



174

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

September 30, 2009

Ms. Carol Stricklin, AICP
Director
City of Largo
Post Office Box 296
Largo, FL 33779-0296

Re: BAY VISTA; File Number AGM-2008-006

Dear Ms. Stricklin, AICP:

Enclosed is a copy of the executed agreement for BAY VISTA. If you have any questions, please call Bernard Piawah in the Office of Comprehensive Planning at (850) 488-2356.

Sincerely,

D. Ray Eubanks, Administrator
Plan and DRI Processing Unit

DRE/dh

Enclosure

cc: RPC (with enclosure)

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100

850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

ESSENTIALLY-BUILT-OUT AGREEMENT
FOR THE
BAY VISTA DRI

This Agreement ("Agreement") is entered into by and among the BAY VISTA PROPERTY OWNERS ASSOCIATION, INC., a Florida non profit corporation ("Bay Vista"), THE CITY OF LARGO, a Florida municipal corporation (the "City"), and the FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS ("DCA").

WHEREAS, Bay Vista is the property owners association responsible for managing the Bay Vista Development of Regional Impact #174 (the "Bay Vista DRI"); and

WHEREAS, the real property that is the subject matter of the Bay Vista DRI is located within the City; and

WHEREAS, DCA is the state land planning agency responsible for the administration and enforcement of Chapter 380, Florida Statutes, including those provisions relating to developments of regional impact ("DRIs"); and

WHEREAS, pursuant to Section 380.032(3), Florida Statutes, DCA is authorized to enter into such agreements as may be necessary to effectuate the provisions and purposes of Chapter 380, Florida Statutes, and

WHEREAS, on February 21, 1984, a Development Order (the "Development Order") was issued pursuant to a Pinellas County (the "County") ordinance, for a DRI known then as "Pioneer Center," for a mixed use, office/retail development located on a 120-acre site at Roosevelt Boulevard and 58th Street in the County; and

WHEREAS, on March 10, 1989, an Amended Development Order (the "Amended Development Order"), was issued, pursuant to County Ordinance No. 89-10, which amendment approved the Application for Approval of Proposed Change to the Development Order; and

WHEREAS, on November 1, 1994, the Board of County Commissioners of Pinellas County, Florida, amended Ordinance No. 89-10 Development Order for "Bay Vista" (formerly known as Pioneer Center), by adopting Ordinance No. 94-88; and

WHEREAS, on May 14, 1996, the Board of County Commissioners of Pinellas County, Florida, amended Ordinance No. 94-88, changes to the 1996 NOPC, by adopting Ordinance No. 96-45; and

WHEREAS, on March 2, 1999, Board of County Commissioners of Pinellas County, Florida, adopted Ordinance No. 99-20, providing for an incorporation and consolidation of Ordinances 89-10, 94-88, and 96-45; and

WHEREAS, on April 27, 2004, the City adopted Ordinance No. 2004-33, an Ordinance of the City of Largo, Florida, effective May 27, 2004, annexing certain property within the DRI into the City; and

WHEREAS, on August 16, 2005, the City adopted Ordinance No. 2005-63, an Ordinance of the City of Largo, Florida, annexing certain property within the DRI into the City; and

WHEREAS, on April 4, 2006, the City amended Ordinance No. 2005-63 by adopting Ordinance No. 2006-26, an Ordinance of the City of Largo, Florida, amending the legal description of the property annexed into the City; and effective May 27, 2004, annexing certain property within the DRI into the City; and

WHEREAS, on August 7, 2007, the City adopted Ordinance No. 2007-67, an Ordinance of the City of Largo, Florida, reaffirming the Development Order, as amended, in its entirety; and

WHEREAS, the Bay Vista DRI had a buildout date of December 31, 2005 and has an expiration date of December 31, 2010; and

WHEREAS, pursuant to the Development Order, as amended, 1,180,000 square feet of office and 20,000 square feet of commercial development were allowed; and

WHEREAS, the total actual development constructed to date is approximately 1,050,692 square feet of office and 20,000 square feet of commercial of the 1,200,000 square feet of total construction authorized pursuant to the Development Order, as amended; and

WHEREAS, DCA has reviewed the above figures and has determined that the amount of proposed development that remains to be built within the DRI will not create additional regional impacts.

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, it is hereby agreed as follows:

1. The parties agree that the Bay Vista DRI is "essentially built-out" in accordance with Section 380.06(15)(g)4.b.II., Florida Statutes, because all the mitigation requirements in the development order have been satisfied, all developers are in compliance with all applicable terms and conditions of the development order except the buildout date, and the amount of proposed development that remains to be built will not create the likelihood of additional regional impacts.

2. After the effective date of this Agreement, the Bay Vista DRI shall no longer be required to file annual reports pursuant to section 380.06(18), F.S. All future development must be consistent with the City of Largo Comprehensive Plan and land development regulations. All future development and

redevelopment proposals shall be assessed for development of regional impact status on their own merits.

3. Bay Vista asserts and warrants that the information it has presented and the representations and statements set forth above are true and accurate. Based upon such information and representations, DCA concludes that this Agreement reasonably applies and effectuates the provisions and purposes of Chapter 380, Florida Statutes.

4. In the event of a breach of this Agreement or failure to comply with any condition of this Agreement, or if this Agreement is based upon materially inaccurate information, DCA may terminate this Agreement or file suit to enforce this Agreement as provided in Section 380.11, Florida Statutes. Injunctive relief shall be granted to the other parties in the event of a breach of this Agreement or a failure to comply with any condition by another party.

5. This Agreement affects the rights and obligations of the parties under Chapter 380, Florida Statutes. It is not intended to determine or influence the authority or decisions of any other state or regional agency or the City in the issuance of any other permits or approvals required for the development specifically authorized by this Agreement.

6. The terms and conditions of this Agreement shall run with the property more particularly described on the attached Exhibit "A" and inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the parties hereto. Bay Vista shall record a notice of this Agreement that complies with Section 380.06(8)(a)10., Florida Statutes, and shall provide DCA with a copy of the recorded notice within 30 days of execution of this Agreement.

7. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall together constitute one and the same agreement.

8. The effective date and the date of execution of this Agreement shall be the date that the last party signs and acknowledges the Agreement.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties, by and through the undersigned duly authorized representatives have executed this Agreement on the dates set forth below.

"BAY VISTA"

WITNESSES:

BAY VISTA PROPERTY OWNERS ASSOCIATION, INC., a Florida non profit corporation

[Handwritten Signature]

Signature of 1st Witness

CHERYL GAINES-SCHAFF

Printed Name of 1st Witness

By:

[Handwritten Signature]

Benjamin B. Godwin, President

[Handwritten Signature]

Signature of 2nd Witness

LORIE SIEMION

Printed Name of 2nd Witness

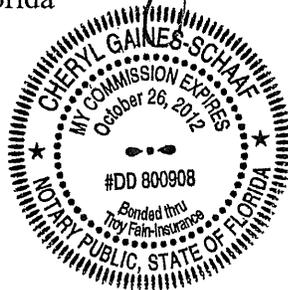
STATE OF FLORIDA

COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 10 day of SEPTEMBER, 2009, by Benjamin B. Godwin, in his capacity as President of Bay Vista Property Owners Association, Inc., a Florida non profit corporation, on behalf of the corporation. He is personally known to me or has produced a current driver's license, valid in the state of Florida, as identification.

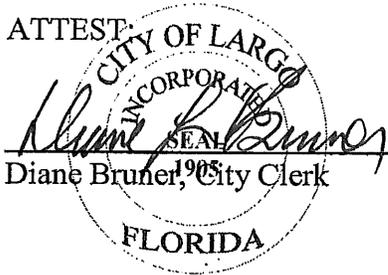
[Handwritten Signature]
Notary Public, State of Florida

[NOTARIAL SEAL]



"CITY"

ATTEST:



 Diane Bruner, City Clerk

CITY OF LARGO, a Florida municipal corporation

By: 

 Norton Craig, City Manager

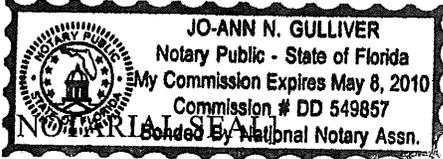
STATE OF FLORIDA

COUNTY OF PINELLAS

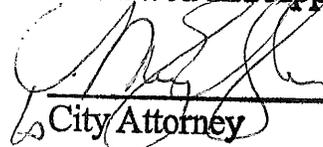
The foregoing instrument was acknowledged before me this 16 day of September, 2009, by Norton Craig, in his capacity as City Manager of the City of Largo, a Florida municipal corporation, on behalf of the corporation. He is personally known to me or has produced a current driver's license, valid in the state of Florida, as identification.



 Notary Public, State of Florida



Reviewed and Approved:



 City Attorney

"DCA"

WITNESSES:

FLORIDA DEPARTMENT OF
COMMUNITY AFFAIRS

Beth A. Frost

Signature of 1st Witness

Beth A. Frost

Printed Name of 1st Witness

B. PIAWAH

Signature of 2nd Witness

Dr. BERNARD PIAWAH

Printed Name of 2nd Witness

By:

Charles Gauthier

Charles Gauthier

Printed Name

Title: Director Community Planning

STATE OF FLORIDA

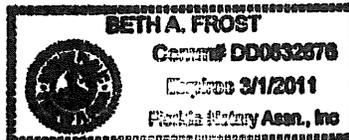
COUNTY OF Leon

The foregoing instrument was acknowledged before me this 25th day of September, 2009, by Charles Gauthier as the Director, Community Planning of the Florida Department of Community Affairs, on behalf of the department. She is personally known to me or ~~has produced a current driver's license, valid in the state of Florida, as identification.~~

Beth A. Frost

Notary Public, State of Florida

[NOTARIAL SEAL]





#174

City of Largo, Florida

Post Office Box 296, Largo, Florida 33779-0296

TO: Property Owners Subject to Bay Vista Park Development Order
Florida Department of Community Affairs, Bureau of State Planning
Tampa Bay Regional Planning Council

FROM: Diane L. Bruner, CMC, City Clerk *db*

DATE: August 10, 2007

SUBJECT: City of Largo Ordinance No. 2007-67

The Largo City Commission adopted Ordinance No. 2007-67 on August 7, 2007 (enclosed). This ordinance adopts an amended development order for Bay Vista Park DRI No. 174, formerly DRI No. 96, Pioneer Center.

Please contact Mike Staffopoulos, Community Development Director, with any questions at 727-587-6740.

cc: Mike Staffopoulos

ORDINANCE NO. 2007-67

AN ORDINANCE OF THE CITY OF LARGO, FLORIDA, ADOPTING AN AMENDED DEVELOPMENT ORDER FOR BAY VISTA PARK DEVELOPMENT OF REGIONAL IMPACT (DRI) NO. 174, FORMERLY KNOWN AS DRI NO. 96, PIONEER CENTER; PROVIDING SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 10, 1983, Pioneer Federal Savings and Loan filed an Application for Development Approval (ADA) of a Development of Regional Impact (DRI), No. 96 Pioneer Center, with Pinellas County ("the County"), Florida Department of Community Affairs and the Tampa Bay Regional Planning Council ("TBRPC"), pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on February 21, 1984, a Development Order (the "Original Development Order") was issued, pursuant to County Ordinance, for a Development of Regional Impact (DRI) known then as "Pioneer Center", for a mixed use, office/retail development located on a 120-acre site at Roosevelt Boulevard and 58th Street in the County; and

WHEREAS, on March 18, 1988, pursuant to the provisions of Section 380.06, Florida Statutes ("Chapter 380"), the Trammell Crow Company filed an Application for Approval of Proposed Change to the Original Development Order with the County. The Tampa Bay Regional Planning Council ("TBRPC"), the Florida Department of Community Affairs ("DCA") and other appropriate entities; and

WHEREAS, on March 10, 1989, an Amended Development Order (the "Amended Development Order"), was issued, pursuant to County Ordinance No. 89-10, which amendment approved the Application for Approval of Proposed Change to the Original Development Order; and

WHEREAS, on November 1, 1994, the Board of County Commissioners of Pinellas County, Florida, amended Ordinance No. 89-10 Development Order for Bay Vista (F/K/A Pioneer Center), by adopting Ordinance No. 94-88; and

WHEREAS, on May 14, 1996, the Board of County Commissioners of Pinellas County amended Ordinance No. 94-88, changes to the 1996 NOPC, by adopting Ordinance No. 96-45; and

WHEREAS, on March 2, 1999, the Board of County Commissioners of Pinellas County, providing for an incorporation and consolidation of Ordinances 89-10, 94-88, and 96-45, adopted Ordinance No. 99-20; and

WHEREAS, on April 27, 2004, the City of Largo adopted Ordinance No. 2004-33, an Ordinance of the City of Largo, Florida, effective May 27, 2004, annexing Parcel ID No(s):

33/29/16/05550/000/0010, 33/29/16/05550/000/0020, 33/29/16/14854/000/0001, 33/29/16/14854/000/0010, 33/29/16/14854/000/0020, 33/29/16/14854/000/0030, 33/29/16/14854/000/0040, 33/29/16/14854/000/0050, 33/29/16/14854/000/0060, 33/29/16/14854/000/0070, 33/29/16/70380/200/0400, 33/29/16/70380/200/0500, 33/29/16/70380/200/0501, 33/29/16/70380/200/700; and

WHEREAS, on August 16, 2005, the City of Largo adopted Ordinance No. 2005-63, an Ordinance the City of Largo, Florida, annexing Parcel ID No(s):

33/29/16/70380/200/1206, 33/29/16/70380/200/1207, 33/29/16/70380/200/1602, 33/29/16/70380/200/1603, 33/29/16/70380/200/1101, 33/29/16/70380/200/0100, 33/29/16/70380/200/1001, 33/29/16/70380/200/1002, 33/29/16/70380/200/1201, 33/29/16/70380/200/1202, 33/29/16/70380/200/1203, 33/29/16/70380/200/1204, 33/29/16/90078/000/0001, 33/29/16/70380/200/0502, 33/29/16/70380/200/1200, 33/29/16/70380/200/1601, 33/29/16/70380/200/1100, 33/29/16/70380/200/1102, 33/29/16/05550/000/0030, 33/29/16/70380/200/1300, 33/29/16/70380/200/1301, 33/29/16/70380/200/1400, 33/29/16/70380/200/1500, 33/29/16/70380/300/0200, 33/29/16/90078/000/0010, 33/29/16/70380/200/1600, 33/29/16/70380/200/1205, 33/29/16/70380/200/1502, 33/29/16/70380/200/0900, 33/29/16/70380/200/0800, 32/29/16/15156/007/0010, 32/29/16/15156/007/0030, 32/29/16/15156/007/0040, 32/29/16/15156/007/0061, 32/29/16/15156/007/0080, 32/29/16/15156/008/0090, 32/29/16/15156/008/0091, 32/29/16/15156/008/0010, 32/29/16/15156/008/0030, 32/29/16/15156/008/0080, 32/29/16/15156/008/0040, 33/29/16/39402/002/0030, 33/29/16/39402/002/0010, 33/29/16/39402/001/0050,

33/29/16/39402/001/0030, 33/29/16/39402/001/0010, 33/29/16/39456/013/0010 33/29/16/39456/013/0020, 33/29/16/39456/013/0150, 33/29/16/39456/013/0070, 33/29/16/39456/013/0050; and

WHEREAS, on April 4, 2006, the City of Largo amended Ordinance No. 2005-63 by adopting Ordinance No. 2006-26, an Ordinance of the City of Largo, Florida, amending the legal description of the property annexed; and

WHEREAS, Subsection 380.06(15)(h), Florida Statutes (1998 Supplement), requires that if property subject to a DRI "...is annexed by another local jurisdiction, the annexing jurisdiction shall adopt a new development order that incorporates all previous rights and obligations specified in the prior development order."

NOW, THEREFORE, the City of Largo City Commission hereby ordains:

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

- A. The City of Largo has annexed the real property subject to the Bay Vista Park DRI into the City of Largo.
- B. The DRI development is not located in a area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1998 Supplement).
- C. The Development is consistent with the City's Comprehensive Plan and substantially consistent with the City's land development regulations.
- D. All statutory procedures have been adhered to.
- E. The findings of fact and conclusions of law made in the Development Order as amended are hereby reaffirmed and are incorporated herein by reference, provided; however, that to the extent that a finding of fact or conclusion of law in the Development Order adopted by County Ordinance No. 89-10 or any amendment thereto, conflicts with another finding or conclusion in a different amendment, the more recent in time shall control.

Section 2. Conclusions of Law. The City Commission having made the above findings of fact, reaches the following conclusions of law:

- A. That the City Commission has jurisdiction in this matter;
- B. That these proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record of these proceedings, the Developer and/or its assigns, or successors in interest, is authorized to conduct the Development as described in the Development Order per County Ordinance No. 89-10, as amended.

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

- A. The Bay Vista Park DRI No. 174 Development Order as amended is hereby reaffirmed in its entirety.

Section 4. Definitions. The definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Development Order

Section 5. Development Order, As Amended. Pinellas County Ordinance No. 89-10, as amended by Pinellas County Ordinance No. 94-88, Pinellas County Ordinance No. 96-45, and Pinellas County Ordinance No. 99-20, and City of Largo Ordinance No. 2004-33, City of Largo Ordinance No. 2005-63 and City of Largo Ordinance No. 2006-26 shall constitute, collectively, the Development Order

as passed and ordained by the Largo City Commission. All provisions of the Development Order, as amended, shall remain in full force and effect and shall be considered conditions of the Development.

Section 6. Government Agencies. It is understood that any reference herein to any governmental agencies shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 7. Severability. In the event any portion or section this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance which shall remain in full force and effect.

Section 8. Transmittals. The City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming law, to the present property owners subject to the Development Order as amended, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 9. This Ordinance shall take effect immediately on its passage and adoption.

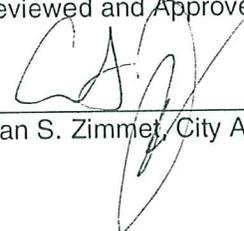
APPROVED ON FIRST READING July 17, 2007

PASSED AND ADOPTED ON SECOND AND FINAL READING August 7, 2007



Mayor

Reviewed and Approved:



Alan S. Zimmer, City Attorney

ATTEST:



Diane Bruner, City Clerk
1905


City of Largo

Community Development Department

Administration Division

201 Highland Avenue NE, Building One

Largo, FL 33770-2512

Telephone: (727) 586-7490

Facsimile: (727) 587-6765

WWW: <http://www.largo.com/>

Transmittal Letter

To:	John Meyer Tampa Bay Regional Planning Council	FROM:	Michael Staffopoulos Director <i>mgs/s</i>
Address	4000 Gateway Centre, Suite 100 Pinellas Park, FL 33782		
		Date:	July 20, 2006
Fax:		Copied:	

We Are Sending You: Attached Separately Via: , the Following Items:

The following three executed ordinances:
Ordinance No. 2005-63
Ordinance No. 2004-33
Ordinance No. 2006-26

These Are Transmitted As Checked Below:

For Review/Comment	Approved As Noted	<u>As Requested</u>
For Your Approval	Approved As Revised	Revise And Resubmit
For Your Information	Approved As Submitted	Submit Corrected Prints
For Your Signature	Rejected	Submit Copies For Approval
For Your Use	Returned	Submit Copies For Distribution

Comments:

ORDINANCE NO. 2006- 26

AN ORDINANCE OF THE CITY OF LARGO, FLORIDA AMENDING ORDINANCE NO. 2005- 63 BY AMENDING THE LEGAL DESCRIPTION OF THE PROPERTY ANNEXED PURSUANT TO THE ADOPTION OF ORDINANCE NO. 2005- 63; WITH LAND USE DESIGNATIONS OF RESIDENTIAL/OFFICE GENERAL, COMMERCIAL GENERAL, COMMERCIAL NEIGHBORHOOD, RESIDENTIAL URBAN, RESIDENTIAL LOW MEDIUM, AND RESIDENTIAL LOW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Ch. 171, Florida Statutes, and Pinellas County voluntary annexation Ordinance No. 00- 63, the City of Largo adopted Ordinance No. 2005- 63 annexing certain property located east of 58th Street North, south of Whitney Road, west of Bolesta Road, and north and south of Roosevelt Boulevard, Pinellas County, Florida; and

WHEREAS, Pinellas County filed a Petition for Writ of Certiorari challenging the annexation of the described property; and

WHEREAS, the City and Pinellas County have entered into a settlement agreement resolving the issues raised in the County's petition, and as part of said settlement, the City has agreed to include with the annexation certain property west of 58th Street North and portions of rights of way along 58th Street North, Whitney Road, Bolesta Road, and Donald Street; and

WHEREAS, the City, therefore, wishes to amend the area annexed by the adoption of Ordinance No. 2005- 63 to include certain property west of 58th Street North and portions of rights of way along 58th Street North, Whitney Road, Bolesta Road, and Donald Street.

NOW, THEREFORE, THE CITY OF LARGO HEREBY ORDAINS:

Section 1. That Sections 1 and 2 of Ordinance No. 2005- 63 are hereby amended to read as follows:

Section 1. That the City of Largo, acting by and through its City Commission, under the authority of Chapter 171, Florida Statutes, hereby annexes into the corporate limits of the City of Largo, Florida, and accordingly redefines the boundary of said city, so as to include the following:

A portion of Lots 1-5, of the Northwest 1/4 of Section 33, Township 29 South, Range 16 East, of "PINELLAS GROVES", according to the map or plat thereof as recorded in Plat Book 1, Page 55, of the Public Records of Pinellas County, Florida;

Together with,

A portion of Lots 8-16, of the Northwest 1/4 of Section 33, Township 29 South, Range 16 East, of "PINELLAS GROVES", according to the map or plat thereof as recorded in Plat Book 1, Page 55, of the Public Records of Pinellas County, Florida;

Together with,

A portion of Lots 2-3, of the Southwest 1/4 of Section 33, Township 29 South, Range 16 East, of "PINELLAS GROVES", according to the map or plat thereof as recorded in Plat Book 1, Page 55, of

the Public Records of Pinellas County, Florida;

Together with,

A portion of Lot 15, of the Northeast 1/4 of Section 32, Township 29 South, Range 16 East, of "PINELLAS GROVES", according to the map or plat thereof as recorded in Plat Book 1, Page 55, of the Public Records of Pinellas County, Florida;

Together with,

A portion of Lots 1-10, Block 7, of "MUNDAY'S ADDITION TO CHESTERVILLA", according to the map or plat thereof as recorded in Plat Book 21, Page 22, of the Public Records of Pinellas County, Florida;

Together with,

A portion of Lots 1-5, Block 8, of "MUNDAY'S ADDITION TO CHESTERVILLA", according to the map or plat thereof as recorded in Plat Book 21, Page 22, of the Public Records of Pinellas County, Florida;

Together with,

A portion of Lots 8-10, Block 8, of "MUNDAY'S ADDITION TO CHESTERVILLA", according to the map or plat thereof as recorded in Plat Book 21, Page 22, of the Public Records of Pinellas County, Florida;

Together with,

A portion of Lots 1-5, Block 1, of "HIGH POINT", according to the map or plat thereof as recorded in Plat Book 10, Page 69, of the Public Records of Pinellas County, Florida;

Together with,

Lot 25, Block 1, of "HIGH POINT", according to the map or plat thereof as recorded in Plat Book 10, Page 69, of the Public Records of Pinellas County, Florida;

Together with,

A portion of Lots 1-5, Block 2, of "HIGH POINT", according to the map or plat thereof as recorded in Plat Book 10, Page 69, of the Public Records of Pinellas County, Florida;

Together with,

A portion of Lots 1-6, Block 13, of "MUNDAY'S ADDITION TO HIGH POINT", according to the map or plat thereof as recorded in Plat Book 16, Page 114, of the Public Records of Pinellas County, Florida;

Together with,

Lot 7, Block 13, of "MUNDAY'S ADDITION TO HIGH POINT", according to the map or plat thereof as recorded in Plat Book 16, Page 114, of the Public Records of Pinellas County, Florida;

Together with,

Lot 15, Block 13, of "MUNDAY'S ADDITION TO HIGH POINT", according to the map or plat thereof as recorded in Plat Book 16, Page 114, of the Public Records of Pinellas County, Florida;

Together with,

All of that tract of land described in "TECH DATA REPLAT", according to the map or plat thereof as recorded in Plat Book 117, Pages 13- 14, of the Public Records of Pinellas County, Florida;

All located in the Southwest 1/4 of Section 28, Township 29 South, Range 16 East; the Southeast 1/4 of Section 28, Township 29 South, Range 16 East; the Northeast 1/4 of Section 32, Township 29 South, Range 16 East; the Northwest 1/4 of Section 33, Township 29 South, Range 16 East; the Northeast 1/4 of Section 33, Township 29 South, Range 16 East; the Southwest 1/4 of Section 33, Township 29 South, Range 16 East; of Pinellas County, Florida, and being more particularly described as follows:

Parcel One

Commence at the Southwest corner of the Northwest 1/4 of Section 33, Township 29 South, Range 16 East; thence run S 89°57'16" E, along the South boundary line of the Northwest 1/4 of said Section 33, said line also being within the public right- of- way of Roosevelt Boulevard [State Road 686], a distance of 37.52 feet; leaving said South boundary line, thence run N 00°02'44" E, a distance of 95.00 feet, to a point of intersection between the north right- of- way line of said Roosevelt Boulevard, and the east right- of- way line of 58th Street North, and the Point Of Beginning [P.O.B.].

From the Point of Beginning, run S 84°55'32" W, a distance of 52.37 feet, to a point of intersection between the north right- of- way line of Roosevelt Boulevard [State Road 686], and the west right- of- way line of said 58th Street North; thence run along the west right- of- way line of said 58th Street North, the following three (3) courses: thence run N 00°16'15" E, a distance of 584.67 feet; thence run N 89°25'28" W, a distance of 18.00 feet; thence run N 00°16'21" E, a distance of 168.69 feet; leaving said west right- of- way line, thence run N 89°24'35" W, a distance of 245.57 feet; thence run N 00°05'22" W, a distance of 168.58 feet; thence run N 89°23'13" W, a distance of 367.09 feet; thence run N 00°27'32" W, a distance of 169.00 feet; thence run S 89°16'34" E, a distance of 633.60 feet, to a point on the west right- of- way line of said 58th Street North; thence run along the west right- of- way line of said 58th Street North, the following three (3) courses: thence run N 00°17'44" E, a distance of 679.55 feet; thence run N 89°18'29" W, a distance of 18.00 feet; thence run N 00°11'50" E, a distance of 165.24 feet; leaving said west right- of- way line, thence run S 88°27'57" E, a distance of 63.47 feet, to a point on the east right- of- way line of said 58th Street North; thence run along the east right- of- way line of said 58th Street North, the following three (3) courses: thence run S 00°20'43" W, a distance of 199.46 feet; thence run S 89°47'52" E, a distance of 9.98 feet; thence run S 00°16'13" W, a distance of 474.41 feet; leaving said east right- of- way line, thence run S 89°37'35" E, a distance of 663.71 feet; thence run N 00°24'51" W, a distance of 406.72 feet; thence run N 89°39'27" E, a distance of 211.61 feet; thence run 15.93 feet, along the arc of a curve to the left, concave to the northwest, having a radius of 20.00 feet, a chord bearing of N 66°50'00" E, and a chord distance of 15.52 feet, to a point of reverse curvature; thence run 16.30 feet, along the arc of a curve to the right, concave to the southeast, having a radius of 19.97 feet, a chord bearing of N 67°22'44" E, and a chord distance of 15.86 feet; thence run S 89°14'12" E, a distance of 74.42 feet; thence run N 00°25'00" W, a distance of 233.68 feet; thence run S 89°27'24" E, a distance of 336.95 feet; thence run N 00°38'37" W, a distance of 645.77 feet, to a point on the south right- of- way line of Whitney Road [County Road 23]; thence run along the south right- of- way line of said Whitney Road, the following two (2) courses:

thence run N 00°58'34" W, a distance of 26.32 feet; thence run N 89°15'00" W, a distance of 768.46 feet; leaving said south right- of- way line, thence run N 00°46'11" E, a distance of 55.16 feet, to a point on the north right- of- way line of said Whitney Road; thence run along the north right- of- way line of said Whitney Road, the following eight (8) courses: thence run S 89°13'49" E, a distance of 133.10 feet; thence run S 89°18'21" E, a distance of 592.72 feet; thence run S 89°17'25" E, a distance of 453.12 feet; thence run S 89°13'33" E, a distance of 201.88 feet; thence run S 89°11'37" E, a distance of 363.65 feet; thence run S 88°57'53" E, a distance of 39.89 feet; thence run S 89°16'58" E, a distance of 337.97 feet; thence run N 26°55'41" E, a distance of 13.04 feet, to a point of intersection between the north right- of- way line of said Whitney Road, and the east right- of- way line of Bolesta Road; leaving said north right- of- way line, thence run along the east right- of- way line of said Bolesta Road, the following three (3) courses: thence run S 01°34'06" E, a distance of 50.63 feet; thence run S 88°05'44" E, a distance of 15.00 feet; thence run S 01°34'07" E, a distance of 1,319.03 feet, to a point of intersection between the east right- of- way line of said Bolesta Road, and the north right- of- way line of 162nd Avenue North; leaving said east right- of- way line, thence run S 88°25'53" W, a distance of 80.09 feet, to a point on the west right- of- way line of said Bolesta Road; thence run along the west right- of- way line of said Bolesta Road, the following three (3) courses: thence run S 01°31'12" E, a distance of 52.33 feet; thence run N 89°23'19" E, a distance of 10.03 feet; thence run S 01°36'43" E, a distance of 1,264.60 feet, to a point of intersection between the west right- of- way line of said Bolesta Road, and the north right- of- way line of Donald Street; leaving said west right- of- way line, thence run N 89°57'12" W, along the north right- of- way line of said Donald Street, a distance of 921.63 feet; leaving said north right- of- way line, thence run S 00°02'48" W, a distance of 59.77 feet, to a point of intersection between the south right- of- way line of said Donald Street, and the west right- of- way line of Rhodes Drive; thence run S 02°29'01" E, along the west right- of- way line of said Rhodes Drive, a distance of 280.00 feet, to a point of intersection between the west right- of- way line of said Rhodes Drive, and the northeasterly right- of- way line of Roosevelt Boulevard [State Road 686]; leaving said west right- of- way line, thence run along the northeasterly right- of- way line of said Roosevelt Boulevard, the following three (3) courses: thence run N 50°42'12" W, a distance of 442.10 feet; thence run N 57°37'13" W, a distance of 83.71 feet; thence run 361.94 feet, along the arc of a curve to the left, concave to the southwest, having a radius of 820.52 feet, a chord bearing of N 77°07'00" W, and a chord distance of 359.02 feet, to a point of tangency with the north right- of- way line of said Roosevelt Boulevard; thence run along the north right- of- way line of said Roosevelt Boulevard, the following six (6) courses: thence run N 89°45'14" W, a distance of 82.06 feet; thence run N 89°57'28" W, a distance of 213.00 feet; thence run S 00°02'33" W, a distance of 5.00 feet; thence run N 89°58'54" W, a distance of 461.49 feet; thence run N 00°15'20" E, a distance of 5.00 feet; thence run N 89°57'16" W, a distance of 262.90 feet, to a point of intersection between the north right- of- way line of said Roosevelt Boulevard, and the east right- of- way line of 58th Street North, and the Point Of Beginning.

Containing 6,053,336.42 square feet, or 138.9655 Acres, more or less.

Parcel Two

Commence at the Northwest corner of the Southwest 1/4 of Section 33, Township 29 South, Range 16 East; thence run S 89°57'16" E, along the North boundary line of the Southwest 1/4 of said Section 33, said line also being within the public right- of- way of Roosevelt Boulevard [State Road 686], a distance of 37.82 feet; leaving said North boundary line, thence run S 00°02'44" W, a distance of 50.00 feet, to a point on the south right- of- way line of said Roosevelt Boulevard, and the Point Of Beginning [P.O.B.].

From the Point of Beginning, run S 89°55'11" E, along the south right- of- way line of Roosevelt Boulevard [State Road 686], a distance of 123.86 feet; thence run S 00°01'35" W, a distance of

6.33 feet; thence run S 89°57'16" E, along the south right-of-way line of said Roosevelt Boulevard, a distance of 120.00 feet; leaving said south right-of-way line, thence run S 46°20'06" E, a distance of 41.82 feet, to a point on the west right-of-way line of George Boulevard; thence run S 04°47'26" E, along the west right-of-way line of said George Boulevard, a distance of 224.00 feet, to a point of intersection between the west right-of-way line of said George Boulevard, and the north right-of-way line of 157th Avenue North; leaving said west right-of-way line, thence run N 89°53'37" W, along the north right-of-way line of said 157th Avenue North, a distance of 269.09 feet, to a point of intersection between the north right-of-way line of said 157th Avenue North, and the east right-of-way line of 58th Street North; leaving said north right-of-way line, thence run N 05°15'05" W, along the east right-of-way line of said 58th Street North, a distance of 259.28 feet, to a point of intersection between the east right-of-way line of said 58th Street North, and the south right-of-way line of said Roosevelt Boulevard, and the Point of Beginning.

Containing 68,422.83 square feet, or 1.5708 Acres, more or less.

Parcel Three

Commence at the Northwest corner of the Southwest 1/4 of Section 33, Township 29 South, Range 16 East; thence run S 89°57'16" E, along the North boundary line of the Southwest 1/4 of said Section 33, said line also being within the public right-of-way of Roosevelt Boulevard [State Road 686], a distance of 427.02 feet; leaving said North boundary line, thence run S 00°02'44" W, a distance of 53.00 feet, to a point on the south right-of-way line of said Roosevelt Boulevard, and the Point Of Beginning [P.O.B.].

From the Point of Beginning, run S 89°57'15" E, along the south right-of-way line of Roosevelt Boulevard [State Road 686], a distance of 216.00 feet; leaving said south right-of-way line, thence run S 47°28'22" E, a distance of 30.03 feet, to a point on the west right-of-way line of Waverly Street; thence run S 04°20'51" E, along the west right-of-way line of said Waverly Street, a distance of 100.00 feet; leaving said west right-of-way line, thence run N 89°54'44" W, a distance of 111.75 feet; thence run S 00°01'12" W, a distance of 136.32 feet, to a point on the north right-of-way line of 157th Avenue North; thence run N 89°53'37" W, along the north right-of-way line of said 157th Avenue North, a distance of 50.00 feet; leaving said north right-of-way line, thence run N 00°01'12" E, a distance of 92.00 feet; thence run N 89°53'36" W, a distance of 59.70 feet; thence run S 56°12'27" W, a distance of 54.73 feet, to a point on the east right-of-way line of George Boulevard; thence run N 04°47'28" W, along the east right-of-way line of said George Boulevard, a distance of 163.07 feet; leaving said east right-of-way line, thence run N 47°23'15" E, a distance of 47.37 feet, to a point on the south right-of-way line of said Roosevelt Boulevard, and the Point of Beginning.

Containing 44,402.06 square feet, or 1.0193 Acres, more or less.

Parcel Four

Commence at the Northwest corner of the Southwest 1/4 of Section 33, Township 29 South, Range 16 East; thence run S 89°57'16" E, along the North boundary line of the Southwest 1/4 of said Section 33, said line also being within the public right-of-way of Roosevelt Boulevard [State Road 686], a distance of 754.59 feet; leaving said North boundary line, thence run S 00°02'44" W, a distance of 53.00 feet, to a point on the south right-of-way line of said Roosevelt Boulevard, and the Point Of Beginning [P.O.B.].

From the Point of Beginning, run N 89°58'27" E, along the south right-of-way line of Roosevelt Boulevard [State Road 686], a distance of 229.00 feet; leaving said south right-of-way line,

thence run S 54°20'58" E, a distance of 30.72 feet, to a point on the west right- of- way line of Avalon Avenue; thence run S 03°51'50" E, along the west right- of- way line of said Avalon Avenue, a distance of 95.00 feet; leaving said west right- of- way line, thence run S 89°59'22" W, a distance of 282.60 feet, to a point on the east right- of- way line of Waverly Street; thence run N 04°18'29" W, along the east right- of- way line of said Waverly Street, a distance of 76.00 feet; leaving said east right- of- way line, thence run N 37°10'23" E, a distance of 46.2492 feet, to a point on the south right- of- way line of said Roosevelt Boulevard, and the Point of Beginning.

