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Prepared by and return to:
Charles Mann
Pavese Law Firm
1833 Hendry Street
Fort Myers, Florida 33901

FIFTH AMENDMENT TO THE MASTER DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR CORKSCREW SHORES

THIS FIFTH AMENDMENT to the Master Declaration of Covenants, Conditions, Easements and Restrictions for Corkscrew Shores is made this 18 day of July, 2017, by Corkscrew Lakes, LLC, a Florida limited liability company, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, the Master Declaration of Covenants, Conditions and Restrictions for Corkscrew Shores is recorded in Official Records Instrument No. 2014000052330, as subsequently amended, in the Public Records of Lee County, Florida (herein after referred to as the "Declaration"); and

WHEREAS, Corkscrew Lakes, LLC, a Florida limited liability company, is the original Declarant; and

WHEREAS, pursuant to Section 14.3 of the Declaration, Declarant reserved, in its sole discretion, the unilateral right to amend the Declaration prior to turnover; and

WHEREAS, turnover has not yet occurred.

NOW, THEREFORE, Declarant hereby amends the Declaration as follows:

1. The Association shall be responsible for implementing the provisions of the Long Term Groundwater and Surface Water Monitoring Plan, attached as Exhibit "K-1" to this Fifth Amendment. The Long Term Groundwater and Surface Water Monitoring Plan supplements and conforms to the Covenant to Create an Enhanced Lake Management/Maintenance Plan, attached to the Declaration as Exhibit "K." All references to Exhibit "K" in the Declaration shall be deemed to also refer to Exhibit "K-1," attached to this Fifth Amendment.

2. Section 12.12 of the Declaration is hereby amended as follows:

(NOTE: New language is shown in underline; language being deleted is shown in ~~strike through~~ type, otherwise all other provisions remain the same)

12.12. Additional Temporary or Permanent Structures; Basketball Hoops. No structure of a temporary or permanent character, including, but not limited to sheds, garages, storage facilities, canopies, or other improvements shall be used or erected within the Community without prior approval of the Declarant, and, after Turnover, the Association. Temporary use of portable basketball hoops is permitted. Temporary basketball hoops shall be stored out of sight or within an enclosed garage after sunset on Sunday through Thursday. Permanent

basketball hoops may be erected, but shall be subject to the prior review and approval of the ARC, which may promulgate rules governing approval of permanent basketball hoops. However, under no circumstances will permanent basketball hoops be allowed on Units fronting Corkscrew Shores Boulevard, nor shall any basketball be played within the Community between the hours of 9:00 p.m. until 9:00 a.m.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, Declarant has hereunto affixed its hand and seal this 18 day of July, 2017.

Signed sealed and delivered in our presence:

Corkscrew Lakes, LLC
a Florida limited liability company

Witnesses (2):

By: Lakes at Corkscrew, LLC
a Florida limited liability company
Its: Authorized Member

By: Cameratta Companies II, LLC
a Florida limited liability company
Its: Manager

Sign: _____
Print: Cheryl Yano

By: _____
Print: Raymond Blacksmith
Its: Manager

Sign: _____
Print: Anthony Cameratta

STATE OF FLORIDA
COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledged before me this 18 day of July, 2017, by Raymond Blacksmith, as Manager of Cameratta Companies II, LLC, a Florida limited liability company, Manager of Lakes at Corkscrew, LLC, a Florida limited liability company, Authorized Member of Corkscrew Lakes, LLC, a Florida limited liability company on behalf of the companies, who is personally known to me.

(Notary Seal/Stamp)

CHERYL ANN YANO
MY COMMISSION # FF 028038
EXPIRES: October 17, 2017
Bonded Thru Notary Public Underwriters

Notary Public – State of Florida

Sign: _____
Print: _____
My Commission Expires: _____

Witnesses (2):

Sign: Laura A. Ray
Print: LAURA A. RAY

Sign: Christine Fitzi
Print: Christine Fitzi

By: Pulte Home Company, LLC,
a Michigan limited liability company
its: Authorized Member

By: [signature]
Print: RICHARD McCORMICK
Its: DIVISION President

STATE OF Florida)
COUNTY OF Lee)

The foregoing instrument was acknowledged before me this 17 day of July, 2017, by Richard McCormick, as Division President, of Pulte Homes Company, LLC, a Michigan limited liability company, as Authorized Member of Corkscrew Lakes, LLC, a Florida limited liability company, who is (✓) personally known to me or who has produced _____ as identification.

(Notary Seal/Stamp)

CHRISTINE FITZI
MY COMMISSION # FF 923214
EXPIRES: October 1, 2019
Bonded Thru Notary Public Underwriters

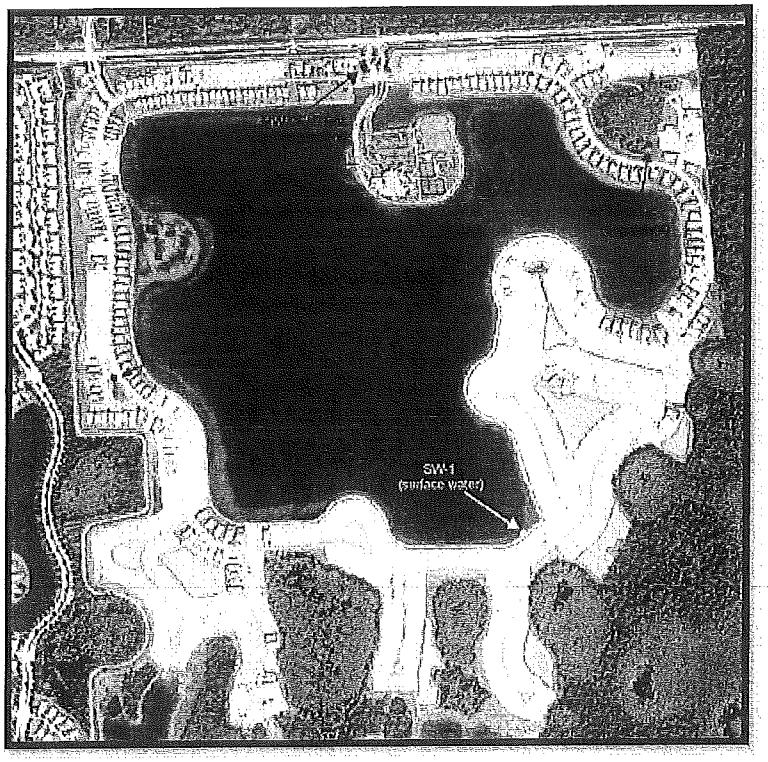
Notary Public

Sign: [signature]
Print: Christine Fitzi
My Commission Expires: 10-1-19

EXHIBIT "K-1"

