



#180

STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**  
*"Dedicated to making Florida a better place to call home"*

JEB BUSH  
Governor

THADDEUS COHEN  
Secretary

May 4, 2006

Ms. Annie Q. Pollack  
Mechanik Nuccio etal  
101 East Kennedy Blvd.  
Suite 314  
Tampa, Florida 33602-5151

Re: UNIVERSITY BUSINESS; File Number AGM-08-2006-020

Dear Ms. Annie Q. Pollack:

Enclosed is a copy of the executed agreement for UNIVERSITY BUSINESS CENTER.  
If you have any questions, please call Gerald Daniel in the Bureau of Local Planning at (850) 488-4925.

Sincerely,

D. Ray Eubanks  
Community Program Administrator

DRE/dh

Enclosure

cc: Mr. John Meyer, Tampa Bay RPC (with enclosure)  
City of Tampa (with enclosure)

**2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100**  
Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 921-0781/Suncom 291-0781  
Internet address: <http://www.dea.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE  
2796 Overseas Highway, Suite 212  
Marathon, FL 33050-2227  
(305) 289-2402

COMMUNITY PLANNING  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-2356

EMERGENCY MANAGEMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-7956

**ESSENTIALLY BUILT-OUT AGREEMENT  
PURSUANT TO §380.032(3) AND §380.06(15)(g)3., FLORIDA STATUTES**

This Agreement ("Agreement") is entered into by and between Glenborough Properties, L.P., a California limited partnership ("Glenborough"), the City of Tampa, Florida, a Florida municipal corporation (the "City") and the State of Florida, Department of Community Affairs ("Department") subject to all other governmental approvals and solely at Glenborough's own risk.

WHEREAS, Glenborough is a duly constituted and active California limited partnership and a successor owner and developer of University Business Center development of regional impact ("DRI");

WHEREAS, the City is a municipal corporation organized and existing under the laws of the State of Florida;

WHEREAS, the Department is the State of Florida's land planning agency having the power and duty to exercise general supervision of the administration and enforcement of Chapter 380 of the Florida Statutes, which includes provisions relating to DRIs;

WHEREAS, pursuant to Subsections 380.032(3) and 380.06(15)(g)3, F.S., the Department is authorized to enter into agreements as may be necessary to effectuate the provisions and purposes of Chapter 380, F.S.;

WHEREAS, Glenborough, the City and the Department desire to enter into this Agreement pursuant to Subsection 380.032(3), *Florida Statutes*;

WHEREAS, on February 9, 1989, the City Council of the City enacted by Ordinance No. 89-39 a Development Order for University Business Center, a Development of Regional Impact (DRI No. 180);

WHEREAS, on January 25, 1990, the City Council of the City enacted by Ordinance No. 90-11 an amendment to the DRI which, among other things, extended the buildout date of Phase I by 2 years, 11 months and 15 days (the "First Amendment");

WHEREAS, on September 15, 1994, the City Council of the City enacted by Ordinance No. 94-175 an amendment to the DRI which, among other things, extended the buildout date of Phase and Phase II by 4 years, 11 months and 15 days and recognized that development had commenced (the "Second Amendment"); and

WHEREAS, on March 28, 1996, the City Council of the City enacted by Ordinance No. 96-70 an amendment to the DRI which, among other things, extended the buildout date of Phase I to December 31, 2010; included an Equivalency Matrix to allow for the simultaneous exchange of approved land uses; and extended the termination date to December 31, 2015 (the "Third

Amendment”) (hereinafter the Development Order and all amendments thereto are collectively referred to as the “Development Order”);

WHEREAS, Phase I of the DRI is currently approved for 500,000 square feet of office uses and 19,500 square feet of warehouse/light industrial uses;

WHEREAS, a total of 388,343 square feet of office uses have been constructed;

WHEREAS, a total of 19,500 square feet of warehouse/light industrial uses have been constructed;

WHEREAS, a total of 111,657 square feet of office uses remain undeveloped;

WHEREAS, Glenborough desires to potentially develop only 59,000 square feet of the remaining 111,657 square feet of office use entitlements that remain under the Development Order, or the equivalent thereof under the approved Equivalency Matrix set forth in the Development Order (collectively referred to as the “Future Development”);

WHEREAS, all of the DRI’s Development Order requirements for the contribution of funds, land and public facilities expressly designated and used to mitigate impacts attributable to the approved development have been satisfied.

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

1. The parties agree that pursuant to Section 380.06(15)(g)3., *Florida Statutes*, the DRI is “essentially built-out” because: (a) the development is in compliance with all applicable terms and conditions of the Development Order except the build-out date, and (b) the Future Development, as a percentage of the applicable substantial deviation threshold, is below 100 percent.

2. Notwithstanding the build-out date contained within the Development Order and due to the essentially built-out status of the DRI, the Future Development may proceed in accordance with the applicable terms and conditions of the Development Order without further DRI review, including review under Section 380.06(19), F.S. The Future Development shall not be required to undergo a concurrency or transportation analysis for a period of ten (10) years from the effective date of this Agreement and then such analysis shall only be required if the Future Development is not constructed by that date. Except as provided herein, the Future Development and any additional changes to the DRI shall be subject to the City of Tampa Code of Ordinances and the City of Tampa Comprehensive Plan. Construction of the 59,000 square feet of office or its equivalent under the Equivalency Matrix shall be subject to the City of Tampa Transportation Impact Fee Ordinance and, if required by the City Transportation division, a site specific traffic analysis. In addition, it shall be a condition of issuance of a construction permit which allows a cumulative total of 400,000 gross square feet of office (or its equivalent under the Equivalency Matrix) within the DRI, that an eastbound left turn lane at Bougainvillea Avenue and the project entrance be constructed and a traffic signal be installed at this

intersection when warrants are met, which construction and installation shall be at the sole expense of the recipient of such permit. No construction permits beyond 400,000 gsf or its equivalent under the Equivalency Matrix shall be issued unless the improvements, required above are complete. In addition, upon such event, the recipient of such permits shall be responsible for submittal of the TSM Plan and traffic monitoring required under the Development Order.

3. The parties agree that the DRI shall be bound by the development table attached hereto as Exhibit A and that a request for development in excess of the Future Development is unlikely to occur. Nevertheless, in the unlikely event that development in excess of the Future Development is requested, such development shall be subject to Section 380.06(19)(b), *Florida Statutes*, and Glenborough shall be required to complete a cumulative analysis of the impacts for the proposed additional development and existing development within the DRI.

4. After the effective date of this Agreement, Glenborough shall no longer be required to file annual reports pursuant to Section 380.06(18), *Florida Statutes*.

5. Glenborough asserts and warrants that all of the representations and statements made in this Agreement are true, accurate and complete. Based upon such representations and statements, the Department concludes that this Agreement is in the best interest of the State, is necessary to and beneficial to the Department in its role as the state agency with responsibility for the administration and enforcement of Chapter 380, *Florida Statutes*, and reasonably applies and effectuates the provisions and purposes of Chapter 380, *Florida Statutes*.

6. In the event of a breach of this Agreement or failure to comply with any condition of this Agreement, or if this Agreement is based upon materially inaccurate information, the Department or the City may terminate this Agreement or file suit to enforce this Agreement as provided in Sections 380.06 and 380.11, *Florida Statutes*.

7. Nothing in this Agreement shall constitute a waiver by any party of the right to appeal any development order pursuant to Section 380.07, *Florida Statutes*, except as acknowledged herein.

8. This Agreement affects the rights and obligations of the parties under Chapter 380, *Florida Statutes*. It is not intended to determine or influence the authority or decisions of any other state or local government or agency in the issuance of any other permits or approvals which might be required by state law or local ordinance for any development authorized by this Agreement. This Agreement shall not prohibit the regional planning agency from commenting on any regional issue. Any amendment to or modification of this Agreement shall not be effective unless contained in a written document signed by the parties.

9. The terms and conditions of this Agreement shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the parties hereto. Glenborough shall ensure and provide that any successor in interest in and to any lands or parcels affected by this Agreement shall be bound by the terms of this Agreement. Glenborough shall record this Agreement in the Official Records of Hillsborough County, Florida, and shall provide

the Department with a copy of the recorded Agreement, including Book and Page number within two (2) weeks of the date of execution of this Agreement.

10. The effective date and/or date of execution of this Agreement shall be date that the last party signs and acknowledges the terms of this Agreement.

