

ARTICLES OF INCORPORATION
OF
ISLAND ACRES ASSOCIATION, INC.

SCHEDULE "A"

A FLORIDA NON-PROFIT CORPORATION

The undersigned, being desirous of organizing a corporation not for profit pursuant to Part I of Chapter 617 of the Florida Statutes, do hereby make, subscribe and acknowledge the following to be the Articles of Incorporation of ISLAND ACRES ASSOCIATION, INC.

ARTICLE I. NAME

The name of this Corporation shall be ISLAND ACRES ASSOCIATION, INC. and the duration (term) of the corporation is perpetual.

ARTICLE II. TERM OF EXISTENCE

The term for which this Corporation shall exist shall commence upon the filing of these Articles of Incorporation with the Department of State of the State of Florida and shall continue thereafter in perpetuity.

ARTICLE III. PURPOSES

The purpose for which this Corporation is organized is to establish uniform standards of development quality for residential uses for the property.

A. SPECIFIC AUTHORITY

In the furtherance of its purposes, the Corporation shall have the following rights and powers:

(1) To own and maintain, repair, and replace the real and/or personal property, included but not limited to, drainage easements and other Common Areas, landscaping and other improvements in and/or benefiting ISLAND ACRES SUBDIVISION for which the obligation to maintain and repair has been delegated and accepted.

(2) To control the specifications, architecture, design, appearance, elevation, and location of landscaping around all buildings and improvements of any type including walls, fences, sewers, drains, disposal systems, or other structures constructed, placed, or permitted to remain in ISLAND ACRES SUBDIVISION, as well as the alteration, improvements, addition, and/or change thereto.

(3) To provide for private security, fire protection, street lighting, and such other services the responsibility for which has been or may be accepted by the Corporation and the capital improvements and equipment related thereto, in ISLAND ACRES SUBDIVISION.

(4) To provide, purchase, acquire, replace, improve, maintain, and/or repair such real property, buildings, structures, street lights and other features, landscaping, paving, and equipment, both real and personal, related to the health, safety, and social welfare of the members of the Corporation as the Board of Directors in its discretion determines necessary, appropriate, and/or convenient.

(5) To operate without profit for the sole and exclusive benefit of its members.

(6) To perform all of the functions contemplated of the Corporation, and undertaken by the Board of Directors of the Corporation in the Declaration of the Subdivisions included, in ISLAND ACRES SUBDIVISION.

(7) To hold funds solely and exclusively for the benefit of the members for purposes set forth in these Articles of Incorporation.

(8) To promulgate and enforce rules, regulations, covenants, restrictions, and agreements to effectuate the purposes for which the Corporation is organized.

(9) To delegate power or powers where such is deemed in the interest of the Corporation.

(10) To purchase, lease hold, sell, mortgage, or otherwise acquire or dispose of interests in, real or personal property, except to the extent restricted hereby; to enter into, make, perform, or carry out contracts of every kind with any person, firm, corporation, association, or other entity; to do any and all acts necessary or expedient for carrying on any and all of the activities and pursuing any and all of the objects and purposes set forth in the Articles of Incorporation and not forbidden by the laws of the State of Florida.

(11) To fix assessments to be levied against the Lots included in ISLAND ACRES SUBDIVISION to defray expenses and the cost of effectuating the objects and purposes of the Corporation, and to create reasonable reserves for such expenditures, and to authorize its Board of Directors, companies, and other organizations for the collection of such assessments.

(12) To charge recipients for services rendered by the Corporation and the user for use of Corporation Property when such is deemed appropriate by the Board of Directors, companies, and other organizations for the collection of such assessments.

(13) To pay taxes and other charges; if any, on or against property owned or accepted by the Association.

(14) To merge with any other association which may perform similar functions, located within the same general vicinity of the real property included in ISLAND ACRES SUBDIVISION.

(15) To maintain a surface water monitoring plan as required by the SFWMD permit.

(16) In general, to have all powers conferred upon a Corporation by the laws of the State of Florida, except as prohibited herein.

ARTICLE IV. MEMBERSHIP

The Developer, as such, shall be a member of the Corporation until the right of the Developer to elect the Board of Directors shall be lost or relinquished, as more particularly set forth in Article VII(B) of these Articles. Every person or entity who is, from time to time, a record fee Owner of any lot within any subdivision included in ISLAND ACRES SUBDIVISION shall be a member of the Corporation; provided, however, that any such person or entity who holds such interest only as a security for the performance of an obligation shall not be a member. Membership shall be appurtenant to, and may not be separated from, the ownership of any such lot.

ARTICLE V. SUBSCRIBERS AND INITIAL OFFICERS AND DIRECTORS

The name and address of the subscribers to these Articles of Incorporation, who shall serve as the Directors of the Corporation until the first election thereof, and who are to serve as the officers of the Corporation until the first election or appointment are as follows:

Larry E. Hildreth 2000 8th Avenue St. James City, FL 33956	Sean C. Hildreth 2000 8th Avenue St. James City, FL 33956	June A. Hildreth 2000 8th Avenue St. James City, FL 33956
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ARTICLE VI. OFFICERS

The Corporation shall have a President, Vice President, and Secretary/Treasurer, and such other officers as the Board of Directors may, from time to time, by resolution create. Two or more offices may be held by the same person, except as may be prohibited by law. Officers shall be elected by the Directors for a term of one (1) year, in accordance with the By-Laws, but may be removed with or without cause by the Directors at any time.

ARTICLE VII. DIRECTORS

The affairs of the Corporation shall be managed by a Board of Directors consisting of three (3) members, initially. The number of members constituting the Board of Directors may, from time to time, be increased or decreased, as may be provided in the By-Laws, but shall never be less than three (3).

A. TERMS OF OFFICE

Directors shall generally serve a term of one (1) year each and shall be elected at the annual meeting of the membership. However, the members of the Board of Directors shall serve until their successors are elected and qualify. In the case of a vacancy upon the Board of Directors, whether occasioned by the resignation or removal of a member or the creation of a new directorship, the Board of Directors and the newly appointed member shall serve until the next election of Directors.