Containing 31,109.20 square feet, or 0.7142 Acres, more or less.

Parcel Five

Commence at the Northwest corner of the Southwest 1/4 of Section 33, Township 29 South, Range 16 East; thence run S 89°57'16" E, along the North boundary line of the Southwest 1/4 of said Section 33, said line also being within the public right- of- way of Roosevelt Boulevard [State Road 686], a distance of 1,111.66 feet; leaving said North boundary line, thence run S 00°02'44" W, a distance of 57.15 feet, to a point on the south right- of- way line of said Roosevelt Boulevard, and the Point Of Beginning [P.O.B.].

From the Point of Beginning, run 250.42 feet, along the southwesterly right- of- way line of Roosevelt Boulevard [State Road 686], along the arc of a curve to the right, concave to the south, having a radius of 673.21 feet, a chord bearing of S 78°52'13" E, and a chord distance of 248.98 feet, to a point of intersection between the southwesterly right- of- way line of said Roosevelt Boulevard, and the west right- of- way line of Westminister Avenue; thence run S 03°23'27" E, along the west right- of- way line of said Westminister Avenue, a distance of 115.00 feet; leaving said west right- of- way line, thence run S 89°58'33" W, a distance of 143.01 feet; thence run N 03°38'24" W, a distance of 55.05 feet; thence run S 89°59'23" W, a distance of 141.30 feet, to a point on the east right- of- way line of Avalon Avenue; thence run N 03°51'38" W, along the east right- of- way line of said Avalon Avenue, a distance of 79.00 feet; leaving said east right- of- way line, thence run N 55°12'59" E, a distance of 51.16 feet, to a point on the south right- of- way line of said Roosevelt Boulevard, and the Point of Beginning.

Containing 34,121.56 square feet, or 0.7833 Acres, more or less.

Parcel Six

Commence at the Northwest corner of the Southwest 1/4 of Section 33, Township 29 South, Range 16 East; thence run S 89°57'16" E, along the North boundary line of the Southwest 1/4 of said Section 33, said line also being within the public right- of- way of Roosevelt Boulevard [State Road 686], a distance of 1,440.90 feet; leaving said North boundary line, thence run S 00°02'44" W, a distance of 162.84 feet, to a point on the southwesterly right- of- way line of said Roosevelt Boulevard, and the Point Of Beginning [P.O.B.].

From the Point of Beginning, run 43.02 feet, along the southwesterly right- of- way line of Roosevelt Boulevard [State Road 686], along the arc of a curve to the right, concave to the southwest, having a radius of 354.06 feet, a chord bearing of S 53°05'18" E, and a chord distance of 42.99 feet, to a point of tangency; thence run S 49°36'28" E, along the southwesterly right- of- way line of said Roosevelt Boulevard, a distance of 313.71 feet, to a point of intersection between the southwesterly right- of- way line of said Roosevelt Boulevard, and the west right- of- way line of Verona Avenue; thence run S 02°57'37" E, along the west right- of- way line of said Verona Avenue, a distance of 120.00 feet; leaving said west right- of- way line, thence run N 49°59'12" W, a distance of 385.77 feet, to a point on the east right- of- way line of Westminister Avenue; thence run N 03°24'57" W, along the east right- of- way line of said

32/29/16/15156/008/0080, 32/29/16/15156/008/0040, 33/29/16/39402/002/0030,
33/29/16/39402/002/0010, 33/29/16/39402/001/0050, 33/29/16/39402/001/0030,
33/29/16/39402/001/0010, 33/29/16/39456/013/0010, 33/29/16/39456/013/0020,
33/29/16/39456/013/0150, 33/29/16/39456/013/0070, 33/29/16/39456/013/0050,
32/29/16/70362/100/1500, 32/29/16/70362/100/1503

Section 2. That the above-described properties shall be annexed with land use designations of Residential/Office General, Commercial General, Commercial Neighborhood, Residential Urban, Residential Low Medium, and Residential Low as designated on the adopted Countywide Future Land Use Map.

Section 2. That it is the intention of the Largo City Commission that each provision hereof be considered severable, and if any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

Section 3. That this ordinance shall take effect immediately upon final passage and adoption.

APPROVED ON FIRST READING March 21, 2006

PASSED AND ADOPTED ON
SECOND AND FINAL READING April 4, 2006

ATTEST:

City Clerk

REVIEWED AND APPROVED:

City Attorney

Mayor

SEAL

A TRUE AND CORRECT COPY ON
RECORD AND FILE IN THE OFFICIAL
RECORDS OF THE CITY OF LARGO,
FLORIDA

BY

City Clerk's Office

DATE

TIME

07/19/06

AM 2:07 PM

ORDINANCE NO. 2005-63

AN ORDINANCE OF THE CITY OF LARGO, FLORIDA, ANNEXING THE WITHIN DESCRIBED PARCELS OF LAND GENERALLY LOCATED ALONG 58TH STREET NORTH, WHITNEY ROAD, BOLESTA ROAD, AND ROOSEVELT BOULEVARD, PINELLAS COUNTY, FLORIDA, AND CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF LARGO, FLORIDA; WITH LAND USE DESIGNATIONS OF RESIDENTIAL/OFFICE GENERAL, COMMERCIAL GENERAL, COMMERCIAL NEIGHBORHOOD, RESIDENTIAL URBAN, AND RESIDENTIAL LOW MEDIUM, REDEFINING THE CORPORATE BOUNDARY OF THE CITY OF LARGO TO INCLUDE SAID ADDITION, ACCORDING TO THE PROVISIONS OF CHAPTER 171, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City of Largo is taking action to incorporate certain unincorporated territory of Pinellas County, Florida, into the Corporate limits of the City of Largo, pursuant to Chapter 171.0413(5) and (6), Florida Statutes; and

WHEREAS, at the time of annexation there are no registered electors on the property to be annexed; and

WHEREAS, the land owners holding title to more than 50 percent of the land and more than 50 percent of the parcels have duly filed petitions with the City Commission of Largo, Florida, seeking annexation of the property hereinafter described into the corporate limits of the City of Largo; and

WHEREAS, the City of Largo has complied with the provisions of Florida Statute 171.0413 and has held two (2) advertised public hearings, the first of which was held on a week day at least seven (7) days after the first advertisement was published and the second public hearing being held on a week day at least five (5) days after the day that the second advertisement was published; and

WHEREAS, the area to be annexed has been legally defined, is reasonably compact and contiguous to the boundary of the City of Largo, is not included within the boundary of another incorporated municipality, and part or all of the area to be annexed is developed for urban purposes.

NOW, THEREFORE, THE CITY OF LARGO HEREBY ORDAINS:

Section 1. That the City of Largo, acting by and through its City Commission, under the authority of Chapter 171, Florida Statutes, hereby annexes into the corporate limits of the City of Largo, Florida, and accordingly redefines the boundary of said city, so as to include the following:

All those tracts or parcels of land lying and being in the County of Pinellas, Florida, to wit:

A portion of Lots 1-5, of the Northwest 1/4 of Section 33, Township 29 South, Range 16 East, of "PINELLAS GROVES", according to the map or plat thereof as recorded in Plat Book 1, Page 55, of the Public Records of Pinellas County, Florida;

Together with,

A portion of Lots 8-16, of the Northwest 1/4 of Section 33, Township 29 South, Range 16 East, of "PINELLAS GROVES", according to the map or plat thereof as recorded in Plat Book 1, Page 55, of the Public Records of Pinellas County, Florida;

Together with,

A portion of Lots 2-3, of the Southwest 1/4 of Section 33, Township 29 South, Range 16 East, of "PINELLAS GROVES", according to the map or plat thereof as recorded in Plat Book 1, Page 55, of the Public Records of

Pinellas County, Florida;

Together with,

A portion of Lots 1-10, Block 7, of "MUNDAY'S ADDITION TO CHESTERVILLA", according to the map or plat thereof as recorded in Plat Book 21, Page 22, of the Public Records of Pinellas County, Florida;

Together with,

A portion of Lots 1-5, Block 8, of "MUNDAY'S ADDITION TO CHESTERVILLA", according to the map or plat thereof as recorded in Plat Book 21, Page 22, of the Public Records of Pinellas County, Florida;

Together with,

A portion of Lots 8-10, Block 8, of "MUNDAY'S ADDITION TO CHESTERVILLA", according to the map or plat thereof as recorded in Plat Book 21, Page 22, of the Public Records of Pinellas County, Florida;

Together with,

A portion of Lots 1-5, Block 1, of "HIGH POINT", according to the map or plat thereof as recorded in Plat Book 10, Page 69, of the Public Records of Pinellas County, Florida;

Together with,

Lot 25, Block 1, of "HIGH POINT", according to the map or plat thereof as recorded in Plat Book 10, Page 69, of the Public Records of Pinellas County, Florida;

Together with,

A portion of Lots 1-5, Block 2, of "HIGH POINT", according to the map or plat thereof as recorded in Plat Book 10, Page 69, of the Public Records of Pinellas County, Florida;

Together with,

A portion of Lots 1-6, Block 13, of "MUNDAY'S ADDITION TO HIGH POINT", according to the map or plat thereof as recorded in Plat Book 16, Page 114, of the Public Records of Pinellas County, Florida;

Together with,

Lot 7, Block 13, of "MUNDAY'S ADDITION TO HIGH POINT", according to the map or plat thereof as recorded in Plat Book 16, Page 114, of the Public Records of Pinellas County, Florida;

Together with,

Lot 15, Block 13, of "MUNDAY'S ADDITION TO HIGH POINT", according to the map or plat thereof as recorded in Plat Book 16, Page 114, of the Public Records of Pinellas County, Florida;

Together with,

All of that tract of land described in "TECH DATA REPLAT", according to the map or plat thereof as recorded in Plat Book 117, Pages 13-14, of the Public Records of Pinellas County, Florida;

All located in the West 1/2 of Section 33, Township 29 South, Range 16 East, Pinellas County, Florida, and being

more particularly described as follows:

Parcel One

Commence at the Southwest corner of the Northwest 1/4 of Section 33, Township 29 South, Range 16 East; thence run S 89°57'16" E, along the South boundary line of the Northwest 1/4 of said Section 33, said line also being within the public right-of-way of Roosevelt Boulevard [State Road 686], a distance of 37.52 feet; leaving said South boundary line, thence run N 00°02'44" E, a distance of 95.00 feet, to a point on the north right-of-way line of said Roosevelt Boulevard, and the Point Of Beginning [P.O.B.].

From the Point of Beginning, run 10.85 feet, along the arc of a curve to the right, concave to the northeast, having a radius of 28.51 feet, a chord bearing of N 41°14'23" W, and a chord distance of 10.78 feet, to a point on the east right-of-way line of 58th Street North; thence run N 00°16'13" E, along the east right-of-way line of said 58th Street North, a distance of 1,246.22 feet; thence run N 89°57'55" E, a distance of 10.00 feet; leaving said east right-of-way line, thence run S 89°37'34" E, a distance of 663.71 feet; thence run N 00°24'51" W, a distance of 406.72 feet; thence run N 89°39'27" E, a distance of 211.61 feet; thence run 15.94 feet, along the arc of a curve to the left, concave to the northwest, having a radius of 20.00 feet, a chord bearing of N 66°49'45" E, and a chord distance of 15.52 feet, to a point of reverse curvature; thence run 16.30 feet, along the arc of a curve to the right, concave to the southeast, having a radius of 19.97 feet, a chord bearing of N 67°22'58" W, and a chord distance of 15.85 feet; thence run S 89°14'12" E, a distance of 74.42 feet; thence run N 00°25'00" W, a distance of 233.68 feet; thence run S 89°27'24" E, a distance of 336.95 feet; thence run N 00°38'37" W, a distance of 645.77 feet, to a point on the south right-of-way line of Whitney Road [County Road 23]; thence run S 89°27'03" E, along the south right-of-way line of said Whitney Road, a distance of 638.50 feet; thence run S 89°17'03" E, along the south right-of-way line of said Whitney Road, a distance of 62.02 feet; thence run S 89°17'14" E, along the south right-of-way line of said Whitney Road, a distance of 596.98 feet, to a point of intersection between the south right-of-way line of said Whitney Road, and the west right-of-way line of Bolesta Road; leaving said south right-of-way line, thence run S 01°33'45" E, along the west right-of-way line of said Bolesta Road, a distance of 1,264.47 feet; thence run S 01°34'06" E, along the west right-of-way line of said Bolesta Road, a distance of 60.03 feet; thence run S 01°13'53" E, along the west right-of-way line of said Bolesta Road, a distance of 10.05 feet; thence run N 89°23'19" E, a distance of 10.03 feet; thence run S 01°36'43" E, along the west right-of-way line of said Bolesta Road, a distance of 1,264.60 feet, to a point of intersection between the west right-of-way line of said Bolesta Road, and the north right-of-way line of Donald Street; leaving said west right-of-way line, thence run N 89°57'12" W, along the north right-of-way line of said Donald Street, a distance of 997.33 feet; thence run S 00°02'44" W, a distance of 15.00 feet; thence run N 89°57'16" W, along the north right-of-way line of said Donald Street, a distance of 324.93 feet, to a point of intersection between the north right-of-way line of said Donald Street, and the northeasterly right-of-way line of Roosevelt Boulevard [State Road 686]; leaving said north right-of-way line, thence run 362.11 feet, along the northeasterly right-of-way line of said Roosevelt Boulevard, along the arc of a curve to the left, concave to the southwest, having a radius of 821.28 feet, a chord bearing of N 77°07'22" W, and a chord distance of 359.18 feet, to a point of tangency with the north right-of-way line of said Roosevelt Boulevard; thence run N 89°45'14" W, along the north right-of-way line of said Roosevelt Boulevard, a distance of 81.99 feet; thence run N 89°57'28" W, along the north right-of-way line of said Roosevelt Boulevard, a distance of 213.00 feet; thence run S 00°02'33" W, a distance of 5.00 feet; thence run N 89°58'54" W, along the north right-of-way line of said Roosevelt Boulevard, a distance of 461.49 feet; thence run N 00°15'20" E, a distance of 5.00 feet; thence run N 89°57'16" W, along the north right-of-way line of said Roosevelt Boulevard, a distance of 262.90 feet, to the Point of Beginning.

Containing 5,486,006.87 square feet, or 125.9414 Acres, more or less.

Parcel Two

Commence at the Northwest corner of the Southwest 1/4 of Section 33, Township 29 South, Range 16 East; thence run S 89°57'16" E, along the North boundary line of the Southwest 1/4 of said Section 33, said line also being within the public right-of-way of Roosevelt Boulevard [State Road 686], a distance of 37.82 feet; leaving said North boundary line, thence run S 00°02'44" W, a distance of 50.00 feet, to a point on the south right-of-way line of said

Roosevelt Boulevard, and the Point Of Beginning [P.O.B.].

From the Point of Beginning, run S 89°55'11" E, along the south right-of-way line of Roosevelt Boulevard [State Road 686], a distance of 123.86 feet; thence run S 00°01'35" W, a distance of 6.33 feet; thence run S 89°57'16" E, along the south right-of-way line of said Roosevelt Boulevard, a distance of 120.00 feet; leaving said south right-of-way line, thence run S 46°20'06" E, a distance of 41.82 feet, to a point on the west right-of-way line of George Boulevard; thence run S 04°47'26" E, along the west right-of-way line of said George Boulevard, a distance of 224.00 feet, to a point of intersection between the west right-of-way line of said George Boulevard, and the north right-of-way line of 157th Avenue North; leaving said west right-of-way line, thence run N 89°53'37" W, along the north right-of-way line of said 157th Avenue North, a distance of 269.09 feet, to a point of intersection between the north right-of-way line of said 157th Avenue North, and the east right-of-way line of 58th Street North; leaving said north right-of-way line, thence run N 05°15'05" W, along the east right-of-way line of said 58th Street North, a distance of 259.28 feet, to a point of intersection between the east right-of-way line of said 58th Street North, and the south right-of-way line of said Roosevelt Boulevard, and the Point of Beginning.

Containing 68,422.83 square feet, or 1.5708 Acres, more or less.

Parcel Three

Commence at the Northwest corner of the Southwest 1/4 of Section 33, Township 29 South, Range 16 East; thence run S 89°57'16" E, along the North boundary line of the Southwest 1/4 of said Section 33, said line also being within the public right-of-way of Roosevelt Boulevard [State Road 686], a distance of 427.02 feet; leaving said North boundary line, thence run S 00°02'44" W, a distance of 53.00 feet, to a point on the south right-of-way line of said Roosevelt Boulevard, and the Point Of Beginning [P.O.B.].

From the Point of Beginning, run S 89°57'15" E, along the south right-of-way line of Roosevelt Boulevard [State Road 686], a distance of 216.00 feet; leaving said south right-of-way line, thence run S 47°28'22" E, a distance of 30.03 feet, to a point on the west right-of-way line of Waverly Street; thence run S 04°20'51" E, along the west right-of-way line of said Waverly Street, a distance of 100.00 feet; leaving said west right-of-way line, thence run N 89°54'44" W, a distance of 111.75 feet; thence run S 00°01'12" W, a distance of 136.32 feet, to a point on the north right-of-way line of 157th Avenue North; thence run N 89°53'37" W, along the north right-of-way line of said 157th Avenue North, a distance of 50.00 feet; leaving said north right-of-way line, thence run N 00°01'12" E, a distance of 92.00 feet; thence run N 89°53'36" W, a distance of 59.70 feet; thence run S 56°12'27" W, a distance of 54.73 feet, to a point on the east right-of-way line of George Boulevard; thence run N 04°47'28" W, along the east right-of-way line of said George Boulevard, a distance of 163.07 feet; leaving said east right-of-way line, thence run N 47°23'15" E, a distance of 47.37 feet, to a point on the south right-of-way line of said Roosevelt Boulevard, and the Point of Beginning.

Containing 44,402.06 square feet, or 1.0193 Acres, more or less.

Parcel Four

Commence at the Northwest corner of the Southwest 1/4 of Section 33, Township 29 South, Range 16 East; thence run S 89°57'16" E, along the North boundary line of the Southwest 1/4 of said Section 33, said line also being within the public right-of-way of Roosevelt Boulevard [State Road 686], a distance of 754.59 feet; leaving said North boundary line, thence run S 00°02'44" W, a distance of 53.00 feet, to a point on the south right-of-way line of said Roosevelt Boulevard, and the Point Of Beginning [P.O.B.].

From the Point of Beginning, run N 89°58'27" E, along the south right-of-way line of Roosevelt Boulevard [State Road 686], a distance of 229.00 feet; leaving said south right-of-way line, thence run S 54°20'58" E, a distance of 30.72 feet, to a point on the west right-of-way line of Avalon Avenue; thence run S 03°51'50" E, along the west right-of-way line of said Avalon Avenue, a distance of 95.00 feet; leaving said west right-of-way line, thence run S 89°59'22" W, a distance of 282.60 feet, to a point on the east right-of-way line of Waverly Street; thence run N 04°

18'29" W, along the east right-of-way line of said Waverly Street, a distance of 76.00 feet; leaving said east right-of-way line, thence run N 37°10'23" E, a distance of 46.2492 feet, to a point on the south right-of-way line of said Roosevelt Boulevard, and the Point of Beginning.

Containing 31,109.20 square feet, or 0.7142 Acres, more or less.

Parcel Five

Commence at the Northwest corner of the Southwest 1/4 of Section 33, Township 29 South, Range 16 East; thence run S 89°57'16" E, along the North boundary line of the Southwest 1/4 of said Section 33, said line also being within the public right-of-way of Roosevelt Boulevard [State Road 686], a distance of 1,111.66 feet; leaving said North boundary line, thence run S 00°02'44" W, a distance of 57.15 feet, to a point on the south right-of-way line of said Roosevelt Boulevard, and the Point Of Beginning [P.O.B.].

From the Point of Beginning, run 250.42 feet, along the southwesterly right-of-way line of Roosevelt Boulevard [State Road 686], along the arc of a curve to the right, concave to the south, having a radius of 673.21 feet, a chord bearing of S 78°52'13" E, and a chord distance of 248.98 feet, to a point of intersection between the southwesterly right-of-way line of said Roosevelt Boulevard, and the west right-of-way line of Westminister Avenue; thence run S 03°23'27" E, along the west right-of-way line of said Westminister Avenue, a distance of 115.00 feet; leaving said west right-of-way line, thence run S 89°58'33" W, a distance of 143.01 feet; thence run N 03°38'24" W, a distance of 55.05 feet; thence run S 89°59'23" W, a distance of 141.30 feet, to a point on the east right-of-way line of Avalon Avenue; thence run N 03°51'38" W, along the east right-of-way line of said Avalon Avenue, a distance of 79.00 feet; leaving said east right-of-way line, thence run N 55°12'59" E, a distance of 51.16 feet, to a point on the south right-of-way line of said Roosevelt Boulevard, and the Point of Beginning.

Containing 34,121.56 square feet, or 0.7833 Acres, more or less.

Parcel Six

Commence at the Northwest corner of the Southwest 1/4 of Section 33, Township 29 South, Range 16 East; thence run S 89°57'16" E, along the North boundary line of the Southwest 1/4 of said Section 33, said line also being within the public right-of-way of Roosevelt Boulevard [State Road 686], a distance of 1,477.72 feet; leaving said North boundary line, thence run S 00°02'44" W, a distance of 30.00 feet, to a point of intersection between the northeasterly right-of-way line of said Roosevelt Boulevard, and the south right-of-way line of Donald Street, and the Point Of Beginning [P.O.B.].

From the Point of Beginning, run S 50°42'12" E, along the northeasterly right-of-way line of Roosevelt Boulevard [State Road 686], a distance of 442.10 feet, to a point of intersection between the northeasterly right-of-way line of said Roosevelt Boulevard, and the west right-of-way line of Rhodes Drive; leaving said northeasterly right-of-way line, thence run N 02°29'01" W, along the west right-of-way line of said Rhodes Drive, a distance of 280.00 feet, to a point of intersection between the west right-of-way line of said Rhodes Drive, and the south right-of-way line of Donald Street; leaving said west right-of-way line, thence run N 89°57'16" W, along the south right-of-way line of said Donald Street, a distance of 330.00 feet, to a point of point of intersection between the south right-of-way line of said Donald Street, and the northeasterly right-of-way line of said Roosevelt Boulevard, and the Point of Beginning.

Containing 46,155.00 square feet, or 1.0596 Acres, more or less.

Parcel Seven

Commence at the Northwest corner of the Southwest 1/4 of Section 33, Township 29 South, Range 16 East; thence run S 89°57'16" E, along the North boundary line of the Southwest 1/4 of said Section 33, said line also being within the public right-of-way of Roosevelt Boulevard [State Road 686], a distance of 1,440.90 feet; leaving said North boundary line, thence run S 00°02'44" W, a distance of 162.84 feet, to a point on the southwesterly right-of-way line

of said Roosevelt Boulevard, and the Point Of Beginning [P.O.B.].

From the Point of Beginning, run 43.02 feet, along the southwesterly right-of-way line of Roosevelt Boulevard [State Road 686], along the arc of a curve to the right, concave to the southwest, having a radius of 354.06 feet, a chord bearing of S 53°05'18" E, and a chord distance of 42.99 feet, to a point of tangency; thence run S 49°36'28" E, along the southwesterly right-of-way line of said Roosevelt Boulevard, a distance of 313.71 feet, to a point of intersection between the southwesterly right-of-way line of said Roosevelt Boulevard, and the west right-of-way line of Verona Avenue; thence run S 02°57'37" E, along the west right-of-way line of said Verona Avenue, a distance of 120.00 feet; leaving said west right-of-way line, thence run N 49°59'12" W, a distance of 385.77 feet, to a point on the east right-of-way line of Westminister Avenue; thence run N 03°24'57" W, along the east right-of-way line of said Westminister Avenue, a distance of 76.00 feet; leaving said east right-of-way line, thence run N 39°17'00" E, a distance of 32.36 feet, to a point on the southwesterly right-of-way line of said Roosevelt Boulevard, and the Point of Beginning.

Containing 33,815.27 square feet, or 0.7763 Acres, more or less.

Parcel Eight

Commence at the southwest property corner of Lot 15, Block 13, of "MUNDAY'S ADDITION TO HIGH POINT", according to the map or plat thereof as recorded in Plat Book 16, Page 114, of the Public Records of Pinellas County, Florida, for a Point Of Beginning [P.O.B.].

From the Point of Beginning, run N 03°24'58" W, along the east right-of-way line of Westminister Avenue, a distance of 141.05 feet; leaving said east right-of-way line, thence run S 50°26'43" E, a distance of 180.14 feet; thence run S 02°57'37" E, a distance of 26.90 feet; thence run N 89°39'40" W, a distance of 131.88 feet, to a point on the east right-of-way line of said Westminister Avenue, and the Point of Beginning.

Containing 11,066.50 square feet, or 0.2541 Acres, more or less.

Parcel Nine

Commence at the southeast property corner of Lot 7, Block 13, of "MUNDAY'S ADDITION TO HIGH POINT", according to the map or plat thereof as recorded in Plat Book 16, Page 114, of the Public Records of Pinellas County, Florida, for a Point Of Beginning [P.O.B.].

From the Point of Beginning, run N 89°35'23" W, a distance of 133.41 feet; thence run N 02°57'37" W, a distance of 162.64 feet; thence run S 49°32'07" E, a distance of 183.38 feet, to a point on the west right-of-way line of Verona Avenue; thence run S 02°57'37" E, along the west right-of-way line of said Verona Avenue, a distance of 44.43 feet, to the Point of Beginning.

Containing 13,788.95 square feet, or 0.3166 Acres, more or less.

ALSO KNOWN AS TAX ROLL PARCEL ID NO(S):

33/29/16/70380/200/1206, 33/29/16/70380/200/1207, 33/29/16/70380/200/1602, 33/29/16/70380/200/1603, 33/29/16/70380/200/1101, 33/29/16/70380/200/0100, 33/29/16/70380/200/1001, 33/29/16/70380/200/1002, 33/29/16/70380/200/1201, 33/29/16/70380/200/1202, 33/29/16/70380/200/1203, 33/29/16/70380/200/1204, 33/29/16/90078/000/0001, 33/29/16/70380/200/0502, 33/29/16/70380/200/1200, 33/29/16/70380/200/1601, 33/29/16/70380/200/1100, 33/29/16/70380/200/1102, 33/29/16/05550/000/0030, 33/29/16/70380/200/1300, 33/29/16/70380/200/1301, 33/29/16/70380/200/1400, 33/29/16/70380/200/1500, 33/29/16/70380/300/0200, 33/29/16/90078/000/0010, 33/29/16/70380/200/1600, 33/29/16/70380/200/1205, 33/29/16/70380/200/1502, 33/29/16/70380/200/0900, 33/29/16/70380/200/0800, 32/29/16/15156/007/0010, 32/29/16/15156/007/0030, 32/29/16/15156/007/0040, 32/29/16/15156/007/0061, 32/29/16/15156/007/0080, 32/29/16/15156/007/0090,

32/29/16/15156/008/0091, 32/29/16/15156/008/0010, 32/29/16/15156/008/0030, 32/29/16/15156/008/0080, 32/29/16/15156/008/0040, 33/29/16/39402/002/0030, 33/29/16/39402/002/0010, 33/29/16/39402/001/0050, 33/29/16/39402/001/0030, 33/29/16/39402/001/0010, 33/29/16/39456/013/0010, 33/29/16/39456/013/0020 33/29/16/39456/013/0150, 33/29/16/39456/013/0070, 33/29/16/39456/013/0050

Section 2. That the above-described properties shall be annexed with land use designations of Residential/Office General, Commercial General, Commercial Neighborhood, Residential Urban, and Residential Low Medium, as designated on the adopted Countywide Future Land Use Map.

Section 3. That the Largo City Commission hereby formally and according to law accepts the dedication of all easements, streets, parks, plazas, places, rights-of-way, and other dedications to the public which have heretofore been made by plat, deed, or user within the area so annexed.

Section 4. That it is the intention of the Largo City Commission that each provision hereof be considered severable, and, if any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

Section 5. That this Ordinance shall take effect immediately upon its final passage and adoption.

APPROVED ON FIRST READING August 2, 2005

PASSED AND ADOPTED ON
SECOND AND FINAL READING August 16, 2005

ATTEST:

Alvina L. Bunn
City Clerk



Robert E. Jackson

Mayor

REVIEWED AND APPROVED:

[Signature]

City Attorney

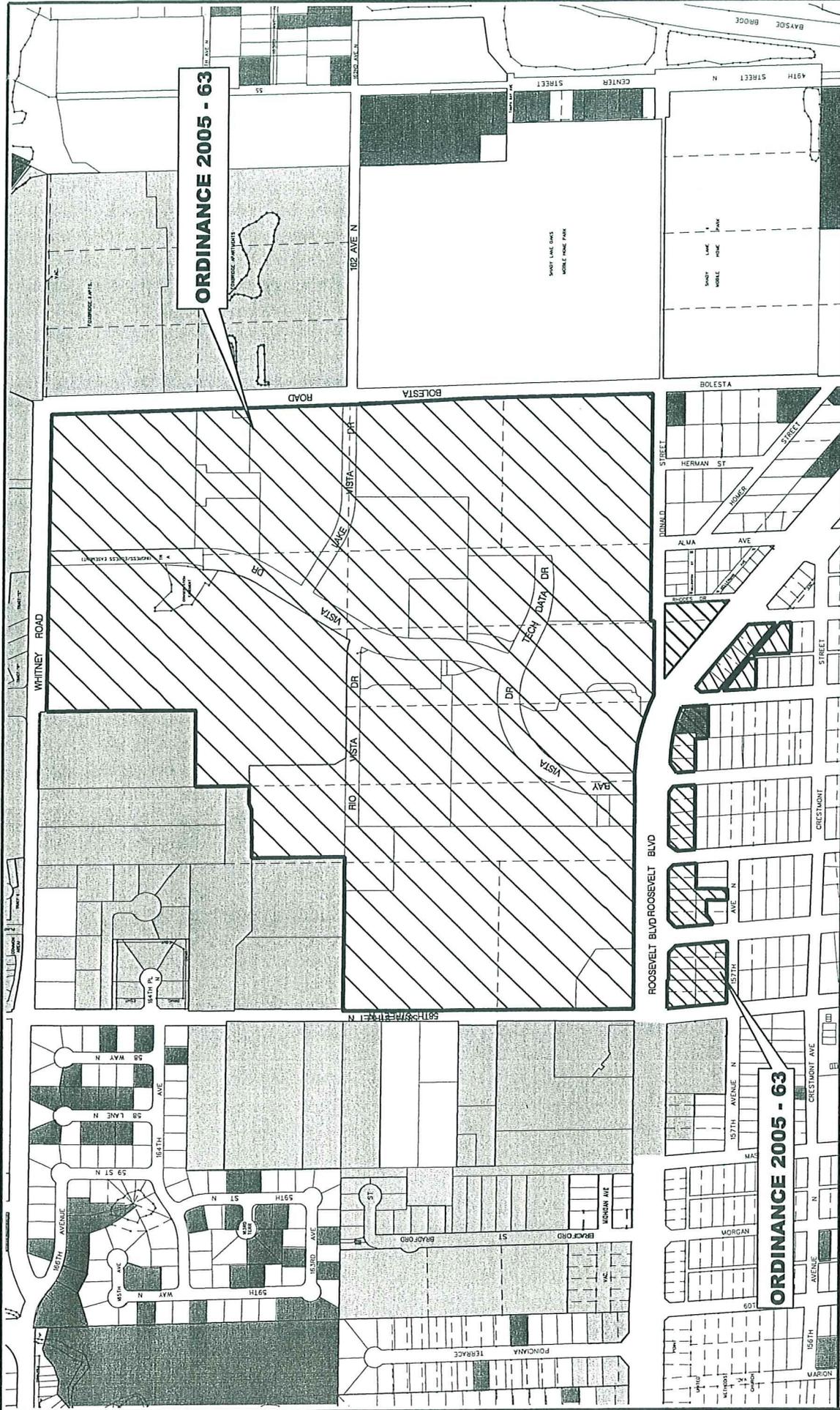
SEAL

A TRUE AND CORRECT COPY ON
RECORD AND FILE IN THE OFFICIAL
RECORDS OF THE CITY OF LARGO,
FLORIDA

BY Alvina L. Bunn
City Clerk's Office

DATE 07/19/06

TIME AM 2:05 PM



ORDINANCE 2005 - 63

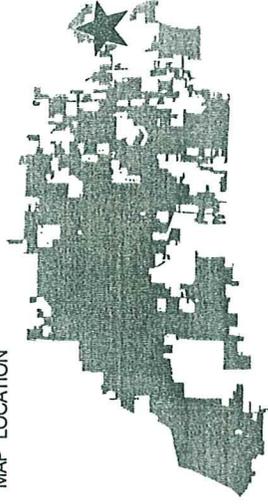
ORDINANCE 2005 - 63

EXHIBIT "A"

Ord #: 2005-63
 Subject: 58th St. & Roosevelt Blvd. Annexation
 Location: Properties along 58th St. N.,
 Roosevelt Blvd., Whitney Rd., &
 Bolesta Rd. located in N & S
 322916. & N & S 332916.

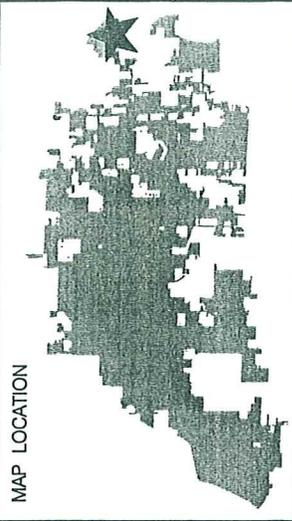
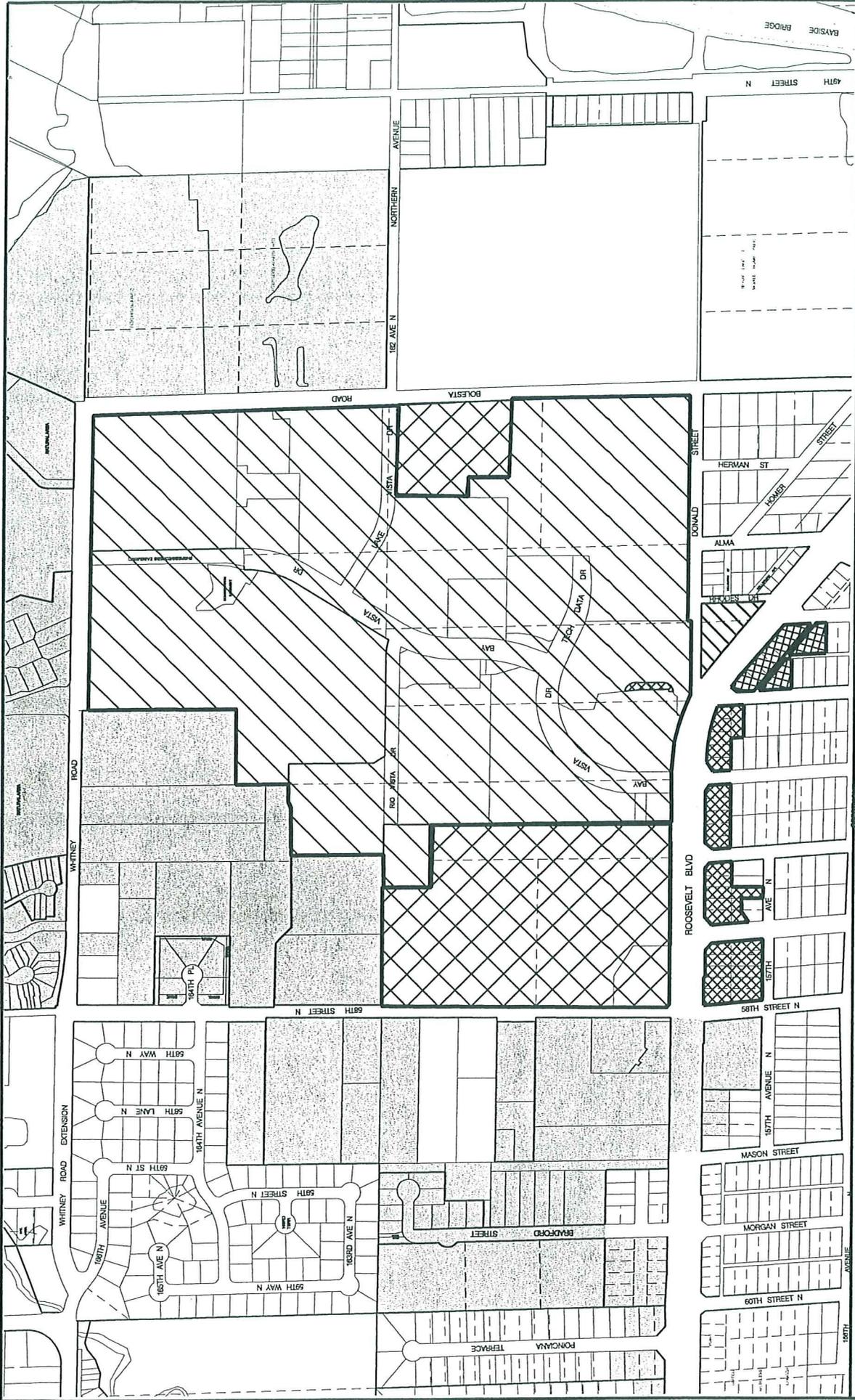
-  Proposed Annexation Areas
-  Annexation Agreements
-  Sewer Indentures
-  City of Largo

MAP LOCATION



SCALE: 1" = 600'

Date: 07/18/05
 By: JLAG



MAP LOCATION



SCALE: 1" = 600'

Date: 7-18-05
By: LAG

EXHIBIT "B"

Ord. #: 2005 - 63

Subject: 58th Street & Roosevelt Blvd. Annexation

Location: Properties along 58th St. N.,
Roosevelt Blvd., Whitney Rd., &
Bolesta Rd., located in N & S
322916 & N & S 392916.