**(The remaining portion of this page has been intentionally left blank.)**

Attest:

Shirley Fox-Knowles  
City Clerk / Deputy City Clerk

Approved as to form:

RMH  
Assistant City Attorney

CITY OF TAMPA, FLORIDA

Pam Iorio  
Pam Iorio, Mayor

Attest:

By: [Signature]

GLENBOROUGH PROPERTIES, L.P., a  
California limited partnership

By: Glenborough Realty Trust Incorporated  
A Maryland Corporation  
Its General Partner

By: [Signature]

Print Name: G. Lee Burns

Its: Vice President

Attest:

\_\_\_\_\_

DEPARTMENT OF COMMUNITY  
AFFAIRS

Valerie Hubbard 05/03/06  
Thaddeus Cohen, Secretary  
Director, Division of Community  
Planning

Approved as to form:

[Signature]  
Counsel  
Department of Community Affairs

**EXHIBIT A**

**UNIVERSITY BUSINESS CENTER - DEVELOPMENT TABLE  
APPROVED FUTURE DEVELOPMENT**

The following table reflects the future development approved as a part of the Essentially Built-Out Agreement for the University Business Center DRI.

Office Space	Construct 59,000 square feet of the remaining 111,657 approved but undeveloped square feet of office uses, or the equivalent thereof under the approved Equivalency Matrix set forth in the Development Order
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F#180



# CITY OF TAMPA

Janett S. Martin, City Clerk

Office of City Clerk

March 29, 1996

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

RE: Petition No. DZ88-09  
Ordinance 96-70

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process. If further information is needed, please contact the office of Land Development Coordination,

at (813) 274-8405.

Sincerely,

A handwritten signature in black ink, appearing to be 'JM', is written over a faint circular stamp.

Janett S. Martin  
City Clerk

JM/gg

Enclosure: Ordinance 96-70 - OPUS South Corp for University Business Center  
(Certified Copy)

cc: Land Development Coordination

CC 8 (11) - 78872

**AMENDED DEVELOPMENT ORDER  
UNIVERSITY BUSINESS CENTER**

ORDINANCE NO. 96.70

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY OPUS SOUTH CORPORATION FOR UNIVERSITY BUSINESS CENTER, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 89-39, passed and ordained by the City Council of the City of Tampa, Florida, on February 9, 1989, approved a Development Order for University Business Center (the "Development"), a Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 90-11, passed and ordained by the City Council on January 25, 1990, approved a first amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, the First Amendment authorized the extension of the date of buildout of the development of Phase I of the University Business Center DRI by two (2) years, eleven (11) months and fifteen (15) days; and

WHEREAS, Ordinance No. 94-175, passed and ordained by the City Council on September 15, 1994, approved a second amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Second Amendment"); and

WHEREAS, the Second Amendment authorized the extension of the date of buildout of the development of Phase I of the University Business Center DRI by an additional two (2) years (for a cumulative extension of buildout of Phase I of four (4) years, eleven (11) months and fifteen (15) days); recognized that development has commenced; and authorized the extension of the date of buildout of development of Phase II of the University Business Center DRI by four (4) years, eleven (11) months and fifteen (15) days (hereinafter the Development Order, as amended by the First Amendment and Second Amendment, shall collectively be referred to as the "Development Order" unless the context expressly provides otherwise); and

WHEREAS, on \_\_\_\_\_ Opus South Corporation (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development to Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, for the University Business Center DRI (the "Notice of Change"); and

WHEREAS, the Notice of Change proposes to amend the Development Order to extend the date of buildout of Phase I of the University Business Center DRI to December 31, 2010; to include an Equivalency Matrix, to allow for the simultaneous exchange of approved land uses; and to extend

Certified as true  
and correct copy.

the termination date of the Development Order to December 31, 2015 (hereinafter said changes shall be referred to as the "Proposed Changes"); and

WHEREAS, the Proposed Changes to the Development Order shall constitute the Third Amendment to the Development Order; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed changes and to amend the Development Order; and

WHEREAS, the public notice requirements have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Changes before the City Council; and

WHEREAS, all statutory requirements have been adhered to; and

WHEREAS, the City Council has reviewed and considered the Notice of Change as well as all testimony and evidence submitted by the Developer, interested parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

NOW, THEREFORE

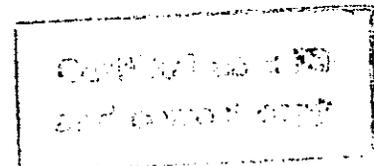
BE IT ORDAINED BY THE CITY COUNCIL  
OF THE CITY OF TAMPA, FLORIDA:

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

A. That the Developer submitted to the City the Notice of Change, attached hereto as Composite Exhibit "1" and incorporated herein by reference, which proposed to amend the Development Order to extend the date of buildout of Phase I of the University Business Center DRI to December 31, 2010; to include an Equivalency Matrix, to allow for the simultaneous exchange of approved land uses; and to extend the termination date of the Development Order to December 31, 2015, all as more particularly set forth in the Notice of Change (hereinafter, the proposed changes shall collectively be referred to as the "Proposed Changes").

B. That the Proposed Changes are consistent with the State Comprehensive Plan.

C. That the Proposed Changes are consistent with all local land development regulations



and the local comprehensive plan.

D. That the Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

E. That the Proposed Changes are consistent with the Report and Recommendations of the Tampa Bay Regional Planning Council.

F. That the Proposed Changes are presumed to create a substantial deviation under Subsection 380.06, Florida Statutes.

G. That a comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City and the Tampa Bay Regional Planning Council.

H. That the Proposed Changes do not create additional regional impacts or impacts that were not previously reviewed nor do they meet or exceed any of the criteria set forth in Subsection 380.06(19)(b), Florida Statutes.

Section 2. Conclusions of Law. That the City having made the above findings of fact, renders the following conclusions of law:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

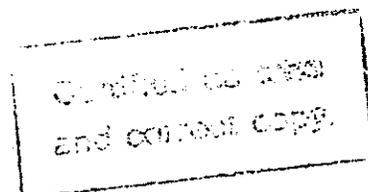
B. That the review by the City, the Tampa Bay Regional Planning Council and other participating agencies and interested citizens concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.

C. That based upon the analyses which are part of Composite Exhibit "1" and the record of the proceedings, and the conditions contained herein, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.

D. That based on the foregoing and pursuant to Subsection 380.06(19), Florida Statutes, the Proposed Changes are found not to be a substantial deviation to the previously approved Development Order.

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

A. That the Proposed Changes are hereby approved and the Development Order is hereby amended to incorporate the Notice of Change;



B. That the Development Order is hereby amended to extend the date of buildout of development of Phase I of the University Business Center DRI to December 31, 2010; accordingly, the Development Order is amended to incorporate the Revised Phasing Schedule attached hereto as Exhibit "2" and incorporated herein, which reflects the extension of the date of buildout of Phase I of the University Business Center DRI;

C. That the Development Order is hereby amended to include the Equivalency Matrix, attached hereto in the Notice of Change, and incorporated herein, which allows for the simultaneous exchange of previously approved land uses under the Development Order. At the time of selection of a land use exchange under the Equivalency Matrix, the Developer shall notify the Department of Community Affairs (DCA) and the Tampa Bay Regional Planning Council (TBRPC) of said selection and shall also provide DCA, TBRPC and the City with cumulative land use totals and remaining allowable quantities. This condition shall not be construed as a requirement for an approval of a particular land use exchange so long as the desired exchange is consistent with formula set forth in the Equivalency Matrix;

D. That subsection 9.e. of the Development Order is hereby amended to provide that the Order shall remain in effect until December 31, 2015;

E. The findings of fact and conclusions of law made in the Development Order 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 original Development Order, or any amendment thereto, conflicts with another finding or conclusion in a different amendment, the more recent in time shall control.

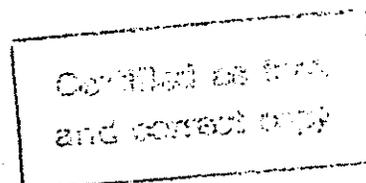
Section 4. Development Order, as Amended. This Ordinance shall constitute the Third Amendment to Ordinance No. 89-39, as previously amended by Ordinance No. 90-11, and Ordinance 94-175, which shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

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

Section 8. Severance. That in the event that any portion or section of this Ordinance



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

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its being passed and ordained by the City Council, to the Developer, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 10. Rendition. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 11. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 12. Effective Date. That this Ordinance shall become a law as provided in the City of Tampa Home Rule Charter and shall take effect upon transmittal to the parties specified in Section 9 hereof.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON MAR 28 1996

Ronnie Mason  
CHAIRMAN, CITY COUNCIL

APPROVED by me MAR 28 1996

ATTEST:  
Janett S. Martin  
CITY CLERK (ACTING)

Ronnie Mason  
MAYOR

Gina K. Guineo  
ASSISTANT CITY ATTORNEY

APPROVED as to form by:

State of Florida  
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 96-70 on file in my office. Witness my hand and official seal this 29<sup>th</sup> day of Mar 19 96.