LONG TERM GROUNDWATER & SURFACE WATER MONITORING PLAN

Corkscrew Shores



Long Term Groundwater & Surface Water Monitoring Plan and HOA Annual Report

Revised May 2017

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Introduction

The Corkscrew Shores residential development (The Shores) and surrounding properties are located within the approximate 83,000-acre **Density Reduction/Groundwater Resource (DR/GR)** Area and as a condition of the Development Order within the DR/GR, Lee County has required that water quality monitoring programs be initiated and maintained in order to protect the local water resources. Groundwater and surface water quality monitoring at The Shores must also consider the close proximity of Lee County's public supply wells that are located along the northern and western perimeters of the development. The Shores' required monitoring program began with predevelopment or "background" water quality monitoring and after having finished this initial phase, the program has now transitioned into a more targeted or site-specific plan, suitable for long-term water resource protection. This document herein serves as the Long Term Monitoring Plan for The Shores residential community, in compliance with Section II. J. of the recorded Enhanced Lake Management Plan (ELMP) **Exhibit 1**.

The Shores ELMP was officially recorded by Lee County in October 2013 and was followed by the installation of three (3) monitoring wells and the establishment of a dedicated surface water quality monitoring location as identified in **Exhibit 2**. Background water quality testing of both surface and groundwater was performed prior to the development's first application of pesticides and herbicides to establish the baseline data and continued through early phases of the development. It should be noted that during this baseline testing timeframe several minute detections of compounds were reported that were later confirmed to be erroneous results or laboratory errors and it is reasonable to assume that future results could similarly exhibit erroneous values. Such issues are typically related to the incredibly small concentrations being analyzed, which in many cases are expressed as parts per billion or micrograms per liter (ug/l) or parts per million or milligrams per liter (mg/l).

Therefore, it is very important that careful testing procedures are followed and that qualified staff or technicians perform the sampling, that sampling chain of custody protocols are adhered to, and that a certified drinking water laboratory is used to analyze all samples. Once results are received, testing data must also be reviewed and if a concentration uniquely increases, or if a previously undetected compound is detected, then retesting may be necessary. If the value is suspected as being erroneous and is caught early enough in the process, the contract laboratory may be able to rerun the original samples that were collected. If not, then resampling may have to occur immediately so that retested results can be compared and then possibly used to replace any erroneous values. Maintaining an accurate database of long-term test results is critically important to observe any possible changes and is necessary prior to submitting the data to Lee County Natural Resources to avoid a misrepresentation of actual conditions.

Section 1. Chemical Products

Since baseline water quality testing has been completed and the development's stormwater management facilities are fully functional, a closer look at chemical products actually being used onsite as part of the homeowner association controlled ongoing landscape and lake maintenance phase must now be evaluated. These products are being used on a routine basis and must be monitored as a part of the Long

Term Monitoring Plan. Other products that may be used once or under exceptionally rare circumstances are not included.

A. Products Used Routinely

Product Name	Use	Primary Active Ingredient
Aquathol Label 2015	Herbicide	Endothall
Aquathol Super K	Herbicide	Endothall
Cutrine - plus	Algaecide & Herbicide	Copper
Refuge	Herbicide	Glyphosate
Roundup Custom	Herbicide	Glyphosate
Tribune	Herbicide	Diquat
Fertilizer	Landscape Maintenance	Nitrogen and Phosphorous

Section 2. Testing Procedure

The Long Term Monitoring Plan is specifically designed to monitor both surface water and groundwater for the primary active ingredients found in products routinely used (listed above), based on the schedule provided below. If chemical compounds used to maintain the development's common areas are misused or severely over-applied then they could potentially enter the surface water resources, i.e., the central lake, therefore it is monitored at a higher frequency than the groundwater monitoring wells. Consequently, the goal of the Long Term Monitoring Plan is to observe any possible trends in surface water quality long before it could enter the groundwater system.

Water samples will be collected and handled and reported following protocols contained in Florida Department of Environmental Protection (FDEP) Quality Assurance Rule F.A.C. 62-160 and adopted as the "Department of Environmental Protection Standard Operating Procedures for Field Activities DEP-SOP-001/01" effective 7/30/2014 (or most current). One field cleaned equipment blank shall be collected during each sampling event for quality assurance purposes. Chain of custody forms field documentation and laboratory analysis reports will be provided in corresponding semi-annual reports.

Water samples will be tested by a certified laboratory under the National Environmental Laboratory Accreditation Program (NELAP) or The NELAC Institute (TNI) using approved test methods and QA testing requirements (i.e. blanks, sample duplicates, surrogates, matrix spikes etc.) as contained in F.A.C 62-160 Quality Assurance Rules."

A. Surface Water Sampling Frequency and Testing Parameters

Surface water will be sampled at the location identified in **Exhibit 1** (SW-1) twice per year (every 6 months) for the specific parameters listed in **Table 1** below. Sampling needs to be regular in nature and performed between 1) January-March and 2) July-September, to generally correspond to the dry and wet seasons. Testing of the surface water samples must include the compounds or analytes listed below. The person or technician sampling the lake must also record field parameters at the time samples are obtained, such as water temperature, pH, specific conductance, and dissolved oxygen (mg/L and percent saturation). These field parameters are required to be submitted to Lee County, but are needed for

laboratory sample submittal. Please note that the surface water sampling parameters include constituents related to nutrients potentially sourced from fertilizer.

