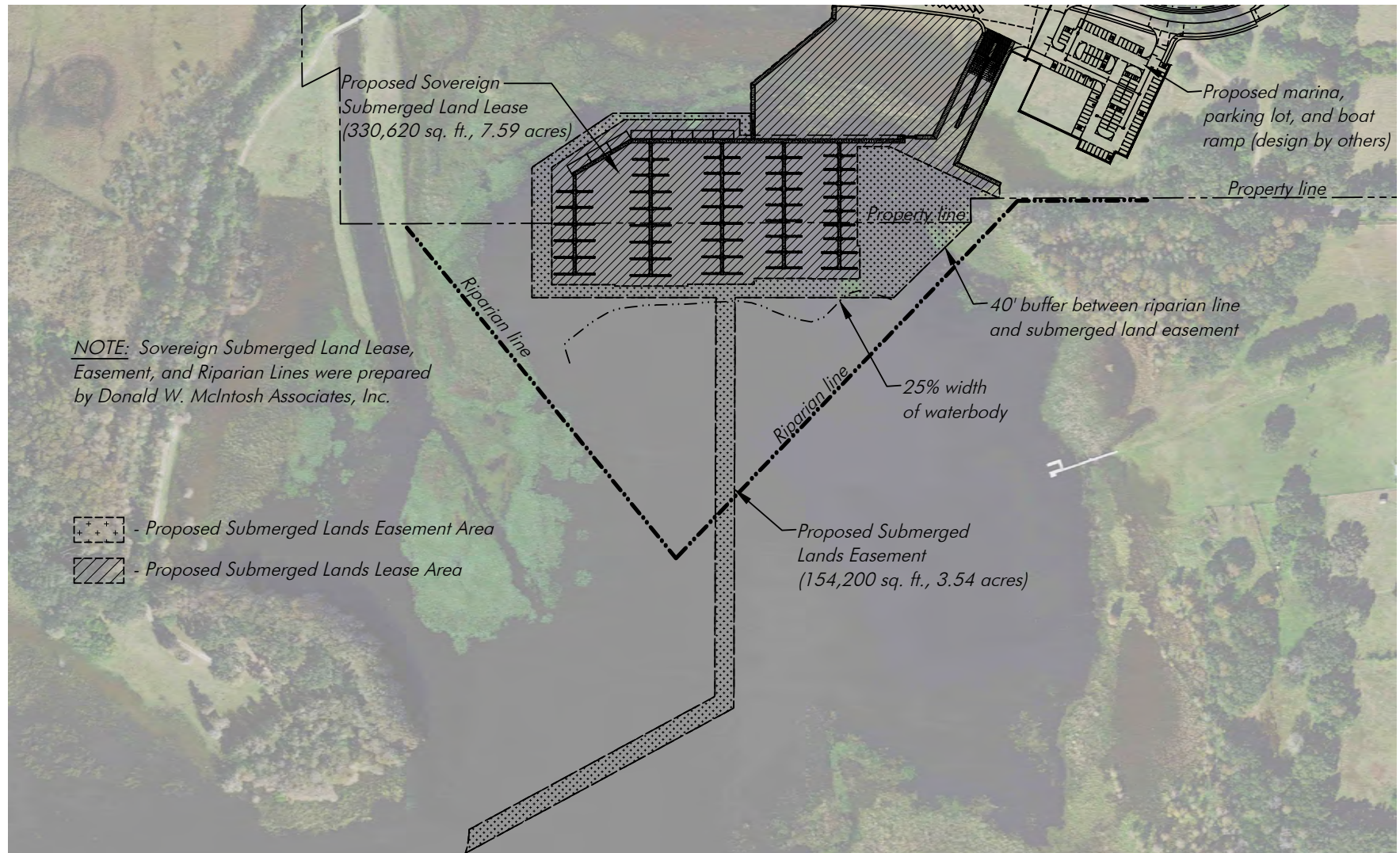
Fontana Property

SHEET
7/15



SECTION: 33
 TOWNSHIP: 26 South
 RANGE: 30 East

2019 Labins Aerial

0 150 300
 SCALE FEET



NOTE: Sovereign Submerged Land Lease, Easement, and Riparian Lines were prepared by Donald W. McIntosh Associates, Inc.

-  - Proposed Submerged Lands Easement Area
-  - Proposed Submerged Lands Lease Area

Notes: Property lines and upland plan per DWMA Associates, Inc., concept plan dated 3/23/18.

Proposed Sovereign Usage Plan

PERMIT PLANS, NOT FOR CONSTRUCTION

SCALE: 1" = 300'

February 02, 2023 1:57:23 p.m.
 Drawing: BIOTECH1MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
 Office: 239-334-6870 Fax: 239-334-7810
 MARINE and ENVIRONMENTAL CONSULTANTS

