

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

January 5, 1990

Mr. Jacob Varn
First Florida Bank Bldg.
Suite 410
215 S. Monroe St.
Tallahassee, FL 32301

Dear Mr. Varn:

Enclosed is the original executed "Notice of Abandonment of Preliminary Development Agreement" for the Lifsey (Rocky Point Island) agreement (AGM-885-054).

Pursuant to subsection 380.06(8)(a)(11.), Chapter 89-036, Laws of Florida, you must record this notice in accordance with s.28.222 with the clerk of the circuit court in Hillsborough County. Please provide this agency notice of the recordation within 30 days.

If you have any questions, contact Henry Bittaker at (904) 488-4925.

Sincerely,

J. Thomas Beck
J. Thomas Beck, Chief
Bureau of State Planning

JTB/amh

cc: Ms. Julia Greene, TBRPC
Mr. Jeff Miller, Hillsborough County

RECEIVED
JAN 8 1990
Tampa Bay Regional
Planning Council

EMERGENCY MANAGEMENT • HOUSING AND COMMUNITY DEVELOPMENT • RESOURCE PLANNING AND MANAGEMENT

NOTICE OF ABANDONMENT OF PRELIMINARY DEVELOPMENT AGREEMENT

IN RE: Julian H. Lifsey, Jr.
(DEVELOPER)

Lifsey (Rocky Point Island)
NAME OF PROJECT AS
SPECIFIED IN PRELIMINARY
DEVELOPMENT AGREEMENT)

AGM-885-054 and Amendment
DCA # of Project

WHEREAS, the above-referenced developer executed a preliminary development agreement on January 4, 1985, with the Department of Community Affairs (DCA), and an amendment to said agreement on January 29, 1985, and

WHEREAS, a final development order has been rendered pursuant to Section 380.06, F.S., that approves all of the development actually constructed, and a notice of said DRI development order is recorded at OR Book 5326, Page 688-701, of the Official Records of Hillsborough County, Florida, and

WHEREAS, the developer has given written notice to the Department, that he is no longer proposing said development of regional impact, and has provided adequate documentation that he has met the criteria for abandonment of the agreement,

WHEREAS, the Department has determined that the development meets the criteria for abandonment of the agreement,

ACCORDINGLY, the Department hereby executes and issues this "Notice of Abandonment", said Notice to be recorded by the developer in the Official Records of each county in which land covered by the terms of the preliminary development agreement is located.

Thomas G. Pelham
Thomas G. Pelham, Secretary
Department of Community Affairs

Sworn and subscribed to before me this 4th day of

~~December, 1989.~~

January, 1990.

Jane R. Bass
NOTARY PUBLIC

My Commission Expires June 24, 1992
Notary Public, State of Florida
My Commission Expires June 24, 1992
Based on my Term from - to -

DEVELOPMENT OF REGIONAL IMPACT #122 - LIFSEY/ROCKY POINT ISLAND, CITY OF TAMPA - DEVELOPMENT ORDER

ORDINANCE NO: 9689-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 JULIAN LIFSEY, FOR LIFSEY/ROCKY POINT ISLAND, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

NOTICE OF ABANDONMENT OF DEVELOPMENT ORDER

Pursuant to the terms and provisions of Section 10 of that certain Ordinance No. 9689-A dated August 14, 1987, rendering a Development Order pursuant to Chapter 380, Florida Statutes, on an Application for Development Approval for a Development of Regional Impact, notice is hereby given by Julian H. Lifsey, Jr. (Developer) to the City of Tampa, Tampa Bay Regional Planning Council and the Florida Department of Community Affairs that Developer does hereby abandon the Development of Regional Impact project more particularly described in said Development Order Ordinance No. 9689-A, and further advises that said developer elects not to proceed with the development beyond Phase I-A as defined therein.

WITNESS my hand and seal this 2nd day of February, 1988.

