102

Building and Development Services
/ Public Hearings
1112 Manatee Ave. W.
Bradenton, FL 34205
Phone: (941) 748-4501 ext. 6878
www.mymanatee.org

April 9, 2014

Certified Mail #7000 0600 0024 5577 5673

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard, Suite 100
Pinellas Park, Florida 33782

Re: Development Order for Creekwood DRI#13 - Ordinance 14-04

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 14-04, the DRI Development Order for Creekwood DRI#13, as adopted in open session by the Manatee County Board of County Commissioners on April 3, 2014, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)748-4501, extension 6878.

Sincerely,

Bobbi Roy
Planning Coordinator

/br
Enclosure

LARRY BUSTLE * MICHAEL GALLEN * JOHN R. CHAPPIE * ROBIN DiSABATINO * VANESSA BAUGH * CAROL WHITMORE * BETSY BENAC
District 1 District 2 District 3 District 4 District 5 District 6 District 7

ORDINANCE 14-04 – CREEKWOOD (DRI # 13)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE CREEKWOOD DEVELOPMENT OF REGIONAL IMPACT, (ORDINANCE ~~12-15~~13-25) TO APPROVE THE FOLLOWING CHANGES TO MAP H AND THE ORDINANCE: 1) ALLOW GROUP CARE HOME (ASSISTED LIVING FACILITY) AS AN ALLOWABLE USE IN PARCEL MU; AND 2) ADD 150-BED GROUP CARE HOME AND DECREASE THE COMMERCIAL SQUARE FOOTAGE BY 10,000 SQUARE FEET FOR A TOTAL OF 593,000 SQUARE FEET OF COMMERCIAL SPACE; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, CREEKWOOD, INVESTORS, LTD., hereinafter referred to as "CREEKWOOD", proposed a Development of Regional Impact (DRI) for a mixed-use development located in Manatee County; and

WHEREAS, on August 27, 1985, Manatee County adopted Resolution R-85-149 granting Creekwood a DRI Development Order; and

WHEREAS, on October 22, 1985, Manatee County approved Resolution R-85-219 amending Resolution R-85-149 by providing for clarification from the Department of Community Affairs; and

WHEREAS, on May 20, 1986, Manatee County approved Resolution R-86-112 amending Resolution R-85-219 by deleting two hundred and forty (240) plus or minus acres from the approved Creekwood DRI Development Order; and

WHEREAS, on April 22, 1993, Manatee County approved Resolution R-93-25 amending Resolution R-86-112 by approving amendments to Map H, extending the build out date, and other various changes; and

WHEREAS, on December 15, 1998, Manatee County approved Ordinance 98-49 amending Resolution R-93-25 increasing the commercial uses by 69,500 square feet and land area by 2.3 acres, changing the land use designation for Parcels C-1 and C-2 from Highway Tourist Oriented at General Commercial to General Commercial, and combining Parcels C-1, C-2, and O-1 into a redesignated Parcel C; and

WHEREAS, on March 28, 2002, Manatee County approved Ordinance 00-07 amending Ordinance 98-49 to amend Phase IV of the Project Phasing Conditions to delete 25,000 square feet of office space and add 25,000 square feet of commercial space on Parcel C, modify the Project Phasing Deadlines to reflect current development approvals and

schedules for the balance of approved development for this DRI, amend General Condition 17 requiring all Site Plans to comply with the 1990 Land Development Code; and other various changes; and

WHEREAS, on January 6, 2004, Manatee County approved Ordinance 04-28 amending Ordinance 00-07 to redesignate parcel identifications, add an additional roadway connection to the west, modify the Project Phasing Table to clarify, eliminate, and redistribute approved development (reduce industrial to 950,000 square feet, clarify allocation of commercial approved in the industrial category, expand the range of commercial and industrial uses permitted east of I-75, decrease residential units from 2,305 to 1,617), update and modify the Project Phasing Table to recognize completed development, transfer industrial, office, and commercial square feet from Phase I and II to Phases III and IV, amend the Development Order to update terminology and departmental references; and other changes for internal consistency, and allow biennial rather than annual DRI reports.

WHEREAS, on January 5, 2006, Manatee County approved Ordinance 05-41 amending Ordinance 04-28 to decrease residential units from 1,617 to 1,250, increase office square footage from 160,000 to 225,000,transfer 6 residential units from Phases I and II , delete the footnote under Table 1 requiring Preliminary Site Plans be submitted 18 months prior to the build out date, transfer 6 residential units from Phases I and II to Phase IV (a 13-year extension to buildout; 18-year cumulative extension), and amend the Development Order to update terminology and departmental references; and other changes for internal consistency, including recodification of the existing development order.

WHEREAS, on August 2, 2012 Manatee County approved Ordinance 12-15, amending Ordinance 05-41 to add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5; update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County; update the water quality monitoring conditions; update the Development Totals and Table 1 – Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements; and update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references; and

WHEREAS, on December 17, 2013, Manatee County approved Ordinance 13-25, amending Ordinance 12-15 to modify the land use of Parcel G from Office to Residential; to increase the total residential units by 112 for a total of 1,362 units and to decrease the office square footage by 125,000 square feet for a total of 100,000 square feet; to delete Land Use condition #1 regarding maximum density in the watershed; and to amend the stipulations related to the I-75 bridge approach, and

WHEREAS, on November 20, 2013, Creekwood Investors, LTD filed a request to amend the Development Order pursuant to Section 380.06(19)(e)2, Florida Statutes, which does not require the filing of a Notice of Proposed Change, but, requires an application to the

local government to amend the development order in accordance with the local government's procedure; and

WHEREAS, the application includes a request to allow group care home (assisted living facility) as an allowable use in Parcel MU; and to add 150-bed group care home and decrease the commercial square footage by 10,000 square feet for a total of 593,000 square feet of commercial space.

WHEREAS, the described project lies within the unincorporated area of Manatee County, a political subdivision of the State of Florida; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380.06, Florida Statutes have been adhered to and satisfied; and the Planning Commission held a duly noticed public hearing; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06(19)(e)2, Florida Statutes, and has the statutory authority to consider and approve amendments to a Development Order for an approved DRI; and

WHEREAS, the Planning Commission has reviewed the application to amend the Development Order and has filed a recommendation on this application with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners of Manatee County on April 3, 2014, held a duly noticed public hearing on Ordinance 14-04 and the application to amend the Development Order and has solicited, received, and considered reports, comments, and recommendations from interested citizens, county agencies, the applicant, as well as the review and report of the Manatee County Building and Development Services Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 3rd DAY OF APRIL, 2014 AS FOLLOWS:

SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI 13, ORDINANCE 13-25.

The previous development order for Creekwood, which was adopted on August 27, 1985, and all subsequent amendments are replaced in their entirety, provided this amendment shall not be construed to terminate the rights of the developer, if any, granted under Section 163.3167(8) Florida Statutes, to the extent such rights have previously been granted and not specifically herein or otherwise modified or amended.

SECTION 2. FINDINGS OF FACT

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of approved Map H, the recommendation and findings of the Planning Commission of Manatee County, 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 recommendation of the Manatee County Planning Commission concerning the application to amend the Development Order as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners held a public hearing on April 3, 2014, regarding the application to amend the Development Order described herein, in accordance with the requirements of Manatee County Ordinance 90-01, as amended (the Manatee County Land Development Code) and Ordinance 89-01, as amended (the 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the Public Hearing.

C. The proposed change to the DRI regarding the property described in Exhibit "A" is found to be consistent with the requirements of Manatee County Ordinance 89-01, as amended (the 2020 Manatee County Comprehensive Plan), provided it proceeds in accordance with the Development Conditions specified herein.

D. The real property, which is the subject of this Development Order, is legally described as set forth in Exhibit "A" of this Development Order.

E. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

F. The authorized agent for the Project is Allison-Gause, Inc., and their address is 926 14th Street West, Bradenton, Florida 34205.

G. The original owner of the property was Creekwood Investors, LTD, and the owner of Parcel MU is Creekwood Investors, LTD.

H. A comprehensive review of the impacts generated by the Development has been conducted by the departments of Manatee County, the Planning Commission and the Board of County Commissioners.

I. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

SECTION 3. CONCLUSIONS OF LAW

Based upon the previous findings of fact and the following conditions of the Development Order, the Board of County Commissioners of Manatee County concluded that:

A. The Project is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP) the Tampa Bay Regional Planning Council's Future of the Region, A Strategic Regional Policy Plan, and Ordinance 89-01, as amended (The 2020 Manatee County Comprehensive Plan, as amended).

B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

C. That the review by the County, other participating agencies, and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order.

D. That the changes proposed by this amendment to Ordinance ~~12-15~~13-25 as described in Section 4 and which were requested in the application to amend the Development Order ,along with the previous changes to the DRI, are not a Substantial Deviation or an NOPC pursuant to Section 380.06(19)(e)2, Florida Statutes.

SECTION 4. AMENDMENTS TO APPROVED DEVELOPMENT

The application to amend the Development Order for the Creekwood DRI is hereby approved, amending the previous Development Order and its amendments in their entirety, subject to the conditions listed herein, to allow the following changes in the plan of development:

1. Modify Map H attached hereto Exhibit "B" and the Development Order with the following changes:

    A. Allow group care home (assisted living facility) as an allowable use in Parcel MU; and
    B. Add 150-bed group care home and decrease the commercial square footage by 10,000 square feet for a total of 593,000 square feet of commercial space.

SECTION 5. DEVELOPMENT COMPONENTS

Approval of this ordinance authorizes development of the following land uses, when developed in conjunction with the terms of this ordinance, and any applicable local, regional, state, or federal regulations.

A. 1,362 dwelling units

B. 593,000 square feet of commercial

C. 800,000 square feet of industrial

D. 100,000 square feet of office

E. 100 room hotel (93,000 square feet)

F. 80,000 square feet of mini-warehouse

G. 150-bed group care home (assisted living facility)

SECTION 6. DEVELOPMENT CONDITIONS

PROJECT PHASING AND BUILDOUT CONDITIONS

1. The developer shall comply with the deadlines contained in the revised phasing schedule, listed in Table 1 below:

Table 1 - Phasing by Use

PHASES					
Uses	**Acreage 818.3**	**I, II (Complete)**	**III (1996-11/22/2018)**	**IV (2001-11/22/2019)**	**Total**
RESIDENTIAL	390.1	592	140	630	1,362
COMMERCIAL **[RETAIL AND SERVICE-380.0651(3)(f)]**	137.63*****	455,048	55,000	82,952**	593,000**
HOTEL **[Hotel or motel - 380.0651(3)(g)]**				100 rooms 93,000	100 rooms 93,000
OFFICE			60,000*	40,000*	100,000*
INDUSTRIAL	170.94		230,000	570,000***	800,000***
MINI-WAREHOUSE	6.5			80,000****	80,000****
GROUP CARE				150 beds	150 beds

HOME******					
OPEN SPACE (ROADS, RIGHT-OF-WAY, CONSERVATION, PRESERVATION, ETC.)	113.13				

* Office space may include up to 85,000 square feet of medical office. Office entitlements have been removed from Parcel G for a total reduction of 125,000 sq. ft. of office space. The reduction of office entitlements was requested by the owner of Parcel G and approved by the Board of County Commissioners on December 17, 2013 (Ordinance 13-25). No entitlements have been taken from any other Parcel in the DRI at that time.

** Construction of the initial 50,000 sq. ft. of Mini-Warehouse was acknowledged within the RY 2007-08 Annual Report. The Annual Report reflected that 50,000 sq. ft. of Mini-Warehouse was equivalent to 24,000 sq. ft. of Commercial. As appropriate, this amount of Commercial has been deducted from the Phase IV and overall Commercial entitlements reflected in this Table for the project (Ordinance 12-15).

A total of 10,000 sq. ft. of commercial space has been removed from the commercial entitlements in Parcel MU. The reduction of commercial entitlements was requested by the owner of Parcel MU and approved by the Board of County Commissioners on April 3, 2014 (Ordinance 14-04). No entitlements have been taken from any other Parcel in the DRI at that time.

*** 150,000 sq. ft. reduction of industrial entitlements was requested by the master developer and approved by the Board of County Commissioners on December 4, 2008 [Z-84-76(R8)].

**** Mini-Warehouse consists of 50,000 sq. ft. constructed during 2007-08 as well as the 30,000 sq. ft. expansion proposed with Ordinance 12-15.

***** Commercial acreage includes Hotel and Office to reflect acreage of mixed use, non-residential parcels. The acreage of the Commercial only parcels is 71.9 acres and the Mixed Use parcel is 65.73 acres.

****** Group Care Home has been included as an allowable use in Parcel MU (Ordinance 14-04).

2. The developer shall submit a revised transportation analysis with any request for project extension, beyond those which may be granted by State law. The Manatee County Board of County Commissioners shall review this analysis and determine whether or not the requested extension constitutes a Substantial Deviation pursuant to Section 380.06 Florida Statutes.

3. The developer must adhere to the following phasing buildout schedule.

   Phase I - 1986-1996
   Phase II - 1993-2003
   Phase III - 1996-November 22, 2018
   Phase IV - 2001-November 22, 2019

4. Preliminary Site Plans shall be valid for a maximum period of five (5) years. Final Site Plans shall be valid for a maximum period of four (4) years, however, not to exceed the end of the phase for which development is proposed as described in the phasing build out schedule.

LAND USE CONDITIONS

1. At the time of Preliminary Site Plan submittal, the applicant shall demonstrate compliance with the requirements of the Planned Development District in effect at that time including, but not limited to, such concerns as Entranceway requirements, aesthetic appearance from State Road 70 (S.R. 70) and Interstate 75 (I-75), ample provision for open space, adequate restrictions to prohibit unsightly vehicles, trash, etc., and a maintenance program which assures that an attractive appearance will be maintained.

2. Light manufacturing, industrial service establishments, wholesale trade establishments, research and development activities, warehouse, mini-warehouse, heavy printing, and ancillary office use are permitted uses proposed within Parcel I. Construction service establishment (with no retail and rental sales) is allowed on the east side of Lena Road only. Industrial uses to be constructed within the Evers Reservoir Watershed Protection Overlay District, must employ Best Possible Technology so that such uses will not be contrary to the public health, safety, and welfare. Best Possible Technology shall be in accordance with the laws in effect at the time of Preliminary Site Plan approval and shall be shown on the plan or plat for consideration and approval.

3 All buildings, parking, and service areas within Parcels MU and I shall maintain a minimum setback of 100 feet from S.R. 70 and I-75. All trash and garbage receptacles that are visible from S.R. 70, I-75, 54th Drive East, and adjacent residential shall be screened with materials similar to the adjacent building facade. All truck loading, service areas, outside storage, and parking of heavy equipment, semi-trucks or trailers or other vehicles over 1-1/2 tons shall be located at the non-street side of the building when adjacent to I-75, and S.R. 70, unless they are not visible from a height of five (5) feet at the edge of pavement of said street, to be determined at time of Certificate of Occupancy.

4. The Developer shall provide a 20-foot wide greenway adjacent to one side of the right of way for Lena Road, from S.R. 70 to the northern terminus of Lena Road. Within this greenway, the Developer shall install a ten foot wide paved bicycle and pedestrian path.

5. The developer shall be allowed to construct a total of 1,362 dwelling units. Dwellings shall be constructed in accordance with the density approved for each specific parcel in the revised Map H (Exhibit "B").

BUFFER CONDITIONS

1. (Reserved)

2. a. A building setback of at least fifty (50) feet shall be provided west of and adjacent to the existing power line easement traversing Parcels MU & I.

Native trees lying within shall not be removed. Trees of a native species shall be planted within 20 feet of the FP&L line where the base of trees closer than twenty-five (25) feet apart do not already exist. In addition, the screening buffers required between zoning district boundaries by the Land Development Code shall be required, except for the requirements for trees if more stringent within this stipulation. These plantings shall occur prior to a certificate of occupancy for each lot and they shall meet the minimum standards of the Land Development Code.

b. A 50-foot wide roadway buffer shall be required along east side of I-75. (Completed)

c. Buildings on the east side Lena Road in Parcel I shall be located on the western two-thirds of the lots.

3. Residential

a. The 100-foot wide roadway buffer along the west side of I-75 shall be provided. Additionally, the depth, design, and location of landscaped buffers will be determined when a Preliminary Site Plan is submitted for approval. Continued maintenance of these buffers shall be assured through appropriate measures such as covenants and deed restrictions.

b. Prior to Final Site Plan approval a noise analysis shall be done based on the potential 10 lane configuration of I-75 and anticipated traffic in 2025.

Manatee County noise level criteria for residential properties

MANATEE COUNTY NOISE STIPULATION*
No residential dwelling units including group care home (assisted living facility) shall be allowed in areas where the exterior noise level is; Ldn > 65 dBA.: Leq design hour > 65 dBA: or L10 design Hour > 68 dBA Unless protected by some performance equivalent measure to achieve; Ldn # 65 dBA, Leq design hour # 65 dBA, or L10 design Hour # 68 dBA
NOISE REDUCTION REQUIRED*
Sound attenuating barriers should be provided between the residential units and the noise source. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source.

* For more detailed information see "The Noise Guidebook – A reference document for implementing the Department of Housing and Urban Development's Noise Policy", prepared by The Environmental Planning Division, Office of Environment and Energy.

ENVIRONMENTAL CONDITIONS

1. At the time of the first Preliminary Site Plan submittal, a Master Drainage Plan for the entire development, including a demonstration that the effect the proposed altering and deepening of existing wetlands will have on their ability to filter surface water and percolating groundwater will be acceptable, shall be submitted. This Master Drainage Plan, though 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. (Completed)

2. Stormwater management system design for that portion of the development lying within the Evers Reservoir Watershed shall meet or exceed any requirements of the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as may be amended. This shall not be interpreted to mean that the developer is required to retrofit any approved and existing stormwater systems which do not meet this requirement.

3. In conjunction with the submittal of the first Preliminary Site Plan, a demonstration of compliance with the Watershed Protection, Special Treatment,

and Agricultural Fringe Overlay zones shall be submitted. As required by the Special Treatment District, the Board of County Commissioners must make a determination prior to construction that "Best Possible Technology" is being employed prior to construction. (Completed)

4. The Stormwater Maintenance Plan, submitted with the first Preliminary Plan, shall be designed using accepted best management practices to provide a natural hydroperiod within each wetland. Isolated wetlands shall, where practical, be incorporated into the stormwater system. Construction and post-construction monitoring of surface and groundwater quality and quantity shall be outlined and implemented; included in this plan shall also be the design and execution of a maintenance program to ensure the adequate functioning of the system beyond project build out. The stormwater management system shall be designed with enough flexibility to allow for hydroperiod refinement, as needed.

5. All jurisdictional wetlands and streams shall be preserved physically and functionally. The only exception may be those areas in which appropriate environmental permits and local approvals are obtained.

   All development shall comply with the wetland policies of the Comprehensive Plan and the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired.

6. The Preliminary Site Plan, as submitted by phase, shall specifically also outline which and how much of each vegetation association is being preserved. Every effort shall be made by the developer and any future developers of this property to preserve a diverse range of the existing wildlife habitat. These preserve areas should be as large as possible and should be located adjacent to wetlands or a different upland community type.

7. Wetlands on the project site shall be preserved consistent with Map F-1 on page 44 of the ADA additional information response and with s.2.7 of the Council's adopted Future of the Region. In addition, the wetland on Parcel C-5 shall be preserved.

8. Representative tracts of all major upland vegetative communities shall be preserved in their natural state to serve as conservation/recreation areas.

9. The wind and soil erosion controls including sodding, hydroseeding, mulching and bare soil wetting, committed to by the developer in the ADA, shall be required.

WATER QUALITY CONDITIONS

1. To assure water quality is maintained:

   a. The developer shall institute a program to provide a body of initial baseline water quality data before any significant groundbreaking takes place, as well as institute a bi-annual on-going monitoring program through project build-out. Sampling stations shall be at the sampling sites shown in "Exhibit B" (attached to Resolution R-93-25).

      Sampling should be taken on a cresting hydrograph and should occur immediately after a one-inch storm event, and after a dry period, during both the rainy season (June-September) and the dry season (November-February). Significant water quality parameters should include, but not be limited to, the following:

      - streamflow (cu. ft./sec.);
      - turbidity (ntu);
      - specific conductance (umho/cm at 25 deg. C);
      - dissolved oxygen (mg/l);
      - biochemical oxygen demand (mg/l);
      - pH;
      - total orthophosphate as P (m/l);
      - total organic nitrogen as N (mg/l);
      - total organic carbon as C (mg/l);
      - total coliforms, multiple tube method, MPN (col/100 ml):
      - total lead as Pb (ug/l; and
      - temperature (deg. C).

      Any changes to the sampling stations identified in "Exhibit B", the sampling frequency, or the above list of parameters shall be submitted to Manatee County and TBRPC for review and comment, with approval by Manatee County.

      All water quality methods and procedures shall be thoroughly documented and should comply with EPA/DEP Quality Control standards and should be submitted to Manatee County and TBRPC.

   b. The developer shall provide baseline water-level contour maps for the unconfined aquifer on the Creekwood site, to reflect conditions present during both the wet season (June - September) and the dry season (November - February). In addition, the developer shall provide for review annually updated ground water contour maps as described above; until the project reaches completion.

2. In order to protect water quality, the following parameters shall be included in the project drainage plan.

a. The developer shall submit for approval a wetland-lake management plan, to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
- proposed wetland/lake alterations;
- control of exotic species;
- control of on-site water quality
- maintenance of natural hydroperiod; and
- methods for wetland restoration/enhancement.

b. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment for the first inch of runoff generated from the site during the 25-year, 24-hour design storm; and that maximum post-development shall not exceed pre-development flows for the same design storm.

c. The proposed retention/detention wetland systems shall be designed to be consistent with the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC 1978). The design criteria of this system should include the following elements:

(1) A minimum of 15 but no more than 50 percent of the surface area of the detention pond at the normal water level (NWL) shall consist of a shallow vegetated littoral shelf.

(2) The littoral shelf shall be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf shall be established on a shallow submerged island in the middle of the pond.

(3) A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.

(4) The littoral shelf, if located along the pond bank, shall have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.

(5) The littoral shelf shall be vegetated with a diverse group of native species which can include Sagittaria, pickerel-weed, Juncus, water lilies, cypress, etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more "natural" appearance.

(6) A copy of an operation and maintenance (O & M) schedule shall be provided to the owner, and be submitted to TBRPC with the

annual report. The O & M schedule should include an estimation of the frequency of sediment removal operations and should mention the periodic need for removing dead vegetation.

HAZARDOUS WASTE CONDITIONS

1. Prior to the construction of industrial facilities, hazardous waste storage and disposal plans, including transportation of wastes, shall be provided and approved.

2. The developer shall provide separate hazardous waste storage containers/areas within the project prior to or concurrent with the certificate of occupancy for the first business within the project. These containers/areas shall be accessible to all project businesses and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials. Such containers shall also be designed to prevent unauthorized use or entry. The hazardous waste storage containers/areas shall be allowed to be located within the Evers Reservoir Watershed Overlay District until such time as the first industrial use outside of the Evers Reservoir Watershed Overlay District is constructed, at which time the storage containers/areas shall be relocated outside of the Evers Reservoir Watershed Overlay District.

   The developer shall provide to all Creekwood businesses information that:

   a. Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designed containers; and

   b. Indicates the location of the specially-designed hazardous waste and materials containers; and

   c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

   The developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

ARCHAEOLOGICAL CONDITION

1. At the time a Preliminary Site Plan for the specific areas referenced in the May 24, 1984 letter from the State Division of Archives, History and Records Management is submitted, the developer must show the location of all archaeological and historic sites identified by a systematic, professional archaeological and historic survey. If any sites exist, the ones which are significant must be protected and preserved.

PARKS AND RECREATION CONDITIONS

1. Implementation of the bike/pedestrian path shall be required as committed in the ADA, unless more restrictive conditions have been placed on the development in this order.

2. Development plans shall assure adequate buffering between the industrial, office, commercial, and residential designations of this development through appropriate measures such as covenants and deed restrictions.

3. Assignment of specific responsibility for open spaces shall be made at the time of Final Plat submittal, unless no plat is required, then it shall be required at time of Final Site Plan submittal.

4. The 25-acre park located in the northwest quadrant of the project as shown on Revised Map H shall be deeded to the County by the Developer upon request of the County. The County shall utilize said acreage for public park purposes. The Developer shall be entitled to impact fee credit as set forth in Section 806.4.1 of the Land Development Code, as may be amended. (Completed)

   If the County desires to develop the park prior to the Developer extending Creekwood Boulevard from the southern boundary of Williams Creek north, the County may construct that portion of Creekwood Boulevard necessary to access the park. The Developer shall provide Manatee County with sufficient right-of-way for said construction. If Manatee County undertakes construction of any portion of the roadway, Manatee County shall obtain all necessary permits including any wetland impact permits required for said construction. The Developer shall have the right to review construction plans prior to commencement of construction to determine compatibility with its development plans including, but not limited to, provision of sufficient curb cuts to access development parcels. The road will be constructed to County standards. If the County constructs the road described in this paragraph, and the road is of a type not eligible for impact fee credits pursuant to Section 806.4 of the Land Development Code, then the developer shall reimburse the county for the cost of construction. Reimbursement shall be required in conjunction with Final Site Plan or Final Plat approval for development of the parcels adjacent to that portion of the road which the county constructs. If the road is eligible for impact fee credit and the county constructs the roadway, the developer will not be entitled to reimbursement. The Developer shall have the right to relocate the right-of-way or constructed roads at its expense.

PUBLIC SAFETY CONDITIONS

1. Creekwood shall contribute a pro-rata share of the cost of constructing a fire station on the Tara public service site. The timing and amount of the required

financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)

2. Creekwood shall contribute a pro-rata share of the cost to construct and equip the Sheriff Department's portion of the Public Services Building on the Tara Public Site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)

3. The use of street names for the main entrance roads to both the residential and industrial portion of the project may be allowed. The entrance road to the residential portion of the project shall be allowed as a designation of Creekwood Boulevard and the entrance road to the industrial portion of the project may be allowed to be named as a boulevard at a later time. All other streets within the project shall be numbered in accordance with the revised county grid system, unless street names are allowed by the Board of County Commissioners for those other streets at a later time.

TRANSPORTATION CONDITIONS

1. Improvements shall be required to the project entrances on S.R. 70 and to the intersection of S.R. 70 and I-75. Such improvements shall include, but not be limited to, left turn storage lanes, signalization, ramp improvements and additional through lanes. The extent and timing of improvements required shall be determined by the County Transportation Authority with the review of an updated traffic analysis for each increment of development.

2. Developer shall provide for a 120-foot wide right-of-way for 44th Avenue East (Cortez Road Extended) through the project. Two lanes of this roadway shall be constructed through the project by the developer with development of parcels adjacent thereto except for the bridge approach to the I-75 crossing. Sufficient right-of-way to construct the bridge approach shall be reserved and shall not be dedicated unless the right-of-way is voluntarily dedicated by the owner thereof pursuant to a development agreement. The developer shall not be responsible for constructing the bridge over I-75 as an on-site transportation improvement. The developer shall enter into an agreement with the County to either oversize the internal stormwater pond system to be constructed on Parcel D or reserve capacity in the existing stormwater pond system to accept stormwater from the future 44th Avenue extension. The agreement must be entered into prior to Preliminary Site Plan approval for Parcel D.

3. Construction of approximately 1,600 feet of 44th Avenue East, from the west property boundary west to the existing pavement by the developer, to a two-lane section, including payment for acquisition of necessary right of way, shall be required prior to Final Plat approval of the 101st dwelling unit north of Williams Creek. The primary entrance road (Creekwood Boulevard) to the residential portion of the project shall connect to 44th Avenue at the time of construction of the extension of 44th Avenue, mentioned herein. Manatee County shall

cooperate with Creekwood in the condemnation of any land necessary to meet this requirement.

4. A cross access easement between Parcels C-6 and C-7 and the Campbell Commercial Center to the west shall be recorded and this roadway connection shall be constructed or bonded prior to the next Certificate of Occupancy for Parcels C-6 or C-7. This cross access easement shall be located within 50 feet of the northern right-of-way of S.R. 70 at the western property line of Parcel C-7 and shall be extended eastward to the northern-most driveway on Creekwood Boulevard in Parcel C-6. (Completed)

5. The proposed entrance onto S.R. 70 at the southwest corner of the development shall be relocated eastward to facilitate the frontage road from the Campbell Commercial Center and to avoid conflict with regard to intersection function. (Completed)

6. The intersections of any driveway (including the frontage road) with the project entrance boulevard onto S.R. 70 shall be located as far from S.R. 70 right-of-way as necessary to avoid conflict with regard to intersection function. (Completed)

7. All roads shown on the General Development Plan, including required stub-outs to the property boundary shall be dedicated to Manatee County with adequate rights-of-way as determined by the Transportation Department except for the bridge approach for the 44th Avenue crossing of I-75.

8. The need for wider internal roads or potential changes in their proposed alignment shall be addressed at the time of Preliminary Site Plan submittal.

9. The proposed owner's association documents shall contain a provision requiring the occupants of the Parcel I to coordinate shift changes to reduce peak hour traffic.

10. In accordance with the Traffic Element of the Manatee County Comprehensive Plan, adopted level of service as of the effective date of this ordinance, as determined by the procedures reported in the Highway Capacity Manual (HCM) 2000 and using the most recent version of the Highway Capacity Software (HCS), or most current HCM manual and HCS software, and in accordance with guidelines and conclusions acceptable to the County, Tampa Bay Regional Planning Council, and the Department of Economic Opportunity shall be maintained on all of the following thoroughfares which have been identified by the Tampa Bay Regional Planning Council as receiving from Creekwood, five percent (5%) or more of daily Level of Service "C" capacity:

    a. University Parkway from Lockwood Ridge Road to I-75

    b. S.R. 70 from U.S. 41 to I-75

c. Lockwood Ridge Road from University Parkway to S.R. 70

d. S.R. 64 from Morgan Johnson Road to I-75

e. I-75 from University Parkway to S.R. 70

f. S.R. 780 from Honore Avenue to I-75

g. Intersection of S.R. 70 and S.R. 683

h. Intersection of S.R. 70 and 45th Street East

i. Intersection of S.R. 70 and Caruso Road

j. Intersection of S.R. 70 and U.S. 301

k. Intersection of S.R. 64 and Morgan Johnson Road

l. Intersection of S.R. 70 and the Project Entrances

m. Intersection of S.R. 70 and I-75

n. Intersection of S.R. 70 and U.S. 41

o. S.R. 70 from I-75 to Lorraine Road

No plat or site plan shall receive approval if the approval of such increment of development would generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other development approvals, and other circumstance 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 these road links and intersections to a daily level below the adopted level of service as of the effective date of this ordinance. S.R. 70 shall maintain an acceptable Level of Service. Each request for plat or site plan approval must be accompanied by a traffic study prepared or provided in this paragraph. Level of Service on the above referenced links and intersections shall be verified as part of each annual report as required by Chapter 380.06(16) Florida Statutes. If any traffic study required above for any increment of development shows that the project will contribute more than ten percent (10%) of the Level of Service C capacity of S.R. 70 between S.R. 683 (15th Street East) and U.S. 301, then that increment of development shall not be approved unless the improvements necessary to achieve the adopted level of service on that segment under construction.

This stipulation shall not be construed as diminishing any rights to credits for improvements paid for by the developer pursuant to this stipulation that would be available under Stipulation 14 of the general conditions contained herein.

11. Access to the project shall be as shown on the Revised Map H.

12. A cross-access easement shall be provided between Residential Parcels C and E. The location shall be approved by the Building and Development Services and Public Works Departments prior to or concurrent with the Preliminary Site Plan, for Parcel E.

OFF SITE FACILITY DEVELOPMENT FEE CONDITIONS

1. The developer, its successors, and assigns shall be bound by any and all impact fee ordinance(s) in effect at the time of building permit issuance. Impact fees shall be collected by Manatee County unless provisions have been made for another entity to collect all or part of the fees.

GENERAL CONDITIONS

1. The developer shall demonstrate the availability of adequate service/capability to provide, wastewater treatment, solid waste disposal, electricity, police, fire, and EMS service with each Preliminary Site Plan submittal,.

2. All structures shall meet at a minimum the building requirements of the Southern Standard Building Code, as amended.

3. The developer shall satisfy county requirements regarding the provision of EMS and police services to this portion of the County.

4. The energy conservation measures referenced in the ADA shall be required as a condition of approval.

5. Implementation of the bike/pedestrian path shall be required as committed in the ADA.

6. 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 General Development Plan approval, except as modified by the stipulations, conditions, and requirements set forth herein or in the approval of the ADA, or set forth in subsequent DRI or local approvals required for this development.

7. 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.

8. The matters addressed herein, as well as additional matters that are appropriate to consider at later stages of review, may be reflected in additional or more

detailed stipulations, conditions, and requirements to be formulated and applied at later stages of review of this project under local procedures.

9. 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, and by reference to the record of the hearings before these bodies.

10. 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 and by any subsequently established stipulations.

11. Nothing herein shall be construed as authorizing any use of the property other than as described in the General Development Plan 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.

12. 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 reflects 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.

13. 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.

14. In the event the County or other government entity with jurisdiction in the matter establishes 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 reductions in developer's obligations

as set forth herein shall be considered and should be reflected in stipulations made a part of subsequent approvals.

15. The developer and any successors in interest shall submit annual DRI reports in accordance with Section 380.06(16), Florida Statutes, to Manatee County, the TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on (October 22, 1985) and each year 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 the Manatee County Building and Development Services Department who shall be responsible for assuring the developments compliance with this order, to this end the Director shall review the report for compliance with the terms and conditions of this Order. Should the director decide that further orders and conditions are necessary to ensure compliance with the terms and conditions of this Order, he shall submit the report to the Manatee County Board of County Commissioners. 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(16), Florida Statutes;

    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. Undeveloped tracts of land that have been sold to a separate entity or developer and the identify of that purchaser, together with a statement listing the names and addresses of any heir, assignee, or successor in interest to this Order;

    f. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the DRI site since the Order was issued;

g. An assessment of the Developer's and local government's compliance with conditions of approval contained in the Order;

h. Any requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

j. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer, pursuant to Subsection 380.06(14)(d), Florida Statutes.

k. Failure to file an annual report as provided within shall suspend any further development.

16. All references made in Ordinance 13-25 to a conceptual development plan shall hereinafter refer to revised Map H (Exhibit "B"), as amended herein.

17. All Preliminary and Final Site Plans shall comply with the requirements of the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired.

18. The Developer shall include in each Notice to Buyer for any property sold east of I-75 within the DRI boundaries, a statement that the use of the two hundred forty (240) plus or minus acres excluded from the Creekwood, Ltd. Development of Regional Impact approval is for a County owned treatment facility that may include spray irrigation.

19. If the Development Order is appealed by the Department of Economic Opportunity (DEO), the Developer shall pay all costs and fees of County staff and attorneys that the County is required to expend related to said appeal. Said costs and fees shall be paid at the rate of the processing fee for Development of Regional Impacts under the current Building and Development Services Department fee schedules. Payment of all billings by the Developer related to such reasonable fees and costs shall be paid within 45 days of the submittal of an invoice, except those fees in dispute and under review or appeal. If the Development Order is appealed by DEO, and Manatee County chooses to pursue the appeal over the objections of the Developer, the Developer shall not be responsible for costs incurred subsequent to the Developer's objection.

SECTION 7. LEGAL DESCRIPTION

Development of Creekwood shall be restricted to the 818.26 acres owned by the Developer and described by the legal description included as Exhibit "A" attached to, and made a part of, this Development Order.

SECTION 8. GENERAL

1. This Ordinance 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 CREEKWOOD.

    b. The Application for an amendment to the Development Order.

SECTION 9. RESTRICTIONS ON DOWN-ZONING

The County may not down-zone or reduce the intensity or unit density permitted by this Order prior to November 22, 2019, unless the County can demonstrate that:

(a) Substantial changes in the conditions underlying the approval of the Order have occurred; or

(b) The Order was based upon substantially inaccurate information provided by the Developer; or

(c) The change is clearly established by the County to be essential for the public health, safety, or welfare.

Any down-zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Order.

The inclusion of this Section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density or intensity of the Project, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes.

SECTION 10. BINDING ORDER UPON DEVELOPER

This Development Order shall be binding upon the Developer.

SECTION 11. DEADLINE FOR COMMENCEMENT OF CONSTRUCTION

Physical development of the Project* shall commence within three years of the effective date of this Ordinance unless the time period for commencement is extended by the Board of County Commissioners (Development has commenced). If more than three years shall elapse between approval of this order and commencement of actual development, or if construction of a phase is not begun or completed by the time frame contained in Section 6. above, 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 the Land Development Code and may, at its option, rescind any and all approvals granted herein, including the Certificate of Level of Service. Any delay in construction commencement shall not be deemed to extend any time frame for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 12. RENDITION

The Building and Development Services Department is hereby directed to send certified copies of this Order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer and, the Florida Department of Economic Opportunity.

SECTION 13. NOTICE OF RECORDING

The Developer shall record a notice of amendment of this Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Building and Development Services Department a copy of the recorded notice.

SECTION 14. SEVERABILITY

If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

SECTION 15. EFFECTIVE DATE

This Ordinance shall become effective upon the filing of a certified copy of the executed ordinance with the Department of State; provided, however, that the filing of a notice of appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 13-25 during the pendency of any appeal.

ADOPTED AND APPROVED with a quorum present and voting this 3rd day of April, 2014.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____
Larry Bustle, Chairman

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

BY: _____
Deputy Clerk

EXHIBIT A

LEGAL DESCRIPTION FOR REVISED CREEKWOOD

CREEKWOOD

THE EAST ½ OF SECTION 11, TOWNSHIP 35, RANGE 18 E., LESS THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.
ALSO:
THAT PART OF SECTION 12., TOWNSHIP 35., RANGE 18E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75).
ALSO:
THAT PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD NO. 70
ALSO:
THAT PART OF SECTION 13, TOWNSHIP 35 S,. RANGE 18 E,. LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75), AND NORTH OF STATE ROAD NO. 70.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A LITERWOOD POST FOUND MARKING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., SAME BEING THE SOUTHWEST CORNER OF THE EAST ½ OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E., FOR A <u>POINT OF BEGINNING</u>: THENCE S 00°43'18" E, ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF SECTION 14, A DISTANCE OF 193.63 FT. TO THE NORTHEAST CORNER OF "CAMPBELL COMMERCIAL SUBDIVISION" AS RECORDED IN PLAT BOOK 23, PAGES 141 AND 142, AFORESAID PUBLIC RECORDS: THENCE CONTINUE S 00°43'10" E, ALONG THE EAST LINE OF SAID "CAMPBELL COMMERCIAL SUBDIVISION", SAME BEING THE OCCUPIED WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 513.00 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13160-2503; THENCE S 70°20'03" E, ALONG SAID NORTHERLY R/W, A DISTANCE OF 7.83 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17120.74 FT.; THENCE RUN SOUTHEASTERLY, ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 339.93 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17256.74 FT.; THENCE RUN SOUTHEASTERLY ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 342.63 FT. TO THE P.T. OF SAID CURVE; THENCE S 70°20' 03" E. ALONG SAID NORTHERLY R/W, A DISTANCE OF 35.37 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD NO. 93 (INTERSTATE 75), AND SAID STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE S 80°04'21" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 82.10 FT.; THENCE S 70°20'03" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 400.14 FT.; THENCE S 73°01'06" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 100.26 FT.; THENCE S 70°20'03" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 218.97 FT.; THENCE S 78°46'36" E, ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 136.27 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W, OF SAID STATE ROAD NO. 93 (INTERSTATE 75); THENCE S 70°20'03" E, ALONG SAID NORTHERLY LIMITED ACCESS R/W, 298.34 FT.; THENCE S 72°37'29" E. ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 628.85 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 622.20 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 52°23'42". A DISTANCE OF 568.98 FT. TO THE P.T. OF SAID CURVE; THENCE N 54°E58'49" E,

ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 351.55 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING RADIUS OF 721.51 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 50°03'07". A DISTANCE OF 632.91 FT. TO THE P.T. OF SAID CURVE, THENCE N 04°55'42" E, ALONG SAID LIMITED ACCESS R/W, 518.38 FT.; THENCE N 00°55'22" E, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4990.44 FT. TO THE P.C. OF A CURVE CONCAVE TO THE WEST. HAVING A RADIUS OF 5530.30 FT.; THENCE RUN NORTHERLY ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°38'59", A DISTANCE OF 450.42 FT. TO THE INTERSECTION WITH THE LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°26'05" W, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1065.82 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 33 S., RANGE 18 E., SAME BEING THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°36'09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1404.27 FT. TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, AFORESAID PUBLIC RECORDS; THENCE S 00°26'58" W, ALONG THE EAST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT.; TO THE SOUTHEAST CORNER OF SAID CERTAIN PARCEL; THENCE N 89°36'09" W, ALONG THE SOUTH LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.00 FT. TO THE SOUTHWEST CORNER OF SAID CERTAIN PARCEL; THENCE N 00°26'58" E, ALONG THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 11, THENCE N 89°35' 09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 660.11 FT. TO THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION11; THENCE S 00°45'32" E. ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 11. A DISTANCE OF 5292.41 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 11, 12, 13 AND 14 MANATEE COUNTY, FLORIDA.

CONTAINING 540.56 ACRES MORE OR LESS

CREEKWOOD-EAST

THAT PART OF SECTIONS 12 AND 13, TOWNSHIP 35 S., RANGE 18 E., LYING EAST OF STATE ROAD NO. 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD NO. 70. LESS LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, 3035 AND OFFICIAL RECORDS BOOK 1145, PAGE 3377, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 01°00'42" W. ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 821.22 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20' 03" W, ALONG SAID NORTHERLY R/W , 1492.94 FT.; THENCE N 33°10'32" W. ALONG SAID NORTHERLY R/W, 83.17 FT.; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W, 70.00 FT.; THENCE S 74°16'39" W. ALONG SAID NORTHERLY R/W, A DISTANCE OF 79.73 FT. FOR A <u>POINT OF BEGINNING</u>: THENCE CONTINUE S 74°16'39" W, ALONG SAID NORTHERLY R/W, 7.01 FT.; THENCE N 70°20'30" W, ALONG SIAD NORTHERLY R/W, A DISTANCE OF 512.00 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD NO. 93 (INTERSTATE 75), AND STATE ROAD NO. 70; THENCE N 60°14'02" W. ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 217.32 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W OF SAID STATE ROAD NO. 93

(INTERSTATE 75), THENCE N 70°20'03" W. ALONG SAID NORTHERLY LIMITED ACCESS R/W, 400.78 FT.; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 493.00 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 216.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 48°55'49", A DISTANCE OF 184.46 FT. TO THE P.T. OF SAID CURVE; THENCE N 17°35'24" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 250.16 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1300.23 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°33'05", A DISTANCE OF 352.91 FT. TO THE P.T. OF SAID CURVE; THENCE N 33°08'29" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 513.14 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1338.39 FT.; THENCE RUN NORTHWESTERLY AND NORTHERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°55'25", A DISTANCE OF 769.08 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°13'03" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4772.30 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 89°26'05" E, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1251.28 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION 12; SAME BEING THE INTERSECTION WITH THE WEST LINE OF A 330.0 FT. WIDE FLORIDA POWER & LIGHT CO. EASEMENT, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 612, PAGE 508, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID WEST LINE, SAME BEING THE WEST LINE OF SAID EAST ½ OF SECTION 12, A DISTANCE OF 2561.96 FT. MORE OR LESS TO THE INTERSECTION WITH THE PHYSICAL CENTERLINE OF A 30.0 FT. WIDE FLORIDA GAS TRANSMISSION COMPANY EASEMENT (FORMERLY KNOWN AS HOUSTON TEXAS GAS & OIL CORPORATION, A DELAWARE CORPORATION) AS DESCRIBED AND RECORDED IN DEED BOOK 399, PAGE 117, AFORESAID PUBLIC RECORDS; THENCE N 59°39'32" E, ALONG SAID PHYSICAL CENTERLINE 63.89 FT.; THENCE N 59°36'32" E, ALONG SAID PHYSICAL CENTERLINE, A DISTANCE OF 316.93 FT. TO THE INTERSECTION WITH THE EAST LINE OF SAID 330.0 FT. WIDE POWER & LIGHT COMPANY EASEMENT, SAME BEING THE WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2932.78 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF SAID EAST ½ OF SECTION 12, SAME BEING THE NORTH LINE OF THE EAST ½ OF SAID SECTION 13; THENCE S 01°10'44" W, ALONG SAID EAST EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2180.91 FT.; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, THE FOLLOWING COURSES AND DISTANCES; N 74°57'17" E, A DISTANCE OF 109.85 FT. TO A POINT ON A CURVE WHOSE RADIUS POINT LIES N 74°57'17" E, 290.00 FT.; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°25'25", A DISTANCE OF 184.36 FT. TO THE P.T. OF SAID CURVE; THENCE S 51°28'08" E, 69.79 FT.; THENCE S 67°12'08" E, 132.97 FT.; THENCE S 76°52'08" E, 119.24 FT.; THENCE N 83°31'52" E, 306.67 FT.; THENCE S 06°28'08" E, 180.22 FT.; THENCE S 19°39'57" W, 360.60 FT. TO THE POINT OF BEGINNING.

CONTAINING 265.86 ACRES MORE OR LESS.

PARCEL "B"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E., THENCE S 01°00'42" W, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 279.10 FT. FOR A <u>POINT OF BEGINNING</u>: THENCE CONTINUE S 01°00'42" W, ALONG SAID EAST LINE OF THE SOUTHEAST 1/4, A DISTANCE OF 542.12 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W

OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W. 1492.94 FT., THENCE N 33°10'32" W, ALONG SAID NORTHERLY R/W 1.61 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL THE FOLLOWING COURSES AND DISTANCES; N 19°39'57" E, 215.12 FT.; THENCE N 83°57'11" E, A DISTANCE OF 410.86 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST. HAVING A RADIUS OF 283.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°37'41", A DISTANCE OF 161.16 FT.; THENCE S 43°52'49" E, 121.17 FT.; THENCE S 10°11'25"E, 72.10 FT.; THENCE S 43°52'49" E, 240.00FT.; THENCE S 34°24'49" E, 88.00 FT.; THENCE N 85°27'11" E. 175.71 FT.; THENCE N 75E17'11" E, 113.23 FT.; THENCE N 34°52'11" E. 120.63 FT.; THENCE S 74°45'26" E, 103.64 FT. TO THE POINT OF BEGINNING.

CONTAINING 11.84 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

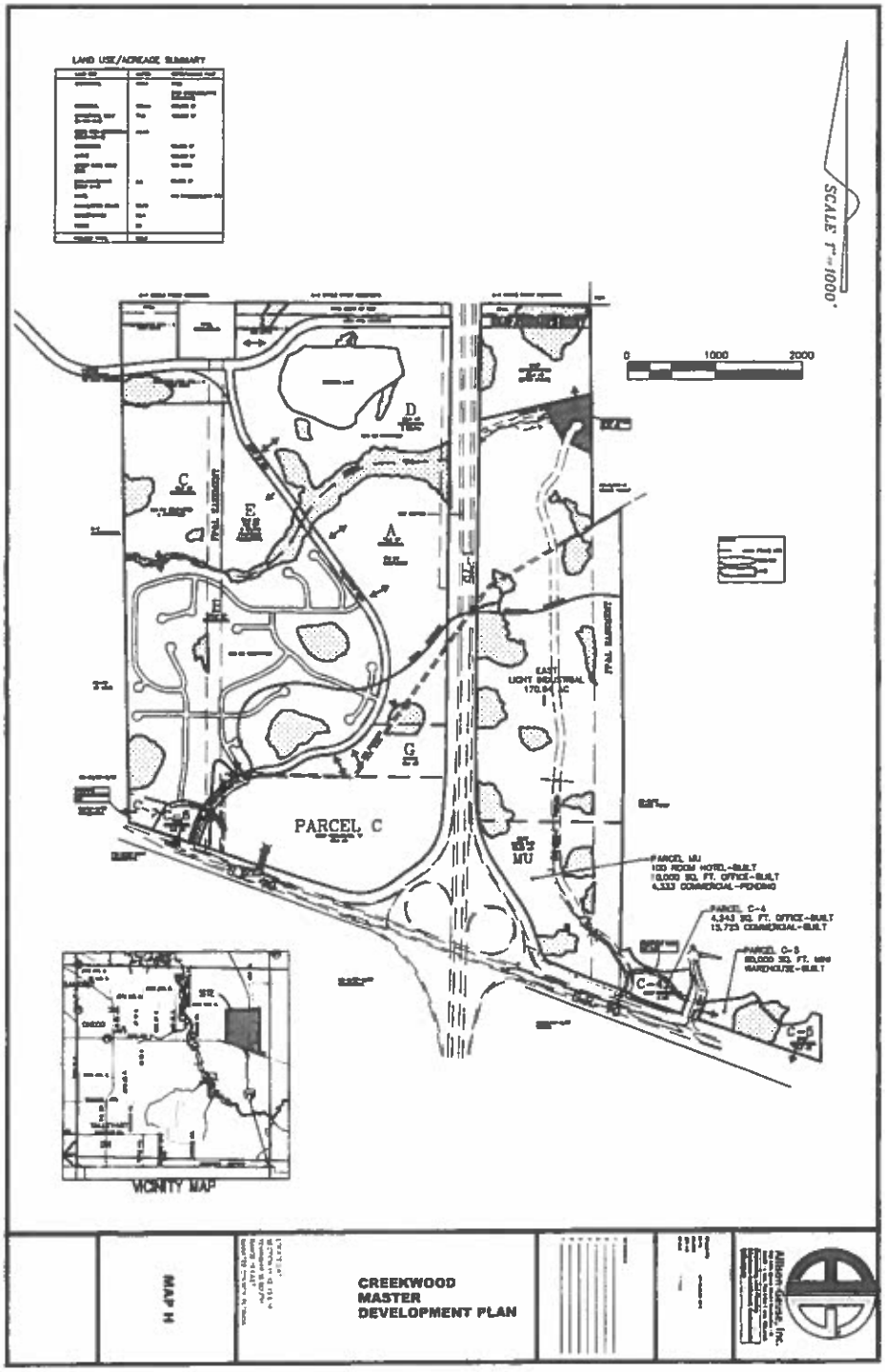

LAND USE/ACREAGE SUMMARY
SCALE 1"=1000'
0
1000
2000
D
C
E
A
B
G
PARCEL C
MU
EAST
LIGHT INDUSTRIAL
170.84 AC
PARCEL MU
100 ROOM HOTEL-BUILT
10,000 SQ. FT. OFFICE-BUILT
4,333 COMMERCIAL-PENDING
PARCEL C-4
4,340 SQ. FT. OFFICE-BUILT
13,723 COMMERCIAL-BUILT
PARCEL C-5
80,000 SQ. FT. MINI
WAREHOUSE-BUILT
C-4
C-5
VICINITY MAP
MAP H
CREEKWOOD
MASTER
DEVELOPMENT PLAN

Exhibit "B"

#102

MANATEE COUNTY
FLORIDA

Certified Mail #7000 0600 0024 5577 4065

January 15, 2014

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard, Suite 100
Pinellas Park, Florida 33782

Re: Development Order for Creekwood DRI#13 - Ordinance 13-25

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 13-25, the DRI Development Order for Creekwood DRI#13, as adopted in open session by the Manatee County Board of County Commissioners on December 17, 2013, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)748-4501, extension 6878.

Sincerely,

Bobbi Roy
Planning Coordinator

/br
Enclosure

Building and Development Services Department
Mailing Address: P. O. Box 1000 1112 Manatee Avenue West, 4th Floor, Bradenton, FL 34206-1000
WEB: *www.mymanatee.org* * PHONE: 941.748-4501 x6878 * FAX: 941.749-3071

LARRY BUSTLE * MICHAEL GALLEN * JOHN R. CHAPPIE * ROBIN DiSABATINO * VANESSA BAUGH * CAROL WHITMORE * BETSY BENAC
District 1 *District 2* *District 3* *District 4* *District 5* *District 6* *District 7*

ORDINANCE 13-25 – CREEKWOOD (DRI # 13)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE CREEKWOOD DEVELOPMENT OF REGIONAL IMPACT, (ORDINANCE 12-15) TO APPROVE THE FOLLOWING CHANGES TO MAP H AND THE ORDINANCE: 1) MODIFY THE LAND USE OF PARCEL G FROM OFFICE TO RESIDENTIAL; 2) INCREASE THE TOTAL NUMBER OF RESIDENTIAL UNITS BY 112 FOR A TOTAL OF 1,362 UNITS AND DECREASE THE OFFICE SQUARE FOOTAGE BY 125,000 SQUARE FEET FOR A TOTAL OF 100,000 SQUARE FEET; 3) DELETE LAND USE CONDITION #1 REGARDING MAXIMUM DENSITY IN THE WATERSHED; 4) AMEND THE STIPULATIONS RELATED TO THE I-75 BRIDGE APPROACH; AND 5) UPDATE THE DEVELOPMENT ORDER TO REFLECT TERMINOLOGY CHANGES, CURRENT LAND DEVELOPMENT CODE AND COMPREHENSIVE PLAN AMENDMENTS, AND DEPARTMENT REFERENCES; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, CREEKWOOD, INVESTORS, LTD., hereinafter referred to as "CREEKWOOD", proposed a Development of Regional Impact (DRI) for a mixed-use development located in Manatee County; and

WHEREAS, on August 27, 1985, Manatee County adopted Resolution R-85-149 granting Creekwood a DRI Development Order; and

WHEREAS, on October 22, 1985, Manatee County approved Resolution R-85-219 amending Resolution R-85-149 by providing for clarification from the Department of Community Affairs; and

WHEREAS, on May 20, 1986, Manatee County approved Resolution R-86-112 amending Resolution R-85-219 by deleting two hundred and forty (240) plus or minus acres from the approved Creekwood DRI Development Order; and

WHEREAS, on April 22, 1993, Manatee County approved Resolution R-93-25 amending Resolution R-86-112 by approving amendments to Map H, extending the build out date, and other various changes; and

WHEREAS, on December 15, 1998, Manatee County approved Ordinance 98-49 amending Resolution R-93-25 increasing the commercial uses by 69,500 square feet and land area by 2.3 acres, changing the land use designation for Parcels C-1 and C-2 from

Highway Tourist Oriented at General Commercial to General Commercial, and combining Parcels C-1, C-2, and O-1 into a redesignated Parcel C; and

WHEREAS, on March 28, 2002, Manatee County approved Ordinance 00-07 amending Ordinance 98-49 to amend Phase IV of the Project Phasing Conditions to delete 25,000 square feet of office space and add 25,000 square feet of commercial space on Parcel C, modify the Project Phasing Deadlines to reflect current development approvals and schedules for the balance of approved development for this DRI, amend General Condition 17 requiring all Site Plans to comply with the 1990 Land Development Code; and other various changes; and

WHEREAS, on January 6, 2004, Manatee County approved Ordinance 04-28 amending Ordinance 00-07 to redesignate parcel identifications, add an additional roadway connection to the west, modify the Project Phasing Table to clarify, eliminate, and redistribute approved development (reduce industrial to 950,000 square feet, clarify allocation of commercial approved in the industrial category, expand the range of commercial and industrial uses permitted east of I-75, decrease residential units from 2,305 to 1,617), update and modify the Project Phasing Table to recognize completed development, transfer industrial, office, and commercial square feet from Phase I and II to Phases III and IV, amend the Development Order to update terminology and departmental references; and other changes for internal consistency, and allow biennial rather than annual DRI reports.

WHEREAS, on January 5, 2006, Manatee County approved Ordinance 05-41 amending Ordinance 04-28 to decrease residential units from 1,617 to 1,250, increase office square footage from 160,000 to 225,000,transfer 6 residential units from Phases I and II , delete the footnote under Table 1 requiring Preliminary Site Plans be submitted 18 months prior to the build out date, transfer 6 residential units from Phases I and II to Phase IV (a 13-year extension to buildout; 18-year cumulative extension), and amend the Development Order to update terminology and departmental references; and other changes for internal consistency, including recodification of the existing development order.

WHEREAS, on August 2, 2012 Manatee County approved Ordinance 12-15, amending Ordinance 05-41 to add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5; update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County; update the water quality monitoring conditions; update the Development Totals and Table 1 – Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements; and update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references; and

WHEREAS, on May 16, 2013, Wells Fargo Bank, N.A. filed a request to amend the Development Order pursuant to Section 380.06(19)(e)2, Florida Statutes, which does not require the filing of a Notice of Proposed Change, but, requires an application to the local

government to amend the development order in accordance with the local government's procedure; and

WHEREAS,the application includes a request to modify the land use of Parcel G from Office to Residential; to increase the total residential units by 112 for a total of 1,362 units and to decrease the office square footage by 125,000 square feet for a total of 100,000 square feet; to delete Land Use condition #1 regarding maximum density in the watershed; and to amend the stipulations related to the I-75 bridge approach.

WHEREAS, the described project lies within the unincorporated area of Manatee County, a political subdivision of the State of Florida; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380.06, Florida Statutes have been adhered to and satisfied; and the Planning Commission held a duly noticed public hearing; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06(19)(e)2, Florida Statutes, and has the statutory authority to consider and approve amendments to a Development Order for an approved DRI; and

WHEREAS, the Planning Commission has reviewed the application to amend the Development Order and has filed a recommendation on this application with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners of Manatee County on December 17, 2013, held a duly noticed public hearing on Ordinance 13-25 and the application to amend the Development Order and has solicited, received, and considered reports, comments, and recommendations from interested citizens, county agencies, the applicant, as well as the review and report of the Manatee County Building and Development Services Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 17th DAY OF DECEMBER, 2013 AS FOLLOWS:

SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI 13, ORDINANCE 12-15.

The previous development order for Creekwood, which was adopted on August 27, 1985, and all subsequent amendments are replaced in their entirety, provided this amendment shall not be construed to terminate the rights of the developer, if any, granted under Section 163.3167(8) Florida Statutes, to the extent such rights have previously been granted and not specifically herein or otherwise modified or amended.

SECTION 2. FINDINGS OF FACT

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of approved Map H, the recommendation and findings of the Planning Commission of Manatee County, 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 recommendation of the Manatee County Planning Commission concerning the application to amend the Development Order as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners held a public hearing on December 17, 2013, regarding the application to amend the Development Order described herein, in accordance with the requirements of Manatee County Ordinance 90-01, as amended (the Manatee County Land Development Code) and Ordinance 89-01, as amended (the 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the Public Hearing.

C. The proposed change to the DRI regarding the property described in Exhibit "A" is found to be consistent with the requirements of Manatee County Ordinance 89-01, as amended (the 2020 Manatee County Comprehensive Plan), provided it proceeds in accordance with the Development Conditions specified herein.

D. The real property, which is the subject of this Development Order, is legally described as set forth in Exhibit "A" of this Development Order.

E. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

F. The authorized agent for the Project is King Engineering Associates, Inc., and their address is 2930 University Parkway, Sarasota, Florida 34243.

G. The original owner of the property was Creekwood Investors, Ltd., , and the owner of Parcel G is Wells Fargo Bank, NA,.

H. A comprehensive review of the impacts generated by the Development has been conducted by the departments of Manatee County, the Planning Commission and the Board of County Commissioners.,.

I. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

SECTION 3. CONCLUSIONS OF LAW

Based upon the previous findings of fact and the following conditions of the Development Order, the Board of County Commissioners of Manatee County concluded that:

A. The Project is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP) the Tampa Bay Regional Planning Council's Future of the Region, A Strategic Regional Policy Plan, and Ordinance 89-01, as amended (The 2020 Manatee County Comprehensive Plan, as amended).

B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

C. That the review by the County, other participating agencies, and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order.

D. That the changes proposed by this amendment to Ordinance 12-15 as described in Section 4 and which were requested in the application to amend the Development Order ,along with the previous changes to the DRI, are not a Substantial Deviation or an NOPC pursuant to Section 380.06(19)(e)2, Florida Statutes.

SECTION 4. AMENDMENTS TO APPROVED DEVELOPMENT

The application to amend the Development Order for the Creekwood DRI is hereby approved, amending the previous Development Order and its amendments in their entirety, subject to the conditions listed herein, to allow the following changes in the plan of development:

1. Modify Map H attached hereto Exhibit "B" and the Development Order with the following changes:

    A. Modify the use of Parcel G from Office to Residential;
    B. Increase the number of Residential units by 112 for a total of 1,362 units with a simultaneous decrease of office square footage by 125,000 square feet to allow a revised total of 100,000 square feet;
    C. Delete Land Use Condition #1 regarding the maximum density in the Watershed.
    D. Amend the stipulations related to the I-75 bridge approach; and
    E. Update the Development Order to reflect terminology changes and department references.

SECTION 5. DEVELOPMENT COMPONENTS

Approval of this ordinance authorizes development of the following land uses, when developed in conjunction with the terms of this ordinance, and any applicable local, regional, state, or federal regulations.

A. 1,362 dwelling units

B. 603,000 square feet of commercial

C. 800,000 square feet of industrial

D. 100,000 square feet of office

E. 100 room hotel (93,000 square feet)

F. 80,000 square feet of mini-warehouse

SECTION 6. DEVELOPMENT CONDITIONS

PROJECT PHASING AND BUILDOUT CONDITIONS

1. The developer shall comply with the deadlines contained in the revised phasing schedule, listed in Table 1 below:

Table 1 - Phasing by Use

	PHASES				
Uses	**Acreage 818.3**	**I, II (Complete)**	**III (1996-11/22/2018)**	**IV (2001-11/22/2019)**	**Total**
RESIDENTIAL	390.1	592	140	630	1,362
COMMERCIAL [RETAIL AND SERVICE-380.0651(3)(f)]	137.63*****	455,048	55,000	92,952**	603,000**
HOTEL [Hotel or motel - 380.0651(3)(g)]				100 rooms 93,000	100 rooms 93,000
OFFICE			60,000*	40,000*	100,000*
INDUSTRIAL	170.94		230,000	570,000***	800,000***
MINI-WAREHOUSE	6.5			80,000****	80,000****

OPEN SPACE (ROADS, RIGHT-OF-WAY, CONSERVATION, PRESERVATION, ETC.)	113.13				

* Office space may include up to 85,000 square feet of medical office. Office entitlements have been removed from Parcel G for a total reduction of 125,000 sq. ft. of office space. The reduction of office entitlements was requested by the owner of Parcel G and approved by the Board of County Commissioners on December 17, 2013 (Ordinance 13-25). No entitlements have been taken from any other Parcel in the DRI at that time.

** Construction of the initial 50,000 sq. ft. of Mini-Warehouse was acknowledged within the RY 2007-08 Annual Report. The Annual Report reflected that 50,000 sq. ft. of Mini-Warehouse was equivalent to 24,000 sq. ft. of Commercial. As appropriate, this amount of Commercial has been deducted from the Phase IV and overall Commercial entitlements reflected in this Table for the project.

*** 150,000 sq. ft. reduction of industrial entitlements was requested by the master developer and approved by the Board of County Commissioners on December 4, 2008 [Z-84-76(R8)].

**** Mini-Warehouse consists of 50,000 sq. ft. constructed during 2007-08 as well as the 30,000 sq. ft. expansion proposed with Ordinance 12-15.

***** Commercial acreage includes Hotel and Office to reflect acreage of mixed use, non-residential parcels. The acreage of the Commercial only parcels is 71.9 acres and the Mixed Use parcel is 65.73 acres.

1. The developer shall submit a revised transportation analysis with any request for project extension, beyond those which may be granted by State law. The Manatee County Board of County Commissioners shall review this analysis and determine whether or not the requested extension constitutes a Substantial Deviation pursuant to Section 380.06 Florida Statutes.