Janett S. Martin  
CITY CLERK

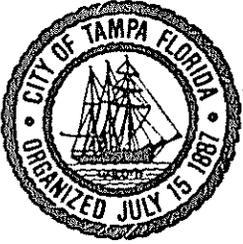
Exhibit 2<sup>1</sup>

**REVISED PHASING SCHEDULE**

<u>Years</u>	<u>Office (sq. ft.)</u>	<u>Warehouse/ Light Industrial (sq. ft.)</u>
Phase I (1988 - December 31, 2010)	500,000	19,500
Phase II (1990 - December 15, 1997)	150,000	30,000
<b>TOTALS</b>	<hr/> 650,000	<hr/> 49,500

<sup>1</sup> The Revised Phasing Schedule is subject to an Equivalency Matrix attached to and incorporated in the Development Order, which allows for the simultaneous exchange of previously approved land uses under the Development Order.

Certified true, valid,  
and correct copy.



# CITY OF TAMPA

Janett S. Martin, City Clerk

Office of City Clerk

September 20, 1994

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

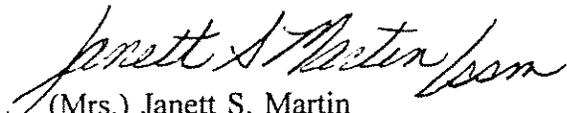
RE: Petition No. DZ88-09  
Ordinance No. 94-175

Dear Sir:

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

If further information is needed, please contact the office of Land Development Coordination,  
(813) 223-8405.

Sincerely,

  
(Mrs.) Janett S. Martin  
City Clerk

JM/gg

Enclosure: Ordinance No. 94-175

CERTIFIED MAIL

cc: Land Development Coordination

180



315 E. Kennedy Blvd., City Hall • Tampa, Florida 33602 • 813/223-8396

TBAP

ORDINANCE NO. 175

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE SECOND AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY OPUS SOUTH CORPORATION FOR UNIVERSITY BUSINESS CENTER, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 89-39, passed and ordained by the City Council of the City of Tampa, Florida, on February 9, 1989, approved a Development Order for University Business Center (the "Development"), a Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 90-11, passed and ordained by the City Council on January 25, 1990, approved a first amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, the First Amendment authorized the extension of the date of buildout of the development of Phase I of the University Business Center DRI by two (2) years, eleven (11) months and fifteen (15) days; and

WHEREAS, on October 28, 1993, Opus South Corporation (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for the University Business Center DRI (the "Notification"); and

WHEREAS, on March 8, 1994 and June 17, 1994, the Developer filed letters containing supplemental responses (hereinafter the Notification and the supplemental responses, attached hereto as Composite Exhibit "1", shall together be referred to as the "NOPC"); and

WHEREAS, the NOPC proposes to amend the Development Order, as previously amended by the First Amendment, to extend the date of buildout of Phase I of the University Business Center DRI by an additional two (2) years (for a cumulative extension of buildout of Phase I of four (4) years, eleven (11) months and fifteen (15) days); and to automatically extend the deadline for commencement of development by a period of two (2) years; and to extend the date of buildout of Phase II of the University Business Center DRI by four (4) years, eleven (11) months, and fifteen (15) days (hereinafter said changes shall be referred to as the "Proposed Changes"); and

WHEREAS, Subsection 380.06(19)(e)2., Florida Statutes, provides that the extension of the date of buildout of a development, or phase of a development, by a total of less than five (5) years, is not a substantial deviation and is not subject to a public hearing pursuant to Subsection 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subsection 380.06(19)(f)5., Florida Statutes; and

WHEREAS, the Proposed Changes to the Development Order, as previously amended by the First Amendment, shall constitute the Second Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the NOPC as well as all related testimony and evidence submitted by the Developer concerning the

Certified as true  
and correct copy.

Proposed Changes; and

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Changes and to amend the Development Order, as previously amended by the First Amendment; and

WHEREAS, the public notice requirements have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Changes before the City Council; and

WHEREAS, the City Council has reviewed and considered the above-referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

NOW, THEREFORE

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

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

A. That the Developer submitted to the City the NOPC attached hereto and incorporated herein as Composite Exhibit "1" (hereinafter all proposed modifications as set forth in the NOPC shall be referred to as the "Proposed Changes"). [Development approved under a Preliminary Development Agreement, which was superseded by the Development Order, has commenced, and therefore Subsection IV.F.9.d. of the Development Order concerning the commencement of development has been satisfied.]

B. That the Proposed Changes are consistent with all local land development regulations and the local comprehensive plan.

C. That the Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

D. That in accordance with Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Changes are not a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and are not subject to a public hearing pursuant to Subsection 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subsection 380.06(19)(f)5., Florida Statutes.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of law:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. That based on the foregoing and pursuant to Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Changes are found not to be a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and are not subject to a public hearing pursuant to Subsection 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subsection 380.06(19)(f)5., Florida Statutes.

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

A. That the Proposed Changes are hereby approved and the Development Order, as amended by the First Amendment, is hereby amended to incorporate the NOPC.

B. That the Development Order, as amended by the First Amendment, is hereby amended to extend the date of buildout of development of Phase I of the University Business Center DRI by an additional two (2) years (for a cumulative extension of buildout of Phase I of four (4) years, eleven (11) months and fifteen (15) days) to December 15, 1995; and to extend the deadline for commencement of development by two (2) years, however in that development approved under a Preliminary Development Agreement, which was superseded by the Development Order, has commenced, Subsection IV.F.9.d. of the Development Order concerning the commencement of development has been satisfied; and to extend the date of buildout of development of Phase II of the University Business Center DRI by four (4) years, eleven (11) months and fifteen (15) days to December 15, 1997. Accordingly, the Development Order, as amended by the First Amendment, is amended to incorporate the Revised Phasing Schedule attached hereto as Exhibit 2, which reflects the extension of the dates of buildout of Phase I and Phase II of the University Business Center DRI.

C. The Development Order, as amended by the First Amendment, is hereby reaffirmed in its entirety except as amended by this Ordinance.

D. The Developer's Certification attached hereto as Exhibit 3 affirms that the NOPC has been delivered to all persons as required by law.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Second Amendment to Ordinance No. 89-39, as previously amended by Ordinance No. 90-11, which shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

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

Section 8. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming a law, to the Developer, Opus South Corporation, 4200 W. Cypress Street, Suite 444, Tampa, Florida 33622, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 10. Rendition. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 11. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 12. Effective Date. That this Ordinance shall become a law as provided in the City of Tampa Home Rule Charter and shall take effect immediately upon being rendered in accordance with law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON SEP 15 1994.

Joe Bruno  
CHAIRMAN, CITY COUNCIL

APPROVED by me SEP 16 1994

ATTEST:

Janett S. Martini

Barbara W. Friedman  
MAYOR

State of FLORIDA CLERK  
County of Hillsborough

APPROVED as to form by:  
This is to certify that the foregoing is a true and correct copy of Ord #94-175 on file in my office.

John K. [Signature]  
ASSISTANT CITY ATTORNEY

Witness my hand and official seal this 20<sup>th</sup> day of Sept. 1994.

-4-

Janett S. Martini  
CITY CLERK

EXHIBIT 1  
TO THE SECOND AMENDMENT

FORM RPM-BSP-PROPCHANGE-1

Effective Date  
11/20/90

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF RESOURCE PLANNING AND MANAGEMENT  
BUREAU OF STATE PLANNING  
2740 Centerview Drive  
Tallahassee, FL 32399  
904/488-4925

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

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

1. I, David M. Mechanik, the undersigned authorized representative of Opus South Corporation, hereby give notice of a proposed change to a previously  
(developer)  
approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the University Business Center development, which information is true and  
(original & current project names)  
correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Tampa, to the Tampa Bay  
(local government) (planning council)  
Regional Planning Council, and to the Bureau of Resource Management, Department of Community Affairs.

October 27, 1993  
(Date)

David M. Mechanik  
(Signature)

David M. Mechanik, Authorized Agent  
for Opus South Corporation

Certified as true  
and correct copy.

