

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, RENDERING AN AMENDMENT TO THE DEVELOPMENT ORDER FOR THE COLONIAL PENN OFFICE PARK, CITY OF TAMPA ORDINANCE NO. 8917-A, PURSUANT TO CHAPTER 380, FLORIDA STATUTES, BASED ON A NOTIFICATION OF PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, on July 25, 1984, the Colonial Penn Insurance Company filed an Application for Development Approval ("ADA") of a Development of Regional Impact ("DRI") with the City of Tampa (the "City") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on June 21, 1985, the City adopted, by Ordinance, a Development Order, Ordinance No. 8917-A, (hereinafter referred to as the "Order") for the Colonial Penn Office Park, a copy of which has previously been filed with the City and all applicable agencies; and

WHEREAS, on January 17, 1989, the Wilson Company/Alandco, Inc., the owner, authorized agent and developer of Colonial Penn Office Park filed a "Notification of Proposed Change to a Previously Approved Development of Regional Impact" with the appropriate reviewing agencies; and

WHEREAS, on April 6, 1989, the City adopted, by ordinance, an Amendment to the Development Order, Ordinance No. 89-81, for the Colonial Penn Office Park (the "First Amendment"), a copy of which has previously been filed with the City and all applicable agencies; and

WHEREAS, on April 1, 1991, and supplemented with additional information dated April 4, 1991, and May 14, 1991, the Wilson Company/Alandco, Inc. filed a second "Notification of Proposed Change to Previously Approved Development of Regional Impact" (DRI) with the appropriate reviewing agencies; and

WHEREAS, on June 10, 1991, the City adopted, by ordinance, an Amendment to the Development Order, Ordinance No. 91-90, for the Colonial Penn Office Park (the "Second Amendment"), a copy of which has previously been filed with the City and all applicable agencies; and

WHEREAS, on September 1, 1992, Alandco, Inc., the owner, authorized agent, and developer of Colonial Penn Office Park filed a third "Notification of a Proposed Change to a Previously Approved Development of Regional Impact" with the City, the Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") pursuant to the provisions of Florida Statutes, Section 380.06 (1991), as amended by Senate Bill 1882 (Pub. L. Ch. 91-129) ("Chapter 380"), which Notification shall constitute the application for a Third Amendment to the Order and shall hereafter be referred to as the "Proposed Amendment" and is attached hereto as Exhibit "A"; and

WHEREAS, the public notice requirements of Chapter 380 and the City have been satisfied; and

WHEREAS, the City Council has on November 19, 1992, held a duly noticed public hearing on the Proposed Amendment and has heard and considered testimony and reviewed documents thereon; and

Certified as true and correct copy.

mailed 12/7/92
received 12/9/92
Exhibit "A" - DOPC and
Exhibit "B" - site plan

WHEREAS, the City Council has received and considered the report and recommendations of the TBRPC, City staff and DCA; and

WHEREAS, all interested parties and members of the public were afforded the opportunity to participate in the public hearing on the Proposed Amendment 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 all persons and members of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA.

Section 1. 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 Proposed Amendment attached hereto as Exhibit "A".
- B. That the Developer proposes to extend the buildout date of the development until December 15, 1994. The cumulative proposed buildout date extension for this Development is six (6) years, eleven (11) months, and fifteen (15) days.
- C. That the Developer proposes to extend the termination date for the Development until June 21, 1997. The cumulative proposed extension of the termination date for this Development Order is two (2) years.
- D. That the Proposed Amendment recognizes the reduction in acreage of the development by approximately 5.6 acres, due to the permanent taking of property by the Florida Department of Transportation for construction of the Northwest Expressway.
- E. That the development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1989), as amended.
- F. That the project is consistent with all local land development regulations and the local comprehensive plan.
- G. That this Third Amendment to the Development Order ("Third Amendment") is consistent with the report and recommendations of the TBRPC, and satisfies the provisions of Section 380.06(15), Florida Statutes, as amended.
- H. That the development will not unreasonably interfere with the achievement of objectives of the adopted state development plan applicable to the area.
- I. That a comprehensive review of the impacts generated by the Proposed Amendment has been conducted by the City staff and the TBRPC.

Section 2. That the City Council having made the above findings of fact, draws 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. The review by the City, the TBRPC and other participating agencies and interested citizens reveals that the impacts of the Proposed Amendment are adequately addressed pursuant to requirements of Chapter 380, within the terms and conditions of this Third Amendment.
- C. That the Proposed Amendment does not constitute a substantial deviation from the Order.

Section 3. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Proposed Amendment is hereby accepted and approved subject to the following conditions, restrictions and limitations:

- A. The Developer's commitments set forth in the Proposed Amendment shall be complied with except as they may be superseded by specific terms of this Third Amendment.

Section 4. Having made the above findings of fact and drawn the above conclusions of law, it is further ordered that the Order is hereby amended to:

- A. Extend the date of buildout for the development until December 15, 1994. The buildout date for the development has been extended by a cumulative period of six (6) years, eleven (11) months and fifteen (15) days.
- B. Extend the termination date for the Development until June 21, 1997. The termination date for the development has been extended by a cumulative period of two (2) years.
- C. Recognize the taking of property for the Northwest Expressway by the Department of Transportation, and to approve the revised General Site Plan and revised legal description which reflect the reduction in acreage, and which are attached hereto as Exhibit "B".

Section 5. That the definitions contained in Chapter 380 shall control the interpretation and construction of any terms of this Third Amendment.

Section 6. This Ordinance shall constitute a Third Amendment to the Development Order in response to the Proposed Amendment. All provisions of the Order, except as amended hereby, shall be and remain in full force and effect and shall be considered conditions of this Third Amendment unless inconsistent with the terms and conditions of this Third Amendment in which case the terms and conditions of this Third Amendment shall govern. In the event of an inconsistency between this Third Amendment and the Proposed Amendment, this Third Amendment shall govern.

Section 7. That this Third Amendment shall be binding upon the Developer, assigns, or successors in interest.

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

Section 9. That in the event any portion or section of this Third Amendment is deemed 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 Third Amendment which shall remain in full force and effect.