Signed, Sealed and delivered in the presence of:

Mary E. Busciglio
Alicia A. Moran

Julian H. Lifsey, Jr.
JULIAN H. LIFSEY, JR.

BEFORE ME, the undersigned authority, personally appeared JULIAN H. LIFSEY, JR., who being by me duly sworn says that he executed the foregoing Notice of Abandonment of Development Order freely and voluntarily and for the uses and purposes therein contained.

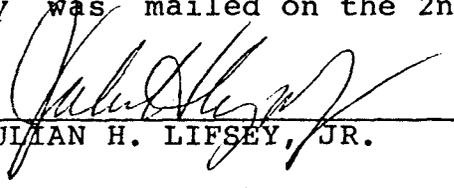
SWORN to and SUBSCRIBED before me this 2nd day of February, 1988.

Valerie D. McRory
NOTARY PUBLIC State of Florida
My Commission expires:
My Commission Expires Feb. 26, 1990

122 monitoring

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a second copy of the foregoing document is being furnished by U.S. Mail to Tom Pelham, Department of Community Affairs, 2571 Executive Center Circle, East, Tallahassee, Florida 32399, Julia Green, Tampa Bay Regional Planning Council, 9455 Koger Boulevard, St. Petersburg, Florida and Pam Akin, Assistant City Attorney, City of Tampa, City Hall, Tampa, Florida 33602 on this the 26th day of April, 1988, and that the first copy was mailed on the 2nd day of February, 1988.



JULIAN H. LIFSEY, JR.

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 JULIAN LIFSEY, FOR LIFSEY/ROCKY POINT ISLAND, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on July 31, 1986, JULIAN LIFSEY, ("the Developer") filed an Application for Development Approval (which, together with later filed sufficiency response, is hereafter referred to as the "ADA") of 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 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 proposed the development of LIFSEY/ROCKY POINT ISLAND, a mixed-use office, ancillary retail, hotel, and restaurant development located on a 74.31 acre site on Rocky Point Island; and

WHEREAS, on February 5, 1987, the TBRPC notified the City that the additional information requested by the City would not be provided, and that pursuant to Section 380.06(10)(c), Florida Statutes (1983), the public hearing should be set; 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 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 City Council has on May 14, 1987, 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, which recommended denial until such time as sufficient measures to mitigate the adverse impacts to be generated by the Developer are corrected to the appropriate conditions; 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, sufficiency response, and supporting documents, which by reference are made a part hereof, as composite Exhibit "A", for LIFSEY/ROCKY POINT ISLAND, a DRI.

The ADA is approved with additional conditions for Phase IA, as defined herein, and denied with conditions for Phase IB and Phase II, as defined herein.

Section 2. The 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

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general public, finds there is substantial competent evidence to support the following findings of fact:

- A. 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.
- B. That the Developer submitted to the City an ADA which is attached hereto, as part of composite Exhibit "A", and by reference made a part hereof, to the extent that it is not inconsistent with the terms and conditions of this Order.
- C. That the Developer proposes the development of LIFSEY/ROCKY POINT ISLAND, a mixed-use office, ancillary retail, hotel and restaurant development, with a total site area of approximately 74.31 acres, located approximately on Rocky Point Island.
- D. That the proposed development is not located in an area of critical State concern, as designated pursuant to Section 380.05, Florida Statutes (1985), as amended. The proposed development is in an area which was the subject of regional studies related to transportation.
- E. That a comprehensive review of the impact generated by the development has been conducted by TBRPC.
- F. That TBRPC has reviewed the ADA for the proposed development and has recommended denial.
- G. That the information provided by Petitioner was insufficient for the City to adequately determine the project's transportation impact on the surrounding transportation network.
- H. That the Petitioner was given opportunity to provide the additional transportation information and refused.
- I. That the project is not consistent with all local land development regulations and the adopted local comprehensive plan, in that the existing zoning portions of the property would not permit the type or intensity of uses proposed.
- J. That no petition for rezoning has been submitted to change the zoning.
- K. That this Order is consistent with the report and recommendations of the TBRPC and satisfies the provision of §380.06(14), Florida Statutes (1985).
- L. That the transportation impacts generated by the development, without proper mitigation, will unreasonably interfere with the achievement of objectives of the adopted State Land Development Plan applicable to the area.
- M. That Courtney Campbell Causeway is the only vehicular access to Rocky Point Island.
- N. That the location, description and feasibility of the traffic improvements on the affected roadway network to mitigate the Department's substantial adverse traffic impacts and maintain LOS D peak-hour have not been fully determined.
- O. That the dollar amount of the fair share improvements for the affected roadway network cannot be determined until the necessary improvements are identified and feasibility determined.
- P. That Courtney Campbell Causeway is a primary evacuation route for the citizens of the region.

