

R-86-259

RESOLUTION GRANTING A DEVELOPMENT ORDER FOR ARVIDA CORPORATE PARK

WHEREAS, ARVIDA CORPORATE PARK ASSOCIATES (hereinafter "ACPA"), in accordance with Section 380.06, Florida Statutes, and the Master Development Order (R-84-69) as amended by R-86-214, has filed an Application for Development Approval (hereinafter "ADA") of a Development of Regional Impact (hereinafter "DRI No. 154"); and

WHEREAS, ACPA proposes to develop a Planned Development Commercial (hereinafter "PDC") and a Planned Development Industrial (hereinafter "PDI") upon real property located in Manatee County, Florida and owned by ACPA as described in Exhibit "A-1", made a part hereof; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to consider applications for Development Approval for Development of Regional Impact; and

WHEREAS, pursuant to Section 401F, Manatee County Comprehensive Zoning and Land Development Code, and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, public hearing in these proceedings was held on September 3, 1986; September 10, 1986, and September 17, 1986, before the Manatee County Planning Commission and on September 25, 1986 and October 2, 1986 before the Board of County Commissioners of Manatee County, Florida; and

WHEREAS, all parties at public hearing were accorded the opportunity to present evidence and argument on all issues, conduct cross-examination and submit rebuttal evidence and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

*Handwritten signature/initials*

*Received 11/6/86*

WHEREAS, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report and recommendations on the regional impact of the development; and

WHEREAS, said Board of County Commissioners and said Planning Commission have considered the testimony, reports and other documentary evidence submitted at said public hearings by ACPA, TBRPC, Manatee County staff agencies and various persons in attendance at said public hearings; and

WHEREAS, said Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission; and

WHEREAS, said Board of County Commissioners, having considered all of the foregoing and being fully advised and informed in the premises;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that said Board makes the following findings of fact:

1. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald, a newspaper of general circulation in Manatee County, Florida, pursuant to Section 380.06(11) Florida Statutes, and Section 401F, Manatee County Comprehensive Zoning and Land Development Code, and proof of such publication has been duly filed in these proceedings.

2. The real property involved in this development and owned by ACPA is located in Manatee County, Florida, described in Exhibit "A-1", and made a part hereof.

3. Upon consideration of all matters in Sections 380.06(2) and 380.06(15), Florida Statutes, and the Manatee County Comprehensive Zoning and Land Development Code, and other applicable provisions of local and state law, the Commission has determined that as conditioned by the approval hereby granted the ACPA development described in the ADA:

a. is not located in an area of critical state concern;

b. does not interfere with the achievement of the objectives of any adopted State Land Development Plan applicable to the area; and

c. is consistent with local land development regulations; and

d. adequately addresses the concerns of regional impact stated in the report and recommendations of the Tampa Bay Regional Planning Council dated March 10, 1986, on file in these proceedings and is consistent with that report.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Manatee County, Florida, as to conclusions of law, that the proceedings have been conducted pursuant to the provisions of the Manatee County Comprehensive Zoning and Land Development Code, and Chapter 380, Florida Statutes, and that ACPA has sustained and proved all the material allegations and assertions made in the ADA and, therefore the Board of County Commissioners of Manatee County, Florida, hereby approves and grants the ACPA Application for Development Approval for a Development of Regional Impact (DRI #154), Arvida Corporate Park, subject to the following conditions:

A. Definitions:

Note: Astericks (\*) denote a defined term.

A.(1) "Acceptable Level of Service\*" shall, for links and intersections in Manatee County, Florida, mean Level of Service "C" on an average daily basis ("D" on a peak hour basis) as provided in Policy 9-1.C of the Manatee County Comprehensive Plan (Ordinance 80-4 as amended). Level of Service "C" shall be measured on a average daily basis as determined by the Highway Capacity Manual (1965) and Circular 212 (1980) or the most current manual in accordance with guidelines acceptable to the affected County. Level of Service "D" on a peak hour basis shall be calculated either as 10% of the average daily traffic, or if actual data is available to determine the "K" factor, then on the basis of the "K" factor. Acceptable Level of Service for links and intersections in Sarasota County, Florida, shall mean Level of Service "C" on an average daily basis ("D" on a peak hour basis), which shall be measured as provided in this paragraph. Where a link or intersection in Sarasota County is operating at Level of Service "D" on an average daily basis ("E" on a peak hour basis) on the effective date of this Development Order, then the Acceptable Level of Service in Sarasota County for that link or intersection shall mean Level of Service "D" on an average daily basis ("E" on a peak hour basis).

A.(2) "Conceptual Master Plan\*" shall mean a graphic depiction of the development described in the Zoning Atlas Amendment Application (Z-85-1). This plan is identical to the "Master Development Plan\*" and fulfills the requirements

for a Conceptual Development Plan in the Manatee County Land Development Code.

- A.(3) "County Transportation Authority\*" shall mean the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.
- A.(4) "Development Approval\*" shall mean any approval for development granted through the Preliminary Development Plan, Site Development Plan\*, Final Site Plan processes or construction drawing approval where site plans are not required; except in the case of a Development of Regional Impact, approved or modified after October 1, 1986, the assignment of offsite transportation trips approved or conditionally approved in a Specific Phase Approval\* shall also be deemed a "Development Approval" for Traffic Study\* purposes.
- A.(5) "Final Master Plan\*" shall mean the Preliminary Master Plan\*, further specified for final design standards and construction drawings for "Horizontal Development\*" (onsite roadway, water, drainage, landscaping, sewer, communication and utility improvements) for the entire Arvida Corporate Park property.
- A.(6) "Horizontal Development\*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development\*, e.g., roadway, drainage, landscaping, water, sewer, communication, utilities, etc.
- A.(7) "Master Development Plan\*" shall mean Map H incorporated as Exhibit A and made a part hereof. This Plan depicts the development described in the ADA and includes the following land uses: 536,000 square feet of office; 762,000 square feet of industrial/R & D/warehouse; 822,900 square feet of commercial; and 250 hotel rooms subject to the Phasing Conditions set forth in this Development Order. This plan is identical to The Conceptual Master Plan\*.
- A(8) "Phase\*" or "Development Phase\*" shall mean development defined in terms of square footage of building construction or trips generated by such construction, proposed or approved pursuant to a traffic study.
- A.(9) "Phase Approval\*" shall mean authorization from the County, pursuant to Section 403 of the LDC, to proceed to obtain Development Approvals\* for a specified amount of square footage or Phase\* after the Developer has presented an acceptable Traffic Study\* which demonstrates that the proposed Phase\* will not cause degradation below an Acceptable Level Of Service\* within the Transportation Impact Area\*.
- A.(10) "Preliminary Master Plan\*" shall mean the Conceptual Master Plan\* and specific design standards to be proposed by Arvida.
- A.(11) "Site Development Plan\*" shall mean any preliminary plat, final plat, preliminary site development plan, or final site development plan to be submitted for consideration of approval pursuant to the LDC.
- A.(12) "Traffic Study\*" shall mean a report presented by the developer; using a methodology acceptable to the County Transportation authority to trigger the development approval process for the next Development Phase\*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service, on any of the roadway segments identified in Table 1, to below an Acceptable Level of Service\*. Any such Traffic Study\* shall consider traffic to be generated by the proposed Phase\*, existing traffic and traffic anticipated from prior Development Approvals\*.

- A.(13) "Transportation Impact Area\*" shall mean the area receiving transportation impacts as result of the development described in the ADA. The Transportation Impact Area is specifically listed in Table I and generally depicted in Exhibit B which is incorporated and made a part hereof.
- A.(14) "Vertical Development\*" shall mean and shall be deemed to include the use of land for construction of new residential units, new commercial units, or new industrial units; the reconstruction of commercial units or industrial units; and additions to existing commercial units or industrial units.
- A.(15) "Warranted\*" shall mean a determination by the County based on generally accepted transportation engineering practices that the Acceptable Level of Service\* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination not merely the trips generated by Arvida Corporate Park.

**B. PHASING CONDITIONS**

(Manatee County Planning & Development to Implement TBRPC Transportation Option 2, pg. 1.)

- B.(1) This Development Order grants approval of the Application for Development Approval (ADA) of the Arvida Corporate Park as depicted on the Master Development Plan\* incorporated and made a part hereof as Exhibit A. However no Vertical Development\* other than the Phase I development as defined in Paragraph C.(4) of this Development Order which is authorized for immediate development subject only to the conditions of this paragraph, shall be carried out if such development would result in a degradation of the Acceptable Level of Service\* on the regional facilities listed in Table 1 included in this Development Order.
- B.(2) Transportation Conditions are a limiting factor in granting any and all Development Approvals\*. Therefore, infrastructure capacity to potentially serve more than the gross square footage of Vertical Development\* described in Table 2 of the Transportation Conditions section of this Order, hereinafter referred to as Phase I, may be constructed at the developer's risk and shall not be construed to vest Vertical Development\* beyond that amount.
- B.(3) Phase Approvals\* beyond Phase I shall be granted on the basis of demonstrated available roadway capacity as described under the Transportation Conditions herein.

**C. TRANSPORTATION CONDITIONS**

(Manatee County Planning & Development and TBRPC, Transportation Option 2, pg. 16.)

- C.(1) The Acceptable Level of Service\* as determined in accordance with the technical guidelines acceptable to the Tampa Bay Regional Planning Council the Department of Community Affairs and Manatee County shall be maintained on all of the thoroughfares listed in Table I.

**TABLE I**

**IMPACTED TRANSPORTATION FACILITIES (TBRPC, pgs. 30-38)  
(1986 TO 2000)**

These roadway segments have been identified pursuant to Chapter 380.06 F.S. as receiving from the Arvida Corporate Park five percent or greater percentage of the Level of Service "C" daily or "D" peak hour capacity.

ROADWAY SEGMENTS

S.R. 70:

East of Braden River to I-75

UNIVERSITY PARKWAY:

New U.S. 301 to Tuttle Avenue  
Tuttle Avenue to Lockwood Ridge Road  
Lockwood Ridge Road to Whitfield Road  
Whitfield Road to DeSoto Road  
DeSoto Road to Corporate Boulevard  
Corporate Boulevard to Honore Road  
Honore Road to I-75

DESOTO ROAD:

University Parkway to Lockwood Ridge Road

NEW U.S. 301:

S.R. 70 to Saunders Road  
Whitfield Road to Tallevast Road

TUTTLE AVENUE:

University Parkway to DeSoto Road  
Myrtle Street to 27th Street  
27th Street to 17th Street  
17th Street to Fruitville Road

LOCKWOOD RIDGE ROAD:

University Parkway to DeSoto Road  
DeSoto Road to 27th Street  
27th Street to 17th Street  
17th Street to Fruitville Road  
Tallevast Road to Whitfield Avenue

HONORE ROAD:

New U.S. 301 to Lockwood Ridge Road  
Lockwood Ridge Road to Whitfield/Saunders Road Connector  
Whitfield/Saunders Road Connector to Arvida Technology Park  
Road  
Arvida Technology Park Road to Corporate Boulevard  
Corporate Boulevard to University Parkway  
University Parkway to Longmeadow Road  
Longmeadow Road to 17th Street  
17th Street to Fruitville Road

LOCKWOOD RIDGE EXTENSION:

S.R. 70 to Whitfield Avenue  
Whitfield Avenue to University Parkway

- C.(2) Traffic Studies\* will be required for each Phase Approval\* beyond Phase I pursuant to Chapter 380.06 F.S. Such studies shall be designed to determine if the net traffic generated by the proposed Development Phase\* in combination with prior approvals of this project will be 5% (or whatever greater percentage may be employed from time to time by the Tampa Bay Regional Planning Council and Manatee County) or greater than the Acceptable Level of Service\* and will reduce the Acceptable Level of Service\* on any roadway listed in Table 1 and generally

depicted on Map J (Exhibit B). Such studies shall use a methodology consistent with generally accepted transportation engineering practices, the methodology used to define Phase I, and be acceptable to the County Transportation Authority\*. Any such Traffic Study\* shall consider traffic to be generated by the proposed Development Phase\*, existing traffic and traffic anticipated from all prior Development Approvals\* impacting the same roadway. (Manatee County Planning and Development)

- C.(3) No Phase\*, Final Master Plan\* or Site Development Plan\* beyond Phase I shall receive approval if the approval which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals\*, will have a probable result of causing or contributing to a degradation of the Acceptable Level of Service\* existing on the roadway identified in Table I of Transportation Conditions at the time approval is sought. (Manatee County Planning and Development)
- C.(4) The square footage totals and off-site transportation trips described herein and set forth below in Table 2 constitute Phase I and are hereby approved subject only to approval of Site Development Plans\* under applicable County ordinances and as may be modified by compliance with Paragraphs C.(7) and H.(13) of this Order Development Order. (Manatee County Planning and Development)
- C.(5) Arvida Corporate Park Associates, successors, assigns and/or transferees shall provide the transportation improvements for Phase I described in Exhibit C when Warranted.\* (Manatee County Planning and Development)
- C.(6) In the event that the development of the Arvida Corporate Park shall involve the installation of any public improvement that would entitle Arvida, under the provisions of Ordinance 86-09, to a credit against a Manatee County impact fee except for the location of the improvement in Sarasota County, Manatee County shall provide the developer with the credit if:
- a. The improvement is included on Sarasota County's Capital Improvements Plan.
  - b. The improvement is the subject of an interlocal agreement with Sarasota County that provides for a sharing of the cost and improvement.
  - c. The interlocal agreement provides for the completion of Manatee County's share of the improvement or by the proceeds of an impact fee or by a developers improvement, and does not prohibit the provision of credit for developer improvements.
  - d. Ordinance 86-09 is amended to provide credit for improvements made in accordance with the interlocal agreement.

It is understood by Arvida Corporate Park Associates and Manatee County that such improvements are contemplated in conjunction with the development of the Arvida Corporate Park and that the existing interlocal agreement with Sarasota County does not make provision for impact fee credit. It is also understood, however, that Manatee County intends to pursue an amendment to the existing interlocal agreement to provide for such credit and that the County intends to use its best efforts to accomplish such an amendment.

- C.(7) The developer shall submit construction drawings for infrastructure within eighteen (18) months of Development

Order approval and shall complete or demonstrate substantial progress toward building permit application for fifty percent (50%) of the development totals set forth below in Table Two within five (5) years of Development Order approval. Failure to meet this schedule may require a revised and updated Traffic Study\* prepared in accordance with the provisions of Paragraph C.(2) to demonstrate that Acceptable Levels of Service\* are still projected to exist at the time building permits are issued. In the event substantial progress toward building permit applications for 50% of the Vertical Development described in Table Two of this paragraph is demonstrated by the developer, the developer may nevertheless be required to prepare a revised and updated Traffic Study\* pursuant to this paragraph if building permits for 50% of the Vertical Development described in Table 2 shall expire for any reason other than completion of development or for reasons or causes beyond the control of the developer. The determination that a revised and updated Traffic Study\* is required shall be made by the Board of County Commissioners at a public hearing with notice to the developer upon recommendation by the Director of Planning after consultation with the County Traffic Authority\*.

If the Traffic Study\* indicates that an Acceptable Level of Service\* is not being maintained, failure to meet the time schedule set forth above may, at the option of the Board of County Commissioners, result in the withholding of future building permits for Phase I until an Acceptable Level of Service\* is obtained.

Failure to comply with the time schedule set forth above, shall not be presumed to be a substantial deviation pursuant to Chapter 380.06(19) FS. (Manatee County Planning and Development)

TABLE 2  
LAND USE DEVELOPMENT TOTALS AND  
OFF-SITE TRANSPORTATION TRIPS

Assumes that all of the signalization and turn lane improvements noted in Exhibit C are implemented.

PHASE I

<u>LAND USE</u>	<u>SQUARE FEET</u>	<u>OFF-SITE PM PEAK HOUR NET VEHICLE TRIPS</u>
1. Research/Technology Park	381,000 S.F.	352
2. Office	200,000 S.F.	372
3. Commercial	<u>460,900 S.F.</u>	<u>1,579</u>
	1,041,900 S.F.	2,303

Tradeoffs between the land uses set forth above may be granted by the County provided the total number of off-site transportation trips set forth above is not exceeded as determined at time of Site Development Plan\* review.

C.(8) Maintenance of Acceptable Level of Service\* on the Regional Roadway Segments and intersections listed in Table 1 shall be verified by the developer to the satisfaction of the County Transportation Authority\* as part of each annual report as required by Chapter 380.06(16) FS, and Paragraph H.(10) of this Development Order. (Manatee County Planning and Development)

C.(9) If the Traffic Studies\*, required in Paragraph C(2), show that Acceptable Levels of Service\* are not being

maintained on the roadway segments listed in Table 1 above then Manatee County government shall withhold further Phase Approvals\*. Phase Approvals\* shall be withheld until funding commitments for the improvements necessary to achieve the Acceptable Levels of Service\* have been obtained which will assure the construction of the roadway segment(s) prior to the anticipated build out of the Phase\* for which approval is sought. This provision shall not be construed so as to obligate Manatee County to participate in the construction or funding for construction of said improvements except when said improvements are identified in the County's Capital Improvement Plan. (Manatee County Planning and Development)

D. ENVIRONMENTAL CONDITIONS

- D.(1) Wetland areas designated as 1,2,5, and 7 in Figure 14-1 on page 14-17 of the Arvida Corporate Park ADA shall be mitigated by incorporation into a stormwater retention system. Organic muck from these areas shall be stockpiled and redistributed around the littoral zones of stormwater retention areas. The littoral zones, which shall comprise 35 percent of the area of the thirty (30) acre lake system, shall be revegetated with native wetland species. The extent and location of the revegetated sites shall be on the Final Master Plan\*. (TBRPC, Condition 2.A, pg. 17)
- D.(2) All tree removal and land clearance shall be done in accordance with Section 205F.1. of the LDC. Wooded areas identified as 8, 9, and 10 in Figure 14-1 of the ADA shall be preserved to the greatest extent possible and incorporated into the final landscape architecture. (TBRPC, Condition 2.b., pg. 17)
- D.(3) Representative tracts of all major upland vegetative communities shall be generally identified at the time of Preliminary Master Plan\* approval and shall be preserved in their natural state. (Manatee County Planning and Development, for Consistency with Cooper Creek DRI)
- D.(4) Beginning two years from the date of issuance of this Development Order and continuing thereafter until buildout, the developer shall fund an independent water quality monitoring program for this project tributary to Bradenton Watershed as approved by the County. The parameters to be included and the time frame for sampling shall be approved prior to approval of the Final Master Plan\*.