Section 10. That the City Clerk is directed to send copies of this Third Amendment, within five (5) days of its becoming law, to the Developer/owner, Alandco, Inc., c/o Rhea F. Law, Esquire, 501 East Kennedy Blvd., Suite 1700, Tampa, FL 33602, the DCA and the TBRPC.

Section 11. That this Third Amendment shall be deemed rendered upon transmittal of the copies of this Third Amendment to recipients specified in Chapter 380.

Section 12. That the Developer shall record a Notice of Adoption of this Third Amendment pursuant to Chapter 380.

Section 13. 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 10 hereof.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON DEC 03 1992.

Joe G...

APPROVED by me on DEC 04 1992.

Sandra W. Friedman
Mayor

ATTEST:

Francis Henriquez
City Clerk

Prepared and Approved By:

Frank Gurnea
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 92-188 on file in my office.

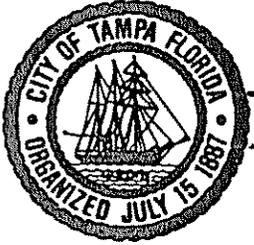
Witness my hand and official seal this 7th day of Dec FRANCIS HENRIQUEZ, CITY CLERK
Francis Henriquez
Deputy City Clerk
CITY CLERK

List of Exhibits

Exhibit "A" - Notification of a Proposed Change to a Previously Approved Development of Regional Impact

Exhibit "B" - Revised General Site Development Plan and revised legal description for the Colonial Penn Office Park Development of Regional Impact

Continued as true
and correct copy.



CITY OF TAMPA

Frances Henriquez, City Clerk

OFFICE OF CITY CLERK

June 11, 1991

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

RE: Petition No. DZ84-77
Ordinance No. 91-90

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

FH/gg

Enclosure: Ordinance

CERTIFIED MAIL

cc: Susan Swift, Land Development Coordination

RECEIVED
JUN 12 1991
JUN 12 1991
Tampa Bay Regional
Planning Council

Mailed June 11, 1991
received June 12, 1991

Tampa Bay Regional
Planning Council
cert copy

ORDINANCE NO. 91-90

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING A SECOND AMENDMENT TO THE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER FOR THE COLONIAL PENN OFFICE PARK PURSUANT TO CHAPTER 380, FLORIDA STATUTES, BASED ON A NOTIFICATION OF PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 29, 1984, the Colonial Penn Insurance Company filed an Application for Development Approval ("ADA") of a development of regional impact ("DRI") with the City of Tampa (the "City") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on June 21, 1985, the City adopted, by Ordinance, a Development Order, Ordinance No. 8917-A, (hereinafter referred to as the "Order") for the Colonial Penn Office Park, a copy of which has previously been filed with the City and all applicable agencies; and

WHEREAS, on January 17, 1989, the Wilson Company/Alandco, Inc. ("Developer"), owner, authorized agent and developer of Colonial Penn Office Park filed a "Notification of Proposed Change to a Previously Approved Development of Regional Impact" with the appropriate reviewing agencies; and

WHEREAS, on March 23, 1989, the City adopted, by ordinance, an Amendment to the Development Order, Ordinance No. 89-81, for the Colonial Penn Office Park (the "First Amendment"), a copy of which has previously been filed with the City and all applicable agencies; and

WHEREAS, on April 1, 1991, and supplemented with additional information dated April 4, 1991, May 14, 1991, and May 22, 1991, the Developer filed a second Notification of Proposed Change to Previously Approved Development of Regional Impact ("Proposed Change") attached hereto and made a part hereof as Exhibit "A", with the City, the Florida Department of Community Affairs ("DCA") and the Tampa Bay Regional Planning Council ("TBRPC") pursuant to the provisions of Section 380.06, Florida Statutes (1989), as amended ("Chapter 380") and Chapter 27 Tampa City Code, which Proposed Change shall constitute the application for a second amendment to the Order; and

WHEREAS, the public notice requirement of Chapter 380 and the City have been satisfied; and

WHEREAS, the City Council has on May 23, 1991, held a duly noticed public hearing on the Proposed Change and has heard and considered testimony and reviewed documents thereon; and

WHEREAS, the City Council has received and considered the report and recommendations of the TBRPC, City staff and DCA; and

WHEREAS, all interested parties and members of the public were afforded the opportunity to participate in the public hearing on the Proposed Change 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 all persons and members of the public.

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:

certified as true
and correct copy.

A. That the Developer submitted to the City the Proposed Change attached hereto as Exhibit "A".

B. That the Developer proposes to add an additional permitted use consisting of a school/training facility, containing up to 150,000 square feet and with a maximum population of 150 students, which may include the following uses: student classrooms; an auditorium; cafeterias; instructor offices and lounge; recreational facilities; a media production area; student dormitory rooms with a student lounges and related uses.

C. That the school/training facility and the previously approved addition of 50,000 square feet of office space will not result in an increase of external vehicle trips in an amount greater than 15% of the external vehicle trips projected during the original DRI review.

D. That the development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1989), as amended.

E. That the project is consistent with all local land development regulations and the local comprehensive plan.

F. That this Second Amendment to the Development Order ("Second Amendment") is consistent with the report and recommendations of the TBRPC, and satisfies the provisions of Section 380.06(15), Florida Statutes, as amended.

G. That the development will not unreasonably interfere with the achievement of objectives of the adopted state development plan applicable to the area.

H. That a comprehensive review of the impacts generated by the Proposed Change has been conducted by the City staff, TBRPC and DCA.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, draws 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. The review by the City, TBRPC, DCA, and other participating agencies and interested citizens reveals that the impacts of the Proposed Change are adequately addressed pursuant to requirements of Chapter 380, within the terms and conditions of this Second Amendment.

C. That the Proposed Change does not constitute a substantial deviation from the Order.

Section 3. Order. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Proposed Change is hereby accepted and approved subject to the following conditions, restrictions and limitations:

A. The Developer's commitments set forth in the Proposed Change shall be complied with except as they may be superseded by specific terms of this Second Amendment.

B. That the Order, as modified by the First Amendment, is hereby further amended to allow for the construction of a school/training facility containing up to 150,000 square feet and with a maximum population of 150 students. The school/training

facility may include the following uses: student classrooms; an auditorium; cafeterias; instructor office and lounge; recreational facilities; a media production area; student dormitory rooms with a student lounge; and related uses. That the Order, as modified by the First Amendment, is hereby further amended to provide that the build-out date shall be December 30, 1992.