	Properties with Petitions
	Properties without Petitions
	Largo City Limits

ANNEXATION ORDINANCE 2005-63

	PARCEL #	PARCEL LOCATION			
(1)	33/29/16/70380/200/1206	VACANT			
(2)	33/29/16/70380/200/1207	VACANT			
(3)	33/29/16/70380/200/1602	VACANT			
(4)	33/29/16/70380/200/1603	16331	BAY VISTA DRIVE	CLEARWATER	33760
(5)	33/29/16/70380/200/1101	5555	ROOSEVELT BLVD	CLEARWATER	33761
(6)	33/29/16/70380/200/0100	VACANT			
(7)	33/29/16/70380/200/1001	VACANT			
(8)	33/29/16/70380/200/1002	VACANT			
(9)	33/29/16/70380/200/1201	VACANT			
(10)	33/29/16/70380/200/1202	VACANT			
(11)	33/29/16/70380/200/1203	VACANT			
(12)	33/29/16/70380/200/1204	VACANT			
(13)	33/29/16/90078/000/0001	VACANT			
(14)	33/29/16/70380/200/0502	5585	RIO VISTA DR	CLEARWATER	33760
(15)	33/29/16/70380/200/1200	16120	BAY VISTA DRIVE	CLEARWATER	33760
(16)	33/29/16/70380/200/1601	16333	BAY VISTA DRIVE	CLEARWATER	33760
(17)	33/29/16/70380/200/1101	15950	BAY VISTA DRIVE	CLEARWATER	33760
(18)	33/29/16/70380/200/1102	5500	RIO VISTA DR	CLEARWATER	33760
(19)	33/29/16/05550/000/0030	VACANT			
(20)	33/29/16/70380/200/1300	16001	BAY VISTA DRIVE	CLEARWATER	33760
(21)	33/29/16/70380/200/1301	VACANT			
(22)	33/29/16/70380/200/1400	5350	TECH DATA DR	CLEARWATER	33760
(23)	33/29/16/70380/200/1500	VACANT			
(24)	33/29/16/70380/300/0200	VACANT			
(25)	33/29/16/90078/000/0010	16202	BAY VISTA DRIVE	CLEARWATER	33760
(26)	33/29/16/70380/200/1600	16255	BAY VISTA DRIVE	CLEARWATER	33760
(27)	33/29/16/70380/200/1205	VACANT			
(28)	33/29/16/70380/200/1502	5225	TECH DATA DR	CLEARWATER	33760
(29)	33/29/16/70380/200/0900	5771	ROOSEVELT BLVD	CLEARWATER	33760
(30)	33/29/16/70380/200/0800	5771	ROOSEVELT BLVD	CLEARWATER	33760
(31)	33/29/16/15156/007/0010	5798	ROOSEVELT BLVD	CLEARWATER	33760
(32)	32/29/16/15156/007/0030	5778	ROOSEVELT BLVD	CLEARWATER	33760
(33)	32/29/16/15156/007/0040	5750	ROOSEVELT BLVD	CLEARWATER	33760
(34)	32/29/16/15156/007/0061	VACANT			
(35)	32/29/16/15156/007/0080	5767	157TH AVE N	CLEARWATER	33760
(36)	32/29/16/15156/007/0090	VACANT			
(37)	32/29/16/15156/008/0091	VACANT			
(38)	32/29/16/15156/008/0010	5690	ROOSEVELT BLVD	CLEARWATER	33760
(39)	32/29/16/15156/008/0030	5680	ROOSEVELT BLVD	CLEARWATER	33760
(40)	32/29/16/15156/008/0080	VACANT			
(41)	32/29/16/15156/008/0040	VACANT			
(42)	33/29/16/39402/002/0030	3081	ROOSEVELT BLVD	CLEARWATER	33760
(43)	33/29/16/39402/002/0010	5610	ROOSEVELT BLVD	CLEARWATER	33760
(44)	33/29/16/39402/001/0050	VACANT			
(45)	33/29/16/39402/001/0030	5560	ROOSEVELT BLVD	CLEARWATER	33760
(46)	33/29/16/39402/001/0010	5510	ROOSEVELT BLVD	CLEARWATER	33760
(47)	33/29/16/39402/013/0010	VACANT			
(48)	33/29/16/39402/013/0020	15770	ROOSEVELT BLVD	CLEARWATER	33760
(49)	33/29/16/39402/013/0150	VACANT			
(50)	33/29/16/39402/013/0070	VACANT			
(51)	33/29/16/39402/013/0050	VACANT			

ORDINANCE NO. 2004-33

AN ORDINANCE OF THE CITY OF LARGO, FLORIDA, ANNEXING THE WITHIN DESCRIBED TRACT OF LAND GENERALLY LOCATED EAST OF 58TH STREET NORTH AND SOUTH OF WHITNEY ROAD, PINELLAS COUNTY, FLORIDA, AND CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF LARGO, FLORIDA; WITH LAND USE DESIGNATIONS OF RESIDENTIAL/OFFICE GENERAL AND RESIDENTIAL SUBURBAN; REDEFINING THE CORPORATE BOUNDARY OF THE CITY OF LARGO TO INCLUDE SAID ADDITION, ACCORDING TO THE PROVISIONS OF CHAPTER 171, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City of Largo is taking action to incorporate certain unincorporated territory of Pinellas County, Florida, into the Corporate limits of the City of Largo, pursuant to Chapter 171.0413(5) and (6), Florida Statutes; and

WHEREAS, at the time of annexation there are no registered electors on the property to be annexed; and

WHEREAS, the land owners holding title to more than 50 percent of the land and more than 50 percent of the parcels have duly filed petitions with the City Commission of Largo, Florida, seeking annexation of the property hereinafter described into the corporate limits of the City of Largo; and

WHEREAS, the City of Largo has complied with the provisions of Florida Statute 171.0413 and has held two (2) advertised public hearings, the first of which was held on a week day at least seven (7) days after the first advertisement was published and the second public hearing being held on a week day at least five (5) days after the day that the second advertisement was published; and

WHEREAS, the area to be annexed has been legally defined, is reasonably compact and contiguous to the boundary of the City of Largo, is not included within the boundary of another incorporated municipality, and part or all of the area to be annexed is developed for urban purposes; now, therefore,

THE CITY OF LARGO HEREBY ORDAINS:

Section 1. That the City of Largo, acting by and through its City Commission, under the authority of Chapter 171, Florida Statutes, hereby annexes into the corporate limits of the City of Largo, Florida, and accordingly redefines the boundary of said city, so as to include the following:

All those tracts or parcels of land lying and being in the County of Pinellas, Florida, to wit:

A portion of Lots 4-7, inclusive, of the Northwest 1/4 of Section 33, Township 29 South, Range 16 East, of "PINELLAS GROVES", according to the map or plat thereof as recorded in Plat Book 1, Page 55, of the Public Records of Pinellas County, Florida;

Together with,

Lots 1-2, of "BAY VISTA GARDENS", according to the map or plat thereof as recorded in Plat Book 126, Pages 9-10, of the Public Records of Pinellas County, Florida;

Together with,

Lots 1-7, inclusive, of "CHARMANT COURTYARD", according to the map or plat thereof as recorded in Plat Book 127, Pages 13-14, of the Public Records of Pinellas County, Florida;

Together with,

Tract A, of "CHARMANT COURTYARD", according to the map or plat thereof as recorded in Plat Book 127, Pages 13-14, of the Public Records of Pinellas County, Florida;

All located in the Northwest 1/4 of Section 33, Township 29 South, Range 16 East, Pinellas County, Florida, and being more particularly described as follows:

Commence at the Southwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 33, Township 29 South, Range 16 East; thence run N 00°15'59" E, along the West boundary line of the Southwest 1/4 of the Northwest 1/4 of said Section 33, said line also being the centerline of 58th Street North, a distance of 1,349.32 feet, to the Northwest corner of the Southwest 1/4 of the Northwest 1/4 of said Section 33; leaving said West boundary line, thence run S 89°44'01" E, a distance of 40.09 feet, to a point on the east right-of-way line of said 58th Street North, the same also being the southwest corner of Lot 1, of "BAY VISTA GARDENS", according to the map or plat thereof as recorded in Plat Book 126, Pages 9-10, of the Public Records of Pinellas County, Florida, and the Point Of Beginning [P.O.B.].

From the Point Of Beginning, run S 89°37'35" E, a distance of 663.71 feet, to the southeast corner of Lot 2, of "BAY VISTA GARDENS", according to the map or plat thereof as recorded in Plat Book 126, Pages 9-10, of the Public Records of Pinellas County, Florida; thence run N 00°24'51" W, along the east property line said Lot 2, a distance of 406.72 feet, to the northeast corner of said Lot 2; leaving said east property line, thence run N 89°39'27" E, a distance of 211.61 feet; thence run 15.93 feet, along the arc of a curve to the left, concave to the northwest, having a radius of 20.00 feet, a chord bearing of N 66°50'01" E, and a chord distance of 15.52 feet, to a point of reverse curvature; thence run 16.32 feet, along the arc of a curve to the right, concave to the southeast, having a radius of 20.00 feet, a chord bearing of N 67°23'42" E, and a chord distance of 15.87 feet; thence run S 89°14'11" E, a distance of 74.41 feet; thence run N 00°25'00" W, a distance of 233.68 feet; thence run S 89°27'24" E, a distance of 336.95 feet; thence run N 00°38'37" W, a distance of 645.77 feet, to a point on the south right-of-way line of Whitney Road; thence run N 00°58'34" W, a distance of 25.00 feet, to the northeast corner of Lot 4, of the Northwest 1/4 of Section 33, Township 29 South, Range 16 East, of "PINELLAS GROVES", according to the map or plat thereof as recorded in Plat Book 1, Page 55, of the Public Records of Pinellas County, Florida; thence run N 89°15'00" W, along the south right-of-way line of said Whitney Road, a distance of 668.58 feet, to the northwest corner of Lot 5, of the Northwest 1/4 of Section 33, Township 29 South, Range 16 East, of said "PINELLAS GROVES"; leaving said south right-of-way line, thence run S 00°11'38" E, along the west property line of said Lot 5, a distance of 329.58 feet, to the northeast corner of Lot 3, of "CHARMANT COURTYARD", according to the map or plat thereof as recorded in Plat Book 127, Pages 13-14, of the Public Records of Pinellas County, Florida; leaving said west property line, thence run N 89°16'07" W, along the north property line of said Lot 3, a distance of 160.79 feet, to the northwest corner of said Lot 3; leaving said north property line, thence run N 00°03'07" E, a distance of 157.41 feet, to the northeast corner of Lot 2, of said "CHARMANT COURTYARD"; thence run N 89°17'56" W, along the north boundary line of said "CHARMANT COURTYARD", a distance of 469.89 feet, to the northwest corner of Tract A, of said "CHARMANT COURTYARD", the same also being a point on the east right-of-way line of said 58th Street North; leaving said north boundary line, thence run S 00°12'49" W, along the west property line of said Tract A, the same also being the east right-of-way line of said 58th Street North, a distance of 157.77 feet, to a point of intersection between the east right-of-way line of said 58th Street North, and the south right-of-way line of Charmant Drive; leaving said east right-of-way line, thence run S 89°23'04" E, along the south right-of-way line of said Charmant Drive, a distance of 303.14 feet, to the northwest corner of Lot 7, of said "CHARMANT COURTYARD"; leaving said south right-of-way line, thence run S 00°03'13" W, along the west boundary line of said "CHARMANT COURTYARD", a distance of 329.40 feet, to the southwest corner of Lot 6, of said

"CHARMANT COURTYARD", the same also being a point on the north property line of Lot 7, of the Northwest 1/4 of Section 33, Township 29 South, Range 16 East, of said "PINELLAS GROVES"; leaving said west boundary line, thence run N 89°27'21" W, along the north property line of said Lot 7, a distance of 305.58 feet, to a point on the east right-of-way line of said 58th Street North; thence run S 87°38'44" W, a distance of 10.00 feet; thence run S 00°20'43" W, along the east right-of-way line of said 58th Street North, a distance of 199.46 feet; thence run S 89° 56'08" E, a distance of 9.98 feet, to the northwest corner of Lot 1, of said "BAY VISTA GARDENS"; thence run S 00°16'15" W, along the west property line of said Lot 1, the same also being the east right-of-way line of said 58th Street North, a distance of 474.43 feet, to the Point Of Beginning.

Containing 1,156,454.12 square feet, or 26.5485 Acres, more or less.

ALSO KNOWN AS TAX ROLL PARCEL ID NO(S): 33/29/16/05550/000/0010, 33/29/16/05550/000/0020, 33/29/16/14854/000/0001, 33/29/16/14854/000/0010, 33/29/16/14854/000/0020, 33/29/16/14854/000/0030, 33/29/16/14854/000/0040, 33/29/16/14854/000/0050, 33/29/16/14854/000/0060, 33/29/16/14854/000/0070, 33/29/16/70380/200/0400, 33/29/16/70380/200/0500, 33/29/16/70380/200/0501, 33/29/16/70380/200/0700.

Section 2. That the above-described properties shall be annexed with land use designations of Residential/Office General and Residential Suburban as designated on the adopted Countywide Future Land Use Map.

Section 3. That the Largo City Commission hereby formally and according to law accepts the dedication of all easements, streets, parks, plazas, places, rights-of-way, and other dedications to the public which have heretofore been made by plat, deed, or user within the area so annexed.

Section 4. That it is the intention of the Largo City Commission that each provision hereof be considered severable, and, if any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

Section 5. That this Ordinance shall take effect 30 days after final enactment.

APPROVED ON FIRST READING April 20, 2004

PASSED AND ADOPTED ON
SECOND AND FINAL READING April 27, 2004

ATTEST:



City Clerk





Mayor

REVIEWED AND APPROVED:

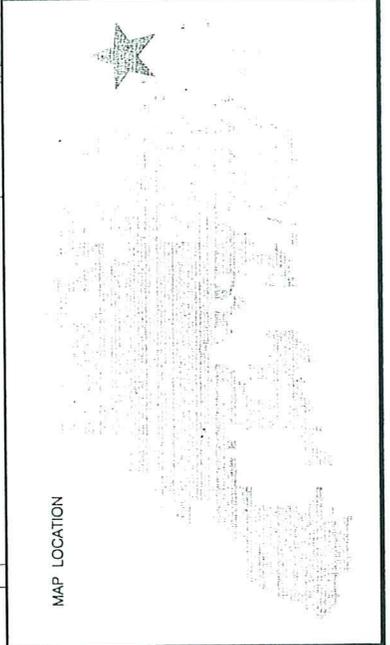
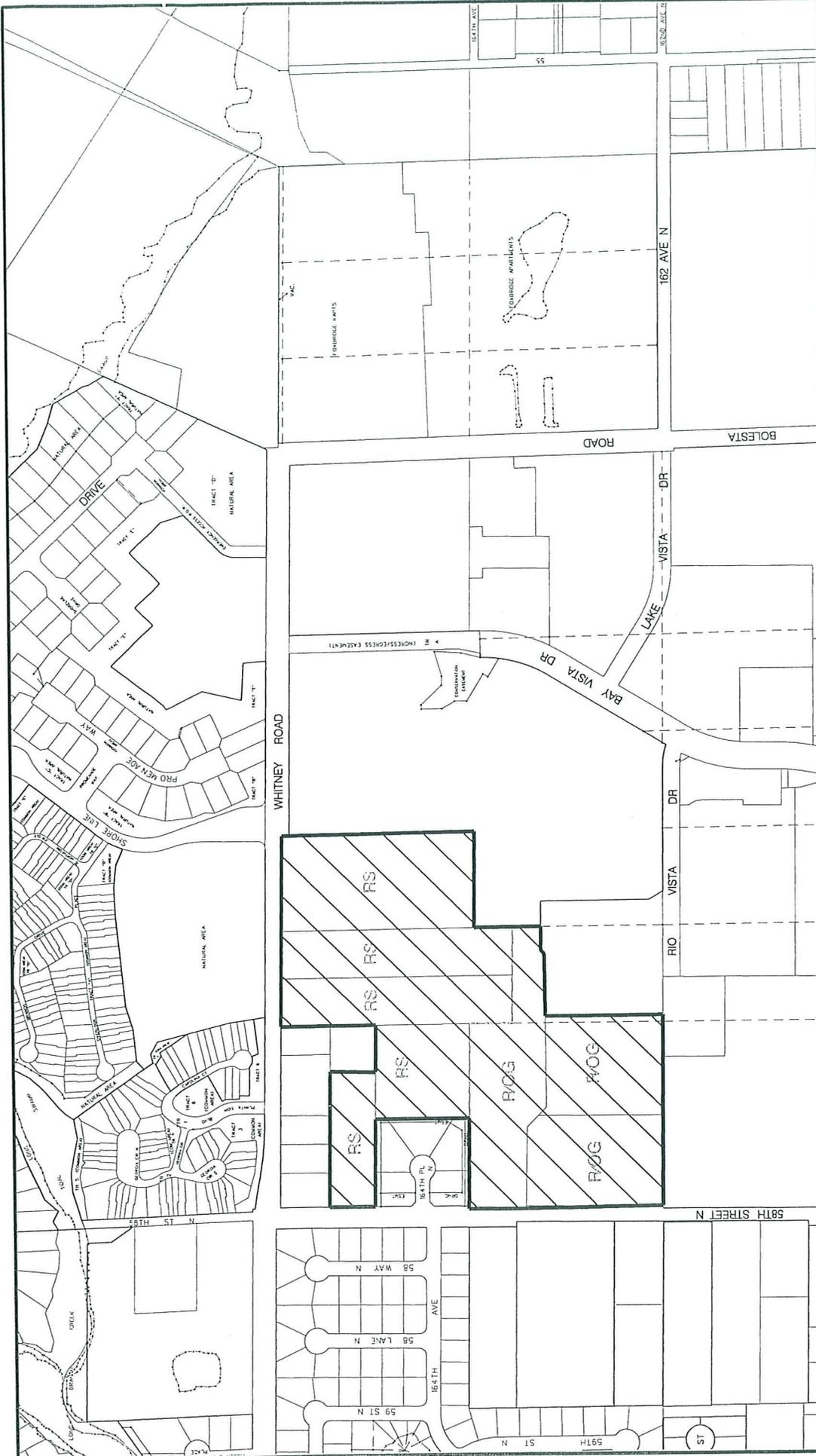

City Attorney

A TRUE AND CORRECT COPY ON
RECORD AND FILE IN THE OFFICIAL
RECORDS OF THE CITY OF LARGO,
FLORIDA

BY 

City Clerk's Office

DATE 07/19/06
TIME AM 4:50 PM



MAP LOCATION



Scale: 1" = 500'

Date: 04/15/04
By: D.B.

EXHIBIT "A"

Ord. #: 2004-33
 Subject: 58th St N & Whitney Rd
 Properties Annexation
 Location: 33291605550000010 & 0020
 332916148540000001 thru 0070,
 332916703802000400_0500,
 0501, & 0700.

-  Subject Property
-  City of Largo
-  R/OG
-  Residential Suburban
-  City of Largo
-  Residential/Office General



DRI #174

BOARD OF COUNTY COMMISSIONERS
PINELLAS COUNTY, FLORIDA

315 COURT STREET
CLEARWATER, FLORIDA 33756

COMMISSIONERS

SALLIE PARKS - CHAIRMAN
ROBERT B. STEWART - VICE CHAIRMAN
CALVIN D. HARRIS
KAREN WILLIAMS SEEL
BARBARA SHEEN TODD

PHONE: (727) 464-3354
FAX: (727) 464-4147

SUSAN H. CHURUTI
COUNTY ATTORNEY

March 30, 1999

Ms. Marina Pennington
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Mr. John Meyer
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Bay Vista DRI

Dear Ms. Pennington and Mr. Meyer:

Enclosed are certified copies of the above-referenced DRI amendatory ordinance. Please feel free to call if you have any questions.

Sincerely,

James L. Bennett
Chief Assistant County Attorney

JLB/mjm

Encl.

cc: Al Navaroli, Manager, Development Review Services

GAUSERS\ATTY\ATYKB03\DRS\LTRS\BAYVSTA.DCA

ORDINANCE NO. 99-20

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA AMENDING THE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, ORDINANCE NO. 89-10, AS AMENDED, FOR THE BAY VISTA OFFICE PARK (F/K/A PIONEER CENTER); PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW AS REQUIRED BY CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR APPROVAL OF PROPOSED CHANGE TO A DEVELOPMENT OF REGIONAL IMPACT FILED BY TECH DATA CORPORATION FOR BAY VISTA OFFICE PARK (F/K/A PIONEER CENTER), A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR AN INCORPORATION AND CONSOLIDATION OF ORDINANCES 89-10, 94-88 AND 96-45; PROVIDING FOR AN AMENDMENT TO MAP "H" OF THE DEVELOPMENT ORDER FOR CONSISTENCY PURPOSES; PROVIDING FOR A NAMING OF THE DEVELOPMENT AND OF THE DEVELOPER; PROVIDING FOR A CHANGE IN THE DEVELOPER OF RECORD; PROVIDING FOR AN EXTENSION OF THE DOWN ZONING AND TERMINATION DATES FOR THE DEVELOPMENT ORDER; PROVIDING FOR AN EXTENSION OF THE BUILD-OUT DATE FOR THE DEVELOPMENT ORDER; PROVIDING FOR AN AMENDMENT TO THE PREVIOUSLY APPROVED BAY VISTA OFFICE PARK DEVELOPMENT ORDER TO SPECIFICALLY INCLUDE REMAINING SQUARE FOOTAGE OF OFFICE DEVELOPMENT CONCEPTUALLY APPROVED UNDER THE TRANSPORTATION MITIGATION OPTION OF ORDINANCE 89-10; PROVIDING FOR AN UPDATING OF REFERENCES TO TRANSPORTATION DEMAND MANAGEMENT ACTIVITIES; PROVIDING FOR THE ADDITION OF ONE PARCEL OF LAND TO THE BAY VISTA OFFICE PARK DEVELOPMENT OF REGIONAL IMPACT PROJECT; UPDATING REFERENCES TO RENAMED DEPARTMENTS; PROVIDING FOR THE PRESERVATION OF STATUTORY VESTED RIGHTS; PROVIDING FOR A CERTIFICATION BY THE DEVELOPER THAT THE NOTICE OF CHANGE HAS BEEN DELIVERED TO THE APPROPRIATE PARTIES; PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR INDICATIONS IN THE DEVELOPMENT ORDER WHERE CERTAIN OBLIGATION HAVE BEEN ACCOMPLISHED; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE OF THE AMENDMENTS INCLUDING A RENDERING OF THE DEVELOPMENT ORDER, FILING OF THE DEVELOPMENT ORDER AND TRANSMITTAL OF THE DEVELOPMENT ORDER; PROVIDING FOR THE STATUS OF HEADINGS AND CAPTIONS; PROVIDING FOR THE TRANSFER OF FUNDS HELD IN TRUST ACCOUNTS

99 MAR 15 AM 10:01

FILED

WHEREAS, on February 21, 1984, a Development Order (the "Original Development Order") was issued, pursuant to Pinellas County (the "COUNTY") Ordinance, for a Development of Regional Impact ("DRI") known then as "Pioneer Center," for a mixed use, office/retail development located on a 120-acre site at Roosevelt Boulevard and 58th Street in the COUNTY;

WHEREAS, on March 18, 1988, pursuant to the provisions of Section 380.06, Florida Statutes (1987) ("Chapter 380"), The Trammell Crow Company (the "Original Developer") filed an Application for Approval of Proposed Change to the Original Development Order (which together with later sufficiency responses is referred to herein as the "Application") with the County, the Tampa Bay Regional Planning Council ("TBRPC"), the Florida Department of Community Affairs ("DCA") and other appropriate entities; and

WHEREAS, the March 18, 1988 Application modified the Original Development Order by adding 19.4 acres of vacant land (which, together with the existing 120-acre site is hereinafter referred to as the "Property"), and increased the development on the Property, now known as the BAY VISTA OFFICE PARK, by 213,000 square feet by adding 226,000 square feet of office space and deleting 13,000 square feet of retail space (the "Development"); and

WHEREAS, on March 10, 1989, an Amended Development Order (the "Amended Development Order") was issued, pursuant to Pinellas County Ordinance 89-10, which amendment approved an application for approval of proposed change to the Original Development Order; and

WHEREAS, on August 1, 1994, Capital Management Resources, on behalf of the Bay Vista Property Owner's Association, Inc. (the "Association"), acting as agent for Resolution Trust Corporation ("RTC"), the Original Developer of Bay Vista, filed an Application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact ("NOPC") pursuant to subsection 380.06(19), Florida Statutes ("the 1994 NOPC"); and

WHEREAS, the scope of the 1994 NOPC was modified and adopted as Ordinance 94-88; and

WHEREAS, on March 6, 1996, the Association, on behalf of Pinellas Bay Vista Partners, Ltd., the then current Developer of Bay Vista, as successor in interest to the RTC filed a NOPC pursuant to Subsection 380.06(19), Florida Statutes (the "1996 NOPC"); and

WHEREAS, on May 14, 1996, the changes proposed within the 1996 NOPC were adopted as Ordinance No: 96-45; and

WHEREAS, the Pinellas County Board of County Commissioners (the "Commission"), as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes (F.S.), is authorized and empowered to consider applications for proposed changes to previously approved DRIs; and

WHEREAS, on July 29, 1998, the Tech Data Corporation filed an NOPC pursuant to subsection 380.06(19), F.S. (the "1998 NOPC") (incorporated herein); and

WHEREAS, the 1998 NOPC proposed the following specific changes:

- (1) To specifically include the remaining 100,000 square feet of office development conceptually approved under Section 6A(3) of the Amended Development Order.
- (2) To extend the build out date from March 9, 1999 to December 31, 2005.
- (3) To extend the termination date from March 9, 1999 to December 31, 2010.
- (4) To extend the down-zoning date from March 9, 1999 to December 31, 2010.

- (5) To revise and update the Map H to the Amended Development Order attached hereto as Exhibit "B";
- (6) To designate Tech Data Corporation as the proposed DEVELOPER of Record for the Bay Vista Office Park; and
- (7) To add one parcel of land, 1.27 acres in size, to the Bay Vista Office Park.

WHEREAS, both the County and BAY VISTA PROPERTY OWNER'S ASSOCIATION, INC. wish to correct scrivener's errors in the development order, to eliminate provisions that are no longer applicable, and to indicate where possible that certain obligations have been accomplished; and

WHEREAS, Section 380.06(19) F.S. requires that the Amended Development Order be amended to reflect the revisions proposed in the NOPC Amendment; and

WHEREAS, in Section 12.01 of the Density Allocation and Escrow Agreement signed by all owners in the development and recorded in OR Book 7464, page 214, Public Records of Pinellas County, the Bay Vista Property Owners Association, Inc. was agreed to by the owners to become the successor developer; and

WHEREAS, Section 380.06(19)(e)(2) F.S. provides that changing the name of the developer is not a substantial deviation; and

WHEREAS, the public notice requirements of Chapter 380, F.S. and the COUNTY have been satisfied; and

WHEREAS, the Commission has, on the 2nd day of March, 1999, held a duly noticed public hearing on the 1998 NOPC and heard and considered testimony and documents received thereon; and

WHEREAS, the Commission has received and considered the report and recommendations and updated versions thereof of the TBRPC issued on September 11 and December 7, 1998 (the "REPORTS"), respectively; and

WHEREAS, the Commission has received a recommendation from the Pinellas Land Planning Agency, the findings of which determine that the proposed Ordinance is consistent with the adopted Comprehensive Plan for Pinellas County; and

WHEREAS, the COUNTY has solicited, received, and considered reports, comments and recommendations from interested citizens, the COUNTY and state and regional agencies; and

WHEREAS, the Application has satisfactorily addressed all regional issues related to the BAY VISTA OFFICE PARK; and

WHEREAS, in the interest of clarity, the COUNTY wishes to consolidate the previous amendments to the Development Order and to restate the Development Order in its entirety such that

approval of this amendatory ordinance by the Commission amends those portions of the Amended Development Order, and amendments previously approved thereto, for Bay Vista Office Park which are inconsistent with the NOPC Amendment approved hereby and consolidates future review under this singular reference of the Bay Vista Office Park Development of Regional Impact Development Order.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, in regular session this 2 day of March, 1999, as follows::

ARTICLE 1. INCORPORATION OF RECITALS; SCOPE OF CONSOLIDATED DEVELOPMENT ORDER

A. The recitals set forth hereinabove are true, accurate and correct and are incorporated herein in their entirety by reference.

B. This Ordinance shall constitute the Consolidated Development Order for the Bay Vista Office Park Development of Regional Impact (the "Consolidated Order") issued in response to the BAY VISTA OFFICE PARK 1998 NOPC. The scope and nature of development to be permitted pursuant to this Consolidated Development Order includes all of the matters and representations set forth in the NOPC Amendment, which is incorporated by this reference. It is hereby recognized that to the extent the provisions of this Consolidated Development Order are inconsistent with, or contrary to the provisions set forth in the Amended Development Order, as previously amended, the provisions of this Consolidated Development Order shall govern.

SECTION 1. FINDINGS OF FACT The Commission, having received the 1998 NOPC and having received all related comments, testimony and evidence submitted by the DEVELOPER, as defined herein, appropriate reviewing agencies and the public, finds there is substantial competent evidence to support the following findings of fact:

1.1 The 1998 NOPC, including sufficiency responses, was submitted to applicable regulatory bodies having jurisdiction. Hereinafter, the word "1998 NOPC" shall refer to the Application for the 1998 NOPC and exhibits specifically incorporated in this Ordinance.

1.2 The Property which is the subject of the 1998 NOPC is legally described as set forth in Exhibit "A."

1.3 The proposed Development is not located in an area of critical state concern, designated as such pursuant to Section 380.05, F.S. (1987).

1.4 The DEVELOPER proposes the addition of 1.27 acres of vacant real property (the "Additional Property"), which Additional Property is located adjacent to Bay Vista Office Park, thereby increasing the total acreage of the BAY VISTA OFFICE PARK to 140.67 acres and the amount of

specifically included development by 100,000 square feet of office space for a total Development of 1,200,000 square feet of mixed use office/retail development.

1.5 The DEVELOPER also proposes extension of the build out, termination and down zoning dates as provided for herein. The proposed extension of the build out date is presumed to create a substantial deviation pursuant to Section 380.06(19)(c) F.S..

1.6 The BAY VISTA OFFICE PARK is consistent with the Reports.

1.7 All development will occur in accordance with the terms and conditions of this Consolidated Development Order, together with the 1998 NOPC and all exhibits incorporated herein.

1.8 The BAY VISTA OFFICE PARK will not unreasonably interfere with the achievement of the objectives of the adopted state land development plan applicable to the area.

1.9 All conditions precedent contained in the initially approved Development Order for Bay Vista Office Park dated February 21, 1984 (the "Original Development Order") for commencement and completion of construction already undertaken have been satisfied, including completion of all transportation improvements contained in the Original Development Order and required by the COUNTY. All transportation improvements referred to in the Original Development Order but not required by the COUNTY for commencement and completion of construction already undertaken, are fully incorporated into the transportation impact mitigation conditions of this Order.

1.10 Subject to the conditional language of finding of fact in Subsection 1.9 above, the COUNTY specifically finds that the DEVELOPER is in compliance with the Original Development Order, and that physical development has already commenced under that Original Development Order.

1.11 The Development is consistent with the local comprehensive plan and the local land development regulations.

1.12 The changes approved herein as requested in the 1998 NOPC result in no new or additional regional impacts requiring further DRI review.

SECTION 2. CONCLUSIONS OF LAW. The Commission, having made the above findings of fact, reaches the following conclusions of law:

2.1 Based upon compliance with the terms and conditions of this Order, the representations contained within the 1998 NOPC, and the recommendations and testimony heard and considered by the Commission, it is concluded that:

2.1.1 The development provided for herein will not interfere with the achievement of the objectives of the adopted state land development plan applicable to the area;

2.1.2 The development provided for herein is consistent with the local Comprehensive Plan and the local Land Development Regulations; and

2.1.3 The development is consistent with the Reports submitted pursuant to 380.06(12) F.S.

2.2 The review of the 1998 NOPC by the COUNTY, the TBRPC, and other participating agencies and interested citizens has determined that all regional impacts are adequately addressed by this Development Order pursuant to the requirements of Chapter 380, F.S. Information has been provided to rebut the presumption of substantial deviation.

SECTION 3. APPLICATION APPROVAL. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in this proceeding, the Application is hereby approved and continuation of the Development is hereby authorized, subject to the conditions, restrictions and limitations set forth herein.

SECTION 4. GENERAL AND SPECIFIC CONDITIONS, RESTRICTIONS AND LIMITATIONS

The Commission having made the above Findings of Fact and Conclusions of Law, hereby orders that the 1998 NOPC is hereby approved and the Original Development Order, as previously amended, in its entirety is hereby superseded by this Consolidated Development Order, subject to the conditional language of Article 1.B above, and further, subject to the following general and specific conditions, restrictions and limitations:

4.1 The Name of the Development and the DEVELOPER

4.1.1 The name of the Development is BAY VISTA OFFICE PARK.

4.1.2 The developer of record is Bay Vista Property Owners Association, Inc., hereinafter referred to as the DEVELOPER, which can be located at c/o Highwood Properties, 15950 Bay Vista Drive, Clearwater, FL 33760. The DEVELOPER agrees that its authorized agent shall be Mr. Steve Meyers, President. Mr. Meyers can be located at the above address. The DEVELOPER may change its address and authorized agent by notifying the COUNTY, TBRPC, and DCA in writing and such change shall not require an amendment to this Development Order. The successor of the rights and responsibilities imposed upon all previous developers of record is Bay Vista Property Owners Association, Inc.

4.1.3 This Consolidated Development Order shall be binding upon and inure to the benefit of the DEVELOPER, its successors and assigns, including any entity which may assume any of the rights bestowed or responsibilities imposed upon the DEVELOPER by this Consolidated Development Order.

4.2 Any reference herein to any governmental agency shall be construed to mean any future entity which may be created or designated as successor to, or which otherwise possesses any of the powers and duties of, any branch of government or governmental agency.

4.3 Whenever this Consolidated 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 Commission to review DRI applications as well as all governmental agencies and departments set forth under applicable laws and legally adopted rules governing DRIs.

