John #108

JT ENTERPRISES II, LLC

2909 W. Bay to Bay Boulevard
Suite 108
Tampa, FL 33629

Phone: 813-230-6555
Fax: 813-839-1481
Email: joseph.taggart@cassidyturley.com

September 25, 2014 (Corrected Cover Letter)

Ms. Susan Johnson
DRI Coordinator/Land Development Coordination
City of Tampa
1400 North Boulevard
Tampa, Florida 33607

Re: *Notification of Conversion of Approved Uses In Accordance With the Approved Equivalency Matrix Table for Hidden River Corporate Park DRI #108*

Dear Ms. Johnson:

In accordance with Ordinance Z11-34 rezoning property in the general vicinity of 8746 Hidden River Parkway (VA Medical Office/Clinic recently constructed by Duke Realty Services), this letter will serve as notice to the regulatory agencies that JT Enterprises II, LLC, as the developer of record for Hidden River Corporate Park, is converting 282,355 sq. ft. of general office use to 121,600 sq. ft. for medical office/clinic use.

The DRI/Rezoning General Site Plan is attached as Exhibit A. The approved land use exchange for medical office/clinic use is ordered in Item #25 which requires an exchange for every 1,000 sq. ft. of medical office/medical and equivalency of 2,322 sq. ft. of general office.

Also, attached is Exhibit B that shows the cumulative land use totals and remaining allowable quantities.

If you have any questions or need additional information, please feel free to contact me.

Very truly yours,

Joseph W. Taggart

JWT/bd

Attachments

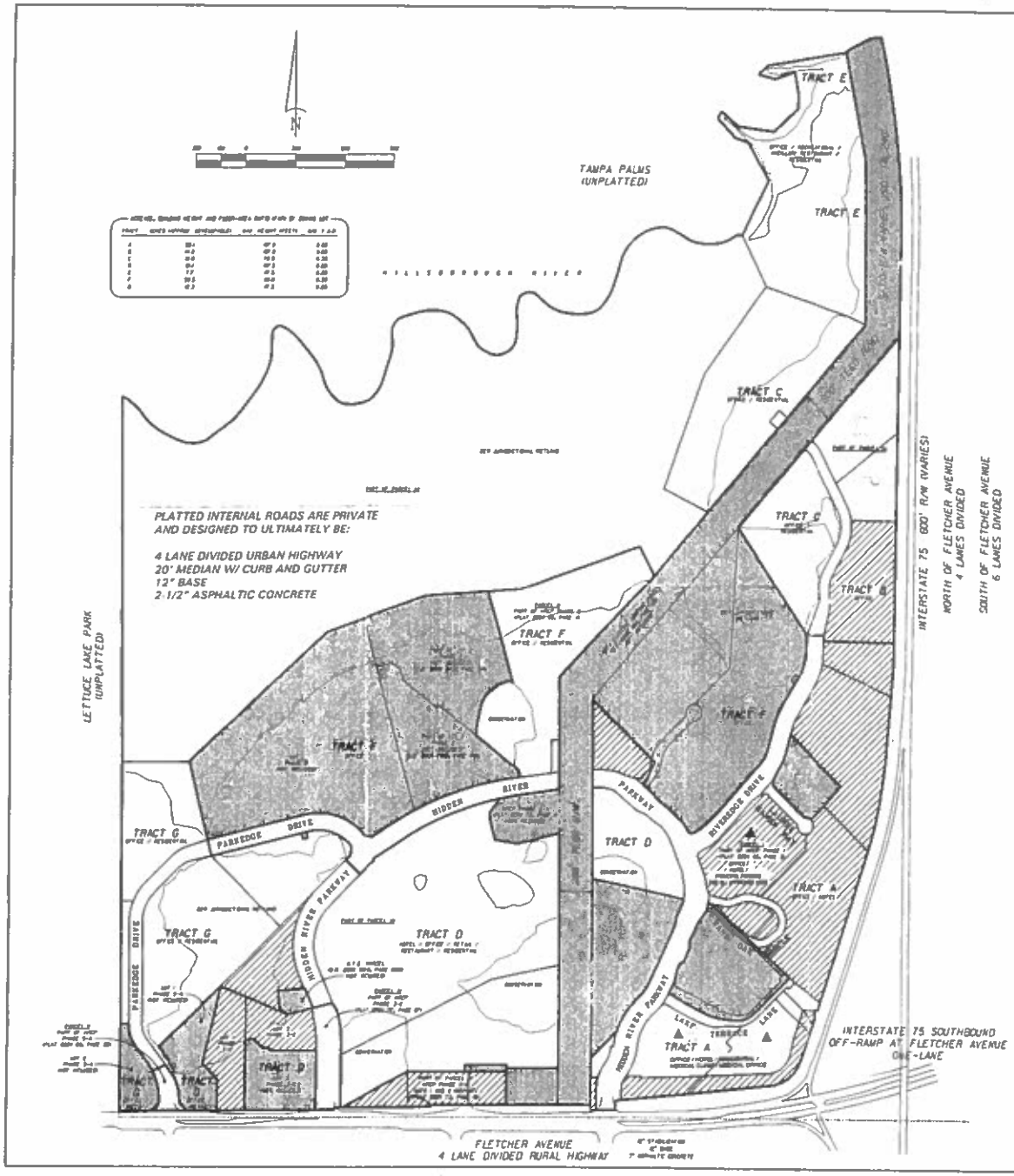
CC: Corrected Land Use Conversion Notification Sent to:

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

Ms. Brenda Winingham
Florida Department of Economic Opportunity
Division of Community Planning & Development
Caldwell Building – MSC 160
107 E Madison Street
Tallahassee, Florida 32399

Katherine O'Donniley
Singer O'Donniley, P.A.
712 S. Oregon Avenue, Suite 200
Tampa, FL 33606

Barbara Deakin
Deakin Property Services, Inc.
2909 W. Bay to Bay Blvd. #108
Tampa, FL 33629



GENERAL NOTES

AREA NOT INCLUDED IN REZONING GENERAL SITE PLAN AND AREA LESSED OUT OF LEGAL DESCRIPTION (SH. 2 OF 2).

ORDINANCE 99-13 (PETITION Z99-5)

PARCELS SUBJECT TO ORDINANCE 06-47 AND CONDITIONS 18-22

PARCELS SUBJECT TO PROPOSED REZONING AND CONDITIONS _____

REZONING GENERAL SITE PLAN

HIDDEN RIVER CORPORATE PARK
FOR
CRESCENT RESOURCES, INC.

EXHIBIT B

Reporting Year: 7/1/13-6/30/14

Hidden River Corporate Park DRI # 108

9/18/14

The following summarizes development that has been completed to date, plus entitlements that have been assigned to others and remaining quantity totals.

Office

Land Use	Land Owner	Entitlements Under Construction or Completed		Unused Entitlements Assigned		Total	
Office	**Approved in D.O.**					**3,000,000**	
	Conversion from Office to Residential 11/07					-13,502	sf
	Conversion from Office to Residential 7/09					-13,502	sf
	Conversion from Office to Medical Office/Clinic 9/14					-282,355	sf
				Sub-total		**2,690,641**	sf
	Development activity:						
	Bausch & Lomb	180,208		19,792		200,000	
	Osprey Lakeview LLC	132,566		15,000		147,566	
	Osprey Palm Court LLC	62,163		110,000		172,163	
	Verizon Florida Inc	1,596		0		1,596	
	Apple Glen Investors	131,701		35,578		167,279	
	Tampa Hidden River LLC (former owner JLM Industries)	25,530		1,470		27,000	
	Gov Grand Oak	69,593		29,506		99,099	
	H R One Owner, LLC	133,896		56,104		190,000	
	H R Two Owner, LLC	133,715		0		133,715	
	H R Three Owner, LLC	157,120		0		157,120	
	BICSI	44,148		852		45,000	
	Fieldside Investors LLP/ Walt Disney	64,502		-502		64,000	
	Hillsborough Transit Authority	0		32,718		32,718	
	AGI Acquisition II LLC	0		30,000		30,000	
	Office Suites Plus	11,219		6,781		18,000	
	Peak 10 Tampa 3.0 Datacenter, LLC	62,166	sf	7,834	sf	70,000	sf
	Sub-total	1,210,123	sf	345,133	sf	1,555,256	sf
Remaining Allowable Quantities - Office						**1,135,385**	sf

Medical Office / Clinic

Land Use	Land Owner	Entitlements Under Construction or Completed		Unused Entitlements Conveyed		Total	
Medical Office/Clinic Approved in Rezoning and D.O.							
	Duke Realty / VA Clinic (121,600 sf general office)					**282,355**	sf
						282,355	sf
Remaining Allowable Quantities - Medical Office/Clinic Use:							

For every 1,000 sf of medical office/medical clinic, it is equivalent to 2,322 sf of general office

EXHIBIT B

Reporting Year: 7/1/13-6/30/14

Hidden River Corporate Park DRI # 108

9/18/14

Residential*

Land Use	Land Owner	Entitlements Under Construction or Completed		Unused Entitlements Conveyed		Total	
Residential	**Approved in D.O. - 600 units allowed**					**600**	**DU**
	D.R. Horton, Inc. (248)						
	Conversion from Office to Residential 11/07	48	DU			(48)	DU
	Conversion from Office to Residential 7/09	48	DU			(48)	DU
	Conversion from Retail to Residential 8/14	28	rooms			(28)	DU
						(124)	
Remaining Allowable Quantities - Residential Dwelling Units		124	rooms			**476**	**DU**

*476 remaining Residential Dwelling Units shall be converted from office, retail or hotel space as Certificates of Occupancy are issued for future residential dwelling units.

Hotel

Land Use	Land Owner	Entitlements Under Construction or Completed		Unused Entitlements Conveyed		Total	
Hotel	**Approved in D.O.**					**750**	**rooms**
	Boulder Hotel East LLC/Couryard by Marriott	81	rooms	0		81	rooms
	Murphco of Florida, Inc./Hampton Inn & Suites	220	rooms	0		220	rooms
		301	rooms	0		301	rooms
Remaining Allowable Quantities - Hotel Rooms						**449**	**rooms**

Specialty Retail

Land Use	Land Owner	Entitlements Under Construction or Completed		Unused Entitlements Conveyed		Total	
Retail	**Approved in D.O.**					**145,000**	**sf**
	Conversion of Retail Use to Residential D.U. 8/14					(4,764)	**sf**
						140,236	
	HD Fletcher, LLC	4,725	sf	3,275	sf	8,000	sf
	Circle K / Shell Oil Station	1,300	sf	3,700	sf	5,000	sf
	MEG Corp / Dunkin Donuts	2,025	sf	1,975	sf	4,000	sf
	Sovereign WE LLC / Wendy's	3,440	sf	(240)	sf	3,200	sf
		11,490	sf	8,710	sf	20,200	sf
Remaining Allowable Quantities - Specialty Retail						**120,036**	**sf**

#108

JT Enterprises II, LLC

P.O. Box 981
Tampa, FL 33601

Joseph W. Taggart
Developer, Hidden River Corporate Park
813.230.6555

August 29, 2014

Ms. Susan Johnson
DRI Coordinator
City of Tampa
306 E. Jackson Street, 3E
Tampa, Florida 33602

Re: *Notification of Conversion of Approved Uses In Accordance With the Approved Equivalency Matrix Table for Hidden River Corporate Park DRI #108*

Dear Susan:

Please accept this letter as notification to the regulatory agencies that JT Enterprises II, LLC, as the successor developer of Hidden River Corporate Park, is converting 4,764 square feet of retail entitlements for 28 residential dwelling units completed by D.R. Horton during the reporting period July 2013 – June 2014. The residential dwelling units is an approved land use pursuant to the Seventh Amendment to the Development Order for Hidden River Corporate Park, Ordinance No. 2005-44, adopted by Tampa City Council on February 10, 2005.

The land use exchange, as ordered in Section D of the amended Development Order is based on the Equivalency Matrix submitted as "Table 1B" of the NOPC dated June 23, 2004, attached as Exhibit A.

Additionally, attached please find Exhibit B that shows the calculation for converting retail space for residential dwelling units; and Exhibit C that shows the cumulative land use totals and remaining allowable quantities for each use.

Finally, attached as Exhibit D, please find a list of requirements of the Development Order should the Developer convert a portion of the project for residential units and the action taken to comply with these requirements.

If you have any questions or need additional information, please feel free to contact me.

Very truly yours,

Joseph W. Taggart

JWT/bd

Attachments

CC: Land Use Conversion Notification Sent to:

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

Ms. Brenda Winingham
State of Florida
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Katherine O'Donniley
Singer O'Donniley, P.A.
712 S. Oregon Avenue, Suite 200
Tampa, FL 33606

Barbara Deakin
Deakin Property Services, Inc.
2909 W. Bay to Bay Blvd. #108
Tampa, FL 33629

Exhibit A

TABLE 1B
(Revised)

EQUIVALENCY MATRIX[1]
Hidden River Corporate Park

Change From: Change To:	Office	Hotel	Specialty Retail
Office	N/A	363 Sq. Ft./Room (0.3634)[3]	2,080 Sq. Ft/ksf[2] (2.0803)[3]
Hotel	2.752 Rooms/ksf (2.7515)[3]	N/A	5.724 Rooms/ksf (5.7240)[3]
Specialty Retail	481 Sq. Ft./ksf (0.4807)[3]	175 Sq. Ft./ksf (0.1747)[3]	N/A

1 Land use exchanges are based on net external p.m. peak hour peak direction project traffic. Use of this matrix shall be limited to the following minimums and maximums to ensure that impacts for transportation, water, wastewater, solid waste, and affordable housing are not exceeded.

Land Use	Minimum	Maximum
Office	2,000,000 Sq. Ft.	3,100,000 Sq. Ft.
Hotel	200 Rooms	1,500 Rooms
Specialty Retail	50,000 Sq. Ft.	200,000 Sq. Ft.

2 Example exchanges:

Add 50,000 Sq. Ft. Office by reducing Specialty Retail
50 ksf÷2,0803 = 24.035; reduce Specialty Retail by 24,035 Sq. Ft.
Add 25,000 Sq. Ft. Speciality Retail by reducing Office
25 ksf÷0.4807 = 52.007; reduce Office by 52,007 Sq. Ft.

3 Actual equivalency factor for use in calculations

Certified as true and correct copy.

Exhibit B

TRADE RETAIL SF TO 28 MULTI-FAMILY RESIDENTIAL UNITS

HIDDEN RIVER CORPORATE PARK DRI
Equivalency Matrix
20 Residential Dwelling Unit Trade-Off Analysis
August 30, 2014

A. APPROVED EQUIVALENCY TABLE TRADE-OFF FACTORS

CHANGE FROM → / CHANGE TO ↓	Office (Square Feet)	Hotel (Rooms)	Specialty Retail (Square Feet)	Multi-Family (DU)
Office (Square Foot / 1,000 Square Feet or Room or DU)	--	177	1,653	281
Hotel (Rooms / 1,000 Square Feet or DU)	5.641	--	9.328	1.587
Specialty Retail (Square Foot / 1,000 Square Feet or Room or DU)	605	107	--	170
Multi-Family (Dwelling Unit / 1,000 Square Feet))	3.555	0.630	5.878	--

B. MINIMUM and MAXIMUM LIMITS; APPROVED and EXISTING DEVELOPMENT

Land Use	Trade-Off Minimum	Approved in DRI	Trade-Off Maximum	Existing Development	Approved Remaining
Office (Square Feet) (1)	2,000,000	3,000,000	3,100,000	1,147,957	1,852,043
Hotel (Rooms) (2)	200	750	1,500	301	449
Specialty Retail (Square Feet) (3)	50,000	145,000	200,000	11,490	133,510
Multi-Family (Dwelling Unit) (4)	0	Trade Off	600	Trade Off	Trade Off

C. TRADE-OFF

Trade Retail SF to 28 Multi-Family Residentail Units

28 Multi-Family dwelling units
28 ÷ 5.878 x 1,000 sf = 4.764 x 1,000
= 4,764 sf retail

File Name = \\VOSTRO-1-GEOM\Public\Hidden River Office to Multi-Family 082914\[Trade-Off_Resid Office to 20 Multi-family 082
Print Date = September 1, 2014
Print Time = 3:51 PM

EXHIBIT C
Reporting Year: 7/1/13-8/30/14
Hidden River Corporate Park DRI # 108

The following summarizes development that has been completed to date, plus entitlements that have been conveyed to others and remaining quantity totals. Changes occurring during the reporting period are noted in red.

Office

Land Use	Land Owner	Entitlements Under Construction or Completed		Unused Entitlements Conveyed		Total	
Office	Approved in D.O.					3,000,000	
	Bausch & Lomb	180,208		19,792		200,000	
	Osprey Lakeview LLC	132,566		15,000		147,566	
	Osprey Palm Court LLC	62,163		110,000		172,163	
	Verizon Florida Inc.	1,596		0		1,596	
	Apple Glen Investors/Express Scripts (fka Medco)	131,701		35,578		167,279	
	Tampa Hidden River LLC (former owner JLM Industries)	25,530		1,470		27,000	
	Capital Realty Grand Oak, LLC (formerly Great Western)	69,593		29,506		99,099	
	H R One Owner, LLC	133,896		56,104		190,000	
	H R Two Owner, LLC	133,715		0		133,715	
	H R Three Owner, LLC	157,120		0		157,120	
	BICSI	44,148		852		45,000	
	Fieldside Investors LLP/ Walt Disney	64,502		-502		64,000	
	Hillsborough Transit Authority (former owner AGI Acq)	0		32,718		32,718	
	AGI Acquisition II LLC (former Crescent/IT Enterprises)	0		30,000		30,000	
	Office Suites Plus	11,219		6,781		18,000	
	Sub-total	1,147,957	sf	337,299	sf	1,485,256	sf
	Conversion from Office to Residential 11/07	13,502	sf	0	sf	13,502	sf
	Conversion from Office to Residential 7/09	13,502	sf	0	sf	13,502	sf
		1,174,961	sf	337,299	sf	1,512,260	sf
	Duke Realty - VA Medical Office	348,315	sf	0	sf	348,315	sf
	Peak 10 Tampa 3.0 Datacenter, LLC	62,166	sf	7,834	sf	70,000	sf
		1,585,442		345,133		1,930,575	
Remaining Allowable Quantities - Office						1,069,425	sf

Residential*

Land Use	Land Owner	Entitlements Under Construction or Completed		Unused Entitlements Conveyed		Total	
Residential	Approved in D.O. - 600 units allowed					600	DU
	D.R. Horton, Inc.			124	DU	124	DU
	Conversion from Office to Residential 11/07	48	DU	0		48	DU
	Conversion from Office to Residential 7/09	48	DU	0		48	DU
	Conversion from Retail to Residential 8/14	28	DU	0		28	DU
	BOH Hidden River LP	0		352	DU	352	DU
						600	
Remaining Allowable Quantities - Residential Dwelling Units		124		476 *		-	DU

* 476 remaining Residential Dwelling Units shall be converted from office, retail or hotel space as Certificates of Occupancy are issued for future residential dwelling units.

Hotel

Land Use	Land Owner	Entitlements Under Construction or Completed		Unused Entitlements Conveyed		Total	
Hotel	Approved in D.O.					750	rooms
	McKibbon Hotel Development						
	Courtyard by Marriott	81		0		81	
	Murphco of Florida, Inc.						
	Hampton Inn & Suites	220		0		220	
		301		0		301	rooms
Remaining Allowable Quantities - Hotel Rooms						449	rooms

Specialty Retail

Land Use	Land Owner	Entitlements Under Construction or Completed		Unused Entitlements Conveyed		Total	
Retail	Approved in D.O.					145,000	sf
	HD Fletcher, LLC	4,725	sf	3,275	sf	8,000	sf
	Circle K / Shell Oil Station	1,300	sf	3,700	sf	5,000	sf
	MEG Corp / Dunkin Donuts	2,025	sf	1,975	sf	4,000	sf
	Sovereign WE LLC / Wendy's	3,440	sf	(240)	sf	3,200	sf
		11,490	sf	8,710	sf	20,200	sf
	Conversion from Retail to Residential 8/14					4,764	sf
Remaining Allowable Quantities - Specialty Retail						120,036	sf

Exhibit D

Hidden River Corporate Park
DRI #108
Development Order Requirements if Developer converts approved land uses for residential dwelling units

Build Out year	12/31/2017
Development Order Expiration	12/31/2022

DO Item #	Condition	Date	Dollars	Action Required by DO	Developer Action/Status
E	Convert portion of project to residential use	12/9/2011		Developer convey 1.5 acre site to City of Tampa Fire Department (Phase 3C, Lot 3)	Fire Department did not have need of site for their purposes. 1.52 acre site was conveyed to City of Tampa by Crescent Resources (prior developer) on 12/9/11, Folio #034776-0696. This condition has been satisfied.
F	Convert portion of project to residential use	8/11/2006	$ 159,660	Contribution to City of Tampa Parks Department	Payment was made by Crescent Resources (prior developer) to the City of Tampa on 8/11/2006. This condition has been satisfied.
G	Convert portion of project to residential use			Comply with Hillsborough County school impact fee ordinance	Payment was made by D.R. Horton, Inc. to the City of Tampa in the amount of $48,072.72 on 10/2/07. This condition has been satisfied.
H(i)(1)	Prior to issuance of CO for any new residential or office development with direct access to Hidden River Parkway	8/11/2006	$ 200,000	Payment to City of Tampa for Cross Creek Blvd. intersection improvements by City	Payment was made by Crescent Resources (prior developer) to the City of Tampa on 8/11/2006. This condition has been satisfied.
				Hidden River Parkway / Fletcher Avenue Intersection Improvements	
H (i)(2)		5/15/2009		• EB left turn lane on Fletcher	Improvements were accepted by Hillsborough County 5/15/09
H (i)(3)		5/15/2009		• SB left turn lane on Hidden River Parkway	Improvements were accepted by Hillsborough County 5/15/09
H (i)(4)		5/15/2009		• Traffic signal improvements for new turning movements	Improvements were accepted by Hillsborough County 5/15/09 These conditions have been satisifed.

Central Entrance - Hidden River Parkway / Fletcher Avenue					
H (ii)	After 125 SB left turn trips in PM peak hour or 200 EB left turn trips in AM peak hour			Traffic Signal Warrant Study, if warranted and approved, Developer to construct/install:	According to annual traffic counts completed in 6/2014, as required and submitted with the 2013/2014 DRI Annual Report, traffic volumes have not exceeded the volume thresholds that would require improvements.
H(ii)(1)				• EB left turn lane and restripe for dual left turn lanes	
H(ii)(2)				• SB left turn lane through restriping	
H(ii)(3)				• WB through lane from SB on ramp to I-75 to central entrance by adding continuous right turn lane	
H(ii)(4)				• New signalization for new and additiona' turning movements	
H(iii)(1)	Prior to issuance of CO for any new project with direct			• SB left turn lane on Parkedge Dr through restriping	This condition has been satisfied.
H(iii)(2)	access to Parkedge Dr (Phase V) after Parkedge Drive is connected			• Add EB left turn lane on Fletcher if intersection is signalized through restriping	According to annual traffic counts completed in 6/2014, as required and submitted with the 2013/2014 DRI Annual Report, counts have not exceeded the volume thresholds that would require improvements
H(iii)(3)(a)	to Hidden River Parkway			• After 125 SB left turn trips in PM peak hour or 200 EB left turn trips in AM peak hour-a traffic signal is warranted and if required, a 3rd WB through right turn lane from I-75 ramp to Parkedge Dr is required.	
H(iv)	FDOT I-75 Ramp Signal	12/28/2006	$49,000	Cash Payment	Payment was made by Crescent Resources (former developer) of $49,000 to the FDOT. This condition has been satisfied.
H(v)	Residential Use - Impact fee assessment			Utilize existing transportation impact fee credits on account with the City of Tampa	
H(vi)	Sidewalk along Fletcher Ave between Parkedge Dr and Hidden River Pkwy (main entrance)				Sidewalk construction was completed with the traffic signal improvements at the main entrance 5/15/2009. This condition has been satisfied.

108

CITY OF TAMPA

Bob Buckhorn, Mayor

Office of the City Clerk

Shirley Foxx-Knowles
City Clerk

Via Certified Mail/Return Receipt Requested

October 21, 2013

Tampa Bay Regional Planning Council
Attention: John Meyer
4000 Gateway Centre, Suite 100
Pinellas Park, FL 33782

Re: File No. DZ85-52
The Hidden River Corporate Park DRI
Ordinance No. 2013-140

Dear Sir:

The City Council of the City of Tampa met in regular session on October 17, 2013, at 9:00 a.m. in the City Council Chambers.

During this session, the enclosed amended ordinance was adopted regarding the above listed petition. This ordinance is being transmitted for your information and record keeping process.

If you have any questions, please contact my office or the office of Land Development Coordination, at (813) 274-8405.

Sincerely,

Shirley Foxx-Knowles

Shirley Foxx-Knowles, CMC
City Clerk

SFK/dm

Enclosure: Certified Copy of Ordinance 2013-140

315 E. Kennedy Blvd., Third Floor • Tampa, Florida 33602 • (813) 274-8397 • FAX: (813) 274-8306

TampaGov
www.tampagov.net

ADH

ORDINANCE NO. 2013-180

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY CRESCENT RESOURCES, INC. FOR HIDDEN RIVER CORPORATE PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 8969-A, passed and ordained by the City Council of the City of Tampa, Florida (the "City Council"), on August 8, 1985 approved a development order for Hidden River Corporate Park (the "Development"), a Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 90-02, passed and ordained by the City Council on January 11, 1990, approved a first amendment to the Development Order (hereinafter said ordinance shall be referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 90-10, passed and ordained by the City Council on January 25, 1990, approved a second amendment to the Development Order (hereinafter said ordinance shall be referred to as the "Second Amendment"); and

WHEREAS, Ordinance No. 91-72, passed and ordained by the City Council on April 25, 1991, approved a third amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Third Amendment"); and

WHEREAS, Ordinance No. 92-129, passed and ordained by the City Council on August 6, 1992, approved a fourth amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Fourth Amendment"); and

WHEREAS, Ordinance No. 93-101, passed and ordained by the City Council on July 29, 1993, approved a fifth amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Fifth Amendment")

WHEREAS, Ordinance No. 96-104, passed and ordained by the City Council on May 23, 1996, approved a sixth amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Sixth Amendment"); and

WHEREAS, Ordinance No. 2005-44, passed and ordained by the City Council on February 10, 2005, approved a seventh amendment to the Development Order to extend the buildout year and the termination date of the Development Order and to amend the Equivalency Matrix to allow multi-family use as a permitted use in exchange for previously approved uses (hereinafter said Ordinance shall be referred to as the "Seventh Amendment") (hereinafter, the Development Order, as amended by the First Second, Third, Fourth, Fifth, Sixth and Seventh Amendments, shall collectively referred to as the "Development Order" unless the context expressly provides otherwise); and

WHEREAS, the DRI buildout and expiration dates were extended pursuant to House Bill 7207 on March 21, 2012, extending the DRI buildout date to December 31, 2017 and the DRI expiration date to December 31, 2022; and

Certified as true
and correct copy

77785.52

WHEREAS, on May 28, 2013, JT Enterprises II, LLC filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to subsection 380.06(19), Florida Statutes, and has provided additional information requested by the reviewing agencies (collectively, the "NOPC"), a copy of which NOPC is attached hereto as Exhibit "A"; and

WHEREAS, the change proposed by the NOPC is to make consistent the Development Order with the DRI/Rezoning General Site Plan for the Hidden River DRI and allow for the trade-off of office entitlements to medical office/medical clinic entitlements at the rate provided for herein and as to certain parcels specifically identified herein; and

WHEREAS, the Proposed Changes to the Development Order shall constitute the Eighth Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the Notice of Change as well as all related testimony and evidence concerning the Proposed Changes; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized an empowered to consider the Proposed Changes and to amend the Development Order; and

WHEREAS, the public notice requirements have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Changes before the City Council; and

WHEREAS, the City Council has reviewed and considered the above referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notice of Change, attached hereto as composite Exhibit "A" and incorporated herein by reference, which proposed the trade-off of office entitlements to medical

Certified as true
and correct copy

office/medical clinic entitlements on certain parcels as provided for herein (hereinafter, the proposed changes shall collectively be referred to as the "Proposed Changes").

B. That the Proposed Changes are consistent with the State Comprehensive Plan.

C. That the Proposed Changes are consistent with all local land development regulations and the local comprehensive plan.

D. That the Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

E. That the Proposed changes are consistent with the Report and Recommendations of the Tampa Bay Regional Planning Council.

F. That a comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City and the Tampa Bay Regional Planning Council.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of law:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. That the review by the City, the Tampa Bay Regional Planning Council and other participating agencies and interested citizens concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.

C. That based upon the analyses which are part of composite Exhibit "A"and the record of the proceedings, and the conditions contained herein, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.

D. That based on the foregoing and pursuant to Subsection 380.06(19), Florida Statutes, the Proposed Changes are found not to be a substantial deviation to the previously approved Development Order. That based on the foregoing and pursuant to Subsection

Section 3. Order. That having made the above findings of fact, and conclusions of law, it is ordered:

A. That the Proposed Changes are hereby approved and the Development Order is hereby amended to incorporate the Notice of Change;

B. The Development Order is hereby amended to revise the Equivalency Matrix (provided in Exhibit "B" of the NOPC) to allow the trade-

Certified as true
and correct copy

off of office entitlements for medical office/medical clinic entitlements as to portions of Tract C, a portion of Tract D, a portion of Tract E, a portion of Tract F, and a portion of Tract G, as depicted on the DRI/Rezoning General Site Plan for the Hidden River DRI and as further described in the legal description attached thereto. The maximum amount of medical office/medical clinic permissible if all remaining office entitlements are converted is 1,701,845.

C. The findings of fact and conclusions of law made in the Development Order are hereby reaffirmed and are incorporated herein by reference, provided, however, that to the extent that a finding of fact or conclusion of law in the original Development Order, or any amendment thereto, conflicts with another finding or conclusion in a different amendment, the more recent in time shall control.

Section 4. Development Order as Amended. This Ordinance shall constitute the Eighth Amendment to Ordinance No. 8969-A, as previously amended by Ordinance No. 90-02, Ordinance No. 90-10, Ordinance No. 91-72, Ordinance No. 92-129, Ordinance No. 93-101, Ordinance No. 96-104, and Ordinance No. 2005-44, which shall constitute collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

Section 7. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 8. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its being passed and ordained by the City Council, to the Developer, the Florida Department of Economic Opportunity (DEO), and the Tampa Bay Regional Planning Council.

Section 10. Rendition. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 11. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Certified as true
and correct copy

Section 12. Effective Date. That this Ordinance shall become a law as provided in the City of Tampa Home Rule Charter and shall take effect upon transmittal to the parties specified in Section 9 hereof.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON OCT 17 2013.

ATTEST:

CHAIRMAN/~~CHAIRMAN PRO-TEM~~
CITY COUNCIL

Shirley Foxx-Knowles
CITY CLERK/~~DEPUTY CITY CLERK~~

APPROVED BY ME ON OCT 18 2013

Bob Buckhorn
BOB BUCKHORN, MAYOR

PREPARED BY AND APPROVED
AS TO LEGAL SUFFICIENCY BY:

E/S
REBECCA M. KERT
ASSISTANT CITY ATTORNEY

Ordinance_Hidden River DRI_101113

State of Florida
County of Hillsborough
This is to certify that the foregoing is a true and correct copy of Ordinance No. 2013-148 on file in my office
Witness my hand and official seal this 21 day of October, 20 13
Shirley Foxx-Knowles
CITY CLERK/~~DEPUTY CITY CLERK~~

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI) SUBSECTION 380.06 (19), FLORIDA STATUTES

FOR

HIDDEN RIVER CORPORATE PARK
(DRI #108)

PREPARED FOR:

JT Enterprises II LLC
2909 West Bay to Bay Boulevard, Suite 108
Tampa, FL 33629-8162

PREPARED BY:

Singer & O'Donnilley P.A.
712 S. Oregon Avenue
Suite 200
Tampa, FL 33606

Murphy LaRocca Consulting Group
101 East Kennedy Boulevard
Suite 3020
Tampa, Florida 33602

May 28, 2013

Certified as true
and correct copy

PART I

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI) SUBSECTION 380.06 (19), FLORIDA STATUTES

SUBSECTION 380.06 (19), FLORIDA STATUTES (1985), REQUIRES THAT SUBMITTAL OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DRI BE MADE TO THE LOCAL GOVERNMENT, THE REGIONAL PLANNING COUNCIL, AND THE STATE LAND PLANNING AGENCY ACCORDING TO THIS FORM.

1. I, Katherine O'Donniley, the undersigned authorized representative of JT Enterprises II LLC hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06 (19), Florida Statutes. In support thereof, I submit the following information concerning Hidden River DRI development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Tampa, to the Tampa Bay Regional Planning Council, and to the Bureau of State Planning, Department of Community Affairs.

5/28/13 (Date) (Signature)

2. **APPLICANT (NAME, ADDRESS, PHONE)**

3. **AUTHORIZED AGENT (NAME, ADDRESS, PHONE)**

Attorney
Katherine O'Donniley
Singer & O'Donniley P.A.
712 S. Oregon Avenue
Suite 200
Tampa, FL 33606
(813) 251-5141 (direct)
(813) 433-5148 (fax)
katherine@sodlegal.com

Land Planning Consultant
Allen S. Murphy, AICP
Murphy LaRocca Consulting Group, Inc.
101 East Kennedy Blvd.
Suite 3020
Tampa, Florida 33602
(813) 226-8970
(813) 229-0617 (fax)
allen.murphy@murphylarocca.com

4. **LOCATION (CITY, COUNTY, TOWNSHIP/RANGE/SECTION) OF APPROVED DRI AND PROPOSED CHANGE.**

City of Tampa, Hillsborough County, Florida, Section 36, Township 27 South, Range 19 East, and Section 1, Township 28 South, Range 19 East.

Certified as true
and correct copy

5. **PROVIDE A COMPLETE DESCRIPTION OF THE PROPOSED CHANGE. INCLUDE ANY PROPOSED CHANGES TO THE PLAN OF DEVELOPMENT, PHASING, ADDITIONAL LANDS, COMMENCEMENT DATE, BUILD-OUT DATE, DEVELOPMENT ORDER CONDITIONS AND REQUIREMENTS, OR IN THE REPRESENTATIONS CONTAINED IN EITHER THE DEVELOPMENT ORDER OR THE APPLICATION FOR DEVELOPMENT APPROVAL (ADA).**

   INDICATE SUCH CHANGES ON THE PROJECT MASTER SITE PLAN, SUPPLEMENTING WITH OTHER DETAILED MAPS, AS APPROPRIATE. ADDITIONAL INFORMATION MAY BE REQUESTED BY THE DEPARTMENT OR ANY REVIEWING AGENCY TO CLARIFY THE NATURE OF THE CHANGE OR THE RESULTING IMPACTS.

   The proposed change requests to revise the DRI / Zoning General Site Plan to allow Medical Clinic / Medical Office as a permitted use on specific parcels within the DRI. Medical Clinic / Medical Office use was previously approved by the City of Tampa with a revision to the Planned Development zoning (Ordinance Z11-34). This ordinance allows Medical Clinic / Medical Office use to be developed in the Hidden River DRI with a maximum square footage. This NOPC request will recognize Medical Clinic / Medical Office as an approved use in the DRI and that it can be developed on the designated parcels with a corresponding trade off in office use. The trade off was approved as part of the zoning change approved in 2011 (Ordinance Z11-34).

6. **COMPLETE THE SUBSTANTIAL DEVIATION DETERMINATION CHART FOR ALL LAND USE TYPES APPROVED IN THE DEVELOPMENT. IF NO CHANGE IS PROPOSED OR HAS OCCURRED, PLEASE INDICATE NO CHANGE.**

   This Notification of a Proposed Change (NOPC) proposes to revise the DRI / Zoning General Site Plan to recognize Medical Clinic / Medical Office as an approved use in the DRI.

7. **LIST ALL THE DATES AND RESOLUTION NUMBERS (OR OTHER APPROPRIATE IDENTIFICATION NUMBERS) OF ALL MODIFICATIONS OR AMENDMENTS TO THE ORIGINALLY APPROVED DRI DEVELOPMENT ORDER THAT HAVE BEEN ADOPTED BY THE LOCAL GOVERNMENT, AND PROVIDE A BRIEF DESCRIPTION OF THE PREVIOUS CHANGES (I.E. ANY DEVIATION CHART). HAS THERE BEEN A CHANGE IN LOCAL GOVERNMENT JURISDICTION FOR ANY PORTION OF THE DEVELOPMENT SINCE THE LAST APPROVAL OR DEVELOPMENT ORDER WAS ISSUED? IF SO, HAS THE ANNEXING LOCAL GOVERNMENT ADOPTED A NEW DRI DEVELOPMENT ORDER FOR THE PROJECT?**

   On August 8, 1985, Tampa City Council adopted the original Development Order for the Hidden River Corporate Park Development of Regional Impact (Ordinance No 8969-A).

   On January 11, 1990, Tampa City Council adopted the First Amendment to the Development Order, Ordinance No. 90-02. The First Amendment approved and updated the transportation analysis required under the Development Order as a condition of commencement of Phase II. The First Amendment modified certain Development Order conditions to reflect the regional activity center designation for the area of the city within which the development is located. The First Amendment approved the addition of a parcel of land, approximately 3.8 acres.

Certified as true
and correct copy

The First Amendment approved the deletion of Development Order conditions concerning a transportation study which had since been completed; approved refinements to the master plan (Map H), and approved an increase in Phase II development totals and a corresponding decrease in Phase III development totals.

On January 25, 1990, Tampa City Council adopted the Second Amendment to the Development Order, Ordinance No. 90-10. The Second Amendment provided for an extension of the date build out of development of Phase I by two (2) years eleven (11) months and fifteen (15) days.

On April 25, 1991, Tampa City Council approved the Third Amendment to the Development Order, Ordinance No. 91-72. The Third Amendment provided for an extension of the date build out of development of Phase II by two (2) years eleven (11) months and fifteen (15) days.

On August 6, 1992, Tampa City Council approved the Fourth Amendment to the Development Order, Ordinance No. 92-129. The Fourth Amendment provided for an extension of the date of build out of development of Phase I and II by a period of an additional two (2) years, to 12/15/96 and 12/15/99 respectively.

On August 6, 1993, Tampa City Council approved the Fifth Amendment to the Development Order, Ordinance No. 93-101. The Fifth Amendment extended the date for acquisition of right-of-way and permits for the transportation pipeline improvement on Fletcher Avenue to April 6, 1994, and extended the completion date of construction of the transportation pipeline improvement to December 31, 1995.

On May 23, 1996, Tampa City Council adopted the Sixth Amendment to the Development Order, Ordinance 96-104. The Sixth Amendment changed the project's current phase designations by changing the project to a two phase development by combining specifically approved Phase I with specifically approved Phase II as "Revised Phase I" and by re-designating Phase III as "Revised Phase II". The Sixth Amendment extended the build out date of Revised Phase I to December 31, 2005. The Sixth Amendment eliminated the Fletcher Avenue required improvement and decreased the proportionate share amount; included an equivalency matrix which allows for the simultaneous exchange of approved land uses; and extended the termination date of the Development Order to December 31, 2010.

On February 10, 2005, Tampa City Council adopted the Seventh Amendment to the Development Order, Ordinance No. 2005-44. The Seventh Amendment extends the build out year for Revised Phase I by five (5) years to December 31, 2010; extends the termination date of the Development by five (5) years to December 31, 2015; and amends the Equivalency Matrix to allow multi-family use as a permitted use in exchange for previously approved uses.

On July 3, 2008, the City of Tampa confirmed that the Hidden River Corporate Park Development of Regional Impact was under active construction on July 1, 2007 and eligible for the 3-year build out date extension authorized under Florida Statutes 380.06(19) thereby extending the build out date by three (3) years to December 31, 2013 and the new expiration date is hereby extended to December 31, 2018.

Certified as true
and correct copy

On March 21, 2012, confirmation was received that pursuant to HB 7202, the build out date of Hidden River Corporate Park Development of Regional Impact was extended by four (4) years to December 31, 2017 and the Development Order effective date was extended by four (4) years to December 31, 2022.

8. **DESCRIBE ANY LANDS PURCHASED OR OPTIONED WITHIN 1/4 MILE OF THE ORIGINAL DRI SITE SUBSEQUENT TO THE ORIGINAL APPROVAL OR ISSUANCE OF THE DRI DEVELOPMENT ORDER. IDENTIFY SUCH LAND, ITS SIZE, INTENDED USE, AND ADJACENT NON-PROJECT LAND USES WITHIN ½ MILE ON A PROJECT MASTER SITE PLAN OR OTHER MAP.**

The Developer has not purchased or optioned any lands within 1/4 mile of the original DRI site subsequent to the DRI Development Order approval.

9. **INDICATE IF THE PROPOSED CHANGE IS LESS THAN 40% (CUMULATIVELY WITH OTHER PREVIOUS CHANGES) OF ANY OF THE CRITERIA LISTED IN PARAGRAPH 380.06 (19)(b), FLORIDA STATUTES.**

The addition of Medical Clinic / Medical Office use will be from a reduction in the amount of approved office square footage based on the equivalency formula on the DRI / Zoning General Site Plan.

10. **DOES THE PROPOSED CHANGE RESULT IN A CHANGE TO THE BUILDOUT DATE OR ANY PHASING DATE OF THE PROJECT? IF SO, INDICATE THE PROPOSED NEW BUILDOUT OR PHASING DATES?**

The proposed change does not result in a change to the buildout date or phasing date of the project.

11. **WILL THE PROPOSED CHANGE REQUIRE AN AMENDMENT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLAN?**

The proposed change will not require an amendment to the City of Tampa Comprehensive Plan.

PROVIDE THE FOLLOWING FOR INCORPORATION INTO SUCH AN AMENDED DEVELOPMENT ORDER, PURSUANT TO SUBSECTIONS 380.06 (15), F.S., AND 9J-2.025, FLORIDA ADMINISTRATIVE CODE:

12. **AN UPDATED MASTER SITE PLAN OR OTHER MAP OF THE DEVELOPMENT PORTRAYING AND DISTINGUISHING THE PROPOSED CHANGES TO THE PREVIOUSLY APPROVED DRI OR DEVELOPMENT ORDER CONDITIONS.**

The revised DRI / Zoning General Site Plan is included with this NOPC.

13. **PURSUANT TO SUBSECTION 380.06 (19)(f), F.S., INCLUDE THE PRECISE LANGUAGE THAT IS BEING PROPOSED TO BE DELETED OR ADDED AS AN AMENDMENT TO THE DEVELOPMENT ORDER. THIS LANGUAGE SHOULD ADDRESS AND QUANTIFY:**

Certified as true
and correct copy

A. **ALL PROPOSED SPECIFIC CHANGES TO THE NATURE, PHASING, AND BUILD-OUT DATE OF THE DEVELOPMENT; TO DEVELOPMENT ORDER CONDITIONS AND REQUIREMENTS, TO COMMITMENTS AND REPRESENTATIONS IN THE APPLICATION FOR DEVELOPMENT APPROVAL; TO THE ACREAGE ATTRIBUTABLE TO EACH DESCRIBED PROPOSED CHANGE OF LAND USE, OPEN SPACE, AREAS FOR PRESERVATION, GREEN BELTS; TO STRUCTURES OR TO OTHER IMPROVEMENTS INCLUDING LOCATIONS, SQUARE FOOTAGE, NUMBER OF UNITS; AND OTHER MAJOR CHARACTERISTICS OR COMPONENTS OF THE PROPOSED CHANGE;**

The proposed change does not result in a change to the buildout date or phasing date of the project.

B. **AN UPDATED LEGAL DESCRIPTION OF THE PROPERTY, IF ANY PROJECT ACREAGE IS/HAS BEEN ADDED OR DELETED TO THE PREVIOUSLY APPROVED PLAN OF DEVELOPMENT;**

Not applicable.

C. **A PROPOSED AMENDED DEVELOPMENT ORDER DEADLINE FOR COMMENCING PHYSICAL DEVELOPMENT OF THE PROPOSED CHANGES, IF APPLICABLE;**

Not applicable.

D. **A PROPOSED AMENDED DEVELOPMENT ORDER TERMINATION DATE THAT REASONABLE REFLECTS THE TIME REQUIRED TO COMPLETE THE DEVELOPMENT;**

Not applicable.

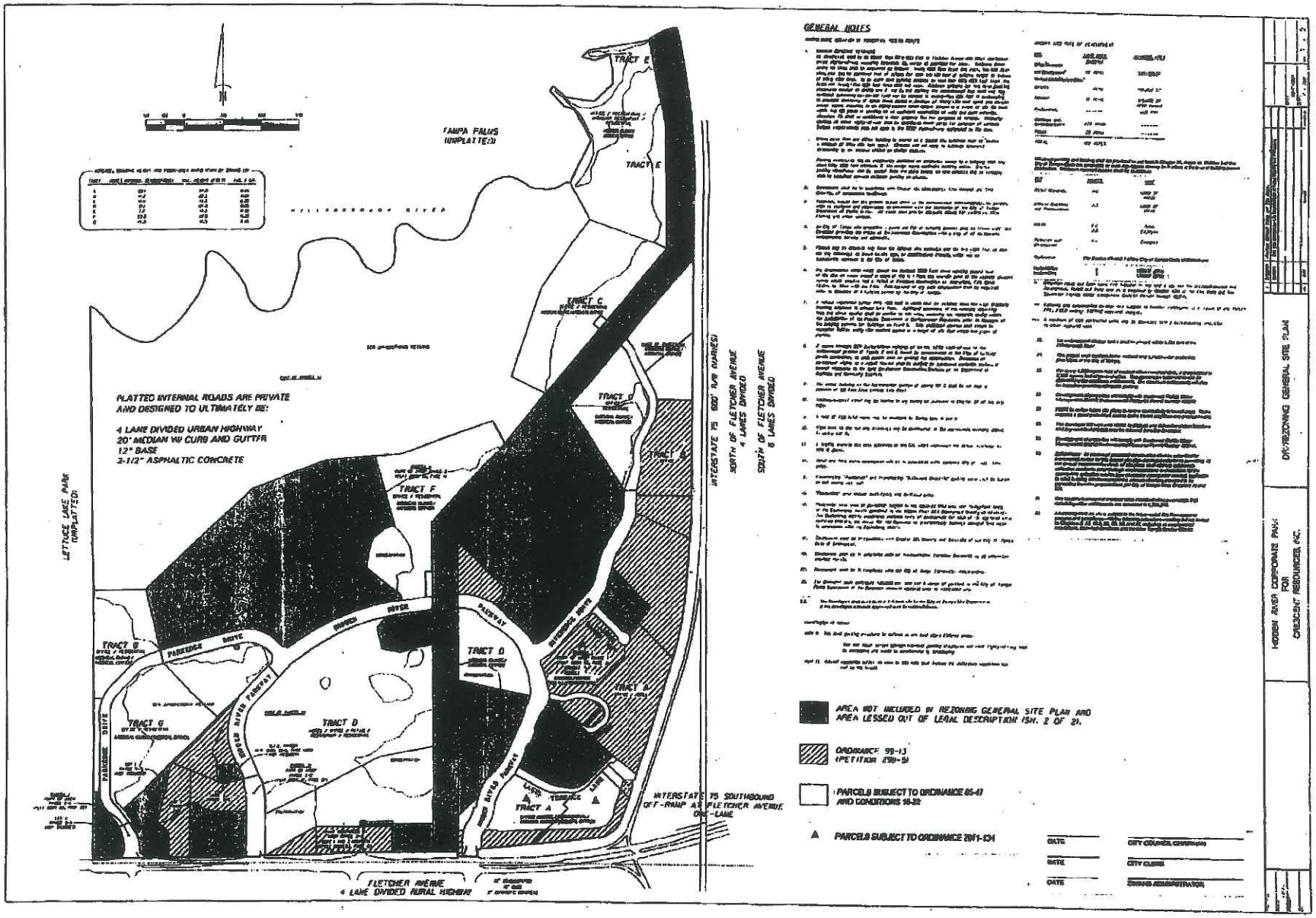
E. **A PROPOSED AMENDED DEVELOPMENT ORDER DATE TO WHICH THE LOCAL GOVERNMENT AGREES THAT THE CHANGES TO THE DRI SHALL NOT BE SUBJECT TO DOWN-ZONING, UNIT DENSITY REDUCTION, OR INTENSITY REDUCTION, IF APPLICABLE; AND**

No change is proposed.

F. **PROPOSED AMENDED DEVELOPMENT ORDER SPECIFICATIONS FOR THE ANNUAL REPORT, INCLUDING THE DATE OF SUBMISSION, CONTENTS, AND PARTIES TO WHOM THE REPORT IS SUBMITTED AS SPECIFIED IN SUBSECTION 9J-2025 (7), F.A.C.**

No change is proposed.