E. DRAINAGE

- E.(1) Prior to Final Master Plan\* approval of the site, the Final Drainage Plan for Arvida Corporate Park shall be submitted to the Tampa Bay Regional Planning Council and the Florida Department of Environmental Regulations for review and to South West Florida Water Management District and the Manatee County Transportation Authority\* for review and approval to verify its general consistency with the Conceptual Master Drainage Plans as set forth in Map G-1 of the ADA. (TBRPC, Condition 3, pg. 17)
- E.(2) Existing net water flow (groundwater and surface water) contribution from the site to the Braden River watershed shall be maintained or exceeded and their natural seasonal fluctuations preserved during all Phases\* of development. Beginning two years from the date of issuance of this Development Order and continuing annually thereafter until buildout, the developer shall provide the County with a wet season/dry season water

budget which calculates predevelopment and post-development flows to the Braden River watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done separately for normal and ten-year drought conditions. Should the County's analysis of the data provided indicate a trend that groundwater and surface contributions from the site to the Braden River watershed are not being maintained, then the County may require the developer to prepare a detailed analysis of the drainage system and a revised drainage plan which includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long-term mitigation in accordance with the revised plan. (Manatee County Planning and Development and CDM)

E.(3) In order to protect water quality, the following parameters shall be included in the Arvida Corporate Park drainage plan:

- A. The developer shall implement a street cleaning program for the parking and roadway areas within the development. (TBRPC, Condition 4.A, pg. 17)
- B. The Master drainage system shall be designed in accordance with applicable regulations of Chapter 17-25, Florida Administrative Code and Manatee County Land Development Code as modified and adopted. (Manatee County Planning and Development to satisfy TBRPC Condition 4.B.,C., & D., also see D.O. General Condition 11)

#### F. HAZARDOUS WASTE

F.(1) Separate temporary hazardous waste storage/collection area(s) within the project shall be designated. These area(s) shall be accessible to all businesses within Arvida Corporate Park and shall be clearly marked or colored so as to clearly distinguish and identify the area(s) intended for hazardous wastes and materials. (Hazardous wastes are those materials defined in Sub-section 403.703(21), F.S., and listed in Title 40 CFR part 261). (TBRPC, Condition 4, pg. 17)

F.(2) The developer, his heirs, assigns and transferees, shall:

- A. Provide in the Arvida Corporate Park covenants a statement that indicates types of wastes and materials that are to be considered to be hazardous and areas which these wastes and materials are to be stored or disposed of in specifically designed containers. (TBRPC, Condition 4, pg. 17)
- B. Advise purchasers and lessees, and stipulate at the time of purchase or lease, that statutes and regulations exists and that penalties may accrue from failure to properly transport, store, handle, and dispose of hazardous wastes and materials. (TBRPC, Condition 4, pg. 17)

#### G. ENERGY CONSERVATION

G.(1) The following energy conservation measures shall be utilized in addition to the use of landscaping and retention of existing vegetation as a means of energy conservation:

- A. The developer shall appoint an energy officer who shall:
  - a. arrange for energy audits; and
  - b. establish energy policies; and
  - c. monitor energy use and conservation; and
  - d. establish programs to promote energy conservation by employees, buyers, suppliers and the public.
- B. The developer shall encourage:
  - a. the establishment of recycling programs; and
  - b. the use of energy efficient cooling, heating and lighting systems throughout the Arvida Corporate Park; and
  - c. the use of innovative energy conservation features such as waste heat recovery or solar power. (TBRPC, Condition 11, pg. 19)

H. GENERAL CONDITIONS

- H.(1) Should archaeological or historic resources be located on the development premises during any phase of development, ultimate disposition of said resources shall be determined in cooperation with Florida Department of State, Division of Archives, History and Records Management and Manatee County. (TBRPC, Condition 12, pg. 20)
- H.(2) Non-potable water shall be used for irrigation throughout the Arvida Corporate park unless waived by Manatee County at the time of Site Development Plan\* review. (TBRPC, Condition 9, pg. 19)
- H.(3) The entity(ies) responsible for maintenance and operation of any on-site wells shall be identified at time of Final Master Plan\* or Site Development Plan\* review. (TBRPC, Condition 14, pg. 20)
- H.(4) The measures referenced on pg. 14-18 though 14-20 in the ADA for control of severe soil erosion as determined by the County Soil Conservation Service representative shall be required. (TBRPC, Condition 10, pg. 19)
- H.(5) The entity responsible for maintenance of all common open space areas within the project site shall be the Property Owners Association. Individual property owners shall be responsible for maintaining their own property. (TBRPC, Condition 15, pg. 20)
- H.(6) The availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire, and EMS service shall be demonstrated with each Final Master Plan\* or Site Development Plan\* submittal. (TBRPC, Condition 7, pg. 19)
- H.(7) In the event that any species listed in Sections 39-27.03 .05, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigative measures shall be implemented in cooperation with the Florida Game and Fresh Water Fish Commission. (TBRPC, Condition 8, pg. 19)

- H.(8) Any change to the Arvida Corporate Park as described in the ADA and supporting materials which meets the criteria set forth in Subsection 380.06(19)(b), F.S. shall constitute a substantial deviation. (TBRPC, Condition 16, pg. 20 and Chapter 380.06 F.S.
- H.(9) All commitments set forth in the ADA shall be considered as conditions of approval, except as they may be superseded by specific terms of this Development Order. Particular attention shall be given to commitments for energy conservation and wind and soil erosion controls, including: sodding, mulching, bare soil wetting and phased clearing. (TBRPC, Condition 18, pg. 20)
- H.(10) Arvida Corporate Park Associates, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(16), F.S., to Manatee County, and the Tampa Bay Regional Planning Council, the State Land Planning Agency and other agencies, as may be appropriate, on the second anniversary of the effective date of this Order and each year thereafter until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of Manatee County Planning and Development Department who shall review the report for compliance with the terms and conditions of this Order and may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver or change of conditions as to any terms or conditions of this Order. The annual report shall contain:
- A. The information required by the State Land Planning Agency to be included in the annual report, which information is described in the Rules and Regulations promulgated by that Agency, pursuant to Section 380.06 (18), F.S.; (TBRPC & Chapter 380.08 F.S. all except E)
  - B. Changes in the plan of development or phasing for the reporting year and for the next year, together with a description of all development activities proposed to be conducted pursuant to this Order for the year immediately following the annual report;
  - C. A summary comparison of development activity proposed and actually conducted for the reporting year;
  - D. A summary providing the actual daily water and sanitary sewer requirements, in terms of gallons per day, for the reporting year and a projection of the expected daily water and sewer flow requirement for each of the five (5) succeeding years;
  - E. A Traffic Study\*, as described in Condition #2 of the Transportation Section, setting forth existing Levels of Service within Arvida Corporate Park's Transportation Impact Area\*; (Manatee County Planning and Development)
  - F. Undeveloped tracts of land that have been sold to a separate entity or developer and the identity of that purchaser, together with a statement listing the names and addresses of any heir, assignee or successor in interest to this Order;

- G. Identification and intended use of lands purchased, leased or optioned by the Developer adjacent to the DRI site since the Order was issued;
- H. An assessment of the Developer's and local government's compliance with conditions of approval contained in the Order; and
- I. Any requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year; and
- J. A statement that all persons have been sent copies of the annual report in conformance with Section 380.06, Florida Statutes; and
- K. A copy of any notice of adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer, pursuant to Section 380.06, Florida Statutes.

Failure to file an annual report as provided herein shall suspend any further development. (TBRPC & Chapter 380.06 F.S.)

- H.(11) Development of the Arvida Corporate Park shall be in accordance with the policies and long term implementation of the Southeast Task Force Recommendations, provided however, that the Recommendations are to be applied as general guidelines which shall be satisfied by development in accordance with the specific criteria set out in the Recommendations for interim implementation, or with generally recognized best management practices that satisfy the long term implementation Recommendations. Where the clear intent of the Recommendations is the non-degradation of any natural systems, best management practice shall ensure non-degradation.
- H.(12) Manatee County Zoning Ordinance Z-85-1 attached hereto as Exhibit D is incorporated herein and made a part by reference. (Manatee County Planning and Development).
- H.(13) If more than five years shall elapse between approval of this Order and commencement of actual development under County development approval, or if any five-year period shall expire without significant development activity on the site the Board of County Commissioners may conduct a public hearing in accordance with Section 401F.1. and 2. of the LDC and may, at its option, based on testimony presented at that hearing, rescind any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the developer (such as the unavailability of permits because of inadequate public facilities, other than those which are the developer's responsibility to construct, or for any other similar reason. For the purposes of this provision, "significant development" shall be the actual construction of site improvements or buildings as a part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

BE IT FURTHER RESOLVED that:

- 1. This Resolution shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.
- 2. Definitions and matters contained in Chapter 380, Florida Statutes, shall control the construction of any defined

terms and matters appearing in the Development Order.

3. The following are hereby incorporated by reference and made a part of this Development Order:

A. The "Application for Development Approval" together with supporting documents submitted by ACPA.

B. A plot plan of the proposed development, attached hereto as Exhibit "A".

C. The legal description of the property, attached hereto as "A-1".

D. The Transportation Impact Area attached hereto as Exhibit "B".

E. The Table of Transportation Offsite Improvement Requirements for Phase I attached hereto as Exhibit "C".

F. The Ordinance granting rezone approval (Z-85-1) from Planned Development Commercial and Planned Development Industrial to Planned Development Industrial and Planned Development Commercial, respectively, attached hereto as Exhibit "D".

G. DRI Final Report on Arvida Corporate Park from Tampa Bay Regional Planning Commission, appended as Attachment "A".

H. Draft report prepared by CDM, appended as Attachment "B-1".

I. Final Report prepared by CDM, appended as Attachment "B-2".

J. Draft report by R. J. Lombardo & Asso. Inc., appended as Attachment "C-1".

K. Final report by R. J. Lombardo & Asso. Inc., appended as Attachment "C-2".

4. This Development Order shall be effective for a period of twenty (20) years from the date of the adoption of the Resolution granting this Development Order provided that the effective period may be extended by the Board upon a showing of good cause. This approval shall not be construed as a waiver of

any Manatee County requirements for other necessary permit procedures, plat approvals, building permits, certificates of occupancy, or similar matters provided by Florida Statutes or ordinances of Manatee County unless said requirements are specifically waived by stipulations attached to this Resolution.

The time provided shall be set aside during any period of time during which there is any building permit moratorium imposed by the County or other governmental agency having authority to do so.

5. This Development Order shall be binding upon and inure to the benefit of the applicant and its assignees, or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the power and duties of any referenced governmental agency in existence on the effective date of this Development Order.

6. A certified true copy of this Resolution shall be filed and recorded in the Public Records of Manatee County, Florida, and the Development Order contained herein shall govern the development of ARVIDA CORPORATE PARK.

7. A finding by the Board of County Commissioners of Manatee County, Florida, in accordance with Section 380.06(19), Florida Statutes, after notice and public hearing, that ACPA, its successors, assigns and/or transferees has substantially deviated from the conditions, restrictions and limitations of this Development Order shall result in termination of all development activity under this Development Order and additional regional review pursuant to Section 380.06, Florida Statutes, and other applicable laws of the State of Florida.

8. This Development Order shall become effective upon adoption by the Board of County Commissioners of Manatee County and transmittal to the Tampa Bay Regional Planning Council and the Florida Division of Community Affairs provided, however, that

the filing of a notice of appeal pursuant to Section 380.07,  
Florida Statutes, stays the effectiveness of this Development  
Order.

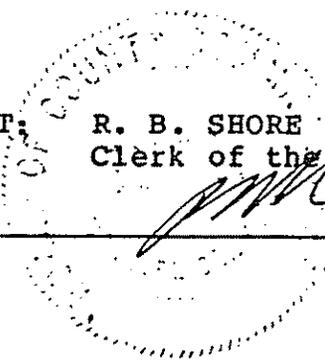
ADOPTED with a quorum present and voting this the 28<sup>th</sup>  
day of October, 1986.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: *Herbert H. Hinkle, Jr.*  
Chairman

ATTEST: R. B. SHORE  
Clerk of the Circuit Court

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R-86-214

RESOLUTION AMENDING R-84-69  
GRANTING A MASTER DEVELOPMENT ORDER  
ARVIDA CORPORATION

WHEREAS, ISLAND INVESTMENT PROPERTIES, LTD. (IIP); and KABARA CORP N.V. (KABARA), have become successors in interest to that portion of the development rights granted to the ARVIDA CORPORATION (ARVIDA) in R-84-69, identified as Increment One consisting of residential units and an eighteen hole golf course, and further identified as Planned Development Residential (PDR) in the First Amended Agreement amending the Agreement made part of R-84-69; and

WHEREAS, KABARA and IIP wish an extension of time for submission an Application for Incremental Development Approval (AIDA) and an Application for Development Approval (ADA), pursuant to the Second Amended Agreement amending the Agreement made part of R-84-69; and

WHEREAS, ARVIDA CORPORATE PARK ASSOCIATES (ACPA), successors in interest to ARVIDA, have, pursuant to the First Amended Agreement, submitted an Application for Development Approval (ADA) for the portion of the project approved by R-84-69 identified as Increment Two and further identified as that area designated for Planned Development Industrial (PDI) and Planned Development Commercial (PDC) in the First Amended Agreement; and

WHEREAS, pursuant to Section 380.06(19), Florida Statutes, publication and furnishing of due notice of a public hearing in these proceedings has been advertised and a public hearing in these proceedings was held on September 3, 1986 before the Manatee County Planning Commission and on September 25, 1986 before the Board of County Commissioners of Manatee County, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, that the Board makes the following findings of fact:

Arvida DO

1. Notice of public hearing to amend R-84-69 was duly published in the Bradenton Herald, a newspaper of general circulation in Manatee County, Florida, pursuant to Florida Statutes, Section 380.06(19)(f), and proof of such publication has been duly filed in these proceedings.

2. The proposed amendment to R-84-69 has been rendered to the TAMPA BAY REGIONAL PLANNING COUNCIL and the DEPARTMENT OF COMMUNITY AFFAIRS, as provided in Florida Statutes, Section 380.06(10)(f).

3. On May 15, 1984, Manatee County rendered a Master Development Order, R-84-69, appended hereto and made a part hereof as Attachment "A".

4. On February 28, 1984, MANATEE COUNTY, the TAMPA BAY REGIONAL PLANNING COUNCIL and ARVIDA entered into an Agreement, made part of R-84-69, identifying increments of development.

5. On March 5, 1985, the same parties executed a First Amended Agreement allowing for the development on these increments as separate Applications for Development Approval.

6. On \_\_\_\_\_, 1986, MANATEE COUNTY, the TAMPA BAY REGIONAL PLANNING COUNCIL and successors in interest to ARVIDA, executed a Second Amended Agreement, appended hereto and made a part hereof as Attachment "B", incorporating the First Amended Agreement and providing for an extension of time for submission of requests for development approval as provided herein.

BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS as conclusions of law that the proceedings have been conducted pursuant to the provisions of Florida Statutes, Chapter 380, and that IIP, KABARA and ACPA have sustained and proved all material allegations and assertions contained in the request to amend the Master Development Order, R-84-69, subject to the following conditions:

1. IIP and KABARA as successors in interest to ARVIDA or their successors or assigns may submit an AIDA for that portion of the land identified as Planned Development Residential (PDR) in the First Amended Agreement and further identified as Increment One in the Agreement, provided, however, in the event that the developer does not submit an application for an AIDA by February 28, 1989, the developer shall submit an ADA for the entire PDR parcel, further described in Exhibit "1" attached hereto, not later than February 28, 1992. Submission of the AIDA and ADA shall conform to the terms and conditions of R-84-69, as amended by this resolution.

2. ACPA shall submit an ADA for the entire PDC and PDI parcels identified as Increment Two in the First Amended Agreement and further described on Exhibit "2" attached hereto, in lieu of an AIDA for Increment Two. The ADA shall conform to the terms and conditions of R-84-69 as amended by this Resolution.

3. The extension of time granted herein for submission of the AIDA and ADA for the PDR, identified as Increment One of the Agreement, is found not to be a substantial deviation of the Master Development Order granted by R-84-69.

4. The submission of separate ADAs for Increments One and Two as identified in the First Amended Agreement is found not to be a substantial deviation of the Master Development Order granted by R-84-69.

5. This Amended Master Development Order shall become effective upon adoption by the Board of County Commissioners of Manatee County, Florida, and transmitted to the Tampa Bay Regional Planning Council and the Division of Community Affairs (DCA), provided, however, that the filing of a notice of appeal pursuant to Section 380.07, Florida Statutes, stays the effectiveness of this order.

R-86-214 Cont'd.

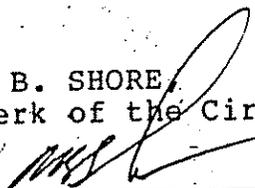
ADOPTED with a quorum present and voting this the 25th  
day of September, 1986.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: Edward W. Chaves

Chairman 9/25/86

ATTEST: R. B. SHORE,  
Clerk of the Circuit Court



RESOLUTION GRANTING A MASTER DEVELOPMENT ORDER

WHEREAS, THE ARVIDA CORPORATION, hereinafter referred to as "ARVIDA", in accordance with Section 380.06, Florida Statutes, has filed with Manatee County an Application for Master Development Approval (AMDA) of a Development of Regional Impact (D.R.I. #12); and

WHEREAS, ARVIDA proposes to develop a planned development residential (PDR) of 3,450 dwelling units with associated recreational and commercial activities, a planned development commercial (PDC) and together with a planned development industrial (PDI) upon real property located in Manatee County, Florida and owned by Island Investment Properties, Ltd. and Kabara, N.V. as described in attached Exhibit A and made a part hereof; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to consider Applications for Master Development Approval of Developments of Regional Impact; and

WHEREAS, pursuant to Section 401F, Manatee County Comprehensive Zoning and Land Development Code, and Section 380.06(7), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, a public hearing in these proceedings was held on March 7, 1984, March 21, 1984 and March 28, 1984, before the Manatee County Planning Commission and April 19, 1984 and May 15, 1984 before the Board of County Commissioners of Manatee County, Florida; and

WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and argument on all issues, conduct cross-examination and submit rebuttal evidence and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(11), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report and recommendations on the regional impact of the development; and

WHEREAS, said Board of County Commissioners and said Planning Commission have considered the testimony, reports, and other documentary evidence submitted at said public hearing by ARVIDA, TBRPC, as well as Manatee County staff agencies and various persons in attendance at said public hearing; and

WHEREAS, said Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission; and

WHEREAS, said Board of County Commissioners, having considered all of the foregoing and being fully advised and informed in the premises;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that said Board makes the following findings of fact:

1. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald, a newspaper of general circulation in Manatee County, Florida, pursuant to Section 380.06(10) Florida Statutes, and Section 401F, Manatee County Comprehensive Zoning and Land Development Code, and proof of such publication has been duly filed in these proceedings.

