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CHAMBER ACTION

The Committee on Judiciary recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to Lee County and the City of Cape Coral; providing for the annexation of various County-administered enclaves by interlocal agreement between the city and county, subject to approval by referendum; providing for procedures for adoption of the agreement and for a referendum; providing for authority for assumption of municipal service duties and transfer of infrastructure; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The City of Cape Coral and Lee County are authorized to enter into an interlocal agreement subject to referendum approval for the orderly municipal annexation of various County-administered enclaves located within the City of Cape Coral. The following described areas are as follows:



28 | A. Two contiguous parcels of land located in Section
 29 | 17, Township 44 South, Range 23 East, described as:
 30 | the east half of the west half of the west half of the
 31 | southeast quarter of the southwest quarter (E 1/2 W
 32 | 1/2 W 1/2 SE 1/4 SW 1/4), and the west half of the
 33 | west half of the west half of the southeast quarter of
 34 | the southwest quarter (W 1/2 W 1/2 W 1/2 SE 1/4 SW
 35 | 1/4) of said Section 17, Township 44 South, Range 23
 36 | East, as parcels of Greater Pine Island Water Company.

37 |
 38 | B. Five contiguous parcels of land located in Section
 39 | 10, Township 44 South, Range 23 East, described as:

40 |
 41 | 1. Begin 1514.07 feet North and 143 feet West of the
 42 | Southeast corner of Section 10, Township 44 South,
 43 | Range 23 East; thence south 168.23 feet; thence West
 44 | 100 feet; thence North 168.23 feet; thence East 100
 45 | feet to the Point of Beginning as described in Parcel
 46 | 113, Lee County Case No. 71-1137.

47 |
 48 | 2. From the Southeast corner of Section 10, Township
 49 | 44 South, Range 23 East, run North 1514.07 feet to the
 50 | Centerline Proposed Subdivision road; thence west
 51 | along centerline 543 feet to Point of Beginning;
 52 | thence South 168.25 feet; thence west 100 feet; thence
 53 | north 168.23 feet; thence east 100 feet to the Point
 54 | of Beginning; less 25 foot easement on north for road
 55 | right-of-way and 20 feet on south for drainage



56 easement as described in Parcel 114, Lee County Case
 57 No. 71-1137.

58
 59 3. Begin 1514.07 foot north and 243 feet west of
 60 southeast corner of Section 10, Township 44 South,
 61 Range 23 East; thence south 168.23 feet; thence west
 62 100 feet; thence north 168.23 feet; thence east 100
 63 feet to the Point of Beginning as described in Parcel
 64 115, Lee County Case No. 71-1137.

65
 66 4. Begin 1514.07 feet north and 343 feet west of the
 67 southeast corner of Section 10, Township 44 South,
 68 Range 23 East; thence south 168.23 feet; thence west
 69 100 feet; thence north 168.23 feet; thence east 100
 70 feet to the Point of Beginning as described in Parcel
 71 116, Lee County Case No. 71-1137.

72
 73 5. Begin 1514.07 feet north and 443 feet west of
 74 southeast corner of Section 10, Township 44 South,
 75 Range 23 East; thence south 168.23 feet; thence west
 76 100 feet; thence north 168.23 feet; thence east 100
 77 feet to the Point of Beginning as described in Parcel
 78 117, Lee County Case No. 71-1137.

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 80 NOTE: Above five parcels known as Whispering Pines.

81
 82 C. Two contiguous parcels of land located in Section
 83 19, Township 43 South, Range 23 East, described as:



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1. The east half of the southeast quarter of the northwest quarter of the southwest quarter; and the west half of the southwest quarter of the northeast quarter of the southwest quarter of Section 19, Township 43 South, Range 23 East as described in Parcel "C", Lee County Case No. 71-251.

2. The east half of the southwest quarter of the northeast quarter of the southwest quarter; and the west half of the southeast quarter of the northeast quarter of the southwest quarter of Section 19, Township 43 South, Range 23 East as described in Parcel "D", Lee County Case No. 71-251.

D. A parcel of land located in Section 8, Township 44 South, Range 24 East, described as the east 1080 feet of the north 1/4 (N 1/4) of Section 8, Township 44 South, Range 24 East.