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Q. That the project consists of three phases:

PHASE IA - 250,000 square feet office
14,000 square feet restaurant

PHASE IB - 1,000,000 square feet office
40,000 square feet retail
28,000 square feet restaurant
400 hotel rooms

PHASE II - 877,500 square feet office
40,000 square feet retail
900 hotel rooms

R. That Phase IA, as approved herein, has been previously approved by Agreement with the State of Florida Department of Community Affairs under a preliminary development agreement.

Section 3. That the City Council, having made the above findings of fact, reaches the following conclusion 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 developer and the various departments of the City are authorized to conduct development, as described herein, subject to 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 of Phase IA are adequately addressed pursuant to the requirements of Chapter 380, within the terms and conditions of this Order and the ADA. Impacts of Phase IB and Phase II require further Chapter 380.06 review to determine the measures necessary to address the transportation impacts of the development.

Section 4. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the ADA is conditionally approved for Phase IA, as described herein. The conditional approval of Phase IA is contingent upon satisfaction of Development Order conditions cited herein. It is further ordered that Phase IB and Phase II are hereby denied until such time as Developer changes the development proposal to comply with all the terms and conditions below and all Development Order conditions contained herein are satisfied. The Developer shall be bound by the terms and conditions of the ADA, as modified by this Order.

A. Substantial Deviations: Retriggering of DRI process.

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, failure to follow the plans and specifications submitted in the ADA and supplementary information an conditions specified herein, or by activities which are not commenced until after the expiration of the period of the effectiveness of this Order.

B. Annual Reports:

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, 1988, and on July 1st of each following year, until such time as all terms and conditions of this Order are satisfied. The report shall be submitted on Form BLWM-07-85, as amended. Such report shall be submitted to the Director, Department of Housing, Inspections

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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 representations contained in the ADA, 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 of 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 development's and local government's compliance with conditions of approval contained in the DRI Development Order, and the commitments which are contained in the ADA;
6. Any known incremental DRI applications for development approval or request for a substantial deviation determination that are filed in the reporting year and to be filed during the next year;
7. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes (1985); and
8. 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 (1985);
9. An hourly traffic count for a 24-hour period taken at all established access points from public right-of-way to the development site;
10. An indication of a change, if any, in local jurisdiction for any portion of the development since this Development Order was issued;
11. A list of significant local, State and Federal permits which have been obtained or which are pending by Agency; type of permit; permit number; and purpose of each.

C. Development Conditions:

1. The following conditions are established for the purpose of mitigating substantial adverse impacts of this development on regional transportation facilities. Issuance of the development permits by the City for the project shall require a determination by the City of compliance with the conditions set forth herein for Phase IA and new Chapter 380.06 review and amended Development Order for Phase IB and Phase II.

a. Funding Commitments.