B. DEVELOPER'S RIGHT TO ELECT BOARD

The Developer shall have the right to elect the members of the Board of Directors until the sale of the last lot owned by the Developer or until such right is relinquished by the Developer. For these purposes, ISLAND ACRES SUBDIVISION shall be deemed to include additions to ISLAND ACRES SUBDIVISION made by the Developer prior to the loss or relinquishment of such right.

C. ELECTION OF MEMBERS

Following the loss or relinquishment of the initial right of the Developer to elect the Board of Directors, as set forth in Section (B) above, the members of the Board of Directors shall be elected by the membership (including the Developer, as Lot Owner and as a member of the Corporation, by reason of being a Lot Owner). Every Director elected by the membership but not by the Developer shall be a member of the Corporation. All such elections shall be by plurality of votes, and the member of the Board of Directors receiving the largest number of votes shall be the Chairman of the Board of Directors.

D. VOTING OF MEMBERS

Each Lot Owner including the Developer, as a Lot Owner, shall be entitled to one (1) vote for each lot included in ISLAND ACRES SUBDIVISION.

The foregoing shall be true even though the Owner may combine several lots into one building site, so that the Owner of two and one-half lots, included in one building site, shall be entitled to two and one-half votes. The Owner of a fractional portion of a lot shall be entitled to a proportionate portion of a vote. When one or more persons hold any undecided interest in any such lot, all such persons shall be members and the vote for such lot shall be exercised as they determine among themselves, but, in no event shall more than one vote be cast with respect to any one lot. The vote for any lot cannot be divided for any issue and must be voted as a whole. If more than one person holds such interest in any such lot, those persons present at any meeting (even though less than all of the persons holding such interest in the lot, including those represented by proxy) shall be entitled to cast the vote as they among themselves determine. Except as otherwise provided in these Articles, the Declaration with respect to the subdivision included in ISLAND ACRES SUBDIVISION or by the law, the affirmative vote of a majority of the lots represented at any meeting duly called and at which a quorum is present shall be binding upon the membership.

ARTICLE VIII. ASSESSMENTS

The Corporation will obtain funds with which to operate by the assessment of the Lot Owners in accordance with the Declaration of the Covenants and Restrictions included in ISLAND ACRES SUBDIVISION, as supplemented by the provisions of these Articles and of the By-Laws of the Corporation relating thereto. All assessments shall be in equal amount per lot as set forth in the Declaration of Covenants and Restrictions.

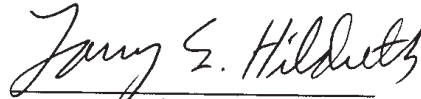
ARTICLE IX. BY-LAWS AND AMENDMENT OF ARTICLES

The By-Laws shall be adopted and may be amended by the Directors, consistent with these Articles and the Declaration. These Articles may be altered, amended, or repealed by resolution of the Board of Directors, consistent with the Declaration, and in conformity with Chapter 617 of the Florida Statutes.

ARTICLE X. REGISTERED AGENT AND OFFICE

The initial registered office of this Corporation shall be located at 2000 8th Avenue, St. James City, Florida 33956 and the initial registered agent at that address is LARRY E. HILDRETH.

Having been named to accept service of process for the above stated Corporation, at the place designated in these Articles of Incorporation, I hereby agree to act in this capacity, and I further agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties.



Larry E. Hildreth
President

ARTICLE XI. RIGHTS OF DEVELOPER

The rights of the Developer set forth herein, including without limitation, the right to make additions to ISLAND ACRES SUBDIVISION, and the right to elect the members of the Board of Directors, shall be deemed to be personal property and shall be freely alienable as such. No amendment may be made to these Articles which in any way limits or restricts the rights of the Developer hereunder or as set forth in the By-Laws or Declaration without the written approval of the Developer, including, without limitation, the right to make additions to the subdivision.

ARTICLE XII. INDEMNIFICATION OF OFFICERS AND DIRECTORS

A. The Corporation hereby indemnifies any Director or officer made a party or threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding:

(1) Whether civil, criminal, administrative, or investigative, other than one by or in the right of the Corporation to procure a judgment in its favor, brought to impose a liability or penalty on such person for an act alleged to have been committed by such person in his capacity of Director or officer of the Corporation, or in his capacity as Director, officer, employee, or agent of any other corporation, partnership, joint venture, trust, or other enterprise which he served at the request of the Corporation, against judgments, fines, amounts paid in settlement and reasonable expenses, including attorney's fees, actually and necessarily incurred as a result of such action, suit, or proceeding or any appeal therein, if such person acted in good faith in the reasonable belief that such action was in the best interests of the Corporation, and in criminal actions or proceedings, without reasonable ground for belief and that such action was unlawful. The termination of any such action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not in itself create a presumption that any such Director or officer did not act in good faith in the reasonable belief that such action was in the best interests of the Corporation or that he had reasonable grounds for belief that such action was unlawful.

(2) By or in the right of the Corporation to procure a judgment in its favor by reason of his being or having been a Director or officer of the Corporation, or by reason of his being or having been a Director, officer, employee, or agent of any other corporation, partnership, joint venture, trust, or other enterprise which he serves at the request of the Corporation, against the reasonable expenses, including attorney's fees, actually and necessarily incurred by him in connection with the defense or settlement of such action, or in connection with an appeal therein if such person acted in good faith in the reasonable belief that such action was in the best interest of the Corporation. Such person shall not be entitled to indemnification in relation to matters to which such person has been adjudged to have been guilty of negligence or misconduct in the performance of his duty to the Corporation unless, and only to the extent that, the court, administrative agency, or investigative body before which such action, suit, or proceeding is held shall determine upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnification for such expenses which such tribunal shall deem proper.