Certified as true
and correct copy



Certified as true and correct copy

PARCEL I

HIDDEN RIVER CORPORATE PARK PHASE 1, AS RECORDED IN PLAT BOOK 66, PAGE 3 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

LESS AND EXCEPT:

LOT 4, 5, 9, AND 10-A OF HIDDEN RIVER CORPORATE PARK PHASE 1, AS RECORDED IN PLAT BOOK 66, PAGE 3 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

AND LESS AND EXCEPT:

ALL OF LOT 6 AND A PORTION OF LOT 1 OF HIDDEN RIVER CORPORATE PHASE 1, AS RECORDED IN PLAT BOOK 66, PAGE 3 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA. BEING LOCATED IN SECTION 1, TOWNSHIP 29 SOUTH, RANGE 19 EAST, HILLSBOROUGH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID INTERSECTION 1; THENCE [illegible] ALONG THE SOUTH LINE OF SAID SECTION 1 AND THE CENTERLINE OF FLETCHER AVENUE FOR [illegible] FEET; THENCE [illegible], [illegible] FEET TO THE NORTHERLY RIGHT-OF-WAY OF FLETCHER AVENUE AND THE EASTERLY BOUNDARY OF A [illegible] FOOT TAMPA ELECTRIC COMPANY RIGHT-OF-WAY AS DESCRIBED IN O.R. BOOK [illegible], PAGE [illegible] OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA AND THE SOUTHWEST CORNER OF SAID PLAT OF HIDDEN RIVER CORPORATE PARK PHASE 1; THENCE ALONG SAID EASTERLY BOUNDARY OF TAMPA ELECTRIC COMPANY RIGHT-OF-WAY AND THE SAID WESTERLY BOUNDARY OF THE PLAT OF HIDDEN RIVER CORPORATE PARK PHASE 1, [illegible], [illegible] FEET TO THE POINT OF BEGINNING; THENCE CONTINUE [illegible], [illegible] FEET TO THE NORTHWEST CORNER OF LOT 6 OF THE AFORESAID PLAT OF HIDDEN RIVER CORPORATE PARK PHASE 1; THENCE LEAVING THE AFORESAID EASTERLY BOUNDARY OF TAMPA ELECTRIC COMPANY RIGHT-OF-WAY AND THE WESTERLY BOUNDARY OF THE PLAT OF HIDDEN RIVER CORPORATE PARK PHASE 1, [illegible], [illegible] FEET TO THE WESTERLY RIGHT-OF-WAY OF HIDDEN RIVER PARKWAY; THENCE CONTINUE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING [illegible] COURSES: 1) THENCE BY A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF [illegible] FEET, A CENTRAL ANGLE OF [illegible], AN ARC DISTANCE OF [illegible] FEET, A CHORD BEARING [illegible], [illegible] FEET TO A POINT OF TANGENCY; 2) THENCE [illegible], [illegible] FEET; 3) THENCE [illegible], [illegible] FEET; 4) THENCE [illegible], [illegible] FEET; 5) THENCE BY A CURVE TO THE RIGHT HAVING A RADIUS OF [illegible] FEET, A CENTRAL ANGLE OF [illegible], AN ARC DISTANCE OF [illegible] FEET, A CHORD BEARING [illegible], [illegible] FEET; 6) THENCE BY A CURVE TO THE LEFT HAVING A RADIUS OF [illegible] FEET, A CENTRAL ANGLE OF [illegible], AN ARC DISTANCE OF [illegible] FEET, A CHORD BEARING [illegible], [illegible] FEET; THENCE LEAVING THE AFORESAID WESTERLY RIGHT-OF-WAY OF HIDDEN RIVER PARKWAY ALONG A NON-TANGENT LINE [illegible], [illegible] FEET TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT:

PART OF LOT 16, ALL OF LOT 17 AND PART OF LOT 18 OF HIDDEN RIVER CORPORATE PARK PHASE 1 AS SHOWN ON A MAP OR PLAT THEREOF OF RECORD IN PLAT BOOK 66 AT PAGE 3 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 18 ON THE NORTHERLY RIGHT-OF-WAY LINE OF HIDDEN RIVER PARKWAY; THENCE DEPARTING SAID RIGHT-OF-WAY LINE AND RUNNING WITH THE WESTERLY BOUNDARY OF LOT 18 AFOREMENTIONED, [illegible], A DISTANCE OF [illegible] FEET TO THE POINT OF BEGINNING. THENCE, RUNNING WITH THE WESTERLY BOUNDARY LINE OF SAID LOTS 16, 17 & 18, [illegible], A DISTANCE OF [illegible] FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 16; THENCE RUNNING WITH THE DIVIDING LINE BETWEEN LOTS 14 & 16 OF SAID HIDDEN RIVER CORPORATE PARK PHASE 1, [illegible], A DISTANCE OF [illegible] FEET; THENCE DEPARTING SAID LINE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE ALONG THE NORTHERLY BOUNDARY LINE OF [illegible], INC. TRACT OF LAND AS RECORDED IN O.R. BOOK [illegible], PAGE [illegible] OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, [illegible], A DISTANCE OF [illegible] FEET TO A POINT ON THE EASTERLY BOUNDARY LINE OF LOT 17 AFOREMENTIONED; THENCE WITH SAME [illegible], A DISTANCE OF [illegible] FEET TO THE SOUTHEAST CORNER OF SAID LOT 17 AFOREMENTIONED; THENCE WITH THE SOUTHERLY BOUNDARY LINE OF SAID LOT 17, [illegible], A DISTANCE OF [illegible] FEET TO THE SOUTHEAST CORNER OF LOT 18 AFOREMENTIONED; THENCE WITH THE SOUTHERLY BOUNDARY LINE OF SAID LOT 18, [illegible], A DISTANCE OF [illegible] FEET; THENCE DEPARTING SAID SOUTHERLY LINE [illegible], A DISTANCE OF [illegible] FEET TO A POINT ON THE WESTERLY BOUNDARY LINE OF SAID LOT 18; THENCE WITH THE SAME [illegible], A DISTANCE OF [illegible] FEET TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT

A PARCEL OF LAND LYING IN SECTION 1, TOWNSHIP 29 SOUTH, RANGE 19 EAST, HILLSBOROUGH COUNTY, FLORIDA, BEING LOTS 14, 15 AND A PORTION OF 10, OF HIDDEN RIVER CORPORATE PARK PHASE 1, AS RECORDED IN PLAT BOOK 66, PAGE 3, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHERLY CORNER OF SAID LOTS 14 AND 15; THENCE [illegible], ALONG THE NORTHERLY LINE OF SAID LOT 14, A DISTANCE OF [illegible] FEET TO THE WESTERLY LINE OF RIVEREDGE DRIVE; THENCE ALONG SAID WESTERLY LINE, [illegible], A DISTANCE OF [illegible] FEET TO A POINT OF A CURVE; THENCE CONTINUE ALONG THE ARC OF SAID CURVE, CONCAVE WESTERLY, HAVING FOR ITS ELEMENTS A RADIUS OF [illegible] FEET, A CENTRAL ANGLE OF [illegible], AN ARC LENGTH OF [illegible] FEET, A CHORD BEARING OF [illegible], AND A CHORD DISTANCE OF [illegible] FEET; THENCE CONTINUE [illegible], A DISTANCE OF [illegible] FEET TO THE NORTHEAST CORNER OF LOT 10A OF SAID HIDDEN RIVER CORPORATE PARK PHASE 1; THENCE ALONG THE BOUNDARY OF SAID LOT 10A IN THE FOLLOWING THREE (3) COURSES: 1- THENCE [illegible], A DISTANCE OF [illegible] FEET; 2- THENCE [illegible], A DISTANCE OF [illegible] FEET; 3- THENCE [illegible], A DISTANCE OF [illegible] FEET TO SAID WESTERLY LINE OF RIVEREDGE DRIVE; THENCE ALONG SAID WESTERLY LINE, [illegible], A DISTANCE OF [illegible] FEET, TO A POINT OF CURVE; THENCE CONTINUE ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING FOR ITS ELEMENTS A RADIUS OF [illegible] FEET, A CENTRAL ANGLE OF [illegible], AN ARC LENGTH OF [illegible] FEET, A CHORD BEARING OF [illegible], AND A CHORD DISTANCE OF [illegible] FEET; THENCE CONTINUE [illegible], A DISTANCE OF [illegible] FEET TO A POINT OF CURVE; THENCE CONTINUE ALONG THE ARC OF SAID CURVE, CONCAVE NORTHWESTERLY, HAVING FOR ITS ELEMENTS A RADIUS OF [illegible] FEET, A CENTRAL ANGLE OF [illegible], AN ARC LENGTH OF [illegible] FEET, A CHORD BEARING OF [illegible], AND A CHORD DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE CONTINUE [illegible], A DISTANCE OF [illegible] FEET, TO A POINT ON THE ARC OF A NON-TANGENT CURVE; THENCE ALONG THE ARC OF SAID CURVE, CONCAVE NORTHWESTERLY, HAVING FOR ITS ELEMENTS A RADIUS OF [illegible] FEET, A CENTRAL ANGLE OF [illegible], AN ARC LENGTH OF [illegible] FEET, A CHORD BEARING OF [illegible], AND A CHORD DISTANCE OF [illegible] FEET TO A POINT OF A COMPOUND CURVE; THENCE ALONG THE ARC OF SAID CURVE, CONCAVE NORTHERLY, HAVING FOR ITS ELEMENTS A RADIUS OF [illegible] FEET, A CENTRAL ANGLE OF [illegible], AN ARC LENGTH OF [illegible] FEET, A CHORD BEARING OF [illegible], AND A CHORD DISTANCE OF [illegible] FEET, TO THE NORTHERLY LINE OF HIDDEN RIVER PARKWAY AND A POINT ON THE ARC OF A NON-TANGENT CURVE; THENCE ALONG SAID NORTHERLY LINE AND THE ARC OF SAID CURVE, CONCAVE SOUTHWESTERLY, HAVING FOR ITS ELEMENTS A RADIUS OF [illegible] FEET, A CENTRAL ANGLE OF [illegible], AN ARC LENGTH OF [illegible] FEET, A CHORD BEARING OF [illegible], AND A CHORD DISTANCE OF [illegible] FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE [illegible], A DISTANCE OF [illegible] FEET, TO A POINT ON THE ARC OF A NON-TANGENT CURVE; THENCE CONTINUE ALONG SAID NORTHERLY LINE AND THE ARC OF SAID CURVE, CONCAVE SOUTHWESTERLY, HAVING FOR ITS ELEMENTS A RADIUS OF [illegible] FEET, A CENTRAL ANGLE OF [illegible], AN ARC LENGTH OF [illegible] FEET, A CHORD BEARING OF [illegible], AND A CHORD DISTANCE OF [illegible] FEET; THENCE CONTINUE [illegible], A DISTANCE OF [illegible] FEET; THENCE CONTINUE [illegible], A DISTANCE OF [illegible] FEET; THENCE CONTINUE [illegible], A DISTANCE OF [illegible] FEET; THENCE DEPARTING SAID NORTHERLY LINE, [illegible], ALONG THE NORTHWESTERLY LINE OF SAID LOT 15, A DISTANCE OF [illegible] FEET; THENCE CONTINUE, [illegible], A DISTANCE OF [illegible] FEET TO THE NORTHERLY CORNER OF SAID LOT 15; THENCE [illegible], ALONG THE NORTHEASTERLY LINE OF LOT 11 OF SAID HIDDEN RIVER CORPORATE PARK PHASE 1, A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET TO THE WESTERLY LINE OF SAID LOT 14; THENCE [illegible], A DISTANCE OF [illegible] FEET TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT:

A PARCEL OF LAND BEING A PORTION OF LOT 10, HIDDEN RIVER CORPORATE PARK PHASE 1, AS RECORDED IN PLAT BOOK 66, PAGE 3 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE WESTERN-MOST CORNER OF LOT 10, SAID POINT ALSO BEING THE INTERSECTION OF THE CENTERLINE OF LAUREL RIVER WAY WITH THE EAST RIGHT-OF-WAY OF RIVEREDGE DRIVE; THENCE ALONG SAID EAST RIGHT-OF-WAY OF THE FOLLOWING FOUR (4) COURSES: 1) [illegible], A DISTANCE OF [illegible] FEET; 2) [illegible], A DISTANCE OF [illegible] FEET TO THE BEGINNING OF A CURVE; 3) [illegible] FEET ALONG THE ARC OF SAID CURVE, CONCAVE NORTHWESTERLY, HAVING A CENTRAL ANGLE OF [illegible], A RADIUS OF [illegible] FEET, A CHORD BEARING OF [illegible], AND A CHORD DISTANCE OF [illegible] FEET TO THE CURVE'S END; 4) [illegible], A DISTANCE OF [illegible] FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY, [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET TO THE NORTHERN-MOST CORNER OF LOT 9; THENCE [illegible] ALONG THE COMMON BOUNDARY LINE BETWEEN SAID LOTS 9 AND 10, A DISTANCE OF [illegible] FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF LAUREL RIVER WAY; THENCE ALONG SAID CENTERLINE, [illegible], A DISTANCE OF [illegible] FEET TO THE POINT OF BEGINNING.

PARCEL II

HIDDEN RIVER CORPORATE PARK PHASE 2 AS RECORDED IN PLAT BOOK 66, PAGE 4 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

LESS AND EXCEPT:

LOT 1 OF HIDDEN RIVER CORPORATE PARK PHASE 2 AS RECORDED IN PLAT BOOK 66, PAGE 4 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

AND LESS AND EXCEPT:

A TRACT OF LAND BEING A PORTION OF LOT 2 OF HIDDEN RIVER CORPORATE PARK PHASE 2 AS RECORDED IN PLAT BOOK 66, PAGE 4 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE ALONG THE WEST BOUNDARY LINE OF SAID LOT 2, [illegible], A DISTANCE OF [illegible] FEET; THENCE DEPARTING SAID BOUNDARY LINE, [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE BY A CURVE TO THE LEFT HAVING A RADIUS OF [illegible] FEET, A CENTRAL ANGLE OF [illegible], AN ARC DISTANCE OF [illegible] FEET, A CHORD BEARING [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE BY A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF [illegible] FEET, A CENTRAL ANGLE OF [illegible], AN ARC DISTANCE OF [illegible] FEET, A CHORD BEARING [illegible], A DISTANCE OF [illegible] FEET TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT

A TRACT OF LAND BEING A PORTION OF LOT 2 OF HIDDEN RIVER CORPORATE PARK PHASE 2, AS RECORDED IN PLAT BOOK 66, PAGE 4 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 2, THENCE ALONG THE WEST BOUNDARY LINE OF SAID LOT 2, [illegible], A DISTANCE OF [illegible] FEET TO THE POINT OF THE BEGINNING; THENCE CONTINUE ALONG SAID LINE [illegible], A DISTANCE OF [illegible] FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE DEPARTING SAID LINE AND RUNNING ALONG THE NORTHERLY BOUNDARY LINE OF SAID LOT 2 OF THE FOLLOWING TWO (2) COURSES, (1) [illegible], A DISTANCE OF [illegible] FEET; (2) [illegible], A DISTANCE OF [illegible]; THENCE DEPARTING SAID NORTHERLY BOUNDARY LINE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET; THENCE [illegible], A DISTANCE OF [illegible] FEET TO THE POINT OF BEGINNING.

PARCEL III

A PARCEL OF LAND LYING IN SECTION 36, TOWNSHIP 28 SOUTH, RANGE 19 EAST AND SECTION 1, TOWNSHIP 29 SOUTH, RANGE 19 EAST, HILLSBOROUGH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 1, THENCE [illegible], ALONG THE WEST LINE OF SAID SECTION 1 FOR [illegible] FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST LINE, [illegible], TO A POINT ON THE ORDINARY HIGH WATER LINE OF THE HILLSBOROUGH RIVER; THENCE NORTHEASTERLY ALONG SAID ORDINARY HIGH WATER LINE TO A POINT OF INTERSECTION WITH THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST AND THE WESTERLY BOUNDARY OF A PARCEL DESIGNATED AS ADDITIONAL RIGHT-OF-WAY FOR INTERSTATE 75 (SR 93A), LIMITED ACCESS RIGHT-OF-WAY, RECORDED IN OFFICIAL RECORDS BOOK [illegible], PAGE [illegible] OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA; THENCE SOUTHERLY ALONG THE WESTERLY BOUNDARY OF SAID ADDITIONAL RIGHT-OF-WAY PARCEL TO A POINT OF TANGENCY; THENCE [illegible] FOR [illegible] FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 1 SAID POINT LIES [illegible] FEET WEST OF THE NORTHEAST CORNER OF SAID SECTION 1; THENCE CONTINUE [illegible], FOR [illegible] FEET; THENCE ALONG THE WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID INTERSTATE 75 (SR 93A) SECTION [illegible], FOR THE FOLLOWING [illegible] COURSES: 1) [illegible] FOR [illegible] FEET; 2) [illegible] FOR [illegible] FEET TO A POINT OF CURVATURE; 3) SOUTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF [illegible] FEET, A CENTRAL ANGLE OF [illegible], AN ARC LENGTH OF [illegible] FEET, AND A CHORD BEARING AND DISTANCE OF [illegible], [illegible] FEET TO A POINT OF TANGENCY; 4) [illegible] FOR [illegible] FEET; 5) [illegible] FOR [illegible] FEET; 6) [illegible] FOR [illegible] FEET; 7) [illegible] FOR [illegible] FEET; 8) [illegible] FOR [illegible] FEET TO A POINT OF NON-TANGENT CURVATURE; 9) SOUTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF [illegible] FEET, A CENTRAL ANGLE OF [illegible], AN ARC LENGTH OF [illegible] FEET, AND A CHORD BEARING OF [illegible], [illegible] FEET; 10) [illegible] FOR [illegible] FEET; 11) [illegible] FOR [illegible] FEET TO THE NORTH RIGHT-OF-WAY LINE OF FLETCHER AVENUE ([illegible] FOOT R/W); THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE [illegible] FOR [illegible] FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN D.O.T. PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK [illegible], PAGE [illegible]; THENCE ALONG THE EASTERLY AND NORTHERLY BOUNDARY OF SAID D.O.T. PARCEL AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF FLETCHER AVENUE, THE FOLLOWING TWO (2) COURSES, 1) [illegible] FOR [illegible] FEET; 2) [illegible] FOR [illegible] FEET; THENCE CONTINUE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF FLETCHER AVENUE THE FOLLOWING FIVE (5) COURSES, 1) [illegible] FOR [illegible] FEET; 2) [illegible] FOR [illegible] FEET; 3) [illegible] FOR [illegible] FEET; 4) [illegible] FOR [illegible] FEET; 5) [illegible] FOR [illegible] FEET TO THE POINT OF BEGINNING.

AND

LOTS 1 AND 2 OF REPLAT OF HIDDEN RIVER CORPORATE PARK PHASE 3B AS RECORDED IN PLAT BOOK 73, PAGE 15 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

AND LESS AND EXCEPT:

A PARCEL OF LAND LYING IN SECTION 36, TOWNSHIP 28 SOUTH, RANGE 19 EAST AND SECTION 1, TOWNSHIP 29 SOUTH, RANGE 19 EAST, HILLSBOROUGH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, THENCE [illegible], ALONG THE NORTH LINE OF SAID SECTION 1, FOR [illegible] FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 (SR 93A) LIMITED ACCESS RIGHT-OF-WAY OFFICIAL RECORDS BOOK [illegible], PAGE [illegible] AND THE POINT OF BEGINNING; THENCE [illegible], ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR [illegible] FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE [illegible] FOR [illegible] FEET; THENCE [illegible] FOR [illegible] FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF FLETCHER AVENUE AND THE NORTHERLY BOUNDARY OF THAT CERTAIN D.O.T. PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK [illegible], PAGE [illegible]; THENCE [illegible], PARALLEL WITH AND [illegible] FEET NORTH OF THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 1, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF FLETCHER AVENUE AND ALONG THE NORTHERLY BOUNDARY OF SAID D.O.T. PARCEL, FOR [illegible] FEET TO THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 1, THENCE [illegible], ALONG SAID WEST LINE FOR [illegible] FEET; THENCE [illegible] FOR [illegible] FEET; THENCE [illegible] FOR [illegible] FEET TO THE COMMON NORTH AND SOUTH LINE OF SAID SECTIONS 1 AND 36 RESPECTIVELY; THENCE CONTINUE [illegible] FOR [illegible] FEET; THENCE [illegible] FOR [illegible] FEET, MORE OR LESS TO THE SOUTHERLY TOP OF BANK OF THE HILLSBOROUGH RIVER; THENCE ALONG SAID TOP OF BANK THE FOLLOWING TWO (2) COURSES, 1) [illegible] FOR [illegible] FEET; 2) [illegible] FOR [illegible] FEET TO A POINT ON THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, AND THE WESTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE 75 (SR 93A) LIMITED ACCESS RIGHT-OF-WAY OFFICIAL RECORDS BOOK [illegible], PAGE [illegible]; A RADIAL LINE THROUGH SAID POINT BEARS [illegible]; THENCE ALONG THE ARC OF SAID CURVE AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SAID CURVE HAVING A RADIUS OF [illegible] FEET, A CENTRAL ANGLE OF [illegible], AN ARC LENGTH OF [illegible] FEET AND A CHORD BEARING AND DISTANCE OF [illegible], [illegible] FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, [illegible] FOR [illegible] FEET TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT:

HIDDEN RIVER CORPORATE PARK PHASE 1 AS RECORDED IN PLAT BOOK 66, PAGE 3 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

AND LESS AND EXCEPT:

HIDDEN RIVER CORPORATE PARK PHASE 2 AS RECORDED IN PLAT BOOK 66, PAGE 4 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

AND LESS AND EXCEPT:

HIDDEN RIVER CORPORATE PARK PHASE 3A AS RECORDED IN PLAT BOOK 72, PAGE 4 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

AND LESS AND EXCEPT:

HIDDEN RIVER CORPORATE PARK PHASE 3C AS RECORDED IN PLAT BOOK 77, PAGE 67 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

AND LESS AND EXCEPT:

HIDDEN RIVER CORPORATE PARK PHASE 5A AS RECORDED IN PLAT BOOK 69, PAGE 20 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

AND LESS AND EXCEPT:

A PARCEL OF LAND LOCATED IN SECTION 1, TOWNSHIP 29 SOUTH, RANGE 19 EAST, HILLSBOROUGH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF HIDDEN RIVER CORPORATE PARK PHASE 2 AS RECORDED IN PLAT BOOK 66, PAGE 4 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, SAID SOUTHWEST CORNER ALSO BEING LOCATED ON THE SOUTHWEST LINE OF [illegible] FOOT INGRESS/EGRESS EASEMENT; THENCE ALONG THE SOUTHERLY LINE OF SAID HIDDEN RIVER CORPORATE PARK PHASE 2 AND PARKEDGE DRIVE, [illegible], [illegible] FEET TO THE POINT OF BEGINNING; THENCE CONTINUE [illegible], [illegible] FEET; THENCE LEAVING THE AFORESAID SOUTHERLY LINE OF HIDDEN RIVER CORPORATE PARK PHASE 2 AND PARKEDGE DRIVE, [illegible], [illegible] FEET; THENCE [illegible], [illegible] FEET; THENCE [illegible], [illegible] FEET TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT:

A PARCEL OF LAND SITUATED IN SECTION 1, TOWNSHIP 29 SOUTH, RANGE 19 EAST, CITY OF TAMPA, HILLSBOROUGH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 1, THENCE [illegible], ALONG THE WEST LINE OF SAID SECTION 1, FOR [illegible] FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF FLETCHER AVENUE ([illegible] R/W); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF FLETCHER AVENUE, [illegible] FOR [illegible] FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, [illegible] FOR [illegible] FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE CONCAVE SOUTHEASTERLY, SAID CURVE HAVING A RADIUS OF [illegible] FEET, A CENTRAL ANGLE OF [illegible], AN ARC LENGTH OF [illegible] FEET, AND A CHORD BEARING AND DISTANCE OF [illegible], [illegible] FEET; THENCE ON A RADIAL BEARING, [illegible] FOR [illegible] FEET TO THE POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY BEING CONCENTRIC WITH THE PREVIOUSLY MENTIONED CURVE, SAID CURVE HAVING A RADIUS OF [illegible] FEET, A CENTRAL ANGLE OF [illegible], AN ARC LENGTH OF [illegible] FEET, AND A CHORD BEARING AND DISTANCE OF [illegible], [illegible] FEET; THENCE ON A NON-TANGENT BEARING [illegible] FOR [illegible] FEET; THENCE [illegible] FOR [illegible] FEET; THENCE [illegible] FOR [illegible] FEET; THENCE [illegible] FOR [illegible] FEET; THENCE [illegible] FOR [illegible] FEET; THENCE [illegible] FOR [illegible] FEET TO THE POINT OF BEGINNING.

PARCEL IV

HIDDEN RIVER CORPORATE PARK PHASE 3C AS RECORDED IN PLAT BOOK 77, PAGE 67 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

LESS AND EXCEPT:

LOT 2 OF HIDDEN RIVER CORPORATE PARK PHASE 3C AS RECORDED IN PLAT BOOK 77, PAGE 67 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

PARCEL V

HIDDEN RIVER CORPORATE PARK PHASE 5A AS RECORDED IN PLAT BOOK 69, PAGE 20 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

LESS AND EXCEPT:

LOT 1 OF HIDDEN RIVER CORPORATE PARK PHASE 5A AS RECORDED IN PLAT BOOK 69, PAGE 20 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

AND LESS AND EXCEPT:

LOT 2 OF HIDDEN RIVER CORPORATE PARK PHASE 5A AS RECORDED IN PLAT BOOK 69, PAGE 20 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

LEGAL DESCRIPTION

HIDDEN RIVER CORPORATE PARK
FOR
CRESCENT RESOURCES, INC.

Certified as true and correct copy

Exhibit B – Equivalency Matrix

Office may be traded for medical office/medical clinic. For every 1,000 square feet of medical office/medical clinic, it is equivalent to 2,322 square feet of general office. This conversion factor will be used for determining the maximum medical office/medical clinic entitlements. The maximum amount of medical office/medical clinic permissible if all remaining office entitlements are converted is 1,701,845.

Certified as true
and correct copy

#108

CITY OF TAMPA

Bob Buckhorn, Mayor

Growth Management & Development Services

Land Development Coordination

March 21, 2012

Ms. Katherine O'Donniley
Holland & Knight
100 North Tampa Street, Ste. 4100
Tampa, Florida 33602

Re: **Hidden River DRI**– Extension of the DRI Pursuant to HB 7207

Dear Katherine:

We are in receipt of your request to extend the build out and expiration date of the Hidden River Development of Regional Impact. The Florida Legislature recently enacted House Bill 7207 in recognition of 2011 real estate conditions which extended certain permits issued by Florida Department of Environmental Protection and Water Management Districts. **This extension includes any local government issued development order or building permit that has an expiration date of January 1, 2012 through January 1, 2014**

Based upon the information provided, we have determined that the approved development has met the provisions of HB 7207 for an extension of time and is, therefore, extended for four years from the date of its build out and expiration. The new build out date is December 31, 2017 and the expiration date is December 31, 2022. Please be advised that the four year extension does not impair the authority of the City of Tampa to require the property subject to the extension to be secured and maintained in a safe and sanitary condition in compliance with applicable codes and regulations. In addition, the extension request is issued by the City of Tampa for permits and development orders solely under its jurisdiction. Outside agencies which may have extra jurisdictional authority should be contacted for permit extensions separately.

Regards,

Susan L. Johnson
Subdivision Coordination
City of Tampa, Florida

Cc: John Meyer

1400 North Boulevard Tampa, Florida 33607 • (813) 274-8405 • FAX: (813) 274-7706

TampaGov
www.tampagov.net

#108

CRESCENT RESOURCES LLC

4301 W. Boy Scout Blvd.
Suite100
Tampa, Florida 33607

813-639-0060
Fax: 813-872-6584

August 31, 2009

Ms. Susan Johnson
DRI Coordinator
City of Tampa
306 E. Jackson Street, 3E
Tampa, Florida 33602

Re: *Notification of Conversion of Approved Uses In Accordance With the Approved Equivalency Matrix Table for Hidden River Corporate Park DRI #108*

Dear Ms. Johnson:

With this letter we are notifying the regulatory agencies that Crescent Resources, LLC, as the developer of record for Hidden River Corporate Park, is converting 13,502 square feet of office entitlements to 48 residential dwelling units, an approved land use pursuant to the Seventh Amendment to the Development Order for Hidden River Corporate Park, Ordinance No. 2005-44, adopted by Tampa City Council on February 10, 2005.

The land use exchange, as ordered in Section D of the amended Development Order is based on the Equivalency Matrix submitted as "Table 1B" of the NOPC dated June 23, 2004, attached as Exhibit A.

Additionally, attached please find Exhibit B that shows the conversion of office space to residential dwelling units; and Exhibit C that shows the cumulative land use totals and remaining allowable quantities.

Finally, attached as Exhibit D, please find a list of requirements of the Development Order should the Developer convert a portion of the project for residential units and the action taken to comply with these requirements.

If you have any questions or need additional information, please feel free to contact me.

Very truly yours,

George L. Hodges, III
Vice President
Commercial Development – Florida Region

CC: Land Use Conversion Notification Sent to:

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

Ms. Brenda Winingham
State of Florida
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

James Shimberg, Esquire
Holland & Knight
100 N. Tampa Street
Suite 4100
Tampa, Florida 33602

R. Whit Duncan
Crescent Resources, LLC
201 S. Orange Ave., Ste 720
Orlando, FL 32801

Barbara Deakin
Deakin Property Services, LLC
2909 W. Bay to Bay Blvd. #108
Tampa, FL 33629

Exhibit A

TABLE 1B
(Revised)

EQUIVALENCY MATRIX[1]
Hidden River Corporate Park

Change From: Change To:	Office	Hotel	Specialty Retail
Office	N/A	363 Sq. Ft./Room (0.3634)[3]	2,080 Sq. Ft/ksf[2] (2.0803)[3]
Hotel	2.752 Rooms/ksf (2.7515)[3]	N/A	5.724 Rooms/ksf (5.7240)[3]
Specialty Retail	481 Sq. Ft./ksf (0.4807)[3]	175 Sq. Ft./ksf (0.1747)[3]	N/A

1 Land use exchanges are based on net external p.m. peak hour peak direction project traffic. Use of this matrix shall be limited to the following minimums and maximums to ensure that impacts for transportation, water, wastewater, solid waste, and affordable housing are not exceeded.

Land Use	Minimum	Maximum
Office	2,000,000 Sq. Ft.	3,100,000 Sq. Ft.
Hotel	200 Rooms	1,500 Rooms
Specialty Retail	50,000 Sq. Ft.	200,000 Sq. Ft.

2 Example exchanges:

Add 50,000 Sq. Ft. Office by reducing Specialty Retail
50 ksf÷2,0803 = 24.035; reduce Specialty Retail by 24,035 Sq. Ft.
Add 25,000 Sq. Ft. Speciality Retail by reducing Office
25 ksf÷0.4807 = 52.007; reduce Office by 52,007 Sq. Ft.

3 Actual equivalency factor for use in calculations

Certified as true and correct copy.

Exhibit B

HIDDEN RIVER CORPORATE PARK DRI
Equivalency Matrix
48 Residential Dwelling Unit Trade-Off Analysis
1-Jul-09

A. APPROVED EQUIVALENCY TABLE TRADE-OFF FACTORS

CHANGE FROM → / CHANGE TO ↓	Office (Square Feet)	Hotel (Rooms)	Specialty Retail (Square Feet)	Multi-Family (DU)
Office (Square Foot / 1,000 Square Feet or Room or DU)	--	177	1,653	281
Hotel (Rooms / 1,000 Square Feet or DU)	5.641	--	9.328	1.587
Specialty Retail (Square Foot / 1,000 Square Feet or Room or DU)	605	107	--	170
Multi-Family (Dwelling Unit / 1,000 Square Feet))	3.555	0.630	5.878	--

B. MINIMUM and MAXIMUM LIMITS; APPROVED and EXISTING DEVELOPMENT

Land Use	Trade-Off Minimum	Approved in DRI	Trade-Off Maximum	Existing Development	Approved Remaining
Office (Square Feet) (1)	2,000,000	3,000,000	3,100,000	1,147,957	1,852,043
Hotel (Rooms) (2)	200	750	1,500	301	449
Specialty Retail (Square Feet) (3)	50,000	145,000	200,000	11,490	133,510
Multi-Family (Dwelling Unit) (4)	0	Trade Off	600	Trade Off	Trade Off

(1) 1,147,957 office sf represent completed construction; there is an additional 347,299 sf in committed entitlements for a total of 1,495,256 office sf; after the conversion from office to residential, 1,508,758 sf of office remains to be used
(2) There are no additional entitlements committed for hotel use.
(3) 11,490 sf represents completed construction; there is an additional 8,710 sf in committed entitlements for a total of 20,200 sf for specialty retail development
(4) This is the second notification to convert 48 residential units from office. As of this report date, 96 residential dwelling units have been exchanged from office sq. ft. 13,502 was converted in 2007 plus 13,502 sq. ft. today = 27,004. Of the 600 residential dwelling units, 504 dwelling units remain to be exchanged.

C. TRADE-OFF

Trade 48 Multi-Family dwelling Units from Office

48 Multi-Family dwelling units
÷ 3.555 = 13.5021 x 1,000 sf = 13,502 sf
= 13,502 sf office

Exhibit C

8/24/09

The following summarizes development that has been completed to date, plus entitlements that have been conveyed to others and remaining quantity totals.

Office

Land Use	Land Owner	Entitlements Under Construction or Completed	Unused Entitlements Conveyed	Total
Office	Approved in D.O.			3,000,000
	Bausch & Lomb	180,208	19,792	200,000
	Osprey Lakeview LLC	132,566	15,000	147,566
	Osprey Palm Court LLC	62,163	110,000	172,163
	Tall Oaks Child Care-removed	0	0	-
	Verizon Florida Inc.	1,596	0	1,596
	Apple Glen Investors/Medco	131,701	35,578	167,279
	Tampa Hidden River/JLM Industries	25,530	1,470	27,000
	Capital Realty Grand Oak, LLC (formerly Great Western/Washington Mutual)	69,593	29,506	99,099
	H R One Owner, LLC	133,896	56,104	190,000
	H R Two Owner, LLC	133,715	0	133,715
	H R Three Owner, LLC	157,120	0	157,120
	BICSI	44,148	852	45,000
	Fieldside Investors LLP/ Walt Disney	64,502	-502	64,000
	AGI Acquisitions	0	32,718	32,718
	Crescent Resources - Lot 10	0	40,000	40,000
	Office Suites Plus	11,219	6,781	18,000
	Sub-total	1,147,957 sf	347,299 sf	1,495,256 sf
	Conversion from Office to Residential 11/07	13,502 sf	0 sf	13,502 sf
	Conversion from Office to Residential 7/09	13,502 sf	0 sf	13,502 sf
Remaining Allowable Quantities - Office		1,120,953 sf	347,299 sf	1,468,252 sf

Residential

Land Use	Land Owner	Entitlements Under Construction or Completed	Unused Entitlements Conveyed	Total
Residential	Approved in D.O.			600 DU
	D.R. Horton, Inc.	96 DU	152 DU	248 DU
	BOH Hidden River LP	0	352 DU	352 DU
Remaining Allowable Quantities - Residential Dwelling Units		96	504	600 DU

** 504 remaining Residential Dwelling Units shall be converted from office, retail or hotel space as Certificates of Occupancy are issued for future residential dwelling units

Hotel

Land Use	Land Owner	Entitlements Under Construction or Completed	Unused Entitlements Conveyed	Total
Hotel	Approved in D.O.			750 rooms
	McKibbon Hotel Development			
	Courtyard by Marriott	81	0	81
	Murphco of Florida, Inc.			
	Hampton Inn & Suites	220	0	220
		301	0	301 rooms
Remaining Allowable Quantities - Hotel Rooms				449 rooms

Specialty Retail

Land Use	Land Owner	Entitlements Under Construction or Completed	Unused Entitlements Conveyed	Total
Retail	Approved in D.O.			145,000 sf
	HD Fletcher, LLC	4,725 sf	3,275 sf	8,000 sf
	Circle K / Shell Oil Station	1,300 sf	3,700 sf	5,000 sf
	MEG Corp / Dunkin Donuts	2,025 sf	1,975 sf	4,000 sf
	Sovereign WE LLC / Wendy's	3,440 sf	(240) sf	3,200 sf
		11,490 sf	8,710 sf	20,200 sf
Remaining Allowable Quantities - Specialty Retail				124,800 sf

City of Tampa
Development Order Requirements if Developer converts approved land uses for residential
Hidden River Corporate Park

Exhibit D

Build Out Year Extended to: 12/31/2013
Development Order Extended Termination Date: 12/31/2015

Item #	Condition	Date	Dollars	Action Required by D.O.	Developer Action
E	Convert portion of project to residential use D.R. Horton related November 1, 2007	On-Going		Developer convey 1.5 acre site to City of Tampa Fire Department (Phase 3C, Lot 3)	Developer has been working with the City of Tampa Fire Department on the conveyance of a 1.5 acre site to the City of Tampa Fire Department. They do not have a need for any site at Hidden River and have agreed that Crescent sell the parcel designated for the Fire Department to a third party and contribute the proceeds from the sale to the City of Tampa Fire Department.
F	Convert portion of project to residential use D.R. Horton related November 1, 2007	8/11/2006	$159,660	Contribution to City of Tampa Parks Department	This condition has been satisfied with the payment of $159,660 to the City of Tampa by Crescent Resources, LLC on 8/11/2006.
G	Convert portion of project to residential use November 1, 2007	D.R. Horton	D.R. Horton	Comply with Hillsborough County school impact fee ordinance	This condition has been satisfied with the payment by D.R. Horton in the amount of $48,072.72 on 10/2/07
H (i) (1)	Prior to issuance of CO for any new residential or office development with direct access to Hidden River Parkway	8/11/2006	$200,000	Payment to City of Tampa for Cross Creek Blvd. intersection improvements by City	This condition has been satisfied with the payment of $200,000 to the City of Tampa by Crescent Resources, LLC on 8/11/2006.
Hidden River Parkway / Fletcher Avenue Intersection Improvements					
H (i) (2) H (i) (3) H (i) (4)		On-Going		▪ EB left turn lane on Fletcher ▪ SB left turn lane on Hidden River Parkway ▪ Traffic signal improvements for new turning movements	This condition has been satisfied with the completion of the intersection improvements which were approved and accepted by Hillsborough County on May 15, 2009

H (ii) H (ii) (1) H (ii) (2) H (ii) (3) H (ii) (4)	After 125 SB left turn trips in PM peak hour or 200 EB left turn trips in AM peak hour			Traffic Signal Warrant Study, if warranted and approved, Developer to construct/install: ▪ EB left turn lane and restripe for dual left turn lanes ▪ SB left turn lane through restriping ▪ WB through lane from SB on ramp to I-75 to central entrance by adding continuous right turn lane ▪ New signalization for new and additional turning movements	According to the Traffic Counts completed in 5/09, as required and submitted with the 2008-2009 Annual Report have not exceeded the volume thresholds that would require improvements. Traffic Counts will be conducted on an annual basis to monitor the need for improvements to the central entrance.
H (iii) (1) H (iii) (2) H (iii) (3) (a)	Prior to issue of CO for any new project with direct access to Parkedge Drive (Phase V) after Parkedge Drive is connected to Hidden River Parkway			▪ SB left turn lane on Parkedge Drive through restriping ▪ Add EB left turn lane on Fletcher if intersection is signalized through restriping ▪ After 125 SB left turn trips in PM peak hour or 200 EB left turn trips in AM peak hour - a traffic signal is warranted and if required, a 3rd WB through right turn lane from I-75 ramp to Parkedge Drive is required	According to the Traffic Counts completed in 5/09, as required and submitted with the 2008-2009 Annual Report have not exceeded the volume thresholds that would require improvements. Traffic Counts will be conducted on an annual basis to monitor the need for improvements to the central entrance. There is also no construction activity within along Parkedge Drive.
H (iv)	FDOT I-75 Ramp Signal	12/28/2006	$ 49,000	Cash payment	This condition has been satisfied with the payment of $49,000 to the FDOT by Crescent Resources, LLC on 12/28/06.
H (v)	Residential Use - impact fee assessment			Utilize existing transportation impact fee credits on account with City	
H (vi)	Sidewalk along Fletcher between between Parkedge Drive and Hidden River Parkway (main entrance)				This condition has been satisfied with the completion of the intersection improvements which were approved and accepted by Hillsborough County on May 15, 2009

Exhibit A-1

108

Reporting Period: 7/1/07 - 6/30/08
Development: Hidden River Corporate Park - DRI #108

CITY OF TAMPA

Pam Iorio, Mayor

Growth Management & Development Services

Land Development Coordination

July 3, 2008

Mr. James H. Shimberg, Jr.
Holland & Knight LLP
100 North Tampa Street, Ste. 4100
Tampa, Florida 33602

Re: Hidden River Corporate Park – Development of Regional Impact
(Build Out Date Extension)

Dear Mr. Shimberg:

City of Tampa staff has reviewed the documentation you provided to demonstrate that the Hidden River Corporate Park Development of Regional Impact (DRI) was under active construction on July 1, 2007 and, therefore, eligible for the 3 year build out date extension authorized under Florida Statutes 380.06(19), Florida Statutes.

This letter is to confirm that based upon the information submitted, the project was under active construction on July 1, 2007. Therefore, the projects build out is extended by three (3) years to December 31, 2013 and the expiration date is extended to December 31, 2018.

If you have any questions, please contact me at (813) 274-8405.

Regards,

Susan Johnson,
DRI Coordinator
City of Tampa, Florida

306 E. Jackson St. 3E • Tampa, Florida 33602 • (813) 274-8405 • FAX: (813) 274-7706

JOHN MEYER
TBRPC #108

CRESCENT RESOURCES
LLC

2909 W. Bay to Bay Blvd.
Suite 600
Tampa, FL 33629

Office (813) 639-0060 www.crescent-resources.com Fax (813) 879-8629

November 14, 2007

Ms. Susan Johnson
DRI Coordinator
City of Tampa
306 E. Jackson Street, 3E
Tampa, Florida 33602

Re: *Notification of Conversion of Approved Uses In Accordance With the Approved Equivalency Matrix Table for Hidden River Corporate Park DRI #108*

Dear Ms. Johnson:

With this letter we are notifying the regulatory agencies that Crescent Resources, LLC, as the developer of record for Hidden River Corporate Park, is converting 13,502 square feet of office entitlements to 48 residential dwelling units, an approved land use pursuant to the Seventh Amendment to the Development Order for Hidden River Corporate Park, Ordinance No. 2005-44, adopted by Tampa City Council on February 10, 2005.

The land use exchange, as ordered in Section D of the amended Development Order is based on the Equivalency Matrix submitted as "Table 1B" of the NOPC dated June 23, 2004, attached as Exhibit A.

Additionally, attached please find Exhibit B that shows the conversion of office space to residential dwelling units; and Exhibit C that shows the cumulative land use totals and remaining allowable quantities.

Finally, attached as Exhibit D, please find a list of requirements of the Development Order should the Developer convert a portion of the project for residential units and the action taken to comply with these requirements.

If you have any questions or need additional information, please feel free to contact me.

Very truly yours,

G. Lud Hodges

CC: Continued on next page

rec'd. CK. #24146
$250.00

#108

CRESCENT RESOURCES
LLC

2909 W. Bay to Bay Blvd.
Suite 600
Tampa, FL 33629
Office (813) 639-0060 www.crescent-resources.com Fax (813) 879-8629

November 14, 2007

Ms. Susan Johnson
DRI Coordinator
City of Tampa
306 E. Jackson Street, 3E
Tampa, Florida 33602

Re: *Notification of Conversion of Approved Uses In Accordance With the Approved Equivalency Matrix Table for Hidden River Corporate Park DRI #108*

Dear Ms. Johnson:

With this letter we are notifying the regulatory agencies that Crescent Resources, LLC, as the developer of record for Hidden River Corporate Park, is converting 13,502 square feet of office entitlements to 48 residential dwelling units, an approved land use pursuant to the Seventh Amendment to the Development Order for Hidden River Corporate Park, Ordinance No. 2005-44, adopted by Tampa City Council on February 10, 2005.

The land use exchange, as ordered in Section D of the amended Development Order is based on the Equivalency Matrix submitted as "Table 1B" of the NOPC dated June 23, 2004, attached as Exhibit A.

Additionally, attached please find Exhibit B that shows the conversion of office space to residential dwelling units; and Exhibit C that shows the cumulative land use totals and remaining allowable quantities.

Finally, attached as Exhibit D, please find a list of requirements of the Development Order should the Developer convert a portion of the project for residential units and the action taken to comply with these requirements.

If you have any questions or need additional information, please feel free to contact me.

Very truly yours,

G. Lud Hodges

CC: Continued on next page

Land Use Conversion Notification Sent to:

Ms. Susan Johnson
DRI Coordinator
City of Tampa
306 E. Jackson Street, 3E
Tampa, Florida 33602

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

Ms. Brenda Winingham
State of Florida
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

James Shimberg, Esquire
Holland & Knight
100 N. Tampa Street
Suite 4100
Tampa, Florida 33602

Allen Murphy
Murphy LaRocca Consulting Group, Inc.
101 E. Kennedy Blvd.
Suite 3020
Tampa, FL 33602

R. Whit Duncan
Crescent Resources, LLC
300 Primera Blvd.
Suite 140
Lake Mary, FL 32746

Barbara Deakin
Deakin Property Services, LLC
1408 S. DeSoto Avenue
Tampa, FL 33606

Exhibit A

TABLE 1B
(Revised)

EQUIVALENCY MATRIX[1]
Hidden River Corporate Park

Change From: / Change To:	Office	Hotel	Specialty Retail
Office	N/A	363 Sq. Ft./Room (0.3634)[3]	2,080 Sq. Ft/ksf[2] (2.0803)[3]
Hotel	2.752 Rooms/ksf (2.7515)[3]	N/A	5.724 Rooms/ksf (5.7240)[3]
Specialty Retail	481 Sq. Ft./ksf (0.4807)[3]	175 Sq. Ft./ksf (0.1747)[3]	N/A

1 Land use exchanges are based on net external p.m. peak hour peak direction project traffic. Use of this matrix shall be limited to the following minimums and maximums to ensure that impacts for transportation, water, wastewater, solid waste, and affordable housing are not exceeded:

Land Use	Minimum	Maximum
Office	2,000,000 Sq. Ft.	3,100,000 Sq. Ft.
Hotel	200 Rooms	1,500 Rooms
Specialty Retail	50,000 Sq. Ft.	200,000 Sq. Ft.

2 Example exchanges:

Add 50,000 Sq. Ft. Office by reducing Specialty Retail
50 ksf÷2.0803 = 24.035; reduce Specialty Retail by 24,035 Sq. Ft.
Add 25,000 Sq. Ft. Speciality Retail by reducing Office
25 ksf÷0.4807 = 52.007; reduce Office by 52,007 Sq. Ft.

3 Actual equivalency factor for use in calculations

Certified as true and correct copy.

Exhibit B

HIDDEN RIVER CORPORATE PARK DRI
Equivalency Matrix
48 Residential Dwelling Unit Trade-Off Analysis
9-Nov-07

A. APPROVED EQUIVALENCY TABLE TRADE-OFF FACTORS

CHANGE FROM → / CHANGE TO ↓	Office (Square Feet)	Hotel (Rooms)	Specialty Retail (Square Feet)	Multi-Family (DU)
Office (Square Foot / 1,000 Square Feet or Room or DU)	--	177	1,653	281
Hotel (Rooms / 1,000 Square Feet or DU)	5.641	--	9.328	1.587
Specialty Retail (Square Foot / 1,000 Square Feet or Room or DU)	605	107	--	170
Multi-Family (Dwelling Unit / 1,000 Square Feet))	3.555	0.630	5.878	--

B. MINIMUM and MAXIMUM LIMITS; APPROVED and EXISTING DEVELOPMENT

Land Use	Trade-Off Minimum	Approved in DRI	Trade-Off Maximum	Existing Development	Approved Remaining
Office (Square Feet) (1)	2,000,000	3,000,000	3,100,000	1,147,957	1,852,043
Hotel (Rooms) (2)	200	750	1,500	301	449
Specialty Retail (Square Feet) (3)	50,000	145,000	200,000	11,490	133,510
Multi-Family (Dwelling Unit) (4)	0	Trade Off	600	Trade Off	Trade Off

(1) 1,147,957 sf of existing office + an additional 347,299 sf is committed and unused by existing property + the conversion of office to residential = 1,508,758, leaving 1,491,242 sf of remaining office entitlements
(2) 301 hotel rooms are existing, there are no additional entitlements committed for hotel use leaving 449 hotel room entitlements.
(3) 11,490 sf of existing retail space + an additional 8,710 sf in committed retail entitlements for a total of 20,200 sf = 124,800 sf remaining for specialty retail development
(4) This notification converts 48 residential units from office. 552 residential dwelling units remain for exhange for a total of 600.

See Attached Exhibit C for detailed cumulative totals

C. TRADE-OFF

Trade 48 Multi-Family dwelling Units from Office

48 Multi-Family dwelling units
÷ 3.555 = 13.5021 x 1,000 sf = 13,502 sf
= 13,502 sf office

Exhibit C

11/14/2007

The following summarizes development that has been completed to date, plus entitlements that have been conveyed to others and remaining quantity totals.

Office

Land Use	Land Owner	Entitlements Under Construction or Completed	Unused Entitlements Conveyed	Total
Office	**Approved in D.O. - Office**			**3,000,000**
	Bausch & Lomb	180,208	19,792	200,000
	Osprey Lakeview LLC	132,566	15,000	147,566
	Osprey Palm Court LLC	62,163	110,000	172,163
	Tall Oaks Child Care-removed	0	0	-
	Verizon Florida Inc.	1,596	0	1,596
	Apple Glen Investors/Medco	131,701	35,578	167,279
	Tampa Hidden River/JLM Industries	25,530	1,470	27,000
	Capital Realty Grand Oak, LLC (formerly Great Western/Washington Mutual)	69,593	29,506	99,099
	H R One Owner, LLC	133,896	56,104	190,000
	H R Two Owner, LLC	133,715	0	133,715
	H R Three Owner, LLC	157,120	0	157,120
	BICSI	44,148	852	45,000
	Fieldside Investors LLP/ Walt Disney	64,502	-502	64,000
	AGI Acquisitions	0	32,718	32,718
	Crescent Resources - Lot 10	0	40,000	40,000
	Office Suites Plus	11,219	6,781	18,000
	Sub-total	1,147,957 sf	347,299 sf	1,495,256 sf
	Conversion from Office to Residential 11/07	13,502 sf	0	13,502 sf
		1,161,459	347,299	**1,508,758**
	Remaining Allowable Quantities - Office			**1,491,242**

Residential

Land Use	Land Owner	Entitlements Under Construction or Completed	Unused Entitlements Conveyed	Total
Residential	**Approved in D.O. - Residential Dwelling Units**			**600 DU**
	D.R. Horton, Inc.	48 DU	552 DU**	600 DU
	Remaining Allowable Quantities - Residential Dwelling Units			**- DU**

** 552 remaining Residential Dwelling Units shall be converted from office, retail or hotel space as Certificates of Occupancy are issued for future residential dwelling units

Hotel

Land Use	Land Owner	Entitlements Under Construction or Completed	Unused Entitlements Conveyed	Total
Hotel	**Approved in D.O. - Hotel Rooms**			**750 rooms**
	McKibbon Hotel Development			
	Courtyard by Marriott	81	0	81
	Murphco of Florida, Inc.			
	Hampton Inn & Suites	220	0	220
		301 rooms	0	301 rooms
	Remaining Allowable Quantities - Hotel Rooms			**449 rooms**

Specialty Retail

Land Use	Land Owner	Entitlements Under Construction or Completed	Unused Entitlements Conveyed	Total
	Approved in D.O. - Specialty Retail			**145,000 sf**
	HD Fletcher, LLC	4,725 sf	3,275 sf	8,000 sf
	Circle K / Shell Oil Station	1,300 sf	3,700 sf	5,000 sf
	MEG Corp / Dunkin Donuts	2,025 sf	1,975 sf	4,000 sf
	Sovereign WE LLC / Wendy's	3,440 sf	(240) sf	3,200 sf
		11,490 sf	8,710 sf	20,200 sf
	Remaining Allowable Quantities - Specialty Retail			**124,800 sf**

City of Tampa

Exhibit D

Development Order Requirements if Developer converts approved land uses for residential
Hidden River Corporate Park

Build Out Year: 12/31/2010
Development Order Termination Date: 12/31/2015

Item #	Condition	Date	Dollars	Action Required by D.O.	Developer Action
E	Convert portion of project to residential use D.R. Horton related November 1, 2007	On-Going		Developer convey 1.5 acre site to City of Tampa Fire Department (Phase 3C, Lot 3)	Developer has been working with the City of Tampa Fire Department on the conveyance of a 1.5 acre site to the City of Tampa Fire Department. They do not have a need for any site at Hidden River and have agreed that Crescent sell the parcel designated for the Fire Department to a third party and contribute the proceeds from the sale to the City of Tampa Fire Department.
F	Convert portion of project to residential use D.R. Horton related November 1, 2007	8/11/2006	$159,660	Contribution to City of Tampa Parks Department	This condition has been satisfied with the payment of $159,660 to the City of Tampa by Crescent Resources, LLC on 8/11/2006.
G	Convert portion of project to residential use November 1, 2007	D.R. Horton	D.R. Horton	Comply with Hillsborough County school impact fee ordinance	Action required by D.R. Horton
H (i) (1)	Prior to issuance of CO for any new residential or office development with direct access to Hidden River Parkway	8/11/2006	$200,000	Payment to City of Tampa for Cross Creek Blvd. intersection improvements by City	This condition has been satisfied with the payment of $200,000 to the City of Tampa by Crescent Resources, LLC on 8/11/2006.
Hidden River Parkway / Fletcher Avenue Intersection Improvements					
H (i) (2) H (i) (3) H (i) (4)		On-Going		▪ EB left turn lane on Fletcher ▪ SB left turn lane on Hidden River Parkway ▪ Traffic signal improvements for new turning movements	Crescent has submitted construction plans to Hillsborough County for the improvements outlined Crescent continues to respond to Hillsborough County questions and is still waiting for the County to issue a permit. Recognizing the improvements are required to be completed prior to the issuance of any Certificate of Occupancy for any new construction, Crescent has provided a performance bond in a form acceptable to the City of Tampa in order to comply and satisfy this condition.

H (ii) H (ii) (1) H (ii) (2) H (ii) (3) H (ii) (4)	After 125 SB left turn trips in PM peak hour or 200 EB left turn trips in AM peak hour			Traffic Signal Warrant Study, if warranted and approved, Developer to construct/install: ▪ EB left turn lane and restripe for dual left turn lanes ▪ SB left turn lane through restriping ▪ WB through lane from SB on ramp to I-75 to central entrance by adding continuous right turn lane ▪ New signalization for new and additional turning movements	According to the Traffic Counts completed in 8/07, as required and submitted with the 2006/2007 Annual Report have not exceeded the volume thresholds that would require improvements. Traffic Counts will be conducted on an annual basis to monitor the need for improvements to the central entrance.
H (iii) (1) H (iii) (2) H (iii) (3) (a)	Prior to issue of CO for any new project with direct access to Parkedge Drive (Phase V) after Parkedge Drive is connected to Hidden River Parkway			▪ SB left turn lane on Parkedge Drive through restriping ▪ Add EB left turn lane on Fletcher if intersection is signalized through restriping ▪ After 125 SB left turn trips in PM peak hour or 200 EB left turn trips in AM peak hour - a traffic signal is warranted and if required, a 3rd WB through right turn lane from I-75 ramp to Parkedge Drive is required	According to the Traffic Counts completed in 8/07, as required and submitted with the 2006/2007 Annual Report have not exceeded the volume thresholds that would require improvements. Traffic Counts will be conducted on an annual basis to monitor the need for improvements to the central entrance. There is also no construction activity within along Parkedge Drive.
H (iv)	FDOT I-75 Ramp Signal	12/28/2006	$ 49,000	Cash payment	This condition has been satisfied with the payment of $49,000 to the FDOT by Crescent Resources, LLC on 12/28/06.
H (v)	Residential Use - impact fee assessment			Utilize existing transportation impact fee credits on account with City	
H (vi)	Sidewalk along Fletcher between between Parkedge Drive and Hidden River Parkway (main entrance)				The sidewalk construction has been submitted to Hillsborough County along with the intersection improvements and all will be completed as soon as permits are granted by Hillsborough County.

108

Holland+Knight

Tel 813 227 8500
Fax 813 229 0134

Holland & Knight LLP
100 North Tampa Street, Suite 4100
Tampa, FL 33602-3644
www.hklaw.com

July 17, 2007

JAMES H. SHIMBERG, JR.
813.227.6412

jim.shimberg@hklaw.com

Susan Johnson
DRI Coordinator
City of Tampa
Land Development Coordination
315 E. Jackson Street, 3rd Floor
Tampa, FL 33602

Re: Hidden River - Development of Regional Impact

Dear Susan:

As you know, DR Horton is currently constructing a new residential project within the Hidden River Development of Regional Impact. House Bill 7203, signed by Governor Crist, provides that all phases, buildout and expiration dates for projects that are developments of regional impact and are under active construction on July 1, 2007 are extended for three (3) years regardless of any prior extension. The three (3) year extension is not a substantial deviation, is not subject to further review, and must not be considered when determining if a subsequent extension is a substantial deviation requiring review as a development of regional impact. Therefore, it is our understanding that the buildout date for the Hidden River DRI has now been extended by 3 years to December 31, 2013 and the new expiration date for the project is December 31, 2015.

Please place this letter into the City's official DRI file for the Hidden River project.

Sincerely,

HOLLAND & KNIGHT LLP

James H. Shimberg, Jr.

JHS:byz

cc: John Meyer, Tampa Bay Regional Planning Council
Rick McLaughlin, Crescent Resources
Robert "Whit" Duncan, Crescent Resources

4671936_v1

CITY OF TAMPA

Pam Iorio, Mayor

Office of the City Clerk

Shirley Foxx-Knowles
City Clerk

February 22, 2005

Tampa Bay Regional Planning Council
Attention: John Meyer
4000 Gateway Centre, Suite 100
Pinellas Park, FL 33782

File No. DZ85-52 Hidden River Corporate Park DRI

Dear Sir:

The City Council of the City of Tampa met in regular session on February 10, 2005 at 9:00 a.m. During that session, the enclosed ordinance was adopted regarding the above listed petition. This ordinance is being transmitted for your information and record keeping process.

If you have any questions, please contact my office or the office of Land Development Coordination, at (813) 274-8405.