B. Groundwater Sampling Frequency and Testing Parameters

Groundwater will be tested at the locations identified in **Exhibit 2** once every year for the parameters listed in **Table 1** below. Groundwater testing will be completed between January-March timeframe and on the same date as the first annual surface water sample collection. The individual or technician sampling the monitor wells must also record field parameters, such as water temperature, pH, and specific conductance. These field parameters are required to be submitted to Lee County, but are needed for laboratory sample submittal. Please note that the Maximum Contaminate Level (MCL) groundwater values for the compounds being tested are also included in the tables below. These groundwater levels are mandated by the Florida Department of Environmental Protection (FDEP) under Chapter 62-550 Drinking Water Standards.

Table 1 – Surface Water and Groundwater Field and Lab Parameters

Parameter	Units	Precision %RPD	Accuracy % Recovery	MDL	PQL	Surface Water	Ground Water	Analysis Type
Total Kjeldahl Nitrogen (TKN)	mg/L as N	0-20	90-110	0.05	0.2	X		Laboratory
Nitrite+Nitrate as Nitrogen (NOX)	mg/L as N	0-20	90-110	0.01	0.04	X		Laboratory
Nitrogen, Total	mg/L as N	0-20	90-110	0.1	0.1	X		Laboratory
Phosphorus, Total	mg/L as P	0-20	90-110	0.01	0.04	X		Laboratory
Phosphorus, Ortho	mg/L as P	0-20	90-110	0.004	0.02	X		Laboratory
Copper	µg/L	0-20	70-130	0.5	1	X		Laboratory
Chlorophyll a (corrected)	mg/L	0-25	85-115	1	1	X		Laboratory
Chloride	mg/L	0-20	90-110	1	5	X	X	Laboratory
Temperature	°C	FT 1000-1	FT 1000-1	0.1	0.1	X	X	Field
Specific Conductance	µmhos/cm	FT 1000-1	FT 1000-1	1	1	X	X	Field
pH	pH units	FT 1000-1	FT 1000-1	0.01	0.01	X	X	Field
Dissolved Oxygen (DO)	mg/L	FT 1000-1	FT 1000-1	0.01	0.01	X		Field
DO Percent Saturation	%	FT 1000-1	FT 1000-1	0.1	0.1	X		Field
Lake Stage	ft NGVD	x	x	0.01	0.01	X		Field/Recorder
Water Table Aquifer Elevation	ft NGVD	x	x	0.01	0.01		X	Field/Recorder
Endothall	µg/L	0-20	90-110	9	40	X	X	Laboratory
Glyphosate	µg/L	0-20	90-110	6	25	X	X	Laboratory
Diquat	µg/L	0-20	90-110	0.4	1.5	X	X	Laboratory

Section 3. Results

A. Surface Water Results

Once results are received from the laboratory, the results from surface water testing will be recorded compared to the previous two (2) years of testing to verify any changes in concentration of the respective compounds (analytes) being tested. If any of the test results show an increase in concentration, the laboratory test results should be verified. If the increasing value results are determined to be correct, the contractors using the products shall be immediately notified and that particular compound will be minimized or even eliminated until the concentration level decreases.

B. Groundwater Results

Once results are received from the laboratory, results from groundwater testing will be recorded and compared to the previous two (2) years of testing to verify any changes in concentration of the respective compounds (analytes) being tested. If any of the test results show an increase in concentration, the laboratory test results should be verified. If the increasing value results are determined to be correct, the contractors using the products shall be immediately notified and that particular compound will be minimized or even eliminated until the concentration level decreases.

If any of the test results meet or exceed the Maximum Contaminant Level (MCL) defined in Ch. 62-550 F.A.C., then refer back to ELMP for guidelines established in Section II. J. 3.

C. Reporting

Annual reports for the HOA will be completed each year and will include all field notes, field and laboratory water quality data results as well as the previous two (2) years test results. All field and laboratory monitoring data shall be provided to Lee County Division of Natural Resources in an approved Electronic Data Deliverable (EDD) format. The submittals will include a brief narrative on the most recent sample collection, sample chain of custody, descriptions of any re-testing of erroneous values, and any water quality exceedances. The annual report will be submitted by the HOA to the Lee County Division of Natural Resources after the end of the calendar year, but no later than January 30 of the following year. Every three years the HOA shall reevaluate pesticide and herbicide usage and recommended changes to the monitoring plan based on changes in usage. If there are no changes in pesticide and herbicide usage, there will be no changes to the monitoring plan.

EXHIBIT 1

Recorded Enhanced Lake Management Plan

INSTR # 2013000233509, Doc Type AGR, Pages 15, Recorded 10/14/2013 at 10:43 AM, Linda Doggett, Lee County Clerk of Circuit Court, Rec. Fee $129.00 Deputy Clerk CKELLER

Prepared by:

Lee County
P.O. Box 398
Fort Myers, Florida 33902

Strap# 28-46-26-01-0000A.00CE

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(15)

COVENANT TO CREATE AN ENHANCED LAKE MANAGEMENT/MAINTENANCE PLAN

This Covenant to Create an Enhanced Lake Management/Maintenance Plan (hereinafter referred to as the "*Covenant*") is created this 14th day of October, 2013, by and between **CORKSCREW LAKES, LLC**, a Florida Limited Liability Company whose address is 4954 Royal Gulf Circle, Fort Myers, FL 33966 (hereinafter referred to as the "*Developer*"), for the benefit of **LEE COUNTY**, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902 (hereinafter referred to as the "*County*").