3. The developer must adhere to the following phasing buildout schedule.

   Phase I - 1986-1996
   Phase II - 1993-2003
   Phase III - 1996-November 22, 2018
   Phase IV - 2001-November 22, 2019

4. Preliminary Site Plans shall be valid for a maximum period of five (5) years. Final Site Plans shall be valid for a maximum period of four (4) years, however, not to exceed the end of the phase for which development is proposed as described in the phasing build out schedule.

LAND USE CONDITIONS

1. At the time of Preliminary Site Plan submittal, the applicant shall demonstrate compliance with the requirements of the Planned Development District in effect at that time including, but not limited to, such concerns as Entranceway requirements, aesthetic appearance from State Road 70 (S.R. 70) and Interstate 75 (I-75), ample provision for open space, adequate restrictions to prohibit

unsightly vehicles, trash, etc., and a maintenance program which assures that an attractive appearance will be maintained.

2. Light manufacturing, industrial service establishments, wholesale trade establishments, research and development activities, warehouse, mini-warehouse, heavy printing, and ancillary office use are permitted uses proposed within Parcel I. Construction service establishment (with no retail and rental sales) is allowed on the east side of Lena Road only. Industrial uses to be constructed within the Evers Reservoir Watershed Protection Overlay District, must employ Best Possible Technology so that such uses will not be contrary to the public health, safety, and welfare. Best Possible Technology shall be in accordance with the laws in effect at the time of Preliminary Site Plan approval and shall be shown on the plan or plat for consideration and approval.

3 All buildings, parking, and service areas within Parcels MU and I shall maintain a minimum setback of 100 feet from S.R. 70 and I-75. All trash and garbage receptacles that are visible from S.R. 70, I-75, 54th Drive East, and adjacent residential shall be screened with materials similar to the adjacent building facade. All truck loading, service areas, outside storage, and parking of heavy equipment, semi-trucks or trailers or other vehicles over 1-1/2 tons shall be located at the non-street side of the building when adjacent to I-75, and S.R. 70, unless they are not visible from a height of five (5) feet at the edge of pavement of said street, to be determined at time of Certificate of Occupancy.

4. The Developer shall provide a 20-foot wide greenway adjacent to one side of the right of way for Lena Road, from S.R. 70 to the northern terminus of Lena Road. Within this greenway, the Developer shall install a ten foot wide paved bicycle and pedestrian path.

5. The developer shall be allowed to construct a total of 1,362 dwelling units. Dwellings shall be constructed in accordance with the density approved for each specific parcel in the revised Map H (Exhibit "B").

BUFFER CONDITIONS

1. (Reserved)

2. a. A building setback of at least fifty (50) feet shall be provided west of and adjacent to the existing power line easement traversing Parcels MU & I). Native trees lying within shall not be removed. Trees of a native species shall be planted within 20 feet of the FP&L line where the base of trees closer than twenty-five (25) feet apart do not already exist. In addition, the screening buffers required between zoning district boundaries by the Land Development Code shall be required, except for the requirements for trees if more stringent within this stipulation. These plantings shall occur prior to a certificate of occupancy for each lot and they shall meet the minimum standards of the Land Development Code.

b. A 50-foot wide roadway buffer shall be required along east side of I-75.

c. Buildings on the east side Lena Road in Parcel I shall be located on the western two-thirds of the lots.

3. Residential

a. The 100-foot wide roadway buffer along the west side of I-75 shall be provided. Additionally, the depth, design, and location of landscaped buffers will be determined when a Preliminary Site Plan is submitted for approval. Continued maintenance of these buffers shall be assured through appropriate measures such as covenants and deed restrictions.

b. Prior to Final Site Plan approval a noise analysis shall be done based on the potential 10 lane configuration of I-75 and anticipated traffic in 2025.

Manatee County noise level criteria for residential properties

MANATEE COUNTY NOISE STIPULATION*
No residential dwelling units shall be allowed in areas where the exterior noise level is; Ldn > 65 dBA.: Leq design hour > 65 dBA: or L10 design Hour > 68 dBA Unless protected by some performance equivalent measure to achieve; Ldn # 65 dBA, Leq design hour # 65 dBA, or L10 design Hour # 68 dBA
NOISE REDUCTION REQUIRED*
Sound attenuating barriers should be provided between the residential units and the noise source. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source.

* For more detailed information see "The Noise Guidebook – A reference document for implementing the Department of Housing and Urban Development's Noise Policy", prepared by The Environmental Planning Division, Office of Environment and Energy.

ENVIRONMENTAL CONDITIONS

1. At the time of the first Preliminary Site Plan submittal, a Master Drainage Plan for the entire development, including a demonstration that the effect the proposed altering and deepening of existing wetlands will have on their ability to filter surface water and percolating groundwater will be acceptable, shall be submitted. This Master Drainage Plan, though 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. (Completed)

2. Stormwater management system design for that portion of the development lying within the Evers Reservoir Watershed shall meet or exceed any requirements of the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as may be amended. This shall not be interpreted to mean that the developer is required to retrofit any approved and existing stormwater systems which do not meet this requirement.

3. In conjunction with the submittal of the first Preliminary Site Plan, a demonstration of compliance with the Watershed Protection, Special Treatment, and Agricultural Fringe Overlay zones shall be submitted. As required by the Special Treatment District, the Board of County Commissioners must make a determination prior to construction that "Best Possible Technology" is being employed prior to construction. (Completed)

4. The Stormwater Maintenance Plan, submitted with the first Preliminary Plan, shall be designed using accepted best management practices to provide a natural hydroperiod within each wetland. Isolated wetlands shall, where practical, be incorporated into the stormwater system. Construction and post-construction monitoring of surface and groundwater quality and quantity shall be outlined and implemented; included in this plan shall also be the design and execution of a maintenance program to ensure the adequate functioning of the system beyond project build out. The stormwater management system shall be designed with enough flexibility to allow for hydroperiod refinement, as needed.

5. All jurisdictional wetlands and streams shall be preserved physically and functionally. The only exception may be those areas in which appropriate environmental permits and local approvals are obtained.

   All development shall comply with the wetland policies of the Comprehensive Plan and the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired.

6. The Preliminary Site Plan, as submitted by phase, shall specifically also outline which and how much of each vegetation association is being preserved. Every

effort shall be made by the developer and any future developers of this property to preserve a diverse range of the existing wildlife habitat. These preserve areas should be as large as possible and should be located adjacent to wetlands or a different upland community type.

7. Wetlands on the project site shall be preserved consistent with Map F-1 on page 44 of the ADA additional information response and with s.2.7 of the Council's adopted Future of the Region. In addition, the wetland on Parcel C-5 shall be preserved.

8. Representative tracts of all major upland vegetative communities shall be preserved in their natural state to serve as conservation/recreation areas.

9. The wind and soil erosion controls including sodding, hydroseeding, mulching and bare soil wetting, committed to by the developer in the ADA, shall be required.

WATER QUALITY CONDITIONS

1. To assure water quality is maintained:

   a. The developer shall institute a program to provide a body of initial baseline water quality data before any significant groundbreaking takes place, as well as institute a bi-annual on-going monitoring program through project build-out. Sampling stations shall be at the sampling sites shown in "Exhibit B" (attached to Resolution R-93-25).

      Sampling should be taken on a cresting hydrograph and should occur immediately after a one-inch storm event, and after a dry period, during both the rainy season (June-September) and the dry season (November-February). Significant water quality parameters should include, but not be limited to, the following:

      - streamflow (cu. ft./sec.);
      - turbidity (ntu);
      - specific conductance (umho/cm at 25 deg. C);
      - dissolved oxygen (mg/l);
      - biochemical oxygen demand (mg/l);
      - pH;
      - total orthophosphate as P (m/l);
      - total organic nitrogen as N (mg/l);
      - total organic carbon as C (mg/l);
      - total coliforms, multiple tube method, MPN (col/100 ml):
      - total lead as Pb (ug/l; and
      - temperature (deg. C).

Any changes to the sampling stations identified in "Exhibit B", the sampling frequency, or the above list of parameters shall be submitted to Manatee County and TBRPC for review and comment, with approval by Manatee County.

All water quality methods and procedures shall be thoroughly documented and should comply with EPA/DEP Quality Control standards and should be submitted to Manatee County and TBRPC.

b. The developer shall provide baseline water-level contour maps for the unconfined aquifer on the Creekwood site, to reflect conditions present during both the wet season (June - September) and the dry season (November - February). In addition, the developer shall provide for review annually updated ground water contour maps as described above; until the project reaches completion.

2. In order to protect water quality, the following parameters shall be included in the project drainage plan.

a. The developer shall submit for approval a wetland-lake management plan, to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
- proposed wetland/lake alterations;
- control of exotic species;
- control of on-site water quality
- maintenance of natural hydroperiod; and
- methods for wetland restoration/enhancement.

b. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment for the first inch of runoff generated from the site during the 25-year, 24-hour design storm; and that maximum post-development shall not exceed pre-development flows for the same design storm.

c. The proposed retention/detention wetland systems shall be designed to be consistent with the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC 1978). The design criteria of this system should include the following elements:

(1) A minimum of 15 but no more than 50 percent of the surface area of the detention pond at the normal water level (NWL) shall consist of a shallow vegetated littoral shelf.

(2) The littoral shelf shall be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf

shall be established on a shallow submerged island in the middle of the pond.

(3) A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.

(4) The littoral shelf, if located along the pond bank, shall have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.

(5) The littoral shelf shall be vegetated with a diverse group of native species which can include Sagittaria, pickerel-weed, Juncus, water lilies, cypress, etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more "natural" appearance.

(6) A copy of an operation and maintenance (O & M) schedule shall be provided to the owner, and be submitted to TBRPC with the annual report. The O & M schedule should include an estimation of the frequency of sediment removal operations and should mention the periodic need for removing dead vegetation.

HAZARDOUS WASTE CONDITIONS

1. Prior to the construction of industrial facilities, hazardous waste storage and disposal plans, including transportation of wastes, shall be provided and approved.

2. The developer shall provide separate hazardous waste storage containers/areas within the project prior to or concurrent with the certificate of occupancy for the first business within the project. These containers/areas shall be accessible to all project businesses and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials. Such containers shall also be designed to prevent unauthorized use or entry. The hazardous waste storage containers/areas shall be allowed to be located within the Evers Reservoir Watershed Overlay District until such time as the first industrial use outside of the Evers Reservoir Watershed Overlay District is constructed, at which time the storage containers/areas shall be relocated outside of the Evers Reservoir Watershed Overlay District.

   The developer shall provide to all Creekwood businesses information that:

   a. Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designed containers; and

b. Indicates the location of the specially-designed hazardous waste and materials containers; and

c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

The developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

ARCHAEOLOGICAL CONDITION

1. At the time a Preliminary Site Plan for the specific areas referenced in the May 24, 1984 letter from the State Division of Archives, History and Records Management is submitted, the developer must show the location of all archaeological and historic sites identified by a systematic, professional archaeological and historic survey. If any sites exist, the ones which are significant must be protected and preserved.

PARKS AND RECREATION CONDITIONS

1. Implementation of the bike/pedestrian path shall be required as committed in the ADA, unless more restrictive conditions have been placed on the development in this order.

2. Development plans shall assure adequate buffering between the industrial, office, commercial, and residential designations of this development through appropriate measures such as covenants and deed restrictions.

3. Assignment of specific responsibility for open spaces shall be made at the time of Final Plat submittal, unless no plat is required, then it shall be required at time of Final Site Plan submittal.

4. The 25-acre park located in the northwest quadrant of the project as shown on Revised Map H shall be deeded to the County by the Developer upon request of the County. The County shall utilize said acreage for public park purposes. The Developer shall be entitled to impact fee credit as set forth in Section 806.4.1 of the Land Development Code, as may be amended. (Completed)

   If the County desires to develop the park prior to the Developer extending Creekwood Boulevard from the southern boundary of Williams Creek north, the County may construct that portion of Creekwood Boulevard necessary to access the park. The Developer shall provide Manatee County with sufficient right-of-way for said construction. If Manatee County undertakes construction of any portion of the roadway, Manatee County shall obtain all necessary permits including any wetland impact permits required for said construction. The

Developer shall have the right to review construction plans prior to commencement of construction to determine compatibility with its development plans including, but not limited to, provision of sufficient curb cuts to access development parcels. The road will be constructed to County standards. If the County constructs the road described in this paragraph, and the road is of a type not eligible for impact fee credits pursuant to Section 806.4 of the Land Development Code, then the developer shall reimburse the county for the cost of construction. Reimbursement shall be required in conjunction with Final Site Plan or Final Plat approval for development of the parcels adjacent to that portion of the road which the county constructs. If the road is eligible for impact fee credit and the county constructs the roadway, the developer will not be entitled to reimbursement. The Developer shall have the right to relocate the right-of-way or constructed roads at its expense.

PUBLIC SAFETY CONDITIONS

1. Creekwood shall contribute a pro-rata share of the cost of constructing a fire station on the Tara public service site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)

2. Creekwood shall contribute a pro-rata share of the cost to construct and equip the Sheriff Department's portion of the Public Services Building on the Tara Public Site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)

3. The use of street names for the main entrance roads to both the residential and industrial portion of the project may be allowed. The entrance road to the residential portion of the project shall be allowed as a designation of Creekwood Boulevard and the entrance road to the industrial portion of the project may be allowed to be named as a boulevard at a later time. All other streets within the project shall be numbered in accordance with the revised county grid system, unless street names are allowed by the Board of County Commissioners for those other streets at a later time.

TRANSPORTATION CONDITIONS

1. Improvements shall be required to the project entrances on S.R. 70 and to the intersection of S.R. 70 and I-75. Such improvements shall include, but not be limited to, left turn storage lanes, signalization, ramp improvements and additional through lanes. The extent and timing of improvements required shall be determined by the County Transportation Authority with the review of an updated traffic analysis for each increment of development.

2. Developer shall provide for a 120-foot wide right-of-way for 44th Avenue East (Cortez Road Extended) through the project. Two lanes of this roadway shall be

constructed through the project by the developer with development of parcels adjacent thereto except for the bridge approach to the I-75 crossing. Sufficient right-of-way to construct the bridge approach shall be ~~dedicated, but~~ reserved and shall not be dedicated unless the right-of-way is voluntarily dedicated by the owner thereof pursuant to a development agreement. ~~t~~The developer shall not be responsible for constructing the bridge over I-75 as an on-site transportation improvement. The developer shall enter into an agreement with the County to either oversize the internal stormwater pond system to be constructed on Parcel D or reserve capacity in the existing stormwater pond system to accept stormwater from the future 44th Avenue extension. The agreement must be entered into prior to Preliminary Site Plan approval for Parcel D.

3. Construction of approximately 1,600 feet of 44th Avenue East, from the west property boundary west to the existing pavement by the developer, to a two-lane section, including payment for acquisition of necessary right of way, shall be required prior to Final Plat approval of the 101st dwelling unit north of Williams Creek. The primary entrance road (Creekwood Boulevard) to the residential portion of the project shall connect to 44th Avenue at the time of construction of the extension of 44th Avenue, mentioned herein. Manatee County shall cooperate with Creekwood in the condemnation of any land necessary to meet this requirement.

4. A cross access easement between Parcels C-6 and C-7 and the Campbell Commercial Center to the west shall be recorded and this roadway connection shall be constructed or bonded prior to the next Certificate of Occupancy for Parcels C-6 or C-7. This cross access easement shall be located within 50 feet of the northern right-of-way of S.R. 70 at the western property line of Parcel C-7 and shall be extended eastward to the northern-most driveway on Creekwood Boulevard in Parcel C-6. (Completed)

5. The proposed entrance onto S.R. 70 at the southwest corner of the development shall be relocated eastward to facilitate the frontage road from the Campbell Commercial Center and to avoid conflict with regard to intersection function. (Completed)

6. The intersections of any driveway (including the frontage road) with the project entrance boulevard onto S.R. 70 shall be located as far from S.R. 70 right-of-way as necessary to avoid conflict with regard to intersection function. (Completed)

7. All roads shown on the General Development Plan, including required stub-outs to the property boundary shall be dedicated to Manatee County with adequate rights-of-way as determined by the Transportation Department except for the bridge approach for the 44th Avenue crossing of I-75.

8. The need for wider internal roads or potential changes in their proposed alignment shall be addressed at the time of Preliminary Site Plan submittal.

9. The proposed owner's association documents shall contain a provision requiring the occupants of the Parcel I to coordinate shift changes to reduce peak hour traffic.

10. In accordance with the Traffic Element of the Manatee County Comprehensive Plan, adopted level of service as of the effective date of this ordinance, as determined by the procedures reported in the Highway Capacity Manual (HCM) 2000 and using the most recent version of the Highway Capacity Software (HCS), or most current HCM manual and HCS software, and in accordance with guidelines and conclusions acceptable to the County, Tampa Bay Regional Planning Council, and the Department of Economic Opportunity shall be maintained on all of the following thoroughfares which have been identified by the Tampa Bay Regional Planning Council as receiving from Creekwood, five percent (5%) or more of daily Level of Service "C" capacity:

    a. University Parkway from Lockwood Ridge Road to I-75

    b. S.R. 70 from U.S. 41 to I-75

    c. Lockwood Ridge Road from University Parkway to S.R. 70

    d. S.R. 64 from Morgan Johnson Road to I-75

    e. I-75 from University Parkway to S.R. 70

    f. S.R. 780 from Honore Avenue to I-75

    g. Intersection of S.R. 70 and S.R. 683

    h. Intersection of S.R. 70 and 45th Street East

    i. Intersection of S.R. 70 and Caruso Road

    j. Intersection of S.R. 70 and U.S. 301

    k. Intersection of S.R. 64 and Morgan Johnson Road

    l. Intersection of S.R. 70 and the Project Entrances

    m. Intersection of S.R. 70 and I-75

    n. Intersection of S.R. 70 and U.S. 41

    o. S.R. 70 from I-75 to Lorraine Road

    No plat or site plan shall receive approval if the approval of such increment of development would generate traffic which, in conjunction with existing traffic and

traffic anticipated as a result of other development approvals, and other circumstance 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 these road links and intersections to a daily level below the adopted level of service as of the effective date of this ordinance. S.R. 70 shall maintain an acceptable Level of Service. Each request for plat or site plan approval must be accompanied by a traffic study prepared or provided in this paragraph. Level of Service on the above referenced links and intersections shall be verified as part of each annual report as required by Chapter 380.06(16) Florida Statutes. If any traffic study required above for any increment of development shows that the project will contribute more than ten percent (10%) of the Level of Service C capacity of S.R. 70 between S.R. 683 (15th Street East) and U.S. 301, then that increment of development shall not be approved unless the improvements necessary to achieve the adopted level of service on that segment under construction.

This stipulation shall not be construed as diminishing any rights to credits for improvements paid for by the developer pursuant to this stipulation that would be available under Stipulation 14 of the general conditions contained herein.

11. Access to the project shall be as shown on the Revised Map H.

12. A cross-access easement shall be provided between Residential Parcels C and E. The location shall be approved by the Building and Development Services and Public Works Departments prior to or concurrent with the Preliminary Site Plan, for Parcel E.

OFF SITE FACILITY DEVELOPMENT FEE CONDITIONS

1. The developer, its successors, and assigns shall be bound by any and all impact fee ordinance(s) in effect at the time of building permit issuance. Impact fees shall be collected by Manatee County unless provisions have been made for another entity to collect all or part of the fees.

GENERAL CONDITIONS

1. The developer shall demonstrate the availability of adequate service/capability to provide, wastewater treatment, solid waste disposal, electricity, police, fire, and EMS service with each Preliminary Site Plan submittal,.

2. All structures shall meet at a minimum the building requirements of the Southern Standard Building Code, as amended.

3. The developer shall satisfy county requirements regarding the provision of EMS and police services to this portion of the County.

4. The energy conservation measures referenced in the ADA shall be required as a condition of approval.

5. Implementation of the bike/pedestrian path shall be required as committed in the ADA.

6. 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 General Development Plan approval, except as modified by the stipulations, conditions, and requirements set forth herein or in the approval of the ADA, or set forth in subsequent DRI or local approvals required for this development.

7. 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.

8. The matters addressed herein, as well as additional matters that are appropriate to consider at later stages of review, may be reflected in additional or more detailed stipulations, conditions, and requirements to be formulated and applied at later stages of review of this project under local procedures.

9. 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, and by reference to the record of the hearings before these bodies.

10. 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 and by any subsequently established stipulations.

11. Nothing herein shall be construed as authorizing any use of the property other than as described in the General Development Plan 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.

12. 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 reflects 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.

13. 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.

14. In the event the County or other government entity with jurisdiction in the matter establishes 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 reductions in developer's obligations as set forth herein shall be considered and should be reflected in stipulations made a part of subsequent approvals.

15. The developer and any successors in interest shall submit annual DRI reports in accordance with Section 380.06(16), Florida Statutes, to Manatee County, the TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on (October 22, 1985) and each year 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 the Manatee County Building and Development Services Department who shall be responsible for assuring the developments compliance with this order, to this end the Director shall review the report for compliance with the terms and conditions of this Order. Should the director decide that further orders and conditions are necessary to ensure compliance with the terms and conditions of this Order, he shall submit the report to the Manatee County Board of County Commissioners. 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(16), Florida Statutes;

    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. Undeveloped tracts of land that have been sold to a separate entity or developer and the identify of that purchaser, together with a statement listing the names and addresses of any heir, assignee, or successor in interest to this Order;

f. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the DRI site since the Order was issued;

g. An assessment of the Developer's and local government's compliance with conditions of approval contained in the Order;

h. Any requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

j. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer, pursuant to Subsection 380.06(14)(d), Florida Statutes.

k. Failure to file an annual report as provided within shall suspend any further development.

16. All references made in Ordinance 13-25 to a conceptual development plan shall hereinafter refer to revised Map H (Exhibit "B"), as amended herein.

17. All Preliminary and Final Site Plans shall comply with the requirements of the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired.

18. The Developer shall include in each Notice to Buyer for any property sold east of I-75 within the DRI boundaries, a statement that the use of the two hundred forty

(240) plus or minus acres excluded from the Creekwood, Ltd. Development of Regional Impact approval is for a County owned treatment facility that may include spray irrigation.

19. If the Development Order is appealed by the Department of Economic Opportunity (DEO), the Developer shall pay all costs and fees of County staff and attorneys that the County is required to expend related to said appeal. Said costs and fees shall be paid at the rate of the processing fee for Development of Regional Impacts under the current Building and Development Services Department fee schedules. Payment of all billings by the Developer related to such reasonable fees and costs shall be paid within 45 days of the submittal of an invoice, except those fees in dispute and under review or appeal. If the Development Order is appealed by DEO, and Manatee County chooses to pursue the appeal over the objections of the Developer, the Developer shall not be responsible for costs incurred subsequent to the Developer's objection.

SECTION 7. LEGAL DESCRIPTION

Development of Creekwood shall be restricted to the 818.26 acres owned by the Developer and described by the legal description included as Exhibit "A" attached to, and made a part of, this Development Order.

SECTION 8. GENERAL

1. This Ordinance 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 CREEKWOOD.

   b. The Application for an amendment to the Development Order

SECTION 9. RESTRICTIONS ON DOWN-ZONING

The County may not down-zone or reduce the intensity or unit density permitted by this Order prior to November 22, 2019, unless the County can demonstrate that:

(a) Substantial changes in the conditions underlying the approval of the Order have occurred; or

(b) The Order was based upon substantially inaccurate information provided by the Developer; or

(c) The change is clearly established by the County to be essential for the public health, safety, or welfare.

Any down-zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Order.

The inclusion of this Section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density or intensity of the Project, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes.

SECTION 10. BINDING ORDER UPON DEVELOPER

This Development Order shall be binding upon the Developer.

SECTION 11. DEADLINE FOR COMMENCEMENT OF CONSTRUCTION

Physical development of the Project* shall commence within three years of the effective date of this Ordinance unless the time period for commencement is extended by the Board of County Commissioners (Development has commenced). If more than three years shall elapse between approval of this order and commencement of actual development, or if construction of a phase is not begun or completed by the time frame contained in Section 6. above, 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 the Land Development Code and may, at its option, rescind any and all approvals granted herein, including the Certificate of Level of Service. Any delay in construction commencement shall not be deemed to extend any time frame for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 12. RENDITION

The Building and Development Services Department is hereby directed to send certified copies of this Order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer and, the Florida Department of Economic Opportunity.

SECTION 13. NOTICE OF RECORDING

The Developer shall record a notice of amendment of this Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Building and Development Services Department a copy of the recorded notice.

SECTION 14. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Development Order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, and to this end the provisions of this Ordinance are declared severable, but all remaining provisions and portions of this Development Order shall remain in full force and effect.

SECTION 15. EFFECTIVE DATE

This Ordinance shall become effective upon the filing of a certified copy of the executed ordinance with the Department of State; provided, however, that the filing of a notice of appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 12-15 during the pendency of any appeal.

ADOPTED AND APPROVED with a quorum present and voting this 17th day of December, 2013.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____
Larry Bustle, Chairman

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

BY: _____
Deputy Clerk

EXHIBIT A

LEGAL DESCRIPTION FOR REVISED CREEKWOOD

CREEKWOOD

THE EAST ½ OF SECTION 11, TOWNSHIP 35, RANGE 18 E., LESS THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.
ALSO:
THAT PART OF SECTION 12., TOWNSHIP 35., RANGE 18E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75).
ALSO:
THAT PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD NO. 70
ALSO:
THAT PART OF SECTION 13, TOWNSHIP 35 S,. RANGE 18 E,. LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75), AND NORTH OF STATE ROAD NO. 70.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A LITERWOOD POST FOUND MARKING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., SAME BEING THE SOUTHWEST CORNER OF THE EAST ½ OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E., FOR A POINT OF BEGINNING; THENCE S 00°43'18" E, ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF SECTION 14, A DISTANCE OF 193.63 FT. TO THE NORTHEAST CORNER OF "CAMPBELL COMMERCIAL SUBDIVISION" AS RECORDED IN PLAT BOOK 23, PAGES 141 AND 142, AFORESAID PUBLIC RECORDS: THENCE CONTINUE S 00°43'10" E, ALONG THE EAST LINE OF SAID "CAMPBELL COMMERCIAL SUBDIVISION", SAME BEING THE OCCUPIED WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 513.00 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13160-2503; THENCE S 70°20'03" E, ALONG SAID NORTHERLY R/W, A DISTANCE OF 7.83 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17120.74 FT.; THENCE RUN SOUTHEASTERLY, ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 339.93 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17256.74 FT.; THENCE RUN SOUTHEASTERLY ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 342.63 FT. TO THE P.T. OF SAID CURVE; THENCE S 70°20' 03" E. ALONG SAID NORTHERLY R/W, A DISTANCE OF 35.37 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD NO. 93 (INTERSTATE 75), AND SAID STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE S 80°04'21" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 82.10 FT.; THENCE S 70°20'03" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 400.14 FT.; THENCE S 73°01'06" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 100.26 FT.; THENCE S 70°20'03" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 218.97 FT.; THENCE S 78°46'36" E, ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 136.27 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W, OF SAID STATE ROAD NO. 93 (INTERSTATE 75); THENCE S 70°20'03" E, ALONG SAID NORTHERLY LIMITED ACCESS R/W, 298.34 FT.; THENCE S 72°37'29" E. ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 628.85 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 622.20 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 52°23'42", A DISTANCE OF 568.98 FT. TO THE P.T. OF SAID CURVE; THENCE N 54°E58'49" E,

ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 351.55 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING RADIUS OF 721.51 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 50°03'07". A DISTANCE OF 632.91 FT. TO THE P.T. OF SAID CURVE, THENCE N 04°55'42" E, ALONG SAID LIMITED ACCESS R/W, 518.38 FT.; THENCE N 00°55'22" E, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4990.44 FT. TO THE P.C. OF A CURVE CONCAVE TO THE WEST. HAVING A RADIUS OF 5530.30 FT.; THENCE RUN NORTHERLY ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°38'59", A DISTANCE OF 450.42 FT. TO THE INTERSECTION WITH THE LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°26'05" W, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1065.82 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 33 S., RANGE 18 E., SAME BEING THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°36'09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1404.27 FT. TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, AFORESAID PUBLIC RECORDS; THENCE S 00°26'58" W, ALONG THE EAST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT.; TO THE SOUTHEAST CORNER OF SAID CERTAIN PARCEL; THENCE N 89°36'09" W, ALONG THE SOUTH LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.00 FT. TO THE SOUTHWEST CORNER OF SAID CERTAIN PARCEL; THENCE N 00°26'58" E, ALONG THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 11, THENCE N 89°35' 09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 660.11 FT. TO THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION11; THENCE S 00°45'32" E. ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 11. A DISTANCE OF 5292.41 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 11, 12, 13 AND 14 MANATEE COUNTY, FLORIDA.

CONTAINING 540.56 ACRES MORE OR LESS

CREEKWOOD-EAST

THAT PART OF SECTIONS 12 AND 13, TOWNSHIP 35 S., RANGE 18 E., LYING EAST OF STATE ROAD NO. 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD NO. 70. LESS LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, 3035 AND OFFICIAL RECORDS BOOK 1145, PAGE 3377, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 01°00'42" W. ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 821.22 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20' 03" W, ALONG SAID NORTHERLY R/W , 1492.94 FT.; THENCE N 33°10'32" W. ALONG SAID NORTHERLY R/W, 83.17 FT.; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W, 70.00 FT.; THENCE S 74°16'39" W. ALONG SAID NORTHERLY R/W, A DISTANCE OF 79.73 FT. FOR A <u>POINT OF BEGINNING</u>: THENCE CONTINUE S 74°16'39" W, ALONG SAID NORTHERLY R/W, 7.01 FT.; THENCE N 70°20'30" W, ALONG SIAD NORTHERLY R/W, A DISTANCE OF 512.00 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD NO. 93 (INTERSTATE 75), AND STATE ROAD NO. 70; THENCE N 60°14'02" W. ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 217.32 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W OF SAID STATE ROAD NO. 93

(INTERSTATE 75), THENCE N 70°20'03" W. ALONG SAID NORTHERLY LIMITED ACCESS R/W, 400.78 FT.; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 493.00 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 216.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 48°55'49", A DISTANCE OF 184.46 FT. TO THE P.T. OF SAID CURVE; THENCE N 17°35'24" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 250.16 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1300.23 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°33'05", A DISTANCE OF 352.91 FT. TO THE P.T. OF SAID CURVE; THENCE N 33°08'29" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 513.14 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1338.39 FT.; THENCE RUN NORTHWESTERLY AND NORTHERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°55'25", A DISTANCE OF 769.08 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°13'03" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4772.30 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 89°26'05" E, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1251.28 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION 12; SAME BEING THE INTERSECTION WITH THE WEST LINE OF A 330.0 FT. WIDE FLORIDA POWER & LIGHT CO. EASEMENT, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 612, PAGE 508, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID WEST LINE, SAME BEING THE WEST LINE OF SAID EAST ½ OF SECTION 12, A DISTANCE OF 2561.96 FT. MORE OR LESS TO THE INTERSECTION WITH THE PHYSICAL CENTERLINE OF A 30.0 FT. WIDE FLORIDA GAS TRANSMISSION COMPANY EASEMENT (FORMERLY KNOWN AS HOUSTON TEXAS GAS & OIL CORPORATION, A DELAWARE CORPORATION) AS DESCRIBED AND RECORDED IN DEED BOOK 399, PAGE 117, AFORESAID PUBLIC RECORDS; THENCE N 59°39'32" E, ALONG SAID PHYSICAL CENTERLINE 63.89 FT.; THENCE N 59°36'32" E, ALONG SAID PHYSICAL CENTERLINE, A DISTANCE OF 316.93 FT. TO THE INTERSECTION WITH THE EAST LINE OF SAID 330.0 FT. WIDE POWER & LIGHT COMPANY EASEMENT, SAME BEING THE WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2932.78 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF SAID EAST ½ OF SECTION 12, SAME BEING THE NORTH LINE OF THE EAST ½ OF SAID SECTION 13; THENCE S 01°10'44" W, ALONG SAID EAST EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2180.91 FT.; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, THE FOLLOWING COURSES AND DISTANCES; N 74°57'17" E, A DISTANCE OF 109.85 FT. TO A POINT ON A CURVE WHOSE RADIUS POINT LIES N 74°57'17" E, 290.00 FT.; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°25'25", A DISTANCE OF 184.36 FT. TO THE P.T. OF SAID CURVE; THENCE S 51°28'08" E, 69.79 FT.; THENCE S 67°12'08" E, 132.97 FT.; THENCE S 76°52'08" E, 119.24 FT.; THENCE N 83°31'52" E, 306.67 FT.; THENCE S 06°28'08" E, 180.22 FT.; THENCE S 19°39'57" W, 360.60 FT. TO THE POINT OF BEGINNING.

CONTAINING 265.86 ACRES MORE OR LESS.

PARCEL "B"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E., THENCE S 01°00'42" W, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 279.10 FT. FOR A <u>POINT OF BEGINNING</u>: THENCE CONTINUE S 01°00'42" W, ALONG SAID EAST LINE OF THE SOUTHEAST 1/4, A DISTANCE OF 542.12 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W

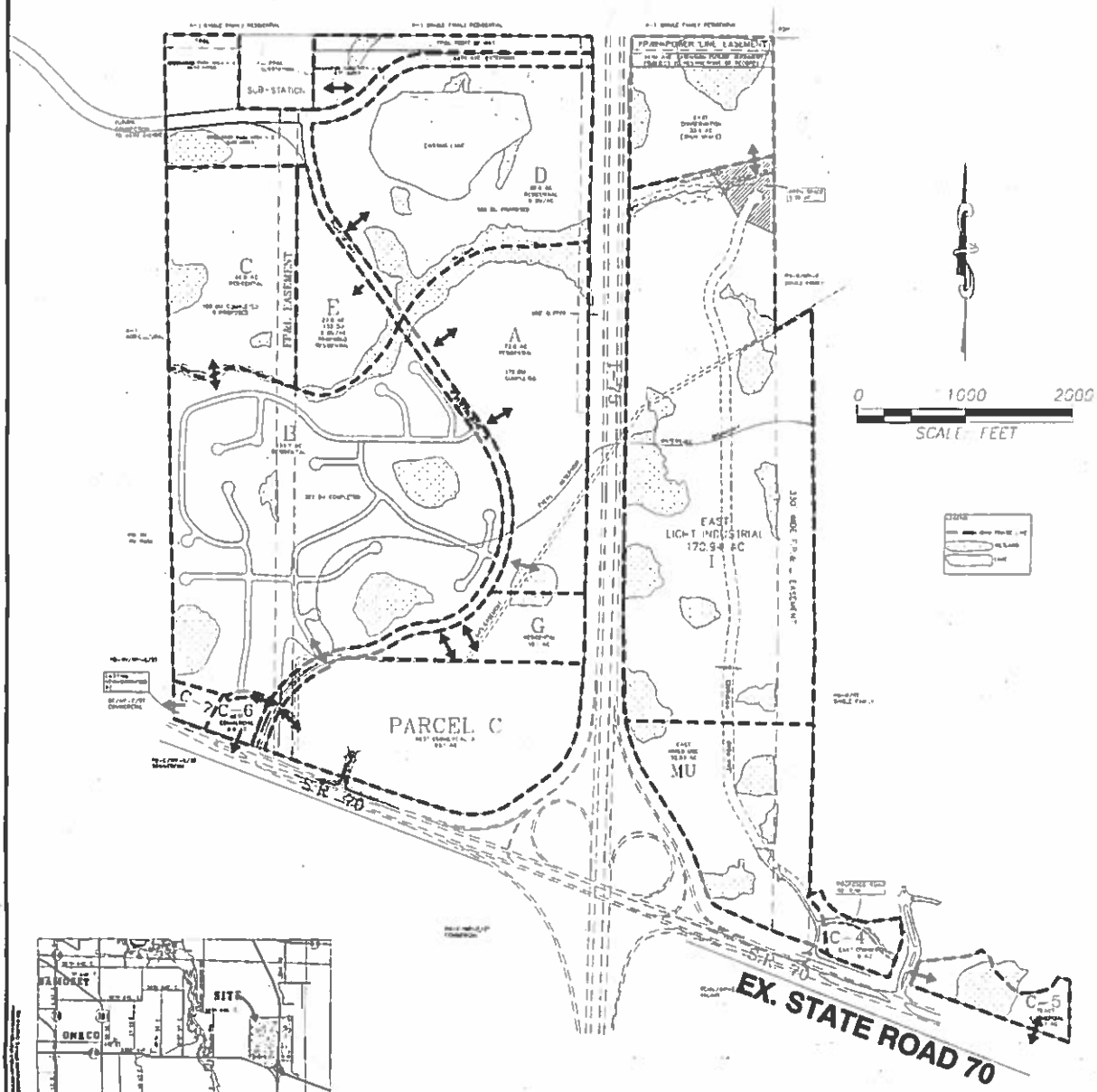
OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W. 1492.94 FT., THENCE N 33°10'32" W, ALONG SAID NORTHERLY R/W 1.61 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL THE FOLLOWING COURSES AND DISTANCES; N 19°39'57" E, 215.12 FT.; THENCE N 83°57'11" E, A DISTANCE OF 410.86 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST. HAVING A RADIUS OF 283.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°37'41", A DISTANCE OF 161.16 FT.; THENCE S 43°52'49" E, 121.17 FT.; THENCE S 10°11'25"E, 72.10 FT.; THENCE S 43°52'49" E, 240.00FT.; THENCE S 34°24'49" E, 88.00 FT.; THENCE N 85°27'11" E. 175.71 FT.; THENCE N 75E17'11" E, 113.23 FT.; THENCE N 34°52'11" E. 120.63 FT.; THENCE S 74°45'26" E, 103.64 FT. TO THE POINT OF BEGINNING.

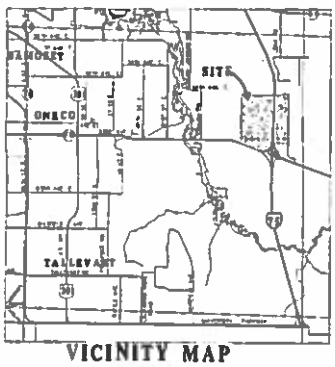
CONTAINING 11.84 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

LAND USE/ACREAGE SUMMARY

LAND USE	ACRES	UNITS/SQUARE FEET
RESIDENTIAL	390.1	1387 (562 COMPLETE/770 REMAINING)
INDUSTRIAL	170.94	800,000 SF
COMMERCIAL ONLY (C-6,C-7,C)	71.9	492,000 SF
MIXED NON-RESIDENTIAL (MU,C-4,C-5)	83.73	
COMMERCIAL		121,000 SF
OFFICE		100,000 SF
MINI-WAREHOUSE (ONLY C-5)	6.5	80,000 SF
HOTEL		100 ROOMS(93,000 SF)
ROADS/OPEN SPACE	54.73	
CONSERVATION	23.4	
PARKS	25	
PROJECT TOTAL	818.3	





VICINITY MAP

Exhibit "B"

King ENGINEERING ASSOCIATES, INC.
4921 Memorial Highway
One Memorial Center, Suite 300
Tampa, Florida 33634
Phone 813 880-8881
Fax 813 880-8882
www.kingengineering.com
Engineering License #2610

CREEKWOOD

SECTIONS 11, 12, 12 & 14 TOWNSHIP 35 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

TITLE:

MAP H

JOB NO: 8855-002-000
DATE: 05-09-13
SCALE: 1"= Mile

102

MANATEE COUNTY
FLORIDA

Certified Mail #7000 0520 0015 6095 9669

August 24, 2012

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard, Suite 100
Pinellas Park, Florida 33782

Re: Development Order for Creekwood DRI – Ordinance 12-15

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 12-15, the DRI Development Order for Development Order for Creedwood DRI, as adopted in open session by the Manatee County Board of County Commissioners on August 2, 2012, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)748-4501, extension 6878.

Sincerely,

Bobbi Roy
Planning Coordinator

/br
Enclosure

Building and Development Services Department
Mailing Address: P. O. Box 1000 1112 Manatee Avenue West, 2nd Floor, Bradenton, FL 34206-1000
WEB: *www.mymanatee.org* * PHONE: 941.748-4501 x6878 * FAX: 941.749-3071

LARRY BUSTLE * MICHAEL GALLEN * JOHN R. CHAPPIE * ROBIN DiSABATINO * DONNA HAYES * CAROL WHITMORE * JOE McCLASH
District 1 *District 2* *District 3* *District 4* *District 5* *District 6* *District 7*

ORDINANCE 12-15

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE DEVELOPMENT ORDER FOR THE CREEKWOOD DEVELOPMENT OF REGIONAL IMPACT (MANATEE COUNTY DRI #13, A/K/A TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI # 102) (RESOLUTION R-85-149, AS AMENDED BY RESOLUTION R-85-219, R-86-112, R-93-25, ORDINANCE 98-49, ORDINANCE 00-07, ORDINANCE 04-28, ORDINANCE 05-41); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

FILED
AUG -8 AM 10:40
STATE OF FLORIDA

WHEREAS, CREEKWOOD, INVESTORS, LTD., hereinafter referred to as "CREEKWOOD", proposed a Development of Regional Impact (DRI) for a mixed-use development located in Manatee County; and

WHEREAS, on August 27, 1985, Manatee County adopted Resolution R-85-149 granting Creekwood a DRI Development Order; and

WHEREAS, on October 22, 1985, Manatee County approved Resolution R-85-219 amending Resolution R-85-149 by providing for clarification from the Department of Community Affairs; and

WHEREAS, on May 20, 1986, Manatee County approved Resolution R-86-112 amending Resolution R-85-219 by deleting two hundred and forty (240) plus or minus acres from the approved Creekwood DRI Development Order; and

WHEREAS, on April 22, 1993, Manatee County approved Resolution R-93-25 amending Resolution R-86-112 by approving amendments to Map H, extending the build out date, and other various changes; and

WHEREAS, on December 15, 1998, Manatee County approved Ordinance 98-49 amending Resolution R-93-25 increasing the commercial uses by 69,500 square feet and land area by 2.3 acres, changing the land use designation for Parcels C-1 and C-2 from Highway Tourist Oriented at General Commercial to General Commercial, and combining Parcels C-1, C-2, and O-1 into a redesignated Parcel C; and

WHEREAS, on March 28, 2002, Manatee County approved Ordinance 00-07 amending Ordinance 98-49 to amend Phase IV of the Project Phasing Conditions to delete 25,000 square feet of office space and add 25,000 square feet of commercial space on Parcel C, modify the Project Phasing Deadlines to reflect current development approvals and schedules for the balance of approved development for this DRI, amend General Condition 17 requiring all Site Plans to comply with the 1990 Land Development Code; and other various changes; and

WHEREAS, on January 6, 2004, Manatee County approved Ordinance 04-28 amending Ordinance 00-07 to redesignate parcel identifications, add an additional roadway connection to the west, modify the Project Phasing Table to clarify, eliminate, and redistribute approved development (reduce industrial to 950,000 square feet, clarify allocation of commercial approved in the industrial category, expand the range of commercial and industrial uses permitted east of I-75, decrease residential units from 2,305 to 1,617), update and modify the Project Phasing Table to recognize completed development, transfer industrial, office, and commercial square feet from Phase I and II to Phases III and IV, amend the Development Order to update terminology and departmental references; and other changes for internal consistency, and allow biennial rather than annual DRI reports.

WHEREAS, on January 5, 2006, Manatee County approved Ordinance 05-41 amending Ordinance 04-28 to decrease residential units from 1,617 to 1,250, increase office square footage from 160,000 to 225,000,transfer 6 residential units from Phases I and II , delete the footnote under Table 1 requiring Preliminary Site Plans be submitted 18 months prior to the build out date, transfer 6 residential units from Phases I and II to Phase IV (a 13-year extension to buildout; 18-year cumulative extension), and amend the Development Order to update terminology and departmental references; and other changes for internal consistency, including recodification of the existing development order.

WHEREAS, on March 1, 2012, Control Storage, Inc. filed a Notice of Proposed Change to the approved Development Order with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the Notice of Proposed Change proposed to modify Map H and the Development Order to add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5; update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County; update the water quality monitoring conditions; update the Development Totals and Table 1 – Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements; and update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references; and

WHEREAS, the described project lies within the unincorporated area of Manatee County, a political subdivision of the State of Florida; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the Planning Commission has reviewed the application of the Notice of Proposed Change and has filed a recommendation on this application with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners of Manatee County on August 2, 2012, held a duly noticed public hearing on application for the Notice of Proposed Change, and has solicited, received, and considered reports, comments, and recommendations from interested citizens, county and city agencies, the applicant, the Tampa Bay Regional Planning Council, the Department of Economic Opportunity, as well as the review and report of the Manatee County Building and Development Services Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 2nd DAY OF AUGUST, 2012 AS FOLLOWS:

SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI 13, ORDINANCE 05-41.

The previous development order for Creekwood, which was adopted on August 27, 1985, and all subsequent amendments are replaced in their entirety, provided this amendment shall not be construed to terminate the rights of the developer, if any, granted under Section 163.3167(8) Florida Statutes, to the extent such rights have previously been granted and not specifically herein or otherwise modified or amended.

SECTION 2. FINDINGS OF FACT

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of approved Map H, the recommendation and findings of the Planning Commission of Manatee County, 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 recommendation of the Manatee County Planning Commission concerning the Notice of Proposed Change to the DRI as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners held a public hearing on August 2, 2012, regarding the Notice of Proposed Change to the DRI described herein, in accordance with the requirements of Manatee County Ordinance 90-01, as amended (the Manatee County Land Development Code) and Ordinance 89-01, as amended (the 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the Public Hearing.

C. The proposed change to the DRI regarding the property described in Exhibit "A" is found to be consistent with the requirements of Manatee County Ordinance 89-01,

as amended (the 2020 Manatee County Comprehensive Plan), provided it proceeds in accordance with the Development Conditions specified herein.

D. The real property, which is the subject of this Development Order, is legally described as set forth in Exhibit "A" of this Development Order.

E. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

F. The authorized agent for the Project is King Engineering Associate, Inc., and their address is 2930 University Parkway, Sarasota, Florida 34243.

G. The owner of the property is Creekwood Investors, Ltd., Professional Place LLC, and Control Storage, Inc.

H. A comprehensive review of the impacts generated by the Development has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, TBRPC, and the Department of Economic Opportunity (DEO).

I. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

SECTION 3. CONCLUSIONS OF LAW

Based upon the previous findings of fact and the following conditions of the Development Order, the Board of County Commissioners of Manatee County concluded that:

A. The Project is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP) the Tampa Bay Regional Planning Council's Future of the Region, A Strategic Regional Policy Plan, and Ordinance 89-01, as amended (The 2020 Manatee County Comprehensive Plan, as amended).

B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

C. That the review by the County, TBRPC, other participating agencies, and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order.

D. That the changes proposed by this amendment to Ordinance 05-41 as described in Section 4 and which were requested in the Notice of Proposed Change along

with the previous changes to the DRI cumulatively do not constitute a Substantial Deviation.

SECTION 4. AMENDMENTS TO APPROVED DEVELOPMENT

The application for a Notice of Proposed Change to the Creekwood DRI is hereby approved, amending the previous Development Order and its amendments in their entirety, subject to the conditions listed herein, to allow the following changes in the plan of development:

1. Modify Map H and the Development Order with the following changes:

    A. Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5;
    B. Update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County;
    C. Update the Water Quality Monitoring conditions;
    D. Update the Development Totals and Table 1 - Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements; and
    E. Update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references.

SECTION 5. DEVELOPMENT COMPONENTS

Approval of this ordinance authorizes development of the following land uses, when developed in conjunction with the terms of this ordinance, and any applicable local, regional, state, or federal regulations.

A. 1,250 dwelling units

B. 603,000 square feet of commercial

C. 800,000 square feet of industrial

D. 225,000 square feet of office

E. 100 room hotel (93,000 square feet)

F. 80,000 square feet of mini-warehouse

SECTION 6. DEVELOPMENT CONDITIONS

PROJECT PHASING AND BUILDOUT CONDITIONS

1. The developer shall comply with the deadlines contained in the revised phasing schedule, listed in Table 1 below:

Table 1 - Phasing by Use

PHASES					
Uses	**Acreage 818.3**	**I, II (Complete)**	**III (1996-11/22/2018)**	**IV (2001-11/22/2019)**	**Total**
RESIDENTIAL	374	592	140	518	1,250
COMMERCIAL [RETAIL AND SERVICE-380.0651(3)(f)]	91.6	455,048	55,000	92,952**	603,000**
HOTEL [Hotel or motel - 380.0651(3)(g)]	52.53			100 rooms	100 rooms
OFFICE	16.1		60,000*	165,000*	225,000*
INDUSTRIAL	170.94		230,000	570,000***	800,000***
MINI-WAREHOUSE				80,000****	80,000****
OPEN SPACE (ROADS, RIGHT-OF-WAY, CONSERVATION, PRESERVATION, ETC.)	113.13				

* Office space may include up to 85,000 square feet of medical office.

** Construction of the initial 50,000 sq. ft. of Mini-Warehouse was acknowledged within the RY 2007-08 Annual Report. The Annual Report reflected that 50,000 sq. ft. of Mini-Warehouse was equivalent to 24,000 sq. ft. of Commercial. As appropriate, this amount of Commercial has been deducted from the Phase IV and overall Commercial entitlements reflected in this Table for the project.

*** 150,000 sq. ft. reduction of industrial entitlements was requested by the master developer and approved by the Board of County Commissioners on December 4, 2008 [Z-84-76(R8)].

**** Mini-Warehouse consists of 50,000 sq. ft. constructed during 2007-08 as well as the 30,000 sq. ft. expansion proposed with Ordinance 12-15.

2. The developer shall submit a revised transportation analysis with any request for project extension, beyond those which may be granted by State law. The Manatee County Board of County Commissioners shall review this analysis and determine whether or not the requested extension constitutes a Substantial Deviation pursuant to Section 380.06 Florida Statutes.

3. The developer must adhere to the following phasing buildout schedule.

Phase I - 1986-1996
Phase II - 1993-2003
Phase III - 1996-November 22, 2018
Phase IV - 2001-November 22, 2019

4. Preliminary Site Plans shall be valid for a maximum period of five (5) years. Final Site Plans shall be valid for a maximum period of four (4) years, however, not to exceed the end of the phase for which development is proposed as described in the phasing build out schedule.

LAND USE CONDITIONS

1 Development within the Evers Reservoir Watershed shall be restricted to a maximum density of five dwelling units per acre. Maximum density for all other parcels shall be as noted on the General Development Plan.

2. At the time of Preliminary Site Plan submittal, the applicant shall demonstrate compliance with the requirements of the Planned Development District in effect at that time including, but not limited to, such concerns as Entranceway requirements, aesthetic appearance from State Road 70 (S.R. 70) and Interstate 75 (I-75), ample provision for open space, adequate restrictions to prohibit unsightly vehicles, trash, etc., and a maintenance program which assures that an attractive appearance will be maintained.

3. Light manufacturing, industrial service establishments, wholesale trade establishments, research and development activities, warehouse, mini-warehouse, heavy printing, and ancillary office use are permitted uses proposed within Parcel I. Construction service establishment (with no retail and rental sales) is allowed on the east side of Lena Road only. Industrial uses to be constructed within the Evers Reservoir Watershed Protection Overlay District, must employ Best Possible Technology so that such uses will not be contrary to the public health, safety, and welfare. Best Possible Technology shall be in accordance with the laws in effect at the time of Preliminary Site Plan approval and shall be shown on the plan or plat for consideration and approval.

4. All buildings, parking, and service areas within Parcels MU and I shall maintain a minimum setback of 100 feet from S.R. 70 and I-75. All trash and garbage receptacles that are visible from S.R. 70, I-75, 54th Drive East, and adjacent residential shall be screened with materials similar to the adjacent building facade. All truck loading, service areas, outside storage, and parking of heavy equipment, semi-trucks or trailers or other vehicles over 1-1/2 tons shall be located at the non-street side of the building when adjacent to I-75, and S.R. 70, unless they are not visible from a height of five (5) feet at the edge of pavement of said street, to be determined at time of Certificate of Occupancy.

5. The Developer shall provide a 20-foot wide greenway adjacent to one side of the right of way for Lena Road, from S.R. 70 to the northern terminus of Lena Road. Within this greenway, the Developer shall install a ten foot wide paved bicycle and pedestrian path.

6. The developer shall be allowed to construct a total of 1,250 dwelling units. Dwellings shall be constructed in accordance with the density approved for each specific parcel in the revised Map H.

BUFFER CONDITIONS

1. (Reserved)

2. a. A building setback of at least fifty (50) feet shall be provided west of and adjacent to the existing power line easement traversing Parcels MU & I). Native trees lying within shall not be removed. Trees of a native species shall be planted within 20 feet of the FP&L line where the base of trees closer than twenty-five (25) feet apart do not already exist. In addition, the screening buffers required between zoning district boundaries by the Land Development Code shall be required, except for the requirements for trees if more stringent within this stipulation. These plantings shall occur prior to a certificate of occupancy for each lot and they shall meet the minimum standards of the Land Development Code.

   b. A 50-foot wide roadway buffer shall be required along east side of I-75.

   c. Buildings on the east side Lena Road in Parcel I shall be located on the western two-thirds of the lots.

3. Residential

   a. The 100-foot wide roadway buffer along the west side of I-75 shall be provided. Additionally, the depth, design, and location of landscaped buffers will be determined when a Preliminary Site Plan is submitted for approval. Continued maintenance of these buffers shall be assured through appropriate measures such as covenants and deed restrictions.

   b. Prior to Final Site Plan approval a noise analysis shall be done based on the potential 10 lane configuration of I-75 and anticipated traffic in 2025.

Manatee County noise level criteria for residential properties

MANATEE COUNTY NOISE STIPULATION*
No residential dwelling units shall be allowed in areas where the exterior noise level is; Ldn > 65 dBA.: Leq design hour > 65 dBA: or L10 design Hour > 68 dBA Unless protected by some performance equivalent measure to achieve; Ldn # 65 dBA, Leq design hour # 65 dBA, or L10 design Hour # 68 dBA
NOISE REDUCTION REQUIRED*
Sound attenuating barriers should be provided between the residential units and the noise source. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source.

* For more detailed information see "The Noise Guidebook – A reference document for implementing the Department of Housing and Urban Development's Noise Policy", prepared by The Environmental Planning Division, Office of Environment and Energy.

ENVIRONMENTAL CONDITIONS

1. At the time of the first Preliminary Site Plan submittal, a Master Drainage Plan for the entire development, including a demonstration that the effect the proposed altering and deepening of existing wetlands will have on their ability to filter surface water and percolating groundwater will be acceptable, shall be submitted. This Master Drainage Plan, though 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. (Completed)

2. Stormwater management system design for that portion of the development lying within the Evers Reservoir Watershed shall meet or exceed any requirements of the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as may be amended. This shall not be interpreted to mean that the developer is required to retrofit any approved and existing stormwater systems which do not meet this requirement.

3. In conjunction with the submittal of the first Preliminary Site Plan, a demonstration of compliance with the Watershed Protection, Special Treatment, and Agricultural Fringe Overlay zones shall be submitted. As required by the Special Treatment District, the Board of County Commissioners must make a determination prior to construction that "Best Possible Technology" is being employed prior to construction. (Completed)

4. The Stormwater Maintenance Plan, submitted with the first Preliminary Plan, shall be designed using accepted best management practices to provide a natural hydroperiod within each wetland. Isolated wetlands shall, where practical, be incorporated into the stormwater system. Construction and post-construction monitoring of surface and groundwater quality and quantity shall be outlined and implemented; included in this plan shall also be the design and execution of a maintenance program to ensure the adequate functioning of the system beyond project build out. The stormwater management system shall be designed with enough flexibility to allow for hydroperiod refinement, as needed.

5. All jurisdictional wetlands and streams shall be preserved physically and functionally. The only exception may be those areas in which appropriate environmental permits and local approvals are obtained.

   All development shall comply with the wetland policies of the Comprehensive Plan and the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired.

6. The Preliminary Site Plan, as submitted by phase, shall specifically also outline which and how much of each vegetation association is being preserved. Every effort shall be made by the developer and any future developers of this property to preserve a diverse range of the existing wildlife habitat. These preserve areas should be as large as possible and should be located adjacent to wetlands or a different upland community type.

7. Wetlands on the project site shall be preserved consistent with Map F-1 on page 44 of the ADA additional information response and with s.2.7 of the Council's adopted Future of the Region. In addition, the wetland on Parcel C-5 shall be preserved.

8. Representative tracts of all major upland vegetative communities shall be preserved in their natural state to serve as conservation/recreation areas.

9. The wind and soil erosion controls including sodding, hydroseeding, mulching and bare soil wetting, committed to by the developer in the ADA, shall be required.

WATER QUALITY CONDITIONS

1. To assure water quality is maintained:

   a. The developer shall institute a program to provide a body of initial baseline water quality data before any significant groundbreaking takes place, as well as institute a bi-annual on-going monitoring program through project build-out. Sampling stations shall be at the sampling sites shown in "Exhibit B" (attached to Resolution R-93-25).

      Sampling should be taken on a cresting hydrograph and should occur immediately after a one-inch storm event, and after a dry period, during both the rainy season (June-September) and the dry season (November-February). Significant water quality parameters should include, but not be limited to, the following:

      - streamflow (cu. ft./sec.);
      - turbidity (ntu);
      - specific conductance (umho/cm at 25 deg. C);
      - dissolved oxygen (mg/l);
      - biochemical oxygen demand (mg/l);
      - pH;
      - total orthophosphate as P (m/l);
      - total organic nitrogen as N (mg/l);
      - total organic carbon as C (mg/l);
      - total coliforms, multiple tube method, MPN (col/100 ml):
      - total lead as Pb (ug/l; and
      - temperature (deg. C).

      Any changes to the sampling stations identified in "Exhibit B", the sampling frequency, or the above list of parameters shall be submitted to Manatee County and TBRPC for review and comment, with approval by Manatee County.

      All water quality methods and procedures shall be thoroughly documented and should comply with EPA/DEP Quality Control standards and should be submitted to Manatee County and TBRPC.

   b. The developer shall provide baseline water-level contour maps for the unconfined aquifer on the Creekwood site, to reflect conditions present during both the wet season (June - September) and the dry season (November - February). In addition, the developer shall provide for review annually updated ground water contour maps as described above; until the project reaches completion.

2. In order to protect water quality, the following parameters shall be included in the project drainage plan.

a. The developer shall submit for approval a wetland-lake management plan, to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
- proposed wetland/lake alterations;
- control of exotic species;
- control of on-site water quality
- maintenance of natural hydroperiod; and
- methods for wetland restoration/enhancement.

b. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment for the first inch of runoff generated from the site during the 25-year, 24-hour design storm; and that maximum post-development shall not exceed pre-development flows for the same design storm.

c. The proposed retention/detention wetland systems shall be designed to be consistent with the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC 1978). The design criteria of this system should include the following elements:

(1) A minimum of 15 but no more than 50 percent of the surface area of the detention pond at the normal water level (NWL) shall consist of a shallow vegetated littoral shelf.

(2) The littoral shelf shall be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf shall be established on a shallow submerged island in the middle of the pond.

(3) A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.

(4) The littoral shelf, if located along the pond bank, shall have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.

(5) The littoral shelf shall be vegetated with a diverse group of native species which can include Sagittaria, pickerel-weed, Juncus, water lilies, cypress, etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more "natural" appearance.

(6) A copy of an operation and maintenance (O & M) schedule shall be provided to the owner, and be submitted to TBRPC with the

annual report. The O & M schedule should include an estimation of the frequency of sediment removal operations and should mention the periodic need for removing dead vegetation.

HAZARDOUS WASTE CONDITIONS

1. Prior to the construction of industrial facilities, hazardous waste storage and disposal plans, including transportation of wastes, shall be provided and approved.

2. The developer shall provide separate hazardous waste storage containers/areas within the project prior to or concurrent with the certificate of occupancy for the first business within the project. These containers/areas shall be accessible to all project businesses and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials. Such containers shall also be designed to prevent unauthorized use or entry. The hazardous waste storage containers/areas shall be allowed to be located within the Evers Reservoir Watershed Overlay District until such time as the first industrial use outside of the Evers Reservoir Watershed Overlay District is constructed, at which time the storage containers/areas shall be relocated outside of the Evers Reservoir Watershed Overlay District.

   The developer shall provide to all Creekwood businesses information that:

   a. Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designed containers; and

   b. Indicates the location of the specially-designed hazardous waste and materials containers; and

   c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

   The developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

ARCHAEOLOGICAL CONDITION

1. At the time a Preliminary Site Plan for the specific areas referenced in the May 24, 1984 letter from the State Division of Archives, History and Records Management is submitted, the developer must show the location of all archaeological and historic sites identified by a systematic, professional archaeological and historic survey. If any sites exist, the ones which are significant must be protected and preserved.

PARKS AND RECREATION CONDITIONS

1. Implementation of the bike/pedestrian path shall be required as committed in the ADA, unless more restrictive conditions have been placed on the development in this order.

2. Development plans shall assure adequate buffering between the industrial, office, commercial, and residential designations of this development through appropriate measures such as covenants and deed restrictions.

3. Assignment of specific responsibility for open spaces shall be made at the time of Final Plat submittal, unless no plat is required, then it shall be required at time of Final Site Plan submittal.

4. The 25-acre park located in the northwest quadrant of the project as shown on Revised Map H shall be deeded to the County by the Developer upon request of the County. The County shall utilize said acreage for public park purposes. The Developer shall be entitled to impact fee credit as set forth in Section 806.4.1 of the Land Development Code, as may be amended. (Completed)

   If the County desires to develop the park prior to the Developer extending Creekwood Boulevard from the southern boundary of Williams Creek north, the County may construct that portion of Creekwood Boulevard necessary to access the park. The Developer shall provide Manatee County with sufficient right-of-way for said construction. If Manatee County undertakes construction of any portion of the roadway, Manatee County shall obtain all necessary permits including any wetland impact permits required for said construction. The Developer shall have the right to review construction plans prior to commencement of construction to determine compatibility with its development plans including, but not limited to, provision of sufficient curb cuts to access development parcels. The road will be constructed to County standards. If the County constructs the road described in this paragraph, and the road is of a type not eligible for impact fee credits pursuant to Section 806.4 of the Land Development Code, then the developer shall reimburse the county for the cost of construction. Reimbursement shall be required in conjunction with Final Site Plan or Final Plat approval for development of the parcels adjacent to that portion of the road which the county constructs. If the road is eligible for impact fee credit and the county constructs the roadway, the developer will not be entitled to reimbursement. The Developer shall have the right to relocate the right-of-way or constructed roads at its expense.

PUBLIC SAFETY CONDITIONS

1. Creekwood shall contribute a pro-rata share of the cost of constructing a fire station on the Tara public service site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)

2. Creekwood shall contribute a pro-rata share of the cost to construct and equip the Sheriff Department's portion of the Public Services Building on the Tara Public Site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)

3. The use of street names for the main entrance roads to both the residential and industrial portion of the project may be allowed. The entrance road to the residential portion of the project shall be allowed as a designation of Creekwood Boulevard and the entrance road to the industrial portion of the project may be allowed to be named as a boulevard at a later time. All other streets within the project shall be numbered in accordance with the revised county grid system, unless street names are allowed by the Board of County Commissioners for those other streets at a later time.

TRANSPORTATION CONDITIONS

1. Improvements shall be required to the project entrances on S.R. 70 and to the intersection of S.R. 70 and I-75. Such improvements shall include, but not be limited to, left turn storage lanes, signalization, ramp improvements and additional through lanes. The extent and timing of improvements required shall be determined by the County Transportation Authority with the review of an updated traffic analysis for each increment of development.

