#140

PAT FRANK

Clerk of the Circuit Court
13th Judicial Circuit

March 31, 2009

JOHN MEYER DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
4000 GATEWAY CENTER BLVD SUITE 100
PINELLAS PARK FL 33782

Re: Resolution No. R09-037 – Amended and Restated Development Order for Tampa Triangle (DRI #140)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on March 24, 2009.

We are providing this original for your files.

Sincerely,

Gail M. Letzring

Gail M. Letzring,
Manager, BOCC Records

bam
Certified Mail Receipt # 7003 3110 0004 4683 0127
Attachment
cc: Board files (orig.)
K. Clayton Bricklemyer, Esq., Bricklemyer, Smolker & Bolves, P.A. (orig. ltr.)
Charles Gauthier, Chief, DCA Bureau of State Planning (orig. ltr.)
Nancy Y. Takemori, Assistant County Attorney
John Healey, Senior Planner, Planning and Growth Management
Sandra Davidson, County Attorney's Office
Christopher Weiss, Property Appraiser's Office
Mary Mahoney, Management and Budget

RESOLUTION NO. R09-037

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
ISSUING AN AMENDED AND RESTATED DEVELOPMENT ORDER FOR
DRI #140 - TAMPA TRIANGLE

Upon motion the following Resolution was adopted on this 24th day of March, 2009, by a vote of 4 to 0, Commissioner(s) _____ voting "no".

WHEREAS, on September 22, 1987, the Board of County Commissioners approved a Development Order (Resolution No. 87-0319) for the TAMPA TRIANGLE Development of Regional Impact ("DRI") #140 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 23, 1990, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 90-032 (NOPC #1); and

WHEREAS, on July 14, 1992, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 92-0167 (NOPC #2); and

WHEREAS, on October 25, 1994, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 94-0272 (NOPC #3); and

WHEREAS, on August 27, 1996, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 96-0215 (NOPC #4); and

WHEREAS, on January 12, 1999, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 99-005 (NOPC #5); and

WHEREAS, on March 13, 2001, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 01-042 (NOPC #6); and

WHEREAS, on December 10, 2002, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 02-276 (NOPC #7); and

WHEREAS, on May 23, 2006, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 06-105 (NOPC #8); and

WHEREAS, on December 22, 2008, Liberty Property Limited Partnership ("Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tampa Triangle DRI (NOPC #9) in accordance with Section 380.06, Florida Statutes; and

WHEREAS, NOPC #9 proposes to update the Developer of Record to reflect a recent sale of the remaining DRI entitlements, to depict an internal roadway and to add internal access points, and to formally claim the 3-year buildout date extension granted by Section 380.06(19)(c), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

I. FINDINGS OF FACT

A. The Developer submitted NOPC #9 to Hillsborough County, which requested approval of an updated Developer of Record to reflect a recent sale of the remaining DRI entitlements; an alteration of the configuration of an internal roadway; and a 3-year buildout date extension granted by Section 380.06(19)(c), Florida Statutes.

B. Florida Statute 380.06(19)(c) provides that developments of regional impact that are under active construction on July 1, 2007 are extended for 3 years regardless of any prior extension, and that such extension is not a substantial deviation.

C. The Tampa Triangle DRI was under active construction on July 1, 2007.

II. CONCLUSIONS OF LAW

A. The changes proposed in NOPC #9 do not constitute a substantial deviation and therefore do not require further DRI review.

B. The changes proposed in NOPC #9 are consistent with the report and recommendations of the TBRPC.

C. The buildout date of the project is hereby extended to December 29, 2011.

D. The Developer of the Tampa Triangle DRI is Liberty Property Limited Partnership.

E. A revised Map H, with a revision date of December 22, 2008, is hereby adopted to reflect an additional internal roadway and to add internal access points, as set forth in **Exhibit B**.

F. All applicable statutory and regulatory procedures have been adhered to.

G. The Tampa Triangle Amended and Restated Development Order, as revised hereby, is consistent with the Future of Hillsborough County Comprehensive Plan, and development in accordance with the Amended and Restated Development Order, as revised, will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

H. Nothing contained in this Amended and Restated Development Order, as revised herein, shall limit or modify the rights originally approved by the Development Order or the protection afforded under Subsection 163.3167(8), Florida Statutes.

I. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

J. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail or other delivery service for which a receipt as proof of service is required, to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients in accordance with Section 380.06, Florida Statutes.

K. This Resolution shall become effective upon the date of transmittal as provided in above.

III. GENERAL PROVISIONS

A. This resolution shall constitute the Amended and Restated Development Order of Hillsborough County in response to the Application for Development Approval for the Tampa Triangle Development of Regional Impact (ADA).

B. The legal description set forth in **Composite Exhibit "A"** is hereby incorporated into and by reference made a part of this Amended and Restated Development Order.

C. All provisions contained within the ADA and Sufficiency Response shall be considered conditions of this Amended and Restated Development Order unless inconsistent with the terms and conditions of this Amended and Restated Development Order, in which case the terms and conditions of this Amended and Restated Development Order shall control.

D. The definitions contained in Chapter 380, Florida Statutes, shall govern and apply to this Amended and Restated Development Order.

E. This Amended and Restated Development Order shall be binding upon the Developer and his heirs, assignees or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Amended and Restated Development Order. It is understood that any reference herein to any governmental agency shall be constructed to include any future instrumentality which may possesses any of the powers and duties of any branch of government or governmental agency.

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

G. Whenever this Amended and Restated Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.

H. In each instance in this Amended and Restated Development Order where the Developer is responsible for ongoing maintenance of facilities at Tampa Triangle, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/ or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Amended and Restated Development Order, which approval shall not be unreasonably withheld.

I. Development activity constituting a substantial deviation from the terms or conditions of this Amended and Restated Development Order as defined by the criteria of Ch. 380.06(19)(b) or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by Hillsborough County and the Tampa Bay Regional Planning Council shall result in further Development of Regional Impact review pursuant to Chapter 380.06, Fla. Stats., and may result in Hillsborough County ordering a termination of development activity pending such review.

J. The Hillsborough County Planning and Growth Management Department shall be responsible for monitoring all terms and conditions of this Amended and Restated Development Order. For purposes of this condition, the Planning and Growth

Management Department may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The Planning and Growth Management Department shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Amended and Restated Development Order. In the event of a deviation, the Planning and Growth Management Department may issue a notice of such noncompliance to the Developer, or the Planning and Growth Management Department may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.

K. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85 as amended. Such report shall be due on the anniversary of the effective date of this Amended and Restated Development Order for each following year until and including such time as all terms and conditions of this Amended and Restated Development Order are satisfied. Such report shall be submitted to the Department of Planning and Growth Management which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Amended and Restated Development Order. The Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a wavier of any terms or conditions of this Amended and Restated Development Order. This report shall contain:

1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; and

2. A description of all development activities proposed to be conducted under the terms of this Amended and Restated Development Order for the year immediately following the submittal of the annual report; and

3. A statement listing all Applications for Incremental Review required pursuant to this Amended and Restated Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report; and

4. A statement setting forth the name(s) and address(es) of any heir, assignee or successor in interest to this Amended and Restated Development Order.

5. A description of the land use conversions and resulting Land Use Schedule, with cumulative land use totals, and the remaining amounts of land use available.

(amended: Resolution No. 99-005).

L. The provision of this Amended and Restated Development Order shall not be construed as a waiver of or exception to any rule, regulation, or ordinance of Hillsborough County, its agencies and commissions, and to the extent further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations, and ordinances in effect at the time of the review.

M. This Amended and Restated Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County and transmittal in accordance with Section 380.06, Florida Statutes (2005).

IV. SPECIFIC CONDITIONS

A. Phasing Schedule, Deadlines and Land Use Conversions

1. The Revised Map H for Tampa Triangle dated December 22, 2008, a copy of which is attached hereto as **Exhibit "B"**, is hereby approved and the project shall proceed in accordance with the Land Use schedule shown thereon.

   The Tampa Triangle project is approved with a buildout date of December 29, 2011. Prior to December 29, 2005, the Developer shall re-evaluate the parameters of the Transportation Analysis used for NOPC #6 (Resolution #01-042) and submit said documentation to Hillsborough County and the Florida Department of Transportation for review and approval. The documentation shall compare the most recent available data at the time of the report to the data contained in the Transportation Analysis conducted for this NOPC for the following parameters.

   a. Project Land Uses
   b. Trip Generation
   c. Value of Budgeted Roadway Improvements
   d. Roadway Costs

   A meeting shall be held with the County and FDOT staff to establish a methodology for performing the re-evaluation. The County shall approve the proposed methodology.

The re-evaluation shall be presented to the Board of County Commissioners for review. If the Board finds that any one of the parameters exceeds a 15 percent variance that would result in an increased proportionate share cost of the project, the Developer shall be required to file an NOPC to re-evaluate the project's transportation mitigation obligations. If the Board finds that none of the parameters exceeds a 15 percent variance from the Transportation Analysis that would result in an increased proportionate share cost, then the buildout date of the project shall be extended from December 29, 2006 to December 29, 2008.

(amended: Resolution No. 92-0167; Resolution No. 94-0272; Resolution No. 96-215; Resolution No. 99-005; Resolution No. 01-042; Resolution No. 02 – 276; Resolution No. 06-105, which extended the buildout date pursuant to this Section IV(A)(1); Resolution 09-037, which extended the buildout date pursuant to Section 380.06(19)(c), Florida Statutes and amended Map H to depict an internal roadway and to add internal access points).

2. If the Developer elects to amend the proposed phasing schedule, he shall submit said amendments to the Planning and Growth Management Department for review and approval as required by law, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of this Order are otherwise fully complied with. Any significant departure in project build-out from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes as amended.

3. The physical development of Tampa Triangle shall begin within three years of the effective date of the Development Order (Resolution No. 87-0319).

4. This Amended and Restated Development Order shall remain in effect for a period up to and including December 29, 2011. No Development shall be approved after expiration of the Amended and Restated Development Order. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Amended and Restated Development Order may be completed in accordance with the requirements of the Amended and Restated Development Order, if approved. This Amended and Restated Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County a minimum of thirty (30) days prior to the expiration date of this Order.

(amended: Resolution No. 96-215; Resolution No. 99-005; Resolution No. 06-105; Resolution 09-037)

5. The development shall not be subject to down-zoning, or intensity reduction until December 29, 2011, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Amended and Restated Development Order have occurred, or the Amended and Restated Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

   (amended: Resolution No. 96-215; Resolution No. 99-005; Resolution No. 06-105; Resolution 09-037)

6. Maximum And Minimum Development Potential / Conversion

Approved Land Uses	Minimum Quantities	Maximum Quantities (1)	Currently Approved Program (2)(3)
Office	400,000	1,100,000	862,500
Retail	10,000	50,000	24,750
Service Center (4)	--	125,000	50,000
Multi-Family	240	620	240

1. Maximum development is also limited to 1,325 PM peak hour trips.
2. Base program for application of trade-off matrix.
3. A trade-off was made in 2003, wherein the Office entitlements were reduced to 669,679 and the Multi-Family units increased to 616.
4. "Service Center" includes office and warehouse.

The conversion from one land use to another to achieve a net zero increase in P.M. peak hour traffic shall be in accordance with the Land Use Conversion Table attached hereto as **Exhibit "C."**

If the Developer elects to implement the trade-off mechanism, he shall file with Hillsborough County, Tampa Bay Regional Planning Council and the Department of Community Affairs a revised Map H including a Land Use schedule identifying what conversions have been made and a Revised General Site Plan for zoning purposes.

(added: Resolution No. 99-005; amended: Resolution No. 02-276; Resolution 09-037, to reflect the use of the trade-off mechanism in 2003)

B. Transportation

1. The TAMPA TRIANGLE project is limited to a maximum of 1,325 external PM peak hour trips.

   (amended: Resolution No. 02-276)

2. An annual monitoring program for the total TAMPA TRIANGLE project which will record driveway volumes in the evening peak hour shall be started when Certificates of Occupancy have been issued for 400,000 square feet of office space, (or the equivalent thereof in terms of trip generations) and continue until build-out. If the driveway volumes exceed more than 15 percent of those projected for peak hour (1,325 p.m. peak hour trips) in the Transportation Analysis conducted for NOPC # 6 (Resolution #01-042), a substantial deviation determination shall be required. If the variance is determined to be a substantial deviation, a revised transportation analysis will be required based upon results of the monitoring programs and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

3. INTENTIONALLY DELETED. Condition satisfied by Developer.

   (deleted: Resolution No. 02-276)

4. The Developer shall receive credit against impact fees, pursuant to law. The application and payment of impact fees in itself will not constitute funding commitments for the required right-of-way dedications and transportation improvements. Any difference between the Required Improvement Costs and the sum of the costs of the Required Design and the Required Improvements (the "Difference") shall be paid in cash prior to the issuance of the final Certificate of Occupancy for the project, provided that the developer may elect to make other improvements of a value equivalent to the Difference, subject to approval by the Hillsborough County Engineering Department. The Developer's completion of the Required Design ad Required Improvements and payment of the Difference, or completion of the improvements and in lieu of the Difference as provided for herein, shall be deemed to fully and completely satisfy any and all of its obligations under the law to mitigate the traffic impacts of the TAMPA TRIANGLE project.

5. A pedestrian circulation system and bicycle circulation system shall be provided within the project. The pedestrian system shall include internal sidewalks. Additionally, external sidewalks to the project in the right-of-way area of the major roadways (i.e., U.S. 301 and Causeway Boulevard) shall be required. The bicycle system shall incorporate whatever elements are necessary to complement the County Bicycle Plan and extend the County

System into TAMPA TRIANGLE. No detailed site plans shall be approved which do not indicate these systems and their exact locations.

6. INTENTIONALLY DELETED. Condition satisfied by Developer.

   (amended: Resolution No. 90-032; deleted: Resolution No. 02-276).

7. INTENTIONALLY DELETED. Condition satisfied by Developer.

   (deleted: Resolution No. 02-276).

8. Except for items, if any, that relate solely to a particular development parcel, Hillsborough County will proceed first against the Developer for satisfaction of requirements of the Amended and Restated Development Order, including but not limited to, the Required Design, the Required Improvements Costs, and the Required Improvement provided, however, that the Developer shall be responsible for all Amended and Restated Development Order requirements.

   (amended: Resolution No. 96-215).

C. Air Quality

1. If any proposed change is determined to be a substantial deviation, Hillsborough County shall determine whether the nature of the proposed change(s) is such that it would require a re-analysis of the air quality impacts of this project or if such proposed change includes uses which are determined to be point sources of air pollution. If a re-analysis is warranted as determined by Hillsborough County, the Developer shall perform point source air quality analyses and the Developer shall take remedial measures as required by Hillsborough County, all in accordance with applicable law.

2. The measures to reduce erosion, fugitive dust and air emission stated on pages 13-4, 13-5 and 14-4 and 14-5 of the ADA shall be required.

D. Stormwater Management and Water Quality

1. In order to protect water quality, there shall be no degradation of water quality standards from stormwater exiting the site. If the regulatory agencies with jurisdiction deem a water quality monitoring program necessary prior to groundbreaking or subsequent to build-out, the Developer shall provide a water quality monitoring program to the satisfaction of the regulatory agency (ies). Any violation of Chapter 17-3 Florida Administrative Code (F.A.C.)

shall require corrective measures as set forth by Florida Department of Environmental Protection (FDEP). The following shall apply:

a. Sampling locations and frequencies shall be determined to the satisfaction of the applicable agency (ies).

b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/ FDER Quality Control Standards and Requirements.

c. The monitoring results shall be submitted to Hillsborough County Environmental Protection Commission (EPC) and the applicable agency (ies). Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to Hillsborough County immediately and all construction within project where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

2. Prior to the issuance of any building permits the Final Drainage Plan and drainage calculations shall be submitted by the Developer to TBRPC and FDEP for review and to Hillsborough County and Southwest Florida Water Management District (SWFWMD) for approval. The drainage system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations, and shall be consistent with the Preliminary Master Drainage Plan submitted to Hillsborough County during review of this DRI and with the SWFWMD Conceptual Permit No. 490324 issued on September 4, 1985, provided that such drainage facilities are installed within two years after the effective date of this Development Order (Resolution 87-0319). Otherwise, the County drainage criteria in existence at the time of construction of the respective project phases shall be the prevailing criteria to use for design and construction unless other affected agencies' drainage criteria is more restrictive. If flooding conditions exist downstream of the DRI's outfall, more restrictive criteria may apply.

3. The drainage system shall function in a manner as to rejuvenate the cypress head located in the northeast corner of the development site.

4. Due to the "volume sensitive" nature of Delaney Creek, new development in the Delaney Creek Watershed must satisfy Hillsborough County and SWFWMD requirements, including the following criteria (1986 Ghioto, Singhofen and Associates, Inc. Delaney Creek Stormwater Management Master Plan, ES-7 and ES-8). Only a portion of the site is within the Delaney Creek Watershed area.

a. Compensating storage must be provided for any encroachment into the 100-year flood plain.

b. The peak rate of discharge resulting from the 100-year 24-hour storm under post-development conditions must not exceed the pre-development peak rate of runoff from the 100-year 24-hour storm.

c. The volume of runoff discharged from the 100-year 24-hour storm under post-development conditions must not exceed that amount of runoff produced from the pre-development 100-year 24-hour storm.

5. Stormwater detention/retention pond design requirements for the development shall be as listed below unless otherwise approved by the Hillsborough County Environmental Protection Commission and the Hillsborough County Drainage Engineer:

   a. The side slopes shall be no greater than 4:1.

   b. The banks shall be completely vegetated to the design low water elevation.

   c. The sides and the bottom of each pond shall not be constructed of impervious material.

6. The County shall notify the developer as to what drainage easements or right-of-way will be required by the County's Stormwater Management Department, in accordance with applicable County rules and regulations, prior to Master Drainage Plan approval. The Developer shall grant such easements to the County prior to the issuance of construction plan approval for the project.

7. In order to protect water quality, the Developer shall implement a vacuum street cleaning program for the parking and roadway areas within the development.

8. The Developer shall be responsible for the operation and maintenance of the on-site drainage facilities excluding easements maintained by Hillsborough County.

E. <u>Wetlands</u>

1. In order to protect the natural values of preserved/conserved wetland areas, the following shall be required:

   a. Except as otherwise permitted by agencies having jurisdiction:

(1) No hydroperiod alteration shall be permitted in conservation or preservation areas identified on the Master Development Plan.

(2) No dredging, filling or development activities will be allowed within preservation areas. Activities within the conservation areas shall be limited to approved stormwater management outfall structures and boardwalks.

2. All on-site conservation area(s) shall be preserved unless a mitigation plan is approved by the Environmental Protection Commission and other appropriate jurisdictional agencies and submitted to the Planning and Growth Management Department. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the agency or agencies issuing the permit for such mitigation.

3. All wetland losses shall require a minimum of 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with the wetlands being destroyed.

4. In the event that any species listed in Sections 39-27.03-.05. F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed by the Developer in cooperation with the Florida Fish and Wildlife Conservation Commission.

5. The land use designations for those portions of the TAMPA TRIANGLE site which meet the definition of preservation and conservation areas, as defined in the Regional Planning Council's adopted growth policy, Future of the Region, Section 10.1.2 and 10.3.1, shall be designated on the revised General Development Plan submitted to Hillsborough County.

6. The Developer shall preserve representation tracts of coniferous forest and xeric oak communities listed on pages 18-6 and 18-7 of the ADA in a manner which will ensure their continued natural function and value.

F. Public Facilities

1. Prior to commercial site plan approval for the development, the Developer shall stipulate to the satisfaction of Hillsborough County the manner by which the developer will participate in the provision or expansion of internal water supply, supply lines, and facilities to service the project. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for that portion of the building construction.

2. Prior to detailed site plan approval for the development, the Developer shall ensure the provision of fire flows acceptable to Hillsborough County. The installation of a sprinkler system, fire hydrants or fire plan shall be options to ensure the provision of acceptable fire flows. No commercial site plans shall be approved without verification from the Hillsborough County Fire Department that sufficient firefighting facilities / manpower / equipment required to serve the project are available.

3. Prior to issuance of detailed site plan approval for the development, the Developer shall provide documentation to the Planning and Growth Management Department of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Water Department or other applicable entity. No Zoning Compliance Permits shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.

4. Any on-site wastewater treatment plant or disposal system, constructed to serve the project except as may be required pursuant to paragraph J.6 below, shall require a substantial deviation determination pursuant to Subsection 380.06(19), as amended.

5. Prior to issuance of detailed site plan approval for the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate Emergency Management Services capabilities and facilities are available to service the development.

6. The Developer shall be required to provide for recovered wastewater disposal in accordance with any uniformly applicable Hillsborough County ordinance or Water Department take-back policy in effect prior to detailed site plan approval.

7. The Developer shall use non-potable water for landscape and open space irrigation unless otherwise approved by Hillsborough County. The Developer shall identify a plan for using non-potable water for irrigation in the first annual report following issuance of the first Certificate of Occupancy submitted to Hillsborough County and the TBRPC.

8. The collection, transportation and disposal of solid waste are controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.

9. Septic tanks may be permitted on a temporary basis for construction purposes only, subject to local regulations.

10. The installation of any on-site well as a source of potable water shall require a substantial deviation determination pursuant to Subsection 380.06(19)(a), F.S., unless required by Hillsborough County.

G. Hazardous Waste

1. Prior to the issuance of Zoning Compliance Permits, the Developer shall, if not in conflict with Hillsborough County plans and policies, and only as required to accommodate hazardous waste generators in the project (if any) provide separate hazardous waste storage areas within the project. These areas shall be accessible to all businesses and shall be marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials. (Hazardous wastes are those substances and materials defined in F.S. 403.703(21), and Title 40 CFR Part 261, as amended).

2. The Developer shall notify in writing all project businesses of the location of the specially-designated hazardous waste and material container.

3. Surface impoundments of hazardous waste, hazardous waste piles, land treatment of hazardous waste, landfills and underground storage of hazardous materials shall be prohibited.

4. Large quantity generators of hazardous substances, as defined by applicable Federal and State regulations, shall implement a site specific surficial aquifer monitoring program as required by Hillsborough County, Hillsborough County Environmental Protection Commission (EPC) and FDEP. An emergency response and hazardous waste management operation plan shall be required for those facilities which generate/handle hazardous wastes, to minimize hazards to human health and the environment. The plans shall describe the procedures and actions required of facility personnel as well as the duties of local EMS / fire and police departments and hospitals. The plan shall be included in the first annual report following occupancy within the development.

5. All temporary hazardous waste storage facilities shall meet applicable federal, state and local laws, rules and regulations, and where appropriate the criteria set forth in Sections 3.913(a), (d) and (e), TBRPC's Future of the Region.

6. Small quantity generators as defined by applicable Federal and State regulations, should obtain United States Environmental Protection Agency (USEPA) identification numbers.

7. The Developer, through restrictive lease agreements or covenants, shall advise tenants and purchasers that any hazardous waste must be transported and disposed of in a manner consistent with applicable laws and regulations.

H. Hurricane Evacuation

1. The Developer shall coordinate with the Hillsborough County Bureau of Emergency Management and the Greater Tampa Chapter of the America Red Cross, as to the feasibility of designating the hotel within the TAMPA TRIANGLE development as a public hurricane evacuation center to shelter the residents of vulnerable areas. A report on the outcome of these discussions shall be submitted in the first annual report prior to issuance of Certificates of Occupancy for the project.

I. Energy Conservation

1. The energy conservation measures referenced on page 25-3 and 25-4 of the ADA shall be complied with by the Developer. The following energy conservation measures shall also be encouraged by the Developer or his assigns for the office, service center, research and development and commercial components of TAMPA TRIANGLE:

   a. The institution of programs to promote energy conservation by employees, buyers, suppliers, and the public.

   b. Reduction in levels of operation of all air conditioning, heating and lighting systems during non-business hours.

   c. Recycling programs.

   d. The use of energy- efficient cooling, heating and lighting systems.

   e. Installation of innovative energy conservation features such as waste heat recovery or solar power where feasible in project's facilities.

   f. Use of the most energy efficient technology economically feasible in the construction and operation of the project development.

J. Equal Opportunity

1. The Developer shall seek, and urge and encourage all contractors and subcontractors to involve minority groups in the development of the project. All office and commercial establishment areas shall be available to all, on a fair and impartial basis.

K. General

1. The discovery of any historical or archaeological resources shall be reported to Hillsborough County and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Hillsborough County.

2. Any approval of the TAMPA TRIANGLE development shall at minimum, satisfy the provisions of F.S. 380.06(15), as amended.

3. The Developer shall maintain all open space and landscaped areas within the project site except for any drainage easements maintained by Hillsborough County.

4. The Developer shall require all buyers or tenants through covenants or deed restrictions to prohibit any users that would be obnoxious due to noise, air odor or visual pollution.

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board as its regular meeting of March 24, 2009, as same appears of record in Minute Book 394 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 31st day of March, 2009.

PAT FRANK, CLERK

By: Deputy Clerk

BOARD OF COUNTY COMMISSIONERS HILLSBOROUGH COUNTY GREAT SEAL OF THE STATE OF FLORIDA IN GOD WE TRUST

APPROVED BY COUNTY ATTORNEY
BY
Approved as to Form and Legal Sufficiency

COMPOSITE EXHIBIT "A"

Legal Description

PREPARED BY: POLARIS ASSOCIATES, SURVEYOR

THAT PART OF THE NORTH ½ OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, FORMERLY KNOWN AS PORTIONS OF VACATED LOTS 1, 2, 7, 8, 9, 10 AND 16 IN THE NORTHWEST ¼ AND LOTS 11, 12, 13 AND 14 IN THE NORTHEAST ¼ OF SAID SECTION 31, OF SOUTH TAMPA SUBDIVISION AS RECORDED IN PLAT BOOK 6 PAGE 3, OF THE PUBLIC RECORDS OF SAID COUNTY, TOGETHER WITH PORTIONS OF LOTS D, E AND H OF BOULEVERD VILLAS AS RECORDED IN PLAT BOOK 8 PAGE 45, OF THE PUBLIC RECORDS OF SAID COUNTY TOGETHER WITH LOT 20, LESS THE WEST 16.22 FEET THEREOF AND ALL OF LOTS 21 THROUGH 26, BLOCK A, SUBDIVISION OF LOT A OF BOULEVARD VILLAS AS RECORDED IN PLAT BOOK 25 PAGE 40 OF THE PUBLIC RECORDS OF SAID COUNTY TOGETHER WITH ABUTTING ROAD RIGHT-OF-WAY, ALL OF WHICH BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH ¼ CORNER OF SECTION TOWNSHIP 29 SOUTH, RANGE 20 EAST HILLSBOROUGH COUNTY, FLORIDA, THENCE 5.00°30'20"W., 40.00 FEET ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 31 TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD THENCE, ALONG SAID LINE, N.89°27'11"W., 90.70 FEET FOR THE POINT OF BEGINNING: THENCE, LEAVING SAID LINE, S.00°30'20"W., 220.00 FEET; THENCE N.89°27'25"W., 292.44 FEET: THENCE S.00°18'12"W., 763.21 FEET TO A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 720.00 FEET: THENCE SOUTHERLY ALONG SAID CURVE 306.98 FEET THROUGH A CENTRAL ANGLE OF 24°25'43" (CHORD BEARING S.13°30'36"E., 304.66 FEET). THENCE NON-TANGENT FROM SAID CURVE S.89°27'52"E., 1634.78 FEET: THENCE S.00°12'51"W., 1348.81 FEET TO THE EAST-WEST CENTERLINE OF SAID SECTION 31; THENCE, ALONG SAID LINE, N89°35'35"W., 1981.87 FEET; THENCE LEAVING SAID LINE, N.00°06'43"E., 671.36 FEET, THENCE N.89°15'27"W., 322.94 FEET; THENCE N.00°18'56"E., 380.92 FEET; THENCE S.89°26'26"E., 162.04 FEET; THENCE N.00°20'38"E., 300.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ALONZO ROAD; THENCE ALONG SAID LINE THE FOLLOWING N.89°26'26"W., 500.01 FEET; THENCE N.89°43'07"W., 392.29 FEET; THENCE N.00°05'59"E., 15.05 FEET THENCE N.89°54'01W., 170.60 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 301 (STATE ROAD 43); THENCE ALONG SAID LINE THE FOLLOWING N.11°18'59W., 365.92 FEET; THENCE N.08°05'36"W., 613.79 FEET TO THE SOUTH LINE OF SAID SUBDIVISION OF LOT A OF BOULEVARD VILLAS; THENCE, ALONG SAID LINE, S.89°27'29"E., 260.38 FEET; THENCE N. 00°10'43"E., 161.80 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD; THENCE, ALONG SAID LINE THE FOLLOWING S.89°27'29"E., 445.17 FEET; THENCE N.81°39'08"E., 764.31 FEET TO A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 1809.86 FEET; THENCE EASTERLY ALONG SAID CURVE, 280.96 FEET THROUGH A CENTRAL ANGLE OF 08°53'41" (CHORD BEARING N. 89°05'58"E., 280.68 FEET) THENCE S.89°27'11"E., 213.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 109.4096 ACRES MORE OR LESS

TOGETHER WITH

THAT PART OF THE NORTHWEST ¼ OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, FORMERLY KNOWN AS PORTIONS OF LOTS I AND L OF BOULEVARD VILLAS AS RECORDED IN PLAT BOOK 8 PAGE 45, OF THE PUBLIC RECORDS OF SAID COUNTY TOGETHER WITH ABUTTING ROAD RIGHT-OF-WAY, ALL OF WHICH BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH ¼ CORNER OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, THENCE S.00°11'47"W., 40.00 FEET, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 31 TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD, THENCE ALONG SAID LINE, N89°27'11"W., 90.70 FEET; THENCE, LEAVING SAID LINE, S.00°30'20"W., 220 FEET; THENCE N.89°27'25"W., 292.44 FEET; THENCE S.00°18'12"W., 763.21 FEET TO A NON TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 720.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE 306.98 FEET THROUGH A CENTER ANGLE OF 24°25'43" (CHORD BEARING S.13°30'36"E., 304.66 FEET), THENCE NON-TANGENT FROM SAID CURVE S.89°27'52"E., 1634.78 FEET; THENCE S. 00°12'51"W., 1348.81 FEET TO THE EAST-WEST CENTERLINE OF SAID SECTION 31; THENCE, ALONG SAID LINE, N89°35'35"W., 1981.87 FEET; THENCE LEAVING SAID LINE, N00°06'43"E., 671.36 FEET THENCE N.89°15'27"W., 322.94 FEET; THENCE N.00°18'56"E., 380.92 FEET; THENCE S.89°26'26"E., 162.04 FEET; THENCE N.00°20'38"E., 300.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ALONZO ROAD; THENCE ALONG SAID LINE N.89°26'26"W., 500.01 FEET; THENCE LEAVING SAID LINE S.00°21'47"W., 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID ALONZO ROAD AND THE POINT OF BEGINNING; THENCE CONTINUE S.00°21'47"W., 659.94 FEET; THENCE N.89°26'22"W., 454.11 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301 (STATE ROAD NO. 43): THENCE ALONG SAID LINE THE FOLLOWING, N.08°05'36"W., 631.86 FEET; THENCE N.11°18'59"E., 27.72 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID ALONZO ROAD; THENCE, ALONG SAID LINE THE FOLLOWING, S.89°54'01"E., 160.51 FEET, THENCE N.00°05'59"E., 4.95 FEET; THENCE S.89°43'07"E., 392.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.5878 ACRES MORE OR LESS
0072487 LEG

TOGETHER WITH

A PARCEL OF LAND LYING IN THE NORTH ½ OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, AND ALSO BEING A PORTION OF TRACT 4 IN THE NORTHEAST ¼ AND TRACTS 3 AND 8 IN THE NORTHWEST ¼ OF SAID SECTION 31, SOUTH TAMPA SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 3 PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

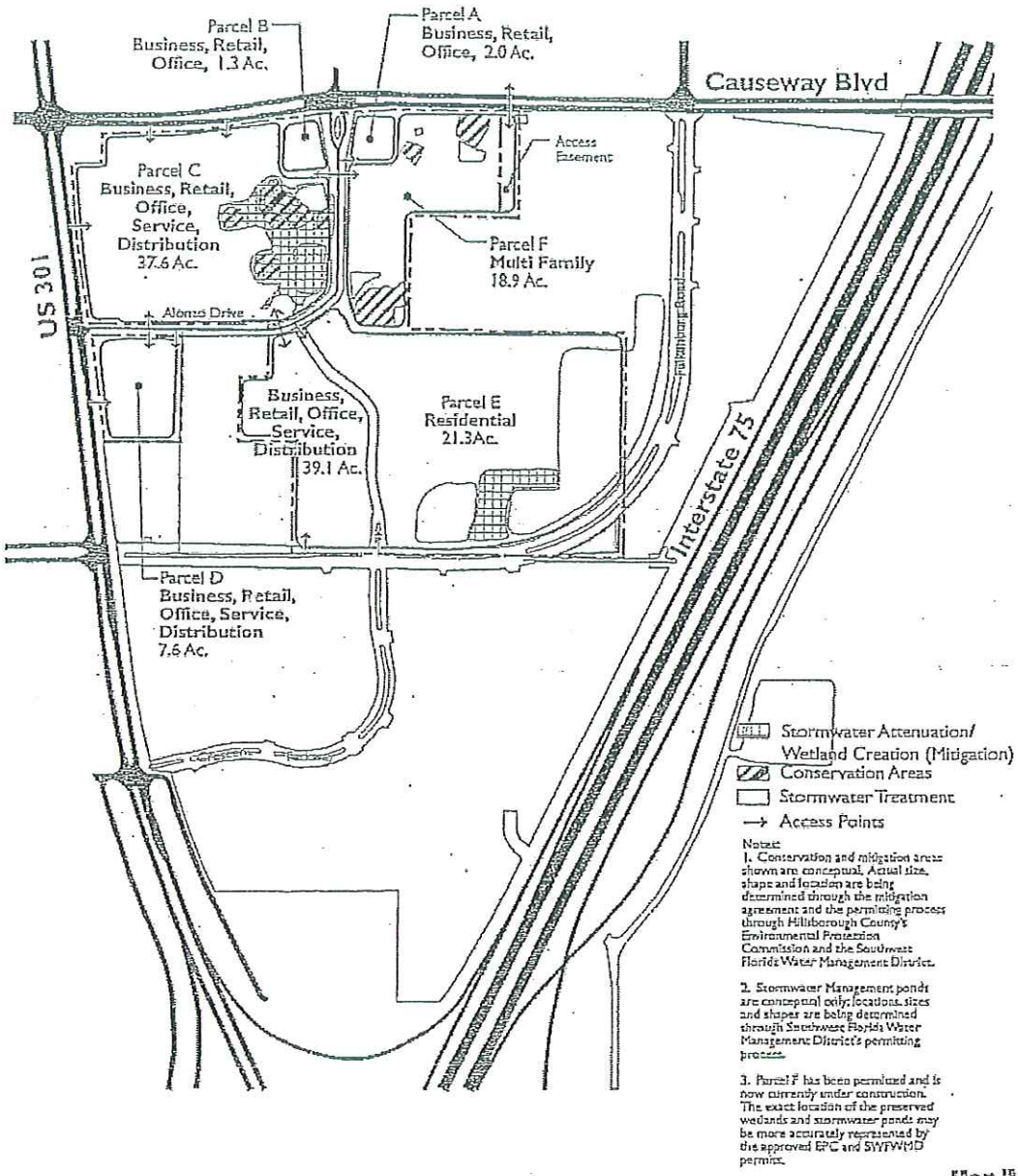
FROM THE NORTH ¼ CORNER OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY RUN THENCE S.00°12'43"W., 39.94 FEET ALONG THE EAST BOUNDARY OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 31 TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD FOR A POINT OF BEGINNING; THENCE S.89°26'29"E., 660.90 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT ON THE EAST BOUNDARY OF THE AFORESAID TRACT 4, SOUTH TAMPA SUBDIVISION; THENCE S.00°08'34"W., 626.87 FEET ALONG SAID EAST BOUNDARY TO THE SOUTHEAST CORNER OF SAID TRACT 4, THENCE N.89°25'26"W., 646.66 FEET ALONG THE SOUTH BOUNDARY OF SAID TRACT 4 TO THE SOUTHWEST CORNER THEREOF; THENCE S.00°12'43"W., 652.02 FEET ALONG THE WEST BOUNDARY OF TRACT 5 IN THE NORTHEAST ¼ OF SAID SOUTH TAMPA SUBDIVISION TO THE SOUTHWEST CORNER THEREOF; THENCE N.89°27'22"W., 328.56 FEET ALONG THE SOUTH BOUNDARDY OF THE AFORESAID TRACT 8 AND THE EASTERLY PROJECTION THEREOF TO A POINT ON A CURVE; THENCE NORTHERLY, 306.98 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 720.00 FEET, A CENTRAL ANGLE OF 24°25'43", AND A CHORD BEARING AND DISTANCE OF N. 13°29'40"W., (N.13°30'14"W., BY PREVIOUS DESCRIPTION), 304.66 FEET TO A POINT OF TANGENCY; THENCE N.00°19'08"E., (N.00°18'34"E., BY PREVIOUS DESCRIPTION), 763.21 FEET; THENCE S.89°26'29"E., 292.44 FEET; THENCE N00°31'16"E., 220.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD; THENCE S.89°26'29"E., 90.70 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

LESS THE FOLLOWING PORTIONS OF VACATED RIGHTS-OF-WAY:

A VACATED PORTION OF A THIRTY (30) FOOT PLATTED RIGHT-OF-WAY AS RECORDED IN OR BOOK 10250, PAGE 0234, PUBLIC RECORDS OF HILLSBOROUGH COUNTY FLORIDA, AND A VACATED PORTION OF A PLATTED TWENTY-FIVE (25) FOOT RIGHT-OF-WAY RECORDED IN OR BOOK 11003, PAGE 1271, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

PROPOSED MASTER DEVELOPMENT PLAN

EXHIBIT B



Notes:
1. Conservation and mitigation areas shown are conceptual. Actual size, shape and location are being determined through the mitigation agreement and the permitting process through Hillsborough County's Environmental Protection Commission and the Southwest Florida Water Management District.