I. Recitals

WHEREAS, the County has duly adopted the Lee County Land Development Code ("*LDC*"), which, in §10-329, establishes the need to develop a lake maintenance plan which will provide for the long term maintenance of lakes and lake-shoreline areas and provide for the public's health and safety, preservation of property and enhancement of water quality; and

WHEREAS, the Developer owns or has acquired real property in Sections 21 and 28, Township 46 South, Range 26 East, in Lee County, Florida, which property is currently a portion of the real property platted as part of the recorded plat of Corkscrew Woods and recorded in the Public Records of Lee County, Florida, as Instrument Number 2007000289772; and

WHEREAS, the Developer intends to replat a portion of Corkscrew Woods as a project to be known as Corkscrew Shores, which real property is more specifically described in Exhibit attached "A" (the "*Property*"), the description of which is hereby incorporated herein by reference; and

WHEREAS, the Developer must obtain a local development order from the County to re-plat and develop the Property; and

WHEREAS, the Developer has filed an application for the issuance of a local development order that will be known as Development Order Number DOS2013-00034; and

WHEREAS, DOS2013-00034 will include lake bank restoration on the Property; and

WHEREAS, pursuant to Lee County Land Development Code ("LDC") §10-329, the County has agreed to approve Developer's requested DOS2013-00034 upon the condition that Developer's development of the Property include develop a lake maintenance plan so as to achieve reasonable continuing compliance with the County regulations pertaining to lake slopes, littoral planting requirements and building setbacks on the Property; and

WHEREAS, the Developer intends this Covenant to provide guidelines and direction to any subsequent property owner(s), maintenance contractor(s) and any other persons conducting work on or in the lake bank slopes on the Property as set forth herein; and

WHEREAS, in furtherance of the agreement contained herein, the Developer hereby agrees to the terms and conditions of this Covenant and also agrees that the Property described in attached Exhibit "A" will only be sold, dedicated or conveyed subject to the terms and conditions contained herein.

NOW THEREFORE, in consideration of the County's approval of the DOS2013-00034 and in further consideration of the mutual benefits and promises contained in the recitals contained herein, incorporated as part of this Covenant by reference thereto, the sufficiency of which is acknowledged, the Developer hereby agrees to construct and maintain the lake(s) approved in DOS2013-00034 to the specific standards of that development order and as augmented herein, as follows:

II. Plan for Lake Management and Maintenance

A. PURPOSE FOR PLAN

This Covenant has been created to ensure the subsequent development of the Property will be in compliance with DOS2013-00034, Lee County Zoning Resolution Number Z-12-021, LDC §10-329(d)(5) and Lee Plan Policy 33.3.3(2)(e), the terms and requirements of which are all incorporated herein by reference. This Covenant is written to identify the requirements for lake maintenance so that exotic vegetation is controlled, lake banks are maintained, desirable littoral plants flourish and water quality is enhanced within the project lakes. Generally, the below sections are applicable to every lake within the Property and as covered by the terms of DOS2013-00034. However, due to the increased depth and proximity to Lee County Well Fields for Lake B-1 (existing mining lake as identified and modified in the approved permit plans for DOS2013-00034), there are specific guidelines herein in the section titled "PUBLIC WELL FIELD PROTECTION – ADDITIONAL REQUIREMENTS FOR LAKE B-1" which are applicable only to Lake B-1.

B. MAINTENANCE RESPONSIBILITY

In conjunction with a replat of the Property it is anticipated the Developer will establish and create a homeowner's association (herein referred to as "*HOA*") that will be responsible for maintenance of all features of the surface water management system including all lake areas. At a minimum, the maintenance responsibilities within any subsequent or resulting dedication on a plat or replat of the Property and any resulting Declaration for a HOA will require compliance with the terms and conditions as contained herein. Notwithstanding the maintenance obligations set forth herein, Developer expressly reserves for itself, its successors and assigns, the exclusive rights in and to ownership of the water in the lakes and the related uses, specifically including but not limited to the right to act as the sole provider of irrigation water for the Property, as more particularly set forth in the Master Declaration of Covenants, Conditions, Easements and Restrictions for Corkscrew Shores.

C. EXOTIC AND NUISANCE VEGETATION CONTROL

The HOA is responsible for the removal (in perpetuity) of all exotic and nuisance vegetation as defined by the LDC. Lakes must be inspected annually and any prohibited vegetation must be removed by the use of hand clearing or appropriate herbicidal treatment. Herbicides may only be applied by a licensed applicator and applied in accordance with manufacturer specifications, all applicable local, state and/or federal guidelines and requirements, and as further outlined in the sections below. (Refer to "PESTICIDE, HERBICIDE OR FUNGICIDE APPLICATIONS" and "PUBLIC WELL FIELD PROTECTION – ADDITIONAL REQUIREMENTS FOR LAKE B-1" sections within this document.)

D. LITTORAL VEGETATION PRESERVATION

Littoral vegetation is required to be installed and maintained in perpetuity in all the lakes within the project in accordance with the landscape plans approved as part of DOS2013-00034. Any littoral plants approved as part of DOS2013-00034 that die must be replaced so that the total number and type of littoral plants remain in accordance with DOS2013-00034 and the LDC requirements.

The presence and spread of littoral plants throughout the lakes is desirable and may help to improve the water quality within the lakes. The spread of littoral plants will be encouraged throughout the designated planted littoral shelves ("*PLS's*"). Mechanical trimming, mowing or the use of herbicides on desirable littoral plants is prohibited. Any trimming or removal of vegetation within PLS's required to promote the survival and viability of littoral vegetation must be performed by hand or by approved herbicides and methods as outlined herein. (Refer to section "PUBLIC WELL FIELD PROTECTION – ADDITIONAL REQUIREMENTS FOR LAKE B-1" herein for additional standards for herbicide application applicable to Lake B-1.)

Inspections of PLS's to verify the survival of required plants and replanting of littoral vegetation when required must be in accordance with County requirements.

E. FERTILIZER APPLICATION

Beginning January 1, 2014, per Florida Statute §482.1562, any person applying commercial fertilizer to an urban landscape must receive a limited certification for urban landscape commercial fertilizer application. The limited certification provides a means of documenting and ensuring compliance with best management practices for commercial fertilizer application to urban landscapes.