2-2-23

JAW

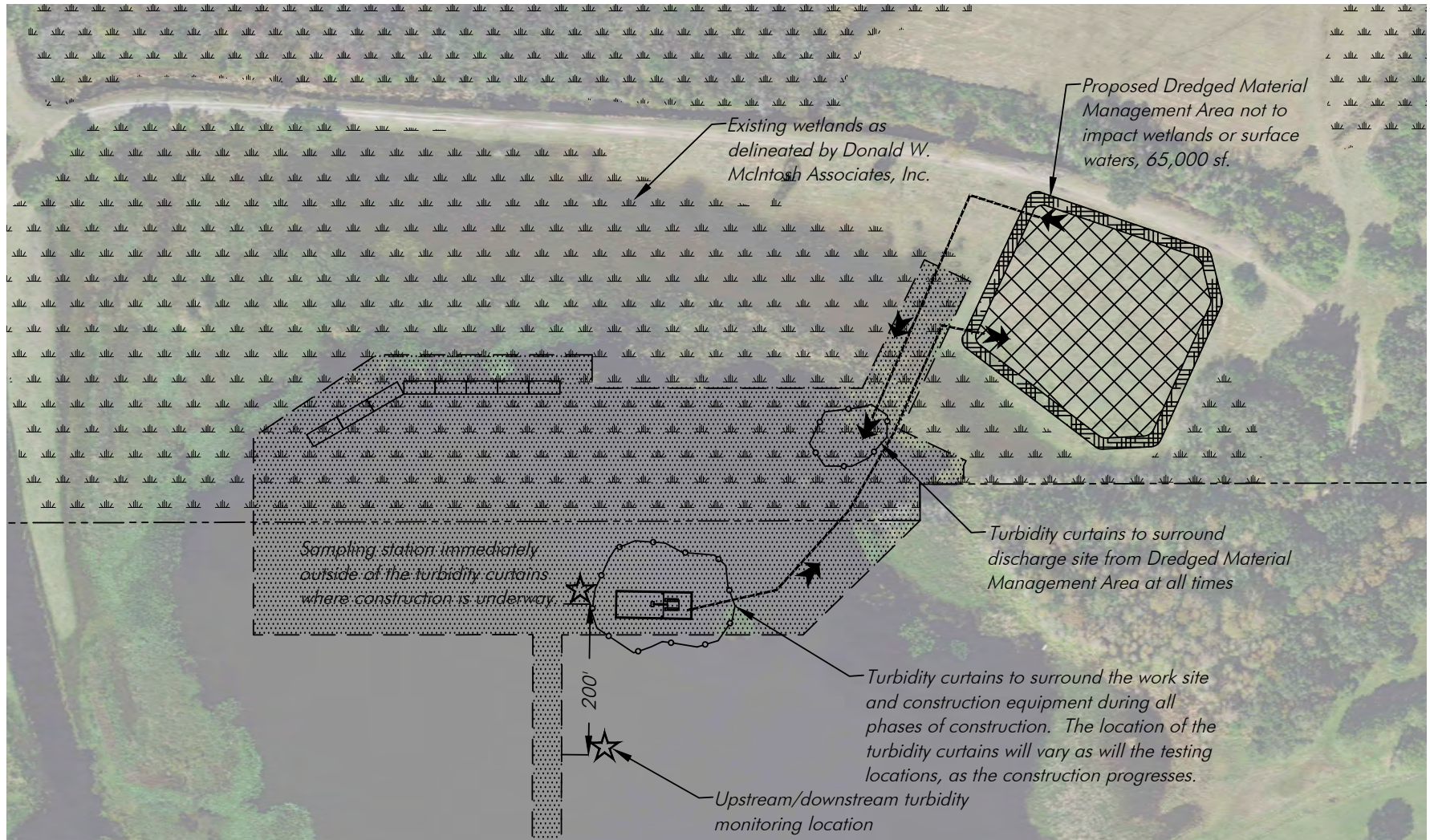
Fontana Property

SHEET
8/15

SECTION: 33
 TOWNSHIP: 26 South
 RANGE: 30 East

0 100 200
 SCALE FEET

2017 Labins Aerial



Notes: Property lines and upland plan per DWMA Associates, Inc., concept plan dated 5/2/18.

Proposed Turbidity Management Plan

February 02, 2023 1:57:23 p.m.
 Drawing: BIOTECH1MASTER.DWG

PERMIT PLANS, NOT FOR CONSTRUCTION

SCALE: 1" = 200'



1938 Hill Avenue, Fort Myers, Florida 33901
 Office: 239-334-6870 Fax: 239-334-7810
 MARINE and ENVIRONMENTAL CONSULTANTS

