#139W

CITY OF TAMPA

Bob Buckhorn, Mayor

Office of the City Clerk

Shirley Foxx-Knowles
City Clerk

Via Certified Mail/Return Receipt Requested

June 11, 2013

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

Re: File No. DZ85-166
The Tampa Technology Park West DRI
Ordinance No. 2013-77

Dear Sir:

The City Council of the City of Tampa met in regular session on June 6, 2013, at 9:00 a.m. in the City Council Chambers.

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

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

Sincerely,

Shirley Foxx-Knowles

Shirley Foxx-Knowles, CMC
City Clerk

SFK/dm

Enclosure: Certified Copy of Ordinance 2013-77

AD

Ordinance No. 2013- 77

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA; APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, THE TAMPA TECHNOLOGY PARK WEST DEVELOPMENT OF REGIONAL IMPACT, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT("DRI") DRI No. 139, IN RESPONSE TO A NOTICE OF PROPOSED CHANGE FILED BY GREAT AMERICAN CORPORATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 28, 1985, WOOD & COMPANY, INC. ("the Developer") filed an Application for Development Approval (which together with later filed sufficiency responses, 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 (1985), as amended ("Chapter 380"), and Section 43-96.2, City of Tampa Code; and

WHEREAS, the ADA proposes the development of TAMPA TECHNOLOGY PARK, a mixed-use commercial, office, hotel, high technology, light industrial development located on a 1,756 acre site at the intersection of I-75 and C.R. 581; 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 ADAs for DRIs; and

WHEREAS, the public notice requirements of Chapter 380, and Section 27-418, City of Tampa Code have been satisfied; and

WHEREAS, the City Council on August 28, 1986 held a duly noticed public hearing on the ADA and heard and considered testimony and documents received thereon; and

WHEREAS, on September 11, 1986, the City adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to Chapter 380, *Florida Statutes*, for the Tampa Technology Park, a Development of Regional Impact ("DRI")(references herein to the "Development Order" shall include the Development Order and all subsequent amendments); and

WHEREAS, on December 18, 1986, the City adopted Ordinance No. 9466-A, which amended the Development Order by, among other things, clarifying the transportation mitigation obligations(the "First Amendment"); and

WHEREAS, on October 10, 1991, the City adopted Ordinances Nos. 91-194 and 91-195, the Second and Third Amendments, respectively, to the Development Order which amended the

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DZ 85-166

DRI legal description, allowed for an internal swap of land uses, adopted a trade-off mechanism and amended Map H to delete a loop interchange; and

WHEREAS, on December 19, 1991, the City approved Ordinance No. 91-229, as the Fourth Amendment to the Development Order (the "Fourth Amendment"), which Fourth Amendment repealed the Third Amendment, Ordinance No. 91-195, and amended certain other provisions of the Development Order; and

WHEREAS, the Fourth Amendment approved an allocation of development entitlements (including land uses and external PM peak hour trips), and adopted separate master plan maps for portions of the DRI known as Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on October 27, 1994, the City adopted Ordinance 94-222, as the Fifth Amendment to the Development Order ("Fifth Amendment"), which Fifth Amendment allowed changes to the master plan for Tampa Technology Park (East) and tradeoff mechanisms and development conditions for Tampa Technology Park (East), and extended the buildout for both Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on January 23, 1997, the City adopted Ordinance 97-16, as the Sixth Amendment to the Development Order ("Sixth Amendment"), which Sixth Amendment allowed changes to the approved land use schedule and master plan map for Tampa Technology Park (East); and

WHEREAS, on September 11, 1998, the City adopted Ordinance 98-188, as the Seventh Amendment to the Development Order, as amended by Ordinance 98-230 ("Seventh Amendment"), which Seventh Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc.; and

WHEREAS, on November 19, 1998, the City adopted Ordinance 98-252, as the Eighth Amendment to the Development Order ("Eighth Amendment"), which Eighth Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc.; and

WHEREAS, on January 7, 1999, the City adopted Ordinance 99-03, as the Ninth Amendment to the Development Order ("Ninth Amendment"), which Ninth Amendment allowed changes to the master plan for Tampa Technology Park, amended the buildout date for Phase I and provided replacement language related to the "Connector Road" to the East-West Roadway, based upon the application filed by Lennar Homes, Inc. and Starwood/Tampa I, L.P.; and

WHEREAS, on October 28, 1999, the City adopted Ordinance 99-237, as the Tenth Amendment to the Development Order ("Tenth Amendment"), which Tenth Amendment allowed changes to the master plan for Tampa Technology Park (West) to include middle school, high school and park uses, additional environmental preserve area, and simultaneous decreases of other approved land uses; and

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WHEREAS, on January 6, 2000, the City adopted Ordinance 2000-5, as the Eleventh Amendment to the Development Order ("Eleventh Amendment"), which Eleventh Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (East); and

WHEREAS, on October 26, 2000, the City adopted Ordinance 2000-282, as the Twelfth Amendment to the Development Order ("Twelfth Amendment"), which Twelfth Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (West); and

WHEREAS, on October 4, 2001, the City adopted Ordinance 2001-219, as the Thirteenth Amendment to the Development Order ("Thirteenth Amendment"), which Thirteenth Amendment consolidated certain parcels in Tampa Technology Park (East);

WHEREAS, on December 5, 2002, the City adopted Ordinance 2002-260, as the Fourteenth Amendment to the Development Order ("Fourteenth Amendment"), which Fourteenth Amendment allowed the transfer of certain development entitlements among parcels located in Tampa Technology Park (East);

WHEREAS, on September 4, 2003, the City adopted Ordinance 2003-217, as the Fifteenth Amendment to the Development Order ("Fifteenth Amendment"), which Fifteenth Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (East) (references herein to the "Development Order" shall include the Development Order and all subsequent amendments);

WHEREAS, on January 26, 2006, the City adopted Ordinance 2006-20, as the Sixteenth Amendment to the Development Order ("Sixteenth Amendment"), which Sixteenth Amendment, solely with respect to the Tampa Technology Park (West) Property, approved the following: (i) reduction of the Phase I development entitlements; (ii) an extension of the build-out date by 5 years; (iii) revision of Map H to reflect the reduction in development entitlements; and (iv) addition of a trade off mechanism to allow conversion of office use to commercial use ; and

WHEREAS, on April 27, 2006, the City, by Resolution 2006-504, pursuant to Section 380.032, Florida Statutes, adopted an Agreement to Bifurcate Tampa Technology Park Development of Regional Impact "Bifurcation Agreement"), which Agreement bifurcated Tampa Technology Park Development of Regional Impact into the Tampa Technology Park (East) and the Tampa Technology Park (West) Developments of Regional Impact; and

WHEREAS, the Bifurcation Agreement, by it terms, expressly provided that as of the effective date of that Bifurcation Agreement, the West portion of the Tampa Technology Park DRI shall be governed by the provisions of the Tampa Technology Park West DRI Development Order; and

WHEREAS, on December 12, 2012, Great American Corporation filed an application entitled "Notice of Proposed Change to a Previously Approved Development of Regional Impact" pursuant to subsection 380.06(19), *Florida Statutes,* and has provided additional

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information requested by the reviewing agencies (collectively, the "NOPC"), a copy of which NOPC is attached hereto as Exhibit "A"; and

WHEREAS, the changes proposed in the NOPC are solely with respect to the twelve acre land area described in Exhibit "B" attached hereto (which shall also become Exhibit H to the Tampa Technology Park West DRI Development Order) and include: (i)Add a Land Use Equivalency Matrix to allow potential conversions of office and/or commercial square footage to Assisted Living Facilities and/or Skilled Nursing Facilities to a maximum of 150 beds for each facility type; (ii) increase the number of permissible hotel rooms from 160 rooms to 300 rooms; (iii) update Map H – Master Plan, a copy of which is attached hereto as Exhibit "C", and (iv) extend the Phase 1 buildout date to reflect previously granted legislative extensions; 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 an 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. Findings of Fact. That 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 general public, finds that there is substantial competent evidence to support the following findings of fact:

A. That the 12 acres of real property which is the subject of the NOPC is a portion of a larger parcel of property legally platted as Tampa Technology Park West Flex B, Tampa Technology Park West Replat One and Tampa Technology Park West Replat Two. The 12 acres subject to this order are legally described as set forth in Exhibit "B", attached hereto and by reference made a part hereof.

B. That the Development Order ("Order") for the Tampa Technology Park West DRI, attached to and made effective by the Section 380.032 Agreement to Bifurcate Tampa Technology Park, a DRI, the execution of which was authorized by the City of Tampa per Resolution No. 2006-504; is a valid final development order within the provisions of Chapters 163 and 380, Florida Statutes.

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C. That the Developer submitted to the City an NOPC which is attached hereto as a part of the composite Exhibit "A", and made a part hereof (including, but not limited to, commitments made by the Developer), to the extent that it is not inconsistent with the terms and conditions of this Order.

D. The appropriate City of Tampa Departments, the Tampa Bay Regional Planning Council("TBRPC") and the State Department of Economic Opportunity ("DEO") have conducted a comprehensive review of the impacts generated by the Proposed Changes.

Section 3. Conclusions of Law. 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 these proceedings, the Developer and the various departments of the City are authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

B. Development in accordance with the Proposed Changes to the Development Order as set forth in this Ordinance, is consistent with the approved master plan Map H, as provided for herein, will not unreasonably interfere with the achievement of the objectives to the adopted State Land Development Plan applicable to the area, and will be consistent with the State Comprehensive Plan.

C. The Proposed Changes are consistent with local land development regulations and the adopted local comprehensive plan.

D. The Proposed Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Proposed Changes are exempt from the Provisions of Ordinance 90-32, City Concurrency Management System, and the Tampa Technology Park West DRI remains vested thereunder.

E. The City has, at its proceedings, considered all previous changes and the Proposed Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, Fla.Stat.

F. The review by the City, DEO, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, Fla.Stat.

G. That this Ordinance and the amendments continued herein are consistent with the report and recommendations of the TBRPC and satisfies the provisions of Sections 380.06(15) and (19)Florida Statutes, as amended.

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Section 4. Order. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Tampa Technology Park West Development Order is hereby amended and the Revised Map H attached hereto as Exhibit "C" is hereby approved as the Master Plan for development of TAMPA TECHNOLOGY PARK WEST, Flex B parcel as described in Exhibit "B", as set forth below:

A. The proposed changes in the NOPC are approved and the Development Order is hereby amended to incorporate the NOPC, except as specifically modified herein. The approved changes are as follows:

1. The approval of two specific commercial land uses defined as Assisted Living Facilities (ALF) and Skilled Nursing Facilities.
2. Increase the number of allowed hotel rooms through the use of an approved trade off mechanism to a maximum of 300 hotel rooms.
3. Update the Tampa Technology Park West Master Plan for Flex B to reflect the changes.

B. Subsection 4.3 of the Development Order, as amended by Resolution 2006-504, is hereby amended to read:

3. The owner of the USAA parcel or any portion thereof shall have primary responsibility for only those conditions of this Order that specifically apply to the development of the USAA parcel. Reviewing agencies shall hold the Developer of Tampa Technology Park West primarily responsible for compliance with all other provisions of this Order. However, in the event the Developer does not comply, the reviewing agencies shall hold all developers in the DRI responsible for compliance with the Development Order, as amended.

C. Subsection 4.C.3 of the Development Order, as amended by Resolution 2006-504, is hereby amended to read:

3. Development Approval. The total development for which approval is granted by this Order for Tampa Technology Park West is set forth below:

i. Phase I-Specific Approval

[As to Tampa Technology Park West, replaced by Section 4.W as added by Ordinance No. 91-229, further amended by Ordinance Nos. 99-237, 2000-282, 2006-20 and Resolution 2006-504, Revised by Ordinance No. 2013 - _]

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Residential (Single Family)	181 units
Residential (Multi – Family)	394 units
Commercial/Office	82,108 sq. ft.
Hotel	127 rooms
Office	1,640,593 sq.ft.
(Office for USAA)	(1,200,000 sq. ft.)
(Office for Flex B)	(440,593 sq. ft.)
High-Tech/Lt. Industrial	6,056 sq. ft.
Government Services	
High Sch./Middle School	68 net ac.
City Park	40 net ac.

The land use entitlements shown above are subject to provisions related to trade-off mechanisms set forth in the Development order, as amended.

ii. Phase II-Conceptual Approval

Commercial/Office	166,961 sq. ft.
Hotel	216 rooms
Office	1,638,359 sq. ft.
High Tech/Lt. Industrial	1,913,051 sq. ft.

iii. Phase III-Conceptual Approval

Commercial/Office	171,347 sq. ft.
Hotel	216 rooms
Office	1,618,243 sq. ft.
High Tech/Lt. Industrial	1,528,543 sq. ft.

Phase I development, for which specific approval has been granted, is conditioned upon the mitigation of transportation impacts under Section 4.C.4. Mitigation of Transportation Impacts and upon compliance with the provisions of this Order. Development under Phases II and III, for which conceptual approval has been granted, is conditioned upon new Chapter 380, F.S. review(s) in accordance with Section 4.U.2. Effect of Approval.

D. Subsection 4.C.4 of the Development Order, as amended by Resolution 2006-504, is hereby amended to read:

4. Mitigation of Transportation Impacts. The Developer shall (subject to the approval of the City which shall not be unreasonably withheld and submittal to TBRPC and DEO for verification of compliance with this Order) have the option of proceeding with the development of any Phase, subphase, or any subphases of the project, for which specific approval have been granted (i.e., Phase I), under the conditions set forth, in either Section 4.C.4.a. Subphasing, 4.C.4.b. Monitoring, 4.C.4.c. Construction, 4.C.4.d. Square Footage Assessment, or 4.C.7.

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Areawide Funding, below, individually, or in combination with one another, with respect to mitigating the project's transportation impacts.

E. Subsection 4.14.a. of the Development Order, as amended by Resolution 2006-504, is hereby amended to read:

a. pay in advance the entire proportionate share contribution for the uncommitted improvements for the Stage in question (e.g., $229,000 as computed for Stage I in accordance with Exhibit "D"); [This condition has been met, Revised by Ordinance No. 2013 -___] or

F. Subsection 4.W of the Development Order, as amended by Resolution 2006-504, is hereby amended to read:

W. Tampa Technology Park (West) – Flex B. ***[Added by Ordinance No. 91-229; Revised by Ordinance No. 99-237; Revised by Ordinance No. 2000-282; Revised by Ordinance No. 2006-20, Revised by Resolution 2006-504, Revised by Ordinance No. 2013 - __]*** With respect to the area of Tampa Technology Park West lying south and west of 1-75, which is commonly referred to as Flex B and is platted as Tampa Technology Park West Flex B, Flex B Replat One and Flex B Replat Two, as platted in Plat Book 94, Page 89; Plat Book 103 Page 296 and Plat book 109 Page 163, and graphically depicted on the Revised Map H for Tampa Technology Park (West), dated April 15, 2013, attached hereto as Exhibit "C" and for which specific approval includes the following:

1.	Commercial/Office	82,108 sq. ft.
2.	Hotel	127 rooms
3.	Office	1,640,593 sq. ft.
	(Office for USAA)	(1,200,000 sq. ft.)
	(Office for Flex B_)	(440,593 sq. ft.)
4.	High-Tech/Light Industrial	6,056 sq. ft.

The land use entitlements shown above are subject to provisions related to trade-off mechanisms set forth in the Development order, as amended. The entitlements depicted within this section are included within the project entitlements identified in Section 4.C.3. Development Approval. Flex B land entitlements are subject to multiple zoning site plan approvals and located within multiple plats.

Further, 3,337 external P.M. peak hour trips are authorized in Phase I for Tampa Technology Park (West).

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G. Subsection 4.X.2 of the Development Order, as amended by Resolution 2006-504, is hereby amended to read:

2. The Flex B parcel described in Exhibit "B" is a 12 acre portion of the larger platted Flex B parcels described in Section 4.F. With respect to the 12 acres of Flex B described in Exhibit "B" 1,000 square feet of Office is equal to six (6) Assisted Living Facility beds. 1,000 square feet of Office is equal to six (6) Skilled Nursing Facility beds. 1,000 square feet of Commercial is equal to 34.23 Assisted Living Facility beds. 1,000 square feet of Commercial is equal to 34.23 Skilled Nursing Facility beds.

H. Subsection 4.X. 3 of the Development Order, as amended by Resolution 2006-504, is hereby amended to read:

3 At the time of selection of any land use pursuant to an approved tradeoff mechanism within the Tampa Technology Park West project, the Developer shall notify the DEO of said selection and also shall provide DEO, TBRPC and the City with cumulative land use totals and remaining allowable quantities. This condition shall not be construed as a requirement for an approval of a particular land use so long as the land use is consistent with the provisions hereof.

I. Subsection 4.X.4. of the Development Order, as amended by Resolution 2006-504, is hereby amended to read:

[Revised by Ordinance No. 2000-282; Revised by Ordinance No. 2006-20; Revised by Resolution 2006-504; Revised by Ordinance No. 2013-___] In Tampa Technology Park (West)-Phase 1, the maximum amount of each type of development as a result of utilizing the trade-off mechanism shall be as follows:

Commercial/Office	82,108 square feet
Hotel	300 rooms
Office	1,852,162 sq. ft.
High Tech/Light Industrial	400,000 sq. ft.
Assisted Living Facilities	150 beds
Skilled Nursing Facilities	150 beds

Approval of these maximums or any combination thereof shall not be construed as authorization for the project to generate additional trips than already allocated to Tampa Technology Park West. Development of the Assisted Living Facilities and Skilled Nursing Facilities may only be developed within the twelve acre area described in Exhibit "B". Hotel rooms not currently existing (i.e., the 127 rooms

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built to date) may only be developed within the twelve acre area described in Exhibit "B".

J. Subsection 4.Y of the Development Order, as amended by Resolution 2006-504, is hereby amended to read:

Y. Revised Map H. ***[Added by Ordinance No. 2000-282; Revised by Ordinance 2001-219; Further revised by Ordinance No. 2003-217; Revised by Ordinance No. 2006-20; Resolution 2006-504; Revised by Ordinance No. 2013 - ___]*** The master plan of development for Tampa Technology Park (West) is revised as reflected on the Revised Map H, attached hereto as Exhibit "C", with a last revision date of April 15, 2013, is hereby approved and adopted as the Tampa Technology Park (West) Master Plan for Flex B, as legally described in Exhibit "B".

K. Section 8 of the Development Order, as amended by Resolution 2006-504, is hereby amended to read:

Section 8. ***[Revised by Ordinance No. 94-222, Revised by Resolution 2006-504, Revised by Ordinance No. 2013-___]*** That this Order shall remain in effect until April 28, 2017. Any development activity wherein plans have been submitted (and pursued by the Owner in good faith) 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.

[Revised by Ordinance No. 99-03, Revised by Ordinance No. 2006-20, Revised by Resolution 2006-504, Revised by Ordinance No. 2013-__] The buildout dates for Tampa Technology Park (West) shall be extended to recognize legislative approvals as follows:

Phase I	December 31, 2012 – Flex A Parcel	
	April 28, 2017 – Flex B Parcel	
	December 31	2016 – USAA Parcel
Phase II	December 31,	2004
Phase III	December 31,	2009

L. Section 9 of the Development Order, as amended, is hereby amended to read:

Section 9. ***[Revised by Ordinance No. 94-222, Revised by Ordinance No. 2013 - __]*** That prior to April 28, 2017, the city may not down-zone or reduce the intensity or unit density permitted by this Order, unless the City can demonstrate that:

Section 10. Development Order, As Amended. The Development Order, as previously amended, is hereby reaffirmed in its entirety except as amended by this Ordinance.

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Section 11. Definitions. The definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 12. Binding Effect. This Ordinance shall be binding upon the Applicant, its assigns, and its successors in interest.

Section 13. Governmental Agencies. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 14. Severance. In the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 15. Transmittals. The City Clerk is directed to send copies of this Amended Development Order within five (5) days of the effective date of this Order, to the Developer, Hillsborough County, State Department of Economic Opportunity, and the Tampa Bay Regional Planning Council.

Section 16. Rendition. This Amended Development Order shall be deemed rendered upon transmittal of copies of this Amended Development Order to the recipients specified in Chapter 380, Florida Statutes.

Section 17. Recording. The Applicant shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 18. Effective Date. This Ordinance shall become a law as provided in the City of Tampa Home Rule Charter and shall take effect upon transmittal to the parties specified in Section 9 hereof.

Section 19. This Amended Development Order shall take effect immediately upon becoming a law.

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PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JUN 06 2013.

Chairman, City Council

Attest:

By: Shirley Foxx-Knowles
City Clerk

APPROVED BY ME THIS JUN 10 2013

Mayor

Approved as to form by:

Assistant City Attorney

45521492v1

State of Florida
County of Hillsborough
This is to certify that the foregoing is a
true and correct copy of Ordinance No. 2013-77
on file in my office
Witness my hand and official seal this 11 day
of JUNE, 2013
Shirley Foxx-Knowles
CITY CLERK/~~DEPUTY CITY CLERK~~

FORM DEO-BCP-PROPCHANGE-1
Rule 73C-40.010, FAC. Effective 11-20-90
(Renumbered 10-01-11)

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY
DIVISION OF COMMUNITY PLANNING & DEVELOPMENT
The Caldwell Building, MSC 160
107 East Madison Street
Tallahassee, Florida 32399

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

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

1. I, Randy Coen, the undersigned owner/authorized representative of GREAT AMERICAN CORPORATION, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the TAMPA TECHNOLOGY PARK WEST ("TTPW") (fka TAMPA TECHNOLOGY PARK) development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Tampa (the "City"), to the Tampa Bay Regional Planning Council (TBRPC"), and to the Bureau of Community Planning, Department of Economic Opportunity ("DEO").

12-12-12
Date

Signature: Michael E. Urette, President
Great American Corporation

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EXHIBIT "A"

2. **Applicant:**

Mr. Michael E. Urette, President
Great American Corporation
3239 Henderson Boulevard
Tampa, Florida 33609

3. **Authorized Agent:**

Randy Coen, President
Coen & Company
PO Box 10658
Tampa, Florida 33679

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

The TTPW DRI is located within the City of Tampa. More specifically, the DRI real property lies in Sections 14, 15, 16, 22, and 23, Township 27 South, Range 19 East (the TTPW DRI Property).

The changes proposed in this application involve twelve (12) acres of land located in a portion of the TTPW DRI Property located south and west of Interstate 75 (1-75), commonly referred to as the "Flex B" parcel. The legal description of the TTPW Property is attached hereto as Exhibit A. The legal description of the Flex B Parcel is attached hereto as Exhibit B. The legal description for the twelve acres of land within the Flex B Parcel is attached hereto as Exhibit C.

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

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

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Change Number 1: The first change requests the approval of two unique commercial land uses: Assisted Living Facilities (ALF); and Skilled Nursing Facilities.

Discussion/Rationale: The trip generation, water, waste water, and solid waste for these two proposed alternative land uses differ significantly in some cases from the more general approved Commercial land use infrastructure characteristics. As a result, the Equivalency Matrix Technical Memorandum attached hereto as Exhibit D identifies the appropriate land use equivalencies between the approved Office and Commercial land uses and the proposed ALF and Skilled Nursing Facilities. In addition, the memorandum provides an evaluation of the potential infrastructure demands associated with the inclusion of these two land uses via a tradeoff mechanism. The memorandum concludes that the development of the ALF and Skilled Nursing Facilities will not result in any additional regionally significant impacts. Finally, the development of these proposed land uses is limited to the twelve acres of land identified in Exhibit C.

Change Number 2: The second change is to increase the number of hotel rooms permitted via an existing tradeoff mechanism from a maximum of 160 rooms to 300 rooms.

Discussion/Rationale: The Equivalency Matrix Technical Memorandum attached hereto as Exhibit D includes a worst-case infrastructure demand analysis for the alternative development discussed in Change Number 1 and includes the addition hotel rooms requested in Change Number 2. The memorandum concludes that the increase in the number of hotel rooms will not result in any additional regionally significant impacts. Finally, the development of these proposed land uses is limited to the twelve acres of land identified in Exhibit C.

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

Not applicable.

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

The Tampa Technology Park DRI Development Order was originally approved by the City on September 11, 1986, pursuant to Ordinance No. 93-59-A (Development Order). The City adopted an amendment to the Development Order on December 18, 1986, pursuant to Ordinance No. 94-66-A, to revise, primarily transportation conditions. A development agreement for the Tampa Palms and Tampa Technology Park DRIs was entered into on December 30, 1988. The intent of the development agreement was to authorize development of the USAA project, to authorize the development of specific parcels within the Tampa Palms and Tampa Technology Park DRIs, and to allow the consolidation of the Tampa Palms and Tampa Technology Park Development Orders.

The City amended further the Development Order on October 10, 1991, pursuant to Ordinance No. 91-194 to accommodate the inclusion of USAA in the Tampa Technology Park DRI.

On October 10, 1991, the City approved Ordinance No. 91-195 which approved an allocation of development rights between the TTP East Property and the TTP West Property. Ordinance No. 91-195 was subsequently repealed by adoption of Ordinance No. 91-229. On December 19, 1991, the City approved Ordinance No. 91-229 approving an allocation of development rights between the TTP East Property and the TTP West Property, approving an allocation of transportation trips between the TTP East Property and the

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TTP West Property, adopting separate maps for the TTP East Property and the TTP West Property, and extending the date of build-out for the entire DRI.

On October 27, 1994, the City approved Ordinance No. 94-222 amending the TTP East Property development entitlements to allow for a residential tradeoff mechanism and to extend the build-out dates for each phase by an additional four years (for a cumulative extension of six years 11 months and 15 days).

On January 23, 1997, the City approved Ordinance No. 97-16, amending the TTP East Property development entitlements to allow changes to the land use schedule and to allow for additional tradeoff mechanisms for the TTP East Property.

On September 11 1998, the City approved Ordinance 98-188, as amended by Ordinance 98-230 realigning the access drive to Bruce B. Downs Boulevard.

On November 19, 1998, the City approved Ordinance 98-252 providing for the transfer of internal commercial developments and the establishment of a theater as a permitted use in Parcel F.

On January 7, 1999, the City approved Ordinance 99-03 providing for extension of Phase 1 buildout from 12/31/99 to 12/31/05.

On October 28, 1999, the City approved Ordinance 99-237 providing for 68 acres of school sites and a 40 acre City Park site.

On October 26, 2000, the City approved Ordinance 2000-282 to (i) approve revised Map H and Phase 1 development to add residential land uses and "flex" parcels and simultaneously decrease High Tech/Light Industrial use; (ii)

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approve additional trade-off mechanisms; (iii) reduce the E/W road right-of-way to 160 feet in width; (iv) clarify wetland setback requirements; and (v) revise Map H to provide updated jurisdictional lines.

On October 4, 2001, the City approved Ordinance 2001-219 to consolidate certain parcels of TTPE.

On December 5, 2002, the City approved Ordinance 2002-260 which permitted the transfer of certain development entitlements among parcels of TTPE.

September 4, 2003, the City approved Ordinance 2003-217 which permitted changes the master plan and approved land uses for TTPE.

On January 26, 2006, the City adopted Ordinance 2006-20, approved the following for TTPW: (i) reduction of the Phase I development entitlements; (ii) an extension of the build-out date by 5 years; (iii) revision of Map H to reflect the reduction in development entitlements; and (iv) addition of a tradeoff mechanism to allow conversion of office use to commercial use.

On April 27, 2006, the City, pursuant to Section 380.032, Florida Statutes, adopted Ordinance 2006-504 which bifurcated Tampa Technology Park Development of Regional Impact (the "Bifurcation Agreement"), which Agreement bifurcated Tampa Technology Park Development of Regional Impact Development Order into the Tampa Technology Park (East) and the Tampa Technology Park (West) Developments of Regional Impact.

Three Build Out Extensions have subsequently been requested and administratively approved by the City to December 31, 31 2012 and December 31, 2015 for the subject Flex B property and to December 31, 2016 for the USAA property.

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There has not been a change in the local government jurisdiction of any portion of the development since the last amendment to the Development Order was issued.

8. **Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within ½ mile on a project master site plan or other map.**

No additional lands have been purchased.

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

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

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

No changes are proposed to the buildout date or any phasing date.

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

No change is required to the local government comprehensive plan to effectuate the proposed changes.

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06 (15), F.S., and 73-40.025, Florida Administrative Code:

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

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Not applicable.

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

The proposed development order changes are attached hereto as Exhibit E. The Development Order is Amended and Restated in its entirety. The amendments are shown in a strikethrough / underline format for review purposes.

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

Not applicable.

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

No property is being added or deleted.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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f. **Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 73C-40.025 (7), F.A.C.**

Not applicable.

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and correct copy

EXHIBITS

Exhibit A – TTPW Legal Description

Exhibit B – Flex B Parcel Legal Description

Exhibit C – Twelve Acre Legal Description

Exhibit D – Equivalency Matrix Technical Memorandum

Exhibit E – Amended and Restated Development Order

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and correct copy

Exhibit A – TTPW Legal Description

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and correct copy

EXHIBIT "A"

LEGAL DESCRIPTION
TAMPA TECHNOLOGY PARK (WEST)

DESCRIPTION: A parcel of land lying in Sections 14, 15, 16, 22 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 14, run thence along the North boundary of the North 1/2 of said Section 14, S.89°45'59"E., 855.53 feet to a point on the Westerly right-of-way line of the Westerly Frontage Road of Interstate Highway No. 75 as recorded in Official Record Book 3613, Page 910, and Official Record Book 3807, Page 139 of the Public Records of Hillsborough County, Florida; thence along said Westerly right-of-way line the following nine (9) courses: 1) S.31°10'42"E., 334.83 feet to a point of curvature; 2) Southeasterly, 1349.57 feet along the arc of a curve to the right having a radius of 5487.58 feet and a central angle of 14°05'27" (chord bearing S.24°07'58"E., 1346.17 feet) to a point of tangency; 3) S.17°05'15"E., 3729.12 feet to a point of curvature; 4) Southeasterly, 197.21 feet along the arc of a curve to the right having a radius of 2824.79 feet and a central angle of 04°00'00" (chord bearing S.15°05'15"E., 197.17 feet) to a point of tangency; 5) S.13°05'15"E., 417.31 feet to a point of curvature; 6) Southeasterly, 509.67 feet along the arc of a curve to the right having a radius of 2690.70 feet and a central angle of 10°51'09" (chord bearing S.07°39'40"E., 508.91 feet) to a point of tangency; 7) S.02°14'06"E., 1285.25 feet to a point of curvature; 8) Southwesterly, 430.48 feet along the arc of a curve to the right having a radius of 591.50 feet and a central angle of 41°41'54" (chord bearing S.18°36'51"W., 421.04 feet) to a point of tangency; 9) S.39°27'48"W., 79.10 feet to a point on the South boundary of the Northwest 1/4 of the aforesaid Section 23; thence along said South boundary of the Northwest 1/4 of Section 23, N.89°30'00"W., 2688.71 feet; thence along the South boundary of the Northeast 1/4 of the aforesaid Section 22, N.89°52'54"W., 2659.65 feet; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 2640.14 feet; thence along the South boundary of the South 1/4 of the aforesaid Section 15, N.89°45'09"W., 2663.36 feet; thence along the South boundary of the Southeast 1/4 of the aforesaid Section 16, N.88°54'49"W., 2663.84 feet; thence along the West boundary of said Southeast 1/4 of Section 16, N.00°23'14"E., 1321.12 feet; thence along the North boundary of the South 1/2 of said Southeast 1/4 of Section 16, S.89°01'50"E., 2653.75 feet; thence along the West boundary of the North 1/2 of the Southwest 1/4 of the aforesaid Section 15, N.00°02'04"W., 1324.45 feet; thence along the North boundary of said North 1/2 of the Southwest 1/4 of Section 15, S.89°33'50"E., 1323.11 feet; thence along the West boundary of the Southeast 1/4 of the Northwest 1/4 of the aforesaid Section 15, N.00°13'13"W., 1329.19 feet; thence along the North boundary of said Southeast 1/4 of the Northwest 1/4 of Section 15, S.89°24'30"E., 1318.83 feet; thence along the West boundary of the Northeast 1/4 of the aforesaid Section 15, N.00°24'26"W., 1325.67 feet; thence along the North boundary of said Northeast 1/4 of Section 15, S.89°15'06"E., 2629.12 feet to the POINT OF BEGINNING.

Containing 1160.164 acres, more or less.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL

THAT PORTION of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, according to the plat thereof as recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida, lying South of the South boundary of the Northwest 1/4 of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida.

Containing 17.341 acres, more or less.

LESS THE FOLLOWING DESCRIBED PARCEL:

TAMPA TECHNOLOGY PARK WEST
LAND SWAP PARCEL

DESCRIPTION: A parcel of land in Section 22, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

From the Southeast corner of the Northeast 1/4 of said Section 22, run thence N.89°52'54"W., 1014.52 feet along the South boundary of said Northeast 1/4 of Section 22 to the POINT OF BEGINNING; thence continue along said South boundary, N.89°52'54"W., 1645.13 feet to Southwest corner of said Northeast 1/4 of Section 22; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 681.12 feet; thence S.89°55'54"E., 242.68 feet; thence S.50°13'02"E., 512.61 feet; thence N.50°52'31"E., 518.31 feet; thence S.66°08'17"E., 43.74 feet; thence S.33°46'53"E., 32.57 feet; thence S.87°41'55"E., 34.29 feet; thence S.14°38'10"W., 166.29 feet; thence S.32°58'36"E., 111.60 feet; thence N.80°32'04"E., 56.96 feet; thence S.44°29'40"E., 329.75 feet; thence S.51°57'53"E., 25.34 feet; thence S.89°52'54"E., 187.56 feet; thence S.00°07'06"W., 140.76 feet to the POINT OF
BEGINNING

Containing 17.341 acres, more or less.

Together Containing 1160.164 acres, more or less.

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and correct copy

Exhibit B – Flex B Parcel Legal Description

Certified as true
and correct copy

Exhibit B – Flex B Parcel

TAMPA TECHNOLOGY PARK WEST - FLEX "B"

PLAT BOOK 94 PAGE 89 - 1

SECTIONS 14 AND 23, TOWNSHIP 27 SOUTH, RANGE 19 EAST, CITY OF TAMPA, HILLSBOROUGH COUNTY, FLORIDA

DESCRIPTION: A parcel of land lying in Sections 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, and being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 14, run thence along South boundary of said Section 14, said South boundary also being the North boundary of said Section 23, S.89°31'25"E., 770.89 feet to a point on a curve on the East boundary of COMMERCE PARK BOULEVARD EXTENSION, according to the plat thereof as recorded in Plat Book 89, Page 49, of the Public Records of Hillsborough County, Florida, said point also being a point on a curve and the POINT OF BEGINNING; thence along said East boundary of COMMERCE PARK BOULEVARD EXTENSION the following three (3) courses: 1) Northerly, 31.92 feet along the arc of a curve to the right having a radius of 1140.00 feet and a central angle of 01°36'16" (chord bearing N.18°53'42"E., 31.92 feet) to a point of tangency; 2) N.19°41'50"E., 1324.49 feet to a point of curvature; 3) Northerly, 1103.48 feet along the arc of curve to the left having a radius of 1260.00 feet and a central angle of 50°10'42" (chord bearing N.05°23'31"W., 1068.55 feet); thence S.59°31'06"E., 70.94 feet; thence N.08°59'55"E., 80.78 feet; thence N.24°25'49"E., 92.66 feet; thence N.48°14'20"E., 62.50 feet; thence N.27°14'12"E., 73.75 feet; thence N.26°43'08"E., 65.81 feet; thence N.46°14'53"E., 43.86 feet; thence N.42°57'46"E., 46.40 feet; thence N.36°07'31"E., 36.95 feet; thence N.39°43'14"E., 63.90 feet; thence N.40°04'46"E., 45.32 feet; thence N.42°29'33"E., 36.02 feet; thence N.64°06'10"E., 57.44 feet; thence N.56°25'48"E., 55.33 feet; thence N.47°31'58"E., 55.01 feet; thence N.45°18'41"E., 41.37 feet; thence N.26°57'44"E., 56.26 feet; thence N.41°53'16"E., 27.78 feet to a point on the West right-of-way line of N.W. Frontage Road "C", as recorded in Official Record Book 3613, Page 910, and Official Record Book 3807, Page 139, of the Public Records of Hillsborough County, Florida; thence along said West right-of-way line of N.W. Frontage Road "C" the following three (3) courses: 1) S.17°04'47"E., 3026.74 feet to a point of curvature; 2) Southeasterly, 197.21 feet along the arc of a curve to the right having a radius of 2824.79 feet and a central angle of 04°00'00" (chord bearing S.15°04'47"E., 197.17 feet) to a point of tangency; 3) S.13°04'48"E., 134.55 feet to a point of cusp on the Northerly boundary of TAMPA PALMS AREA 4 UNIT 1 AND AREA 8 UNIT 1, according to the plat thereof as recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida; thence along said Northerly boundary of TAMPA PALMS AREA 4 UNIT 1 AND AREA 8 UNIT 1, the following five (5) courses: 1) Northwesterly, 54.98 feet along the arc of a curve to the left having a radius of 35.00 feet and a central angle of 90°00'00" (chord bearing N.58°05'15"W., 49.50 feet) to a point of tangency; 2) S.76°54'45"W., 717.19 feet to a point of curvature; 3) Westerly, 414.31 feet along the arc of a curve to the right having a radius of 1249.00 feet and a central angle of 19°00'21" (chord bearing S.86°24'56"W., 412.41 feet) to a point of tangency; 4) N.84°04'54"W., 777.22 feet to a point of curvature; 5) Southwesterly, 54.98 feet along the arc of a curve to the left having a radius of 35.00 feet and a central angle of 90°00'00" (chord bearing S.50°55'06"W., 49.50 feet) to a point of cusp on the aforesaid East boundary of COMMERCE PARK BOULEVARD EXTENSION; thence along said East boundary of COMMERCE PARK BOULEVARD EXTENSION, Northerly, 242.23 feet along the arc of a curve to the right having a radius of 1140.00 feet and a central angle of 12°10'28" (chord bearing N.12°00'20"E., 241.78 feet) to the POINT OF BEGINNING.

Containing 81.310 acres, more or less.

DEDICATION: LENNAR LAND PARTNERS hereby states and declares that, they are the fee simple owner of all land referred to as TAMPA TECHNOLOGY PARK WEST – FLEX "B", as described in the legal description which is a part of this plat and does hereby dedicate the public drainage easements, roads, streets and rights-of-way along with the Sanitary Sewer and Water Distribution facilities located therein to the City of Tampa for drainage and utility purposes and other purposes incidental thereto. And Further dedicates all Utility Easements as shown hereon to the City of Tampa and all private entities providing utility services for the installation, maintenance and repair of such utilities located therein.

The Tampa Palms North Owners Association ("TPNOA") shall acquire title to TRACTS "B-1", "C-2", "B-3", "B-4" and "D" as shown hereon and the facilities and improvements located therein and shall further be responsible for the operation and maintenance, repair and replacement of all improvements, including any drainage facilities, landscaping, and irrigation facilities as located therein.

Lennar Land Partner's (Owner), does hereby grant, convey, warrant and dedicate to the City of Tampa a non-exclusive flow-through drainage easement and reasonable right of access to insure the free flow of water for general public drainage purposes over, through and under all private drainage easements or commonly owned property shown on this plat. In the event Owner fails to properly maintain any private drainage easements/facilities preventing the free flow of water, the City shall have the reasonable right to access and enter upon any private drainage easement for the purpose of performing maintenance to insure the free flow of water.

The Telephone Easement as shown hereon is dedicated for the non-exclusive use of the public or private telephone company providing such utilities to the lots within this plat, for the installation, repair and replacement of telephone facilities.

The Private Drainage Easements as shown hereon are dedicated to TPNOA.

LENNAR LAND PARTNERS, A Florida general partnership – OWNER

Michael Lawson, Vice President

Witness, Rich Leatham

Witness, Anne Duffy

ACKNOWLEDGMENT
STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

The foregoing instrument was acknowledged before me this 22nd day of November, 2002, by Michael Lawson, Vice President of Lennar Land Partners, a Florida general partnership on behalf of said partnership. He is personally known to me.

Notary Public, State of Florida at Large
Mary Robin Dunn

Mary Robin Dunn
MY COMMISSION # DD130241 EXPIRES
September 1, 2006
BONDED THRU TROY FAIN INSURANCE, INC.

TAMPA PALMS NORTH OWNERS ASSOCIATION

Betty Valenti, President

Witness, Thayer Haydon

Witness, Paula Beckert

ACKNOWLEDGMENT
STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

The foregoing instrument was acknowledged before me this 22nd day of November, 2002, by Betty Valenti, President of Tampa Palms North Owners Association, on behalf of the Association. He is personally known to me.

Notary Public, State of Florida at Large
Mary Robin Dunn

Mary Robin Dunn
MY COMMISSION # DD130241 EXPIRES
September 1, 2006
BONDED THRU TROY FAIN INSURANCE, INC.

CLERK OF THE CIRCUIT COURT

State of Florida, County of Hillsborough. I certify that the within plat complies in form with all the requirements of Chapter 177 of the Florida Statutes. Filed in Plat Book 94, Page 89, of the Public Records of Hillsborough County, Florida.

JAN 21, 2003
Date

Richard AKE
Clerk of the Circuit Court

JAN 21, 2003
Date

Cynthia Bias
Deputy Clerk

2003024017
Time: 4:24 PM

NOTICE: This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.

CITY OF TAMPA:

This plat is hereby accepted and approved for record by the City Council of the City of Tampa, Florida.

Chairman

2003-0041
Resolution No.

~~City Clerk~~/Deputy City Clerk

I hereby certify that the mayor of the City of Tampa approved this plat on Jan 15, 2003

~~City Clerk~~/Deputy City Clerk

Jan 15, 2003
Date

SURVEYOR'S CERTIFICATE

I hereby certify that this plat was prepared under my direction and supervision and that it complies with all of the survey requirements of Chapter 177, PART I, of the Florida Statutes, and that the "P.R.M.'s" (Permanent Reference Monuments) as shown hereon have been set, and that the "P.C.P.'s" (Permanent Control Points) as shown hereon, and all other monumentation of lot corners, points of intersection and changes of direction of lines within the subdivision as required by said Chapter 177 of the Florida Statutes will be set within the time allotted in 177.091 (8) (9).

HEIDT & ASSOCIATES, INC., (LB148)
2212 Swann Avenue
Tampa, Florida 33606

Arthur W. Merritt, (LS4498)
Florida Professional Surveyor and Mapper

October 22, 2002
Date

REVIEWING AGENCY SURVEYOR'S CERTIFICATE

This plat has been reviewed in accordance with Florida Statutes, Section 177.081 for Chapter conformity. The geometric data has not been verified.

Reviewed by: Kenneth A. Nala 4785 Date: January 21, 2003
Florida Professional Surveyor and Mapper, License
For the Department of Public Works, Survey Section, City of Tampa, Florida.

2212 SWANN AVENUE
TAMPA, FLORIDA 33606
PHONE (813) 253-5311
FAX (813) 253-2478

HEIDT & ASSOCIATES, INC.
LICENSED BUSINESS NUMBER LB148
CIVIL ENGINEERING
LAND SURVEYING

JOB NO.: UNN-TP-181
P:\TPWS\1DGN\TMP1.DGN-1

SHEET 1 OF 14 SHEETS

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and correct copy

Exhibit C – Twelve Acre Legal Description

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Exhibit C – 12 acre Legal Description within Flex B Parcel

Flex B Parcel 12 Acre Legal Descriptions:

1. Lot A1 1.3 acres
2. Lot A2 2.16 acres
3. Remainder of lot B1 1.1 acres

TAMPA TECHNOLOGY PARK WEST-FLEX B
THAT PART OF LOT B1 DESCRIBED AS FOLLOWS:
COM AT SWLY MOST COR OF LOT B1 N 76 DEG 55 MIN 15
SEC E 296.96 FT N 13 DEG 18 MIN 12 SEC W 53.35 FT
N 29 DEG 50 MIN 41 SEC W 25.25 FT N 44 DEG 11 MIN
00 SEC W 21.52 FT N 58 DEG 40 MIN 24 SEC W 23.11
FT N 82 DEG 44 MIN 13 SEC W 20.93 FT N 22 DEG 58
MIN 34 SEC W 48.9 FT S 19 DEG 59 MIN 22 SEC W
75.34 FT TO A PT OF CURVE TO THE RIGHT W/RAD OF
230 FT CB S 48 DEG 28 MIN 07 SEC W 228.46 FT TO
POB AND PARCEL DESCRIBED AS FOLLOWS:
COM AT SWLY MOST COR OF LOT B1 AND A PT OF CURVE
TO THE LEFT W/RAD OF 230 FT CB N 48 DEG 28 MIN 07
SEC E 228.46 FT N 19 DEG 59 MIN 22 SEC E 184.84 FT
TO A PT OF CURVE TO THE LEFT W/RAD OF 430 FT CB
N 18 DEG 29 MIN 37 SEC E 22.95 FT TO POB CONT ALG
CURVE TO THE LEFT W/RAD OF 430 FT CB N 14 DEG 25
MIN 27 SEC E 38.12 FT TO NWLY COR OF LOT B1 N 72
DEG 54 MIN 37 SEC E 370.12 FT TO NELY COR OF LOT
B1 S 17 DEG 04 MIN 47 SEC E 41.99 FT TO A PT OF
CURVE TO THE LEFT W/RAD OF 2827.79 FT CB S 16 DEG
40 MIN 45 SEC E 41.04 FT S 76 DEG 55 MIN 07 SEC W
352.27 FT N 73 DEG 02 MIN 09 SEC W 46.26 FT TO POB

4. Lot B2 1.9 acres
5. Lot B3 2.5 acres
6. Lot C5 1.36 acres
7. Lot D3 0.94 acres
8. Lot D4 1.82 acres
9. Lot E1 0.87 acres
10. Lot E2 1.43 acres
11. The remainder of Lot E3 1.74 acres

TAMPA TECHNOLOGY PARK WEST-FLEX B
LOT E3 LESS THAT PART LYING WITHN FOLLOWING
TAMPA TECHNOLOGY PARK WEST-FLEX B
PART OF LOTS E3 AND E4 DESCRIBED AS FOLLOWS:
COM AT NORTHERNMOST COR OF LOT E3 S 17 DEG

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and correct copy

6 04 MIN 051 SEC E 35.01 FT FOT POB S 17 DEG 04 MIN
7 51 SEC E 373.75 FT CURVE RAD 30 FT CHRD BRG S 56
8 DEG 34 MIN 56 SEC W 27.31 FT S 29 DEG 30 MIN 29
9 SEC W 57.42 FT CURVE RAD 30 CHRD BRG
10 S 15 DEG 29 MIN 58 SEC W 14.52 FT S 72 DEG
11 55 MIN 0*9 SEC W 174.85 FT N 16 DEG 58 MIN
12 00 SEC W 303.55 FT N 40 DEG 04 MIN 42 SEC E
13 6.21 FT N 42 DEG 29 MIN 29 SEC E 29.66 FT
14 N 64 DEG 06 MIN 06 SEC E 21.71 FT CURVE RAD
15 30 FT CHRD BRG N 60 DEG 15 MIN 55 SEC E 4.01
16 FT N 56 DEG 25 MIN 44 SEC E 55.33 FT CURVE
17 RAD 30 FT CHRD BRG N 51 DEG 58 MIN 49 SEC E
18 4.65 FT N 47 DEG 31 MIN 54 SEC E 55.59 FT N
19 45 DEG 18 MIN 37 SEC E 41.95 FT CURVE RAD
20 30 FT CHRD BRG N 36 DEG 08 MIN 09 SEC E 9.57
21 FT N 26 DEG 57 MIN 40 SEC E 52.33 FT AND N
22 41 DEG 53 MIN 12 SEC E 5.80 FT TO POB

12. The remainder of Lot E4 0.23 acres

1 TAMPA TECHNOLOGY PARK WEST-FLEX B
2 LOT E4 LESS THAT PART LYING WITHIN FOLLOWING
3 COM AT NORTHERNMOST COR OF LOT E3 S 17 DEG
4 04 MIN 051 SEC E 35.01 FT FOT POB S 17 DEG 04 MIN
5 51 SEC E 373.75 FT CURVE RAD 30 FT CHRD BRG S 56
6 DEG 34 MIN 56 SEC W 27.31 FT S 29 DEG 30 MIN 29
7 SEC W 57.42 FT CURVE RAD 30 CHRD BRG
8 S 15 DEG 29 MIN 58 SEC W 14.52 FT S 72 DEG
9 55 MIN 0*9 SEC W 174.85 FT N 16 DEG 58 MIN
10 00 SEC W 303.55 FT N 40 DEG 04 MIN 42 SEC E
11 6.21 FT N 42 DEG 29 MIN 29 SEC E 29.66 FT
12 N 64 DEG 06 MIN 06 SEC E 21.71 FT CURVE RAD
13 30 FT CHRD BRG N 60 DEG 15 MIN 55 SEC E 4.01
14 FT N 56 DEG 25 MIN 44 SEC E 55.33 FT CURVE
15 RAD 30 FT CHRD BRG N 51 DEG 58 MIN 49 SEC E
16 45 DEG 18 MIN 37 SEC E 41.95 FT CURVE RAD
17 30 FT CHRD BRG N 36 DEG 08 MIN 09 SEC E 9.57
18 FT N 26 DEG 57 MIN 40 SEC E 52.33 FT AND N
19 41 DEG 53 MIN 12 SEC E 5.80 FT TO POB

Certified as true
and correct copy

Exhibit D – Equivalency Matrix Technical Memorandum

Certified as true
and correct copy

Coen & Company

Technical Memorandum

EQUIVALENCY MATRIX

TTPW - Flex B Parcel NOPC

The Tampa Technology Park West DRI Development Order contains a number of approved exchanges between land uses. A number of these approved land use exchanges apply to specific land areas. One such set of exchanges apply to the land area referred to as the Flex B parcel. The purpose of the Technical Memorandum is to identify appropriate land use exchanges for unique commercial land uses: Assisted Living Facilities and Skilled Nursing Facilities, which may include a Memory Center component. In addition, this Technical Memorandum examines the potential impacts of increasing the number of hotel rooms that may be permitted by a previously approved exchange mechanism. It is important to note that the land uses exchanges examined here in are limited to twelve (12) acres of land located within the Flex B Parcel.

This equivalency matrix was prepared in order to allow for the exchange of specific commercial land uses for other approved land use within the Flex B Parcel, while keeping unchanged the impacts of the development. The exchanges require a concurrent reduction in one or more of the approved land uses to ensure that no additional regionally significant adverse infrastructure impacts occur as a result of the utilization of the equivalency matrix. The equivalency matrix is presented in Table 1 and is based on p.m. peak-hour two-way external project traffic as shown in Table 2. Table 3 identifies any potential exceedance of the public facility demand factor (i.e., transportation, water, wastewater, and solid waste. Thus, the equivalency matrix provides the opportunity to exchange development totals between approved land uses in a manner that ensures that additional adverse impacts will not result from such an exchange.

Planning & Transportation Services
Mailing Address: P.O. Box 10658 Tampa, Florida 33679-0658
Physical Address: 4121 West Cypress Street, Tampa, Florida 33607
Phone: 813.877.7989
Fax: 813.877.7609
www.CoenCoConsulting.com

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The project traffic volumes by land use provided in Table 2 were developed based on the Eighth Edition of the Institute of Transportation Engineers' (ITE) *Trip Generation*. The base use trip generation characteristics identified in Table 2 are for the development entitlements purchased and controlled by the Applicant and are only applicable to the lands they purchased within the Flex B Parcel.

The Utility/Employment Equivalency Comparison provided in Table 3 was developed to determine if the water demand, wastewater production, or solid waste disposal, would serve as "limiting factors" to the transportation equivalency matrix exhibited in Table 1. It was initially found that one or more of these limiting factors were identified for several of the exchanges provided for in the matrix. In all cases where a limiting factor other than transportation was identified, the limiting factor was found to vary by specific exchange and involved water, wastewater, or solid waste. In all cases where limiting factors were initially identified, it was determined that the surplus capacities documented as a result of the 2005/2006 NOPC development program changes were more than adequate to serve the land use changes proposed herein. Therefore the proposed changes do not exceed the allowable limits for transportation, water, waste water, or solid waste.

As a final step in this evaluation, Table 4 identifies the worst-case infrastructure demand based on the alternative development program permitted by the above land use exchanges and an increase in the number of Hotel rooms permitted (an increase from 160 rooms to 300 rooms). Table 4 indicates that: the resulting pm peak traffic volume maximum will not be exceeded; the worst-case water demand will be 54.7% less than the maximum allowable; the worst-case waste water demand will be 57.2% less than the maximum allowable; and the worst-case solid waste demand will be 70.8% less than the maximum allowable. Based on the foregoing worst-case analysis, no additional regionally significant adverse impacts will occur as a result of the proposed exchanges.

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TABLE 1
EQUIVALENCY MATRIX [1]
TTPW - Flex B Parcel NOPC

Change To: / Change From:	ALF	Skilled Nursing
Office	6.00 bed / ksf 6.0000	6.00 bed / ksf 6.0000
Commercial	34.23 bed / ksf 34.2273	34.23 bed / ksf 34.2273

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

Example Exchange - Add 150 ALF living units by reducing Office: 150 lus / 6.0000 lus/ksfgla = 25 ksf of Office.

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Table 2

PM PEAK HOUR TRIP GENERATION CHARACTERISTICS

TTPW - Flex B Parcel NOPC

Land Use	ITE Use Code	Size	PM Peak Hour Trip Ends (1)			Trip Rate (2)
			In	Out	Total	
General Office Building	710	400 ksf	90	437	527	1.32 /ksf
Shopping Center	820	60 ksf	221	230	452	7.53 /ksf
		Total	**311**	**668**	**979**	
Alternative Land Uses						
Assisted Living	254	150 beds	15	18	33	0.22 /bed
Nursing Home	620	150 beds	11	22	33	0.22 /bed

(1) Source - ITE Trip Generation, 8th Edition, applicable pages attached.
(2) Two way external vehicle trip rate.

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TABLE 3
UTILITY/EMPLOYMENT EQUIVALENCY COMPARISON
TTPW - Flex B Parcel NOPC

Land Use	Base Size	ALF Equivalent		Skilled Nursing Equivalent		Maximum Allowable Additional Development
		Size	Comment	Size	Comment	
Office	1,000 sf	6.00 bed	-	6.00 bed	-	
Water	150 gpd	0.84 gpd	< Office	0.84 gpd	< Office	ALF and Skilled Nursing do not exceed Office.
Wastewater	120 gpd	0.60 gpd	< Office	0.60 gpd	< Office	
Solid Waste	15 lbs/day	0.02 lbs/day	< Office	0.02 lbs/day	< Office	
Commercial	1,000 sf	34.23 bed	-	34.23 bed	-	
Water	153 gpd	4.79 gpd	< Commercial	4.79 gpd	< Commercial	Alf and Skilled Nursing exceed Office on all factors. However,
Wastewater	119 gpd	3.42 gpd	< Commercial	3.42 gpd	< Commercial	adequate additional water, waste water and solid waste
Solid Waste	15.75 lbs/day	0.11 lbs/day	< Commercial	0.11 lbs/day	< Commercial	capacity exist - see footnote 3.

[1] Equivalent size obtained from Table 1

[2] Base size and rates for Office and Commercial obtained from TTPW 2005/2006 NOPC, applicable pages attached. Water - 140 gpd, waste water - 100 gpd and solid waste - 3.2 lbs/day rates for ALF and Skilled Nursing obtained from On Top of the World rate data.

[3] Additional available capacity obtained from 2005/2006 NOPC documentation attached.

Table 4
ALTERNATIVE WORST-CASE INFRASTRUCTURE DEMAND
TTPW - Flex B Parcel NOPC

ALTERNATIVE WORST-CASE DEVELOPMENT SCENARIO		TRANSPORTATION / UTILITY DEMANDS (1)			
Land Use	**Size**	**Traffic (vpd)**	**Water (gpd) [1,2,3]**	**Wastewater (gpd) [1,2]**	**Solid Waste (lbs/day) [4]**
Office (ksf)	293	388	43,950	35,160	4,395
Commercial (ksf)	25	188	3,825	2,975	394
Hotel (rooms)	300	199	90,000	60,000	2,925
ALF (bed)	150	99	21,000	15,000	480
Skilled Nursing (bed)	150	99	21,000	15,000	480
TOTALS		**979**	**179,775**	**128,135**	**8,674**
Approved Development Maximums (2)		979	396,954	299,351	29,745
Percent Change		0.0%	-54.7%	-57.2%	-70.8%

(1) Traffic rates obtained from Table 2, Water, Waste Water, and Solid Waste rates obtained from Table 3.

(2) Traffic maximum obtained from Table 2, Water, Waste Water and Solid Waste maximums obtained from 2005/2006 NOPC documentation attached and includes surplus capacities available.

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EQUIVALENCY MATRIX ATTACHMENTS

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PROJECTED AVERAGE DAILY WASTEWATER DEMAND

LAND USES	RATE
Commercial/Office	119 GPD/1,000 sq. ft.
Hotel	200 GPD/room
Office	120 GPD/1,000 sq. ft.
Residential/Single-Family	200 GPD/unit
Residential/Multi-Family	140 GPD/unit

PROJECTED AVERAGE DAILY POTABLE WATER DEMAND

LAND USES	RATE
Commercial/Office	153 GPD/1,000 sq. ft.
Hotel	300 GPD/room
Office	150 GPD/1,000 sq. ft.
Residential/Single-Family	275 GPD/unit
Residential/Multi-Family	150 GPD/unit

PROJECTED SOLID WASTE DEMAND

LAND USES	RATE
Commercial/Office	15.75 lbs/day/1,000 sq. ft.
Hotel	9.75 lbs/day/1,000 sq. ft.
Office	15 lbs/day/1,000 sq. ft.
Residential/Single-Family	15.2 lbs/day/unit
Residential/Multi-Family	10 lbs/day/unit

It is unknown if these rates are the same as those contained in the original ADA application in 1986. Due to the fact that the proposed changes are reductions to the approved entitlements, one can assume that utility usage will also be reduced, regardless of the rates of consumption.

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PROJECTED AVERAGE DAILY WASTEWATER DEMAND[2]

LAND USES	APPROVED PHASE 1 USES	ESTIMATED WASTEWATER DEMAND
Commercial/Office	89,096 sq. ft.	10,602 GPD
Hotel	288 rms.	57,600 GPD
Office	2,700,000 sq. ft.	324,000 GPD
High Tech, Light Industrial	-0-	-0-
Residential/Single-Family	500 units	100,000 GPD
Residential/Multi-Family	400 units	56,000 GPD
Total		548,202 GPD

LAND USES	PROPOSED PHASE 1 USES	ESTIMATED WASTEWATER DEMAND
Commercial/Office	22,108 sq. ft.	2,631 GPD
Hotel	-0-.	-0-
Office	1,750,000 sq. ft.	210,000 GPD
High Tech, Light Industrial	-0-	-0-
Residential/Single-Family	181 units	36,200 GPD
Residential/Multi-Family	394 units	55,160 GPD
Total		303,991 GPD

PROJECTED AVERAGE DAILY POTABLE WATER DEMAND[2]

LAND USES	APPROVED PHASE 1 USES	ESTIMATED WATER DEMAND
Commercial/Office	89,096 sq. ft.	13,632 GPD
Hotel	288 rms.	86,400 GPD
Office	2,700,000 sq. ft.	405,000 GPD
High Tech, Light Industrial	-0-	-0-
Residential/Single-Family	500 units-	137,500 GPD
Residential/Multi-Family	400 units	60,000 GPD
Total		702,532 GPD

LAND USES	PROPOSED PHASE 1 USES	ESTIMATED WATER DEMAND
Commercial/Office	22,108 sq. ft.	3,383 GPD
Hotel	-0-	-0-
Office	1,750,000 sq. ft.	262,500 GPD
High Tech, Light Industrial	-0-	-0-
Residential/Single-Family	181 units	49,775 GPD
Residential/Multi-Family	394 units	59,100 GPD
Total		374,758 GPD

[2] School and park uses are not included in the comparison as there is no change to those uses

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PROJECTED SOLID WASTE DEMAND[2]

LAND USES	APPROVED PHASE 1 USES	ESTIMATED SOLID WASTE DEMAND
Commercial/Office	89,096 sq. ft.	0.7 tons/day
Hotel	288 rms.	1.4 tons/day
Office	2,700,000 sq. ft.	20.2 tons/day
High Tech, Light Industrial	-0-	-0-
Residential/Single-Family	500 units	3.8 tons/day
Residential/Multi-Family	400 units	2.0 tons/day
Total		28.1 tons/day

LAND USES	PROPOSED PHASE 1 USES	ESTIMATED SOLID WASTE DEMAND
Commercial/Office	22,108 sq. ft.	0.2 tons/day
Hotel	-0-	-0-
Office	1,750,000 sq. ft.	13.1 tons/day
High Tech, Light Industrial	-0-	-0-
Residential/Single-Family	181 units	1.4 tons/day
Residential/Multi-Family	394 units	2.0 tons/day
Total		16.7 tons/day

The precise language proposed to amend the Development Order that would effectuate these changes is presented in a proposed ordinance attached hereto as **Exhibit D.**

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

   Please refer to the **Substantial Deviation Determination Chart**, attached hereto as **Exhibit E.**

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

TRIP GENERATION

An ITE Informational Report

8th Edition • Volume 2 of 3

Trip Generation Rates, Plots and Equations

- Port and Terminal (Land Uses 000 - 099)
- Industrial (Land Uses 100 - 199)
- Residential (Land Uses 200 - 299)
- Lodging (Land Uses 300 - 399)
- Recreational (Land Uses 400 - 499)

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Assisted Living
(254)

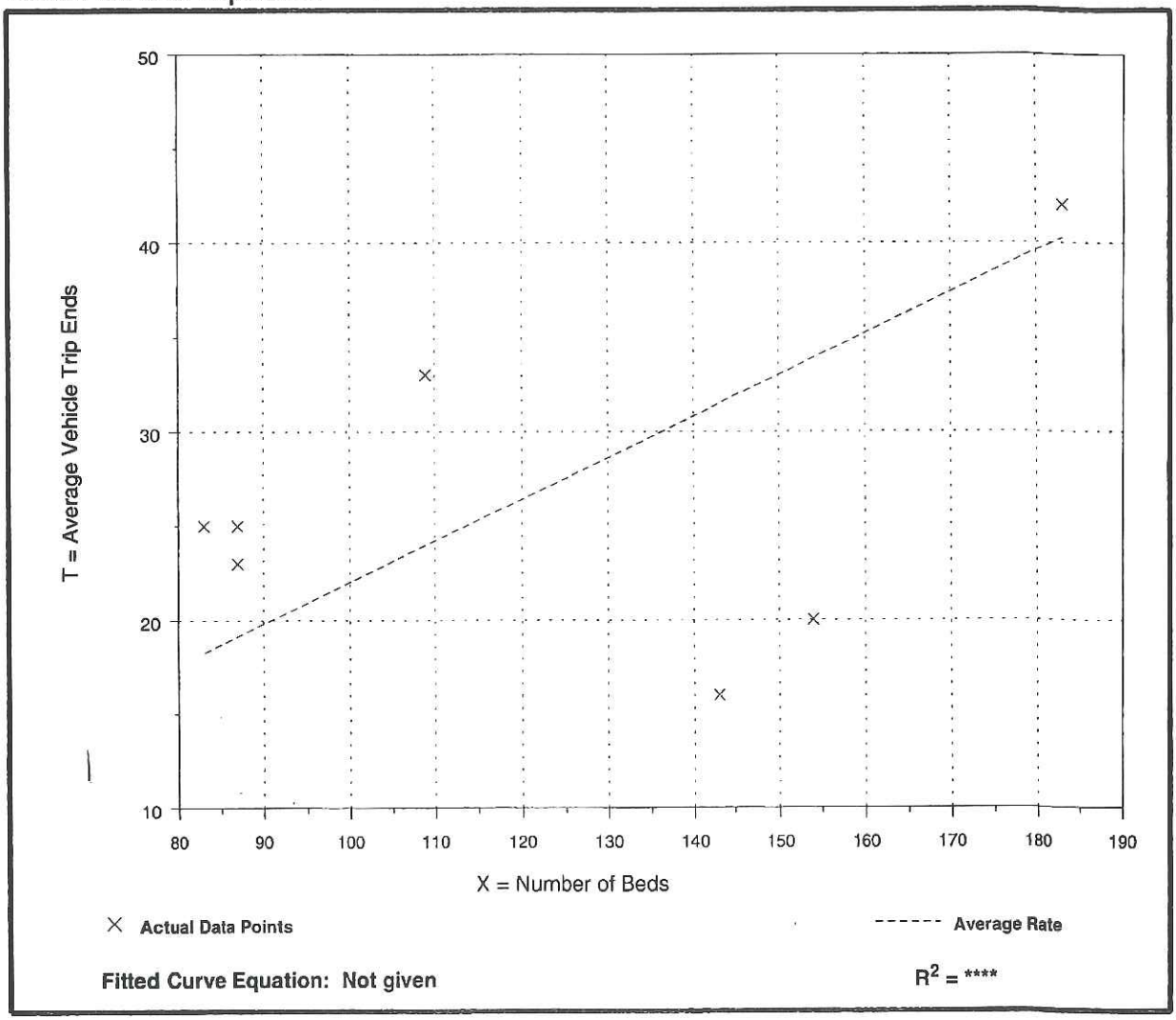
Average Vehicle Trip Ends vs: **Beds**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 7
Average Number of Beds: 121
Directional Distribution: 44% entering, 56% exiting

Trip Generation per Bed

Average Rate	Range of Rates	Standard Deviation
0.22	0.11 - 0.30	0.47

Data Plot and Equation



Fitted Curve Equation: Not given

R^2 = ****

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An ITE Informational Report

8th Edition • Volume 3 of 3

Trip Generation Rates, Plots and Equations

- Institutional (Land Uses 500 - 599)
- Medical (Land Uses 600 - 699)
- Office (Land Uses 700 - 799)
- Retail (Land Uses 800 - 899)
- Services (Land Uses 900 - 999)

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Nursing Home
(620)

Average Vehicle Trip Ends vs: **Beds**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

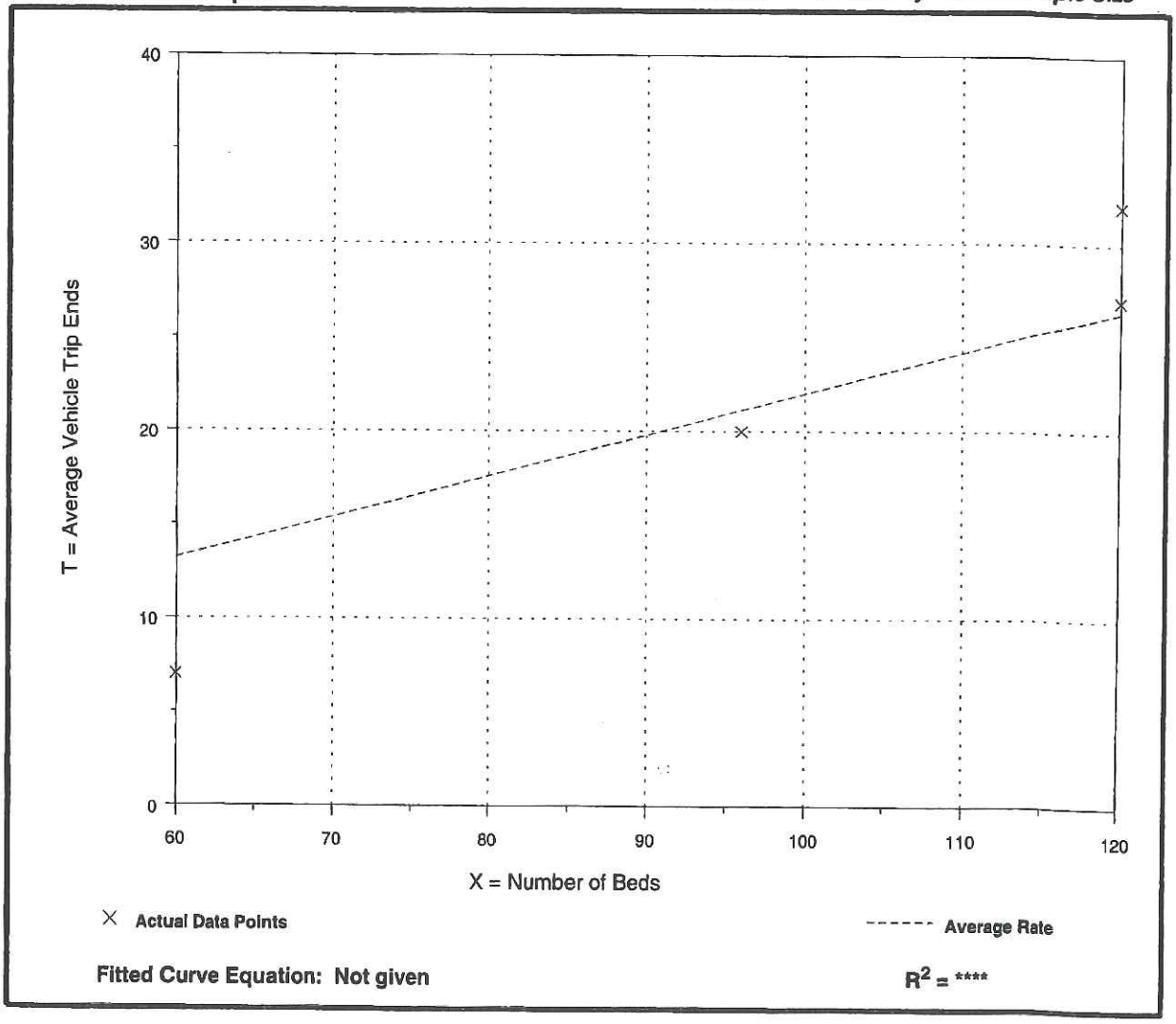
Number of Studies: 4
Average Number of Beds: 99
Directional Distribution: 33% entering, 67% exiting

Trip Generation per Bed

Average Rate	Range of Rates	Standard Deviation
0.22	0.12 - 0.27	0.47

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Fitted Curve Equation: Not given

R^2 = ****

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General Office Building
(710)

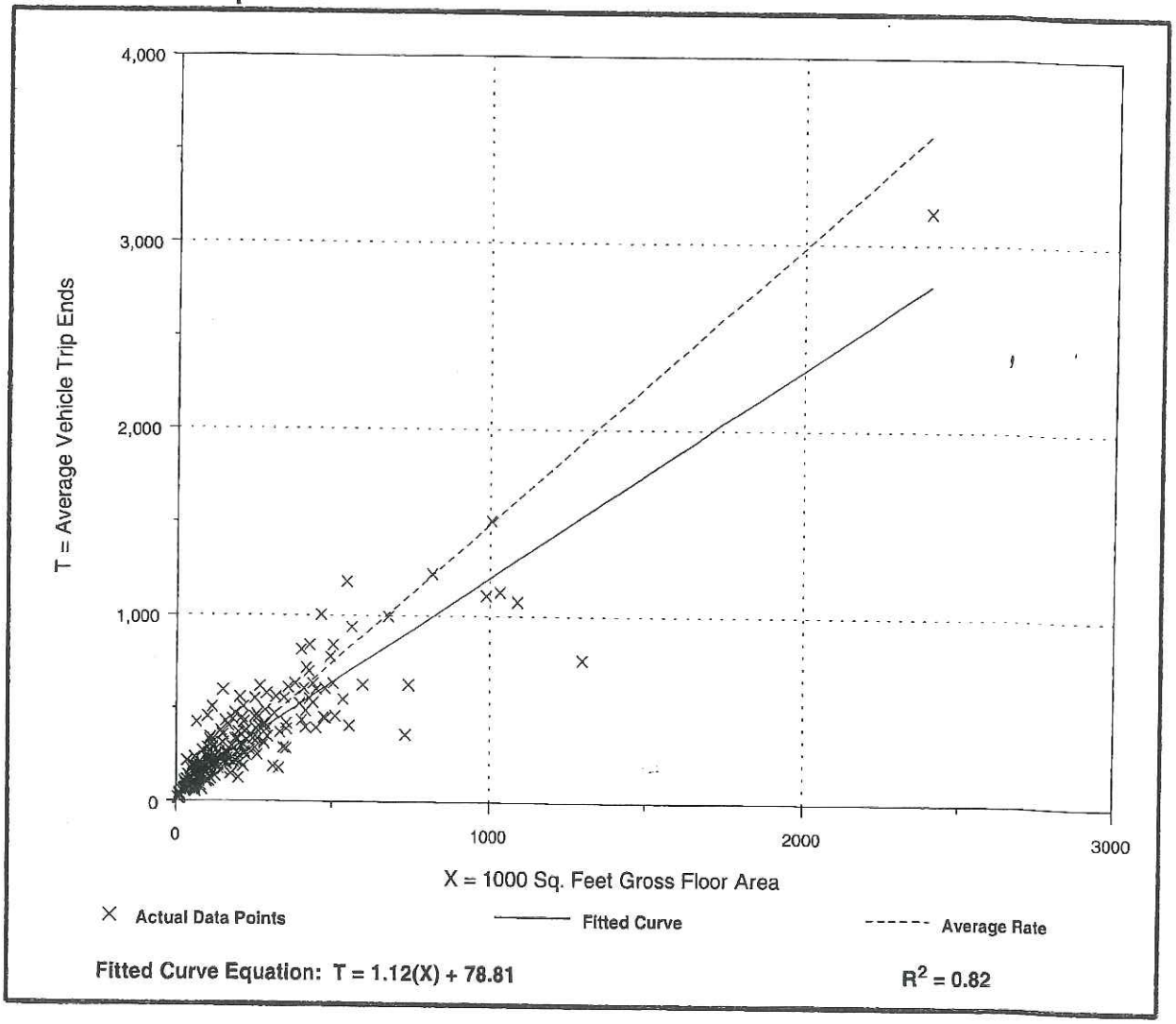
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
P.M. Peak Hour

Number of Studies: 235
Average 1000 Sq. Feet GFA: 216
Directional Distribution: 17% entering, 83% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
1.49	0.49 - 6.39	1.37

Data Plot and Equation



Fitted Curve Equation: T = 1.12(X) + 78.81

R^2 = 0.82

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Shopping Center
(820)

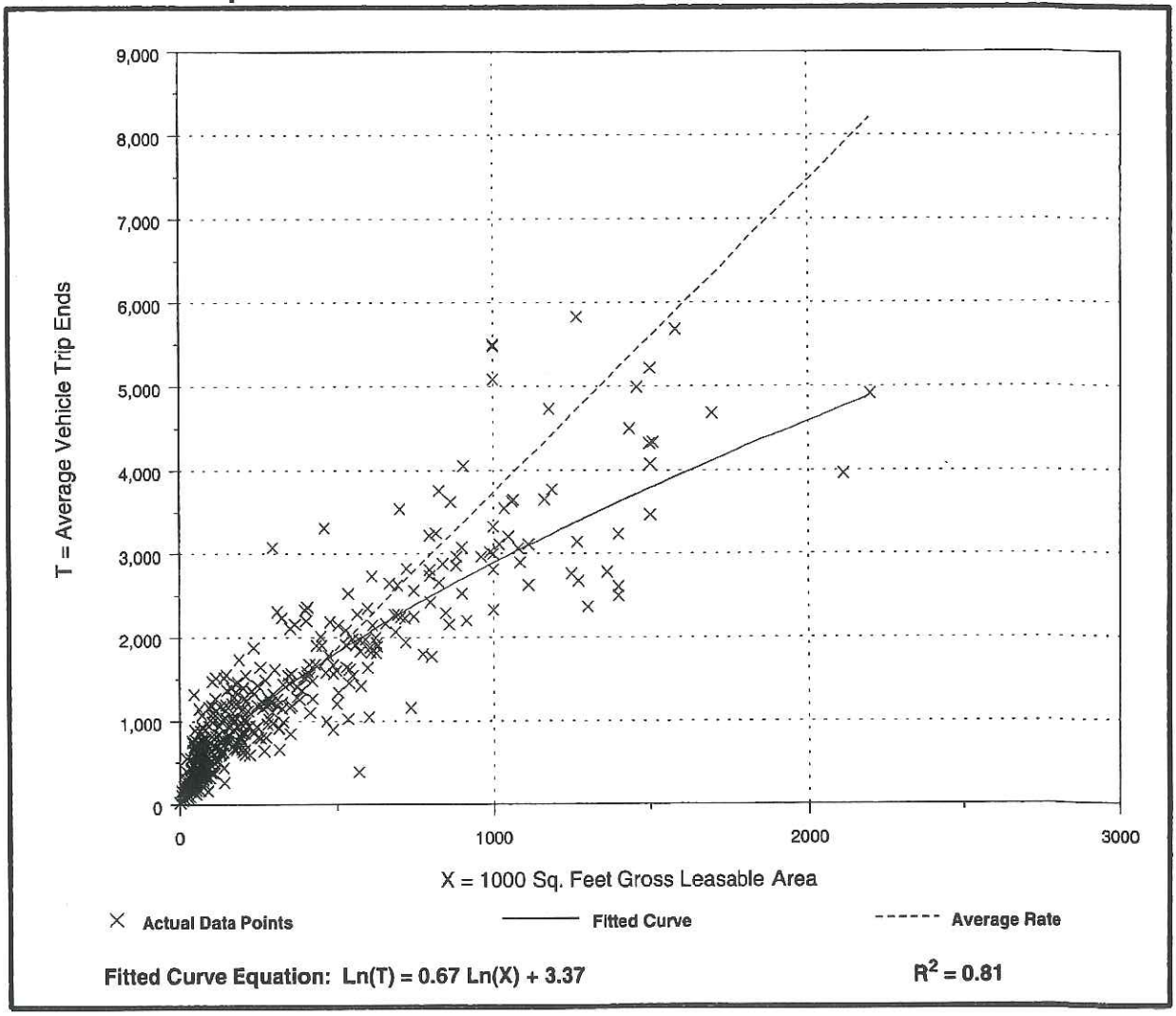
Average Vehicle Trip Ends vs: **1000 Sq. Feet Gross Leasable Area**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 412
Average 1000 Sq. Feet GLA: 379
Directional Distribution: 49% entering, 51% exiting

Trip Generation per 1000 Sq. Feet Gross Leasable Area

Average Rate	Range of Rates	Standard Deviation
3.73	0.68 - 29.27	2.74

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.67 Ln(X) + 3.37

R^2 = 0.81

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Exhibit E – Amended and Restated Development Order

[Changes shown in strikethrough and underline for review purposes]

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~~EXHIBIT "B"~~

A DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK WEST
A DEVELOPMENT OF REGIONAL IMPACT

WHEREAS, on October 28, 1985, WOOD & COMPANY, INC. ("the Developer") filed an Application for Development Approval (which together with later filed sufficiency responses, 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 (1985), as amended ("Chapter 380"), and Section 43-96.2, City of Tampa Code; and

WHEREAS, the ADA proposes the development of TAMPA TECHNOLOGY PARK, a mixed-use commercial, office, hotel, high technology, light industrial development located on a 1,756 acre site at the intersection of I-75 and C.R. 581; 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 ADAs for DRIs; and

WHEREAS, the public notice requirements of Chapter 380, and Section 27-418, City of Tampa Code have been satisfied; and

WHEREAS, the City Council on August 28, 1986 held a duly noticed public hearing on the ADA and heard and considered testimony and documents received thereon; and

WHEREAS, on September 11, 1986, the City adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to Chapter 380, *Florida Statutes*, for the Tampa Technology Park, a Development of Regional Impact ("DRI"); and

WHEREAS, on December 18, 1986, the City adopted Ordinance No. 9466-A, which amended the Development Order (the "First Amendment"); and

WHEREAS, on October 10, 1991, the City adopted Ordinances Nos. 91-194 and 91-195, the Second and Third Amendments, respectively, to the Development Order; and

WHEREAS, on December 19, 1991, the City approved Ordinance No. 91-229, as the Fourth Amendment to the Development Order (the "Fourth Amendment"), which Fourth Amendment repealed the Third Amendment, Ordinance No. 91-195, and amended certain other provisions of the Development Order; and

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WHEREAS, the Fourth Amendment approved an allocation of development entitlements (including land uses and external PM peak hour trips), and adopted separate master plan maps for portions of the DRI known as Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on October 27, 1994, the City adopted Ordinance 94-222, as the Fifth Amendment to the Development Order ("Fifth Amendment"), which Fifth Amendment allowed changes to the master plan for Tampa Technology Park (East) and tradeoff mechanisms and development conditions for Tampa Technology Park (East), and extended the buildout for both Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on January 23, 1997, the City adopted Ordinance 97-16, as the Sixth Amendment to the Development Order ("Sixth Amendment"), which Sixth Amendment allowed changes to the approved land use schedule and master plan map for Tampa Technology Park (East); and

WHEREAS, on September 11, 1998, the City adopted Ordinance 98-188, as the Seventh Amendment to the Development Order, as amended by Ordinance 98-230 ("Seventh Amendment"), which Seventh Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc.; and

WHEREAS, on November 19, 1998, the City adopted Ordinance 98-252, as the Eighth Amendment to the Development Order ("Eighth Amendment"), which Eighth Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc.; and

WHEREAS, on January 7, 1999, the City adopted Ordinance 99-03, as the Ninth Amendment to the Development Order ("Ninth Amendment"), which Ninth Amendment allowed changes to the master plan for Tampa Technology Park, amended the buildout date for Phase I and provided replacement language related to the "Connector Road" to the East-West Roadway, based upon the application filed by Lennar Homes, Inc. and Starwood/Tampa I, L.P.; and

WHEREAS, on October 28, 1999, the City adopted Ordinance 99-237, as the Tenth Amendment to the Development Order ("Tenth Amendment"), which Tenth Amendment allowed changes to the master plan for Tampa Technology Park (West) to include middle school, high school and park uses, additional environmental preserve area, and simultaneous decreases of other approved land uses; and

WHEREAS, on January 6, 2000, the City adopted Ordinance 2000-5, as the Eleventh Amendment to the Development Order ("Eleventh Amendment"), which Eleventh Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (East); and

WHEREAS, on October 26, 2000, the City adopted Ordinance 2000-282, as the Twelfth Amendment to the Development Order ("Twelfth Amendment"), which Twelfth Amendment

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allowed changes to the master plan and approved land uses for Tampa Technology Park (West); and

WHEREAS, on October 4, 2001, the City adopted Ordinance 2001-219, as the Thirteenth Amendment to the Development Order ("Thirteenth Amendment"), which Thirteenth Amendment consolidated certain parcels in Tampa Technology Park (East);

WHEREAS, on December 5, 2002, the City adopted Ordinance 2002-260, as the Fourteenth Amendment to the Development Order ("Fourteenth Amendment"), which Fourteenth Amendment allowed the transfer of certain development entitlements among parcels located in Tampa Technology Park (East);

WHEREAS, on September 4, 2003, the City adopted Ordinance 2003-217, as the Fifteenth Amendment to the Development Order ("Fifteenth Amendment"), which Fifteenth Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (East) (references herein to the "Development Order" shall include the Development Order and all subsequent amendments);

WHEREAS, on January 26, 2006, the City adopted Ordinance 2006-20, as the Sixteenth Amendment to the Development Order ("Sixteenth Amendment"), which Sixteenth Amendment, solely with respect to the Tampa Technology Park (West) Property, approved the following: (i) reduction of the Phase I development entitlements; (ii) an extension of the build-out date by 5 years; (iii) revision of Map H to reflect the reduction in development entitlements; and (iv) addition of a trade off mechanism to allow conversion of office use to commercial use (references herein to the "Development Order" shall include the Development Order and all subsequent amendments); and

WHEREAS, on April 27, 2006, the City, pursuant to Section 380.032, Florida Statutes, adopted an Agreement to Bifurcate Tampa Technology Park Development of Regional Impact, which Agreement bifurcated Tampa Technology Park Development of Regional Impact into the Tampa Technology Park (East) and the Tampa Technology Park (West) Developments of Regional Impact; and

WHEREAS, on _____, Great American Corporation filed an application entitled "Notice of Proposed Change to a Previously Approved Development of Regional Impact" pursuant to subsection 380.06(19), *Florida Statutes*, and has provided additional information requested by the reviewing agencies (collectively, the "NOPC"); and

WHEREAS, the changes proposed in the NOPC are solely with respect to the twelve acre land area described in Exhibit H attached hereto and include: (i) inclusion of Assisted Living Facilities and Skilled Nursing Facilities as alternative commercial land uses; and (ii) increases the number of permissible hotel rooms from 160 rooms to 300 rooms; and

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

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WHEREAS, all interested parties and members of the public were afforded an 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:

Section 1. That this Agreement shall constitute the Amended and Restated Development Order ("Order") of the City Council issued in response to the Section 380.032 Agreement to Bifurcate Tampa Technology Park, a DRI. The scope of development to be permitted pursuant to this Order includes the land use, operations, and activities described in the ADA and the supporting documents, which by reference are made a part hereof as composite Exhibit "A".

Section 2. That 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 general public, finds that 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 a part of the composite Exhibit "A", and made a part hereof (including, but not limited to, commitments made by the Developer), to the extent that it is not inconsistent with the terms and conditions of this Order.

C. That the Developer proposes the development of TAMPA TECHNOLOGY PARK WEST, a mixed-use commercial, office, hotel, high technology, and light industrial development with a total site area of 1,160 acres, located at the intersection of I-75 and C.R. 581.

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.

E. That the proposed development is consistent with the adopted local comprehensive plan and the zoning code of the City. ***[Revised by Ordinance No. 9466-A]***

F. That the development will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.

G. That a comprehensive review of the impact generated by the development has been conducted by the City's departments and the TBRPC.

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H. That this Order is consistent with the report and recommendations of the TBRPC and satisfies the provisions of Section 380.06(15) Florida Statutes, 1985, as amended.

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 these proceedings, the Developer and the various departments of the City are authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

B. That the review by the City, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, within the terms and conditions of this Order and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

Section 4. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Tampa Technology Park Development Order is hereby amended and the Revised Map H attached hereto as Exhibit "C" is hereby approved as the Master Plan for development of TAMPA TECHNOLOGY PARK WEST, subject to the following conditions, restrictions and limitations:

USAA Parcel ***[This Section was added by Ordinance No. 91-194]***.

1. The first 1,200,000 square feet of office development in Tampa Technology Park West and Tampa Technology Park East has been allocated to the USAA parcel as shown on Map H and this allocation is consistent with both the DRI and zoning phasing requirements, and approval of this allocation under the December 30, 1988, Development Agreement is hereby reaffirmed. All other development approvals in Tampa Technology Park (East and West, combined) shall assume that the entire 1,200,000 square feet of office uses allocated to the USAA parcel has been developed, regardless of whether such development has, in fact, occurred.

2. The transportation mitigation assessment for the 1,200,000 square feet of office development allocated to the USAA parcel has been paid in full to the City pursuant to Development Order Section 4.C.4(d), Square Footage Assessment, and said payment has fully and completely satisfied any and all obligations to mitigate traffic impacts for the USAA parcel. No further mitigation of any kind shall be assessed or required for transportation impacts related to the development of the 1,200,000 square feet of office uses allocated to the USAA parcel, provided however that said mitigation does not preclude the transportation impacts of the USAA Project from being accumulated with transportation impacts from the remainder of the Tampa Technology Park (East and West, combined) DRI for purposes of evaluating the development of other parcels.

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3. The owner of the USAA parcel or any portion thereof shall have primary responsibility for only those conditions of this Order that specifically apply to the development of the USAA parcel. Reviewing agencies shall hold the Developer of Tampa Technology Park (East and West, combined) primarily responsible for compliance with all other provisions of this Order. However, in the event the Developer does not comply, the reviewing agencies shall hold all developers in the DRI responsible for compliance with the Development Order, as amended.

4. The flyover interchange configuration previously approved in the 1988 Development Agreement is hereby reaffirmed and approved as described in the Joint Notice and as shown on the Revised Map H attached hereto as Exhibit "C".

5. The internal swap of land uses between the property removed from Tampa Technology Park West and the parcel in the northwest corner of the project as shown on Revised Map H attached hereto is hereby approved. In conjunction with the amendment of the legal description also approved hereby, this internal swap results in no net increase or decrease in land use acreages or land uses for Tampa Technology Park West.

6. The legal description of Tampa Technology Park West is hereby amended to add to Tampa Technology Park West the 17.34 acre portion of the USAA property previously included in the Tampa Palms DRI and to delete the 17.34 acre parcel transferred to the Tampa Palms DRI. The revised legal description for the Tampa Technology Park DRI is attached hereto as Exhibit "B".

7. 24.68 acres of the USAA site plan previously approved in the Development Order for office uses are hereby reserved for recreation and open spaces only.

A. Substantial Deviations. Further review, pursuant to Chapter 380, may be required if a substantial deviation, as defined in Section 380.06(19), Florida Statutes, 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. A substantial deviation may occur by failure to comply with the conditions herein, failure to follow the commitments contained in Exhibit "A" (to the extent that such commitments are consistent with this Order) or by activities which are not commenced until after the expiration of the period of 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, 1987, 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 such forms as may from time to time be designated by the State. Such reports 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

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this Order and may issue further orders 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 the following information:

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 that have been sold to a separate entity or developer during the reporting year;

4. Identification of, and intended use of, lands purchased, leased, or optioned by the Developer adjacent to the original DRI site during the reporting year;

5. An assessment of the development's and local government's compliance with conditions of approval contained in this Order, and the commitments contained in the ADA;

6. Any known incremental DRI applications for development approval or request for a substantial deviation determination that were 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(15) and (18), Florida Statutes (1985);

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(15)(f)(l), Florida Statutes (1985);

9. An hourly traffic count for a 24-hour period taken at all established access points to public rights of way, as required by the City;

10. An indication of a change, if any, in local government jurisdiction for any portion of the development during the reporting year;

11. A list of significant local, state, and federal permits which have been obtained, or which are pending, with respect to the reporting year, by agency, type of permit, permit number, and purpose of each;

12. An assessment of the effectiveness of TSM measures as described in Section 4.C.8., below;

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13. When applicable, the biennial traffic analysis referenced in Section 4.C.8., below;

14. The information required in Section 4.F. below shall be submitted with the first annual report following the issuance of the first Certificate of occupancy;

15. A map which designates areas to be set aside in accordance with Section 4.G.2. below;

16. Copies of any Emergency Response and Hazardous Waste Management Operation Plans required to be generated as set forth in Section 4.N.2. below; and

17. A P.M. peak hour traffic volume count on the ramp from C.R. 581 to southbound Interstate I-75.

C. Transportation Conditions. ***[The entire Section was revised by Ordinance No. 9466-A.]*** The following conditions are established for purposes of mitigating impacts of this development on regional transportation facilities. Issuance of development permits by the City for the project shall, require a determination by the City of compliance with the conditions set forth herein.

1. Responsible Entities. For the purposes of this Order, the Developer is considered as one of a number of possible responsible entities regarding the mitigation of the transportation impacts of the project.

2. Funding Commitments. For the purposes of this Order, funding commitments can be (at the Developer's option, and with the approval of the City which shall not be unreasonably withheld) either in the form of financial contributions, contributions in aid of construction, or Developer's commitments for actual construction, actual (or committed for in a binding contractual form) construction by any public or private entity, or the placement of improvements in the Transportation Improvements Work Programs of the City, Hillsborough County (the "County"), or the State of Florida (the "State"), or any combination of the foregoing.

3. Development Approval. The total development for which approval is granted by this Order for Tampa Technology Park (East and West, combined) is set forth below:

i. Phase I-Specific Approval

[As to Tampa Technology Park West, replaced by Section 4.W as added by Ordinance No. 91-229, further amended by Ordinance Nos. 99-237, 2000-282 and 2006-20]

ii. Phase II-Conceptual Approval

Commercial/Office	364,500 sq. ft.
Hotel	360 rooms
Office	1,960,200 sq. ft.

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High Tech/Lt. Industrial	3,789,720 sq. ft.

iii. Phase III-Conceptual Approval

Commercial/Office	374,300 sq. ft.
Hotel	360 rooms
Office	1,936,000 sq. ft.
High Tech/Lt. Industrial	3,731,340 sq. ft.

Phase I development, for which specific approval has been granted, is conditioned upon the mitigation of transportation impacts under Section 4.C.4. Mitigation of Transportation Impacts and upon compliance with the provisions of this Order. Development under Phases II and III, for which conceptual approval has been granted, is conditioned upon new Chapter 380, F.S. review(s) in accordance with Section 4.U.2. Effect of Approval.

4. Mitigation of Transportation Impacts. The Developer shall (subject to the approval of the City which shall not be unreasonably withheld and submittal to TBRPC and DCA for verification of compliance with this Order) have the option of proceeding with the development of any Phase, subphase, or any subphases of the project, for which specific approval have been granted (i.e., Phase I), under the conditions set forth, in either Section 4.C.4.a. Subphasing, 4.C.4.b. Monitoring, 4.C.4.c. Construction, 4.C.4.d. Square Footage Assessment, or 4.C.7. Areawide Funding, below, individually, or in combination with one another, with respect to mitigating the project's transportation impacts.

a. Subphasing. Under this option, unless the Developer elects to subphase as described later in this Section 4.C.4.a., funding commitments will be required for all regionally significant improvements listed in Exhibit "D" prior to the commencement of Phase I development. Due to this requirement of funding commitments, the Developer may elect to proceed on a subphasing basis under the square footage thresholds identified in Exhibit "D". For the purposes of this Order, the square footage thresholds in Exhibit "D" shall be computed with reference to building permits issued by the City.

Prior to the commencement of development beyond any particular square footage threshold, the improvements identified in Exhibit "D" as being associated with the next succeeding threshold must be the subject of funding commitments from responsible entities, where those facilities operate below LOS C daily, LOS D peak hour and the development contributes five percent (5%) or more of the then existing LOS C daily and LOS D peak hour capacity of the facility. Without funding commitments for these improvements, a "stop order" shall result and construction permits shall not be issued where project activity (together with projected activity) has exceeded the square footage thresholds associated in Exhibit "D" with improvements which are the subject of funding commitments.

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In the event a stop order occurs due to either the requirement of funding commitments under this Section 4.C.4.a. or actual construction under Section 4.C.14.b Minimum Staging Requirements, a new Section 380.06, F.S., traffic analysis may be submitted, or, if permitted by the City, monitoring may be utilized to demonstrate that the actual and projected impacts of the project are such that development may proceed beyond the thresholds identified in Exhibit "D" while maintaining the above referenced levels of service on the affected regionally significant facility. The results of any such monitoring program shall be submitted to TBRPC and DCA for verification of compliance with this Order. At the Developer's request, the square footage thresholds listed in Exhibit "D" shall then be adjusted as appropriate.

b. Monitoring. In the event that funding commitments for transportation improvements are adequate to permit only the development of any portion of any particular phase or subphase described in Exhibit "D", or the construction requirements of Section 4.C.14.b. Minimum Staging Requirements have resulted in a stop order, the Developer shall have the option to submit to the City, the Tampa Urban Area MPO, the State, and the TBRPC pursuant to Section 380.06, Florida Statutes, with updated traffic counts on the uncommitted regionally significant roadways listed in Exhibit "D". The Developer shall further submit projections of volumes that will result from the completion of the currently approved project construction plus the volumes to be generated by the next portion of development for which the Developer is seeking approval. Each updated traffic study shall either serve to verify the findings of the DRI traffic analysis (which established the initial subphasing threshold described in Exhibit "D") or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the facilities referenced in Exhibit "D" at LOS C, daily and LOS D, peak hour. Both traffic counts and the projection of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approvals beyond the particular phase or subphase in question, the City or its designee shall state in writing that the facilities listed in Exhibit "D" are operating at or above LOS C, daily and LOS D, peak hour and that the expected trips to be generated by such approval would not cause the roadways to operate below these standards.

c. Construction. Developer, at its election, shall make contributions to the City, who shall expeditiously apply such contributions, or may make such contributions available for the use of other responsible entities, to undertake studies and projects that will serve to mitigate the impacts of this project. Eligible activities may include planning, design, right of way acquisition, and construction of improvements recommended by TBRPC, as indicated in Exhibit "D", or such alternative studies or improvements as

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the City determines to provide equal or greater mitigation of transportation impacts on the regional transportation system. Any contributions made under this Section 4.C.4.c. shall be credited as appropriate against the Developer's obligation to make payments under Sections 4.C.4.d. Square Footage Assessment, or 4.C.7. Area-wide Funding.

d. Square Footage Assessment. As the funding commitment for the Stage I and Stage II improvements of Exhibit "D", the Developer, at its election, shall pay to the City the per square foot transportation assessments set forth in Exhibit "E" ***[Revised by Ordinance No. 94-222 and Ordinance No. 2000-282]*** which is made a part of this Order by reference. Payments shall be made under this Section 4.C.4.d. at the time of the issuance of building permits. Funds collected under this Section 4.C.4.d. shall be expeditiously applied toward the construction of one or more of the regionally significant improvements (as determined by the City) located in the project's transportation impact area. Payments under this Section 4.C.4.d. shall be credited as appropriate against the Developer's obligation to make payments under Section 4.C.7. Areawide Funding. The fees set forth in Exhibit "E" shall be adjusted according to the results of the City's North Tampa Study.

(i) ***[Added by Ordinance No. 94-222 as to the Consolidated Property; Revised by Ordinance No. 2000-282 as to Tampa Technology Park (West)]*** Solely with respect to the Consolidated Property and Tampa Technology Park (West), Exhibit "E" to the Development Order shall be amended as shown on the revised Exhibit "E" attached hereto and incorporated herein.

5. Credits. Credit shall be given against the Developer's obligations under Section 4.C.4. Mitigation of Transportation Impacts for the donation of land for right of way to the extent permitted by Chapter 380.06 (15) (e) (4), including right of way donated for purposes of receiving zoning or plat approval. The amount of right of way donation credit shall be based upon the amount of right of way cost which was initially included to compute the Developer's obligations under the appropriate Section above. Eligible rights of way shall be those rights of way identified in the City's North Tampa Transportation Study and any other rights of way deemed appropriate by the City. Any credits to be applied against the Developer's obligations under Sections 4.C.4.d. Square Footage Assessment or 4.C.7. Areawide Funding shall, unless the Developer elects otherwise, be credited against the Developer's next succeeding payments otherwise due under the above referenced Sections. In the event that the Federal government, directly, or by way of the FDOT or other governmental entity, should allocate funds in an approved transportation program to cover the costs of constructing improvements for I-75 or any Interstate interchange listed in Exhibit "D" then the Developer's obligations under Section 4.C.4. Mitigation of Transportation Impacts shall be reduced by the amount attributable to such improvements.

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6. Use of Developer Contributions. The City shall insure that funding commitments from responsible entities, including the Developer's contributions, are secured for the improvements listed in Exhibit "D". The City agrees to hold all contributions received from the Developer, whether received under Sections 4.C.4.c. Construction, 4.C.4.d. Square Footage Assessment, 4.C.7. Areawide Funding, or 4.C.14. Minimum Staging Requirements in escrow and to expeditiously apply the same to construct one or more of the improvements identified in Exhibit "D". Said funds shall be released upon furnishing evidence, satisfactory to the City, that such governmental entity has committed to construct the applicable transportation improvement(s). The design for improvements shall be reviewed and approved, as appropriate, by FDOT, Hillsborough County, and the City, with 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 agencies and the City, be modified in a manner intended to accomplish acceptable operating conditions at the identified locations utilizing generally recognized traffic engineering standards and practices.

7. Areawide Funding. The City is currently conducting the North Tampa Transportation Study described in Section 4.C.11. North Tampa Transportation Study. Upon adoption by ordinance of uniform funding mechanisms as a result of this study, the Developer shall be governed by such ordinances. Payments under this Section 4.C.7. shall be credited, as appropriate, against the Developer's obligations under other Sections of this Section 4.C. Appropriate credits against payments otherwise due under this Section 4.C.7. shall be given for any sums paid, for rights of way donated, or improvements constructed pursuant to this Order, or the Transportation Impact Fee Ordinance as adopted by the City. This Section 4.C.7. is intended to be only a funding mechanism to address the transportation impacts of the project and is not intended to supersede the square footage thresholds of Exhibit "D", the requirements of Section 4.C.4.a. Subphasing, or the requirements of Section 4.C.14. Minimum Staging Requirements. If the payments made under this Section 4.C.7. are greater than or equal to the payments under Section 4.C.4.d. Square Footage Assessment for the Stage I and Stage II improvements, then this Section 4.C.7. shall also be deemed to be a funding commitment for Stage I and Stage II.

8. Subsequent Changes. In the event that any Developer or City transportation studies subsequently submitted pursuant to this Order establish that certain of the improvements referenced in Exhibit "D" should no longer be considered as a factor in the Developer's requirement for funding commitments because project traffic does not equal or exceed five percent (5%) of the daily LOS C or LOS D peak hour capacity of the specific roadway link or intersection, or project traffic, plus total background traffic on the roadway segment does not result in a reduction of LOS to LOS D or worse on a daily basis or LOS E or worse on a peak hour basis, or if the project is determined by the City and TBRPC to be

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located in a regional activity center, deemed highly suitable for office use, or in an area otherwise designated for alternative levels of service in accordance with City and TBRPC policies, then the Developer's requirement for funding commitments, together with the schedule of improvements listed in Exhibit "D" shall be adjusted as appropriate, at the Developer's request. If the City, TBRPC, and/or DCA subsequently adopt policies which authorize the use of other mitigative measures for the transportation impacts of projects, the Developer shall be entitled to employ such measures by requesting an amendment to this Order. Such amendment shall be subject to the appeal provisions of Section 380.06, F.S., but such appeal shall be limited solely to the issue of the requested amendment.

9. TSM Plan. Within one (1) year from the effective date of this Order, the Developer shall prepare and submit to the City, TBRPC, TUATS, the State, 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 the reduction of total peak hour trips being generated by project uses as estimated in the ADA, and shall set forth strategies for accomplishing those objectives, considering the following as a minimum:

a. worker flex time;

b. ride sharing;

c. provision of transit facilities and programs to encourage transit ridership; and

d. other appropriate trip diversion measures.

The objectives for reduction of peak hour trips, as set forth in the TSM plan, may serve as a basis for the Developer or reviewing agencies to request amendments to this Order; provided, however, that the traffic impact caused by the project is greater than the impacts projected in the ADA. Each annual report for this project after the issuance of certificates of occupancy for 300,000 square feet of office space or the equivalent thereof in other uses, shall include an assessment of the actual achievement of peak hour trip diversion as a result of these TSM measures. This assessment shall include sufficient and appropriate documentation to support determinations of reductions claimed as a result of each TSM strategy.

10. Periodic Traffic Analysis. ***[Revised by Ordinance No. 91-195 that was subsequently repealed, leaving language of the prior revision (Ordinance No. 9466-A) in effect.]*** To assure the accuracy of the transportation analysis submitted with the ADA, field surveys and a report of findings shall be conducted to determine actual vehicle and transit trips being generated by the project every two (2) years after the initial certificates of occupancy are issued through project built-out as part of the Annual Report. This survey and report shall be conducted by the

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Developer and shall be approved by the City, the Tampa Urban Area MPO, the State, and TBRPC. After review of the survey and the report findings, the reviewing agencies or Developer may require that the Order be revised accordingly; provided, however, that the reviewing agencies may require the revision of the Order only in the event that project traffic impacts are greater than the impacts projected in the initial traffic analysis.

11. North Tampa Transportation Study. The North Tampa Transportation Study has been initiated for an area which includes the project. The study will provide the opportunity for participation by the FDOT, TBRPC, Hillsborough County, and Pasco County, and has provided the opportunity for the participation of Developers in the study area. The study includes, but is not limited to:

    a. an inventory of regionally significant roadways in the study area which identifies the existing, programmed, and/or proposed facilities for each roadway;

    b. an inventory of existing, approved, and projected development in the study area;

    c. estimates of future traffic on regionally significant roadways;

    d. an assessment of existing roadway operating conditions and an estimate of future operating conditions on the regionally significant roadways;

    e. the manner by which mass transit will be studied as a viable alternative to alleviate overburdening of roadways;

    f. 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 systems capacity through roadway improvement, new roadway construction, or operational techniques, as appropriate; and

    g. proposals for implementing the above strategies, including identification of funding sources and mechanisms.

    The study is being conducted consistent with accepted professional traffic planning and engineering practices and methods. Standards and assumptions used in the study area are described in the study document. The study findings and recommendations may serve as a basis for the Developer to request amendments to this Order.

12. FDOT Special Study. The FDOT will perform a special study of I-75 which will include an analysis of traffic flow from anticipated developments, along with the

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need, general location, and function of additional interchanges. No additional lanes, new interchanges, or modifications of existing interchanges (other than the installation of dual left turn receiving lanes or other minor geometric changes for the purpose of improving traffic service on C.R. 581) to the I-75 system will be approved prior to the completion of this special study. The improvements listed in Exhibit "D" which are affected by this policy are listed below and are hereinafter referred to as "I-75 Improvements":

a. interchange modifications at I-75 and C.R. 581; and

b. interchange at East/West Arterial and I-75.

Pending the completion of this special study, a level of service LOS C daily, LOS C peak hour will be applied to the existing C.R. 581/I-75 interchange ramps to avoid prejudicing the results of this study and its recommendations. If, during the study period, the LOS C peak hour threshold is exceeded on the southbound ramp, the Developer may, at its expense, utilize ramp metering to preserve the LOS C peak hour service level. Building permits will not be issued if ramp metering is not permitted by the Federal Highway Administration and alternative improvements which can be demonstrated, by way of a new traffic analysis to maintain the desired levels of service are not approved and funded prior to the commencement of construction within any subphase in which the impacts require mitigation via the I-75 improvements. Subsequent applications for project approvals (beyond the point at which the LOS C peak hour thresholds for the southbound ramp) shall be dealt with in accordance with Sections 4.C.4.a. Subphasing, 4.C.4.b. Monitoring, or 4.C.4.d. Construction.

To enable the City and FDOT to ascertain compliance with this Section 4.C.12, the Developer will be required to submit to the City and FDOT a semi-annual LOS Operational Analysis of all existing on/off ramps at the C.R. 581 interchange. The submission dates, scope, and content of this Operational Analysis will be approved by the City and FDOT. If, after an evaluation of such an Operational Analysis, FDOT determines that the LOS C peak hour threshold has been exceeded for any existing on/off ramp, it shall notify the City and the Developer in writing. If the thresholds are exceeded for ramps other than the southbound ramp, the Developer shall submit evidence satisfactory to the City and FDOT to demonstrate that the initial traffic analysis was correct and that project traffic did not require the addition of improvements to the other on/off ramps in Exhibit "D". If it is determined that such ramp(s) should have been included in Exhibit "D", then the language contained in the preceding paragraph shall also apply to the affected ramp(s).

This Section 4.C.12. shall be in effect for the duration of the FDOT study period or for thirty-six months, whichever is earlier.

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13. Traffic Reassignment. In the event that future roadways or other improvements, to which traffic from this project has been assigned, are not built as assumed in the methodology used for this analysis, a new analysis and traffic reassignment shall be required, as appropriate.

14. Minimum Staging Requirements. Notwithstanding any other provisions of this Section 4.C., Phase I of the project shall be divided into the "Stages" designated in Exhibit "D". Regardless of the combination of transportation mitigation measures selected, at any time prior to the initiation of construction in any given Stage, the Developer shall be obligated to elect either to:

    a. pay in advance the entire proportionate share contribution for the uncommitted improvements for the Stage in question (e.g., $229,000 as computed for Stage I in accordance with Exhibit "D"); or

    b. be subject to stop orders in the event that the improvements listed in Exhibit "D" for the Stage have not been constructed by the end of the Stage.

    As a part of this Order, the Developer has elected the first option for Stage I of the Project. These funds shall be used for the construction of a four lane section of C.R. 581 described in Stage I of Exhibit "D" or for such other improvement as may be mutually agreed between the City and DCA. The projected completion date for this improvement shall be prior to the completion of Stage I. Any portion of the Stage I proportionate share contribution remaining after construction of this improvement shall be applied to construct other Stage I improvements as listed in Exhibit "D"; however, should this remaining portion be insufficient for this purpose, it shall be held by the City in accordance with Section 4.C.6. Use of Developer Contributions until such time as it may be applied to construct one or more of the Stage II improvements.

    Subsequent elections shall be made in writing to the City, DCA, and TBRPC and if the first option is selected, shall designate the Exhibit "D" improvement(s) which have been, or will be constructed with such funds, together with the cost of such improvement(s) which have been, or will be constructed with such funds, together with the cost of such improvement(s) and the projected completion date. The particular improvement(s) so designated in this election shall be subject to the approval of the City. Any funds paid under the first option shall be expended in accordance with Section 4.C.6. Use of Developer Contributions. The Developer's proportionate share contribution shall be calculated at the time of each election according to the formula set forth in Exhibit "D".

    Any election made under this Section 4.C.14. shall automatically become an amendment to the Order which shall be subject to the appeal provisions of Section 380.06, F.S. The basis of any such appeal shall be limited exclusively to the

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question of whether such election is consistent with the terms of this Order and applicable policies and regulations in effect on the effective date hereof.

Nothing in this Order shall prohibit the City from requiring payments in mitigation of transportation impacts which are greater than those resulting from the application of the formula set forth in Exhibit "D"; provided that such payments are not in excess of the amounts set forth in Section 4.C.4. Mitigation of Transportation Impacts. Nothing in this Section 4.C.14. shall diminish the requirement of funding commitments of Section 4.C.4.a. Subphasing. Credit shall be given against the project's proportionate share contribution for any sums paid by the Developer in mitigation of the project's transportation impacts under this Order or any other mechanism. Credit shall be given for any payments made under this Section 4.C.14. against the Developer's obligation to make payments under any other provisions of this Order.

D. Air Quality.

1. An acceptable air quality analysis as required by the Department of Environmental Regulation shall be completed prior to the issuance of building permits for Phase 1. The City reserves the right to require mitigative measures, including but not limited to revisions of the Master Plan, to alleviate impacts of the project on ambient air quality in accordance with City policy.

2. The measures to reduce erosion, fugitive dust, and air emissions referenced on pages 13-1, 14-5 & 14-6 of the ADA shall be required.

E. Sinkhole Related Risks. As discussed in the ADA, site specific test drilling and evaluation for sinkhole related risks as stated on page 14-6 of the ADA shall be required prior to the issuance of building permits by the City.

F. Hurricane Evacuation. The Developer shall discuss and coordinate with the appropriate public authorities, the feasibility of the use of proposed hotels or other project facilities for hurricane shelters. A report on these discussions shall be submitted in the first annual report following the issuance of the first Certificate of Occupancy.

G. Preservation and Conservation Areas.

1. Only passive recreational activities will be permitted for the area designated on the Master Plan on the western most boundary of the site as the 183.8 acre environmental preserve.

2. Representative examples of each natural upland habitat as listed on page 18-2 of the ADA shall be set aside in their natural state to maintain natural diversity on the site. These areas shall be of sufficient size so as to maintain their natural function. Where possible, these areas shall be located contiguous to other habitats. The precise location of these areas shall be determined at the time of final site

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plan approval or at the time of application for building permit, as deemed appropriate by the City. Areas so designated shall be depicted in maps to be included with .the Annual Report for that year.

3. The Developer's final development plan shall designate and map preservation and conservation areas, if any, in accordance with TBRPC's adopted growth policy Future of the Region, Sections 2.701, Preservation, and 2.702, Conservation.

4. The Developer agrees to maintain (except as permitted in an approved wetlands mitigation plan) a building, parking, and roadway setback of thirty (30) feet along wetlands. This Section 4.G.4. shall not be construed to prohibit the construction, operation, and maintenance of stormwater management systems within the applicable setbacks.

5. Prior to site clearing or construction, all appropriate environmental permits and agreements will be obtained from the City.

6. The stormwater management system will be designed to maintain the viability of isolated wetlands.

7. No logging or timbering shall be allowed on the site without the appropriate permits.

H. Drainage.

1. Prior to the issuance of any building, grading, or site clearing permits, a Conceptual Master Drainage Plan for the project shall be submitted to the City for approval and TBRPC for review for compliance with applicable regulations. Prior to the issuance of any building permits, detailed drainage plans for the appropriate sections of the Master Drainage System will be submitted to the City for approval.

2. To protect water quality, the project drainage plan shall include the following parameters:

   a. the developer or its successors and assigns shall implement a street cleaning program for parking and roadway areas within the project;

   b. the drainage system shall be designed to provide filtration/assimilation treatment for the first "flush" of runoff generated from the site as required by Chapter 17-25 of the Florida Administrative Code. The drainage system shall be designed so that the post-development peak flows shall not exceed pre-development peak flows for the 25-year, 24-hour storm;

   c. the proposed retention/detention wetland systems shall be designed, constructed, and maintained pursuant to the guidelines of the City and of appropriate regulatory agencies; and

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d. best management practices, as recommended by the City of Tampa shall be followed.

3. In the absence of the dedication to, and acceptance by, the City of specific drainage facilities, the Developer, its successors or assigns, shall be the responsible entity for the maintenance of on-site stormwater management systems.

4. Drainage design guidelines and/or other development controls for construction activities shall be prepared by the Developer and reviewed by the City for use in an effort to control erosion during construction.

5. ***[Added by Ordinance No. 2006-20]*** Lennar Land Partners represents and warrants that the master drainage system for Tampa Technology Park West was constructed with the intention of providing capacity to accommodate drainage resulting from the four (4) laning of the segment of Commerce Park Boulevard as provided in revised note 24 in Exhibit "F" attached hereto. If adequate capacity exists for drainage resulting from the four (4) laning of this segment of Commerce Park Boulevard, then the City of Tampa shall be allowed to utilize the master drainage system for Tampa Technology Park West at no additional cost to the City.

I. Wildlife. In the event that any species listed in Sections 39-27.03-.05, of the Florida Administrative Code are observed frequenting the site for nesting or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.

J. Buffer Zones. ***[Revised by Ordinance No. 9466-A]*** A plan will be submitted to the City, as part of an application for detailed site plan approval with respect to any areas of the site adjacent to neighboring residential areas, which describes in detail the design, enforcement, maintenance requirements, and timetable for buffer zones to be set between the project and adjacent residential neighborhoods during and after project construction. These buffer zones shall be aesthetically designed to maintain visual, aural and olfactoral separation from the project. This plan must be accepted by the City before construction of the project may begin in areas within five hundred (500) feet of neighboring residential areas and shall be considered a development order condition, enforceable upon all tenants and owners of the project. At minimum, the design portion of the plan shall discuss setbacks, height limitations, wall, fence and/or landscape requirements, design/access restrictions on building sides facing residential areas, walls to screen side building access area, and use restrictions.

[Revised by Ordinance No. 9466-A; further revised by Ordinance No. 94-222 solely with regards to the property owned by Southwest Development Corporation and Southern Property Holdings Corporation (the "Consolidated Property,"); and further revised as to Tampa Technology Park (West) pursuant to Ordinance No. 2000-282.]

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Notwithstanding anything in this Section 4.J. to the contrary, the preceding provisions of Section 4.J. regarding on-site buffering shall apply only to on-site non-residential uses bordering off-site residential uses. On-site residential uses shall comply with the City's buffering requirements.

K. Archeology.

1. The discovery of any significant historical or archeological resources shall be reported to the Florida Division of Archives, History, and Records Management and the disposition of such resources shall be determined in cooperation with the Division of Archives and the City.

2. Subarea A of Site 8Hi 2137 shall either be preserved by inclusion in a green space or passive recreation area or shall be mitigated in accordance with guidelines established in cooperation with the Department of Archives and the City.

L. Energy

1. The Developer will cooperate with the Tampa Electric Company, the supplier of electrical power to the project, during the development of a detailed site and landscaping plan, to facilitate substation placement, easements, and rights of way relative to the development site.

2. The energy conservation measures referenced in the ADA on pages 25-3 and 25-5 shall be required.

3. In addition to the use of landscaping as a means of energy conservation, the Developer or it successors and assigns shall:

   a. encourage Individual Tenants to designate a member of their staffs as an energy officer for the facility in question to conduct energy audits, establish energy policies, and monitor energy use and conservation;

   b. initiate programs to promote energy conservation by Individual Tenants, their employees, buyers, and suppliers;

   c. encourage Individual Tenants to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and to initiate recycling programs;

   d. encourage the use of energy efficient cooling, heating, and lighting systems;

   e. encourage Individual Tenants to install energy conservation features such as waste heat recovery or solar power systems where feasible;

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f. encourage Individual Tenants to use the most energy efficient technology economically feasible in the construction and operation of their facilities; and

g. encourage Individual Tenants to use life-cycle costing in evaluating energy conservation effectiveness.

M. Solid Waste. 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 Hillsborough County or as otherwise directed by the City.

N. Hazardous Waste.

1. Surface impoundments of hazardous wastes, land treatment of hazardous wastes, landfills, and underground storage of hazardous materials, as referenced in the ADA shall be prohibited.

2. As required by the City, Hillsborough County Environmental Protection Commission, and the Department of Environmental Regulation, an emergency response and hazardous waste management operation plan will be required for those facilities which use, handle, store, or process significant quantities of hazardous wastes, to minimize hazards to human health and the environment. The plan will describe the procedures and actions required of facility personnel as well as describe the arrangements agreed to by local police and fire departments, emergency services, and hospitals. Individual Tenant plans will be included in the Annual Report following their adoption.

3. Individual Tenants shall be required to transport and dispose of hazardous waste in a manner consistent with applicable regulations through restrictive covenants. Individual Tenants shall remove hazardous and toxic wastes from the site as soon as is practical. Such transportation of toxic and hazardous materials shall be performed by a company that specializes in, and is accredited by all appropriate agencies in, the transportation and handling of such materials.

4. All temporary storage facilities for hazardous or toxic materials or wastes shall be designed at minimum to meet the criteria set forth in Sections 3.913(A),(D), and (E) of the Future of the Region.

5. The Developer shall provide to Individual Tenants information that:

a. indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of separate from components of the ordinary solid waste stream;

b. indicates the location(s) of City and County approved hazardous waste holding areas, off-site disposal areas, and the names of available

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contractors engaged in the business of transporting such materials for disposal; and

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

6. The Developer shall encourage large quantity (as defined in applicable federal regulations, as from time to time amended) hazardous waste generators to install pretreatment operations, if economically feasible, to reduce the amounts and toxicity of the hazardous waste stream.

O. Wastewater. ***[Revised by Ordinance No. 9466-A]*** Wastewater service to the project will be supplied by the City, as described in the Department of Sanitary Sewers' commitment letter dated September 20, 1985 at the standard charges for wastewater service. Connection fees and 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.

P. Water Supply.

1. The total daily water requirements from the commencement of construction through the build-out of the project as referenced. in the ADA will be supplied by the City at the standard charges for water service as described in the Water Department's Commitment letter dated October 17, 1985. 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.

2. The Developer shall develop a plan to encourage the use of non-potable water for landscape and open space irrigation, including stormwater usage and pumping from shallow wells.

3. The Developer, its successors or assigns, shall be responsible for installation, maintenance, and operation of any non-potable on-site wells and associated pipeline easements. The ownership of any potable water wells and associated pipeline easements which may be installed on the site will be dictated by agreement between the City, the West Coast Regional Water Supply Authority, and the Developer or its assigns.

4. Water saving methods and fixtures shall be incorporated into the project's design and construction guidelines.

Q. Other Public Facilities, Utilities, and Services.

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1. The City shall assure the adequacy and availability of the following public services for this development: police, emergency medical, and fire.

2.a. The Developer, but not Individual Tenants, shall be required to provide to the City, in accordance with this paragraph, a site for a shared Parks, Public Safety (to include a fire station), and Public Works Facility which meets the following criteria:

(i) twenty-two and one half (22.5) acres of usable property, more or less, with the exact amount of acreage to be determined as the City's plans are finalized;

(ii) located with convenient access to an arterial roadway and generally located on the west side of I-75; and

(iii) suitable for the construction and operation of a joint facility to be shared between the Parks Department, Department of Public Safety, and Department of Public Works.

2b. The City agrees that any such facility will meet the following design criteria, all subject to approval by the Park Review Committee:

(i) when two or more buildings are placed on the same site, they shall be designed as an integrated complex wherein individual building designs will be responsive to the massing, scale, color, and site access;

(ii) buildings shall be designed to conform to and complement site conditions and characteristics;

(iii) outside storage, (other than vehicular storage, which shall be screened) shall be prohibited, materials shall be stored in bins which are enclosed on three (3) sides and on top with the open side facing away from public rights of way or other areas visible to adjacent property owners;

(iv) all parking areas shall be screened to achieve an eighty percent (80%) opaque view from adjacent properties or public rights of ways;

(v) existing and proposed pedestrian circulation systems shall be incorporated into site design;

(vi) plans shall be submitted for approval of the Park Review Committee which show the nature, shape, height, materials, colors, scheme, lighting, landscaping, and location of any structures or improvements to be constructed;

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(vii) finished building materials shall be provided for all sides of buildings or other structures;

(viii) all roof projections shall be enclosed in penthouse structures;

(ix) building doors designed to accommodate entry and/or delivery by trucks or other vehicles shall be located in such a way as to not be visible from the public right of way;

(x) metal or concrete block facades shall be permitted only if the Park Review Committee is convinced that such materials will not detract from the design objectives of the project; and

(xi) no radio towers shall be installed on the site.