For the purpose of this Order, funding commitments may be (at Developer's option) either in the form of Developer contributions in aid of construction, or Developer commitments for actual construction, or the placement of the improvements in the Annual Element of the Transportation Improvements Work Programs of the City, Hillsborough ("County"), or the State of Florida ("State"), or a combination thereof, or any other means which assures funding commitments to the City's satisfaction.

b. The Rocky Point Island Traffic Study (Long Term), dated February 20, 1986 on its Table of Contents, as amended, has been completed for an area which includes the Courtney Campbell Causeway Corridor. The study provided opportunity for participation of the Florida Department of Transportation, Tampa Bay Regional Planning Council, City of Clearwater, City of Tampa, Hillsborough County, Pinellas County, and developers in the study area. The study includes but is not limited to:

- (1) An inventory of regionally significant roadways in the study area, which identifies the existing, programmed or proposed facilities for each roadway.
- (2) An inventory of existing, approved and projected development in the study area.
- (3) Estimates of base year and future traffic on the regionally significant roadways identified in the ADA, noting the extent to which said traffic is or will be generated by study area uses and by uses outside the study area.
- (4) An assessment of existing roadway operating conditions, and an estimate of future operating conditions on the regionally significant roadways.
- (5) Identification of goals, objectives and strategies for maintaining or achieving desirable operating conditions on the regionally significant roadways, specific proposals for reducing traffic demands on the roadway system and/or for increasing system capacity through roadway improvement, new roadway construction or operational techniques, as appropriate.

The study was conducted consistent with accepted professional traffic planning and engineering practices, and methods. Standards and assumptions used in the study are described in the study document.

c. Within one(1) year from the effective date of this Development Order, the Developer shall prepare and submit to the City of Tampa, TBRPC, TUATS, FDOT, and the Hillsborough Area Rapid Transit Authority (HART), a plan of Transportation Systems Management (TSM) measures to be implemented for the project or portions thereof. The plan shall set forth objectives for reduction of total peak-hour trips generated by project uses, as estimated in the ADA, and shall set forth strategies for accomplishing those objectives, considering the following as a minimum:

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- (i) Ride-sharing;
 - (ii) Provision of transit facilities and programs to encourage transit ridership;
 - (iii) Other appropriate trip diversion measures;
 - (iv) Van pooling.
- d. The Developer shall contribute, or cause to be contributed by other, certain funds, land, design and construction services, or a combination thereof, for the purpose of mitigating transportation impacts of the project. The contributions shall be subject to the conditions, limitations and restriction set forth herein.
- (1) Contributions shall be made to the City of Tampa, who shall apply such contributions, or may make such contributions available for the use of other responsible entities, to undertake studies and projects that may serve to mitigate the impacts of this project. Contributions for Phase IA will be used as provided by the City of Tampa Impact Fee Ordinance. Phase IB and Phase II improvements shall be determined after Chapter 380.06, Florida Statutes (1986), review upon application for amendment to this Developmental Order. Contributions assessed by this Development Order shall be credited against any local transportation impact fee ordinance assessments, as appropriate.
 - (2) The design for 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 acceptable operating conditions at the identified locations utilizing generally recognized professional traffic engineering standards and practices.
- e. The following conditions shall apply for Phase IA, only:
- (1) Phase IA shall consist of that development constructed or previously approved pursuant to the predevelopment agreement, attached hereto as Exhibit "E", which approved development of:
 - Office - 250,000 square feet
 - Restaurant - 14,000 square feet.
 - (2) Mitigation of the Regional Transportation Impacts of Phase IA has been paid pursuant to C-U Zoning Ordinance 8801-A, as amended by 8846-A and 8880-A.
 - (3) Nothing in this Development Order shall be construed to relieve Developer of any requirements under the C-U Zonings for Phase IA.
- f. Phase IB and Phase II are denied until such time as Developer demonstrates that the conditions below are met. The conditions of this Subsection f, (1) through (6), below, are cumulative, not alternative. Developer shall apply for an amendment to this Development Order pursuant

to Chapter 380.06. Any approval shall include all conditions contained in this Development Order.