2. Developer shall provide for a 120-foot wide right-of-way for 44th Avenue East (Cortez Road Extended) through the project. Two lanes of this roadway shall be constructed through the project by the developer with development of parcels adjacent thereto. Sufficient right-of-way to construct the bridge approach shall be dedicated, but the developer shall not be responsible for constructing the bridge over I-75 as an on-site transportation improvement. The developer shall enter into an agreement with the County to either oversize the internal stormwater pond system to be constructed on Parcel D or reserve capacity in the existing stormwater pond system to accept stormwater from the future 44th Avenue extension. The agreement must be entered into prior to Preliminary Site Plan approval for Parcel D.

3. Construction of approximately 1,600 feet of 44th Avenue East, from the west property boundary west to the existing pavement by the developer, to a two-lane section, including payment for acquisition of necessary right of way, shall be required prior to Final Plat approval of the 101st dwelling unit north of Williams Creek. The primary entrance road (Creekwood Boulevard) to the residential portion of the project shall connect to 44th Avenue at the time of construction of the extension of 44th Avenue, mentioned herein. Manatee County shall cooperate with Creekwood in the condemnation of any land necessary to meet this requirement.

4. A cross access easement between Parcels C-6 and C-7 and the Campbell Commercial Center to the west shall be recorded and this roadway connection shall be constructed or bonded prior to the next Certificate of Occupancy for Parcels C-6 or C-7. This cross access easement shall be located within 50 feet of the northern right-of-way of S.R. 70 at the western property line of Parcel C-7 and shall be extended eastward to the northern-most driveway on Creekwood Boulevard in Parcel C-6. (Completed)

5. The proposed entrance onto S.R. 70 at the southwest corner of the development shall be relocated eastward to facilitate the frontage road from the Campbell Commercial Center and to avoid conflict with regard to intersection function. (Completed)

6. The intersections of any driveway (including the frontage road) with the project entrance boulevard onto S.R. 70 shall be located as far from S.R. 70 right-of-way as necessary to avoid conflict with regard to intersection function. (Completed)

7. All roads shown on the General Development Plan, including required stub-outs to the property boundary shall be dedicated to Manatee County with adequate rights-of-way as determined by the Transportation Department.

8. The need for wider internal roads or potential changes in their proposed alignment shall be addressed at the time of Preliminary Site Plan submittal.

9. The proposed owner's association documents shall contain a provision requiring the occupants of the Parcel I to coordinate shift changes to reduce peak hour traffic.

10. In accordance with the Traffic Element of the Manatee County Comprehensive Plan, adopted level of service as of the effective date of this ordinance, as determined by the procedures reported in the Highway Capacity Manual (HCM) 2000 and using the most recent version of the Highway Capacity Software (HCS), or most current HCM manual and HCS software, and in accordance with guidelines and conclusions acceptable to the County, Tampa Bay Regional Planning Council, and the Department of Economic Opportunity shall be maintained on all of the following thoroughfares which have been identified by the Tampa Bay Regional Planning Council as receiving from Creekwood, five percent (5%) or more of daily Level of Service "C" capacity:

    a. University Parkway from Lockwood Ridge Road to I-75

    b. S.R. 70 from U.S. 41 to I-75

    c. Lockwood Ridge Road from University Parkway to S.R. 70

    d. S.R. 64 from Morgan Johnson Road to I-75

e. I-75 from University Parkway to S.R. 70

f. S.R. 780 from Honore Avenue to I-75

g. Intersection of S.R. 70 and S.R. 683

h. Intersection of S.R. 70 and 45th Street East

i. Intersection of S.R. 70 and Caruso Road

j. Intersection of S.R. 70 and U.S. 301

k. Intersection of S.R. 64 and Morgan Johnson Road

l. Intersection of S.R. 70 and the Project Entrances

m. Intersection of S.R. 70 and I-75

n. Intersection of S.R. 70 and U.S. 41

o. S.R. 70 from I-75 to Lorraine Road

No plat or site plan shall receive approval if the approval of such increment of development would generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other development approvals, and other circumstance 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 these road links and intersections to a daily level below the adopted level of service as of the effective date of this ordinance. S.R. 70 shall maintain an acceptable Level of Service. Each request for plat or site plan approval must be accompanied by a traffic study prepared or provided in this paragraph. Level of Service on the above referenced links and intersections shall be verified as part of each annual report as required by Chapter 380.06(16) Florida Statutes. If any traffic study required above for any increment of development shows that the project will contribute more than ten percent (10%) of the Level of Service C capacity of S.R. 70 between S.R. 683 (15th Street East) and U.S. 301, then that increment of development shall not be approved unless the improvements necessary to achieve the adopted level of service on that segment under construction.

This stipulation shall not be construed as diminishing any rights to credits for improvements paid for by the developer pursuant to this stipulation that would be available under Stipulation 14 of the general conditions contained herein.

11. Access to the project shall be as shown on the Revised Map H.

12. A cross-access easement shall be provided between Residential Parcels C and E. The location shall be approved by the Building and Development Services and Public Works Departments prior to or concurrent with the Preliminary Site Plan, for Parcel E.

OFF SITE FACILITY DEVELOPMENT FEE CONDITIONS

1. The developer, its successors, and assigns shall be bound by any and all impact fee ordinance(s) in effect at the time of building permit issuance. Impact fees shall be collected by Manatee County unless provisions have been made for another entity to collect all or part of the fees.

GENERAL CONDITIONS

1. The developer shall demonstrate the availability of adequate service/capability to provide, wastewater treatment, solid waste disposal, electricity, police, fire, and EMS service with each Preliminary Site Plan submittal,.

2. All structures shall meet at a minimum the building requirements of the Southern Standard Building Code, as amended.

3. The developer shall satisfy county requirements regarding the provision of EMS and police services to this portion of the County.

4. The energy conservation measures referenced in the ADA shall be required as a condition of approval.

5. Implementation of the bike/pedestrian path shall be required as committed in the ADA.

6. 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 General Development Plan approval, except as modified by the stipulations, conditions, and requirements set forth herein or in the approval of the ADA, or set forth in subsequent DRI or local approvals required for this development.

7. 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.

8. The matters addressed herein, as well as additional matters that are appropriate to consider at later stages of review, may be reflected in additional or more detailed stipulations, conditions, and requirements to be formulated and applied at later stages of review of this project under local procedures.

9. 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, and by reference to the record of the hearings before these bodies.

10. 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 and by any subsequently established stipulations.

11. Nothing herein shall be construed as authorizing any use of the property other than as described in the General Development Plan 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.

12. 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 reflects 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.

13. 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.

14. In the event the County or other government entity with jurisdiction in the matter establishes 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 reductions in developer's obligations as set forth herein shall be considered and should be reflected in stipulations made a part of subsequent approvals.

15. The developer and any successors in interest shall submit annual DRI reports in accordance with Section 380.06(16), Florida Statutes, to Manatee County, the TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on (October 22, 1985) and each year 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 the Manatee County Building and Development Services Department who shall be responsible for assuring the developments compliance with this order, to this end the Director shall review the report for compliance with the terms and conditions of this Order. Should the director decide that further orders and conditions are necessary to ensure compliance with the terms and conditions of this Order, he shall submit the report to the Manatee County Board of County Commissioners. 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(16), Florida Statutes;

    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. Undeveloped tracts of land that have been sold to a separate entity or developer and the identify of that purchaser, together with a statement listing the names and addresses of any heir, assignee, or successor in interest to this Order;

    f. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the DRI site since the Order was issued;

    g. An assessment of the Developer's and local government's compliance with conditions of approval contained in the Order;

h. Any requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

j. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer, pursuant to Subsection 380.06(14)(d), Florida Statutes.

k. Failure to file an annual report as provided within shall suspend any further development.

16. All references made in Ordinance 12-15 to a conceptual development plan shall hereinafter refer to revised Map H, as amended herein.

17. All Preliminary and Final Site Plans shall comply with the requirements of the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired.

18. The Developer shall include in each Notice to Buyer for any property sold east of I-75 within the DRI boundaries, a statement that the use of the two hundred forty (240) plus or minus acres excluded from the Creekwood, Ltd. Development of Regional Impact approval is for a County owned treatment facility that may include spray irrigation.

19. If the Development Order is appealed by the DCA, the Developer shall pay all costs and fees of County staff and attorneys that the County is required to expend related to said appeal. Said costs and fees shall be paid at the rate of the processing fee for Development of Regional Impacts under the current Planning Department fee schedules. Payment of all billings by the Developer related to such reasonable fees and costs shall be paid within 45 days of the submittal of an invoice, except those fees in dispute and under review or appeal. If the Development Order is appealed by DCA, and Manatee County chooses to pursue the appeal over the objections of the Developer, the Developer shall not be responsible for costs incurred subsequent to the Developer's objection.

SECTION 7. LEGAL DESCRIPTION

Development of Creekwood shall be restricted to the 818.26 acres owned by the Developer and described by the legal description included as Exhibit "A" attached to, and made a part of, this Development Order.

SECTION 8. GENERAL

1. This Ordinance 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 CREEKWOOD.

   b. The Application for a Notice of Proposed Change.

SECTION 9. RESTRICTIONS ON DOWN-ZONING

The County may not down-zone or reduce the intensity or unit density permitted by this Order prior to November 22, 2019, unless the County can demonstrate that:

(a) Substantial changes in the conditions underlying the approval of the Order have occurred; or

(b) The Order was based upon substantially inaccurate information provided by the Developer; or

(c) The change is clearly established by the County to be essential for the public health, safety, or welfare.

Any down-zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Order.

The inclusion of this Section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density or intensity of the Project, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes.

SECTION 10. BINDING ORDER UPON DEVELOPER

This Development Order shall be binding upon the Developer.

SECTION 11. DEADLINE FOR COMMENCEMENT OF CONSTRUCTION

Physical development of the Project* shall commence within three years of the effective date of this Ordinance unless the time period for commencement is extended by the Board of County Commissioners (Development has commenced). If more than three years shall elapse between approval of this order and commencement of actual development, or if construction of a phase is not begun or completed by the time frame contained in Section 6. above, 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 the Land Development Code and may, at its option, rescind any and all approvals granted herein, including the Certificate of Level of Service. Any delay in construction commencement shall not be deemed to extend any time frame for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 12. RENDITION

The Building and Development Services Department is hereby directed to send certified copies of this Order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Economic Opportunity, and the TBRPC.

SECTION 13. NOTICE OF RECORDING

The Developer shall record a notice of adoption of this Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 14. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Development Order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, and to this end the provisions of this Ordinance are declared severable, but all remaining provisions and portions of this Development Order shall remain in full force and effect.

SECTION 15. EFFECTIVE DATE

This Ordinance shall become effective upon the filing of a certified copy of the executed ordinance with the Department of State; provided, however, that the filing of a notice of appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 05-41 during the pendency of any appeal.

ADOPTED AND APPROVED with a quorum present and voting this 2nd, day of August, 2012.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____
John R. Chappie, Chairman

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

BY: _____
Deputy Clerk

EXHIBIT A

LEGAL DESCRIPTION FOR REVISED CREEKWOOD

CREEKWOOD

THE EAST ½ OF SECTION 11, TOWNSHIP 35, RANGE 18 E., LESS THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.
ALSO:
THAT PART OF SECTION 12., TOWNSHIP 35., RANGE 18E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75).
ALSO:
THAT PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD NO. 70
ALSO:
THAT PART OF SECTION 13, TOWNSHIP 35 S,. RANGE 18 E,. LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75), AND NORTH OF STATE ROAD NO. 70.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A LITERWOOD POST FOUND MARKING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., SAME BEING THE SOUTHWEST CORNER OF THE EAST ½ OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E., FOR A POINT OF BEGINNING: THENCE S 00°43'18" E, ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF SECTION 14, A DISTANCE OF 193.63 FT. TO THE NORTHEAST CORNER OF "CAMPBELL COMMERCIAL SUBDIVISION" AS RECORDED IN PLAT BOOK 23, PAGES 141 AND 142, AFORESAID PUBLIC RECORDS: THENCE CONTINUE S 00°43'10" E, ALONG THE EAST LINE OF SAID "CAMPBELL COMMERCIAL SUBDIVISION", SAME BEING THE OCCUPIED WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 513.00 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13160-2503; THENCE S 70°20'03" E, ALONG SAID NORTHERLY R/W, A DISTANCE OF 7.83 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17120.74 FT.; THENCE RUN SOUTHEASTERLY, ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 339.93 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17256.74 FT.; THENCE RUN SOUTHEASTERLY ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 342.63 FT. TO THE P.T. OF SAID CURVE; THENCE S 70°20' 03" E. ALONG SAID NORTHERLY R/W, A DISTANCE OF 35.37 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD NO. 93 (INTERSTATE 75), AND SAID STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE S 80°04'21" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 82.10 FT.; THENCE S 70°20'03" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 400.14 FT.; THENCE S 73°01'06" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 100.26 FT.; THENCE S 70°20'03" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 218.97 FT.; THENCE S 78°46'36" E, ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 136.27 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W, OF SAID STATE ROAD NO. 93 (INTERSTATE 75); THENCE S 70°20'03" E, ALONG SAID NORTHERLY LIMITED ACCESS R/W, 298.34 FT.; THENCE S 72°37'29" E. ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 628.85 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 622.20 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 52°23'42". A DISTANCE OF 568.98 FT. TO THE P.T. OF SAID CURVE; THENCE N 54°E58'49" E,

ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 351.55 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING RADIUS OF 721.51 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 50°03'07". A DISTANCE OF 632.91 FT. TO THE P.T. OF SAID CURVE, THENCE N 04°55'42" E, ALONG SAID LIMITED ACCESS R/W, 518.38 FT.; THENCE N 00°55'22" E, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4990.44 FT. TO THE P.C. OF A CURVE CONCAVE TO THE WEST. HAVING A RADIUS OF 5530.30 FT.; THENCE RUN NORTHERLY ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°38'59", A DISTANCE OF 450.42 FT. TO THE INTERSECTION WITH THE LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°26'05" W, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1065.82 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 33 S., RANGE 18 E., SAME BEING THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°36'09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1404.27 FT. TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, AFORESAID PUBLIC RECORDS; THENCE S 00°26'58" W, ALONG THE EAST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT.; TO THE SOUTHEAST CORNER OF SAID CERTAIN PARCEL; THENCE N 89°36'09" W, ALONG THE SOUTH LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.00 FT. TO THE SOUTHWEST CORNER OF SAID CERTAIN PARCEL; THENCE N 00°26'58" E, ALONG THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 11, THENCE N 89°35' 09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 660.11 FT. TO THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION11; THENCE S 00°45'32" E. ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 11. A DISTANCE OF 5292.41 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 11, 12, 13 AND 14 MANATEE COUNTY, FLORIDA.

CONTAINING 540.56 ACRES MORE OR LESS

CREEKWOOD-EAST

THAT PART OF SECTIONS 12 AND 13, TOWNSHIP 35 S., RANGE 18 E., LYING EAST OF STATE ROAD NO. 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD NO. 70. LESS LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, 3035 AND OFFICIAL RECORDS BOOK 1145, PAGE 3377, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 01°00'42" W. ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 821.22 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20' 03" W, ALONG SAID NORTHERLY R/W , 1492.94 FT.; THENCE N 33°10'32" W. ALONG SAID NORTHERLY R/W, 83.17 FT.; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W, 70.00 FT.; THENCE S 74°16'39" W. ALONG SAID NORTHERLY R/W, A DISTANCE OF 79.73 FT. FOR A <u>POINT OF BEGINNING</u>: THENCE CONTINUE S 74°16'39" W, ALONG SAID NORTHERLY R/W, 7.01 FT.; THENCE N 70°20'30" W, ALONG SIAD NORTHERLY R/W, A DISTANCE OF 512.00 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD NO. 93 (INTERSTATE 75), AND STATE ROAD NO. 70; THENCE N 60°14'02" W. ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 217.32 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W OF SAID STATE ROAD NO. 93

(INTERSTATE 75), THENCE N 70°20'03" W. ALONG SAID NORTHERLY LIMITED ACCESS R/W, 400.78 FT.; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 493.00 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 216.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 48°55'49", A DISTANCE OF 184.46 FT. TO THE P.T. OF SAID CURVE; THENCE N 17°35'24" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 250.16 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1300.23 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°33'05", A DISTANCE OF 352.91 FT. TO THE P.T. OF SAID CURVE; THENCE N 33°08'29" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 513.14 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1338.39 FT.; THENCE RUN NORTHWESTERLY AND NORTHERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°55'25", A DISTANCE OF 769.08 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°13'03" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4772.30 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 89°26'05" E, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1251.28 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION 12; SAME BEING THE INTERSECTION WITH THE WEST LINE OF A 330.0 FT. WIDE FLORIDA POWER & LIGHT CO. EASEMENT, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 612, PAGE 508, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID WEST LINE, SAME BEING THE WEST LINE OF SAID EAST ½ OF SECTION 12, A DISTANCE OF 2561.96 FT. MORE OR LESS TO THE INTERSECTION WITH THE PHYSICAL CENTERLINE OF A 30.0 FT. WIDE FLORIDA GAS TRANSMISSION COMPANY EASEMENT (FORMERLY KNOWN AS HOUSTON TEXAS GAS & OIL CORPORATION, A DELAWARE CORPORATION) AS DESCRIBED AND RECORDED IN DEED BOOK 399, PAGE 117, AFORESAID PUBLIC RECORDS; THENCE N 59°39'32" E, ALONG SAID PHYSICAL CENTERLINE 63.89 FT.; THENCE N 59°36'32" E, ALONG SAID PHYSICAL CENTERLINE, A DISTANCE OF 316.93 FT. TO THE INTERSECTION WITH THE EAST LINE OF SAID 330.0 FT. WIDE POWER & LIGHT COMPANY EASEMENT, SAME BEING THE WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2932.78 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF SAID EAST ½ OF SECTION 12, SAME BEING THE NORTH LINE OF THE EAST ½ OF SAID SECTION 13; THENCE S 01°10'44" W, ALONG SAID EAST EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2180.91 FT.; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, THE FOLLOWING COURSES AND DISTANCES; N 74°57'17" E, A DISTANCE OF 109.85 FT. TO A POINT ON A CURVE WHOSE RADIUS POINT LIES N 74°57'17" E, 290.00 FT.; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°25'25", A DISTANCE OF 184.36 FT. TO THE P.T. OF SAID CURVE; THENCE S 51°28'08" E, 69.79 FT.; THENCE S 67°12'08" E, 132.97 FT.; THENCE S 76°52'08" E, 119.24 FT.; THENCE N 83°31'52" E, 306.67 FT.; THENCE S 06°28'08" E, 180.22 FT.; THENCE S 19°39'57" W, 360.60 FT. TO THE POINT OF BEGINNING.

CONTAINING 265.86 ACRES MORE OR LESS.

PARCEL "B"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E., THENCE S 01°00'42" W, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 279.10 FT. FOR A POINT OF BEGINNING: THENCE CONTINUE S 01°00'42" W, ALONG SAID EAST LINE OF THE SOUTHEAST 1/4, A DISTANCE OF 542.12 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W

OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W. 1492.94 FT., THENCE N 33°10'32" W, ALONG SAID NORTHERLY R/W 1.61 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL THE FOLLOWING COURSES AND DISTANCES; N 19°39'57" E, 215.12 FT.; THENCE N 83°57'11" E, A DISTANCE OF 410.86 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST. HAVING A RADIUS OF 283.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°37'41", A DISTANCE OF 161.16 FT.; THENCE S 43°52'49" E, 121.17 FT.; THENCE S 10°11'25"E, 72.10 FT.; THENCE S 43°52'49" E, 240.00FT.; THENCE S 34°24'49" E, 88.00 FT.; THENCE N 85°27'11" E. 175.71 FT.; THENCE N 75E17'11" E, 113.23 FT.; THENCE N 34°52'11" E. 120.63 FT.; THENCE S 74°45'26" E, 103.64 FT. TO THE POINT OF BEGINNING.

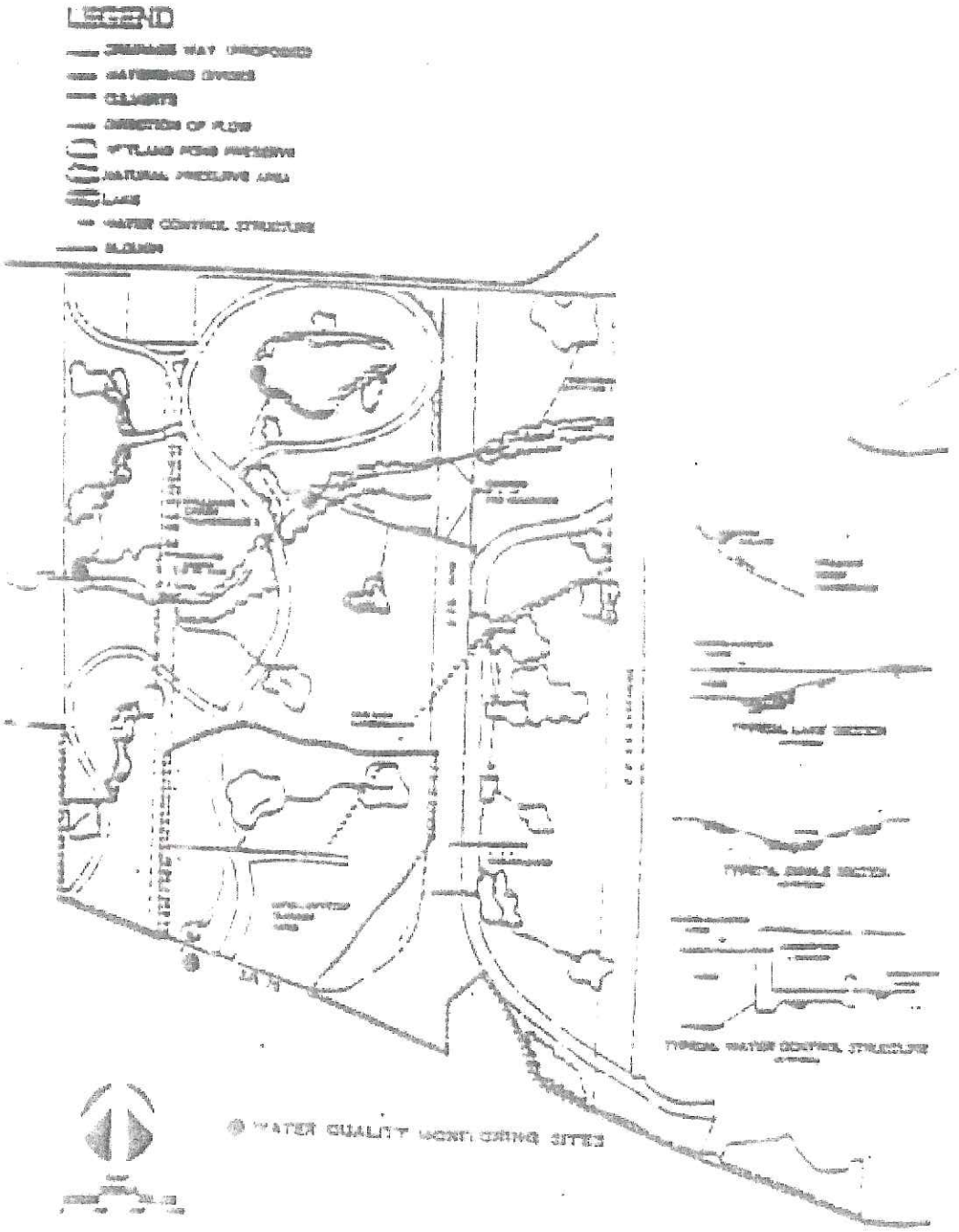
CONTAINING 11.84 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

EXHIBIT B

WATER QUALITY MONITORING SITES

(PREVIOUSLY APPROVED RESOLUTION R-93-25, APPROVED ON APRIL 22, 1993)



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 13TH day of AUGUST, 20 12

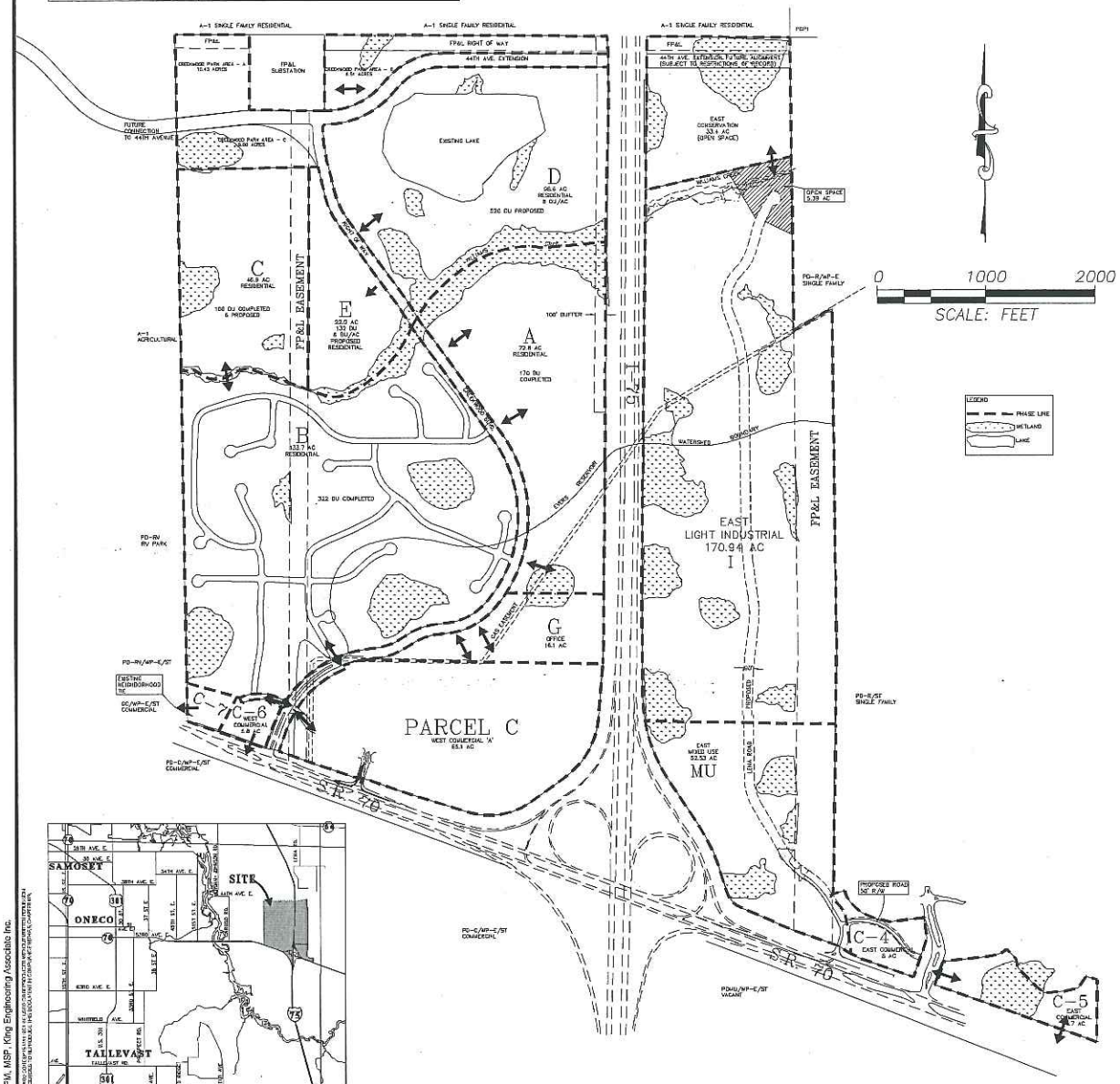
R.B. SHORE
Clerk of Circuit Court

By: Nancy Harris D.C.

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

LAND USE/ACREAGE SUMMARY

LAND USE	ACRES	UNITS/SQUARE FEET
RESIDENTIAL	374	1250
		(592 COMPLETE/658 REMAINING)
INDUSTRIAL	170.94	800,000 SF
COMMERCIAL ONLY (C-6,C-7,C)	71.9	482,000 SF
OFFICE ONLY (G)	16.1	125,000 SF
MIXED NON-RESIDENTAIL (MU,C-4,C-5)	65.73	
COMMERCIAL		121,000 SF
OFFICE		100,000 SF
MINI-WAREHOUSE (ONLY C-5)	6.5	80,000 SF
HOTEL		100 ROOMS(93,000 SF)
ROADS/OPEN SPACE	54.73	
CONSERVATION	33.4	
PARKS	25	
PROJECT TOTAL	818.3	



VICINITY MAP

King ENGINEERING ASSOCIATES, INC.
4921 Memorial Highway
One Memorial Center, Suite 300
Tampa, Florida 33634
Phone 813 880-8881
Fax 813 880-8882
www.kingengineering.com
Engineering License #2610

CREEKWOOD

SECTIONS 11, 12, 12 & 14 TOWNSHIP 35 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

TITLE:

MAP H

JOB NO. 4706-000-000
DATE: 02-27-2012
SCALE: 1"= Mile

O:\Civil\4706\002.000\PLAN\IIING\Map H_2-23-12.dwg , June 25, 2012 2:48 PM, MSP, King Engineering Associate Inc.

#102

MANATEE COUNTY
FLORIDA

February 16, 2012

Darenda Marvin, AICP
Grimes, Goebel, Grimes, Hawkins, Gladfelter & Falvano, P.L.
1023 Manatee Avenue West
Bradenton, Florida 34205

Re: **Creekwood DRI # 13**
Z-84-74(R8)/Ordinance 05-41 (DTS # 20110426)
Request for Extension Pursuant to House Bill 7207 (HB 7207) & FS 252.363 - Tolling & Extension of Permits

Dear Ms. Marvin:

During the 2011 legislative session, the Florida Legislature approved a growth management bill (HB 7207) that included a four year extension, at the option of the developer, of all commencement, phase, buildout and expiration dates for projects that are currently valid Developments of Regional Impact (DRIs) regardless of any previous extensions. The legislation further states that the extension is not a substantial deviation, is not subject to further DRI review, and may not be considered when determining whether a subsequent extension is a substantial deviation. The legislation requires notification in writing to the local government prior to December 31, 2011 in order to receive the extensions.

Also, in 2011 the Florida Legislature authorized the tolling of permits for the duration of a state of emergency declared by the Governor and for an additional six (6) month time period after termination of the emergency. On June 13, 2011, a State of Emergency (Executive Order 11-128) was declared for concerns with wildfires. The State of Emergency initially extended through August 12, 2011. On August 5, 2011, Executive Order Number 11-172 extended the State of Emergency for sixty days from August 5 to October 4, 2011. On October 4, 2011 Executive Order Number 11-202 extended the State of Emergency another thirty days to November 3. The State of Emergency terminated on November 3, 2011. Section 252.363, F.S., allows the developer of the development of regional impact 90 days after the termination of the emergency declaration to notify the local government of their intent to exercise the tolling and extension provided. For the wildfire emergency declarations the deadline for this notification is February 1, 2012. The length of the tolling and the six month extension is 10 months and 21 days (326 days total). This statute allows for the tolling and extension of development of regional impact buildout dates (and other defined permits and development orders) for emergency declarations covering the time period for the declaration and six months following the tolled period.

Building and Development Services Department
Mailing Address: P. O. Box 1000 Street Address: 1112 Manatee Avenue West, Bradenton, FL 34206-1000
WEB: *www.mymanatee.org* * PHONE: 941.748.4501 * FAX: 941.749-3071

LARRY BUSTLE * MICHAEL GALLEN * JOHN R. CHAPPIE * ROBIN DiSABATINO * DONNA HAYES * CAROL WHITMORE * JOE McCLASH
District 1 *District 2* *District 3* *District 4* *District 5* *District 6* *District 7*

You have applied for extensions of your development approvals under HB 7207 and FS 252.363 relative to the Creekwood Development of Regional Impact (DRI). Manatee County has determined that if you make a proper application and meet the other requirements of the law, then the deadlines are extended for the length of the tolling and the six month extension is 10 months and 21 days (326 days total) under FS 252.363 and 4 years under HB 7207. As you have made an application and the development otherwise qualifies, your deadlines for the Creekwood DRI Ordinance 05-41 and its associated Zoning Ordinance/General Development Plan Z-84-76(R8) are eligible for the extension and have been extended as follows, with the dates set forth below reflecting previously approved SB 360, SB 1752, and HB 7207 and F.S. 252.363 extensions:

- The Phase III buildout date currently expires on 12/31/2013. With the additional 4 years under HB 7207 and 10 months and 21 day (326 days total) under the FS 252.363 extension, the buildout date is extended to 11/22/2018.
- The Phase IV buildout date currently expires on 12/31/2014. With the additional 4 years under HB 7207 and 10 months and 21 day (326 days total) under the FS 252.363 extension, the buildout date is extended to 11/22/2019.

Please accept this letter as confirmation of the extension. The phase date extensions reflected above for the Creekwood Development Order and Zoning Ordinance are also hereby confirmed for those corresponding dates shown on the associated Map H and the General Development Plan, respectively. At the next NOPC for your DRI, the development order and zoning ordinance will need to be updated to reflect these new dates. By copy of this letter to the Tampa Bay Regional Planning Agency, I ask them to note these changed dates by placing a copy of this letter in their files. A copy of this letter will also be placed in all our DRI files to document the extensions and all future GDP, NOPC, or Substantial Deviation requests will recognize the extensions.

Please contact me should you have any questions regarding the above information.

Sincerely,

Lisa Barrett
Planning Manager

/sa

cc: John Meyer, Tampa Bay Regional Planning Agency (Email)

#102

MANATEE COUNTY
FLORIDA

March 14, 2011

Edward Vogler
Vogler Ashton
2411-A Manatee Avenue West
Bradenton, Florida 34205

Re: Senate Bill 1752 Extension Request
Creekwood DRI # 13
Z-84-76(R8)/ORD. 05-41(EXT)
DTS #20110020

Dear Mr. Vogler:

You have applied for extensions of your development approvals under SB1752 relative to the Creekwood Development of Regional Impact (DRI). Manatee County has determined that if the original deadlines were within the time period from September 1, 2008 and January 1, 2012 and if you make a proper application and meet the other requirements of the law, then the deadlines are extended for two years under the original SB 360 and an additional two years under SB 1752. As you have made an application and the development otherwise qualifies, your deadlines have been extended as follows, with the dates set forth below reflecting the original SB 360 extension and the SB 1752 additional extension:

- The Buildout date for Phase III currently expires in December 31, 2011. With the two additional two year extension, the Buildout date for Phase III will now have an expiration date of December 31, 2013.
- The Buildout date for Phase IV currently expires in December 31, 2012. With the Senate Bill extensions, the Buildout date for Phase IV will now have an expiration date of December 31, 2014.

Please accept this letter as confirmation of the extension. We have made similar extensions for non-DRI developments and do not want the DRIs to be at any competitive disadvantage. At the next NOPC for your DRI, the Development Order and Zoning Ordinance will need to be updated to reflect these new dates. By copy of this letter to the Tampa Bay Regional Planning Agency, I ask them to note these changed dates by placing a copy of this letter in their files.

Sincerely,

Lisa Barrett

Lisa Barrett
Planning Manager

cc: Avera Wynn, TBRPC
John Meyer, TBRPC
Robert Schmitt, AICP, Manatee County Building and Development Services

Planning Department
Mailing Address: P. O. Box 1000 * Street Address: 1112 Manatee Avenue West, 4th Floor, Bradenton, FL 34206-1000
PHONE: 941.749.3070 * FAX: 941.749.3071
www.mymanatee.org

LARRY BUSTLE * MICHAEL GALLEN * JOHN R. CHAPPIE * ROBIN DiSABATINO * DONNA HAYES * CAROL WHITMORE * JOE McCLASH

MANATEE COUNTY
FLORIDA

January 26, 2010

Darenda Marvin
Grimes, Goebel, Grimes, Hawkins, and Gladfelter, P.A.
1023 Manatee Avenue West
Bradenton, FL 34205

Re: Creekwood DRI – Extension of phase, buildout, and expiration dates

Dear Ms. Marvin:

The request to extend the buildout date for Phase III of Creekwood DRI is hereby granted. Pursuant to Senate Bill 360 the Creekwood DRI (Ordinance 05-41) and its associated Zoning Ordinance/General Development Plan [Z-84-76(R8)] are eligible for a two year extension.

Phase III was granted an extension pursuant to Resolution R-07-249, extending the buildout date from 2006 to 2009. With the Senate Bill 360 extension, we can allow an additional 2 years making the buildout date for Phase III - 2011.

Phase IV does not change.

Please keep a copy of this letter for your records.

If you should have any questions or concerns regarding this matter, please feel free to contact me or Susan Angersoll at (941) 748-4501.

Sincerely,

Lisa Barrett

Lisa Barrett
Principal Planner

cc: Records File
Pete Brignet - Wachovia Bank, NA (Email: Pete.brignet@wachovia.com)
Thomas Sullivan – Lowndes Law Firm (Email: Thomas.sullivan@lowndeslaw.com)
John Meyer, DRI Coordinator, TBRPC (Email: johnm@tbrpc.org)

Planning Department
Mailing Address: P.O. Box 1000 * Street Address: 1112 Manatee Ave. W. 4th Floor. Bradenton, FL 34205
PHONE: 941.749.3070 * FAX: 941.749.3071
www.mymanatee.org

LARRY BUSTLE * DR. GWENDOLYN Y. BROWN * JOHN R. CHAPPIE * RON GETMAN * DONNA G. HAYES * CAROL WHITMORE * JOE MCCLASH
District 1 *District 2* *District 3* *District 4* *District 5* *District 6* *District 7*

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT

"TO SERVE WITH EXCELLENCE"

#102

December 17, 2007

Caleb Grimes, Esc.
Grimes, Goebel, Grimes, Hawkins, and Gladfelter, P.A.
1023 Manatee Avenue West
Bradenton, FL 34205

Re: Creekwood DRI – Extension of phase, buildout, and expiration dates

Dear Mr. Grimes:

During the 2007 legislative session, Section 380.6(19)(c) Florida Statutes was amended to extend all , buildout, and expiration dates for DRI's that were under "active construction" as of July 1, 2007. Manatee County has determined that the Creekwood DRI was under active construction on July 1st.

On October 9, 2007 the Board of County Commissioners adopted Resolution No. R-07-180 to recognize the automatic three-year extensions granted pursuant to the Section 380.06(19)(c) F.S. Accordingly, the following phase, buildout, and expiration dates for DRIs are extended for three years from their stated expiration dates:

A. Development order buildout dates for individual phases which, as of July 1, 2007, had not expired;

B. Site plans for such individual phases which, as of July 1, 2007, had not expired; and

C. Expiration dates, including without limitation expiration dates for certificates of level of service (CLOS) for such individual phases.

Any phase, buildout, or expiration date (including without limitation any CLOS expiration date) for any individual phase of a DRI which has, as of July 1, 2007, expired, shall not be revived and extended, notwithstanding that other phases of such DRI may be subject to a phase, buildout, or expiration date that did not expire as of such date.

The Board also authorized the Planning Department to review all current DRI Development Orders and give notice of the extended dates for the DRI. Copies of this letter and the Resolution No. R-07-180 will be placed in all DRI files to document the extensions and all future NOPC or Substantial Deviation requests will recognize the extensions. The extended dates for the Creekwood DRI are set forth below:

Manatee County Ordinance 05-41 is now amended to read as follows:

SECTION 6. DEVELOPMENT CONDITIONS

PROJECT PHASING AND BUILDOUT CONDITIONS

1. The developer shall comply with the deadlines contained in the revised phasing schedule, listed in Table 1 below:

Table 1 - Phasing by Use

PHASES					
Uses	**Acreage 818.3**	**I, II (Complete)**	**III (1996-2006)***	**IV (2001-~~2009~~ 2012)***	**Total**
RESIDENTIAL	374	592	140	518	1,250
COMMERCIAL [RETAIL AND SERVICE-380.0651(3)(f)]	91.6	455,048	55,000	116,952	627,000
HOTEL [Hotel or motel - 380.0651(3)(g)]	52.53			100 rooms	100 rooms
OFFICE	16.1		60,000	165,000	225,000 *
INDUSTRIAL	170.94		230,000	720,000	950,000
OPEN SPACE (ROADS, RIGHT-OF-WAY, CONSERVATION, PRESERVATION, ETC.)	113.13				

3. The developer must adhere to the following phasing buildout schedule.

Phase I - 1986-1996
Phase II - 1993-2003
Phase III - 1996-2006
Phase IV - 2001-~~2009~~ 2012

Please contact me should you have any questions regarding the above information.

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

#102

RESOLUTION NO. R-07-180

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AUTHORIZING THE EXTENSION OF PHASE, BUILDOUT AND EXPIRATION DATES FOR PROJECTS THAT ARE DEVELOPMENTS OF REGIONAL IMPACT, PURSUANT TO SECTION 380.06(19)(c), FLORIDA STATUTES; AUTHORIZING AND DIRECTING THE PLANNING DIRECTOR TO CARRY OUT NECESSARY ACTIONS; PROVIDING FOR THE EFFECT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County, Florida, pursuant to Part II, Chapter 163, Florida Statutes, and Chapter 380, Florida Statutes, has issued development orders for developments of regional impact ("DRIs") for land development within the unincorporated areas of the County, with such stated expiration dates as are authorized and required pursuant to applicable law; and

WHEREAS, during the 2007 legislative session, the Florida Legislature amended Section 380.06(19)(c), Florida Statutes, to provide that *"In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection";* and

WHEREAS, in order to comply with the amendments to Section 380.06(19)(c), Florida Statutes, the Board wishes to adopt this Resolution to authorize and direct the Planning Director to memorialize such statutory extensions as provided herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. EXTENSION OF PHASE, BUILDOUT AND EXPIRATION DATES FOR DRIS. The Board hereby recognizes the automatic three-year extension granted pursuant to Section 380.06(19)(c), Florida Statutes, for phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007. In order to comply with the letter and intent of such provision, the following phase, buildout, and expiration dates for such DRIs shall be deemed extended by a period of three years from their stated expiration dates:

A. Development order buildout dates for individual phases which, as of July 1, 2007, had not expired;

B. Site plans for such individual phases which, as of July 1, 2007, had not expired; and

R-07-180

C. Expiration dates, including without limitation expiration dates for certificates of level of service (CLOS) for such individual phases.

Any phase, buildout, or expiration date (including without limitation any CLOS expiration date) for any individual phase of a DRI which has, as of July 1, 2007, expired, shall not be revived and extended, notwithstanding that other phases of such DRI may be subject to a phase, buildout, or expiration date that did not expire as of such date.

SECTION 2. EXTENSION OF IMPROVEMENT COMPLETION DEADLINES. Deadlines for completion of individual improvements, or any other deadlines not specifically addressed in Section 1 above, shall be evaluated on a case-by-case basis to determine whether such deadlines should be extended in order to comply with Section 380.06(19)(c), Florida Statutes. An applicant bears the responsibility of identifying any such deadlines that it believes should be extended, and obtaining a written determination from the Planning Department, before any such deadlines should be treated as extended by the applicant.

SECTION 3. DIRECTION TO PLANNING DIRECTOR. The Board hereby authorizes and directs the Planning Director, and such other necessary County officers and staff, subject to and in accordance with the terms and conditions of this Resolution and Section 380.06(19)(c), Florida Statutes, to review existing DRI development orders and related approvals and to provide written notice to applicants of the extensions recognized in to Section 1. The Planning Director is also authorized to consider and act upon requests of DRI applicants for extensions of other deadlines pursuant to Section 2.

SECTION 4. INCORPORATION INTO BOARD APPROVALS. For any DRI affected by this Resolution, the Planning Director shall include in any future ordinance, development order or other approval submitted to the board, language and expiration dates to assure that the Board action provides for the recognition of the extensions provided pursuant to Section 380.06(19)(c), Florida Statutes, as implemented pursuant to this Resolution.

SECTION 5. EFFECT OF RESOLUTION. This Resolution adopted solely for the purpose of implementing the statutory extensions made pursuant to Section 380.06(19)(c), Florida Statutes. Accordingly, this Resolution (a) shall be construed in a manner consistent with the intent of such statutory provision, and (b) shall not be construed to confer extensions or other development rights beyond those authorized and required pursuant to such statutory provision.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

R-07-180

ADOPTED THIS 9TH DAY OF OCTOBER, 2007.

MANATEE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____
Chairman of the Board of County Commissioners

ATTEST:

R.B. SHORE, Clerk of the Circuit Court

By: _____
Deputy Clerk

46

MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT	Resolution No. R-07-180. Statutory extension of DRI phasing, buildout, and expiration dates	**TYPE AGENDA ITEM**	Consent
DATE REQUESTED	October 9, 2007	**DATE SUBMITTED/REVISED**	October 1, 2007
BRIEFINGS? Who?	None Required	**CONSEQUENCES IF DEFERRED**	Delay in notification to applicants and interested parties
DEPARTMENT/DIVISION	Planning/Community Planning	**AUTHORIZED BY TITLE**	Carol B. Clarke, AICP, Planning Director CBC
CONTACT PERSON TELEPHONE/EXTENSION	Robert H. Pederson, Community Planning Administrator. Ext. 6833	**PRESENTER/TITLE TELEPHONE/EXTENSION**	Robert H. Pederson, Community Planning Administrator. Ext. 6833
ADMINISTRATIVE APPROVAL			

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

Adoption of Manatee County Resolution R-07-180 authorizing the Planning Director to review DRI Development Orders and related approvals and to provide written notice to applicants of the extensions authorized by Section 380.06(19)(c), Florida Statutes

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

- Chapter 380.06 Florida Statutes

BACKGROUND/DISCUSSION

- During the 2007 legislative session, Section 380.06(19)(c) was amended to extend all phase, buildout, and expiration dates for DRIs that are under "active construction" on July 1, 2007.
- The amendment was in recognition of the real estate market conditions in Florida.
- The attached Resolution recognizes the automatic 3 years extensions and authorizes the Planning Director to review all current DRI Development Orders and notify the applicants of the extensions and the new phase, buildout, and expiration dates for their DRI.
- Copies of this Resolution will be placed in all DRI files to documents the extensions and all future NOPC or Substantial Deviation requests will recognize the extensions.

COUNTY ATTORNEY REVIEW

Check appropriate box	
☐	REVIEWED Written Comments:

APPROVED IN OPEN SESSION
OCT 0 9 2007
BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

	☐ Attached ☐ Available from Attorney (Attorney's initials: _____)
☐	NOT REVIEWED (No apparent legal issues.)
	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
☒	OTHER The County Attorney's Office prepared the draft Resolution and has reviewed this agenda memorandum

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
• Resolution No. R- 07-180		• Please forward a copy of the adopted Resolution to: County Attorney's Office – Bill Clague Planning Department – Bobbi Roy	
COST:	N/A	SOURCE (ACCT # & NAME):	N/A
COMMENTS:	N/A	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	N/A

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT

"TO SERVE WITH EXCELLENCE"

Certified Mail # 7000 0520 0015 6095 9959

February 8, 2006

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard, Suite 100
Pinellas Park, Florida 33782

Re: Development Order for Creekwood Development of Regional Impact

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 05-41, the DRI Development Order for Creedwood, as adopted in open session by the Manatee County Board of County Commissioners on January 5, 2006 as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

RHP/br
Enlcosure

1112 Manatee Avenue West • Fourth Floor • Bradenton, Florida • Tel. (941) 749-3070

P.O. Box 1000 • Bradenton, Florida 34206-1000

FILED FOR RECORD
R. B. SHORE
2006 FEB -1 AM 10: 23
CLERK OF THE CIRCUIT COURT
MANATEE COUNTY

ORDINANCE 05-41

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE DEVELOPMENT ORDER FOR THE CREEKWOOD DEVELOPMENT OF REGIONAL IMPACT (MANATEE COUNTY DRI 13, A/K/A TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI 102) (RESOLUTION R-85-219, AS AMENDED BY RESOLUTION R-86-112, R-93-25, ORDINANCE 98-49, ORDINANCE 00-07, ORDINANCE 04-28); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, CREEKWOOD, INVESTORS, LTD., hereinafter referred to as "CREEKWOOD", proposed a Development of Regional Impact (DRI) for a mixed-use development located in Manatee County; and

WHEREAS, on October 22, 1985, Manatee County adopted Resolution R-85-219 granting Creekwood a DRI Development Order; and

WHEREAS, on May 20, 1986, Manatee County approved Resolution R-86-112 amending Resolution R-85-219 by deleting two hundred and forty (240) plus or minus acres from the approved Creekwood DRI Development Order; and

WHEREAS, on April 22, 1993, Manatee County approved Resolution R-93-25 amending Resolution R-86-112 by approving amendments to Map H, extending the build out date, and other various changes; and

WHEREAS, on December 15, 1998, Manatee County approved Ordinance 98-49 amending Resolution R-93-25 increasing the commercial uses by 69,500 square feet and land area by 2.3 acres, changing the land use designation for Parcels C-1 and C-2 from Highway Tourist Oriented at General Commercial to General Commercial, and combining Parcels C-1, C-2, and O-1 into a redesignated Parcel C; and

WHEREAS, on March 28, 2002, Manatee County approved Ordinance 00-07 amending Ordinance 98-49 to amend Phase IV of the Project Phasing Conditions to delete 25,000 square feet of office space and add 25,000 square feet of commercial space on Parcel C, modify the Project Phasing Deadlines to reflect current development approvals and schedules for the balance of approved development for this DRI, amend General Condition 17 requiring all Site Plans to comply with the 1990 Land Development Code; and other various changes; and

WHEREAS, on April 14, 2005, Creekwood filed a Notice of Proposed Change to the approved Development Order with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the described project lies within the unincorporated area of Manatee County, a political subdivision of the State of Florida; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the Planning Commission has reviewed the application of the Notice of Proposed Change and has filed a recommendation on this application with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners of Manatee County on November 3, 2005, held a duly noticed public hearing on application for the Notice of Proposed Change, and has solicited, received, and considered reports, comments, and recommendations from interested citizens, county and city agencies, the applicant, the Tampa Bay Regional Planning Council, the Department of Community Affairs, as well as the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 3rd DAY OF NOVEMBER, 2005 AS FOLLOWS:

SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI 13, ORDINANCE 04-28.

The previous development order for Creekwood, which was adopted on October 22, 1985, and all subsequent amendments are replaced in their entirety, provided this amendment shall not be construed to terminate the rights of the developer, if any, granted under Section 163.3167(8) Florida Statutes, to the extent such rights have previously been granted and not specifically herein or otherwise modified or amended.

SECTION 2. FINDINGS OF FACT

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of approved Map H, the recommendation and findings of the Planning Commission of Manatee County, 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 recommendation of the Manatee County Planning Commission concerning the Notice of Proposed Change to the DRI as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners held a public hearing on January 5, 2006 regarding the Notice of Proposed Change to the DRI described herein, in accordance with the requirements of Manatee County Ordinance 90-01, as amended (the Manatee County Land Development Code) and Ordinance 89-01,

as amended (the 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the Public Hearing.

C. The proposed change to the DRI regarding the property described in Exhibit "A" is found to be consistent with the requirements of Manatee County Ordinance 89-01, as amended (the 2020 Manatee County Comprehensive Plan), provided it proceeds in accordance with the Development Conditions specified herein.

D. The real property, which is the subject of this Development Order, is legally described as set forth in Exhibit "A" of this Development Order.

E. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

F. The authorized agent for the Project is Grimes, Goebel, Grimes, Hawkins, and Gladfelter, P.A., and their address is 1023 Manatee Avenue West, Bradenton, Florida 34205.

G. The owner of the property is Creekwood Investors, Ltd., Professional Place LLC.

H. A comprehensive review of the impacts generated by the Development has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, TBRPC, and the Department of Community Affairs (DCA).

I. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

SECTION 3. CONCLUSIONS OF LAW

Based upon the previous findings of fact and the following conditions of the Development Order, the Board of County Commissioners of Manatee County concluded that:

A. The Project is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP) the Tampa Bay Regional Planning Council's Future of the Region, A Strategic Regional Policy Plan, and Ordinance 89-01, as amended (The 2020 Manatee County Comprehensive Plan, as amended).

B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

C. That the review by the County, TBRPC, other participating agencies, and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order.

D. That the changes proposed by this amendment to Ordinance 04-28 as described in Section 4 and which were requested in the Notice of Proposed Change along with the previous changes to the DRI cumulatively do not constitute a Substantial Deviation.

SECTION 4. AMENDMENTS TO APPROVED DEVELOPMENT

The application for a Notice of Proposed Change to the Creekwood DRI is hereby approved, amending the previous Development Order and its amendments in their entirety, subject to the conditions listed herein, to allow the following changes in the plan of development:

1. Modify Map H and the Project Phasing Table to reduce, add, and redistribute approved development as follows:
   A. Decrease residential units from 1,617 to 1,250;
   B. Increase office square footage from 160,000 to 225,000;
   C. Transfer 6 residential units from Phases I and II ;
   D. Delete the footnote under Table 1 requiring Preliminary Site Plans be submitted 18 months prior to the build out date.
2. Update and modify the Project Phasing Table to:
   A. Transfer 6 residential units from Phases I and II to Phase IV (a 13-year extension to buildout; 18-year cumulative extension);
3. Amend the Development Order to update terminology and departmental references; and other changes for internal consistency, including recodification of the existing development order; and
4. Amend Map H to reflect the above changes.

SECTION 5. DEVELOPMENT COMPONENTS

Approval of this ordinance authorizes development of the following land uses, when developed in conjunction with the terms of this ordinance, and any applicable local, regional, state, or federal regulations.

A. 1,250 dwelling units

B. 627,000 square feet of commercial

C. 950,000 square feet of industrial

D. 225,000 square feet of office

E. 100 room hotel (93,000 square feet)

SECTION 6. DEVELOPMENT CONDITIONS

PROJECT PHASING AND BUILDOUT CONDITIONS

1. The developer shall comply with the deadlines contained in the revised phasing schedule, listed in Table 1 below:

Table 1 - Phasing by Use

PHASES					
Uses	**Acreage 818.3**	**I, II (Complete)**	**III (1996-2006)***	**IV (2001-2009)***	**Total**
RESIDENTIAL	374	592	140	518	1,250
COMMERCIAL **[RETAIL AND SERVICE-380.0651(3)(f)]**	91.6	455,048	55,000	116,952	627,000
HOTEL **[Hotel or motel - 380.0651(3)(g)]**	52.53			100 rooms	100 rooms
OFFICE	16.1		60,000	165,000	225,000*
INDUSTRIAL	170.94		230,000	720,000	950,000
OPEN SPACE (ROADS, RIGHT-OF-WAY, CONSERVATION, PRESERVATION, ETC.)	113.13				

* Office space may include up to 85,000 square feet of medical office.

2. The developer shall submit a revised transportation analysis with any request for project extension. The Manatee County Board of County Commissioners shall review this analysis and determine whether or not the requested extension constitutes a Substantial Deviation pursuant to Section 380.06 Florida Statutes.

3. The developer must adhere to the following phasing buildout schedule.

   Phase I - 1986-1996
   Phase II - 1993-2003
   Phase III - 1996-2006
   Phase IV - 2001-2009

4. Preliminary Site Plans shall be valid for a maximum period of three (3) years. Final Site Plans shall be valid for a maximum period of three (3) years, however, not to exceed the end of the phase for which development is proposed as described in the phasing build out schedule.

LAND USE CONDITIONS

1 Development within the Evers Reservoir Watershed shall be restricted to a maximum density of five dwelling units per acre. Maximum density for all other parcels shall be as noted on the General Development Plan.

2. At the time of Preliminary Site Plan submittal, the applicant shall demonstrate compliance with the requirements of the Planned Development District in effect at that time including, but not limited to, such concerns as Entranceway requirements, aesthetic appearance from State Road 70 (S.R. 70) and Interstate 75 (I-75), ample provision for open space, adequate restrictions to prohibit unsightly vehicles, trash, etc., and a maintenance program which assures that an attractive appearance will be maintained.

3. Light manufacturing, industrial service establishments, wholesale trade establishments, research and development activities, warehouse, mini-warehouse, heavy printing, and ancillary office use are permitted uses proposed within Parcel I. Construction service establishment (with no retail and rental sales) is allowed on the east side of Lena Road only. Industrial uses to be constructed within the Evers Reservoir Watershed Protection Overlay District, must employ Best Possible Technology so that such uses will not be contrary to the public health, safety, and welfare. Best Possible Technology shall be in accordance with the laws in effect at the time of Preliminary Site Plan approval and shall be shown on the plan or plat for consideration and approval.

4. All buildings, parking, and service areas within Parcels MU and I shall maintain a minimum setback of 100 feet from S.R. 70 and I-75. All trash and garbage receptacles that are visible from S.R. 70, I-75, 54th Drive East, and adjacent residential shall be screened with materials similar to the adjacent building facade. All truck loading, service areas, outside storage, and parking of heavy equipment, semi-trucks or trailers or other vehicles over 1-1/2 tons shall be located at the non-street side of the building when adjacent to I-75, and S.R. 70, unless they are not visible from a height of five (5) feet at the edge of pavement of said street, to be determined at time of Certificate of Occupancy.

5. The Developer shall provide a 20-foot wide greenway adjacent to one side of the right of way for Lena Road, from S.R. 70 to the northern terminus of Lena Road. Within this greenway, the Developer shall install a ten foot wide paved bicycle and pedestrian path.

6. The developer shall be allowed to construct a total of 1,250 dwelling units. Dwellings shall be constructed in accordance with the density approved for each specific parcel in the revised Map H.

BUFFER CONDITIONS

1. (Reserved)

2. a. A building setback of at least fifty (50) feet shall be provided west of and adjacent to the existing power line easement traversing Parcels MU & I). Native trees lying within shall not be removed. Trees of a native species shall be planted within 20 feet of the FP&L line where the base of trees closer than twenty-five (25) feet apart do not already exist. In addition, the screening buffers required between zoning district boundaries by the Land Development Code shall be required, except for the requirements for trees if more stringent within this stipulation. These plantings shall occur prior to a certificate of occupancy for each lot and they shall meet the minimum standards of the Land Development Code.

   b. A 50-foot wide roadway buffer shall be required along east side of I-75.

   c. Buildings on the east side Lena Road in Parcel I shall be located on the western two-thirds of the lots.

3. Residential

   a. The 100-foot wide roadway buffer along the west side of I-75 shall be provided. Additionally, the depth, design, and location of landscaped buffers will be determined when a Preliminary Site Plan is submitted for approval. Continued maintenance of these buffers shall be assured through appropriate measures such as covenants and deed restrictions.

   b. Prior to Final Site Plan approval a noise analysis shall be done based on the potential 10 lane configuration of I-75 and anticipated traffic in 2025.

Manatee County noise level criteria for residential properties

MANATEE COUNTY NOISE STIPULATION*
No residential dwelling units shall be allowed in areas where the exterior noise level is; Ldn > 65 dBA.: Leq design hour > 65 dBA: or L10 design Hour > 68 dBA Unless protected by some performance equivalent measure to achieve; Ldn # 65 dBA, Leq design hour # 65 dBA, or L10 design Hour # 68 dBA
NOISE REDUCTION REQUIRED*
Sound attenuating barriers should be provided between the residential units and the noise source. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source.

* For more detailed information see "The Noise Guidebook – A reference document for implementing the Department of Housing and Urban Development's Noise Policy", prepared by The Environmental Planning Division, Office of Environment and Energy.

ENVIRONMENTAL CONDITIONS

1. At the time of the first Preliminary Site Plan submittal, a Master Drainage Plan for the entire development, including a demonstration that the effect the proposed altering and deepening of existing wetlands will have on their ability to filter surface water and percolating groundwater will be acceptable, shall be submitted. This Master Drainage Plan, though 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. (Completed)

2. Stormwater management system design for that portion of the development lying within the Evers Reservoir Watershed shall meet or exceed any requirements of the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as may be amended. This shall not be interpreted to mean that the developer is required to retrofit any approved and existing stormwater systems which do not meet this requirement.

3. In conjunction with the submittal of the first Preliminary Site Plan, a demonstration of compliance with the Watershed Protection, Special Treatment, and Agricultural Fringe Overlay zones shall be submitted. As required by the Special Treatment District, the Board of County Commissioners must make a determination prior to construction that "Best Possible Technology" is being employed prior to construction. (Completed)

4. The Stormwater Maintenance Plan, submitted with the first Preliminary Plan, shall be designed using accepted best management practices to provide a natural hydroperiod within each wetland. Isolated wetlands shall, where practical, be incorporated into the stormwater system. Construction and post-construction monitoring of surface and groundwater quality and quantity shall be outlined and implemented; included in this plan shall also be the design and execution of a maintenance program to ensure the adequate functioning of the system beyond project build out. The stormwater management system shall be designed with enough flexibility to allow for hydroperiod refinement, as needed.

5. All jurisdictional wetlands and streams shall be preserved physically and functionally. The only exception may be those areas in which appropriate environmental permits and local approvals are obtained.

   All development shall comply with the wetland policies of the Comprehensive Plan and the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired.

6. The Preliminary Site Plan, as submitted by phase, shall specifically also outline which and how much of each vegetation association is being preserved. Every effort shall be made by the developer and any future developers of this property to preserve a diverse range of the existing wildlife habitat. These preserve areas should be as large as possible and should be located adjacent to wetlands or a different upland community type.

7. Wetlands on the project site shall be preserved consistent with Map F-1 on page 44 of the ADA additional information response and with s.2.7 of the Council's adopted Future of the Region. In addition, the wetland on Parcel C-5 shall be preserved.

8. Representative tracts of all major upland vegetative communities shall be preserved in their natural state to serve as conservation/recreation areas.

9. The wind and soil erosion controls including sodding, hydroseeding, mulching and bare soil wetting, committed to by the developer in the ADA, shall be required.

WATER QUALITY CONDITIONS

1. To assure water quality is maintained:

   a. The developer shall institute a program to provide a body of initial baseline water quality data before any significant groundbreaking takes place, as well as institute a bi-annual on-going monitoring program through project build-out. Sampling stations shall be at the sampling sites shown in "Exhibit B" (attached to Resolution R-93-25).

      Sampling should be taken on a cresting hydrograph and should occur immediately after a one-inch storm event, and after a dry period, during both the rainy season (June-September) and the dry season (November-February). Significant water quality parameters should include, but not be limited to, the following:

      - streamflow (cu. ft./sec.);
      - turbidity (ntu);
      - specific conductance (umho/cm at 25 deg. C);
      - dissolved oxygen (mg/l);
      - biochemical oxygen demand (mg/l);
      - pH;
      - total orthophosphate as P (m/l);
      - total organic nitrogen as N (mg/l);
      - total organic carbon as C (mg/l);
      - total coliforms, multiple tube method, MPN (col/100 ml):
      - total lead as Pb (ug/l; and
      - temperature (deg. C).

      All water quality methods and procedures shall be thoroughly documented and should comply with EPA/DEP Quality Control standards and should be submitted to Manatee County Planning Department, Manatee County Environmental Management Department, and TBRPC.

   b. The developer shall provide baseline water-level contour maps for the unconfined aquifer on the Creekwood site, to reflect conditions present during both the wet season (June-September) and the dry season (November-February). In addition, the developer shall provide for review annually updated ground water contour maps as described above; until the project reaches completion.

2. In order to protect water quality, the following parameters shall be included in the project drainage plan.

   a. The developer shall submit for approval a wetland-lake management plan, to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:

- proposed wetland/lake alterations;
- control of exotic species;
- control of on-site water quality
- maintenance of natural hydroperiod; and
- methods for wetland restoration/enhancement.

b. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment for the first inch of runoff generated from the site during the 25-year, 24-hour design storm; and that maximum post-development shall not exceed pre-development flows for the same design storm.

c. The proposed retention/detention wetland systems shall be designed to be consistent with the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC 1978). The design criteria of this system should include the following elements:

(1) A minimum of 15 but no more than 50 percent of the surface area of the detention pond at the normal water level (NWL) shall consist of a shallow vegetated littoral shelf.