2. The real property involved in this development and owned by Island Investment Properties, Ltd. and Kabara, N.V. is located in Manatee County, Florida and is described on attached Exhibit A, and made a part hereof.

3. Upon consideration of all matters prescribed in Sections 380.06(12), 380.06(13) and 380.06(20)(b), Florida Statutes, and the Manatee County Comprehensive Zoning and Land Development Code, and other applicable provisions of local and state law, the Commission has determined that as conditioned by the approval hereby granted the ARVIDA development described in the Application:

- (a) is not located in an area of critical state concern, and
- (b) does not interfere with the achievement of the objectives of any adopted state land development plan applicable to the area;
- (c) is consistent with local land development regulations; and
- (d) adequately addresses the concerns of regional impact stated in the report and recommendations of the Tampa Bay Regional Planning Council dated February 20, 1984 on file in these proceedings, and is consistent with that report.

BE IT FURTHER RESOLVED, by the Commission, as conclusions of law, that the proceedings have been conducted pursuant to the provisions of law, the Manatee County Comprehensive Zoning and Land Development Code and Chapter 380, Florida Statutes, and that ARVIDA has sustained and proved all the material allegations and assertions made in the Application and, subject to the conditions, restrictions, and limitations hereinafter set forth, ARVIDA is entitled to the relief prayed and applied for in said Application and, therefore, the Commission hereby approves and grants ARVIDA Application for Master Development Approval for a Development of Regional Impact (D.R.I. #12), subject to the following recommended conditions for approval submitted by the Tampa Bay Regional Planning Council:

1. The incremental AIDA and final ADA reviews shall be conducted pursuant to Chapter 380.06 F.S., except that AIDA approvals shall be recorded as separate amendments to the Master Development Order.
2. The AIDAs for the first and second increments shall be filed with the County and TBRPC and other reviewing agencies no later than two years after the effective date of the Alternative Review Agreement. Failure to file these AIDAs within two years shall require that TBRPC reassess the regional issues associated with each increment and add or delete regional issues as appropriate.
3. Within five years of the date of the agreement, the developer shall submit an ADA to TBRPC and the County for review pursuant to Chapter 380.06, F.S. The ADA shall address all regional impacts on a cumulative basis, including regional impacts reviewed in any AIDA.
4. The regional issues listed below shall be address in subsequent incremental and final reviews. Failure to mitigate adverse regional impacts related to the regional issues identified for this project as set forth below in a manner to attain conformance and consistency with adopted TBRPC policies may result in a recommendation of denial of an AIDA or ADA or appeal of ADA by TBRPC.

Regional Issues:

- a. Regional transportation impacts.
- b. Regional environmental issues relating to lake management, water and air quality protection, wildlife habitat, soil and subsurface geologic suitability, and protection of the watershed.
- c. Regional economic impacts relating to employment, capital improvement costs, and the regional tax base.

- d. Regional impacts relating to water, sewer and solid waste services, energy use and hazardous waste disposal (if applicable).
  - e. Regional issues relating to housing.
  - f. Preservation of regionally significant historical and archaeological sites.
5. Prior to submittal of the first AIDA, an overall master drainage plan shall be developed. The plan shall be based upon the findings of a County approved water quality and quantity monitoring program. It shall be submitted with the first AIDA to assure that drainage plans for each increment are compatible with one another, and with drainage systems of the surrounding or adjacent property. The plan is to be developed in such a manner or as to assure maximum protection to the Braden River watershed and to maintain the existing hydroperiod of all existing jurisdictional wetlands.
  6. Preliminary site plans and other information submitted to the County pursuant to Section 403F, Manatee County Comprehensive Zoning and Land Development Code, may serve as the basis for Chapter 380.06, F.S. review of the AIDAs. County site plan information shall be indexed and cross-referenced to the ADA and submitted to TBRPC and reviewing agencies as an AIDA.
  7. The dwelling units proposed in Sector "Y" shall be deferred from Conceptual Development Plan approval. Development consideration of this area will be reassessed at the ADA stage of the development process.
  8. An archaeological survey shall be conducted on the portion of the project site recommended for survey by the Florida Department of State, Division of Archives, History and Records Management prior to the issuance of permits for land clearing or development activities.
  9. The ADA and incremental submittals shall address the matters raised in the responses from reviewing agencies to the AMDA, as appropriate.
  10. The terms and conditions of the Agreement between Manatee County, the Tampa Bay Regional Planning Council and Alvida Corporation are hereby incorporated into this document by reference.
  11. The developer shall pay TBRPC one-third of the TBRPC D.R.I. application review fee in force upon filing the AMDA with Manatee County. Two-thirds of the D.R.I. application fee in force shall be paid TBRPC when the ADA is filed or ADA preapplication conference is requested. The developer shall pay TBRPC the D.R.I. increment review fee in force at the time an AIDA is filed or preapplication conference is requested. These amounts shall constitute the total application fee to TBRPC.
  12. The developer shall reimburse Manatee County on the basis of time spent reviewing each D.R.I. application. The developer will be billed after each phase of the application process is complete in accordance with the official fee schedule of the Planning and Development Department, adopted June 1, 1982, as follows:

"All work performed by Manatee County employees directly and reasonably attributable to review of a D.R.I. application shall be paid by the developer and/or agent. Fees will be based upon the hourly rate of pay of each employee performing the work, multiplied by the number of hours worked plus fifty (50%) percent; to cover cost for fringe benefits (30%), and for overhead and indirect costs (20%). A deposit of \$3,000.00 will be paid by the developer and/or agent at the time of

application. Any balance due over \$3,000.00 will be billed. Any amount under \$3,000.00 will be refunded. The developer and/or agent shall also pay the actual cost of a Court Reporter and transcript of proceedings (NOTE: Two copies of proceedings shall be provided to the County), the actual cost of necessary consulting services as determined by the Board of County Commissioners and other applicable fees as established by this fee schedule."

BE IT FURTHER RESOLVED THAT:

1. This Resolution shall constitute a Master Development Order issued in accordance with Chapter 380, Florida Statutes.
2. Definitions and matters contained in Chapter 380, Florida Statutes, shall control the construction of any defined terms and matters appearing in the Development Order.
3. The following are hereby incorporated by reference and made a part of this Development Order:
  - (a) The "Application for Master Development Approval" submitted by ARVIDA.
  - (b) The legal description of the property attached hereto as Exhibit B.
  - (c) The Ordinance granting rezoning to Planned Development Residential, Planned Development Commercial and Planned Development Industrial (Z-84-81) adopted May 15, 1984.
  - (d) Agreement between Manatee County, The Tampa Bay Regional Planning Council and Arvida Corporation (As Amended) attached hereto as Exhibit C.
4. This Master Development Order shall be effective for a period of twenty (20) years from the date of this Resolution provided that the effective period may be extended by the Board upon a showing of good cause, and provided that the conditions and other provisions of subsequent approvals of AIDAs, the ADA preliminary development plans and the like shall supersede the provisions of this Master Development Order to the extent they are inconsistent and irreconcilable. This approval shall not be construed as a waiver of any Manatee County requirements for other necessary permit procedures, plan approvals, building permits, certificates of occupancy, or similar matters provided by Florida Statutes or ordinances of Manatee County, unless said requirements are specifically waived in the Resolution granting R-84-69.

The time above provided shall be tolled during any period of time during which there is any building permit moratorium imposed by the County or other governmental agency having authority to do so.
5. This Master Development Order shall be binding upon and inure to the benefit of the applicant and its assignees, or successors in interest and the present owners and their assignees or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the power and duties of any referenced governmental agency in existence on the effective date of this Development Order.
6. A certified true copy of this Resolution shall be filed and recorded in the Public Records of Manatee County, Florida, and the Development Order contained herein shall govern the development of ARVIDA.
7. A finding by the Board of County Commissioners of Manatee County, Florida, in accordance with Section 380.06(7), Florida Statutes, after notice and public hearing, that ARVIDA has substantially deviated from the conditions, restrictions and limitations of

this Development Order shall result in termination of all development activity under this Development Order and additional regional review pursuant to Section 380.06, Florida Statutes, and other applicable laws of the State of Florida.

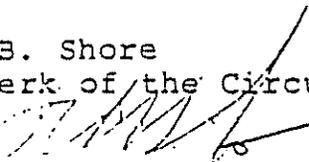
9. This Development Order shall become effective upon adoption by the Board of County Commissioners of Manatee County and transmittal to the TBRPC and the Florida Division of Community Affairs provide however, that the filing of a notice of appeal pursuant to Chapter 380.07, Florida Statutes, stays the effectiveness of this Development Order.

ADOPTED with a quorum present and voting, this 15th day May, 1984.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: Edward W. Chance  
Chairman

ATTEST: R.B. Shore  
Clerk of the Circuit Court



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STATE OF FLORIDA

COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of a RESOLUTION adopted by the Board of County Commissioners of said County in session on the 15th day of May, 1984.

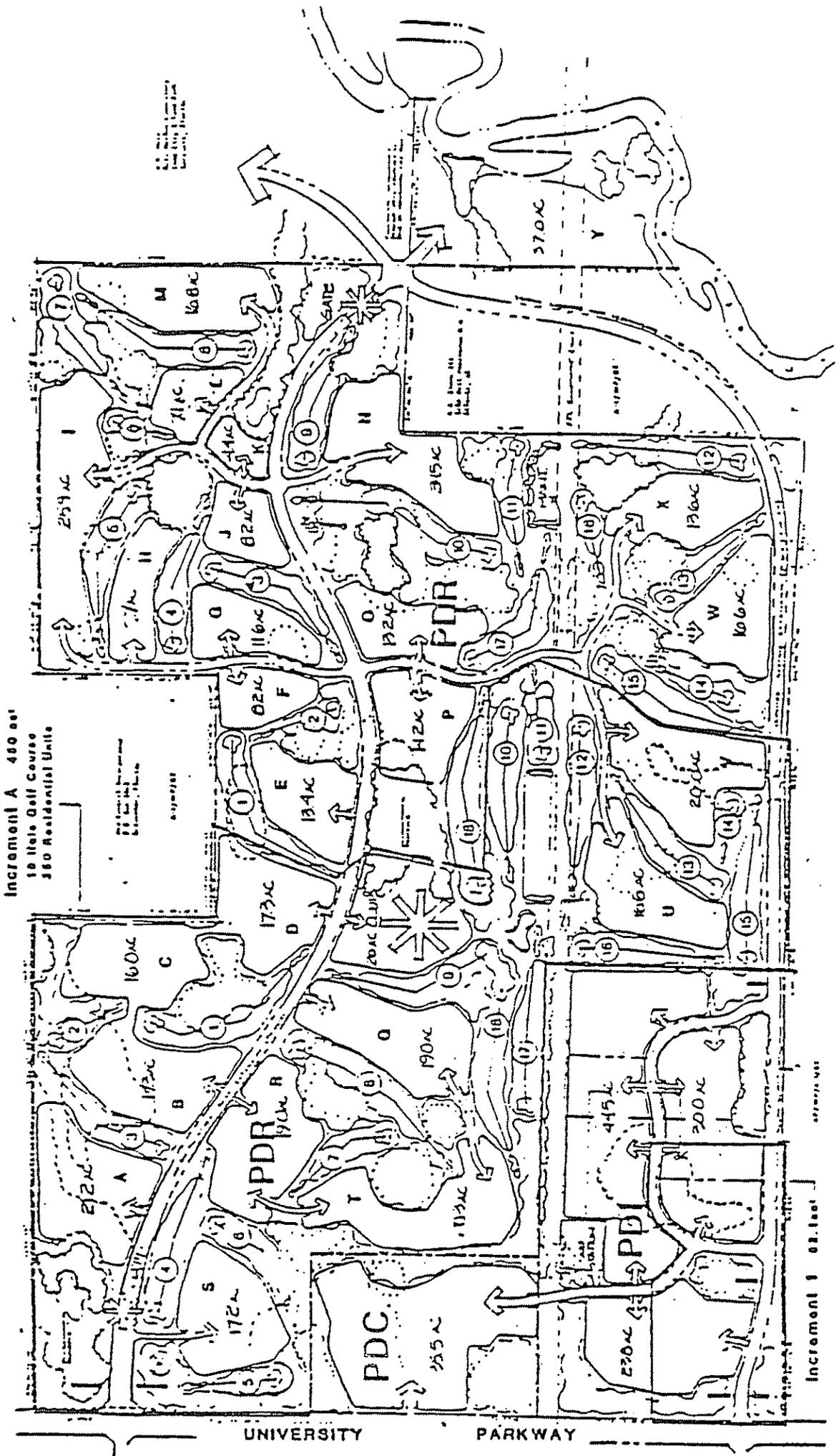
SUBJECT: R-84-69

RESOLUTION GRANTING A MASTER DEVELOPMENT ORDER  
(ARVIDA CORPORATION, DEVELOPMENT OF REGIONAL IMPACT,  
D.R.I. #12)

WITNESS My Hand and Official Seal this the 16th day of May, 1984,  
in Bradenton, Florida.

  
\_\_\_\_\_  
R. B. Shore, Clerk of Circuit Court  
Manatee County, Florida

# Circle-N-Bar Ranch Master Development Plan



Exhibit

*Extra copy*

**SECOND AMENDMENT TO  
ARVIDA DEVELOPMENT AGREEMENT**

THIS AGREEMENT, entered into by MANATEE COUNTY, a political subdivision of the State of Florida (COUNTY); the TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC); ARVIDA CORPORATE PARK ASSOCIATES (ACPA), a successor in interest to Arvida corporation; ISLAND INVESTMENT PROPERTIES, LTD. (IIP), a successor in interest to Arvida Corporation; and KABARA CORP. N.V. (KABARA), a successor in interest to Arvida Corporation, amend the Agreement by and between COUNTY, TBRPC and ARVIDA CORPORATION (ARVIDA) entered into on February 28, 1984 (Agreement), a copy of which is attached hereto and made a part hereof as Exhibit "A"; as amended by a subsequent Agreement by and between COUNTY, TBRPC and ARVIDA entered into on March 5, 1985 (First Amended Agreement), a copy of which is attached hereto and made a part hereof as Exhibit "B";

WHEREAS, IIP and KABARA are successors in interest to that portion of the development rights granted to ARVIDA in Manatee County Resolution R-84-69, which is identified as Increment One in the Agreement and identified as Planned Development Regional (PDR) in the First Amended Agreement; and

WHEREAS, the parties have agreed to amend the Agreement, as amended by the First Amended Agreement, to allow IIP and KABARA to extend the time for submission of both the Application for Incremental Development (AIDA) and the Application for Development Approval (ADA) for the PDR; and

WHEREAS, ACPA has, pursuant to the First Amended Agreement, submitted a separate ADA for that portion of the project approved by R-84-69, which is identified as Increment Two in the Agreement and identified as Planned Development Industrial and Planned Development Commercial (PDI/PDC) in the First Amended Agreement; and

WHEREAS, such amendment is technical in nature and will not substantively affect any regional issues or substantively change the Agreement, as amended by the First Amended Agreement.

SECOND AMENDMENT TO ARVIDA  
DEVELOPMENT AGREEMENT CONT'D.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. IIP and KABARA are successors in interest to ARVIDA for that portion of land identified as Planned Development Residential (PDR) in R-84-69, further identified as Increment One in the Agreement and further described in Exhibit "C", attached hereto and made a part hereof.

2. IIP and KABARA as successors in interest to ARVIDA or their successors or assigns may submit an AIDA for that portion of the land identified as Planned Development Residential (PDR) in the First Amended Agreement and further identified as Increment One in the Agreement, provided, however, in the event that the developer does not submit an application for an AIDA by February 28, 1989, the developer shall submit an ADA for the entire PDR parcel, further described in Exhibit "C" attached hereto, not later than February 28, 1992. Submission of the AIDA and ADA shall conform to the terms and conditions of R-84-69, as amended by this resolution.

3. ACPA has, in accordance with the First Amended Agreement, submitted an ADA for the approved PDC/PDI parcels in lieu of an AIDA for Increment Two identified in the Agreement made part of R-84-69, and applicable to the Planned Development Commercial (PDC) and Planned Development Industrial (PDI) parcels as further described in Exhibit "D", attached hereto and made a part hereof. The ADA shall conform to the terms and conditions of R-84-69, as amended by R-86-214.

4. All other provisions of the Agreement, as amended by the First Amended Agreement, not in conflict with this Agreement, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have hereunto duly executed this Agreement on the dates below given.

WITNESSES:

ARVIDA CORPORATE PARK ASSOCIATES

By: \_\_\_\_\_

Date: \_\_\_\_\_

SECOND AMENDMENT TO ARVIDA  
DEVELOPMENT AGREEMENT CONT'D.

ISLAND INVESTMENT PROPERTIES, LTD.  
By Suncoast Realty Management Co.,  
Inc., General Partner

By: \_\_\_\_\_

Date: \_\_\_\_\_

KABARA, CORP. N.V.

By: \_\_\_\_\_

Date: \_\_\_\_\_

TAMPA BAY REGIONAL PLANNING COUNCIL

By: \_\_\_\_\_

Date: \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Chairman

Date: \_\_\_\_\_

ATTEST: R. B. SHORE,  
Clerk of the Circuit Court

\_\_\_\_\_

AGREEMENT  
BETWEEN MANATEE COUNTY, THE TAMPA BAY REGIONAL  
PLANNING COUNCIL AND ARVIDA CORPORATION  
(AS AMENDED)

1  
2  
3 THIS AGREEMENT is entered into by MANATEE COUNTY, a political  
4 subdivision of the State of Florida (hereafter "County"), the  
5 TAMPA BAY REGIONAL PLANNING COUNCIL (hereafter "TBPC"), and  
6 ARVIDA CORPORATION (hereafter "Developer").

