



#185

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

Certified mail # 7000 0600 0024 5577 5949

December 31, 2001

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

Re: Resolution R-01-158 for River Club DRI

Dear Mr. Meyer:

Enclosed is a certified copy of Resolution R-01-158, amending the River Club DRI, as adopted in open session by the Manatee County Board of County Commissioners on December 4, 2001, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

RHP/ks
Enclosure

RESOLUTION R-01-158

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY GRANTING AMENDMENTS TO RESOLUTION R-89-243, AS AMENDED BY RESOLUTIONS R-92-27 AND R-93-238, THE DEVELOPMENT ORDER FOR THE RIVER CLUB DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS DRI#18; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on November 30, 1989, the Board of County Commissioners of Manatee County (Board) issued a Development of Regional Impact (DRI) Development Order known as Resolution R-89-243 (the Development Order), as amended by Resolution R-92-27 and Resolution R-93-238, to Manatee Joint Venture, a Florida General Partnership, and River Club Golf Course, Inc.; and

WHEREAS, the Development Order approved construction of a MULTI-USE PROJECT on approximately NINE HUNDRED AND SIXTY FOUR ACRES, located in East Manatee County, hereinafter referred to as "River Club", and, covered for limited purposes, an adjacent FIVE HUNDRED SEVENTY-FIVE acres referred to as "Braden Woods"; and

WHEREAS, River Club and Braden Woods were jointly referred to as the "Development"; and

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

WHEREAS, on March 26th, 1992, the Board of County Commissioners approved Resolution R-92-27, amending the Development Order to allow a change in Condition G.(8); and

WHEREAS, on March 24, 1994, the Board of County Commissioners approved Resolution R-93-238, amending the Development Order to allow a change in Conditions B.(1)b, B.(1)c, B.(1)d, G.(3), and I.(17), in addition to extending the buildout date by four years and 364 days; and

WHEREAS, Resolution R-89-243, as amended by Resolutions R-92-27 and R-93-238, constitutes the DRI Development Order for the River Club DRI; and

WHEREAS, On June 14, 1988, and prior to approval of the Development Order for the River Club DRI, a Settlement Agreement was entered into between the Florida Department of Community Affairs, Tampa Bay Regional Planning Council, Manatee Joint Venture, Pursley Properties, Inc., and D'Urso Communities concerning aggregation and development of River Club, and a small parcel on SR 70; and

WHEREAS, the Settlement Agreement included a ± 245 acre portion of River Club identified as Tract II; and

WHEREAS, the Settlement Agreement provided that Tract II shall undergo DRI review and that the owner of Tract II shall have the option of either submitting an ADA for Tract II only, or submitting a Substantial Deviation ADA to the Development Order issued for Tract I and Braden Woods; and

WHEREAS, on December 8, 1999, Manatee Joint Venture filed a Substantial Deviation ADA to the Development Order issued for Tract I and Braden Woods to allow new development on Tract II (a.k.a. River Club Park of Commerce) and the Tract I Four Acre Outparcel; and

WHEREAS, the Substantial Deviation for Tract II necessitates certain changes in the existing Development Order for the River Club DRI, which are contained in this Resolution; and

WHEREAS, as part of the ADA filed on December 8, 1999, the applicant has requested that the existing River Club DRI be amended to allow a change to Section 4, Development Components to reduce the approved development totals for the Tract I River Club residential development to recognize the actual development capacity of the site. The proposed reduction is 56 residential units; and

WHEREAS, the County and Manatee Joint Venture have agreed for administrative purposes that Tract II shall be governed by its own Development Order (Ordinance 01-46); and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT:

1. The Board approves the requested amendment to reduce the development totals in River Club.
2. Section 4, Development Components, of the River Club DRI, is hereby amended to read in its entirety as follows:

The Application for the River Club DRI and its Master Development Plan are hereby approved to allow the following development, subject to the conditions of Sections 2.3.1.1, 2.3.1.2 of the Manatee County Comprehensive Plan, and other conditions listed in this Development Order;

492	single-family residences in Braden Woods
944	single-family residences and cluster homes and/or villas in River Club
1	18-hole golf course and associated amenities

** Some of this development has already occurred. See exhibit C for build-out dates for not yet completed sub-phases.

- 3. All other provisions of Development Order Resolution No. R-89-243, as amended by R-92-27 and R-93-238, shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolution referred to above, the terms of this Resolution shall control.