(2) The littoral shelf shall be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf shall be established on a shallow submerged island in the middle of the pond.

(3) A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.

(4) The littoral shelf, if located along the pond bank, shall have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.

(5) The littoral shelf shall be vegetated with a diverse group of native species which can include Sagittaria, pickerel-weed, Juncus, water lilies, cypress, etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more "natural" appearance.

(6) A copy of an operation and maintenance (O & M) schedule shall be provided to the owner, and be submitted to TBRPC with the annual report. The O & M schedule should include an estimation of the frequency of sediment removal operations and should mention the periodic need for removing dead vegetation.

HAZARDOUS WASTE CONDITIONS

1. Prior to the construction of industrial facilities, hazardous waste storage and disposal plans, including transportation of wastes, shall be provided and approved.

2. The developer shall provide separate hazardous waste storage containers/areas within the project prior to or concurrent with the certificate of occupancy for the first business within the project. These containers/areas shall be accessible to all project businesses and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials. Such containers shall also be designed to prevent unauthorized use or entry. The hazardous waste storage containers/areas shall be allowed to be located within the Evers Reservoir Watershed Overlay District until such time as the first industrial use outside of the Evers Reservoir Watershed Overlay District is constructed, at which time the storage containers/areas shall be relocated outside of the Evers Reservoir Watershed Overlay District.

   The developer shall provide to all Creekwood businesses information that:

   a. Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designed containers; and

   b. Indicates the location of the specially-designed hazardous waste and materials containers; and

   c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

   The developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

ARCHAEOLOGICAL CONDITION

1. At the time a Preliminary Site Plan for the specific areas referenced in the May 24, 1984 letter from the State Division of Archives, History and Records Management is submitted, the developer must show the location of all archaeological and historic sites identified by a systematic, professional archaeological and historic survey. If any sites exist, the ones which are significant must be protected and preserved.

PARKS AND RECREATION CONDITIONS

1. Implementation of the bike/pedestrian path shall be required as committed in the ADA, unless more restrictive conditions have been placed on the development in this order.

2. Development plans shall assure adequate buffering between the industrial, office, commercial, and residential designations of this development through appropriate measures such as covenants and deed restrictions.

3. Assignment of specific responsibility for open spaces shall be made at the time of Final Plat submittal, unless no plat is required, then it shall be required at time of Final Site Plan submittal.

4. The 25-acre park located in the northwest quadrant of the project as shown on Revised Map H shall be deeded to the County by the Developer upon request of the County. The County shall utilize said acreage for public park purposes. The Developer shall be entitled to impact fee credit as set forth in Section 806.4.1 of the Land Development Code, as may be amended. (Completed)

   If the County desires to develop the park prior to the Developer extending Creekwood Boulevard from the southern boundary of Williams Creek north, the County may construct that portion of Creekwood Boulevard necessary to access the park. The Developer shall provide Manatee County with sufficient right-of-way for said construction. If Manatee County undertakes construction of any portion of the roadway, Manatee County shall obtain all necessary permits including any wetland impact permits required for said construction. The Developer shall have the right to review construction plans prior to commencement of construction to determine compatibility with its development plans including, but not limited to, provision of sufficient curb cuts to access development parcels. The road will be constructed to County standards. If the County constructs the road described in this paragraph, and the road is of a type not eligible for impact fee credits pursuant to Section 806.4 of the Land Development Code, then the developer shall reimburse the county for the cost of construction. Reimbursement shall be required in conjunction with Final Site Plan or Final Plat approval for development of the parcels adjacent to that portion of the road which the county constructs. If the road is eligible for impact fee credit and the county constructs the roadway, the developer will not be entitled to reimbursement. The Developer shall have the right to relocate the right-of-way or constructed roads at its expense.

PUBLIC SAFETY CONDITIONS

1. Creekwood shall contribute a pro-rata share of the cost of constructing a fire station on the Tara public service site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)

2. Creekwood shall contribute a pro-rata share of the cost to construct and equip the Sheriff Department's portion of the Public Services Building on the Tara Public Site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)

3. The use of street names for the main entrance roads to both the residential and industrial portion of the project may be allowed. The entrance road to the residential portion of the project shall be allowed as a designation of Creekwood Boulevard and the entrance road to the industrial portion of the project may be allowed to be named as a boulevard at a later time. All other streets within the project shall be numbered in accordance with the revised county grid system, unless street names are allowed by the Board of County Commissioners for those other streets at a later time.

TRANSPORTATION CONDITIONS

1. Improvements shall be required to the project entrances on S.R. 70 and to the intersection of S.R. 70 and I-75. Such improvements shall include, but not be limited to, left turn storage lanes, signalization, ramp improvements and additional through lanes. The extent and timing of improvements required shall be determined by the County Transportation Authority with the review of an updated traffic analysis for each increment of development.

2. Developer shall provide for a 120-foot wide right-of-way for 44th Avenue East (Cortez Road Extended) through the project. Two lanes of this roadway shall be constructed through the project by the developer with development of parcels adjacent thereto. Sufficient right-of-way to construct the bridge approach shall be dedicated, but the developer shall not be responsible for constructing the bridge over I-75 as an on-site transportation improvement. The developer shall enter into an agreement with the County to either oversize the internal stormwater pond system to be constructed on Parcel D or reserve capacity in the existing stormwater pond system to accept stormwater from the future 44th Avenue extension. The agreement must be entered into prior to Preliminary Site Plan approval for Parcel D.

3. Construction of approximately 1,600 feet of 44th Avenue East, from the west property boundary west to the existing pavement by the developer, to a two-lane section, including payment for acquisition of necessary right of way, shall be required prior to Final Plat approval of the 101st dwelling unit north of Williams Creek. The primary entrance road (Creekwood Boulevard) to the residential portion of the project shall connect to 44th Avenue at the time of construction of the extension of 44th Avenue, mentioned herein. Manatee County shall cooperate with Creekwood in the condemnation of any land necessary to meet this requirement.

4. A cross access easement between Parcels C-6 and C-7 and the Campbell Commercial Center to the west shall be recorded and this roadway connection shall be constructed or bonded prior to the next Certificate of Occupancy for Parcels C-6 or C-7. This cross access easement shall be located within 50 feet of the northern right-of-way of S.R. 70 at the western property line of Parcel C-7

and shall be extended eastward to the northern-most driveway on Creekwood Boulevard in Parcel C-6. (Completed)

5. The proposed entrance onto S.R. 70 at the southwest corner of the development shall be relocated eastward to facilitate the frontage road from the Campbell Commercial Center and to avoid conflict with regard to intersection function. (Completed)

6. The intersections of any driveway (including the frontage road) with the project entrance boulevard onto S.R. 70 shall be located as far from S.R. 70 right-of-way as necessary to avoid conflict with regard to intersection function. (Completed)

7. All roads shown on the General Development Plan, including required stub-outs to the property boundary shall be dedicated to Manatee County with adequate rights-of-way as determined by the Transportation Department.

8. The need for wider internal roads or potential changes in their proposed alignment shall be addressed at the time of Preliminary Site Plan submittal.

9. The proposed owner's association documents shall contain a provision requiring the occupants of the Parcel I to coordinate shift changes to reduce peak hour traffic.

10. In accordance with the Traffic Element of the Manatee County Comprehensive Plan, adopted level of service as of the effective date of this ordinance, as determined by the procedures reported in the Highway Capacity Manual (HCM) 2000 and using the most recent version of the Highway Capacity Software (HCS), or most current HCM manual and HCS software, and in accordance with guidelines and conclusions acceptable to the County, Tampa Bay Regional Planning Council, and the Department of Community Affairs shall be maintained on all of the following thoroughfares which have been identified by the Tampa Bay Regional Planning Council as receiving from Creekwood, five percent (5%) or more of daily Level of Service "C" capacity:

    a. University Parkway from Lockwood Ridge Road to I-75

    b. S.R. 70 from U.S. 41 to I-75

    c. Lockwood Ridge Road from University Parkway to S.R. 70

    d. S.R. 64 from Morgan Johnson Road to I-75

    e. I-75 from University Parkway to S.R. 70

    f. S.R. 780 from Honore Avenue to I-75

    g. Intersection of S.R. 70 and S.R. 683

h. Intersection of S.R. 70 and 45th Street East

i. Intersection of S.R. 70 and Caruso Road

j. Intersection of S.R. 70 and U.S. 301

k. Intersection of S.R. 64 and Morgan Johnson Road

l. Intersection of S.R. 70 and the Project Entrances

m. Intersection of S.R. 70 and I-75

n. Intersection of S.R. 70 and U.S. 41

o. S.R. 70 from I-75 to Lorraine Road

No plat or site plan shall receive approval if the approval of such increment of development would generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other development approvals, and other circumstance 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 these road links and intersections to a daily level below the adopted level of service as of the effective date of this ordinance. S.R. 70 shall maintain an acceptable Level of Service. Each request for plat or site plan approval must be accompanied by a traffic study prepared or provided in this paragraph. Level of Service on the above referenced links and intersections shall be verified as part of each annual report as required by Chapter 380.06(16) Florida Statutes. If any traffic study required above for any increment of development shows that the project will contribute more than ten percent (10%) of the Level of Service C capacity of S.R. 70 between S.R. 683 (15th Street East) and U.S. 301, then that increment of development shall not be approved unless the improvements necessary to achieve the adopted level of service on that segment under construction.

This stipulation shall not be construed as diminishing any rights to credits for improvements paid for by the developer pursuant to this stipulation that would be available under Stipulation 14 of the general conditions contained herein.

11. Access to the project shall be as shown on the Revised Map H.

12. A cross-access easement shall be provided between Residential Parcels C and E. The location shall be approved by the Planning and Transportation Departments prior to or concurrent with the Preliminary Site Plan, for Parcel E.

OFF SITE FACILITY DEVELOPMENT FEE CONDITIONS

1. The developer, its successors, and assigns shall be bound by any and all impact fee ordinance(s) in effect at the time of building permit issuance. Impact fees shall be collected by Manatee County unless provisions have been made for another entity to collect all or part of the fees.

GENERAL CONDITIONS

1. The developer shall demonstrate the availability of adequate service/capability to provide, wastewater treatment, solid waste disposal, electricity, police, fire, and EMS service with each Preliminary Site Plan submittal,.

2. All structures shall meet at a minimum the building requirements of the Southern Standard Building Code, as amended.

3. The developer shall satisfy county requirements regarding the provision of EMS and police services to this portion of the County.

4. The energy conservation measures referenced in the ADA shall be required as a condition of approval.

5. Implementation of the bike/pedestrian path shall be required as committed in the ADA.

6. 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 General Development Plan approval, except as modified by the stipulations, conditions, and requirements set forth herein or in the approval of the ADA, or set forth in subsequent DRI or local approvals required for this development.

7. 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.

8. The matters addressed herein, as well as additional matters that are appropriate to consider at later stages of review, may be reflected in additional or more detailed stipulations, conditions, and requirements to be formulated and applied at later stages of review of this project under local procedures.

9. 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, and by reference to the record of the hearings before these bodies.

10. 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 and by any subsequently established stipulations.

11. Nothing herein shall be construed as authorizing any use of the property other than as described in the General Development Plan 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.

12. 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 reflects 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.

13. 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.

14. In the event the County or other government entity with jurisdiction in the matter establishes 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 reductions in developer's obligations as set forth herein shall be considered and should be reflected in stipulations made a part of subsequent approvals.

15. The developer and any successors in interest shall submit annual DRI reports in accordance with Section 380.06(16), Florida Statutes, to Manatee County, the TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on (October 22, 1985) and each year 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 the Manatee County Planning Department who shall

be responsible for assuring the developments compliance with this order, to this end the Director shall review the report for compliance with the terms and conditions of this Order. Should the director decide that further orders and conditions are necessary to ensure compliance with the terms and conditions of this Order, he shall submit the report to the Manatee County Board of County Commissioners. 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(16), Florida Statutes;

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. Undeveloped tracts of land that have been sold to a separate entity or developer and the identify of that purchaser, together with a statement listing the names and addresses of any heir, assignee, or successor in interest to this Order;

f. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the DRI site since the Order was issued;

g. An assessment of the Developer's and local government's compliance with conditions of approval contained in the Order;

h. Any requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

j. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer, pursuant to Subsection 380.06(14)(d), Florida Statutes.

k. Failure to file an annual report as provided within shall suspend any further development.

16. All references made in Ordinance 05-41 to a conceptual development plan shall hereinafter refer to revised Map H, as amended herein.

17. All Preliminary and Final Site Plans shall comply with the requirements of the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired.

18. The Developer shall include in each Notice to Buyer for any property sold east of I-75 within the DRI boundaries, a statement that the use of the two hundred forty (240) plus or minus acres excluded from the Creekwood, Ltd. Development of Regional Impact approval is for a County owned treatment facility that may include spray irrigation.

19. If the Development Order is appealed by the DCA, the Developer shall pay all costs and fees of County staff and attorneys that the County is required to expend related to said appeal. Said costs and fees shall be paid at the rate of the processing fee for Development of Regional Impacts under the current Planning Department fee schedules. Payment of all billings by the Developer related to such reasonable fees and costs shall be paid within 45 days of the submittal of an invoice, except those fees in dispute and under review or appeal. If the Development Order is appealed by DCA, and Manatee County chooses to pursue the appeal over the objections of the Developer, the Developer shall not be responsible for costs incurred subsequent to the Developer's objection.

SECTION 7. LEGAL DESCRIPTION

Development of Creekwood shall be restricted to the 818.26 acres owned by the Developer and described by the legal description included as Exhibit "A" attached to, and made a part of, this Development Order.

SECTION 8. GENERAL

1. This Ordinance 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 CREEKWOOD.

   b. The Application for a Notice of Proposed Change.

SECTION 9. RESTRICTIONS ON DOWN-ZONING

The County may not down-zone or reduce the intensity or unit density permitted by this Order prior to September 16, 2007, unless the County can demonstrate that:

(a) Substantial changes in the conditions underlying the approval of the Order have occurred; or

(b) The Order was based upon substantially inaccurate information provided by the Developer; or

(c) The change is clearly established by the County to be essential for the public health, safety, or welfare.

Any down-zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Order.

The inclusion of this Section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density or intensity of the Project, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes.

SECTION 10. BINDING ORDER UPON DEVELOPER

This Development Order shall be binding upon the Developer.

SECTION 11. DEADLINE FOR COMMENCEMENT OF CONSTRUCTION

Physical development of the Project* shall commence within three years of the effective date of this Ordinance unless the time period for commencement is extended by the Board of County Commissioners (Development has commenced). If more than three years shall elapse between approval of this order and commencement of actual development, or if construction of a phase is not begun or completed by the time frame contained in Section 6. above, 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 the Land Development Code and may, at its option, rescind any and all approvals granted herein, including the Certificate of Level of Service. Any delay in construction commencement shall not be deemed to extend any time frame for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 12. RENDITION

The Planning Department is hereby directed to send certified copies of this Order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the TBRPC.

SECTION 13. NOTICE OF RECORDING

The Developer shall record a notice of adoption of this Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 14. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Development Order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, and to this end the provisions of this Ordinance are declared severable, but all remaining provisions and portions of this Development Order shall remain in full force and effect.

SECTION 15. EFFECTIVE DATE

This Ordinance, 05-41 shall become effective upon the filing of a certified copy of the executed ordinance with the Department of State; provided, however, that the filing of a notice of appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 04-28 during the pendency of any appeal.

ADOPTED AND APPROVED with a quorum present and voting this 5th, day of January, 2006.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Joe McClash
Chairman

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

BY: Susan Moore
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO. FLA.

EXHIBIT A

LEGAL DESCRIPTION FOR REVISED CREEKWOOD

CREEKWOOD

THE EAST ½ OF SECTION 11, TOWNSHIP 35, RANGE 18 E., LESS THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.
ALSO:
THAT PART OF SECTION 12., TOWNSHIP 35., RANGE 18E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75).
ALSO:
THAT PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD NO. 70
ALSO:
THAT PART OF SECTION 13, TOWNSHIP 35 S,. RANGE 18 E,. LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75), AND NORTH OF STATE ROAD NO. 70.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A LITERWOOD POST FOUND MARKING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., SAME BEING THE SOUTHWEST CORNER OF THE EAST ½ OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E., FOR A POINT OF BEGINNING: THENCE S 00°43'18" E, ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF SECTION 14, A DISTANCE OF 193.63 FT. TO THE NORTHEAST CORNER OF "CAMPBELL COMMERCIAL SUBDIVISION" AS RECORDED IN PLAT BOOK 23, PAGES 141 AND 142, AFORESAID PUBLIC RECORDS: THENCE CONTINUE S 00°43'10" E, ALONG THE EAST LINE OF SAID "CAMPBELL COMMERCIAL SUBDIVISION", SAME BEING THE OCCUPIED WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 513.00 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13160-2503; THENCE S 70°20'03" E, ALONG SAID NORTHERLY R/W, A DISTANCE OF 7.83 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17120.74 FT.; THENCE RUN SOUTHEASTERLY, ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 339.93 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17256.74 FT.; THENCE RUN SOUTHEASTERLY ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 342.63 FT. TO THE P.T. OF SAID CURVE; THENCE S 70°20' 03" E. ALONG SAID NORTHERLY R/W, A DISTANCE OF 35.37 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD NO. 93 (INTERSTATE 75), AND SAID STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE S 80°04'21" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 82.10 FT.; THENCE S 70°20'03" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 400.14 FT.; THENCE S 73°01'06" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 100.26 FT.; THENCE S 70°20'03" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 218.97 FT.; THENCE S 78°46'36" E, ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 136.27 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W, OF SAID STATE ROAD NO. 93 (INTERSTATE 75); THENCE S 70°20'03" E, ALONG SAID NORTHERLY LIMITED ACCESS R/W, 298.34 FT.; THENCE S 72°37'29" E. ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 628.85 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 622.20 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 52°23'42". A DISTANCE OF 568.98 FT. TO THE P.T. OF SAID CURVE; THENCE N 54°E58'49" E,

ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 351.55 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING RADIUS OF 721.51 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 50°03'07". A DISTANCE OF 632.91 FT. TO THE P.T. OF SAID CURVE, THENCE N 04°55'42" E, ALONG SAID LIMITED ACCESS R/W, 518.38 FT.; THENCE N 00°55'22" E, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4990.44 FT. TO THE P.C. OF A CURVE CONCAVE TO THE WEST. HAVING A RADIUS OF 5530.30 FT.; THENCE RUN NORTHERLY ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°38'59", A DISTANCE OF 450.42 FT. TO THE INTERSECTION WITH THE LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°26'05" W, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1065.82 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 33 S., RANGE 18 E., SAME BEING THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°36'09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1404.27 FT. TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, AFORESAID PUBLIC RECORDS; THENCE S 00°26'58" W, ALONG THE EAST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT.; TO THE SOUTHEAST CORNER OF SAID CERTAIN PARCEL; THENCE N 89°36'09" W, ALONG THE SOUTH LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.00 FT. TO THE SOUTHWEST CORNER OF SAID CERTAIN PARCEL; THENCE N 00°26'58" E, ALONG THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 11, THENCE N 89°35' 09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 660.11 FT. TO THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION11; THENCE S 00°45'32" E. ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 11. A DISTANCE OF 5292.41 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 11, 12, 13 AND 14 MANATEE COUNTY, FLORIDA.

CONTAINING 540.56 ACRES MORE OR LESS

CREEKWOOD-EAST

THAT PART OF SECTIONS 12 AND 13, TOWNSHIP 35 S., RANGE 18 E., LYING EAST OF STATE ROAD NO. 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD NO. 70. LESS LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, 3035 AND OFFICIAL RECORDS BOOK 1145, PAGE 3377, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 01°00'42" W. ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 821.22 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20' 03" W, ALONG SAID NORTHERLY R/W , 1492.94 FT.; THENCE N 33°10'32" W. ALONG SAID NORTHERLY R/W, 83.17 FT.; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W, 70.00 FT.; THENCE S 74°16'39" W. ALONG SAID NORTHERLY R/W, A DISTANCE OF 79.73 FT. FOR A <u>POINT OF BEGINNING</u>: THENCE CONTINUE S 74°16'39" W, ALONG SAID NORTHERLY R/W, 7.01 FT.; THENCE N 70°20'30" W, ALONG SIAD NORTHERLY R/W, A DISTANCE OF 512.00 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD NO. 93 (INTERSTATE 75), AND STATE ROAD NO. 70; THENCE N 60°14'02" W. ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 217.32 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W OF SAID STATE ROAD NO. 93

(INTERSTATE 75), THENCE N 70°20'03" W. ALONG SAID NORTHERLY LIMITED ACCESS R/W, 400.78 FT.; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 493.00 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 216.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 48°55'49", A DISTANCE OF 184.46 FT. TO THE P.T. OF SAID CURVE; THENCE N 17°35'24" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 250.16 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1300.23 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°33'05", A DISTANCE OF 352.91 FT. TO THE P.T. OF SAID CURVE; THENCE N 33°08'29" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 513.14 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1338.39 FT.; THENCE RUN NORTHWESTERLY AND NORTHERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°55'25", A DISTANCE OF 769.08 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°13'03" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4772.30 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 89°26'05" E, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1251.28 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION 12; SAME BEING THE INTERSECTION WITH THE WEST LINE OF A 330.0 FT. WIDE FLORIDA POWER & LIGHT CO. EASEMENT, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 612, PAGE 508, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID WEST LINE, SAME BEING THE WEST LINE OF SAID EAST ½ OF SECTION 12, A DISTANCE OF 2561.96 FT. MORE OR LESS TO THE INTERSECTION WITH THE PHYSICAL CENTERLINE OF A 30.0 FT. WIDE FLORIDA GAS TRANSMISSION COMPANY EASEMENT (FORMERLY KNOWN AS HOUSTON TEXAS GAS & OIL CORPORATION, A DELAWARE CORPORATION) AS DESCRIBED AND RECORDED IN DEED BOOK 399, PAGE 117, AFORESAID PUBLIC RECORDS; THENCE N 59°39'32" E, ALONG SAID PHYSICAL CENTERLINE 63.89 FT.; THENCE N 59°36'32" E, ALONG SAID PHYSICAL CENTERLINE, A DISTANCE OF 316.93 FT. TO THE INTERSECTION WITH THE EAST LINE OF SAID 330.0 FT. WIDE POWER & LIGHT COMPANY EASEMENT, SAME BEING THE WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2932.78 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF SAID EAST ½ OF SECTION 12, SAME BEING THE NORTH LINE OF THE EAST ½ OF SAID SECTION 13; THENCE S 01°10'44" W, ALONG SAID EAST EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2180.91 FT.; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, THE FOLLOWING COURSES AND DISTANCES; N 74°57'17" E, A DISTANCE OF 109.85 FT. TO A POINT ON A CURVE WHOSE RADIUS POINT LIES N 74°57'17" E, 290.00 FT.; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°25'25", A DISTANCE OF 184.36 FT. TO THE P.T. OF SAID CURVE; THENCE S 51°28'08" E, 69.79 FT.; THENCE S 67°12'08" E, 132.97 FT.; THENCE S 76°52'08" E, 119.24 FT.; THENCE N 83°31'52" E, 306.67 FT.; THENCE S 06°28'08" E, 180.22 FT.; THENCE S 19°39'57" W, 360.60 FT. TO THE POINT OF BEGINNING.

CONTAINING 265.86 ACRES MORE OR LESS.

PARCEL "B"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E., THENCE S 01°00'42" W, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 279.10 FT. FOR A <u>POINT OF BEGINNING</u>: THENCE CONTINUE S 01°00'42" W, ALONG SAID EAST LINE OF THE SOUTHEAST 1/4, A DISTANCE OF 542.12 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W

OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W. 1492.94 FT., THENCE N 33°10'32" W, ALONG SAID NORTHERLY R/W 1.61 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL THE FOLLOWING COURSES AND DISTANCES; N 19°39'57" E, 215.12 FT.; THENCE N 83°57'11" E, A DISTANCE OF 410.86 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST. HAVING A RADIUS OF 283.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°37'41", A DISTANCE OF 161.16 FT.; THENCE S 43°52'49" E, 121.17 FT.; THENCE S 10°11'25"E, 72.10 FT.; THENCE S 43°52'49" E, 240.00FT.; THENCE S 34°24'49" E, 88.00 FT.; THENCE N 85°27'11" E. 175.71 FT.; THENCE N 75E17'11" E, 113.23 FT.; THENCE N 34°52'11" E. 120.63 FT.; THENCE S 74°45'26" E, 103.64 FT. TO THE POINT OF BEGINNING.

CONTAINING 11.84 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

EXHIBIT B

IS NOT ATTACHED BUT IS ON FILE AT THE CLERK'S OFFICE AS AN ATTACHMENT TO THE PREVIOUSLY APPROVED RESOLUTION R-93-25, APPROVED ON APRIL 22, 1993.

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 20th day of January, 2006
R.B. SHORE
Clerk of Circuit Court
By Acevedo D.C.

RECEIVED
FEB 13 2006
Tampa Bay Regional
Planning Council

BOARD OF COUNTY COMMISSIONERS
SEAL
MANATEE CO., FLA.

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 8th day of February, 20 06

R.B. SHORE
Clerk of Circuit Court

By: Robin Liberty D.C.

#102

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT

"TO SERVE WITH EXCELLENCE"

Certified mail # 7000 0600 0024 5577 2184

January 26, 2004

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Development Order for Creekwood Investors, Ltd.

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 04-28, the Development Order for Creekwood Investors, Ltd., as adopted in open session by the Manatee County Board of County Commissioners on January 6, 2004, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Adminstrator

RHP/ks
Enlcosure

1112 Manatee Avenue West • Fourth Floor • Bradenton, Florida • Tel. (941) 749-3070

P.O. Box 1000 • Bradenton, Florida 34206-1000

FILED FOR RECORD
R. B. SHORE
2004 JAN 23 AM 8:
CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

ORDINANCE 04-28

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, GRANTING AMENDMENTS TO ORDINANCE 98-49, THE DEVELOPMENT ORDER FOR THE CREEKWOOD DEVELOPMENT OF REGIONAL IMPACT (MANATEE COUNTY DRI #13, A/K/A TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI # 102); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, CREEKWOOD, INVESTORS, LTD., hereinafter referred to as "CREEKWOOD", proposed a Development of Regional Impact (DRI) for a mixed-use development located in Manatee County; and

WHEREAS, on October 22, 1985 Manatee County adopted Resolution R-85-219 granting Creekwood a DRI Development Order; and

WHEREAS, on May 20, 1986 Manatee County approved Resolution R-86-112 amending Resolution R-85-219 by deleting two hundred and forty (240) plus or minus acres from the approved Creekwood DRI Development Order; and

WHEREAS, on April 22, 1993 Manatee County approved Resolution R-93-25 amending Resolution R-86-112 by approving amendments to Map H, extending the build out date, and other various changes; and

WHEREAS, on December 15, 1998 Manatee County approved Ordinance 98-49 amending Resolution R-93-25 increasing the commercial uses by 69,500 square feet and land area by 2.3 acres, changing the land use designation for Parcels C-1 and C-2 from "Highway Tourist Oriented" General Commercial to General Commercial, and combining Parcels C-1, C-2, and O-1 into a redesignated Parcel C; and

WHEREAS, on March 28, 2002 Manatee County approved Ordinance 00-07 amending Ordinance 98-49 to amend Phase IV of the Project Phasing Conditions to delete 25,000 square feet of office space and add 25,000 square feet of commercial space on Parcel C, modify the Project Phasing Deadlines to reflect current development approvals and schedules for the balance of approved development for this DRI, amend General Condition #17 requiring all Site Plans to comply with the 1990 Land Development Code; and other various changes; and

WHEREAS, on August 23, 2002 Creekwood filed a Notice of Proposed Change to the approved Development Order with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the described project lies within the unincorporated area of Manatee County, a political subdivision of the State of Florida; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the Planning Commission has reviewed the application of the Notice of Proposed Change and has filed a recommendation on said application with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners of Manatee County on January 28, 2003, February 25, 2003, April 22, 2003, May 20, 2003, July 22, 2003, August 26, 2003, September 23, 2003, October 7, 2003, November 4, 2003, December 16, 2003, and January 6, 2004 held a duly noticed public hearing on application for the Notice of Proposed Change, and has solicited, received, and considered reports, comments, and recommendations from interested citizens, county and city agencies, the applicant, the Tampa Bay Regional Planning Council, the Department of Community Affairs, as well as the review and report of the Manatee County Planning Department.

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

SECTION 1. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO.13, ORDINANCE 04-28.

The previous development order for Creekwood, which was adopted on October 22, 1985, and all subsequent amendments are replaced in their entirety, provided this amendment shall not be construed to terminate the rights of the developer, if any, granted under Section 163.3167(8) Florida Statutes, to the extent such rights have previously been granted and not specifically herein or otherwise modified or amended.

SECTION 2. FINDINGS OF FACT

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of approved Map H, the recommendation and findings of the Planning Commission of Manatee County, 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 recommendation of the Manatee County Planning Commission concerning the Notice of Proposed Change to the DRI as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners held a public hearing on January 28, 2003, February 25, 2003, April 22, 2003, May 20, 2003, July 22, 2003, August 26, 2003, September 23, 2003, October 7, 2003, November 4, 2003, December 16, 2003, and January 6, 2004 regarding the Notice of Proposed Change to the DRI described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (the Manatee County Land Development Code) and Ordinance No. 89-01, as amended (the 2020 Manatee County Comprehensive Plan) and has

further considered the testimony, comments, and information received at the Public Hearing.

C. The proposed change to the DRI regarding the property described in Exhibit "A" is found to be consistent with the requirements of Manatee County Ordinance 89-01, as amended (the 2020 Manatee County Comprehensive Plan), provided it proceeds in accordance with the Development Conditions specified herein.

D. The real property, which is the subject of this Development Order, is legally described as set forth in Exhibit "A" of this Development Order.

E. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

F. The authorized agent for the Project is Grimes Goebel Grimes Hawkins and Gladfelter, P.A., and their address is 1023 Manatee Avenue West, Bradenton, Florida 34205.

G. The owner of the property is Creekwood Investors, Ltd and Creekwood East Corporate Park, L.L.C.

H. A comprehensive review of the impacts generated by the Development has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, TBRPC, and the Department of Community Affairs (DCA).

I. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

SECTION 3. CONCLUSIONS OF LAW

Based upon the previous findings of fact and the following conditions of the Development Order, the Board of County Commissioners of Manatee County concluded that:

A. The Project is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP) the Tampa Bay Regional Planning Council's Future of the Region, A Strategic Regional Policy Plan, and Ordinance 89-01, as amended (The 2020 Manatee County Comprehensive Plan, as amended).

B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

C. That the review by the County, TBRPC, other participating agencies, and interested citizens reveals that impacts of the development are adequately

addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order.

D. That the changes proposed by the amendment to Ordinance 00-07 as described in Section 4 and which were requested in the Notice of Proposed Change along with the previous changes to the DRI cumulatively do not constitute a Substantial Deviation.

SECTION 4. AMENDMENTS TO APPROVED DEVELOPMENT

The application for a Notice of Proposed Change to the Creekwood DRI is hereby approved, amending the previous Development Order and its amendments in their entirety, subject to the conditions listed herein, to allow the following changes in the plan of development:

1. Redesignate parcel identifications on Map H;
2. Modify Map H to add an additional roadway connection to the west boundary of Creekwood (which may be the alignment for the required extension of 44th Avenue East);
3. Modify Map H and the Project Phasing Table to eliminate and redistribute approved development as follows:
   A. Reduce the industrial land use category by 782,000 square feet, from 2,000,000 to 1,218,000 square feet.
   B. Clarify that the remaining 1,218,000 square feet approved in the industrial land use category is to be allocated as follows:
      - 950,000 square feet for industrial use;
      - 198,000 square feet for limited commercial use, pursuant to Land Use Condition 3;
      - 70,000 square feet for office use.
   C. Clarify that the 200,000 square feet of the limited commercial use approved in the industrial use category, pursuant to Land Use Condition 3, is to be allocated as follows:
      - 93,000 square feet for a 100 room hotel;
      - 100,000 square feet for commercial use;
      - 5,000 square feet in Parcel C-4 (increasing the commercial square footage allowed in this parcel from 20,000 to 25,000 square feet);
      - Allow for the transfer of commercial and office square footage from Parcel MU to Parcels C-4 and C-5.
   D. Modify uses as follows:
      - Expand the range of commercial uses permitted for the building area on the east side of I-75; and
      - Expand the range of industrial uses permitted in Parcel I.
   E. Eliminate 8,000 square feet of office space from Parcel C and transfer the remaining 30,000 square feet of office space in Parcel C to the east side of I-75 to the newly designated Parcel MU;
   F. Decrease residential development from 2,305 to 1,617 units;
4. Delete the deadline dates to submit Preliminary Site Plans and tie the Project Phasing Table to buildout dates only;

5. Update and modify the Project Phasing Table to:
   A. Recognize completed development;
   B. Transfer 8,700 square feet of industrial use from Phase 2 to Phase 3 (3 year extension to buildout; 10 year cumulative extension);
   C. Transfer 22,900 square feet of commercial use from Phase 1 to Phase 3 (6 year extension to buildout; 15 year cumulative extension);
   D. Transfer 32,100 square feet of commercial use from Phase 2 to Phase 3 (3 year extension to buildout; 10 year cumulative extension);
   E. Transfer 90,000 square feet of commercial use from Phase 2 to Phase 4 (6 year extension to buildout; 13 year cumulative extension);
   F. Transfer 95,000 square feet of commercial space (250 room hotel) from Phase 2 to Phase 4 (6 year extension to buildout; 13 year cumulative extension);
   G. Transfer 21,000 square feet of office use from Phase 2 to Phase 3 (3 year extension to buildout; 10 year cumulative extension);
   H. Transfer 66,000 square feet of office use from Phase 2 to Phase 4 (6 year extension to buildout; 13 year cumulative extension);
6. Amend Land Use Condition 3 to clarify the uses permitted in the industrial parcel;
7. Delete Land Use Condition 5 which requires a linear park in the industrial component of this development;
8. Delete Parks and Recreation Condition 1 requiring all parks within the development to be open for employees who work in the non-residential component of the project;
9. Amend Parks and Recreation Condition 4, which addresses the responsible entity for maintenance of open space;
10. Delete Transportation Condition 8 which requires a road stub-out be provided to the eastern boundary of Creekwood to connect with the residential parcel (Rosedale) to the east;
11. Amend the Development Order to update terminology and departmental references; and other changes for internal consistency; and
12. Modify General Condition 15 to allow biennial rather than annual DRI reports in accordance with Section 380.06(18), of the Florida Statutes; and,
13. Amend Map H to reflect the above changes.

SECTION 5. DEVELOPMENT COMPONENTS

Approval of this ordinance authorizes development of the following land uses, when developed in conjunction with the terms of this ordinance, and any applicable local, regional, state, or federal regulations.

A. 1,617 dwelling units

B. 627,000 square feet of commercial

C. 950,000 square feet of industrial

D. 160,000 square feet of office

E. 100 room hotel (93,000 square feet)

SECTION 6. DEVELOPMENT CONDITIONS

PROJECT PHASING AND BUILDOUT CONDITIONS

1. The developer shall comply with the deadlines contained in the revised phasing schedule, listed in Table 1 below:

Table 1 - Phasing by Use

	PHASES				
Uses	Acreage 818.3	I, II (Complete)	III (1996-2006)*	IV (2001-2009)*	Total
RESIDENTIAL	374	598	507	512	1,617
COMMERCIAL [RETAIL AND SERVICE-380.0651(3)(f)]	91.6	455,048	55,000	116,952	627,000
HOTEL [Hotel or motel - 380.0651(3)(g)]	52.53			100 rooms	100 rooms
OFFICE	16.1		60,000	100,000	160,000
INDUSTRIAL	170.94		230,000	720,000	950,000
OPEN SPACE (ROADS, RIGHT-OF-WAY, CONSERVATION, PRESERVATION, ETC.)	113.13				

*Dates are reflective of Buildout Dates contained below within this Development Order. Preliminary Site Plans shall be submitted eighteen (18) months prior to such buildout date.

2. The developer shall submit a revised transportation analysis with any request for project extension. The Manatee County Board of County Commissioners shall review this analysis and determine whether or not the requested extension constitutes a Substantial Deviation pursuant to Section 380.06 Florida Statutes.

3. The developer must adhere to the following phasing buildout schedule.

Phase I	1986-1996
Phase II	1993-2003
Phase III	1996-2006
Phase IV	2001-2009

4. Preliminary Site Plans shall be valid for a maximum period of three (3) years. Final Site Plans shall be valid for a maximum period of three (3) years, however, not to exceed the end of the phase for which development is proposed as described in the phasing build out schedule.

LAND USE CONDITIONS

1. Development within the Evers Reservoir Watershed shall be restricted to a maximum density of five dwelling units per acre. Maximum density for all other parcels shall be as noted on the General Development Plan.

2. At the time of Preliminary Site Plan submittal, the applicant shall demonstrate compliance with the requirements of the Planned Development District in effect at that time including, but not limited to, such concerns as Entranceway requirements, aesthetic appearance from State Road 70 and Interstate 75, ample provision for open space, adequate restrictions to prohibit unsightly vehicles, trash, etc., and a maintenance program which assures that an attractive appearance will be maintained.

3. Light manufacturing, industrial service establishments, wholesale trade establishments, research and development activities, warehouse, mini-warehouse, heavy printing, and ancillary office use are permitted uses proposed within Parcel I. Construction service establishment (with no retail and rental sales) is allowed on the east side of Lena Road only. Industrial uses to be constructed within the Evers Reservoir Watershed Protection Overlay District, must employ Best Possible Technology so that such uses will not be contrary to the public health, safety, and welfare. Best Possible Technology shall be in accordance with the laws in effect at the time of Preliminary Site Plan approval and shall be shown on the plan or plat for consideration and approval.

4. All buildings, parking, and service areas within Parcels MU and I shall maintain a minimum setback of 100 feet from State Road 70 and Interstate 75. All trash and garbage receptacles that are visible from State Road 70, I-75, 54th Drive East, and adjacent residential shall be screened with materials similar to the adjacent building facade. All truck loading, service areas, outside storage, and parking of heavy equipment, semi-trucks or trailers or other vehicles over 1-1/2 tons shall be located at the non-street side of the building when adjacent to Interstate 75, and State Road 70, unless they are not visible from a height of five (5) feet at the edge of pavement of said street, to be determined at time of Certificate of Occupancy.

5. The Developer shall provide a 20 foot wide greenway adjacent to one side of the right of way for Lena Road, from State Road 70 to the northern terminus of Lena Road. Within this greenway, the Developer shall install a ten foot wide paved bicycle and pedestrian path.

6. The developer shall be allowed to construct a total of 1,617 dwelling units. Dwellings shall be constructed in accordance with the density approved for each specific parcel in the revised Map H.

BUFFER CONDITIONS

1. (Reserved)

2. a. A building setback of at least fifty (50) feet shall be provided west of and adjacent to the existing power line easement traversing Parcels MU & I). Native trees lying within shall not be removed. Trees of a native species shall be planted within 20 feet of the FP&L line where the base of trees closer than twenty-five (25) feet apart do not already exist. In addition, the screening buffers required between zoning district boundaries by the Land Development Code shall be required, except for the requirements for trees if more stringent within this stipulation. These plantings shall occur prior to a certificate of occupancy for each lot and they shall meet the minimum standards of the Land Development Code.

   b. A 50 foot wide roadway buffer shall be required along east side of I-75.

   c. Buildings on the east side Lena Road In Parcel I shall be located on the western 2/3rd of the lots.

3. Residential

   a. The 100 foot wide roadway buffer along the west side of I-75 shall be provided. Additionally, the depth, design, and location of landscaped buffers will be determined when a Preliminary Site Plan is submitted for approval. Continued maintenance of these buffers shall be assured through appropriate measures such as covenants and deed restrictions.

   b. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 60 dBA range. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls, and significant landscape buffering should be provided between the residential units and the noise source.

      Additionally, residential units constructed within noise level contours in excess of the L10 65 contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table on Pg. 21). The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval.

ENVIRONMENTAL CONDITIONS

1. At the time of the first Preliminary Site Plan submittal, a Master Drainage Plan for the entire development, including a demonstration that the effect the proposed altering and deepening of existing wetlands will have on their ability to filter surface water and percolating groundwater will be acceptable, shall be submitted. This Master Drainage Plan, though 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. (Completed)

2. Stormwater management system design for that portion of the development lying within the Evers Reservoir Watershed shall meet or exceed any requirements of the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as may be amended. This shall not be interpreted to mean that the developer is required to retrofit any approved and existing stormwater systems which do not meet this requirement.

3. In conjunction with the submittal of the first Preliminary Site Plan, a demonstration of compliance with the Watershed Protection, Special Treatment, and Agricultural Fringe Overlay zones shall be submitted. As required by the Special Treatment District, the Board of County Commissioners must make a determination prior to construction that "Best Possible Technology" is being employed prior to construction.(Completed)

4. The Stormwater Maintenance Plan, submitted with the first Preliminary Plan, shall be designed using accepted best management practices to provide a natural hydroperiod within each wetland. Isolated wetlands shall, where practical, be incorporated into the stormwater system. Construction and post-construction monitoring of surface and groundwater quality and quantity shall be outlined and implemented; included in this plan shall also be the design and execution of a maintenance program to ensure the adequate functioning of the system beyond project build out. The stormwater management system shall be designed with enough flexibility to allow for hydroperiod refinement, as needed.

5. All jurisdictional wetlands and streams shall be preserved physically and functionally. The only exception may be those areas in which appropriate environmental permits and local approvals are obtained.

   All development shall comply with the wetland policies of the Comprehensive Plan and the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired. Site plans submitted for Parcel E is exempt from meeting the requirements of Policy 3.3.1.5. However, all Preliminary Site Plans which are submitted for Parcel E after September 16, 2004 or Final Site Plans submitted after September 16, 2005 shall comply with the wetland policies of the Comprehensive Plan and the

1990 Land Development Code, as amended. Until such time, Parcel E shall,at a minimum:

Provide that a conservation easement, 25 feet wide shall be dedicated to the County from the most landward extent of any post development jurisdictional wetland including Williams Creek. A 15 foot setback shall be required between the upland edge of the buffer and adjacent structures.

6. The Preliminary Site Plan, as submitted by phase, shall specifically also outline which and how much of each vegetation association is being preserved. Every effort shall be made by the developer and any future developers of this property to preserve a diverse range of the existing wildlife habitat. These preserve areas should be as large as possible and should be located adjacent to wetlands or a different upland community type.

7. Wetlands on the project site shall be preserved consistent with Map F-1 on page 44 of the ADA additional information response and with s.2.7 of the Council's adopted Future of the Region. In addition, the wetland on Parcel C-5 shall be preserved.

8. Representative tracts of all major upland vegetative communities shall be preserved in their natural state to serve as conservation/recreation areas.

9. The wind and soil erosion controls including sodding, hydroseeding, mulching and bare soil wetting, committed to by the developer in the ADA, shall be required.

WATER QUALITY CONDITIONS

1. To assure water quality is maintained:

   a. The developer shall institute a program to provide a body of initial baseline water quality data before any significant groundbreaking takes place, as well as institute a bi-annual on-going monitoring program through project build-out. Sampling stations shall be at the sampling sites shown in "Exhibit B" (attached to Resolution R-93-25).

      Sampling should be taken on a cresting hydrograph and should occur immediately after a one-inch storm event, and after a dry period, during both the rainy season (June-September) and the dry season (November-February). Significant water quality parameters should include, but not be limited to, the following:

      - streamflow (cu. ft./sec.);
      - turbidity (ntu);
      - specific conductance (umho/cm at 25 deg. C);
      - dissolved oxygen (mg/l);
      - biochemical oxygen demand (mg/l);
      - pH;
      - total orthophosphate as P (m/l);

- total organic nitrogen as N (mg/l);
- total organic carbon as C (mg/l);
- total coliforms, multiple tube method, MPN (col/100 ml):
- total lead as Pb (ug/l; and
- temperature (deg. C).

All water quality methods and procedures shall be thoroughly documented and should comply with EPA/DEP Quality Control standards and should be submitted to Manatee County Planning Department, Manatee County Environmental Management Department, and TBRPC.

b. The developer shall provide baseline water-level contour maps for the unconfined aquifer on the Creekwood site, to reflect conditions present during both the wet season (June-September) and the dry season (November-February). In addition, the developer shall provide for review annually updated ground water contour maps as described above; until the project reaches completion.

2. In order to protect water quality, the following parameters shall be included in the project drainage plan.

a. The developer shall submit for approval a wetland-lake management plan, to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
- proposed wetland/lake alterations;
- control of exotic species;
- control of on-site water quality
- maintenance of natural hydroperiod; and
- methods for wetland restoration/enhancement.

b. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment for the first 1" of runoff generated from the site during the 25-year, 24-hour design storm; and that maximum post-development shall not exceed pre-development flows for the same design storm.

c. The proposed retention/detention wetland systems shall be designed to be consistent with the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC 1978). The design criteria of this system should include the following elements:

(1) A minimum of 15 but no more than 50 percent of the surface area of the detention pond at the normal water level (NWL) shall consist of a shallow vegetated littoral shelf.

(2) The littoral shelf shall be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the

stormwater. As an alternative, the littoral shelf shall be established on a shallow submerged island in the middle of the pond.

(3) A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.

(4) The littoral shelf, if located along the pond bank, shall have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.

(5) The littoral shelf shall be vegetated with a diverse group of native species which can include Sagittaria, pickerel-weed, Juncus, water lilies, cypress, etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more "natural" appearance.

(6) A copy of an operation and maintenance (O & M) schedule shall be provided to the owner, and be submitted to TBRPC with the annual report. The O & M schedule should include an estimation of the frequency of sediment removal operations and should mention the periodic need for removing dead vegetation.

HAZARDOUS WASTE CONDITIONS

1. Prior to the construction of industrial facilities, hazardous waste storage and disposal plans, including transportation of wastes, shall be provided and approved.

2. The developer shall provide separate hazardous waste storage containers/areas within the project prior to or concurrent with the certificate of occupancy for the first business within the project. These containers/areas shall be accessible to all project businesses and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials. Such containers shall also be designed to prevent unauthorized use or entry. The hazardous waste storage containers/areas shall be allowed to be located within the Evers Reservoir Watershed Overlay District until such time as the first industrial use outside of the Evers Reservoir Watershed Overlay District is constructed, at which time the storage containers/areas shall be relocated outside of the Evers Reservoir Watershed Overlay District.

   The developer shall provide to all Creekwood businesses information that:

   a. Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designed containers; and

   b. Indicates the location of the specially-designed hazardous waste and materials containers; and

c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

The developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

ARCHAEOLOGICAL CONDITION

1. At the time a Preliminary Site Plan for the specific areas referenced in the May 24, 1984 letter from the State Division of Archives, History and Records Management is submitted, the developer must show the location of all archaeological and historic sites identified by a systematic, professional archaeological and historic survey. If any sites exist, the ones which are significant must be protected and preserved.

PARKS AND RECREATION CONDITIONS

1. Implementation of the bike/pedestrian path shall be required as committed in the ADA, unless more restrictive conditions have been placed on the development in this order.

2. Development plans shall assure adequate buffering between the industrial, office, commercial, and residential designations of this development through appropriate measures such as covenants and deed restrictions.

3. Assignment of specific responsibility for open spaces shall be made at the time of Final Plat submittal, unless no plat is required, then it shall be required at time of Final Site Plan submittal.

4. The 25 acre park located in the northwest quadrant of the project as shown on Revised Map H shall be deeded to the County by the Developer upon request of the County. The County shall utilize said acreage for public park purposes. The Developer shall be entitled to impact fee credit as set forth in Section 806.4.1 of the Land Development Code, as may be amended.

   If the County desires to develop the park prior to the Developer extending Creekwood Boulevard from the southern boundary of Williams Creek north, the County may construct that portion of Creekwood Boulevard necessary to access the park. The Developer shall provide Manatee County with sufficient right-of-way for said construction. If Manatee County undertakes construction of any portion of the roadway, Manatee County shall obtain all necessary permits including any wetland impact permits required for said construction. The Developer shall have the right to review construction plans prior to commencement of construction to determine compatibility with its development plans including, but not limited to, provision of sufficient curb cuts to access development parcels. The road will be constructed to County standards. If the County constructs the road described in this paragraph, and the road is of a type not eligible for impact fee credits pursuant to Section 806.4 of the Land Development Code, then the developer shall reimburse the county for the cost of construction. Reimbursement shall be required in conjunction with Final

Site Plan or Final Plat approval for development of the parcels adjacent to that portion of the road which the county constructs. If the road is eligible for impact fee credit and the county constructs the roadway, the developer will not be entitled to reimbursement. The Developer shall have the right to relocate the right-of-way or constructed roads at its expense.

PUBLIC SAFETY CONDITIONS

1. Creekwood shall contribute a pro-rata share of the cost of constructing a fire station on the Tara public service site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)

2. Creekwood shall contribute a pro-rata share of the cost to construct and equip the Sheriff Department's portion of the Public Services Building on the Tara Public Site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)

3. The use of street names for the main entrance roads to both the residential and industrial portion of the project may be allowed. The entrance road to the residential portion of the project shall be allowed as a designation of Creekwood Boulevard and the entrance road to the industrial portion of the project may be allowed to be named as a boulevard at a later time. All other streets within the project shall be numbered in accordance with the revised county grid system, unless street names are allowed by the Board of County Commissioners for those other streets at a later time.

TRANSPORTATION CONDITIONS

1. Improvements shall be required to the project entrances on State Road 70 and to the intersection of State Road 70 and I-75. Such improvements shall include, but not be limited to, left turn storage lanes, signalization, ramp improvements and additional through lanes. The extent and timing of improvements required shall be determined by the County Transportation Authority with the review of an updated traffic analysis for each increment of development.

2. Developer shall provide for a 120 foot wide right-of-way for 44th Avenue East (Cortez Road Extended) through the project. Two lanes of this roadway shall be constructed through the project by the developer with development of parcels adjacent thereto. Sufficient right-of-way to construct the bridge approach shall be dedicated, but the developer shall not be responsible for constructing the bridge over I-75 as an on-site transportation improvement.

3. Construction of approximately 1,600 feet of 44th Avenue East, from the west property boundary west to the existing pavement by the developer, to a two-lane section, including payment for acquisition of necessary right of way, shall be required prior to Final Plat approval of the 101st dwelling unit north of Williams Creek. The primary entrance road (Creekwood Boulevard) to the residential portion

of the project shall connect to 44th Avenue at the time of construction of the extension of 44th Avenue, mentioned herein. Manatee County shall cooperate with Creekwood in the condemnation of any land necessary to meet this requirement.

4. A cross access easement between Parcels C-6 and C-7 and the Campbell Commercial Center to the west shall be recorded and this roadway connection shall be constructed or bonded prior to the next Certificate of Occupancy for Parcels C-6 or C-7. This cross access easement shall be located within 50 feet of the northern right-of-way of State Road 70 at the western property line of Parcel C-7 and shall be extended eastward to the northern-most driveway on Creekwood Boulevard in Parcel C-6. (Completed)

5. The proposed entrance onto State Road 70 at the southwest corner of the development shall be relocated eastward to facilitate the frontage road from the Campbell Commercial Center and to avoid conflict with regard to intersection function. (Completed)

6. The intersections of any driveway (including the frontage road) with the project entrance boulevard onto State Road 70 shall be located as far from State Road 70 right-of-way as necessary to avoid conflict with regard to intersection function.

7. All roads shown on the General Development Plan, including required stub-outs to the property boundary, shall be dedicated to Manatee County with adequate rights-of-way as determined by the Transportation Department.

8. The need for wider internal roads or potential changes in their proposed alignment shall be addressed at the time of Preliminary Site Plan submittal.

9. The proposed owner's association documents shall contain a provision requiring the occupants of the Parcel I to coordinate shift changes to reduce peak hour traffic.

10. In accordance with the Traffic Element of the Manatee County Comprehensive Plan, adopted level of service as of the effective date of this ordinance, as determined by the procedures reported in the Highway Capacity Manual (HCM) 2000 and using the most recent version of the Highway Capacity Software (HCS), or most current HCM manual and HCS software, and in accordance with guidelines and conclusions acceptable to the County, Tampa Bay Regional Planning Council, and the Department of Community Affairs shall be maintained on all of the following thoroughfares which have been identified by the Tampa Bay Regional Planning Council as receiving from Creekwood, five percent (5%) or more of daily Level of Service "C" capacity:

    a. University Parkway from Lockwood Ridge Road to I-75

    b. State Road 70 from U.S. 41 to I-75

    c. Lockwood Ridge Road from University Parkway to State Road 70

d. State Road 64 from Morgan Johnson Road to I-75

e. I-75 from University Parkway to State Road 70

f. State Road 780 from Honore Avenue to I-75

g. Intersection of State Road 70 and State Road 683

h. Intersection of State Road 70 and 45th Street East

i. Intersection of State Road 70 and Caruso Road

j. Intersection of State Road 70 and U.S. 301

k. Intersection of State Road 64 and Morgan Johnson Road

l. Intersection of State Road 70 and the Project Entrances

m. Intersection of State Road 70 and I-75

n. Intersection of State Road 70 and U.S. 41

o. SR 70 from I-75 to Lorraine Road

No plat or site plan shall receive approval if the approval of such increment of development would generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other development approvals, and other circumstance 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 these road links and intersections to a daily level below the adopted level of service as of the effective date of this ordinance. SR 70 shall maintain an acceptable Level of Service. Each request for plat or site plan approval must be accompanied by a traffic study prepared or provided in this paragraph. Level of Service on the above referenced links and intersections shall be verified as part of each annual report as required by Chapter 380.06(16) Florida Statutes. If any traffic study required above for any increment of development shows that the project will contribute more than ten percent (10%) of the Level of Service C capacity of State Road 70 between State Road 683 (15th Street East) and U.S. 301, then that increment of development shall not be approved unless the improvements necessary to achieve the adopted level of service on that segment under construction.

This stipulation shall not be construed as diminishing any rights to credits for improvements paid for by the developer pursuant to this stipulation that would be available under Stipulation #14 of the general conditions contained herein.

11. Access to the project shall be as shown on the Revised Map H.

12. A cross-access easement plan for parcels within the development which do not have access to a road shown on the revised Map H (C-Residential), shall be approved by Manatee County prior to or concurrent with the Preliminary Site Plan, or Preliminary Subdivision Plat for this parcel.

OFF SITE FACILITY DEVELOPMENT FEE CONDITIONS

1. The developer, its successors, and assigns shall be bound by any and all impact fee ordinance(s) in effect at the time of building permit issuance. Impact fees shall be collected by Manatee County unless provisions have been made for another entity to collect all or part of the fees.

GENERAL CONDITIONS

1. The developer shall demonstrate the availability of adequate service/capability to provide, wastewater treatment, solid waste disposal, electricity, police, fire, and EMS service with each Preliminary Site Plan submittal,.

2. All structures shall meet at a minimum the building requirements of the Southern Standard Building Code, as amended.

3. The developer shall satisfy county requirements regarding the provision of EMS and police services to this portion of the County.

4. The energy conservation measures referenced in the ADA shall be required as a condition of approval.

5. Implementation of the bike/pedestrian path shall be required as committed in the ADA.

6. 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 General Development Plan approval, except as modified by the stipulations, conditions, and requirements set forth herein or in the approval of the ADA, or set forth in subsequent DRI or local approvals required for this development.

7. 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.

8. The matters addressed herein, as well as additional matters that are appropriate to consider at later stages of review, may be reflected in additional or more detailed stipulations, conditions, and requirements to be formulated and applied at later stages of review of this project under local procedures.

9. 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, and by reference to the record of the hearings before these bodies.

10. 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 and by any subsequently established stipulations.

11. Nothing herein shall be construed as authorizing any use of the property other than as described in the General Development Plan 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.

12. 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 reflects 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.

13. 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.

14. In the event the County or other government entity with jurisdiction in the matter establishes 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 reductions in developer's obligations as set forth herein shall be considered and should be reflected in stipulations made a part of subsequent approvals.

15. The developer and any successors in interest shall submit annual DRI reports in accordance with Section 380.06(16), Florida Statutes, to Manatee County, the TBRPC, the State Land Planning Agency, and other agencies, as may be

appropriate, on (October 22, 1985) and each year 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 the Manatee County Planning Department who shall be responsible for assuring the development's compliance with this order, to this end the Director shall review the report for compliance with the terms and conditions of this Order. Should the director decide that further orders and conditions are necessary to ensure compliance with the terms and conditions of this Order, he shall submit the report to the Manatee County Board of County Commissioners. 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(16), Florida Statutes;

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. Undeveloped tracts of land that have been sold to a separate entity or developer and the identify of that purchaser, together with a statement listing the names and addresses of any heir, assignee, or successor in interest to this Order;

f. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the DRI site since the Order was issued;

g. An assessment of the Developer's and local government's compliance with conditions of approval contained in the Order;

h. Any requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

j. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer, pursuant to Subsection 380.06(14)(d), Florida Statutes.

k. Failure to file an annual report as provided within shall suspend any further development.

16. All references made in Ordinance 04-28 to a conceptual development plan shall hereinafter refer to revised Map H, as amended herein.

17. Except as allowed in Environmental Condition 5, all Preliminary and Final Site Plans shall comply with the requirements of the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired.

18. The Developer shall include in each Notice to Buyer for any property sold east of Interstate 75 within the DRI boundaries, a statement that the use of the two hundred forty (240) plus or minus acres excluded from the Creekwood, Ltd. Development of Regional Impact approval is for a County owned treatment facility that may include spray irrigation.

19. If the Development Order is appealed by the DCA, the Developer shall pay all costs and fees of County staff and attorneys that the County is required to expend related to said appeal. Said costs and fees shall be paid at the rate of the processing fee for Development of Regional Impacts under the current Planning Department fee schedules. Payment of all billings by the Developer related to such reasonable fees and costs shall be paid within 45 days of the submittal of an invoice, except those fees in dispute and under review or appeal. If the Development Order is appealed by DCA, and Manatee County chooses to pursue the appeal over the objections of the Developer, the Developer shall not be responsible for costs incurred subsequent to the Developer's objection.

SECTION 7. LEGAL DESCRIPTION

Development of Creekwood shall be restricted to the 818.26 acres owned by the Developer and described by the legal description included as Exhibit "A" attached to, and made a part of, this Development Order.

SECTION 8. GENERAL

1. This Ordinance 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 CREEKWOOD.

   B. The Application for a Notice of Proposed Change.

SECTION 9. RESTRICTIONS ON DOWN-ZONING

The County may not down-zone or reduce the intensity or unit density permitted by this Order prior to September 16, 2007, unless the County can demonstrate that:

(a) substantial changes in the conditions underlying the approval of the Order have occurred; or

(b) the Order was based upon substantially inaccurate information provided by the Developer; or

(c) the change is clearly established by the County to be essential for the public health, safety, or welfare.

Any down-zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Order.

The inclusion of this Section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density or intensity of the Project, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes.

SECTION 10. BINDING ORDER UPON DEVELOPER

This Development Order shall be binding upon the Developer.

SECTION 11. DEADLINE FOR COMMENCEMENT OF CONSTRUCTION

Physical development of the Project* shall commence within three years of the effective date of this Ordinance unless the time period for commencement is extended by the Board of County Commissioners (Development has commenced). If more than three years shall elapse between approval of this order and commencement of actual development, or if construction of a phase is not begun or completed by the time frame contained in Section

6. above, 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 the Land Development Code and may, at its option, rescind any and all approvals granted herein, including the Certificate of Level of Service. Any delay in construction commencement shall not be deemed to extend any time frame for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 12. RENDITION

The Planning Department is hereby directed to send certified copies of this Order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the TBRPC.

SECTION 13. NOTICE OF RECORDING

The Developer shall record a notice of adoption of this Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 14. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Development Order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, and to this end the provisions of this Ordinance are declared severable, but all remaining provisions and portions of this Development Order shall remain in full force and effect.

SECTION 15. EFFECTIVE DATE

This Ordinance, 04-28 shall become effective upon the filing of a certified copy of the executed ordinance with the Department of State; provided, however, that the filing of a notice of appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 00-07 during the pendency of any appeal.

ADOPTED AND APPROVED with a quorum present and voting this 6th day of January, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

BY: _____
Chairman

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

By _____
DC

EXHIBIT "A"

CREEKWOOD
THE EAST ½ OF SECTION 11, TOWNSHIP 35, RANGE 18 E., LESS THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.
ALSO:
THAT PART OF SECTION 12., TOWNSHIP 35., RANGE 18E., LYING WEST OF STATE ROAD NO. 93
(INTERSTATE 75).
ALSO:
THAT PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD NO. 70
ALSO:
THAT PART OF SECTION 13, TOWNSHIP 35 S,. RANGE 18 E,. LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75), AND NORTH OF STATE ROAD NO. 70.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A LITERWOOD POST FOUND MARKING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., SAME BEING THE SOUTHWEST CORNER OF THE EAST ½ OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E., FOR A POINT OF BEGINNING: THENCE S 00°43'18" E, ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF SECTION 14, A DISTANCE OF 193.63 FT. TO THE NORTHEAST CORNER OF "CAMPBELL COMMERCIAL SUBDIVISION" AS RECORDED IN PLAT BOOK 23, PAGES 141 AND 142, AFORESAID PUBLIC RECORDS: THENCE CONTINUE S 00°43'10" E, ALONG THE EAST LINE OF SAID "CAMPBELL COMMERCIAL SUBDIVISION", SAME BEING THE OCCUPIED WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 513.00 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T.
R/W MAP, SECTION 13160-2503; THENCE S 70°20'03" E, ALONG SAID NORTHERLY R/W, A DISTANCE OF 7.83 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17120.74 FT.; THENCE RUN SOUTHEASTERLY, ALONG SAID NORTHERLY R/W AND THE ARC OF SAID
CURVE. THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 339.93 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17256.74 FT.; THENCE RUN SOUTHEASTERLY ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL
ANGLE OF 01°08'15", A DISTANCE OF 342.63 FT. TO THE P.T. OF SAID CURVE; THENCE S 70°20' 03" E. ALONG SAID NORTHERLY R/W, A DISTANCE OF 35.37 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD NO. 93 (INTERSTATE 75), AND SAID STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP,. SECTION 13075-2402; THENCE S 80°04'21" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 82.10 FT.; THENCE S 70°20'03" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 400.14 FT.; THENCE S 73°01'06" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 100.26 FT.; THENCE S 70°20'03" E, ALONG SAID

NORTHERLY INTERCHANGE R/W, 218.97 FT.; THENCE S 78°46'36" E, ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 136.27 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W, OF SAID STATE ROAD NO. 93 (INTERSTATE 75); THENCE S 70°20'03" E, ALONG SAID NORTHERLY LIMITED ACCESS R/W, 298.34 FT.; THENCE S 72°37'29" E. ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 628.85 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 622.20 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 52°23'42". A DISTANCE OF 568.98 FT. TO THE P.T. OF

SAID CURVE; THENCE N 54°58'49" E, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 351.55 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING RADIUS OF 721.51 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 50°03'07". A DISTANCE OF 632.91 FT. TO THE P.T. OF SAID CURVE, THENCE N 04°55'42" E, ALONG SAID LIMITED
ACCESS R/W, 518.38 FT.; THENCE N 00°55'22" E, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4990.44 FT. TO THE P.C. OF A CURVE CONCAVE TO THE WEST. HAVING A RADIUS OF 5530.30 FT.; THENCE RUN NORTHERLY ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°38'59", A DISTANCE OF 450.42 FT. TO THE INTERSECTION WITH THE LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°26'05" W, ALONG THE NORTH LINE OF SIAD SECTION 12, A DISTANCE OF 1065.82 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 33 S., RANGE 18 E., SAME BEING THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°36'09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1404.27 FT. TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, AFORESAID PUBLIC RECORDS; THENCE S 00°26'58" W, ALONG THE EAST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT.; TO THE SOUTHEAST CORNER OF SAID CERTAIN PARCEL; THENCE N 89°36'09" W, ALONG THE SOUTH LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.00 FT. TO THE SOUTHWEST CORNER OF SAID CERTAIN PARCEL; THENCE N 00°26'58" E, ALONG THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 11, THENCE N 89°35' 09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 660.11 FT. TO THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION11; THENCE S 00°45'32" E. ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 11. A DISTANCE OF 5292.41 FT. TO THE POINT OF BEGINNING , BEING AND LYING IN SECTIONS 11, 12, 13 AND 14 MANATEE COUNTY, FLORIDA.