2c. The location for this site shall be fixed by mutual agreement within a period of seven (7) years from the effective date of this Order.

2d. Under mutually acceptable terms and conditions, the public safety component of the above referenced facility may be separated from the remaining components and located on a separate site. In that event, the acreage required for each facility shall be equitably adjusted.

2e. The City agrees to consider, but need not accept, as an alternative to the contribution of a site meeting the above criteria, a proposal from the Developer in which the Developer would construct on an agreeable site and lease to the City a joint public works, parks, public safety facility in accordance with specifications approved by the City. Such proposal will have, as a minimum, the rent payments computed without reference to the fair market value of the land involved in the facility (i.e., the economic effect shall be the same as if the land were "donated"). All other terms and conditions of such proposal shall be as acceptable to the City in its sole discretion.

2f. In lieu of contributing the site as set forth above, the Developer shall have the option of purchasing or otherwise acquiring for the benefit of the City a site outside the boundaries of the project; provided, however, that all attributes of such site shall meet the minimum criteria set forth above and that the location shall be approved in advance by all of the departments which plan to utilize the site and associated facilities. As an additional alternative, subject to the City's approval, the Developer may contribute to the City an agreed upon sum for the purpose of enabling the City to acquire an alternative site which meets the criteria set forth above as determined by the City.

R. Maintenance of Open Space. The Developer, its successors or assigns, shall be the responsible entities for the maintenance of all open space areas of the project site. Specifically, the Developer or its successors and assigns, shall maintain open space in the

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project's common areas and public rights of way. Individual Tenants shall maintain open space systems on their respective sites.

S. Water Quality.

1. A program shall be instituted by the Developer prior to the issuance of building permits to monitor background conditions and surface water exiting the site. The Floridan Aquifer shall be monitored by three (3) down gradient and three (3) up gradient wells. This monitoring shall continue through build-out and for five (5) years after build-out. Increased monitoring of the ground and surface water exiting the site may be requested following any hazardous or toxic waste spills.

2. Individual Tenants who generate/handle hazardous substances will be required to implement a site specific surficial aquifer monitoring program as required by the City, the Hillsborough County Environmental Protection Commission, and the Department of Environmental Regulation.

3. The results of these monitoring programs shall be submitted quarterly to the City, the Department of Environmental Regulation ("DER"), the Southwest Florida Water Management District ("SWFWMD"), and TBRPC. Any violations of Chapter 17-3, Florida Administrative Code, shall require corrective measures as set forth by DER. If a release of pollutants is detected by any portion of the monitoring program, the party detecting such release shall immediately notify the City, DER, and SWFWMD.

T. Construction Standards. All development pursuant to this Order shall be in accordance with applicable local building codes, ordinances, and other laws, in effect at the time of permitting, except as otherwise specifically provided herein. All elevations for habitable structures will be at or above the base flood elevation.

U. Effect of Approval.

1. Specific approval for the Phase I development as requested in the ADA subject to the conditions contained in this Order is hereby granted.

2. Conceptual approval is hereby granted for Phase II and Phase III, provided, however, that specific approval of the amounts of uses within Phases II and III is subject to further traffic impact analysis and assessments for traffic impact mitigative improvements or measures. Chapter 380 review shall also be conducted concerning the issues of air quality, water quality, drainage, and solid (including hazardous) waste.

3. Notwithstanding this Order, the Developer may during Phase I construct infrastructure improvements designed to serve all of, or any portions of, Phase II or Phase III development, or both; provided, however, that such excess

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infrastructure improvements shall be constructed at the Developer's risk and shall not be construed to vest in the Developer the right to develop Phases II or III.

V. [Intentionally omitted.]

W. Tampa Technology Park (West). ***[Added by Ordinance No. 91-229; Revised by Ordinance No. 99-237; Revised by Ordinance No. 2000-282; Revised by Ordinance No. 2006-20]*** With respect to the area of Tampa Technology Park lying south and west of I-75, which is commonly referred to as Tampa Technology Park (West) and graphically depicted on the Revised Map H for Tampa Technology Park (West), dated September 30, 2005, attached hereto as Exhibit "C", specific approval of Phase 1 includes the following:

1.	Residential (Sgl. Family)	181 units
2.	Residential (Multi-Family)	394 units
3.	Commercial/Office	82,108 sq. ft.
4.	Hotel	0 rooms
5.	Office	1,690,000 sq. ft.
	(Office for USAA)	(1,200,000 sq. ft.)
	(Office for Lennar)	(490,000 sq. ft.)
6.	High-Tech/Light Industrial	-0- sq. ft.
7.	Government Services	
	High Sch./Middle School	68 net ac.
	City Park	40 net ac.

The land use entitlements shown above are subject to provisions related to trade-off mechanisms set forth in the Development order, as amended.

Further, 3,337 external P.M. peak hour trips are authorized in Phase I for Tampa Technology Park (West).

X. Land Use Trade Off Mechanism. ***[Entire Section added by Ordinance No. 91-229]*** For Phase 1, there shall be a trade off mechanism which will allow land uses to be traded in accordance with the following standards:

1. ***[Added by Ordinance No. 2000-282; Revised by Ordinance No. 2006-20, Revised by Ordinance No. ___]*** With respect to Tampa Technology Park (West): 1,000 square feet of Office is equivalent to 1,368 square feet of High-Tech/Light Industrial land use and vice versa. As to Flex Parcel B only, 1,000 square feet of Office is equivalent to 370 square feet of Commercial land use and vice versa, 2,125 square feet of Office is equivalent to 1.0 single family residential unit and vice versa. 2,878 square feet of High-Tech/Light Industrial is equivalent to 1.0 single family residential unit and vice versa. One (1.0) single family residential unit is equivalent to 1.53 multi-family residential units and vice versa. One (1.0) single family residential unit is equivalent to six (6.0) hotel rooms and vice versa. One (1.0) multi-family residential unit is equivalent to four (4.0) hotel rooms and vice versa. 1,000 square feet of Office is equal to six (6) Assisted Living Facility

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beds and six (6) Skilled Nursing Facility beds. 1,000 square feet of Commercial is equal to 34.23 Assisted Living Facility beds and 34.23 Skilled Nursing Facility beds.

2. With respect only to the areas designated as C/O/H on Revised Map H attached hereto as Exhibit "C", one (1) hotel room is equivalent to 500 square feet of Commercial/Office land use and vice versa. In addition, the approved square footage within the Commercial/Office land use category may be used for either commercial or office.

3. At the time of selection of any land use within the areas designated as C/O/H, the Developer shall notify the DCA of said selection and also shall provide DCA, TBRPC and the City with cumulative land use totals and remaining allowable quantities. This condition shall not be construed as a requirement for an approval of a particular land use so long as the land use is consistent with the provisions hereof.

4. ***[Revised by Ordinance No. 2000-282; Revised by Ordinance No. 2006-20, Revised by Ordinance No. ____]*** In Tampa Technology Park (West), the maximum amount of each type of development as a result of utilizing the trade-off mechanism shall be as follows:

Commercial/Office	82,108 square feet
Hotel	300~~160~~ rooms
Office	1,852,162 sq. ft.
High Tech/Light Industrial	400,000 sq. ft.
Assisted Living Facilities	150 beds
Skilled Nursing Facilities	150 beds

Approval of these maximums or any combination thereof shall not be construed as authorization for the project to generate additional trips than already allocated to Tampa Technology Park West. Development of the Assisted Living Facilities and Skilled Nursing Facilities may only be developed within the twelve acre area described in Exhibit G. Hotel rooms not currently existing may only be developed within the twelve acre area described in Exhibit H.

Y. Revised Map H. ***[Added by Ordinance No. 2000-282; Revised by Ordinance 2001-219; Further revised by Ordinance No. 2003-217; Revised by Ordinance No. 2006-20]*** The master plan of development for Tampa Technology Park (West) is revised as reflected on the Revised Map H, attached hereto as Exhibit "C", is hereby approved and adopted as the Tampa Technology Park (West) Master Plan and bears a last revision date of September 30, 2005.

Z. Impact Fee Credits. ***[Added by Ordinance No. 94-222 and applicable only to the Notification Property depicted on Exhibit "D" thereto; Deleted in its entirety by Ordinance No. 99-03 solely as it relates to the Tampa Technology Park (East)***

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development] Owner shall receive impact fee credits for the value of the right-of-way, and actual construction and other costs for the internal roadway system between the proposed east-west connector road in the approximate location shown on Revised Map H, or alternate location of such road that is agreed upon by the City and Owner, and the middle access point to County Road 581, whether or not the east-west connector road is built concurrent or subsequent to such internal roadway system. The amount of such credits shall be pursuant to the City impact fee ordinance. Such credits shall be assignable as described in paragraph N.

AA. ***[Added by Ordinance No. 94-222]*** The changes approved by this Fifth Amendment to the Development Order are exempt from the provisions of Ordinance 90 - 32 City of Tampa Concurrency Management System, and the Tampa Technology Park DRI remains vested thereunder.

AB. USAA and Caspersen Approvals. ***[Added by Ordinance No. 99-03]*** The USAA parcel and the parcels owned and identified on Revised Map H as Parcel A-1 and Parcel A-2 shall continue to be governed solely by the approvals existing prior to the approval of this amendment to the Development Order, except that the USAA parcel, and Parcels A-1 and A-2, as well as the remainder of Tampa Technology Park, shall be governed by the build-out date approved in this amendment to the Development Order.

AC. Site Access. ***[Added by Ordinance No. 99-03]*** The owner of each project within Tampa Technology Park shall be responsible for the construction of their respective site access improvements including geometric improvements and signal installations. The owner must conduct signal warrants analysis within 30 days of receiving a written request from the Transportation Division. When signal warrants are met, such owner shall provide the Transportation Division with a written report detailing the construction schedule upon request of the City.

AD. Open Space. ***[Added by Ordinance No. 2000-282]*** Solely with respect to the Tampa Technology Park (West) Property: A minimum of 469.1 acres of Open Space (which includes 184.7 acres of Environmental Preserve and 284.4 acres of wetlands) shall be provided for Tampa Technology Park West. This amount of Open Space supersedes any other amount provided in the Development Order for the Tampa Technology Park (West) Property.

AE. Schools. ***[Added by Ordinance No. 2000-282]*** Solely with respect to the Tampa Technology Park (West) Property, school impact fees shall be paid pursuant to the Hillsborough County School impact Fee Ordinance, as the same may be amended ("School Ordinance").

AF. USAA Approvals. ***[Added by Ordinance No. 2000-282]*** The parcel owned and identified on Revised Map H as the USAA project shall continue to be governed solely by the approvals existing prior to the approval of this amendment to the Development Order, except that the USAA parcel, as well as the remainder of Tampa Technology Park, shall

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be governed by the build-out date approved in this amendment to the Development Order.

AG. Concurrency Management Exemptions. ***[Added by Ordinance No. 2000-282; Revised by Ordinance No. 2006-20]*** The changes approved by this Amendment to the Development Order are exempt from the provisions of Ordinance 90-32 City of Tampa Concurrency Management System, and the Tampa Technology Park DRI remains vested thereunder.

AH. East-West Road. ***[Entire Section added by Ordinance No. 2000-282]*** The City is considering construction of an east-west arterial roadway as depicted on Revised Map H, which arterial will connect to I-275 through Area 4 of the Tampa Palms DRI and through a 160' right-of-way traversing so-called Area 5 to the west of Area 4. The connection to I-275 will consist of a NB to EB exit from I-275 and a WB to SB entrance to I-275. Together, this east-west arterial and connection to I-275 are referred to herein as the East-West Road. Anytime prior to October 7, 2002, the City may notify in writing the owner(s) of the property through which the East-West Road is to be constructed, of the City's intention to proceed with construction of all or part of the East-West Road. Any such written notice from the City shall include a schedule for the City's diligent pursuit to design, permit and construct the East-West Road. Upon receipt of such written notice, the owner(s) of the property required for construction of the East-West Road shall dedicate by fee simple deed, for construction of the East-West Road, the right-of-way described above for so much of the East-West Road as the City or implementing agency intends to construct. Transportation impact fee credits for the right-of-way dedication, calculated in accordance with the City Transportation Impact Fee Ordinance in effect at the time of the dedication, shall be granted to the owner(s) and shall be useable or assignable by such owner(s) as allowed by law.

Nothing herein shall prohibit the owner(s) from pursuing construction and dedication of all or part of the East-West Road in advance of the City.

Nothing herein shall prohibit the owner(s) and the City from entering into a development agreement to define further the construction of the East-West Road. Nothing herein shall be construed as requiring the owner(s) to construct or pay for the construction of such a road.

Prior to construction of the East-West Road, a notification of proposed change application, pursuant to Section 380.06, Florida Statutes, shall, be submitted by the City of Tampa to review the impacts of the alignment and construction of the East-West Road and any other related issues.

Park, residential and nonresidential development parcel configurations as shown on Revised Map H as being within and/or adjacent to the East-West Road may be adjusted to accommodate the final alignment of the East-West Road and to maintain the approved development entitlements. These adjustments shall not be determined to be substantial deviations. The final development parcel configurations will be depicted on a revised master plan to be adopted when the notification of proposed change application for the

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East-West Road is processed. The City of Tampa shall work cooperatively with Lennar on the parcel configuration.

AI. Miscellaneous Transportation Notes. ***[Added by Ordinance No. 2000-282, amended by Ordinance No. 2006-20]*** For informational purposes, certain notes relating to transportation that appear on the zoning map for Tampa Technology Park West are set forth on Exhibit "F" to this Order.

AJ. Parks. ***[Added by Ordinance No. 2000-282]*** The Tampa Technology Park (West) Property shall meet the City of Tampa Comprehensive Plan requirements with regard to the provision of parkland incident to residential development. At its option, the developer may (i) pay cash in an amount reasonably acceptable to the City of Tampa in full or partial satisfaction of the park land dedication requirement or (ii) make improvements reasonably acceptable to the City of Tampa within the regional park located in Tampa Technology Park (West) Property for credit against cash amounts that otherwise would be payable to the City of Tampa in lieu of park land dedication, or (iii) both.

AK. Wetland Encroachment. ***[Entire Section added by Ordinance No. 2000-282]*** Impacts to wetlands are subject to all applicable environmental permitting requirements. Approved mitigation shall be performed within the Tampa Technology Park DRI or off-site within the Trout Creek drainage basin located within the City boundaries. There shall be no greater than 15% encroachment (excluding impacts by governmental agencies such as Tampa Bay Water and the City of Tampa) into the total square footage contained within the required thirty-foot wetland setback, pursuant to applicable City regulations. Except as provided herein, the thirty-foot buffer shall remain in its natural condition. Should the owner choose mitigation site(s) not within the DRI site, i.e. offsite, the following additional conditions shall apply:

1. Ownership of any off-site mitigation areas shall remain in control of the owner of the Tampa Technology Park (West) Property, its successors or assigns, unless as a result of permitting requirements, the off-site mitigation area meeting the foregoing requirements is a part of a mitigation bank, in which event ownership shall be as identified in the permitting conditions.

2. Off-site mitigation areas shall be encumbered by a perpetual conservation easement for the protection of the resources being mitigated.

3. Any costs associated with providing for constructing, monitoring and maintaining the off-site mitigation area(s) shall be borne by the owner of the Tampa Technology Park (West) Property, its successors or assigns.

4. Timing of off-site mitigation shall be in accordance with environmental agency permits.

5. At such time hereafter as a Notice of Proposed Change Application may be submitted affecting the Tampa Technology Park (West) Property (the "Next

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NOPC") any off-site mitigation plan approved by applicable permitting agencies shall be incorporated into any development order amendment resulting from the Next NOPC. This change shall not be determined to be a substantial deviation.

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 Wood & Company, Inc., its successors, or assigns and that the term "Individual Tenants" is deemed to mean those entities which purchase or lease land in the project and/or build buildings in the project (e.g., the Developer may also be an Individual Tenant), and that the term "successors and assigns" of the Developer or its "successors-in-interest" is deemed to include, but is not limited to, Individual Tenants, the Park Review Committee, and the Park Owners' Association.

[Added by Ordinance No. 91-194] The amendments approved hereby are exempt from the provisions of Ordinance 90-32, City of Tampa Concurrency Management System and Phase I of the Tampa Technology Park DRI remains vested thereunder. Phases II and III also remain vested except as to those matters described in Section 4.1.7.1 (traffic, air quality, water quality, drainage and solid (including hazardous) waste).

Section 7. That some portion of the physical development permitted pursuant to this Order shall commence within three (3) years from the date upon which this Order becomes final and the appeal period has ended.

Section 8. ***[Revised by Ordinance No. 94-222]*** That this Order shall remain in effect until March 29, 2011. Any development activity wherein plans have been submitted (and pursued by the Owner in good faith) 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.

[Revised by Ordinance No. 99-03, Revised by Ordinance No. 2006-20, administrative requestes/approvals] The buildout dates for Tampa Technology Park (West) shall be extended as follows:

Phase I	December	31,	2015<u>0</u> – Flex B Parcel
	December	31	2016 – USAA Parcel
Phase II	December	31,	2004
Phase III	December	31,	2009

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Section 9. ***[Revised by Ordinance No. 94-222]*** That prior to March 29, 2011, the city may not down-zone or reduce the intensity or unit density permitted by this Order, unless the City can demonstrate that:

A. substantial, changes in the conditions underlying the approval of the Order have occurred; or

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B. the Order as. based upon 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 affected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning or development 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 by this Order. The City does intend to rezone the property to conform to the Tampa 2000 Land Use Plan and Chapter 43-A, City of Tampa Code, as required by State Law. The inclusion of this Section 9 is not to be construed as evidencing any present or foreseeable intent on the part of the City to down-zone or alter the density or intensity of the development, but is included herein to comply with Section 380.06 (15)(c)3, Florida Statutes, 1985.

Section 10. Notwithstanding this Order, the Developer, at its sole 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 development site. Any impacts assessed and satisfied pursuant to this Order shall be considered and credited to the Developer's obligations under any such Area Wide Development Order.

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

Section 12. ***[Revised by Ordinance No. 9466-A]*** That the Director of HICS is responsible for insuring compliance with this Order and the receipt of the Developer's contributions required in Section 4.C.4., Mitigation of Transportation Impacts, and Section 4.C.14., Minimum Staging Requirements. 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. 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 Agreement, to the Developer, the Florida Department of Community Affairs, and the TBRPC.

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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.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON _____.

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_____
Chairman, City Council

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Attest:

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By: _____
City Clerk

Mayor

Approved as to form by: _____
Assistant City Attorney

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TAMPA TECHNOLOGY PARK WEST DRI
DEVELOPMENT ORDER

LIST OF EXHIBITS

Exhibit Notation	Description	Comments
Composite Exhibit "A"	Application for Development Approval ("ADA"), Sufficiency Responses and supporting documents includes Developer Commitments	
Exhibit "B"	Legal description of the real property which is subject to the Development Order [Tampa Technology Park West]	**[Formerly Attachment 1 to Ordinance No. 2000-282]**
Exhibit "C"	Revised Map H, Sheet 1 depicting Tampa Technology Park East and Sheet 2 depicting Tampa Technology Park West	**[Revisions/updates currently being prepared – to be provided shortly]**
Exhibit "D"	Regionally Significant Improvements and Subphasing Square Footage Thresholds	**[Formerly Exhibit "C" from Ordinance No. 9466-A]**
Exhibit "E"	Square Foot Transportation Assessment	**[Formerly Exhibit "D" from Ordinance No. 9466-A]**
Exhibit "F"	Solely with respect to the Consolidated Property and Tampa Technology Park West: Square Foot Transportation Assessment	**[Formerly Attachment 3 from Ordinance No. 2000-282]**
Exhibit "G"	Transportation Notes from the zoning map for Tampa Technology Park West	**[Formerly Attachment 4 from Ordinance No. 2000-282]**
Exhibit "H"	Legal description 12 acre area within Flex B Parcel.	**[New exhibit, same as Exhibit C of NOPC Application]**

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NOTICE OF PROPOSED CHANGE

for

TAMPA TECHNOLOGY PARK WEST DRI #139

Response To Comments

Prepared for:

Great American Corporation

Prepared by:

Coen & Company
P.O. Box 10658 Tampa, Florida 33679 0658

March 2013

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EXHIBIT "A"-2

Responses to
City of Tampa Planning and Development Services Comments
Tampa Technology Park West NOPC

1. Please identify on the TTW master plan the location of the Flex B property and the 12 acres affected by the NOPC. Show rights of way within the site.

   Response: A copy of Revised Map H providing the location of the twelve acres is attached. In addition, a larger scale exhibit providing the location of the twelve acres and rights of way within the Flex B property is attached to more clearly identify the subject property.

2. Identify existing uses within Flex B, the total parcel allocation and remaining square footage for the 12 acres. Based upon remaining square footage allocated to the Flex B parcel, identify the trade allocation for the hotel and ALF use.

   Response: The Flex B property has been allocated 82,108 square feet of Office/Commercial and 490,000 square feet of Office of the Phase 1 DRI entitlements and the ability to convert these land uses to various other land uses through the exchanges identified in the Development Order. Of that amount 202,315 square feet of Office (which includes 44,980 square feet converted to 127 Hotel rooms, and 4,427 square feet of Office converted to 6,056 square feet of High Tech/Lt. Industrial) and 4,052 square feet of Office/Commercial (all of which has developed as Commercial) has been developed to date. The remaining development is available for use in the development of any of the remaining parcels within the Flex B property. The ALF and Skilled Nursing Facilities will utilize a portion of the available office or commercial entitlements. The specific entitlements to be used cannot be identified until it is decided that one or more of these land uses (ALF, Skilled Nursing and/or Hotel) are proposed for development.

3. Are the ALF and skilled nursing facilities limited to elderly care? Are there any medical offices (or other uses) within the facility that are independent from the ALF/skilled nursing care use?

   Response: Neither of the facilities is limited to elderly care. However, it is typical and normal to find that the majority of those cared for are elderly. There will be no medical offices that are independent, medical services are to be limited to those staying at the facilities.

4. Establish a maximum cap for the ALF/skilled nursing care use.

   Response: The maximum development amount for ALF is 150 beds. The maximum development amount for skilled nursing is 150 beds. The attached Development Order identifies these maximum caps in Section 4.X.4.

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5. A revision to the PD-A zoning is required for consistency with the NOPC.

   Response: A PD-A rezoning application has been submitted.

6. There is a pending vacation of right of way for the Flex B parcel, which if approved, limits access within the Flex B parcel. What is the status of the application?

   Response: The subject application has been continued for six month to permit the NOPC to proceed to completion prior to consideration of the right of way vacation.

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Responses to
City of Tampa Transportation Division Comments
Tampa Technology Park West NOPC

We would like the trade-off Matrix on the total average weekday two-way. Trade-Off Matrix (Equivalency Matrix), Peak Directional Analysis: My professional experience is that DCA has been accepting (from the Tamp Bay Regional Planning Council), for at least the last 20 years, Trade-Off Matrices based on the combined, total two-way traffic. Years ago, several of the Tampa Bay Regional Planning Council consultant reviewers (myself included) agreed that a simplifying assumption would be to base a Trade-Off Matrix on the combined, total two-way traffic. The primary reasons for this simplifying assumption is that typically the trade-offs are relatively minor in terms of the total project (if the trade-offs are major they trigger a substantial deviation, new traffic analysis).

Response: The reviewer is correct regarding the use of two-way traffic in this case. The subject Equivalency Matrix was developed using two-way traffic, as is typically the case when the land uses have differing pm peak hour directional factors. If the reviewer is requesting the Equivalency Matrix be based on two-way average daily weekday traffic, the request is inconsistent with DRI requirements and practices, the Tampa Technology Park West DRI, City of Tampa Transportation Concurrency Requirements, and City of Tampa practices for non-DRI trade-of mechanisms.

In the 1992-94 timeframe the DRI questions were updated and modified. As a part of that update the daily traffic analyses previously required in the DRI transportation analysis were eliminated. This elimination was in part due to the fact that the State of Florida had implemented transportation concurrency and determined that concurrency be evaluated on a peak hour basis. The City of Tampa transportation concurrency analysis and mitigation requirements (as opposed to de minimus and study area criteria) are based on a peak hour analysis. In addition, the city requires peak hour analyses for various rezonings; no daily analyses are required. Thus, a request for an Equivalency Matrix to be based on weekday daily traffic is inconsistent with DRI and city requirements and practices.

As importantly, this consultant was selected during this same 1992 -94 timeframe by the then Florida Department of Community Affairs (DCA nka Florida Department of Economic Opportunity – DEO) to attend a DRI Coordinators Conference to present the Equivalency Matrix development process. In addition, this consultant was requested by DCA to participate as an instructor, along with the Florida Department of Transportation (FDOT), to train DRI Coordinators in the review of Equivalency Matrices. As a part of this presentation and training process it was agreed that Equivalency Matrices and similar trade-off mechanisms be based on peak hour external project traffic volumes. This conclusion is confirmed by the fact that FDOT has not objected to the Equivalency Matrix as proposed.

Moreover, the city routinely approves DRI Equivalency Matrices and trade-off mechanisms for rezonings based on peak hour external project traffic. All of the current trade-off approvals for Tampa Technology Park West (the subject NOPC) are based on pm peak hour traffic external project traffic. Other DRI examples of such approvals within the city of Tampa over the past twenty years include, but are not limited to, Independence Park DRI, Westshore Areawide DRI, Tampa Technology Park East DRI/EBOA, Tampa Bay Park DRI, Fountain Square DRI, Rocky Point DRI, Harbor Island DRI, Hidden River Corporate Park DRI, International Plaza DRI and Tampa Cruise Ship Terminal DRI. The vast majority of rezonings with trade-off mechanisms in the city are based on pm peak hour project traffic volumes; notable examples of such recent

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approvals include the three (3) most recent Tampa General rezonings along Kennedy Boulevard, the Container Store ("The Corner"), MetWest, and Newport Tampa Bay.

Finally, the reviewer in their table provided below has independently confirmed that the Equivalency Matrix as proposed results in slight less pm peak hour two-way traffic than that approved for the development if the ALF and/or SNF are built.

Also, Trade-off matrix needs to compare either equation to equation or trip rate to trip rate.

Response: The reviewer is incorrect to request the use of an average trip rate when an equation is provided with adequate support. To require the use of average trip rates when trip rate equations are available is not supported by the data source, is inconsistent with professional practices, does not use the most accurate information available and is inconsistent with DRI transportation and mitigation criteria. The best source for estimating project traffic from each land use should be used in all trip generation calculations. The ITE Trip Generation Manual and Handbook recommend that trip rate equations be used whenever available and supported by the data. The table developed by the reviewer below indicates that the trip rate equations used are available and exceed data requirements for use. When trip rate equations are not available the average trip rate represents the best available data and should be used.

Please add Jonathan Scott, Transportation Planning comments:
Calvin, when using the PM Peak hour totals, the new proposed development results in 78 less trips, but when the average weekday 2-day volumes are used, it results in 266 more trips. See the results I came up with below.

Response: The use of daily traffic is inappropriate for the numerous reasons set forth in response to the above first comment.

Also, I agree with you that on page 26 and 27, it should be 1,000 square feet of Office is equal to six (6) Assisted Living Facility beds **OR (not AND)** six (6) Skilled Nursing Facility beds. 1000 square feet of Commercial is equal to 34.23 Assisted Living Facility beds **OR (not AND)** 34.23 Skilled Nursing Facility beds.

Response: The subject Development Order language, attached, has been revised to clarify this matter.

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City of Tampa Trip Generation Evaluation:

Approved Development Maximums

ITE code	Use	Units	PM Peak Hour Total	Equation or Rate
710	Gen. Office Building	400 ksf	527	Used equation since R2 factor is greater than 0.75 (it is 0.82) and more than 20 studies used.
820	Shopping Center	60 ksf	452	Used equation since R2 factor is greater than 0.75 (it is 0.81) and more than 20 studies used.
			979	**Total**

Proposed Development Maximums

ITE code	Use	Units	PM Peak Hour Total	Equation or Rate
710	Gen. Office Building	293 ksf	407	Used equation since R2 factor is greater than 0.75 (it is 0.82) and more than 20 studies used.
820	Shopping Center	25 ksf	251	Used equation since R2 factor is greater than 0.75 (it is 0.81) and more than 20 studies used.
310	Hotel	300 rooms	177	Used rates
254	Assisted Living Facility	150 beds	33	Used rates
620	Nursing Home	150 beds	33	Used rates
			901	**Total**

The new development results in 78 less trips than the approved.

Approved Development Maximums

ITE code	Use	Units	Avg. weekday 2-way volume	Equation or Rate
710	Gen. Office Building	400 ksf	3879	Used equation since R2 factor is greater than 0.75 (it is 0.82) and more than 20 studies used.
820	Shopping Center	60 ksf	4872	Used equation since R2 factor is greater than 0.75 (it is 0.81) and more than 20 studies used.
			8751	**Total**

Proposed Development Maximums

ITE code	Use	Units	Avg. weekday 2-way volume	Equation or Rate
710	Gen. Office Building	293 ksf	3053	Used equation since R2 factor is greater than 0.75 (it is 0.82) and more than 20 studies used.
820	Shopping Center	25 ksf	2758	Used equation since R2 factor is greater than 0.75 (it is 0.81) and more than 20 studies used.
310	Hotel	300 rooms	2451	Used rates
254	Assisted Living Facility	150 beds	399	Used rates
620	Nursing Home	150 beds	356	Used rates
			9017	**Total**

The new development results in 266 more trips than the approved.

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Responses to
Florida Department of Transportation (FDOT)
Tampa Technology Park West

General Comments:

1. Please include Exhibit C Revised Map H in the next sufficiency to reflect the 12 acre land area(s) within Flex "8" parcel. The department notes that the last page of the NOPC application entitled List of Exhibits has comments indicating revisions/updates are currently being prepared.

   Response: A copy of Revised Map H providing the location of the twelve acres is attached. In addition, a larger scale exhibit providing the location of the twelve acres is attached to more clearly identify the subject property.

   Development Order Comments:

2. Section 4.C.12 – FDOT Special Study – Has the duration of the FDOT study or thirty six month time frame period for the "then required" subject semi-annual LOS operational analysis been executed. If yes, then amend the development order statement to reflect that ...*"condition 4.C.12* has *been* met'. If Section 4;C.12 remains in effect then please provide a status of the semi- annual LOS operation analysis as described therein.

   Response: The subject requirement has been met. The previous Development Order approval process, which included the FDOT, confirmed that the condition has been satisfied.

3. Section 14 a. - Minimum Staging Requirements -What is the status of the proportionate share contribution for Stage 1 (e.g. $229,000 as computed for the stage 1). If this condition has been met then please amend the development order to reflect that ...*"condition 14.a has been met"*

   Response: The contribution has been made and the attached Development Order has been revised as suggested.

4. Section X.4 Land Use Trade Off Mechanism – Please clarify the definition of memory center component (use). Is memory center use considered ancillary to the assisted living and skilled nursing facilities? Is this use classified/interpreted through ITE trip generation? If the use is not considered ancillary to normal operations to either assisted living or skilled nursing, then add a tradeoff conversion for memory center use.

   Response: A Memory Center is an ancillary service which specializes in assisting individuals with memory impairments. Memory Center services can be provided in either an Assisted Living Facility or a Skilled Nursing Facility, depending on the nature of the services. ITE trip generation criteria are for these two facilities are not affected by the provision of Memory Center services since such services are ancillary and supportive of their primary purpose.

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Responses to
Tampa Bay Regional Planning Council (TBRPC) Comments
Tampa Technology Park West NOPC

GENERAL

1. The above-referenced table reflects the Council's records in terms of entitlements for the combined Tampa Technology Park West (TTPW) and Tampa Technology Park East (TTPE). Recalling that you (Randy) were involved with the "Essentially Builtout Agreement" for TTPE which was ultimately granted by the State Land Planning Agency in June of 2006, it is appropriate that this Table be updated to identify the conceptually-approved Phase 2 and Phase 3 entitlements separately for TTPW & TTPE, especially considering that those entitlements which were destined for TTPE were forfeited and/or otherwise vested from finisher DRI review. It is the reviewer's ultimate preference to then remove any/all reference to TTPE entitlements from the TTPW phasing schedule.

The requested information would involve completion of the following Table:

LAND USE	PHASE 1		PHASE 2[1]		PHASE 3[1]	
	TTPE	TTPW	TTPE	TTPW	TTPE	TTPW
Retail/Office	124,0	82,10	#[2]	#[2]	#[6]	#
Hotel	10	0	#	#	#[7]	#[7]
Office	785,9	1,690,0	#[4]	#[4]	#[8]	#[8]
Lt. Industrial	1,976,7	0	#	#	#[9]	#
Gov't Svcs.	58,0	0	0	0	0	0
Residential-	1,01	0	0	0	0	0
Residential-	31	181	0	0	0	0
Residential–	0	394	0	0	0	0
Comm.Mixed	309,2	0	0	0	0	0

1. Phases 2 & 3 have been conceptually-approval only.
2. Phase 2 Retail/Office should total 364,500 square feet.
3. Phase 2 Hotel should total360 Rooms.
4. Phase 2 Office should total 1,960,200 square feet.
5. Phase 2 Lt. Industrial should total 3,789,720 square feet.
6. Phase 3 Retail/Office should total 374,300 square feet.
7. Phase 3 Hotel should total 360 Rooms.
8. Phase 3 Office should total 1,936,000 square feet.
9. Phase 3 Lt. Industrial should total 3,371,340 square feet.

Please note that it is presumed that the entitlements reflected on the current Master Development Plan for conceptually-approved Phases 2 and 3 are accurate and could be utilized to determine the breakdown between TTPW & TTPE.

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Response: The requested completed table is attached. The information for Tampa Technology Park East (TTPE) was obtained from Exhibit A of the 380.032 Agreement to Bifurcate (the TTPE Development Order – Exhibit I, copy attached). The TTPW entitlements were derived by subtracting the TTPE Phase 2 and 3 entitlements from the TTPE entitlements for the same phases.

2. It is noted that an Annual Report has NOT been submitted for TTPW since October 4, 2007 and that Report spanned the 2005-07 reporting periods. Noting that the Applicant is obligated to submittal Annual Report by Subsection 380.06(18),F.S. and Development Order Condition 4.B., please submit a consolidated Report to cover the 2007-12 period at your earliest opportunity and certainly prior to the City's consideration of Development Order Amendment approval. This would/will provide the reviewer with a timely understanding of the status of the project.

Response: A Consolidated Annual Report has been submitted.

3. The last Annual Report reflected the following Developers of record for Tampa Technology Park West:

PARCEL	OWNERSIDP
Parcels Unknown	Lennar Homes, LLC, 600 N. Westshore Blvd., Suite 400, Tampa, FL 33609 & USAA, 17200 Commerce Park Boulevard, Tampa, FL 33609
E1	Lawdell, LLC, <ADDRESS UNKNOWN>

A. Please update the listing of Developers and relevant parcels identifications to include the "Great American Corporation" and other Developers as may be known and/or applicable.

Response: The requested information was provided in the Consolidate Annual Report recently submitted.

B. Please identify which party would be labeled the "Master Developer" for TTPW and therefore responsible for Annual Reporting and/or inquiries about the project.

Response: The requested information was provided in the Consolidate Annual Report recently submitted.

4. Please explain the difference between the TTPW specifically-approved Phase 1 uses of "Retail/Office" and "Office." Noting that the Applicant is seeking to potentially convert from Office **OR** Commercial to alternative use(s), is the Applicant considering the joint Retail/Office use to simply be Commercial?

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Response: Yes, for the purposes of the Equivalency Matrix.

5. Please confirm that external access points will not be changed or added as a result of this NOPC application and/or a future conversion(s).

Response: No changes to external access points are proposed or requested as a part of this NOPC.

NOPC APPLICATION QUESTIONS

6. **Response to Question #4/Page 2 of Application.** Please confirm that *Exhibit B* (Legal Description for Flex B Parcel) is a subset of *Exhibit A* (Legal Description of Tampa Technology Park West).

Response: The lands described in Exhibit B are a subset and wholly contained within the lands described in Exhibit A.

7. **Response to Question #5/Page 3 of Application.** Please differentiate between Assisted Living and Skilled Nursing Facilities in terms of operation and/or occupant qualifying criteria.

Response: An Assisted Living Facility provides daily living assistance to those who require such services. An ALF does not provide medical treatment. A Skilled Nursing Facility assists those who require a wide variety of medical treatment including physical rehabilitation.

8. **Response to Question #7/Page 6 of Application.** The Application contains a reference that *"three Build Out Extensions have subsequently been requested and administratively approved by the City to December 31, 2012 and December 31, 2015 for the subject Flex B property and to December 31, 2016for the USAA property."*

A. Does this mean that the "Flex A Parcel" has a buildout date of December 31, 2012, the "Flex B Parcel" has a buildout date of December 31, 2015 and the "USAA Parcel" has a buildout date of December 31, 2016? If not, please clarify the distinction of the three different buildout dates.

Response: The Applicant can confirm the dates cited for the Flex B Parcel and the USAA Parcel. The Applicant has no information that conflicts with TBRPC cited buildout date for the Flex A Parcel. In addition, the Flex B Parcel buildout date has recently been extended to April 28, 2017 (copy of notice attached). The attached Development Order has been updated accordingly.

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B. Please provide a copy of the referenced "administrative approval" extending the buildout date for the USAA parcel to December 31, 2016.

Response: A copy of the USAA confirmation from the City of Tampa is attached.

9. **Response to Application Question #12/Page 7.** You have stated that a revision to the Master Development is "not applicable" or needed. However, current Footnote #5 states "Parcels designated as 'Flex B' may be developed as Commercial, Office, High Tech/Light Industrial or Hotel." Wouldn't an addendum referencing the two potential new uses be appropriate?

Response: The reviewer is correct, a revised Map H – Master Plan is attached providing the referenced land uses.

10. **Exhibit C of The NOPC Application.** Exhibit C of the current application consists of a legal description to address a "Twelve Acre" parcel. Please provide a graphic to depict the location of this parcel in relation to the entire Tampa Technology Park DRI.

Response: A copy of Revised Map H providing the location of the twelve acres is attached. In addition, a larger scale exhibit providing the location of the twelve acres is attached to more clearly identify the subject property.

11. **Exhibit D: Land Use Equivalency Matrix.**

A. **Technical Memorandum.** There is reference to the fact that, if constructed, the potential Assisted Living Facility (ALF) or Skilled Nursing Facility (SNF) may include a "Memory Center component." What is a Memory Center and does it have any bearing on the ITE rates?

Response: A Memory Center is an ancillary service which specializes in assisting individuals with memory impairments. Memory Center services can be provided in either an Assisted Living Facility or a Skilled Nursing Facility, depending on the nature of the services. ITE trip generation criteria are for these two facilities are not affected by the provision of Memory Center services since such services are ancillary and supportive of their primary purpose.

B. **Table 1.** The Applicant has provided a proposed Land Use Equivalency Matrix to document the conversion formulas from Office or Commercial to Assisted Living and/or Skilled Nursing Facilities.

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Response: Correct.

C. **Table 4.** The column headings under Transportation/Utility Demands include: *Water (gpd*[2 3], *Wastewater (gpd*[2] and *Solid Waste (lbs/day/.* Specifically, what do the superscripts of 1, 2, 3 and 4 represent in this instance?

Response: Table 4, attached, has been revised to correct the footnote designations.

D. **Trip Generation.** It is noted that the Applicant has utilized ITE Code 620 to characterize the potential SNF use. ITE classifies Code 620 as "Nursing Home." Please distinguish between a typically Nursing Home and a SNF.

Response: There is no difference, land uses are the same.

DEVELOPMENT ORDER AMENDATORY LANGUAGE/CONTENT

12. Page 8/Development Order Stipulation 3.C.3.

A. **TTPW- Phase 1Entitlements.** Please amend to reflect the Phase 1entitlements currently approved for TTPW which, as identified above, consist of: 82,108 sq. ft. of Retail/Office, 1,690,000 sq. ft. of Office, 181 Single-Family & 394 Multi-Family Residential units.

Response: The attached Development Order has been amended as requested.

B. **TTPW- Phase 2 & Phase 3 Entitlements.** Considering that TTPW & TTPE has been formerly and formally bifurcated, please modify the referenced entitlements for conceptually-approved Phases 2 and 3 to reflect only those assigned to Tampa Technology Park. Consistent with Question# 1above, this would ensure consistency with those entitlements referenced on the existing Master Development Plan for TTPW.

Response: The attached Development Order has been amended as requested.

13. Page 31/Section 8.

A. The first sentence of this citation needs to be modified to reflect the accurate effective period of the Development Order (aka Development Order expiration date). The sentence currently reads as follows *"That this Order shall remain in effect until March 29, 2011."* Please modify as appropriate.

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Response: The Development Order, attached, has been amended as requested.

B. Consistent with the reviewer's Question #8 above, please provide the requested justification for the proposed revisions to the Phase 1 buildout dates.

Response: Please see the response to Comment #8, above.

14. **Page 31/Section 9.** The first sentence of this citation needs to be modified to accurately reflect the date in which the City cannot reduce the density/intensity for the project. The sentence currently reads as follows *"That prior to March 29, 2011, the City may not down-zone or reduce the intensity or unit density permitted for this Order..."* Please modify as appropriate.

Response: The attached Development Order has been amended as requested.

15. **Map H/Master Development Plan.** The following constitutes a copy of the current Master Development Plan for Tampa Technology Park West according to Council records: Utilizing this graphic as a base, please denote where the referenced "12 Acres" are within the 86.7-acre Flex B parcel.

Response: Please see the responses to Comments 9 and 10, above. The requested graphic is attached.

Reviewer's note: Please restate all questions in their entirety followed by a response. Please number all pages for future reference purposes-handwritten numbers would be acceptable. Please address all agency comments simultaneously and provide the responses to each of the parties identified below.

Response: All questions have been restated and response provided. All pages have been numbered.

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ATTACHMENTS

Map H – Master Plan	Page A-1
Flex B Parcel Exhibit	Page A-2
TBRPC Development Phasing Table	Page A-3
Exhibit I – TTPE	Page A-4
Buildout Extension Letters	Pages A-5 thru 7
Table 4 Equivalency Matrix	Page A-8
Development Order	Pages 1-34

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TAMPA TECHNOLOGY PARK WEST
LAND USE SCHEDULE

I Phase I - Specific Approval[1,4,5]

Commercial/Office	82,108 Sq. Ft.
Hotel	0 Rooms [2]
Office	1,690,000 Sq. Ft. [2]
High Tech/Lt Industrial	0 Sq. Ft.
Government Services	
High School/Middle School	68 Net Ac.
City Park	40 Net Ac.
Single Family Residential	181 Units
Multi Family Residential	394 Units

II Phase II - Conceptual Approval

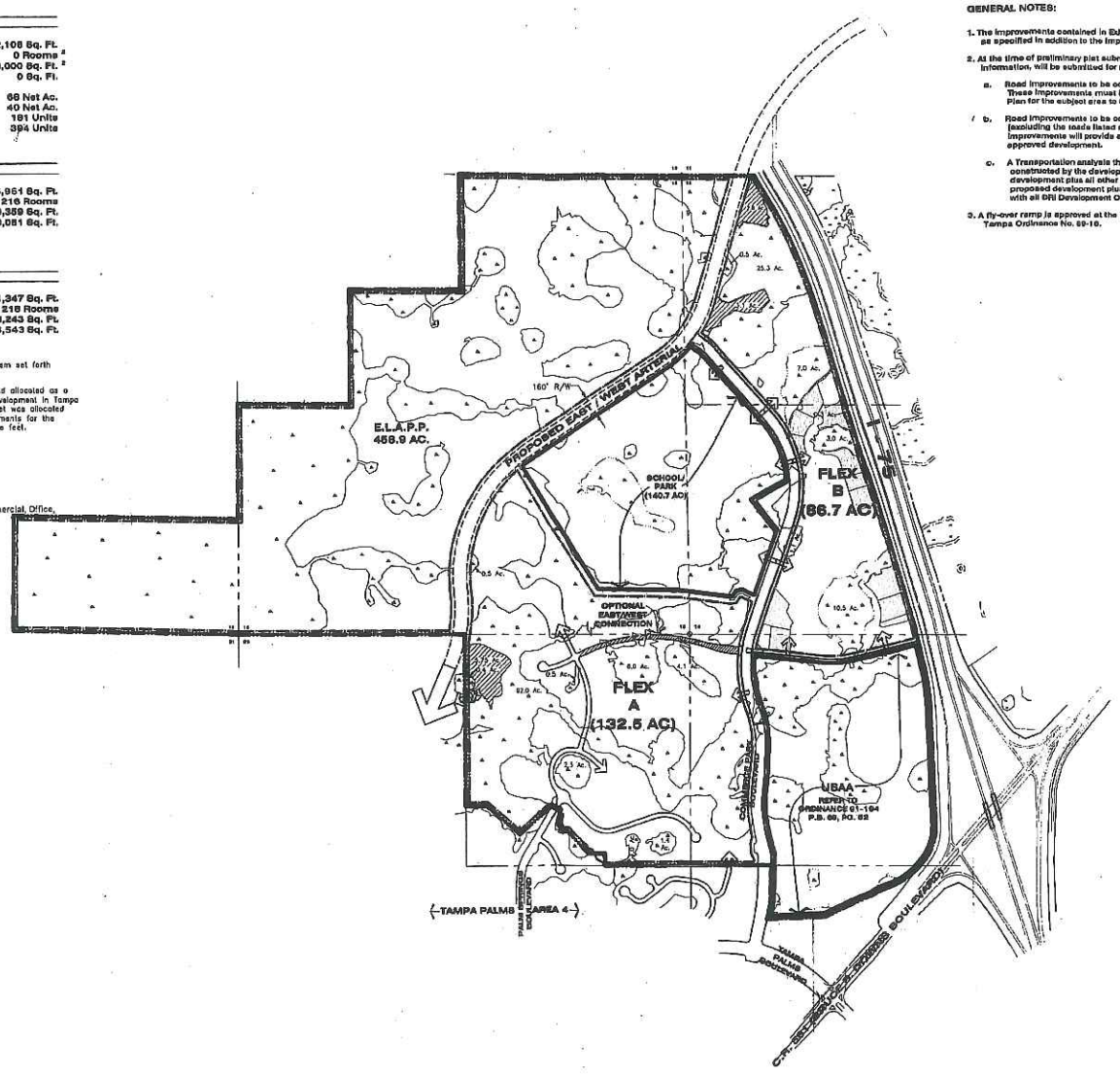
Commercial/Office	166,961 Sq. Ft.
Hotel	216 Rooms
Office	1,638,359 Sq. Ft.
High Tech/Lt Industrial	1,913,051 Sq. Ft.

III Phase III - Conceptual Approval

Commercial/Office	171,347 Sq. Ft.
Hotel	216 Rooms
Office	1,615,243 Sq. Ft.
High Tech/Lt Industrial	1,526,543 Sq. Ft.

NOTES:

1. Subject to the Provisions relative to the trade-off mechanism set forth in the amended Development Order.
2. The Tampa Technology Park Development Order, as amended allocated as a total of 1,690,000 square feet of "Office" for Phase I development in Tampa Technology Park West. Of that total, 1.2 million square feet was allocated to the USAA parcel. The remaining Phase I "office" entitlements for the balance of Tampa Technology Park West is 490,000 square feet.
3. All Rooms to be located within "Flex Parcel B".
4. Parcels designated as "Flex A" may be developed as Single-family (including Townhomes), and/or Multi-family. A maximum total of 400 Units of Multi-family will be allowed.
5. Parcels designated as "Flex B" may be developed as Commercial, Office, High Tech/Light Industrial, Hotel, Assisted Living, or Skilled Nursing.



GENERAL NOTES:

1. The improvements contained in Exhibit D of the approved Development Order will be required as specified in addition to the improvements listed below.
2. At the time of preliminary plat submittal, a transportation report, including the following information, will be submitted for review and approval;
   a. Road improvements to be constructed by the developer within the area to be platted. These improvements must include those improvements shown on the Rezoning Master Plan for the subject area to be platted.
   b. Road improvements to be constructed by the developer internal to the entire project (excluding the roads listed above) that will provide access for the requested plat. These improvements will provide adequate access to the requested plat area plus all previously approved development.
   c. A Transportation analysis that demonstrates: 1) that the internal improvements to be constructed by the developer are adequate to handle the traffic from the proposed development plus all other previously approved development; 2) that traffic from the proposed development plus all other previously approved development will be consistent with all DRI Development Order Conditions.
3. A fly-over ramp is approved at the intersection of County Road No. 681 and I-75 per City of Tampa Ordinance No. 89-16.

LEGEND

- WETLAND MESIC HABITAT
- MITIGATION AREA
- 2013 NOPC 12 ACRE AREA

TAMPA TECHNOLOGY PARK WEST

0 300' 600' 1200' 1800'

REVISED: map-h.dwg
5-8-1991
9-12-1991
12-21-1991
12-31-1991
1-29-1992
5-15-1992
10-6-1992
2-31-2000
9-15-2000
9-14-2000
10-10-2000
8-10-2000
9-30-08
2-8-2013

MASTER PLAN
REVISED MAP H
EXHIBIT "C"

SECTIONS 14,15,16, 22 & 23, TOWNSHIP 27 SOUTH, RANGE 19 EAST

Coen & Company
Planning & Transportation Services
P.O. Box 10058 Tampa, Florida 33679-0058
Phone: 813.877.7989 Fax: 813.877.7609

MAP H

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A-1

Exhibit D

Tampa Technology Park West

12 Acre Flex B Lot Areas

CITY OF TAMPA, FL

February, 2013

Coen & Company
Planning & Transportation Services
P.O. Box 10658 Tampa, Florida 33679-0658
Phone: 813.877.7989 Fax: 813.877.7609

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A-2

TBRPC Comment 1 Requested Table:

TTPE & TTPW Phasing Entitlements

LAND USE	PHASE 1		PHASE 2[1,2,3,4,5]		PHASE 3[1,6,7,8,9]	
	TTPE	TTPW	TTPE	TTPW	TTPE	TTPW
Comm/Office (Sq. Ft.)	124,048	82,108	197,539	166,961	202,953	171,347
Hotel (rooms)	100	0	144	216	144	216
Office (Sq. Ft.)	785,919	1,690,000	321,841	1,638,359	317,757	1,618,243
High Tech/Lt. Industrial (Sq.Ft.)	1,976,709	0	1,876,669	1,913,051	1,842,797	1,528,543
Gov't Svcs. (Sq. Ft.)	58,000	0	0	0	0	0
Residential-SF (#)	1,018	0	0	0	0	0
Residential-SF (#)	310	181	0	0	0	0
Residential–MF (#)	0	394	0	0	0	0
Comm.Mixed (Sq.Ft.) Ft.)	309,270	0	0	0	0	0

1. Phases 2 & 3 have been conceptually-approval only. TTPE entitlements obtained from Exhibit I of TTPE Development Order. TTPW entitlements derived from overall entitlements and TTPE entitlements.
2. Phase 2 Retail/Office total 364,500 square feet.
3. Phase 2 Hotel total360 Rooms.
4. Phase 2 Office total 1,960,200 square feet.
5. Phase 2 Lt. Industrial total 3,789,720 square feet.
6. Phase 3 Retail/Office total 374,300 square feet.
7. Phase 3 Hotel total 360 Rooms.
8. Phase 3 Office total 1,936,000 square feet.
9. Phase 3 Lt. Industrial total 3,371,340 square feet.

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Exhibit "I"
TO AMENDED DEVELOPMENT ORDER

TABLE 1

LAND USES / DEVELOPMENT ENTITLEMENTS / SCHEDULE (1)				
TAMPA TECHNOLOGY PARK EAST		SPECIFIC ALLOCATIONS		
		Parcel "A-1" (2) and "A-2" (3)	Parcel "J"	"Ribbon Parcel" (2)
PHASE I - SPECIFIC APPROVAL				
Commercial / Office	433,204 S.F. (4)	393,204 S.F.		None
Hotel	192 Rooms	192 Rooms		
Office	411,242 S.F.			
High Tech / Light Industrial	2,401,518 S.F.		99,000 S.F.	
Single Family Residential	974 Units			
Commercial Mixed Use	340,000 S.F.		6,600 S.F.	
PHASE II - CONCEPTUAL APPROVAL (5)				
Commercial / Office	197,639 S.F.	197,639 S.F.	To Be Determined Following Receipt of Specific Approval	
Hotel	144 Rooms	144 Rooms		
Office	321,841 S.F.			
High Tech / Light Industrial	1,876,669 S.F.			
PHASE III - CONCEPTUAL APPROVAL (5)				
Commercial / Office	202,953 S.F.	To Be Determined Following Receipt of Specific Approval		
Hotel	144 Rooms			
Office	317,757			
High Tech / Light Industrial	1,842,797 S.F.			

NOTES:
(1) Uses may be modified through utilization of the Trade-off Mechanism.
(2) Residential land uses are not permitted on Parcel "A-1" or the "Ribbon Parcel".
(3) Parcel "A-2" is not subject to this thirteenth amended development order, however the development totals for Parcels "A-1" and "A-2" as shown in this table were approved for Parcels "A-1" and "A-2" combined.
(4) This total has been reduced by 40,000 S.F. based upon an approved transfer of that square footage from Parcel "A-2" to Parcel "A" in 1999.
(5) These phases have been approved except for analysis and approval of transportation impacts and mitigation measures.

TABLE 2

SITE INFORMATION			
Parcel Designation	Acreage (Gross)	Maximum Height	Uses
One Single Unified Parcel (combined "A-1", "J" and "Ribbon Parcel") hereinafter, the "Apex Parcel"	25.675 Acres	180 feet, except where otherwise limited.	Development entitlements (both land uses and amounts of each use, as depicted in the "Land Uses / Development Entitlements / Schedule", Table 1 above) may be distributed throughout the Apex Parcel, however, residential uses shall be allowed on Parcel "J" only.

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CITY OF TAMPA

Bob Buckhorn

Planning & Development Services

Land Development Coordination

December 21, 2012

Ms. Andrea Zelman
Fowler, White et al
501 East Kennedy Blvd., Ste. 1700
Tampa, Florida 33602

Re: Tampa Technology Park West – Development of Regional Impact
(Development Extensions) – Executive Orders 12-140, 12-192 and12-217

Dear Ms Law:

City of Tampa staff has reviewed the letter you provided to demonstrate that the Tampa Technology Park West Development of Regional Impact (DRI) has notified us of your intent to exercise the tolling and extension granted by Order 12-140, as extended by Orders 12-192 and 12-217 plus six months, pursuant to Florida Statutes 252.263(1).

This letter is to confirm that based upon the notification submitted, the project buildout has been extended to **April 28, 2017.**

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

Regards,

Susan Johnson,
DRI Coordinator
City of Tampa, Florida

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

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CITY OF TAMPA

Bob Buckhorn, Mayor

Growth Management & Development Services

Land Development Coordination

September 21, 2011

Mr. Randy Coen
Coen & Company
4121 West Cypress Street
Tampa, Florida 33607

Re: **Tampa Technology Park West** – Extension of the DRI Pursuant to HB 7207

Dear Randy:

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

Based upon the information provided, we have determined that the approved development has met the provisions of HB 7207 for an extension of time and is, therefore, extended for four years from the date of its build out and expiration. The new build out date is December 31, 2016. Please be advised that the four year extension does not impair the authority of the City of Tampa to require the property subject to the extension to be secured and maintained in a safe and sanitary condition in compliance with applicable codes and regulations. In addition, the extension request is issued by the City of Tampa for permits and development orders solely under its jurisdiction. Outside agencies which may have extra jurisdictional authority should be contacted for permit extensions separately.

Regards,

Susan L. Johnson
Subdivision Coordination
City of Tampa, Florida

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CITY OF TAMPA

Pam Iorio, Mayor

Growth Management & Development Services

Land Development Coordination

January 29, 2009

Ms. Rhea Law
Fowler, White
501 East Kennedy Blvd., Ste. 1700
Tampa, Florida 33602

Re: Tampa Technology Park West (Flex B only) – Development of Regional Impact
(Build Out Date Extension)

Dear Ms Law:

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

This letter is to confirm that based upon the information submitted, the project was under active construction on July 1, 2007. Therefore, the projects build out is extended by three (3) years to December 31, 2015 with the expiration date also extended by a 3 year period.

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

Regards,

Susan Johnson,
DRI Coordinator
City of Tampa, Florida

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

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Table 4
ALTERNATIVE WORST-CASE INFRASTRUCTURE DEMAND
TTPW - Flex B Parcel NOPC
(Updated 3/12/13)

ALTERNATIVE WORST-CASE DEVELOPMENT SCENARIO		TRANSPORTATION / UTILITY DEMANDS (1)(2)			
Land Use	**Size**	**Traffic (vpd)**	**Water (gpd)**	**Wastewater (gpd)**	**Solid Waste (lbs/day)**
Office (ksf)	293	388	43,950	35,160	4,395
Commercial (ksf)	25	188	3,825	2,975	394
Hotel (rooms)	300	199	90,000	60,000	2,925
ALF (bed)	150	99	21,000	15,000	480
Skilled Nursing (bed)	150	99	21,000	15,000	480
TOTALS		**979**	**179,775**	**128,135**	**8,674**
Approved Development Maximums (2)		979	396,954	299,351	29,745
Percent Change		0.0%	-54.7%	-57.2%	-70.8%

(1) Traffic rates obtained from Table 2, Water, Waste Water, and Solid Waste rates obtained from Table 3.
(2) Traffic maximum obtained from Table 2, Water, Waste Water and Solid Waste maximums obtained from 2005/2006 NOPC documentation attached and includes surplus capacities available.

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~~Tampa Technology Park West~~

Date: ~~February 24, 2006~~March 8, 2013

Ordinance No._____ ~~EXHIBIT "B"~~

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA; APPROVING AN AMENDMENT TO THE TAMPA TECHNOLOGY PARK WEST DEVELOPMENT OF REGIONAL IMPACT IN RESPONSE TO A NOTICE OF PROPOSED CHANGE FILED BY GREAT AMERICAN CORPORATION; PROVIDING AN EFFECTIVE DATE. ~~DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK WEST A DEVELOPMENT OF REGIONAL IMPACT~~

WHEREAS, on October 28, 1985, WOOD & COMPANY, INC. ("the Developer") filed an Application for Development Approval (which together with later filed sufficiency responses, 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 (1985), as amended ("Chapter 380"), and Section 43-96.2, City of Tampa Code; and

WHEREAS, the ADA proposes the development of TAMPA TECHNOLOGY PARK, a mixed-use commercial, office, hotel, high technology, light industrial development located on a 1,756 acre site at the intersection of I-75 and C.R. 581; 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 ADAs for DRIs; and

WHEREAS, the public notice requirements of Chapter 380, and Section 27-418, City of Tampa Code have been satisfied; and

WHEREAS, the City Council on August 28, 1986 held a duly noticed public hearing on the ADA and heard and considered testimony and documents received thereon; and

WHEREAS, on September 11, 1986, the City adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to Chapter 380, *Florida Statutes*, for the Tampa Technology Park, a Development of Regional Impact ("DRI"); and

WHEREAS, on December 18, 1986, the City adopted Ordinance No. 9466-A, which amended the Development Order (the "First Amendment"); and

WHEREAS, on October 10, 1991, the City adopted Ordinances Nos. 91-194 and 91-195, the Second and Third Amendments, respectively, to the Development Order; and

WHEREAS, on December 19, 1991, the City approved Ordinance No. 91-229, as the Fourth Amendment to the Development Order (the "Fourth Amendment"), which Fourth

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Amendment repealed the Third Amendment, Ordinance No. 91-195, and amended certain other provisions of the Development Order; and

WHEREAS, the Fourth Amendment approved an allocation of development entitlements (including land uses and external PM peak hour trips), and adopted separate master plan maps for portions of the DRI known as Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on October 27, 1994, the City adopted Ordinance 94-222, as the Fifth Amendment to the Development Order ("Fifth Amendment"), which Fifth Amendment allowed changes to the master plan for Tampa Technology Park (East) and tradeoff mechanisms and development conditions for Tampa Technology Park (East), and extended the buildout for both Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on January 23, 1997, the City adopted Ordinance 97-16, as the Sixth Amendment to the Development Order ("Sixth Amendment"), which Sixth Amendment allowed changes to the approved land use schedule and master plan map for Tampa Technology Park (East); and

WHEREAS, on September 11, 1998, the City adopted Ordinance 98-188, as the Seventh Amendment to the Development Order, as amended by Ordinance 98-230 ("Seventh Amendment"), which Seventh Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc.; and

WHEREAS, on November 19, 1998, the City adopted Ordinance 98-252, as the Eighth Amendment to the Development Order ("Eighth Amendment"), which Eighth Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc.; and

WHEREAS, on January 7, 1999, the City adopted Ordinance 99-03, as the Ninth Amendment to the Development Order ("Ninth Amendment"), which Ninth Amendment allowed changes to the master plan for Tampa Technology Park, amended the buildout date for Phase I and provided replacement language related to the "Connector Road" to the East-West Roadway, based upon the application filed by Lennar Homes, Inc. and Starwood/Tampa I, L.P.; and

WHEREAS, on October 28, 1999, the City adopted Ordinance 99-237, as the Tenth Amendment to the Development Order ("Tenth Amendment"), which Tenth Amendment allowed changes to the master plan for Tampa Technology Park (West) to include middle school, high school and park uses, additional environmental preserve area, and simultaneous decreases of other approved land uses; and

WHEREAS, on January 6, 2000, the City adopted Ordinance 2000-5, as the Eleventh Amendment to the Development Order ("Eleventh Amendment"), which Eleventh Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (East); and

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WHEREAS, on October 26, 2000, the City adopted Ordinance 2000-282, as the Twelfth Amendment to the Development Order ("Twelfth Amendment"), which Twelfth Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (West); and

WHEREAS, on October 4, 2001, the City adopted Ordinance 2001-219, as the Thirteenth Amendment to the Development Order ("Thirteenth Amendment"), which Thirteenth Amendment consolidated certain parcels in Tampa Technology Park (East);

WHEREAS, on December 5, 2002, the City adopted Ordinance 2002-260, as the Fourteenth Amendment to the Development Order ("Fourteenth Amendment"), which Fourteenth Amendment allowed the transfer of certain development entitlements among parcels located in Tampa Technology Park (East);

WHEREAS, on September 4, 2003, the City adopted Ordinance 2003-217, as the Fifteenth Amendment to the Development Order ("Fifteenth Amendment"), which Fifteenth Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (East) (references herein to the "Development Order" shall include the Development Order and all subsequent amendments);

WHEREAS, on January 26, 2006, the City adopted Ordinance 2006-20, as the Sixteenth Amendment to the Development Order ("Sixteenth Amendment"), which Sixteenth Amendment, solely with respect to the Tampa Technology Park (West) Property, approved the following: (i) reduction of the Phase I development entitlements; (ii) an extension of the build-out date by 5 years; (iii) revision of Map H to reflect the reduction in development entitlements; and (iv) addition of a trade off mechanism to allow conversion of office use to commercial use (references herein to the "Development Order" shall include the Development Order and all subsequent amendments); and

WHEREAS, on April 27, 2006_____, the City, pursuant to Section 380.032, Florida Statutes, adopted an Agreement to Bifurcate Tampa Technology Park Development of Regional Impact, which Agreement bifurcated Tampa Technology Park Development of Regional Impact into the Tampa Technology Park (East) and the Tampa Technology Park (West) Developments of Regional Impact; and

WHEREAS, on _____, Great American Corporation filed an application entitled "Notice of Proposed Change to a Previously Approved Development of Regional Impact" pursuant to subsection 380.06(19), *Florida Statutes*, and has provided additional information requested by the reviewing agencies (collectively, the "NOPC"); and

WHEREAS, the changes proposed in the NOPC are solely with respect to the twelve acre land area described in Exhibit H attached hereto and include: (i) inclusion of Assisted Living Facilities and Skilled Nursing Facilities as alternative commercial land uses; (ii) increases the number of permissible hotel rooms from 160 rooms to 300 rooms; and (iii) update Map H – Master Plan; and

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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 an 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:

Section 1. That this Agreement shall constitute the Amended and Restated Development Order ("Order") of the City Council issued in response to the Section 380.032 Agreement to Bifurcate Tampa Technology Park, a DRI. The scope of development to be permitted pursuant to this Order includes the land use, operations, and activities described in the ADA and the supporting documents, which by reference are made a part hereof as composite Exhibit "A".

Section 2. That 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 general public, finds that 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 a part of the composite Exhibit "A", and made a part hereof (including, but not limited to, commitments made by the Developer), to the extent that it is not inconsistent with the terms and conditions of this Order.

C. That the Developer proposes the development of TAMPA TECHNOLOGY PARK WEST, a mixed-use commercial, office, hotel, high technology, and light industrial development with a total site area of 1,160 acres, located at the intersection of I-75 and C.R. 581.

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.

E. That the proposed development is consistent with the adopted local comprehensive plan and the zoning code of the City. ***[Revised by Ordinance No. 9466-A]***

F. That the development will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.

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G. That a comprehensive review of the impact generated by the development has been conducted by the City's departments and the TBRPC.

H. That this Order is consistent with the report and recommendations of the TBRPC and satisfies the provisions of Section 380.06(15) Florida Statutes, 1985, as amended.

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 these proceedings, the Developer and the various departments of the City are authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

B. That the review by the City, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, within the terms and conditions of this Order and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

Section 4. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Tampa Technology Park Development Order is hereby amended and the Revised Map H attached hereto as Exhibit "C" is hereby approved as the Master Plan for development of TAMPA TECHNOLOGY PARK WEST, subject to the following conditions, restrictions and limitations:

USAA Parcel ***[This Section was added by Ordinance No. 91-194]***.

1. The first 1,200,000 square feet of office development in Tampa Technology Park West and Tampa Technology Park East has been allocated to the USAA parcel as shown on Map H and this allocation is consistent with both the DRI and zoning phasing requirements, and approval of this allocation under the December 30, 1988, Development Agreement is hereby reaffirmed. All other development approvals in Tampa Technology Park (East and West, combined) shall assume that the entire 1,200,000 square feet of office uses allocated to the USAA parcel has been developed, regardless of whether such development has, in fact, occurred.

2. The transportation mitigation assessment for the 1,200,000 square feet of office development allocated to the USAA parcel has been paid in full to the City pursuant to Development Order Section 4.C.4(d), Square Footage Assessment, and said payment has fully and completely satisfied any and all obligations to mitigate traffic impacts for the USAA parcel. No further mitigation of any kind shall be assessed or required for transportation impacts related to the development of the 1,200,000 square feet of office uses allocated to the USAA parcel, provided however that said mitigation does not preclude the transportation impacts of the

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USAA Project from being accumulated with transportation impacts from the remainder of the Tampa Technology Park (East and West, combined) DRI for purposes of evaluating the development of other parcels.

3. The owner of the USAA parcel or any portion thereof shall have primary responsibility for only those conditions of this Order that specifically apply to the development of the USAA parcel. Reviewing agencies shall hold the Developer of Tampa Technology Park (East and West, combined) primarily responsible for compliance with all other provisions of this Order. However, in the event the Developer does not comply, the reviewing agencies shall hold all developers in the DRI responsible for compliance with the Development Order, as amended.

4. The flyover interchange configuration previously approved in the 1988 Development Agreement is hereby reaffirmed and approved as described in the Joint Notice and as shown on the Revised Map H attached hereto as Exhibit "C".

5. The internal swap of land uses between the property removed from Tampa Technology Park West and the parcel in the northwest corner of the project as shown on Revised Map H attached hereto is hereby approved. In conjunction with the amendment of the legal description also approved hereby, this internal swap results in no net increase or decrease in land use acreages or land uses for Tampa Technology Park West.

6. The legal description of Tampa Technology Park West is hereby amended to add to Tampa Technology Park West the 17.34 acre portion of the USAA property previously included in the Tampa Palms DRI and to delete the 17.34 acre parcel transferred to the Tampa Palms DRI. The revised legal description for the Tampa Technology Park DRI is attached hereto as Exhibit "B".

7. 24.68 acres of the USAA site plan previously approved in the Development Order for office uses are hereby reserved for recreation and open spaces only.

A. Substantial Deviations. Further review, pursuant to Chapter 380, may be required if a substantial deviation, as defined in Section 380.06(19), Florida Statutes, 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. A substantial deviation may occur by failure to comply with the conditions herein, failure to follow the commitments contained in Exhibit "A" (to the extent that such commitments are consistent with this Order) or by activities which are not commenced until after the expiration of the period of 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, 1987, 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 such forms as may from time to time be designated by the State. Such reports shall be submitted to the

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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 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 the following information:

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 that have been sold to a separate entity or developer during the reporting year;

4. Identification of, and intended use of, lands purchased, leased, or optioned by the Developer adjacent to the original DRI site during the reporting year;

5. An assessment of the development's and local government's compliance with conditions of approval contained in this Order, and the commitments contained in the ADA;

6. Any known incremental DRI applications for development approval or request for a substantial deviation determination that were 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(15) and (18), Florida Statutes (1985);

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(15)(f)(l), Florida Statutes (1985);

9. An hourly traffic count for a 24-hour period taken at all established access points to public rights of way, as required by the City;

10. An indication of a change, if any, in local government jurisdiction for any portion of the development during the reporting year;

11. A list of significant local, state, and federal permits which have been obtained, or which are pending, with respect to the reporting year, by agency, type of permit, permit number, and purpose of each;

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12. An assessment of the effectiveness of TSM measures as described in Section 4.C.8., below;

13. When applicable, the biennial traffic analysis referenced in Section 4.C.8., below;

14. The information required in Section 4.F. below shall be submitted with the first annual report following the issuance of the first Certificate of occupancy;

15. A map which designates areas to be set aside in accordance with Section 4.G.2. below;

16. Copies of any Emergency Response and Hazardous Waste Management Operation Plans required to be generated as set forth in Section 4.N.2. below; and

17. A P.M. peak hour traffic volume count on the ramp from C.R. 581 to southbound Interstate I-75.

C. Transportation Conditions. ***[The entire Section was revised by Ordinance No. 9466-A.]*** The following conditions are established for purposes of mitigating impacts of this development on regional transportation facilities. Issuance of development permits by the City for the project shall, require a determination by the City of compliance with the conditions set forth herein.

1. Responsible Entities. For the purposes of this Order, the Developer is considered as one of a number of possible responsible entities regarding the mitigation of the transportation impacts of the project.

2. Funding Commitments. For the purposes of this Order, funding commitments can be (at the Developer's option, and with the approval of the City which shall not be unreasonably withheld) either in the form of financial contributions, contributions in aid of construction, or Developer's commitments for actual construction, actual (or committed for in a binding contractual form) construction by any public or private entity, or the placement of improvements in the Transportation Improvements Work Programs of the City, Hillsborough County (the "County"), or the State of Florida (the "State"), or any combination of the foregoing.

3. Development Approval. The total development for which approval is granted by this Order for Tampa Technology Park (East and West, combined) is set forth below:

i. Phase I-Specific Approval

[As to Tampa Technology Park West, replaced by Section 4.W as added by Ordinance No. 91-229, further amended by Ordinance Nos. 99-237, 2000-282 and 2006-20, Revised by Ordinance No. 2013 -]

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Residential (Single Family)	181 units
Residential (Multi – Family)	394 units
Commercial/Office	82,108 sq. ft.
Hotel	0 rooms
Office	1,690,000 sq.ft.
(Office for USAA)	(1,200,000 sq. ft.)
(Office for Flex B)	(490,000 sq. ft.)
High-Tech/Lt. Industrial	0 sq. ft.
Government Services	
High Sch./Middle School	68 net ac.
City Park	40 net ac.

The land use entitlements shown above are subject to provisions related to trade-off mechanisms set forth in the Development order, as amended.

ii. Phase II-Conceptual Approval

Commercial/Office	166,961~~364,500~~ sq. ft.
Hotel	216~~360~~ rooms
Office	1,638,359~~1,960,200~~ sq. ft.
High Tech/Lt. Industrial	1,913,051~~3,789,720~~ sq. ft.

iii. Phase III-Conceptual Approval

Commercial/Office	171,347~~374,300~~ sq. ft.
Hotel	~~360~~216 rooms
Office	1,618,243~~1,936,000~~ sq. ft.
High Tech/Lt. Industrial	1,528,543~~3,731,340~~ sq. ft.

Phase I development, for which specific approval has been granted, is conditioned upon the mitigation of transportation impacts under Section 4.C.4. Mitigation of Transportation Impacts and upon compliance with the provisions of this Order. Development under Phases II and III, for which conceptual approval has been granted, is conditioned upon new Chapter 380, F.S. review(s) in accordance with Section 4.U.2. Effect of Approval.

4. Mitigation of Transportation Impacts. The Developer shall (subject to the approval of the City which shall not be unreasonably withheld and submittal to TBRPC and DCA for verification of compliance with this Order) have the option of proceeding with the development of any Phase, subphase, or any subphases of the project, for which specific approval have been granted (i.e., Phase I), under the conditions set forth, in either Section 4.C.4.a. Subphasing, 4.C.4.b. Monitoring, 4.C.4.c. Construction, 4.C.4.d. Square Footage Assessment, or 4.C.7. Areawide Funding, below, individually, or in combination with one another, with respect to mitigating the project's transportation impacts.

a. Subphasing. Under this option, unless the Developer elects to subphase as described later in this Section 4.C.4.a., funding commitments will be

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required for all regionally significant improvements listed in Exhibit "D" prior to the commencement of Phase I development. Due to this requirement of funding commitments, the Developer may elect to proceed on a subphasing basis under the square footage thresholds identified in Exhibit "D". For the purposes of this Order, the square footage thresholds in Exhibit "D" shall be computed with reference to building permits issued by the City.

Prior to the commencement of development beyond any particular square footage threshold, the improvements identified in Exhibit "D" as being associated with the next succeeding threshold must be the subject of funding commitments from responsible entities, where those facilities operate below LOS C daily, LOS D peak hour and the development contributes five percent (5%) or more of the then existing LOS C daily and LOS D peak hour capacity of the facility. Without funding commitments for these improvements, a "stop order" shall result and construction permits shall not be issued where project activity (together with projected activity) has exceeded the square footage thresholds associated in Exhibit "D" with improvements which are the subject of funding commitments.

In the event a stop order occurs due to either the requirement of funding commitments under this Section 4.C.4.a. or actual construction under Section 4.C.14.b Minimum Staging Requirements, a new Section 380.06, F.S., traffic analysis may be submitted, or, if permitted by the City, monitoring may be utilized to demonstrate that the actual and projected impacts of the project are such that development may proceed beyond the thresholds identified in Exhibit "D" while maintaining the above referenced levels of service on the affected regionally significant facility. The results of any such monitoring program shall be submitted to TBRPC and DCA for verification of compliance with this Order. At the Developer's request, the square footage thresholds listed in Exhibit "D" shall then be adjusted as appropriate.

b. Monitoring. In the event that funding commitments for transportation improvements are adequate to permit only the development of any portion of any particular phase or subphase described in Exhibit "D", or the construction requirements of Section 4.C.14.b. Minimum Staging Requirements have resulted in a stop order, the Developer shall have the option to submit to the City, the Tampa Urban Area MPO, the State, and the TBRPC pursuant to Section 380.06, Florida Statutes, with updated traffic counts on the uncommitted regionally significant roadways listed in Exhibit "D". The Developer shall further submit projections of volumes that will result from the completion of the currently approved project construction plus the volumes to be generated by the next portion of development for which the Developer is seeking approval. Each updated

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traffic study shall either serve to verify the findings of the DRI traffic analysis (which established the initial subphasing threshold described in Exhibit "D") or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the facilities referenced in Exhibit "D" at LOS C, daily and LOS D, peak hour. Both traffic counts and the projection of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approvals beyond the particular phase or subphase in question, the City or its designee shall state in writing that the facilities listed in Exhibit "D" are operating at or above LOS C, daily and LOS D, peak hour and that the expected trips to be generated by such approval would not cause the roadways to operate below these standards.

c. Construction. Developer, at its election, shall make contributions to the City, who shall expeditiously apply such contributions, or may make such contributions available for the use of other responsible entities, to undertake studies and projects that will serve to mitigate the impacts of this project. Eligible activities may include planning, design, right of way acquisition, and construction of improvements recommended by TBRPC, as indicated in Exhibit "D", or such alternative studies or improvements as the City determines to provide equal or greater mitigation of transportation impacts on the regional transportation system. Any contributions made under this Section 4.C.4.c. shall be credited as appropriate against the Developer's obligation to make payments under Sections 4.C.4.d. Square Footage Assessment, or 4.C.7. Area-wide Funding.

d. Square Footage Assessment. As the funding commitment for the Stage I and Stage II improvements of Exhibit "D", the Developer, at its election, shall pay to the City the per square foot transportation assessments set forth in Exhibit "E" ***[Revised by Ordinance No. 94-222 and Ordinance No. 2000-282]*** which is made a part of this Order by reference. Payments shall be made under this Section 4.C.4.d. at the time of the issuance of building permits. Funds collected under this Section 4.C.4.d. shall be expeditiously applied toward the construction of one or more of the regionally significant improvements (as determined by the City) located in the project's transportation impact area. Payments under this Section 4.C.4.d. shall be credited as appropriate against the Developer's obligation to make payments under Section 4.C.7. Areawide Funding. The fees set forth in Exhibit "E" shall be adjusted according to the results of the City's North Tampa Study.

(i) ***[Added by Ordinance No. 94-222 as to the Consolidated Property; Revised by Ordinance No. 2000-282 as to Tampa Technology Park (West)]*** Solely with respect to the Consolidated Property and Tampa Technology Park (West), Exhibit "E" to the

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Development Order shall be amended as shown on the revised Exhibit "E" attached hereto and incorporated herein.

5. Credits. Credit shall be given against the Developer's obligations under Section 4.C.4. Mitigation of Transportation Impacts for the donation of land for right of way to the extent permitted by Chapter 380.06 (15) (e) (4), including right of way donated for purposes of receiving zoning or plat approval. The amount of right of way donation credit shall be based upon the amount of right of way cost which was initially included to compute the Developer's obligations under the appropriate Section above. Eligible rights of way shall be those rights of way identified in the City's North Tampa Transportation Study and any other rights of way deemed appropriate by the City. Any credits to be applied against the Developer's obligations under Sections 4.C.4.d. Square Footage Assessment or 4.C.7. Areawide Funding shall, unless the Developer elects otherwise, be credited against the Developer's next succeeding payments otherwise due under the above referenced Sections. In the event that the Federal government, directly, or by way of the FDOT or other governmental entity, should allocate funds in an approved transportation program to cover the costs of constructing improvements for I-75 or any Interstate interchange listed in Exhibit "D" then the Developer's obligations under Section 4.C.4. Mitigation of Transportation Impacts shall be reduced by the amount attributable to such improvements.

6. Use of Developer Contributions. The City shall insure that funding commitments from responsible entities, including the Developer's contributions, are secured for the improvements listed in Exhibit "D". The City agrees to hold all contributions received from the Developer, whether received under Sections 4.C.4.c. Construction, 4.C.4.d. Square Footage Assessment, 4.C.7. Areawide Funding, or 4.C.14. Minimum Staging Requirements in escrow and to expeditiously apply the same to construct one or more of the improvements identified in Exhibit "D". Said funds shall be released upon furnishing evidence, satisfactory to the City, that such governmental entity has committed to construct the applicable transportation improvement(s). The design for improvements shall be reviewed and approved, as appropriate, by FDOT, Hillsborough County, and the City, with 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 agencies and the City, be modified in a manner intended to accomplish acceptable operating conditions at the identified locations utilizing generally recognized traffic engineering standards and practices.

7. Areawide Funding. The City is currently conducting the North Tampa Transportation Study described in Section 4.C.11. North Tampa Transportation Study. Upon adoption by ordinance of uniform funding mechanisms as a result of this study, the Developer shall be governed by such ordinances. Payments under this Section 4.C.7. shall be credited, as appropriate, against the Developer's obligations under other Sections of this Section 4.C. Appropriate credits against

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payments otherwise due under this Section 4.C.7. shall be given for any sums paid, for rights of way donated, or improvements constructed pursuant to this Order, or the Transportation Impact Fee Ordinance as adopted by the City. This Section 4.C.7. is intended to be only a funding mechanism to address the transportation impacts of the project and is not intended to supersede the square footage thresholds of Exhibit "D", the requirements of Section 4.C.4.a. Subphasing, or the requirements of Section 4.C.14. Minimum Staging Requirements. If the payments made under this Section 4.C.7. are greater than or equal to the payments under Section 4.C.4.d. Square Footage Assessment for the Stage I and Stage II improvements, then this Section 4.C.7. shall also be deemed to be a funding commitment for Stage I and Stage II.

8. Subsequent Changes. In the event that any Developer or City transportation studies subsequently submitted pursuant to this Order establish that certain of the improvements referenced in Exhibit "D" should no longer be considered as a factor in the Developer's requirement for funding commitments because project traffic does not equal or exceed five percent (5%) of the daily LOS C or LOS D peak hour capacity of the specific roadway link or intersection, or project traffic, plus total background traffic on the roadway segment does not result in a reduction of LOS to LOS D or worse on a daily basis or LOS E or worse on a peak hour basis, or if the project is determined by the City and TBRPC to be located in a regional activity center, deemed highly suitable for office use, or in an area otherwise designated for alternative levels of service in accordance with City and TBRPC policies, then the Developer's requirement for funding commitments, together with the schedule of improvements listed in Exhibit "D" shall be adjusted as appropriate, at the Developer's request. If the City, TBRPC, and/or DCA subsequently adopt policies which authorize the use of other mitigative measures for the transportation impacts of projects, the Developer shall be entitled to employ such measures by requesting an amendment to this Order. Such amendment shall be subject to the appeal provisions of Section 380.06, F.S., but such appeal shall be limited solely to the issue of the requested amendment.

9. TSM Plan. Within one (1) year from the effective date of this Order, the Developer shall prepare and submit to the City, TBRPC, TUATS, the State, 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 the reduction of total peak hour trips being generated by project uses as estimated in the ADA, and shall set forth strategies for accomplishing those objectives, considering the following as a minimum:

   a. worker flex time;

   b. ride sharing;

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c. provision of transit facilities and programs to encourage transit ridership; and

d. other appropriate trip diversion measures.

The objectives for reduction of peak hour trips, as set forth in the TSM plan, may serve as a basis for the Developer or reviewing agencies to request amendments to this Order; provided, however, that the traffic impact caused by the project is greater than the impacts projected in the ADA. Each annual report for this project after the issuance of certificates of occupancy for 300,000 square feet of office space or the equivalent thereof in other uses, shall include an assessment of the actual achievement of peak hour trip diversion as a result of these TSM measures. This assessment shall include sufficient and appropriate documentation to support determinations of reductions claimed as a result of each TSM strategy.

10. Periodic Traffic Analysis. ***[Revised by Ordinance No. 91-195 that was subsequently repealed, leaving language of the prior revision (Ordinance No. 9466-A) in effect.]*** To assure the accuracy of the transportation analysis submitted with the ADA, field surveys and a report of findings shall be conducted to determine actual vehicle and transit trips being generated by the project every two (2) years after the initial certificates of occupancy are issued through project built-out as part of the Annual Report. This survey and report shall be conducted by the Developer and shall be approved by the City, the Tampa Urban Area MPO, the State, and TBRPC. After review of the survey and the report findings, the reviewing agencies or Developer may require that the Order be revised accordingly; provided, however, that the reviewing agencies may require the revision of the Order only in the event that project traffic impacts are greater than the impacts projected in the initial traffic analysis.

11. North Tampa Transportation Study. The North Tampa Transportation Study has been initiated for an area which includes the project. The study will provide the opportunity for participation by the FDOT, TBRPC, Hillsborough County, and Pasco County, and has provided the opportunity for the participation of Developers in the study area. The study includes, but is not limited to:

a. an inventory of regionally significant roadways in the study area which identifies the existing, programmed, and/or proposed facilities for each roadway;

b. an inventory of existing, approved, and projected development in the study area;

c. estimates of future traffic on regionally significant roadways;

d. an assessment of existing roadway operating conditions and an estimate of future operating conditions on the regionally significant roadways;

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e. the manner by which mass transit will be studied as a viable alternative to alleviate overburdening of roadways;

f. 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 systems capacity through roadway improvement, new roadway construction, or operational techniques, as appropriate; and

g. proposals for implementing the above strategies, including identification of funding sources and mechanisms.

The study is being conducted consistent with accepted professional traffic planning and engineering practices and methods. Standards and assumptions used in the study area are described in the study document. The study findings and recommendations may serve as a basis for the Developer to request amendments to this Order.

12. FDOT Special Study. The FDOT will perform a special study of I-75 which will include an analysis of traffic flow from anticipated developments, along with the need, general location, and function of additional interchanges. No additional lanes, new interchanges, or modifications of existing interchanges (other than the installation of dual left turn receiving lanes or other minor geometric changes for the purpose of improving traffic service on C.R. 581) to the I-75 system will be approved prior to the completion of this special study. The improvements listed in Exhibit "D" which are affected by this policy are listed below and are hereinafter referred to as "I-75 Improvements":

a. interchange modifications at I-75 and C.R. 581; and

b. interchange at East/West Arterial and I-75.

Pending the completion of this special study, a level of service LOS C daily, LOS C peak hour will be applied to the existing C.R. 581/I-75 interchange ramps to avoid prejudicing the results of this study and its recommendations. If, during the study period, the LOS C peak hour threshold is exceeded on the southbound ramp, the Developer may, at its expense, utilize ramp metering to preserve the LOS C peak hour service level. Building permits will not be issued if ramp metering is not permitted by the Federal Highway Administration and alternative improvements which can be demonstrated, by way of a new traffic analysis to maintain the desired levels of service are not approved and funded prior to the commencement of construction within any subphase in which the impacts require mitigation via the I-75 improvements. Subsequent applications for project approvals (beyond the point at which the LOS C peak hour thresholds for the

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southbound ramp) shall be dealt with in accordance with Sections 4.C.4.a. Subphasing, 4.C.4.b. Monitoring, or 4.C.4.d. Construction.

To enable the City and FDOT to ascertain compliance with this Section 4.C.12, the Developer will be required to submit to the City and FDOT a semi-annual LOS Operational Analysis of all existing on/off ramps at the C.R. 581 interchange. The submission dates, scope, and content of this Operational Analysis will be approved by the City and FDOT. If, after an evaluation of such an Operational Analysis, FDOT determines that the LOS C peak hour threshold has been exceeded for any existing on/off ramp, it shall notify the City and the Developer in writing. If the thresholds are exceeded for ramps other than the southbound ramp, the Developer shall submit evidence satisfactory to the City and FDOT to demonstrate that the initial traffic analysis was correct and that project traffic did not require the addition of improvements to the other on/off ramps in Exhibit "D". If it is determined that such ramp(s) should have been included in Exhibit "D", then the language contained in the preceding paragraph shall also apply to the affected ramp(s).

This Section 4.C.12. shall be in effect for the duration of the FDOT study period or for thirty-six months, whichever is earlier.

13. Traffic Reassignment. In the event that future roadways or other improvements, to which traffic from this project has been assigned, are not built as assumed in the methodology used for this analysis, a new analysis and traffic reassignment shall be required, as appropriate.

14. Minimum Staging Requirements. Notwithstanding any other provisions of this Section 4.C., Phase I of the project shall be divided into the "Stages" designated in Exhibit "D". Regardless of the combination of transportation mitigation measures selected, at any time prior to the initiation of construction in any given Stage, the Developer shall be obligated to elect either to:

    a. pay in advance the entire proportionate share contribution for the uncommitted improvements for the Stage in question (e.g., $229,000 as computed for Stage I in accordance with Exhibit "D"); [This condition has been met, Revised by Ordinance No. 2013 - ___] or

    b. be subject to stop orders in the event that the improvements listed in Exhibit "D" for the Stage have not been constructed by the end of the Stage.

    As a part of this Order, the Developer has elected the first option for Stage I of the Project. These funds shall be used for the construction of a four lane section of C.R. 581 described in Stage I of Exhibit "D" or for such other improvement as may be mutually agreed between the City and DCA. The projected completion date for this improvement shall be prior to the completion of Stage I. Any portion

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of the Stage I proportionate share contribution remaining after construction of this improvement shall be applied to construct other Stage I improvements as listed in Exhibit "D"; however, should this remaining portion be insufficient for this purpose, it shall be held by the City in accordance with Section 4.C.6. Use of Developer Contributions until such time as it may be applied to construct one or more of the Stage II improvements.

Subsequent elections shall be made in writing to the City, DCA, and TBRPC and if the first option is selected, shall designate the Exhibit "D" improvement(s) which have been, or will be constructed with such funds, together with the cost of such improvement(s) which have been, or will be constructed with such funds, together with the cost of such improvement(s) and the projected completion date. The particular improvement(s) so designated in this election shall be subject to the approval of the City. Any funds paid under the first option shall be expended in accordance with Section 4.C.6. Use of Developer Contributions. The Developer's proportionate share contribution shall be calculated at the time of each election according to the formula set forth in Exhibit "D".

Any election made under this Section 4.C.14. shall automatically become an amendment to the Order which shall be subject to the appeal provisions of Section 380.06, F.S. The basis of any such appeal shall be limited exclusively to the question of whether such election is consistent with the terms of this Order and applicable policies and regulations in effect on the effective date hereof.

Nothing in this Order shall prohibit the City from requiring payments in mitigation of transportation impacts which are greater than those resulting from the application of the formula set forth in Exhibit "D"; provided that such payments are not in excess of the amounts set forth in Section 4.C.4. Mitigation of Transportation Impacts. Nothing in this Section 4.C.14. shall diminish the requirement of funding commitments of Section 4.C.4.a. Subphasing. Credit shall be given against the project's proportionate share contribution for any sums paid by the Developer in mitigation of the project's transportation impacts under this Order or any other mechanism. Credit shall be given for any payments made under this Section 4.C.14. against the Developer's obligation to make payments under any other provisions of this Order.

D. Air Quality.

1. An acceptable air quality analysis as required by the Department of Environmental Regulation shall be completed prior to the issuance of building permits for Phase I. The City reserves the right to require mitigative measures, including but not limited to revisions of the Master Plan, to alleviate impacts of the project on ambient air quality in accordance with City policy.

2. The measures to reduce erosion, fugitive dust, and air emissions referenced on pages 13-1, 14-5 & 14-6 of the ADA shall be required.

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E. Sinkhole Related Risks. As discussed in the ADA, site specific test drilling and evaluation for sinkhole related risks as stated on page 14-6 of the ADA shall be required prior to the issuance of building permits by the City.

F. Hurricane Evacuation. The Developer shall discuss and coordinate with the appropriate public authorities, the feasibility of the use of proposed hotels or other project facilities for hurricane shelters. A report on these discussions shall be submitted in the first annual report following the issuance of the first Certificate of Occupancy.

G. Preservation and Conservation Areas.

1. Only passive recreational activities will be permitted for the area designated on the Master Plan on the western most boundary of the site as the 183.8 acre environmental preserve.

2. Representative examples of each natural upland habitat as listed on page 18-2 of the ADA shall be set aside in their natural state to maintain natural diversity on the site. These areas shall be of sufficient size so as to maintain their natural function. Where possible, these areas shall be located contiguous to other habitats. The precise location of these areas shall be determined at the time of final site plan approval or at the time of application for building permit, as deemed appropriate by the City. Areas so designated shall be depicted in maps to be included with .the Annual Report for that year.

3. The Developer's final development plan shall designate and map preservation and conservation areas, if any, in accordance with TBRPC's adopted growth policy Future of the Region, Sections 2.701, Preservation, and 2.702, Conservation.

4. The Developer agrees to maintain (except as permitted in an approved wetlands mitigation plan) a building, parking, and roadway setback of thirty (30) feet along wetlands. This Section 4.G.4. shall not be construed to prohibit the construction, operation, and maintenance of stormwater management systems within the applicable setbacks.

5. Prior to site clearing or construction, all appropriate environmental permits and agreements will be obtained from the City.

6. The stormwater management system will be designed to maintain the viability of isolated wetlands.

7. No logging or timbering shall be allowed on the site without the appropriate permits.

H. Drainage.

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1. Prior to the issuance of any building, grading, or site clearing permits, a Conceptual Master Drainage Plan for the project shall be submitted to the City for approval and TBRPC for review for compliance with applicable regulations. Prior to the issuance of any building permits, detailed drainage plans for the appropriate sections of the Master Drainage System will be submitted to the City for approval.

2. To protect water quality, the project drainage plan shall include the following parameters:

   a. the developer or its successors and assigns shall implement a street cleaning program for parking and roadway areas within the project;

   b. the drainage system shall be designed to provide filtration/assimilation treatment for the first "flush" of runoff generated from the site as required by Chapter 17-25 of the Florida Administrative Code. The drainage system shall be designed so that the post-development peak flows shall not exceed pre-development peak flows for the 25-year, 24-hour storm;

   c. the proposed retention/detention wetland systems shall be designed, constructed, and maintained pursuant to the guidelines of the City and of appropriate regulatory agencies; and

   d. best management practices, as recommended by the City of Tampa shall be followed.

3. In the absence of the dedication to, and acceptance by, the City of specific drainage facilities, the Developer, its successors or assigns, shall be the responsible entity for the maintenance of on-site stormwater management systems.

4. Drainage design guidelines and/or other development controls for construction activities shall be prepared by the Developer and reviewed by the City for use in an effort to control erosion during construction.

5. ***[Added by Ordinance No. 2006-20]*** Lennar Land Partners represents and warrants that the master drainage system for Tampa Technology Park West was constructed with the intention of providing capacity to accommodate drainage resulting from the four (4) laning of the segment of Commerce Park Boulevard as provided in revised note 24 in Exhibit "F" attached hereto. If adequate capacity exists for drainage resulting from the four (4) laning of this segment of Commerce Park Boulevard, then the City of Tampa shall be allowed to utilize the master drainage system for Tampa Technology Park West at no additional cost to the City.

I. Wildlife. In the event that any species listed in Sections 39-27.03-.05, of the Florida Administrative Code are observed frequenting the site for nesting or breeding, proper

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mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.

J. Buffer Zones. ***[Revised by Ordinance No. 9466-A]*** A plan will be submitted to the City, as part of an application for detailed site plan approval with respect to any areas of the site adjacent to neighboring residential areas, which describes in detail the design, enforcement, maintenance requirements, and timetable for buffer zones to be set between the project and adjacent residential neighborhoods during and after project construction. These buffer zones shall be aesthetically designed to maintain visual, aural and olfactoral separation from the project. This plan must be accepted by the City before construction of the project may begin in areas within five hundred (500) feet of neighboring residential areas and shall be considered a development order condition, enforceable upon all tenants and owners of the project. At minimum, the design portion of the plan shall discuss setbacks, height limitations, wall, fence and/or landscape requirements, design/access restrictions on building sides facing residential areas, walls to screen side building access area, and use restrictions.

[Revised by Ordinance No. 9466-A; further revised by Ordinance No. 94-222 solely with regards to the property owned by Southwest Development Corporation and Southern Property Holdings Corporation (the "Consolidated Property,"); and further revised as to Tampa Technology Park (West) pursuant to Ordinance No. 2000-282.] Notwithstanding anything in this Section 4.J. to the contrary, the preceding provisions of Section 4.J. regarding on-site buffering shall apply only to on-site non-residential uses bordering off-site residential uses. On-site residential uses shall comply with the City's buffering requirements.

K. Archeology.

1. The discovery of any significant historical or archeological resources shall be reported to the Florida Division of Archives, History, and Records Management and the disposition of such resources shall be determined in cooperation with the Division of Archives and the City.

2. Subarea A of Site 8Hi 2137 shall either be preserved by inclusion in a green space or passive recreation area or shall be mitigated in accordance with guidelines established in cooperation with the Department of Archives and the City.

L. Energy

1. The Developer will cooperate with the Tampa Electric Company, the supplier of electrical power to the project, during the development of a detailed site and landscaping plan, to facilitate substation placement, easements, and rights of way relative to the development site.

2. The energy conservation measures referenced in the ADA on pages 25-3 and 25-5 shall be required.

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3. In addition to the use of landscaping as a means of energy conservation, the Developer or it successors and assigns shall:

   a. encourage Individual Tenants to designate a member of their staffs as an energy officer for the facility in question to conduct energy audits, establish energy policies, and monitor energy use and conservation;

   b. initiate programs to promote energy conservation by Individual Tenants, their employees, buyers, and suppliers;

   c. encourage Individual Tenants to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and to initiate recycling programs;

   d. encourage the use of energy efficient cooling, heating, and lighting systems;

   e. encourage Individual Tenants to install energy conservation features such as waste heat recovery or solar power systems where feasible;

   f. encourage Individual Tenants to use the most energy efficient technology economically feasible in the construction and operation of their facilities; and

   g. encourage Individual Tenants to use life-cycle costing in evaluating energy conservation effectiveness.

M. Solid Waste. 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 Hillsborough County or as otherwise directed by the City.

N. Hazardous Waste.

1. Surface impoundments of hazardous wastes, land treatment of hazardous wastes, landfills, and underground storage of hazardous materials, as referenced in the ADA shall be prohibited.

2. As required by the City, Hillsborough County Environmental Protection Commission, and the Department of Environmental Regulation, an emergency response and hazardous waste management operation plan will be required for those facilities which use, handle, store, or process significant quantities of hazardous wastes, to minimize hazards to human health and the environment. The plan will describe the procedures and actions required of facility personnel as well as describe the arrangements agreed to by local police and fire departments,

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emergency services, and hospitals. Individual Tenant plans will be included in the Annual Report following their adoption.

3. Individual Tenants shall be required to transport and dispose of hazardous waste in a manner consistent with applicable regulations through restrictive covenants. Individual Tenants shall remove hazardous and toxic wastes from the site as soon as is practical. Such transportation of toxic and hazardous materials shall be performed by a company that specializes in, and is accredited by all appropriate agencies in, the transportation and handling of such materials.

4. All temporary storage facilities for hazardous or toxic materials or wastes shall be designed at minimum to meet the criteria set forth in Sections 3.913(A),(D), and (E) of the Future of the Region.

5. The Developer shall provide to Individual Tenants information that:

   a. indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of separate from components of the ordinary solid waste stream;

   b. indicates the location(s) of City and County approved hazardous waste holding areas, off-site disposal areas, and the names of available contractors engaged in the business of transporting such materials for disposal; and

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

6. The Developer shall encourage large quantity (as defined in applicable federal regulations, as from time to time amended) hazardous waste generators to install pretreatment operations, if economically feasible, to reduce the amounts and toxicity of the hazardous waste stream.

O. Wastewater. ***[Revised by Ordinance No. 9466-A]*** Wastewater service to the project will be supplied by the City, as described in the Department of Sanitary Sewers' commitment letter dated September 20, 1985 at the standard charges for wastewater service. Connection fees and 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.

P. Water Supply.

1. The total daily water requirements from the commencement of construction through the build-out of the project as referenced. in the ADA will be supplied by the City at the standard charges for water service as described in the Water

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Department's Commitment letter dated October 17, 1985. 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.

2. The Developer shall develop a plan to encourage the use of non-potable water for landscape and open space irrigation, including stormwater usage and pumping from shallow wells.

3. The Developer, its successors or assigns, shall be responsible for installation, maintenance, and operation of any non-potable on-site wells and associated pipeline easements. The ownership of any potable water wells and associated pipeline easements which may be installed on the site will be dictated by agreement between the City, the West Coast Regional Water Supply Authority, and the Developer or its assigns.

4. Water saving methods and fixtures shall be incorporated into the project's design and construction guidelines.

Q. Other Public Facilities, Utilities, and Services.

1. The City shall assure the adequacy and availability of the following public services for this development: police, emergency medical, and fire.

2.a. The Developer, but not Individual Tenants, shall be required to provide to the City, in accordance with this paragraph, a site for a shared Parks, Public Safety (to include a fire station), and Public Works Facility which meets the following criteria:

(i) twenty-two and one half (22.5) acres of usable property, more or less, with the exact amount of acreage to be determined as the City's plans are finalized;

(ii) located with convenient access to an arterial roadway and generally located on the west side of I-75; and

(iii) suitable for the construction and operation of a joint facility to be shared between the Parks Department, Department of Public Safety, and Department of Public Works.

2b. The City agrees that any such facility will meet the following design criteria, all subject to approval by the Park Review Committee:

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(i) when two or more buildings are placed on the same site, they shall be designed as an integrated complex wherein individual building designs will be responsive to the massing, scale, color, and site access;

(ii) buildings shall be designed to conform to and complement site conditions and characteristics;

(iii) outside storage, (other than vehicular storage, which shall be screened) shall be prohibited, materials shall be stored in bins which are enclosed on three (3) sides and on top with the open side facing away from public rights of way or other areas visible to adjacent property owners;

(iv) all parking areas shall be screened to achieve an eighty percent (80%) opaque view from adjacent properties or public rights of ways;

(v) existing and proposed pedestrian circulation systems shall be incorporated into site design;

(vi) plans shall be submitted for approval of the Park Review Committee which show the nature, shape, height, materials, colors, scheme, lighting, landscaping, and location of any structures or improvements to be constructed;

(vii) finished building materials shall be provided for all sides of buildings or other structures;

(viii) all roof projections shall be enclosed in penthouse structures;

(ix) building doors designed to accommodate entry and/or delivery by trucks or other vehicles shall be located in such a way as to not be visible from the public right of way;

(x) metal or concrete block facades shall be permitted only if the Park Review Committee is convinced that such materials will not detract from the design objectives of the project; and

(xi) no radio towers shall be installed on the site.

2c. The location for this site shall be fixed by mutual agreement within a period of seven (7) years from the effective date of this Order.

2d. Under mutually acceptable terms and conditions, the public safety component of the above referenced facility may be separated from the remaining components and located on a separate site. In that event, the acreage required for each facility shall be equitably adjusted.

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2e. The City agrees to consider, but need not accept, as an alternative to the contribution of a site meeting the above criteria, a proposal from the Developer in which the Developer would construct on an agreeable site and lease to the City a joint public works, parks, public safety facility in accordance with specifications approved by the City. Such proposal will have, as a minimum, the rent payments computed without reference to the fair market value of the land involved in the facility (i.e., the economic effect shall be the same as if the land were "donated"). All other terms and conditions of such proposal shall be as acceptable to the City in its sole discretion.

2f. In lieu of contributing the site as set forth above, the Developer shall have the option of purchasing or otherwise acquiring for the benefit of the City a site outside the boundaries of the project; provided, however, that all attributes of such site shall meet the minimum criteria set forth above and that the location shall be approved in advance by all of the departments which plan to utilize the site and associated facilities. As an additional alternative, subject to the City's approval, the Developer may contribute to the City an agreed upon sum for the purpose of enabling the City to acquire an alternative site which meets the criteria set forth above as determined by the City.

R. Maintenance of Open Space. The Developer, its successors or assigns, shall be the responsible entities for the maintenance of all open space areas of the project site. Specifically, the Developer or its successors and assigns, shall maintain open space in the project's common areas and public rights of way. Individual Tenants shall maintain open space systems on their respective sites.

S. Water Quality.

1. A program shall be instituted by the Developer prior to the issuance of building permits to monitor background conditions and surface water exiting the site. The Floridan Aquifer shall be monitored by three (3) down gradient and three (3) up gradient wells. This monitoring shall continue through build-out and for five (5) years after build-out. Increased monitoring of the ground and surface water exiting the site may be requested following any hazardous or toxic waste spills.

2. Individual Tenants who generate/handle hazardous substances will be required to implement a site specific surficial aquifer monitoring program as required by the City, the Hillsborough County Environmental Protection Commission, and the Department of Environmental Regulation.

3. The results of these monitoring programs shall be submitted quarterly to the City, the Department of Environmental Regulation ("DER"), the Southwest Florida Water Management District ("SWFWMD"), and TBRPC. Any violations of Chapter 17-3, Florida Administrative Code, shall require corrective measures as set forth by DER. If a release of pollutants is detected by any portion of the

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monitoring program, the party detecting such release shall immediately notify the City, DER, and SWFWMD.

T. Construction Standards. All development pursuant to this Order shall be in accordance with applicable local building codes, ordinances, and other laws, in effect at the time of permitting, except as otherwise specifically provided herein. All elevations for habitable structures will be at or above the base flood elevation.

U. Effect of Approval.

1. Specific approval for the Phase I development as requested in the ADA subject to the conditions contained in this Order is hereby granted.

2. Conceptual approval is hereby granted for Phase II and Phase III, provided, however, that specific approval of the amounts of uses within Phases II and III is subject to further traffic impact analysis and assessments for traffic impact mitigative improvements or measures. Chapter 380 review shall also be conducted concerning the issues of air quality, water quality, drainage, and solid (including hazardous) waste.

3. Notwithstanding this Order, the Developer may during Phase I construct infrastructure improvements designed to serve all of, or any portions of, Phase II or Phase III development, or both; provided, however, that such excess infrastructure improvements shall be constructed at the Developer's risk and shall not be construed to vest in the Developer the right to develop Phases II or III.

V. [Intentionally omitted.]

W. Tampa Technology Park (West). ***[Added by Ordinance No. 91-229; Revised by Ordinance No. 99-237; Revised by Ordinance No. 2000-282; Revised by Ordinance No. 2006-20, Revised by Ordinance No. 2013 -]*** With respect to the area of Tampa Technology Park lying south and west of I-75, which is commonly referred to as Tampa Technology Park (West) and graphically depicted on the Revised Map H for Tampa Technology Park (West), dated ~~September 30, 2005~~March 8, 2013, attached hereto as Exhibit "C", specific approval of Phase 1 includes the following:

1.	Residential (Sgl. Family)	181 units
2.	Residential (Multi-Family)	394 units
3.	Commercial/Office	82,108 sq. ft.
4.	Hotel	0 rooms
5.	Office	1,690,000 sq. ft.
	(Office for USAA)	(1,200,000 sq. ft.)
	(Office for Flex B ~~Lennar~~)	(490,000 sq. ft.)
6.	High-Tech/Light Industrial	-0- sq. ft.
7.	Government Services	
	High Sch./Middle School	68 net ac.

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City Park 40 net ac.

The land use entitlements shown above are subject to provisions related to trade-off mechanisms set forth in the Development order, as amended.

Further, 3,337 external P.M. peak hour trips are authorized in Phase I for Tampa Technology Park (West).

X. Land Use Trade Off Mechanism. ***[Entire Section added by Ordinance No. 91-229, Revised by Ordinance No. 2013 -]*** For Phase 1, there shall be a trade off mechanism which will allow land uses to be traded in accordance with the following standards:

1. ***[Added by Ordinance No. 2000-282; Revised by Ordinance No. 2006-20]*** With respect to Tampa Technology Park (West): 1,000 square feet of Office is equivalent to 1,368 square feet of High-Tech/Light Industrial land use and vice versa. As to Flex Parcel B only, 1,000 square feet of Office is equivalent to 370 square feet of Commercial land use and vice versa, 2,125 square feet of Office is equivalent to 1.0 single family residential unit and vice versa. 2,878 square feet of High-Tech/Light Industrial is equivalent to 1.0 single family residential unit and vice versa. One (1.0) single family residential unit is equivalent to 1.53 multi-family residential units and vice versa. One (1.0) single family residential unit is equivalent to six (6.0) hotel rooms and vice versa. One (1.0) multi-family residential unit is equivalent to four (4.0) hotel rooms and vice versa. 1,000 square feet of Office is equal to six (6) Assisted Living Facility beds. 1,000 square feet of Office is equal to six (6) Skilled Nursing Facility beds. 1,000 square feet of Commercial is equal to 34.23 Assisted Living Facility beds. 1,000 square feet of Commercial is equal to 34.23 Skilled Nursing Facility beds.

~~2. With respect only to the areas designated as C/O/H on Revised Map H attached hereto as Exhibit "C", one (1) hotel room is equivalent to 500 square feet of Commercial/Office land use and vice versa. In addition, the approved square footage within the Commercial/Office land use category may be used for either commercial or office.~~

2.~~3.~~ At the time of selection of any land use within the areas designated as C/O/H, the Developer shall notify the DCA of said selection and also shall provide DCA, TBRPC and the City with cumulative land use totals and remaining allowable quantities. This condition shall not be construed as a requirement for an approval of a particular land use so long as the land use is consistent with the provisions hereof.

34. ***[Revised by Ordinance No. 2000-282; Revised by Ordinance No. 2006-20]*** In Tampa Technology Park (West), the maximum amount of each type of development as a result of utilizing the trade-off mechanism shall be as follows:

Commercial/Office 82,108 square feet

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Hotel	300~~160~~ rooms
Office	1,852,162 sq. ft.
High Tech/Light Industrial	400,000 sq. ft.
Assisted Living Facilities	150 beds
Skilled Nursing Facilities	150 beds

Approval of these maximums or any combination thereof shall not be construed as authorization for the project to generate additional trips than already allocated to Tampa Technology Park West. Development of the Assisted Living Facilities and Skilled Nursing Facilities may only be developed within the twelve acre area described in Exhibit H. Hotel rooms not currently existing (i.e., the 127 rooms built to date) may only be developed within the twelve acre area described in Exhibit H.

Y. Revised Map H. ***[Added by Ordinance No. 2000-282; Revised by Ordinance 2001-219; Further revised by Ordinance No. 2003-217; Revised by Ordinance No. 2006-20, Revised by Ordinance No. 2013 -]*** The master plan of development for Tampa Technology Park (West) is revised as reflected on the Revised Map H, attached hereto as Exhibit "C", is hereby approved and adopted as the Tampa Technology Park (West) Master Plan and bears a last revision date of ~~September 30, 2005~~March 8, 2013.

Z. Impact Fee Credits. ***[Added by Ordinance No. 94-222 and applicable only to the Notification Property depicted on Exhibit "D" thereto; Deleted in its entirety by Ordinance No. 99-03 solely as it relates to the Tampa Technology Park (East) development]*** Owner shall receive impact fee credits for the value of the right-of-way, and actual construction and other costs for the internal roadway system between the proposed east-west connector road in the approximate location shown on Revised Map H, or alternate location of such road that is agreed upon by the City and Owner, and the middle access point to County Road 581, whether or not the east-west connector road is built concurrent or subsequent to such internal roadway system. The amount of such credits shall be pursuant to the City impact fee ordinance. Such credits shall be assignable as described in paragraph N.

AA. ***[Added by Ordinance No. 94-222]*** The changes approved by this Fifth Amendment to the Development Order are exempt from the provisions of Ordinance 90 - 32 City of Tampa Concurrency Management System, and the Tampa Technology Park DRI remains vested thereunder.

AB. USAA and Caspersen Approvals. ***[Added by Ordinance No. 99-03]*** The USAA parcel and the parcels owned and identified on Revised Map H as Parcel A-1 and Parcel A-2 shall continue to be governed solely by the approvals existing prior to the approval of this amendment to the Development Order, except that the USAA parcel, and Parcels A-1 and A-2, as well as the remainder of Tampa Technology Park, shall be governed by the build-out date approved in this amendment to the Development Order.

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AC. Site Access. ***[Added by Ordinance No. 99-03]*** The owner of each project within Tampa Technology Park shall be responsible for the construction of their respective site access improvements including geometric improvements and signal installations. The owner must conduct signal warrants analysis within 30 days of receiving a written request from the Transportation Division. When signal warrants are met, such owner shall provide the Transportation Division with a written report detailing the construction schedule upon request of the City.

AD. Open Space. ***[Added by Ordinance No. 2000-282]*** Solely with respect to the Tampa Technology Park (West) Property: A minimum of 469.1 acres of Open Space (which includes 184.7 acres of Environmental Preserve and 284.4 acres of wetlands) shall be provided for Tampa Technology Park West. This amount of Open Space supersedes any other amount provided in the Development Order for the Tampa Technology Park (West) Property.

AE. Schools. ***[Added by Ordinance No. 2000-282]*** Solely with respect to the Tampa Technology Park (West) Property, school impact fees shall be paid pursuant to the Hillsborough County School impact Fee Ordinance, as the same may be amended ("School Ordinance").

AF. USAA Approvals. ***[Added by Ordinance No. 2000-282]*** The parcel owned and identified on Revised Map H as the USAA project shall continue to be governed solely by the approvals existing prior to the approval of this amendment to the Development Order, except that the USAA parcel, as well as the remainder of Tampa Technology Park, shall be governed by the build-out date approved in this amendment to the Development Order.

AG. Concurrency Management Exemptions. ***[Added by Ordinance No. 2000-282; Revised by Ordinance No. 2006-20]*** The changes approved by this Amendment to the Development Order are exempt from the provisions of Ordinance 90-32 City of Tampa Concurrency Management System, and the Tampa Technology Park DRI remains vested thereunder.

AH. East-West Road. ***[Entire Section added by Ordinance No. 2000-282]*** The City is considering construction of an east-west arterial roadway as depicted on Revised Map H, which arterial will connect to I-275 through Area 4 of the Tampa Palms DRI and through a 160' right-of-way traversing so-called Area 5 to the west of Area 4. The connection to I-275 will consist of a NB to EB exit from I-275 and a WB to SB entrance to I-275. Together, this east-west arterial and connection to I-275 are referred to herein as the East-West Road. Anytime prior to October 7, 2002, the City may notify in writing the owner(s) of the property through which the East-West Road is to be constructed, of the City's intention to proceed with construction of all or part of the East-West Road. Any such written notice from the City shall include a schedule for the City's diligent pursuit to design, permit and construct the East-West Road. Upon receipt of such written notice, the owner(s) of the property required for construction of the East-West Road shall dedicate by fee simple deed, for construction of the East-West Road, the right-of-way described above for so much of the East-West Road as the City or implementing agency intends to

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construct. Transportation impact fee credits for the right-of-way dedication, calculated in accordance with the City Transportation Impact Fee Ordinance in effect at the time of the dedication, shall be granted to the owner(s) and shall be useable or assignable by such owner(s) as allowed by law.

Nothing herein shall prohibit the owner(s) from pursuing construction and dedication of all or part of the East-West Road in advance of the City.

Nothing herein shall prohibit the owner(s) and the City from entering into a development agreement to define further the construction of the East-West Road. Nothing herein shall be construed as requiring the owner(s) to construct or pay for the construction of such a road.

Prior to construction of the East-West Road, a notification of proposed change application, pursuant to Section 380.06, Florida Statutes, shall, be submitted by the City of Tampa to review the impacts of the alignment and construction of the East-West Road and any other related issues.

Park, residential and nonresidential development parcel configurations as shown on Revised Map H as being within and/or adjacent to the East-West Road may be adjusted to accommodate the final alignment of the East-West Road and to maintain the approved development entitlements. These adjustments shall not be determined to be substantial deviations. The final development parcel configurations will be depicted on a revised master plan to be adopted when the notification of proposed change application for the East-West Road is processed. The City of Tampa shall work cooperatively with Lennar on the parcel configuration.

AI. Miscellaneous Transportation Notes. ***[Added by Ordinance No. 2000-282, amended by Ordinance No. 2006-20]*** For informational purposes, certain notes relating to transportation that appear on the zoning map for Tampa Technology Park West are set forth on Exhibit "F" to this Order.

AJ. Parks. ***[Added by Ordinance No. 2000-282]*** The Tampa Technology Park (West) Property shall meet the City of Tampa Comprehensive Plan requirements with regard to the provision of parkland incident to residential development. At its option, the developer may (i) pay cash in an amount reasonably acceptable to the City of Tampa in full or partial satisfaction of the park land dedication requirement or (ii) make improvements reasonably acceptable to the City of Tampa within the regional park located in Tampa Technology Park (West) Property for credit against cash amounts that otherwise would be payable to the City of Tampa in lieu of park land dedication, or (iii) both.

AK. Wetland Encroachment. ***[Entire Section added by Ordinance No. 2000-282]*** Impacts to wetlands are subject to all applicable environmental permitting requirements. Approved mitigation shall be performed within the Tampa Technology Park DRI or off-site within the Trout Creek drainage basin located within the City boundaries. There shall be no greater than 15% encroachment (excluding impacts by governmental agencies such as

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Tampa Bay Water and the City of Tampa) into the total square footage contained within the required thirty-foot wetland setback, pursuant to applicable City regulations. Except as provided herein, the thirty-foot buffer shall remain in its natural condition. Should the owner choose mitigation site(s) not within the DRI site, i.e. offsite, the following additional conditions shall apply:

1. Ownership of any off-site mitigation areas shall remain in control of the owner of the Tampa Technology Park (West) Property, its successors or assigns, unless as a result of permitting requirements, the off-site mitigation area meeting the foregoing requirements is a part of a mitigation bank, in which event ownership shall be as identified in the permitting conditions.

2. Off-site mitigation areas shall be encumbered by a perpetual conservation easement for the protection of the resources being mitigated.

3. Any costs associated with providing for constructing, monitoring and maintaining the off-site mitigation area(s) shall be borne by the owner of the Tampa Technology Park (West) Property, its successors or assigns.

4. Timing of off-site mitigation shall be in accordance with environmental agency permits.

5. At such time hereafter as a Notice of Proposed Change Application may be submitted affecting the Tampa Technology Park (West) Property (the "Next NOPC") any off-site mitigation plan approved by applicable permitting agencies shall be incorporated into any development order amendment resulting from the Next NOPC. This change shall not be determined to be a substantial deviation.

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 Wood & Company, Inc., its successors, or assigns and that the term "Individual Tenants" is deemed to mean those entities which purchase or lease land in the project and/or build buildings in the project (e.g., the Developer may also be an Individual Tenant), and that the term "successors and assigns" of the Developer or its "successors-in-interest" is deemed to include, but is not limited to, Individual Tenants, the Park Review Committee, and the Park Owners' Association.

[Added by Ordinance No. 91-194] The amendments approved hereby are exempt from the provisions of Ordinance 90-32, City of Tampa Concurrency Management System and Phase I of the Tampa Technology Park DRI remains vested thereunder. Phases II and III also remain vested except as to those matters described in Section 4.1.7.1 (traffic, air quality, water quality, drainage and solid (including hazardous) waste).

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Section 7. That some portion of the physical development permitted pursuant to this Order shall commence within three (3) years from the date upon which this Order becomes final and the appeal period has ended.

Section 8. ***[Revised by Ordinance No. 94-222, Revised by Ordinance No. 2013-]*** That this Order shall remain in effect until April 28, 2017~~March 29, 2011~~. Any development activity wherein plans have been submitted (and pursued by the Owner in good faith) 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.

[Revised by Ordinance No. 99-03, Revised by Ordinance No. 2006-20, Revised by Ordinance No. 2013-] The buildout dates for Tampa Technology Park (West) shall be extended as follows:

Phase I	December	31,	2012 – Flex A Parcel
	~~December~~	~~31,~~	~~2010~~April 28, 2017 – Flex B Parcel
	December	31	2016 – USAA Parcel
Phase II	December	31,	2004
Phase III	December	31,	2009

Section 9. ***[Revised by Ordinance No. 94-222, Revised by Ordinance No. 2013 -]*** That prior to April 28, 2017~~March 29, 2011~~, the city may not down-zone or reduce the intensity or unit density permitted by this Order, unless the City can demonstrate that:

A. substantial, changes in the conditions underlying the approval of the Order have occurred; or

B. the Order as~~:~~ based upon 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 affected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning or development 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 by this Order. The City does intend to rezone the property to conform to the Tampa 2000 Land Use Plan and Chapter 43-A, City of Tampa Code, as required by State Law. The inclusion of this Section 9 is not to be construed as evidencing any present or foreseeable intent on the part of the City to

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down-zone or alter the density or intensity of the development, but is included herein to comply with Section 380.06 (15)(c)3, Florida Statutes, 1985.

Section 10. Notwithstanding this Order, the Developer, at its sole 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 development site. Any impacts assessed and satisfied pursuant to this Order shall be considered and credited to the Developer's obligations under any such Area Wide Development Order.

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

Section 12. ***[Revised by Ordinance No. 9466-A]*** That the Director of HICS is responsible for insuring compliance with this Order and the receipt of the Developer's contributions required in Section 4.C.4., Mitigation of Transportation Impacts, and Section 4.C.14., Minimum Staging Requirements. 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. 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 Agreement, 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.

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PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON _____.