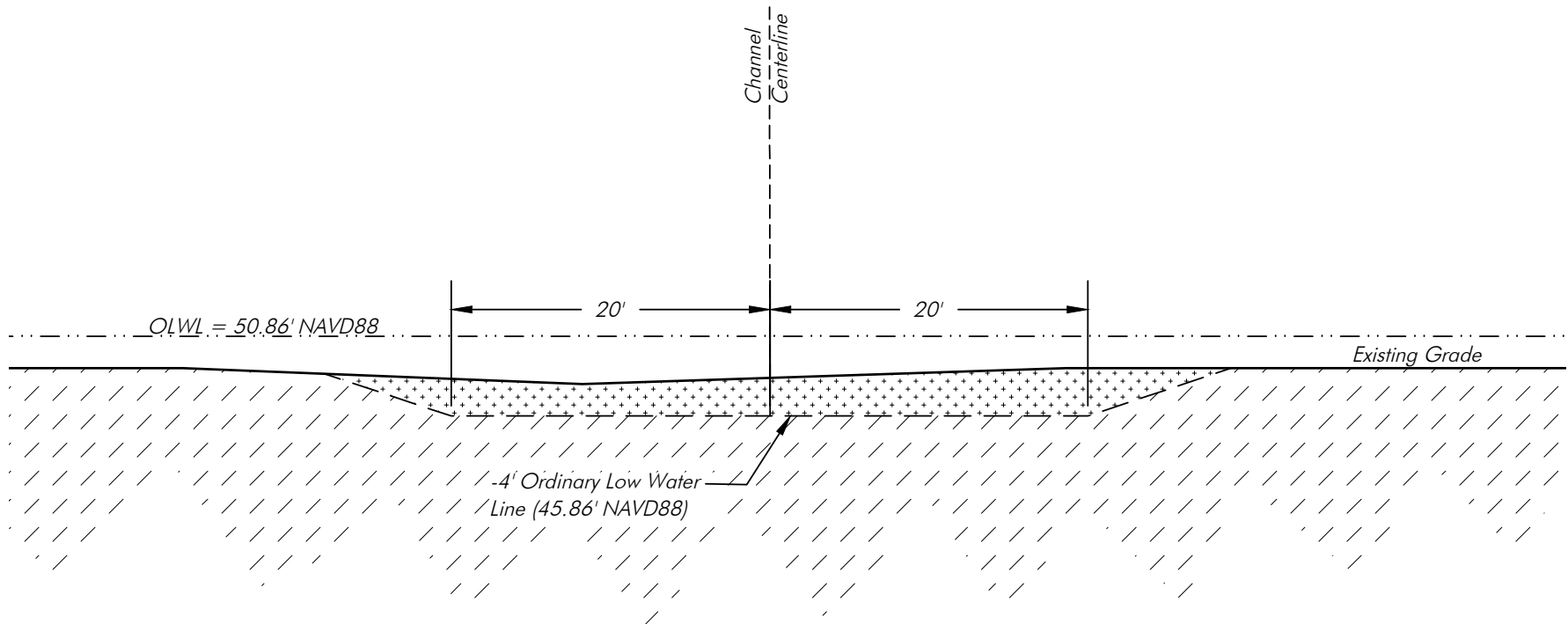
2-2-23

JAW

Fontana Property

SHEET
9/15

SECTION: 33
 TOWNSHIP: 26 South
 RANGE: 30 East



Cross Section A-A

SCALE: 1" = 10'

Notes: Property lines and upland plan per DWMA Associates, Inc., concept plan dated 5/2/18.

PERMIT PLANS, NOT FOR CONSTRUCTION

February 02, 2023 1:57:23 p.m.
 Drawing: BIOTECH1MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
 Office: 239-334-6870 Fax: 239-334-7810
 MARINE and ENVIRONMENTAL CONSULTANTS