C. The Developer shall make a contribution in the amount of \$10,000 to the Westshore Transportation Management Association ("TMA") prior to issuance of a certificate of occupancy for the school/training facility.

D. The Developer shall coordinate with the Hillsborough Area Regional Transit Authority ("HART") to provide transit facilities within or adjacent to the development. Correspondence between the Developer and HART indicating coordination of this matter will be provided to the City's Public Works Department - Transportation Division.

Section 4. Second Amendment. This Ordinance shall constitute a Second Amendment to the Development Order in response to the Proposed Change. All provisions of the Order, except as modified by the First Amendment and by the Second Amendment, shall be and remain in full force and effect and shall be considered conditions of this Second Amendment unless inconsistent with the terms and conditions of this Second Amendment in which case the terms and conditions of this Second Amendment shall govern. In the event of an inconsistency between this Second Amendment and the Proposed Change, this Second Amendment shall govern.

Section 5. Definitions. That the definitions contained in Chapter 380 shall control the interpretation and construction of any terms of this Second Amendment.

Section 6. Binding Effect. That this Second Amendment shall be binding upon the Developer, assigns, or successors in interest.

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

Section 8. Severance. That in the event any portion or section of this Second Amendment is deemed 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 Second Amendment which shall remain in full force and effect.

Section 9. Transmittal. That the City Clerk is directed to send copies of this Second Amendment, within five (5) days of the effective date of this Ordinance, to the Developer, DCA and TBRPC.

Section 10. Rendition. That this Second Amendment shall be deemed rendered upon transmittal of the copies of this Second Amendment to recipients specified in Chapter 380.

Section 11. Recordation. That the Developer shall record a Notice of Adoption of this Second Amendment pursuant to Chapter 380.

Section 12. Effective Date. That this Ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA,
FLORIDA, ON JUN 06 1991.

Joe Green
CHAIRMAN, CITY COUNCIL

APPROVED by me on JUN 10 1991

Sanford D. D'Amico
Mayor

ATTEST:

Frances Henriquez
City Clerk

Prepared and Approved by:

Gina K. Guines
Assistant City Attorney

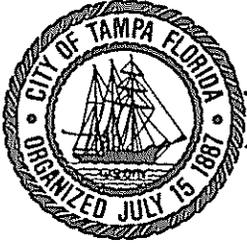
1088-278-18936.02

State of Florida
County of Hillsborough

This is to certify that the foregoing is a
true and correct copy of Ordinance NO 91-90
on file in my office.

Witness my hand and official seal this 10th day
of June, 1991.

Frances Henriquez
FRANCES HENRIQUEZ, CITY CLERK
BY: CITY CLERK
Deputy City Clerk



CITY OF TAMPA

Frances Henriquez, City Clerk

OFFICE OF CITY CLERK

April 10, 1989

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

Re: File No. DZ84-77
Petitioner: The Wilson Company/Alandco Inc.
Ordinance No.: 89-87

Dear Sirs:

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

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

Sincerely,

Frances Henriquez

(Mrs.) Frances Henriquez
City Clerk

FH/ssm

Enclosures

CERTIFIED MAIL

cc: Susan Mihalik, Land Development Coordination

ORDINANCE NO. 89-81

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, RENDERING AN AMENDMENT TO THE DEVELOPMENT ORDER FOR THE COLONIAL PENN OFFICE PARK, CITY OF TAMPA ORDINANCE NO. 9817-A PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON A NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, on June 29, 1984, the Colonial Penn Insurance Company filed an Application for Development Approval ("ADA") of a Development of Regional Impact with the City of Tampa (the "City") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on June 21, 1985, the City adopted, by Ordinance, a Development Order (hereinafter referred to as the "order") for the Colonial Penn Office Park, a copy of which has previously been filed with the City and all applicable agencies; and

WHEREAS, on January 17, 1989, The Wilson Company/Alandco, Inc. ("Developer"), owner, authorized agent and developer of the Colonial Penn Office Park filed a document entitled "Notification of a Proposed Change to a Previously Approved Development of Regional Impact ("DRI") 380.06(19), Florida Statutes" with the City, the Florida Department of Community Affairs ("DCA") and the Tampa Bay Regional Planning Council ("TBRPC") pursuant to the provision of Section 380.06, Florida Statutes (1987), as amended ("Chapter 380"), and Chapter 43-A, Tampa City Code; which Notification shall constitute the application for amendment of the Order and shall be hereafter referred to as the "Proposed Amendment" and attached hereto as "Exhibit A"; and

Whereas, the public notice requirement of Chapter 380 and the City have been satisfied; and

WHEREAS, the City Council has on March 23, 1989, held a duly noticed public hearing on the Proposed Amendment and has heard and considered testimony and received documents thereon; and

WHEREAS, the City Council has received and considered the report and recommendations of the TBRPC, City Staff and the Department of Community Affairs; and

certified as true
and correct copy.

WHEREAS, all interested parties and members of the public were afforded the opportunity to participate in the public hearing on the Proposed Amendment 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 all persons and members of the general public.

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

Section 1. 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 Proposed Amendment attached hereto as "Exhibit A"
- B. That the Developer proposes to increase the gross square footage of the approved DRI to allow for an additional 50,000 square feet of office use thereby allowing total project development of 576,000 gross square feet of office use.
- C. That the increase in square footage will not result in an increase in impervious area.
- D. That the development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1987), as amended.
- E. That the project is consistent with all local land development regulations and the local comprehensive plan.
- F. That this Ordinance is consistent with the report and recommendations of the TBRPC, and satisfies the provisions of Section 380.06(15), Florida Statutes, as amended.
- G. That the development will not unreasonably interfere with the achievement of objectives of the adopted state land development plan applicable to the area.

Certified as true
and correct copy.

H. That a comprehensive review of the impacts generated by the Proposed Amendment has been conducted by the City departments and the TBRPC.