- (1) Developer must show feasibility and funding commitments for the improvements necessary to maintain LOS D peak-hour on Courtney Campbell Causeway corridor for project build-out.
- (2) Developer shall provide the transportation analysis and information necessary to adequately identify his transportation impacts on the affected roadway network in the impact area. Developer must mitigate the impacts in accordance with Chapter 380.06, Florida Statutes (1983).
- (3) Compliance with all conditions set forth in this Development Order for Phase IA.
- (4) The Developer shall insure that work flex-time be implemented as provided below:
 - (a) At least fifteen percent (15%) of the office employees' work hours must begin on or before 7:30 a.m., or on or after 9:00 a.m., and end on or before 4:30 p.m., or on or after 5:30 p.m.
 - (b) Developer shall place Deed restrictions on the property or other mechanism approved by the City to insure compliance with the worker flex-time provision. The Deed restrictions or other mechanism proposed by the Developer shall be submitted to the City within forty-five (45) day after the adoption of this Development Order and expiration of the appeal period and the exhaustion of any appeal thereunder.
 - (c) The annual report for this development, beginning the year after the first Certificate of Occupancy for Phase IB has been pulled, shall include an assessment of the effectiveness of the provision, as measured in terms of reduction of project generated peak-hour trips. This assessment shall also include sufficient and appropriate documentation to support determination of the reductions show.
- (5) Developer shall pay the entire contribution due for Phase 1B or Phase II and complete any commitment for Phase 1B or Phase II, prior to the issuance of the first building permit for that Phase, so that the City may immediately initiate the design and proceed with the construction of a major transportation improvement, which shall substantially benefit the affected regional roadway network. The payment shall be applied by the City or made available to other responsible entities for use on the list of improvements developed in the analysis required by the City and TBRPC determine to provide equal or greater mitigation of the transportation impacts on the regional Transportation systems.

g. Area Wide Transportation Study.

1. A transportation study for the Courtney Campbell Causeway area shall be developed in cooperation with the Florida Department of Transportation, Tampa Bay Regional Planning Council, City of Tampa, Hillsborough County, Tampa Urban Area Transportation Study (TUATS), Metropolitan Planning Organization (MPO), and developers in the study area. The study

shall be commenced within six (6) months of the date of issuance of this Development Order, and completed within one (1) year. The study shall include, but is not limited to:

- (a) An inventory of regionally significant roadways in the study area, which identifies the existing, programmed or proposed facilities for each regionally significant roadway.
- (b) An inventory of existing, approved and projected development in the study area.
- (c) Estimates of base year and future traffic on the regionally significant roadways identified in the ADA, noting the extent to which said traffic is or will be generated by study area uses and by uses outside the study area.
- (d) An assessment of existing roadway operating conditions, and an estimate of future operating conditions on the regionally significant roadways.
- (e) Identification of goals, objectives and strategies for maintaining or achieving desirable operating conditions on the regionally significant roadways, including specific proposals for reducing traffic demands on the roadway system and/or for increasing system capacity through roadway improvement, new roadway construction or operational techniques, as appropriate.

The study shall be conducted consistent with accepted professional traffic planning and engineering practices and methods. Standards and assumptions used in the study shall be described in the study document. The study findings and recommendations shall serve as a basis for the applicant or reviewing agencies to request amendments to this Development Order. The Westshore Master Plan may satisfy this condition.

2. Rocky Point Drive south of Courtney Campbell Causeway shall be maintained by Developer, unless dedicated to and accepted by the City of Tampa.
3. The Developer's final development plan shall designate and map preservation and conservation areas, in accordance with TBRPC's adopted growth policy Future of the Region, Sections 2.701, Preservation, and 2.702, Conservation. These areas shall include the mangrove forest of Tract F, the saltwater marsh, mangrove and temperate hammock habitats of Tract A, and the seagrass and estuarine habitats of Tract S, at minimum.

As environmental issues will be handled through the permitting process, this Development Order in no way constitutes approval of the project from an environmental perspective.