2-2-23

JAW

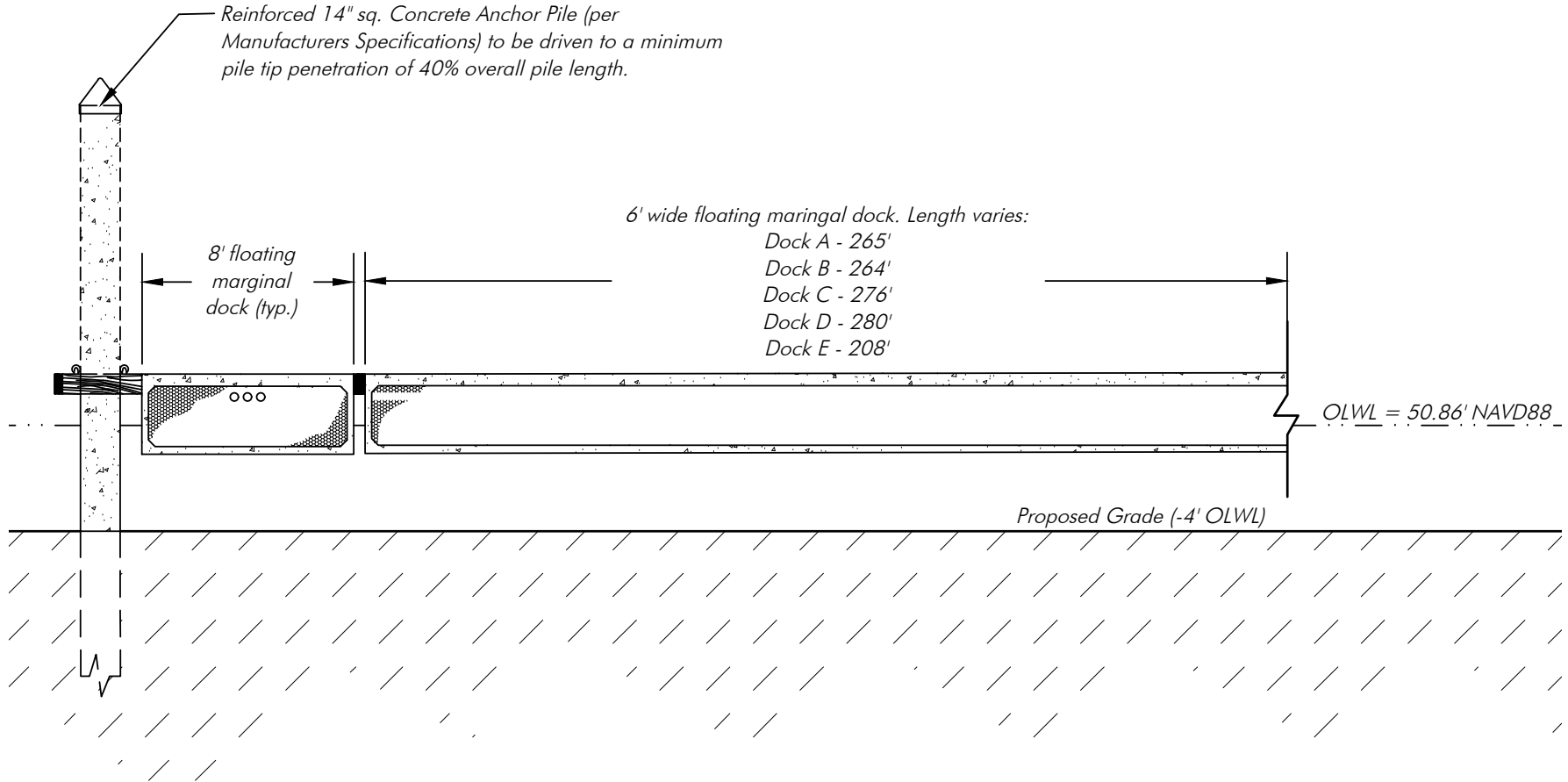
Fontana Property

SHEET
10/15

SECTION: 33
 TOWNSHIP: 26 South
 RANGE: 30 East



Reinforced 14" sq. Concrete Anchor Pile (per Manufacturers Specifications) to be driven to a minimum pile tip penetration of 40% overall pile length.



Cross Section B-B

SCALE: 1" = 6'

Notes: Property lines and upland plan per DWMA Associates, Inc., concept plan dated 5/2/18.

PERMIT PLANS, NOT FOR CONSTRUCTION

February 02, 2023 1:57:23 p.m.
 Drawing: BIOTECH1MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
 Office: 239-334-6870 Fax: 239-334-7810
 MARINE and ENVIRONMENTAL CONSULTANTS