B. The Board of Directors shall determine whether amounts for which a Director or officer seeks indemnification were property incurred and whether such Director or officer acted in good faith and in a manner he reasonably believed to be in the best interest of the Corporation, and whether, with respect to any criminal action or proceeding, he had no reasonable ground for belief that such action was unlawful. Such determination shall be made by the Board of Directors by a majority vote of a quorum consisting of Directors who were not parties to such action, suit, or proceeding.

C. The foregoing rights of indemnification shall not be deemed to limit in any way the powers of the Corporation to indemnify under applicable law.

ARTICLE XIII. TRANSACTION IN WHICH DIRECTORS OR OFFICERS ARE INTERESTED

No contract or transaction between the Corporation and one or more of its Directors or officers, or between the Corporation and any other corporation, partnership, association, or other organization in which one or more of its Directors or officers are Directors or officers, have a financial interest, shall be invalid, void, or voidable solely for this reason, or solely because the Director or officer is present at or participated in the meeting of the Board or committee thereof which authorized the contract or transaction, or solely because his or their votes are counted for such purpose. No Director or officer of the Corporation shall incur liability by reason of the fact that he is or may be interested in any such contract or transaction. Interested Directors may be counted in determining the presence of a quorum at a meeting of the Board of Directors or of a committee which authorized the contract or transaction.

ARTICLE XIV. DISSOLUTION OF THE ASSOCIATION

Upon dissolution of the Corporation, all of its assets remaining after provision for creditors and payment of all costs and expenses of such dissolution shall be distributed in the following manner:

A. Property, whether real, personal, or mixed which constitutes or is directly or indirectly related to, a surface water management system, if any, shall be dedicated to an appropriate governmental agency, or if not accepted, to a similar non-profit corporation, as may be required by the South Florida Water Management District. This provision may not be amended without the consent of the South Florida Water Management District.

B. Except as provided in Paragraph (1) above, real property contributed to the Corporation without the receipt of other than nominal consideration by Developer (or its predecessor in interest) shall be returned to Developer unless it refuses to accept the conveyance (in whole or in part). This provision may not be amended without the consent of the Developer.

C. Remaining assets shall be distributed among the members, subject to the limitations set forth below as tenants in common, each members' share of the assets to be determined in accordance with its voting rights.

The Corporation may be dissolved upon a resolution to that effect being recommended by three-fourths (3/4) of the members of the Board of Directors, and, if such decree be necessary at the time of dissolution, after receipt of an appropriate decree as set forth in Florida Statutes Section 617 or statute of similar import, and approved by two-thirds (2/3) of the voting rights of the Corporation's members.

CERTIFICATE

The foregoing were adopted as the By-Laws of ISLAND ACRES ASSOCIATION, INC., a Corporation not for profit under the laws of the State of Florida on the 2nd day of June, 1997.

Larry E. Hildreth

Larry E. Hildreth
President

BY-LAWS
OF
ISLAND ACRES ASSOCIATION, INC.

SCHEDULE "B"

The following constitute the By-Laws of ISLAND ACRES ASSOCIATION, INC., ("Corporation"), a Florida Corporation not for profit organized pursuant to Part I of Chapter 617 of the Florida Statutes, as the same were adopted by the Board of Directors of the Corporation (hereinafter called the "ASSOCIATION") at the first meeting thereof held on the 2nd day of June, 1997.

1. MISCELLANEOUS MATTERS.

1.1 NAME AND ADDRESS.

This Association shall be known as ISLAND ACRES ASSOCIATION, INC. Initially, the principal business address of the Association shall be 2000 8th Avenue, St. James City, Florida 33956. The principal business address of the Association may, however, be changed from time to time, and be determined from time to time by the Directors.

1.2 PURPOSE.

The purpose for which this Association has been organized is to promote the health, safety, and welfare of the owners of lots ("LOT OWNERS"), which may be included in ISLAND ACRES SUBDIVISION ("SUBDIVISION"), according to the Plat thereof, referred to in the Articles of Incorporation ("ARTICLES").

2. MEMBERSHIP.

2.1 MEMBERSHIP.

All Lot Owners shall be members of the Association as more particularly set forth in the Articles.

2.2 ANNUAL MEETING.

The annual meeting of the membership of this Association shall be held at a place and time during December to be designated by the President. One of the purposes of which shall be the election of the Board of Directors for the ensuing calendar year, all of whom shall take office on January 1 of the next following calendar year.

2.3 SPECIAL MEETINGS.

Special meetings may be held at the call of the President, by request of a majority of the members of the Board of Directors, or by members entitled to cast twenty-five percent (25%) of the votes at a meeting.

2.4 NOTICE.

At least ten (10) days written notice of each meeting, whether annual or special, shall be mailed to each and every member of the Association at his last known address.

2.5 ORDER OF BUSINESS.

Order of business at annual meeting:

- A. Roll call;
- B. Reading of Notice of Meeting;
- C. Reading of Minutes of Previous Meeting;
- D. Report of President;
- E. Report of Treasurer;
- F. Report of Secretary;
- G. Reports of Committees;
- H. Election of Directors;
- I. Transaction of other business mentioned in the Notices;
- J. Adjournment.

2.6 QUORUM.

A majority of the members (by number of votes) shall constitute a quorum for the transaction of business, but if there shall be less than a quorum present at any meeting, a majority of those present may adjourn the meeting from time to time and place to place.

2.7 VOTING.

A. Every member shall have the right to vote as set forth in the Articles. The right to vote shall be exercisable in person or in proxy.

B. Any action required by law, these By-Laws, or the Articles to be taken at any annual or special meeting of the members, or any action which may be taken by any annual or special meeting, without prior notice and without a vote, if a consent in writing, setting forth the action so taken, shall be signed by members having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all members entitled to vote thereon were present and voted. Within ten (10) days after obtaining such authorization by written consent, notice shall be given to those members who have not consented in writing. The notice shall fairly summarize the material features of the authorized action.