_____
Chairman, City Council

Attest:

By: _____
City Clerk Mayor

Approved as to form by: _____
Assistant City Attorney

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12 acre Legal Description within Flex B Parcel

Flex B Parcel 12 Acre Legal Descriptions:

1. Lot A1 1.3 acres
2. Lot A2 2.16 acres
3. Remainder of lot B1 1.1 acres

TAMPA TECHNOLOGY PARK WEST-FLEX B
THAT PART OF LOT B1 DESCRIBED AS FOLLOWS:
COM AT SWLY MOST COR OF LOT B1 N 76 DEG 55 MIN 15
SEC E 296.96 FT N 13 DEG 18 MIN 12 SEC W 53.35 FT
N 29 DEG 50 MIN 41 SEC W 25.25 FT N 44 DEG 11 MIN
00 SEC W 21.52 FT N 58 DEG 40 MIN 24 SEC W 23.11
FT N 82 DEG 44 MIN 13 SEC W 20.93 FT N 22 DEG 58
MIN 34 SEC W 48.9 FT S 19 DEG 59 MIN 22 SEC W
75.34 FT TO A PT OF CURVE TO THE RIGHT W/RAD OF
230 FT CB S 48 DEG 28 MIN 07 SEC W 228.46 FT TO
POB AND PARCEL DESCRIBED AS FOLLOWS:
COM AT SWLY MOST COR OF LOT B1 AND A PT OF CURVE
TO THE LEFT W/RAD OF 230 FT CB N 48 DEG 28 MIN 07
SEC E 228.46 FT N 19 DEG 59 MIN 22 SEC E 184.84 FT
TO A PT OF CURVE TO THE LEFT W/RAD OF 430 FT CB
N 18 DEG 29 MIN 37 SEC E 22.95 FT TO POB CONT ALG
CURVE TO THE LEFT W/RAD OF 430 FT CB N 14 DEG 25
MIN 27 SEC E 38.12 FT TO NWLY COR OF LOT B1 N 72
DEG 54 MIN 37 SEC E 370.12 FT TO NELY COR OF LOT
B1 S 17 DEG 04 MIN 47 SEC E 41.99 FT TO A PT OF
CURVE TO THE LEFT W/RAD OF 2827.79 FT CB S 16 DEG
40 MIN 45 SEC E 41.04 FT S 76 DEG 55 MIN 07 SEC W
352.27 FT N 73 DEG 02 MIN 09 SEC W 46.26 FT TO POB

4. Lot B2 1.9 acres
5. Lot B3 2.5 acres
6. Lot C5 1.36 acres
7. Lot D3 0.94 acres
8. Lot D4 1.82 acres
9. Lot E1 0.87 acres
10. Lot E2 1.43 acres
11. The remainder of Lot E3 1.74 acres

TAMPA TECHNOLOGY PARK WEST-FLEX B
LOT E3 LESS THAT PART LYING WITHN FOLLOWING
TAMPA TECHNOLOGY PARK WEST-FLEX B
PART OF LOTS E3 AND E4 DESCRIBED AS FOLLOWS:
COM AT NORTHERNMOST COR OF LOT E3 S 17 DEG

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EXHIBIT "B"

04 MIN 051 SEC E 35.01 FT FOT POB S 17 DEG 04 MIN
51 SEC E 373.75 FT CURVE RAD 30 FT CHRD BRG S 56
DEG 34 MIN 56 SEC W 27.31 FT S 29 DEG 30 MIN 29
SEC W 57.42 FT CURVE RAD 30 CHRD BRG
S 15 DEG 29 MIN 58 SEC W 14.52 FT S 72 DEG
55 MIN 0*9 SEC W 174.85 FT N 16 DEG 58 MIN
00 SEC W 303.55 FT N 40 DEG 04 MIN 42 SEC E
6.21 FT N 42 DEG 29 MIN 29 SEC E 29.66 FT
N 64 DEG 06 MIN 06 SEC E 21.71 FT CURVE RAD
30 FT CHRD BRG N 60 DEG 15 MIN 55 SEC E 4.01
FT N 56 DEG 25 MIN 44 SEC E 55.33 FT CURVE
RAD 30 FT CHRD BRG N 51 DEG 58 MIN 49 SEC E
4.65 FT N 47 DEG 31 MIN 54 SEC E 55.59 FT N
45 DEG 18 MIN 37 SEC E 41.95 FT CURVE RAD
30 FT CHRD BRG N 36 DEG 08 MIN 09 SEC E 9.57
FT N 26 DEG 57 MIN 40 SEC E 52.33 FT AND N
41 DEG 53 MIN 12 SEC E 5.80 FT TO POB

12. The remainder of Lot E4 0.23 acres

TAMPA TECHNOLOGY PARK WEST-FLEX B
LOT E4 LESS THAT PART LYING WITHIN FOLLOWING
COM AT NORTHERNMOST COR OF LOT E3 S 17 DEG
04 MIN 051 SEC E 35.01 FT FOT POB S 17 DEG 04 MIN
51 SEC E 373.75 FT CURVE RAD 30 FT CHRD BRG S 56
DEG 34 MIN 56 SEC W 27.31 FT S 29 DEG 30 MIN 29
SEC W 57.42 FT CURVE RAD 30 CHRD BRG
S 15 DEG 29 MIN 58 SEC W 14.52 FT S 72 DEG
55 MIN 0*9 SEC W 174.85 FT N 16 DEG 58 MIN
00 SEC W 303.55 FT N 40 DEG 04 MIN 42 SEC E
6.21 FT N 42 DEG 29 MIN 29 SEC E 29.66 FT
N 64 DEG 06 MIN 06 SEC E 21.71 FT CURVE RAD
30 FT CHRD BRG N 60 DEG 15 MIN 55 SEC E 4.01
FT N 56 DEG 25 MIN 44 SEC E 55.33 FT CURVE
RAD 30 FT CHRD BRG N 51 DEG 58 MIN 49 SEC E
45 DEG 18 MIN 37 SEC E 41.95 FT CURVE RAD
30 FT CHRD BRG N 36 DEG 08 MIN 09 SEC E 9.57
FT N 26 DEG 57 MIN 40 SEC E 52.33 FT AND N
41 DEG 53 MIN 12 SEC E 5.80 FT TO POB

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TAMPA TECHNOLOGY PARK WEST
LAND USE SCHEDULE

I Phase I - Specific Approval[1,4,5]

Commercial/Office	82,106 Sq. Ft.
Hotel	127 Rooms [3]
Office	1,640,593 Sq. Ft. [2]
High Tech/Lt Industrial	6,056 Sq. Ft.
Government Services	
High School/Middle School	68 Net Ac.
City Park	40 Net Ac.
Single Family Residential	191 Units
Multi Family Residential	384 Units

II Phase II - Conceptual Approval

Commercial/Office	166,061 Sq. Ft.
Hotel	216 Rooms
Office	1,636,359 Sq. Ft.
High Tech/Lt Industrial	1,913,051 Sq. Ft.

III Phase III - Conceptual Approval

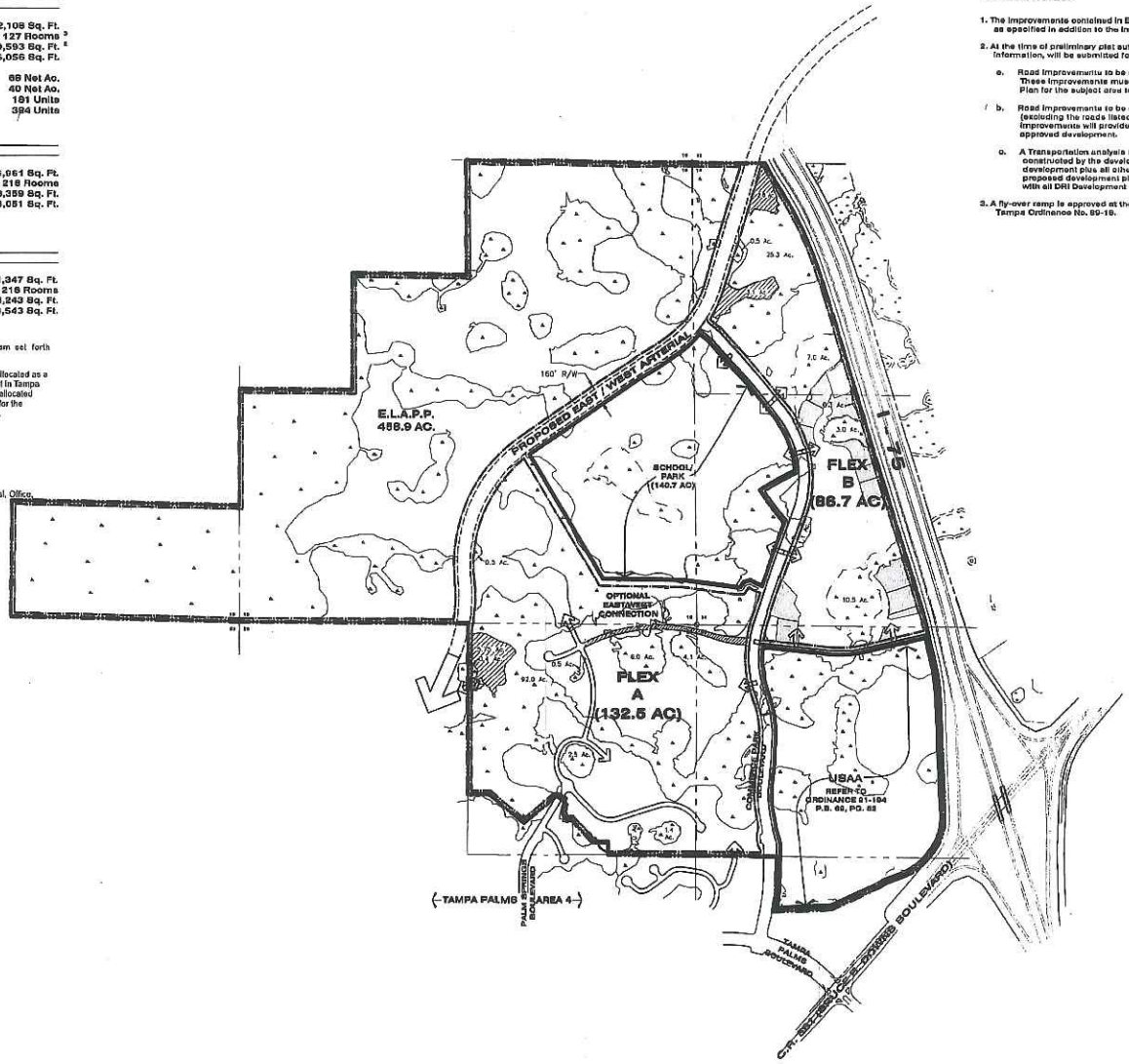
Commercial/Office	171,347 Sq. Ft.
Hotel	216 Rooms
Office	1,618,243 Sq. Ft.
High Tech/Lt Industrial	1,528,543 Sq. Ft.

NOTES:

1. Subject to the Provisions relative to the trade-off mechanism set forth in the amended Development Order.
2. The Tampa Technology Park Development Order, as amended allocated as a total of 1,640,593 square feet of "Office" for Phase I development in Tampa Technology Park West. Of that total, 1.2 million square feet was allocated to the USAA parcel. The remaining Phase I "office" entitlements for the balance of Tampa Technology Park West is 440,593 square feet.
3. All Rooms to be located within "Flex Parcel B".
4. Parcels designated as "Flex A" may be developed as Single-family (including Townhomes), and/or Multi-family. A maximum total of 400 Units of Multi-family will be allowed.
5. Parcels designated as "Flex B" may be developed as Commercial, Office, High Tech/Light Industrial, Hotel, Assisted Living, or Skilled Nursing.

GENERAL NOTES:

1. The improvements contained in Exhibit D of the approved Development Order will be required as specified in addition to the improvements listed below.
2. At the time of preliminary plat submittal, a transportation report, including the following information, will be submitted for review and approval:
   a. Road improvements to be constructed by the developer within the area to be platted. These improvements must include those improvements shown on the Rezoning Master Plan for the subject area to be platted.
   b. Road improvements to be constructed by the developer internal to the entire project (excluding the roads listed above) that will provide access for the requested plat. These improvements will provide adequate access to the requested plat area plus all previously approved development.
   c. A Transportation analysis that demonstrates: 1) that the internal improvements to be constructed by the developer are adequate to handle the traffic from the proposed development plus all other previously approved development; 2) that traffic from the proposed development plus all other previously approved development will be consistent with all DRI Development Order Conditions.
3. A fly-over ramp is approved at the intersection of County Road No. 581 and I-75 per City of Tampa Ordinance No. 89-16.



LEGEND

- WETLAND MESIC HABITAT
- MITIGATION AREA
- 2013 NOPC 12 ACRE AREA

TAMPA TECHNOLOGY PARK WEST

0 300' 600' 1200' 1800'

REVISED: map-h.dwg

8-8-1991
9-12-1991
10-31-1991
12-31-1991
1-28-1992
8-16-1999
10-8-1999
3-31-2000
8-12-2000
9-14-2000
10-10-2000
8-10-2006
9-20-06
3-5-2013
4-15-2013

MASTER PLAN
REVISED MAP H
EXHIBIT "C"

SECTIONS 14,15,16, 22 & 23, TOWNSHIP 27 SOUTH, RANGE 19 EAST

MAP H

Coen Company
Planning & Transportation Services
P.O. Box 10652 Tampa, Florida 33679-0652
Phone: 813.877.7359 Fax: 813.872.2609

#139

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LUTZ, FLORIDA 33548-7900
TEL: (813) 968-1002
FAX: (813) 968-1502

REPLY TO: ■ TAMPA
□ NORTH TAMPA

December 28, 2011

VIA – Hand Delivery and Email: susan.johnson@tampagov.net
Ms. Susan Johnson
DRI Coordinator
City of Tampa
306 E. Jackson Street, 3rd Floor East
Tampa, FL 33602

RE: Tampa Technology Park/East Development of Regional Impact ("TTE DRI") (#139) Essentially Built Out Agreement dated June 13, 2006, as amended April 7, 2010 ("EBOA"): Four (4) Year Extension of Phase, Buildout, Commencement and Expiration Dates Pursuant to Florida House Bill 7207

Dear Susan:

House Bill 7207 (Ch. 2011-139, *Laws of Florida*), provides for a four (4) year extension of "all commencement, phase, buildout, and expiration dates for projects that are currently valid developments of regional impact" regardless of any previous extension. With a limited exception that does not apply to this Development of Regional Impact ("DRI"), associated mitigation requirements are also extended for the same period. HB 7207 provides that "the 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection."

This letter constitutes notice pursuant to HB 7207. We realize that as the buildout date for TTE DRI is now governed by the EBOA (December 31, 2014), this will extend such date by 4 years, according to the following schedule:

	APPLICABLE DATES PRIOR TO HB 7207	APPLICABLE DATES PURSUANT TO HB 7207
BUILDOUT	December 31, 2014	December 31, 2018

Please add this letter to your file for the TTE DRI. Please also provide a written confirmation of the time extension pursuant to the enclosed application for a Notification of a Time Extension for an Approved Project or Development. A check for the $51.80 filing fee is enclosed herein with the application.

Of course, should you have any questions, please do not hesitate to call. Thank you for your attention to this matter.

Thank you.

Sincerely yours,

David M. Mechanik

David M. Mechanik, Esq., AICP
Certified Circuit Court Mediator

/kwm

Enclosures

cc: John Meyer, Tampa Bay Regional Planning Council, via email: johnm@tbrpc.org
Brenda Winningham, Department of Community Affairs, via email: brenda.winningham@dca.state
Donna Harris, Department of Community Affairs, via email: Donna.Harris@dca.state.fl.us
Chase Collier, via email: Chase.Collier@highwoods.com

Notification of a Time Extension for an Approved Project or Development

Deadline to file this notification is prior to the current expiration date of approval or by December 31, 2011, 5:00 pm whichever date occurs first. Identify below by placing a checkmark in the specific box as to which this notification of a time extension is being requested and provide the issued permit number or file number originally associated with the approval.

Please submit this Notification of Time Extension to the Growth Management and Development Services Department

The project name is: Tampa Technology Park/East Development of Regional Impact #139

1 ☐ Building Permit, Project #: _____

2 ☐ Zoning: Planned Development Ordinance # or Petition #: _____

3 ☐ Variance Authorization, Variance Petition #: _____

4 ☐ Construction Site Plan Approval Project # (If no subdivision approval is required). _____

5 ☐ Subdivision, Preliminary Plat Approval, Project #: _____

6 ☐ Subdivision, Construction Plans Approval, Project #: _____

7 ☐ Subdivision, Final Plat Approval, Project #: _____

8 ☐ Special Use Permit, Petition #: _____

9 ☐ Architectural Review Commission/Barrio Latino Commission Certificate of Appropriateness Petition # _____

10 _____ Date the permit/application/agreement was approved.

11 _____ Date the valid permit/application/agreement is set to expire (must be in the term from January 1, 2012 through January 1, 2014).

12 _____ **Requested new expiration date for the permit/approval/agreement. Maximum time extension is 2 years from the date the permit would have expired.**

13 Development of Regional Impact Development Order
Date the Development Order was approved 9/12/86.
(a) Current Commencement date _____.
(b) Current phase date(s) _____.
(c) Current build-out date 12/31/2014.
(d) Current expiration date 12/31/2014.
New date will be four years from the dates listed in (a) through (d). Associated mitigation requirements are extended for four years unless, before December 1, 2011, the City notifies the developer that has commenced any construction within the phase for which the mitigation is required, that the City has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer.

Please identify below the entity processing the original permit/application/agreement:

14 ☒ Land Development Coordination Division

15 ☐ Construction Services Division

16 ☐ Historic Preservation and Urban Design

Disclaimer/Hold Harmless:

This extension would be granted only pursuant to Chapter 2011-139, Laws of Florida ("HB7207"), and the City of Tampa's good faith interpretation of House Bill 7207. By accepting this extension, the applicant agrees to hold the City of Tampa harmless in the event a court of competent jurisdiction determines that the extension granted by the City of Tampa were not legally granted, or in the event that the extension is subsequently revoked based upon a legal challenge to House Bill 7207.

Acknowledgment:

I understand that any Development Order, permit or authorization determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action shall not be eligible for an extension. Any Development Order, permit or authorization that would delay or prevent compliance with a court order shall not be eligible for an extension. Approval of the time extension shall in no way impair the authority of the City of Tampa to require the owner of the property to maintain and secure the property in a safe and sanitary condition, in compliance with applicable laws and ordinances.

I hereby certify that the subject permit/agreement is valid, current, and unexpired.

☐ I am the owner

☒ I am the legal representative of the owner and have provided a notarized Owner/Agent affidavit which is attached hereto.

☐ I am the holder of the permit.

☒ Pursuant to Resolution 09-800, I wish to receive written confirmation of the time extension approval. The required $51.80 fee is attached.

Anne Q. Pollack — December 28, 2011

Signature — Date

Print Name: Anne Q. Pollack, Esquire and/or Mechanik Nuccio Hearne & Wester, P.A.

Address: 305 South Boulevard

City, State, Zip: Tampa, FL 33606

Daytime Phone: (813) 276-1920

Email: AQP@FLORIDALANDLAW.COM

Official Use Only

☐ Date Received: _____

☐ Received by: _____

OWNER/AGENT AFFIDAVIT

I, 581 Highwoods, L.P., a Delaware limited partnership
(Print Owner's name here)

am the owner of the property to which this Notification of **a Time Extension for an Approved Project or Development** is being sought (in accordance with House Bill 7207), and

hereby give authorization to Anne Q. Pollack, Esquire and/or Mechanik Nuccio Hearne & Wester, P.A.
305 South Boulevard, Tampa, FL 33606
Email: aqp@floridalandlaw.com

to act in my behalf as my agent in this matter in accordance with the notification requirements.

Owner's Signature: D Woodward
By: Daniel E. Woodward, Title: Vice President, Highwoods/Florida GP Corporation, a Delaware corpo as General Partner of Highwoods/Florida Holdings, L.P., a Delaware limited partnership, as General Partner of 581 Highwoods, L.P., a Delaware limited partnershi

Date: December, 2011

Owner's Address: 3111 W. M.L. KING BLVD.
SUITE 300
TAMPA, FL 33607

NOTARIAL CERTIFICATE

COUNTY OF: HILLSBOROUGH STATE OF: FLORIDA

On this the 27th day of December, 2011, before me, the undersigned Notary Public

of the State of FLORIDA, personally appeared By: Daniel E. Woodward, Title: Vice President of
(Name (s) of individual(s) who appeared before notary)
Highwoods/Florida G.P. Corp, a Delaware Corporation
a whose name(s) is/are subscribed to within this document and hereby acknowledged and executed same.

WITNESS my hand and official seal.

(SEAL/STAMP)

Sue E. Wallace
NOTARY PUBLIC

SUE E. WALLACE
MY COMMISSION # EE60394
EXPIRES: April 06, 2015
Fl. Notary Discount Assoc. Co.
1-800-3-NOTARY

☒ Personally known to me, or ☐ Produced Identification: _____
(Type of Identification Produced)

☐ DID take an oath, or ☐ DID NOT take an oath.

139

FOWLER WHITE BOGGS
Attorneys at Law
Est 1943

December 7, 2009

Susan L. Johnson
City of Tampa Growth Management and
Development Services Department
306 E. Jackson St., 3d floor
Tampa, FL 33602

Re: SB 360 Notice of Extension Tampa Technology Park West – DRI No. 139

Dear Ms. Johnson:

On behalf of my client, Tampa Palms Professional Center, LTD, I am requesting an extension of time for Phase I of the referenced project. Pursuant to Senate Bill 360, (Section 14, Chapter 2009-96), which provides for a two-year extension of time for local government-issued development orders and building permits, including DRI build out dates, this letter shall serve to notify the City of Tampa that we intend to use the statutory provision in order to extend the build out date to December 31, 2012.

I am enclosing a copy of the "Notification of a Time Extension for an Approved Project or Development along with our check for $50.00 to receive confirmation. Please let us know if you have any questions or comments. Thank you in advance for your assistance.

Sincerely,

Rhea F. Law
CEO and Chair of the Board

Cc: John Meyer, TBRPC
Mr. Michael Urette

Enclosures

Notification of a Time Extension for an Approved Project or Development

Deadline to file this notification is prior to the current expiration date of approval or by December 31, 2009, 5:00 pm whichever date occurs first. Identify below by placing a checkmark in the specific box as to which this notification of a time extension is being requested and provide the issued permit number or file number originally associated with the approval.

Please submit this Notification of Time Extension to the Growth Management and Development Services Department

The project name is: Tampa Technology Park West

1 ☐ Building Permit, Project #: _____
2 ☐ Zoning: Planned Development Ordinance # or Petition #: _____
3 ☐ Variance Authorization, Variance Petition #: _____
4 ☐ Construction Site Plan Approval Project # (If no subdivision approval is required). _____
5 ☐ Subdivision, Preliminary Plat Approval, Project #: _____
6 ☐ Subdivision, Construction Plans Approval, Project #: _____
7 ☐ Subdivision, Final Plat Approval, Project #: _____
8 ☐ Special Use Permit, Petition #: _____
9 ☒ Development of Regional Impact Development Order
10 ☐ Architectural Review Commission/Barrio Latino Commission Certificate of Appropriateness Petition # _____
11 10/26/00 Date the permit/application/agreement was approved.
12 12/31/10 Date the valid permit/application/agreement is set to expire (must be in the term September 1, 2008 and not later than January 1, 2012).
13 12/31/12 **Requested new expiration date for the permit/approval/agreement. Maximum time extension is 2 years from the date the permit would have expired.**

Please identify below the entity processing the original permit/application/agreement:

14 ☒ Land Development Coordination Division
15 ☐ Construction Services Division
16 ☐ Historic Preservation and Urban Design

Disclaimer/Hold Harmless:

This extension would be granted only pursuant to Chapter 2009-96, Laws of Florida ("SB360"), and the City of Tampa's good faith interpretation of Senate Bill 360. By accepting the approved extension, the applicant (properly owner/permit holder) acknowledges that the legality of Senate Bill 360 has been challenged. Accordingly, by accepting this extension, the applicant agrees to hold the City of Tampa harmless in the event a court of competent jurisdiction determines that the extension granted by the City of Tampa were not legally granted, or in the event that the extension is subsequently revoked based upon the legal challenge to Senate Bill 360.

Acknowledgment:

I understand that any Development Order, permit or authorization determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action shall not be eligible for an extension. Any Development Order, permit or authorization that would delay or prevent compliance with a court order shall not be eligible for an extension. Approval of the time extension shall in no way impair the authority of the City of Tampa to require the owner of the property to maintain and secure the property in a safe and sanitary condition, in compliance with applicable laws and ordinances.

I hereby certify that the subject permit/agreement is valid, current, and unexpired.

☒ I am the owner
☐ I am the legal representative of the owner and have provided a notarized Owner/Agent affidavit which is attached hereto.
☐ I am the holder of the permit.
☐ Pursuant to Resolution 09-800, I wish to receive written confirmation of the time extension approval. The required $50 fee is attached.

Michael E. Urrette, Partner
Signature

_____
Date

Print Name: Tampa Palms Professional Center, LTD
Address: 3239 Henderson Blvd
City, State, Zip: Tampa, Florida 33609
Daytime Phone: (813) 876-7697 X 6
Email: murette@aol.com

Official Use Only

☐ Date Received: _____

☐ Received by: _____

FOWLER WHITE BOGGS
Attorneys at Law
Est 1943

December 14, 2009

Susan L. Johnson
City of Tampa Growth Management and
Development Services Department
306 E. Jackson St., 3d floor
Tampa, FL 33602

Re: Notice of Extension Tampa Technology Park West – DRI No. 139

Dear Ms. Johnson:

On behalf of my client, Tampa Palms Professional Center, LTD, I am requesting an extension of time for Phase I of the referenced project. Pursuant to HB 7203, which was enacted during the 2007 legislative session and codified at Section 380.06(19)(c), Fla. Stat. we are extending the build out date for Phase I for three years to December 31, 2015.

I am enclosing our check for $50.00 to receive confirmation. Please let us know if you have any questions or comments. Thank you in advance for your assistance.

Sincerely,

Rhea F. Law
CEO and Chair of the Board

Cc: John Meyer, TBRPC
Mr. Michael Urette

Enclosures

#139E

ESSENTIALLY BUILT-OUT AGREEMENT FOR THE TAMPA TECH EAST DEVELOPMENT OF REGIONAL IMPACT

Entered Pursuant to Sections 380.032(3) and 380.06(15)(g)3., Florida Statutes

This Agreement ("Agreement") is entered into by and between 581 Highwoods L.P., a Delaware limited partnership ("Highwoods"), the City of Tampa ("Tampa") and the Florida Department of Community Affairs ("Department"), subject to all other government approvals and solely at Highwoods own risk.

WHEREAS, Highwoods is a duly constituted and active Delaware limited partnership and is an owner and a developer of Tampa Technology Park development of regional impact DRI No. 139 ("Tampa Tech East DRI"); and

WHEREAS, Tampa is a municipal corporation, duly incorporated under the laws of the State of Florida, and is the local government responsible for the administration of the Tampa Tech DRI; and

WHEREAS, the Department is the state land planning agency having the power and duty to administer and enforce Chapter 380, *Florida Statutes*, which includes provisions relating to developments of regional impact; and

WHEREAS, the Tampa Tech DRI was originally approved on September 12, 1986 by Tampa Ordinance No. 9359-A; and

WHEREAS, Highwoods, Tampa and the Department have previously executed a 380.032 Agreement which formally separated Tampa Tech East from Tampa Tech West, and which approved separate DRI development orders for each; and

WHEREAS, most of the development authorized for Tampa Tech East has already been constructed; and

WHEREAS, Highwoods and/or The Depository Trust & Clearing Corporation ("DTCC") desire to develop approximately 245,000 square feet of office space or its equivalent under the Equivalency Matrix approved under the Tampa Technology East Development Order, to construct a project which project will create at least 100 jobs and which has been determined by the Office of Tourism, Trade and Economic Development to meet the criteria of section 403.973, *Florida Statutes*, as to the impact on the area's economy, employment and prevailing wage and skill levels, (a copy of which determination is attached as Exhibit A), and is, therefore, not required to undergo DRI review pursuant to section 380.06(2)(d)1.c., *Florida Statutes* (the "DTCC Project"); and

WHEREAS, Highwoods desires to develop 203,000 square feet of office space or its equivalent under the Equivalency Matrix approved under the Tampa Technology East Development Order, on the remainder of the Tampa Tech East DRI (said 203,000 square feet of office or its equivalent and the DTCC Project shall hereafter be referred to together as the "Remaining Development"); and

WHEREAS, the buildout date for the Tampa Tech East DRI is December 31, 2005 and action under 380.06(15)(g) is necessary to authorize the Remaining Development beyond that date; and

WHEREAS, the Department is authorized, pursuant to Section 380.032(3), *Florida Statutes*, to enter into agreements as may be necessary to effectuate the provisions and purposes of Chapter 380, *Florida Statutes*; and

WHEREAS, the Department is authorized, pursuant to Section 380.06(15)(g)3., *Florida Statutes*, to enter into agreements which determine that a development of regional impact is essentially builtout; and

WHEREAS, Highwoods has demonstrated that the Tampa Tech East DRI is in compliance with all the applicable terms and conditions of the development order except the buildout date, and that the Remaining Development will not create the likelihood of any additional regional impact not previously reviewed; and

WHEREAS, Highwoods, Tampa and the Department desire to enter into this Agreement.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein, it is hereby understood and agreed as follows:

1. The parties agree that in accordance with Section 380.06(15)(g)3., *Florida Statutes*, the Tampa Tech East DRI is "essentially built-out" because the development is in compliance with all applicable terms and conditions of the Tampa Tech East DRI Development Order except the buildout date, and the Remaining Development will not create the likelihood of any additional regional impacts not previously reviewed.

2. The Remaining Development may proceed in accordance with the applicable terms and conditions of the Tampa Tech East DRI development order, without further DRI review, including review under Section 380.06(19), *Florida Statutes*. Compliance with the terms and conditions of the Tampa Tech East Development Order shall include, but not be limited to, the filing of annual reports. The Remaining Development shall not be required to undergo a concurrency or transportation analysis until December 31, 2011, and then such analysis shall only be required if a portion thereof is proposed to be constructed after that date. The Remaining Development may be constructed within any areas designated as Undeveloped on Exhibit B, attached.

3. Except as provided in the preceding paragraph, the Remaining Development, and any additional changes within the Tampa Tech East DRI, shall be subject to the City of Tampa's Code of Ordinances and the City of Tampa's Comprehensive Plan. In addition, construction of the Remaining Development shall be subject to the City of Tampa's Transportation Impact Fee Ordinance, subject to Highwoods' rights under its City of Tampa Credit Account known as the "581 Highwoods, L.P. Construction Credit Account". Payment of impact fees and/or use of any available impact fee credits for the Remaining Development shall be assessed and paid for each building at the time of the issuance of a building permit for such building.

4. Any future development or redevelopment proposals above the Remaining Development amount will: (a) be reviewed by the City in accordance with the criteria contained in Section 380.06(19), F.S.; and (b) not be allowed to commence until Highwoods or any other developer of land in the Tampa Technology East DRI have entered into a development agreement with the City addressing the development impact shown to exist from said Section 380.06(19) F.S. analysis of any such future development proposal. It is understood and agreed that the review of any future development proposals in excess of the Remaining Development

amount shall be conducted solely by the City and that any such additional development shall be subject to a development agreement between the City and the developer, solely.

5. Highwoods shall design, permit, and construct the following transportation improvements, as required in the Tampa Technology Park East Development Order (TTPE DO):

(i) Signalize the intersection of Highwoods Preserve Parkway and New Tampa Boulevard as required by TTPE DO Conditions AN and Exhibit C – Table 4;

(ii) Signalize the intersection of Richmond Park Drive and Bruce B. Downs Boulevard as required by TTPE DO Condition AO and Exhibit C- Table 4. (Under the terms of the TTPE DO, Highwoods is only responsible for 50% of the cost of design, permitting, and installation of this improvement);

(iii) provide a second right turn lane from Highwoods Preserve Parkway to Bruce B. Downs Boulevard as required by TTPE DO Condition AN and Exhibit C – Table 4, including any additional right of way required for said second right turn lane. In connection therewith, Highwoods shall conduct a traffic analysis, when requested by the City and subject to the City's review, at anytime within five (5) years after the date of this Agreement, to determine if the second right turn lane from Highwoods Preserve Parkway to Bruce B. Downs Boulevard is required at that time, provided that Highwoods shall not be required to conduct more than one analysis. If additional right of way is required for the second right turn lane, Highwoods shall dedicate or deed the additional right of way to the City at no cost to the City.

(iv) signalize the intersection of Intermedia Way (now known as Highwoods Palm Way) and Highwoods Preserve Drive (now known as Highwoods Preserve Parkway) when warranted and required by the City.

The foregoing improvements shall be provided when warranted and required by the City at Highwoods, or its successor's sole cost and expense. Highwoods may assign its obligations under this Agreement, in whole or in part, to another party if, and only if, the successor or assignee of Highwoods notifies the City and acknowledges to the City in writing that it is obligated to comply with the terms and conditions of this Agreement pertaining to the obligations so assigned, including, without limitation, if applicable, the transportation improvements identified in this Section 5. Upon such assignment and acknowledgement, Highwoods shall be released from the assigned obligations. To the extent such successor or assignee has not assumed an obligation hereunder, Highwoods shall remain fully obligated with respect thereto.

6. Highwoods asserts and warrants that all of the representations and statements made as set forth in this Agreement and in materials provided by Highwoods in support of this Agreement are true, accurate, and complete. Based upon such representations and statements, the Department concludes that this Agreement is in the best interests of the State of Florida, is necessary and beneficial to the Department in its role as the state agency with the responsibility to administer and enforce Chapter 380, *Florida Statutes*, and reasonably applies and effectuates the provisions and purposes of Chapter 380, *Florida Statutes*.

7. In event of a breach of this Agreement or failure to comply with any condition of this Agreement, or if this Agreement is based upon materially inaccurate information, the

Department, Tampa, or Highwoods may terminate this Agreement or initiate actions to enforce this Agreement, including enforcement proceedings pursuant to Section 380.11, *Florida Statutes*.

8. Nothing in this Agreement shall constitute a waiver by any party of the right to appeal any development order pursuant to Section 380.07, *Florida Statutes*, except as acknowledged herein.

9. This Agreement affects the rights and obligations of the parties under Chapter 380, *Florida Statutes*. It is not intended to determine or influence the authority or decisions of any other state or local government or agency in issuance of any other permits or approvals which might be required by state law or local ordinance for any development authorized in this Agreement.

10. Any amendment to or modification of this Agreement shall not be effective unless contained in writing signed by the parties.

11. Highwoods shall record a notice of this Agreement in the Official Records of Hillsborough County, Florida, and shall provide the Department with a copy of the recorded notice within fifteen (15) days of the date of execution of this Agreement. A copy of the form of notice of the recording of this Agreement is attached hereto as Exhibit "C".

12. The effective date of this Agreement shall be the date that the last party signs and acknowledges this Agreement, and this Agreement shall be deemed to be executed on that date.

[THIS SPACE INTENTIONALLY LEFT BLANK]

HIGHWOODS:
581 HIGHWOODS, L.P., a Delaware limited partnership

By: HIGHWOODS/FLORIDA HOLDINGS, L.P., a Delaware limited partnership, as its sole general partner

By: Highwoods/Florida G.P. Corp., a Delaware corporation, as its sole general partner

By: Stephen A. Meyers
Printed Name: _____
Its: _____

STEPHEN A. MEYERS
VICE PRESIDENT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 28th day of APRIL 2006, by STEPHEN A MEYERS, as VICE PRESIDENT of Highwoods/Florida GP Corporation, a Delaware corporation, as General Partner of Highwoods/Florida Holdings, L.P., a Delaware limited partnership, as General Partner of 581 Highwoods, L.P., a Delaware limited partnership, on behalf of the limited partnership. He/She is personally known to me or has produced a _____ as identification.

Sue E Wallace
Notary Public, State of Florida
Printed Name: _____

NOTARY PUBLIC STATE OF FLORIDA
Sue E Wallace
My Commission DD172999
Expires April 06 2007

ATTEST:
Shirley Ivy-Knowles
City Clerk ~~/Deputy City Clerk~~

CITY OF TAMPA:
By: _____
Date: 5/15/06

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 15th day of May 2006, by Pam Iorio as Mayor of the City of Tampa, who is ~~personally known to me or~~ has produced _____ as identification.

Michelle Y. Rivera
Notary Public, State of Florida
Printed Name: Michelle Y. Rivera

MICHELLE Y. RIVERA
Notary Public, State of Florida
My comm. exp. May 9, 2007
Comm. No. DD 209054

The execution of this document was authorized by Resolution No. 2006-585
RMH
(signature)
☐ City Attorney
☒ Assistant City Attorney

DEPARTMENT OF COMMUNITY AFFAIRS:

By: Valerie J. Hubbard

Date: 6/13/06

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 13th day of June 2006, by Valerie J. Hubbard as Director, DCP of the Department of Community Affairs, who is personally ~~known~~ to me or has produced _____ as identification.

Gayle H. Brett

Notary Public, State of Florida
Printed Name: _____

Gayle H. Brett
MY COMMISSION EXPIRES
October 6, 2006
#DD153509
Bonded thru
Troy Fain-Insurance
NOTARY PUBLIC, STATE OF FLORIDA

EXHIBITS

A OTTED Certification for DTCC

B Undeveloped Areas

C Notice of Recording Section 380.032(3) Agreement

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
850-487-0801 fax

JEB BUSH
GOVERNOR

December 21, 2005

Mr. David M. Mechanik
Mechanik Nuccio Hearne & Wester, P.A.
305 S. Boulevard
Tampa, FL 33606-2150

Re: The Depository Trust & Clearing Corporation
Expedited Permitting Eligibility

Dear Mr. Mechanik:

The Office of Tourism, Trade, and Economic Development is in receipt of the application recently filed requesting a determination as to the eligibility of a project consisting of a potential location of the above referenced company at a site within the Tampa Technology Park East for Florida Expedited Permitting Review Process pursuant to Section 403.973, Florida Statutes.

Based on a review of the application and noting that the project is expected to create at least 100 new to Florida high wage, high skill jobs which will strengthen and diversify the State's economy, it is our opinion that the project, as described in the application, is eligible for Certification for the Expedited Permitting Review Process.

I look forward to working with you on this project and if you have any questions or wish to discuss this further, please do not hesitate to contact me.

Sincerely,

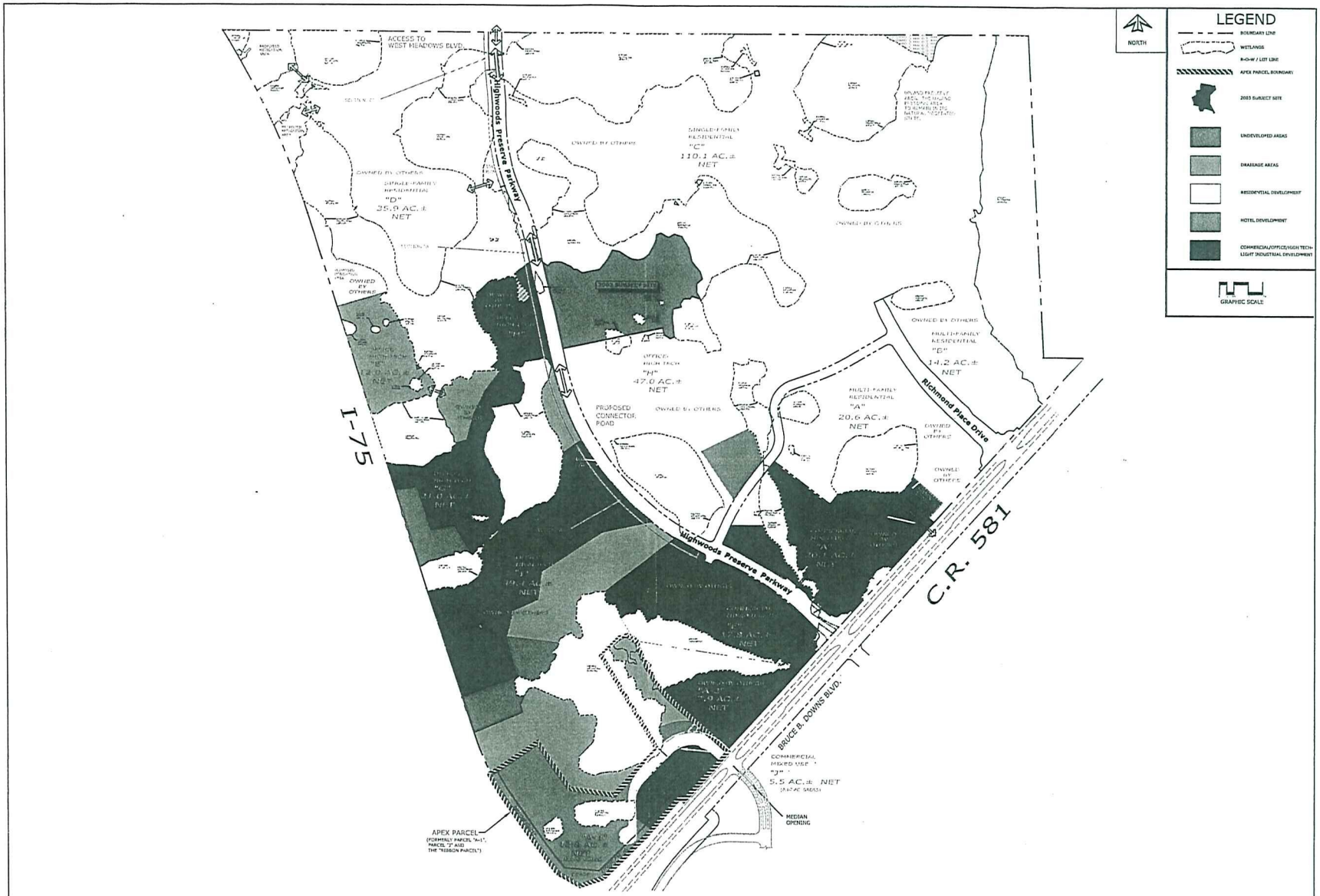
Mary Helen Blakeslee

Mary Helen Blakeslee, Chief Analyst
Office of Tourism, Trade, and Economic Development

cc: Bo Taff, OTTED
David Jordan, DCA

Governor's Mentoring Initiative
BE A MENTOR. BE A BIG HELP.
1-800-825-3786

EXHIBIT "A"



OWNERS:
581/Highwoods L.P.
C/O Mr. Chase Collier
3111 W. Martin Luther King Blvd
Suite 300
Tampa, FL 33607

						ACTIVITY	INITIALS, ENG. NO.	DATE
						RESIDENT BY:		
						DRAWN BY:		
						CHECKED BY:		
						CONTRACT ADMIN. NO.		
▲REV NO.	REVISION	DATE	DRAWN BY / ENG. NO.	CHECKED BY / ENG. NO.		APPROVED BY:		

Coen Company

CLIENT: 581/Highwoods L.P.

PROJECT: Tampa Tech East DRI EBOA

TITLE: Exhibit B Undeveloped Areas

1 of 1

EXHIBIT "C"

Notice of Recording Section 380.03(2) Agreement

Pursuant to Sec. 380.032(3) F.S., notice is hereby given that the City of Tampa, 581 Highwoods L.P., and the Florida Department of Community Affairs entered into an Essentially Built Out Agreement in connection with the Tampa Technology Park Development of Regional Impact, DRI #139. The land which is the subject of DRI # 139 is legally described on Exhibit A, attached hereto. The recording of this notice is not a matter affecting title to the property described in Exhibit A, but is provided solely for the purpose of directing interested parties to the document referred to herein. A copy of the Agreement is attached hereto as Exhibit "B".

HIGHWOODS:
581 HIGHWOODS, L.P., a Delaware limited partnership

By: HIGHWOODS/FLORIDA HOLDINGS, L.P., a Delaware limited partnership, as its sole general partner

By: Highwoods/Florida G.P. Corp., a Delaware corporation, as its sole general partner

By: _____
Printed Name:_____
Its:_____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of _____ 2006, by _____, as _____ of Highwoods/Florida GP Corporation, a Delaware corporation, as General Partner of Highwoods/Florida Holdings, L.P., a Delaware limited partnership, as General Partner of 581 Highwoods, L.P., a Delaware limited partnership, on behalf of the limited partnership. He/She is personally known to me or has produced a _____ as identification.

_____
NOTARY PUBLIC-STATE OF FLORIDA
Printed Name:
My commission expires:

#139

380.032 AGREEMENT TO BIFURCATE TAMPA TECHNOLOGY PARK DEVELOPMENT OF REGIONAL IMPACT

Entered Pursuant to Section 380.032(3), Florida Statutes

This Agreement ("Agreement") is entered into by and between 581 Highwoods L.P., a Delaware limited partnership ("Highwoods"), the City of Tampa ("Tampa"), Lennar Land Partners, a Florida general partnership ("Lennar") and the Florida Department Of Community Affairs ("Department"), subject to all other government approvals, and solely at Highwoods own risk.

WHEREAS, Highwoods is a duly constituted and active Delaware limited partnership and is an owner and a developer of Tampa Technology Park development of regional impact DRI No. 139 ("Tampa Tech DRI"); and

WHEREAS, Tampa is a municipal corporation, duly incorporated under the laws of the State of Florida, and is the local government responsible for the administration of the Tampa Tech DRI; and

WHEREAS, Lennar is a duly constituted and active Florida general partnership, and is an owner and a developer of the Tampa Technology Park Development of Regional Impact; and

WHEREAS, the Department is the state land planning agency having the power and duty to administer and enforce Chapter 380, *Florida Statutes*, which includes provisions relating to developments of regional impact; and

WHEREAS, the Tampa Tech DRI was originally approved on September 12, 1986 by Tampa Ordinance No. 9359-A; and

WHEREAS, Tampa has approved sixteen amendments to the Tampa Tech DRI development order, including the Fourth Amendment which approved the separation of Tampa Technology Park East and Tampa Technology Park West by allocating development approvals and vehicle trips to each; and

WHEREAS, Highwoods desires to formally separate Tampa Tech East from Tampa Tech West by utilizing the development amounts and development type allocations and motor vehicle trip allocations described in the preceding paragraph; and

WHEREAS, Highwoods has demonstrated that the two portions of the Tampa Tech DRI are divided by Interstate 75, do not share common infrastructure, and do not meet the criteria for aggregation under Section 380.0651(4), *Florida Statutes*, and Rule 9J-2.0275, *F.A.C.*, and that the other owners of the Tampa Tech DRI do not object to formal separation of the East and West portions; and

WHEREAS, the Department is authorized, pursuant to Section 380.032(3), *Florida Statutes*, to enter into agreements as may be necessary to effectuate the provisions and purposes of Chapter 380, *Florida Statutes*; and

WHEREAS, Highwoods, Tampa, Lennar, and the Department desire to enter into this Agreement.

WHEREAS, notice was provided to all affected parties of the meeting at which the City Council considered this Agreement.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein, it is hereby understood and agreed as follows:

1. The parties agree that Tampa Tech East and Tampa Tech West shall be formally separated, such that the owners and developers of each separated portion shall only be required to comply with the conditions of the Development Order applicable to each portion. Upon full execution of this Agreement, the document attached to this Agreement as Exhibit A shall be the Tampa Tech East DRI Development Order, and the document attached to this Agreement as Exhibit B shall be the Tampa Tech West DRI Development Order.

2. After the effective date of this Agreement, the East and West portions of the Tampa Tech DRI shall be governed by the terms and conditions of their respective development orders, and shall be subject to all of the provisions of law which apply to a development of regional impact. The Tampa Tech East DRI Development Order and Tampa Tech West DRI Development Order merely restate the original Tampa Technology Park Development Order as, amended, up to the date of this Agreement, except to separate the conditions which are applicable to Tampa Tech East versus those conditions which are applicable to Tampa Tech West. The restatement of information and conditions therein is not intended to revive conditions or obligations which have been previously satisfied or to change any dates for compliance from those set forth in the original Tampa Technology Park Development Order, as amended to the date immediately prior to this Agreement. Nothing in this Agreement is intended to modify, nor shall it have the effect of modifying, the development rights and obligations of the parties with respect to Tampa Tech East and Tampa Tech West in existence immediately prior to execution hereof by all parties.

3. Highwoods asserts and warrants that all of the representations and statements made as set forth in this Agreement and in materials provided by Highwoods in support of this Agreement are true, accurate, and complete. Based upon such representations and statements, the Department concludes that this Agreement is in the best interests of the State of Florida, is necessary and beneficial to the Department in its role as the state agency with the responsibility to administer and enforce Chapter 380, *Florida Statutes*, and reasonably applies and effectuates the provisions and purposes of Chapter 380, *Florida Statutes*.

4. In the event of a breach of this Agreement or failure to comply with any condition of this Agreement, or if this Agreement is based upon materially inaccurate information, the Department, Tampa, Highwoods, or Lennar may terminate this Agreement or initiate actions to enforce this Agreement, including enforcement proceedings pursuant to Section 380.11, *Florida Statutes*.

5. Nothing in this Agreement shall constitute a waiver by any party of the right to appeal any development order pursuant to Section 380.07, *Florida Statutes*, except as acknowledged herein.

6. This Agreement affects the rights and obligations of the parties under Chapter 380, *Florida Statutes*. It is not intended to determine or influence the authority or decisions of any other state or local government or agency in issuance of any other permits or approvals which might be required by state law or local ordinance for any development authorized in this Agreement.

7. Any amendment to or modification of this Agreement shall not be effective unless contained in writing signed by the parties.

8. Highwoods shall record a notice of this Agreement in the Official Records of Hillsborough County, Florida, and shall provide the Department and Lennar with a copy of the recorded notice within fifteen (15) days of the date of execution of this Agreement. A copy of the form of notice of the recording of this Agreement is attached hereto as Exhibit "C".

9. The effective date of this Agreement shall be the date that the last party signs and acknowledges this Agreement, and this Agreement shall be deemed to be executed on that date.

WITNESSES:

LENNAR LAND PARTNERS
a Florida general partnership

BY: LENNAR HOMES, INC.,
Attorney- in- Fact pursuant to Power Of Attorney recorded in O. R. Book 14535, Page 1751, Public Records of Hillsborough County, Florida

NAME: _____
[PRINT/TYPE]
TITLE: _____

NAME: TIMOTHY A. JOHNSON, JR.
[PRINT/TYPE]

NAME: _____
[PRINT/TYPE]

(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 2nd day of May 2006, by _____, as _____ of Lennar Homes, Inc., a Florida corporation, Attorney in Fact for Lennar Land Partners, a Florida general partnership on behalf of the partnership. He/She is either [mark one] personally known to me or has produced a _____ as identification.

[AFFIX NOTARY SEAL/STAMP]

NAME: TIMOTHY A. JOHNSON, JR.
[PRINT/TYPE]
NOTARY PUBLIC, STATE OF

Timothy A. Johnson, Jr.
Commission # DD307530
Expires June 29, 2008
Bonded Troy Fain - Insurance, Inc. 800-385-7019

HIGHWOODS:
581 HIGHWOODS, L.P., a Delaware limited partnership

By: HIGHWOODS/FLORIDA HOLDINGS, L.P., a Delaware limited partnership, as its sole general partner

By: Highwoods/Florida G.P. Corp., a Delaware corporation, as its sole general partner

By: Stephen A. Meyers
Printed Name: _____
Its: _____

STEPHEN A. MEYERS
VICE PRESIDENT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 3rd day of APRIL 2006, by STEPHEN A. MEYERS, as VICE PRESIDENT of Highwoods/Florida GP Corporation, a Delaware corporation, as General Partner of Highwoods/Florida Holdings, L.P., a Delaware limited partnership, as General Partner of 581 Highwoods, L.P., a Delaware limited partnership, on behalf of the limited partnership. He/She is personally known to me or has produced a _____ as identification.

Notary Public, State of Florida
Printed Name: _____
My commission expires:

Sue E Wallace
My Commission DD172999
Expires April 06 2007

(THIS SPACE LEFT BLANK INTENTIONALLY)

ATTEST:

Shirley Knowles
City Clerk/~~Deputy City Clerk~~

CITY OF TAMPA

By: Pa Iorio

Date: 5/15/06

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 15th day of May 2006, by Pam Iorio as Mayor of the City of Tampa, who is personally known to me or has produced _____ as identification.

MICHELLE Y. RIVERA
Notary Public, State of Florida
My comm. exp. May 9, 2007
Comm. No. DD 209054

Michelle Y. Rivera
Notary Public, State of Florida
Printed Name: Michelle Y. Rivera
My commission expires: 5/9/07

The execution of this document was authorized by Resolution No. 2006-504

RMA
(signature)

☐ City Attorney
☑ Assistant City Attorney

DEPARTMENT OF COMMUNITY AFFAIRS

By: Valerie J. Hubbard

Date: 6/13/06

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 13th day of June 2006, by Valerie J. Hubbard as Director, DCP of the Department of Community Affairs, who is personally known to me or has produced _____ as identification.

Gayle H. Bra
Notary Public, State of Florida
Printed Name: Gayle H. Bra
My commission expires:

Gayle H. Bra
MY COMMISSION EXPIRES
October 6, 2006
#DD153509
Bonded thru
Troy Fain-Insurance
NOTARY PUBLIC, STATE OF FLORIDA

EXHIBITS

A Tampa Tech East DRI Development Order

B Tampa Tech West DRI Development Order

C Notice of Recording Section 380.032(3) Agreement

EXHIBIT "A"

A DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK EAST A DEVELOPMENT OF REGIONAL IMPACT

WHEREAS, on October 28, 1985, WOOD & COMPANY, INC. ("the Developer") filed an Application for Development Approval (which together with later filed sufficiency responses, 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 (1985), as amended ("Chapter 380"), and Section 43-96.2, City of Tampa Code; and

WHEREAS, the ADA proposes the development of TAMPA TECHNOLOGY PARK, a mixed-use commercial, office, hotel, high technology, light industrial development located on a 1,756 acre site at the intersection of I-75 and C.R. 581; 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 ADAs for DRIs; and

WHEREAS, the public notice requirements of Chapter 380, and Section 27-418, City of Tampa Code have been satisfied; and

WHEREAS, the City Council on August 28, 1986 held a duly noticed public hearing on the ADA and heard and considered testimony and documents received thereon; and

WHEREAS, on September 11, 1986, the City adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to Chapter 380, *Florida Statutes*, for the Tampa Technology Park, a Development of Regional Impact ("DRI"); and

WHEREAS, on December 18, 1986, the City adopted Ordinance No. 9466-A, which amended the Development Order (the "First Amendment"); and

WHEREAS, on October 10, 1991, the City adopted Ordinances Nos. 91-194 and 91-195, the Second and Third Amendments, respectively, to the Development Order; and

WHEREAS, on December 19, 1991, the City approved Ordinance No. 91-229, as the Fourth Amendment to the Development Order (the "Fourth Amendment"), which Fourth Amendment repealed the Third Amendment, Ordinance No. 91-195, and amended certain other provisions of the Development Order; and

WHEREAS, the Fourth Amendment approved an allocation of development entitlements (including land uses and external PM peak hour trips), and adopted separate master plan maps for portions of the DRI known as Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on October 27, 1994, the City adopted Ordinance 94-222, as the Fifth Amendment to the Development Order ("Fifth Amendment"), which Fifth Amendment allowed changes to the master plan for Tampa Technology Park (East) and tradeoff mechanisms and development conditions for Tampa Technology Park (East), and extended the buildout for both Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on January 23, 1997, the City adopted Ordinance 97-16, as the Sixth Amendment to the Development Order ("Sixth Amendment"), which Sixth Amendment allowed changes to the approved land use schedule and master plan map for Tampa Technology Park (East); and

WHEREAS, on September 11, 1998, the City adopted Ordinance 98-188, as the Seventh Amendment to the Development Order, as amended by Ordinance 98-230 ("Seventh Amendment"), which Seventh Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc.; and

WHEREAS, on November 19, 1998, the City adopted Ordinance 98-252, as the Eighth Amendment to the Development Order ("Eighth Amendment"), which Eighth Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc.; and

WHEREAS, on January 7, 1999, the City adopted Ordinance 99-03, as the Ninth Amendment to the Development Order ("Ninth Amendment"), which Ninth Amendment allowed changes to the master plan for Tampa Technology Park, amended the buildout date for Phase I and provided replacement language related to the "Connector Road" to the East-West Roadway, based upon the application filed by Lennar Homes, Inc. and Starwood/Tampa I, L.P.; and

WHEREAS, on October 28, 1999, the City adopted Ordinance 99-237, as the Tenth Amendment to the Development Order ("Tenth Amendment"), which Tenth Amendment allowed changes to the master plan for Tampa Technology Park (West) to include middle school, high school and park uses, additional environmental preserve area, and simultaneous decreases of other approved land uses; and

WHEREAS, on January 6, 2000, the City adopted Ordinance 2000-5, as the Eleventh Amendment to the Development Order ("Eleventh Amendment"), which Eleventh Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (East); and

WHEREAS, on October 26, 2000, the City adopted Ordinance 2000-282, as the Twelfth Amendment to the Development Order ("Twelfth Amendment"), which Twelfth Amendment

allowed changes to the master plan and approved land uses for Tampa Technology Park (West); and

WHEREAS, on October 4, 2001, the City adopted Ordinance 2001-219, as the Thirteenth Amendment to the Development Order ("Thirteenth Amendment"), which Thirteenth Amendment consolidated certain parcels in Tampa Technology Park (East);

WHEREAS, on December 5, 2002, the City adopted Ordinance 2002-260, as the Fourteenth Amendment to the Development Order ("Fourteenth Amendment"), which Fourteenth Amendment allowed the transfer of certain development entitlements among parcels located in Tampa Technology Park (East);

WHEREAS, on September 4, 2003, the City adopted Ordinance 2003-217, as the Fifteenth Amendment to the Development Order ("Fifteenth Amendment"), which Fifteenth Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (East) (references herein to the "Development Order" shall include the Development Order and all subsequent amendments);

WHEREAS, on January 26, 2006, the City adopted Ordinance 2006-20, as the Sixteenth Amendment to the Development Order ("Sixteenth Amendment"), which Sixteenth Amendment, solely with respect to the Tampa Technology Park (West) Property, approved the following: (i) reduction of the Phase I development entitlements; (ii) an extension of the build-out date by 5 years; (iii) revision of Map H to reflect the reduction in development entitlements; and (iv) addition of a trade off mechanism to allow conversion of office use to commercial use (references herein to the "Development Order" shall include the Development Order and all subsequent amendments); and

WHEREAS, on _____, the City, pursuant to Section 380.032, Florida Statutes, adopted an Agreement to Bifurcate Tampa Technology Park Development of Regional Impact, which Agreement bifurcated Tampa Technology Park Development of Regional Impact into the Tampa Technology Park (East) and the Tampa Technology Park (West) Developments of Regional Impact; 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 an 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:

Section 1. That this Agreement shall constitute the Amended and Restated Development Order ("Order") of the City Council issued in response to the Section 380.032 Agreement to Bifurcate the Tampa Technology Park, a DRI. The scope of development to be permitted pursuant to this Order includes the land use, operations, and activities described in the ADA and the supporting documents, which by reference are made a part hereof as composite Exhibit "A".

Section 2. That 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 general public, finds that 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 a part of the composite Exhibit "A", and made a part hereof (including, but not limited to, commitments made by the Developer), to the extent that it is not inconsistent with the terms and conditions of this Order.

C. That the Developer proposes the development of TAMPA TECHNOLOGY PARK (EAST), a mixed-use commercial, office, hotel, high technology, and light industrial development with a total site area of 594 acres, located at the intersection of I-75 and C.R. 581.

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.

E. That the proposed development is consistent with the adopted local comprehensive plan and the zoning code of the City.*[Revised by Ordinance No. 9466-A]*

F. That the development will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.

G. That a comprehensive review of the impact generated by the development has been conducted by the City's departments and the TBRPC.

H. That this Order is consistent with the report and recommendations of the TBRPC and satisfies the provisions of Section 380.06(15) Florida Statutes, 1985, as amended.

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 these proceedings, the Developer and the various departments of the City are authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

B. That the review by the City, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development 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.

A. Substantial Deviations. Further review, pursuant to Chapter 380, may be required if a substantial deviation, as defined in Section 380.06(19), Florida Statutes, 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. A substantial deviation may occur by failure to comply with the conditions herein, failure to follow the commitments contained in Exhibit "A" (to the extent that such commitments are consistent with this Order) or by activities which are not commenced until after the expiration of the period of 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, 1987, 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 such forms as may from time to time be designated by the State. Such reports 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 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 the following information:

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 that have been sold to a separate entity or developer during the reporting year;

4. Identification of, and intended use of, lands purchased, leased, or optioned by the Developer adjacent to the original DRI site during the reporting year;

5. An assessment of the development's and local government's compliance with conditions of approval contained in this Order, and the commitments contained in the ADA;

6. Any known incremental DRI applications for development approval or request for a substantial deviation determination that were 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(15) and (18), Florida Statutes (1985);

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(15)(f)(l), Florida Statutes (1985);

9. An hourly traffic count for a 24-hour period taken at all established access points to public rights of way, as required by the City;

10. An indication of a change, if any, in local government jurisdiction for any portion of the development during the reporting year;

11. A list of significant local, state, and federal permits which have been obtained, or which are pending, with respect to the reporting year, by agency, type of permit, permit number, and purpose of each;

12. An assessment of the effectiveness of TSM measures as described in Section 4.C.8., below;

13. When applicable, the biennial traffic analysis referenced in Section 4.C.8., below;

14. The information required in Section 4.F. below shall be submitted with the first annual report following the issuance of the first Certificate of occupancy;

15. A map which designates areas to be set aside in accordance with Section 4.G.2. below;

16. Copies of any Emergency Response and Hazardous Waste Management Operation Plans required to be generated as set forth in Section 4.N.2. below; and

17. A P.M. peak hour traffic volume count on the ramp from C.R. 581 to southbound Interstate I-75.

C. Transportation Conditions. *[The entire Section was revised by Ordinance No. 9466-A.]* The following conditions are established for purposes of mitigating impacts of this development on regional transportation facilities. Issuance of development permits by the

City for the project shall, require a determination by the City of compliance with the conditions set forth herein.

1. Responsible Entities. For the purposes of this Order, the Developer is considered as one of a number of possible responsible entities regarding the mitigation of the transportation impacts of the project.

2. Funding Commitments. For the purposes of this Order, funding commitments can be (at the Developer's option, and with the approval of the City which shall not be unreasonably withheld) either in the form of financial contributions, contributions in aid of construction, or Developer's commitments for actual construction, actual (or committed for in a binding contractual form) construction by any public or private entity, or the placement of improvements in the Transportation Improvements Work Programs of the City, Hillsborough County (the "County"), or the State of Florida (the "State"), or any combination of the foregoing.

3. Development Approval. The total development for which approval is granted by this Order for Tampa Technology Park (East and West, combined) is set forth below:

i. Phase I-Specific Approval

Commercial/Office	522,300 sq. ft.
Hotel	480 rooms
Office	2,504,700 sq. ft.
High Tech/Lt. Industrial	4,965,840 sq. ft.
Government Services	58,000 sq. ft.

ii. Phase II-Conceptual Approval

Commercial/Office	364,500 sq. ft.
Hotel	360 rooms
Office	1,960,200 sq. ft.
High Tech/Lt. Industrial	3,789,720 sq. ft.

iii. Phase III-Conceptual Approval

Commercial/Office	374,300 sq. ft.
Hotel	360 rooms
Office	1,936,000 sq. ft.
High Tech/Lt. Industrial	3,731,340 sq. ft.

Phase I development, for which specific approval has been granted, is conditioned upon the mitigation of transportation impacts under Section 4.C.4. Mitigation of Transportation Impacts and upon compliance with the provisions of this Order. Development under Phases II and III, for which conceptual approval has been granted, is conditioned upon new Chapter 380, F.S. review(s) in accordance with Section 4.U.2. Effect of Approval.

4. Mitigation of Transportation Impacts. The Developer shall (subject to the approval of the City which shall not be unreasonably withheld and submittal to TBRPC and DCA for verification of compliance with this Order) have the option of proceeding with the development of any Phase, subphase, or any subphases of the project, for which specific approval have been granted (i.e., Phase I), under the conditions set forth, in either Section 4.C.4.a. Subphasing, 4.C.4.b. Monitoring, 4.C.4.c. Construction, 4.C.4.d. Square Footage Assessment, or 4.C.7. Areawide Funding, below, individually, or in combination with one another, with respect to mitigating the project's transportation impacts.

a. Subphasing. Under this option, unless the Developer elects to subphase as described later in this Section 4.C.4.a., funding commitments will be required for all regionally significant improvements listed in Exhibit "C" prior to the commencement of Phase I development. Due to this requirement of funding commitments, the Developer may elect to proceed on a subphasing basis under the square footage thresholds identified in Exhibit "C". For the purposes of this Order, the square footage thresholds in Exhibit "C" shall be computed with reference to building permits issued by the City.

Prior to the commencement of development beyond any particular square footage threshold, the improvements identified in Exhibit "C" as being associated with the next succeeding threshold must be the subject of funding commitments from responsible entities, where those facilities operate below LOS C daily, LOS D peak hour and the development contributes five percent (5%) or more of the then existing LOS C daily and LOS D peak hour capacity of the facility. Without funding commitments for these improvements, a "stop order" shall result and construction permits shall not be issued where project activity (together with projected activity) has exceeded the square footage thresholds associated in Exhibit "C" with improvements which are the subject of funding commitments.

In the event a stop order occurs due to either the requirement of funding commitments under this Section 4.C.4.a. or actual construction under Section 4.C.14.b Minimum Staging Requirements, a new Section 380.06, F.S., traffic analysis may be submitted, or, if permitted by the City, monitoring may be utilized to demonstrate that the actual and projected impacts of the project are such that development may proceed beyond the thresholds identified in Exhibit "C" while maintaining the above referenced levels of service on the affected regionally significant facility. The results of any such monitoring program shall be submitted to TBRPC and DCA for verification of compliance with this Order. At the Developer's request, the square footage thresholds listed in Exhibit "C" shall then be adjusted as appropriate.

b. Monitoring. In the event that funding commitments for transportation improvements are adequate to permit only the development of any portion of any particular phase or subphase described in Exhibit "C", or the construction requirements of Section 4.C.14.b. Minimum Staging Requirements have resulted in a stop order, the Developer shall have the option to submit to the City, the Tampa Urban Area MPO, the State, and the TBRPC pursuant to Section 380.06, Florida Statutes, with updated traffic counts on the uncommitted regionally significant roadways listed in Exhibit "C". The Developer shall further submit projections of volumes that will result from the completion of the currently approved project construction plus the volumes to be generated by the next portion of development for which the Developer is seeking approval. Each updated traffic study shall either serve to verify the findings of the DRI traffic analysis (which established the initial subphasing threshold described in Exhibit "C") or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the facilities referenced in Exhibit "C" at LOS C, daily and LOS D, peak hour. Both traffic counts and the projection of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approvals beyond the particular phase or subphase in question, the City or its designee shall state in writing that the facilities listed in Exhibit "C" are operating at or above LOS C, daily and LOS D, peak hour and that the expected trips to be generated by such approval would not cause the roadways to operate below these standards.

c. Construction. Developer, at its election, shall make contributions to the City, who shall expeditiously apply such contributions, or may make such contributions available for the use of other responsible entities, to undertake studies and projects that will serve to mitigate the impacts of this project. Eligible activities may include planning, design, right of way acquisition, and construction of improvements recommended by TBRPC, as indicated in Exhibit "C", or such alternative studies or improvements as the City determines to provide equal or greater mitigation of transportation impacts on the regional transportation system. Any contributions made under this Section 4.C.4.c. shall be credited as appropriate against the Developer's obligation to make payments under Sections 4.C.4.d. Square Footage Assessment, or 4.C.7. Area-wide Funding.

d. Square Footage Assessment. As the funding commitment for the Stage I and Stage II improvements of Exhibit "C", the Developer, at its election, shall pay to the City the per square foot transportation assessments set forth in Exhibit "D" which is made a part of this Order by reference. Payments shall be made under this Section 4.C.4.d. at the time of the issuance of building permits. Funds collected under this Section 4.C.4.d. shall be expeditiously applied toward the construction of one or more of

the regionally significant improvements (as determined by the City) located in the project's transportation impact area. Payments under this Section 4.C.4.d. shall be credited as appropriate against the Developer's obligation to make payments under Section 4.C.7. Areawide Funding. The fees set forth in Exhibit "D" shall be adjusted according to the results of the City's North Tampa Study.

(i) *[Added by Ordinance No. 94-222 as to the Consolidated Property; Further revised by Ordinance No. 97-16]* Solely with respect to the Notification Property, Exhibit "D" to the Development Order shall be amended pursuant to the revised Exhibit "F" attached hereto and incorporated herein.

5. Credits. Credit shall be given against the Developer's obligations under Section 4.C.4. Mitigation of Transportation Impacts for the donation of land for right of way to the extent permitted by Chapter 380.06 (15) (e) (4), including right of way donated for purposes of receiving zoning or plat approval. The amount of right of way donation credit shall be based upon the amount of right of way cost which was initially included to compute the Developer's obligations under the appropriate Section above. Eligible rights of way shall be those rights of way identified in the City's North Tampa Transportation Study and any other rights of way deemed appropriate by the City. Any credits to be applied against the Developer's obligations under Sections 4.C.4.d. Square Footage Assessment or 4.C.7. Areawide Funding shall, unless the Developer elects otherwise, be credited against the Developer's next succeeding payments otherwise due under the above referenced Sections. In the event that the Federal government, directly, or by way of the FDOT or other governmental entity, should allocate funds in an approved transportation program to cover the costs of constructing improvements for I-75 or any Interstate interchange listed in Exhibit "C", then the Developer's obligations under Section 4.C.4. Mitigation of Transportation Impacts shall be reduced by the amount attributable to such improvements.

6. Use of Developer Contributions. The City shall insure that funding commitments from responsible entities, including the Developer's contributions, are secured for the improvements listed in Exhibit "C". The City agrees to hold all contributions received from the Developer, whether received under Sections 4.C.4.c. Construction, 4.C.4.d. Square Footage Assessment, 4.C.7. Areawide Funding, or 4.C.14. Minimum Staging Requirements in escrow and to expeditiously apply the same to construct one or more of the improvements identified in Exhibit "C". Said funds shall be released upon furnishing evidence, satisfactory to the City, that such governmental entity has committed to construct the applicable transportation improvement(s). The design for improvements shall be reviewed and approved, as appropriate, by FDOT, Hillsborough County, and the City, with 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 agencies and the City, be

modified in a manner intended to accomplish acceptable operating conditions at the identified locations utilizing generally recognized traffic engineering standards and practices.

7. Areawide Funding. The City is currently conducting the North Tampa Transportation Study described in Section 4.C.11. North Tampa Transportation Study. Upon adoption by ordinance of uniform funding mechanisms as a result of this study, the Developer shall be governed by such ordinances. Payments under this Section 4.C.7. shall be credited, as appropriate, against the Developer's obligations under other Sections of this Section 4.C. Appropriate credits against payments otherwise due under this Section 4.C.7. shall be given for any sums paid, for rights of way donated, or improvements constructed pursuant to this Order, or the Transportation Impact Fee Ordinance as adopted by the City. This Section 4.C.7. is intended to be only a funding mechanism to address the transportation impacts of the project and is not intended to supersede the square footage thresholds of Exhibit "C", the requirements of Section 4.C.4.a. Subphasing, or the requirements of Section 4.C.14. Minimum Staging Requirements. If the payments made under this Section 4.C.7. are greater than or equal to the payments under Section 4.C.4.d. Square Footage Assessment for the Stage I and Stage II improvements, then this Section 4.C.7. shall also be deemed to be a funding commitment for Stage I and Stage II.

8. Subsequent Changes. In the event that any Developer or City transportation studies subsequently submitted pursuant to this Order establish that certain of the improvements referenced in Exhibit "C" should no longer be considered as a factor in the Developer's requirement for funding commitments because project traffic does not equal or exceed five percent (5%) of the daily LOS C or LOS D peak hour capacity of the specific roadway link or intersection, or project traffic, plus total background traffic on the roadway segment does not result in a reduction of LOS to LOS D or worse on a daily basis or LOS E or worse on a peak hour basis, or if the project is determined by the City and TBRPC to be located in a regional activity center, deemed highly suitable for office use, or in an area otherwise designated for alternative levels of service in accordance with City and TBRPC policies, then the Developer's requirement for funding commitments, together with the schedule of improvements listed in Exhibit "C" shall be adjusted as appropriate, at the Developer's request. If the City, TBRPC, and/or DCA subsequently adopt policies which authorize the use of other mitigative measures for the transportation impacts of projects, the Developer shall be entitled to employ such measures by requesting an amendment to this Order. Such amendment shall be subject to the appeal provisions of Section 380.06, F.S., but such appeal shall be limited solely to the issue of the requested amendment.

9. TSM Plan. Within one (1) year from the effective date of this Order, the Developer shall prepare and submit to the City, TBRPC, TAUTS, the State, 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 the reduction of total peak hour trips being generated by project uses as estimated in the ADA, and shall set forth strategies for accomplishing those objectives, considering the following as a minimum:

a. worker flex time;

b. ride sharing;

c. provision of transit facilities and programs to encourage transit ridership; and

d. other appropriate trip diversion measures.

The objectives for reduction of peak hour trips, as set forth in the TSM plan, may serve as a basis for the Developer or reviewing agencies to request amendments to this Order; provided, however, that the traffic impact caused by the project is greater than the impacts projected in the ADA. Each annual report for this project after the issuance of certificates of occupancy for 300,000 square feet of office space or the equivalent thereof in other uses, shall include an assessment of the actual achievement of peak hour trip diversion as a result of these TSM measures. This assessment shall include sufficient and appropriate documentation to support determinations of reductions claimed as a result of each TSM strategy.

10. Periodic Traffic Analysis. ***[Revised by Ordinance No. 91-195 that was subsequently repealed, leaving language of the prior revision (Ordinance No. 9466-A) in effect.]*** To assure the accuracy of the transportation analysis submitted with the ADA, field surveys and a report of findings shall be conducted to determine actual vehicle and transit trips being generated by the project every two (2) years after the initial certificates of occupancy are issued through project built-out as part of the Annual Report. This survey and report shall be conducted by the Developer and shall be approved by the City, the Tampa Urban Area MPO, the State, and TBRPC. After review of the survey and the report findings, the reviewing agencies or Developer may require that the Order be revised accordingly; provided, however, that the reviewing agencies may require the revision of the Order only in the event that project traffic impacts are greater than the impacts projected in the initial traffic analysis.

11. North Tampa Transportation Study. The North Tampa Transportation Study has been initiated for an area which includes the project. The study will provide the opportunity for participation by the FDOT, TBRPC, Hillsborough County, and Pasco County, and has provided the opportunity for the participation of Developers in the study area. The study includes, but is not limited to:

a. an inventory of regionally significant roadways in the study area which identifies the existing, programmed, and/or proposed facilities for each roadway;

b. an inventory of existing, approved, and projected development in the study area;

c. estimates of future traffic on regionally significant roadways;

d. an assessment of existing roadway operating conditions and an estimate of future operating conditions on the regionally significant roadways;

e. the manner by which mass transit will be studied as a viable alternative to alleviate overburdening of roadways;

f. 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 systems capacity through roadway improvement, new roadway construction, or operational techniques, as appropriate; and

g. proposals for implementing the above strategies, including identification of funding sources and mechanisms.

The study is being conducted consistent with accepted professional traffic planning and engineering practices and methods. Standards and assumptions used in the study area are described in the study document. The study findings and recommendations may serve as a basis for the Developer to request amendments to this Order.

12. FDOT Special Study. The FDOT will perform a special study of I-75 which will include an analysis of traffic flow from anticipated developments, along with the need, general location, and function of additional interchanges. No additional lanes, new interchanges, or modifications of existing interchanges (other than the installation of dual left turn receiving lanes or other minor geometric changes for the purpose of improving traffic service on C.R. 581) to the I-75 system will be approved prior to the completion of this special study. The improvements listed in Exhibit "C" which are affected by this policy are listed below and are hereinafter referred to as "I-75 Improvements":

a. interchange modifications at I-75 and C.R. 581; and

b. interchange at East/West Arterial and I-75.

Pending the completion of this special study, a level of service LOS C daily, LOS C peak hour will be applied to the existing C.R. 581/I-75 interchange ramps to avoid prejudicing the results of this study and its recommendations. If, during the study period, the LOS C peak hour threshold is exceeded on the southbound ramp, the Developer may, at its expense, utilize ramp metering to preserve the LOS C peak hour service level. Building permits will not be issued if ramp metering is not permitted by the Federal Highway Administration and alternative improvements which can be demonstrated, by way of a new traffic analysis to maintain the desired levels of service are not approved and funded prior to the commencement of construction within any subphase in which the impacts require mitigation via the I-75 improvements. Subsequent applications for project approvals (beyond the point at which the LOS C peak hour thresholds for the southbound ramp) shall be dealt with in accordance with Sections 4.C.4.a. Subphasing, 4.C.4.b. Monitoring, or 4.C.4.d. Construction.

To enable the City and FDOT to ascertain compliance with this Section 4.C.12, the Developer will be required to submit to the City and FDOT a semi-annual LOS Operational Analysis of all existing on/off ramps at the C.R. 581 interchange. The submission dates, scope, and content of this Operational Analysis will be approved by the City and FDOT. If, after an evaluation of such an Operational Analysis, FDOT determines that the LOS C peak hour threshold has been exceeded for any existing on/off ramp, it shall notify the City and the Developer in writing. If the thresholds are exceeded for ramps other than the southbound ramp, the Developer shall submit evidence satisfactory to the City and FDOT to demonstrate that the initial traffic analysis was correct and that project traffic did not require the addition of improvements to the other on/off ramps in Exhibit "C". If it is determined that such ramp(s) should have been included in Exhibit "C", then the language contained in the preceding paragraph shall also apply to the affected ramp(s).

This Section 4.C.12. shall be in effect for the duration of the FDOT study period or for thirty-six months, whichever is earlier.

13. Traffic Reassignment. In the event that future roadways or other improvements, to which traffic from this project has been assigned, are not built as assumed in the methodology used for this analysis, a new analysis and traffic reassignment shall be required, as appropriate.

14. Minimum Staging Requirements. Notwithstanding any other provisions of this Section 4.C., Phase I of the project shall be divided into the "Stages" designated in Exhibit "C". Regardless of the combination of transportation mitigation measures selected, at any time prior to the initiation of construction in any given Stage, the Developer shall be obligated to elect either to:

a. pay in advance the entire proportionate share contribution for the uncommitted improvements for the Stage in question (e.g., $229,000 as computed for Stage I in accordance with Exhibit "C"); or

b. be subject to stop orders in the event that the improvements listed in Exhibit "C" for the Stage have not been constructed by the end of the Stage.

As a part of this Order, the Developer has elected the first option for Stage I of the Project. These funds shall be used for the construction of a four lane section of C.R. 581 described in Stage I of Exhibit "C" or for such other improvement as may be mutually agreed between the City and DCA. The projected completion date for this improvement shall be prior to the completion of Stage I. Any portion of the Stage I proportionate share contribution remaining after construction of this improvement shall be applied to construct other Stage I improvements as listed in Exhibit "C"; however, should this remaining portion be insufficient for this purpose, it shall be held by the City in accordance with Section 4.C.6. Use of Developer Contributions until such time as it may be applied to construct one or more of the Stage II improvements.

Subsequent elections shall be made in writing to the City, DCA, and TBRPC and if the first option is selected, shall designate the Exhibit "C" improvement(s) which have been, or will be constructed with such funds, together with the cost of such improvement(s) which have been, or will be constructed with such funds, together with the cost of such improvement(s) and the projected completion date. The particular improvement(s) so designated in this election shall be subject to the approval of the City. Any funds paid under the first option shall be expended in accordance with Section 4.C.6. Use of Developer Contributions. The Developer's proportionate share contribution shall be calculated at the time of each election according to the formula set forth in Exhibit "C".

Any election made under this Section 4.C.14. shall automatically become an amendment to the Order which shall be subject to the appeal provisions of Section 380.06, F.S. The basis of any such appeal shall be limited exclusively to the question of whether such election is consistent with the terms of this Order and applicable policies and regulations in effect on the effective date hereof.

Nothing in this Order shall prohibit the City from requiring payments in mitigation of transportation impacts which are greater than those resulting from the application of the formula set forth in Exhibit "C"; provided that such payments are not in excess of the amounts set forth in Section 4.C.4. Mitigation of Transportation Impacts. Nothing in this Section 4.C.14. shall diminish the requirement of funding commitments of Section 4.C.4.a. Subphasing. Credit shall be given against the project's proportionate share contribution for any sums paid by the Developer in mitigation of the project's transportation impacts under this Order or any other mechanism. Credit shall be given for any payments made

under this Section 4.C.14. against the Developer's obligation to make payments under any other provisions of this Order.

D. Air Quality.

1. An acceptable air quality analysis as required by the Department of Environmental Regulation shall be completed prior to the issuance of building permits for Phase I. The City reserves the right to require mitigative measures, including but not limited to revisions of the Master Plan, to alleviate impacts of the project on ambient air quality in accordance with City policy.

2. The measures to reduce erosion, fugitive dust, and air emissions referenced on pages 13-1, 14-5 & 14-6 of the ADA shall be required.

E. Sinkhole Related Risks. As discussed in the ADA, site specific test drilling and evaluation for sinkhole related risks as stated on page 14-6 of the ADA shall be required prior to the issuance of building permits by the City.

F. Hurricane Evacuation. The Developer shall discuss and coordinate with the appropriate public authorities, the feasibility of the use of proposed hotels or other project facilities for hurricane shelters. A report on these discussions shall be submitted in the first annual report following the issuance of the first Certificate of Occupancy.

G. Preservation and Conservation Areas.

1. Representative examples of each natural upland habitat as listed on page 18-2 of the ADA shall be set aside in their natural state to maintain natural diversity on the site. These areas shall be of sufficient size so as to maintain their natural function. Where possible, these areas shall be located contiguous to other habitats. The precise location of these areas shall be determined at the time of final site plan approval or at the time of application for building permit, as deemed appropriate by the City. Areas so designated shall be depicted in maps to be included with .the Annual Report for that year.

2. The Developer's final development plan shall designate and map preservation and conservation areas, if any, in accordance with TBRPC's adopted growth policy Future of the Region, Sections 2.701, Preservation, and 2.702, Conservation.

3. The Developer agrees to maintain (except as permitted in an approved wetlands mitigation plan) a building, parking, and roadway setback of thirty (30) feet along wetlands. This Section 4.G.4. shall not be construed to prohibit the construction, operation, and maintenance of stormwater management systems within the applicable setbacks.

4. Prior to site clearing or construction, all appropriate environmental permits and agreements will be obtained from the City.

5. The stormwater management system will be designed to maintain the viability of isolated wetlands.

6. No logging or timbering shall be allowed on the site without the appropriate permits.

H. Drainage.

1. Prior to the issuance of any building, grading, or site clearing permits, a Conceptual Master Drainage Plan for the project shall be submitted to the City for approval and TBRPC for review for compliance with applicable regulations. Prior to the issuance of any building permits, detailed drainage plans for the appropriate sections of the Master Drainage System will be submitted to the City for approval.

2. To protect water quality, the project drainage plan shall include the following parameters:

   a. the developer or its successors and assigns shall implement a street cleaning program for parking and roadway areas within the project;

   b. the drainage system shall be designed to provide filtration/assimilation treatment for the first "flush" of runoff generated from the site as required by Chapter 17-25 of the Florida Administrative Code. The drainage system shall be designed so that the post-development peak flows shall not exceed pre-development peak flows for the 25-year, 24-hour storm;

   c. the proposed retention/detention wetland systems shall be designed, constructed, and maintained pursuant to the guidelines of the City and of appropriate regulatory agencies; and

   d. best management practices, as recommended by the City of Tampa shall be followed.

3. In the absence of the dedication to, and acceptance by, the City of specific drainage facilities, the Developer, its successors or assigns, shall be the responsible entity for the maintenance of on-site stormwater management systems.

4. Drainage design guidelines and/or other development controls for construction activities shall be prepared by the Developer and reviewed by the City for use in an effort to control erosion during construction.

I. Wildlife. In the event that any species listed in Sections 39-27.03-.05, of the Florida Administrative Code are observed frequenting the site for nesting or breeding, proper

mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.

J. Buffer Zones. *[Revised by Ordinance No. 9466-A]* A plan will be submitted to the City, as part of an application for detailed site plan approval with respect to any areas of the site adjacent to neighboring residential areas, which describes in detail the design, enforcement, maintenance requirements, and timetable for buffer zones to be set between the project and adjacent residential neighborhoods during and after project construction. These buffer zones shall be aesthetically designed to maintain visual, aural and olfactoral separation from the project. This plan must be accepted by the City before construction of the project may begin in areas within five hundred (500) feet of neighboring residential areas and shall be considered a development order condition, enforceable upon all tenants and owners of the project. At minimum, the design portion of the plan shall discuss setbacks, height limitations, wall, fence and/or landscape requirements, design/access restrictions on building sides facing residential areas, walls to screen side building access area, and use restrictions.

[Revised by Ordinance No. 9466-A; further revised by Ordinance No. 94-222 solely with regards to the property owned by Southwest Development Corporation and Southern Property Holdings Corporation (the "Consolidated Property,"); and further revised as to Tampa Technology Park (West) pursuant to Ordinance No. 2000-282.] Notwithstanding anything in this Section 4.J. to the contrary, the preceding provisions of Section 4.J. regarding on-site buffering shall apply only to on-site non-residential uses bordering off-site residential uses. On-site residential uses shall comply with the City's buffering requirements.

K. Archeology.

1. The discovery of any significant historical or archeological resources shall be reported to the Florida Division of Archives, History, and Records Management and the disposition of such resources shall be determined in cooperation with the Division of Archives and the City.

L. Energy

1. The Developer will cooperate with the Tampa Electric Company, the supplier of electrical power to the project, during the development of a detailed site and landscaping plan, to facilitate substation placement, easements, and rights of way relative to the development site.

2. The energy conservation measures referenced in the ADA on pages 25-3 and 25-5 shall be required.

3. In addition to the use of landscaping as a means of energy conservation, the Developer or it successors and assigns shall:

a. encourage Individual Tenants to designate a member of their staffs as an energy officer for the facility in question to conduct energy audits, establish energy policies, and monitor energy use and conservation;

b. initiate programs to promote energy conservation by Individual Tenants, their employees, buyers, and suppliers;

c. encourage Individual Tenants to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and to initiate recycling programs;

d. encourage the use of energy efficient cooling, heating, and lighting systems;

e. encourage Individual Tenants to install energy conservation features such as waste heat recovery or solar power systems where feasible;

f. encourage Individual Tenants to use the most energy efficient technology economically feasible in the construction and operation of their facilities; and

g. encourage Individual Tenants to use life-cycle costing in evaluating energy conservation effectiveness.

M. Solid Waste. 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 Hillsborough County or as otherwise directed by the City.

N. Hazardous Waste.

1. Surface impoundments of hazardous wastes, land treatment of hazardous wastes, landfills, and underground storage of hazardous materials, as referenced in the ADA shall be prohibited.

2. As required by the City, Hillsborough County Environmental Protection Commission, and the Department of Environmental Regulation, an emergency response and hazardous waste management operation plan will be required for those facilities which use, handle, store, or process significant quantities of hazardous wastes, to minimize hazards to human health and the environment. The plan will describe the procedures and actions required of facility personnel as well as describe the arrangements agreed to by local police and fire departments, emergency services, and hospitals. Individual Tenant plans will be included in the Annual Report following their adoption.

3. Individual Tenants shall be required to transport and dispose of hazardous waste in a manner consistent with applicable regulations through restrictive covenants.

Individual Tenants shall remove hazardous and toxic wastes from the site as soon as is practical. Such transportation of toxic and hazardous materials shall be performed by a company that specializes in, and is accredited by all appropriate agencies in, the transportation and handling of such materials.

4. All temporary storage facilities for hazardous or toxic materials or wastes shall be designed at minimum to meet the criteria set forth in Sections 3.913(A),(D), and (E) of the Future of the Region.

5. The Developer shall provide to Individual Tenants information that:

   a. indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of separate from components of the ordinary solid waste stream;

   b. indicates the location(s) of City and County approved hazardous waste holding areas, off-site disposal areas, and the names of available contractors engaged in the business of transporting such materials for disposal; and

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

6. The Developer shall encourage large quantity (as defined in applicable federal regulations, as from time to time amended) hazardous waste generators to install pretreatment operations, if economically feasible, to reduce the amounts and toxicity of the hazardous waste stream.

O. Wastewater. *[Revised by Ordinance No. 9466-A]* Wastewater service to the project will be supplied by the City, as described in the Department of Sanitary Sewers' commitment letter dated September 20, 1985 at the standard charges for wastewater service. Connection fees and 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.

P. Water Supply.

1. The total daily water requirements from the commencement of construction through the build-out of the project as referenced. in the ADA will be supplied by the City at the standard charges for water service as described in the Water Department's Commitment letter dated October 17, 1985. 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.

2. The Developer shall develop a plan to encourage the use of non-potable water for landscape and open space irrigation, including stormwater usage and pumping from shallow wells.

3. The Developer, its successors or assigns, shall be responsible for installation, maintenance, and operation of any non-potable on-site wells and associated pipeline easements. The ownership of any potable water wells and associated pipeline easements which may be installed on the site will be dictated by agreement between the City, the West Coast Regional Water Supply Authority, and the Developer or its assigns.

4. Water saving methods and fixtures shall be incorporated into the project's design and construction guidelines.

Q. Other Public Facilities, Utilities, and Services.

1. The City shall assure the adequacy and availability of the following public services for this development: police, emergency medical, and fire.

2.a. The Developer, but not Individual Tenants, shall be required to provide to the City, in accordance with this paragraph, a site for a shared Parks, Public Safety (to include a fire station), and Public Works Facility which meets the following criteria:

(i) twenty-two and one half (22.5) acres of usable property, more or less, with the exact amount of acreage to be determined as the City's plans are finalized;

(ii) located with convenient access to an arterial roadway and generally located on the west side of I-75; and

(iii) suitable for the construction and operation of a joint facility to be shared between the Parks Department, Department of Public Safety, and Department of Public Works.

2b. The City agrees that any such facility will meet the following design criteria, all subject to approval by the Park Review Committee:

(i) when two or more buildings are placed on the same site, they shall be designed as an integrated complex wherein individual building designs will be responsive to the massing, scale, color, and site access;

(ii) buildings shall be designed to conform to and complement site conditions and characteristics;

(iii) outside storage, (other than vehicular storage, which shall be screened) shall be prohibited, materials shall be stored in bins which are enclosed on three (3) sides and on top with the open side facing away from public rights of way or other areas visible to adjacent property owners;

(iv) all parking areas shall be screened to achieve an eighty percent (80%) opaque view from adjacent properties or public rights of ways;

(v) existing and proposed pedestrian circulation systems shall be incorporated into site design;

(vi) plans shall be submitted for approval of the Park Review Committee which show the nature, shape, height, materials, colors, scheme, lighting, landscaping, and location of any structures or improvements to be constructed;

(vii) finished building materials shall be provided for all sides of buildings or other structures;

(viii) all roof projections shall be enclosed in penthouse structures;

(ix) building doors designed to accommodate entry and/or delivery by trucks or other vehicles shall be located in such a way as to not be visible from the public right of way;

(x) metal or concrete block facades shall be permitted only if the Park Review Committee is convinced that such materials will not detract from the design objectives of the project; and

(xi) no radio towers shall be installed on the site.

2c. The location for this site shall be fixed by mutual agreement within a period of seven (7) years from the, effective date of this Order.

2d. Under mutually acceptable terms and conditions, the public safety component of the above referenced facility may be separated from the remaining components and located on a separate site. In that event, the acreage required for each facility shall be equitably adjusted.

2e. The City agrees to consider, but need not accept, as an alternative to the contribution of a site meeting the above criteria, a proposal from the Developer in which the Developer would construct on an agreeable site and lease to the City a joint public works, parks, public safety facility in accordance with specifications

approved by the City. Such proposal will have, as a minimum, the rent payments computed without reference to the fair market value of the land involved in the facility (i.e., the economic effect shall be the same as if the land were "donated"). All other terms and conditions of such proposal shall be as acceptable to the City in its sole discretion.

2f. In lieu of contributing the site as set forth above, the Developer shall have the option of purchasing or otherwise acquiring for the benefit of the City a site outside the boundaries of the project; provided, however, that all attributes of such site shall meet the minimum criteria set forth above and that the location shall be approved in advance by all of the departments which plan to utilize the site and associated facilities. As an additional alternative, subject to the City's approval, the Developer may contribute to the City an agreed upon sum for the purpose of enabling the City to acquire an alternative site which meets the criteria set forth above as determined by the City.

R. Maintenance of Open Space. The Developer, its successors or assigns, shall be the responsible entities for the maintenance of all open space areas of the project site. Specifically, the Developer or its successors and assigns, shall maintain open space in the project's common areas and public rights of way. Individual Tenants shall maintain open space systems on their respective sites.

S. Water Quality.

1. A program shall be instituted by the Developer prior to the issuance of building permits to monitor background conditions and surface water exiting the site. The Floridan Aquifer shall be monitored by three (3) down gradient and three (3) up gradient wells. This monitoring shall continue through build-out and for five (5) years after build-out. Increased monitoring of the ground and surface water exiting the site may be requested following any hazardous or toxic waste spills.

2. Individual Tenants who generate/handle hazardous substances will be required to implement a site specific surficial aquifer monitoring program as required by the City, the Hillsborough County Environmental Protection Commission, and the Department of Environmental Regulation.

3. The results of these monitoring programs shall be submitted quarterly to the City, the Department of Environmental Regulation ("DER"), the Southwest Florida Water Management District ("SWFWMD"), and TBRPC. Any violations of Chapter 17-3, Florida Administrative Code, shall require corrective measures as set forth by DER. If a release of pollutants is detected by any portion of the monitoring program, the party detecting such release shall immediately notify the City, DER, and SWFWMD.

T. Construction Standards. All development pursuant to this Order shall be in accordance with applicable local building codes, ordinances, and other laws, in effect at the time of

permitting, except as otherwise specifically provided herein. All elevations for habitable structures will be at or above the base flood elevation.

U. Effect of Approval.

1. Specific approval for the Phase I development as requested in the ADA subject to the conditions contained in this Order is hereby granted.

2. Conceptual approval is hereby granted for Phase II and Phase III, provided, however, that specific approval of the amounts of uses within Phases II and III is subject to further traffic impact analysis and assessments for traffic impact mitigative improvements or measures. Chapter 380 review shall also be conducted concerning the issues of air quality, water quality, drainage, and solid (including hazardous) waste.

3. Notwithstanding this Order, the Developer may during Phase I construct infrastructure improvements designed to serve all of, or any portions of, Phase II or Phase III development, or both; provided, however, that such excess infrastructure improvements shall be constructed at the Developer's risk and shall not be construed to vest in the Developer the right to develop Phases II or III.

V. Tampa Technology Park (East). ***[Added by Ordinance No. 91-229; Revised by Ordinance No. 2003-217]*** With respect to the area of Tampa Technology Park lying north and east of I-75, which is commonly referred to as Tampa Technology Park East and is more particularly described on Revised Map H, attached hereto as Exhibit "E", and legally described in Exhibit "B", attached hereto, specific approval of Phase I includes the following:

1.	Commercial/Office	433,204 sq.ft.
2.	Hotel	192 rooms
3.	Office	411,242 sq.ft.
4.	High-Tech, Light Industrial	2,401,518 sq.ft.[1]
5.	Governmental Services	58,000 sq.ft.[2]
6.	Residential	1,107 units[3]
7.	Commercial Mixed Use	340,000 sq.ft.[4]

[1] The Additional 99,000 square feet of High-Tech/Light Industrial land uses allowed pursuant to Ordinance No. 2000-5 shall be traded-off for Commercial Mixed Use land uses in accordance with the approved land use trade-off mechanism, and shall be utilized on Parcel J (n/k/a the "Apex Parcel").as depicted on Revised Map H.

[2] The governmental services density may be assigned to Tampa Technology Park West pursuant to Section 4.Q.2. of Ordinance 9359-A.

[3] The original 974 single-family units are permitted only in Tampa Technology Park East by trading office or high-tech/light industrial uses pursuant to the Land Use Trade-off Standards attached hereto as Exhibit "O". Single family residential units may be traded-off to multi-family residential units pursuant to Exhibit "O". The additional 133 "individual fee simple ownership" single family attached or 133 "individual fee simple ownership" multi-family residential units allowed pursuant to this Ordinance shall be utilized only on the 2003 Subject Site and shall be obtained by use of the Land Use Trade-off Standards attached hereto as Exhibit "O".

[4] The maximum 340,000 sq.ft. of Commercial Mixed Use land uses include all uses permitted by the CG zoning district contained within the City of Tampa Zoning Code (effective as of the date of Ordinance 97-16) and are permitted only in Tampa

Further, 6,021 external P.M. peak hour trips are authorized in Phase I for Tampa Technology Park East.

W. Land Use Trade Off Mechanism. *[Entire Section added by Ordinance No. 91-229]* For Phase 1, there shall be a trade off mechanism which will allow land uses to be traded in accordance with the following standards:

1. 1,000 square feet Office is equivalent to 1,368 square feet of High High-Tech/Light Industrial land use and vice versa.

   a. *[Added by Ord. No. 94-222]* With respect to Tampa Technology Park {East) only, 1,000 square feet of Office is equivalent to 1,368 square feet of High High-Tech/Light Industrial land use and vice versa. 1,000 square feet of Office is equivalent to 2.09 single family residential units. 1,000 square feet of High Tech is equivalent to 1.26 single family units. 1.0 single family unit is equivalent to 1.6 multi-family units.

   [Added by Ordinance No. 97-16] With respect to the Notification Property only, 1,000 square feet of Office is equivalent to 370 square feet of Commercial Mixed Use and 1,000 square feet of High-Tech/Light Industrial is equivalent to 394 square feet of Commercial Mixed Use. Each hotel room within the Commercial Mixed Use land use shall reduce the permitted Commercial Mixed Use square footage by 54 square feet. The Developer shall notify the Department of Community Affairs and the Tampa Bay Regional Planning Council in writing prior to utilizing the Office or High-Tech/Light Industrial to Commercial Mixed Use trade-off mechanism, and include information regarding the use of the trade-off mechanism in the annual reports for Tampa Technology Park East."

2. In the areas designated as C/O/H in Tampa Technology Park (East), the maximum amount of development in any land use category shall be as follows:

a.	Commercial	512,500 sq. ft.
b.	Office	512,500 sq. ft.
c.	Hotel	1,050 rooms

In order to develop the maximum in any category shown above, there will be no development in either of the other two land use categories. For example, in order to develop 512,500 square feet of commercial, there could be no office square footage and no hotel rooms. On the other hand, if a mix of the uses above is proposed, then there shall be a pro-rata reduction of each of the above limits. For

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Technology Park East by trading office or high-tech/light industrial land uses pursuant to the Land Use Trade-off Standards attached hereto as Exhibit "O". A maximum of 500 hotel rooms may be constructed in Tampa Technology Park East as Commercial Mixed Use land uses by use of Exhibit "O". Commercial Mixed Use land uses are subject to Sections 4.0 (Wastewater) and 4.P. (Water Supply) of the original Development Order (Ordinance No. 9359-A).

example, if the owner proposes to develop 256,250 square feet of commercial, the maximum amount of office would be 256,250 square feet, or in the alternative, the maximum number of hotel rooms would be 525. Further, approval of these maximums or any combination thereof shall not be construed as authorization for the project to generate additional trips.

X. Revised Map H. *[Added by Ordinance No. 2000-282; Revised by Ordinance 2001-219; Further revised by Ordinance No. 2003-217]* The master plan of development for Tampa Technology Park (East) is revised as reflected on the Revised Map H, attached hereto as Exhibit "E", and bears a date of January 23, 2006.

Y. Threatened or Endangered Plants and Animals in Wetlands. *[Added by 91-229; Satisfied as to Tract A-1 by Ordinance No. 2001-219]* Prior to the initiation of development of Tracts A-1, A-3, A-5 and A-6 and only in the event that development is proposed within any wetlands on these tracts, the Developer shall initiate appropriate surveys to determine if there are any threatened or endangered plants or animals, including species of special concern, in the wetlands on these tracts that are proposed for development. Appropriate surveys shall be listed species surveys carried out during times of the year that the species would be best observable, using standard field methodologies approved by the Florida Game and Fresh Water Fish Commission (FGFWFC), or one routinely utilized for DRI Review if a standardized DRI methodology has not been established by the Florida Game and Fresh Water Fish Commission (FGFWFC) for the particular listed species. The Developer shall demonstrate to DCA that the impact of any development of the wetlands on any threatened or endangered plants or animals, including species of special concern, is equal to or less than the impacts of the originally approved plan of development for Tampa Technology Park East on each of these listed species.

Prior to any development in wetlands within a tract listed above, this Development Order shall be required to be amended: (1) to specifically authorize the development within the wetland; (2) to determine whether the impacts of the development proposed in the wetlands on any of these species is equal to or greater than the impacts on that species from the originally approved plan of development for Tampa Technology Park East; and (3) to incorporate the results and findings of the survey. In the event that the impacts on the listed species are equal to or less than the impacts on these species under the originally approved plan of development for Tampa Technology Park (East), said amendment shall not be a substantial deviation. If no development is proposed within the wetlands of Tracts A-1, A-3., A-5, or A-6, no amendment to this Development Order shall be required.

Z. *[Added by Ordinance No. 94-222; Revised by Ordinance No. 97-16]* Solely with respect to the Notification Property, Exhibit "D" to the Development Order shall be amended pursuant to the revised Exhibit "F" attached hereto and incorporated herein.

AA.1. Parks. *[Added by Ordinance No. 94-222]* Solely with respect to the Notification Property, Owner shall provide neighborhood parks at the ratio of 2.0 acres per one thousand residents. Additionally, Owner shall either (a) provide additional parks at the

ratio of 2.3 acres per one thousand residents or (b) contribute $26,610 per acre to the City for the acquisition or improvement of park land off-site of Tampa Tech East that will be located within the New Tampa/University North area of the City, and will serve, among other developments, Tampa Tech East. Even if Owner elects to make the monetary contribution described above, on-site neighborhood parks shall still be provided at the ratio of 2.0 acres per one thousand residents. Owner shall designate a location for a park on zoning tract C, subject to City approval of the location, containing a minimum of four acres prior to the recording of the first subdivision plat on the Notification Property. Owner shall construct the improvements on the park site prior to the issuance of 150 single family certificates of occupancy. For purposes of this paragraph I, each single family dwelling unit is deemed to contain 2.56 people and each multi-family dwelling unit is deemed to contain 1.89 people. Prior to issuance of certificates of occupancy authorizing more than 930 residents living within the Notification Property, Owner shall designate and construct an additional park site in a location within zoning tract C consistent with the comprehensive plan containing a minimum of two acres. Provided, however, if Owner elects to make the monetary contribution described above, the second park site shall be provided prior to issuance of certificates of occupancy authorizing more than two thousand residents living within the Notification Property. Such additional park(s) on site shall be designated and constructed at the applicable ratio described above concurrent with the demand for such parks. The location and configuration of all park(s) shall be consistent with the comprehensive plan and shall be developable, accessible and usable by residents of the Notification Property. Improvements to the park site(s) shall be consistent with the comprehensive plan., The final selection of improvements will be made by Owner.

AA.2. *[Added by Ordinance No. 2003-217]* The portion of the foregoing condition pertaining to neighborhood parks shall be applied to the 2003 Subject Site as follows: The Developer shall be required to provide neighborhood park(s) on the 2003 Subject Site at a ratio of 2.0 acres per one thousand residents, or pro rata share thereof. The subject neighborhood park(s) shall provide a neighborhood type of environment reasonably acceptable to the City of Tampa. The Developer of the 2003 Subject Site is proposing two such parks within the 2003 Subject Site which together will satisfy this requirement. The first park shall contain a pool and tot lot. The second park will meet the definitional criteria of Neighborhood Park, as provided in the City of Tampa Comprehensive Plan, and the Developer will cooperate with the City of Tampa Parks Department in the planning of such park.

AB. Schools. *[Added by Ordinance No. 94-222; Last sentence revised by Ordinance No. 99-03]* Solely with respect to the Notification Property, school impact fees shall be paid pursuant to the Hillsborough County School Impact Fee Ordinance, as the same may be amended ("School Ordinance"). Provided, however, if more than 650 single-family home certificates of occupancy are issued within Tampa Tech East, at the election of the Hillsborough County School Board, Owner shall dedicate 15 acres within Tampa Tech East that shall be used as an elementary school site. The School Board shall pay for a portion of the site in cash and the Owner shall receive school impact fee credits for the remaining portion of the 15 acre site. The number of acres within the school site

dedicated in exchange for impact fee credits shall be equal to the demand for school sites created by the residential development within Tampa Technology Park - East. The purchase of the remaining portion of the 15 acre site shall be in consideration of payment of the appraised value of such land. The Developer shall designate, in cooperation with the School Board, the location of the potential elementary school prior to the issuance of certificates of occupancy for more than 350 single family units. Such location shall be subject to the reasonable approval of the Hillsborough County School Board staff and shall be within Zoning Tract C or D.

AC. Water Well Site. *[Entire Section added by Ordinance No. 94-222.]* Solely with respect to the Notification Property:

1. Upon request of the City, Owner shall dedicate to the City a potable well site of a size not greater than 100' x 100' (the "Well Site") in the location described on Revised Map H together with any necessary easements. If this location is not feasible as determined by the City, the Well Site shall be located elsewhere on the site in a location determined by City and Owner. All improvements located on the Well Site shall be built in accordance with Tampa Water Department standards and shall be landscaped and constructed so that they are aesthetically pleasing and the improvements shall be buffered as reasonably determined by City and Owner. The City shall be responsible for constructing all improvements to the Well Site and any necessary appurtenances, including pipes from the Well Site to the City's off-site facilities. Owner shall maintain the landscaping and buffering.

2. Owner shall provide one additional Well Site of a size not greater than 100'x 100' if and when the potable water demands of the improvements constructed on the Notification Property exceed maximum daily demands of two million gallons, anticipated to be located north of the east-west road. Such additional Well Site shall be governed by all of the provisions relating to the first Well Site as described herein. The precise location of the potential additional Well Site shall be designated by the Owner, subject to the reasonable approval of the City, at any time prior to the potable water demands exceeding two million gallons per day as described above. The total capacity of both Well Sites shall be approximately equal to the maximum daily demand for potable water from Tampa Technology Park - East.

3. City may install monitoring wells as required by SWFWMD permit requirements in a location mutually approved by Owner and City to monitor the impacts of the pumping from each Well Site (the "Monitoring Wells").

4. The City shall comply with all applicable rules and regulations governing well sites and pumping of water, including, without limitation, Chapter 40D-2, Florida Administrative Code, as the same may be amended from time to time. Upon request, the City shall promptly provide Owner or its designee with copies of all permits and approvals regarding the permitting of the Well Sites, Monitoring Wells and copies of all annual reports required to be provided to any

governmental agency. Owner shall not be restricted in the development of the Notification Property as a result of the well site(s).

5. Water saving methods and fixtures shall be incorporated into the project's design and construction guidelines to the extent mandated by Section 533.14, Florida Statutes.

6. Fire flows, sufficient numbers of fire hydrants, and properly sized water mains shall be provided to the development in accordance with City policies, standards and ordinances. Except for construction of the City's wellsites and any necessary appurtenances needed as part of the wellsites as provided above, Owner shall be responsible for the costs of any water facilities necessary to ensure adequate fire protection to the Notification Property.

7. Internal water distribution facilities not located within public rights-of-way or public easements shall be maintained by Owner, or its successors or assigns.

8. No individual private wells requiring consumptive use permits shall be permitted without approval from the City of Tampa Water Department.

AD. Connector Road to East-West Roadway. ***[Added by Ordinance No. 94-222; Revised by Ordinance No. 99-03]*** Consistent with the City of Tampa Impact Fee Ordinance provisions for the extension of the east-west connector road ("East-West Road") in the University North Impact Fee District, the City has agreed to place a corridor for the East-West Road through the property located directly to the north of Tampa Technology Park East, commonly known as "West Meadows". Pursuant to the Development Agreement between Atlantic Gulf of Tampa, Inc., and the City of Tampa, dated November 15, 1995, and recorded in Official Records Book 7962, at Page 904, of the Public Records of Hillsborough County, Florida (the "Development Agreement"), the owner of West Meadows must reserve an 80 foot right-of-way in the West Meadows project for the future construction of a road providing access for Tampa Technology Park East to the East-West Road. Owner shall dedicate right-of-way to the City for, and construct, in phases, a roadway connecting the middle access point to C.R. 581 in Tampa Technology Park East to the north boundary of Tampa Technology Park East at the location of the 80 foot wide right-of-way described above, in the approximate location shown on Revised Map H (the "Connector Road"). Sections A and C of the Connector Road shall be constructed on or before eighteen (18) months after the appeal period for this Amendment has expired and Section B of the Connector Road shall be constructed on or before December 31, 2003. Owner shall receive transportation mitigation fee credits for the design, permitting, value of the right-of-way, and actual construction and other costs for each phase of the Connector Road calculated pursuant to the City's impact fee ordinance and such credits shall be subject to the terms and conditions of the adopted Development Order, as amended. There shall be no reduction in the number, or difference in the location of access points to the roadways within Tampa Technology Park East, or withholding of City approvals, due to the Connector Road. and all traffic that travels thereon.

AE. Open Space. *[Added by Ordinance No. 94-222]* A minimum of 205 acres of open space (which may include wetlands, retention ponds and landscaped right-of-way and medians) shall be provided within all of Tampa Technology Park (East).

AF. Wetland Encroachment. *[Entire Section added by Ordinance No. 94-222]* Impacts to wetlands are subject to all applicable environmental permitting requirements. Environmental permits shall not result in greater than a net 17 acre reduction of on-site wetlands (taking into account new wetlands created on-site pursuant to approved mitigation plans) within the Notification Property. Approved mitigation shall be performed within the Tampa Technology Park DRI or off-site within the Trout Creek drainage basin located within the City boundaries. There shall be no greater than 15% encroachment (excluding impacts by governmental agencies such as the West Coast Regional Water Supply and City of Tampa) into the total square footage contained within the required thirty foot wetland setback, pursuant to applicable City regulations. Except as provided herein, the thirty-foot buffer shall remain in its natural condition. Should the Owner choose mitigation site(s) not within the DRI site, i.e. offsite, the following additional conditions shall apply:

1. Ownership of any off-site mitigation areas shall remain in control of the owner of the Notification Property, its successors or assigns, unless as a result of permitting requirements, the off-site mitigation area meeting the foregoing requirements is a part of a mitigation bank, in which event ownership shall be as identified in the permitting conditions.

2. Off-site mitigation areas shall be encumbered by a perpetual conservation easement for the protection of the resources being mitigated.

3. Any costs associated with providing for, constructing, monitoring and maintaining the off-site mitigation area(s) shall be borne by the owner of the Notification Property, its successors or assigns.

4. Timing of off-site mitigation shall be in accordance with environmental agency permits.

5. At such time hereafter as a Notice of Proposed Change Application may be submitted affecting the Notification Property (the "Next NOPC"), any offsite mitigation plan approved by applicable permitting agencies shall be incorporated into any development order amendment resulting from the Next NOPC. This change shall not be determined to be a substantial deviation. In no event shall the Next NOPC be filed more than two (2) years after the approval of the off-site mitigation plan.

AG. Intersection Improvement Contribution. *[Added by Ordinance No. 94-222]* Prior to issuance of the first certificate of occupancy for residential uses within the Notification Property, Owner shall pay to City one-half of the cost of adding an additional left turn

lane for traffic, traveling west on C.R. 581 and turning left onto southbound Interstate 75, the widening of the I-75 on-ramp to accommodate the additional left turn lane, the installation of a traffic signal at the C.R. 581/Interstate 75 intersection and the necessary communication between such new signal and other signals on County Road 581 (the "Improvements"). In no event shall Owner's total liability for the Improvements be greater than $250,000.00. City shall provide developer with a certified engineer's cost estimate for the Improvements if the Improvements are not completed prior to the date such contribution is required from Owner. If the Improvements have been completed prior to the date the contribution is required, City shall provide Owner with a certificate setting forth the actual cost incurred by City in connection with the Improvements. All amounts paid by Owner pursuant to this paragraph shall be creditable against impact fees and other transportation mitigation payments due pursuant to the Development Order. Immediately after the effective date of this amendment to the Development Order, the City shall expeditiously proceed with completion of the Improvements.

AH. *[Added by Ordinance No. 94-222]* Zoning Tracts A-1 and A-2 shown on Revised Map H shall continue to be governed solely by the approvals existing prior to the approval of this amendment to the Development Order, and not this amendment to the Development Order or Revised Map H. However, Zoning. Tracts A-1 and A-2, as well as the remainder of Tampa Technology Park, shall be governed by the build-out date approved in this amendment to the Development Order.

AI. *[Added by Ordinance No. 94-222]* For purposes of Exhibit "C" of the Development Order, any residential units constructed shall be converted to office square feet at the ratio set forth in the approved trade-off mechanism.

AJ. *[Added by Ordinance No. 94-222]* The changes approved by this Fifth Amendment to the Development Order are exempt from the provisions of Ordinance 90 - 32 City of Tampa Concurrency Management System, and the Tampa Technology Park DRI remains vested thereunder.

AK. *[Entire Section added by Ordinance No. 98-188]* The Development Order, solely as it applies to the property under contract between Harrison Bennett Properties, Inc. and Starwood as of the date of this amendment, as described on Exhibit "G" attached hereto (the "Notification Property"), is amended as set forth below:

1. That the proposed changes in the NOPC are approved and that the Development Order is hereby amended to incorporate the NOPC, except as specifically modified herein or modified by Revised Map H.

2. The master plan of development for Tampa Technology Park East is revised as reflected on the Revised Map H attached hereto as Exhibit "E" bearing an original date of October 10, 1996, and a last revision date of January 23, 2006.

3. This ordinance approves the re-alignment of a right in/right out access drive to County Road 581 (Bruce B Downs Boulevard) said access drive being located

approximately 1000 feet northeast of Richmond Park Drive along County Road 581 The re-alignment shall be conditioned on:

a. the access drive shall be for right-in/right-out traffic, only;

b. the existing access drive located approximately 120 feet northeast of the new access drive shall be permanently closed.

c. the owner or owners of Tract A-2 and Tract F shall provide a pedestrian and vehicular ingress and egress access casement and internal drive between Tract A-2 and Tract F (as such tracts are shown on Revised Map II of the DRI), thus providing a connection between the southernmost Tampa Tech driveway shown on Revised Map H of the DRI, and Richmond Park Drive The design and location of said internal drive shall be subject to review and approval by the City of Tampa Transportation Division through the permit approval process; and said internal drive shall be, at a minimum, sufficient for vehicular and pedestrian traffic in both directions along the internal drive. The internal drive shall generally parallel C R. 581.

AL. *[Entire Section added by Ordinance No. 98-252]* The Development Order, solely as it relates to the property owned by Harrison and the property under contract between Harrison Bennett Properties, Inc. as Purchaser and Starwood as Seller, as of the date of this amendment and described on Exhibit "H" attached hereto (the "Notification Property"), is amended as set forth below:

1. That the proposed changes in the NOPC are approved and that the Development Order is hereby amended to incorporate the NOPC, except as specifically modified herein or modified by Revised Map H.

2. That the developer of Parcel A-2 shall have the option to elect to transfer 40,000 square feet of commercial development entitlements from Parcel "A-2" to either one or both of Parcel "F" or that portion of Parcel "A" described in Exhibit "H" attached hereto. At the time of such election, developer shall notify the Florida Department of Community Affairs and the City of Tampa of cumulative land use totals and adjusted remaining, allowable quantities.

3. That a theater is a permitted use for Parcel "F"

AM. USAA and Caspersen Approvals. *[Added by Ordinance No. 99-03]* The USAA parcel and the parcels owned and identified on Revised Map H as Parcel A-1 and Parcel A-2 shall continue to be governed solely by the approvals existing prior to the approval of this amendment to the Development Order, except that the USAA parcel, and Parcels A-1 and A-2, as well as the remainder of Tampa Technology Park, shall be governed by the build-out date approved in this amendment to the Development Order.

AN. Site Access. *[Added by Ordinance No. 99-03]* The owner of each project within Tampa Technology Park shall be responsible for the construction of their respective site access improvements including geometric improvements and signal installations. The owner must conduct signal warrants analysis within 30 days of receiving a written request from the Transportation Division. When signal warrants are met, such owner shall provide the Transportation Division with a written report detailing the construction schedule upon request of the City.

AO. Signal. *[Added by Ordinance No. 99-03]* The Developer of Tampa Technology Park East shall be responsible for fifty percent (50%) of the cost of the signal at the intersection of Richmond Park Drive and Bruce B. Downs upon request of the City.

AP. USAA Approvals. *[Added by Ordinance No. 2000-282]* The parcel owned and identified on Revised Map H as the USAA project shall continue to be governed solely by the approvals existing prior to the approval of this amendment to the Development Order, except that the USAA parcel, as well as the remainder of Tampa Technology Park, shall be governed by the build-out date approved in this amendment to the Development Order.

AQ. Concurrency Management Exemptions. *[Added by Ordinance No. 2000-282]* The changes approved by this Twelfth Amendment to the Development Order are exempt from the provisions of Ordinance 90-32 City of Tampa Concurrency Management System, and the Tampa Technology Park DRI remains vested thereunder.

AR. *[Entire Section added by Ordinance No. 2001-219]* The Proposed Changes are approved and the Development Order is hereby amended to:

1. Consolidate Parcel "A-1", Parcel "J" and the Ribbon Parcel into one unified parcel hereinafter referred to as the "Apex Parcel";

2. allocate all existing entitlements approved for the individual parcels which comprise the Apex Parcel to the whole of the Apex Parcel, as depicted on attached Exhibit "I";

3. satisfy Condition 4.Z. of Ordinance No. 91-229 by virtue of submission of the "Proposed Wetland Impacts and Threatened, Endangered and Species of Special Concern Survey, May, 2001 (the "Species Report") for the Apex Parcel, attached as Exhibit 1 to the Notification of Proposed Change and incorporated herein by reference as Exhibit "J";

4. modify the Development Order to specifically authorize the proposed development within the wetlands as it has been determined that the impacts to the subject species are equal to or less than the impacts on the subject species from the originally approved plan of development, subject to the Developer complying with the requirements of the Southwest Florida Water Management District

("SWFWMD") and Hillsborough County Environmental Protection Commission ("HCEPC") approved mitigation plan for the Apex Parcel;

5. incorporate the results and findings of the Species Report;

6. incorporate the legal descriptions attached hereto as Exhibit "K"; and

7. incorporate Map H (Apex Parcel), dated June 7, 2001, with last revision date of January 23, 2006, reflecting these changes, attached hereto as Exhibit "E" and incorporated herein by reference.

AS. *[Entire Section added by Ordinance No. 2002-260]* The Development Order, solely as it applies to the property owned by CAP-Tampa 22, LLC as Transferor of the commercial development entitlements (Exhibit "L") and CAP-Tampa 12, LLC as Transferee of the commercial development entitlements (Exhibit "M"), said properties collectively referred to as the ("Notification Property"), is amended as set forth below:

That the proposed changes in the NOPC are approved and that the Development Order is hereby amended to incorporate the NOPC, except as specifically modified herein or modified by Revised Map H.

AT. *[Entire Section added by Ordinance No. 2002-260]* That the developer of Parcel A-2 ("Kaupe Tract") shall have the option to elect to transfer 7,500 square feet of commercial development entitlements from Parcel A-2 to Parcel "A" (the "Richmond Tract"). At the time of such election, developer shall notify the Florida Department of Community Affairs and the City of Tampa of cumulative land use totals and adjusted, remaining, allowable quantities.

AU. *[Entire Section added by Ordinance No. 2003-217* Increase the residential maximum within Tampa Technology Park East to allow an additional 133 "individual fee simple ownership" single family attached or 133 "individual fee simple ownership" multi-family residential dwelling units to be utilized on the 2003 Subject Site in conjunction with the 27 single family residential units or 43 multi-family units (the equivalent of the 27 single family residential units remaining from the original maximum of 974 single family units which will be converted through utilization of the existing trade-off standard which is: 1.0 single family unit is equal to 1.6 multi-family units) previously approved for Tampa Technology Park East, all as more particularly set forth in the NOPC as Composite Exhibit 2 and attached hereto as a part of Composite Exhibit "A";

AV. *[Entire Section added by Ordinance No. 2003-217]* Incorporate a revised Land Use Trade-off Standard as shown on attached Exhibit "O" reflecting the previously approved trade-off standards and incorporating a new trade-off standard from High Tech/Light Industrial to Residential to be utilized to obtain the additional 133 "individual fee simple ownership" single family attached or 133 "individual fee simple ownership" multi-family residential units for the 2003 Subject Site only.

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 Wood & Company, Inc., its successors, or assigns and that the term "Individual Tenants" is deemed to mean those entities which purchase or lease land in the project and/or build buildings in the project (e.g., the Developer may also be an Individual Tenant), and that the term "successors and assigns" of the Developer or its "successors-in-interest" is deemed to include, but is not limited to, Individual Tenants, the Park Review Committee, and the Park Owners' Association.

[Added by Ordinance No. 91-194] The amendments approved hereby are exempt from the provisions of Ordinance 90-32, City of Tampa Concurrency Management System and Phase I of the Tampa Technology Park DRI remains vested thereunder. Phases II and III also remain vested except as to those matters described in Section 4.1.7.1 (traffic, air quality, water quality, drainage and solid (including hazardous) waste).

Section 7. That some portion of the physical development permitted pursuant to this Order shall commence within three (3) years from the date upon which this Order becomes final and the appeal period has ended.

Section 8. *[Revised by Ordinance No. 94-222]* That this Order shall remain in effect until March 29, 2011. Any development activity wherein plans have been submitted (and pursued by the Owner in good faith) 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.

[Revised by Ordinance No. 99-03] The buildout dates for Tampa Technology Park shall be extended as follows:

Phase I	December	31,	2005
Phase II	December	31,	2004
Phase III	December	31,	2009

Section 9. *[Revised by Ordinance No. 94-222]* That prior to March 29, 2011, the city may not down-zone or reduce the intensity or unit density permitted by this Order, unless the City can demonstrate that:

A. substantial, changes in the conditions underlying the approval of the Order have occurred; or

B. the Order as. based upon 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 affected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning or development 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 by this Order. The City does intend to rezone the property to conform to the Tampa 2000 Land Use Plan and Chapter 43-A, City of Tampa Code, as required by State Law. The inclusion of this Section 9 is not to be construed as evidencing any present or foreseeable intent on the part of the City to down-zone or alter the density or intensity of the development, but is included herein to comply with Section 380.06 (15)(c)3, Florida Statutes, 1985.