2. Applicant (name, address, phone).

Opus South Corporation  
Post Office Box 21327  
Tampa, Florida 33622-1327  
Phone: (813)877-4444  
Mr. James J. Lee, Vice President-Leasing

3. Authorized Agent (name, address, phone).

David M. Mechanik  
Macfarlane Ferguson  
2300 First Florida Tower  
111 Madison Street  
Tampa, Florida 33602  
(813) 273-4345

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

Section 17, Township 28 South, Range 19 East, in the City of Tampa, Florida.

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

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

Pursuant to Subsection 380.06(19)(e)2., F.S., the proposed change is to extend the date of buildout of Phase I of the University Business Center DRI by two (2) years and to extend the deadline for commencement of development of Phase I by two (2) years. The subject extension, together with the previously approved extension described in the answer to Question 7. of this Notice of Proposed Change, will provide for a total extension for Phase I of four (4) years, eleven (11) months and fifteen (15) days. The project has already commenced physical development pursuant to a preliminary development agreement (PDA), and therefore extending the deadline to commence physical development is not necessary. Notwithstanding, under Subsection 380.06(19)(e)2., the deadline to commence physical development is automatically extended upon the extension of a phase or date of buildout, and the applicant acknowledges that pursuant to this NOPC, the deadline to commence physical development will be automatically extended by two (2) years. Therefore, the proposed amended development order deadline for commencing physical development of the project is February 13, 1994. This Notice of Proposed Change does not propose a change to the pipeline mitigation procedure set forth in the adopted Development Order.

Subsection 380.06(19)(e)2., F.S., as amended, provides that the extension(s) of the dates of commencement and buildout of a development, or phase of a development, by a total of less than five (5) years is not a substantial deviation and is not subject to a public hearing.

This Notice of Proposed Change does not propose a change which involves the project's master site plan.

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

No change in land use types or amounts is proposed. Accordingly, the Chart has been omitted as an attachment to this Notice of Proposed Change.

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

The original DRI Development Order for the University Business Center DRI, Ordinance No. 89-39 (the "Development Order"), was adopted by Tampa City Council on February 9, 1989.

An amendment to the Development Order, Ordinance No. 90-11 (the "First Amendment"), was adopted by City Council on January 25, 1990. The First Amendment provided for an extension of the date of build-out of development of Phase I by a period of two (2) years, eleven (11) months and fifteen (15) days.

There has not been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued.

8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.

The applicant has not purchased or optioned any lands within 1/4 mile of the original DRI site.

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



The specific language is included in the proposed Amended Development Order for the University Business Center DRI, attached as Exhibit "A" to this Notice of Proposed Change.

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

Not applicable.

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

See response to Question 5, above.

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

No change.

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

No change.

- f. **Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025(7), F.A.C.**

Not applicable.

EXHIBIT "A"

PROPOSED AMENDED DEVELOPMENT ORDER  
EXTENSION OF DATE OF BUILDOUT FOR PHASE I  
UNIVERSITY BUSINESS CENTER NOPC

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY OPUS SOUTH CORPORATION FOR UNIVERSITY BUSINESS CENTER, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 89-39, passed and ordained by the City Council of the City of Tampa, Florida, on February 9, 1989, approved a Development Order for University Business Center (the "Development"), a Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 90-11, passed and ordained by the City Council on January 25, 1990, approved a first amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, the First Amendment authorized the extension of the date of buildout of the development of Phase I of the University Business Center DRI by two (2) years, eleven (11) months and fifteen (15) days; and

WHEREAS, on \_\_\_\_\_, Opus South Corporation (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for the University Business Center DRI (the "NOPC"), attached hereto as Composite Exhibit "1"; and

WHEREAS, the NOPC proposed to amend the Development Order, as previously amended by the First Amendment, to extend the date of buildout of Phase I of the University Business Center DRI by an additional two (2) years and to automatically extend the deadline for commencement of development of Phase I by a period of two (2) years (hereinafter said change shall be referred to as the "Proposed Change"); and

WHEREAS, Subsection 380.06(19)(e)2, Florida Statutes, provides that the extension of the date of buildout of a development, or phase of a development, by a total of less than five (5) years, is not a substantial deviation and is not subject to a public hearing pursuant to Subsection 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subsection 380.06(19)(f)5., Florida Statutes; and

WHEREAS, the Proposed Change to the Development Order, as previously amended by the First Amendment, shall constitute the Second Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the NOPC as well as all related testimony and evidence submitted by the Developer concerning the Proposed Change; and

Certified as true  
and correct copy.

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Change and to amend the Development Order, as previously amended by the First Amendment; and

WHEREAS, the public notice requirements have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Change before the City Council; and

WHEREAS, the City Council has reviewed and considered the above-referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

NOW, THEREFORE

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

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

A. That the Developer submitted to the City the NOPC attached hereto as Composite Exhibit "1".

B. That the Proposed Change is consistent with all local land development regulations and the local comprehensive plan.

C. That the Proposed Change does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

D. That in accordance with Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is not a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to Subsection 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subsection 380.06(19)(f)5., Florida Statutes.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of law:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject

only to the amendments, conditions, restrictions and limitations set forth herein.

B. That based on the foregoing and pursuant to Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is found not to be a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to Subsection 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subsection 380.06(19)(f)5., Florida Statutes.

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

A. That the Proposed Change is hereby approved and the Development Order, as amended by the First Amendment, is hereby amended to incorporate the NOPC.

B. That the Development Order, as amended by the First Amendment, is hereby amended to extend the date of buildout of development of Phase I of the University Business Center DRI by an additional two (2) years and to extend the deadline for commencement of development of Phase I by two (2) years. Accordingly, the Development Order, as amended by the First Amendment, is amended to incorporate the Revised Phasing Schedule attached hereto as Exhibit 2, which reflects the extension of the date of buildout of Phase I of the University Business Center DRI.

C. The Development Order, as amended by the First Amendment, is hereby reaffirmed in its entirety except as amended by this Ordinance.

D. The Developer's Certification, attached hereto as Exhibit 3, affirms that a copy of the NOPC has been delivered to all persons as required by law.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Second Amendment to Ordinance No. 89-39, as previously amended by Ordinance No. 90-11, which shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

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

Section 8.      Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 9.      Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its being passed and ordained by the City Council, to the Developer, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 10.    Rendition. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 11.    Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 12.    Effective Date. That this Ordinance shall take effect immediately upon being rendered in accordance with law.

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

\_\_\_\_\_  
CHAIRMAN, CITY COUNCIL

APPROVED by me \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED as to form by:

\_\_\_\_\_  
ASSISTANT CITY ATTORNEY

Certified as true  
and correct copy.

EXHIBIT 1  
TO THE AMENDED DEVELOPMENT ORDER

NOPC

Certified as true  
and correct copy.

Exhibit 2

REVISED PHASING SCHEDULE

<u>Years</u>	<u>Office (sq.ft.)</u>	<u>Warehouse/ Light Industrial (sq.ft.)</u>
Phase I (1988-December 15, 1995)	500,000	19,500
Phase II (1990-1992)	150,000	30,000
TOTALS	650,000	49,500

Certified as true  
and correct copy.

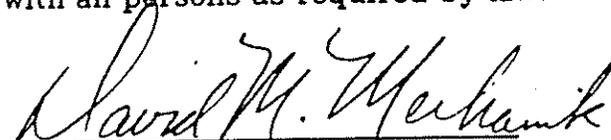
EXHIBIT 3  
TO THE AMENDED DEVELOPMENT ORDER

DEVELOPER'S CERTIFICATION

STATE OF FLORIDA                    )  
COUNTY OF HILLSBOROUGH        )

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared David M. Mechanik, authorized agent for Opus South Corporation, the applicant of the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, for the University Business Center DRI #180 ("Notice of Change"), to me well known, who being by me first duly sworn, says upon oath as stated below:

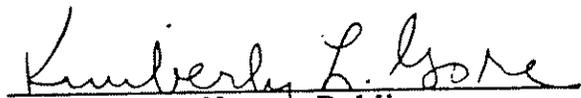
1. Opus South Corporation filed the Notice of Change on October 19, 1993.
2. The Notice of Change was filed with all persons as required by law.



David M. Mechanik  
Authorized Agent for  
Opus South Corporation

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 27 day of October, 1993, by David M. Mechanik, Authorized Agent for Opus South Corporation, on behalf of the corporation and he is personally known to me.

  
Notary Public

Notary Stamp:

KIMBERLY L. GORE  
Notary Public, State of Florida  
My comm. expires Feb. 23, 1995  
No. CC079452

Certified as true  
and correct copy.