NOTE: The above described east 1080 feet of the North 1/4 (N 1/4) of Section 8, Township 44 South, Range 24 East includes within its limits the following individually and otherwise or elsewhere described excluded parcels:

1. Beginning 40 feet South and 690 feet West of the Northeast corner of Section 8, Township 44 South,



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112 Range 24 East; thence run west for 390 feet; thence
113 South for 1317.5 feet; thence East for 390 feet;
114 thence North for 1306.8 feet to the point of beginning
115 as described in parcel "E", Lee County Case No. 71-
116 251.

117
118 2. Forty-two lots located within Pondella Heights
119 according to a plat recorded in Official Records Book
120 11, Page 52 and Official Records Book 12, Page 25,
121 Public Records of Lee County, Florida, as described in
122 Parcels No. 3, 13, 14, 23, 24, 25, 26, 27, 28, 29, 40,
123 41, 42, 43, 44, 45, 46, 47, 48, 49, 53, 54, 55, 56,
124 57, 61, 62, 67, 68, 70, 72, 74, 75, 76, 77, 78, 87,
125 90, 91, 92, 99, and 128, Lee County Case No. 71-1137.

126
127 E. A parcel of land located in Section 5, Township 44
128 South, Range 24 East, described as: From the Southeast
129 corner of Section 5, Township 44 South, Range 24 East;
130 run Northerly along the East line of said Section 5
131 for 33.17 feet to the North line of Pondella Road;
132 thence run West parallel to and 33 feet from the
133 centerline of Pondella Road for 720 feet to the Point
134 of Beginning. Thence continue West along the North
135 side of Pondella for 180 feet; thence run North on a
136 perpendicular to Pondella for 312 feet, thence run
137 Westerly parallel to Pondella for 180 feet; thence run
138 North and perpendicular to Pondella for 1005.2 feet;
139 thence run East and perpendicular to Pondella for 360



140 feet; thence run South along a perpendicular to
 141 Pondella for 1317.2 to the Point of Beginning as
 142 described in Parcel "F", Lee County Case No. 71-251.
 143
 144 F. A tract or parcel of land situated in the State of
 145 Florida, County of Lee, being a part of Section 20 and
 146 Section 29, Township 44 South, Range 23 East, and
 147 further bounded and described as follows:
 148
 149 Beginning at the southeast corner of the northwest one
 150 quarter (NW¼) of said Section 29; Thence S89°34'12"W
 151 along the south line of said northwest one quarter
 152 (NW¼) for 1627.86 feet; Thence N00°25'48"W for 283.17
 153 feet; Thence N10°06'26"E for 526.78 feet; Thence
 154 N88°00'44"E for 25.27 feet; Thence N11°37'39"W for
 155 126.79 feet; Thence N40°10'46"W for 78.86 feet; Thence
 156 N32°09'21"W for 125.00 feet; Thence S57°50'39"W for
 157 152.19 feet; Thence N04°59'57"W for 723.70 feet;
 158 Thence N26°25'24"E for 262.19 feet; Thence N14°52'17"E
 159 for 495.94 feet; Thence N28°44'22"W for 307.15 feet;
 160 Thence N22°45'14"E for 111.36 feet to an intersection
 161 with a curve concave to the northwest having a radius
 162 of 65.00 feet and which intersection a radial line
 163 bears S29°16'46"w; Thence Easterly, Northeasterly, and
 164 Northerly along said curve through a central angle of
 165 140°26'17" for 159.32 feet; Thence N37°19'25"E along a
 166 line not tangent to said curve for 145.06 feet; Thence
 167 N72°32'22"W for 766.49 feet; Thence S79°31'57"W for