SEVERABILITY:

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision of this Ordinance or the application thereof to any person or circumstance is for any reason held or declared to be unconstitutional, inoperative, or void by a Court of Competent jurisdiction, such holdings of invalidity shall not affect the remaining portions or applications of this Ordinance, and to this end the provisions of this Ordinance are declared severable.

EFFECTIVE DATE:

This Ordinance shall become effective upon filing of a certified copy with the Department of State and transmitted to the Developer, DCA, and TBRPC provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order, until the resolution of said appeal.

ADOPTED AND APPROVED with a quorum present and voting this 4th day of December, 2001.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: *[Signature]*
Chairman

ATTEST: **R.B SHORE**
Clerk of the Circuit Court

[Signature]


STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 28th day of December, 2001
R.B. SHORE
Clerk of Circuit Court
By: *[Signature]* C.C.



MANATEE COUNTY
GOVERNMENT

SB
185

PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

April 1, 1994

SENT: VIA CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Dear Ms. Greene:

Please find enclosed a certified copy of Manatee County Resolution No. R-93-238, the resolution which amends the Development Order for the River Club (Manatee Joint Venture) DRI #18. This document was approved by the Manatee County Board of County Commissioners in open session on March 24, 1994.

This copy is hereby rendered pursuant to Rule 9J-2.025, Florida Administrative Code.

If you have any questions, please call (813) 749-3070. Thank you for your attention to this matter.

Sincerely,

Michael A. Pendley
Planning Manager

MAP/jy

Enclosure

cc: Case File
Betsy Benac, Assistant Director
Norm Luppino, Principal Planner

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY GRANTING AMENDMENTS TO R-92-207, AMENDING R-89-243, THE DEVELOPMENT ORDER FOR THE RIVER CLUB DEVELOPMENT OF REGIONAL IMPACT. BOOK NO. _____

WHEREAS, on November 28, 1989, the Board of County Commissioners of Manatee County ("Board") issued a Development of Regional Impact ("DRI") Development Order, Resolution R-89-243, as amended by R-92-207 ("the Development Order"), to Manatee Joint Venture, a Florida General Partnership, and River Club Golf Course, Inc.;

WHEREAS, the applicant has requested that the Development Order be amended to allow a change to conditions B.(1)b, B.(1)c, B.(1)d and I.(17);

WHEREAS, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises;

SECTION 1. FINDING OF FACT

The Development Order for River Club is being amended to extend the buildout date by four years and 364 days.

SECTION 2. CONCLUSION OF LAW

Upon adoption of this amendment to the River Club Development Order the buildout date will be extended by four years and 364 days.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT:

1. The Board finds that the proposed changes to Section 5, Conditions B.(1)b, B.(1)c, B.(1)d, G.(3) and I.(17) are not a substantial deviation, that the amended conditions adequately address the impact of the proposed changes to the Development Order.

2. Conditions B.(1)b, B.(1)c, B.(1)d, G.(3) and I.(17), River Club DRI, are hereby amended to read in their entirety as follows:

B. (1)b Separate Preliminary Site Plans may be submitted for each separate cluster development subphase. The last Preliminary Development Plan for such subphase shall be submitted within nine years of approval of the Development Order. Each Final Site Plan shall cover the Preliminary Site Plan* and shall not be in increments. All site plans submitted after the effective date of this Resolution R-93-238 shall obtain a certificate of level of service prior to approval.

B. (1)c All Final Site Plans* shall be submitted by November 29, 1999.

B. (1)d Construction of all infrastructure for single family lots and construction of cluster/villas shall be completed by November 29, 2000.

G. (3) Approval of each Preliminary Development Plan* for each and every Subphase of the project shall be contingent upon satisfaction of one of the following:

a) Approval and development of the Preliminary Development Plan shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or

2

contributing to the degradation of the Acceptable Level of Service* on any roadway segments or intersections within the Transportation Impact Area*. Prior to approval of each additional Preliminary Development Plan*, the County shall insure in a written finding of fact that the regional roadways within the Transportation Impact Area* are operating at an Acceptable Level of Service* and that the expected trips to be generated by such approval will not cause the roadways to operate below an Acceptable Level of Service*; OR

b) If approval and development of a Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area* including, but not limited to, the improvements identified on Exhibit B, shall be scheduled for construction commensurate with the buildout schedule for the applicable subphase of River Club* through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a five-year capital improvement program, other local government programming of construction of the improvements within a five-year capital improvements program, or local development agreements pursuant to Section 5.1.6.2 of the Manatee County Comprehensive Plan; OR

2. The Developer* may elect, within thirty (30) days of the Development Order approval, to mitigate the transportation impacts of River Club* through the payment to Manatee County of \$800,000.00 for the construction of transportation projects designed to mitigate the development's impact on transportation as set forth below. This payment has been determined to be in excess of the development's proportionate share for transportation impacts which has been calculated pursuant to approved Subsection 380.06, Florida Statutes methodology.