Sincerely,

Shirley Foxx-Knowles
SB

Shirley Foxx-Knowles
City Clerk

SFK/sb

Enclosure: Certified Copy of Ordinance 2005-44
CERTIFIED MAIL

315 E. Kennedy Blvd., Third Floor • Tampa, Florida 33602 • (813) 274-8397 • FAX: (813) 274-8306

TampaGov
www.tampagov.net

cc: TBRPC 4

ORDINANCE NO. 2005-44

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY CRESCENT RESOURCES, INC. FOR HIDDEN RIVER CORPORATE PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 8969-A, passed and ordained by the City Council of the City of Tampa, Florida (the "City Council"), on August 8, 1985 approved a development order for Hidden River Corporate Park (the "Development"), a Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 90-02, passed and ordained by the City Council on January 11, 1990, approved a first amendment to the Development Order (hereinafter said ordinance shall be referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 90-10, passed and ordained by the City Council on January 25, 1990, approved a second amendment to the Development Order (hereinafter said ordinance shall be referred to as the "Second Amendment"); and

WHEREAS, Ordinance No. 91-72, passed and ordained by the City Council on April 25, 1991, approved a third amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Third Amendment"); and

WHEREAS, Ordinance No. 92-129, passed and ordained by the City Council on August 6, 1992, approved a fourth amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Fourth Amendment"); and

WHEREAS, Ordinance No. 93-101, passed and ordained by the City Council on July 29, 1993, approved a fifth amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Fifth Amendment")

WHEREAS, Ordinance No. 96-104, passed and ordained by the City Council on May 23, 1996, approved a sixth amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Sixth Amendment")(hereinafter, the Development Order, as amended by the First,

Certified as true and correct copy

Second, Third, Fourth, Fifth and Sixth Amendments, shall collectively referred to as the "Development Order" unless the context expressly provides otherwise); and

WHEREAS, on June 23, 2004, Crescent Resources, Inc. (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, for the Hidden River Corporate Park DRI (the "Notification of Change"); and

WHEREAS, on September 29, 2004 and on November 17, 2004, the Developer filed supplemental responses to agency comments on the Notification of Change (the "Supplemental Responses") (the Notification of Change and Supplemental Responses shall hereinafter together be referred to as the "Notice of Change"); and

WHEREAS, the Notice of Change proposed to amend the Development Order to extend the buildout year for Revised Phase I by five (5) years to December 31, 2010; to extend the termination date of the Development Order by five (5) years to December 31, 2015; and to amend the Equivalency Matrix to allow multi-family use as a permitted use in exchange for previously approved uses, all as more particularly set forth in the Notice of Change (hereinafter said changes shall collectively be referred to as the "Proposed Changes"); and

WHEREAS, the Proposed Changes to the Development Order shall constitute the Seventh Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the Notice of Change as well as all related testimony and evidence submitted by the Developer concerning the Proposed Changes; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Changes and to amend the Development Order; and

WHEREAS, the public notice requirements have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Changes before the City Council; and

WHEREAS, the City Council has reviewed and considered the above-referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

Certified as true and correct copy

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notice of Change, attached hereto as Composite Exhibit "A" and incorporated herein by reference, which proposed an extension of the project's buildout year for Phase I by five (5) years to December 31, 2010; an extension of the termination date of the Development Order by five (5) years to December 31, 2015; and a revision to the Equivalency Matrix to allow residential use as an approved use with a corresponding reduction in office or commercial use (hereinafter, the proposed changes shall collectively be referred to as the "Proposed Changes").

B. That the Proposed Changes are consistent with the State Comprehensive Plan.

C. That the Proposed Changes are consistent with all local land development regulations and the local comprehensive plan.

D. That the Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

E. That the Proposed changes are consistent with the Report and Recommendations of the Tampa Bay Regional Planning Council.

F. That the Proposed Changes are presumed to create a substantial deviation under Subsection 380.06, Florida Statutes.

G. That a comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City and the Tampa Bay Regional Planning Council.

Certified as true and correct copy

H. That while the Proposed Changes are presumed to create a substantial deviation pursuant to the criteria set forth in Subsection 380.06(19), Florida Statutes, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of law:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. That the review by the City, the Tampa Bay Regional Planning Council and other participating agencies and interested citizens concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.

C. That based upon the analyses which are part of Composite Exhibit "A" and the record of the proceedings, and the conditions contained herein, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.

D. That based on the foregoing and pursuant to Subsection 380.06(19), Florida Statutes, the Proposed Changes are found not to be a substantial deviation to the previously approved Development Order.

Section 3. Order. That having made the above findings of fact, and conclusions of law, it is ordered:

A. That the Proposed Changes are hereby approved and the Development Order is hereby amended to incorporate the Notice of Change;

B. The project's buildout year for Revised Phase I is hereby extended by five (5) years to December 31, 2010;

C. The termination date of the Development Order is hereby extended by five (5) years to December 31, 2015;

D. The Development Order is hereby amended to revise the Equivalency Matrix (provided in Table 1B of the NOPC) to allow residential use as an approved use with a corresponding reduction in office or commercial uses.

Certified as true and correct copy

The use of the Equivalency Matrix is limited to the following minimums and maximums:

Land Use	Minimum	Maximum
Office	2,000,000 Sq. Ft.	3,100,000 Sq. Ft.
Hotel	200 Rooms	1,500 Rooms
Specialty Retail	50,000 Sq. Ft.	200,000 Sq. Ft.
Multi-Family Residential	0 units	600 units

["Specialty Retail" uses, as previously approved in the Development Order, as amended, includes those uses allowed for under the definition of "Specialty Retail" (Land Use Code 814)) contained in the Institute of Transportation Engineers, Trip Generation, January 1991 (5th Edition). As indicated in the approved Development Order, as amended, such approved "Specialty Retail" uses include a variety of multiple users such as specialty retail centers containing restaurants, clothiers, office suppliers, computer products sales, travel agencies, and similar uses, as well as outparcels containing banks, restaurants, service stations and similar structures.] At the time of selection of a land use exchange under the Equivalency Matrix, the Developer shall notify the Department of Community Affairs (DCA) and the Tampa Bay Regional Planning Council (TBRPC) of said selection and shall also provide DCA, TBRPC and the City with cumulative land use totals and remaining allowable quantities. This condition shall not be construed as a requirement for an approval of a particular land use exchange so long as the desired exchange is consistent with the formula set forth in the Equivalency Matrix;

E. If the Developer elects to convert a portion of the project to residential uses, the Developer shall convey a site approximately 1 1/2-acres in size to the City of Tampa Fire Department. The site must be acceptable to the City and will qualify for fire impact fee credits if the City adopts an ordinance in the future requiring the payment of fire impact fees on new development;

F. If the Developer elects to convert a portion of the project to residential uses, the Developer shall contribute $26,610 per acre for 6 acres of park land to the City Parks Department after the first 300 residential units are developed. The donation will qualify for park impact fee credits if the City adopts an ordinance in the future requiring the payment of park impact fees on new development;

G. If the Developer elects to convert a portion of the project to residential uses, the Developer will comply with the Hillsborough County school impact fee ordinance;

Certified as true and correct copy

H. Add to Condition 3.(D)(c) of the Development Order the following condition:

(i) Prior to the issuance of any Certificate of Occupancy for any new residential or office building development with direct access to Hidden River Parkway, the Developer shall provide at the Developer's expense, the following improvements:

(1) Pay $200,000 to the City of Tampa to use for either improvements at the intersection of Morris Bridge Road and Cross Creek Boulevard or other Cross Creek Boulevard widening improvements that the City deems necessary;

(2) Install an EB left turn lane on Fletcher Avenue at the eastern intersection of Hidden River Parkway and Fletcher Avenue. This improvement will provide dual EB left turn lanes at the eastern intersection of Hidden River Parkway and Fletcher Avenue.

(3) Install a SB left turn lane on Hidden River Parkway at the eastern intersection of Hidden River Parkway and Fletcher Avenue. This improvement will provide dual SB left turn lanes at the eastern intersection of Hidden River Parkway and Fletcher Avenue.

(4) Provide signalization head improvements to accommodate the new turning movements described in 3.(D)(c)(i)(2) and (3) above.

(ii) After 125 southbound left-turn trips in the PM peak-hour (outbound) or 200 eastbound left-turn trips in the AM peak-hour (inbound) are observed through annual monitoring by the Developer at the western intersection of Fletcher Avenue and Hidden River Parkway (central entrance), the Developer shall conduct a traffic signal warrant study. If a traffic signal is warranted and approved, the Developer shall design and construct/install, at the Developer's expense, the following improvements:

(1) Install a EB left turn lane and restripe to accommodate dual left turns. This improvement will provide dual EB left turn lanes at the western intersection of Hidden River Parkway and Fletcher Avenue (central entrance).

(2) Install a SB left turn lane at the western intersection of Hidden River Parkway and Fletcher Avenue (central entrance). This improvement may be accomplished through re-striping.

Certified as true and correct copy

(3) Construct an additional WB through lane commencing at the SB on-ramp from I-75 and ending at Hidden River Parkway (central entrance) by adding a continuous right turn lane.

(4) Provide signalization to accommodate new and existing turning movements described in 3.(D)(c)(ii)(1), (2) and (3)above.

(iii) Prior to issuance of any Certificate of Occupancy for any new project with direct access to Parkedge Drive, after Parkedge Drive is connected to Hidden River Parkway, the Developer shall design and construct, at Developer's expense, the following improvements:

(1) Install a SB left turn lane on Parkedge Drive at the intersection of Parkedge Drive and Fletcher Avenue. This improvement may be accomplished through re-striping.

(2) Construct an additional EB left turn lane at the intersection of Parkedge Drive and Fletcher Avenue, if the intersection is signalized. This improvement may be accomplished through re-striping.

(3) After 125 southbound left-turn trips in the PM peak-hour (outbound) or 200 eastbound left-turn trips in the AM peak-hour (inbound) are observed through annual monitoring by the Developer at the Fletcher Avenue and Parkedge Drive intersection, the Developer shall conduct a traffic signal warrant study. If a traffic signal is warranted and installed, the Developer shall design and construct/install, at the Developer's expense, the following improvements:

a. Construct a third WB through/right turn lane from the I-75 ramp to the new traffic signal at Parkedge Drive and Fletcher Avenue

(iv) The Developer shall also pay $49,000 to FDOT for I-75 ramp signalization when warranted and requested by FDOT.

(v) Any residential use of the Hidden River property will be assessed transportation impact fees pursuant to the City's Transportation Impact Fee Ordinance. The Developer may utilize any transportation impact fee credits it has available on account with the City within the same transportation impact fee district as the Hidden River property.

(vi) The Developer shall install a sidewalk along Fletcher Avenue between Hidden River Parkway East and Parkedge Drive before

Certified as true and correct copy

certificates of occupancy are issued for any new residential development in the Project.

I. That Section 6 of the Development Order is hereby amended to provide that the Order shall remain in effect until December 31, 2015;

J. The findings of fact and conclusions of law made in the Development Order are hereby reaffirmed and are incorporated herein by reference, provided, however, that to the extent that a finding of fact or conclusion of law in the original Development Order, or any amendment thereto, conflicts with another finding or conclusion in a different amendment, the more recent in time shall control.

Section 4. Development Order as Amended. This Ordinance shall constitute the Seventh Amendment to Ordinance No 8969-A, as previously amended by Ordinance No. 90-02, Ordinance No. 90-10, Ordinance No. 91-72, Ordinance No. 92-129, Ordinance No. 93-101, and Ordinance No. 96-104, which shall constitute collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Developer, it's assigns, and its successors in interest.

Section 7. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 8. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Certified as true and correct copy

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its being passed and ordained by the City Council, to the Developer, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 10. Rendition. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 11. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 12. Effective Date. That this Ordinance shall become a law as provided in the City of Tampa Home Rule Charter and shall take effect upon transmittal to the parties specified in Section 9 hereof.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON FEB 10 2005.

Gwendolyn M. Miller

CHAIRMAN\CHAIRMAN PRO-TEM
CITY COUNCIL

ATTEST:

Shirley Foxx-Knowles

CITY CLERK\DEPUTY CITY CLERK

APPROVED BY ME ON FEB 11 2005

Pam Iorio

PAM IORIO, MAYOR

PREPARED BY AND APPROVED
AS TO LEGAL SUFFICIENCY:

MORRIS C. MASSEY
CHIEF ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough
This is to certify that the foregoing is a true and correct copy of Ordinance 2005-44 on file in my office
Witness my hand and official seal this 21st day of February 20 05
Shirley Foxx-Knowles
CITY CLERK/DEPUTY CITY CLERK

CITY OF TAMPA

Janett S. Martin, City Clerk

Office of City Clerk

May 29, 1996

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

Re: File No. DZ85-52
Ordinance No. 96-104

Dear Sirs:

The enclosed ordinance was adopted by the City Council on May 23, 1996. We are transmitting a certified copy of the ordinance to you for your final record.

If you have any questions, please contact my office at 274-8396.

Sincerely,

Janett S. Martin /ssm

(Mrs.) Janett S. Martin
City Clerk

JSM/ssm

Enclosure: Ordinance No. 96-104 - Kearny Street Real Estate Company, L.P. for Hidden River Corporate Park

315 E. Kennedy Blvd., City Hall ● Tampa, Florida 33602 ● PHONE 813/274-8396 ● FAX 813/274-8306

CC Cert. Mail
TBRPC

ORDINANCE NO. 96-104

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY KEARNY STREET REAL ESTATE COMPANY, L.P. FOR HIDDEN RIVER CORPORATE PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 8969-A, passed and ordained by the City Council of the City of Tampa, Florida (the "City Council"), on August 8, 1985 approved a development order for Hidden River Corporate Park (the "Development"), a Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 90-02, passed and ordained by the City Council on January 11, 1990, approved a first amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 90-10, passed and ordained by the City Council on January 25, 1990, approved a second amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Second Amendment"); and

WHEREAS, Ordinance No. 91-72, passed and ordained by the City Council on April 25, 1991, approved a third amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Third Amendment"); and

WHEREAS, Ordinance No. 92-129, passed and ordained by the City Council on August 6, 1992, approved a fourth amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Fourth Amendment"); and

WHEREAS, Ordinance No. 93-101, passed and ordained by the City Council on July 29, 1993, approved a fifth amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Fifth Amendment")(hereinafter, the Development Order, as amended by the First, Second, Third, Fourth and Fifth Amendments, shall collectively be referred to as the "Development Order" unless the context expressly provides otherwise); and

WHEREAS, on October 2, 1995, Kearny Street Real Estate Company, L.P. (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact

Certified True
and Correct Copy

(DRI) Subsection 380.06(19), Florida Statutes, for the Hidden River Corporate Park DRI (the "Notification of Change"); and

WHEREAS, on March 28, 1996, and May 1, 1996, the Developer filed supplemental responses to agency comments on the Notification of Change (the "Supplemental Responses") (the Notification of Change and Supplemental Responses shall hereinafter together be referred to as the "Notice of Change"); and

WHEREAS, the Notice of Change proposed to amend the Development Order to change the project's current phase designations by changing the project to a two phase development by combining specifically approved Phase I with specifically approved Phase II as "Revised Phase I" and by redesignating Phase III as "Revised Phase II"; to extend the buildout date of Revised Phase I to December 31, 2005; to eliminate the Fletcher Avenue Required Improvement; to include an Equivalency Matrix to allow for the simultaneous exchange of previously approved land uses; and to extend the termination date of the Development Order to December 31, 2010, all as more particularly set forth in the Notice of Change (hereinafter said changes shall collectively be referred to as the "Proposed Changes"); and

WHEREAS, the Proposed Changes to the Development Order shall constitute the Sixth Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the Notice of Change as well as all related testimony and evidence submitted by the Developer concerning the Proposed Changes; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Changes and to amend the Development Order; and

WHEREAS, the public notice requirements have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Changes before the City Council; and

WHEREAS, the City Council has reviewed and considered the above-referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

Certified as true
and correct copy

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notice of Change, attached hereto as Composite Exhibit "A" and incorporated herein by reference, which proposed a change to the project's current phase designations by changing the project to a two phase development by combining specifically approved Phase I with specifically approved Phase II as "Revised Phase I" and by redesignating Phase III as "Revised Phase II"; an extension of the buildout date of Revised Phase I to December 31, 2005; to eliminate the Fletcher Avenue Required Improvement; to include an Equivalency Matrix to allow for the simultaneous exchange of previously approved land uses; and to extend the termination date of the Development Order to December 31, 2010, all as more particularly set forth in the Notice of Change (hereinafter, the proposed changes shall collectively be referred to as the "Proposed Changes").

B. That the Proposed Changes are consistent with the State Comprehensive Plan.

C. That the Proposed Changes are consistent with all local land development regulations and the local comprehensive plan.

D. That the Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

E. That the Proposed Changes are consistent with the Report and Recommendations of the Tampa Bay Regional Planning Council.

F. That the Proposed Changes are presumed to create a substantial deviation under Subsection 380.06, Florida Statutes.

G. That a comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City and the Tampa Bay Regional Planning Council.

H. That the Proposed Changes do not create additional regional impacts or impacts that were not previously reviewed nor do they meet or exceed any of the criteria set forth in Subsection 380.06(19)(b), Florida Statutes.

Certified as true
and correct copy.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of law:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. That the review by the City, the Tampa Bay Regional Planning Council and other participating agencies and interested citizens concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.

C. That based upon the analyses which are part of Composite Exhibit "A" and the record of the proceedings, and the conditions contained herein, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.

D. That based on the foregoing and pursuant to Subsection 380.06(19), Florida Statutes, the Proposed Changes are found not to be a substantial deviation to the previously approved Development Order.

Section 3. Order. That having made the above findings of fact, and conclusions of law, it is ordered:

A. That the Proposed Changes are hereby approved and the Development Order is hereby amended to incorporate the Notice of Change;

B. Phase I and Phase II are hereby consolidated into a single phase as "Revised Phase I", and Phase III is hereby redesignated as "Revised Phase II"; it is the intent of this Order that all references in the existing Development Order to "Phase I" or "Phase II" shall be amended to refer to "Revised Phase I", and that all references in the existing Development Order to "Phase III" shall be amended to refer to "Revised Phase II";

C. The date of buildout of Revised Phase I is hereby extended to December 31, 2005;

D. The Development Order is hereby amended to eliminate the Fletcher Avenue Required Improvement (which is referred to in subsections 4.D.(3)(a)(iii)-(vii) of the existing Development Order as the "Required Improvement"); accordingly, subsection 4.D.(3)(a)(i) of the existing Development Order is amended to provide the revised Pipeline Proportionate Share Amount of

Certified as true and correct copy.

$740,624.00, and subsections 4.D.(3)(a)(iii)-(vii) of the existing Development Order are deleted in their entirety;

E. The Development Order is hereby amended to include an Equivalency Matrix, attached hereto as Exhibit "B" and incorporated herein, which allows for the simultaneous exchange of previously approved land uses under the Development Order. The use of the Equivalency Matrix is limited to the following minimums and maximums:

Land Use	Mimimum	Maximum
Office	2,000,000 Sq. Ft.	3,100,000 Sq. Ft.
Hotel	200 Rooms	1,500 Rooms
Specialty Retail	50,000 Sq. Ft.	200,000 Sq. Ft.

["Specialty Retail" uses, as previously approved in the Development Order, as amended, includes those uses allowed for under the definition of "Specialty Retail" (Land Use Code 814) contained in the Institute of Transportation Engineers, Trip Generation, January 1991 (5th Edition). As indicated in the approved Development Order, as amended, such approved "Specialty Retail" uses include a variety of multiple retail users such as specialty retail centers containing restaurants, clothiers, office suppliers, computer products sales, travel agencies, and similar uses, as well as outparcels containing banks, restaurants, service stations and similar structures.]. At the time of selection of a land use exchange under the Equivalency Matrix, the Developer shall notify the Department of Community Affairs (DCA) and the Tampa Bay Regional Planning Council (TBRPC) of said selection and shall also provide DCA, TBRPC and the City with cumulative land use totals and remaining allowable quantities. This condition shall not be construed as a requirement for an approval of a particular land use exchange so long as the desired exchange is consistent with the formula set forth in the Equivalency Matrix;

F. That Section 6 of the Development Order is hereby amended to provide that the Order shall remain in effect until December 31, 2010;

G. The findings of fact and conclusions of law made in the Development Order are hereby reaffirmed and are incorporated herein by reference, provided, however, that to the extent that a finding of fact or conclusion of law in the original Development Order, or any amendment thereto, conflicts with another finding or conclusion in a different amendment, the more recent in time shall control.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Sixth Amendment to Ordinance No. 8969-A, as previously amended by Ordinance No. 90-02, Ordinance No. 90-10, Ordinance No. 91-72, Ordinance No. 92-129, and Ordinance 93-101, which shall constitute, collectively, the Development Order for the

Certified as true and correct copy.

Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

Section 7. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 8. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its being passed and ordained by the City Council, to the Developer, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 10. Rendition. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 11. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 12. Effective Date. That this Ordinance shall become a law as provided in the City of Tampa Home Rule Charter and shall take effect upon transmittal to the parties specified in Section 9 hereof.

Certified as true
and correct copy

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON MAY 23 1996.

CHAIRMAN, CITY COUNCIL PRO-TEM

Approved by me MAY 24 1996

ATTEST:

CITY CLERK

ACTING MAYOR

APPROVED as to form by:

ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ord. No 96-104 on file in my office
Witness my hand and official seal this 29th day of May, 19 96.

JANETT S. MARTIN, CITY CLERK

BY:

SANDRA S. MARSHALL, DEPUTY CITY CLERK

5/01/96

CITY OF TAMPA

Frances Henriquez, City Clerk

Office of City Clerk

August 6, 1993

Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg FL 32702

RE: File No. DZ85-52
Ordinance No. 93-101

Dear Sirs:

The enclosed document is being transmitted for your information and record keeping process.

If further information is needed, please contact the Land Development Coordination Office, 223-8405.

Sincerely,

(Mrs.) Frances Henriquez
City Clerk

FH/gg

Enclosure

Certified Mail

mailed 8/6/93
received 8/10/93

cc: Land Development Coordination

TBRP
Cert Copy

ORDINANCE NO. 93-101

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY HIDDEN RIVER CORPORATE PARK, LTD. FOR HIDDEN RIVER CORPORATE PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 8969-A, passed and ordained by the City Council of the City of Tampa, Florida (the "City Council"), on August 8, 1985 approved a development order for Hidden River Corporate Park (the "Development"), a Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 90-02, passed and ordained by the City Council on January 11, 1990, approved a first amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 90-10, passed and ordained by the City Council on January 25, 1990, approved a second amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Second Amendment"); and

WHEREAS, Ordinance No. 91-72, passed and ordained by the City Council on April 25, 1991, approved a third amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Third Amendment"); and

WHEREAS, Ordinance No. 92-129, passed and ordained by the City Council on August 6, 1992, approved a fourth amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Fourth Amendment"); and

WHEREAS, on March 2, 1993, Hidden River Corporate Park, Ltd. (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for the Hidden River Corporate Park DRI (the "Notification"); and

WHEREAS, on April 17, 1993, Hidden River Corporate Park, Ltd. filed a Sufficiency Response (hereinafter the Notification together with this Sufficiency Response shall collectively be referred to as the "Notice of Change") in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the Notice of Change proposed to amend the Development Order, as previously amended by the First, Second, Third and Fourth Amendments, to provide an extension of the dates to commence and complete the acquisition of right-of-way and permits for, and the design and construction of, the Required Improvement, as that term is defined in Development Order Condition 4.D.(3)(a)(iii) (hereinafter said change shall be referred to as the "Proposed Change"); and

WHEREAS, the Proposed Change to the Development Order, as previously amended by the First, Second, Third and Fourth Amendments, shall constitute the Fifth Amendment to the Development Order; and

Certified as true
and correct copy.

WHEREAS, the City Council has reviewed and considered the Notice of Change as well as all related testimony and evidence submitted by the Developer concerning the Proposed Change; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Change and to amend the Development Order, as previously amended by the First, Second, Third and Fourth Amendments; and

WHEREAS, the public notice requirements have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Change before the City Council; and

WHEREAS, the City Council has reviewed and considered the above-referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notice of Change, attached hereto as Composite Exhibit "A" and incorporated herein by reference, which requested an extension of the construction completion date for the Required Improvement (hereinafter all proposed modifications as set forth in the Notice of Change shall be referred to as the "Proposed Change").

B. That the Proposed Change is consistent with all local land development regulations and the local comprehensive plan.

C. That the Proposed Change does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

D. That the Proposed Change is consistent with the Report and Recommendations of the Tampa Bay Regional Planning Council.

E. That a comprehensive review of the impacts generated by the Proposed Change has been conducted by the City and the Tampa Bay Regional Planning Council.

Certified as true
and correct copy.

F. That the Proposed Change does not create additional regional impacts or impacts that were not previously reviewed nor meet or exceed any of the criteria set forth in Subsection 380.06(19)(b), Florida Statutes.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of law:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. That the review by the City, the Tampa Bay Regional Planning Council and other participating agencies and interested citizens concludes that the impacts of the Proposed Change are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.

C. That based on the foregoing and pursuant to Subsection 380.06(19), Florida Statutes, the Proposed Change is found not to be a substantial deviation to the previously approved Development Order, as amended by the First, Second, Third and Fourth Amendments.

Section 3. Order. That having made the above findings of fact, and conclusions of law, it is ordered:

A. That the Proposed Change is hereby approved and the Development Order, as amended by the First, Second, Third and Fourth Amendments, is hereby amended to incorporate the Notice of Change.

B. That Condition 4.D.(3)(a)(vi) of the Development Order, as amended by the First Amendment, is hereby restated in its entirety as follows:

> Design of the Required Improvement has been completed. The Developer has commenced acquisition of necessary right-of-way and permits for the Required Improvement and Developer shall complete same within eight (8) months of issuance of this Order. Upon acquisition of necessary right-of-way, permits and approvals the Developer shall commence construction of the Required Improvement and shall complete same by no later than December 31, 1995. The Required Improvement shall be completed regardless of cost.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Fifth Amendment to Ordinance No. 8969-A, as previously amended by Ordinance No. 90-02, Ordinance No. 90-10, Ordinance No. 91-72, and Ordinance No. 92-129, which shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Certified as true and correct copy.

Section 5. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

Section 7. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 8. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its being passed and ordained by the City Council, to the Developer, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 10. Rendition. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 11. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 12. Effective Date. That this Ordinance shall take effect immediately upon being rendered in accordance with law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JUL 29 1993.

Joe Gruters
CHAIRMAN, CITY COUNCIL

APPROVED by me AUG 05 1993

ATTEST:

Frances Henriquez
CITY CLERK

Sandra W. Freedman
MAYOR

APPROVED as to form by:

Gina K. G
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 93-101 on file in my office.

Witness my hand and official seal this 6th day of Aug, 19 93.

FRANCES HENRIQUEZ, CITY CLERK
By: [illegible]
Deputy CITY CLERK
CITY CLERK

FORM RPM-BSP-PROPCHANGE-1

Effective Date
11/20/90

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2740 Centerview Drive
Tallahassee, FL 32399
904/488-4925

Certified as true and correct copy.

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, David M. Mechanik, the undersigned authorized representative of Hidden River Corporate Park, Ltd., (developer) hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the Hidden River Corporate Park (original & current project names) development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Tampa (local government), to the Tampa Bay Regional Planning Council, and to the Bureau of Resource Management, Department of Community Affairs.

31/93
(Date)

David M. Mechanik
(Signature)
David M. Mechanik, Authorized Agent
for Hidden River Corporate Park, Ltd.

EXHIBIT "A"

2. **Applicant (name, address, phone).**

Hidden River Corporate Park, Ltd.,
a Florida limited partnership
Attn: Stephen A. Meyers, Vice President
8875 Hidden River Parkway, No. 100
Tampa, Florida 33637-1005
(813) 979-8600

3. **Authorized Agent (name, address, phone).**

David M. Mechanik
Macfarlane Ferguson
2300 First Florida Tower
111 Madison Street
Tampa, FL 33602
(813) 273-4345

4. **Location (City, County, Township/Range/Section) of approved DRI and proposed change.**

Section 36, Township 27 South, Range 19 East, and Section 1, Township 28 South, Range 19 East, City of Tampa, Hillsborough County, Florida.

5. **Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or in the representations contained in either the development order of the application for development approval.**

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

The Developer requests an extension of time for commencement and completion of the "Required Improvement", as defined in Development Order Condition 4.D.(3)(a)(iii). The proposed extension also involves an extension of the time frames for completion of design and commencement and completion of right-of-way and permit acquisition. The requested extensions would modify the schedule set forth in §4.D.(3)(a)(vi) of the Development Order.

The requested extension of the construction completion date of the Required Improvement is to December 31, 1995. This extension will allow the construction of the Required Improvement to coincide with the construction of the State Street Florida DRI (formerly GTE 64) ("State Street") pipeline improvement. The State Street improvement involves a portion of the same roadway segment as the Hidden River Required Improvement. Specifically, the Hidden River Required Improvement consists of a fifth and sixth lane on Fletcher Avenue, from Morris Bridge Road to Telecom Drive East. This

request to synchronize these time frames is necessary since the construction of the State Street improvement is integral to the Hidden River improvement.

A traffic analysis conducted for State Street's extension request for the same segment of roadway shows that the level of service of this segment will be acceptable through December of 1995. (See State Street's Technical Memorandum attached as Exhibit "A".)

This Notice of Proposed Change does not propose a change which involves the master site plan.

6. **Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, please indicate no change.**

No change in land use types or amounts is proposed. Accordingly, the Chart has been omitted as an attachment to this Notice of Proposed Change.

7. **List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?**

The original DRI Development Order for the Hidden River Corporate Park DRI, Ordinance No. 8969-A (the "Development Order"), was adopted by City Council on August 8, 1985.

The first amendment to the Development Order (the "First Amendment"), Ordinance No. 90-02, was adopted by City Council on January 11, 1990. The First Amendment provided an updated Transportation Analysis which was required under the Development Order as a condition of commencement of Phase II, modified Development Order conditions to reflect the Regional Activity Center designation for the area of the City within which the development is located, provided for the addition of an approximately 3.8 acre parcel of land, provided for the deletion of Development Order conditions concerning a transportation study which had since been completed, provided refinements to the master plan (Map H), and provided for an increase in Phase II development totals and a corresponding decrease in Phase III development totals, all as more particularly described in Ordinance No. 90-02 and the attachments thereto.

The second amendment to the Development Order (the "Second Amendment"), Ordinance No. 90-10, was adopted by City Council on January 25, 1990. The Second Amendment provided for an extension of the date of build-out of development of Phase I by a period of two (2) years, eleven (11) months and fifteen (15) days.

The third amendment to the Development Order (the "Third Amendment"), Ordinance No. 91-72, was adopted by City Council on April 25, 1991. The Third Amendment provided for an extension of the date of build-out of development of Phase II by a period of two (2) years, eleven (11) months and fifteen (15) days.

The fourth amendment to the Development Order (the "Fourth Amendment"), Ordinance No. 92-129, was adopted by City Council on August 6, 1992. The Fourth Amendment provided for an extension of the date of build-out of development of Phases I and II by a period of two (2) years.

There has not been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued.

8. **Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.**

Other than the parcel incorporated into the DRI site pursuant to the First Amendment, as described above in the answer to Question 7., the Applicant has not purchased or optioned any lands within 1/4 mile of the original DRI site.

9. **Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.**

The proposed changes are less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.?

YES _____ NO ____X____

10. **Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.**

No, the proposed change will not result in a new buildout date or any phasing date of the project.

11. **Will the proposed change require an amendment to the local government comprehensive plan?**

No amendment to the Future of Hillsborough Comprehensive Plan for the City of Tampa will be required by the proposed change.

12. **Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06(15), F.S., and 9J-2.025, Florida Administrative Code:**

An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

The proposed change does not require revision of the master site plan (Map H) or any other maps of the development.

13. **Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:**

a. **All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;**

The specific language is included in the proposed Amended Development Order for the Hidden River Corporate Park DRI, attached as Exhibit "B" to this Notice of Proposed Change.

b. **An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;**

Not applicable.

c. **A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;**

Not applicable.

d. **A proposed amended development order termination date that reasonably reflects the time required to complete the development;**

No change.

e. **A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and**

No change.

f. **Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025(7), F.A.C.**

Not applicable.

EXHIBIT A

Greiner

Greiner, Inc.
P.O. Box 31646 (33631-3416)
7650 West Courtney Campbell Causeway
Tampa, Florida 33607-1462
(813) 286-1711
FAX: (813) 287-8591

C2662.00
October 28, 1992

Mr. David Mechanik
MacFarlane Ferguson
111 Madison Street
Suite 2300
Tampa, Florida 33602

Reference: **State Street NOPC**

Dear Mr. Mechanik:

Enclosed please find a Technical Memorandum entitled Fletcher Avenue Pipeline Improvement. This document assesses the potential impacts associated with the extension request associated with the pipeline improvement.

The methodology used in this analysis is based on your discussions with DCA and subsequent conversations with me. The analysis concludes that the pipeline improvement will operate at an acceptable level of service in 1995, the requested extension date, and will provide substantial additional capacity for future growth beyond the analysis period.

Sincerely,

GREINER, INC.

Randy Coen
Senior Project Manager

RGC:go

xc: Mark Gentry

OCT 0 6 1992

Greiner

C2662.00

TECHNICAL MEMORANDUM

FLETCHER AVENUE PIPELINE IMPROVEMENT

STATE STREET NOPC

This technical memorandum analyzes the potential impacts of an extension of the construction date of a developer-funded transportation improvement along Fletcher Avenue, generally located between Morris Bridge Road and I-75. The improvement is a Development Order condition of approval and is identified as the "pipeline improvement". The pipeline improvement requires the widening of Fletcher Avenue from four lanes to six lanes as well as the associated widening of the northbound approach of Morris Bridge Road at its intersection with Fletcher Avenue.

The analysis which follows was completed utilizing a methodology requested by the Florida Department of Community Affairs during discussions with the developer's representatives. The analysis requires that the pipeline improvement be assessed with the proposed construction extension date to ensure that the pipeline improvement will operate at an acceptable level of service (LOS D in this case) when completed.

Table 1 which follows presents the projected 1995 p.m. peak hour traffic condition for the pipeline improvement segment of Fletcher Avenue. The table provides 1995 background traffic volumes, State Street project traffic and the resulting level of service. As indicated in the table, the State Street pipeline improvement along Fletcher Avenue (Morris Bridge Road to I-75) will operate at LOS B in 1995.

1995 background traffic was projected using 1991 base traffic count data along Fletcher Avenue and future year traffic volumes using the Hillsborough County/MPO FSUTMS model to develop an annual growth rate for background traffic not associated with the subject development. The future year modelled traffic volumes are based on the existing roadway network and include all appropriate unbuilt portions of other major developments

Table 1
FLETCHER AVENUE LEVEL OF SERVICE

ROADWAY	FROM	TO	LANES/ CLASSIF	DIR	PEAK DIR SV@D (1)	1995 PM PEAK DIR VOLUME (2)	LOS
Fletcher Avenue	Morris Bridge Road	Interstate 75	6LA	EB	2940	2400	B
			6LA	WB	2940	1113	B

1. Source: Detailed LOS calculations performed for GTE 326 NOPC, page B-58, Feb/92, (attached).
2. See appended worksheets for detailed calculation of 1995 volumes.

in the area, as well as general growth in background traffic volumes. Supporting documentation regarding the background traffic volumes are appended.

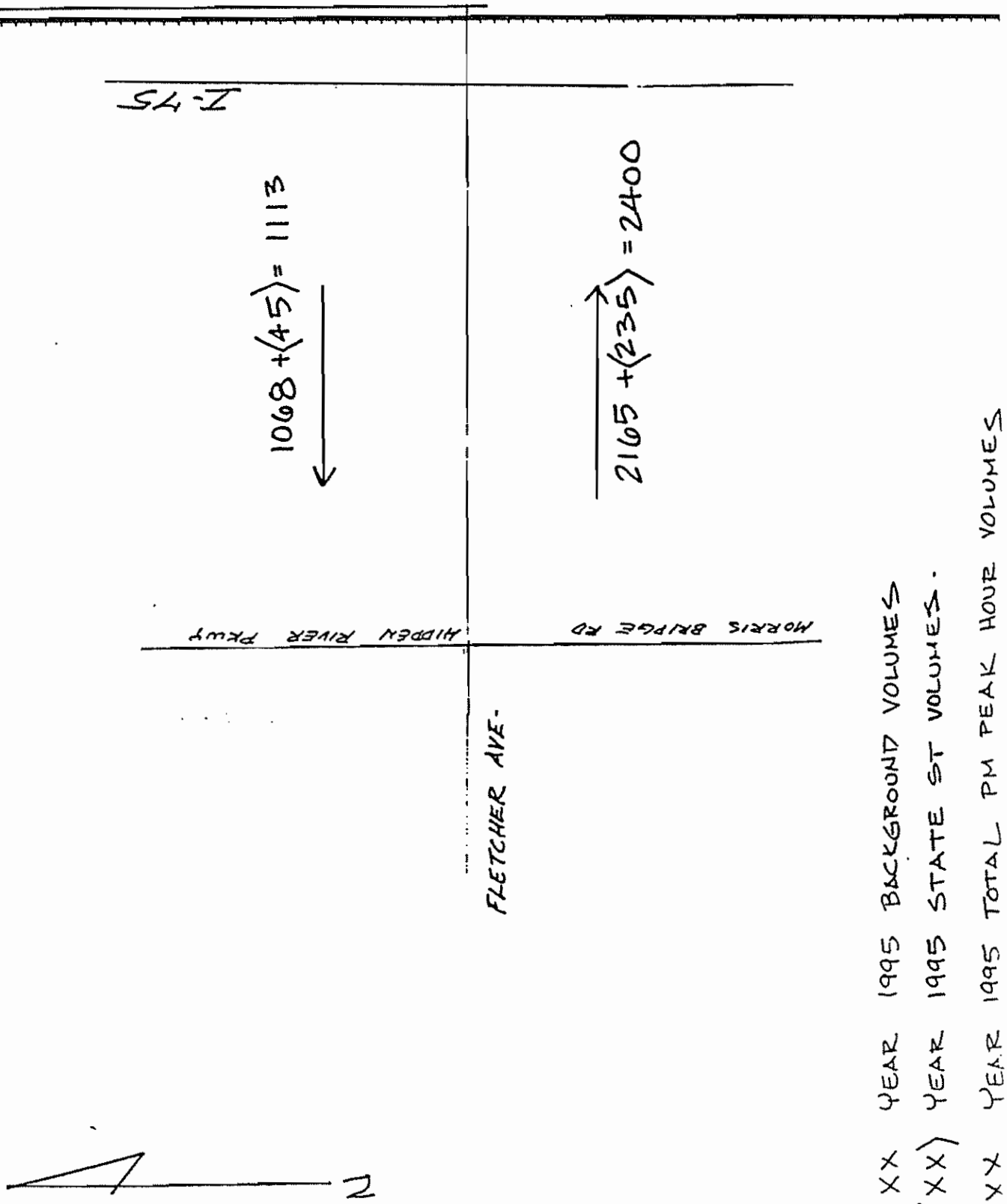
State Street project traffic was projected based on the previous DRI transportation analyses completed for the project. Project traffic volumes for this roadway segment were obtained from Table 9 of the 1989 NOPC document which presents the most recent projection of future year project traffic volumes. Supporting documentation regarding State Street project traffic volumes are appended.

In conclusion, the extension of construction date for the State Street pipeline improvement project to 1995 is consistent with and precedes the buildout date of the project. The pipeline improvement will operate at acceptable level of service when constructed and will provide significant additional capacity for further future growth in traffic volumes along Fletcher Avenue.

APPENDIX

Greiner, Inc.

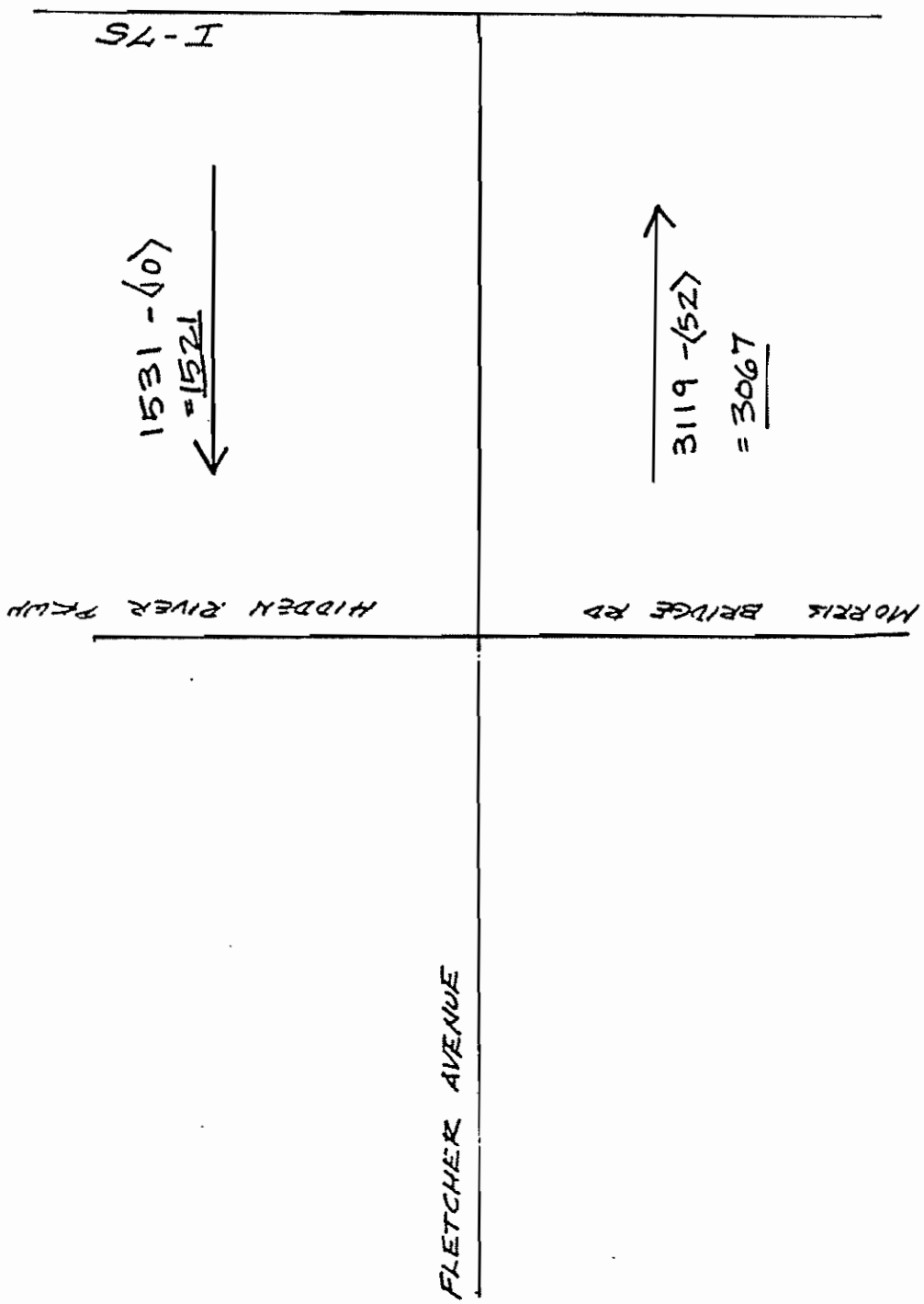
JOB _____ SHEET 1 OF 4 PROJ. NO. _____
DESCRIPTION _____ COMPUTED BY _____ DATE 10/92
CHECKED BY _____ DATE _____



2

Greiner, Inc.

JOB _____ SHEET 2 OF 4 PROJ. NO. _____
DESCRIPTION _____ COMPUTED BY _____ DATE 10/92
CHECKED BY _____ DATE _____

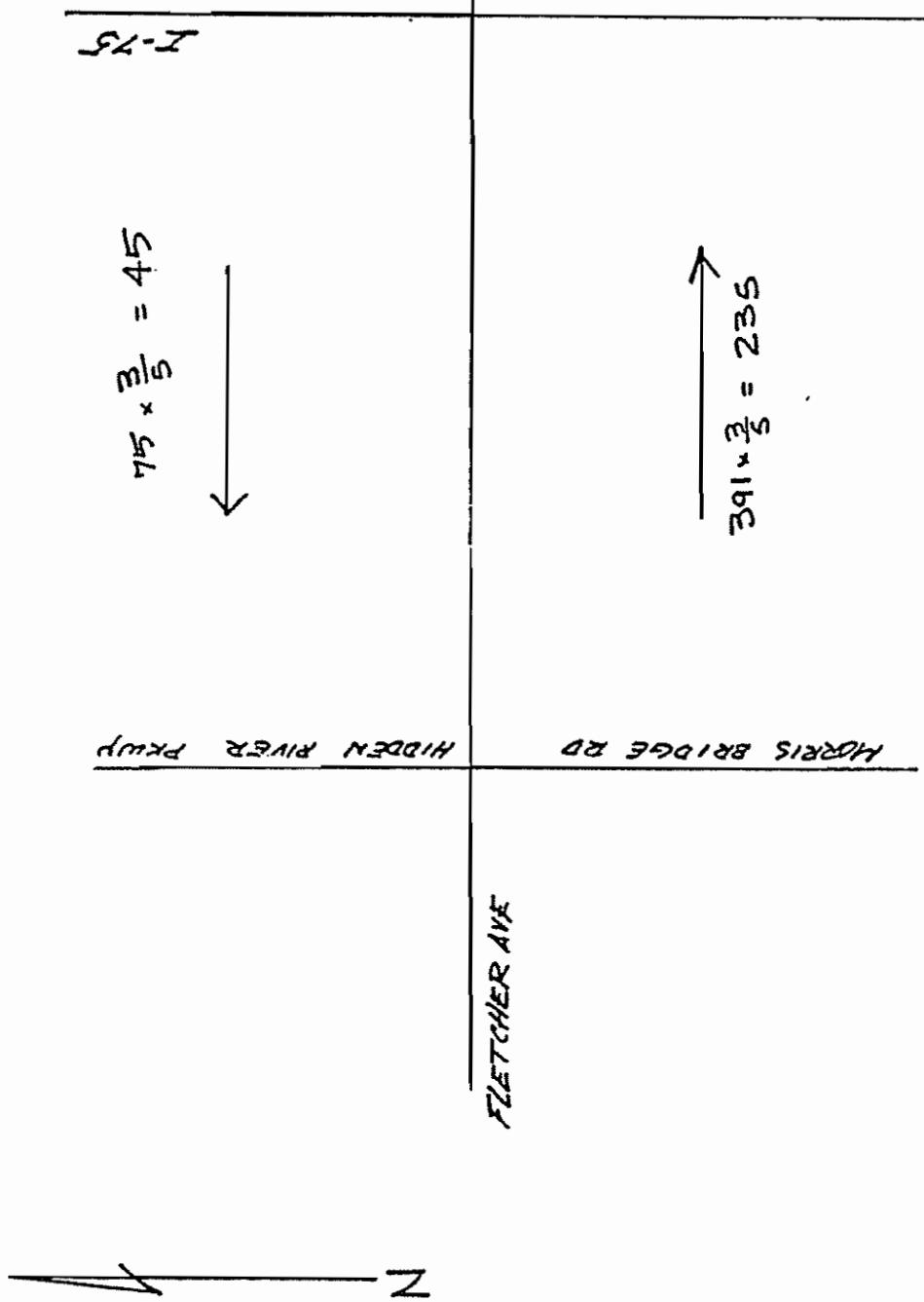


YEAR 2000 FSUTMS VOLUMES (USING a K=0.10, ADT = 46500)
STATE ST FSUTMS VOLUMES, PER MODEL
D = EXISTING, PER COUNTS

XX
(XX)

Greiner, Inc.

JOB _____ SHEET 3 OF 4 PROJ. NO. _____
DESCRIPTION _____ COMPUTED BY _____ DATE 10/92
CHECKED BY _____ DATE _____

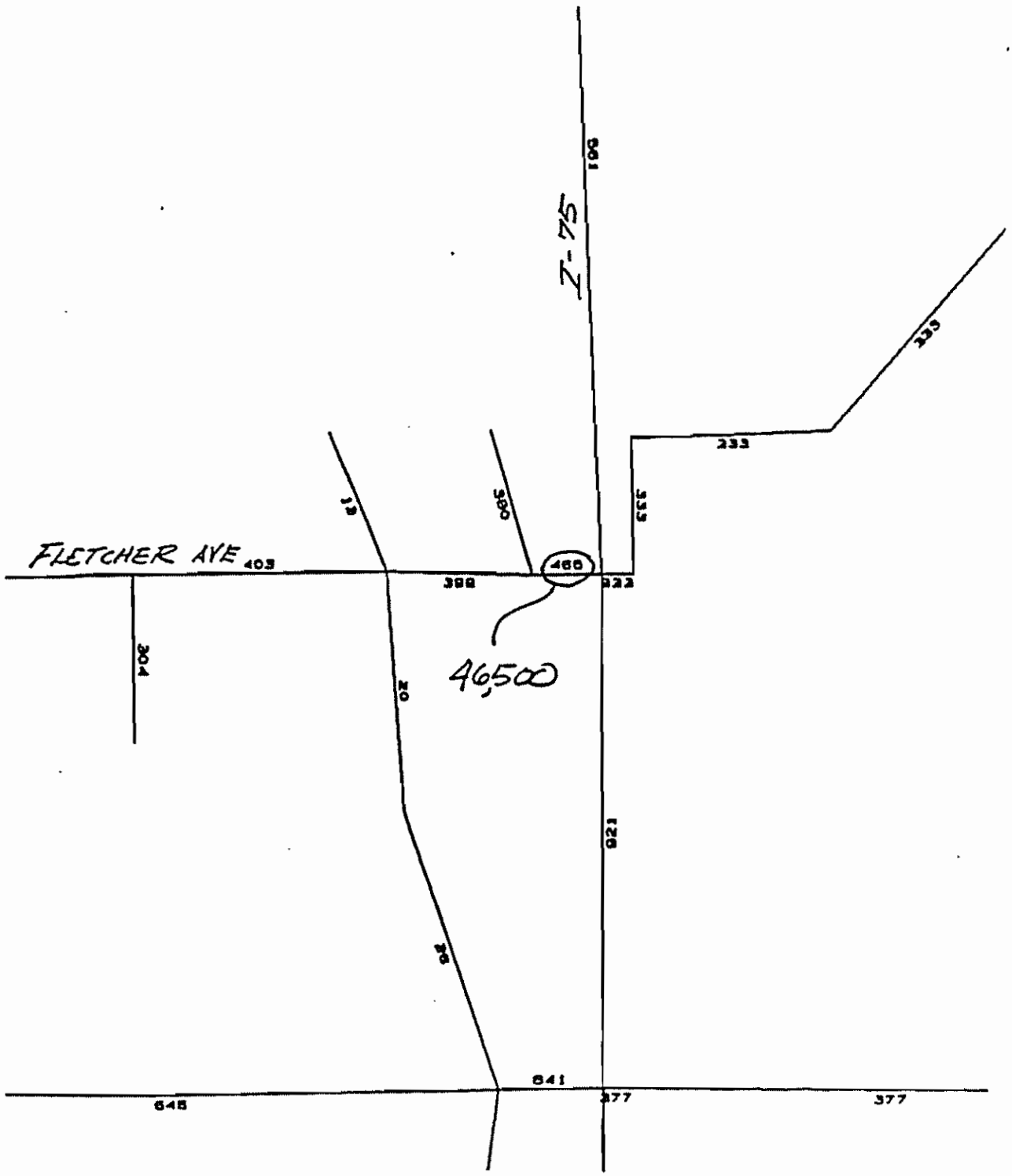


1995 STATE STREET TRAFFIC = BUILDOUT TRAFFIC $\times \frac{3}{5}$

(SOURCE: TABLE 9, GTE GT NOPC, 1/89, ATTACHED)
(DEVELOPMENT FROM 1992 TO 1995, WITH A 1997 BUILDOUT)

Greiner, Inc.

JOB _____ SHEET 4 OF 4 PROJ. NO. _____
DESCRIPTION _____ COMPUTED BY _____ DATE 10/92
_____ CHECKED BY _____ DATE _____



YR 2000 FSUTMS MODEL OUTPUT

ATTACHMENTS

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI) SUBSECTION 380.06 (19), FLORIDA STATUTES

AND

TRANSPORTATION UPDATE FOR THE GTE/COLLIER-64 DRI

Prepared for:

SSB Realty, Inc.
Boston, Massachusetts

By:

Greiner, Inc.
Tampa, Florida

January 1989

TABLE 9

1992 PM PEAK HOUR WITH PROJECT CONDITIONS

Link[1]	Roadway	Laneage	Direction	Total Background Volume	Project Volume	Total Volume	Capacity[2]	Level of Service	Project % of LOS "D" Service Volume
F1	Fletcher Ave.	4LD	EB	943	10	953	1,577	D	0.7
			WB	1,181	67	1,248	1,650	D	4.6
F2	Fletcher Ave.	4LD	EB	1,127	20	1,147	1,577	D	1.4
			WB	1,142	118	1,260	1,650	D	8.3
F3	Fletcher Ave.	4LD	EB	1,267	25	1,292	1,890	C	1.4
			WB	1,445	128	1,573	1,940	C	7.3
F4	Fletcher Ave.	2LD	EB	1,277	29	1,306	960	F	3.3
			WB	1,096	152	1,248	933	F	17.1
F5	Fletcher Ave.	4LD	EB	2,401	29	2,430	1,940	F	1.6
			WB	1,143	152	1,295	1,890	C	8.4
F6	Fletcher Ave.	4LD	EB	2,744	391	3,135	1,940	F	21.5
			WB	1,163	75	1,238	1,890	C	4.1
F7	Fletcher Ave.	2L	EB	670	21	691	960	C	2.4
			WB	189	4	193	933	C	0.5
X1	Fowler Ave.	4LD	EB	2,136	16	2,152	1,890	F	0.8
			WB	2,144	82	2,226	1,940	F	4.5
X2	Fowler Ave.	2LD	EB	2,094	24	2,118	960	F	2.7
			WB	1,928	122	2,050	933	F	13.7
X3	Fowler Ave.	6LD	EB	1,476	25	1,501	2,847	C	0.9
			WB	1,541	128	1,669	2,910	C	4.7
X4	Fowler Ave.	6LD	EB	1,282	104	1,386	2,910	C	3.8
			WB	1,216	20	1,236	2,847	C	0.7
M1	Morris Bridge Rd.	2L	NB	136	543	679	960	C	61.0
			SB	286	104	390	933	C	11.7
M2	Morris Bridge Rd.	2L	NB	249	50	299	933	C	5.3
			SB	334	242	576	960	C	27.5
I1	I-75	4LX	NB	1,973	132	2,105	3,490	C	4.0
			SB	1,132	25	1,157	3,490	C	0.7
I2	I-75	4LX	NB	2,097	46	2,143	3,490	C	1.4
			SB	2,048	238	2,287	3,490	C	7.2
I3	I-75	4LX	NB	2,289	62	2,351	5,250	C	1.2
			SB	2,091	319	2,410	5,250	C	6.4

[1]See Exhibit 2 for link location.
[2]Capacity obtained from FDOT's Generalized Peak Hour Directional Capacities.