7 WHEREAS, Developer proposes to develop a mixed-use develop-  
8 ment of regional impact (DRI) located in Manatee County known as  
9 Circle-N-Bar Ranch; and

10 WHEREAS, the proposed DRI will be developed in increments  
11 over an extended period of time with buildout expected to be  
12 completed in October, 2001; and

13 WHEREAS, the proposed DRI will comprise 1,134 acres as  
14 depicted in Exhibit "1", and legally described in Exhibit "2";  
15 and

16 WHEREAS, the proposed DRI will include mixed uses generally  
17 described in Exhibit "3", including approximately 3,500 residen-  
18 tial units, approximately 1,250,000 square feet of commercial  
19 space, and approximately 1,350,000 square feet of industrial  
20 space; and

21 WHEREAS, the parties agree that use of the alternative DRI  
22 review process, whereby master development approval is requested,  
23 and, if approved by the granting of a Master Development Order  
24 (MDO), may be followed by requests for approval of individual  
25 project increments prior to submission of a complete Application  
26 for Development Approval (ADA) for the project as a whole, will  
27 facilitate efficient and effective review of the project and will  
28 correspond to the development plans of Developer; and

29 WHEREAS, the parties agree that, to the maximum possible  
30 extent, it is desirable to integrate DRI review with local  
31 government land use review and approval; and

32 WHEREAS, this agreement is authorized by, and consistent  
33 with Section 380.06(20)(b), Florida Statutes; and

Exhibit (

1           WHEREAS, this proposed development is conceptually con-  
2           sistent with adopted TBRPC policies reflected in the "Future of  
3           the Region" and Chapter 29H, Florida Administrative Code; and

4           WHEREAS, the Developer and Island Investment Property, Ltd.,  
5           and Kabara N.V., hereafter referred to as "Owners," warrant that  
6           Owners own the property described in Exhibit "2" (hereafter "the  
7           property") and Developer has sufficient interest in the property  
8           to seek DRD approval.

9           NOW, WHEREFORE, in consideration of the foregoing and of the  
10          following covenants, conditions and promises, the parties agree  
11          as follows:

12          1.    Master Development Approval

13          Developer shall submit to TBRPC and the County an  
14          Application for Master Development Approval (AMDA)  
15          encompassing the property. Developer shall also submit sub-  
16          sequent Applications for Incremental Development Approval  
17          (AIDA) encompassing portions of the Property as described  
18          herein and an Application for Development Approval (ADA)  
19          encompassing the entire Property. The AMDA shall include:  
20          a.    a general description of proposed land uses in the  
21                ORI;  
22          b.    a map depicting the general location of such uses;  
23          c.    all information required to be submitted to the  
24                County pursuant to Sections 205B and 403E, Manatee  
25                County Code, governing conceptual site plan  
26                approval; and  
27          d.    identification of increments and the timing for sub-  
28                mitting AIDAs and the ADA.

29          2.    Master Development Order

30          The master development order:  
31          a.    shall assure that anticipated regional impacts will  
32                be adequately addressed in the review process;  
33          b.    may grant master development or conceptual approval

1 of the development subject to subsequent submission,  
2 review and approval of AIDAs and the ADA pursuant to  
3 the provisions set forth herein and Chapter 380.06,  
4 F.S.;

- 5 c. shall specify which regional issues have been suf-  
6 ficiently reviewed in the AMDA and, therefore, will not  
7 require further review in an AIDA or ADA;
- 8 d. shall specify which regional issues are subject to  
9 review pursuant to 380.06, F.S. in an AIDA and define  
10 information requirements for review of these issues;
- 11 e. shall limit review of subsequent AIDAs to issues and  
12 information specifically identified in the master devel-  
13 opment order, unless substantial changes in the con-  
14 ditions underlying approval of the master development  
15 order are shown or the master development order is shown  
16 to have been based on substantially inaccurate  
17 information; and
- 18 f. shall identify any issues which may result in denial or  
19 approval of an AIDA.

20 3. a. First Increment

21 The first increment is described in Exhibit "4" and  
22 generally depicted in Exhibit "5". It shall comprise  
23 approximately 448 acres and shall include approximately  
24 350 residential units and an 18-hole golf course. The  
25 parties recognize and agree that this increment will not  
26 exceed any of the Chapter 27F-2, Florida Administrative  
27 Code, thresholds. The parties also recognize that addi-  
28 tional residential units for the area described in this  
29 increment may be requested in a subsequent AIDA.

30 b. Second Increment

31 The second increment is described in Exhibit "4" and  
32 depicted in Exhibit "5". It shall comprise approximately  
33 29 acres of high technology industrial/office

1 uses, 330,000 square feet of gross leasable area and  
2 parking for 340 vehicles. The parties recognize and  
3 agree that this increment will not, either separately  
4 or in conjunction with the first increment, exceed any  
5 of the Chapter 27F-2, Florida Administrative Code  
6 thresholds.

7  
8 4. The AIDAs for the first and second increments shall be filed  
9 with the County and TBRPC no later than two years after the  
10 effective date of the MDO. Failure to file these AIDAs  
11 within two years shall require that TBRPC reassess the  
12 regional issues associated with each increment and add or  
13 delete issues as appropriate.

14 5. Additional Increments

15 AIDAs for additional increments may be submitted upon  
16 agreement of the parties and amendment of the MDO pursuant  
17 to appropriate review and hearing processes, provided that  
18 no subsequent increments, either separately or in conjunc-  
19 tion with all previously submitted increments, may exceed  
20 any of the Chapter 27F-2, F.A.C., thresholds.

21 6. Approval of Increments

22 County approval, pursuant to Chapter 380.06, F.S., of any  
23 increments shall be granted in separate addenda to the MDO.

24 7. Incremental Review

- 25 a. Regional issues shall be reviewed as part of each AIDA.  
26 The regional impact of previously approved increments may  
27 be subject to further review on a cumulative basis as  
28 part of a subsequent AIDA or the ADA.  
29 b. Information requested by TBRPC in an AIDA shall not  
30 duplicate information required by the County planned  
31 development review ordinances. Accordingly, the  
32 requirements, information submittals, and review proce-  
33 dures set forth in the following provisions of the  
Manatee County Land Development Code, as the same may

1 be amended from time to time, are recognized as appli-  
2 cable to any part of the ORI which is made the subject  
3 of an AIDA, and the Developer's obligation to comply  
4 with them is incorporated into this agreement.

- 5 (1) Section 407, Amendments (Exhibit "6");  
6 (2) Section 401F, Public Hearing (Exhibit "7");  
7 (3) Section 205B, Standards and Procedures for Planned  
8 Developments (Exhibit "8");  
9 (4) Section 203Q, PDR - Planned Residential  
10 Development District (Exhibit "9");  
11 (5) Section 203R, PDC - Planned Commercial Development  
12 District (Exhibit "10");  
13 (6) Section 203S, PDI - Planned Industrial Development  
14 District (Exhibit "11");  
15 (7) Section 203K (WP Watershed Protection Overlay  
16 District (Exhibit "12");  
17 (8) Section 403 Site Plans (Exhibit "13");  
18 (9) Manatee County Floodplain Management Regulations  
19 as adopted (presently Ordinance Nos. 77-1 and 77-4).

20 c. Subject to the provisions of paragraph 3, preliminary  
21 site plans and other information submitted to the County  
22 pursuant to Section 403F, Manatee County Land  
23 Development Code, shall serve as the basis for TBRPC  
24 review of AIDAs. County site plan information shall be  
25 indexed and cross-referenced to the ADA and submitted to  
26 TBRPC as an AIDA. In addition, County requirements  
27 under Sections 203X and 203Y, Manatee County Land  
28 Development Code, which are comprehensive measures  
29 designed to protect wetlands, floodplains, and maintain  
30 water quality, and the county soils survey, shall serve  
31 as the basis for TBRPC review of impacts relating to  
32  
33

1 wetlands, watercourses, watersheds, and stormwater  
2 runoff. Other information submitted in connection with  
3 County review may be submitted to TBRPC as additional  
4 basis for AIDA review.

5 9. Supplementary Information For Review of Regional Issues

6 The referenced County ordinances may not provide all infor-  
7 mation necessary for AIDA review of regional issues.

8 Accordingly, if necessary, TBRPC may request additional  
9 information to determine conformance and consistency with  
10 adopted regional policies related only to the following  
11 regional issues:

- 12 a. Regional transportation impacts.
- 13 b. Regional environmental issues relating to lake manage-  
14 ment, water and air quality protection, soil and subsur-  
15 face geologic suitability, and protection of watersheds.
- 16 c. Regional economic impacts relating to employment, capi-  
17 tal improvement costs, and the regional tax base.
- 18 d. Regional impacts relating to water, sewer and solid  
19 waste services, energy use and hazardous waste disposal  
20 (if applicable).
- 21 e. Regional issues relating to housing.
- 22 f. Preservation of regionally significant historical and  
23 archaeological sites.

24 Such additional information, if required, shall be iden-  
25 tified by TBRPC in the preapplication conference report pre-  
26 ceding submission of an AIDA or sufficiency response. All  
27 requests for additional information shall be based on the  
28 need to adequately address TBRPC policies and identified  
29 regional issues, and shall recognize whether required County  
30 information is adequate, the relevance of the requested  
31 information to the particular approval requested, the  
32 necessity for Developer to secure additional state and  
33 regional agency approvals which can be the subject of AIDA

1 approval conditions, and other considerations referenced in  
2 Rule 38-16.28(2) and Chapter 29H, Florida Administrative  
3 Code. Applications submitted to other agencies that contain  
4 any requested additional information, when properly and clearly  
5 cross-referenced to the ADA, may be submitted to TERPC to  
6 fulfill information requests. Questions normally included in  
7 the ADA and not related to the regional issues identified in  
8 this section may be identified at a preapplication conference  
9 and eliminated from an AIDA with the consent of Developer and  
10 TERPC.

11 9. Issues That May Result In Denial Of An AIDA Or ADA by TERPC

12 The failure to mitigate adverse regional impacts related to  
13 the regional issues set forth in Section 8 of this agreement  
14 in a manner to attain conformance and consistency with adopted  
15 TERPC policies may result in a recommendation of denial or  
16 appeal of an AIDA or ADA by TERPC.

17 10. Application For Development Approval

18 Within five (5) years of the date of this agreement,  
19 Developer shall submit an Application for Development  
20 Approval (ADA) to TERPC and the County for review pursuant  
21 to Chapter 380.06, F.S. The ADA shall address all regional  
22 impacts on a cumulative basis, including regional impacts  
23 reviewed in any AIDA. Prior approval of any AIDA shall not  
24 prejudice approval or denial of the ADA. Developer shall  
25 have an opportunity to request elimination of ADA questions  
26 and identification of critical or significant regional issues  
27 associated with ADA review. The basis for TERPC recom-  
28 mending denial of the ADA shall be as provided in AIDA  
29 review and Chapter 380, F.S. Developer may submit a response  
30 to any ADA question concurrent with any AIDA. TERPC shall  
31 review the response, determine if it is adequate and inform  
32 Developer and Manatee County of its determination.  
33 Information submitted in a prior AIDA may be submitted to

1 partially or completely fulfill ADA requirements as  
2 appropriate.

3 11. Regional Review Fees

4 Developer shall pay TBRPC one-third of the TBRPC DRI appli-  
5 cation review fee in force upon filing the AMDA with the  
6 County. Two-thirds of the DRI application fee in force  
7 shall be paid TBRPC when the ADA is filed or ADA preapplica-  
8 tion conference is requested. Developer shall pay TBRPC the  
9 DRI increment review fee in force at the time an AIDA is  
10 filed or preapplication conference is requested. These  
11 amounts shall constitute the total application fee to TBRPC.

12 12. Developer Contributions

13 Any mandatory dedication or contributions which the  
14 Developer undertakes or commits to undertake, as a condition  
15 of AMDA or AIDA approval, including without limitation  
16 dedication of property or facilities or payment of fees,  
17 shall be cumulated and credited to the Developer in con-  
18 sidering subsequent and total contributions. Such dedica-  
19 tions or contributions shall be authorized or required by  
20 and consistent with County ordinances or County DRI review  
21 practices and procedures.

22 13. This agreement does not limit or modify the statutory  
23 responsibilities of the County or TBRPC pursuant to Section  
24 380.06, Florida Statutes.

25 14. Nothing in this agreement shall be construed as preju-  
26 dicing, compromising or limiting in any way the lawful  
27 authority of Manatee County or the lawful discretion of the  
28 Board of County Commissioners to approve, deny, or condition  
29 the approval of the DRI or any portion thereof in con-  
30 nection with the County's review and consideration under its  
31 own land use and development policies and regulations,  
32 whether or not such review and consideration take place  
33 simultaneously with review procedures under Chapter 380 and  
this agreement.

15. This agreement shall inure to the benefit of, and shall be binding upon, the County, TSRPC, the Developer and their respective successors and assigns.
16. This agreement shall be signed by Owners at the request of the parties to provide assurance that the Developer has sufficient interest in the property to seek DRI approval under the terms of this agreement. Owners join in and consent to this agreement, and thereby warrant that Developer has sufficient right and interest in the property to exercise its rights and fulfill its obligations under this agreement.
17. This agreement is made and entered into under, and shall be construed in accordance with, the laws of the State of Florida, and particularly Section 380.06(20)(b), Florida Statutes, and Rule 9B-16.28, Florida Administrative Code.
18. This agreement may be amended by mutual written agreement of the parties.
19. Unless extended or otherwise terminated by mutual written consent of the parties, this agreement shall terminate when a Development Order(s) is/are issued for a DRI(s) encompassing the property in its entirety, or on November 1, 2001, whichever sooner occurs

WITNESSES:

Arthur L. Pappas  
11/1/84

Thomas E. Brown  
11/1/84

ATTEST: R. B. SHORE,  
 Clerk of the  
 Circuit Court

[Signature]

ARVITA CORPORATION

By: Robert H. Chalmers  
 Title: PRES. SARASOTA DIV  
Feb. 6 1984  
 Date of Execution

TAMPA BAY REGIONAL PLANNING COUNCIL

By: [Signature]  
 Title: Chairman  
11/20/1984  
 Date of Execution

BOARD OF COUNTY COMMISSIONERS OF  
 MANATEE COUNTY, FLORIDA

By: Edward W. Chanu  
 Chairman

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Agreed and Consented To:

[Signature]  
[Signature]

ISLAND INVESTMENT PROPERTY, LTD.

By: [Signature]  
Title: [Signature]  
Date of Execution 21 4 1984

[Signature]  
[Signature]

KABARA, N.V.

By: [Signature]  
Title: [Signature]  
Date of Execution 2-6-84

PDR

A parcel of land in Sections 25, 26, 35, and 36, Township 35 South, Range 13 East, Manatee County, Florida described as follows:

Begin at the Southwest corner of said Section 35; thence N 00°01'06" W, (with bearings referred to grid North of the West zone of the Florida State Plane Coordinate System), a distance of 2699.49 feet to the W ¼ of said Section 35; thence N 00°00'58" W, a distance of 1349.31 feet to the Northwest corner of the SW ¼ of the NW ¼ of said Section 35; thence S 89°03'17" E, a distance of 1374.67 feet to the Southwest corner of the NE ¼ of the NW ¼ of said Section 35; thence N 00°05'44" W, a distance of 1346.55 feet to the Southwest corner of the SE ¼ of the SW ¼ of said Section 26; thence N 00°45'13" E, a distance of 662.30 feet to the Southeast corner of the N ¼ of the SW ¼ of the SW ¼ of said Section 26; thence N 88°59'30" W, a distance of 1380.82 feet to the Southwest corner of the said N ¼ of the SW ¼ of the SW ¼; thence N 00°03'46" E, a distance of 1981.78 feet to the W ¼ corner of said Section 26; thence N 00°07'13" E, a distance of 1333.96 feet to the Northwest corner of the S ¼ of the NW ¼ of said Section 26; thence S 89°13'01" E, a distance of 2840.13 feet to the Northeast corner of said S ¼ of the NW ¼; thence S 01°26'26" W, a distance of 1334.27 feet to the Northwest corner of the SE ¼ of said Section 26; thence S 39°12'40" E, a distance of 2807.69 feet to the Northwest corner of the SW ¼ of said Section 25; thence S 89°11'03" E, along the North line of said SW ¼, a distance of 303.73 feet to a point that is 303.55 feet East of as measured at a right angle to the West-line of said Section 25; thence S 02°45'45" W, and parallel to the West line of said Section 25, a distance of 2673.33 feet to the North line of said Section 36; thence, continue S 02°45'45" W, a distance of 1.04 feet to a point that is 303.55 feet East of as measured at a right angle to West line of said Section 36; thence S 00°20'22" E, and parallel to the West line of said Section 36; a distance of 1461.89 feet; thence N 89°27'25" W, and parallel to the South line of the SE ¼ of said Section 35, a distance of 303.59 feet to the East line of said Section 35; thence, continue N 89°27'25" W, a distance of 1513.94 feet to the West line of a 160 foot wide Florida Power & Light easement, thence S 00°26'00" W, along said West line, a distance of 2560.80 feet; thence N 89°27'42" W, a distance of 1800.00 feet; thence S 00°26'00" W, a distance of 1320.00 feet to the South line of the SW ¼ of said Section 35; thence N 89°28'17" W, a distance of 2154.66 feet to the Point of Beginning.

Containing 877.94 acres, more or less.

Together with and including all that part of the N ¼ of the NE ¼ of said Section 26, lying Southerly and Westerly of the Braden River.

Containing 42.7 acres, more or less.

EXHIBIT No. 1

ARVIDA CORPORATE PARK ASSOCIATES

P.D.I. PARCEL

DESCRIPTION

A PARCEL OF LAND IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS.