2.8 TRANSACTION OF BUSINESS WITHOUT A MEETING.

Any business which might be transacted by the members at any regular or special meeting may be transacted by the members without the necessity of a formal meeting if consented to in writing by members entitled to cast sufficient votes at the meeting to transact that business, as provided in Paragraph 2.7(B) above.

3. BOARD OF DIRECTORS.

3.1 NUMBER AND TERM OF DIRECTORS.

The business, property, and affairs of this Association shall be managed by a Board of Directors composed of five (5) persons. Each director shall hold office for the term for which he is elected and until his successor is elected and qualified. The number of Directors may be increased or decreased by the members, from time to time, at the annual meeting, but shall never be less than three (3).

3.2 QUALIFICATIONS.

The Board of Directors shall be residents of Lee County, Florida, and either members of the Association or officers, general partners, or trustees of an entity member.

3.3' QUORUM.

The presence of a majority of all the Directors shall be necessary at any meeting to constitute a quorum to transact business. The act of a majority of Directors present at a meeting when a quorum is present shall be the act of the Board of Directors. Business may be transacted by the members of the Board of Directors without the necessity of a formal meeting, if consented to in writing by the members of the Board of Directors.

3.4 TIME OF MEETING.

Annual meeting of the Board of Directors shall be immediately following the annual meeting of the members each year, at such times thereafter as the Board of Directors may fix, and at other times upon the call of the President or by two (2) of the Directors. Notice of each special meeting shall be given by the Secretary to each Director not less than five (5) days before the meeting, unless each Director shall waive notice thereof before, at, or after the meeting.

3.5 VACANCIES.

Vacancies on the Board of Directors shall be filled by election by the remaining Directors. Each person so elected to fill a vacancy shall remain a Director until his successor has been elected by a vote of the membership present, who may make such election at their next annual meeting, or at any special meeting duly called for that purpose and held prior thereto.

3.6 POWER AND DUTIES OF THE BOARD OF DIRECTORS.

In addition to the powers and duties set forth in the Declaration of Covenants and Restrictions, the Board of Directors shall have power:

- A. To call meetings of the members.
- B. To appoint, remove at leisure all officers, agents, and employees of the Association prescribe their duties, fix their compensation, and require of them such security or fidelity bond as it may deem expedient. Nothing contained in these By-Laws shall be construed to prohibit the employment of any member, officer, or Director of the Association in any capacity whatsoever.
- C. To establish, levy and assess, and collect the Association and carry on its activities, and to create such reserves for extraordinary expenditures as may be deemed appropriate by the Board of Directors.
- D. To adopt and publish rules and regulations governing the use of the Common Area of any parcels thereof and the personal conduct of the members and their guests thereon, including reasonable admission charges, if deemed appropriate.
- E. To authorize and cause the Association to enter into contracts for the day to day operation of the Association and the discharge of its responsibilities and obligations.
- F. To use its best efforts to obtain, for the Association, such insurance as is prudent.
- G. To exercise for the Association all powers, duties, and authority vested in or delegated to the Corporation, except those reserved to members in the Deed of Restrictions for the Subdivision or Articles of Incorporation of the Association.

H. To cause to be kept a complete record of all its acts and corporate affairs and to make an annual report to the members regarding receipts and expenditures.

I. To supervise all officers, agents, and employees of this Association and to see that their duties are properly performed.

4. ASSESSMENTS.

The Board shall:

4.1 Fix the amount of the assessment against each Lot Owner for each assessment period at least thirty (30) days in advance of the date due.

4.2 Prepare a roster of the Lot Owners and assessments applicable thereto which shall be kept in the office of the Association and shall be opened to inspection.

4.3 Send written notice of each assessment to every Lot Owner subject thereto as specified in Paragraph V(C).

4.4 Issue or cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether any assessment has been paid. Such certificate shall be prima facie evidence of any assessment stated to have been paid.

5. REMOVAL OF DIRECTORS, OFFICERS, OR EMPLOYEES.

Any Director, officer, or employee may be removed by the Board of Directors whenever, in the judgment of the Board, the best interest of the Association will be served thereby, by a majority vote of the Board of Directors. Failure to attend three (3) executive meetings without a valid excuse shall constitute cause for the removal of a Director.

6. DELEGATION OF POWERS.

For any reason deemed sufficient by the Board of Directors, the Board may delegate any power or duty of any officer or Director to any other officer or Director, but no officer or Director shall execute, acknowledge, or verify any instrument in more than one capacity.

7. ANNUAL REPORTS.

The President and the Treasurer shall present their respective reports of the operation of the Association for the preceding year, at the annual meeting of the Board of Directors and the membership.

8. ACTION WITH MEETING.

Any action required by law, these By-Laws, or the Articles of Incorporation of this Association to be taken at any regular or special meeting of the Directors of this Association or any action which may be taken at any regular or special meeting of the Directors, may be taken without a meeting, without prior notice, and without a vote, if a consent, in writing, setting forth the action so taken, shall be signed by the minimum number of Directors that would be necessary to authorize or take such action at a meeting at which all Directors entitled to vote thereon were present and voted. Within ten (10) days after obtaining such authorization by written consent, notice shall be given to those Directors who have not consented in writing. The notice shall fairly summarize the material features of the authorized action taken.

9. OFFICERS.

9.1. ELECTION.

The Board of Directors shall elect the officers of this Association. They shall consist of the President, Vice-President, Secretary, and Treasurer, who need not be members of the Board of Directors. Each officer shall be elected to hold office for a period of one (1) year.

9.2. PRESIDENT.

The President shall preside at all meetings of the Board of Directors, make all committee appointments other than Nominating Committee, be a member ex-officio of all committees except Nominating Committee, and perform all other duties usually pertaining to the office of the President.

9.3. VICE-PRESIDENT.

The Vice-President shall preside at all meetings of the Board of Directors in the absence of the President, be a member of the Administration and Finance Committee, and perform all such other duties usually pertaining to the office of the Vice-President.