EXHIBIT 2  
TO THE SECOND AMENDMENT

REVISED PHASING SCHEDULE

<u>Years</u>	<u>Office (sq.ft.)</u>	<u>Warehouse/ Light Industrial (sq.ft.)</u>
Phase I (1988-December 15, 1995)	500,000	19,500
Phase II (1990-December 15, 1997)	150,000	30,000
TOTALS	650,000	49,500

Certified as true  
and correct copy.

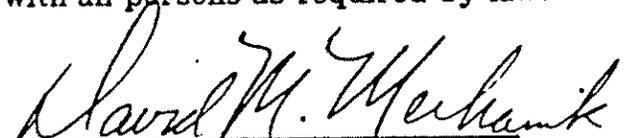
EXHIBIT 3  
TO THE SECOND AMENDMENT

DEVELOPER'S CERTIFICATION

STATE OF FLORIDA            )  
COUNTY OF HILLSBOROUGH )

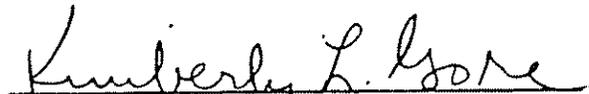
I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared David M. Mechanik, authorized agent for Opus South Corporation, the applicant of the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, for the University Business Center DRI #180 ("Notice of Change"), to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Opus South Corporation filed the Notice of Change on October 19, 1993.
2. The Notice of Change was filed with all persons as required by law.

  
David M. Mechanik  
Authorized Agent for  
Opus South Corporation

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

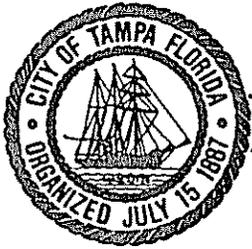
The foregoing instrument was acknowledged before me this 27 day of October, 1993, by David M. Mechanik, Authorized Agent for Opus South Corporation, on behalf of the corporation and he is personally known to me.

  
Notary Public

Notary Stamp:

KIMBERLY L. GORE  
Notary Public, State of Florida  
My comm. expires Feb. 23, 1995  
No. CC079452

Certified as true  
and correct copy.



# CITY OF TAMPA

Frances Henriquez, City Clerk

OFFICE OF CITY CLERK

February 13, 1989

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

Re: Petition No. DZ88-09  
Petitioner: Opus South Corporation  
Ordinance No.: 89-39

Dear Sirs:

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

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

Sincerely,

(Mrs.) Frances Henriquez  
City Clerk

FH/ssm

**CERTIFIED COPY**

cc: Susan Mihalik, Land Development Coordination

Enclosures



# CITY OF TAMPA

OFFICE OF CITY CLERK

CODE ENFORCEMENT BOARD

January 29, 1990

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

RE: File No. DZ88-09  
Ordinance No. 90-11

Dear Sir:

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

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

Sincerely,

(Mrs.) Frances Henriquez  
City Clerk

FH/gg

Enclosure: Ordinance 90-11

CERTIFIED MAIL

cc: Susan Swift Mihalik, Land Development Coordination

**RECEIVED**

FEB 1 1990

Tampa Bay Regional  
Planning Council

mailed 1/30/90  
received 2/1/90

ORDINANCE NO. 90-11

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY OPUS SOUTH CORPORATION FOR UNIVERSITY BUSINESS CENTER, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 89-39, passed and ordained by the City Council of the City of Tampa, Florida, on February 9, 1989, approved a Development Order for University Business Center ("the Development"), a Development of Regional Impact (DRI) (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, on December 22, 1989, Opus South Corporation (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for the University Business Center DRI (the "Notification"), attached hereto as Composite Exhibit A; and

WHEREAS, the Notification proposed to amend the Development Order to provide an extension of the date of buildout of development of Phase I by a period of two (2) years, eleven (11) months and fifteen (15) days (hereinafter said change shall be referred to as the "Proposed Change"); and

WHEREAS, Subsection 380.06(19)(e)2., Florida Statutes, provides that a proposed change which involves an extension of the date of buildout of a development, or any phase thereof, by less than three (3) years is not a substantial deviation and is not subject to a public hearing pursuant to subparagraph 380.06(19)(f)3., Florida Statutes, or a determination pursuant to subparagraph 380.06(19)(f)5., Florida Statutes; and

WHEREAS, the Proposed Change to the Development Order shall constitute the First Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the Notification as well as all related testimony and evidence submitted by the Developer concerning the Proposed Change; and

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Change and to amend the Development Order; and

WHEREAS, the public notice requirements have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Changes before the City Council; and

WHEREAS, the City Council has reviewed and considered the above referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

NOW, THEREFORE

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

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons

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

A. That the Developer submitted to the City the Notification attached hereto as Composite Exhibit A.

B. That the Proposed Change is consistent with all local land use development regulations and the local comprehensive plan.

C. That the Proposed Change does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

D. That in accordance with Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is not a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to Subparagraph 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subparagraph 380.06(19)(f)5., Florida Statutes.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of laws:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. That based on the foregoing and pursuant to Subsection 380.06 (19)(e)2., Florida Statutes, the Proposed Change is found not to be a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to subparagraph 380.06(19)(f)3., Florida Statutes, or a determination pursuant to subparagraph 380.06(19)(f)5., Florida Statutes.

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

A. That the Proposed Change is hereby approved and the Development Order is hereby amended to incorporate the Notification.

B. That the Development Order is hereby amended to extend the date of buildout of development of Phase I by a period of two (2) years, eleven (11) months and fifteen (15) days.

Section 5. Development Order, as Amended. This Ordinance shall constitute the First Amendment to Ordinance No. 89-39, and shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 6. Definitions. The definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 7. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

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

Section 9. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 10. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its effective date to the Developer, the Florida Department of Community Affairs (Bureau of Land and Water Management), and the Tampa Bay Regional Planning Council.

Section 11. Rendition. That this Ordinance shall be deemed rendered upon transmittal of the copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 12. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 13. Effective Date. That this Ordinance shall take effect immediately upon being rendered in accordance with law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JAN 29 1990

CHAIRMAN, CITY COUNCIL

APPROVED by me

JAN 29 1990

ATTEST:

CITY CLERK

MAYOR

APPROVED as to form by:

\_\_\_\_\_  
ASSISTANT CITY ATTORNEY

7211 79

ORDINANCE NO. 89-39

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY OPUS SOUTH CORPORATION, FOR THE UNIVERSITY BUSINESS CENTER DEVELOPMENT, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on January 14, 1988, OPUS SOUTH CORPORATION (the "Developer") filed an Application for Development Approval (which together with later filed sufficiency responses, is hereafter referred to as the "ADA") for a Development of Regional Impact ("DRI") with the City of Tampa ("City"), the Hillsborough County City-County Planning Commission, Hillsborough County Environmental Protection Commission ("EPC"), Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC"), pursuant to the provisions of Chapter 380.06, Florida Statutes (1987), as amended ("Chapter 380"), and Section 43A-303, City of Tampa Code; and

WHEREAS, the ADA proposes the development of University Business Center, a 45.1 acre office and service center project, located at the intersection of 30th Street and Bougainvillea Avenue; and

WHEREAS, the Tampa City Council ("City Council"), as the governing body of the local government having jurisdiction pursuant to Chapter 380, is authorized and empowered to consider ADAs and to issue development orders which permit development consistent with the ADA; and

WHEREAS, the public notice requirements of Chapter 380 and Section 43A-302 of the City of Tampa Code have been satisfied; and

WHEREAS, the City Council has, on January 26, 1989 and February 9, 1989, held properly noticed public hearings on the ADA and has heard and considered testimony and documents received thereon; and

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

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the application hearing on the subject DRI, before the City Council; and

WHEREAS, the City Council has reviewed the above referenced documents, as well as all related testimony and evidence submitted by each party and members of the general public; now, therefore,

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

SECTION I. That this Ordinance shall constitute the Development Order ("Order") of the City Council, issued in response to the ADA filed by the Developer, for the development of University Business Center, a DRI. The scope of development to be permitted pursuant to this order includes the land uses,

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and correct copy.

and activities described in the ADA and the supporting documents, which by reference are made a part hereof as composite Exhibit "A", and the Developer Commitments, which by reference are made a part hereof as Exhibit "A-1". The land uses and phasing schedule for University Business Center for Phase I are hereby approved as follows:

<u>LAND USE</u>	<u>PHASE I</u> <u>(1988-90)</u>
Office	500,000 s.f.
Warehouse/Light Industrial	<u>19,500 s.f.</u>
Total	519,500 s.f.