4. The Developer shall ensure that the final drainage plan be prepared in accordance with the latest City policies and standards for stormwater management.
5. In order to protect the natural values of preserved/conserved wetland area, it shall be required that prior to each phase, the Developer

shall submit a wetland/lake management plan to the City of Tampa, SWFWMD, DER, and TBRPC for approval. The plan shall address, but not be limited to, wetlands to be preserved, proposed wetland/lake alterations, control of exotic species, mitigation of lost wetlands, control of on-site water quality, maintenance of natural hydroperiod, and methods for wetland restoration/enhancement.

6. Existing shorelines shall be maintained in their natural state or vegetatively stabilized. No new seawalls shall be constructed.
7. All wetland loss shall be mitigated, at a minimum, on 1:1 bases, in-kind, in the immediate project vicinity.
8. The Developer, its successors or assigns, shall be the responsible entity for the maintenance of on-site stormwater management systems.
9. The Developer, its successors or assigns shall implement the energy conservation measures as set forth in the ADA
10. The total daily generation of solid waste from the commencement of construction through build-out and operation of the project, as referenced in the ADA, will be accepted by the City.
11. The Developer, its successors or assigns, shall provide separate hazardous waste storage container/areas for each project component within the project. These container/areas shall be accessible to project businesses and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials. (Hazardous wastes are those substances and materials defined in Section 403.703(21), Florida Statutes, and listed in Title 40 CFR Part 261.)

The Developer shall provide to all Lifsey/Rocky Point Island businesses information that:

- a. Indicated types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in 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.
 - d. The Developer shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.
12. The average daily flows of waste water 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 and, if applicant, grants-in-aid-of-construction for off-site improvements to the wastewater system necessitated by this development, shall be assumed by the Developer, its successors or assigns, when assessed by the City, as project plans

become final, all in accordance with established City policies and regulations.

13. 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 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, its successors or assigns when assessed by the City, as project plans become final, all in accordance with established City policies and regulations.
14. The City shall ensure the adequacy and availability of the following public services for this development: police, emergency medical, and fire. Further, the Developer, its successors or assigns shall be responsible for the cost of any water distribution capital improvements necessitated by this development to ensure adequate fire protection.
15. If any significant historical or archaeological sites or artifacts are discovered during site preparation and construction, ultimate disposition of such resources will be determined in cooperation with the Florida Division of Historical Resources and the City of Tampa.
16. The building design and feasibility of upgrading structural components of the existing buildings (particularly cladding and roofing) to withstand hurrican Category 3 winds (130mph) should be explored and encouraged.
17. The finished floor elevations of all habitable structures be at or above base flood elevation in compliance with City regulations, and that no habitable structures shall be located within the velocity zone (V-Zone).
18. The Developer, its successors or assigns, shall be the responsible entities for the maintenance of all open space areas of the project site.
19. All development pursuant to this Order shall be in accordance with applicable Zoning Ordinance, local building codes, ordinances, environmental rules and regulations and other laws in effect at the time of permitting, except as otherwise specifically provided herein.
20. All elevations for habitable structure will be at or above the base flood elevation.
21. Drainage design guidelines for construction activities shall be prepared by the Developer in the restrictive covenants or other development controls for use by the Developer, its successors and assigns in an effort to control erosion during construction.
22. Water-saving devices shall be required on the project as mandated by the Florida Water Conservation Act (Section 533.14, Florida Statutes).
23. The Developer shall require that all title transfers and lease agreements for property sold or leased within the Lifsey/Rocky Point Island development be accompanied by a hazard disclosure statement that,

like other coastal lands, the property will be subject to a hurricane evacuation order and potential property damage in the event of a hurricane landfall.