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168 | 125.20 feet; Thence N13°44'06"W for 88.04 feet to the
169 | beginning of a curve concave to the east having a
170 | radius of 100.00 feet; Thence Northerly along said
171 | curve through a central angle of 14°01'19" for 24.47
172 | feet; Thence S76°15'54"W along a line not tangent to
173 | said curve for 62.98 feet to an intersection with a
174 | curve concave to the southwest having a radius of
175 | 119.75 feet and to which intersection a radial line
176 | bears N76°15'54"E; Thence Northwesterly along said
177 | curve through a central angle of 81°21'07" for 170.03
178 | feet to a parcel of reverse curve concave to the
179 | northeast having a radius of 209.09 feet; Thence
180 | Northwesterly along said curve through a central angle
181 | of 95°46'09" for 349.49 feet; Thence N89°19'04"W along
182 | the extension of a line radial to said curve for 75.00
183 | feet to an intersection with the west line of the
184 | southwest one quarter (SW¼) of the aforesaid Section
185 | 20; Thence N00°40'56"E along said west line for
186 | 1951.10 feet, to the southwest corner of the northwest
187 | one quarter (NW¼) of said Section 20; Thence
188 | N00°40'04"E along the west line of said northwest one
189 | quarter (NW¼) for 1030.13 feet; Thence N00°08'86"W for
190 | 1305.34 feet to the southerly right-of-way line of
191 | Pine Island Road; Thence S89°59'19"E along said right-
192 | of-way line for 168.64 feet; Thence S00°16'07"E for
193 | 1305.45 feet; to the aforesaid south line of the north
194 | one half (N½) of the northwest one quarter (NW ¼) of
195 | Section 20; Thence S89°57'21"E along said south line



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196 for 1545.20 feet; Thence S01°28'16"E along the east
197 line of said northwest one quarter (NW¼) of Section 20
198 for 1339.76 feet; Thence S01°28'16"E along the east
199 line of the aforesaid southwest one quarter (SW¼) of
200 Section 20 for 2656.31 feet; Thence S00°09'12"E along
201 the east line of the aforesaid northwest one quarter
202 (NW¼) of Section 29 for 2898.67 feet to the Point of
203 Beginning.

204
205 G. Twenty-nine contiguous parcels located within
206 Sections 20 and 21, Township 44 South, Range 23 East;
207 individually described as follows:

208
209 1. Lot 14, Tract D of that certain subdivision known
210 as Saddlewood Farms, as recorded in Official Records
211 Book 1290, page 245 and 246 and more particularly
212 described as follows: The south one half (S½) of the
213 southwest one quarter (SW¼) of the northeast one
214 quarter (NE¼) of the southeast one quarter (SE¼) of
215 Section 20, Township 44 South, Range 23 East, Lee
216 County, Florida.

217
218 2. The south half of Lot 13, Tract D, Saddlewood
219 Farms Official Records Book, Page 245 and 246, public
220 records of Lee County, Florida more particularly
221 described as follows: The south half (S½) of the north
222 one half (N½) of the southwest one quarter (SW¼) of
223 the northeast one quarter (NE ¼) of the southeast one



224 quarter (SE $\frac{1}{4}$) of Section 20, Township 44 South, Range
 225 23 East, Lee County, Florida.

226
 227 3. The north half of Lot 13, Tract D, Saddlewood
 228 Farms Official Records Book, Page 245 and 246, public
 229 records of Lee County, Florida more particularly
 230 described as follows: The north half (N $\frac{1}{2}$) of the north
 231 one half (N $\frac{1}{2}$) of the southwest one quarter (SW $\frac{1}{4}$) of
 232 the northeast one quarter (NE $\frac{1}{4}$) of the southeast one
 233 quarter (SE $\frac{1}{4}$) of Section 20, Township 44 South, Range
 234 23 East, Lee County, Florida.

235
 236 4. The west half (W $\frac{1}{2}$) of the west one half (W $\frac{1}{2}$) of
 237 the northwest one quarter (NW $\frac{1}{4}$) of the northeast one
 238 quarter (NE $\frac{1}{4}$) of the southeast one quarter (SE $\frac{1}{4}$) of
 239 Section 20, Township 44 South, Range 23 East, Lee
 240 County, Florida. Being the west half of Lot 12, Tract
 241 D, Saddlewood Farms Subdivision as shown as plat
 242 recorded in Official Records Book 1290, page 246 of
 243 the Public Records of Lee County, Florida.