2. Stormwater Management ponds are conceptual only; locations, sizes and shapes are being determined through Southwest Florida Water Management District's permitting process.

3. Parcel F has been permitted and is now currently under construction. The exact location of the preserved wetlands and stormwater ponds may be more accurately represented by the approved EPC and SWFWMD permits.

Summary of Proposed Master Plan

Land Use	Approved Program
Office	669,679 sf
Retail	24,750 sf
Service Center	50,000 sf
Multi-Family	616 du

GLATTING JACKSON KERCHER ANGLIN LOPEZ RINEHART

Map II
Tampa Triangle PD
Master Development Plan
Tampa Triangle Joint Venture

December 18, 1998
Revised December 22, 2008
Scale in Feet
0 400 800
North

EXHIBIT "C"

Land Use Conversions Tampa Triangle DRI (1)

CHANGE TO	CHANGE FROM: Office	Retail	Service Center	Multi-Family
Office	--	8.34 KSF / KSF	0.76 KSF / KSF	0.51 KSF / DU
Retail	0.12 KSF / KSF	--	0.09 KSF / KSF	0.06 KSF / DU
Service Center	1.31 KSF / KSF	10.97 KSF / KSF	--	0.67 KSF / DU
Multi-Family	1.95 DU / KSF	16.27 DU / KSF	1.48 DU / KSF	--

(1) All land use conversions are subject to the Maximum and Minimum land use quantities allowed under this Development Order.

Examples:

1.) Office to Retail

- Add 10,000 square feet of retail by reducing office
- 10 KSF/(0.12 KSF/KSF) = 83.333 KSF
- Reduce office by 83,333 square feet

2.) Office to Service Center

- Add 10,000 square feet of service center by reducing service center
- 10 KSF/(1.31 KSF/KSF) = 7.634 KSF
- Reduce office by 7,634 square feet

3.) Office to Multi-Family

- Add 100 DU's of multi-family by reducing office
- 100 DU/(1.95 DU/KSF) = 51.282 KSF
- Reduce office by 51,282 square feet

4.) Retail to Service Center

- Add 10,000 square feet of service center by reducing retail
- 10 KSF/(10.97 KSF/KSF) = 0.912 KSF
- Reduce retail by 912 square feet

5.) Retail to Multi-Family

- Add 100 DU's of multi-family by reducing retail
- 100 DU/(16.27 DU/KSF) = 6.146 KSF
- Reduce retail by 6,146 square feet

6.) Service Center to Multi-Family

- Add 100 DU's of multi-family by reducing service center
- 100 DU/(1.48 DU/KSF) = 67.568 KSF
- Reduce service center by 67,568 square feet

#140

PAT FRANK

Clerk of the Circuit Court
13th Judicial Circuit

May 30, 2006

JOHN MEYER DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
4000 GATEWAY CENTER BLVD SUITE 100
PINELLAS PARK FL 33782

Re: Resolution No. R06-105 - Amending the Development Order for the Tampa Triangle Development of Regional Impact (DRI #140).

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on May 23, 2006.

We are providing this original for your files.

Sincerely,

Beverly Miller for

Gail M. Letzring,
Manager, BOCC Records

bam
Attachment
Federal Express # 7002 2410 0001 4265 1577
cc: Board files (orig.)
Clayton Bricklemyer, Esq., Bricklemyer Smolker & Bolves, P. A. (orig. ltr.)
Charles Gauthier, Chief, DCA Bureau of State Planning (orig. ltr.)
Nancy Y. Takemori, Assistant County Attorney
John Healy, Senior Planner, Planning & Growth Management
Sandra Davidson, County Attorney's Office
Christopher Wise, Property Appraiser's Office
Mary Mahoney, Management & Budget

RESOLUTION NO. R06-105

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
ISSUING AN AMENDED AND RESTATED DEVELOPMENT ORDER FOR
DRI #140 -- TAMPA TRIANGLE

Upon motion the following Resolution was adopted on this 23rd day of May, 2006, by a vote of 4 to 0, Commissioner(s) _____ voting "no".

WHEREAS, on September 22, 1987, the Board of County Commissioners approved a Development Order (Resolution No. 87-0319) for the TAMPA TRIANGLE Development of Regional Impact (DRI) #140 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 23, 1990, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 90-032 (NOPC #1); and

WHEREAS, on July 14, 1992, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 92-0167 (NOPC #2); and

WHEREAS, on October 25, 1994, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 94-0272 (NOPC #3); and

WHEREAS, on August 27, 1996, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 96-0215 (NOPC #4); and

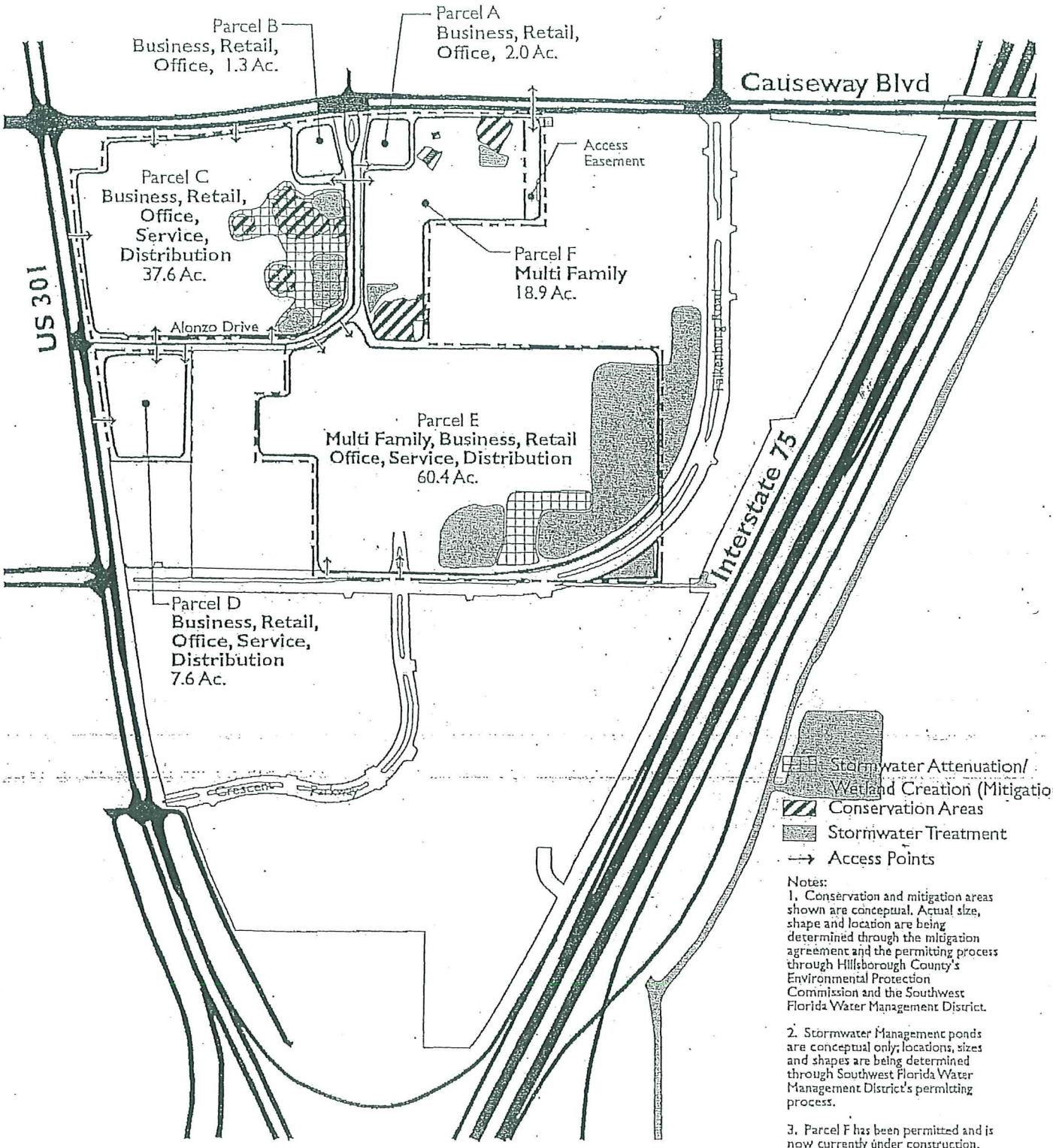
WHEREAS, on January 12, 1999, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 99-005 (NOPC #5); and

WHEREAS, on March 13, 2001, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 01-042 (NOPC #6); and

WHEREAS, on December 10, 2002, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 02-276 (NOPC #7); and

WHEREAS, Pursuant to Section IV(A)(1) of the Development Order, as amended by NOPC #s 1, 2, 3, 4, 5, 6 and 7 (hereafter, the "Amended and Restated Development Order) Tampa Triangle Joint Venture ("the Developer") has re-evaluated the parameters of the Transportation Analysis used for NOPC #6 and submitted said re-evaluation to Hillsborough County and the Florida Department of Transportation for review and approval; and

Exhibit B



Stormwater Attenuation/
Wetland Creation (Mitigation)
Conservation Areas
Stormwater Treatment
Access Points

Notes:
1. Conservation and mitigation areas shown are conceptual. Actual size, shape and location are being determined through the mitigation agreement and the permitting process through Hillsborough County's Environmental Protection Commission and the Southwest Florida Water Management District.

2. Stormwater Management ponds are conceptual only; locations, sizes and shapes are being determined through Southwest Florida Water Management District's permitting process.

3. Parcel F has been permitted and is now currently under construction. The exact location of the preserved wetlands and stormwater ponds may be more accurately represented by the approved EPC and SWFWMD permits.

Summary of Proposed Master Plan

Land Use	Approved Program
Office	862,500 sf
Retail	24,750 sf
Service Center	50,000 sf
Multi-Family	240 du

Map H
Tampa Triangle PD
Master Development Plan

Tampa Triangle Joint Venture

December 18, 1998
Revised July 25,2002
Scale in Feet

North

GLATTING
JACKSON
KERCHER
ANGLIN
LOPEZ
RINEHART

WHEREAS, Section IV(A)(1) of the Amended and Restated Development Order provides that if the Board of County Commissioners finds that none of the parameters reviewed in the re-evaluation of the Transportation Analysis exceeds a fifteen percent (15%) variance from the Transportation Analysis that would result in an increased proportionate share cost, then the buildout date of the project shall be extended from December 29, 2006 to December 29, 2008; and

WHEREAS, the Developer now requests that the project's buildout date be extended to December 29, 2008 as provided in Section IV(A)(1) of the Amended and Restated Development Order.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

I. FINDINGS OF FACT

A. The Developer has re-evaluated the parameters of the Transportation Analysis used for NOPC #6, as required by Section IV(A)(1) of Amended and Restated Development Order, utilizing a methodology approved by Hillsborough County.

B. The Planning and Growth Management Department of Hillsborough County and the Florida Department of Transportation have reviewed and approved the re-evaluation in accordance with Section IV(A)(1) of the Amended and Restated Development Order.

C. None of the parameters reviewed in the re-evalution of the Transportation Analysis exceeds a 15 percent variance from the parameters of the Transportation Analysis used for NOPC #6 that would result in an increased proportionate share cost for the project.

II. CONCLUSIONS OF LAW

A. The buildout date of the project is hereby extended to December 29, 2008.

B. This buildout date extension implements Section IV(A)(1) of the Amended and Restated Development Order, and pursuant to Section 380.06, Florida Statutes, does not constitute a "substantial deviation" from the Tampa Triangle Amended and Restated Development Order, nor does it require the submission of a notice of proposed change or a public hearing.

C. All applicable statutory and regulatory procedures have been adhered to.

D. The Tampa Triangle Amended and Restated Development Order, as revised hereby, is consistent with the Future of Hillsborough County Comprehensive Plan, and development in accordance with the Amended and Restated Development Order, as revised, will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

E. Nothing contained in this Amended and Restated Development Order, as revised herein, shall limit or modify the rights originally approved by the Development Order or the protection afforded under Subsection 163.3167(8), Florida Statutes.

F. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

G. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail or other delivery service for which a receipt as proof of service is required, to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients in accordance with Section 380.06, Florida Statutes.

H. This Resolution shall become effective upon the date of transmittal as provided in paragraph G above.

III. GENERAL PROVISIONS

A. This resolution shall constitute the Amended and Restated Development Order of Hillsborough County in response to the Application for Development Approval for the Tampa Triangle Development of Regional Impact (ADA).

B. The legal description set forth in Composite Exhibit "A" is hereby incorporated into and by reference made a part of this Amended and Restated Development Order.

C. All provisions contained within the ADA and Sufficiency Response shall be considered conditions of this Amended and Restated Development Order unless inconsistent with the terms and conditions of this Amended and Restated Development Order, in which case the terms and conditions of this Amended and Restated Development Order shall control.

D. The definitions contained in Chapter 380, Florida Statutes, shall govern and apply to this Amended and Restated Development Order.

E. This Amended and Restated Development Order shall be binding upon the Developer and his heirs, assignees or successors in interest including any entity

which may assume any of the responsibilities imposed on the Developer by this Amended and Restated Development Order. It is understood that any reference herein to any governmental agency shall be constructed to included any future instrumentality which may possesses any of the powers and duties of any branch of government or governmental agency.

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

G. Whenever this Amended and Restated Restated Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.

H. In each instance in this Amended and Restated Development Order where the Developer is responsible for ongoing maintenance of facilities at Tampa Triangle, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/ or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Amended and Restated Development Order, which approval shall not be unreasonably withheld.

I. Development activity constituting a substantial deviation from the terms or conditions of this Amended and Restated Development Order as defined by the criteria of Ch. 380.06(19)(b) or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by Hillsborough County and the Tampa Bay Regional Planning Council shall result in further Development of Regional Impact review pursuant to Chapter 380.06, Fla. Stats., and may result in Hillsborough County ordering a termination of development activity pending such review.

J. The Hillsborough County Planning and Growth Management Department shall be responsible for monitoring all terms and conditions of this Amended and Restated Development Order. For purposes of this condition, the Planning and Growth Management Department may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over

the area or subject involved. The Planning and Growth Management Department shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Amended and Restated Development Order. In the event of a deviation, the Planning and Growth Management Department may issue a notice of such noncompliance to the Developer, or the Planning and Growth Management Department may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.

K. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85 as amended. Such report shall be due on the anniversary of the effective date of this Amended and Restated Development Order for each following year until and including such time as all terms and conditions of this Amended and Restated Development Order are satisfied. Such report shall be submitted to the Department of Planning and Growth Management which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Amended and Restated Development Order. The Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a wavier of any terms or conditions of this Amended and Restated Development Order. This report shall contain:

1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; and

2. A description of all development activities proposed to be conducted under the terms of this Amended and Restated Development Order for the year immediately following the submittal of the annual report; and

3. A statement listing all Applications for Incremental Review required pursuant to this Amended and Restated Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report; and

4. A statement setting forth the name(s) and address(es) of any heir, assignee or successor in interest to this Amended and Restated Development Order.

5. A description of the land use conversions and resulting Land Use Schedule, with cumulative land use totals, and the remaining amounts of land use available.

(amended: Resolution No. 99-005).

L. The provision of this Amended and Restated Development Order shall not be construed as a waiver of or exception to any rule, regulation, or ordinance of Hillsborough County, its agencies and commissions, and to the extent further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations, and ordinances in effect at the time of the review.

M. This Amended and Restated Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County and transmittal in accordance with Section 380.06, Florida Statutes (2005).

IV. SPECIFIC CONDITIONS

A. Phasing Schedule, Deadlines and Land Use Conversions

1. The Revised Map H for Tampa Triangle dated July 25, 2002, a copy of which is attached hereto as Exhibit "B", is hereby approved and the project shall proceed in accordance with the Land Use schedule shown thereon.

   The Tampa Triangle project is approved with a buildout date of December 29, 2008. Prior to December 29, 2005, the Developer shall re-evaluate the parameters of the Transportation Analysis used for NOPC #6 (Resolution #01-042) and submit said documentation to Hillsborough County and the Florida Department of Transportation for review and approval. The documentation shall compare the most recent available data at the time of the report to the data contained in the Transportation Analysis conducted for this NOPC for the following parameters.

   a. Project Land Uses
   b. Trip Generation
   c. Value of Budgeted Roadway Improvements
   d. Roadway Costs

   A meeting shall be held with the County and FDOT staff to establish a methodology for performing the re-evaluation. The County shall approve the proposed methodology.

The re-evaluation shall be presented to the Board of County Commissioners for review. If the Board finds that any one of the parameters exceeds a 15 percent variance that would result in an increased proportionate share cost of the project, the Developer shall be required to file an NOPC to re-evaluate the project's transportation mitigation obligations. If the Board finds that none of the parameters exceeds a 15 percent variance from the Transportation Analysis that would result in an increased proportionate share cost, then the buildout date of the project shall be extended from December 29, 2006 to December 29, 2008.

(amended: Resolution No. 92-0167; Resolution No. 94-0272; Resolution No. 96-215; Resolution No. 99-005; Resolution No. 01-042; Resolution No. 02 – 276; Resolution No. 06-105, which extended the buildout date pursuant to this Section IV(A)(1)).

2. If the Developer elects to amend the proposed phasing schedule, he shall submit said amendments to the Planning and Growth Management Department for review and approval as required by law, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of this Order are otherwise fully complied with. Any significant departure in project build-out from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes as amended.

3. The physical development of Tampa Triangle shall begin within three years of the effective date of the Development Order (Resolution No. 87-0319).

4. This Amended and Restated Development Order shall remain in effect for a period up to and including December 29, 2008. No Development shall be approved after expiration of the Amended and Restated Development Order. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Amended and Restated Development Order may be completed in accordance with the requirements of the Amended and Restated Development Order, if approved. This Amended and Restated Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County a minimum of thirty (30) days prior to the expiration date of this Order.

   (amended: Resolution No. 96-215; Resolution No. 99-005; Resolution No. 06-105)

5. The development shall not be subject to down-zoning, or intensity reduction until December 29, 2008, unless the local government can demonstrate that

substantial changes in the conditions underlying the approval of the Amended and Restated Development Order have occurred, or the Amended and Restated Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

(amended: Resolution No. 96-215; Resolution No. 99-005; Resolution No. 06-105)

6. Maximum And Minimum Development Potential / Conversion

Approved Land Uses	Minimum Quantities	Maximum Quantities (1)	Currently Approved Program (2)
Office	400,000	1,100,000	862,500
Retail	10,000	50,000	24,750
Service Center (3)	--	125,000	50,000
Multi-Family	240	620	240

1. Maximum development is also limited to 1,325 PM peak hour trips.
2. Base program for application of trade-off matrix.
3. "Service Center" includes office and warehouse.

The conversion from one land use to another to achieve a net zero increase in P.M. peak hour traffic shall be in accordance with the Land Use Conversion Table attached hereto as Exhibit "C."

If the Developer elects to implement the trade-off mechanism, he shall file with Hillsborough County, Tampa Bay Regional Planning Council and the Department of Community Affairs a revised Map H including a Land Use schedule identifying what conversions have been made and a Revised General Site Plan for zoning purposes.

(added: Resolution No. 99-005; amended: Resolution No. 02-276)

B.. Transportation

1. The TAMPA TRIANGLE project is limited to a maximum of 1,325 external PM peak hour trips.

(amended : Resolution No. 02-276)

2. An annual monitoring program for the total TAMPA TRIANGLE project which will record driveway volumes in the evening peak hour shall be started when Certificates of Occupancy have been issued for 400,000 square feet of office space, (or the equivalent thereof in terms of trip generations) and continue until build-out. If the driveway volumes exceed more than 15 percent of those projected for peak hour (1,325 p.m. peak hour trips) in the Transportation Analysis conducted for NOPC # 6 (Resolution #01-042), a substantial deviation determination shall be required. If the variance is determined to be a substantial deviation, a revised transportation analysis will be required based upon results of the monitoring programs and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

3. INTENTIONALLY DELETED. Condition satisfied by Developer.

   (deleted: Resolution No. 02-276)

4. The Developer shall receive credit against impact fees, pursuant to law. The application and payment of impact fees in itself will not constitute funding commitments for the required right-of-way dedications and transportation improvements. Any difference between the Required Improvement Costs and the sum of the costs of the Required Design and the Required Improvements (the "Difference") shall be paid in cash prior to the issuance of the final Certificate of Occupancy for the project, provided that the developer may elect to make other improvements of a value equivalent to the Difference, subject to approval by the Hillsborough County Engineering Department. The Developer's completion of the Required Design ad Required Improvements and payment of the Difference, or completion of the improvements and in lieu of the Difference as provided for herein, shall be deemed to fully and completely satisfy any and all of its obligations under the law to mitigate the traffic impacts of the TAMPA TRIANGLE project.

5. A pedestrian circulation system and bicycle circulation system shall be provided within the project. The pedestrian system shall include internal sidewalks. Additionally, external sidewalks to the project in the right-of-way area of the major roadways (i.e.,U.S.301 and Causeway Boulevard) shall be required. The bicycle system shall incorporate whatever elements are necessary to complement the County Bicycle Plan and extend the County System into TAMPA TRIANGLE. No detailed site plans shall be approved which do not indicate these systems and their exact locations.

6. INTENTIONALLY DELETED. Condition satisfied by Developer.

(amended: Resolution No. 90-032; deleted: Resolution No. 02-276).

7. INTENTIONALLY DELETED. Condition satisfied by Developer.

   (deleted: Resolution No. 02-276).

8. Except for items, if any, that relate solely to a particular development parcel, Hillsborough County will proceed first against the Developer for satisfaction of requirements of the Amended and Restated Development Order, including but not limited to, the Required Design, the Required Improvements Costs, and the Required Improvement provided, however, that the Developer shall be responsible for all Amended and Restated Development Order requirements.

   (amended: Resolution No. 96-215).

C. Air Quality

1. If any proposed change is determined to be a substantial deviation, Hillsborough County shall determine whether the nature of the proposed change(s) is such that it would require a re-analysis of the air quality impacts of this project or if such proposed change includes uses which are determined to be point sources of air pollution. If a re-analysis is warranted as determined by Hillsborough County, the Developer shall perform point source air quality analyses and the Developer shall take remedial measures as required by Hillsborough County, all in accordance with applicable law.

2. The measures to reduce erosion, fugitive dust and air emission stated on pages 13-4, 13-5 and 14-4 and 14-5 of the ADA shall be required.

D. Stormwater Management and Water Quality

1. In order to protect water quality, there shall be no degradation of water quality standards from stormwater exiting the site. If the regulatory agencies with jurisdiction deem a water quality monitoring program necessary prior to groundbreaking or subsequent to build-out, the Developer shall provide a water quality monitoring program to the satisfaction of the regulatory agency (ies). Any violation of Chapter 17-3 Florida Administrative Code (F.A.C.) shall require corrective measures as set forth by Florida Department of Environmental Protection (FDEP). The following shall apply:

   a. Sampling locations and frequencies shall be determined to the satisfaction of the applicable agency (ies).

b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/ FDER Quality Control Standards and Requirements.

c. The monitoring results shall be submitted to Hillsborough County Environmental Protection Commission (EPC) and the applicable agency (ies). Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to Hillsborough County immediately and all construction within project where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

2. Prior to the issuance of any building permits the Final Drainage Plan and drainage calculations shall be submitted by the Developer to TBRPC and FDEP for review and to Hillsborough County and Southwest Florida Water Management District (SWFWMD) for approval. The drainage system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations, and shall be consistent with the Preliminary Master Drainage Plan submitted to Hillsborough County during review of this DRI and with the SWFWMD Conceptual Permit No. 490324 issued on September 4, 1985, provided that such drainage facilities are installed within two years after the effective date of this Development Order (Resolution 87-0319). Otherwise, the County drainage criteria in existence at the time of construction of the respective project phases shall be the prevailing criteria to use for design and construction unless other affected agencies' drainage criteria is more restrictive. If flooding conditions exist downstream of the DRI's outfall, more restrictive criteria may apply.

3. The drainage system shall function in a manner as to rejuvenate the cypress head located in the northeast corner of the development site.

4. Due to the "volume sensitive" nature of Delaney Creek, new development in the Delaney Creek Watershed must satisfy Hillsborough County and SWFWMD requirements, including the following criteria (1986 Ghioto, Singhofen and Associates, Inc. Delaney Creek Stormwater Management Master Plan, ES-7 and ES-8). Only a portion of the site is within the Delaney Creek Watershed area.

   a. Compensating storage must be provided for any encroachment into the 100-year flood plain.

   b. The peak rate of discharge resulting from the 100-year 24-hour storm under post-development conditions must not exceed the pre-development peak rate of runoff from the 100-year 24-hour storm.

c. The volume of runoff discharged from the 100-year 24-hour storm under post-development conditions must not exceed that amount of runoff produced from the pre-development 100-year 24-hour storm.

5. Stormwater detention/retention pond design requirements for the development shall be as listed below unless otherwise approved by the Hillsborough County Environmental Protection Commission and the Hillsborough County Drainage Engineer:

   a. The side slopes shall be no greater than 4:1.

   b. The banks shall be completely vegetated to the design low water elevation.

   c. The sides and the bottom of each pond shall not be constructed of impervious material.

6. The County shall notify the developer as to what drainage easements or right-of-way will be required by the County's Stormwater Management Department, in accordance with applicable County rules and regulations, prior to Master Drainage Plan approval. The Developer shall grant such easements to the County prior to the issuance of construction plan approval for the project.

7. In order to protect water quality, the Developer shall implement a vacuum street cleaning program for the parking and roadway areas within the development.

8. The Developer shall be responsible for the operation and maintenance of the on-site drainage facilities excluding easements maintained by Hillsborough County.

E. Wetlands

1. In order to protect the natural values of preserved/conserved wetland areas, the following shall be required:
   a. Except as otherwise permitted by agencies having jurisdiction:

      (1) No hydroperiod alteration shall be permitted in conservation or preservation areas identified on the Master Development Plan.

      (2) No dredging, filling or development activities will be allowed within preservation areas. Activities within the conservation areas shall be

limited to approved stormwater management outfall structures and boardwalks.

2. All on-site conservation area(s) shall be preserved unless a mitigation plan is approved by the Environmental Protection Commission and other appropriate jurisdictional agencies and submitted to the Planning and Growth Management Department. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the agency or agencies issuing the permit for such mitigation.

3. All wetland losses shall require a minimum of 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with the wetlands being destroyed.

4. In the event that any species listed in Sections 39-27.03-.05. F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed by the Developer in cooperation with the Florida Fish and Wildlife Conservation Commission.

5. The land use designations for those portions of the TAMPA TRIANGLE site which meet the definition of preservation and conservation areas, as defined in the Regional Planning Council's adopted growth policy, Future of the Region, Section 10.1.2 and 10.3.1, shall be designated on the revised General Development Plan submitted to Hillsborough County.

6. The Developer shall preserve representation tracts of coniferous forest and xeric oak communities listed on pages 18-6 and 18-7 of the ADA in a manner which will ensure their continued natural function and value.

F. Public Facilities

1. Prior to commercial site plan approval for the development, the Developer shall stipulate to the satisfaction of Hillsborough County the manner by which the developer will participate in the provision or expansion of internal water supply, supply lines, and facilities to service the project. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for that portion of the building construction.

2. Prior to detailed site plan approval for the development, the Developer shall ensure the provision of fire flows acceptable to Hillsborough County. The installation of a sprinkler system, fire hydrants or fire plan shall be options to ensure the provision of acceptable fire flows. No commercial site plans shall be approved without verification from the Hillsborough County Fire

Department that sufficient firefighting facilities / manpower / equipment required to serve the project are available.

3. Prior to issuance of detailed site plan approval for the development, the Developer shall provide documentation to the Planning and Growth Management Department of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Water Department or other applicable entity. No Zoning Compliance Permits shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.

4. Any on-site wastewater treatment plant or disposal system, constructed to serve the project except as may be required pursuant to paragraph J.6 below, shall require a substantial deviation determination pursuant to Subsection 380.06(19), as amended.

5. Prior to issuance of detailed site plan approval for the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate Emergency Management Services capabilities and facilities are available to service the development.

6. The Developer shall be required to provide for recovered wastewater disposal in accordance with any uniformly applicable Hillsborough County ordinance or Water Department take-back policy in effect prior to detailed site plan approval.

7. The Developer shall use non-potable water for landscape and open space irrigation unless otherwise approved by Hillsborough County. The Developer shall identify a plan for using non-potable water for irrigation in the first annual report following issuance of the first Certificate of Occupancy submitted to Hillsborough County and the TBRPC.

8. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.

9. Septic tanks may be permitted on a temporary basis for construction purposes only, subject to local regulations.

10. The installation of any on-site well as a source of potable water shall require a substantial deviation determination pursuant to Subsection 380.06(19)(a), F.S., unless required by Hillsborough County.

G. Hazardous Waste

1. Prior to the issuance of Zoning Compliance Permits, the Developer shall, if not in conflict with Hillsborough County plans and policies, and only as required to accommodate hazardous waste generators in the project (if any) provide separate hazardous waste storage areas within the project. These areas shall be accessible to all businesses and shall be marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials. (Hazardous wastes are those substances and materials defined in F.S. 403.703(21), and Title 40 CFR Part 261, as amended).

2. The Developer shall notify in writing all project businesses of the location of the specially-designated hazardous waste and material container.

3. Surface impoundments of hazardous waste, hazardous waste piles, land treatment of hazardous waste, landfills and underground storage of hazardous materials shall be prohibited.

4. Large quantity generators of hazardous substances, as defined by applicable Federal and State regulations, shall implement a site specific surficial aquifer monitoring program as required by Hillsborough County, Hillsborough County Environmental Protection Commission (EPC) and FDEP. An emergency response and hazardous waste management operation plan shall be required for those facilities which generate/handle hazardous wastes, to minimize hazards to human health and the environment. The plans shall describe the procedures and actions required of facility personnel as well as the duties of local EMS / fire and police departments and hospitals. The plan shall be included in the first annual report following occupancy within the development.

5. All temporary hazardous waste storage facilities shall meet applicable federal, state and local laws, rules and regulations, and where appropriate the criteria set forth in Sections 3.913(a), (d) and (e), TBRPC's Future of the Region .

6. Small quantity generators as defined by applicable Federal and State regulations, should obtain United States Environmental Protection Agency (USEPA) identification numbers.

7. The Developer, through restrictive lease agreements or covenants, shall advise tenants and purchasers that any hazardous waste must be transported and disposed of in a manner consistent with applicable laws and regulations.