Section 10. Notwithstanding this Order, the Developer, at its sole 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 development site. Any impacts assessed and satisfied pursuant to this Order shall be considered and credited to the Developer's obligations under any such Area Wide Development Order.

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

Section 12. *[Revised by Ordinance No. 9466-A]* That the Director of HICS is responsible for insuring compliance with this Order and the receipt of the Developer's contributions required in Section 4.C.4., Mitigation of Transportation Impacts, and Section 4.C.14., Minimum Staging Requirements. 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. 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 Agreement, 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.

TAMPA TECHNOLOGY PARK EAST DRI
DEVELOPMENT ORDER

LIST OF EXHIBITS

Exhibit Notation	Description	Comments
Composite Exhibit "A"	Application for Development Approval ("ADA"), Sufficiency Responses and supporting documents includes Developer Commitments	
Exhibit "B"	Legal description of the real property which is subject to the Development Order [Tampa Technology Park East]	**[Formerly Exhibit "A-1" from Ordinance No. 91-229]**
Exhibit "C"	Regionally Significant Improvements and Subphasing Square Footage Thresholds	**[Formerly Exhibit "C" from Ordinance No. 9466-A]**
Exhibit "D"	Square Foot Transportation Assessment	**[Formerly Exhibit "D" from Ordinance No. 9466-A]**
Exhibit "E"	Revised Map H	**[Previous revisions/updates incorporated; New Map H dated January 23, 2006]**
Exhibit "F"	Solely with respect to the Notification Property: Square Foot Transportation Assessment	**[Formerly Exhibit D from Ordinance No. 94-222; Revised by Ordinance No. 97-16]**
Exhibit "G"	Legal description for the Harrison Bennett 1 Property	**[Formerly Exhibit B from Ordinance No. 98-188]**
Exhibit "H"	Legal description for the Harrison Bennett 2 Property	**[Formerly Exhibit B from Ordinance No. 98-252]**
Exhibit "I"	Land Uses/Development Entitlements Tables 1 and 2	**[Formerly Exhibit D from Ordinance No. 2001-219]**
Exhibit "J"	Proposed Wetland Impacts and Threatened, Endangered and Species of Special Concern Survey, May 2001 (the "Species Report") for the Apex Parcel	**Document is incorporated by Reference [Formerly Exhibit 1 to the NOPC approved under Ordinance No. 2001-219]**

TAMPA TECHNOLOGY PARK EAST DRI
DEVELOPMENT ORDER

LIST OF EXHIBITS (continued)

Exhibit "K"	Legal description for the Apex Parcel	**[Formerly Exhibit A from Ordinance No. 2001-219]**
Exhibit "L"	Legal description for CAP-Tampa 22, LLC, the "Kaupe Tract"	**[Formerly Exhibit A from Ordinance No. 2002-260]**
Exhibit "M"	Legal description for CAP-Tampa 12, LLC, the "Richmond Place Parcel"	**[Formerly Exhibit B from Ordinance No. 2002-260]**
Exhibit "N"	Legal description for Highwoods Lot 1 Property ("2003 Subject Property")	**[Formerly Exhibit 1 from Ordinance No. 2003-217]**
Exhibit "O"	Revised Land Use Trade-Off Standard	**[Formerly Exhibit 3 from Ordinance No. 2003-217]**

EXHIBIT "B"

LEGAL DESCRIPTION
TAMPA TECHNOLOGY PARK (EAST)

A parcel of land in Section 13, 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being particularly described as follows:

Begin at the northwest corner of said Section 13; thence S.89°59'52"E., along the north boundary of the Northwest 1/4 of said Section 13, 2092.11 feet; thence S.02°47'30"E., 2451.35 feet; thence S.89°55'07"E., 302.10 feet to the northwesterly right-of-way boundary of Bruce Downs Boulevard, County Road No. 581, (Department of Transportation Section No. 10590-151); thence S.41°45'28"W., along said northwesterly right-of-way boundary, 267.43 feet to the north boundary of the Southwest 1/4 of said Section 13; thence continue S.41°45'28"W., along said northwesterly right-of-way boundary, 3,348.94 feet to the west boundary of said Southwest 1/4 of Section 13; thence continue S.41°45'28"W., along said northwesterly right-of-way boundary, 195.29 feet to the north boundary of said Section 23; thence continue S.41°45'28"W., along said northwesterly right-of-way boundary, 698.51 feet; thence N.48°14'32"W., 36.90 feet to the beginning of the Limited Access right-of-way boundary of Ramp "D" for State Road No.93-A (Interstate Route No. 75), Department of Transportation Section No. 10075-2418; thence along said Limited Access right-of-way boundary the following nine (9) courses: (1) S.41°45'28"W., 405.26 feet; thence (2) S.45°31'19"W., 462.96 feet; thence (3) S.69°56'37"W., 178.27 feet; thence (4) N.61°18'47"W., 178.27 feet; thence (5) N.36°56'27"W., 298.36 feet; thence (6) N.34°39'01"W., 385.59 feet to a Point of Curvature; thence (7) Northwesterly, 520.43 feet along the arc of a curve concave to the northeasterly having a radius of 1815.86 feet, a central angle of 16°25'16" and a chord of 518.65 feet bearing N.26°26'23"W., to a Point of Tangency; thence (8) N.18°13'45"W., 100.70 feet to the south boundary of said Section 14; thence (9) continue N.18°13'45"W., 1098.60 feet to the end of the Limited Access right-of-way boundary of said Ramp "D"; thence along the Limited Access right-of-way boundary of said State Road No. 93-A the following four (4) courses: (1) N.17°05'00"W., 1679.15 feet to the south boundary of the North 1/2 of said Section 14; thence (2) continue N.17°05'00"W., 1309.41 feet to a Point of Curvature; thence (3) northwesterly 1,448.92 feet along the arc of a curve concave to the southwesterly, having a radius of 5,891.58 feet, a central angle of 14°05'27" and a chord of 1,445.28 feet bearing N.24°07'43"W., to a Point of Tangency; thence (4) N.31°10'27"W., 88.11 feet to the north boundary of the Northwest 1/4 of said Section 14; thence S.89°45'44"E., along said north boundary of the Northwest 1/4 of said Section 14, 1,315.97 feet to the North 1/4 corner of said Section 14; thence S.89°45'38"E., along the north boundary of the Northeast 1/4 of said Section 14, 2,644.57 feet to the Point of Beginning.

Containing 593.901 Acres.

EXHIBIT C
Table 1
Required Highway Link
Improvements for Phase I

Foot-notes	Highway Link Description	Required Improvement	Square Footage Permit Threshold	Estimated Total Cost	Proportionate Share Contribution	Project Stage
	Fletcher Avenue (Nebraska to 30th)	Construct 4-Lane Divided Arterial	431,902	$0	(3)	I
(1)	C.R. 581 (N. Site Access to I-75)	Construct 4-Lane Divided Arterial	984,006	$170,000	(3)	I
	C.R. 54 (C.R. 581 to C.R. 577)	Construct 4-Lane Divided Arterial	1,021,379	$3,290,000	(3)	I
(2)	C.R. 581 (I-75 to S. Site Access)	Construct 4-Lane Divided Arterial	1,453,995	$124,558	(3)	I
	C.R. 581 (N. Site Access to I-75)	Construct 6-Lane Divided Arterial	1,711,200	$885,000	(3)	II
	C.R. 581 (Tampa Palms to Skipper)	Construct 4-Lane Divided Arterial	1,798,531	$0	(3)	II
	C.R. 581 (E-W Arterial to N.Site Access)	Construct 4-Lane Divided Arterial	1,923,167	$2,153,291	(3)	II
	C.R. 54 (I-75 to C.R. 581)	Construct 4-Lane Divided Arterial	1,946,105	$950,000	(3)	II
	C.R. 581 (S. Site Access to Tampa Palms)	Construct 4-Lane Divided Arterial	2,039,499	$1,291,233	(3)	II
	C.R. 581 (E-W Arterial to N.Site Access)	Construct 6-Lane Divided Arterial	2,217,999	$1,554,000	(3)	II
	C.R. 581 (Co. Line to E-W Arterial)	Construct 4-Lane Divided Arterial	2,417,169	$2,747,380	(3)	II
	Skipper/Bearss (West of Dale Mabry)	Construct 4-Lane Divided Arterial	3,059,411	$0	(3)	II

EXHIBIT C
Table 1
Required Highway Link
Improvements for Phase 1

Footnotes	Highway Link Description	Required Improvement	Square Footage Permit Threshold	Estimated Total Cost	Proportionate Share Contribution	Project Stage
	Skipper/Fearnas (Dale Mabry to Florida)	Construct 4-Lane Divided Arterial	3,110,104	$0	(3)	II
	C.R. 581 (Co. Line Rd. to E-W Arterial)	Construct 6-Lane Divided Arterial	3,409,500	$1,892,000	(3)	II
	C.R. 581 (I-75 to S. Site Access)	Construct 6-Lane Divided Arterial	3,432,000	$622,000	(3)	II
	C.R. 581 (S. Site Access to Tampa Palms)	Construct 6-Lane Divided Arterial	3,953,100	$1,430,000	(3)	III
	C.R. 581 (C.R. 54 to Co. Line Rd.)	Construct 4-Lane Divided Arterial	4,035,822	$5,515,200	(3)	III
(4)	Southern Access Road (Site to C.R. 581)	Construct 4-Lane Divided Arterial	4,129,000	$1,153,000	(3)	III
	C.R. 581 (Tampa Palms to Skipper)	Construct 6-Lane Divided Arterial	4,284,300	$1,569,000	(3)	III
	Fowler Avenue (Hillsboro River to I-75)	Construct 4-Lane Divided Arterial	4,691,452	$0	(3)	III
(5)	E-W Arterial (N. Site Access to C.R. 581)	Construct 6-Lane Divided Arterial	5,200,000	$8,928,000	(3)	IV
	Fletcher Avenue (56th to I-75)	Construct 4-Lane Divided Arterial	5,510,298	$0	(3)	IV
	Fowler Avenue (56th to Hillsboro River)	Construct 4-Lane Divided Arterial	7,152,151	$0	(3)	IV

EXHIBIT C
Table 2
Required Intersection and Interchange Improvements for Phase I

Roadway Intersection/ Interchange Description	Additional Lanes Required	Total Lanes Required	Square Footage Permit Threshold	Estimated Total Cost	Proportionate Share Contribution	Project Stage
C.R. 54 at C.R. 577	Construct EB left turn, WB through, and SB left turn lanes.	WB: n/a SB: 1 Rt., 1 Lt. EB: 1 Lt., 1 Thru. WB: 2 Thru.	1,071,379	(1)	(3)	I
Fletcher at Nebraska	Programmed improvement plus, construct SB right turn lane & third WB through lane.	NB: 1 Rt., 1 Thru., 1 Lt. SB: 1 Rt., 2 Thru., 1 Lt. EB: 1 Rt., 2 Thru., 1 Lt. WB: 3 Thru., 1 Lt.	2,469,080 (2)	(2)	(3)	II
Bearss Ave. at Florida	Construct one EB & one WB through lane.	NB: 1 Rt., 1 Thru., 1 Lt. SB: 1 Thru., 1 Lt. EB: 1 Rt. 2 Thru., 1 Lt. WB: 1 Rt. 2 Thru., 1 Lt.	3,110,104	(1)	(3)	II
Fletcher & I-275 (West Side)	Construct 1 WB left turn.	NB: n/a SB: 1 Rt., 1 Lt. EB: 1 Rt., 2 Thru. WB: 2 Thru., 2 Lt.	3,368,713	$150,000	(3)	II
C.R. 581 at I-75 (West Side)	Construct dual left turn receiving lanes on SB ramp.	NWB: n/a SEB: 1 Rt., 1 Lt. NEB: 1 Rt., 3 Thru. SWB: 3 Thru., 2 Lt.	3,450,000	$80,000	(3)	II
Fowler at C.R. 581	Construct 1 NB, EB, & SB left turn lane.	NB: 1 Rt., 2 Thru., 2 Lt. SB: 1 Rt., 2 Thru., 2 Lt. EB: 1 Rt., 2 Thru., 2 Lt. WB: 1 Rt., 2 Thru., 1 Lt.	3,625,000	(1)	(3)	II
C.R. 581 at I-75 (West Side)	Construct SWB to SEB loop ramp.	NEB: 1 Rt., 3 Thru. SWB: 1 Rt., 3 Thru. NWB: n/a SEB: 1 Rt., 1 Lt.	3,960,000	$571,000	(3)	III
Ehrlich Rd. at Dale Mabry	Programmed improvements plus construct EB & WB through, EB right turn, EB & WB left turn lanes.	NB: 1 Rt., 3 Thru., 2 Lt. SB: 1 Rt., 3 Thru., 2 Lt. EB: 2 Rt., 3 Thru., 2 Lt.	4,000,000	(4)	(3)	III

EXHIBIT C
Table 2
Required Intersection and Interchange Improvements for Phase I

Roadway Intersection/ Interchange Description	Additional Lanes Required	Total Lanes Required	Square Footage Permit Threshold	Estimated Total Cost	Proportionate Share Contribution	Project Stage
C.R. 54 at C.R. 581	Construct dual NB turn left lanes.	NB: 1 Rt., 2 Lt. SB: n/a EB: 1 Rt., 1 Thru. WB: 1 Thru., 1 Lt.	4,035,000	(1)	(3)	III
Fletcher at C.R. 581	Programmed improvements plus construct 1 SB right turn and EB right turn lane.	NB: 3 Thru., 2 Lt. SB: 2 Rt., 3 Thru., 2 Lt. EB: 1 Rt., 2 Thru., 1 Lt. WB: 1 Rt., 3 Thru., 1 Lt.	4,498,429	$[illegible]	(3)	III
Skipper Rd. at C.R. 581	Programmed improvements plus construct 1 SWB right turn lane.	NB: 3 Thru., 2 Lt. SWB: 2 Rt., 3 Thru. EB: 1 Rt., 2 Lt. WB: n/a	4,599,000	(1)	(3)	III
E-W Arterial at I-75	Construct full access interchange at freeway to include dual WB to SB ramp, dual left turn and single right turn lanes for SB exit, left turn lane and right turn lane for NB entrance, separate left turn and right turn lanes for NB exit.	NB: 1 Rt., 1 Lt. SB: 1 Rt., 2 Lt. EB: 1 Rt., 3 Thru., 1 Lt. WB: 1 Rt., 3 Thru., 2 Lt.	5,290,000	(1)	(3)	IV
E-W Arterial at C.R. 581	Construct entire intersection. (5)	NB: 1 Rt., 3 Thru. SB: 1 Rt., 3 Thru. EB: 3 Thru., 2 Lt. WB: 3 Thru., 2 Lt.	5,150,000	$250,000	(3)	IV
Fletcher at Florida	Construct EB and WB right turn lane.	NB: 1 Rt., 1 Thru., 1 Lt. SB: 2 Thru., 1 Rt. EB: 1 Rt., 2 Thru., 1 Lt. WB: 1 Rt., 2 Thru., 1 Lt.	5,900,000	$70,000	(3)	IV

EXHIBIT C
Table 3
Programmed Improvements

Road Segment/Interchange/ Intersection Description	Programmed Improvement	Construction Year	Responsible Agency
Fletcher Avenue (N. Blvd. to Florida Ave. and Orange Grove Dr. to Dale Mabry.)	Construct 4-lane Divided Arterial	1985/1986	Hills. County
C.R. 581 (Skipper to Fowler)	Construct 4-lane Divided Arterial	1985/1986	Hills. County
Co. Line Rd. (Livingston to C.R. 581)	Construct 2-lane Undivided Road	1985/1986	Hills. County
Fletcher Avenue (Nebraska Ave. to 56th St)	Construct 4-lane Divided Arterial	1985/1987	Hills. County
Fletcher Avenue (Lake Magdalene Dr. to North Blvd.)	Construct 4-lane Divided Arterial	1986/1987	Hills. County
Bearss Ave. (Dale Mabry to Florida Avenue)	Construct 4-lane Divided Arterial	1987/1988	Hills. County
Bearss Avenue/Skipper Road (Nebraska to 30th)	Construct 4-lane Divided Arterial	1985/1986	Hills. County
Ehrlich Road (Lynn Turner Rd. to Dale Mabry)	Construct 4-lane Divided Arterial	1985/1986	Hills. County
Buffalo Avenue (I-4 to C.R. 579)	Construct 4-lane Divided Arterial	1988/1989	FDOT
Dale Mabry (Hillsborough Avenue to Van Dyke Rd.)	Construct 6-lane Divided Arterial	1998/1999	FDOT
Fowler Avenue (I-75 to U.S. 301)	Construct 4-lane Divided Arterial	1989/1990	FDOT
Florida Avenue (Bougainvillea to Fletcher Avenue)	Construct 4-lane Divided Arterial	1989/1990	FDOT
Fowler Avenue (56th to I-75)	Construct 4-lane Divided Arterial	1987/1988	FDOT
Florida Avenue at Busch	Intersection Improvement	1985/1986	FDOT
Busch Blvd. at 30th St. (C.R. 581)	Intersection Improvement	1986/1987	FDOT
30th Street (Fowler to Busch)	Construct 4-lane Divided Arterial	1991	City

EXHIBIT C
Table 4
Site Access Improvements

Site Access Improvement Description	Improvement Required	Square Footage Occupancy Threshold
C.P. SBI at Each of 4 Project Entrance Drives, as Appropriate	Construct dual NEB left turn lanes, SWB right turn lane, dual EB left turn lanes and dual SEB right turn lanes. Signalize where & when warranted by the Manual on Uniform Traffic Devices (MUTCD).	(1)
E-W Arterial at Two Project Entrances East of I-75	Construct dual WB left turn lanes, EB right turn lane, dual WB left turn lane, and WB right turn lane, signalize where & when warranted by the MUTCD.	(2)

FOOTNOTES TO
EXHIBIT "C", TABLE 1
TAMPA TECHNOLOGY PARK
DEVELOPMENT ORDER

(1) This link contained approximately 600 linear feet of two lane road section at the time of the adoption of this Order. At this square footage threshold, this two lane section must be improved to a four lane divided section.

(2) This improvement is necessary at this threshold only if the link identified in Table 1 as the "Southern Access Road" has been constructed by the time this square footage threshold has been attained. If the Southern Access Road has not been constructed by this time, this link would be improved at the same square footage thresholds as the link designated as "S. Site Access to Tampa Palms".

(3) The project's Proportionate Share Contribution for the purposes of Section 4.C.14. Minimum Staging Requirements of this Order shall be determined by the following formula:

a. "Proportionate Share Contribution" equals the Utilization of Increased Service Volume multiplied by the Cost of the Applicable Improvement.

b. "Utilization of Increased Service Volume" equals the Trips Attributable to the Project divided by the Increased Service Volume generated by the Applicable Improvement.

c. "Trips Attributable to the Project" equals the trips generated by the project on the roadway minus the Available Service Volume.

d. "Available Service Volume" equals the daily level of service C service volume or peak hour level of service D service volume of the roadway minus the existing traffic volume.

e. "Applicable Improvement" is defined as the improvement which will maintain the desired level of service or the level of service existing at the time of the filing of the Application for Development Approval, whichever is worse. Where roadways are operating at level of service F or worse at the time of the filing of the Application for Development Approval, the Applicable Improvement will be defined as the improvement necessary to maintain the volume-to-capac-

ity ratio existing on any such roadway at the time of the filing of the Application for Development Approval.

(4) This improvement is one of three optional site access solutions necessary following the issuance of building permits for the construction of 450,000 square feet of office or 700,000 square feet of high technology/light industrial space on the west side of I-75. Construction of the East/West Arterial to the west site access or the construction of the center bridge across I-75 (as shown on the Conceptual Site Plan) offer similar solutions.

(5) This improvement is one of three optional site access solutions necessary following the issuance of building permits for the construction of 450,000 square feet of office or 700,000 square feet of high technology/light industrial space on the west side of I-75. Completion of the southern site access from the site to C.R. 531 or the construction of the center bridge across I-75 (as shown on the Conceptual Site Plan) offer similar solutions.

FOOTNOTES TO
EXHIBIT "C", TABLE 2
TAMPA TECHNOLOGY PARK
DEVELOPMENT ORDER

(1) The cost for this intersection has been included in the estimated cost for the associated roadway link.

(2) Programmed improvements (two WB and EB through lanes) are sufficient until the designated square footage threshold. At the designated square footage threshold, improvements are necessary to this intersection. If, at this time, only a SB right turn lane is added (at an estimated cost of $40,000), the third WB through lane would be needed at 3,250,000 square feet (at an estimated cost of $120,000). If the third WB through lane were added at the designated square footage threshold, analysis indicates that the additional SB right turn lane may not be needed.

(3) The project's Proportionate Share Contribution for the purposes of Section 4.C.14. Minimum Staging Requirements of this Order shall be determined by the following formula, utilizing a critical movement analysis:

a. "Proportionate Share Contribution" equals the Utilization of Increased Service Volume multiplied by the Cost of the Applicable Improvement.

b. "Utilization of Increased Service Volume" equals the Trips Attributable to the Project divided by the Increased Service Volume generated by the Applicable Improvement.

c. "Trips Attributable to the Project" equals the trips generated by the project on the roadway minus the Available Service Volume.

d. "Available Service Volume" equals the daily level of service C service volume or peak hour level of service D service volume of the roadway minus the existing traffic volume.

e. "Applicable Improvement" is defined as the improvement which will maintain the desired level of service or the level of service existing at the time of the filing of the Application for Development Approval, whichever is worse. Where roadways are operating at level of service F or worse at the time of the filing of the Application for Development Approval, the Applicable Improvement will be defined as the improvement necessary to maintain the volume-to-capacity ratio existing on any such roadway at the time of

the filing of the Application for Development Approval.

(4) Programmed improvements by the FDOT are two NB and SB through lanes, dual NB and SB left turn lanes and NB and SB right turn lanes. Hillsborough County has programmed the construction of two EB and WB through lanes, one EB and one WB left turn lane, and one EB and one WB right turn lane. These improvements are sufficient until the square footage thresholds listed in Table 2 are attained. Thereafter, the construction of one EB and one WB through lane, one EB and one WB left turn lane, and one EB right turn lane shall be required.

(5) See diagram contained in Sufficiency Response, Appendix I, page 5. A grade separated interchange will be required in the event that this intersection design is not approved by the agencies having design and operating jurisdiction over this improvement.

FOOTNOTES TO
EXHIBIT "C", TABLE 4
TAMPA TECHNOLOGY PARK
DEVELOPMENT ORDER

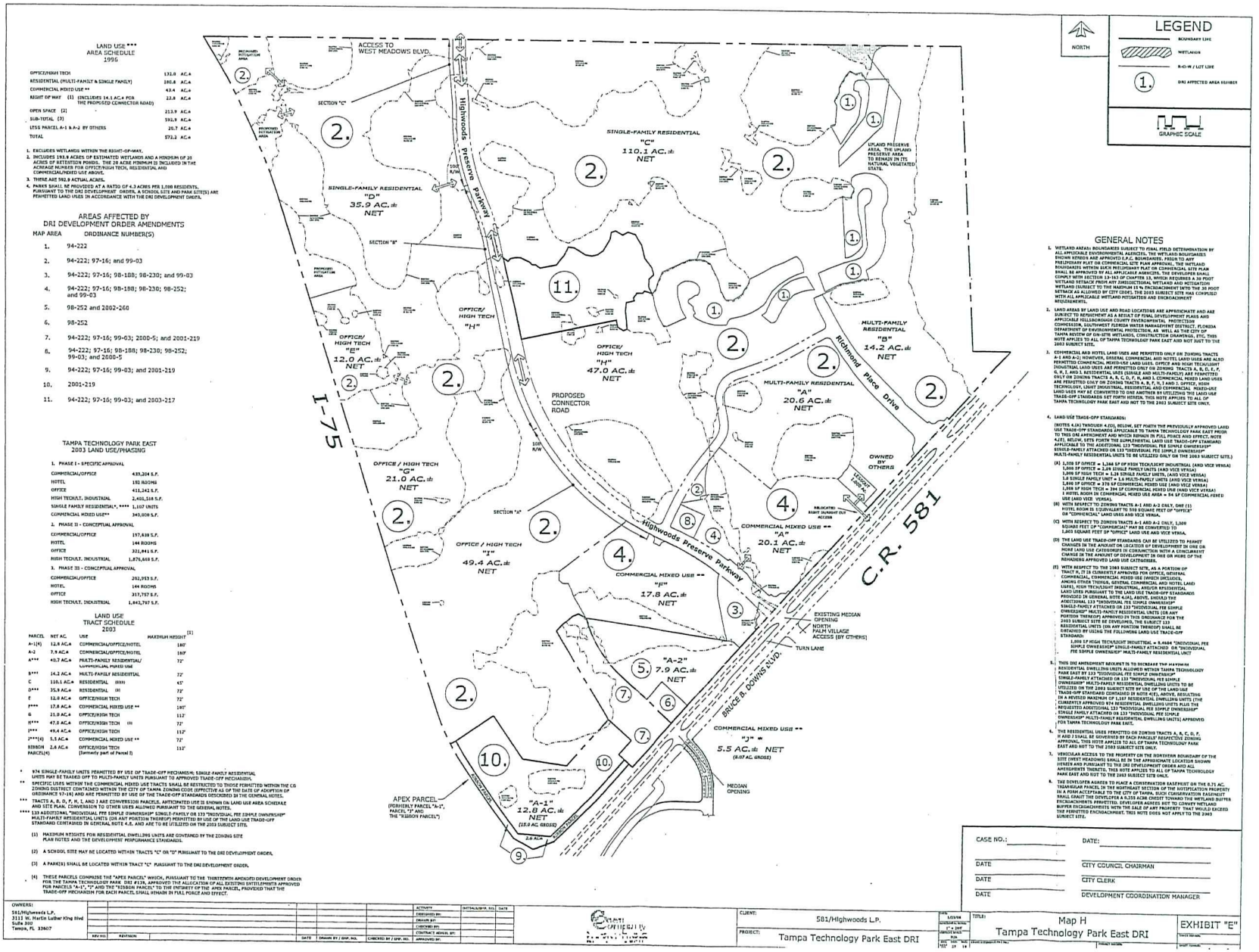
(1) Configuration of project entrances shall be phased in such a manner as to maintain acceptable levels of service on C.R. 581 with the ultimate configuration of these intersections to be as set forth in Table 4. The timing of the construction of any given intersection will depend upon the areas of the site being developed.

(2) Configuration of project entrances shall be phased in such a manner as to maintain acceptable levels of service on the E-W Arterial with the ultimate configuration of these intersections to be as set forth in Table 4. The timing of the construction of any given intersection will depend upon the areas of the site being developed.

EXHIBIT D

Commercial/Office/Hotel	367,737	$ 3.79
Office	1,208,278	$ 1.68
High Tech	2,395,620	$ 0.94

The average cost per one (1) square foot of development is $1.42.



LAND USE *** AREA SCHEDULE 1998

OFFICE/HIGH TECH	132.8	AC.±
RESIDENTIAL (MULTI-FAMILY & SINGLE FAMILY)	180.8	AC.±
COMMERCIAL MIXED USE **	43.4	AC.±
RIGHT OF WAY (1) (INCLUDES 14.1 AC.± FOR THE PROPOSED CONNECTOR ROAD)	22.8	AC.±
OPEN SPACE (2)	213.9	AC.±
SUB-TOTAL (3)	592.9	AC.±
LESS PARCEL A-1 & A-2 BY OTHERS	20.7	AC.±
TOTAL	572.2	AC.±

1. EXCLUDES WETLANDS WITHIN THE RIGHT-OF-WAY.
2. INCLUDES 193.9 ACRES OF ESTIMATED WETLANDS AND A MINIMUM OF 20 ACRES OF RETENTION PONDS. THE 20 ACRE MINIMUM IS INCLUDED IN THE ACREAGE NUMBER FOR OFFICE/HIGH TECH, RESIDENTIAL AND COMMERCIAL/MIXED USE ABOVE.
3. THERE ARE 592.9 ACTUAL ACRES.
4. PARKS SHALL BE PROVIDED AT A RATIO OF 4.3 ACRES PER 1,000 RESIDENTS, PURSUANT TO THE DRI DEVELOPMENT ORDER. A SCHOOL SITE AND PARK SITE(S) ARE PERMITTED LAND USES IN ACCORDANCE WITH THE DRI DEVELOPMENT ORDER.

AREAS AFFECTED BY DRI DEVELOPMENT ORDER AMENDMENTS

MAP AREA	ORDINANCE NUMBER(S)
1.	94-222
2.	94-222; 97-16; and 99-03
3.	94-222; 97-16; 98-188; 98-230; and 99-03
4.	94-222; 97-16; 98-188; 98-230; 98-252; and 99-03
5.	98-252 and 2002-260
6.	98-252
7.	94-222; 97-16; 99-03; 2000-5; and 2001-219
8.	94-222; 97-16; 98-188; 98-230; 98-252; 99-03; and 2000-5
9.	94-222; 97-16; 99-03; and 2001-219
10.	2001-219
11.	94-222; 97-16; 99-03; and 2003-217

TAMPA TECHNOLOGY PARK EAST 2003 LAND USE/PHASING

1. PHASE I - SPECIFIC APPROVAL		
COMMERCIAL/OFFICE	435,204	S.F.
HOTEL	192	ROOMS
OFFICE	411,242	S.F.
HIGH TECH/I.T. INDUSTRIAL	2,401,516	S.F.
SINGLE FAMILY RESIDENTIAL*, ****	1,107	UNITS
COMMERCIAL MIXED USE**	345,000	S.F.
2. PHASE II - CONCEPTUAL APPROVAL		
COMMERCIAL/OFFICE	197,630	S.F.
HOTEL	144	ROOMS
OFFICE	321,841	S.F.
HIGH TECH/I.T. INDUSTRIAL	1,876,669	S.F.
3. PHASE III - CONCEPTUAL APPROVAL		
COMMERCIAL/OFFICE	202,953	S.F.
HOTEL	144	ROOMS
OFFICE	317,757	S.F.
HIGH TECH/I.T. INDUSTRIAL	1,843,797	S.F.

LAND USE TRACT SCHEDULE 2003

PARCEL	NET AC.	USE	MAXIMUM HEIGHT [1]
A-1(4)	12.8 AC.±	COMMERCIAL/OFFICE/HOTEL	180'
A-2	7.9 AC.±	COMMERCIAL/OFFICE/HOTEL	180'
A***	40.7 AC.±	MULTI-FAMILY RESIDENTIAL/ COMMERCIAL MIXED USE	72'
B***	14.2 AC.±	MULTI-FAMILY RESIDENTIAL	72'
C	110.1 AC.±	RESIDENTIAL (2)(3)	45'
D***	35.9 AC.±	RESIDENTIAL (3)	72'
E	12.0 AC.±	OFFICE/HIGH TECH	72'
F***	17.8 AC.±	COMMERCIAL MIXED USE **	180'
G	21.0 AC.±	OFFICE/HIGH TECH	112'
H***	47.0 AC.±	OFFICE/HIGH TECH (3)	72'
I***	49.4 AC.±	OFFICE/HIGH TECH	112'
J***(4)	5.5 AC.±	COMMERCIAL MIXED USE **	72'
RIBBON PARCEL(4)	2.8 AC.±	OFFICE/HIGH TECH (formerly part of Parcel I)	112'

* 974 SINGLE-FAMILY UNITS PERMITTED BY USE OF TRADE-OFF MECHANISM; SINGLE-FAMILY RESIDENTIAL UNITS MAY BE TRADED OFF TO MULTI-FAMILY UNITS PURSUANT TO APPROVED TRADE-OFF MECHANISM.

** SPECIFIC USES WITHIN THE COMMERCIAL MIXED USE TRACTS SHALL BE RESTRICTED TO THOSE PERMITTED WITHIN THE CG ZONING DISTRICT CONTAINED WITHIN THE CITY OF TAMPA ZONING CODE (EFFECTIVE AS OF THE DATE OF ADOPTION OF ORDINANCE 97-16) AND ARE PERMITTED BY USE OF THE TRADE-OFF STANDARDS DESCRIBED IN THE GENERAL NOTES.

*** TRACTS A, B, D, F, H, I AND J ARE CONVERSION PARCELS. ANTICIPATED USE IS SHOWN ON LAND USE AREA SCHEDULE AND SITE PLAN. CONVERSION TO OTHER USES ALLOWED PURSUANT TO THE GENERAL NOTES.

**** 133 ADDITIONAL "INDIVIDUAL FEE SIMPLE OWNERSHIP" SINGLE-FAMILY OR 133 "INDIVIDUAL FEE SIMPLE OWNERSHIP" MULTI-FAMILY RESIDENTIAL UNITS (OR ANY PORTION THEREOF) PERMITTED BY USE OF THE LAND USE TRADE-OFF STANDARD CONTAINED IN GENERAL NOTE 4.E. AND ARE TO BE UTILIZED ON THE 2003 SUBJECT SITE.

(1) MAXIMUM HEIGHTS FOR RESIDENTIAL DWELLING UNITS ARE GOVERNED BY THE ZONING SITE PLAN NOTES AND THE DEVELOPMENT PERFORMANCE STANDARDS.

(2) A SCHOOL SITE MAY BE LOCATED WITHIN TRACTS "C" OR "D" PURSUANT TO THE DRI DEVELOPMENT ORDER.

(3) A PARK(S) SHALL BE LOCATED WITHIN TRACT "C" PURSUANT TO THE DRI DEVELOPMENT ORDER.

(4) THESE PARCELS COMPRISE THE "APEX PARCEL" WHICH, PURSUANT TO THE THIRTEENTH AMENDED DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK DRI #139, APPROVED THE ALLOCATION OF ALL EXISTING ENTITLEMENTS APPROVED FOR PARCELS "A-1", "I" AND THE "RIBBON PARCEL" TO THE ENTIRETY OF THE APEX PARCEL, PROVIDED THAT THE TRADE-OFF MECHANISM FOR EACH PARCEL SHALL REMAIN IN FULL FORCE AND EFFECT.

GENERAL NOTES

1. WETLAND AREAS BOUNDARIES SUBJECT TO FINAL FIELD DETERMINATION BY ALL APPLICABLE ENVIRONMENTAL AGENCIES. THE WETLAND BOUNDARIES DEPICTED HEREON ARE APPROVED J.P.C. BOUNDARIES. PRIOR TO ANY PRELIMINARY PLAT OR COMMERCIAL SITE PLAN APPROVAL, THE WETLAND BOUNDARIES SHALL BE FIELD VERIFIED AND APPROVED. THE FINAL SITE PLAN SHALL BE APPROVED BY ALL APPLICABLE AGENCIES. THE DEVELOPER SHALL COMPLY WITH SECTION 13-163 OF CHAPTER 13, WHICH REQUIRES A 30 FOOT WETLAND SETBACK FROM ANY JURISDICTIONAL WETLAND AND MITIGATION WETLAND (SUBJECT TO THE MAXIMUM 15 % ENCROACHMENT INTO THE 30 FOOT SETBACK AS ALLOWED BY CITY CODE). THE 2003 SUBJECT SITE HAS COMPLIED WITH ALL APPLICABLE WETLAND MITIGATION AND ENCROACHMENT REQUIREMENTS.
2. LAND AREAS BY LAND USE AND ROAD LOCATIONS ARE APPROXIMATE AND ARE SUBJECT TO REFINEMENT AS A RESULT OF FINAL DEVELOPMENT PLANS AND APPLICABLE HILLSBOROUGH COUNTY ENVIRONMENTAL PROTECTION COMMISSION, SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, AS WELL AS THE CITY OF TAMPA REVIEW OF ON-SITE WETLANDS, CONSTRUCTION DRAWINGS, ETC. THIS NOTE APPLIES TO ALL OF TAMPA TECHNOLOGY PARK EAST AND NOT JUST TO THE 2003 SUBJECT SITE.
3. COMMERCIAL AND HOTEL LAND USES ARE PERMITTED ONLY ON ZONING TRACTS A-1 AND A-2; HOWEVER, GENERAL COMMERCIAL AND HOTEL LAND USES ARE ALSO PERMITTED COMMERCIAL MIXED-USE LAND USES. OFFICE AND HIGH TECH/LIGHT INDUSTRIAL LAND USES ARE PERMITTED ONLY ON ZONING TRACTS A, A-1, B, C, D, E, F, G, H, I, AND J. RESIDENTIAL USES (SINGLE AND MULTI-FAMILY) ARE PERMITTED ONLY ON ZONING TRACTS A, A-1, B, C, D, F, H, AND I. COMMERCIAL MIXED LAND USES ARE PERMITTED ONLY ON ZONING TRACTS A, B, F, H, I AND J. OFFICE, HIGH TECHNOLOGY, LIGHT INDUSTRIAL, RESIDENTIAL AND COMMERCIAL MIXED-USE LAND USES MAY BE CONVERTED TO ONE ANOTHER BY UTILIZING THE LAND USE TRADE-OFF STANDARDS SET FORTH HEREIN. THIS NOTE APPLIES TO ALL OF TAMPA TECHNOLOGY PARK EAST AND NOT TO THE 2003 SUBJECT SITE ONLY.
4. LAND USE TRADE-OFF STANDARDS:

   (NOTES 4.(A) THROUGH 4.(D), BELOW, SET FORTH THE PREVIOUSLY APPROVED LAND USE TRADE-OFF STANDARDS APPLICABLE TO TAMPA TECHNOLOGY PARK EAST PRIOR TO THIS DRI AMENDMENT AND WHICH REMAIN IN FULL FORCE AND EFFECT. NOTE 4.(E), BELOW, SETS FORTH THE SUPPLEMENTAL LAND USE TRADE-OFF STANDARD APPLICABLE TO THE ADDITIONAL 133 "INDIVIDUAL FEE SIMPLE OWNERSHIP" SINGLE-FAMILY ATTACHED OR 133 "INDIVIDUAL FEE SIMPLE OWNERSHIP" MULTI-FAMILY RESIDENTIAL UNITS TO BE UTILIZED ONLY ON THE 2003 SUBJECT SITE.)

   (A) 1,000 SF OFFICE = 1.364 SF OF HIGH TECH/LIGHT INDUSTRIAL (AND VICE VERSA)
   1,000 SF OFFICE = 2.09 SINGLE FAMILY UNITS (AND VICE VERSA)
   1,000 SF HIGH TECH = 1.26 SINGLE FAMILY UNITS (AND VICE VERSA)
   1.0 SINGLE FAMILY UNIT = 1.6 MULTI-FAMILY UNITS (AND VICE VERSA)
   1,000 SF OFFICE = 370 SF COMMERCIAL MIXED USE (AND VICE VERSA)
   1,000 SF HIGH TECH = 394 SF COMMERCIAL MIXED USE (AND VICE VERSA)
   1 HOTEL ROOM IN COMMERCIAL MIXED USE AREA = 54 SF COMMERCIAL FIXED USE (AND VICE VERSA).

   (B) WITH RESPECT TO ZONING TRACTS A-1 AND A-2 ONLY, ONE (1) HOTEL ROOM IS EQUIVALENT TO 300 SQUARE FEET OF "OFFICE" OR "COMMERCIAL" LAND USES AND VICE VERSA.

   (C) WITH RESPECT TO ZONING TRACTS A-1 AND A-2 ONLY, 1,300 SQUARE FEET OF "COMMERCIAL" MAY BE CONVERTED TO 1,000 SQUARE FEET OF "OFFICE" LAND USE AND VICE VERSA.

   (D) THE LAND USE TRADE-OFF STANDARDS CAN BE UTILIZED TO PERMIT CHANGES IN THE AMOUNT OR LOCATION OF DEVELOPMENT IN ONE OR MORE LAND USE CATEGORIES IN CONJUNCTION WITH A CONCURRENT CHANGE IN THE AMOUNT OF DEVELOPMENT IN ONE OR MORE OF THE REMAINING APPROVED LAND USE CATEGORIES.

   (E) WITH RESPECT TO THE 2003 SUBJECT SITE, AS A PORTION OF TRACT H, IT IS CURRENTLY APPROVED FOR OFFICE, GENERAL COMMERCIAL, COMMERCIAL MIXED USE (WHICH INCLUDES, AMONG OTHER THINGS, GENERAL COMMERCIAL AND HOTEL LAND USES), HIGH TECH/LIGHT INDUSTRIAL, AND/OR RESIDENTIAL LAND USES PURSUANT TO THE LAND USE TRADE-OFF STANDARDS CONTAINED IN GENERAL NOTE 4.(A), ABOVE, SHOULD THE ADDITIONAL 133 "INDIVIDUAL FEE SIMPLE OWNERSHIP" SINGLE-FAMILY ATTACHED OR 133 "INDIVIDUAL FEE SIMPLE OWNERSHIP" MULTI-FAMILY RESIDENTIAL UNITS (OR ANY PORTION THEREOF) APPROVED IN THIS GENERAL NOTE 4.(E) NOT be developed on the 2003 subject site as developed, the subject 133 residential units (or any portion thereof) shall be obtained by using the following land use trade-off standard:

   1,000 SF HIGH TECH/LIGHT INDUSTRIAL = 5.4464 "INDIVIDUAL FEE SIMPLE OWNERSHIP" SINGLE-FAMILY ATTACHED OR "INDIVIDUAL FEE SIMPLE OWNERSHIP" MULTI-FAMILY RESIDENTIAL UNIT

5. THIS DRI AMENDMENT REQUEST IS TO INCREASE THE MAXIMUM RESIDENTIAL DWELLING UNITS ALLOWED WITHIN TAMPA TECHNOLOGY PARK EAST BY 133 "INDIVIDUAL FEE SIMPLE OWNERSHIP" SINGLE-FAMILY ATTACHED OR 133 "INDIVIDUAL FEE SIMPLE OWNERSHIP" MULTI-FAMILY RESIDENTIAL DWELLING UNITS TO BE UTILIZED ON THE 2003 SUBJECT SITE BY USE OF THE LAND USE TRADE-OFF STANDARD CONTAINED IN NOTE 4(E), ABOVE, RESULTING IN A REVISED MAXIMUM OF 1,107 RESIDENTIAL DWELLING UNITS (THE 974 UNITS APPROVED 974 RESIDENTIAL DWELLING UNITS PLUS THE REQUESTED 133 ADDITIONAL 133 "INDIVIDUAL FEE SIMPLE OWNERSHIP" SINGLE-FAMILY ATTACHED OR 133 "INDIVIDUAL FEE SIMPLE OWNERSHIP" MULTI-FAMILY RESIDENTIAL DWELLING UNITS) APPROVED FOR TAMPA TECHNOLOGY PARK EAST.
6. THE RESIDENTIAL USES PERMITTED ON ZONING TRACTS A, B, C, D, F, H AND I SHALL BE GOVERNED BY EACH PARCELS' RESPECTIVE ZONING APPROVAL. THIS NOTE APPLIES TO ALL OF TAMPA TECHNOLOGY PARK EAST AND NOT TO THE 2003 SUBJECT SITE ONLY.
7. VEHICULAR ACCESS TO THE PROPERTY ON THE NORTHERN BOUNDARY OF THE SITE (WEST MEADOWS) SHALL BE IN THE APPROXIMATE LOCATION SHOWN HEREIN AND PURSUANT TO THE DRI DEVELOPMENT ORDERS AND ALL AMENDMENTS THERETO. THIS NOTE APPLIES TO ALL OF TAMPA TECHNOLOGY PARK EAST AND NOT TO THE 2003 SUBJECT SITE ONLY.
8. THE DEVELOPER AGREES TO PLACE A CONSERVATION EASEMENT ON THE 8.71 AC. THONOTOSASSA PARCEL IN THE NORTHEAST SECTION OF THE NOTIFICATION PROPERTY IN A FORM ACCEPTABLE TO THE CITY OF TAMPA. SUCH CONSERVATION EASEMENT SHALL GRANT THE DEVELOPER AN ON-SITE CREDIT TOWARD THE WETLAND BUFFER ENCROACHMENTS PERMITTED. DEVELOPER AGREES NOT TO CONVEY WETLAND BUFFER ENCROACHMENTS WITH THE SALE OF ANY PROPERTY THAT WOULD EXCEED THE PERMITTED ENCROACHMENT. THIS NOTE DOES NOT APPLY TO THE 2003 SUBJECT SITE.

CASE NO.: _____ DATE: _____

DATE _____ CITY COUNCIL CHAIRMAN

DATE _____ CITY CLERK

DATE _____ DEVELOPMENT COORDINATION MANAGER

OWNERS:
581/Highwoods L.P.
3111 W. Martin Luther King Blvd
Suite 300
Tampa, FL 33607

REV NO	REVISION	DATE	DRAWN BY / DSN. NO.	CHECKED BY / DSN. NO.

ACTIVITY	INITIALS/DSN. NO.	DATE
DESIGNED BY:		
DRAWN BY:		
CHECKED BY:		
CONTRACT ADMIN. BY:		
APPROVED BY:		

CLIENT: 581/Highwoods L.P.
PROJECT: Tampa Technology Park East DRI
DATE: 1/23/08
HORIZONTAL SCALE: 1" = 200'
VERTICAL SCALE: N/A
TITLE: Map H Tampa Technology Park East DRI
EXHIBIT "E"

Exhibit "F"

(Tampa Tech East)

Commercial/Office/Hotel	367,737	$ 3.97
Office	1,208,278	$ 1.68
High Tech	2,395,620	$ 0.94
Single Family[1]		$1,765.00 per unit
Multi-family[1]		$863.00 per unit
Commercial Mixed Use[1]		2

1. Allowed by use of approved trade-off mechanism.

2. Pursuant to City Transportation Impact Fee Ordinance.

3902-002-202771

EXHIBIT "G"

Tracts "A-2", "LL", and "MM" of Richmond Place-Phase 2, according to the map or plat thereof recorded in Plat Book 83, Page 41-1, of the public records of Hillsborough County, Florida.

AND

Tracts "DD", "JJ", and "KK" of Richmond Place-Phase 2, according to the map or plat thereof recorded in Plat Book 83, Page 41-1, of the public records of Hillsborough County, Florida.

Exhibit "H", Page 1

(Parcel "A-2")

A parcel of land in Sections 13, 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows:

Commence at the Southeast Corner of said Section 14 also known as the Northeast Corner of said Section 23; thence along the common boundary between said Sections 14 and 23, N.89°31'25"W., 133.07 feet to the northwesterly right-of-way boundary of Bruce B. Downs Boulevard - County Road No. 581 (D.O.T. Section No. 10590-151) for a POINT OF BEGINNING; thence along said northwesterly right-of-way boundary, S.41°45'28"W., 223.51 feet; thence N. 48°14'32" W., 550.00 feet to a point of curvature; thence northwesterly 557.10 feet along a curve concave to the northeast, said curve having a radius of 950.00 feet, a central angle of 33°35'58", chord bearing and a distance of N.31°26'33"W., 549.15 feet; thence S.81° 34'05"E., 1203.64 feet; thence S.48°14'32"E., 70.00 feet to the said northwesterly right-of-way of Bruce B. Downs Boulevard; thence along said northwesterly right-of-way boundary S.41° 45'28"W., 596.49 feet to the POINT OF BEGINNING.

Exhibit "H", Page 2

(Parcel "F")

DESCRIPTION:

A PORTION OF TRACTS "DD" & "KK" ACCORDING TO PLAT OR MAP ENTITLED "RICHMOND PLACE – PHASE 2" AS RECORDED IN PLAT BOOK 83, PAGE 41 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SECTION 14, TOWNSHIP 27 SOUTH, RANGE 19 EAST, AND RUN ALONG THE EAST BOUNDARY OF SAID SECTION 14, N 01°10'30" W, A DISTANCE OF 525.52 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT THE FOLLOWING TWENTY–TWO (22) COURSES:

1) N 81°34'00" W, 978.76 FEET; 2) N 31°19'25" W, 201.14 FEET; 3) N 19°23'12" W, 61.40 FEET; 4) N 28°38'37" W, 52.44 FEET; 5) N 87°54'40" W, 45.02 FEET; 6) N 49°29'51" W, 40.36 FEET; 7) N 01°40'47" E, 70.69 FEET, 8) N 52°43'30" E, 657.34 FEET; 9) N 31°42'37" E, 18.76 FEET, TO A POINT ON A CURVE; 10) ALONG THE ARC OF A CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST RADIUS 2050.00 FEET, DELTA 007°51'21", ARC 281.08 FEET, CHORD BEARING S 62°13'04" E, 280.86 FEET, TO A POINT OF TANGENCY; 11) S 66°08'45" E, 154.91 FEET, TO A POINT OF CURVE; 12) ALONG THE ARC OF A CURVE TO THE RIGHT, CONCAVE TO THE SOUTHWEST RADIUS 1952.00 FEET, DELTA 012°08'45", ARC 413.79 FEET, CHORD BEARING S 60°04'22" E, 413.02 FEET; 13) LEAVING SAID CURVE, S 36°00'00" W, 25.00 FEET, TO A POINT ON A CURVE; 14) ALONG THE ARC OF A CURVE TO THE RIGHT, CONCAVE TO THE SOUTHWEST RADIUS 1927.00 FEET, DELTA 000°45'41", ARC 25.61 FEET, CHORD BEARING S 53°37'10" E, 25.61 FEET, TO A POINT ON A CURVE; 15) ALONG THE ARC OF A CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST RADIUS 30.04 FEET, DELTA 036°37'18", ARC 19.20 FEET, CHORD BEARING S 18°38'45" W, 18.88 FEET; 16) LEAVING SAID CURVE, S 00°19'19" W, 135.71 FEET; 17) S 12°07'04" E, 307.58 FEET, TO A POINT OF CURVE; 18) ALONG THE ARC OF A CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST RADIUS 100.00 FEET, DELTA 008°11'58", ARC 14.31 FEET, CHORD BEARING S 16°13'03" E, 14.30 FEET, TO A POINT OF TANGENCY; 19) S 20°19'02" E, 19.27 FEET, TO A POINT OF CURVE; 20) ALONG THE ARC OF A CURVE TO THE RIGHT, CONCAVE TO THE SOUTHWEST RADIUS 126.00 FEET, DELTA 013°04'50", ARC 28.77 FEET, CHORD BEARING S 13°46'37" E, 28.70 FEET, TO A POINT OF TANGENCY; 21) S 07°14'12" E, 8.35 FEET; 22) N 81°34'00" W, 173.31 FEET; TO THE AFOREMENTIONED POINT OF BEGINNING. CONTAINS 18.6083 ACRES, MORE OR LESS

TOGETHER WITH ALL OF TRACT "JJ" ACCORDING TO PLAT OR MAP ENTITLED "RICHMOND PLACE – PHASE 2" AS RECORDED IN PLAT BOOK 83, PAGE 41 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, CONTAINS 300 SQUARE FEET.

(Portion of Parcel "A")

Tracts "A-2", "MM", and "LL" of Richmond Place-Phase 2, according to the map or plat thereof recorded in Plat Book 83, Page 41, of the public records of Hillsborough County, Florida

Exhibit "I"
TO AMENDED DEVELOPMENT ORDER

TABLE 1

LAND USES / DEVELOPMENT ENTITLEMENTS / SCHEDULE (1)				
TAMPA TECHNOLOGY PARK EAST	SPECIFIC ALLOCATIONS			
	Parcel "A-1" (2) and "A-2" (3)		Parcel "J"	"Ribbon Parcel" (2)
PHASE I - SPECIFIC APPROVAL				
Commercial / Office	433,204 S.F. (4)	393,204 S.F.		None
Hotel	192 Rooms	192 Rooms		
Office	411,242 S.F.			
High Tech / Light Industrial	2,401,518 S.F.		99,000 S.F.	
Single Family Residential	974 Units			
Commercial Mixed Use	340,000 S.F.		6,600 S.F.	
PHASE II - CONCEPTUAL APPROVAL (5)				
Commercial / Office	197,639 S.F.	197,639 S.F.	To Be Determined Following Receipt of Specific Approval	
Hotel	144 Rooms	144 Rooms		
Office	321,841 S.F.			
High Tech / Light Industrial	1,876,669 S.F.			
PHASE III - CONCEPTUAL APPROVAL (5)				
Commercial / Office	202,953 S.F.	To Be Determined Following Receipt of Specific Approval		
Hotel	144 Rooms			
Office	317,757			
High Tech / Light Industrial	1,842,797 S.F.			

NOTES:
(1) Uses may be modified through utilization of the Trade-off Mechanism.
(2) Residential land uses are not permitted on Parcel "A-1" or the "Ribbon Parcel".
(3) Parcel "A-2" is not subject to this thirteenth amended development order; however the development totals for Parcels "A-1" and "A-2" as shown in this table were approved for Parcels "A-1" and "A-2" combined.
(4) This total has been reduced by 40,000 S.F. based upon an approved transfer of that square footage from Parcel "A-2" to Parcel "A" in 1999.
(5) These phases have been approved except for analysis and approval of transportation impacts and mitigation measures.

TABLE 2

SITE INFORMATION			
Parcel Designation	Acreage (Gross)	Maximum Height	Uses
One Single Unified Parcel (combined "A-1", "J" and "Ribbon Parcel") hereinafter, the "Apex Parcel"	25.675 Acres	180 feet, except where otherwise limited.	Development entitlements (both land uses and amounts of each use, as depicted in the "Land Uses / Development Entitlements / Schedule", Table 1 above) may be distributed throughout the Apex Parcel, however, residential uses shall be allowed on Parcel "J" only.

EXHIBIT "J"

"PROPOSED WETLAND IMPACTS AND THREATENED, ENDANGERED AND SPECIES OF SPECIAL CONCERN SURVEY"
MAY 2001

Prepared by:
Southeast Environmental, Inc.

(DOCUMENT INCORPORATED BY REFERENCE)

Exhibit "K"

TO AMENDED DEVELOPMENT ORDER

Legal Descriptions for Parcel "A-1" (also known as Parcel 1), Parcel "J", and the Ribbon Parcel, now known as the "Apex Parcel."

LEGAL DESCRIPTION - PARCEL "1" (a/k/a Parcel "A-1")

A parcel of land in Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows: Commence at the Northeast corner of said Section 23, Township 27 South, Range 19 East; thence along the North boundary of said Section 23, North 89°31'25" West, 133.07 feet to a point of intersection with the Northwesterly right-of-way boundary of Bruce B. Downs Boulevard - County Road 581 (formerly State Road 581) (D.O.T. Section No. 10590-151); thence along said Northwesterly right-of-way boundary South 41°45'28" West, 548.51 feet; thence North 48°14'32" West, 150.00 feet for a POINT OF BEGINNING; thence continue North 48°14'32" West, 250.00 feet; thence South 41°45'28" West, 500.00 feet; thence North 81°58'50" West, 359.13 feet; thence North 34°39'01 West, 417.47 feet; thence South 55°20'59" West, 361.56 feet to a point on a curve; thence 218.03 feet along the arc of the curve concave to the Northeast, having a radius of 1765.86 feet, a central angle of 07°04'27", chord bearing and distance South 31°06'48" East, 217.89 feet to a point of tangency; thence South 34°39'01" East, 384.59 feet; thence South 36°56'27" East, 286.56 feet; thence South 85°41'05" East, 263.83 feet; thence NOrth 45°34'19" East, 450.50 feet; thence North 41°45'28" East, 403.59 feet; thence North 48°14'32" West, 63.10 feet; thence NOrth 41°45'28" East, 150.00 to the POINT OF BEGINNING.

TOGETHER WITH Access Easement set forth in Warranty Deed recorded in O.R. Book 5368, Page 418, public records of Hillsborough County, Florida, being more particularly described as follows:
A parcel of land in Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, lying Northeasterly of Interstate 75 (D.O.T. Section No. 10075-2418), being more particularly described as follows: Commence at the Northeast corner of said Section 23, Township 27 South, Range 19 East; thence along the North boundary of said Section 23, North 89°31'25" West, 133.07 feet to a point of intersection with the Northwesterly right-of-way boundary of Bruce B. Downs Boulevard - County Road 581 (formerly State Road 581) (D.O.T. Section No. 10590-151); thence along said Northwesterly right-of-way boundary South 41°45'28" West, 548.51 feet for a POINT OF BEGINNING; thence continue along said Northwesterly right-of-way boundary South 41°45'28" West, 150.00 feet; thence along the NOrtheasterly right-of-way boundary of the aforesaid Interstate 75 the following eight (8) courses: 1) North 48°14'32" West, 36.90 feet; 2) South 41°45'28" West, 405.26 feet; 3) South 45°34'19" West, 462.96 feet; 4) South 69°56'37" West, 405.26 178.27 feet; 5) North 61°18'47" West, 178.27 feet; 6) North 36°56'27" West, 298.36 feet; 7) North 34°39'01" West, 385.59 feet to a point of curvature; 8) 218.00 feet along the arc of a curve concave to the Northeast, having a radius of 1815.86 feet, a central angle of 06°52'43", chord bearing and distance North 31°12'40" West, 217.18 feet to a point on the curve; thence North 55°20'59" East, 50.37 feet to a point on a curve concave to the Northeast, thence along the arc of the curve 218.03 feet, having a radius of 1765.86 feet, a central angle of 07°04'27", chord bearing and distance South 31°06'48" East, 217.89 feet to a point of tangency; thence South 34°39'01" East, 384.59 feet; thence South 36°56'27" East, 286.56 feet; thence South 85°41'05" East, 263.83 feet; thence North 45°34'19" East, 450.50 feet; thence North 41°45'28" East, 403.59 feet; thence North 48°14'32" West, 63.10 feet; thence North 41°45'28" East, 150.00 feet; thence South 48°14'32" East, 150.00 feet to the POINT OF BEGINNING.

LEGAL DESCRIPTION - PARCEL "J"

A parcel of land in Sections 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the Northeast corner of said Section 23, Township 27 South, Range 19 East, thence along the North boundary of said Section 23, North 89°31'25" West, a distance of 133.07 feet to a point of intersection with the Northwesterly right-of-way line of Bruce B. Downs Boulevard (County Road No. 581); thence along said Northwesterly right-of-way line, South 41°45'28" West, a distance of 223.51 feet for a POINT OF BEGINNING; thence continue South 41°45'28" West, along said Northwesterly right-of-way line, a distance of 474.98 feet; thence North 48°14'32" West, a distance of 150.00 feet to a point on the boundary line of PARCEL "A-1" as recorded in O.R. Book 6555, page 619 of the public records of Hillsborough County, Florida; thence continue along the boundary line of said PARCEL "A-1", North 41°45'28" East, a distance of 150.00 feet; thence continue along the boundary line of said PARCEL "A-1", North 48°14'32" West, a distance of 250.00 feet to a point on the boundary line of Lot 1, HIGHWOODS PRESERVE PHASE 1; thence along the boundary line of said Lot 1 the following five (5) courses and distances: 1) North 31°12'02" West, a distance of 820.39 feet; 2) North 41°45'35" East, a distance of 66.79 feet; 3) North 51°02'46" East, a distance of 116.11 feet; 4) North 66°50'34" East, a distance of 48.34 feet; 5) South 62°53'27" East, a distance of 71.76 feet to a point, said point being on the arc of a non-tangent curve concave to the Northeast; thence a distance of 557.10 feet along the arc of said curve, having a radius of 950.00 feet, a central angle of 33°35'58" and a chord of 549.15 feet which bears South 31°26'33" East; thence South 48°14'32" East, a distance of 550.00 feet to the POINT OF BEGINNING.

AND

LEGAL DESCRIPTION - RIBBON PARCEL:

A parcel of land in Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the Northeast corner of said Section 23, Township 27 South, Range 19 East, thence along the North boundary of said Section 23, North 89°31'25" West, a distance of 133.07 feet to a point of intersection with the Northwesterly right-of-way line of Bruce B. Downs Boulevard (County Road No. 581); thence along said Northwesterly right-of-way line, South 41°45'28" West, a distance of 698.49 feet; thence North 48°14'32" West, along said Northwesterly right-of-way line, a distance of 36.90 feet to the beginning of the Limited Access right-of-way line of Ramp "D" for State Road 93-A (Interstate Highway 75), said point also being the POINT OF BEGINNING; thence along said Limited Access right-of-way line the following seven (7) courses: 1) South 41°45'28" West, a distance of 405.26 feet; 2) South 45°34'19" West, a distance of 462.96 feet; 3) South 69°56'37" West, a distance of 178.27 feet; 4) North 61°18'47" West, a distance of 178.27 feet; 5) North 36°56'27" West, a distance of 298.36 feet; 6) North 34°39'01" West, a distance of 385.59 feet to the beginning of a curve concave to the Northeast; 7) thence 218.00 feet along the arc of said curve, having a radius of 1815.86 feet, a central angle of 06°52'43" and a chord of 217.87 feet which bears North 31°12'40" West; thence North 62°24'45" East, a distance of 50.00 feet to a point (said point being on the arc of a non-tangent curve concave to the Northeast) on the Northwesterly boundary line of PARCEL "A-1", as recorded in O.R. Book 6555, page 169, public records of Hillsborough County, Florida; thence along said boundary line the following six (6) courses: 1) from said point of curvature, run 218.03 feet along the arc of said curve, having a radius of 1765.86 feet, a central angle of 07°04'27" and a chord of 217.89 feet which bears South 31°06'48" East; 2) South 34°39'01" East, a distance of 384.59 feet; 3) South 36°56'27" east, a distance of 286.56 feet; 4) South 85°41'05" East, a distance of 263.83 feet; 5) North 45°34'19" East, a distance of 450.50 feet; 6) North 41°45'28" East, a distance of 403.59 feet; thence South 48°14'32" East, a distance of 50.00 feet to the POINT OF BEGINNING.

Exhibit "L"

Legal Description of Transferor Parcel "A-2" ("Kaupe Tract")

Lot 1, Lot 2, and Lot 3, Tract A, Tract B, and Tract C, ("Kaupe Plat"), according to the map or plat thereof as recorded in Plat Book 90, page 90, of the Public Records of Hillsborough County, Florida, together with the following appurtenant easement:

Access and Private Drainage Easement over easement area as more particularly described by meets and bounds in the map or plat thereof recorded in Plat Book 90, page 25, of the Public Records of Hillsborough County, Florida.

Exhibit "M"

Legal Description of Transferee Parcel "A" ("Richmond Place Parcel")

A parcel of land being a portion of Tract "A-2", RICHMOND PLACE – PHASE 2, as recorded in Plat Book 83, page 41, Public Records of Hillsborough County, Florida, said lands lying in Sections 13 and 14, Township 27 South, Range 19 East and being more particularly described as follows:

Commence at the western most point of Tract "FF", as shown on said plat of Richmond Place; thence along the arc of a curve to the left 60.90 feet, said arc having a radius of 1960.00 feet, and a central angle of 01°46'49" (chord bearing South 27°33'06" West, 60.90 feet) to the POINT OF BEGINNING, thence South 66°08'45" East, 210.00 feet; thence South 24°30'00" West, 203.77 feet to a point on the southwest boundary of said Tract "A-2"; thence along the arc of a curve to the left 124.81 feet, said curve having a radius of 2075.00 feet, and a central angle of 03°26'46" (chord bearing North 64°25'21" West, 124.79 feet) to a point of tangency; thence North 66°08'45" West, 74.48 feet to the beginning of a curve; thence along the arc of said curve to the right 18.98 feet, having a radius of 12.00 feet, a central angle of 90°38'45", (chord bearing North 20°49'22" West, 17.07 feet) to a point of tangency; thence North 24°30'00" East, 113.97 feet to the beginning of a curve; thence along the arc of said curve to the right 73.94 feet, having a radius of 1960.00 feet, and a central angle of 02°09'41" (chord bearing North 25°34'51" East, 73.93 feet) to the POINT OF BEGINNING.

Containing 0.973 acres, more or less.

Exhibit "N"
TO AMENDED DEVELOPMENT ORDER

Legal Description for the 2003 Subject Site

DESCRIPTION: A portion of Lot 1, of HIGHWOODS PRESERVE PHASE 2, according to the plat thereof as recorded in Plat Book 88, Page 37, of the Public Records of Hillsborough County, Florida, and being more particularly described as follows:

BEGINNING at the Northwesterly corner of said Lot 1, run thence along the Northerly and Easterly boundaries thereof, the following forty-one (41) courses: 1) S.53°43'52"E., 48.06 feet; 2) N.43°25'42"E., 32.58 feet; 3) N.80°16'05"E., 43.66 feet; 4) S.86°07'04"E., 36.15 feet; 5) S.64°47'49"E., 78.40 feet; 6) S.45°41'13"E., 30.70 feet; 7) S.89°29'59"E., 25.49 feet; 8) S.57°10'23"E., 48.17 feet; 9) N.77°54'56"E., 131.91 feet; 10) N.38°49'45"E., 97.24 feet; 11) N.27°29'19"E., 79.43 feet; 12) S.80°59'24"E., 52.08 feet; 13) S.58°42'11"E., 106.84 feet; 14) S.80°33'45"E., 49.41 feet; 15) N.76°13'30"E., 44.47 feet; 16) N.53°17'11"E., 55.76 feet; 17) N.29°45'05"E., 109.77 feet; 18) N.08°54'01"E., 53.38 feet; 19) N.67°10'43"E., 36.82 feet; 20) S.60°04'06"E., 66.60 feet; 21) N.60°47'02"E., 49.52 feet; 22) S.72°31'18"E., 59.39 feet; 23) S.31°38'48"E., 100.15 feet; 24) S.13°02'20"E., 108.33 feet; 25) S.38°21'36"E., 99.10 feet; 26) S.15°57'38"E., 55.69 feet; 27) S.47°43'16"W., 56.49 feet; 28) S.00°23'56"E., 65.39 feet; 29) S.28°18'23"E., 69.68 feet; 30) S.61°43'08"W., 3.85 feet; 31) N.28°16'52"W., 14.64 feet; 32) N.67°32'38"W., 22.38 feet; 33) N.73°17'33"W., 39.79 feet; 34) S.35°34'15"W., 22.51 feet; 35) S.88°01'33"W., 47.89 feet; 36) S.35°17'52"W., 46.00 feet; 37) S.13°57'54"E., 24.59 feet; 38) S.75°59'23"W., 63.69 feet; 39) S.05°34'53"W., 69.38 feet; 40) S.06°48'14"E., 63.78 feet; 41) S.05°14'20"E., 79.67 feet; thence S.64°46'21"W., 31.90 feet; thence N.56°00'00"W., 23.75 feet to a point of curvature; thence Northwesterly, 14.11 feet along the arc of a curve to the left having a radius of 70.01 feet and a central angle of 11°32'59" (chord bearing N.61°46'32"W., 14.09 feet) to a point of reverse curvature; thence Northwesterly, 7.38 feet along the arc of a curve to the right having a radius of 19.50 feet and a central angle of 21°40'16" (chord bearing N.56°42'51"W., 7.33 feet); thence N.49°20'46"W., 13.70 feet; thence N.11°57'00"W., 51.53 feet; thence S.78°03'00"W., 779.69 feet to a point on the Easterly right-of-way line of HIGHWOODS PRESERVE PARKWAY as shown on the plat of said HIGHWOODS PRESERVE PHASE 2; thence along said Easterly right-of-way line the following five (5) courses: 1) N.11°57'00"W., 281.24 feet to a point of curvature; 2) Northerly, 77.18 feet along the arc of a curve to the left having a radius of 2000.00 feet and a central angle of 02°12'39" (chord bearing N.13°03'20"W., 77.17 feet) to a point of tangency; 3) N.14°09'40"W., 196.34 feet to a point of curvature; 4) Northerly, 75.88 feet along the arc of a curve to the right having a radius of 2000.00 feet and a central angle of 02°10'25" (chord bearing N.13°04'27"W., 75.87 feet) to a point of tangency; 5) N.11°59'14"W., 43.81 feet to the POINT OF BEGINNING.

Containing 14.801 acres, more or less.

Exhibit "O"

TO AMENDED DEVELOPMENT ORDER

(Sections 1.a. through 1.d., below, set forth the previously approved Land Use Trade-off Standards applicable to Tampa Technology Park East prior to this DRI amendment and which remain in full force and effect. Section 1.e., below, sets forth the supplemental Land Use Trade-off Standard applicable to the additional 133 "individual fee simple ownership" single family attached or 133 "individual fee simple ownership" multi-family residential units to be utilized only on the 2003 Subject Site.)

1. Land Use Trade-off Standards:

a. 1,000 sf office = 1,368 sf High Tech/Light Industrial (and vice versa)
1,000 sf office = 2.09 single family units (and vice versa)
1,000 sf High Tech/Light Industrial = 1.26 single family units (and vice versa)
1.0 single family unit = 1.6 multi-family units (and vice versa)
1,000 sf office = 370 sf Commercial Mixed Use (and vice versa)
1,000 sf High Tech = 394 sf Commercial Mixed Use (and vice versa)
1 hotel room in Commercial Mixed Use area = 54 sf Commercial Mixed Use (and vice versa)

b. With respect to zoning tracts A-1 and A-2 only, one (1) hotel room is equivalent to 500 square feet of "office" or "commercial" land uses and vice versa.

c. With respect to zoning tracts A-1 and A-2 only, 1,000 square feet of "commercial" may be converted to 1,000 square feet of "office" land use and vice versa.

d. The Land Use Trade-off Standards can be utilized to permit changes in the amount or location of development in one or more land use categories in conjunction with a concurrent change in the amount of development in one or more of the remaining approved land use categories.

e. With respect to the 2003 Subject Site, it is currently approved for Office, General Commercial, Commercial Mixed Use (which includes, among other things, general commercial and hotel land uses), High Tech/Light Industrial, and/or Residential land uses pursuant to the Land Use Trade-off Standards provided in General Note 1.a., above. Should the additional 133 "individual fee simple ownership" single-family attached or 133 "individual fee simple ownership" multi-family residential units (or any portion thereof) approved in this Ordinance for the 2003 Subject Site be developed, the subject 133 residential units (or any portion thereof) shall be obtained by using the following land use trade-off standard:

1,000 sf High Tech/Light Industrial = 0.4604 "individual fee simple ownership" single family attached or "individual fee simple ownership" multi-family residential unit

EXHIBIT "B"

A DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK WEST A DEVELOPMENT OF REGIONAL IMPACT

WHEREAS, on October 28, 1985, WOOD & COMPANY, INC. ("the Developer") filed an Application for Development Approval (which together with later filed sufficiency responses, 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 (1985), as amended ("Chapter 380"), and Section 43-96.2, City of Tampa Code; and

WHEREAS, the ADA proposes the development of TAMPA TECHNOLOGY PARK, a mixed-use commercial, office, hotel, high technology, light industrial development located on a 1,756 acre site at the intersection of I-75 and C.R. 581; 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 ADAs for DRIs; and

WHEREAS, the public notice requirements of Chapter 380, and Section 27-418, City of Tampa Code have been satisfied; and

WHEREAS, the City Council on August 28, 1986 held a duly noticed public hearing on the ADA and heard and considered testimony and documents received thereon; and

WHEREAS, on September 11, 1986, the City adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to Chapter 380, *Florida Statutes*, for the Tampa Technology Park, a Development of Regional Impact ("DRI"); and

WHEREAS, on December 18, 1986, the City adopted Ordinance No. 9466-A, which amended the Development Order (the "First Amendment"); and

WHEREAS, on October 10, 1991, the City adopted Ordinances Nos. 91-194 and 91-195, the Second and Third Amendments, respectively, to the Development Order; and

WHEREAS, on December 19, 1991, the City approved Ordinance No. 91-229, as the Fourth Amendment to the Development Order (the "Fourth Amendment"), which Fourth Amendment repealed the Third Amendment, Ordinance No. 91-195, and amended certain other provisions of the Development Order; and

WHEREAS, the Fourth Amendment approved an allocation of development entitlements (including land uses and external PM peak hour trips), and adopted separate master plan maps for portions of the DRI known as Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on October 27, 1994, the City adopted Ordinance 94-222, as the Fifth Amendment to the Development Order ("Fifth Amendment"), which Fifth Amendment allowed changes to the master plan for Tampa Technology Park (East) and tradeoff mechanisms and development conditions for Tampa Technology Park (East), and extended the buildout for both Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on January 23, 1997, the City adopted Ordinance 97-16, as the Sixth Amendment to the Development Order ("Sixth Amendment"), which Sixth Amendment allowed changes to the approved land use schedule and master plan map for Tampa Technology Park (East); and

WHEREAS, on September 11, 1998, the City adopted Ordinance 98-188, as the Seventh Amendment to the Development Order, as amended by Ordinance 98-230 ("Seventh Amendment"), which Seventh Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc.; and

WHEREAS, on November 19, 1998, the City adopted Ordinance 98-252, as the Eighth Amendment to the Development Order ("Eighth Amendment"), which Eighth Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc.; and

WHEREAS, on January 7, 1999, the City adopted Ordinance 99-03, as the Ninth Amendment to the Development Order ("Ninth Amendment"), which Ninth Amendment allowed changes to the master plan for Tampa Technology Park, amended the buildout date for Phase I and provided replacement language related to the "Connector Road" to the East-West Roadway, based upon the application filed by Lennar Homes, Inc. and Starwood/Tampa I, L.P.; and

WHEREAS, on October 28, 1999, the City adopted Ordinance 99-237, as the Tenth Amendment to the Development Order ("Tenth Amendment"), which Tenth Amendment allowed changes to the master plan for Tampa Technology Park (West) to include middle school, high school and park uses, additional environmental preserve area, and simultaneous decreases of other approved land uses; and

WHEREAS, on January 6, 2000, the City adopted Ordinance 2000-5, as the Eleventh Amendment to the Development Order ("Eleventh Amendment"), which Eleventh Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (East); and

WHEREAS, on October 26, 2000, the City adopted Ordinance 2000-282, as the Twelfth Amendment to the Development Order ("Twelfth Amendment"), which Twelfth Amendment

allowed changes to the master plan and approved land uses for Tampa Technology Park (West); and

WHEREAS, on October 4, 2001, the City adopted Ordinance 2001-219, as the Thirteenth Amendment to the Development Order ("Thirteenth Amendment"), which Thirteenth Amendment consolidated certain parcels in Tampa Technology Park (East);

WHEREAS, on December 5, 2002, the City adopted Ordinance 2002-260, as the Fourteenth Amendment to the Development Order ("Fourteenth Amendment"), which Fourteenth Amendment allowed the transfer of certain development entitlements among parcels located in Tampa Technology Park (East);

WHEREAS, on September 4, 2003, the City adopted Ordinance 2003-217, as the Fifteenth Amendment to the Development Order ("Fifteenth Amendment"), which Fifteenth Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (East) (references herein to the "Development Order" shall include the Development Order and all subsequent amendments);

WHEREAS, on January 26, 2006, the City adopted Ordinance 2006-20, as the Sixteenth Amendment to the Development Order ("Sixteenth Amendment"), which Sixteenth Amendment, solely with respect to the Tampa Technology Park (West) Property, approved the following: (i) reduction of the Phase I development entitlements; (ii) an extension of the build-out date by 5 years; (iii) revision of Map H to reflect the reduction in development entitlements; and (iv) addition of a trade off mechanism to allow conversion of office use to commercial use (references herein to the "Development Order" shall include the Development Order and all subsequent amendments); and

WHEREAS, on _____, the City, pursuant to Section 380.032, Florida Statutes, adopted an Agreement to Bifurcate Tampa Technology Park Development of Regional Impact, which Agreement bifurcated Tampa Technology Park Development of Regional Impact into the Tampa Technology Park (East) and the Tampa Technology Park (West) Developments of Regional Impact; 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 an 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:

Section 1. That this Agreement shall constitute the Amended and Restated Development Order ("Order") of the City Council issued in response to the Section 380.032 Agreement to Bifurcate Tampa Technology Park, a DRI. The scope of development to be permitted pursuant to this Order includes the land use, operations, and activities described in the ADA and the supporting documents, which by reference are made a part hereof as composite Exhibit "A".

Section 2. That 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 general public, finds that 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 a part of the composite Exhibit "A", and made a part hereof (including, but not limited to, commitments made by the Developer), to the extent that it is not inconsistent with the terms and conditions of this Order.

C. That the Developer proposes the development of TAMPA TECHNOLOGY PARK WEST, a mixed-use commercial, office, hotel, high technology, and light industrial development with a total site area of 1,160 acres, located at the intersection of I-75 and C.R. 581.

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.

E. That the proposed development is consistent with the adopted local comprehensive plan and the zoning code of the City. ***[Revised by Ordinance No. 9466-A]***

F. That the development will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.

G. That a comprehensive review of the impact generated by the development has been conducted by the City's departments and the TBRPC.

H. That this Order is consistent with the report and recommendations of the TBRPC and satisfies the provisions of Section 380.06(15) Florida Statutes, 1985, as amended.

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 these proceedings, the Developer and the various departments of the City are authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

B. That the review by the City, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, within the terms and conditions of this Order and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

Section 4. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Tampa Technology Park Development Order is hereby amended and the Revised Map H attached hereto as Exhibit "C" is hereby approved as the Master Plan for development of TAMPA TECHNOLOGY PARK WEST, subject to the following conditions, restrictions and limitations:

USAA Parcel *[This Section was added by Ordinance No. 91-194]*.

1. The first 1,200,000 square feet of office development in Tampa Technology Park West and Tampa Technology Park East has been allocated to the USAA parcel as shown on Map H and this allocation is consistent with both the DRI and zoning phasing requirements, and approval of this allocation under the December 30, 1988, Development Agreement is hereby reaffirmed. All other development approvals in Tampa Technology Park (East and West, combined) shall assume that the entire 1,200,000 square feet of office uses allocated to the USAA parcel has been developed, regardless of whether such development has, in fact, occurred.

2. The transportation mitigation assessment for the 1,200,000 square feet of office development allocated to the USAA parcel has been paid in full to the City pursuant to Development Order Section 4.C.4(d), Square Footage Assessment, and said payment has fully and completely satisfied any and all obligations to mitigate traffic impacts for the USAA parcel. No further mitigation of any kind shall be assessed or required for transportation impacts related to the development of the 1,200,000 square feet of office uses allocated to the USAA parcel, provided however that said mitigation does not preclude the transportation impacts of the USAA Project from being accumulated with transportation impacts from the remainder of the Tampa Technology Park (East and West, combined) DRI for purposes of evaluating the development of other parcels.

3. The owner of the USAA parcel or any portion thereof shall have primary responsibility for only those conditions of this Order that specifically apply to the development of the USAA parcel. Reviewing agencies shall hold the Developer of Tampa Technology Park (East and West, combined) primarily responsible for compliance with all other provisions of this Order. However, in the event the Developer does not comply, the reviewing agencies shall hold all developers in the DRI responsible for compliance with the Development Order, as amended.

4. The flyover interchange configuration previously approved in the 1988 Development Agreement is hereby reaffirmed and approved as described in the Joint Notice and as shown on the Revised Map H attached hereto as Exhibit "C".

5. The internal swap of land uses between the property removed from Tampa Technology Park West and the parcel in the northwest corner of the project as shown on Revised Map H attached hereto is hereby approved. In conjunction with the amendment of the legal description also approved hereby, this internal swap results in no net increase or decrease in land use acreages or land uses for Tampa Technology Park West.

6. The legal description of Tampa Technology Park West is hereby amended to add to Tampa Technology Park West the 17.34 acre portion of the USAA property previously included in the Tampa Palms DRI and to delete the 17.34 acre parcel transferred to the Tampa Palms DRI. The revised legal description for the Tampa Technology Park DRI is attached hereto as Exhibit "B".

7. 24.68 acres of the USAA site plan previously approved in the Development Order for office uses are hereby reserved for recreation and open spaces only.

A. Substantial Deviations. Further review, pursuant to Chapter 380, may be required if a substantial deviation, as defined in Section 380.06(19), Florida Statutes, 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. A substantial deviation may occur by failure to comply with the conditions herein, failure to follow the commitments contained in Exhibit "A" (to the extent that such commitments are consistent with this Order) or by activities which are not commenced until after the expiration of the period of 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, 1987, 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 such forms as may from time to time be designated by the State. Such reports 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 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 the following information:

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 that have been sold to a separate entity or developer during the reporting year;

4. Identification of, and intended use of, lands purchased, leased, or optioned by the Developer adjacent to the original DRI site during the reporting year;

5. An assessment of the development's and local government's compliance with conditions of approval contained in this Order, and the commitments contained in the ADA;

6. Any known incremental DRI applications for development approval or request for a substantial deviation determination that were 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(15) and (18), Florida Statutes (1985);

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(15)(f)(l), Florida Statutes (1985);

9. An hourly traffic count for a 24-hour period taken at all established access points to public rights of way, as required by the City;

10. An indication of a change, if any, in local government jurisdiction for any portion of the development during the reporting year;

11. A list of significant local, state, and federal permits which have been obtained, or which are pending, with respect to the reporting year, by agency, type of permit, permit number, and purpose of each;

12. An assessment of the effectiveness of TSM measures as described in Section 4.C.8., below;

13. When applicable, the biennial traffic analysis referenced in Section 4.C.8., below;

14. The information required in Section 4.F. below shall be submitted with the first annual report following the issuance of the first Certificate of occupancy;

15. A map which designates areas to be set aside in accordance with Section 4.G.2. below;

16. Copies of any Emergency Response and Hazardous Waste Management Operation Plans required to be generated as set forth in Section 4.N.2. below; and

17. A P.M. peak hour traffic volume count on the ramp from C.R. 581 to southbound Interstate I-75.

C. Transportation Conditions. *[The entire Section was revised by Ordinance No. 9466-A.]* The following conditions are established for purposes of mitigating impacts of this development on regional transportation facilities. Issuance of development permits by the City for the project shall, require a determination by the City of compliance with the conditions set forth herein.

1. Responsible Entities. For the purposes of this Order, the Developer is considered as one of a number of possible responsible entities regarding the mitigation of the transportation impacts of the project.

2. Funding Commitments. For the purposes of this Order, funding commitments can be (at the Developer's option, and with the approval of the City which shall not be unreasonably withheld) either in the form of financial contributions, contributions in aid of construction, or Developer's commitments for actual construction, actual (or committed for in a binding contractual form) construction by any public or private entity, or the placement of improvements in the Transportation Improvements Work Programs of the City, Hillsborough County (the "County"), or the State of Florida (the "State"), or any combination of the foregoing.

3. Development Approval. The total development for which approval is granted by this Order for Tampa Technology Park (East and West, combined) is set forth below:

i. Phase I-Specific Approval

[As to Tampa Technology Park West, replaced by Section 4.W as added by Ordinance No. 91-229, further amended by Ordinance Nos. 99-237, 2000-282 and 2006-20]

ii. Phase II-Conceptual Approval

Commercial/Office	364,500 sq. ft.
Hotel	360 rooms
Office	1,960,200 sq. ft.
High Tech/Lt. Industrial	3,789,720 sq. ft.

iii. Phase III-Conceptual Approval

Commercial/Office	374,300 sq. ft.
Hotel	360 rooms
Office	1,936,000 sq. ft.
High Tech/Lt. Industrial	3,731,340 sq. ft.

Phase I development, for which specific approval has been granted, is conditioned upon the mitigation of transportation impacts under Section 4.C.4. Mitigation of Transportation Impacts and upon compliance with the provisions of this Order. Development under Phases II and III, for which conceptual approval has been granted, is conditioned upon new Chapter 380, F.S. review(s) in accordance with Section 4.U.2. Effect of Approval.

4. Mitigation of Transportation Impacts. The Developer shall (subject to the approval of the City which shall not be unreasonably withheld and submittal to TBRPC and DCA for verification of compliance with this Order) have the option of proceeding with the development of any Phase, subphase, or any subphases of the project, for which specific approval have been granted (i.e., Phase I), under the conditions set forth, in either Section 4.C.4.a. Subphasing, 4.C.4.b. Monitoring, 4.C.4.c. Construction, 4.C.4.d. Square Footage Assessment, or 4.C.7. Areawide Funding, below, individually, or in combination with one another, with respect to mitigating the project's transportation impacts.

a. Subphasing. Under this option, unless the Developer elects to subphase as described later in this Section 4.C.4.a., funding commitments will be required for all regionally significant improvements listed in Exhibit "D" prior to the commencement of Phase I development. Due to this requirement of funding commitments, the Developer may elect to proceed on a subphasing basis under the square footage thresholds identified in Exhibit "D". For the purposes of this Order, the square footage thresholds in Exhibit "D" shall be computed with reference to building permits issued by the City.

Prior to the commencement of development beyond any particular square footage threshold, the improvements identified in Exhibit "D" as being associated with the next succeeding threshold must be the subject of funding commitments from responsible entities, where those facilities operate below LOS C daily, LOS D peak hour and the development contributes five percent (5%) or more of the then existing LOS C daily and LOS D peak hour capacity of the facility. Without funding commitments for these improvements, a "stop order" shall result and construction permits shall not be issued where project activity (together with projected activity) has exceeded the square footage thresholds associated in Exhibit "D" with improvements which are the subject of funding commitments.

In the event a stop order occurs due to either the requirement of funding commitments under this Section 4.C.4.a. or actual construction under Section 4.C.14.b Minimum Staging Requirements, a new Section 380.06, F.S., traffic analysis may be submitted, or, if permitted by the City, monitoring may be utilized to demonstrate that the actual and projected impacts of the project are such that development may proceed beyond the

thresholds identified in Exhibit "D" while maintaining the above referenced levels of service on the affected regionally significant facility. The results of any such monitoring program shall be submitted to TBRPC and DCA for verification of compliance with this Order. At the Developer's request, the square footage thresholds listed in Exhibit "D" shall then be adjusted as appropriate.

b. Monitoring. In the event that funding commitments for transportation improvements are adequate to permit only the development of any portion of any particular phase or subphase described in Exhibit "D", or the construction requirements of Section 4.C.14.b. Minimum Staging Requirements have resulted in a stop order, the Developer shall have the option to submit to the City, the Tampa Urban Area MPO, the State, and the TBRPC pursuant to Section 380.06, Florida Statutes, with updated traffic counts on the uncommitted regionally significant roadways listed in Exhibit "D". The Developer shall further submit projections of volumes that will result from the completion of the currently approved project construction plus the volumes to be generated by the next portion of development for which the Developer is seeking approval. Each updated traffic study shall either serve to verify the findings of the DRI traffic analysis (which established the initial subphasing threshold described in Exhibit "D") or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the facilities referenced in Exhibit "D" at LOS C, daily and LOS D, peak hour. Both traffic counts and the projection of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approvals beyond the particular phase or subphase in question, the City or its designee shall state in writing that the facilities listed in Exhibit "D" are operating at or above LOS C, daily and LOS D, peak hour and that the expected trips to be generated by such approval would not cause the roadways to operate below these standards.

c. Construction. Developer, at its election, shall make contributions to the City, who shall expeditiously apply such contributions, or may make such contributions available for the use of other responsible entities, to undertake studies and projects that will serve to mitigate the impacts of this project. Eligible activities may include planning, design, right of way acquisition, and construction of improvements recommended by TBRPC, as indicated in Exhibit "D", or such alternative studies or improvements as the City determines to provide equal or greater mitigation of transportation impacts on the regional transportation system. Any contributions made under this Section 4.C.4.c. shall be credited as appropriate against the Developer's obligation to make payments under Sections 4.C.4.d. Square Footage Assessment, or 4.C.7. Area-wide Funding.

d. Square Footage Assessment. As the funding commitment for the Stage I and Stage II improvements of Exhibit "D", the Developer, at its election, shall pay to the City the per square foot transportation assessments set forth in Exhibit "E" *[Revised by Ordinance No. 94-222 and Ordinance No. 2000-282]* which is made a part of this Order by reference. Payments shall be made under this Section 4.C.4.d. at the time of the issuance of building permits. Funds collected under this Section 4.C.4.d. shall be expeditiously applied toward the construction of one or more of the regionally significant improvements (as determined by the City) located in the project's transportation impact area. Payments under this Section 4.C.4.d. shall be credited as appropriate against the Developer's obligation to make payments under Section 4.C.7. Areawide Funding. The fees set forth in Exhibit "E" shall be adjusted according to the results of the City's North Tampa Study.

(i) *[Added by Ordinance No. 94-222 as to the Consolidated Property; Revised by Ordinance No. 2000-282 as to Tampa Technology Park (West)]* Solely with respect to the Consolidated Property and Tampa Technology Park (West), Exhibit "E" to the Development Order shall be amended as shown on the revised Exhibit "E" attached hereto and incorporated herein.

5. Credits. Credit shall be given against the Developer's obligations under Section 4.C.4. Mitigation of Transportation Impacts for the donation of land for right of way to the extent permitted by Chapter 380.06 (15) (e) (4), including right of way donated for purposes of receiving zoning or plat approval. The amount of right of way donation credit shall be based upon the amount of right of way cost which was initially included to compute the Developer's obligations under the appropriate Section above. Eligible rights of way shall be those rights of way identified in the City's North Tampa Transportation Study and any other rights of way deemed appropriate by the City. Any credits to be applied against the Developer's obligations under Sections 4.C.4.d. Square Footage Assessment or 4.C.7. Areawide Funding shall, unless the Developer elects otherwise, be credited against the Developer's next succeeding payments otherwise due under the above referenced Sections. In the event that the Federal government, directly, or by way of the FDOT or other governmental entity, should allocate funds in an approved transportation program to cover the costs of constructing improvements for I-75 or any Interstate interchange listed in Exhibit "D" then the Developer's obligations under Section 4.C.4. Mitigation of Transportation Impacts shall be reduced by the amount attributable to such improvements.

6. Use of Developer Contributions. The City shall insure that funding commitments from responsible entities, including the Developer's contributions, are secured for the improvements listed in Exhibit "D". The City agrees to hold all contributions received from the Developer, whether received under Sections 4.C.4.c. Construction, 4.C.4.d. Square Footage Assessment, 4.C.7. Areawide Funding, or

4.C.14. Minimum Staging Requirements in escrow and to expeditiously apply the same to construct one or more of the improvements identified in Exhibit "D". Said funds shall be released upon furnishing evidence, satisfactory to the City, that such governmental entity has committed to construct the applicable transportation improvement(s). The design for improvements shall be reviewed and approved, as appropriate, by FDOT, Hillsborough County, and the City, with 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 agencies and the City, be modified in a manner intended to accomplish acceptable operating conditions at the identified locations utilizing generally recognized traffic engineering standards and practices.

7. Areawide Funding. The City is currently conducting the North Tampa Transportation Study described in Section 4.C.11. North Tampa Transportation Study. Upon adoption by ordinance of uniform funding mechanisms as a result of this study, the Developer shall be governed by such ordinances. Payments under this Section 4.C.7. shall be credited, as appropriate, against the Developer's obligations under other Sections of this Section 4.C. Appropriate credits against payments otherwise due under this Section 4.C.7. shall be given for any sums paid, for rights of way donated, or improvements constructed pursuant to this Order, or the Transportation Impact Fee Ordinance as adopted by the City. This Section 4.C.7. is intended to be only a funding mechanism to address the transportation impacts of the project and is not intended to supersede the square footage thresholds of Exhibit "D", the requirements of Section 4.C.4.a. Subphasing, or the requirements of Section 4.C.14. Minimum Staging Requirements. If the payments made under this Section 4.C.7. are greater than or equal to the payments under Section 4.C.4.d. Square Footage Assessment for the Stage I and Stage II improvements, then this Section 4.C.7. shall also be deemed to be a funding commitment for Stage I and Stage II.

8. Subsequent Changes. In the event that any Developer or City transportation studies subsequently submitted pursuant to this Order establish that certain of the improvements referenced in Exhibit "D" should no longer be considered as a factor in the Developer's requirement for funding commitments because project traffic does not equal or exceed five percent (5%) of the daily LOS C or LOS D peak hour capacity of the specific roadway link or intersection, or project traffic, plus total background traffic on the roadway segment does not result in a reduction of LOS to LOS D or worse on a daily basis or LOS E or worse on a peak hour basis, or if the project is determined by the City and TBRPC to be located in a regional activity center, deemed highly suitable for office use, or in an area otherwise designated for alternative levels of service in accordance with City and TBRPC policies, then the Developer's requirement for funding commitments, together with the schedule of improvements listed in Exhibit "D" shall be adjusted as appropriate, at the Developer's request. If the City, TBRPC, and/or DCA subsequently adopt policies which authorize the use of other mitigative measures

for the transportation impacts of projects, the Developer shall be entitled to employ such measures by requesting an amendment to this Order. Such amendment shall be subject to the appeal provisions of Section 380.06, F.S., but such appeal shall be limited solely to the issue of the requested amendment.

9. TSM Plan. Within one (1) year from the effective date of this Order, the Developer shall prepare and submit to the City, TBRPC, TUATS, the State, 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 the reduction of total peak hour trips being generated by project uses as estimated in the ADA, and shall set forth strategies for accomplishing those objectives, considering the following as a minimum:

a. worker flex time;

b. ride sharing;

c. provision of transit facilities and programs to encourage transit ridership; and

d. other appropriate trip diversion measures.

The objectives for reduction of peak hour trips, as set forth in the TSM plan, may serve as a basis for the Developer or reviewing agencies to request amendments to this Order; provided, however, that the traffic impact caused by the project is greater than the impacts projected in the ADA. Each annual report for this project after the issuance of certificates of occupancy for 300,000 square feet of office space or the equivalent thereof in other uses, shall include an assessment of the actual achievement of peak hour trip diversion as a result of these TSM measures. This assessment shall include sufficient and appropriate documentation to support determinations of reductions claimed as a result of each TSM strategy.

10. Periodic Traffic Analysis. ***[Revised by Ordinance No. 91-195 that was subsequently repealed, leaving language of the prior revision (Ordinance No. 9466-A) in effect.]*** To assure the accuracy of the transportation analysis submitted with the ADA, field surveys and a report of findings shall be conducted to determine actual vehicle and transit trips being generated by the project every two (2) years after the initial certificates of occupancy are issued through project built-out as part of the Annual Report. This survey and report shall be conducted by the Developer and shall be approved by the City, the Tampa Urban Area MPO, the State, and TBRPC. After review of the survey and the report findings, the reviewing agencies or Developer may require that the Order be revised accordingly; provided, however, that the reviewing agencies may require the revision of the Order only in the event that project traffic impacts are greater than the impacts projected in the initial traffic analysis.

11. North Tampa Transportation Study. The North Tampa Transportation Study has been initiated for an area which includes the project. The study will provide the opportunity for participation by the FDOT, TBRPC, Hillsborough County, and Pasco County, and has provided the opportunity for the participation of Developers in the study area. The study includes, but is not limited to:

    a. an inventory of regionally significant roadways in the study area which identifies the existing, programmed, and/or proposed facilities for each roadway;

    b. an inventory of existing, approved, and projected development in the study area;

    c. estimates of future traffic on regionally significant roadways;

    d. an assessment of existing roadway operating conditions and an estimate of future operating conditions on the regionally significant roadways;

    e. the manner by which mass transit will be studied as a viable alternative to alleviate overburdening of roadways;

    f. 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 systems capacity through roadway improvement, new roadway construction, or operational techniques, as appropriate; and

    g. proposals for implementing the above strategies, including identification of funding sources and mechanisms.

    The study is being conducted consistent with accepted professional traffic planning and engineering practices and methods. Standards and assumptions used in the study area are described in the study document. The study findings and recommendations may serve as a basis for the Developer to request amendments to this Order.

12. FDOT Special Study. The FDOT will perform a special study of I-75 which will include an analysis of traffic flow from anticipated developments, along with the need, general location, and function of additional interchanges. No additional lanes, new interchanges, or modifications of existing interchanges (other than the installation of dual left turn receiving lanes or other minor geometric changes for the purpose of improving traffic service on C.R. 581) to the I-75 system will be approved prior to the completion of this special study. The improvements listed in

Exhibit "D" which are affected by this policy are listed below and are hereinafter referred to as "I-75 Improvements":

a. interchange modifications at I-75 and C.R. 581; and

b. interchange at East/West Arterial and I-75.

Pending the completion of this special study, a level of service LOS C daily, LOS C peak hour will be applied to the existing C.R. 581/I-75 interchange ramps to avoid prejudicing the results of this study and its recommendations. If, during the study period, the LOS C peak hour threshold is exceeded on the southbound ramp, the Developer may, at its expense, utilize ramp metering to preserve the LOS C peak hour service level. Building permits will not be issued if ramp metering is not permitted by the Federal Highway Administration and alternative improvements which can be demonstrated, by way of a new traffic analysis to maintain the desired levels of service are not approved and funded prior to the commencement of construction within any subphase in which the impacts require mitigation via the I-75 improvements. Subsequent applications for project approvals (beyond the point at which the LOS C peak hour thresholds for the southbound ramp) shall be dealt with in accordance with Sections 4.C.4.a. Subphasing, 4.C.4.b. Monitoring, or 4.C.4.d. Construction.

To enable the City and FDOT to ascertain compliance with this Section 4.C.12, the Developer will be required to submit to the City and FDOT a semi-annual LOS Operational Analysis of all existing on/off ramps at the C.R. 581 interchange. The submission dates, scope, and content of this Operational Analysis will be approved by the City and FDOT. If, after an evaluation of such an Operational Analysis, FDOT determines that the LOS C peak hour threshold has been exceeded for any existing on/off ramp, it shall notify the City and the Developer in writing. If the thresholds are exceeded for ramps other than the southbound ramp, the Developer shall submit evidence satisfactory to the City and FDOT to demonstrate that the initial traffic analysis was correct and that project traffic did not require the addition of improvements to the other on/off ramps in Exhibit "D". If it is determined that such ramp(s) should have been included in Exhibit "D", then the language contained in the preceding paragraph shall also apply to the affected ramp(s).

This Section 4.C.12. shall be in effect for the duration of the FDOT study period or for thirty-six months, whichever is earlier.

13. Traffic Reassignment. In the event that future roadways or other improvements, to which traffic from this project has been assigned, are not built as assumed in the methodology used for this analysis, a new analysis and traffic reassignment shall be required, as appropriate.

14. Minimum Staging Requirements. Notwithstanding any other provisions of this Section 4.C., Phase I of the project shall be divided into the "Stages" designated in Exhibit "D". Regardless of the combination of transportation mitigation measures selected, at any time prior to the initiation of construction in any given Stage, the Developer shall be obligated to elect either to:

a. pay in advance the entire proportionate share contribution for the uncommitted improvements for the Stage in question (e.g., $229,000 as computed for Stage I in accordance with Exhibit "D"); or

b. be subject to stop orders in the event that the improvements listed in Exhibit "D" for the Stage have not been constructed by the end of the Stage.

As a part of this Order, the Developer has elected the first option for Stage I of the Project. These funds shall be used for the construction of a four lane section of C.R. 581 described in Stage I of Exhibit "D" or for such other improvement as may be mutually agreed between the City and DCA. The projected completion date for this improvement shall be prior to the completion of Stage I. Any portion of the Stage I proportionate share contribution remaining after construction of this improvement shall be applied to construct other Stage I improvements as listed in Exhibit "D"; however, should this remaining portion be insufficient for this purpose, it shall be held by the City in accordance with Section 4.C.6. Use of Developer Contributions until such time as it may be applied to construct one or more of the Stage II improvements.

Subsequent elections shall be made in writing to the City, DCA, and TBRPC and if the first option is selected, shall designate the Exhibit "D" improvement(s) which have been, or will be constructed with such funds, together with the cost of such improvement(s) which have been, or will be constructed with such funds, together with the cost of such improvement(s) and the projected completion date. The particular improvement(s) so designated in this election shall be subject to the approval of the City. Any funds paid under the first option shall be expended in accordance with Section 4.C.6. Use of Developer Contributions. The Developer's proportionate share contribution shall be calculated at the time of each election according to the formula set forth in Exhibit "D".

Any election made under this Section 4.C.14. shall automatically become an amendment to the Order which shall be subject to the appeal provisions of Section 380.06, F.S. The basis of any such appeal shall be limited exclusively to the question of whether such election is consistent with the terms of this Order and applicable policies and regulations in effect on the effective date hereof.

Nothing in this Order shall prohibit the City from requiring payments in mitigation of transportation impacts which are greater than those resulting from the application of the formula set forth in Exhibit "D"; provided that such

payments are not in excess of the amounts set forth in Section 4.C.4. Mitigation of Transportation Impacts. Nothing in this Section 4.C.14. shall diminish the requirement of funding commitments of Section 4.C.4.a. Subphasing. Credit shall be given against the project's proportionate share contribution for any sums paid by the Developer in mitigation of the project's transportation impacts under this Order or any other mechanism. Credit shall be given for any payments made under this Section 4.C.14. against the Developer's obligation to make payments under any other provisions of this Order.

D. Air Quality.

1. An acceptable air quality analysis as required by the Department of Environmental Regulation shall be completed prior to the issuance of building permits for Phase I. The City reserves the right to require mitigative measures, including but not limited to revisions of the Master Plan, to alleviate impacts of the project on ambient air quality in accordance with City policy.

2. The measures to reduce erosion, fugitive dust, and air emissions referenced on pages 13-1, 14-5 & 14-6 of the ADA shall be required.

E. Sinkhole Related Risks. As discussed in the ADA, site specific test drilling and evaluation for sinkhole related risks as stated on page 14-6 of the ADA shall be required prior to the issuance of building permits by the City.

F. Hurricane Evacuation. The Developer shall discuss and coordinate with the appropriate public authorities, the feasibility of the use of proposed hotels or other project facilities for hurricane shelters. A report on these discussions shall be submitted in the first annual report following the issuance of the first Certificate of Occupancy.

G. Preservation and Conservation Areas.

1. Only passive recreational activities will be permitted for the area designated on the Master Plan on the western most boundary of the site as the 183.8 acre environmental preserve.

2. Representative examples of each natural upland habitat as listed on page 18-2 of the ADA shall be set aside in their natural state to maintain natural diversity on the site. These areas shall be of sufficient size so as to maintain their natural function. Where possible, these areas shall be located contiguous to other habitats. The precise location of these areas shall be determined at the time of final site plan approval or at the time of application for building permit, as deemed appropriate by the City. Areas so designated shall be depicted in maps to be included with .the Annual Report for that year.

3. The Developer's final development plan shall designate and map preservation and conservation areas, if any, in accordance with TBRPC's adopted growth policy Future of the Region, Sections 2.701, Preservation, and 2.702, Conservation.

4. The Developer agrees to maintain (except as permitted in an approved wetlands mitigation plan) a building, parking, and roadway setback of thirty (30) feet along wetlands. This Section 4.G.4. shall not be construed to prohibit the construction, operation, and maintenance of stormwater management systems within the applicable setbacks.

5. Prior to site clearing or construction, all appropriate environmental permits and agreements will be obtained from the City.

6. The stormwater management system will be designed to maintain the viability of isolated wetlands.

7. No logging or timbering shall be allowed on the site without the appropriate permits.

H. Drainage.

1. Prior to the issuance of any building, grading, or site clearing permits, a Conceptual Master Drainage Plan for the project shall be submitted to the City for approval and TBRPC for review for compliance with applicable regulations. Prior to the issuance of any building permits, detailed drainage plans for the appropriate sections of the Master Drainage System will be submitted to the City for approval.

2. To protect water quality, the project drainage plan shall include the following parameters:

   a. the developer or its successors and assigns shall implement a street cleaning program for parking and roadway areas within the project;

   b. the drainage system shall be designed to provide filtration/assimilation treatment for the first "flush" of runoff generated from the site as required by Chapter 17-25 of the Florida Administrative Code. The drainage system shall be designed so that the post-development peak flows shall not exceed pre-development peak flows for the 25-year, 24-hour storm;

   c. the proposed retention/detention wetland systems shall be designed, constructed, and maintained pursuant to the guidelines of the City and of appropriate regulatory agencies; and

   d. best management practices, as recommended by the City of Tampa shall be followed.

3. In the absence of the dedication to, and acceptance by, the City of specific drainage facilities, the Developer, its successors or assigns, shall be the responsible entity for the maintenance of on-site stormwater management systems.

4. Drainage design guidelines and/or other development controls for construction activities shall be prepared by the Developer and reviewed by the City for use in an effort to control erosion during construction.

5. *[Added by Ordinance No. 2006-20]* Lennar Land Partners represents and warrants that the master drainage system for Tampa Technology Park West was constructed with the intention of providing capacity to accommodate drainage resulting from the four (4) laning of the segment of Commerce Park Boulevard as provided in revised note 24 in Exhibit "F" attached hereto. If adequate capacity exists for drainage resulting from the four (4) laning of this segment of Commerce Park Boulevard, then the City of Tampa shall be allowed to utilize the master drainage system for Tampa Technology Park West at no additional cost to the City.

I. Wildlife. In the event that any species listed in Sections 39-27.03-.05, of the Florida Administrative Code are observed frequenting the site for nesting or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.

J. Buffer Zones. *[Revised by Ordinance No. 9466-A]* A plan will be submitted to the City, as part of an application for detailed site plan approval with respect to any areas of the site adjacent to neighboring residential areas, which describes in detail the design, enforcement, maintenance requirements, and timetable for buffer zones to be set between the project and adjacent residential neighborhoods during and after project construction. These buffer zones shall be aesthetically designed to maintain visual, aural and olfactoral separation from the project. This plan must be accepted by the City before construction of the project may begin in areas within five hundred (500) feet of neighboring residential areas and shall be considered a development order condition, enforceable upon all tenants and owners of the project. At minimum, the design portion of the plan shall discuss setbacks, height limitations, wall, fence and/or landscape requirements, design/access restrictions on building sides facing residential areas, walls to screen side building access area, and use restrictions.

[Revised by Ordinance No. 9466-A; further revised by Ordinance No. 94-222 solely with regards to the property owned by Southwest Development Corporation and Southern Property Holdings Corporation (the "Consolidated Property,"); and further revised as to Tampa Technology Park (West) pursuant to Ordinance No. 2000-282.] Notwithstanding anything in this Section 4.J. to the contrary, the preceding provisions of Section 4.J. regarding on-site buffering shall apply only to on-site non-residential uses bordering off-site residential uses. On-site residential uses shall comply with the City's buffering requirements.

K. Archeology.

1. The discovery of any significant historical or archeological resources shall be reported to the Florida Division of Archives, History, and Records Management and the disposition of such resources shall be determined in cooperation with the Division of Archives and the City.

2. Subarea A of Site 8Hi 2137 shall either be preserved by inclusion in a green space or passive recreation area or shall be mitigated in accordance with guidelines established in cooperation with the Department of Archives and the City.

L. Energy

1. The Developer will cooperate with the Tampa Electric Company, the supplier of electrical power to the project, during the development of a detailed site and landscaping plan, to facilitate substation placement, easements, and rights of way relative to the development site.

2. The energy conservation measures referenced in the ADA on pages 25-3 and 25-5 shall be required.

3. In addition to the use of landscaping as a means of energy conservation, the Developer or it successors and assigns shall:

   a. encourage Individual Tenants to designate a member of their staffs as an energy officer for the facility in question to conduct energy audits, establish energy policies, and monitor energy use and conservation;

   b. initiate programs to promote energy conservation by Individual Tenants, their employees, buyers, and suppliers;

   c. encourage Individual Tenants to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and to initiate recycling programs;

   d. encourage the use of energy efficient cooling, heating, and lighting systems;

   e. encourage Individual Tenants to install energy conservation features such as waste heat recovery or solar power systems where feasible;

   f. encourage Individual Tenants to use the most energy efficient technology economically feasible in the construction and operation of their facilities; and

g. encourage Individual Tenants to use life-cycle costing in evaluating energy conservation effectiveness.

M. Solid Waste. 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 Hillsborough County or as otherwise directed by the City.

N. Hazardous Waste.

1. Surface impoundments of hazardous wastes, land treatment of hazardous wastes, landfills, and underground storage of hazardous materials, as referenced in the ADA shall be prohibited.

2. As required by the City, Hillsborough County Environmental Protection Commission, and the Department of Environmental Regulation, an emergency response and hazardous waste management operation plan will be required for those facilities which use, handle, store, or process significant quantities of hazardous wastes, to minimize hazards to human health and the environment. The plan will describe the procedures and actions required of facility personnel as well as describe the arrangements agreed to by local police and fire departments, emergency services, and hospitals. Individual Tenant plans will be included in the Annual Report following their adoption.

3. Individual Tenants shall be required to transport and dispose of hazardous waste in a manner consistent with applicable regulations through restrictive covenants. Individual Tenants shall remove hazardous and toxic wastes from the site as soon as is practical. Such transportation of toxic and hazardous materials shall be performed by a company that specializes in, and is accredited by all appropriate agencies in, the transportation and handling of such materials.

4. All temporary storage facilities for hazardous or toxic materials or wastes shall be designed at minimum to meet the criteria set forth in Sections 3.913(A),(D), and (E) of the Future of the Region.

5. The Developer shall provide to Individual Tenants information that:

a. indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of separate from components of the ordinary solid waste stream;

b. indicates the location(s) of City and County approved hazardous waste holding areas, off-site disposal areas, and the names of available contractors engaged in the business of transporting such materials for disposal; and

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

6. The Developer shall encourage large quantity (as defined in applicable federal regulations, as from time to time amended) hazardous waste generators to install pretreatment operations, if economically feasible, to reduce the amounts and toxicity of the hazardous waste stream.

O. Wastewater. ***[Revised by Ordinance No. 9466-A]*** Wastewater service to the project will be supplied by the City, as described in the Department of Sanitary Sewers' commitment letter dated September 20, 1985 at the standard charges for wastewater service. Connection fees and 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.

P. Water Supply.

1. The total daily water requirements from the commencement of construction through the build-out of the project as referenced. in the ADA will be supplied by the City at the standard charges for water service as described in the Water Department's Commitment letter dated October 17, 1985. 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.

2. The Developer shall develop a plan to encourage the use of non-potable water for landscape and open space irrigation, including stormwater usage and pumping from shallow wells.

3. The Developer, its successors or assigns, shall be responsible for installation, maintenance, and operation of any non-potable on-site wells and associated pipeline easements. The ownership of any potable water wells and associated pipeline easements which may be installed on the site will be dictated by agreement between the City, the West Coast Regional Water Supply Authority, and the Developer or its assigns.

4. Water saving methods and fixtures shall be incorporated into the project's design and construction guidelines.

Q. Other Public Facilities, Utilities, and Services.

1. The City shall assure the adequacy and availability of the following public services for this development: police, emergency medical, and fire.

2.a. The Developer, but not Individual Tenants, shall be required to provide to the City, in accordance with this paragraph, a site for a shared Parks, Public Safety (to include a fire station), and Public Works Facility which meets the following criteria:

(i) twenty-two and one half (22.5) acres of usable property, more or less, with the exact amount of acreage to be determined as the City's plans are finalized;

(ii) located with convenient access to an arterial roadway and generally located on the west side of I-75; and

(iii) suitable for the construction and operation of a joint facility to be shared between the Parks Department, Department of Public Safety, and Department of Public Works.

2b. The City agrees that any such facility will meet the following design criteria, all subject to approval by the Park Review Committee:

(i) when two or more buildings are placed on the same site, they shall be designed as an integrated complex wherein individual building designs will be responsive to the massing, scale, color, and site access;

(ii) buildings shall be designed to conform to and complement site conditions and characteristics;

(iii) outside storage, (other than vehicular storage, which shall be screened) shall be prohibited, materials shall be stored in bins which are enclosed on three (3) sides and on top with the open side facing away from public rights of way or other areas visible to adjacent property owners;

(iv) all parking areas shall be screened to achieve an eighty percent (80%) opaque view from adjacent properties or public rights of ways;

(v) existing and proposed pedestrian circulation systems shall be incorporated into site design;

(vi) plans shall be submitted for approval of the Park Review Committee which show the nature, shape, height, materials, colors, scheme, lighting, landscaping, and location of any structures or improvements to be constructed;

(vii) finished building materials shall be provided for all sides of buildings or other structures;

(viii) all roof projections shall be enclosed in penthouse structures;

(ix) building doors designed to accommodate entry and/or delivery by trucks or other vehicles shall be located in such a way as to not be visible from the public right of way;

(x) metal or concrete block facades shall be permitted only if the Park Review Committee is convinced that such materials will not detract from the design objectives of the project; and

(xi) no radio towers shall be installed on the site.

2c. The location for this site shall be fixed by mutual agreement within a period of seven (7) years from the effective date of this Order.

2d. Under mutually acceptable terms and conditions, the public safety component of the above referenced facility may be separated from the remaining components and located on a separate site. In that event, the acreage required for each facility shall be equitably adjusted.

2e. The City agrees to consider, but need not accept, as an alternative to the contribution of a site meeting the above criteria, a proposal from the Developer in which the Developer would construct on an agreeable site and lease to the City a joint public works, parks, public safety facility in accordance with specifications approved by the City. Such proposal will have, as a minimum, the rent payments computed without reference to the fair market value of the land involved in the facility (i.e., the economic effect shall be the same as if the land were "donated"). All other terms and conditions of such proposal shall be as acceptable to the City in its sole discretion.

2f. In lieu of contributing the site as set forth above, the Developer shall have the option of purchasing or otherwise acquiring for the benefit of the City a site outside the boundaries of the project; provided, however, that all attributes of such site shall meet the minimum criteria set forth above and that the location shall be approved in advance by all of the departments which plan to utilize the site and associated facilities. As an additional alternative, subject to the City's approval, the Developer may contribute to the City an agreed upon sum for the purpose of enabling the City to acquire an alternative site which meets the criteria set forth above as determined by the City.

R. Maintenance of Open Space. The Developer, its successors or assigns, shall be the responsible entities for the maintenance of all open space areas of the project site. Specifically, the Developer or its successors and assigns, shall maintain open space in the project's common areas and public rights of way. Individual Tenants shall maintain open space systems on their respective sites.

S. Water Quality.

1. A program shall be instituted by the Developer prior to the issuance of building permits to monitor background conditions and surface water exiting the site. The Floridan Aquifer shall be monitored by three (3) down gradient and three (3) up gradient wells. This monitoring shall continue through build-out and for five (5) years after build-out. Increased monitoring of the ground and surface water exiting the site may be requested following any hazardous or toxic waste spills.

2. Individual Tenants who generate/handle hazardous substances will be required to implement a site specific surficial aquifer monitoring program as required by the City, the Hillsborough County Environmental Protection Commission, and the Department of Environmental Regulation.

3. The results of these monitoring programs shall be submitted quarterly to the City, the Department of Environmental Regulation ("DER"), the Southwest Florida Water Management District ("SWFWMD"), and TBRPC. Any violations of Chapter 17-3, Florida Administrative Code, shall require corrective measures as set forth by DER. If a release of pollutants is detected by any portion of the monitoring program, the party detecting such release shall immediately notify the City, DER, and SWFWMD.

T. Construction Standards. All development pursuant to this Order shall be in accordance with applicable local building codes, ordinances, and other laws, in effect at the time of permitting, except as otherwise specifically provided herein. All elevations for habitable structures will be at or above the base flood elevation.

U. Effect of Approval.

1. Specific approval for the Phase I development as requested in the ADA subject to the conditions contained in this Order is hereby granted.

2. Conceptual approval is hereby granted for Phase II and Phase III, provided, however, that specific approval of the amounts of uses within Phases II and III is subject to further traffic impact analysis and assessments for traffic impact mitigative improvements or measures. Chapter 380 review shall also be conducted concerning the issues of air quality, water quality, drainage, and solid (including hazardous) waste.

3. Notwithstanding this Order, the Developer may during Phase I construct infrastructure improvements designed to serve all of, or any portions of, Phase II or Phase III development, or both; provided, however, that such excess infrastructure improvements shall be constructed at the Developer's risk and shall not be construed to vest in the Developer the right to develop Phases II or III.

V. [Intentionally omitted.]

W. Tampa Technology Park (West). *[Added by Ordinance No. 91-229; Revised by Ordinance No. 99-237; Revised by Ordinance No. 2000-282; Revised by Ordinance No. 2006-20]* With respect to the area of Tampa Technology Park lying south and west of I-75, which is commonly referred to as Tampa Technology Park (West) and graphically depicted on the Revised Map H for Tampa Technology Park (West), dated September 30, 2005, attached hereto as Exhibit "C", specific approval of Phase 1 includes the following:

1. Residential (Sgl. Family)	181 units
2. Residential (Multi-Family)	394 units
3. Commercial/Office	82,108 sq. ft.
4. Hotel	0 rooms
5. Office	1,690,000 sq. ft.
(Office for USAA)	(1,200,000 sq. ft.)
(Office for Lennar)	(490,000 sq. ft.)
6. High-Tech/Light Industrial	-0- sq. ft.
7. Government Services	
High Sch./Middle School	68 net ac.
City Park	40 net ac.

The land use entitlements shown above are subject to provisions related to trade-off mechanisms set forth in the Development order, as amended.

Further, 3,337 external P.M. peak hour trips are authorized in Phase I for Tampa Technology Park (West).

X. Land Use Trade Off Mechanism. *[Entire Section added by Ordinance No. 91-229]* For Phase 1, there shall be a trade off mechanism which will allow land uses to be traded in accordance with the following standards:

1. *[Added by Ordinance No. 2000-282; Revised by Ordinance No. 2006-20]* With respect to Tampa Technology Park (West): 1,000 square feet of Office is equivalent to 1,368 square feet of High-Tech/Light Industrial land use and vice versa. As to Flex Parcel B only, 1,000 square feet of Office is equivalent to 370 square feet of Commercial land use and vice versa, 2,125 square feet of Office is equivalent to 1.0 single family residential unit and vice versa. 2,878 square feet of High-Tech/Light Industrial is equivalent to 1.0 single family residential unit and vice versa. One (1.0) single family residential unit is equivalent to 1.53 multi-family residential units and vice versa. One (1.0) single family residential unit is equivalent to six (6.0) hotel rooms and vice versa. One (1.0) multi-family residential unit is equivalent to four (4.0) hotel rooms and vice versa.

2. With respect only to the areas designated as C/O/H on Revised Map H attached hereto as Exhibit "C", one (1) hotel room is equivalent to 500 square feet of Commercial/Office land use and vice versa. In addition, the approved square

footage within the Commercial/Office land use category may be used for either commercial or office.

3. At the time of selection of any land use within the areas designated as C/O/H, the Developer shall notify the DCA of said selection and also shall provide DCA, TBRPC and the City with cumulative land use totals and remaining allowable quantities. This condition shall not be construed as a requirement for an approval of a particular land use so long as the land use is consistent with the provisions hereof.

4. *[Revised by Ordinance No. 2000-282; Revised by Ordinance No. 2006-20]* In Tampa Technology Park (West), the maximum amount of each type of development as a result of utilizing the trade-off mechanism shall be as follows:

Commercial/Office	82,108 square feet
Hotel	160 rooms
Office	1,852,162 sq. ft.
High Tech/Light Industrial	400,000 sq. ft.

Approval of these maximums or any combination thereof shall not be construed as authorization for the project to generate additional trips than already allocated to Tampa Technology Park West.

Y. Revised Map H. *[Added by Ordinance No. 2000-282; Revised by Ordinance 2001-219; Further revised by Ordinance No. 2003-217; Revised by Ordinance No. 2006-20]* The master plan of development for Tampa Technology Park (West) is revised as reflected on the Revised Map H, attached hereto as Exhibit "C", is hereby approved and adopted as the Tampa Technology Park (West) Master Plan and bears a last revision date of September 30, 2005.

Z. Impact Fee Credits. *[Added by Ordinance No. 94-222 and applicable only to the Notification Property depicted on Exhibit "D" thereto; Deleted in its entirety by Ordinance No. 99-03 solely as it relates to the Tampa Technology Park (East) development]* Owner shall receive impact fee credits for the value of the right-of-way, and actual construction and other costs for the internal roadway system between the proposed east-west connector road in the approximate location shown on Revised Map H, or alternate location of such road that is agreed upon by the City and Owner, and the middle access point to County Road 581, whether or not the east-west connector road is built concurrent or subsequent to such internal roadway system. The amount of such credits shall be pursuant to the City impact fee ordinance. Such credits shall be assignable as described in paragraph N.

AA. *[Added by Ordinance No. 94-222]* The changes approved by this Fifth Amendment to the Development Order are exempt from the provisions of Ordinance 90 - 32 City of Tampa Concurrency Management System, and the Tampa Technology Park DRI remains vested thereunder.

AB. USAA and Caspersen Approvals. *[Added by Ordinance No. 99-03]* The USAA parcel and the parcels owned and identified on Revised Map H as Parcel A-1 and Parcel A-2 shall continue to be governed solely by the approvals existing prior to the approval of this amendment to the Development Order, except that the USAA parcel, and Parcels A-1 and A-2, as well as the remainder of Tampa Technology Park, shall be governed by the build-out date approved in this amendment to the Development Order.

AC. Site Access. *[Added by Ordinance No. 99-03]* The owner of each project within Tampa Technology Park shall be responsible for the construction of their respective site access improvements including geometric improvements and signal installations. The owner must conduct signal warrants analysis within 30 days of receiving a written request from the Transportation Division. When signal warrants are met, such owner shall provide the Transportation Division with a written report detailing the construction schedule upon request of the City.

AD. Open Space. *[Added by Ordinance No. 2000-282]* Solely with respect to the Tampa Technology Park (West) Property: A minimum of 469.1 acres of Open Space (which includes 184.7 acres of Environmental Preserve and 284.4 acres of wetlands) shall be provided for Tampa Technology Park West. This amount of Open Space supersedes any other amount provided in the Development Order for the Tampa Technology Park (West) Property.