4.4 In each instance in this Consolidated Development Order where the DEVELOPER is responsible for ongoing maintenance of facilities at the Development, the DEVELOPER may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate private body or bodies created to perform such responsibilities, provided, however, that before such transfer may be effective, the body to which responsibilities will be transferred must be approved by the COUNTY, or any other affected governmental agency, for a determination that the entity in question can and will be responsible to provide improvements or maintenance as required in this Consolidated Development Order, which approval will not be unreasonably withheld.

4.5 Proposed development activity changes which are determined to constitute a substantial deviation from the terms or conditions of this Consolidated Development Order as defined in Chapter 380 shall result in further DRI review pursuant to Chapter 380, which may result in the COUNTY suspending that proposed development activity pending such review. Pursuant to Chapter 380, F.S. development in those portions of the BAY VISTA OFFICE PARK which are not affected by the proposed development activity changed may continue (Section 380.06[19][g]4 F.S.[1988]). The DEVELOPER shall be given due notice and an opportunity to be heard with respect to any hearing to determine whether or not a proposed change to the Development is a Substantial Deviation.

4.6 The approved Bay Vista DRI shall not be subject to down-zoning or intensity reduction until December 31, 2010, unless the COUNTY can demonstrate that:

4.6.1 substantial changes in the conditions underlying the approval of the Consolidated Development Order have occurred; or

4.6.2 the Consolidated Development Order was based on substantially inaccurate information provided by the DEVELOPER; or

4.6.3 the change is clearly established by the COUNTY to be essential to the public health, safety or welfare.

4.7 The County Administrator of Pinellas County (the "County Administrator") shall be responsible for monitoring all terms and conditions of this Consolidated Development Order. For purposes of this condition, the County Administrator may rely upon or utilize information supplied by the TBRPC or any COUNTY department or agency and any state agencies (such as the Southwest Florida Water Management District ["SWFWMD"]) having particular jurisdiction over the Property

or subject matter involved. The County Administrator shall report to the Commission any findings of deviation from the terms and conditions of this Consolidated Development Order and shall issue a notice of such non-compliance to the DEVELOPER. If the deviation is not corrected within a reasonable amount of time, or, if the deviation is of such nature that it cannot be corrected within a reasonable amount of time, or if the DEVELOPER fails to pursue corrective action, the County Administrator shall recommend that the Commission set a hearing to consider the deviation and take appropriate action to ensure compliance with this Consolidated Development Order.

4.8 The DEVELOPER shall file an annual report in accordance with Section 380.06(18), F.S. and the rules promulgated by the DCA under Chapter 380 F.S. Such report shall be due on the March 10 for each year until such time as all terms and conditions of this Consolidated Development Order have been satisfied. In addition to the filing requirements of Chapter 380 F.S., such report shall be submitted to the County Administrator who shall, after appropriate review, submit it for review to the Commission. The Commission shall review the report for compliance with the terms and conditions of this Consolidated Development Order. The DEVELOPER shall be notified of any Commission hearing at which such report is to be reviewed. The mere receipt, review and filing of such annual report by the Commission shall not be considered as a substitute or a waiver of any of the terms or conditions of this Consolidated Development Order. This annual report shall contain:

4.8.1 The information required by the DCA to be included in the annual report, which information is described in the rules promulgated by the DCA under Chapter 380 F.S.;

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

4.8.3 A statement listing all applications for development activity required by this Consolidated Development Order or other applicable local regulations, which the DEVELOPER proposes to submit during the year immediately following submittal of the annual report;

4.8.4 A statement setting forth the name(s) and address(es) of the DEVELOPER's successors and assigns, if any, with respect to any portion of the Development; and

4.8.5 Any and all required monitoring results and a discussion of those results. In the event that responsibilities for ongoing maintenance have been transferred pursuant to Section 4.4, the DEVELOPER shall remain responsible to ensure that the required monitoring results are included in the annual report. Such results and discussion shall be specifically provided to all appropriate government regulatory monitoring agencies. In addition to this annual report requirement where required ongoing monitoring indicates that non-compliance with governmental regulatory requirements exists, the COUNTY shall be notified immediately and appropriate corrective measures shall be taken.

4.8.6 A listing of all deficiencies in performance under the Consolidated Development Order and proposed plans and schedules for eliminating those deficiencies.

4.9 This Consolidated Development Order shall remain in effect through December 31, 2010. Any development activity for which plans have been submitted to the COUNTY for its review and approval no later than 60 days prior to the build-out date (December 31, 2005) of this Consolidated Development Order may, upon receipt of approval, be completed, regardless of when such approval is ultimately issued, subject to review by any applicable Pinellas County vested rights administrative process in operation at the expiration of this Consolidated Development Order. This Consolidated Development Order may be extended by the Commission on a finding of excusable delay in any proposed development activity, subject to the provisions of Section 380.06(19) F.S.. This section is not to be construed as a waiver of any development rights which may arise at law or at equity as a result of this Consolidated Development Order.

4.10 This Consolidated Development Order shall take effect immediately upon becoming a law.

4.11 Upon adoption, certified copies of this Consolidated Development Order shall be transmitted by the Clerk of the Commission to the DCA, TBRPC, and the DEVELOPER.

4.12 This Consolidated Development Order shall be deemed rendered upon transmittal of copies of this Consolidated Development Order to the recipients specified in Chapter 380 F.S..

4.13 The definitions contained in Chapter 380 F.S. shall control the interpretation and construction of any terms of this Consolidated Development Order, unless the context indicates otherwise.

4.14 The DEVELOPER shall record a Notice of Adoption of this Consolidated Development Order as required pursuant to Chapter 380 F.S., and shall furnish the County Clerk a copy of the recorded Notice.

4.15 The DEVELOPER shall be bound by the rules adopted pursuant to Chapters 403 and 373, F.S., in effect on the Effective Date of the Original Development Order. Accordingly, all applications for permits pursuant to those chapters which are revised for the Development authorized by this Consolidated Development Order shall be subject to the rules adopted pursuant to Chapters 403 and 373, F.S., in effect on the Effective Date of the Original Development Order.

4.16 Any amendment to this Consolidated Development Order will be subject to applicable provisions of the Pinellas County Comprehensive Plan which is in effect at the time of the amendment. Those portions of the Development which are not affected by a proposed amendment shall remain vested and not subject to limitation or modification, to the extent provided in Section 163.3167(8), F.S.

4.17 The provisions of this Consolidated Development Order in no way preclude the application of any impact fees, regardless of their nature, either existing or new, including any increases in those fees. However, pursuant to Section 380.06(16), F.S., the DEVELOPER shall be given appropriate credits against applicable impact fees.

SECTION 5. REGIONAL CONDITIONS, RESTRICTIONS AND LIMITATIONS

5.1 Transportation. The following conditions, restrictions and limitations are established for purposes of mitigating regional impacts of the Development on transportation facilities. Issuance of building permits by the COUNTY for the project shall require a determination by the COUNTY of compliance with the conditions set forth herein. The mitigation measures set forth hereafter may be implemented singularly or in combination, subject to COUNTY approval, which shall not be unreasonably withheld, to mitigate the impacts of this Development, or any phase(s) thereof, on regional transportation facilities.

5.1.1 For the purposes of this Consolidated Development Order, the DEVELOPER is considered as one of a number of possible responsible entities regarding the mitigation of the transportation impacts of the project.

5.1.2 For the purposes of this Consolidated Development Order, funding commitments can be (at the DEVELOPER's option, and with the approval of the COUNTY which shall not be unreasonably withheld) DEVELOPER's commitments for actual construction, actual (or committed for in a binding contractual form) construction by any public or private entity, or the placement of improvements in the Transportation Improvements Work Programs of the COUNTY, or the State of Florida (the "State") (consistent with TBRPC and DCA rules and policies relative to placement of improvements in Work Programs), or any combination of the foregoing.

5.1.3 The total development receiving specific approval is:

Build-Out	Office	Retail	Total
December 31, 2005*	1,180,000	20,000	1,200,000

* The final build-out year shown is an estimate only and does not suggest that development will not occur at a faster or slower rate than estimated, subject to applicable substantial deviation criteria for extension of build-out dates.

5.1.4 All transportation improvements required under Section 4(D) of the Original Development Order have been completed, or the conditions satisfied with the exception of Section 4(d)3.(c) and (d) of the Original Development Order. These transportation improvements are no longer deemed by the COUNTY as appropriate for completion. In lieu thereof, DEVELOPER will expend \$30,651 in addition to the net pipeline improvement dollar amount established herein on the selected pipeline improvement, or otherwise as the COUNTY, Florida Department of Transportation (FDOT), and other appropriate transportation agencies deem most cost effective. Note: Condition satisfied per receipt issued by County on July 18, 1996.

5.1.5 The DEVELOPER shall participate in funding transportation demand management activities in the Gateway area by making a pro-rata contribution in an amount not to exceed \$24,788.00, to be paid within 10 days following receipt of a written request for same from the

Pinellas County Metropolitan Planning Organization ("MPO"), but in no event earlier than 10 days from the Effective Date of this Order and the expiration of the period for filing appeals hereof and the resolution of any such appeals, for which DEVELOPER shall receive appropriate credits against applicable COUNTY impact fees.

5.1.6 When Certificates of Occupancy have been issued for any development in excess of that which has been approved by the COUNTY on or before the Effective Date of the Original Development Order, then an annual monitoring program to provide peak hour counts at the Development's entrance(s) shall be instituted to verify that the projected number of external trips for the Development is not exceeded. Counts will continue on an annual basis through build-out. This information shall be supplied in the required annual report. If the monitoring indicates a 15% increase in the number of external vehicle trips generated by the Development above that which was projected, then the COUNTY shall conduct a substantial deviation determination pursuant to Chapter 380 and may amend the Consolidated Development Order to change or require additional roadway improvements. If there is a 15% increase in the number of external vehicle trips generated by the Development and a Substantial Deviation is determined pursuant to Chapter 380, a revised transportation analysis and revised air quality analysis or modeling (as then required by applicable law or rule) will be performed, based upon results of the annual monitoring program and agreements reached at transportation and air quality methodology meetings to be held prior to the preparation of the revised transportation analysis and the revised air quality analysis or modeling.

5.1.7 Upon the issuance of a Certificate of Occupancy for development in excess of that which has been approved by the COUNTY on or before the effective date of the Original Development Order and, if the annual peak hour count monitoring program required by Section 5.1.6 above, demonstrates that the projected number of external trips for the Development (less the assumed external trips attributable to transit) are exceeded, then, in that event, the DEVELOPER shall prepare and submit to the COUNTY, TBRPC, MPO, the Pinellas Suncoast Transit Authority ("PSTA"), and FDOT, a Transportation Demand Management ("TDM) program in order to divert a number of vehicle trips from the PM peak hour which is consistent with the assumptions used to prepare the Application. The TDM Program should be developed in cooperation with FDOT, the MPO, PSTA, and TBRPC. The TDM Program shall set forth objectives for the reduction of total peak hour trips being generated by Development uses as estimated in the Application, and shall set forth strategies and proposed timetables for accomplishing those objectives.

5.1.8 The DEVELOPER shall have the option of proceeding with the development under the conditions set forth in Subsections 5.1.8(A-C) below, with respect to mitigating the project's transportation impacts, subject to any additional conditions, restrictions or limitations set forth herein. The mitigation measures set forth in 5.1.8(A-C) below may be implemented singly or in combination, which if implemented in combination shall be subject to COUNTY and TBRPC approval, which approval shall not be unreasonably withheld. The DEVELOPER shall, prior to the issuance of additional building permits, elect, in writing, an option pursuant to this Consolidated Development Order. On January 4, 1990, the Developer of record elected Option 3.

A. Option 1: Staging.

- (1) Any approval of this development shall require funding commitments from responsible entities for the following roadway improvements. Without funding commitments for these improvements, construction permits shall not be issued for Phase I.
- (a) The link improvements indicated in Table 1.
- (b) The intersection improvements indicated in Table 2.

TABLE 1

Required Link Improvements for the BAY VISTA OFFICE PARK Based on 10 Percent of LOS "D" Peak-Hour Service Volumes (1992)

Roadway Segment	LOS W/Project Prior to Improvement	Project Traffic as % of LOS "D" Peak Hour Capacity		Required Improvement
		NB/EB	SB/WB	
Roosevelt Boulevard:				
U.S. 19 to Bay Area Outlet Mall	F	9.6	27.7	Construct 8-Lane Divided Arterial and interconnect signals at U.S. 19 and Bay Area Outlet Mall
Bay Area Outlet Mall to 62nd Street	F	10.1	29.2	Construct 8-Lane Divided Arterial
62nd Street to 58th Street	F	11.7	33.8	Construct 8-Lane Divided Arterial
58th Street to West Project Drive	F	5.7	31.7	Construct 8-Lane Divided Arterial and interconnect signals at 58th Street and West Project Drive

West Project Drive to East Project Drive	F	8.4	23.9	Construct 8-Lane Divided Arterial and interconnect traffic signal at East Project Drive
East Project Drive to Bolesta Road	F	13.4	5.4	Construct 8-Lane Divided Arterial
Bolesta Road to 49th Street	F	29.8	5.4	Construct 8-Lane Divided Arterial
49th Street to Ulmerton Road	F	19.8	3.7	Construct 8-Lane Divided Arterial

TABLE 2

Required Intersection Improvements for the BAY VISTA OFFICE PARK
Based on 10 Percent of LOS D Peak Hour Service Volumes (1992)

Required Intersection Improvement	LOS W/Project Prior to Improvement	Project Traffic as % of LOS "D" Peak Hour Capacity	
Roosevelt Boulevard at West Project	N/A	N/A	Construct left-turn lane and right-turn lane SB. Construct left-turn lane EB and right-turn lane WB. Signalize when warranted by MUTCD.
Roosevelt Boulevard at East Project Drive	N/A	N/A	Construct left-turn lane and right-turn lane SB. Construct left-turn lane EB and right-turn lane WB. Signalize when warranted by MUTCD.

Roosevelt Boulevard at 62nd Street	F	15.8	Construct one through lane EB and WB.
Roosevelt Boulevard at 58th Street	F	29.0	Construct one through lane EB and WB
Roosevelt Boulevard at Bolesta Road	F	25.6	Construct one through lane WB. Signalize when warranted by MUTCD.
Roosevelt Boulevard at 49th Street	F	11.7	Construct one through lane EB and WB. Construct left-turn lane NB.
Whitney Road at U.S. 19	F	11.3	Signalized when warranted by MUTCD.*

*Improvement programmed by the COUNTY in conjunction with U.S. 19/Roosevelt Boulevard interchange improvement.

- (2) Subphasing is permitted under this Option 1. If Subphasing is elected by DEVELOPER, funding commitments will be required for all regionally significant improvements (as listed in Tables 1 and 2 above) and which are necessary to accommodate the traffic impacts of a particular subphase of development prior to the commencement of that particular subphase of development. Prior to the issuance of building permits beyond a particular subphase square footage threshold, the improvements identified as being associated with the subphase must be the subject to funding commitments from responsible entities, where those facilities are projected to operate below LOS D peak hour and the Development would contribute ten percent (10%) or more of the existing Level of Service ("LOS") D peak hour capacity of the facility. Without funding commitments for these improvements, building permits shall not be issued where project construction (together with projected construction) would exceed the square footage for which there are funding commitments.
- (3) If subphasing, as permitted under 5.1.8.A.2 above were selected by the DEVELOPER, an "Option 1 - Subphase Analysis" would have to be

prepared and submitted to the COUNTY and TBRPC for review and approval.

- B. Option 2: Monitoring In the event that commitments for transportation improvements are only adequate to permit approval of a portion of the Development, the capacity and loading of transportation facilities in the BAY VISTA OFFICE PARK 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 the COUNTY, the MPO, the FDOT and the TBRPC, pursuant to the provisions of Chapter 380 F.S., with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of the currently approved portion of the Development plus that to be generated by the remainder of the Development. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (set forth in Option 1 above) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at LOS D at peak hour. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any development under this Option 2, the COUNTY or its designee shall confirm, in written findings of fact, that the above roadways are operating at or above LOS D at peak hours and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D at peak hours.
- C. Option 3: Pipelining Having elected this option, the DEVELOPER shall fund, design and construct, or ensure the funding, design and construction, as provided herein, of the transportation improvement identified in Composite Exhibit "C," formerly Exhibit "B" and "B-1," using DEVELOPER's proportionate share amount calculated pursuant to Rule 9J-2.0255, Florida Administrative Code ("F.A.C.") (1987), as interpreted in accordance with TBRPC, DCA and COUNTY policies regarding pipeline mitigation of transportation impacts. For purposes of this Order, DEVELOPER's net pipeline improvement dollar amount necessary to accommodate the impacts of the Development has been calculated to be \$565,244 Dollars. (See details in Composite Exhibit "C"; see also the reference to the additional available \$30,651 in Section 5.1.4 above.) Prior to electing pipelining for the Development, the DEVELOPER shall notify the COUNTY of its election in writing. Note: Condition satisfied pursuant to payment according to the note in §5.1.4.

5.2 Environment and Natural Resources

5.2.1 Upon the effective date of the Original Development Order, copies of the Master Drainage Plan, Stormwater Management Maintenance Plan and the Lake System Maintenance and Design Plan shall be submitted to the COUNTY Engineering Department and the COUNTY Department of Development Review Services (“DRS”), for review and approval; which review shall be expeditious in light of previous development approvals on the site and which approval shall not be unreasonably withheld.

5.2.2 The annual report shall include a status report on the storm water management efforts on the site. A copy of the annual report shall be provided specifically to the DRS.

5.2.3 All development undertaken pursuant to this Consolidated Development Order shall be in accordance with all applicable local codes, ordinances in effect at the time of permitting, and other laws, except as otherwise specifically provided herein. However, the DEVELOPER has elected to be bound by the rules adopted pursuant to Chapters 403 and 373, F.S., in effect at the time of adoption of the Original Development Order. Accordingly, all applications for permits pursuant to those chapters and which are necessary for and consistent with the development authorized by this Consolidated Development Order shall be subject to the rules adopted pursuant to Chapters 403 and 373, F.S., in effect at the time of issuance of the Original Development Order.

5.2.4 In addition to any monitoring reports required by this Consolidated Development Order, copies of any monitoring reports required under other local, regional, state or federal permits which relate to the environmental and natural resources on the BAY VISTA OFFICE PARK site shall be submitted to DRS.

5.2.5 The portions of the vacant 19.4 acres added to the BAY VISTA OFFICE PARK through the 1989 NOPC as well as the 1.27 acres added in the 1998 NOPC which meet the definition of conservation areas, if any, as defined in the TBRPC’s policy, Sections 10.1.2 and 10.3.1, F.R., shall be so designated on the plan submitted to the COUNTY for approval of development on that portion of the total property.

- A. In order to protect the natural values of preserved/conserved wetland areas, the following shall be required:
 - I. No dredging, filling or development activities will be allowed within preservation areas. Activities within the conservation areas shall be limited to stormwater management outfall structures and boardwalks.
 - ii. All wetland losses shall require the mitigation ratio previously approved by the appropriate agencies. All wetland losses for which a mitigation ratio was not previously established shall require, at minimum, 1:1 on-site wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with the wetland being disturbed.

- iii. All mitigation areas and littoral shelves shall be monitored semiannually for a period of four years, or until project build-out, whichever occurs later. Monitoring shall be performed for species diversity and composition and efforts to control nuisance species encroachment. Additional planting may be required to maintain an eighty-five percent (85%) survival of herbaceous planted species over a three (3) year period. Copies of these monitoring reports shall be included as part of the annual report. In conjunction with effective removal of all nuisance exotic species on developed uplands, as well as mitigation areas, if the monitoring reports submitted demonstrate that an eighty-five percent (85%) survival, in a healthy condition; of all planted woody species after one (1) year without intervention by means of irrigation, or replanting, no further monitoring shall be required.

- B. A representative tract of live oak (0.27 acres) and mixed hardwood area (0.24 acres) community described on page 18-9 of the Application and which exists on the Original Development Order property shall be maintained in accordance with plans approved by the DRS.

- C. A landscape buffer not to exceed ten (10) feet in width shall be provided at the western boundary of the 19.4 acre additional property. The ultimate determination of buffer width shall depend, in part, upon the amount of right-of-way, if any, requested from the DEVELOPER along the eastern edge of 58th Street right-of-way. Such determination shall be accomplished during the normal course of site plan approval by the COUNTY.

- D. Within 90 days of the effective date of the Original Development Order, representatives of the DEVELOPER and of the DRS shall meet to comprehensively review all environmental and natural resource features on the BAY VISTA OFFICE PARK site, including those on the 19.4 acres added through this Order, as well as those on the Original Development Order property. They shall develop mutually acceptable, legally enforceable methods of identifying and protecting, as legally applicable, such approved features on the site.

- E. In the event that any species listed in Sections 39-27.003-.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission, and with the DRS acting as the coordinating agency for such protection/mitigation measures.

- F. There shall be no loss of hydrologic storage capacity within the 25-year floodplain.

5.2.6 The DEVELOPER shall prepare a plan to ensure the safe and orderly evacuation of all employees within the BAY VISTA OFFICE PARK, as well as those employees who, for security or administrative reasons, are in a building after a level C, D, or E evacuation order is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all employees of evacuation routes out of the flood prone area and measures to be followed in the event of same; and (3) making all effort. to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. This plan shall be included in the first annual report submitted after occupancy of any portion of the Development. The DEVELOPER shall develop and promote awareness of this plan, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders, all in accordance with applicable local, regional and state laws, rules and regulations.

5.2.7 The soil conservation measures referenced on pages 14-1 and 14-3 of the Application and the measures to reduce erosion, fugitive dust and air emissions referenced on page 13-8 of the Application shall be implemented.

5.2.8 Elevations for all habitable structures shall be at or above the base 100 year flood elevation.

5.3 Historical and Archaeological Sites. The discovery of any historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and the COUNTY.

5.4 Public Facilities.

5.4.1 In order to protect water quality in the Old Tampa Bay Watershed, there shall be no degradation of water quality below standards by stormwater existing the Property. Therefore, the DEVELOPER shall provide for a baseline and semiannual surface water quality monitoring program to continue through build-out of the Development. Any violation of Chapter 17-3, F.A.C., shall require corrective measures as set forth by the Florida Department of Environmental Protection ("FDEP"). The following shall apply to DEVELOPER's water quality monitoring program:

- A. Sampling locations shall be determined subject to COUNTY approval and in cooperation with FDEP, SWFWMD and TBRPC.
- B. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with U.S. Environmental Protection Agency /FDEP Quality Control Standards and Requirements.
- C. The results shall be submitted to the COUNTY, the FDEP and the SWFWMD. Should the results indicate that applicable state water quality standards are not being met, the results shall be reported to the COUNTY immediately and all construction within the subbasin(s) where such results have been noted

shall, at the COUNTY's option, be suspended pending commencement of corrective action.

5.5 Energy.

5.5.1 Florida Power Corporation will supply electrical power to the BAY VISTA OFFICE PARK.

5.5.2 The energy conservation measures referenced in the Application on pages 25-3 and 25-4 shall be required.

5.5.3 The following energy conservation measures shall be encouraged by the DEVELOPER:

- A. A reduction in the levels of operation of all air conditioning, heating, and lighting systems during non-business hours;
- B. The elimination of advertising requiring lighting after business hours;
- C. The use of energy-efficient packaging and/or recyclable materials;
- D. The participation in recycling programs by tenants of the Development;
- E. The installation of total energy systems, where cost-effective; and
- F. The use of cogeneration to recover waste heat and reduce peak demand on the utility systems.

5.5.4 The use of landscaping and building orientation to reduce heat gain should be used where feasible throughout the BAY VISTA OFFICE PARK.

5.5.5 The DEVELOPER may work with or designate an energy officer to establish energy policies, monitor energy use and encourage conservation for businesses and industry in the Development, if economically feasible.

5.5.6 A report on the implementation of, and participation in, these and other energy programs shall be included in each annual report.

5.6 Solid Waste.

5.6.1 By letter dated November 25, 1987, the Pinellas County Department of Solid Waste Management confirmed to the DEVELOPER that it has the capability of collecting and disposing of the solid waste generated by the Development.

5.6.2 All hazardous materials and hazardous waste shall be handled, stored, transported and disposed of in compliance with all federal, state and local laws. The final annual report shall detail the method of compliance with this requirement.

5.7 Wastewater. By letter dated November 17, 1987, the City of Largo confirmed to the DEVELOPER that it has the capability of supplying wastewater service to the Development.

5.8 Water Supply.

5.8.1 The total daily water requirements from the commencement of construction through the build-out of the Development as referenced in the Application will be supplied by the Pinellas County Water Department.

5.8.2 The DEVELOPER shall submit a plan to the FDEP, the COUNTY and TBRPC for the use of non-potable water for irrigation in the first annual report following the Effective Date. The plan shall address the present and proposed future availability and use of reclaimed water as the primary option for irrigation.

5.8.3 The DEVELOPER shall be responsible for installation, maintenance, and operation of all on-site wells.

5.8.4 Water saving devices shall be incorporated into the Development's design and construction guidelines to the extent mandated by the Florida Water Conservation Act, Section 553.14, F.S. (1987).

5.8.5 Fire flows, sufficient numbers of fire hydrants, and properly sized water mains shall be provided to the Development in accordance with COUNTY laws, rules, and regulations.

5.8.6 Internal water distribution facilities not located within public easements rights-of-way dedicated to the COUNTY shall be maintained by the DEVELOPER, or its successors or assigns.

5.9 Other Public Facilities, Utilities and Services. The COUNTY shall assure the adequacy and availability of the following public services for the BAY VISTA OFFICE PARK: police, emergency medical, and fire, as confirmed by: (1) the letter of Steven Dean, Director of Fire and EMS Administration of the COUNTY, dated May 17, 1988, and (2) the letter of Gerry Coleman, Pinellas County Sheriff, dated April 27, 1988.

5.10 Maintenance of Open Space and Recreation Areas. The DEVELOPER, its successors or assigns, shall be the responsible entity for the maintenance of all open space areas on the Property including recreation areas.

SECTION 6. ENFORCEMENT AND PENALTIES In addition to the enforcement remedies provided in Chapter 380, F.S., the COUNTY shall have the following authority:

6.1 The authorized representatives, agents or employees of the COUNTY, may enter and inspect any property, premises or place, including improvements thereon, for the purpose of inspecting the same to determine whether a violation of this Consolidated Development Order is occurring, or to verify achievement of compliance with the provisions of this Consolidated Development Order. Inspections conducted pursuant to this section shall be limited to obtaining that information which is reasonably necessary for the above purposes and shall be conducted in such a manner as to assure minimal interference with normal business operations on the premises. The owner or operator of the premises shall, upon request, receive a report setting forth all facts found which relate to compliance status. Where violations are found to exist during the course of any construction or activity associated with this Consolidated Development Order, a stop work order may be issued by the COUNTY Administrator and work shall cease until the violation is corrected or may proceed under conditions established by the County Administrator. Any permits improperly issued in connection with the violations may be rescinded.

6.2 In addition to the remedies and penalties provided by subsection 6.1 for violation of this Ordinance, any violation of this Ordinance shall be subject to appropriate civil action in the court of appropriate jurisdiction, and shall be subject to other applicable enforcement remedies and penalties, as provided by general law.

SECTION 7. SEVERABILITY If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of Competent Jurisdiction, such holdings shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 8. VESTED RIGHTS Nothing herein shall limit or modify the rights originally approved for the BAY VISTA OFFICE PARK as set forth in the Original Development Order, the Amended Development Order, (Ordinance No. 89-10, together with subsequent amendments thereto, Ordinance Nos. 94-88 and 96-45) or the protection afforded by Section 163.3167(8) F.S..

SECTION 9. DEVELOPER'S CERTIFICATION That the DEVELOPER's Certification affirming that copies of the Notice of Change have been delivered to all persons as required by law, is included and is part of the 1998 NOPC incorporated herein by reference.

SECTION 10. FILING OF ORDINANCE; EFFECTIVE DATE Pursuant to Section 125.66, F.S., a certified copy of this Ordinance shall be filed with the Department of State by the Manager of Board Records within ten (10) days after enactment by the Board. This Ordinance shall become effective upon receipt of notice of such filing, or, if an appeal is filed, at the conclusion of the such appeal, whichever is later.

SECTION 11. HEADINGS The captions and headings in this Development Order are for ease of reference and do not constitute a part of this Development Order.

ARTICLE 2. PARTIAL IMPLEMENTATION OF NOPC FILED ON AUGUST 1, 1994

A. The DEVELOPER shall cause all funds held in escrow pursuant to the Escrow Agreement in the amount of \$266,244.93, together with any accrued interest thereon, to be released and delivered to the COUNTY within ten (10) days from the approval of this ordinance. which payment shall be credited toward the DEVELOPER's required contribution for offsite road improvements as described in the Amended Development Order. Note: Condition satisfied pursuant to payment according to note on §5.1.4.

B. No further development approvals for additional occupiable space shall be issued by the COUNTY within Bay Vista until such time as the Amendment described in the NOPC filed August 1, 1994, subject to such modifications or changes as approved by the DEVELOPER and the COUNTY, has been reviewed and approved by the COUNTY; except that the COUNTY shall issue such development approvals as may be required to complete and occupy the Tech Data Project upon payment by Tech Data of the customary and ordinary transportation impact fees due with respect to the project in the estimated amount of \$145,000.00 and subject to the site plan's qualification for site plan approval. The aforementioned transportation fees shall be credited toward the DEVELOPER's required contribution for offsite road improvements as set forth in the Amended Development Order, or as subsequently provided for in the amendment to the development order which ultimately fully implements the NOPC filed on August 1, 1994. Note: Condition satisfied pursuant to payment according to note on §5.1.4.

C. The NOPC filed August 1, 1994 shall incorporate such further matters as may be reasonably required by the COUNTY or by law as a result of the Annual Report dated September 23, 1994.

ARTICLE 3. PARTIAL IMPLEMENTATION OF NOPC FILED ON MARCH 6, 1996

The DEVELOPER, shall be responsible for collecting and paying over to the COUNTY or such other agency as the COUNTY may direct, the amount of \$173,243.68, which amount represents the unpaid balance of the DEVELOPER's Transportation Contribution to the offsite road improvements under the Amended Development Order. The DEVELOPER shall collect said amount and pay same over to the COUNTY or such agency as the COUNTY may direct in accordance with the following schedule within ten (10) days following expiration of all appeal periods applicable to this Ordinance. Note: Condition satisfied pursuant to the note in Section 5.1.4.

A. In the event that the payment required above is not made on the last date permitted, no further development approvals shall be approved by the COUNTY with respect to Bay Vista until such amount is paid.

B. The DEVELOPER shall be responsible for the ongoing compliance with the ongoing monitoring requirements of the Consolidated Development Order. Additionally, the

DEVELOPER shall be responsible for the maintenance of all open space areas on the property including recreation areas and components of the Master Drainage System.

- C. The DEVELOPER shall ensure that all future Development Order reports are timely filed.
- D. The DEVELOPER hereby authorizes the transfer of all payments made pursuant to this Article 3 as well as Article 2 and Section 5.1.8(C) from the trust accounts for the road links improved by fdot to accounts identified for contributions to FDOT for the improvements on Ulmerton Road.

PASSED AND ORDAINED BY THE PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS.

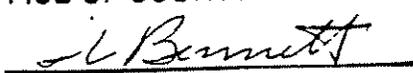
CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

ATTEST: KARLEEN F. DEBLAKER, CLERK

By: 
Deputy Clerk

Deputy Clerk

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By 
Attorney

Attorney

KARLEEN F. De BLAKER, Clerk of the Circuit Court and Clerk Ex-Officio, Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of the original as it appears in the official files of the Board of County Commissioners of Pinellas County, Florida.

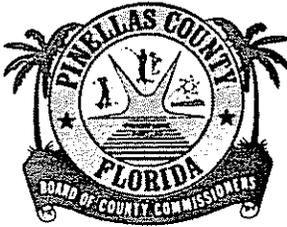
Witness my hand and seal of said County.

this 24 day of March A.D. 19 99

KARLEEN F. De BLAKER, Clerk of the Circuit Court Ex-Officio, Clerk of the Board of County Commissioners, Pinellas County, Florida

By: *John D. Hahn*

Deputy Clerk



5027 174

BOARD OF COUNTY COMMISSIONERS

Development Review Services Department

Working Together to Serve You Better

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July 9, 1996

Tim Butts
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Fl 33702-2491

Re: Bay Vista DRI #174 (NOPC filed March 6, 1996)

Dear Tim:

Please find attached Ordinance 96-45 which was adopted on May 14, 1996 by the Board of County Commissioners in response to the above referenced Notice of Proposed Change. Should there be any question concerning this document, please feel free to contact me at (813) 464-3888.

Sincerely,

Al Navaroli
DRS Manager

ORDINANCE NO. 96-45

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, AMENDING DEVELOPMENT OF REGIONAL IMPACT ORDINANCE NO. 89-10 DEVELOPMENT ORDER FOR BAY VISTA (F/K/A PIONEER CENTER); PROVIDING FOR FINDINGS OF FACT INCLUDING A DETAILING OF THE HISTORY AND OUTSTANDING OBLIGATIONS OF THE DEVELOPER WITH RESPECT TO CONTRIBUTIONS OF OFFSITE ROAD IMPROVEMENTS, REVISION OF THE PHASING SCHEDULE, IDENTIFYING INTENTIONS WITH RESPECT TO RESPONSIBILITY FOR COMPLIANCE WITH DRAINAGE SYSTEM MONITORING AND MAINTENANCE REQUIREMENTS, AND IDENTIFYING INTENTIONS WITH RESPECT TO AGENCY FOR PURPOSES OF FULFILLING THE DEVELOPER'S OBLIGATIONS UNDER THE AMENDED DEVELOPMENT ORDER; AND PROVIDING CONCLUSIONS OF LAW INCLUDING A VERIFICATION OF COMPLIANCE WITH ALL STATUTORY PROCEDURES, AN INCORPORATION AND PRESERVATION OF ORDINANCES 89-10 AND 94-88, PROVIDING FOR A PROTECTION OF STATUTORY VESTED RIGHTS, CONCLUDING THAT THE CONSISTENCY REQUIREMENT AND PROTECTION OF OBJECTIVES OF THE STATE LAND DEVELOPMENT PLAN ARE MAINTAINED, AND CONCLUDING THAT THE PROPOSED AMENDMENTS REBUT ANY PRESUMPTION THAT THEY MAY BE SUBSTANTIAL DEVIATIONS TO THE PREVIOUSLY APPROVED DEVELOPMENT ORDER; PROVIDING FOR AMENDMENT OF THE DEVELOPMENT INCLUDING AN AMENDMENT OF THE WHEREAS CLAUSES TO IDENTIFY THE NAME OF THE DEVELOPMENT, THE NAME OF THE DEVELOPER AND THE DEVELOPER'S AGENT; PROVIDING FOR AN AMENDMENT OF THE BUILD-OUT DATE; PROVIDING FOR A SPECIFIC DATE FOR SUBMITTAL OF THE ANNUAL REPORT; ADDING A NEW SECTION DETAILING TIMING OF PAYMENT OF THE UNPAID BALANCE OF THE DEVELOPER'S TRANSPORTATION CONTRIBUTION AND PROVIDING FOR A CESSATION OF DEVELOPMENT APPROVALS IF THE PAYMENTS ARE NOT TIMELY MADE; PROVIDING FOR A CHANGE IN THE PAYEE FOR THE TRANSPORTATION MANAGEMENT PRO RATA APPORTIONMENT; PROVIDING FOR ASSURANCE THAT, NOTWITHSTANDING REFERENCES IN THE DEVELOPMENT ORDER REGARDING AGENCY STATUS FOR SOME DEVELOPMENT ORDER REQUIREMENTS, THE DEVELOPER'S ULTIMATE RESPONSIBILITIES REMAIN UNCHANGED; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE OF THE AMENDMENTS INCLUDING A RENDERING OF THE DEVELOPMENT ORDER, FILING OF THE DEVELOPMENT ORDER, AND TRANSMITTAL OF THE DEVELOPMENT ORDER TO RESPONSIBLE AUTHORITIES; PROVIDING FOR THE STATUS OF HEADINGS WITHIN THE DEVELOPMENT ORDER.