9.4. TREASURER.

The Treasurer shall be custodian of all funds and securities of the Association and collect interest thereon, make report at annual meetings, and special reports when requested, deposit all moneys of the Association in the name of ISLAND ACRES SUBDIVISION, a bank or banks selected and designated by the Board of Directors, subject to withdrawal for authorized purposes, upon the joint signatures of two (2) of the officers of the Association, one of whom shall be the Treasurer and the other of whom shall be the President or Vice-President, give bond in such amount as the Board of Directors may require the Association to pay the premium for such bond, and prepare and file reports and returns required by all governmental agencies. The detailed bookkeeping shall be performed by a paid qualified bookkeeper. All securities and other valuable papers shall be placed in a safe deposit box or vault, designated by the Board of Directors, which may be opened upon the joint signatures of two (2) of the officers of the Association, one of whom shall be the Treasurer and the other of whom shall be the President or Vice-President. The Treasurer's accounts and the bookkeeper's records shall be reviewed annually.

9.5. SECRETARY.

The Secretary shall record the minutes of the meeting, write up the minutes the day following the meeting, confer with the President for possible omissions, send duplicate copy of minutes to the President, have custody of the seal of the Association, give notices of all meetings required by statutes, By-Laws, or resolutions, take attendance records at meetings, maintain committee reports, carry on all necessary correspondence of the Association, and perform such other duties as may be delegated to him by the Board of Directors.

10. ARCHITECTURAL REVIEW BOARD.

The Architectural Review Board (ARB) shall be as set for in the Declaration of Covenants and Restrictions, Paragraphs VI(A and B).

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11. COMPENSATION.

No compensation shall be paid to Directors for services performed by them for the Association in any capacity unless a resolution authorizing such remuneration shall have been adopted by the Board of Directors before the services were rendered.

12. FISCAL YEAR.

The fiscal year of the Corporation shall be the calendar year.

13. ACCESS TO DOCUMENTS.

The Association shall make available to members and lenders, and to holders, insurers, and guarantors of any first mortgage, current copies of the Declaration of Covenants and Restrictions, Articles of Incorporation, By-Laws and rules, and the books, records, and financial statements of the Association. "Available" means available for inspection, upon request, during normal business hours or under other reasonable circumstances.

14. RULES OF ORDER.

"Robert's Rules of Order" shall be the parliamentary authority for all matters of procedure not specifically covered by these By-Laws.

15. AMENDMENTS.

The Board of Directors and the members may later amend, revise, add to, repeal, or rescind these By-Laws, or adopt new By-Laws, as provided in the Articles. Notice of the proposed alteration, amendment, revision, addition, repeal, or rescission of the By-Laws shall have been given at least fifteen (15) days preceding a meeting called for that purpose.

County of Lee
State of Florida

I, Charlie Green, Clerk of the Circuit Court in and for said County and State do hereby
certify that the foregoing is a true and correct copy of Section
as filed in this 1997 at 11:39 and recorded in
Book 2830, Page 8863 of the Public Records of Lee County, Florida
Witness my hand and official seal this 3rd day of June
A.D. 1997

By [Signature] CHARLIE GREEN, Clerk



Form #0113
Rev. 10/89

South Florida Water Management District

CERTIFICATION FOR STORMWATER DISCHARGE

SURFACE WATER MANAGEMENT PERMIT NO. 36-01968-S (NON-ASSIGNABLE)

DATE ISSUED: June 13, 1991

AUTHORIZING: CONSTRUCTION AND OPERATION OF A WATER MANAGEMENT SYSTEM SERVING 50.0 ACRES OF RESIDENTIAL LANDS DISCHARGING VIA PINE ISLAND CREEK AND ON-SITE WETLANDS INTO THE MATLACHA PASS.

LOCATED IN: LEE COUNTY, SECTION 33,34 TWP. 44S RGE. 22E

ISSUED TO: Larry and June Hildreth
(Island Acres)
2000 8th Avenue
St. James City, Florida 33956

This Permit is issued pursuant to Application for Permit No. 901108-3 dated Nov 7, 1990. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of any work or structure involved in the Permit. Said Application, including all plans and specifications attached thereto, as addressed by the Staff Report, is by reference made a part hereof.

This Permit may be revoked or modified at anytime pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

This Permit does not convey to Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by Permittee hereunder shall remain the property of the Permittee.

Within thirty (30) days after the completion of the construction of any work or structure relative to this Permit, the Permittee shall file with the District a written statement of completion on the appropriate form provided by the Board.

SPECIAL CONDITIONS ARE AS FOLLOWS:

SEE SHEETS 2, 3 and 4 OF 5 - 19 SPECIAL CONDITIONS.
SEE SHEET 5 OF 5 - 12 LIMITING CONDITIONS.

FILED WITH THE CLERK OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT, BY ITS
GOVERNING BOARD

ON 6-17-91
BY [Signature]
DEPUTY CLERK

By [Signature]
Secretary

SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION IS 9.0 FEET NGVD.
2. MINIMUM ROAD CROWN ELEVATION IS 5.5 FEET NGVD.
3. DISCHARGE FACILITIES:

DESCRIPTION: BASIN 1

2-3.0" DIAMETER BLEEDER ORIFICES WITH AN INVERT AT ELEVATION 3.25' NGVD, 1-0.4' WIDE WEIR WITH A CREST AT ELEVATION 3.7' NGVD, AND 5 LF OF 12"X18" RCEP CULVERT.

BASIN 2

1-3.0" DIAMETER BLEEDER ORIFICE WITH AN INVERT AT ELEVATION 2.0' NGVD, 1-0.2' WIDE WEIR WITH A CREST AT ELEVATION 3.1' NGVD, AND 5 LF OF 12"X18" RCEP CULVERT.