AE. Schools. *[Added by Ordinance No. 2000-282]* Solely with respect to the Tampa Technology Park (West) Property, school impact fees shall be paid pursuant to the Hillsborough County School impact Fee Ordinance, as the same may be amended ("School Ordinance").

AF. USAA Approvals. *[Added by Ordinance No. 2000-282]* The parcel owned and identified on Revised Map H as the USAA project shall continue to be governed solely by the approvals existing prior to the approval of this amendment to the Development Order, except that the USAA parcel, as well as the remainder of Tampa Technology Park, shall be governed by the build-out date approved in this amendment to the Development Order.

AG. Concurrency Management Exemptions. *[Added by Ordinance No. 2000-282; Revised by Ordinance No. 2006-20]* The changes approved by this Amendment to the Development Order are exempt from the provisions of Ordinance 90-32 City of Tampa Concurrency Management System, and the Tampa Technology Park DRI remains vested thereunder.

AH. East-West Road. *[Entire Section added by Ordinance No. 2000-282]* The City is considering construction of an east-west arterial roadway as depicted on Revised Map H, which arterial will connect to I-275 through Area 4 of the Tampa Palms DRI and through a 160' right-of-way traversing so-called Area 5 to the west of Area 4. The connection to I-275 will consist of a NB to EB exit from I-275 and a WB to SB entrance to I-275. Together, this east-west arterial and connection to I-275 are referred to herein as the East-

West Road. Anytime prior to October 7, 2002, the City may notify in writing the owner(s) of the property through which the East-West Road is to be constructed, of the City's intention to proceed with construction of all or part of the East-West Road. Any such written notice from the City shall include a schedule for the City's diligent pursuit to design, permit and construct the East-West Road. Upon receipt of such written notice, the owner(s) of the property required for construction of the East-West Road shall dedicate by fee simple deed, for construction of the East-West Road, the right-of-way described above for so much of the East-West Road as the City or implementing agency intends to construct. Transportation impact fee credits for the right-of-way dedication, calculated in accordance with the City Transportation Impact Fee Ordinance in effect at the time of the dedication, shall be granted to the owner(s) and shall be useable or assignable by such owner(s) as allowed by law.

Nothing herein shall prohibit the owner(s) from pursuing construction and dedication of all or part of the East-West Road in advance of the City.

Nothing herein shall prohibit the owner(s) and the City from entering into a development agreement to define further the construction of the East-West Road. Nothing herein shall be construed as requiring the owner(s) to construct or pay for the construction of such a road.

Prior to construction of the East-West Road, a notification of proposed change application, pursuant to Section 380.06, Florida Statutes, shall, be submitted by the City of Tampa to review the impacts of the alignment and construction of the East-West Road and any other related issues.

Park, residential and nonresidential development parcel configurations as shown on Revised Map H as being within and/or adjacent to the East-West Road may be adjusted to accommodate the final alignment of the East-West Road and to maintain the approved development entitlements. These adjustments shall not be determined to be substantial deviations. The final development parcel configurations will be depicted on a revised master plan to be adopted when the notification of proposed change application for the East-West Road is processed. The City of Tampa shall work cooperatively with Lennar on the parcel configuration.

AI. Miscellaneous Transportation Notes. *[Added by Ordinance No. 2000-282, amended by Ordinance No. 2006-20]* For informational purposes, certain notes relating to transportation that appear on the zoning map for Tampa Technology Park West are set forth on Exhibit "F" to this Order.

AJ. Parks. *[Added by Ordinance No. 2000-282]* The Tampa Technology Park (West) Property shall meet the City of Tampa Comprehensive Plan requirements with regard to the provision of parkland incident to residential development. At its option, the developer may (i) pay cash in an amount reasonably acceptable to the City of Tampa in full or partial satisfaction of the park land dedication requirement or (ii) make improvements reasonably acceptable to the City of Tampa within the regional park located in Tampa

Technology Park (West) Property for credit against cash amounts that otherwise would be payable to the City of Tampa in lieu of park land dedication, or (iii) both.

AK. Wetland Encroachment. *[Entire Section added by Ordinance No. 2000-282]* Impacts to wetlands are subject to all applicable environmental permitting requirements. Approved mitigation shall be performed within the Tampa Technology Park DRI or off-site within the Trout Creek drainage basin located within the City boundaries. There shall be no greater than 15% encroachment (excluding impacts by governmental agencies such as Tampa Bay Water and the City of Tampa) into the total square footage contained within the required thirty-foot wetland setback, pursuant to applicable City regulations. Except as provided herein, the thirty-foot buffer shall remain in its natural condition. Should the owner choose mitigation site(s) not within the DRI site, i.e. offsite, the following additional conditions shall apply:

1. Ownership of any off-site mitigation areas shall remain in control of the owner of the Tampa Technology Park (West) Property, its successors or assigns, unless as a result of permitting requirements, the off-site mitigation area meeting the foregoing requirements is a part of a mitigation bank, in which event ownership shall be as identified in the permitting conditions.

2. Off-site mitigation areas shall be encumbered by a perpetual conservation easement for the protection of the resources being mitigated.

3. Any costs associated with providing for constructing, monitoring and maintaining the off-site mitigation area(s) shall be borne by the owner of the Tampa Technology Park (West) Property, its successors or assigns.

4. Timing of off-site mitigation shall be in accordance with environmental agency permits.

5. At such time hereafter as a Notice of Proposed Change Application may be submitted affecting the Tampa Technology Park (West) Property (the "Next NOPC") any off-site mitigation plan approved by applicable permitting agencies shall be incorporated into any development order amendment resulting from the Next NOPC. This change shall not be determined to be a substantial deviation.

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 Wood & Company, Inc., its successors, or assigns and that the term "Individual Tenants" is deemed to mean those entities which purchase or lease land in the project and/or build buildings in the project (e.g., the Developer may also be an Individual Tenant), and that the term "successors and assigns" of the Developer or its "successors-in-interest" is deemed to include, but is not limited to, Individual Tenants, the Park Review Committee, and the Park Owners' Association.

[Added by Ordinance No. 91-194] The amendments approved hereby are exempt from the provisions of Ordinance 90-32, City of Tampa Concurrency Management System and Phase I of the Tampa Technology Park DRI remains vested thereunder. Phases II and III also remain vested except as to those matters described in Section 4.1.7.1 (traffic, air quality, water quality, drainage and solid (including hazardous) waste).

Section 7. That some portion of the physical development permitted pursuant to this Order shall commence within three (3) years from the date upon which this Order becomes final and the appeal period has ended.

Section 8. *[Revised by Ordinance No. 94-222]* That this Order shall remain in effect until March 29, 2011. Any development activity wherein plans have been submitted (and pursued by the Owner in good faith) 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.

[Revised by Ordinance No. 99-03, Revised by Ordinance No. 2006-20] The buildout dates for Tampa Technology Park (West) shall be extended as follows:

Phase I	December	31,	2010
Phase II	December	31,	2004
Phase III	December	31,	2009

Section 9. *[Revised by Ordinance No. 94-222]* That prior to March 29, 2011, the city may not down-zone or reduce the intensity or unit density permitted by this Order, unless the City can demonstrate that:

A. substantial, changes in the conditions underlying the approval of the Order have occurred; or

B. the Order as. based upon 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 affected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning or development 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 by this Order. The City does intend to rezone the property to conform to the Tampa 2000 Land Use Plan and Chapter 43-A, City of Tampa Code, as required by State Law. The inclusion of this Section 9 is

not to be construed as evidencing any present or foreseeable intent on the part of the City to down-zone or alter the density or intensity of the development, but is included herein to comply with Section 380.06 (15)(c)3, Florida Statutes, 1985.

Section 10. Notwithstanding this Order, the Developer, at its sole 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 development site. Any impacts assessed and satisfied pursuant to this Order shall be considered and credited to the Developer's obligations under any such Area Wide Development Order.

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

Section 12. *[Revised by Ordinance No. 9466-A]* That the Director of HICS is responsible for insuring compliance with this Order and the receipt of the Developer's contributions required in Section 4.C.4., Mitigation of Transportation Impacts, and Section 4.C.14., Minimum Staging Requirements. 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. 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 Agreement, 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.

TAMPA TECHNOLOGY PARK WEST DRI
DEVELOPMENT ORDER

LIST OF EXHIBITS

Exhibit Notation	Description	Comments
Composite Exhibit "A"	Application for Development Approval ("ADA"), Sufficiency Responses and supporting documents includes Developer Commitments	
Exhibit "B"	Legal description of the real property which is subject to the Development Order [Tampa Technology Park West]	**[Formerly Attachment 1 to Ordinance No. 2000-282]**
Exhibit "C"	Revised Map H	**[Exhibit "B" to Ordinance 2006-20 - "Sixteenth Amendment" adopted by City Council 1/26/2006)**
Exhibit "D"	Regionally Significant Improvements and Subphasing Square Footage Thresholds	**[Formerly Exhibit "C" from Ordinance No. 9466-A]**
Exhibit "E"	Solely with respect to the Consolidated Property and Tampa Technology Park West: Square Foot Transportation Assessment	**[Formerly Attachment 3 from Ordinance No. 2000-282]**
Exhibit "F"	Transportation Notes from the zoning map for Tampa Technology Park West	**[Formerly Attachment 4 from Ordinance No. 2000-282, amended by Ordinance No. 2006-20]**

EXHIBIT "B"

LEGAL DESCRIPTION
TAMPA TECHNOLOGY PARK (WEST)

DESCRIPTION: A parcel of land lying in Sections 14, 15, 16, 22 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 14, run thence along the North boundary of the North 1/2 of said Section 14, S.89°45'59"E., 855.53 feet to a point on the Westerly right-of-way line of the Westerly Frontage Road of Interstate Highway No. 75 as recorded in Official Record Book 3613, Page 910 and Official Record Book 3807, Page 139 of the Public Records of Hillsborough County, Florida; thence along said Westerly right-of-way line the following nine (9) courses: 1) S.31°10'42"E., 334.83 feet to a point of curvature; 2) Southeasterly, 1349.57 feet along the arc of a curve to the right having a radius of 5487.58 feet and a central angle of 14°05'27" (chord bearing S.24°07'58"E., 1346.17 feet) to a point of tangency; 3) S.17°05'15"E., 3729.12 feet to a point of curvature; 4) Southeasterly, 197.21 feet along the arc of a curve to the right having a radius of 2824.79 feet and a central angle of 04°00'00" (chord bearing S.15°05'15"E., 197.17 feet) to a point of tangency; 5) S.13°05'15"E., 417.31 feet to a point of curvature; 6) Southeasterly, 509.67 feet along the arc of a curve to the right having a radius of 2690.70 feet and a central angle of 10°51'09" (chord bearing S.07°39'40"E., 508.91 feet) to a point of tangency; 7) S.02°14'06"E., 1285.25 feet to a point of curvature; 8) Southwesterly, 430.48 feet along the arc of a curve to the right having a radius of 591.50 feet and a central angle of 41°41'54" (chord bearing S.18°36'51"W., 421.04 feet) to a point of tangency; 9) S.39°27'48"W., 79.10 feet to a point on the South boundary of the Northwest 1/4 of the aforesaid Section 23; thence along said South boundary of the Northwest 1/4 of Section 23, N.89°30'00"W., 2688.71 feet; thence along the South boundary of the Northeast 1/4 of the aforesaid Section 22, N.89°52'54"W., 2659.55 feet; thence along the West boundary of said Northeast 1/4 of Section 22; N.00°04'06"E., 2640.14 feet; thence along the South boundary of the South 1/4 of the aforesaid Section 15, N.89°45'09"W., 2663.36 feet; thence along the South boundary of the Southeast 1/4 of the aforesaid Section 16, N.88°54'49"W., 2663.84 feet; thence along the West boundary of said Southeast 1/4 of Section 16, N.00°23'14"E., 1321.12 feet; thence along the North boundary of the South 1/2 of said Southeast 1/4 of Section 16, S.89°01'50"E., 2653.75 feet; thence along the West boundary of the North 1/2 of the Southwest 1/4 of the aforesaid Section 15, N.00°02'04"W., 1324.45 feet; thence along the North boundary of said North 1/2 of the Southwest 1/4 of Section 15, S.89°33'50"E., 1323.11 feet; thence along the West boundary of the Southeast 1/4 of the Northwest 1/4 of the aforesaid Section 15, N.00°13'13"W., 1329.19 feet; thence along the North boundary of said Southeast 1/4 of the Northwest 1/4 of Section 15, S.89°24'30"E., 1318.83 feet; thence along the West boundary of the Northeast 1/4 of the aforesaid Section 15, N.00°24'26"W., 1325.67 feet; thence along the North boundary of said Northeast 1/4 of Section 15, S.89°15'05"E., 2629.12 feet to the POINT OF BEGINNING.

Containing 1160.164 acres, more or less.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL

THAT PORTION of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, according to the plat thereof as recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida, lying South of the South boundary of the Northwest 1/4 of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida.

Containing 17.341 acres, more or less.

LESS THE FOLLOWING DESCRIBED PARCEL:

TAMPA TECHNOLOGY PARK WEST
LAND SWAP PARCEL

DESCRIPTION: A parcel of land in Section 22, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

From the Southeast corner of the Northeast 1/4 of said Section 22, run thence N.89°52'54"W., 1014.52 feet along the South boundary of said Northeast 1/4 of Section 22 to the POINT OF BEGINNING; thence continue along said South boundary, N.89°52'54"W., 1645.13 feet to Southwest corner of said Northeast 1/4 of Section 22; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 681.12 feet; thence S.89°55'54"E., 242.68 feet; thence S.50°13'02"E., 512.61 feet; thence N.50°52'31"E., 518.31 feet; thence S.66°08'17"E., 43.74 feet; thence S.33°46'53"E., 32.57 feet; thence S.87°41'55"E., 34.29 feet; thence S.14°38'10"W., 166.29 feet; thence S.32°58'36"E., 111.60 feet; thence N.80°32'04"E., 56.96 feet; thence S.44°29'40"E., 329.75 feet; thence S.51°57'53"E., 25.34 feet; thence S.89°52'54"E., 187.56 feet; thence S.00°07'06"W., 140.76 feet to the POINT OF
BEGINNING

Containing 17.341 acres, more or less.

Together Containing 1160.164 acres, more or less.

TAMPA TECHNOLOGY PARK WEST
LAND USE SCHEDULE

I Phase I - Specific Approval

Commercial/Office	82,108 Sq. Ft.
Hotel	0 Rooms
Office	1,690,000 Sq. Ft.
High Tech/Lt Industrial	0 Sq. Ft.
Government Services	
High School/Middle School	68 Net Ac.
City Park	40 Net Ac.
Single Family Residential	191 Units
Multi Family Residential	394 Units

II Phase II - Conceptual Approval

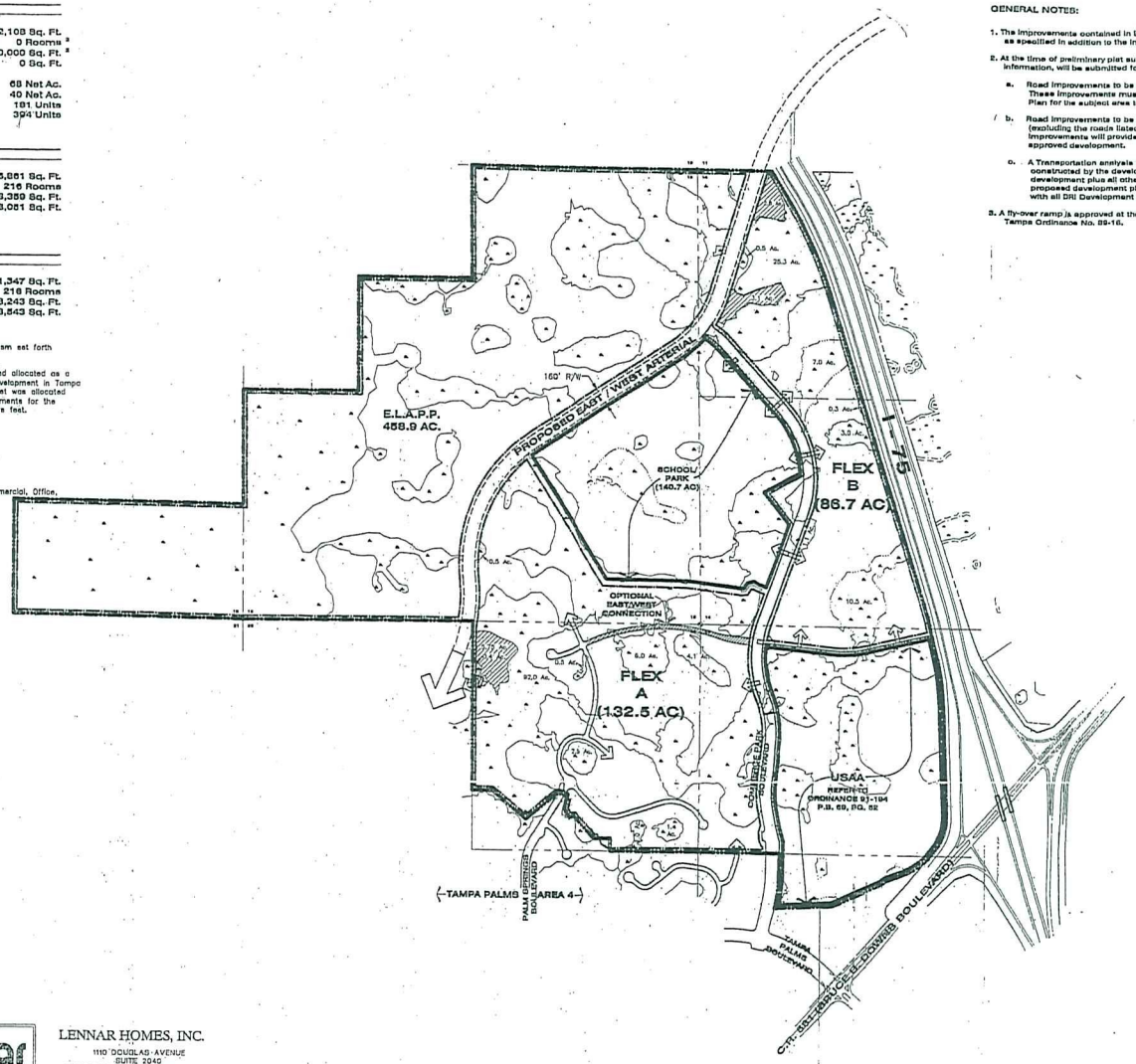
Commercial/Office	166,661 Sq. Ft.
Hotel	216 Rooms
Office	1,639,359 Sq. Ft.
High Tech/Lt Industrial	1,913,061 Sq. Ft.

III Phase III - Conceptual Approval

Commercial/Office	171,347 Sq. Ft.
Hotel	216 Rooms
Office	1,618,243 Sq. Ft.
High Tech/Lt Industrial	1,888,543 Sq. Ft.

NOTES:

1. Subject to the Provisions relative to the trade-off mechanism set forth in the amended Development Order.
2. The Tampa Technology Park Development Order, as amended allocated as a total of 1,690,000 square feet of "Office" for Phase I development in Tampa Technology Park West. Of that total, 1.2 million square feet was allocated to the USAA parcel. The remaining Phase I "office" entitlements for the balance of Tampa Technology Park West is 490,000 square feet.
3. All Rooms to be located within "Flex Parcel B".
4. Parcels designated as "Flex A" may be developed as Single-family (including Townhomes), and/or Multi-family. A maximum total of 400 Units of Multi-family will be allowed.
5. Parcels designated as "Flex B" may be developed as Commercial, Office, High Tech/Light Industrial or Hotel.



GENERAL NOTES:

1. The improvements contained in Exhibit C of the approved Development Order will be required as specified in addition to the improvements listed below.
2. At the time of preliminary plat submittal, a transportation report, including the following information, will be submitted for review and approval;
   a. Road improvements to be constructed by the developer within the area to be platted. These improvements must include those improvements shown on the Rezoning Master Plan for the subject area to be platted.
   b. Road improvements to be constructed by the developer internal to the entire project (excluding the roads listed above) that will provide access for the requested plat. These improvements will provide adequate access to the requested plat area plus all previously approved development.
   c. A Transportation analysis that demonstrates: 1) that the internal improvements to be constructed by the developer are adequate to handle the traffic from the proposed development plus all other previously approved development; 2) that traffic from the proposed development plus all other previously approved development will be consistent with all DRI Development Order Conditions.
3. A fly-over ramp is approved at the intersection of County Road No. 581 and I-75 per City of Tampa Ordinance No. 89-16.

LEGEND

WETLAND MESIC HABITAT

MITIGATION AREA

TAMPA TECHNOLOGY PARK WEST

0 300' 600' 1200' 1800'

NORTH

REVISED: map-h.dwg
8-6-1991
9-19-1991
10-21-1991
12-31-1991
1-29-1992
8-18-1999
10-6-1999
3-31-2000
5-12-2000
9-14-2000
10-10-2000
5-10-2005
6-30-05

MASTER PLAN
REVISED MAP H
EXHIBIT "C"

SECTIONS 14, 15, 16, 22 & 23, TOWNSHIP 27 SOUTH, RANGE 19 EAST

PREPARED BY: HEIDT & ASSOCIATES, Inc.
Tampa • Fort Myers

CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL PERMITTING
LANDSCAPE ARCHITECTURE

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Pinellas: 813-442-0636
Pasco: 813-842-2401
FAX: 813-253-2478

MAP
H

PREPARED FOR:

Lennar Homes, since 1954

LENNAR HOMES, INC.
1110 DOUGLAS AVENUE
SUITE 2040
ALTAMONTE SPRINGS, FLORIDA 32714
PHONE: (407) 682-9201

JOHNSON, BLAKELY, POPE, BOKOR, RUPPEL & BURNS, P.A.
ATTORNEYS AND COUNSELLORS AT LAW

09-30-05 9:46AM HEIDT & ASSOC. KENIC:PITAMPA PALMS AREA 6\MASTER PLAN\ENGINEERING\MAP-H.DWG

Exhibit "D"

Table 1
Required Highway Link
Improvements for Phase I

Footnotes	Highway Link Description	Required Improvement	Square Footage Permit Threshold	Estimated Total Cost	Proportionate Share Contribution		Project Stage
	Fletcher Avenue (Nebraska to 30th)	Construct 4-Lane Divided Arterial	431,902	$0	(3)		I
(1)	C.R. 581 (N. Site Access to I-75)	Construct 4-Lane Divided Arterial	984,006	$170,000	(3)		I
	C.R. 54 (C.R. 581 to C.R. 577)	Construct 4-Lane Divided Arterial	1,071,379	$3,240,000	(3)		I
(2)	C.R. 581 (I-75 to S. Site Access)	Construct 4-Lane Divided Arterial	1,467,995	$124,958	(3)		I
	C.R. 581 (N. Site Access to I-75)	Construct 6-Lane Divided Arterial	1,711,700	$885,000	(3)		II
	C.R. 581 (Tampa Palms to Skipper)	Construct 4-Lane Divided Arterial	1,798,531	$0	(3)		II
	C.R. 581 (E-W Arterial to N.Site Access)	Construct 4-Lane Divided Arterial	1,925,167	$2,163,291	(3)		II
	C.R. 54 (I-75 to C.R. 581)	Construct 4-Lane Divided Arterial	1,946,695	$950,000	(3)		II
	C.R. 581 (S. Site Access to Tampa Palms)	Construct 4-Lane Divided Arterial	2,039,499	$1,291,223	(3)		II
	C.R. 581 (E-W Arterial to N.Site Access)	Construct 6-Lane Divided Arterial	2,217,000	$1,554,000	(3)		II
	C.R. 581 (Co. Line to E-W Arterial)	Construct 4-Lane Divided Arterial	2,417,369	$2,267,480	(3)		II
	Skipper/Dearas (West of Dale Mabry)	Construct 4-Lane Divided Arterial	3,059,411	$0	(3)		II

Exhibit "D"

Table 1
Required Highway Link Improvements for Phase I

Footnotes	Highway Link Description	Required Improvement	Square Footage Permit Threshold	Estimated Total Cost	Proportionate Share Contribution	Project Stage
	Skipper/Bearss (Dale Mabry to Florida)	Construct 4-Lane Divided Arterial	3,110,104	$0	(3)	II
	C.R. 581 (Co. Line Rd. to E-W Arterial)	Construct 6-Lane Divided Arterial	3,409,560	$1,892,000	(3)	II
	C.R. 581 (I-75 to S. Site Access)	Construct 6-Lane Divided Arterial	3,432,000	$822,000	(3)	II
	C.R. 581 (S. Site Access to Tampa Palms)	Construct 6-Lane Divided Arterial	3,953,160	$1,430,000	(3)	III
	C.R. 581 (C.R. 54 to Co. Line Rd.)	Construct 4-Lane Divided Arterial	4,335,822	$5,515,200	(3)	III
(4)	Southern Access Road (Site to C.R. 581)	Construct 4-Lane Divided Arterial	4,120,000	$1,153,000	(3)	III
	C.R. 581 (Tampa Palms to Skipper)	Construct 6-Lane Divided Arterial	4,284,360	$1,629,000	(3)	III
	Fowler Avenue (Hillsboro River to I-75)	Construct 4-Lane Divided Arterial	4,891,452	$0	(3)	III
(5)	E-W Arterial (N. Site Access to C.R. 581)	Construct 6-Lane Divided Arterial	5,200,000	$8,928,000	(3)	IV
	Fletcher Avenue (56th to I-75)	Construct 4-Lane Divided Arterial	5,519,299	$0	(3)	IV
	Fowler Avenue (56th to Hillsboro River)	Construct 4-Lane Divided Arterial	7,152,151	$0	(3)	IV

Exhibit "D"

Table 2
Required Intersection and Interchange Improvements for Phase I

Roadway Intersection/ Interchange Description	Additional Lanes Required	Total Lanes Required	Square Footage Permit Threshold	Estimated Total Cost	Proportionate Share Contribution	Project Stage
C.R. 54 at C.R. 577	Construct EB left turn, WB through, and SB left turn lanes.	WB: n/a SB: 1 Rt., 1 Lt. EB: 1 Lt., 1 Thru. WB: 2 Thru.	1,071,379	(1)	(5)	I
Fletcher at Nebraska	Programmed improvement plus, construct SB right turn lane & third WB through lane.	NB: 1 Rt., 1 Thru., 1 Lt. SB: 1 Rt., 2 Thru., 1 Lt. EB: 1 Rt., 2 Thru., 1 Lt. WB: 3 Thru., 1 Lt.	2,469,000 (2)	(2)	(3)	II
Bearss Ave. at Florida	Construct one EB & one WB through lane.	NB: 1 Rt., 1 Thru., 1 Lt. SB: 1 Thru., 1 Lt. EB: 1 Rt. 2 Thru., 1 Lt. WB: 1 Rt. 2 Thru., 1 Lt.	3,110,104	(1)	(3)	II
Fletcher & I-275 (West Side)	Construct 1 WB left turn.	NB: n/a SB: 1 Rt., 1 Lt. EB: 1 Rt., 2 Thru. WB: 2 Thru., 2 Lt.	3,368,713	$150,000	(3)	II
C.R. 581 at I-75 (West Side)	Construct dual left turn receiving lanes on SB ramp.	NWB: n/a SEB: 1 Rt., 1 Lt. NEB: 1 Rt., 3 Thru. SWB: 3 Thru., 2 Lt.	3,450,000	$80,000	(3)	II
Fowler at C.R. 581	Construct 1 NB, EB, & SB left turn lane.	NB: 1 Rt., 2 Thru., 2 Lt. SB: 1 Rt., 2 Thru., 2 Lt. EB: 1 Rt., 2 Thru., 2 Lt. WB: 1 Rt., 2 Thru., 1 Lt.	3,625,000	(1)	(3)	II
C.R. 581 at I-75 (West Side)	Construct SWB to SEB loop ramp.	NEB: 1 Rt., 3 Thru. SWB: 1 Rt., 3 Thru. NWB: n/a SEB: 1 Rt., 1 Lt.	3,960,000	$571,000	(3)	III
Ehrlich Rd. at Dale Mabry	Programmed improvements plus construct EB & WB through, EB right turn, EB & WB left turn lanes.	NB: 1 Rt., 3 Thru., 2 Lt. SB: 1 Rt., 3 Thru., 2 Lt. EB: 2 Rt., 3 Thru., 2 Lt.	4,000,000	(4)	(3)	III

Exhibit "D"

Table 2
Required Intersection and Interchange Improvements for Phase I

Roadway Intersection/ Interchange Description	Additional Lanes Required	Total Lanes Required	Square Footage Permit Threshold	Estimated Total Cost	Proportionate Share Contribution	Project Stage
C.R. 54 at C.R. 581	Construct dual NB turn left lanes.	NB: 1 Rt., 2 Lt. SB: n/a EB: 1 Rt., 1 Thru. WB: 1 Thru., 1 Lt.	4,035,000	(1)	(3)	III
Fletcher at C.R. 581	Programmed improvements plus construct 1 SB right turn and EB right turn lane.	NB: 3 Thru., 2 Lt. SB: 2 Rt., 3 Thru., 2 Lt. EB: 1 Rt., 2 Thru., 1 Lt. WB: 1 Rt., 3 Thru., 1 Lt.	4,498,420	$2[illegible],000	(3)	III
Skipper Rd. at C.R. 581	Programmed improvements plus construct 1 SWB right turn lane.	NB: 3 Thru., 2 Lt. SWB: 2 Rt., 3 Thru. EB: 1 Rt., 2 Lt. WB: n/a	4,500,000	(1)	(3)	III
E-W Arterial at I-75	Construct full access interchange at freeway to include dual WB to SB ramp, dual left turn and single right turn lanes for SB exit, left turn lane and right turn lane for NB entrance, separate left turn and right turn lanes for NB exit.	NB: 1 Rt., 1 Lt. SB: 1 Rt., 2 Lt. EB: 1 Rt., 3 Thru., 1 Lt. WB: 1 Rt., 3 Thru., 2 Lt.	5,290,000	(1)	(3)	IV
E-W Arterial at C.R. 581	Construct matrix intersection. (5)	NB: 1 Rt., 3 Thru. SB: 1 Rt., 3 Thru. EB: 3 Thru., 2 Lt. WB: 3 Thru., 2 Lt.	5,150,000	$250,000	(3)	IV
Fletcher at Florida	Construct EB and SB right turn lane.	NB: 1 Rt., 1 Thru., 1 Lt. SB: 2 Thru., 1 Lt. EB: 1 Rt., 2 Thru., 1 Lt. WB: 1 Rt., 2 Thru., 1 Lt.	5,900,000	$70,000	(3)	IV

Exhibit "D"

Table 3
Programmed Improvements

Road Segment/Interchange/ Intersection Description	Programmed Improvement	Construction Year	Responsible Agency
Fletcher Avenue (N. Blvd. to Florida Ave. and Orange Grove Dr. to Dale Mabry.)	Construct 4-lane Divided Arterial	1985/1986	Hills. County
C.R. 581 (Skipper to Fowler)	Construct 6-lane Divided Arterial	1985/1986	Hills. County
Co. Line Rd. (Livingston to C.R. 581)	Construct 2-lane Undivided Road	1985/1986	Hills. County
Fletcher Avenue (Nebraska Ave. to 56th St)	Construct 4-lane Divided Arterial	1985/1987	Hills. County
Fletcher Avenue (Lake Magdalene Dr. to North Blvd.)	Construct 4-lane Divided Arterial	1986/1987	Hills. County
Bearss Ave. (Dale Mabry to Florida Avenue)	Construct 4-lane Divided Arterial	1987/1988	Hills. County
Bearss Avenue/Skipper Road (Nebraska to 30th)	Construct 4-lane Divided Arterial	1985/1986	Hills. County
Ehrlich Road (Lynn Turner Rd. to Dale Mabry)	Construct 4-lane Divided Arterial	1985/1986	Hills. County
Buffalo Avenue (I-4 to C.R. 574)	Construct 4-lane Divided Arterial	1988/1989	FDOT
Dale Mabry (Hillsborough Avenue to Van Dyke Rd.)	Construct 6-lane Divided Arterial	1984/1989	FDOT
Fowler Avenue (I-75 to U.S. 301)	Construct 4-lane Divided Arterial	1987/1990	FDOT
Florida Avenue (Bougainvillea to Fletcher Avenue)	Construct 4-lane Divided Arterial	1989/1990	FDOT
Fowler Avenue (56th to I-75)	Construct 4-lane Divided Arterial	1987/1988	FDOT
Florida Avenue at Busch	Intersection Improvement	1985/1986	FDOT
Busch Blvd. at 30th St. (C.R. 581)	Intersection Improvement	1986/1987	FDOT
30th Street (Fowler to Busch)	Construct 4-lane Divided Arterial	1989	City

Exhibit "D"

Table 4
Site Access Improvements

Site Access Improvement Description	Improvement Required	Square Footage Occupancy Threshold
C.P. SE1 at Each of 4 Project Entrance Drives, as Appropriate	Construct dual NEB left turn lanes, SWB right turn lane, dual EB left turn lanes and dual SEB right turn lanes. Signalize where & when warranted by the Manual on Uniform Traffic Devices (MUTCD).	(1)
E-W Arterial at Two Project Entrances East of I-75	Construct dual WB left turn lanes, EB right turn lane, dual WB left turn lane, and WB right turn lane, signalize where & when warranted by the MUTCD.	(2)

FOOTNOTES TO
EXHIBIT "D", TABLE 1
TAMPA TECHNOLOGY PARK
DEVELOPMENT ORDER

(1) This link contained approximately 600 linear feet of two lane road section at the time of the adoption of this Order. At this square footage threshold, this two lane section must be improved to a four lane divided section.

(2) This improvement is necessary at this threshold only if the link identified in Table 1 as the "Southern Access Road" has been constructed by the time this square footage threshold has been attained. If the Southern Access Road has not been constructed by this time, this link would be improved at the same square footage thresholds as the link designated as "S. Site Access to Tampa Palms".

(3) The project's Proportionate Share Contribution for the purposes of Section 4.C.14. Minimum Staging Requirements of this Order shall be determined by the following formula:

a. "Proportionate Share Contribution" equals the Utilization of Increased Service Volume multiplied by the Cost of the Applicable Improvement.

b. "Utilization of Increased Service Volume" equals the Trips Attributable to the Project divided by the Increased Service Volume generated by the Applicable Improvement.

c. "Trips Attributable to the Project" equals the trips generated by the project on the roadway minus the Available Service Volume.

d. "Available Service Volume" equals the daily level of service C service volume or peak hour level of service D service volume of the roadway minus the existing traffic volume.

e. "Applicable Improvement" is defined as the improvement which will maintain the desired level of service or the level of service existing at the time of the filing of the Application for Development Approval, whichever is worse. Where roadways are operating at level of service F or worse at the time of the filing of the Application for Development Approval, the Applicable Improvement will be defined as the improvement necessary to maintain the volume-to-capac-

ity ratio existing on any such roadway at the time of the filing of the Application for Development Approval.

(4) This improvement is one of three optional site access solutions necessary following the issuance of building permits for the construction of 450,000 square feet of office or 700,000 square feet of high technology/light industrial space on the west side of I-75. Construction of the East/West Arterial to the west site access or the construction of the center bridge across I-75 (as shown on the Conceptual Site Plan) offer similar solutions.

(5) This improvement is one of three optional site access solutions necessary following the issuance of building permits for the construction of 450,000 square feet of office or 700,000 square feet of high technology/light industrial space on the west side of I-75. Completion of the southern site access from the site to C.R. 581 or the construction of the center bridge across I-75 (as shown on the Conceptual Site Plan) offer similar solutions.

FOOTNOTES TO
EXHIBIT "D", TABLE 2
TAMPA TECHNOLOGY PARK
DEVELOPMENT ORDER

(1) The cost for this intersection has been included in the estimated cost for the associated roadway link.

(2) Programmed improvements (two WB and EB through lanes) are sufficient until the designated square footage threshold. At the designated square footage threshold, improvements are necessary to this intersection. If, at this time, only a SB right turn lane is added (at an estimated cost of $40,000), the third WB through lane would be needed at 3,250,000 square feet (at an estimated cost of $120,000). If the third WB through lane were added at the designated square footage threshold, analysis indicates that the additional SB right turn lane may not be needed.

(3) The project's Proportionate Share Contribution for the purposes of Section 4.C.14. Minimum Staging Requirements of this Order shall be determined by the following formula, utilizing a critical movement analysis:

a. "Proportionate Share Contribution" equals the Utilization of Increased Service Volume multiplied by the Cost of the Applicable Improvement.

b. "Utilization of Increased Service Volume" equals the Trips Attributable to the Project divided by the Increased Service Volume generated by the Applicable Improvement.

c. "Trips Attributable to the Project" equals the trips generated by the project on the roadway minus the Available Service Volume.

d. "Available Service Volume" equals the daily level of service C service volume or peak hour level of service D service volume of the roadway minus the existing traffic volume.

e. "Applicable Improvement" is defined as the improvement which will maintain the desired level of service or the level of service existing at the time of the filing of the Application for Development Approval, whichever is worse. Where roadways are operating at level of service F or worse at the time of the filing of the Application for Development Approval, the Applicable Improvement will be defined as the improvement necessary to maintain the volume-to-capacity ratio existing on any such roadway at the time of

the filing of the Application for Development Approval.

(4) Programmed improvements by the FDOT are two NB and SB through lanes, dual NB and SB left turn lanes and NB and SB right turn lanes. Hillsborough County has programmed the construction of two EB and WB through lanes, one EB and one WB left turn lane, and one EB and one WB right turn lane. These improvements are sufficient until the square footage thresholds listed in Table 2 are attained. Thereafter, the construction of one EB and one WB through lane, one EB and one WB left turn lane, and one EB right turn lane shall be required.

(5) See diagram contained in Sufficiency Response, Appendix I, page 5. A grade separated interchange will be required in the event that this intersection design is not approved by the agencies having design and operating jurisdiction over this improvement.

FOOTNOTES TO
EXHIBIT "D", TABLE 4
TAMPA TECHNOLOGY PARK
DEVELOPMENT ORDER

(1) Configuration of project entrances shall be phased in such a manner as to maintain acceptable levels of service on C.R. 581 with the ultimate configuration of these intersections to be as set forth in Table 4. The timing of the construction of any given intersection will depend upon the areas of the site being developed.

(2) Configuration of project entrances shall be phased in such a manner as to maintain acceptable levels of service on the E-W Arterial with the ultimate configuration of these intersections to be as set forth in Table 4. The timing of the construction of any given intersection will depend upon the areas of the site being developed.

Exhibit "E"

Commercial/Office/Hotel	367,737	$ 3.97
Office	1,208,278	$ 1.68
High Tech	2,395,620	$ 0.94
Single Family[1]		$1,765.00 per unit
Multi-family[1]		$863.00 per unit

1. Allowed by use of approved trade-off mechanism.

Exhibit "F"

MISCELLANEOUS TRANSPORTATION NOTES
(Revised by Ordinance No. 2006-20)

(Note 4) Roadways, except for the private access drives to the individual parcels, shall be designed and constructed in accordance with the standards of the City of Tampa, Department of Public Works. All roads shall provide adequate access for sanitary, fire fighting and other vehicles as required by the City of Tampa Code at the time of permitting.

(Note 21) Lennar Land Partners shall fulfill its obligation for signalizing the main entrances to the school and park sites when warrants are met, as set forth in Section 10, of the Addendum to Contract between Lennar Land Partners and Hillsborough County School Board, dated October 5, 1999.

(Note 23) [Intentionally omitted.]

(Note 24) Within forty-five (45) days following the adoption of this ordinance, and the expiration of all applicable appeal periods, Lennar Land Partners shall contribute to the City the sum of $955,624.43 towards the completion of the 4 laning of Commerce Park Blvd. from the future intersection of Commerce Park Blvd. at the New Tampa extension to the existing 4-lane section of Commerce Park Blvd. Monies contributed under this paragraph may be partially or fully utilized to fund the construction of the New Tampa Blvd. extension, including the bridge over I-75. The making of this contribution and the contribution described in Note 27 below by Lennar Land Partners shall constitute full satisfaction of its obligations with regard to the improvement of Commerce Park Boulevard notwithstanding any other provision in the Development Order.

(Note 25) Access to the Frontage Road may require improvements that are necessary to accommodate increased traffic volume. Temporary construction access along the Frontage Road will be allowed. Any developer of the Flex B Parcel agrees that any damage to this Frontage Road that occurs as a result of this construction activity will be repaired to its current condition.

(Note 26) The connection between Palm Springs Blvd. and Commerce Park Blvd. can be constructed at the option of the Developer.

(Note 27) Within forty-five (45) days following the adoption of this ordinance, and the expiration of all applicable appeal periods, Lennar Land Partners agrees to pay to the City of Tampa the sum of $178,748.55, representing its proportionate share of the at-grade intersection improvement costs, including signalization, of Tampa Palms Blvd. and Commerce Park Blvd. The making of this contribution and the contribution described in foregoing Note 24 by Lennar Land Partners shall constitute full satisfaction of its obligations with regard to the improvement of Commerce Park Boulevard notwithstanding any other provision in the Development Order.

EXHIBIT "C"

Notice of Recording Section 380.03(2) Agreement

Pursuant to Sec. 380.032(3) F.S., notice is hereby given that the City of Tampa, 581 Highwoods L.P., Lennar Land Partners, and the Florida Department Of Community Affairs entered into an Agreement to Bifurcate the Development of Regional Impact Development Order in connection with the Tampa Technology Park Development of Regional Impact, DRI #139. The land which is the subject of DRI #139 is legally described on Exhibit A, attached hereto. The recording of this notice is not a matter affecting title to the property described in Exhibit A, but is provided solely for the purpose of directing interested parties to the document(s) referred to herein. A copy of the Agreement is attached hereto as Exhibit B and the bifurcated Development Orders can be viewed at the office of Susan Johnson, City of Tampa, Land Development Coordination, 306 E. Jackson Street, 3rd Floor East, Tampa, Florida 33602.

HIGHWOODS:
581 HIGHWOODS, L.P., a Delaware limited partnership

By: HIGHWOODS/FLORIDA HOLDINGS, L.P., a Delaware limited partnership, as its sole general partner

By: Highwoods/Florida G.P. Corp., a Delaware corporation, as its sole general partner

By: _____
Printed Name:_____
Its:_____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____2006, by _____, as _____ of Highwoods/Florida GP Corporation, a Delaware corporation, as General Partner of Highwoods/Florida Holdings, L.P., a Delaware limited partnership, as General Partner of 581 Highwoods, L.P., a Delaware limited partnership, on behalf of the limited partnership. He/She is personally known to me or has produced a _____ as identification.

_____
NOTARY PUBLIC-STATE OF FLORIDA
Printed Name: _____
My commission expires:

#139

CITY OF TAMPA

Pam Iorio, Mayor

Office of the City Attorney
David L. Smith
City Attorney

February 16, 2006

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

Re: Sixteenth Amendment to the Development Order for the Tampa Technology Park Development of Regional Impact

Dear Mr. Meyer:

Attached please find a copy of the legal description and Map H for the above referenced matter which was inadvertently left out of the packages that were sent to the City Clerk's Office for rendering. Also attached is a copy of Ordinance No. 2006-20 which was passed and ordained by the City Council of the City of Tampa on January 26, 2006.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Patty Ayala

Patty Ayala
Paralegal

cc: Susan Johnson, DRI Coordinator
City Clerk's Office

(C

Ordinance No. 2006-20

AN ORDINANCE OF CITY OF TAMPA, FLORIDA; APPROVING THE SIXTEENTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK DEVELOPMENT OF REGIONAL IMPACT IN RESPONSE TO A NOTICE OF PROPOSED CHANGE FILED BY LENNAR HOMES, INC.; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 11, 1986, the City of Tampa ("City") adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to Chapter 380, *Florida Statutes*, for the Tampa Technology Park, a Development of Regional Impact ("DRI"); and

WHEREAS, on December 18, 1986, the City adopted Ordinance No. 9466-A, which amended the Development Order (the "First Amendment"); and

WHEREAS, on October 10, 1991, the City adopted Ordinances Nos. 91-194 and 91-195, the Second and Third Amendments, respectively, to the Development Order; and

WHEREAS, on December 19, 1991, the City approved Ordinance No. 91-229, as the Fourth Amendment to the Development Order (the "Fourth Amendment"), which Fourth Amendment repealed the Third Amendment, Ordinance No. 91-195, and amended certain other provisions of the Development Order; and

WHEREAS, the Fourth Amendment approved an allocation of development entitlements (including land uses and external PM peak hour trips), and adopted separate master plan maps for portions of the DRI know as Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on October 27, 1994, the City adopted Ordinance 94-222, as the Fifth Amendment to the Development Order ("Fifth Amendment"), which Fifth Amendment allowed changes to the master plan for Tampa Technology Park (East) and tradeoff mechanisms and development conditions for Tampa Technology Park (East), and extended the buildout for the both Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on January 23, 1997, the City adopted Ordinance 97-16, as the Sixth Amendment to the Development Order ("Sixth Amendment"), which Sixth Amendment allowed changes to the approved land use schedule and master plan map for Tampa Technology Park (East); and

WHEREAS, on September 11, 1998, the City adopted Ordinance 98-188, as the Seventh Amendment to the Development Order, as amended by Ordinance 98-230 ("Seventh Amendment"), which Seventh Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc.; and

WHEREAS, on November 19, 1998, the City adopted Ordinance 98-252, as the Eighth Amendment to the Development Order ("Eighth Amendment"), which Eighth Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc.; and

WHEREAS, on January 7, 1999, the City adopted Ordinance 99-03, as the Ninth Amendment to the Development Order ("Ninth Amendment"), which Ninth Amendment allowed changes to the master plan for Tampa Technology Park, amended the buildout date for Phase I and provided replacement language related to the "Connector Road" to the East-West Roadway, based upon the application filed by Lennar Homes, Inc. and Starwood/Tampa I, L.P.; and

WHEREAS, on October 28, 1999, the City adopted Ordinance 99-237, as the Tenth Amendment to the Development Order ("Tenth Amendment"), which Tenth Amendment allowed changes to the master plan for Tampa Technology Park (West) to include middle school, high school and park uses, additional environmental preserve area, and simultaneous decreases of other approved land uses; and

WHEREAS, on January 6, 2000, the City adopted Ordinance 2000-5, as the Eleventh Amendment to the Development Order ("Eleventh Amendment"), which Eleventh Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (East); and

WHEREAS, on October 26, 2000, the City adopted Ordinance 2000-282, as the Twelfth Amendment to the Development Order ("Twelfth Amendment"), which Twelfth Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (West) (references herein to the "Development Order" shall include the Development Order and all subsequent amendments); and

WHEREAS, on October 4, 2001, the City adopted Ordinance 2001-219, as the Thirteenth Amendment to the Development Order ("Thirteenth Amendment"), which Thirteenth Amendment consolidated certain parcels in Tampa Technology Park (East);

WHEREAS, on December 5, 2002, the City adopted Ordinance 2002-260, as the Fourteenth Amendment to the Development Order ("Fourteenth Amendment"), which Fourteenth Amendment allowed the transfer of certain development entitlements among parcels located in Tampa Technology Park (East);

WHEREAS, on September 4, 2003, the City adopted Ordinance 2003-217, as the Fifteenth Amendment to the Development Order ("Fifteenth Amendment"), which Fifteenth Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (East);

WHEREAS, Lennar and United Services Automobile Association ("USAA") are the owners and developers of certain undeveloped portions of that part of the DRI Property lying south and west of I-75, which is commonly referred to as Tampa Technology Park (West), legally described in **Attachment 1** to this Ordinance (the "Tampa Technology Park (West) Property"); and

WHEREAS, on August 12, 2005, Lennar duly filed an application entitled "Notice of Proposed Change to a Previously Approved Development of Regional Impact pursuant to subsection 380.06(19), *Florida Statutes,* pertaining solely to the Tampa Technology Park (West) Property and has provided additional information requested by the reviewing agencies (collectively, the "NOPC"); and

WHEREAS, the changes proposed in the NOPC are solely with respect to the Tampa Technology Park (West) Property and include the following: (i) reduction of the Phase I development entitlements; (ii) an extension of the build-out date by 5 years; (iii) revision of Map H to reflect the reduction in development entitlements; and (iv) addition of a trade off mechanism to allow conversion of office use to commercial use (hereinafter referred to as "Proposed Changes").

WHEREAS, Lennar is not proposing any change to the approvals already granted to that portion of the DRI owned by USAA other than an extension of the build-out date; and

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

WHEREAS, the public notice requirements have been fulfilled; and

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

WHEREAS, City Council has held a duly noticed public hearing on the NOPC, which includes the Proposed Changes, and has reviewed and considered the NOPC as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, *Florida Statutes*, requires that a Development Order be amended to reflect City Council's approval of changes to an adopted Development Order.

NOW, THEREFORE

BE IT ORDAINED BY CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA THAT;

Section 1. **Findings of Fact.** The City Council, having received the above described documents, and having received all related comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, *Florida Statutes*, concerning substantial deviations, finds that there is substantial, competent, clear and convincing evidence to support the following findings of fact:

A. Lennar submitted an NOPC to the City requesting certain changes that apply solely to Tampa Technology Park (West).

B. The Tampa Technology Park DRI Development Order, as adopted by Ordinance 9359-A, and amended by Ordinances 9466-A, 91-194,91-229,91-195, 94-222, 97-16, 98-230, 98-252, 99-03, 99-237, 2000-282, 2001-219, 2002-260 and 2003-217 is a valid final development order within the provisions of Section 163.3167(8), *Florida Statutes.*

C. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, and coordinated with other DRI reviewing agencies, including but not limited to the Tampa Bay Regional Planning Council ("TBRPC"), and the Department of Community Affairs ("DCA").

D. The Proposed Changes are consistent with all City land development regulations and the City Comprehensive Plan.

E. The Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and are consistent with the State Comprehensive Plan.

F. The Proposed Changes do not individually or cumulatively create additional regional impacts on transportation or other public facilities including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed, and as such no further development of regional impact review is necessary.

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

A. These proceedings have been duly conducted pursuant to applicable law and regulations and based upon the record of these proceedings, the owners of Tampa Technology Park are authorized to conduct development as described in the Development Order, as amended herein, subject only to the amendments, conditions, restrictions and limitations as set forth in the Development Order, as amended herein.

B. The review of the City, TBRPC, DCA, and other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, *Florida Statutes*, within the terms and conditions of the Development Order, as amended herein.

C. The City has, at its proceedings, considered all previous changes and the changes approved herein and determined that such changes individually and cumulatively do not constitute a substantial deviation requiring further DRI review pursuant to Section 380.06, *Florida Statutes*.

D. This Ordinance does not constitute a substantial deviation from the Development Order, as defined in Chapter 380, *Florida Statutes*, and nothing herein shall limit or modify the protection afforded under Section 163.3167(8), *Florida Statutes*. Phase I of Tampa Technology Park remains vested pursuant to Section 163.3167(8), *Florida Statutes*, remains exempt from the provisions of City of Tampa Ordinance 90-32, Concurrency Management System. Phases II and III also remain vested except as to those matters listed in Section 4.U. of the Development Order (traffic, air quality, water quality, drainage and solid, including hazardous, waste).

E. The Proposed Changes authorized by this Ordinance do not individually or cumulatively create additional impacts or any type of impact not previously reviewed.

Section 3. **Order.** Having made the above findings of fact, and conclusions of law, it is ordered that the Development Order be amended as set forth below:

A. The Proposed Changes in the NOPC are approved and the Development Order is hereby amended to incorporate the NOPC, except as specifically modified herein.

B. Subsection 4.W. of the Development Order, as amended, solely with respect to the Tampa Technology Park (West) Property, is hereby amended to read:

> "W. Tampa Technology Park (West). With respect to the area of Tampa Technology Park lying south and west of I-75, which is commonly referred to as Tampa Technology Park (West) and graphically depicted on

the Revised Map H for Tampa Technology Park (West), dated September 30, 2005, attached hereto as **Attachment 2,** specific approval of Phase 1 includes the following:

1.	Residential (Sgl. Family)	181 units
2.	Residential (Multi-Family)	394 units
3.	Commercial/Office	82,108 sq. ft.
4.	Hotel	0 rooms
5.	Office	1,690,000 sq. ft.
	(Office for USAA)	(1,200,000 sq.ft.)
	(Office for Lennar)	(490,000 sq. ft.)
6.	High Tech/Light Industrial	-0- sq. ft.
7.	Government Services	
	High Sch./Middle School	68 net ac.
	City Park	40 net ac.

The land use entitlements shown above are subject to provisions related to trade-off mechanisms set forth in the Development order, as amended.

Further, 3,337 external P.M. peak hour trips are authorized in Phase I for Tampa Technology Park (West)."

C. Section 8 of the Development Order, as amended is hereby amended in part to provide:

With respect to Tampa Technology Park (West) only, the build-out date for Phase 1 shall be December 31, 2010.

D. The text of Subsection 4.Y. of the Development Order, as amended, with respect to the entire Tampa Technology Park DRI, is deleted in its entirety and replaced with the following:

"Revised Map H. The master plan of development for Tampa Technology Park is revised as reflected on the Revised Map H, attached hereto as Exhibit A-2, consisting of two sheets, and is hereby approved and adopted as the Tampa Technology Park Master Plan. Sheet one of the two sheets comprising Exhibit "A-2" shows Tampa Technology Park (East) and bears a last revision date of November 20, 1998. Sheet two of the two sheets comprising Exhibit "A-2" shows Tampa Technology Park (West) and bears a last revision date of September 30, 2005."

Copies of sheet one of two and sheet two of two of Exhibit "A-2," as amended herein, are attached as **Attachment 2** to this Ordinance.

E. The text of Attachment 4 to the Development Order, as adopted by Ordinance No. 2000-282, is hereby amended to read:

ATTACHMENT 4
MISCELLANEOUS TRANSPORTATION NOTES

(Note 4) Roadways, except for the private access drives to the individual parcels, shall be designed and constructed in accordance with the standards of the City of Tampa, Department of Public Works. All roads shall provide adequate access for sanitary, fire fighting and other vehicles as required by the City of Tampa Code at the time of permitting.

(Note 21) Lennar Land Partners shall fulfill its obligation for signalizing the main entrances to the school and park sites when warrants are met, as set forth in Section 10, of the Addendum to Contract between Lennar Land Partners and Hillsborough County School Board, dated October 5, 1999.

(Note 23) [Intentionally omitted.]

(Note 24) Within forty-five (45) days following the adoption of this ordinance, and the expiration of all applicable appeal periods, Lennar Land Partners shall contribute to the City the sum of $955,624.43 towards the completion of the 4 laning of Commerce Park Blvd. from the future intersection of Commerce Park Blvd. at the New Tampa extension to the existing 4-lane section of Commerce Park Blvd. Monies contributed under this paragraph may be partially or fully utilized to fund the construction of the New Tampa Blvd. extension, including the bridge over I-75. The making of this contribution and the contribution described in Note 27 below by Lennar Land Partners shall constitute full satisfaction of its obligations with regard to the improvement of Commerce Park Boulevard notwithstanding any other provision in the Development Order.

(Note 25) Access to the Frontage Road may require improvements that are necessary to accommodate increased traffic volume. Temporary construction access along the Frontage Road will be allowed. Any developer of the Flex B Parcel agrees that any damage to this Frontage Road that occurs as a result of this construction activity will be repaired to its current condition.

(Note 26) The connection between Palm Springs Blvd. and Commerce Park Blvd. can be constructed at the option of the Developer.

(Note 27) Within forty-five (45) days following the adoption of this ordinance, and the expiration of all applicable appeal periods, Lennar Land Partners agrees to pay to the City of Tampa the sum of $178,748.55, representing its proportionate share of the at-grade intersection improvement costs, including signalization, of Tampa Palms Blvd. and Commerce Park Blvd. The making of this contribution and the contribution described in foregoing Note 24 by Lennar Land Partners shall constitute full satisfaction of its obligations with regard to the improvement of Commerce Park Boulevard notwithstanding any other provision in the Development Order.

F. The text of Subsection 4.X.1.b. of the Development Order, as amended, with respect to the entire Tampa Technology Park DRI, is deleted in its entirety and replaced with the following:

"1.b With respect to Tampa Technology Park (West) only: 1,000 square feet of Office is equivalent to 1,368 square feet of High Tech/Light Industrial land use and vice versa. As to Flex Parcel B only, 1,000 square feet of Office is equivalent to 370 square feet of Commercial land use and vice versa. 2,125 square feet of Office is equivalent to 1.0 single family residential unit and vice versa. 2,878 square feet of High Tech/Light Industrial is equivalent to 1.0 single family residential unit and vice versa. One (1.0) single family residential unit is equivalent to 1.53 multi-family residential units and vice versa. One (1.0) single family residential unit is equivalent to six (6.0) hotel rooms and vice versa. One (1.0) multi-family residential unit is equivalent to four (4.0) hotel rooms and vice versa."

G. Section 4.X.5 of the Development Order, as amended, solely with respect to the Tampa Technology Park (West) Property, is hereby deleted in its entirety and replaced with the following:

"5. In Tampa Technology Park (West), the maximum amount of each type of development as a result of utilizing the trade-off mechanism shall be as follows:

Commercial/Office	82,108 square feet
Hotel	160 rooms
Office	1,852,162 sq. ft.
High Tech/Light Industrial	400,000 sq. ft.

Approval of these maximums or any combination thereof shall not be construed as authorization for the project to generate additional trips than already allocated to Tampa Technology Park West."

H. USAA Approvals. The parcel owned and identified on Revised Map H as the USAA project shall continue to be governed solely by the approvals existing prior to the approval of this amendment to the Development Order, except that the USAA

parcel, as well as the remainder of Tampa Technology Park West, shall be governed by the build-out date approved in this amendment to the Development Order.

I. Concurrency Management Exemptions. The changes approved by this Amendment to the Development Order are exempt from the provisions of Ordinance 90-32 City of Tampa Concurrency Management System, and the Tampa Technology Park DRI remains vested thereunder.

J. Drainage. Lennar Land Partners represents and warrants that the master drainage system for Tampa Technology Park West was constructed with the intention of providing capacity to accommodate drainage resulting from the four (4) laning of the segment of Commerce Park Boulevard as provided in revised note 24 in Attachment 4 set forth above. If adequate capacity exists for drainage resulting from the four (4) laning of this segment of Commerce Park Boulevard, then the City of Tampa shall be allowed to utilize the master drainage system for Tampa Technology Park West at no additional cost to the City.

Section 4. Development Order, As Amended. This Ordinance shall constitute the Sixteenth Amendment to the Development Order as passed and ordained by City Council. All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the development, unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and the conditions of this Ordinance shall govern.

Section 5. Binding Effect. That this Ordinance shall be binding upon Lennar, its assigns and its successors in interest and, as applicable, other owners of the DRI.

Section 6. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 7. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming law, to Lennar, DCA, County and HCSB.

Section 8. Rendition. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, *Florida Statutes.*

Section 9. Recording. That Lennar shall record a notice of adoption of this Ordinance pursuant to Chapter 380, *Florida Statutes.*

Section 10. Effective Date. That this Ordinance shall become a law as provided in the City's Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JAN 2 6 2006.

Gwendolyn M. Miller
Chairman, City Council

Approved by me on JAN 2 7 2006

Attest:

By: Shirley Foxx-Knowles
City Clerk

Mayor

Approved as to form by:

Assistant City Attorney

ATTACHMENTS #
1. Legal for TTP West Property
2. Revised "Exhibit A-2," Revised Map H for TTP East and for TTP West

01/11/06 3:10 PM
34119.110283
#364852 v2 - Lennar/TTW/2006 Final Ordinance

ATTACHMENT 1

LEGAL DESCRIPTION FOR THE TAMPA TECHNOLOGY (WEST) PROPERTY

DESCRIPTION: A parcel of land lying in Sections 14, 15, 16, 22 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 14, run thence along the North boundary of the North 1/2 of said Section 14, S.89°45'59"E., 855.53 feet to a point on the Westerly right-of-way line of the Westerly Frontage Road of Interstate Highway No. 75 as recorded in Official Record Book 3613, Page 910 and Official Record Book 3807, Page 139 of the Public Records of Hillsborough County, Florida; thence along said Westerly right-of-way line the following nine (9) courses: 1) S.31°10'42"E., 334.83 feet to a point of curvature; 2) Southeasterly, 1349.57 feet along the arc of a curve to the right having a radius of 5487.58 feet and a central angle of 14°05'27" (chord bearing S.24°07'58"E., 1346.17 feet) to a point of tangency; 3) S.17°05'15"E., 3729.12 feet to a point of curvature; 4) Southeasterly, 197.21 feet along the arc of a curve to the right having a radius of 2824.79 feet and a central angle of 04°00'00" (chord bearing S.15°05'15"E., 197.17 feet) to a point of tangency; 5) S.13°05'15"E., 417.31 feet to a point of curvature; 6) Southeasterly, 509.67 feet along the arc of a curve to the right having a radius of 2690.70 feet and a central angle of 10°51'09" (chord bearing S.07°39'40"E., 508.91 feet) to a point of tangency; 7) S.02°14'06"E., 1285.25 feet to a point of curvature; 8) Southwesterly, 430.48 feet along the arc of a curve to the right having a radius of 591.50 feet and a central angle of 41°41'54"(chord bearing S.18°36'51"W., 421.04 feet) to a point of tangency; 9) S.39°27'48"W., 79.10 feet to a point on the South boundary of the Northwest 1/4 of the aforesaid Section 23; thence along said South boundary of the Northwest 1/4 of Section 23, N.89°30'00"W., 2688.71 feet; thence along the South boundary of the Northeast 1/4 of the aforesaid Section 22, N.89°52'54"W., 2659.65 feet; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 2640.14 feet; thence along the South boundary of the South 1/4 of the aforesaid Section 15, N.89°45'09"W., 2663.36 feet; thence along the South boundary of the Southeast 1/4 of the aforesaid Section 16, N.88°54'49"W., 2663.84 feet; thence along the West boundary of said Southeast 1/4 of Section 16, N.00°23'14"E., 1321.12 feet; thence along the North boundary of the South 1/2 of said Southeast 1/4 of Section 16, S.89°01'50"E., 2653.75 feet; thence along the West boundary of the North 1/2 of the Southwest 1/4 of the aforesaid Section 15, N.00°02'04"W., 1324.45 feet; thence along the North boundary of said North 1/2 of the Southwest 1/4 of Section 15, S.89°33'50"E., 1323.11 feet; thence along the West boundary of the Southeast 1/4 of the Northwest 1/4 of the aforesaid Section 15, N.00°13'13"W., 1329.19 feet; thence along the North boundary of said Southeast 1/4 of the Northwest 1/4 of Section 15, S.89°24'30"E., 1318.83 feet; thence along the West boundary of the Northeast 1/4 of the aforesaid Section 15, N.00°24'26"W., 1325.67 feet; thence along the North boundary of said Northeast 1/4 of Section 15, S.89°15'06"E., 2629.12 feet to the POINT OF BEGINNING.

Containing 1160.164 acres, more or less.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, according to the plat thereof as recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida, lying South of the South boundary of the Northwest 1/4 of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida.

Containing 17.341 acres, more or less.

LESS THE FOLLOWING DESCRIBED PARCEL:

TAMPA TECHNOLOGY PARK WEST
LAND SWAP PARCEL

DESCRIPTION: A parcel of land in Section 22, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

From the Southeast corner of the Northeast 1/4 of said Section 22, run thence N.89°52'54"W., 1014.52 feet along the South boundary of said Northeast 1/4 of Section 22 to the POINT OF BEGINNING; thence continue along said South boundary, N.89°52'54"W., 1645.13 feet to Southwest corner of said Northeast 1/4 of Section 22; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 681.12 feet; thence S.89°55'54"E., 242.68 feet; thence S.50°13'02"E., 512.61 feet; thence N.50°52'31"E., 518.31 feet; thence S.66°08'17"E., 43.74 feet; thence S.33°46'53"E., 32.57 feet; thence S.87°41'55"E., 34.29 feet; thence S.14°38'10"W., 166.29 feet; thence S.32°58'36"E., 111.60 feet; thence N.80°32'04"E., 56.96 feet; thence S.44°29'40"E., 329.75 feet; thence S.51°57'53"E., 25.34 feet; thence S.89°52'54"E., 187.56 feet; thence S.00°07'06"W., 140.76 feet to the POINT OF
BEGINNING

Containing 17.341 acres, more or less.

Together Containing 1160.164 acres, more or less.

DRI #139

Tampa Technology Park West

Attachment 2
Revised Exhibit "A-2"
Map H

Located in Original Development Order Book

#139

CITY OF TAMPA

Pam Iorio, Mayor

Office of the City Clerk

Shirley Foxx-Knowles
City Clerk

February 1, 2006

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

File No. DZ86-155 Tampa Technology Park DRI

Dear Sir:

A certified copy of Ordinance No. 2006-20 was previously sent to your department on January 30, 2006. I am enclosing the NOPC Application for the Tampa Technology Park DRI. This application is being transmitted for your information and record keeping process, also as an addition to the ordinance previously transmitted.

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

Sincerely,

Shirley Foxx-Knowles

Shirley Foxx-Knowles
City Clerk

SFK/sb

Enclosure: NOPC Application
CERTIFIED MAIL

DRI #139

Tampa Technology Park (West)

NOPC application is located in the Project File for this DRI, under Ordinance No. 2006-20

#139

CITY OF TAMPA

Pam Iorio, Mayor

Office of the City Clerk

Shirley Foxx-Knowles
City Clerk

January 30, 2006

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

File No. DZ86-155 Tampa Technology Park DRI

Dear Sir:

The City Council of the City of Tampa met in regular session on January 26, 2006 at 9:00 a.m. During that session, the enclosed ordinance was adopted regarding the above listed petition. This ordinance is being transmitted for your information and record keeping process.

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

Sincerely,

Shirley Foxx-Knowles

Shirley Foxx-Knowles
City Clerk

SFK/sb

Enclosure: Certified Copy of Ordinance 2006-20
CERTIFIED MAIL

cc: TBRPC

Ordinance No. 2006-20

AN ORDINANCE OF CITY OF TAMPA, FLORIDA; APPROVING THE SIXTEENTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK DEVELOPMENT OF REGIONAL IMPACT IN RESPONSE TO A NOTICE OF PROPOSED CHANGE FILED BY LENNAR HOMES, INC.; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 11, 1986, the City of Tampa ("City") adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to Chapter 380, *Florida Statutes*, for the Tampa Technology Park, a Development of Regional Impact ("DRI"); and

WHEREAS, on December 18, 1986, the City adopted Ordinance No. 9466-A, which amended the Development Order (the "First Amendment"); and

WHEREAS, on October 10, 1991, the City adopted Ordinances Nos. 91-194 and 91-195, the Second and Third Amendments, respectively, to the Development Order; and

WHEREAS, on December 19, 1991, the City approved Ordinance No. 91-229, as the Fourth Amendment to the Development Order (the "Fourth Amendment"), which Fourth Amendment repealed the Third Amendment, Ordinance No. 91-195, and amended certain other provisions of the Development Order; and

WHEREAS, the Fourth Amendment approved an allocation of development entitlements (including land uses and external PM peak hour trips), and adopted separate master plan maps for portions of the DRI know as Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on October 27, 1994, the City adopted Ordinance 94-222, as the Fifth Amendment to the Development Order ("Fifth Amendment"), which Fifth Amendment allowed changes to the master plan for Tampa Technology Park (East) and tradeoff mechanisms and development conditions for Tampa Technology Park (East), and extended the buildout for the both Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on January 23, 1997, the City adopted Ordinance 97-16, as the Sixth Amendment to the Development Order ("Sixth Amendment"), which Sixth Amendment allowed changes to the approved land use schedule and master plan map for Tampa Technology Park (East); and

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WHEREAS, on September 11, 1998, the City adopted Ordinance 98-188, as the Seventh Amendment to the Development Order, as amended by Ordinance 98-230 ("Seventh Amendment"), which Seventh Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc.; and

WHEREAS, on November 19, 1998, the City adopted Ordinance 98-252, as the Eighth Amendment to the Development Order ("Eighth Amendment"), which Eighth Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc.; and

WHEREAS, on January 7, 1999, the City adopted Ordinance 99-03, as the Ninth Amendment to the Development Order ("Ninth Amendment"), which Ninth Amendment allowed changes to the master plan for Tampa Technology Park, amended the buildout date for Phase I and provided replacement language related to the "Connector Road" to the East-West Roadway, based upon the application filed by Lennar Homes, Inc. and Starwood/Tampa I, L.P.; and

WHEREAS, on October 28, 1999, the City adopted Ordinance 99-237, as the Tenth Amendment to the Development Order ("Tenth Amendment"), which Tenth Amendment allowed changes to the master plan for Tampa Technology Park (West) to include middle school, high school and park uses, additional environmental preserve area, and simultaneous decreases of other approved land uses; and

WHEREAS, on January 6, 2000, the City adopted Ordinance 2000-5, as the Eleventh Amendment to the Development Order ("Eleventh Amendment"), which Eleventh Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (East); and

WHEREAS, on October 26, 2000, the City adopted Ordinance 2000-282, as the Twelfth Amendment to the Development Order ("Twelfth Amendment"), which Twelfth Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (West) (references herein to the "Development Order" shall include the Development Order and all subsequent amendments); and

WHEREAS, on October 4, 2001, the City adopted Ordinance 2001-219, as the Thirteenth Amendment to the Development Order ("Thirteenth Amendment"), which Thirteenth Amendment consolidated certain parcels in Tampa Technology Park (East);

WHEREAS, on December 5, 2002, the City adopted Ordinance 2002-260, as the Fourteenth Amendment to the Development Order ("Fourteenth Amendment"), which Fourteenth Amendment allowed the transfer of certain development entitlements among parcels located in Tampa Technology Park (East);

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WHEREAS, on September 4, 2003, the City adopted Ordinance 2003-217, as the Fifteenth Amendment to the Development Order ("Fifteenth Amendment"), which Fifteenth Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (East);

WHEREAS, Lennar and United Services Automobile Association ("USAA") are the owners and developers of certain undeveloped portions of that part of the DRI Property lying south and west of I-75, which is commonly referred to as Tampa Technology Park (West), legally described in **Attachment 1** to this Ordinance (the "Tampa Technology Park (West) Property"); and

WHEREAS, on August 12, 2005, Lennar duly filed an application entitled "Notice of Proposed Change to a Previously Approved Development of Regional Impact pursuant to subsection 380.06(19), *Florida Statutes,* pertaining solely to the Tampa Technology Park (West) Property and has provided additional information requested by the reviewing agencies (collectively, the "NOPC"); and

WHEREAS, the changes proposed in the NOPC are solely with respect to the Tampa Technology Park (West) Property and include the following: (i) reduction of the Phase I development entitlements; (ii) an extension of the build-out date by 5 years; (iii) revision of Map H to reflect the reduction in development entitlements; and (iv) addition of a trade off mechanism to allow conversion of office use to commercial use (hereinafter referred to as "Proposed Changes").

WHEREAS, Lennar is not proposing any change to the approvals already granted to that portion of the DRI owned by USAA other than an extension of the build-out date; and

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

WHEREAS, the public notice requirements have been fulfilled; and

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

WHEREAS, City Council has held a duly noticed public hearing on the NOPC, which includes the Proposed Changes, and has reviewed and considered the NOPC as well as all testimony and evidence submitted by certain parties and members of the general public; and

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and correct copy

WHEREAS, Section 380.06, *Florida Statutes*, requires that a Development Order be amended to reflect City Council's approval of changes to an adopted Development Order.

NOW, THEREFORE

BE IT ORDAINED BY CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA THAT;

Section 1. Findings of Fact. The City Council, having received the above described documents, and having received all related comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, *Florida Statutes*, concerning substantial deviations, finds that there is substantial, competent, clear and convincing evidence to support the following findings of fact:

A. Lennar submitted an NOPC to the City requesting certain changes that apply solely to Tampa Technology Park (West).

B. The Tampa Technology Park DRI Development Order, as adopted by Ordinance 9359-A, and amended by Ordinances 9466-A, 91-194,91-229,91-195, 94-222, 97-16, 98-230, 98-252, 99-03, 99-237, 2000-282, 2001-219, 2002-260 and 2003-217 is a valid final development order within the provisions of Section 163.3167(8), *Florida Statutes*.

C. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, and coordinated with other DRI reviewing agencies, including but not limited to the Tampa Bay Regional Planning Council ("TBRPC"), and the Department of Community Affairs ("DCA").

D. The Proposed Changes are consistent with all City land development regulations and the City Comprehensive Plan.

E. The Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and are consistent with the State Comprehensive Plan.

F. The Proposed Changes do not individually or cumulatively create additional regional impacts on transportation or other public facilities including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed, and as such no further development of regional impact review is necessary.

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and correct copy

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

A. These proceedings have been duly conducted pursuant to applicable law and regulations and based upon the record of these proceedings, the owners of Tampa Technology Park are authorized to conduct development as described in the Development Order, as amended herein, subject only to the amendments, conditions, restrictions and limitations as set forth in the Development Order, as amended herein.

B. The review of the City, TBRPC, DCA, and other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, *Florida Statutes*, within the terms and conditions of the Development Order, as amended herein.

C. The City has, at its proceedings, considered all previous changes and the changes approved herein and determined that such changes individually and cumulatively do not constitute a substantial deviation requiring further DRI review pursuant to Section 380.06, *Florida Statutes*.

D. This Ordinance does not constitute a substantial deviation from the Development Order, as defined in Chapter 380, *Florida Statutes*, and nothing herein shall limit or modify the protection afforded under Section 163.3167(8), *Florida Statutes*. Phase I of Tampa Technology Park remains vested pursuant to Section 163.3167(8), *Florida Statutes*, remains exempt from the provisions of City of Tampa Ordinance 90-32, Concurrency Management System. Phases II and III also remain vested except as to those matters listed in Section 4.U. of the Development Order (traffic, air quality, water quality, drainage and solid, including hazardous, waste).

E. The Proposed Changes authorized by this Ordinance do not individually or cumulatively create additional impacts or any type of impact not previously reviewed.

Section 3. Order. Having made the above findings of fact, and conclusions of law, it is ordered that the Development Order be amended as set forth below:

A. The Proposed Changes in the NOPC are approved and the Development Order is hereby amended to incorporate the NOPC, except as specifically modified herein.

B. Subsection 4.W. of the Development Order, as amended, solely with respect to the Tampa Technology Park (West) Property, is hereby amended to read:

"W. Tampa Technology Park (West). With respect to the area of Tampa Technology Park lying south and west of I-75, which is commonly referred to as Tampa Technology Park (West) and graphically depicted on

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the Revised Map H for Tampa Technology Park (West), dated September 30, 2005, attached hereto as **Attachment 2,** specific approval of Phase 1 includes the following:

1.	Residential (Sgl. Family)	181 units
2.	Residential (Multi-Family)	394 units
3.	Commercial/Office	82,108 sq. ft.
4.	Hotel	0 rooms
5.	Office	1,690,000 sq. ft.
	(Office for USAA)	(1,200,000 sq.ft.)
	(Office for Lennar)	(490,000 sq. ft.)
6.	High Tech/Light Industrial	-0- sq. ft.
7.	Government Services	
	High Sch./Middle School	68 net ac.
	City Park	40 net ac.

The land use entitlements shown above are subject to provisions related to trade-off mechanisms set forth in the Development order, as amended.

Further, 3,337 external P.M. peak hour trips are authorized in Phase I for Tampa Technology Park (West)."

C. Section 8 of the Development Order, as amended is hereby amended in part to provide:

With respect to Tampa Technology Park (West) only, the build-out date for Phase 1 shall be December 31, 2010.

D. The text of Subsection 4.Y. of the Development Order, as amended, with respect to the entire Tampa Technology Park DRI, is deleted in its entirety and replaced with the following:

"Revised Map H. The master plan of development for Tampa Technology Park is revised as reflected on the Revised Map H, attached hereto as Exhibit A-2, consisting of two sheets, and is hereby approved and adopted as the Tampa Technology Park Master Plan. Sheet one of the two sheets comprising Exhibit "A-2" shows Tampa Technology Park (East) and bears a last revision date of November 20, 1998. Sheet two of the two sheets comprising Exhibit "A-2" shows Tampa Technology Park (West) and bears a last revision date of September 30, 2005."

Certified as true and correct copy

Copies of sheet one of two and sheet two of two of Exhibit "A-2," as amended herein, are attached as **Attachment 2** to this Ordinance.

E. The text of Attachment 4 to the Development Order, as adopted by Ordinance No. 2000-282, is hereby amended to read:

ATTACHMENT 4
MISCELLANEOUS TRANSPORTATION NOTES

(Note 4) Roadways, except for the private access drives to the individual parcels, shall be designed and constructed in accordance with the standards of the City of Tampa, Department of Public Works. All roads shall provide adequate access for sanitary, fire fighting and other vehicles as required by the City of Tampa Code at the time of permitting.

(Note 21) Lennar Land Partners shall fulfill its obligation for signalizing the main entrances to the school and park sites when warrants are met, as set forth in Section 10, of the Addendum to Contract between Lennar Land Partners and Hillsborough County School Board, dated October 5, 1999.

(Note 23) [Intentionally omitted.]

(Note 24) Within forty-five (45) days following the adoption of this ordinance, and the expiration of all applicable appeal periods, Lennar Land Partners shall contribute to the City the sum of $955,624.43 towards the completion of the 4 laning of Commerce Park Blvd. from the future intersection of Commerce Park Blvd. at the New Tampa extension to the existing 4-lane section of Commerce Park Blvd. Monies contributed under this paragraph may be partially or fully utilized to fund the construction of the New Tampa Blvd. extension, including the bridge over I-75. The making of this contribution and the contribution described in Note 27 below by Lennar Land Partners shall constitute full satisfaction of its obligations with regard to the improvement of Commerce Park Boulevard notwithstanding any other provision in the Development Order.

(Note 25) Access to the Frontage Road may require improvements that are necessary to accommodate increased traffic volume. Temporary construction access along the Frontage Road will be allowed. Any developer of the Flex B Parcel agrees that any damage to this Frontage Road that occurs as a result of this construction activity will be repaired to its current condition.

(Note 26) The connection between Palm Springs Blvd. and Commerce Park Blvd. can be constructed at the option of the Developer.

Certified as true and correct copy

(Note 27) Within forty-five (45) days following the adoption of this ordinance, and the expiration of all applicable appeal periods, Lennar Land Partners agrees to pay to the City of Tampa the sum of $178,748.55, representing its proportionate share of the at-grade intersection improvement costs, including signalization, of Tampa Palms Blvd. and Commerce Park Blvd. The making of this contribution and the contribution described in foregoing Note 24 by Lennar Land Partners shall constitute full satisfaction of its obligations with regard to the improvement of Commerce Park Boulevard notwithstanding any other provision in the Development Order.

F. The text of Subsection 4.X.1.b. of the Development Order, as amended, with respect to the entire Tampa Technology Park DRI, is deleted in its entirety and replaced with the following:

"1.b With respect to Tampa Technology Park (West) only: 1,000 square feet of Office is equivalent to 1,368 square feet of High Tech/Light Industrial land use and vice versa. As to Flex Parcel B only, 1,000 square feet of Office is equivalent to 370 square feet of Commercial land use and vice versa. 2,125 square feet of Office is equivalent to 1.0 single family residential unit and vice versa. 2,878 square feet of High Tech/Light Industrial is equivalent to 1.0 single family residential unit and vice versa. One (1.0) single family residential unit is equivalent to 1.53 multi-family residential units and vice versa. One (1.0) single family residential unit is equivalent to six (6.0) hotel rooms and vice versa. One (1.0) multi-family residential unit is equivalent to four (4.0) hotel rooms and vice versa."

G. Section 4.X.5 of the Development Order, as amended, solely with respect to the Tampa Technology Park (West) Property, is hereby deleted in its entirety and replaced with the following:

"5. In Tampa Technology Park (West), the maximum amount of each type of development as a result of utilizing the trade-off mechanism shall be as follows:

Commercial/Office	82,108 square feet
Hotel	160 rooms
Office	1,852,162 sq. ft.
High Tech/Light Industrial	400,000 sq. ft.

Approval of these maximums or any combination thereof shall not be construed as authorization for the project to generate additional trips than already allocated to Tampa Technology Park West."

H. USAA Approvals. The parcel owned and identified on Revised Map H as the USAA project shall continue to be governed solely by the approvals existing prior to the approval of this amendment to the Development Order, except that the USAA

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parcel, as well as the remainder of Tampa Technology Park West, shall be governed by the build-out date approved in this amendment to the Development Order.

I. Concurrency Management Exemptions. The changes approved by this Amendment to the Development Order are exempt from the provisions of Ordinance 90-32 City of Tampa Concurrency Management System, and the Tampa Technology Park DRI remains vested thereunder.

J. Drainage. Lennar Land Partners represents and warrants that the master drainage system for Tampa Technology Park West was constructed with the intention of providing capacity to accommodate drainage resulting from the four (4) laning of the segment of Commerce Park Boulevard as provided in revised note 24 in Attachment 4 set forth above. If adequate capacity exists for drainage resulting from the four (4) laning of this segment of Commerce Park Boulevard, then the City of Tampa shall be allowed to utilize the master drainage system for Tampa Technology Park West at no additional cost to the City.

Section 4. Development Order, As Amended. This Ordinance shall constitute the Sixteenth Amendment to the Development Order as passed and ordained by City Council. All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the development, unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and the conditions of this Ordinance shall govern.

Section 5. Binding Effect. That this Ordinance shall be binding upon Lennar, its assigns and its successors in interest and, as applicable, other owners of the DRI.

Section 6. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 7. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming law, to Lennar, DCA, County and HCSB.

Section 8. Rendition. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, *Florida Statutes.*

Section 9. Recording. That Lennar shall record a notice of adoption of this Ordinance pursuant to Chapter 380, *Florida Statutes.*

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Section 10. Effective Date. That this Ordinance shall become a law as provided in the City's Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JAN 2 6 2006.

Gwendolyn M. Miller
Chairman, City Council

Approved by me on JAN 2 7 2006

Attest:

By: Shirley Fork-Knowles
City Clerk

Pam Iorio
Mayor

Approved as to form by:

Assistant City Attorney

ATTACHMENTS #
1. Legal for TTP West Property
2. Revised "Exhibit A-2," Revised Map H for TTP East and for TTP West

01/11/06 3:10 PM
34119.110283
#364852 v2 - Lennar/TTW/2006 Final Ordinance

State of Florida
County of Hillsborough
This is to certify that the foregoing is a
true and correct copy of Ordinance 2006-20
on file on my office
Witness my hand and official seal this 30th day
of January, 2006
Shirley Fork-Knowles
CITY CLERK / DEPUTY CITY CLERK

ATTACHMENT 1

LEGAL DESCRIPTION FOR THE TAMPA TECHNOLOGY (WEST) PROPERTY

DESCRIPTION: A parcel of land lying in Sections 14, 15, 16, 22 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 14, run thence along the North boundary of the North 1/2 of said Section 14, S.89°45'59"E., 855.53 feet to a point on the Westerly right-of-way line of the Westerly Frontage Road of Interstate Highway No. 75 as recorded in Official Record Book 3613, Page 910 and Official Record Book 3807, Page 139 of the Public Records of Hillsborough County, Florida, thence along said Westerly right-of-way line the following nine (9) courses: 1) S.31°10'42"E., 334.83 feet to a point of curvature; 2) Southeasterly, 1349.57 feet along the arc of a curve to the right having a radius of 5487.58 feet and a central angle of 14°05'27" (chord bearing S.24°07'58"E., 1346.17 feet) to a point of tangency; 3) S.17°05'15"E., 3729.12 feet to a point of curvature; 4) Southeasterly, 197.21 feet along the arc of a curve to the right having a radius of 2824.79 feet and a central angle of 04°00'00" (chord bearing S.15°05'15"E., 197.17 feet) to a point of tangency; 5) S.13°05'15"E., 417.31 feet to a point of curvature; 6) Southeasterly, 509.67 feet along the arc of a curve to the right having a radius of 2690.70 feet and a central angle of 10°51'09" (chord bearing S.07°39'40"E., 508.91 feet) to a point of tangency; 7) S.02°14'06"E., 1285.25 feet to a point of curvature; 8) Southwesterly, 430.48 feet along the arc of a curve to the right having a radius of 591.50 feet and a central angle of 41°41'54"(chord bearing S.18°36'51"W., 421.04 feet) to a point of tangency; 9) S.39°27'48"W., 79.10 feet to a point on the South boundary of the Northwest 1/4 of the aforesaid Section 23; thence along said South boundary of the Northwest 1/4 of Section 23, N.89°30'00"W., 2688.71 feet; thence along the South boundary of the Northeast 1/4 of the aforesaid Section 22, N.89°52'54"W., 2659.65 feet; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 2640.14 feet; thence along the South boundary of the South 1/4 of the aforesaid Section 15, N.89°45'09"W., 2663.36 feet; thence along the South boundary of the Southeast 1/4 of the aforesaid Section 16, N.88°54'49"W., 2663.84 feet; thence along the West boundary of said Southeast 1/4 of Section 16, N.00°23'14"E., 1321.12 feet; thence along the North boundary of the South 1/2 of said Southeast 1/4 of Section 16, S.89°01'50"E., 2653.75 feet; thence along the West boundary of the North 1/2 of the Southwest 1/4 of the aforesaid Section 15, N.00°02'04"W., 1324.45 feet; thence along the North boundary of said North 1/2 of the Southwest 1/4 of Section 15, S.89°33'50"E., 1323.11 feet; thence along the West boundary of the Southeast 1/4 of the Northwest 1/4 of the aforesaid Section 15, N.00°13'13"W., 1329.19 feet; thence along the North boundary of said Southeast 1/4 of the Northwest 1/4 of Section 15, S.89°24'30"E., 1318.83 feet; thence along the West boundary of the Northeast 1/4 of the aforesaid Section 15, N.00°24'26"W., 1325.67 feet; thence along the North boundary of said Northeast 1/4 of Section 15, S.89°15'06"E., 2629.12 feet to the POINT OF BEGINNING.

Containing 1160.164 acres, more or less.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, according to the plat thereof as recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida, lying South of the South boundary of the Northwest 1/4 of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida.

Containing 17.341 acres, more or less.

LESS THE FOLLOWING DESCRIBED PARCEL:

TAMPA TECHNOLOGY PARK WEST
LAND SWAP PARCEL

DESCRIPTION: A parcel of land in Section 22, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

From the Southeast corner of the Northeast 1/4 of said Section 22, run thence N.89°52'54"W., 1014.52 feet along the South boundary of said Northeast 1/4 of Section 22 to the POINT OF BEGINNING; thence continue along said South boundary, N.89°52'54"W., 1645.13 feet to Southwest corner of said Northeast 1/4 of Section 22; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 681.12 feet; thence S.89°55'54"E., 242.68 feet; thence S.50°13'02"E., 512.61 feet; thence N.50°52'31"E., 518.31 feet; thence S.66°08'17"E., 43.74 feet; thence S.33°46'53"E., 32.57 feet; thence S.87°41'55"E., 34.29 feet; thence S.14°36'10"W., 166.29 feet; thence S.32°58'36"E., 111.60 feet; thence N.80°32'04"E., 56.96 feet; thence S.44°29'40"E., 329.75 feet; thence S.51°57'53"E., 25.34 feet; thence S.89°52'54"E., 187.56 feet; thence S.00°07'06"W., 140.76 feet to the POINT OF BEGINNING

Containing 17.341 acres, more or less.

Together Containing 1160.164 acres, more or less.

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#B7E

CITY OF TAMPA

Pam Iorio, Mayor

Office of the City Clerk

Shirley Foxx-Knowles
City Clerk

September 8, 2003

Tampa Bay Regional Planning Council
Attention: John Meyer
9455 Koger Blvd.
St. Petersburg FL 33702

RE: Petition DZ85-166 15th Amendment to Tampa Tech Park East

Dear Sir:

The enclosed certified ordinance is being transmitted for you information and record-keeping process.

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

Sincerely,

Shirley Foxx-Knowles
City Clerk

SFK/gsg

Certified copy ORD 2003-217

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

TampaGov
www.tampagov.net

CC + certified mail
Tampa Bay Regional Planning Council

ORDINANCE NO. 2003- 217

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE FIFTEENTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK EAST DEVELOPMENT OF REGIONAL IMPACT, DRI #139, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT, RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, IN RESPONSE TO A NOTIFICATION OF PROPOSED CHANGE FILED BY 581 HIGHWOODS L.P.; APPROVING AN INCREASE IN THE NUMBER OF RESIDENTIAL UNITS, PROVIDING A LAND USE TRADE-OFF STANDARD FOR THE ADDITIONAL RESIDENTIAL UNITS AND CLARIFYING THE NEIGHBORHOOD PARK REQUIREMENT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on September 12, 1986, the City of Tampa ("City") adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to Chapter 380, Florida Statutes, for the Tampa Technology Park, a Development of Regional Impact ("DRI"); and

WHEREAS, on December 19, 1986, the City adopted Ordinance No. 9466-A, as the First Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, on October 10, 1991, the City adopted Ordinance Nos. 91-194 and 91-195, as the Second and Third Amendments (hereinafter said ordinances shall respectively be referred to as the "Second Amendment" and the "Third Amendment"); and

WHEREAS, on December 23, 1991, the City adopted Ordinance No. 91-229, as the Fourth Amendment to the Development Order, which Fourth Amendment repealed Ordinance

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No. 91-195 (the Third Amendment), (hereinafter said Ordinance shall be referred to as the "Fourth Amendment"); and

WHEREAS, on October 31, 1994, the City adopted Ordinance No. 94-222, as the Fifth Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Fifth Amendment"); and

WHEREAS, on January 28, 1997, the City adopted Ordinance No. 97-16, as the Sixth Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Sixth Amendment"); and

WHEREAS on September 11, 1998, the City adopted Ordinance No. 98-188, as amended by Ordinance No. 98-230, as the Seventh Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Seventh Amendment"); and

WHEREAS, on November 19, 1998, the City adopted Ordinance No. 98-252, as the Eighth Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Eighth Amendment"); and

WHEREAS, on January 7, 1999, the City adopted Ordinance No. 99-03, as the Ninth Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Ninth Amendment"); and

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WHEREAS, on October 28, 1999, the City adopted Ordinance No. 99-237 as the Tenth Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Tenth Amendment"); and

WHEREAS, on January 11, 2000, the City adopted Ordinance No. 2000-5 as the Eleventh Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Eleventh Amendment"); and

WHEREAS, on October 26, 2000, the City adopted Ordinance No. 2000-282 as the Twelfth Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Twelfth Amendment"); and

WHEREAS, on October 8, 2001, the City adopted Ordinance No. 2001-219 as the Thirteenth Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Thirteenth Amendment"); and

WHEREAS, on December 10, 2002, the City adopted Ordinance No. 2002-260 as the Fourteenth Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Fourteenth Amendment") (references hereinafter to the "Development Order" shall include the original Development Order, as amended by the First Amendment through the Fourteenth Amendment); and

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WHEREAS, 581 Highwoods L.P., (the "Developer") owns the property described on the legal description attached hereto as **Exhibit 1** (hereinafter referred to as the "2003 Subject Site"), which property is located within the area of the Tampa Technology Park Development of Regional Impact ("DRI") known as Tampa Technology Park East and is the subject of the Notification of Proposed Change; and

WHEREAS, on February 10, 2003, the Developer filed the Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for the 2003 Subject Site and on July 24, 2003 (together with a supplement submitted on July 29, 2003), filed a response to agency comments (hereinafter collectively referred to as the "NOPC"), attached hereto as **Composite Exhibit 2** and incorporated herein; and

WHEREAS, the NOPC proposes to amend the Development Order to increase the residential maximum allowed within Tampa Technology Park East by an additional 133 "individual fee simple ownership" single family attached or 133 "individual fee simple ownership" multi-family residential dwelling units, to be utilized on the 2003 Subject Site in conjunction with the 27 single family residential units or 43 multi-family units (the equivalent of the 27 single family residential units remaining from the original maximum of 974 single family units which will be converted through utilization of the existing trade-off standard which is: 1.0 single family unit is equal to 1.6 multi-family units) previously approved for Tampa Technology Park East, all as more particularly set forth in the NOPC; add a trade-off standard from High Tech/Light Industrial to Residential for use in obtaining the additional 133 "individual fee simple ownership" single family attached or 133 "individual fee simple ownership" multi-family

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residential units; incorporate additional language clarifying the neighborhood park requirement for the 2003 Subject Site; and incorporate a revised Map H (hereinafter the above changes shall be referred to as the "Proposed Changes"); and

WHEREAS, the Proposed Changes to the Development Order will constitute the Fifteenth Amendment to the Development Order; and

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

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order;

NOW, THEREFORE

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

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, and having considered the provisions of Chapter 380, Florida Statutes, concerning substantial deviations, finds that there is substantial, competent, clear and convincing evidence to support the following findings of fact:

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and correct copy.

A. That the Developer submitted to the City the NOPC attached hereto and incorporated herein by reference as **Composite Exhibit 2**;

B. That a comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, and coordinated with other DRI reviewing agencies, including but not limited to the Tampa Bay Regional Planning Council ("TBRPC"), and the Department of Community Affairs ("DCA");

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

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

E. That the Proposed Changes are consistent with the recommendations of the Tampa Bay Regional Planning Council;

F. That the Proposed Changes do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed, nor meet or exceed any of the criteria set forth in Subsection 380.06(19)(b), Florida Statutes, and as such no further development of regional impact review is necessary.

Certified as true
and correct copy.

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

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

B. That the review by the City, TBRPC, DCA, and other participating agencies and interested citizens concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes;

C. That the City has, at its proceedings, considered all previous changes and the Proposed Changes and determined that such changes do not individually or cumulatively constitute a substantial deviation requiring further DRI review pursuant to Section 380.06, Florida Statutes;

D. That this Ordinance does not constitute a substantial deviation from the Development Order, as defined in Chapter 380, Florida Statutes, and nothing herein shall limit or modify the protection afforded under Section 163.3167(8), Florida Statutes. Phase I of Tampa Technology Park remains vested pursuant to Section 163.3167(8), Florida Statutes, and remains exempt from the provisions of City of Tampa Ordinance No. 90-32, Concurrency Management System. Phases II and III also remain vested except as to those matters listed in Section 4.U. of

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the Development Order (traffic, air quality, water quality, drainage and solid waste, including hazardous waste); and

E. That the Proposed Changes authorized by this Ordinance do not individually or cumulatively create additional impacts or any type of impact not previously reviewed.

Section 3. Order. That having made the above findings of fact and conclusions of law, it is ordered that the Development Order be amended as set forth below:

A. The Proposed Changes are approved and the Development Order is hereby amended to incorporate the Proposed Changes, except as specifically modified herein or modified by Revised Map H (attached hereto as **Exhibit 4**), as follows:

1) Increase the residential maximum within Tampa Technology Park East to allow an additional 133 "individual fee simple ownership" single family attached or 133 "individual fee simple ownership" multi-family residential dwelling units to be utilized on the 2003 Subject Site in conjunction with the 27 single family residential units or 43 multi-family units (the equivalent of the 27 single family residential units remaining from the original maximum of 974 single family units which will be converted through utilization of the existing trade-off standard which is: 1.0 single family unit is equal to 1.6 multi-family units) previously approved for Tampa Technology Park East, all as more particularly set forth in the NOPC, attached hereto as **Composite Exhibit 2**;

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2) Incorporate a revised Land Use Trade-off Standard as shown on attached **Exhibit 3** reflecting the previously approved trade-off standards and incorporating a new trade-off standard from High Tech/Light Industrial to Residential to be utilized to obtain the additional 133 "individual fee simple ownership" single family attached or 133 "individual fee simple ownership" multi-family residential units for the 2003 Subject Site only;

3) Revise Section I., Parks, of the Development Order to add the following language clarifying the neighborhood park requirement for the 2003 Subject Site:

> The portion of the foregoing condition pertaining to neighborhood parks shall be applied to the 2003 Subject Site as follows: The Developer shall be required to provide neighborhood park(s) on the 2003 Subject Site at a ratio of 2.0 acres per one thousand residents, or pro rata share thereof. The subject neighborhood park(s) shall provide a neighborhood type of environment reasonably acceptable to the City of Tampa. The Developer of the 2003 Subject Site is proposing two such parks within the 2003 Subject Site which together will satisfy this requirement. The first park shall contain a pool and tot lot. The second park will meet the definitional criteria of Neighborhood Park, as provided in the City of Tampa Comprehensive Plan, and the Developer will cooperate with the City of Tampa Parks Department in the planning of such park.

4) Incorporate Revised Map "H," attached hereto as **Exhibit 4**;

5) Revise Subsection 4.V. of the Development Order as follows:

"Tampa Technology Park (East). With respect to the area of Tampa Technology Park lying north and east of I-75, which is commonly referred to as Tampa Technology Park East and is more particularly described on Revised Map H, attached hereto, specific approval of Phase I includes the ~~following:~~

Certified as true and correct copy.

1.	Commercial/Office	433,204 sq.ft.
2.	Hotel	192 rooms
3.	Office	411,242 sq.ft.
4.	High-Tech, Light Industrial	2,401,518 sq.ft.[1]
5.	Governmental Services	58,000 sq.ft.[2]
6.	Residential	1,107 units[3]
7.	Commercial Mixed Use	340,000 sq.ft.[4]

Further, 6,021 external P.M. peak hour trips are authorized in Phase I for Tampa Technology Park East."

Section 4. Development Order, as Amended. This Ordinance shall constitute the Fifteenth Amendment to Ordinance No. 9359-A, as previously amended by Ordinance No. 9466-A; Ordinance No.91-194; Ordinance No. 91-195; Ordinance No. 91-229; Ordinance No. 94-222; Ordinance No. 97-16; Ordinance No. 98-188; Ordinance 98-230 (amending Ordinance No. 98-188); Ordinance No. 98-252; Ordinance No. 99-03; Ordinance No. 99-237; Ordinance No. 2000-5; Ordinance No. 2000-282; Ordinance No. 2001-219; and Ordinance No. 2002-260; which shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered

[1] The Additional 99,000 square feet of High-Tech/Light Industrial land uses allowed pursuant to Ordinance No. 2000-5 shall be traded-off for Commercial Mixed Use land uses in accordance with the approved land use trade-off mechanism, and shall be utilized on Parcel J (n/k/a the "Apex Parcel") as depicted on Revised Map H.

[2] The governmental services density may be assigned to Tampa Technology Park West pursuant to Section 4.Q.2. of Ordinance 9359-A.

[3] The original 974 single family units are permitted only in Tampa Technology Park East by trading office or high-tech/light industrial uses pursuant to the Land Use Trade-off Standards attached hereto as **Exhibit 3**. Single family residential units may be traded-off to multi-family residential units pursuant to **Exhibit 3**. The additional 133 "individual fee simple ownership" single family attached or 133 "individual fee simple ownership" multi-family residential units allowed pursuant to this Ordinance shall be utilized only on the 2003 Subject Site and shall be obtained by use of the Land Use Trade-off Standards attached hereto as **Exhibit 3.**

[4] The maximum 340,000 sq.ft. of Commercial Mixed Use land uses include all uses permitted by the CG zoning district contained within the City of Tampa Zoning Code (effective as of the date of Ordinance 97-16) and are permitted only in Tampa Technology Park East by trading office or high-tech/light industrial land uses pursuant to the Land Use Trade-off Standards attached hereto as **Exhibit 3**. A maximum of 500 hotel rooms may be constructed in Tampa Technology Park East as Commercial Mixed Use land uses by use of **Exhibit 3**. Commercial Mixed Use land uses are subject to Sections 4.0 (Wastewater) and 4.P. (Water Supply) of the original Development Order (Ordinance No. 9359-A).

Certified as true and correct copy.

conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

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

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

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

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

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming a law to the Developer, 581 Highwoods L.P., c/o David M. Mechanik, Esquire, 101 East Kennedy Boulevard, Suite 3140, Tampa, Florida 33602; the Florida Department of Community Affairs (Bureau of State Planning); the Tampa Bay Regional Planning Council; and the Owners.

Certified as true
and correct copy.

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

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

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

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON SEP 04 2003.

Linda Saul-Sena
CHAIRPERSON, CITY COUNCIL

APPROVED by me SEP - 5 2003

Shirley Foxx-Knowles
CITY CLERK

MAYOR

APPROVED as to form by:

Gina K. Grimes
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 2003-217 on file on my office
Witness my hand and official seal this 8th day of Sept, 20 03

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

Exhibit 1
TO AMENDED DEVELOPMENT ORDER

Legal Description for the 2003 Subject Site

DESCRIPTION: A portion of Lot 1, of HIGHWOODS PRESERVE PHASE 2, according to the plat thereof as recorded in Plat Book 88, Page 37, of the Public Records of Hillsborough County, Florida, and being more particularly described as follows:

BEGINNING at the Northwesterly corner of said Lot 1, run thence along the Northerly and Easterly boundaries thereof, the following forty-one (41) courses: 1) S.53°43'52"E., 48.06 feet; 2) N.43°25'42"E., 32.58 feet; 3) N.80°16'05"E., 43.66 feet; 4) S.86°07'04"E., 36.15 feet; 5) S.64°47'49"E., 78.40 feet; 6) S.45°41'13"E., 30.70 feet; 7) S.89°29'59"E., 25.49 feet; 8) S.57°10'23"E., 48.17 feet; 9) N.77°54'56"E., 131.91 feet; 10) N.38°49'45"E., 97.24 feet; 11) N.27°29'19"E., 79.43 feet; 12) S.80°59'24"E., 52.08 feet; 13) S.58°42'11"E., 106.84 feet; 14) S.80°33'45"E., 49.41 feet; 15) N.76°13'30"E., 44.47 feet; 16) N.53°17'11"E., 55.76 feet; 17) N.29°45'05"E., 109.77 feet; 18) N.08°54'01"E., 53.38 feet; 19) N.67°10'43"E., 36.82 feet; 20) S.60°04'06"E., 66.60 feet; 21) N.60°47'02"E., 49.52 feet; 22) S.72°31'18"E., 59.39 feet; 23) S.31°38'48"E., 100.15 feet; 24) S.13°02'20"E., 108.33 feet; 25) S.38°21'36"E., 99.10 feet; 26) S.15°57'38"E., 55.69 feet; 27) S.47°43'16"W., 56.49 feet; 28) S.00°23'56"E., 65.39 feet; 29) S.28°18'23"E., 69.68 feet; 30) S.61°43'08"W., 3.85 feet; 31) N.28°16'52"W., 14.64 feet; 32) N.67°32'38"W., 22.38 feet; 33) N.73°17'33"W., 39.79 feet; 34) S.35°34'15"W., 22.51 feet; 35) S.88°01'33"W., 47.89 feet; 36) S.35°17'52"W., 46.00 feet; 37) S.13°57'54"E., 24.59 feet; 38) S.75°59'23"W., 63.69 feet; 39) S.05°34'53"W., 69.38 feet; 40) S.06°48'14"E., 63.78 feet; 41) S.05°14'20"E., 79.67 feet; thence S.64°46'21"W., 31.90 feet; thence N.56°00'00"W., 23.75 feet to a point of curvature; thence Northwesterly, 14.11 feet along the arc of a curve to the left having a radius of 70.01 feet and a central angle of 11°32'59" (chord bearing N.61°46'32"W., 14.09 feet) to a point of reverse curvature; thence Northwesterly, 7.38 feet along the arc of a curve to the right having a radius of 19.50 feet and a central angle of 21°40'16" (chord bearing N.56°42'51"W., 7.33 feet); thence N.49°20'46"W., 13.70 feet; thence N.11°57'00"W., 51.53 feet; thence S.78°03'00"W., 779.69 feet to a point on the Easterly right-of-way line of HIGHWOODS PRESERVE PARKWAY as shown on the plat of said HIGHWOODS PRESERVE PHASE 2; thence along said Easterly right-of-way line the following five (5) courses: 1) N.11°57'00"W., 281.24 feet to a point of curvature; 2) Northerly, 77.18 feet along the arc of a curve to the left having a radius of 2000.00 feet and a central angle of 02°12'39" (chord bearing N.13°03'20"W., 77.17 feet) to a point of tangency; 3) N.14°09'40"W., 196.34 feet to a point of curvature; 4) Northerly, 75.88 feet along the arc of a curve to the right having a radius of 2000.00 feet and a central angle of 02°10'25" (chord bearing N.13°04'27"W., 75.87 feet) to a point of tangency; 5) N.11°59'14"W., 43.81 feet to the POINT OF BEGINNING.

Containing 14.801 acres, more or less.

Certified as true and correct copy.

Composite Exhibit 2
TO AMENDED DEVELOPMENT ORDER

Notification of Proposed Change and
Sufficiency Response (the "NOPC")

Certified as true
and correct copy.

DRI #139E

NOPC APPLICATION, MAPS AND RESPONSES RESULTING IN ORDINANCE NO. 2003-217 DEVELOPMENT ORDER AMENDMENT

LOCATED IN NOPC PROJECT FILE

#139

CITY OF TAMPA

Office of City Clerk

December 13, 2002

Tampa Bay Regional Planning Council
Attention: John Meyer, DRI Coordinator
9455 Koger Blvd
St Petersburg FL 33702

RE: File No. DZ85-166, /Amendment to Tampa Technology Park East
Ordinance 2002-260

Dear Sir:

The City Council of the City of Tampa met in regular session on December 5, 2002, at 9:00 a.m. During this session, the enclosed ordinance (2002-260) was adopted, approving an ordinance rendering the twelfth amendment to a development order for Tampa Technology Park.

A certified copy of the ordinance is hereby transmitted.

Sincerely,

Gail A Anderson
pbg

Gail A. Anderson
Deputy City Clerk

GAA/gsg

Enclosure: Certified copy of Ordinance 2002-260 by certified mailing.

315 E. Kennedy Blvd., City Hall • Tampa, FL 33602 • 813/274-8396 • FAX: 813/274-8306
l: ctyclerk@ci.tampa.fl.us

TBRPC

Ordinance No. 2002 - 260

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA; APPROVING THE TWELFTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK DEVELOPMENT OF REGIONAL IMPACT IN RESPONSE TO A NOTICE OF PROPOSED CHANGE FILED BY CAP-Tampa, 12 and CAP-Tampa 22, LLC; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 11, 1986, the City of Tampa (the "City") adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to Chapter 380, *Florida Statutes*, for the Tampa Technology Park, a Development of Regional Impact ("DRI"); and

WHEREAS, on December 18, 1986, the City adopted Ordinance No. 9466-A, which amended the Development Order (the "First Amendment"); and

WHEREAS, on October 10, 1991, the City adopted ordinances Nos. 91-194 and 91-195, the Second and Third Amendments to the Development Order; and

WHEREAS, on December 19, 1991, the City adopted ordinance No. 91-229, as the Fourth Amendment to the Development Order (the "Fourth Amendment"), which Fourth Amendment repealed Ordinance No. 91-195 and amended certain other provisions of the Development Order; and

WHEREAS, on October 27, 1994, the City adopted Ordinance No. 94-222, as the Fifth Amendment to the Development Order (the "Fifth Amendment"), which Fifth Amendment amended certain provisions of the Development Order; and

WHEREAS, on January 28, 1997, the City adopted Ordinance No. 97-16, as the Sixth Amendment to the Development Order (the "Sixth Amendment"), which Sixth Amendment amended certain provisions of the Development Order; and

WHEREAS, on September 11, 1998, the City adopted Ordinance No. 98-188, as the Seventh Amendment to the Development Order (the "Seventh Amendment"), which Seventh Amendment amended certain provisions of the Development Order; and

WHEREAS, on November 20, 1998, the City adopted Ordinance No. 98-252, as the Eighth Amendment to the Development Order (the "Eighth Amendment"), which Eighth Amendment amended certain provisions of the Development Order; and

Certified as true and correct copy.

WHEREAS, on January 12, 1999, the City adopted Ordinance No. 99-03, as the Ninth Amendment to the Development Order (the "Ninth Amendment"), which Ninth Amendment amended certain provisions of the Development Order; and

WHEREAS, on November 3, 1999, the City adopted Ordinance No. 237, as the Tenth Amendment to the Development Order (the "Tenth Amendment"), which Tenth Amendment amended certain provisions of the Development Order; and

WHEREAS, on January 11, 2000, the City adopted Ordinance No. 2000-5, as the Eleventh Amendment to the Development Order (the "Eleventh Amendment"), which Eleventh Amendment amended certain provisions of the Development Order (references herein to the "Development Order" shall include all amendments to the Development Order); and

WHEREAS, on August 20, 2002, CAP-Tampa 12, LLC and CAP-Tampa 22, LLC filed a Notice of Proposed Change to a previously approved Development of Regional Impact pursuant to subsection 380.06(19) *Florida Statutes*, and has provided additional information requested by the reviewing agencies (collectively, the "NOPC"); and

WHEREAS, the proposed changes to the Development Order shall constitute the Twelfth Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the NOPC as well as all related testimony and evidence submitted by the Owner concerning the proposed changes; and

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

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

NOW, THEREFORE

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

Section 1. Findings of Fact. That the City Council, having received the above described documents, and having received all related comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, *Florida Statutes*, concerning substantial deviations, finds that there is substantial, competent, clear and convincing evidence to support the following findings of fact:

A. That the proposed changes are consistent with all City land development regulations and the City Comprehensive Plan.

Certified as true and correct copy.

B. That the proposed changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and is consistent with the State Comprehensive Plan.

C. That, pursuant to subsection 380.06(19)(e)2, *Florida Statutes*, the proposed changes in this Ordinance do not individually or cumulatively with the prior changes constitute a substantial deviation and, therefore, no further development of regional impact review is necessary.

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

A. These proceedings have been duly conducted pursuant to applicable law and regulations and based upon the record of these proceedings the Owner is authorized to conduct the development as described in the Development order, as amended herein, subject only to the amendments, conditions, restrictions and limitations as set forth in the Development Order, as amended herein.

B. The review of the City, TBRPC, DCA, and other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, *Florida Statutes*, within the terms and conditions of the Development Order, as amended herein. To the extent that the Development Order is inconsistent with the terms and conditions of this Twelfth Amendment, the terms and conditions of this Twelfth Amendment shall prevail.

C. The City has, at its proceedings, considered all previous changes and the changes approved herein and determined that such changes individually and cumulatively do not constitute a substantial deviation requiring further DRI review pursuant to Section 380.06, *Florida Statutes*.

D. This Ordinance does not constitute a substantial deviation from the Development Order, as defined in Chapter 380, *Florida Statutes*, and nothing herein shall limit or modify the protection afforded under Section 163.3167(8), *Florida Statutes*. Phase I of Tampa Technology Park remains vested pursuant to Section 163.3167(8), *Florida Statutes*, and City of Tampa Ordinance 90-32. Phases II and III also remain vested except as to those matters listed in Section 4.U.1 of the Development order (traffic, air quality, water quality, drainage and solid, including hazardous, waste).

Certified as true and correct copy.

E. The proposed changes authorized by this Ordinance do not individually or cumulatively create additional impacts or any type of impact not previously reviewed.

Section 3. Order. Having made the above findings of fact, and conclusions of law, it is ordered that the Development Order, solely as it applies to the property owned by CAP-Tampa 22, LLC as Transferor of the commercial development entitlements (Exhibit "A") and CAP-Tampa 12, LLC as Transferee of the commercial development entitlements (Exhibit "B"), said properties collectively referred to as the ("Notification Property"), is amended as set forth below:

A. That the proposed changes in the NOPC are approved and that the Development Order is hereby amended to incorporate the NOPC, except as specifically modified herein or modified by Revised Map H.

B. That the developer of Parcel A-2 ("Kaupe Tract") shall have the option to elect to transfer 7,500 square feet of commercial development entitlements from Parcel A-2 to Parcel "A" (the "Richmond Tract"). At the time of such election, developer shall notify the Florida Department of Community Affairs and the City of Tampa of cumulative land use totals and adjusted, remaining, allowable quantities.

Section 4. Development Order, As Amended. This Ordinance shall constitute the Twelfth Amendment to the Development Order as passed and ordained by the City Council. All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the development, unless inconsistent with the terms and conditions of this ordinance, in which case the terms and the conditions of this Ordinance shall govern.

Section 5. Binding Effect. That this Ordinance shall be binding upon the owner, its assigns and its successors in interest.

Section 6. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 7. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming law, to all owners of real property with the Tampa Tech DRI.

Section 8. Rendition. That this ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, *Florida Statutes*.

Certified as true and correct copy.

Section 9. Recording. That the Owner shall record a notice of adoption of this ordinance pursuant to Chapter 380, *Florida Statutes*.

Section 10. Effective Date. That this Ordinance shall become a law as provided in the City's Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON DEC 05 2002.

Attest:

By: Gail A. Anderson
CITY CLERK/DEPUTY CITY CLERK

Thomas Scott Iorio
CHAIRMAN, CITY COUNCIL

Approved by me on DEC 10 2002

Dick A. Greco
DICK GRECO, MAYOR

Approved as to form by:

Gina K. Grimes
GINA K. GRIMES
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 2002-260 on file on my office
Witness my hand and official seal this 12th day of Dec, 20 02

Gail A. Anderson
~~CITY CLERK~~ / DEPUTY CITY CLERK

G:\UBG\centennial\ordinance.doc

Exhibit "A"

Legal Description of Transferor Parcel "A-2" ("Kaupe Tract")

Lot 1, Lot 2, and Lot 3, Tract A, Tract B, and Tract C, ("Kaupe Plat"), according to the map or plat thereof as recorded in Plat Book 90, page 90, of the Public Records of Hillsborough County, Florida, together with the following appurtenant easement:

Access and Private Drainage Easement over easement area as more particularly described by meets and bounds in the map or plat thereof recorded in Plat Book 90, page 25, of the Public Records of Hillsborough County, Florida.

Certified true
and correct copy.

Exhibit "B"

Legal Description of Transferee Parcel "A" ("Richmond Place Parcel")

A parcel of land being a portion of Tract "A-2", RICHMOND PLACE – PHASE 2, as recorded in Plat Book 83, page 41, Public Records of Hillsborough County, Florida, said lands lying in Sections 13 and 14, Township 27 South, Range 19 East and being more particularly described as follows:

Commence at the western most point of Tract "FF", as shown on said plat of Richmond Place; thence along the arc of a curve to the left 60.90 feet, said arc having a radius of 1960.00 feet, and a central angle of 01°46'49" (chord bearing South 27°33'06" West, 60.90 feet) to the POINT OF BEGINNING, thence South 66°08'45" East, 210.00 feet; thence South 24°30'00" West, 203.77 feet to a point on the southwest boundary of said Tract "A-2"; thence along the arc of a curve to the left 124.81 feet, said curve having a radius of 2075.00 feet, and a central angle of 03°26'46" (chord bearing North 64°25'21" West, 124.79 feet) to a point of tangency; thence North 66°08'45" West, 74.48 feet to the beginning of a curve; thence along the arc of said curve to the right 18.98 feet, having a radius of 12.00 feet, a central angle of 90°38'45", (chord bearing North 20°49'22" West, 17.07 feet) to a point of tangency; thence North 24°30'00" East, 113.97 feet to the beginning of a curve; thence along the arc of said curve to the right 73.94 feet, having a radius of 1960.00 feet, and a central angle of 02°09'41" (chord bearing North 25°34'51" East, 73.93 feet) to the POINT OF BEGINNING.

Containing 0.973 acres, more or less.

Certified as true and correct copy.

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF LOCAL PLANNING
2555 Shumard Oak Blvd.
Tallahassee, FL 32399
904/488-4925

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

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

1. I, JOHN B. GRANDOFF, III, Esquire, the undersigned authorized representative of CAP-Tampa 12, LLC and CAP-Tampa 22, LLC, a Florida corporation, hereby gives notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the TAMPA TECHNOLOGY PARK EAST development, which information is true and correct to the best of my knowledge. I submitted today, under separate cover, copies of this completed notification to City of Tampa, to the Tampa Bay Regional Planning Council, and to the Bureau of State Planning, Department of Community Affairs.

Dated: September 4, 2002

Certified as true and correct copy.

John B. Grandoff, III, Esq.
Florida Bar No. 558575
Hill, Ward & Henderson, P.A.
Suite 3700 – Bank of America Plaza
101 E. Kennedy Boulevard
Tampa, FL 33602
(813) 221-3900

2. Applicant (name, address, phone).

CAP-Tampa 12, LLC
CAP-Tampa 22, LLC
c/o Centennial American Properties, LLC
131 Falls Street
Suite 100
Greenville, South Carolina 29601
864/271-3894

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

John B. Grandoff, III, Esquire
Hill, Ward & Henderson, P.A.
Suite 3700 – Bank of America Plaza
101 E. Kennedy Blvd.
Tampa, FL 33602
(813) 221-3900

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change. Tampa, Hillsborough County; Township 27, Range 19, Section 13, 14 (more or less).

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

Transfer 7,500 square feet of commercial development entitlements From Parcel "A-2," (the "Kaupe tract") to Parcel "A", (the "Richmond tract"). These parcels are identified on "Revised Map H" (revised 9/24/99). (See legal descriptions attached as Exhibits "A" and "B")

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

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

No Change

Certified as true and correct copy.

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

   See attached "List of Ordinances."

8. Describe any lands purchased or optioned within ¼ mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within ½ mile on a project master site plan or other map.

   Not Applicable.

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

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2, F.S.?
YES _____ NO __XX__ (see Fla. Stat. §380.06(e)(2i)

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

    No.

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

    No.

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

Certified as true and correct copy.

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

    See Revised Map "H" (September 24, 1999)

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

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

        "The transfer of 7,500 square feet of commercial development entitlements from Parcel "A-2" to Parcel "A" is approved."

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

        Not applicable.

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

        Not applicable.

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

        Not applicable.

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

        Not applicable.

Certified as true and correct copy.

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

Not applicable.

Certified as true and correct copy.

#139

CITY OF TAMPA

Janett S. Martin, CMC, City Clerk — Office of City Clerk

October 10, 2001

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

RE: File No. DZ85-166, Tampa Technology Park, Apex partners and FinnCasperson
Ordinance 2001-219

Dear Sirs:

The City Council of the City of Tampa met in regular session on October 4, 2001, at 9:00 a.m. During this session, the enclosed ordinance (2001-219) was adopted, approving an ordinance creating an amendment to the DRI for Tampa Technology Park.

Sincerely,

Janett S. Martin, CMC
City Clerk

JM/gg

Enclosure: Certified copy of Ordinance 2001-219 by certified mailing.

315 E. Kennedy Blvd., City Hall • Tampa, FL 33602 • 813/274-8396 • FAX: 813/274-8306
l: ctyclerk@ci.tampa.fl.us

ORDINANCE NO. 2001-219

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE THIRTEENTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK DEVELOPMENT OF REGIONAL IMPACT, DRI #139, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT, RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, IN RESPONSE TO A NOTIFICATION OF PROPOSED CHANGE FILED BY APEX PARTNERS LLC AND FINN M. W. CASPERSEN, TRUSTEE; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on September 12, 1986, the City of Tampa ("City") adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to Chapter 380, Florida Statutes, for the Tampa Technology Park, a Development of Regional Impact ("DRI"); and

WHEREAS, on December 19, 1986, the City adopted Ordinance No. 9466-A, as the First Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, on October 10, 1991, the City adopted Ordinance Nos. 91-194 and 91-195, as the Second and Third Amendments (hereinafter said ordinances shall respectively be referred to as the "Second Amendment" and the "Third Amendment"); and

WHEREAS, on December 23, 1991, the City adopted Ordinance No. 91-229, as the Fourth Amendment to the Development Order, which Fourth Amendment repealed Ordinance No. 91-195 (the Third Amendment), (hereinafter said Ordinance shall be referred to as the "Fourth Amendment"); and

WHEREAS, on October 31, 1994, the City adopted Ordinance No. 94-222, as the Fifth Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Fifth Amendment"); and

Certified as true and correct copy.