CONTAINING 540.56 ACRES MORE OR LESS

CREEKWOOD-EAST

THAT PART OF SECTIONS 12 AND 13, TOWNSHIP 35 S., RANGE 18 E., LYING EAST OF STATE ROAD NO. 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD NO. 70. LESS LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, 3035 AND OFFICIAL RECORDS BOOK 1145, PAGE 3377, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 01°00'42" W. ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 821.22 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20' 03" W, ALONG SAID NORTHERLY R/W , 1492.94 FT.; THENCE N 33°10'32" W. ALONG SAID NORTHERLY R/W, 83.17 FT.; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W, 70.00 FT.; THENCE S 74°16'39" W. ALONG SAID NORTHERLY R/W, A DISTANCE OF 79.73 FT. FOR A POINT OF BEGINNING: THENCE CONTINUE S 74°16'39" W, ALONG SAID NORTHERLY R/W, 7.01 FT.; THENCE N 70°20'30" W, ALONG SIAD NORTHERLY R/W, A DISTANCE OF 512.00 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD NO. 93 (INTERSTATE 75), AND STATE ROAD NO. 70; THENCE N 60°14'02" W. ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 217.32 FT. TO THE INTERSECTION WITH

THE NORTHERLY LIMITED ACCESS R/W OF SAID STATE ROAD NO. 93 (INTERSTATE 75), THENCE N 70°20'03" W. ALONG SAID NORTHERLY LIMITED ACCESS R/W, 400.78 FT.; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 493.00 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 216.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 48°55'49", A DISTANCE OF 184.46 FT. TO THE P.T. OF SAID CURVE; THENCE N 17°35'24" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 250.16 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1300.23 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°33'05", A DISTANCE OF 352.91 FT. TO THE P.T. OF SAID CURVE; THENCE N 33°08'29" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 513.14 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1338.39 FT.; THENCE RUN NORTHWESTERLY AND NORTHERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°55'25", A DISTANCE OF 769.08 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°13'03" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4772.30 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 89°26'05" E, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1251.28 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION

12; SAME BEING THE INTERSECTION WITH THE WEST LINE OF A 330.0 FT. WIDE FLORIDA POWER & LIGHT CO. EASEMENT, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 612, PAGE 508, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID WEST LINE, SAME BEING THE WEST LINE OF SAID EAST ½ OF SECTION 12, A DISTANCE OF 2561.96 FT. MORE OR LESS TO THE INTERSECTION WITH THE PHYSICAL CENTERLINE OF A 30.0 FT. WIDE FLORIDA GAS TRANSMISSION COMPANY EASEMENT (FORMERLY KNOWN AS HOUSTON TEXAS GAS & OIL CORPORATION, A DELAWARE CORPORATION) AS DESCRIBED AND RECORDED IN DEED BOOK 399, PAGE 117, AFORESAID PUBLIC RECORDS; THENCE N 59°39'32" E, ALONG SAID PHYSICAL CENTERLINE 63.89 FT.; THENCE N 59°36'32" E, ALONG SAID PHYSICAL CENTERLINE, A DISTANCE OF 316.93 FT. TO THE INTERSECTION WITH THE EAST LINE OF SAID 330.0 FT. WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT, SAME BEING THE WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2932.78 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF SAID EAST ½ OF SECTION 12, SAME BEING THE NORTH LINE OF THE EAST ½ OF SAID SECTION 13; THENCE S 01°10'44" W, ALONG SAID EAST EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2180.91 FT.; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, THE FOLLOWING COURSES AND DISTANCES; N 74°57'17" E, A DISTANCE OF 109.85 FT. TO A POINT ON A CURVE WHOSE RADIUS POINT LIES N 74°57'17" E, 290.00 FT.; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°25'25", A DISTANCE OF 184.36 FT. TO THE P.T. OF SAID CURVE; THENCE S 51°28'08" E, 69.79 FT.; THENCE S 67°12'08" E, 132.97 FT.; THENCE S 76°52'08" E, 119.24 FT.; THENCE N 83°31'52" E, 306.67 FT.; THENCE S 06°28'08" E, 180.22 FT.; THENCE S 19°39'57" W, 360.60 FT. TO THE POINT OF BEGINNING.

CONTAINING 265.86 ACRES MORE OR LESS.

PARCEL "B"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E., THENCE S 01°00'42" W, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 279.10 FT. FOR A <u>POINT OF BEGINNING</u>: THENCE CONTINUE S 01°00'42" W, ALONG SAID EAST LINE OF THE SOUTHEAST 1/4, A DISTANCE OF 542.12 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE

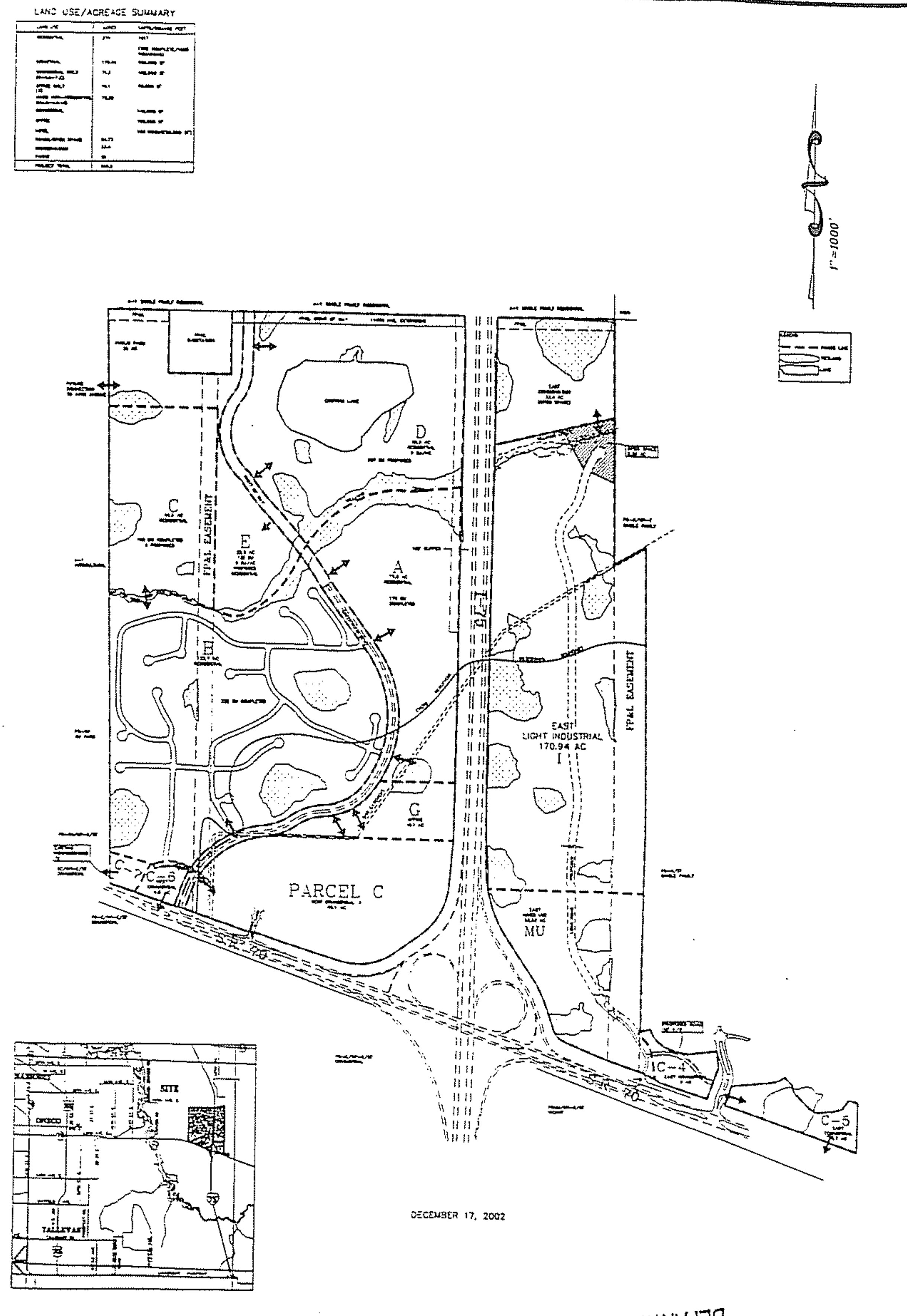
ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W. 1492.94 FT., THENCE N 33°10'32" W, ALONG SAID NORTHERLY R/W 1.61 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL

THE FOLLOWING COURSES AND DISTANCES; N 19°39'57" E, 215.12 FT.; THENCE N 83°57'11" E, A DISTANCE OF 410.86 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST. HAVING A RADIUS OF 283.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°37'41", A DISTANCE OF 161.16 FT.; THENCE S 43°52'49" E, 121.17 FT.; THENCE S 10°11'25"E, 72.10 FT.; THENCE S 43°52'49" E, 240.00FT.; THENCE S 34°24'49" E, 88.00 FT.; THENCE N 85°27'11" E. 175.71 FT.; THENCE N 75°17'11" E, 113.23 FT.; THENCE N 34°52'11" E. 120.63 FT.; THENCE S 74°45'26" E, 103.64 FT. TO THE POINT OF BEGINNING.

CONTAINING 11.84 ACRES MORE OR LESS.
SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

EXHIBIT B

IS NOT ATTACHED BUT IS ON FILE AT THE CLERK'S OFFICE AS AN ATTACHMENT TO THE PREVIOUSLY APPROVED RESOLUTION R-93-25, APPROVED ON APRIL 22, 1993.



CAD file name: V:\acad\CRKWOOD\Map H rev.dwg
Plot date and time: 20040114.0831

© 2002 ZOLLER, NAJJAR & SHROYER, L.C.
THIS DOCUMENT IS PROTECTED BY SECTION 105 OF THE "UNITED STATES COPYRIGHT ACT". REPRODUCTION OR ALTERATION OF THIS DOCUMENT OR THE INFORMATION CONTAINED HEREON BY ANY MEANS WHATSOEVER IS STRICTLY PROHIBITED WITHOUT THE PRIOR WRITTEN CONSENT OF ZOLLER, NAJJAR, & SHROYER, L.C. CONSENT IS HEREBY GRANTED SPECIFICALLY TO GOVERNMENTAL AGENCIES TO REPRODUCE THIS DOCUMENT IN COMPLIANCE WITH F.S. CHAPTER 119.

REVISED MAP H
FOR
CREEKWOOD MASTER DEVELOPMENT PLAN
LOCATED IN
SECTIONS 11, 12, 13 & 14, TOWNSHIP 35 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

Zoller, Najjar & Shroyer, LC

ZNS

SHEET 1

PLANNING DEPARTMENT

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 23rd day of January 2004
R.B. SHORE
Clerk of Circuit Court
By: [signature], D.C.

SEAL
BOARD OF COUNTY COMMISSIONERS
MANATEE CO.

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 15th day of January 2004
R.B. SHORE
Clerk of Circuit Court
By: [signature], D.C.

SEAL
BOARD OF COUNTY COMMISSIONERS
MANATEE CO.

#102

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

April 5, 2000

Certified Mail #P 368 650 268

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Development Order for Creekwood Investors, Ltd./Creekwood DRI

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 00-07, the amended Development Order for the Creekwood DRI, as adopted in open session by the Manatee County Board of County Commissioners on March 28, 2000, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Adminstrator

RHP/ks
Enlcosure

1112 Manatee Avenue West • Fourth Floor • Bradenton, Florida Tel. (941) 749-3070 • FAX: (941) 749-3071
P.O. Box 1000 • Bradenton, Florida 34206-1000

ORDINANCE 00-07

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, GRANTING AMENDMENTS TO ORDINANCE 98-49, THE DEVELOPMENT ORDER FOR THE CREEKWOOD DEVELOPMENT OF REGIONAL IMPACT (MANATEE COUNTY DRI #13, A/K/A TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI # 102); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, CREEKWOOD, INVESTORS, LTD., hereinafter referred to as "CREEKWOOD", proposed a Development of Regional Impact (DRI) for a mixed-use development located in Manatee County; and

WHEREAS, on October 22, 1985 Manatee County adopted Resolution R-85-219 granting Creekwood a DRI Development Order; and

WHEREAS, on May 20, 1986 Manatee County approved Resolution R-86-112 amending Resolution R-85-219 by deleting two hundred and forty (240) plus or minus acres from the approved Creekwood DRI Development Order; and

WHEREAS, on April 22, 1993 Manatee County approved Resolution R-93-25 amending Resolution R-86-112 by approving amendments to Map H, extending the build out date, and other various changes; and

WHEREAS, on December 15, 1998 Manatee County approved Ordinance 98-49 amending Resolution R-93-25 increasing the commercial by 69,500 square feet and land area by 2.3 acres, changing the land use designation for Parcels C-1 and C-2 from "Highway Tourist Oriented" General Commercial to General Commercial, and combining Parcels C-1, C-2, and O-1 into a redesignated Parcel C; and

WHEREAS, on December 22, 1999 Creekwood filed a Notice of Proposed Change to the approved Development Order with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Notice of Proposed Change proposed to:

A. Amend Phase IV of the Project Phasing Conditions to delete 25,000 square feet of office space and add 25,000 square feet of commercial space on Parcel C. This will allow for a total square footage of 447,000 square feet of commercial and 38,000 square feet of office space on Parcel C;

B. Adjust the overall TOTAL authorized development in Section 5, Development Components, to correspond to the exchange of square footage within Parcel C (Phase IV) to allow:

   1. 522,000 square feet of commercial,
   2. 115,000 square feet of office;

C. Modify the Project Phasing Deadlines to reflect current development approvals and schedules for the balance of approved development for this DRI;
D. Amend General Condition #17 requiring all Site Plans to comply with the 1990 Land Development Code;
E. Amend the Development Order to update terminology and departmental references; and
F. Amend Map H to reflect the above changes.

WHEREAS, the described project lies within the unincorporated area of Manatee County, a political subdivision of the State of Florida; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the Planning Commission has reviewed the application of the Notice of Proposed Change and has filed a recommendation on said application with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners of Manatee County on March 28, 2000 held a duly noticed public hearing on application for the Notice of Proposed Change, and has solicited, received, and considered reports, comments, and recommendations from interested citizens, county and city agencies, the applicant, the Tampa Bay Regional Planning Council, the Department of Community Affairs, as well as the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, IN A REGULAR MEETING ASSEMBLED THIS 28th DAY OF MARCH 2000, AS FOLLOWS:

SECTION 1. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO.13, ORDINANCE 00-07.

The previous development order for Creekwood, which was adopted on October 22, 1985, and all subsequent amendments are replaced in their entirety, provided this amendment shall not be construed to terminate the rights of the developer, if any, granted under Section 163.3167(8) Florida Statutes, to the extent such rights have previously been granted and not specifically herein or otherwise modified or amended.

SECTION 2. FINDINGS OF FACT

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of approved Map H, the recommendation and findings of the Planning Commission of Manatee County, as well as all other matters presented to said 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 recommendation of the Manatee County Planning Commission concerning the Notice of Proposed Change to the DRI as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners held a public hearing on March 28, 2000 regarding said Notice of Proposed Change to the DRI described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (the Manatee County Land Development Code) and Ordinance No. 89-01, as amended (the 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the Public Hearing.

C. The proposed change to the DRI regarding the property described in Exhibit "A" is found to be consistent with the requirements of Manatee County Ordinance 89-01, as amended (the 2020 Manatee County Comprehensive Plan), provided it proceeds in accordance with the Development Conditions specified herein.

D. The real property, which is the subject of this Development Order, is legally described as set forth in Exhibit "A" of this Development Order.

E. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

F. The authorized agent for the Project is Grimes Goebel Grimes Hawkins and Gladfelter, P.A., and their address is 1023 Manatee Avenue West, Bradenton, Florida 34205.

G. The owner of the property is Creekwood Investors, Ltd.

H. A comprehensive review of the impacts generated by the Development has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, TBRPC, and the Department of Community Affairs (DCA).

I. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

SECTION 3. CONCLUSIONS OF LAW

Based upon the previous findings of fact and the following conditions of the Development Order, the Board of County Commissioners of Manatee County concluded that:

A. The Project is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP) the Tampa Bay Regional Planning Council's Future of the Region, A Strategic Regional Policy Plan, and Ordinance 89-01, as amended (The 2020 Manatee County Comprehensive Plan, as amended).

B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

C. That the review by the County, TBRPC, other participating agencies, and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order.

D. That the changes proposed by the amendment to Ordinance 98-49 as described in Section 4 and which were requested in the Notice of Proposed Change along with the previous changes to the DRI cumulatively do not constitute a Substantial Deviation.

SECTION 4. AMENDMENTS TO APPROVED DEVELOPMENT

The application for a Notice of Proposed Change to the Creekwood DRI is hereby approved, amending the previous Development Order and it's amendments in their entirety, subject to the conditions listed herein, to allow the following changes in the plan of development:

A. Amending Map H to:

1. Amend Phase IV of the Project Phasing Conditions to delete 25,000 square feet of office space and add 25,000 square feet of commercial space on Parcel C. This will allow for a total square footage of 447,000 square feet of commercial and 38,000 square feet of office space on Parcel C;
2. Adjust the overall TOTAL authorized development in Section 5, Development Components, to correspond to the exchange of square footage within Parcel C (Phase IV) to allow:
   a. 522,000 square feet of commercial,
   b. 115,000 square feet of office;

3. Modify the Project Phasing Deadlines to reflect current development approvals and schedules for the balance of approved development for this DRI;
4. Amend the Development Order to update terminology and departmental references; and
5. Amend Map H to reflect the above changes.

SECTION 5. DEVELOPMENT COMPONENTS

Approval of this ordinance authorizes development of the following land uses, when developed in conjunction with the terms of this ordinance, and any applicable local, regional, state, or federal regulations.

A. 2,305 dwelling units

B. 522,000 square feet of commercial

C. 2,000,000 square feet of industrial

D. 115,000 square feet of office

SECTION 6. DEVELOPMENT CONDITIONS

PROJECT PHASING CONDITIONS

1. The developer shall comply with the deadlines contained in the revised phasing schedule which are listed below.

Phasing By Parcel Reference

RESIDENTIAL					374.0 acres
	NUMBER	PHASES			
PARCEL	UNITS	I COMPLETED*	II 3/16/93*-9/16/2002*	III 9/16/96*-9/16/2005*	IV 9/16/1998*-9/16/2008*
PH I SUB I	322	322			
G-I	39		39		
CC	85		85		
AA I	90		90		
AA II			233		
T	283			283	
S	341				341

Y	167			167	
A	104				104
B	67				67
U	132			132	
Z	337			337	
C	105			105	
TOTAL	2305	322	447	1,024	512
COMMERCIAL		**(18.4 acres are General Commercial/Office and 70.9 acres are Commercial)**			**89.3 acres**
PARCEL	**SQUARE FEET**				
C	447,000		190,000	187,000	70,000
C-4	20,000	7,900	12,100		
C-5	20,000		20,000		
C-6	20,000		20,000		
C-7	15,000		15,000		
TOTAL	522,000	7,900	257,100	187,000	70,000
INDUSTRIAL					**244.2 acres**
PARCEL	**SQUARE FEET**				
PH I SUB II	541,300	150,000	350,000	41,300	
I-9	950,000		150,000	300,000	500,000
H	350,000			130,000	220,000
I-10	158,700		158,700		
TOTAL	2,000,000	150,000	658,700	471,300	720,000
OFFICE					**16.1 acres**
G	77,000		17,000	60,000	
C	38,000		4,000		34,000
TOTAL	115,000		21,000	60,000	34,000

* Dates referenced above are required dates for submittal of a Preliminary Site Plan for the referenced phase. All Preliminary and Final Site Plans shall comply with the requirements of the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired. Site plans submitted for Parcel C-4, C-5, C-6, C-7, C, and U are exempt from meeting this requirement. However, all Preliminary Site Plans which are submitted for these parcels after September 16, 2004 or a Final Site Plan submitted after September 16, 2005 shall comply with the requirements of the 1990 Land Development Code, as amended. Site Plan(s) for Parcel C which are scheduled to expire 9/16/2000 may be extended pursuant to this revised phasing schedule, subject to a revised CLOS and all conditions of this ordinance.

2. The developer shall submit a revised transportation analysis with any request for project extension. The Manatee County Board of County Commissioners shall review this analysis and determine whether or not the requested extension constitutes a Substantial Deviation pursuant to Section 380.06 Florida Statutes.

PHASING BUILD OUT SCHEDULE

1. In addition to the foregoing Preliminary Plan submittal Project Phasing Conditions, the developer must adhere to the following phasing build out schedule. This phasing build out schedule is for Section 380.06, Florida Statutes, purposes only and does not serve to extend the dates for preliminary or final plans submittal as referenced in the Project Phasing Condition or compliance with the Comprehensive Plan.

Phase I	1986-1996
Phase II	1993-2003
Phase III	1996-2006
Phase IV	2001-2009

2. Preliminary Site Plans shall be valid for a period of three (3) years. Final site plans shall be valid for a period of three (3) years, however, not to exceed the end of the phase for which development is proposed as described in the phasing build out schedule.

LAND USE CONDITIONS

1. Development within the Evers Reservoir Watershed shall be restricted to a maximum density of five dwelling units per acre. Maximum density for all other parcels shall be as noted on the General Development Plan.

2. At the time of Preliminary Site Plan submittal, the applicant shall demonstrate compliance with the requirements of the Planned Development District in effect at that time including, but not limited to, such concerns as Entranceway requirements, aesthetic appearance from State Road 70 and Interstate 75, ample provision for open space, adequate restrictions to prohibit unsightly vehicles, trash, etc., and a maintenance program which assures that an attractive appearance will be maintained.

3. Light manufacturing, high tech industries, office parks, and major product supply and distribution centers are the primary uses proposed within the industrial park. Secondary uses, such as hotels/motels, service stations, service establishments, and mini-warehouses shall occupy no more than 10% of the PDI district. Industrial uses to be constructed within the Evers Reservoir Watershed Protection Overlay District, which have not received either a Preliminary Plan or Preliminary Plat approval prior to the effective date of Resolution R-93-25, must employ Best Possible Technology so that such uses will not be contrary to the public health, safety, and welfare. Best Possible Technology shall be in accordance with the laws in effect at the time of General Development Plan or General Development Plan/Preliminary Site Plan approval and shall be shown on the plan or plat for consideration and approval by the Board of County Commissioners.

4. All buildings, parking, and service areas within the 10.8 acre PDI parcel located at the northeast quadrant shall maintain a minimum setback of 100 feet from State Road 70 and Interstate 75. All trash and garbage receptacles that are visible from State Road 70 shall be screened with materials similar to the adjacent building facade. All truck loading, service areas, outside storage, and parking of heavy equipment, semi-trucks or trailers or other vehicles over 1-1/2 tons shall be located at the non-street side of the building when adjacent to Interstate 75, and State Road 70, unless they are not visible from a height of five (5) feet at the edge of pavement of said street, to be determined at time of Certificate of Occupancy.

5. The linear park, located east of and parallel to I-75, shall maintain a minimum upland width of 20 feet at all locations. All industrial development shall maintain a minimum building setback of 30 feet and a minimum setback of 20 feet for all other site improvements from the park. A stabilized pedestrian/bicycle travelway, a minimum width of 6 feet, shall be installed within the length of the park prior to the next Final Plat approval east of Interstate 75. The pedestrian/bicycle travelway shall be as shown on the revised Master Development Plan and connect to the main north/south roadway within the industrial area at a point immediately adjacent to State Road 70 and at a point perpendicular to the northern terminus of the park. The park and the pedestrian/bicycle travelway shall be designated as a common recreational easement on all future plan/plat submittals.

6. The developer shall be allowed to construct a total of 2,305 dwelling units. Dwellings shall be constructed in accordance with the density approved for each specific parcel in the revised Master Development Plan.

BUFFER CONDITIONS

1. The 100 foot wide buffer, shown on the General Development Plan, shall be provided as shown on the General Development Plan. Additionally, the depth, design, and location of landscaped buffers will be determined when a Preliminary Site Plan is

submitted for approval. Continued maintenance of these buffers shall be assured through appropriate measures such as covenants and deed restrictions.

2. A building setback of at least ten (10) feet shall be provided west of and adjacent to the existing power line easement traversing the PDI (Planned Development Industrial) District. This setback shall be increased to twenty (20) feet for industrial lots which are directly west of the proposed multi-family tract located in the Rosedale development. Native trees lying within the remaining buffer shall not be removed. Trees of a native species shall be planted in those areas where the base of trees closer than twenty-five (25) feet apart do not already exist. In addition, the screening buffers required between zoning district boundaries by the Land Development Code shall be required, except for the requirements for trees if more stringent within this stipulation. These plantings shall occur prior to a certificate of occupancy for each lot and they shall meet the minimum standards of the Land Development Code.

3. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 60 dBA range. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls, and significant landscape buffering should be provided between the residential units and the noise source.

   Additionally, residential units constructed within noise level contours in excess of the L10 65 contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table on Pg. 21). The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval.

ENVIRONMENTAL CONDITIONS

1. At the time of the first Preliminary Development Plan submittal, a Master Drainage Plan for the entire development, including a demonstration that the effect the proposed altering and deepening of existing wetlands will have on their ability to filter surface water and percolating groundwater will be acceptable, shall be submitted. This Master Drainage Plan, though 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.

2. Stormwater management system design for that portion of the development lying within the Evers Reservoir Watershed shall meet or exceed any requirements of the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as may be amended. This shall not be interpreted to mean that the developer is required

to retrofit any approved and existing stormwater systems which do not meet this requirement.

3. In conjunction with the submittal of the first Preliminary Site Plan, a demonstration of compliance with the Watershed Protection, Special Treatment, and Agricultural Fringe Overlay zones shall be submitted. As required by the Special Treatment District, the Board of County Commissioners must make a determination prior to construction that "Best Possible Technology" is being employed prior to construction.

4. The Stormwater Maintenance Plan, submitted with the first Preliminary Plan, shall be designed using accepted best management practices to provide a natural hydroperiod within each wetland. Isolated wetlands shall, where practical, be incorporated into the stormwater system. Construction and post-construction monitoring of surface and groundwater quality and quantity shall be outlined and implemented; included in this plan shall also be the design and execution of a maintenance program to ensure the adequate functioning of the system beyond project build out. The stormwater management system shall be designed with enough flexibility to allow for hydroperiod refinement, as needed.

5. All jurisdictional wetlands and streams shall be preserved physically and functionally. The only exception may be those areas in which appropriate environmental permits and local approvals are obtained.

   All development shall comply with the wetland policies of the Comprehensive Plan and the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired. Site plans submitted for Parcel C-4, C-5, C-6, C-7, C, and U are exempt from meeting this requirement. However, all Preliminary Site Plans which are submitted for these parcels after September 16, 2004 or Final Site Plans submitted after September 16, 2005 shall comply with the wetland policies of the Comprehensive Plan and the 1990 Land Development Code, as amended. Until such time, these parcels shall, at a minimum, comply with the following wetland polices:

   a) A conservation easement, 20 feet wide shall be provided from the most landward extent of any post development jurisdictional wetland. A 15 foot setback shall be required between the upland edge of the buffer and adjacent structures.

   b) Wetland mitigation shall comply with Policy 3.3.1.3 of the Comprehensive Plan.

6. The Preliminary Site Plan, as submitted by phase, shall specifically also outline which and how much of each vegetation association is being preserved. Every effort shall be made by the developer and any future developers of this property to preserve a diverse range of the existing wildlife habitat. These preserve areas should be as large

as possible and should be located adjacent to wetlands or a different upland community type.

7. Wetlands on the project site shall be preserved consistent with Map F-1 on page 44 of the ADA additional information response and with s.2.7 of the Council's adopted Future of the Region.

8. Representative tracts of all major upland vegetative communities shall be preserved in their natural state to serve as conservation/recreation areas.

9. The wind and soil erosion controls including sodding, hydroseeding, mulching and bare soil wetting, committed to by the developer in the ADA, shall be required.

WATER QUALITY CONDITIONS

1. To assure water quality is maintained:

   a. The developer shall institute a program to provide a body of initial baseline water quality data before any significant groundbreaking takes place, as well as institute a bi-annual on-going monitoring program through project build-out. Sampling stations shall be at the sampling sites shown in "Exhibit B" (attached).

      Sampling should be taken on a cresting hydrograph and should occur immediately after a one-inch storm event, and after a dry period, during both the rainy season (June-September) and the dry season (November-February). Significant water quality parameters should include, but not be limited to, the following:

      - streamflow (cu. ft./sec.);
      - turbidity (ntu);
      - specific conductance (umho/cm at 25 deg. C);
      - dissolved oxygen (mg/l);
      - biochemical oxygen demand (mg/l);
      - pH;
      - total orthophosphate as P (m/l);
      - total organic nitrogen as N (mg/l);
      - total organic carbon as C (mg/l);
      - total coliforms, multiple tube method, MPN (col/100 ml):
      - total lead as Pb (ug/l; and
      - temperature (deg. C).

      All water quality methods and procedures shall be thoroughly documented and should comply with EPA/DEP Quality Control standards and should be submitted to Manatee County Planning Department, Manatee County Environmental Management Department, and TBRPC.

b. The developer shall provide baseline water-level contour maps for the unconfined aquifer on the Creekwood site, to reflect conditions present during both the wet season (June-September) and the dry season (November-February). In addition, the developer shall provide for review annually updated ground water contour maps as described above; until the project reaches completion.

2. In order to protect water quality, the following parameters shall be included in the project drainage plan.

a. The developer shall submit for approval a wetland-lake management plan, to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
- proposed wetland/lake alterations;
- control of exotic species;
- control of on-site water quality
- maintenance of natural hydroperiod; and
- methods for wetland restoration/enhancement.

b. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment for the first 1" of runoff generated from the site during the 25-year, 24-hour design storm; and that maximum post-development shall not exceed pre-development flows for the same design storm.

c. The proposed retention/detention wetland systems shall be designed to be consistent with the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC 1978). The design criteria of this system should include the following elements:

(1) A minimum of 15 but no more than 50 percent of the surface area of the detention pond at the normal water level (NWL) shall consist of a shallow vegetated littoral shelf.

(2) The littoral shelf shall be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf shall be established on a shallow submerged island in the middle of the pond.

(3) A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.

(4) The littoral shelf, if located along the pond bank, shall have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.

(5) The littoral shelf shall be vegetated with a diverse group of native species which can include Sagittaria, pickerel-weed, Juncus, water lilies, cypress, etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more "natural" appearance.

(6) A copy of an operation and maintenance (O & M) schedule shall be provided to the owner, and be submitted to TBRPC with the annual report. The O & M schedule should include an estimation of the frequency of sediment removal operations and should mention the periodic need for removing dead vegetation.

HAZARDOUS WASTE CONDITIONS

1. Prior to the construction of industrial facilities, hazardous waste storage and disposal plans, including transportation of wastes, shall be provided and approved.

2. The developer shall provide separate hazardous waste storage containers/areas within the project prior to or concurrent with the certificate of occupancy for the first business within the project. These containers/areas shall be accessible to all project businesses and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials. Such containers shall also be designed to prevent unauthorized use or entry. The hazardous waste storage containers/areas shall be allowed to be located within the Evers Reservoir Watershed Overlay District until such time as the first industrial use outside of the Evers Reservoir Watershed Overlay District is constructed, at which time the storage containers/areas shall be relocated outside of the Evers Reservoir Watershed Overlay District.

   The developer shall provide to all Creekwood businesses information that:

   a. Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designed containers; and

   b. Indicates the location of the specially-designed hazardous waste and materials containers; and

   c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

   The developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

ARCHAEOLOGICAL CONDITION

1. At the time a Preliminary Site Plan for the specific areas referenced in the May 24, 1984 letter from the State Division of Archives, History and Records Management is submitted, the developer must show the location of all archaeological and historic sites identified by a systematic, professional archaeological and historic survey. If any sites exist, the ones which are significant must be protected and preserved.

PARKS AND RECREATION CONDITIONS

1. All park areas within the project shall be open to use by employees who work in the non-residential components of this project.

2. Implementation of the bike/pedestrian path shall be required as committed in the ADA, unless more restrictive conditions have been placed on the development in this order.

3. Development plans shall assure adequate buffering between the industrial, office, commercial, and residential designations of this development through appropriate measures such as covenants and deed restrictions.

4. The entity responsible for maintenance of all open space areas of this development has been identified in the ADA. Assignment of specific responsibility for open spaces shall be made at the time of Preliminary Site Plan submittal.

5. The 25 acre park located in the northwest quadrant of the project as shown on Revised Map H shall be deeded to the County by the Developer upon request of the County. The County shall utilize said acreage for public park purposes. The Developer shall be entitled to impact fee credit as set forth in Section 806.4.1 of the Land Development Code, as may be amended.

   If the County desires to develop the park prior to the Developer extending Creekwood Boulevard from the southern boundary of Williams Creek north, the County may construct that portion of Creekwood Boulevard necessary to access the park. The Developer shall provide Manatee County with sufficient right-of-way for said construction. If Manatee County undertakes construction of any portion of the roadway, Manatee County shall obtain all necessary permits including any wetland impact permits required for said construction. The Developer shall have the right to review construction plans prior to commencement of construction to determine compatibility with its development plans including, but not limited to, provision of sufficient curb cuts to access development parcels. The road will be constructed to County standards. If the County constructs the road described in this paragraph, and the road is of a type not eligible for impact fee credits pursuant to Section 806.4 of the Land Development Code, then the developer shall reimburse the county for the cost of construction. Reimbursement shall be required in conjunction with Final Site Plan or Final Plat approval for development of the parcels adjacent to that portion of the road which the

county constructs. If the road is eligible for impact fee credit and the county constructs the roadway, the developer will not be entitled to reimbursement.

The Developer shall have the right to relocate the right-of-way or constructed roads at its expense.

PUBLIC SAFETY CONDITIONS

1. Creekwood shall contribute a pro-rata share of the cost of constructing a fire station on the Tara public service site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)

2. Creekwood shall contribute a pro-rata share of the cost to construct and equip the Sheriff Department's portion of the Public Services Building on the Tara Public Site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)

3. The use of street names for the main entrance roads to both the residential and industrial portion of the project may be allowed. The entrance road to the residential portion of the project shall be allowed as a designation of Creekwood Boulevard and the entrance road to the industrial portion of the project may be allowed to be named as a boulevard at a later time. All other streets within the project shall be numbered in accordance with the revised county grid system, unless street names are allowed by the Board of County Commissioners for those other streets at a later time.

TRANSPORTATION CONDITIONS

1. Improvements shall be required to the project entrances on State Road 70 and to the intersection of State Road 70 and I-75. Such improvements shall include, but not be limited to, left turn storage lanes, signalization, ramp improvements and additional through lanes. The extent and timing of improvements required shall be determined by the County Engineer with the review of each phase.

2. Developer shall provide for a 120 foot wide right-of-way for 44th Avenue East (Cortez Road Extended) through the project. Two lanes of this roadway shall be constructed through the project by the developer with development of parcels adjacent thereto. Sufficient right-of-way to construct the bridge approach shall be dedicated, but the developer shall not be responsible for constructing the bridge over I-75 as an on-site transportation improvement.

3. Construction of approximately 1,600 feet of 44th Avenue East, from the west property boundary west to the existing pavement by the developer, to a two-lane section, including payment for acquisition of necessary right of way, shall be required prior to Final Plat approval of the 101st dwelling unit north of Williams Creek. The primary

entrance road (Creekwood Boulevard) to the residential portion of the project shall connect to 44th Avenue at the time of construction of the extension of 44th Avenue, mentioned herein. Manatee County shall cooperate with Creekwood in the condemnation of any land necessary to meet this requirement.

4. A cross access easement between Parcels C-6 and C-7 and the Campbell Commercial Center to the west shall be recorded and this roadway connection shall be constructed or bonded prior to the next Certificate of Occupancy for Parcels C-6 or C-7. This cross access easement shall be located within 50 feet of the northern right-of-way of State Road 70 at the western property line of Parcel C-7 and shall be extended eastward to the northern-most driveway on Creekwood Boulevard in Parcel C-6.

5. The proposed entrance onto State Road 70 at the southwest corner of the development shall be relocated eastward to facilitate the frontage road from the Campbell Commercial Center and to avoid conflict with regard to intersection function.

6. The intersections of any driveway (including the frontage road) with the project entrance boulevard onto State Road 70 shall be located as far from State Road 70 right-of-way as necessary to avoid conflict with regard to intersection function.

7. All roads shown on the General Development Plan, including required stub-outs to the property boundary, shall be dedicated to Manatee County with adequate rights-of-way as determined by the County Engineer.

8. A road stub-out shall be provided to the eastern boundary of the PDI parcel to connect with the proposed emergency access which was required with the Rosedale development.

9. The need for wider internal roads or potential changes in their proposed alignment shall be addressed at the time of Preliminary Site Plan submittal.

10. The proposed owner's association documents shall contain a provision requiring the occupants of the industrial park to coordinate shift changes to reduce peak hour traffic.

11. In accordance with Policy 9-1.C of the Manatee Plan, daily Level of Service "C" and "D" at peak hours as determined by the Highway Capacity Manual (1965) and Highway Circular 212, or most current manual, and in accordance with guidelines and conclusions acceptable to the County, Tampa Bay Regional Planning Council and the Department of Community Affairs shall be maintained on all of the following thoroughfares which have been identified by the Tampa Bay Regional Planning Council as receiving from Creekwood, five percent (5%) or more of daily Level of Service "C" capacity:

    a. University Parkway from Lockwood Ridge Road to I-75

b. State Road 70 from U.S. 41 to I-75

c. Lockwood Ridge Road from University Parkway to State Road 70

d. State Road 64 from Morgan Johnson Road to I-75

e. I-75 from University Parkway to State Road 70

f. State Road 780 from Honore Avenue to I-75

g. Intersection of State Road 70 and State Road 683

h. Intersection of State Road 70 and 45th Street East

i. Intersection of State Road 70 and Caruso Road

j. Intersection of State Road 70 and U.S. 301

k. Intersection of State Road 64 and Morgan Johnson Road

l. Intersection of State Road 70 and the Project Entrances

m. Intersection of State Road 70 and I-75

n. Intersection of State Road 70 and U.S. 41

No plat or site plan shall receive approval if the approval of such plat or site plan would generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other development approvals, and other circumstance 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 these road links and intersections to a daily level below C or D at peak hour as determined above, or, if a lower level has already been reached prior to the commencement of phase I, any degradation of that level of Service. Each request for plat or site plan approval must be accompanied by a traffic study prepared or provided in this paragraph and stipulation #15 of the general conditions contained herein. Level of Service on the above referenced links and intersections shall be verified as part of each annual report as required by Chapter 380.06(16) Florida Statutes and stipulation #15 of the general conditions contained herein. If any traffic study required above for any phase shows that the project will contribute more than ten percent (10%) of the Level of Service C capacity of State Road 70 between State Road 683 and U.S. 301, then that phase shall not be approved unless the improvements necessary to achieve a Level of Service D on that segment is under construction.

This stipulation shall not be construed as diminishing any rights to credits for improvements paid for by the developer pursuant to this stipulation that would be available under Stipulation #14 of the general conditions contained herein.

12. Access to the project shall be as shown on the Revised Map H.

13. A cross-access easement plan for parcels within the development which do not have access to a road shown on the revised Master Development Plan (AA-2, B, ~~O-1~~), shall be approved by Manatee County prior to or concurrent with the Preliminary Site Plan, or Preliminary Subdivision Plat for those parcels.

OFF SITE FACILITY DEVELOPMENT FEE CONDITIONS

1. The developer, its successors, and assigns shall be bound by any and all impact fee ordinance(s) in effect at the time of building permit issuance. Impact fees shall be collected by Manatee County unless provisions have been made for another entity to collect all or part of the fees.

GENERAL CONDITIONS

1. The developer shall demonstrate the availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire, and EMS service with each Preliminary Development Plan submittal.

2. All structures shall meet at a minimum the building requirements of the Southern Standard Building Code, as amended.

3. The developer shall satisfy county requirements regarding the provision of EMS and police services to this portion of the County.

4. The energy conservation measures referenced in the ADA shall be required as a condition of approval.

5. Implementation of the bike/pedestrian path shall be required as committed in the ADA.

6. 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 General Development Plan approval, except as modified by the stipulations, conditions, and requirements set forth herein or in the approval of the ADA, or set forth in subsequent DRI or local approvals required for this development.

7. 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.

8. The matters addressed herein, as well as additional matters that are appropriate to consider at later stages of review, may be reflected in additional or more detailed stipulations, conditions, and requirements to be formulated and applied at later stages of review of this project under local procedures.

9. 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, and by reference to the record of the hearings before these bodies.

10. 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 and by any subsequently established stipulations.

11. Nothing herein shall be construed as authorizing any use of the property other than as described in the General Development Plan 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.

12. 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 reflects 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.

13. 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.

14. In the event the County or other government entity with jurisdiction in the matter establishes 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 reductions in developer's obligations as set forth herein shall be considered and should be reflected in stipulations made a part of subsequent approvals.

15. The developer and any successors in interest shall submit annual DRI reports in accordance with Section 380.06(16), Florida Statutes, to Manatee County, the TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on (October 22, 1985) and each year 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 the Manatee County Planning Department who shall be responsible for assuring the development's compliance with this order, to this end the Director shall review the report for compliance with the terms and conditions of this Order. Should the director decide that further orders and conditions are necessary to ensure compliance with the terms and conditions of this Order, he shall submit the report to the Manatee County Board of County Commissioners. 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(16), Florida Statutes;

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. Undeveloped tracts of land that have been sold to a separate entity or developer and the identify of that purchaser, together with a statement listing the

names and addresses of any heir, assignee, or successor in interest to this Order;

f. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the DRI site since the Order was issued;

g. An assessment of the Developer's and local government's compliance with conditions of approval contained in the Order;

h. Any requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

j. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer, pursuant to Subsection 380.06(14)(d), Florida Statutes.

k. Failure to file an annual report as provided within shall suspend any further development.

16. All references made in Ordinance 00-07 to a conceptual development plan shall hereinafter refer to revised Map H, as amended herein.

17. All Preliminary and Final Site Plans shall comply with the requirements of the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired.

    Site plans submitted for Parcel C-4, C-5, C-6, C-7, C, and U are exempt from meeting this requirement. However, all Preliminary Site Plans which are submitted for these parcels after September 16, 2004 or a Final Site Plan submitted after September 16, 2005 shall comply with the requirements of the 1990 Land Development Code, as amended. Until such time, these parcels shall, at a minimum, comply with the landscaping requirements of the 1990 Land Development Code, as amended.

18. The Developer shall include in each Notice to Buyer for any property sold east of Interstate 75 within the DRI boundaries, a statement that the use of the two hundred forty (240) plus or minus acres excluded from the Creekwood, Ltd. Development of Regional Impact approval is for a County owned treatment facility that may include spray irrigation.

19. If the Development Order is appealed by the DCA, the Developer shall pay all costs and fees of County staff and attorneys that the County is required to expend related to

said appeal. Said costs and fees shall be paid at the rate of the processing fee for Development of Regional Impacts under the current Planning Department fee schedules. Payment of all billings by the Developer related to such reasonable fees and costs shall be paid within 45 days of the submittal of an invoice, except those fees in dispute and under review or appeal. If the Development Order is appealed by DCA, and Manatee County chooses to pursue the appeal over the objections of the Developer, the Developer shall not be responsible for costs incurred subsequent to the Developer's objection.

SECTION 7. LEGAL DESCRIPTION

Development of Creekwood shall be restricted to the 818.26 acres owned by the Developer and described by the legal description included as Exhibit "A" attached to, and made a part of, this Development Order.

SECTION 8. GENERAL

1. This Ordinance 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 CREEKWOOD.

   B. The Application for a Notice of Proposed Change.

SECTION 9. RESTRICTIONS ON DOWN-ZONING

The County may not down-zone or reduce the intensity or unit density permitted by this Order prior to September 16, 2007, unless the County can demonstrate that:

(a) substantial changes in the conditions underlying the approval of the Order have occurred; or

(b) the Order was based upon substantially inaccurate information provided by the Developer; or

(c) the change is clearly established by the County to be essential for the public health, safety, or welfare.

Any down-zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Order.

The inclusion of this Section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density or intensity of the Project, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes.

SECTION 10. BINDING ORDER UPON DEVELOPER

This Development Order shall be binding upon the Developer.

SECTION 11. DEADLINE FOR COMMENCEMENT OF CONSTRUCTION

Physical development of the Project* shall commence within three years of the effective date of this Ordinance unless the time period for commencement is extended by the Board of County Commissioners (Development has commenced). If more than three years shall elapse between approval of this order and commencement of actual development, or if construction of a phase is not begun or completed by the time frame contained in Section 6. above, 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 the Land Development Code and may, at its option, rescind any and all approvals granted herein, including the Certificate of Level of Service. Any delay in construction commencement shall not be deemed to extend any time frame for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 12. RENDITION

The Planning Department is hereby directed to send certified copies of this Order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the TBRPC.

SECTION 13. NOTICE OF RECORDING

The Developer shall record a notice of adoption of this Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 14. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Development Order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, and to this end the provisions of this Ordinance are declared severable, but all remaining provisions and portions of this Development Order shall remain in full force and effect.

SECTION 15. EFFECTIVE DATE

This Ordinance, 00-07, shall become effective upon the filing of a certified copy of the executed ordinance with the Department of State, provided, however, that the filing of a notice of appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 98-49 during the pendency of any appeal.

ADOPTED AND APPROVED with a quorum present and voting the 28th day of March 2000.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Stan Stephens
Chairman

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

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO. FLA.

EXHIBIT "A"

CREEKWOOD
THE EAST ½ OF SECTION 11, TOWNSHIP 35, RANGE 18 E., LESS THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.
ALSO:
THAT PART OF SECTION 12., TOWNSHIP 35., RANGE 18E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75).
ALSO:
THAT PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD NO. 70
ALSO:
THAT PART OF SECTION 13, TOWNSHIP 35 S,. RANGE 18 E,. LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75), AND NORTH OF STATE ROAD NO. 70.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A LITERWOOD POST FOUND MARKING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., SAME BEING THE SOUTHWEST CORNER OF THE EAST ½ OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E., FOR A POINT OF BEGINNING: THENCE S 00°43'18" E, ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF SECTION 14, A DISTANCE OF 193.63 FT. TO THE NORTHEAST CORNER OF "CAMPBELL COMMERCIAL SUBDIVISION" AS RECORDED IN PLAT BOOK 23, PAGES 141 AND 142, AFORESAID PUBLIC RECORDS: THENCE CONTINUE S 00°43'10" E, ALONG THE EAST LINE OF SAID "CAMPBELL COMMERCIAL SUBDIVISION", SAME BEING THE OCCUPIED WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 513.00 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T.
R/W MAP, SECTION 13160-2503; THENCE S 70°20'03" E, ALONG SAID NORTHERLY R/W, A DISTANCE OF 7.83 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17120.74 FT.; THENCE RUN SOUTHEASTERLY, ALONG SAID NORTHERLY R/W AND THE ARC OF SAID
CURVE. THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 339.93 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17256.74 FT.; THENCE RUN SOUTHEASTERLY ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL
ANGLE OF 01°08'15", A DISTANCE OF 342.63 FT. TO THE P.T. OF SAID CURVE; THENCE S 70°20' 03" E. ALONG SAID NORTHERLY R/W, A DISTANCE OF 35.37 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD NO. 93 (INTERSTATE 75), AND SAID STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP,. SECTION 13075-2402; THENCE S 80°04'21" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 82.10 FT.; THENCE S 70°20'03" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 400.14 FT.; THENCE S 73°01'06" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 100.26 FT.; THENCE S 70°20'03" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 218.97 FT.; THENCE S 78°46'36" E, ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 136.27 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W, OF SAID STATE ROAD NO. 93 (INTERSTATE 75); THENCE S 70°20'03" E, ALONG SAID NORTHERLY LIMITED ACCESS R/W, 298.34 FT.; THENCE S 72°37'29" E. ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 628.85 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 622.20 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 52°23'42". A DISTANCE OF 568.98 FT. TO THE P.T. OF

SAID CURVE; THENCE N 54°58'49" E, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 351.55 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING RADIUS OF 721.51 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 50°03'07". A DISTANCE OF 632.91 FT. TO THE P.T. OF SAID CURVE, THENCE N 04°55'42" E, ALONG SAID LIMITED
ACCESS R/W, 518.38 FT.; THENCE N 00°55'22" E, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4990.44 FT. TO THE P.C. OF A CURVE CONCAVE TO THE WEST. HAVING A RADIUS OF 5530.30 FT.; THENCE RUN NORTHERLY ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°38'59", A DISTANCE OF 450.42 FT. TO THE INTERSECTION WITH THE LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°26'05" W, ALONG THE NORTH LINE OF SIAD SECTION 12, A DISTANCE OF 1065.82 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 33 S., RANGE 18 E., SAME BEING THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°36'09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1404.27 FT. TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, AFORESAID PUBLIC
RECORDS; THENCE S 00°26'58" W, ALONG THE EAST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT.; TO THE SOUTHEAST CORNER OF SAID CERTAIN PARCEL; THENCE N 89°36'09" W, ALONG THE SOUTH LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.00 FT. TO THE SOUTHWEST CORNER OF SAID CERTAIN PARCEL; THENCE N 00°26'58" E, ALONG THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 11, THENCE N 89°35' 09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 660.11 FT. TO THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION11; THENCE S 00°45'32" E. ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 11. A DISTANCE OF 5292.41 FT. TO THE POINT OF BEGINNING , BEING AND LYING IN SECTIONS 11, 12, 13 AND 14 MANATEE COUNTY, FLORIDA.

CONTAINING 540.56 ACRES MORE OR LESS

CREEKWOOD-EAST

THAT PART OF SECTIONS 12 AND 13, TOWNSHIP 35 S., RANGE 18 E., LYING EAST OF STATE ROAD NO. 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD NO. 70. LESS LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, 3035 AND OFFICIAL RECORDS BOOK 1145, PAGE 3377, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 01°00'42" W. ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 821.22 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20' 03" W, ALONG SAID NORTHERLY R/W , 1492.94 FT.; THENCE N 33°10'32" W. ALONG SAID NORTHERLY R/W, 83.17 FT.; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W, 70.00 FT.; THENCE S 74°16'39" W. ALONG SAID NORTHERLY R/W, A DISTANCE OF 79.73 FT. FOR A <u>POINT OF BEGINNING</u>: THENCE CONTINUE S 74°16'39" W, ALONG SAID NORTHERLY R/W, 7.01 FT.; THENCE N 70°20'30" W, ALONG SIAD NORTHERLY R/W, A DISTANCE OF 512.00 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD NO. 93 (INTERSTATE 75), AND STATE ROAD NO. 70; THENCE N 60°14'02" W. ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 217.32 FT. TO THE INTERSECTION WITH

THE NORTHERLY LIMITED ACCESS R/W OF SAID STATE ROAD NO. 93 (INTERSTATE 75), THENCE N 70°20'03" W. ALONG SAID NORTHERLY LIMITED ACCESS R/W, 400.78 FT.; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 493.00 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 216.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 48°55'49", A DISTANCE OF 184.46 FT. TO THE P.T. OF SAID CURVE; THENCE N 17°35'24" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 250.16 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1300.23 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°33'05", A DISTANCE OF 352.91 FT. TO THE P.T. OF SAID CURVE; THENCE N 33°08'29" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 513.14 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1338.39 FT.; THENCE RUN NORTHWESTERLY AND NORTHERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°55'25", A DISTANCE OF 769.08 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°13'03" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4772.30 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 89°26'05" E, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1251.28 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION 12; SAME BEING THE INTERSECTION WITH THE WEST LINE OF A 330.0 FT. WIDE FLORIDA POWER & LIGHT CO. EASEMENT, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 612, PAGE 508, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID WEST LINE, SAME BEING THE WEST LINE OF SAID EAST ½ OF SECTION 12, A DISTANCE OF 2561.96 FT. MORE OR LESS TO THE INTERSECTION WITH THE PHYSICAL CENTERLINE OF A 30.0 FT. WIDE FLORIDA GAS TRANSMISSION COMPANY EASEMENT (FORMERLY KNOWN AS HOUSTON TEXAS GAS & OIL CORPORATION, A DELAWARE CORPORATION) AS DESCRIBED AND RECORDED IN DEED BOOK 399, PAGE 117, AFORESAID PUBLIC RECORDS; THENCE N 59°39'32" E, ALONG SAID PHYSICAL CENTERLINE 63.89 FT.; THENCE N 59°36'32" E, ALONG SAID PHYSICAL CENTERLINE, A DISTANCE OF 316.93 FT. TO THE INTERSECTION WITH THE EAST LINE OF SAID 330.0 FT. WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT, SAME BEING THE WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2932.78 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF SAID EAST ½ OF SECTION 12, SAME BEING THE NORTH LINE OF THE EAST ½ OF SAID SECTION 13; THENCE S 01°10'44" W, ALONG SAID EAST EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2180.91 FT.; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, THE FOLLOWING COURSES AND DISTANCES; N 74°57'17" E, A DISTANCE OF 109.85 FT. TO A POINT ON A CURVE WHOSE RADIUS POINT LIES N 74°57'17" E, 290.00 FT.; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°25'25", A DISTANCE OF 184.36 FT. TO THE P.T. OF SAID CURVE; THENCE S 51°28'08" E, 69.79 FT.; THENCE S 67°12'08" E, 132.97 FT.; THENCE S 76°52'08" E, 119.24 FT.; THENCE N 83°31'52" E, 306.67 FT.; THENCE S 06°28'08" E, 180.22 FT.; THENCE S 19°39'57" W, 360.60 FT. TO THE POINT OF BEGINNING.

CONTAINING 265.86 ACRES MORE OR LESS.

PARCEL "B"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E., THENCE S 01°00'42" W, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 279.10 FT. FOR A <u>POINT OF BEGINNING</u>: THENCE CONTINUE S 01°00'42" W, ALONG SAID EAST LINE OF THE SOUTHEAST 1/4, A DISTANCE OF 542.12 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE

ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W. 1492.94 FT., THENCE N 33°10'32" W, ALONG SAID NORTHERLY R/W 1.61 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL THE FOLLOWING COURSES AND DISTANCES; N 19°39'57" E, 215.12 FT.; THENCE N 83°57'11" E, A DISTANCE OF 410.86 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST. HAVING A RADIUS OF 283.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°37'41", A DISTANCE OF 161.16 FT.; THENCE S 43°52'49" E, 121.17 FT.; THENCE S 10°11'25"E, 72.10 FT.; THENCE S 43°52'49" E, 240.00FT.; THENCE S 34°24'49" E, 88.00 FT.; THENCE N 85°27'11" E. 175.71 FT.; THENCE N 75°17'11" E, 113.23 FT.; THENCE N 34°52'11" E. 120.63 FT.; THENCE S 74°45'26" E, 103.64 FT. TO THE POINT OF BEGINNING.

CONTAINING 11.84 ACRES MORE OR LESS.
SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

EXHIBIT B

IS NOT ATTACHED BUT IS ON FILE AT THE CLERK'S OFFICE AS AN ATTACHMENT TO THE PREVIOUSLY APPROVED RESOLUTION R-93-25, APPROVED ON APRIL 22, 1993.

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 3 day of April, 20 00

R.B. SHORE
Clerk of Circuit Court

By: Jane Rook D.C.

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT

"TO SERVE WITH EXCELLENCE"

102

CERTIFIED MAIL
P 368 649 847

December 31, 1998

Mr. Tim Butts
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Development Order for Creekwood DRI #13

Dear Mr. Butts:

Enclosed is a certified copy of Ordinance 98-49, the Development Order for the Creekwood DRI, as adopted in open session by the Manatee County Board of County Commissioners on December 15, 1998, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941) 749-3070, extension 6833.

Sincerely,

Robert H. Pederson
Community Planning Administrator

RHP/jy
Enclosure

1112 Manatee Avenue West • Fourth Floor • Bradenton, Florida Tel. (941) 749-3070 • FAX: (941) 749-3071

P.O. Box 1000 • Bradenton, Florida 34206-1000

RECORDED _____
PAGE NO. _____
MINUTE BOOK NO. _____

ORDINANCE 98-49
DRI #13 CREEKWOOD INVESTORS, LTD.
DEVELOPMENT ORDER
GRANTING AMENDMENTS TO AND REPLACING RESOLUTION R-85-219, AS AMENDED BY RESOLUTION R-86-112, AS AMENDED BY RESOLUTION R-93-25

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE DEVELOPMENT ORDER FOR THE CREEKWOOD DEVELOPMENT OF REGIONAL IMPACT (MANATEE COUNTY DRI #13, A/K/A TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI # 102); PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CONCLUSIONS OF LAW; PROVIDING FOR DEFINITIONS; PROVIDING FOR AMENDED LIMITATIONS ON AND CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, CREEKWOOD, INVESTORS, LTD., hereinafter referred to as "CREEKWOOD", proposed a Development of Regional Impact (DRI) for a mixed-use development located in Manatee County; and

WHEREAS, on October 22, 1985 Manatee County adopted Resolution R-85-219 granting Creekwood a DRI Development Order; and

WHEREAS, on May 20, 1986 Manatee County approved Resolution R-86-112 amending Resolution R-85-219 by deleting two hundred and forty (240) plus or minus acres from the approved Creekwood DRI Development Order; and

WHEREAS, on April 22, 1993 Manatee County approved Resolution R-93-25 amending Resolution R-86-112 by approving amendments to Map H, extending the build out date, and other various changes; and

WHEREAS, on July 7, 1998 Creekwood filed a Notice of Proposed Change (amended on September 18, 1998) to the approved Development Order with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Notice of Proposed Change proposed to:

A. Exchange the land use designation identified in Parcel G (General Commercial) with Parcel O-1 (Office),
B. Increase the total commercial floor area by 69,500 square feet and land area by 2.3 acres,

C. Decrease the total office floor area by 44,000 square feet and land area by 2.3 acres,
D. Decrease the total residential development by 500 units,
E. Change the land use designation for Parcels C-1 and C-2 from "Highway Tourist Oriented" General Commercial to General Commercial,
F. Change the designation of Parcels C-1, C-2, and O-1 and combine them to a redesignated Parcel C; and

WHEREAS, the described project lies within the unincorporated area of Manatee County, a political subdivision of the State of Florida; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the Planning Commission has reviewed the application of the Notice of Proposed Change and has filed a recommendation on said application with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners of Manatee County has on December 15, 1998 held a duly noticed public hearing on said application for the Notice of Proposed Change, and has solicited, received, and considered reports, comments, and recommendations from interested citizens, county and city agencies, and the applicant, the Tampa Bay Regional Planning Council, the Department of Community Affairs, as well as the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, IN A REGULAR MEETING ASSEMBLED THIS 15TH DAY OF DECEMBER, 1998, AS FOLLOWS:

SECTION 1. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 13, R-85-219.

The previous development order for Creekwood, which was adopted on October 22, 1985, and all subsequent amendments are hereby replaced in their entirety, provided this amendment shall not be construed to terminate the rights of the developer, if any, granted under Section 163.3167(8) Florida Statutes, to the extent such rights have previously been granted and not specifically herein or otherwise modified or amended.

SECTION 2. FINDINGS OF FACT

The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of approved Map H, the recommendation and findings of the Planning Commission of Manatee County, as well as all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners of said County has received and considered the recommendation of the Manatee County Planning Commission concerning the Notice of Proposed Change to the DRI as it relates to the real property described in Exhibit "A" of this Ordinance, pursuant to Section 380.06, Florida Statutes. The ordinance was rendered on December 15, 1998, following the public hearing.

B. That said Board of County Commissioners held a public hearing on December 15, 1998 regarding said Notice of Proposed Change to the DRI described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code) and Ordinance No. 97-01 (the 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the Public Hearing.

C. The proposed Change to the DRI regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No.97-01 (the 2020 Manatee County Comprehensive Plan), provided it proceeds in accordance with the Development Conditions specified herein.

D. The real property, which is the subject of this Development Order, is legally described as set forth in Exhibit "A" of this Development Order.

E. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

F. The authorized agent for the Project is Cheryl L. Semon, and her address is 7110 Fairway Bend Lane #286, Sarasota, Florida 34243.

G. The owner of the property, is Creekwood Investors, Ltd.

H. A comprehensive review of the impacts generated by the Development has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, TBRPC, and the Department of Community Affairs (DCA).

I. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

SECTION 3. CONCLUSIONS OF LAW

A. Based upon the previous findings of fact and the following conditions of the Development Order, the Board of County Commissioners of Manatee County concluded that:

1. The Project is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP) the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan, and Ordinance 97-01 (The 2020 Manatee County Comprehensive Plan, as amended).

B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

C. That the review by the County, TBRPC, other participating agencies, and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order.

D. That the impacts caused by the amendment to Resolution R-93-25 as described herein in Section 4 and which were requested in the Notice of Proposed Change do not constitute a Substantial Deviation.

SECTION 4. AMENDMENTS TO APPROVED DEVELOPMENT

The application for a Notice of Proposed Change to the Creekwood DRI is hereby approved, amending the previous Development Order and it's amendments in their entirety, subject to the conditions listed herein, to allow the following changes in the plan of development:

A. Amending Map H to:

I. Exchange the land use designation identified in Parcel G (General Commercial) with Parcel O-1 (Office),

2. Increase the total commercial floor area by 69,500 square feet and land area by 2.3 acres,

3. Decrease the total office floor area by 44,000 square feet and land area by 2.3 acres,
4. Decrease the total residential development by 500 units,
5. Change the land use designation for Parcels C-1 and C-2 from "Highway Tourist Oriented" General Commercial to General Commercial, and
6. Change the designation of Parcels C-1, C-2, and O-1 and combine them to a redesignated Parcel C,

SECTION 5. DEVELOPMENT COMPONENTS

Approval of this ordinance authorizes development of the following land uses, when developed in conjunction with the terms of this ordinance, and any applicable local, regional, state or federal regulations.

A. 2,305 dwelling units

B. 497,000 square feet of commercial

C. 2,000,000 square feet of industrial

D. 140,000 square feet of office

SECTION 6. DEVELOPMENT CONDITIONS

PROJECT PHASING CONDITIONS

1. Revise as follows: The developer shall comply with the deadlines contained in the revised phasing schedule which are listed below.