RECEIVING WATER: MATLACHA PASS VIA PINE ISLAND CREEK AND ONSITE WETLANDS

CONTROL ELEVATION: BASIN 1 - 3.25 FEET NGVD
BASIN 2 - 2.0 FEET NGVD

4. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION OR SHOALING PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
5. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
6. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
7. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
8. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF ISLAND ACRES ASSOCIATION, INC. THE PERMITTEE SHALL SUBMIT A COPY OF THE RECORDED DEED RESTRICTIONS, A COPY OF THE FILED ARTICLES OF INCORPORATION, AND A COPY OF THE CERTIFICATE OF INCORPORATION FOR THE HOMEOWNERS ASSOCIATION, WHEN AVAILABLE.
9. LAKE SIDE SLOPES SHALL BE 4:1 (HORIZONTAL:VERTICAL) TO A DEPTH OF TWO FEET BELOW THE CONTROL ELEVATION. SIDE SLOPES SHALL BE NURTURED OR PLANTED FROM 2 FEET BELOW TO 1 FOOT ABOVE CONTROL ELEVATION TO INSURE VEGETATIVE GROWTH.

SPECIAL CONDITIONS (CONTINUED)

10. PRIOR TO THE INITIATION OF ANY WITHDRAWAL OF WATER (IRRIGATION, DEWATERING, PUBLIC WATER SUPPLY, ETC.), IT WILL BE NECESSARY TO APPLY FOR A WATER USE PERMIT. THE PERMITTEE IS CAUTIONED THAT A MINIMUM OF 90 DAYS IS REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION. THE PERMITTEE IS CAUTIONED THAT THE ISSUANCE OF A SURFACE WATER MANAGEMENT PERMIT SHALL NOT BE CONSTRUED TO BE A GUARANTEE THAT WATER WILL BE AVAILABLE.
11. THE PERMITTEE SHALL SUBMIT A COPY OF ALL PRELIMINARY PLATS FOR DISTRICT STAFF REVIEW, TO DETERMINE IF SUFFICIENT DRAINAGE AND MAINTENANCE EASEMENTS HAVE BEEN PROVIDED. A COPY OF ALL RECORDED PLATS SHALL BE SUBMITTED WHEN AVAILABLE, TO BE INCLUDED INTO THE PERMIT FILE FOR DOCUMENTATION OF ADEQUATE AND PROPER EASEMENTS FOR THE DRAINAGE FACILITIES AND DEDICATION OF WETLANDS FOR CONSERVATION.
12. WITHIN 30 DAYS OF ISSUANCE OF THIS PERMIT, THE SFWMD SHALL BE NOTIFIED BY THE PERMITTEE OR AUTHORIZED AGENT (VIA THE SUPPLIED CONSTRUCTION COMMENCEMENT NOTICE OR EQUIVALENT) OF THE ACTUAL OR ANTICIPATED CONSTRUCTION START DATE AND THE EXPECTED COMPLETION DATE/DURATION.
13. WHEN THE DURATION OF THE PERMIT EXCEEDS ONE YEAR, CONSTRUCTION STATUS REPORTS SHALL BE SUBMITTED TO THE SFWMD ON AN ANNUAL BASIS (VIA THE SUPPLIED ANNUAL STATUS REPORT OR EQUIVALENT) BEGINNING ONE YEAR AFTER THE INITIAL COMMENCEMENT OF CONSTRUCTION DATE.
14. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE OR AUTHORIZED AGENT SHALL NOTIFY THE SFWMD OF THAT COMPLETION DATE AND SUBMIT CERTIFICATION BY A FLORIDA REGISTERED PROFESSIONAL ENGINEER THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT (VIA THE SUPPLIED CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION OR EQUIVALENT). SUCH CERTIFICATION MAY CONSIST OF WORDING IN PARAGRAPH 3.1.7 "Construction completion certification" OF THE BASIS OF REVIEW FOR SURFACE WATER PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT. IF THE CERTIFICATION LANGUAGE IS DIFFERENT FROM THE SUGGESTED LANGUAGE, A SET OF RECORD DRAWINGS CONSISTING OF ELEVATIONS, LOCATIONS, AND DIMENSIONS OF COMPONENTS OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL ALSO BE SUBMITTED.
15. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE UNTIL A FLORIDA REGISTERED PROFESSIONAL ENGINEER CERTIFIES THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL SUBMIT THE CERTIFICATION AND NOTIFY THE DISTRICT THAT THE FACILITIES ARE READY FOR INSPECTION AND APPROVAL. UPON APPROVAL OF THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL REQUEST TRANSFER OF THE PERMIT TO THE RESPONSIBLE ENTITY APPROVED BY THE DISTRICT.

SPECIAL CONDITIONS (CONTINUED)

16. THE WETLAND CONSERVATION AREAS AND BUFFER ZONES MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS OF OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION - WITH THE EXCEPTION OF EXOTIC VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

17. WETLANDS AND BUFFER ZONES SHALL BE DEDICATED FOR CONSERVATION AND DECLARED COMMON AREAS IN THE DEED RESTRICTIONS, AS WELL AS ON THE FINAL PLAT. RESTRICTIONS FOR USE OF THE CONSERVATION AREAS SHALL STIPULATE:

THE CONSERVATION AREAS ARE HEREBY DECLARED COMMON AREAS, THEY SHALL BE THE PERPETUAL RESPONSIBILITY OF THE ASSOCIATION AND MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS OF OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION - WITH THE EXCEPTION OF EXOTIC VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

18. NOTWITHSTANDING SPECIAL CONDITIONS #16 AND #17 ABOVE, THE APPLICANT MAY UTILIZE THE CONSERVATION AREAS FOR PASSIVE RECREATIONAL FACILITIES SUCH AS JOGGING TRAILS AND/OR BOARDWALKS PROVIDED ANY NECESSARY PERMITS ARE OBTAINED FROM THE DEPARTMENT OF ENVIRONMENTAL REGULATION, U.S. ARMY CORPS OF ENGINEERS AND/OR LEE COUNTY. FINAL COPIES OF THESE PERMITS SHALL BE SUBMITTED WHEN AVAILABLE TO THE DISTRICT FOR INCORPORATION IN THE PERMIT FILE.