2-2-23

JAW

Fontana Property

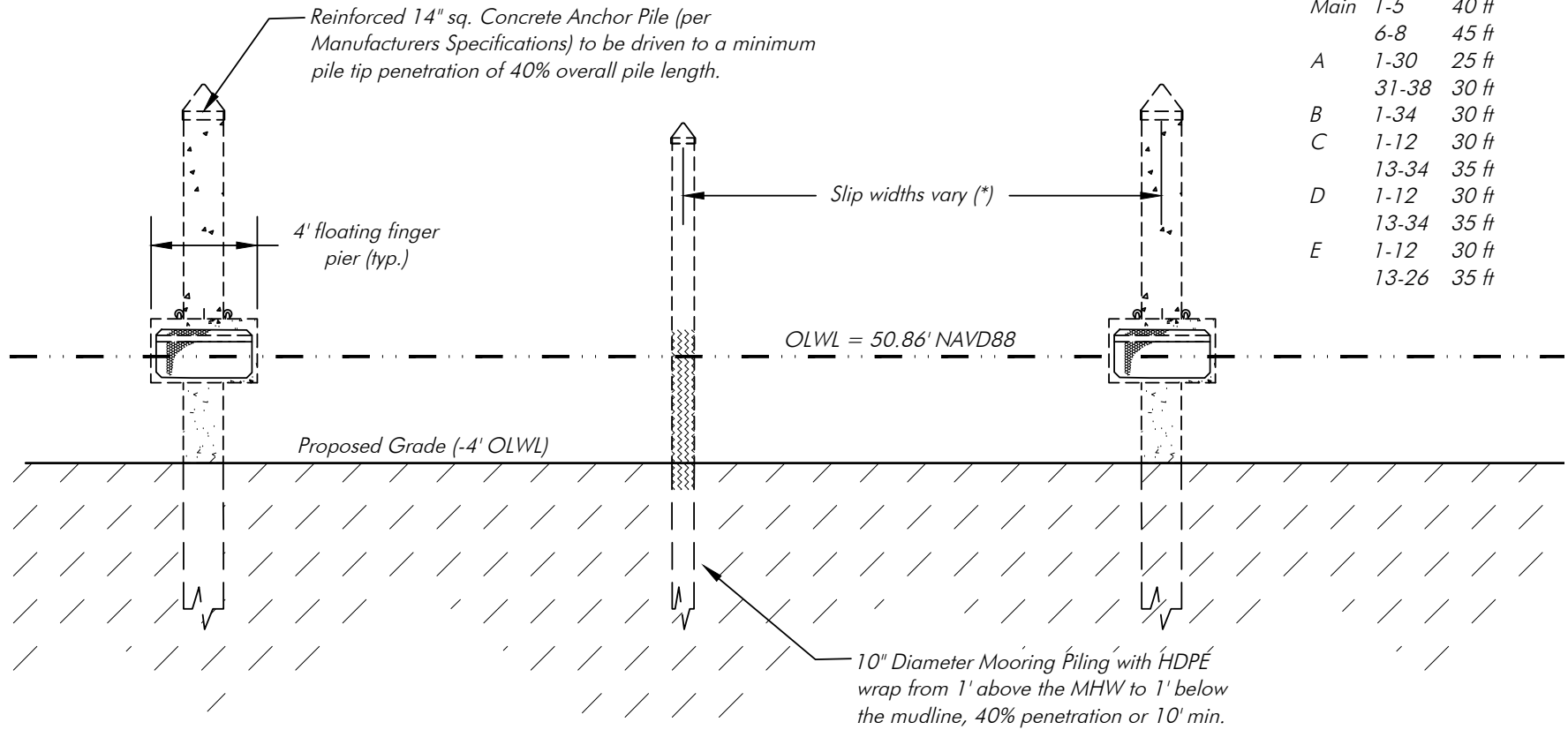
SHEET
11/15

SECTION: 33
 TOWNSHIP: 26 South
 RANGE: 30 East

0 3 6
 SCALE FEET

*Dock Slip # Slip Size

Main	1-5	40 ft
	6-8	45 ft
A	1-30	25 ft
	31-38	30 ft
B	1-34	30 ft
C	1-12	30 ft
	13-34	35 ft
D	1-12	30 ft
	13-34	35 ft
E	1-12	30 ft
	13-26	35 ft



Cross Section C-C

SCALE: 1" = 6'

Notes: Property lines and upland plan per DWMA Associates, Inc., concept plan dated 5/2/18.

PERMIT PLANS, NOT FOR CONSTRUCTION

February 02, 2023 1:57:23 p.m.
 Drawing: BIOTECH1MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
 Office: 239-334-6870 Fax: 239-334-7810
 MARINE and ENVIRONMENTAL CONSULTANTS

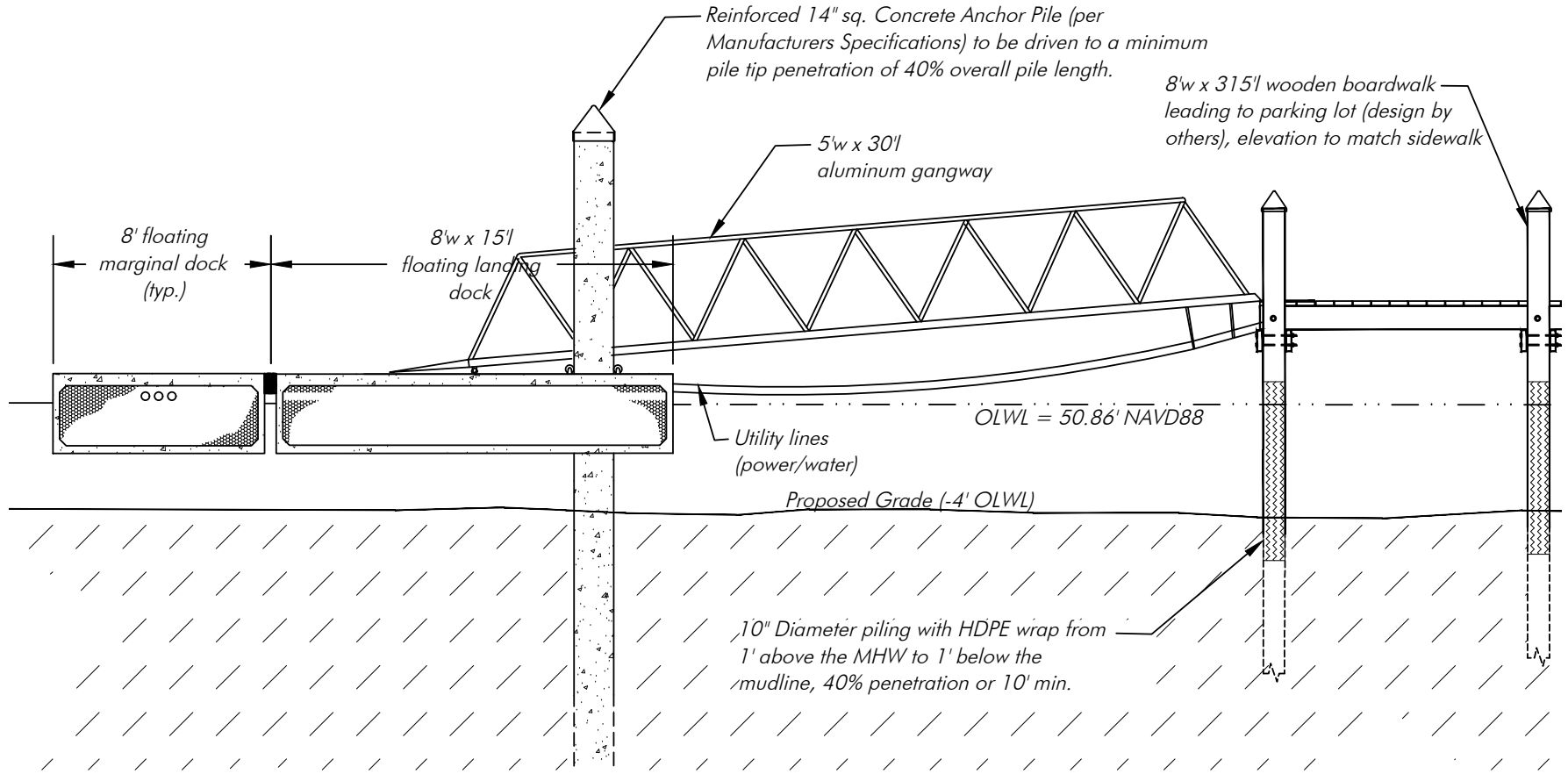
2-2-23

JAW

Fontana Property

SHEET
12/15

SECTION: 33
 TOWNSHIP: 26 South
 RANGE: 30 East



Cross Section D-D

SCALE: 1" = 6'

Notes: Property lines and upland plan per DWMA Associates, Inc., concept plan dated 5/2/18.