WHEREAS, on January 28, 1997, the City adopted Ordinance No. 97-16, as the Sixth Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Sixth Amendment"); and

WHEREAS on September 11, 1998, the City adopted Ordinance No. 98-188, as amended by Ordinance No. 98-230, as the Seventh Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Seventh Amendment"); and

WHEREAS, on November 19, 1998, the City adopted Ordinance No. 98-252, as the Eighth Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Eighth Amendment"); and

WHEREAS, on January 7, 1999, the City adopted Ordinance No. 99-03, as the Ninth Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Ninth Amendment"); and

WHEREAS, on October 28, 1999, the City adopted Ordinance No. 99-237 as the Tenth Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Tenth Amendment"); and

WHEREAS, on January 11, 2000, the City adopted Ordinance No. 2000-5 as the Eleventh Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Eleventh Amendment"); and

WHEREAS, on October 26, 2000, the City adopted Ordinance No. 2000-282 as the Twelfth Amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Twelfth Amendment") (references hereinafter to the "Development Order" shall include the original Development Order, as amended by the First Amendment through the Twelfth Amendment); and

Certified a true
and correct copy

WHEREAS, Apex Partners LLC and Finn M. W. Caspersen, as Trustee, (the "Developers") own the property described on the legal descriptions attached hereto as Exhibit "A" and individually previously referred to as Parcel "A-1," Parcel "J," and the Ribbon Parcel (hereinafter collectively referred to as the "Apex Parcel") which property is located within the area of the Tampa Technology Park Development of Regional Impact ("DRI") known as Tampa Tech East and is the subject of the Notification of Proposed Change; and

WHEREAS, on June 7, 2001, the Developers filed the Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for the above described portions of the Tampa Technology Park DRI (the "Notification of Proposed Change"); and

WHEREAS, on August 14, 2001, the Developers filed the First Response to Agency Comments on the Notification of Proposed Change for the above described portions of the Tampa Technology Park DRI (hereinafter referred to as the "First Response to Comments") (the Notification of Proposed Change, together with the First Response to Comments, shall hereinafter be referred to as the "NOPC" and is attached hereto as Composite Exhibit "B"); and

WHEREAS, the NOPC proposes to amend the Development Order to consolidate Parcel "A-1," Parcel "J," and the Ribbon Parcel into one unified parcel hereinafter referred to as the "Apex Parcel;" to allocate all existing entitlements approved for the individual parcels which comprise the Apex Parcel to the whole of the Apex Parcel; to satisfy Condition 4.Z. of Ordinance No. 91-229 by virtue of submission of the "Proposed Wetland Impacts and Threatened, Endangered and Species of Special Concern Survey, May, 2001 (the "Species Report") for the Apex Parcel, attached as Exhibit 1 to the Notification of Proposed Change; to modify the Development Order to specifically

Certified to be a true and correct copy.

authorize the proposed development within the wetlands as it has been determined that the impacts to the subject species are equal to or less than the impacts on the subject species from the originally approved plan of development, subject to compliance with the requirements of the approved mitigation plan; to incorporate the results and findings of the Species Report; to incorporate the legal descriptions attached hereto as Exhibit "A;" and to incorporate Map H (Apex Parcel), dated June 7, 2001, with last revision date of September 7, 2001, reflecting these changes, attached hereto as Exhibit "C" and incorporated herein by reference; all as more particularly set forth in the NOPC (hereinafter the above changes shall together be referred to as the "Proposed Changes"); and

WHEREAS, the Proposed Changes to the Development Order will constitute the Thirteenth Amendment to the Development Order; and

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

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order;

NOW, THEREFORE

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

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, and having considered the provisions of Chapter 380,

Certified
and

Florida Statutes, concerning substantial deviations, finds that there is substantial, competent, clear and convincing evidence to support the following findings of fact:

A. That the Developers submitted to the City the NOPC attached hereto and incorporated herein by reference as Composite Exhibit "B;"

B. That a comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, and coordinated with other DRI reviewing agencies, including but not limited to the Tampa Bay Regional Planning Council ("TBRPC"), and the Department of Community Affairs ("DCA");

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

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

E. That the Proposed Changes are consistent with the recommendations of the Tampa Bay Regional Planning Council;

F. That the Proposed Changes do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed, nor meet or exceed any of the criteria set forth in Subsection 380.06(19)(b), Florida Statutes, and as such no further development of regional impact review is necessary.

Certified to be a true and

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

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

B. That the review by the City, TBRPC, DCA, and other participating agencies and interested citizens concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes; and

C. That the City has, at its proceedings, considered all previous changes and the Proposed Changes and determined that such changes do not individually or cumulatively constitute a substantial deviation requiring further DRI review pursuant to Section 380.06, Florida Statutes;

D. That this Ordinance does not constitute a substantial deviation from the Development Order, as defined in Chapter 380, Florida Statutes, and nothing herein shall limit or modify the protection afforded under Section 163.3167(8), Florida Statutes. Phase I of Tampa Technology Park remains vested pursuant to Section 163.3167(8), Florida Statutes, and remains exempt from the provisions of City of Tampa Ordinance No. 90-32, Concurrency Management System. Phases II and III also remain vested except as to those matters listed in Section 4.U. of the Development Order (traffic, air quality, water quality, drainage and solid waste, including hazardous waster);

E. That the proposed changes authorized by this Ordinance do not individually or cumulatively create additional impacts or any type of impact not previously reviewed.

Certified to be true and correct copy.

Section 3. **Order.** That having made the above findings of fact and conclusions of law, it is ordered that the Development Order be amended as set forth below:

A. The Proposed Changes are approved and the Development Order is hereby amended to:

1) Consolidate Parcel "A-1", Parcel "J" and the Ribbon Parcel into one unified parcel hereinafter referred to as the "Apex Parcel;"

2) allocate all existing entitlements approved for the individual parcels which comprise the Apex Parcel to the whole of the Apex Parcel, as depicted on attached Exhibit "D;"

3) satisfy Condition 4.Z. of Ordinance No. 91-229 by virtue of submission of the "Proposed Wetland Impacts and Threatened, Endangered and Species of Special Concern Survey, May, 2001 (the "Species Report") for the Apex Parcel, attached as Exhibit 1 to the Notification of Proposed Change;

4) modify the Development Order to specifically authorize the proposed development within the wetlands as it has been determined that the impacts to the subject species are equal to or less than the impacts on the subject species from the originally approved plan of development, subject to the Developer complying with the requirements of the Southwest Florida Water Management District ("SWFWMD") and Hillsborough County Environmental Protection Commission ("HCEPC") approved mitigation plan for the Apex Parcel;

5) incorporate the results and findings of the Species Report;

and correct copy.

6) incorporate the legal descriptions attached hereto as Exhibit "A;" and

7) incorporate Map H (Apex Parcel), dated June 7, 2001, with last revision date of September 7, 2001, reflecting these changes, attached hereto as Exhibit "C" and incorporated herein by reference;

all as more particularly set forth in the NOPC, (hereinafter the above changes shall together be referred to as the "Proposed Changes").

Section 4. Development Order, as Amended. This Ordinance shall constitute the Thirteenth Amendment to Ordinance No. 9359-A, as previously amended by Ordinance No. 9466-A, Ordinance No.91-194, Ordinance 91-195, Ordinance No. 91-229, Ordinance No. 94-222, Ordinance No. 97-16, Ordinance No. 98-188, Ordinance No. 98-252, Ordinance No. 99-03, Ordinance No. 99-237, Ordinance No. 2000-5, and Ordinance No. 2000-282, which shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

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

and correct copy.

Section 6. **Binding Effect.** That this Ordinance shall be binding upon the Developers, their assigns, and successors in interest.

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

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

Section 9. **Transmittals.** That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming a law to the Developers, Apex Partners LLC and Finn M. W. Caspersen, as Trustee, c/o David M. Mechanik, Esquire, 101 East Kennedy Boulevard, Suite 3140, Tampa, Florida 33602, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

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

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

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

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON OCT 04 2001.

CHAIRPERSON, CITY COUNCIL

APPROVED by me OCT 08 2001

CITY CLERK

MAYOR

APPROVED as to form by:

ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 2001-219 on file in my office
Witness my hand and official seal this 9th day of Oct, 2001

CITY CLERK

Exhibit "A"
TO AMENDED DEVELOPMENT ORDER

Legal Descriptions for Parcel "A-1" (also known as Parcel 1), Parcel "J", and the Ribbon Parcel, now known as the "Apex Parcel."

Certified as true
and correct copy.

LEGAL DESCRIPTION - PARCEL "1" (a/k/a Parcel "A-1")

A parcel of land in Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows: Commence at the Northeast corner of said Section 23, Township 27 South, Range 19 East; thence along the North boundary of said Section 23, North 89°31'25" West, 133.07 feet to a point of intersection with the Northwesterly right-of-way boundary of Bruce B. Downs Boulevard - County Road 581 (formerly State Road 581) (D.O.T. Section No. 10590-151); thence along said Northwesterly right-of-way boundary South 41°45'28" West, 548.51 feet; thence North 48°14'32" West, 150.00 feet for a POINT OF BEGINNING; thence continue North 48°14'32" West, 250.00 feet; thence South 41°45'28" West, 500.00 feet; thence North 81°58'50" West, 359.13 feet; thence North 34°39'01 West, 417.47 feet; thence South 55°20'59" West, 361.56 feet to a point on a curve; thence 218.03 feet along the arc of the curve concave to the Northeast, having a radius of 1765.86 feet, a central angle of 07°04'27", chord bearing and distance South 31°06'48" East, 217.89 feet to a point of tangency; thence South 34°39'01" East, 384.59 feet; thence South 36°56'27" East, 286.56 feet; thence South 85°41'05" East, 263.83 feet; thence NOrth 45°34'19" East, 450.50 feet; thence North 41°45'28" East, 403.59 feet; thence North 48°14'32" West, 63.10 feet; thence NOrth 41°45'28" East, 150.00 to the POINT OF BEGINNING.

TOGETHER WITH Access Easement set forth in Warranty Deed recorded in O.R. Book 5368, Page 418, public records of Hillsborough County, Florida, being more particularly described as follows:

A parcel of land in Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, lying Northeasterly of Interstate 75 (D.O.T. Section No. 10075-2418), being more particularly described as follows: Commence at the Northeast corner of said Section 23, Township 27 South, Range 19 East; thence along the North boundary of said Section 23, North 89°31'25" West, 133.07 feet to a point of intersection with the Northwesterly right-of-way boundary of Bruce B. Downs Boulevard - County Road 581 (formerly State Road 581) (D.O.T. Section No. 10590-151); thence along said Northwesterly right-of-way boundary South 41°45'28" West, 548.51 feet for a POINT OF BEGINNING; thence continue along said Northwesterly right-of-way boundary South 41°45'28" West, 150.00 feet; thence along the NOrtheasterly right-of-way boundary of the aforesaid Interstate 75 the following eight (8) courses: 1) North 48°14'32" West, 36.90 feet; 2) South 41°45'28" West, 405.26 feet; 3) South 45°34'19" West, 462.96 feet; 4) South 69°56'37" West, 405.26 178.27 feet; 5) North 61°18'47" West, 178.27 feet; 6) North 36°56'27" West, 298.36 feet; 7) North 34°39'01" West, 385.59 feet to a point of curvature; 8) 218.00 feet along the arc of a curve concave to the Northeast, having a radius of 1815.86 feet, a central angle of 06°52'43", chord bearing and distance North 31°12'40" West, 217.18 feet to a point on the curve; thence North 55°20'59" East, 50.37 feet to a point on a curve concave to the Northeast, thence along the arc of the curve 218.03 feet, having a radius of 1765.86 feet, a central angle of 07°04'27", chord bearing and distance South 31°06'48" East, 217.89 feet to a point of tangency; thence South 34°39'01" East, 384.59 feet; thence South 36°56'27" East, 286.56 feet; thence South 85°41'05" East, 263.83 feet; thence North 45°34'19" East, 450.50 feet; thence North 41°45'28" East, 403.59 feet; thence North 48°14'32" West, 63.10 feet; thence North 41°45'28" East, 150.00 feet; thence South 48°14'32" East, 150.00 feet to the POINT OF BEGINNING.

LEGAL DESCRIPTION - PARCEL "J"

A parcel of land in Sections 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the Northeast corner of said Section 23, Township 27 South, Range 19 East, thence along the North boundary of said Section 23, North 89°31'25" West, a distance of 133.07 feet to a point of intersection with the Northwesterly right-of-way line of Bruce B. Downs Boulevard (County Road No. 581); thence along said Northwesterly right-of-way line, South 41°45'28" West, a distance of 223.51 feet for a POINT OF BEGINNING; thence continue South 41°45'28" West, along said Northwesterly right-of-way line, a distance of 474.98 feet; thence North 48°14'32" West, a distance of 150.00 feet to a point on the boundary line of PARCEL "A-1" as recorded in O.R. Book 6555, page 619 of the public records of Hillsborough County, Florida; thence continue along the boundary line of said PARCEL "A-1", North 41°45'28" East, a distance of 150.00 feet; thence continue along the boundary line of said PARCEL "A-1", North 48°14'32" West, a distance of 250.00 feet to a point on the boundary line of Lot 1, HIGHWOODS PRESERVE PHASE 1; thence along the boundary line of said Lot 1 the following five (5) courses and distances: 1) North 31°12'02" West, a distance of 820.39 feet; 2) North 41°45'35" East, a distance of 66.79 feet; 3) North 51°02'46" East, a distance of 116.11 feet; 4) North 66°50'34" East, a distance of 48.34 feet; 5) South 62°53'27" East, a distance of 71.76 feet to a point, said point being on the arc of a non-tangent curve concave to the Northeast; thence a distance of 557.10 feet along the arc of said curve, having a radius of 950.00 feet, a central angle of 33°35'58" and a chord of 549.15 feet which bears South 31°26'33" East; thence South 48°14'32" East, a distance of 550.00 feet to the POINT OF BEGINNING.

Certified to true and correct copy.

AND

LEGAL DESCRIPTION - RIBBON PARCEL:

A parcel of land in Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the Northeast corner of said Section 23, Township 27 South, Range 19 East, thence along the North boundary of said Section 23, North 89°31'25" West, a distance of 133.07 feet to a point of intersection with the Northwesterly right-of-way line of Bruce B. Downs Boulevard (County Road No. 581); thence along said Northwesterly right-of-way line, South 41°45'28" West, a distance of 698.49 feet; thence North 48°14'32" West, along said Northwesterly right-of-way line, a distance of 36.90 feet to the beginning of the Limited Access right-of-way line of Ramp "D" for State Road 93-A (Interstate Highway 75), said point also being the POINT OF BEGINNING; thence along said Limited Access right-of-way line the following seven (7) courses: 1) South 41°45'28" West, a distance of 405.26 feet; 2) South 45°34'19" West, a distance of 462.96 feet; 3) South 69°56'37" West, a distance of 178.27 feet; 4) North 61°18'47" West, a distance of 178.27 feet; 5) North 36°56'27" West, a distance of 298.36 feet; 6) North 34°39'01" West, a distance of 385.59 feet to the beginning of a curve concave to the Northeast; 7) thence 218.00 feet along the arc of said curve, having a radius of 1815.86 feet, a central angle of 06°52'43" and a chord of 217.87 feet which bears North 31°12'40" West; thence North 62°24'45" East, a distance of 50.00 feet to a point (said point being on the arc of a non-tangent curve concave to the Northeast) on the Northwesterly boundary line of PARCEL "A-1", as recorded in O.R. Book 6555, page 169, public records of Hillsborough County, Florida; thence along said boundary line the following six (6) courses: 1) from said point of curvature, run 218.03 feet along the arc of said curve, having a radius of 1765.86 feet, a central angle of 07°04'27" and a chord of 217.89 feet which bears South 31°06'48" East; 2) South 34°39'01" East, a distance of 384.59 feet; 3) South 36°56'27" east, a distance of 286.56 feet; 4) South 85°41'05" East, a distance of 263.83 feet; 5) North 45°34'19" East, a distance of 450.50 feet; 6) North 41°45'28" East, a distance of 403.59 feet; thence South 48°14'32" East, a distance of 50.00 feet to the POINT OF BEGINNING.

"Exhibit B," the NOPC application and Sufficiency Response are located in the NOPC project file for DRI #139.

Exhibit "B"
TO AMENDED DEVELOPMENT ORDER

Notification of Proposed Change
Exhibit 1 to NOPC: Proposed Wetland Impacts and Threatened, Endangered and Species of Special Concern Survey, May, 2001 (the "Species Report")

First Sufficiency Response, August 14, 2001

Certified as true
and correct copy.

Exhibit "C"
TO AMENDED DEVELOPMENT ORDER

Map H (Apex Parcel), dated June 7, 2001, with last revision date of September 7, 2001

Exhibit "D"
TO AMENDED DEVELOPMENT ORDER

TABLE 1

LAND USES / DEVELOPMENT ENTITLEMENTS / SCHEDULE (1)

TAMPA TECHNOLOGY PARK EAST		SPECIFIC ALLOCATIONS		
		Parcel "A-1" (2) and "A-2" (3)	Parcel "J"	"Ribbon Parcel" (2)
PHASE I - SPECIFIC APPROVAL				
Commercial / Office	433,204 S.F. (4)	393,204 S.F.		None
Hotel	192 Rooms	192 Rooms		
Office	411,242 S.F.			
High Tech / Light Industrial	2,401,518 S.F.		99,000 S.F.	
Single Family Residential	974 Units			
Commercial Mixed Use	340,000 S.F.		6,600 S.F.	
PHASE II - CONCEPTUAL APPROVAL (5)				
Commercial / Office	197,639 S.F.	197,639 S.F.	To Be Determined Following Receipt of Specific Approval	
Hotel	144 Rooms	144 Rooms		
Office	321,841 S.F.			
High Tech / Light Industrial	1,878,669 S.F.			
PHASE III - CONCEPTUAL APPROVAL (5)				
Commercial / Office	202,953 S.F.	To Be Determined Following Receipt of Specific Approval		
Hotel	144 Rooms			
Office	317,757			
High Tech / Light Industrial	1,842,797 S.F.			

NOTES:

(1) Uses may be modified through utilization of the Trade-off Mechanism.

(2) Residential land uses are not permitted on Parcel "A-1" or the "Ribbon Parcel".

(3) Parcel "A-2" is not subject to this thirteenth amended development order; however the development totals for Parcels "A-1" and "A-2" as shown in this table were approved for Parcels "A-1" and "A-2" combined.

(4) This total has been reduced by 40,000 S.F. based upon an approved transfer of that square footage from Parcel "A-2" to Parcel "A" in 1999.

(5) These phases have been approved except for analysis and approval of transportation impacts and mitigation measures.

TABLE 2

SITE INFORMATION

Parcel Designation	Acreage (Gross)	Maximum Height	Uses
One Single Unified Parcel (combined "A-1", "J" and "Ribbon Parcel") hereinafter, the "Apex Parcel"	25.675 Acres	180 feet, except where otherwise limited.	Development entitlements (both land uses and amounts of each use, as depicted in the "Land Uses / Development Entitlements / Schedule", Table 1 above) may be distributed throughout the Apex Parcel, however, residential uses shall be allowed on Parcel "J" only.

#139

Ordinance No. 282

AN ORDINANCE OF CITY OF TAMPA, FLORIDA; APPROVING THE TWELFTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK DEVELOPMENT OF REGIONAL IMPACT IN RESPONSE TO A NOTICE OF PROPOSED CHANGE FILED BY LENNAR HOMES, INC.; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 11, 1986, the City of Tampa ("City") adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to Chapter 380, *Florida Statutes*, for the Tampa Technology Park, a Development of Regional Impact ("DRI"); and

WHEREAS, on December 18, 1986, the City adopted Ordinance No. 9466-A, which amended the Development Order (the "First Amendment"); and

WHEREAS, on October 10, 1991, the City adopted Ordinances Nos. 91-194 and 91-195, the Second and Third Amendments, respectively, to the Development Order; and

WHEREAS, on December 19, 1991, the City approved Ordinance No. 91-229, as the Fourth Amendment to the Development Order (the "Fourth Amendment"), which Fourth Amendment repealed the Third Amendment, Ordinance No. 91-195, and amended certain other provisions of the Development Order; and

WHEREAS, the Fourth Amendment approved an allocation of development entitlements (including land uses and external PM peak hour trips), and adopted separate master plan maps for portions of the DRI know as Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on October 27, 1994, the City adopted Ordinance 94-222, as the Fifth Amendment to the Development Order ("Fifth Amendment"), which Fifth Amendment allowed changes to the master plan for Tampa Technology Park (East) and tradeoff mechanisms and development conditions for Tampa Technology Park (East), and extended the buildout for the both Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on January 23, 1997, the City adopted Ordinance 97-16, as the Sixth Amendment to the Development Order ("Sixth Amendment"), which Sixth Amendment allowed changes to the approved land use schedule and master plan map for Tampa Technology Park (East); and

Certified as true and correct copy.

WHEREAS, on September 11, 1998, the City adopted Ordinance 98-188, as the Seventh Amendment to the Development Order ("Seventh Amendment"), which Seventh Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc.; and

WHEREAS, on November 19, 1998, the City adopted Ordinance 98-252, as the Eighth Amendment to the Development Order ("Eighth Amendment"), which Eighth Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc.; and

WHEREAS, on January 7, 1999, the City adopted Ordinance 99-03, as the Ninth Amendment to the Development Order ("Ninth Amendment"), which Ninth Amendment allowed changes to the master plan for Tampa Technology Park, amended the buildout date for Phase I and provided replacement language related to the "Connector Road" to the East-West Roadway, based upon the application filed by Lennar Homes, Inc. and Starwood/Tampa I, L.P.; and

WHEREAS, on October 28, 1999, the City adopted Ordinance 99-237, as the Tenth Amendment to the Development Order ("Tenth Amendment"), which Tenth Amendment allowed changes to the master plan for Tampa Technology Park (West) to include middle school, high school and park uses, additional environmental preserve area, and simultaneous decreases of other approved land uses; and

WHEREAS, on January 6, 2000, the City adopted Ordinance 2000-5, as the Eleventh Amendment to the Development Order ("Eleventh Amendment"), which Eleventh Amendment allowed changes to the master plan and approved land uses for Tampa Technology Park (East) (references herein to the "Development Order" shall include the Development Order and all subsequent amendments); and

WHEREAS, the current owners of the property in the Tampa Technology Park DRI, ("DRI Property"), include Starwood/Tampa I, L.P. ("Starwood"), Finn M. W. Caspersen, as Trustee ("Caspersen"), Morrison Homes of Florida, Inc., ("Morrison Homes"), Tampa Norstar USA, Inc., ("Tampa Norstar"), Boulevard Retail Partners, Ltd. ("Boulevard"), United Services Automobile Association ("USAA"), Hillsborough County School Board ("HCSB"), Hillsborough County (ELAPP) ("County") and Lennar Homes, Inc. ("Lennar"); and

WHEREAS, Lennar, HCSB, County and USAA are the owners and developers of that part of the DRI Property lying south and west of I-75, which is commonly referred to as Tampa Technology Park (West), legally described in **Attachment 1** to this Ordinance (the "Tampa Technology Park (West) Property"); and

Certified as true
and correct copy.

WHEREAS, on April 3, 2000, Lennar duly filed an application entitled "Notice of Proposed Change to a Previously Approved Development of Regional Impact pursuant to subsection 380.06(19), *Florida Statutes,* and has provided additional information requested by the reviewing agencies (collectively, the "NOPC"); and

WHEREAS, the changes proposed in the NOPC are solely with respect to the Tampa Technology Park (West) Property and include the following: (i) approval of a revised Map H and Phase 1 development to add residential land uses and "flex" parcels and simultaneously decrease High Tech/Light Industrial use; (ii) approval of additional trade-off mechanisms; (iii) reduce the E/W road right-of-way to 160 feet in width; (iv) clarify wetland setback requirements; and (v) revise Map H to provide updated jurisdictional lines (hereinafter referred to as "Proposed Changes"); and

WHEREAS, Lennar is not proposing any change to the approvals already granted to that portion of the DRI owned by USAA; and

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

WHEREAS, the public notice requirements have been fulfilled; and

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

WHEREAS, City Council has held a duly noticed public hearing on the NOPC, which includes the Proposed Changes, and has reviewed and considered the NOPC as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, *Florida Statutes*, requires that a Development Order be amended to reflect City Council's approval of changes to an adopted Development Order.

NOW, THEREFORE

BE IT ORDAINED BY CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA THAT;

Section 1. **Findings of Fact.** The City Council, having received the above described documents, and having received all related comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, *Florida Statutes*, concerning substantial

Certified as true
and correct copy.

deviations, finds that there is substantial, competent, clear and convincing evidence to support the following findings of fact:

A. Lennar submitted an NOPC to the City requesting certain changes that apply solely to Tampa Technology Park (West).

B. The Tampa Technology Park DRI Development Order, as adopted by Ordinance 9359-A, and amended by Ordinances 9466-A, 91-194,91-229,91-195, 94-222, 97-16, 98-252, 99-03 and 99-237 is a valid final development order within the provisions of Section 163.3167(8), *Florida Statutes*.

C. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, and coordinated with other DRI reviewing agencies, including but not limited to the Tampa Bay Regional Planning Council ("TBRPC"), and the Department of Community Affairs ("DCA").

D. The Proposed Changes are consistent with all City land development regulations and the City Comprehensive Plan.

E. The Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and are consistent with the State Comprehensive Plan.

F. The Proposed Changes do not individually or cumulatively create additional regional impacts on transportation or other public facilities including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed, and as such no further development of regional impact review is necessary.

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

A. These proceedings have been duly conducted pursuant to applicable law and regulations and based upon the record of these proceedings, the owners of Tampa Technology Park are authorized to conduct development as described in the Development Order, as amended herein, subject only to the amendments, conditions, restrictions and limitations as set forth in the Development Order, as amended herein.

B. The review of the City, TBRPC, DCA, and other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, *Florida Statutes*, within the terms and conditions of the Development Order, as amended herein.

Certified as true and correct copy.

C. The City has, at its proceedings, considered all previous changes and the changes approved herein and determined that such changes individually and cumulatively do not constitute a substantial deviation requiring further DRI review pursuant to Section 380.06, *Florida Statutes*.

D. This Ordinance does not constitute a substantial deviation from the Development Order, as defined in Chapter 380, *Florida Statutes*, and nothing herein shall limit or modify the protection afforded under Section 163.3167(8), *Florida Statutes*. Phase I of Tampa Technology Park remains vested pursuant to Section 163.3167(8), *Florida Statutes*, remains exempt from the provisions of City of Tampa Ordinance 90-32, Concurrency Management System. Phases II and III also remain vested except as to those matters listed in Section 4.U. of the Development Order (traffic, air quality, water quality, drainage and solid, including hazardous, waste).

E. The Proposed Changes authorized by this Ordinance do not individually or cumulatively create additional impacts or any type of impact not previously reviewed.

Section 3. Order. Having made the above findings of fact, and conclusions of law, it is ordered that the Development Order be amended as set forth below:

A. The Proposed Changes in the NOPC are approved and the Development Order is hereby amended to incorporate the NOPC, except as specifically modified herein.

B. Subsection 4.W. of the Development Order, as amended, solely with respect to the Tampa Technology Park (West) Property, is hereby amended to read:

> "W. Tampa Technology Park (West). With respect to the area of Tampa Technology Park lying south and west of I-75, which is commonly referred to as Tampa Technology Park (West) and graphically depicted on the Revised Map H for Tampa Technology Park (West), dated October 10, 2000, attached hereto as **Attachment 2,** specific approval of Phase 1 includes the following:

Certified as true and correct copy.

1.	Residential (Sgl. Family)	500 units
2.	Residential (Multi-Family)	400 units
3.	Commercial/Office	89,096 sq.ft.
4.	Hotel	288 rooms
5.	Office	2,700,000 sq. ft.
	(Office for USAA)	(1,200,000 sq.ft.)
	(Office for Lennar)	(1,500,000 sq. ft.)
6.	High Tech/Light Industrial	-0- sq. ft.
7.	Government Services	
	High Sch./Middle School	68 net ac.
	City Park	40 net ac.

The land use entitlements shown above are subject to provisions related to trade-off mechanisms set forth in the Development order, as amended.

Further, 6,389 external P.M. peak hour trips are authorized in Phase I for Tampa Technology Park (West)."

C. Subsection 4.X.1. of the Development Order, as amended, solely with respect to the Tampa Technology Park (West) Property, is hereby amended by adding a subparagraph, 1.b., to read as follows:

"1.b. With respect to Tampa Technology Park (West) only: 1,000 square feet of Office is equivalent to 1,368 square feet of High Tech/Light Industrial land use and vice versa. 2,125 square feet of Office is equivalent to 1.0 single family residential unit and vice versa. 2,878 square feet of High Tech/Light Industrial is equivalent to 1.0 single family residential unit and vice versa. One (1.0) single family residential unit is equivalent to 1.53 multi-family residential units and vice versa. One (1.0) single family residential unit is equivalent to six (6.0) hotel rooms and vice versa. One (1.0) multi-family residential unit is equivalent to four (4.0) hotel rooms and vice versa."

D. Subsection 4.X.5. of the Development Order, as amended, solely with respect to the Tampa Technology Park (West) Property, is hereby deleted in its entirety and replaced with the following:

"5. In Tampa Technology Park (West), the maximum amount of residential development shall be as follows:

Residential (Single-family)	800 units
Residential (Multi-family)	400 units

Certified as true and correct copy.

If a mix of the uses above is proposed, then there shall be a pro-rata reduction of each of the above limits based on the trade-off mechanism described in Section 4.X.1.b. Approval of these maximums or any combination thereof shall not be construed as authorization for the project to generate additional trips than already allocated to Tampa Technology Park West."

E. The text of Subsection 4.Y. of the Development Order, as amended, with respect to the entire Tampa Technology Park DRI, is deleted in its entirety and replaced with the following:

"Revised Map H. The master plan of development for Tampa Technology Park is revised as reflected on the Revised Map H, attached hereto as Exhibit A-2, consisting of two sheets, and is hereby approved and adopted as the Tampa Technology Park Master Plan. Sheet one of the two sheets comprising Exhibit "A-2" shows Tampa Technology Park (East) and bears a last revision date of November 20, 1998. Sheet two of the two sheets comprising Exhibit "A-2" shows Tampa Technology Park (West) and bears a last revision date of October 10, 2000."

Copies of sheet one of two and sheet two of two of Exhibit "A-2," as amended herein, are attached as **Attachment 2** to this Ordinance.

F. The Fifth Amendment to the Development Order approved, solely with respect to Tampa Technology Park (East), an amendment to Exhibit "D," to include an impact assessment for residential uses. The Development Order is hereby amended to extend to Tampa Technology Park (West) the approval previously granted Tampa Technology Park (East). A copy of the previously amended Exhibit "D," is attached hereto as **Attachment 3.**

G. Open Space. Solely with respect to the Tampa Technology Park (West) Property: A minimum of 469.1 acres of Open Space (which includes 184.7 acres of Environmental Preserve and 284.4 acres of wetlands) shall be provided for Tampa Technology Park West. This amount of Open Space supersedes any other amount provided in the Development Order for the Tampa Technology Park (West) Property.

H. The Fifth Amendment to the Development Order approved, solely with respect to Tampa Technology Park (East), an amendment to Section 4.J. of the Development Order regarding buffering requirements. The Development Order is hereby amended to extend to Tampa Technology Park (West) the approval previously granted Tampa Technology Park (East).

Certified as true and correct copy.

I. Schools. Solely with respect to the Tampa Technology Park (West) Property, school impact fees shall be paid pursuant to the Hillsborough County School Impact Fee Ordinance, as the same may be amended ("School Ordinance").

J. USAA Approvals. The parcel owned and identified on Revised Map H as the USAA project shall continue to be governed solely by the approvals existing prior to the approval of this amendment to the Development Order, except that the USAA parcel, as well as the remainder of Tampa Technology Park, shall be governed by the build-out date approved in this amendment to the Development Order.

K. Concurrency Management Exemptions. The changes approved by this Twelfth Amendment to the Development Order are exempt from the provisions of Ordinance 90-32 City of Tampa Concurrency Management System, and the Tampa Technology Park DRI remains vested thereunder.

L. East-West Road. The City is considering construction of an east-west arterial roadway as depicted on Revised Map H, which arterial will connect to I-275 through Area 4 of the Tampa Palms DRI and through a 160' right-of-way traversing so-called Area 5 to the west of Area 4. The connection to I-275 will consist of a NB to EB exit from I-275 and a WB to SB entrance to I-275. Together, this east-west arterial and connection to I-275 are referred to herein as the East-West Road. Anytime prior to October 7, 2002, the City may notify in writing the owner(s) of the property through which the East-West Road is to be constructed, of the City's intention to proceed with construction of all or part of the East-West Road. Any such written notice from the City shall include a schedule for the City's diligent pursuit to design, permit and construct the East-West Road. Upon receipt of such written notice, the owner(s) of the property required for construction of the East-West Road shall dedicate by fee simple deed, for construction of the East-West Road, the right-of-way described above for so much of the East-West Road as the City or implementing agency intends to construct. Transportation impact fee credits for the right-of-way dedication, calculated in accordance with the City Transportation Impact Fee Ordinance in effect at the time of the dedication, shall be granted to the owner(s) and shall be useable or assignable by such owner(s) as allowed by law.

Nothing herein shall prohibit the owner(s) from pursuing construction and dedication of all or part of the East-West Road in advance of the City.

Nothing herein shall prohibit the owner(s) and the City from entering into a development agreement to define further the construction of the East-West Road. Nothing herein shall be construed as requiring the owner(s) to construct or pay for the construction of such a road.

Certified as true
and correct copy.

Prior to construction of the East-West Road, a notification of proposed change application, pursuant to Section 380.06, Florida Statutes, shall be submitted by the City of Tampa to review the impacts of the alignment and construction of the East-West Road and any other related issues.

Park, residential and nonresidential development parcel configurations as shown on Revised Map H as being within and/or adjacent to the East-West Road may be adjusted to accommodate the final alignment of the East-West Road and to maintain the approved development entitlements. These adjustments shall not be determined to be substantial deviations. The final development parcel configurations will be depicted on a revised master plan to be adopted when the notification of proposed change application for the East-West Road is processed. The City of Tampa shall work cooperatively with Lennar on the parcel configuration.

M. Miscellaneous Transportation Notes. For informational purposes, certain notes relating to transportation that appear on the zoning map for Tampa Technology Park West are set forth on **Attachment 4** to this ordinance.

N. Parks. The Tampa Technology Park (West) Property shall meet the City of Tampa Comprehensive Plan requirements with regard to the provision of parkland incident to residential development. At its option, the developer may (i) pay cash in an amount reasonably acceptable to the City of Tampa in full or partial satisfaction of the park land dedication requirement or (ii) make improvements reasonably acceptable to the City of Tampa within the regional park located in Tampa Technology Park (West) Property for credit against cash amounts that otherwise would be payable to the City of Tampa in lieu of park land dedication, or (iii) both.

O. Wetland Encroachment. Impacts to wetlands are subject to all applicable environmental permitting requirements. Approved mitigation shall be performed within the Tampa Technology Park DRI or off-site within the Trout Creek drainage basin located within the City boundaries. There shall be no greater than 15% encroachment (excluding impacts by governmental agencies such as Tampa Bay Water and City of Tampa) into the total square footage contained within the required thirty-foot wetland setback, pursuant to applicable city regulations. Except as provided herein, the thirty-foot buffer shall remain in its natural condition. Should the owner choose mitigation site(s) not within the DRI site, i.e. offsite, the following additional conditions shall apply:

1. Ownership of any off-site mitigation areas shall remain in control of the owner of the Tampa Technology Park (West) Property, its successors or assigns, unless as a result of permitting requirements, the off-site mitigation area meeting the foregoing

Certified as true and correct copy.

requirements is a part of a mitigation bank, in which event ownership shall be as identified in the permitting conditions.

2. Off-site mitigation areas shall be encumbered by a perpetual conservation easement for the protection of the resources being mitigated.

3. Any costs associated with providing for constructing, monitoring and maintaining the off-site mitigation area(s) shall be borne by the owner of the Tampa Technology Park (West) Property, its successors or assigns.

4. Timing of off-site mitigation shall be in accordance with environmental agency permits.

5. At such time hereafter as a Notice of Proposed Change Application may be submitted affecting the Tampa Technology Park (West) Property (the "Next NOPC") any off-site mitigation plan approved by applicable permitting agencies shall be incorporated into any development order amendment resulting from the Next NOPC. This change shall not be determined to be a substantial deviation.

Section 4. **Development Order, As Amended.** This Ordinance shall constitute the Twelfth Amendment to the Development Order as passed and ordained by City Council. All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the development, unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and the conditions of this Ordinance shall govern.

Section 5. **Binding Effect.** That this Ordinance shall be binding upon Lennar, its assigns and its successors in interest and, as applicable, other owners of the DRI.

Section 6. **Severance.** That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 7. **Transmittals.** That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming law, to Lennar, DCA, TBRPC, Starwood, USAA, Caspersen, Morrison Homes, Tampa Norstar, Boulevard, County and HCSB.

Certified as true
and correct copy.

Section 8. **Rendition.** That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, *Florida Statutes.*

Section 9. **Recording.** That Lennar shall record a notice of adoption of this Ordinance pursuant to Chapter 380, *Florida Statutes.*

Section 10. **Effective Date.** That this Ordinance shall become a law as provided in the City's Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON OCT 26 2000.

Chairman, City Council

Approved by me on OCT 30 2000

Attest:

By: Janett S. Martin
City Clerk

Mayor

Approved as to form by:

Assistant City Attorney

ATTACHMENTS #

1. Legal for TTP West Property
2. Revised "Exhibit A-2," Revised Map H for TTP East and for TTP West
3. Exhibit "D," as amended by the Fifth DO Amendment
4. Miscellaneous Transportation Notes

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 2000-282 on file in my office
Witness my hand and official seal this 28 day of Nov, 2000

Janett S Martin
CITY CLERK

10/12/00 10:02 AM d-1
34119.97527
#209430 v7 - Lennar/TTW/Ordinance

ATTACHMENT 1

LEGAL DESCRIPTION FOR THE TAMPA TECHNOLOGY (WEST) PROPERTY

DESCRIPTION: A parcel of land lying in Sections 14, 15, 16, 22 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 14, run thence along the North boundary of the North 1/2 of said Section 14, S.89°45'59"E., 855.53 feet to a point on the Westerly right-of-way line of the Westerly Frontage Road of Interstate Highway No. 75 as recorded in Official Record Book 3613, Page 910 and Official Record Book 3807, Page 139 of the Public Records of Hillsborough County, Florida, thence along said Westerly right-of-way line the following nine (9) courses: 1) S.31°10'42"E., 334.83 feet to a point of curvature; 2) Southeasterly, 1349.57 feet along the arc of a curve to the right having a radius of 5487.58 feet and a central angle of 14°05'27" (chord bearing S.24°07'58"E., 1346.17 feet) to a point of tangency; 3) S.17°05'15"E., 3729.12 feet to a point of curvature; 4) Southeasterly, 197.21 feet along the arc of a curve to the right having a radius of 2824.79 feet and a central angle of 04°00'00" (chord bearing S.15°05'15"E., 197.17 feet) to a point of tangency; 5) S.13°05'15"E., 417.31 feet to a point of curvature; 6) Southeasterly, 509.67 feet along the arc of a curve to the right having a radius of 2690.70 feet and a central angle of 10°51'09" (chord bearing S.07°39'40"E., 508.91 feet) to a point of tangency; 7) S.02°14'06"E., 1285.25 feet to a point of curvature; 8) Southwesterly, 430.48 feet along the arc of a curve to the right having a radius of 591.50 feet and a central angle of 41°41'54"(chord bearing S.18°36'51"W., 421.04 feet) to a point of tangency; 9) S.39°27'48"W., 79.10 feet to a point on the South boundary of the Northwest 1/4 of the aforesaid Section 23; thence along said South boundary of the Northwest 1/4 of Section 23, N.89°30'00"W., 2688.71 feet; thence along the South boundary of the Northeast 1/4 of the aforesaid Section 22, N.89°52'54"W., 2659.65 feet; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 2640.14 feet; thence along the South boundary of the South 1/4 of the aforesaid Section 15, N.89°45'09"W., 2663.36 feet; thence along the South boundary of the Southeast 1/4 of the aforesaid Section 16, N.88°54'49"W., 2663.84 feet; thence along the West boundary of said Southeast 1/4 of Section 16, N.00°23'14"E., 1321.12 feet; thence along the North boundary of the South 1/2 of said Southeast 1/4 of Section 16, S.89°01'50"E., 2653.75 feet; thence along the West boundary of the North 1/2 of the Southwest 1/4 of the aforesaid Section 15, N.00°02'04"W., 1324.45 feet; thence along the North boundary of said North 1/2 of the Southwest 1/4 of Section 15, S.89°33'50"E., 1323.11 feet; thence along the West boundary of the Southeast 1/4 of the Northwest 1/4 of the aforesaid Section 15, N.00°13'13"W., 1329.19 feet; thence along the North boundary of said Southeast 1/4 of the Northwest 1/4 of Section 15, S.89°24'30"E., 1318.83 feet; thence along the West boundary of the Northeast 1/4 of the aforesaid Section 15, N.00°24'26"W., 1325.67 feet; thence along the North boundary of said Northeast 1/4 of Section 15, S.89°15'06"E., 2629.12 feet to the POINT OF BEGINNING.

Containing 1160.164 acres, more or less.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, according to the plat thereof as recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida, lying South of the South boundary of the Northwest 1/4 of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida.

Containing 17.341 acres, more or less.

Certified as true and correct copy.

LESS THE FOLLOWING DESCRIBED PARCEL:

TAMPA TECHNOLOGY PARK WEST
LAND SWAP PARCEL

DESCRIPTION: A parcel of land in Section 22, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

From the Southeast corner of the Northeast 1/4 of said Section 22, run thence N.89°52'54"W., 1014.52 feet along the South boundary of said Northeast 1/4 of Section 22 to the POINT OF BEGINNING; thence continue along said South boundary, N.89°52'54"W., 1645.13 feet to Southwest corner of said Northeast 1/4 of Section 22; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 681.12 feet; thence S.89°55'54"E., 242.68 feet; thence S.50°13'02"E., 512.61 feet; thence N.50°52'31"E., 518.31 feet; thence S.66°08'17"E., 43.74 feet; thence S.33°46'53"E., 32.57 feet; thence S.87°41'55"E., 34.29 feet; thence S.14°38'10"W., 166.29 feet; thence S.32°58'36"E., 111.60 feet; thence N.80°32'04"E., 56.96 feet; thence S.44°29'40"E., 329.75 feet; thence S.51°57'53"E., 25.34 feet; thence S.89°52'54"E., 187.56 feet; thence S.00°07'06"W., 140.76 feet to the POINT OF BEGINNING

Containing 17.341 acres, more or less.

ATTACHMENT 2

REVISED EXHIBIT A-2 TO THE DEVELOPMENT ORDER

TAMPA TECHNOLOGY (EAST) PROPERTY (SHEET 1 0F 2)
THE TAMPA TECHNOLOGY (WEST) PROPERTY (SHEET 2 OF 2)

Certified as true
and correct copy.

REVISED MAP H

Located in Original Development Order Book

ATTACHMENT 3

REVISED EXHIBIT "D" AS AMENDED BY FIFTH AMENDMENT

Commercial/Office/Hotel	367,737	$ 3.97
Office	1,208,278	$ 1.68
High Tech	2,395,620	$ 0.94
Single Family[1]		$1,765.00 per unit
Multi-family[1]		$863.00 per unit

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1. Allowed by use of approved trade-off mechanism.

3902-002-0202771.09

Certified as true and correct copy.

ATTACHMENT 4

MISCELLANEOUS TRANSPORTATION NOTES

(Note 4) Roadways, except for the private access drives to the individual parcels, shall be designed and constructed in accordance with the standards of the City of Tampa, Department of Public Works. All roads shall provide adequate access for sanitary, fire fighting and other vehicles as required by the City of Tampa Code at the time of permitting.

(Note 21) The Developer shall be responsible for signalizing the main entrances to the school and park sites when warrants are met.

(Note 23) The Developer shall construct the remaining portion of Commerce Park Blvd. to New Tampa Blvd. concurrently with the City of Tampa's Extension of New Tampa Blvd. to this intersection.

(Note 24) At the time that traffic volume reaches 12,000 ADT and upon the City of Tampa's request, the Developer shall complete the 4 laning of Commerce Park Blvd.

(Note 25) Access to the Frontage Road may require improvements that are necessary to accommodate increased traffic volume. Temporary construction access along the Frontage Road will be allowed. The Developer agrees that any damage to this Frontage Road that occurs as a result of this construction activity will be repaired to its current condition.

(Note 26) The connection between Palms Springs Blvd. and Commerce Park Blvd. can be constructed at the option of the Developer.

(Note 27) The Developer agrees to pay its proportionate share of the at-grade intersection improvement costs, including signalization, of Tampa Palms Blvd. and Commerce Park Blvd.

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and correct copy.

Received Time Jun 3:28PM

#139

1999 LAND USE TRADEOFFS

TAMPA TECHNOLOGY PARK EAST DRI

TAMPA, FLORIDA

TRADE-OFF ANALYSIS

Per Development Order 97-16 Sixth Amendment		OFFICE 411,242 SF	AND	HIGH TECH 2,302,518 SF
Multi-Family Units		(299.04 sq. ft.)		
Parcel A-1 actual	354			
Parcel B proposed	280			
Total	634	189,591.36		
Single Family Units		(478.47 sq.ft.)		
Parcel C-1 actual	62			
Parcel C-2 actual	30			
Parcel C-3A actual	25			
Parcel C-3B actual	20			
Parcel C-4 actual	31			
Parcel C-5 actual	77			
Parcel D under design	65			
Total	310	148,325.70		
Commercial Mixed Use				(2.538 sf.ft.)
Parcel A-2				
145,000 sf retail center				368,010.00 sq.ft.
120 hotel rooms @ 54 sq. ft. of Commercial sq. ft. per room				16,447.20 sq
Total				422,527.20
Parcel F				
70,000 sf retail center				177,660.00 sq.ft.
				177,660.00
Office				(1.368 sq. ft.)
Parcels G,H and I				
1,300,000 sf.ft.		70,000.00	and	1,682,640.00
Remaining D.O. Entitlements		3,324.94 SF	and	19,690.80 SF
or		(2.703 sq.ft.)		(2.538 sf.ft.)
Remaining Retail Entitlements		1,230.09 SF	and	7,758.39 SF

Post-it® Fax Note 7671	Date	# of pages ▶
To John Meyer	From S. [illegible]	
Co./Dept.	Co.	
Phone #	Phone #	
Fax # 727-500-5118	Fax #	

#139

CITY OF TAMPA

Janett S. Martin, City Clerk — Office of City Clerk

January 14, 2000

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

RE: Petition No. DZ85-166
Ordinance No. 2000-5

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process. If further information is needed, please contact the office of Land Development Coordination, at (813) 274-8405.

Sincerely,

Janett S. Martin
City Clerk

JM/gg

Enclosure: Certified copy of Ordinance No. 2000-5

Certified Mail

315 E. Kennedy Blvd., City Hall • Tampa, Florida 33602 • 813/274-8396 • FAX: 813/274-8306
email: i:ctyclerk@ci.tampa.fl.us

ORDINANCE NO. 2000-5

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA; APPROVING THE ELEVENTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK DEVELOPMENT OF REGIONAL IMPACT IN RESPONSE TO A NOTICE OF PROPOSED CHANGE FILED BY STARWOOD/TAMPA I, L.P.; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 11, 1986, the City of Tampa ("City") adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to Chapter 380, Florida Statutes, for the Tampa Technology Park, a Development of Regional Impact ("DRI"); and

WHEREAS, on December 18, 1986, the City adopted Ordinance No. 9466-A, as the First Amendment to the Development Order; and

WHEREAS, on October 10, 1991, the City adopted Ordinances Nos. 91-194 and 91-195, as the Second and Third Amendments, respectively, to the Development Order; and

WHEREAS, on December 19, 1991, the City adopted Ordinance No. 91-229, as the Fourth Amendment to the Development Order, which Fourth Amendment repealed the Third Amendment, Ordinance No. 91-195, and amended certain other provisions of the Development Order; and

WHEREAS, on October 27, 1994, the City adopted Ordinance 94-222, as the Fifth Amendment to the Development Order, which Fifth Amendment amended certain provisions of the Development Order; and

WHEREAS, on January 23, 1997, the City adopted Ordinance 97-16, as the Sixth Amendment to the Development Order, which Sixth Amendment amended certain provisions of the Development Order; and

WHEREAS, on September 11, 1998, the City adopted Ordinance 98-188, as amended by Ordinance 98-230, as the Seventh Amendment to the Development Order, which Seventh Amendment amended certain provision of the Development Order; and

WHEREAS, on November 19, 1998, the City adopted Ordinance 98-252, as the Eighth Amendment to the Development Order, which Eighth Amendment amended certain provisions of the Development Order; and

WHEREAS, on January 7, 1999, the City adopted Ordinance 99-03, as the Ninth Amendment to the Development Order, which Ninth Amendment amended certain provisions of the Development Order; and

WHEREAS, on October 28, 1999, the City adopted Ordinance 99-237, as the Tenth Amendment to the Development Order, which Tenth Amendment amended certain provisions of

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the Development Order (references herein to the "Development Order" shall include the Development Order and all subsequent Amendments); and

WHEREAS, the current private owners of the undeveloped property in the Tampa Technology Park DRI ("DRI Property"), include Starwood/Tampa I, I.P. ("Starwood"), Finn M. W. Caspersen, as Trustee ("Caspersen"), Morrison Homes of Florida, Inc., ("Morrison"), Boulevard Retail Partners, Ltd. ("Boulevard"), Maronda Homes, Inc. of Florida ("Maronda"), 581 Highwoods, L.P. ("Highwoods"), Summer/Richmond, L.P. ("Summer"), Tampa Northstar U.S.A. ("Northstar"), United Services Automobile Association ("USAA"), and Lennar Homes, Inc. ("Lennar"), and Harrison Bennett Properties, Inc. ("Harrison"); and

WHEREAS, Lennar and USAA are the owners and developers of that part of Tampa Technology Park lying south and west of 1-75, which is commonly referred to as Tampa Technology Park West; and

WHEREAS, Starwood, Caspersen, Morrison, Boulevard, Maronda, Highwoods, Summer, Northstar and Harrison are the private owners of the undeveloped portions of Tampa Technology Park lying north and east of 1-75, which is commonly referred to as Tampa Technology Park East; and

WHEREAS, on September 27, 1999, Starwood duly filed a Notice of Proposed Change to a Previously Approved Development of Regional Impact pursuant to subsection 380.06(19), Florida Statutes, and has provided additional information requested by the reviewing agencies (collectively, the "NOPC"); and

WHEREAS, the proposed changes to the Development Order shall constitute the Eleventh Amendment to the Development Order; and

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

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

NOW, THEREFORE

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

Section 1. **Findings of Fact**. The City Council, having received the above described documents, and having received all related comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, Florida Statutes, concerning substantial deviations, finds that there is substantial, competent, clear and convincing evidence to support the following findings of fact:

Certified as true
and correct copy.

A. A comprehensive review of the impacts generated by the proposed changes in the NOPC has been conducted by the City's Departments, and coordinated with other DRI reviewing agencies, including but not limited, to the Tampa Bay Regional Planning Council ("TBRPC"), and the Department of Community Affairs ("DCA").

B. The proposed changes in the NOPC are consistent with all City land development regulations and the City Comprehensive Plan.

C. The proposed changes in the NOPC do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and are consistent with the State Comprehensive Plan.

D. The proposed changes in the NOPC do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed, and as such no further development of regional impact review is necessary.

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

A. These proceedings have been duly conducted pursuant to applicable law and regulations and based upon the record of these proceedings, the owners of Tampa Technology Park are authorized to conduct development as described in the Development Order, as amended herein, subject only to the amendments, conditions, restrictions and limitations as set forth in the Development Order, as amended herein.

B. The review of the City, TBRPC, DCA, and other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of the Development Order, as amended herein.

C. The City has, at its proceedings, considered all previous changes and the changes approved herein and determined that such changes individually and cumulatively do not constitute a substantial deviation requiring further DRI review pursuant to Section 380.06, Florida Statutes.

D. This Ordinance does not constitute a substantial deviation from the Development Order, as defined in Chapter 380, Florida Statutes, and nothing herein shall limit or modify the protection afforded under Section 163.3167(8), Florida Statutes. Phase I of Tampa Technology Park remains vested pursuant to Section 163.3167(8), Florida Statutes, and remains exempt from the provisions of City of Tampa Ordinance 90-32, Concurrency Management System. Phases II and III also remain vested except as to those matters listed in Section 4.U. of the Development Order (traffic, air quality, water quality, drainage and solid, including hazardous, waste).

Certified as true and correct copy.

E. The proposed changes authorized by this Ordinance do not individually or cumulatively create additional impacts or any type of impact not previously reviewed.

Section 3. Order. Having made the above findings of fact, and conclusions of law, it is ordered that the Development Order be amended as set forth below:

A. The proposed changes in the NOPC are approved and the Development Order is hereby amended to incorporate the proposed changes in the NOPC, except as specifically modified herein or modified by Revised Map H.

B. Subsection 4.V. of the Development Order is hereby amended to read as follows:

"Tampa Technology Park (East). With respect to the area of Tampa Technology Park lying north and east of I-75, which is commonly referred to as Tampa Technology Park East and is more particularly described in revised Map H attached hereto, specific approval of Phase I includes the following:

1.	Commercial/Office	433,204 sq. ft.
2.	Hotel	192 rooms
3.	Office	411,242 sq. ft.
4.	High-Tech, Light Industrial	2,401,518 sq. ft.[1]
5.	Governmental Services	58,000 sq. ft. [2]
6.	Residential	974 single family units [3]
7.	Commercial Mixed Use	340,000 sq. ft. [4]

Further, 6,021 external P.M. peak hour trips are authorized in Phase I for Tampa Technology Park East."

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[1] The Additional 99,000 square feet of High-Tech/Light Industrial land uses allowed pursuant to this Ordinance shall be traded-off for Commercial Mixed Use land uses in accordance with the approved trade-off mechanism, and shall be utilized on Parcel J as depicted on Revised Map H.

[2] The governmental services density may be assigned to Tampa Technology Park West pursuant to Section 4.Q.2. of Ordinance 9359-A.

[3] The maximum 974 single family units are permitted only in Tampa Technology Park East by trading off office or high-tech/light industrial land uses pursuant to the trade-off mechanism. Single family residential units may be traded-off to multi-family residential pursuant to approved trade-off mechanism.

[4] The maximum 340,000 sq. ft. of Commercial Mixed Use land uses include all uses permitted by the CG zoning district contained within the City of Tampa Zoning Code (effective as of the date of Ordinance 97-16) and are permitted only in Tampa Technology Park East by trading off office or high-tech/light industrial land uses pursuant to the trade-off mechanism. A maximum of 500 hotel rooms may be constructed in Tampa Technology Park East as Commercial Mixed Use land uses by use of the trade-off mechanism. Commercial Mixed Use land uses are subject to Sections 4.0 (Wastewater) and 4.P (Water Supply) of the original Development Order (Ordinance No. 9359-A).

Certified as true and correct copy.

C. "Tampa Technology Park East – Revised Map H" The master plan of development for Tampa Technology Park East is revised as reflected on Exhibit 'A' attached hereto, bearing a last revision date of September 24, 1999.

Concurrency Management Exemptions. The changes approved by this Eleventh Amendment to the Development Order are exempt from the provisions of Ordinance 90-32 City of Tampa Concurrency Management System, and the Tampa Technology Park DRI remains vested thereunder.

Section 4. **Development Order, As Amended**. This Ordinance shall constitute the Eleventh Amendment to the Development Order as passed and ordained by City Council. All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the development, unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and the conditions of this Ordinance shall govern.

Section 5. **Binding Effect**. That this Ordinance shall be binding upon Starwood, its assigns and its successors in interest, and as applicable, other owners of the DRI.

Section 6. **Severance**. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 7. **Transmittals**. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming law, to Lennar, DCA, TBRPC, Starwood, USAA, Caspersen, Morrison, Boulevard, Maronda, Highwoods, and Summer.

Section 8. **Rendition**. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 9. **Recording**. That Starwood shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 10. **Effective Date**. That this Ordinance shall become a law as provided in the

Certified as true and correct copy.

Section 11. City's Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JAN 06 2000

Chairman, City Council

Approved by me on _____

Attest:

By: Janett S. Martin
City Clerk

Mayor

Approved as to form by:

Assistant City Attorney

Attachment: Exhibit A - - Revised Map H for Tampa Technology Park East

#676482 v5 - 5585-036

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 2000-5 and attachments on file in my office
Witness my hand and official seal this 12th day of Jan, 20 00

Janett S. Martin
CITY CLERK

RPM-BSP-PROPCHANGE-1

EFFECTIVE DATE: 11/20/90

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

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI) SUBSECTION 380.006(19), FLORIDA STATUTES

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

1. I, **Steven M. Samaha**, the authorized representative of **Starwood/Tampa I, L.P.** (the "Applicant") hereby gives notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the **Tampa Technology Park - East** development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the **City of Tampa**, the **Tampa Bay Regional Planning Council**, and to the **Bureau of State Planning, Department of Community Affairs**.

9-24-99
(Date)

(Signature)

2. Applicant:

Starwood/Tampa I, L.P.
c/o Lochmere Development Group, Inc.
Suite 1070
2701 North Rocky Point Drive
Tampa, Florida 33607
Attention: Robert D. Evans

3. Authorized Agent:

Steven M. Samaha, Esquire
Annis, Mitchell, Cockey, Edwards
& Roehn, P.A.
One Tampa City Center Building
201 North Franklin Street
Suite 2100
Tampa, Florida 33602
(813) 229-3321

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

City of Tampa, County of Hillsborough, Sections 13, 14 and 23, Township 27 South, Range 19 East in Hillsborough County, Florida.

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

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

The proposed change is to increase the permitted High-Tech/Light Industrial square footage in Phase I of Tampa Technology Park-East by 99,000 square feet, which is below the criteria of subparagraph 380.06(19)(e)2., Florida Statutes. The additional High Tech/Light Industrial square footage will be traded off for approximately 39,000 square feet of Commercial Mixed Use entitlements pursuant to the approved trade-off mechanism, which will be utilized on Parcel J.

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

See Attached Chart.

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

(1) **City Ordinance No. 9359-A.**

(2) **City Ordinance No. 9466-A. The amendments were all technical in nature to revise, primarily, transportation conditions.**

(3) **City Ordinance No. 91-194. This amendment accommodated the inclusion of USAA in Tampa Technology Park.**

(4) **City Ordinance No. 91-229. This amendment allocated land use and trip generation entitlements between Tampa Tech East and Tampa Tech West and included a trade-off mechanism.**

(5) **City Ordinance No. 94-222. This amendment included residential uses in the trade-off mechanism, and extended the buildout dates for each phase.**

(6) **City Ordinance No. 97-16. This amendment included retail uses in the trade-off mechanism.**

(7) **City Ordinance No. 98-188, as amended by City Ordinance 98-230. This amendment approved the re-alignment of a right in/right out access drive to County Road 581.**

(8) **City Ordinance No. 98-252. This amendment allowed the transfer of certain commercial entitlements from Parcel A-2 to Parcel F and Parcel A.**

(9) **City Ordinance No. 99-03. This amendment extended the buildout date for each phase.**

There has not been a change in the local government jurisdiction over any portion of the development since the last amendment to the Development Order was issued.

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

The applicant has not purchased or optioned any land within 1/4 mile of the original DRI site.

9. Indicate if the proposed change result in a change to the build-out date or any phasing date of the project? If so, indicate the proposed new build-out or phasing dates.

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

YES X **NO** ___

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

No.

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

No.

Provide the following for incorporation into such an amended development order, pursuant to Subsections 3808.06 (15), F.S., and 9J-2.025, Florida Administrative Code.

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

See revised Map H attached to Exhibit "A".

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

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

See proposed ordinance attached as Exhibit "B."

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

SUBSTANTIAL DEVIATION DETERMINATION CHART [1]

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

[1] Information assumes development in accordance with Subsections 4.V. and 4.W. of the Development Order. Actual development will be determined by use of the trade-off mechanism.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Hospitals	# Beds		N/A	
	# Parking Spaces			
	Building (gross square feet)			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			
Industrial [2]	Acreage, including drainage, ROW, easements, etc.	No change.		
	Building (gross sq. ft.)	2,401,518(East)[3]; 2,663,322 sq.ft.(West)		2,302,518 sq.ft.(East); 2,663,322 sq.ft.(West)
	# Employees			
	Chemical storage (barrels and lbs.)			
	Site locational changes			
	# External Vehicle Trips (PM Peak Hour)	6021 (East); 6389 (West)		5897 (East); 6389 (West)
	D.O. conditions			
	ADA representations			

[2] Signifies High-Tech/Light Industrial for this NOPC.
[3] Additional entitlements will be traded off for approximately 39,000 square feet of Commercial Mixed Use entitlements pursuant to the approved trade off mechanism, which will be utilized on Parcel J.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Mining Operations	Acreage mined (year) Water Withdrawal (Gal/day) Size of mine (acres), including drainage, ROW, easements, etc. Site locations changes # External Vehicle Trips D.O. conditions ADA representations		N/A	
Office	Acreage, including ROW, easements, etc. Building (gross square feet) # Parking Spaces # Employees Site locational changes # External Vehicle Trips (PM Peak Hour) D.O. conditions ADA representations	No change.		

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Office	Acreage, including ROW, easements, etc. Building (gross square feet) # Parking Spaces # Employees Site locational changes # External Vehicle Trips (PM Peak Hour) D.O. conditions ADA representations	No change.		
Petroleum/Chem. Storage	Storage Capacity (barrels) and/or lbs.) Distance to Navigable Waters (feet) Site locational changes Facility Acreage, including drainage, ROW, easements, etc. # External Vehicle trips D.O. conditions ADA representations		N/A	

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Ports (Marinas)	# boats, wet storage # boats, dry storage Dredge and fill (cu. yds.) Petroleum storage (gals.) Site locational changes Port Acreage, including drainage ROW, easements, etc. # External Vehicle trips D.O. conditions ADA representations		N/A	
Residential	# dwelling units Type of dwelling units # lots Acreage, including drainage ROW, easements, etc. Site locational changes # External Vehicle Trips (PM Peak Hour) D.O. conditions ADA representations	No change.		

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Wholesale, Retail, Service	Acreage, including drainage, ROW, easements, etc. Floor Space (gross sq. ft.) # Parking Spaces # Employees Site locational changes # External Vehicle Trips (PM Peak Hour) D.O. conditions ADA representations.	No change.[4]		
Hotel/Motel	# Rental Units Floor Space (gross square feet) # Parking Places # Employees Site locational changes Acreage, including drainage, ROW, easements, etc. # External Vehicle Trips (PM Peak Hour) D.O. conditions ADA representations	No change.		

[4] See footnote 3.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
R.V. Park	Acreage, including drainage, ROW, easements, etc. # Parking Spaces Buildings (gross square feet) # Employees Site locational changes # External Vehicle Trips D.O. conditions ADA representations		N/A	
Open Space (All natural and vegetated/ non-impervious surfaces)	Acreage Site locational changes Type of open space D.O. Conditions ADA representations	No change.		
Preservation, Buffer or Special Protection Areas	Acreage Site locational changes Development of site proposed D.O. conditions ADA representations	No change.		

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the Applicant or his agent.

REVISED MAP H

Located in Original Development Order Book

#139

CITY OF TAMPA

Janett S. Martin, City Clerk — Office of City Clerk

November 9, 1999

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

RE: Petition No. DZ85-166
Ordinance 99-237

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process. If further information is needed, please contact the office of Land Development Coordination, at (813) 274-8405.

Sincerely,

Janett S. Martin
City Clerk

JM/gg

Enclosure: Certified copy of Ordinance 99-237

Certified Mail

315 E. Kennedy Blvd., City Hall • Tampa, Florida 33602 • 813/274-8396 • FAX: 813/274-8306
email: i:ctyclerk@ci.tampa.fl.us

TD

ORDINANCE NO. 99-237

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA; APPROVING THE TENTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK DEVELOPMENT OF REGIONAL IMPACT IN RESPONSE TO A NOTICE OF PROPOSED CHANGE FILED BY LENNAR HOMES, INC.; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 11, 1986, the City of Tampa ("City") adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to chapter 380, Florida Statutes, for the Tampa Technology Park, a Development of Regional impact ("DRI"); and

WHEREAS, on December 18, 1986, the City adopted Ordinance No. 9466-A, which amended the Development Order (the "First Amendment"); and

WHEREAS, on October 10, 1991, the City adopted Ordinance Nos. 91-194 and 91-195, the Second and Third Amendments, respectively, to the Development Order; and

WHEREAS, on December 19, 1991, the City approved Ordinance No. 91-229, as the Fourth Amendment to the Development Order (the "Fourth Amendment"), which Fourth Amendment repealed the Third Amendment, Ordinance No. 91-195, and amended certain other provisions of the Development Order; and

WHEREAS, the Fourth Amendment approved an allocation of development entitlements (including land uses and external PM peak hour trips), and adopted separate master plan maps for portions of the DRI know as Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on October 27, 1994, the City adopted Ordinance 94-222, as the Fifth Amendment to the Development Order ("Fifth Amendment"), which Fifth Amendment allowed changes to the master plan for Tampa Technology Park (East) and tradeoff mechanisms and development conditions for Tampa Technology Park (East) , and extended the buildout for both Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on January 23, 1997, the City adopted Ordinance 97-16, as the Sixth Amendment to the Development Order ("Sixth Amendment"), which Sixth Amendment allowed changes to the approved land use schedule and master plan map for Tampa Technology Park (East); and;

WHEREAS, on September 11, 1998, the City adopted Ordinance 98-188, as the Seventh Amendment to the Development Order ("Seventh Amendment"), which Seventh Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc.,

WHEREAS, on November 19, 1998, the City adopted Ordinance 98-252, as the Eighth Amendment to the Development Order ("Eighth Amendment"), which Eighth Amendment allowed

Certified as true and correct copy.

changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc., (references herein to the "Development Order" shall include the Development Order and all subsequent amendments); and

WHEREAS, on January 7, 1999, the City adopted Ordinance 99-03, as the Ninth Amendment to the Development Order (Ninth Amendment), which Ninth Amendment allowed changes to the master plan for Tampa Technology Park, amended the buildout date for Phase I, and provided replacement language related to the "Connector Road" to the East-West roadway, based upon the application filed by Lennar Homes, Inc. and Starwood/Tampa I; L.P.; and

WHEREAS, the current owners of the property in the Tampa Technology Park DRI ("DRI Property"), include Starwood/Tampa I, L.P. ("Starwood"), Finn M. W. Caspersen, as Trustee ("Caspersen"), Morrison Homes of Florida, Inc., ("Morrison Homes"), Tampa Norstar USA, Inc., ("Tampa Norstar"), Boulevard Retail Partners, Ltd. ("Boulevard"), United Services Automobile Association ("USAA"), and Lennar Homes, Inc. ("Lennar"); and

WHEREAS, Lennar and USAA are the owners and developers of that part of Tampa Technology Park lying south and west of I-75, which is commonly referred to as Tampa Technology Park (West) [the "Tampa Technology Park (West) Property"], described in **Attachment 1** of this Ordinance; and

WHEREAS, on August 20, 1999, Lennar duly filed an application entitled "Notice of Proposed Change to a Previously Approved Development of Regional Impact pursuant to subsection 380.06(19), Florida Statutes, and has provided additional information requested by the reviewing agencies described in **Attachment 2** to this Ordinance (collectively, the "NOPC"); and

WHEREAS, the changes proposed in the NOPC include the following: (i) solely with respect to Phase I and the Tampa Technology Park (West) property, approval of a revised Map H to allow for middle and high school and city park uses, additional environmental preserve area, and simultaneous decreases of other approved land uses and amendments to the Development Order related to these land uses; and

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

WHEREAS, the public notice requirements have been fulfilled; and

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

WHEREAS, City Council has held a duly noticed public hearing on the Proposed Changes, and has reviewed and considered the Proposed Changes as well as all testimony and evidence submitted by certain parties and members of the general public; and

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

Certified as true and correct copy.

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA THAT;

Section 1. **Findings of Fact.** The City Council, having received the above described documents, and having received all related comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, Florida Statutes, concerning substantial deviations, finds that there is substantial, competent, clear and convincing evidence to support the following findings of fact:

A. Lennar submitted an NOPC to the City requesting certain changes that apply solely to Tampa Technology Park (West).

B. The Tampa Technology Park DRI Development Order, as adopted by Ordinance 9359-A, and amended by Ordinances 9466-A, 91-194, 91-229, 91-195, 94-222, 97-16, 98-188, 98-252 and 99-03 , is a valid final development order within the provisions of Section 163.3167(8), Florida Statutes.

C. A comprehensive review of the impacts generated by the addition of uses and simultaneous reduction of other approved uses has been conducted by the City's Departments, and coordinated with other DRI reviewing agencies, including but not limited to the Tampa Bay Regional Planning Council ("TBRPC"), and the Department of Community Affairs ("DCA").

D. The Proposed Changes are consistent with all City land development regulations and the City Comprehensive Plan.

E. The Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and are consistent with the State Comprehensive Plan.

F. The Proposed Changes do not individually or cumulatively create additional regional impacts on transportation or other public facilities including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed, and as such no further development of regional impact review is necessary.

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

A. These proceedings have been duly conducted pursuant to applicable law and regulations and based upon the record of these proceedings, the owners of Tampa Technology Park are authorized to conduct development as described in the Development Order, as amended herein, subject only to the amendments, conditions, restrictions and limitations as set forth in the Development Order, as amended herein.

Certified as true
and correct copy.

B. The review of the City, TBRPC, DCA, and other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of the Development Order, as amended herein.

C. The City has, at its proceedings, considered all previous changes and the changes approved herein and determined that such changes individually and cumulatively do not constitute a substantial deviation requiring further DRI review pursuant to Section 380.06, Florida Statutes.

D. This Ordinance does not constitute a substantial deviation from the Development Order, as defined in Chapter 380, Florida Statutes, and nothing herein shall limit or modify the protection afforded under Section 163.3167(8), Florida Statutes. Phase I of Tampa Technology Park remains vested pursuant to Section 163.3167(8), Florida Statutes, and remains exempt from the provisions of City of Tampa Ordinance 90-32, Concurrency Management System. Phases II and III also remain vested except as to those matters listed in Section 4.U. of the Development Order (traffic, air quality, water quality, drainage and solid, including hazardous, waste).

E. The Proposed Changes authorized by this Ordinance do not individually or cumulatively create additional impacts or any type of impact not previously reviewed.

Section 3. **Order**. Having made the above findings of fact, and conclusions of law, it is ordered that the Development Order be amended as set forth below:

A. The Proposed Changes are approved and the Development Order is hereby amended to incorporate the Proposed Changes herein.

B. The text of Subsection 4.Y. of the Development Order, as amended, with respect to the entire Tampa Technology Park DRI, is deleted in its entirety and replaced with the following:

"Revised Map H. The master plan of development for Tampa Technology Park (West) is revised as reflected on the Revised Map H, attached hereto as Exhibit A. Exhibit A shows Tampa Technology Park (West) and bears a last revision date of October 8, 1999."

A copy of Exhibit "A" as amended herein, is attached as **Attachment "3"** to this Ordinance.

C. The text of Subsection 4.W of the Development Order, as amended, is hereby amended to read as follows:

"With respect to the area of Tampa Technology Park lying south and west of I-75, which is commonly referred to as Tampa Technology Park (West) and is more particularly described in Exhibit A-3 attached hereto, specific approval of Phase I includes the following:

1. Commercial/Office	89,096 s.f.
2. Hotel	288 rooms
3. Office	1,923,534 s.f.

Certified as true and correct copy.

4.	High Tech/Light Industrial	2,355,038 s.f.
5.	Government Services	
	High School/Middle School	68 net ac.
	City Park	40 net ac.

Further, 6389 external p.m. peak hour trips are authorized in Phase I for Tampa Technology Park (West)."

Section 4. **Development Order, As Amended**. This Ordinance shall constitute the Tenth Amendment to the Development Order as passed and ordained by City Council. All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the development, unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and the conditions of this Ordinance shall govern.

Section 5. **Binding Effect**. That this Ordinance shall be binding upon Lennar, its assigns and its successors in interest and as applicable, other owners of the DRI.

Section 6. **Severance**. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 7. **Transmittals**. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming law, to Lennar, DCA, TBRPC, Starwood, USAA, Caspersen, Morrison Homes, Tampa Norstar and Boulevard.

Section 8. **Rendition**. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 9. **Recording**. That Lennar shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 10. **Effective Date**. That this Ordinance shall become a law as provided in the City's Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON OCT 28 1999

Chairman, City Council

Certified as true and correct copy.

Approved by me on NOV 08 1999

Attest:

Janett S. Martin
City Clerk

Dick A. Greco
Mayor

Approved as to form by:

Andrew E. Zelman
Assistant City Attorney

ATTACHMENTS #
1. Legal for TTP West
2. NOPC Application
3. Revised "Exhibit A," Revised Map H for TTP West

State of Florida
County of Hillborough

This is to certify that the foregoing is a true and correct copy of Ordinance 99-237 on file in my office
Witness my hand and official seal this 9th day of Nov, 19 99

JANETT S. MARTIN, CITY CLERK

BY: Gail A. Anderson
CITY CLERK
GAIL A. ANDERSON, DEPUTY CITY CLERK

Legal Description

DESCRIPTION: A parcel of land lying in Sections 14, 15, 16, 22 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 14, run thence along the North boundary of the North 1/2 of said Section 14, S.89°45'59"E., 855.53 feet to a point on the Westerly right-of-way line of the Westerly Frontage Road of Interstate Highway No. 75 as recorded in Official Record Book 3613, Page 910 and Official Record Book 3807, Page 139 of the Public Records of Hillsborough County, Florida, thence along said Westerly right-of-way line the following nine (9) courses: 1) S.31°10'42"E., 334.83 feet to a point of curvature; 2) Southeasterly, 1349.57 feet along the arc of a curve to the right having a radius of 5487.58 feet and a central angle of 14°05'27" (chord bearing S.24°07'58"E., 1346.17 feet) to a point of tangency; 3) S.17°05'15"E., 3729.12 feet to a point of curvature; 4) Southeasterly, 197.21 feet along the arc of a curve to the right having a radius of 2824.79 feet and a central angle of 04°00'00" (chord bearing S.15°05'15"E., 197.17 feet) to a point of tangency; 5) S.13°05'15"E., 417.31 feet to a point of curvature; 6) Southeasterly, 509.67 feet along the arc of a curve to the right having a radius of 2690.70 feet and a central angle of 10°51'09" (chord bearing S.07°39'40"E., 508.91 feet) to a point of tangency; 7) S.02°14'06"E., 1285.25 feet to a point of curvature; 8) Southwesterly, 430.48 feet along the arc of a curve to the right having a radius of 591.50 feet and a central angle of 41°41'54"(chord bearing S.18°36'51"W., 421.04 feet) to a point of tangency; 9) S.39°27'48"W., 79.10 feet to a point on the South boundary of the Northwest 1/4 of the aforesaid Section 23; thence along said South boundary of the Northwest 1/4 of Section 23, N.89°30'00"W., 2688.71 feet; thence along the South boundary of the Northeast 1/4 of the aforesaid Section 22, N.89°52'54"W., 2659.65 feet; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 2640.14 feet; thence along the South boundary of the South 1/4 of the aforesaid Section 15, N.89°45'09"W., 2663.36 feet; thence along the South boundary of the Southeast 1/4 of the aforesaid Section 16, N.88°54'49"W., 2663.84 feet; thence along the West boundary of said Southeast 1/4 of Section 16, N.00°23'14"E., 1321.12 feet; thence along the North boundary of the South 1/2 of said Southeast 1/4 of Section 16, S.89°01'50"E., 2653.75 feet; thence along the West boundary of the North 1/2 of the Southwest 1/4 of the aforesaid Section 15, N.00°02'04"W., 1324.45 feet; thence along the North boundary of said North 1/2 of the Southwest 1/4 of Section 15, S.89°33'50"E., 1323.11 feet; thence along the West boundary of the Southeast 1/4 of the Northwest 1/4 of the aforesaid Section 15, N.00°13'13"W., 1329.19 feet; thence along the North boundary of said Southeast 1/4 of the Northwest 1/4 of Section 15, S.89°24'30"E., 1318.83 feet; thence along the West boundary of the Northeast 1/4 of the aforesaid Section 15, N.00°24'26"W., 1325.67 feet; thence along the North boundary of said Northeast 1/4 of Section 15, S.89°15'06"E., 2629.12 feet to the POINT OF BEGINNING.

Certified as true and correct copy.

Legal Description

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, according to the plat thereof as recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida, lying South of the South boundary of the Northwest 1/4 of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida.

LESS THE FOLLOWING DESCRIBED PARCEL:

TAMPA TECHNOLOGY PARK WEST
LAND SWAP PARCEL

DESCRIPTION: A parcel of land in Section 22, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

From the Southeast corner of the Northeast 1/4 of said Section 22, run thence N.89°52'54"W., 1014.52 feet along the South boundary of said Northeast 1/4 of Section 22 to the POINT OF BEGINNING; thence continue along said South boundary, N.89°52'54"W., 1645.13 feet to Southwest corner of said Northeast 1/4 of Section 22; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 681.12 feet; thence S.89°55'54"E., 242.68 feet; thence S.50°13'02"E., 512.61 feet; thence N.50°52'31"E., 518.31 feet; thence S.66°08'17"E., 43.74 feet; thence S.33°46'53"E., 32.57 feet; thence S.87°41'55"E., 34.29 feet; thence S.14°38'10"W., 166.29 feet; thence S.32°58'36"E., 111.60 feet; thence N.80°32'04"E., 56.96 feet; thence S.44°29'40"E., 329.75 feet; thence S.51°57'53"E., 25.34 feet; thence S.89°52'54"E., 187.56 feet; thence S.00°07'06"W., 140.76 feet to the POINT OF BEGINNING

Legal Description

DESCRIPTION: PARCEL 1

A parcel of land lying within Sections 13, 14, and 23, Township 27 South, Range 19 East Hillsborough County, Florida, more particularly described as follows:

Commence at the Southeast corner of said Section 14, also known as the Northeast corner of said Section 23; thence along the common boundary between said Sections 14 and 23, N 89°31'25" W, 133.07 feet to the Northwesterly right-of-way boundary of Bruce Downs Boulevard - County Road No. 581 (D.O.T. Section No. 10590-151) for a POINT OF BEGINNING; thence along said Northwesterly right-of-way line, S 41°45'28" W, a distance of 223.51 feet; thence continue along said Northwesterly right-of-way line, S 41°45'28" W, a distance of 474.98 feet; thence N 48°14'32" W, along said Northwesterly right-of-way line, a distance of 36.90 feet to the beginning of the Limited Access right-of-way boundary of Ramp "D" for State Road No. 93-A (Interstate Route No. 75), Department of Transportation Section No. 10075-2418; thence along said Limited Access right-of-way boundary the following nine (9) courses: (1) S 41°45'28" W, a distance of 405.26 feet; (2) S 45°34'19" W, a distance of 462.96 feet; (3) S 69°56'37" W, a distance of 178.27 feet; (4) N 61°18'47" W, a distance of 178.27 feet; (5) N 36°56'27" W, a distance of 298.36 feet; (6) N 34°39'01" W, a distance of 385.59 feet to the beginning of a curve, having a radius of 1815.86 feet and a central angle of 16°25'16"; (7) Northwesterly along the arc of said curve to the right, a distance of 520.43 feet, said arc subtended by a chord which bears N 26°26'23" W, a distance of 518.65 feet to the curve's end; (8) N 18°13'45" W, a distance of 1199.30 feet; (9) N 17°05'00" W, a distance of 258.06 feet; thence N 72°55'00" E, a distance of 999.07 feet; thence N 65°43'09" E, a distance of 50.45 feet; thence N 38°12'26" E, a distance of 73.41 feet; thence N 26°55'43" E, a distance of 147.48 feet; thence N 20°55'04" E, a distance of 101.38 feet; thence N 10°51'57" E, a distance of 293.91 feet; thence N 04°10'23" W, a distance of 506.40 feet; thence S 15°09'00" E, a distance of 616.92 feet; thence S 20°37'57" E, a distance of 288.45 feet; thence S 62°33'30" E, a distance of 233.90 feet; thence S 60°18'54" E, a distance of 512.05 feet; thence S 59°27'03" E, a distance of 1258.69 feet; thence S 41°45'28" W, a distance of 519.73 feet; thence continue S 41°45'28" W, a distance of 596.49 feet to the POINT OF BEGINNING.

LESS:

A parcel of land in Sections 13, 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows:

Commence at the Southeast corner of said Section 14, also known as the Northeast corner of said Section 23; thence along the common boundary between said Sections 14 and 23, N 89°31'25" W, 133.07 feet to the Northwesterly right-of-way boundary of Bruce Downs Boulevard - County Road No. 581 (D.O.T. Section No. 10590-151) for a POINT OF BEGINNING; thence along said Northwesterly right-of-way boundary, S 41°45'28" W, 223.51 feet; thence N 48°14'32" W, 550.00 feet to a point of curvature; thence Northwesterly 557.10 feet along a curve concave to the Northeast, said curve having a radius of 950.00 feet, a

central angle of 33°35'58", chord bearing and distance of N 31°26'33" W, 569.15 feet; thence S 81°34'05" E, 1203.64 feet; thence S 48°14'32" E, 70.00 feet to the said Northwesterly right-of-way of Bruce Downs Boulevard; thence along said Northwesterly right-of-way boundary, S 41°45'28" W, 596.49 feet to the Point of Beginning. (O.R. Book 4981, Page 1893, Public Records of Hillsborough County, Florida).

AND ALSO LESS:

A parcel of land in Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the Northeast corner of said Section 23, Township 27 South, Range 19 East; thence along the North boundary of said Section 23, N 89°31'25" W, 133.07 feet to a poin of intersection with the Northwesterly right-of-way boundary of Bruce Downs Boulevard - County Road No. 581 (formerly State Road 581) (D.O.T. Section No. 10590-151); thence alo said Northwesterly right-of-way boundary, S 41°45'28" W, 548.51 feet; thence N 48°14'32" W, 150.00 feet for a POINT OF BEGINNING; thence continue N 48°14'32" W, 250.00 feet; thence S 41°45'28" W, 500.00 feet; thence N 81°58'50" W, 359.13 feet; thence N 34°39'01" W, 417.47 feet; thence S 55°20'59" W, 361.56 feet to a point on a curve; thence 218.03 feet along the arc of the curve concave to the Northeast having a radius of 1765.86 feet, a central angle of 07°04'27", chord bearing and distance S 31°06'48" E, 217.89 feet to a point of tangency; thence S 34°39'01" E, 384.59 feet; thence S 36°56'27" E, 286.56 feet; thence S 85°41'05" E, 263.83 feet; thence N 45°34'19" E, 450.50 feet; thence N 41°45'28" E, 403.59 feet; thence N 48°14'32" W, 63.10 feet; thence N 41°45'28" E 150.00 feet to the POINT OF BEGINNING.

DESCRIPTION: PARCEL 2

A parcel of land in Sections 13, 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being particularly described as follows:

Begin at the Northwest corner of said Section 13; thence S 89°59'52" E, along the North boundary of the Northwest 1/4 of said Section 13, 2092.11 feet; thence S 02°47'30" E, 2454.35 feet; thence S 89°55'07" E, 302.40 feet to the Northwesterly right-of-way boundary of Bruce Downs Boulevard, County Road No. 581 (Department of Transportation Section No. 10590-151); thence S 41°45'28" W, along said Northwesterly right-of-way line, a distance of 2695.45 feet; thence N 59°27'03" W, a distance of 1258.69 feet; thence N 60°18'54" W, a distance of 512.05 feet; thence N 62°33'30" W, a distance of 233.90 feet; thence N 20°37'57" W, a distance of 288.45 feet; thence N 15°09'00" W, a distance of 616.92 feet; thence S 04°10'23" W, a distance of 506.40 feet; thence S 10°51'57" W, a distance of 293.91 feet; thence S 20°55'04" W, a distance of 101.38 feet; thence S 26°55'43" W, a distance of 147.48 feet; thence S 38°12'26" W, a distance of 73.41 feet; thence S 65°43'09" W, a distance of 50.45 feet; thence S 72°55'00" W, a distance of 995.07 feet to the Limited Access right-of-way line of State Road No. 93-A; thence along said Limited

Access right-of-way line of said State Road No. 93-A the following four (4) courses: (1) 17°05'00" W, a distance of 1421.09 feet; (2) N 17°05'00" W, a distance of 1309.41 feet t the beginning of a curve having a radius of 5891.58 feet and a central angle of 14°05'27 (3) Northerly along the arc of said curve to the left, a distance of 1448.92 feet, said arc subtended by a chord which bears N 24°07'44" W, a distance of 1445.28 feet to the curve's end; (4) N 31°10'27" W, a distance of 88.11 feet to the North boundary of the Northwest 1/4 of said Section 14; thence S 89°45'44" E, along said North boundary of the Northwest 1/4 of said Section 14, 1315.97 feet to the North 1/4 corner of said Section 1 thence S 89°45'38" E, along the North boundary of the Northeast 1/4 of said Section 14, 2644.57 feet to the POINT OF BEGINNING.

LESS:

A parcel of land in Section 13, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the Southwest corner of said Section 13; thence along the West boundary between said Sections 13, N 01°10'30" W, 146.81 feet to the West right-of-way boundary of Bruce B. Downs Boulevard (County Road No. 581-D.O.T. Section No. 10590-151); thence along said West right-of-way boundary of Bruce B. Downs Boulevard, N 41°45'28" E, 1930.98 feet; thence leaving said West right-of-way boundary, N 48°14'32" W, 50.00 feet to the Point of Beginning of the herein described parcel, thence continue N 48°14'32" W, a distance of 286.65 feet; thence N 51°41'38" E, a distance of 45.72 feet; thence N 27°01'39" E, a distance of 27.41 feet; thence N 42°40'05" E, a distance of 44.23 feet; thence N 23°13'47" E, a distance of 35.23 feet; thence N 18°22'56" E, 3.73 feet; thence S 48°14'32" E, a distance of 297.30 feet to a line 50.00 feet Northwest of and parallel with said West right-of-way boundary of Bruce B. Downs Boulevard; thence S 41°45'28" W, along said parallel line a distance of 152.61 feet to the Point of Beginning.

FORM RPM-BSP-PROPCHANGE-1

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF COMMUNITY PLANNING
BUREAU OF LOCAL PLANNING
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
904/488-4925

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

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

1. I, GEORGIANNE RATLIFF, AICP, the undersigned owner/authorized representative of LENNAR HOMES, INC., hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the TAMPA TECHNOLOGY PARK DRI development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Tampa (the "City"), to the Tampa Bay Regional Planning Council (TBRPC), and to the Bureau of Local Planning, Department of Community Affairs.

8-20-99
Date

Georgianne Ratliff
Signature

ATTACHMENT 2

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

Lennar Homes, Inc.
Attn: Robert Ahrens
Central Fl. Land Division
1110 Douglas Avenue, Ste 2040
Altamonte Springs, FL 32714
Phone: 407-682-7266

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

Georgianne Ratliff, AICP
WilsonMiller, Inc.
8875 Hidden River Parkway, Suite 250
Tampa, FL 33637
Phone: 813-615-1319

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

The Tampa Technology Park DRI is located within the incorporated area of the City of Tampa. More specifically, the DRI lies in Sections 13-16 and 21-23, of Township 27 South, Range 19 East, in Hillsborough County, Florida.

The changes proposed in this application involve that portion of the DRI located south and west of Interstate 75, an area commonly referred to as Tampa Technology Park West (TTP West property). The legal description for the TTP West property is attached hereto as Exhibit A.

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

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the

The Applicant is filing this Notification of Proposed Change Application (NOPC) to allow the following changes within Phase 1: addition of a high school, middle school and City park site; addition of 219.3 acres of preservation (open space); and decrease of approved development entitlements associated with the sale of 403.13 acres to ELAPP for preservation.

A copy of the revised DRI Master Plan for TTP West Property is attached hereto as Exhibit B. The following table provides a comparison of the currently approved Phase 1 uses and the proposed Phase 1 uses for the TTP West property.

PHASE 1

LAND USE COMPARISON

Land Uses	Approved	Proposed	Net Increase/Decrease
Commercial/Office	89,096 sq. ft.	89,096 sq. ft.	-0-
Hotel	288 Rooms	288 Rooms	-0-
Office	893,458 sq. ft.	723,534 sq. ft.	-169,924 sq. ft.
High Tech., Light Industrial	2,663,322 sq. ft.	2,355,038 sq. ft.	-308,284 sq. ft.
Schools	-0-	68 net acres±	+68 net acres±
City Park	-0-	40 net acres±	+40 net acres±
Open Space	469.2 ac.	688.5 acres	+219.3 acres±

The reduction in office and high tech square footage will result in a decrease of 588 p.m. peak hour trips. The addition of the park and schools will generate 588 new p.m. peak hour trips. The change in uses will not result in a change to the total p.m. peak hour (see attached Trip Generation Data). The proposed plan will also generate less demand for wastewater, potable water and solid waste services.

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

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

Please refer to the Substantial Deviation Determination Chart, attached hereto as Exhibit D.

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

The Tampa Technology Park DRI Development Order (DO) was originally approved by the City of Tampa on September 11, 1986, pursuant to Ordinance No. 93-59-A. The City adopted an amendment to the DO on December 18, 1986, pursuant to Ordinance 94-66-A, to primarily revise transportation conditions. A development agreement for the Tampa Technology Park DRIs was entered into on December 30, 1988. The intent of the development agreement was to authorize development of the USAA project, to authorize the development of specific parcels within the Tampa Palms and Tampa Technology Park DRIs, and to allow the consolidation of the Tampa Palms and Tampa Technology Park Development Orders.

The City amended the DO further on October 10, 1991, pursuant to Ordinance No. 91-194 to accommodate the inclusion of USAA in the Tampa Technology Park DRI.

On October 10, 1991, the City approved Ordinance No. 91-195 which approved an allocation of development rights between the TTP East Property and the TTP West Property. Ordinance No. 91-195 was subsequently repealed by adoption of Ordinance

No. 91-229. On December 19, 1991, the City approved Ordinance 91-229 approving an allocation of development rights between the TTP East Property and the TTP West Property, approving an allocation of transportation trips between the TTP East property and the TTP West property, adopting separate maps for the TTP East property and the TTP West property, and extending the build-out for the entire DRI.

On October 27, 1994, the City approved Ordinance No. 94-222 amending the TTP East Property development entitlements to allow for a residential tradeoff mechanism and to extend the build-out dates for each phase by an additional four years (for a cumulative extension of six years 11 months and 15 days).

On January 23, 1997, the City approved Ordinance 97-16, amending the TTP East Property development entitlements to allow changes to land use schedule and to allow for additional tradeoff mechanisms for the TTP East Property.

On September 3, 1998 the City approved Ordinance 98-188 realigning the access drive to Bruce B. Downs Boulevard.

On November 19, 1998 the City approved Ordinance 98-252 providing for the transfer of internal commercial developments and the establishment of a theater as a permitted use in Parcel "F".

On January 7, 1999, the City approved Ordinance 99-03 providing for annexation of Phase 1 buildout from 12/31/99 to 12/31/2005.

There has not been a change in the local government jurisdiction of any portion of the development since the last amendment to the DO was issued.

8. **Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within ½ mile on a project master site plan or other map.**

Lennar owns that portion of the Tampa Palms DRI which is commonly known as Area 4 and approximately 500 acres located west of the Tampa Palms DRI.

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

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

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

No.

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

No.

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

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

Please refer to Revised Master Plan, Map H for the TTP West property, attached as Exhibit B.

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

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

Attached hereto as Exhibit C is a proposed Ordinance setting forth the precise development order amendment language.

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

Not applicable.

c. **A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;**
Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

#139

CITY OF TAMPA

Janett S. Martin, City Clerk — Office of City Clerk

L.B.

January 14, 1999

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

RE: Petition No. DZ85-166 - Tampa Technology Park East Amendment
Ordinance 99-03

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process. If further information is needed, please contact the office of Land Development Coordination, at (813) 274-8405.

Sincerely,

Janett S. Martin

Janett S. Martin
City Clerk

JM/gg

Enclosure: Certified copy of Ordinance 99-03

Certified Mail

315 E. Kennedy Blvd., City Hall • Tampa, Florida 33602 • 813/274-8396 • FAX: 813/274-8306
email: i:ctyclerk@ci.tampa.fl.us

CC TBRPC

D

ORDINANCE NO. 99-03

AN ORDINANCE OF CITY OF TAMPA, FLORIDA; APPROVING THE NINTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK DEVELOPMENT OF REGIONAL IMPACT IN RESPONSE TO A NOTICE OF PROPOSED CHANGE FILED BY LENNAR HOMES, INC. AND STARWOOD/TAMPA I, L.P.; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 11, 1986, the City of Tampa ("City") adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to Chapter 380, Florida Statutes, for the Tampa Technology Park, a Development of Regional Impact ("DRI"); and

WHEREAS, on December 18, 1986, the City adopted Ordinance No. 9466-A, which amended the Development Order (the "First Amendment"); and

WHEREAS, on October 10, 1991, the City adopted Ordinances Nos. 91-194 and 91-195, the Second and Third Amendments, respectively, to the Development Order; and

WHEREAS, on December 19, 1991, the City approved Ordinance No. 91-229, as the Fourth Amendment to the Development Order (the "Fourth Amendment"), which Fourth Amendment repealed the Third Amendment, Ordinance No. 91-195, and amended certain other provisions of the Development Order; and

WHEREAS, the Fourth Amendment approved an allocation of development entitlements (including land uses and external PM peak hour trips), and adopted separate master plan maps for portions of the DRI know as Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on October 27, 1994, the City adopted Ordinance 94-222, as the Fifth Amendment to the Development Order ("Fifth Amendment"), which Fifth Amendment allowed changes to the master plan for Tampa Technology Park (East) and tradeoff mechanisms and development conditions for Tampa Technology Park (East), and extended the buildout for the both Tampa Technology Park (East) and Tampa Technology Park (West); and

WHEREAS, on January 23, 1997, the City adopted Ordinance 97-16, as the Sixth Amendment to the Development Order ("Sixth Amendment"), which Sixth Amendment allowed changes to the approved land use schedule and master plan map for Tampa Technology Park (East); and;

Certified as true and correct copy.

D285-166

WHEREAS, on September 11, 1998, the City adopted Ordinance 98-188, as the Seventh Amendment to the Development Order ("Seventh Amendment"), which Seventh Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc.,

WHEREAS, on November 19, 1998, the City adopted Ordinance 98-252, as the Eighth Amendment to the Development Order ("Eighth Amendment"), which Eighth Amendment allowed changes to the master plan map for Tampa Technology Park (East) based upon an application filed by Harrison Bennett Properties, Inc., (references herein to the "Development Order" shall include the Development Order and all subsequent amendments); and

WHEREAS, the current owners of the property in the Tampa Technology Park DRI ("DRI Property"), include Starwood/Tampa I, L.P. ("Starwood"), Finn M. W. Caspersen, as Trustee ("Caspersen"), Morrison Homes of Florida, Inc., ("Morrison Homes"), Tampa Norstar USA, Inc., ("Tampa Norstar"), Boulevard Retail Partners, Ltd. ("Boulevard"), United Services Automobile Association ("USAA"), and Lennar Homes, Inc. ("Lennar"); and

WHEREAS, Lennar and USAA are the owners and developers of that part of Tampa Technology Park lying south and west of I-75, which is commonly referred to as Tampa Technology Park (West) [the "Tampa Technology Park (West) Property"], described in **Attachment 1** of this Ordinance; and

WHEREAS, Starwood, Caspersen, Morrison Homes, Tampa Norstar, and Boulevard are the owners of that part of Tampa Technology Park lying north and east of I-75, which is commonly referred to as Tampa Technology Park (East) [the "Tampa Technology Park (East) Property"], described in **Attachment 2** of this Ordinance; and

WHEREAS, on August 7, 1998, Lennar and Starwood, duly filed an application entitled "Notice of Proposed Change to a Previously Approved Development of Regional Impact pursuant to subsection 380.06(19), Florida Statutes, and has provided additional information requested by the reviewing agencies described in **Attachment 4** to this Ordinance (collectively, the "NOPC"); and

WHEREAS, the changes proposed in the NOPC include the following: (i) solely with respect to Phase 1 and the Tampa Technology Park (West) Property, approval of a revised Map H to allow for residential land uses and simultaneous increases and decreases of other approved land uses, updated jurisdictional wetland lines, approval of additional trade-off mechanisms; and amendments to the Development Order related to these land use changes; (ii) solely with respect to Phase 1 and the Tampa Technology Park (East) Property, approval of a revised Map H reflecting revised parcel information and elimination of an alternative corridor for the East-West Road, and amendments to the Development Order related to these changes; and (iii) with respect to the entire DRI, approval to extend the DRI buildout date for Phase 1 development (hereinafter referred to as "Proposed Changes"); and

Certified as true and correct copy.

WHEREAS, after the submittal of the NOPC, Lennar and Starwood requested approval of some of the requested changes sooner than others to facilitate the development of a portion of Tampa Technology Park (East) Property, and to defer action on the balance of other changes that required submission of additional information and resolution of development issues for the Tampa Technology Park (West) Property; and

WHEREAS, Lennar and Starwood specifically requested approval at this time of (i) the extension of the Phase 1 buildout to the end of the year 2005, (ii) a revised Map H for Tampa Technology Park (East) Property, and (iii) certain other amendments to conditions of approval, including the elimination of Tract H as a possible location of the school site on Tampa Technology Park (East) Property, and a modification of a condition for the East-West Roadway on Tampa Technology Park (East) Property (the "Limited Proposed Changes"); and

WHEREAS, Lennar and Starwood are not proposing any change to the approvals already granted to that portion of the DRI owned by USAA and Caspersen, except for the proposed extension of the buildout date which is to apply to the entire DRI Property; and

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

WHEREAS, the public notice requirements have been fulfilled; and

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

WHEREAS, City Council has held a duly noticed public hearing on the Limited Proposed Changes, and has reviewed and considered the Limited Proposed Changes as well as all testimony and evidence submitted by certain parties and members of the general public; and

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

NOW, THEREFORE

BE IT ORDAINED BY CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA THAT;

Section 1. **Findings of Fact.** The City Council, having received the above described documents, and having received all related comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, Florida Statutes, concerning substantial deviations, finds that there is substantial, competent, clear and convincing evidence to support the following findings of fact:

Certified as true
and correct copy.

A. Lennar and Starwood submitted an NOPC to the City requesting certain changes that apply solely to Tampa Technology Park (West), certain changes that apply solely to Tampa Technology Park (East), and certain changes that apply to the entire DRI Property.

B. Lennar and Starwood requested the City take action now on the Limited Proposed Changes and to defer the balance of the changes to a later date after development issues have been adequately addressed.

C. The Tampa Technology Park DRI Development Order, as adopted by Ordinance 9359-A, and amended by Ordinances 9466-A, 91-194,91-229,91-195, 94-222, 97-16, 98-188, and 98-252, is a valid final development order within the provisions of Section 163.3167(8), Florida Statutes.

D. A comprehensive review of the impacts generated by the Limited Proposed Changes has been conducted by the City's Departments, and coordinated with other DRI reviewing agencies, including but not limited to the Tampa Bay Regional Planning Council ("TBRPC"), and the Department of Community Affairs ("DCA").

E. The Limited Proposed Changes are consistent with all City land development regulations and the City Comprehensive Plan.

F. The Limited Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and are consistent with the State Comprehensive Plan.

G. The Limited Proposed Changes do not individually or cumulatively create additional regional impacts on transportation or other public facilities including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed, and as such no further development of regional impact review is necessary.

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

A. These proceedings have been duly conducted pursuant to applicable law and regulations and based upon the record of these proceedings, the owners of Tampa Technology Park are authorized to conduct development as described in the Development Order, as amended herein, subject only to the amendments, conditions, restrictions and limitations as set forth in the Development Order, as amended herein.

Certified as true and correct copy.

B. The review of the City, TBRPC, DCA, and other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of the Development Order, as amended herein.

C. The City has, at its proceedings, considered all previous changes and the changes approved herein and determined that such changes individually and cumulatively do not constitute a substantial deviation requiring further DRI review pursuant to Section 380.06, Florida Statutes.

D. This Ordinance does not constitute a substantial deviation from the Development Order, as defined in Chapter 380, Florida Statutes, and nothing herein shall limit or modify the protection afforded under Section 163.3167(8), Florida Statutes. Phase I of Tampa Technology Park remains vested pursuant to Section 163.3167(8), Florida Statutes, and remains exempt from the provisions of City of Tampa Ordinance 90-32, Concurrency Management System. Phases II and III also remain vested except as to those matters listed in Section 4.U. of the Development Order (traffic, air quality, water quality, drainage and solid, including hazardous, waste).

E. The Limited Proposed Changes authorized by this Ordinance do not individually or cumulatively create additional impacts or any type of impact not previously reviewed.

Section 3. Order. Having made the above findings of fact, and conclusions of law, it is ordered that the Development Order be amended as set forth below:

A. The Limited Proposed Changes are approved and the Development Order is hereby amended to incorporate the Limited Proposed Changes, except as specifically modified herein.

B. The text of Subsection 4.Y. of the Development Order, as amended, with respect to the entire Tampa Technology Park DRI, is deleted in its entirety and replaced with the following:

"Revised Map H. The master plan of development for Tampa Technology Park is revised as reflected on the Revised Map H, attached hereto as Exhibit A-2, consisting of two sheets, and is hereby approved and adopted as the Tampa Technology Park Master Plan. Sheet one of the two sheets comprising Exhibit "A-2" shows Tampa Technology Park (East) and bears a last revision date of November 20, 1998. Sheet two of the two sheets comprising Exhibit "A-2" shows Tampa Technology Park (West) and bears a last revision date of December 2, 1991."

Copies of sheet one of two and sheet two of two of Exhibit "A-2," as amended herein, are attached as **Attachment "3"** to this Ordinance.

Certified as true and correct copy.

C. Section 8 of the Development Order, as amended, with respect to the entire Tampa Technology Park DRI Property, is hereby amended to extend the buildout date for Phase 1 from December 31, 1999, to December 31, 2005. This amended buildout date for Phase 1 supersedes any prior approved Phase 1 dates.

D. USAA and Caspersen Approvals. The USAA parcel and the parcels owned and identified on Revised Map H as Parcel A-1 and Parcel A-2 shall continue to be governed solely by the approvals existing prior to the approval of this amendment to the Development Order, except that the USAA parcel, and Parcels A-1 and A-2, as well as the remainder of Tampa Technology Park, shall be governed by the build-out date approved in this amendment to the Development Order.

E. School Site. The last sentence of Section 3.J. of the Fifth Amendment to the Development Order is hereby amended to read as follows:

"Such location shall be subject to the reasonable approval of the Hillsborough County School Board staff and shall be within Zoning Tract C or D."

F. Concurrency Management Exemptions. The changes approved by this Ninth Amendment to the Development Order are exempt from the provisions of Ordinance 90-32 City of Tampa Concurrency Management System, and the Tampa Technology Park DRI remains vested thereunder.

G. Section L of the Fifth Amendment to the Development Order, as amended by Section E. of the Sixth Amendment to the Development Order, and Section M. of the Fifth Amendment to the Development Order are hereby deleted in their entirety, and solely as it relates to Tampa Technology Park (East), are replaced with the following:

"Connector Road to East-West Roadway. Consistent with the City of Tampa Impact Fee Ordinance provisions for the extension of the east-west connector road ("East-West Road") in the University North Impact Fee District, the City has agreed to place a corridor for the East-West Road through the property located directly to the north of Tampa Technology Park East, commonly known as "West Meadows". Pursuant to the Development Agreement between Atlantic Gulf of Tampa, Inc., and the City of Tampa, dated November 15, 1995, and recorded in Official Records Book 7962, at Page 904, of the Public Records of Hillsborough County, Florida (the "Development Agreement"), the owner of West Meadows must reserve an 80 foot right-of-way in the West Meadows project for the future construction of a road providing access for Tampa Technology Park East to the East-West Road. Owner shall dedicate right-of-way to the City for, and construct, in phases, a roadway connecting the middle access point to C.R. 581 in Tampa Technology Park East to the north boundary of Tampa Technology Park East at

Certified as true and correct copy.

the location of the 80 foot wide right-of-way described above, in the approximate location shown on Revised Map H (the "Connector Road"). Sections A and C of the Connector Road shall be constructed on or before eighteen (18) months after the appeal period for this Amendment has expired and Section B of the Connector Road shall be constructed on or before December 31, 2003. Owner shall receive transportation mitigation fee credits for the design, permitting, value of the right-of-way, and actual construction and other costs for each phase of the Connector Road calculated pursuant to the City's impact fee ordinance and such credits shall be subject to the terms and conditions of the adopted Development Order, as amended. There shall be no reduction in the number, or difference in the location of access points to the roadways within Tampa Technology Park East, or withholding of City approvals, due to the Connector Road and all traffic that travels thereon.

H. Site Access. The owner of each project within Tampa Technology Park shall be responsible for the construction of their respective site access improvements including geometric improvements and signal installations. The owner must conduct signal warrants analysis within 30 days of receiving a written request from the Transportation Division. When signal warrants are met, such owner shall provide the Transportation Division with a written report detailing the construction schedule upon request of the City.

I. Signal. The Developer of Tampa Technology Park East shall be responsible for fifty percent (50%) of the cost of the signal at the intersection of Richmond Park Drive and Bruce B. Downs upon request of the City.

Section 4. Development Order, As Amended. This Ordinance shall constitute the Ninth Amendment to the Development Order as passed and ordained by City Council. All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the development, unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and the conditions of this Ordinance shall govern.

Section 5. **Binding Effect**. That this Ordinance shall be binding upon Lennar, its assigns and its successors in interest and as applicable, other owners of the DRI.

Section 6. **Severance**. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 7. **Transmittals**. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming law, to Lennar, DCA, TBRPC, Starwood, USAA, Caspersen, Morrison Homes, Tampa Norstar and Boulevard.

Certified as true and correct copy.

Section 8. **Rendition**. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 9. **Recording**. That Lennar shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 10. **Effective Date**. That this Ordinance shall become a law as provided in the City's Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JAN 07 199

Gwendolyn M. Walker

PRO-TEM Chairman, City Council

Approved by me on JAN 12 1999

Attest:

By: Janett S. Martin
City Clerk

Nick A. Greco
Mayor

Approved as to form by:

Assistant City Attorney

ATTACHMENTS #

1. Legal for TTP West
2. Legal for TTP East
3. Revised "Exhibit A-2," Revised Map H for TTP East and Previously approved Map H for TTP West.
4. NOPC and Agency/Applicant Responses

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 99-03 on file in my office
Witness my hand and official seal this 15th day of Jan, 19 99

Janett S. Martin
CITY CLERK

ATTACHMENT 1

LEGAL DESCRIPTION FOR THE TAMPA TECHNOLOGY (WEST) PROPERTY

Certified as true
and correct copy.

ATTACHMENT 2

LEGAL DESCRIPTION FOR THE TAMPA TECHNOLOGY (EAST) PROPERTY

Certified as true
and correct copy.

ATTACHMENT 3

REVISED EXHIBIT A-2 TO THE DEVELOPMENT ORDER

TAMPA TECHNOLOGY (EAST) PROPERTY (SHEET 1 0F 2)
THE TAMPA TECHNOLOGY (WEST) PROPERTY (SHEET 2 OF 2)

Certified as true
and correct copy.

ATTACHMENT 4

NOPC AND AGENCY/APPLICANT RESPONSES

11/30/98 2:20 PM34119.97527
#173589 v1 - TTP DO Amendment
622988 v1 (stored but before conversion)
#622989 v3 - 5585-001

Certified as true
and correct copy.

TAMPA TECHNOLOGY PARK WEST
(TAMPA PALMS AREA 8)

DESCRIPTION: A parcel of land lying in Sections 14, 15, 16, 22 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 14, run thence along the North boundary of the North 1/2 of said Section 14, S.89°45'59"E., 855.53 feet to a point on the Westerly right-of-way line of the Westerly Frontage Road of Interstate Highway No. 75 as recorded in Official Record Book 3613, Page 910 and Official Record Book 3807, Page 139 of the Public Records of Hillsborough County, Florida, thence along said Westerly right-of-way line the following nine (9) courses: 1) S.31°10'42"E., 334.83 feet to a point of curvature; 2) Southeasterly, 1349.57 feet along the arc of a curve to the right having a radius of 5487.58 feet and a central angle of 14°05'27" (chord bearing S.24°07'58"E., 1346.17 feet) to a point of tangency; 3) S.17°05'15"E., 3729.12 feet to a point of curvature; 4) Southeasterly, 197.21 feet along the arc of a curve to the right having a radius of 2824.79 feet and a central angle of 04°00'00" (chord bearing S.15°05'15"E., 197.17 feet) to a point of tangency; 5) S.13°05'15"E., 417.31 feet to a point of curvature; 6) Southeasterly, 509.67 feet along the arc of a curve to the right having a radius of 2690.70 feet and a central angle of 10°51'09" (chord bearing S.07°39'40"E., 508.91 feet) to a point of tangency; 7) S.02°14'06"E., 1285.25 feet to a point of curvature; 8) Southwesterly, 430.48 feet along the arc of a curve to the right having a radius of 591.50 feet and a central angle of 41°41'54"(chord bearing S.18°36'51"W., 421.04 feet) to a point of tangency; 9) S.39°27'48"W., 79.10 feet to a point on the South boundary of the Northwest 1/4 of the aforesaid Section 23; thence along said South boundary of the Northwest 1/4 of Section 23, N.89°30'00"W., 2688.71 feet; thence along the South boundary of the Northeast 1/4 of the aforesaid Section 22, N.89°52'54"W., 2659.65 feet; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 2640.14 feet; thence along the South boundary of the South 1/4 of the aforesaid Section 15, N.89°45'09"W., 2663.36 feet; thence along the South boundary of the Southeast 1/4 of the aforesaid Section 16, N.88°54'49"W., 2663.84 feet; thence along the West boundary of said Southeast 1/4 of Section 16, N.00°23'14"E., 1321.12 feet; thence along the North boundary of the South 1/2 of said Southeast 1/4 of Section 16, S.89°01'50"E., 2653.75 feet; thence along the West boundary of the North 1/2 of the Southwest 1/4 of the aforesaid Section 15, N.00°02'04"W., 1324.45 feet; thence along the North boundary of said North 1/2 of the Southwest 1/4 of Section 15, S.89°33'50"E., 1323.11 feet; thence along the West boundary of the Southeast 1/4 of the Northwest 1/4 of the aforesaid Section 15, N.00°13'13"W., 1329.19 feet; thence along the North boundary of said Southeast 1/4 of the Northwest 1/4 of Section 15, S.89°24'30"E., 1318.83 feet; thence along the West boundary of the Northeast 1/4 of the aforesaid Section 15, N.00°24'26"W., 1325.67 feet; thence along the North boundary of said Northeast 1/4 of Section 15, S.89°15'06"E., 2629.12 feet to the POINT OF BEGINNING.

Certified as true and correct copy.

Attachment 1

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, according to the plat thereof as recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida, lying South of the South boundary of the Northwest 1/4 of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida.

LESS THE FOLLOWING DESCRIBED PARCEL:

TAMPA TECHNOLOGY PARK WEST
LAND SWAP PARCEL

DESCRIPTION: A parcel of land in Section 22, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

From the Southeast corner of the Northeast 1/4 of said Section 22, run thence N.89°52'54"W., 1014.52 feet along the South boundary of said Northeast 1/4 of Section 22 to the POINT OF BEGINNING; thence continue along said South boundary, N.89°52'54"W., 1645.13 feet to Southwest corner of said Northeast 1/4 of Section 22; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 681.12 feet; thence S.89°55'54"E., 242.68 feet; thence S.50°13'02"E., 512.61 feet; thence N.50°52'31"E., 518.31 feet; thence S.66°08'17"E., 43.74 feet; thence S.33°46'53"E., 32.57 feet; thence S.87°41'55"E., 34.29 feet; thence S.14°38'10"W., 166.29 feet; thence S.32°58'36"E., 111.60 feet; thence N.80°32'04"E., 56.96 feet; thence S.44°29'40"E., 329.75 feet; thence S.51°57'53"E., 25.34 feet; thence S.89°52'54"E., 187.56 feet; thence S.00°07'06"W., 140.76 feet to the POINT OF BEGINNING

DESCRIPTION: PARCEL 1

A parcel of land lying within Sections 13, 14, and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the Southeast corner of said Section 14, also known as the Northeast corner of said Section 23; thence along the common boundary between said Sections 14 and 23, N 89°31'25" W, 133.07 feet to the Northwesterly right-of-way boundary of Bruce Downs Boulevard - County Road No. 581 (D.O.T. Section No. 10590-151) for a POINT OF BEGINNING; thence along said Northwesterly right-of-way line, S 41°45'28" W, a distance of 223.51 feet; thence continue along said Northwesterly right-of-way line, S 41°45'28" W, a distance of 474.98 feet; thence N 48°14'32" W, along said Northwesterly right-of-way line, a distance of 36.90 feet to the beginning of the Limited Access right-of-way boundary of Ramp "D" for State Road No. 93-A (Interstate Route No. 75), Department of Transportation Section No. 10075-2418; thence along said Limited Access right-of-way boundary the following nine (9) courses: (1) S 41°45'28" W, a distance of 405.26 feet; (2) S 45°34'19" W, a distance of 462.96 feet; (3) S 69°56'37" W, a distance of 178.27 feet; (4) N 61°18'47" W, a distance of 178.27 feet; (5) N 36°56'27" W, a distance of 298.36 feet; (6) N 34°39'01" W, a distance of 385.59 feet to the beginning of a curve, having a radius of 1815.86 feet and a central angle of 16°25'16"; (7) Northwesterly along the arc of said curve to the right, a distance of 520.43 feet, said arc subtended by a chord which bears N 26°26'23" W, a distance of 518.65 feet to the curve's end; (8) N 18°13'45" W, a distance of 1199.30 feet; (9) N 17°05'00" W, a distance of 258.06 feet; thence N 72°55'00" E, a distance of 999.07 feet; thence N 65°43'09" E, a distance of 50.45 feet; thence N 38°12'26" E, a distance of 73.41 feet; thence N 26°55'43" E, a distance of 147.48 feet; thence N 20°55'04" E, a distance of 101.38 feet; thence N 10°51'57" E, a distance of 293.91 feet; thence N 04°10'23" E, a distance of 506.40 feet; thence S 15°09'00" E, a distance of 616.92 feet; thence S 20°37'57" E, a distance of 288.45 feet; thence S 62°33'30" E, a distance of 233.90 feet; thence S 60°18'54" E, a distance of 512.05 feet; thence S 59°27'03" E, a distance of 1258.69 feet; thence S 41°45'28" W, a distance of 519.73 feet; thence continue S 41°45'28" W, a distance of 596.49 feet to the POINT OF BEGINNING.

LESS:

A parcel of land in Sections 13, 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows:

Commence at the Southeast corner of said Section 14, also known as the Northeast corner of said Section 23; thence along the common boundary between said Sections 14 and 23, N 89°31'25" W, 133.07 feet to the Northwesterly right-of-way boundary of Bruce Downs Boulevard - County Road No. 581 (D.O.T. Section No. 10590-151) for a POINT OF BEGINNING; thence along said Northwesterly right-of-way boundary, S 41°45'28" W, 223.51 feet; thence N 48°14'32" W, 550.00 feet to a point of curvature; thence Northwesterly 557.10 feet along a curve concave to the Northeast, said curve having a radius of 950.00 feet, a

Attachment 2

central angle of 33°35'58", chord bearing and distance of N 31°26'33" W, 549.15 feet; thence S 81°34'05" E, 1203.64 feet; thence S 48°14'32" E, 70.00 feet to the said Northwesterly right-of-way of Bruce Downs Boulevard; thence along said Northwesterly right-of-way boundary, S 41°45'28" W, 596.49 feet to the Point of Beginning. (O.R. Book 4981, Page 1893, Public Records of Hillsborough County, Florida).

AND ALSO LESS:

A parcel of land in Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the Northeast corner of said Section 23, Township 27 South, Range 19 East; thence along the North boundary of said Section 23, N 89°31'25" W, 133.07 feet to a point of intersection with the Northwesterly right-of-way boundary of Bruce Downs Boulevard - County Road No. 581 (formerly State Road 581) (D.O.T. Section No. 10590-151); thence along said Northwesterly right-of-way boundary, S 41°45'28" W, 548.51 feet; thence N 48°14'32" W, 150.00 feet for a POINT OF BEGINNING; thence continue N 48°14'32" W, 250.00 feet; thence S 41°45'28" W, 500.00 feet; thence N 81°58'50" W, 359.13 feet; thence N 34°39'01" W, 417.47 feet; thence S 55°20'59" W, 361.56 feet to a point on a curve; thence 218.03 feet along the arc of the curve concave to the Northeast having a radius of 1765.86 feet, a central angle of 07°04'27", chord bearing and distance S 31°06'48" E, 217.89 feet to a point of tangency; thence S 34°39'01" E, 384.59 feet; thence S 36°56'27" E, 286.56 feet; thence S 85°41'05" E, 263.83 feet; thence N 45°34'19" E, 450.50 feet; thence N 41°45'28" E, 403.59 feet; thence N 48°14'32" W, 63.10 feet; thence N 41°45'28" E 150.00 feet to the POINT OF BEGINNING.

DESCRIPTION: PARCEL 2

A parcel of land in Sections 13, 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being particularly described as follows:

Begin at the Northwest corner of said Section 13; thence S 89°59'52" E, along the North boundary of the Northwest 1/4 of said Section 13, 2092.11 feet; thence S 02°47'30" E, 1454.35 feet; thence S 89°55'07" E, 302.40 feet to the Northwesterly right-of-way boundary of Bruce Downs Boulevard, County Road No. 581 (Department of Transportation Section No. 10590-151); thence S 41°45'28" W, along said Northwesterly right-of-way line, a distance of 2695.45 feet; thence N 59°27'03" W, a distance of 1258.69 feet; thence N 60°18'54" W, a distance of 512.05 feet; thence N 62°33'30" W, a distance of 233.90 feet; thence N 10°37'57" W, a distance of 288.45 feet; thence N 15°09'00" W, a distance of 616.92 feet; thence S 04°10'23" W, a distance of 506.40 feet; thence S 10°51'57" W, a distance of 293.91 feet; thence S 20°55'06" W, a distance of 101.38 feet; thence S 26°55'43" W, a distance of 147.48 feet; thence S 38°12'26" W, a distance of 73.41 feet; thence S 5°43'09" W, a distance of 50.45 feet; thence S 72°55'00" W, a distance of 999.07 feet to the Limited Access right-of-way line of State Road No. 93-A; thence along said Limited

Access right-of-way line of said State Road No. 93-A the following four (4) courses: (1) 17°05'00" W, a distance of 1421.09 feet; (2) N 17°05'00" W, a distance of 1309.41 feet t the beginning of a curve having a radius of 5891.58 feet and a central angle of 14°05'27 (3) Northerly along the arc of said curve to the left, a distance of 1448.92 feet, said arc subtended by a chord which bears N 24°07'44" W, a distance of 1445.28 feet to the curve's end; (4) N 31°10'27" W, a distance of 88.11 feet to the North boundary of the Northwest 1/4 of said Section 14; thence S 89°45'44" E, along said North boundary of the Northwest 1/4 of said Section 14, 1315.97 feet to the North 1/4 corner of said Section 14 thence S 89°45'38" E, along the North boundary of the Northeast 1/4 of said Section 14, 2644.57 feet to the POINT OF BEGINNING.

LESS:

A parcel of land in Section 13, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the Southwest corner of said Section 13; thence along the West boundary between said Sections 13, N 01°10'30" W, 146.81 feet to the West right-of-way boundary of Bruce B. Downs Boulevard (County Road No. 581-D.O.T. Section No. 10590-151); thence along said West right-of-way boundary of Bruce B. Downs Boulevard, N 41°45'28" E, 1930.98 feet; thence leaving said West right-of-way boundary, N 48°14'32" W, 50.00 feet to the Point of Beginning of the herein described parcel, thence continue N 48°14'32" W, a distance of 286.65 feet; thence N 51°41'38" E, a distance of 45.72 feet; thence N 27°01'39" E, a distance of 27.41 feet; thence N 42°40'05" E, a distance of 44.23 feet; thence N 23°19'47" E, a distance of 35.23 feet; thence N 18°22'56" E, 3.73 feet; thence S 48°14'32" E, a distance of 297.30 feet to a line 50.00 feet Northwest of and parallel with said West right-of-way boundary of Bruce B. Downs Boulevard; thence S 41°45'28" W, along said parallel line a distance of 152.61 feet to the Point of Beginning.

CITY OF TAMPA

Janett S. Martin, City Clerk — Office of City Clerk

November 23, 1998

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

RE: Petition No. DZ85-166 - Tampa Technology Park (Harrison Bennett Properties, Inc.)
Ordinance 98-252

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process. If further information is needed, please contact the office of Land Development Coordination, at (813) 274-8405.

Sincerely,

Janett S. Martin
City Clerk

JM/gg

Enclosure: Certified copy of Ordinance 98-252

Certified Mail

315 E. Kennedy Blvd., City Hall • Tampa, Florida 33602 • 813/274-8396 • FAX: 813/274-8306
email: i:ctyclerk@ci.tampa.fl.us

cc TBRPC

Ordinance No. 98-252

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA; APPROVING THE EIGHTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK DEVELOPMENT OF REGIONAL IMPACT IN RESPONSE TO A NOTICE OF PROPOSED CHANGE FILED BY HARRISON BENNETT PROPERTIES INC.; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 11, 1986, the City of Tampa (the "City") adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to Chapter 380, *Florida Statutes*, for the Tampa Technology Park, a Development of Regional Impact ("DRI"); and

WHEREAS, on December 18, 1986, the City adopted Ordinance No. 9466-A, which amended the Development Order (the "First Amendment"); and

WHEREAS, the current owners of the property in Tampa Technology Park are Starwood/Tampa I, L.P. ("Starwood") , Morrison Homes of Florida, Inc. ("Morrison"), Finn M. W. Caspersen, as Trustee ("Caspersen"), Harrison Bennett Properties, Inc. ("Harrison"), United Services Automobile Association ("USAA"), and Lennar Homes, Inc. ("Lennar"); and

WHEREAS, Lennar and USAA are the owners and developers of that part of Tampa Technology Park lying south and west of I-75, which is commonly referred to as Tampa Tech West; and

WHEREAS, Starwood, Morrison, Caspersen and Harrison are the owners and developers of that part of Tampa Technology Park lying north and east of I-75, which is commonly referred to as Tampa Tech East and is graphically described on Revised Map H attached hereto as Exhibit "A" ("Tampa Tech East"); and

WHEREAS, Harrison Bennett Properties, Inc. has contracted to purchase a portion of the Tampa Tech East property from Starwood; and

WHEREAS, on October 10, 1991, the City adopted ordinances Nos. 91-194 and 91-195, the Second and Third Amendments to the Development Order; and

WHEREAS, on December 19, 1991, the City adopted ordinance No. 91-229, as the Fourth Amendment to the Development Order (the "Fourth Amendment"), which Fourth Amendment repealed Ordinance No. 91-195 and amended certain other provisions of the Development Order; and

Certified as true and correct copy.