H. Hurricane Evacuation

1. The Developer shall coordinate with the Hillsborough County Bureau of Emergency Management and the Greater Tampa Chapter of the America Red Cross, as to the feasibility of designating the hotel within the TAMPA TRIANGLE development as a public hurricane evacuation center to shelter the residents of vulnerable areas. A report on the outcome of these discussions shall be submitted in the first annual report prior to issuance of Certificates of Occupancy for the project.

I. Energy Conservation

1. The energy conservation measures referenced on page 25-3 and 25-4 of the ADA shall be complied with by the Developer. The following energy conservation measures shall also be encouraged by the Developer or his assigns for the office, service center, research and development and commercial components of TAMPA TRIANGLE:

   a. The institution of programs to promote energy conservation by employees, buyers, suppliers, and the public.

   b. Reduction in levels of operation of all air conditioning, heating and lighting systems during non-business hours.

   c. Recycling programs.

   d. The use of energy- efficient cooling, heating and lighting systems.

   e. Installation of innovative energy conservation features such as waste heat recovery or solar power where feasible in project's facilities.

   f. Use of the most energy efficient technology economically feasible in the construction and operation of the project development.

J. Equal Opportunity

1. The Developer shall seek, and urge and encourage all contractors and subcontractors to involve minority groups in the development of the project. All office and commercial establishment areas shall be available to all, on a fair and impartial basis.

K. General

1. The discovery of any historical or archaeological resources shall be reported to Hillsborough County and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Hillsborough County.

2. Any approval of the TAMPA TRIANGLE development shall at minimum, satisfy the provisions of F.S. 380.06(15), as amended.

3. The Developer shall maintain all open space and landscaped areas within the project site except for any drainage easements maintained by Hillsborough County.

4. The Developer shall require all buyers or tenants through covenants or deed restrictions to prohibit any users that would be obnoxious due to noise, air odor or visual pollution.

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough Count, Florida do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board as its May 23rd meeting of 2006, as same appears of record in Minute Book 360 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 30th day of May, 2006.

PAT FRANK, CLERK

By: Marian K. Dyer
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS HILLSBOROUGH COUNTY FLORIDA SEAL

APPROVED BY COUNTY ATTORNEY
BY
Approved as to Form and Legal Sufficiency

COMPOSITE EXHIBIT "A"

Legal Description

PREPARED BY: POLARIS ASSOCIATES, SURVEYOR

THAT PART OF THE NORTH ½ OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, FORMERLY KNOWN AS PORTIONS OF VACATED LOTS 1, 2, 7, 8, 9, 10 AND 16 IN THE NORTHWEST ¼ AND LOTS 11, 12, 13 AND 14 IN THE NORTHEAST ¼ OF SAID SECTION 31, OF SOUTH TAMPA SUBDIVISION AS RECORDED IN PLAT BOOK 6 PAGE 3, OF THE PUBLIC RECORDS OF SAID COUNTY, TOGETHER WITH PORTIONS OF LOTS D, E AND H OF BOULEVERD VILLAS AS RECORDED IN PLAT BOOK 8 PAGE 45, OF THE PUBLIC RECORDS OF SAID COUNTY TOGETHER WITH LOT 20, LESS THE WEST 16.22 FEET THEREOF AND ALL OF LOTS 21 THROUGH 26, BLOCK A, SUBDIVISION OF LOT A OF BOULEVARD VILLAS AS RECORDED IN PLAT BOOK 25 PAGE 40 OF THE PUBLIC RECORDS OF SAID COUNTY TOGETHER WITH ABUTTING ROAD RIGHT-OF-WAY, ALL OF WHICH BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH ¼ CORNER OF SECTION TOWNSHIP 29 SOUTH, RANGE 20 EAST HILLSBOROUGH COUNTY, FLORIDA, THENCE 5.00°30'20"W., 40.00 FEET ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 31 TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD THENCE, ALONG SAID LINE, N.89°27'11"W., 90.70 FEET FOR THE POINT OF BEGINNING: THENCE, LEAVING SAID LINE, S.00°30'20"W., 220.00 FEET; THENCE N.89°27'25"W., 292.44 FEET: THENCE S.00°18'12"W., 763.21 FEET TO A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 720.00 FEET: THENCE SOUTHERLY ALONG SAID CURVE 306.98 FEET THROUGH A CENTRAL ANGLE OF 24°25'43" (CHORD BEARING S.13°30'36"E., 304.66 FEET). THENCE NON-TANGENT FROM SAID CURVE S.89°27'52"E., 1634.78 FEET: THENCE S.00°12'51"W., 1348.81 FEET TO THE EAST-WEST CENTERLINE OF SAID SECTION 31; THENCE, ALONG SAID LINE, N89°35'35"W., 1981.87 FEET; THENCE LEAVING SAID LINE, N.00°06'43"E., 671.36 FEET, THENCE N.89°15'27"W., 322.94 FEET; THENCE N.00°18'56"E., 380.92 FEET; THENCE S.89°26'26"E., 162.04 FEET; THENCE N.00°20'38"E., 300.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ALONZO ROAD; THENCE ALONG SAID LINE THE FOLLOWING N.89°26'26"W., 500.01 FEET; THENCE N.89°43'07"W., 392.29 FEET; THENCE N.00°05'59"E., 15.05 FEET THENCE N.89°54'01W., 170.60 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 301 (STATE ROAD 43); THENCE ALONG SAID LINE THE FOLLOWING N.11°18'59W., 365.92 FEET; THENCE N.08°05'36"W., 613.79 FEET TO THE SOUTH LINE OF SAID SUBDIVISION OF LOT A OF BOULEVARD VILLAS; THENCE, ALONG SAID LINE, S.89°27'29"E., 260.38 FEET; THENCE N. 00°10'43"E., 161.80 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD; THENCE, ALONG SAID LINE THE FOLLOWING S.89°27'29"E., 445.17 FEET; THENCE N.81°39'08"E., 764.31 FEET TO A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 1809.86 FEET; THENCE EASTERLY ALONG SAID CURVE, 280.96 FEET THROUGH A CENTRAL ANGLE OF 08°53'41" (CHORD BEARING N. 89°05'58"E., 280.68 FEET) THENCE S.89°27'11"E., 213.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 109.4096 ACRES MORE OR LESS

TOGETHER WITH

THAT PART OF THE NORTHWEST ¼ OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, FORMERLY KNOWN AS PORTIONS OF LOTS I AND L OF BOULEVARD VILLAS AS RECORDED IN PLAT BOOK 8 PAGE 45, OF THE PUBLIC RECORDS OF SAID COUNTY TOGETHER WITH ABUTTING ROAD RIGHT-OF-WAY, ALL OF WHICH BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH ¼ CORNER OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, THENCE S.00°11'47"W., 40.00 FEET, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 31 TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD, THENCE ALONG SAID LINE, N89°27'11"W., 90.70 FEET; THENCE, LEAVING SAID LINE, S.00°30'20"W., 220 FEET; THENCE N.89°27'25"W., 292.44 FEET; THENCE S.00°18'12"W., 763.21 FEET TO A NON TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 720.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE 306.98 FEET THROUGH A CENTER ANGLE OF 24°25'43" (CHORD BEARING S.13°30'36"E., 304.66 FEET), THENCE NON-TANGENT FROM SAID CURVE S.89°27'52"E., 1634.78 FEET; THENCE S. 00°12'51"W., 1348.81 FEET TO THE EAST-WEST CENTERLINE OF SAID SECTION 31; THENCE, ALONG SAID LINE, N89°35'35"W., 1981.87 FEET; THENCE LEAVING SAID LINE, N00°06'43"E., 671.36 FEET THENCE N.89°15'27"W., 322.94 FEET; THENCE N.00°18'56"E., 380.92 FEET; THENCE S.89°26'26"E., 162.04 FEET; THENCE N.00°20'38"E., 300.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ALONZO ROAD; THENCE ALONG SAID LINE N.89°26'26"W., 500.01 FEET; THENCE LEAVING SAID LINE S.00°21'47"W., 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID ALONZO ROAD AND THE POINT OF BEGINNING; THENCE CONTINUE S.00°21'47"W., 659.94 FEET; THENCE N.89°26'22"W., 454.11 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301 (STATE ROAD NO. 43): THENCE ALONG SAID LINE THE FOLLOWING, N.08°05'36"W., 631.86 FEET; THENCE N.11°18'59"E., 27.72 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID ALONZO ROAD; THENCE, ALONG SAID LINE THE FOLLOWING, S.89°54'01"E., 160.51 FEET, THENCE N.00°05'59"E., 4.95 FEET; THENCE S.89°43'07"E., 392.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.5878 ACRES MORE OR LESS
0072487 LEG

TOGETHER WITH

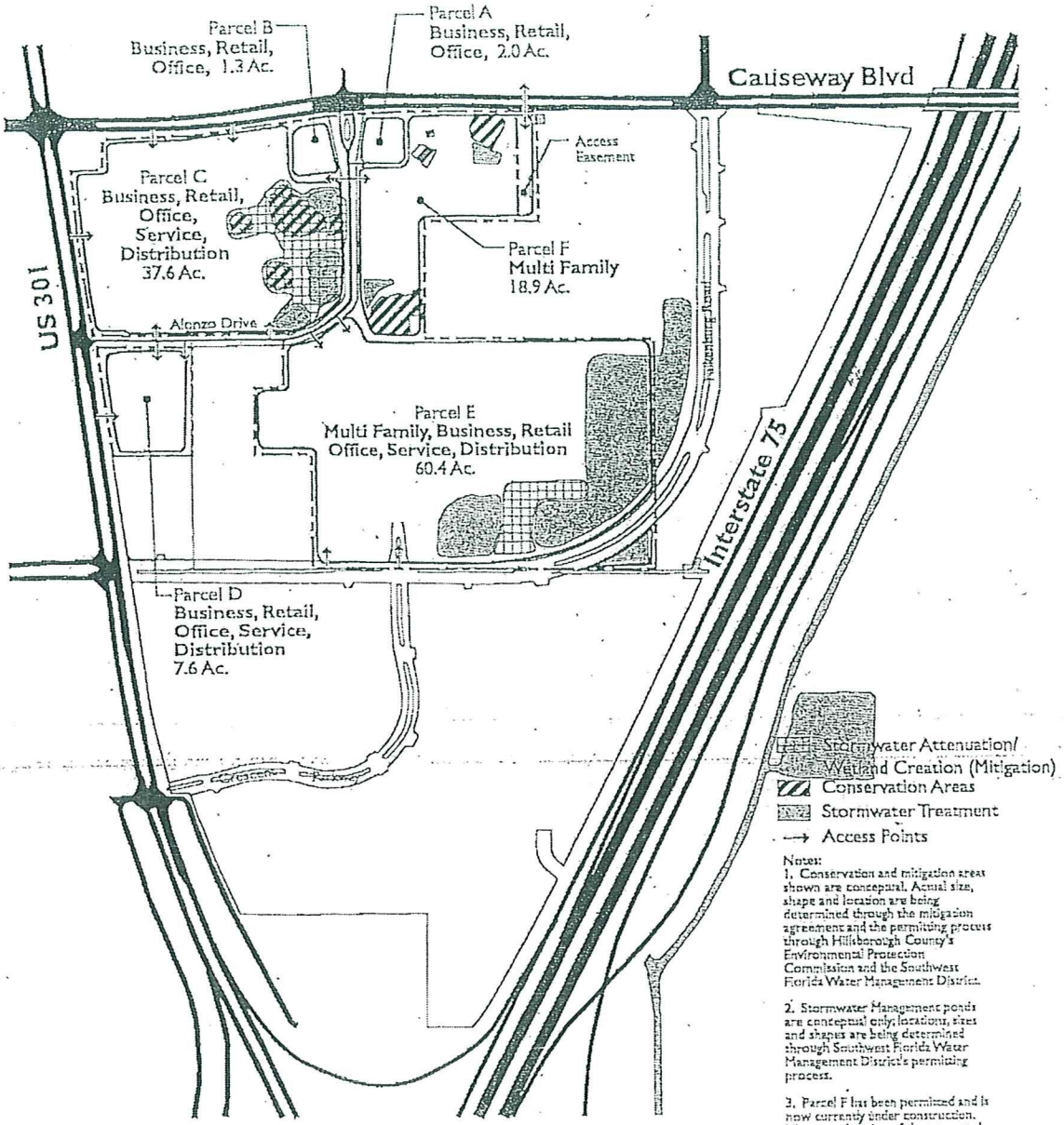
A PARCEL OF LAND LYING IN THE NORTH ½ OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, AND ALSO BEING A PORTION OF TRACT 4 IN THE NORTHEAST ¼ AND TRACTS 3 AND 8 IN THE NORTHWEST ¼ OF SAID SECTION 31, SOUTH TAMPA SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 3 PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTH ¼ CORNER OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY RUN THENCE S.00°12'43"W., 39.94 FEET ALONG THE EAST BOUNDARY OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 31 TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD FOR A POINT OF BEGINNING; THENCE S.89°26'29"E., 660.90 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT ON THE EAST BOUNDARY OF THE AFORESAID TRACT 4, SOUTH TAMPA SUBDIVISION; THENCE S.00°08'34"W., 626.87 FEET ALONG SAID EAST BOUNDARY TO THE SOUTHEAST CORNER OF SAID TRACT 4, THENCE N.89°25'26"W., 646.66 FEET ALONG THE SOUTH BOUNDARY OF SAID TRACT 4 TO THE SOUTHWEST CORNER THEREOF; THENCE S.00°12'43"W., 652.02 FEET ALONG THE WEST BOUNDARY OF TRACT 5 IN THE NORTHEAST ¼ OF SAID SOUTH TAMPA SUBDIVISION TO THE SOUTHWEST CORNER THEREOF; THENCE N.89°27'22"W., 328.56 FEET ALONG THE SOUTH BOUNDARDY OF THE AFORESAID TRACT 8 AND THE EASTERLY PROJECTION THEREOF TO A POINT ON A CURVE; THENCE NORTHERLY, 306.98 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 720.00 FEET, A CENTRAL ANGLE OF 24°25'43", AND A CHORD BEARING AND DISTANCE OF N. 13°29'40"W., (N.13°30'14"W., BY PREVIOUS DESCRIPTION), 304.66 FEET TO A POINT OF TANGENCY; THENCE N.00°19'08"E., (N.00°18'34"E., BY PREVIOUS DESCRIPTION), 763.21 FEET; THENCE S.89°26'29"E., 292.44 FEET; THENCE N00°31'16"E., 220.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD; THENCE S.89°26'29"E., 90.70 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

LESS THE FOLLOWING PORTIONS OF VACATED RIGHTS-OF-WAY:

A VACATED PORTION OF A THIRTY (30) FOOT PLATTED RIGHT-OF-WAY AS RECORDED IN OR BOOK 10250, PAGE 0234, PUBLIC RECORDS OF HILLSBOROUGH COUNTY FLORIDA, AND A VACATED PORTION OF A PLATTED TWENTY-FIVE (25) FOOT RIGHT-OF-WAY RECORDED IN OR BOOK 11003, PAGE 1271, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

Exhibit B



Notes:
1. Conservation and mitigation areas shown are conceptual. Actual size, shape and location are being determined through the mitigation agreement and the permitting process through Hillsborough County's Environmental Protection Commission and the Southwest Florida Water Management District.

2. Stormwater Management ponds are conceptual only; locations, sizes and shapes are being determined through Southwest Florida Water Management District's permitting process.

3. Parcel F has been permitted and is now currently under construction. The exact location of the preserved wetlands and stormwater ponds may be more accurately represented by the approved EPC and SWFWMD permits.

Map H
Tampa Triangle PD
Master Development Plan
Tampa Triangle Joint Venture
December 18, 1998
Revised July 25, 2002
Scale in Feet
0 400 800
North

Summary of Proposed Master Plan

Land Use	Approved Program
Office	862,500 sf
Retail	24,750 sf
Service Center	50,000 sf
Multi-Family	240 du

GLATTING JACKSON KERCHER ANGLIN LOPEZ RINEHART

EXHIBIT "C"

Land Use Conversions Tampa Triangle DRI (1)

CHANGE TO	CHANGE FROM: Office	Retail	Service Center	Multi-Family
Office	--	8.34 KSF / KSF	0.76 KSF / KSF	0.51 KSF / DU
Retail	0.12 KSF / KSF	--	0.09 KSF / KSF	0.06 KSF / DU
Service Center	1.31 KSF / KSF	10.97 KSF / KSF	--	0.67 KSF / DU
Multi-Family	1.95 DU / KSF	16.27 DU / KSF	1.48 DU / KSF	--

(1) All land use conversions are subject to the Maximum and Minimum land use quantities allowed under this Development Order.

Examples:

1.) Office to Retail

- Add 10,000 square feet of retail by reducing office
- 10 KSF/(0.12 KSF/KSF) = 83.333 KSF
- Reduce office by 83,333 square feet

2.) Office to Service Center

- Add 10,000 square feet of service center by reducing service center
- 10 KSF/(1.31 KSF/KSF) = 7.634 KSF
- Reduce office by 7,634 square feet

3.) Office to Multi-Family

- Add 100 DU's of multi-family by reducing office
- 100 DU/(1.95 DU/KSF) = 51.282 KSF
- Reduce office by 51,282 square feet

4.) Retail to Service Center

- Add 10,000 square feet of service center by reducing retail
- 10 KSF/(10.97 KSF/KSF) = 0.912 KSF
- Reduce retail by 912 square feet

5.) Retail to Multi-Family

- Add 100 DU's of multi-family by reducing retail
- 100 DU/(16.27 DU/KSF) = 6.146 KSF
- Reduce retail by 6,146 square feet

6.) Service Center to Multi-Family

- Add 100 DU's of multi-family by reducing service center
- 100 DU/(1.48 DU/KSF) = 67.568 KSF
- Reduce service center by 67,568 square feet

#140

BRICKLEMYER SMOLKER & BOLVES, P.A.

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*OF COUNSEL

July 31, 2003

VIA HAND DELIVERY
Mr. John Healey
Hillsborough County
Planning & Growth Management
601 E. Kennedy Blvd., 20th Floor
Tampa, FL 33602

RE: Tampa Triangle DRI (#140)

Dear John:

Pursuant to Section IV, Specific Conditions, Subsection 6 of the Development Order, this letter is to notify you that the developer of the Tampa Triangle DRI proposes to modify the Approved Program for the project in accordance with the adopted equivalency matrix. Specifically, the developer seeks to convert 192,821 square feet of office to allow an additional 376 multi-family units [376 d.u. / 1.95 = 192.8205 x 1,000 = 192,821].

Enclosed please find a copy of the table that shows the Minimums and Maximums and new Approved Program after the trade-off.

Please contact me if you have any questions.

Yours truly,

R. Michael Brooks

RMB:kaf
Enclosure
cc: TBRPC
DCA

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LONGWOOD OFFICE:
505 WEKIVA SPRINGS ROAD · SUITE 500
LONGWOOD, FLORIDA 32779
TELEPHONE (407) 772-2277 · FACSIMILE (407) 772-2278

Approved Land Uses	Minimum Quantities	Maximum Quantities	Approved Program [1]
Office	400,000	1,100,000	669,679
Retail	10,000	50,000	24,750
Service Center	--	125,000	50,000
Multi-Family	240	620	616

1. The Approved Program reflects an increase of Multi-Family by 376 units (for Parcel E) and reduction of Office by 192,821 square feet pursuant to the adopted Land Use Conversion Matrix.

BRICKLEMYER SMOLKER & BOLVES, P.A.

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*OF COUNSEL

mbrooks@bsbpropertylaw.com

August 11, 2003

VIA FACSIMILE (727) 570-5118
AND REGULAR U.S. MAIL
John M. Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Blvd., Suite 219
St. Petersburg, FL 33702-2491

RE: Tampa Triangle

Dear John:

As you requested, attached is a copy of the adopted equivalency matrix from the project Development Order (NOPC #7). Please contact me if you have any questions.

Yours truly,

R. Michael Brooks

RMB:kf

Enclosure

F:\docs\rmb\RMBCLIENTS\11682-TT\MeyerLtr2.doc

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EXHIBIT "C"

Land Use Conversions Tampa Triangle DRI [1]

CHANGE TO	CHANGE FROM: Office	Retail	Service Center	Multi-Family
Office	--	8.34 KSF / KSF	0.76 KSF / KSF	0.51 KSF / DU
Retail	0.12 KSF / KSF	--	0.09 KSF / KSF	0.06 KSF / DU
Service Center	1.31 KSF / KSF	10.97 KSF / KSF	--	0.67 KSF / DU
Multi-Family	1.95 DU / KSF	16.27 DU / KSF	1.48 DU / KSF	--

(1) All land use conversions are subject to the Maximum and Minimum land use quantities allowed under this Development Order.

Examples:

1.) Office to Retail

- Add 10,000 square feet of retail by reducing office
- 10 KSF/(0.12 KSF/KSF) = 83.333 KSF
- Reduce office by 83,333 square feet

2.) Office to Service Center

- Add 10,000 square feet of service center by reducing service center
- 10 KSF/(1.31 KSF/KSF) = 7.634 KSF
- Reduce office by 7,634 square feet

3.) Office to Multi-Family

- Add 100 DU's of multi-family by reducing office
- 100 DU/(1.95 DU/KSF) = 51.282 KSF
- Reduce office by 51,282 square feet

4.) Retail to Service Center

- Add 10,000 square feet of service center by reducing retail
- 10 KSF/(10.97 KSF/KSF) = 0.912 KSF
- Reduce retail by 912 square feet

5.) Retail to Multi-Family

- Add 100 DU's of multi-family by reducing retail
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6.) Service Center to Multi-Family

- Add 100 DU's of multi-family by reducing service center
- 100 DU/(1.48 DU/KSF) = 67.568 KSF
- Reduce service center by 67,568 square feet

#140

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida

Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd.
P.O. Box 1110
Tampa, Florida 33601
Telephone 276-8100, ext. 6730

January 6, 2003

JOHN MEYER DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD SUITE 219
ST PETERSBURG FL 33702

Re: Resolution No. R02-276 - Amending the Development Order for Tampa Triangle (DRI #140)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on December 10, 2002.

We are providing this original for your files.

Sincerely,

Gail M. Letzring

Gail M. Letzring,
Manager, BOCC Records

md
Attachment
Federal Express AB#805649480043
cc: Board files (orig.)
Michael Brooks, Esq., Bricklemyer Smolker & Bolves, P.A. (orig.ltr.)
Charles Gauthier, Chief, Florida Department of Community Affairs (orig. ltr.)
Susan Fernandez, Senior Assistant County Attorney
John Healy, Senior Planner, Planning & Growth Management
Beth Novak, County Attorney's Office
Jim Glaros, Assistant Chief Deputy, Valuation, Property Appraiser's Office

RESOLUTION NO. R02-276

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA ISSUING AN AMENDED AND RESTATED DEVELOPMENT ORDER FOR DRI #140 -- TAMPA TRIANGLE

Upon motion the following Resolution was adopted on this 10th day of December, 2002, by a vote of 5 to 2, Commissioner(s) Frank and Storms voting "no".

WHEREAS, on September 22, 1987, the Board of County Commissioners approved a Development Order (Resolution No. 87-0319) for the TAMPA TRIANGLE Development of Regional Impact (DRI) #140 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 23, 1990, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 90-032 (NOPC #1); and

WHEREAS, on July 14, 1992, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 92-0167 (NOPC #2); and

WHEREAS, on October 25, 1994, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 94-0272 (NOPC #3); and

WHEREAS, on August 27, 1996, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 96-0215 (NOPC #4); and

WHEREAS, on January 12, 1999, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 99-005 (NOPC #5)

WHEREAS, on March 13, 2001, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 01-042 (NOPC #6)

WHEREAS, on May 9, 2002, Tampa Triangle Joint Venture filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) for the TAMPA TRIANGLE DRI (NOPC #7) in accordance with Subsection 380.06(10), Florida Statutes; and

WHEREAS, NOPC #7 requested approval of a revised Map H to add multi-family uses to Parcel E, a revised land use table, and a revised land use conversion matrix.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTYCOMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

I. FINDINGS OF FACT

A. Tampa Triangle Joint Venture submitted its NOPC #7 to Hillsborough County which requested approval of a revised Map H to allow residential uses to Parcel E, a revised land use table, and a revised land use conversion matrix.

B. A review of the impacts of this NOPC #7 has been conducted by Hillsborough County, the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs.

C. The proposed changes approved herein do not result in any new or additional regional impacts.

II. CONCLUSIONS OF LAW

A. The proposed amendments, together with all previous amendments, do not create a reasonable likelihood of additional impact, or any type of regional impact not previously reviewed by the regional planning agency, over those treated under the Development Order. The proposed amendments, therefore, do not constitute a "substantial deviation" from the Tampa Triangle Development Order, pursuant to Chapter 380.06, Florida Statutes.

B. All applicable statutory and regulatory procedures have been adhered to.

C. The Tampa Triangle Development Order, as amended hereby, is consistent with the Future of Hillsborough County Comprehensive Plan, and development in accordance with the Development Order, as amended, will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

D. Nothing contained in this Amended and Rested Development Order shall limit or modify the rights originally approved by the Development Order or the protection afforded under Subsection 163.3167(8), Florida Statutes.

E. The Developer's Affidavit of Certification, attached hereto as Exhibit "D", affirms that a copy of the Notice of Change has been delivered to all persons as required by law.

F. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

G. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail or other delivery service for which a receipt as proof of service is required, to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients in accordance with Section 380.06, Florida Statutes.

H. This Resolution shall become effective upon the date of transmittal as provided in paragraph G above.

III. GENERAL PROVISIONS

A. This resolution shall constitute the Development Order of Hillsborough County in response to the Application for Development Approval for the Tampa Triangle Development of Regional Impact (ADA).

B. The legal description set forth in Composite Exhibit "A" is hereby incorporated into and by reference made a part of this Development Order.

C. All provisions contained within the ADA and Sufficiency Response shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.

D. The definitions contained in Chapter 380, Florida Statutes, shall govern and apply to this Development Order.

E. This Development Order shall be binding upon the Developer and his heirs, assignees or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be constructed to included any future instrumentality which may possesses any of the powers and duties of any branch of government or governmental agency.

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

G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.

H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at Tampa Triangle, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/ or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order as defined by the criteria of Ch. 380.06(19)(b) or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by Hillsborough County and the Tampa Bay Regional Planning Council shall result in further Development of Regional Impact review pursuant to Chapter 380.06, Fla. Stats., and may result in Hillsborough County ordering a termination of development activity pending such review.

J. The Hillsborough County Planning and Growth Management Department shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the Planning and Growth Management Department may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The Planning and Growth Management Department shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. In the event of a deviation, the Planning and Growth Management Department may issue a notice of such noncompliance to the Developer, or the Planning and Growth Management Department may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.

K. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85 as amended. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Department of Planning and Growth Management which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The

Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a wavier of any terms or conditions of this Development Order. This report shall contain:

1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; and

2. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following the submittal of the annual report; and

3. A statement listing all Applications for Incremental Review required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report; and

4. A statement setting forth the name(s) and address(es) of any heir, assignee or successor in interest to this Development Order.

5. A description of the land use conversions and resulting Land Use Schedule, with cumulative land use totals, and the remaining amounts of land use available.

(amended: Resolution No. 99-005).

L. The provision of this Development Order shall not be construed as a waiver of or exception to any rule, regulation, or ordinance of Hillsborough County, its agencies and commissions, and to the extent further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations, and ordinances in effect at the time of the review.

M. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County and transmittal in accordance with Section 380.06, Florida Statutes (1986).

IV. SPECIFIC CONDITIONS

A. <u>Phasing Schedule, Deadlines and Land Use Conversions</u>

1. The Revised Map H for Tampa Triangle dated July 25, 2002, a copy of which is attached hereto as Exhibit "B", is hereby approved and the project shall proceed in accordance with the Land Use schedule shown thereon.

   The Tampa Triangle project is approved with a buildout date of December 29, 2006. Prior to December 29, 2005, the Developer shall re-evaluate the parameters of the Transportation Analysis used for NOPC #6 (Resolution #01-042) and submit said documentation to Hillsborough County and the Florida Department of Transportation for review and approval. The documentation shall compare the most recent available data at the time of the report to the data contained in the Transportation Analysis conducted for this NOPC for the following parameters.

   a. Project Land Uses
   b. Trip Generation
   c. Value of Budgeted Roadway Improvements
   d. Roadway Costs

   A meeting shall be held with the County and FDOT staff to establish a methodology for performing the re-evaluation. The County shall approve the proposed methodology.

   The re-evaluation shall be presented to the Board of County Commissioners for review. If the Board finds that any one of the parameters exceeds a 15 percent variance that would result in an increased proportionate share cost of the project, the Developer shall be required to file an NOPC to re-evaluate the project's transportation mitigation obligations. If the Board finds that none of the parameters exceeds a 15 percent variance from the Transportation Analysis that would result in an increased proportionate share cost, then the buildout date of the project shall be extended from December 29, 2006 to December 29, 2008.

   (amended: Resolution No. 92-0167; Resolution No. 94-0272; Resolution No. 96-215; Resolution No. 99-005; Resolution No. 01-042; Resolution No. 02 - 276).

2. If the Developer elects to amend the proposed phasing schedule, he shall submit said amendments to the Planning and Growth Management Department for review and approval as required by law, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of this Order are otherwise fully complied with. Any significant departure in project build-out from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes as amended.

3. The physical development of Tampa Triangle shall begin within three years of the effective date of the Development Order (Resolution No. 87-0319).

4. This Development Order shall remain in effect for a period up to and including December 29, 2006. No Development shall be approved after expiration of the Development Order. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of the Development Order, if approved. This Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County a minimum of thirty (30) days prior to the expiration date of this Order.

   (amended: Resolution No. 96-215; Resolution No. 99-005)

5. The development shall not be subject to down-zoning, or intensity reduction until December 29, 2006, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

   (amended: Resolution No. 96-215; Resolution No. 99-005)

6. Maximum And Minimum Development Potential / Conversion

Approved Land Uses	Minimum Quantities	Maximum Quantities (1)	Currently Approved Program (2)
Office	400,000	1,100,000	862,500
Retail	10,000	50,000	24,750
Service Center (3)	--	125,000	50,000
Multi-Family	240	620	240

1. Maximum development is also limited to 1,325 PM peak hour trips.
2. Base program for application of trade-off matrix.
3. "Service Center" includes office and warehouse.

The conversion from one land use to another to achieve a net zero increase in P.M. peak hour traffic shall be in accordance with the Land Use Conversion Table attached hereto as Exhibit "C."

If the Developer elects to implement the trade-off mechanism, he shall file with Hillsborough County, Tampa Bay Regional Planning Council and the Department of Community Affairs a revised Map H including a Land Use schedule identifying what conversions have been made and a Revised General Site Plan for zoning purposes.

(added: Resolution No. 99-005; amended: Resolution No. 02 - 276)

B. Transportation

1. The TAMPA TRIANGLE project is limited to a maximum of 1,325 external PM peak hour trips.

   (amended : Resolution No. 02 - 276)

2. An annual monitoring program for the total TAMPA TRIANGLE project which will record driveway volumes in the evening peak hour shall be started when Certificates of Occupancy have been issued for 400,000 square feet of office space, (or the equivalent thereof in terms of trip generations) and continue until build-out. If the driveway volumes exceed more than 15 percent of those projected for peak hour (1,325 p.m. peak hour trips) in the Transportation Analysis conducted for NOPC # 6 (Resolution #01-042), a substantial deviation determination shall be required. If the variance is determined to be a substantial deviation, a revised transportation analysis will be required based upon results of the monitoring programs and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

3. INTENTIONALLY DELETED. Condition satisfied by Developer.

   (deleted: Resolution No. 02 - 276)

4. The Developer shall receive credit against impact fees, pursuant to law. The application and payment of impact fees in itself will not constitute funding commitments for the required right-of-way dedications and transportation improvements. Any difference between the Required Improvement Costs and the sum of the costs of the Required Design and the Required Improvements (the "Difference") shall be paid in cash prior to the issuance of the final Certificate of Occupancy for the project, provided that the developer may elect to make other improvements of a value equivalent to the Difference, subject to approval by the Hillsborough County Engineering Department. The

Developer's completion of the Required Design ad Required Improvements and payment of the Difference, or completion of the improvements and in lieu of the Difference as provided for herein, shall be deemed to fully and completely satisfy any and all of its obligations under the law to mitigate the traffic impacts of the TAMPA TRIANGLE project.

5. A pedestrian circulation system and bicycle circulation system shall be provided within the project. The pedestrian system shall include internal sidewalks. Additionally, external sidewalks to the project in the right-of-way area of the major roadways (i.e.,U.S.301 and Causeway Boulevard) shall be required. The bicycle system shall incorporate whatever elements are necessary to complement the County Bicycle Plan and extend the County System into TAMPA TRIANGLE. No detailed site plans shall be approved which do not indicate these systems and their exact locations.

6. INTENTIONALLY DELETED. Condition satisfied by Developer.

   (amended: Resolution No. 90-032; deleted: Resolution No. 02 - 276 *).*

7. INTENTIONALLY DELETED. Condition satisfied by Developer.

   (deleted: Resolution No. 02 - 276 *).*

8. Except for items, if any, that relate solely to a particular development parcel, Hillsborough County will proceed first against the Developer for satisfaction of requirements of the Development Order, including but not limited to, the Required Design, the Required Improvements Costs, and the Required Improvement provided, however, that the Developer shall be responsible for all Development Order requirements.

   (amended: Resolution No. 96-215).

C. Air Quality

1. If any proposed change is determined to be a substantial deviation, Hillsborough County shall determine whether the nature of the proposed change(s) is such that it would require a re-analysis of the air quality impacts of this project or if such proposed change includes uses which are determined to be point sources of air pollution. If a re-analysis is warranted as determined by Hillsborough County, the Developer shall perform point source air quality analyses and the Developer shall take remedial measures as required by Hillsborough County, all in accordance with applicable law.

2. The measures to reduce erosion, fugitive dust and air emission stated on pages 13-4, 13-5 and 14-4 and 14-5 of the ADA shall be required.