FROM THE S.E. CORNER OF SAID SECTION 35, RUN N 89°27'25" W (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATE SYSTEM) ALONG THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1855.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 89°27'25" W, A DISTANCE OF 905.78 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION 35, THENCE N 89°28'17" W ALONG THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1320.00 FEET; THENCE N 00°26'00" E, A DISTANCE OF 1320.00 FEET; THENCE S 89°27'42" E, A DISTANCE OF 1800.00 FEET TO THE WEST LINE OF A 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE N 00°26'00" E ALONG SAID WEST LINE, A DISTANCE OF 2560.80 FEET; THENCE S 89°27'25" E AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1513.95 FEET TO THE WEST LINE OF SAID SECTION 36, THENCE CONTINUE S 89°27'25" E, A DISTANCE OF 303.59 FEET TO A POINT THAT IS 303.55 FEET EAST OF, AS MEASURED AT A RIGHT ANGLE TO, THE WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E AND PARALLEL TO SAID WEST LINE, A DISTANCE OF 1711.56 FEET; THENCE N 89°27'00" W, A DISTANCE OF 303.59 FEET TO THE WEST LINE OF SAID SECTION 36, THENCE CONTINUE N 89°27'00" W, A DISTANCE OF 361.41 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 640.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 73°00'00", A DISTANCE OF 815.42 FEET TO THE P.T. OF SAID CURVE; THENCE S 17°33'00" W, A DISTANCE OF 230.88 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 800.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21°47'12", A DISTANCE OF 304.20 FEET TO THE P.C.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1220.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 36°28'25", A DISTANCE OF 776.63 FEET; THENCE S 00°26'00" W, A DISTANCE OF 813.16 FEET TO THE POINT OF BEGINNING.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, CONTAINING 134.92 ACRES, MORE OR LESS

P.D.C. PARCEL

DESCRIPTION

A PARCEL OF LAND IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS.

BEGIN AT THE S.E. CORNER OF SAID SECTION 35, THENCE N 89°27'25" W (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATE SYSTEM) ALONG THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1855.00 FEET; THENCE N 00°26'00" E, A DISTANCE OF 813.16 FEET TO A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 14°11'23" W, AT A DISTANCE OF 1220.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 36°28'25", A DISTANCE OF 776.63 FEET TO THE P.C.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 800.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21°47'12", A DISTANCE OF 304.20 FEET TO THE P.T. OF SAID CURVE, THENCE N 17°33'00" E, A DISTANCE OF 230.88 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 640.00 FEET, THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 73°00'00", A DISTANCE OF 815.42 FEET TO THE P.T. OF SAID CURVE, THENCE S 89°27'00" E, A DISTANCE OF 361.41 FEET TO THE WEST LINE OF SAID SECTION 36, THENCE CONTINUE S 89°27'00" E, A DISTANCE OF 303.59 FEET TO A POINT THAT IS 303.55 FEET EAST OF, AS MEASURED AT A RIGHT ANGLE TO, THE WEST LINE OF SAID SECTION 36, THENCE S 00°20'22" E AND PARALLEL TO SAID WEST LINE, A DISTANCE OF 2170.00 FEET TO THE SOUTH LINE OF SAID SECTION 36; THENCE N 89°23'57" W, A DISTANCE OF 303.59 FEET TO THE POINT OF BEGINNING.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD CONTAINING 83.88 ACRES, MORE OR LESS

EXHIBIT No. 2

EXHIBIT B

FIRST AMENDED AGREEMENT  
AMENDMENT TO AGREEMENT

THIS AMENDMENT is entered into by MANATEE COUNTY, a political subdivision of the State of Florida, hereinafter "County", the TAMPA BAY REGIONAL PLANNING COUNCIL, hereinafter "TBRPC", and ARVIDA CORPORATION, hereinafter "Developer", and amends that agreement by and between the parties hereto and referred to hereinafter as "Agreement", a copy of which is attached hereto as Exhibit "A".

WHEREAS, the parties have agreed to amend the Agreement to allow Arvida to submit two separate Applications for Development Approval for two separate Developments of Regional Impact on the property described therein; and

WHEREAS, the parties have further agreed to amend the Agreement to shift the exact placement of the PDC and PDI portions within the property; and

WHEREAS, such amendments would not affect any regional issues or change in any substantive manner the Agreement and are only technical in nature,

NOW, THEREFORE, the parties agree as follows:

1. The Arvida Corporation or its assignees or successors in interest, may submit a separate Application for Development Approval (ADA), on (1) that portion of the land identified as Planned Development Industrial and Planned Development Commercial, and (2) that portion of the land identified as Planned Development Residential.
2. If the Developer chooses to submit separate ADA's, each such ADA shall be submitted within five (5) years of the date of the Agreement.
3. Exhibits 4, and 5 are amended by attachment hereto of Exhibits 4A and 5A.
4. All other provisions of the Agreement not specifically changed by this Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this the 5<sup>th</sup> day of March, 1965.

WITNESSES:

Thomasine Blackmer  
Burton K. Bridge

ARVIDA CORPORATION

By: [Signature]

TAMPA BAY REGIONAL PLANNING COUNCIL

By: Sandra Pella

ATTEST: R. B. SHORE  
Clerk of the  
Circuit Court

[Signature]

BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA

By: Edward W. Chance  
Chairman

Agreed and Consented to:

Thomasine Blackmer  
Burton K. Bridge

ISLAND INVESTMENT PROPERTY, LTD., BY  
SUNCOAST REALTY MANAGEMENT CO., INC., GEN. PARTNER

By: [Signature]

KABARA, N.V.

Kathryn J. Black  
Marguerite L. Gray

By: [Signature]

*Manatee County*  
**CLERK OF THE CIRCUIT COURT**

*Richard B. "Chips" Shore*

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S.B.V.

ROOM 234 - MANATEE COUNTY COURTHOUSE - BRADENTON, FLORIDA 33505 - TELEPHONE (813) 748-4501

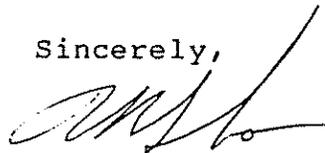
May 16, 1984

Tampa Bay Regional Planning Council  
9455 Koger Blvd.  
St. Petersburg, Florida 33702

Gentlemen:

Enclosed for your records is a certified copy of Resolution R-84-69 Granting a Master Development Order (Arvida Corporation, Development of Regional Impact, D.R.I. #12), and a copy of Manatee County Ordinance No. Z-84-81 (previously called Z-83-63 and Z-82-25) regarding Circle-N-Bar Ranch, adopted by the Board of County Commissioners, Manatee County, Florida, in open session May 15, 1984.

Sincerely,



R. B. Shore

RBS/eml

encl.

cc: Board Records

CLERK OF CIRCUIT AND COUNTY COURT CLERK BOARD OF COUNTY COMMISSIONERS COUNTY COMPTROLLER, AUDITOR AND RECORDER

Case # 101- Master D.C. file

RESOLUTION GRANTING A MASTER DEVELOPMENT ORDER

WHEREAS, THE ARVIDA CORPORATION, hereinafter referred to as "ARVIDA", in accordance with Section 380.06, Florida Statutes, has filed with Manatee County an Application for Master Development Approval (AMDA) of a Development of Regional Impact (D.R.I. #12); and

WHEREAS, ARVIDA proposes to develop a planned development residential (PDR) of 3,450 dwelling units with associated recreational and commercial activities, a planned development commercial (PDC) and together with a planned development industrial (PDI) upon real property located in Manatee County, Florida and owned by Island Investment Properties, Ltd. and Kabara, N.V. as described in attached Exhibit A and made a part hereof; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to consider Applications for Master Development Approval of Developments of Regional Impact; and

WHEREAS, pursuant to Section 401F, Manatee County Comprehensive Zoning and Land Development Code, and Section 380.06(7), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, a public hearing in these proceedings was held on March 7, 1984, March 21, 1984 and March 28, 1984, before the Manatee County Planning Commission and April 19, 1984 and May 15, 1984 before the Board of County Commissioners of Manatee County, Florida; and

WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and argument on all issues, conduct cross-examination and submit rebuttal evidence and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(11), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report and recommendations on the regional impact of the development; and

WHEREAS, said Board of County Commissioners and said Planning Commission have considered the testimony, reports, and other documentary evidence submitted at said public hearing by ARVIDA, TBRPC, as well as Manatee County staff agencies and various persons in attendance at said public hearing; and

WHEREAS, said Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission; and

WHEREAS, said Board of County Commissioners, having considered all of the foregoing and being fully advised and informed in the premises;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that said Board makes the following findings of fact:

1. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald, a newspaper of general circulation in Manatee County, Florida, pursuant to Section 380.06(10) Florida Statutes, and Section 401F, Manatee County Comprehensive Zoning and Land Development Code, and proof of such publication has been duly filed in these proceedings.

2. The real property involved in this development and owned by Island Investment Properties, Ltd. and Kabara, N.V. is located in Manatee County, Florida and is described on attached Exhibit A, and made a part hereof.

3. Upon consideration of all matters prescribed in Sections 380.06(12), 380.06(13) and 380.06(20)(b), Florida Statutes, and the Manatee County Comprehensive Zoning and Land Development Code, and other applicable provisions of local and state law, the Commission has determined that as conditioned by the approval hereby granted the ARVIDA development described in the Application:

- (a) is not located in an area of critical state concern, and
- (b) does not interfere with the achievement of the objectives of any adopted state land development plan applicable to the area;
- (c) is consistent with local land development regulations; and
- (d) adequately addresses the concerns of regional impact stated in the report and recommendations of the Tampa Bay Regional Planning Council dated February 20, 1984 on file in these proceedings, and is consistent with that report.

BE IT FURTHER RESOLVED, by the Commission, as conclusions of law, that the proceedings have been conducted pursuant to the provisions of the Manatee County Comprehensive Zoning and Land Development Code and Chapter 380, Florida Statutes, and that ARVIDA has sustained and proved all the material allegations and assertions made in the Application and, subject to the conditions, restrictions, and limitations hereinafter set forth, ARVIDA is entitled to the relief prayed and applied for in said Application and, therefore, the Commission hereby approves and grants ARVIDA Application for Master Development Approval for a Development of Regional Impact (D.R.I. #12), subject to the following recommended conditions for approval submitted by the Tampa Bay Regional Planning Council:

1. The incremental AIDA and final ADA reviews shall be conducted pursuant to Chapter 380.06 F.S., except that AIDA approvals shall be recorded as separate amendments to the Master Development Order.
2. The AIDAs for the first and second increments shall be filed with the County and TBRPC and other reviewing agencies no later than two years after the effective date of the Alternative Review Agreement. Failure to file these AIDAs within two years shall require that TBRPC reassess the regional issues associated with each increment and add or delete regional issues as appropriate.
3. Within five years of the date of the agreement, the developer shall submit an ADA to TBRPC and the County for review pursuant to Chapter 380.06, F.S. The ADA shall address all regional impacts on a cumulative basis, including regional impacts reviewed in any AIDA.
4. The regional issues listed below shall be address in subsequent incremental and final reviews. Failure to mitigate adverse regional impacts related to the regional issues identified for this project as set forth below in a manner to attain conformance and consistency with adopted TBRPC policies may result in a recommendation of denial of an AIDA or ADA or appeal of ADA by TBRPC.

Regional Issues:

- a. Regional transportation impacts.
- b. Regional environmental issues relating to lake management, water and air quality protection, wildlife habitat, soil and subsurface geologic suitability, and protection of the watershed.
- c. Regional economic impacts relating to employment, capital improvement costs, and the regional tax base.

- d. Regional impacts relating to water, sewer and solid waste services, energy use and hazardous waste disposal (if applicable).
  - e. Regional issues relating to housing.
  - f. Preservation of regionally significant historical and archaeological sites.
5. Prior to submittal of the first AIDA, an overall master drainage plan shall be developed. The plan shall be based upon the findings of a County approved water quality and quantity monitoring program. It shall be submitted with the first AIDA to assure that drainage plans for each increment are compatible with one another, and with drainage systems of the surrounding or adjacent property. The plan is to be developed in such a manner or as to assure maximum protection to the Braden River watershed and to maintain the existing hydroperiod of all existing jurisdictional wetlands.
  6. Preliminary site plans and other information submitted to the County pursuant to Section 403F, Manatee County Comprehensive Zoning and Land Development Code, may serve as the basis for Chapter 380.06, F.S. review of the AIDAs. County site plan information shall be indexed and cross-referenced to the ADA and submitted to TBRPC and reviewing agencies as an AIDA.
  7. The dwelling units proposed in Sector "Y" shall be deferred from Conceptual Development Plan approval. Development consideration of this area will be reassessed at the ADA stage of the development process.
  8. An archaeological survey shall be conducted on the portion of the project site recommended for survey by the Florida Department of State, Division of Archives, History and Records Management, prior to the issuance of permits for land clearing or development activities.
  9. The ADA and incremental submittals shall address the matters raised in the responses from reviewing agencies to the AMDA, as appropriate.
  10. The terms and conditions of the Agreement between Manatee County, the Tampa Bay Regional Planning Council and Arvida Corporation are hereby incorporated into this document by reference.
  11. The developer shall pay TBRPC one-third of the TBRPC D.R.I. application review fee in force upon filing the AMDA with Manatee County. Two-thirds of the D.R.I. application fee in force shall be paid TBRPC when the ADA is filed or ADA preapplication conference is requested. The developer shall pay TBRPC the D.R.I. increment review fee in force at the time an AIDA is filed or preapplication conference is requested. These amounts shall constitute the total application fee to TBRPC.
  12. The developer shall reimburse Manatee County on the basis of time spent reviewing each D.R.I. application. The developer will be billed after each phase of the application process is complete in accordance with the official fee schedule of the Planning and Development Department, adopted June 1, 1982, as follows:

"All work performed by Manatee County employees directly and reasonably attributable to review of a D.R.I. application shall be paid by the developer and/or agent. Fees will be based upon the hourly rate of pay of each employee performing the work, multiplied by the number of hours worked plus fifty (50%) percent; to cover cost for fringe benefits (30%), and for overhead and indirect costs (20%). A deposit of \$3,000.00 will be paid by the developer and/or agent at the time of

application. Any balance due over \$3,000.00 will be billed. Any amount under \$3,000.00 will be refunded. The developer and/or agent shall also pay the actual cost of a Court Reporter and transcript of proceedings (NOTE: Two copies of proceedings shall be provided to the County), the actual cost of necessary consulting services as determined by the Board of County Commissioners and other applicable fees as established by this fee schedule."

BE IT FURTHER RESOLVED THAT:

1. This Resolution shall constitute a Master Development Order issued in accordance with Chapter 380, Florida Statutes.
2. Definitions and matters contained in Chapter 380, Florida Statutes, shall control the construction of any defined terms and matters appearing in the Development Order.
3. The following are hereby incorporated by reference and made a part of this Development Order:
  - (a) The "Application for Master Development Approval" submitted by ARVIDA.
  - (b) The legal description of the property attached hereto as Exhibit B.
  - (c) The Ordinance granting rezoning to Planned Development Residential, Planned Development Commercial and Planned Development Industrial (Z-84-81) adopted May 15, 1984.
  - (d) Agreement between Manatee County, The Tampa Bay Regional Planning Council and Arvida Corporation (As Amended) attached hereto as Exhibit C.
4. This Master Development Order shall be effective for a period of twenty (20) years from the date of this Resolution provided that the effective period may be extended by the Board upon a showing of good cause, and provided that the conditions and other provisions of subsequent approvals of AIDAs, the ADA preliminary development plans and the like shall supersede the provisions of this Master Development Order to the extent they are inconsistent and irreconcilable. This approval shall not be construed as a waiver of any Manatee County requirements for other necessary permit procedures, plat approvals, building permits, certificates of occupancy, or similar matters provided by Florida Statutes or ordinances of Manatee County unless said requirements are specifically waived in the Resolution granting R-84-69.

The time above provided shall be tolled during any period of time during which there is any building permit moratorium imposed by the County or other governmental agency having authority to do so.
5. This Master Development Order shall be binding upon and inure to the benefit of the applicant and its assignees, or successors in interest and the present owners and their assignees or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the power and duties of any referenced governmental agency in existence on the effective date of this Development Order.
6. A certified true copy of this Resolution shall be filed and recorded in the Public Records of Manatee County, Florida, and the Development Order contained herein shall govern the development of ARVIDA.
7. A finding by the Board of County Commissioners of Manatee County, Florida, in accordance with Section 380.06(7), Florida Statutes, after notice and public hearing, that ARVIDA has substantially deviated from the conditions, restrictions and limitations of

this Development Order shall result in termination of all development activity under this Development Order and additional regional review pursuant to Section 380.06, Florida Statutes, and other applicable laws of the State of Florida.

9. This Development Order shall become effective upon adoption by the Board of County Commissioners of Manatee County and transmittal to the TBRPC and the Florida Division of Community Affairs provided, however, that the filing of a notice of appeal pursuant to Chapter 380.07, Florida Statutes, stays the effectiveness of this Development Order.