PERMIT PLANS, NOT FOR CONSTRUCTION

February 02, 2023 1:57:23 p.m.
 Drawing: BIOTECH1MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
 Office: 239-334-6870 Fax: 239-334-7810
 MARINE and ENVIRONMENTAL CONSULTANTS

2-2-23

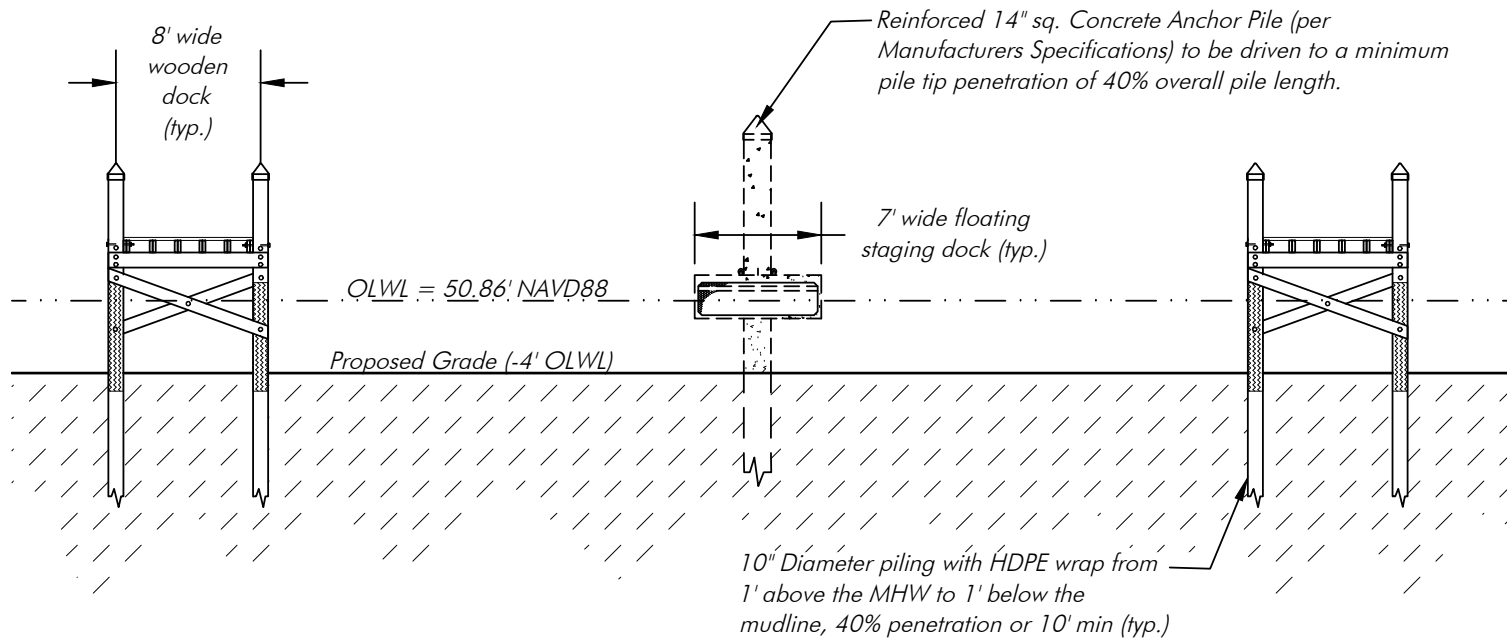
JAW

Fontana Property

SHEET
13/15

SECTION: 33
 TOWNSHIP: 26 South
 RANGE: 30 East

0 5 10
 SCALE FEET



Cross Section E-E

SCALE: 1" = 10'

Notes: Property lines and upland plan per DWMA Associates, Inc., concept plan dated 5/2/18.

PERMIT PLANS, NOT FOR CONSTRUCTION

February 02, 2023 1:57:23 p.m.
 Drawing: BIOTECH1MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
 Office: 239-334-6870 Fax: 239-334-7810
 MARINE and ENVIRONMENTAL CONSULTANTS