WHEREAS, on October 27, 1994, the City adopted Ordinance No. 94-222, as the Fifth Amendment to the Development Order (the "Fifth Amendment"), which Fifth Amendment amended certain provisions of the Development Order; and

WHEREAS, on January 23, 1997, the City adopted Ordinance No. 97-16, as the Sixth Amendment to the Development Order (the "Sixth Amendment"), which Sixth Amendment amended certain provisions of the Development Order; and

WHEREAS, on September 11, 1998, the City adopted Ordinance No. 98-188, as the Seventh Amendment to the Development Order (the "Seventh Amendment"), which Seventh Amendment amended certain provisions of the Development Order (references herein to the "Development Order" shall include all amendments to the Development Order); and

WHEREAS, on October 8, 1998, Harrison Bennett Properties, Inc. duly filed a Notice of Proposed Change to a Previously Approved Development of Regional Impact pursuant to subsection 380.06 (19) , *Florida Statutes*, and has provided additional information requested by the reviewing agencies (collectively, the "NOPC"); and

WHEREAS, the proposed changes to the Development Order shall constitute the Eighth Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the NOPC as well as all related testimony and evidence submitted by the Owner concerning the proposed changes; and

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

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

NOW, THEREFORE

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

Section 1. Findings of Fact. That the City Council, having received the above described documents, and having received all related comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, *Florida Statutes*, concerning substantial deviations, finds that there is substantial, competent, clear and convincing evidence to support the following findings of fact:

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and correct copy.

A. That the proposed changes are consistent with all City land development regulations and the City Comprehensive Plan.

B. That the proposed changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and is consistent with The State Comprehensive Plan.

C. That, pursuant to subsection 380.06(19)(e)2, *Florida Statutes*, the proposed changes in this Ordinance do not individually or cumulatively with the prior changes constitute a substantial deviation and, therefore, no further development of regional impact review is necessary.

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

A. These proceedings have been duly conducted pursuant to applicable law and regulations and based upon the record of these proceedings the Owner is authorized to conduct the development as described in the Development order, as amended herein, subject only to the amendments, conditions, restrictions and limitations as set forth in the Development Order, as amended herein.

B. The review of the City, TBRPC, DCA, and other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, *Florida Statutes*, within the terms and conditions of the Development Order, as amended herein. To the extent that the Development Order is inconsistent with the terms and conditions of this Eighth Amendment, the terms and conditions of this Eighth Amendment shall prevail.

C. The City has, at its proceedings, considered all previous changes and the changes approved herein and determined that such changes individually and cumulatively do not constitute a substantial deviation requiring further DRI review pursuant to Section 380.06, *Florida Statutes*.

D. This Ordinance does not constitute a substantial deviation from the Development Order, as defined in Chapter 380, *Florida Statutes*, and nothing herein shall limit or modify the protection afforded under Section 163.3167(8), *Florida Statutes*. Phase I of Tampa Technology Park remains vested pursuant to Section 163.3167(8), *Florida Statutes*, and City of Tampa Ordinance 90-32. Phases II and III also remain vested except as to those matters listed in Section 4.U.1 of the Development order (traffic, air quality, water quality, drainage and solid, including hazardous, waste).

E. The proposed changes authorized by this Ordinance do not individually or cumulatively create additional impacts or any type of impact not previously reviewed.

Certified as true
and correct copy.

Section 3. Order. Having made the above findings of fact, and conclusions of law, it is ordered that the Development Order, solely as it applies to the property owned by Harrison and the property under contract between Harrison Bennett Properties, Inc. as Purchaser and Starwood as Seller as of the date hereof and described on Exhibit "B" attached hereto (the "Notification Property"), is amended as set forth below:

A. That the proposed changes in the NOPC are approved and that the Development Order is hereby amended to incorporate the NOPC, except as specifically modified herein or modified by Revised Map H.

B. That the developer of Parcel A-2 shall have the option to elect to transfer 40,000 square feet of commercial development entitlements from Parcel "A-2" to either one or both of Parcel "F" or that portion of Parcel "A" described in Exhibit "B" attached hereto. At the time of such election, developer shall notify the Florida Department of Community Affairs and the City of Tampa of cumulative land use totals and adjusted, remaining, allowable quantities.

C. That a theater is a permitted use for Parcel "F".

Section 4. Development Order, As Amended. This Ordinance shall constitute the Eighth Amendment to the Development Order as passed and ordained by the City Council. All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the development, unless inconsistent with the terms and conditions of this ordinance, in which case the terms and the conditions of this Ordinance shall govern.

Section 5. Binding Effect. That this Ordinance shall be binding upon the owner, its assigns and its successors in interest.

Section 6. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 7. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming law, to the Owner, DCA, TBRPC, Starwood, Lennar, USAA, Morrison, Harrison and Caspersen.

Section 8. Rendition. That this ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, *Florida Statutes*.

Section 9. Recording. That the Owner shall record a notice of adoption of this ordinance pursuant to Chapter 380, *Florida Statutes*.

Certified as true
and correct copy.

Section 10. Effective Date. That this Ordinance shall become a law as provided in the City's Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON NOV 19 1998.

Attest:

By: Janett S. Martin
Janett S. Martin

CHAIRMAN, CITY COUNCIL

Approved by me on NOV 20 1998

DICK GRECO, MAYOR

By: _____
City Clerk

Approved as to form by:

ANDREA ZELMAN
ASSISTANT CITY ATTORNEY

F:\WP61\WORK\JBG\HARRISON\OR9716-2.NEW

State of Florida
County of Hillborough

This is to certify that the foregoing is a true and correct copy of Ordinance 98-252 on file in my office
Witness my hand and official seal this 23rd day of Nov, 19 98.

Janett S. Martin
CITY CLERK

Exhibit "B", Page 1

(Parcel "A-2")

A parcel of land in Sections 13, 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows:

Commence at the Southeast Corner of said Section 14 also known as the Northeast Corner of said Section 23; thence along the common boundary between said Sections 14 and 23, N.89°31'25"W., 133.07 feet to the northwesterly right-of-way boundary of Bruce B. Downs Boulevard - County Road No. 581 (D.O.T. Section No. 10590-151) for a POINT OF BEGINNING; thence along said northwesterly right-of-way boundary, S.41°45'28"W., 223.51 feet; thence N. 48°14'32" W., 550.00 feet to a point of curvature; thence northwesterly 557.10 feet along a curve concave to the northeast, said curve having a radius of 950.00 feet, a central angle of 33°35'58", chord bearing and a distance of N.31°26'33"W., 549.15 feet; thence S.81° 34'05"E., 1203.64 feet; thence S.48°14'32"E., 70.00 feet to the said northwesterly right-of-way of Bruce B. Downs Boulevard; thence along said northwesterly right-of-way boundary S.41° 45'28"W., 596.49 feet to the POINT OF BEGINNING.

Certified as true
and correct copy.

Certified as true
and correct copy.

Exhibit "B", Page 2
(Parcel "F")

DESCRIPTION:

A PORTION OF TRACTS "DD" & "KK" ACCORDING TO PLAT OR MAP ENTITLED "RICHMOND PLACE – PHASE 2" AS RECORDED IN PLAT BOOK 83, PAGE 41 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SECTION 14, TOWNSHIP 27 SOUTH, RANGE 19 EAST, AND RUN ALONG THE EAST BOUNDARY OF SAID SECTION 14, N 01°10'30" W, A DISTANCE OF 525.52 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT THE FOLLOWING TWENTY–TWO (22) COURSES:

1) N 81°34'00" W, 978.76 FEET; 2) N 31°19'25" W, 201.14 FEET; 3) N 19°23'12" W, 61.40 FEET; 4) N 28°38'37" W, 52.44 FEET; 5) N 87°54'40" W, 45.02 FEET; 6) N 49°29'51" W, 40.36 FEET; 7) N 01°40'47" E, 70.69 FEET; 8) N 52°43'30" E, 657.34 FEET; 9) N 31°42'37" E, 18.76 FEET, TO A POINT ON A CURVE; 10) ALONG THE ARC OF A CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST RADIUS 2050.00 FEET, DELTA 007°51'21", ARC 281.08 FEET, CHORD BEARING S 62°13'04" E, 280.86 FEET, TO A POINT OF TANGENCY; 11) S 66°08'45" E, 154.91 FEET, TO A POINT OF CURVE; 12) ALONG THE ARC OF A CURVE TO THE RIGHT, CONCAVE TO THE SOUTHWEST RADIUS 1952.00 FEET, DELTA 012°08'45", ARC 413.79 FEET, CHORD BEARING S 60°04'22" E, 413.02 FEET; 13) LEAVING SAID CURVE, S 36°00'00" W, 25.00 FEET, TO A POINT ON A CURVE; 14) ALONG THE ARC OF A CURVE TO THE RIGHT, CONCAVE TO THE SOUTHWEST RADIUS 1927.00 FEET, DELTA 000°45'41", ARC 25.61 FEET, CHORD BEARING S 53°37'10" E, 25.61 FEET, TO A POINT ON A CURVE; 15) ALONG THE ARC OF A CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST RADIUS 30.04 FEET, DELTA 036°37'18", ARC 19.20 FEET, CHORD BEARING S 18°38'45" W, 18.88 FEET; 16) LEAVING SAID CURVE, S 00°19'19" W, 135.71 FEET; 17) S 12°07'04" E, 307.58 FEET, TO A POINT OF CURVE; 18) ALONG THE ARC OF A CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST RADIUS 100.00 FEET, DELTA 008°11'58", ARC 14.31 FEET, CHORD BEARING S 16°13'03" E, 14.30 FEET, TO A POINT OF TANGENCY; 19) S 20°19'02" E, 19.27 FEET, TO A POINT OF CURVE; 20) ALONG THE ARC OF A CURVE TO THE RIGHT, CONCAVE TO THE SOUTHWEST RADIUS 126.00 FEET, DELTA 013°04'50", ARC 28.77 FEET, CHORD BEARING S 13°46'37" E, 28.70 FEET, TO A POINT OF TANGENCY; 21) S 07°14'12" E, 8.35 FEET; 22) N 81°34'00" W, 173.31 FEET; TO THE AFOREMENTIONED POINT OF BEGINNING. CONTAINS 18.6083 ACRES, MORE OR LESS.

TOGETHER WITH ALL OF TRACT "JJ" ACCORDING TO PLAT OR MAP ENTITLED "RICHMOND PLACE – PHASE 2" AS RECORDED IN PLAT BOOK 83, PAGE 41 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, CONTAINS 300 SQUARE FEET.

(Portion of Parcel "A")

Tracts "A-2", "MM", and "LL" of Richmond Place-Phase 2, according to the map or plat thereof recorded in Plat Book 83, Page 41, of the public records of Hillsborough County, Florida

Certified as true
and correct copy.

CITY OF TAMPA

Janett S. Martin, City Clerk — Office of City Clerk

October 27, 1998

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

RE: Petition No. DZ85-166 - Tampa Technology Park
Ordinance 98-230

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process. If further information is needed, please contact the office of Land Development Coordination, at (813) 274-8405.

Sincerely,

Janett S. Martin
City Clerk

JM/gg

Enclosure: Certified copy of Ordinance 98-230

Certified Mail

315 E. Kennedy Blvd., City Hall • Tampa, Florida 33602 • 813/274-8396 • FAX: 813/274-8306
email: i:ctyclerk@ci.tampa.fl.us

CC-
TBR?C

ORDINANCE NO. 98-230

AN ORDINANCE AMENDING ORDINANCE NO. 98-188, IN ORDER TO SUBSTITUTE THE EXHIBIT ATTACHED AS EXHIBIT A THERETO; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 3, 1998, the Tampa City Council adopted Ordinance No. 98-188, which Ordinance approved the Seventh Amendment to the Development Order for the Tampa Technology Park Development of Regional Impact in response to a Notice of Proposed Change filed by Harrison Bennett Properties, Inc. and Starwood/Tampa I L.P., which Ordinance was executed by the Mayor of the City of Tampa on September 11, 1998; and

WHEREAS, attached to Ordinance No. 98-188 as Exhibit A was a map graphically describing the property affected by the Notice of Proposed Change; and

WHEREAS, due to a clerical error, the map attached as Exhibit A to Ordinance No. 98-188 was not the appropriate revised Map H intended to be attached to that Ordinance; and

WHEREAS, it is necessary to substitute the attached revised Map H in order to accurately reflect the changes to the development approved by Ordinance No. 98-188.

NOW, THEREFORE,

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

Section 1. That Ordinance No. 98-188 is hereby amended by substituting the revised Map H to Ordinance No. 98-188, a copy of which is attached hereto and made a part hereof.

Section 2. That if any part of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Section 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 4. That this Ordinance shall take effect immediately upon becoming a law.

Certified as true
and correct copy.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON _____.

Section 2. That the City Clerk shall certify and record a copy of this Ordinance in the Office of the Clerk of the Circuit Court of Hillsborough County, Florida.

Section 3. 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 OCT 22 1998.

ATTEST:

Janett S. Martin
CITY CLERK

CHAIRMAN, CITY COUNCIL

APPROVED BY ME ON OCT 23 1998

DICK A. GRECO, MAYOR

Prepared by:

ANDREA E. ZELMAN
ASSISTANT CITY ATTORNEY

H:\wpa\amndtech.ord

State of Florida
County of Hillborough

This is to certify that the foregoing is a true and correct copy of Ordinance 98-230 on file in my office.
Witness my hand and official seal this 27th day of Oct 19 98

Janett S. Martin
CITY CLERK

CC TBRPC

Ordinance No. 98-188

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA; APPROVING THE SEVENTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK DEVELOPMENT OF REGIONAL IMPACT IN RESPONSE TO A NOTICE OF PROPOSED CHANGE FILED BY HARRISON BENNETT PROPERTIES INC. AND STARWOOD/TAMPA I, L.P.; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 11, 1986, the City of Tampa (the "City") adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to Chapter 380, *Florida Statutes*, for the Tampa Technology Park, a Development of Regional Impact ("DRI"); and

WHEREAS, on December 18, 1986, the City adopted Ordinance No. 9466-A, which amended the Development Order (the "First Amendment"); and

WHEREAS, the current owners of the property in Tampa Technology Park are Starwood/Tampa I, L.P. ("Starwood") , Morrison Homes of Florida, Inc. ("Morrison"), Finn M. W. Caspersen, as Trustee ("Caspersen"), Sandra Kaupe ("Kaupe"), United Services Automobile Association ("USAA"), and Lennar Homes, Inc. ("Lennar"); and

WHEREAS, Lennar and USAA are the owners and developers of that part of Tampa Technology Park lying south and west of I-75, which is commonly referred to as Tampa Tech West; and

WHEREAS, Starwood, Morrison, Caspersen and Kaupe are the owners and developers of that part of Tampa Technology Park lying north and east of I-75, which is commonly referred to as Tampa Tech East and is graphically described on Revised Map H attached hereto as Exhibit "A" ("Tampa Tech East"); and

WHEREAS, Harrison Bennett Properties, Inc. has contracted to purchase a portion of the Tampa Tech East property from Starwood; and

WHEREAS, on October 10, 1991, the City adopted ordinances Nos. 91-194 and 91-195, the Second and Third Amendments to the Development Order; and

Certified as true and correct copy.

WHEREAS, on December 19, 1991, the City adopted ordinance No. 91-229, as the Fourth Amendment to the Development Order (the "Fourth Amendment"), which Fourth Amendment repealed Ordinance No. 91-195 and amended certain other provisions of the Development Order; and

WHEREAS, on October 27, 1994, the City adopted Ordinance No. 94-222, as the Fifth Amendment to the Development Order (the "Fifth Amendment"), which Fifth Amendment amended certain provisions of the Development Order; and

WHEREAS, on January 23, 1997, the City adopted Ordinance No. 97-16, as the Sixth Amendment to the Development Order (the "Sixth Amendment"), which Sixth Amendment amended certain provisions of the Development Order (references herein to the "Development Order" shall include all amendments to the Development Order); and

WHEREAS, on May 12, 1998, Harrison Bennett Properties, Inc. and Starwood (collectively the "Owner") duly filed a Notice of Proposed Change to a Previously Approved Development of Regional Impact pursuant to subsection 380.06 (19) , *Florida Statutes*, and has provided additional information requested by the reviewing agencies (collectively, the "NOPC"); and

WHEREAS, the proposed changes to the Development Order shall constitute the Seventh Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the NOPC as well as all related testimony and evidence submitted by the Owner concerning the proposed changes; and

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

WHEREAS, the public notice requirements have been fulfilled; and

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

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

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

Certified as true and correct copy.

NOW, THEREFORE

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

Section 1. Findings of Fact. That the City Council, having received the above described documents, and having received all related comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, *Florida Statutes*, concerning substantial deviations, finds that there is substantial, competent, clear and convincing evidence to support the following findings of fact:

A. That the proposed changes are consistent with all City land development regulations and the City Comprehensive Plan.

B. That the proposed changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and is consistent with The State Comprehensive Plan.

C. That, pursuant to subsection 380.06(19), *Florida Statutes*, the proposed changes in this Ordinance do not individually or cumulatively with the prior changes constitute a substantial deviation and, therefore, no further development of regional impact review is necessary.

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

A. These proceedings have been duly conducted pursuant to applicable law and regulations and based upon the record of these proceedings the Owner is authorized to conduct the development as described in the Development order, as amended herein, subject only to the amendments, conditions, restrictions and limitations as set forth in the Development Order, as amended herein.

B. The review of the City, TBRPC, DCA, and other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, *Florida Statutes*, within the terms and conditions of the Development Order, as amended herein. To the extent that the Development Order is inconsistent with the terms and conditions of this Seventh Amendment, the terms and conditions of this Seventh Amendment shall prevail.

C. The City has, at its proceedings, considered all previous changes and the changes approved herein and determined that such changes individually and cumulatively do not constitute a substantial deviation requiring further DRI review pursuant to Section 380.06, *Florida Statutes*.

Certified as true
and correct copy.

D. This Ordinance does not constitute a substantial deviation from the Development Order, as defined in Chapter 380, *Florida Statutes*, and nothing herein shall limit or modify the protection afforded under Section 163.3167(8), *Florida Statutes*. Phase I of Tampa Technology Park remains vested pursuant to Section 163.3167(8), *Florida Statutes*, and City of Tampa Ordinance 90-32. Phases II and III also remain vested except as to those matters listed in Section 4.U.1 of the Development order (traffic, air quality, water quality, drainage and solid, including hazardous, waste).

E. The proposed changes authorized by this Ordinance do not individually or cumulatively create additional impacts or any type of impact not previously reviewed.

Section 3. Order. Having made the above findings of fact, and conclusions of law, it is ordered that the Development Order, solely as it applies to the property under contract between Harrison Bennett Properties, Inc. and Starwood as of the date hereof and described on Exhibit "B" attached hereto (the "Notification Property"), is amended as set forth below:

A. That the proposed changes in the NOPC are approved and that the Development Order is hereby amended to incorporate the NOPC, except as specifically modified herein or modified by Revised Map H.

B. The master plan of development for Tampa Technology Park East is revised as reflected on the Revised Map H attached hereto as Exhibit "A" bearing an original date of October 10, 1996, and a last revision date of July 30, 1998, and is hereby approved and adopted as the Tampa Technology Park East Master Plan. The master plan of development for Tampa Technology Park West is not revised and bears an original date of June 1, 1991 and a last revision date of December 2, 1991.

C. This ordinance approves the re-alignment of a right in/right out access drive to County Road 581 (Bruce B. Downs Boulevard) said access drive being located approximately 1,000 feet northeast of Richmond Park Drive along County Road 581. The re-alignment shall be conditioned on:

(1) the access drive shall be for right-in/right-out traffic, only;

(2) the existing access drive located approximately 120 feet northeast of the new access drive shall be permanently closed;

(3) the owner or owners of Tract A-2 and Tract F shall provide a pedestrian and vehicular ingress and egress access easement and internal drive between Tract A-2 and Tract F (as such tracts are shown on Revised Map H of the DRI), thus providing a connection between the southernmost Tampa Tech driveway shown on Revised Map H of the DRI, and Richmond Park Drive. The design and location of said internal drive shall be subject to review and approval by the City of Tampa Transportation Division through the permit approval process; and said

Certified as true and correct copy.

internal drive shall be, at a minimum, sufficient for vehicular and pedestrian traffic in both directions along the internal drive. The internal drive shall generally parallel C.R. 581.

Section 4. Development Order, As Amended. This Ordinance shall constitute the Seventh Amendment to the Development Order as passed and ordained by the City Council. All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the development, unless inconsistent with the terms and conditions of this ordinance, in which case the terms and the conditions of this Ordinance shall govern.

Section 5. Binding Effect. That this Ordinance shall be binding upon the owner, its assigns and its successors in interest.

Section 6. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 7. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming law, to the Owner, DCA, TBRPC, Starwood, Lennar, USAA, Morrison, Kaupe and Caspersen.

Section 8. Rendition.. That this ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, *Florida Statutes*.

Section 9. Recording. That the Owner shall record a notice of adoption of this ordinance pursuant to Chapter 380, *Florida Statutes*.

Section 10. Effective Date. That this Ordinance shall become a law as provided in the City's Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

Certified as true and correct copy.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON SEP 0 3 1998.

Attest:

By: Janett S. Martin
Janett S. Martin

CHAIRMAN, CITY COUNCIL

Approved by me on SEP 11 1998

By: Janett S. Martin
City Clerk

DICK GRECO, MAYOR

Approved as to form by:

ANDREA ZELMAN
ASSISTANT CITY ATTORNEY

F:\WP61\WORK\JBG\HARRISON\ORD9716.2

State of Florida
County of Hillborough

This is to certify that the foregoing is a true and correct copy of Ordinance 98-188 on file in my office
Witness my hand and official seal this 14th day of Sept, 19 98.

Janett S. Martin
CITY CLERK

EXHIBIT "B", PAGE 1

Tracts "A-2", "LL", and "MM" of Richmond Place-Phase 2, according to the map or plat thereof recorded in Plat Book 83, Page 41-1, of the public records of Hillsborough County, Florida

Certified as true
and correct copy.

EXHIBIT "B", PAGE 2

Tracts "DD", "JJ", and "KK" of Richmond Place-Phase 2, according to the map or plat thereof recorded in Plat Book 83, Page 41-1, of the public records of Hillsborough County, Florida

Certified as true
and correct copy.

EXHIBIT "C"

A parcel of land in Sections 13, 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows:

Commence at the Southeast Corner of said Section 14 also known as the Northeast Corner of said Section 23; thence along the common boundary between said Sections 14 and 23, N.89°31'25"W., 133.07 feet to the northwesterly right-of-way boundary of Bruce B. Downs Boulevard -- County Road No. 581 (D.O.T. Section No. 10590-151) for a Point of Beginning; thence along said northwesterly right-of-way boundary, S.41°45'28"W., 223.51 feet; thence N.48°14'32"W., 550.00 feet to a point of curvature; thence northwesterly 557.10 feet along a curve concave to the northeast, said curve having a radius of 950.00 feet, a central angle of 33°35'58", chord bearing and a distance N.31°26'33"W., 549.15 feet; thence S.81°34'05"E., 1203.64 feet; thence S.48°14'32"E. , 70.00 feet to the said northwesterly right-of-way of Bruce B. Downs Boulevard; thence along said northwesterly right-of-way boundary, S.41°45'28"W., 596.49 feet to the Point of Beginning.

The above described tract contains 12.00 acres more or less.

Certified as true and correct copy.

CITY OF TAMPA

Janett S. Martin, City Clerk

Office of City Clerk

January 31, 1997

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

RE: Petition No. DZ85-166
Ordinance No. 97-16

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process. If further information is needed, please contact the office of Land Development Coordination, at (813) 274-8405.

Sincerely,

Janett S. Martin
City Clerk

JM/gg

Enclosure: Certified copy ORD 97-16

cc: Land Development Coordination

Certified Mail

Ordinance No. 97-160

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA; APPROVING THE SIXTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK DEVELOPMENT OF REGIONAL IMPACT IN RESPONSE TO A NOTICE OF PROPOSED CHANGE FILED BY STARWOOD/TAMPA I, L.P.; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 11, 1986, the City of Tampa (the "City") adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to Chapter 380, *Florida Statutes*, for the Tampa Technology Park, a development of regional impact ("DRI"); and

WHEREAS, on December 18, 1986, the City adopted Ordinance No. 9466-A, which amended the Development Order (the "First Amendment"); and

WHEREAS, the current owners of the property in Tampa Technology Park are Starwood/Tampa I, L.P. ("Starwood"), Morrison Homes of Florida, Inc. ("Morrison"), Finn M. W. Caspersen, as Trustee ("Caspersen"), Sandra Kaupe ("Kaupe"), United Services Automobile Association ("USAA"), and Lennar Homes, Inc. ("Lennar"); and

WHEREAS, Lennar and USAA are the owners and developers of that part of Tampa Technology Park lying south and west of I-75, which is commonly referred to as Tampa Tech West; and

WHEREAS, Starwood, Morrison, Caspersen and Kaupe are the owners and developers of that part of Tampa Technology Park lying north and east of I-75, which is commonly referred to as Tampa Tech East and is graphically described on revised Map H attached hereto as Exhibit "A" ("Tampa Tech East"); and

WHEREAS, on October 10, 1991, the City adopted Ordinances Nos. 91-194 and 91-195, the Second and Third Amendments to the Development Order; and

WHEREAS, on December 19, 1991, the City adopted Ordinance No. 91-229, as the Fourth Amendment to the Development Order (the "Fourth Amendment"), which Fourth Amendment repealed Ordinance No. 91-195 and amended certain other provisions of the Development Order; and

WHEREAS, on October 27, 1994, the city adopted Ordinance No. 94-222, as the Fifth Amendment to the Development Order (the "Fifth Amendment"), which Fifth Amendment amended certain provisions of the Development Order (references herein to the "Development Order" shall include all amendments to the Development Order); and

Certified as true and correct copy.

WHEREAS, on October 18, 1996, Starwood (the "Owner") duly filed a Notice of Proposed Change to a Previously Approved Development of Regional Impact pursuant to subsection 380.06(19), *Florida Statutes*, and has provided additional information requested by the reviewing agencies (collectively, the "NOPC"); and

WHEREAS, the proposed changes to the Development Order shall constitute the Sixth Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the NOPC as well as all related testimony and evidence submitted by the Owner concerning the proposed changes; and

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

WHEREAS, the public notice requirements have been fulfilled; and

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

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

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

NOW, THEREFORE

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

Section 1. Findings of Fact. That the City Council, having received the above described documents, and having received all related comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, *Florida Statutes*, concerning substantial deviations, finds that there is substantial, competent, clear and convincing evidence to support the following findings of fact:

A. That the proposed changes are consistent with all City land development regulations and the City Comprehensive Plan.

B. That the proposed changes do not unreasonably interfere with the achievement of the objectives of the adopted State

Certified as true
and correct copy.

Land Development Plan applicable to the area and is consistent with The State Comprehensive Plan.

C. That, pursuant to subsection 380.06(19), *Florida Statutes*, the proposed changes in this Ordinance do not individually or cumulatively with the prior changes constitute a substantial deviation and, therefore, no further development of regional impact review is necessary.

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

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

B. The review of the City, TBRPC, DCA, and other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, *Florida Statutes*, within the terms and conditions of the Development Order, as amended herein. To the extent that the Development Order is inconsistent with the terms and conditions of this Sixth Amendment, the terms and conditions of this Sixth Amendment shall prevail.

C. The City has, at its proceedings, considered all previous changes and the changes approved herein and determined that such changes individually and cumulatively do not constitute a substantial deviation requiring further DRI review pursuant to Section 380.06, *Florida Statutes*.

D. This Ordinance does not constitute a substantial deviation from the Development Order, as defined in Chapter 380, *Florida Statutes*, and nothing herein shall limit or modify the protection afforded under Section 163.3167(8), *Florida Statutes*. Phase I of Tampa Technology Park remains vested pursuant to Section 163.3167(8), *Florida Statutes*, and City of Tampa Ordinance 90-32. Phases II and III also remain vested except as to those matters listed in Section 4.U.1 of the Development Order (traffic, air quality, water quality, drainage and solid, including hazardous, waste).

E. The proposed changes authorized by this Ordinance do not individually or cumulatively create additional impacts or any type of impact not previously reviewed.

Section 3. Order. Having made the above findings of fact, and conclusions of law, it is ordered that the Development Order, solely

Certified as true and correct copy.

as it applies to the property owned by Starwood as of the date hereof and described on Exhibit "B" attached hereto (the "Notification Property"), is amended as set forth below:

A. That the proposed changes in the NOPC are approved and that the Development Order is hereby amended to incorporate the NOPC, except as specifically modified herein or modified by Revised Map H.

B. Subsection 4.V. of the Development Order is hereby amended to read as follows:

"V. Tampa Technology Park (East). With respect to the area of Tampa Technology Park lying north and east of I-75, which is commonly referred to as Tampa Technology Park East and is more particularly described in revised Map H attached hereto, specific approval of Phase 1 includes the following:

1.	Commercial/Office	433,204 sq. ft.
2.	Hotel	192 rooms
3.	Office	411,242 sq. ft.
4.	High-Tech, Light Industrial	2,302,518 sq. ft.[1]
5.	Governmental Services	58,000 sq. ft.[1]
6.	Residential	974 single family units[2]
7.	Commercial Mixed Use	340,000 sq. ft.[3]

Further, 5,897 external P.M. peak hour trips are authorized in Phase I for Tampa Technology Park East."

---

1 The governmental services density may be assigned to Tampa Tech West pursuant to Section 4.Q.2. of Ordinance 9359-A.

2 The maximum 974 single family units are permitted only on the Notification Property by trading off office or high-tech/light industrial land uses pursuant to the trade-off mechanism. Single family residential units may be traded-off to multi-family residential pursuant to approved trade-off mechanism.

3 The maximum 340,000 sq. ft. of Commercial Mixed Use land uses include all uses permitted by the CG zoning district contained within the City of Tampa Zoning Code (effective as of the date of this Ordinance) and are permitted only on the Notification Property by trading off office or high-tech/light industrial land uses pursuant to the trade-off mechanism. A maximum of 500 hotel rooms may be constructed on the Notification Property as Commercial Mixed Use land uses by use of the trade-off mechanism. Commercial Mixed Use land uses are subject to Sections 4.O (Wastewater) and 4.P (Water Supply) of the original Development Order (Ordinance No. 9359-A).

Certified as true and correct copy.

C. Subsection 4.X.1. of the Development Order, solely with respect to the Notification Property, is hereby amended by adding the following language to subparagraph 1.a.:

"With respect to the Notification Property only, 1,000 square feet of Office is equivalent to 370 square feet of Commercial Mixed Use and 1,000 square feet of High-tech/Light Industrial is equivalent to 394 square feet of Commercial Mixed Use. Each hotel room within the Commercial Mixed Use land use shall reduce the permitted Commercial Mixed Use square footage by 54 square feet. The Developer shall notify the Department of Community Affairs and the Tampa Bay Regional Planning Council in writing prior to utilizing the Office or High-Tech/Light Industrial to Commercial Mixed Use trade-off mechanism, and include information regarding the use of the trade-off mechanism in the annual reports for Tampa Technology Park East."

D. Subsection 4.Y. of the Development Order, solely with respect to the Notification Property, is deleted in its entirety and replaced with the following:

"Revised Map H. The master plan of development for Tampa Technology Park East is revised as reflected on the revised Map H attached hereto as Exhibit "A" bearing an original date of October 10, 1996, and a last revision date of January 8, 1997, and is hereby approved and adopted as the Tampa Technology Park East Master Plan. The master plan of development for Tampa Technology Park West is not revised and bears an original date of June 1, 1991, and a last revision date of December 2, 1991."

E. Sections L. of the Fifth Amendment to the Development Order is amended by adding the following to the end thereof:

At such time as the City acquires right of way for the east-west road in a location consistent with the corridor located through West Meadows and Lennar Properties and not through the Notification Property, Owner shall not have any obligation to dedicate right of way through the Notification Property for the east-west road and, upon Owner's request, City shall accept a substitute Map H deleting the corridor for the east-west road through the Notification Property. Pursuant to the Development Agreement between Atlantic Gulf of Tampa, Inc., and the City of Tampa, dated November 15, 1995, and recorded in Official Records Book 7962, at Page

Certified as true and correct copy.

904, of the Public Records of Hillsborough County, Florida (the "Development Agreement"), the owner of West Meadows must reserve an 80 foot wide right-of-way in the West Meadows project for the future construction of a road providing access for the Notification Property to the east-west road.

F. Soley with respect to the Notification Property, Exhibit D to the Development Order shall be amended pursuant to the revised Exhibit D attached hereto and incorporated herein.

G. The changes approved by this Sixth Amendment to the Development Order are exempt from the provisions of Ordinance 90 - 32 City of Tampa Concurrency Management System, and the Tampa Technology Park DRI remains vested thereunder.

Section 4. Development Order, As Amended. This Ordinance shall constitute the Sixth Amendment to the Development Order as passed and ordained by the City Council. All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the development, unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and the conditions of this Ordinance shall govern.

Section 5. Binding Effect. That this Ordinance shall be binding upon the Owner, its assigns and its successors in interest.

Section 6. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 7. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming law, to the Owner, DCA, TBRPC, Starwood, Lennar, USAA, Morrison, Kaupe and Caspersen.

Section 8. Rendition. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, *Florida Statutes*.

Section 9. Recording. That the Owner shall record a notice of adoption of this Ordinance pursuant to Chapter 380, *Florida Statutes*.

Section 10. Effective Date. That this Ordinance shall become a law as provided in the City's Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

Certified as true and correct copy.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JAN 23 1997.

Ronnie Mason
Chairman, City Council

Approved by me on JAN 28 1997

Attest:
By: Janett S. Martin
City Clerk

Nick A. Greco
Mayor

Approved as to form by:

Andrea Zelman
Assistant City Attorney

5585-001-0364007.06

State of Florida
County of Hillborough

This is to certify that the foregoing is a true and correct copy of Ordinance 97-16 on file in my office
Witness my hand and official seal this 30th day of Jan 19 97

Janett S. Martin
CITY CLERK

Exhibit "B"

DESCRIPTION: PARCEL TWO (cont.)

Less:

Lots 1 through 34, inclusive AND Lots 55 through 62, inclusive in Block A of RICHMOND PLACE - PHASE 1, according to the map or plat thereof recorded in Plat Book 79, Page 50, of the public records of Hillsborough County, Florida.

AND

Lots 1 through 20, inclusive in Block B of RICHMOND PLACE - PHASE 1, according to the map or plat thereof recorded in Plat Book 79, Page 50, of the public records of Hillsborough County, Florida.

AND

Lots 6 through 18, inclusive in Block C of RICHMOND PLACE - PHASE 1, according to the map or plat thereof recorded in Plat Book 79, page 50, of the public records of Hillsborough County, Florida.

5585-004-387310

Certified as true and correct copy.

EXHIBIT B

DESCRIPTION: PARCEL ONE

A parcel of land lying within Sections 13, 14, and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the Southeast corner of said Section 14, also known as the Northeast corner of said Section 23; thence along the common boundary between said Sections 14 and 23, N.89°31'25"W., 133.07 feet to the Northwesterly right-of-way boundary of Bruce Downs Boulevard - County Road No. 581 (D.O.T. Section No. 10590-151) for a POINT OF BEGINNING; thence along said Northwesterly right-of-way line, S.41°45'28"W., a distance of 223.51 feet; thence continue along said Northwesterly right-of-way line, S.41°45'28"W., a distance of 474.98 feet; thence N.48°14'32"W., along said Northwesterly right-of-way line, a distance of 30.90 feet to the beginning of the Limited Access right-of-way boundary of Ramp "D" for State Road No. 93-A (Interstate Route No. 75), Department of Transportation Section No. 10075-2418; thence along said Limited Access right-of-way boundary the following nine (9) courses: (1) S.41°45'28"W., a distance of 405.26 feet; (2) S.45°34'19"W., a distance of 462.96 feet; (3) S.69°56'37"W., a distance of 178.27 feet; (4) N.61°18'47"W., a distance of 178.27 feet; (5) N.36°56'27"W., a distance of 298.36 feet; (6) N.34°39'01"W., a distance of 305.59 feet to the beginning of a curve, having a radius of 1815.86 feet and a central angle of 16°25'16"; (7) Northwesterly along the arc of said curve to the right, a distance of 520.43 feet, said arc subtended by a chord which bears N.26°26'23"W., a distance of 518.65 feet to the curve's end; (8) N.18°13'45"W., a distance of 1199.30 feet; (9) N.17°05'00"W., a distance of 258.06 feet; thence N.72°55'00"E., a distance of 999.07 feet; thence N.65°43'09"E., a distance of 50.45 feet; thence N.38°12'26"E., a distance of 73.41 feet; thence N.26°55'43"E., a distance of 147.48 feet; thence N.20°55'04"E., a distance of 101.38 feet; thence N.10°51'57"E., a distance of 293.91 feet; thence N.04°10'23"E., a distance of 506.40 feet; thence S.15°09'00"E., a distance of 616.92 feet; thence S.20°37'57"E., a distance of 288.45 feet; thence S.62°33'30"E., a distance of 233.90 feet; thence S.60°18'54"E., a distance of 512.05 feet; thence S.59°27'03"E., a distance of 1258.69 feet; thence S.41°45'28"W., a distance of 519.73 feet; thence continue S.41°45'28"W., a distance of 596.49 feet to the POINT OF BEGINNING.

LESS:

A parcel of land in Sections 13, 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows:

Commence at the Southeast corner of said Section 14, also known as the Northeast corner of said Section 23; thence along the common boundary between said Sections 14 and 23, N.89°31'25"W., 133.07 feet to the Northwesterly right-of-way boundary of Bruce Downs Boulevard - County Road No. 581 (D.O.T. Section No. 10590-151) for a Point of Beginning; thence along said Northwesterly right-of-way boundary, S.41°45'28"W., 223.51 feet; thence N.48°14'32"W., 550.00 feet to a point of curvature; thence Northwesterly 557.10 feet along a curve concave to the Northeast, said curve having a radius of 950.00 feet, a central angle of 33°35'58", chord bearing and distance N.31°26'33"W., 549.15 feet; thence S.81°34'05"E., 1203.64 feet; thence S.48°14'32"E., 70.00 feet to the said Northwesterly right-of-way of Bruce Downs Boulevard; thence along said Northwesterly right-of-way boundary, S.41°45'28"W., 596.49 feet to the Point of Beginning. (O.R. Book 4981, Page 1893, Public Records of Hillsborough County, Florida).

AND ALSO LESS:

A parcel of land in Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the Northeast corner of said Section 23, Township 27 South, Range 19 East; thence along the North boundary of said Section 23, N.89°31'25"W., 133.07 feet to a point of intersection with the Northwesterly right-of-way boundary of Bruce Downs Boulevard - County Road 581 (formerly State Road 581) (D.O.T. Section No. 10590-151); thence along said Northwesterly right-of-way boundary, S.41°45'28"W., 548.51 feet; thence N.48°14'32"W., 150.00 feet for Point of Beginning; thence continue N.48°14'32"W., 250.00 feet; thence S.41°45'28"W., 500.00 feet; thence N.81°58'50"W., 359.13 feet; thence N.34°39'01"W., 417.47 feet; thence S.55°20'59"W., 361.56 feet to a point on a curve; thence 218.03 feet along the arc of the curve concave to the Northeast, having a radius of 1765.86 feet,

Ordinance No. 94-222

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA; APPROVING THE FIFTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK DEVELOPMENT OF REGIONAL IMPACT IN RESPONSE TO A NOTICE OF PROPOSED CHANGE FILED BY SOUTHWEST DEVELOPMENT CORPORATION AND SOUTHERN PROPERTIES HOLDING CORPORATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 11, 1986, the City of Tampa (the "City") adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to Chapter 380, *Florida Statutes*, for the Tampa Technology Park, a development of regional impact ("DRI"); and

WHEREAS, on December 18, 1986, the City adopted Ordinance No. 9466-A, which amended the Development Order (the "First Amendment"); and

WHEREAS, the current owners of the property in Tampa Technology Park are Southwest Development Corporation and Southern Property Holdings Corporation (together, "Consolidated"), Finn M. W. Caspersen, as Trustee ("Caspersen"), Sandra Kaupe ("Kaupe"), United Services Automobile Association ("USAA"), and Lennar Homes, Inc. ("Lennar"); and

WHEREAS, Lennar and USAA are the owners and developers of that part of Tampa Technology Park lying south and west of I-75, which is commonly referred to as Tampa Tech West; and

WHEREAS, Consolidated, Caspersen and Kaupe are the owners and developers of that part of Tampa Technology Park lying north and east of I-75, which is commonly referred to as Tampa Tech East and is graphically described on revised Map H attached hereto as Exhibit A ("Tampa Tech East"); and

WHEREAS, on October 10, 1991, the City adopted Ordinances Nos. 91-194 and 91-195, the Second and Third Amendments to the Development Order; and

WHEREAS, on December 19, 1991, the City approved Ordinance No. 91-229, as the Fourth Amendment to the Development Order (the "Fourth Amendment"), which Fourth Amendment repealed Ordinance No. 91-195 and amended certain other provisions of the Development Order (references herein to the "Development Order" shall include all amendments to the Development Order); and

WHEREAS, on May 6, 1994, Consolidated (the "Owner") duly filed a Notice of Proposed Change to a Previously Approved Development of Regional Impact pursuant to subsection 380.06(19), *Florida Statutes*, a copy of which is attached hereto as Exhibit "A", and

Certified as true and correct copy.

has provided additional information requested by the reviewing agencies (collectively, the "NOPC"); and

WHEREAS, the proposed changes to the Development Order shall constitute the Fifth Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the NOPC as well as all related testimony and evidence submitted by the Owner concerning the proposed changes; and

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

WHEREAS, the public notice requirements have been fulfilled; and

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

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

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

NOW, THEREFORE

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

Section 1. Findings of Fact. That the City Council, having received the above described documents, and having received all related comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, *Florida Statutes*, concerning substantial deviations, finds that there is substantial, competent, clear and convincing evidence to support the following findings of fact:

A. That the proposed changes are consistent with all City land development regulations and the City Comprehensive Plan.

B. That the proposed changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and is consistent with The State Comprehensive Plan.

Certified as true
and correct copy.

C. That, pursuant to subsection 380.06(19), *Florida Statutes*, the proposed changes in this Ordinance do not individually or cumulatively with the prior changes constitute a substantial deviation and, therefore, no further development of regional impact review is necessary.

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

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

B. The review of the City, TBRPC, DCA, and other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, *Florida Statutes*, within the terms and conditions of the Development Order, as amended herein. To the extent that the Development Order is inconsistent with the terms and conditions of this Fifth Amendment, the terms and conditions of this Fifth Amendment shall prevail.

C. The City has, at its proceedings, considered all previous changes and the changes approved herein and determined that such changes individually and cumulatively do not constitute a substantial deviation requiring further DRI review pursuant to Section 380.06, *Florida Statutes*.

D. This Ordinance does not constitute a substantial deviation from the Development Order, as defined in Chapter 380, *Florida Statutes*, and nothing herein shall limit or modify the protection afforded under Section 163.3167(8), *Florida Statutes*. Phase I of Tampa Technology Park remains vested pursuant to Section 163.3167(8), *Florida Statutes*, and City of Tampa Ordinance 90-32. Phases II and III also remain vested except as to those matters listed in Section 4.U.1 of the Development Order (traffic, air quality, water quality, drainage and solid, including hazardous, waste).

E. The proposed changes authorized by this Ordinance do not individually or cumulatively create additional impacts or any type of impact not previously reviewed.

Section 3. **Order.** Having made the above findings of fact, and conclusions of law, it is ordered that the Development Order, solely as it applies to the property owned by Consolidated as of the date hereof and described on Exhibit "B" attached hereto (the

Certified as true
and correct copy

Exhibit "B"

DESCRIPTION: PARCEL TWO

A parcel of land in Sections 13, 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being particularly described as follows:

Begin at the Northwest corner of said Section 13; thence S.89°59'52"E., along the North boundary of the Northwest 1/4 of said Section 13, 2092.11 feet; thence S.02°47'30"E., 2454.35 feet; thence S.89°55'07"E., 302.40 feet to the Northwesterly right-of-way boundary of Bruce Downs Boulevard, County Road No. 581, (Department of Transportation Section No. 10590-151); thence S.41°45'28"W., along said Northwesterly right-of-way line, a distance of 2695.45 feet; thence N.59°27'03"W., a distance of 1258.69 feet; thence N.60°18'54"W., a distance of 512.05 feet; thence N.62°33'30"W., a distance of 233.90 feet; thence N.20°37'57"W., a distance of 288.45 feet; thence N.15°09'00"W., a distance of 616.92 feet; thence S.04°10'23"W., a distance of 506.40 feet; thence S.10°51'57"W., a distance of 293.91 feet; thence S.20°55'04"W., a distance of 101.38 feet; thence S.26°55'43"W., a distance of 147.48 feet; thence S.38°12'26"W., a distance of 73.41 feet; thence S.65°43'09"W., a distance of 50.45 feet; thence S.72°55'00"W., a distance of 999.07 feet to the Limited Access right-of-way line of State Road No.93-A; thence along said Limited Access right-of-way line of said State Road No.93-A the following four (4) courses: (1) N.17°05'00"W., a distance of 1421.09 feet; ~~(2)~~ N.17°05'00"W., a distance of 1309.41 feet to the beginning of a curve, having a radius of 5891.58 feet and a central angle of 14°05'27"; (3) Northerly along the arc of said curve to the left, a distance of 1448.92 feet, said arc subtended by a chord which bears N.24°07'44"W., a distance of 1445.28 feet to the curve's end; (4) N.31°10'27"W., a distance of 88.11 feet to the North boundary of the Northwest 1/4 of said Section 14; thence S.89°45'44"E., along said North boundary of the Northwest 1/4 of said Section 14, 1315.97 feet to the North 1/4 corner of said Section 14; thence S.89°45'38"E., along the North boundary of the Northeast 1/4 of said Section 14, 2644.57 feet to the POINT OF BEGINNING.

LESS:

A parcel of land in Section 13, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the Southwest corner of said Section 13, thence along the West boundary of said Section 13, N.01°10'30"W., 146.81 feet to the West right-of-way boundary of Bruce B. Downs Boulevard (County Road No. 581-D.O.T. Section No. 10590-151); thence along said West right-of-way boundary of Bruce B. Downs Boulevard, N.41°45'28"E., 1930.98 feet; thence leaving said West right-of-way boundary, N.48°14'32"W., 50.00 feet to the Point of Beginning of the herein described parcel, thence continue N.48°14'32"W., a distance of 286.65 feet; thence N.51°41'38"E., a distance of 45.72 feet; thence N.27°01'39"E., a distance of 27.41 feet; thence N.42°40'05"E., a distance of 44.23 feet; thence N.23°19'47"E., a distance of 35.23 feet; thence N.18°22'56"E., 3.73 feet; thence S.48°14'32"E., a distance of 297.30 feet to a line 50.00 feet Northwest of and parallel with said West right-of-way boundary of Bruce B. Downs Boulevard; thence S.41°45'28"W. along said parallel line, a distance of 152.61 feet to the Point of Beginning.

Exhibit B

DESCRIPTION: PARCEL ONE

A parcel of land lying within Sections 13, 14, and 23, Township 27 South, Range 19 East, Pinellas County, Florida, more particularly described as follows:

Commence at the Southeast corner of said Section 14, also known as the Northeast corner of said Section 23; thence along the common boundary between said Sections 14 and 23, N.89°31'25"W., 133.07 feet to the Northwesterly right-of-way boundary of Bruce Downs Boulevard - County Road No. 581 (D.O.T. Section No. 10590-151) for a POINT OF BEGINNING; thence along said Northwesterly right-of-way line, S.41°45'28"W., a distance of 223.51 feet; thence continue along said Northwesterly right-of-way line, S.41°45'28"W., a distance of 474.98 feet; thence N.48°14'32"W., along said Northwesterly right-of-way line, a distance of 36.90 feet to the beginning of the Limited Access right-of-way boundary of Ramp "D" for State Road No. 93-A (Interstate Route No. 75), Department of Transportation Section No. 10075-2418; thence along said Limited Access right-of-way boundary the following nine (9) courses: (1) S.41°45'28"W., a distance of 405.26 feet; (2) S.45°34'19"W., a distance of 462.96 feet; (3) S.69°56'37"W., a distance of 178.27 feet; (4) N.61°18'47"W., a distance of 178.27 feet; (5) N.36°56'27"W., a distance of 298.36 feet; (6) N.34°39'01"W., a distance of 385.59 feet to the beginning of a curve, having a radius of 1815.86 feet and a central angle of 16°25'16"; (7) Northwesterly along the arc of said curve to the right, a distance of 520.43 feet, said arc subtended by a chord which bears N.26°26'23"W., a distance of 518.65 feet to the curve's end; (8) N.18°13'45"W., a distance of 1199.30 feet; (9) N.17°05'00"W., a distance of 258.06 feet; thence N.72°55'00"E., a distance of 999.07 feet; thence N.65°43'09"E., a distance of 50.45 feet; thence N.38°12'26"E., a distance of 73.41 feet; thence N.26°55'43"E., a distance of 147.48 feet; thence N.20°55'04"E., a distance of 101.38 feet; thence N.10°51'57"E., a distance of 293.91 feet; thence N.04°10'23"E., a distance of 506.40 feet; thence S.15°09'00"E., a distance of 616.92 feet; thence S.20°37'57"E., a distance of 288.45 feet; thence S.62°33'30"E., a distance of 233.90 feet; thence S.60°18'54"E., a distance of 512.05 feet; thence S.59°27'03"E., a distance of 1258.69 feet; thence S.41°45'28"W., a distance of 519.73 feet; thence continue S.41°45'28"W., a distance of 596.49 feet to the POINT OF BEGINNING.

LESS:

A parcel of land in Sections 13, 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows:

Commence at the Southeast corner of said Section 14, also known as the Northeast corner of said Section 23; thence along the common boundary between said Sections 14 and 23, N.89°31'25"W., 133.07 feet to the Northwesterly right-of-way boundary of Bruce Downs Boulevard - County Road No. 581 (D.O.T. Section No. 10590-151) for a Point of Beginning; thence along said Northwesterly right-of-way boundary, S.41°45'28"W., 223.51 feet; thence N.48°14'32"W., 550.00 feet to a point of curvature; thence Northwesterly 557.10 feet along a curve concave to the Northeast, said curve having a radius of 950.00 feet, a central angle of 33°35'58", chord bearing and distance N.31°26'33"W., 549.15 feet; thence S.81°34'05"E., 1203.64 feet; thence S.48°14'32"E., 70.00 feet to the said Northwesterly right-of-way of Bruce Downs Boulevard; thence along said Northwesterly right-of-way boundary, S.41°45'28"W., 596.49 feet to the Point of Beginning. (O.R. Book 4981, Page 1893, Public Records of Hillsborough County, Florida).

Certified as true and correct copy.

AND ALSO LESS:

A parcel of land in Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the Northeast corner of said Section 23, Township 27 South, Range 19 East; thence along the North boundary of said Section 23, N.89°31'25"W., 133.07 feet to a point of intersection with the Northwesterly right-of-way boundary of Bruce Downs Boulevard - County Road 581 (formerly State Road 581) (D.O.T. Section No. 10590-151); thence along said Northwesterly right-of-way boundary, S.41°45'28"W., 548.51 feet; thence N.48°14'32"W., 150.00 feet for Point of Beginning; thence continue N.48°14'32"W., 250.00 feet; thence S.41°45'28"W., 500.00 feet; thence N.81°58'50"W., 359.13 feet; thence N.34°39'01"W., 417.47 feet; thence S.55°20'59"W., 361.56 feet to a point on a curve; thence 218.03 feet along the arc of the curve concave to the Northeast, having a radius of 1765.86 feet, a central angle of 07°04'27", chord bearing and distance S.31°06'48"E., 217.89 feet to a point of tangency; thence S.34°39'01"E., 384.59 feet; thence S.36°56'27"E., 286.56 feet; thence S.85°41'05"E., 263.83 feet; thence N.45°34'19"E., 450.50 feet; thence N.41°45'28"E., 403.59 feet; thence N.48°14'32"W., 63.10 feet; thence N.41°45'28"E., 150.00 feet to the Point of Beginning.

Containing 103.075 acres, more or less.

DESCRIPTION: PARCEL TWO

A parcel of land in Sections 13, 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being particularly described as follows:

Begin at the Northwest corner of said Section 13; thence S.89°59'52"E., along the North boundary of the Northwest 1/4 of said Section 13, 2092.11 feet; thence S.02°47'30"E., 2454.35 feet; thence S.89°55'07"E., 302.40 feet to the Northwesterly right-of-way boundary of Bruce Downs Boulevard, County Road No. 581, (Department of Transportation Section No. 10590-151); thence S.41°45'28"W., along said Northwesterly right-of-way line, a distance of 2695.45 feet; thence N.59°27'03"W., a distance of 1258.69 feet; thence N.60°18'54"W., a distance of 512.05 feet; thence N.62°33'30"W., a distance of 233.90 feet; thence N.20°37'57"W., a distance of 288.45 feet; thence N.15°09'00"W., a distance of 616.92 feet; thence S.04°10'23"W., a distance of 506.40 feet; thence S.10°51'57"W., a distance of 293.91 feet; thence S.20°55'04"W., a distance of 101.38 feet; thence S.26°55'43"W., a distance of 147.48 feet; thence S.38°12'26"W., a distance of 73.41 feet; thence S.65°43'09"W., a distance of 50.45 feet; thence S.72°55'00"W., a distance of 999.07 feet to the Limited Access right-of-way line of State Road No.93-A; thence along said Limited Access right-of-way line of said State Road No.93-A the following four (4) courses: (1) N.17°05'00"W., a distance of 1421.09 feet; (2) N.17°05'00"W., a distance of 1309.41 feet to the beginning of a curve, having a radius of 5891.58 feet and a central angle of 14°05'27"; (3) Northerly along the arc of said curve to the left, a distance of 1448.92 feet, said arc subtended by a chord which bears N.24°07'44"W., a distance of 1445.28 feet to the curve's end; (4) N.31°10'27"W., a distance of 88.11 feet to the North boundary of the Northwest 1/4 of said Section 14; thence S.89°45'44"E., along said North boundary of the Northwest 1/4 of said Section 14, 1315.97 feet to the North 1/4 corner of said Section 14; thence S.89°45'38"E., along the North boundary of the Northeast 1/4 of said Section 14, 2644.57 feet to the POINT OF BEGINNING.

LESS:

A parcel of land in Section 13, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the Southwest corner of said Section 13, thence along the West boundary of said Section 13, N.01°10'30"W., 146.81 feet to the West right-of-way boundary of Bruce B. Downs Boulevard (County Road No. 581-D.O.T. Section No. 10590-151); thence along said West right-of-way boundary of Bruce B. Downs Boulevard, N.41°45'28"E., 1930.98 feet; thence leaving said West right-of-way boundary, N.48°14'32"W., 50.00 feet to the Point of Beginning of the herein described parcel, thence continue N.48°14'32"W., a distance of 286.65 feet; thence N.51°41'38"E., a distance of 45.72 feet; thence N.27°01'39"E., a distance of 27.41 feet; thence N.42°40'05"E., a distance of 44.23 feet; thence N.23°19'47"E., a distance of 35.23 feet; thence N.18°22'56"E., 3.73 feet; thence S.48°14'32"E., a distance of 297.30 feet to a line 50.00 feet Northwest of and parallel with said West right-of-way boundary of Bruce B. Downs Boulevard; thence S.41°45'28"W. along said parallel line, a distance of 152.61 feet to the Point of Beginning.

Containing 462.827 acres, more or less.

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CITY OF TAMPA

Janett S. Martin, City Clerk — Office of City Clerk

November 1, 1994

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

RE: Petition No. DZ85-166
Ordinance No. 94-222

Dear Sirs:

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

If further information is needed, please contact the office of Land Development Coordination.

(813) 274-8405.

Sincerely,

Janett S. Martin
City Clerk

JM/gg

Enclosure: Ordinance No. 94-222

Ordinance No. 94-222

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA; APPROVING THE FIFTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK DEVELOPMENT OF REGIONAL IMPACT IN RESPONSE TO A NOTICE OF PROPOSED CHANGE FILED BY SOUTHWEST DEVELOPMENT CORPORATION AND SOUTHERN PROPERTIES HOLDING CORPORATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 11, 1986, the City of Tampa (the "City") adopted Ordinance No. 9359-A, which is the Development Order (the "Development Order") issued by the City pursuant to Chapter 380, *Florida Statutes*, for the Tampa Technology Park, a development of regional impact ("DRI"); and

WHEREAS, on December 18, 1986, the City adopted Ordinance No. 9466-A, which amended the Development Order (the "First Amendment"); and

WHEREAS, the current owners of the property in Tampa Technology Park are Southwest Development Corporation and Southern Property Holdings Corporation (together, "Consolidated"), Finn M. W. Caspersen, as Trustee ("Caspersen"), Sandra Kaupe ("Kaupe"), United Services Automobile Association ("USAA"), and Lennar Homes, Inc. ("Lennar"); and

WHEREAS, Lennar and USAA are the owners and developers of that part of Tampa Technology Park lying south and west of I-75, which is commonly referred to as Tampa Tech West; and

WHEREAS, Consolidated, Caspersen and Kaupe are the owners and developers of that part of Tampa Technology Park lying north and east of I-75, which is commonly referred to as Tampa Tech East and is graphically described on revised Map H attached hereto as Exhibit A ("Tampa Tech East"); and

WHEREAS, on October 10, 1991, the City adopted Ordinances Nos. 91-194 and 91-195, the Second and Third Amendments to the Development Order; and

WHEREAS, on December 19, 1991, the City approved Ordinance No. 91-229, as the Fourth Amendment to the Development Order (the "Fourth Amendment"), which Fourth Amendment repealed Ordinance No. 91-195 and amended certain other provisions of the Development Order (references herein to the "Development Order" shall include all amendments to the Development Order); and

WHEREAS, on May 6, 1994, Consolidated (the "Owner") duly filed a Notice of Proposed Change to a Previously Approved Development of Regional Impact pursuant to subsection 380.06(19), *Florida Statutes*, a copy of which is attached hereto as Exhibit "A", and

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has provided additional information requested by the reviewing agencies (collectively, the "NOPC"); and

WHEREAS, the proposed changes to the Development Order shall constitute the Fifth Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the NOPC as well as all related testimony and evidence submitted by the Owner concerning the proposed changes; and

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

WHEREAS, the public notice requirements have been fulfilled; and

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

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

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

NOW, THEREFORE

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

Section 1. Findings of Fact. That the City Council, having received the above described documents, and having received all related comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, *Florida Statutes*, concerning substantial deviations, finds that there is substantial, competent, clear and convincing evidence to support the following findings of fact:

A. That the proposed changes are consistent with all City land development regulations and the City Comprehensive Plan.

B. That the proposed changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and is consistent with The State Comprehensive Plan.

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and correct copy.

C. That, pursuant to subsection 380.06(19), *Florida Statutes*, the proposed changes in this Ordinance do not individually or cumulatively with the prior changes constitute a substantial deviation and, therefore, no further development of regional impact review is necessary.

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

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

B. The review of the City, TBRPC, DCA, and other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, *Florida Statutes*, within the terms and conditions of the Development Order, as amended herein. To the extent that the Development Order is inconsistent with the terms and conditions of this Fifth Amendment, the terms and conditions of this Fifth Amendment shall prevail.

C. The City has, at its proceedings, considered all previous changes and the changes approved herein and determined that such changes individually and cumulatively do not constitute a substantial deviation requiring further DRI review pursuant to Section 380.06, *Florida Statutes*.

D. This Ordinance does not constitute a substantial deviation from the Development Order, as defined in Chapter 380, *Florida Statutes*, and nothing herein shall limit or modify the protection afforded under Section 163.3167(8), *Florida Statutes*. Phase I of Tampa Technology Park remains vested pursuant to Section 163.3167(8), *Florida Statutes*, and City of Tampa Ordinance 90-32. Phases II and III also remain vested except as to those matters listed in Section 4.U.1 of the Development Order (traffic, air quality, water quality, drainage and solid, including hazardous, waste).

E. The proposed changes authorized by this Ordinance do not individually or cumulatively create additional impacts or any type of impact not previously reviewed.

Section 3. **Order**. Having made the above findings of fact, and conclusions of law, it is ordered that the Development Order, solely as it applies to the property owned by Consolidated as of the date hereof and described on Exhibit "B" attached hereto (the

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"Notification Property"), is amended, and the build-out date for all of Tampa Technology Park is extended, all as set forth below:

A. That the proposed changes in the NOPC are approved and that the Development Order is hereby amended to incorporate the NOPC, except as specifically modified herein.

B. Subsection 4.V. of the Development Order is hereby amended to read as follows:

> "V. Tampa Technology Park (East). With respect to the area of Tampa Technology Park lying north and east of I-75, which is commonly referred to as Tampa Technology Park East and is more particularly described in revised Map H attached hereto, specific approval of Phase 1 includes the following:
>
> | | | |
> |---|---|---|
> | 1. | Commercial/office | 433,204 sq. ft. |
> | 2. | Hotel | 192 rooms |
> | 3. | Office | 411,242 sq. ft. |
> | 4. | High-Tech, Light Industrial | 2,302,518 sq. ft. |
> | 5. | Governmental Services | 58,000 sq. ft.[1] |
> | 6. | Residential | 974 single family units[2] |
>
> Further, 5,897 external P.M. peak hour trips are authorized in Phase I for Tampa Technology Park East."

C. Subsection 4.X.1. of the Development Order, solely with respect to the Notification Property, is hereby amended by adding a subparagraph 1.a. to read as follows:

> "1.a. With respect to Tampa Technology Park (East) only, 1,000 square feet of Office is equivalent to 1,368 square feet of High Tech/Light Industrial land use and vice versa. 1,000 square feet of Office is equivalent to 2.09 single family residential units. 1,000 square feet of High Tech is equivalent to 1.26 single family units. 1.0

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[1] The governmental services density may be assigned to Tampa Tech West pursuant to Section 4.Q.2. of Ordinance 9359-A.

[2] The maximum 974 single family units are permitted only on the Notification Property by trading off office or high-tech/light industrial land uses pursuant to the trade-off mechanism. Single family residential units may be traded-off to multi-family residential pursuant to approved trade-off mechanism.

Certified as [illegible]

single family unit is equivalent to 1.6 multi-family units."

D. Subsection 4.Y. of the Development Order, solely with respect to the Notification Property, is deleted in its entirety and replaced with the following:

> "Revised Map H. The master plan of development for Tampa Technology Park is revised as reflected on the revised Map H, attached hereto as Exhibit A-2, consisting of two sheets, and is hereby approved and adopted as the Tampa Technology Park Master Plan. Sheet one of the two sheets making up Exhibit A-2 shows Tampa Technology Park (East) and bears a date of October 13, 1994. Sheet two of the two sheets making up Exhibit A-2 shows Tampa Technology Park (West) and bears an original date of June 1, 1991, and a last revision date of December 2, 1991.

E. The following provision shall be added at the end of Section 4.J. of the Development Order:

> "Notwithstanding anything in this Section 4.J. to the contrary, the preceding provisions of Section 4.J regarding on-site buffering shall apply only to on-site non-residential uses bordering off-site residential uses. On-site residential uses shall comply with the City's buffering requirements."

F. Section 8 of the Tampa Technology Park DRI Development Order is hereby amended as follows:

"Section 8. That this Order shall remain in effect until March 29, 2011. Any development activity wherein plans have been submitted (and pursued by the Owner in good faith) 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."

The buildout dates for Tampa Technology Park shall be extended as follows:

Phase I	December 31, 1999
Phase II	December 31, 2004
Phase III	December 31, 2009

G. Section 9 of the Tampa Technology Park DRI Development Order is amended by substituting the words "March 29,

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2011" in place of the words "twenty (20) years from the date upon which this Order becomes final and the appeal period has ended".

H. Solely with respect to the Notification Property, Exhibit D to the Development Order shall be amended pursuant to the revised Exhibit D attached hereto and incorporated herein.

I. Parks. Solely with respect to the Notification Property, Owner shall provide neighborhood parks at the ratio of 2.0 acres per one thousand residents. Additionally, Owner shall either (a) provide additional parks at the ratio of 2.3 acres per one thousand residents or (b) contribute $26,610 per acre to the City for the acquisition or improvement of park land off-site of Tampa Tech East that will be located within the New Tampa/University North area of the City, and will serve, among other developments, Tampa Tech East. Even if Owner elects to make the monetary contribution described above, on-site neighborhood parks shall still be provided at the ratio of 2.0 acres per one thousand residents. Owner shall designate a location for a park on zoning tract C, subject to City approval of the location, containing a minimum of four acres prior to the recording of the first subdivision plat on the Notification Property. Owner shall construct the improvements on the park site prior to the issuance of 150 single family certificates of occupancy. For purposes of this paragraph I, each single family dwelling unit is deemed to contain 2.56 people and each multi-family dwelling unit is deemed to contain 1.89 people. Prior to issuance of certificates of occupancy authorizing more than 930 residents living within the Notification Property, Owner shall designate and construct an additional park site in a location within zoning tract C consistent with the comprehensive plan containing a minimum of two acres. Provided, however, if Owner elects to make the monetary contribution described above, the second park site shall be provided prior to issuance of certificates of occupancy authorizing more than two thousand residents living within the Notification Property. Such additional park(s) on site shall be designated and constructed at the applicable ratio described above concurrent with the demand for such parks. The location and configuration of all park(s) shall be consistent with the comprehensive plan and shall be developable, accessible and usable by residents of the Notification Property. Improvements to the park site(s) shall be consistent with the comprehensive plan. The final selection of improvements will be made by Owner.

J. Schools. Solely with respect to the Notification Property, school impact fees shall be paid pursuant to the Hillsborough County School Impact Fee Ordinance, as the same may be amended ("School Ordinance"). Provided, however, if more than 650 single-family home certificates of occupancy are issued within Tampa Tech East, at the election of the Hillsborough County School Board, Owner shall dedicate 15 acres within Tampa Tech East that shall be used as an elementary school site. The School Board shall

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pay for a portion of the site in cash and the Owner shall receive school impact fee credits for the remaining portion of the 15 acre site. The number of acres within the school site dedicated in exchange for impact fee credits shall be equal to the demand for school sites created by the residential development within Tampa Technology Park - East. The purchase of the remaining portion of the 15 acre site shall be in consideration of payment of the appraised value of such land. The Developer shall designate, in cooperation with the School Board, the location of the potential elementary school prior to the issuance of certificates of occupancy for more than 350 single family units. Such location shall be subject to the reasonable approval of the Hillsborough County School Board staff and shall be within Zoning Tract C, D or H.

K. Water Well Site. Solely with respect to the Notification Property:

1. Upon request of the City, Owner shall dedicate to the City a potable well site of a size not greater than 100' x 100' (the "Well Site") in the location described on Revised Map H together with any necessary easements. If this location is not feasible as determined by the City, the Well Site shall be located elsewhere on the site in a location determined by City and Owner. All improvements located on the Well Site shall be built in accordance with Tampa Water Department standards and shall be landscaped and constructed so that they are aesthetically pleasing and the improvements shall be buffered as reasonably determined by City and Owner. The City shall be responsible for constructing all improvements to the Well Site and any necessary appurtenances, including pipes from the Well Site to the City's off-site facilities. Owner shall maintain the landscaping and buffering.

2. Owner shall provide one additional Well Site of a size not greater than 100' x 100' if and when the potable water demands of the improvements constructed on the Notification Property exceed maximum daily demands of two million gallons, anticipated to be located north of the east-west road. Such additional Well Site shall be governed by all of the provisions relating to the first Well Site as described herein. The precise location of the potential additional Well Site shall be designated by the Owner, subject to the reasonable approval of the City, at any time prior to the potable water demands exceeding two million gallons per day as described above. The total capacity of both Well Sites shall be approximately equal to the maximum daily demand for potable water from Tampa Technology Park - East.

3. City may install monitoring wells as required by SWFWMD permit requirements in a location mutually approved by Owner and City to monitor the impacts of the pumping from each Well Site (the "Monitoring Wells").

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4. The City shall comply with all applicable rules and regulations governing well sites and pumping of water, including, without limitation, Chapter 40D-2, Florida Administrative Code, as the same may be amended from time to time. Upon request, the City shall promptly provide Owner or its designee with copies of all permits and approvals regarding the permitting of the Well Sites, Monitoring Wells and copies of all annual reports required to be provided to any governmental agency. Owner shall not be restricted in the development of the Notification Property as a result of the well site(s).

5. Water saving methods and fixtures shall be incorporated into the project's design and construction guidelines to the extent mandated by Section 533.14, Florida Statutes.

6. Fire flows, sufficient numbers of fire hydrants, and properly sized water mains shall be provided to the development in accordance with City policies, standards and ordinances. Except for construction of the City's wellsites and any necessary appurtenances needed as part of the wellsites as provided above, Owner shall be responsible for the costs of any water facilities necessary to ensure adequate fire protection to the Notification Property.

7. Internal water distribution facilities not located within public rights-of-way or public easements shall be maintained by Owner, or its successors or assigns.

8. No individual private wells requiring consumptive use permits shall be permitted without approval from the City of Tampa Water Department.

L. East-West Roadway. Currently, two options are provided within the City of Tampa Impact Fee Ordinance for the extension of the east-west connector road in the University North Impact Fee District: (1) a corridor through the Notification Property (in the approximate location shown on revised Map H), and (2) a corridor located through property located directly to the north of the Notification Property, commonly known as "West Meadows". Upon written request of the City at any time within five years from the effective date of this Fifth Amendment to the Development Order, Owner shall dedicate a maximum 120 foot right-of-way for the extension of the east-west connector road in the approximate location shown on Revised Map H. Prior to any written request of the City, the City shall consult with the owners of the respective properties through which the corridors described above are located. If such written request is not made within such five (5) year period, Owner shall have no obligation to dedicate such right-of-way. Any such written request from the City shall include a schedule for the City's diligent pursuit to design, permit and construct the east-west road. The location of the east-west connector road may change if approved by the City Transportation

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Department and Owner. In the event the right-of-way is dedicated to the City for the east-west connector, the following shall apply:

9. Owner shall receive impact fee credits for the value of the right-of-way for the east-west connector calculated pursuant to the City's impact fee ordinance. Owner, at its sole election, may assign such credits to other owners within the Tampa Technology Park DRI, solely for use within the DRI, after notice to the City of Tampa Transportation Division;

10. There shall be no reduction in the number, or difference in the location (except, possibly, the internal road located north of and adjacent to the east-west road providing access to Zoning Tract H, based upon final engineering of the east-west road), of access points to the roadways within the Notification Property, or withholding of City approvals, due to the east-west connector and all traffic that travels thereon;

11. City shall be responsible for expanding the capacity of the internal roadway that connects the east-west connector road to C.R. 581, and the middle access point on C.R. 581 beyond the currently planned design (based on maximum Phase I development, four lanes for the roadway and two left turn lanes in, one left turn lane out, one right turn lane in and one right turn lane out for the intersection) as necessary to accommodate the additional traffic through the site as a result of the east-west connector road.

M. Impact Fee Credits. Owner shall receive impact fee credits for the value of the right-of-way, and actual construction and other costs for the internal roadway system between the proposed east-west connector road in the approximate location shown on Revised Map H, or alternate location of such road that is agreed upon by the City and Owner, and the middle access point to County Road 581, whether or not the east-west connector road is built concurrent or subsequent to such internal roadway system. The amount of such credits shall be pursuant to the City impact fee ordinance. Such credits shall be assignable as described in paragraph N above.

N. Open Space. A minimum of 205 acres of open space (which may include wetlands, retention ponds and landscaped rights-of-way and medians) shall be provided within all of Tampa Technology Park (East).

Certified as a true

O. Wetland Encroachment. Impacts to wetlands are subject to all applicable environmental permitting requirements. Environmental permits shall not result in greater than a net 17 acre reduction of on-site wetlands (taking into account new wetlands created on-site pursuant to approved mitigation plans) within the Notification Property. Approved mitigation shall be performed within the Tampa Technology Park DRI or off-site within the Trout Creek drainage basin located within the City boundaries. There shall be no greater than 15% encroachment (excluding impacts by governmental agencies such as the West Coast Regional Water Supply and City of Tampa) into the total square footage contained within the required thirty foot wetland setback, pursuant to applicable City regulations. Except as provided herein, the thirty-foot buffer shall remain in its natural condition. Should the Owner choose mitigation site(s) not within the DRI site, i.e. offsite, the following additional conditions shall apply:

1. Ownership of any off-site mitigation areas shall remain in control of the owner of the Notification Property, its successors or assigns, unless as a result of permitting requirements, the off-site mitigation area meeting the foregoing requirements is a part of a mitigation bank, in which event ownership shall be as identified in the permitting conditions.

2. Off-site mitigation areas shall be encumbered by a perpetual conservation easement for the protection of the resources being mitigated.

3. Any costs associated with providing for, constructing, monitoring and maintaining the off-site mitigation area(s) shall be borne by the owner of the Notification Property, its successors or assigns.

4. Timing of off-site mitigation shall be in accordance with environmental agency permits.

5. At such time hereafter as a Notice of Proposed Change Application may be submitted affecting the Notification Property (the "Next NOPC"), any off-site mitigation plan approved by applicable permitting agencies shall be incorporated into any development order amendment resulting from the Next NOPC. This change shall not be determined to be a substantial deviation. In no event shall the Next NOPC be filed more than two (2) years after the approval of the off-site mitigation plan.

P. Intersection Improvement Contribution. Prior to issuance of the first certificate of occupancy for residential uses

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within the Notification Property, Owner shall pay to City one-half of the cost of adding an additional left turn lane for traffic traveling west on C.R. 581 and turning left onto southbound Interstate 75, the widening of the I-75 on-ramp to accommodate the additional left turn lane, the installation of a traffic signal at the C.R. 581/Interstate 75 intersection and the necessary communication between such new signal and other signals on County Road 581 (the "Improvements"). In no event shall Owner's total liability for the Improvements be greater than $250,000.00. City shall provide developer with a certified engineer's cost estimate for the Improvements if the Improvements are not completed prior to the date such contribution is required from Owner. If the Improvements have been completed prior to the date the contribution is required, City shall provide Owner with a certificate setting forth the actual cost incurred by City in connection with the Improvements. All amounts paid by Owner pursuant to this paragraph shall be creditable against impact fees and other transportation mitigation payments due pursuant to the Development Order. Immediately after the effective date of this amendment to the Development Order, City shall expeditiously proceed with completion of the Improvements.

Q. Zoning Tracts A-1 and A-2 shown on Revised Map H shall continue to be governed solely by the approvals existing prior to the approval of this amendment to the Development Order, and not this amendment to the Development Order or Revised Map H. However, Zoning Tracts A-1 and A-2, as well as the remainder of Tampa Technology Park, shall be governed by the build-out date approved in this amendment to the Development Order.

R. For purposes of Exhibit C of the Development Order, any residential units constructed shall be converted to office square feet at the ratio set forth in the approved trade-off mechanism.

S. The changes approved by this Fifth Amendment to the Development Order are exempt from the provisions of Ordinance 90 - 32 City of Tampa Concurrency Management System, and the Tampa Technology Park DRI remains vested thereunder.

Section 4. Development Order, As Amended. This Ordinance shall constitute the Fifth Amendment to the Development Order as passed and ordained by the City Council. All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the development, unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and the conditions of this Ordinance shall govern.

Section 5. Binding Effect. That this Ordinance shall be binding upon the Owner, its assigns and its successors in interest.

Certified as true
and correct

Section 6. **Severance.** That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 7. **Transmittals.** That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming law, to the Owner, DCA, TBRPC, Consolidated, Lennar, USAA, Kaupe and Caspersen.

Section 8. **Rendition.** That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, *Florida Statutes*.

Section 9. **Recording.** That the Owner shall record a notice of adoption of this Ordinance pursuant to Chapter 380, *Florida Statutes*.

Section 10. **Effective Date.** That this Ordinance shall become a law as provided in the City's Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON OCT 27 1994

Joe Greco
Chairman, City Council

Approved by me on OCT 31 1994

Attest: Janeth S. Martin
By: City Clerk

Sandra W. Freedman
Mayor

Approved as to form by:
Gina Grimes
Assistant City Attorney

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 94-222 on file in my office.

Witness my hand and official seal this 1st day of Nov, 19 94.

JANETH S. MARTIN, CITY CLERK
BY: Nancy Townsend
NANCY TOWNSEND, DEPUTY CITY CLERK
CITY CLERK

REVISED EXHIBIT D

(Tampa Tech East)

Commercial/Office/Hotel	367,737	$ 3.97
Office	1,208,278	$ 1.68
High Tech	2,395,620	$ 0.94
Single Family[1]		$1,765.00 per unit
Multi-family[1]		$863.00 per unit

---

1. Allowed by use of approved trade-off mechanism.

3902-002-0202771.09

Certified as true and correct copy

Exhibit A

FORM RPM-BSP-PROPCHANGE-1

EFFECTIVE DATE: 11/20/90

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

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

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

1. I, **Steven M. Samaha**, the authorized representative of **Southwest Development Corporation** and **Southern Properties Holding Corporation** (the "Applicant") hereby gives notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the **Tampa Technology Park** development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the **City of Tampa**, the **Tampa Bay Regional Planning Council**, and to the **Bureau of State Planning, Department of Community Affairs.**

May 6, 1994

(Date)

S. Samaha

(Signature)

Certified as true and corre...

2. Applicant:

Southwest Development Corporation and Southern Properties Holding Corporation
50 North Laura Street, 28th Floor
Jacksonville, Florida 32202-3650
Attention: Michael Shalley
(904) 354-9315

3. Authorized Agent:

Steven M. Samaha, Esquire
Annis, Mitchell, Cockey, Edwards & Roehn, P.A.
One Tampa City Center Building
201 North Franklin Street
Suite 2100
Tampa, Florida 33602
(813) 229-3321

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

City of Tampa, County of Hillsborough, Sections 13-16 and 21-23, Township 27 South, Range 19 East in Hillsborough County, Florida.

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

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

The proposed changes are:

a. **Include residential uses in the trade-off mechanism for Tampa Tech East (up to a maximum of 974 single family units with the right to convert single family dwelling units to multifamily units at the ratio of 1.0 to 1.6). Please see the transportation analysis attached as Exhibit C that provides that 1,000 square feet of office is equivalent to 2.09 single-family units and that 1,000 square feet of high tech is equivalent to 1.26 single-family units.**

b. Extend the buildout dates for each phase by an additional four (4) years (for a cumulative extension of six (6) years eleven (11) months and fifteen (15) days).

c. Provide a revised Map H for Tampa Technology Park East to reflect more accurate wetland boundaries and revised land use information and internal roadway network.

d. A square-footage assessment is included for the residential uses in revised Exhibit D to the development order. Please see the transportation analysis attached as Exhibit C that converts the existing square footage assessments for office and high tech to single-family and multifamily residential units. The single-family and multifamily square footage assessments are $775.00 per single-family unit and $482.00 per multifamily unit.

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

See Attached Chart.

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

(1) City Ordinance No. 9359-A.

(2) City Ordinance No. 9466-A. The amendments were all technical in nature to revise, primarily, transportation conditions.

(3) City Ordinance No. 91-194. This amendment accommodated the inclusion of USAA in Tampa Technology Park.

(4) City Ordinance No. 91-229. This amendment allocated land use and trip generation entitlements between Tampa Tech East and Tampa Tech West and included a trade-off mechanism.

There has not been a change in the local government jurisdiction over any portion of the development since the last amendment to the Development Order was issued.

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

The applicant has not purchased or optioned any land within 1/4 mile of the original DRI site.

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

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

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

Yes.

The proposed change will result in new buildout dates as follows:

Phase I	**-**	**March 30, 2000**
Phase II	**-**	**March 30, 2005**
Phase III	**-**	**March 30, 2010**

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

NO

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

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

See revised Map H dated April 1994, and attached as Exhibit "B."

13. Pursuant to subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added

as an amendment to the development order. This language should address and quantify:

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

See proposed ordinance attached as Exhibit "A"

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

There is no change to the current legal description of the Project.

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

Not applicable.

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

March 30, 2010 (the end of Phase III)

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

March 30, 2010 (the end of Phase III)

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

Not applicable.

SUBSTANTIAL DEVIATION DETERMINATION CHART

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

SUBSTANTIAL DEVIATION DETERMINATION CHART[1]

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN		ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Industrial[2]	Acreage, including drainage, ROW, easements, etc.	East & West	843[3]	914	
		East	174[4]	209[4]	
	# Parking Spaces				

[1] Information assumes, for analysis purposes, development of maximum number of single-family units with equal number of single-family units (487) traded-off from high tech and office. Actual development will be determined by use of trade-off mechanism.

[2] Signifies High Tech for this NOPC.

[3] In order to provide for one-half (1/2) of the proposed single-family residential units (487), it has been assumed, for purposes of completing this chart, 386,000 square feet of high-tech uses are traded off to residential uses (i.e., 1,000 square feet of high tech equals 1.26 single-family units). The original development order specifically approved 4,965,840 square feet of high tech on 914 acres. This equates to an average of 5,433 square feet of high-tech per acre (4,965,840 divided by 914 equal 5,433). Accordingly, reducing the total high-tech square footage by 386,000 square feet will redu the total original planned high-tech acreage from 914 to 843 (386,000 divided by 5,433 equals 71).

[4] Pursuant to Ordinance No. 91-229, an estimated 209 net acres of high-tech uses are reflected on revised Map H for Tampa Technology Park East. The use of the proposed trade-off mechanism from high tech to single-family residential to provide for 487 single-family residential units will require the reduction of permitted high-tech square footage by 386,000 square feet. This will reduce the estimated 209 net acres of high-tech property to 174 net acres of high-tech property. Pursuant to Ordinance No. 91-229, 2,302,518 square feet of high-tech uses were allocated to Tampa Tech East. 2,302,518 divided by 209 equals 11,017 square feet of high-tech uses per net acre on Tampa Tech East. 386,000 divided by 11,017 equals 35 net acres of reduced high-tech uses on Tampa Tech East.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY		PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
	Building (gross square feet)	East & West	4,529,840[5]	4,965,840	
		East	1,916,518[5]	2,302,518	
	# Employees				
	Chemical storage (barrels and lbs.)				
	Site locational changes				
	# External Vehicle Trips (PM Peak Hour)	East & West	5,063	5,302	
		East	2,219	2,458	
	D.O. conditions				
	ADA representations				
Mining Operations	Acreage mined (year)			N/A	
	Water Withdrawal (Gal/day)				
	Size of mine (acres), including drainage, ROW, easements, etc.				
	Site locations changes				
	# External Vehicle Trips				
	D.O. conditions				
	ADA representations				

[5] Pursuant to the trade-off from high-tech to residential, the high-tech square footage would be reduced by 386,000 square feet to permit 487 single-family units.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY		PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Office	Acreage, including drainage, ROW, easements, etc.	East & West	266[6]	293	
		East	50[7]	88[7]	
	Building (gross square feet)	East & West	2,271,700[8]	2,504,700	
		East	178,242[8]	411,242	
	# Parking Spaces				
	# Employees				
	Site locational changes				

[6] In order to provide for one-half (1/2) of the proposed single-family residential units (487), it has been assumed, for purposes of completing this chart, that 233,000 square feet of office uses are traded off to residential uses (i.e., 1,000 square feet of office equals 2.09 single-family units). The original development order specifically approved 2,504,700 square feet of office on 293 acres. This equates to an average in 8,548 square feet of office per acre (2,504,700 divided by 293 equal 8,548). Accordingly, reducing the total office square footage by 233,000 square feet will reduce the total original planned office acreage from 293 to 266 (233,000 divided by 8,548 equals 27).

[7] Pursuant to Ordinance No. 91-229, an estimated 88 net acres of office are reflected on revised Map H for Tampa Technology Park East. The use of the proposed trade-off mechanism from office and single-family residential to provide for 487 single-family residential units will require the reduction of permitted office square footage by 233,000 square feet. This will reduce the estimated 88 net acres of office property to 50 net acres of office property. Pursuant to Ordinance 91-229, 411,242 square feet of office uses were allocated to Tampa Tech East. 411,242 divided by 88 equals 4,673 square feet of office uses per net acre. 133,000 divided by 4,673 equals 38 net acres of reduced office uses on Tampa Tech East.

[8] Pursuant to the trade-off from office to residential, the office square footage would be reduced by 233,000 square feet to permit 487 single-family units.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY		PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
	# External Vehicle Trips (PM Peak Hour)	East & West	3,700	4,070	
		East	338	708	
	D.O. conditions				
	ADA representations				
Petroleum/Chem. Storage	Storage Capacity (barrels and/or lbs.)			N/A	
	Distance to Navigable Waters (feet)				
	Site locational changes				
	Facility Acreage, including drainage, ROW, easements, etc.				
	# External Vehicle Trips				
	D.O. conditions				
	ADA representations				
Ports (Marinas)	# boats, wet storage			N/A	
	# boats, dry storage				
	Dredge and fill (cu. yds.)				
	Petroleum storage (gals.)				
	Site locational changes				
	Port Acreage, including drainage, ROW, easements, etc.				
	# External Vehicle Trips				
	D.O. conditions				
	ADA representations				

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Residential	# dwelling units	974	0	
	Type of dwelling units	single family[9]		
	# lots			
	Acreage, including drainage, ROW, easements, etc. -	192[10]		
	Site locational changes			
	# External Vehicle Trips - (PM Peak Hour)	984		
	D.O. conditions			
	ADA representations			
Wholesale, Retail, Service	Acreage, including drainage, ROW, easements, etc.	No change		
	Floor Space (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			

[9] With right to convert to multifamily at a ratio of 1:1.6.

[10] Assumes, for purposes of completing this chart, that residential uses will be located on Tracts A-5, A-6, A-7, B-1, B-2 and B-3, of proposed Map H attached hereto as Exhibit B.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Hotel/Motel	# Rental Units Floor Space (gross square feet) # Parking Places # Employees Site locational changes Acreage, including drainage, ROW, easements, etc. # External Vehicle Trips D.O. conditions ADA representations	No change		
R.V. Park	Acreage, including drainage, ROW, easements, etc. # Parking Spaces Buildings (gross square feet) # Employees Site locational changes # External Vehicle Trips D.O. conditions ADA representations		N/A	
Open Space (All natural and vegetated non-impervious surfaces)	Acreage Site locational changes Type of open space D.O. conditions ADA representations	No change		

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Preservation, Buffer or Special Protection Areas	Acreage Site locational changes Development of site proposed D.O. conditions ADA representations[11]	No change		

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the Applicant or his agent.

3902-002-201577.01

[11] Notwithstanding anything in this NOPC application to the contrary, the estimated acreage figures reflected on the Substantial Deviation Determination Chart will vary based on the use of the approved trade-off mechanism.

TAMPA TECHNOLOGY PARK DRI (EAST)
ADDITION OF RESIDENTIAL DEVELOPMENT TO THE LAND USE TRADE-OFF MECHANISM
TRAFFIC ANALYSIS

The Tampa Technology Park DRI (East Side) desires to add residential land use to the land use trade-off mechanism in the approved Development Order. The residential trade-off would be limited to a maximum of 974 single family residential units with the ability to convert single-family to multi-family dwelling units based on equivalent p.m. peak hour trip generation.

To ensure that this trade-off would not create additional external peak hour traffic impacts beyond those receiving specific Phase I approval, an analysis has been prepared to demonstrate that traffic impacts would not increase. This analysis uses the trip impact analysis for non-residential land uses approved in the original Application for Development Approval and subsequent Development Order. Recognizing that residential uses have different travel patterns than non-residential uses, the trip distribution and assignment methodology used for the Hunter's Green FQD was applied for in the residential component. The Hunter's Green FQD is located across CR 581 from Tampa Technology Park East and the Phase I Stage II traffic analysis is for a similar residential use. The attached tables show the gross trip generation for the residential using ITE Trip Generation Fifth Edition rates, site capture, transit usage and total external p.m. peak hour traffic. If the maximum of 974 single-family dwelling units occurs, the Office and High Technology/Light Industrial land use on the east side of the project would be limited to 1,400,000 square feet of High Technology/Light Industrial land uses, or its equivalent. All other approved land uses on the east and west side remain unchanged. The impacts on the significantly impacted road network are documented on the attached table. This table combines the residential and non-residential trips assigned by roadway segment and compares them to the approved impacts. The impacts are reduced on all road segments with the exception of CR 581 between Fletcher and Busch Boulevard where the increase is less than five percent and I-275 where excess capacity is available.

The equivalent impact of a residential single-family dwelling unit to Office and High Technology/Light Industrial land use, based on this analysis is the following:

Office (1,000 sq. ft.) = 2.09 Single Family D.U.s
High Tech/Light Ind. (1,000 sq. ft.) = 1.26 Single Family D.U.s

EXHIBIT "C"

TAMPA TECHNOLOGY PARK DRI
Incorporating Residential Land Use
on the East Side

TRIP GENERATION:
RESIDENTIAL

		RATE PM PEAK HOUR		PM PEAK HOUR VEHICLE TRIPS		
LAND USE	UNITS	IN	OUT	IN	OUT	TOTAL
RESIDENTIAL S.F.	974	0.66	0.35	643	341	984
INTERNAL CAPTURE %		25%	15%	161	51	212
TRANSIT MODE SPLIT		3.2%	3.2%	15	9	25
EXTERNAL RESIDENTIAL TRIPS				467	280	747

NONRESIDENTIAL
TAMPA TECH EAST

LAND USE		IN	OUT	TOTAL
COMMERCIAL/OFFICE	433,204	706	694	1,400
HOTEL	192	122	83	205
OFFICE	0	0	0	0
HIGHTECH/LGHT IND	1,400,000	200	1,728	1,929
GOV. SERVICE	58,000	282	268	550
	TOTAL	1,310	2,774	4,083

TAMPA TECH WEST

LAND USE				
COMMERCIAL/OFFICE	89,096	134	131	265
HOTEL	288	183	125	308
OFFICE	2,093,458	411	2,951	3,362
HIGH TECH/LGHT IND	2,663,322	266	2,294	2,560
EXTERNAL NONRESIDENTIAL TRIPS		994	5,501	6,495

PHASE I

TAMPA TECH TOTAL PROPOSED		11,326
TAMPA TECH TOTAL APPROVED		12,473
	EXTERNAL TRIP REDUCTION	1,147

TAMPA TECHNOLOGY PARK DRI
Incorporating Residential Land Use
on the East Side

EXTERNAL PEAK HOUR PROJECT TRAFFIC ASSIGNMENT

ROAD SEGMENT	APPROVED PM PK HR DVOL	NON RES. PM PK HR DVOL	RES. PM PK HR DVOL	TOTAL PM PK HR DVOL	DIFFER. PM PK HR DVOL
CR 581					
SR 54 TO CO. LINE	1,311	1,123	60	1,182	129
CO. LINE TO EW ARTERIAL	2,031	1,739	97	1,836	195
EW ARTERIAL TO SITE	3,322	2,845	97	2,942	380
SITE TO I-75	6,397	5,478	649	6,128	269
I-75 TO SITE	4,076	3,491	366	3,856	220
SITE TO TAMPA PALMS	3,432	2,939	366	3,305	127
TAMPA PALMS TO SKIPPER	3,056	2,617	328	2,946	110
SKIPPER TO FLETCHER	1,816	1,555	239	1,794	22
FLETCHER TO FOWLER	669	573	127	700	-31
FOWLER TO BUSCH	265	227	60	287	-22
SKIPPER/BEARSS/ERLICH					
DALE MABRY TO FLORIDA	388	332	0	332	56
FLORIDA TO I-275	716	613	0	613	103
I-275 TO NEBRASKA	716	613	67	680	36
NEBRASKA TO LIVINGSTON	908	778	67	845	63
LIVINGSTON TO 30th	952	815	82	897	55
FLETCHER AVENUE					
I-275 TO NEBRASKA	983	842	67	909	74
NEBRASKA TO 30th	1,147	982	82	1,064	83
30th TO 56th	98	84	15	99	-1
56th TO I-75	431	369	22	392	39
E OF I-75	87	75	0	75	12
FOWLER AVENUE					
E OF I-75	310	265	0	265	45
40th STREET					
FOWLER TO BUSCH	87	75	0	75	12
BUSCH TO HILLSBOROUGH RIVER	64	55	0	55	9
INTERSTATE 75					
SR 54 TO I-275	1,715	1,469	0	1,469	246
I-275 TO EW ARTERIAL	1,715	1,469	45	1,514	201
EW ARTERIAL TO CR 581	1,715	1,469	45	1,514	201
CR 581 TO FLETCHER	2,471	2,116	194	2,310	161
FLETCHER TO FOWLER	1,654	1,416	142	1,558	96
FOWLER TO I-4	1,327	1,136	119	1,256	71
I-4 TO M.L. KING	885	758	97	855	30
M.L. KING TO SR 60	569	487	0	487	82
DALE MABRY					
SR 54 TO US 41	177	152	0	152	25
US 41 TO VAN DYKE	92	79	0	79	13
S OF FLETCHER	156	134	0	134	22

COUNTY LINE ROAD					
LIVINGSTON TO CR 581	721	617	15	632	89
SR 54					
I-75 TO CR 581	893	765	0	765	128
CR 581 TO CR 577	866	742	0	742	124
CR 577 TO MORRIS BRIDGE	731	626	0	626	105
I-275					
FLETCHER TO FOWLER	680	582	104	687	-7
FOWLER TO BUSH	590	505	119	625	-35
BUSH TO SLIGH	360	308	164	472	-112

TAMPA TECHNOLOGY PARK EAST
TRADE-OFF MECHANISM

Trade-off of single family residential to multi-family residential:

1 single-family D.U. = 1.6 multi-family D.U.s*

Trade-off of office to residential:

1,000 sq. ft. of office = 2.09 single-family D.U.s
1,000 sq. ft. of office = 3.36 multi-family D.U.s

Trade-off of High Tech. to residential:

1,000 sq. ft. of high tech. = 1.26 single-family D.U.s
1,000 sq. ft. of high tech. = 2.03 multi-family D.U.s

Exhibit "D" costs for residential land uses:**

Single Family D.U. = $775.00
Multi-Family D.U. = $482.00

Notes:

* Based on ITE Trip Generation rates for the p.m. peak hour.

** Costs were determined by applying the trade-off relationship for office and high tech using the average.

Exhibit A

ANNIS, MITCHELL, COCKEY, EDWARDS & ROEHN

PROFESSIONAL ASSOCIATION

MICHAEL D. ANNIS
ENOLA T. BROWN
PRESTON O. COCKEY, JR.
JODI L. CORRIGAN
ROBERT M. DAISLEY
JEFFREY M. DEAN
JOSEPH D. EDWARDS
W. KEITH FENDRICK
JOHN H. FISHER, II
WOLFGANG M. FLORIN
DAVID A. GOLDSTEIN
D. LOCKWOOD GRAY
WILLIAM P. GRAY, III
CHRISTOPHER L. GRIFFIN
MERCEDES GONZALEZ HALE
CYNTHIA A. HENDERSON
MARK S. HOWARD
MICHELE R. HUDSICK
BARBARA HARDY HUNT
LAWRENCE P. INGRAM

SUITE 2100
ONE TAMPA CITY CENTER
POST OFFICE BOX 3433
TAMPA, FLORIDA 33601

TELEPHONE: (813) 229-3321
FACSIMILE: (813) 223-9067

AVAILABLE FOR CONSULTATION
KÄRGEL, VOLLHARDT & PARTNER
KURFÜRSTENDAMM 36
D-10719 BERLIN
GERMANY
011-49-30-885-7710
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W. EDWIN LITTON, II
ROBERT D. McLEAN
MARION PORTER MATHIASON
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LEE E. NELSON
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JOHN H. RAINS, III
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THOMAS J. ROEHN
STEVEN M. SAMAHA
OLIN G. SHIVERS
DEBRA K. SMIETANSKI
GLENN T. SUNDIN
STEPHEN J. SZABO, III
JOSEPH N. TUCKER
RANDOLPH J. WOLFE

September 29, 1994

VIA TELECOPY NO. (904) 488-3309

Mr. John Baker
Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399

Re: Notice of Proposed Change - Tampa Technology Park (East), DRI No. 139
Our File No.: 3902-007-1

Dear John:

In follow up to our recent discussions regarding the build-out date for Tampa Tech East, we reviewed the original application for development approval (East and West), including sufficiency responses ("ADA"), and the Development Order, as amended ("D.O."). Although the ADA states the project was planned to be constructed in three phases over a 15 year period, neither the ADA nor the D.O. imposed a mandatory build-out date for each phase. Section 8 of the original D.O. provided that the D.O. would remain in effect for a period of 20 years and that any development activity for which plans have been approved within such 20 year deadline may be completed.

Section 8 of the D.O. was amended by Ordinance 91-229 to provide for, among other things, the following phase build-out dates: Phase I - March 30, 1996; Phase II - March 30, 2001; Phase III - March 30, 2006. This is the first time that phase build-out dates were established. Therefore, our requested extension of the phase build-out dates constitutes the first extension of any mandatory phase build-out date. Pursuant to Section 380.06(19), an extension of these phase build-out dates for less than 5 years does not constitute a substantial deviation.

Accordingly, we request that the phase build-out dates adopted pursuant to Ordinance 91-229 be extended by 4 years and 360 days. Please accept this letter as an amendment of our NOPC application to the extent the application is inconsistent with this letter.

Please contact us after you have had the opportunity to review this letter.

Sincerely,

Steven M. Samaha

SMS/csc

cc: Mr. J. Thomas Beck (via telecopy # (904) 488-3309)
Gina Grimes, Attorney-At-Law
Mr. Michael J. Shalley

3902-007-0233188.WP

CITY OF TAMPA

MAY 20 REC'D

Frances Henriquez, City Clerk — OFFICE OF CITY CLERK

December 23, 1991

RECEIVED
DEC 30 1991
Tampa Bay Regional Planning Council

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

RE: Petition No. DZ85-166
Ordinance No. 91-229

Dear Sir:

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

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

Sincerely,

(Mrs.) Frances Henriquez
City Clerk

mailed 12/26/91
received 12/30/91

FH/gg

Enclosure: Ordinance

CERTIFIED MAIL

cc: Susan Swift, Land Development Coordination

* Original map is in Master D.O. (original) file for DRI #139.

ORDINANCE NO. 91-229

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA; APPROVING THE FOURTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE TAMPA TECHNOLOGY PARK DEVELOPMENT OF REGIONAL IMPACT IN RESPONSE TO A JOINT NOTIFICATION OF A PROPOSED CHANGE FILED BY SWF TECH WEST LIMITED PARTNERSHIP AND BARNETT BANK OF TAMPA, N.A. AND A NOTIFICATION OF PROPOSED CHANGE FILED BY HILLSBOROUGH EQUITIES, INC.; PROVIDING AN EFFECTIVE DATE

WHEREAS, on October 28, 1985, WOOD & COMPANY, INC. ("Wood") filed an Application for Development Approval (which together with later filed sufficiency responses 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 ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC"), pursuant to the provisions of Section 380.06, Florida Statutes (1985), as amended ("Chapter 380"), and Section 43-96.2, City of Tampa Code; and

WHEREAS, the ADA proposed the development of TAMPA TECHNOLOGY PARK, a mixed-use commercial, office, hotel, high technology, light industrial development located on a 1,756 acre site at the intersection of I-75 and C.R. 581; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380 was authorized and empowered to consider ADA's for DRI's; and

WHEREAS, the public notice requirements of Chapter 380, and Section 43-96.2 City of Tampa Code were satisfied; and

WHEREAS, on August 28, 1986, the City Council held a duly noticed public hearing on the ADA and heard and considered testimony and documents received thereon; and

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

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the application hearing on the subject DRI, before the City Council; and

WHEREAS, the City Council reviewed the above referenced documents, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, on September 11, 1986, the City adopted Ordinance No. 9359-A, which is the Development Order issued by the City pursuant to Chapter 380, Florida Statutes, for the Tampa Technology Park, a

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DRI (the "Development Order"); and

WHEREAS, on September 18, 1986, the City adopted Ordinance No. 9365-A, which rezoned Tampa Technology Park to ZONING DISTRICT CLASSIFICATION CU-A and approved the site development plan, dated September 2, 1986.

WHEREAS, in late 1986 Wood, the TBRPC and the DCA requested certain changes to the Development Order; and

WHEREAS, the public notice requirements of Chapter 380.06(19)(f), Florida Statutes, were satisfied; and

WHEREAS, on December 4, 1986, the City Council held a duly noticed public hearing on the requested amendment and heard and considered testimony and documents received thereon; and

WHEREAS, the City council received and considered the report and recommendations to TBRPC and DCA; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the amendment hearing on the subject Order before the City Council; and

WHEREAS, the City Council reviewed the above referenced documents, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, on December 18, 1986, the City adopted Ordinance 9466-A, which amended Ordinance No. 9359-A, the Development Order issued by the City pursuant to Chapter 380, Florida Statutes, for the Tampa Technology Park, a DRI (the "First Amendment"); and

WHEREAS, Wood, the original developer, conveyed title to Tampa Technology Park to CFD Properties, Inc. and other related companies under common control; and

WHEREAS, on December 30, 1988, the City, the TBRPC, the DCA and the then owners of Tampa Palms DRI and Tampa Technology Park entered into a Development Agreement (the "1988 Development Agreement") relating to the property affected by the Tampa Technology Park Development Order and the Tampa Palms Development Order; and

WHEREAS, the current owners of the property in Tampa Technology Park include SWF Tech West Limited Partnership ("SWF Tech West"), United Services Automobile Association ("USAA"), Southwest Development Corporation and Southern Property Holdings Corporation (collectively referred to as "Consolidated"), Finn M.W. Caspersen, as trustee ("Caspersen") and Sandra Kaupe ("Kaupe"); and

WHEREAS, SWF Tech West and USAA are the owners and developers

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of that part of Tampa Technology Park lying south and west of I-75, which is commonly referred to as Tampa Tech West; and

WHEREAS, Consolidated, Caspersen and Kaupe are the owners and developers of that part of Tampa Technology Park lying north and east of I-75, which is commonly referred to as Tampa Tech East; and

WHEREAS, on June 4, 1991, a Joint Notice of Proposed Change application ("Joint Notice") was duly filed requesting a number of changes to the Tampa Technology Park Development Order; and

WHEREAS, on September 9, 1991, another Notice of Proposed Change application ("Notice II") was duly filed requesting some additional changes to the Tampa Technology Park Development Order; and

WHEREAS, on September 24, 1991, supplemental information was submitted to amend and clarify statements and information contained in Notice II; and

WHEREAS, on September 26, 1991, the City Council held duly noticed public hearings on some of the requested changes and heard and considered testimony and documents received thereon; and

WHEREAS, on October 10, 1991, the City adopted Ordinances No. 91-194 and 91-195, the second and third amendments to the Tampa Technology Park Development Order; and

WHEREAS, following the adoption of Ordinances No. 91-194 and 91-195 and an appeal of Ordinance 91-195 by DCA, SWF Tech West, Consolidated, Caspersen and DCA met and agreed to request certain changes to the Development Order to address DCA's concerns; and

WHEREAS, on December 5, 1991, the City Council held a public hearing on the requested changes and has heard and considered testimony and documents received thereon; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the hearing on this amendment to the Development Order; 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. Development Order, as amended. That this Ordinance shall constitute the Fourth Amendment to Ordinance No. 9359-A (the Tampa Technology Park Development Order) as previously amended by

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Ordinances No. 9466-A, 91-194, and 91-195, which collectively constitute the Development Order, as amended, for Tampa Technology Park (with the exception of Ordinance No. 91-195, which is specifically repealed herein). All provisions of the Development Order as amended by the First and Second Amendments, except those provisions specifically modified herein, shall remain in full force and effect.

Section 2. Findings of Fact. That the City Council, having received the above referenced documents, having received all related comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, Florida Statutes, concerning substantial deviations, finds that there is substantial, competent, clear and convincing evidence to support the following findings of facts:

A. That the changes to the Development Order contained in this Ordinance neither individually nor cumulatively with the prior changes and the other changes approved herein constitute a substantial deviation, and, therefore, no further development-of-regional-impact review is necessary.

B. That the changes in the Development Order approved herein are consistent with the adopted local comprehensive plan, local land development regulations, and the currently approved zoning.

C. That the approved development including the changes approved herein, will not unreasonably interfere with the achievement of objectives of the adopted State Land Development Plan applicable to the area.

D. That the approved development herein was not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes.

E. That the changes approved herein are within the scope of the changes proposed in the Joint Notice, Notice II and supplemental information described herein.

Section 3. Conclusions of Law. 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, including Sections 380.06(15) and (19), Florida Statutes, and based upon the record in these proceedings, the Developer is authorized to conduct development as described in the Development Order, as amended herein, and subject to the conditions, restrictions and limitations set forth in the Development

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Order, as amended.

B. That the review of the City, TBRPC, DCA, and other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Fourth Amendment and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this Fourth Amendment, the terms and conditions of this Development Order shall prevail.

C. That this Ordinance, together with Ordinance No. 91-194, satisfies the substantial deviation determination review condition set forth in paragraph 8 of the 1988 Development Agreement relative to Development Order amendments required for the Tampa Technology Park Development Order only and no other action is necessary relative to the Tampa Technology Park DRI.

D. That the City has, at its proceedings, considered all previous changes and the changes approved herein and determined that such changes individually and cumulatively do not constitute a substantial deviation requiring further DRI review pursuant to Section 380.06, Florida Statutes.

E. That this amendment does not constitute a substantial deviation from the Development Order, as defined in Chapter 380, Florida Statutes, and nothing herein shall limit or modify the protection afforded under Section 163.3167(8), Florida Statutes. More specifically, Phase I of the development remains vested pursuant to Section 163.3167(8), Florida Statutes, and City of Tampa Ordinance 90-32. Phases II and III also remain vested except as to those matters listed in Section 4.U.1 of the Development Order (traffic, air quality, water quality, drainage and solid, including hazardous, waste).

F. That this amendment does create additional impacts which will have to be considered if any future changes to this Development Order are proposed. However, these additional impacts do not create additional regional impacts or any type of regional impact not previously reviewed.

Section 4. Order. That, having made the above findings of facts and drawn the above conclusions of law, it is ordered that the Development Order is hereby amended as follows:

A. Ordinance 91-195 (the Third Amendment to the Tampa Technology Park Development Order) is hereby repealed in

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its entirety and all provisions thereof are deemed to be null and void and of no further legal effect.

B. Section 8 of the Tampa Technology Park DRI Development Order is hereby amended to read as follows:
"Section 8. That this Order shall remain in effect for a period of twenty (20) years from the date upon which this Order becomes final and the appeal period has ended. Any development activity wherein plans have been submitted (and pursued by the Developer in good faith) 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.

The buildout dates for Tampa Technology Park shall be as follows:

Phase I	-	March 30, 1996
Phase II	-	March 30, 2001
Phase III	-	March 30, 2006

C. Section 4 of the Tampa Technology Park DRI Development Order is hereby amended by the addition of the following new subsections V., W., X., Y. and Z. which read as follows:

"V. Tampa Technology Park (East). With respect to the area of Tampa Technology Park lying north and east of I-75, which is commonly referred to as Tampa Technology Park (East) and is more particularly described in Exhibit A-1 attached hereto, specific approval of Phase I includes the following:

1.	Commercial/office	433,204 sq. ft.
2.	Hotel	192 rooms
3.	Office	411,242 sq. ft.
4.	High Tech/Light Industrial	2,302,518 sq. ft.
5.	Governmental Services	58,000 sq. ft.

Further, 5,897 external p.m. peak hour trips are authorized in Phase I for Tampa Technology Park (East).

W. Tampa Technology Park (West). With respect to the area of Tampa Technology Park lying south and west of I-75, which is commonly referred to as Tampa Technology Park (West) and is more particularly described in Exhibit A-3 attached hereto, specific approval of Phase I includes the following:

1.	Commercial/office	89,096 sq. ft.
2.	Hotel	288 rooms
3.	Office	2,093,458 sq. ft.
4.	High Tech/Light Industrial	2,663,322 sq. ft.

Further, 6389 external p.m. peak hour trips are authorized in Phase I for Tampa Technology Park (West).

X. Land Use Trade Off Mechanism. For Phase I, there shall be a trade off mechanism which will allow land uses to be traded in accordance with the following standards:

1. 1,000 square feet Office is equivalent to 1,368 square feet of High Tech/Light Industrial land use and vice versa.

2. With respect only to the areas designated as C/O/H on revised Map H attached hereto as Exhibit A-2, one (1) hotel room is equivalent to 500 square feet of Commercial/Office land use and vice versa. In addition, the approved square footage within the Commercial/Office land use category may be used for either commercial or office.

3. At the time of selection of any land use within the areas designated as C/O/H, the Developer shall notify the DCA of said selection and also shall provide DCA, TBRPC and the City with cumulative land use totals and remaining allowable quantities. This condition shall not be construed as a requirement for an approval of a particular land use so long as the land use is consistent with the provisions hereof.

4. In the areas designated as C/O/H in Tampa Technology Park (East), the maximum amount of development in any land use category shall be as follows:

a.	Commercial	512,500 sq. ft.
b.	Office	512,500 sq. ft.
c.	Hotel	1,050 rooms

In order to develop the maximum in any category shown above, there will be no development in either of the other two land use categories. For example, in order to

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develop 512,500 square feet of commercial, there could be no office square footage and no hotel rooms. On the other hand, if a mix of the uses above is proposed, then there shall be a pro-rata reduction of each of the above limits. For example, if the owner proposes to develop 256,250 square feet of commercial, the maximum amount of office would be 256,250 square feet, or in the alternative, the maximum number of hotel rooms would be 525. Further, approval of these maximums or any combination thereof shall not be construed as authorization for the project to generate additional trips.

5. In the areas designated as C/O/H in Tampa Technology Park (West), the maximum amount of development in any land use category shall be as follows:

a.	Commercial	233,096 sq. ft.
b.	Office	233,096 sq. ft.
c.	Hotel	466 rooms

In order to develop the maximum in any category shown above, there will be no development in either of the other two land use categories. For example, in order to develop 466 hotel rooms, there would be no commercial square footage and no office square footage. On the other hand, if a mix of the uses above is proposed, then there shall be a pro-rata reduction of each of the above limits. For example, if the owner proposes to develop 116,548 square feet of commercial, the maximum amount of office would be 116,548 square feet, or, in the alternative, the maximum number of hotel rooms would be 233. Further, approval of these maximums or any combination thereof shall not be construed as authorization for the project to generate additional trips.

Y. Revised Map H. The master plan of development for Tampa Technology Park is revised as reflected on the revised Map H, attached hereto as Exhibit A-2, revised through December 2, 1991, consisting of two sheets, and is hereby approved and adopted as the Tampa Technology Park Master Plan. Sheet one of the two sheets making up Exhibit A-2 shows Tampa Technology Park (East) and bears an original date of August 5, 1991 and a last revision date of

December 2, 1991. Sheet two of the two sheets making up Exhibit A-2 shows Tampa Technology Park (West) and bears an original date of June 1, 1991 and a last revision date of December 2, 1991.

Z. Threatened or Endangered Plants and Animals in Wetlands. Prior to the initiation of development of Tracts A-1, A-3, A-5 and A-6 and only in the event that development is proposed within any wetlands on these tracts, the Developer shall initiate appropriate surveys to determine if there are any threatened or endangered plants or animals, including species of special concern, in the wetlands on these tracts that are proposed for development. Appropriate surveys shall be listed species surveys carried out during times of the year that the species would be best observable, using standard field methodologies approved by the Florida Game and Fresh Water Fish Commission (FGFWFC), or one routinely utilized for DRI Review if a standardized DRI methodology has not been established by the Florida Game and Fresh Water Fish Commission (FGFWFC) for the particular listed species. The Developer shall demonstrate to DCA that the impact of any development of the wetlands on any threatened or endangered plants or animals, including species of special concern, is equal to or less than the impacts of the originally approved plan of development for Tampa Technology Park East on each of these listed species.

Prior to any development in wetlands within a tract listed above, this Development Order shall be required to be amended: (1) to specifically authorize the development within the wetland; (2) to determine whether the impacts of the development proposed in the wetlands on any of these species is equal to or greater than the impacts on that species from the originally approved plan of development for Tampa Technology Park East; and (3) to incorporate the results and findings of the survey. In the event that the impacts on the listed species are equal to or less than the impacts on these species under the originally approved plan of development for Tampa Technology Park (East), said amendment shall not be a substantial deviation. If no development is proposed within the wetlands of Tracts A-1, A-3, A-5, or A-6, no amendment to this Development Order shall be required.

Section 5. Recordation. That the Developer shall record a

certified as true and correct copy.

notice of adoption of this Fourth Amendment as required pursuant to Chapter 380, Florida Statutes, and shall furnish the City Clerk a copy of the recorded notice.

Section 6. Effective Date. That this Ordinance shall take effect immediately upon becoming a law.

Section 7. Second Amendment (Ordinance No. 91-194) Supersedes. Where terms and conditions of this Ordinance are inconsistent with Ordinance No. 91-194, relative to development of the USAA project, the terms and conditions of Ordinance 91-194 shall apply. Should Ordinance No. 91-194 be repealed, all provisions of this Ordinance shall remain in full force and effect.

Section 8. Binding Effect. This Ordinance shall be binding upon the Developer, its assigns and its successors in interest.

Section 9. Transmittals. That the City Clerk is hereby directed to send certified copies of this Development Order, by certified mail within five (5) days of the effective date of this Ordinance to TBRPC, DCA, USAA, SWF Tech West, Caspersen, Kaupe and Consolidated.

Section 10. Rendition. That this Ordinance shall be deemed rendered upon transmittal of the copies of this Ordinance as set forth in Section 9 hereof.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON DEC 19 1991.

CHAIRMAN, CITY COUNCIL

Approved by me on DEC 19 1991

ATTEST:

APPROVED by me on DEC 23 1991

MAYOR

JDV
12/5/91 (6:00 pm.)

State of Florida
County of Hillsborough

I hereby certify that the foregoing is a true and correct copy of ORDINANCE No. 91-229 on file in my office.

Witness my hand and official seal this 23rd day of Dec., 1991.

CITY CLERK

MMASS\#12800.1

EXHIBIT A-1

A parcel of land in Section 13, 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being particularly described as follows:

Begin at the northwest corner of said Section 13; thence S.89°59'52"E., along the north boundary of the Northwest 1/4 of said Section 13, 2092.11 feet; thence S.02°47'30"E., 2454.35 feet; thence S.89°55'07"E., 302.40 feet to the northwesterly right-of-way boundary of Bruce Downs Boulevard, County Road No. 581, (Department of Transportation Section No. 10590-151); thence S.41°45'28"W., along said northwesterly right-of-way boundary, 267.43 feet to the north boundary of the Southwest 1/4 of said Section 13; thence continue S.41°45'28"W., along said northwesterly right-of-way boundary, 3,348.94 feet to the west boundary of said Southwest 1/4 of Section 13; thence continue S.41°45'28"W., along said northwesterly right-of-way boundary, 195.29 feet to the north boundary of said Section 23; thence continue S.41°45'28"W., along said northwesterly right-of-way boundary, 698.51 feet; thence N.48°14'32"W., 36.90 feet to the beginning of the Limited Access right-of-way boundary of Ramp "D" for State Road No.93-A (Interstate Route No. 75), Department of Transportation Section No. 10075-2418; thence along said Limited Access right-of-way boundary the following nine (9) courses: (1) S.41°45'28"W., 405.26 feet; thence (2) S.45°34'19"W., 462.96 feet; thence (3) S.69°56'37"W., 178.27 feet; thence (4) N.61°18'47"W., 178.27 feet; thence (5) N.36°56'27"W., 298.36 feet; thence (6) N.34°39'01"W., 385.59 feet to a Point of Curvature; thence (7) Northwesterly, 520.43 feet along the arc of a curve concave to the northeasterly having a radius of 1815.86 feet, a central angle of 16°25'16" and a chord of 518.65 feet bearing N.26°26'23"W., to a Point of Tangency; thence (8) N.18°13'45"W., 100.70 feet to the south boundary of said Section 14; thence (9) continue N.18°13'45"W., 1098.60 feet to the end of the Limited Access right-of-way boundary of said Ramp "D"; thence along the Limited Access right-of-way boundary of said State Road No. 93-A the following four (4) courses: (1) N.17°05'00"W., 1679.15 feet to the south boundary of the North 1/2 of said Section 14; thence (2) continue N.17°05'00"W., 1309.41 feet to a Point of Curvature; thence (3) northwesterly 1,448.92 feet along the arc of a curve concave to the southwesterly, having a radius of 5,891.58 feet, a central angle of 14°05'27" and a chord of 1,445.28 feet bearing N.24°07'43"W., to a Point of Tangency; thence (4) N.31°10'27"W., 88.11 feet to the north boundary of the Northwest 1/4 of said Section 14; thence S.89°45'44"E., along said north boundary of the Northwest 1/4 of said Section 14, 1,315.97 feet to the North 1/4 corner of said Section 14; thence S.89°45'38"E., along the north boundary of the Northeast 1/4 of said Section 14, 2,644.57 feet to the Point of Beginning.

Containing 593.901 Acres.

Certified as true and correct copy.

EXHIBIT A-3

TAMPA TECH WEST
LEGAL DESCRIPTION

All of the following described property lying north and west of the westerly right-of-way of Interstate 75:

All that portion of the Northwest 1/4 and the Northeast 1/4 of Section 13 lying northwesterly of State Road 581.

LESS:

A parcel of land in Section 13, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the northeast corner of said Section 13, thence along the north boundary of said Section 13, N.89°59'52"W., 423.40 feet for a Point of Beginning; thence continue along said North boundary, N.89°59'52"W., 2610.00 feet; thence S.02°47'30"E., 2454.35 feet; thence S.89°55'07"E., 302.40 feet to a point of intersection with the northwesterly right-of-way boundary of Bruce Downs Blvd. (County Road No. 581, former State Road No. 581) (D.O.T. Section No. 10590-151); thence along said northwesterly right-of-way boundary the following (2) two courses: (1) thence N.41°45'28"E., 3245.90 feet to a point of curvature; (2) thence 40.25 feet along the arc of a curve concave to the northwest, having a radius of 1332.40 feet, a central angle of 01°43'51", chord bearing and distance No.40°53'32"E., 40.25 feet to the Point of Beginning.

AND:

All that portion of the Southwest 1/4 of Section 13 lying northwesterly of State Road 581.

AND:

The South 1/2 of Section 14, less that small portion thereof lying in State Road 581, and less that part lying west of Frontage Road "C" which is adjacent to Interstate 75 (State Road 93A) (D.O.T. Section No. 100765-2418); and the Northwest 1/4 of Section 23; and all that portion of the Northeast 1/4 of Section 23 lying northwesterly of State Road 581; and also less I-75 and Ramps C & D (As described in O.R. 3807, P. 139 - Public Records of Hillsborough, Florida).

AND:

All that portion of the North 1/2 of Section 14 less that part taken by Eminent Domain Suit Styled: Division of Administration, State of Florida Department of Transportation vs. Rencroft Incorporated et al, bearing Circuit Court Case No. 79-12060-F.

Certified as true and correct copy.

AND:

The Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 and the North 1/2 of the Southwest 1/4 and the North 1/2 of the Southeast 1/4 of Section 15.

AND:

The South 1/2 of the Southeast 1/4 of Section 16.

AND:

The South 1/4 of Section 15 and that part of the South 1/2 of Section 14 lying west of Frontage Road "C", which is adjacent to Interstate 75 (State Road No. 93A) (D.O.T. Section No. 10075-2418).

AND:

The Northeast 1/4 of Section 22

All lands described above lying and being in Township 27 South, Range 19 East, Hillsborough County, Florida. Altogether containing 1,754.032 acres, more or less.