Any person(s) applying fertilizers within the project must have received a limited certification in compliance with Florida Statute §482.1562 prior to application of any and all fertilizers.

Additionally, fertilizer content and application rate must be in compliance with Code of Laws and Ordinances of Lee County Florida Chapter 26, §26-60. (See also Lee County Ordinance No. 08-08.)

Certain general requirements are identified below:

1. Fertilizers containing nitrogen and/or phosphorus may not be applied to turf and/or landscape plants during the rainy season (June 1 through September 30 of each calendar year).
2. Fertilizer may not be applied, spilled or otherwise deposited on any impervious surfaces. Any fertilizer applied, spilled or deposited, either intentionally or accidentally, on any impervious surface must be immediately and completely removed. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.
3. Fertilizer may not be applied in or within ten (10) feet from the top of bank of any water body, seawall, designated wetland or wetland as defined by the rules of the Florida Department of Environmental Protection (Chapter 62-340 F.A.C).
4. Spreader deflector shields are required when fertilizing by use of any broadcast or rotary spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces and water bodies, including wetlands.
5. Grass clippings and/or vegetative material may not be washed, swept or blown into storm water drains, ditches, conveyances, water bodies, roadways or other impervious surfaces.
6. A low maintenance zone is recommended adjacent to and on the sloped portion of lake banks not stabilized with hardened structures. The grass within the low maintenance zone is encouraged to be maintained higher than surrounding areas to allow the vegetation to help absorb and filter nutrients from runoff. Fertilizer usage in the low maintenance area is discouraged.

F. EROSION PROTECTION AND LAKE BANK MAINTENANCE

Lake banks are generally susceptible to erosion due to overland flow of storm water runoff, wave action and the natural seasonal fluctuation of water levels. Accordingly, lake banks within the project are designed to minimize this potential for erosion. Alternate designs are proposed for portions of specific lakes (notably Lake B-1) based on physical configurations of the relative lake, specifically size and the associated potential for wave fetch. Where the potential for bank erosion due to wave action is low, banks are designed at a 6:1 slope stabilized by sod. Where the potential for bank erosion due to wave action is high, banks are designed with an enhanced stabilization cross-section consisting of a 2:1 slope with rip-rap stabilization.

Lake banks must be inspected annually to identify areas of erosion. Once identified, the erosion must be repaired and source of erosion shall be eliminated if possible. Where excessive erosion occurs, repair of the lake bank and/or enhancement of the stabilization cross-section may be necessary. Erosion repair on the lake banks may require permitting by the County.

Where applicable, roof drainage gutter outfall must be directed away from lake shorelines. The general layout of residential homes within the project prohibits such discharge, but the developer and home builders must ensure that roof drainage outfall is located so as to prevent the possibility of erosion of lake shorelines. If roof drainage results in lake bank erosion, the roof drainage must be corrected by the lot owner as directed by the HOA.

G. LAKE EDUCATION PROGRAM

A narrative explaining the benefits of littoral vegetation, lake maintenance and water quality must be provided in the project newsletter as one is created and distributed. In addition, lake experts may be invited to the HOA meetings annually to discuss the lake system operation and maintenance requirements.

Individual owners of homes developed within the Property must be informed that they are prohibited from removing or trimming littoral vegetation within the project.

Additionally, the lake information package must include information specifying that the large mining lake (Lake B-1) is located in proximity to Lee County Well Fields, and express the extreme importance related to the elimination of introduction of hazardous materials into the lake.

H. PESTICIDE, HERBICIDE OR FUNGICIDE APPLICATIONS

All applications of pesticides, herbicides and/or fungicides shall be applied by a licensed applicator and applied in accordance with manufacturer specifications, all applicable local, state and/or federal guidelines and requirements and as further outlined in this section.

Commercial applicators of chemical lawn products must register annually with the HOA, its successors or assigns, and provide a copy of their current occupational license, proof of business liability insurance, and proof of compliance with licensing requirements. It should be noted that the HOA will be required to contract for the application of all pesticides, herbicides and/or fungicides within the Project, including on all residential lots, and individual lot owners shall be prohibited from applying pesticides, herbicides and/or fungicides to their lots without prior approval of the HOA. .

The use of any chemical product in a manner that will allow airborne or waterborne entry of such products into surface water is prohibited. This rule will not apply to the use of chemical agents by certified lake management specialists or the development's maintenance staff for the control of algae and nuisance vegetation within the storm water lakes or ponds; however, application of such agents must be in compliance with this section.

It is recommended that pesticides, fungicides, and herbicides be used only in response to a specific problem and in the manner and amount recommended by the manufacturer to address the specific problem. Broad application of pesticides, fungicides and herbicides as a preventative measure is strongly discouraged.

The use of pesticides, fungicides, or herbicides is limited to products that meet the following criteria:

1. Must be consistent with the USDA-NRCS Soil Rating for Selecting Pesticides.
2. Must have the minimum potential for leaching into groundwater or loss from runoff.
3. Products must be FDEP- and EPA-approved.
4. The half-life of products used may not exceed seventy (70) days.

I. PUBLIC WELLFIELD PROTECTION – STORMWATER TREATMENT

As required per Lee County Zoning Resolution No. Z-12-021, storm water runoff within the Property must be directed to specifically designed and designated storm water treatment areas; and may not be directly diverted or placed into the existing mining lake (Lake B-1 as modified under DOS2013-00034).

Accordingly, all storm water runoff which eventually enters Lake B-1 must be first routed to pre-treatment areas, consisting of either dry-detention areas or wet-detention areas (lakes). The detention areas provide a minimum of 0.5" of pre-treatment prior to discharge into Lake B-1. Additionally, plantings within the pre-treatment dry detention areas, including those plantings proposed in the detention area swales directly adjacent to the Lake B-1 shoreline (plantings in accordance with the landscape plans as approved under DOS2013-00034 and any amendments thereto), will serve to further enhance water quality treatment prior to discharge into Lake B-1. These plantings must be maintained in perpetuity (or as long as the development remains viable) by the HOA, its successors or assigns. Lake B-1 provides an additional 1.5" of water quality treatment prior to discharge off-site.