ADOPTED with a quorum present and voting, this 15th day of May, 1984.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: Edward W. Chance  
Chairman

ATTEST: R.B. Shore  
Clerk of the Circuit Court

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# Circle-N-Bar Ranch Master Development Plan

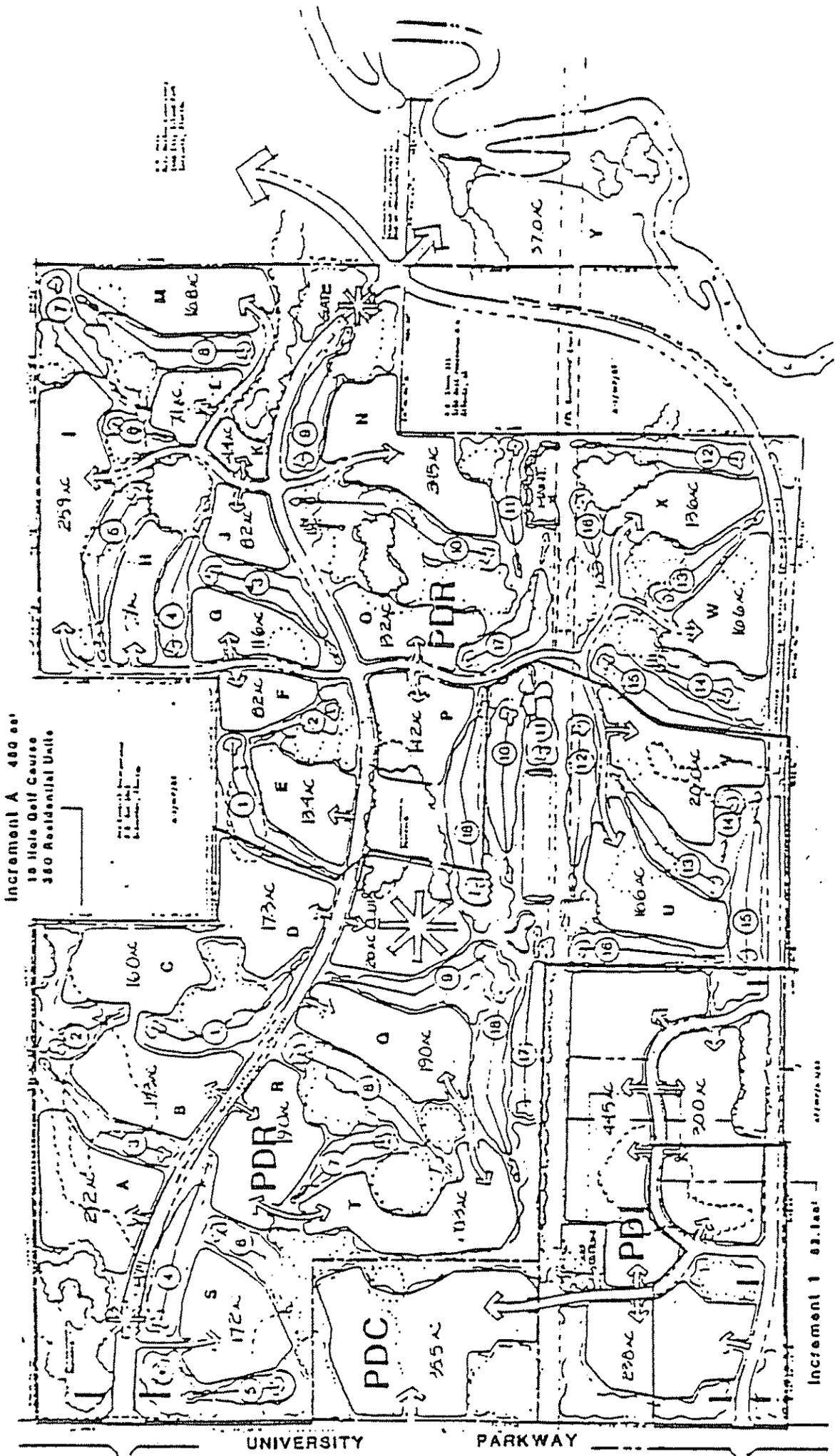


Exhibit A

# Zoller & Najjar Engineering, Inc.

Consulting Engineers

201 5TH AVENUE DRIVE EAST  
POST OFFICE BOX 656  
BRADENTON, FLORIDA 33506  
MAIN OFFICE (813) 748-8080  
SURVEYING OFFICE (813) 748-0910

FEBRUARY 4, 1982

IIP KABARA PROPERTY

## DESCRIPTION:

THE NORTH 1/2 OF THE N.E. 1/4 LYING SOUTH OF THE BRADEN RIVER; THE SOUTH 1/2 OF THE N.W. 1/4; THE S.E. 1/4; THE EAST 1/2 OF THE S.W. 1/4; THE NORTH 1/2 OF THE S.W. 1/4 OF THE S.W. 1/4; AND THE N.W. 1/4 OF THE S.W. 1/4, ALL IN SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, SUBJECT TO EASEMENTS IN FAVOR OF FLORIDA POWER AND LIGHT COMPANY.

AND:

ALL OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LESS THE N.W. 1/4 OF THE N.W. 1/4, AND ALSO LESS THE SOUTH 50 FEET, BEING THE PROPERTY OF EARLE B. JOHNSON, AS TRUSTEE (O.R. BOOK 969, PAGE 1510), SUBJECT TO EASEMENTS IN FAVOR OF FLORIDA POWER AND LIGHT COMPANY, AND ALSO SUBJECT TO DRAINAGE EASEMENTS IN FAVOR OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR COUNTY LINE ROAD (S.R. #610).

AND:

THE WEST 303.55 FEET OF SECTION 36 LESS THE SOUTH 50 FEET THEREOF; AND THE WEST 303.55 FEET OF THE S.W. 1/4 OF SECTION 25; ALL BEING IN TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE S.W. CORNER OF THE AFOREMENTIONED SECTION 36, RUN N 00° 20' 22" W, ALONG THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 50.01 FEET FOR A POINT OF BEGINNING; THENCE, CONTINUE N 00° 20' 22" W, ALONG SAID WEST LINE, A DISTANCE OF 5296.68 FEET TO A CONCRETE MONUMENT AT THE N.W. CORNER OF SAID SECTION 36, ALSO BEING THE S.W. CORNER OF THE AFOREMENTIONED SECTION 25; THENCE N 02° 45' 45" E, ALONG THE WEST LINE OF SECTION 25, A DISTANCE OF 2672.27 FEET TO A CONCRETE MONUMENT AT THE N.W. CORNER OF THE S.W. 1/4 OF SAID SECTION 25; THENCE S 89° 11' 03" E, ALONG THE NORTH LINE OF SAID S.W. 1/4, A DISTANCE OF 303.73 FEET; THENCE S 02° 45' 45" W, A DISTANCE OF 2674.37 FEET; THENCE S 00° 20' 22" E, A DISTANCE OF 5293.44 FEET; THENCE N 89° 23' 57" W, (50 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF THE AFOREMENTIONED SECTION 36), A DISTANCE OF 303.59 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 1134.1 ACRES, MORE OR LESS.

PREPARED BY:

  
L.E. MERCER  
PROFESSIONAL LAND SURVEYOR  
STATE CERTIFICATE NO. 1324

-4-

Engineers



Planners



Land Surveyors

Exhibit E

MANATEE COUNTY ORDINANCE NO. Z-84-81  
(Previously called Z-83-63 and Z-82-25)  
CIRCLE-N-BAR RANCH

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE NO. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM SUBURBAN AGRICULTURE (A-1) TO PLANNED DEVELOPMENT RESIDENTIAL (PDR), PLANNED DEVELOPMENT COMMERCIAL (PDC), AND PLANNED DEVELOPMENT INDUSTRIAL (PDI), RETAINING THE SPECIAL TREATMENT (ST) AND AGRICULTURAL FRINGE (AF) OVERLAY DISTRICT DESIGNATIONS WHERE THE SAME PRESENTLY ARE ESTABLISHED; REZONING CERTAIN ADDITIONAL LANDS TO INCLUDE THEM WITHIN THE WATERSHED PROTECTION (WP) OVERLAY DISTRICT; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT - The Board of County Commissioners of said Manatee County, after considering the testimony, evidence, documentation presented, application for amendments of the Official Zoning Atlas, the recommendation and findings of the Planning Commission as well as all other matters presented to the Board at the Public Hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendments as it relates to the real property described in Section 4 of this Ordinance from Suburban Agriculture (A-1) with Watershed Protection (WP), Special Treatment (ST), and Agricultural Fringe (AF) Overlay Districts, to Planned Development Residential (PDR), Planned Development Commercial (PDC), and Planned Development Industrial (PDI), with Watershed Protection (WP), Special Treatment (ST), and Agricultural Fringe (AF) Overlay Districts, which report of the Planning Commission was prepared and approved at a public hearing duly held by that body on March 7th, 21st, and 28th, 1984.

B. The Board of County Commissioners held a Public Hearing on April 19, 1984, regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 81-4, the MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, and has further considered the information received at said Public Hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Section 4 hereof is found to be consistent with the requirements of Manatee County Ordinance No. 80-4, THE MANATEE PLAN.

D. The Public Hearings referenced above have been conducted in conjunction with public hearings upon an Application for Master Development Approval ("AMDA") for the same development project, submitted pursuant to Chapter 380, Florida Statutes, by the applicant for the rezoning hereby approved, which AMDA, and Resolution R-84-69 approving the same, are incorporated herein by reference.

Section 2. The "Conceptual Site Plan, Circle-N-Bar Ranch", is hereby APPROVED as the Conceptual Development Plan for the real property described in Section 4 hereof, subject to the following conditions:

GENERAL STIPULATIONS

1. The development of this project shall proceed in accordance with the information, plans, projections, representations and materials contained in the Application for Master Development Approval and application for rezoning and conceptual plan approval,

- except as modified by the stipulations, conditions and requirements set forth herein or in the approval of the AMDA, or set forth in subsequent DRI or local approvals required for this development.
2. Nothing herein shall be construed as limiting the authority of Manatee County, in the course of review and development of this project, to implement and apply laws, ordinances, rules and regulations under its jurisdiction, consistent with the approval hereby granted.
  3. The matters addressed herein, as well as additional matters that are appropriate to review at later stages of review, may be reflected in additional and/or more detailed stipulations, conditions and requirements to be formulated and applied at later stages of review of this project under local and DRI review procedures.
  4. In the event that the import of any of the stipulations contained herein appears uncertain, interpretation thereof should be by reference to the staff report presented to the Planning Commission and Board of County Commissioners in connection with their consideration of this development proposal.
  5. In the event ownership of any portion of the property embraced by this project, or any of the development rights acquired by virtue of this or subsequent approvals, is transferred to any party other than the applicant, the applicant or other transferor of such property or rights shall notify the Board of County Commissioners thereof and shall, in writing, identify the party or parties who will then be responsible to fulfill the obligations and meet the conditions established by these stipulations.
  6. Nothing herein or in the AMDA shall be construed as authorizing any use of the property other than as described in the AMDA Master Development Plan and in the Conceptual Site Plan (Exhibit A, attached) hereby approved, nor shall anything herein be construed as denying the property owner or developer any rights to the continuation of existing uses that may be provided by the Land Development Code or other applicable law.
  7. The terms "fair share" and "pro rata share" as used herein refer to a contribution or participation by the developer, whose purpose is to address an impact generated by new development upon the public domain or upon services or facilities provided by the County, in an amount or of a value that approximates as nearly as is practicable, the impact of this development as a proportion of the total of impacts upon the same services, facilities, or element of the public domain, that are expected to be generated by all developments in the impact area that have received approval or that are specifically anticipated on the basis of submitted development requests.
  8. Where these stipulations require, expressly or by implication, an exercise of discretion or judgment, but do not specify the nature or parameters thereof, or where some determination must be made or approval granted or condition satisfied, the necessary decision or judgment shall be made by the County; but in doing so the County shall act reasonably and in good faith and, where appropriate, in accordance with accepted practice.
  9. In the event the County or other government entity with jurisdiction in the matter established impact fees or similar charges that are designed to pay the cost of any of the types of facilities, services, or impacts upon the public domain that the developer by virtue of these stipulations has an affirmative obligation to address, and such fees are payable with respect to portions of the development thereafter completed or finally approved, appropriate adjustments to developer's obligations as set forth herein shall be considered and may be reflected in stipulations made a part of subsequent approvals.

LAND USE COMPATIBILITY

- (1) Generous setbacks and landscape buffering is to be provided between different land use classifications internal to the project and those external to it. This condition would apply particularly to the industrial area planned to be adjacent to and between the areas proposed for rezoning to PDC and PDR and the planned low density area south of University Parkway in Sarasota County. The depth of setbacks and extent and location of landscaped buffers will be reviewed with future Preliminary Development Plan applications. Design of these buffers must include careful consideration of noise, odor, and visual impacts on adjacent land uses, including University Parkway.
- (2) Future development in the PDC and PDI districts is to be restricted to only such uses that do not generate any significant air, water, noise, hazardous wastes or other polluting by-products, and that will ensure protection against the possibility of adverse impacts to the watershed. A review of uses proposed will be required prior to Preliminary Development Plan approval. Evidence by the developer that uses proposed meet this condition will be required. Additionally, site design shall demonstrate significant attention to aesthetics.

DEVELOPMENT TRENDS AND TIMING

- (1) The maximum number of residential units shall be limited to 3,450 and the maximum overall density shall not exceed 3.7 dwelling units per acre. With each preliminary plan submitted, the Residential Sector Data Table (Table 2) shall be revised to include all units previously constructed and to project more accurately the number of units remaining to be constructed in each development sector.
- (2) Prior to the approval of a Preliminary Development Plan for the PDC designated areas, the developer shall quantifiably justify the need for the amount of floor area proposed for development by a market analysis which takes into account other commercial developments, including existing developments and those for which an application for approval has been submitted, in the southeast area. Approval shall be based on an evaluation of the proposal in light of the projected need for commercial development for the area and the County.
- (3) The village center will be limited to a site ten (10) acres in size, located totally within the residential component of the project and limited to 40,000 square feet of gross floor area.
- (4) Commercial Development shall be planned with a unified internal circulation system and with limited access to abutting thoroughfares as depicted on the Conceptual Development Plan.

ENVIRONMENT

- (1) At the time the first preliminary plan (and Application for Incremental Development Approval ["AIDA"]) is submitted, the following is required to have been completed and submitted with the application:
  - (a) A Florida Department of Environmental Regulation jurisdictional determination;
  - (b) Additional baseline monitoring reflecting seasonal variations for preconstruction surface and groundwater quality and quantity;
  - (c) A Master Drainage Plan for the entire development, including a demonstration of the effect of the proposed

lowering of the water table (to improve drainage) on the preservation of existing jurisdictional wetlands, the effect this will have on their ability to biologically filter out nutrients and sediments, and the effect that altering and deepening existing wetlands will have on their ability to filter surface water and percolating groundwater. This Master Drainage Plan, thought it may have been approved by the County, will be subject to modifications by new state-of-the-art techniques and surface water management performance standards that may be developed or adopted during the course of the development process.

- (d) A demonstration of compliance with the WP, ST and AF Overlay zones. As required by the ST District, the Board of County Commissioners must make a determination that "Best Possible Technology" is being employed prior to any construction.
  - (e) A demonstration that all jurisdictional areas will be preserved so that they can continue to absorb surface water pollutants. At a minimum, the proportion of the site in wetlands shall equal the existing proportion.
  - (f) A Stormwater Maintenance Plan specifying construction and postconstruction monitoring and the design and execution of a maintenance program to ensure adequate functioning of the system.
- (2) With the objectives of protecting the Evers Reservoir and to encourage the newly established "Save Our Rivers", the following condition is required:

Conceptual Land Use approval for all land areas located within the current SWFWMD approved five year acquisition plan for the "Save Our Rivers" Program and Sector "Y" (See Exhibit A) is deferred, thereby prohibiting any residential development of the property though zoned PDR. However, stormwater management facilities and passive recreation facilities may be constructed in this area if not detrimental to the water quality and quantity of the Evers Reservoir and if determined compatible with the "Save Our Rivers" Program. At the time the final ADA is submitted for the entire project, a request of development approval may be requested contingent upon the status of the "Save Our Rivers" Program and development regulations in effect at that time. Any development of this property will follow the guidelines of the Evers Reservoir Watershed Management Study, (Smith & Gillespie, November, 1983) or superior state-of-the-art techniques.

- (3) The stormwater management system will follow the guidelines of the Evers Reservoir Watershed Management Study (Smith & Gillespie, November, 1983), or superior state-of-the-art techniques.
- (4) Any development of individual septic tanks will not be permitted in this project on land lying in the Braden River Watershed.

#### ARCHAEOLOGICAL AND HISTORICAL PRESERVATION

- (1) At the time preliminary plans (including the first two increments) are submitted, the developer must identify the location of all archaeological and historic sites, verify which ones are significant, which will be protected and preserved and by what method. For property zoned ST, the developer must comply with all requirements to demonstrate "Best Possible Technology".

TRANSPORTATION

- (1) All traffic impacts of every portion of this development shall be identified in advance of development by the developer using data and techniques acceptable to and used generally in the County. The developer shall be responsible for whatever measures are deemed necessary to fully mitigate, offset and address the impacts so identified. Specific measures identified elsewhere herein or as conditions of subsequent approvals shall not be construed as limiting the effect of this requirement.
- (2) In accordance with Policy 9-1.C of The Manatee Plan, Level of Service "C" shall be maintained on all portions of major thoroughfares that are projected to experience significant traffic impacts as a result of this development. Those portions of the major thoroughfares will be identified at the time of review of any AIDA and of the Application for Development Approval ("ADA"). No development will be finally authorized that would generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other development approvals and other circumstances upon which the County may base traffic projections, will have the likely result of causing or contributing to a degradation of the Level of Service on the identified segments of these major thoroughfares to a level below "C", or if a lower level has already been reached, any degradation in traffic capacity.
- (3) To mitigate the effects of the absence of extensions to Country Club Way and Cathedral Way, which extensions otherwise would be required in accordance with County regulations and policy respecting traffic movement, the developer shall:
  - (a) Improve the segment of University Parkway from Whitfield Avenue Extension to the entrance to the PDC shopping area as necessary to ensure that at all times during the development of this project, Level of Service "C" is maintained on that segment, no matter what the source of traffic that might threaten a degradation in service below that level;
  - (b) Tie Cathedral Way to the project's major entrance road, at a point near University Parkway.
- (4) Substantial screening and buffering shall be required to separate this development from University Parkway. The type and extent of buffering shall be reviewed and approved at the time Preliminary Development Plans are submitted for approval.
- (5) Land to be dedicated to Manatee County in connection with the Major Thoroughfare Plan shall be reserved by the developer, and development plans shall respect the intended future use of such land for road right-of-way. Such land shall be dedicated at any time following the effective date of the rezoning, upon the request of the County.

PARKS AND RECREATION

- (1) All impacts of every portion of this development upon public recreational facilities and open space, and the extent of the needs therefore to be generated by each portion of this development, shall be identified in advance of development by the developer using methodology acceptable to and utilized generally by the County. The developer shall be responsible for providing for all recreational and open space needs so identified and otherwise fully offsetting the identified impacts.