D. Stormwater Management and Water Quality

1. In order to protect water quality, there shall be no degradation of water quality standards from stormwater exiting the site. If the regulatory agencies with jurisdiction deem a water quality monitoring program necessary prior to groundbreaking or subsequent to build-out, the Developer shall provide a water quality monitoring program to the satisfaction of the regulatory agency (ies). Any violation of Chapter 17-3 Florida Administrative Code (F.A.C.) shall require corrective measures as set forth by Florida Department of Environmental Protection (FDEP). The following shall apply:

   a. Sampling locations and frequencies shall be determined to the satisfaction of the applicable agency (ies).

   b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/ FDER Quality Control Standards and Requirements.

   c. The monitoring results shall be submitted to Hillsborough County Environmental Protection Commission (EPC) and the applicable agency (ies). Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to Hillsborough County immediately and all construction within project where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

2. Prior to the issuance of any building permits the Final Drainage Plan and drainage calculations shall be submitted by the Developer to TBRPC and FDEP for review and to Hillsborough County and Southwest Florida Water Management District (SWFWMD) for approval. The drainage system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations, and shall be consistent with the Preliminary Master Drainage Plan submitted to Hillsborough County during review of this DRI and with the SWFWMD Conceptual Permit No. 490324 issued on September 4, 1985, provided that such drainage facilities are installed within two years after the effective date of this Development Order (Resolution 87-0319). Otherwise, the County drainage criteria in existence at the time of construction of the respective project phases shall be the prevailing criteria to use for design and construction unless other affected agencies' drainage criteria is more

restrictive. If flooding conditions exist downstream of the DRI's outfall, more restrictive criteria may apply.

3. The drainage system shall function in a manner as to rejuvenate the cypress head located in the northeast corner of the development site.

4. Due to the "volume sensitive" nature of Delaney Creek, new development in the Delaney Creek Watershed must satisfy Hillsborough County and SWFWMD requirements, including the following criteria (1986 Ghioto, Singhofen and Associates, Inc. Delaney Creek Stormwater Management Master Plan, ES-7 and ES-8). Only a portion of the site is within the Delaney Creek Watershed area.

   a. Compensating storage must be provided for any encroachment into the 100-year flood plain.

   b. The peak rate of discharge resulting from the 100-year 24-hour storm under post-development conditions must not exceed the pre-development peak rate of runoff from the 100-year 24-hour storm.

   c. The volume of runoff discharged from the 100-year 24-hour storm under post-development conditions must not exceed that amount of runoff produced from the pre-development 100-year 24-hour storm.

5. Stormwater detention/retention pond design requirements for the development shall be as listed below unless otherwise approved by the Hillsborough County Environmental Protection Commission and the Hillsborough County Drainage Engineer:

   a. The side slopes shall be no greater than 4:1.

   b. The banks shall be completely vegetated to the design low water elevation.

   c. The sides and the bottom of each pond shall not be constructed of impervious material.

6. The County shall notify the developer as to what drainage easements or right-of-way will be required by the County's Stormwater Management Department, in accordance with applicable County rules and regulations, prior to Master Drainage Plan approval. The Developer shall grant such easements to the County prior to the issuance of construction plan approval for the project.

7. In order to protect water quality, the Developer shall implement a vacuum street cleaning program for the parking and roadway areas within the development.

8. The Developer shall be responsible for the operation and maintenance of the on-site drainage facilities excluding easements maintained by Hillsborough County.

E. Wetlands

1. In order to protect the natural values of preserved/conserved wetland areas, the following shall be required:
   a. Except as otherwise permitted by agencies having jurisdiction:

      (1) No hydroperiod alteration shall be permitted in conservation or preservation areas identified on the Master Development Plan.

      (2) No dredging, filling or development activities will be allowed within preservation areas. Activities within the conservation areas shall be limited to approved stormwater management outfall structures and boardwalks.

2. All on-site conservation area(s) shall be preserved unless a mitigation plan is approved by the Environmental Protection Commission and other appropriate jurisdictional agencies and submitted to the Planning and Growth Management Department. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the agency or agencies issuing the permit for such mitigation.

3. All wetland losses shall require a minimum of 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with the wetlands being destroyed.

4. In the event that any species listed in Sections 39-27.03-.05. F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed by the Developer in cooperation with the Florida Fish and Wildlife Conservation Commission.

5. The land use designations for those portions of the TAMPA TRIANGLE site which meet the definition of preservation and conservation areas, as defined in the Regional Planning Council's adopted growth policy, Future of the Region, Section 10.1.2 and 10.3.1, shall be designated on the revised General Development Plan submitted to Hillsborough County.

6. The Developer shall preserve representation tracts of coniferous forest and xeric oak communities listed on pages 18-6 and 18-7 of the ADA in a manner which will ensure their continued natural function and value.

F. Public Facilities

1. Prior to commercial site plan approval for the development, the Developer shall stipulate to the satisfaction of Hillsborough County the manner by which the developer will participate in the provision or expansion of internal water supply, supply lines, and facilities to service the project. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for that portion of the building construction.

2. Prior to detailed site plan approval for the development, the Developer shall ensure the provision of fire flows acceptable to Hillsborough County. The installation of a sprinkler system, fire hydrants or fire plan shall be options to ensure the provision of acceptable fire flows. No commercial site plans shall be approved without verification from the Hillsborough County Fire Department that sufficient firefighting facilities / manpower / equipment required to serve the project are available.

3. Prior to issuance of detailed site plan approval for the development, the Developer shall provide documentation to the Planning and Growth Management Department of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Water Department or other applicable entity. No Zoning Compliance Permits shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.

4. Any on-site wastewater treatment plant or disposal system, constructed to serve the project except as may be required pursuant to paragraph J.6 below, shall require a substantial deviation determination pursuant to Subsection 380.06(19), as amended.

5. Prior to issuance of detailed site plan approval for the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate Emergency Management Services capabilities and facilities are available to service the development.

6. The Developer shall be required to provide for recovered wastewater disposal in accordance with any uniformly applicable Hillsborough County ordinance or Water Department take-back policy in effect prior to detailed site plan approval.

7. The Developer shall use non-potable water for landscape and open space irrigation unless otherwise approved by Hillsborough County. The Developer shall identify a plan for using non-potable water for irrigation in the first annual report following issuance of the first Certificate of Occupancy submitted to Hillsborough County and the TBRPC.

8. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.

9. Septic tanks may be permitted on a temporary basis for construction purposes only, subject to local regulations.

10. The installation of any on-site well as a source of potable water shall require a substantial deviation determination pursuant to Subsection 380.06(19)(a), F.S., unless required by Hillsborough County.

G. Hazardous Waste

1. Prior to the issuance of Zoning Compliance Permits, the Developer shall, if not in conflict with Hillsborough County plans and policies, and only as required to accommodate hazardous waste generators in the project (if any) provide separate hazardous waste storage areas within the project. These areas shall be accessible to all businesses and shall be marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials. (Hazardous wastes are those substances and materials defined in F.S. 403.703(21), and Title 40 CFR Part 261, as amended).

2. The Developer shall notify in writing all project businesses of the location of the specially-designated hazardous waste and material container.

3. Surface impoundments of hazardous waste, hazardous waste piles, land treatment of hazardous waste, landfills and underground storage of hazardous materials shall be prohibited.

4. Large quantity generators of hazardous substances, as defined by applicable Federal and State regulations, shall implement a site specific surficial aquifer monitoring program as required by Hillsborough County, Hillsborough County Environmental Protection Commission (EPC) and FDEP. An emergency response and hazardous waste management operation plan shall be required for those facilities which generate/handle hazardous wastes, to minimize hazards to human health and the environment. The plans shall describe the procedures and actions required of facility personnel as well as

the duties of local EMS / fire and police departments and hospitals. The plan shall be included in the first annual report following occupancy within the development.

5. All temporary hazardous waste storage facilities shall meet applicable federal, state and local laws, rules and regulations, and where appropriate the criteria set forth in Sections 3.913(a), (d) and (e), TBRPC's Future of the Region.

6. Small quantity generators as defined by applicable Federal and State regulations, should obtain United States Environmental Protection Agency (USEPA) identification numbers.

7. The Developer, through restrictive lease agreements or covenants, shall advise tenants and purchasers that any hazardous waste must be transported and disposed of in a manner consistent with applicable laws and regulations.

H. Hurricane Evacuation

1. The Developer shall coordinate with the Hillsborough County Bureau of Emergency Management and the Greater Tampa Chapter of the America Red Cross, as to the feasibility of designating the hotel within the TAMPA TRIANGLE development as a public hurricane evacuation center to shelter the residents of vulnerable areas. A report on the outcome of these discussions shall be submitted in the first annual report prior to issuance of Certificates of Occupancy for the project.

I. Energy Conservation

1. The energy conservation measures referenced on page 25-3 and 25-4 of the ADA shall be complied with by the Developer. The following energy conservation measures shall also be encouraged by the Developer or his assigns for the office, service center, research and development and commercial components of TAMPA TRIANGLE:

   a. The institution of programs to promote energy conservation by employees, buyers, suppliers, and the public.

   b. Reduction in levels of operation of all air conditioning, heating and lighting systems during non-business hours.

   c. Recycling programs.

   d. The use of energy- efficient cooling, heating and lighting systems.

e. Installation of innovative energy conservation features such as waste heat recovery or solar power where feasible in project's facilities.

f. Use of the most energy efficient technology economically feasible in the construction and operation of the project development.

J. Equal Opportunity

1. The Developer shall seek, and urge and encourage all contractors and subcontractors to involve minority groups in the development of the project. All office and commercial establishment areas shall be available to all, on a fair and impartial basis.

K. General

1. The discovery of any historical or archaeological resources shall be reported to Hillsborough County and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Hillsborough County.

2. Any approval of the TAMPA TRIANGLE development shall at minimum, satisfy the provisions of F.S. 380.06(15), as amended.

3. The Developer shall maintain all open space and landscaped areas within the project site except for any drainage easements maintained by Hillsborough County.

4. The Developer shall require all buyers or tenants through covenants or deed restrictions to prohibit any users that would be obnoxious due to noise, air odor or visual pollution.

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough Count, Florida do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board as its regular meeting of December 10, 2002, as same appears of record in Minute Book 319 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 6th day of January, 2002

RICHARD AKE, CLERK

By: Mildred K. Dillon
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS FLORIDA SEAL HILLSBOROUGH COUNTY

APPROVED BY COUNTY ATTORNEY
BY
Approved As To Form And Legal Sufficiency.

COMPOSITE EXHIBIT "A"

Legal Description

PREPARED BY: POLARIS ASSOCIATES. SURVEYOR

THAT PART OF THE NORTH ½ OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, FORMERLY KNOWN AS PORTIONS OF VACATED LOTS 1, 2, 7, 8, 9, 10 AND 16 IN THE NORTHWEST ¼ AND LOTS 11, 12, 13 AND 14 IN THE NORTHEAST ¼ OF SAID SECTION 31, OF SOUTH TAMPA SUBDIVISION AS RECORDED IN PLAT BOOK 6 PAGE 3, OF THE PUBLIC RECORDS OF SAID COUNTY, TOGETHER WITH PORTIONS OF LOTS D, E AND H OF BOULEVERD VILLAS AS RECORDED IN PLAT BOOK 8 PAGE 45, OF THE PUBLIC RECORDS OF SAID COUNTY TOGETHER WITH LOT 20, LESS THE WEST 16.22 FEET THEREOF AND ALL OF LOTS 21 THROUGH 26, BLOCK A, SUBDIVISION OF LOT A OF BOULEVARD VILLAS AS RECORDED IN PLAT BOOK 25 PAGE 40 OF THE PUBLIC RECORDS OF SAID COUNTY TOGETHER WITH ABUTTING ROAD RIGHT-OF-WAY, ALL OF WHICH BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH ¼ CORNER OF SECTION TOWNSHIP 29 SOUTH, RANGE 20 EAST HILLSBOROUGH COUNTY, FLORIDA, THENCE 5.00°30'20"W., 40.00 FEET ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 31 TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD THENCE, ALONG SAID LINE, N.89°27'11"W., 90.70 FEET FOR THE POINT OF BEGINNING: THENCE, LEAVING SAID LINE, S.00°30'20"W., 220.00 FEET; THENCE N.89°27'25"W., 292.44 FEET: THENCE S.00°18'12"W., 763.21 FEET TO A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 720.00 FEET: THENCE SOUTHERLY ALONG SAID CURVE 306.98 FEET THROUGH A CENTRAL ANGLE OF 24°25'43" (CHORD BEARING S.13°30'36"E., 304.66 FEET). THENCE NON-TANGENT FROM SAID CURVE S.89°27'52"E., 1634.78 FEET: THENCE S.00°12'51"W., 1348.81 FEET TO THE EAST-WEST CENTERLINE OF SAID SECTION 31; THENCE, ALONG SAID LINE, N89°35'35"W., 1981.87 FEET; THENCE LEAVING SAID LINE, N.00°06'43"E., 671.36 FEET, THENCE N.89°15'27"W., 322.94 FEET; THENCE N.00°18'56"E., 380.92 FEET; THENCE S.89°26'26"E., 162.04 FEET; THENCE N.00°20'38"E., 300.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ALONZO ROAD; THENCE ALONG SAID LINE THE FOLLOWING N.89°26'26"W., 500.01 FEET; THENCE N.89°43'07"W., 392.29 FEET; THENCE N.00°05'59"E., 15.05 FEET THENCE N.89°54'01W., 170.60 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 301 (STATE ROAD 43); THENCE ALONG SAID LINE THE FOLLOWING N.11°18'59W., 365.92 FEET; THENCE N.08°05'36"W., 613.79 FEET TO THE SOUTH LINE OF SAID SUBDIVISION OF LOT A OF BOULEVARD VILLAS; THENCE, ALONG SAID LINE, S.89°27'29"E., 260.38 FEET; THENCE N. 00°10'43"E., 161.80 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD; THENCE, ALONG SAID LINE THE FOLLOWING S.89°27'29"E., 445.17 FEET; THENCE N.81°39'08"E., 764.31 FEET TO A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 1809.86 FEET; THENCE EASTERLY ALONG SAID CURVE, 280.96 FEET THROUGH A CENTRAL ANGLE OF 08°53'41" (CHORD BEARING N. 89°05'58"E., 280.68 FEET) THENCE S.89°27'11"E., 213.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 109.4096 ACRES MORE OR LESS

TOGETHER WITH

THAT PART OF THE NORTHWEST ¼ OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, FORMERLY KNOWN AS PORTIONS OF LOTS I AND L OF BOULEVARD VILLAS AS RECORDED IN PLAT BOOK 8 PAGE 45, OF THE PUBLIC RECORDS OF SAID COUNTY TOGETHER WITH ABUTTING ROAD RIGHT-OF-WAY, ALL OF WHICH BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH ¼ CORNER OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, THENCE S.00°11'47"W., 40.00 FEET, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 31 TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD, THENCE ALONG SAID LINE, N89°27'11"W., 90.70 FEET; THENCE, LEAVING SAID LINE, S.00°30'20"W., 220 FEET; THENCE N.89°27'25"W., 292.44 FEET; THENCE S.00°18'12"W., 763.21 FEET TO A NON TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 720.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE 306.98 FEET THROUGH A CENTER ANGLE OF 24°25'43" (CHORD BEARING S.13°30'36"E., 304.66 FEET), THENCE NON-TANGENT FROM SAID CURVE S.89°27'52"E., 1634.78 FEET; THENCE S. 00°12'51"W., 1348.81 FEET TO THE EAST-WEST CENTERLINE OF SAID SECTION 31; THENCE, ALONG SAID LINE, N89°35'35"W., 1981.87 FEET; THENCE LEAVING SAID LINE, N00°06'43"E., 671.36 FEET THENCE N.89°15'27"W., 322.94 FEET; THENCE N.00°18'56"E., 380.92 FEET; THENCE S.89°26'26"E., 162.04 FEET; THENCE N.00°20'38"E., 300.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ALONZO ROAD; THENCE ALONG SAID LINE N.89°26'26"W., 500.01 FEET; THENCE LEAVING SAID LINE S.00°21'47"W., 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID ALONZO ROAD AND THE POINT OF BEGINNING; THENCE CONTINUE S.00°21'47"W., 659.94 FEET; THENCE N.89°26'22"W., 454.11 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301 (STATE ROAD NO. 43): THENCE ALONG SAID LINE THE FOLLOWING, N.08°05'36"W., 631.86 FEET; THENCE N.11°18'59"E., 27.72 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID ALONZO ROAD; THENCE, ALONG SAID LINE THE FOLLOWING, S.89°54'01"E., 160.51 FEET, THENCE N.00°05'59"E., 4.95 FEET; THENCE S.89°43'07"E., 392.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.5878 ACRES MORE OR LESS
0072487 LEG

TOGETHER WITH

A PARCEL OF LAND LYING IN THE NORTH ½ OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, AND ALSO BEING A PORTION OF TRACT 4 IN THE NORTHEAST ¼ AND TRACTS 3 AND 8 IN THE NORTHWEST ¼ OF SAID SECTION 31, SOUTH TAMPA SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 3 PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

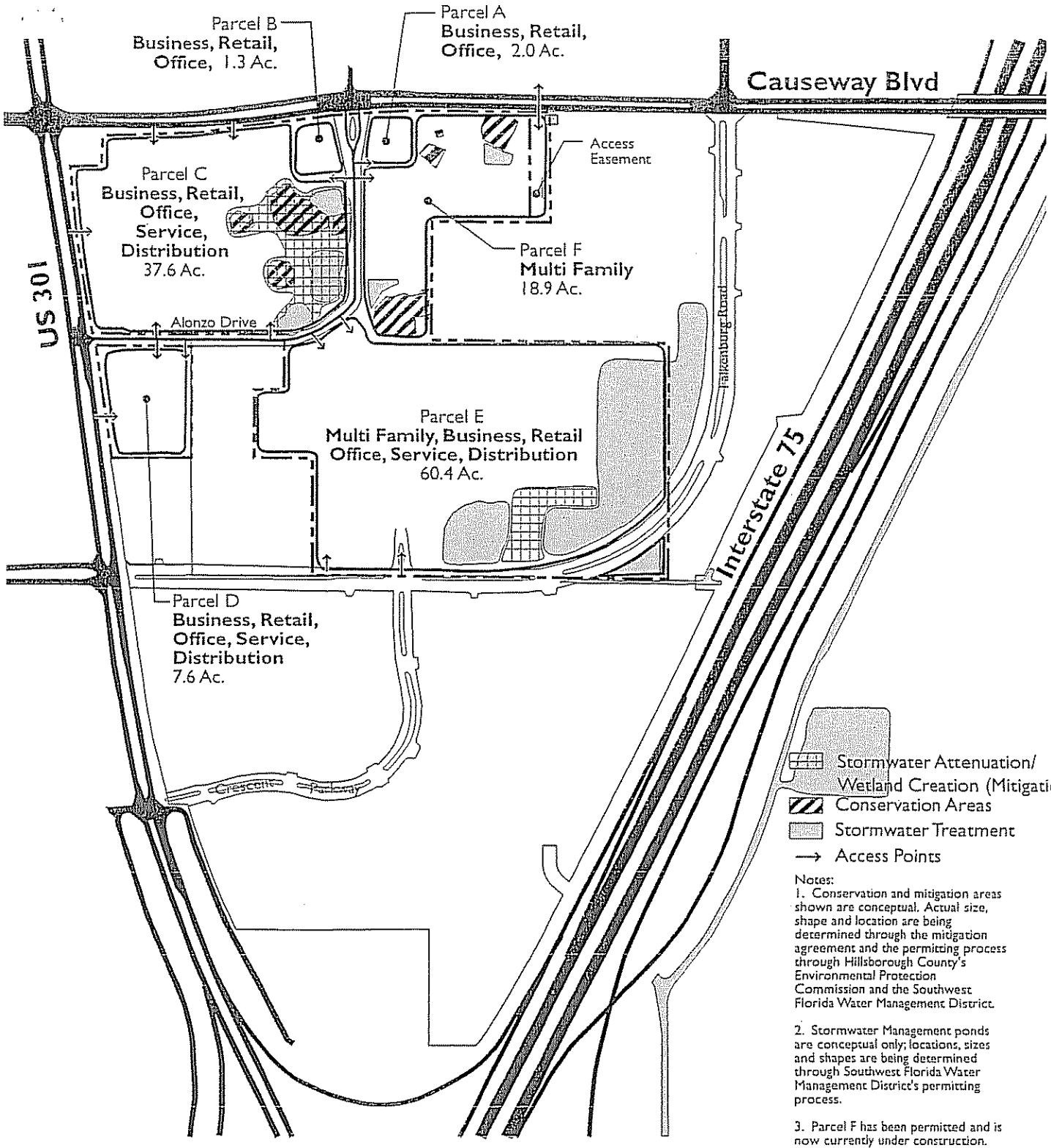
FROM THE NORTH ¼ CORNER OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY RUN THENCE S.00°12'43"W., 39.94 FEET ALONG THE EAST BOUNDARY OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 31 TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD FOR A POINT OF BEGINNING; THENCE S.89°26'29"E., 660.90 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT ON THE EAST BOUNDARY OF THE AFORESAID TRACT 4, SOUTH TAMPA SUBDIVISION; THENCE S.00°08'34"W., 626.87 FEET ALONG SAID EAST BOUNDARY TO THE SOUTHEAST CORNER OF SAID TRACT 4, THENCE N.89°25'26"W., 646.66 FEET ALONG THE SOUTH BOUNDARY OF SAID TRACT 4 TO THE SOUTHWEST CORNER THEREOF; THENCE S.00°12'43"W., 652.02 FEET ALONG THE WEST BOUNDARY OF TRACT 5 IN THE NORTHEAST ¼ OF SAID SOUTH TAMPA SUBDIVISION TO THE SOUTHWEST CORNER THEREOF; THENCE N.89°27'22"W., 328.56 FEET ALONG THE SOUTH BOUNDARDY OF THE AFORESAID TRACT 8 AND THE EASTERLY PROJECTION THEREOF TO A POINT ON A CURVE; THENCE NORTHERLY, 306.98 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 720.00 FEET, A CENTRAL ANGLE OF 24°25'43", AND A CHORD BEARING AND DISTANCE OF N. 13°29'40"W., (N.13°30'14"W., BY PREVIOUS DESCRIPTION), 304.66 FEET TO A POINT OF TANGENCY; THENCE N.00°19'08"E., (N.00°18'34"E., BY PREVIOUS DESCRIPTION), 763.21 FEET; THENCE S.89°26'29"E., 292.44 FEET; THENCE N00°31'16"E., 220.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD; THENCE S.89°26'29"E., 90.70 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

LESS THE FOLLOWING PORTIONS OF VACATED RIGHTS-OF-WAY:

A VACATED PORTION OF A THIRTY (30) FOOT PLATTED RIGHT-OF-WAY AS RECORDED IN OR BOOK 10250, PAGE 0234, PUBLIC RECORDS OF HILLSBOROUGH COUNTY FLORIDA, AND A VACATED PORTION OF A PLATTED TWENTY-FIVE (25) FOOT RIGHT-OF-WAY RECORDED IN OR BOOK 11003, PAGE 1271, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

EXHIBIT "B"

Map H



Stormwater Attenuation/ Wetland Creation (Mitigation)

Conservation Areas

Stormwater Treatment

→ Access Points

Notes:

1. Conservation and mitigation areas shown are conceptual. Actual size, shape and location are being determined through the mitigation agreement and the permitting process through Hillsborough County's Environmental Protection Commission and the Southwest Florida Water Management District.

2. Stormwater Management ponds are conceptual only; locations, sizes and shapes are being determined through Southwest Florida Water Management District's permitting process.

3. Parcel F has been permitted and is now currently under construction. The exact location of the preserved wetlands and stormwater ponds may be more accurately represented by the approved EPC and SWFWMD permits.

Summary of Proposed Master Plan

Land Use	Approved Program
Office	862,500 sf
Retail	24,750 sf
Service Center	50,000 sf
Multi-Family	240 du

Map II
Tampa Triangle PD
Master Development Plan

Tampa Triangle Joint Venture

December 18, 1998
Revised July 25,2002

Scale in Feet

0 400 800

North

GLATTING JACKSON KERCHER ANGLIN LOPEZ RINEHART

EXHIBIT "C"

Land Use Conversions Tampa Triangle DRI [1]

CHANGE TO	CHANGE FROM: Office	Retail	Service Center	Multi-Family
Office	--	8.34 KSF / KSF	0.76 KSF / KSF	0.51 KSF / DU
Retail	0.12 KSF / KSF	--	0.09 KSF / KSF	0.06 KSF / DU
Service Center	1.31 KSF / KSF	10.97 KSF / KSF	--	0.67 KSF / DU
Multi-Family	1.95 DU / KSF	16.27 DU / KSF	1.48 DU / KSF	--

(1) All land use conversions are subject to the Maximum and Minimum land use quantities allowed under this Development Order.

Examples:

1.) Office to Retail

- Add 10,000 square feet of retail by reducing office
- 10 KSF/(0.12 KSF/KSF) = 83.333 KSF
- Reduce office by 83,333 square feet

2.) Office to Service Center

- Add 10,000 square feet of service center by reducing service center
- 10 KSF/(1.31 KSF/KSF) = 7.634 KSF
- Reduce office by 7,634 square feet

3.) Office to Multi-Family

- Add 100 DU's of multi-family by reducing office
- 100 DU/(1.95 DU/KSF) = 51.282 KSF
- Reduce office by 51,282 square feet

4.) Retail to Service Center

- Add 10,000 square feet of service center by reducing retail
- 10 KSF/(10.97 KSF/KSF) = 0.912 KSF
- Reduce retail by 912 square feet

5.) Retail to Multi-Family

- Add 100 DU's of multi-family by reducing retail
- 100 DU/(16.27 DU/KSF) = 6.146 KSF
- Reduce retail by 6,146 square feet

6.) Service Center to Multi-Family

- Add 100 DU's of multi-family by reducing service center
- 100 DU/(1.48 DU/KSF) = 67.568 KSF
- Reduce service center by 67,568 square feet

EXHIBIT "D"

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared R. Michael Brooks, as attorney for Tampa Triangle Joint Venture, the applicant for the Tampa Triangle Notice of Proposed Change #7, who being by me first duly sworn, says upon oath as stated below:

1. Tampa Triangle Joint Venture filed its Notice of Proposed Change #7 for the Tampa Triangle DRI on May 9, 2002.

2. The aforementioned application was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.

R. Michael Brooks
Attorney for Tampa Triangle Joint Venture

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 3rd day of January, 2003, by R. Michael Brooks, Attorney for Tampa Triangle Joint Venture, who is personally known to me and who did not take an oath.

(Signature)

Kristen A. Fernandez
(Print, Type or Stamp Name of Signatory)

Notary Public
(Title or Rank of Signatory)

My Commission Expires:

(Serial Number, if any)

NOTARY PUBLIC STATE OF FLORIDA
KRISTEN A. FERNANDEZ
MY COMMISSION # DD 120902
EXPIRES: June 5, 2006
1-800-3-NOTARY FL Notary Service & Bonding, Inc.

#140

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida

Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd.
P.O. Box 1110
Tampa, Florida 33601
Telephone 276-8100, ext. 6730

April 12, 2001

JOHN MEYER DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD SUITE 219
ST PETERSBURG FL 33702

Re: Resolution No. R01-042 - Amending the Development Order for Tampa Triangle (DRI #140)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on March 13, 2001.

We are providing this original for your files.

Sincerely,

Judith M. Grose

Judith M. Grose,
Manager, BOCC Records

md
Attachment
Federal Express AB#805649480260
cc: Board files (orig.)
J. Thomas Beck, Florida Department of Community Affairs
Keith W. Bricklemyer, Esq., Bricklemyer Smolker & Bolves
Susan J. Fernandez, Senior Assistant County Attorney
John Healy, Senior Planner, Planning & Growth Management
Beth Novak, County Attorney's Office

RESOLUTION NO. 01-042

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI #140 DEVELOPMENT ORDER
FOR TAMPA TRIANGLE

Upon motion the following Resolution was adopted on this 13th day of March, 2001.

WHEREAS, on September 22, 1987, the Board of County Commissioners approved a Development Order (Resolution No. 87-0319) for the TAMPA TRIANGLE Development of Regional Impact (DRI) #140 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 23, 1990, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 90-032 (NOPC #1); and

WHEREAS, on July 14, 1992, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 92-0167 (NOPC #2); and

WHEREAS, on October 25, 1994, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 94-0272 (NOPC #3); and

WHEREAS, on August 27, 1996, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 96-0215 (NOPC #4); and

WHEREAS, on January 12, 1999, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 99-005 (NOPC #5)

WHEREAS, on November 21, 2000, Tampa Triangle Joint Venture filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) for the TAMPA TRIANGLE DRI (NOPC #6) in accordance with Subsection 380.06(10), Florida Statutes; and

WHEREAS, NOPC #6 requested an extension of the buildout date for the project.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

1. The following Findings of Fact are made:

   A. Tampa Triangle Joint Venture submitted its NOPC #6 to Hillsborough County which requested an extension of the buildout date for the project.

B. The proposed extension to the buildout schedule does not result in any new or additional regional impacts.

C. A review of the impacts of this NOPC #6 has been conducted by Hillsborough County, the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs.

2. The following Conclusions of Law are made:

A. The proposed amendments, together with all previous amendments, do not create a reasonable likelihood of additional impact, or any type of regional impact not previously reviewed by the regional planning agency, over those treated under the Development Order. The proposed amendments, therefore, do not constitute a "substantial deviation" from the Tampa Triangle Development Order, pursuant to Chapter 380.06, Florida Statutes.

B. All applicable statutory and regulatory procedures have been adhered to.

C. The Tampa Triangle Development Order, as amended hereby, is consistent with the Future of Hillsborough County Comprehensive Plan, and development in accordance with the Development Order, as amended, will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

3. Based on the above Findings of Fact and Conclusions of Law, the Development Order is hereby AMENDED AS FOLLOWS:

A. Section IV.A.1. is hereby deleted and replaced with the following:

IV. SPECIFIC CONDITIONS

A. <u>Phasing Schedule, Deadlines and Land Use Conversions</u>

1. The Tampa Triangle extension of the buildout date for the project is hereby approved with a buildout date of December 29, 2006. Prior to December 29, 2005, the Developer shall re-evaluate the parameters of the Transportation Analysis used for this NOPC and submit said documentation to Hillsborough County and the Florida Department of Transportation for review and approval. The documentation shall compare the most recent available data at the time of the report to the data contained in the Transportation Analysis conducted for this NOPC for the following parameters:

- Project Land Uses

- Trip Generation
- Value of Budgeted Roadway Improvements
- Background Traffic
- Roadway Costs

A meeting shall be held with the County and FDOT staff to establish a methodology for performing the re-evaluation. The County shall approve the proposed methodology.

The re-evaluation shall be presented to the Board of County Commissioners for review. If the Board finds that any one of the parameters exceeds a 15 percent variance that would result in an increased proportionate share cost for the project, the Developer shall be required to file an NOPC to re-evaluate the project's transportation mitigation obligations. If the Board finds that none of the parameters exceed a 15 percent variance from the Transportation Analysis that would result in an increased proportionate share cost, then the buildout date of the project shall be extended from December 29, 2006 to December 29, 2008.

4. The Development Order, as previously amended, is hereby reaffirmed in its entirety except as amended by this Resolution.

5. Nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Subsection 163.3167(8), Florida Statutes.

6. The Developer's Affidavit of Certification, attached hereto as Exhibit "A", affirms that a copy of the Notice of Change has been delivered to all persons as required by law.

7. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

8. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients in accordance with Section 380.06, Florida Statutes.

9. This Resolution shall become effective upon the date of transmittal as provided in paragraph 8 above.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of March 13, 2001 as the same appears of record in Minute Book 298 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 11th day of April, 2001.

RICHARD AKE, CLERK

By: Mildred K. Duim
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS FLORIDA SEAL HILLSBOROUGH COUNTY

APPROVED BY COUNTY ATTORNEY
BY
Approved As To Form And Legal Sufficiency.

C:\WINDOWS\TEMP\GWVIEWER\NOPC6RESOLUTION.5.DOC
April 11, 2001

Exhibit "A"

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Keith W. Bricklemyer, as attorney for Tampa Triangle Joint Venture, the applicant for the Tampa Triangle Notice of Proposed Change #6, who being by me first duly sworn, says upon oath as stated below:

1. Tampa Triangle Joint Venture filed its Notice of Proposed Change #6 for the Tampa Triangle DRI on November 21, 2000.

2. The aforementioned application was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.

Keith W. Bricklemyer
Attorney for Tampa Triangle Joint Venture

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 3rd day of April, 2001, by Keith W. Bricklemyer, Attorney for Tampa Triangle Joint Venture, who is personally known to me and who did not take an oath.

Katherine Henderson
(Signature)

Katherine Henderson
(Print, Type or Stamp Name of Signatory)

Notary Public
(Title or Rank of Signatory)

Katherine Henderson
MY COMMISSION # CC857409 EXPIRES
August 14, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

My Commission Expires:

(Serial Number, if any)

F:\DOCS\MLB\11682\NOPC6\NOPC6 RESOLUTION.4.DOC
April 3, 2001

#140

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida

Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd.
P.O. Box 1110
Tampa, Florida 33601
Telephone 276-8100, ext. 6730

February 11, 1999

TIM BUTTS DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD, SUITE 219
ST. PETERSBURG, FL 33702

Re: Resolution No. R99-005 - Amending the Development Order for Tampa Triangle (DRI #140)

Dear Mr. Butts:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on January 12, 1999.

We are providing this original for your files.

Sincerely,

Judith M. Grose

Judith M. Grose
Senior Manager, BOCC Records

mcb
Attachment
Certified Mail
cc: Board files (orig.)
Keith Bricklemyer, Esq., Bricklemyer, et al, P.A.
J. Thomas Beck, Florida Department of Community Affairs
Susan Fernandez, Senior Assistant County Attorney
Kevin Mineer, Principal Planner, Planning & Growth Management
Beth Novak, County Attorney's Office

RESOLUTION NO. R99-005

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI #140 DEVELOPMENT ORDER
FOR TAMPA TRIANGLE

Upon motion of Commissioner Norman, seconded by Commissioner Scott, the following Resolution was adopted by a vote of 4 to 3 on this 12th day of January, 1999.