Section 2. That the City Council having made the above findings of fact, draws 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 are authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.
- B. The review by the City, the TBRPC and other participating agencies and interested citizens reveals that the impacts of the Proposed Amendment are adequately addressed pursuant to requirements of Chapter 380 within the terms and conditions of this Amendment to the Development Order.
- C. That the Proposed Amendment does not constitute a substantial deviation from the Order.

Section 3. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Proposed Amendment is hereby accepted and approved subject to the following conditions, restrictions and limitations:

- A. The Developer's commitments set forth in the Proposed Amendment shall be complied with, except as they may be superseded by specific terms of this Amendment to the Development Order.

Section 4. That having made the above findings of fact and drawn the above conclusions of law, it is further ordered that the Order is hereby amended to allow for total project development of 576,000 gross square feet of office use.

Section 5. That definitions contained in Chapter 380 shall control the interpretation and construction of any terms of this Amendment to the Development Order.

Certified as true
and correct copy.

Section 6. This ordinance shall constitute an Amendment to the Order in response to the Proposed Amendment. All provisions of the Order, except as amended hereby, shall be and remain in full force and effect and shall be considered conditions of this Amendment to the Development Order unless inconsistent with the terms and conditions of this Amendment to the Development Order, in which case the terms and conditions of this Amendment to the Development Order shall govern.

Section 7. That this Amendment to the Development Order shall be binding upon the Developer, assigns, or successors in interest.

Section 8. It is understood that any reference herein to any governmental agency shall be construed to include 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 Amendment to the Development Order.

Section 9. That in the event any portion or section of this Amendment to the Development Order 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 Amendment to the Development Order which shall remain in full force and effect.

Section 10. That the City Clerk is directed to send copies of this Amendment to the Development Order, within five days of the effective date of this Ordinance, to the Developer, Hillsborough County, the Florida Department of Transportation, the DCA and the TBRPC.

Section 11. That this Amendment to the Development Order shall be deemed rendered upon transmittal of the copies of this Amendment to the Development Order to recipients specified in Chapter 380.

Section 12. That the Developer shall record a notice of adoption of this Amendment to the Development Order pursuant to Chapter 380.

Certified as true and correct copy.
--

Section 13. That this Ordinance shall take effect immediately upon becoming a law, and a copy hereof shall be posted on the bulletin board located on 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 APR 06 1989.

Lee Duncan

CHAIRMAN, CITY COUNCIL

APPROVED by me on APR 07 1989

ATTEST:

Francis Henriquez
CITY CLERK

Sandra W. Freeman
MAYOR

Prepared and Approved by:

Lina K. Guinness
ASSISTANT CITY ATTORNEY

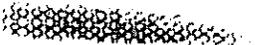
State of Florida,
County of Hillsborough)

This is to certify that the foregoing is a true and correct copy of *Ordinance #89-81* on file in my office.

Witness my hand and official seal this 11th day

of April, 1989.

By: *Francis Henriquez*
CITY CLERK



FRANCES HENRIQUEZ
City Clerk

June 26, 1985

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

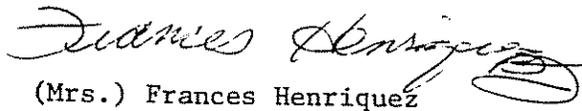
RE: Ordinance No.: 8917

Ladies and Gentlemen:

For your information and record keeping, I am transmitting the above ordinance (s) adopted by the Tampa City Council.

If I can be of further service, please do not hesitate to contact my office.

Sincerely,


(Mrs.) Frances Henriquez
City Clerk

FH/nt

Enclosures

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 COLONIAL PENN INSURANCE COMPANY, FOR COLONIAL PENN OFFICE PARK, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on July 25, 1984, Colonial Penn Insurance Company (the "Developer") filed an Application for Development Approval, a Sufficiency Response dated September 26, 1984, and a supplemental Sufficiency Response dated November 14, 1984 and submitted a letter dated May 28, 1985, which letter modifies the original scope of the development to delete Phase II from the subject Application (hereafter, the above referenced documents are collectively 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 Colonial Penn Office Park, a mixed use, research/corporate office park development located on a 48.5 acre site at the southwest corner of the intersection of Memorial Highway and Eisenhower Boulevard in the City of Tampa (the "Development"); 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 the ADA 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 June 6, 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 Colonial Penn Office Park, a DRI. The scope of development to be permitted pursuant to this Order includes the land uses and activities described in the ADA attached hereto and by reference made a part hereof as composite Exhibit A.

Section 2. That City Council, having received the ADA, 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 real property that is the subject of the ADA is legally described as set forth in Exhibit B, attached hereto and by reference made a part hereof.
- B. That the Developer submitted to the City the materials contained in Composite Exhibit A.
- C. That the Developer proposes the development of Colonial Penn Office Park, a mixed-use research/corporate park with a total site area of approximately 48.5 acres, located at the southwest corner of the intersection of Memorial Highway and Eisenhower Boulevard, 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 is consistent with all local land development regulations.
- F. That this Order is consistent with the report and recommendations of the TBRPC, and satisfies the provisions of Section 380.06(14), Florida Statutes (1983), 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.
- I. That the Developer modified the ADA to delete Phase II from the proposed Development. (Hereafter all references to the word "Development" shall mean Phase I as defined in the ADA.)

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 having 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 an opportunity to be heard at any hearing to determine whether or not a proposed change to the development is a substantial deviation. Substantial deviation may occur by failure to comply with the conditions herein or failure to follow the documents submitted in Composite Exhibit A.

B. Annual Reports:

The Developer shall submit annual reports on the DRI to the City, the TBRPC, the State Land Planning Agency, and such 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 or 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);
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); and

10. The information required pursuant to Section 4.E.2., below.
11. A copy of the stormwater system operation and maintenance schedule required pursuant to Section 4.J.6., below.

C. Funding Commitments:

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 transportation improvements work programs of the City, Hillsborough County ("County") or State of Florida ("State"), or a combination thereof.

D. Responsible Entities:

That, for the purposes of this Order, the Developer is considered one of a number of possible responsible entities.