SCHOOLS

- (1) All impacts of every portion of this development upon school facilities and the extent of the needs therefor to be generated by each portion of this development, shall be identified in advance of development by the developer using methodology acceptable to and utilized generally by the School Board. The developer shall be responsible for providing for all public school facilities so identified and otherwise fully offsetting the identified impacts. Measures for addressing and offsetting such impacts may include, without limitation, conveyance of land for school facility sites, or pro-rata contribution to the cost of such sites.
- (2) Once the School Board of Manatee County has determined, upon consideration of the impacts of this development and the needs anticipated as a result of other development approvals, that a certain type or types of public school facilities that would serve this development are needed in this part of the County, and the School Board can demonstrate a present ability to provide such facility or facilities, in cooperation with this development or otherwise, final approval of any development scheduled to occur thereafter, and the timing thereof, shall be contingent upon the prior or prospective completion of such facility or facilities.

CENTRALIZED WATER AND SEWER

- (1) The developer shall be required to connect to the County centralized water supply system. The developer shall be responsible for contributing a pro-rata share for construction of a regional elevated water storage facility in accordance with County engineering standards. Pro-rata share shall be calculated over the total service area of the elevated storage facility and contributions may be made in cash, equivalent value in land, or a combination thereof.
- (2) The first two increments of development as defined in the Agreement dated February 20, 1984 (incorporated herein by reference), shall be provided wastewater treatment from the Southwest Regional Treatment Plan with the developer paying the pro-rata share of improvements to offsite collection systems to convey wastewater to the Southwest facility. Improvements may include flow equalization. When deemed by the County to be cost effective, wastewater from the first two increments shall be rerouted to the Southeast Regional Wastewater Facility upon its construction. The wastewater from the remaining increments of development shall be treated at the Southeast Regional Wastewater Treatment Plant with the developer paying the pro-rata share of improvements to offsite collection systems to convey wastewater to the Southeast facility.
- (3) The developer shall provide the onsite right-of-way access and easements to the regional system as needed for area projects to convey wastewater to regional wastewater treatment plants and pay a pro-rata share of costs to the County of obtaining rights-of-way and/or easements off the property as necessary to convey the wastewater to the treatment plant.
- (4) Development plans shall respect the intended use by Manatee County of land identified as needed as rights-of-way and easements for water and wastewater delivery facilities. Such rights-of-way and easements shall be conveyed to Manatee County at any time following the effective date of this rezoning, upon the County's request.

FIRE PROTECTION/EMERGENCY SERVICES

- (1) All impacts of every portion of this development upon emergency and fire protection services and the extent of the needs therefore to be generated by each portion of this

development, shall be identified in advance of development by the developer using methodology acceptable to and utilized generally by the County. The developer shall be responsible for providing for all emergency services and fire protection needs so identified and otherwise fully offsetting the identified impacts. Specific measures identified elsewhere herein or as conditions of subsequent approvals shall not be construed as limiting the effect of this requirement.

- (2) The developer shall be responsible for contributing a pro-rata share of the cost of a site for, and of constructing and equipping, an EMS station and fire station, or a joint facility. This obligation may be satisfied in part by conveyance of land suitable for the intended use.
- (3) If, prior to the time permanent EMS and/or fire protection facilities in this area of the County are deemed desirable by County and/or the fire district, a temporary station is deemed desirable, developer shall also contribute a pro-rata share of the cost of a site for, and of constructing and equipping, such facility or facilities.
- (4) Once a present ability to construct and equip a temporary or permanent EMS and/or fire station in this area of the County, that would serve this development is demonstrated, final approval of any development scheduled to occur after the establishment of such substation, and the timing thereof, shall be contingent upon the ability of EMS and/or fire district to provide service to such development with a response time generally accepted by the County and/or fire district as safe and adequate.
- (5) The fire hydrant system shall use publicly owned easements and facilities or, if a private system is used, shall be approved by the fire district as to provision for adequate operation and maintenance and other features related to fire safety.
- (6) The developer shall construct an emergency access "stub" to the adjacent property on the west, known as the Wallace Tract, that connects with a fully constructed portion of the street system within the development, at a location which is coordinated with the owner of the Wallace Tract and which can allow eventual connection to an extension of Country Club Way. This emergency access route shall be properly stabilized and equipped with an electronic gate and openers.

#### POLICE PROTECTION

- (1) The developer shall pay a pro-rata share of the cost of the Sheriff's Department portion of the Tara public service building and other related capital facilities. Specific requirements will be determined at the ADA stage of the development process.

#### AMDA

- (1) The stipulations and conditions of approval of the AMDA approved by Resolution R-84-69 are incorporated herein and are made conditions of approval of the rezoning and Conceptual Development Plan approval hereby granted.

Section 3. AMENDMENT OF OFFICIAL ZONING ATLAS - The Official Zoning Atlas of Manatee County Ordinance No. 81-4, the MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, is hereby amended by changing the zoning district classification of the property that is the subject of the application for rezoning hereby approved, as follows:

A. PDR - The Suburban Agriculture (A-1) district classification of the following described parcel is changed to Planned Development Residential (PDR):

PARCEL "A"

A parcel of land in Sections 25, 26, 35, and 36, Township 35 South, Range 18 East, Manatee County, Florida described as follows:

Begin at the Southwest corner of said Section 35; thence N 00°01'06" W, (with bearings referred to grid North of the West zone of the Florida State Plane Coordinate System), a distance of 2699.49 feet to the W  $\frac{1}{4}$  of said Section 35; thence N 00°00'58" W, a distance of 1349.81 feet to the Northwest corner of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of said Section 35; thence S 89°03'17" E, a distance of 1374.67 feet to the Southwest corner of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of said Section 35; thence N 00°05'44" W, a distance of 1346.55 feet to the Southwest corner of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 26; thence N 00°45'13" E, a distance of 662.30 feet to the Southeast corner of the N  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 26; thence N 88°59'30" W, a distance of 1380.82 feet to the Southwest corner of the said N  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ ; thence N 00°03'46" E, a distance of 1981.78 feet to the W  $\frac{1}{4}$  corner of said Section 26; thence N 00°07'13" E, a distance of 1333.96 feet to the Northwest corner of the S  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of said Section 26; thence S 89°13'01" E, a distance of 2840.13 feet to the Northeast corner of said S  $\frac{1}{2}$  of the NW  $\frac{1}{4}$ ; thence S 01°26'26" W, a distance of 1334.27 feet to the Northwest corner of the SE  $\frac{1}{4}$  of said Section 26; thence S 89°12'40" E, a distance of 2807.69 feet to the Northwest corner of the SW  $\frac{1}{4}$  of said Section 25; thence S 89°11'03" E, along the North line of said SW  $\frac{1}{4}$ , a distance of 303.73 feet to a point that is 303.55 feet East of as measured at a right angle to the West line of said Section 25; thence S 02°45'45" W, and parallel to the West line of said Section 25, a distance of 2673.33 feet to the North line of said Section 36; thence, continue S 02°45'45" W, a distance of 1.04 feet to a point that is 303.55 feet East of as measured at a right angle to West line of said Section 36; thence S 00°20'22" E, and parallel to the West line of said Section 36; a distance of 1461.89 feet; thence N 89°27'25" W, and parallel to the South line of the SE  $\frac{1}{4}$  of said Section 35, a distance of 303.59 feet to the East line of said Section 35; thence, continue N 89°27'25" W, a distance of 1513.94 feet to the West line of a 160 foot wide Florida Power & Light easement; thence S 00°26'00" W, along said West line, a distance of 2560.80 feet; thence N 89°27'42" W, a distance of 1800.00 feet; thence S 00°26'00" W, a distance of 1320.00 feet to the South line of the SW  $\frac{1}{4}$  of said Section 35; thence N 89°28'17" W, a distance of 2154.66 feet to the Point of Beginning.

Containing 877.94 acres, more or less.

Together with and including all that part of the N  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of said Section 26, lying Southerly and Westerly of the Braden River.

Containing 42.7 acres, more or less.

B. PDC - The Suburban Agriculture (A-1) district classification of the following described parcel is changed to Planned Development Commercial (PDC):

PARCEL "B"

From the Southwest corner of Section 35, Township 35 South, Range 18 East; run S 89°28'17" E, (with bearings referred to grid North of the West zone of the Florida State Plane Coordinate System) along the South line of said Section 35, a distance of 2154.66 feet to the Point of Beginning; thence N 00°26'00" E, a distance of 1320.00 feet; thence S 89°27'42" E, a distance of 1800.00 feet to the West line of a 160 foot wide Florida Power & Light Company easement; thence S 00°26'00" W, along said West line, a distance of 1320.00 feet to the South line of said Section 35; thence N 89°27'25" W, a distance of 1194.49 feet to the South  $\frac{1}{4}$  corner of said Section 35; thence N 89°28'17" W, a distance of 605.51 feet to the Point of Beginning. Lying and being in Section 35, Township 35 South, Range 18 East, Manatee County, Florida.

Containing 54.54 Acres, more or less.

C. The Suburban Agriculture (A-1) district classification of the following described parcel is changed to Planned Development Industrial (PDI):

PARCEL "C"

A parcel of land in Sections 35 and 36, Township 35 South, Range 18 East, Manatee County, Florida described as follows:

Begin at the Southeast corner of said Section 35; thence N 89°27'25" W, (with bearings referred to grid North of the West zone of the Florida State Plane Coordinate System), along the South line of said Section 35, a distance of 1566.29 feet to the West line of a 160 foot wide Florida Power & Light easement; thence N 00°26'00" E, along said West line, a distance of 3880.80 feet; thence S 89°27'25" E, and parallel to the South line of said Section 35, a distance of 1513.94 feet to the West line of said Section 36; thence, continue S 89°27'25" E, a distance of 303.59 feet to a point that is 303.55 feet East of as measured at a right angle to the West line of said Section 36; thence S 00°20'22" E, and parallel to said West line, a distance of 3881.56 feet to the South line of said Section 36; thence N 89°23'57" W, a distance of 303.59 feet to the Point of Beginning.

Containing a total of 164.26 Acres, more or less, and 150.00 Acres, more or less, not including said Florida Power & Light easement.

D. Portions of the parcels described above being within the Special Treatment (ST) or Agricultural Fringe (AF) Overlay District zoning classification will retain such zoning classification(s) without change. The watershed protection (WP) Overlay District as it relates to the parcels described above is modified to embrace the lands as shown on Exhibit B.

Section 4. EFFECTIVE DATE - This Ordinance shall take effect immediately upon the receipt of the official acknowledgement from the Office of the Secretary of State, State of Florida, that same has been filed with that office.

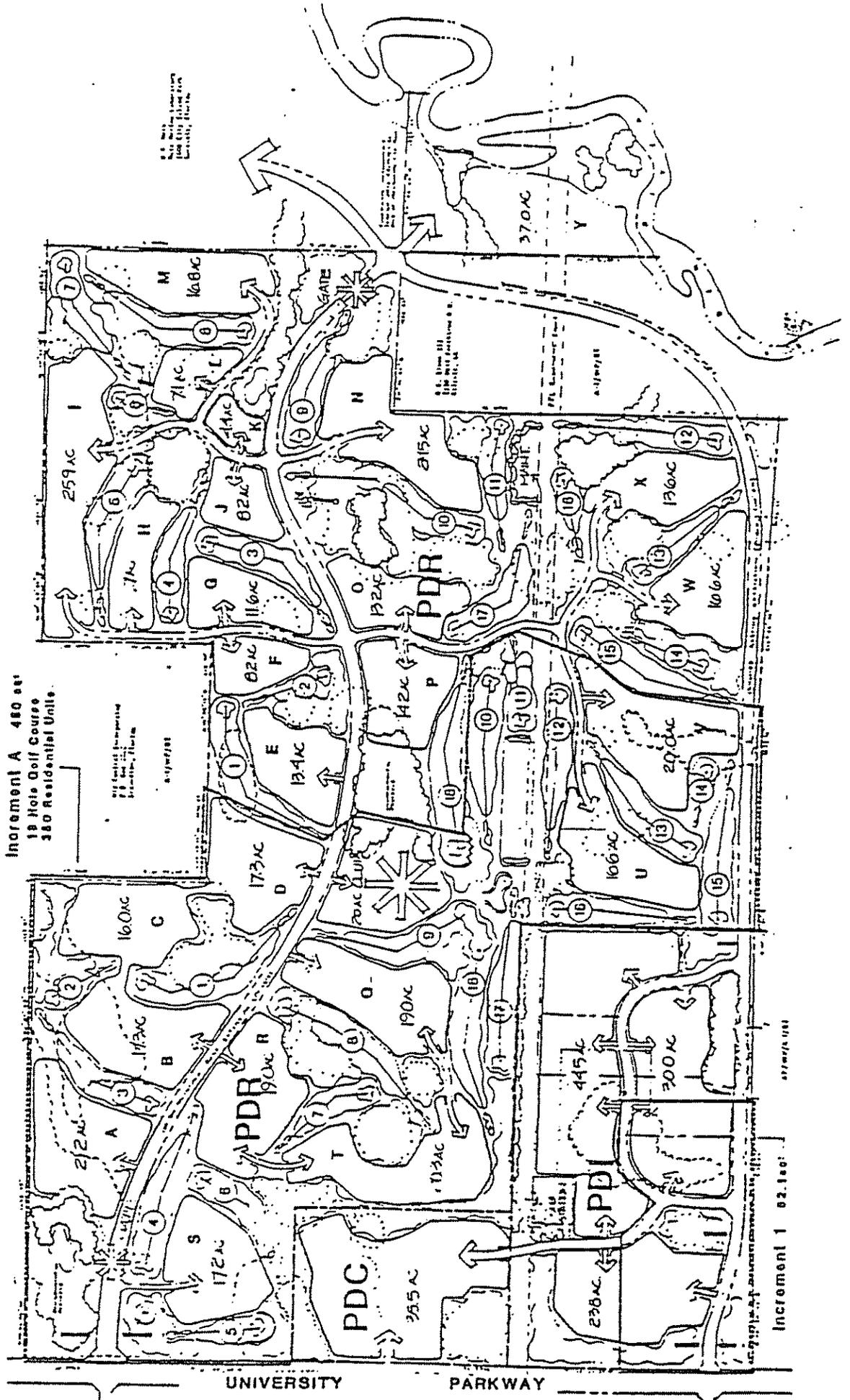
PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida, this the 15th day of May, 1984.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: Edward W. Chance  
Chairman

ATTEST: R.B. SHORE  
Clerk of the Circuit Court

# Circle-N-Bar Ranch Conceptual Site Plan & Master Development Plan



# Zoller & Najjar Engineering, Inc.

Consulting Engineers

201 5TH AVENUE DRIVE EAST  
POST OFFICE BOX 556  
BRADENTON FLORIDA 33502  
MAIN OFFICE (813) 748-8080  
SURVEYING OFFICE (813) 748-0910

FEBRUARY 4, 1982

IIP KABARA PROPERTY

## DESCRIPTION:

THE NORTH 1/2 OF THE N.E. 1/4 LYING SOUTH OF THE BRADEN RIVER; THE SOUTH 1/2 OF THE N.W. 1/4; THE S.E. 1/4; THE EAST 1/2 OF THE S.W. 1/4; THE NORTH 1/2 OF THE S.W. 1/4 OF THE S.W. 1/4; AND THE N.W. 1/4 OF THE S.W. 1/4, ALL IN SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, SUBJECT TO EASEMENTS IN FAVOR OF FLORIDA POWER AND LIGHT COMPANY.

AND:

ALL OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LESS THE N.W. 1/4 OF THE N.W. 1/4, AND ALSO LESS THE SOUTH 50 FEET, BEING THE PROPERTY OF EARLE B. JOHNSON, AS TRUSTEE (O.R. BOOK 969, PAGE 1510), SUBJECT TO EASEMENTS IN FAVOR OF FLORIDA POWER AND LIGHT COMPANY, AND ALSO SUBJECT TO DRAINAGE EASEMENTS IN FAVOR OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR COUNTY LINE ROAD (S.R. #610).

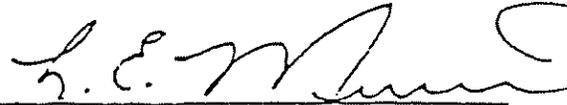
AND:

THE WEST 303.55 FEET OF SECTION 36 LESS THE SOUTH 50 FEET THEREOF; AND THE WEST 303.55 FEET OF THE S.W. 1/4 OF SECTION 25; ALL BEING IN TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE S.W. CORNER OF THE AFOREMENTIONED SECTION 36, RUN N 00° 20' 22" W, ALONG THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 50.01 FEET FOR A POINT OF BEGINNING; THENCE, CONTINUE N 00° 20' 22" W, ALONG SAID WEST LINE, A DISTANCE OF 5296.68 FEET TO A CONCRETE MONUMENT AT THE N.W. CORNER OF SAID SECTION 36, ALSO BEING THE S.W. CORNER OF THE AFOREMENTIONED SECTION 25; THENCE N 02° 45' 45" E, ALONG THE WEST LINE OF SECTION 25, A DISTANCE OF 2672.27 FEET TO A CONCRETE MONUMENT AT THE N.W. CORNER OF THE S.W. 1/4 OF SAID SECTION 25; THENCE S 89° 11' 03" E, ALONG THE NORTH LINE OF SAID S.W. 1/4, A DISTANCE OF 303.73 FEET; THENCE S 02° 45' 45" W, A DISTANCE OF 2674.37 FEET; THENCE S 00° 20' 22" E, A DISTANCE OF 5293.44 FEET; THENCE N 89° 23' 57" W, (50 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF THE AFOREMENTIONED SECTION 36), A DISTANCE OF 303.59 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 1134.1 ACRES, MORE OR LESS.

PREPARED BY:

  
L.E. MERCER  
PROFESSIONAL LAND SURVEYOR  
STATE CERTIFICATE NO. 1324

-4-

Engineers

Planners

Land Surveyors

Exhibit

AGREEMENT  
BETWEEN MANATEE COUNTY, THE TAMPA BAY REGIONAL  
PLANNING COUNCIL AND ARVIDA CORPORATION  
AS AMENDED

1  
2  
3 THIS AGREEMENT is entered into by MANATEE COUNTY, a politi-  
4 cal subdivision of the State of Florida (hereafter "County"), the  
5 TAMPA BAY REGIONAL PLANNING COUNCIL (hereafter "TBRPC"), and  
6 ARVIDA CORPORATION (hereafter "Developer").