2-2-23

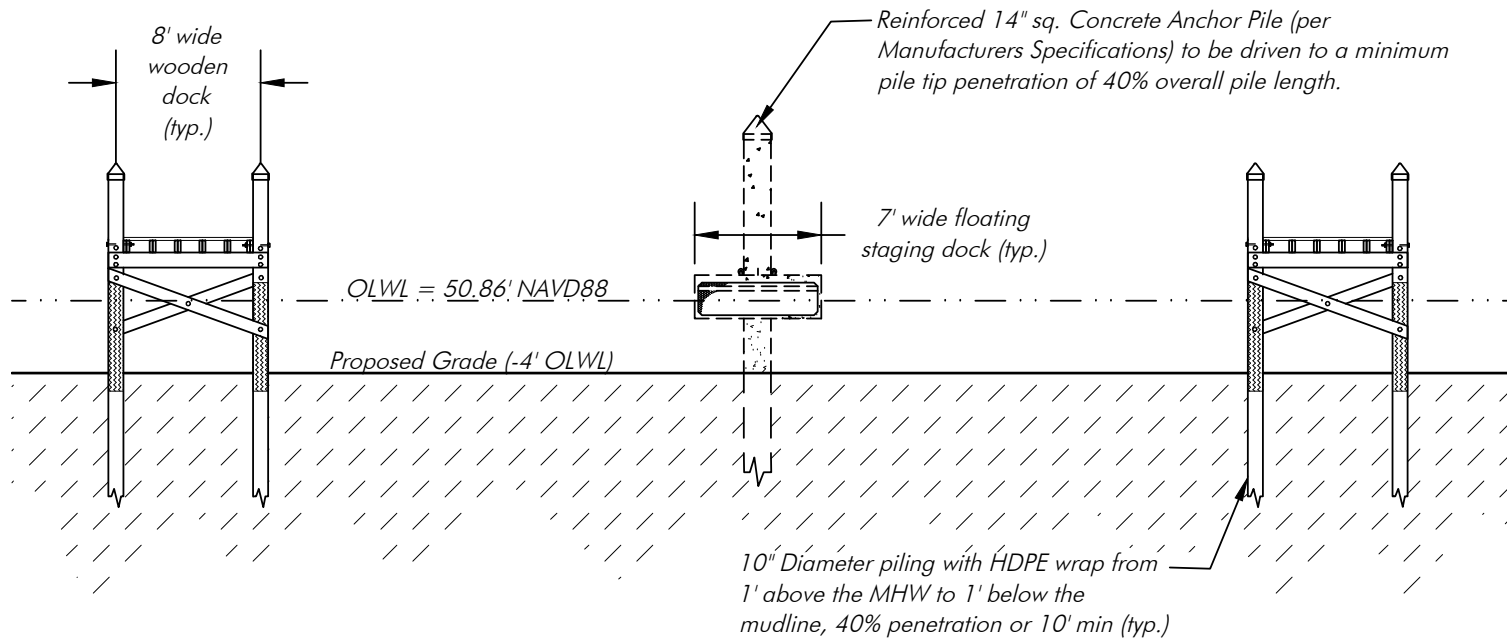
JAW

Fontana Property

SHEET
14/15

SECTION: 33
 TOWNSHIP: 26 South
 RANGE: 30 East

0 5 10
 SCALE FEET



Cross Section E-E

SCALE: 1" = 10'

Notes: Property lines and upland plan per DWMA Associates, Inc., concept plan dated 5/2/18.

PERMIT PLANS, NOT FOR CONSTRUCTION

February 02, 2023 1:57:23 p.m.
 Drawing: BIOTECH1MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
 Office: 239-334-6870 Fax: 239-334-7810
 MARINE and ENVIRONMENTAL CONSULTANTS