WHEREAS, on September 22, 1987, the Board of County Commissioners approved a Development Order (Resolution No. 87-0319) for the TAMPA TRIANGLE Development of Regional Impact (DRI) #140 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 23, 1990, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 90-032 (NOPC #1); and

WHEREAS, on July 14, 1992, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 92-0167 (NOPC #2); and

WHEREAS, on October 25, 1994, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 94-0272 (NOPC #3); and

WHEREAS, on August 27, 1996, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 96-0215 (NOPC #4); and

WHEREAS, on September 8, 1998, Tampa Triangle Joint Venture filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) for the TAMPA TRIANGLE DRI (NOPC #5) in accordance with Subsection 380.06(10), Florida Statutes; and

WHEREAS, NOPC #5 requested approval of a revised Map H to add a 12 acre parcel to the DRI and to revise the mix of approved uses; to extend the construction schedule for the Proposed Improvement, and to extend the buildout date for the project.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

1. The following Findings of Fact are made:

   A. Tampa Triangle Joint Venture submitted its NOPC #5 to Hillsborough County which requested approval of a revised Map H to add a 12 acre parcel and to revise the mix of approved uses; to revise the construction schedule for the Proposed Improvement; and to extend the buildout date for the project.

B. The proposed revisions to Map H, to the construction schedule for the Proposed Improvement, and to the buildout schedule do not result in any new or additional regional impacts.

C. Physical development of infrastructure components within the DRI has commenced, but no development creating the impacts approved by the DRI Development Order, as amended, has commenced.

D. A review of the impacts of this NOPC #5 has been conducted by Hillsborough County, the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs.

2. The following Conclusions of Law are made:

A. The proposed amendments, together with all previous amendments, do not create a reasonable likelihood of additional impact, or any type of regional impact not previously reviewed by the regional planning agency, over those treated under the Development Order. The proposed amendments, therefore, do not constitute a "substantial deviation" from the Tampa Triangle Development Order, pursuant to Chapter 380.06, Florida Statutes.

B. All applicable statutory and regulatory procedures have been adhered to.

C. The Tampa Triangle Development Order, as amended hereby, is consistent with the Future of Hillsborough County Comprehensive Plan, and development in accordance with the Development Order, as amended, will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

3. Based on the above Findings of Fact and Conclusions of Law, the Development Order is hereby AMENDED AS FOLLOWS:

A. The legal description of the project is revised as shown in Exhibit "A" attached hereto.

B. Section III.K. is hereby amended to add section 5 as follows:

5. A description of the use of the land use conversions and resulting Land Use Schedule, with cumulative land use totals, and the remaining amounts of land uses available.

C. Section IV.A.1. is hereby deleted and replaced with the following:

IV. SPECIFIC CONDITIONS

A. <u>Phasing Schedule, Deadlines and Land Use Conversions</u>

1. The Revised Map H for Tampa Triangle dated December 18, 1998, a copy of which is attached hereto as Exhibit "B", is hereby approved with a buildout date of December 29, 2001.

D. Section IV.A is revised to incorporate the Land Use Schedule on the Revised Map H dated December 1, 1998, and to add Section 4.A from Resolution No. 90-0032 as Section IV.A.6 of the Development Order, revised as follows:

6. MAXIMUM DEVELOPMENT POTENTIAL
TAMPA TRIANGLE DRI

APPROVED LAND USES	MAXIMUM QUANTITIES
Warehouse[1]	138,780 s.f.
Office[1]	1,034,282 s.f.
Retail	153,344 s.f.
Multi-Family	240 d.u.

[1] The square footage previously described as Service Center has been separated into its components of office and warehouse uses.

E. Section IV.B.3.c(6) is amended as follows:

Subject to acts of God or other occurrences beyond Developer's control, developer shall expeditiously commence the construction of the Required Improvements upon approval of the Required Design by FDOT and the Hillsborough County Engineering Department and shall complete such construction on or before the earlier of 18 months after both said approvals and final ROW acquisition, or June 1, 1999. To ensure that the Required Improvements are completed at the earliest possible time, Hillsborough County shall provide non-financial assistance to the Developer when required in obtaining all necessary permits, approvals and utility relocations, off-site construction easements and rights of way necessary to complete said improvements. The County's assistance in ROW acquisition shall include use of its eminent domain powers, but shall not include funding of the purchase, except as provided for in paragraph (4). The Developer shall make its best efforts to work with off-site ROW property owners to obtain ROW dedications. Upon completion of the Required Improvements substantially in accordance with the Required Design, Hillsborough County shall accept the Required Improvements and shall assume full responsibility for their maintenance except for those under the jurisdiction of the FDOT. The Developer agrees to bear any additional costs for completion of the Required Improvement caused by the delay in construction until June 1, 1999.

F. Sections IV.A.4 and 5 are revised to change the date of December 29, 2004 to December 29, 2006.

4. The Development Order, as previously amended, is hereby reaffirmed in its entirety except as amended by this Resolution.

5. Nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Subsection 163.3167(8), Florida Statutes.

6. The Developer's Affidavit of Certification, attached hereto as Exhibit "C", affirms that a copy of the Notice of Change has been delivered to all persons as required by law.

7. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

8. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients in accordance with Section 380.06, Florida Statutes.

9. This Resolution shall become effective upon the date of transmittal as provided in paragraph 8 above.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of January 12, 1999, as the same appears of record in Minute Book 272 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 11th day of February, 1999.

RICHARD AKE, CLERK

By: _____
Deputy Clerk

FLORIDA SEAL

APPROVED BY COUNTY ATTORNEY
BY _____
Approved As To Form And
Legal Sufficiency.

F:\DOCS\MLB\11682\NOPC5\RESOL3.TRI
February 10, 1999

EXHIBIT "A"

TAMPA TRIANGLE D.R.I.

THAT PART OF THE NORTH 1/2 OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, FORMERLY KNOWN AS PORTIONS OF VACATED LOTS 1, 2, 7, 8, 9, 10 AND 16 IN THE NORTHWEST 1/4 AND LOTS 11, 12, 13 AND 14 IN THE NORTHEAST 1/4 OF SAID SECTION 31, OF SOUTH TAMPA SUBDIVISION AS RECORDED IN PLAT BOOK 6 PAGE 3, OF THE PUBLIC RECORDS OF SAID COUNTY, TOGETHER WITH PORTIONS OF LOTS D, E AND H OF BOULEVARD VILLAS AS RECORDED IN PLAT BOOK 8 PAGE 45, OF THE PUBLIC RECORDS OF SAID COUNTY TOGETHER WITH LOT 20, LESS THE WEST 16.22 FEET THEREOF AND ALL OF LOTS 21 THROUGH 26, BLOCK A, SUBDIVISION OF LOT A OF BOULEVARD VILLAS AS RECORDED IN PLAT BOOK 25 PAGE 40, OF THE PUBLIC RECORDS OF SAID COUNTY TOGETHER WITH ABUTTING ROAD RIGHTS-OF-WAY, ALL OF WHICH BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH 1/4 CORNER OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, THENCE S.00°11'47" W., 40.00 FEET, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 31 TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD, THENCE, ALONG SAID LINE, N.89°27'11" W., 90.70 FEET FOR THE POINT OF BEGINNING; THENCE, LEAVING SAID LINE, S. 00°30'20" W., 220.00 FEET; THENCE N. 89°27'25" W., 292.44 FEET; THENCE S. 00°18'12" W., 763.21 FEET TO A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 720.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE 306.98 FEET THROUGH A CENTRAL ANGLE OF 24°25'43" (CHORD BEARING S. 13°30'36" E., 304.66 FEET), THENCE NON - TANGENT FROM SAID CURVE S. 89°27'52" E., 1634.78 FEET; THENCE S. 00°12'51" W., 1348.81 FEET TO THE EAST-WEST CENTERLINE OF SAID SECTION 31; THENCE, ALONG SAID LINE, N. 89°35'35" W., 1981.87 FEET; THENCE LEAVING SAID LINE, N.00°06'43" E., 671.36 FEET, THENCE N. 89°15'27" W., 322.94 FEET; THENCE N. 00°18'56" E., 380.92 FEET; THENCE S. 89°26'26" E., 162.04 FEET; THENCE N. 00°20'38" E., 300.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ALONZO ROAD ; THENCE ALONG SAID LINE THE FOLLOWING N. 89°26'26" W., 500.01 FEET; THENCE N. 89°43'07" W., 392.29 FEET; THENCE N. 00°05'59" E., 15.05 FEET THENCE N. 89°54'01" W., 170.60 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 301 (STATE ROAD 43) ; THENCE, ALONG SAID LINE THE FOLLOWING , N. 11°18'59" W., 365.92 FEET; THENCE N. 08°05'36" W., 613.79 FEET TO THE SOUTH LINE OF SAID SUBDIVISION OF LOT A OF BOULEVARD VILLAS; THENCE, ALONG SAID LINE, S. 89°27'29" E., 260.36 FEET; THENCE N. 00°10'43" E., 161.80 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD; THENCE, ALONG SAID LINE THE FOLLOWING S. 89°27'29" E., 445.17 FEET; THENCE N. 81°39'08" E., 764.31 FEET TO A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 1809.86 FEET; THENCE EASTERLY ALONG SAID CURVE, 280.96 FEET THROUGH A CENTRAL ANGLE OF 08°53'41" (CHORD BEARING N. 89°05'58" E., 280.68 FEET) THENCE S. 89°27'11" E., 213.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 109.4096 ACRES MORE OR LESS

TOGETHER WITH

THAT PART OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, FORMERLY KNOWN AS PORTIONS OF LOTS I AND L OF BOULEVARD VILLAS AS RECORDED IN PLAT BOOK 8 PAGE 45, OF THE PUBLIC RECORDS OF SAID COUNTY TOGETHER WITH ABUTTING ROAD RIGHTS-OF-WAY, ALL OF WHICH BEING FURTHER DESCRIBED AS FOLLOWS:

TAMPA TRIANGLE D.R.I.
(CONT.)

COMMENCE AT THE NORTH 1/4 CORNER OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, THENCE S.00°11'47" W., 40.00 FEET, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 31 TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD, THENCE, ALONG SAID LINE, N.89°27'11" W., 90.70 FEET; THENCE, LEAVING SAID LINE, S. 00°30'20" W., 220.00 FEET; THENCE N. 89°27'25" W., 292.44 FEET; THENCE S. 00°18'12" W., 763.21 FEET TO A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 720.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE 306.98 FEET THROUGH A CENTRAL ANGLE OF 24°25'43" (CHORD BEARING S. 13°30'36" E., 304.66 FEET), THENCE NON - TANGENT FROM SAID CURVE S. 89°27'52" E., 1634.78 FEET; THENCE S. 00°12'51" W., 1348.81 FEET TO THE EAST-WEST CENTERLINE OF SAID SECTION 31; THENCE, ALONG SAID LINE, N. 89°35'35" W., 1981.87 FEET; THENCE LEAVING SAID LINE, N.00°06'43" E., 671.36 FEET, THENCE N. 89°15'27" W., 322.94 FEET; THENCE N. 00°18'56" E.,380.92 FEET; THENCE S. 89°26'26" E., 162.04 FEET; THENCE N. 00°20'38" E., 300.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ALONZO ROAD ; THENCE ALONG SAID LINE N. 89°26'26" W., 500.01 FEET; THENCE LEAVING SAID LINE S. 00°21'47" W., 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID ALONZO ROAD AND THE POINT OF BEGINNING; THENCE CONTINUE S. 00°21'47" W., 659.94 FEET; THENCE N. 89°26'22" W., 454.11 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 301 (STATE ROAD NO. 43); THENCE, ALONG SAID LINE THE FOLLOWING, N. 08°05'36" W., 631.86 FEET; THENCE N. 11°18'59" W., 27.72 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID ALONZO ROAD; THENCE, ALONG SAID LINE THE FOLLOWING, S. 89°54'01" E., 160.51 FEET, THENCE N. 00°05'59" E., 4.95 FEET; THENCE S. 89°43'07" E., 392.15 FEET TO THE POINT OF BEGINNING.

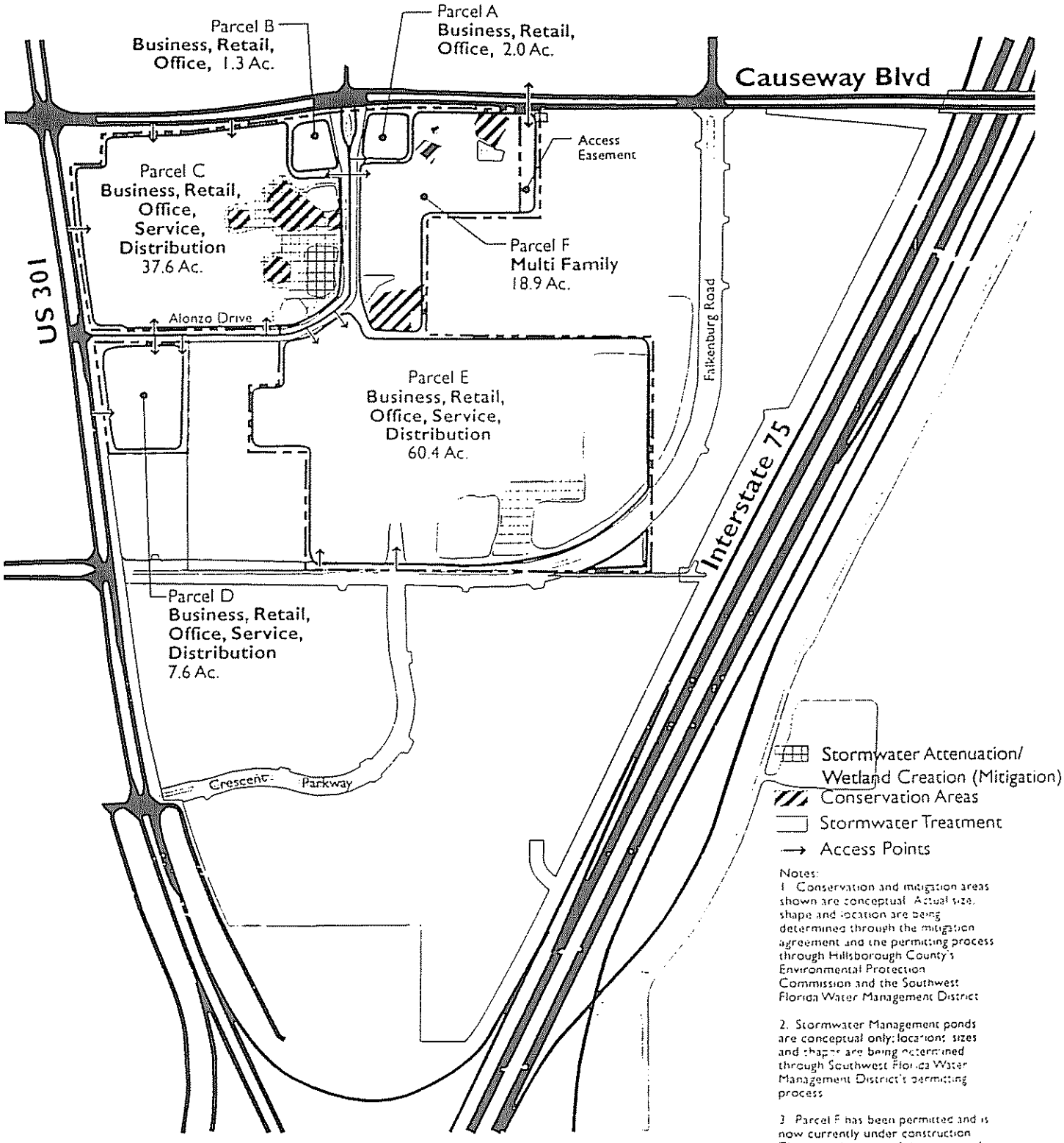
CONTAINING 7.5878 ACRES MORE OR LESS
0072487.LEG

TOGETHER WITH

A PARCEL OF LAND LYING IN THE NORTH 1/2 OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, AND ALSO BEING A PORTION OF TRACT 4 IN THE NORTHEAST 1/4 AND TRACTS 3 AND 8 IN THE NORTHWEST 1/4 OF SAID SECTION 31, SOUTH TAMPA SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 3, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTH 1/4 CORNER OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY RUN THENCE S. 00°12'43" W., 39.94 FEET ALONG THE EAST BOUNDARY OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 31 TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD FOR A POINT OF BEGINNING; THENCE S. 89°26'29" E., 660.90 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT ON THE EAST BOUNDARY OF THE AFORESAID TRACT 4, SOUTH TAMPA SUBDIVISION; THENCE S. 00°08'34" W., 626.87 FEET ALONG SAID EAST BOUNDARY TO THE SOUTHEAST CORNER OF SAID TRACT 4, THENCE N. 89°25'26" W., 646.66 FEET ALONG THE SOUTH BOUNDARY OF SAID TRACT 4 TO THE SOUTHWEST CORNER THEREOF; THENCE S. 00°12'43" W., 652.02 FEET ALONG THE WEST BOUNDARY OF TRACT 5 IN THE NORTHEAST 1/4 OF SAID SOUTH TAMPA SUBDIVISION TO THE SOUTHWEST CORNER THEREOF; THENCE N. 89°27'22" W., 328.56 FEET ALONG THE SOUTH BOUNDARY OF THE AFORESAID TRACT 8 AND THE EASTERLY PROJECTION THEREOF TO A POINT ON A CURVE; THENCE NORTHERLY, 306.98 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 720.00 FEET, A CENTRAL ANGLE OF 24°25'43", AND A CHORD BEARING AND DISTANCE OF N. 13°29'40" W., (N. 13°30'14" W., BY PREVIOUS DESCRIPTION), 304.66 FEET TO A POINT OF TANGENCY; THENCE N. 00°19'08" E., (N. 00°18'34" E., BY PREVIOUS DESCRIPTION), 763.21 FEET; THENCE S. 89°26'29" E., 292.44 FEET; THENCE N. 00°31'16" E., 220.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CAUSEWAY BOULEVARD; THENCE S. 89°26'29" E., 90.70 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

EXHIBIT "B"



Notes:

1. Conservation and mitigation areas shown are conceptual. Actual size, shape and location are being determined through the mitigation agreement and the permitting process through Hillsborough County's Environmental Protection Commission and the Southwest Florida Water Management District.

2. Stormwater Management ponds are conceptual only; locations, sizes and shapes are being determined through Southwest Florida Water Management District's permitting process.

3. Parcel F has been permitted and is now currently under construction. The exact location of the preserved wetlands and stormwater ponds may be more accurately represented by the approved EPC and SWFWMD permits.

Summary of Proposed Master Plan

Land Use	Approved Program
Office	862,500 sf
Retail	24,750 sf
Hotel	0 rms
Service Center	50,000 sf
Warehouse	0 sf
Multi-Family	240 du

Note: The approved Service Center program (693,902 sf) consists of 80% Office (555,122 sf for a total Office program of 1,034,282 sf) and 20% Warehouse (138,780 sf)

GLATTING JACKSON KERCHER ANGLIN LOPEZ RINEHART

Map H
Tampa Triangle PD
Master Development Plan

Tampa Triangle Joint Venture

December 18, 1998
Scale in Feet
0 400 800
North

EXHIBIT "C"

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Keith W. Bricklemyer, as attorney for Tampa Triangle Joint Venture, the applicant for the Tampa Triangle Notice of Proposed Change #5, who being by me first duly sworn, says upon oath as stated below:

1. Tampa Triangle Joint Venture filed its Notice of Proposed Change #5 for the Tampa Triangle DRI on September 8, 1998.

2. The aforementioned application was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.

Keith W. Bricklemyer
Attorney for Tampa Triangle Joint Venture

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 10th day of February, 1999, by Keith W. Bricklemyer, Attorney for Tampa Triangle Joint Venture. He is personally known to me and did not take an oath.

(Signature)

MARSHA N. BAUMAN
MY COMMISSION # CC 747022
EXPIRES: June 1, 2002
Bonded Thru Notary Public Underwriters

Print, Type or Stamp Name of Signatory)

My Commission Expires:

Notary Public
(Title or Rank of Signatory

(Serial Number, if any)

F:\DOCS\MLB\11682\NOPCS\RESOL3.TRI
February 10, 1999

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida

1-2
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Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd.
P.O. Box 1110
Tampa, Florida 33601
Telephone 276-2029, ext. 6730

September 24, 1996

TIM BUTTS DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD, SUITE 219
ST. PETERSBURG, FL 33702

Re: Resolution No. R96-215 - Amending the Development Order for Tampa Triangle (DRI #140)

Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on August 27, 1996.

We are providing this copy for your files.

Sincerely,

Linda Fryman
Senior Manager, BOCC Records

LF:ADF
Attachment
Certified Mail
cc: Board files (orig.)
J. Thomas Beck, Florida Department of Community Affairs
Keith W. Bricklemyer, Esquire
Vincent A. Marchetti, Sr. Assistant County Attorney
Gene Boles, Director, Planning & Growth Management
Joe Egozcue, County Attorney's Office

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R96-215 Amending the Development Order for Tampa Triangle (DRI #140) approved by the Board in its regular meeting of August 27, 1996, as the same appears of record in MINUTE BOOK 243 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 24th day of September, 1996.

RICHARD AKE, CLERK

By: Deputy Clerk

2

RESOLUTION NO. R96-215

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA AMENDING DRI #140 DEVELOPMENT ORDER FOR TAMPA TRIANGLE

Upon motion of Commissioner Chillura, seconded by Commissioner Berger, the following was adopted on this 27th day of August, 1996. Vote: 5 to 0.

WHEREAS, on September 22, 1987, the Board of County Commissioners approved a Development Order (Resolution No. 87-0319) for the TAMPA TRIANGLE Development of Regional Impact (DRI) #140 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 23, 1990, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 90-032 (NOPC #1); and

WHEREAS, on July 14, 1992, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 92-0167 (NOPC #2); and

WHEREAS, on October 25, 1994, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 94-0272 (NOPC #3); and

WHEREAS, on May 7, 1996, Tampa Triangle Joint Venture I filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) for the TAMPA TRIANGLE DRI (NOPC #4) in accordance with Subsection 380.06(10), Florida Statutes; and

WHEREAS, NOPC #4 requested approval of a revised Map H, a revised schedule for the design of the Required Improvement, provision that the County proceed first against the Developer for satisfaction of requirements of the Developer Order, extension of the project buildout date to December 29, 1999, and extension of the effective date of the Development Order and the date for protection against down zoning to December 29, 2004.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

1. The following Findings of Fact are made:

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a. Tampa Triangle Joint Venture I submitted its NOPC #4 to Hillsborough County which requested approval of a revised schedule to complete the design of the Required Improvement; approval to revise the location of the Required Improvement as shown on the Revised Map H (April 17, 1996), attached hereto as Exhibit "A"; approval of December 29, 2004 as the date through which the Development Order and protection against down zoning is effective, provision that the County proceed first against the Developer for satisfaction of requirements of the Developer Order, and extension of the project buildout date to December 29, 1999.

b. The revised schedules for completing the Required Design does not change the deadline for completing the Required Improvement.

c. The proposed revisions to Map H, the revised schedule for the Required Design, the revised date through which the Development Order and protection against down zoning is effective, the provision that the County proceed first against the Developer for satisfaction of requirements of the Developer Order, and the extension of the project buildout date to December 29, 1999 do not result in any new or additional regional impacts.

d. Physical development of infrastructure components within the DRI has commenced, but no development creating the impacts approved by the DRI Development Order, as amended, has commenced.

e. A review of the impacts of this NOPC #4 has been conducted by Hillsborough County, the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs.

2. The following Conclusions of Law are made:

a. The proposed NOPC #4 is not a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

b. All statutory procedures have been adhered to.

c. The Tampa Triangle Development Order, as amended hereby, is consistent with the Future of Hillsborough County Comprehensive Plan.

3. Based on the above Findings of Fact and Conclusions of Law, the Development Order is hereby amended as follows:

a. The schedule for the Required Design (Section IV.B.3.c(2)) is hereby revised to require that, unless extended pursuant to an agreement with the Hillsborough

County Engineering Department, the Required Design shall be completed on or before May 1, 1997.

b. Section IV.A.1. is hereby deleted and replaced with the following:

IV. SPECIFIC CONDITIONS

A. Phasing Schedule, Deadlines and Land Use Conversions

1. The Revised Map H for Tampa Triangle dated April 17, 1996, a copy of which is attached hereto as Exhibit "A", is hereby approved. The extension of the date of buildout of the Tampa Triangle project to December 29, 1999 is hereby approved.

c. Sections IV.A.4 and IV.A.5 are revised to change the date of September 1, 1997 to December 29, 2004.

d. Section IV.B. is revised to add the following:

8. Except for items, if any, that relate solely to a particular development parcel, Hillsborough County will proceed first against Developer for satisfaction of requirements of the Development Order, including but not limited to, the Required Design, the Required Improvements Costs and the Required Improvements provided, however, that the Developer shall be responsible for all Development Order requirements.

4. The Development Order, as previously amended, is hereby reaffirmed in its entirety except as amended by this Resolution.

5. Nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Subsection 163.3167(8), Florida Statutes.

6. The Developer's Affidavit of Certification, attached hereto as Exhibit "B", affirms that a copy of the Notice of Change has been delivered to all persons as required by law.

7. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

8. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients in accordance with Section 380.06, Florida Statutes.

5

9. This Resolution shall become effective upon the date of transmittal as provided in paragraph 8 above.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of August 27, 1996, as the same appears of record in Minute Book 243 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 24th day of September, 1996.

RICHARD AKE, CLERK

BOARD OF COUNTY COMMISSIONERS FLORIDA SEAL HILLSBOROUGH COUNTY

By: Deputy Clerk

APPROVED BY COUNTY ATTORNEY
BY
Approved As To Form And
Legal Sufficiency.

F:\DOCS\CLW\11682\A02.RES

6

Exhibit A

TAMPA TRIANGLE

TAMPA TRIANGLE JOINT VENTURE

MAP "A"

DRI NOPC NOTE

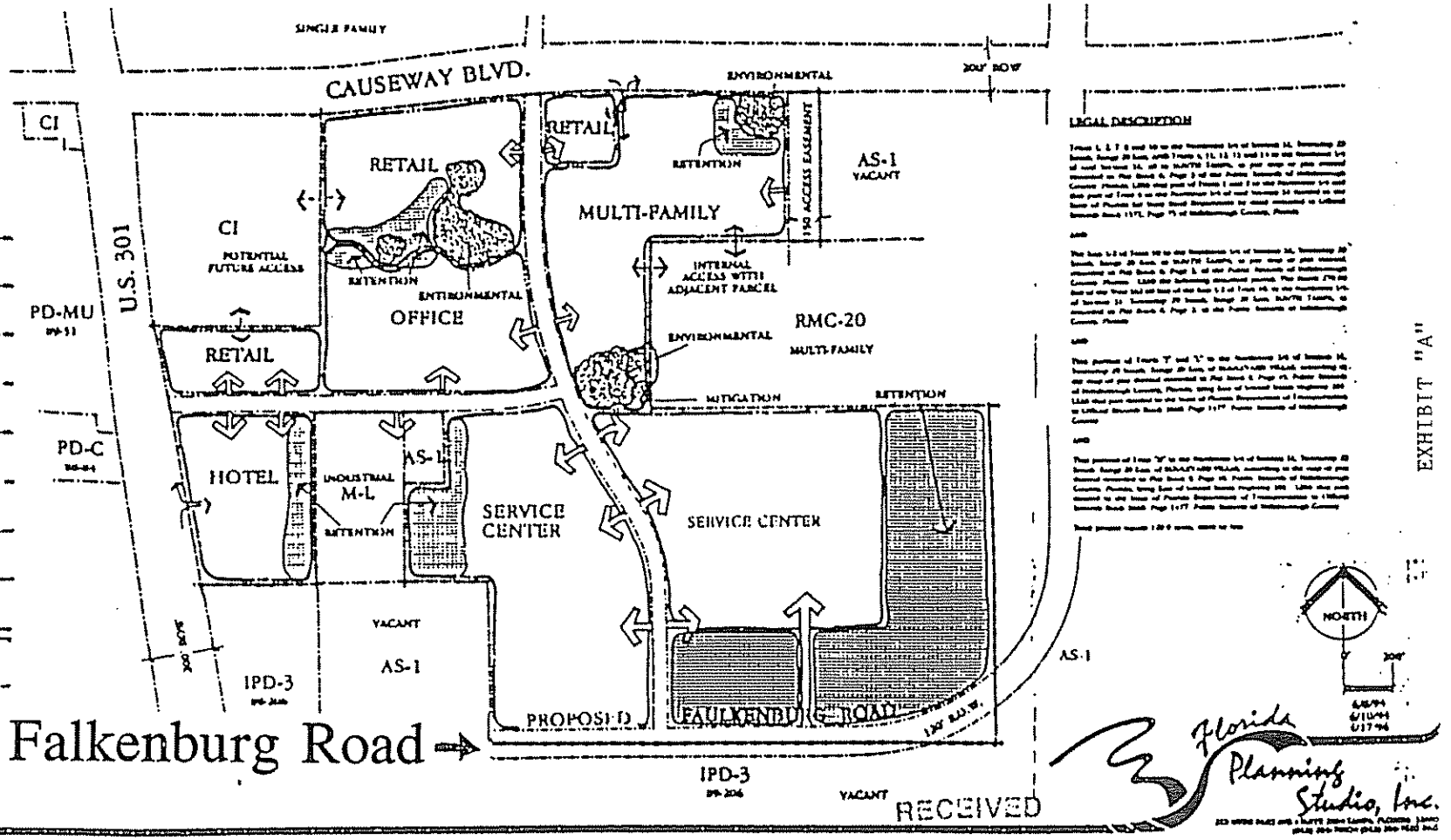
DRI LAND USE SCHEDULE*

USE	ENTITLEMENT	GROSS ACRES	FAR INTENSITY
SUPPLE LIGHTS	[illegible]	[illegible]	[illegible]
HOTEL	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
TOTAL		[illegible]	

* [illegible]

DEVELOPMENT NOTES

- [illegible]



LEGAL DESCRIPTION

- [illegible]

EXHIBIT "A"

Florida Planning Studio, Inc.

RECEIVED

JUN 24 1996

Permit Services Center

96 0260

EXHIBIT "B"

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Keith W. Bricklemyer, as attorney for Tampa Triangle Joint Venture I, the applicant for the Tampa Triangle Notice of Proposed Change #4, who being by me first duly sworn, says upon oath as stated below:

1. Tampa Triangle Joint Venture I filed its Notice of Proposed Change #4 for the Tampa Triangle DRI on May 7, 1996.

2. The aforementioned application was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.

Keith W. Bricklemyer
Attorney for Tampa Triangle Joint Venture I

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 15th day of September 1996, by Keith W. Bricklemyer, Attorney for Tampa Triangle Joint Venture I. He is personally known to me and did not take an oath.

Catherine Lamica
(Signature)

CATHERINE LAMICA
Print, Type or Stamp Name of Signatory)

My Commission Expires:

Notary Public
(Title or Rank of Signatory

(Serial Number, if any)

CATHERINE LAMICA
Notary Public, State of Florida
Commission No. CC 301811
My Commission Expires 7/26/97
Bonded Through Fla. Notary Service & Bonding Co.

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Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida

#140

Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd.
P.O. Box 1110
Tampa, Florida 33601
Telephone 276-2029, ext. 5730

November 4, 1994

TIM BUTTS DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD SUITE 219
ST PETERSBURG FL 33702

Re: Resolution No. R94-0272 - Amending the Development Order for Tampa Triangle (DRI #140)

Dear Mr Butts:

Attached is a certified copy of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on October 25, 1994.

We are providing this copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: _____
for Linda Fryman
Manager, BOCC Records

LF:ADF
Attachment
Certified Mail
cc: Board files (orig.)
J. Thomas Beck, Florida Department of Community Affairs
Keith W. Bricklemyer, Esquire
Vincent A. Marchetti, Assistant County Attorney
Gene Boles, Director, Planning and Development Management

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R94-0272 Amending the Development Order for Tampa Triangle (DRI No. 140) approved by the Board in its regular meeting of October 25, 1994, as the same appears of record in MINUTE BOOK 221 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 4th day of November, 1994.

RICHARD AKE, CLERK

By: _____
Deputy Clerk

RESOLUTION NO. R94-0272

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI #140 DEVELOPMENT ORDER
FOR TAMPA TRIANGLE

Upon motion of Commissioner Phyllis Busansky seconded by Commissioner Sandra Wilson, the following Resolution was adopted by a vote of 6 to 0, with Commissioner _____ voting "No".

WHEREAS, on September 22, 1987, the Board of County Commissioners approved a Development Order (Resolution No. 87-0319) for the TAMPA TRIANGLE Development of Regional Impact (DRI) #140 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 23, 1990, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 90-032 (NOPC #1); and

WHEREAS, on July 14, 1992, the Board of County Commissioners approved an amendment to the Development Order by Resolution No. 92-0167 (NOPC #2); and

WHEREAS, on June 23, 1994, Tampa Triangle Joint Venture I filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) for the TAMPA TRIANGLE DRI (NOPC #3) in accordance with Subsection 380.06(19), Florida Statutes; and

WHEREAS, NOPC #3 requested approval of a revised Map H and a revised design and construction schedule for the Required Improvement; and

WHEREAS, pursuant to the provisions of Section 380.06(19), Florida Statutes, public notice was given that a public hearing would be held by the Board of County Commissioners on October 25, 1994 to consider the request to amend the Development Order.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 25TH DAY OF OCTOBER, 1994 AS FOLLOWS:

1. The following Findings of Fact are made:

a. Tampa Triangle Joint Venture I submitted its NOPC #3 to Hillsborough County which requested approval of a revised schedule to complete the design of the Required Improvement, and further requested approval to relocate approved office, commercial and multifamily uses and to adjust acreages for these uses. The proposed revisions to Map H would allow the following uses:

LAND USE	PROPOSED		ORIGINAL (EST.)		PREVIOUS D.O.	
	SQ. FT.	ACRES	SQ. FT.	ACRES	SQ. FT.	ACRES
Industrial/S.C.	434,902	58.3	693,902	65.8	434,902	58.3
Hotel	169,000 (250 Rooms)	9.2	169,000 (250 Rooms)	9.2	No Change	9.2
Office	300,000	16.76	479,160	30.0	300,000	22.3
Retail	153,344	18.30	153,344	15.8	No Change	15.8
Multi-Family	240 units	18.24	0	0	240 units	15.2
Total		120.8		120.8		120.8

b. The proposed revisions to Map H and the revised schedule for the Required Design do not result in any new or additional regional impacts.

c. Physical development of infrastructure components within the DRI has commenced, but no development creating the impacts approved by the DRI Development Order, as amended, has commenced.

d. A review of the impacts of this NOPC #3 has been conducted by Hillsborough County, the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs.