244
 245 5. The east half (E $\frac{1}{2}$) of the west one half (W $\frac{1}{2}$) of
 246 the northwest one quarter (NW $\frac{1}{4}$) of the northeast one
 247 quarter (NE $\frac{1}{4}$) of the southeast one quarter (SE $\frac{1}{4}$) of
 248 Section 20, Township 44 South, Range 23 East, Lee
 249 County, Florida. Being the west half of Lot 12, Tract
 250 D, Saddlewood Farms Subdivision as shown as plat



251 | recorded in Official Records Book 1290, page 246 of
 252 | the Public Records of Lee County, Florida.
 253 |
 254 | 6. Lot 11, Tract D of that certain subdivision known
 255 | as Saddlewood Farms, Inc. more particularly described
 256 | as the east one half (E½) of the northwest one quarter
 257 | (NW¼) of the northeast one quarter (NE ¼) of the
 258 | southeast one quarter (SE¼) of Section 20, Township 44
 259 | South, Range 23 East, Lee County, Florida.
 260 |
 261 | 7. Lot 5, Tract D of that certain subdivision known
 262 | as Saddlewood Farms, more particularly described as
 263 | the west one half (W½) of the southwest one quarter
 264 | (SW¼) of the southeast one quarter (SE¼) of the
 265 | northeast one quarter (NE ¼) of Section 20, Township
 266 | 44 South, Range 23 East, Lee County, Florida.
 267 |
 268 | 8. Lot 6, Tract D of that certain subdivision known
 269 | as Saddlewood Farms, more particularly described as
 270 | the east one half (E½) of the southwest one quarter
 271 | (SW¼) of the southeast one quarter (SE¼) of the
 272 | northeast one quarter (NE ¼) of Section 20, Township
 273 | 44 South, Range 23 East, Lee County, Florida.
 274 |
 275 | 9. Lot 4, Tract D of that certain subdivision known
 276 | as Saddlewood Farms, as recorded in Official records
 277 | Book 1290, page 245 and 246 and more particularly
 278 | described as the south one half (S½) of the northwest



279 | one quarter (NW¼) of the southeast one quarter (SE¼)
 280 | of the northeast one quarter (NE ¼) of Section 20,
 281 | Township 44 South, Range 23 East, Lee County, Florida.

282 |
 283 | 10. Lot 3, Tract D of that certain subdivision known
 284 | as Saddlewood Farms, as recorded in Official records
 285 | Book 1290, page 245 and 246 and more particularly
 286 | described as the north one half (N½) of the northwest
 287 | one quarter (NW¼) of the southeast one quarter (SE¼)
 288 | of the northeast one quarter (NE ¼) of Section 20,
 289 | Township 44 South, Range 23 East, Lee County, Florida.

290 |
 291 | 11. Lot 10, Tract D of that certain subdivision known
 292 | as Saddlewood Farms, as recorded in Official records
 293 | Book 1290, page 245 and 246 and more particularly
 294 | described as the west one half (W½) of the northeast
 295 | one quarter (NE¼) of the northeast one quarter (NE¼)
 296 | of the southeast one quarter (SE ¼) of Section 20,
 297 | Township 44 South, Range 23 East, Lee County, Florida.

298 |
 299 | 12. Lot 7, Tract D, unrecorded subdivision Saddlewood
 300 | Farms, as recorded in Official records Book 1290, page
 301 | 246 in the west one half (W½) of the southeast one
 302 | quarter (SE¼) of the southeast one quarter (SE¼) of
 303 | the northeast one quarter (NE ¼) of Section 20,
 304 | Township 44 South, Range 23 East, Lee County, Florida.

305 |



306 | 13. The north half of Lot 9, Tract D of that certain
 307 | subdivision known as Saddlewood Farms, more
 308 | particularly described as the east one half (E½) of
 309 | the northeast one quarter (NE¼) of the northeast one
 310 | quarter (NE¼) of the southeast one quarter (SE¼) of
 311 | Section 20, Township 44 South, Range 23 East, Lee
 312 | County, Florida.

313 |
 314 | 14. The south half of Lot 9, Tract D of that certain
 315 | subdivision known as Saddlewood Farms, more
 316 | particularly described as the east one half (E½) of
 317 | the northeast one quarter (NE¼) of the northeast one
 318 | quarter (NE¼) of the southeast one quarter (SE¼) of
 319 | Section 20, Township 44 South, Range 23 East, Lee
 320 | County, Florida.