Phasing By Parcel Reference

RESIDENTIAL					
	NUMBER	PHASES			
PARCEL	UNITS	I COMPLETED*	II 3/16/93*-9/16/97*	III 9/16/96*-9/16/2002*	IV 9/16/1998*-9/16/2004*
PH I SUB I	322	322			
G-I	39		39		
CC	85		85		
AA I	90		90		
AA II			233		
T	283			283	
S	341				341
Y	167			167	
A	104				104
B	67				67
U	132			132	
Z	337			337	
C	105			105	
TOTAL	2,305	322	447	1,024	512
COMMERCIAL					
PARCEL	SQUARE FEET				
C	422,000		190,000	187,000	45,000
C-4	20,000	7,900	12,100		
C-5	20,000		20,000		
C-6	20,000		20,000		
C-7	15,000		15,000		
TOTAL	497,000	7,900	257,100	187,000	45,000

INDUSTRIAL					
PARCEL	SQUARE FEET				
PH I SUB II	541,300	150,000	350,000	41,300	
I-9	950,000		150,000	300,000	500,000
H	350,000			130,000	220,000
I-10	158,700		158,700		
TOTAL	2,000,000	150,000	658,700	471,300	720,000
OFFICE					
G	77,000		17,000	60,000	
C	63,000		4,000		59,000
TOTAL	140,000		21,000	60,000	59,000

* Dates referenced above are required dates for submittal of a preliminary plan for the referenced phase. Any Final Site Plans submitted after 9/16/2005 shall fully comply with all provisions of the Comprehensive Plan then in effect. A revised preliminary site plan application for Parcel C, which includes Phase II development square footage may be submitted for approval after the effective date of this Ordinance, provided however, that any revised preliminary site plan shall be consistent with all provisions of this ordinance and shall expire 9/16/2000.

2. The developer shall submit a revised transportation analysis with any request for project extension. The Manatee County Board of County Commissioners shall review this analysis and determine whether or not the requested extension constitutes a substantial deviation pursuant to Section 380.06 Florida Statutes.

PHASING BUILD OUT SCHEDULE

1. In addition to the foregoing Preliminary Plan submittal Project Phasing Conditions, the developer must adhere to the following phasing build out schedule. This phasing build out schedule is for Section 380.06, Florida Statutes, purposes only and does not serve to extend the dates for preliminary or final plans submittal as referenced in the Project Phasing Condition or compliance with the Comprehensive Plan.

Phase I	1986-1996
Phase II	1993-2003
Phase III	1996-2006
Phase IV	2001-2009

2. Preliminary site plans shall be valid for a period of three (3) years. Final site plans shall be valid until the end of the phase for which development is proposed as described in the phasing build out schedule.

LAND USE CONDITIONS

1. Development within the Evers Reservoir Watershed shall be restricted to a maximum density of five dwelling units per acre. Maximum density for all other parcels shall be as noted on the General Development Plan.

2. At the time of preliminary site plan submittal, the applicant shall demonstrate compliance with the requirements of the Planned Development District in effect at that time including, but not limited to, such concerns as entranceway requirements, aesthetic appearance from State Road 70 and Interstate 75, ample provision for open space, adequate restrictions to prohibit unsightly vehicles, trash, etc., and a maintenance program which assures that an attractive appearance will be maintained.

3. Light manufacturing, high tech industries, office parks, and major product supply and distribution centers are the primary uses proposed within the industrial park. Secondary uses, such as hotels/motels, service stations, service establishments, and mini-warehouses shall occupy no more than 10% of the PDI district. Industrial uses to be constructed within the Evers Reservoir Watershed Protection Overlay District, which have not received either a preliminary plan or preliminary plat approval prior to the effective date of Resolution R-93-25, must employ Best Possible Technology so that such uses will not be contrary to the public health, safety, and welfare. Best Possible Technology shall be in accordance with the laws in effect at the time of General Development Plan or General Development Plan/Preliminary Site Plan approval and shall be shown on the plan and/or plat for consideration and approval by the Board of County Commissioners.

4. All buildings, parking, and service areas within the 10.8 acre PDI parcel located at the northeast quadrant shall maintain a minimum setback of 100 feet from State Road 70 and Interstate 75. All trash and garbage receptacles that are visible from State Road 70 shall be screened with materials similar to the adjacent building facade. All truck loading, service areas, outside storage, and parking of heavy equipment, semi-trucks and/or trailers or other vehicles over 1-1/2 tons shall be located at the non-street side of the building when adjacent to Interstate 75, and State Road 70, unless they are not visible from a height of five (5) feet at the edge of pavement of said street, to be determined at time of Certificate of Occupancy.

5. The linear park, located east of and parallel to I-75, shall maintain a minimum upland width of 20 feet at all locations. All industrial development shall maintain a minimum building setback of 30 feet and a minimum setback of 20 feet for all other site improvements from the park. A stabilized pedestrian/bicycle travelway, a minimum

width of 6 feet, shall be installed within the length of the park prior to the next Final Plat approval east of Interstate 75. The pedestrian/bicycle travelway shall be as shown on the revised Master Development Plan and connect to the main north/south roadway within the industrial area at a point immediately adjacent to State Road 70 and at a point perpendicular to the northern terminus of the park. The park and the pedestrian/bicycle travelway shall be designated as a common recreational easement on all future plan/plat submittals.

6. The developer shall be allowed to construct a total of ~~2,805~~ 2,305 dwelling units. Dwellings shall be constructed in accordance with the density approved for each specific parcel in the revised Master Development Plan.

BUFFER CONDITIONS

1. The 100 foot wide buffer, shown on the General Development Plan, shall be provided as shown on the General Development Plan. Additionally, the depth, design, and location of landscaped buffers will be determined when a Preliminary Site Plan is submitted for approval. Continued maintenance of these buffers shall be assured through appropriate measures such as covenants and deed restrictions.

2. A building setback of at least ten (10) feet shall be provided west of and adjacent to the existing power line easement traversing the PDI (Planned Development Industrial) District. This setback shall be increased to twenty (20) feet for industrial lots which are directly west of the proposed multi-family tract located in the Rosedale development. Native trees lying within the remaining buffer shall not be removed. Trees of a native species shall be planted in those areas where the base of trees closer than twenty-five (25) feet apart do not already exist. In addition, the screening buffers required between zoning district boundaries by the Land Development Code shall be required, except for the requirements for trees if more stringent within this stipulation. These plantings shall occur prior to a certificate of occupancy for each lot and they shall meet the minimum standards of the Land Development Code.

3. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 60 dBA range. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls, and significant landscape buffering should be provided between the residential units and the noise source.

   Additionally, residential units constructed within noise level contours in excess of the L10 65 contour must meet the sound levels identified by the EPA as sufficient to

protect public health and welfare (see Table on Pg. 21). The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval.

ENVIRONMENTAL CONDITIONS

1. At the time of the first Preliminary Development Plan submittal, a Master Drainage Plan for the entire development, including a demonstration that the effect the proposed altering and deepening of existing wetlands will have on their ability to filter surface water and percolating groundwater will be acceptable, shall be submitted. This Master Drainage Plan, though 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.

2. Stormwater management system design for that portion of the development lying within the Evers Reservoir Watershed shall meet or exceed any requirements of the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as may be amended. This shall not be interpreted to mean that the developer is required to retrofit any approved and existing stormwater systems which do not meet this requirement.

3. In conjunction with the submittal of the first Preliminary Development Plan, a demonstration of compliance with the Watershed Protection, Special Treatment and Agricultural Fringe Overlay zones shall be submitted. As required by the Special Treatment District, the Board of County Commissioners must make a determination prior to construction that "Best Possible Technology" is being employed prior to construction.

4. The Stormwater Maintenance Plan, submitted with the first Preliminary Development Plan, shall be designed using accepted best management practices to provide a natural hydroperiod within each wetland. Isolated wetlands shall, where practical, be incorporated into the stormwater system. Construction and post-construction monitoring of surface and groundwater quality and quantity shall be outlined and implemented; included in this plan shall also be the design and execution of a maintenance program to ensure the adequate functioning of the system beyond project build out. The stormwater management system shall be designed with enough flexibility to allow for hydroperiod refinement, as needed.

5. All jurisdictional wetlands and streams shall be preserved physically and functionally. The only exception may be those areas in which appropriate environmental permits and local approvals are obtained.

   All development on parcels I-10 and H shall comply with the wetland policies of the 1990 Land Development Code, as amended. All other parcels, which receive a

Preliminary Site Plan approval after the effective date of this resolution, shall, at a minimum, comply with the following wetland policies:

a. A conservation easement, 20 feet wide, shall be provided from the most landward extent of any post development jurisdictional wetland. A 15 foot setback shall be required between the upland edge of the buffer and adjacent structures.

b. Wetland mitigation shall comply with Policy 3.3.1.3 of the Comprehensive Plan.

6. The Preliminary Site Plan, as submitted by phase, shall specifically also outline which and how much of each vegetation association is being preserved. Every effort shall be made by the developer and any future developers of this property to preserve a diverse range of the existing wildlife habitat. These preserve areas should be as large as possible and should be located adjacent to wetlands and/or a different upland community type.

7. Wetlands on the project site shall be preserved consistent with Map F-1 on page 44 of the ADA additional information response and with s.2.7 of the Council's adopted Future of the Region.

8. Representative tracts of all major upland vegetative communities shall be preserved in their natural state to serve as conservation/recreation areas.

9. The wind and soil erosion controls including sodding, hydroseeding, mulching and bare soil wetting, committed to by the developer in the ADA, shall be required.

WATER QUALITY CONDITIONS

1. To assure water quality is maintained:

a. The developer shall institute a program to provide a body of initial baseline water quality data before any significant groundbreaking takes place, as well as institute a bi-annual on-going monitoring program through project build-out. Sampling stations shall be at the sampling sites shown in "Exhibit B" (attached).

Sampling should be taken on a cresting hydrograph and should occur immediately after a one-inch storm event, and after a dry period, during both the rainy season (June-September) and the dry season (November-February). Significant water quality parameters should include, but not be limited to, the following:

- streamflow (cu. ft./sec.);
- turbidity (ntu);

- specific conductance (umho/cm at 25 deg. C);
- dissolved oxygen (mg/l);
- biochemical oxygen demand (mg/l);
- pH;
- total orthophosphate as P (m/l);
- total organic nitrogen as N (mg/l);
- total organic carbon as C (mg/l);
- total coliforms, multiple tube method, MPN (col/100 ml):
- total lead as Pb (ug/l; and
- temperature (deg. C).

All water quality methods and procedures shall be thoroughly documented and should comply with EPA/DEP Quality Control standards and should be submitted to Manatee County Planning Department, Manatee County Environmental Management Department, and TBRPC.

b. The developer shall provide baseline water-level contour maps for the unconfined aquifer on the Creekwood site, to reflect conditions present during both the wet season (June-September) and the dry season (November-February). In addition, the developer shall provide for review annually updated ground water contour maps as described above; until the project reaches completion.

2. In order to protect water quality, the following parameters shall be included in the project drainage plan.

a. The developer shall submit for approval a wetland-lake management plan, to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
- proposed wetland/lake alterations;
- control of exotic species;
- control of on-site water quality
- maintenance of natural hydroperiod; and
- methods for wetland restoration/enhancement.

b. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment for the first 1" of runoff generated from the site during the 25-year, 24-hour design storm; and that maximum post-development shall not exceed pre-development flows for the same design storm.

c. The proposed retention/detention wetland systems shall be designed to be consistent with the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC 1978). The design criteria of this system should include the following elements:

(1) A minimum of 15 but no more than 50 percent of the surface area of the detention pond at the normal water level (NWL) shall consist of a shallow vegetated littoral shelf.

(2) The littoral shelf shall be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf shall be established on a shallow submerged island in the middle of the pond.

(3) A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.

(4) The littoral shelf, if located along the pond bank, shall have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.

(5) The littoral shelf shall be vegetated with a diverse group of native species which can include Sagittaria, pickerel-weed, Juncus, water lilies, cypress, etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more "natural" appearance.

(6) A copy of an operation and maintenance (O & M) schedule shall be provided to the owner, and be submitted to TBRPC with the annual report. The O & M schedule should include an estimation of the frequency of sediment removal operations and should mention the periodic need for removing dead vegetation.

HAZARDOUS WASTE CONDITIONS

1. Prior to the construction of industrial facilities, hazardous waste storage and disposal plans, including transportation of wastes, shall be provided and approved.

2. The developer shall provide separate hazardous waste storage containers/areas within the project prior to or concurrent with the certificate of occupancy for the first business within the project. These containers/areas shall be accessible to all project businesses and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials. Such containers shall also be designed to prevent unauthorized use or entry. The hazardous waste storage containers/areas shall be allowed to be located within the Evers Reservoir Watershed Overlay District until such time as the first industrial use outside of the Evers Reservoir Watershed Overlay District is constructed, at which time the storage containers/areas shall be relocated outside of the Evers Reservoir Watershed Overlay District.

The developer shall provide to all Creekwood businesses information that:

a. Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designed containers; and

b. Indicates the location of the specially-designed hazardous waste and materials containers; and

c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

The developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

ARCHAEOLOGICAL CONDITION

1. At the time a Preliminary Site Plan for the specific areas referenced in the May 24, 1984 letter from the State Division of Archives, History and Records Management is submitted, the developer must show the location of all archaeological and historic sites identified by a systematic, professional archaeological and historic survey. If any sites exist, the ones which are significant must be protected and preserved.

PARKS AND RECREATION CONDITIONS

1. All park areas within the project shall be open to use by employees who work in the non-residential components of this project.

2. Implementation of the bike/pedestrian path shall be required as committed in the ADA, unless more restrictive conditions have been placed on the development in this order.

3. Development plans shall assure adequate buffering between the industrial, office, commercial, and residential designations of this development through appropriate measures such as covenants and deed restrictions.

4. The entity responsible for maintenance of all open space areas of this development has been identified in the ADA. Assignment of specific responsibility for open spaces shall be made at the time of Preliminary Site Plan submittal.

5. The 25 acre park located in the northwest quadrant of the project as shown on Revised Map H shall be deeded to the County by the Developer upon request of the County. The County shall utilize said acreage for public park purposes. The Developer shall be entitled to impact fee credit as set forth in Section 806.4.1 of the Land Development Code, as may be amended.

If the County desires to develop the park prior to the Developer extending Creekwood Boulevard from the southern boundary of Williams Creek north, the County may construct that portion of Creekwood Boulevard necessary to access the park. The Developer shall provide Manatee County with sufficient right-of-way for said construction. If Manatee County undertakes construction of any portion of the roadway, Manatee County shall obtain all necessary permits including any wetland impact permits required for said construction. The Developer shall have the right to review construction plans prior to commencement of construction to determine compatibility with its development plans including, but not limited to, provision of sufficient curb cuts to access development parcels. The road will be constructed to County standards. If the county constructs the road described in this paragraph, and the road is of a type not eligible for impact fee credits pursuant to Section 806.4 of the Land Development Code, then the developer shall reimburse the county for the cost of construction. Reimbursement shall be required in conjunction with final site plan or final plat approval for development of the parcels adjacent to that portion of the road which the county constructs. If the road is eligible for impact fee credit and the county constructs the roadway, the developer will not be entitled to reimbursement.

The Developer shall have the right to relocate the right-of-way and/or constructed road at its expense.

PUBLIC SAFETY CONDITIONS

1. Creekwood shall contribute a pro-rata share of the cost of constructing a fire station on the Tara public service site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Development Plan submittal.

2. Creekwood shall contribute a pro-rata share of the cost to construct and equip the Sheriff Department's portion of the Public Services Building on the Tara Public Site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Development Plan submittal.

3. The use of street names for the main entrance roads to both the residential and industrial portion of the project may be allowed. The entrance road to the residential portion of the project shall be allowed as a designation of Creekwood Boulevard and the entrance road to the industrial portion of the project may be allowed to be named as a boulevard at a later time. All other streets within the project shall be numbered in accordance with the revised county grid system, unless street names are allowed by the Board of County Commissioners for those other streets at a later time.

TRANSPORTATION CONDITIONS

1. Improvements shall be required to the project entrances on State Road 70 and to the intersection of State Road 70 and I-75. Such improvements shall include, but not be

limited to, left turn storage lanes, signalization, ramp improvements and additional through lanes. The extent and timing of improvements required shall be determined by the County Engineer with the review of each phase.

2. Developer shall provide for a 120 foot wide right-of-way for 44th Avenue East (Cortez Road Extended) through the project. Two lanes of this roadway shall be constructed through the project by the developer with development of parcels adjacent thereto. Sufficient right-of-way to construct the bridge approach shall be dedicated, but the developer shall not be responsible for constructing the bridge over I-75 as an on-site transportation improvement.

3. Construction of approximately 1,600 feet of 44th Avenue East, from the west property boundary west to the existing pavement by the developer, to a two-lane section, including payment for acquisition of necessary right of way, shall be required prior to final plat approval of the 101st dwelling unit north of Williams Creek. The primary entrance road (Creekwood Boulevard) to the residential portion of the project shall connect to 44th Avenue at the time of construction of the extension of 44th Avenue, mentioned herein. Manatee County shall cooperate with Creekwood in the condemnation of any land necessary to meet this requirement.

4. A cross access easement between Parcels C-6 and C-7 and the Campbell Commercial Center to the west shall be recorded and constructed prior to the first Certificate of Occupancy for Parcels C-6 or C-7. This cross access easement shall be located within 50 feet of the northern right-of-way of State Road 70 at the western property line of Parcel C-7 and shall be extended eastward to the northern-most driveway on Creekwood Boulevard in Parcel C-6.

5. The proposed entrance onto State Road 70 at the southwest corner of the development shall be relocated eastward to facilitate the frontage road from the Campbell Commercial Center and to avoid conflict with regard to intersection function.

6. The intersections of any driveway (including the frontage road) with the project entrance boulevard onto State Road 70 shall be located as far from State Road 70 right-of-way as necessary to avoid conflict with regard to intersection function.

7. All roads shown on the General Development Plan, including required stub-outs to the property boundary, shall be dedicated to Manatee County with adequate rights-of-way as determined by the County Engineer.

8. A road stub-out shall be provided to the eastern boundary of the PDI parcel to connect with the proposed emergency access which was required with the Rosedale development.

9. The need for wider internal roads or potential changes in their proposed alignment shall be addressed at the time of Preliminary Site Plan submittal.

10. The proposed owner's association documents shall contain a provision requiring the occupants of the industrial park to coordinate shift changes to reduce peak hour traffic.

11. In accordance with Policy 9-1.C of the Manatee Plan, daily Level of Service "C" and "D" at peak hours as determined by the Highway Capacity Manual (1965) and Highway Circular 212, or most current manual, and in accordance with guidelines and conclusions acceptable to the County, Tampa Bay Regional Planning Council and the Department of Community Affairs shall be maintained on all of the following thoroughfares which have been identified by the Tampa Bay Regional Planning Council as receiving from Creekwood, five percent (5%) or more of daily Level of Service "C" capacity:

    a. University Parkway from Lockwood Ridge Road to I-75

    b. State Road 70 from U.S. 41 to I-75

    c. Lockwood Ridge Road from University Parkway to State Road 70

    d. State Road 64 from Morgan Johnson Road to I-75

    e. I-75 from University Parkway to State Road 70

    f. State Road 780 from Honore Avenue to I-75

    g. Intersection of State Road 70 and State Road 683

    h. Intersection of State Road 70 and 45th Street East

    i. Intersection of State Road 70 and Caruso Road

    j. Intersection of State Road 70 and U.S. 301

    k. Intersection of State Road 64 and Morgan Johnson Road

    l. Intersection of State Road 70 and the Project Entrances

    m. Intersection of State Road 70 and I-75

    n. Intersection of State Road 70 and U.S. 41

No plat or site plan shall receive approval if the approval of such plat or site plan would generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other development approvals, and other circumstance 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 these road links and intersections to a daily level below C or D at peak hour as determined above, or, if a lower level has already been reached prior to the commencement of phase I, any degradation of that level of Service. Each request for plat or site plan approval must be accompanied by a traffic study prepared or provided in this paragraph and stipulation #15 of the general conditions contained herein. Level of Service on the above referenced links and intersections shall be verified as part of each annual report as required by Chapter 380.06(16) Florida Statutes and stipulation #15 of the general conditions contained herein. If any traffic study required above for any phase shows that the project will contribute more than ten percent (10%) of the Level of Service C capacity of State Road 70 between State Road 683 and U.S. 301, then that phase shall not be approved unless the improvements necessary to achieve a Level of Service D on that segment is under construction.

This stipulation shall not be construed as diminishing any rights to credits for improvements paid for by the developer pursuant to this stipulation that would be available under stipulation #14 of the general conditions contained herein.

12. Access to the project shall be as shown on the Revised Map H.

13. A cross-access easement plan for parcels within the development which do not have access to a road shown on the revised Master Development Plan (AA-2, B, O-1), shall be approved by Manatee County prior to or concurrent with the preliminary site plan, or preliminary subdivision plat, for those parcels.

OFF SITE FACILITY DEVELOPMENT FEE CONDITIONS

1. The developer, its successors and assigns shall be bound by any and all impact fee ordinance(s) in effect at the time of building permit issuance. Impact fees shall be collected by Manatee County unless provisions have been made for another entity to collect all or part of the fees.

GENERAL CONDITIONS

1. The developer shall demonstrate the availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire and EMS service with each Preliminary Development Plan submittal.

2. All structures shall meet at a minimum the building requirements of the Southern Standard Building Code, as amended.

3. The developer shall satisfy county requirements regarding the provision of EMS and police services to this portion of the County.

4. The energy conservation measures referenced in the ADA shall be required as a condition of approval.

5. Implementation of the bike/pedestrian path shall be required as committed in the ADA.

6. 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 General Development Plan approval, except as modified by the stipulations, conditions and requirements set forth herein or in the approval of the ADA, or set forth in subsequent DRI or local approvals required for this development.

7. 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.

8. The matters addressed herein, as well as additional matters that are appropriate to consider 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 procedures.

9. 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, and by reference to the record of the hearings before these bodies.

10. 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 and by any subsequently established stipulations.

11. Nothing herein shall be construed as authorizing any use of the property other than as described in the General Development Plan 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.

12. 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 reflects 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.

13. 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.

14. In the event the County or other government entity with jurisdiction in the matter establishes 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 reductions in developer's obligations as set forth herein shall be considered and should be reflected in stipulations made a part of subsequent approvals.

15. The developer and any successors in interest shall submit annual DRI reports in accordance with Section 380.06(16), Florida Statutes, to Manatee County, the TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on the second anniversary of the effective date of Resolution 85-219 (October 22, 1985) 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 the Manatee County Planning Department who shall review the report for compliance with the terms and conditions of this Order. Should the director decide that further orders and conditions are necessary to ensure compliance with the terms and conditions of this Order, he shall submit the report to the Manatee County Board of County Commissioners. 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(16), Florida Statutes;

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. Undeveloped tracts of land that have been sold to a separate entity or developer and the identify of that purchaser, together with a statement listing the names and addresses of any heir, assignee or successor in interest to this Order;

f. Identification and intended use of lands purchased, leased or optioned by the Developer adjacent to the DRI site since the Order was issued;

g. An assessment of the Developer's and local government's compliance with conditions of approval contained in the Order;

h. Any requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

j. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer, pursuant to Subsection 380.06(14)(d), Florida Statutes.

k. Failure to file an annual report as provided within shall suspend any further development.

16. All references made in Ordinance 98-49 to a conceptual development plan shall hereinafter refer to revised Map H, as amended herein.

17. Any parcel for which Preliminary Site Plans are submitted after September 16, 2004 or a Final Site Plan is submitted after September 16, 2005, shall comply with the requirements of the 1990 Land Development Code, as amended. This provision shall not apply if the property in which this site plan is part of was included as part of a Final

Plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code, as amended.

18. The Developer shall include in each Notice to Buyer for any property sold east of Interstate 75 within the DRI boundaries, a statement that the use of the two hundred forty (240) plus or minus acres excluded from the Creekwood, Ltd. Development of Regional Impact approval is for a County owned treatment facility that may include spray irrigation.

19. If the Development Order is appealed by the DCA, the Developer shall pay all costs and fees of County staff and attorneys that the County is required to expend related to said appeal. Said costs and fees shall be paid at the rate of the processing fee for Development of Regional Impacts under the current Planning Department fee schedules. Payment of all billings by the Developer related to such reasonable fees and costs shall be paid within 45 days of the submittal of an invoice, except those fees in dispute and under review or appeal. If the Development Order is appealed by DCA, and Manatee County chooses to pursue the appeal over the objections of the Developer, the Developer shall not be responsible for costs incurred subsequent to the Developer's objection.

SECTION 7. LEGAL DESCRIPTION

Development of Creekwood shall be restricted to the 818.3 acres owned by the Developer and described by the legal description included as Exhibit "A" attached to, and made a part of, this Development Order.

SECTION 8. GENERAL

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 CREEKWOOD.

B. The Application for a Notice of Proposed Change.

C. The Ordinance granting rezoning to Planned Development Residential, Planned Development Commercial and Planned Development Industrial adopted July 10, 1985.

D. The Ordinance amending the July 10, 1985 rezone which has an approval date of April 22, 1993.

E. The Ordinance amending the April 22, 1993 resolution which has an approval date of December 15, 1998.

SECTION 9. RESTRICTIONS ON DOWN-ZONING

The County may not down-zone or reduce the intensity or unit density permitted by this Order prior to September 16, 2007, unless the County can demonstrate that:

(a) substantial changes in the conditions underlying the approval of the Order have occurred; or

(b) the Order was based upon substantially inaccurate information provided by the Developer; or

(c) the change is clearly established by the County to be essential for the public health, safety, or welfare.

Any down-zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Order.

The inclusion of this Section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density or intensity of the Project, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes.

SECTION 10. BINDING ORDER UPON DEVELOPER

This Development Order shall be binding upon the Developer.

SECTION 11. RENDITION

The Planning Department is hereby directed to send certified copies of this Order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the TBRPC.

SECTION 12. NOTICE OF RECORDING

The Developer shall record a notice of adoption of this Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 13. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Development Order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, but all remaining provisions and portions of this Development Order shall remain in full force and effect.

SECTION 14. EFFECTIVE DATE

This Ordinance 98-49, shall take effect upon being signed by the Chairman of the Board of County Commissioners of Manatee County, the receipt of an official acknowledgment from the Department of State, and the expiration of any appeal period, which date shall be the effective date of this Ordinance or the effective date of this Development Order as the terms may be used herein.

ADOPTED AND APPROVED with a quorum present and voting the 15th day of December, 1998.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

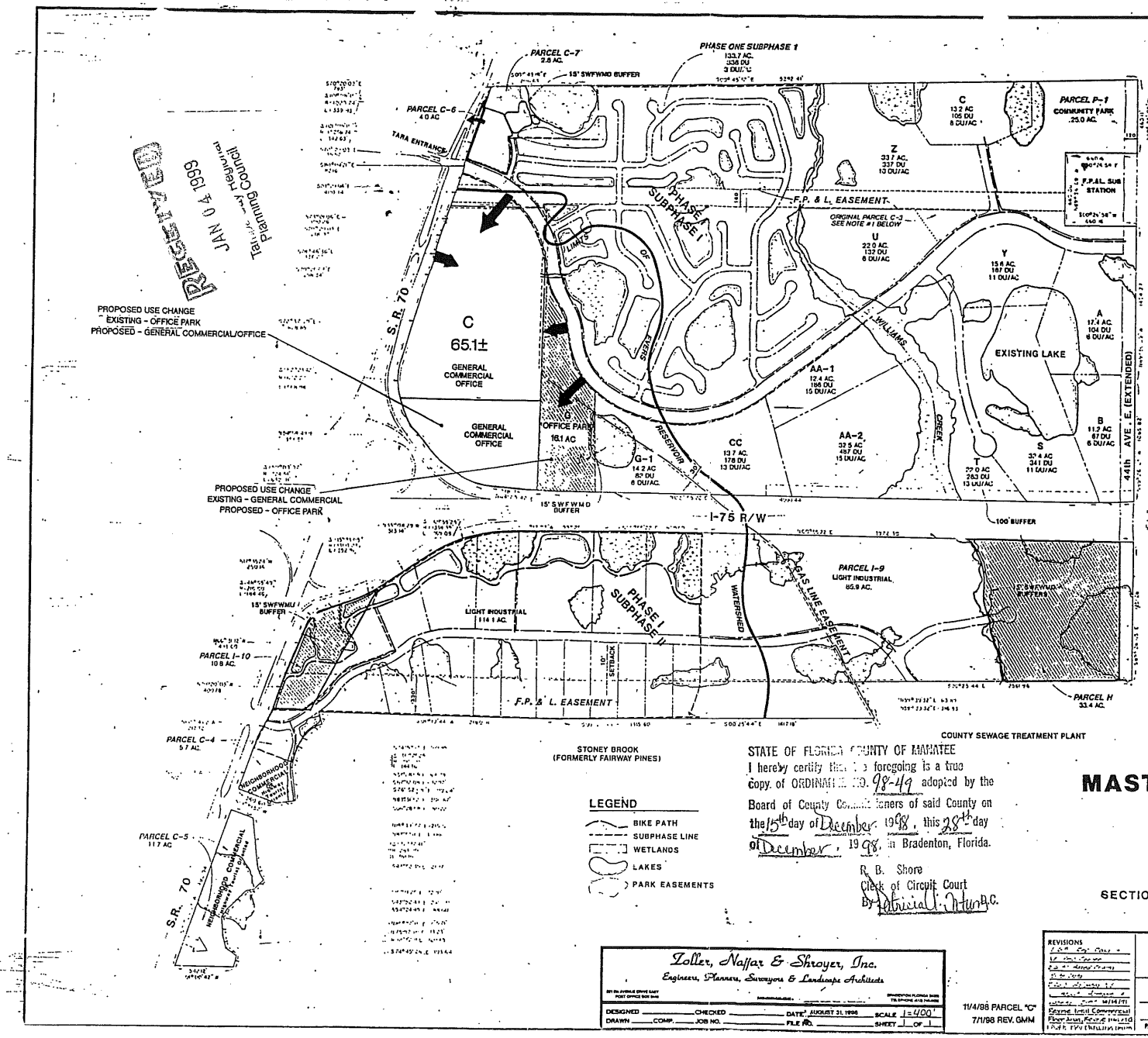
BY: Patricia M. Glass
Chairman

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

By: Susan D. Cornue DC

EXHIBITS A AND B

ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS TO THE PREVIOUSLY APPROVED RESOLUTION R-93-25, APPROVED ON APRIL 22, 1993.



	LAND USE	ORIGINAL ACRES	ORIGINAL UNITS	1990 REVISION ACRES	1990 REVISION UNITS	1998 REVISION ACRES	1998 REVISION UNITS
L-D	RESIDENTIAL LOW DENSITY (3-7 DU/AC) SINGLE FAMILY & MULTI-FAMILY	124.4	258	211.7	701	211.7	1305
L-M	RESIDENTIAL LOW/MEDIUM DENSITY (5-10 DU/AC) MULTI-FAMILY	145.7	748	33.7	462	162.3	1,000
M-L	RESIDENTIAL MEDIUM/LOW DENSITY (11-13 DU/AC) MULTI-FAMILY	235.2	1745	83.7	905		
M-D	RESIDENTIAL MEDIUM DENSITY (14-18 DU/AC) MULTI-FAMILY	150.3	1330	44.9	737		
	COMMERCIAL	68.1	435,000 SF	87.0	427,500 SF	89.3	497,000 SF
	LT. INDUSTRIAL	200.0	2,000,000 SF	244.2	2,000,000 SF	244.2	2,000,000 SF
	OFFICE PARK	18.4	184,000 SF	18.4	184,000 SF	16.1	140,000 SF
	ROADS/ OPEN SPACE/ BIKEWAYS	109.0[1]		69.7[1]		69.7[1]	
	PARKS	38.9		25.0[2]		25.0[2]	
	TOTAL	1090.0	4081	818.3[3]	2805	818.3[3]	2305
	GROSS DENSITY	3.74 DU/AC		3.4 DU/AC		2.8 DU/AC	

NOTE[1] ADDITIONAL OPEN SPACE WITHIN PARCELS NOT INCLUDED IN THIS ACREAGE.

NOTE[2] MINIMUM 24.7 AC ADDITIONAL PARK AREA PROPOSED IN LIGHT INDUSTRIAL PARCELS. NOT INCLUDED IN THIS ACREAGE.

NOTE[3] REVISION TO PROJECT ACREAGE BASED ON 1989 SURVEY BY LOMBARDO & SKIPPER.

NOTE4: THE 89.3 ACRES CONTAIN 18.4 ACRES OF GENERAL COMMERCIAL/OFFICE AND 70.9 ACRES OF COMMERCIAL

RECEIVED
JAN 04 1999
Tampa Bay Regional Planning Council

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of ORDINANCE NO. 98-49 adopted by the Board of County Commissioners of said County on the 15th day of December 1998, this 28th day of December, 1998, in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By Patricia J. Hunt D.C.

LEGEND
- BIKE PATH
- SUBPHASE LINE
- WETLANDS
- LAKES
- PARK EASEMENTS

REVISED
MASTER DEVELOPMENT PLAN
FOR
CREEKWOOD

SECTION 11, 12, 13, & 14, TWP. 35 S. RGE. 18 E.
Manatee County, Florida

Zoller, Naffar & Shroyer, Inc.
Engineers, Planners, Surveyors & Landscape Architects

DESIGNED ____ CHECKED ____ DATE AUGUST 31, 1998 SCALE 1=400'
DRAWN ____ COMP. ____ JOB NO. ____ FILE NO. ____ SHEET 1 OF 1

11/4/98 PARCEL "C"
7/1/98 REV. GMM

REVISIONS
Revise Intl Commercial
Floor Area, Revise Intl Commercial

LOMBARDO & SKIPPER, INC.
Consulting Engineers, Surveyors & Planners
P.O. Box 188 • 825-4th Street West • Palmetto, Florida 34221 • (813) 722-4561 • 748-0600

PROJECT ENGINEER
ROBERT J. LOMBARDO
P.E. REG. NO. 20528

DESIGN ____ DATE 12/04/90
DRAWN ____ SCALE 1"=400'
APPR. ____ JOB NO. 3594

SHEET NO. 1/1

MANATEE COUNTY
GOVERNMENT
PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

May 3, 1993

Tampa Bay Regional Planning Council
9455 Koger Boulevard
Suite 219
St. Petersburg, FL 32702

Attn: Suzanne Cooper

RE: Certified Copy of Resolution R-93-25/Amended Development Order

Dear Ms. Cooper,

Enclosed please find the above referenced material. The proof of certification is located on last page of the document.

If you have any questions, please contact me at (813) 748-4501 ext. 3070.

Sincerely,

Wanda L. Sloan

Wanda L. Sloan
Planning Technician III
Community Planning Section

enclosure

cc: DRI file # 13

mailed 5/4/93
received 5/5/93

1112 Manatee Avenue West • Suite 803 • Bradenton, Florida Tel. (813) 748-4501 • FAX: (813) 749-3071
P.O. Box 1000 • Bradenton, Florida 34206-1000

103

RESOLUTION R-93-25
RESOLUTION GRANTING AN AMENDED DEVELOPMENT ORDER

WHEREAS, CREEKWOOD, INVESTORS, LTD., hereinafter referred to as "CREEKWOOD", proposed a Development of Regional Impact (DRI) for a mixed-use development located in Manatee County; and

WHEREAS, on October 22, 1985 Manatee County adopted Resolution R-85-219 granting Creekwood a DRI Development Order; and

WHEREAS, on May 20, 1986 Manatee County approved Resolution R-86-112 amending Resolution R-85-219 by deleting two hundred and forty (240) plus or minus acres from the approved Creekwood DRI Development Order; and

WHEREAS, on June 19, 1991 Creekwood filed a Notice of Proposed Change to the approved Development Order with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Notice of Proposed Change proposed:

Revising the legal description to reduce acreage from 1090± acres to 818.26± acres; and

- Amending the site plan (Exhibit "C") to dedicate a 25 acre community park at the northwest corner of the project; and

- Amending the site plan to reconfigure and relocate an approved 10.8 acre park located at the northeast corner of I-75 and State Route 70 to a 24.7 acre linear park located parallel to and east of I-75; and

- Amending the site plan to relocate 7500 sq. ft. of approved commercial floor area from the interior of the project west of I-75, to the approved commercial area fronting State Route 70 west of I-75; and

- Amending the site plan to provide two (2) additional access points to State Road 70 and to relocate existing access points on State Route 70; and

- Amending stipulation #2 of the Buffer Conditions to decrease the building setback adjacent to the power line easement from 50 feet to 10 feet; and

- Amending stipulation #4 of the Public Safety Conditions to allow limited use of street names within the project; and

- Revising the project phasing schedule to extend buildout for each phase by 4 years; and

- Amending the site plan to change the zoning and land use of a 6.8 acre parcel located at the southwest corner of the project from Planned Development Residential (PDR) to Planned Development Commercial (PDC) with no increase in the project's overall intensity; and

- Amending the site plan to change the zoning and land use on a 16.1 acre parcel located on the west side of I-75 approximately 1/4 mile north of State Route 70 from Planned Development Residential (PDR) to Planned Development Commercial (PDC) with no increase in the project's overall intensity; and

- Amending the zoning of a 10.8± acre parcel located at the northeast corner of I-75 and State Route 70 from Planned Development Residential (PDR) to Planned Development Industrial (PDI) with no increase in the project's overall intensity; and

- Amending the zoning and land use of a 33.4± acre parcel located east of Interstate 75 and approximately one (1) mile north of State Road 70, from Planned Development Residential (PDR) to Planned Development Industrial (PDI) with no increase in the project's overall intensity; and

- Reduction of a 100 foot wide buffer to 30 feet in width adjacent to the east side of Interstate 75 approximately one (1) mile north of State Road 70; and

- Redistribution of residential densities as well as residential dwelling types within the boundaries of the project; and

- Revisions to the development order including, but not limited to project phasing conditions, land use conditions, buffer conditions, water quality conditions, parks and recreation conditions, public education conditions, public safety conditions, transportation conditions, off-site facility development fee conditions and general conditions.

WHEREAS, the described project lies within the unincorporated area of Manatee County, a political subdivision of the State of Florida; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes; and

WHEREAS the Planning Commission has reviewed the application of the Notice of Proposed Change and has filed a recommendation on said application with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners of Manatee County has on July 23, 1992, September 24, 1992, October 22, 1992, November 19, 1992, January 28, 1993, February 25, 1993, March 9, 1993, March 25, 1993 and April 22, 1993 held duly noticed public hearings on said application for the Notice of Proposed Change, and has solicited, received and considered reports, comments, and recommendations from interested citizens, county and city agencies, and the applicant, the Tampa Bay Regional Planning Council, the Department of Community Affairs, as well as the review and report of the Manatee County Planning, Permitting and Inspections Department.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, IN A REGULAR MEETING ASSEMBLED THIS 22ND DAY OF APRIL, 1993, AS FOLLOWS:

SECTION 1. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 13, R-85-219.

The previous development order for Creekwood, which was adopted on October 22, 1985, and all subsequent amendments are hereby amended in their entirety, provided this amendment shall not be construed to terminate the rights of the developer, if any, granted under Section 163.3167(8) Florida Statutes, to the extent such rights have previously been granted and not specifically herein or otherwise modified or amended.

SECTION 2. FINDINGS OF FACT

The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission of Manatee County, as well as all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners of said County has received and considered the recommendation of the Manatee County Planning Commission concerning the Notice of Proposed Change to the DRI as it relates to the real property described in Exhibit "A" of this Ordinance, pursuant to Section 380.06, Florida Statutes. The resolution was rendered on April 22, 1993, following public hearing.

B. That said Board of County Commissioners held public hearings on July 23, 1992, September 24, 1992, October 22, 1992, November 19, 1992, January 28, 1993, February 25, 1993, March 9, 1993, March 25, 1993, and April 22, 1993 regarding said Notice of Proposed Change to the DRI described

herein, in accordance with the requirements of Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code) and Ordinance No. 89-01 (Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the Public Hearing.

C. The proposed Notice of Change to the DRI regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 (the Manatee County Comprehensive Plan), provided it proceeds in accordance with the Development Conditions specified herein.

D. The "Developer" of the Project submitted to Manatee County, Florida an application for a Notice of Proposed Change, which is incorporated herein by reference.

E. The real property, which is the subject of this Development Order, is legally described as set forth in Exhibit "A" of this Development Order.

F. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

G. In addition to the other changes approved in this Development Order, the time frame for the buildout of the following phases shall be amended. Phase I shall be extended from 1991 to 1996, an extension of five years. Phase II shall be extended from 1996 to 2003, an extension of six years and eleven months. Phase III shall be extended from 2001 to 2006, an extension of five years. Phase IV shall be extended from 2005 to 2009, an extension of four years. Given these extensions are all less than seven years, the County finds they do not create a substantial deviation to the previously approved Creekwood DRI.

H. The authorized agent for the Project is Bobby L. Beavers, and his address is 1350 Tradeport Drive, Suite 101, Jacksonville, Florida 33218.

I. The owner of the property, which Creekwood Investors, Ltd. intends to develop, is Creekwood, Ltd. and Wilma Creekwood Joint Venture West.

J. A comprehensive review of the impacts generated by the Development has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners.

SECTION 3. CONCLUSIONS OF LAW

A. Based upon the previous findings of fact and the following conditions of the Development Order, the Board of County Commissioners of Manatee County concluded that:

1. The Project will not unreasonably interfere with the achievement of the objectives of the Adopted State Land Development Plan applicable to the area.

2. The Project is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP) the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FRCRPP), and Ordinance 89-01 (The Manatee County Comprehensive Plan, as amended).

B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

C. That the review by the County reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order.

D. That the impacts caused by the amendment to Resolution R-85-219 as described herein in Section 4 and which were requested in the Notice of Proposed Change do not constitute a Substantial Deviation.

SECTION 4. AMENDMENTS TO APPROVED DEVELOPMENT

The application for a Notice of Proposed Change to the Creekwood DRI is hereby approved, amending the previous Development Order and it's amendments in their entirety, subject to the conditions listed herein, to allow the following changes in the plan of development:

A. Amending the site plan (Exhibit "C") to dedicate a 25 acre community park at the northwest corner of the project; and

B. Amending the site plan to reconfigure and relocate an approved 10.8 acre park located at the northeast corner of I-75 and State Route 70 to a 24.7 acre linear park located parallel to and east of I-75; and

C. Amending the site plan to relocate 7500 sq. ft. of approved commercial floor area from the interior of the project west of I-75, to the approved commercial area fronting State Route 70 west of I-75; and

D. Amending the site plan to provide two (2) additional access points to State Road 70 and to relocate existing access points on State Route 70; and

E. Amending stipulation #2 of the Buffer Conditions to decrease the building setback adjacent to the power line easement from 50 feet to 10 feet; and

F. Amending stipulation #4 of the Public Safety Conditions to allow limited use of street names within the project; and

G. Revising the project phasing schedule to extend buildout for each phase by 4 years; and

H. Amending the site plan to change the zoning and land use of a 6.8 acre parcel located at the southwest corner of the project from Planned Development Residential (PDR) to Planned Development Commercial (PDC) with no increase in the project's overall intensity; and

I. Amending the site plan to change the zoning and land use on a 16.1 acre parcel located on the west side of I-75 approximately 1/4 mile north of State Route 70 from Planned Development Residential (PDR) to Planned Development Commercial (PDC) with no increase in the project's overall intensity; and

J. Amending the zoning of a 10.8± acre parcel located at the northeast corner of I-75 and State Route 70 from Planned Development Residential (PDR) to Planned Development Industrial (PDI) with no increase in the project's overall intensity; and

K. Amending the zoning and land use of a 33.4± acre parcel located east of Interstate 75 and approximately one (1) mile north of State Road 70, from Planned Development Residential (PDR) to Planned Development Industrial (PDI) with no increase in the projects overall intensity; and

L. Reduction of a 100 foot wide buffer to 30 feet in width adjacent to the east side of Interstate 75 approximately one (1) mile north of State Road 70; and

M. Redistribution of residential densities as well as residential dwelling types within the boundaries of the project; and

N. Revisions to the development order including, but not limited to project phasing conditions, land use conditions, buffer conditions, water quality conditions, parks and recreation conditions, public education conditions, public safety conditions, transportation conditions, off-site facility development fee conditions and general conditions.

SECTION 5. DEVELOPMENT COMPONENTS

Approval of this resolution authorizes development of the following land uses, when developed in conjunction with the terms of this resolution, and any applicable local, regional, state or federal regulations.

A. 2805 dwelling units

B. 427,500 square feet of commercial

C. 2,000,000 square feet of industrial

D. 184,000 square feet of office

SECTION 6. DEVELOPMENT CONDITIONS

PROJECT PHASING CONDITIONS

1. Revise as follows: The developer shall comply with the deadlines contained in the revised phasing schedule which are listed below.

Phasing By Parcel Reference

RESIDENTIAL					
	NUMBER	PHASES			
PARCEL	UNITS	I COMPLETED*	II 3/16/93*-9/16/97*	III 9/16/96*-9/16/2002*	IV 9/16/1998*-9/16/2004*
PH I SUB I	336	336			
G-I	82		82		
CC	178		178		
AA I	186		186		
AA II	487		487		
T	283			283	
S	341				341
Y	167			167	
A	104				104
B	67				67
U	132			132	
Z	337			337	
C	105			105	
TOTAL	2,805	336	933	1,024	512
COMMERCIAL					
PARCEL	SQUARE FEET				
C-1	40,000		40,000		
C-2	235,000		150,000	85,000	
C-4	20,000	7,900	12,100		
C-5	20,000		20,000		
C-6	20,000		20,000		
C-7	15,000		15,000		
G	77,500			32,500	45,000
TOTAL	427,500	7,900	257,100	117,500	45,000

INDUSTRIAL					
PARCEL	SQUARE FEET				
PH I SUB II	541,300	150,000	350,000	41,300	
I-9	950,000		150,000	300,000	500,000
H	350,000			130,000	220,000
I-10	158,700		158,700		
TOTAL	2,000,000	150,000	658,700	471,300	720,000
OFFICE					
O-1	184,000		65,000	60,000	59,000

* Dates referenced above are required dates for submittal of a preliminary plan for the referenced phase. Any Final Site Plans submitted after 9/16/2005 shall fully comply with all provisions of the Comprehensive Plan then in effect.

2. The developer shall submit a revised transportation analysis with any request for project extension. The Manatee County Board of County Commissioners shall review this analysis and determine whether or not the requested extension constitutes a substantial deviation pursuant to Section 380.06 Florida Statutes.

PHASING BUILDOUT SCHEDULE

1. In addition to the foregoing Preliminary Plan submittal Project Phasing Conditions, the developer must adhere to the following phasing buildout schedule. This phasing buildout schedule is for Section 380.06, Florida Statutes, purposes only and does not serve to extend the dates for preliminary or final plans submittal as referenced in the Project Phasing Condition or compliance with the Comprehensive Plan.

Phase I	1986-1996
Phase II	1993-2003
Phase III	1996-2006
Phase IV	2001-2009

2. Preliminary site plans shall be valid for a period of three (3) years. Final site plans shall be valid until the end of the phase for which development is proposed as described in the phasing buildout schedule.

LAND USE CONDITIONS

1. Development within the Evers Reservoir Watershed shall be restricted to a maximum density of five dwelling units per acre.

2. Maximum heights permitted within the project shall be as follows:

   a. Apartments - 6 stories

   b. All other residential uses - 3 stories

   c. Commercial uses in the PDC & PDI - 40 feet

   d. Office buildings/hotels - The maximum height for office buildings and hotels shall be determined at the time of Preliminary Development Plan approval.

   e. Industrial/warehouse - 40 feet

3. Signs within the boundaries of the Creekwood development shall comply with all regulations in effect at the time of permitting.

4. At the time of preliminary site plan submittal, the applicant shall demonstrate compliance with the requirements of the Planned Development District in effect at that time including, but not limited to, such concerns as entranceway requirements, aesthetic appearance from State

Road 70 and Interstate 75, ample provision for open space, adequate restrictions to prohibit unsightly vehicles, trash, etc., and a maintenance program which assures that an attractive appearance will be maintained.

5. Light manufacturing, high tech industries, office parks and major product supply and distribution centers are the primary uses proposed within the industrial park. Secondary uses, such as hotels/motels, service stations, service establishments and mini-warehouses shall occupy no more than 10% of the PDI district. Industrial uses to be constructed within the Evers Reservoir Watershed Protection Overlay District, which have not received either a preliminary plan or preliminary plat approval prior to the effective date of Resolution R-93-25, must employ Best Possible Technology so that such uses will not be contrary to the public health, safety, and welfare. Best Possible Technology shall be in accordance with the laws in effect at the time of General Development Plan or General Development Plan/Preliminary Site Plan approval and shall be shown on the plan and/or plat for consideration and approval by the Board of County Commissioners.

6. All buildings, parking and service areas within the 10.8 acre PDI parcel located at the northeast quadrant shall maintain a minimum setback of 100 feet from State Road 70 and Interstate 75. All trash and garbage receptacles that are visible from State Road 70 shall be screened with materials similar to the adjacent building facade. All truck loading, service areas, outside storage and parking of heavy equipment, semi-trucks and/or trailers or other vehicles over 1-1/2 tons shall be located at the non-street side of the building when adjacent to Interstate 75, and State Road 70, unless they are not visible from a height of five (5) feet at the edge of pavement of said street, to be determined at time of Certificate of Occupancy.

7. The linear park, located east of and parallel to I-75, shall maintain a minimum upland width of 20 feet at all locations. All industrial development shall maintain a minimum building setback of 30 feet and a minimum setback of 20 feet for all other site improvements from the park. A stabilized pedestrian/bicycle travelway, a minimum width of 6 feet, shall be installed within the length of the park prior to the next Final Plat approval east of Interstate 75. The pedestrian/bicycle travelway shall be as shown on the revised Master Development Plan and connect to the main north/south roadway within the industrial area at a point immediately adjacent to State Road 70 and at a point perpendicular to the northern terminus of the park. The park and the pedestrian/bicycle travelway shall be designated as a common recreational easement on all future plan/plat submittals.

8. The developer shall be allowed to construct a total of 2,805 dwelling units. Dwellings shall be constructed in accordance with the density approved for each specific parcel in the revised Master Development Plan.

<u>BUFFER CONDITIONS</u>

1. The 100 foot wide buffer, shown on the Conceptual Development Plan, shall be provided as shown on the Conceptual Development Plan. Additionally, the depth, design, and location of landscaped buffers will be determined when a Preliminary Development Plan is submitted for approval. Continued maintenance of these buffers shall be assured through appropriate measures such as covenants and deed restrictions.

2. A building setback of at least ten (10) feet shall be provided west of and adjacent to the existing power line easement traversing the PDI (Planned Development Industrial) District. This setback shall be increased to twenty (20) feet for industrial lots which are directly west of the proposed multi-family tract located in the Rosedale development. Native trees lying within the remaining buffer shall not be removed. Trees of a native species shall be planted in those areas where the base of trees closer than twenty-five (25) feet apart do not already exist. In addition, the screening buffers required between zoning district boundaries by the Land Development Code shall be

required, except for the requirements for trees if more stringent within this stipulation. These plantings shall occur prior to a certificate of occupancy for each lot and they shall meet the minimum standards of the Land Development Code.

3. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 60 dBA range. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls and significant landscape buffering should be provided between the residential units and the noise source.

   Additionally, residential units constructed within noise level contours in excess of the L10 65 contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table on Pg. 21). The applicant shall demonstrate compliance with these standards at the time of Final Planned Development Plan approval.

ENVIRONMENTAL CONDITIONS

1. At the time of the first Preliminary Development Plan submittal, a Master Drainage Plan for the entire development, including a demonstration that the effect the proposed altering and deepening of existing wetlands will have on their ability to filter surface water and percolating groundwater will be acceptable, shall be submitted. This Master Drainage Plan, though 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.

2. Stormwater management system design for that portion of the development lying within the Evers Reservoir Watershed shall meet or exceed any requirements of the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as may be amended. This shall not be interpreted to mean that the developer is required to retrofit any approved and existing stormwater systems which do not meet this requirement.

3. In conjunction with the submittal of the first Preliminary Development Plan, a demonstration of compliance with the Watershed Protection, Special Treatment and Agricultural Fringe Overlay zones shall be submitted. As required by the Special Treatment District, the Board of County Commissioners must make a determination prior to construction that "Best Possible Technology" is being employed prior to construction.

4. The Stormwater Maintenance Plan, submitted with the first Preliminary Development Plan, shall be designed using accepted best management practices to provide a natural hydroperiod within each wetland. Isolated wetlands shall, where practical, be incorporated into the stormwater system. Construction and post-construction monitoring of surface and groundwater quality and quantity shall be outlined and implemented; included in this plan shall also be the design and execution of a maintenance program to ensure the adequate functioning of the system beyond project buildout. The stormwater management system shall be designed with enough flexibility to allow for hydroperiod refinement, as needed.

5. All jurisdictional wetlands and streams shall be preserved physically and functionally. The only exception may be those areas in which appropriate environmental permits and local approvals are obtained.

   All development on parcels I-10 and H shall comply with the wetland policies of the 1990 Land Development Code, as amended. All other parcels, which receive a preliminary site plan approval after the effective date of this resolution, shall, at a minimum, comply with the following wetland policies:

a. A conservation easement, 15 feet wide, shall be provided from the most landward extent of any post development jurisdictional wetland. A 15 foot setback shall be required between the upland edge of the buffer and adjacent structures.

b. A minimum in-kind mitigation ratio of 1:1 shall be required for all wetlands being altered.

6. The Preliminary Development Plan, as submitted by phase, shall specifically also outline which and how much of each vegetation association is being preserved. Every effort shall be made by the developer and any future developers of this property to preserve a diverse range of the existing wildlife habitat. These preserve areas should be as large as possible and should be located adjacent to wetlands and/or a different upland community type.

7. Wetlands on the project site shall be preserved consistent with Map F-1 on page 44 of the ADA additional information response and with s.2.7 of the Council's adopted Future of the Region.

8. Representative tracts of all major upland vegetative communities shall be preserved in their natural state to serve as conservation/recreation areas.

9. The wind and soil erosion controls including sodding, hydroseeding, mulching and bare soil wetting, committed to by the developer in the ADA, shall be required.

WATER QUALITY CONDITIONS

1. To assure water quality is maintained:

a. The developer shall institute a program to provide a body of initial baseline water quality data before any significant groundbreaking takes place, as well as institute a bi-annual on-going monitoring program through project build-out. Sampling stations shall be at the sampling sites shown in "Exhibit B" (attached).

Sampling should be taken on a cresting hydrograph and should occur immediately after a one-inch storm event, and after a dry period, during both the rainy season (June-September) and the dry season (November-February). Significant water quality parameters should include, but not be limited to, the following:

- streamflow (cu. ft./sec.);
- turbidity (ntu);
- specific conductance (umho/cm at 25 deg. C);
- dissolved oxygen (mg/l);
- biochemical oxygen demand (mg/l);
- pH;
- total orthophosphate as P (m/l);
- total organic nitrogen as N (mg/l);
- total organic carbon as C (mg/l);
- total coliforms, multiple tube method, MPN (col/100 ml):
- total lead as Pb (ug/l; and
- temperature (deg. C).

All water quality methods and procedures shall be thoroughly documented and should comply with EPA/DER Quality Control standards and should be submitted to Manatee County Planning, Permitting and Inspections Department, Manatee County Environmental Action Commission and TBRPC.

b. The developer shall provide baseline water-level contour maps for the unconfined aquifer on the Creekwood site, to reflect conditions present during both the wet season (June-September) and the dry season (November-February). In addition, the developer shall provide for review annually updated ground water contour maps as described above; until the project reaches completion.

2. In order to protect water quality, the following parameters shall be included in the project drainage plan.

   a. The developer shall submit for approval a wetland-lake management plan, to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
   - proposed wetland/lake alterations;
   - control of exotic species;
   - control of on-site water quality
   - maintenance of natural hydroperiod; and
   - methods for wetland restoration/enhancement.

   b. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment for the first 1" of runoff generated from the site during the 25-year, 24-hour design storm; and that maximum post-development shall not exceed pre-development flows for the same design storm.

   c. The proposed retention/detention wetland systems shall be designed to be consistent with the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC 1978). The design criteria of this system should include the following elements:

      (1) A minimum of 15 but no more than 50 percent of the surface area of the detention pond at the normal water level (NWL) shall consist of a shallow vegetated littoral shelf.

      (2) The littoral shelf shall be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf shall be established on a shallow submerged island in the middle of the pond.

      (3) A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.

      (4) The littoral shelf, if located along the pond bank, shall have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.

      (5) The littoral shelf shall be vegetated with a diverse group of native species which can include Sagittaria, pickerel-weed, Juncus, water lilies, cypress, etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more "natural" appearance.

      (6) A copy of an operation and maintenance (O & M) schedule shall be provided to the owner, and be submitted to TBRPC with the annual report. The O & M schedule should include an estimation of the frequency of sediment removal operations and should mention the periodic need for removing dead vegetation.

HAZARDOUS WASTE CONDITIONS

1. Prior to the construction of industrial facilities, hazardous waste storage and disposal plans, including transportation of wastes, shall be provided and approved.

2. The developer shall provide separate hazardous waste storage containers/areas within the project prior to or concurrent with the certificate of occupancy for the first business within the project. These containers/areas shall be accessible to all project businesses and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials. Such containers shall also be designed to prevent unauthorized use or entry. The hazardous waste storage containers/areas shall be allowed to be located within the Evers Reservoir Watershed Overlay District until such

time as the first industrial use outside of the Evers Reservoir Watershed Overlay District is constructed, at which time the storage containers/areas shall be relocated outside of the Evers Reservoir Watershed Overlay District.

The developer shall provide to all Creekwood businesses information that:

a. Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designed containers; and

b. Indicates the location of the specially-designed hazardous waste and materials containers; and

c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

The developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

ARCHAEOLOGICAL CONDITION

1. At the time a Preliminary Development Plan for the specific areas referenced in the May 24, 1984 letter from the State Division of Archives, History and Records Management is submitted, the developer must show the location of all archaeological and historic sites identified by a systematic, professional archaeological and historic survey. If any sites exist, the ones which are significant must be protected and preserved.

PARKS AND RECREATION CONDITIONS

1. All park areas within the project shall be open to use by employees who work in the non-residential components of this project.

2. Implementation of the bike/pedestrian path shall be required as committed in the ADA, unless more restrictive conditions have been placed on the development in this order.

3. Development plans shall assure adequate buffering between the industrial, office, commercial and residential designations of this development through appropriate measures such as covenants and deed restrictions.

4. The entity responsible for maintenance of all open space areas of this development has been identified in the ADA. Assignment of specific responsibility for open spaces shall be made at the time of Preliminary Development Plan submittal.

5. The 25 acre park located in the northwest quadrant of the project as shown on Revised Map H shall be deeded to the County by the Developer upon request of the County. The County shall utilize said acreage for public park purposes. The Developer shall be entitled to impact fee credit as set forth in Section 806.4.1 of the Land Development Code, as may be amended.

   If the County desires to develop the park prior to the Developer extending Creekwood Boulevard from the southern boundary of Williams Creek north, the County may construct that portion of Creekwood Boulevard necessary to access the park. The Developer shall provide Manatee County with sufficient right-of-way for said construction. If Manatee County undertakes construction of any portion of the roadway, Manatee County shall obtain all necessary permits including any wetland impact permits required for said construction. The Developer shall have the right to review construction plans prior to commencement of construction to determine compatibility with its development plans including, but not limited to, provision of sufficient curb cuts to access development parcels. The road will be constructed to County standards. If the county constructs the road described in this

paragraph, and the road is of a type not eligible for impact fee credits pursuant to Section 806.4 of the Land Development Code, then the developer shall reimburse the county for the cost of construction. Reimbursement shall be required in conjunction with final site plan or final plat approval for development of the parcels adjacent to that portion of the road which the county constructs. If the road is eligible for impact fee credit and the county constructs the roadway, the developer will not be entitled to reimbursement.

The Developer shall have the right to relocate the right-of-way and/or constructed road at its expense.

PUBLIC SAFETY CONDITIONS

1. Creekwood shall contribute a pro-rata share of the cost of constructing a fire station on the Tara public service site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Development Plan submittal.

2. Creekwood shall contribute a pro-rata share of the cost to construct and equip the Sheriff Department's portion of the Public Services Building on the Tara Public Site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Development Plan submittal.

3. The use of street names for the main entrance roads to both the residential and industrial portion of the project may be allowed. The entrance road to the residential portion of the project shall be allowed as a designation of Creekwood Boulevard and the entrance road to the industrial portion of the project may be allowed to be named as a boulevard at a later time. All other streets within the project shall be numbered in accordance with the revised county grid system, unless street names are allowed by the Board of County Commissioners for those other streets at a later time.

TRANSPORTATION CONDITIONS

1. Improvements shall be required to the project entrances on State Road 70 and to the intersection of State Road 70 and I-75. Such improvements shall include, but not be limited to, left turn storage lanes, signalization, ramp improvements and additional through lanes. The extent and timing of improvements required shall be determined by the County Engineer with the review of each phase.

2. Developer shall provide for a 120 foot wide right-of-way for 44th Avenue East (Cortez Road Extended) through the project. Two lanes of this roadway shall be constructed through the project by the developer with development of parcels adjacent thereto. Sufficient right-of-way to construct the bridge approach shall be dedicated, but the developer shall not be responsible for constructing the bridge over I-75 as an on-site transportation improvement.

3. Construction of approximately 1,600 feet of 44th Avenue East, from the west property boundary west to the existing pavement by the developer, to a two-lane section, including payment for acquisition of necessary right of way, shall be required prior to final plat approval of the 101st dwelling unit north of Williams Creek. The primary entrance road (Creekwood Boulevard) to the residential portion of the project shall connect to 44th Avenue at the time of construction of the extension of 44th Avenue, mentioned herein. Manatee County shall cooperate with Creekwood in the condemnation of any land necessary to meet this requirement.

4. A road shall be constructed to connect parcels C-6 and C-7 with the western project boundary which shall cul-de-sac at that point. Its alignment shall be designed to match the frontage road planned for the Campbell Commercial Center. These roads shall be constructed within a dedicated right-of-way or public access easement.

5. The proposed entrance onto State Road 70 at the southwest corner of the development shall be relocated eastward to facilitate the frontage road from the Campbell Commercial Center and to avoid conflict with regard to intersection function.

6. The intersections of any driveway (including the frontage road) with the project entrance boulevard onto State Road 70 shall be located as far from State Road 70 right-of-way as necessary to avoid conflict with regard to intersection function.

7. All roads shown on the Conceptual Development Plan, including required stub-outs to the property boundary, shall be dedicated to Manatee County with adequate rights-of-way as determined by the County Engineer.

8. A road stub-out shall be provided to the eastern boundary of the PDI parcel to connect with the proposed emergency access which was required with the Rosedale development.

9. The need for wider internal roads or potential changes in their proposed alignment shall be addressed at the time of Preliminary Development Plan submittal.

10. The proposed owner's association documents shall contain a provision requiring the occupants of the industrial park to coordinate shift changes to reduce peak hour traffic.

11. In accordance with Policy 9-1.C of the Manatee Plan, daily Level of Service "C" and "D" at peak hours as determined by the Highway Capacity Manual (1965) and Highway Circular 212, or most current manual, and in accordance with guidelines and conclusions acceptable to the County, Tampa Bay Regional Planning Council and the Department of Community Affairs shall be maintained on all of the following thoroughfares which have been identified by the Tampa Bay Regional Planning Council as receiving from Creekwood, five percent (5%) or more of daily Level of Service "C" capacity:

    a. University Parkway from Lockwood Ridge Road to I-75

    b. State Road 70 from U.S. 41 to I-75

    c. Lockwood Ridge Road from University Parkway to State Road 70

    d. State Road 64 from Morgan Johnson Road to I-75

    e. I-75 from University Parkway to State Road 70

    f. State Road 780 from Honore Avenue to I-75

    g. Intersection of State Road 70 and State Road 683

    h. Intersection of State Road 70 and 45th Street East

    i. Intersection of State Road 70 and Caruso Road

    j. Intersection of State Road 70 and U.S. 301

    k. Intersection of State Road 64 and Morgan Johnson Road

    l. Intersection of State Road 70 and the Project Entrances

    m. Intersection of State Road 70 and I-75

    n. Intersection of State Road 70 and U.S. 41

    No plat or site plan shall receive approval if the approval of such plat or site plan would generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other development approvals, and other circumstance 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 these road links and

intersections to a daily level below C or D at peak hour as determined above, or, if a lower level has already been reached prior to the commencement of phase I, any degradation of that level of Service. Each request for plat or site plan approval must be accompanied by a traffic study prepared or provided in this paragraph and stipulation #15 of the general conditions contained herein. Level of Service on the above referenced links and intersections shall be verified as part of each annual report as required by Chapter 380.06(16) Florida Statutes and stipulation #15 of the general conditions contained herein. If any traffic study required above for any phase shows that the project will contribute more than ten percent (10%) of the Level of Service C capacity of State Road 70 between State Road 683 and U.S. 301, then that phase shall not be approved unless the improvements necessary to achieve a Level of Service D on that segment is under construction.