2. The following Conclusions of Law are made:

a. The proposed NOPC #3 is not a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

b. All statutory procedures have been adhered to.

c. The Tampa Triangle Development Order, as amended hereby, is consistent with the Future of Hillsborough County Comprehensive Plan.

3. Based on the above Findings of Fact and Conclusions of Law, the Development Order is hereby amended as follows:

a. The schedule for the Required Design (Section IV.B.3.c(2)) is hereby revised to require that, unless extended pursuant to an agreement with the Hillsborough County Engineering Department, the Required Design shall be completed on or before December 31, 1995.

b. Section IV.B.3.c(6) is amended as follows:

Subject to acts of God or other occurrences beyond Developer's control, developer shall expeditiously commence the construction of the Required Improvements upon approval of the Required Design by FDOT and the Hillsborough County Engineering Department and shall complete such construction on or before <u>the earlier of</u> 18 months after both said approvals and final ROW acquisition, <u>or January 1, 1999</u>. To ensure that the Required Improvements are completed at the earliest possible time, Hillsborough County shall provide non-financial assistance to the Developer when required in obtaining all necessary permits, approvals and utility relocations, off-site construction easements and rights of way necessary to complete said improvements. The County's assistance in ROW acquisition shall include use of its eminent domain powers, but shall not include funding of the purchase, except as provided for in paragraph (4). The Developer shall make its best efforts to work with off-site ROW property owners to obtain ROW dedications. Upon completion of the Required Improvements substantially in accordance with the Required Design, Hillsborough County shall accept the Required Improvements and shall assume full responsibility for their maintenance except for those under the jurisdiction of the FDOT. <u>The Developer agrees to bear any additional costs for completion of the Required Improvement caused by the delay in construction until January 1999.</u>

c. Section IV.A.1. is hereby deleted and replaced with the following:

IV. SPECIFIC CONDITIONS

A. <u>Phasing Schedule, Deadlines and Land Use Conversions</u>

1. The Revised Map H for Tampa Triangle dated June 10, 1994, a copy of which is attached hereto as Exhibit "A", is hereby approved and the project shall proceed in accordance with the Land Use Schedule shown thereon.

4. The Development Order, as previously amended, is hereby reaffirmed in its entirety except as amended by this Resolution.

5. Nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Subsection 163.3167(8), Florida Statutes.

6. The Developer's Certification, attached hereto as Exhibit "B", affirms that a copy of the Notice of Change has been delivered to all persons as required by law.

7. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

8. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients in accordance with Section 380.06, Florida Statutes.

9. This Resolution shall become effective upon the date of rendition as provided in paragraph 8 above.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of October 25, 1994, as the same appears of record in Minute Book 221 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 4th day of November, 1994.

RICHARD AKE, CLERK

By: Gary Mlark
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

R14\CHL\RESOLUTION2
November 1, 1994

EXHIBIT A

TAMPA TRIANGLE

TAMPA TRIANGLE JOINT VENTURE

REVISED MAP H

DRI NOPC NOTE

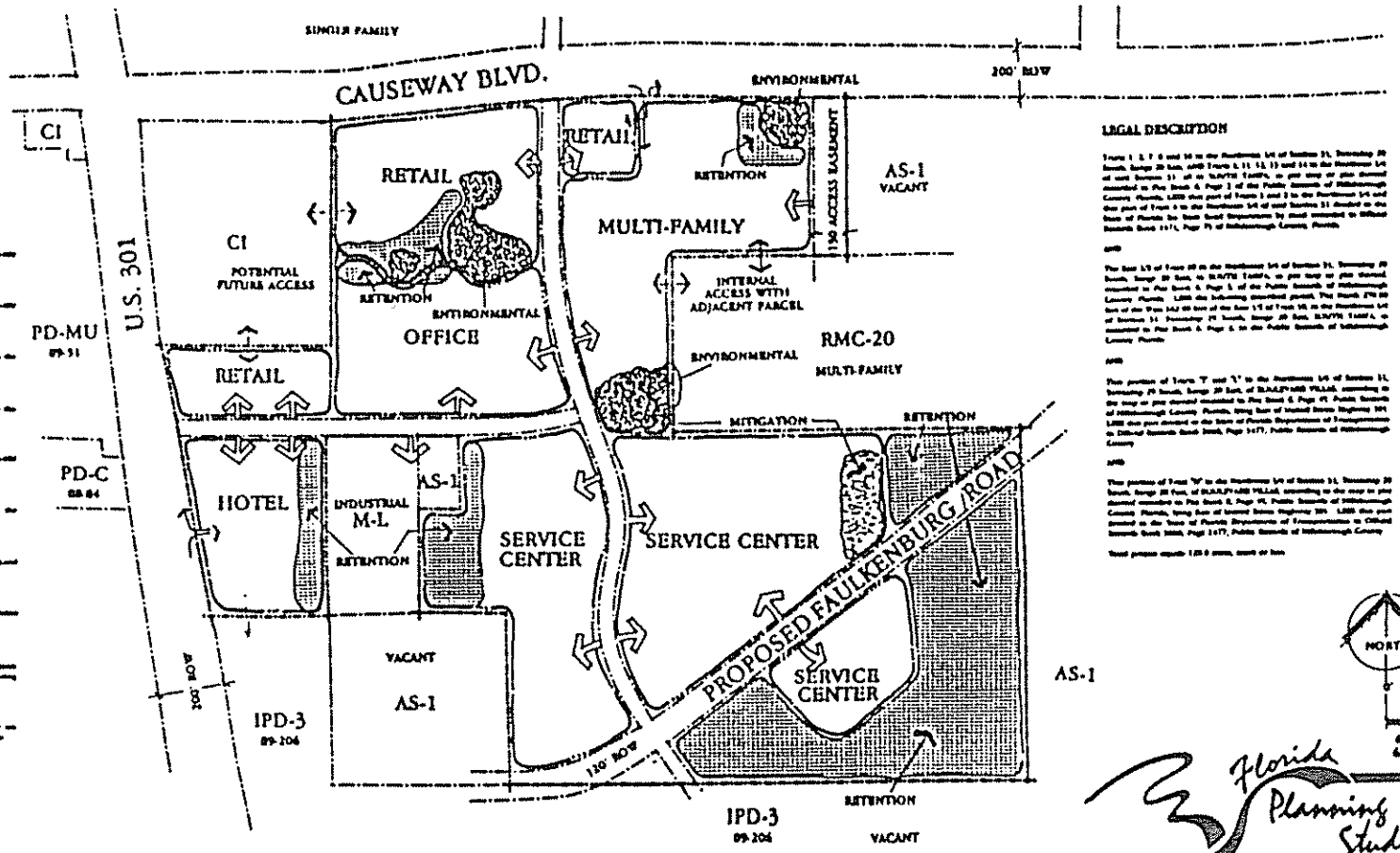
DRI LAND USE SCHEDULE*

USE	ENTITLEMENT	GROSS ACRES	FAR/ DENSITY
RETAIL CENTER	[illegible]	[illegible]	[illegible]
OFFICE	[illegible]	[illegible]	[illegible]
OFFICE B	[illegible]	[illegible]	[illegible]
RETAIL	[illegible]	[illegible]	[illegible]
MULTI-FAMILY	[illegible] UNITS	[illegible]	[illegible]
TOTAL		[illegible]	

* [illegible]

DEVELOPMENT NOTES

- [illegible]



LEGAL DESCRIPTION

[illegible]

Florida Planning Studio, Inc.

EXHIBIT "B"

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared Keith W. Bricklemyer, as attorney for Tampa Triangle Joint Venture I, the applicant for the Tampa Triangle Notice of Proposed Change #3, who being by me first duly sworn, says upon oath as stated below:

1. Tampa Triangle Joint Venture I filed its Notice of Proposed Change #3 for the Tampa Triangle DRI on June 23, 1994.

2. The aforementioned application was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.

Keith W. Bricklemyer
Attorney for Tampa Triangle Joint
Venture I

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 1ST day of NOVEMBER, 1994, by Keith W. Bricklemyer, Attorney for Tampa Triangle Joint Venture I. He is personally known to me and did take an oath.

Catherine Lamica
(Signature)

CATHERINE LAMICA
Notary Public, State of Florida
Commission No. CC 301811
My Commission Expires 7/26/97

Print, Type or Stamp Name of Signatory)

My Commission Expires:

Notary Public
(Title or Rank of Signatory

(Serial Number, if any)

R14\CHL\RESOLUTION3
November 1, 1994

140b

Resolution No. R 90-0032

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI #140 DEVELOPMENT ORDER
TAMPA TRIANGLE

WHEREAS, on September 22, 1987, the Board of County Commissioners of Hillsborough County adopted Resolution No. R87-0319 approving, with conditions, the TAMPA TRIANGLE Development of Regional Impact ("DRI") Development Order; and

WHEREAS, on October 26, 1989, TAMPA TRIANGLE Joint Venture, the Developer, filed a Notice of Proposed Change to the TAMPA TRIANGLE DRI Development Order; and

WHEREAS, the change proposed is to add 240 multi-family units to the development and make a corresponding reduction in office and service center square footages such that there will be no net increase in external traffic from the Development; and

WHEREAS, the Development lies within the unincorporated area of Hillsborough County; and

WHEREAS, the Board of County Commissioners as the governing body of the local Government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider the subject Notice of Proposed Change; and

WHEREAS, the public notice requirements of Section 380.06(19), Florida Statutes, have been satisfied; and

WHEREAS, the Board of County Commissioners of Hillsborough County has on January 23, 1990, held a duly noticed public hearing on said Notice of Proposed Change and has heard and considered testimony and other documents in evidence; and

WHEREAS, the Board of County Commissioners has received and considered the report and recommendation of the Tampa Bay Regional Planning Council; and

WHEREAS, the Board of County Commissioners has solicited, received and considered reports, comments and recommendations from interested citizens, county and city agencies as well as the review and report of the Hillsborough County Administration; and

WHEREAS, the Board of County Commissioners of Hillsborough County has determined that the proposed changes do not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes, and do not require further Development of Regional Impact review.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR SESSION DULY ASSEMBLED THIS 23rd DAY OF January, 1990, AS FOLLOWS:

1. The amendment to the TAMPA TRIANGLE DRI Development Order approved hereby does not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes.

2. The TAMPA TRIANGLE DRI Development Order, as amended hereby, a copy of which is attached hereto as Exhibit "A", is consistent with the Future of Hillsborough Comprehensive Plan.

3. The Revised Map H for TAMPA TRIANGLE attached hereto as "Exhibit B" including the following Land Use Schedule as shown thereon, is hereby approved.

LAND USE SCHEDULE

Use	S.F./Units
Service Center	434,902
Hotel	169,000
Office	300,000
Retail	153,344
Multi-Family	240 Units

4. The proposed mechanism for increasing approved land uses subject to corresponding reductions in other approved land uses is hereby approved and shall not require further approval subject to the following conditions:

   A. Development for each land use shall not exceed the following:

MAXIMUM DEVELOPMENT POTENTIAL
TAMPA TRIANGLE DRI

APPROVED LAND USES	MAXIMUM QUANTITIES
Service Center	693,902 s.f.
Hotel	250 rooms
Office	479,160 s.f.
Retail	153,344 s.f.
Multi-Family	240 d.u.

   B. The conversion from one land use to another to achieve a net zero increase in P.M. peak hour external traffic shall be in accordance with the Land Use Conversion Table attached hereto as "Exhibit C."

   C. If the Developer elects to implement the trade-off mechanism, he shall file with Hillsborough County, Tampa Bay Regional Planning Council and the Department of Community Affairs a revised Map H including a land use schedule identifying what conversions have been made and a Revised General Site Plan for zoning purposes.

5. The design schedule for Faulkenburg Road has been revised pursuant to Section IV.B.3.c(2) of the Development Order. The Developer has submitted 30% plans prior to the approved October 1, 1989 deadline. The deadline for submittal of final plans is July 1, 1990.

6. The location of the right-of-way required to be dedicated by the Developer pursuant to Section IV.B.6 of the Development Order shall be as shown on Exhibit "B" attached

hereto rather than only along the southern boundary of the Tampa Triangle project.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Bard at its Public Hearing meeting of January 23, 1990, 1990, as same appears of record in Minute Book 164 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 31st day of January, 1990.

RICHARD AKE, CLERK

By: Judith M. Nicholas
Deputy Clerk

T1334o

APPROVED BY COUNTY ATTORNEY
John Dixon Wall
Approved As To Form And
Legal Sufficiency.

EXHIBIT "A"

RECEIVED
OCT 29 1987

Resolution No. R87-0319

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #140 DEVELOPMENT ORDER
TAMPA TRIANGLE

Upon motion by Commissioner Selvey, seconded by Commissioner Colson, the following Resolution was adopted by a vote of 5 to 0; Commissioner(s) None voting "No."

WHEREAS, in MARCH, 1986, TAMPA TRIANGLE Joint Venture filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application proposed construction of a MIXED USE DEVELOPMENT on approximately ONE HUNDRED AND TWENTY AND EIGHT-TENTHS ACRES, located in central Hillsborough County, hereinafter refered to TAMPA TRIANGLE, and

WHEREAS, the described project lies within the unincorporated area of Hillsborough County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the public notice requirements of Section 380.06, Florida Statutes, have been satisfied; and

WHEREAS, the Zoning Hearing Master appointed pursuant to Zoning Code of Hillsborough County (Ordinance 85-10), has reviewed the Application for Development Approval and has filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Hillsborough County has on SEPTEMBER 21,1987 held a duly noticed public hearing on said Application for Development Approval and has heard and considered testimony and other documents and evidence; and

WHEREAS, the Board of County Commissioners has received and considered the report and recommendation of the Tampa Bay Regional Planning Council; and

WHEREAS, the Board of County Commissioners has solicited, received and considered reports, comments and recommendations from interested citizens, County and City agencies as well as the review and report of Hillsborough County Administration.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 22nd DAY OF September, 1987, AS FOLLOWS:

I. FINDINGS OF FACT

A. Tampa Triangle Joint Venture referred to as "Developer", submitted to Hillsborough County, Florida, an Application for Development Approval and Sufficiency Responses which are attached hereto and marked "Composite Exhibit A "and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Application for Development Approval,

Sufficiency Responses and other exhibits duly submitted and recorded.

B. The real property which is the subject of the Application is legally described as set forth in Composite Exhibit A.

C. The proposed development is not an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.

D. All development will occur in accordance with this Development Order and Application.

E. A comprehensive review of the impact generated by the development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, and the Tampa Bay Regional Planning Council and other affected agencies.

II. CONCLUSIONS OF LAW

A. Based upon the compliance with the terms and conditions of this Development Order, provisions of the Application as set forth in Composite Exhibit A, the reports, recommendations and testimony heard and considered by the Zoning Hearing Master, it is concluded that:

1. The development will not unreasonably interfere with the achievement of the objectives of the Adopted Land Development Plan applicable to the area.

2. The development is consistent with local land development regulations.

3. The development is consistent with the report and recommendation of the Tampa Bay Regional Planning Council.

B. In considering whether the development should be approved subject to conditions, restrictions, and limitations, Hillsborough County has considered the criteria stated in subsection 380.06(14), Florida Statutes.

C. The review by Hillsborough County, the Hillsborough County City-County Planning Commission, the Tampa Bay Regional Planning Council, and other participating agencies and interested citizens indicates that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order and the Application.

D. The Application for Development Approval is approved subject to all terms and conditions of this Development Order.

E. The Horizon 2000 Land Use Plan Map for Hillsborough County designates the area within which this land lies as LIGHT INDUSTRIAL.

III. GENERAL PROVISIONS

** A. This resolution shall constitute the Development Order of Hillsborough County in response to the Application for Development Approval for the Tampa Triangle Development of Regional Impact.

B. The legal description set forth in Composite Exhibit A is hereby incorporated into and by reference made a part of this Development Order.

C. All provisions contained within -"Composite Exhibit A" shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.

D. The definitions contained in Chapter 380, Florida Statutes shall govern and apply to this Development Order.

** Amended by Resolution No. _____.

E. This Development Order shall be binding upon the Developer and his heirs, assignees or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to include any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the powers and duties of any branch of government or governmental agency.

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

G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.

H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at Tampa Triangle, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order as defined by the criteria of Ch. 380.06(19)(b) or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by Hillsborough County and the Tampa Bay Regional Planning Council shall result in further Development of Regional Impact review pursuant to Chapter 380.06, Fla. Stats., and may result in Hillsborough County ordering a termination of development activity pending such review.

J. The Department of Development Coordination of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the Department of Development Coordination may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The Department of Development Coordination shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. In the event of a deviation, the Department of Development Coordination may issue a notice of such noncompliance to the Developer, or the Department of Development Coordination may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.

K. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85 as amended. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Department of Development Coordination which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioner's hearing wherein such report

is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:

1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; and

2. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following the submittal of the annual report; and

3. A statement listing all Applications for Incremental Review required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report; and

4. A statement setting forth the name(s) and address(es) of any heir, assignee or successor in interest to this Development Order.

L. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of Hillsborough County, its agencies and commissions, and to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

M. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1986).

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

** 1. The development of the project shall proceed in accordance with the following proposed phasing schedule:

Years Total Project	Use	Amount (gross sq. ft.)
(1987-92)	Service Center (80% office 20% warehouse)	693,902
	Office	479,160
	Commercial	153,344
	Hotel	169,000 (250 rooms)
	TOTAL	1,495,406

2. If the Developer elects to amend the proposed phasing schedule, he shall submit said amendments to the Department of Development Coordination for review and approval as required by law, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of this Order are otherwise fully complied with. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes as amended.

3. The physical development of Tampa Triangle shall begin within three

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years of the effective date of this Development Order.

4. This Development Order shall remain in effect for a period up to and including September 1, 1997. No development shall be approved after expiration of the development order. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of the Development Order, if approved. This Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County a minimum of thirty (30) days prior to the expiration date of this Order.

5. The development shall not be subject to down-zoning, or intensity reduction until September 1, 1997, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

B. Transportation

1. The TAMPA TRIANGLE development will have a substantial impact on several regionally significant highway facilities within the primary impact area. A transportation improvements plan and schedule for the primary impact area, in cooperation with the Florida Department of Transportation (FDOT), Tampa Bay Regional Planning Council (TBRPC), the Tampa Metropolitan Planning Organization (MPO) and developers in the study area shall be developed. The plan shall consider all approved developments in the area including previously approved DRIs, and projected development. The plan shall be commenced within one year of issuance of construction permits. In lieu thereof, issuance of a Development Order approving an areawide DRI including the project site shall satisfy this requirement. The parameters for this interim transportation plan or areawide DRI traffic analysis shall include, but not be limited to:

   a. The regionally significant roadways which shall be included in the focus of the transportation plan, as well as identification of additional roadways to be constructed within the study area.

   b. The existing, approved and projected development to be included within the plan.

   c. The manner by which the traffic impact of existing development will be documented and assessed.

   d. The manner by which the traffic impact of approved and projected development will be documented and assessed.

   e. The procedure by which mass transit shall be studied as a viable alternative to alleviate overburdening of the roadways.

   f. Identification of specific construction implementation goals, such as right-of-way acquisition and implementation of additional north/south and east/west corridors designed to coincide with transportation improvement needs generated by each phase completion for projects approved within the study area.

   g. Identification of sources of funding commitments for the improvements identified.

   The I-75 Corridor Study currently underway by the Hillsborough County City-County Planning Commission and the Brandon Area Transportation Study may fulfill part or all of these requirements.

2. An annual monitoring program for the total TAMPA TRIANGLE project

which will record driveway volumes in the evening peak hour shall be started when Certificates of Occupancy have been issued for 400,000 square feet of office space, (or the equivalent thereof in terms of trip generation) and continue until build-out. If the driveway volumes exceed more than 15 percent of those projected for peak hour in the Application for each phase, a substantial deviation determination shall be required. If the variance is determined to be a substantial deviation, a revised transportation analysis, will be required based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

3. The Developer at its option, shall select one of the following alternatives to mitigate the project's transportation.

a. Option 1

(1) Prior to approval, the development shall require funding commitments from responsible entities for the following roadway improvements indicated in Table 1 and Table 2. Without funding commitments for these improvements, construction permits shall not be issued. Where stipulated the Developer shall provide the improvements.

(2) Alternatively, the Developer may sub-phase the project whereby specific amounts of project development are approved on condition that specific regional roadway improvements are provided and that the following conditions exist:

(a) TBRPC and Hillsborough County shall concur with the defined amount of development to be specifically approved.

(b) Funding commitments for roadway improvements shall be required when the regional roadway operates below an average daily LOS C, D at peak hour and the development contributes 5 percent or more of the average daily LOS C, D at peak hour capacity of the existing facility or such higher percentage as may be applicable upon designation of the project area as an Activity Center pursuant to the Regional Planning Council's adopted growth policy, Future of the Region.

(c) A stop order shall be issued before development takes place which triggers the need for roadway improvements pursuant to TBRPC policy, but for which funding commitments have not been assured. A new analysis and/or monitoring may also be required in this instance.

(3) The Developer shall submit for approval by TBRPC, Hillsborough County, the Tampa Urban Area MPO, Florida Department of Transportation (FDOT), the Hillsborough Area Transit Authority (HART), a plan of transportation systems management (TSM) measures to be instituted and implemented for each project phase. The plan shall provide for sufficient TSM measures to divert a significant percentage of total peak hour trips away from the peak traffic hours projected in the ADA. The plan shall be submitted to the reviewing agencies within one year of issuance of the Development Order and shall address the following at minimum:

1. Worker flex time.
2. Worker ridesharing strategies.
3. Provision of transit and service facilities and programs to increase transit ridership.
4. High Occupancy Vehicle Options.

If the Developer desires the opportunity to seek credit against transportation impact fees for any lowering of traffic impacts resulting from TSM measures, each annual report for this development after the issuance of certificates of occupancy for 400,000 square feet of office space (or the equivalent thereof in terms of trip generation) shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of implementation of each TSM measure. The results of the TSM study may serve as a basis for the Developer to request Development Order amendments.

Table 1. Intersection Improvements Needed for Phase I (1992)

Intersection	Level of Service with Project Prior to Improvement	Project Traffic as Percent of LOS D Peak-Hour Capacity	Required Improvement
U.S. 301 @ Lumsden Rd.	E	24.6 %	Add 2 NB thru lanes; 2 SB thru lanes; SB LT lane (for dual LT); EB thru lane, for LT WB LT lane (dual LT)
U.S. 301 @ Buffalo Ave.	E	8.6%	Add NB LT lane; (for dual LT); NB SB thru lane; EB, WB thru lane.
U.S. 301 @ S.R. 60	E	9.5%	Add NB thru lane; SB thru lane; NB LT lane (for dual LT); EB thru lane; WB thru lane; EB LT lane (for dual LT).
U.S. 301 @ North Project Acces	N/A	100%	Add SB LT lane (for dual LT); NB RT lane; WB LT lane; WB RT lane.
U.S. 301 @ South Project Access (right turn in, right turn out only)	N/A	N/A	Add NB RT lane; WB RT lane.
Lumsden @ East Project Access (right turn in, right turn out only)	N/A	N/A	Add EB RT lane; NB RT lane.
Lumsden Rd. @ West Project Access	N/A	N/A	Add EB RT lane; WB LT lane; NB LT lane; NB RT lane.
Lumsden Rd @ Parsons Avenue	E	33.4%	Add EB, WB thru lane (for dual thru lanes) EB, WB LT lanes (for dual LT)

Table 2. Link Improvements Needed for Phase I (1992)

Roadway Link	Level of Service with Project Prior to Improvement	Project Traffic as Percent of LOS C Daily Capacity	Required Improvement
U.S. 301 Buffalo Ave. to S.R. 60	F	8.8%	Construct 4-lane Freeway
U.S. 301 S.R. 60 to Crosstown	F	5.8%	Construct 4-lane Freeway
U.S. 301 Crosstown to Causeway (Lumsden)	F	15.4%	Construct 6-lane Freeway
Causeway 78th St. to U.S. 301	F	14.0%	Construct 4-lane Divided Arterial
* Lumsden Rd. Kings Avenue to John Moore Rd.	F	7.9%	Construct 4-lane Divided Arterial

*This improvement is satisfied by a 1988 programmed county improvement, Lumsden Road from Kings Avenue to Lithia(pinecrest) Road.

b. Option 2

In the event that commitments for transportation improvements are only adequate to permit partial approval by Hillsborough County of the TAMPA TRIANGLE development, the capacity and loading of transportation facilities in the central Hillsborough County transportation area, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall generate and provide Hillsborough County, the Tampa Urban Area Transportation Study (TUATS) MPO, the FDOT and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of the currently approved project construction plus that to be generated by the next portion for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in this report in Option 1) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections at a satisfactory average daily Level of Service C or a peak hour level of service D.- Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond the initial partial approval, the County or its designee shall ensure in written findings of fact that the above roadways and intersections are operating at or above an average daily Level of Service C or a peak hour level of service D, and that the expected trips to be generated by such approval would not cause the roadways to operate below an average daily Level of Service C or D at peak hour.

c. Option 3

In lieu of Option 1 or 2 above, the Developer may elect Option 3 as set out herein. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of the project on regionally significant transporation highway facilities within the primary impact area. The approval of this mitigation/curing mechanism is based upon the project's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transporation impacts.

(1) Subject to the other provisions of this Option 3, the Developer shall design, purchase needed right-of-way (ROW) and construct the extension of Faulkenburg Road (the "Extension") from its present intersection with Causeway Boulevard south and west to an intersection with U.S. Highway 301. The Developer shall design the Extension as a six lane divided urban section and shall construct two lanes of the Extension in a manner consistent with the six lane design and to enable the future construction of the remaining four lanes by Hillsborough County with minimal disruption and additional cost.

** (2) The design work required under paragraph B.3.c.(1) above shall be referred to herein as the "Required Design", and the ROW purchase and improvements required under paragraph B.3.c.(1) above shall be referred to herein as the "Required Improvements". Unless extended pursuant to an agreement with Hillsborough County Engineering Department, the Required Design shall be completed on or before 18 months after the final adoption of this Development Order and the resolution of any appeal thereof or the expiration of the time period for such appeals without such an appeal having been filed.

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(3) The dedication of ROW as required in Condition IV.B.6. shall be part of the "Required Improvements" as defined below. Any ROW needed for the Extension which is not under public control shall be purchased by the Developer.

(4) As soon as feasible in the preparation of the "Required Design", the developer shall submit to Hillsborough County the appraised value of any off-site ROW not under public control which is needed for the Required Improvement. In the event that the Required Improvement Costs, specified in paragraph (9)(a), are substantially insufficient to provide for the Required Improvement, Hillsborough County shall determine whether it shall assist the Developer in funding the ROW purchase. If Hillsborough County elects not to provide the funds, the Developer shall proceed as stated in paragraph (7).

(5) The Required Design shall be prepared in a manner normally used in Hillsborough County roadway projects---and in accordance with Hillsborough County Standards and the Florida Department of Transportation's Plans Preparation Manual and Standards for Construction. The design period shall include a fourteen (14) day review period by the County and FDOT (for any improvements on State roads) of all plans at 30%, 60% and 90% of completion.

(6) Subject to acts of God or other occurrences beyond Developer's control, developer shall expeditiously commence the construction of the Required Improvements upon approval of the Required Design by FDOT and the Hillsborough County Engineering Department and shall complete such construction on or before 18 months after both said approvals and final ROW acquisition. To ensure that the Required Improvements are completed at the earliest possible time, Hillsborough County shall provide non-financial assistance to the Developer when required in obtaining all necessary permits, approvals and utility relocations, off-site construction easements and rights-of-way necessary to complete said improvements. The County's assistance in ROW acquisition shall include use of its eminent domain powers, but shall not include funding of the puchase, except as provided for in paragraph (4). The Developer shall make its best efforts to work with off-site ROW property owners to obtain ROW dedications. Upon completion of the Required Improvements substantially in accordance with the Required Design, Hillsborough County shall accept the Required Improvements and shall assume full responsibility for their maintenance except for those under the jurisdiction of the FDOT.

(7) If the Developer determines that it will not be able to substantially complete the Required Design and the Required Improvements for the Required Improvements Costs, the Developer may satisfy its obligations under this Option 3 by constructing other improvements approved by Hillsborough County that are consistent with Section 19.8.14, Future of the region (1987), and the Department of Community Affairs Transporta-tion Policy Rule, that have a value equivalent to the Required Improvements Costs. The following improvement shall be an acceptable alternative to the Required Design and Required Improvements. The developer shall, subject to the other applicable provisions of this Option 3 and in accordance with the design and construction schedule set forth herein, design and construct improvement to U.S. Highway 301 from Causeway Boulevard, south to the existing six lane urban section north of the I-75 interchange. The Developer shall design the applicable section of U.S. Highway 301 as a six lane divided urban section and shall construct an additional two lanes to the existing four lane

segment in a manner consistent with the six lane design.

(8) If, as provided for herein, alternate improvements are substituted for those defined as the Required Improvements in this Option 3, this Development Order shall be amended to identify said alternate improvements and to establish a schedule for their completion consistent with the requirements of this Development Order.

(9)(a) In lieu of the requirements under paragraphs B.3.c.(1) - (6) above, the Developer may elect to pay to Hillsborough County, subject to the County's approval, the total costs for the aforesaid Required Design and the Required Improvements, which, for purposes of this development order shall be deemed to be $1,319,297.00 in 1987 dollars, (the "Required Improvements Costs"). If the Developer has completed any of the Required Improvements prior to payment of costs in accordance with this paragraph, the Required Improvements Costs shall be reduced by the reasonable cost of the design and/or improvements completed. The intent of this paragraph is to enable the Developer to meet its obligations to fully mitigate the traffic impacts of the project under the law by paying the stated sums, which exceed Developer's fair share of the costs of the improvements identified in Tables 1 and 2 of this development order, in lieu of constructing the identified improvements if, for reasons beyond the developer's control, it becomes impractical or impossible for the Developer to complete said improvements within the parameters defined herein.

(9)(b) If the County accepts payments under this section, it shall use such monies to design and contruct the Required Improvements. If it is not practical to complete the Required Improvements, the County may elect to use such monies to construct the optional improvement identified in B.3.C.(7). The County shall complete said improvements within the time frames established in paragraphs B.3.c.(2) and (5).

(10) Should the Developer fail to substantially comply with the time frames listed herein, the County shall have the right to complete the Required Design or construction of the Required Improvements.

(11) Development activities and issuance of permits shall immediately cease if the Required Design and Required Improvements or the payment of the Required Improvements Costs as described herein are not provided in accordance with the requirements of paragraphs B.3.c.(1) - (10), above.

4. The Developer shall receive credit against impact fees, pursuant to law. The application and payment of Impact Fees in itself will not constitute funding commitments for the required right-of-way dedications and transportation improvements. Any difference between the Required Improvements Costs and the sum of the costs of the Required Design and the Required Improvements (the "Difference") shall be paid in cash prior to the issuance of the final Certificate of Occupancy for the project, provided that the developer may elect to make other improvements of a value equivalent to the Difference, subject to approval by the Hillsborough County Engineering Department. The Developer's completion of the Required Design and Required Improvements and payment of the Difference, or completion of other improvements in lieu of the Difference as provided for herein, shall be deemed to fully and completely satisfy any and all of its obligations under the law to mitigate the traffic impacts of the TAMPA TRIANGLE project.

5. A pedestrian circulation system and a bicycle irculation system shall be provided within the project. The pedestrian system shall include internal sidewalks. Additionally, external sidewalks to the project in the right-of-way area of the major roadways (i.e.) U.S. 301 and Causeway Boulevard shall be required. The bicycle system shall incorporate whatever elements are necessary to complement the County Bicycle Plan and extend the County System into TAMPA TRIANGLE. No detailed site plans shall be approved which do not indicate these systems and their exact locations.

** 6. The Developer shall dedicate ROW for the extension along the southern boundary of the site TAMPA TRIANGLE project up to a maximum width of 62 feet, prior to issuance of Zoning Compliance Permits, or at the request of the County to coincide with road improvements whichever comes first.

7. No building permits shall be issued unless a Plan Amendment has been filed to amend the Long Range Transportation Plan to provide for a freeway on U.S. Highway 301 or unless a revised transportation analysis has been submitted which indicates that no Plan Amendment is necessary.

C. Air Quality

1. If any proposed change is determined to be a substantial deviation, Hillsborough County shall determine whether the nature of the proposed change(s) is such that it would require a re-analysis of the air quality impacts of this project or if such proposed change includes uses which are determined to be point sources of air pollution. If a re-analysis is warranted as determined by Hillsborough County, the Developer shall perform point source air quality analyses and the Developer shall take remedial measures as required by Hillsborough County, all in accordance with applicable law.

2. The measures to reduce erosion, fugitive dust and air emission stated on pages 13-4, 13-5 and 14-4 and 14-5 of the ADA shall be required.

D. Stormwater Management and Water Quality

1. In order to protect water quality, there shall be no degradation of water quality standards from stormwater exiting the site. If the regulatory agencies with jurisdiction deems a water quality monitoring program necessary prior to groundbreaking or subsequent to buildout, the Developer shall provide a water quality monitoring program to the satisfaction of the regulatory agency(ies). Any violation of Chapter 17-3 Florida Administrative Code (F.A.C.) shall require corrective measures as set forth by Florida Department of Environmental Regulation (FDER). The following shall apply:

   a. Sampling locations and frequencies shall be determined to the satisfaction of the applicable agency(ies).

   b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements.

   c. The monitoring results shall be submitted to Hillsborough County Environmental Protection Commission (EPC) and the applicable agency(ies). Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to Hillsborough County immediately and all construction within the project where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

2. Prior to the issuance of any building permits the Final Drainage Plan and drainage calculations shall be submitted by the Developer to TBRPC and DER for review and to Hillsborough County and Southwest Florida

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Water Management District (SWFWMD) for approval. The drainage system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations. and shall be consistent with the Preliminary Master Drainage Plan submitted to Hillsborough County during review of this DRI and with the SWFWMD Conceptual Permit No. 490324 issued on September 4, 1985, provided that such drainage facilities are installed within two years after the final effective date of this Development Order. Otherwise, the County drainage criteria in existence at the time of construction of the respective project phases shall be the prevailing criteria to use for design and construction unless other affected agencies' drainage criteria is more restrictive. If flooding conditions exist downstream of the DRI's outfall, more restrictive criteria may apply.