SECRETARY OF STATE

MAY 23 9 16 AM '96

FILED

WHEREAS, on February 21, 1984, a Development Order (the "Original Development Order") was issued, pursuant to Pinellas County (the "County") ordinance, for a development of regional impact ("DRI") known then as "Pioneer Center", for a mixed use, office/retail development located on a 120-acre site at Roosevelt Boulevard and 58th Street in the county; and

WHEREAS, on March 18, 1988, pursuant to the provisions of Section 380.06, Florida Statutes ("Chapter 380"), the Trammell Crow Company filed an Application for Approval of Proposed Change to the Original Development Order with the County, the Tampa Bay Regional Planning Counsel ("TBRPC"), the Florida Department of Community Affairs ("DCA") and other appropriate entities; and

WHEREAS, on March 10, 1989, an Amended Development Order (the "Amended Development Order"), was issued, pursuant to County Ordinance No. 89-10, which amendment approved the Application for Approval of Proposed Change to the Original Development Order; and

WHEREAS, on August 1, 1994, Capital Management Resources, on behalf of the Bay Vista Property Owner's Association, Inc. (the "Association"), acting as agent for Resolution Trust Corporation ("RTC"), the then Developer of Bay Vista, filed an Application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (the "Interim NOPC"); and

WHEREAS, the scope of the Interim NOPC was modified and adopted as Ordinance 94-88 (the "Interim Amendment"); and

WHEREAS, on March 6, 1996, the Association, on behalf of Pinellas Bay Vista Partners, Ltd. ("PBV"), the current Developer of Bay Vista, as successor in interest to the Resolution Trust Corporation, filed an Application entitled Notification of a Proposed Change to Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (the "NOPC") (attached hereto as Exhibit "A"); and

WHEREAS, the NOPC proposed:

(1) To provide a vehicle for the payment to the County or such other agency as the County may direct of the unpaid balance of the estimate of the Developer's contribution to offsite road improvements under the Amended Development Order (the "Developer's Transportation Contribution");

(2) To revise the phasing schedule of the project to conform with the existing development pattern;

(3) To establish responsibility for the ongoing compliance with the drainage system monitoring and maintenance requirements under the Amended Development Order; and

(4) To establish the responsible parties for the Developer's obligations under the Amended Development Order.

(5) Revise and update the "Previously Allocated" and adding an "Entitlements Allocated to Undeveloped Tracts" in the Master Plan attached to the ADA as Exhibit "H" and incorporated into the Development Order with revised Exhibit "H" attached hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, IN REGULAR SESSION THIS DAY OF _____, 1996, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT

1.1 DEVELOPER'S CONTRIBUTION TO OFFSITE ROAD IMPROVEMENTS

A. Section 6A Transportation, of the Amended Development Order provides for certain conditions, restrictions and limitations for purposes of mitigating regional impacts of this development on transportation facilities. Pursuant thereto, the Developer was required to pay Bay Vista's share of the costs necessary to accommodate the impacts of the development which was calculated to be \$565,244.00. Developer was also required to expend \$30,651.00 in addition to the aforementioned amount, for a total of \$595,895.00, which amount represents the estimate of the Developer's Transportation Contribution to the offsite road improvements under the Amended Development Order.

B. A portion of the Developer's Transportation Contribution in the amount of \$270,064.52 was paid to the County pursuant to Ordinance 94-88.

C. In addition, since the adoption of Ordinance 94-88, the further amount of \$152,586.80 has been paid and credited toward Developer's Transportation Contribution.

D. The Association, on behalf of the Developer, has accepted responsibility for collecting and paying over to the County or such other agency as the County may direct, the amount of \$173,243.68, representing the unpaid portion of the Developer's Transportation Contribution, as follows:

1. With respect to the remaining portion of the Developer's Transportation Contribution, the owners of the majority of the remaining undeveloped portion of Bay Vista have committed to pay the following amounts, which amounts may be collected by the Association and paid over to the County or to such other agency as the County may direct:

Tech Data Corporation ("Tech Data")	\$128,634.20
Pinellas Bay Vista Partners, Ltd. ("PBV")	\$ 45,195.98

2. The aforementioned amounts may be collected by the Association and paid to the County or to such other agency as the County may direct within ten (10) days following the expiration of all appeal Periods associated with this Ordinance.

3. Tech Data and PBV shall be entitled to receive impact fee credits equal to the amounts set forth above, not to exceed the square footage and type of development specified in the adopted Development Order 89-10 as amended. Such credits may be used to partially defray future Pinellas County impact fees payable with respect to the remaining undeveloped land within Bay Vista owned thereby. Said impact fee credits may be assigned or transferred to the parties' respective successors and assigns.

4. The Developer shall accept responsibility for maintaining a record of the use of impact fee credits and the assignment and transfer of impact fee credits given to Tech Data and PBV as set forth herein. The County may accept the certificate of the Developer or it's specifically identified Agent for such purposes as conclusive evidence of the availability of impact fee credits requested with respect to the submission of an application for building permit or other development approval.

1.2 REVISION OF PHASING SCHEDULE

The Applicant is also proposing an extension of the project build-out. A comparison of the original approved build-out and the proposed build-out schedule is as follows:

<u>Original Build-Out Schedule</u>	<u>Proposed Build-Out Schedule</u>
1992	March 9, 1999

1.3 RESPONSIBILITY FOR COMPLIANCE WITH DRAINAGE SYSTEM MONITORING AND MAINTENANCE REQUIREMENTS

The Amended Development Order provides for a baseline and semi-annual surface water quality monitoring program to continue through build-out of the development. Pursuant thereto, the Association, as the Developer's agent for such purposes, has caused to be submitted to the County a Monitoring Plan. Without relieving the Developer of its obligations, the Association has agreed to accept responsibility for the ongoing compliance with the monitoring requirements, as set forth in the Monitoring Plan. Additionally, without relieving the Developer of its obligations, the Association will accept responsibility for the maintenance of all open space areas on the property including recreation areas.

1.4 RESPONSIBLE PARTIES FOR DEVELOPER'S OBLIGATIONS UNDER THE AMENDED DEVELOPMENT ORDER

The Developer of Bay Vista is PBV, as successor in interest to the Resolution Trust Corporation. The Developer has delegated to its agent for such purposes, the

Association, its authority to comply with the reporting requirements under the Amended Development Order and to otherwise communicate with the County and other appropriate agencies on behalf of the Developer. The Association will ensure that all future Development Order reports are timely filed.

A. The Board of County Commissioners for Pinellas County ("BOCC"), as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Changes and to approve amendments to DRIs.

B. A review of the impacts generated by the Proposed Changes has been conducted by the County, the TBRPC and the DCA.

C. The Proposed Changes approved herein result in no new or additional regional impacts requiring further DRI review.

SECTION 2 CONCLUSIONS OF LAW

2.1. All statutory procedures have been adhered to and the impacts of the development authorized hereby are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.

2.2. Ordinance No. 89-10 and Ordinance 94-88, are incorporated herein by reference and are hereby reaffirmed in their entirety except as amended herein.

2.3. Except as specifically set forth herein, nothing herein shall limit or modify the protection afforded under Section 163.3167(8), Florida Statute.

2.4. The amendment adopted hereby is consistent with the State Comprehensive Plan, with the Comprehensive Plan of Pinellas County, and with applicable land development regulations, and does not unreasonably interfere with the achievement of the objectives of the State Land Development Plan applicable to the area.

2.5. The applicant has submitted clear and convincing evidence to rebut the presumption of a substantial deviation created under Subsection 380.06(19), Florida Statutes, and the amendment of the Development Order as set forth herein, is found not to be a substantial deviation to the previously approved Development Order.

SECTION 3. AMENDMENT OF DEVELOPMENT ORDER

Based on the above Findings of Fact and Conclusions of Law, the BOCC hereby amends the Bay Vista Amended Development Order as follows:

3.1. AMENDMENT OF "WHEREAS" CLAUSES.

3.1.1. The first "WHEREAS" clause of Ordinance 89-10, as amended is amended to read as follows:

WHEREAS, on February 21, 1984, a Development Order (the "Original Development Order") was issued, pursuant to Pinellas County (the "County") Ordinance, for a Development of Regional Impact ("DRI") known then as "Pioneer Center," for a mixed use, office/retail development located on a 120-acre site at Roosevelt Boulevard and 58th Street in the County. The name of the development shall be referred to as Bay Vista; and

3.1.2. The second "WHEREAS" clause of Ordinance 89-10, as amended is amended to read as follows:

WHEREAS, on March 18, 1988, pursuant to the provisions of Section 380.06, Florida statutes (1987) ("Chapter 380"), The Trammell Crow Company (the "Developer") filed an Application for Approval of Proposed Change to the Original Development Order (which together with later sufficiency responses is referred to herein as the "Application") with the County, the Tampa Bay Regional Planning Council ("TBRPC"), the Florida Department of Community Affairs ("DCA") and other appropriate entities. Effective with the 1996 amendment to the development order, the "Developer" is changed to Pinellas Bay Vista Partners, Ltd. ("PBV") whose agent is the Association; and

3.2 AMENDMENT OF THE GENERAL AND SPECIFIC CONDITIONS RESTRICTIONS AND LIMITATIONS

3.2.1. Subsection F of Section 5 is amended to read as follows:

F. The approved BAY VISTA DRI shall not be subject to down-zoning or intensity reduction until March 9, 1999, unless the County can demonstrate that substantial changes in the conditions underlying the approval of the Order have occurred, that the Order was based on substantially inaccurate information provided by the Developer or that the change is clearly established by the County to be essential to the public health, safety or welfare.

3.2.2. The introductory paragraph of Subsection H of Section 5 is amended to read as follows:

H. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes (1988), and the rules promulgated by the DCA under Chapter 380. Such report shall be due on the March 10 annual anniversary of the date of the adoption of this Ordinance for each year

beginning on the first annual anniversary date following the Effective Date until such time as all terms and conditions of this Order have been satisfied. In addition to the filing requirements of Chapter 380, such report shall be submitted to the County Administrator who shall, after appropriate review, submit it for review to the Commission. The Commission shall review the report for compliance with the terms and conditions of this Order. The Developer shall be notified of any Commission hearing at which such report is to be reviewed. The mere receipt, review and filing of such annual report by the Commission shall not be considered as a substitute or a waiver of any of the terms or conditions of this Order. This annual report shall contain:

3.2.3. Subsection I of Section 5, the General and Specific Conditions Restrictions and Limitations section is amended to read as follows:

- I. This Development Order shall remain in effect through March 9, 1999. Any development activity for which plans have been submitted to the County for its review and approval no later than 60 days prior to the expiration of this Order may, upon receipt of approval, be completed, regardless of when such approval is ultimately issued, subject to review by any applicable Pinellas County vested rights administrative process in operation at the expiration of this Order. This Order may be extended by the Commission on a finding of excusable delay in any proposed development activity, subject to the provisions of Section 380.06(19). This section is not to be construed as a waiver of any development rights which may arise at law or at equity as a result of this Order.

3.3 AMENDMENT OF THE REGIONAL CONDITIONS, RESTRICTIONS AND LIMITATIONS

3.3.1. Subsection A(3) of Section 6, the General and Specific Conditions Restrictions and Limitations section is amended to read as follows:

(3) The total development receiving specific approval is:

<u>Build-Out</u>	<u>Office**</u>	<u>Retail**</u>	<u>Total**</u>
March 9, 1999*	1,180,000***	20,000	1,200,000

*The final build-out year shown is an estimate only and does not suggest that development will not occur at a faster or slower rate than estimated, subject to applicable substantial deviation criteria for extension of build-out dates.

**The Original Development Order approved 954,000 square feet of office and 33,000 square feet of retail, of which 534,911 square feet of office and 20,000 square feet of retail has already been built, is being built, or is in the building permit approval process. Therefore, this Order simply increases the total amount of office approved by 226,000 square feet (to 1,180,000 square feet) and reduces the total square feet of retail by 13,000 square feet (to 20,000 square feet) and spreads that development over 19.4 additional acres of land.

***Due to reanalysis, application of revised methodologies and mitigation measures set forth herein, if the Developer elects the Option 3 Pipeline Option of transportation mitigation, the total development receiving specific approval is as follows:

<u>Build-Out</u>	<u>Office**</u>	<u>Retail**</u>	<u>Total**</u>
March 9, 1999*	1,080,000	20,000	1,100,000

3.3.2. Subsection A(5) of Section 6 of the Amended Development Order is amended to read as follows:

(5) The Developer shall participate in the Gateway Transportation Management Initiative, a transportation management organization, by making a pro-rata contribution in an amount not to exceed \$24,788.00, to be paid within 10 days following receipt of a written request for same from the Pinellas County MPO, but in no event earlier than 10 days from the Effective Date of this Order and the expiration of the period for filing appeals hereof and the resolution of any such appeals, for which Developer shall receive appropriate credits against applicable County impact fees.

3.3.3. Subsection B(5)(a)(3) of Section 6 of the Amended Development Order is amended to read as follows:

- (3) All mitigation areas and littoral shelves shall be monitored semi-annually for a period of four years, or until project build-out, whichever occurs later. Monitoring shall be performed for species diversity and composition and efforts to control nuisance species encroachment. Additional planting may be required to maintain an eighty five percent (85%) survival of herbaceous planted species over a three (3) year period. In conjunction with effective removal of all nuisance exotic species on developed uplands, as well as mitigation areas, if the monitoring reports submitted demonstrate that an eighty-five percent (85%) survival, in a healthy condition, of all planted woody species after one (1) year without intervention by means of irrigation, or replanting, no further monitoring

[]

shall be required. Copies of these monitoring reports shall be included as part of the annual reports.

3.4. A new Section 11 is added to read as follows:

Section 11. The Developer, shall be responsible for collecting and paying over to the County or such other agency as the County may direct, the amount of \$173,243.68, which amount represents the unpaid balance of the Developer's Transportation Contribution to the offsite road improvements under the Amended Development Order. The Developer shall collect said amount and pay same over to the County or such agency as the County may direct in accordance with the following schedule within ten (10) days following expiration of all appeal periods applicable to this Ordinance.

- A. In the event that the payment required above is not made on the last date permitted, no further development approvals shall be approved by the County with respect to Bay Vista until such amount is paid.
- B. The Developer shall be responsible for the ongoing compliance with the ongoing monitoring requirements of the Amended Development Order. Additionally, the Developer shall be responsible for the maintenance of all open space areas on the property including recreation areas and components of the Master Drainage System.
- C. The Developer shall ensure that all future Development Order reports are timely filed.

SECTION 4. SEVERABILITY

In the event that any portion or section of this development 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 Ordinance which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE OF THIS AMENDATORY ORDINANCE

5.1. RENDERING OF THE DEVELOPMENT ORDER

- A. Upon adoption, executed copies of this Ordinance amending the prior development order shall be transmitted by the Manager of Board Records, by certified mail, to the DCA, the TBRPC, and the Developer.

B. The Developer shall record a Notice of Adoption of this Development Order as required pursuant to Chapter 380, and shall furnish the County Clerk a copy of the recorded Notice.

C. This Development Order shall be deemed rendered upon transmittal of copies of this Development Order to the recipients specified in Chapter 380 Florida Statutes.

D. A copy of this Development Order shall be located in the Pinellas County Department of Development Review Services for the convenience of the public.

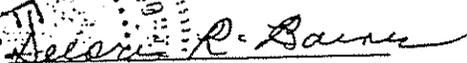
5.2. EFFECTIVE DATE OF THE DEVELOPMENT ORDER

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Manager of Board Records within ten (10) days after enactment by the Board. This Ordinance shall become effective upon receipt of notice of such filing, or, if an appeal is filed, at the conclusion of such appeal, whichever is later.

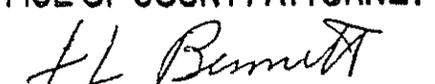
SECTION 6. HEADINGS

The captions and headings in this Development Order are for ease of reference and do not constitute a part of this Development Order.


Chairman, Board of Pinellas County
Commissioners

ATTEST
KARLEENE De BLAKER, Clerk
By 
Deputy Clerk



APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY
By 
Attorney

STATE OF FLORIDA

COUNTY OF PINELLAS

I, KARLEEN F. De BLAKER, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on May 14, 1996, relative to:

ORDINANCE NO. 96- 45

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, AMENDING DEVELOPMENT OF REGIONAL IMPACT ORDINANCE NO. 89-10 DEVELOPMENT ORDER FOR BAY VISTA (F/K/A PIONEER CENTER); PROVIDING FOR FINDINGS OF FACT INCLUDING A DETAILING OF THE HISTORY AND OUTSTANDING OBLIGATIONS OF THE DEVELOPER WITH RESPECT TO CONTRIBUTIONS OF OFFSITE ROAD IMPROVEMENTS, REVISION OF THE PHASING SCHEDULE, IDENTIFYING INTENTIONS WITH RESPECT TO RESPONSIBILITY FOR COMPLIANCE WITH DRAINAGE SYSTEM MONITORING AND MAINTENANCE REQUIREMENTS, AND IDENTIFYING INTENTIONS WITH RESPECT TO AGENCY FOR PURPOSES OF FULFILLING THE DEVELOPER'S OBLIGATIONS UNDER THE AMENDED DEVELOPMENT ORDER; AND PROVIDING CONCLUSIONS OF LAW INCLUDING A VERIFICATION OF COMPLIANCE WITH ALL STATUTORY PROCEDURES, AN INCORPORATION AND PRESERVATION OF ORDINANCES 89-10 AND 94-88, PROVIDING FOR A PROTECTION OF STATUTORY VESTED RIGHTS, CONCLUDING THAT THE CONSISTENCY REQUIREMENTS AND PROTECTION OF OBJECTIVES OF THE STATE LAND DEVELOPMENT PLAN ARE MAINTAINED, AND CONCLUDING THAT THE PROPOSED AMENDMENTS REBUT ANY PRESUMPTION THAT THEY MAY BE SUBSTANTIAL DEVIATIONS TO THE PREVIOUSLY APPROVED DEVELOPMENT ORDER; PROVIDING FOR AMENDMENT OF THE DEVELOPMENT INCLUDING AN AMENDMENT OF THE WHEREAS CLAUSES TO IDENTIFY THE NAME OF THE DEVELOPMENT, THE NAME OF THE DEVELOPER AND THE DEVELOPER'S AGENT; PROVIDING FOR AN AMENDMENT OF THE BUILD-OUT DATE;

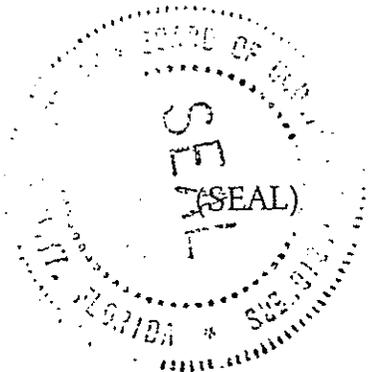
(cont')

PROVIDING FOR A SPECIFIC DATE FOR SUBMITTAL OF THE ANNUAL REPORT; ADDING A NEW SECTION DETAILING TIMING OF PAYMENT OF THE UNPAID BALANCE OF THE DEVELOPER'S TRANSPORTATION CONTRIBUTION AND PROVIDING FOR A CESSATION OF DEVELOPMENT APPROVALS IF THE PAYMENTS ARE NOT TIMELY MADE; PROVIDING FOR A CHANGE IN THE PAYEE FOR THE TRANSPORTATION MANAGEMENT PRO RATA APPORTIONMENT; PROVIDING FOR ASSURANCE THAT, NOTWITHSTANDING REFERENCES IN THE DEVELOPMENT ORDER REGARDING AGENCY STATUS FOR SOME DEVELOPMENT ORDER REQUIREMENTS, THE DEVELOPER'S ULTIMATE RESPONSIBILITIES REMAIN UNCHANGED; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE OF THE AMENDMENTS INCLUDING A RENDERING OF THE DEVELOPMENT ORDER, FILING OF THE DEVELOPMENT ORDER, AND TRANSMITTAL OF THE DEVELOPMENT ORDER TO RESPONSIBLE AUTHORITIES; PROVIDING FOR THE STATUS OF HEADINGS WITHIN THE DEVELOPMENT ORDER.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 20th day of May, 1996.

KARLEEN F. De BLAKER
Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners

By Doris R. Barnes
Deputy Clerk



I, KARLEEN F. De BLAKER, Clerk of the Circuit Court and Clerk Ex-Officio, Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of the original as it appears in the official files of the Board of County Commissioners of Pinellas County, Florida.
Witness my hand and seal of said County.
this 9th day of July A.D. 19 96.
KARLEEN F. De BLAKER, Clerk of the Circuit Court Ex-Officio Clerk of the Board of County Commissioners, Pinellas County, Florida
By: Annmarie G. Wilbra
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
Development Review Services Department

Working Together to Serve You Better

COMMISSIONERS

SALLIE PARKS - CHAIRMAN
ROBERT B. STEWART - VICE CHAIRMAN
CHARLES E. RAINEY
STEVE SEIBERT
BRUCE TYNDALL

February 12, 1996

John Meyer
Tampa Bay Regional Planning Council
9455 Koger Boulevard, Suite 219
St. Petersburg, Fl 33702

Dear Mr. Meyer:

It has come to my attention that the attached Ordinance was not delivered to your agency as is required. A check of your files should indicate that your office had no objection to this partial implementation of the NOPC filed for the Bay Vista DRI #174.

Should there be any question concerning these certified copies of the Ordinance, please feel free to contact me at (813) 464-3888.

Sincerely,

Al Navaroli
Development Review Services Manager

AN/dm

RECEIVED
BOARD OF
COUNTY COMMISSIONERS
PINELLAS COUNTY, FLORIDA

ORDINANCE NO. 94-88

Nov 10 10 43 AM '94

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA AMENDING DRI ORDINANCE NO. 89-10 DEVELOPMENT ORDER FOR BAY VISTA (F/K/A PIONEER CENTER); PROVIDING FOR PAYMENT OF ESCROW FUNDS TOWARD THE DEVELOPER'S FAIR SHARE; PROVIDING FOR PARTIAL IMPLEMENTATION OF THE NOTICE OF PROPOSED CHANGE TO ALLOW THE TECH DATA PROJECT TO PROCEED; PRECLUDING ANY FURTHER DEVELOPMENT WITHIN BAY VISTA UNTIL THE ULTIMATE FULL IMPLEMENTATION OF THE NOTICE OF PROPOSED CHANGE; AND PROVIDING FOR AN EFFECTIVE DATE

94 NOV -7 10:23

FILED

WHEREAS, on February 21, 1984, a Development Order (the "Original Development Order") was issued, pursuant to Pinellas County (the "County") ordinance, for a development of regional impact ("DRI") known then as "Pioneer Center," for a mixed use, office/retail development located on a 120-acre site at Roosevelt Boulevard and 58th Street in the County; and

WHEREAS, on March 18, 1988, pursuant to the provisions of Section 380.06, Florida Statutes ("Chapter 380"), the Trammell Crow Company filed an Application for Approval of Proposed Change to the Original Development Order with the County, the Tampa Bay Regional Planning Counsel ("TBRPC"), the Florida Department of Community Affairs ("DCA") and other appropriate entities; and

WHEREAS, on March 10, 1989, an Amended Development Order (the "Amended Development Order"), was issued, pursuant to County Ordinance No. 89-10, which amendment approved the Application for Approval of Proposed Change to the Original Development Order; and

WHEREAS, on August 1, 1994, Capital Management Resources, on behalf of the Bay Vista Property Owner's Association, acting as agent for Resolution Trust Corporation ("RTC"), the Developer of Bay Vista, filed an Application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes ("NOPC"); and

WHEREAS, the NOPC proposed:

(1) To provide a vehicle for the contribution to the County or such other agency as the County may direct for an amount of money equal to approximately \$595,895.00, which amount represents the calculated Developer's fair share contribution to offsite estimate of the Developer's contribution to offsite road improvements under the Amended Development Order;

(2) To revise the phasing schedule of the project to conform with the existing development pattern;

(3) To establish responsibility for the ongoing compliance with the drainage system monitoring and maintenance requirements under the Amended Development Order; and

(4) To establish the responsible parties for the Developer's obligations under the Amended Development Order.

WHEREAS, Capital Management Resources, on behalf of the Bay Vista Property Owner's Association, acting as agent for RTC, the developer of Bay Vista; has proposed partial implementation of some of the goals of the NOPC. The purpose of this partial implementation is to allow the early payment of a portion of the Developer's fair share contribution to offsite road improvements as set forth in the NOPC and, in conjunction therewith, permit the issuance of various development approvals for that certain project proposed by Tech Data Corporation ("Tech Data") consisting of a new office building not to exceed 75,000 square feet of occupiable space and related improvements, all as set forth in the Pinellas County site plan number 3237.024 presently pending before Pinellas County (the "Tech Data Project"),

WHEREAS, the partial implementation provides:

(1) That the approximate amount of \$266,244.93 (as of July 31, 1994), representing the balance of the escrow established by the terms of that certain Density Allocation and Escrow Agreement dated December 27, 1990 ("Escrow Agreement"), by and among the Developer's predecessor and other owners of property within Bay Vista, shall be released (together with any additional interest thereon) to the County or such agency as the County shall direct.

(2) That the county shall complete the processing of and approve, subject to customary conditions and requirements imposed by general codes, ordinances and regulations applicable to projects of its kind, the pending site plan and other development approvals necessary to construct the Tech Data Project.

(3) That Tech Data shall pay to the County the amount of approximately \$145,000.00, representing the transportation impact fee due and payable under general county ordinances for a project of the size and nature of the Tech Data Project. Said fees shall be paid by Tech Data concurrently with the issuance by the County of its approval of the pending site plan for the Tech Data Project. Such payment shall be in lieu of any other payment by Tech Data toward the Developer's fair share contribution to the offsite road improvements described in the Amended Development Order.

(4) That the County shall credit toward the Developers fair share contribution to the offsite road improvements the full amount of the funds received by the County pursuant to (1) and (3) above, as set forth in the NOPC filed on August 1, 1994 or as subsequently provided for in the amendment to the development order which ultimately fully implements the NOPC.

(5) That no other development permit or approval for additional occupiable space shall be given by the County with respect to any other property or project other than the permits and approvals for the Tech Data Project, until such time as the NOPC filed on August 1, 1994 and the amendment referenced therein has been reviewed and approved by the County, subject only to such additions or amendments as may be approved by the Developer or its successor in interest and the County.

(6) That the Developer or its successor in interest shall continue with its efforts to seek approval of the NOPC filed August 1, 1994, subject to such changes or modifications thereto as may be agreed to by the Developer, or its successor in interest, and the County.

(7) That the NOPC shall further incorporate such additional matters as the county may reasonably request or as may be required by law as a result of the information contained in the Annual Report dated September 23, 1994.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, IN REGULAR SESSION THIS 25TH DAY OF October, 1994, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT

1.1. Developer's Contribution to Offsite Road Improvements

A. Section 6A Transportation, of the Amended Development Order provides for certain conditions, restrictions and limitations for purposes of mitigating regional impacts of this development on transportation facilities. The Developer chose Option 3 which allows the Developer to elect to fund, design and construct, or ensure the funding, design and construction of the transportation improvement identified in Exhibit "B" to the Amended Development Order using Developer's proportionate share amount calculated pursuant to Rule 9J2.0255, Florida Administrative Code.

B. However, this improvement has been committed to by the DOT. The projected completion date is 1995. Therefore, the proportionate share amount

necessary to accommodate the impacts of the development will be paid, as set forth herein, in lieu of the options set forth in the Amended Development Order, which proportionate share amount will satisfy Developer's fair share obligation under the Amended Development Order. The amount was calculated to be \$565,244.00. Developer was also required to expend \$30,651.00 in addition to the net pipeline improvement dollar amount, for a total of \$595,895.00, which amount represents the estimate of the Developer's fair share contribution to the offsite road improvements under the Amended Development Order.

C. As set forth above, Developer has filed the NOPC which sets forth the procedure pursuant to which the Developer's fair share contribution to offsite road improvements shall be made. Due to a pending sale of Developer's remaining interest in Bay Vista, Developer has requested that the County defer any further action on the NOPC until such sale is completed and Developer's successor in interest has been afforded an opportunity to participate directly in the amendment process. Notwithstanding such deferral, the County and the Developer have determined, that it would be in the best interest of the County, the Developer and other property owners within Bay Vista if the funds currently escrowed pursuant to the Escrow Agreement are immediately released to the County. Further, the County and the Developer have determined that it would be in the best interest of the County, the Developer and the other property owners within Bay Vista if the County approves the site plan and issues other appropriate developmental approvals for the Tech Data Project provided that Tech Data pays to the County the normal and customary transportation impact fees due with respect to the Tech Data Project.

1.2. Approval of NOPC Filed August 1, 1994: Notwithstanding the approval of the partial implementation of the NOPC filed August 1, 1994, provided for in this Interim Amendment, the Developer or its successor in interest has agreed to continue with its efforts to seek approval of the NOPC filed August 1, 1994, subject to such changes or modification thereto as may be agreed to by the Developer, or its successors in interest.

1.3. Further Issuance of Development Approvals Within Bay Vista: Until such time as the Amendment described in the NOPC dated August 1, 1994, as the same may be amended or modified as agreed to by the County and the Developer, has been approved by the County, the County shall issue no further development approvals for additional occupiable space within Bay Vista except for the development approvals required for the completion and occupancy of the Tech Data Project. All approvals issued for the Tech Data Project shall be issued in accordance with the general codes, ordinances and regulations applicable to projects of its kind in Pinellas County, Florida.

1.4. **Authority:** Board of County Commissioners ("Board"), as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Changes and to approve amendments to DRIs.

1.5. **Impact Review:** A review of the impacts generated by the Proposed Changes has been conducted by the County, the TBRPC and the DCA. The Proposed Changes approved herein result in no new or additional regional impacts requiring further DRI review.

SECTION 2. CONCLUSIONS OF LAW

The following Conclusions of Law are made:

2.1. All statutory procedures have been adhered to and the impacts of the development authorized hereby are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.

2.2. Ordinance No. 89-10 is incorporated herein by reference and is hereby reaffirmed in its entirety except as amended herein.

2.3. Except as specifically set forth herein, nothing herein shall limit or modify the rights originally approved by the Original Development Order and the Amended Development Order and protected pursuant to Section 163.3167(8), Florida Statutes.

2.4. The amendment adopted hereby is consistent with the State Comprehensive Plan, with the Comprehensive Plan of Pinellas County, and with applicable land development regulations, and does not unreasonably interfere with the achievement of the objectives of the State Land Development Plan applicable to the area.

2.5. The applicant has submitted clear and convincing evidence to rebut the presumption of a substantial deviation created under Subsection 380.06(19), Florida Statutes, and the amendment of the Development Order as set forth herein, is found not to be a substantial deviation to the previously approved Development Order.

SECTION 3. AMENDMENT OF THE DEVELOPMENT ORDER: Based on the above Findings of Fact and Conclusions of Law, the Board hereby amends the Bay Vista Amended Development Order as follows:

A new Section 10 is added to the Amended Development Order to read as follows:

Section 10 PARTIAL IMPLEMENTATION OF NOPC FILED ON AUGUST 1, 1994

A. The Developer shall cause all funds held in escrow pursuant to the Escrow Agreement in the amount of \$266,244.93, together with any accrued interest thereon, to be released and delivered to the County within ten (10) days from the approval of this ordinance, which payment shall be credited toward the Developer's required contribution for offsite road improvements as described in the Amended Development Order.

B. No further development approvals for additional occupiable space shall be issued by the County within Bay Vista until such time as the Amendment described in the NOPC filed August 1, 1994, subject to such modifications or changes as approved by the Developer and the County, has been reviewed and approved by the County; except that the County shall issue such development approvals as may be required to complete and occupy the Tech Data Project upon payment by Tech Data of the customary and ordinary transportation impact fees due with respect to the project in the estimated amount of \$145,000.00, and subject to the site plan's qualification for site plan approval. The aforementioned transportation fees shall be credited toward the Developer's required contribution for offsite road improvements as set forth in the Amended Development Order, or as subsequently provided for in the amendment to the development order which ultimately fully implements the NOPC filed on August 1, 1994.

C. The NOPC filed August 1, 1994 shall incorporate such further matters as may be reasonably required by the County or by law as a result of the Annual Report dated September 23, 1994.

SECTION 4. SEVERABILITY: In the event that any portion or section of this development 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 Ordinance which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE OF THIS AMENDATORY ORDINANCE

5.1. Rendering of the Development Order

A. Upon adoption, executed copies of this Ordinance amending the prior development order shall be transmitted by the Manager of Board Records, by certified mail, to the DCA, the TBRPC, and the Developer.

B. The Developer shall record a Notice of Adoption of this Development Order as required pursuant to Chapter 380, and shall furnish the County Clerk a copy of the recorded Notice.

C. This Development Order shall be deemed rendered upon transmittal of copies of this Development Order to the recipients specified in Chapter 380 Florida Statutes.

D. A copy of this Development Order shall be located in the Pinellas County Zoning Division for the convenience of the public.

5.2. Effective Date of the Development Order - Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Manager of Board Records within ten (10) days after enactment by the Board. This Ordinance shall become effective upon receipt of notice of such filing, or, if an appeal is filed, at the conclusion of such appeal, whichever is later.

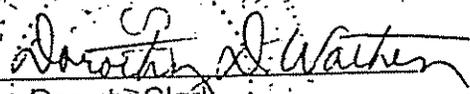
SECTION 6. HEADINGS: The captions and headings in this Development Order are for ease of reference and do not constitute a part of this Development Order.

PASSED AND ORDAINED by the Pinellas County Board of County Commissioners.

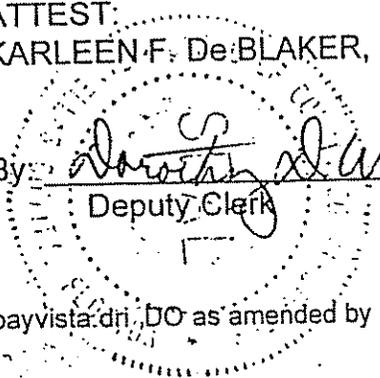


Chairman, Board of Pinellas County
Commissioners

ATTEST:
KARLEEN F. DeBLAKER, Clerk

By: 

Deputy Clerk



bayvista.dri, DO as amended by 89-10/ Draft Date 10/24/94.

STATE OF FLORIDA

COUNTY OF PINELLAS

I, KARLEEN F. De BLAKER, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on October 25, 1994, relative to:

ORDINANCE NO. 94-88

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA AMENDING DRI ORDINANCE NO. 89-10 DEVELOPMENT ORDER FOR BAY VISTA (F/K/A PIONEER CENTER); PROVIDING FOR PAYMENT OF ESCROW FUNDS TOWARD THE DEVELOPER'S FAIR SHARE; PROVIDING FOR PARTIAL IMPLEMENTATION OF THE NOTICE OF PROPOSED CHANGE TO ALLOW THE TECH DATA PROJECT TO PROCEED; PRECLUDING ANY FURTHER DEVELOPMENT WITHIN BAY VISTA UNTIL THE ULTIMATE FULL IMPLEMENTATION OF THE NOTICE OF PROPOSED CHANGE

I, KARLEEN F. De BLAKER, Clerk of the Circuit Court and Clerk Ex-Officio, Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of the original as it appears in the official files of the Board of County Commissioners of Pinellas County, Florida.

Witness my hand and seal of said County. this 25 day of October, D. 1994

KARLEEN F. De BLAKER, Clerk of the Circuit Court Ex-Officio Clerk of the Board of County Commissioners, Pinellas County, Florida

By Debra R. Barnes
Deputy Clerk

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 25 day of October, 1994.

KARLEEN F. De BLAKER
Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners

By Debra J. Watten
Deputy Clerk





FLORIDA DEPARTMENT OF STATE

Jim Smith, Secretary of State
DIVISION OF ELECTIONS
Bureau of Administrative Code
The Elliot Building
Tallahassee, Florida 32399-0250
(904) 488-8427

November 16, 1994

Honorable Karleen F. DeBlaker
Clerk to Board of County Commissioners
Pinellas County
315 Court Street
Clearwater, Florida 34616

Attention: Norma Grant, Deputy Clerk

Dear Ms. DeBlaker:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of November 14, 1994 and certified copy each of Pinellas County Ordinance Nos. '94-89 through 94-93, which were filed in this office on November 16, 1994.

The duplicate copy showing the filing date is being returned for your records.