19. ANY FUTURE CHANGES IN LAND USE OR TREATMENT OF WETLANDS SHALL REQUIRE ADDITIONAL ENVIRONMENTAL REVIEW BY DISTRICT STAFF.

LIMITING CONDITIONS

1. THE PERMITTEE SHALL PROSECUTE THE WORK AUTHORIZED IN A MANNER SO AS TO MINIMIZE ANY ADVERSE IMPACT OF THE WORKS ON FISH, WILDLIFE, NATURAL ENVIRONMENTAL VALUES, AND WATER QUALITY. THE PERMITTEE SHALL INSTITUTE NECESSARY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING FULL COMPACTION OF ANY FILL MATERIAL PLACED AROUND NEWLY INSTALLED STRUCTURES, TO REDUCE EROSION, TURBIDITY, NUTRIENT LOADING AND SEDIMENTATION IN THE RECEIVING WATERS.
2. WATER QUALITY DATA FOR THE WATER DISCHARGED FROM THE PERMITTEE'S PROPERTY OR INTO SURFACE WATERS OF THE STATE SHALL BE SUBMITTED TO THE DISTRICT AS REQUIRED. PARAMETERS TO BE MONITORED MAY INCLUDE THOSE LISTED IN CHAPTER 17-3. IF WATER QUALITY DATA IS REQUIRED, THE PERMITTEE SHALL PROVIDE DATA AS REQUIRED, ON VOLUMES OF WATER DISCHARGED, INCLUDING TOTAL VOLUME DISCHARGED DURING THE DAYS OF SAMPLING AND TOTAL MONTHLY DISCHARGES FROM THE PROPERTY OR INTO SURFACE WATERS OF THE STATE.
3. THE PERMITTEE SHALL COMPLY WITH ALL APPLICABLE LOCAL SUBDIVISION REGULATIONS AND OTHER LOCAL REQUIREMENTS. IN ADDITION THE PERMITTEE SHALL OBTAIN ALL NECESSARY FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY CONSTRUCTION OR ALTERATION OF WORKS AUTHORIZED BY THIS PERMIT.
4. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE UNTIL A FLORIDA REGISTERED PROFESSIONAL ENGINEER CERTIFIES THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL SUBMIT THE CERTIFICATION AND NOTIFY THE DISTRICT THAT THE FACILITIES ARE READY FOR INSPECTION AND APPROVAL. UPON APPROVAL OF THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL REQUEST TRANSFER OF THE PERMIT TO THE RESPONSIBLE ENTITY APPROVED BY THE DISTRICT.
5. ALL ROADS SHALL BE SET AT OR ABOVE ELEVATIONS REQUIRED BY THE APPLICABLE LOCAL GOVERNMENT FLOOD CRITERIA.
6. ALL BUILDING FLOORS SHALL BE SET AT OR ABOVE ELEVATIONS ACCEPTABLE TO THE APPLICABLE LOCAL GOVERNMENT.
7. OFF-SITE DISCHARGES DURING CONSTRUCTION AND DEVELOPMENT SHALL BE MADE ONLY THROUGH THE FACILITIES AUTHORIZED BY THIS PERMIT. NO ROADWAY OR BUILDING CONSTRUCTION SHALL COMMENCE ON-SITE UNTIL COMPLETION OF THE PERMITTED DISCHARGE STRUCTURE AND DETENTION AREAS. WATER DISCHARGED FROM THE PROJECT SHALL BE THROUGH STRUCTURES HAVING A MECHANISM SUITABLE FOR REGULATING UPSTREAM WATER STAGES. STAGES MAY BE SUBJECT TO OPERATING SCHEDULES SATISFACTORY TO THE DISTRICT.
8. NO CONSTRUCTION AUTHORIZED HEREIN SHALL COMMENCE UNTIL A RESPONSIBLE ENTITY ACCEPTABLE TO THE DISTRICT HAS BEEN ESTABLISHED AND HAS AGREED TO OPERATE AND MAINTAIN THE SYSTEM. THE ENTITY MUST BE PROVIDED WITH SUFFICIENT OWNERSHIP SO THAT IT HAS CONTROL OVER ALL WATER MANAGEMENT FACILITIES AUTHORIZED HEREIN. UPON RECEIPT OF WRITTEN EVIDENCE OF THE SATISFACTION OF THIS CONDITION, THE DISTRICT WILL ISSUE AN AUTHORIZATION TO COMMENCE CONSTRUCTION.
9. THE PERMIT DOES NOT CONVEY TO THE PERMITTEE ANY PROPERTY RIGHT NOR ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4, FAC.
10. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF ANY FACILITY AUTHORIZED BY THE PERMIT.
11. THIS PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. IT IS ALSO THE RESPONSIBILITY OF THE PERMITTEE TO INSURE THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS DO NOT OCCUR DURING CONSTRUCTION.
12. PRIOR TO DEWATERING, PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR APPROVAL. INFORMATION SHALL INCLUDE AS A MINIMUM: PUMP SIZES, LOCATIONS AND HOURS OF OPERATION FOR EACH PUMP. IF OFF-SITE DISCHARGE IS PROPOSED, OR OFF-SITE ADVERSE IMPACTS ARE EVIDENT, AN INDIVIDUAL WATER USE PERMIT MAY BE REQUIRED. THE PERMITTEE IS CAUTIONED THAT SEVERAL MONTHS MAY BE REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION.



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SURFACE WATER MANAGEMENT
GENERAL PERMIT NO. 36-01968-S**

DATE ISSUED: December 7, 2001

Form #0942
08/95

PERMITTEE: LAWRENCE E AND JUNE ANN HILDRETH
2000 8TH AVENUE
ST JAMES CITY, FL 33956

PROJECT DESCRIPTION: Permit modification authorizing Construction and Operation of a surface water management system to serve a 13.72 acre residential project known as Basin 2, Island Acres.