The land uses and phasing schedule for Phase II are hereby approved except for transportation and air quality which are not approved and which are subject to a Section 380.06, Florida Statutes, traffic analysis and air quality analysis and resulting conditions therefrom:

<u>LAND USE</u>	<u>PHASE II</u> <u>(1990-92)</u>
Office	150,000 s.f.
Warehouse/Light Industrial	<u>30,000 s.f.</u>
Total	180,000 s.f.

SECTION II. That the City Council, having received the above referenced documents, and having received all related comments, testimony, and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

- A. That the real property which is the subject of the ADA is located within the municipal boundaries of the City and is legally described as set forth in Exhibit "B", which exhibit is attached hereto and by reference made a part hereof.
- B. That the Developer submitted to the City an ADA which is attached hereto as a part of the composite Exhibit "A", and made a part hereof to the extent that it is not inconsistent with the terms and conditions of this Order.
- C. That the Developer proposes the development of University Business Center, a 45.1 acre office and service center project.
- D. That the proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes.
- E. That the proposed development is consistent with the adopted local Comprehensive Plan and local land development regulations, the goals and policies of the Future of the Region, a Comprehensive Regional Policy Plan and the State Comprehensive Plan.
- F. That the development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

- G. That a comprehensive review of the impact generated by the development has been conducted by the City and by the TBRPC.
- H. That this Order is consistent with the report and recommendations of the TBRPC and satisfies the provisions of Section 380.06(15), Florida Statutes.

SECTION III. That the City Council, having made the above findings of fact, reaches the following conclusions of law:

- A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer and the various departments of the City are authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- B. That the review by the City, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, within the terms and conditions of this Order and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

SECTION IV. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the ADA is hereby approved, subject to the following conditions, restrictions, and limitations:

- A. Substantial Deviations. Further review, pursuant to Chapter 380, shall be required if a substantial deviation, as defined in Section 380.06(19), Florida Statutes, occurs. The Developer shall be given due notice of, and an opportunity to be heard at any hearing to determine whether or not a proposed change to the development is a substantial deviation. A substantial deviation may occur by failure to comply with the conditions herein, failure to follow the commitments contained in Exhibit "A" (to the extent that such commitments are consistent with this Order), or by activities which are not commenced until after the expiration of the period of effectiveness of this Order. Any substantial deviation as described above may cause termination of all or part of development activity, as required by Section 380.06(19), Florida Statutes.
- B. Annual Reports. The Developer shall submit annual reports on the DRI to the City, the TBRPC, the State Land Planning Agency, and other agencies as may be appropriate, on July 1st, 1990, and on July 1st of each following year until such time as all terms and conditions of this Order are satisfied. The report shall be submitted on such forms as may from time to time be designated by law or DCA rule. Such reports shall be submitted to the Director, Department of Housing and Development Coordination ("HDC") who shall, after appropriate review, submit it for review by the City Council. The City Council shall review the report for compliance with the terms and conditions of this

Order and may issue further orders to insure compliance with the terms and conditions of this Order. The Developer shall be notified of any City Council hearing wherein such report is to be reviewed; provided, however, that receipt and review by the City Council shall not be considered a substitute or a waiver of any terms or conditions of this Order. The annual report shall contain the following information, if applicable:

1. Changes in the plan of development, or representations contained in the ADA, or phasing for the reporting year and for the next year;
2. A summary comparison of development activity proposed and actually conducted for the reporting year;
3. Undeveloped tracts of land that have been sold to a separate entity or Developer during the reporting year;
4. Identification of, and intended use of, lands purchased, leased, or optioned by the Developer adjacent to the original DRI site during the reporting year;
5. An assessment of the development's and local government's compliance with conditions of approval contained in this Order, and the commitments contained in the ADA;
6. Any known incremental DRI applications for development approval or request for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
7. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
8. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Subsection 380.06(15)(f), Florida Statutes;
9. Hourly traffic counts for a 24 hour period taken at all established access points to public rights of way, as required in Section IV.F.8., below.
10. An indication of a change, if any, in local government jurisdiction for any portion of the development during the reporting year;
11. A list of significant local, state, and federal permits which have been obtained, or which are pending, with respect to the reporting year, by agency, type of permit, permit number, and purpose of each;
12. An assessment of the effectiveness of TSM measures as described in Section IV.F.8., below.

C. Environment and Natural Resources.

1. Developer shall comply with all applicable provisions of City of Tampa Code Chapter 45, Article XII, Tree, Site Clearing and Landscaping Regulations, as amended.

2. In the event that any species listed in Sections 39-27.003-.005, FAC, 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 ("FGFWFC").
3. 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 City of Tampa.
4. The soil conservation measures referenced on pages 14-2 and 14-3 of the ADA and the measures to reduce erosion, fugitive dust and air emissions referenced on pages 13-5 and 13-6 of the ADA, at minimum, shall be implemented.
5. In order to prevent exceedances of the National Ambient Air Quality Standards, no Certificates of Occupancy for Phase II shall be issued prior to the completion of the improvements to the Busch Boulevard/30th Street intersection (listed under Section IV.F.8., below). In the event that the Busch Boulevard/30th Street improvements are not completed by buildout of Phase I, the City of Tampa reserves the right to require mitigation measures or a revision of the master plan to alleviate any potential impacts of the project on ambient air quality as a precondition of commencement of Phase II.

D. Flood Plains.

1. There shall be no impervious surfaces constructed within the 25-year floodplan.
2. Elevations for all habitable structures constructed after issuance of this Order shall be at or above the 100-year base flood elevation.

E. Economics.

1. The Developer is encouraged to promote entrepreneurship and small and minority-owned business start-ups and provide for non-discriminatory employment opportunities within the development. A report on equal opportunity employment programs utilized by project businesses and the programs' effect should be incorporated into the annual reports following issuance of any further Certificates of Occupancy for project businesses.
2. The Developer is encouraged to institute programs to provide child care facilities on site or as a cooperative effort with other businesses. A report on child care programs utilized by project business employees should be incorporated into the annual reports following issuance of any further Certificates of Occupancy for project businesses.

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and correct copy.

F. Public Facilities.

1. Stormwater and Water Quality.

- a. Prior to the issuance of construction permits, the Master Drainage Plan for University Business Center shall be submitted to City of Tampa and TBRPC for review and to the City of Tampa and SWFWMD for approval. The following parameters shall be included in the Master Drainage Plan.
- b. The proposed stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapters 17-25, F.A.C., 40D-4, Rules of SWFWMD, and City of Tampa Stormwater Management Code Chapter 46. Treatment shall be provided by biological filtration, wherever feasible.
- c. Best Management Practices for reducing water quality impacts, as recommended by the City of Tampa and SWFWMD shall be implemented including a street cleaning program for parking and roadway areas within the development in accordance with the applicable regulations of these agencies.
- d. Unless dedicated and accepted by the City, the drainage system shall be operated and maintained by the Developer, its successors and assigns.

2. Wastewater.

- a. Wastewater service to the project will be supplied by the City as described in the Department of Sanitary Sewer's letter of March 16, 1988, at the standard charges for wastewater service. Connection fees, grants-in-aid-of-construction for off-site improvements to the wastewater system necessitated by the development, shall be assumed by the Developer, its successors or assigns, when assessed by the City, as project plans become final, all in accordance with established City policies and regulations. Any extension or expansion of transmission facilities to serve the project, and the internal wastewater collection system shall be the responsibility of the Developer. The Developer or its assigns shall be responsible for maintenance and operation of the on-site wastewater facilities, unless dedicated to and accepted by the City.
- b. The Developer shall be responsible for any pre-treatment required to ensure that all wastewater flows from the project to the sewer system meet domestic wastewater characteristics.
- c. No temporary or permanent septic tanks shall be allowed.
- d. University Business Center sewer lines shall be monitored for leaks and ruptures once every three (3) years until such time as said lines are dedicated to and accepted by the City. The entity(ies) to carry out the

monitoring shall be the developer, or its assigns. Faulty lines shall be replaced as quickly as possible.

- e. Disposal of non-domestic or hazardous waste into the sewer system shall be prohibited.