For future use, our current address is:

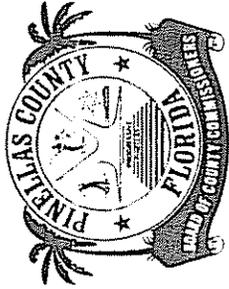
Department of State
Bureau of Administrative Code
401 South Monroe Street
Tallahassee, Florida 32399-0250

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

Enclosures



BOARD OF COUNTY COMMISSIONERS
PINELLAS COUNTY, FLORIDA
315 COURT STREET
CLEARWATER, FLORIDA 34616

COMMISSIONERS

BRUCE TYNDALL - CHAIRMAN
CHARLES E. RAINEY - VICE CHAIRMAN
JOHN CHESNUT, JR.
GEORGE GREER
BARBARA SHEEN TODD

March 13, 1989

Ms Suzanne Cooper
Tampa Bay Regional Planning Council
9455 Koger Blvd.
St. Petersburg, FL 33702-2491

RE: Bay Vista DRI

Dear Ms. Pennington:

Please find enclosed the certified copy of the Bay Vista DRI for your review.
If you have any questions, please feel free to contact me at 462-3403.

Sincerely,

Al Navaroli
Principal Planner

AM/jm

PLEASE ADDRESS REPLY TO:
DEPARTMENT OF PLANNING

PINELLAS COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER

MAR 15 1989

ORDINANCE NO. 89-10

AN ORDINANCE OF PINELLAS COUNTY, FLORIDA RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR APPROVAL OF PROPOSED CHANGE, FILED BY THE TRAMMELL CROW COMPANY FOR BAY VISTA (F/K/A PIONEER CENTER), A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR AN INCORPORATION OF RECITALS BY REFERENCE, AND PROVIDING FOR A SCOPE OF DEVELOPMENT; PROVIDING FINDINGS OF FACT; PROVIDING CONCLUSIONS OF LAW; PROVIDING FOR APPLICATION APPROVAL SUBJECT TO CONDITIONS; PROVIDING FOR GENERAL CONDITIONS, RESTRICTIONS AND LIMITATIONS; PROVIDING FOR REGIONAL CONDITIONS, RESTRICTIONS AND LIMITATIONS, INCLUDING TRANSPORTATION OPTIONS, ENVIRONMENT AND NATURAL RESOURCE ISSUES, HISTORICAL AND ARCHAEOLOGICAL SITES, PUBLIC FACILITIES, ENERGY, SOLID WASTE, WASTEWATER, WATER SUPPLY, OTHER PUBLIC FACILITIES, UTILITIES AND SERVICES, AND MAINTENANCE OF OPEN SPACE AND RECREATION AREAS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING SEVERABILITY; PROVIDING FOR FILING OF THE ORDINANCE AND AN EFFECTIVE DATE.

WHEREAS, on February 21, 1984, a Development Order (the "Original Development Order") was issued, pursuant to Pinellas County (the "County") Ordinance, for a Development of Regional Impact ("DRI") known then as "Pioneer Center," for a mixed use, office/retail development located on a 120-acre site at Roosevelt Boulevard and 58th Street in the County; and

WHEREAS, on March 18, 1988, pursuant to the provisions of Section 380.06, Florida Statutes (1987) ("Chapter 380"), The Trammell Crow Company (the "Developer") filed an Application for Approval of Proposed Change to the Original Development Order (which together with later sufficiency responses is referred to herein as the "Application") with the County, the Tampa Bay Regional Planning Council ("TBRPC"), the Florida Department of Community Affairs ("DCA") and other appropriate entities; and

WHEREAS, the Application proposes to modify the Original Development Order by adding 19.4 acres of vacant land (which, together with the existing 120-acre site is hereinafter referred to as the "Property"), and increasing the development on the Property, now known as the BAY VISTA DRI, by 213,000 square feet by adding 226,000 square feet of office space and deleting 13,000 square feet of retail space (the "Development"); and

WHEREAS, the Application has satisfactorily addressed all regional issues related to the BAY VISTA DRI; and

WHEREAS, the Pinellas County Board of County Commissioners (the "Commission"), as the governing body of the local government having jurisdiction pursuant to Chapter 380, is authorized and empowered to consider applications for proposed changes to previously approved DRIs; and

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

WHEREAS, the Commission has, on the 7th day of March, 1989, held a duly noticed public hearing on the Application and heard and considered testimony and documents received thereon; and

WHEREAS, the Commission has received and considered the report and recommendations of the TBRPC issued on October 10, 1988 (the "Report"); and

WHEREAS, the Commission has received a recommendation from the Pinellas Land Planning Agency the findings of which determine that the proposed Ordinance is consistent with the adopted Comprehensive Plan for Pinellas County; and

WHEREAS, the County has solicited, received, and considered reports, comments and recommendations from interested citizens the County and state and regional agencies, now, therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA:

Section 1. INCORPORATION BY REFERENCE; SCOPE OF DEVELOPMENT.

- A. The recitals set forth hereinabove are true, accurate and correct and are incorporated herein in their entirety by this reference.
- B. This Ordinance shall constitute the Amended Development Order (the "Amended Development Order" or the "Order) issued in response to the Application for the BAY VISTA DRI. The scope and nature of development to be permitted pursuant to this Development Order includes: (a) all of the operations and representations set forth in the Application, which is attached hereto and made a part hereof by this reference as Exhibit "A", and (b) the representations set forth in the Pioneer Center Application for Development Approval filed with the County, the TBRPC and the DCA on June 10, 1983, and sufficiency responses related thereto (the "Original Application"), to the extent that such operations and representations set forth in the Original Application are consistent with and not contrary to or superseded by the operations set forth in this application. With respect to any such inconsistencies, the representations set forth in the application shall govern for purposes of this Development Order.

Section 2. FINDINGS OF FACT. The Commission, having received the Application, and having received all related comments, testimony and evidence submitted by the Developer, appropriate reviewing agencies and the public, finds there is substantial competent evidence to support the following findings of fact:

- A. The Developer submitted the Application to the County, including sufficiency responses.
- B. The Property which is the subject of the Application is legally described as set forth in Exhibit "A."

- C. The proposed Development is not located in an area of critical state concern, designated as such pursuant to Section 380.05, Florida Statutes (1987).
- D. The Developer proposes the addition of 19.4 acres of vacant real property (the "Additional Property"), which Additional Property is located in the vicinity of the intersection of Roosevelt Boulevard and 58th Street in the County, thereby increasing the total acreage of the BAY VISTA DRI to 139.4 acres and the amount of development by 213,000 square feet by adding 226,000 square feet of office space and deleting 13,000 square feet of retail space for a total Development of 1,200,000 square feet of mixed use office/retail development.
- E. The BAY VISTA DRI is consistent with the Report.
- G. The BAY VISTA DRI will not unreasonably interfere with the achievement of the objectives of the adopted state land development plan applicable to the area.
- H. All conditions precedent contained in the Original Development Order for commencement and completion of construction already undertaken have been satisfied, including completion of all transportation improvements contained in the Original Development Order and required by the County. All transportation improvements referred to in the Original Development Order but not required by the County for commencement and completion of construction already undertaken, are fully incorporated into the transportation impact mitigation conditions of this Order.
- I. Subject to the conditional language of finding of fact 2.H., above, the County specifically finds that the Developer is in compliance with the Original Development Order, and that physical development has already commenced under that Original Development Order.
- J. The Development is consistent with the local comprehensive plan and the local land development regulations.

Section 3. CONCLUSIONS OF LAW. The Commission, having made the above findings of fact, reaches the following conclusions of law:

- A. Based upon compliance with the terms and conditions of this Order, the representations contained within the Application, and the recommendations and testimony heard and considered by the Commission, it is concluded that:
1. The Development will not interfere with the achievement of the objectives of the adopted state land development plan applicable to the area;
 2. The Development is consistent with the local comprehensive plan and the local land development regulations; and

3. The Development is consistent with the Report.
- B. The review by the County, the TBRPC, and other participating agencies and interested citizens has determined that all regional impacts are adequately addressed pursuant to the requirements of Chapter 380 within the terms and conditions of this Order.

Section 4. APPLICATION APPROVAL. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in this proceeding, the Application is hereby approved and continuation of the Development is hereby authorized, subject to the conditions, restrictions and limitations set forth herein.

Section 5. GENERAL AND SPECIFIC CONDITIONS, RESTRICTIONS AND LIMITATIONS. The Commission having made the above findings of fact and conclusions of law, it is ordered that the Application is hereby approved and the Original Development Order in its entirety is hereby superseded by this Order, subject to the conditional language of Section 1.B. above, and further, subject to the following general and specific conditions, restrictions and limitations:

- A. This Order shall be binding upon and inure to the benefit of the Developer, its successors and assigns, including any entity which may assume any of the rights bestowed or responsibilities imposed upon the Developer by this Order.
- B. Any reference herein to any governmental agency shall be construed to mean any future entity which may be created or designated as successor to, or which otherwise possesses any of the powers and duties of, any branch of government or governmental agency.
- C. Whenever this 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 Commission to review DRI applications as well as all governmental agencies and departments set forth under applicable laws and legally adopted rules governing DRIs.
- D. In each instance in this Order where the Developer is responsible for ongoing maintenance of facilities at the Development, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate private body or bodies created to perform such responsibilities, provided, however, that before such transfer may be effective, the body to which responsibilities will be transferred must be approved by the County, or any other affected governmental agency, for a determination that the entity in question can and will be responsible to provide improvements or maintenance as required in this Order, which approval shall not be unreasonably withheld.

- E. Proposed development activity changes which are determined to constitute a substantial deviation from the terms or conditions of this Order as defined in Chapter 380 shall result in further DRI review pursuant to Chapter 380, which may result in the County suspending that proposed development activity pending such review. Pursuant to Chapter 380, development in those portions of the Bay Vista DRI which are not affected by the proposed development activity changed may continue (F.S. 380.06[19][g]4[1988]). The Developer shall be given due notice and an opportunity to be heard with respect to any hearing to determine whether or not a proposed change to the Development is a Substantial Deviation.
- F. The approved BAY VISTA DRI shall not be subject to down-zoning or intensity reduction for the duration of this Order, unless the County can demonstrate that substantial changes in the conditions underlying the approval of the Order have occurred, that the Order was based on substantially inaccurate information provided by the Developer or that the change is clearly established by the County to be essential to the public health, safety or welfare.
- G. The County Administrator of Pinellas County (the "County Administrator") shall be responsible for monitoring all terms and conditions of this Order. For purposes of this condition, the County Administrator may rely upon or utilize information supplied by the TBRPC or any County department or agency and any state agencies (such as the Southwest Florida Water Management District) having particular jurisdiction over the Property or subject matter involved. The County Administrator shall report to the Commission any findings of deviation from the terms and conditions of this Order and shall issue a notice of such non-compliance to the Developer. If the deviation is not corrected within a reasonable amount of time, or, if the deviation is of such nature that it cannot be corrected within a reasonable amount of time, or if the Developer fails to pursue corrective action, the County Administrator shall recommend that the Commission set a hearing to consider the deviation and take appropriate action to ensure compliance with this Order.
- H. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes (1988), and the rules promulgated by the DCA under Chapter 380. Such report shall be due on the annual anniversary of the date of the adoption of this Ordinance for each year beginning on the first annual anniversary date following the Effective Date until such time as all terms and conditions of this Order have been satisfied. In addition to the filing requirements of Chapter 380, such report shall be submitted to the County Administrator who shall, after appropriate review, submit it for review to the Commission. The

Commission shall review the report for compliance with the terms and conditions of this Order. The Developer shall be notified of any Commission hearing at which such report is to be reviewed. The mere receipt, review and filing of such annual report by the Commission shall not be considered as a substitute or a waiver of any of the terms or conditions of this Order. This annual report shall contain:

- (1) The information required by the DCA to be included in the annual report, which information is described in the rules promulgated by the DCA under Chapter 380;
- (2) A description of all development activities proposed to be conducted under the terms of this Order for the year immediately following the submittal of the annual report;
- (3) A statement listing all applications for development activity required by this Order or other applicable local regulations, which the Developer proposes to submit during the year immediately following submittal of the annual report;
- (4) A statement setting forth the name(s) and address(es) of the Developer's successors and assigns, if any, with respect to any portion of the Development; and
- (5) Any and all required monitoring results and a discussion of those results. In the event that responsibilities for ongoing maintenance have been transferred pursuant to Section 5(D), the Developer shall remain responsible to ensure that the required monitoring results are included in the annual report. Such results and discussion shall be specifically provided to all appropriate government regulatory monitoring agencies. In addition to this annual report requirement where required ongoing monitoring indicates that non-compliance with governmental regulatory requirements exists, the County shall be notified immediately and appropriate corrective measures shall be taken.

- (6) A listing of all deficiencies in performance under the Development Order and proposed plans and schedules for eliminating those deficiencies.

I. This Development Order shall remain in effect for a period of ten (10) years from the Effective Date and the expiration of the period for filing appeals of this Order and the resolution of any such appeals. Any development activity for which plans have been submitted to the County for its review and approval no later than 60 days prior to the expiration of this Order may, upon receipt of approval, be completed, regardless of when such approval is ultimately issued, subject to review by any applicable Pinellas County vested rights administrative process in operation at the

expiration of this Order. This Order may be extended by the Commission on a finding of excusable delay in any proposed development activity, subject to the provisions of Section 380.06(19). This section is not to be construed as a waiver of any development rights which may arise at law or at equity as a result of this Order.

- J. This Order shall take effect immediately upon becoming a law.
- K. Upon adoption, certified copies of this Order shall be transmitted by the Clerk of the Commission to the DCA, TBRPC, and the Developer.
- L. This Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.
- M. The definitions contained in Chapter 380 shall control the interpretation and construction of any terms of this Order, unless the context indicates otherwise.
- N. The Developer shall record a Notice of Adoption of this Order as required pursuant to Chapter 380, and shall furnish the County Clerk a copy of the recorded Notice.
- O. The developer shall be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect on the Effective Date of this Order. Accordingly, all applications for permits pursuant to those chapters and which are revised for the Development authorized by this Order shall be subject to the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect on the Effective Date.
- P. Any amendment to this Development Order will be subject to applicable provisions of the Pinellas County Comprehensive Plan which is in effect at the time of the amendment. Those portions of the development which are not affected by a proposed amendment shall remain vested and not subject to limitation or modification, to the extent provided in Section 163.3167(8), Florida Statutes.
- Q. The provisions of this Order in no way preclude the application of any impact fees, regardless of their nature, either existing or new, including any increases in those fees. However, pursuant to Section 380.06(16), Florida Statutes, the developer shall be given appropriate credits against applicable impact fees.

Section 6. REGIONAL CONDITIONS, RESTRICTIONS AND LIMITATIONS.

- A. Transportation. The following conditions, restrictions and limitations are established for purposes of mitigating regional impacts of this development on transportation facilities. Issuance of building permits by the County for the project shall require a determination by the County of compliance with the conditions set forth herein. The mitigation measures set forth hereafter may be implemented singly or in combination, subject to County approval, which

shall not be unreasonably withheld, to mitigate the impacts of this development, or any phase(s) thereof on regional transportation facilities.

- (1) For the purposes of this Order, the Developer is considered as one of a number of possible responsible entities regarding the mitigation of the transportation impacts of the project.
- (2) For the purposes of this Order, funding commitments can be (at the Developer's option, and with the approval of the County which shall not be unreasonably withheld) Developer's commitments for actual construction, actual (or committed for in a binding contractual form) construction by any public or private entity, or the placement of improvements in the Transportation Improvements Work Programs of the County, or the State of Florida (the "State") (consistent with TBRPC and DCA rules and policies relative to placement of improvements in Work Programs), or any combination of the foregoing.

(3) The total development receiving specific approval is:

<u>Build-Out</u>	<u>Office**</u>	<u>Retail**</u>	<u>Total**</u>
1992*	1,180,000***	20,000	1,200,000

*The final build-out year shown is an estimate only and does not suggest that development will not occur at a faster or slower rate than estimated, subject to applicable substantial deviation criteria for extension of build-out dates.

**The Original Development Order approved 954,000 square feet of office and 33,000 square feet of retail, of which 534,911 square feet of office and 20,000 square feet of retail has already been built, is being built, or is in the building permit approval process. Therefore, this Order simply increases the total amount of office approved by 226,000 square feet (to 1,180,000 square feet) and reduces the total square feet of retail by 13,000 square feet (to 20,000 square feet) and spreads that development over 19.4 additional acres of land.

***Due to reanalysis, application of revised methodologies and mitigation measures set forth herein, if the Developer elects the Option 3 - Pipeline Option of transportation mitigation, the total development receiving specific approval is as follows:

<u>Build-Out</u>	<u>Office**</u>	<u>Retail**</u>	<u>Total**</u>
1992*	1,080,000	20,000	1,100,000

- (4) All transportation improvements required under Section 4(D) of the Original Development Order have been completed, or the conditions satisfied with the exception of Section 4(d)3.(c) and (d). These transportation improvements are no longer deemed by the County as appropriate for completion. In lieu thereof, Developer will expend \$30,651 in addition to the net pipeline improvement dollar amount established herein on the selected pipeline improvement, or otherwise as the County, Florida Department of Transportation (FDOT), and other appropriate transportation agencies deem most cost effective.
- (5) The Developer shall participate in the Gateway/High Point Area Transportation Study by making a pro-rata contribution in an amount not to exceed \$24,788.00, to be paid within 10 days following receipt of a written request for same from the Pinellas County MPO, but in no event earlier than 10 days from the Effective Date of this Order and the expiration of the period for filing appeals hereof and the resolution of any such appeals, for which Developer shall receive appropriate credits against applicable County impact fees.
- (6) When Certificates of Occupancy have been issued for any development in excess of that which has been approved by the County on or before the Effective Date of this Order, then an annual monitoring program to provide peak hour counts at the Development's entrance(s) shall be instituted to verify that the projected number of external trips for the Development is not exceeded. Counts will continue on an annual basis through build-out. This information shall be supplied in the required annual report. If the monitoring indicates a 15% increase in the number of external vehicle trips generated by the Development above that which was projected, then County shall conduct a substantial deviation determination pursuant to Chapter 380 and may amend the Order to change or require additional roadway improvements. If there is a 15% increase in the number of external trips generated by the Development and a Substantial Deviation is determined pursuant to Chapter 380, a revised transportation analysis and revised air quality analysis or modeling (as then required by applicable law or rule) will be performed, based upon results of the annual monitoring program and agreements reached at transportation and air quality methodology meetings to be held prior to the preparation of the revised transportation analysis and the revised air quality analysis or modeling.
- (7) Upon the issuance of Certificates of Occupancy for development in excess of that which has been approved by Pinellas County on or before the effective date this Order and, if the annual peak hour count monitoring program required by Section 5.Q.6 above, demonstrates that the projected number of external trips for the Development (less the assumed external trips attributable to transit) are exceeded, then, in that event, the Developer shall prepare and submit to the County,

TBRPC, Pinellas County MPO, the Pinellas Suncoast Transit Authority ("PSTA"), and FDOT, a Transportation Systems Management ("TSM") Program in order to divert a number of vehicle trips from the PM peak hour which is consistent with the assumptions used to prepare the Application. The TSM Program should be developed in cooperation with FDOT, the Pinellas County MPO, PSTA, and TBRPC. The TSM Program shall set forth objectives for the reduction of total peak hour trips being generated by Development uses as estimated in the Application, and shall set forth strategies and proposed timetables for accomplishing those objectives.

- (8) The Developer shall have the option of proceeding with the development under the conditions set forth in Subsections 6.A(8)a.-c. below, with respect to mitigating the project's transportation impacts, subject to any additional conditions, restrictions or limitations set forth herein. The mitigation measures set forth in 8.a.-c. below may be implemented singly or in combination, which if implemented in combination shall be subject to County and TBRPC approval, which approval shall not be unreasonably withheld. The Developer shall, prior to the issuance of additional building permits, elect, in writing, an option pursuant to this Order.

a. Option 1: Staging.

(1) Any approval of this development shall require funding commitments from responsible entities for the following roadway improvements. Without funding commitments for these improvements, construction permits shall not be issued for Phase I.

(a) The link improvements indicated in Table 1.

(b) The intersection improvements indicated in Table 2.

TABLE 1

Required Link Improvements for THE BAY VISTA DRI Based
ON 10 Percent of LOS "D" Peak-Hour Service Volumes (1992)

Roadway Segment	LOS W/Project Prior to Improvement	Project Traffic as % of LOS "D"		Required Improvement
		NB/EB	SB/WB	
Roosevelt Boulevard:				
U.S. 19 to Bay Area Outlet Mall	F	9.6	27.7	Construct 8- Lane Divided Arterial and interconnect signals at U.S. 19 and Bay Area Out- let Mall
Bay Area Outlet Mall to 62nd Street	F	10.1	29.2	Construct 8- Lane Divided Arterial
62nd Street to 58th Street	F	11.7	33.8	Construct 8- Lane Divided Arterial
58th Street to West Project Drive	F	5.7	31.7	Construct 8- Lane Divided Arterial and interconnect signals at 58th Street and West Project Drive
West Project Drive to East Project Drive	F	8.4	23.9	Construct 8- Lane Divided Arterial and interconnect traffic signal at East Project Drive
East Project Drive to Bolesta Road	F	13.4	5.4	Construct 8- Lane Divided Arterial
Bolesta Road to 49th Street	F	29.8	5.4	Construct 8- Lane Divided Arterial
49th Street to Ulmerton Road	F	19.8	3.7	Construct 8- Lane Divided Arterial

TABLE 2

Required Intersection Improvements for THE BAY VISTA DRI
Based on 10 Percent of LOS D Peak Hour Service Volumes (1992)

Required Intersection Improvement	LOS W/Project Prior to Improvement	Project Traffic as % of LOS "D" Peak Hour Capacity	
Roosevelt Boulevard at West Project Drive	N/A	N/A	Construct left-turn lane and right-turn lane SB. Construct left-turn lane EB and right-turn lane WB. Signalize when warranted by MUTCD.
Roosevelt Boulevard at East Project Drive	N/A	N/A	Construct left-turn lane and right-turn lane SB. Construct left-turn lane EB and right-turn lane WB. Signalize when warranted by MUTCD.
Roosevelt Boulevard at 62nd Street	F	15.8	Construct one through lane EB and WB.
Roosevelt Boulevard at 58th Street	F	29.0	Construct one through lane EB and WB.
Roosevelt Boulevard at Bolesta Road	F	25.6	Construct one through lane WB. Signalize when warranted by MUTCD.
Roosevelt Boulevard at 49th Street	F	11.7	Construct one through lane EB and WB. Construct left-turn lane NB.
Whitney Road at U.S. 19	F	11.3	Signalized when warranted by MUTCD.*

*Improvement programmed by Pinellas County in conjunction with U.S. 19/Roosevelt Boulevard interchange improvement.

(2) Subphasing is permitted under this Option 1. If Subphasing is elected by Developer, funding commitments will be required for all regionally significant improvements (as listed in Tables 1 and 2 above) and which are necessary to accommodate the traffic impacts of a particular subphase of development prior to the commencement of that particular subphase of development. Prior to the issuance of building permits beyond a particular subphase square footage threshold, the improvements identified as being associated with the subphase must be the subject of funding commitments from responsible entities, where those facilities are projected to operate below LOS D peak hour and the development would contribute ten percent (10%) or more of the existing LOS D peak hour capacity of the facility. Without funding commitments for these improvements, building permits shall not be issued where project construction (together with projected construction) would exceed the square footage for which there are funding commitments.

(3) If subphasing, as permitted under 8.a.2 above were selected by the Developer, an "Option 1 - Subphase Analysis" would have to be prepared and submitted to the County and TBRPC for review and approval.

b.

Option 2: Monitoring.

(1) In the event that commitments for transportation improvements are only adequate to permit approval of a portion of the Development, the capacity and loading of transportation facilities in the BAY VISTA DRI 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 the County, the Pinellas County MPO, the FDOT and the TBRPC, pursuant to the provisions of Chapter 380, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of the currently approved portion of the Development plus that to be generated by the remainder of the Development. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (set forth in Option 1 above) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at Level of Service D at peak hour. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any development under this Option 2, the County or its designee shall conform, in written findings of fact,

that the above roadways are operating at or above Level of Service D at peak hours and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D at peak hours.

c. Option 3: Pipelining.

Under this option, the Developer may elect to fund, design and construct, or ensure the funding, design and construction, as provided herein, of the transportation improvement identified in Exhibit "B" using Developer's proportionate share amount calculated pursuant to Rule 9J-2.0255, Florida Administrative Code (1987), as interpreted in accordance with TBRPC, DCA and County policies regarding pipeline mitigation of transportation impacts. For purposes of this Order, Developer's net pipeline improvement dollar amount necessary to accommodate the impacts of the Development has been calculated to be \$565,244 Dollars. (See details in Exhibits "B" and "B-1"; see also the reference to the additional available \$30,651 in Section 6.A.[4], above.) Prior to electing pipelining for the Development, the Developer shall notify the County of its election in writing.

B. ENVIRONMENT AND NATURAL RESOURCES.

- (1) Upon the effective date of this Order, copies of the Master Drainage Plan, Stormwater Management Maintenance Plan and the Lake System Maintenance and Design Plan shall be submitted to the County Engineering Department and the Department of Environmental Management (DEM), for review and approval; which review shall be expeditious in light of previous development approvals on the site and which approval shall not be unreasonably withheld.
- (2) The annual report shall include a status report on the stormwater management efforts on the site. A copy of the annual report shall be provided specifically to DEM.
- (3) All development undertaken pursuant to this Order shall be in accordance with all applicable local codes, ordinances in effect at the time of permitting, and other laws, except as otherwise specifically provided herein. Additionally, the Developer has elected to be bound by the rules adopted pursuant to chapters 403 and 373 F.S., in effect at the time of adoption of this Order. Accordingly, all applications for permits pursuant to those chapters and which are necessary for and consistent with the development authorized by this Development Order shall be subject to the rules adopted pursuant to chapters 403 and 373 F.S., in effect at the time of issuance of this Order.

- (4) In addition to any monitoring reports required by this Order, copies of any monitoring reports required under other local, regional, state or federal permits which relate to the environmental and natural resources on the BAY VISTA DRI site shall be submitted to the County's DEM.
- (5) The portions of the vacant 19.4 acres being added to the BAY VISTA DRI which meet the definition of conservation areas, if any, as defined in the TBRPC's policy, Sections 10.1.2 and 10.3.1, F.R., shall be so designated on the plan submitted to the County for approval of development on that portion of the total property.
- (a) In order to protect the natural values of preserved/conserved wetland areas, the following shall be required:
- (1) No dredging, filling or development activities will be allowed within preservation areas. Activities within the conservation areas shall be limited to stormwater management outfall structures and boardwalks.
- (2) All wetland losses shall require the mitigation ratio previously approved by the appropriate agencies. All wetland losses for which a mitigation ratio was not previously established shall require, at minimum, 1:1 on-site wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with the wetland being disturbed.
- (3) All mitigation areas and littoral shelves shall be monitored semiannually for a period of four years, or until project build-out, whichever occurs later. Monitoring shall be performed for species diversity and composition and efforts to control nuisance species encroachment. Additional planting may be required to maintain an eighty five percent (85%) survival of herbaceous planted species over a three (3) year period. Copies of these monitoring reports shall be included as part of the annual report.
- (b) A representative tract of live oak (0.27 acres) and mixed hardwood area (0.24 acres) community described on page 18-9 of the Application and which exists on the Original Development Order property shall be maintained in accordance with plans approved by the County DEM.
- (c) A landscape buffer not to exceed ten (10) feet in width shall be provided at the western boundary of the 19.4 acre additional property. The ultimate determination of buffer width shall depend, in part, upon the amount of right-of-way, if any, requested from the Developer along the eastern edge of

58th Street right-of-way. Such determination shall be accomplished during the normal course of site plan approval by the County.

- (d) Within 90 days of the effective date of this Order, representatives of the Developer and of the County's DEM shall meet to comprehensively review all environmental and natural resource features on the Bay Vista DRI site, including those on the 19.4 acres added through this Order, as well as those on the Original Development Order property. They shall develop mutually acceptable, legally enforceable methods of identifying and protecting, as legally applicable, such approved features on the site.
- (e) In the event that any species listed in Sections 39-27.003-.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission, and with the County's DEM acting as the coordinating agency for such protection/mitigation measures.
- (f) There shall be no loss of hydrologic storage capacity within the 25-year floodplain.
- (6) The Developer shall prepare a plan to ensure the safe and orderly evacuation of all employees within the BAY VISTA DRI, as well as those employees who, for security or administrative reasons, are in a building after a level C, D, or E evacuation order is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all employees of evacuation routes out of the flood prone area and measures to be followed in the event of same; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. This plan shall be included in the first annual report submitted after occupancy of any portion of the Development. The Developer shall develop and promote awareness of this plan, and shall cooperate with, local and regional authorities having jurisdiction to issue hurricane evacuation orders, all in accordance with applicable local, regional and state laws, rules and regulations.
- (7) The soil conversation measures referenced on pages 14-1 and 14-3 of the Application and the measures to reduce erosion, fugitive dust and air emissions referenced on page 13-8 of the Application shall be implemented.
- (8) Elevations for all habitable structures shall be at or above the base 100 year flood elevation.

C. HISTORICAL AND ARCHAEOLOGICAL SITES. The discovery of any historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and the County.

D. PUBLIC FACILITIES.

- (1) In order to protect water quality in the Old Tampa Bay watershed, there shall be no degradation of water quality below standards by stormwater exiting the Property. Therefore, the Developer shall provide for a baseline and semiannual surface water quality monitoring program, to continue through build-out of the Development. Any violation of Chapter 17-3, F.A.C., shall require corrective measures as set forth by FDER. The following shall apply to Developer's water quality monitoring program:
 - (a) Sampling locations shall be determined subject to County approval and in cooperation with FDER, SWFWMD and TBRPC.
 - (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 results shall be submitted to the County, the FDER and the SWFWMD. Should the results indicate that applicable state water quality standards are not being met, the results shall be reported to the County immediately and all construction within the subbasin(s) where such results have been noted shall, at the County's option, be suspended pending commencement of corrective action.

E. ENERGY.

- (1) Florida Power Corporation will supply electrical power to the BAY VISTA DRI.
- (2) The energy conservation measures referenced in the Application on pages 25-3 and 25-4 shall be required.
- (3) The following energy conservation measures shall be encouraged by the Developer:
 - (a) A reduction in the levels of operation of all air conditioning, heating, and lighting systems during non-business hours;
 - (b) The elimination of advertising requiring lighting after business hours;
 - (c) The use of energy-efficient packaging and/or recyclable materials;

- (d) The participation in recycling programs by tenants of the Development;
 - (e) The installation of total energy systems, where cost-effective; and
 - (f) The use of cogeneration to recover waste heat and reduce peak demand on the utility systems.
- 4. The use of landscaping and building orientation to reduce heat gain should be used where feasible throughout the BAY VISTA DRI.
 - 5. The Developer may work with or designate an energy officer to establish energy policies, monitor energy use and encourage conservation for businesses and industry in the Development, if economically feasible.
 - 6. A report on the implementation of, and participation in, these and other energy programs shall be included in each annual report.

F. SOLID WASTE.

- (1) By letter dated November 25, 1987, the Pinellas County Department of Solid Waste Management confirmed to the Developer that it has the capability of collecting and disposing of the solid waste generated by the Development.
- (2) All hazardous materials and hazardous waste shall be handled, stored, transported and disposed of in compliance with all federal, state and local laws. The final annual report shall detail the method of compliance with this requirement.

G. WASTEWATER. By letter dated November 17, 1987, the City of Largo confirmed to the Developer that it has the capability of supplying wastewater service to the Development.

H. WATER SUPPLY.

- (1) The total daily water requirements from the commencement of construction through the build-out of the Development as referenced in the Application will be supplied by the Pinellas County Water Department.
- (2) The Developer shall submit a plan to the Florida Department of Environmental Regulation, the County and TBRPC for the use of non-potable water for irrigation in the first annual report following the Effective Date. The plan shall address the present and proposed future availability and use of reclaimed water as the primary option for irrigation.
- (3) The Developer shall be responsible for installation, maintenance, and operation of all on-site wells.
- (4) Water saving devices shall be incorporated into the Development's design and construction guidelines to the extent mandated by the Florida Water Conservation Act, Section 553.14, Florida Statutes (1987).

(5) Fire flows, sufficient numbers of fire hydrants, and properly sized water mains shall be provided to the Development in accordance with County laws, rules, and regulations.

(6) Internal water distribution facilities not located within public easements rights-of-way dedicated to the County shall be maintained by the Developer, or its successors or assigns.

I. OTHER PUBLIC FACILITIES, UTILITIES, AND SERVICES. The County shall assure the adequacy and availability of the following public services for the BAY VISTA DRI: police, emergency medical, and fire, as confirmed by: (1) the letter of Steven Dean, Director of Fire and EMS Administration of Pinellas County, dated May 17, 1988, and (2) the letter of Gerry Coleman, Pinellas County Sheriff, Dated April 27, 1988.

J. MAINTENANCE OF OPEN SPACE AND RECREATION AREAS. The Developer, its successors or assigns, shall be the responsible entity for the maintenance of all open space areas on the Property including recreation areas.

Section 7. ENFORCEMENT AND PENALTIES. In addition to the enforcement remedies provided in Chapter 380, Florida Statutes, the County shall have the following authority:

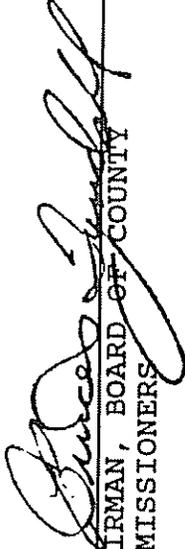
A. The authorized representatives, agents or employees of the County, may enter and inspect any property, premises or place, including improvement thereon, for the purpose of inspecting the same to determine whether a violation of this Order is occurring, or to verify achievement of compliance with the provisions of this Order. Inspections conducted pursuant to this section shall be limited to obtaining that information which is reasonably necessary for the above purposes and shall be conducted in such a manner as to assure minimal interference with normal business operations on the premises. The owner or operator of the premises shall, upon request, receive a report setting forth all facts found which relate to compliance status. Where violations are found to exist during the course of any construction or activity associated with this Order, a stop work order may be issued by the county administrator and work shall cease until the violation is corrected or may proceed under conditions established by the county administrator. Any permits improperly issued in connection with the violations may be rescinded.

B. In addition to the remedies and penalties provided by subsection A of this Section 7 for violation of this Ordinance, any violation of this Ordinance shall be subject to appropriate civil action in the court of appropriate jurisdiction, and shall be subject to other applicable enforcement remedies and penalties, as provided by general law.

Section 8. SEVERABILITY. If any Section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of Competent Jurisdiction, such holdings shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 9. FILING OF ORDINANCE; EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Secretary of State. This Ordinance shall take effect upon receipt of acknowledgment from the secretary of State that it has been filed.

PASSED AND ORDAINED BY THE PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS.


CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

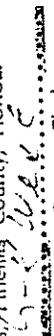
ATTEST: KARLEEN F. De BLAKER, CLERK

BY: J. K. West
Deputy Clerk

BV10

I, KARLEEN F. De BLAKER, Clerk of the Circuit Court and Clerk for County Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of the ordinance passed by the Board of the Board of County Commissioners of the Pinellas County, Florida.

Witness my hand and seal of said County this 14th day of April, A.D. 1989
KARLEEN F. De BLAKER, Clerk of the Circuit Court Ex-Officio Clerk to the Board of County Commissioners, Pinellas County, Florida.

By:  Deputy Clerk

**FLD&E**

Florida Land Development Banker, Inc.

August 16, 1988

Ms. Sheila Benz
Director of Planning
Tampa Bay Regional Planning Council
9455 Koger Blvd.
St. Petersburg, Florida 33702-2491

RE: DRI #174 - Bay Vista DRI (f/k/a Pioneer Center DRI)

Dear Ms. Benz:

Enclosed with this correspondence are responses to questions raised in your letter dated June 24, 1988 regarding the Bay Vista DRI, Application for Approval of a Proposed Change (AAPC). While not received within the Sufficiency Response timetable, and therefore not part of the official application, we have also formulated and included responses to FDOT questions raised in a letter dated June 27, 1988. The applicant is confident that this submittal satisfies the concerns of the reviewing agencies and that this completes our application. We request that Pinellas County be advised to set a public hearing for the Board of County Commissioners to consider the pending application.