E. Transportation:

1. A transportation improvements plan and schedule for the Westshore/northwest Hillsborough County area in cooperation with Florida Department of Transportation ("DOT"), TBRPC, Hillsborough County, the Metropolitan Planning Organization ("MPO"), Hillsborough Area Regional Transit Authority ("HART"), and developers in the study area shall be developed. The plan shall consider all approved developments in the area including previously approved DRI's, and projected development. The plan shall be commenced prior to the issuance of any construction permits in excess of 376,000 square feet of office space or the equivalent thereof. In lieu thereof, issuance of a Development Order approving an area-wide DRI including the project site or a City Areawide Master Development Plan addressing, among other matters, transportation needs for the Westshore Business District shall satisfy this requirement. The parameters for this interim transportation plan, or area-wide DRI traffic analysis, shall include but not be limited to:
 - a. The regionally significant roadways that shall be included in the focus of the transportation 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 shall 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 north/south and east/west corridors designed to coincide with transportation improvement needs generated by each phase completion for projects approved within the study area.

- g. Florida Department of Transportation (FDOT) Dale Mabry/Himes Avenue Corridor Plan.
 - h. FDOT High Occupancy Vehicle (HOV) Study for I-275.
 - i. Northwest Hillsborough Expressway.
 - j. A program for funding the improvements identified.
2. No Transportation Systems Management ("TSM") measures were assumed in the evaluation and assessment of transportation impacts of the Development. However, the Developer shall assess the suitability of TSM measures that may be instituted and implemented for each project phase. Each TSM measure shall be assessed to determine the potential for diverting a substantial percentage of total peak hour trips away from the peak traffic hours. The assessment shall be submitted to the reviewing agencies within one year of issuance of this Development Order and shall address the following at minimum:
- (a) Worker flex time.
 - (b) Worker ridesharing strategies.
 - (c) Provision of transit and service facilities and programs to increase transit ridership, car pooling, van pooling, etc..
 - (d) I-275 High Occupancy Vehicle Study.

The Developer may request amendments to this Development Order to incorporate findings of the assessment as Conditions of Approval in lieu of structural improvements required as conditions of this Order. The Developer's Annual Report shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of implementation of each TSM measure. If an annual report is not submitted, or if the report indicates that the total trip diversions are not being met, the City of Tampa government shall conduct a substantial deviation determination pursuant to Chapter 380.06(17), Florida Statutes (1983), and amend this Development Order to change TSM objectives and/or require those roadway improvements that were deleted from this Development Order in contemplation of the TSM measures' being successful. The results of the TSM study may serve as a basis for the Developer or reviewing agencies to request Development Order amendments.

3. The Developer at its option may select one of the following alternatives to mitigate the project's Transportation impacts:

Alternative 1

The Developer may delay development until funding commitments are secured from responsible entities for the following roadway improvements:

- (a) Signalization at the George Road/Memorial Highway intersection. The Developer will contribute 30.3 percent of the summation of critical movements of LOS D during the peak hour. This signal's phasing shall be coordinated with existing signalization of the Eisenhower/Memorial and Independence/Memorial intersections; and

- (b) such other, additional improvements as are described on the table entitled "Project and Payment Schedule", attached hereto as Exhibit C, and incorporated herein by reference.

Alternative II

- (a) In lieu of Alternative I, set out in this Section 4.E. above, the Developer may elect, at its option to pay its fair share of the needed roadway improvements, as set forth on Exhibit C. Exhibit C lists the transportation improvements that are needed to mitigate the transportation impacts of the Development and establishes an amount which represents the Developer's fair share of the total cost of such improvements.
- (b) The total fair share amount for the improvements shown on Exhibit C is \$461,022.00, which sum represents the total maximum amounts of the Developer's payments for the Development's traffic impacts.
- (c) The Developer shall pay to the City \$461,022.00 in the following manner and subject to the following conditions:
- (1) On or before the fifth business day following the date upon which this Order becomes final (subject to no appeal), the Developer shall pay \$35,000.00 in order to immediately fund the design and installation of the traffic signal described in Exhibit C as project #9.
 - (2) On the date (i) the first building permit is issued for the Development; or (ii) twelve months after the effective date of this Order, whichever is earlier, the Developer shall pay to the City \$195,511.00.
 - (3) On the date (i) of issuance of construction permits for development in excess of a total of 500,000 square feet; or (ii) twelve months after the Developer's payment pursuant to Section 4.E.3.(c)(2), immediately above, whichever is earlier, the Developer shall pay to the City \$230,511.00.
4. The City shall insure that funding commitments from responsible entities, including the Developer's fair share payments, for improvements listed in Exhibit C 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 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.

Further, the City agrees to utilize the Developer's contribution referred to in Section 4.E.(c), above, to complete installation of the traffic signal, described in Exhibit C as project #9,

by such date as the signal will be needed to accommodate the project's traffic, with such date 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 any occurrence, and not occasioned by its conduct, whether such occurrence be an act of God or the result of war, riot, or civil commotion, 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.

5. The City agrees to segregate all such transportation fair share contributions received from the Developer in account number: 306-201-349-046. The City agrees that, as appropriate, it will pay to appropriate governmental entities (including itself, where appropriate), some or all of those amounts contributed by the Developer, to construct improvements set forth on Exhibit C, upon being furnished with evidence, satisfactory to the City that such governmental entity has committed to construct one or more of those improvements set forth on Exhibit C. Further, the City agrees to expend the amounts contributed by the Developer to construct those improvements set forth on Exhibit C. The City or appropriate governmental entity shall award contracts for construction of the improvements identified above and referenced in Exhibit C, upon receipt of contributions or impact fees from the Developer and from other development projects in the area which equal, in the aggregate, when coupled with funds received from other sources and funds allocated in the appropriate transportation improvements programs, the cost of those improvements. On the joint stipulation of the City, the Developer, and TBRPC, the City may modify the above-referenced list of improvements, based on subsequent TSM measures and transportation studies referred to herein.
6. If the City adopts a transportation impact fee ordinance, the Developer, at its option, may elect to be governed exclusively by the provisions of said ordinance as to its fair share contribution for any payments remaining at the time of such election. If the Developer elects this alternative, thereafter, the Developer shall pay to the City impact fees to the extent and in the same manner as such fees are paid by other developers subject to such impact fees. Further, the Developer shall be given credit against future impact fee assessments for fair share contribution payments already paid, so that at the end of development, the Developer shall have paid an amount equal to that which would have been collected if the impact fee ordinance had been in effect at the beginning of development.
7. If the hourly traffic count referenced in Section 4.B.6. reflects that the total actual development traffic exceeds the total trips estimated in the ADA for the development full buildout by more than 10%, then the City may require an additional traffic study. Such study shall assess the adverse impact, if any, of this increase.
8. Notwithstanding this Order, the Developer, at its option, may resubmit this project for review and

approval under any subsequently filed area-wide Application for Development Approval, pursuant to Florida Statutes, Subsection 380.06(24)(1984), as amended. Any impacts assessed and satisfied pursuant to this Order, shall be considered and credited in any such area-wide development order.