321 |
 322 | 15. Lot 1, Tract D of that certain subdivision known
 323 | as Saddlewood Farms, as recorded in Official Records
 324 | Book 1290, Page 245 and 246, and more particularly
 325 | described as follows: The east one half (E½) of the
 326 | northeast one quarter (NE¼) of the southeast one
 327 | quarter (SE¼) of the northwest one quarter (NW ¼) of
 328 | Section 20, Township 44 South, Range 23 East plus

329 |
 330 | Lot 9, Tract C of that certain subdivision known as
 331 | Saddlewood Farms, more particularly described as the
 332 | south one half (S½) of the southwest one quarter (SW¼)
 333 | of the southwest one quarter (SW¼) of the northwest



334 one quarter (NW $\frac{1}{4}$) of Section 21, Township 44 South,
335 Range 23 East, Lee County, Florida plus
336
337 Lot 8, Tract D of that certain subdivision known as
338 Saddlewood Farms, as recorded in Official Records Book
339 1290, Page 245 and 246 and more particularly described
340 as follows: the east one half (E $\frac{1}{2}$) of the southeast
341 one quarter (SE $\frac{1}{4}$) of the southeast one quarter (SE $\frac{1}{4}$)
342 of the northeast one quarter (NE $\frac{1}{4}$) of Section 20,
343 Township 44 South, Range 23 East, Lee County Florida.
344
345 16. Lot 8, Tract C of that certain subdivision known
346 as Saddlewood Farms, as more particularly described as
347 the north one half (N $\frac{1}{2}$) of the southwest one quarter
348 (SW $\frac{1}{4}$) of the southwest one quarter (SW $\frac{1}{4}$) of the
349 northwest one quarter (NW $\frac{1}{4}$) of Section 21, Township 44
350 South, Range 23 East, Lee County, Florida.
351
352 17. Lot 5, Tract C of that certain subdivision known
353 as Saddlewood Farms, as more particularly described as
354 the south one half (S $\frac{1}{2}$) of the northwest one quarter
355 (NW $\frac{1}{4}$) of the southwest one quarter (SW $\frac{1}{4}$) of the
356 northwest one quarter (NW $\frac{1}{4}$) of Section 21, Township 44
357 South, Range 23 East, Lee County, Florida.
358
359 18. Lot 4, Tract C of that certain subdivision known
360 as Saddlewood Farms, as more particularly described as
361 the north one half (N $\frac{1}{2}$) of the northwest one quarter



362 (NW¼) of the southwest one quarter (SW¼) of the
 363 northwest one quarter (NW¼) of Section 21, Township 44
 364 South, Range 23 East, Lee County, Florida.

365
 366 19. Lot 11, Tract C of that certain subdivision known
 367 as Saddlewood Farms, as more particularly described as
 368 the north one half (N½) of the northeast one quarter
 369 (NE¼) of the northwest one quarter (NW¼) of the
 370 southwest one quarter (SW¼) of Section 21, Township 44
 371 South, Range 23 East, Lee County, Florida.

372
 373 20. Lot 10, Tract C of that certain subdivision known
 374 as Saddlewood Farms, as more particularly described as
 375 the south one half (S½) of the southeast one quarter
 376 (SE¼) of the southwest one quarter (SW¼) of the
 377 northwest one quarter (NW¼) of Section 21, Township 44
 378 South, Range 23 East, Lee County, Florida.

379
 380 21. The south half of Lot 7, Tract C, of that certain
 381 subdivision known as Saddlewood Farms, more
 382 particularly described as the north one half (N½) of
 383 the southeast one quarter (SE¼) of the southwest one
 384 quarter (SW¼) of the northwest one quarter (NW¼) of
 385 Section 21, Township 44 South, Range 23 East, Lee
 386 County, Florida.

387
 388 22. The north half of Lot 7, Tract C, of that certain
 389 subdivision known as Saddlewood Farms, more



390 particularly described as the north one half (N½) of
 391 the southeast one quarter (SE¼) of the southwest one
 392 quarter (SW¼) of the northwest one quarter (NW¼) of
 393 Section 21, Township 44 South, Range 23 East, Lee
 394 County, Florida.