We intend to continue to work with staff to resolve any conflicts and/or development order conditions. We will also be available to meet with the respective reviewing agencies should there be any confusion about the material represented in the AAPC or Sufficiency Response packages.

I will contact you in the next few days to confirm your response to this correspondence. Your assistance is appreciated.

Sincerely,

FLD&E

John N. LaRocca
Principal

JNL/kdm
Enclosures
cc: Al Navaroli
Hugh Pascoe
Rick Adair
Dutch Blauvelt
Ken Graves
10342.67
(BENZ.L-LET.9)

BAY VISTA DRI

APPLICATION FOR APPROVAL
OF A PROPOSED CHANGE

AUGUST 16, 1988

SUFFICIENCY RESPONSE

WATER SUPPLY

TBRPC

1. IS THE INFORMATION SUPPLIED ON PAGE 29 OF THE SUFFICIENCY RESPONSE CORRECT REGARDING DAILY PUMPING RATES FOR THE EXISTING THREE IRRIGATION WELLS (28,260 GALLONS PER DAY AVERAGE, 56,250 GALLONS PEAK RATE)? IS THIS THE CURRENT RATE FOR EACH WELL OR THE TOTAL OF ALL WELLS? HOW DOES THIS RELATE TO THE PROJECTED TOTAL WITHDRAWAL RATE AT BUILD-OUT OF 788,740 GALLONS AVERAGE DAILY, 1,577,480 GALLONS PEAK DAILY?

The average daily pumping rate for the three existing irrigation wells is 28,260 gallons per day (GPD) per well; with an estimated peak rate of 56,250 GPD per well. The average daily pumping rate at buildout for all wells, existing and proposed, is estimated to be 150,000 GPD; with an estimated peak rate, at buildout, for all wells, of 300,000 GPD. The previous estimates for total projected pumping rate of 788,740 GPD (and 1,577,480 GPD at peak periods) was corrected.

2. WHY IS THE RATE OF DAILY NON-POTABLE DEMAND NOT EXPECTED TO VARY ON A SEASONAL BASIS? THE UNIVERSITY OF FLORIDA INSTITUTE OF GOOD AND AGRICULTURAL SCIENCES (IFAS) SUGGESTS THAT PROPER IRRIGATION SCHEDULING TO ACCOUNT FOR SEASONAL VARIABILITY WOULD BE 0.5 TO 1 INCH OF WATER 2-3 TIME PER WEEK DURING THE DRY, WARM SEASON (LESS WHEN RAINFALL OCCURS), AND ONCE EVERY 10-14 DAYS DURING WINTER, WHEN MANY PLANTS ARE DORMANT.

The rate of daily non-potable demand is anticipated to vary on a seasonal basis. In anticipation of a seasonal variation, the applicant has estimated a peak pumping rate for each well (56,250 GPD) and has estimated a peak total project pumping rate for all wells (300,000 GPD).

3. PLEASE PROVIDE INFORMATION REGARDING THE CURRENT AND PROJECTED IMPACT OF THE EXISTING AND FUTURE IRRIGATION WELL SYSTEMS, RESPECTIVELY, ON GROUNDWATER LEVELS IN THE AREA. PLEASE PROVIDE DETAILED PLANS TO MONITOR GROUNDWATER LEVELS.

(See also response to TBRPC Question 2, above). At this time, the applicant does not have detailed plans to monitor groundwater levels. The applicant will, however, comply with all applicable State, regional and local laws, ordinances or rules, relative to groundwater monitoring.

Transportation

TERPC

1. PLEASE PROVIDE A LETTER FROM FDOT VERIFYING THE SPECIFIC PROGRAMMED IMPROVEMENTS, IN THE ASSUMED CONFIGURATION USED IN THE AAPC.

A signed letter from FDOT verifying the specific programmed improvements was requested on two separate occasions (copies in Appendix A) without success. The Department did, however, provide a computer printout from their work program data base, verifying that S.R.686 is planned for six-laning during FY1990-91. S.R. 686 is the only FDOT construction project assumed in the preparation of the AAPC. The FDOT computer printout was provided in Appendix C of the Transportation Technical Appendix of the original AAPC.

2. IN THE TERPC DRI PREAPPLICATION REVIEW DOCUMENT DATED JULY 27, 1987, IT WAS ESTABLISHED THAT ROADWAY LINKS WOULD BE REVIEWED USING BOTH THE LEVEL OF SERVICE (LOS) C DAILY ANALYSIS AND LOS D PEAK HOUR ANALYSIS. THEREFORE, A PEAK HOUR LINK ANALYSIS IS REQUIRED FOR THIS APPLICATION TO BE DECLARED SUFFICIENT. PLEASE REVISE ALL ANALYSES TO CONFORM TO THIS PROCEDURE. PLEASE NOTE THAT IN ORDER TO ALLOW THE PIPELINE OPTION TO BE OFFERED, THIS ANALYSIS MUST BE PROVIDED, WITH DIRECTIONAL INFORMATION.

Representatives for the applicant established during the Traffic Methodology meeting on June 30, 1987 and in the Substantial Deviation Narrative Summary document, dated July 7, 1987, that the roadway link analyses would be completed using a Level of Service (LOS) C daily basis and that intersections would be analyzed on a LOS D PM peak hour basis. This methodology provided consistency with the previously approved incremental traffic analyses for Bay

Vista Phase I, Bay Medical, Tech Data/Timeplex and analytical methods in existence at the time the traffic methodology meeting was conducted. The information concerning the roadway link analysis provided in the DRI Preapplication Review document (July 27, 1987) is the standard language provided in all Preapplication Review documents and which did not properly reflect the agreed upon methodology. Pipeline calculations were completed in accordance with accepted procedures including p.m. peak hour directional roadway link analyses. In an effort to expedite the review of this project and satisfy reviewing agency concerns, the applicant has completed P.M. peak hour link analyses pursuant to a revised methodology agreed upon by TBRPC, FDOT and Pinellas County following an inter-agency meeting conducted on July 12, 1988. It was agreed upon that the applicant would apply 1985 HCM procedures to determine the capacity of Roosevelt Boulevard. This was accomplished by using the FDOT ARTLST2B program, the results of which are shown as the Roosevelt Boulevard capacities in Figures SR 31-2 and SR 31-3. The results of this analysis are summarized below in Figures SR 31-1, SR 31-2 and SR 31-3 and Tables SR 31-6 and SR 31-7.

3. **THE ANALYSIS OF ROOSEVELT BOULEVARD AT U.S.19 INDICATES ALL RIGHT TURNS WOULD BE MODELED AS FREE FLOW TURNS. PLEASE PROVIDE JUSTIFICATION FOR THIS ASSUMPTION. ALSO, PLEASE IDENTIFY THE PERCENT OF LEVEL OF SERVICE D SERVICE VOLUME CONSUMED BY PROJECT TRAFFIC AT THIS INTERSECTION.**

MAP J EXHIBIT SR 31-1

TRANSPORTATION STUDY NETWORK

LEGEND

56 - 1992 P.M. PEAK HOUR
1530 = 3.7%

DIRECTIONAL PROJECT TRAFFIC

1530 - E&C LOS "D" PEAK HOUR

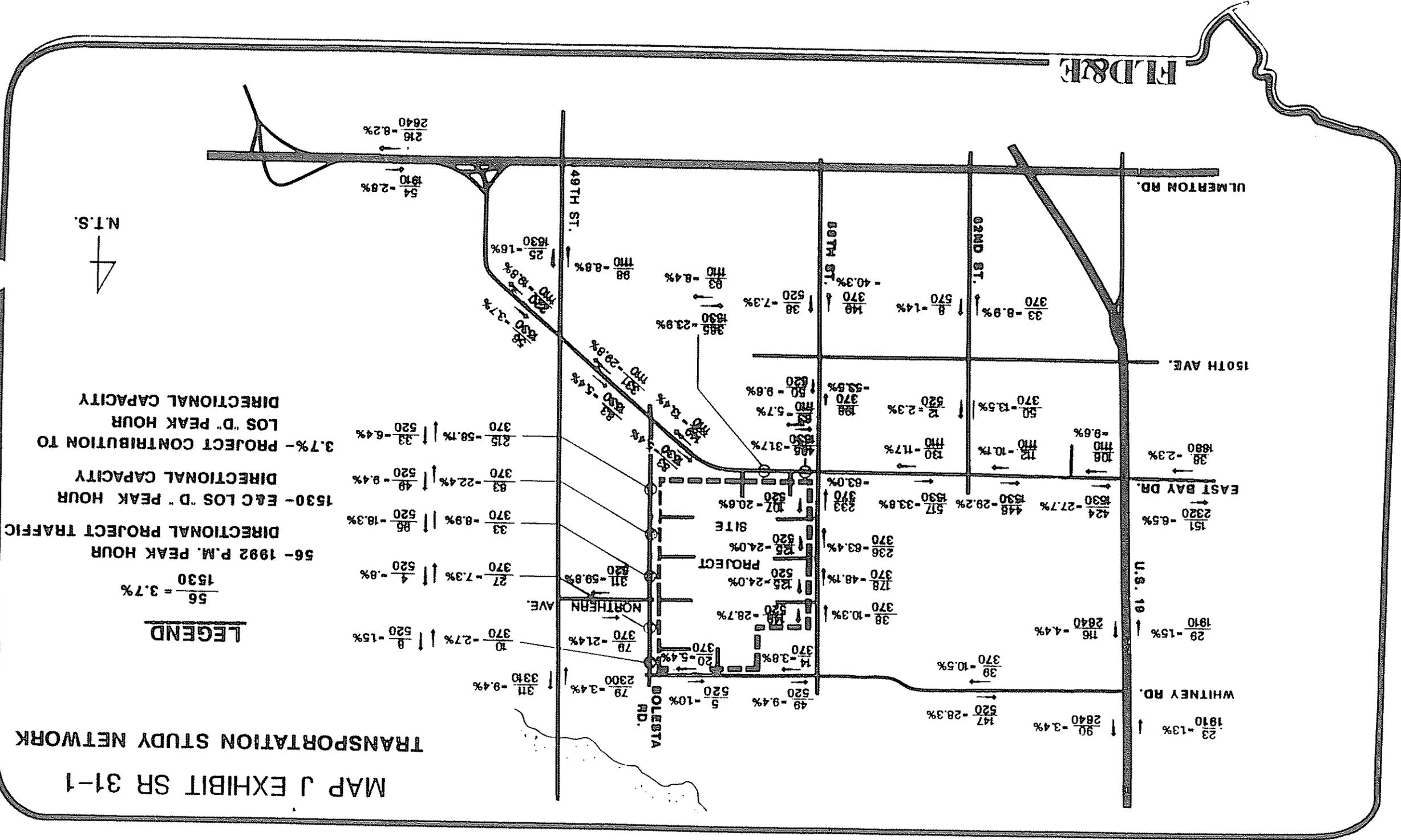
DIRECTIONAL CAPACITY

3.7% - PROJECT CONTRIBUTION TO

LOS "D" PEAK HOUR

DIRECTIONAL CAPACITY

N.T.S.



MAP J EXHIBIT SR 31-2

1992 BACKGROUND CONDITIONS ON THE STUDY NETWORK

LEGEND

$\frac{140}{520}$ C

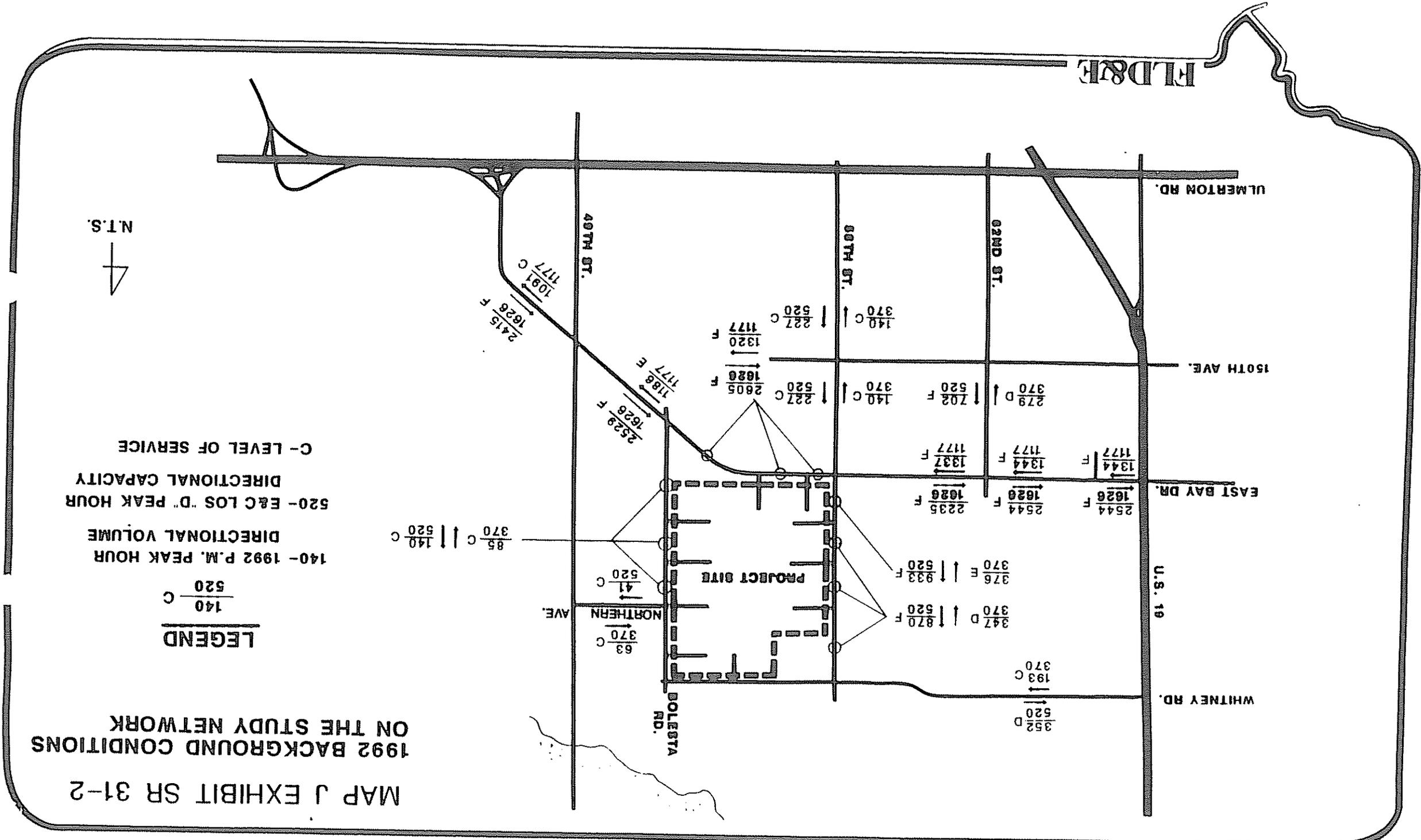
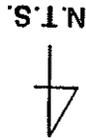
140-1992 P.M. PEAK HOUR

DIRECTIONAL VOLUME

520-E&C LOS "D" PEAK HOUR

DIRECTIONAL CAPACITY

C-LEVEL OF SERVICE



MAP J EXHIBIT SR 31-3

1992 BACKGROUND PLUS PROJECT
CONDITIONS ON THE STUDY NETWORK

LEGEND

- 235-1992 P.M. PEAK HOUR
DIRECTIONAL VOLUME
 $\frac{235}{520} \text{ C}$
- 520-E&C LOS 'D' PEAK HOUR
DIRECTIONAL CAPACITY
 $\frac{189}{520} \text{ C}$
- 235-1992 P.M. PEAK HOUR
DIRECTIONAL VOLUME
 $\frac{118}{370} \text{ C}$
- 520-E&C LOS 'D' PEAK HOUR
DIRECTIONAL CAPACITY
 $\frac{168}{370} \text{ C}$
- 300 D $\frac{173}{520} \text{ C}$

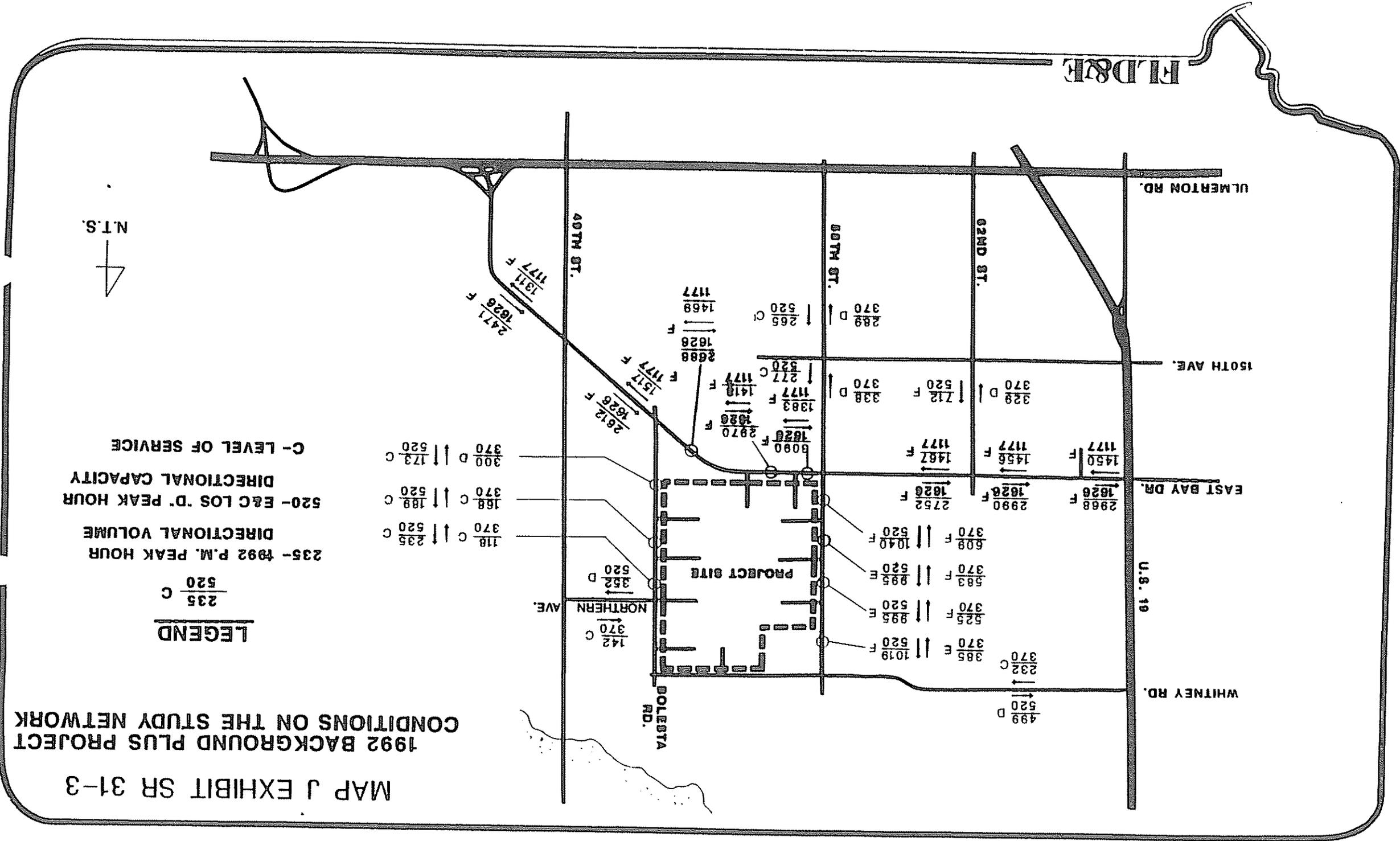


TABLE SR 31-6
ROADWAY REQUIREMENTS TO MAINTAIN DIRECTIONAL
LEVEL OF SERVICE "D" DURING THE P.M. PEAK HOUR

AS % OF E & C LOS "D" PEAK HOUR CAPACITY	NB/EB SB/WB	EXISTING AND COMMITTED GEOMETRY				TO	ROADWAY	
		1992 BG	1992 BG	1992 BG + PROJECT	FROM		TO	
27.7%		6LD	8LD	8LD	4LD	U.S. 19	Roosevelt Blvd. (SR 686)	
29.2%		6LD	8LD	8LD	4LD	62nd Street Bay Area Outlet Mall	Bay Area Outlet Mall	
33.8%		6LD	6LD	8LD	4LD	58th Street	62nd Street	∞
31.7%		6LD	8LD	8LD	4LD	West Project Dr.	58th Street	
23.9%		6LD	8LD	8LD	4LD	East Project Dr.	West Project Drive	
5.4%		6LD	8LD	8LD	4LD	Bolesta Rd.	East Project Drive	
5.4%		6LD	8LD	8LD	4LD	49th St.	Bolesta Road	
3.7%		6LD	6LD	8LD	4LD	Uimerton Rd.	49th St.	
28.3%		2L	2L	2L	2L	58th St.	Whitney Road	
21.4%		2L	2L	2L	2L	49th St.	Bolesta Rd. Northern Avenue	

TABLE SR 31-6 (CON'T.)
 ROADWAY REQUIREMENTS TO MAINTAIN DIRECTIONAL
 LEVEL OF SERVICE "D" DURING THE P.M. PEAK HOUR

AS % OF E & C LOS "D" PEAK HOUR CAPACITY	NB/EB SB/WB	EXISTING AND COMMITTED GEOMETRY			TO	FROM	ROADWAY
		BG 1992	BG 1992	BG 1992			
8.9%		2L	2L	2L	2L	Mid. Project Dr.	Bolesta Rd. Northern Ave.
22.4%		2L	2L	2L	2L	South Project Dr. Drive	Mid. Project
58.1%		2L	2L	2L	2L	South Project Blvd. Drive	South Project
10.3%		4L	4L	4L	2L	North Project Dr.	Whitney Rd.
48.1%		4L	4L	4L	2L	Mid Project Dr. Drive	North Project
63.8%		4L	4L	4L	2L	South Project Dr. Drive	Mid Project
63.0%		4L	4L	4L	2L	Roosevelt Blvd. Drive	South Project
53.5%		2L	2L	2L	2L	Roosevelt Blvd.	Roosevelt Blvd. 150th Ave.
40.3%		2L	2L	2L	2L	Rubin Icot Center	150th Ave.
13.5%		4L	4L	4L	2L	Roosevelt Blvd.	62nd Street Roosevelt Blvd. 150th Ave.

SOURCE: Florida Land Design & Engineering, Inc.
 July, 1988

ESTIMATED INTERSECTION IMPROVEMENTS NECESSARY
TO MAINTAIN LOS D PM PEAK HOUR OPERATION

TABLE SR 31-7

Projects, % of EAC LOS "D" Service Volume (1)	1992 WITHOUT PROJECT		1992 WITH PROJECT		Projects, % of EAC LOS "D" Service Volume (1)
	None	Signalization	Signalization and add 1 WB through lane.	Same	
15.48	None	None	Add 1 EB and 1 WB through lane.	Add 1 EB and 1 WB through lane.	15.48
29.08	None	None	Add 1 EB and 1 WB through lane.	Same	29.08
43.28	None	Signalization (2)	None	Signalization (2)	43.28
37.98	None	Signalization (2)	None	Signalization (2)	37.98
25.68	None	Signalization and add 1 WB through lane.	Same	Same	25.68
11.78	None	Add 1 EB and 1 WB through lane. Add 1 NB left turn lane.	Same	Same	11.78
11.38	None	Signalization	Signalization	Same (3)	11.38
16.28	None	Signalization	Signalization	Same (3)	16.28
N/A	None	None	None	None	N/A
N/A	None	None	None	None	N/A

INTERSECTION
Roosevelt Blvd. at
62nd Street
Roosevelt Blvd. at
58th Street
Roosevelt Blvd. at
West Project Drive
Roosevelt Blvd. at
East Project Drive
Roosevelt Blvd. at
Bolesta Rd.
Roosevelt Blvd. at
49th Street

TABLE 31-7
 ESTIMATED INTERSECTION IMPROVEMENTS NECESSARY
 TO MAINTAIN LOS D PM PEAK HOUR OPERATION
 (CONTINUED)

INTERSECTION	1992 WITHOUT PROJECT	1992 WITH PROJECT	Project's % of EAC LOS "D" Service Volume
Northern Avenue at 49th Street	None	None	N/A
58th Street at North Project Drive	None	Signalization (4)	44.88
58th Street at Mid Project Drive	None	Signalization (4)	57.48
58th Street at South Project Drive	None	Signalization (4)	61.38
Bolesta Road at North Project Drive	None	None	N/A
Bolesta Road at Mid Project Drive	None	None	N/A
Bolesta Road at South Project Drive	None	None	N/A

TI

NOTES:

- (1) Project's percentage calculated by averaging the project's percent of LOS "D" directional capacity on the approaching links.
- (2) Installation of a signal at either of the two access points would solve these delay problems.

ESTIMATED INTERSECTION IMPROVEMENTS NECESSARY
 TO MAINTAIN LOS D PM PEAK HOUR OPERATION
 (CONTINUED)

TABLE 31-7

- (3) The interchange which is under construction at U.S. 19 and S.R. 686 (Roosevelt Blvd.) is expected to divert to the interchange a substantial amount of the westbound right turns which are presently using these intersections to by-pass the extremely congested intersection of U.S. 19 and S.R. 686. This trip diversion is expected to improve the operation of the intersection of U.S. 19 and Whitney Road and Whitney Road and 58th Street to the point that signalization is not required.
- (4) The diversion of trips described above is expected to eliminate the need for signalization here.

Source: Florida Land Design & Engineering, Inc.
 November, 1987

The FDOT Signing and Pavement Marking plans for the interchanges of U.S.19 at Roosevelt Boulevard (S.R.686) and Ulmerton Road (S.R.688) (F.A. Project No. FFD-185-1 (51) and State Project No. 15150-3542) clearly depict all right turns at the intersection of the at-grade frontage roads with Roosevelt Boulevard and Ulmerton Road as free-flow conditions. The right turns are provided an exclusive right turn lane approaching the intersection and then are split-off to the right by way of a smooth curve prior to reaching the intersection. These right turning movements do not enter into or affect the signalized portion of the at-grade intersection, but rather turn into a separate lane which eventually merges with the through traffic under yield sign control. Consequently, no green time is required for any of these right turns and no conflicts are created at the intersection. This right turn free-flow condition is modeled in the intersection analysis by setting right turns at the intersection equal to zero.

Because the 1985 Highway Capacity Manual (HCM) was used for all intersection analyses for 1992 background and background plus project traffic conditions, the percent of Level of Service D service volume consumed by project traffic at each intersection cannot be calculated. The 1985 Highway Capacity Manual is based on delays, as opposed to critical volumes, which remain constant throughout the analysis. Because no Level of Service "D" service volumes are provided

by the 1985 HCM, a percent of this service volume cannot be calculated. It was agreed upon, in discussions with TBRPC, FDOT and Pinellas County, to average the percent impact on the adjacent links to determine the project's impact. Based on this methodology, the project consumes 10.6 percent of the Level of Service D service volume of this intersection.

4. AS STATED IN THE SUFFICIENCY RESPONSE, 1992 DAILY BACKGROUND TRAFFIC WAS ESTIMATED BY APPLYING A 4.0 PERCENT ANNUAL GROWTH RATE TO 1987 VOLUMES AND THEN ADDING OTHER APPROVED DRI DEVELOPMENT TRAFFIC, AS SHOWN IN APPENDIX D OF THIS SUFFICIENCY RESPONSE, TO THESE 1992 TRAFFIC VOLUMES. HOWEVER, WHEN FOLLOWING THESE PROCEDURES, IT WAS DISCOVERED THAT THE ROADWAY LINK VOLUMES FOUND IN EXHIBIT 31-3 OF THE AAPC WERE UNDERESTIMATED BY 500 TO 3,000 VEHICLES. PLEASE RESOLVE THIS DISCREPANCY AND REVISE ANY ANALYSIS AS NEEDED.

A 4.0 percent annual growth rate was applied to the 1987 roadway link volumes given in Exhibit SR 31-2 (p. 59) of the Sufficiency Response and then added to the other DRI development traffic shown in Appendix D of the same document. This procedure correctly produces the results depicted in Exhibit SR 31-3 (p. 60) of the Sufficiency Response with the exception of the volume on 58th Street which is shown as 11,602 trips per day. This volume should have read 11,632 trips per day, however, this 30 vehicle error does not change the results of any of the analyses and does not constitute a 500 to 3,000 vehicle under-estimation. Exhibits 31-2 and 31-3 were revised at the request of the Pinellas County MPO in the first sufficiency document and

replaced by Exhibits SR 31-2 and SR 31-3 to incorporate an updated FDOT count on Roosevelt Boulevard. No further revisions to the analysis are necessary.

5.

IN EXPLAINING THE ESTIMATION OF INBOUND AND OUTBOUND PM PEAK HOUR RATES FOR THE PROPOSED OFFICE LAND USE, IT IS STATED THAT THE ADT RATE FOR OFFICE SQUARE FOOTAGE OVER 200,000 GSF (10.9 TE/1,000 GSF). THE RESULTING RATIO WAS THEN MULTIPLIED BY THE INBOUND AND OUTBOUND PM PEAK HOUR RATES FOR OFFICE SQUARE FOOTAGE OVER 200,000 GSF. IT SHOULD BE NOTED THAT BASED ON ITE STUDIES, TRIP GENERATION RATES FOR OFFICE LAND USES DECREASES AS SIZE INCREASES. THEREFORE, SINCE THE AVERAGE SIZE OF THE ADT RATE FOR OFFICE SQUARE FOOTAGE OVER 200,000 GSF WAS GREATER THAN THE PROPOSED 675,755 GSF OF OFFICE SPACE, THE ORIGINAL RATIO SHOULD BE INVERTED (11.7/10.9). PLEASE REVISE THE PEAK HOUR RATES FOR THE PROPOSED OFFICE LAND USE AND OTHER CORRESPONDING ANALYSIS.

The average size of the office square footage for an ADT trip rate over 200,000 GSF (849,000 GSF) is indeed larger than the proposed 676,755 GSF. The trip rate which was interpolated (11.7 TE/1000 GSF) is larger than the ADT rate for offices over 200,000 GSF (10.9 TE/1000 GSF) and is correct. The P.M. peak hour rates do not need to be revised by inverting the ratio of 10.9/11.7 because the square footage corresponding to the P.M. peak hour rates in the ITE Trip Generation Report is smaller (338,000 GSF) than the proposed office square footage of 676,755 GSF. As correctly stated, the trip generation rates go down as the square footages increase. No revised analysis is necessary.

6.

THE TRIP INTERCHANGE BETWEEN RUBIN ICOT CENTER AND THE PROJECT STILL APPEARS HIGH. PLEASE CLARIFY WHICH TRIPS ARE LIKELY TO INTERCHANGE BETWEEN THESE TWO DEVELOPMENTS.

The QRS model that was run for purposes of identifying trip interchanges between zones, only differentiates between home-based work, home-based nonwork and non-home-based trips. Because there are no residential components in either the Rubin ICOT Center or Bay Vista projects, all trip interchanges between these projects fall under the non-home-based category. It is estimated that the 89,400 GSF commercial area within Rubin ICOT Center and the 104,000 GSF Pioneer Federal banking facility within Bay Vista would attract trips from Bay Vista and Rubin ICOT Center, respectively. Additionally, the 300 hotel rooms to be included within Rubin ICOT Center would provide accessible lodging for business travelers destined for Bay Vista and overnight business trips. The above mentioned trips, in addition to office, high-tech manufacturing and distribution trips are expected to interchange between Bay Vista (1,200,000 GSF) and Rubin ICOT Center (1,794,077 GSF; 300 hotel rooms) and comprise the total trip interchange between these two projects.

7. **PLEASE REVISE TABLE 31-7 OF THE AAPC TO INDICATE THE PERCENT OF EXISTING LOS D SERVICE VOLUME CONSUMED BY THE PROJECT'S TRAFFIC AT EACH OF THE INTERSECTIONS.**

Please see the revised Table SR 31-7 which has been corrected using the methodology described in TERPC Question 3, above.

8. IT IS STATED, IN THE AAPC, THAT THE ROOSEVELT BOULEVARD/BOLESTA ROAD AND THE 58TH STREET/150TH AVENUE INTERSECTIONS WERE NOT ANALYZED BECAUSE BOLESTA ROAD AND 150TH AVENUE ARE NOT REGIONALLY SIGNIFICANT ROADWAYS. HOWEVER, AS STATED IN THE DRI PREAPPLICATION REVIEW DOCUMENT, THE APPLICANT SHALL PERFORM CAPACITY ANALYSIS FOR ALL REGIONALLY SIGNIFICANT ROADWAYS/INTERSECTIONS AND ANY SUBREGIONAL ROADWAYS/INTERSECTIONS THAT PROVIDE PRIMARY ACCESS TO THE DEVELOPMENT OR ARE USED TO RECEIVE OR HANDLE PROJECT TRAFFIC DIVERTED FROM A REGIONAL ROADWAY. PLEASE REVISE ANALYSES TO INCLUDE ALL APPROPRIATE SUBREGIONAL ROADWAYS AND INTERSECTIONS.

Roadway link analyses have been performed for the segments of Bolesta Road that are impacted by more than 9.5 percent of the Level of Service D peak hour capacity of the roadway. An intersection capacity analysis has been performed for the P.M. peak hour at the intersection of Bolesta Road and Roosevelt Boulevard. The results of these analyses are summarized in Tables SR 31-6 and SR 31-7. Intersection analyses at Bolesta Road and the project access points were provided in the AAPC and the corresponding Transportation Technical Appendix.

150th Street does not provide primary access to the site nor does it handle project traffic diverted from a regional roadway. Consequently, no analysis is required for this intersection.

9.

ON TABLE SR 31-9 AND SR 31-10, FAIR SHARE COSTS WERE LISTED FOR ALL REQUIRED ROADWAY IMPROVEMENTS. HOWEVER, AS STATED IN THE PREVIOUS QUESTION, NO SUBREGIONAL ROADWAYS WERE ANALYZED IN THE AAPC AND, THEREFORE, ROADWAY IMPROVEMENT COSTS FOR THESE ROADWAYS WERE NOT ESTIMATED IN THESE TABLES. PLEASE REVISE THESE TABLES TO ANALYZE EACH LINK ON A DIRECTIONAL BASIS (INCLUDE BOTH DIRECTIONS) FOR THE APPROPRIATE PEAK HOUR AND INCLUDE ANALYSIS OF ALL

Footnotes from Tables SR 31-9 and SR 31-10

(1) Top Number: Peak Hour Directional Capacity
Bottom Number: 2-Way Total Minus Peak Hour
Directional Capacity

(2) Minor Arterial: 5 Signals/3 Miles; Use
2 Signals Per Mile

(3) Collector

(*) Project's % of ERC LOS D SV is < 10%

(N/A) ERC LOS D SV is sufficient for 1987 BG +
Project (Buildout) Traffic - No Improvement
Required

(4) Costs estimated using 1988 FDOT Pinellas
County Costs:

- Widen 4LD Rural Roosevelt to 8LD Urban Section
County Costs:
(A) (\$2,675,102) x (\$3,614,768) = \$3,012,384 per mile
(B) (\$3,210,040)

where: (A) is 4L Rural - Add 2 to Existing 2 Lanes
(B) Ratio to Convert = 4LD Urban New Const.
Rural to Urban 4L Rural New Const.

Section
(C) Estimated Cost for Widening from 4LD to
6LD.
Directional costs assumed to be 50% of
total cost.

(5) Costs estimated using 1988 FDOT Pinellas County costs.
- Widen 2L Rural 58th St. to 4L Rural 58th St.