9. To promote immediate increases in transit use by project employees, customers, etc., those transit amenities indicated on page 31-17 of the ADA shall be incorporated on all site development plans for the Development, and shall include:

- * Bus information, schedules
- * Bus shelters
- * Pull-out bays
- * Bus priority treatment

The design of the above referenced transit amenities shall be subject to approval of the Hillsborough Area Regional Transit Authority.

- F. The Developer shall not burn debris and construction-related wastes without approval by the Federal Aviation Administration and Hillsborough County Environmental Protection Commission.
- G. The Developer shall adhere to the measures to control wind and water-caused soil erosion referenced in the ADA.
- H. Sound-attenuating construction in a manner consistent with the Hillsborough County Aviation Authority ("HCAA") noise study for Tampa International Airport is required for all construction proposed within the 65 or greater Ldn contour.
- I. Federal Aviation Administration (FAA) and HCAA approval shall be required as part of any approval for each building.
- J. The drainage plan and the stormwater system design shall be consistent with TBRPC's Stormwater and Lake Systems Maintenance and Design Guidelines (1978) with regard to biological productivity and natural assimilative capacity. The design guidelines of this system shall include the following:
1. 35 to 50 percent of the surface area of the detention pond at the normal water level (NWL) shall consist of a shallow vegetated littoral shelf.
 2. The littoral shelf shall be incorporated into the pond bank, preferably near the pond outlet, to provide final polishing treatment for the stormwater. In the event that location of the littoral shelf within the pond bank is unfeasible, the littoral shelf shall be established on a shallow submerged island in the middle of the pond.
 3. A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.
 4. The littoral shelf, if located along the pond bank, shall have side slopes no greater than 4:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.
 5. The littoral shelf shall be vegetated with a diverse group of native species which can include Sagittaria, pickerelweed, Juncus, water lilies,

cypress, etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more natural appearance.

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

The Developer shall be the responsible entity for the maintenance of on-site stormwater management systems.

- K. The Developer shall take measures to ensure the safe and orderly evacuation of those employees who are in the building after an evacuation order for Hillsborough and/or Pinellas County is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all employees of evacuation routes out of the flood prone area and measures to be followed in event of same; (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans.
- L. All elevations for habitable structures shall be at or above the base flood elevation.
- M. A tree survey shall be submitted to TBRPC and the City for the 3.7 acre mesic hardwood community. All trees six inches in diameter at breast height ("D.B.H.") or greater shall be identified and located on the survey. Based on this survey 1.0 acre of the prime (core) of the mesic hardwood community shall be maintained as permanent open green space. Trees six inches D.B.H. or greater identified on the survey and removed beyond the extent of the 1.0 acre green space shall be successfully replaced elsewhere on the property in a manner to achieve a 1:1 removal/replacement ratio.
- N. Should archaeological or historical resources be located during construction, ultimate disposition of such resources shall be determined in cooperation with the State Division of Archives.
- O. The City shall provide water, wastewater treatment, and solid waste disposal to this Development. Assurance of availability and commitments for electricity, water, wastewater, and solid waste service shall be required prior to the issuance of construction permits for each building for which such service(s) are required.
- P. The Developer shall utilize water-conserving fixtures in all structures.
- Q. Non-potable water (such as pumping from retention areas) shall be used for landscape and open space irrigation when economically feasible.
- R. Assurance that water flow pressures are adequate to meet City of Tampa firefighting requirements shall be required prior to the issuance of construction permits for each building.
- S. 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.

1. The Developer shall provide to all Development businesses information that:
 - (a) Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers;
 - (b) Indicates the location of the specially-designated hazardous waste and materials containers; and
 - (c) Advises of applicable statutes and regulations regarding hazardous wastes and materials.
 2. The Developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.
- T. This Development shall reduce energy demand through the incorporation of economically feasible structural and management procedures such as:
1. Building orientation to minimize heat loading on east-west facing walls;
 2. Separation and/or buffering of buildings from heat-absorbing paved surfaces;
 3. Use of landscaping materials, including natural vegetation, to provide shading for building walls;
 4. Use of computerized climate-control systems (when cost-effective);
 5. Use of energy-efficient designs, building materials and high efficiency lighting.
- U. Those entities referenced on p. 27-2 of the ADA shall be responsible for maintaining all recreation and open space areas and landscaped buffering.
- V. Any significant departure from the phasing schedule or master plan design set forth in the ADA shall be subject to a substantial deviation determination pursuant to Chapter 380.06, F.S.
- W. The average daily flows of waste water from commencement of construction through build-out and operation of the Development as referenced in the ADA will be accepted by the City at the standard charge for wastewater service. Connection fees, installation charges and, if applicable, grants-in-aid-of-construction for off-site improvements to the wastewater system necessitated by the Development shall be assumed by the Developer, when assessed by the City, as Development plans become final, all in accordance with established City policies and regulations. Grants-in-aid-of-construction, if required by the City, shall be reduced by a credit for Average Daily Flows generated by the previously existing development on the site, and by a credit for Sewer Improvement Fees.
- X. The total daily water requirements from commencement of construction through build-out and operation of the Development, as referenced in the ADA, will be supplied by the City at the standard charge for water service.

Connection fees, installation charges and, if applicable, grants-in-aid-of-construction for off-site improvements to the water system necessitated by this Development, shall be assumed by the Developer, when assessed by the City, as Development 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.