INTERSECTION ANALYSIS

FOR

HIDDEN RIVER CORPORATE PARK

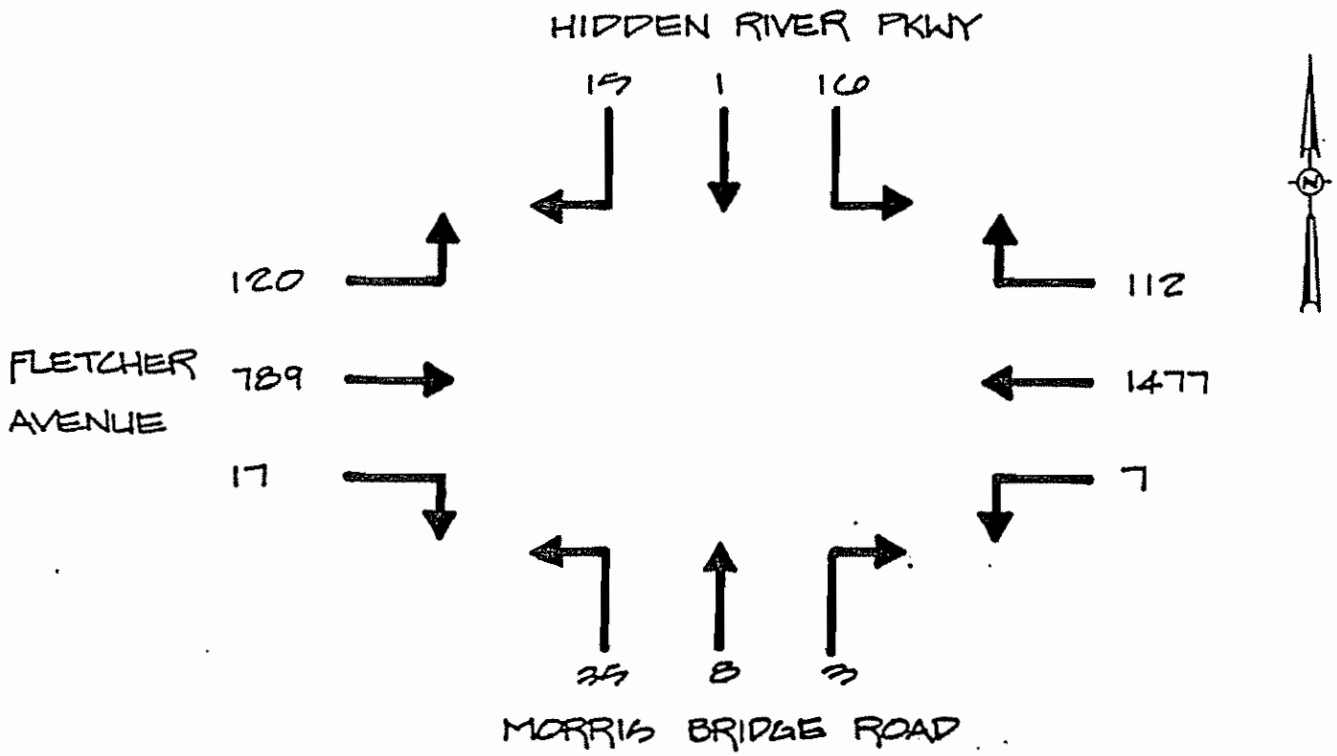
Prepared For

HIDDEN RIVER CORPORATE PARK
8875 Hidden River Parkway
Suite 100
Tampa, Florida 33637

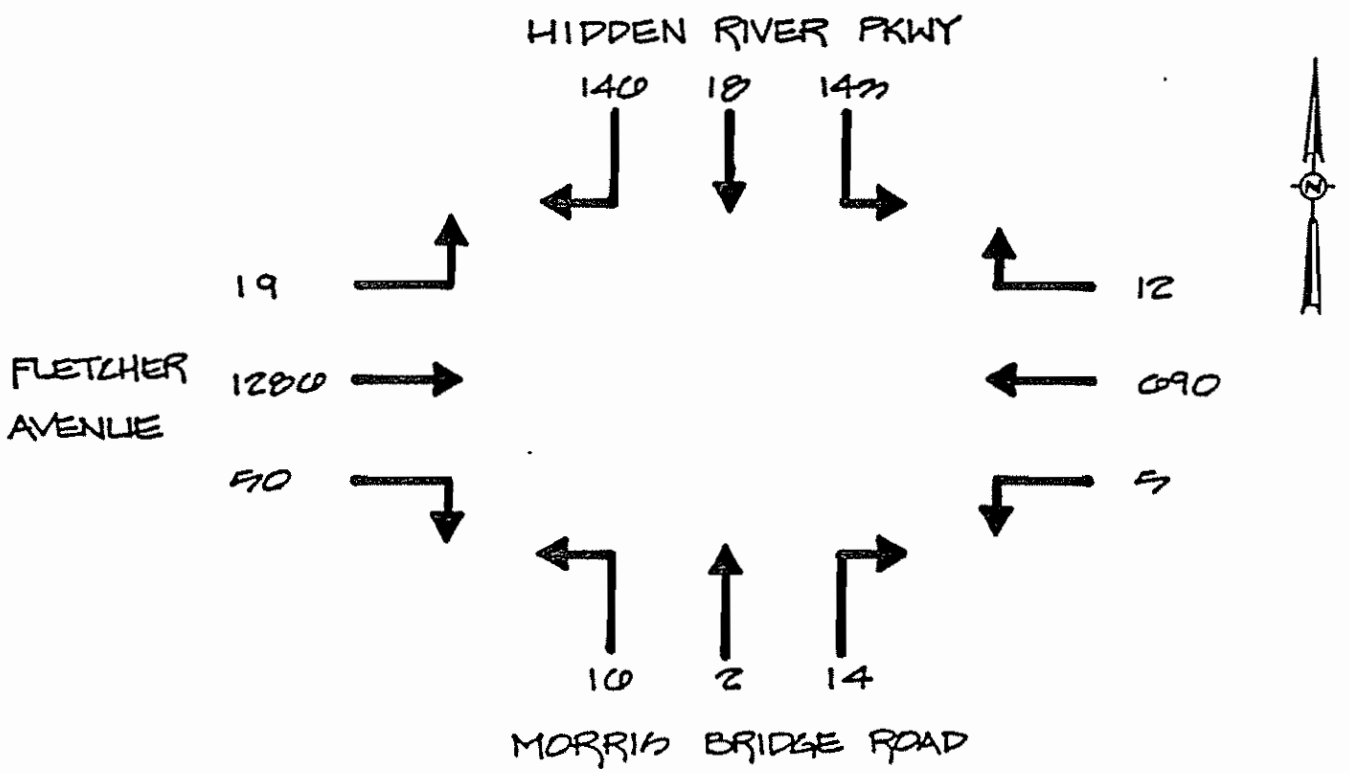
Prepared By

TAMPA BAY ENGINEERING, INC.
102 W. Whiting Street
Suite 501
Tampa, Florida 33602
813-221-0048

TBE Project No. 0073-03.00
January 28, 1992



A.M. PEAK HOUR



P.M. PEAK HOUR

TAMPA BAY ENGINEERING, INC. 102 W. Whiting Street, Suite 501 Tampa, Florida 33602	HIDDEN RIVER CORPORATE PARK	FIGURE 2. 1991 PEAK HOUR TRAFFIC VOLUMES

AUG. 7

DRI NO. 116

GTE/COLLIER 326 DEVELOPMENT OF REGIONAL IMPACT SECTION 4, PARAGRAPH S STUDY FOR PHASE II

Prepared for:

GTE REALTY AND COLLIER ENTERPRISES

Prepared by:

Reynolds, Smith and Hills, Inc.
Tampa, Florida

AEP #492 0024 000

February, 1992

B-53

B-58

DIVIDED ARTERIAL SERVICE FLOW RATES
BASED ON 1985 HIGHWAY CAPACITY MANUAL

ROAD = Fletcher Avenue: 56th Street to I-75
AREA = Hillsborough
DATE = 12/26/91
NAME = David E. Wagner

Lanes/LOS	A	B	C	D	E
		DAILY			
2	N/A	15400	16800	17800	18600
4	N/A	32300	34400	36000	37600
6	N/A	49500	52100	54300	56500
		PEAK HOUR			
2	N/A	1480	1610	1710	1790
4	N/A	3110	3300	3460	3610
6	N/A	4760	5000	5210	5430
		PEAK HOUR PEAK DIRECTION			
1	N/A	840	910	960	1010
2	N/A	1750	1870	1950	2040
3	N/A	2690	2820	2940	3070

IF VALUE IS N/A THEN LEVEL OF SERVICE IS NOT ACHIEVABLE

TRAFFIC CHARACTERISTICS
K Factor = 0.096
Directional Factor = 0.565
Peak Hour Factor (PHF) = 0.950
Protected Turn Percent = 8.00

ROADWAY CHARACTERISTICS
Arterial Class = 1
Free Flow Speed = 45 MPH
ADJUSTED Saturation Flow Rate = 1850 Veh.
Divided by Median - Yes
Left Turn Bays provided - Yes

SIGNAL CHARACTERISTICS
Signalized Intersections per Mile = 1.80
Signal Type = Actuated
Arrival Type = 3
Cycle Length = 68 Seconds
g/C = 0.50

ARTERIAL LEVEL OF SERVICE CRITERIA FOR URBAN

LOS/ARTERIAL CLASS	I	II	III
A	>=35	>=30	>=25
B	>=28	>=24	>=19
C	>=22	>=18	>=13
D	>=17	>=14	>= 9
E	>=13	>=10	>= 7
F	< 13	< 10	< 7

EXHIBIT "B" TO STATE STREET NOPC
TO AMENDED DEVELOPMENT ORDER

DEVELOPMENT SCHEDULE
(1992-DECEMBER 15, 1997)

Land Use	Parameters
Office	560,000 square feet GLA*
Service Center	90,000 square feet GLA*
Retail	20,000 square feet GLA*
Hotel	350 rooms

---

* Gross Leasable Area

CITY OF TAMPA

Frances Henriquez, City Clerk

OFFICE OF CITY CLERK

August 10, 1992

Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg FL 33702

RE: Petition No. DZ85-52
Ordinance No. 92-129

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process.

If further information is needed, please contact Susan Swift, Manager, Land Development Coordination, 223-8405.

Sincerely,

(Mrs.) Frances Henriquez
City Clerk

mailed 8/10/92
received 8/13/92

FH/gg

Enclosure: Ordinance

CERTIFIED MAIL

cc: Susan Swift, Land Development Coordination

315 E. Kennedy Blvd. City Hall • Tampa, Florida 33602 • 813/223-8396

ORDINANCE NO. 92-129

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY HIDDEN RIVER CORPORATE PARK, LTD. FOR HIDDEN RIVER CORPORATE PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 8969-A, passed and ordained by the City Council of the City of Tampa, Florida (the "City Council"), on August 8, 1985 approved a development order for Hidden River Corporate Park (the "Development"), a Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 90-02, passed and ordained by the City Council on January 11, 1990, approved a first amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 90-10, passed and ordained by the City Council on January 25, 1990, approved a second amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Second Amendment"); and

WHEREAS, Ordinance No. 91-72, passed and ordained by the City Council on April 25, 1991, approved a third amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Third Amendment"); and

WHEREAS, the Second Amendment authorized the extension of the date of buildout of the development of Phase I of the Hidden River Corporate Park DRI by two (2) years, eleven (11) months and fifteen (15) days; and

WHEREAS, the Third Amendment authorized the extension of the date of buildout of the development of Phase II of the Hidden River Corporate Park DRI by two (2) years, eleven (11) months and fifteen (15) days; and

WHEREAS, on May 12, 1992, Hidden River Corporate Park, Ltd. (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for the Hidden River Corporate Park DRI (the "Notification"), attached hereto as Composite Exhibit "A"; and

WHEREAS, the Notification proposed to amend the Development Order, as previously amended by the First, Second and Third Amendments, to extend the dates of buildout of Phases I and II of the Hidden River Corporate Park DRI by an additional two (2) years (hereinafter said change shall be referred to as the "Proposed Change"); and

WHEREAS, Subsection 380.06(19)(e)2., Florida Statutes, provides that the extension of the date of buildout of a development, or phase of a development, by a total of less than five (5) years, is not a substantial deviation and is not subject to a public hearing pursuant to Subsection 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subsection 380.06(19)(f)5., Florida Statutes; and

WHEREAS, the Proposed Change to the Development Order, as previously amended by the First, Second and Third Amendments, shall constitute the Fourth Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the Notification as well as all related testimony and evidence submitted by the Developer concerning the Proposed Change; and

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Change and to amend the Development Order, as previously amended by the First, Second and Third Amendments; and

WHEREAS, the public notice requirements have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Change before the City Council; and

WHEREAS, the City Council has reviewed and considered the above-referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notification attached hereto as Composite Exhibit "A".

B. That the Proposed Change is consistent with all local land development regulations and the local comprehensive plan.

C. That the Proposed Change does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

D. That in accordance with Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is not a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to Subsection 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subsection 380.06(19)(f)5., Florida Statutes.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of law:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. That based on the foregoing and pursuant to Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is found not to be a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to Subsection 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subsection 380.06(19)(f)5., Florida Statutes.

Section 3. Order. That having made the above findings of fact, and conclusions of law, it is ordered:

A. That the Proposed Change is hereby approved and the Development Order, as amended by the First, Second and Third Amendments, is hereby amended to incorporate the Notification.

B. That the Development Order, as amended by the First, Second and Third Amendments, is hereby amended to extend the dates of buildout of development of Phases I and II of the Hidden River Corporate Park DRI by an additional two (2) years. Accordingly, the date of buildout for Phase I as approved hereby is December 15, 1996 and the date of buildout for Phase II as approved hereby is December 15, 1999. No change to the December 31, 1997 buildout for Phase III was requested. **[Note: Commencement dates for development phases are not proposed to be changed under this Notification and therefore no change to such commencement dates is being made herein.]**

Section 4. Development Order, as Amended. This Ordinance shall constitute the Fourth Amendment to Ordinance No. 8969-A, as previously amended by Ordinance No. 90-02, Ordinance No. 90-10, and Ordinance No. 91-72, which shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

Section 7. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 8. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its being passed and ordained by the City Council, to the Developer, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 10. Rendition. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 11. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 12. Effective Date. That this Ordinance shall become law as provided in the City of Tampa Home Rule Charter and shall take effect upon transmittal to the parties specified in Section 9, hereof.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON AUG 06 1992.

Joe Greco
CHAIRMAN, CITY COUNCIL

ATTEST:
Frances Hanrigan
CITY CLERK

APPROVED by me AUG 06 1992
Sandra W. Friedman
MAYOR

APPROVED as to form by:
Gene K. Gray
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance No 92-129 on file in my office.

Witness my hand and official seal this 10th day of Aug, 1992

Frances Hanrigan
CITY CLERK

FORM RPM-BSP-PROPCHANGE-1

Effective Date
11/20/90

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2740 Centerview Drive
Tallahassee, FL 32399
904/488-4925

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI) SUBSECTION 380.06(19), FLORIDA STATUTES

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, David M. Mechanik, the undersigned authorized representative of Hidden River Corporate Park, Ltd., hereby give notice of a proposed change to a previously (developer) approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the Hidden River Corporate Park development, which information is true and (original & current project names) correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Tampa, to the Tampa Bay (local government) Regional Planning Council, and to the Bureau of Resource Management, Department of Community Affairs.

May 12, 1992
(Date)

David M. Mechanik
(Signature)
David M. Mechanik, Authorized Agent
for Hidden River Corporate Park, Ltd.

EXHIBIT "A"

2. **Applicant (name, address, phone).**

Hidden River Corporate Park, Ltd.,
a Florida limited partnership
Attn: Stephen A. Meyers, Vice President
8875 Hidden River Parkway, No. 100
Tampa, Florida 33637-1005
(813) 979-8600

3. **Authorized Agent (name, address, phone).**

David M. Mechanik
Macfarlane Ferguson
2300 First Florida Tower
111 Madison Street
Tampa, FL 33602
(813) 273-4200

4. **Location (City, County, Township/Range/Section) of approved DRI and proposed change.**

Section 36, Township 27 South, Range 19 East, and Section 1, Township 28 South, Range 19 East, City of Tampa, Hillsborough County, Florida.

5. **Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or in the representations contained in either the development order of the application for development approval.**

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

The proposed change which forms the basis of this Notice of Proposed Change is to extend the dates of buildout of Phases I and II of the Hidden River Corporate Park DRI by two (2) years. The subject extension, together with the previously approved extensions described in the answer to Question 7. of this Notice of Proposed Change, will provide for a total extension, for each Phase, of four (4) years, eleven (11) months and fifteen (15) days.

Subsection 380.06(19)(e)2., F.S., as amended by Chapter 92-129, Laws of Florida, provides that the extension of the date of buildout of a development, or phase of a development, by a total of less than five (5) years is not a substantial deviation and is not subject to a public hearing.

This Notice of Proposed Change does not propose a change which involves the master site plan.

6. **Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, please indicate no change.**

No change in land use types or amounts is proposed. Accordingly, the Chart has been omitted as an attachment to this Notice of Proposed Change.

7. **List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?**

The original DRI Development Order for the Hidden River Corporate Park DRI, Ordinance No. 8969-A (the "Development Order"), was adopted by City Council on August 8, 1985.

The first amendment to the Development Order (the "First Amendment"), Ordinance No. 90-02, was adopted by City Council on January 11, 1990. The First Amendment provided an updated Transportation Analysis which was required under the Development Order as a condition of commencement of Phase II, modified Development Order conditions to reflect the Regional Activity Center designation for the area of the City within which the development is located, provided for the addition of an approximately 3.8 acre parcel of land, provided for the deletion of Development Order conditions concerning a transportation study which had since been completed, provided refinements to the master plan (Map H), and provided for an increase in Phase II development totals and a corresponding decrease in Phase III development totals, all as more particularly described in Ordinance No. 90-02 and the attachments thereto.

The second amendment to the Development Order (the "Second Amendment"), Ordinance No. 90-10, was adopted by City Council on January 25, 1990. The Second Amendment provided for an extension of the date of build-out of development of Phase I by a period of two (2) years, eleven (11) months and fifteen (15) days.

The third amendment to the Development Order (the "Third Amendment"), Ordinance No. 91-72, was adopted by City Council on April 25, 1991. The Third Amendment provided for an extension of the date of build-out of development of Phase II by a period of two (2) years, eleven (11) months and fifteen (15) days.

There has not been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued.

8. **Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.**

Other than the parcel incorporated into the DRI site pursuant to the First Amendment, as described above in the answer to Question 7., the Applicant has not purchased or optioned any lands within 1/4 mile of the original DRI site.

9. **Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.**

The proposed changes are less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.?
YES X **NO** _____

10. **Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.**

Yes, the proposed change will result in a new buildout date for Phase I of December 15, 1995, and a new buildout date for Phase II of December 15, 1999.

11. **Will the proposed change require an amendment to the local government comprehensive plan?**

No amendment to the Future of Hillsborough Comprehensive Plan for the City of Tampa will be required by the proposed change.

12. **Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06(15), F.S., and 9J-2.025, Florida Administrative Code:**

An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

The proposed change does not require revision of the master site plan (Map H) or any other maps of the development.

13. **Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:**

a. **All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to**

commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

The specific language is included in the proposed Amended Development Order for the Hidden River Corporate Park DRI, attached as Exhibit "A" to this Notice of Proposed Change.

b. **An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;**

Not applicable.

c. **A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;**

Not applicable.

d. **A proposed amended development order termination date that reasonably reflects the time required to complete the development;**

No change.

e. **A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and**

No change.

f. **Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025(7), F.A.C.**

Not applicable.

recent amendment re DRI# [illegible] -
ours to keep #108 -
Chk ARS & add'l amdt

CITY OF TAMPA

Frances Henriquez, City Clerk

OFFICE OF CITY CLERK

April 29, 1991

Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg FL 33702

RE: Petition No. DZ85-52
Ordinance No. 91-72

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process.

If further information is needed, please contact Susan Swift Mihalik, Manager, Land Development Coordination, 223-8405.

Sincerely,

(Mrs.) Frances Henriquez
City Clerk

FH/gg

Enclosure: Ordinance

CERTIFIED MAIL

cc: Susan Swift Mihalik, Land Development Coordination

RECEIVED
MAY - 1 1991
Tampa Bay Regional
Planning Council

mailed 4/29/91

315 E. Kennedy Blvd. City Hall • Tampa, Florida 33602 • 813/223-8396

Regional Plan

ORDINANCE NO. 91- 72

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY HIDDEN RIVER CORPORATE PARK, LTD. FOR HIDDEN RIVER CORPORATE PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 8969-A, passed and ordained by the City Council of the City of Tampa, Florida, on August 8, 1985 approved a Development Order for Hidden River Corporate Park (the "Development"), a Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 90-02, passed and ordained by the City Council of the City of Tampa, Florida, on January 11, 1990, approved a first amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 90-10, passed and ordained by the City Council of the City of Tampa, Florida, on January 25, 1990, approved a second amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Second Amendment"); and

WHEREAS, on April 1, 1991, Hidden River Corporate Park, Ltd. (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for the Hidden River Corporate Park DRI (the "Notification"), attached hereto as Composite Exhibit "A"; and

WHEREAS, the Notification proposed to amend the Development Order, as previously amended by the First and Second Amendments, to provide an extension of the date of buildout of development of Phase II by a period of two (2) years, eleven (11) months and fifteen (15) days (hereinafter said change shall be referred to as the "Proposed Change")' and

WHEREAS, Subsection 380.06(19)(e)2., Florida Statutes, provides that a proposed change which involves an extension of the date of buildout of a development, or any phase thereof, by less than three (3) years is not a substantial deviation and is not subject to a public hearing pursuant to subparagraph 380.06(19)(f)3., Florida Statutes, or a determination pursuant to subparagraph 380.06(19)(f)5., Florida Statutes; and

WHEREAS, the Proposed Change to the Development Order, as previously amended by the First and Second Amendments, shall constitute the Third Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the Notification as well as all related testimony and evidence submitted by the Developer concerning the Proposed Change; and

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida [illegible] authorized and empowered to consider the Proposed [illegible] the First and Second Amendments; and

WHEREAS, the public notice requirements have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Change before the City Council; and

WHEREAS, the City Council has reviewed and considered the above referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notification attached hereto as Composite Exhibit "A".

B. That the Proposed Change is consistent with all local land use development regulations and the local comprehensive plan.

C. That the Proposed Change does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

D. That in accordance with Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is not a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to Subparagraph 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subparagraph 380.06(19)(f)5., Florida Statutes.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of laws:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. That based on the foregoing and pursuant to Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is found not to be a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to subparagraph 380.06(19)(f)3., Florida Statutes, or a determination pursuant to subparagraph 380.06(19)(f)5., Florida Statutes.

Section 3. Order. That having made the above findings of fact, and conclusions of law, it is ordered:

A. That the Proposed Change is hereby approved and the Development Order, as amended by the First and Second Amendments, [illegible]

B. That the Development Order as previously amended by the First and Second Amendments is hereby amended to extend the date of buildout of development of Phase II by a period of two (2) years, eleven (11) months and fifteen (15) days.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Third Amendment to Ordinance No. 8969-A, as previously amended by Ordinance 90-02 and Ordinance 90-10, which

shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

Section 7. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 8. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its effective date, to the Developer, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 10. Rendition. That this Ordinance shall be deemed rendered upon transmittal of the copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 11. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 12. Effective Date. That this Ordinance shall take effect immediately upon being rendered in accordance with law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON APR 25 1991.

Joe Greco
CHAIRMAN, CITY COUNCIL

APPROVED by me APR 26 1991

ATTEST:

Frances Hindsley
CITY CLERK

Sandra [illegible]
MAYOR

APPROVED as to form by:

Gina K. Grimes
ASSISTANT CITY ATTORNEY

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI) SUBSECTION 380.06(19), FLORIDA STATUTES

SUBMITTED BY:

HIDDEN RIVER CORPORATE PARK, LTD.

TAMPA, FLORIDA

PREPARED BY:

VINCENT L. NUCCIO, JR., ESQUIRE

MACFARLANE, FERGUSON, ALLISON & KELLY

POST OFFICE BOX 1531

TAMPA, FLORIDA 33602

(813) 223-2411

AUTHORIZED AGENT FOR

HIDDEN RIVER CORPORATE PARK, LTD.

APRIL 1, 1991

Exhibit A

FORM RPM-BSP-PROPCHANGE-1

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2740 Centerview Drive
Tallahassee, Florida 32399
904/488/4925

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, VINCENT L. NUCCIO, JR., the undersigned authorized representative of HIDDEN RIVER CORPORATE PARK, LTD., (developer) hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the

HIDDEN RIVER CORPORATE PARK
(original & current project names)

development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the

CITY OF TAMPA,
(local government)

to the Tampa Bay Regional Planning Council, and to the Bureau of State Planning, Department of Community Affairs.

April 1, 1991
(Date)

Vincent L. Nuccio, Jr.
authorized agent for Hidden River Corporate Park, Ltd.

2. Applicant (name, address, phone).

HIDDEN RIVER CORPORATE PARK, LTD., a Florida limited partnership
By its sole general partner:
KILROY TAMPA ASSOCIATES, a California limited partnership
By its sole general partner:
KILROY INDUSTRIES, a California corporation
Stephen A. Meyers, Vice-President
8875 Hidden River Parkway, No. 100
Tampa, Florida 33637-1005
Phone: (813) 979-8600

3. Authorized Agent (name, address, phone).

Mr. Randy Coen
Greiner, Inc.
Post Office Box 31646
Tampa, Florida 33630-3416
Phone: (813) 286-1711

Mr. Vincent L. Nuccio, Jr.
Macfarlane, Ferguson, Allison & Kelly]
Post Office box 1531
Tampa, Florida 33601
Phone: (813) 229-4963

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

Township 27 South, Range 19 East, Section 36 and Township 28 South, Range 19 East, Section 1, in the City of Tampa, Hillsborough County, Florida

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

Pursuant to Subsection 380.06(19)(e)2., Florida Statutes, as amended, the Applicant proposes to extend the date of buildout of development of Phase II by a period of two (2) years, eleven (11) months and fifteen (15) days. Subsection 380.06(19)(e)2. deems such extensions not to be substantial

deviations within the meaning of Subsection 380.06(19).

This proposed change does not involve the master site plan map.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.

   As the proposed change relates solely to an extension of buildout date of development of a phase by a period less then three (3) years, a response to the questions asked in the substantial deviation chart is not applicable to this requested change.

7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

   There have been two (2) prior amendments to the originally approved DRI Development Order that have been adopted by the local government. There has been no change in local government jurisdiction for any portion of the development since the last approval or Development Order was issued.

   See Exhibit A attached for a description of the two (2) previously approved amendments.

8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.

   Other than the parcel incorporated into the DRI site pursuant to the First Amendment described in Exhibit A referenced above, the Applicant has not purchased or optioned any lands within 1/4 mile of the original DRI site.

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

Pursuant to Subsection 380.06(19)(e)2., Florida Statutes, as amended, the Developer proposes to extend the date of buildout of development of Phase II by a period of two (2) years, eleven (11) months and fifteen (15) days. Subsection 380.06(19)(e)2. deems such extensions not to be substantial deviations within the meaning of Subsection 380.06(19).

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.
YES _____X_____ **NO** _____

10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.

Pursuant to Subsection 380.06(19)(e)2., Florida Statutes, as amended, the Applicant proposes to extend the date of buildout of development of Phase II by a period of two (2) years, eleven (11) months and fifteen (15) days. Subsection 380.06(19)(e)2. deems such extensions not to be substantial deviations within the meaning of Subsection 380.06(19).

Presently, the buildout dates of this DRI's phases are December 15, 1994 (Phase I), December 31, 1994 (Phase II), and December 31, 1997 (Phase III). The proposed new phasing dates are December 15, 1994 (Phase I), December 15, 1997 (Phase II), and December 31, 1997 (Phase III).

11. Will the proposed change require an amendment to the local government comprehensive plan?

No

Provide the following for incorporation into such an amended development order, pursuant to Subsection 380.06 (15), F.S., and 9J-2.025, Florida Administrative Code:

12. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

Not Applicable

13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

The Developer proposes to extend the date of buildout of development of Phase II by two (2) years, eleven (11) months, and fifteen (15) days (see attached proposed Ordinance for precise language of amendment).

b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;

Not applicable.

c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;

Not applicable.

d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;

Not applicable.

e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and

Not applicable.

f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025 (7), F.A.C.

Not applicable.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O CHANGE + DATE
Attraction/ Recreation	# Parking spaces	*	**	
	# Spectators	*	**	
	# Seats	*	**	
	Site locational changes	*	**	
	Acreage, including drainage, ROW, easements, etc.	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	
Airports	Runway (length)	*	**	
	Runway (strength)	*	**	
	Terminal (gross square feet)	*	**	
	# Parking Spaces	*	**	
	# Gates	*	**	
	Apron Area (gross square feet)	*	**	
	Site locational changes	*	**	
	Airport Acreage, including drainage, ROW, easements, etc.	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	
Hospitals	# Beds	*	**	
	# Parking Spaces	*	**	
	Building (gross square feet)	*	**	
	Site locational changes	*	**	
	Acreage, including drainage, ROW, easements, etc.	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O CHANGE + DATE
Industrial	Acreage, including drainage, ROW, easements, etc.	*	**	
	# Parking Spaces	*	**	
	Building (gross square feet)			
	# Employees	*	**	
	Chemical storage (barrels and lbs.)	*	**	
	Site locational changes	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	
Mining Operations	Acreage mined (year)	*	**	
	Water Withdrawal (Gal/day)	*	**	
	Size of Mine (acres), including drainage, ROW, easements, etc.	*	**	
	Site locational changes	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	
Office	Acreage, including drainage, ROW, easements, etc.	*	**	
	Building (gross square feet)	*	**	
	# Parking Spaces	*	**	
	# Employees	*	**	
	Site locational changes	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O CHANGE + DATE
Petroleum/Chem. Storage	Storage Capacity (barrels and/or lbs.)	*	**	
	Distance to Navigable Waters (feet)	*	**	
	Site locational changes	*	**	
	Facility Acreage, including drainage, ROW, easements, etc.	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	
Ports (Marinas)	# boats, wet storage	*	**	
	# boats, dry storage	*	**	
	Dredge and fill (cu.yds.)	*	**	
	Petroleum storage (gals.)	*	**	
	Site locational changes	*	**	
	Port Acreage, including drainage, ROW, easements, etc.	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	
Residential	# dwelling units	*	**	
	Type of dwelling units	*	**	
	# lots	*	**	
	Acreage, including drainage, ROW, easements, etc.	*	**	
	Site locational changes	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O CHANGE + DATE
Wholesale, Retail, Service	Acreage, including drainage, ROW, easements, etc.	*	**	
	Floor Space (gross square feet)	*	**	
	# Parking Spaces	*	**	
	# Employees	*	**	
	Site locational changes	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	
Hotel/Motel	# Rental Units	*	**	
	Floor Space (gross square feet)	*	**	
	# Parking Places	*	**	
	# Employees	*	**	
	Site locational changes	*	**	
	Acreage, including drainage, ROW, easements, etc.	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	
R.V. Park	Acreage, including drainage, ROW, easements, etc.	*	**	
	# Parking Spaces	*	**	
	Buildings (gross square feet)	*	**	
	# Employees	*	**	
	Site locational changes	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O CHANGE + DATE
Open Space (All natural and vegetated non-impervious surfaces)	Acreage	*	**	
	Site locational changes	*	**	
	Type of open space	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	
Preservation, Buffer or Special Protection Areas	Acreage	*	**	
	Site locational changes	*	**	
	Development of site proposed	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	

Note:

* No changes to the existing approvals are being requested pursuant to this proposed change.

** This is a proposal for time extension by less than three (3) years only. No changes to the presently approved site plan are being requested.

EXHIBIT A

PREVIOUS AMENDMENTS

The first amendment to the DRI Development Order occurred pursuant to the City of Tampa Ordinance 90-02 which was adopted on January 11, 1990 (First Amendment). The First Amendment provided an updated transportation analysis which was required under the Development Order as a condition of commencement of Phase II, modified Development Order conditions to reflect the Regional Activity Center designation for the area of the city within which the development is located, provided for the addition of an approximately 3.8 acre parcel of land, provided for the deletion of Development Order conditions concerning a transportation study which had since been completed, provided refinements to the master plan (Map H), provided for an increase in Phase II development totals and a corresponding decrease in Phase III development totals, all as more particularly described in Ordinance 90-02 and the attachments thereto.

The second amendment to the DRI Development Order occurred pursuant to City of Tampa Ordinance 90-10 which was adopted on January 25, 1990 (Second Amendment). The Second Amendment provided for an extension of the date of buildout of development of Phase I by a period of two (2) years, eleven (11) months and fifteen (15) days.

108

CITY OF TAMPA

OFFICE OF CITY CLERK | CODE ENFORCEMENT BOARD

RECEIVED
FEB 1 1990
Tampa Bay Regional Planning Council

January 29, 1990

Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg FL 33702

RE: File No. DZ85-52
Ordinance No. 90-10

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process.

If further information is needed, please contact Susan Swift Mihalik, Manager, Land Development Coordination, 223-8405.

Sincerely,

(Mrs.) Frances Henriquez
City Clerk

mailed 1/30/90

FH/gg

Enclosure: Ordinance no. 90-10

CERTIFIED MAIL

cc: Susan Swift Mihalik, Land Development Coordination

315 E. Kennedy Blvd. City Hall • Tampa, Florida 33602 • 813/223-8396

TBRPC

ORDINANCE NO. 90-10

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY HIDDEN RIVER CORPORATE PARK, LTD. FOR HIDDEN RIVER CORPORATE PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 8969-A, passed and ordained by the City Council of the City of Tampa, Florida, on August 8, 1985 approved a Development Order for Hidden River Corporate Park ("the Development"), a Development of Regional Impact (DRI) (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 90-02 passed and ordained by the City Council of the City of Tampa, Florida, on 1-11, 1990, approved a first amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, on December 22, 1989 Hidden River Corporate Park, Ltd. (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for the Hidden River Corporate Park DRI (the "Notification")), attached hereto as Composite Exhibit A; and

WHEREAS, the Notification proposed to amend the Development Order as amended by the First Amendment to provide an extension of the date of buildout of development of Phase I by a period of two (2) years, eleven (11) months and fifteen (15) days (hereinafter said change shall be referred to as the "Proposed Change"); and

WHEREAS, Subsection 380.06(19)(e)2., Florida Statutes, provides that a proposed change which involves an extension of the date of buildout of a development, or any phase thereof, by less than three (3) years is not a substantial deviation and is not subject to a public hearing pursuant to subparagraph 380.06(19)(f)3., Florida Statutes, or a determination pursuant to subparagraph 380.06(19)(f)5., Florida Statutes; and

WHEREAS, the Proposed Change to the Development Order as amended by the First Amendment shall constitute the Second Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the Notification as well as all related testimony and evidence submitted by the Developer concerning the Proposed Changes; and

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Change and to amend the Development Order as amended by the First Amendment; and

WHEREAS, the public notice requirements have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Change before the City Council; and

WHEREAS, the City Council has reviewed and considered the above referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notification attached hereto as Composite Exhibit A.

B. That the Proposed Change is consistent with all local land use development regulations and the local comprehensive plan.

C. That the Proposed Change does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

D. That in accordance with Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is not a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to Subparagraph 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subparagraph 380.06(19)(f)5., Florida Statutes.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of laws:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. That based on the foregoing and pursuant to Subsection 380.06 (19)(e)2., Florida Statutes, the Proposed Change is found not to be a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to subparagraph 380.06(19)(f)3., Florida Statutes, or a determination pursuant to subparagraph 380.06(19)(f)5., Florida Statutes.

Section 3. Order. That having made the above findings of fact, and conclusions of law, it is ordered:

A. That the Proposed Change is hereby approved and the Development Order as amended by the First Amendment is hereby amended to incorporate the Notification.

B. That the Development Order as amended by the First Amendment is hereby amended to extend the date of buildout of development of Phase I by a period of two (2) years, eleven (11) months and fifteen (15) days.

Section 5. Development Order, as Amended. This Ordinance shall constitute the Second Amendment to Ordinance No. 8969-A, as amended by Ordinance No. 90-02, shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified

herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 6. Definitions. The definitions contained in Chapter 380, Florida Statutes, , shall control the interpretation and construction of any terms of this Ordinance.

Section 7. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

Section 8. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 9. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 10. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its effective date to the Developer, the Florida Department of Community Affairs (Bureau of Land and Water Management), and the Tampa Bay Regional Planning Council.

Section 11. Rendition. That this Ordinance shall be deemed rendered upon transmittal of the copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 12. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 13. Effective Date. That this Ordinance shall take effect immediately upon being rendered in accordance with law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JAN 25 1990.

Lee Duncan

CHAIRMAN, CITY COUNCIL

APPROVED by me JAN 29 1990

ATTEST:

CITY CLERK

Sandy Freedman

MAYOR

APPROVED as to form by: Gina K. Grimes

ASSISTANT CITY ATTORNEY

CITY OF TAMPA

Frances Henriquez, City Clerk

OFFICE OF CITY CLERK

RECEIVED
JAN 22 1990
Tampa Bay Regional
Planning Council

January 17, 1990

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

Re: Petition No. DZ85-52
Ordinance No. 90-02

Dear Sirs:

For your information and record keeping process, we are transmitting a certified copy of the above captioned ordinance adopted by the Tampa City Council.

If you have any questions, please contact our office at 223-8396.

Sincerely,

Frances Henriquez ssm

(Mrs.) Frances Henriquez
City Clerk

FH/ssm

CERTIFIED MAIL

Enclosure

cc: Susan Mihalik, Land Development Coordination

315 E. Kennedy Blvd. City Hall • Tampa, Florida 33602 • 813/223-8396

As approved in Ordinance 90-02

TABLE 12-1 (As Approved)

AMOUNT AND TYPE OF DEVELOPMENT ADDED BY PHASE
Hidden River Corporate Park

	Offices (Sq. Ft. Floor Area)	Retail (Sq. Ft. Floor Area)	Hotel (Rooms)
PHASE I (1986-1991)	1,125,000	145,000	750
PHASE II (1992-1994)	1,250,000	-	-
PHASE III (1995-1997)	1,825,000	-	-
TOTAL AT BUILD-OUT	4,200,000	145,000	750

The development is proposed to remain consistent with the land uses and development totals set forth in Table 12-1, above. However, the amount of office development within Phase II is proposed to increase to 1,875,000 square feet, while Phase III will concurrently be reduced to 1,200,000 square feet of office. The project development totals will not change. A revised Table 12-1 is provided herewith, reflecting such proposed change.

TABLE 12-1 (Revised)

AMOUNT AND TYPE OF DEVELOPMENT ADDED BY PHASE
Hidden River Corporate Park

	Offices (Sq. Ft. Floor Area)	Retail (Sq. Ft. Floor Area)	Hotel (Rooms)
PHASE I (1986-1991)	1,125,000	145,000	750
PHASE II (1992-1994)	1,875,000	-	-
PHASE III (1995-1997)	1,200,000	-	-
TOTAL AT BUILD-OUT	4,200,000	145,000	750

Hidden River
Corporate Park

8875 Hidden River Parkway
Suite 100, LakeView Building
Tampa, Florida 33637
813-979-8600
Marketing Fax 813-979-8629
Construction Fax 813-979-8630

January 30, 1990

Ms. Julia E. Greene
Executive Director
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Re: Hidden River Development Order Amendment/City of Tampa Ordinance 90-02

Dear Ms. Greene:

In connection with the interpretation of the provisions of Section III.I(3)(a)(vii), of the above referenced Development Order, this will confirm that if the Developer has failed to meet the schedule for design, right-of-way and permit acquisition and construction of the Required Improvement (as defined in the subject development order), construction of Phase II may not resume until the Developer has posted a bond or letter of credit as required under said Section III.I.(3)(a)(vii), with the concurrence of the City and the Tampa Bay Regional Planning Council, and has processed such revised schedule as an amendment to the subject development order, said amendment being subject to appeal under Subsection 380.07, Florida Statutes.

Thank you for your attention to this matter.

Very truly yours,

HIDDEN RIVER CORPORATE PARK

Stephen A. Meyers

Stephen A. Meyers
Project Director

cc: Gina Grimes, City of Tampa

COMPOSITE EXHIBIT "A"
TO AMENDED DEVELOPMENT ORDER
FOR HIDDEN RIVER

NOTIFICATION OF A PROPOSED CHANGE
TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19)
FLORIDA STATUTES
AND
TRANSPORTATION UPDATE
FOR
HIDDEN RIVER CORPORATE PARK DRI

-AND-

NOTIFICATION OF A PROPOSED CHANGE
TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19)
FLORIDA STATUTES
AND
TRANSPORTATION UPDATE
FOR
HIDDEN RIVER CORPORATE PARK DRI
RESPONSE TO COMMENTS

Composite Exhibit "A"
is attached only to original Ordinance

Certified as true
and correct copy.

TBRPC
c/c

ORDINANCE NO. 90-02

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY HIDDEN RIVER CORPORATE PARK, LTD. FOR HIDDEN RIVER CORPORATE PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 8969-A, passed and ordained by the City Council of the City of Tampa, Florida, on August 8, 1985 approved a Development Order for Hidden River Corporate Park ("the Development"), a Development of Regional Impact (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, on July 14, 1989, Hidden River Corporate Park, Ltd. (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact and Transportation Update for Hidden River Corporate Park DRI and on September 27, 1989, filed a Response to Agency Comments in connection therewith (hereinafter said documents shall be collectively referred to as the "Notification"), attached hereto as Composite Exhibit "A"; and

WHEREAS, the Notification proposes to amend the Development Order to provide an updated transportation analysis as required under the Development Order as a condition of commencement of Phase II, to modify the Development Order conditions to reflect the Regional Activity Center designation for the area of the city within which the Development is located, to provide for the addition of an approximately 3.8 acre parcel of land, to provide for the deletion of conditions regarding a transportation study which has been conducted, to provide refinements to the Master Plan (Map H), to provide for an increase in Phase II development totals and a corresponding decrease in Phase III development totals (hereinafter references herein to Phase II and Phase III shall be to said phases as they are proposed to be revised in the Notification), all as more particularly described in the Notification (hereinafter said changes are collectively referred to as the "Proposed Changes"); and

WHEREAS, the Proposed Changes to the Development Order shall constitute the First Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the Notification as well as all related testimony and evidence submitted by the Developer concerning the Proposed Changes; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Changes and to amend the Development Order; and

WHEREAS, the public notice requirements of Chapter 380, Florida Statutes, and Section 43A-302, City of Tampa Code, have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Changes before the City Council; and

WHEREAS, the City Council has held a duly noticed public hearing on the Proposed Changes to the Development Order and has reviewed and considered the above referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a Development Order be amended to reflect the City Council's approval of changes to the adopted Development Order.

Certified as true and correct copy.

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notification attached hereto as Composite Exhibit "A".

B. That the Proposed Changes are consistent with all local land use Development regulations and the local comprehensive plan.

C. That the Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

D. That the Proposed Changes are consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

E. That a comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City and the Tampa Bay Regional Planning Council.

F. That the Proposed Changes do not create additional regional impacts or impacts that were not previously reviewed nor meet or exceed any of the criteria set forth in Section 380.06(19)(b), Florida Statutes (1989).

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of laws:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. The review by the City, the Tampa Bay Regional Planning Council and other participating agencies and interested citizens concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes within the terms and conditions of this Ordinance.

C. That based on the foregoing and pursuant to Section 380.06 (19), Florida Statutes (1989), the Proposed Changes are found not to be substantial deviations to the previously approved Development Order.

Section 3. Order. That having made the above findings of fact, and conclusions of law, it is ordered:

A. That the Proposed Changes, are hereby approved and Section 1 of the Development Order is hereby amended to incorporate the Notification, including without limitation the Revised Master Plan designated Revised Map H which depicts two additional minor access points.

B. That Section 2.A. of the Development Order is hereby amended to incorporate the Notification, including without limitation the Revised Master Plan designated Revised Map H.

Certified as true
and correct copy.

C. That Section 2.B. of the Development Order is hereby amended to reflect the addition of the approximately 3.8 acre parcel as reflected in the revised description of the real property which is the subject of the Development Order, attached hereto as Exhibit "B".

D. That Section 2.C. of the Development Order is hereby amended to reflect that the total site area of the Development is approximately 480 acres.

E. Section 2.E. of the Development Order is hereby amended to reflect that the project has obtained the appropriate zoning to comply with Local Land Development Regulations.

F. That Section 4.C. of the Development Order is hereby restated in its entirety as follows:

> That, the City hereby accords specific approval of Phase I subject to the conditions pertaining thereto contained in the Development Order except as such conditions are specifically modified or deleted in this order and hereby accords specific approval of Phase II, subject to the conditions contained in this Order. Conceptual approval of Phase III is also accorded hereby, provided however that specific approval of Phase III is subject to further traffic impact analysis pursuant to Section 380.06 F.S. Based upon such analysis, the City shall identify improvements required by the Development traffic.

G. Section 4.D. (2) of the Development Order is hereby revised to add the following sentence at the end of said Section 4D (2):

> The methodology for calculation of transportation impacts under the updated transportation analysis submitted as part of the Notification is set forth in the Notification.

H. Section 4.D. (3)(a), including all subparagraphs and sub-subparagraphs thereunder, of the Development Order are hereby deleted due to the satisfaction of all conditions contained therein.

I. A new Subparagraph (3)(a) is hereby added to Section 4.D. of the Development Order as follows:

(3) <u>Transportation Impacts</u>
(a) <u>Phase II</u>

(i) Mitigation of transportation impacts of Phase II shall be in accordance with the pipeline mitigation procedures set forth in Rule 9J-2.0255, Florida Administrative Code and the pipeline policies of the City of Tampa and the Tampa Bay Regional Planning Council, provided that to the extent that the Developer's Fair Share Assessment for Traffic Improvements or impact fees, as applicable, payable under paragraphs (4), (5) and (7) through (9) of Section 4.D. of the Development Order (hereinafter said assessments or fees shall be together referred to as the "Transportation Assessments") exceed the expenses to be borne by the Developer under this Section 4.D. (3)(a), the Transportation Assessments shall be payable by the Developer in accordance with the provisions of said paragraphs and this Section 4.D.(3)(a). The pipeline proportionate share calculation for Phase II, in accordance

Certified as true and correct copy.

with current adopted methods, procedures and policies of the City of Tampa, TBRPC, the Florida Department of Community Affairs and the Florida Department of Transportation has been determined to be Two Million Five Hundred and Eleven Thousand Seven Hundred and Two Dollars ($2,511,702.00) (the "Pipeline, Proportionate Share Amount"). The requirements of this condition have been determined to be the appropriate requirements to cure and mitigate the transportation impacts of Phase II on regionally significant transportation highway facilities within the Development's impact area.

(ii) The Developer shall partially fund the construction of an improvement on Fowler Avenue in the amount of One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00) in accordance with the Joint Participation Agreement ("JPA") between the Developer and the State of Florida Department of Transportation ("FDOT"), attached hereto as Exhibit "C". The improvement to Fowler Avenue contemplates the widening of Fowler Avenue from 4 to 6 lanes, the description of said improvement and the scope thereof being specifically described in the JPA. (Hereinafter the roadway improvement described in the JPA shall be referred to as the "Fowler Avenue Project" and the Developer's contribution under the JPA shall be referred to as the "Fowler Avenue Project Contribution".)

The status of the Fowler Avenue Project shall be assessed in the Annual Report required under Section 4, Paragraph B of the Development Order. If the Fowler Avenue Project is not being constructed as scheduled then, in accordance with Rule 9J-2.0255(7)(a)1.b., F.A.C., further issuance of building permits shall cease upon completion of Phase II.

In the event that the JPA is terminated for failure of the Developer to post the letter of credit or other form of security as required under the JPA, development of Phase II shall immediately cease and such event shall be subject to a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. Termination of the JPA for any other reasons shall be subject to the requirements of Rule 9J-2.0255(7)(a)1.b., F.A.C.

(iii) The Developer shall design and construct a fifth and sixth lane on Fletcher Avenue, from Morris Bridge Road to Telecom Drive East. Hereinafter the aforedescribed improvement shall be referred to as the Required Improvement. The Required Improvement shall be designed in accordance with adopted Hillsborough County standards and, if applicable, standards adopted by the City of Tampa.

Certified as true and correct copy.

(iv) The cost of the Required Improvement is approximately Eight Hundred Twelve Thousand Dollars and No Cents ($812,000.00), which amount includes design, right-of-way acquisition, construction and construction inspection. Said sum, together with the Fowler Avenue Project Contribution provides for a total payment by the Developer in an Amount which exceeds the Pipeline Proportionate Share Amount.

(v) The costs and expenses borne by the Developer for right-of-way, design, construction and construction inspection of the Required Improvement and the Developer's payment toward the Fowler Avenue Project shall be applied toward and be credited against the Transportation Assessments.

(vi) The Developer shall commence design of the Required Improvement no later than six (6) months from the date of final approval of this Order, subject to no appeals and shall complete same within twelve (12) months after commencement of design. Upon completion of design, the Developer shall commence acquisition of necessary right-of-way and permits for the Required Improvement and shall complete same within twelve (12) months of commencement of said permit acquisition. Upon acquisition of necessary right-of-way and permits, the Developer shall commence construction of the Required Improvement and shall complete same within fifteen (15) months of commencement of construction.

(vii) The Developer agrees to use due diligence, within the time frames set forth above, to design, obtain permits for, and construct the Required Improvement.

If the Required Improvement is not proceeding as set forth above, no further building permits for Phase II shall be issued. The City shall either require the Developer to immediately complete the Required Improvement or may, in its discretion, require the Developer to provide the City a bond or letter of credit in the full amount of the cost of the uncompleted portion of the Required Improvement. The City shall determine, based upon the best information available, the reasonable cost to complete the Required Improvement, including administrative costs, and shall use this information to establish the amount of the letter of credit required from the Developer. The City shall draw down on the bond or on the letter of credit for completion of the Required Improvement and shall complete the Required Improvement as expeditiously as possible, but in any event within forty-five (45) months after the posting of the above stated bond or letter of credit. Upon the Developer providing the City such a bond or letter of credit and the establishment of a revised schedule for the Required Improvement, construction of the Project may resume, and further

Certified as true and correct copy.

building permits and certificates of occupancy shall be issued.

(viii) In the event that the performance by the Developer or the City, if applicable, of the commitments set forth in this Order shall be interrupted or delayed by war, riot, civil commotion or natural disaster, then Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof. Further, in the event that performance by the Developer of the commitments set forth in this Order shall be interrupted or delayed in connection with acquisition of necessary right-of-way or governmental approvals for the construction of the Required Improvement and which interruption or delay is caused through no fault of the Developer, then the Developer shall submit documentation regarding such event(s) to the City and TBRPC for their review and concurrence. If such documentation shows that such event(s) have taken place, then the Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof, provided, however, in no event shall such extension exceed six (6) months. Any requested extensions beyond such six (6) month period may only be accomplished by an amendment to this Order in accordance with the provisions of Section 380.06 (19), Florida Statutes.

J. Section 4.D. (3) (b) of the Development Order is hereby deleted due to the satisfaction of all conditions contained therein.

K. The title to Section 4.D.(c) is hereby revised to read "Phase III", due to the imposition of specific transportation conditions for Phase II as set forth above.

L. Section 4.D. (3) (c) (i) of the Development Order is hereby deleted due to the satisfaction of all conditions contained therein.

M. The last sentence of Section 4.D. (3) (c) (ii) of the Development Order is hereby revised to read:

> A revised and updated traffic analysis shall be submitted pursuant to the provisions of Section 380.06 F.S. prior to approval of Phase III.

N. Section 4.D. (3) (c) (iii) of the Development Order is hereby restated in its entirety as follows:

> The City of Tampa shall consider the results of the aforementioned traffic study and shall designate those roadway improvements required for the construction of Phase III. Final approval of Phase III is contingent only upon receipt of funding commitments from responsible entities for the identified roadway improvements.

O. Section 4.D. (3) (d) of the Development Order is hereby deleted due to the satisfaction of all conditions contained therein.

Certified as true and correct copy.

Section 4. Annual Report. The Developer shall comply with the annual reporting requirements set forth in Section 4, Paragraph B of the Development Order and shall include evidence of compliance with the terms and conditions of this Order.

Section 5. Development Order, as Amended. This Ordinance shall constitute the First Amendment to Ordinance No. 8969-A and shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 6. Definitions. The definitions contained in Florida Statutes, Chapter 380 shall control the interpretation and construction of any terms of this Ordinance.

Section 7. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

Section 8. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 9. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 10. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its effective date to the Developer, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 11. Rendition. That this Ordinance shall be deemed rendered upon transmittal of the copies of this Ordinance to the recipients specified in Florida Statutes, Chapter 380.

Section 12. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Florida Statutes, Chapter 380.

Section 13. Effective Date. That this Ordinance shall take effect immediately upon being rendered in accordance with law.

Certified as true and correct copy.