Pre-treatment of storm water discharge prior to entry into Lake B-1 serves to enhance the water quality treatment of storm water and reduce undesirable nutrient loading, thereby minimizing contaminants and pollutants from entering the lake and water table.

J. PUBLIC WELLFIELD PROTECTION – ADDITIONAL REQUIREMENTS - LAKE B-1

1. HERBICIDE APPLICATION

Herbicide application to maintain littoral vegetation and rip-rap stabilized shoreline areas within and around Lake B-1 within the Property must be conducted in a manner that reduces potential impacts to human health and the environment and in compliance with local, state and federal regulatory guidelines. Because the lake is located hydraulically upgradient and within the six-month TOT zone of the Lee County drinking water wells, every precaution will be taken to preserve the quality of surface and ground water within the Property.

All herbicides used near the lake(s) may only have the active ingredient 3,5,6-trichloro-2-pyridinyloxyacetic acid (triclopyr) such as Garlon® 3A specialty herbicide manufactured by Dow Agrosciences. Only aquatic-approved herbicides may be utilized in all lakes. Other commonly available triclopyr-based products (typically used in smaller residential settings), including Brush Killer® and Brush-B-Gon®, may be used. All must be catalogued or inventoried and monitored for movement toward any and all municipal water supply wells. These products are non-volatile and labeled for foliar applications including emerged weeds and brush in standing water or on the banks and shores of ponds and lakes. Only chemical constituents approved for use or application by Lee County, the State of Florida or the Federal Department of Environmental Protection may be utilized. Any deviation from these specifications will require County approval.

Triclopyr has been classified by the United States Environmental Protection Agency ("*U.S. EPA*") as "practically nontoxic" (the least toxic category designated by U.S. EPA) to mammals, insects, freshwater fish and invertebrates. Toxicological studies have produced no evidence of cancer, birth defects, genetic damage, genetic mutation, or adverse effects on the immune or nervous system in humans.

Following application, residual herbicide not absorbed by vegetation is rapidly degraded by sunlight as well as microorganisms in soil and groundwater. Under normal conditions, triclopyr photodegradation in surface water is approximately one-half day. Triclopyr half-life in soil is approximately 30 to 45 days and no detectable levels are typically present 6 to 12 months following application. The final degradation products of triclopyr include carbon dioxide, water, and other organic molecules.

Based on the rapid plant absorption rates, adsorptive characteristics binding triclopyr to soil particles, active degradation by photolysis at the surface, and microbial degradation in soil and groundwater, the potential for herbicide application to impact downgradient drinking water supplies is considered low.

2. GROUNDWATER MONITORING PLAN

Development of the Property will require implementation of a groundwater monitoring plan to evaluate groundwater quality upgradient and downgradient of the lake. The Developer and/or HOA will maintain an inventory of the type and quantity of pesticides and herbicides used within the Property boundary to ensure the groundwater monitoring plan provides a complete assessment of all potential contaminants of concern ("COC or *COC's*"). Groundwater monitoring and any proposed remediation will be conducted in accordance with the FDEP *Groundwater Management Program* and the *Aquifer Protection Program* as outlined in the FDEP *Ground Water Program*. Detailed information on the *Ground Water Program* including groundwater target cleanup levels, water well and monitoring well information, wellhead protection, and source water assessments can be found on the FDEP web page located at www.dep.state.fl.us/water/groundwater/ .

Development and maintenance of the Property under DOS2013-00034 must follow monitoring protocol as required in 62-550 F.A.C. (Drinking Water Standards, Monitoring and Reporting) for groundwater samples prior to application of herbicides in areas located upgradient and downgradient of the lake to establish baseline groundwater conditions. Approximately 3 to 6 months following initial application, groundwater samples will be collected downgradient of the lake to assess potential impacts that could affect drinking water quality in the Lee County drinking water supply wells. Based on the analytical results of the baseline and initial downgradient groundwater monitoring strategy, a long-term groundwater monitoring plan will be developed including a complete evaluation of potential COCs, horizontal and vertical sample collection location(s), and sampling frequency (i.e. semi-annual to annual basis). Groundwater monitoring will be conducted using all available resources including existing monitoring wells (provided they are appropriately positioned hydraulically downgradient of Lake B-1), new permanent monitoring wells, and/or temporary grab sampling techniques using a mobile drill rig equipped with Geoprobe© or similar direct-push technology.

Groundwater samples will be collected using a Geoprobe® drilling rig equipped with a temporary screen point that will be driven to depth and samples will be collected through the drilling rods using a peristaltic pump and disposable polyethylene tubing. Groundwater samples will be collected in laboratory-supplied containers and immediately transferred to an iced container for shipment to the analytical laboratory under standard chain-of-custody protocol. The samples will be submitted for laboratory analysis of Herbicides using U.S. EPA Method 8151, Organochlorine Pesticides using U.S. EPA Method 8081, and Organophosphorous Pesticides using U.S. EPA Method 8141. Groundwater analytical results will be evaluated using U.S. EPA risk-based screening levels including Maximum Contaminant Levels (MCLs) for drinking water as well as Health Advisory Lifetime (HAL) concentrations.

The groundwater monitoring plan, including sampling location(s), analysis, and frequency may be modified based on logistics, field conditions, and analytical results.

The groundwater monitoring plan must also include annual reporting by the HOA to Lee County. The report must contain a general project and site description, as well as a summary of the monitoring data and any significant impacts or results, including but not limited to increases in constituents of interest, and any actions required to remediate the findings. Any increases in concentrations of COC's (including those below their respective risk-based screening levels) will be evaluated and recommendations regarding the method(s) and/or quantity of groundwater sampling will be outlined accordingly. Additionally, the report will include an inventory of the type and quantity of chemicals both stored and applied on site as well as a summary of application methods.