7 WHEREAS, Developer proposes to develop a mixed-use develop-  
8 ment of regional impact (DRI) located in Manatee County known as  
9 Circle-W-Bar Ranch; and

10 WHEREAS, the proposed DRI will be developed in increments  
11 over an extended period of time with buildout expected to be  
12 completed in October, 2001; and

13 WHEREAS, the proposed DRI will comprise 1,134 acres as  
14 depicted in Exhibit "1", and legally described in Exhibit "2";  
15 and

16 WHEREAS, the proposed DRI will include mixed uses generally  
17 described in Exhibit "3", including approximately 3,300 residen-  
18 tial units, approximately 1,250,000 square feet of commercial  
19 space, and approximately 1,350,000 square feet of industrial  
20 space; and

21 WHEREAS, the parties agree that use of the alternative DRI  
22 review process, whereby master development approval is requested,  
23 and, if approved by the granting of a Master Development Order  
24 (MDO), may be followed by requests for approval of individual  
25 project increments prior to submission of a complete Application  
26 for Development Approval (ADA) for the project as a whole, will  
27 facilitate efficient and effective review of the project and will  
28 correspond to the development plans of Developer; and

29 WHEREAS, the parties agree that, to the maximum possible  
30 extent, it is desirable to integrate DRI review with local  
31 government land use review and approval; and

32 WHEREAS, this agreement is authorized by, and consistent  
33 with Section 380.06(20)(b), Florida Statutes; and

Exhibit 6

Spake Copy

1           WHEREAS, this proposed development is conceptually con-  
2           sistent with adopted TBRPC policies reflected in the "Future of  
3           the Region" and Chapter 29H, Florida Administrative Code; and

4           WHEREAS, the Developer and Island Investment Property, Ltd.,  
5           and Kabara N.V., hereafter referred to as "Owners," warrant that  
6           Owners own the property described in Exhibit "2" (hereafter "the  
7           property") and Developer has sufficient interest in the property  
8           to seek DR1 approval.

9           NOW, WHEREFORE, in consideration of the foregoing and of the  
10          following covenants, conditions and promises, the parties agree  
11          as follows:

12          1.    Master Development Approval

13          Developer shall submit to TBRPC and the County an  
14          Application for Master Development Approval (AMDA)  
15          encompassing the property. Developer shall also submit sub-  
16          sequent Applications for Incremental Development Approval  
17          (AIDA) encompassing portions of the Property as described  
18          herein and an Application for Development Approval (ADA)  
19          encompassing the entire Property. The AMDA shall include:

- 20          a.    a general description of proposed land uses in the  
21                DR1;
- 22          b.    a map depicting the general location of such uses;
- 23          c.    all information required to be submitted to the  
24                County pursuant to Sections 205B and 403E, Manatee  
25                County Code, governing conceptual site plan  
26                approval; and
- 27          d.    identification of increments and the timing for sub-  
28                mitting AIDAs and the ADA.

29          2.    Master Development Order

30          The master development order:

- 31          a.    shall assure that anticipated regional impacts will  
32                be adequately addressed in the review process;
- 33          b.    may grant master development or conceptual approval

of the development subject to subsequent submission,  
review and approval of AIDAs and the ADA pursuant to  
the provisions set forth herein and Chapter 180.06,  
F.S.:

- c. shall specify which regional issues have been sufficiently reviewed in the AMDA and, therefore, will not require further review in an AIDA or ADA;
- d. shall specify which regional issues are subject to review pursuant to 180.06, F.S. in an AIDA and define information requirements for review of these issues;
- e. shall limit review of subsequent AIDAs to issues and information specifically identified in the master development order, unless substantial changes in the conditions underlying approval of the master development order are shown or the master development order is shown to have been based on substantially inaccurate information; and
- f. shall identify any issues which may result in denial or approval of an AIDA.

1. a. First Increment

The first increment is described in Exhibit "4" and generally depicted in Exhibit "5". It shall comprise approximately 448 acres and shall include approximately 150 residential units and an 18-hole golf course. The parties recognize and agree that this increment will not exceed any of the Chapter 177-1, Florida Administrative Code, thresholds. The parties also recognize that additional residential units for the area described in this increment may be requested in a subsequent AIDA.

b. Second Increment

The second increment is described in Exhibit "4" and depicted in Exhibit "5". It shall comprise approximately 29 acres of high technology industrial office

1 uses, 130,000 square feet of gross leasable area and  
2 parking for 340 vehicles. The parties recognize and  
3 agree that this increment will not, either separately  
4 or in conjunction with the First Increment, exceed any  
5 of the Chapter 27F-2, Florida Administrative Code  
6 thresholds.

- 7  
8 4. The AIDAs for the first and second increments shall be filed  
9 with the County and TBRPC no later than two years after the  
10 effective date of the MDO. Failure to file these AIDAs  
11 within two years shall require that TBRPC reassess the  
12 regional issues associated with each increment and add or  
13 delete issues as appropriate.

14 5. Additional Increments

15 AIDAs for additional increments may be submitted upon  
16 agreement of the parties and amendment of the MDO pursuant  
17 to appropriate review and hearing processes, provided that  
18 no subsequent increments, either separately or in conjunc-  
19 tion with all previously submitted increments, may exceed  
20 any of the Chapter 27F-2, F.A.C., thresholds.

21 6. Approval of Increments

22 County approval, pursuant to Chapter 380.06, F.S., of any  
23 increments shall be granted in separate addenda to the MDO.

24 7. Incremental Review

- 25 a. Regional issues shall be reviewed as part of each AIDA.  
26 The regional impact of previously approved increments may  
27 be subject to further review on a cumulative basis as  
28 part of a subsequent AIDA or the ADA.  
29 b. Information requested by TBRPC in an AIDA shall not  
30 duplicate information required by the County planned  
31 development review ordinances. Accordingly, the  
32 requirements, information submittals, and review proce-  
33 dures set forth in the following provisions of the  
Manatee County Land Development Code, as the same may

1 be amended from time to time, are recognized as appli-  
2 cable to any part of the ORI which is made the subject  
3 of an AIDA, and the Developer's obligation to comply  
4 with them is incorporated into this agreement.

- 5 (1) Section 407, Amendments (Exhibit "6");
- 6 (2) Section 401F, Public Hearing (Exhibit "7");
- 7 (3) Section 205B, Standards and Procedures for Planned  
8 Developments (Exhibit "8");
- 9 (4) Section 203Q, PDR - Planned Residential  
10 Development District (Exhibit "9");
- 11 (5) Section 203R, PDC - Planned Commercial Development  
12 District (Exhibit "10");
- 13 (6) Section 203S, PDI - Planned Industrial Development  
14 District (Exhibit "11");
- 15 (7) Section 202K (WP Watershed Protection Overlay  
16 District (Exhibit "12");
- 17 (8) Section 403 Site Plans (Exhibit "13");
- 18 (9) Manatee County Floodplain Management Regulations  
19 as adopted (presently Ordinance Nos. 77-1 and 77-4).

20 c. Subject to the provisions of paragraph 3, preliminary  
21 site plans and other information submitted to the County  
22 pursuant to Section 403F, Manatee County Land  
23 Development Code, shall serve as the basis for TBRPC  
24 review of AIDAs. County site plan information shall be  
25 indexed and cross-referenced to the ADA and submitted to  
26 TBRPC as an AIDA. In addition, County requirements  
27 under Sections 203X and 203Y, Manatee County Land  
28 Development Code, which are comprehensive measures  
29 designed to protect wetlands, floodplains, and maintain  
30 water quality, and the county soils survey, shall serve  
31 as the basis for TBRPC review of impacts relating to  
32  
33

wetlands, watercourses, watersheds, and stormwater runoff. Other information submitted in connection with County review may be submitted to TBRPC as additional basis for AIDA review.

5. Supplementary Information For Review of Regional Issues

The referenced County ordinances may not provide all information necessary for AIDA review of regional issues.

Accordingly, if necessary, TBRPC may request additional information to determine conformance and consistency with adopted regional policies related only to the following regional issues:

- a. Regional transportation impacts.
- b. Regional environmental issues relating to lake management, water and air quality protection, soil and subsurface geologic suitability, and protection of watersheds.
- c. Regional economic impacts relating to employment, capital improvement costs, and the regional tax base.
- d. Regional impacts relating to water, sewer and solid waste services, energy use and hazardous waste disposal (if applicable).
- e. Regional issues relating to housing.
- f. Preservation of regionally significant historical and archaeological sites.

Such additional information, if required, shall be identified by TBRPC in the preapplication conference report preceding submission of an AIDA or sufficiency response. All requests for additional information shall be based on the need to adequately address TBRPC policies and identified regional issues, and shall recognize whether required County information is adequate, the relevance of the requested information to the particular approval requested, the necessity for Developer to secure additional state and regional agency approvals which can be the subject of AIDA.

1 approval conditions, and other considerations referenced in  
2 Rule 98-15.28(2) and Chapter 29H, Florida Administrative  
3 Code. Applications submitted to other agencies that contain  
4 any requested additional information, when properly and clearly  
5 cross-referenced to the ADA, may be submitted to TERPC to  
6 fulfill information requests. Questions normally included in  
7 the ADA and not related to the regional issues identified in  
8 this section may be identified at a preapplication conference  
9 and eliminated from an AIDA with the consent of Developer and  
10 TERPC.

11 9. Issues That May Result In Denial Of An AIDA Or ADA by TERPC

12 The failure to mitigate adverse regional impacts related to  
13 the regional issues set forth in Section 8 of this agreement  
14 in a manner to attain conformance and consistency with adopted  
15 TERPC policies may result in a recommendation of denial or  
16 appeal of an AIDA or ADA by TERPC.

17 10. Application For Development Approval

18 Within five (5) years of the date of this agreement.  
19 Developer shall submit an Application for Development  
20 Approval (ADA) to TERPC and the County for review pursuant  
21 to Chapter 380.06, F.S. The ADA shall address all regional  
22 impacts on a cumulative basis, including regional impacts  
23 reviewed in any AIDA. Prior approval of any AIDA shall not  
24 prejudice approval or denial of the ADA. Developer shall  
25 have an opportunity to request elimination of ADA questions  
26 and identification of critical or significant regional issues  
27 associated with ADA review. The basis for TERPC recom-  
28 mending denial of the ADA shall be as provided in AIDA  
29 review and Chapter 380, F.S. Developer may submit a response  
30 to any ADA question concurrent with any AIDA. TERPC shall  
31 review the response, determine if it is adequate and inform  
32 Developer and Manatee County of its determination.  
33 Information submitted in a prior AIDA may be submitted to

1 partially or completely fulfill ADA requirements as  
2 appropriate.

3 11. Regional Review Fees

4 Developer shall pay TBRPC one-third of the TBRPC ORI appli-  
5 cation review fee in force upon filing the AMDA with the  
6 County. Two-thirds of the ORI application fee in force  
7 shall be paid TBRPC when the ADA is filed or ADA preapplica-  
8 tion conference is requested. Developer shall pay TBRPC the  
9 ORI increment review fee in force at the time an AIDA is  
10 filed or preapplication conference is requested. These  
11 amounts shall constitute the total application fee to TBRPC.

12 12. Developer Contributions

13 Any mandatory dedication or contributions which the  
14 Developer undertakes or commits to undertake, as a condition  
15 of AMDA or AIDA approval, including without limitation  
16 dedication of property or facilities or payment of fees,  
17 shall be cumulated and credited to the Developer in con-  
18 sidering subsequent and total contributions. Such dedica-  
19 tions or contributions shall be authorized or required by  
20 and consistent with County ordinances or County ORI review  
21 practices and procedures.

22 13. This agreement does not limit or modify the statutory  
23 responsibilities of the County or TBRPC pursuant to Section  
24 380.06, Florida Statutes.

25 14. Nothing in this agreement shall be construed as preju-  
26 dicing, compromising or limiting in any way the lawful  
27 authority of Manatee County or the lawful discretion of the  
28 Board of County Commissioners to approve, deny, or condition  
29 the approval of the ORI or any portion thereof in con-  
30 nection with the County's review and consideration under its  
31 own land use and development policies and regulations,  
32 whether or not such review and consideration take place  
33 simultaneously with review procedures under Chapter 380 and  
this agreement.

- 15 This agreement shall inure to the benefit of, and shall be  
 16 binding upon, the County, TBRPC, the Developer and their  
 17 respective successors and assigns.
- 18 16. This agreement shall be signed by Owners at the request of  
 19 the parties to provide assurance that the Developer has suf-  
 20 ficient interest in the property to seek DRI approval under  
 21 the terms of this agreement. Owners join in and consent to  
 22 this agreement, and thereby warrant that Developer has suf-  
 23 ficient right and interest in the property to exercise its  
 24 rights and fulfill its obligations under this agreement.
- 25 17. This agreement is made and entered into under, and shall be  
 26 construed in accordance with, the laws of the State of  
 27 Florida, and particularly Section 180.06(20)(b), Florida  
 28 Statutes, and Rule 98-16.28, Florida Administrative Code.
- 29 18. This agreement may be amended by mutual written agreement of  
 30 the parties.
- 31 19. Unless extended or otherwise terminated by mutual written  
 32 consent of the parties, this agreement shall terminate when  
 33 a Development Order(s) is/are issued for a DRI(s) encom-  
 34 passing the property in its entirety, or on November 1,  
 35 2001, whichever sooner occurs

36 WITNESSES:

37 Edward W. Chane  
 38 Chairman

39 Thomas E. Cross  
 40 Chairman

41 ATTEST: R. B. Shore  
 42 Clerk of the  
 43 Circuit Court

ARVIDA CORPORATION  
 44 By: Robert H. Williams  
 45 Title: PRES. SARASOTA DIV  
 46 Feb. 6 1984  
 47 Date of Execution

TAMPA BAY REGIONAL PLANNING COUNCIL  
 48 By: James H. Kelly  
 49 Title: Chairman  
 50 Feb 20, 1984  
 51 Date of Execution

BOARD OF COUNTY COMMISSIONERS OF  
 MANATEE COUNTY, FLORIDA  
 52 By: Edward W. Chane  
 53 Chairman

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Agreed and Consented To:

[Signature]  
[Signature]  
[Signature]

ISLAND INVESTMENT PROPERTIES, LTD.

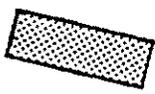
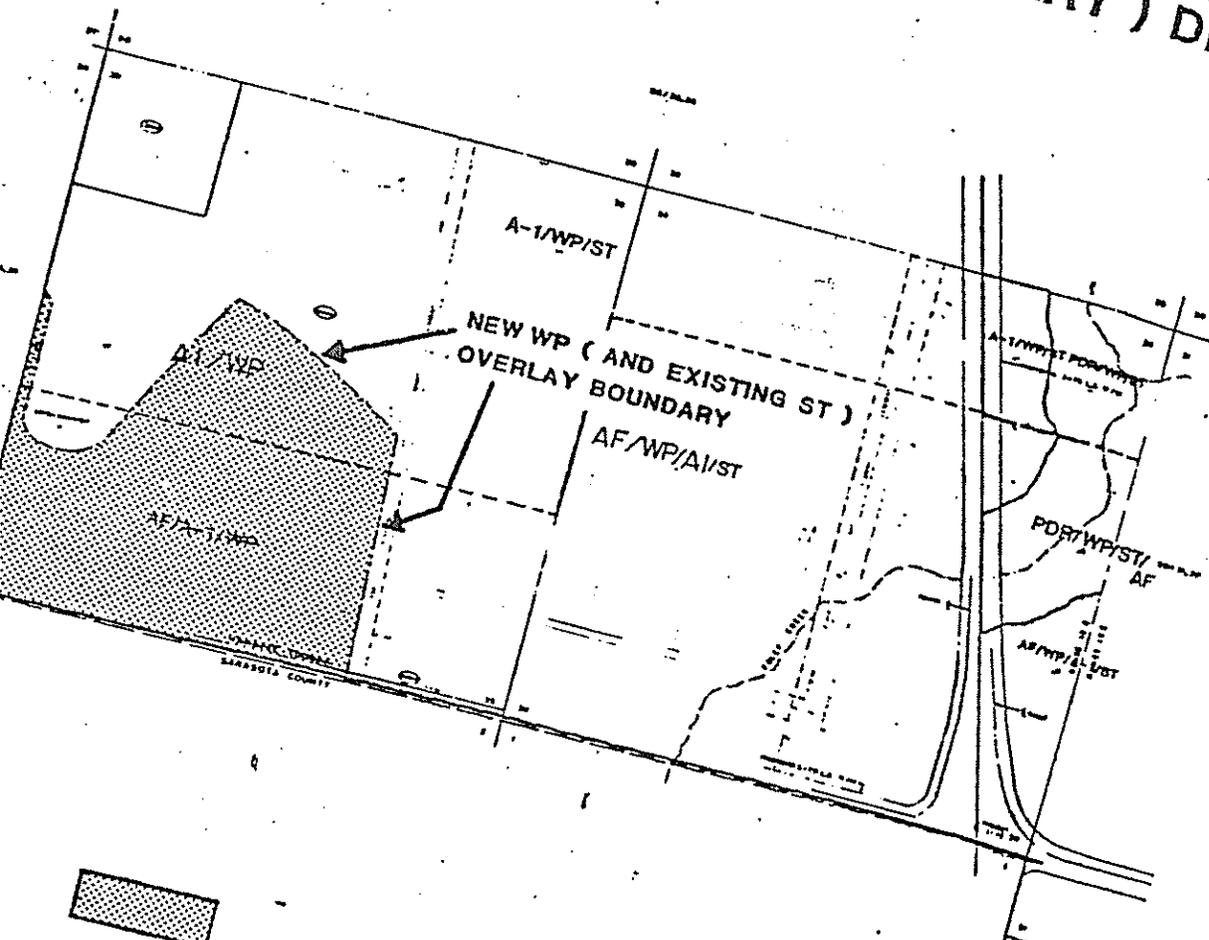
By: [Signature]  
Title: [Signature]  
Date of Execution: 22 4 1984

KABARA, N.Y.

By: [Signature]  
Title: [Signature]  
Date of Execution: 2-6-74

5/8/84

# ZONING ATLAS AMENDMENT TO RELOCATE WP ( WATERSHED PROTECTION OVERLAY ) DISTRICT



**AREA OF CONSIDERATION**  
(THE WP OVERLAY DISTRICT IS BEING REMOVED FROM THIS AREA.)

**EXHIBIT B**  
**Z-83-63**

646 B 81