24. An acceptable air quality analysis, as required by the Department of Environmental Regulation, shall be completed prior to Phase IB approval. The City reserves the right to require mitigative measures including, but not limited to revisions of the Development Plan to alleviate impacts of the project or ambient air quality in accordance with City policy. The Developer shall employ fugitive dust emission abatement procedures such as, but not limited to, staged development, sodding and mulching, surface water, and use of regenerative-type sweeping equipment.
25. The Developer shall develop a plan for each project component to encourage non-potable water use for landscape irrigation purposes, including stormwater or pumping from shallow wells.
26. The Developer shall be responsible for maintenance and operation of any on-site wells.
27. The Developer shall promote awareness of, and shall cooperate with, appropriate local and state agencies having jurisdiction to issue a hurricane evacuation order. The Developer shall prepare a plan to insure the safe and orderly evacuation of the hotel guests and employees, coordinate and inform appropriate public authorities of building closings, security and safety measures and evacuation plans. Finalization of the plans shall be completed prior to the issuance of any Certificates of Occupancy. The feasibility of establishing or prearranging shelter accommodations at such locations as host/hotel facilities or public hurricane evacuation shelters shall be explored. This effort should be coordinated with the Hillsborough County Bureau of Emergency Management and the Greater Tampa Chapter of the American Red Cross. The results of this effort shall be included in the first annual report.
28. Should any species listed in Section 39-27.03.05, F.A.C. be observed frequenting the site for feeding, nesting or breeding, proper protection/mitigation measures shall be implemented in cooperation with the Florida Game and Fresh Water Fish Commission.
29. Measures shall be instituted to design, construct and maintain the drainage system to protect water quality in compliance with the requirements of the City and with the appropriate portions of TBRPC's Stormwater and Lake System Maintenance and Design Guidelines, as project plans become final, all in accordance with established City policies and regulations.
30. The following energy conservation measures shall be encouraged by the Developer or his assigns for office and commercial components of the development:
 - a. Designation of an energy officer to provide for energy audits, establish energy policies and monitor energy use and conservation.
 - b. Institution of programs to promote energy conservation by employees, buyers, suppliers and the public.

- c. The use of energy-efficient cooling, heating and lighting systems.
 - d. Installation of innovative energy conservation features such as waste heat recovery or solar power where feasible in project development.
 - e. The reduction of levels of operation of all air-conditioning, heating and lighting systems during non-business hours.
 - f. Recycling programs.
 - g. The use of the most energy-efficient technology economically feasible in the construction and operation of commercial/office facilities. Life-cycle costing (to include operation and maintenance costs) should be utilized in evaluating energy conservation effectiveness.
31. The development on each parcel (A, B, C, D, E, F, and S) shall not exceed the amount of development shown for that parcel on Map H of the ADA (Composite Exhibit A).

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

Section 6. That the term "Developer", as used in this Order, is deemed to mean JULIAN LIFSEY, his successors or assigns.

Section 7. That this Order shall remain in effect for a period of ten (10) years from the date upon which this Order becomes final (not subject to appeal). Any development activity wherein 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 8. That, prior to one (1) year from the date upon which this Order becomes final (not subject to appeal), the City may not down-zone or reduce the intensity or unit density of Phase IA, unless the City can demonstrate that:

- A. Substantial changes in the conditions underlying the approval of the Order have occurred; or
- B. The Order was based on substantially inaccurate information provided by the Developer; or
- C. The change is clearly established by the City to be essential to the public health, safety or welfare.

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

For the purpose of this Order, the term "down-zone" shall refer only to changes in zoning regulations which decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations, which do not decrease the development rights granted to the Developer for Phase IA by this Order. The City does intend to rezone the property to conform with the Tampa 2000 Land Use Plan and Chapter 43-A, City of Tampa Code, as required by State law.

Section 9. Notwithstanding this Order, the Developer, at his option, may resubmit this project for review and approval under any Area Wide Application for Development Approval, pursuant to Florida

Statutes, Subsection 380.06(25) (1985), as amended, if such application encompasses the subject development site. Any impacts assessed and satisfied pursuant to this Order shall be considered and credited in any such Area Wide Development Order.