This stipulation shall not be construed as diminishing any rights to credits for improvements paid for by the developer pursuant to this stipulation that would be available under stipulation #14 of the general conditions contained herein.

12. Access to the project shall be as shown on the Revised Map H.

13. A cross-access easement plan for parcels within the development which do not have access to a road shown on the revised Master Development Plan (AA-2, B, O-1), shall be approved by Manatee County prior to or concurrent with the preliminary site plan, or preliminary subdivision plat, for those parcels.

OFF SITE FACILITY DEVELOPMENT FEE CONDITIONS

1. The developer, its successors and assigns shall be bound by any and all impact fee ordinance(s) in effect at the time of building permit issuance. Impact fees shall be collected by Manatee County unless provisions have been made for another entity to collect all or part of the fees.

GENERAL CONDITIONS

1. The developer shall demonstrate the availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire and EMS service with each Preliminary Development Plan submittal.

2. All structures shall meet at a minimum the building requirements of the Southern Standard Building Code, as amended.

3. The developer shall satisfy county requirements regarding the provision of EMS and police services to this portion of the County.

4. The energy conservation measures referenced in the ADA shall be required as a condition of approval.

5. Implementation of the bike/pedestrian path shall be required as committed in the ADA.

6. 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 ADA, or set forth in subsequent DRI or local approvals required for this development.

7. 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.

8. The matters addressed herein, as well as additional matters that are appropriate to consider 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 procedures.

9. 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, and by reference to the record of the hearings before these bodies.

10. 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 and by any subsequently established stipulations.

11. Nothing herein shall be construed as authorizing any use of the property other than as described in the Conceptual Development Plan 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.

12. 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 reflects 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.

13. 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.

14. In the event the County or other government entity with jurisdiction in the matter establishes 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 reductions in developer's obligations as set forth herein shall be considered and should be reflected in stipulations made a part of subsequent approvals.

15. The developer and any successors in interest shall submit annual DRI reports in accordance with Section 380.06(16), Florida Statutes, to Manatee County, the TBRPC, 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 the Manatee County Planning, Permitting and Inspections Department who shall review the report for compliance with the terms and conditions of this Order. Should the director decide that further orders and conditions are necessary to ensure compliance with the terms and conditions of this Order, he shall submit the report to the Manatee County Board of County Commissioners. 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(16), Florida Statutes;

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. Undeveloped tracts of land that have been sold to a separate entity or developer and the identify of that purchaser, together with a statement listing the names and addresses of any heir, assignee or successor in interest to this Order;

f. Identification and intended use of lands purchased, leased or optioned by the Developer adjacent to the DRI site since the Order was issued;

g. An assessment of the Developer's and local government's compliance with conditions of approval contained in the Order;

h. Any requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

j. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer, pursuant to Subsection 380.06(14)(d), Florida Statutes.

k. Failure to file an annual report as provided within shall suspend any further development.

16. All references made in Resolution R-93-25 to a conceptual development plan shall hereinafter refer to revised Map H, as amended herein.

17. Any parcel for which Preliminary Site Plans are submitted after September 16, 2004 or a Final Site Plan is submitted after September 16, 2005, shall comply with the requirements of the 1990 Land Development Code, as amended. This provision shall not apply if the property in which this site plan is part of was included as part of a Final Plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code, as amended.

18. The Developer shall include in each Notice to Buyer for any property sold east of Interstate 75 within the DRI boundaries, a statement that the use of the two hundred forty (240) plus or minus acres excluded from the Creekwood, Ltd. Development of Regional Impact approval is for a County owned treatment facility that may include spray irrigation.

19. If the Development Order is appealed by the DCA or TBRPC, the Developer shall pay all costs and fees of County staff and attorneys that the County is required to expend related to said appeal. Said costs and fees shall be paid at the rate of the processing fee for Development of Regional Impacts under the current Planning, Permitting and Inspections fee schedules. Payment of all billings by the Developer related to such reasonable fees and costs shall be paid within 45 days of the submittal of an invoice, except those fees in dispute and under review or appeal. If the Development Order is appealed by DCA or TBRPC, and Manatee County chooses to pursue the appeal over the objections of the Developer, the Developer shall not be responsible for costs incurred subsequent to the Developer's objection.

SECTION 7. LEGAL DESCRIPTION

Development of Creekwood shall be restricted to the 818.3 acres owned by the Developer and described by the legal description included as Exhibit "A" attached to, and made a part of, this Development Order.

SECTION 8. GENERAL

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 CREEKWOOD.

B. The Application for a Notice of Proposed Change.

C. The Ordinance granting rezoning to Planned Development Residential, Planned Development Commercial and Planned Development Industrial adopted July 10, 1985.

D. The Ordinance amending the July 10, 1985 rezone which has an approval date of April 22, 1993.

SECTION 9. RESTRICTIONS ON DOWN-ZONING

The County may not down-zone or reduce the intensity or unit density permitted by this Order prior to September 16, 2007, unless the County can demonstrate that:

(a) substantial changes in the conditions underlying the approval of the Order have occurred; or

(b) the Order was based upon substantially inaccurate information provided by the Developer; or

(c) the change is clearly established by the County to be essential for the public health, safety, or welfare.

Any down-zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Order.

The inclusion of this Section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density or intensity of the Project, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes.

SECTION 10. BINDING ORDER UPON DEVELOPER

This Development Order shall be binding upon the Developer.

SECTION 11. RENDITION

The Planning, Permitting and Inspections Department is hereby directed to send certified copies of this Order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs and the TBRPC.

SECTION 12. NOTICE OF RECORDING

The Developer shall record a notice of adoption of this Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning, Permitting and Inspections Department a copy of the recorded notice.

SECTION 13. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Development Order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, but all remaining provisions and portions of this Development Order shall remain in full force and effect.

SECTION 14. EFFECTIVE DATE

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 180.07, Florida Statutes, stays the effectiveness of this Development Order.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida this 22nd day of April, 1993.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Lori Ann Harris
Chairman

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

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of RESOLUTION NO. R93-25 adopted by the Board of County Commissioners of said County on the 22nd day of April, 1993, this 30th day of April, 1993, in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: Robin Liberty D.C.

DESCRIPTION: CREEKWOOD WEST

THE EAST 1/2 OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E., LESS THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.
ALSO:
THAT PART OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75).
ALSO:
THAT PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD NO. 70.
ALSO:
THAT PART OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75), AND NORTH OF STATE ROAD NO. 70.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A LITERWOOD POST FOUND MARKING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., SAME BEING THE SOUTHWEST CORNER OF THE EAST 1/2 OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E., FOR A POINT OF BEGINNING; THENCE S 00°43'18" E, ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF SECTION 14, A DISTANCE OF 193.63 FT. TO THE NORTHEAST CORNER OF "CAMPBELL COMMERCIAL SUBDIVISION" AS RECORDED IN PLAT BOOK 23, PAGES 141 AND 142, AFORESAID PUBLIC RECORDS; THENCE CONTINUE S 00°43'18" E, ALONG THE EAST LINE OF SAID "CAMPBELL COMMERCIAL SUBDIVISION", SAME BEING THE OCCUPIED WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 513.00 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13160-2503; THENCE S 70°20'03" E, ALONG SAID NORTHERLY R/W, A DISTANCE OF 7.83 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17120.74 FT.; THENCE RUN SOUTHEASTERLY, ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 339.93 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17256.74 FT.; THENCE RUN SOUTHEASTERLY ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 342.63 FT. TO THE P.T. OF SAID CURVE; THENCE S 70°20'03" E, ALONG SAID NORTHERLY R/W, A DISTANCE OF 35.57 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD NO. 93 (INTERSTATE 75), AND SAID STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE S 80°04'21" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 82.16 FT.; THENCE S 70°20'03" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 400.14 FT.; THENCE S 73°01'06" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 100.26 FT.; THENCE S 70°20'03" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 218.97 FT.; THENCE S 78°46'36" E, ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 136.27 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W OF SAID STATE ROAD NO. 93 (INTERSTATE 75); THENCE S 70°20'03" E, ALONG SAID NORTHERLY LIMITED ACCESS R/W, 298.34 FT.; THENCE S 72°37'29" E, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 628.85 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 622.20 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 52°23'42", A DISTANCE OF 568.98 FT. TO THE P.T. OF SAID CURVE; THENCE N 54°58'49" E, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 351.55 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 724.51 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 50°03'07", A DISTANCE OF 632.91 FT. TO THE P.T. OF SAID CURVE; THENCE N 04°55'42" E, ALONG SAID LIMITED ACCESS R/W, 518.38 FT.; THENCE N 00°55'22" E, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4990.44 FT. TO THE P.C. OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 5550.30 FT.; THENCE RUN NORTHERLY ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°38'59", A DISTANCE OF 450.42 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°26'05" W, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1065.82 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E., SAME BEING THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°36'09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1404.27 FT. TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, AFORESAID PUBLIC RECORDS; THENCE S 00°26'58" W, ALONG THE EAST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT.; TO THE SOUTHEAST CORNER OF SAID CERTAIN PARCEL; THENCE N 89°36'09" W, ALONG THE SOUTH LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.00 FT. TO THE SOUTHWEST CORNER OF SAID CERTAIN PARCEL; THENCE N 00°26'58" E, ALONG THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 11; THENCE N 89°36'09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 660.11 FT. TO THE NORTHWEST CORNER OF THE EAST 1/2 OF SAID SECTION 11; THENCE S 00°45'32" E, ALONG THE WEST LINE OF THE EAST 1/2 OF SAID SECTION 11, A DISTANCE OF 5292.41 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 11, 12, 13 AND 14 MANATEE COUNTY, FLORIDA.

CONTAINING 540.56 ACRES MORE OR LESS.

THAT PART OF SECTIONS 12 AND 13, TOWNSHIP 35 S., RANGE 18 E., LYING EAST OF STATE ROAD NO. 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD NO. 70, LESS LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035 AND OFFICIAL RECORDS BOOK 1145, PAGE 3377, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 01°00'42" W, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 821.22 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W, 1492.94 FT.; THENCE N 33°10'32" W, ALONG SAID NORTHERLY R/W, 83.17 FT.; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W, 70.00 FT.; THENCE S 74°16'39" W, ALONG SAID NORTHERLY R/W, A DISTANCE OF 79.73 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE S 74°16'39" W, ALONG SAID NORTHERLY R/W, 7.01 FT.; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W, A DISTANCE OF 512.00 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD NO. 93 (INTERSTATE 75), AND STATE ROAD NO. 70; THENCE N 60°14'02" W, ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 217.32 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W OF SAID STATE ROAD NO. 93 (INTERSTATE 75); THENCE N 70°20'03" W, ALONG SAID NORTHERLY LIMITED ACCESS R/W, 400.78 FT.; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 493.00 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 216.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 48°55'49", A DISTANCE OF 184.46 FT. TO THE P.T. OF SAID CURVE; THENCE N 17°35'24" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 250.16 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1300.23 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°33'05", A DISTANCE OF 352.91 FT. TO THE P.T. OF SAID CURVE; THENCE N 33°08'29" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 513.14 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1338.39 FT.; THENCE RUN NORTHWESTERLY AND NORTHERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°55'25", A DISTANCE OF 769.08 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°13'03" W, ALONG SAID LIMITED ACCESS R/W, 997.25 FT.; THENCE N 00°55'22" E, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4772.30 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 89°26'05" E, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1251.28 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF THE EAST 1/2 OF SAID SECTION 12; SAME BEING THE INTERSECTION WITH THE WEST LINE OF A 330.0 FT. WIDE FLORIDA POWER & LIGHT CO. EASEMENT, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 612, PAGE 508, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID WEST LINE, SAME BEING THE WEST LINE OF SAID EAST 1/2 OF SECTION 12, A DISTANCE OF 2561.96 FT. MORE OR LESS TO THE INTERSECTION WITH THE PHYSICAL CENTERLINE OF A 30.0 FT. WIDE FLORIDA GAS TRANSMISSION COMPANY EASEMENT (FORMERLY KNOWN AS HOUSTON TEXAS GAS & OIL CORPORATION, A DELEWARE CORPORATION) AS DESCRIBED AND RECORDED IN DEED BOOK 399, PAGE 117, AFORESAID PUBLIC RECORDS; THENCE N 59°39'32" E, ALONG SAID PHYSICAL CENTERLINE 63.89 FT.; THENCE N 59°36'32" E, ALONG SAID PHYSICAL CENTERLINE, A DISTANCE OF 316.93 FT. TO THE INTERSECTION WITH THE EAST LINE OF SAID 330.0 FT. WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT, SAME BEING THE WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID EAST EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2932.78 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF SAID EAST 1/2 OF SECTION 12, SAME BEING THE NORTH LINE OF THE EAST 1/2 OF SAID SECTION 13; THENCE S 01°10'44" W, ALONG SAID EAST EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2180.91 FT.; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, THE FOLLOWING COURSES AND DISTANCES: N 74°57'17" E, A DISTANCE OF 109.85 FT. TO A POINT ON A CURVE WHOSE RADIUS POINT LIES N 74°57'17" E, 290.00 FT.; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°25'25", A DISTANCE OF 184.36 FT. TO THE P.T. OF SAID CURVE; THENCE S 51°28'08" E, 69.79 FT.; THENCE S 67°12'08" E, 132.97 FT.; THENCE S 76°52'08" E, 119.24 FT.; THENCE N 83°31'52" E, 306.67 FT.; THENCE S 06°28'08" E, 180.22 FT.; THENCE S 19°39'57" W, 360.60 FT. TO THE POINT OF BEGINNING.

CONTAINING 265.86 ACRES MORE OR LESS.

TOGETHER WITH:

PARCEL "B"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 01°00'42" W, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 279.10 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE S 01°00'42" W, ALONG SAID EAST LINE OF THE SOUTHEAST 1/4, A DISTANCE OF 542.12 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W, 1492.94 FT.; THENCE N 33°10'32" W, ALONG SAID NORTHERLY R/W 1.61 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL THE FOLLOWING COURSES AND DISTANCES: N 19°39'57" E, 215.12 FT.; THENCE N 83°57'11" E, A DISTANCE OF 410.86 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 283.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°37'41", A DISTANCE OF 161.16 FT.; THENCE S 43°52'49" E, 121.17 FT.; THENCE S 10°11'25" E, 72.10 FT.; THENCE S 43°52'49" E, 240.00 FT.; THENCE S 54°24'49" E, 88.00 FT.; THENCE N 85°27'11" E, 175.71 FT.; THENCE N 75°17'11" E, 113.23 FT.; THENCE N 34°52'11" E, 120.65 FT.; THENCE S 74°45'26" E, 103.64 FT. TO THE POINT OF BEGINNING.

CONTAINING 11.84 ACRES MORE OR LESS.

CONTAINING A TOTAL OF 818.26 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

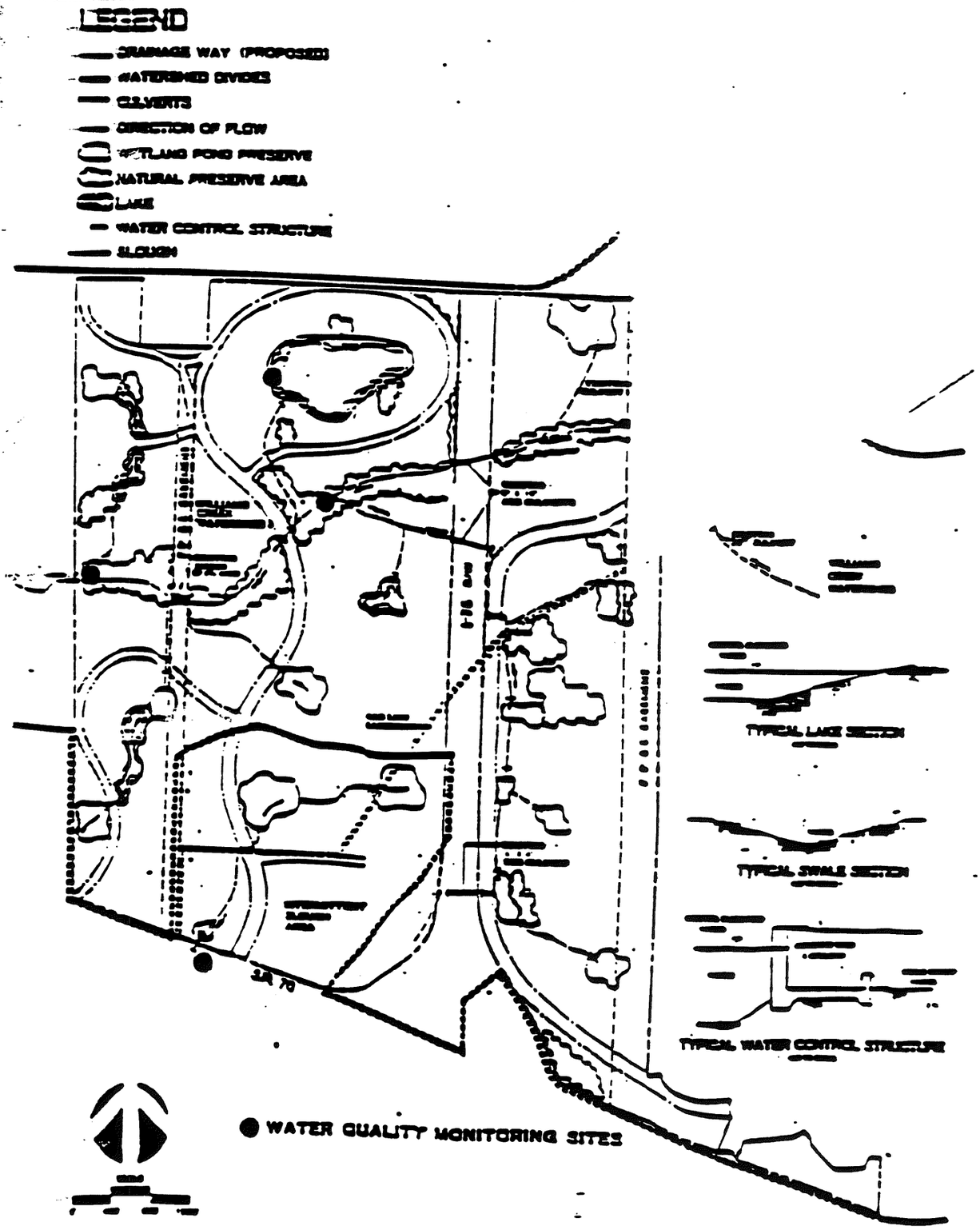

LEGEND
DRAINAGE WAY (PROPOSED)
WATERSHED DIVIDES
CULVERTS
DIRECTION OF FLOW
WETLAND POND PRESERVE
NATURAL PRESERVE AREA
LAKE
WATER CONTROL STRUCTURE
SLOUGH
TYPICAL LAKE SECTION
TYPICAL SWALE SECTION
TYPICAL WATER CONTROL STRUCTURE
WATER QUALITY MONITORING SITES

EXHIBIT B

MANATEE COUNTY GOVERNMENT

PLANNING & DEVELOPMENT DEPARTMENT

March 2, 1988

Mr. Jim Snyder
Bureau of Resource Management
State of Florida
Department of Community Affairs
Division of Resource Planning and Management
2571 Executive Center Circle, East
Tallahassee, Florida 32301-8244

RE: Creekwood Development Order Amendment

Dear Mr. Snyder:

I am enclosing a copy of the latest amendment to the above referenced item which you requested. This was approved October 22, 1987 by the Manatee County Commission.

If you have any questions or comments, please feel free to contact me at (813) 748-4501, extension 3820.

Sincerely,

Rich Walton

Rich Walton, Principal Planner
Current Planning Section

RW/pg

Encl.

cc: Susan Cooper, TBRPC
Rosemarie C. Fallon, County Planner
Records Management
Central Files

102 (K)
master DO

TIME EXTENSION FOR
DRI #13, CREEKWOOD

THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, having specifically considered the criteria set forth in Manatee County Ordinance No 81-4; and finding DRI #13 consistent with Manatee County Ordinance No. 80-4, The Manatee Plan, approval of an amendment to Paragraph #1 under the Project Phasing Section of the Development Order of DRI #13 that does not constitute a substantial deviation from the previously approved Development of Regional Impact (DRI#13) is hereby granted with the following condition:

The following language replaces condition #1 under the Project Phasing:

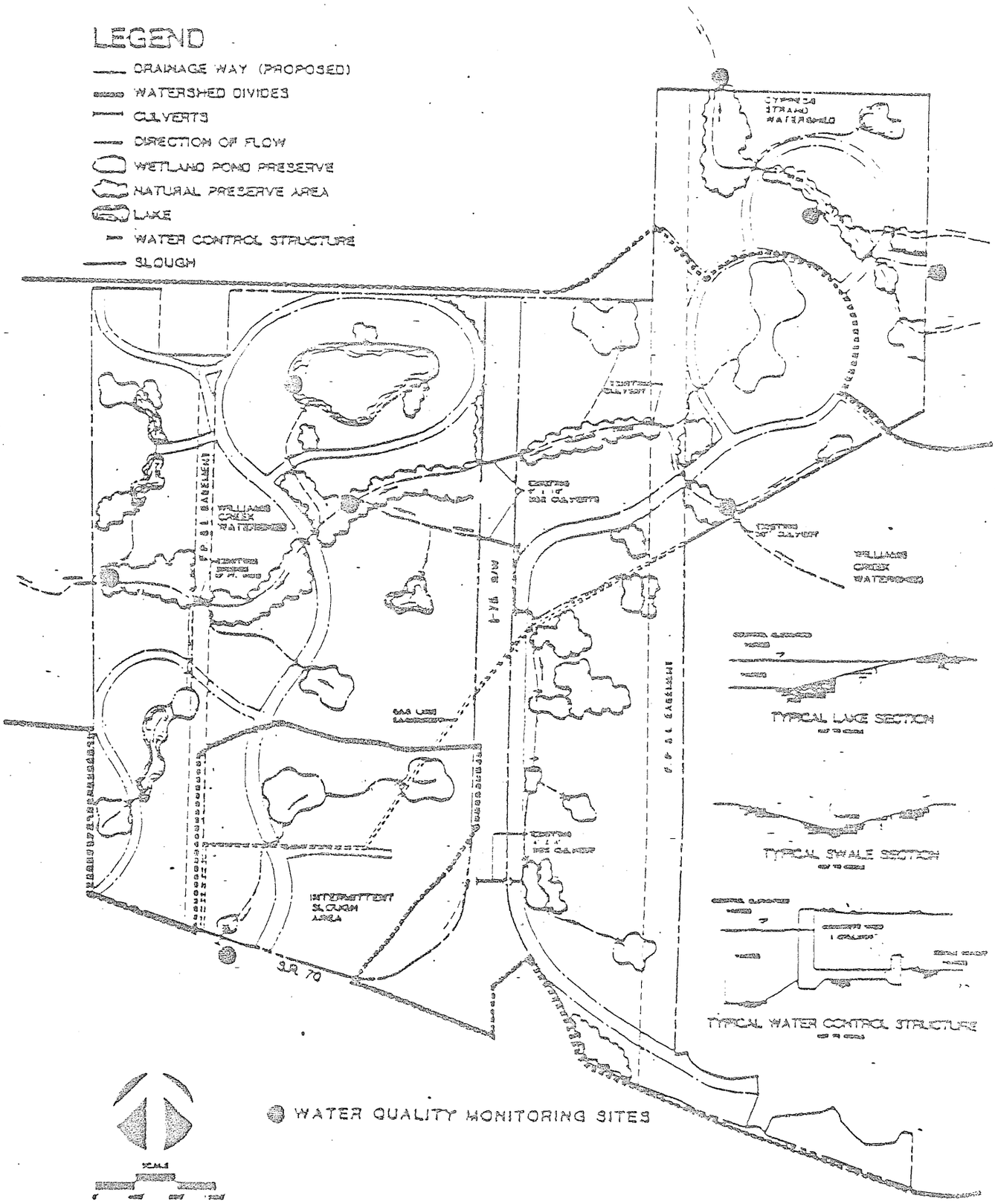
Creekwood shall submit the Preliminary Development Plan for Phase I on or before September 16, 1988. Preliminary Development Plans for additional phases shall be submitted as follows: Phase II on or before September 16, 1992, Phase III on or before September 16, 1997, and Phase IV on or before September 16, 2002.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Edward W. Chong 2-1-87
Chairman (date)

ATTEST: R. B. SHORE
Clerk of Circuit Court

EXHIBIT C


LEGEND
DRAINAGE WAY (PROPOSED)
WATERSHED DIVIDES
CULVERTS
DIRECTION OF FLOW
WETLAND POND PRESERVE
NATURAL PRESERVE AREA
LAKE
WATER CONTROL STRUCTURE
SLOUGH
CYPRESS STRAND WATERSHED
WILLIAMS CREEK WATERSHED
WILLIAMS CREEK WATERSHED
INTERMITTENT SLOUGH AREA
SR 70
TYPICAL LAKE SECTION
TYPICAL SWALE SECTION
TYPICAL WATER CONTROL STRUCTURE
WATER QUALITY MONITORING SITES

DRI #13
TBRPC #102

RECORDED
PAGE NO. 10/22/85
MINUTE BOOK NO. 14
35

RESOLUTION #R-85-219
RESOLUTION GRANTING AN AMENDED DEVELOPMENT ORDER

WHEREAS, CREEKWOOD, LTD., hereinafter referred to as "CREEKWOOD", in accordance with Section 380.06, Florida Statutes, has filed with Manatee County an Application for Development Approval (ADA) of a Development of Regional Impact (D.R.I. ~~#102~~ #13); and

WHEREAS, CREEKWOOD proposes to develop a planned development residential (PDR) of dwelling units with associated recreational and commercial activities, a planned development commercial (PDC) and a planned development industrial (PDI) upon real property located in Manatee County, Florida and owned by CREEKWOOD, LTD. 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 Development 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 February 13, 1985, February 27, 1985, and March 20, 1985 before the Manatee County Planning Commission and April 4, 1985, April 18, 1985, May 30, 1985, June 20, 1985, July 1, 1985, and July 10, 1985 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 CREEKWOOD, 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 adopted a Development Order on August 27, 1985, considering all of the foregoing, considering a request for clarification from the Department of Community Affairs 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 CREEKWOOD, LTD. is located in Manatee County, Florida and is described on attached Exhibit "A", and made a part hereof.

Exhibit "A"

3. Upon consideration of all matters in Sections 380.06(12) and 380.06(13), 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 CREEKWOOD 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 January 18, 1985 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 CREEKWOOD 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, CREEKWOOD is entitled to the relief prayed and applied for in said Application and, therefore, the Commission hereby approves and grants CREEKWOOD Application for Development Approval for a Development of Regional Impact (D.R.I. ~~#102~~ 13, subject to the following conditions:

PROJECT PHASING CONDITION

1. Creekwood shall have two years from the date of Conceptual Development Plan Approval to submit the Preliminary Development Plan for Phase I. Preliminary Development Plans for additional phases will be submitted within a maximum of five year increments.

2. The developer shall submit a revised transportation analysis with any request for project extension which will individually or in combination with previous extensions delay any portion of the phasing schedule set forth in the ADA by more than four years. The Manatee County Board of County Commissioners shall review this analysis and determine whether or not the requested extension constitutes a substantial deviation pursuant to Chapter 380.06 F.S.

LAND USE CONDITIONS

1. Development within the Evers Reservoir Watershed shall be restricted to a maximum density of five dwelling units per acre.

2. Maximum heights permitted within the project shall be as follows:

   a. Neighborhood Commercial in PDR - 1 story

   b. Apartments - 6 stories

   c. All other residential uses - 3 stories

   d. Commercial uses in the PDC & PDI - 40 feet

   e. Office buildings/hotels - The maximum height for office buildings and hotels shall be determined at the time of Preliminary Development Plan approval.

   f. Industrial/warehouse - 40 feet

3. The placement of on-site commercial signs, which exceed 30 feet in height, shall be limited to one each for the five commercial/office areas identified on the Conceptual Development Plan as parcels C-1, C-2, C-4, C-5 and O-1. The size and location of each of these signs must be identified on the approved sign plan which shall be submitted at the time of Preliminary Development Plan review.

4. At the time of Preliminary Development Plan submittal, the applicant shall demonstrate compliance with the requirements of the Planned Development District including, but not limited to, such concerns as aesthetic appearance from State Road 70 and I-75, ample provision for open space, adequate restrictions to prohibit unsitely vehicles, trash, etc., and a maintenance program which assures that an attractive appearance will be maintained.

5. Light manufacturing, high-tech industries, office parks and major product supply and distribution centers are the primary uses proposed within the industrial park. Secondary uses, such as hotels/motels, service stations, service establishments and mini-warehouses, shall occupy no more than 10% (20 acres) of the PDI District. Heavy manufacturing establishments and other similar intensive uses will require approval by the Manatee County Board of County Commissioners.

6. No dwelling units shall be permitted in parcels J and K identified on the Revised Master Development Plan (Map H dated June 18, 1985). The one density unit per acre identified for these parcels shall be transferred to other parcels within the development. These parcels shall remain as open space, but may be developed to serve the parks and recreational needs of this development.

BUFFER CONDITIONS

1. The 100 foot wide buffer, shown on the Conceptual Development Plan, shall be provided as shown on the Conceptual Development Plan. Additionally, the depth, design, and location of landscaped buffers will be determined when a Preliminary Development Plan is submitted for approval. Continued maintenance of these buffers shall be assured through appropriate measures such as covenants and deed restrictions.

2. A building setback of at least 50' shall be provided west of and adjacent to the existing power line easement traversing the PDI District. Native trees lying within fifty feet (50') of this easement shall not be removed and where trees closer than 25 feet apart do not already exist, trees of a native species shall be planted in an attractive manner.

3. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 60 dBA range. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls and significant landscape buffering should be provided between the residential units and the noise source.

   Additionally, residential units constructed within noise level contours in excess of the L10 65 contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table on Pg. 21). The applicant shall demonstrate compliance with these standards at the time of Final Planned Development Plan Approval.

ENVIRONMENTAL CONDITIONS

1. At the time of the first Preliminary Development Plan submittal, a Master Drainage Plan for the entire development, including a demonstration that the effect the proposed altering and deepening of existing wetlands will have on their ability to filter surface water and percolating groundwater will be acceptable, shall be submitted. This Master Drainage Plan, though 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.

2. Stormwater management system design for that portion of the development lying within the Evers Reservoir Watershed shall ~~meet or exceed~~ the guidelines in the Evers Reservoir Watershed Management Study (Smith and Gillespie, November 1982 or as hereafter revised) or any other guidelines adopted by the County prior to Final Development Plan approval. The design shall incorporate Best Management Practices, be based on site specific data reflecting seasonal variations (ground and surface water quality and quantity) and seek to maintain water quantity contributions to the Braden River.

3. In conjunction with the submittal of the first Preliminary Development Plan, a demonstration of compliance with the Watershed Protection, Special Treatment and Agricultural Fringe Overlay zones shall be submitted. As required by the Special Treatment District, the Board of County Commissioners must make a determination prior to construction that "Best Possible Technology" is being employed prior to construction.

4. The Stormwater Maintenance Plan, submitted with the first Preliminary Development Plan, shall be designed using accepted best management practices to provide a natural hydroperiod within each wetland. Isolated wetlands shall, where practical, be incorporated into the stormwater system. Construction and post-construction monitoring of surface and groundwater quality and quantity shall be outlined and implemented; included in this plan shall also be the design and execution of a maintenance program to ensure the adequate functioning of the system beyond project buildout. The stormwater management system shall be designed with enough flexibility to allow for hydroperiod refinement, as needed.

5. All jurisdictional wetlands and streams shall be preserved physically and functionally. The only exception may be those areas in which Federal and/or State environmental permits are obtained for such activities or alteration of marginal wetland areas where mitigative measures will substantially outweigh the effects of the activities.

6. The Preliminary Development Plan, as submitted by phase, shall specifically also outline which and how much of each vegetation association is being preserved. Every effort shall be made by the developer and any future developers of this property to preserve a diverse range of the existing wildlife habitat. These preserve areas should be as large as possible and should be located adjacent to wetlands and/or a different upland community type.

7. Wetlands on the project site shall be preserved consistent with Map F-1 on page 44 of the ADA additional information response and with s.2.7 of the Council's adopted Future of the Region.

8. Representative tracts of all major upland vegetative communities shall be preserved in their natural state to serve as conservation/recreation areas.

9. The wind and soil erosion controls including sodding, hydroseeding, mulching and bare soil wetting, committed to by the developed in the ADA, shall be required.

WATER QUALITY

1. To assure water quality is maintained:

   a. The developer shall institute a program to provide a body of initial baseline water quality data before any significant groundbreaking takes place, as well as institute a bi-annual on-going monitoring program through project build-out. Sampling stations shall be at the sampling sites shown in "Exhibit C" (attached).

      Sampling should be taken on a cresting hydrograph and should occur immediately after a one-inch storm event, and after a dry period, during both the rainy season (June-September) and the dry season (November-February). Significant water quality parameters should include, but not be limited to, the following:

- streamflow (cu. ft./sec.);
- turbidity (ntu);
- specific conductance (umho/cm at 25 deg. C);
- dissolved oxygen (mg/l);
- biochemical oxygen demand (mg/l);
- pH;
- total orthophosphate as P (m/l);
- total organic nitrogen as N (mg/l);
- total organic carbon as C (mg/l);
- total coliforms,multiple tube method,MPN(col/100 ml);
- total lead as Pb (ug/l); and
- temperature (deg. C).

All water quality methods and procedures shall be thoroughly documented and should comply with EPA/DER Quality Control standards and should be submitted to Manatee County Planning Department, Manatee County Pollution Control and TBRPC.

b. The developer shall provide baseline water-level contour maps for the unconfined aquifer on the Creekwood site, to reflect conditions present during both the wet season (June-September) and the dry season (November-February). In addition, the developer shall provide for review annually updated ground water contour maps as described above; until the project reaches completion.

2. In order to protect water quality, the following parameters shall be included in the project drainage plan.

a. The developer shall submit for approval a wetland-lake management plan, to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
- proposed wetland/lake alterations;
- control of exotic species;
- control of on-site water quality;
- maintenance of natural hydroperiod; and
- methods for wetland restoration/enhancement;

b. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment for the first 1" of runoff generated from the site during the 25-year, 24-hour design storm; and that maximum post-development shall not exceed pre-development flows for the same design storm.

c. The proposed retention/detention wetland systems shall be designed to be consistent with the <u>Stormwater and Lake Systems Maintenance and Design Guidelines</u> (TBRPC 1978). The design criteria of this system should include the following elements:

(1) A minimum of 15 but no more than 50 percent of the surface area of the detention pond at the normal water level (NWL) shall consist of a shallow vegetated littoral shelf.

(2) The littoral shelf shall be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf shall be established on a shallow submerged island in the middle of the pond.

(3) A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.

(4) The littoral shelf, if located along the pond bank, shall have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.

(5) The littoral shelf shall be vegetated with a diverse group of native species which can include Sagittaria, pickerelweed, Juncus, water lilies, cypress, etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more "natural" appearance.

(6) A copy of an operation and maintenance (O & M) schedule shall be provided to the owner, and be submitted to TBRPC with the annual report. The O & M schedule should include an estimation of the frequency of sediment removal operations and should mention the periodic need for removing dead vegetation.

HAZARDOUS WASTE CONDITION

1. Prior to the construction of industrial facilities, hazardous waste storage and disposal plans, including transportation of wastes, shall be provided and approved.

2. The developer shall provide separate hazardous waste storage containers/areas within the project. These containers/areas shall be accessible to all project businesses and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials.

   The developer shall provide to all Creekwood businesses information that:

   a. Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers;

   b. Indicates the location of the specially-designated hazardous waste and materials containers; and

   c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

   The developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

ARCHAEOLOGICAL CONDITION

1. At the time a Preliminary Development Plan for the specific areas referenced in the May 24, 1984 letter from the State Division of Archives, History and Records Management is submitted, the developer must show the location of all archaeological and historic sites identified by a systematic, professional archaeological and historic survey. If any sites exist, the ones which are significant must be protected and preserved.

PARKS AND RECREATION CONDITIONS

1. All park areas within the project shall be open to use by employees who work in the non-residential components of this project.

2. Implementation of the bike/pedestrian path shall be required as committed in the ADA.

3. Development plans shall assure adequate buffering between the industrial, office, commercial and residential designations of this development through appropriate measures such as covenants and deed restrictions.

4. The entity responsible for maintenance of all open space areas of this development has been identified in the ADA. Assignment of specific responsibility for open spaces shall be made at the time of Preliminary Development Plan submittal.

PUBLIC EDUCATION CONDITIONS

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 at the time of the Preliminary Development Plan submittal, by the developer, using methodology acceptable to and utilized generally by the School Board. The developer shall fully offset the impacts so identified by a pro-rata contribution to the cost of obtaining land for school facilities in the Southeast area.

2. The School Board of Manatee County may determine, 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. Once the School Board has made such a determination and can demonstrate a present ability and intention to provide such facilities, in cooperation with this development or otherwise, development scheduled to occur thereafter, and the timing thereof, shall coincide with the prior or anticipated completion of such facilities.

PUBLIC SAFETY CONDITIONS

1. Creekwood shall contribute a pro-rata share of the cost of constructing a fire station on the Tara public service site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Development Plan submittal.

2. In the event impact fees are not available to the Braden River Fire Department, the developer shall nevertheless make equivalent payments to the Fire District for each dwelling unit and for non-residential square footage.

3. Creekwood shall contribute a pro-rata share of the cost to construct and equip the Sheriff Department's portion of the Public Services Building on the Tara Public Site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Development Plan submittal.

4. All streets shall be numbered in accordance with the revised County grid system currently under consultant contract by the County.

TRANSPORTATION CONDITIONS

1. Improvements shall be required to the project entrances on State Road 70 and to the intersection of State Road 70 and I-75. Such improvements shall include, but not be limited to, left turn storage lanes, signalization, ramp improvements and additional through lanes. The extent and timing of improvements required shall be determined by the County Engineer with the review of each phase.

2. Developer shall provide for a 120 foot wide right-of-way for 44th Avenue E (Cortez Road Extended) through the project. Two lanes of this roadway shall be constructed through the project by the developer with development of parcels adjacent thereto. Sufficient right-of-way to construct the bridge approach shall be dedicated, but the developer shall not be responsible for constructing the bridge over I-75 as an on-site transportation improvement.

3. Construction of approximately 1600 feet of 44th Avenue East from the west property boundary west to the existing pavement, by the developer to a two-lane section, including payment for acquisition of necessary right-of-way, shall be required with development of parcel A, B, E, DD, CC, or C-3. Manatee County shall cooperate with Creekwood in the condemnation of any land necessary to meet this requirement.

4. A road shall be constructed to connect parcel 0-1 with the western project boundary where its alignment shall be designed to match the

frontage road planned for the Campbell Commercial Center. Additionally, a road shall be constructed through parcel C-5 connecting the major industrial park entrance with the eastern project boundary. These roads shall be constructed within a dedicated right-of-way or public access easement.

5. The proposed entrance onto State Road 70 at the southwest corner of the development shall be relocated eastward to facilitate the frontage road from the Campbell Commercial Center and to avoid conflict with regard to intersection function.

6. The intersections of any driveway (including the frontage road) with the project entrance boulevard onto State Road 70 shall be located as far from State Road 70 right-of-way as necessary to avoid conflict with regard to intersection function.

7. All roads shown on the Conceptual Development Plan, including required stub-outs to the property boundary, shall be dedicated to Manatee County with adequate rights-of-way as determined by the County Engineer.

8. The proposed road stub-out to the west property line shall be relocated approximately 500 feet north of its proposed location on the Conceptual Development Plan.

9. A road stub-out shall be provided to the eastern boundary of the PDI parcel to connect with the proposed emergency access which was required with the Fairway Pines development.

10. The proposed road connecting the PDI parcel to 44th Avenue East (Cortez Road Extended) shall be designed to provide adequate buffering of the non-residential traffic from adjacent residential development.

11. Prior to the development of any of parcels I, L, M or R, the proposed route to State Road 64 via Lena Road from the subject project shall be improved to County standards or to the specification of the County Engineer, where insufficient rights-of-way exist.

12. The need for wider internal roads or potential changes in their proposed alignment shall be addressed at the time of Preliminary Development Plan submittal.

13. The proposed owner's association documents shall contain a provision requiring the occupants of the industrial park to coordinate shift changes to reduce peak hour traffic.

14. In accordance with Policy 9-1.C of The Manatee Plan, daily Level of Service "C" & "D" at peak hours as determined by the Highway Capacity Manual (1965) and Highway Circular 212, or most current manual, and in accordance with guidelines and conclusions acceptable to the County, Tampa Bay Regional Planning Council and the Department of Community Affairs shall be maintained on all of the following thoroughfares which have been identified by the Tampa Bay Regional Planning Council as receiving from Creekwood, five (5%) percent or more of daily Level of Service "C" capacity:

    a. University Parkway from Lockwood Ridge Road to I-75

    b. State Road 70 from U.S. 41 to I-75

    c. Lockwood Ridge Road from University Parkway to State Road 70

    d. State Road 64 from Morgan Johnson Road to I-75

    e. I-75 from University Parkway to State Road 70

    f. State Road 780 from Honore Avenue to I-75

    g. Intersection of State Road 70 and State Road 683

h. Intersection of State Road 70 and 45th Street East

i. Intersection of State Road 70 and Caruso Road

j. Intersection of State Road 70 and U.S. 301

k. Intersection of State Road 64 and Morgan Johnson Road

l. Intersection of State Road 70 and the Project Entrances

m. Intersection of State Road 70 and I-75

n. Intersection of State Road 70 and U.S. 41

No plat or site plan shall receive approval if the approval of such plat or site plan 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 these road links and intersections to a daily level below C or D at peak hour as determined above, or, if a lower level has already been reached prior to the commencement of phase I, any degradation of that Level of Service. Each request for plat or site plan approval must be accompanied by a traffic study prepared or provided in this paragraph and stipulation #15 of the general conditions contained herein. Level of Service on the above referenced links and intersections shall be verified as part of each annual report as required by Chapter 380.06(16) Florida Statutes and stipulation #15 of the general conditions contained herein. If any traffic study required above for any phase shows that the project will contribute more than ten (10%) percent of the Level of Service C capacity of State Road 70 between State Road 683 and U.S. 301, then that phase shall not be approved unless the improvements necessary to achieve a Level of Service D on that segment is under construction.

This stipulation shall not be construed as diminishing any rights to credits for improvements paid for by the developer pursuant to this stipulation that would be available under stipulation #14 of the general conditions contained herein.

OFF SITE FACILITY DEVELOPMENT FEE

1. Definitions

a. "Administrative Costs" shall mean the additional and non-refundable fee charged to the Agent by the County for the processing of off-site facility development fees collected pursuant to these stipulations.

b. "Agent" shall mean the designee of the Developer for the purpose of payment and/or reimbursement of the off-site facility development fees created by these stipulations.

c. "Board" shall mean the Board of County Commissioners of Manatee County, Florida.

d. "Building Permit" shall mean any building or construction permit required under the Manatee County Building Code.

e. "Certificate of Occupancy" shall mean a document issued by the County allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable County codes and ordinances.

f. "Commercial Unit" shall mean those businesses, institutional, office, and/or professional activities which provide products and services to individuals, businesses, or groups.

g. "County" shall mean the County of Manatee, a political subdivision of the State of Florida.

h. "Developer" shall mean and shall be deemed to include any individual, corporation, governmental agency, business trust, partnership, association, two or more persons having a joint or common interest or any other legal entity which undertakes the development of land in Manatee County, Florida.

i. "Development" shall mean and shall be deemed to include the use of land for the 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.

j. "Industrial Unit" shall mean those uses whose activities which predominately engage in the assembly, finishing, processing, packaging, manufacturing and/or storage of products.

k. "Latest Available Data" shall mean the amount of the off-site facility development fees established by approved vote of the Board and shall be deemed to include figures generated to anticipate impact upon transportation, emergency medical services, parks and recreation, and solid waste facilities, by a means acceptable to and generally utilized by Manatee County, Florida.

l. "Off Site Facility Development Fees" shall mean and shall be deemed to include a special assessment for the benefit of the properties whose need is generated by new growth and development of such assessed properties.

m. "Residential Unit" shall mean a dwelling unit and shall exclude accessory uses designed solely for the benefit of subdivision residents.

2. The Developer, his successors, assigns and/or transferees, shall be bound by these stipulations, by an Impact Fee Ordinance when adopted and by all Manatee County ordinances, rules and regulations consistent with the approval hereby granted.

3. Developer, prior to the transfer, sale, or other conveyance of interest in the development, shall obtain the written consent of each transferee, buyer, or other recipient of any other conveyance of interest in the development to be bound by the terms of these stipulations, a subsequent impact fee ordinance and any other applicable local or state law. Developer shall provide the document of written consent to the County and shall record copies of the same with the final plat documents. Further, Developer may be required to provide notice or written consent to be bound by these stipulations on the face of the plat linen.

4. At the time of Preliminary Development Plan approval, all impacts of every portion thereof upon public facilities shall be identified by the developer in accordance with guidelines and methods acceptable to the County, Tampa Bay Regional Planning Council and the Department of Community Affairs and shall be assessed and analyzed by the developer using the latest available data.

5. Prior to Final Subdivision Plat approval, Developer shall designate an Agent or, prior to the issuance of the first building permit for non-final plat developments, the Developer shall designate an Agent utilizing approved County forms. The Agent, on approved County forms, shall authorize the submission of off-site facility investment fees based upon latest available data prior to issuance of each building permit. The Agent shall be responsible for the submission of all monies payable pursuant to the stipulations and for the receipts or credit of monies the County may remit to the Developer.

6. Adjustments in the applicable off-site facility development fee for residential units and/or square footage for commercial and industrial units, shall be made against an equivalent number of residential units and/or square footage of commercial or industrial units next constructed. Adjustments shall be determined without regard to inflation or interest.

7. The off-site facility development fee for each building shall be assessed when the building permit is issued and collected by the Manatee County Planning Department prior to the issuance of a Certificate of Occupancy therefor, and shall be escrowed as provided in paragraph 9 of these stipulations.

8. Manatee County Finance shall escrow monies collected from off-site facility development fees and shall identify each development with a project number. Upon adoption of an impact fee ordinance, all escrowed monies shall be segregated by project number and incorporated into the impact fee fund created for the impact district in which the development is located.

9. Concurrent with the payment and collection of off-site facility development fees, the Agent shall pay and Manatee County Planning Department shall collect additional and non-refundable administrative costs calculated as 1.5% of the off-site facility development fee then collected. Administrative costs collected shall be credited to Manatee County Finance and shall be adjusted as provided in paragraph 7 of these stipulations.

10. Upon adoption of an impact fee ordinance, differences may occur between the impact fee set by ordinance and the fees collected pursuant to these stipulations. Should impact fees set by the ordinance exceed the monies escrowed by the developer, developer's Agent shall be responsible for either submitting the cash difference to the County without regard to payment of interest within one year from the adoption of the ordinance or making adjustments as provided in paragraph 7. Should the impact fees set by the ordinance be less than the monies escrowed by the developer, the County at the Agent's election, shall remit the difference to developer's Agent without regard to payment of interest within sixty (60) days from adoption of the ordinance, or credit the difference as provided in paragraph 7 of these stipulations.

11. In the event Manatee County fails to adopt an impact fee ordinance by July 1, 1987, the escrowed monies shall be deemed released and paid over to the County which shall utilize the monies to build those public improvements benefitting the development. The monies shall be distributed for use as provided by the final latest available data adopted by the Board and shall be limited to public improvements specially benefitting the development.

GENERAL CONDITIONS

1. The developer shall demonstrate the availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire and EMS service with each Preliminary Development Plan submittal.

2. All structures shall meet at a minimum the building requirements of the Southern Standard Building Code, as amended.

3. The developer shall satisfy County requirements regarding the provision of adequate school and park sites, EMS, police and fire services to this portion of the County.

4. The energy conservation measures referenced in the ADA shall be required as a condition of approval.

5. Implementation of the bike/pedestrian path shall be required as committed in the ADA.

6. 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 ADA, or set forth in subsequent DRI or local approvals required for this development.

7. 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.

8. The matters addressed herein, as well as additional matters that are appropriate to consider 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 procedures.

9. 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, and by reference to the record of the hearings before these bodies.

10. 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 and by any subsequently established stipulations.

11. Nothing herein shall be construed as authorizing any use of the property other than as described in the Conceptual Development Plan 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.

12. 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 reflects 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.

13. 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.

14. In the event the County or other government entity with jurisdiction in the matter establishes 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 reductions in developer's obligations as set forth herein shall be considered and should be reflected in stipulations made a part of subsequent approvals.

15. The developer and any successors in interest shall submit annual DRI reports in accordance with Section 380.06(16), Florida a Statutes, to the Manatee County, and the TBRPC, 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 the Manatee Planning and Development Department who shall review the report for compliance with the terms and conditions of this Order. Should the director decide that further orders and conditions are necessary to ensure compliance with the terms and conditions of this Order, he shall submit the report to the Manatee County Board of County Commissioners. 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(16), Florida Statutes; and

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. 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;

f. Identification and intended use of lands purchased, leased or optioned by the Developer adjacent to the DRI site since the Order was issued;

g. An assessment of the Developer's and local government's compliance with conditions of approval contained in the Order;

h. Any requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

j. A copy of any notice of the adoption of a development order or the subsequent modification ~~of an adopted development order that~~ was recorded by the Developer, pursuant to Subsection 380.06(14)(d), Florida Statutes.

k. Failure to file an annual report as provided within shall suspend any further development.

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 CREEKWOOD.

B. The legal description of the property attached hereto as Exhibit "A".

C. The Ordinance granting rezoning to Planned Development Residential, Planned Development Commercial and Planned Development Industrial adopted July 10, 1985.

4. This Development Order shall be effective for a period of twenty (20) years from the date of the adoption of this 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 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 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 CREEKWOOD.

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 CREEKWOOD 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 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 22nd day of October, 1985.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

By: Edward W. Chance
Chairman

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

By: Richard Ashley Chief Deputy Clerk

CONTRACT FOR SALE OF REAL ESTATE

THIS AGREEMENT made and entered into this the _____day of _____, 1986, by and between CREEKWOOD INVESTORS, LTD., a Florida Limited Partnership, hereinafter called "Seller", party of the first part, and MANATEE COUNTY, hereinafter called "Purchaser", party of the second part.

W I T N E S S E T H:

For and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration in hand paid by the Purchaser to the Seller, the receipt whereof is hereby acknowledged, the Seller does hereby agree to sell and convey to the Purchaser and the Purchaser agrees to buy from the Seller the following described property located in Manatee County, Florida, to-wit:

> The SE¼ of Section 1, Township 35 South, Range 18 East less 30 acres previously conveyed to Manatee County, recorded in Official Record Book 947, page 1386 of the Public Records of Manatee County, Florida,subject to Florida Power and Light Company easement as described in Official Record Book 1006,page 2513 and Official Record Book 1076, page 554,and further subject to utility easement described as the East 25 feet of the West 355 feet of the Se 1/4 of Section 1, Township 35 South, Range 18 East, lying south of said 30 acres lying and being in Section 1, Township 35 South, Range 18 East.
>
> ALSO, begin at the northeast corner of Section 12, Township 35 South, Range 18 East thence north 89°30'21" West along the section line between Sections 1 and 12 of Township 35 South, Range 18 East a distance of 2655.59 feet more or less to a concrete monument on the west line of Florida Power & Light transmission line easement recorded in Official Record Book 1006, page 2513, Public Records of Manatee County, Florida; thence south along the west line of said Florida Power & Light Company easement a distance of 2580 feet more or less to the center line of Houston Texas Gas and Oil Corporation easement; thence Northeasterly along the center line of said easement a distance of 3,000 feet more or less to a concrete monument on the East line of said Section 12 and 989.94 feet more or less of the Northeast Corner of Section 12; thence northerly along the East line of said Section 12, a distance of 989.94 feet more or less to the Point of Beginning, subject to Florida Power & Light Easement described in Official Record Book 1006, page 2513 and Official Record Book 1076, page 554 and subject to Houston Texas Gas and Oil Corporation Easement and further subject to 25 foot Utility Easement described as follows: The East 25 feet of the West 355 feet of the North 2383.28 feet of the East 1/2 of Section 12, Township 35 South, Range 18 East, Manatee County, Florida

at and for the purchase price of Six Thousand Five Hundred Dollars ($6,500.00) per acre for the property conveyed; said acreage to be determined by a survey prepared by a registered

land surveyor procured by and at the expense of the Purchaser within twenty (20) days of the date of this Contract, for determining price; said acreage to include all easements within the above described property and no reduction in price to be made therefore; said purchase price to be paid as follows:

> $10.00 paid as aforesaid at the time of the signing of this contract which shall apply to the purchase price only upon compliance with the terms hereof on the part of the Purchaser.
>
> The balance of the purchase price to be paid in cash at the time of closing, which closing shall be on or before the _____day of _____, 1986.

Conveyance shall be made at the time of closing by general warranty deed free from all liens and encumbrances except current year's taxes and in conformance with all statutes concerning deeds to any local governmental unit.

Purchaser shall take marketable title subject to restrictions of record and restrictions common to the area in which the property is located, zoning ordinances and particularly subject to Zoning Ordinance Z-84-76 and Resolution R-85-219 constituting a development order pursuant to Chapter 380 of the Florida Statutes and public utility easements of record.

Seller agrees to furnish a marketable title insurance commitment to Purchaser on said property, certified to date, within twenty (20) days from the date of this Contract and the Purchaser shall have five (5) days to examine same and if Purchaser objects to the marketable title as disclosed by the title commitment or the survey, it shall do so in writing directed to the Seller specifying the defects within said five (5) days. If the said defects render the title unmarketable, the Seller shall diligently attempt to, and have ninety (90) days from the receipt of such notice to, cure the defects. If after reasonable diligence Seller shall not have cured the defects, Purchaser shall have the option: (1) to accept the title as presented within the time provided herein, or (2) to demand a refund of all monies paid hereunder which shall forthwith be returned to the Purchaser, thereupon releasing the Purchaser and the Seller of all further obligations of this contract.

At closing Seller shall pay all its legal fees, costs of obtaining marketable title insurance, and revenue stamps on the deed and cost of recording the deed. Purchaser shall pay the cost of the survey and its legal fees.

Closing shall take place on or before the _____day of _____, 1986, in the office of Grimes, Goebel, Grimes and Hawkins, Attorneys at Law, Professional Building, Bradenton, Florida.

Parties agree and state that the property herein is subject to the threat of condemnation by eminent domain and that the purchase price and terms have been agreed upon in order to avoid a legal suit for such condemnation.

The Parties acknowledge that the property described herein is a portion of the property which is the subject of Resolution R-85-219 granting a Development Order for a Development of Regional Impact (DRI #102), Creekwood, Ltd. The Parties do not anticipate that the use of the conveyed property will constitute a substantial deviation within the meaning of Section 380.06(19), F.S. (1985) in that the projected use is less intensive than the permitted use.

The Purchaser hereby agrees that any easement across the property described herein, which is deemed necessary by Seller to connect the remaining property of Seller to the Southeast Regional Waste water treatment plant shall be reserved unto Seller; and upon determination of such need the exact legal description and documents necessary to connect same shall be executed by the Parties.

The terms of this Agreement shall survive the closing.

This contract shall be binding upon the parties hereto and upon their respective heirs, assigns, personal and legal representatives.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first above written.

Witnesses:

_____

_____
As to Seller

CREEKWOOD INVESTORS, LTD.

By_____

MANATEE COUNTY

By_____

ATTEST:

R. B. SHORE
Clerk of Circuit Court

By:_____

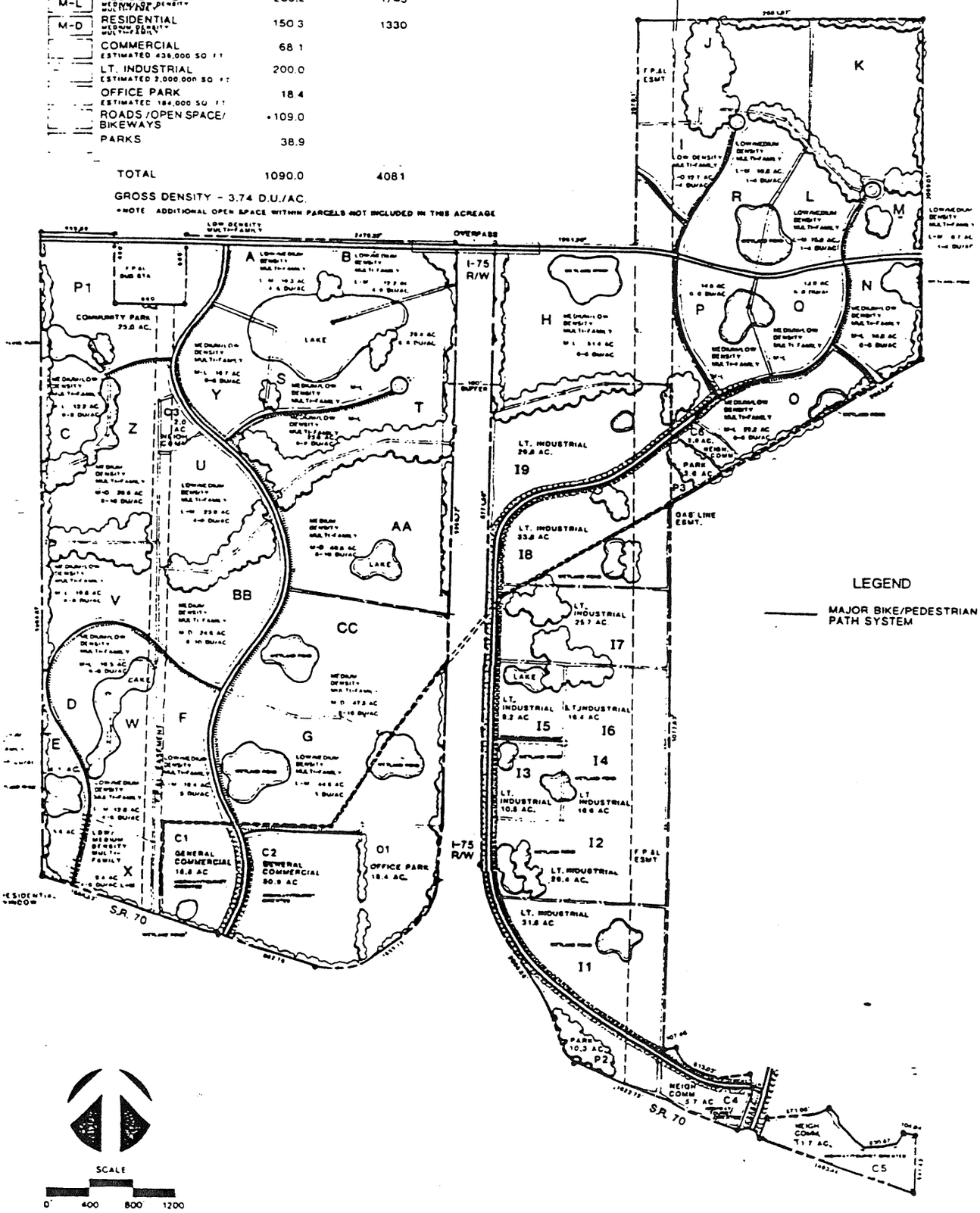
1164

CREEKWOOD

	USE	ACRES	UNITS
L-D	RESIDENTIAL LOW DENSITY MULTI-FAMILY	124.4	258
L-M	RESIDENTIAL LOW/MEDIUM DENSITY MULTI-FAMILY	145.7	748
M-L	RESIDENTIAL MEDIUM/LOW DENSITY MULTI-FAMILY	235.2	1745
M-D	RESIDENTIAL MEDIUM DENSITY MULTI-FAMILY	150.3	1330
	COMMERCIAL ESTIMATED 436,000 SQ. FT.	68.1	
	LT. INDUSTRIAL ESTIMATED 2,000,000 SQ. FT.	200.0	
	OFFICE PARK ESTIMATED 184,000 SQ. FT.	18.4	
	ROADS/OPEN SPACE/ BIKEWAYS	*109.0	
	PARKS	38.9	
	TOTAL	1090.0	4081

GROSS DENSITY - 3.74 D.U./AC.

*NOTE ADDITIONAL OPEN SPACE WITHIN PARCELS NOT INCLUDED IN THIS ACREAGE



MASTER DEVELOPMENT PLAN

MAP H

GEE & JENSON
ENGINEERS · ARCHITECTS · PLANNERS, INC.

PREPARED FOR
CREEKWOOD INVESTORS, INC.