3. The drainage system shall function in a manner as to rejuvenate the cypress head located in the northeast corner of the development site.

4. Due to the "volume sensitive" nature of Delaney Creek, new development in the Delaney Creek Watershed must satisfy Hillsborough County and SWFWMD requirements, including the following criteria (1986 Ghioto, Singhofen and Associates, Inc. Delaney Creek Stormwater Management Master Plan, ES-7 and ES-8). Only a portion of the site is within the Delaney Creek Watershed area.

   a. Compensating storage must be provided for any encroachment into the 100-year flood plain.

   b. The peak rate of discharge resulting from the 100-year 24-hour storm under post-development conditions must not exceed the pre-development peak rate of runoff from the 10-year 24-hour storm.

   c. The volume of runoff discharged from the 100-year 24-hour storm under post development conditions must not exceed that amount of runoff produced from the pre-development 100-year 24-hour storm.

5. Stormwater detention/retention pond design requirements for the development shall be as listed below unless otherwise approved by the Hillsborough County Environmental Protection Commission and the Hillsborough County Drainage Engineer:

   a. The side slopes shall be no greater than 4:1.

   b. The banks shall be completely vegetated to the design low water elevation.

   c. The sides and the bottom of each pond shall not be constructed of impervious material.

6. The County shall notify the developer as to what drainage easements or rights-of-way required by the County's Stormwater Management Department, in accordance with applicable County rules and regulations, prior to Master Drainage Plan approval. The Developer shall grant such easements to the County prior to the issuance of construction plan approval for the project.

7. In order to protect water quality, the Developer shall implement a vacuum street cleaning program for the parking and roadway areas within the development.

8. The Developer shall be responsible for the operation and maintenance of the on-site drainage facilities excluding easements maintained by Hillsborough County.

E. <u>Wetlands</u>

1. In order to protect the natural values of preserved/ conserved wetland areas, the following shall be required:

a. Except as otherwise permitted by agencies having jurisdiction:

(1) No hydroperiod alteration shall be permitted in conservation or preservation areas identified on the Master Development Plan.

(2) No dredging, filling or development activities will be allowed within preservation areas. Activities within the conservation areas shall be limited to approved stormwater management outfall structures and boardwalks.

2. All on-site conservation area(s) shall be preserved unless a mitigation plan is approved by the Environmental Protection Commission and other appropriate jurisdictional agencies and submitted to the Department of Development Coordination. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the agency or agencies issuing the permit for such mitigation.

3. All wetland losses shall require a minimum of 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with the wetlands being destroyed.

4. In the event that any species listed in Sections 39-27.03-.05, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed by the Developer in cooperation with the Florida Game and Fresh Water Fish Commission.

5. The land use designations for those portions of the TAMPA TRIANGLE site which meet the definition of preservation and conservation areas, as defined in the Regional Planning Council's adopted growth policy, Future of the Region, Section 10.1.2 and 10.3.1 shall be as designated on the revised General Development Plan submitted to Hillsborough County.

6. The Developer shall preserve representative tracts of coniferous forest and xeric oak communities listed on pages 18-6 and 18-7 of the ADA in a manner which will ensure their continued natural function and value.

F. Public Facilities

1. Prior to commercial site plan approval for the development, the Developer shall stipulate to the satisfaction of Hillsborough County the manner by which the developer will participate in the provision or expansion of internal water supply, supply lines, and facilities to service the project. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for that portion of the building construction.

2. Prior to detailed site plan approval for the development, the Developer shall ensure the provision of fire flows acceptable to Hillsborough County. The installation of a sprinkler system, fire hydrants or fire plan shall be options to ensure the provision of acceptable fire flows. No commercial site plans shall be approved without verfication from the Hillsborough County Fire Department that sufficient firefighting facilities/manpower/ equipment required to serve the project are available.

3. Prior to issuance of detailed site plan approval for the development, the Developer shall provide documentation to the Department of Development Coordination of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Utilities Department or other applicable entity. No Zoning Compliance Permits shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.

4. Any on-site wastewater treatment plant or disposal system, constructed to serve the project except as may be required pursuant to paragraph

J.6 below, shall require a substantial deviation determination pursuant to Subsection 380.06(19), as amended.

5. Prior to issuance of detailed site plan approval for the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate Emergency Management Services capabilities and facilities are available to service the development.

6. The Developer shall be required to provide for recovered wastewater disposal in accordance with any uniformly applicable Hillsborough County ordinance or Department of Water and Wastewater Utilities take-back policy in effect prior to detailed site plan approval.

7. The Developer shall use non-potable water for landscape and open space irrigation unless otherwise approved by Hillsborough County. The Developer shall identify a plan for using non-potable water for irrigation in the first annual report following issuance of the first Certificate of Occupancy submitted to Hillsborough County and the TBRPC.

8. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.

9. Septic tanks may be permitted on a temporary basis for construction purposes only, subject to local regulations.

10. The installation of any on-site well as a source of potable water shall require a substantial deviation determination pursuant to Subsection 380.06(19)(a), F.S., unless required by Hillsborough County.

G. Hazardous Waste

1. Prior to the issuance of Zoning Compliance Permits, the Developer shall, if not in conflict with Hillsborough County plans and policies, and only as required to accomodate hazardous waste generators in the project (if any) provide separate hazardous waste storage areas within the project. These areas shall be accessible to all businesses and shall be marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials. (Hazardous wastes are those substances and materials defined in F.S. 403.703(21),-and Title 40 CFR Part 261, as amended).

2. The Developer shall notify in writing all project businesses of --the location of the specially-designated hazardous waste and material container.

3. Surface impoundments of hazardous waste, hazardous waste piles, land treatment of hazardous waste, landfills and underground storage of hazardous materials shall be prohibited.

4. Large quantity generators of hazardous substances, as defined by applicable Federal and State regulations, shall implement a site-specific surficial aquifer monitoring program as required by Hillsborough County, Hillsborough County Environmental Protection (EPC) Commission and DER. An emergency response and hazardous waste management operation plan shall be required for those facilities which generate/handle hazardous wastes, to minimize hazards to human health and the environment. The plans shall describe the procedures and actions required of facility personnel as well as the duties of local EMS/fire and police departments and hospitals. The plan shall be included in the first annual report following occupancy within the park.

5. All temporary hazardous waste storage facilities shall meet applicable federal, state and local laws, rules and regulations, and where appropriate the criteria set forth in Sections 3.913(a), (d) and (e), TBRPC's, Future of the Region.

6. Small quantity generators as defined by applicable Federal and State regulations, should obtain United States Environmental Protection Agency (USEPA) identification numbers.

7. The Developer, through restrictive lease agreements or covenants, shall advise tenants and purchasers that any hazardous waste must be transported and disposed of in a manner consistent with applicable laws and regulations.

H. Hurricane Evacuation

1. The Developer shall coordinate with the Hillsborough County Bureau of Emergency Management and the Greater Tampa Chapter of the American Red Cross, as to the feasibility of designating the hotel within the TAMPA TRIANGLE development as a public hurricane evacuation center to shelter the residents of vulnerable areas. A report on the outcome of these discussions shall be submitted in the first annual report prior to issuances of Certificates of Occupancy for the project.

I. Energy Conservation

1. The energy conservation measures referenced on page 25-3 and 25-4 of the ADA shall be complied with by the Developer. The following energy conservation measures shall also be encouraged by the Developer or his assigns: for the office, service center, research and development and commercial components of TAMPA TRIANGLE:

   a. The institution of programs to promote energy conservation by employees, buyers, suppliers and the public.

   b. Reduction in levels of operation of all air conditioning, heating and lighting systems during non-business hours.

   c. Recycling programs.

   d. The use of energy-efficient cooling, heating and lighting system.

   e. Installation of innovative energy conservation features such as waste heat recovery or solar power where feasible in project development.

   f. Use of the most energy efficient technology economically feasible in the construction and operation of the project's facilities.

J. Equal Opportunity

1. The Developer shall seek, and urge and encourage all contractors and subcontractors to involve minority groups in the development of the project. All office and commercial establishment areas shall be available to all, on a fair and impartial basis.

K. General

1. The discovery of any historical or archaeological resources shall be reported to Hillsborough County and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Hillsborough County.

2. Any approval of the TAMPA TRIANGLE development shall at minimum, satisfy the provisions of F.S. 380.06(15), as amended.

3. All of the final Developer's commitments set forth in the ADA, and as summarized in Attachment 1 entitled "Developer Commitments" shall be honored, except as they may be superceded by specific terms of the Development Order.

4. The Developer shall maintain all open space and landscaped areas within the project site except for any drainage easements maintained by Hillsborough County.

5. The Developer shall require all buyers or tenants through covenants or deed restrictions to prohibit any uses that would be obnoxious due to noise, air odor or visual pollution.

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its Public Hearing meeting of September 22, 1987, as same appears of record in Minute Book 136 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 28th day of October, 1987.

RICHARD AKE, CLERK

By: Edna L. Fitzpatrick
Deputy Clerk

APPROVED BY COUNTY ATTORNEY
BY [illegible]
Assistant County Attorney
Legal Department

TABLE 3
LAND USE CONVERSIONS
TAMPA TRIANGLE DRI

LAND USE CONVERSION FROM	CONVERSION RATE	LAND USE CONVERSION TO
Service Center	1,000 s.f. = 823 s.f.	Office
	1,000 s.f. = 90 s.f.	Commercial
	1,000 s.f. = 0.68 room	Hotel
	1,000 s.f. = 0.52 d.u.	Multi-family
Office	1,000 s.f. =1,156 s.f.	Service Ctr
	1,000 s.f. = 104 s.f.	Commercial
	1,000 s.f. = 0.79 room	Hotel
	1,000 s.f. = 0.60 d.u.	Multi-family
Commercial	1,000 s.f. =2,298 s.f.	Service Ctr
	1,000 s.f. =1,891 s.f.	Office
	1,000 s.f. = 7.55 rooms	Hotel
	1,000 s.f. = 5.79 d.u.	Multi-family
Hotel	1 room = 220 s.f.	Service Ctr
	1 room = 204 s.f.	Office
	1 room = 108 s.f.	Commercial
	1 room. = 0.77 d.u.	Multi-family
Multi-Family	1 d.u. = 177 s.f.	Service Ctr
	1 d.u. = 146 s.f.	Office
	1 d.u. = 77 s.f.	Commercial
	1 d.u. = 0.71 room	Hotel

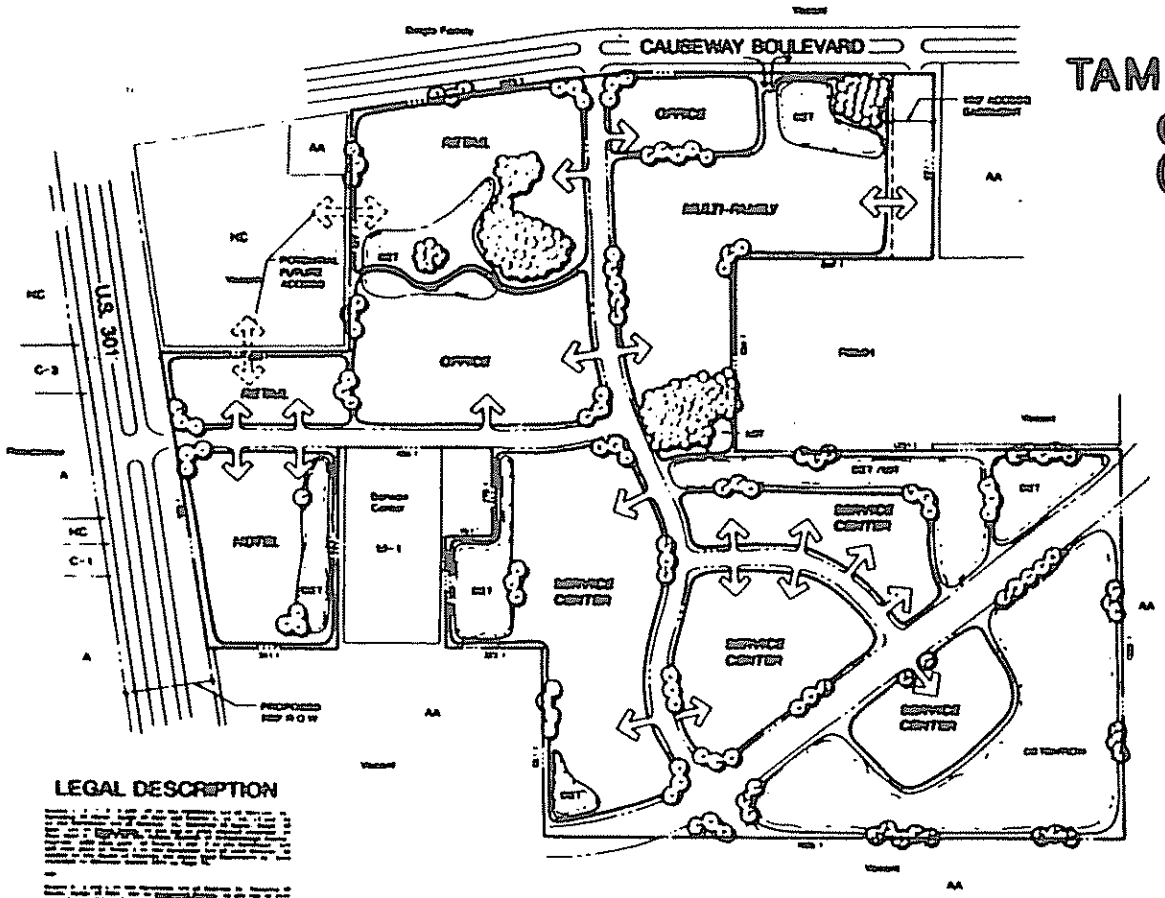
Source: Dames & Moore, 1989

EXHIBIT "C"

TAMPA TRIANGLE

TAMPA TRIANGLE JOINT VENTURE

General Site Development Plan (Amended)



LAND USE SCHEDULE

[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]

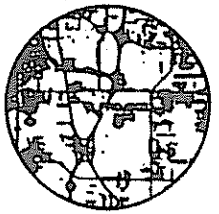
DEVELOPMENT NOTES

[illegible]

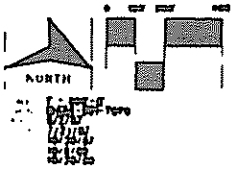
LEGAL DESCRIPTION

[illegible]

VICINITY MAP



REVISED MAP H



DAMES & MOORE

CIVIL ENGINEERING/WATER RESOURCES/WASTE MANAGEMENT/PLANNING
ENVIRONMENTAL SERVICES/GEOTECHNICAL ENGINEERING
ONE NORTH DALE MABRY • SUITE 700
TAMPA, FLORIDA 33609
(813) 875-1115 PINELLAS (813) 443-0327

EXHIBIT "B"

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida

Clerk to Board of
County Commissioners
Room # 214-H
P.O. Box 1110
Tampa, Florida 33601
Telephone 272-5845

January 31, 1990

RECEIVED
FEB 2 1990
Tampa Bay Regional
Planning Council

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

Attn: Suzanne Cooper
DRI Coordinator

Re: Resolution No. R90-0032 Amending DRI #140 Development Order - Tampa Triangle

Dear Ms. Cooper:

Enclosed please find an executed certified copy of the referenced resolution, adopted by the Hillsborough County Board of County Commissioners on January 23, 1990.

We are providing this certified copy for your official files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

Mailed 1/31/90

By: Edna L. Fitzpatrick /Jn.
Edna L. Fitzpatrick
Director, BOCC Records

ELF:CS

cc: Board files (orig.)
Ed Lehman, State of Florida, Department of Community Affairs
Jeff Miller, Director, Planning & Zoning
Keith W. Bricklemyer, Attorney for Tampa Triangle
John Dixon Wall, Assistant County Attorney

Enclosure

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R90-0032 Amending DRI #140 Development Order Tampa Triangle

adopted by the Board in its regular meeting of January 23, 1990, as the same appears of record in MINUTE BOOK 164 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 31st day of January, 1990.

RICHARD AKE, CLERK

By: Judith M. Nichols
Deputy Clerk

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida

SB

CERTIFIED MAIL

P.O. Box 1110
Tampa, Florida 33601
Telephone 223-7811

October 29, 1987

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

Attn: Julia Greene
Executive Director

Re: Tampa Triangle DRI #140 Development Order
Resolution No. R87-0319

Dear Ms. Greene:

Enclosed please find an executed copy of the subject Resolution for the Tampa Triangle DRI #140 Development Order which was approved by the Hillsborough County Board of County Commissioners on September 22, 1987.

This copy is being provided for your official files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: Edna L. Fitzpatrick
Edna L. Fitzpatrick
Deputy Clerk

ELF/lt

cc: Board files (orig.)
Anita Bing, Assistant County Attorney
Debbie Bischoff, Community Planner, Dept. Development Coordination
State of Florida Land Planning Agency
Keith Bricklemyer, Attorney, Taub & Williams

Enclosure

An Affirmative Action - Equal Opportunity Employer

Resolution No. R87-0319

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #140 DEVELOPMENT ORDER
TAMPA TRIANGLE

Upon motion by Commissioner Selvey, seconded by Commissioner Colson, the following Resolution was adopted by a vote of 5 to 0; Commissioner(s) None voting "No."

WHEREAS, in MARCH, 1986, TAMPA TRIANGLE Joint Venture filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application proposed construction of a MIXED USE DEVELOPMENT on approximately ONE HUNDRED AND TWENTY AND EIGHT-TENTHS ACRES, located in central Hillsborough County, hereinafter refered to TAMPA TRIANGLE, and

WHEREAS, the described project lies within the unincorporated area of Hillsborough County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the public notice requirements of Section 380.06, Florida Statutes, have been satisfied; and

WHEREAS, the Zoning Hearing Master appointed pursuant to Zoning Code of Hillsborough County (Ordinance 85-10), has reviewed the Application for Development Approval and has filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Hillsborough County has on SEPTEMBER 21,1987 held a duly noticed public hearing on said Application for Development Approval and has heard and considered testimony and other documents and evidence; and

WHEREAS, the Board of County Commissioners has received and considered the report and recommendation of the Tampa Bay Regional Planning Council; and

WHEREAS, the Board of County Commissioners has solicited, received and considered reports, comments and recommendations from interested citizens, County and City agencies as well as the review and report of Hillsborough County Administration.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 22nd DAY OF September, 1987, AS FOLLOWS:

I. FINDINGS OF FACT

A. Tampa Triangle Joint Venture referred to as "Developer", submitted to Hillsborough County, Florida, an Application for Development Approval and Sufficiency Responses which are attached hereto and marked "Composite Exhibit A "and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Application for Development Approval,

Sufficiency Responses and other exhibits duly submitted and recorded.

B. The real property which is the subject of the Application is legally described as set forth in Composite Exhibit A.

C. The proposed development is not an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.

D. All development will occur in accordance with this Development Order and Application.

E. A comprehensive review of the impact generated by the development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, and the Tampa Bay Regional Planning Council and other affected agencies.

II. CONCLUSIONS OF LAW

A. Based upon the compliance with the terms and conditions of this Development Order, provisions of the Application as set forth in Composite Exhibit A, the reports, recommendations and testimony heard and considered by the Zoning Hearing Master, it is concluded that:

1. The development will not unreasonably interfere with the achievement of the objectives of the Adopted Land Development Plan applicable to the area.

2. The development is consistent with local land development regulations.

3. The development is consistent with the report and recommendation of the Tampa Bay Regional Planning Council.

B. In considering whether the development should be approved subject to conditions, restrictions, and limitations, Hillsborough County has considered the criteria stated in subsection 380.06(14), Florida Statutes.

C. The review by Hillsborough County, the Hillsborough County City-County Planning Commission, the Tampa Bay Regional Planning Council, and other participating agencies and interested citizens indicates that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order and the Application.

D. The Application for Development Approval is approved subject to all terms and conditions of this Development Order.

E. The Horizon 2000 Land Use Plan Map for Hillsborough County designates the area within which this land lies as LIGHT INDUSTRIAL.

III. GENERAL PROVISIONS

A. This resolution shall constitute the Development Order of Hillsborough County in response to the Application for Development Approval for the Tampa Triangle Development of Regional Impact.

B. The legal description set forth in Composite Exhibit A is hereby incorporated into and by reference made a part of this Development Order.

C. All provisions contained within -"Composite Exhibit A" shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.

D. The definitions contained in Chapter 380, Florida Statutes shall govern and apply to this Development Order.

E. This Development Order shall be binding upon the Developer and his heirs, assignees or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to include any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the powers and duties of any branch of government or governmental agency.

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

G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.

H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at Tampa Triangle, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order as defined by the criteria of Ch. 380.06(19)(b) or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by Hillsborough County and the Tampa Bay Regional Planning Council shall result in further Development of Regional Impact review pursuant to Chapter 380.06, Fla. Stats., and may result in Hillsborough County ordering a termination of development activity pending such review.

J. The Department of Development Coordination of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the Department of Development Coordination may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The Department of Development Coordination shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. In the event of a deviation, the Department of Development Coordination may issue a notice of such noncompliance to the Developer, or the Department of Development Coordination may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.

K. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85 as amended. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Department of Development Coordination which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioner's hearing wherein such report

is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:

1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; and

2. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following the submittal of the annual report; and

3. A statement listing all Applications for Incremental Review required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report; and

4. A statement setting forth the name(s) and address(es) of any heir, assignee or successor in interest to this Development Order.

L. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of Hillsborough County, its agencies and commissions, and to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

M. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1986).

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

1. The development of the project shall proceed in accordance with the following proposed phasing schedule:

Years Total Project	Use	Amount (gross sq. ft.)
(1987-92)	Service Center (80% office 20% warehouse)	693,902
	Office	479,160
	Commercial	153,344
	Hotel	169,000 (250 rooms)
	TOTAL	1,495,406

2. If the Developer elects to amend the proposed phasing schedule, he shall submit said amendments to the Department of Development Coordination for review and approval as required by law, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of this Order are otherwise fully complied with. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes as amended.

3. The physical development of Tampa Triangle shall begin within three

years of the effective date of this Development Order.

4. This Development Order shall remain in effect for a period up to and including September 1, 1997. No development shall be approved after expiration of the development order. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of the Development Order, if approved. This Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County a minimum of thirty (30) days prior to the expiration date of this Order.

5. The development shall not be subject to down-zoning, or intensity reduction until September 1, 1997, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

B. Transportation

1. The TAMPA TRIANGLE development will have a substantial impact on several regionally significant highway facilities within the primary impact area. A transportation improvements plan and schedule for the primary impact area, in cooperation with the Florida Department of Transportation (FDOT), Tampa Bay Regional Planning Council (TBRPC), the Tampa Metropolitan Planning Organization (MPO) and developers in the study area shall be developed. The plan shall consider all approved developments in the area including previously approved DRIs, and projected development. The plan shall be commenced within one year of issuance of construction permits. In lieu thereof, issuance of a Development Order approving an areawide DRI including the project site shall satisfy this requirement. The parameters for this interim transportation plan or areawide DRI traffic analysis shall include, but not be limited to:

   a. The regionally significant roadways which shall be included in the focus of the transportation plan, as well as identification of additional roadways to be constructed within the study area.

   b. The existing, approved and projected development to be included within the plan.

   c. The manner by which the traffic impact of existing development will be documented and assessed.

   d. The manner by which the traffic impact of approved and projected development will be documented and assessed.

   e. The procedure by which mass transit shall be studied as a viable alternative to alleviate overburdening of the roadways.

   f. Identification of specific construction implementation goals, such as right-of-way acquisition and implementation of additional north/south and east/west corridors designed to coincide with transportation improvement needs generated by each phase completion for projects approved within the study area.

   g. Identification of sources of funding commitments for the improvements identified.

   The I-75 Corridor Study currently underway by the Hillsborough County City-County Planning Commission and the Brandon Area Transportation Study may fulfill part or all of these requirements.

2. An annual monitoring program for the total TAMPA TRIANGLE project

which will record driveway volumes in the evening peak hour shall be started when Certificates of Occupancy have been issued for 400,000 square feet of office space, (or the equivalent thereof in terms of trip generation) and continue until build-out. If the driveway volumes exceed more than 15 percent of those projected for peak hour in the Application for each phase, a substantial deviation determination shall be required. If the variance is determined to be a substantial deviation, a revised transportation analysis, will be required based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

3. The Developer at its option, shall select one of the following alternatives to mitigate the project's transportation.

a. Option 1

(1) Prior to approval, the development shall require funding commitments from responsible entities for the following roadway improvements indicated in Table 1 and Table 2. Without funding commitments for these improvements, construction permits shall not be issued. Where stipulated the Developer shall provide the improvements.

(2) Alternatively, the Developer may sub-phase the project whereby specific amounts of project development are approved on condition that specific regional roadway improvements are provided and that the following conditions exist:

(a) TBRPC and Hillsborough County shall concur with the defined amount of development to be specifically approved.

(b) Funding commitments for roadway improvements shall be required when the regional roadway operates below an average daily LOS C, D at peak hour and the development contributes 5 percent or more of the average daily LOS C, D at peak hour capacity of the existing facility or such higher percentage as may be applicable upon designation of the project area as an Activity Center pursuant to the Regional Planning Council's adopted growth policy, Future of the Region.

(c) A stop order shall be issued before development takes place which triggers the need for roadway improvements pursuant to TBRPC policy, but for which funding commitments have not been assured. A new analysis and/or monitoring may also be required in this instance.

(3) The Developer shall submit for approval by TBRPC, Hillsborough County, the Tampa Urban Area MPO, Florida Department of Transportation (FDOT), the Hillsborough Area Transit Authority (HART), a plan of transportation systems management (TSM) measures to be instituted and implemented for each project phase. The plan shall provide for sufficient TSM measures to divert a significant percentage of total peak hour trips away from the peak traffic hours projected in the ADA. The plan shall be submitted to the reviewing agencies within one year of issuance of the Development Order and shall address the following at minimum:

1. Worker flex time.
2. Worker ridesharing strategies.
3. Provision of transit and service facilities and programs to increase transit ridership.
4. High Occupancy Vehicle Options.

If the Developer desires the opportunity to seek credit against transportation impact fees for any lowering of traffic impacts resulting from TSM measures, each annual report for this development after the issuance of certificates of occupancy for 400,000 square feet of office space (or the equivalent thereof in terms of trip generation) shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of implementation of each TSM measure. The results of the TSM study may serve as a basis for the Developer to request Development Order amendments.

Table 1. Intersection Improvements Needed for Phase I (1992)

Intersection	Level of Service with Project Prior to Improvement	Project Traffic as Percent of LOS D Peak-Hour Capacity	Required Improvement
U.S. 301 @ Lumsden Rd.	E	24.6 %	Add 2 NB thru lanes; 2 SB thru lanes; SB LT lane (for dual LT); EB thru lane, for LT WB LT lane (dual LT)
U.S. 301 @ Buffalo Ave.	E	8.6%	Add NB LT lane; (for dual LT); NB SB thru lane; EB, WB thru lane.
U.S. 301 @ S.R. 60	E	9.5%	Add NB thru lane; SB thru lane; NB LT lane (for dual LT); EB thru lane; WB thru lane; EB LT lane (for dual LT).
U.S. 301 @ North Project Acces	N/A	100%	Add SB LT lane (for dual LT); NB RT lane; WB LT lane; WB RT lane.
U.S. 301 @ South Project Access (right turn in, right turn out only)	N/A	N/A	Add NB RT lane; WB RT lane.
Lumsden @ East Project Access (right turn in, right turn out only)	N/A	N/A	Add EB RT lane; NB RT lane.
Lumsden Rd. @ West Project Access	N/A	N/A	Add EB RT lane; WB LT lane; NB LT lane; NB RT lane.
Lumsden Rd @ Parsons Avenue	E	33.4%	Add EB, WB thru lane (for dual thru lanes) EB, WB LT lanes (for dual LT)

Table 2. Link Improvements Needed for Phase I (1992)

Roadway Link	Level of Service with Project Prior to Improvement	Project Traffic as Percent of LOS C Daily Capacity	Required Improvement
U.S. 301 Buffalo Ave. to S.R. 60	F	8.8%	Construct 4-lane Freeway
U.S. 301 S.R. 60 to Crosstown	F	5.8%	Construct 4-lane Freeway
U.S. 301 Crosstown to Causeway (Lumsden)	F	15.4%	Construct 6-lane Freeway
Causeway 78th St. to U.S. 301	F	14.0%	Construct 4-lane Divided Arterial
* Lumsden Rd. Kings Avenue to John Moore Rd.	F	7.9%	Construct 4-lane Divided Arterial

*This improvement is satisfied by a 1988 programmed county improvement, Lumsden Road from Kings Avenue to Lithia(pinecrest) Road.

b. Option 2

In the event that commitments for transportation improvements are only adequate to permit partial approval by Hillsborough County of the TAMPA TRIANGLE development, the capacity and loading of transportation facilities in the central Hillsborough County transportation area, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall generate and provide Hillsborough County, the Tampa Urban Area Transportation Study (TUATS) MPO, the FDOT and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of the currently approved project construction plus that to be generated by the next portion for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in this report in Option 1) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections at a satisfactory average daily Level of Service C or a peak hour level of service D.- Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond the initial partial approval, the County or its designee shall ensure in written findings of fact that the above roadways and intersections are operating at or above an average daily Level of Service C or a peak hour level of service D, and that the expected trips to be generated by such approval would not cause the roadways to operate below an average daily Level of Service C or D at peak hour.

c. Option 3

In lieu of Option 1 or 2 above, the Developer may elect Option 3 as set out herein. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of the project on regionally significant transporation highway facilities within the primary impact area. The approval of this mitigation/curing mechanism is based upon the project's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transporation impacts.

(1) Subject to the other provisions of this Option 3, the Developer shall design, purchase needed right-of-way (ROW) and construct the extension of Faulkenburg Road (the "Extension") from its present intersection with Causeway Boulevard south and west to an intersection with U.S. Highway 301. The Developer shall design the Extension as a six lane divided urban section and shall construct two lanes of the Extension in a manner consistent with the six lane design and to enable the future construction of the remaining four lanes by Hillsborough County with minimal disruption and additional cost.

(2) The design work required under paragraph B.3.c.(1) above shall be referred to herein as the "Required Design", and the ROW purchase and improvements required under paragraph B.3.c.(1) above shall be referred to herein as the "Required Improvements". Unless extended pursuant to an agreement with Hillsborough County Engineering Department, the Required Design shall be completed on or before 18 months after the final adoption of this Development Order and the resolution of any appeal thereof or the expiration of the time period for such appeals without such an appeal having been filed.

(3) The dedication of ROW as required in Condition IV.B.6. shall be part of the "Required Improvements" as defined below. Any ROW needed for the Extension which is not under public control shall be purchased by the Developer.

(4) As soon as feasible in the preparation of the "Required Design", the developer shall submit to Hillsborough County the appraised value of any off-site ROW not under public control which is needed for the Required Improvement. In the event that the Required Improvement Costs, specified in paragraph (9)(a), are substantially insufficient to provide for the Required Improvement, Hillsborough County shall determine whether it shall assist the Developer in funding the ROW purchase. If Hillsborough County elects not to provide the funds, the Developer shall proceed as stated in paragraph (7).

(5) The Required Design shall be prepared in a manner normally used in Hillsborough County roadway projects---and in accordance with Hillsborough County Standards and the Florida Department of Transportation's Plans Preparation Manual and Standards for Construction. The design period shall include a fourteen (14) day review period by the County and FDOT (for any improvements on State roads) of all plans at 30%, 60% and 90% of completion.

(6) Subject to acts of God or other occurrences beyond Developer's control, developer shall expeditiously commence the construction of the Required Improvements upon approval of the Required Design by FDOT and the Hillsborough County Engineering Department and shall complete such construction on or before 18 months after both said approvals and final ROW acquisition. To ensure that the Required Improvements are completed at the earliest possible time, Hillsborough County shall provide non-financial assistance to the Developer when required in obtaining all necessary permits, approvals and utility relocations, off-site construction easements and rights-of-way necessary to complete said improvements. The County's assistance in ROW acquisition shall include use of its eminent domain powers, but shall not include funding of the puchase, except as provided for in paragraph (4). The Developer shall make its best efforts to work with off-site ROW property owners to obtain ROW dedications. Upon completion of the Required Improvements substantially in accordance with the Required Design, Hillsborough County shall accept the Required Improvements and shall assume full responsibility for their maintenance except for those under the jurisdiction of the FDOT.

(7) If the Developer determines that it will not be able to substantially complete the Required Design and the Required Improvements for the Required Improvements Costs, the Developer may satisfy its obligations under this Option 3 by constructing other improvements approved by Hillsborough County that are consistent with Section 19.8.14, Future of the region (1987), and the Department of Community Affairs Transporta-tion Policy Rule, that have a value equivalent to the Required Improvements Costs. The following improvement shall be an acceptable alternative to the Required Design and Required Improvements. The developer shall, subject to the other applicable provisions of this Option 3 and in accordance with the design and construction schedule set forth herein, design and construct improvement to U.S. Highway 301 from Causeway Boulevard, south to the existing six lane urban section north of the I-75 interchange. The Developer shall design the applicable section of U.S. Highway 301 as a six lane divided urban section and shall construct an additional two lanes to the existing four lane

segment . a manner consistent with the s x lane design.

(8) If, as provided for herein, alternate improvements are substituted for those defined as the Required Improvements in this Option 3, this Development Order shall be amended to identify said alternate improvements and to establish a schedule for their completion consistent with the requirements of this Development Order.