3. Water Supply.

- a. The Developer shall provide assurance of an adequate water supply capacity and shall be responsible for maintenances of the water supply systems within the project site unless such systems are dedicated to and accepted by the City.
- b. The total daily water requirements from commencement of construction through build out of the project, as referred to in the ADA, will be supplied by the City as described in the Water Department's letter dated November 17, 1987, at the standard charges for water service. Connection fees, installation charges, and if applicable, grants-in-aid-of-construction for off-site improvements to the water system necessitated by this development, shall be assumed by the Developer, its successors or assigns, when assessed by the City as project plans become final, all in accordance with established City policies and regulations.
- c. Concurrent with issuance of the first Certificate of Occupancy after the issuance of this Order and thereafter, the Developer shall use non-potable water, if available, for landscape and open space irrigation unless otherwise approved by the City. The Developer shall submit a plan to the City of Tampa and the TBRPC for using non-potable water for irrigation in the first annual report following issuance of any further Certificates of Occupancy. The Developer shall be responsible for maintenance and operation of any on-site wells.
- d. Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 533.14, Florida Statutes, 1985) and native vegetation shall be used in landscaping, wherever feasible.
- e. Internal water distribution facilities not located within public rights-of-way or public easements shall be maintained by the Developer, owner or its successors or assigns.

4. Energy.

- a. TECO shall provide electricity to the project as set forth in the ADA.
- b. The following energy conservation measures shall be encouraged.
  - (1) Energy policies, energy-use monitoring and energy conservation for University Business Center, using a qualified energy use analyst.

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and correct copy.

- (2) Programs to promote energy conservation by employees, buyers, suppliers and the public.
- (3) Programs to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours.
- (4) Recycling programs.
- (5) The elimination of advertising requiring lighting after business hours.
- (6) Innovative energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration.
- (7) Total energy systems on large facilities, when cost effective.

A report on the implementation of these and other University Business Center energy conservation programs shall be included in each annual report.

5. Open Space.

The Developer or its assigns shall maintain all open spaces and/or landscaped areas.

6. Police, Fire and Emergency Medical Service.

- a. University Business Center shall meet applicable requirements of the State or City Fire Code, whichever is stricter.
- b. The Developer shall provide an internal water distribution system and hook-ups capable of maintaining adequate fire flows. The Developer shall also provide fire hydrants, hydrant flow testing and pressure surveys when the system is completed, and periodic testing of the system to insure that it is operating properly. Further, the Developer shall be responsible for the cost of any water distribution capital improvements necessitated by the Development to ensure adequate fire protection.
- c. The City shall provide police protection, fire protection and emergency medical service to the Development.

7. Solid Waste.

- a. The applicant shall provide to all University Business Center businesses information that:
  - (1) Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in specially-designated containers/areas; and
  - (2) Describes construction requirements for hazardous waste holding areas; and
  - (3) Advises of applicable statutes and regulations regarding hazardous wastes and materials.

- b. Any University Business Center owners or tenants that generate hazardous waste shall be encouraged to utilize waste exchanges. A report of such use shall be included in each annual report.
- c. Any University Business Center tenants that produce waste which is not suitable for recycle, exchange or reuse shall be encouraged to develop permittable on-site hazardous waste treatment capabilities to ensure public safety prior to transport.
- d. The total daily generation of solid waste from the commencement of construction through build-out as referenced in the ADA will be accepted by the City. No solid waste shall be permanently stored or disposed of on-site.

8. Transportation.

- a. In addition to payment of City Transportation Impact Fees as provided herein, Developer shall construct improvements 1) and 2) below and shall complete such construction upon issuance of the construction permit for the 400,000th square foot of office space for Phase I, and no further construction permits shall be issued until the completion of said improvements 1) and 2). Improvements under 3) below, have been programmed for construction in 1989 by the City of Tampa as Project #4804. Project #4804 includes the widening of 30th Street to a 5 lane section from Fowler Avenue to Busch Boulevard. Construction of improvement 3) below must be completed prior to the issuance of any construction permits for Phase II, as is consistent with the project's traffic analysis and the location of the University Business Center area within an Interim Regional Activity Center, and as is consistent with Department of Community Affairs Transportation Policy Rule (9J-2.0255 F.A.C.) which requires, in pertinent part, that, in those instances where a governmental agency is responsible for the construction of improvement(s), development shall discontinue upon completion of the stage (phase) if such improvement(s) is/are not timely constructed.

Improvements	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
1) 30th St. at Project Entrance	F	n/a	Construct left-turn lane SB. Construct left-turn lane and right-turn lane WB.
2) Bougainvillea Avenue at Project Entrance	E	n/a	Construct left-turn lane EB. Construct left-turn lane and right-turn

lane SB.  
Signalize when  
warranted by  
MUTCD.

3) Busch Boulevard at  
30th Street

F

19.2

Construct one  
through lane  
NB. Construct  
2nd left-turn  
lane SB and EB.

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Improvements under 3) above, are also needed to mitigate the air quality impacts from this project. The status of the improvements listed above shall be provided in the Annual Report required under Section IV.B., above.

- b. When Certificates of Occupancy have been issued for 400,000 square feet of office space (or the equivalent thereof in terms of trip generation) an annual monitoring program to provide peak-hour traffic counts at the project entrance shall be instituted to verify that the projected number of external trips for the development are not exceeded. Counts will continue on an annual basis through build-out. This information shall be supplied in the required annual report. If an annual report is not submitted within 30 days of its due date, or if the annual report indicates that the trips exceed projected counts by more than 15 percent, the City of Tampa shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes, and may amend the Development Order to change or require additional roadway improvements, as appropriate. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments.

If the variance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

- c. The Developer, or its assigns shall prepare and implement a Transportation Systems Management (TSM) program upon issuance of Certificates of Occupancy for 400,000 square feet of office space (or the equivalent thereof in terms of trip generation) which will divert a number of vehicle trips from the PM peak hour which is consistent with the assumptions used to prepare the ADA. The plan shall be reviewed by the City of Tampa, HART, the Tampa Urban Area MPO, the TBRPC and the Florida Department of Transportation (FDOT).

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and

appropriate documentation for all diversions claimed as a result of implementation of each TSM measure. Results of the TSM program shall be included in the annual report.

If the annual report indicates that the total trip diversions are not being met, the City of Tampa shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes, and amend the Development Order to change TSM objectives and/or require additional roadway improvements. The results of the TSM study may serve as a basis for the Developer or reviewing agencies to request Development Order amendments.

In addition, this TSM program shall be developed in cooperation with FDOT, the Tampa Urban Area MPO, HART and TBRPC. This program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

Policy: Promote ridesharing by public and private sector employees.

OBJECTIVES:

Increase urban area peak hour automobile occupancy rates by 10 percent by 1995 through expanded ridesharing efforts.

Increase peak hour occupancy rates for transit and other high occupancy vehicles by 20 percent by 1995.

- d. In addition to the improvements required in Section IV.F.8.a. above, the Developer shall pay City transportation impact fees pursuant to City of Tampa Code Chapter 57, as amended.
- e. Prior to commencement of Phase II, a new transportation and air quality analysis pursuant to Section 380.06, Florida Statutes, shall be submitted. The new analysis shall be consistent with the methodology reached at the transportation methodology meeting(s) to be held prior to the preparation of the new analysis.
- f. The Developer shall be responsible for reimbursing the responsible entity for repair, rehabilitation, and/or restoration of public roads damaged beyond normal wear and tear by construction equipment traveling to and from the project to a condition the same or similar to that projected exclusive of the impact of such construction activities.

The City Transportation Division will perform detailed evaluations of street conditions immediately prior to, during and immediately upon completion of construction. Damage to pavement beyond normal wear and tear which the City demonstrates is directly attributable to the Project's construction

activities will form the basis for determining the Developer's proportionate share of pavement repair, restoration and/or rehabilitations costs attributable to damage caused by the Project's construction activities.

- g. Upon completion of City Project #4804, the Developer shall construct a bus shelter at the existing bus stop adjacent to the Development on 30th Street. Said bus shelter shall be constructed in accordance with typical HART plans and specifications.

9. General Conditions.

- a. If the Developer elects to amend the proposed phasing schedule, he shall submit said amendments to the City for review and approval as required by law,, which approval shall not be withheld for mere acceleration or deceleration of the development phasing if the terms of this Order are otherwise fully complied with. Any significant departure from the phasing schedule set forth in the ADA shall be subject to a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes, as amended.
- b. The Developer's commitments, set forth in the ADA and as summarized in Exhibit A-1, shall be honored, except as they may be superceded by specific terms of this Order.
- c. The definitions contained in Chapter 380 shall control the interpretation and construction of any terms of this Order.
- d. Construction of University Business Center shall commence within three years of the date of this Order is rendered to the DCA, or if the Order is appealed, within three years of the date the appeal is finally determined.
- e. This Order shall remain in effect for a period of nine years from the effective date of this Order. Any development activity for which plans have been submitted to the City for its review and approval prior to the expiration date of this Order, may be completed, if approved. This Order may be extended by City Council on the finding of excusable delay in any proposed development activity.
- f. Prior to nine years from the date upon which this Order becomes final and the appeal period has ended, the City may not down-zone or reduce the intensity or density permitted by this Order, unless the City can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred, or the development order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the City to be essential to the public health, safety, or welfare. Any down-zoning or reduction of intensity shall be effected only through the usual and

customary procedures required by statute and or ordinance for changes in local land development regulations. For purposes of this Order, the term "down-zone" shall refer only to changes in zoning regulations which decrease the development rights approved by this order and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning or land use regulations which do not decrease the development rights granted to the Developer under this Order. A change in the comprehensive land use plan category applicable to University Business Center which authorizes the intensities approved herein shall not constitute a "downzone" or reduction of intensity.