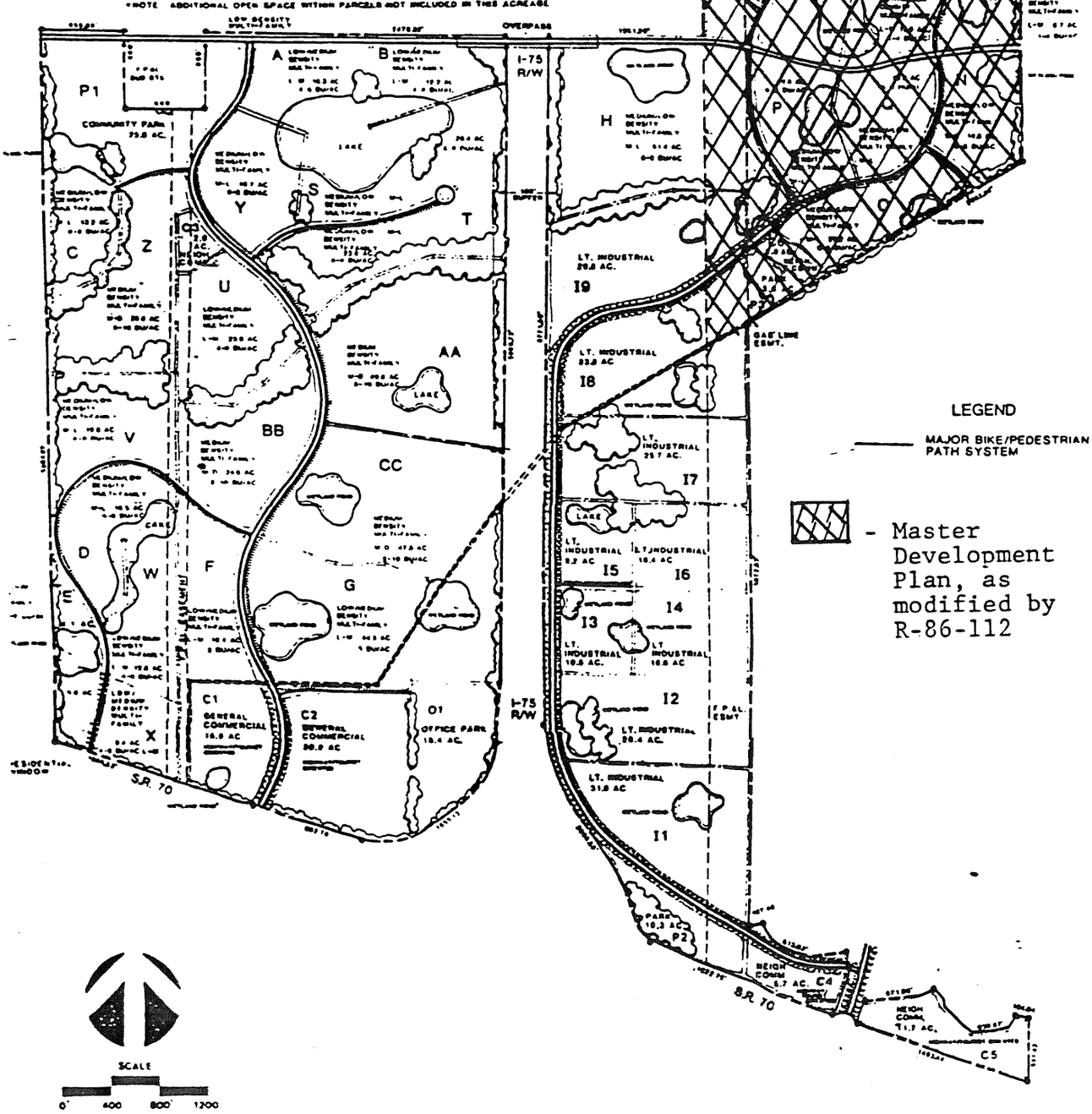
Exhibit "C"

CREEKWOOD

	USE	ACRES	UNITS
L-D	RESIDENTIAL LOW DENSITY SINGLE FAMILY	124.4	258
L-M	RESIDENTIAL LOW/MEDIUM DENSITY MULTI FAMILY	145.7	748
M-L	RESIDENTIAL MEDIUM/LOW DENSITY MULTI FAMILY	235.2	1745
M-D	RESIDENTIAL MEDIUM DENSITY MULTI FAMILY	150.3	1330
	COMMERCIAL ESTIMATED 436,000 SQ. FT.	68.1	
	LT. INDUSTRIAL ESTIMATED 2,000,000 SQ. FT.	200.0	
	OFFICE PARK ESTIMATED 184,000 SQ. FT.	18.4	
	ROADS /OPEN SPACE/ BIKEWAYS	*109.0	
	PARKS	38.9	
	TOTAL	1090.0	4081

GROSS DENSITY - 3.74 D.U./AC

*NOTE ADDITIONAL OPEN SPACE WITHIN PARCELS NOT INCLUDED IN THIS ACREAGE



MASTER DEVELOPMENT PLAN

MAP H

GEE & JENSON
ENGINEERS · ARCHITECTS · PLANNERS, INC.

PREPARED FOR
CREEKWOOD INVESTORS, INC.

Exhibit "D"

R-86-112

RESOLUTION AMENDING R-85-219 GRANTING AN AMENDED DEVELOPMENT ORDER.

WHEREAS, Manatee County, a political subdivision of the State of Florida, rendered a development order (R-85-219) on October 22, 1985, to Creekwood, LTD. for Development of Regional Impact for the real property located in Manatee County, Florida; and

WHEREAS, on April 15, 1986, Manatee County and Creekwood, LTD. entered into a contract for the sale and purchase of two hundred forty (240) plus or minus acres located adjacent to the Manatee County ~~interim~~ wastewater treatment plant and lying wholly within the Creekwood, LTD. real property described in Exhibit "A"; and

WHEREAS, pursuant to Section 380.06(19)(f), Florida Statutes, proper publication and notice for the amendment to R-85-219 providing for the excision of the two hundred forty (240) plus or minus acres from the Creekwood, LTD. Development of Regional Impact, has been given.

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

1. A Notice of the Public Hearing to amend R-85-219 was duly published in the Bradenton Herald, a newspaper of general circulation in Manatee County, Florida, pursuant to Section 380.06(19)(f), Florida Statutes, and proof of such publication has been duly filed in these proceedings.

2. The proposed amendment to R-85-219, as set out in paragraph 1 of this Resolution, has been rendered to the Tampa Bay Regional Planning Council and the Division of Community Affairs, as provided in Section 380.06(19)(f), Florida Statutes.

3. On October 22, 1985, Manatee County rendered a Development Order, R-85-219, approving a Development of Regional Impact, No. 102, for Creekwood, LTD., located in Manatee County, Florida, described in Exhibit "A" attached hereto and made a part hereof.

#102

4. On April 15, 1986, Manatee County and Creekwood, LTD. entered into a contract for the sale and purchase of two hundred forty (240) plus or minus acres of real property presently included within R-85-219 (Development of Regional Impact No. 102) Creekwood, LTD. The contract containing the legal description for the two hundred forty (240) plus or minus acres is attached hereto as Exhibit "B" and made a part hereof. The subject property is presently zoned as Planned Development Residential and pursuant to the terms of Resolution 85-219 issuing the Development Order for Creekwood, LTD., and under the provisions of R-85-219, may be used for:

a. Residential development not to exceed eight (8) dwelling units per acre; and

b. Neighborhood commercial, 2.0 acres; and

c. Park, 3.6 acres.

5. The following sections of real property, comprising two hundred forty (240) plus or minus acres, are hereby excluded from R-85-219: I, J, K, L, M, N, O, P, Q, R, C6 and P3, along with the Florida Power and Light Easement adjacent to Sections I and J, and lying between Sections P and H, 19 and C6, and 18 and P, to the gas line easement. These sections are set forth in the Creekwood Master Development Plan, Map H, attached hereto as Exhibit "C" and are described in Exhibit "B".

6. The sole effect of this amending resolution is to excise the above-referenced two hundred forty (240) plus or minus acres from the Creekwood, LTD. Development Order R-85-219. This amending resolution does not allow for the transfer of densities from the two hundred forty (240) plus or minus acres to the remaining portion of Creekwood, LTD., a Development of Regional Impact #102, approved by Development Order R-85-219, except as otherwise provided in paragraph 6, Land Use Conditions of R-85-219. All other provisions of R-85-219 shall remain in full force and effect as adopted on October 22, 1985.

7. The excision of the above-referenced two hundred forty (240) plus or minus acres resulting in configuration of the remainder of Creekwood, Ltd., as depicted in a modified map,

attached hereto and made a part hereof, as Exhibit "D", is found not to create a substantial deviation of R-85-219, as set forth in Chapter 380.06(19), Florida Statutes.

BE IT FURTHER RESOLVED, as conclusions of law, that the proceedings have been conducted pursuant to Chapter 380, Florida Statutes, and that Creekwood, Ltd. has sustained and proved all material allegations and assertions contained in the request for excission of a portion of the property from the approved Development of Regional Impact (R-85-219), subject to the following condition:

> Creekwood, LTD. shall include in each Notice to Buyer, a statement that the use of the two hundred forty (240) plus or minus acres excluded from the Creekwood, Ltd. Development of Regional Impact approval is for a County-owned treatment facility that may include spray irrigation.

BE IT FURTHER RESOLVED, this Development Order shall become effective upon adoption by the Board of County Commissioners of Manatee 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 Chapter 380.07, Florida Statutes, stays the effectiveness of this Development Order.

ADOPTED in regular session with a quorum present and voting this the 20th day of May, 1986.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Richard Hartelius
Chairman 5/20/86

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

R-86-112

DRI #13
TBRPC #102

RECORDED 10/22/85
PAGE NO. 14
MINUTE BOOK NO. 35

RESOLUTION #R-85-219
RESOLUTION GRANTING AN AMENDED DEVELOPMENT ORDER

WHEREAS, CREEKWOOD, LTD., hereinafter referred to as "CREEKWOOD", in accordance with Section 380.06, Florida Statutes, has filed with Manatee County an Application for Development Approval (ADA) of a Development of Regional Impact (D.R.I. ~~#102~~ #13); and

WHEREAS, CREEKWOOD proposes to develop a planned development residential (PDR) of dwelling units with associated recreational and commercial activities, a planned development commercial (PDC) and a planned development industrial (PDI) upon real property located in Manatee County, Florida and owned by CREEKWOOD, LTD. 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 Development 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 February 13, 1985, February 27, 1985, and March 20, 1985 before the Manatee County Planning Commission and April 4, 1985, April 18, 1985, May 30, 1985, June 20, 1985, July 1, 1985, and July 10, 1985 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 CREEKWOOD, 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 adopted a Development Order on August 27, 1985, considering all of the foregoing, considering a request for clarification from the Department of Community Affairs 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 CREEKWOOD, LTD. is located in Manatee County, Florida and is described on attached Exhibit "A", and made a part hereof.

Exhibit "A"

Not the Original; photocopy of Exhibit to later Correspondence

3. Upon consideration of all matters in Sections 380.06(12) and 380.06(13), 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 CREEKWOOD 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 January 18, 1985 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 CREEKWOOD 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, CREEKWOOD is entitled to the relief prayed and applied for in said Application and, therefore, the Commission hereby approves and grants CREEKWOOD Application for Development Approval for a Development of Regional Impact (D.R.I. ~~#102~~ 13), subject to the following conditions:

PROJECT PHASING CONDITION

1. Creekwood shall have two years from the date of Conceptual Development Plan Approval to submit the Preliminary Development Plan for Phase I. Preliminary Development Plans for additional phases will be submitted within a maximum of five year increments.

2. The developer shall submit a revised transportation analysis with any request for project extension which will individually or in combination with previous extensions delay any portion of the phasing schedule set forth in the ADA by more than four years. The Manatee County Board of County Commissioners shall review this analysis and determine whether or not the requested extension constitutes a substantial deviation pursuant to Chapter 380.06 F.S.

LAND USE CONDITIONS

1. Development within the Evers Reservoir Watershed shall be restricted to a maximum density of five dwelling units per acre.

2. Maximum heights permitted within the project shall be as follows:

   a. Neighborhood Commercial in PDR - 1 story

   b. Apartments - 6 stories

   c. All other residential uses - 3 stories

   d. Commercial uses in the PDC & PDI - 40 feet

   e. Office buildings/hotels - The maximum height for office buildings and hotels shall be determined at the time of Preliminary Development Plan approval.

   f. Industrial/warehouse - 40 feet

3. The placement of on-site commercial signs, which exceed 30 feet in height, shall be limited to one each for the five commercial/office areas identified on the Conceptual Development Plan as parcels C-1, C-2, C-4, C-5 and 0-1. The size and location of each of these signs must be identified on the approved sign plan which shall be submitted at the time of Preliminary Development Plan review.

4. At the time of Preliminary Development Plan submittal, the applicant shall demonstrate compliance with the requirements of the Planned Development District including, but not limited to, such concerns as aesthetic appearance from State Road 70 and I-75, ample provision for open space, adequate restrictions to prohibit unsitely vehicles, trash, etc., and a maintenance program which assures that an attractive appearance will be maintained.

5. Light manufacturing, high-tech industries, office parks and major product supply and distribution centers are the primary uses proposed within the industrial park. Secondary uses, such as hotels/motels, service stations, service establishments and mini-warehouses, shall occupy no more than 10% (20 acres) of the PDI District. Heavy manufacturing establishments and other similar intensive uses will require approval by the Manatee County Board of County Commissioners.

6. No dwelling units shall be permitted in parcels J and K identified on the Revised Master Development Plan (Map H dated June 18, 1985). The one density unit per acre identified for these parcels shall be transferred to other parcels within the development. These parcels shall remain as open space, but may be developed to serve the parks and recreational needs of this development.

BUFFER CONDITIONS

1. The 100 foot wide buffer, shown on the Conceptual Development Plan, shall be provided as shown on the Conceptual Development Plan. Additionally, the depth, design, and location of landscaped buffers will be determined when a Preliminary Development Plan is submitted for approval. Continued maintenance of these buffers shall be assured through appropriate measures such as covenants and deed restrictions.

2. A building setback of at least 50' shall be provided west of and adjacent to the existing power line easement traversing the PDI District. Native trees lying within fifty feet (50') of this easement shall not be removed and where trees closer than 25 feet apart do not already exist, trees of a native species shall be planted in an attractive manner.

3. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 60 dBA range. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls and significant landscape buffering should be provided between the residential units and the noise source.

   Additionally, residential units constructed within noise level contours in excess of the L10 65 contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table on Pg. 21). The applicant shall demonstrate compliance with these standards at the time of Final Planned Development Plan Approval.

ENVIRONMENTAL CONDITIONS

1. At the time of the first Preliminary Development Plan submittal, a Master Drainage Plan for the entire development, including a demonstration that the effect the proposed altering and deepening of existing wetlands will have on their ability to filter surface water and percolating groundwater will be acceptable, shall be submitted. This Master Drainage Plan, though 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.

2. Stormwater management system design for that portion of the development lying within the Evers Reservoir Watershed shall meet or exceed the guidelines in the Evers Reservoir Watershed Management Study (Smith and Gillespie, November 1982 or as hereafter revised) or any other guidelines adopted by the County prior to Final Development Plan approval. The design shall incorporate Best Management Practices, be based on site specific data reflecting seasonal variations (ground and surface water quality and quantity) and seek to maintain water quantity contributions to the Braden River.

3. In conjunction with the submittal of the first Preliminary Development Plan, a demonstration of compliance with the Watershed Protection, Special Treatment and Agricultural Fringe Overlay zones shall be submitted. As required by the Special Treatment District, the Board of County Commissioners must make a determination prior to construction that "Best Possible Technology" is being employed prior to construction.

4. The Stormwater Maintenance Plan, submitted with the first Preliminary Development Plan, shall be designed using accepted best management practices to provide a natural hydroperiod within each wetland. Isolated wetlands shall, where practical, be incorporated into the stormwater system. Construction and post-construction monitoring of surface and groundwater quality and quantity shall be outlined and implemented; included in this plan shall also be the design and execution of a maintenance program to ensure the adequate functioning of the system beyond project buildout. The stormwater management system shall be designed with enough flexibility to allow for hydroperiod refinement, as needed.

5. All jurisdictional wetlands and streams shall be preserved physically and functionally. The only exception may be those areas in which Federal and/or State environmental permits are obtained for such activities or alteration of marginal wetland areas where mitigative measures will substantially outweigh the effects of the activities.

6. The Preliminary Development Plan, as submitted by phase, shall specifically also outline which and how much of each vegetation association is being preserved. Every effort shall be made by the developer and any future developers of this property to preserve a diverse range of the existing wildlife habitat. These preserve areas should be as large as possible and should be located adjacent to wetlands and/or a different upland community type.

7. Wetlands on the project site shall be preserved consistent with Map F-1 on page 44 of the ADA additional information response and with s.2.7 of the Council's adopted Future of the Region.

8. Representative tracts of all major upland vegetative communities shall be preserved in their natural state to serve as conservation/recreation areas.

9. The wind and soil erosion controls including sodding, hydroseeding, mulching and bare soil wetting, committed to by the developed in the ADA, shall be required.

WATER QUALITY

1. To assure water quality is maintained:

   a. The developer shall institute a program to provide a body of initial baseline water quality data before any significant groundbreaking takes place, as well as institute a bi-annual on-going monitoring program through project build-out. Sampling stations shall be at the sampling sites shown in "Exhibit C" (attached).

      Sampling should be taken on a cresting hydrograph and should occur immediately after a one-inch storm event, and after a dry period, during both the rainy season (June-September) and the dry season (November-February). Significant water quality parameters should include, but not be limited to, the following:

- streamflow (cu. ft./sec.);
- turbidity (ntu);
- specific conductance (umho/cm at 25 deg. C);
- dissolved oxygen (mg/l);
- biochemical oxygen demand (mg/l);
- pH;
- total orthophosphate as P (m/l);
- total organic nitrogen as N (mg/l);
- total organic carbon as C (mg/l);
- total coliforms,multiple tube method,MPN(col/100 ml);
- total lead as Pb (ug/l); and
- temperature (deg. C).

All water quality methods and procedures shall be thoroughly documented and should comply with EPA/DER Quality Control standards and should be submitted to Manatee County Planning Department, Manatee County Pollution Control and TBRPC.

b. The developer shall provide baseline water-level contour maps for the unconfined aquifer on the Creekwood site, to reflect conditions present during both the wet season (June-September) and the dry season (November-February). In addition, the developer shall provide for review annually updated ground water contour maps as described above; until the project reaches completion.

2. In order to protect water quality, the following parameters shall be included in the project drainage plan.

a. The developer shall submit for approval a wetland-lake management plan, to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
- proposed wetland/lake alterations;
- control of exotic species;
- control of on-site water quality;
- maintenance of natural hydroperiod; and
- methods for wetland restoration/enhancement;

b. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment for the first 1" of runoff generated from the site during the 25-year, 24-hour design storm; and that maximum post-development shall not exceed pre-development flows for the same design storm.

c. The proposed retention/detention wetland systems shall be designed to be consistent with the <u>Stormwater and Lake Systems Maintenance and Design Guidelines</u> (TBRPC 1978). The design criteria of this system should include the following elements:

(1) A minimum of 15 but no more than 50 percent of the surface area of the detention pond at the normal water level (NWL) shall consist of a shallow vegetated littoral shelf.

(2) The littoral shelf shall be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf shall be established on a shallow submerged island in the middle of the pond.

(3) A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.

(4) The littoral shelf, if located along the pond bank, shall have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.

(5) The littoral shelf shall be vegetated with a diverse group of native species which can include Sagittaria, pickerelweed, Juncus, water lilies, cypress, etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more "natural" appearance.

(6) A copy of an operation and maintenance (O & M) schedule shall be provided to the owner, and be submitted to TBRPC with the annual report. The O & M schedule should include an estimation of the frequency of sediment removal operations and should mention the periodic need for removing dead vegetation.

HAZARDOUS WASTE CONDITION

1. Prior to the construction of industrial facilities, hazardous waste storage and disposal plans, including transportation of wastes, shall be provided and approved.

2. The developer shall provide separate hazardous waste storage containers/areas within the project. These containers/areas shall be accessible to all project businesses and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials.

   The developer shall provide to all Creekwood businesses information that:

   a. Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers;

   b. Indicates the location of the specially-designated hazardous waste and materials containers; and

   c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

   The developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

ARCHAEOLOGICAL CONDITION

1. At the time a Preliminary Development Plan for the specific areas referenced in the May 24, 1984 letter from the State Division of Archives, History and Records Management is submitted, the developer must show the location of all archaeological and historic sites identified by a systematic, professional archaeological and historic survey. If any sites exist, the ones which are significant must be protected and preserved.

PARKS AND RECREATION CONDITIONS

1. All park areas within the project shall be open to use by employees who work in the non-residential components of this project.

2. Implementation of the bike/pedestrian path shall be required as committed in the ADA.

3. Development plans shall assure adequate buffering between the industrial, office, commercial and residential designations of this development through appropriate measures such as covenants and deed restrictions.

4. The entity responsible for maintenance of all open space areas of this development has been identified in the ADA. Assignment of specific responsibility for open spaces shall be made at the time of Preliminary Development Plan submittal.

PUBLIC EDUCATION CONDITIONS

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 at the time of the Preliminary Development Plan submittal, by the developer, using methodology acceptable to and utilized generally by the School Board. The developer shall fully offset the impacts so identified by a pro-rata contribution to the cost of obtaining land for school facilities in the Southeast area.

2. The School Board of Manatee County may determine, 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. Once the School Board has made such a determination and can demonstrate a present ability and intention to provide such facilities, in cooperation with this development or otherwise, development scheduled to occur thereafter, and the timing thereof, shall coincide with the prior or anticipated completion of such facilities.

PUBLIC SAFETY CONDITIONS

1. Creekwood shall contribute a pro-rata share of the cost of constructing a fire station on the Tara public service site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Development Plan submittal.

2. In the event impact fees are not available to the Braden River Fire Department, the developer shall nevertheless make equivalent payments to the Fire District for each dwelling unit and for non-residential square footage.

3. Creekwood shall contribute a pro-rata share of the cost to construct and equip the Sheriff Department's portion of the Public Services Building on the Tara Public Site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Development Plan submittal.

4. All streets shall be numbered in accordance with the revised County grid system currently under consultant contract by the County.

TRANSPORTATION CONDITIONS

1. Improvements shall be required to the project entrances on State Road 70 and to the intersection of State Road 70 and I-75. Such improvements shall include, but not be limited to, left turn storage lanes, signalization, ramp improvements and additional through lanes. The extent and timing of improvements required shall be determined by the County Engineer with the review of each phase.

2. Developer shall provide for a 120 foot wide right-of-way for 44th Avenue E (Cortez Road Extended) through the project. Two lanes of this roadway shall be constructed through the project by the developer with development of parcels adjacent thereto. Sufficient right-of-way to construct the bridge approach shall be dedicated, but the developer shall not be responsible for constructing the bridge over I-75 as an on-site transportation improvement.

3. Construction of approximately 1600 feet of 44th Avenue East from the west property boundary west to the existing pavement, by the developer to a two-lane section, including payment for acquisition of necessary right-of-way, shall be required with development of parcel A, B, E, DD, CC, or C-3. Manatee County shall cooperate with Creekwood in the condemnation of any land necessary to meet this requirement.

4. A road shall be constructed to connect parcel 0-1 with the western project boundary where its alignment shall be designed to match the

frontage road planned for the Campbell Commercial Center. Additionally, a road shall be constructed through parcel C-5 connecting the major industrial park entrance with the eastern project boundary. These roads shall be constructed within a dedicated right-of-way or public access easement.

5. The proposed entrance onto State Road 70 at the southwest corner of the development shall be relocated eastward to facilitate the frontage road from the Campbell Commercial Center and to avoid conflict with regard to intersection function.

6. The intersections of any driveway (including the frontage road) with the project entrance boulevard onto State Road 70 shall be located as far from State Road 70 right-of-way as necessary to avoid conflict with regard to intersection function.

7. All roads shown on the Conceptual Development Plan, including required stub-outs to the property boundary, shall be dedicated to Manatee County with adequate rights-of-way as determined by the County Engineer.

8. The proposed road stub-out to the west property line shall be relocated approximately 500 feet north of its proposed location on the Conceptual Development Plan.

9. A road stub-out shall be provided to the eastern boundary of the PDI parcel to connect with the proposed emergency access which was required with the Fairway Pines development.

10. The proposed road connecting the PDI parcel to 44th Avenue East (Cortez Road Extended) shall be designed to provide adequate buffering of the non-residential traffic from adjacent residential development.

11. Prior to the development of any of parcels I, L, M or R, the proposed route to State Road 64 via Lena Road from the subject project shall be improved to County standards or to the specification of the County Engineer, where insufficient rights-of-way exist.

12. The need for wider internal roads or potential changes in their proposed alignment shall be addressed at the time of Preliminary Development Plan submittal.

13. The proposed owner's association documents shall contain a provision requiring the occupants of the industrial park to coordinate shift changes to reduce peak hour traffic.

14. In accordance with Policy 9-1.C of The Manatee Plan, daily Level of Service "C" & "D" at peak hours as determined by the Highway Capacity Manual (1965) and Highway Circular 212, or most current manual, and in accordance with guidelines and conclusions acceptable to the County, Tampa Bay Regional Planning Council and the Department of Community Affairs shall be maintained on all of the following thoroughfares which have been identified by the Tampa Bay Regional Planning Council as receiving from Creekwood, five (5%) percent or more of daily Level of Service "C" capacity:

    a. University Parkway from Lockwood Ridge Road to I-75

    b. State Road 70 from U.S. 41 to I-75

    c. Lockwood Ridge Road from University Parkway to State Road 70

    d. State Road 64 from Morgan Johnson Road to I-75

    e. I-75 from University Parkway to State Road 70

    f. State Road 780 from Honore Avenue to I-75

    g. Intersection of State Road 70 and State Road 683

h. Intersection of State Road 70 and 45th Street East

i. Intersection of State Road 70 and Caruso Road

j. Intersection of State Road 70 and U.S. 301

k. Intersection of State Road 64 and Morgan Johnson Road

l. Intersection of State Road 70 and the Project Entrances

m. Intersection of State Road 70 and I-75

n. Intersection of State Road 70 and U.S. 41

No plat or site plan shall receive approval if the approval of such plat or site plan 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 these road links and intersections to a daily level below C or D at peak hour as determined above, or, if a lower level has already been reached prior to the commencement of phase I, any degradation of that Level of Service. Each request for plat or site plan approval must be accompanied by a traffic study prepared or provided in this paragraph and stipulation #15 of the general conditions contained herein. Level of Service on the above referenced links and intersections shall be verified as part of each annual report as required by Chapter 380.06(16) Florida Statutes and stipulation #15 of the general conditions contained herein. If any traffic study required above for any phase shows that the project will contribute more than ten (10%) percent of the Level of Service C capacity of State Road 70 between State Road 683 and U.S. 301, then that phase shall not be approved unless the improvements necessary to achieve a Level of Service D on that segment is under construction.

This stipulation shall not be construed as diminishing any rights to credits for improvements paid for by the developer pursuant to this stipulation that would be available under stipulation #14 of the general conditions contained herein.

<u>OFF SITE FACILITY DEVELOPMENT FEE</u>

1. Definitions

a. "Administrative Costs" shall mean the additional and non-refundable fee charged to the Agent by the County for the processing of off-site facility development fees collected pursuant to these stipulations.

b. "Agent" shall mean the designee of the Developer for the purpose of payment and/or reimbursement of the off-site facility development fees created by these stipulations.

c. "Board" shall mean the Board of County Commissioners of Manatee County, Florida.

d. "Building Permit" shall mean any building or construction permit required under the Manatee County Building Code.

e. "Certificate of Occupancy" shall mean a document issued by the County allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable County codes and ordinances.

f. "Commercial Unit" shall mean those businesses, institutional, office, and/or professional activities which provide products and services to individuals, businesses, or groups.

g. "County" shall mean the County of Manatee, a political subdivision of the State of Florida.

h. "Developer" shall mean and shall be deemed to include any individual, corporation, governmental agency, business trust, partnership, association, two or more persons having a joint or common interest or any other legal entity which undertakes the development of land in Manatee County, Florida.

i. "Development" shall mean and shall be deemed to include the use of land for the 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.

j. "Industrial Unit" shall mean those uses whose activities which predominately engage in the assembly, finishing, processing, packaging, manufacturing and/or storage of products.

k. "Latest Available Data" shall mean the amount of the off-site facility development fees established by approved vote of the Board and shall be deemed to include figures generated to anticipate impact upon transportation, emergency medical services, parks and recreation, and solid waste facilities, by a means acceptable to and generally utilized by Manatee County, Florida.

l. "Off Site Facility Development Fees" shall mean and shall be deemed to include a special assessment for the benefit of the properties whose need is generated by new growth and development of such assessed properties.

m. "Residential Unit" shall mean a dwelling unit and shall exclude accessory uses designed solely for the benefit of subdivision residents.

2. The Developer, his successors, assigns and/or transferees, shall be bound by these stipulations, by an Impact Fee Ordinance when adopted and by all Manatee County ordinances, rules and regulations consistent with the approval hereby granted.

3. Developer, prior to the transfer, sale, or other conveyance of interest in the development, shall obtain the written consent of each transferee, buyer, or other recipient of any other conveyance of interest in the development to be bound by the terms of these stipulations, a subsequent impact fee ordinance and any other applicable local or state law. Developer shall provide the document of written consent to the County and shall record copies of the same with the final plat documents. Further, Developer may be required to provide notice or written consent to be bound by these stipulations on the face of the plat linen.

4. At the time of Preliminary Development Plan approval, all impacts of every portion thereof upon public facilities shall be identified by the developer in accordance with guidelines and methods acceptable to the County, Tampa Bay Regional Planning Council and the Department of Community Affairs and shall be assessed and analyzed by the developer using the latest available data.

5. Prior to Final Subdivision Plat approval, Developer shall designate an Agent or, prior to the issuance of the first building permit for non-final plat developments, the Developer shall designate an Agent utilizing approved County forms. The Agent, on approved County forms, shall authorize the submission of off-site facility investment fees based upon latest available data prior to issuance of each building permit. The Agent shall be responsible for the submission of all monies payable pursuant to the stipulations and for the receipts or credit of monies the County may remit to the Developer.

6. Adjustments in the applicable off-site facility development fee for residential units and/or square footage for commercial and industrial units, shall be made against an equivalent number of residential units and/or square footage of commercial or industrial units next constructed. Adjustments shall be determined without regard to inflation or interest.

7. The off-site facility development fee for each building shall be assessed when the building permit is issued and collected by the Manatee County Planning Department prior to the issuance of a Certificate of Occupancy therefor, and shall be escrowed as provided in paragraph 9 of these stipulations.

8. Manatee County Finance shall escrow monies collected from off-site facility development fees and shall identify each development with a project number. Upon adoption of an impact fee ordinance, all escrowed monies shall be segregated by project number and incorporated into the impact fee fund created for the impact district in which the development is located.

9. Concurrent with the payment and collection of off-site facility development fees, the Agent shall pay and Manatee County Planning Department shall collect additional and non-refundable administrative costs calculated as 1.5% of the off-site facility development fee then collected. Administrative costs collected shall be credited to Manatee County Finance and shall be adjusted as provided in paragraph 7 of these stipulations.

10. Upon adoption of an impact fee ordinance, differences may occur between the impact fee set by ordinance and the fees collected pursuant to these stipulations. Should impact fees set by the ordinance exceed the monies escrowed by the developer, developer's Agent shall be responsible for either submitting the cash difference to the County without regard to payment of interest within one year from the adoption of the ordinance or making adjustments as provided in paragraph 7. Should the impact fees set by the ordinance be less than the monies escrowed by the developer, the County at the Agent's election, shall remit the difference to developer's Agent without regard to payment of interest within sixty (60) days from adoption of the ordinance, or credit the difference as provided in paragraph 7 of these stipulations.

11. In the event Manatee County fails to adopt an impact fee ordinance by July 1, 1987, the escrowed monies shall be deemed released and paid over to the County which shall utilize the monies to build those public improvements benefitting the development. The monies shall be distributed for use as provided by the final latest available data adopted by the Board and shall be limited to public improvements specially benefitting the development.

GENERAL CONDITIONS

1. The developer shall demonstrate the availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire and EMS service with each Preliminary Development Plan submittal.

2. All structures shall meet at a minimum the building requirements of the Southern Standard Building Code, as amended.

3. The developer shall satisfy County requirements regarding the provision of adequate school and park sites, EMS, police and fire services to this portion of the County.

4. The energy conservation measures referenced in the ADA shall be required as a condition of approval.

5. Implementation of the bike/pedestrian path shall be required as committed in the ADA.

6. 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 ADA, or set forth in subsequent DRI or local approvals required for this development.

7. 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.

8. The matters addressed herein, as well as additional matters that are appropriate to consider 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 procedures.

9. 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, and by reference to the record of the hearings before these bodies.

10. 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 and by any subsequently established stipulations.

11. Nothing herein shall be construed as authorizing any use of the property other than as described in the Conceptual Development Plan 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.

12. 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 reflects 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.

13. 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.

14. In the event the County or other government entity with jurisdiction in the matter establishes 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 reductions in developer's obligations as set forth herein shall be considered and should be reflected in stipulations made a part of subsequent approvals.

15. The developer and any successors in interest shall submit annual DRI reports in accordance with Section 380.06(16), Florida a Statutes, to the Manatee County, and the TBRPC, 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 the Manatee Planning and Development Department who shall review the report for compliance with the terms and conditions of this Order. Should the director decide that further orders and conditions are necessary to ensure compliance with the terms and conditions of this Order, he shall submit the report to the Manatee County Board of County Commissioners. 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(16), Florida Statutes; and

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. 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;

f. Identification and intended use of lands purchased, leased or optioned by the Developer adjacent to the DRI site since the Order was issued;

g. An assessment of the Developer's and local government's compliance with conditions of approval contained in the Order;

h. Any requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

j. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer, pursuant to Subsection 380.06(14)(d), Florida Statutes.

k. Failure to file an annual report as provided within shall suspend any further development.

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 CREEKWOOD.

B. The legal description of the property attached hereto as Exhibit "A".

C. The Ordinance granting rezoning to Planned Development Residential, Planned Development Commercial and Planned Development Industrial adopted July 10, 1985.

4. This Development Order shall be effective for a period of twenty (20) years from the date of the adoption of this 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 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 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 CREEKWOOD.

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 CREEKWOOD 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 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 22nd day of October, 1985.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

By: Edward W. Chance
Chairman

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

By: Richard Ashley Chief Deputy Clerk

RESOLUTION #R-85-149
RESOLUTION GRANTING A DEVELOPMENT ORDER

WHEREAS, CREEKWOOD, LTD., hereinafter referred to as "CREEKWOOD", accordance with Section 380.06, Florida Statutes, has filed with Manatee County an Application for Development Approval (ADA) of a Development of Regional Impact (D.R.I. #102); and

WHEREAS, CREEKWOOD proposes to develop a planned development residential (PDR) of dwelling units with associated recreational and commercial activities, a planned development commercial (PDC) and a planned development industrial (PDI) upon real property located in Manatee County, Florida and owned by CREEKWOOD, LTD. 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 Development 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 February 13, 1985, February 27, 1985, and March 20, 1985 before the Manatee County Planning Commission and April 4, 1985, April 18, 1985, May 30, 1985, June 20, 1985, July 1, 1985, and July 10, 1985 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 CREEKWOOD, 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 CREEKWOOD, LTD. is located in Manatee County, Florida and is described on attached Exhibit "A", and made a part hereof.

3. Upon consideration of all matters in Sections 380.06(12) and 380.06(13), 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 CREEKWOOD 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 January 18, 1985 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 CREEKWOOD 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, CREEKWOOD is entitled to the relief prayed and applied for in said Application and, therefore, the Commission hereby approves and grants CREEKWOOD Application for Development Approval for a Development of Regional Impact (D.R.I. #102), subject to the following conditions:

PROJECT PHASING CONDITION

1. Creekwood shall have two years from the date of Conceptual Development Plan Approval to submit the Preliminary Development Plan for Phase I. Preliminary Development Plans for additional phases will be submitted within a maximum of five year increments.

2. The developer shall submit a revised transportation analysis with any request for project extension which will individually or in combination with previous extensions delay any portion of the phasing schedule set forth in the ADA by more than four years. The Manatee County Board of County Commissioners shall review this analysis and determine whether or not the requested extension constitutes a substantial deviation pursuant to Chapter 380.06 F.S.

LAND USE CONDITIONS

1. Development within the Evers Reservoir Watershed shall be restricted to a maximum density of five dwelling units per acre.

2. Maximum heights permitted within the project shall be as follows:

a. Neighborhood Commercial in PDR - 1 story

b. Apartments - 6 stories

c. All other residential uses - 3 stories

d. Commercial uses in the PDC & PDI - 40 feet

e. Office buildings/hotels - The maximum height for office buildings and hotels shall be determined at the time of Preliminary Development Plan approval.

f. Industrial/warehouse - 40 feet

3. The placement of on-site commercial signs, which exceed 30 feet in height, shall be limited to one each for the five commercial/office areas identified on the Conceptual Development Plan as parcels C-1, C-2, C-4, C-5 and O-1. The size and location of each of these signs must be identified on the approved sign plan which shall be submitted at the time of Preliminary Development Plan review.

4. At the time of Preliminary Development Plan submittal, the applic[illegible] shall demonstrate compliance with the requirements of the Plan[illegible] Development District including, but not limited to, such concerns as aesthetic appearance from State Road 70 and I-75, ample provision for open space, adequate restrictions to prohibit unsitely vehicles, trash, etc., and a maintenance program which assures that an attractive appearance will be maintained.

5. Light manufacturing, high-tech industries, office parks and major product supply and distribution centers are the primary uses proposed within the industrial park. Secondary uses, such as hotels/motels, service stations, service establishments and mini-warehouses, shall occupy no more than 10% (20 acres) of the PDI District. Heavy manufacturing establishments and other similar intensive uses will require approval by the Manatee County Board of County Commissioners.

6. No dwelling units shall be permitted in parcels J and K identified on the Revised Master Development Plan (Map H dated June 18, 1985). The one density unit per acre identified for these parcels shall be transferred to other parcels within the development. These parcels shall remain as open space, but may be developed to serve the parks and recreational needs of this development.

BUFFER CONDITIONS

1. The 100 foot wide buffer, shown on the Conceptual Development Plan, shall be provided as shown on the Conceptual Development Plan. Additionally, the depth, design, and location of landscaped buffers will be determined when a Preliminary Development Plan is submitted for approval. Continued maintenance of these buffers shall be assured through appropriate measures such as covenants and deed restrictions.

2. A building setback of at least 50' shall be provided west of and adjacent to the existing power line easement traversing the PDI District. Native trees lying within fifty feet (50') of this easement shall not be removed and where trees closer than 25 feet apart do not already exist, trees of a native species shall be planted in an attractive manner.

3. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 60 dBA range. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls and significant landscape buffering should be provided between the residential units and the noise source.

   Additionally, residential units constructed within noise level contours in excess of the L10 65 contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table on Pg. 21). The applicant shall demonstrate compliance with these standards at the time of Final Planned Development Plan Approval.

ENVIRONMENTAL CONDITIONS

1. At the time of the first Preliminary Development Plan submittal, a Master Drainage Plan for the entire development, including a demonstration that the effect the proposed altering and deepening of existing wetlands will have on their ability to filter surface water and percolating groundwater will be acceptable, shall be submitted. This Master Drainage Plan, though 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.

2. Stormwater management system design for that portion of the development lying within the Evers Reservoir Watershed shall meet or exceed the guidelines in the Evers Reservoir Watershed Management Study (Smith and Gillespie, November 1982 or as hereafter revised) or any other guidelines adopted by the County prior to Final Development Plan approval. The design shall incorporate Best Management Practices, be based on site specific data reflecting seasonal variations (ground and surface water quality and quantity) and seek to maintain water quantity contributions to the Braden River.

3. In conjunction with the submittal of the first Preliminary Development Plan, a demonstration of compliance with the Watershed Protection, Special Treatment and Agricultural Fringe Overlay zones shall be submitted. As required by the Special Treatment District, the Board of County Commissioners must make a determination prior to construction that "Best Possible Technology" is being employed prior to construction.

4. The Stormwater Maintenance Plan, submitted with the first Preliminary Development Plan, shall be designed using accepted best management practices to provide a natural hydroperiod within each wetland. Isolated wetlands shall, where practical, be incorporated into the stormwater system. Construction and post-construction monitoring of surface and groundwater quality and quantity shall be outlined and implemented; included in this plan shall also be the design and execution of a maintenance program to ensure the adequate functioning of the system beyond project buildout. The stormwater management system shall be designed with enough flexibility to allow for hydroperiod refinement, as needed.

5. All jurisdictional wetlands and streams shall be preserved physically and functionally. The only exception may be those areas in which Federal and/or State environmental permits are obtained for such activities or alteration of marginal wetland areas where mitigative measures will substantially outweigh the effects of the activities.

6. The Preliminary Development Plan, as submitted by phase, shall specifically also outline which and how much of each vegetation association is being preserved. Every effort shall be made by the developer and any future developers of this property to preserve a diverse range of the existing wildlife habitat. These preserve areas should be as large as possible and should be located adjacent to wetlands and/or a different upland community type.

7. Wetlands on the project site shall be preserved consistent with Map F-1 on page 44 of the ADA additional information response and with s.2.7 of the Council's adopted Future of the Region.

8. Representative tracts of all major upland vegetative communities shall be preserved in their natural state to serve as conservation/recreation areas.

9. The wind and soil erosion controls including sodding, hydroseeding, mulching and bare soil wetting, committed to by the developed in the ADA, shall be required.

WATER QUALITY

1. To assure water quality is maintained:

   a. The developer shall institute a program to provide a body of initial baseline water quality data before any significant groundbreaking takes place, as well as institute a bi-annual on-going monitoring program through project build-out. Sampling stations shall be at the sampling sites shown in "Exhibit C" (attached).

      Sampling should be taken on a cresting hydrograph and should occur immediately after a one-inch storm event, and after a dry period, during both the rainy season (June-September) and the dry season (November-February). Significant water quality parameters should include, but not be limited to, the following:

- streamflow (cu. ft./sec.);
- turbidity (ntu);
- specific conductance (umho/cm at 25 deg. C);
- dissolved oxygen (mg/l);
- biochemical oxygen demand (mg/l);
- pH;
- total orthophosphate as P (m/l);
- total organic nitrogen as N (mg/l);
- total organic carbon as C (mg/l);
- total coliforms,multiple tube method,MPN(col/100 ml);
- total lead as Pb (ug/l); and
- temperature (deg. C).

All water quality methods and procedures shall be thoroughly documented and should comply with EPA/DER Quality Control standards and should be submitted to Manatee County Planning Department, Manatee County Pollution Control and TBRPC.

b. The developer shall provide baseline water-level contour maps for the unconfined aquifer on the Creekwood site, to reflect conditions present during both the wet season (June-September) and the dry season (November-February). In addition, the developer shall provide for review annually updated ground water contour maps as described above, until the project reaches completion.

2. In order to protect water quality, the following parameters shall be included in the project drainage plan.

a. The developer shall submit for approval a wetland-lake management plan, to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
- proposed wetland/lake alterations;
- control of exotic species;
- control of on-site water quality;
- maintenance of natural hydroperiod; and
- methods for wetland restoration/enhancement;

b. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment for the first 1" of runoff generated from the site during the 25-year, 24-hour design storm; and that maximum post-development shall not exceed pre-development flows for the same design storm.

c. The proposed retention/detention wetland systems shall be designed to be consistent with the <u>Stormwater and Lake Systems Maintenance and Design Guidelines</u> (TBRPC 1978). The design criteria of this system should include the following elements:

(1) A minimum of 15 but no more than 50 percent of the surface area of the detention pond at the normal water level (NWL) shall consist of a shallow vegetated littoral shelf.

(2) The littoral shelf shall be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf shall be established on a shallow submerged island in the middle of the pond.

(3) A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.

(4) The littoral shelf, if located along the pond bank, shall have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.

(5) The littoral shelf shall be vegetated with a diverse group of native species which can include Sagittaria, pickerel weed, Juncus, water lilies, cypress, etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more "natural" appearance.

(6) A copy of an operation and maintenance (O & M) schedule shall be provided to the owner, and be submitted to TBRPC with the annual report. The O & M schedule should include an estimation of the frequency of sediment removal operations and should mention the periodic need for removing dead vegetation.

HAZARDOUS WASTE CONDITION

1. Prior to the construction of industrial facilities, hazardous waste storage and disposal plans, including transportation of wastes, shall be provided and approved.

2. The developer shall provide separate hazardous waste storage containers/areas within the project. These containers/areas shall be accessible to all project businesses and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials.

   The developer shall provide to all Creekwood businesses information that:

   a. Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers;

   b. Indicates the location of the specially-designated hazardous waste and materials containers; and

   c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

   The developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

ARCHAEOLOGICAL CONDITION

1. At the time a Preliminary Development Plan for the specific areas referenced in the May 24, 1984 letter from the State Division of Archives, History and Records Management is submitted, the developer must show the location of all archaeological and historic sites identified by a systematic, professional archaeological and historic survey. If any sites exist, the ones which are significant must be protected and preserved.

PARKS AND RECREATION CONDITIONS

1. All park areas within the project shall be open to use by employees who work in the non-residential components of this project.

2. Implementation of the bike/pedestrian path shall be required as committed in the ADA.

3. Development plans shall assure adequate buffering between the industrial, office, commercial and residential designations of this development through appropriate measures such as covenants and deed restrictions.

4. The entity responsible for maintenance of all open space areas of this development has been identified in the ADA. Assignment of specific responsibility for open spaces shall be made at the time of Preliminary Development Plan submittal.

PUBLIC EDUCATION CONDITIONS

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 at the time of the Preliminary Development Plan submittal, by the developer, using methodology acceptable to and utilized generally by the School Board. The developer shall fully offset the impacts so identified by a pro-rata contribution to the cost of obtaining land for school facilities in the Southeast area.

2. The School Board of Manatee County may determine, 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. Once the School Board has made such a determination and can demonstrate a present ability and intention to provide such facilities, in cooperation with this development or otherwise, development scheduled to occur thereafter, and the timing thereof, shall coincide with the prior or anticipated completion of such facilities.

PUBLIC SAFETY CONDITIONS

1. Creekwood shall contribute a pro-rata share of the cost of constructing a fire station on the Tara public service site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Development Plan submittal.

2. In the event impact fees are not available to the Braden River Fire Department, the developer shall nevertheless make equivalent payments to the Fire District for each dwelling unit and for non-residential square footage.

3. Creekwood shall contribute a pro-rata share of the cost to construct and equip the Sheriff Department's portion of the Public Services Building on the Tara Public Site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Development Plan submittal.

4. All streets shall be numbered in accordance with the revised County grid system currently under consultant contract by the County.

TRANSPORTATION CONDITIONS

1. Improvements shall be required to the project entrances on State Road 70 and to the intersection of State Road 70 and I-75. Such improvements shall include, but not be limited to, left turn storage lanes, signalization, ramp improvements and additional through lanes. The extent and timing of improvements required shall be determined by the County Engineer with the review of each phase.

2. Developer shall provide for a 120 foot wide right-of-way for 44th Avenue E (Cortez Road Extended) through the project. Two lanes of this roadway shall be constructed through the project by the developer with development of parcels adjacent thereto. Sufficient right-of-way to construct the bridge approach shall be dedicated, but the developer shall not be responsible for constructing the bridge over I-75 as an on-site transportation improvement.

3. Construction of approximately 1600 feet of 44th Avenue East from the west property boundary west to the existing pavement, by the developer to a two-lane section, including payment for acquisition of necessary right-of-way, shall be required with development of parcel A, B, E, DD, CC, or C-3. Manatee County shall cooperate with Creekwood in the condemnation of any land necessary to meet this requirement.

4. A road shall be constructed to connect parcel O-1 with the western project boundary where its alignment shall be designed to match the

j. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer, pursuant to Subsection 380.06(14)(d), Florida Statutes.

k. Failure to file an annual report as provided within shall suspend any further development.

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 CREEKWOOD.

B. The legal description of the property attached hereto as Exhibit "A".

C. The Ordinance granting rezoning to Planned Development Residential, Planned Development Commercial and Planned Development Industrial adopted July 10, 1985.

4. This Development Order shall be effective for a period of twenty (20) years from the date of the adoption of this 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 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 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 CREEKWOOD.

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 CREEKWOOD 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 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 27th day of August, 1985.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

By: Edward W. Chavis
Chairman

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

EXHIBIT "A"
LEGAL DESCRIPTION FOR CREEKWOOD DRI

Parcel 1:

SE one-quarter of Section 1, Township 35 South, Range 18 East.

Parcel 2:

E ½ of Section 11, Township 35 South, Range 18 East.

Parcel 3:

All of Section 12, Township 35 South, Range 18 East.

Parcel 4:

That part of Section 13 lying north of State Road 70, Section 13, Township 35 South, Range 18 East.

Parcel 5:

That part of the East ½ of Section 14 lying north of State Road 70, Township 35 South, Range 18 East.

All the above Sections lying in Township 35 South, Range 18 East, County of Manatee, in the State of Florida. Containing 1,090 acres, more or less.

Subject To:

1. Perpetual easement held by Florida Power and Light Company recorded in Deed Book 333, Page 250, Public Records of Manatee County, Florida.

2. Easement held by Florida Power and Light Company recorded in Official Records Books 612, Page 508.

3. Easement held by Huston Corporation dated January 10, 1959, recorded in Deed Book 399, Page 117, Public Records Manatee County, Florida.

4. Warranty Deed and easement for ingress and egress to Florida Power and Light Company recorded in Official Record Book 915, Page 956.

5. Right-of-way agreement to Florida Power and Light Company, recorded in Official Record Book 915, Page 975.

6. Warranty Deed to Manatee County, a political subdivision of the State of Florida recorded in Official Record Book 951, Page 1288.

7. Limited access right-of-way to Florida Department of Transportation recorded in Official Record Book 977, Page 369.

8. Access easement to Florida Power and Light Company recorded in Official Record Book 983, Page 941.

9. Easement for public utilities to Manatee County, recorded in Official Record Book 825, Page 586.

10. Easement modification agreement to Florida Gas Transmission Company recorded in Official Record Book 1020 Page 1684.

11. Utility easement to Aristek/Champion joint venture number 2, recorded in Official Record Book 1029, Page 3064.

All sections being in Township 35 South, Range 18 East, Manatee County, and containing 1,090 acres more or less.

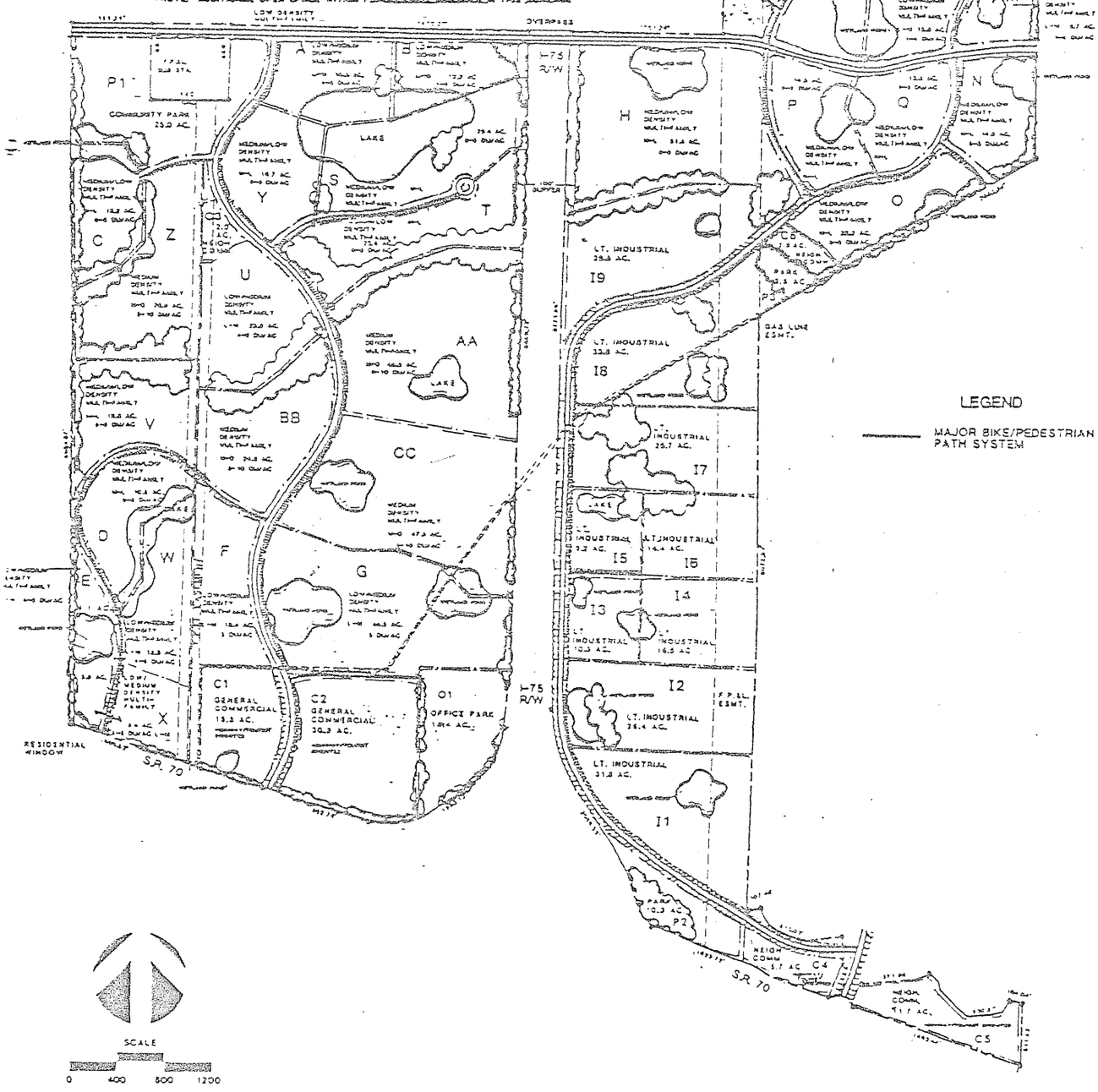
EXHIBIT B

CREEKWOOD

	USE	ACRES	UNITS
L-D	RESIDENTIAL LOW DENSITY MULTI FAMILY	124.4	258
L-M	RESIDENTIAL LOW/MEDIUM DENSITY MULTI FAMILY	145.7	748
M-L	RESIDENTIAL MEDIUM/LOW DENSITY MULTI FAMILY	235.2	1745
M-D	RESIDENTIAL MEDIUM DENSITY MULTI FAMILY	150.3	1330
	COMMERCIAL ESTIMATED 435,000 SQ. FT.	68.1	
	LT. INDUSTRIAL ESTIMATED 2,000,000 SQ. FT	200.0	
	OFFICE PARK ESTIMATED 184,000 SQ. FT	18.4	
	ROADS/OPEN SPACE/ BIKEWAYS	109.0	
	PARKS	38.9	
	TOTAL	1090.0	4081

GROSS DENSITY - 3.74 D.U./AC.

*NOTE: ADDITIONAL OPEN SPACE WITHIN PARCELS NOT INCLUDED IN THIS ACREAGE



MASTER DEVELOPMENT PLAN

MAP I

REVISED

GEE & JENSON
ENGINEERS · ARCHITECTS · PLANNERS, INC.

PREPARED FOR
CREEKWOOD INVESTORS, INC.

87-434
REVISED 1/30/84
3/8/84
4/10/84
1/13/86
6/16/86

frontage road planned for the Campbell Commercial Center. Additionally, a road shall be constructed through parcel C-5 connecting the major industrial park entrance with the eastern project boundary. These roads shall be constructed within a dedicated right-of-way or public access easement.

5. The proposed entrance onto State Road 70 at the southwest corner of the development shall be relocated eastward to facilitate the frontage road from the Campbell Commercial Center and to avoid conflict with regard to intersection function.

6. The intersections of any driveway (including the frontage road) with the project entrance boulevard onto State Road 70 shall be located as far from State Road 70 right-of-way as necessary to avoid conflict with regard to intersection function.

7. All roads shown on the Conceptual Development Plan, including required stub-outs to the property boundary, shall be dedicated to Manatee County with adequate rights-of-way as determined by the County Engineer.

8. The proposed road stub-out to the west property line shall be relocated approximately 500 feet north of its proposed location on the Conceptual Development Plan.

9. A road stub-out shall be provided to the eastern boundary of the PDI parcel to connect with the proposed emergency access which was required with the Fairway Pines development.

10. The proposed road connecting the PDI parcel to 44th Avenue East (Cortez Road Extended) shall be designed to provide adequate buffering of the non-residential traffic from adjacent residential development.

11. Prior to the development of any of parcels I, L, M or R, the proposed route to State Road 64 via Lena Road from the subject project shall be improved to County standards or to the specification of the County Engineer, where insufficient rights-of-way exist.

12. The need for wider internal roads or potential changes in their proposed alignment shall be addressed at the time of Preliminary Development Plan submittal.

13. The proposed owner's association documents shall contain a provision requiring the occupants of the industrial park to coordinate shift changes to reduce peak hour traffic.

14. In accordance with Policy 9-1.C of The Manatee Plan, daily Level of Service "C" & "D" at peak hours as determined by the Highway Capacity Manual (1965) and Highway Circular 212, or most current manual, and in accordance with guidelines and conclusions acceptable to the County, Tampa Bay Regional Planning Council and the Department of Community Affairs shall be maintained on all of the following thoroughfares which have been identified by the Tampa Bay Regional Planning Council as receiving from Creekwood, five (5%) percent or more of daily Level of Service "C" capacity:

    a. University Parkway from Lockwood Ridge Road to I-75

    b. State Road 70 from U.S. 41 to I-75

    c. Lockwood Ridge Road from University Parkway to State Road 70

    d. State Road 64 from Morgan Johnson Road to I-75

    e. I-75 from University Parkway to State Road 70

    f. State Road 780 from Honore Avenue to I-75

    g. Intersection of State Road 70 and State Road 683

h. Intersection of State Road 70 and 45th Street East

i. Intersection of State Road 70 and Caruso Road

j. Intersection of State Road 70 and U.S. 301

k. Intersection of State Road 64 and Morgan Johnson Road

l. Intersection of State Road 70 and the Project Entrances

m. Intersection of State Road 70 and I-75

n. Intersection of State Road 70 and U.S. 41

No plat or site plan shall receive approval if the approval of such phase 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 these road links and intersections to a daily level below C or D at peak hour as determined above, or, if a lower level has already been reached, any degradation of Level of Service. Each request for plat or site plan approval must be accompanied by a traffic study prepared or provided in this paragraph and stipulation #15 of the general conditions contained herein. Level of Service on the above referenced links and intersections shall be verified as part of each annual report as required by Chapter 380.06(16) Florida Statutes and stipulation #15 of the general conditions contained herein.

This stipulation shall not be construed as diminishing any rights to credits for improvements paid for by the developer pursuant to this stipulation that would be available under stipulation #14 of the general conditions contained herein.

OFF SITE FACILITY DEVELOPMENT FEE

1. Definitions

a. "Administrative Costs" shall mean the additional and non-refundable fee charged to the Agent by the County for the processing of off-site facility development fees collected pursuant to these stipulations.

b. "Agent" shall mean the designee of the Developer for the purpose of payment and/or reimbursement of the off-site facility development fees created by these stipulations.

c. "Board" shall mean the Board of County Commissioners of Manatee County, Florida.

d. "Building Permit" shall mean any building or construction permit required under the Manatee County Building Code.

e. "Certificate of Occupancy" shall mean a document issued by the County allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable County codes and ordinances.

f. "Commercial Unit" shall mean those businesses, institutional, office, and/or professional activities which provide products and services to individuals, businesses, or groups.

g. "County" shall mean the County of Manatee, a political subdivision of the State of Florida.

h. "Developer" shall mean and shall be deemed to include any individual, corporation, governmental agency, business trust, partnership, association, two or more persons having a joint or common interest or any other legal entity which undertakes the development of land in Manatee County, Florida.

i. "Development" shall mean and shall be deemed to include the use of land for the 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.

j. "Industrial Unit" shall mean those uses whose activities which predominately engage in the assembly, finishing, processing, packaging, manufacturing and/or storage of products.

k. "Latest Available Data" shall mean the amount of the off-site facility development fees established by approved vote of the Board and shall be deemed to include figures generated to anticipate impact upon transportation, emergency medical services, parks and recreation, and solid waste facilities, by a means acceptable to and generally utilized by Manatee County, Florida.

l. "Off Site Facility Development Fees" shall mean and shall be deemed to include a special assessment for the benefit of the properties whose need is generated by new growth and development of such assessed properties.

m. "Residential Unit" shall mean a dwelling unit and shall exclude accessory uses designed solely for the benefit of subdivision residents.

2. The Developer, his successors, assigns and/or transferees, shall be bound by these stipulations, by an Impact Fee Ordinance when adopted and by all Manatee County ordinances, rules and regulations consistent with the approval hereby granted.

3. Developer, prior to the transfer, sale, or other conveyance of interest in the development, shall obtain the written consent of each transferee, buyer, or other recipient of any other conveyance of interest in the development to be bound by the terms of these stipulations, a subsequent impact fee ordinance and any other applicable local or state law. Developer shall provide the document of written consent to the County and shall record copies of the same with the final plat documents. Further, Developer may be required to provide notice or written consent to be bound by these stipulations on the face of the plat linen.

4. At the time of Preliminary Development Plan approval, all impacts of every portion thereof upon public facilities shall be identified by the developer in accordance with guidelines and methods acceptable to the County, Tampa Bay Regional Planning Council and the Department of Community Affairs and shall be assessed and analyzed by the developer using the latest available data.

5. Prior to Final Subdivision Plat approval, Developer shall designate an Agent or, prior to the issuance of the first building permit for non-final plat developments, the Developer shall designate an Agent utilizing approved County forms. The Agent, on approved County forms, shall authorize the submission of off-site facility investment fees based upon latest available data prior to issuance of each building permit. The Agent shall be responsible for the submission of all monies payable pursuant to the stipulations and for the receipts or credit of monies the County may remit to the Developer.

6. Adjustments in the applicable off-site facility development fee for residential units and/or square footage for commercial and industrial units, shall be made against an equivalent number of residential units and/or square footage of commercial or industrial units next constructed. Adjustments shall be determined without regard to inflation or interest.

7. The off-site facility development fee for each building shall be assessed when the building permit is issued and collected by the Manatee County Planning Department prior to the issuance of a Certificate of Occupancy therefor, and shall be escrowed as provided in paragraph 9 of these stipulations.

8. Manatee County Finance shall escrow monies collected from off-site facility development fees and shall identify each development with a project number. Upon adoption of an impact fee ordinance, all escrowed monies shall be segregated by project number and incorporated into the impact fee fund created for the impact district in which the development is located.

9. Concurrent with the payment and collection of off-site facility development fees, the Agent shall pay and Manatee County Planning Department shall collect additional and non-refundable administrative costs calculated as 1.5% of the off-site facility development fee then collected. Administrative costs collected shall be credited to Manatee County Finance and shall be adjusted as provided in paragraph 7 of these stipulations.

10. Upon adoption of an impact fee ordinance, differences may occur between the impact fee set by ordinance and the fees collected pursuant to these stipulations. Should impact fees set by the ordinance exceed the monies escrowed by the developer, developer's Agent shall be responsible for either submitting the cash difference to the County without regard to payment of interest within one year from the adoption of the ordinance or making adjustments as provided in paragraph 7. Should the impact fees set by the ordinance be less than the monies escrowed by the developer, the County at the Agent's election, shall remit the difference to developer's Agent without regard to payment of interest within sixty (60) days from adoption of the ordinance, or credit the difference as provided in paragraph 7 of these stipulations.

11. In the event Manatee County fails to adopt an impact fee ordinance by July 1, 1987, the escrowed monies shall be deemed released and paid over to the County which shall utilize the monies to build those public improvements benefitting the development. The monies shall be distributed for use as provided by the final latest available data adopted by the Board and shall be limited to public improvements specially benefitting the development.

GENERAL CONDITIONS

1. The developer shall demonstrate the availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire and EMS service with each Preliminary Development Plan submittal.

2. All structures shall meet at a minimum the building requirements of the Southern Standard Building Code, as amended.

3. The developer shall satisfy County requirements regarding the provision of adequate school and park sites, EMS, police and fire services to this portion of the County.

4. The energy conservation measures referenced in the ADA shall be required as a condition of approval.

5. Implementation of the bike/pedestrian path shall be required as committed in the ADA.

6. 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 ADA, or set forth in subsequent DRI or local approvals required for this development.

7. 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.

8. The matters addressed herein, as well as additional matters that are appropriate to consider 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 procedures.

9. 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, and by reference to the record of the hearings before these bodies.

10. 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 and by any subsequently established stipulations.

11. Nothing herein shall be construed as authorizing any use of the property other than as described in the Conceptual Development Plan 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.

12. 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 reflects 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.

13. 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.

14. In the event the County or other government entity with jurisdiction in the matter establishes 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 reductions in developer's obligations as set forth herein shall be considered and should be reflected in stipulations made a part of subsequent approvals.

15. The developer and any successors in interest shall submit annual DRI reports in accordance with Section 380.06(16), Florida a Statutes, to the Manatee County, and the TBRPC, 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 the Manatee Planning and Development Department who shall review the report for compliance with the terms and conditions of this Order. Should the director decide that further orders and conditions are necessary to ensure compliance with the terms and conditions of this Order, he shall submit the report to the Manatee County Board of County Commissioners. 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(16), Florida Statutes; and

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. 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;

f. Identification and intended use of lands purchased, leased or optioned by the Developer adjacent to the DRI site since the Order was issued;

g. An assessment of the Developer's and local government's compliance with conditions of approval contained in the Order;

h. Any requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and