(9)(a) In lieu of the requirements under paragraphs B.3.c.(1) - (6) above, the Developer may elect to pay to Hillsborough County, subject to the County's approval, the total costs for the aforesaid Required Design and the Required Improvements, which, for purposes of this development order shall be deemed to be $1,319,297.00 in 1987 dollars, (the "Required Improvements Costs"). If the Developer has completed any of the Required Improvements prior to payment of costs in accordance with this paragraph, the Required Improvements Costs shall be reduced by the reasonable cost of the design and/or improvements completed. The intent of this paragraph is to enable the Developer to meet its obligations to fully mitigate the traffic impacts of the project under the law by paying the stated sums, which exceed Developer's fair share of the costs of the improvements identified in Tables 1 and 2 of this development order, in lieu of constructing the identified improvements if, for reasons beyond the developer's control, it becomes impractical or impossible for the Developer to complete said improvements within the parameters defined herein.

(9)(b) If the County accepts payments under this section, it shall use such monies to design and contruct the Required Improvements. If it is not practical to complete the Required Improvements, the County may elect to use such monies to construct the optional improvement identified in B.3.C.(7). The County shall complete said improvements within the time frames established in paragraphs B.3.c.(2) and (5).

(10) Should the Developer fail to substantially comply with the time frames listed herein, the County shall have the right to complete the Required Design or construction of the Required Improvements.

(11) Development activities and issuance of permits shall immediately cease if the Required Design and Required Improvements or the payment of the Required Improvements Costs as described herein are not provided in accordance with the requirements of paragraphs B.3.c.(1) - (10), above.

4. The Developer shall receive credit against impact fees, pursuant to law. The application and payment of Impact Fees in itself will not constitute funding commitments for the required right-of-way dedications and transportation improvements. Any difference between the Required Improvements Costs and the sum of the costs of the Required Design and the Required Improvements (the "Difference") shall be paid in cash prior to the issuance of the final Certificate of Occupancy for the project, provided that the developer may elect to make other improvements of a value equivalent to the Difference, subject to approval by the Hillsborough County Engineering Department. The Developer's completion of the Required Design and Required Improvements and payment of the Difference, or completion of other improvements in lieu of the Difference as provided for herein, shall be deemed to fully and completely satisfy any and all of its obligations under the law to mitigate the traffic impacts of the TAMPA TRIANGLE project.

5. A pedestrian circulation system and a bicycle circulation system shall be provided within the project. The pedestrian system shall include internal sidewalks. Additionally, external sidewalks to the project in the right-of-way area of the major roadways (i.e.) U.S. 301 and Causeway Boulevard shall be required. The bicycle system shall incorporate whatever elements are necessary to complement the County Bicycle Plan and extend the County System into TAMPA TRIANGLE. No detailed site plans shall be approved which do not indicate these systems and their exact locations.

6. The Developer shall dedicate ROW for the extension along the southern boundary of the site TAMPA TRIANGLE project up to a maximum width of 62 feet, prior to issuance of Zoning Compliance Permits, or at the request of the County to coincide with road improvements whichever comes first.

7. No building permits shall be issued unless a Plan Amendment has been filed to amend the Long Range Transportation Plan to provide for a freeway on U.S. Highway 301 or unless a revised transportation analysis has been submitted which indicates that no Plan Amendment is necessary.

C. Air Quality

1. If any proposed change is determined to be a substantial deviation, Hillsborough County shall determine whether the nature of the proposed change(s) is such that it would require a re-analysis of the air quality impacts of this project or if such proposed change includes uses which are determined to be point sources of air pollution. If a re-analysis is warranted as determined by Hillsborough County, the Developer shall perform point source air quality analyses and the Developer shall take remedial measures as required by Hillsborough County, all in accordance with applicable law.

2. The measures to reduce erosion, fugitive dust and air emission stated on pages 13-4, 13-5 and 14-4 and 14-5 of the ADA shall be required.

D. Stormwater Management and Water Quality

1. In order to protect water quality, there shall be no degradation of water quality standards from stormwater exiting the site. If the regulatory agencies with jurisdiction deems a water quality monitoring program necessary prior to groundbreaking or subsequent to buildout, the Developer shall provide a water quality monitoring program to the satisfaction of the regulatory agency(ies). Any violation of Chapter 17-3 Florida Administrative Code (F.A.C.) shall require corrective measures as set forth by Florida Department of Environmental Regulation (FDER). The following shall apply:

   a. Sampling locations and frequencies shall be determined to the satisfaction of the applicable agency(ies).

   b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements.

   c. The monitoring results shall be submitted to Hillsborough County Environmental Protection Commission (EPC) and the applicable agency(ies). Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to Hillsborough County immediately and all construction within the project where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

2. Prior to the issuance of any building permits the Final Drainage Plan and drainage calculations shall be submitted by the Developer to TBRPC and DER for review and to Hillsborough County and Southwest Florida

Water Management District (SWFWMD) for approval. The drainage system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations. and shall be consistent with the Preliminary Master Drainage Plan submitted to Hillsborough County during review of this DRI and with the SWFWMD Conceptual Permit No. 490324 issued on September 4, 1985, provided that such drainage facilities are installed within two years after the final effective date of this Development Order. Otherwise, the County drainage criteria in existence at the time of construction of the respective project phases shall be the prevailing criteria to use for design and construction unless other affected agencies' drainage criteria is more restrictive. If flooding conditions exist downstream of the DRI's outfall, more restrictive criteria may apply.

3. The drainage system shall function in a manner as to rejuvenate the cypress head located in the northeast corner of the development site.

4. Due to the "volume sensitive" nature of Delaney Creek, new development in the Delaney Creek Watershed must satisfy Hillsborough County and SWFWMD requirements, including the following criteria (1986 Ghioto, Singhofen and Associates, Inc. Delaney Creek Stormwater Management Master Plan, ES-7 and ES-8). Only a portion of the site is within the Delaney Creek Watershed area.

   a. Compensating storage must be provided for any encroachment into the 100-year flood plain.

   b. The peak rate of discharge resulting from the 100-year 24-hour storm under post-development conditions must not exceed the pre-development peak rate of runoff from the 10-year 24-hour storm.

   c. The volume of runoff discharged from the 100-year 24-hour storm under post development conditions must not exceed that amount of runoff produced from the pre-development 100-year 24-hour storm.

5. Stormwater detention/retention pond design requirements for the development shall be as listed below unless otherwise approved by the Hillsborough County Environmental Protection Commission and the Hillsborough County Drainage Engineer:

   a. The side slopes shall be no greater than 4:1.

   b. The banks shall be completely vegetated to the design low water elevation.

   c. The sides and the bottom of each pond shall not be constructed of impervious material.

6. The County shall notify the developer-as to what drainage easements or rights-of-way required by the County's Stormwater Management Department, in accordance with applicable County rules and regulations, prior to Master Drainage Plan approval. The Developer shall grant such easements to the County prior to the issuance of construction plan approval for the project.

7. In order to protect water quality, the Developer shall implement a vacuum street cleaning program for the parking and roadway areas within the development.

8. The Developer shall be responsible for the operation and maintenance of the on-site drainage facilities excluding easements maintained by Hillsborough County.

E. <u>Wetlands</u>

1. In order to protect the natural values of preserved/ conserved wetland areas, the following shall be required:

a. Except as otherwise permitted by agencies having jurisdiction:

(1) No hydroperiod alteration shall be permitted in conservation or preservation areas identified on the Master Development Plan.

(2) No dredging, filling or development activities will be allowed within preservation areas. Activities within the conservation areas shall be limited to approved stormwater management outfall structures and boardwalks.

2. All on-site conservation area(s) shall be preserved unless a mitigation plan is approved by the Environmental Protection Commission and other appropriate jurisdictional agencies and submitted to the Department of Development Coordination. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the agency or agencies issuing the permit for such mitigation.

3. All wetland losses shall require a minimum of 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with the wetlands being destroyed.

4. In the event that any species listed in Sections 39-27.03-.05, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed by the Developer in cooperation with the Florida Game and Fresh Water Fish Commission.

5. The land use designations for those portions of the TAMPA TRIANGLE site which meet the definition of preservation and conservation areas, as defined in the Regional Planning Council's adopted growth policy, Future of the Region, Section 10.1.2 and 10.3.1 shall be as designated on the revised General Development Plan submitted to Hillsborough County.

6. The Developer shall preserve representative tracts of coniferous forest and xeric oak communities listed on pages 18-6 and 18-7 of the ADA in a manner which will ensure their continued natural function and value.

F. Public Facilities

1. Prior to commercial site plan approval for the development, the Developer shall stipulate to the satisfaction of Hillsborough County the manner by which the developer will participate in the provision or expansion of internal water supply, supply lines, and facilities to service the project. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for that portion of the building construction.

2. Prior to detailed site plan approval for the development, the Developer shall ensure the provision of fire flows acceptable to Hillsborough County. The installation of a sprinkler system, fire hydrants or fire plan shall be options to ensure the provision of acceptable fire flows. No commercial site plans shall be approved without verfication from the Hillsborough County Fire Department that sufficient firefighting facilities/manpower/ equipment required to serve the project are available.

3. Prior to issuance of detailed site plan approval for the development, the Developer shall provide documentation to the Department of Development Coordination of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Utilities Department or other applicable entity. No Zoning Compliance Permits shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.

4. Any on-site wastewater treatment plant or disposal system, constructed to serve the project except as may be required pursuant to paragraph

J.6 below, shall require a substantial deviation determination pursuant to Subsection 380.06(19), as amended.

5. Prior to issuance of detailed site plan approval for the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate Emergency Management Services capabilities and facilities are available to service the development.

6. The Developer shall be required to provide for recovered wastewater disposal in accordance with any uniformly applicable Hillsborough County ordinance or Department of Water and Wastewater Utilities take-back policy in effect prior to detailed site plan approval.

7. The Developer shall use non-potable water for landscape and open space irrigation unless otherwise approved by Hillsborough County. The Developer shall identify a plan for using non-potable water for irrigation in the first annual report following issuance of the first Certificate of Occupancy submitted to Hillsborough County and the TBRPC.

8. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.

9. Septic tanks may be permitted on a temporary basis for construction purposes only, subject to local regulations.

10. The installation of any on-site well as a source of potable water shall require a substantial deviation determination pursuant to Subsection 380.06(19)(a), F.S., unless required by Hillsborough County.

G. Hazardous Waste

1. Prior to the issuance of Zoning Compliance Permits, the Developer shall, if not in conflict with Hillsborough County plans and policies, and only as required to accomodate hazardous waste generators in the project (if any) provide separate hazardous waste storage areas within the project. These areas shall be accessible to all businesses and shall be marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials. (Hazardous wastes are those substances and materials defined in F.S. 403.703(21),-and Title 40 CFR Part 261, as amended).

2. The Developer shall notify in writing all project businesses of --the location of the specially-designated hazardous waste and material container.

3. Surface impoundments of hazardous waste, hazardous waste piles, land treatment of hazardous waste, landfills and underground storage of hazardous materials shall be prohibited.

4. Large quantity generators of hazardous substances, as defined by applicable Federal and State regulations, shall implement a site-specific surficial aquifer monitoring program as required by Hillsborough County, Hillsborough County Environmental Protection (EPC) Commission and DER. An emergency response and hazardous waste management operation plan shall be required for those facilities which generate/handle hazardous wastes, to minimize hazards to human health and the environment. The plans shall describe the procedures and actions required of facility personnel as well as the duties of local EMS/fire and police departments and hospitals. The plan shall be included in the first annual report following occupancy within the park.

5. All temporary hazardous waste storage facilities shall meet applicable federal, state and local laws, rules and regulations, and where appropriate the criteria set forth in Sections 3.913(a), (d) and (e), TBRPC's, Future of the Region.

6. Small quantity generators as defined by applicable Federal and State regulations, should obtain United States Environmental Protection Agency (USEPA) identification numbers.

7. The Developer, through restrictive lease agreements or covenants, shall advise tenants and purchasers that any hazardous waste must be transported and disposed of in a manner consistent with applicable laws and regulations.

H. Hurricane Evacuation

1. The Developer shall coordinate with the Hillsborough County Bureau of Emergency Management and the Greater Tampa Chapter of the American Red Cross, as to the feasibility of designating the hotel within the TAMPA TRIANGLE development as a public hurricane evacuation center to shelter the residents of vulnerable areas. A report on the outcome of these discussions shall be submitted in the first annual report prior to issuances of Certificates of Occupancy for the project.

I. Energy Conservation

1. The energy conservation measures referenced on page 25-3 and 25-4 of the ADA shall be complied with by the Developer. The following energy conservation measures shall also be encouraged by the Developer or his assigns: for the office, service center, research and development and commercial components of TAMPA TRIANGLE:

   a. The institution of programs to promote energy conservation by employees, buyers, suppliers and the public.

   b. Reduction in levels of operation of all air conditioning, heating and lighting systems during non-business hours.

   c. Recycling programs.

   d. The use of energy-efficient cooling, heating and lighting system.

   e. Installation of innovative energy conservation features such as waste heat recovery or solar power where feasible in project development.

   f. Use of the most energy efficient technology economically feasible in the construction and operation of the project's facilities.

J. Equal Opportunity

1. The Developer shall seek, and urge and encourage all contractors and subcontractors to involve minority groups in the development of the project. All office and commercial establishment areas shall be available to all, on a fair and impartial basis.

K. General

1. The discovery of any historical or archaeological resources shall be reported to Hillsborough County and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Hillsborough County.

2. Any approval of the TAMPA TRIANGLE development shall at minimum, satisfy the provisions of F.S. 380.06(15), as amended.

3. All of the final Developer's commitments set forth in the ADA, and as summarized in Attachment 1 entitled "Developer Commitments" shall be honored, except as they may be superceded by specific terms of the Development Order.

4. The Developer shall maintain all open space and landscaped areas within the project site except for any drainage easements maintained by Hillsborough County.

5. The Developer shall require all buyers or tenants through covenants or deed restrictions to prohibit any uses that would be obnoxious due to noise, air odor or visual pollution.

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its Public Hearing meeting of September 22, 1987, as same appears of record in Minute Book 136 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 28th day of October, 1987.

RICHARD AKE, CLERK

By: Edna L. Fitzpatrick
Deputy Clerk

APPROVED BY COUNTY ATTORNEY
By: Rita L. Bly
Assistant County Attorney
Legal Sufficiency

TAUB & WILLIAMS
ATTORNEYS AT LAW
2100 ASHLEY TOWER
100 SOUTH ASHLEY DRIVE
TAMPA, FLORIDA 33602

BRIAN A. BOLVES
ROBERT W. BOOS
MARGARET J. BOWLES
KEITH W. BRICKLEMYER
PATRICK G. EMMANUEL, JR.
BRIAN D. FORBES
BRUCE S. GOLDSTEIN
KENNETH E. GRAVES
JORYN JENKINS
RALPH P. MANGIONE
R. GALE PORTER, JR.
MARSHA G. RYDBERG
WILLIAM J. SCHIFINO, JR.
JAMES B. SOBLE
THEODORE C. TAUB
ROBERT V. WILLIAMS

MAILING ADDRESS:
POST OFFICE BOX 3430
TAMPA, FLORIDA 33601

TAMPA (813) 228-8000
PINELLAS (813) 447-5622
TELECOPIER (813) 229-0550

December 2, 1987

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

RE: Tampa Triangle

Dear Suzanne:

Pursuant to our conversation of this date, enclosed please find another copy of the November 20, 1987, letter and attachments from Edna L. Fitzpatrick, Deputy Clerk, to Larry Slayback.

Yours truly,

Keith W. Bricklemyer

KWB/bb

Enclosures

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida

Clerk to Board of
County Commissioners
Room # 214-F
P.O. Box 1110
Tampa, Florida 33601
Telephone 272-5845

August 10, 1992

Suzanne Cooper, DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
Suite 219
St. Petersburg, FL 33702

Re: Resolution No. R92-0167 - Amending the Development Order for Tampa Triangle (DRI #140)

Dear Ms. Cooper:

Attached is a certified copy of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on July 14, 1992.

We are providing this copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

mailed 8/11/92
received 8/13/92

By: Linda Fryman
Linda Fryman
Manager, BOCC Records

LF:ADF
Attachment
Certified Mail
cc: Board files (1 orig.)
J. Thomas Beck, Florida Department of Community Affairs
Keith W. Bricklemyer, Esquire
Honigman, Miller, Schwartz and Cohn
John Dixon Wall, Chief Assistant County Attorney
Gene Boles, Director, Planning and Development Management

An Affirmative Action · Equal Opportunity Employer

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R92-0167 Amending the Development Order for Tampa Triangle (DRI #140)

adopted by the Board in its regular meeting of July 14, 19 92, as the same appears of record in MINUTE BOOK 194 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 10th day of August, 19 92.

RICHARD AKE, CLERK

BY: Linda Flynn
Deputy Clerk

Resolution No. R92-0167

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI #140 DEVELOPMENT ORDER
FOR TAMPA TRIANGLE

Upon motion of Commissioner James Selvey, seconded by Commissioner Phyllis Busansky, the following Resolution was adopted on this 14th day of July, 1992.

WHEREAS, on September 22, 1987, the Board of County Commissioners approved a Development Order (Resolution No. 87-0319) for the TAMPA TRIANGLE Development of Regional Impact (DRI) #140 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 13, 1991, Tampa Triangle Joint Venture I filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, for the TAMPA TRIANGLE DRI ("Notice of Change") in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the Notice of Change proposed an extension of the date of buildout of the project by less than five (5) years, as more particularly stated in the Notice of Change; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

1. The following Finding of Fact is made:

   a. Tampa Triangle Joint Venture I submitted to Hillsborough County the Notice of Change which requested an extension of the date of buildout of the Tampa Triangle project by four (4) years, eleven (11) months and twenty nine (29) days (the "Proposed Change").

2. The following Conclusions of Law are made:

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

   b. All statutory procedures have been adhered to.

3. Based on the above Finding of Fact and the Conclusions of Law, the Development Order is hereby amended to extend the date of buildout of the Tampa Triangle project to December 29, 1997. Section IV.A.1 is amended accordingly.

4. The Development Order is hereby reaffirmed in its entirety except as amended by this Resolution.

5. Nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Subsection 163.3167(8), Florida Statutes.

6. The Developer's Certification, attached hereto as Exhibit A, affirms that a copy of the Notice of Change has been delivered to all persons as required by law.

7. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

8. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.

9. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida , do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of July 14, 1992, as the same appears of record in Minute Book 194 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 10th day of August, 1992.

RICHARD AKE, CLERK

By: Linda Fynia
Deputy Clerk

T7060o
07/29/92

APPROVED BY COUNTY ATTORNEY
BY John D. Wall
Approved As To Form And Legal Sufficiency.

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Keith W. Bricklemyer, as attorney for Tampa Triangle Joint Venture I, the applicant for the Tampa Triangle Notice of Proposed Change #2, who being by me first duly sworn, says upon oath as stated below:

1. Tampa Triangle Joint Venture I filed its Notice of Proposed Change #2 for the Tampa Triangle DRI on December 13, 1991.

2. The aforementioned application was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.

Keith W. Bricklemyer
Attorney for Tampa Triangle Joint Venture I

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 1st day of July, 1992, by Keith W. Bricklemyer, Attorney for Tampa Triangle Joint Venture I. He is personally known to me and did take an oath.

(Signature)
Cynthia M. Beaudry
(Print, Type or Stamp Name of Signatory)
My Commission Expires: Notary Public
(Title or Rank of Signatory)

(Serial Number, if any)

CYNTHIA M. BEAUDRY
MY COMMISSION # CC 201249 EXPIRES
January 8, 1994

EXHIBIT A

T7060o
07/01/92

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths, and take acknowledgments, personally appeared Keith W. Bricklemyer, as attorney for Tampa Triangle Joint Venture, the applicant of the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes for the Tampa Triangle DRI #140 ("Notice of Change"), to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Tampa Triangle Joint Venture filed the Notice of Change on October 26, 1989.

2. The Notice of Change was filed with all persons as required by law.

Keith W. Bricklemyer
Attorney for
Tampa Triangle Joint Venture

Sworn to and subscribed before me this 30th day of January, 1990.

Bonnie L. Boyette
Notary Public
My Commission Expires

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: JAN. 24, 1993.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

T1830o

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida

P.O. Box 1110
Tampa, Florida 3360
Telephone 223-78

CERTIFIED MAIL

November 20, 1987

State of Florida
Land Planning Agency
2571 Executive Center Circle, E.
Tallahassee, Florida 32301

Attn: Larry Slayback

Re: Tampa Triangle DRI #140 Development Order
Resolution No. R87-0319

Dear Mr. Slayback:

Enclosed please find a certified copy of the referenced Resolution for the Tampa Triangle DRI #140 Development Order, with Attachment I, which was omitted from the copy originally provided our office and also omitted from the copy we transmitted to your Department on October 29, 1987.

Exhibit A: the ADA and Sufficiency Response have previously been provided your Department by the applicant.

If we can provide any additional information please advise.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: Edna L. Fitzpatrick
Edna L. Fitzpatrick
Deputy Clerk

ELF/lt

cc: Board files
Anita Bing, Assistant County Attorney
Debbie Bischoff, Community Planner, Dept. Development Coordination
Keith Bricklemyer, Attorney, c/o Taub & Williams
Tampa Bay Regional Planning Council

Enclosure

An Affirmative Action - Equal Opportunity Employer

COUNTY OF HILLSBOROUGH

MEMORANDUM

Date November 20, 1987

To Edna Fitzpatrick, Clerk, Board of County Commissioners

From Debbie Bischoff, Planner, DDC

Subject: Transmittal of Tampa Triangle DRI Development Order

Please transmit the certified Tampa Triangle Development Order to the State Dept. of Community Affairs, TBRPC and the applicant as soon as possible. Please inform these parties that Exhibit A: the ADA and Sufficiency Response have already been sent to them by the applicant as is evident from the distribution lists in those documents. Attachment 1 the Developer's Commitments, will be attached to the Development Order .

NOV 5 ... RECORDS OFFICE

COUNTY OF HILLSBOROUGH

MEMORANDUM

Date November 20, 1987

To Edna Fitzpatrick, Clerk, Board of County Commissioners

From Debbie Bischoff, Community Planner, DDC

Subject: Transmittal of Tampa Triangle DRI Development Order

I have received the attached memorandum from Anita Bing, County Attorney which states that Attachment I was not included in the certified Development Order which was transmitted to the applicant, State Department of Community Affairs and the Tampa Bay Regional Planning Council. Attached please find a copy of Attachment I. Please retransmit the certified Development Order with the Attachment to the appropriate parties. I apologize for this error and the inconvenience it causes. DDC would appreciate a copy of the certified Development Order also.

RECEIVED
NOV 20 1987
RECORDS OFFICE

DEVELOPER COMMITMENTS

GENERAL PROJECT

1. The land use components of the proposed development will be integrated so as to provide an environment that will not only be efficient in operation, but also compatible to surrounding areas. (ADA, 12-3).

2. Site design will meet or exceed the minimum requirements established through Hillsborough County planned development procedures. (ADA, 12-3)

3. The Tampa Triangle Joint Venture will formulate covenants and deed restrictions to guide the development of the site. These same restrictions will prohibit any uses that would be obnoxious due to noise, air, odor, or visual pollution. (ADA, 12-7)

4. The design of the Master Drainage Plan will meet or exceed appropriate regulations and will also aesthetically incorporate the wetlands existing on site. (ADA, 12-7)

5. Tampa Triangle will be developed as a private enterprise without the assistance of federal, state or other government funding programs. (ADA, 20-7)

6. The developer is prepared to pay the appropriate share of any legally mandated improvement costs as determined through analysis of the project's impacts and negotiation with responsible public agencies. (SR, 20-4)

NATURAL RESOURCES

Air Quality

1. The Tampa Triangle development does not intend to sell or lease space to "facilities which are obnoxious or offensive for reasons of emissions of odors, fumes, dust, smoke, noise, or vibrations", thereby, eliminating the possibility of air pollution from these sources. (ADA, 13-5 and SR, 13-1)

2. Contractors will be required to sod, seed, mulch or plant with landscape material the cleared and disturbed areas of the project. (ADA, 13-4)

3. The side slopes of detention ponds will be sodded or natural vegetation will be encouraged to grow. (ADA, 13-4)

Attachment I

Soils

1. Embankments will have gentle side slopes and will be sodded after construction. (ADA, 14-3)

2. To alleviate the erosive effects of wind and water, the following will be implemented during construction. (ADA, 14-3 and 14-4)

   a. only those portions of the site ready for construction will be cleared;

   b. sediment basins will be constructed at the start of each drainage system phase;

   c. areas to be cleared and disturbed by construction will be seeded, mulched with hay, straw and other suitable materials, sodded or planted with other landscape material as soon after the construction as possible. Areas adjacent to the roadways or where slopes are greater than 3:1 will be sodded;

   d. construction areas will have interim water quality control features as needed to reduce turbidity;

   e. embankment areas or retention ponds will be designed to encourage wetland vegetation and, in some cases, may be planted with specific wetland species. This will help stabilize shorelines and will serve to filter runoff;

   f. if wind erosion during construction does become significant, the contractor will be required to sprinkle the problem area with water. Following construction, the planted ground cover and the drainage system vegetation and configuration will effectively control wind and water erosion;

   g. a landscaping plan will be initiated during the development process to ensure that bare soil is not exposed to wind and water erosion;

   h. the best possible management practices will be implemented to minimize wet season erosion; the maximum amount of work possible will be performed during the dry season.

Water Quality

1. Water levels within the wetland areas will be controlled to coincide with the existing natural hydroperiod. (ADA, 15-11)

2. Swale sections will be utilized to convey stormwater runoff wherever feasible. (ADA, 15-11)

G-1.162 7 (17)

3. Swales will be designed for minimum flow velocities, thereby maximizing nutrient uptake. Accumulated nutrients in the grasses will be removed from the stormwater system by frequent mowing of the swales and removal of clippings. (ADA, 11)

4. Tampa Triangle will utilize "pollutant source control" as a means to further mitigate the effects of development on the surface water quality. (ADA, 15-12)

5. Erosion from construction activities will be minimized by the use of accepted siltation and erosion control techniques. Sod and other landscaped areas will also help to filter pollutants from any runoff reaching these portions of the project. (ADA, 12 and 15-13)

6. This project will use professional landscape companies to provide controlled application of fertilizers, herbicides, and pesticides. (ADA, 15-13)

Wetlands

1. The two largest freshwater marshes/wet prairies, comprising a total of 3.3 acres on the property, will be preserved in their natural state. In addition, the 0.68 acres of cypress wetland on the northeast corner of the property will be preserved and revitalized. (ADA, 16-3)

2. Stormwater runoff will be pretreated adjacent to the wetlands in accordance with Chapter 17-25, FAC. A berm will be placed between the retention areas and the existing wetlands in a design which will allow treated stormwater to flow into the wetland ensuring a more natural hydroperiod and restoring the hydric character of these systems. (ADA, 16-4)

3. Any wildlife habitat and wetland values associated with the small marshy areas on the property proposed for development will be recreated in larger, more protected systems. (SR, 16-1)

4. During construction wooden barriers will be used to protect the jurisdictional wetlands from unintentional disturbance. A double row of staked hay bales will be used where necessary to prevent water quality degradation due to upland erosion. (SR, 16-3)

5. Final plans for relocation or modification of jurisdictional wetlands are contingent upon approval by all agencies of a detailed mitigation design and justification statement which are subject to current agency rules, policies, and review procedures. The appropriate permits will be obtained prior to the commencement of any wetland alterations on site. (SR, 16-7)

Flood Plains

1. Minimum floor elevations of all buildings within flood prone areas will be filled, or compensated for through construction methods, to an elevation above the 100-year flood prone zone. (ADA, 17-1)

2. Fill and development within the 100-year flood plain will occur consistent with the appropriate agency criteria as described in Question 22.C.2 of the ADA on page 22-9. (SR, 17-1)

Recreation and Open Space

1. Approximately 5.84 acres of wetlands will be preserved or mitigated for on-site. Additionally, approximately 24.28 acres of the property will be developed as detention ponds. (ADA, 27-1)

2. The common open space areas will be maintained by Tampa Triangle Joint Venture or its assigns. (ADA, 27-2)

PUBLIC FACILITIES

Wastewater

1. No on-site treatment and disposal of wastewater will be provided. (ADA, 21-1)

2. Septic tanks will not be used for wastewater disposal on this project. (ADA, 21-3)

3. Off-site wastewater treatment will be provided at the City of Tampa Hooker's Point Advanced Wastewater Treatment Plant. (ADA, 21-5)

4. The applicant will develop a program which will emphasize the education of park occupants to the existence of laws and regulations which govern the storage, generation, use, transportation and disposal of hazardous materials. (SR, 21-5)

Drainage

1. All treatment of stormwater will be provided on site. (ADA, 22-1)

2. Approximately 24.28 acres of the total site will be allocated for stormwater detention areas. (ADA, 22-1)

3. Discharge from the detention areas will be controlled by a system of water control structures. (ADA, 22-2)

4. In order to enhance the quality of stormwater discharging from the site, a filtration system will be utilized in conjunction with the water control structures. (ADA, 22-2)

5. Swale sections, sized on a 10-year storm event, will be utilized to convey stormwater runoff. (ADA, 22-3 and 22-4)

6. Wherever development is to occur within the 100-year flood plain, fill will be used to raise the building floor elevations above the 100-year flood level. Fill within the 100-year flood plain will be minimized so as to avoid any adverse impact. (ADA, 22-9)

Water Supply

1. In addition to domestic potable water demands, the water distribution systems will be designed to provide a fire flow of 1,000 GPM. The distribution system design will be based on the maximum daily flow plus fire flow demand. Irrigation for open space areas will be provided by an on-site irrigation system using a private irrigation well. (ADA, 23-1)

2. The internal potable water supply system will be owned, operated and maintained by the owner or assigns. (ADA, 23-4)

3. The water distribution system, including fire hydrant locations, will be designed to provide fire protection in accordance with Hillsborough County standards. (ADA, 23-4)

Energy

1. There will be no on-site electrical generating facilities. Small auxiliary generators may be utilized for emergency backup by individual building tenants. (ADA, 25-1)

2. The following energy conservation considerations have been incorporated into the planning for Tampa Triangle. (ADA, 25-3 and 25-4)

   a. Project location adjacent to or close to major transportation which will reduce energy costs through increased travel efficiencies.

   b. Landscaping along streets, buildings and parking areas will reduce heat gain from paved and impervious surfaces.

   c. The use of energy conserving lighting in all parking areas.

   d. The mixed-use nature of the project will allow the use of alternative forms of transportation for internal traffic movement.

   e. All buildings will be constructed in compliance with the State of Florida Energy Efficiency Building Code.

   f. Strict adherence will be made to all applicable energy efficieny codes.

DEVELOPER COMMITMENTS

GENERAL PROJECT

1. The land use components of the proposed development will be integrated so as to provide an environment that will not only be efficient in operation, but also compatible to surrounding areas. (ADA, 12-3).

2. Site design will meet or exceed the minimum requirements established through Hillsborough County planned development procedures. (ADA, 12-3)

3. The Tampa Triangle Joint Venture will formulate covenants and deed restrictions to guide the development of the site. These same restrictions will prohibit any uses that would be obnoxious due to noise, air, odor, or visual pollution. (ADA, 12-7)

4. The design of the Master Drainage Plan will meet or exceed appropriate regulations and will also aesthetically incorporate the wetlands existing on site. (ADA, 12-7)

5. Tampa Triangle will be developed as a private enterprise without the assistance of federal, state or other government funding programs. (ADA, 20-7)

6. The developer is prepared to pay the appropriate share of any legally mandated improvement costs as determined through analysis of the project's impacts and negotiation with responsible public agencies. (SR, 20-4)

NATURAL RESOURCES

Air Quality

1. The Tampa Triangle development does not intend to sell or lease space to "facilities which are obnoxious or offensive for reasons of emissions of odors, fumes, dust, smoke, noise, or vibrations", thereby, eliminating the possibility of air pollution from these sources. (ADA, 13-5 and SR, 13-1)

2. Contractors will be required to sod, seed, mulch or plant with landscape material the cleared and disturbed areas of the project. (ADA, 13-4)

3. The side slopes of detention ponds will be sodded or natural vegetation will be encouraged to grow. (ADA, 13-4)

Attachment I

Soils

1. Embankments will have gentle side slopes and will be sodded after construction. (ADA, 14-3)

2. To alleviate the erosive effects of wind and water, the following will be implemented during construction. (ADA, 14-3 and 14-4)

   a. only those portions of the site ready for construction will be cleared;

   b. sediment basins will be constructed at the start of each drainage system phase;

   c. areas to be cleared and disturbed by construction will be seeded, mulched with hay, straw and other suitable materials, sodded or planted with other landscape material as soon after the construction as possible. Areas adjacent to the roadways or where slopes are greater than 3:1 will be sodded;

   d. construction areas will have interim water quality control features as needed to reduce turbidity;

   e. embankment areas or retention ponds will be designed to encourage wetland vegetation and, in some cases, may be planted with specific wetland species. This will help stabilize shorelines and will serve to filter runoff;

   f. if wind erosion during construction does become significant, the contractor will be required to sprinkle the problem area with water. Following construction, the planted ground cover and the drainage system vegetation and configuration will effectively control wind and water erosion;

   g. a landscaping plan will be initiated during the development process to ensure that bare soil is not exposed to wind and water erosion;

   h. the best possible management practices will be implemented to minimize wet season erosion; the maximum amount of work possible will be performed during the dry season.

Water Quality

1. Water levels within the wetland areas will be controlled to coincide with the existing natural hydroperiod. (ADA, 15-11)

2. Swale sections will be utilized to convey stormwater runoff wherever feasible. (ADA, 15-11)

97.162 Z (17)

3. Swales will be designed for minimum flow velocities, thereby maximizing nutrient uptake. Accumulated nutrients in the grasses will be removed from the stormwater system by frequent mowing of the swales and removal of clippings. (ADA, 11)

4. Tampa Triangle will utilize "pollutant source control" as a means to further mitigate the effects of development on the surface water quality. (ADA, 15-12)

5. Erosion from construction activities will be minimized by the use of accepted siltation and erosion control techniques. Sod and other landscaped areas will also help to filter pollutants from any runoff reaching these portions of the project. (ADA, 12 and 15-13)

6. This project will use professional landscape companies to provide controlled application of fertilizers, herbicides, and pesticides. (ADA, 15-13)

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1. The developer will work with HART to support bus accessibility in the final site design and implementation. This will include such features as bus pull-in bays, scheduled information displays and roadway designs that consider bus maneuverability. (ADA, 31-7)

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* ADA Application for Development Approval
SR Sufficiency Response

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