LEGAL DESCRIPTION: Hidden River Corporate Park

A parcel of land lying in Section 36, Township 27 South, Range 19 East, and Section 1, Township 28 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 1, thence N00°08'36"W along the West line of said Section 1 for 50.00 feet, to the POINT OF BEGINNING; thence continue along said West line N00°08'36"W, to a point on the ordinary high water line of the Hillsborough River; thence northeasterly along said ordinary high water line to a point of intersection with the arc of a curve concave to the Southwest and the Westerly boundary of a parcel designated as additional right-of-way for Interstate 75 (SR 93A), limited access right-of-way, recorded in O.R. Book 3492, Page 1573, of the Public Records of Hillsborough County, Florida, thence southerly along the Westerly boundary of said additional right-of-way parcel to a point of tangency; thence S00°15'51"W for 35.79 feet to a point of intersection with the North line of said Section 1, said point lies 603.03 feet West of the Northeast corner of said Section 1; thence continue S00°15'51"W, for 620.99 feet; thence along the Westerly limited access right-of-way line of said Interstate 75 (SR 93A) Section 10075-2426, for the following eleven (11) courses, 1) S00°15'51"W for 1977.90 feet; 2) S04°15'52"W for 518.72 feet to a point of curvature; 3) Southwesterly along the arc of a curve concave Northwesterly, having a radius of 2770.79 feet, a central angle of 13°12'44", an arc length of 638.94 feet, and a chord bearing and distance of S10°52'14"W, 637.52 feet to a point of tangency; 4) S17°28'35"W for 944.33 feet; 5) S89°55'51"W for 19.73 feet; 6) S00°11'08"W for 63.28 feet; 7) S17°28'04"W for 26.87 feet; 8) S20°13'28"W for 248.03 feet to a point of non-tangent curvature; 9) Southwesterly along the arc of a curve concave Northwesterly, having a radius of 216.00 feet, a central angle of 67°46'13", an arc length of 255.48 feet, and a chord bearing and distance of S54°06'36"W, 240.86 feet; 10) S84°09'56"W for 922.47 feet; 11) S00°00'28"E for 56.00 feet to the North right-of-way line of Fletcher Avenue (100 foot R/W); thence along said North right-of-way line S89°59'32"W for 151.60 feet to the Southeast corner of that certain D.O.T. parcel described in O.R. Book 3492, Page 1573; thence along the Easterly and Northerly boundary of said D.O.T. parcel and along the Northerly right-of-way line of said Fletcher Avenue, the following two (2) courses, 1) N00°08'13"W for 30.00 feet; 2) S89°59'32" W for 200.00 feet; thence continue along said Northerly right-of-way line of Fletcher Avenue the following five (5) courses, 1) S89°59'16"W for 768.36 feet; 2) S00°00'44"E for 12.00 feet; 3) S89°59'16"W for 585.33 feet; 4) S00°00'44"E for 18.00 feet; 5) S89°59'16"W for 1299.36 feet to the POINT OF BEGINNING.

The above described parcel contains 512.05 acres, more or less.

Less and except the following described parcel:

Certified as true
and correct copy.

LEGAL DESCRIPTION OF TECO PARCEL WITHIN HIDDEN RIVER CORPORATE PARK:

A parcel of land lying in Section 36, Township 27 South, Range 19 East and Section 1 Township 28 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 1, thence S89°25'23"W along the North line of said Section 1, for 603.03 feet to the westerly right-of-way line of Interstate 75 (S.R. 93A) limited access right-of-way (O.R. Book 3492, Page 1573) and the POINT OF BEGINNING;thence S00°15'51"W along said westerly right-of-way line for 620.99 feet; thence leaving said westerly right-of-way line S40°07'42"W for 2848.01 feet; thence S00°08'13"E for 2427.06 feet to the northerly right-of-way line of Fletcher Avenue and the northerly Boundary of that certain D.O.T. parcel described in O.R. Book 5492, Page 1573; thence S89°59'32"W, parallel with and 50 feet North of the South line of the Southeast 1/4 of said Section 1, along said northerly right-of-way line of Fletcher Avenue and along the northerly boundary of said D.O.T. parcel, for 200.00 feet to the West line of the Southeast 1/4 of said Section 1; thence N00°08'13"W along said West line for 2499.93 feet; thence N40°07'42"E for 2848.86 feet; thence N00°36'26"W for 545.43 feet to the common North and South line of said Sections 1 and 36 respectively; thence continue N00°36'26"W for 439.74 feet; thence N10°50'51"W for 667 feet, more or less to the southerly top of bank of the Hillsborough River; thence along said top of bank the following two (2) courses, 1) N60°28'46"E for 144.52 feet; 2) N87°09'57"E for 101.79 feet; to a point on the arc of curve concave southwesterly, and the westerly right-of-way line of said Interstate 75 (S.R. 93A) limited access right-of-way (O.R. Book 3492, Page 1573); a radial line through said point bears S78°31'35"W; thence along the arc of said curve and along said westerly right-of-way line, said curve having a radius of 5567.58 feet, a central angle of 11°44'16" an arc length of 1140.59 feet and a chord bearing and distance of S05°36'17"E, 1138.60 feet to a point of tangency; thence continuing along said westerly right-of-way line, S00°15'51"W for 35.79 feet to the POINT OF BEGINNING.

The above described parcel contains 32.92 acres more or less.

LD13:Teco

Certified as true
and correct copy.

EXHIBIT "C"
TO AMENDED DEVELOPMENT ORDER
FOR HIDDEN RIVER

JOINT PARTICIPATION AGREEMENT

This Agreement, made and entered into this _____ day of _____, 1989, by and between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, a component agency of the State of Florida, hereinafter referred to as the "Department", and HIDDEN RIVER CORPORATE PARK, LTD., a Florida limited partnership, hereinafter referred to as "Developer".

W I T N E S S E T H:

WHEREAS, Developer is the owner of a development known as Hidden River Corporate Park which is currently undergoing a Notice of Change to a Previously Approved Development of Regional Impact (DRI) and Phase II Update Transportation Analysis Review (which development is designated DRI #108, and which shall hereafter be referred to as "Hidden River"); and

WHEREAS, transportation impacts of Phase II of Hidden River are proposed to be mitigated, in part, by the contribution by Developer to the Department of the amount of One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00) towards construction costs for the widening of Fowler Avenue in the City of Tampa, Florida from four (4) to six (6) lanes from 30th Street to 50th Street, which road construction project (Work Program No. 7113832) is currently scheduled in the Department's Tentative Five Year Work Program for Construction and is more fully described on Exhibit 1 attached hereto (hereinafter, the road construction project described on attached Exhibit 1 shall be referred to as the "Project"); and

WHEREAS, Developer's contribution toward construction of the Project will enable the Department to construct the Project during fiscal year 1990/1991 (the Department's fiscal year being July 1 to June 30); and

WHEREAS, the Project is one of the highest priority roadway improvements needed in the City of Tampa; and

WHEREAS, both parties and the City of Tampa wish to facilitate the earlier construction of the Project; and

Certified as true and correct copy.

WHEREAS, Developer's contribution toward construction of the Project will make available Department funds, which otherwise would have been utilized for the Project, for other roadway projects in the City of Tampa; and

WHEREAS, the roadway link which is proposed to be improved under the Project is substantially impacted by Hidden River.

NOW THEREFORE, for and in consideration of the mutual covenants herein set forth, the parties hereto agree as follows:

1. The purpose of this Agreement is to advance the construction of the widening of Fowler Avenue in the City of Tampa from four (4) to six (6) lanes from 30th Street to 50th Street, the limits of which are more specifically described on Exhibit 1 attached hereto (hereinafter, the road construction project described on Exhibit 1 shall be referred to as the "Project"), and to facilitate Developer's contribution of One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00) toward the construction of the Project.

2. Developer shall provide funds in the amount of One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00) toward the construction of the Project, ("Project Sum") in accordance with the provisions of paragraph 5, below. The Department, under the terms set forth herein, shall provide any needed participating funds for the design and construction engineering inspection of the Project.

3. Upon the posting of the letter of credit or other form of security as set forth in paragraph 5 below, the Department shall prepare design plans for the Project. Following completion of design, the Department shall expeditiously commence acquiring all necessary permits, and following such acquisition of all necessary permits, the Department shall expeditiously commence construction of the Project, which construction schedule is more specifically described in paragraph 4, below.

4. The Department agrees to commence construction of the Project during fiscal year 1990/1991. Based on the Department's current estimates, it is anticipated that the Project shall be

Certified as true and correct copy.

completed within eighteen (18) months of the Notice to Proceed on the Project; provided, however, that in the event that the performance by the Department of commitments set forth herein shall be interrupted or delayed by war, riot, civil commotion, strike or in its acquisition of necessary permits, then the Department shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

5. Within sixty (60) days after approval of the proposed amendment to the Hidden River DRI Development Order approving Phase II, subject to no appeals, Developer shall post an irrevocable letter of credit or other form of security acceptable to the Department securing payment of the Project Sum in full at a later date ("Letter of Credit"). Until the Project Sum is paid to the Department, Developer shall renew the Letter of Credit annually, on a date which is at least forty-five (45) days prior to the designated date of expiration of the Letter of Credit. The Letter of Credit shall state that Developer's failure to timely renew the Letter of Credit shall be an event under which the Department can draw on the Letter of Credit for payment of the Project Sum in full. In the event of Developer's failure to timely renew the Letter of Credit, the Department shall draw on the Letter of Credit to obtain the Project Sum and shall construct the Project under the schedule set forth in paragraph 4, above. On July 1, 1990, Hidden River shall deposit with the Department the sum of One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00). Upon the full payment of the Project Sum, Developer shall be released from all of its obligations hereunder and under the Letter of Credit. Should Developer fail to post the Letter of Credit in accordance with this paragraph, this Agreement shall terminate, termination being the Department's sole remedy for Developer's failure to post the Letter of Credit. The Department shall immediately notify the City of Tampa, the Tampa Bay Regional Planning Council

Certified as true
and correct copy.

and the State of Florida Department of Community Affairs in the event of such termination.

6. The Department shall acquire all necessary permits and utility adjustments for the Project.

7. The Department shall be responsible for construction engineering inspection, administration and coordination of work with utilities and/or their contractors on the Project.

8. The parties recognize and accept the funding restriction set forth in Subsection 339.135(8)(a), Florida Statutes (1988), which may affect the Department's obligations hereunder:

> (a) The department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The department shall require a statement from the comptroller of the department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the department which are for an amount in excess of $25,000 and which have a term for a period of more than 1 year.

The above notwithstanding, the Department shall utilize the Project Sum to construct the Project under the time frame set forth in this Agreement, the Project Sum being an amount sufficient to cover the cost of construction of the Project in 1990/1991 dollars.

9. Any notice or other document which either party is required to give or deliver to the other shall be given in writing and served either personally or given by prepaid certified mail, return receipt requested, or by any delivery service from which a receipt may be obtained, and addressed to the following:

Hidden River Corporate Park, Ltd.:	Mr. Stephen A. Meyers Sr. Vice President Kilroy Industries 8875 Hidden River Parkway

Certified as true and correct copy.

Suite 100, Lake View
Tampa, Florida 33637

Copy to: David M. Mechanik
Macfarlane, Ferguson, Allison & Kelly
215 Madison Street
Post Office Box 1531
Tampa, Florida 33601

Department: Florida Department of Transportation
4950 West Kennedy Boulevard
Suite 500
Tampa, Florida 33609
Attn: Mr. James Kennedy

10. This Agreement shall commence on the date above written and remain in effect until cancellation, or completion and final acceptance of the Project by the Department. Any amendment to or modification of this Agreement shall be in writing and signed by the parties and shall not be effective unless the amended Development Order for Hidden River is amended to reflect said amendment or modification. In the event that the Department's expenses for construction of the Project are less than One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00), then the Department shall refund to the Developer an amount equal to the difference between the Department's expenses and One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00), up to a maximum refund amount of One Hundred Fifty Thousand Dollars and No Cents ($150,000.00) (said One Hundred Fifty Thousand Dollars and No Cents [$150,000.00] being an amount payable hereunder which is in excess of the calculated proportionate share amount for Hidden River Phase II impacts). The Department shall make such refund upon the Department's final acceptance of the Project.

11. This Agreement shall be binding upon and inure to the benefit of the parties and their successors and assigns; provided, however, that no such assignment shall be effected until prior written consent thereof shall have been given by the Department, which consent shall not be withheld if such proposed assignee demonstrates to the Department that it will provide the Letter of Credit in accordance with all the terms and conditions of this Agreement.

Certified as true and correct copy.

12. If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

IN WITNESS WHEREOF, the parties hereto have executed and affixed their official seals to this Agreement on the day and year first above written.

WITNESSES:

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

_____

BY: _____
District Secretary
District Seven

_____
As to the Department

ATTEST: _____

Approved as to form and legal sufficiency

_____
District Seven Attorney

HIDDEN RIVER CORPORATE PARK, LTD.,
A Florida Limited Partnership

By: KILROY TAMPA ASSOCIATES, A
California Limited Partnership

By: KILROY INDUSTRIES
A California Corporation,
General Partner

WITNESSES:

_____

BY: _____
Name:
Title:

_____
As to Hidden River

Certified as true and correct copy.

HIDDEN RIVER
JOINT PARTICIPATION AGREEMENT
EXHIBIT 1

The improvement is located along Fowler Avenue between 30th Street and 50th Street and shall consist of the addition of one east bound lane and one west bound lane.

Certified as true and correct copy.

EXHIBIT "C"
TO AMENDED DEVELOPMENT ORDER
FOR HIDDEN RIVER

JOINT PARTICIPATION AGREEMENT

This Agreement, made and entered into this 20th day of December, 1989, by and between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, a component agency of the State of Florida, hereinafter referred to as the "Department", and HIDDEN RIVER CORPORATE PARK, LTD., a Florida limited partnership, hereinafter referred to as "Developer".

W I T N E S S E T H:

WHEREAS, Developer is the owner of a development known as Hidden River Corporate Park which is currently undergoing a Notice of Change to a Previously Approved Development of Regional Impact (DRI) and Phase II Update Transportation Analysis Review (which development is designated DRI #108, and which shall hereafter be referred to as "Hidden River"); and

WHEREAS, transportation impacts of Phase II of Hidden River are proposed to be mitigated, in part, by the contribution by Developer to the Department of the amount of One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00) towards construction costs for the widening of Fowler Avenue in the City of Tampa, Florida from four (4) to six (6) lanes from 30th Street to 50th Street, which road construction project (Work Program No. 7113832) is currently scheduled in the Department's Tentative Five Year Work Program for Construction and is more fully described on Exhibit 1 attached hereto (hereinafter, the road construction project described on attached Exhibit 1 shall be referred to as the "Project"); and

WHEREAS, Developer's contribution toward construction of the Project will enable the Department to construct the Project during fiscal year 1990/1991 (the Department's fiscal year being July 1 to June 30); and

WHEREAS, the Project is one of the highest priority roadway improvements needed in the City of Tampa; and

WHEREAS, both parties and the City of Tampa wish to facilitate the earlier construction of the Project; and

WHEREAS, Developer's contribution toward construction of the Project will make available Department funds, which otherwise would have been utilized for the Project, for other roadway projects in the City of Tampa; and

WHEREAS, the roadway link which is proposed to be improved under the Project is substantially impacted by Hidden River.

NOW THEREFORE, for and in consideration of the mutual covenants herein set forth, the parties hereto agree as follows:

1. The purpose of this Agreement is to advance the construction of the widening of Fowler Avenue in the City of Tampa from four (4) to six (6) lanes from 30th Street to 50th Street, the limits of which are more specifically described on Exhibit 1 attached hereto (hereinafter, the road construction project described on Exhibit 1 shall be referred to as the "Project"), and to facilitate Developer's contribution of One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00) toward the construction of the Project.

2. Developer shall provide funds in the amount of One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00) toward the construction of the Project, ("Project Sum") in accordance with the provisions of paragraph 5, below. The Department, under the terms set forth herein, shall provide any needed participating funds for the design and construction engineering inspection of the Project.

3. Upon the posting of the letter of credit or other form of security as set forth in paragraph 5 below, the Department shall prepare design plans for the Project. Following completion of design, the Department shall expeditiously commence acquiring all necessary permits, and following such acquisition of all necessary permits, the Department shall expeditiously commence construction of the Project, which construction schedule is more specifically described in paragraph 4, below.

4. The Department agrees to commence construction of the Project during fiscal year 1990/1991. Based on the Department's current estimates, it is anticipated that the Project shall be

completed within eighteen (18) months of the Notice to Proceed on the Project; provided, however, that in the event that the performance by the Department of commitments set forth herein shall be interrupted or delayed by war, riot, civil commotion, strike or in its acquisition of necessary permits, then the Department shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

5. Within sixty (60) days after approval of the proposed amendment to the Hidden River DRI Development Order approving Phase II, subject to no appeals, Developer shall post an irrevocable letter of credit or other form of security acceptable to the Department securing payment of the Project Sum in full at a later date ("Letter of Credit"). Until the Project Sum is paid to the Department, Developer shall renew the Letter of Credit annually, on a date which is at least forty-five (45) days prior to the designated date of expiration of the Letter of Credit. The Letter of Credit shall state that Developer's failure to timely renew the Letter of Credit shall be an event under which the Department can draw on the Letter of Credit for payment of the Project Sum in full. In the event of Developer's failure to timely renew the Letter of Credit, the Department shall draw on the Letter of Credit to obtain the Project Sum and shall construct the Project under the schedule set forth in paragraph 4, above. On July 1, 1990, Hidden River shall deposit with the Department the sum of One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00). Upon the full payment of the Project Sum, Developer shall be released from all of its obligations hereunder and under the Letter of Credit. Should Developer fail to post the Letter of Credit in accordance with this paragraph, this Agreement shall terminate, termination being the Department's sole remedy for Developer's failure to post the Letter of Credit. The Department shall immediately notify the City of Tampa, the Tampa Bay Regional Planning Council

and the State of Florida Department of Community Affairs in the event of such termination.

6. The Department shall acquire all necessary permits and utility adjustments for the Project.

7. The Department shall be responsible for construction engineering inspection, administration and coordination of work with utilities and/or their contractors on the Project.

8. The parties recognize and accept the funding restriction set forth in Subsection 339.135(8)(a), Florida Statutes (1988), which may affect the Department's obligations hereunder:

> (a) The department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The department shall require a statement from the comptroller of the department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the department which are for an amount in excess of $25,000 and which have a term for a period of more than 1 year.

The above notwithstanding, the Department shall utilize the Project Sum to construct the Project under the time frame set forth in this Agreement, the Project Sum being an amount sufficient to cover the cost of construction of the Project in 1990/1991 dollars.

9. Any notice or other document which either party is required to give or deliver to the other shall be given in writing and served either personally or given by prepaid certified mail, return receipt requested, or by any delivery service from which a receipt may be obtained, and addressed to the following:

Hidden River Corporate Park, Ltd.:	Mr. Stephen A. Meyers Sr. Vice President Kilroy Industries 8875 Hidden River Parkway

Suite 100, Lake View
Tampa, Florida 33637

Copy to: David M. Mechanik
Macfarlane, Ferguson, Allison & Kelly
215 Madison Street
Post Office Box 1531
Tampa, Florida 33601

Department: Florida Department of Transportation
4950 West Kennedy Boulevard
Suite 500
Tampa, Florida 33609
Attn: Mr. James Kennedy

10. This Agreement shall commence on the date above written and remain in effect until cancellation, or completion and final acceptance of the Project by the Department. Any amendment to or modification of this Agreement shall be in writing and signed by the parties and shall not be effective unless the amended Development Order for Hidden River is amended to reflect said amendment or modification. In the event that the Department's expenses for construction of the Project are less than One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00), then the Department shall refund to the Developer an amount equal to the difference between the Department's expenses and One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00), up to a maximum refund amount of One Hundred Fifty Thousand Dollars and No Cents ($150,000.00) (said One Hundred Fifty Thousand Dollars and No Cents [$150,000.00] being an amount payable hereunder which is in excess of the calculated proportionate share amount for Hidden River Phase II impacts). The Department shall make such refund upon the Department's final acceptance of the Project.

11. This Agreement shall be binding upon and inure to the benefit of the parties and their successors and assigns; provided, however, that no such assignment shall be effected until prior written consent thereof shall have been given by the Department, which consent shall not be withheld if such proposed assignee demonstrates to the Department that it will provide the Letter of Credit in accordance with all the terms and conditions of this Agreement.

12. If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

IN WITNESS WHEREOF, the parties hereto have executed and affixed their official seals to this Agreement on the day and year first above written.

WITNESSES:

As to the Department

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: _____
District Secretary
District Seven

ATTEST: _____

Approved as to form and legal sufficiency

12/9/89
District Seven Attorney

HIDDEN RIVER CORPORATE PARK, LTD.,
A Florida Limited Partnership

By: KILROY TAMPA ASSOCIATES, A
California Limited Partnership

By: KILROY INDUSTRIES
A California Corporation,
General Partner

BY: _____
Name: Stephen A. Meyers
Title: Senior Vice President

WITNESSES:

As to Hidden River

ORDINANCE NO. 5969 - A

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY MOORE-TAGGART PROPERTIES FOR HIDDEN RIVER, A DEVELOPMENT OF REGIONAL IMPACT: PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, On November 14, 1984, Moore-Taggart Properties ("the Developer") filed an Application for Development Approval (which, together with the Sufficiency Response, dated February 26, 1985, is hereafter referred to as the "ADA") for a Development of Regional Impact ("DRI") with the City of Tampa ("the City"), Hillsborough County City-County Planning Commission, Hillsborough County Environmental Protection Commission, Florida Department of Community Affairs ("DCA") and the Tampa Bay Regional Planning Council ("TBRPC"), pursuant to the provisions of Section 380.06, Florida Statutes (1983), as amended ("Chapter 380"), and Section 43-96.2, City of Tampa Code; and

WHEREAS, the ADA proposes the development of Hidden River, a mixed use, office/retail/hotel development located on a 476 acre site at the northwest quadrant of the I-75 Interchange at Fletcher Avenue; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380 is authorized and empowered to consider ADA's for DRI's; and

WHEREAS, the public notice requirements of Chapter 380, and Section 43-96.2, City of Tampa Code have been satisfied; and

WHEREAS, the City Council has on July 18, 1985, held a duly noticed public hearing on the ADA and has heard and considered testimony and documents received thereon; and

WHEREAS, the City Council has received and considered the report and recommendations of the TBRPC; and

WHEREAS, all interested parties and members of the public were afforded the opportunity to participate in the application hearing on the subject DRI, before the City Council; and

WHEREAS, the City Council has reviewed the above referenced documents, as well as all related testimony and evidence submitted by each party and members of the general public; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. That this Ordinance shall constitute the Development Order ("Order") of the City Council issued in response to the ADA filed by the Developer, for development of Hidden River, a DRI. The scope of development to be permitted pursuant to this Order includes the land use and activities described in the ADA, which ADA, is attached hereto and made a part hereof as Composite Exhibit A.

Section 2. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by each party and members of the general public, finds there is substantial competent evidence to support the following findings of fact:

108

A. That, the Developer submitted to the City the materials attached hereto as composite Exhibit A.

B. That, the real property which is the subject of the ADA is legally described as set forth in Exhibit B, attached hereto and by reference made a part hereof.

C. That, the Developer proposes the development of Hidden River, a mixed-use office/retail/hotel complex with a total site area of approximately 476 acres, located approximately at the northwest quadrant of the I-75 Interchange at Fletcher Avenue, in the City of Tampa.

D. That, the proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1983), as amended.

E. That, the project has applied for appropriate zoning to comply with local land development regulations.

F. That, this Order satisfies the provisions of Section 380.06(14), Florida Statutes, as amended.

G. That, the development will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.

H. That, a comprehensive review of the impacts generated by the development has been conducted by the City's departments and the TBRPC.

Section 3. That the City Council having made the above findings of fact, reaches the following conclusions of law:

A. That, these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in this proceeding, the various departments of the City and the Developer are authorized to approve/conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.

B. That, the review by the City, the TBRPC and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, within the terms and conditions of this Order and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

Section 4. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the ADA is hereby approved, subject to the following conditions, restrictions and limitations:

A. Substantial Deviations:

Further review pursuant to Chapter 380, may be required if a substantial deviation, as defined in Chapter 380, occurs. The Developer shall be given due notice of, and opportunity to be heard at any hearing to determine whether or not a proposed

0-1-2-1-6

change to the development is a substantial deviation. A substantial deviation may occur by failure to comply with the conditions herein, or by failure to follow the terms and provisions and phasing schedule contained in Composite Exhibit A, as the same may be modified by this Order, or by conducting development activities which are not commenced until after the expiration of the effective period of this Order.

B. That, the Developer shall submit annual reports on the DRI to the City, the TBRPC, the State Land Planning Agency, and other agencies as may be appropriate, on July 1, 1986, and on July 1 of each year thereafter until such time as all terms and conditions of this Order are satisfied. Such report shall be submitted to the Director, Department of Housing, Inspections and Community Services (hereinafter "HICS") who shall, after appropriate review, submit it for review by the City Council. The City Council shall review the report for compliance with the terms and conditions of this Order and may issue further orders and conditions to insure compliance with the terms and conditions of this Order. The Developer shall be notified of any City Council hearing, wherein such report is to be reviewed; provided, however, that receipt and review by the City Council shall not be considered a substitute or a waiver of any terms and conditions of this Order. The annual report shall contain:

1. Changes in the plan of development or phasing for the reporting year and for the next year;

2. A summary comparison of development activity proposed and actually conducted for the reporting year;

3. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

4. Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the development order was issued;

5. An assessment of the Developer's and local government's compliance with conditions of approval contained in the DRI development order;

6. An hourly traffic count for a 24-hour period taken at all established access points from public right-of-way to the development site.

7. Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

8. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes (1983); and

9. 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 (1983).

10. The information regarding TSM or other measures as required under Section 4.D.(1), below.

11. The field survey results, as are required to be submitted biannually under Section 4.D.(1), below, two years after the issuance of certificates of occupancy for Phase I of office space or the equivalent thereof, in terms of trip generation.

C. That, the City hereby accords specific approval for the Phase I development subject to the conditions contained in this Order. Conceptual approval of Phases II and III is also accorded hereby, provided, however that specific approval of Phases II and III is subject to further traffic impact analysis pursuant to Section 380.06 F.S. Based upon such analysis the City shall identify improvements required by the development traffic.

D. Transportation Conditions

(1) Prior to issuance of construction permits for development for Phase II, the Developer shall submit for approval by TBRPC, the City of Tampa, Hillsborough County, TUATS, FDOT and the Hillsborough Area Transit Authority (HART), a plan of Transportation Systems Management (TSM) measures to be instituted and implemented for each project phase. The plan shall provide for sufficient TSM or other measures to divert or reduce a substantial percentage of total peak hour trips. The plan shall address the following at minimum:

(a) Worker flex-time.

(b) Worker ridesharing strategies.

(c) Provision of transit, service facilities and programs to increase transit ridership.

(d) I-275 High Occupancy Vehicle Study.

Upon institution of the TSM Plan, each annual report for this development shall include a yearly assessment of the actual achievement of vehicle trips diverted or reduced from the peak hour as a result of the TSM or other measures. This assessment shall also include documentation for all diversions or reductions claimed as a result of implementation of each measure. If the annual report establishes a diversion or reduction from the projected trips designated in the ADA, Developer shall be entitled to a proportionate reduction in the necessary improvements or impact fees required herein. The reduction shall be applied only to future contributions or improvements.

To assure that the transportation impacts of this development have been accurately projected by the traffic analysis field surveys in the Application, a report of findings shall be conducted every two years after the issuance of certificates of occupancy for Phase I. The results of these surveys shall be included in the required annual report.

(2) Methodology. Existing traffic volumes on roadways in the impact area were determined by counting traffic on those roadways. Growth factors were then applied to determine the "existing background" traffic for each phase of the development. In addition to existing background traffic, allowances were made for traffic projected to be generated by approved developments which have not been built ("proposed background" traffic). The sum of existing background traffic and the proposed background traffic was used as the basis against which traffic generated by each phase of the project was evaluated.

The figures for traffic generated by this project were based upon office uses (I.T.E. General Office Building Land Use Code No. 713). Because limited light industrial uses are anticipated in the ADA, actual trip generation from approved uses will be lower than those used to determine traffic improvements in this Development Order.

(3) Transportation Improvements.

(a) PHASE I. Approval of Phase I of this development is contingent on funding commitments from responsible entities for the following roadway improvements (or alternative improvements which achieve the same result) being secured prior to issuance of construction permits for Phase I.

(i) All Phase I provisions listed herein shall be satisfied before approval for any subsequent phase or subphase is granted.

(ii) Construct a four-lane section on Fletcher Avenue from 56th Street to 22nd Street. These through lanes should have their termini in accordance with proper design standards. As stated in the DRI/ADA sufficiency response, at most locations within the Hidden River study area, the roadway capacity is controlled by the capacity of intersections. Hidden River will contribute the following percentages of the peak hour Level of Service D of the existing facility at the end of Phase I: Fletcher/22nd Street - 10.0 percent; Fletcher/Bruce B. Downs Blvd. - 9.7 percent; and Fletcher/56th Street - 21.6 percent.

(iii) At the intersection of Fletcher and the East Entrance, construct intersection improvements providing for dual left turn lanes southbound, and an exclusive right turn lane eastbound. Hidden River will contribute 68.9 percent of the peak hour Level of Service D capacity of the existing facility at the end of Phase I.

(iv) At the intersection of Fletcher and 56th Street, construct intersection improvements to provide for an additional exclusive westbound left turn lane for a total of two. Hidden River will contribute 21.6 percent of the peak hour

Level of Service D capacity of the existing facility at the end of Phase I.

(v) At the intersection of Fletcher and Nebraska, construct intersection improvements providing for an additional exclusive left turn lane northbound for a total of two. Hidden River will contribute 8.6 percent of the peak hour Level of Service D capacity of the existing facility at the end of Phase I.

(vi) At the intersection of Fowler and 56th Street construct intersection improvements providing for one additional northbound, southbound and westbound through lanes for a total of three in each direction; and additional northbound, southbound and westbound left turn lane for a total of two in each direction, an additional eastbound combined right turn and through lane; and an additional eastbound left turn lane for a total of two. Hidden River will contribute 12.1 percent of the Level of Service D capacity of the existing facility at the end of Phase I.

(vii) At the intersection of Busch and 56th Street, construct intersection improvements providing for an exclusive northbound right turn lane. Hidden River will contribute 9.5 percent of the peak hour Level of Service D capacity of the existing facility at the end of Phase I.

(b) Prior to the issuance of construction permits for development in excess of a total of 300 hotel rooms plus 610,000 square feet, the developer shall conduct a transportation analysis of the intersection of Fletcher and Bruce B. Downs Blvd. to verify whether a grade separation is needed to maintain level of service C daily or D, peak hour. If said grade separation is necessary, funding commitments must be obtained before further construction permits are issued.

(c) PHASES II AND III

(i) A comprehensive transportation study of the Northern Hillsborough/Interstate 75 area in Hillsborough County will be prepared by the Hillsborough County City-County Planning Commission or any other appropriate entity designated by the City of Tampa or the Board of County Commissioners, in cooperation with the Tampa Bay Regional Planning Council, Florida Department of Transportation, Hillsborough County, Hillsborough County Metropolitan Planning Organization, Hillsborough County Environmental Protection Commission, Hillsborough Area Regional Transit Authority and other appropriate State agencies and developers in the area. The study will propose a transportation improvements plan and schedule for the area, involve citizens,

interest groups and government agencies, and develop an implementation program to make the study workable. The transportation section of the study includes:

(a) The regionally significant roadways that shall be included in the focus of the tr. sportation plan, as well as identification of additional roadways to be constructed within the study area.

(b) The existing, approved, and projected development to be included within the plan.

(c) The manner by which the traffic impact of existing development will be documented and assessed.

(d) The manner by which the traffic impact of approved and projected development will be documented and assessed.

(e) The procedures by which mass transit will be studied as a viable alternative to alleviate overburdening of the roadways.

(f) Identification of specific construction implementation goals, such as right-of-way acquisition and implementation of additional corridors designed to coincide with transportation improvement needs generated by each phase of completion for projects approved within the study area.

(g) A program for funding the improvements identified.

The Hillsborough County City-County Planning Commission has committed to perform the above-referenced transportation improvements study as part of its overall study of the I-75 Corridor which is scheduled to be completed on or before January 1, 1986.

(ii) The developer shall generate and provide the City of Tampa, the Hillsborough County Metropolitan Planning Organization and Tampa Bay Regional Planning Council, pursuant to the provisions of Section 380.06, F.S., with updated current traffic counts on regionally significant roadways impacted by the Project and projections of traffic volumes that will result from the completion of the currently approved project construction plus that to be generated by the next phase for which the developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the original DRI traffic analysis or shall indicate alternate transportation improvements or mechanisms which, when implemented, will

maintain the regional roadways at a satisfactory Level of Service, daily Level of Service C, D at peak hours. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practice and the original ADA. Prior to any specific approval beyond Phase I or such Subsequent Phase as may be approved, the City or its designee shall ensure in written findings of fact that the above roadways are operating at or above an average daily Level of Service C, D at peak hours, and that the expected trips to be generated by such approval would not cause the roadways to operate below an average daily Level of Service C, D at peak hours. A revised and updated traffic analysis shall be submitted pursuant to the provisions of Section 380.06, F.S., prior to approvals for Phases II or III respectively.

(iii) The City of Tampa shall consider the results of the aforementioned traffic studies and shall designate those roadway improvements required for the construction of Phases II and III respectively. Final approval of Phases II and III is contingent only upon receipt of funding commitments from responsible entities for the identified roadway improvements.

(d) If the County, City or Developer transportation studies establish that certain of the improvements referred to hereinabove should no longer be considered as a factor in Developer's requirement for funding commitments because the Project's traffic does not equal or exceed 5% of the daily LOS C or LOS D for peak hour capacity of the specific roadway link or intersection: or the Project traffic, plus total background on the roadway segment does not result in a reduction of LOS to LOS D or worse on a daily basis or LOS E or worse at peak hours; or if Hidden River is determined by TBRPC to be located within a regional activity center, then the Developer's requirement for funding commitments shall be adjusted accordingly.

(e) The City shall insure that funding commitments from responsible entitites including the Developer's fair share payments, for the improvements identified in this Section are secured. The improvements referred to above may include, but are not limited to, geometric improvements, signalization modifications and new signal installations. The design for these improvements shall be reviewed and approved, as appropriate, by FDOT, Hillsborough County and the City with, in all cases, a final review and approval by the City prior to the construction of such improvements. The improvements and the phasing of the construction of those improvements may, after detailed review by the appropriate governmental agency and the City, be modified in a manner

intended to accomplish the same result, utilizing generally recognized professional traffic engineering standards and practices.

(f) That, for the purposes of this Order, funding commitments may be either in the form of Developer contributions-in-aid-of-construction, or Developer commitments for the actual construction, or the placement of the improvements in the City's, County's, or State's transportation improvements work programs, or a combination thereof.

(4) Developer Fair Share Assessment For Traffic Improvements. The Developer shall proceed with development in accordance with the provisions of the Hillsborough County Road Network Improvement Program Ordinance, Ordinance No. 85-17, which Ordinance has been determined to be a reasonable vehicle for apportioning the costs of transportation improvements required by this project. Said Ordinance is attached hereto as Exhibit "C." Provided, however, that the Developer shall be given credit against those impact fees imposed by said Ordinance for all costs expended in engineering and in constructing improvements. However, said improvements must be approved by either the City of Tampa, Hillsborough County and/or the Florida Department of Transportation, as appropriate, for credit against the impact fee, and in no case, shall credit be given for on-site entrance improvements.

In the event that the Federal government should allocate funds in an approved transportation improvement program to cover the costs of constructing improvements for I-75 between and including S.R. 581 and Fowler Avenue, then the Developer's Interstate impact assessment shall be reduced by an amount representing its proportionate amount of the assessment attributable to said improvements.

The development's assessment is as follows:

(a) IMPACT FEE ORDINANCE. The Developer shall pay the required transportation impact assessment under the Ordinance, which amount shall be derived from the following table and the total shall be Two Million One Hundred Sixty Thousand Seven Hundred Seventy-two Dollars ($2,160,772.00).

Land Use	Size	Impact Cost	Unit Impact Cost per 1,000 Sq. Ft. or Room
Office/R & D	4,200,000 sq.ft.	1,904,754	453.51
Support Commercial	145,000 sq.ft.	46,323	319.47
Hotel	750 rooms	209,695	279.59

As provided in Section XIV.C of the Ordinance, in calculating the assessment for limited access facility improvements, the application of the formula contained in the Ordinance shall be adjusted so as to insure that impacts on the Hillsborough County Road Network are not counted twice. The above impact costs reflect this adjustment.

(b) INTERSTATE. The Developer shall pay a portion of the amount necessary for limited access

facility improvements on I-75 from S.R. 581 to Fowler Avenue. The development's assessment, derived pursuant to the methodology described in Section 4.D.(2), above, is Two Million Forty Three Thousand Dollars ($2,043,000.00) which amount set forth by land use is as follows:

Land Use	Size		Unit Impact Cost
Office/R & D	4,200,000	sq. ft.	$ 403.74/1,000 sq. ft.
Support Commercial	145,000	sq. ft.	$1,127.17/1,000 sq. ft.
Hotel	750	rooms	$ 245.16/room

Notwithstanding the foregoing, no payment for any interstate improvement shall be retained by the City of Tampa and shall be returned to the Developer or its Successors in Interest unless a contract is let by the responsible government entity for the construction of such interstate improvement which contract requires that the construction of such interstate improvement shall be commenced within 15 years of the effective date of this Order.

(c) RIGHT-OF-WAY. The Developer shall provide its fair share of necessary right-of-way in the amount of One Million Two Hundred Seven Thousand, One Hundred Twenty-eight Dollars ($1,207,128.00), which amount is calculated based upon the methodology set forth in Section 4.D.(2), above, and is set forth by land use as follows:

Land Use	Size		Unit Impact Cost
Office/R & D	4,200,000	sq. ft.	$238.55/1,000 sq. ft.
Support Commercial	145,000	sq. ft.	$666.00/1,000 sq. ft.
Hotel	750	rooms	$144.86/room

(d) Based on the foregoing, the development's total maximum assessment shall be Five Million Four Hundred Ten Thousand Nine Hundred Dollars ($5,410,900.00) (the "Total Developer Fair Share Amount").

(5) Method and Timing of Payment. The Total Developer Fair Share Amount shall be allocated to the development based upon the following table, which reflects the combined amounts set forth in paragraphs (a), (b), and (c), above.

Land Use	Size		Unit Impact Cost
Office/R & D	4,200,000	sq. ft.	$1,095.60/1,000 sq. ft.
Support Commercial	145,000	sq. ft.	$2,112.64/1,000 sq. ft.
Hotel	750	rooms	$ 669.61/room

Payment of that portion of the Total Developer Fair Share Amount attributable to a particular land use pursuant to the foregoing table shall be due upon issuance of building permits for such land use, except as is provided for in paragraphs (7), (8) and (9), below. In prorating payment of the Total Developer Fair Share Amount, the proration shall be computed to the nearest

one hundred (100) square feet. Within 30 days after the Development Order becomes final, Developer shall pay to City an advance deposit in the amount of Two Hundred Fifty Thousand Dollars ($250,000.00) which shall be credited against the Total Developer Fair Share Amount. The amount of each credit shall be first applied to the Amount Payable as building permits are issued, until said deposit is exhausted.

The City agrees to hold all such transportation fair share contributions received from the Developer pursuant to the Ordinance and D.R.I. assessment in escrow and to pay the applicable governmental entity (including itself, where appropriate) having jurisdiction over construction of roads within the impacted area as identified in the ADA, an appropriate amount of what the Developer has paid towards transportation improvements necessitated by this project. Said funds shall be released upon furnishing evidence, satisfactory to the City that such governmental entity has committed to construct said transportation improvements.

Further, the City agrees to utilize the Developer's contributions referred to above to complete the improvements required by this development and shall use best efforts to complete said improvements by such dates as such improvements will be needed to accommodate the project's traffic, with such dates being established utilizing generally accepted traffic engineering practices. Notwithstanding the foregoing, in the event that the performance by the City of this commitment shall be interrupted or delayed by force majeure, then it shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof. Any such delay shall not serve to allow development contrary to the terms of this Development Order.

(6) In addition to the Total Developer Fair Share Amount, the following on-site entrance improvements (to be constructed at the Developer's expense) will be required if determined to be necessary by the City:

(a) Prior to the issuance of the first Certificate of Occupancy within Phase I, an appropriately designed entrance to the development on Fletcher Avenue shall be constructed.

(b) Three major entrances are to be located on Fletcher Avenue so as to be consistent with the ADA. These entrances are to be coordinated with the widening of Fletcher Avenue.

(c) If the Developer elects to make the above entrance improvements in stages, subsequent to the issuance of the first Certificate of Occupancy, then a plan for each improvement shall be submitted and approved by the City prior to the issuance of the first building permit for any portion of the site being developed. The plan shall address those entrance points necessary to serve the portion of the site being developed. With the plan, a transportation analysis shall be provided that calculates the Level of Service of the intersection after the proposed improvements are made taking into account existing background traffic and projected project traffic. The proposed improvement shall be projected to operate at Level of Service C Daily Level of Service D peak hour,

upon completion and full occupancy of the portion of the site being developed.

(7) In lieu of a portion of the Total Developer Fair Share Amount, the Developer may elect to design and construct additional lanes on Fletcher Avenue from I-75 to 56th Street. The design shall be subject to approval by the governmental entities having jurisdiction over this project. The Developer's estimate of its contribution for the design and construction of the additional lanes shall be submitted to the City for approval prior to construction. Said amount shall be credited against the future Total Developer Fair Share Amount payable as building permits are issued. The amount of such credit shall be applied to the amount payable under each building permit pursuant to the table set forth in Section 4.D.(4), above, until the amount expended by the Developer for the design and construction of the additional lanes is exhausted by such credit. In no event shall the Developer be required to pay more than the Total Developer Fair Share Amount.

(8) If the City adopts a transportation impact fee ordinance, which has been determined to be a reasonable vehicle for apportioning the costs of transportation improvements required by this project, the Developer shall be governed exclusively by the provisions of said ordinance as to its fair share contribution for any remaining contributions for the Phase which is being constructed at the time of such adoption and all succeeding Phases, provided however, that all remaining unpaid fair share contributions shall not exceed the total rate of $1.25 per square foot.

(9) If right-of-way is required for transportation improvements, Developer may elect to provide such right-of-way and shall receive a credit against right-of-way fair share impact assessments identified herein, for the fair market value of the land so provided.

(10) The Developer, at its option and sole discretion, may resubmit its project for review and approval under any subsequently filed Area-wide Application for Development Approval, pursuant to Subsection 380.06(26), Florida Statutes. Any impacts assessed and satisfied pursuant to this Order, shall be considered and credited in any such Area-wide Development Order.

E. That, the average daily flows of wastewater from commencement of construction through build-out and operation of the project as referenced in the ADA will be accepted by the City at the standard charge for wastewater service. Connection fees, installation charges necessitated by this development, shall be assumed by the Developer, when assessed by the City, as project plans become final, all in accordance with established City policies and regulations.

Any wastewater generated that is composed of elements not normally associated with domestic wastewater shall require special treatment prior to discharge according to City of Tampa requirements, as appropriate.

F. That, the total daily water requirements from commencement of construction through build-out and operation of the project as referenced in the ADA

will be supplied by the City at the standard charge for water service. Connection fees, installation charges necessitated by this development, shall be assumed by the Developer, when assessed by the City, as project plans become final, all in accordance with established City policies and regulations. To the extent permitted under City Code sections, ordinances, resolutions, policies and regulations, the Developer shall receive credit for existing water system improvements which are used for the development approved hereby.

G. That, the Developer shall be responsible for the maintenance of the internal water supply and sewer system, until dedicated to the City of Tampa.

H. That, the total daily generation of solid waste from the commencement of construction to build-out of the project as referenced in the ADA will be disposed of at the City's direction.

I. That 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 Hidden River businesses information that:

1. 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;

2. Indicates the locations of the specially-designated hazardous waste and materials containers; and

3. 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.

J. That, the City shall ensure the adequacy and availability of the following public services for each phase of this development: police, emergency medical and fire.

K. That, the Developer shall receive assurance of availability and commitments for water, wastewater treatment and solid waste disposal, prior to the issuance of construction permits for each building for which such services are required.

L. That, the Developer shall ensure that the final stormwater drainage plan shall be prepared in accordance with the Master Drainage Plan set forth in the ADA and TBRPC's approved Stormwater and Lakes System Maintenance and Design Guidelines (TBRPC, 1978); the Developer shall ensure that the final drainage plan shall be prepared in accordance with the latest City policies and standards for stormwater management; further, Developer shall

0012 28

maintain predevelopment water level fluctuation of the natural existing hydroperiod in the wetland areas adjacent and hydrologically connected to the development's stormwater management systems.

M. That, the Developer shall be the responsible entity for the maintenance of on-site stormwater management systems and on-site wells.

N. That, an environmental study has been instituted by the Hillsborough County City/County Planning Commission for the North I-75 Corridor area in cooperation with the City of Tampa, City of Temple Terrace, Hillsborough County, Hillsborough County Environmental Protection Commission, Department of Environmental Regulation, Department of Natural Resources, Tampa Bay Regional Planning Council, other appropriate state agencies and developers in the study area. The study includes the following issues:

(1) Definition of study area boundaries.

(2) Inventory of natural resources and environmental features within the study area, such as surface waters, groundwater resources and threatened and endangered species, prime and unique agricultural lands, preservation/conservation areas, specifically to include the Hillsborough River.

(3) Identification of specific natural resources to be protected from the effects of urbanization.

(4) Identification of specific growth management measures to be utilized to protect natural resources and/or mitigate impact from urbanization.

(5) Identification of opportunities for recreational use.

(6) Assessment of the impracts associated with public facility expansion, such as physical plant location and operating procedures.

(7) Formulation of program to promote public and private awareness.

(8) Identification of those actions necessary to be taken to implement the results of the study.

O. That, the Developer shall ensure that the site, as fully and finally developed, shall include approximately 285 acres (60% of total site acreage) of landscaped buffering and open space, consistent with the commitments contained in the ADA. Further, the Developer shall be responsible for the maintenance of all such landscaped buffering and open space areas.

P. That, the boardwalk, pedestrian bridge and other amenities, if located within the floodplain, shall be designed so as to minimize impacts on the natural function and features of the floodplain.

Q. That, the applicant shall develop guidelines and design criteria for preparation of landscaping plans for trees and shrubs that will promote the use of native plant species compatible with the existing vegetation characteristics, and the applicant shall require the use of these criteria and guidelines by individual tract developers in order to control the character and the quality of the development.

R. That, the applicant shall retain and preserve natural communities in the development where possible as part of the open space system and the preservation areas which are retained shall include representative samples of all upland communities that have value as landscape and habitat amenities.

S. That, in the event that any species which are listed in Sections 39-27.03-05, F.A.C. are observed frequenting the site for nesting, feeding or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.

T. That, the developer shall institute measures to assure the City of Tampa that development will not infringe upon or degrade the natural integrity of the Hillsborough River as well as the regionally significant preservation and conservation areas associated with the site.

(1) Final development plans shall designate, be consistent with, and map preservation and conservation areas in accordance with the Council's adopted growth policy, Future of the Region (Sections 2.701, Preservation and 2.702, Conservation).

(2) On-site wetlands shall be preserved/conserved as set forth on Map H of the ADA unless otherwise approved by Florida DER or Hillsborough EPC.

(3) As committed in the ADA, no buildings shall be constructed within the riverine wetlands (100-year floodplain) adjacent to the river, thereby providing a buffer ranging from 1,000 to 2,000 feet from the river's edge to developable parcels.

(4) The boardwalk, pedestrian bridge and other amenities, if located within the floodplain, shall be designated so as to minimize impacts on the natural function and features of the floodplain, subject to local and state permitting.

(5) As committed in the ADA, any boating facilities shall be limited to non-power boats.

(6) The developer shall implement a street cleaning program for the parking and roadway areas within the development, pursuant to the Areawide Water Quality Management Plan for the Tampa Bay Region (1978).

U. That, the Developer shall institute the wind and soil erosion control measures referenced in the ADA for minimizing adverse water and air quality

0012229

impacts. Specifically, the Developer shall implement measures to reduce fugitive dust and air emissions as referenced on page 13-2 and 13-3 of the ADA.

V. That, the Developer shall implement the energy conservation measures as set forth in the ADA.

W. That, if archaelogical resources are located during project construction, the Developer shall ensure that the ultimate disposition of such resources shall be determined in cooperation with the Florida Division of Archives.

X. That, the Developer shall promote awareness of and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The Developer shall prepare a plan to ensure the safe and orderly evacuation of hotel guests and those employees who, for security or administrative reasons, are in the project buildings after an evacuation order pertaining to the site is issued, by:

1. Ordering all project buildings closed for the duration of a hurricane evacuation order;

2. Informing all employees of evacuation routes out of any flood prone areas and evacuation procedures; and

3. Coordinating with and informing appropriate public authorities of building closings, security and safety measures implemented and evacuation plans.

This project evacuation plan shall be included in the first annual report submitted after occupancy of any portion of the project.

Y. That, all development pursuant to this Order shall be in accordance with applicable local building codes, except as otherwise permitted herein.

Z. That, elevations for all habitable structures shall be at or above the base flood elevation.

AA. That, mitigation for the loss of wetlands shall be as referenced in Section 16 of the ADA.

BB. That, the applicant shall assume responsibility as requested by the City of Tampa to provide the reports of the ongoing DER monitoring of the Hillsborough River to the City of Tampa to serve as baseline data, prior to preliminary plan approval and quarterly thereafter through project build-out. In the event that the Hidden River Corporate Park development activities are degrading water development plans are instituted which correct the cases of the degradation.

CC. That, the City of Tampa shall consider the recommendations of the Hillsborough County City-County Planning Commission's Hillsborough River Study as part of any approval of this development, when the study is completed.

DD. That, the developer's commitments as set forth in the ADA, summarized in Exhibit D hereof, shall be

0 0 1 2 3 1

honored except as the they may be superseded by specific terms of this Development Order.

EE. That, a plan for non-potable water use on open space and landscape areas shall be prepared.

FF. That, excess infra-structure capacity constructed to potentially service Phase II or III shall be at the developers risk and shall not vest Phase II or III development rights.

Section 5. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Order.

Section 6. That this Order shall remain in effect for a period of fifteen (15) years from the effective date of this Order. Any development activity wherein final plans have been submitted to the City for its review and approval prior to the expiration date of this Order, may be completed, if approved. This Order shall be extended by City Council on the finding of excusable delay in any proposed development activity.

Section 7. That this Order shall be binding upon the Developer, assigns or successors-in-interest.

Section 8. The Director of HICS is responsible for insuring compliance with this Order and for the receipt of the fair share contributions collected pursuant to Section 4.F. above. Monitoring shall be accomplished by review of the Annual Report, building permits, certificates of occupancy, plats, if applicable, and by on-site observations.

Section 9. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor-in-interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Order.

Section 10. That the City Clerk is hereby directed to send copies of this Order, within five (5) days of the effective date of this Ordinance, to the Developer, TBRPC and DCA.

Section 11. That this Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.

Section 12. That the Developer shall record a notice of adoption of this Order pursuant to Chapter 380, and shall furnish the City Clerk a copy of the recorded notice.

Section 13. That this Ordinance shall take effect immediately upon becoming a law, and a copy shall be posted on the bulletin board in the first floor of the City Hall in the City of Tampa, Florida, for the convenience of the public.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON AUG 8 1985.

CHAIRMAN, CITY COUNCIL

ATTEST:

Frances Henrizing
CITY CLERK

APPROVED by me on: _____

APPROVED by me on: 8-8-85

Prepared and Approved by:

Paula K. H.
ASSISTANT CITY ATTORNEY

MAYOR

RFL5/a

TBRP

ORDINANCE NO. 8969 - A

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY MOORE-TAGGART PROPERTIES FOR HIDDEN RIVER, A DEVELOPMENT OF REGIONAL IMPACT: PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, On November 14, 1984, Moore-Taggart Properties ("the Developer") filed an Application for Development Approval (which, together with the Sufficiency Response, dated February 26, 1985, is hereafter referred to as the "ADA") for a Development of Regional Impact ("DRI") with the City of Tampa ("the City"), Hillsborough County City-County Planning Commission, Hillsborough County Environmental Protection Commission, Florida Department of Community Affairs ("DCA") and the Tampa Bay Regional Planning Council ("TBRPC"), pursuant to the provisions of Section 380.06, Florida Statutes (1983), as amended ("Chapter 380"), and Section 43-96.2, City of Tampa Code; and

WHEREAS, the ADA proposes the development of Hidden River, a mixed use, office/retail/hotel development located on a 476 acre site at the northwest quadrant of the I-75 Interchange at Fletcher Avenue; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380 is authorized and empowered to consider ADA's for DRI's; and

WHEREAS, the public notice requirements of Chapter 380, and Section 43-96.2, City of Tampa Code have been satisfied; and

WHEREAS, the City Council has on July 18, 1985, held a duly noticed public hearing on the ADA and has heard and considered testimony and documents received thereon; and

WHEREAS, the City Council has received and considered the report and recommendations of the TBRPC; and

WHEREAS, all interested parties and members of the public were afforded the opportunity to participate in the application hearing on the subject DRI, before the City Council; and

WHEREAS, the City Council has reviewed the above referenced documents, as well as all related testimony and evidence submitted by each party and members of the general public; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. That this Ordinance shall constitute the Development Order ("Order") of the City Council issued in response to the ADA filed by the Developer, for development of Hidden River, a DRI. The scope of development to be permitted pursuant to this Order includes the land use and activities described in the ADA, which ADA, is attached hereto and made a part hereof as Composite Exhibit A.

Section 2. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by each party and members of the general public, finds there is substantial competent evidence to support the following findings of fact:

A. That, the Developer submitted to the City the materials attached hereto as composite Exhibit A.

B. That, the real property which is the subject of the ADA is legally described as set forth in Exhibit B, attached hereto and by reference made a part hereof.