- Y. The Developer shall be responsible for the maintenance of the internal water supply system.
- Z. 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 accepted by the City.
- A.A. The City shall ensure the adequacy and availability of the following public services for the Development: police, emergency medical and fire. Further, the Developer shall be responsible for the cost of any water distribution capital improvements necessitated by this development to ensure adequate fire protection.
- B.B. All development pursuant to this Order shall be in accordance with applicable local building codes, except as otherwise permitted herein.
- C.C. Any revisions to the Development not contemplated or addressed within this Order shall be subject to TBRPC's incremental review fee.

Section 5. That the definitions contained in Chapter 380 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 ten (10) years from the effective date of this Order. Any development activity for which 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 may 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-interests.

Section 8. The Director of HICS is responsible for insuring compliance with this Order and the receipt of the Developer's fair share contributions required in Section 4.E.3.(c), 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. 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 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.

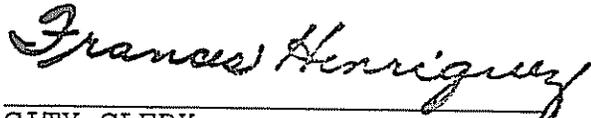
Section 13. That this Ordinance shall take effect immediately upon becoming a law, and a copy shall be posted on the bulletin board in the first floor of the City Hall in the City of Tampa, Florida, for the convenience of the public.

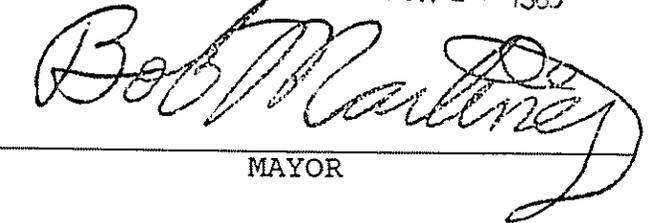
PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JUN 20 1985


CHAIRMAN PRO TEM
CHAIRMAN, CITY COUNCIL

ATTEST:

APPROVED by me on: JUN 21 1985


CITY CLERK


MAYOR

Prepared and Approved by:

CITY ATTORNEY

COLONIAL PENN INSURANCE COMPANY
LEGAL DESCRIPTION
FOR DEVELOPMENT OF REGIONAL IMPACT
APPLICATION FOR DEVELOPMENT APPROVAL

A tract of land in the Northwest 1/4 of Section 7, Township 29 South, Range 18 East, Hillsborough County, Florida, being more particularly described as follows:

From the Northwest corner of Section 7, Township 29 South, Range 18 East, Hillsborough County, Florida, run thence S.00°19'53"W., 109.28 feet, along the West boundary line of the Northwest 1/4 of said Section 7; thence S.89°40'07"E., 30.00 feet to the East right-of-way line of George Road for a POINT OF BEGINNING; from said POINT OF BEGINNING run thence N.39°17'32"E., 25.52 feet, along intersection right-of-way line for Memorial Highway (State Road No. S-576); thence S.89°58'39"E., 242.01 feet, along the South right-of-way line of Memorial Highway (State Road No. S-576), to the beginning of curve to the right; thence Easterly, 298.45 feet, along the curved Southerly right-of-way line of said Memorial Highway (having a radius of 5682.58 feet, a central angle of 03°00'33", and a chord bearing and distance of S.88°28'23"E., 298.41 feet), to a point of reverse curve; thence Easterly, 242.02 feet, along the curved Southerly right-of-way line of said Memorial Highway (being a curve to the left, having a radius of 5776.58 feet, a central angle of 02°24'02", and a chord bearing and distance of S.88°08'55"E., 241.99 feet), to a point of right-of-way change; thence S.00°08'40"W., 12.00 feet, along the right-of-way line on the South side of said Memorial Highway; thence Easterly, 49.60 feet, along the curved Southerly right-of-way line of said Memorial Highway (being a curve to the left, having a radius of 5788.58 feet, a central angle of 00°29'31", and a chord bearing and distance of S.89°36'53"E., 49.60 feet), to the end of said curve; thence S.89°51'39"E., 350.39 feet, along the South right-of-way line of said Memorial Highway; thence S.48°57'56"E., 94.63 feet, along intersection right-of-way line, to the West right-of-way line of Eisenhower Boulevard (State Road No. 589); thence S.00°25'30"W., 1078.80 feet, along the West right-of-way line of said Eisenhower Boulevard; thence N.89°34'30"W., 501.50 feet; thence S.00°25'30"W., 253.50 feet; thence N.89°34'30"W., 80.00 feet; thence S.00°25'30"W., 296.94 feet, to the Northerly right-of-way line of Independence Parkway; thence S.85°10'09"W., 91.96 feet, along the Northerly right-of-way line of said Independence Parkway, thence N.89°56'49"W., 394.35 feet, along the North right-of-way line of said Independence Parkway, to a point 230.00 feet East of the West boundary line of the Northwest 1/4 of said Section 7, Township 29 South, Range 18 East; thence N.00°19'53"E., 180.00 feet, parallel with the West boundary line of the Northwest 1/4 of said Section 7; thence N.89°56'49"W., 200.00 feet to the East right-of-way line of George Road; thence N.00°19'53"E., 1523.54 feet, along the East right-of-way line of said George Road, to the POINT OF BEGINNING.

AND

EXHIBIT "B"

A tract of land in the Northwest 1/4 of Section 7, Township 29 South, Range 18 East, Hillsborough County, Florida, being more particularly described as follows:

From the Northwest corner of Section 7, Township 29 South, Range 18 East, Hillsborough County, Florida, run thence S.00°19'53"W., 109.28 feet, along the West boundary line of the Northwest 1/4 of said Section 7; thence S.89°40'07"E., 30.00 feet to the East right-of-way line of George Road; thence N.39°17'32"E., 25.52 feet, along intersection right-of-way line for Memorial Highway (State Road No. S-576); thence S.89°58'39"E., 242.01 feet, along the South right-of-way line of Memorial Highway (State Road S-576), to the beginning of curve to the right; thence Easterly, 298.45 feet, along the curved Southerly right-of-way line of said Memorial Highway (having a radius of 5682.58 feet, a central angle of 03°00'33", and a chord bearing and distance of S.88°28'23"E., 298.41 feet), to a point of reverse curve; thence Easterly 242.02 feet, along the curved Southerly right-of-way line of said Memorial Highway (being a curve to the left, having a radius of 5776.58 feet, a central angle of 02°24'02", and a chord bearing and distance of S.88°08'55"E., 241.99 feet), to a point of right-of-way change; thence S.00°08'40"W., 12.00 feet, along the right-of-way line on the South side of said Memorial Highway; thence Easterly, 49.60 feet, along the curved Southerly right-of-way line of said Memorial Highway (being a curve to the left, having a radius of 5788.58 feet, a central angle of 00°29'31", and a chord bearing and distance of S.89°36'53"E., 49.60 feet), to the end of said curve; thence S.89°51'39"E., 350.39 feet, along the South right-of-way line of said Memorial Highway; thence S.48°57'56"E., 94.63 feet, along the intersection right-of-way line to the West right-of-way line of Eisenhower Boulevard (State Road No. 589); thence S.00°25'30"W., 1078.80 feet, along the West right-of-way line of said Eisenhower Boulevard, for a POINT OF BEGINNING; from said POINT OF BEGINNING run thence N.89°34'30"W., 501.50 feet; thence S.00°25'30"W., 253.50 feet; thence N.89°34'30"W., 80.00 feet; thence S.00°25'30"W., 296.94 feet, to the Northerly right-of-way line of said Independence Parkway; thence N.85°10'09"E., 548.03 feet, along the Northerly right-of-way line of said Independence Parkway, thence N.45°11'30"E., 50.79 feet, along the intersection right-of-way line of Independence Parkway, to the West right-of-way line of said Eisenhower Boulevard (State Road 589); thence N.00°25'30"E., 464.18 feet, along the West right-of-way line of said Eisenhower Boulevard, to the POINT OF BEGINNING.

Containing 48.474 acres.

COMPOSITE EXHIBIT "A"
TO
COLONIAL PENN DRI DEVELOPMENT ORDER

1. Application for Development Approval, dated July 25, 1984.
2. Sufficiency Response, dated September 26, 1984.
3. Supplemental Sufficiency Response, dated November 14, 1984.
4. Letter, dated May 28, 1985, modifying the original scope of the development to delete Pahse II from the subject Application.

EXHIBIT C

COLONIAL PENN OFFICE PARK

ROAD IMPROVEMENT SUMMARY

LOCATION	IMPROVEMENT SUMMARY	IMPROVEMENT COST	CFDP SHARE	CFDP COST
1. DALE HABRY @ LAMBRIGHT	Section of six-laning of Dale Habry Hwy	\$1,010,900	2.7%	\$27,132
2. MEMORIAL @ HILLSBOROUGH	Add northbound left-turn and thru/right-turn lanes	\$241,000	17.8%	\$42,898
3. HILLSBOROUGH @ HANLEY	Section of four-laning of Hanley	\$60,000	6.7%	\$4,020
4. EISENHOWER @ HILLSBOROUGH	Section of six-laning of Hillsborough Ave	\$1,904,000	(1)	(1)
5. HILLSBOROUGH @ BENJAMIN	Section of six-laning of Hillsborough Ave	\$1,904,000	4.5%	\$85,680
6. HILLSBOROUGH @ ANDERSON	Section of six-laning of Hillsborough Ave	\$1,904,000	(1)	(1)
7. MEMORIAL @ KELLY	Section of six-laning of Memorial Hwy	\$1,106,000	3.6%	\$39,816
8. MEMORIAL @ INDEPENDENCE	Section of six-laning of Memorial Hwy	\$1,106,000	(2)	(2)
9. MEMORIAL @ GEORGE	Signalization	\$35,000	100.0%	\$35,000
10. MEMORIAL @ EISENHOWER/ INDEPENDENCE	Construct three-lane overpass for southbound throughs on Eisenhower Blvd	\$4,109,350	5.1%	\$209,577
11. WEST SHORE @ SPRUCE	Improve intersection to provide the following lane movements: <ul style="list-style-type: none"> o Northbound-right,through,left,left lanes o Southbound-right,through,through,left lanes o Eastbound-right,through,through,through, left lanes o Westbound-right,through,through,through, left,left lanes 	\$338,000	5.0%	\$16,900
			TOTAL	\$461,023

Notes:

1. This improvement was included in the Hillsborough @ Benjamin cost.
2. This improvement was included in the Memorial @ Independence Improvement Cost.

EXHIBIT "C"

MACFARLANE, FERGUSON, ALLISON, & KELLY
ATTORNEYS AND COUNSELLORS AT LAW

215 MADISON STREET
P. O. BOX 1531
TAMPA, FLORIDA 33601
(813) 223-2411

2910 FIRST FLORIDA TOWER
P. O. BOX 1531
TAMPA, FLORIDA 33601
(813) 223-2411

760 BANK OF CLEARWATER BUILDING
P. O. DRAWER 2197
CLEARWATER, FLORIDA 33517
(813) 441-1763

700 LEWIS STATE BANK BUILDING
P. O. BOX 82
TALLAHASSEE, FLORIDA 32302
(904) 224-1215

HOWARD P. MACFARLANE
1888-1967
JOHN M. ALLISON
1901-1976
CHESTER H. FERGUSON
1908-1983

CABLE ADDRESS "MACFAK"
TELEX 529394 MFAK

IN REPLY REFER TO:

Post Office Box 1531
Tampa, Florida 33601

May 28, 1985

Ms. Sheila C. Benz
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Re: Colonial Penn Office Park

Dear Sheila:

With respect to the above-referenced D.R.I., we are writing to confirm that the developer has deleted Phase II from the development. As finally proposed, the development will consist of 526,000 square feet, which amount includes the square footage of the building currently existing on the development site.

Sincerely,



David M. Mechanik

DMM/ss

cc: Ms. Susan Swift
Mr. Wayne Lasseter
Mr. Robert J. Krzeminski
Mr. Gene Sullivan
Mr. George W. Percy
Mr. Charles Knight
Ms. Ethel Hammer
Mr. Ronald Short
Mr. Roger Stewart
Mr. Brian Barnett
Mr. Phillip Waldron
Mr. Leonard Elzie
Mr. James Murley
Mr. W. V. Canaday
Mr. Mike Hogan
Mr. George Nathan
Mr. John LaRocca
Mr. Jim Morrison

COMPOSITE EXHIBIT "A" - #4