- g. This Order shall be binding upon the Developer, assigns or successors-in-interests.
- h. The Director of HDC is responsible for insuring compliance with this Order. Monitoring shall be accomplished by review of the Annual Report, building permits, certificates of occupancy, plats, if applicable, and by on-site observations.
- i. It is understood that any reference herein to any government agency shall be construed to mean any future instrumentality which may be created or designated as successor-in-interest to, or which otherwise possesses any of the powers and duties of, any referenced governmental agency in existence of the effective date of this Order.
- j. All development pursuant to this Order shall be in accordance with all applicable local building codes, ordinances and other laws in effect at the time of permitting, except as otherwise specifically provided herein.
- k. The energy and water conservation measures committed to in the ADA shall be required.
- l. All outstanding amounts for initial review by TBRPC shall be paid within 15 days of billing.
- m. Payment for future activities of the TBRPC with regard to this development including, but not limited to monitoring or enforcement actions, shall be paid to the TBRPC by the developer in accordance with the DRI fee schedule.

SECTION V. The City Clerk is hereby directed to send copies of this Order, within five (5) days of the effective date of this Ordinance, to the Developer, TBRPC and DCA.

SECTION VI. This Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.

SECTION VII. The Developer shall record a notice of adoption of this Order pursuant to Chapter 380, and shall furnish the City Clerk a copy of the recorded notice.

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

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON FEB 09 1989.

*Lee Surran*

CHAIRMAN, CITY COUNCIL

ATTEST:

APPROVED BY ME ON: FEB 10 1989

*Frances Hernandez*

CITY CLERK

*Frank J. ...*

MAYOR

Approved by:

*Gina K. ...*

CITY ATTORNEY

State of Florida,  
County of Hillsborough,

This is to certify that the foregoing is a true and correct copy of Ordinance #89-39 including Exhibits A-1 & B on file in my office.

Witness my hand and official seal this 13<sup>th</sup> day of Feb, 19 89.

*Frances Hernandez*

CITY CLERK.

EXHIBIT A1  
EXHIBIT SR 12-1

DEVELOPER COMMITMENTS

1. The project will treat stormwater runoff before discharging into an existing City of Tampa storm sewer system. (ADA page 13-5)
2. The contractor will be required to sod, seed, mulch or plant the cleared and disturbed areas as soon as possible after clearing. The side slopes of detention ponds will be sodded or natural vegetation will be encouraged to grow. The contractor will also be required to control wind erosion through sprinkling or other appropriate means. (ADA page 13-5)
3. Coordination of transit opportunities with the Hillsborough Area Regional Transit Authority will take place as the project develops. (ADA page 13-6)
4. To alleviate the erosive effects of wind and water, the following steps will be implemented during construction (ADA page 14-2):
  - (1) Only those portions of the site ready for construction will be cleared.
  - (2) Sediment basins will be constructed at the start of each drainage system phase.
  - (3) Areas to be cleared and disturbed by construction will be seeded, mulched with hay, straw and other suitable materials, sodded, or planted with other landscape material as soon after the construction as possible. Areas adjacent to the roadways or where slopes are 3:1, or greater, will be sodded or landscaped.
  - (4) Construction areas will have interim water quality control features, such as hay bales, as needed to reduce turbidity.
  - (5) Embankment areas of stormwater filtration ponds will be sodded. These activities will help stabilize shorelines and will serve to filter runoff.
  - (6) If wind erosion becomes significant during construction, the contractor will sprinkle the problem area with water. Following construction, the planted ground cover and the drainage system vegetation and configuration will effectively control wind and water erosion.
  - (7) Landscaping will be initiated before development work is completed to ensure that bare soil is not unnecessarily exposed to wind and water erosion.

EXHIBIT SR 12-1 (CONT'D)

5. The stormwater management system will be designed to meet applicable water quality treatment requirements by retaining one-half inch of runoff from the drainage area of each pond. (ADA page 15-5) (Developer has clarified the commitment from the ADA.)
6. The University Business Center development will not contain a residential component. (ADA page 20)
7. Septic tanks will not be used for wastewater disposal on this project. (ADA page 21-3)
8. The proposed drainage system for the University Business Center will be designed so as not to degrade the ambient water quality of downstream receiving water bodies and to maintain the predevelopment runoff characteristics of the watershed. (ADA page 22-1) (Developer has clarified the commitment from the ADA.)
9. The control structure for each lake which receives runoff from the parcels will be designed in an effort to remove sediment and floatable debris prior to discharging runoff to the storm sewer system along 30th Street. (ADA page 22-1) (Developer has clarified commitment from the ADA.)
10. The lakes will provide water quality treatment which meets the Florida Department of Environmental Regulation's (FDER) requirements as specified under Chapter 17-25 Florida Administrative Code (FAC) ... (ADA page 22-2)
11. The drainage system will be operated and maintained by the Opus South Corporation or assigns. (ADA page 22-10)
12. The internal potable water supply system will be owned, operated and maintained by the Opus South Corporation or its assigns. (ADA page 23-3)
13. The water distribution system for the University Business Center including fire hydrant locations will be designed to provide fire protection in accordance with applicable City of Tampa Water Department standards. (ADA page 23-5)
14. The applicant will utilize all water conservation devices required by applicable state and local building regulations. (ADA page 23-5)
15. All building design and equipment selection for the project will meet applicable requirements of the Southern Building Code, and the Florida Energy Efficiency Code for building construction. (ADA page 25-4)

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EXH. 1T SR 12-1 (CONT'D)

16. The University Business Center will utilize a master landscape plan to effect a comprehensive design for the project. (ADA page 27-1)
17. The common open space areas are and will be maintained by the applicant or its assigns. (ADA page 27-2)
18. At the time when Phase II project traffic is analyzed, additional documentation and/or justification for the internalization rate will be provided. (ADA page 31-17)
19. Skimmers will be attached to the weirs to deter oils and floatables from traveling downstream. (SR page 37-38)
20. The applicant will utilize all water conservation devices required by applicable state and local building regulations. Where feasible the applicant will utilize native plant species to reduce irrigation requirements. Irrigation schedules will be adjusted seasonally. (SR page 41)
21. The existing buildings are, and future buildings will be, sprinklered. (SR page 46)
22. The University Business Center will provide water quality treatment through percolation or mechanical filtration through sand filter beds. Percolation through the upper surficial sands will remove oils and greases from stormwater runoff. If mechanical filtration is utilized, stormwater will flow under an oil and grease skimmer prior to entering the retention ponds. (SR page 68)

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EXHIBIT B

LEGAL DESCRIPTION: A PORTION OF LOTS 35, 35A, 36, 36A, 37, 37A, 38, 38A, 39, 39A, 40 AND 40A, ALL BEING IN TEMPLE TERRACES SUBDIVISION IN SECTION 17, TOWNSHIP 28 SOUTH, RANGE 19 EAST, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, PAGE 64, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NE CORNER OF LOT 30 OF SAID TEMPLE TERRACES SUBDIVISION; THENCE RUN S 00°18'10"W, 1270.00 FEET FOR A POINT OF BEGINNING (P.O.B.); THENCE CONTINUE S 00°18'10"W, 1321.58 FEET; THENCE N 89° 48'16"W, 1557.59 FEET; THENCE N 00°18'10"E, 469.21 FEET; THENCE N 89°46'00"W, 324.60 FEET; THENCE N 00°20'51"E, 550.00; THENCE S 89°46'00"E, 1228.39 FEET; THENCE N 00°18'10"E, 303.16 FEET; THENCE S 89°48'24"E, 653.40 FEET BACK TO THE P.O.B.

SAID PARCEL CONTAINING 45.0651 ACRES M.O.L.

Certified as true  
and correct copy.