C. That, the Developer proposes the development of Hidden River, a mixed-use office/retail/hotel complex with a total site area of approximately 476 acres, located approximately at the northwest quadrant of the I-75 Interchange at Fletcher Avenue, in the City of Tampa.

D. That, the proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1983), as amended.

E. That, the project has applied for appropriate zoning to comply with local land development regulations.

F. That, this Order satisfies the provisions of Section 380.06(14), Florida Statutes, as amended.

G. That, the development will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.

H. That, a comprehensive review of the impacts generated by the development has been conducted by the City's departments and the TBRPC.

Section 3. That the City Council having made the above findings of fact, reaches the following conclusions of law:

A. That, these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in this proceeding, the various departments of the City and the Developer are authorized to approve/conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.

B. That, the review by the City, the TBRPC and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, within the terms and conditions of this Order and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

Section 4. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the ADA is hereby approved, subject to the following conditions, restrictions and limitations:

A. Substantial Deviations:

Further review pursuant to Chapter 380, may be required if a substantial deviation, as defined in Chapter 380, occurs. The Developer shall be given due notice of, and opportunity to be heard at any hearing to determine whether or not a proposed

change to the development is a substantial deviation. A substantial deviation may occur by failure to comply with the conditions herein, or by failure to follow the terms and provisions and phasing schedule contained in Composite Exhibit A, as the same may be modified by this Order, or by conducting development activities which are not commenced until after the expiration of the effective period of this Order.

B. That, the Developer shall submit annual reports on the DRI to the City, the TBRPC, the State Land Planning Agency, and other agencies as may be appropriate, on July 1, 1986, and on July 1 of each year thereafter until such time as all terms and conditions of this Order are satisfied. Such report shall be submitted to the Director, Department of Housing, Inspections and Community Services (hereinafter "HICS") who shall, after appropriate review, submit it for review by the City Council. The City Council shall review the report for compliance with the terms and conditions of this Order and may issue further orders and conditions to insure compliance with the terms and conditions of this Order. The Developer shall be notified of any City Council hearing, wherein such report is to be reviewed; provided, however, that receipt and review by the City Council shall not be considered a substitute or a waiver of any terms and conditions of this Order. The annual report shall contain:

1. Changes in the plan of development or phasing for the reporting year and for the next year;

2. A summary comparison of development activity proposed and actually conducted for the reporting year;

3. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

4. Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the development order was issued;

5. An assessment of the Developer's and local government's compliance with conditions of approval contained in the DRI development order;

6. An hourly traffic count for a 24-hour period taken at all established access points from public right-of-way to the development site.

7. Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

8. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes (1983); and

9. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was

Section 13. That this Ordinance shall take effect immediately upon becoming a law, and a copy hereof shall be posted on the bulletin board in the hall of the first floor of the City Hall in the City of Tampa, Florida, for the convenience of the public.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JAN 3 1985.

Sandra W. Freedman
CHAIRMAN, CITY COUNCIL

APPROVED by me on JAN 04 1985

Bob Martinez

ATTEST:

Frances Henriquez
CITY CLERK

Prepared and Approved by:

Pamela K. Akin
CITY ATTORNEY

LEGAL DESCRIPTION - OVERALL

That certain tract of land being the combination of three parcels as described in O.R. Book 3104, Page 1408; O.R. Book 3104, Page 1414; and O.R. Book 3104, Page 1411 (regarding Parcel 4 of said page); less and except a parcel totaling 700 square feet, more or less, situated in the northeast corner of the property described in O.R. Book 3104, Page 1414; and less and except a parcel totaling 1024 square feet, more or less, situated in the west side of the property, described in O.R. Book 3935, Page 1638. The above property is lying and being in Section 14, Township 29 South, Range 17 East, Hillsborough County, Florida, and being more particularly described as follows:

Commence at the Northeast corner of said Section 14; thence N 88°55'42" W along the north boundary line of said Section 14, for 190.35 feet; thence S 26°52'48" W, for 969.02 feet; thence S 63°07'12" E, for 30.00 feet to the POINT OF BEGINNING; thence continue S 63°07'12" E, for 457.06 feet; thence S 26°52'48" W, for 20.00 feet; thence S 63°07'12" E, for approximately 117 feet to the mean high water line of Old Tampa Bay; to a point hereby designated Point "A"; thence beginning again at the POINT OF BEGINNING; thence S 26°52'48" W for 256.06 feet; thence S 63°07'12" E for approximately 468 feet, to the mean high water line of Old Tampa Bay; thence Northeasterly, along said mean high water line, for approximately 260 feet, to previously designated Point "A". The above described tract contains 3.02 acres, more or less, and is subject to any easements or rights-of-way of record.

Less and except the following described parcels:

Commence at the Northeast corner of said Section 14; thence N 88°55'42" W along the North boundary line of said Section 14, for 190.35 feet; thence S 26°52'48" W, for 969.02 feet; thence S 63°07'12" E, for 399.19 feet, to the POINT OF BEGINNING; thence continue S 63°07'12" E, for 87.87 feet; thence S 26°52'48" W, for 20.00 feet; thence S 63°07'12" E, for 72.75 feet; thence S 75°21'03" W, for 24.43 feet; thence N 64°08'32" W, for 106.80 feet; thence N 16°07'35" W, for 52.11 feet, to the POINT OF BEGINNING, and containing 0.08 acres, more or less.

Commence at the Northeast corner of said Section 14; thence N 88°55'42" W along the North boundary line of said Section 14, for 190.35 feet; thence S 26°52'48" W, for 969.02 feet; thence S 63°07'12" E, for 30.00 feet, to a point on the future eastern right-of-way line of Rocky Point Road, said point being the POINT OF BEGINNING; thence continue S 63°07'12" E, for 4.00 feet; thence S 26°52'48" W, for 256.06 feet; thence N 63°07'12" W, for 4.00 feet; thence N 26°52'48" E, for 256.06 feet, to the POINT OF BEGINNING, and containing 1024 square feet (0.02 acre), more or less.

Total net acreage being: 2.92 acres, more or less.

Exhibit B

CITY OF TAMPA

Janett S. Martin, City Clerk

Office of City Clerk

May 29, 1996

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

Re: File No. DZ85-52
Ordinance No. 96-104

Dear Sirs:

The enclosed ordinance was adopted by the City Council on May 23, 1996. We are transmitting a certified copy of the ordinance to you for your final record.

If you have any questions, please contact my office at 274-8396.

Sincerely,

Janett S. Martin /ssm

(Mrs.) Janett S. Martin
City Clerk

JSM/ssm

Enclosure: Ordinance No. 96-104 - Kearny Street Real Estate Company, L.P. for Hidden River Corporate Park

315 E. Kennedy Blvd., City Hall ● Tampa, Florida 33602 ● PHONE 813/274-8396 ● FAX 813/274-8306

CC Cert. Mail
TBRPC

ORDINANCE NO. 96-104

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY KEARNY STREET REAL ESTATE COMPANY, L.P. FOR HIDDEN RIVER CORPORATE PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 8969-A, passed and ordained by the City Council of the City of Tampa, Florida (the "City Council"), on August 8, 1985 approved a development order for Hidden River Corporate Park (the "Development"), a Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 90-02, passed and ordained by the City Council on January 11, 1990, approved a first amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 90-10, passed and ordained by the City Council on January 25, 1990, approved a second amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Second Amendment"); and

WHEREAS, Ordinance No. 91-72, passed and ordained by the City Council on April 25, 1991, approved a third amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Third Amendment"); and

WHEREAS, Ordinance No. 92-129, passed and ordained by the City Council on August 6, 1992, approved a fourth amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Fourth Amendment"); and

WHEREAS, Ordinance No. 93-101, passed and ordained by the City Council on July 29, 1993, approved a fifth amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Fifth Amendment")(hereinafter, the Development Order, as amended by the First, Second, Third, Fourth and Fifth Amendments, shall collectively be referred to as the "Development Order" unless the context expressly provides otherwise); and

WHEREAS, on October 2, 1995, Kearny Street Real Estate Company, L.P. (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact

Certified True
and Correct Copy

(DRI) Subsection 380.06(19), Florida Statutes, for the Hidden River Corporate Park DRI (the "Notification of Change"); and

WHEREAS, on March 28, 1996, and May 1, 1996, the Developer filed supplemental responses to agency comments on the Notification of Change (the "Supplemental Responses") (the Notification of Change and Supplemental Responses shall hereinafter together be referred to as the "Notice of Change"); and

WHEREAS, the Notice of Change proposed to amend the Development Order to change the project's current phase designations by changing the project to a two phase development by combining specifically approved Phase I with specifically approved Phase II as "Revised Phase I" and by redesignating Phase III as "Revised Phase II"; to extend the buildout date of Revised Phase I to December 31, 2005; to eliminate the Fletcher Avenue Required Improvement; to include an Equivalency Matrix to allow for the simultaneous exchange of previously approved land uses; and to extend the termination date of the Development Order to December 31, 2010, all as more particularly set forth in the Notice of Change (hereinafter said changes shall collectively be referred to as the "Proposed Changes"); and

WHEREAS, the Proposed Changes to the Development Order shall constitute the Sixth Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the Notice of Change as well as all related testimony and evidence submitted by the Developer concerning the Proposed Changes; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Changes and to amend the Development Order; and

WHEREAS, the public notice requirements have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Changes before the City Council; and

WHEREAS, the City Council has reviewed and considered the above-referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

Certified as true
and correct copy

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notice of Change, attached hereto as Composite Exhibit "A" and incorporated herein by reference, which proposed a change to the project's current phase designations by changing the project to a two phase development by combining specifically approved Phase I with specifically approved Phase II as "Revised Phase I" and by redesignating Phase III as "Revised Phase II"; an extension of the buildout date of Revised Phase I to December 31, 2005; to eliminate the Fletcher Avenue Required Improvement; to include an Equivalency Matrix to allow for the simultaneous exchange of previously approved land uses; and to extend the termination date of the Development Order to December 31, 2010, all as more particularly set forth in the Notice of Change (hereinafter, the proposed changes shall collectively be referred to as the "Proposed Changes").

B. That the Proposed Changes are consistent with the State Comprehensive Plan.

C. That the Proposed Changes are consistent with all local land development regulations and the local comprehensive plan.

D. That the Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

E. That the Proposed Changes are consistent with the Report and Recommendations of the Tampa Bay Regional Planning Council.

F. That the Proposed Changes are presumed to create a substantial deviation under Subsection 380.06, Florida Statutes.

G. That a comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City and the Tampa Bay Regional Planning Council.

H. That the Proposed Changes do not create additional regional impacts or impacts that were not previously reviewed nor do they meet or exceed any of the criteria set forth in Subsection 380.06(19)(b), Florida Statutes.

Certified as true
and correct copy.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of law:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. That the review by the City, the Tampa Bay Regional Planning Council and other participating agencies and interested citizens concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.

C. That based upon the analyses which are part of Composite Exhibit "A" and the record of the proceedings, and the conditions contained herein, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.

D. That based on the foregoing and pursuant to Subsection 380.06(19), Florida Statutes, the Proposed Changes are found not to be a substantial deviation to the previously approved Development Order.

Section 3. Order. That having made the above findings of fact, and conclusions of law, it is ordered:

A. That the Proposed Changes are hereby approved and the Development Order is hereby amended to incorporate the Notice of Change;

B. Phase I and Phase II are hereby consolidated into a single phase as "Revised Phase I", and Phase III is hereby redesignated as "Revised Phase II"; it is the intent of this Order that all references in the existing Development Order to "Phase I" or "Phase II" shall be amended to refer to "Revised Phase I", and that all references in the existing Development Order to "Phase III" shall be amended to refer to "Revised Phase II";

C. The date of buildout of Revised Phase I is hereby extended to December 31, 2005;

D. The Development Order is hereby amended to eliminate the Fletcher Avenue Required Improvement (which is referred to in subsections 4.D.(3)(a)(iii)-(vii) of the existing Development Order as the "Required Improvement"); accordingly, subsection 4.D.(3)(a)(i) of the existing Development Order is amended to provide the revised Pipeline Proportionate Share Amount of

Certified as true and correct copy.

$740,624.00, and subsections 4.D.(3)(a)(iii)-(vii) of the existing Development Order are deleted in their entirety;

E. The Development Order is hereby amended to include an Equivalency Matrix, attached hereto as Exhibit "B" and incorporated herein, which allows for the simultaneous exchange of previously approved land uses under the Development Order. The use of the Equivalency Matrix is limited to the following minimums and maximums:

Land Use	Mimimum	Maximum
Office	2,000,000 Sq. Ft.	3,100,000 Sq. Ft.
Hotel	200 Rooms	1,500 Rooms
Specialty Retail	50,000 Sq. Ft.	200,000 Sq. Ft.

["Specialty Retail" uses, as previously approved in the Development Order, as amended, includes those uses allowed for under the definition of "Specialty Retail" (Land Use Code 814) contained in the Institute of Transportation Engineers, Trip Generation, January 1991 (5th Edition). As indicated in the approved Development Order, as amended, such approved "Specialty Retail" uses include a variety of multiple retail users such as specialty retail centers containing restaurants, clothiers, office suppliers, computer products sales, travel agencies, and similar uses, as well as outparcels containing banks, restaurants, service stations and similar structures.]. At the time of selection of a land use exchange under the Equivalency Matrix, the Developer shall notify the Department of Community Affairs (DCA) and the Tampa Bay Regional Planning Council (TBRPC) of said selection and shall also provide DCA, TBRPC and the City with cumulative land use totals and remaining allowable quantities. This condition shall not be construed as a requirement for an approval of a particular land use exchange so long as the desired exchange is consistent with the formula set forth in the Equivalency Matrix;

F. That Section 6 of the Development Order is hereby amended to provide that the Order shall remain in effect until December 31, 2010;

G. The findings of fact and conclusions of law made in the Development Order are hereby reaffirmed and are incorporated herein by reference, provided, however, that to the extent that a finding of fact or conclusion of law in the original Development Order, or any amendment thereto, conflicts with another finding or conclusion in a different amendment, the more recent in time shall control.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Sixth Amendment to Ordinance No. 8969-A, as previously amended by Ordinance No. 90-02, Ordinance No. 90-10, Ordinance No. 91-72, Ordinance No. 92-129, and Ordinance 93-101, which shall constitute, collectively, the Development Order for the

Certified as true and correct copy.

Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

Section 7. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 8. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its being passed and ordained by the City Council, to the Developer, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 10. Rendition. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 11. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 12. Effective Date. That this Ordinance shall become a law as provided in the City of Tampa Home Rule Charter and shall take effect upon transmittal to the parties specified in Section 9 hereof.

Certified as true
and correct copy

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON MAY 23 1996.

CHAIRMAN, CITY COUNCIL PRO-TEM

Approved by me MAY 24 1996

ATTEST:

CITY CLERK

ACTING MAYOR

APPROVED as to form by:

ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ord. No 96-104 on file in my office
Witness my hand and official seal this 29th day of May, 19 96.

JANETT S. MARTIN, CITY CLERK

BY:

SANDRA S. MARSHALL, DEPUTY CITY CLERK

5/01/96

CITY OF TAMPA

Frances Henriquez, City Clerk

Office of City Clerk

August 6, 1993

Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg FL 32702

RE: File No. DZ85-52
Ordinance No. 93-101

Dear Sirs:

The enclosed document is being transmitted for your information and record keeping process.

If further information is needed, please contact the Land Development Coordination Office, 223-8405.

Sincerely,

(Mrs.) Frances Henriquez
City Clerk

FH/gg

Enclosure

Certified Mail

mailed 8/6/93
received 8/10/93

cc: Land Development Coordination

TBRP
Cert Copy

ORDINANCE NO. 93-101

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY HIDDEN RIVER CORPORATE PARK, LTD. FOR HIDDEN RIVER CORPORATE PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 8969-A, passed and ordained by the City Council of the City of Tampa, Florida (the "City Council"), on August 8, 1985 approved a development order for Hidden River Corporate Park (the "Development"), a Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 90-02, passed and ordained by the City Council on January 11, 1990, approved a first amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 90-10, passed and ordained by the City Council on January 25, 1990, approved a second amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Second Amendment"); and

WHEREAS, Ordinance No. 91-72, passed and ordained by the City Council on April 25, 1991, approved a third amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Third Amendment"); and

WHEREAS, Ordinance No. 92-129, passed and ordained by the City Council on August 6, 1992, approved a fourth amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Fourth Amendment"); and

WHEREAS, on March 2, 1993, Hidden River Corporate Park, Ltd. (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for the Hidden River Corporate Park DRI (the "Notification"); and

WHEREAS, on April 17, 1993, Hidden River Corporate Park, Ltd. filed a Sufficiency Response (hereinafter the Notification together with this Sufficiency Response shall collectively be referred to as the "Notice of Change") in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the Notice of Change proposed to amend the Development Order, as previously amended by the First, Second, Third and Fourth Amendments, to provide an extension of the dates to commence and complete the acquisition of right-of-way and permits for, and the design and construction of, the Required Improvement, as that term is defined in Development Order Condition 4.D.(3)(a)(iii) (hereinafter said change shall be referred to as the "Proposed Change"); and

WHEREAS, the Proposed Change to the Development Order, as previously amended by the First, Second, Third and Fourth Amendments, shall constitute the Fifth Amendment to the Development Order; and

Certified as true
and correct copy.

WHEREAS, the City Council has reviewed and considered the Notice of Change as well as all related testimony and evidence submitted by the Developer concerning the Proposed Change; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Change and to amend the Development Order, as previously amended by the First, Second, Third and Fourth Amendments; and

WHEREAS, the public notice requirements have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Change before the City Council; and

WHEREAS, the City Council has reviewed and considered the above-referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notice of Change, attached hereto as Composite Exhibit "A" and incorporated herein by reference, which requested an extension of the construction completion date for the Required Improvement (hereinafter all proposed modifications as set forth in the Notice of Change shall be referred to as the "Proposed Change").

B. That the Proposed Change is consistent with all local land development regulations and the local comprehensive plan.

C. That the Proposed Change does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

D. That the Proposed Change is consistent with the Report and Recommendations of the Tampa Bay Regional Planning Council.

E. That a comprehensive review of the impacts generated by the Proposed Change has been conducted by the City and the Tampa Bay Regional Planning Council.

Certified as true
and correct copy.

F. That the Proposed Change does not create additional regional impacts or impacts that were not previously reviewed nor meet or exceed any of the criteria set forth in Subsection 380.06(19)(b), Florida Statutes.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of law:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. That the review by the City, the Tampa Bay Regional Planning Council and other participating agencies and interested citizens concludes that the impacts of the Proposed Change are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.

C. That based on the foregoing and pursuant to Subsection 380.06(19), Florida Statutes, the Proposed Change is found not to be a substantial deviation to the previously approved Development Order, as amended by the First, Second, Third and Fourth Amendments.

Section 3. Order. That having made the above findings of fact, and conclusions of law, it is ordered:

A. That the Proposed Change is hereby approved and the Development Order, as amended by the First, Second, Third and Fourth Amendments, is hereby amended to incorporate the Notice of Change.

B. That Condition 4.D.(3)(a)(vi) of the Development Order, as amended by the First Amendment, is hereby restated in its entirety as follows:

> Design of the Required Improvement has been completed. The Developer has commenced acquisition of necessary right-of-way and permits for the Required Improvement and Developer shall complete same within eight (8) months of issuance of this Order. Upon acquisition of necessary right-of-way, permits and approvals the Developer shall commence construction of the Required Improvement and shall complete same by no later than December 31, 1995. The Required Improvement shall be completed regardless of cost.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Fifth Amendment to Ordinance No. 8969-A, as previously amended by Ordinance No. 90-02, Ordinance No. 90-10, Ordinance No. 91-72, and Ordinance No. 92-129, which shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Certified as true and correct copy.

Section 5. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

Section 7. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 8. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its being passed and ordained by the City Council, to the Developer, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 10. Rendition. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 11. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 12. Effective Date. That this Ordinance shall take effect immediately upon being rendered in accordance with law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JUL 29 1993.

Joe Gruters
CHAIRMAN, CITY COUNCIL

APPROVED by me AUG 05 1993

ATTEST:

Frances Henriquez
CITY CLERK

Sandra W. Freedman
MAYOR

APPROVED as to form by:

Gina K. G
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 93-101 on file in my office.

Witness my hand and official seal this 6th day of Aug, 19 93.

FRANCES HENRIQUEZ, CITY CLERK
By: [illegible]
Deputy CITY CLERK
CITY CLERK

FORM RPM-BSP-PROPCHANGE-1

Effective Date
11/20/90

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2740 Centerview Drive
Tallahassee, FL 32399
904/488-4925

Certified as true and correct copy.

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, David M. Mechanik, the undersigned authorized representative of Hidden River Corporate Park, Ltd., (developer) hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the Hidden River Corporate Park (original & current project names) development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Tampa (local government), to the Tampa Bay Regional Planning Council, and to the Bureau of Resource Management, Department of Community Affairs.

31/93
(Date)

David M. Mechanik
(Signature)
David M. Mechanik, Authorized Agent
for Hidden River Corporate Park, Ltd.

EXHIBIT "A"

2. **Applicant (name, address, phone).**

Hidden River Corporate Park, Ltd.,
a Florida limited partnership
Attn: Stephen A. Meyers, Vice President
8875 Hidden River Parkway, No. 100
Tampa, Florida 33637-1005
(813) 979-8600

3. **Authorized Agent (name, address, phone).**

David M. Mechanik
Macfarlane Ferguson
2300 First Florida Tower
111 Madison Street
Tampa, FL 33602
(813) 273-4345

4. **Location (City, County, Township/Range/Section) of approved DRI and proposed change.**

Section 36, Township 27 South, Range 19 East, and Section 1, Township 28 South, Range 19 East, City of Tampa, Hillsborough County, Florida.

5. **Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or in the representations contained in either the development order of the application for development approval.**

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

The Developer requests an extension of time for commencement and completion of the "Required Improvement", as defined in Development Order Condition 4.D.(3)(a)(iii). The proposed extension also involves an extension of the time frames for completion of design and commencement and completion of right-of-way and permit acquisition. The requested extensions would modify the schedule set forth in §4.D.(3)(a)(vi) of the Development Order.

The requested extension of the construction completion date of the Required Improvement is to December 31, 1995. This extension will allow the construction of the Required Improvement to coincide with the construction of the State Street Florida DRI (formerly GTE 64) ("State Street") pipeline improvement. The State Street improvement involves a portion of the same roadway segment as the Hidden River Required Improvement. Specifically, the Hidden River Required Improvement consists of a fifth and sixth lane on Fletcher Avenue, from Morris Bridge Road to Telecom Drive East. This

request to synchronize these time frames is necessary since the construction of the State Street improvement is integral to the Hidden River improvement.

A traffic analysis conducted for State Street's extension request for the same segment of roadway shows that the level of service of this segment will be acceptable through December of 1995. (See State Street's Technical Memorandum attached as Exhibit "A".)

This Notice of Proposed Change does not propose a change which involves the master site plan.

6. **Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, please indicate no change.**

No change in land use types or amounts is proposed. Accordingly, the Chart has been omitted as an attachment to this Notice of Proposed Change.

7. **List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?**

The original DRI Development Order for the Hidden River Corporate Park DRI, Ordinance No. 8969-A (the "Development Order"), was adopted by City Council on August 8, 1985.

The first amendment to the Development Order (the "First Amendment"), Ordinance No. 90-02, was adopted by City Council on January 11, 1990. The First Amendment provided an updated Transportation Analysis which was required under the Development Order as a condition of commencement of Phase II, modified Development Order conditions to reflect the Regional Activity Center designation for the area of the City within which the development is located, provided for the addition of an approximately 3.8 acre parcel of land, provided for the deletion of Development Order conditions concerning a transportation study which had since been completed, provided refinements to the master plan (Map H), and provided for an increase in Phase II development totals and a corresponding decrease in Phase III development totals, all as more particularly described in Ordinance No. 90-02 and the attachments thereto.

The second amendment to the Development Order (the "Second Amendment"), Ordinance No. 90-10, was adopted by City Council on January 25, 1990. The Second Amendment provided for an extension of the date of build-out of development of Phase I by a period of two (2) years, eleven (11) months and fifteen (15) days.

The third amendment to the Development Order (the "Third Amendment"), Ordinance No. 91-72, was adopted by City Council on April 25, 1991. The Third Amendment provided for an extension of the date of build-out of development of Phase II by a period of two (2) years, eleven (11) months and fifteen (15) days.

The fourth amendment to the Development Order (the "Fourth Amendment"), Ordinance No. 92-129, was adopted by City Council on August 6, 1992. The Fourth Amendment provided for an extension of the date of build-out of development of Phases I and II by a period of two (2) years.

There has not been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued.

8. **Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.**

Other than the parcel incorporated into the DRI site pursuant to the First Amendment, as described above in the answer to Question 7., the Applicant has not purchased or optioned any lands within 1/4 mile of the original DRI site.

9. **Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.**

The proposed changes are less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.?

YES _____ NO ____X____

10. **Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.**

No, the proposed change will not result in a new buildout date or any phasing date of the project.

11. **Will the proposed change require an amendment to the local government comprehensive plan?**

No amendment to the Future of Hillsborough Comprehensive Plan for the City of Tampa will be required by the proposed change.

12. **Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06(15), F.S., and 9J-2.025, Florida Administrative Code:**

An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

The proposed change does not require revision of the master site plan (Map H) or any other maps of the development.

13. **Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:**

a. **All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;**

The specific language is included in the proposed Amended Development Order for the Hidden River Corporate Park DRI, attached as Exhibit "B" to this Notice of Proposed Change.

b. **An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;**

Not applicable.

c. **A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;**

Not applicable.

d. **A proposed amended development order termination date that reasonably reflects the time required to complete the development;**

No change.

e. **A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and**

No change.

f. **Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025(7), F.A.C.**

Not applicable.

EXHIBIT A

Greiner

Greiner, Inc.
P.O. Box 31646 (33631-3416)
7650 West Courtney Campbell Causeway
Tampa, Florida 33607-1462
(813) 286-1711
FAX: (813) 287-8591

C2662.00
October 28, 1992

Mr. David Mechanik
MacFarlane Ferguson
111 Madison Street
Suite 2300
Tampa, Florida 33602

Reference: **State Street NOPC**

Dear Mr. Mechanik:

Enclosed please find a Technical Memorandum entitled Fletcher Avenue Pipeline Improvement. This document assesses the potential impacts associated with the extension request associated with the pipeline improvement.

The methodology used in this analysis is based on your discussions with DCA and subsequent conversations with me. The analysis concludes that the pipeline improvement will operate at an acceptable level of service in 1995, the requested extension date, and will provide substantial additional capacity for future growth beyond the analysis period.

Sincerely,

GREINER, INC.

Randy Coen
Senior Project Manager

RGC:go

xc: Mark Gentry

OCT 0 6 1992

Greiner

C2662.00

TECHNICAL MEMORANDUM

FLETCHER AVENUE PIPELINE IMPROVEMENT

STATE STREET NOPC

This technical memorandum analyzes the potential impacts of an extension of the construction date of a developer-funded transportation improvement along Fletcher Avenue, generally located between Morris Bridge Road and I-75. The improvement is a Development Order condition of approval and is identified as the "pipeline improvement". The pipeline improvement requires the widening of Fletcher Avenue from four lanes to six lanes as well as the associated widening of the northbound approach of Morris Bridge Road at its intersection with Fletcher Avenue.

The analysis which follows was completed utilizing a methodology requested by the Florida Department of Community Affairs during discussions with the developer's representatives. The analysis requires that the pipeline improvement be assessed with the proposed construction extension date to ensure that the pipeline improvement will operate at an acceptable level of service (LOS D in this case) when completed.

Table 1 which follows presents the projected 1995 p.m. peak hour traffic condition for the pipeline improvement segment of Fletcher Avenue. The table provides 1995 background traffic volumes, State Street project traffic and the resulting level of service. As indicated in the table, the State Street pipeline improvement along Fletcher Avenue (Morris Bridge Road to I-75) will operate at LOS B in 1995.

1995 background traffic was projected using 1991 base traffic count data along Fletcher Avenue and future year traffic volumes using the Hillsborough County/MPO FSUTMS model to develop an annual growth rate for background traffic not associated with the subject development. The future year modelled traffic volumes are based on the existing roadway network and include all appropriate unbuilt portions of other major developments

Table 1
FLETCHER AVENUE LEVEL OF SERVICE

ROADWAY	FROM	TO	LANES/ CLASSIF	DIR	PEAK DIR SV@D (1)	1995 PM PEAK DIR VOLUME (2)	LOS
Fletcher Avenue	Morris Bridge Road	Interstate 75	6LA	EB	2940	2400	B
			6LA	WB	2940	1113	B

1. Source: Detailed LOS calculations performed for GTE 326 NOPC, page B-58, Feb/92, (attached).
2. See appended worksheets for detailed calculation of 1995 volumes.

in the area, as well as general growth in background traffic volumes. Supporting documentation regarding the background traffic volumes are appended.

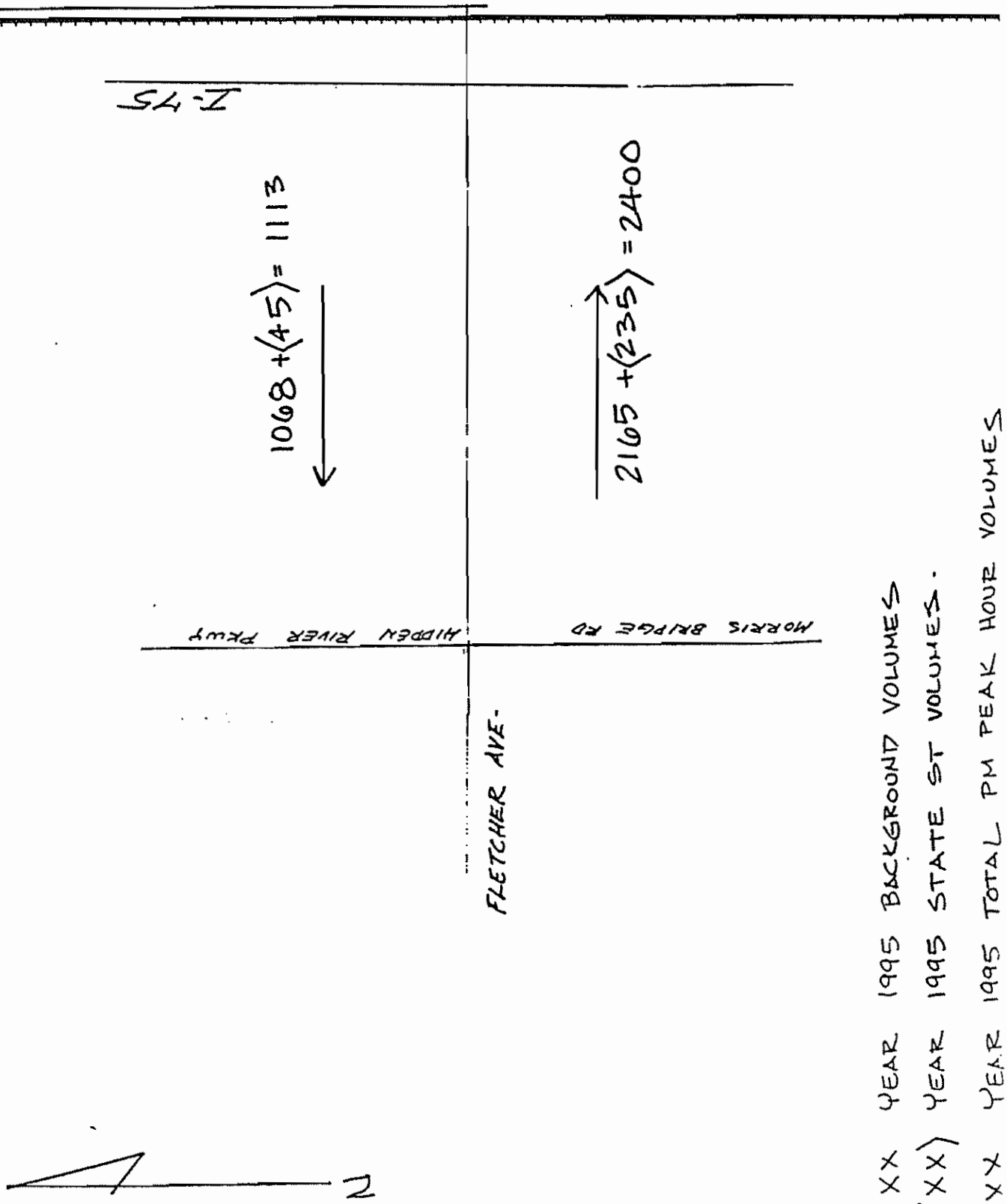
State Street project traffic was projected based on the previous DRI transportation analyses completed for the project. Project traffic volumes for this roadway segment were obtained from Table 9 of the 1989 NOPC document which presents the most recent projection of future year project traffic volumes. Supporting documentation regarding State Street project traffic volumes are appended.

In conclusion, the extension of construction date for the State Street pipeline improvement project to 1995 is consistent with and precedes the buildout date of the project. The pipeline improvement will operate at acceptable level of service when constructed and will provide significant additional capacity for further future growth in traffic volumes along Fletcher Avenue.

APPENDIX

Greiner, Inc.

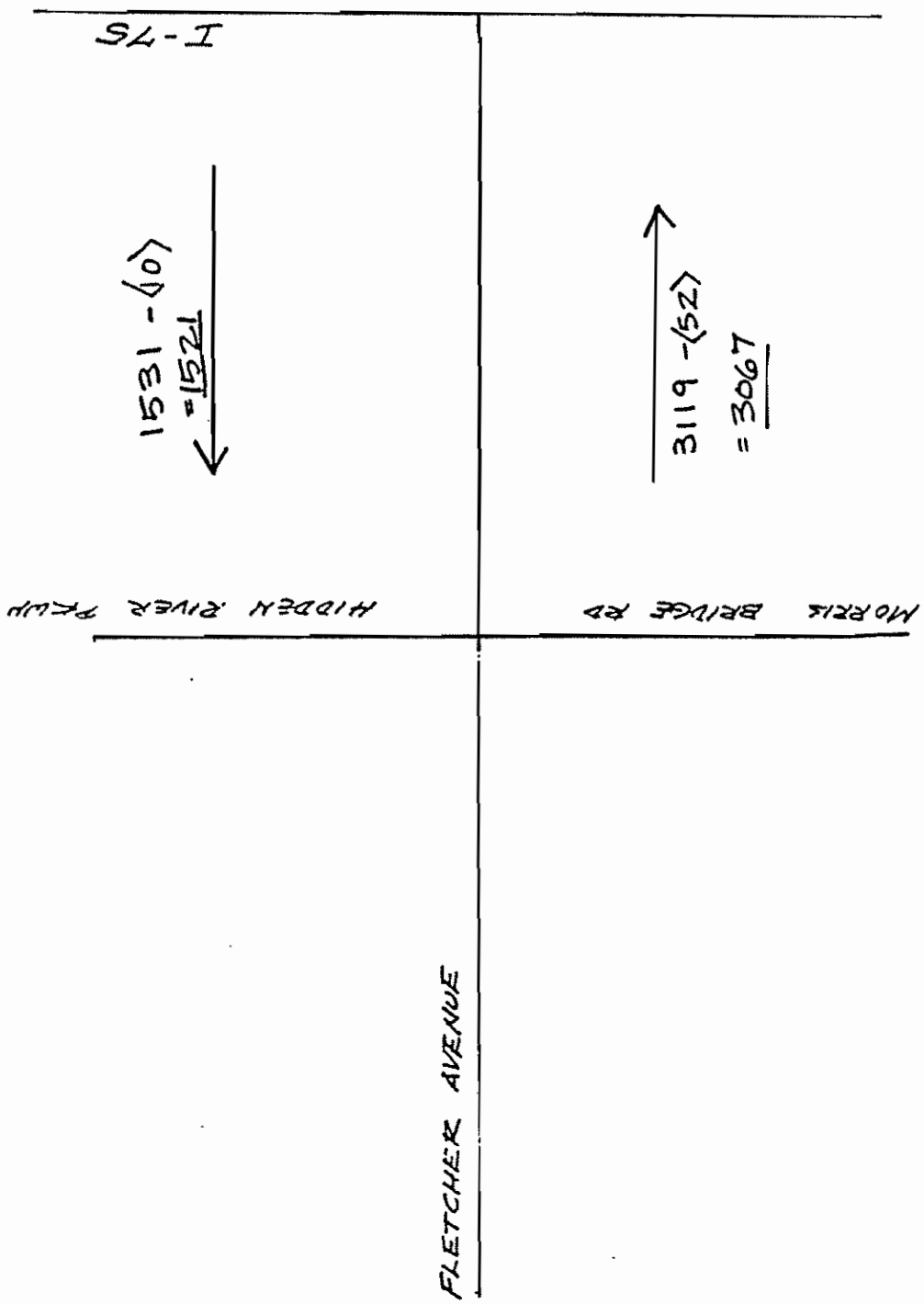
JOB _____ SHEET 1 OF 4 PROJ. NO. _____
DESCRIPTION _____ COMPUTED BY _____ DATE 10/92
CHECKED BY _____ DATE _____



2

Greiner, Inc.

JOB _____ SHEET 2 OF 4 PROJ. NO. _____
DESCRIPTION _____ COMPUTED BY _____ DATE 10/92
CHECKED BY _____ DATE _____

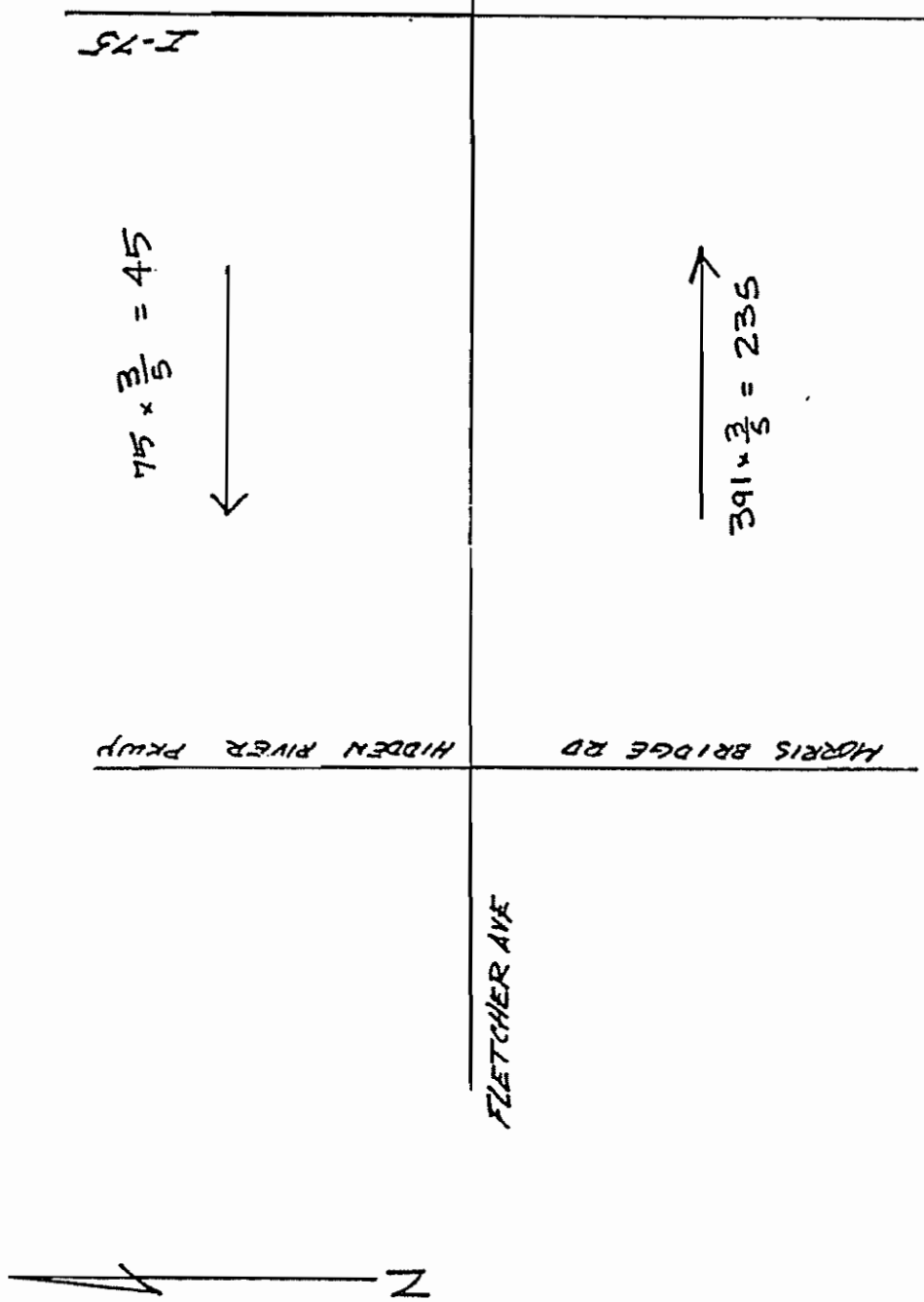


YEAR 2000 FSUTMS VOLUMES (USING a K=0.10, ADT = 46500)
STATE ST FSUTMS VOLUMES, PER MODEL
D = EXISTING, PER COUNTS

XX
(XX)

Greiner, Inc.

JOB _____ SHEET 3 OF 4 PROJ. NO. _____
DESCRIPTION _____ COMPUTED BY _____ DATE 10/92
CHECKED BY _____ DATE _____

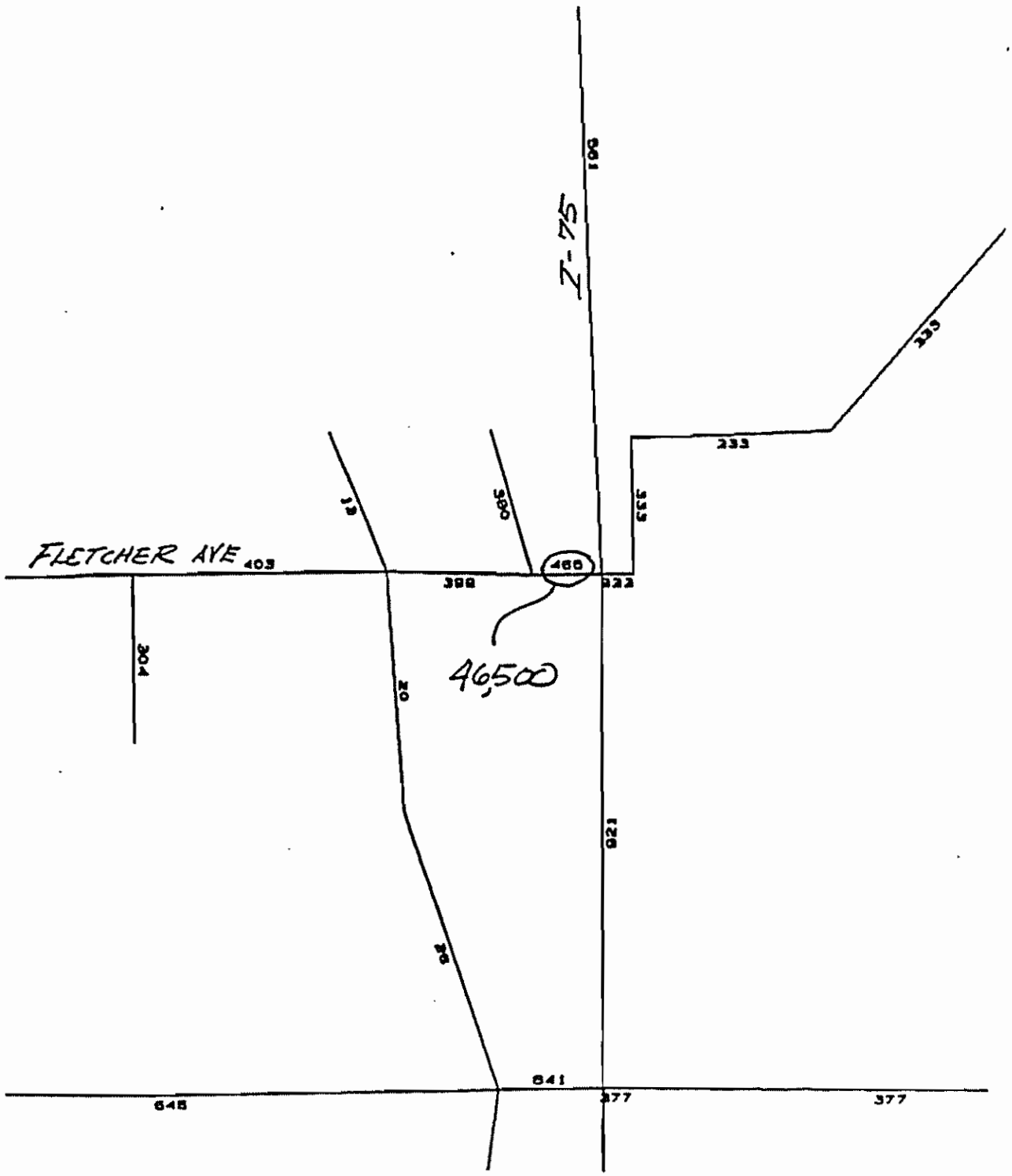


1995 STATE STREET TRAFFIC = BUILDOUT TRAFFIC $\times \frac{3}{5}$

(SOURCE: TABLE 9, GTE GT NOPC, 1/89, ATTACHED)
(DEVELOPMENT FROM 1992 TO 1995, WITH A 1997 BUILDOUT)

Greiner, Inc.

JOB _____ SHEET 4 OF 4 PROJ. NO. _____
DESCRIPTION _____ COMPUTED BY _____ DATE 10/92
_____ CHECKED BY _____ DATE _____



YR 2000 FSUTMS MODEL OUTPUT

ATTACHMENTS

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI) SUBSECTION 380.06 (19), FLORIDA STATUTES

AND

TRANSPORTATION UPDATE FOR THE GTE/COLLIER-64 DRI

Prepared for:

SSB Realty, Inc.
Boston, Massachusetts

By:

Greiner, Inc.
Tampa, Florida

January 1989

TABLE 9

1992 PM PEAK HOUR WITH PROJECT CONDITIONS

Link[1]	Roadway	Laneage	Direction	Total Background Volume	Project Volume	Total Volume	Capacity[2]	Level of Service	Project % of LOS "D" Service Volume
F1	Fletcher Ave.	4LD	EB	943	10	953	1,577	D	0.7
			WB	1,181	67	1,248	1,650	D	4.6
F2	Fletcher Ave.	4LD	EB	1,127	20	1,147	1,577	D	1.4
			WB	1,142	118	1,260	1,650	D	8.3
F3	Fletcher Ave.	4LD	EB	1,267	25	1,292	1,890	C	1.4
			WB	1,445	128	1,573	1,940	C	7.3
F4	Fletcher Ave.	2LD	EB	1,277	29	1,306	960	F	3.3
			WB	1,096	152	1,248	933	F	17.1
F5	Fletcher Ave.	4LD	EB	2,401	29	2,430	1,940	F	1.6
			WB	1,143	152	1,295	1,890	C	8.4
F6	Fletcher Ave.	4LD	EB	2,744	391	3,135	1,940	F	21.5
			WB	1,163	75	1,238	1,890	C	4.1
F7	Fletcher Ave.	2L	EB	670	21	691	960	C	2.4
			WB	189	4	193	933	C	0.5
X1	Fowler Ave.	4LD	EB	2,136	16	2,152	1,890	F	0.8
			WB	2,144	82	2,226	1,940	F	4.5
X2	Fowler Ave.	2LD	EB	2,094	24	2,118	960	F	2.7
			WB	1,928	122	2,050	933	F	13.7
X3	Fowler Ave.	6LD	EB	1,476	25	1,501	2,847	C	0.9
			WB	1,541	128	1,669	2,910	C	4.7
X4	Fowler Ave.	6LD	EB	1,282	104	1,386	2,910	C	3.8
			WB	1,216	20	1,236	2,847	C	0.7
M1	Morris Bridge Rd.	2L	NB	136	543	679	960	C	61.0
			SB	286	104	390	933	C	11.7
M2	Morris Bridge Rd.	2L	NB	249	50	299	933	C	5.3
			SB	334	242	576	960	C	27.5
I1	I-75	4LX	NB	1,973	132	2,105	3,490	C	4.0
			SB	1,132	25	1,157	3,490	C	0.7
I2	I-75	4LX	NB	2,097	46	2,143	3,490	C	1.4
			SB	2,048	238	2,287	3,490	C	7.2
I3	I-75	4LX	NB	2,289	62	2,351	5,250	C	1.2
			SB	2,091	319	2,410	5,250	C	6.4

[1]See Exhibit 2 for link location.
[2]Capacity obtained from FDOT's Generalized Peak Hour Directional Capacities.

INTERSECTION ANALYSIS

FOR

HIDDEN RIVER CORPORATE PARK

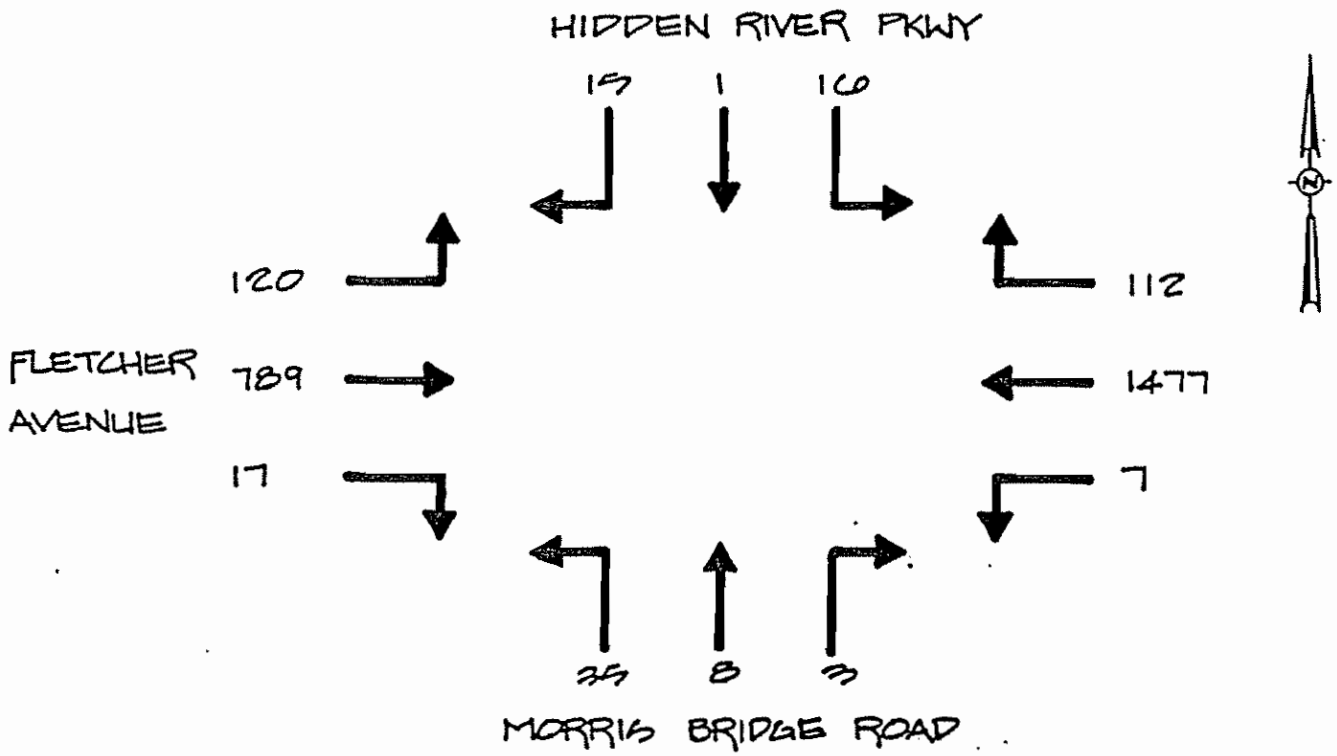
Prepared For

HIDDEN RIVER CORPORATE PARK
8875 Hidden River Parkway
Suite 100
Tampa, Florida 33637

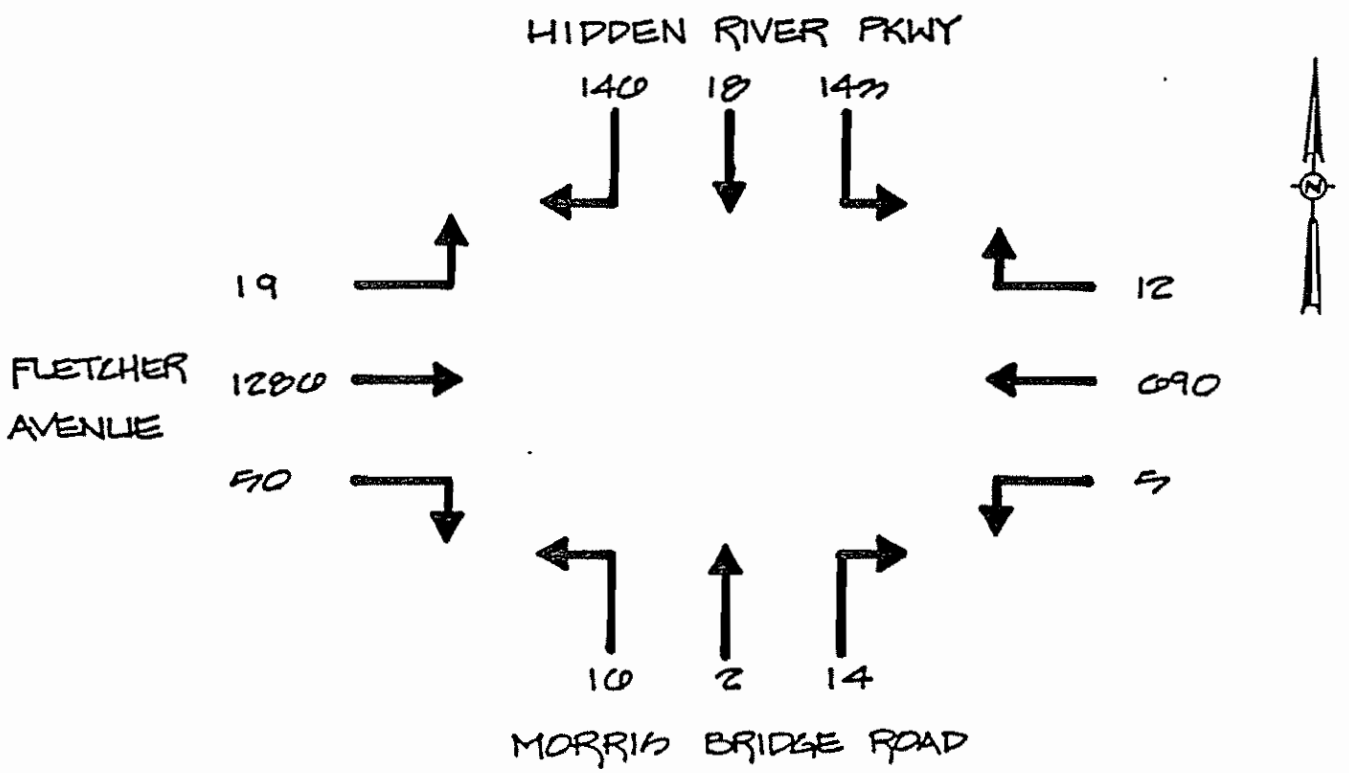
Prepared By

TAMPA BAY ENGINEERING, INC.
102 W. Whiting Street
Suite 501
Tampa, Florida 33602
813-221-0048

TBE Project No. 0073-03.00
January 28, 1992



A.M. PEAK HOUR



P.M. PEAK HOUR

TAMPA BAY ENGINEERING, INC. 102 W. Whiting Street, Suite 501 Tampa, Florida 33602	HIDDEN RIVER CORPORATE PARK	FIGURE 2. 1991 PEAK HOUR TRAFFIC VOLUMES

AUG. 7

DRI NO. 116

GTE/COLLIER 326 DEVELOPMENT OF REGIONAL IMPACT SECTION 4, PARAGRAPH S STUDY FOR PHASE II

Prepared for:

GTE REALTY AND COLLIER ENTERPRISES

Prepared by:

Reynolds, Smith and Hills, Inc.
Tampa, Florida

AEP #492 0024 000

February, 1992

B-53

B-58

DIVIDED ARTERIAL SERVICE FLOW RATES
BASED ON 1985 HIGHWAY CAPACITY MANUAL

ROAD = Fletcher Avenue: 56th Street to I-75
AREA = Hillsborough
DATE = 12/26/91
NAME = David E. Wagner

Lanes/LOS	A	B	C	D	E
		DAILY			
2	N/A	15400	16800	17800	18600
4	N/A	32300	34400	36000	37600
6	N/A	49500	52100	54300	56500
		PEAK HOUR			
2	N/A	1480	1610	1710	1790
4	N/A	3110	3300	3460	3610
6	N/A	4760	5000	5210	5430
		PEAK HOUR PEAK DIRECTION			
1	N/A	840	910	960	1010
2	N/A	1750	1870	1950	2040
3	N/A	2690	2820	2940	3070

IF VALUE IS N/A THEN LEVEL OF SERVICE IS NOT ACHIEVABLE

TRAFFIC CHARACTERISTICS
K Factor = 0.096
Directional Factor = 0.565
Peak Hour Factor (PHF) = 0.950
Protected Turn Percent = 8.00

ROADWAY CHARACTERISTICS
Arterial Class = 1
Free Flow Speed = 45 MPH
ADJUSTED Saturation Flow Rate = 1850 Veh.
Divided by Median - Yes
Left Turn Bays provided - Yes

SIGNAL CHARACTERISTICS
Signalized Intersections per Mile = 1.80
Signal Type = Actuated
Arrival Type = 3
Cycle Length = 68 Seconds
g/C = 0.50

ARTERIAL LEVEL OF SERVICE CRITERIA FOR URBAN

LOS/ARTERIAL CLASS	I	II	III
A	>=35	>=30	>=25
B	>=28	>=24	>=19
C	>=22	>=18	>=13
D	>=17	>=14	>= 9
E	>=13	>=10	>= 7
F	< 13	< 10	< 7

EXHIBIT "B" TO STATE STREET NOPC
TO AMENDED DEVELOPMENT ORDER

DEVELOPMENT SCHEDULE
(1992-DECEMBER 15, 1997)

Land Use	Parameters
Office	560,000 square feet GLA*
Service Center	90,000 square feet GLA*
Retail	20,000 square feet GLA*
Hotel	350 rooms

---

* Gross Leasable Area

CITY OF TAMPA

Frances Henriquez, City Clerk

OFFICE OF CITY CLERK

August 10, 1992

Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg FL 33702

RE: Petition No. DZ85-52
Ordinance No. 92-129

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process.