Table SR 31-10
BAY VISTA PIPELINING CALCULATIONS

1992 Buildout														
Total														
Directional Construction Cost/Mile	Length (Miles)	New Lane Geometry	Existing Lane Geometry	To	From	Subtotal Construction Cost	Bridge or Box Culvert Information Length Cost	Total Construction Cost	Share Percentage NB/EB SB/NB	Proportionate Share Contribution NB/EB SB/NB				
3,012,384(4)	.11	BLD	4LD	Bay Area Outlet Hall	U.S. 19	331,362	--	331,362	*	21.9%	*	72,568		
1,204,954	.40	BLD	4LD	62nd St.	Bay Area Outlet Hall	1,204,954	Double Box Culvert 70'	1,339,354	*	23.1%	*	309,391		
3,012,384	.49	BLD	4LD	58th St.	58th St.	1,476,068	--	1,476,068	4.0%	26.3%	59,043	388,206		
3,012,384	.06	BLD	4LD	West Proj. Drive	58th St.	180,743	--	180,743	*	25.1%	*	45,366		
3,012,384	.12	BLD	4LD	East Proj. Drive	West Proj. Drive	361,486	--	361,468	*	18.9%	*	68,317		
1,506,192	.40	6LD	4LD	Bolesta Rd.	East Proj. Drive	602,477	--	602,477	20.2%	*	121,700	*		
1,506,192	.36	6LD	4LD	49th St.	Bolesta Rd.	542,229	4 Box Culvert 65'	604,629	28.9%	*	174,738	*		
1,337,552(5)	.25	4L	2L	North Proj. Drive	Whitney	334,388	--	334,388	24.1%	N/A	80,588	N/A		
1,337,552	.08	4L	2L	Mid Proj. Drive	North Proj. Drive	107,004	--	107,004	21.3%	18.1%	22,792	19,368		
1,337,552	.10	4L	2L	South Proj. Drive	Mid Proj. Drive	133,755	--	133,755	20.5%	31.0%	27,420	41,464		
1,337,552	.05	4L	2L	Roosevelt Blvd.	South Proj. Drive	66,878	--	66,878	18.2%	30.2%	12,172	20,197		

Total											\$1,463,330			

APPROPRIATE SUBREGIONAL ROADWAY LINK IMPROVEMENTS. PLEASE INCLUDE INTERSECTION IMPROVEMENTS AND CORRESPONDING FAIR SHARE COSTS IN THESE TABLES.

These changes have been incorporated in the attached revised Tables SR 31-9 and SR 31-10. These pipelining calculations reflect a sub-phase increment of 1.1 million square feet, which represents a 100,000 GSF reduction in office space from the total project buildout requested in the AAPC. This sub-phase increment was necessary to stay within the economic guidelines of project development. The attached Tables 31-4 (Revised) and 31-5 (Revised) illustrate the reduction in trip generation resulting from this reduction in office square footage.

10. **PURSUANT TO COUNCIL POLICY 19.8.14 (FUTURE OF THE REGION - A COMPREHENSIVE REGIONAL POLICY PLAN FOR THE TAMPA BAY REGION), PIPELINE CANDIDATE "SHALL BE SELECTED FROM THE LIST OF EXISTING OR PROPOSED REGIONAL TRANSPORTATION FACILITIES SUBSTANTIALLY AFFECTED BY THE DEVELOPMENT...". THE PIPELINE CANDIDATES WHICH HAVE BEEN IDENTIFIED ON PAGE 49 OF THE SUFFICIENCY RESPONSE ARE NOT REGIONAL TRANSPORTATION FACILITIES. PLEASE REVISE THE LIST OF PIPELINE CANDIDATES TO IDENTIFY IMPROVEMENTS TO REGIONAL TRANSPORTATION FACILITIES.**

The pipelining option which was proposed in the first Sufficiency Response document was supported by Pinellas County, as documented by a memo dated June 17, 1988 included in Appendix B. Whitney Road is in fact a regionally significant roadway and is shown on the Pinellas County MPO's 2010 Highway Plan. As stated in TBRPC Question 8 above, both Boleta Road and Northern Avenue "handle project traffic diverted from a regional roadway" and therefore must

TABLE 31-4 (REVISED)
 VEHICLE TRIP GENERATION
 SUMMARY

LAND USE	SIZE	AVERAGE DAILY		P.M. PEAK HOUR			
		RATE	TRIPS	RATE IN	TRIPS	RATE OUT	TRIPS
- EXISTING/APPROVED DEVELOPMENT -							
Pioneer Federal	104,000		695		25		79
Bay Vista Ph. I	140,000		4,427		204		386
Bay Medical Tech Data	19,245		402		10		54
	260,000		<u>3,063</u>		<u>112</u>		<u>377</u>
SUBTOTAL			8,587		351		896
- PROPOSED ADDITIONAL DEVELOPMENT(1) -							
Office	<u>576,755</u>	12.18	<u>7,025</u>	.22	<u>127</u>	1.65	<u>952</u>
TOTAL	1,100,000		15,612		478		1,848

(1) While the modified Bay Vista DRI proposed total development of 1.2 million square feet, the original order approved 987,000 square feet of development; requiring site specific traffic analyses to be done before permitting. The "net new" development requested herein is therefore only 213,000 square feet. However, a sub-phase total of 1.1 million square feet is shown here for purposes of pipelining calculations and approval. The "net new" development requested by this sub-phase is only 113,000 square feet.

Source: Florida Land Design & Engineering, Inc.
 November, 1987

TABLE 31-5 (REVISED)
EXTERNAL VEHICLE TRIP ENDS
TRIPS CAPTURED ON SITE

LAND USE	AVERAGE DAILY		P.M. PEAK HOUR		OUTBOUND TRIPS
	PERCENT	TRIPS	PERCENT	INBOUND TRIPS	
- EXISTING/APPROVED DEVELOPMENT -					
Pioneer Federal		*		*	*
Bay Vista Ph. I		544		12	22
Additional Comm. Capture		1,436		32	11
Bay Medical		188		2	8
Tech Data		<u>506</u>		<u>12</u>	<u>24</u>
SUBTOTAL		2,674		58	173
- PROPOSED DEVELOPMENT -					
Office	.03	211	.1	13	.14
TOTAL TRIPS CAPTURED		2,885		71	306
TOTAL TRIPS LESS TRIPS CAPTURED		15,612		478	1,848
LESS TRANSIT		<u>2,885</u>		<u>71</u>	<u>306</u>
TOTAL EXTERNAL TRIPS		12,470		395	1,496

Source: Florida Land Design & Engineering, Inc.
November, 1987

be analyzed as regionally significant roadways. The proposed Whitney/Bolesta/Northern Avenue corridor would act as a parallel facility to the Roosevelt Boulevard corridor thereby benefitting the regional network. It also provides direct access to the programmed 49th Street Bridge, which is also a regionally significant roadway.

58th Street between Roosevelt Boulevard and Whitney Road has also been discussed as a possible pipeline candidate with TBRPC, FDOT and Pinellas County; and appears to be the project preferred by these agencies. As shown in the AAPC analyses, this segment of roadway needs improving. This roadway section is a regionally significant roadway, is listed on the Pinellas County Long Range Transportation Plan and carries traffic diverted from the State Road system. Consequently, 58th Street would appear to be a viable pipeline project from the standpoint of both the State and local government.

As shown in Table SR 31-10, the total pipelining fair share cost for this sub-phase of the project is \$1,463,330. The applicant will be working with Pinellas County to establish reasonable credits attributable to the applicant for right-of-way dedication, off-site roadway and drainage improvements and other factors which have or will be funded and/or constructed by the applicant, and which will

potentially reduce the total pipeline figure. The net pipeline figure has not been finalized. It is however, the applicant's pipeline proposal to three-lane as much of 58th Street between Roosevelt Boulevard and Whitney Road, and Whitney Road between 58th Street and U.S. 19, as can be accomplished. Also considered as a viable project is widening 58th Street to four lanes between Roosevelt Boulevard and Whitney Road, as far as can be accomplished for the same total.

MPO

1. Table SR 31-6 has been revised to reflect these changes and is included herein.
2. Comment noted.

FDOT

1. THE DEPARTMENT HAS NO RECORD OF ANY AGREEMENT TO MODIFY QUESTION 31A FOR THIS APPLICATION. PLEASE PROVIDE THE OMITTED DATA FROM QUESTION 31A.

All data requested in Question 31A is included in Exhibits 31-1 to 31-3 (AAPC) except PM peak hour directional link analyses. Included in this sufficiency document is a PM peak hour directional traffic analysis which is summarized in TBRPC Question #2, Tables SR 31-6 and SR 31-7.

2. PLEASE PROVIDE THE SOURCE AND METHODOLOGY USED TO OBTAIN THE PM PEAK HOUR DATA USED IN THE ANALYSIS OF THE AT-GRADE PORTION OF THE INTERCHANGE OF US 19 WITH SR 686. THE CURRENT ANALYSES (SUFFICIENCY RESPONSE APPENDIX C) INDICATE AN OVERLY OPTIMISTIC ESTIMATE OF LEVEL OF SERVICE AT THIS INTERSECTION. PLEASE USE MORE REALISTIC LANE UTILIZATION FACTORS IN THESE INTERSECTION ANALYSES. PLEASE INDICATE BALANCED LANES ON IMPROVEMENTS AS WOULD NORMALLY BE PROPOSED DURING PRELIMINARY ENGINEERING.

The PM peak hour analysis indicating project impacts at the signalized at-grade portion of the interchange of U.S. 19 and Roosevelt Boulevard (S.R. 686) followed the procedures outlined in Chapter 9 of the 1985 Highway Capacity Manual.

The through movements on S.R. 686 and all the turning movements on both U.S. 19 and S.R. 686 were obtained from the most current, available count. The traffic analysis prepared for the Bay Area Outlet Mall dated June 1986, provides a 1985 count at this location (as requested by TBRPC in preparation of Rubin Icot Sufficiency). The thru/at-grade movements on U.S. 19's Frontage Road were obtained from U.S. 19 Design Alternatives Report, April

1986. All volume were projected to 1992 by using a 4 percent growth rate and adding traffic from the other background DRI developments.

The 85 HCM indicates that the lane utilization factor is set at 1.00 when average conditions for the lane group are desired. The factor may also be set at 1.00 when the V/C (volume per capacity) ratio for the lane group approaches 1.0, as lanes tend to be more equally utilized in such situations. Thus a lane utilization factor of 1.00 is acceptable and realistic for the proposed (under construction) geometrics at the at-grade portion of U.S. 19 and S.R. 686.

The improvements listed for the at-grade intersection of U.S. 19 and S.R. 686 in the previous submitted Sufficiency were the minimum necessary to establish an acceptable LOS D condition. If balanced lanes are necessary, the 1992 with project traffic improvements in Table SR 31-8 would also include an added eastbound thru lane.

3. PLEASE PROVIDE THE SOURCE AND METHODOLOGY USED TO OBTAIN THE PM PEAK HOUR DATA USED IN THE ANALYSIS OF THE INTERCHANGE OF SR 688 WITH SR 686.

The P.M. peak hour merge/diverge analysis at the partial interchange of Ulmerton Road (S.R. 688) and Roosevelt Boulevard (S.R. 686) followed the procedures outlined in Chapter 5 of the 1985 Highway Capacity Manual.

A 1988 existing count was taken at the partial interchange of S.R. 688 and S.R. 686. The 1988 existing condition, the 1992 background condition (including a 4 percent growth rate and the other background DRI developments) and 1992 background plus project traffic condition were analyzed.

4.

THE APPLICANT ASSERTS THAT THE USE OF A "DIVIDE-BY-TWO" METHODOLOGY FOR DETERMINING IMPACTS "...IS CONSISTENT WITH CURRENT TBRPC METHODOLOGY". PLEASE DOCUMENT THIS ASSERTION. NO INDICATION IS GIVEN AS TO THE DISPOSITION OF THESE DISCOUNTED TRIPS. ARE THEY CONSIDERED AS PART OF THE BACKGROUND TRAFFIC FOR ANALYSIS PURPOSES?

THE POINT OF THE FDOT QUESTION TO THE AAPC ON THIS ISSUE IS THAT THE DRI TO WHICH TRAFFIC HAS BEEN MODELLED (AND TO WHICH HALF THE TRIPS HAVE BEEN CREDITED) MAY NOT BUILD OR BUILD-OUT. IF THIS OCCURS, THEN MANY TRIP ENDS MODELLED TO THESE DRI'S WILL FIND OTHER TAZ'S. THE RESULT IS IMPACTS TO THE SYSTEM OTHER THAN THOSE MODELLED. THIS IS A DEVIATION FROM THE ANALYSIS PROVIDED. AT WHAT POINT WILL THIS BECOME SUBSTANTIAL?

As stated in the response to question 14 on page 75 of the Sufficiency Response document, this method of assigning responsibility of one-half of the trip interchanges with other DRI's to that DRI is consistent with historical and current TBRPC methodology and was proposed and approved in the transportation methodology document. These trips that are credited to the other DRI's are moved from project traffic to background traffic and are therefore considered in the analysis. If the other DRI's do not build out, then the background traffic which was used for the purposes of this analysis have been grossly overestimated and consequently the project impacts will have been overestimated. Again, this methodology was agreed upon during the trans-

portation methodology meeting as an accurate, acceptable procedure for determining project impacts. The portion of traffic that is credited to other DRI's is relatively insignificant and affects only a few roadway links.

5. THE APPLICANT ASSERTS THAT NO DIRECTIONAL PEAK HOUR ANALYSIS WAS TO BE PERFORMED ON THIS DRI. THE APPLICANT FURTHER ASSERTS THAT NO SUCH ANALYSIS WILL BE SUBMITTED TO REVIEWING AGENCIES. AT THE TIME OF THE METHODOLOGY MEETING, THE APPLICANT SHOULD HAVE BEEN AWARE OF THE CLEARLY STATED REQUIREMENT OF DCA RULE 9J-2.0255 FOR A DIRECTIONAL, PEAK HOUR ANALYSIS. THE DEPARTMENT CANNOT ACCEPT PEAK HOUR TRAFFIC DATA NOT DEVELOPED PURSUANT TO A PREVIOUSLY AGREED UPON METHODOLOGY. THEREFORE, THE DEPARTMENT IS CONSIDERING PROVIDING TO THE DEPARTMENT OF COMMUNITY AFFAIRS A RECOMMENDATION THAT NO PIPELINING CALCULATIONS UNDER THIS APPLICATION BE ACCEPTED UNTIL A COMMONLY AGREED UPON PEAK HOUR NETWORK ANALYSIS HAS BEEN PERFORMED.

The pipelining calculation documented in the previous Sufficiency was prepared with directional, peak hour traffic data as stated in the DCA Rule 9J-2.0255. However, a revised impact area, defined by a directional peak hour analysis, along with a revised pipeline calculation is included. See TBRPC Question #9.

6. THE APPLICANT LISTS THREE PIPELINING CANDIDATES. TWO OF THE CANDIDATES ARE NOT ON THE REGIONAL ROADWAY NETWORK. THE THIRD CURRENTLY HAS THE RECOMMENDED ROADWAY TYPICAL SECTION CALLED FOR IN THE PINELLAS LONG RANGE TRANSPORTATION PLAN AND IS NOT INDICATED AS NEEDING WIDENING IN THE ANALYSIS PROVIDED. NONE OF THESE CANDIDATES IS ACCEPTABLE TO THE DEPARTMENT (PLEASE SEE PARAGRAPH 7.F BELOW).

Please see response to TBRPC question 10.

7. ARE TABLES SR 31-9 AND SR 31-10 CONSISTENT WITH THE DEPARTMENT OF COMMUNITY AFFAIRS' INTERPRETATION OF THEIR RULE 9J-2.0255 AND WITH THE TBRPC PIPELINING GUIDELINES?

THEY ARE NOT CONSISTENT WITH THE DEPARTMENT'S DISTRICT SEVEN PIPELINE IMPLEMENTATION GUIDELINES. THESE TABLES HAVE THE FOLLOWING DISCREPANCIES:

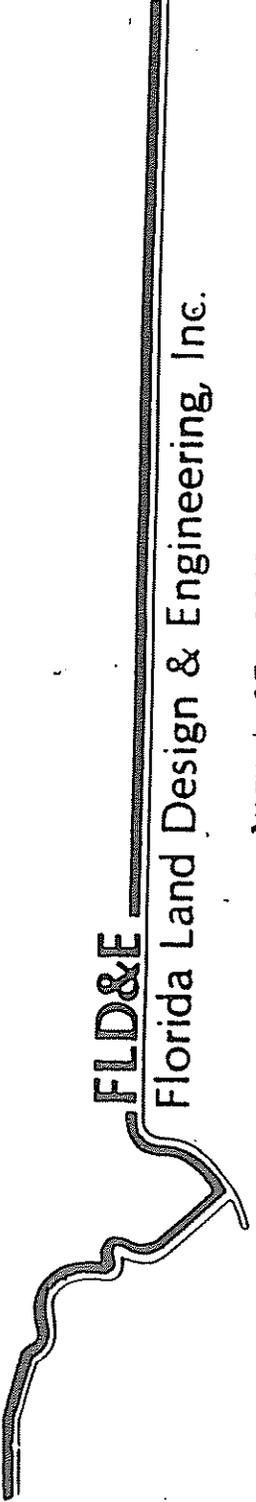
- A. NO SOURCE IS INDICATED FOR THE TRIP DATA.
- B. ANALYSIS IS PERFORMED IN ONE DIRECTION ONLY.
- C. EIGHT-LANE DIVIDED ARTERIAL IMPROVEMENTS ARE LISTED IN THE COLUMN "NEW LANE GEOMETRY":
 - (1) THIS IS NOT CONSISTENT WITH THE PINELLAS LONG RANGE TRANSPORTATION PLAN OR THE FLORIDA TRANSPORTATION PLAN,
 - (11) PLEASE IDENTIFY OTHER IMPROVEMENTS FOR THE AFFECTED LINKS.
- D. A CLEARER EXPLANATION OF THE SOURCE OF THE CAPACITIES LISTED FOR THREE-LANE ROADWAYS IN TABLE SR 31-9 IS NEEDED.
- E. STATE ROAD 686 (ROOSEVELT BOULEVARD) IS FUNCTIONALLY CLASSIFIED BY FDOT AS AN URBAN MINOR ARTERIAL. PLEASE CORRECT THE MAXIMUM SERVICE VOLUMES IN TABLE SR 31-9 TO REFLECT THIS CLASSIFICATION.
- F. TABLE SR 31-10 INDICATES THAT ALL PROPORTIONATE SHARE CONTRIBUTIONS ARE BASED ON IMPACTS TO SR 686 (ROOSEVELT BOULEVARD). THE DEPARTMENT REQUESTS THAT A SUITABLE PIPELINE CANDIDATE BE IDENTIFIED ON SR 686.

Tables SR 31-9 and SR 31-10 have been revised to reflect the directional peak hour traffic analysis and are included in the response to TERPC question #10. The submitted pipeline calculation in the previous sufficiency followed all pipelining guidelines.

- A. Unless otherwise noted, all trip data was obtained from adjacent intersection's PM peak hour volumes. The project traffic shown in Table SR 31-9 was determined by assigning the PM peak hour directional project (DRI) trips to the study network.

- B. The pipeline analysis was performed in both directions.
- C. We are aware of the Pinellas Long Range Transportation Plan, however, following the procedures outlined in the DCA pipeline rule, the eight lane divided section is the minimum realistic improvement achievable in order for those links to operate at the desired level of service.
- D. See revised pipelining calculations summarized in Tables SR 31-9 and SR 31-10.
- E. See revised pipelining calculations summarized in Tables SR 31-9 and SR 31-10.
- F. Please see response to TBRPC question 10.
8. THE DEPARTMENT REQUESTS THAT THE APPLICANT PROVIDE THE INFORMATION REQUESTED IN COMMENTS TO THE AAPC WHICH THE APPLICANT COMMITTED ON JUNE 30, 1987 TO PROVIDE TO THE DEPARTMENT BY AUGUST 11, 1987 AND HAS AS YET NOT PROVIDED. These comments were addressed in the responses to FDOT questions 7, 9 and 11 on pages 72, 73 and 74 of the Sufficiency Response.

APPENDIX A



FLD&E

Florida Land Design & Engineering, Inc.

August 17, 1987

Mr. James Kennedy
Deputy District Engineer
Florida Department of Transportation
4950 West Kennedy Boulevard
Suite 500
Tampa, Florida 33609

RE: Development of Regional Impact, Transportation
Analysis; Bay Vista

Dear Mr. Kennedy:

A letter from the Florida Department of Transportation confirming the status of planned roadway improvements in the area of the subject development is required for inclusion in the Application for Development Approval/Development of Regional Impact document.

A review of the State's Five Year Transportation Plan and Annual Program Budget for FY 1987-1991 reveals that the State has the following improvements identified in the area of the referenced project.

<u>ROADWAY</u>	<u>LOCATION</u>	<u>IMPROVEMENT</u>	<u>YEAR</u>
East Bay Dr. (S.R. 686)	From Starkey Rd. To Belcher Rd.	6LD	Preliminary Engineering 1987-88
	From Belcher Rd. To U.S. 19	6LD	Construction 1990-91
	From U.S. 19 To 49th St.	6LD	Preliminary Engineering 1987-88
	From 49th St. To Ulmerton Rd.	6LD	Preliminary Engineering 1987-88
Ulmerton Rd. (S.R. 688)	At Roosevelt	Intersection Improvement	Construction 1986-87
U.S. 19	At East Bay Dr.	Intersection Improvement	Construction 1986-87

one north dale mabry suite seven hundred tampa, florida 33609 tampa (813)875-1115 pinellas (813)443-6827 fax (813)874-7424
planning / engineering / landscape architecture / surveying
equal opportunity employer

Mr. James Kennedy
August 17, 1987.
Page -2-

U.S. 19

At Bellair Rd.

Intersection
Improvement
Preliminary
Engineering
1987-88

Please indicate your concurrence with this list, if correct, by signing below and returning this letter to us.

If corrections are necessary, please advise. Thank you for your help.

Sincerely,

FLORIDA LAND DESIGN & ENGINEERING, INC.



Michael J. Coleman, E.I.
Transportation Engineer

MJC:ksc

cc: James Hoster
10342.38
(KENN.L1)

I confirm that the improvements listed above are correct and are scheduled by the Florida Department of Transportation within the project impact area in the time periods stated above.

Signature/Title

Date

FLD&E

Florida Land Design & Engineering, Inc.

September 3, 1987

Mr. Fawzi Bitar
Florida Department of Transportation
Tampa Bay Urban Office
4950 W. Kennedy Boulevard
Suite 500
Tampa, Florida 33609

Re: Development of Regional Impact, Transportation Analysis; Bay Vista

Dear Mr. Bitar:

We appreciate the computer printout you sent listing the Department's five year work program for Pinellas County. However, TBRPC still requires a signed copy of the letter we sent you dated August 17, 1987 for inclusion in the ADA. It would be greatly appreciated if you would sign the letter and return it to us. A copy of the original letter is attached for your convenience. Thank you for your help in this matter.

Sincerely,

FLORIDA LAND DESIGN & ENGINEERING, INC.


Michael J. Coleman, E.I.
Transportation Engineer

MJC/lam
10342.38
cc: Jim Hoster, FLD&E
File
(BITA.L)

APPENDIX B

TO: Al Navaroli, Principal Planner
Zoning

FROM: James C. Andrews, P.E., Public Works Engineer III
Engineering Services

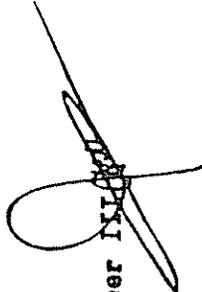
SUBJECT: Bay Vista D.R.I.

DATE: June 17, 1988

If the pipelining option is utilized, it is recommended that the applicant construct Whitney Road from Wolford Road to Bolesta Road, Bolesta Road from Whitney Road to Northern Avenue and Northern Avenue from Bolesta Road to 49th Street.

pod

cc: Paul Bumiller, Administrator
Engineering Services





Florida Land Design & Engineering, Inc.
 ONE NORTH DALE ASBURY • SUITE 200
 TAMPA, FLORIDA 33609 • (813) 875-1115
 PINELLAS (813) 443-6827

November 11, 1988

Ms. Suzanne Cooper
 DRI Coordinator
 Tampa Bay Regional
 Planning Council
 9455 Koger Boulevard
 Suite 219
 St. Petersburg, FL 33702

RE: Bay Vista DRI #174

Dear Ms. Cooper:

As you know, we have been working with TBRPC's consultant Reynolds, Smith and Hills, Pinellas County and the FDOT to finalize Bay Vista's pipelining fair share cost in accordance with the most updated methodology per these reviewing agencies. The original fair share cost of \$1,463,330, which was presented in the second round of sufficiency has been adjusted to \$1,099,696 based on discussions with Mr. Jim Edwards and Mr. George Adriaansen of the FDOT. This figure incorporates a few minor revisions to the pipelining fair share cost of \$1,328,628 which was provided to us by Mr. Roy Chapman of Reynolds, Smith and Hills on November 2, 1988. Documentation of the fair share calculation is provided in the attached table. Revisions are presented as footnotes in the attached table. We have summarized these revisions in more detail in the following paragraphs.

The applicant is working with Pinellas County to establish reasonable credits attributable to the applicant for right-of-way dedication, off-site roadway and drainage improvements and other factors which have or will be funded and/or constructed by the applicant.

SUMMARY OF PIPELINE FAIR SHARE CALCULATION REVISIONS

Method of Calculating Counter Peak Service Volume (Footnotes 1 and 2 in the attached table).
 Jim Hoster and I met with Jim Edwards and George Adriaansen on October 28th and discussed the procedures for calculating counter-peak direction service volumes using the ARTLST2B program. The previous method of calculating this counter-peak service volume was to subtract the peak direction service volume from the two-way service volume with the remainder being the counter-peak direction service volume. This has since been

recognized by the FDOT and others as giving unrealistically low service volumes for the counter-peak direction. The current accepted method for calculating the counter-peak service volume, as described by FDOT representatives on October 28, 1988, is to run the ARTLST2B program for the roadway under review and substitute an arrival type of 2 for what was a 4 or 5 in the peak direction ARTLST2B run. We have corrected the counter-peak direction service volumes as approved by FDOT and have inserted the revised volumes into the attached table.

Signalization of US19/Whitney Road (footnote 3 in the attached table).

Previous pipeline fair share estimates included the signalization of US 19 at Whitney Road. This intersection improvement is incorporated into the US 19 roadway improvement and is currently under construction. Therefore, this cost has been removed from the revised pipelining fair share cost calculation.

58th Street

The regional roadways that are significantly impacted by the project are: Roosevelt Blvd. from US 19 to Ulmerton Road, 58th Street from Ulmerton Road to Whitney Road, and Whitney Road from 58th Street US 19. 58th Street is on the MPO's Long Range Transportation Plan and is a significant component of the regional transportation system in the Gateway Highpoint area as evidenced by the current heavy travel demand on 58th Street north of Roosevelt Blvd. to Whitney Road.

Pipelining fair share costs were included in the original cost estimates and continues to appear in the attached table because 58th Street is a significantly impacted regional roadway.

We feel confident that the revisions provided with this correspondence are reflective of the most current and acceptable pipeline calculation procedures, and they address your consultant's concern for including counter-peak impacts.

FLD&E

November 11, 1988
Ms. Suzanne Copper
Page 3

Should you have any questions concerning this information please call Jim Hoster or myself.

Sincerely,

FLD&E



Michael J. Coleman, P.E.
Transportation Engineer
MJC/tvr

10342.64

(Cooper.L/Ltrs.2)

cc: Roy Chapman, Reynolds, Smith and Hills
Rick Adair, FDOT
Hugh Pascoe, Pinellas County
Al Navarali, Pinellas County
Dutch Blaimelt, Trammell Crow
Chuck Martin, Trammell Crow
Ken Graves, Honigman, Miller
Denise McCabe, FLD&E
Jim Hoster, FLD&E

Location	Dir.	EX. X-S	Req. Imp.	DRI Trips (1)	Total Volume (2)	EX. SV (3)	Reserve SV (2-3)	DRI Trips (4)	New SV (4-2)	-EX. SV (1-(2-3)) (4-2)	Cost Per Mile (6-2)	Length Miles	Improvement Cost	Fair Share Amount
Roosevelt Boulevard: U.S. 19 to Bay Area Outlet Mall	EB	4LD	BLD	101	1450	1218	234	0	234	0.219	\$3,012,384.00	0.110	\$331,362.00	\$0.00
Roosevelt Boulevard: Bay Area Outlet Mall to 62nd St.	WB	4LD	BLD	107	1456	1218	234	0	234	0.231	\$3,012,384.00	0.400	\$1,204,950.00	\$278,343.00
Roosevelt Boulevard: 62nd St. to 58th St.	EB	4LD	BLD	124	1467	1530	1037	0	415	0.263	\$3,012,384.00	0.490	\$1,476,070.00	\$0.00
Roosevelt Boulevard: 58th St. to West Project Drive	EB	4LD	BLD	60	1383	1198	399	0	440	0.251	\$3,012,384.00	0.060	\$180,740.00	\$0.00
Roosevelt Boulevard: West Project Drive to East Project Dr.	EB	4LD	BLD	86	1413	1198	399	0	331	0.190	\$3,012,384.00	0.120	\$361,486.00	\$0.00
Roosevelt Boulevard: East Project Drive to Bolesta Road	EB	4LD	BLD	135	1469	1198	399	0	79	0.045	\$3,012,384.00	0.400	\$1,204,950.00	\$0.00
Roosevelt Boulevard: Bolesta Road to 49th Street	EB	4LD	BLD	300	1517	1003	594	0	79	0.045	\$3,012,384.00	0.360	\$1,084,460.00	\$0.00
Roosevelt Boulevard: 49th Street to Ulmerton Road	WB	4LD	BLD	199	1311	1710	762	0	835	0.045	\$3,012,384.00	1.360	\$1,084,460.00	\$48,801.00
SUBTOTAL: \$956,189.00														

Phase 1 (1992)

(1-(2-3))

-Res. SV

(2-3)

(3)

Volume

SV

(4)

DRI Trips

(4-2)

-EX. SV

(1-(2-3))

Mile

Cost Per

Miles

Length

Improvement

Cost

Fair Share

Amount

Location	Dir.	Ex. X-S	Req. X-S	DRI	Trips (1)	Total Volume (2)	Ex. SV (3)	Reserve SV (2-3)	DRI Trips (1)-(2-3)	New SV (4)	New SV -Ex. SV (6-2)	Fair Share (1-(2-3)) (6-2)	Cost Per Mile	Length Miles	Improvement Cost	Fair Share Amount
58th Street: Whitney to North Project Dr.	NB	2L	4L	135	1005	520	765	0	135	1080	560	0.241	\$1,337,552.00	0.250	\$334,388.00	\$80,588.00
58th Street: North Project Dr. to South Project Dr.	NB	2L	4L	119	989	520	765	0	119	1080	560	0.213	\$1,337,552.00	0.080	\$107,004.00	\$22,792.00
58th Street: Mid Project Dr. to South Proj. Dr.	NB	2L	4L	115	985	520	765	0	115	4080	560	0.205	\$1,337,552.00	0.100	\$133,755.00	\$27,420.00
58th Street: South Project Dr. to Roosevelt Blvd.	NB	2L	4L	102	1035	520	765	0	102	1080	560	0.182	\$1,337,552.00	0.050	\$66,878.00	\$12,172.00
	SB			211	587	495	283	212	0	1026	531	0.000	\$1,337,552.00		\$66,878.00	\$0.00

SUBTOTAL: \$143,507.00

TOTAL: \$1,099,696.00

NOTES: (1) Minor arterial, 2 signals per mile counter peak capacity using

Artis2B Program. Arrival Type = 2 per FDOT methodology.

(2) Minor arterial, 1 signal per mile counter peak capacity using

Artis2B Program. Arrival Type = 2 per FDOT methodology.

(3) This improvement is incorporated in the U.S. 19 roadway improvement

(F.A. Project No. FFD-185-1(51)); State Project No. 15150-3542)

presently under construction.

EXHIBIT B

A. PIPELINING SEGMENT

1. The Developer shall fund the design and construction of a six-lane divided urban section roadway on Roosevelt Boulevard from the existing six-lane terminus (east of Michigan Street) easterly through the intersection of Roosevelt Boulevard with 62nd Street ("Pipeline Segment"). The improvement shall be completed consistent with the Preliminary Design and Environmental (PD&E) Study recently completed by FDOT for this section of Roosevelt Boulevard.
2. The design of the Pipeline Segment shall be prepared in a manner normally used by the entity which will ultimately be responsible for the transportation improvements. The design shall include the removal of the traffic control device currently located at Dodge Street and Roosevelt Boulevard. FDOT shall make the final determination as to whether such device can be removed consistent with generally accepted traffic engineering safety practices and procedures. The design shall be reviewed and approved, as appropriate, by FDOT and the County prior to construction of such improvement. The design shall be completed within nine (9) months (exclusive of government review time) after the date on which the Developer advises the County, in writing, of its election of the Option 3 pipeline transportation mitigation option.
3. Upon completion of the design, and approval by the FDOT and the County, Developer shall immediately apply for and diligently pursue issuance of all necessary permits within twelve (12) months of the date of the last of such approvals. The County shall assist the Developer, when appropriate, in obtaining all permits, approvals, utility relocations, rights-of-way, and easements necessary to complete the Pipeline Segment.
4. Immediately upon completion of the design, and securing of necessary permits, rights-of-way and easements, Developer shall commence construction of the Pipeline Segment and shall construct the Pipeline Segment within twelve (12) months from the date of such commencement of construction.
5. If, prior to commencement of construction of the Pipeline Segment, it can be demonstrated that, for reasons beyond the Developer's control, it is impossible or impractical for the Developer to complete the Pipeline Segment, or that the costs of designing, acquiring right-of-way for, and/or constructing the Pipeline Segment exceeds Developer's Adjusted Proportionate Share, Developer shall notify the County. The County and FDOT shall expeditiously determine whether to make the additional funding commitments necessary to fully fund completion of the Pipeline Segment. If the County and/or FDOT elects to make the additional funding commitments, it shall enter into the appropriate agreements with Developer for completion of the Pipeline Segment by the Developer using the remaining unexpended portion of Developer's Adjusted Proportionate Share supplemented

by the County's and/or FDOT's additional funding commitment. Inasmuch as the estimated transportation impact fees to be paid for the remainder of the development are expected to exceed the net pipeline improvement dollar amount, the County may authorize the Development to expend up to its expected maximum transportation impact fees to complete the project, receiving dollar for dollar credit for such expenditures against transportation impact fees. If the County and FDOT determine not to make such funding commitment, or otherwise fail to secure such funding commitment, Developer may either: (a) complete the Pipeline Segment at its own expense, or (b) propose appropriate alternative improvements, which if approved by the entity having responsibility for the improvements, the County and TBRPC pursuant to applicable laws, rules and regulations shall be pipelined and this Order shall be amended accordingly. The amendment shall not constitute a substantial deviation requiring further DRI review. If the Developer has expended any money on design, right-of-way acquisition, or construction of the Pipeline Segment prior to notification to the County, the amount of money required to be pipelined to alternative roadway improvements shall be reduced to the amount of such previous expenditures, such amount being subject to a review and determination by the County and TBRPC, of the extent to which such monies previously expended have provided discrete, useable elements of design and/or construction of a viable improvement.

6. Notwithstanding the foregoing, in the event that the performance by the Developer or the County of the commitments set forth herein shall be interrupted or delayed by an occurrence, and not occasioned by conduct of either, whether such occurrence be an act of God or the result of war, riot, or civil commotion, or otherwise, then it shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

EXHIBIT B-1

CALCULATION OF NET PIPELINE IMPROVEMENT AMOUNT

<u>AMOUNT</u>	<u>REMARKS</u>
\$1,099,696	Calculated proportionate share amount pursuant to Rule 9J-2.0255, FAC, (1987) (as applied, consistent with appropriate policies), for a total of 1,100,000 square feet of development (1,080,000 square feet of office use and 20,000 square feet of retail use). (NB: The Option 3 method of transportation impact mitigation authorizes 100,000 square feet less than an Option 1 or Option 2 method.)
Less \$534,452 (48.6% x 1,099,696)	48.6%, or 534,911 square feet of office and retail developed, has been reviewed, approved and mitigated for pursuant to the Original Development Order.
<hr/>	
Total \$565,244 (51.4% x 1,099,696)	Net pipeline improvement amount necessary to accommodate the impacts of the remaining development (565,089 square feet) under the Option 3 Pipeline Alternative.