PROJECT LOCATION: LEE COUNTY, SEC 33,34 TWP 44S RGE 22E

PERMIT DURATION: See Special Condition No:1. See attached Rule 40E-4.321, Florida Administrative Code.

This is to notify you of the District's agency action concerning Permit Application No. 010919-9, dated September 19, 2001. This action is taken pursuant to Rule 40E-1.606 and Chapter 40E-40, Florida Administrative Code (F.A.C.).

Based on the information provided, District rules have been adhered to and a Surface Water Management General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
2. the attached 19 Standard Limiting Conditions (See Pages : 2 - 3 of 4).
3. the attached 15 Special Conditions (See Pages : 4 - 4 of 4) and
4. the attached 9 Exhibit(s).

Should 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on this 7th day of December, 2001, in accordance with Section 120.60(3), Florida Statutes.

BY: *Chip Merriam*
for Chip Merriam
Director
Ft Myers Service Center

Certified mail number 7000 1670 0005 1503 1505

STANDARD LIMITING CONDITIONS

1. The permittee shall implement the work authorized in a manner so as to minimize any adverse impact of the works on fish, wildlife, natural environmental values, and water quality. The permittee shall institute necessary measures during the construction period, including full compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.
2. Water quality data for the water discharged from the permittee's property or into surface waters of the State will be submitted to the District as required by Section 5.9, "Basis of Review for Surface Water Management Permit Applications within South Florida Water Management District". Parameters to be monitored may include those listed in Chapter 62-302, F.A.C.. If water quality data is required, the permittee shall provide data on volumes of water discharged, including total volume discharged during the days of sampling and total monthly discharges from the property or into surface waters of the State.
3. This permit shall not relieve the permittee of any obligation to obtain necessary federal, State, local or special district approvals.
4. The operation phase of this permit will not become effective until the District's acceptance of certification of the completed surface water management system. The permittee shall request transfer of the permit to the responsible operation entity accepted by the District, if different from the permittee. The transfer request can be submitted concurrently with the construction completion certification.
5. All road elevations shall be set in accordance with the criteria set forth in Section 6.5, "Basis of Review for Surface Water Management Permit Applications within South Florida Water Management District".
6. All building floor elevations shall be set in accordance with the criteria set forth in Section 6.4, "Basis of Review for Surface Water Management Permit Applications within South Florida Water Management District".
7. Off-site discharges during construction and development will be made only through the facilities authorized by this permit.
8. A permit transfer to the operation phase shall not occur until a responsible entity meeting the requirement in Section 9.0, "Basis of Review for Surface Water Management Permit Applications within South Florida Water Management District" has been established to operate and maintain the system. The entity must be provided with sufficient ownership or legal interest so that it has control over all water management facilities authorized herein.
9. The permit does not convey to the permittee any property rights or privileges other than those specified in the permit and Chapter 40E-4, F.A.C..
10. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance or use of any facility authorized by the permit.
11. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
12. Within 30 days of issuance of this permit, the permittee or authorized agent shall notify the District (via the supplied construction commencement notice or equivalent) of the actual or anticipated construction start date and the expected completion date.
13. When the duration of construction exceeds one year, the permittee or authorized agent shall submit

STANDARD LIMITING CONDITIONS

- construction status reports on an annual basis (via the supplied annual status report or equivalent) beginning one year after the initial commencement of construction.
14. Within 30 days after completion of construction of the surface water management system, the permittee or authorized agent shall file a written statement of completion and certification by a Florida registered professional engineer. These statements must specify the actual date of construction completion and must certify that all facilities have been constructed in substantial conformance with the plans and specifications approved by the District (via the supplied construction completion/certification or equivalent). The construction completion certification must include, at a minimum, existing elevations, locations and dimensions of the components of the water management facilities. Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted.
 15. Within 30 days of any sale, conveyance or other transfer of any of the land which is proposed for development under the authorization of this permit, the permittee shall notify the District of such transfer in writing via either Form 0483, Request for Permit Transfer; or Form 0920, Request for Transfer of Surface Water Management Construction Phase to Operation Phase (to be completed and submitted by the operating entity), in accordance with Sections 40E-1.6105 AND 40E-4.351, F.A.C..
 16. A prorated share of surface water management retention/detention areas, sufficient to provide the required flood protection and water quality treatment, must be provided prior to occupancy of any building or residence.
 17. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
 18. It is the responsibility of the permittee to insure that adverse off-site water resource related impacts do not occur during construction.
 19. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(4), F.A.C..

SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on December 7, 2006.
2. Operation of the surface water management system shall be the responsibility of ISLAND ACRES ASSOCIATION, INC.. The permittee shall submit a copy of the recorded deed restrictions (or declaration of condominium, if applicable), a copy of the filed articles of incorporation, and a copy of the certificate of incorporation for the association concurrent with the engineering certification of construction completion.
3. Discharge Facilities: Through previously permitted facilities.
4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
5. Measures shall be taken during construction to insure that sedimentation and/or turbidity problems are not created in the receiving water.
6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
7. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.
8. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
9. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
10. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.
11. Minimum building floor elevation: 9.0 feet NGVD.
12. Minimum road crown elevation: 5.5 feet NGVD.
13. The District reserves the right to require remedial measures to be taken by the permittee if monitoring or other information demonstrates that adverse impacts to onsite or offsite wetlands, upland conservation areas or buffers, or other surface waters have occurred due to project related activities.
14. All special conditions and exhibits previously stipulated by permit number 36-01968-S remain in effect unless otherwise revised and shall apply to this modification.
15. Drawings 2A of 7 and 4A of 7 have been signed and sealed by Lawrence E. Hildreth, P.E., of Avalor Engineering, Inc. on 11-8-01 and have been included in this permit by reference (please see permit file).