Section 10. In the event the Developer elects not to proceed with the development beyond Phase I-A, as defined herein, the Developer shall give written notice of its intention to abandon the Development of Regional Impact to the City of Tampa, TBRPC and the Florida Department of Community Affairs. Regardless of such notice, any development of the property shall comply with applicable requirements of the City of Tampa, as well as all applicable State and Federal requirements, including but not limited to Section 380, Florida Statutes, and Chapter 28, Florida Administrative Code.

Section 11. That this Order shall be binding upon the Developer, assigns or successors-in-interests.

Section 12. The Director of HICS is responsible for insuring compliance with this Order and the receipt of the Developer's contributions. Monitoring shall be accomplished by review of the Annual Report, Building Permits, Certificates of Occupancy, Plats, if applicable, and by on-site observations.

Section 13. 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 14. That the City Clerk is hereby directed to send certified copies of this Order, within five (5) days of the effective date of this Ordinance, to the Developer, the Florida Department of Community Affairs, and the TBRPC.

Section 15. That this Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.

Section 16. That the Developer shall record a Notice of Adoption of this Order, as required pursuant to Chapter 380, and shall furnish the City Clerk a copy of the recorded notice.

Section 17. 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 AUG 13 1987

Tom Vanni
CHAIRMAN, CITY COUNCIL

ATTEST:

Frances Henriquez
Prepared and Approved by:

APPROVED BY ME ON AUG 14 1987
Sandra W. Friedman
MAYOR

PAMELA K. AKIN
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. 9659-A-13n file in my office.

Witness my hand and official seal this 18th day of August, 19 87.
FRANCES HENRIQUEZ, CITY CLERK
By: Cheryl K. Wolke
CITY CLERK.

FRANCES HENRIQUEZ
City Clerk

May 28, 1985

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

Re: Ordinance No. 8880

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/kf

enclosures

at 122 JG
JG

DR1

Tampa Bay Regional Planning Council

ORDINANCE NO. 8880- -A

AN ORDINANCE AMENDING ORDINANCE NO. 8846-A, WHICH AMENDED ORDINANCE NO. 8801-A, BY ASSESSING TRANSPORTATION IMPACTS ON PROPERTY IN THE GENERAL VICINITY OF THE SOUTHEAST CORNER OF STATE ROAD 60 AND ROCKY POINT DRIVE; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, pursuant to Ordinance No. 8801-A, the property in the general vicinity of the Southeast corner of State Road 60 and Rocky Point Drive, more particularly described therein, was zoned C-U contingent upon certain conditions contained in Section 2 of said Ordinance 8801-A; and

WHEREAS, transportation improvements were assessed by virtue of Ordinance 8846-A; and

WHEREAS, subsequent to the passing of that ordinance, Tampa Bay Regional Planning Council (TBRPC) has requested additional language addressing the development's impact at the I-275 and Memorial Highway Interchange; and

WHEREAS, Developer has requested amendment of Ordinance No. 8846-A, to comply with TBRPC's request; and

WHEREAS, approval pursuant to §380.06, Florida Statutes, is required prior to the issuance of any development order for the land included in the January 7, 1985 DCA/Julian H. Lifsey, Jr./ TBRPC Agreement, as amended on January 29, 1985; now, therefore,

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

Section 1. That Sections 4, 5, 6 and 7 of Ordinance 8846-A are hereby renumbered as Sections 5, 6, 7 and 8, respectively.

Section 2. That Section 4 of Ordinance 8846-A be amended to read as follows:

"Section 4. The DOT Work Program currently contains project development elements for reconstruction of I-275, which is scheduled to begin in 1990. The impacts identified by TBRPC at the I-275 and Memorial Highway Interchange will be mitigated by this construction."

Section 3. This ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON MAY 16 1985

ATTEST:

Frances Blumig

Sandra W. Freedman
CHAIRMAN, CITY COUNCIL

CITY CLERK

Prepared and Approved By:

APPROVED BY ME ON 5-22-85

Pamela K. Akin
PAMELA K. AKIN
ASSISTANT CITY ATTORNEY

[Signature]
MAYOR