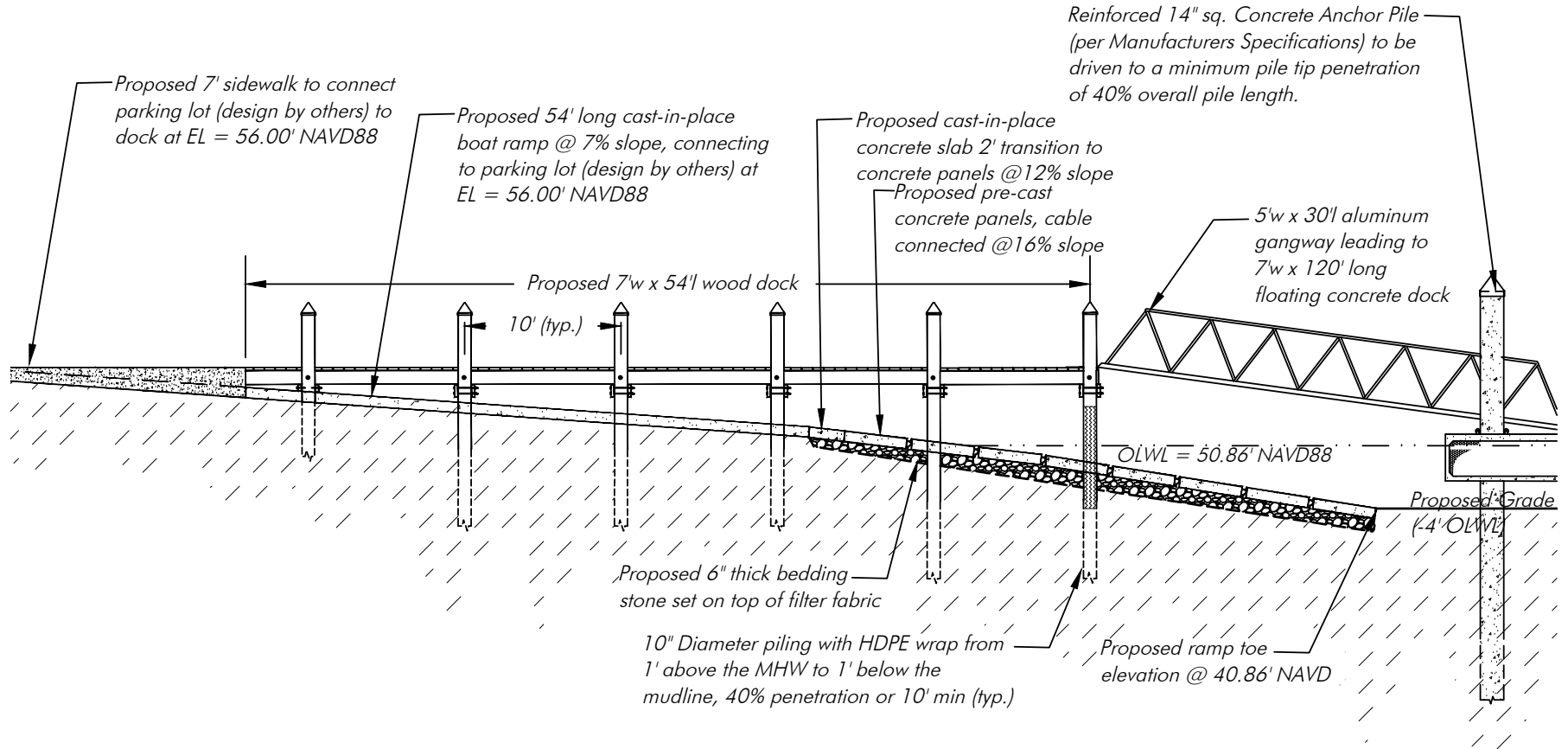
2-2-23
 JAW

Fontana Property

SHEET
14/15

SECTION: 33
 TOWNSHIP: 26 South
 RANGE: 30 East

0 5 10
 SCALE FEET



Cross Section F-F

SCALE: 1" = 10'

Notes: Property lines and upland plan per DWMA Associates, Inc., concept plan dated 5/2/18.

PERMIT PLANS, NOT FOR CONSTRUCTION

February 02, 2023 1:57:23 p.m.
 Drawing: BIOTECH1MASTER.DWG



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2-2-23

JAW

Fontana Property

SHEET
15/15

FONTANA MARINA VEGETATION ASSESMENT

Prepared For: Fontana Lakes, LLC

January 2023



Marine Engineers and Environmental Consultants

1938 Hill Ave. Fort Myers, Florida 33901

Phone: (239) 334-6870 · Fax: (239) 334-7810

www.hanswilson.com

Purpose: The applicant, Fontana Lakes LLC, proposes to develop a commercial marina in Friars Cove. The purpose of this report is to document the vegetation present within the proposed dredging area.

Location: The project site is located in Section 33, Township 26 South, Range 30 East, In Osceola County, Florida. The site is located in Friars Cove which connects to the southeast corner of Lake Toho approximately 3.2 miles northeast of the Lake Toho outflow structure to Cypress Lake (S-61).

Methodology: On December 29th from approximately 11 AM to 1 PM, HWA staff assessed the benthic community surrounding the proposed dredging area. The site was covered via canoe with samples being collected along the way to document vegetative resources. A paddle placed on the bottom and brought up to the surface at an angle proved to be the best way to retrieve benthic samples. Samples were taken throughout the marina basin, channel area, and surrounding area. Vegetation above the water line was documented and photographed.

Benthic Vegetation: The bottom of Friars Cove was dominated by invasive hydrilla. Every sample collected contained hydrilla (*Hydrilla verticillata*) as shown in the attached photos. It is documented that Lake Toho has a substantial amount of invasive hydrilla present and FWC conducted hydrilla management practices on the lake in February of 2021. The photos below were taken in the area surrounding the proposed marina basin documenting the dominance of hydrilla. The samples collected also included filamentous algae intertwined with the hydrilla.



Emergent Plants: The areas between the proposed marina basin consist of emergent plants. Vegetation in this area included the following. Giant Bullrush was the dominant species in this zone.

- pickerel weed (*Pontederia cordata*)
- southern watergrass (*Luziola fluitans*)
- Alligator weed (*Alternanthera philoxeroides*)
- Spatterdock (*Nuphar luteum*)
- Banana lily (*Nymphoides aquatica*)
- Giant bulrush (*Scirpus californicus*)
- Cattails (*Typha spp*)
- Coinwort (*Centella asiatica*)
- Buttonweed (*Diodia virginiana*)
- Water hyacinth (*Eichhornia crassipes*)





FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

MEMORANDUM

To: Lisa Prather, South Florida Water Management District
From: Julie Story, Senior Appraiser, Bureau of Appraisal
Approved by: Jay Scott, Chief, Bureau of Appraisal
Subject: Appraisal Approval Memorandum
Date: 11/1/2023

Project Name: Fontana Marina
BA File Number: 23-8591
Fee Appraiser: Matthew Jehs, MAI
County: Osceola
Date of Value: 10/12/2023

Owner	Land Size (Acres)	Appraised Value	Maximum Value
TIITF Easement in favor of Fontana Lakes, LLC	3.54	\$141,000	\$141,000

SUMMARY OF COMMENTS:

A compliance review of the appraisal for the above referenced property was conducted by a staff appraiser. The primary purpose of the appraisal review is to ensure conformity to at least the minimum requirements of the appraisal standards and supplemental appraisal standards applicable to the real property appraisal assignment.

The staff appraiser's check list and comments, as to the content and appropriateness of the methods, techniques and data, are accepted. The staff appraiser stated the appraisal report complies with the required standards and is approved as reviewed. The Chief Appraiser concurs.

Julie Story
Staff Appraiser

Jay Scott
Chief Appraiser