A surface water sample will be collected from Lake B-1 in conjunction with the proposed groundwater sampling and will be evaluated using the same criteria as described above, including samples taken prior to herbicide/pesticide application to establish baseline surface water conditions. Surface water quality will be evaluated on a quarterly basis and more frequently in the event of a spill or release. The sampling interval may be adjusted as necessary based on the findings of the first four quarters of routine sampling. In the event of a spill that poses a potential impact to surface waters of Lake B-1, additional surface water samples will be collected to evaluate changes in COC's concentrations. Any impacts potentially leaching into groundwater will be assessed/remediated according the procedures outlined in the following section.

Additionally, in the event of a spill or release in an area between Lake B-1 and Lee County public water supply well heads, impacts to soil and/or groundwater will also be assessed/remediated according the procedures outlined in the following section.

3. GROUNDWATER REMEDIATION PLAN

In the event significant impacts (as defined below) to groundwater are identified as a result of pesticide/herbicide application at the Development, the president of the HOA or his/her designee must notify the operator of the Lee County municipal water supply system and the Director of the Natural Resources Division within no less than 6-12 hours (or next business day) and a groundwater remediation plan will be developed and implemented. If a spill or release presents an immediate threat to human health and/or the environment or exceeds the Reportable Quantity (RQ) for the COC, the FDEP Office of Emergency Response ("*OER*") will be contacted within 12 to 24 hours. Guidance outlining the definition of a release as well as reporting procedures is presented in the OER Web page located at http://www.dep.state.fl.us/oer/reportable_incident.htm.

A significant impact to groundwater will be defined as a groundwater sample analytical result for a COC's exceeding its respective U.S. EPA MCL as well as HAL concentration.

The Developer and/or their successors or assigns must coordinate assessment and remediation efforts with Lee County and will comply with applicable local, state, and federal permitting requirements.

The initial phase of the remediation plan will consist of an extensive groundwater monitoring network to evaluate the horizontal and vertical distribution of groundwater impacts. Based on the findings of the initial delineation, temporary monitoring wells may be installed for short-term temporal monitoring of impacts. If necessary, permanent monitoring wells may be installed for long-term monitoring.

Following delineation of groundwater impacts, an evaluation of remedial options will be conducted, including an assessment of nature and quantity of source area(s), TOT and capture zone(s), and any other relevant data for selection of an appropriate strategy. Following County and FDEP approval, a remedial strategy will be implemented, including (but not limited to) options such as in-situ chemical injection treatment, air sparging, groundwater withdrawal and off-site disposal, and/or on-site pump-and-treat groundwater withdrawal systems. As described in the previous groundwater monitoring section, any proposed remediation will be conducted in accordance with the FDEP *Groundwater Management Program* and the *Aquifer Protection Program* as outlined in the FDEP *Ground Water Program*.

K. OVEREALL REPORTING FOR BOTH SURFACE WATER AND GROUND WATER

Reporting for both surface water and ground water must, at a minimum:

1. Evaluate the COC results (from surface water, groundwater, soils, spills, etc.)
2. Based on the COC results from #1; propose a remedial action to determine the source of excess (as necessary)
3. Propose any appropriate changes in material handling, application schedule, etc. which caused or contributed to the release or excess.
4. Propose appropriate changes to the monitoring plan when the COC has been discontinued or no longer on property. This could be in the form of reduced testing frequency or a discontinuing sampling as appropriate (only applicable after two consecutive years of non-detection).
5. All field activities shall be conducted in accordance with FDEP's Standard Operating Procedures for Field Activities, FDEP-SOP-00101, February 1, 2004 (or current revision). Analytical test shall be conducted by a Florida DOH NELAC certified laboratory.

III. ADDITIONAL PROVISIONS

A. The Developer also covenants to and with the County that they are lawfully seized of the Property, and Developer has good and lawful title thereof with the right to encumber any and all interests therein such that Developer will forever warrant and defend the title and terms of this Covenant against any claims.

B. If the Developer makes this Covenant subject to any mortgages, liens or other encumbrances, then a properly executed Subordination of Encumbrance for each such matter is attached to this instrument.

C. This Covenant is binding on, and will inure to the benefit of, the heirs, successors and assigns of the Developer, and is intended to run with the land and, as such, will be recorded in the Public Records of Lee County, Florida.

D. Developer further expressly states the County is provided the legal right to enforce this Covenant by any and all legal and equitable means, including, but not limited to, specific performance, and as such the County may revoke or refuse to issue any development approvals relating to the Property, if the Developer fails to timely provide legally sufficient documentation of having recorded this Covenant prior to occupancy of the building or prior to conveying, granting or transferring any interest in the Property.

[End of provisions.]

IN WITNESS WHEREOF, the parties have executed this Agreement, effective as of the day and year first set forth above.

Corkscrew Lakes, LLC
A Florida Limited Liability Company

By: Pulte Home Corporation
A Michigan Corporation
Authorized to do business in the State of Florida
A Managing Member

[1st Witness' Signature]

Cynthia Dickelmann
[Type or Print Name]

[2nd Witness' Signature]

Lenore F Morrill
[Type or Print Name]

By: _____
Signature

Richard McCormick
Type or Print Name

Vice President, Land
Title

COUNTY OF LEE :
STATE OF FLORIDA :

The foregoing instrument was acknowledged before me this 7th day of OCTOBER, 2013 by RICHARD MCCORMICK, the VICE PRESIDENT, LAND of Pulte Home Corporation, a Michigan Corporation, authorized to do business in the State or Florida, as a Managing Member of Corkscrew Lakes, LLC, a Florida Limited Company, on behalf of the company. He/she is personally known to me or ~~has produced~~ _____ as identification.