If further information is needed, please contact Susan Swift, Manager, Land Development Coordination, 223-8405.

Sincerely,

(Mrs.) Frances Henriquez
City Clerk

mailed 8/10/92
received 8/13/92

FH/gg

Enclosure: Ordinance

CERTIFIED MAIL

cc: Susan Swift, Land Development Coordination

315 E. Kennedy Blvd. City Hall • Tampa, Florida 33602 • 813/223-8396

ORDINANCE NO. 92-129

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY HIDDEN RIVER CORPORATE PARK, LTD. FOR HIDDEN RIVER CORPORATE PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 8969-A, passed and ordained by the City Council of the City of Tampa, Florida (the "City Council"), on August 8, 1985 approved a development order for Hidden River Corporate Park (the "Development"), a Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 90-02, passed and ordained by the City Council on January 11, 1990, approved a first amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 90-10, passed and ordained by the City Council on January 25, 1990, approved a second amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Second Amendment"); and

WHEREAS, Ordinance No. 91-72, passed and ordained by the City Council on April 25, 1991, approved a third amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Third Amendment"); and

WHEREAS, the Second Amendment authorized the extension of the date of buildout of the development of Phase I of the Hidden River Corporate Park DRI by two (2) years, eleven (11) months and fifteen (15) days; and

WHEREAS, the Third Amendment authorized the extension of the date of buildout of the development of Phase II of the Hidden River Corporate Park DRI by two (2) years, eleven (11) months and fifteen (15) days; and

WHEREAS, on May 12, 1992, Hidden River Corporate Park, Ltd. (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for the Hidden River Corporate Park DRI (the "Notification"), attached hereto as Composite Exhibit "A"; and

WHEREAS, the Notification proposed to amend the Development Order, as previously amended by the First, Second and Third Amendments, to extend the dates of buildout of Phases I and II of the Hidden River Corporate Park DRI by an additional two (2) years (hereinafter said change shall be referred to as the "Proposed Change"); and

WHEREAS, Subsection 380.06(19)(e)2., Florida Statutes, provides that the extension of the date of buildout of a development, or phase of a development, by a total of less than five (5) years, is not a substantial deviation and is not subject to a public hearing pursuant to Subsection 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subsection 380.06(19)(f)5., Florida Statutes; and

WHEREAS, the Proposed Change to the Development Order, as previously amended by the First, Second and Third Amendments, shall constitute the Fourth Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the Notification as well as all related testimony and evidence submitted by the Developer concerning the Proposed Change; and

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Change and to amend the Development Order, as previously amended by the First, Second and Third Amendments; and

WHEREAS, the public notice requirements have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Change before the City Council; and

WHEREAS, the City Council has reviewed and considered the above-referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notification attached hereto as Composite Exhibit "A".

B. That the Proposed Change is consistent with all local land development regulations and the local comprehensive plan.

C. That the Proposed Change does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

D. That in accordance with Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is not a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to Subsection 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subsection 380.06(19)(f)5., Florida Statutes.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of law:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. That based on the foregoing and pursuant to Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is found not to be a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to Subsection 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subsection 380.06(19)(f)5., Florida Statutes.

Section 3. Order. That having made the above findings of fact, and conclusions of law, it is ordered:

A. That the Proposed Change is hereby approved and the Development Order, as amended by the First, Second and Third Amendments, is hereby amended to incorporate the Notification.

B. That the Development Order, as amended by the First, Second and Third Amendments, is hereby amended to extend the dates of buildout of development of Phases I and II of the Hidden River Corporate Park DRI by an additional two (2) years. Accordingly, the date of buildout for Phase I as approved hereby is December 15, 1996 and the date of buildout for Phase II as approved hereby is December 15, 1999. No change to the December 31, 1997 buildout for Phase III was requested. **[Note: Commencement dates for development phases are not proposed to be changed under this Notification and therefore no change to such commencement dates is being made herein.]**

Section 4. Development Order, as Amended. This Ordinance shall constitute the Fourth Amendment to Ordinance No. 8969-A, as previously amended by Ordinance No. 90-02, Ordinance No. 90-10, and Ordinance No. 91-72, which shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

Section 7. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 8. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its being passed and ordained by the City Council, to the Developer, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 10. Rendition. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 11. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 12. Effective Date. That this Ordinance shall become law as provided in the City of Tampa Home Rule Charter and shall take effect upon transmittal to the parties specified in Section 9, hereof.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON AUG 06 1992.

Joe Greco
CHAIRMAN, CITY COUNCIL

ATTEST:
Frances Hanrigan
CITY CLERK

APPROVED by me AUG 06 1992
Sandra W. Friedman
MAYOR

APPROVED as to form by:
Gene K. Gray
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance No 92-129 on file in my office.

Witness my hand and official seal this 10th day of Aug, 1992

Frances Hanrigan
CITY CLERK

FORM RPM-BSP-PROPCHANGE-1

Effective Date
11/20/90

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2740 Centerview Drive
Tallahassee, FL 32399
904/488-4925

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI) SUBSECTION 380.06(19), FLORIDA STATUTES

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, David M. Mechanik, the undersigned authorized representative of Hidden River Corporate Park, Ltd., hereby give notice of a proposed change to a previously (developer) approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the Hidden River Corporate Park development, which information is true and (original & current project names) correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Tampa, to the Tampa Bay (local government) Regional Planning Council, and to the Bureau of Resource Management, Department of Community Affairs.

May 12, 1992
(Date)

David M. Mechanik
(Signature)
David M. Mechanik, Authorized Agent
for Hidden River Corporate Park, Ltd.

EXHIBIT "A"

2. **Applicant (name, address, phone).**

Hidden River Corporate Park, Ltd.,
a Florida limited partnership
Attn: Stephen A. Meyers, Vice President
8875 Hidden River Parkway, No. 100
Tampa, Florida 33637-1005
(813) 979-8600

3. **Authorized Agent (name, address, phone).**

David M. Mechanik
Macfarlane Ferguson
2300 First Florida Tower
111 Madison Street
Tampa, FL 33602
(813) 273-4200

4. **Location (City, County, Township/Range/Section) of approved DRI and proposed change.**

Section 36, Township 27 South, Range 19 East, and Section 1, Township 28 South, Range 19 East, City of Tampa, Hillsborough County, Florida.

5. **Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or in the representations contained in either the development order of the application for development approval.**

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

The proposed change which forms the basis of this Notice of Proposed Change is to extend the dates of buildout of Phases I and II of the Hidden River Corporate Park DRI by two (2) years. The subject extension, together with the previously approved extensions described in the answer to Question 7. of this Notice of Proposed Change, will provide for a total extension, for each Phase, of four (4) years, eleven (11) months and fifteen (15) days.

Subsection 380.06(19)(e)2., F.S., as amended by Chapter 92-129, Laws of Florida, provides that the extension of the date of buildout of a development, or phase of a development, by a total of less than five (5) years is not a substantial deviation and is not subject to a public hearing.

This Notice of Proposed Change does not propose a change which involves the master site plan.

6. **Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, please indicate no change.**

No change in land use types or amounts is proposed. Accordingly, the Chart has been omitted as an attachment to this Notice of Proposed Change.

7. **List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?**

The original DRI Development Order for the Hidden River Corporate Park DRI, Ordinance No. 8969-A (the "Development Order"), was adopted by City Council on August 8, 1985.

The first amendment to the Development Order (the "First Amendment"), Ordinance No. 90-02, was adopted by City Council on January 11, 1990. The First Amendment provided an updated Transportation Analysis which was required under the Development Order as a condition of commencement of Phase II, modified Development Order conditions to reflect the Regional Activity Center designation for the area of the City within which the development is located, provided for the addition of an approximately 3.8 acre parcel of land, provided for the deletion of Development Order conditions concerning a transportation study which had since been completed, provided refinements to the master plan (Map H), and provided for an increase in Phase II development totals and a corresponding decrease in Phase III development totals, all as more particularly described in Ordinance No. 90-02 and the attachments thereto.

The second amendment to the Development Order (the "Second Amendment"), Ordinance No. 90-10, was adopted by City Council on January 25, 1990. The Second Amendment provided for an extension of the date of build-out of development of Phase I by a period of two (2) years, eleven (11) months and fifteen (15) days.

The third amendment to the Development Order (the "Third Amendment"), Ordinance No. 91-72, was adopted by City Council on April 25, 1991. The Third Amendment provided for an extension of the date of build-out of development of Phase II by a period of two (2) years, eleven (11) months and fifteen (15) days.

There has not been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued.

8. **Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.**

Other than the parcel incorporated into the DRI site pursuant to the First Amendment, as described above in the answer to Question 7., the Applicant has not purchased or optioned any lands within 1/4 mile of the original DRI site.

9. **Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.**

The proposed changes are less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.?
YES X **NO** _____

10. **Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.**

Yes, the proposed change will result in a new buildout date for Phase I of December 15, 1995, and a new buildout date for Phase II of December 15, 1999.

11. **Will the proposed change require an amendment to the local government comprehensive plan?**

No amendment to the Future of Hillsborough Comprehensive Plan for the City of Tampa will be required by the proposed change.

12. **Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06(15), F.S., and 9J-2.025, Florida Administrative Code:**

An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

The proposed change does not require revision of the master site plan (Map H) or any other maps of the development.

13. **Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:**

a. **All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to**

commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

The specific language is included in the proposed Amended Development Order for the Hidden River Corporate Park DRI, attached as Exhibit "A" to this Notice of Proposed Change.

b. **An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;**

Not applicable.

c. **A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;**

Not applicable.

d. **A proposed amended development order termination date that reasonably reflects the time required to complete the development;**

No change.

e. **A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and**

No change.

f. **Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025(7), F.A.C.**

Not applicable.

recent amendment re DRI# [illegible] -
ours to keep #108 -
Chk ARS & add'l amdt

CITY OF TAMPA

Frances Henriquez, City Clerk

OFFICE OF CITY CLERK

April 29, 1991

Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg FL 33702

RE: Petition No. DZ85-52
Ordinance No. 91-72

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process.

If further information is needed, please contact Susan Swift Mihalik, Manager, Land Development Coordination, 223-8405.

Sincerely,

(Mrs.) Frances Henriquez
City Clerk

FH/gg

Enclosure: Ordinance

CERTIFIED MAIL

cc: Susan Swift Mihalik, Land Development Coordination

RECEIVED
MAY - 1 1991
Tampa Bay Regional
Planning Council

mailed 4/29/91

315 E. Kennedy Blvd. City Hall • Tampa, Florida 33602 • 813/223-8396

Regional Plan

ORDINANCE NO. 91- 72

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY HIDDEN RIVER CORPORATE PARK, LTD. FOR HIDDEN RIVER CORPORATE PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 8969-A, passed and ordained by the City Council of the City of Tampa, Florida, on August 8, 1985 approved a Development Order for Hidden River Corporate Park (the "Development"), a Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 90-02, passed and ordained by the City Council of the City of Tampa, Florida, on January 11, 1990, approved a first amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 90-10, passed and ordained by the City Council of the City of Tampa, Florida, on January 25, 1990, approved a second amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Second Amendment"); and

WHEREAS, on April 1, 1991, Hidden River Corporate Park, Ltd. (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for the Hidden River Corporate Park DRI (the "Notification"), attached hereto as Composite Exhibit "A"; and

WHEREAS, the Notification proposed to amend the Development Order, as previously amended by the First and Second Amendments, to provide an extension of the date of buildout of development of Phase II by a period of two (2) years, eleven (11) months and fifteen (15) days (hereinafter said change shall be referred to as the "Proposed Change")' and

WHEREAS, Subsection 380.06(19)(e)2., Florida Statutes, provides that a proposed change which involves an extension of the date of buildout of a development, or any phase thereof, by less than three (3) years is not a substantial deviation and is not subject to a public hearing pursuant to subparagraph 380.06(19)(f)3., Florida Statutes, or a determination pursuant to subparagraph 380.06(19)(f)5., Florida Statutes; and

WHEREAS, the Proposed Change to the Development Order, as previously amended by the First and Second Amendments, shall constitute the Third Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the Notification as well as all related testimony and evidence submitted by the Developer concerning the Proposed Change; and

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida [illegible] authorized and empowered to consider the Proposed [illegible] the First and Second Amendments; and

WHEREAS, the public notice requirements have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Change before the City Council; and

WHEREAS, the City Council has reviewed and considered the above referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notification attached hereto as Composite Exhibit "A".

B. That the Proposed Change is consistent with all local land use development regulations and the local comprehensive plan.

C. That the Proposed Change does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

D. That in accordance with Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is not a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to Subparagraph 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subparagraph 380.06(19)(f)5., Florida Statutes.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of laws:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. That based on the foregoing and pursuant to Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is found not to be a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to subparagraph 380.06(19)(f)3., Florida Statutes, or a determination pursuant to subparagraph 380.06(19)(f)5., Florida Statutes.

Section 3. Order. That having made the above findings of fact, and conclusions of law, it is ordered:

A. That the Proposed Change is hereby approved and the Development Order, as amended by the First and Second Amendments, [illegible]

B. That the Development Order as previously amended by the First and Second Amendments is hereby amended to extend the date of buildout of development of Phase II by a period of two (2) years, eleven (11) months and fifteen (15) days.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Third Amendment to Ordinance No. 8969-A, as previously amended by Ordinance 90-02 and Ordinance 90-10, which

shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

Section 7. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 8. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its effective date, to the Developer, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 10. Rendition. That this Ordinance shall be deemed rendered upon transmittal of the copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 11. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 12. Effective Date. That this Ordinance shall take effect immediately upon being rendered in accordance with law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON APR 25 1991.

Joe Greco
CHAIRMAN, CITY COUNCIL

APPROVED by me APR 26 1991

ATTEST:

Frances Hindsley
CITY CLERK

Sandra [illegible]
MAYOR

APPROVED as to form by:

Gina K. Grimes
ASSISTANT CITY ATTORNEY

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI) SUBSECTION 380.06(19), FLORIDA STATUTES

SUBMITTED BY:

HIDDEN RIVER CORPORATE PARK, LTD.

TAMPA, FLORIDA

PREPARED BY:

VINCENT L. NUCCIO, JR., ESQUIRE

MACFARLANE, FERGUSON, ALLISON & KELLY

POST OFFICE BOX 1531

TAMPA, FLORIDA 33602

(813) 223-2411

AUTHORIZED AGENT FOR

HIDDEN RIVER CORPORATE PARK, LTD.

APRIL 1, 1991

Exhibit A

FORM RPM-BSP-PROPCHANGE-1

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2740 Centerview Drive
Tallahassee, Florida 32399
904/488/4925

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, VINCENT L. NUCCIO, JR., the undersigned authorized representative of HIDDEN RIVER CORPORATE PARK, LTD., (developer) hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the

HIDDEN RIVER CORPORATE PARK
(original & current project names)

development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the

CITY OF TAMPA,
(local government)

to the Tampa Bay Regional Planning Council, and to the Bureau of State Planning, Department of Community Affairs.

April 1, 1991
(Date)

Vincent L. Nuccio, Jr.
authorized agent for Hidden River Corporate Park, Ltd.

2. Applicant (name, address, phone).

HIDDEN RIVER CORPORATE PARK, LTD., a Florida limited partnership
By its sole general partner:
KILROY TAMPA ASSOCIATES, a California limited partnership
By its sole general partner:
KILROY INDUSTRIES, a California corporation
Stephen A. Meyers, Vice-President
8875 Hidden River Parkway, No. 100
Tampa, Florida 33637-1005
Phone: (813) 979-8600

3. Authorized Agent (name, address, phone).

Mr. Randy Coen
Greiner, Inc.
Post Office Box 31646
Tampa, Florida 33630-3416
Phone: (813) 286-1711

Mr. Vincent L. Nuccio, Jr.
Macfarlane, Ferguson, Allison & Kelly]
Post Office box 1531
Tampa, Florida 33601
Phone: (813) 229-4963

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

Township 27 South, Range 19 East, Section 36 and Township 28 South, Range 19 East, Section 1, in the City of Tampa, Hillsborough County, Florida

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

Pursuant to Subsection 380.06(19)(e)2., Florida Statutes, as amended, the Applicant proposes to extend the date of buildout of development of Phase II by a period of two (2) years, eleven (11) months and fifteen (15) days. Subsection 380.06(19)(e)2. deems such extensions not to be substantial

deviations within the meaning of Subsection 380.06(19).

This proposed change does not involve the master site plan map.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.

   As the proposed change relates solely to an extension of buildout date of development of a phase by a period less then three (3) years, a response to the questions asked in the substantial deviation chart is not applicable to this requested change.

7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

   There have been two (2) prior amendments to the originally approved DRI Development Order that have been adopted by the local government. There has been no change in local government jurisdiction for any portion of the development since the last approval or Development Order was issued.

   See Exhibit A attached for a description of the two (2) previously approved amendments.

8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.

   Other than the parcel incorporated into the DRI site pursuant to the First Amendment described in Exhibit A referenced above, the Applicant has not purchased or optioned any lands within 1/4 mile of the original DRI site.

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

Pursuant to Subsection 380.06(19)(e)2., Florida Statutes, as amended, the Developer proposes to extend the date of buildout of development of Phase II by a period of two (2) years, eleven (11) months and fifteen (15) days. Subsection 380.06(19)(e)2. deems such extensions not to be substantial deviations within the meaning of Subsection 380.06(19).

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.
YES _____X_____ **NO** _____

10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.

Pursuant to Subsection 380.06(19)(e)2., Florida Statutes, as amended, the Applicant proposes to extend the date of buildout of development of Phase II by a period of two (2) years, eleven (11) months and fifteen (15) days. Subsection 380.06(19)(e)2. deems such extensions not to be substantial deviations within the meaning of Subsection 380.06(19).

Presently, the buildout dates of this DRI's phases are December 15, 1994 (Phase I), December 31, 1994 (Phase II), and December 31, 1997 (Phase III). The proposed new phasing dates are December 15, 1994 (Phase I), December 15, 1997 (Phase II), and December 31, 1997 (Phase III).

11. Will the proposed change require an amendment to the local government comprehensive plan?

No

Provide the following for incorporation into such an amended development order, pursuant to Subsection 380.06 (15), F.S., and 9J-2.025, Florida Administrative Code:

12. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

Not Applicable

13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

The Developer proposes to extend the date of buildout of development of Phase II by two (2) years, eleven (11) months, and fifteen (15) days (see attached proposed Ordinance for precise language of amendment).

b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;

Not applicable.

c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;

Not applicable.

d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;

Not applicable.

e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and

Not applicable.

f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025 (7), F.A.C.

Not applicable.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O CHANGE + DATE
Attraction/ Recreation	# Parking spaces	*	**	
	# Spectators	*	**	
	# Seats	*	**	
	Site locational changes	*	**	
	Acreage, including drainage, ROW, easements, etc.	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	
Airports	Runway (length)	*	**	
	Runway (strength)	*	**	
	Terminal (gross square feet)	*	**	
	# Parking Spaces	*	**	
	# Gates	*	**	
	Apron Area (gross square feet)	*	**	
	Site locational changes	*	**	
	Airport Acreage, including drainage, ROW, easements, etc.	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	
Hospitals	# Beds	*	**	
	# Parking Spaces	*	**	
	Building (gross square feet)	*	**	
	Site locational changes	*	**	
	Acreage, including drainage, ROW, easements, etc.	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O CHANGE + DATE
Industrial	Acreage, including drainage, ROW, easements, etc.	*	**	
	# Parking Spaces	*	**	
	Building (gross square feet)			
	# Employees	*	**	
	Chemical storage (barrels and lbs.)	*	**	
	Site locational changes	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	
Mining Operations	Acreage mined (year)	*	**	
	Water Withdrawal (Gal/day)	*	**	
	Size of Mine (acres), including drainage, ROW, easements, etc.	*	**	
	Site locational changes	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	
Office	Acreage, including drainage, ROW, easements, etc.	*	**	
	Building (gross square feet)	*	**	
	# Parking Spaces	*	**	
	# Employees	*	**	
	Site locational changes	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O CHANGE + DATE
Petroleum/Chem. Storage	Storage Capacity (barrels and/or lbs.)	*	**	
	Distance to Navigable Waters (feet)	*	**	
	Site locational changes	*	**	
	Facility Acreage, including drainage, ROW, easements, etc.	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	
Ports (Marinas)	# boats, wet storage	*	**	
	# boats, dry storage	*	**	
	Dredge and fill (cu.yds.)	*	**	
	Petroleum storage (gals.)	*	**	
	Site locational changes	*	**	
	Port Acreage, including drainage, ROW, easements, etc.	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	
Residential	# dwelling units	*	**	
	Type of dwelling units	*	**	
	# lots	*	**	
	Acreage, including drainage, ROW, easements, etc.	*	**	
	Site locational changes	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O CHANGE + DATE
Wholesale, Retail, Service	Acreage, including drainage, ROW, easements, etc.	*	**	
	Floor Space (gross square feet)	*	**	
	# Parking Spaces	*	**	
	# Employees	*	**	
	Site locational changes	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	
Hotel/Motel	# Rental Units	*	**	
	Floor Space (gross square feet)	*	**	
	# Parking Places	*	**	
	# Employees	*	**	
	Site locational changes	*	**	
	Acreage, including drainage, ROW, easements, etc.	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	
R.V. Park	Acreage, including drainage, ROW, easements, etc.	*	**	
	# Parking Spaces	*	**	
	Buildings (gross square feet)	*	**	
	# Employees	*	**	
	Site locational changes	*	**	
	# External Vehicle Trips	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O CHANGE + DATE
Open Space (All natural and vegetated non-impervious surfaces)	Acreage	*	**	
	Site locational changes	*	**	
	Type of open space	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	
Preservation, Buffer or Special Protection Areas	Acreage	*	**	
	Site locational changes	*	**	
	Development of site proposed	*	**	
	D.O. conditions	*	**	
	ADA representations	*	**	

Note:

* No changes to the existing approvals are being requested pursuant to this proposed change.

** This is a proposal for time extension by less than three (3) years only. No changes to the presently approved site plan are being requested.

EXHIBIT A

PREVIOUS AMENDMENTS

The first amendment to the DRI Development Order occurred pursuant to the City of Tampa Ordinance 90-02 which was adopted on January 11, 1990 (First Amendment). The First Amendment provided an updated transportation analysis which was required under the Development Order as a condition of commencement of Phase II, modified Development Order conditions to reflect the Regional Activity Center designation for the area of the city within which the development is located, provided for the addition of an approximately 3.8 acre parcel of land, provided for the deletion of Development Order conditions concerning a transportation study which had since been completed, provided refinements to the master plan (Map H), provided for an increase in Phase II development totals and a corresponding decrease in Phase III development totals, all as more particularly described in Ordinance 90-02 and the attachments thereto.

The second amendment to the DRI Development Order occurred pursuant to City of Tampa Ordinance 90-10 which was adopted on January 25, 1990 (Second Amendment). The Second Amendment provided for an extension of the date of buildout of development of Phase I by a period of two (2) years, eleven (11) months and fifteen (15) days.

108

CITY OF TAMPA

OFFICE OF CITY CLERK | CODE ENFORCEMENT BOARD

RECEIVED
FEB 1 1990
Tampa Bay Regional Planning Council

January 29, 1990

Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg FL 33702

RE: File No. DZ85-52
Ordinance No. 90-10

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process.

If further information is needed, please contact Susan Swift Mihalik, Manager, Land Development Coordination, 223-8405.

Sincerely,

(Mrs.) Frances Henriquez
City Clerk

mailed 1/30/90

FH/gg

Enclosure: Ordinance no. 90-10

CERTIFIED MAIL

cc: Susan Swift Mihalik, Land Development Coordination

315 E. Kennedy Blvd. City Hall • Tampa, Florida 33602 • 813/223-8396

TBRPC

ORDINANCE NO. 90-10

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY HIDDEN RIVER CORPORATE PARK, LTD. FOR HIDDEN RIVER CORPORATE PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 8969-A, passed and ordained by the City Council of the City of Tampa, Florida, on August 8, 1985 approved a Development Order for Hidden River Corporate Park ("the Development"), a Development of Regional Impact (DRI) (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 90-02 passed and ordained by the City Council of the City of Tampa, Florida, on 1-11, 1990, approved a first amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, on December 22, 1989 Hidden River Corporate Park, Ltd. (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for the Hidden River Corporate Park DRI (the "Notification")), attached hereto as Composite Exhibit A; and

WHEREAS, the Notification proposed to amend the Development Order as amended by the First Amendment to provide an extension of the date of buildout of development of Phase I by a period of two (2) years, eleven (11) months and fifteen (15) days (hereinafter said change shall be referred to as the "Proposed Change"); and

WHEREAS, Subsection 380.06(19)(e)2., Florida Statutes, provides that a proposed change which involves an extension of the date of buildout of a development, or any phase thereof, by less than three (3) years is not a substantial deviation and is not subject to a public hearing pursuant to subparagraph 380.06(19)(f)3., Florida Statutes, or a determination pursuant to subparagraph 380.06(19)(f)5., Florida Statutes; and

WHEREAS, the Proposed Change to the Development Order as amended by the First Amendment shall constitute the Second Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the Notification as well as all related testimony and evidence submitted by the Developer concerning the Proposed Changes; and

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Change and to amend the Development Order as amended by the First Amendment; and

WHEREAS, the public notice requirements have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Change before the City Council; and

WHEREAS, the City Council has reviewed and considered the above referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notification attached hereto as Composite Exhibit A.

B. That the Proposed Change is consistent with all local land use development regulations and the local comprehensive plan.

C. That the Proposed Change does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

D. That in accordance with Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is not a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to Subparagraph 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subparagraph 380.06(19)(f)5., Florida Statutes.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of laws:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. That based on the foregoing and pursuant to Subsection 380.06 (19)(e)2., Florida Statutes, the Proposed Change is found not to be a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to subparagraph 380.06(19)(f)3., Florida Statutes, or a determination pursuant to subparagraph 380.06(19)(f)5., Florida Statutes.

Section 3. Order. That having made the above findings of fact, and conclusions of law, it is ordered:

A. That the Proposed Change is hereby approved and the Development Order as amended by the First Amendment is hereby amended to incorporate the Notification.

B. That the Development Order as amended by the First Amendment is hereby amended to extend the date of buildout of development of Phase I by a period of two (2) years, eleven (11) months and fifteen (15) days.

Section 5. Development Order, as Amended. This Ordinance shall constitute the Second Amendment to Ordinance No. 8969-A, as amended by Ordinance No. 90-02, shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified

herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 6. Definitions. The definitions contained in Chapter 380, Florida Statutes, , shall control the interpretation and construction of any terms of this Ordinance.

Section 7. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

Section 8. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 9. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 10. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its effective date to the Developer, the Florida Department of Community Affairs (Bureau of Land and Water Management), and the Tampa Bay Regional Planning Council.

Section 11. Rendition. That this Ordinance shall be deemed rendered upon transmittal of the copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 12. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 13. Effective Date. That this Ordinance shall take effect immediately upon being rendered in accordance with law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JAN 25 1990.

Lee Duncan

CHAIRMAN, CITY COUNCIL

APPROVED by me JAN 29 1990

ATTEST:

CITY CLERK

Sandy Freedman

MAYOR

APPROVED as to form by: Gina K. Grimes

ASSISTANT CITY ATTORNEY

CITY OF TAMPA

Frances Henriquez, City Clerk

OFFICE OF CITY CLERK

RECEIVED
JAN 22 1990
Tampa Bay Regional
Planning Council

January 17, 1990

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

Re: Petition No. DZ85-52
Ordinance No. 90-02

Dear Sirs:

For your information and record keeping process, we are transmitting a certified copy of the above captioned ordinance adopted by the Tampa City Council.

If you have any questions, please contact our office at 223-8396.

Sincerely,

Frances Henriquez ssm

(Mrs.) Frances Henriquez
City Clerk

FH/ssm

CERTIFIED MAIL

Enclosure

cc: Susan Mihalik, Land Development Coordination

315 E. Kennedy Blvd. City Hall • Tampa, Florida 33602 • 813/223-8396

As approved in Ordinance 90-02

TABLE 12-1 (As Approved)

AMOUNT AND TYPE OF DEVELOPMENT ADDED BY PHASE
Hidden River Corporate Park

	Offices (Sq. Ft. Floor Area)	Retail (Sq. Ft. Floor Area)	Hotel (Rooms)
PHASE I (1986-1991)	1,125,000	145,000	750
PHASE II (1992-1994)	1,250,000	-	-
PHASE III (1995-1997)	1,825,000	-	-
TOTAL AT BUILD-OUT	4,200,000	145,000	750

The development is proposed to remain consistent with the land uses and development totals set forth in Table 12-1, above. However, the amount of office development within Phase II is proposed to increase to 1,875,000 square feet, while Phase III will concurrently be reduced to 1,200,000 square feet of office. The project development totals will not change. A revised Table 12-1 is provided herewith, reflecting such proposed change.

TABLE 12-1 (Revised)

AMOUNT AND TYPE OF DEVELOPMENT ADDED BY PHASE
Hidden River Corporate Park

	Offices (Sq. Ft. Floor Area)	Retail (Sq. Ft. Floor Area)	Hotel (Rooms)
PHASE I (1986-1991)	1,125,000	145,000	750
PHASE II (1992-1994)	1,875,000	-	-
PHASE III (1995-1997)	1,200,000	-	-
TOTAL AT BUILD-OUT	4,200,000	145,000	750

Hidden River
Corporate Park

8875 Hidden River Parkway
Suite 100, LakeView Building
Tampa, Florida 33637
813-979-8600
Marketing Fax 813-979-8629
Construction Fax 813-979-8630

January 30, 1990

Ms. Julia E. Greene
Executive Director
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Re: Hidden River Development Order Amendment/City of Tampa Ordinance 90-02

Dear Ms. Greene:

In connection with the interpretation of the provisions of Section III.I(3)(a)(vii), of the above referenced Development Order, this will confirm that if the Developer has failed to meet the schedule for design, right-of-way and permit acquisition and construction of the Required Improvement (as defined in the subject development order), construction of Phase II may not resume until the Developer has posted a bond or letter of credit as required under said Section III.I.(3)(a)(vii), with the concurrence of the City and the Tampa Bay Regional Planning Council, and has processed such revised schedule as an amendment to the subject development order, said amendment being subject to appeal under Subsection 380.07, Florida Statutes.

Thank you for your attention to this matter.

Very truly yours,

HIDDEN RIVER CORPORATE PARK

Stephen A. Meyers

Stephen A. Meyers
Project Director

cc: Gina Grimes, City of Tampa

COMPOSITE EXHIBIT "A"
TO AMENDED DEVELOPMENT ORDER
FOR HIDDEN RIVER

NOTIFICATION OF A PROPOSED CHANGE
TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19)
FLORIDA STATUTES
AND
TRANSPORTATION UPDATE
FOR
HIDDEN RIVER CORPORATE PARK DRI

-AND-

NOTIFICATION OF A PROPOSED CHANGE
TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19)
FLORIDA STATUTES
AND
TRANSPORTATION UPDATE
FOR
HIDDEN RIVER CORPORATE PARK DRI
RESPONSE TO COMMENTS

Composite Exhibit "A"
is attached only to original Ordinance

Certified as true
and correct copy.

TBRPC
c/c

ORDINANCE NO. 90-02

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY HIDDEN RIVER CORPORATE PARK, LTD. FOR HIDDEN RIVER CORPORATE PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 8969-A, passed and ordained by the City Council of the City of Tampa, Florida, on August 8, 1985 approved a Development Order for Hidden River Corporate Park ("the Development"), a Development of Regional Impact (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, on July 14, 1989, Hidden River Corporate Park, Ltd. (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact and Transportation Update for Hidden River Corporate Park DRI and on September 27, 1989, filed a Response to Agency Comments in connection therewith (hereinafter said documents shall be collectively referred to as the "Notification"), attached hereto as Composite Exhibit "A"; and

WHEREAS, the Notification proposes to amend the Development Order to provide an updated transportation analysis as required under the Development Order as a condition of commencement of Phase II, to modify the Development Order conditions to reflect the Regional Activity Center designation for the area of the city within which the Development is located, to provide for the addition of an approximately 3.8 acre parcel of land, to provide for the deletion of conditions regarding a transportation study which has been conducted, to provide refinements to the Master Plan (Map H), to provide for an increase in Phase II development totals and a corresponding decrease in Phase III development totals (hereinafter references herein to Phase II and Phase III shall be to said phases as they are proposed to be revised in the Notification), all as more particularly described in the Notification (hereinafter said changes are collectively referred to as the "Proposed Changes"); and

WHEREAS, the Proposed Changes to the Development Order shall constitute the First Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the Notification as well as all related testimony and evidence submitted by the Developer concerning the Proposed Changes; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Changes and to amend the Development Order; and

WHEREAS, the public notice requirements of Chapter 380, Florida Statutes, and Section 43A-302, City of Tampa Code, have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Changes before the City Council; and

WHEREAS, the City Council has held a duly noticed public hearing on the Proposed Changes to the Development Order and has reviewed and considered the above referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a Development Order be amended to reflect the City Council's approval of changes to the adopted Development Order.

Certified as true and correct copy.

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notification attached hereto as Composite Exhibit "A".

B. That the Proposed Changes are consistent with all local land use Development regulations and the local comprehensive plan.

C. That the Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

D. That the Proposed Changes are consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

E. That a comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City and the Tampa Bay Regional Planning Council.

F. That the Proposed Changes do not create additional regional impacts or impacts that were not previously reviewed nor meet or exceed any of the criteria set forth in Section 380.06(19)(b), Florida Statutes (1989).

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of laws:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. The review by the City, the Tampa Bay Regional Planning Council and other participating agencies and interested citizens concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes within the terms and conditions of this Ordinance.

C. That based on the foregoing and pursuant to Section 380.06 (19), Florida Statutes (1989), the Proposed Changes are found not to be substantial deviations to the previously approved Development Order.

Section 3. Order. That having made the above findings of fact, and conclusions of law, it is ordered:

A. That the Proposed Changes, are hereby approved and Section 1 of the Development Order is hereby amended to incorporate the Notification, including without limitation the Revised Master Plan designated Revised Map H which depicts two additional minor access points.

B. That Section 2.A. of the Development Order is hereby amended to incorporate the Notification, including without limitation the Revised Master Plan designated Revised Map H.

Certified as true
and correct copy.

C. That Section 2.B. of the Development Order is hereby amended to reflect the addition of the approximately 3.8 acre parcel as reflected in the revised description of the real property which is the subject of the Development Order, attached hereto as Exhibit "B".

D. That Section 2.C. of the Development Order is hereby amended to reflect that the total site area of the Development is approximately 480 acres.

E. Section 2.E. of the Development Order is hereby amended to reflect that the project has obtained the appropriate zoning to comply with Local Land Development Regulations.

F. That Section 4.C. of the Development Order is hereby restated in its entirety as follows:

> That, the City hereby accords specific approval of Phase I subject to the conditions pertaining thereto contained in the Development Order except as such conditions are specifically modified or deleted in this order and hereby accords specific approval of Phase II, subject to the conditions contained in this Order. Conceptual approval of Phase III is also accorded hereby, provided however that specific approval of Phase III is subject to further traffic impact analysis pursuant to Section 380.06 F.S. Based upon such analysis, the City shall identify improvements required by the Development traffic.

G. Section 4.D. (2) of the Development Order is hereby revised to add the following sentence at the end of said Section 4D (2):

> The methodology for calculation of transportation impacts under the updated transportation analysis submitted as part of the Notification is set forth in the Notification.

H. Section 4.D. (3)(a), including all subparagraphs and sub-subparagraphs thereunder, of the Development Order are hereby deleted due to the satisfaction of all conditions contained therein.

I. A new Subparagraph (3)(a) is hereby added to Section 4.D. of the Development Order as follows:

(3) <u>Transportation Impacts</u>
(a) <u>Phase II</u>

(i) Mitigation of transportation impacts of Phase II shall be in accordance with the pipeline mitigation procedures set forth in Rule 9J-2.0255, Florida Administrative Code and the pipeline policies of the City of Tampa and the Tampa Bay Regional Planning Council, provided that to the extent that the Developer's Fair Share Assessment for Traffic Improvements or impact fees, as applicable, payable under paragraphs (4), (5) and (7) through (9) of Section 4.D. of the Development Order (hereinafter said assessments or fees shall be together referred to as the "Transportation Assessments") exceed the expenses to be borne by the Developer under this Section 4.D. (3)(a), the Transportation Assessments shall be payable by the Developer in accordance with the provisions of said paragraphs and this Section 4.D.(3)(a). The pipeline proportionate share calculation for Phase II, in accordance

Certified as true and correct copy.

with current adopted methods, procedures and policies of the City of Tampa, TBRPC, the Florida Department of Community Affairs and the Florida Department of Transportation has been determined to be Two Million Five Hundred and Eleven Thousand Seven Hundred and Two Dollars ($2,511,702.00) (the "Pipeline, Proportionate Share Amount"). The requirements of this condition have been determined to be the appropriate requirements to cure and mitigate the transportation impacts of Phase II on regionally significant transportation highway facilities within the Development's impact area.

(ii) The Developer shall partially fund the construction of an improvement on Fowler Avenue in the amount of One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00) in accordance with the Joint Participation Agreement ("JPA") between the Developer and the State of Florida Department of Transportation ("FDOT"), attached hereto as Exhibit "C". The improvement to Fowler Avenue contemplates the widening of Fowler Avenue from 4 to 6 lanes, the description of said improvement and the scope thereof being specifically described in the JPA. (Hereinafter the roadway improvement described in the JPA shall be referred to as the "Fowler Avenue Project" and the Developer's contribution under the JPA shall be referred to as the "Fowler Avenue Project Contribution".)

The status of the Fowler Avenue Project shall be assessed in the Annual Report required under Section 4, Paragraph B of the Development Order. If the Fowler Avenue Project is not being constructed as scheduled then, in accordance with Rule 9J-2.0255(7)(a)1.b., F.A.C., further issuance of building permits shall cease upon completion of Phase II.

In the event that the JPA is terminated for failure of the Developer to post the letter of credit or other form of security as required under the JPA, development of Phase II shall immediately cease and such event shall be subject to a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. Termination of the JPA for any other reasons shall be subject to the requirements of Rule 9J-2.0255(7)(a)1.b., F.A.C.

(iii) The Developer shall design and construct a fifth and sixth lane on Fletcher Avenue, from Morris Bridge Road to Telecom Drive East. Hereinafter the aforedescribed improvement shall be referred to as the Required Improvement. The Required Improvement shall be designed in accordance with adopted Hillsborough County standards and, if applicable, standards adopted by the City of Tampa.

Certified as true and correct copy.

(iv) The cost of the Required Improvement is approximately Eight Hundred Twelve Thousand Dollars and No Cents ($812,000.00), which amount includes design, right-of-way acquisition, construction and construction inspection. Said sum, together with the Fowler Avenue Project Contribution provides for a total payment by the Developer in an Amount which exceeds the Pipeline Proportionate Share Amount.

(v) The costs and expenses borne by the Developer for right-of-way, design, construction and construction inspection of the Required Improvement and the Developer's payment toward the Fowler Avenue Project shall be applied toward and be credited against the Transportation Assessments.

(vi) The Developer shall commence design of the Required Improvement no later than six (6) months from the date of final approval of this Order, subject to no appeals and shall complete same within twelve (12) months after commencement of design. Upon completion of design, the Developer shall commence acquisition of necessary right-of-way and permits for the Required Improvement and shall complete same within twelve (12) months of commencement of said permit acquisition. Upon acquisition of necessary right-of-way and permits, the Developer shall commence construction of the Required Improvement and shall complete same within fifteen (15) months of commencement of construction.

(vii) The Developer agrees to use due diligence, within the time frames set forth above, to design, obtain permits for, and construct the Required Improvement.

If the Required Improvement is not proceeding as set forth above, no further building permits for Phase II shall be issued. The City shall either require the Developer to immediately complete the Required Improvement or may, in its discretion, require the Developer to provide the City a bond or letter of credit in the full amount of the cost of the uncompleted portion of the Required Improvement. The City shall determine, based upon the best information available, the reasonable cost to complete the Required Improvement, including administrative costs, and shall use this information to establish the amount of the letter of credit required from the Developer. The City shall draw down on the bond or on the letter of credit for completion of the Required Improvement and shall complete the Required Improvement as expeditiously as possible, but in any event within forty-five (45) months after the posting of the above stated bond or letter of credit. Upon the Developer providing the City such a bond or letter of credit and the establishment of a revised schedule for the Required Improvement, construction of the Project may resume, and further

Certified as true and correct copy.

building permits and certificates of occupancy shall be issued.

(viii) In the event that the performance by the Developer or the City, if applicable, of the commitments set forth in this Order shall be interrupted or delayed by war, riot, civil commotion or natural disaster, then Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof. Further, in the event that performance by the Developer of the commitments set forth in this Order shall be interrupted or delayed in connection with acquisition of necessary right-of-way or governmental approvals for the construction of the Required Improvement and which interruption or delay is caused through no fault of the Developer, then the Developer shall submit documentation regarding such event(s) to the City and TBRPC for their review and concurrence. If such documentation shows that such event(s) have taken place, then the Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof, provided, however, in no event shall such extension exceed six (6) months. Any requested extensions beyond such six (6) month period may only be accomplished by an amendment to this Order in accordance with the provisions of Section 380.06 (19), Florida Statutes.

J. Section 4.D. (3) (b) of the Development Order is hereby deleted due to the satisfaction of all conditions contained therein.

K. The title to Section 4.D.(c) is hereby revised to read "Phase III", due to the imposition of specific transportation conditions for Phase II as set forth above.

L. Section 4.D. (3) (c) (i) of the Development Order is hereby deleted due to the satisfaction of all conditions contained therein.

M. The last sentence of Section 4.D. (3) (c) (ii) of the Development Order is hereby revised to read:

> A revised and updated traffic analysis shall be submitted pursuant to the provisions of Section 380.06 F.S. prior to approval of Phase III.

N. Section 4.D. (3) (c) (iii) of the Development Order is hereby restated in its entirety as follows:

> The City of Tampa shall consider the results of the aforementioned traffic study and shall designate those roadway improvements required for the construction of Phase III. Final approval of Phase III is contingent only upon receipt of funding commitments from responsible entities for the identified roadway improvements.

O. Section 4.D. (3) (d) of the Development Order is hereby deleted due to the satisfaction of all conditions contained therein.

Certified as true and correct copy.

Section 4. Annual Report. The Developer shall comply with the annual reporting requirements set forth in Section 4, Paragraph B of the Development Order and shall include evidence of compliance with the terms and conditions of this Order.

Section 5. Development Order, as Amended. This Ordinance shall constitute the First Amendment to Ordinance No. 8969-A and shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 6. Definitions. The definitions contained in Florida Statutes, Chapter 380 shall control the interpretation and construction of any terms of this Ordinance.

Section 7. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

Section 8. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 9. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 10. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its effective date to the Developer, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 11. Rendition. That this Ordinance shall be deemed rendered upon transmittal of the copies of this Ordinance to the recipients specified in Florida Statutes, Chapter 380.

Section 12. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Florida Statutes, Chapter 380.

Section 13. Effective Date. That this Ordinance shall take effect immediately upon being rendered in accordance with law.

Certified as true and correct copy.

LEGAL DESCRIPTION: Hidden River Corporate Park

A parcel of land lying in Section 36, Township 27 South, Range 19 East, and Section 1, Township 28 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 1, thence N00°08'36"W along the West line of said Section 1 for 50.00 feet, to the POINT OF BEGINNING; thence continue along said West line N00°08'36"W, to a point on the ordinary high water line of the Hillsborough River; thence northeasterly along said ordinary high water line to a point of intersection with the arc of a curve concave to the Southwest and the Westerly boundary of a parcel designated as additional right-of-way for Interstate 75 (SR 93A), limited access right-of-way, recorded in O.R. Book 3492, Page 1573, of the Public Records of Hillsborough County, Florida, thence southerly along the Westerly boundary of said additional right-of-way parcel to a point of tangency; thence S00°15'51"W for 35.79 feet to a point of intersection with the North line of said Section 1, said point lies 603.03 feet West of the Northeast corner of said Section 1; thence continue S00°15'51"W, for 620.99 feet; thence along the Westerly limited access right-of-way line of said Interstate 75 (SR 93A) Section 10075-2426, for the following eleven (11) courses, 1) S00°15'51"W for 1977.90 feet; 2) S04°15'52"W for 518.72 feet to a point of curvature; 3) Southwesterly along the arc of a curve concave Northwesterly, having a radius of 2770.79 feet, a central angle of 13°12'44", an arc length of 638.94 feet, and a chord bearing and distance of S10°52'14"W, 637.52 feet to a point of tangency; 4) S17°28'35"W for 944.33 feet; 5) S89°55'51"W for 19.73 feet; 6) S00°11'08"W for 63.28 feet; 7) S17°28'04"W for 26.87 feet; 8) S20°13'28"W for 248.03 feet to a point of non-tangent curvature; 9) Southwesterly along the arc of a curve concave Northwesterly, having a radius of 216.00 feet, a central angle of 67°46'13", an arc length of 255.48 feet, and a chord bearing and distance of S54°06'36"W, 240.86 feet; 10) S84°09'56"W for 922.47 feet; 11) S00°00'28"E for 56.00 feet to the North right-of-way line of Fletcher Avenue (100 foot R/W); thence along said North right-of-way line S89°59'32"W for 151.60 feet to the Southeast corner of that certain D.O.T. parcel described in O.R. Book 3492, Page 1573; thence along the Easterly and Northerly boundary of said D.O.T. parcel and along the Northerly right-of-way line of said Fletcher Avenue, the following two (2) courses, 1) N00°08'13"W for 30.00 feet; 2) S89°59'32" W for 200.00 feet; thence continue along said Northerly right-of-way line of Fletcher Avenue the following five (5) courses, 1) S89°59'16"W for 768.36 feet; 2) S00°00'44"E for 12.00 feet; 3) S89°59'16"W for 585.33 feet; 4) S00°00'44"E for 18.00 feet; 5) S89°59'16"W for 1299.36 feet to the POINT OF BEGINNING.

The above described parcel contains 512.05 acres, more or less.

Less and except the following described parcel:

Certified as true
and correct copy.

LEGAL DESCRIPTION OF TECO PARCEL WITHIN HIDDEN RIVER CORPORATE PARK:

A parcel of land lying in Section 36, Township 27 South, Range 19 East and Section 1 Township 28 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 1, thence S89°25'23"W along the North line of said Section 1, for 603.03 feet to the westerly right-of-way line of Interstate 75 (S.R. 93A) limited access right-of-way (O.R. Book 3492, Page 1573) and the POINT OF BEGINNING;thence S00°15'51"W along said westerly right-of-way line for 620.99 feet; thence leaving said westerly right-of-way line S40°07'42"W for 2848.01 feet; thence S00°08'13"E for 2427.06 feet to the northerly right-of-way line of Fletcher Avenue and the northerly Boundary of that certain D.O.T. parcel described in O.R. Book 5492, Page 1573; thence S89°59'32"W, parallel with and 50 feet North of the South line of the Southeast 1/4 of said Section 1, along said northerly right-of-way line of Fletcher Avenue and along the northerly boundary of said D.O.T. parcel, for 200.00 feet to the West line of the Southeast 1/4 of said Section 1; thence N00°08'13"W along said West line for 2499.93 feet; thence N40°07'42"E for 2848.86 feet; thence N00°36'26"W for 545.43 feet to the common North and South line of said Sections 1 and 36 respectively; thence continue N00°36'26"W for 439.74 feet; thence N10°50'51"W for 667 feet, more or less to the southerly top of bank of the Hillsborough River; thence along said top of bank the following two (2) courses, 1) N60°28'46"E for 144.52 feet; 2) N87°09'57"E for 101.79 feet; to a point on the arc of curve concave southwesterly, and the westerly right-of-way line of said Interstate 75 (S.R. 93A) limited access right-of-way (O.R. Book 3492, Page 1573); a radial line through said point bears S78°31'35"W; thence along the arc of said curve and along said westerly right-of-way line, said curve having a radius of 5567.58 feet, a central angle of 11°44'16" an arc length of 1140.59 feet and a chord bearing and distance of S05°36'17"E, 1138.60 feet to a point of tangency; thence continuing along said westerly right-of-way line, S00°15'51"W for 35.79 feet to the POINT OF BEGINNING.

The above described parcel contains 32.92 acres more or less.

LD13:Teco

Certified as true
and correct copy.

EXHIBIT "C"
TO AMENDED DEVELOPMENT ORDER
FOR HIDDEN RIVER

JOINT PARTICIPATION AGREEMENT

This Agreement, made and entered into this _____ day of _____, 1989, by and between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, a component agency of the State of Florida, hereinafter referred to as the "Department", and HIDDEN RIVER CORPORATE PARK, LTD., a Florida limited partnership, hereinafter referred to as "Developer".