395
 396 23. The south half of Lot 6, Tract C, of that certain
 397 subdivision known as Saddlewood Farms, more
 398 particularly described as the south one half (S½) of
 399 the northeast one quarter (NE¼) of the southwest one
 400 quarter (SW¼) of the northwest one quarter (NW¼) of
 401 Section 21, Township 44 South, Range 23 East, Lee
 402 County, Florida.

403
 404 24. The north half of Lot 6, Tract C, of that certain
 405 subdivision known as Saddlewood Farms, more
 406 particularly described as the south one half (S½) of
 407 the northeast one quarter (NE¼) of the southwest one
 408 quarter (SW¼) of the northwest one quarter (NW¼) of
 409 Section 21, Township 44 South, Range 23 East, Lee
 410 County, Florida.

411
 412 25. The East 543 feet of the west one half (W½) of
 413 the northeast one quarter (NE ¼) of the northwest one
 414 quarter (NW¼) of Section 21, Township 44 South, Range
 415 23 East, Lee County, Florida. Less the easternmost
 416 213 feet.

417



418 26. The East 213 feet of the west one half (W½) of
 419 the northeast one quarter (NE¼) of the northwest one
 420 quarter (NW¼) of Section 21, Township 44 South, Range
 421 23 East, Lee County, Florida.

422
 423 27. The north one half (N½) of the northeast one
 424 quarter (NE¼) of the southwest one quarter (SW¼) of
 425 the northwest one quarter (NW ¼) of Section 21,
 426 Township 44 South, Range 23 East, Lee County, Florida.

427
 428 28. Lot 2, Tract D of that certain subdivision known
 429 as Saddlewood Farms, as recorded in Official Records
 430 Book 1290, Page 246.

431
 432 29. Lots 15 and 16, Tract D of that certain
 433 subdivision known as Saddlewood Farms, best described
 434 as follows: the southeast one quarter (SE¼) of the
 435 northeast one quarter (NE¼) of the southeast one
 436 quarter (SE¼) of Section 20, Township 44 South, Range
 437 23 East, Lee County, Florida.

438
 439 Section 2. The interlocal agreement for the proposed
 440 annexation of the described County-administered enclaves as
 441 developed by the City of Cape Coral and Lee County shall be
 442 filed with the clerk of the city and the clerk of the courts for
 443 the county, and a duly advertised public hearing shall be held
 444 by both the city and the county, respectively, prior to the
 445 adoption of the interlocal agreement by the city council and the



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446 county commission. No changes to the terms and conditions of
447 the interlocal agreement may be made by either the city or the
448 county once filed with the respective clerks prior to the public
449 hearings for consideration of the adoption of the interlocal
450 agreement.

451 Section 3. (1) Subsequent to the adoption of the
452 interlocal agreement between the city and the county, and prior
453 to the implementation of the proposed annexation by the city of
454 the described county enclaves, a referendum shall be held by the
455 city in the City of Cape Coral and within the proposed described
456 enclave areas to be annexed for the ratification and approval of
457 the interlocal agreement by the registered electorates therein.

458 (2) The interlocal agreement shall be presented separately
459 to the registered voters residing within the city and the
460 registered voters residing within the proposed annexed areas as
461 further described in section 1 of this act. The procedures for
462 conducting the referendum shall be pursuant to the requirements
463 as set out in section 171.0413(2), Florida Statutes, as amended
464 from time to time. Upon a majority vote in favor of the
465 interlocal agreement by the registered voters of the City of
466 Cape Coral and a majority vote of the combined registered voters
467 residing in all county enclaves to be annexed, the interlocal
468 agreement shall be deemed to be ratified and approved and shall
469 become effective as provided for in the interlocal agreement but
470 otherwise not more than 1 year following the referendum. The
471 referendum for ratification and approval of the interlocal
472 agreement for annexation may be conducted by the city at any



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473 regular election following the adoption of the interlocal
474 agreement by the city and the county.

475 Section 4. (1) For the areas subsequently annexed into
476 the city by interlocal agreement, the city shall assume all of
477 the municipal service duties of Lee County pursuant to the terms
478 and conditions of the approved interlocal agreement.

479 (2) The transfer from the county to the city of county
480 municipal service infrastructure located within the annexed
481 areas shall be pursuant to the terms and conditions of the
482 approved interlocal agreement.

483 Section 5. This act shall take effect upon becoming a law.
484
485