[Stamp or seal]

Notary Public

KIMBERLY HOWES
MY COMMISSION # FF 016933
EXPIRES: May 7, 2017
Bonded Thru Notary Public Underwriters

Corkscrew Lakes, LLC
A Florida Limited Liability Company

By: Lakes of Corkscrew, LLC
A Florida Limited Liability Company
A Managing Member
By: Cameratta Companies II, LLC
A Florida Limited Liability Company
It's Managing Member

Cheryl Yano
[1st Witness' Signature]

Cheryl Yano
[Type or Print Name]

BY: _____
Signature

Ray Blacksmith
Typed or printed name

Manager
Title

_____
[2nd Witness' Signature]

Laura Youmans
[Type or Print Name]

COUNTY OF Lee :
STATE OF FL :

The foregoing instrument was acknowledged before me this 9 day of October, 2013 by Ray Blacksmith, a Manger of Cameratta Companies II, LLC, a Florida Limited Liability Company, as the Manager of Lakes of Corkscrew, LLC, a Florida Limited Liability Company, as a Managing Member of Corkscrew Lakes, LLC, a Florida Limited Company, on behalf of the company. He/she is personally known to me or has produced _____ as identification.

[Stamp or seal]

Cheryl N. Yano
Notary Public

CHERYL ANN YANO
MY COMMISSION # FF 028038
EXPIRES: October 17, 2017
Bonded Thru Notary Public Underwriters

CLERK OF CIRCUIT AND COUNTY COURTS LEE COUNTY

Approved and accepted for and on behalf of Lee County, Florida, this 14 day October, 2013.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Benjamin H. Dickson
Acting Director
Division of Development Services

Approved as to form by:

_____
Office of the County Attorney

ATTACHMENTS:

Exhibit "A" – Legal Description

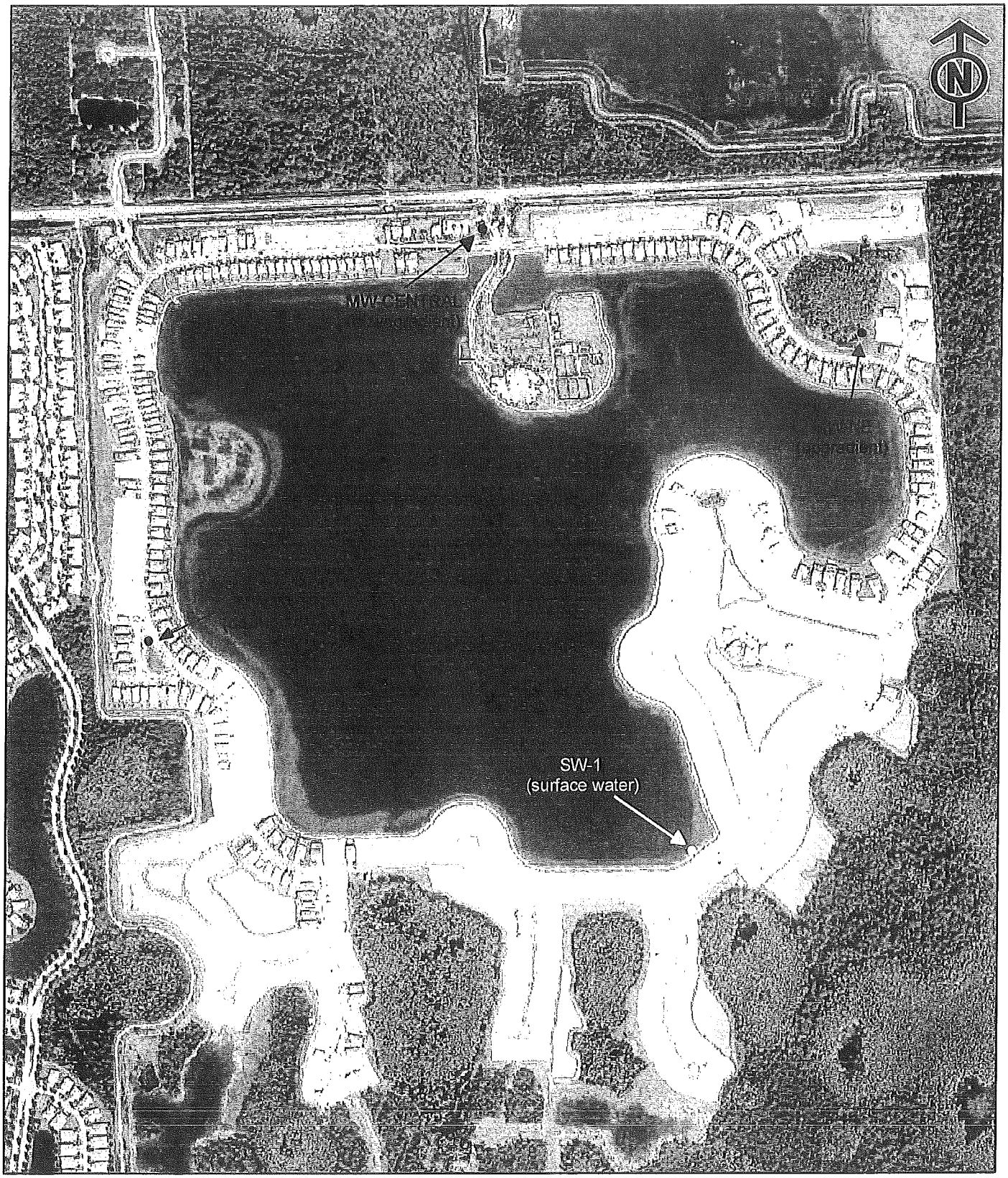
EXHIBIT A

LEGAL DESCRIPTION

All of the land encompassed in the plat of CORKSCREW WOODS, as recorded in Instrument Number 2007000289772, of the Public Records of Lee County, Florida.

EXHIBIT 2

Sample Location Map



Scale: 1:9,000 9/30/2016 Image: 2016 Google Earth Imagery 0 200 400 800 1,200 Feet

Progressive Water Resources has provided the images or data presented in this map for informational purposes only. This data is not intended to be used in lieu of official survey data provided by a Professional Surveyor licensed by the State of Florida

EXHIBIT 2
Corkscrew Shores
Planned Development
Lee County, Florida

Progressive Water Resources
Integrated Water Resource Consultants