W I T N E S S E T H:

WHEREAS, Developer is the owner of a development known as Hidden River Corporate Park which is currently undergoing a Notice of Change to a Previously Approved Development of Regional Impact (DRI) and Phase II Update Transportation Analysis Review (which development is designated DRI #108, and which shall hereafter be referred to as "Hidden River"); and

WHEREAS, transportation impacts of Phase II of Hidden River are proposed to be mitigated, in part, by the contribution by Developer to the Department of the amount of One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00) towards construction costs for the widening of Fowler Avenue in the City of Tampa, Florida from four (4) to six (6) lanes from 30th Street to 50th Street, which road construction project (Work Program No. 7113832) is currently scheduled in the Department's Tentative Five Year Work Program for Construction and is more fully described on Exhibit 1 attached hereto (hereinafter, the road construction project described on attached Exhibit 1 shall be referred to as the "Project"); and

WHEREAS, Developer's contribution toward construction of the Project will enable the Department to construct the Project during fiscal year 1990/1991 (the Department's fiscal year being July 1 to June 30); and

WHEREAS, the Project is one of the highest priority roadway improvements needed in the City of Tampa; and

WHEREAS, both parties and the City of Tampa wish to facilitate the earlier construction of the Project; and

Certified as true and correct copy.

WHEREAS, Developer's contribution toward construction of the Project will make available Department funds, which otherwise would have been utilized for the Project, for other roadway projects in the City of Tampa; and

WHEREAS, the roadway link which is proposed to be improved under the Project is substantially impacted by Hidden River.

NOW THEREFORE, for and in consideration of the mutual covenants herein set forth, the parties hereto agree as follows:

1. The purpose of this Agreement is to advance the construction of the widening of Fowler Avenue in the City of Tampa from four (4) to six (6) lanes from 30th Street to 50th Street, the limits of which are more specifically described on Exhibit 1 attached hereto (hereinafter, the road construction project described on Exhibit 1 shall be referred to as the "Project"), and to facilitate Developer's contribution of One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00) toward the construction of the Project.

2. Developer shall provide funds in the amount of One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00) toward the construction of the Project, ("Project Sum") in accordance with the provisions of paragraph 5, below. The Department, under the terms set forth herein, shall provide any needed participating funds for the design and construction engineering inspection of the Project.

3. Upon the posting of the letter of credit or other form of security as set forth in paragraph 5 below, the Department shall prepare design plans for the Project. Following completion of design, the Department shall expeditiously commence acquiring all necessary permits, and following such acquisition of all necessary permits, the Department shall expeditiously commence construction of the Project, which construction schedule is more specifically described in paragraph 4, below.

4. The Department agrees to commence construction of the Project during fiscal year 1990/1991. Based on the Department's current estimates, it is anticipated that the Project shall be

Certified as true and correct copy.

completed within eighteen (18) months of the Notice to Proceed on the Project; provided, however, that in the event that the performance by the Department of commitments set forth herein shall be interrupted or delayed by war, riot, civil commotion, strike or in its acquisition of necessary permits, then the Department shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

5. Within sixty (60) days after approval of the proposed amendment to the Hidden River DRI Development Order approving Phase II, subject to no appeals, Developer shall post an irrevocable letter of credit or other form of security acceptable to the Department securing payment of the Project Sum in full at a later date ("Letter of Credit"). Until the Project Sum is paid to the Department, Developer shall renew the Letter of Credit annually, on a date which is at least forty-five (45) days prior to the designated date of expiration of the Letter of Credit. The Letter of Credit shall state that Developer's failure to timely renew the Letter of Credit shall be an event under which the Department can draw on the Letter of Credit for payment of the Project Sum in full. In the event of Developer's failure to timely renew the Letter of Credit, the Department shall draw on the Letter of Credit to obtain the Project Sum and shall construct the Project under the schedule set forth in paragraph 4, above. On July 1, 1990, Hidden River shall deposit with the Department the sum of One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00). Upon the full payment of the Project Sum, Developer shall be released from all of its obligations hereunder and under the Letter of Credit. Should Developer fail to post the Letter of Credit in accordance with this paragraph, this Agreement shall terminate, termination being the Department's sole remedy for Developer's failure to post the Letter of Credit. The Department shall immediately notify the City of Tampa, the Tampa Bay Regional Planning Council

Certified as true
and correct copy.

and the State of Florida Department of Community Affairs in the event of such termination.

6. The Department shall acquire all necessary permits and utility adjustments for the Project.

7. The Department shall be responsible for construction engineering inspection, administration and coordination of work with utilities and/or their contractors on the Project.

8. The parties recognize and accept the funding restriction set forth in Subsection 339.135(8)(a), Florida Statutes (1988), which may affect the Department's obligations hereunder:

> (a) The department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The department shall require a statement from the comptroller of the department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the department which are for an amount in excess of $25,000 and which have a term for a period of more than 1 year.

The above notwithstanding, the Department shall utilize the Project Sum to construct the Project under the time frame set forth in this Agreement, the Project Sum being an amount sufficient to cover the cost of construction of the Project in 1990/1991 dollars.

9. Any notice or other document which either party is required to give or deliver to the other shall be given in writing and served either personally or given by prepaid certified mail, return receipt requested, or by any delivery service from which a receipt may be obtained, and addressed to the following:

Hidden River Corporate Park, Ltd.:	Mr. Stephen A. Meyers Sr. Vice President Kilroy Industries 8875 Hidden River Parkway

Certified as true and correct copy.

Suite 100, Lake View
Tampa, Florida 33637

Copy to: David M. Mechanik
Macfarlane, Ferguson, Allison & Kelly
215 Madison Street
Post Office Box 1531
Tampa, Florida 33601

Department: Florida Department of Transportation
4950 West Kennedy Boulevard
Suite 500
Tampa, Florida 33609
Attn: Mr. James Kennedy

10. This Agreement shall commence on the date above written and remain in effect until cancellation, or completion and final acceptance of the Project by the Department. Any amendment to or modification of this Agreement shall be in writing and signed by the parties and shall not be effective unless the amended Development Order for Hidden River is amended to reflect said amendment or modification. In the event that the Department's expenses for construction of the Project are less than One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00), then the Department shall refund to the Developer an amount equal to the difference between the Department's expenses and One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00), up to a maximum refund amount of One Hundred Fifty Thousand Dollars and No Cents ($150,000.00) (said One Hundred Fifty Thousand Dollars and No Cents [$150,000.00] being an amount payable hereunder which is in excess of the calculated proportionate share amount for Hidden River Phase II impacts). The Department shall make such refund upon the Department's final acceptance of the Project.

11. This Agreement shall be binding upon and inure to the benefit of the parties and their successors and assigns; provided, however, that no such assignment shall be effected until prior written consent thereof shall have been given by the Department, which consent shall not be withheld if such proposed assignee demonstrates to the Department that it will provide the Letter of Credit in accordance with all the terms and conditions of this Agreement.

Certified as true and correct copy.

12. If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

IN WITNESS WHEREOF, the parties hereto have executed and affixed their official seals to this Agreement on the day and year first above written.

WITNESSES:

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

_____

BY: _____
District Secretary
District Seven

_____
As to the Department

ATTEST: _____

Approved as to form and legal sufficiency

_____
District Seven Attorney

HIDDEN RIVER CORPORATE PARK, LTD.,
A Florida Limited Partnership

By: KILROY TAMPA ASSOCIATES, A
California Limited Partnership

By: KILROY INDUSTRIES
A California Corporation,
General Partner

WITNESSES:

_____

BY: _____
Name:
Title:

_____
As to Hidden River

Certified as true and correct copy.

HIDDEN RIVER
JOINT PARTICIPATION AGREEMENT
EXHIBIT 1

The improvement is located along Fowler Avenue between 30th Street and 50th Street and shall consist of the addition of one east bound lane and one west bound lane.

Certified as true and correct copy.

EXHIBIT "C"
TO AMENDED DEVELOPMENT ORDER
FOR HIDDEN RIVER

JOINT PARTICIPATION AGREEMENT

This Agreement, made and entered into this 20th day of December, 1989, by and between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, a component agency of the State of Florida, hereinafter referred to as the "Department", and HIDDEN RIVER CORPORATE PARK, LTD., a Florida limited partnership, hereinafter referred to as "Developer".

W I T N E S S E T H:

WHEREAS, Developer is the owner of a development known as Hidden River Corporate Park which is currently undergoing a Notice of Change to a Previously Approved Development of Regional Impact (DRI) and Phase II Update Transportation Analysis Review (which development is designated DRI #108, and which shall hereafter be referred to as "Hidden River"); and

WHEREAS, transportation impacts of Phase II of Hidden River are proposed to be mitigated, in part, by the contribution by Developer to the Department of the amount of One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00) towards construction costs for the widening of Fowler Avenue in the City of Tampa, Florida from four (4) to six (6) lanes from 30th Street to 50th Street, which road construction project (Work Program No. 7113832) is currently scheduled in the Department's Tentative Five Year Work Program for Construction and is more fully described on Exhibit 1 attached hereto (hereinafter, the road construction project described on attached Exhibit 1 shall be referred to as the "Project"); and

WHEREAS, Developer's contribution toward construction of the Project will enable the Department to construct the Project during fiscal year 1990/1991 (the Department's fiscal year being July 1 to June 30); and

WHEREAS, the Project is one of the highest priority roadway improvements needed in the City of Tampa; and

WHEREAS, both parties and the City of Tampa wish to facilitate the earlier construction of the Project; and

WHEREAS, Developer's contribution toward construction of the Project will make available Department funds, which otherwise would have been utilized for the Project, for other roadway projects in the City of Tampa; and

WHEREAS, the roadway link which is proposed to be improved under the Project is substantially impacted by Hidden River.

NOW THEREFORE, for and in consideration of the mutual covenants herein set forth, the parties hereto agree as follows:

1. The purpose of this Agreement is to advance the construction of the widening of Fowler Avenue in the City of Tampa from four (4) to six (6) lanes from 30th Street to 50th Street, the limits of which are more specifically described on Exhibit 1 attached hereto (hereinafter, the road construction project described on Exhibit 1 shall be referred to as the "Project"), and to facilitate Developer's contribution of One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00) toward the construction of the Project.

2. Developer shall provide funds in the amount of One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00) toward the construction of the Project, ("Project Sum") in accordance with the provisions of paragraph 5, below. The Department, under the terms set forth herein, shall provide any needed participating funds for the design and construction engineering inspection of the Project.

3. Upon the posting of the letter of credit or other form of security as set forth in paragraph 5 below, the Department shall prepare design plans for the Project. Following completion of design, the Department shall expeditiously commence acquiring all necessary permits, and following such acquisition of all necessary permits, the Department shall expeditiously commence construction of the Project, which construction schedule is more specifically described in paragraph 4, below.

4. The Department agrees to commence construction of the Project during fiscal year 1990/1991. Based on the Department's current estimates, it is anticipated that the Project shall be

completed within eighteen (18) months of the Notice to Proceed on the Project; provided, however, that in the event that the performance by the Department of commitments set forth herein shall be interrupted or delayed by war, riot, civil commotion, strike or in its acquisition of necessary permits, then the Department shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

5. Within sixty (60) days after approval of the proposed amendment to the Hidden River DRI Development Order approving Phase II, subject to no appeals, Developer shall post an irrevocable letter of credit or other form of security acceptable to the Department securing payment of the Project Sum in full at a later date ("Letter of Credit"). Until the Project Sum is paid to the Department, Developer shall renew the Letter of Credit annually, on a date which is at least forty-five (45) days prior to the designated date of expiration of the Letter of Credit. The Letter of Credit shall state that Developer's failure to timely renew the Letter of Credit shall be an event under which the Department can draw on the Letter of Credit for payment of the Project Sum in full. In the event of Developer's failure to timely renew the Letter of Credit, the Department shall draw on the Letter of Credit to obtain the Project Sum and shall construct the Project under the schedule set forth in paragraph 4, above. On July 1, 1990, Hidden River shall deposit with the Department the sum of One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00). Upon the full payment of the Project Sum, Developer shall be released from all of its obligations hereunder and under the Letter of Credit. Should Developer fail to post the Letter of Credit in accordance with this paragraph, this Agreement shall terminate, termination being the Department's sole remedy for Developer's failure to post the Letter of Credit. The Department shall immediately notify the City of Tampa, the Tampa Bay Regional Planning Council

and the State of Florida Department of Community Affairs in the event of such termination.

6. The Department shall acquire all necessary permits and utility adjustments for the Project.

7. The Department shall be responsible for construction engineering inspection, administration and coordination of work with utilities and/or their contractors on the Project.

8. The parties recognize and accept the funding restriction set forth in Subsection 339.135(8)(a), Florida Statutes (1988), which may affect the Department's obligations hereunder:

> (a) The department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The department shall require a statement from the comptroller of the department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the department which are for an amount in excess of $25,000 and which have a term for a period of more than 1 year.

The above notwithstanding, the Department shall utilize the Project Sum to construct the Project under the time frame set forth in this Agreement, the Project Sum being an amount sufficient to cover the cost of construction of the Project in 1990/1991 dollars.

9. Any notice or other document which either party is required to give or deliver to the other shall be given in writing and served either personally or given by prepaid certified mail, return receipt requested, or by any delivery service from which a receipt may be obtained, and addressed to the following:

Hidden River Corporate Park, Ltd.:	Mr. Stephen A. Meyers Sr. Vice President Kilroy Industries 8875 Hidden River Parkway

Suite 100, Lake View
Tampa, Florida 33637

Copy to: David M. Mechanik
Macfarlane, Ferguson, Allison & Kelly
215 Madison Street
Post Office Box 1531
Tampa, Florida 33601

Department: Florida Department of Transportation
4950 West Kennedy Boulevard
Suite 500
Tampa, Florida 33609
Attn: Mr. James Kennedy

10. This Agreement shall commence on the date above written and remain in effect until cancellation, or completion and final acceptance of the Project by the Department. Any amendment to or modification of this Agreement shall be in writing and signed by the parties and shall not be effective unless the amended Development Order for Hidden River is amended to reflect said amendment or modification. In the event that the Department's expenses for construction of the Project are less than One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00), then the Department shall refund to the Developer an amount equal to the difference between the Department's expenses and One Million Eight Hundred Fifty Thousand Dollars and No Cents ($1,850,000.00), up to a maximum refund amount of One Hundred Fifty Thousand Dollars and No Cents ($150,000.00) (said One Hundred Fifty Thousand Dollars and No Cents [$150,000.00] being an amount payable hereunder which is in excess of the calculated proportionate share amount for Hidden River Phase II impacts). The Department shall make such refund upon the Department's final acceptance of the Project.

11. This Agreement shall be binding upon and inure to the benefit of the parties and their successors and assigns; provided, however, that no such assignment shall be effected until prior written consent thereof shall have been given by the Department, which consent shall not be withheld if such proposed assignee demonstrates to the Department that it will provide the Letter of Credit in accordance with all the terms and conditions of this Agreement.

12. If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

IN WITNESS WHEREOF, the parties hereto have executed and affixed their official seals to this Agreement on the day and year first above written.

WITNESSES:

As to the Department

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: _____
District Secretary
District Seven

ATTEST: _____

Approved as to form and legal sufficiency

12/9/89
District Seven Attorney

HIDDEN RIVER CORPORATE PARK, LTD.,
A Florida Limited Partnership

By: KILROY TAMPA ASSOCIATES, A
California Limited Partnership

By: KILROY INDUSTRIES
A California Corporation,
General Partner

BY: _____
Name: Stephen A. Meyers
Title: Senior Vice President

WITNESSES:

As to Hidden River

ORDINANCE NO. 5969 - A

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY MOORE-TAGGART PROPERTIES FOR HIDDEN RIVER, A DEVELOPMENT OF REGIONAL IMPACT: PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, On November 14, 1984, Moore-Taggart Properties ("the Developer") filed an Application for Development Approval (which, together with the Sufficiency Response, dated February 26, 1985, is hereafter referred to as the "ADA") for a Development of Regional Impact ("DRI") with the City of Tampa ("the City"), Hillsborough County City-County Planning Commission, Hillsborough County Environmental Protection Commission, Florida Department of Community Affairs ("DCA") and the Tampa Bay Regional Planning Council ("TBRPC"), pursuant to the provisions of Section 380.06, Florida Statutes (1983), as amended ("Chapter 380"), and Section 43-96.2, City of Tampa Code; and

WHEREAS, the ADA proposes the development of Hidden River, a mixed use, office/retail/hotel development located on a 476 acre site at the northwest quadrant of the I-75 Interchange at Fletcher Avenue; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380 is authorized and empowered to consider ADA's for DRI's; and

WHEREAS, the public notice requirements of Chapter 380, and Section 43-96.2, City of Tampa Code have been satisfied; and

WHEREAS, the City Council has on July 18, 1985, held a duly noticed public hearing on the ADA and has heard and considered testimony and documents received thereon; and

WHEREAS, the City Council has received and considered the report and recommendations of the TBRPC; and

WHEREAS, all interested parties and members of the public were afforded the opportunity to participate in the application hearing on the subject DRI, before the City Council; and

WHEREAS, the City Council has reviewed the above referenced documents, as well as all related testimony and evidence submitted by each party and members of the general public; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. That this Ordinance shall constitute the Development Order ("Order") of the City Council issued in response to the ADA filed by the Developer, for development of Hidden River, a DRI. The scope of development to be permitted pursuant to this Order includes the land use and activities described in the ADA, which ADA, is attached hereto and made a part hereof as Composite Exhibit A.

Section 2. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by each party and members of the general public, finds there is substantial competent evidence to support the following findings of fact:

108

A. That, the Developer submitted to the City the materials attached hereto as composite Exhibit A.

B. That, the real property which is the subject of the ADA is legally described as set forth in Exhibit B, attached hereto and by reference made a part hereof.

C. That, the Developer proposes the development of Hidden River, a mixed-use office/retail/hotel complex with a total site area of approximately 476 acres, located approximately at the northwest quadrant of the I-75 Interchange at Fletcher Avenue, in the City of Tampa.

D. That, the proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1983), as amended.

E. That, the project has applied for appropriate zoning to comply with local land development regulations.

F. That, this Order satisfies the provisions of Section 380.06(14), Florida Statutes, as amended.

G. That, the development will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.

H. That, a comprehensive review of the impacts generated by the development has been conducted by the City's departments and the TBRPC.

Section 3. That the City Council having made the above findings of fact, reaches the following conclusions of law:

A. That, these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in this proceeding, the various departments of the City and the Developer are authorized to approve/conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.

B. That, the review by the City, the TBRPC and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, within the terms and conditions of this Order and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

Section 4. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the ADA is hereby approved, subject to the following conditions, restrictions and limitations:

A. Substantial Deviations:

Further review pursuant to Chapter 380, may be required if a substantial deviation, as defined in Chapter 380, occurs. The Developer shall be given due notice of, and opportunity to be heard at any hearing to determine whether or not a proposed

0-1-2-1-6

change to the development is a substantial deviation. A substantial deviation may occur by failure to comply with the conditions herein, or by failure to follow the terms and provisions and phasing schedule contained in Composite Exhibit A, as the same may be modified by this Order, or by conducting development activities which are not commenced until after the expiration of the effective period of this Order.

B. That, the Developer shall submit annual reports on the DRI to the City, the TBRPC, the State Land Planning Agency, and other agencies as may be appropriate, on July 1, 1986, and on July 1 of each year thereafter until such time as all terms and conditions of this Order are satisfied. Such report shall be submitted to the Director, Department of Housing, Inspections and Community Services (hereinafter "HICS") who shall, after appropriate review, submit it for review by the City Council. The City Council shall review the report for compliance with the terms and conditions of this Order and may issue further orders and conditions to insure compliance with the terms and conditions of this Order. The Developer shall be notified of any City Council hearing, wherein such report is to be reviewed; provided, however, that receipt and review by the City Council shall not be considered a substitute or a waiver of any terms and conditions of this Order. The annual report shall contain:

1. Changes in the plan of development or phasing for the reporting year and for the next year;

2. A summary comparison of development activity proposed and actually conducted for the reporting year;

3. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

4. Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the development order was issued;

5. An assessment of the Developer's and local government's compliance with conditions of approval contained in the DRI development order;

6. An hourly traffic count for a 24-hour period taken at all established access points from public right-of-way to the development site.

7. Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

8. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes (1983); and

9. 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 (1983).

10. The information regarding TSM or other measures as required under Section 4.D.(1), below.

11. The field survey results, as are required to be submitted biannually under Section 4.D.(1), below, two years after the issuance of certificates of occupancy for Phase I of office space or the equivalent thereof, in terms of trip generation.

C. That, the City hereby accords specific approval for the Phase I development subject to the conditions contained in this Order. Conceptual approval of Phases II and III is also accorded hereby, provided, however that specific approval of Phases II and III is subject to further traffic impact analysis pursuant to Section 380.06 F.S. Based upon such analysis the City shall identify improvements required by the development traffic.

D. Transportation Conditions

(1) Prior to issuance of construction permits for development for Phase II, the Developer shall submit for approval by TBRPC, the City of Tampa, Hillsborough County, TUATS, FDOT and the Hillsborough Area Transit Authority (HART), a plan of Transportation Systems Management (TSM) measures to be instituted and implemented for each project phase. The plan shall provide for sufficient TSM or other measures to divert or reduce a substantial percentage of total peak hour trips. The plan shall address the following at minimum:

(a) Worker flex-time.

(b) Worker ridesharing strategies.

(c) Provision of transit, service facilities and programs to increase transit ridership.

(d) I-275 High Occupancy Vehicle Study.

Upon institution of the TSM Plan, each annual report for this development shall include a yearly assessment of the actual achievement of vehicle trips diverted or reduced from the peak hour as a result of the TSM or other measures. This assessment shall also include documentation for all diversions or reductions claimed as a result of implementation of each measure. If the annual report establishes a diversion or reduction from the projected trips designated in the ADA, Developer shall be entitled to a proportionate reduction in the necessary improvements or impact fees required herein. The reduction shall be applied only to future contributions or improvements.

To assure that the transportation impacts of this development have been accurately projected by the traffic analysis field surveys in the Application, a report of findings shall be conducted every two years after the issuance of certificates of occupancy for Phase I. The results of these surveys shall be included in the required annual report.

(2) Methodology. Existing traffic volumes on roadways in the impact area were determined by counting traffic on those roadways. Growth factors were then applied to determine the "existing background" traffic for each phase of the development. In addition to existing background traffic, allowances were made for traffic projected to be generated by approved developments which have not been built ("proposed background" traffic). The sum of existing background traffic and the proposed background traffic was used as the basis against which traffic generated by each phase of the project was evaluated.

The figures for traffic generated by this project were based upon office uses (I.T.E. General Office Building Land Use Code No. 713). Because limited light industrial uses are anticipated in the ADA, actual trip generation from approved uses will be lower than those used to determine traffic improvements in this Development Order.

(3) Transportation Improvements.

(a) PHASE I. Approval of Phase I of this development is contingent on funding commitments from responsible entities for the following roadway improvements (or alternative improvements which achieve the same result) being secured prior to issuance of construction permits for Phase I.

(i) All Phase I provisions listed herein shall be satisfied before approval for any subsequent phase or subphase is granted.

(ii) Construct a four-lane section on Fletcher Avenue from 56th Street to 22nd Street. These through lanes should have their termini in accordance with proper design standards. As stated in the DRI/ADA sufficiency response, at most locations within the Hidden River study area, the roadway capacity is controlled by the capacity of intersections. Hidden River will contribute the following percentages of the peak hour Level of Service D of the existing facility at the end of Phase I: Fletcher/22nd Street - 10.0 percent; Fletcher/Bruce B. Downs Blvd. - 9.7 percent; and Fletcher/56th Street - 21.6 percent.

(iii) At the intersection of Fletcher and the East Entrance, construct intersection improvements providing for dual left turn lanes southbound, and an exclusive right turn lane eastbound. Hidden River will contribute 68.9 percent of the peak hour Level of Service D capacity of the existing facility at the end of Phase I.

(iv) At the intersection of Fletcher and 56th Street, construct intersection improvements to provide for an additional exclusive westbound left turn lane for a total of two. Hidden River will contribute 21.6 percent of the peak hour

Level of Service D capacity of the existing facility at the end of Phase I.

(v) At the intersection of Fletcher and Nebraska, construct intersection improvements providing for an additional exclusive left turn lane northbound for a total of two. Hidden River will contribute 8.6 percent of the peak hour Level of Service D capacity of the existing facility at the end of Phase I.

(vi) At the intersection of Fowler and 56th Street construct intersection improvements providing for one additional northbound, southbound and westbound through lanes for a total of three in each direction; and additional northbound, southbound and westbound left turn lane for a total of two in each direction, an additional eastbound combined right turn and through lane; and an additional eastbound left turn lane for a total of two. Hidden River will contribute 12.1 percent of the Level of Service D capacity of the existing facility at the end of Phase I.

(vii) At the intersection of Busch and 56th Street, construct intersection improvements providing for an exclusive northbound right turn lane. Hidden River will contribute 9.5 percent of the peak hour Level of Service D capacity of the existing facility at the end of Phase I.

(b) Prior to the issuance of construction permits for development in excess of a total of 300 hotel rooms plus 610,000 square feet, the developer shall conduct a transportation analysis of the intersection of Fletcher and Bruce B. Downs Blvd. to verify whether a grade separation is needed to maintain level of service C daily or D, peak hour. If said grade separation is necessary, funding commitments must be obtained before further construction permits are issued.

(c) PHASES II AND III

(i) A comprehensive transportation study of the Northern Hillsborough/Interstate 75 area in Hillsborough County will be prepared by the Hillsborough County City-County Planning Commission or any other appropriate entity designated by the City of Tampa or the Board of County Commissioners, in cooperation with the Tampa Bay Regional Planning Council, Florida Department of Transportation, Hillsborough County, Hillsborough County Metropolitan Planning Organization, Hillsborough County Environmental Protection Commission, Hillsborough Area Regional Transit Authority and other appropriate State agencies and developers in the area. The study will propose a transportation improvements plan and schedule for the area, involve citizens,

interest groups and government agencies, and develop an implementation program to make the study workable. The transportation section of the study includes:

(a) The regionally significant roadways that shall be included in the focus of the tr. sportation plan, as well as identification of additional roadways to be constructed within the study area.

(b) The existing, approved, and projected development to be included within the plan.

(c) The manner by which the traffic impact of existing development will be documented and assessed.

(d) The manner by which the traffic impact of approved and projected development will be documented and assessed.

(e) The procedures by which mass transit will be studied as a viable alternative to alleviate overburdening of the roadways.

(f) Identification of specific construction implementation goals, such as right-of-way acquisition and implementation of additional corridors designed to coincide with transportation improvement needs generated by each phase of completion for projects approved within the study area.

(g) A program for funding the improvements identified.

The Hillsborough County City-County Planning Commission has committed to perform the above-referenced transportation improvements study as part of its overall study of the I-75 Corridor which is scheduled to be completed on or before January 1, 1986.

(ii) The developer shall generate and provide the City of Tampa, the Hillsborough County Metropolitan Planning Organization and Tampa Bay Regional Planning Council, pursuant to the provisions of Section 380.06, F.S., with updated current traffic counts on regionally significant roadways impacted by the Project and projections of traffic volumes that will result from the completion of the currently approved project construction plus that to be generated by the next phase for which the developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the original DRI traffic analysis or shall indicate alternate transportation improvements or mechanisms which, when implemented, will

maintain the regional roadways at a satisfactory Level of Service, daily Level of Service C, D at peak hours. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practice and the original ADA. Prior to any specific approval beyond Phase I or such Subsequent Phase as may be approved, the City or its designee shall ensure in written findings of fact that the above roadways are operating at or above an average daily Level of Service C, D at peak hours, and that the expected trips to be generated by such approval would not cause the roadways to operate below an average daily Level of Service C, D at peak hours. A revised and updated traffic analysis shall be submitted pursuant to the provisions of Section 380.06, F.S., prior to approvals for Phases II or III respectively.

(iii) The City of Tampa shall consider the results of the aforementioned traffic studies and shall designate those roadway improvements required for the construction of Phases II and III respectively. Final approval of Phases II and III is contingent only upon receipt of funding commitments from responsible entities for the identified roadway improvements.

(d) If the County, City or Developer transportation studies establish that certain of the improvements referred to hereinabove should no longer be considered as a factor in Developer's requirement for funding commitments because the Project's traffic does not equal or exceed 5% of the daily LOS C or LOS D for peak hour capacity of the specific roadway link or intersection: or the Project traffic, plus total background on the roadway segment does not result in a reduction of LOS to LOS D or worse on a daily basis or LOS E or worse at peak hours; or if Hidden River is determined by TBRPC to be located within a regional activity center, then the Developer's requirement for funding commitments shall be adjusted accordingly.

(e) The City shall insure that funding commitments from responsible entitites including the Developer's fair share payments, for the improvements identified in this Section are secured. The improvements referred to above may include, but are not limited to, geometric improvements, signalization modifications and new signal installations. The design for these improvements shall be reviewed and approved, as appropriate, by FDOT, Hillsborough County and the City with, in all cases, a final review and approval by the City prior to the construction of such improvements. The improvements and the phasing of the construction of those improvements may, after detailed review by the appropriate governmental agency and the City, be modified in a manner

intended to accomplish the same result, utilizing generally recognized professional traffic engineering standards and practices.

(f) That, for the purposes of this Order, funding commitments may be either in the form of Developer contributions-in-aid-of-construction, or Developer commitments for the actual construction, or the placement of the improvements in the City's, County's, or State's transportation improvements work programs, or a combination thereof.

(4) Developer Fair Share Assessment For Traffic Improvements. The Developer shall proceed with development in accordance with the provisions of the Hillsborough County Road Network Improvement Program Ordinance, Ordinance No. 85-17, which Ordinance has been determined to be a reasonable vehicle for apportioning the costs of transportation improvements required by this project. Said Ordinance is attached hereto as Exhibit "C." Provided, however, that the Developer shall be given credit against those impact fees imposed by said Ordinance for all costs expended in engineering and in constructing improvements. However, said improvements must be approved by either the City of Tampa, Hillsborough County and/or the Florida Department of Transportation, as appropriate, for credit against the impact fee, and in no case, shall credit be given for on-site entrance improvements.

In the event that the Federal government should allocate funds in an approved transportation improvement program to cover the costs of constructing improvements for I-75 between and including S.R. 581 and Fowler Avenue, then the Developer's Interstate impact assessment shall be reduced by an amount representing its proportionate amount of the assessment attributable to said improvements.

The development's assessment is as follows:

(a) IMPACT FEE ORDINANCE. The Developer shall pay the required transportation impact assessment under the Ordinance, which amount shall be derived from the following table and the total shall be Two Million One Hundred Sixty Thousand Seven Hundred Seventy-two Dollars ($2,160,772.00).

Land Use	Size	Impact Cost	Unit Impact Cost per 1,000 Sq. Ft. or Room
Office/R & D	4,200,000 sq.ft.	1,904,754	453.51
Support Commercial	145,000 sq.ft.	46,323	319.47
Hotel	750 rooms	209,695	279.59

As provided in Section XIV.C of the Ordinance, in calculating the assessment for limited access facility improvements, the application of the formula contained in the Ordinance shall be adjusted so as to insure that impacts on the Hillsborough County Road Network are not counted twice. The above impact costs reflect this adjustment.

(b) INTERSTATE. The Developer shall pay a portion of the amount necessary for limited access

facility improvements on I-75 from S.R. 581 to Fowler Avenue. The development's assessment, derived pursuant to the methodology described in Section 4.D.(2), above, is Two Million Forty Three Thousand Dollars ($2,043,000.00) which amount set forth by land use is as follows:

Land Use	Size		Unit Impact Cost
Office/R & D	4,200,000	sq. ft.	$ 403.74/1,000 sq. ft.
Support Commercial	145,000	sq. ft.	$1,127.17/1,000 sq. ft.
Hotel	750	rooms	$ 245.16/room

Notwithstanding the foregoing, no payment for any interstate improvement shall be retained by the City of Tampa and shall be returned to the Developer or its Successors in Interest unless a contract is let by the responsible government entity for the construction of such interstate improvement which contract requires that the construction of such interstate improvement shall be commenced within 15 years of the effective date of this Order.

(c) RIGHT-OF-WAY. The Developer shall provide its fair share of necessary right-of-way in the amount of One Million Two Hundred Seven Thousand, One Hundred Twenty-eight Dollars ($1,207,128.00), which amount is calculated based upon the methodology set forth in Section 4.D.(2), above, and is set forth by land use as follows:

Land Use	Size		Unit Impact Cost
Office/R & D	4,200,000	sq. ft.	$238.55/1,000 sq. ft.
Support Commercial	145,000	sq. ft.	$666.00/1,000 sq. ft.
Hotel	750	rooms	$144.86/room

(d) Based on the foregoing, the development's total maximum assessment shall be Five Million Four Hundred Ten Thousand Nine Hundred Dollars ($5,410,900.00) (the "Total Developer Fair Share Amount").

(5) Method and Timing of Payment. The Total Developer Fair Share Amount shall be allocated to the development based upon the following table, which reflects the combined amounts set forth in paragraphs (a), (b), and (c), above.

Land Use	Size		Unit Impact Cost
Office/R & D	4,200,000	sq. ft.	$1,095.60/1,000 sq. ft.
Support Commercial	145,000	sq. ft.	$2,112.64/1,000 sq. ft.
Hotel	750	rooms	$ 669.61/room

Payment of that portion of the Total Developer Fair Share Amount attributable to a particular land use pursuant to the foregoing table shall be due upon issuance of building permits for such land use, except as is provided for in paragraphs (7), (8) and (9), below. In prorating payment of the Total Developer Fair Share Amount, the proration shall be computed to the nearest

one hundred (100) square feet. Within 30 days after the Development Order becomes final, Developer shall pay to City an advance deposit in the amount of Two Hundred Fifty Thousand Dollars ($250,000.00) which shall be credited against the Total Developer Fair Share Amount. The amount of each credit shall be first applied to the Amount Payable as building permits are issued, until said deposit is exhausted.

The City agrees to hold all such transportation fair share contributions received from the Developer pursuant to the Ordinance and D.R.I. assessment in escrow and to pay the applicable governmental entity (including itself, where appropriate) having jurisdiction over construction of roads within the impacted area as identified in the ADA, an appropriate amount of what the Developer has paid towards transportation improvements necessitated by this project. Said funds shall be released upon furnishing evidence, satisfactory to the City that such governmental entity has committed to construct said transportation improvements.

Further, the City agrees to utilize the Developer's contributions referred to above to complete the improvements required by this development and shall use best efforts to complete said improvements by such dates as such improvements will be needed to accommodate the project's traffic, with such dates being established utilizing generally accepted traffic engineering practices. Notwithstanding the foregoing, in the event that the performance by the City of this commitment shall be interrupted or delayed by force majeure, then it shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof. Any such delay shall not serve to allow development contrary to the terms of this Development Order.

(6) In addition to the Total Developer Fair Share Amount, the following on-site entrance improvements (to be constructed at the Developer's expense) will be required if determined to be necessary by the City:

(a) Prior to the issuance of the first Certificate of Occupancy within Phase I, an appropriately designed entrance to the development on Fletcher Avenue shall be constructed.

(b) Three major entrances are to be located on Fletcher Avenue so as to be consistent with the ADA. These entrances are to be coordinated with the widening of Fletcher Avenue.

(c) If the Developer elects to make the above entrance improvements in stages, subsequent to the issuance of the first Certificate of Occupancy, then a plan for each improvement shall be submitted and approved by the City prior to the issuance of the first building permit for any portion of the site being developed. The plan shall address those entrance points necessary to serve the portion of the site being developed. With the plan, a transportation analysis shall be provided that calculates the Level of Service of the intersection after the proposed improvements are made taking into account existing background traffic and projected project traffic. The proposed improvement shall be projected to operate at Level of Service C Daily Level of Service D peak hour,

upon completion and full occupancy of the portion of the site being developed.

(7) In lieu of a portion of the Total Developer Fair Share Amount, the Developer may elect to design and construct additional lanes on Fletcher Avenue from I-75 to 56th Street. The design shall be subject to approval by the governmental entities having jurisdiction over this project. The Developer's estimate of its contribution for the design and construction of the additional lanes shall be submitted to the City for approval prior to construction. Said amount shall be credited against the future Total Developer Fair Share Amount payable as building permits are issued. The amount of such credit shall be applied to the amount payable under each building permit pursuant to the table set forth in Section 4.D.(4), above, until the amount expended by the Developer for the design and construction of the additional lanes is exhausted by such credit. In no event shall the Developer be required to pay more than the Total Developer Fair Share Amount.

(8) If the City adopts a transportation impact fee ordinance, which has been determined to be a reasonable vehicle for apportioning the costs of transportation improvements required by this project, the Developer shall be governed exclusively by the provisions of said ordinance as to its fair share contribution for any remaining contributions for the Phase which is being constructed at the time of such adoption and all succeeding Phases, provided however, that all remaining unpaid fair share contributions shall not exceed the total rate of $1.25 per square foot.

(9) If right-of-way is required for transportation improvements, Developer may elect to provide such right-of-way and shall receive a credit against right-of-way fair share impact assessments identified herein, for the fair market value of the land so provided.

(10) The Developer, at its option and sole discretion, may resubmit its project for review and approval under any subsequently filed Area-wide Application for Development Approval, pursuant to Subsection 380.06(26), Florida Statutes. Any impacts assessed and satisfied pursuant to this Order, shall be considered and credited in any such Area-wide Development Order.

E. That, the average daily flows of wastewater from commencement of construction through build-out and operation of the project as referenced in the ADA will be accepted by the City at the standard charge for wastewater service. Connection fees, installation charges necessitated by this development, shall be assumed by the Developer, when assessed by the City, as project plans become final, all in accordance with established City policies and regulations.

Any wastewater generated that is composed of elements not normally associated with domestic wastewater shall require special treatment prior to discharge according to City of Tampa requirements, as appropriate.

F. That, the total daily water requirements from commencement of construction through build-out and operation of the project as referenced in the ADA

will be supplied by the City at the standard charge for water service. Connection fees, installation charges necessitated by this development, shall be assumed by the Developer, when assessed by the City, as project plans become final, all in accordance with established City policies and regulations. To the extent permitted under City Code sections, ordinances, resolutions, policies and regulations, the Developer shall receive credit for existing water system improvements which are used for the development approved hereby.

G. That, the Developer shall be responsible for the maintenance of the internal water supply and sewer system, until dedicated to the City of Tampa.

H. That, the total daily generation of solid waste from the commencement of construction to build-out of the project as referenced in the ADA will be disposed of at the City's direction.

I. That 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 Hidden River businesses information that:

1. 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;

2. Indicates the locations of the specially-designated hazardous waste and materials containers; and

3. 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.

J. That, the City shall ensure the adequacy and availability of the following public services for each phase of this development: police, emergency medical and fire.

K. That, the Developer shall receive assurance of availability and commitments for water, wastewater treatment and solid waste disposal, prior to the issuance of construction permits for each building for which such services are required.

L. That, the Developer shall ensure that the final stormwater drainage plan shall be prepared in accordance with the Master Drainage Plan set forth in the ADA and TBRPC's approved Stormwater and Lakes System Maintenance and Design Guidelines (TBRPC, 1978); the Developer shall ensure that the final drainage plan shall be prepared in accordance with the latest City policies and standards for stormwater management; further, Developer shall

0012 28

maintain predevelopment water level fluctuation of the natural existing hydroperiod in the wetland areas adjacent and hydrologically connected to the development's stormwater management systems.

M. That, the Developer shall be the responsible entity for the maintenance of on-site stormwater management systems and on-site wells.

N. That, an environmental study has been instituted by the Hillsborough County City/County Planning Commission for the North I-75 Corridor area in cooperation with the City of Tampa, City of Temple Terrace, Hillsborough County, Hillsborough County Environmental Protection Commission, Department of Environmental Regulation, Department of Natural Resources, Tampa Bay Regional Planning Council, other appropriate state agencies and developers in the study area. The study includes the following issues:

(1) Definition of study area boundaries.

(2) Inventory of natural resources and environmental features within the study area, such as surface waters, groundwater resources and threatened and endangered species, prime and unique agricultural lands, preservation/conservation areas, specifically to include the Hillsborough River.

(3) Identification of specific natural resources to be protected from the effects of urbanization.

(4) Identification of specific growth management measures to be utilized to protect natural resources and/or mitigate impact from urbanization.

(5) Identification of opportunities for recreational use.

(6) Assessment of the impracts associated with public facility expansion, such as physical plant location and operating procedures.

(7) Formulation of program to promote public and private awareness.

(8) Identification of those actions necessary to be taken to implement the results of the study.

O. That, the Developer shall ensure that the site, as fully and finally developed, shall include approximately 285 acres (60% of total site acreage) of landscaped buffering and open space, consistent with the commitments contained in the ADA. Further, the Developer shall be responsible for the maintenance of all such landscaped buffering and open space areas.

P. That, the boardwalk, pedestrian bridge and other amenities, if located within the floodplain, shall be designed so as to minimize impacts on the natural function and features of the floodplain.

Q. That, the applicant shall develop guidelines and design criteria for preparation of landscaping plans for trees and shrubs that will promote the use of native plant species compatible with the existing vegetation characteristics, and the applicant shall require the use of these criteria and guidelines by individual tract developers in order to control the character and the quality of the development.

R. That, the applicant shall retain and preserve natural communities in the development where possible as part of the open space system and the preservation areas which are retained shall include representative samples of all upland communities that have value as landscape and habitat amenities.

S. That, in the event that any species which are listed in Sections 39-27.03-05, F.A.C. are observed frequenting the site for nesting, feeding or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.

T. That, the developer shall institute measures to assure the City of Tampa that development will not infringe upon or degrade the natural integrity of the Hillsborough River as well as the regionally significant preservation and conservation areas associated with the site.

(1) Final development plans shall designate, be consistent with, and map preservation and conservation areas in accordance with the Council's adopted growth policy, Future of the Region (Sections 2.701, Preservation and 2.702, Conservation).

(2) On-site wetlands shall be preserved/conserved as set forth on Map H of the ADA unless otherwise approved by Florida DER or Hillsborough EPC.

(3) As committed in the ADA, no buildings shall be constructed within the riverine wetlands (100-year floodplain) adjacent to the river, thereby providing a buffer ranging from 1,000 to 2,000 feet from the river's edge to developable parcels.

(4) The boardwalk, pedestrian bridge and other amenities, if located within the floodplain, shall be designated so as to minimize impacts on the natural function and features of the floodplain, subject to local and state permitting.

(5) As committed in the ADA, any boating facilities shall be limited to non-power boats.

(6) The developer shall implement a street cleaning program for the parking and roadway areas within the development, pursuant to the Areawide Water Quality Management Plan for the Tampa Bay Region (1978).

U. That, the Developer shall institute the wind and soil erosion control measures referenced in the ADA for minimizing adverse water and air quality

0012229

impacts. Specifically, the Developer shall implement measures to reduce fugitive dust and air emissions as referenced on page 13-2 and 13-3 of the ADA.

V. That, the Developer shall implement the energy conservation measures as set forth in the ADA.

W. That, if archaelogical resources are located during project construction, the Developer shall ensure that the ultimate disposition of such resources shall be determined in cooperation with the Florida Division of Archives.

X. That, the Developer shall promote awareness of and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The Developer shall prepare a plan to ensure the safe and orderly evacuation of hotel guests and those employees who, for security or administrative reasons, are in the project buildings after an evacuation order pertaining to the site is issued, by:

1. Ordering all project buildings closed for the duration of a hurricane evacuation order;

2. Informing all employees of evacuation routes out of any flood prone areas and evacuation procedures; and

3. Coordinating with and informing appropriate public authorities of building closings, security and safety measures implemented and evacuation plans.

This project evacuation plan shall be included in the first annual report submitted after occupancy of any portion of the project.

Y. That, all development pursuant to this Order shall be in accordance with applicable local building codes, except as otherwise permitted herein.

Z. That, elevations for all habitable structures shall be at or above the base flood elevation.

AA. That, mitigation for the loss of wetlands shall be as referenced in Section 16 of the ADA.

BB. That, the applicant shall assume responsibility as requested by the City of Tampa to provide the reports of the ongoing DER monitoring of the Hillsborough River to the City of Tampa to serve as baseline data, prior to preliminary plan approval and quarterly thereafter through project build-out. In the event that the Hidden River Corporate Park development activities are degrading water development plans are instituted which correct the cases of the degradation.

CC. That, the City of Tampa shall consider the recommendations of the Hillsborough County City-County Planning Commission's Hillsborough River Study as part of any approval of this development, when the study is completed.

DD. That, the developer's commitments as set forth in the ADA, summarized in Exhibit D hereof, shall be

0 0 1 2 3 1

honored except as the they may be superseded by specific terms of this Development Order.

EE. That, a plan for non-potable water use on open space and landscape areas shall be prepared.

FF. That, excess infra-structure capacity constructed to potentially service Phase II or III shall be at the developers risk and shall not vest Phase II or III development rights.

Section 5. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Order.

Section 6. That this Order shall remain in effect for a period of fifteen (15) years from the effective date of this Order. Any development activity wherein final plans have been submitted to the City for its review and approval prior to the expiration date of this Order, may be completed, if approved. This Order shall be extended by City Council on the finding of excusable delay in any proposed development activity.

Section 7. That this Order shall be binding upon the Developer, assigns or successors-in-interest.

Section 8. The Director of HICS is responsible for insuring compliance with this Order and for the receipt of the fair share contributions collected pursuant to Section 4.F. above. Monitoring shall be accomplished by review of the Annual Report, building permits, certificates of occupancy, plats, if applicable, and by on-site observations.

Section 9. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor-in-interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Order.

Section 10. That the City Clerk is hereby directed to send copies of this Order, within five (5) days of the effective date of this Ordinance, to the Developer, TBRPC and DCA.

Section 11. That this Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.

Section 12. That the Developer shall record a notice of adoption of this Order pursuant to Chapter 380, and shall furnish the City Clerk a copy of the recorded notice.

Section 13. That this Ordinance shall take effect immediately upon becoming a law, and a copy shall be posted on the bulletin board in the first floor of the City Hall in the City of Tampa, Florida, for the convenience of the public.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON AUG 8 1985.

CHAIRMAN, CITY COUNCIL

ATTEST:

Frances Henrizing
CITY CLERK

APPROVED by me on: _____

APPROVED by me on: 8-8-85

Prepared and Approved by:

Paula K. H.
ASSISTANT CITY ATTORNEY

MAYOR

RFL5/a

TBRP

ORDINANCE NO. 8969 - A

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY MOORE-TAGGART PROPERTIES FOR HIDDEN RIVER, A DEVELOPMENT OF REGIONAL IMPACT: PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, On November 14, 1984, Moore-Taggart Properties ("the Developer") filed an Application for Development Approval (which, together with the Sufficiency Response, dated February 26, 1985, is hereafter referred to as the "ADA") for a Development of Regional Impact ("DRI") with the City of Tampa ("the City"), Hillsborough County City-County Planning Commission, Hillsborough County Environmental Protection Commission, Florida Department of Community Affairs ("DCA") and the Tampa Bay Regional Planning Council ("TBRPC"), pursuant to the provisions of Section 380.06, Florida Statutes (1983), as amended ("Chapter 380"), and Section 43-96.2, City of Tampa Code; and

WHEREAS, the ADA proposes the development of Hidden River, a mixed use, office/retail/hotel development located on a 476 acre site at the northwest quadrant of the I-75 Interchange at Fletcher Avenue; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380 is authorized and empowered to consider ADA's for DRI's; and

WHEREAS, the public notice requirements of Chapter 380, and Section 43-96.2, City of Tampa Code have been satisfied; and

WHEREAS, the City Council has on July 18, 1985, held a duly noticed public hearing on the ADA and has heard and considered testimony and documents received thereon; and

WHEREAS, the City Council has received and considered the report and recommendations of the TBRPC; and

WHEREAS, all interested parties and members of the public were afforded the opportunity to participate in the application hearing on the subject DRI, before the City Council; and

WHEREAS, the City Council has reviewed the above referenced documents, as well as all related testimony and evidence submitted by each party and members of the general public; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. That this Ordinance shall constitute the Development Order ("Order") of the City Council issued in response to the ADA filed by the Developer, for development of Hidden River, a DRI. The scope of development to be permitted pursuant to this Order includes the land use and activities described in the ADA, which ADA, is attached hereto and made a part hereof as Composite Exhibit A.

Section 2. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by each party and members of the general public, finds there is substantial competent evidence to support the following findings of fact:

A. That, the Developer submitted to the City the materials attached hereto as composite Exhibit A.

B. That, the real property which is the subject of the ADA is legally described as set forth in Exhibit B, attached hereto and by reference made a part hereof.

C. That, the Developer proposes the development of Hidden River, a mixed-use office/retail/hotel complex with a total site area of approximately 476 acres, located approximately at the northwest quadrant of the I-75 Interchange at Fletcher Avenue, in the City of Tampa.

D. That, the proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1983), as amended.

E. That, the project has applied for appropriate zoning to comply with local land development regulations.

F. That, this Order satisfies the provisions of Section 380.06(14), Florida Statutes, as amended.

G. That, the development will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.

H. That, a comprehensive review of the impacts generated by the development has been conducted by the City's departments and the TBRPC.

Section 3. That the City Council having made the above findings of fact, reaches the following conclusions of law:

A. That, these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in this proceeding, the various departments of the City and the Developer are authorized to approve/conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.

B. That, the review by the City, the TBRPC and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, within the terms and conditions of this Order and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

Section 4. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the ADA is hereby approved, subject to the following conditions, restrictions and limitations:

A. Substantial Deviations:

Further review pursuant to Chapter 380, may be required if a substantial deviation, as defined in Chapter 380, occurs. The Developer shall be given due notice of, and opportunity to be heard at any hearing to determine whether or not a proposed

change to the development is a substantial deviation. A substantial deviation may occur by failure to comply with the conditions herein, or by failure to follow the terms and provisions and phasing schedule contained in Composite Exhibit A, as the same may be modified by this Order, or by conducting development activities which are not commenced until after the expiration of the effective period of this Order.

B. That, the Developer shall submit annual reports on the DRI to the City, the TBRPC, the State Land Planning Agency, and other agencies as may be appropriate, on July 1, 1986, and on July 1 of each year thereafter until such time as all terms and conditions of this Order are satisfied. Such report shall be submitted to the Director, Department of Housing, Inspections and Community Services (hereinafter "HICS") who shall, after appropriate review, submit it for review by the City Council. The City Council shall review the report for compliance with the terms and conditions of this Order and may issue further orders and conditions to insure compliance with the terms and conditions of this Order. The Developer shall be notified of any City Council hearing, wherein such report is to be reviewed; provided, however, that receipt and review by the City Council shall not be considered a substitute or a waiver of any terms and conditions of this Order. The annual report shall contain:

1. Changes in the plan of development or phasing for the reporting year and for the next year;

2. A summary comparison of development activity proposed and actually conducted for the reporting year;

3. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

4. Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the development order was issued;

5. An assessment of the Developer's and local government's compliance with conditions of approval contained in the DRI development order;

6. An hourly traffic count for a 24-hour period taken at all established access points from public right-of-way to the development site.

7. Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

8. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes (1983); and

9. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was

Section 13. That this Ordinance shall take effect immediately upon becoming a law, and a copy hereof shall be posted on the bulletin board in the hall of the first floor of the City Hall in the City of Tampa, Florida, for the convenience of the public.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JAN 3 1985.

Sandra W. Freedman
CHAIRMAN, CITY COUNCIL

APPROVED by me on JAN 04 1985

Bob Martinez

ATTEST:

Frances Henriquez
CITY CLERK

Prepared and Approved by:

Pamela K. Akin
CITY ATTORNEY

LEGAL DESCRIPTION - OVERALL

That certain tract of land being the combination of three parcels as described in O.R. Book 3104, Page 1408; O.R. Book 3104, Page 1414; and O.R. Book 3104, Page 1411 (regarding Parcel 4 of said page); less and except a parcel totaling 700 square feet, more or less, situated in the northeast corner of the property described in O.R. Book 3104, Page 1414; and less and except a parcel totaling 1024 square feet, more or less, situated in the west side of the property, described in O.R. Book 3935, Page 1638. The above property is lying and being in Section 14, Township 29 South, Range 17 East, Hillsborough County, Florida, and being more particularly described as follows:

Commence at the Northeast corner of said Section 14; thence N 88°55'42" W along the north boundary line of said Section 14, for 190.35 feet; thence S 26°52'48" W, for 969.02 feet; thence S 63°07'12" E, for 30.00 feet to the POINT OF BEGINNING; thence continue S 63°07'12" E, for 457.06 feet; thence S 26°52'48" W, for 20.00 feet; thence S 63°07'12" E, for approximately 117 feet to the mean high water line of Old Tampa Bay; to a point hereby designated Point "A"; thence beginning again at the POINT OF BEGINNING; thence S 26°52'48" W for 256.06 feet; thence S 63°07'12" E for approximately 468 feet, to the mean high water line of Old Tampa Bay; thence Northeasterly, along said mean high water line, for approximately 260 feet, to previously designated Point "A". The above described tract contains 3.02 acres, more or less, and is subject to any easements or rights-of-way of record.

Less and except the following described parcels:

Commence at the Northeast corner of said Section 14; thence N 88°55'42" W along the North boundary line of said Section 14, for 190.35 feet; thence S 26°52'48" W, for 969.02 feet; thence S 63°07'12" E, for 399.19 feet, to the POINT OF BEGINNING; thence continue S 63°07'12" E, for 87.87 feet; thence S 26°52'48" W, for 20.00 feet; thence S 63°07'12" E, for 72.75 feet; thence S 75°21'03" W, for 24.43 feet; thence N 64°08'32" W, for 106.80 feet; thence N 16°07'35" W, for 52.11 feet, to the POINT OF BEGINNING, and containing 0.08 acres, more or less.

Commence at the Northeast corner of said Section 14; thence N 88°55'42" W along the North boundary line of said Section 14, for 190.35 feet; thence S 26°52'48" W, for 969.02 feet; thence S 63°07'12" E, for 30.00 feet, to a point on the future eastern right-of-way line of Rocky Point Road, said point being the POINT OF BEGINNING; thence continue S 63°07'12" E, for 4.00 feet; thence S 26°52'48" W, for 256.06 feet; thence N 63°07'12" W, for 4.00 feet; thence N 26°52'48" E, for 256.06 feet, to the POINT OF BEGINNING, and containing 1024 square feet (0.02 acre), more or less.

Total net acreage being: 2.92 acres, more or less.

Exhibit B