All being more particularly described as follows:

A parcel of land in Sections 14, 15, 16, 22 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 14 for the Point of Beginning; thence S.89°45'44"E., along the north boundary of the Northwest 1/4 of said Section 14, 855.53 feet to the west right-of-way boundary of Frontage Road "C" (an 80.00 feet wide right-of-way) as recorded in O.R. Book 3807, Page 139, Public Records of Hillsborough County, Florida; thence along said west right-of-way boundary, the following eleven (11) courses; (1) S.31°10'27"E., 334.83 feet to a Point of Curvature; thence (2) Southeasterly 1,349.57 feet along the arc of a curve concave to the southwest, having a radius of 5,487.58 feet, a central angle of 14°05'27" and a chord of 1,436.17 feet, bearing S.24°07'43"E., to a Point of Tangency; thence (3) S.17°05'00"E., 1,182.48 feet to the north boundary of the South 1/2 of said Section 14; thence (4) continue S.17°05'00"E., 2,546.63 feet to a Point of Curvature; thence (5) southerly 197.21 feet along the arc of a curve concave to the west, having a radius of 2824.79 feet, a central angle of 04°00'00", and a chord of 197.17 feet, bearing S.15°05'00"E., to a Point of Tangency; thence (6) S.13°05'00"E., 23.35 feet to the north boundary of said Section 23; thence (7) continue S.13°05'00"E., 393.93 feet to a Point of Curvature; thence (8) southerly, 509.67 feet along the arc of a curve concave to the west, having a radius of 2,690.79 feet, a central angle of 10°51'09" and a chord of 508.91 feet, bearing S.07°39'25"E., to a Point of Tangency; thence (9) S.02°13'51"E., 1285.25 feet to a Point of Curvature; thence (10) southerly 430.48 feet along the arc of a curve concave to the west, having a radius of 591.50 feet, a central angle of 41°41'54", and a chord of 421.04 feet, bearing S.18°37'06"W., to a Point of Tangency; thence (11) S.39°28'02"W., 79.15 feet to the south boundary of the North 1/2 of said Section 23; thence N.89°31'12"W., along said south boundary of the

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North 1/2 of said Section 23, 2688.71 feet to the southeast corner of the Northeast 1/4 of said Section 22; thence N.89°52'06"W., along the south boundary of the Northeast 1/4 of said Section 22, 2659.65 feet to the southwest corner of the Northeast 1/4 of said Section 22; thence, N.00°04'03"E., along the west boundary of the Northeast 1/4 of said Section 22, 2640.37 feet to the northwest corner of the Northeast 1/4 of said Section 22; thence N.89°41'22"W., along the south boundary of the Southwest 1/4 of said Section 15, 2663.36 feet to the southeast corner of said Section 16; thence N.88°55'23"W., along the south boundary of the Southeast 1/4 of said Section 16, 2662.64 feet to the southwest corner of the Southeast 1/4 of said Section 16; thence N.00°20'40"E., along the west boundary of the South 1/2 of the Southeast 1/4 of said Section 16, 1321.08 feet to the northwest corner of said South 1/2 of the Southeast 1/4 of said Section 16; thence S.89°01'35"E., along the north boundary of said South 1/2 of the Southeast 1/4 of said Section 16, 2653.94 feet to the southwest corner of the North 1/2 of the Southwest 1/4 of said Section 15; thence N.00°01'49"W., along the west boundary of the North 1/2 of the Southwest 1/4 of said Section 15, 1324.45 feet to the northwest corner of said North 1/2 of the Southwest 1/4 of said Section 15; thence S.89°33'34"E., along the north boundary of the Northwest 1/4 of the Southwest 1/4 of said Section 15, 1323.11 feet to the southwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section 15; thence N.00°12'58"W., along the west boundary of said Southeast 1/4 of the Northwest 1/4 of said Section 15, 1329.19 feet to the northwest corner of said Southeast 1/4 of the Northwest 1/4 of said Section 15; thence S.89°24'15"E., along the north boundary of said Southeast 1/4 of the Northwest 1/4 of said Section 15, 1318.83 feet to the northeast corner of the Southeast 1/4 of the Northwest 1/4 of said Section 15; thence N.00°24'11"W., along the west boundary of the Northeast 1/4 of said Section 15, 1325.67 feet of the northwest corner of the Northeast 1/4 of said Section 15; thence S.89°14'51"E., along the north boundary of said Northeast 1/4 of said Section 15, 2629.12 feet to the Point of Beginning.

AND:

A parcel of land in Section 13, 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being particularly described as follows:

Commence at the northwest corner of said Section 13 for the Point of Beginning: thence S.89°59'52"E., along the north boundary of the Northwest 1/4 of said Section 13, 2092.11 feet; thence S.02°47'30"E., 2454.35 feet; thence S.89°55'07"E., 302.40 feet to the northwesterly right-of-way boundary of Bruce Downs Boulevard, County Road No. 581, (Department of Transportation Section No. 10590-151); thence S.41°45'28"W., along said northwesterly right-of-way boundary, 267.43 feet to the north boundary of the Southwest 1/4 of said Section 13; thence continue S.41°45'28"W., along said northwesterly right-of-way boundary, 3,348.94 feet to the west boundary of said Southwest 1/4 of Section 13; thence

Certified as true
and correct copy.

continue S.41°45'28"W., along said northwesterly right-of-way boundary, 195.29 feet to the north boundary of said Section 23; thence continue S.41°45'28"W., along said northwesterly right-of-way boundary 698.51 feet; thence N.48°14'32"W., 36.90 feet to the beginning of the Limited Access right-of-way boundary of Ramp "D" for State road No. 93-A (Interstate Route No. 75), Department of Transportation Section No. 10075-2418; thence along said Limited Access right-of-way boundary the following nine (9) courses: (1) S.41°45'28"W., 405.26 feet; thence (2) S.45°34'19"W., 462.96 feet; thence (3) S.69°56'37"W., 178.27 feet; thence (4) N.61°18'47"W., 178.27 feet; thence (5) N.36°56'27"W., 298.36 feet; thence (6) N.34°39'01"W., 385.59 feet to a Point of Curvature; thence (7) northwesterly, 520.43 feet along the arc of a curve concave to the northeast having a radius of 1815.86 feet, a central angle of 16°25'16" and a chord of 518.65 feet bearing N.26°26'23"W., to a Point of Tangency; thence (8) N.18°13'45"W., 100.70 feet to the south boundary of said Section 14; thence (9) continue N.18°13'45"W., 1098.60 feet to the end of the Limited Access right-of-way boundary of said Ramp "D"; thence along the Limited Access right-of-way boundary of State Road No. 93-A the following four (4) courses: (1) N.17°05'00"W., 1679.15 feet to the south boundary of the North 1/2 of said Section 14; thence (2) continue N.17°05'00"W., 1309.41 feet to a Point of Curvature; thence (3) northwesterly 1,448.92 feet along the arc of a curve concave to the southwest having a radius of 5,891.58 feet, a central angle of 14°05'27" and a chord of 1,445.28 feet bearing N.24°07'43"W., to a Point of Tangency; thence (4) N.31°10'27"W., 88.11 feet to the north boundary of Northwest 1/4 of said Section 14; thence S.89°45'44"E., along said north boundary of the Northwest 1/4 of said Section 14, 1,315.97 feet to the North 1/4 corner of said Section 14; thence S.89°45'38"E., along the north boundary of the Northeast 1/4 of said Section 14, 2,644.57 feet to the Point of Beginning.

Altogether containing 1754.032 acres, more or less.

AND:

DESCRIPTION: A parcel of land in Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

From the Southwest corner of the Northwest 1/4 of said Section 23, run thence S.89°30'00"E., 939.98 feet along the South boundary of said Northwest 1/4 of Section 23 to the POINT OF BEGINNING; thence continue along said South boundary S.89°30'00"E., 1748.61 feet to a point on the curved boundary of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, as Recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida; thence along said boundary the following five (5) courses: 1) Southwesterly, 364.46 feet along the arc of a curve to the right having a radius of 725.00 feet and a central angle of 28°48'11" (chord bearing S.54°45'47"W., 360.64 feet) to a point of tangency; 2) S.69°09'52"W., 198.98 feet to a point of curvature; 3) Southwesterly, 86.30 feet along the arc of a curve to the left having a radius of 220.00 feet and a central angle of 22°28'31" (chord bearing S.57°55'36"W., 85.75 feet); 4) S.65°33'00"W., 624.10 feet; 5) S.87°41'28"W., 679.25 feet to a point on the East right-of-way line of Commerce Park Boulevard shown on said plat of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1; thence along said East right-of-way the following three (3) courses: 1) N.16°04'00"E., 44.82 feet to a point on a non-tangent curve; 2) Northeasterly, 365.56 feet along the arc of a curve to the left having a radius of 2098.00 feet and a central angle of 09°59'00" (chord bearing N.05°42'39"E., 365.10 feet) to a point of tangency; 3) N.00°43'09"E., 218.98 feet to the POINT OF BEGINNING.

Containing 17.341 acres, more or less.

Certified as true and correct copy.

LESS:

DESCRIPTION: A parcel of land in Section 22, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

From the Southeast corner of the Northeast 1/4 of said Section 22, run thence N.89°52'54"W., 1014.52 feet along the South boundary of said Northeast 1/4 of Section 22 to the POINT OF BEGINNING; thence continue along said South boundary, N.89°52'54"W., 1645.13 feet to Southwest corner of said Northeast 1/4 of Section 22; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 681.12 feet; thence S.89°55'54"E., 242.68 feet; thence S.50°13'02"E., 512.61 feet; thence N.50°52'31"E., 518.31 feet; thence S.66°08'17"E., 43.74 feet; thence S.33°46'53"E., 32.57 feet; thence S.87°41'55"E., 34.29 feet; thence S.14°38'10"W., 166.29 feet; thence S.32°58'36"E., 111.60 feet; thence N.80°32'04"E., 56.96 feet; thence S.44°29'40"E., 329.75 feet; thence S.51°57'53"E., 25.34 feet; thence S.89°52'54"E., 187.56 feet; thence S.00°07'06"W., 140.76 feet to the POINT OF BEGINNING

Containing 17.341 acres, more or less.

Certified as true and correct copy.

CITY OF TAMPA

Frances Henriquez, City Clerk — OFFICE OF CITY CLERK

October 10, 1991

RECEIVED
OCT 16 1991
Tampa Bay Regional Planning Council

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

RE: Petition No. DZ85-166
Ordinance No. 91-194

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

mailed 10/15/91

Enclosure: Ordinance

CERTIFIED MAIL

cc: Susan Swift, Land Development Coordination

#139

TBRPC

ORDINANCE NO. 91-194

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, WHICH AMENDS IN RESPONSE TO A JOINT NOTIFICATION OF A PROPOSED CHANGE FILED BY SWF TECH WEST LIMITED PARTNERSHIP AND BARNETT BANK OF TAMPA, N.A. FOR TAMPA TECHNOLOGY PARK, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 28, 1985, WOOD & COMPANY, INC ("Wood") filed an Application for Development Approval (which together with later filed sufficiency responses 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 ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC"), pursuant to the provisions of Section 380.06, Florida Statutes (1985), as amended ("Chapter 380"), and Section 43-96.2, City of Tampa Code; and

WHEREAS, the ADA proposed the development of TAMPA TECHNOLOGY PARK, a mixed-use commercial, office, hotel, high technology, light industrial development located on a 1,756 acre site at the intersection of I-75 and C.R. 581; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380 was authorized and empowered to consider ADA's for DRI's; and

WHEREAS, the public notice requirements of Chapter 380, and Section 43-96.2, City of Tampa Code were satisfied; and

WHEREAS, on August 28, 1986, the City Council held a duly noticed public hearing on the ADA and has heard and considered testimony and documents received thereon; and

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

WHEREAS all interested parties and members of the public were afforded an opportunity to participate in the application hearing on the subject DRI, before the City Council; and

WHEREAS, the City Council reviewed the above referenced documents, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, on September 11, 1986, the City adopted Ordinance No. 9359-A, which is the Development Order issued by the City pursuant to Chapter 380, Florida Statutes, for the Tampa Technology Park, a DRI; and

WHEREAS, on September 18, 1986, consistent with Ordinance No. 9359-A, the City, adopted Ordinance No. 9365-A, which rezoned Tampa Technology Park to ZONING DISTRICT CLASSIFICATION CU-A and approved the site development plan, dated September 2, 1986.

WHEREAS, Wood, the TBRPC and the DCA requested certain amendments to the Development Order; and

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WHEREAS, the public notice requirements of Chapter 380.06(19)(f), Florida Statutes, were satisfied; and

WHEREAS, on December 4, 1986, the City Council held a duly noticed public hearing on the requested amendment and heard and considered testimony and documents received thereon; and

WHEREAS, the City Council received and considered the report and recommendations to TBRPC and DCA; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the amendment hearing on the subject Order before the City Council; and

WHEREAS, the City Council had reviewed the above referenced documents, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, on December 18, 1986, the City adopted Ordinance 9466-A, which amended Ordinance No. 9359-A, the Development Order issued by the City pursuant to Chapter 380, Florida Statutes, for the Tampa Technology Park, a DRI (the "First Amendment"); and

WHEREAS, Wood, the original developer, conveyed title to Tampa Technology Park to CFD Properties, Inc. and other related companies under common control; and

WHEREAS, on December 30, 1988, the City, the TBRPC, the DCA and the then owners of Tampa Palms DRI and Tampa Technology Park entered into a Development Agreement (the "1988 Development Agreement") relating to the property affected by the Tampa Technology Park Development Order and the Tampa Palms Development Order, City of Tampa Ordinance No. 8858, as amended by Ordinance Nos. 9015 and 9016; and

WHEREAS, the current owners of the property in Tampa Technology Park include SWF Tech West Limited Partnership ("SWF Tech West"), United Services Automobile Association ("USAA"), Southwest Development Corporation and Southern Property Holdings Corporation ("Consolidated"), Finn M.W. Caspersen, as trustee, and Sandra Kaupe; and

WHEREAS, on January 6, 1989, the City approved Ordinance No. 89-16, to rezone the portion of the property owned by USAA that falls within the Tampa Palms DRI from CU-A to PD-A to implement the Development Agreement; and

WHEREAS, on June 2, 1989, the City approved Ordinance No. 89-133, to rezone property in the Tampa Palms DRI and in the Tampa Tech DRI from CU-A to PD-A to implement the Development Agreement; and

WHEREAS, SWF Tech West (sometimes hereinafter referred to as the "Developer") and USAA are the owners and developers of that part of Tampa Technology Park lying south and west of I-75, which is commonly referred to as Tampa Tech West (the USAA property is identified in the legal description attached as Exhibit "B"); and

WHEREAS, Consolidated, Finn M.W. Caspersen and Sandra Kaupe are the owners and developers of that part of Tampa Technology Park lying north and east of I-75, which is commonly referred to as Tampa Tech East; and

Certified as true

WHEREAS, a Joint Notice of Proposed Change application (the "Joint Notice") has been duly filed requesting, among other things, that the City amend the legal description of the DRI, effect an internal swap of land uses, adopt a land use trade-off mechanism and amend Map H to delete the loop interchange formerly shown on the USAA property (the "USAA Changes"); and

WHEREAS, the USAA Changes are among the changes required under the Development Agreement and are the only changes immediately necessary to enable USAA to continue with its plans for a new Southeast Regional Headquarters Office; and

WHEREAS, USAA requires expedited action on the USAA Changes to enable it to continue to develop its property; and

WHEREAS, on September 5, 1991, and September 26, 1991 the City Council held duly noticed public hearings on the requested amendments and has heard and considered the testimony and documents received thereon; and

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

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the amendment hearing on the proposed amended development orders 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; and

WHEREAS, the City Council and the applicants for the Joint Notice agree that under current circumstances it is in the best interest of all parties involved in the development and regulation of Tampa Technology Park that the USAA Changes be expedited by approving them separate from the other changes requested in the Joint Notice;

NOW, THEREFORE,

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

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

A. That the real property which is the subject of the Tampa Technology Park DRI Development Order is legally described as set forth in Exhibit "A", attached hereto and by reference made a part hereof.

B. That Wood submitted to the City an ADA, including, but not limited to, commitments made by Wood as the original developer.

C. That the City, TBRPC and DCA approved herein (specifically as to Phase I and conceptually as to Phases II and III) the development submitted by Wood pursuant to City Ordinance Nos. 9359-A and 9466-A, the Tampa Technology Park Development Order.

...s true
...y.

D. That the approved development herein was not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes.

E. That the approved development herein is consistent with the adopted local comprehensive plan and the currently approved zoning.

F. That the approved development herein does not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.

G. That a comprehensive review of the impact generated by the approved development was conducted by the City's departments, the TBRPC and the DCA.

H. That SWF Tech West and Hillsborough Equities, Inc., predecessor to Consolidated, have filed a Joint Notice of Proposed Change application requesting approval of the USAA Changes and other changes.

I. That the USAA Changes to the Tampa Technology Park Development Order, which were approved by the City, TBRPC, DCA and all affected owners in the 1988 Development Agreement, and which are reaffirmed herein do not create additional impacts on other public facilities, including water, wastewater, transportation, drainage, solid waste, recreation and mass transit, or any other new or additional regional impacts from the original projections set forth in the ADA.

J. That based on the clear and convincing evidence submitted, and when considetered cumulatively with previous changes, the USAA Changes to the Tampa Technology Park Development Order do not constitute a substantial deviation and therefore, no further development of regional impact review is necessary.

K. That the USAA Changes to the Tampa Technology Park Development Order are consistent with the adopted local comprehensive plan and the land development regulations of the City.

L. That the development proposed in the USAA Changes will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.

M. That USAA has fully satisfied its obligations for mitigation of transportation impacts for the USAA Project (1,200,000 square feet of office uses) as described and provided for in the 1988 Development Agreement, and that all other obligations for the mitigation of transportation impacts for the USAA Project have been satisfied, provided however that said mitigation would not preclude the transportation impacts of the USAA Project from being accumulated with transportation impacts from the remainder of the Tampa Technology Park DRI for purposes of evaluating the development of other parcels.

true
copy.

N. That this Order satisfies the substantial deviation determination review condition set forth in paragraph (8) of the 1988 Development Agreement relative to the USAA property in Tampa Technology Park.

O. That this Order is consistent with the written comments of TBRPC and DCA staffs with regard to the Joint Notice and satisfies the provisions of Section 380.06(15) and (19), Florida Statutes, as amended.

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 these proceedings the Developer, USAA and 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. That the review by the City, the TBRPC staff, DCA staff and other participating agencies and interested citizens reveals that impacts of the development 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.

C. Phase I of the development remains vested pursuant to Section 163.3167(8) and City of Tampa Ordinance 90-32. Phases II and III also remain vested except as to those matters described in Section 4.U.1 (traffic, air quality, water quality, drainage and solid (including hazardous) waste).

Section 4. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Tampa Technology Park Development Order is hereby amended to approve and incorporate the USAA Changes, and the Revised Map H attached hereto as Exhibit "C" is hereby approved for purposes of the USAA Changes, subject to the following conditions, restrictions and limitations:

1. The first 1,200,000 square feet of office development in Tampa Technology Park has been allocated to the USAA parcel as shown on Map H and this allocation is consistent with both the DRI and zoning phasing requirements, and approval of this allocation under the December 30, 1988, Development Agreement is hereby reaffirmed. All other development approvals in Tampa Technology Park shall assume that the entire 1,200,000 square feet of office uses allocated to the USAA parcel has been developed, regardless of whether such development has, in fact, occurred.

2. The transportation mitigation assessment for the 1,200,000 square feet of office development allocated to the USAA parcel has been paid in full to the City pursuant to Development Order Section 4.C.4(d), Square Footage Assessment, and

Certified as true and correct copy.

said payment has fully and completely satisfied any and all obligations to mitigate traffic impacts for the USAA parcel. No further mitigation of any kind shall be assessed or required for transportation impacts related to the development of the 1,200,000 square feet of office uses allocated to the USAA parcel, provided however that said mitigation does not preclude the transportation impacts of the USAA Project from being accumulated with transportation impacts from the remainder of the Tampa Technology Park DRI for purposes of evaluating the development of other parcels.

3. The owner of the USAA parcel or any portion thereof shall have primary responsibility for only those conditions of this Order that specifically apply to the development of the USAA parcel. Reviewing agencies shall hold the Developer of Tampa Technology Park primarily responsible for compliance with all other provisions of this Order. However, in the event the Developer does not comply, the reviewing agencies shall hold all developers in the DRI responsible for compliance with the Development Order, as amended.

4. The flyover interchange configuration previously approved in the 1988 Development Agreement is hereby reaffirmed and approved as described in the Joint Notice and as shown on the Revised Map H attached hereto as Exhibit "C."

5. The internal swap of land uses between the property removed from Tampa Technology Park and the parcel in the northwest corner of the project as shown on Revised Map H attached hereto is hereby approved. In conjunction with the amendment of the legal description also approved hereby, this internal swap results in no net increase or decrease in land use acreages or land uses for Tampa Technology Park.

6. The legal description of Tampa Technology Park, according to Exhibit "A" attached hereto, is hereby amended to add to Tampa Technology Park the 17.34 acre portion of the USAA property previously included in the Tampa Palms DRI and to delete the 17.34 acre parcel transferred to the Tampa Palms DRI. The revised legal description for the Tampa Technology Park DRI is attached hereto as Exhibit "B".

7. 24.68 acres of the USAA site plan previously approved in the Development Order for office uses are hereby reserved for recreation and open spaces only.

Section 5. The amendments approved hereby do not constitute a substantial deviation pursuant to Section 380.06, Florida Statutes, and nothing herein shall limit or modify the rights originally approved by the Development Order, as amended, or the protection afforded under Section 163.3167(8), Florida Statutes.

Certified as true
and correct copy.

Section 6. The amendments approved hereby are exempt from the provisions of Ordinance 90-32, City of Tampa Concurrency Management System and Phase I of the Tampa Technology Park DRI remains vested thereunder. Phases II and III also remain vested except as to those matters described in Section 4.U.1 (traffic, air quality, water quality, drainage and solid (including hazardous) waste).

Section 7. 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, USAA, the DCA, and the TBRPC.

Section 8. That this Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.

Section 9. 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 10. 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 OCT 10 1991, 1991.

Joe Greco
CHAIRMAN, CITY COUNCIL

APPROVED by me on _____

ATTEST:

Frances Henriquez
CITY CLERK

APPROVED by me on OCT 10 1991

Sandra Freedman
MAYOR

Prepared and Approved by:

_____
CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance No 91-194 on file in my office.

Witness my hand and official seal this 11th day of Oct, 19 91.

FRANCES HENRIQUEZ, CITY CLERK
By: CITY CLERK
Deputy City Clerk

T6925o
092691

EXHIBIT "A"

TAMPA TECHNOLOGY PARK
LEGAL DESCRIPTION

All of the following described property lying north and west of the westerly right-of-way of Interstate 75:

All that portion of the Northwest 1/4 and the Northeast 1/4 of Section 13 lying northwesterly of State Road 581.

LESS:

A parcel of land in Section 13, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the northeast corner of said Section 13, thence along the north boundary of said Section 13, N.89°59'52"W., 423.40 feet for a Point of Beginning; thence continue along said North boundary, N.89°59'52"W., 2610.00 feet; thence S.02°47'30"E., 2454.35 feet; thence S.89°55'07"E., 302.40 feet to a point of intersection with the northwesterly right-of-way boundary of Bruce Downs Blvd. (County Road No. 581, former State Road No. 581) (D.O.T. Section No. 10590-151); thence along said northwesterly right-of-way boundary the following (2) two courses: (1) thence N.41°45'28"E., 3245.90 feet to a point of curvature; (2) thence 40.25 feet along the arc of a curve concave to the northwest, having a radius of 1332.40 feet, a central angle of 01°43'51", chord bearing and distance No.40°53'32"E., 40.25 feet to the Point of Beginning.

AND:

All that portion of the Southwest 1/4 of Section 13 lying northwesterly of State Road 581.

AND:

The South 1/2 of Section 14, less that small portion thereof lying in State Road 581, and less that part lying west of Frontage Road "C" which is adjacent to Interstate 75 (State Road 93A) (D.O.T. Section No. 100765-2418); and the Northwest 1/4 of Section 23; and all that portion of the Northeast 1/4 of Section 23 lying northwesterly of State Road 581; and also less I-75 and Ramps C & D (As described in O.R. 3807, P. 139 - Public Records of Hillsborough, Florida).

AND:

All that portion of the North 1/2 of Section 14 less that part taken by Eminent Domain Suit Styled: Division of Administration, State of Florida Department of Transportation vs. Rencroft Incorporated et al, bearing Circuit Court Case No. 79-12060-F.

Certified as true and correct copy.

AND:

The Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 and the North 1/2 of the Southwest 1/4 and the North 1/2 of the Southeast 1/4 of Section 15.

AND:

The South 1/2 of the Southeast 1/4 of Section 16.

AND:

The South 1/4 of Section 15 and that part of the South 1/2 of Section 14 lying west of Frontage Road "C", which is adjacent to Interstate 75 (State Road No. 93A) (D.O.T. Section No. 10075-2418).

AND:

The Northeast 1/4 of Section 22

All lands described above lying and being in Township 27 South, Range 19 East, Hillsborough County, Florida. Altogether containing 1,754.032 acres, more or less.

All being more particularly described as follows:

A parcel of land in Sections 14, 15, 16, 22 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 14 for the Point of Beginning; thence S.89°45'44"E., along the north boundary of the Northwest 1/4 of said Section 14, 855.53 feet to the west right-of-way boundary of Frontage Road "C" (an 80.00 feet wide right-of-way) as recorded in O.R. Book 3807, Page 139, Public Records of Hillsborough County, Florida; thence along said west right-of-way boundary, the following eleven (11) courses: (1) S.31°10'27"E., 334.83 feet to a Point of Curvature; thence (2) Southeasterly 1,349.57 feet along the arc of a curve concave to the southwest, having a radius of 5,487.58 feet, a central angle of 14°05'27" and a chord of 1,436.17 feet, bearing S.24°07'43"E., to a Point of Tangency; thence (3) S.17°05'00"E., 1,182.48 feet to the north boundary of the South 1/2 of said Section 14; thence (4) continue S.17°05'00"E., 2,546.63 feet to a Point of Curvature; thence (5) southerly 197.21 feet along the arc of a curve concave to the west, having a radius of 2824.79 feet, a central angle of 04°00'00", and a chord of 197.17 feet, bearing S.15°05'00"E., to a Point of Tangency; thence (6) S.13°05'00"E., 23.35 feet to the north boundary of said Section 23; thence (7) continue S.13°05'00"E., 393.93 feet to a Point of Curvature; thence (8) southerly, 509.67 feet along the arc of a curve concave to the west, having a radius of 2,690.79 feet, a central angle of 10°51'09" and a chord of 508.91 feet, bearing S.07°39'25"E., to a Point of Tangency; thence (9) S.02°13'51"E., 1285.25 feet to a Point of Curvature; thence (10) southerly 430.48 feet along the arc of a curve concave to the west, having a radius of 591.50 feet, a central angle of 41°41'54", and a chord of 421.04 feet, bearing S.18°37'06"W., to a Point of Tangency; thence (11) S.39°28'02"W., 79.15 feet to the south boundary of the North 1/2 of said Section 23; thence N.89°31'12"W., along said south boundary of the

and correct copy.

North 1/2 of said Section 23, 2688.71 feet to the southeast corner of the Northeast 1/4 of said Section 22; thence N.89°52'06"W., along the south boundary of the Northeast 1/4 of said Section 22, 2659.65 feet to the southwest corner of the Northeast 1/4 of said Section 22; thence, N.00°04'03"E., along the west boundary of the Northeast 1/4 of said Section 22, 2640.37 feet to the northwest corner of the Northeast 1/4 of said Section 22; thence N.89°41'22"W., along the south boundary of the Southwest 1/4 of said Section 15, 2663.36 feet to the southeast corner of said Section 16; thence N.88°55'23"W., along the south boundary of the Southeast 1/4 of said Section 16, 2662.64 feet to the southwest corner of the Southeast 1/4 of said Section 16; thence N.00°20'40"E., along the west boundary of the South 1/2 of the Southeast 1/4 of said Section 16, 1321.08 feet to the northwest corner of said South 1/2 of the Southeast 1/4 of said Section 16; thence S.89°01'35"E., along the north boundary of said South 1/2 of the Southeast 1/4 of said Section 16, 2653.94 feet to the southwest corner of the North 1/2 of the Southwest 1/4 of said Section 15; thence N.00°01'49"W., along the west boundary of the North 1/2 of the Southwest 1/4 of said Section 15, 1324.45 feet to the northwest corner of said North 1/2 of the Southwest 1/4 of said Section 15; thence S.89°33'34"E., along the north boundary of the Northwest 1/4 of the Southwest 1/4 of said Section 15, 1323.11 feet to the southwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section 15; thence N.00°12'58"W., along the west boundary of said Southeast 1/4 of the Northwest 1/4 of said Section 15, 1329.19 feet to the northwest corner of said Southeast 1/4 of the Northwest 1/4 of said Section 15; thence S.89°24'15"E., along the north boundary of said Southeast 1/4 of the Northwest 1/4 of said Section 15, 1318.83 feet to the northeast corner of the Southeast 1/4 of the Northwest 1/4 of said Section 15; thence N.00°24'11"W., along the west boundary of the Northeast 1/4 of said Section 15, 1325.67 feet of the northwest corner of the Northeast 1/4 of said Section 15; thence S.89°14'51"E., along the north boundary of said Northeast 1/4 of said Section 15, 2629.12 feet to the Point of Beginning.

AND:

A parcel of land in Section 13, 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being particularly described as follows:

Certified as true and correct copy.

Commence at the northwest corner of said Section 13 for the Point of Beginning; thence S.89°59'52"E., along the north boundary of the Northwest 1/4 of said Section 13, 2092.11 feet; thence S.02°47'30"E., 2454.35 feet; thence S.89°55'07"E., 302.40 feet to the northwesterly right-of-way boundary of Bruce Downs Boulevard, County Road No. 581, (Department of Transportation Section No. 10590-151); thence S.41°45'28"W., along said northwesterly right-of-way boundary, 267.43 feet to the north boundary of the Southwest 1/4 of said Section 13; thence continue S.41°45'28"W., along said northwesterly right-of-way boundary, 3,348.94 feet to the west boundary of said Southwest 1/4 of Section 13; thence

continue S.41°45'28"W., along said northwesterly right-of-way boundary, 195.29 feet to the north boundary of said Section 23; thence continue S.41°45'28"W., along said northwesterly right-of-way boundary 698.51 feet; thence N.48°14'32"W., 36.90 feet to the beginning of the Limited Access right-of-way boundary of Ramp "D" for State road No. 93-A (Interstate Route No. 75), Department of Transportation Section No. 10075-2418; thence along said Limited Access right-of-way boundary the following nine (9) courses: (1) S.41°45'28"W., 405.26 feet; thence (2) S.45°34'19"W., 462.96 feet; thence (3) S.69°56'37"W., 178.27 feet; thence (4) N.61°18'47"W., 178.27 feet; thence (5) N.36°56'27"W., 298.36 feet; thence (6) N.34°39'01"W., 385.59 feet to a Point of Curvature; thence (7) northwesterly, 520.43 feet along the arc of a curve concave to the northeast having a radius of 1815.86 feet, a central angle of 16°25'16" and a chord of 518.65 feet bearing N.26°26'23"W., to a Point of Tangency; thence (8) N.18°13'45"W., 100.70 feet to the south boundary of said Section 14; thence (9) continue N.18°13'45"W., 1098.60 feet to the end of the Limited Access right-of-way boundary of said Ramp "D"; thence along the Limited Access right-of-way boundary of State Road No. 93-A the following four (4) courses: (1) N.17°05'00"W., 1679.15 feet to the south boundary of the North 1/2 of said Section 14; thence (2) continue N.17°05'00"W., 1309.41 feet to a Point of Curvature; thence (3) northwesterly 1,448.92 feet along the arc of a curve concave to the southwest having a radius of 5,891.58 feet, a central angle of 14°05'27" and a chord of 1,445.28 feet bearing N.24°07'43"W., to a Point of Tangency; thence (4) N.31°10'27"W., 88.11 feet to the north boundary of Northwest 1/4 of said Section 14; thence S.89°45'44"E., along said north boundary of the Northwest 1/4 of said Section 14, 1,315.97 feet to the North 1/4 corner of said Section 14; thence S.89°45'38"E., along the north boundary of the Northeast 1/4 of said Section 14, 2,644.57 feet to the Point of Beginning.

Altogether containing 1754.032 acres, more or less.

Certified as true and correct copy.

EXHIBIT "B"
REVISED
TAMPA TECHNOLOGY PARK
LEGAL DESCRIPTION

All of the following described property lying north and west of the westerly right-of-way of Interstate 75:

All that portion of the Northwest 1/4 and the Northeast 1/4 of Section 13 lying northwesterly of State Road 581.

LESS:

A parcel of land in Section 13, Township 27 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the northeast corner of said Section 13, thence along the north boundary of said Section 13, N.89°59'52"W., 423.40 feet for a Point of Beginning; thence continue along said North boundary, N.89°59'52"W., 2610.00 feet; thence S.02°47'30"E., 2454.35 feet; thence S.89°55'07"E., 302.40 feet to a point of intersection with the northwesterly right-of-way boundary of Bruce Downs Blvd. (County Road No. 581, former State Road No. 581) (D.O.T. Section No. 10590-151); thence along said northwesterly right-of-way boundary the following (2) two courses: (1) thence N.41°45'28"E., 3245.90 feet to a point of curvature; (2) thence 40.25 feet along the arc of a curve concave to the northwest, having a radius of 1332.40 feet, a central angle of 01°43'51", chord bearing and distance No.40°53'32"E., 40.25 feet to the Point of Beginning.

AND:

All that portion of the Southwest 1/4 of Section 13 lying northwesterly of State Road 581.

AND:

The South 1/2 of Section 14, less that small portion thereof lying in State Road 581, and less that part lying west of Frontage Road "C" which is adjacent to Interstate 75 (State Road 93A) (D.O.T. Section No. 100765-2418); and the Northwest 1/4 of Section 23; and all that portion of the Northeast 1/4 of Section 23 lying northwesterly of State Road 581; and also less I-75 and Ramps C & D (As described in O.R. 3807, P. 139 - Public Records of Hillsborough, Florida).

AND:

All that portion of the North 1/2 of Section 14 less that part taken by Eminent Domain Suit Styled: Division of Administration, State of Florida Department of Transportation vs. Rencroft Incorporated et al, bearing Circuit Court Case No. 79-12060-F.

AND:

The Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 and the North 1/2 of the Southwest 1/4 and the North 1/2 of the Southeast 1/4 of Section 15.

Certified as true and correct copy.

AND:

The South 1/2 of the Southeast 1/4 of Section 16.

AND:

The South 1/4 of Section 15 and that part of the South 1/2 of Section 14 lying west of Frontage Road "C", which is adjacent to Interstate 75 (State Road No. 93A) (D.O.T. Section No. 10075-2418).

AND:

The Northeast 1/4 of Section 22

All lands described above lying and being in Township 27 South, Range 19 East, Hillsborough County, Florida. Altogether containing 1,754.032 acres, more or less.

All being more particularly described as follows:

A parcel of land in Sections 14, 15, 16, 22 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 14 for the Point of Beginning; thence S.89°45'44"E., along the north boundary of the Northwest 1/4 of said Section 14, 855.53 feet to the west right-of-way boundary of Frontage Road "C" (an 80.00 feet wide right-of-way) as recorded in O.R. Book 3807, Page 139, Public Records of Hillsborough County, Florida; thence along said west right-of-way boundary, the following eleven (11) courses: (1) S.31°10'27"E., 334.83 feet to a Point of Curvature; thence (2) Southeasterly 1,349.57 feet along the arc of a curve concave to the southwest, having a radius of 5,487.58 feet, a central angle of 14°05'27" and a chord of 1,436.17 feet, bearing S.24°07'43"E., to a Point of Tangency; thence (3) S.17°05'00"E., 1,182.48 feet to the north boundary of the South 1/2 of said Section 14; thence (4) continue S.17°05'00"E., 2,546.63 feet to a Point of Curvature; thence (5) southerly 197.21 feet along the arc of a curve concave to the west, having a radius of 2824.79 feet, a central angle of 04°00'00", and a chord of 197.17 feet, bearing S.15°05'00"E., to a Point of Tangency; thence (6) S.13°05'00"E., 23.35 feet to the north boundary of said Section 23; thence (7) continue S.13°05'00"E., 393.93 feet to a Point of Curvature; thence (8) southerly, 509.67 feet along the arc of a curve concave to the west, having a radius of 2,690.79 feet, a central angle of 10°51'09" and a chord of 508.91 feet, bearing S.07°39'25"E., to a Point of Tangency; thence (9) S.02°13'51"E., 1285.25 feet to a Point of Curvature; thence (10) southerly 430.48 feet along the arc of a curve concave to the west, having a radius of 591.50 feet, a central angle of 41°41'54", and a chord of 421.04 feet, bearing S.18°37'06"W., to a Point of Tangency; thence (11) S.39°28'02"W., 79.15 feet to the south boundary of the North 1/2 of said Section 23; thence N.89°31'12"W., along said south boundary of the

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North 1/2 of said Section 23, 2688.71 feet to the southeast corner of the Northeast 1/4 of said Section 22; thence N.89°52'06"W., along the south boundary of the Northeast 1/4 of said Section 22, 2659.65 feet to the southwest corner of the Northeast 1/4 of said Section 22; thence, N.00°04'03"E., along the west boundary of the Northeast 1/4 of said Section 22, 2640.37 feet to the northwest corner of the Northeast 1/4 of said Section 22; thence N.89°41'22"W., along the south boundary of the Southwest 1/4 of said Section 15, 2663.36 feet to the southeast corner of said Section 16; thence N.88°55'23"W., along the south boundary of the Southeast 1/4 of said Section 16, 2662.64 feet to the southwest corner of the Southeast 1/4 of said Section 16; thence N.00°20'40"E., along the west boundary of the South 1/2 of the Southeast 1/4 of said Section 16, 1321.08 feet to the northwest corner of said South 1/2 of the Southeast 1/4 of said Section 16; thence S.89°01'35"E., along the north boundary of said South 1/2 of the Southeast 1/4 of said Section 16, 2653.94 feet to the southwest corner of the North 1/2 of the Southwest 1/4 of said Section 15; thence N.00°01'49"W., along the west boundary of the North 1/2 of the Southwest 1/4 of said Section 15, 1324.45 feet to the northwest corner of said North 1/2 of the Southwest 1/4 of said Section 15; thence S.89°33'34"E., along the north boundary of the Northwest 1/4 of the Southwest 1/4 of said Section 15, 1323.11 feet to the southwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section 15; thence N.00°12'58"W., along the west boundary of said Southeast 1/4 of the Northwest 1/4 of said Section 15, 1329.19 feet to the northwest corner of said Southeast 1/4 of the Northwest 1/4 of said Section 15; thence S.89°24'15"E., along the north boundary of said Southeast 1/4 of the Northwest 1/4 of said Section 15, 1318.83 feet to the northeast corner of the Southeast 1/4 of the Northwest 1/4 of said Section 15; thence N.00°24'11"W., along the west boundary of the Northeast 1/4 of said Section 15, 1325.67 feet of the northwest corner of the Northeast 1/4 of said Section 15; thence S.89°14'51"E., along the north boundary of said Northeast 1/4 of said Section 15, 2629.12 feet to the Point of Beginning.

AND:

A parcel of land in Section 13, 14 and 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being particularly described as follows:

Commence at the northwest corner of said Section 13 for the Point of Beginning; thence S.89°59'52"E., along the north boundary of the Northwest 1/4 of said Section 13, 2092.11 feet; thence S.02°47'30"E., 2454.35 feet; thence S.89°55'07"E., 302.40 feet to the northwesterly right-of-way boundary of Bruce Downs Boulevard, County Road No. 581, (Department of Transportation Section No. 10590-151); thence S.41°45'28"W., along said northwesterly right-of-way boundary, 267.43 feet to the north boundary of the Southwest 1/4 of said Section 13; thence continue S.41°45'28"W., along said northwesterly right-of-way boundary, 3,348.94 feet to the west boundary of said Southwest 1/4 of Section 13; thence

Certified as true
and correct copy.

continue S.41°45'28"W. along said northwesterly right-of-way boundary, 105.29 feet to the north boundary of said Section 23; thence continue S.41°45'28"W., along said northwesterly right-of-way boundary 698.51 feet; thence N.48°14'32"W., 36.90 feet to the beginning of the Limited Access right-of-way boundary of Ramp "D" for State road No. 93-A (Interstate Route No. 75), Department of Transportation Section No. 10075-2418; thence along said Limited Access right-of-way boundary the following nine (9) courses: (1) S.41°45'28"W., 405.26 feet; thence (2) S.45°34'19"W., 462.96 feet; thence (3) S.69°56'37"W., 178.27 feet; thence (4) N.61°18'47"W., 178.27 feet; thence (5) N.36°56'27"W., 298.36 feet; thence (6) N.34°39'01"W., 385.59 feet to a Point of Curvature; thence (7) northwesterly, 520.43 feet along the arc of a curve concave to the northeast having a radius of 1815.86 feet, a central angle of 16°25'16" and a chord of 518.65 feet bearing N.26°26'23"W., to a Point of Tangency; thence (8) N.18°13'45"W., 100.70 feet to the south boundary of said Section 14; thence (9) continue N.18°13'45"W., 1098.60 feet to the end of the Limited Access right-of-way boundary of said Ramp "D"; thence along the Limited Access right-of-way boundary of State Road No. 93-A the following four (4) courses: (1) N.17°05'00"W., 1679.15 feet to the south boundary of the North 1/2 of said Section 14; thence (2) continue N.17°05'00"W., 1309.41 feet to a Point of Curvature; thence (3) northwesterly 1,448.92 feet along the arc of a curve concave to the southwest having a radius of 5,891.58 feet, a central angle of 14°05'27" and a chord of 1,445.28 feet bearing N.24°07'43"W., to a Point of Tangency; thence (4) N.31°10'27"W., 88.11 feet to the north boundary of Northwest 1/4 of said Section 14; thence S.89°45'44"E., along said north boundary of the Northwest 1/4 of said Section 14, 1,315.97 feet to the North 1/4 corner of said Section 14; thence S.89°45'38"E., along the north boundary of the Northeast 1/4 of said Section 14, 2,644.37 feet to the Point of Beginning.

Altogether containing 1754.032 acres, more or less.

AND: (The USAA property)*

DESCRIPTION: A parcel of land in Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

From the Southwest corner of the Northwest 1/4 of said Section 23, run thence S.89°30'00"E., 939.98 feet along the South boundary of said Northwest 1/4 of Section 23 to the POINT OF BEGINNING; thence continue along said South boundary S.89°30'00"E., 1748.61 feet to a point on the curved boundary of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, as Recorded in Plat Book 68, Page 52, Public Records of Hillsborough County, Florida; thence along said boundary the following five (5) courses: 1) Southwesterly, 384.46 feet along the arc of a curve to the right having a radius of 725.00 feet and a central angle of 28°48'11" (chord bearing S.54°45'47"W., 380.64 feet) to a point of tangency; 2) S.69°09'52"W., 198.98 feet to a point of curvature; 3) Southwesterly, 86.30 feet along the arc of a curve to the left having a radius of 220.00 feet and a central angle of 22°28'31" (chord bearing S.57°55'36"W., 85.75 feet); 4) S.65°33'00"W., 624.10 feet; 5) S.87°41'28"W., 679.25 feet to a point on the East right-of-way line of Commerce Park Boulevard shown on said plat of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1; thence along said East right-of-way the following three (3) courses: 1) N.16°04'00"E., 44.82 feet to a point on a non-tangent curve; 2) Northeasterly, 385.58 feet along the arc of a curve to the left having a radius of 2098.00 feet and a central angle of 09°59'00" (chord bearing N.05°42'39"E., 385.10 feet) to a point of tangency; 3) N.00°43'09"E., 218.98 feet to the POINT OF BEGINNING.

*24.68 acres of this parcel are reserved for Recreation and Open Space uses.

Certified as true and correct copy.

LESS:

DESCRIPTION: A parcel of land in Section 22, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

From the Southeast corner of the Northeast 1/4 of said Section 22, run thence N.89°52'54"W., 1014.52 feet along the South boundary of said Northeast 1/4 of Section 22 to the POINT OF BEGINNING; thence continue along said South boundary, N.89°52'54"W., 1645.13 feet to Southwest corner of said Northeast 1/4 of Section 22; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 681.12 feet; thence S.89°55'54"E., 242.68 feet; thence S.50°13'02"E., 512.61 feet; thence N.50°52'31"E., 518.31 feet; thence S.66°08'17"E., 43.74 feet; thence S.33°46'53"E., 32.57 feet; thence S.87°41'55"E., 34.29 feet; thence S.14°38'10"W., 166.29 feet; thence S.32°58'36"E., 111.60 feet; thence N.80°32'04"E., 56.96 feet; thence S.44°29'40"E., 329.75 feet; thence S.51°57'53"E., 25.34 feet; thence S.89°52'54"E., 187.56 feet; thence S.00°07'06"W., 140.76 feet to the POINT OF BEGINNING

Containing 17.341 acres, more or less.

OFFICE OF CITY CLERK THIRD FLOOR, CITY HALL, TAMPA, FLORIDA 33602 • 813/223-8396

FRANCES HENRIQUEZ
City Clerk

December 22, 1986

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

RE: Petition No: 9466-A
Petitioner: Tampa Technology Park

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,

Frances Henriquez
City Clerk

FH/nt

Enclosure:

CERTIFIED MAIL

cc: Susan Swift, Land Development Coordination

ORDINANCE NO. 9466-A

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, AMENDING ORDINANCE 9359-A, A DEVELOPMENT ORDER ISSUED PURSUANT TO CHAPTER 380.06, FLORIDA STATUTES, FOR THE TAMPA TECHNOLOGY PARK, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, WOOD & COMPANY, INC., (the "Developer") filed an Application for Development Approval of a Development of Regional Impact ("DRI"); and

WHEREAS, on September 11, 1986, the City of Tampa (the "City") adopted Ordinance No. 9359-A, which is the Development Order ("Order") issued by the City pursuant to Chapter 380, Florida Statutes, for the Tampa Technology Park, a DRI; and

WHEREAS, the Developer, the Tampa Bay Regional Planning Council ("TBRPC") and the Florida Department of Community Affairs ("DCA") have requested certain amendments to the Order; and

WHEREAS, the public notice requirements of Chapter 380.06(19)(F), Florida Statutes, have been satisfied; and

WHEREAS, the City Council has on December 4, 1986, held a duly noticed public hearing on the requested amendment and has heard and considered testimony and documents received thereon; and

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

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the amendment hearing on the subject Order 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 first amendment to the Order. The conditions of development shall be amended as set forth herein.

Section 2. That the City Council, having received all related comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, Florida Statutes regarding substantial deviations, finds that there is substantial competent evidence to support the following findings of fact:

A. That the proposed amendment to the Order does not constitute a substantial deviation and therefore no further development-of-regional-impact review is necessary.

B. That the proposed amendment to the Order is consistent with the adopted local comprehensive plan.

C. That the development proposed in the proposed amendment will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.

D. That this Ordinance is consistent with the report and recommendations of TBRPC and DCA and satisfies the provisions of Sections 380.06(15) and (19), Florida Statutes, as amended.

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 laws and regulations, and based upon the record in these proceedings, the Developer and the various departments of the City are authorized to conduct development as described in the Order and as amended herein.

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

Section 4. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Order is hereby amended as follows:

Section 2.E. of the Order is hereby amended to read as follows:

That the proposed development is consistent with the adopted local comprehensive plan and the zoning code of the City.

Section 4.C. of the Order is hereby amended to read as follows:

Transportation Conditions. The following conditions are established for purposes of mitigating impacts of this development on regional transportation facilities. Issuance of development permits by the City for the project shall require a determination by the City of compliance with the conditions set forth herein.

1. Responsible Entities. For the purposes of this Order, the Developer is considered as one of a number of possible responsible entities regarding the mitigation of the transportation impacts of the project.

2. Funding Commitments. For the purposes of this Order, funding commitments can be (at the Developer's option, and with the approval of the City which shall not be unreasonably withheld) either in the form of financial contributions, contributions in aid of construction, or Developer's commitments for actual construction, actual (or committed for in a binding contractual form) construction by any public or private entity, or the placement of improvements in the Transportation Improvements Work Programs of the City, Hillsborough County (the "County"), or the State of Florida (the "State"), or any combination of the foregoing.

3. Development Approval. The total development for which approval is granted by this Order is set forth below:

i. Phase I-Specific Approval

Commercial/Office	522,300 sq. ft.
Hotel	480 rooms
Office	2,504,700 sq. ft.
High Tech/Lt. Industrial	4,965,840 sq. ft.
Government Services	58,000 sq. ft.

ii. Phase II-Conceptual Approval

Commercial/Office	364,500 sq. ft.
Hotel	360 rooms
Office	1,960,200 sq. ft.
High Tech/Lt. Industrial	3,789,720 sq. ft.

iii. Phase III-Conceptual Approval

Commercial/Office	374,300 sq. ft.
Hotel	360 rooms
Office	1,936,000 sq. ft.
High Tech/Lt. Industrial	3,731,340 sq. ft.

Phase I development, for which specific approval has been granted, is conditioned upon the mitigation of transportation impacts under Section 4.C.4. Mitigation of Transportation Impacts and upon compliance with the provisions of this Order. Development under Phases II and III, for which conceptual approval has been granted, is conditioned upon new Chapter 380, F.S. review(s) in accordance with Section 4.U.2. Effect of Approval.

4. Mitigation of Transportation Impacts. The Developer shall (subject to the approval of the City which shall not be unreasonably withheld and submittal to TBRPC and DCA for verification of compliance with this Order) have the option of proceeding with the development of any Phase, subphase, or any subphases of the project, for which specific approval have been granted (i.e., Phase I), under the conditions set forth in either Section 4.C.4.a. Subphasing, 4.C.4.b. Monitoring, 4.C.4.c. Construction, 4.C.4.d. Square Footage Assessment, or 4.C.7. Areawide Funding, below, individually, or in combination with one another, with respect to mitigating the project's transportation impacts.

a. Subphasing. Under this option, unless the Developer elects to subphase as described later in this Section 4.C.4.a., funding commitments will be required for all regionally significant improvements listed in Exhibit "C" prior to the commencement of Phase I development. Due to this requirement of funding commitments, the Developer may elect to proceed on a subphasing basis under the square footage thresholds identified in Exhibit "C". For the purposes of this Order, the square footage thresholds in Exhibit "C" shall be computed with reference to building permits issued by the City.

Prior to the commencement of development beyond any particular square footage threshold, the improvements identified in Exhibit "C" as being associated with the next succeeding threshold must be the subject of funding commitments from responsible entities, where those facilities operate below LOS C daily, LOS D peak hour and the development contributes five percent (5%) or more of the then existing LOS C daily and LOS D peak hour capacity of the facility. Without funding commmitments for these improvements, a "stop order" shall result and construction permits shall not be issued where project activity (together with projected activity) has exceeded the square

footage thresholds associated in Exhibit "C" with improvements which are the subject of funding commitments.

In the event a stop order occurs due to either the requirement of funding commitments under this Section 4.C.4.a. or actual construction under Section 4.C.14.b Minimum Staging Requirements, a new Section 380.06, F.S., traffic analysis may be submitted, or, if permitted by the City, monitoring may be utilized to demonstrate that the actual and projected impacts of the project are such that development may proceed beyond the thresholds identified in Exhibit "C" while maintaining the above referenced levels of service on the affected regionally significant facility. The results of any such monitoring program shall be submitted to TBRPC and DCA for verification of compliance with this Order. At the Developer's request, the square footage thresholds listed in Exhibit "C" shall then be adjusted as appropriate.

b. Monitoring. In the event that funding commitments for transportation improvements are adequate to permit only the development of any portion of any particular phase or subphase described in Exhibit "C", or the construction requirements of Section 4.C.14.b. Minimum Staging Requirements have resulted in a stop order, the Developer shall have the option to submit to the City, the Tampa Urban Area MPO, the State, and the TBRPC pursuant to Section 380.06, Florida Statutes, with updated traffic counts on the uncommitted regionally significant roadways listed in Exhibit "C". The Developer shall further submit projections of traffic volumes that will result from the completion of the currently approved project construction plus the volumes to be generated by the next portion of development for which the Developer is seeking approval. Each updated traffic study shall either serve to verify the findings of the DRI traffic analysis (which established the initial subphasing thresholds described in Exhibit "C") or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the facilities referenced in Exhibit "C" at LOS C, daily and LOS D, peak hour. Both traffic counts and the projection of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approvals beyond the particular phase or subphase in question, the City of its designee shall state in writing that the facilities listed in Exhibit "C" are operating at or above LOS C, daily and LOS D, peak hour and that the expected trips to be generated by such approval would not cause the roadways to operate below these standards.

c. Construction. Developer, at its election, shall make contributions to the City, who shall expeditiously apply such contributions, or may make such contributions available for the use of other

responsible entities, to undertake studies and projects that will serve to mitigate the impacts of this project. Eligible activities may include planning, design, right of way acquisition, and construction of improvements recommended by TBRPC, as indicated in Exhibit "C", or such alternative studies or improvements as the City determines to provide equal or greater mitigation of transportation impacts on the regional transportation system. Any contributions made under this Section 4.C.4.c. shall be credited as appropriate against the Developer's obligation to make payments under Sections 4.C.4.d. Square Footage Assessment, or 4.C.7. Area-wide Funding.

d. Square Footage Assessment. As the funding commitment for the Stage I and Stage II improvements of Exhibit "C", the Developer, at its election, shall pay to the City the per square foot transportation assessments set forth in Exhibit "D" which is made a part of this Order by reference. Payments shall be made under this Section 4.C.4.d. at the time of the issuance of building permits. Funds collected under this Section 4.C.4.d. shall be expeditiously applied toward the construction of one or more of the regionally significant improvements (as determined by the City) located in the project's transportation impact area. Payments under this Section 4.C.4.d. shall be credited as appropriate against the Developer's obligation to make payments under Section 4.C.7. Areawide Funding. The fees set forth in Exhibit "D" shall be adjusted according to the results of the City's North Tampa Study.

5. Credits. Credit shall be given against the Developer's obligations under Section 4.C.4. Mitigation of Transportation Impacts for the donation of land for right of way to the extent permitted by Chapter 380.06 (15)(e)(4), including right of way donated for purposes of receiving zoning or plat approval. The amount of right of way donation credit shall be based upon the amount of right of way cost which was initially included to compute the Developer's obligations under the appropriate Section above. Eligible rights of way shall be those rights of way identified in the City's North Tampa Transportation Study and any other rights of way deemed appropriate by the City. Any credits to be applied against the Developer's obligations under Sections 4.C.4.d. Square Footage Assessment or 4.C.7. Areawide Funding shall, unless the Developer elects otherwise, be credited against the Developer's next succeeding payments otherwise due under the above referenced Sections. In the event that the Federal government, directly, or by way of the FDOT or other governmental entity, should allocate funds in an approved transportation program to cover the costs of constructing improvements for I-75 or any Interstate interchange listed in Exhibit "C", then the Developer's obligations under Section 4.C.4. Mitigation of Transportation Impacts shall be reduced by the amount attributable to such improvements.

6. Use of Developer Contributions. The City shall insure that funding commitments from responsible entities, including the Developer's contributions, are secured for the improvements listed in Exhibit "C". The City agrees to hold all contributions received from the Developer, whether received under Sections 4.C.4.c. Construction, 4.C.4.d. Square Footage Assessment, 4.C.7. Areawide Funding, or 4.C.14. Minimum Staging Requirements in escrow and to expeditiously apply the same to construct one or more of the improvements identified in Exhibit "C". Said funds shall be released upon furnishing evidence, satisfactory to the City, that such governmental entity has committed to construct the applicable transportation improvement(s). The design for improvements shall be reviewed and approved, as appropriate, by FDOT, Hillsborough County, and the City, with 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 agencies and the City, be modified in a manner intended to accomplish acceptable operating conditions at the identified locations utilizing generally recognized traffic engineering standards and practices.

7. Areawide Funding. The City is currently conducting the North Tampa Transportation Study described in Section 4.C.11. North Tampa Transportation Study. Upon adoption by ordinance of uniform funding mechanisms as a result of this study, the Developer shall be governed by such ordinances. Payments under this Section 4.C.7. shall be credited, as appropriate, against the Developer's obligations under other Sections of this Section 4.C. Appropriate credits against payments otherwise due under this Section 4.C.7. shall be given for any sums paid, for rights of way donated, or improvements constructed pursuant to this Order, or the Transportation Impact Fee Ordinance as adopted by the City. This Section 4.C.7. is intended to be only a funding mechanism to address the transportation impacts of the project and is not intended to supersede the square footage thresholds of Exhibit "C", the requirements of Section 4.C.4.a. Subphasing, or the requirements of Section 4.C.14. Minimum Staging Requirements. If the payments made under this Section 4.C.7. are greater than or equal to the payments under Section 4.C.4.d. Square Footage Assessment for the Stage I and Stage II improvements, then this Section 4.C.7. shall also be deemed to be a funding commitment for Stage I and Stage II.

8. Subsequent Changes. In the event that any Developer or City transportation studies subsequently submitted pursuant to this Order establish that certain of the improvements referenced in Exhibit "C" should no longer be considered as a factor in the Developer's requirement for funding commitments because project traffic does not equal or exceed five percent (5%) of the daily LOS C or LOS D peak hour capacity of the specific roadway link or intersection, or project traffic, plus total background traffic on the roadway segment does not result in a reduction of LOS to LOS D or

worse on a daily basis or LOS E or worse on a peak hour basis, or if the project is determined by the City and TBRPC to be located in a regional activity center, deemed highly suitable for office use, or in an area otherwise designated for alternative levels of service in accordance with City and TBRPC policies, then the Developer's requirement for funding commitments, together with the schedule of improvements listed in Exhibit "C" shall be adjusted as appropriate, at the Developer's request. If the City, TBRPC, and/or DCA subsequently adopt policies which authorize the use of other mitigative measures for the transportation impacts of projects, the Developer shall be entitled to employ such measures by requesting an amendment to this Order. Such amendment shall be subject to the appeal provisions of Section 380.06, F.S., but such appeal shall be limited solely to the issue of the requested amendment.

9. TSM Plan. Within one (1) year from the effective date of this Order, the Developer shall prepare and submit to the City, TBRPC, TAUTS, the State, 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 the reduction of total peak hour trips being generated by project uses as estimated in the ADA, and shall set forth strategies for accomplishing those objectives, considering the following as a minimum:

a. worker flex time;

b. ride sharing;

c. provision of transit facilities and programs to encourage transit ridership; and

d. other appropriate trip diversion measures.

The objectives for reduction of peak hour trips as set forth in the TSM plan may serve as a basis for the Developer or reviewing agencies to request amendments to this Order; provided, however, that the traffic impact caused by the project is greater than the impacts projected in the ADA. Each annual report for this project after the issuance of certificates of occupancy for 300,000 square feet of office space or the equivalent thereof in other uses, shall include an assessment of the actual achievement of peak hour trip diversion as a result of these TSM measures. This assessment shall include sufficient and appropriate documentation to support determinations of reductions claimed as a result of each TSM strategy.

10. Periodic Traffic Analysis. To assure the accuracy of the transportation analysis submitted with the ADA, field surveys and a report of findings shall be conducted to determine actual vehicle and transit trips being generated by the project every two (2) years after the initial certificates of occupancy are issued through project built-out as part of the Annual Report. This survey and report shall be conducted by the Developer and shall be approved by the City, the Tampa Urban Area MPO, the State, and TBRPC. After review of the survey and the report

findings, the reviewing agencies or Developer may require that the Order be revised accordingly; provided, however, that the reviewing agencies may require the revision of the Order only in the event that project traffic impacts are greater than the impacts projected in the initial traffic analysis.

11. North Tampa Transportation Study. The North Tampa Transportation Study has been initiated for an area which includes the project. The study will provide the opportunity for participation by the FDOT, TBRPC, Hillsborough County, and Pasco County, and has provided the opportunity for the participation of Developers in the study area. The study includes, but is not limited to:

    a. an inventory of regionally significant roadways in the study area which identifies the existing, programmed, and/or proposed facilities for each roadway;

    b. an inventory of existing, approved, and projected development in the study area;

    c. estimates of future traffic on regionally significant roadways;

    d. an assessment of existing roadway operating conditions and an estimate of future operating conditions on the regionally significant roadways;

    e. the manner by which mass transit will be studied as a viable alternative to alleviate overburdening of roadways;

    f. 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 systems capacity through roadway improvement, new roadway construction, or operational techniques, as appropriate; and

    g. proposals for implementing the above strategies, including identification of funding sources and mechanisms.

    The study is being conducted consistent with accepted professional traffic planning and engineering practices and methods. Standards and assumptions used in the study area are described in the study document. The study findings and recommendations may serve as a basis for the Developer to request amendments to this Order.

12. FDOT Special Study. The FDOT will perform a special study of I-75 which will include an analysis of traffic flow from anticipated developments, along with the need, general location, and function of additional interchanges. No additional lanes, new interchanges, or modifications of existing interchanges (other than the installation of dual left turn receiving lanes or other minor geometric changes for the purpose of improving traffic service on C.R. 581) to the I-75 system will be approved prior to the completion of this special study. The improvements listed in

Exhibit "C" which are affected by this policy are listed below and are hereinafter referred to as "I-75 Improvements":

a. interchange modifications at I-75 and C.R. 581; and

b. interchange at East/West Arterial and I-75.

Pending the completion of this special study, a level of service LOS C daily, LOS C peak hour will be applied to the existing C.R. 581/I-75 interchange ramps to avoid prejudicing the results of this study and its recommendations. If, during the study period, the LOS C peak hour threshold is exceeded on the southbound ramp, the Developer may, at its expense, utilize ramp metering to preserve the LOS C peak hour service level. Building permits will not be issued if ramp metering is not permitted by the Federal Highway Administration and alternative improvements which can be demonstrated, by way of a new traffic analysis to maintain the desired levels of service are not approved and funded prior to the commencement of construction within any subphase in which the impacts require mitigation via the I-75 improvements. Subsequent applications for project approvals (beyond the point at which the LOS C peak hour thresholds for the southbound ramp) shall be dealt with in accordance with Sections 4.C.4.a. Subphasing, 4.C.4.b. Monitoring, or 4.C.4.d. Construction.

To enable the City and FDOT to ascertain compliance with this Section 4.C.12, the Developer will be required to submit to the City and FDOT a semi-annual LOS Operational Analysis of all existing on/off ramps at the C.R. 581 interchange. The submission dates, scope, and content of this Operational Analysis will be approved by the City and FDOT. If, after an evaluation of such an Operational Analysis, FDOT determines that the LOS C peak hour threshold has been exceeded for any existing on/off ramp, it shall notify the City and the Developer in writing. If the thresholds are exceeded for ramps other than the southbound ramp, the Developer shall submit evidence satisfactory to the City and FDOT to demonstrate that the initial traffic analysis was correct and that project traffic did not require the addition of improvements to the other on/off ramps in Exhibit "C". If it is determined that such ramp(s) should have been included in Exhibit "C", then the language contained in the preceding paragraph shall also apply to the affected ramp(s).

This Section 4.C.12. shall be in effect for the duration of the FDOT study period or for thirty-six months, whichever is earlier.

13. Traffic Reassignment. In the event that future roadways or other improvements, to which traffic from this project has been assigned, are not built as assumed in the methodology used for this analysis, a new analysis and traffic reassignment shall be required, as appropriate.

14. Minimum Staging Requirements. Notwithstanding any other provisions of this Section 4.C., Phase I of the project shall be divided into the "Stages" designated in Exhibit "C". Regardless

of the combination of transportation mitigation measures selected, at any time prior to the initiation of construction in any given Stage, the Developer shall be obligated to elect either to:

a. pay in advance the entire proportionate share contribution for the uncommitted improvements for the Stage in question (e.g., $229,000 as computed for Stage I in accordance with Exhibit "C"); or

b. be subject to stop orders in the event that the improvements listed in Exhibit "C" for the Stage have not been constructed by the end of the Stage.

As a part of this Order, the Developer has elected the first option for Stage I of the Project. These funds shall be used for the construction of a four lane section of C.R. 581 described in Stage I of Exhibit "C" or for such other improvement as may be mutually agreed between the City and DCA. The projected completion date for this improvement shall be prior to the completion of Stage I. Any portion of the Stage I proportionate share contribution remaining after construction of this improvement shall be applied to construct other Stage I improvements as listed in Exhibit "C"; however, should this remaining portion be insufficient for this purpose, it shall be held by the City in accordance with Section 4.C.6. Use of Developer Contributions until such time as it may be applied to construct one or more of the Stage II improvements.

Subsequent elections shall be made in writing to the City, DCA, and TBRPC and if the first option is selected, shall designate the Exhibit "C" improvement(s) which have been, or will be constructed with such funds, together with the cost of such improvement(s) which have been, or will be constructed with such funds, together with the cost of such improvement(s) and the projected completion date. The particular improvement(s) so designated in this election shall be subject to the approval of the City. Any funds paid under the first option shall be expended in accordance with Section 4.C.6. Use of Developer Contributions. The Developer's proportionate share contribution shall be calculated at the time of each election according to the formula set forth in Exhibit "C".

Any election made under this Section 4.C.14. shall automatically become an amendment to the Order which shall be subject to the appeal provisions of Section 380.06, F.S. The basis of any such appeal shall be limited exclusively to the question of whether such election is consistent with the terms of this Order and applicable policies and regulations in effect on the effective date hereof.

Nothing in this Order shall prohibit the City from requiring payments in mitigation of transportation impacts which are greater than those resulting from the application of the formula set forth in Exhibit "C"; provided that such payments are not in excess of the amounts set forth in Section 4.C.4. Mitigation of

Transportation Impacts. Nothing in this Section 4.C.14. shall diminish the requirement of funding commitments of Section 4.C.4.a. Subphasing. Credit shall be given against the project's proportionate share contribution for any sums paid by the Developer in mitigation of the project's transportation impacts under this Order or any other mechanism. Credit shall be given for any payments made under this Section 4.C.14. against the Developer's obligation to make payments under any other provisions of this Order.

Section 4.J. of the Order is hereby amended to read as follows:

Buffer Zones. A plan will be submitted to the City, as part of an application for detailed site plan approval with respect to any areas of the site adjacent to neighboring residential areas, which describes in detail the design, enforcement, maintenance requirements, and timetable for buffer zones to be set between the project and adjacent residential neighborhoods during and after project construction. These buffer zones shall be aesthetically designed to maintain visual, aural, and olfactoral separation from the project. This plan must be accepted by the City before construction of the project may begin in areas within five hundred (500) feet of neighboring residential areas and shall be considered a development order condition, enforceable upon all tenants and owners of the project. At minimum, the design portion of the plan shall discuss setbacks, height limitations, wall, fence and/or landscape requirements, design/access restrictions on building sides facing residential areas, walls to screen side building access areas, and use restrictions.

Section 4.O. of the Order is hereby amended to read as follows:

Wastewater. Wastewater service to the project will be supplied by the City, as described in the Department of Sanitary Sewers' commitment letter dated September 20, 1985 at the standard charges for wastewater service. Connection fees and 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.

Section 12. of the Order is hereby amended to read as follows:

That the Director of HICS is responsible for insuring compliance with this Order and the receipt of the Developer's constibutions required in Section 4.C.4. Mitigation of Transportation Impacts and Section 4.C.14. Minimum Staging Requirements. Monitoring shall be accomplished by review of the Annual Report, Building Permits, Certificates of Occupancy, Plats, if applicable, and by on-site observations.

Exhibit "C" of the Order is hereby amended as described in the revised attached Exhibit "C".

Section 5. That the Developer shall record a notice of adoption of this Ordinance amending the Order as required pursuant to

Chapter 380, Florida Statutes and shall furnish the City Clerk a copy of the recorded notice.

Section 6. 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 DEC 18 1986.

Tom Vann
CHAIRMAN, CITY COUNCIL

APPROVED by me on DEC 18 1986

ATTEST:
Frances Henriquez
CITY CLERK

APPROVED by me on DEC 19 1986

Sandra W. Freedman
MAYOR

Prepared and Approved by:

ASSISTANT CITY ATTORNEY

/ygl2-2-86

STATE OF FLORIDA
LAND AND WATER ADJUDICTORY COMMISSION

IN RE: ORDINANCE NO. 9359-A)
ISSUED BY THE CITY OF TAMPA,)
FLORIDA, APPROVING THE TAMPA)
TECHNOLOGY PARK DEVELOPMENT)
OF REGIONAL IMPACT.)
)

NOTICE OF VOLUNTARY DISMISSAL

Please take notice that Petitioner, Department of Community Affairs, hereby voluntarily dismisses the above-styled petition to the Florida Land and Water Adjudicatory Commission because of the adoption and issuance of an amended development order for the Tampa Technology Park Development of Regional Impact by the City of Tampa City Council on December 18, 1986, and is attached herewith.

Respectfully submitted this 12TH day of January, 1987.

C. Laurence Keesey

David L. Jordan, Sr. Attorney
C. Laurence Keesey, Sr. Attorney
Department of Community Affairs
2571 Executive Center Circle, E.
Tallahassee, Florida 32399
(904)488-0410

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Voluntary Dismissal has been sent by U. S. Mail to the persons listed below this 12TH day of January, 1987.

C. Laurence Keesey
David L. Jordan

Honorable Bob Martinez
Governor
The Capitol
Tallahassee, Florida 32399

Honorable Betty Castor
Commissioner of Education
The Capitol
Tallahassee, Florida 32399

Honorable Bill Gunter
Insurance Commissioner
The Capitol
Tallahassee, Florida 32399

Honorable Gerald Lewis
Comptroller
The Capitol
Tallahassee, Florida 32399

Honorable Doyle Conner
Commissioner of Agriculture
The Capitol
Tallahassee, Florida 32399

Honorable Bob Butterworth
Attorney General
The Capitol
Tallahassee, Florida 32399

Honorable George Firestone
Secretary of State
The Capitol
Tallahassee, Florida 32399

J. Clint Brown, Esq.
Attorney for Wood & Co., Inc.
Post Office Box 1438
Tampa, Florida 33601

Ms. Julia Greene
Executive Director
Tampa Bay Regional Planning Council
9455 Koger Boulevard
Tampa, Florida 33702

Mr. Rex Jenson
Wood & Company, Inc.
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Assistant General Counsel
The Capitol, Room 209
Tallahassee, Florida 32399

Pamela Aiken, Esq.
Attorney for City of Tampa
315 E. Kennedy Blvd., 5th Floor
Tampa, Florida 33602

Roger Tucker, Esq.
Attorney for Tampa Bay Regional Planning Council
9455 Koger Boulevard
Tampa, Florida 33702

Honorable Tom Vann, Chairman
Tampa City Council
315 E. Kennedy
Tampa, Florida 33602

OFFICE OF CITY CLERK THIRD FLOOR, CITY HALL, TAMPA, FLORIDA 33602 • 813/223-8396

FRANCES HENRIQUEZ
City Clerk

September 17, 1986

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

RE: Petition No: DZ85-166
Petitioner: Wood & Company, Inc.
Ordinance No.: 9359-A

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,

Frances Henriquez

Frances Henriquez
City Clerk

FH/nt

Enclosure:

CERTIFIED MAIL

cc: Susan Swift, Land Development Coordination

ORDINANCE NO. 9359-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 WOOD & COMPANY, INC., FOR THE TAMPA TECHNOLOGY PARK, A DEVELOPMENT OF REGIONAL IMPACT: PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 28, 1985, WOOD & COMPANY, INC. ("the Developer") filed an Application for Development Approval (which together with later filed sufficiency responses, 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 (1985), as amended ("Chapter 380"), and Section 43-96.2, City of Tampa Code; and

WHEREAS, the ADA proposes the development of TAMPA TECHNOLOGY PARK, a mixed-use commercial, office, hotel, high technology, light industrial development located on a 1,756 acre site at the intersection of I-75 and C.R. 581; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380 is authorized and empowered to consider ADA's for DRI's; and

WHEREAS, the public notice requirements of Chapter 380, and Section 43-96.2, City of Tampa Code have been satisfied; and

WHEREAS, the City Council has on August 28, 1986, 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 an 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 the development of the Tampa Technology Park, a DRI. The scope of development to be permitted pursuant to this Order includes the land use, operations, and activities described in the ADA and the supporting documents, which by reference are made a part hereof as composite Exhibit "A".

Section 2. That the City Council, having received the above referenced documents, and having received all related

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comments, testimony, and evidence submitted by each party and members of the general public, finds that 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 a part of the composite Exhibit "A", and made a part hereof (including, but not limited to, commitments made by the Developer), to the extent that it is not inconsistent with the terms and conditions of this Order.

C. That the Developer proposes the development of TAMPA TECHNOLOGY PARK, a mixed-use commercial, office, hotel, high technology, and light industrial development with a total site area of 1,756 acres, located at the intersection of I-75 and C.R. 581.

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.

E. That the proposed development is consistent with the adopted local comprehensive plan and that the Developer has submitted an application to the City for the appropriate zoning.

F. That the development will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.

G. That a comprehensive review of the impact generated by the development has been conducted by the City's departments and the TBRPC.

H. That this Order is consistent with the report and recommendations of the TBRPC and satisfies the provisions of Section 380.06(15) Florida Statutes, 1985, as amended.

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 these proceedings, the Developer and the various departments of the City are authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

B. That the review by the City, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, within the terms and conditions of this Order and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

Section 4. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that

the ADA is hereby approved, subject to the following conditions, restrictions, and limitations:

A. Substantial Deviations. Further review, pursuant to Chapter 380, may be required if a substantial deviation, as defined in Section 380.06(19), Florida Statutes, 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. A substantial deviation may occur by failure to comply with the conditions herein, failure to follow the commitments contained in Exhibit "A" (to the extent that such commitments are consistent with this Order), or by activities which are not commenced until after the expiration of the period of 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, 1987, 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 such forms as may from time to time be designated by the State. Such reports 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 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 the following information:

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 that have been sold to a separate entity or developer during the reporting year;

4. Identification of, and intended use of, lands purchased, leased, or optioned by the Developer adjacent to the original DRI site during the reporting year;

5. An assessment of the development's and local government's compliance with conditions of approval contained in this Order, and the commitments contained in the ADA;

6. Any known incremental DRI applications for development approval or request for a substantial deviation determination that were 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(15) and (18), Florida Statutes (1985);

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(15)(f)(1), Florida Statutes (1985);

9. An hourly traffic count for a 24-hour period taken at all established access points to public rights of way, as required by the City;

10. An indication of a change, if any, in local government jurisdiction for any portion of the development during the reporting year;

11. A list of significant local, state, and federal permits which have been obtained, or which are pending, with respect to the reporting year, by agency, type of permit, permit number, and purpose of each;

12. An assessment of the effectiveness of TSM measures as described in Section 4.C.8., below;

13. When applicable, the biennial traffic analysis referenced in Section 4.C.8., below;

14. The information required in Section 4.F. below shall be submitted with the first annual report following the issuance of the first Certificate of Occupancy;

15. A map which designates areas to be set aside in accordance with Section 4.G.2. below;

16. Copies of any Emergency Response and Hazardous Waste Management Operation Plans required to be generated as set forth in Section 4.N.2. below; and

17. A P.M. peak hour traffic volume count on the ramp from C.R. 581 to southbound Interstate I-75.

C. Transportation Conditions. The following conditions are established for purposes of mitigating impacts of this development on regional transportation facilities. Issuance of development permits by the City for the project shall require a determination by the City of compliance with the conditions set forth herein.

1. For the purposes of this Order, the Developer is considered as one of a number of possible responsible entities regarding the mitigation of the transportation impacts of the project.

2. For the purposes of this Order, funding commitments can be (at the Developer's option, and with the approval of the City which shall not be unreasonably withheld) either in the form of financial contributions, contributions in aid of construction, or Developer's commitments for actual construction, actual (or committed for in a binding contractual form) construction by any public or private entity, or the placement of improvements in the Transportation Improvements Work Programs of the City, Hillsborough County (the "County"), or the State of Florida (the "State"), or any combination of the foregoing.

3. The total development for which specific approval is granted by this Order and for which building permits may be obtained under the development regulations applicable to this project is less than the amount of development for which conceptual approval was requested in the ADA. The total development approved is:

i. Phase I-Specific Approval

Commercial/Office	522,300 sq. ft.
Hotel	480 rooms
Office	2,504,700 sq. ft.
High Tech/Lt. Industrial	4,965,840 sq. ft.
Government Services	58,000 sq. ft.

ii. Phase II-Conceptual Approval

Commercial/Office	364,500 sq. ft.
Hotel	360 rooms
Office	1,960,200 sq. ft.
High Tech/Lt. Industrial	3,789,720 sq. ft.

iii. Phase III-Conceptual Approval

Commercial/Office	374,300 sq. ft.
Hotel	360 rooms
Office	1,936,000 sq. ft.
High Tech/Lt. Industrial	3,731,340 sq. ft.

4. The Developer shall (subject to the approval of the City which shall not be unreasonably withheld) have the option of proceeding with the development of any Phase, subphase, or any subphases of the project, for which specific approval have been granted, under the conditions set forth in either Section 4.C.4.a. Subphasing, 4.C.4.b., Monitoring, 4.C.4.c. Proportionate Share Prepayment, 4.C.4.d. Construction, 4.C.4.e. Square Footage Assessment, or 4.C.4.f. Areawide Funding, below, individually, or in combination with one another, with respect to mitigating the project's transportation impacts.

a. Subphasing. Under this option, unless the Developer elects to subphase as described later in this Section 4.C.4.a., funding

commitments will be required for all regionally significant improvements listed in Exhibit "C" prior to the commencement of Phase I development. Due to this requirement of funding commitments, the Developer may elect to proceed on a subphasing basis under the square footage thresholds identified in Exhibit "C". For the purposes of this Order, the square footage thresholds in Exhibit "C" shall be computed with reference to building permits issued by the City. Prior to the commencement of development beyond any particular square footage threshold, the improvements identified in Exhibit "C" as being associated with the next succeeding threshold must be the subject of funding commitments from responsible entities, where those facilities operate below LOS C daily, LOS D peak hour and the development contributes five percent (5%) or more of the then existing LOS C daily and LOS D peak hour capacity of the facility. Without funding commitments for these improvements, construction permits shall not be issued where project activity (together with projected activity) has exceeded the square footage thresholds associated in Exhibit "C" with improvements which are the subject of funding commitments. In the event of a stop order, a new Chapter 380 traffic analysis may be submitted, or, if permitted by the City, monitoring may be utilized to demonstrate that the actual and projected impacts of the project are such that development may proceed beyond the thresholds identified in Exhibit "C" while maintaining the above referenced levels of service on the affected regionally significant facility.

b. Monitoring. In the event that funding commitments for transportation improvements are adequate to permit only the development of any portion of any particular phase or subphase described in Exhibit "C", the Developer shall have the option to submit to the City, the Tampa Urban Area MPO, the State, and the TBRPC pursuant to Section 380.06, Florida Statutes, updated traffic counts on the uncommitted regionally significant roadways listed in Exhibit "C". The developer shall further submit projections of traffic volumes that will result from the completion of the currently approved project construction plus the volumes to be generated by the next portion of development for which the Developer is seeking approval. Each updated traffic study shall either serve to verify the findings of the DRI traffic analysis (which established the initial subphasing thresholds described in Exhibit "C") or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the facilities referenced in Exhibit "C" at LOS C, daily and LOS D, peak hour. Both traffic counts and the projection of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approvals beyond the particular phase or subphase in question, the City or

its designee shall state in writing that the facilities listed in Exhibit "C" are operating at or above LOS C, daily and LOS D, peak hour and that the expected trips to be generated by such approval would not cause the roadways to operate below these standards.

c. Proportionate Share Prepayment. At the Developer's election, the Developer shall pay to the City its proportionate share contribution, as defined in Exhibit "C" and as from time to time adjusted as provided in this Order, of the listed uncommitted regionally significant improvements which relate to any particular subphase or subphases. The Developer shall be entitled to utilize this option only if it shall pay the project's proportionate share contribution for the entire subphase or subphases for which the Developer desires to elect this option prior to the commencement of construction in the affected subphase or subphases. The City shall promptly apply such funds to initiate the construction of one or more of the improvements listed for such subphase or subphases. The Developer shall not, however, be entitled to utilize this option where the project's proportionate share contribution is not greater than or equal to the cost of any of the single listed improvements. The City shall notify TBRPC, DCA, and FDOT concerning the identity, full description, cost, and projected completion date of the improvement. Upon the payment of this proportionate share contribution, the Developer shall be entitled to complete the development of the subphase or subphases to which such proportionate share contribution relates. Payments under this Section 4.C.4.c. shall be credited against the Developer's obligation to make payments under Sections 4.C.4.e. Square Footage Assessment or 4.C.4.f. Areawide Funding.

d. Construction. Developer, at its election, shall make contributions to the City, who shall expeditiously apply such contributions, or may make such contributions available for the use of other responsible entities, to undertake studies and projects that will serve to mitigate the impacts of this project. Eligible activities may include planning, design, right of way acquisition, and construction of improvements recommended by TBRPC, as indicated in Exhibit "C", or such alternative studies or improvements as the City determines to provide equal or greater mitigation of transportation impacts on the regional transportation system. Any contributions made under this Section 4.C.4.d. shall be credited against the Developer's obligation to make payments under Sections 4.C.4.c. Proportionate Share Prepayment (provided that the improvement is contained in the improvement list for the subphase(s) for which Section 4.C.4.c. is being utilized), 4.C.4.e. Square Footage Assessment, or 4.C.4.f. Areawide Funding.

e. Square Footage Assessment. With respect to the Phase I regionally significant improvements whose Exhibit "C" square footage thresholds are less than the earliest of the I-75 Improvements listed in Section 4.C.11., below, the Developer, at its election, shall pay to the City the per square foot transportation assessments set forth in Exhibit "D" which is made a part of this Order by reference. Payments shall be made under this Section 4.C.4.e. at the time of the issuance of building permits. Funds collected under this Section 4.C.4.e. shall be expeditiously applied toward the construction of one or more of the regionally significant improvements (as determined by the City) located in the project's transportation impact area. Payments under this Section 4.C.4.e. shall be credited against the Developer's obligation to make payments under Sections 4.C.4.c. Proportionate Share Prepayment or 4.C.4.f. Areawide Funding. The fees set forth in Exhibit "D" shall be adjusted according to the results of the City's North Tampa Study.

f. Areawide Funding. The City is currently conducting the North Tampa Transportation Study described in Section 4.C.10. Upon adoption by ordinance of uniform funding mechanisms as a result of this study, the Developer shall be governed by such ordinances. Payments under this Section 4.C.4.f. shall be credited against the Developer's obligations under other Sections of this Section 4.C. Appropriate credits against payments otherwise due under this Section 4.C.4.f. shall be given for any sums paid, for rights of way donated, or improvements constructed pursuant to this Order, or the Transportation Impact Fee Ordinance as adopted by the City.

g. Credits. Credit shall be given against the Developer's obligations under this Section 4.C. for the donation of land for right of way, including right of way donated for purposes of receiving zoning or plat approval. The amount of right of way donation credit shall be based upon the amount of right of way cost which was initially included to compute the Developer's obligations under the appropriate Section above. Eligible rights of way shall be those rights of way identified in the City's North Tampa Transportation Study and any other rights of way deemed appropriate by the City. Any credits to be applied against the Developer's obligations under Sections 4.C.4.e. Square Footage Assessment or 4.C.4.f. Areawide Funding shall, unless the Developer elects otherwise, be credited against the Developer's next succeeding payments otherwise due under the above referenced Sections. In the event that the Federal government, directly, or by way of the FDOT or other governmental entity, should allocate funds in an approved transportation program to cover the costs of constructing improvements for I-75 or any

Interstate interchange listed in Exhibit "C", then the Developer's obligations under this Section 4.C.4. shall be reduced by the amount attributable to such improvements.

5. The City shall insure that funding commitments from responsible entities, including the Developer's contributions, are secured for the improvements listed in Exhibit "C". The City agrees to hold all contributions received from the Developer, whether received under Sections 4.C.4.c., 4.C.4.d., 4.C.4.e., or 4.C.4.f., in escrow and to expeditiously apply the same to construct one or more of the improvements identified in Exhibit "C". Said funds shall be released upon furnishing evidence, satisfactory to the City, that such governmental entity has committed to construct the applicable transportation improvement(s). The design for improvements shall be reviewed and approved, as appropriate, by FDOT, Hillsborough County, and the City, with 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 agencies and the City, be modified in a manner intended to accomplish acceptable operating conditions at the identified locations utilizing generally recognized traffic engineering standards and practices.

6. Notwithstanding the foregoing, in the event that the performance by the City of the commitment set forth in Section 4.C.5. 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.

7. In the event that any Developer or City transportation studies subsequently submitted pursuant to this Order establish that certain of the improvements referenced in Exhibit "C" should no longer be considered as a factor in the Developer's requirement for funding commitments because project traffic does not equal or exceed five per-cent (5%) of the daily LOS C or LOS D peak hour capacity of the specific roadway link or intersection, or project traffic, plus total background traffic on the roadway segment does not result in a reduction of LOS to LOS D or worse on a daily basis or LOS E or worse on a peak hour basis, or if the project is determined by the City and TBRPC to be located in a regional activity center, deemed highly suitable for office use, or in an area otherwise designated for alternative levels of service in accordance with City and TBRPC policies, then the Developer's requirement for funding commitments, together with the schedule of improvements listed in Exhibit "C" shall be adjusted as appropriate, at the Developer's request.

8. Within one (1) year from the effective date of this Order, the Developer shall prepare and submit to the City, TBRPC, TUATS, the State, 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 the reduction of total peak hour trips being generated by project uses as estimated in the ADA, and shall set forth strategies for accomplishing those objectives, considering the following as a minimum:

a. worker flex time;

b. ride sharing;

c. provision of transit facilities and programs to encourage transit ridership; and

d. other appropriate trip diversion measures.

The objectives for reduction of peak hour trips as set forth in the TSM plan may serve as a basis for the Developer or reviewing agencies to request amendments to this Order; provided, however, that the traffic impact caused by the project is greater than the impacts projected in the ADA. Each annual report for this project after the issuance of certificates of occupancy for 300,000 square feet of office space or the equivalent thereof in other uses, shall include an assessment of the actual achievement of peak hour trip diversion as a result of these TSM measures. This assessment shall include sufficient and appropriate documentation to support determinations of reductions claimed as a result of each TSM strategy.

9. To assure the accuracy of the transportation analysis submitted with the ADA, field surveys and a report of findings shall be conducted to determine actual vehicle and transit trips being generated by the project every two (2) years after the initial certificates of occupancy are issued through project build-out as part of the Annual Report. This survey and report shall be conducted by the Developer and shall be approved by the City, the Tampa Urban Area MPO, the State, and TBRPC. After review of the survey and the report findings, the reviewing agencies or Developer may require that the Order be revised accordingly; provided, however, that the reviewing agencies may require the revision of the Order only in the event that project traffic impacts are greater than the impacts projected in the initial traffic analysis.

10. The North Tampa Transportation Study, has been initiated for an area which includes the project. The study will provide the opportunity for participation by the FDOT, TBRPC, Hillsborough County, and Pasco County, and has provided the opportunity for the participation of developers in the study area. The study includes, but is not limited to:

a. an inventory of regionally significant roadways in the study area which identifies the existing, programmed, and/or proposed facilities for each roadway;

b. an inventory of existing, approved, and projected development in the study area;

c. estimates of future traffic on regionally significant roadways;

d. an assessment of existing roadway operating conditions and an estimate of future operating conditions on the regionally significant roadways;

e. the manner by which mass transit will be studied as a viable alternative to alleviate overburdening of roadways;

f. 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 systems capacity through roadway improvement, new roadway construction, or operational techniques, as appropriate; and

g. proposals for implementing the above strategies, including identification of funding sources and mechanisms.

The study is being conducted consistent with accepted professional traffic planning and engineering practices and methods. Standards and assumptions used in the study area are described in the study document. The study findings and recommendations may serve as a basis for the Developer to request amendments to this Order.

11. The FDOT will perform a special study of I-75 which will include an analysis of traffic flow from anticipated developments, along with the need, general location, and function of additional interchanges. No additional lanes, new interchanges, or modifications of existing interchanges (other than the installation of dual left turn receiving lanes or other minor geometric changes for the purpose of improving traffic service on C.R. 581) to the I-75 system will be approved prior to the completion of this special study. The improvements listed in Exhibit "C" which are effected by this policy are listed below and are hereinafter referred to as "I-75 Improvements":

a. interchange modifications at I-75 and C.R. 581; and

b. interchange at East/West Arterial and I-75.

Pending the completion of this special study, a level of service LOS C daily, LOS C peak hour (1,150 cars per hour) will be applied to the existing C.R. 581/I-75 interchange ramps to avoid prejudicing the results of this study and its recommendations. Should these I-75 Improvements or alternative improvements which can be demonstrated, by way of a new traffic analysis to maintain the desired levels of service not be approved and funded prior to the commencement of construction within any subphase in which the

impacts require mitigation via the I-75 Improvements, subsequent applications for project approvals (beyond the thresholds for the I-75 Improvements shown in Exhibit "C") shall be dealt with in accordance with Sections 4.C.4.a., 4.C.4.b., or 4.C.4.d.

12. In the event that future roadways or other improvements, to which traffic from this project has been assigned, are not built as assumed in the methodology used for this analysis, a new analysis and traffic reassignment shall be required, as appropriate.

D. Air Quality.

1. An acceptable air quality analysis as required by the Department of Environmental Regulation shall be completed prior to the issuance of building permits for Phase I. The City reserves the right to require mitigative measures, including but not limited to revisions of the Master Plan, to alleviate impacts of the project on ambient air quality in accordance with City policy.

2. The measures to reduce erosion, fugitive dust, and air emissions referenced on pages 13-1, 14-5 & 14-6 of the ADA shall be required.

E. Sinkhole Related Risks. As discussed in the ADA, site specific test drilling and evaluation for sinkhole related risks as stated on page 14-6 of the ADA shall be required prior to the issuance of building permits by the City.

F. Hurricane Evacuation. The Developer shall discuss and coordinate with the appropriate public authorities, the feasibility of the use of proposed hotels or other project facilities for hurricane shelters. A report on these discussions shall be submitted in the first annual report following the issuance of the first Certificate of Occupancy.

G. Preservation and Conservation Areas.

1. Only passive recreational activities will be permitted for the area designated on the Master Plan on the western most boundary of site as the 183.8 acre environmental preserve.

2. Representative examples of each natural upland habitat as listed on page 18-2 of the ADA shall be set aside in their natural state to maintain natural diversity on the site. These areas shall be of sufficient size so as to maintain their natural function. Where possible, these areas shall be located contiguous to other habitats. The precise location of these areas shall be determined at the time of final site plan approval or at the time of application for building permit, as deemed appropriate by the City. Areas so designated shall be depicted in maps to be included with the Annual Report for that year.

3. The Developer's final development plan shall designate and map preservation and conservation areas, if any, in accordance with TBRPC's adopted growth policy Future of the Region, Sections 2.701, Preservation, and 2.702, Conservation.

4. The Developer agrees to maintain (except as permitted in an approved wetlands mitigation plan) a building, parking, and roadway setback of thirty (30) feet along wetlands. This Section 4.G.4. shall not be construed to prohibit the construction, operation, and maintenance of stormwater management systems within the applicable setbacks.

5. Prior to site clearing or construction, all appropriate environmental permits and agreements will be obtained from the City.

6. The stormwater management system will be designed to maintain the viability of isolated wetlands.

7. No logging or timbering shall be allowed on the site without the appropriate permits.

H. Drainage.

1. Prior to the issuance of any building, grading, or site clearing permits, a Conceptual Master Drainage Plan for the project shall be submitted to the City for approval and TBRPC for review for compliance with applicable regulations. Prior to the issuance of any building permits, detailed drainage plans for the appropriate sections of the Master Drainage System will be submitted to the City for approval.

2. To protect water quality, the project drainage plan shall include the following parameters:

   a. the developer or its successors and assigns shall implement a street cleaning program for parking and roadway areas within the project;

   b. the drainage system shall be designed to provide filtration/assimilation treatment for the first "flush" of runoff generated from the site as required by Chapter 17-25 of the Florida Administrative Code. The drainage system shall be designed so that the post-development peak flows shall not exceed pre-development peak flows for the 25-year, 24-hour storm;

   c. the proposed retention/detention wetland systems shall be designed, constructed, and maintained pursuant to the guidelines of the City and of appropriate regulatory agencies; and

   d. best management practices, as recommended by the City of Tampa shall be followed.

3. In the absence of the dedication to, and acceptance by, the City of specific drainage facilities, the Developer, its successors or assigns, shall be the responsible entity for the maintenance of on-site stormwater management systems.

4. Drainage design guidelines and/or other development controls for construction activities shall be prepared by the Developer and reviewed by the City for use in an effort to control erosion during construction.

I. Wildlife. In the event that any species listed in Sections 39-27.03-.05, of the Florida Administrative Code are observed frequenting the site for nesting or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.

J. Buffer Zones. A plan will be submitted to the City, as part an application for detailed site plan approval with respect to any areas of the site adjacent to neighboring residential areas, which describes in detail the design, enforcement, maintenance requirements, and timetable for buffer zones to be set between the project and adjacent residential neighborhoods during and after project construction. These buffer zones shall be aesthetically designed to maintain visual, aural, and olfactoral separation from the project. This plan must be accepted by the City before construction of the project may begin in areas within five hundred (500) feet of neighboring residential areas and shall be considered a development order condition, enforceable upon all tenants and owners of the project. At minimum, the design portion of the plan shall discuss setbacks, height limitations, wall, fence and/or landscape requirements, design/access restrictions on building sides facing residential areas, walls to screen side building access areas, and use restrictions.

K. Archeology.

1. The discovery of any significant historical or archeological resources shall be reported to the Florida Division of Archives, History, and Records Management and the disposition of such resources shall be determined in cooperation with the Division of Archives and the City.

2. Subarea A of Site 8Hi 2137 shall either be preserved by inclusion in a green space or passive recreation area or shall be mitigated in accordance with guidelines established in cooperation with the Department of Archives and the City.

L. Energy.

1. The Developer will cooperate with the Tampa Electric Company, the supplier of electrical power to the project,during the development of a detailed site and landscaping plan to facilitate substation placement, easements, and rights of way relative to the development site.

2. The energy conservation measures referenced in the ADA on pages 25-3 and 25-5 shall be required.

3. In addition to the use of landscaping as a means of energy conservation, the Developer or it successors and assigns shall:

   a. encourage Individual Tenants to designate a member of their staffs as an energy officer for the facility in question to conduct

energy audits, establish energy policies, and monitor energy use and conservation;

b. initiate programs to promote energy conservation by Individual Tenants, their employees, buyers, and suppliers;

c. encourage Individual Tenants to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and to initiate recycling programs;

d. encourage the use of energy efficient cooling, heating, and lighting systems;

e. encourage Individual Tenants to install energy conservation features such as waste heat recovery or solar power systems where feasible;

f. encourage Individual Tenants to use the most energy efficient technology economically feasible in the construction and operation of their facilities; and

g. encourage Individual Tenants to use life-cycle costing in evaluating energy conservation effectiveness.

M. Solid Waste. 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 Hillsborough County or as otherwise directed by the City.

N. Hazardous Waste.

1. Surface impoundments of hazardous wastes, land treatment of hazardous wastes, landfills, and underground storage of hazardous materials, as referenced in the ADA shall be prohibited.

2. As required by the City, Hillsborough County Environmental Protection Commission, and the Department of Environmental Regulation, an emergency response and hazardous waste management operation plan will be required for those facilities which use, handle, store, or process significant quantities of hazardous wastes, to minimize hazards to human health and the environment. The plan will describe the procedures and actions required of facility personnel as well as describe the arrangements agreed to by local police and fire departments, emergency services, and hospitals. Individual Tenant plans will be included in the Annual Report following their adoption.

3. Individual Tenants shall be required to transport and dispose of hazardous waste in a manner consistent with applicable regulations through restrictive covenants. Individual Tenants shall remove hazardous and toxic wastes from the site as soon as is practical. Such transportation of toxic and hazardous materials shall be performed by a company that specializes in, and is accredited by all appropriate agencies in, the transportation and handling of such materials.

4. All temporary storage facilities for hazardous or toxic materials or wastes shall be designed at minimum to meet the criteria set forth in Sections 3.913(A),(D), and (E) of the Future of the Region.

5. The Developer shall provide to Individual Tenants information that:

   a. indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of separate from components of the ordinary solid waste stream;

   b. indicates the location(s) of City and County approved hazardous waste holding areas, off-site disposal areas, and the names of available contractors engaged in the business of transporting such materials for disposal; and

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

6. The Developer shall encourage large quantity (as defined in applicable federal regulations, as from time to time amended) hazardous waste generators to install pretreatment operations, if economically feasible, to reduce the amounts and toxicity of the hazardous waste stream.

O. Wastewater. Wastewater service to the project will be supplied by the City, as described in the Department of Sanitary Sewers' commitment letter dated September 20, 1985 at the standard charges for wastewater service. Connection fees, 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.

P. Water Supply.

1. The total daily water requirements from the commencement of construction through the build-out of the project as referenced in the ADA will be supplied by the City at the standard charges for water service as described in the Water Department's Commitment letter dated October 17, 1985. 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.

2. The Developer shall develop a plan to encourage the use of non-potable water for landscape and open space irrigation, including stormwater usage and pumping from shallow wells.

3. The Developer, its successors or assigns, shall be responsible for installation, maintenance, and operation of any non-potable on-site wells and associated pipeline easements. The ownership of any potable water wells and associated

pipeline easements which may be installed on the site will be dictated by agreement between the City, the West Coast Regional Water Supply Authority, and the Developer or its assigns.

4. Water saving methods and fixtures shall be incorporated into the project's design and construction guidelines.

Q. Other Public Facilities, Utilities, and Services.

1. The City shall assure the adequacy and availability of the following public services for this development: police, emergency medical, and fire.

2. a. The Developer, but not Individual Tenants, shall be required to provide to the City, in accordance with this paragraph, a site for a shared Parks, Public Safety (to include a fire station), and Public Works Facility which meets the following criteria:

i. twenty-two and one half (22.5) acres of usable property, more or less, with the exact amount of acreage to be determined as the City's plans are finalized;

ii. located with convenient access to an arterial roadway and generally located on the west side of I-75; and

iii. suitable for the construction and operation of a joint facility to be shared between the Parks Department, Department of Public Safety, and Department of Public Works.

b. The City agrees that any such facility will meet the following design criteria, all subject to approval by the Park Review Committee:

i. when two or more buildings are placed on the same site, they shall be designed as an integrated complex wherein individual building designs will be responsive to the massing, scale, color, and site access;

ii. buildings shall be designed to conform to and complement site conditions and characteristics;

iii. outside storage, (other than vehicular storage, which shall be screened) shall be prohibited, materials shall be stored in bins which are enclosed on three (3) sides and on top with the open side facing away from public rights of way or other areas visible to adjacent property owners;

iv. all parking areas shall be screened to achieve an eighty percent (80%) opaque view from adjacent properties or public rights of ways;

v. existing and proposed pedestrian circulation systems shall be incorporated into site design;

vi. plans shall be submitted for approval of the Park Review Committee which show the nature, shape, height, materials, colors, scheme, lighting, landscaping, and location of any structures or improvements to be constructed;

vii. finished building materials shall be provided for all sides of buildings or other structures;

viii. all roof projections shall be enclosed in penthouse structures;

ix. building doors designed to accommodate entry and/or delivery by trucks or other vehicles shall be located in such a way as to not be visible from the public right of way;

x. metal or concrete block facades shall be permitted only if the Park Review Committee is convinced that such materials will not detract from the design objectives of the project; and

xi. no radio towers shall be installed on the site.

c. The location for this site shall be fixed by mutual agreement within a period of seven (7) years from the effective date of this Order.

d. Under mutually acceptable terms and conditions, the public safety component of the above referenced facility may be separated from the remaining components and located on a separate site. In that event, the acreage required for each facility shall be equitably adjusted.

e. The City agrees to consider, but need not accept, as an alternative to the contribution of a site meeting the above criteria, a proposal from the Developer in which the Developer would construct on an agreeable site and lease to the City a joint public works, parks, public safety facility in accordance with specifications approved by the City. Such proposal will have, as a minimum, the rent payments computed without reference to the fair market value of the land involved in the facility (i.e., the economic effect shall be the same as if the land were "donated"). All other terms and conditions of such proposal shall be as acceptable to the City in its sole discretion.

f. In lieu of contributing the site as set forth above, the Developer shall have the option of purchasing or otherwise acquiring for the benefit of the City a site outside the boundaries of the project; provided, however, that all attributes of such site shall meet the minimum criteria set forth above and that the location shall be approved in advance by all of the departments

which plan to utilize the site and associated facilities. As an additional alternative, subject to the City's approval, the Developer may contribute to the City an agreed upon sum for the purpose of enabling the City to acquire an alternative site which meets the criteria set forth above as determined by the City.

R. Maintenance of Open Space. The Developer, its successors or assigns, shall be the responsible entities for the maintenance of all open space areas of the project site. Specifically, the Developer or its successors and assigns, shall maintain open space in the project's common areas and public rights of way. Individual Tenants shall maintain open space systems on their respective sites.

S. Water Quality.

1. A program shall be instituted by the Developer prior to the issuance of building permits to monitor background conditions and surface water exiting the site. The Floridan Aquifer shall be monitored by three (3) down gradient and three (3) up gradient wells. This monitoring shall continue through build-out and for five (5) years after build-out. Increased monitoring of the ground and surface water exiting the site may be requested following any hazardous or toxic waste spills.

2. Individual Tenants who generate/handle hazardous substances will be required to implement a site specific surficial aquifer monitoring program as required by the City, the Hillsborough County Environmental Protection Commission, and the Department of Environmental Regulation.

3. The results of these monitoring programs shall be submitted quarterly to the City, the Department of Environmental Regulation ("DER"), the Southwest Florida Water Management District ("SWFWMD"), and TBRPC. Any violations of Chapter 17-3, Florida Administrative Code, shall require corrective measures as set forth by DER. If a release of pollutants is detected by any portion of the monitoring program, the party detecting such release shall immediately notify the City, DER, and SWFWMD.

T. Construction Standards. All development pursuant to this Order shall be in accordance with applicable local building codes, ordinances, and other laws, in effect at the time of permitting, except as otherwise specifically provided herein. All elevations for habitable structures will be at or above the base flood elevation.

U. Effect of Approval.

1. Specific approval for the Phase I development as requested in the ADA subject to the conditions contained in this Order is hereby granted.

2. Conceptual approval is hereby granted for Phase II and Phase III, provided, however, that specific approval of the amounts of uses within Phases II and III is subject to further traffic impact analysis and assessments for traffic impact mitigative improvements or measures. Chapter 380 review shall also be conducted

concerning the issues of air quality, water quality, drainage, and solid (including hazardous) waste.

3. Notwithstanding this Order, the Developer may during Phase I construct infrastructure improvements designed to serve all of, or any portions of, Phase II or Phase III development, or both; provided, however, that such excess infrastructure improvements shall be constructed at the Developer's risk and shall not be construed to vest in the Developer the right to develop Phases II or III.

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 Wood & Company, Inc., its successors, or assigns and that the term "Individual Tenants" is deemed to mean those entities which purchase or lease land in the project and/or build buildings in the project (e.g., the Developer may also be an Individual Tenant), and that the term "successors and assigns" of the Developer or its "successors-in-interest" is deemed to include, but is not limited to, Individual Tenants, the Park Review Committee, and the Park Owners' Association.

Section 7. That some portion of the physical development permitted pursuant to this Order shall commence within three (3) years from the date upon which this Order becomes final and the appeal period has ended.

Section 8. That this Order shall remain in effect for a period of twenty (20) years from the date upon which this Order becomes final and the appeal period has ended. 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 9. That prior to twenty (20) years from the date upon which this Order becomes final and the appeal period has ended, the City may not down-zone or reduce the intensity or unit density permitted by this Order, 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 upon 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 purposes of this Order, the term "down-zone" shall refer only to changes in zoning or development 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 Devel-

oper by this Order. The City does intend to rezone the property to conform to the Tampa 2000 Land Use Plan and Chapter 43-A, City of Tampa Code, as required by State Law. The inclusion of this Section 9 is not to be construed as evidencing any present or foreseeable intent on the part of the City to down-zone or alter the density or intensity of the development, but is included herein to comply with Section 380.06 (15)(c)3, Florida Statutes, 1985.

Section 10. Notwithstanding this Order, the Developer, at its sole 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 development site. Any impacts assessed and satisfied pursuant to this Order shall be considered and credited to the Developer's obligations under any such Area Wide Development Order.

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

Section 12. That the Director of HICS is responsible for insuring compliance with this Order and the receipt of the Developer's contributions required in Section 4.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 13. 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 SEP 11 1986.

Tom Vann

CHAIRMAN, CITY COUNCIL

APPROVED by me on SEP 11 1986

ATTEST:

Frances Henriques
CITY CLERK

APPROVED by me on SEP 1 2 1986

Sandra W. Freedman
MAYOR

Prepared and Approved by:

CITY ATTORNEY

EXHIBIT C
Table 1
Required Highway Link
Improvements for Phase I

Foot-notes	Highway Link Description	Required Improvement	Square Footage Permit Threshold	Estimated Total Cost	Proportionate Share Contribution	Project Stage
	Fletcher Avenue (Nebraska to 30th)	Construct 4-Lane Divided Arterial	431,902	$0	(3)	I
(1)	C.R. 581 (N. Site Access to I-75)	Construct 4-Lane Divided Arterial	964,006	$170,000	(3)	I
	C.R. 54 (C.R. 581 to C.R. 577)	Construct 4-Lane Divided Arterial	1,071,379	$3,290,000	(3)	I
(2)	C.R. 581 (I-75 to S. Site Access)	Construct 4-Lane Divided Arterial	1,483,995	$124,958	(3)	I
	C.R. 581 (N. Site Access to I-75)	Construct 6-Lane Divided Arterial	1,711,200	$885,000	(3)	II
	C.R. 581 (Tampa Palms to Skipper)	Construct 4-Lane Divided Arterial	1,798,531	$0	(3)	II
	C.R. 581 (E-W Arterial to N.Site Access)	Construct 4-Lane Divided Arterial	1,923,167	$2,188,291	(3)	II
	C.R. 54 (I-75 to C.R. 581)	Construct 4-Lane Divided Arterial	1,946,605	$950,000	(3)	II
	C.R. 581 (S. Site Access to Tampa Palms)	Construct 4-Lane Divided Arterial	2,039,400	$1,291,233	(3)	II
	C.R. 581 (E-W Arterial to N.Site Access)	Construct 6-Lane Divided Arterial	2,217,000	$1,554,000	(3)	II
	C.R. 581 (Co. Line to E-W Arterial)	Construct 4-Lane Divided Arterial	2,617,368	$2,249,480	(3)	II
	Skipper/Bearss (West of Dale Mabry)	Construct 4-Lane Divided Arterial	3,059,411	$0	(3)	II

EXHIBIT C
Table 1
Required Highway Link
Improvements for Phase I

Footnotes	Highway Link Description	Required Improvement	Square Footage Permit Threshold	Estimated Total Cost	Proportionate Share Contribution	Project Stage
	Skipper/Bearss (Dale Mabry to Florida)	Construct 4-Lane Divided Arterial	3,110,104	$0	(3)	II
	C.R. 581 (Co. Line Rd. to E-W Arterial)	Construct 6-Lane Divided Arterial	3,409,500	$1,892,000	(3)	II
	C.R. 581 (I-75 to S. Site Access)	Construct 6-Lane Divided Arterial	3,432,000	$622,000	(3)	II
	C.R. 581 (S. Site Access to Tampa Palms)	Construct 6-Lane Divided Arterial	3,953,100	$1,430,000	(3)	III
	C.R. 581 (C.R. 54 to Co. Line Rd.)	Construct 4-Lane Divided Arterial	4,035,822	$5,515,200	(3)	III
(4)	Southern Access Road (Site to C.R. 581)	Construct 4-Lane Divided Arterial	4,120,000	$1,163,000	(3)	III
	C.R. 581 (Tampa Palms to Skipper)	Construct 6-Lane Divided Arterial	4,284,300	$1,969,000	(3)	III
	Fowler Avenue (H'boro River to I-75)	Construct 4-Lane Divided Arterial	4,691,452	$0	(3)	III
(5)	E-W Arterial (W. Site Access to C.R. 581)	Construct 6-Lane Divided Arterial	5,200,000	$8,928,000	(3)	IV
	Fletcher Avenue (56th to I-75)	Construct 4-Lane Divided Arterial	5,510,290	$0	(3)	IV
	Fowler Avenue (56th to H'boro River)	Construct 4-Lane Divided Arterial	7,152,151	$0	(3)	IV

EXHIBIT C
Table 2
Required Intersection and Interchange Improvements for Phase I

Roadway Intersection/ Interchange Description	Additional Lanes Required	Total Lanes Required	Square Footage Permit Threshold	Estimated Total Cost	Proportionate Share Contribution	Project Stage
C.R. 54 at C.R. 577	Construct EB left turn, WB through, and SB left turn lanes.	NB: n/a SB: 1 Rt., 1 Lt. EB: 1 Lt., 1 Thru. WB: 2 Thru.	1,071,379	(1)	(3)	I
Fletcher at Nebraska	Programmed improvement plus, construct SB right turn lane & third WB through lane.	NB: 1 Rt., 1 Thru., 1 Lt. SB: 1 Rt., 2 Thru., 1 Lt. EB: 1 Rt., 2 Thru., 1 Lt. WB: 3 Thru., 1 Lt.	2,469,000 (2)	(2)	(3)	II
Bearss Ave. at Florida	Construct one EB & one WB through lane.	NB: 1 Rt., 1 Thru., 1 Lt. SB: 1 Thru., 1 Lt. EB: 1 Rt. 2 Thru., 1 Lt. WB: 1 Rt. 2 Thru., 1 Lt.	3,110,104	(1)	(3)	II
Fletcher & I-275 (West Side)	Construct 1 WB left turn.	NB: n/a SB: 1 Rt., 1 Lt. EB: 1 Rt., 2 Thru. WB: 2 Thru., 2 Lt.	3,360,713	$150,000	(3)	II
C.R. 581 at I-75 (West Side)	Construct dual left turn receiving lanes on SB ramp.	NWB: n/a SEB: 1 Rt., 1 Lt. NEB: 1 Rt., 3 Thru. SWB: 3 Thru., 2 Lt.	3,450,000	$80,000	(3)	II
Fowler at C.R. 581	Construct 1 NB, EB,& SB left turn lane.	NB: 1 Rt., 2 Thru., 2 Lt. SB: 1 Rt. , 2 Thru., 2 Lt. EB: 1 Rt. , 2 Thru., 2 Lt. WB: 1 Rt. , 2 Thru., 1 Lt.	3,625,000	(1)	(3)	II
C.R. 581 at I-75 (West Side)	Construct SWB to SEB loop ramp.	NEB: 1 Rt., 3 Thru. SWB: 1 Rt., 3 Thru. NWB: n/a SEB: 1 Rt., 1 Lt.	3,960,000	$571,000	(3)	III
Ehrlich Rd. at Dale Mabry	Programmed improvements plus construct EB & WB through, EB right turn, EB & WB left turn lanes.	NB: 1 Rt., 3 Thru., 2 Lt. SB: 1 Rt., 3 Thru., 2 Lt. EB: 2 Rt., 3 Thru., 2 Lt.	4,000,000	(4)	(3)	III

EXHIBIT C
Table 2
Required Intersection and
Interchange Improvements
for Phase I

Roadway Intersection/ Interchange Description	Additional Lanes Required	Total Lanes Required	Square Footage Permit Threshold	Estimated Total Cost	Proportionate Share Contribution	Project Stage
C.R. 54 at C.R. 581	Construct dual NB turn left lanes.	NB: 1 Rt., 2 Lt. SB: n/a EB: 1 Rt., 1 Thru. WB: 1 Thru., 1 Lt.	4,035,000	(1)	(3)	III
Fletcher at C.R. 581	Programmed improvements plus construct 1 SB right turn and EB right turn lane.	NB: 3 Thru., 2 Lt. SB: 2 Rt., 3 Thru., 2 Lt. EB: 1 Rt., 2 Thru., 1 Lt. WB: 1 Rt., 2 Thru., 1 Lt.	4,498,420	$30,000	(3)	III
Skipper Rd. at C.R. 581	Programmed improvements plus construct 1 SWB right turn lane.	NB: 3 Thru., 2 Lt. SWB: 2 Rt., 3 Thru. EB: 1 Rt., 2 Lt. WB: n/a	4,500,000	(1)	(3)	III
E-W Arterial at I-75	Construct full access interchange at freeway to include dual WB to SB ramp, dual left turn and single right turn lanes for SB exit, left turn lane and right turn lane for NB entrance, separate left turn and right turn lanes for NB exit.	NB: 1 Rt., 1 Lt. SB: 1 Rt., 2 Lt. EB: 1 Rt., 3 Thru., 1 Lt. WB: 1 Rt., 3 Thru., 2 Lt.	5,200,000	(1)	(3)	IV
E-W Arterial at C.R. 581	Construct matrix intersection. (5)	NB: 1 Rt., 3 Thru. SB: 1 Rt., 3 Thru. EB: 3 Thru., 2 Lt. WB: 3 Thru., 2 Lt.	5,350,000	$250,000	(3)	IV
Fletcher at Florida	Construct EB and WB right turn lane.	NB: 1 Rt., 1 Thru., 1 Lt. SB: 2 Thru., 1 Lt. EB: 1 Rt., 2 Thru., 1 Lt. WB: 1 Rt., 2 Thru., 1 Lt.	5,900,000	$70,000	(3)	IV

FOOTNOTES TO
EXHIBIT "C", TABLE 1
TAMPA TECHNOLOGY PARK
DEVELOPMENT ORDER

(1) This link contained approximately 600 linear feet of two lane road section at the time of the adoption of this Order. At this square footage threshold, this two lane section must be improved to a four lane divided section.

(2) This improvement is necessary at this threshold only if the link identified in Table 1 as the "Southern Access Road" has been constructed by the time this square footage threshold has been attained. If the Southern Access Road has not been constructed by this time, this link would be improved at the same square footage thresholds as the link designated as "S. Site Access to Tampa Palms".

(3) The project's Proportionate Share Contribution for the purposes of Section 4.C.14. Minimum Staging Requirements of this Order shall be determined by the following formula:

a. "Proportionate Share Contribution" equals the Utilization of Increased Service Volume multiplied by the Cost of the Applicable Improvement.

b. "Utilization of Increased Service Volume" equals the Trips Attributable to the Project divided by the Increased Service Volume generated by the Applicable Improvement.

c. "Trips Attributable to the Project" equals the trips generated by the project on the roadway minus the Available Service Volume.

d. "Available Service Volume" equals the daily level of service C service volume or peak hour level of service D service volume of the roadway minus the existing traffic volume.

e. "Applicable Improvement" is defined as the improvement which will maintain the desired level of service or the level of service existing at the time of the filing of the Application for Development Approval, whichever is worse. Where roadways are operating at level of service F or worse at the time of the filing of the Application for Development Approval, the Applicable Improvement will be defined as the improvement necessary to maintain the volume-to-capac-

ity ratio existing on any such roadway at the time of the filing of the Application for Development Approval.

(4) This improvement is one of three optional site access solutions necessary following the issuance of building permits for the construction of 450,000 square feet of office or 700,000 square feet of high technology/light industrial space on the west side of I-75. Construction of the East/West Arterial to the west site access or the construction of the center bridge across I-75 (as shown on the Conceptual Site Plan) offer similar solutions.

(5) This improvement is one of three optional site access solutions necessary following the issuance of building permits for the construction of 450,000 square feet of office or 700,000 square feet of high technology/light industrial space on the west side of I-75. Completion of the southern site access from the site to C.R. 581 or the construction of the center bridge across I-75 (as shown on the Conceptual Site Plan) offer similar solutions.

FOOTNOTES TO
EXHIBIT "C", TABLE 2
TAMPA TECHNOLOGY PARK
DEVELOPMENT ORDER

(1) The cost for this intersection has been included in the estimated cost for the associated roadway link.

(2) Programmed improvements (two WB and EB through lanes) are sufficient until the designated square footage threshold. At the designated square footage threshold, improvements are necessary to this intersection. If, at this time, only a SB right turn lane is added (at an estimated cost of $40,000), the third WB through lane would be needed at 3,250,000 square feet (at an estimated cost of $120,000). If the third WB through lane were added at the designated square footage threshold, analysis indicates that the additional SB right turn lane may not be needed.

(3) The project's Proportionate Share Contribution for the purposes of Section 4.C.14. Minimum Staging Requirements of this Order shall be determined by the following formula, utilizing a critical movement analysis:

a. "Proportionate Share Contribution" equals the Utilization of Increased Service Volume multiplied by the Cost of the Applicable Improvement.

b. "Utilization of Increased Service Volume" equals the Trips Attributable to the Project divided by the Increased Service Volume generated by the Applicable Improvement.

c. "Trips Attributable to the Project" equals the trips generated by the project on the roadway minus the Available Service Volume.

d. "Available Service Volume" equals the daily level of service C service volume or peak hour level of service D service volume of the roadway minus the existing traffic volume.

e. "Applicable Improvement" is defined as the improvement which will maintain the desired level of service or the level of service existing at the time of the filing of the Application for Development Approval, whichever is worse. Where roadways are operating at level of service F or worse at the time of the filing of the Application for Development Approval, the Applicable Improvement will be defined as the improvement necessary to maintain the volume-to-capacity ratio existing on any such roadway at the time of

the filing of the Application for Development Approval.

(4) Programmed improvements by the FDOT are two NB and SB through lanes, dual NB and SB left turn lanes and NB and SB right turn lanes. Hillsborough County has programmed the construction of two EB and WB through lanes, one EB and one WB left turn lane, and one EB and one WB right turn lane. These improvements are sufficient until the square footage thresholds listed in Table 2 are attained. Thereafter, the construction of one EB and one WB through lane, one EB and one WB left turn lane, and one EB right turn lane shall be required.

(5) See diagram contained in Sufficiency Response, Appendix I, page 5. A grade separated interchange will be required in the event that this intersection design is not approved by the agencies having design and operating jurisdiction over this improvement.

EXHIBIT C
Table 3
Programmed Improvements

Road Segment/Interchange/ Intersection Description	Programmed Improvement	Construction Year	Responsible Agency
Fletcher Avenue (N. Blvd. to Florida Ave. and Orange Grove Dr. to Dale Mabry.)	Construct 4-lane Divided Arterial	1985/1986	Hills. County
C.R. 581 (Skipper to Fowler)	Construct 6-lane Divided Arterial	1985/1986	Hills. County
Co. Line Rd. (Livingston to C.R. 581)	Construct 2-lane Undivided Road	1985/1986	Hills. County
Fletcher Avenue (Nebraska Ave. to 56th St)	Construct 4-lane Divided Arterial	1985/1987	Hills. County
Fletcher Avenue (Lake Magdalene Dr. to North Blvd.)	Construct 4-lane Divided Arterial	1986/1987	Hills. County
Bearss Ave. (Dale Mabry to Florida Avenue)	Construct 4-lane Divided Arterial	1987/1988	Hills. County
Bearss Avenue/Skipper Road (Nebraska to 30th)	Construct 4-lane Divided Arterial	1985/1986	Hills. County
Ehrlich Road (Lynn Turner Rd. to Dale Mabry)	Construct 4-lane Divided Arterial	1985/1986	Hills. County
Buffalo Avenue (I-4 to C.R. 574)	Construct 4-lane Divided Arterial	1988/1989	FDOT
Dale Mabry (Hillsbourough Avenue to Van Dyke Rd.)	Construct 6-lane Divided Arterial	1986/1989	FDOT
Fowler Avenue (I-75 to U.S. 301)	Construct 4-lane Divided Arterial	1989/1990	FDOT
Florida Avenue (Bougainvillea to Fletcher Avenue)	Construct 4-lane Divided Arterial	1989/1990	FDOT
Fowler Avenue (56th to I-75)	Construct 4-lane Divided Arterial	1987/1988	FDOT
Florida Avenue at Busch	Intersection Improvement	1985/1986	FDOT
Busch Blvd. at 30th St. (C.R. 581)	Intersection Improvement	1986/1987	FDOT
30th Street (Fowler to Busch)	Construct 4-lane Divided Arterial	1989	City

EXHIBIT C
Table 4
Site Access Improvements

Site Access Improvement Description	Improvement Required	Square Footage Occupancy Threshold
C.R. 581 at Each of 4 Project Entrance Drives, as Appropriate	Construct dual NEB left turn lanes, SWB right turn lane, dual EB left turn lanes and dual SEB right turn lanes. Signalize where & when warranted by the Manual on Uniform Traffic Devices (MUTCD).	(1)
E-W Arterial at two Project Entrances East of I-75	Construct dual WB left turn lanes, EB right turn lane, dual NB left turn lane, and NB right turn lane, signalize where & when warranted by the MUTCD.	(2)

FOOTNOTES TO
EXHIBIT "C", TABLE 4
TAMPA TECHNOLOGY PARK
DEVELOPMENT ORDER

1. Configuration of project entrances shall be phased in such a manner as to maintain acceptable levels of service on C.R. 581 with the ultimate configuration of these intersections to be as set forth in Table 4. The timing of the construction of any given intersection will depend upon the areas of the site being developed.

2. Configuration of project entrances shall be phased in such a manner as to maintain acceptable levels of service on the E-W Arterial with the ultimate configuration of these intersections to be as set forth in Table 4. The timing of the construction of any given intersection will depend upon the areas of the site being developed.

EXHIBIT D

Commercial/Office/Hotel	367,737	$ 3.79
Office	1,208,278	$ 1.68
High Tech	2,395,620	$ 0.94

The average cost per one (1) square foot of development is $1.42.