Manatee County shall utilize this payment to construct or obtain the construction of one or more improvements to State Road 70 in the area between U.S. 301 and Interstate

75. The completion of construction of the project(s) shall be by November 29, 1994.

Any payments due Manatee County shall be paid in cash or by certified check under this subparagraph G.(3).b.2. and shall be paid within thirty (30) days after notice to make payment from the County, which notice shall be given no earlier than ninety (90) days prior to the first advertising for bid(s) related to the selected Transportation Projects under subparagraph G.(3).b.2.

The developer* shall post an irrevocable letter of credit acceptable to County, to secure the full amount of the payment which shall be subject to being reduced to cash at such time as payments are required to be made for the State Road 70 project(s) as set forth above. Such letter of credit shall be from a federally insured bank or savings and loan association within one hundred (100) miles of Bradenton, Florida. The amount of the irrevocable letter of credit shall not have the effect of establishing the payment amount as being equal to the then existing impact fees due under Manatee County ordinance 86-09. Revisions in the impact fee schedule set forth in said Ordinance shall apply to impact fees due herein, unless the impact fees are paid in cash pursuant to a Fee Agreement prior to any such revisions becoming effective.

- c) Manatee County shall rely upon payments made and shall make financial, construction, and other commitments once payments are made by the Developer*. Any payment made under sub paragraph G.(3).b.2. above, shall be at Developer's risk and shall not be refundable regardless of the enforceability of any other provision contained herein. In the event that the Developer* has posted a Letter of Credit, and no payment has been paid pursuant to subparagraph G.(3).b.2. above, and provided that no more than 250 units have been constructed in River Club* and if the Developer* is legally prohibited from utilizing the mitigation option set forth in subparagraph G.(3).b.2. above, then Manatee County shall release said irrevocable Letter of Credit. The County may withhold any development orders which may be issued in accordance with this subsection until said agreement has been executed by the Developer*, approved by the Board of County Commissioners, and recorded in the Public Records of Manatee County.

In the event Manatee County fails to construct or have constructed the Transportation Project(s) pursuant to the approved construction timing, all development activity, including the issuance of building permits and

certificates of occupancy, development shall cease in River Club* and no development may proceed under this Development Order unless the requirements of either subparagraphs G.(3).a. or G.(3).b.1. of stipulation G.(3) are met. This paragraph shall not be construed as a waiver or granting of any rights by or to the Developer* against Manatee County for Manatee County's failure to construct the Transportation Project(s).

In the event the Developer* fails to pay his proportionate share as defined in subparagraph G.(3).b. in a timely manner set forth therein, the options to the Developer* under subparagraph G.(3).b. shall terminate.

I. (17) This Development Order shall expire on December 30, 2000, except for the provisions relating to monitoring and maintaining the stormwater and groundwater quantity and quality and for the construction of single family homes by individual lot owners.

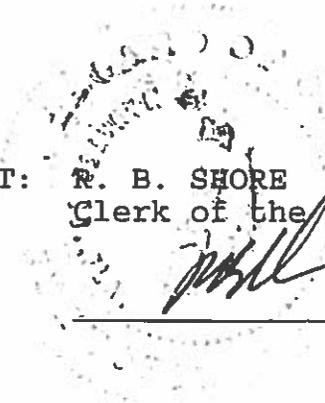
3. All other provisions of Development Order Resolution No. R-89-243, as amended by R-92-207, shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolution referred to above, the terms of this Resolution shall control.

ADOPTED AND APPROVED with a quorum present and voting this 24 day of March, 1994.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Stan Stephens
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court



STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of RESOLUTION NO. R-93-238 adopted by the Board of County Commissioners of said County on the 24 day of March, 1994, this 1 day of April, 1994, in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: Diane E. Vallone D.E.

MANATEE COUNTY
PLANNING, PERMITTING & INSPECTIONS DEPARTMENT
1112 Manatee Avenue West • Suite 803
P.O. Box 1000 • Bradenton, Florida 34206-1000

Fold at line over top of envelope to the right
of the return address

CERTIFIED

P 260 315 473

MAIL



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

33702-2491 24





MANATEE COUNTY GOVERNMENT

PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

June 1, 1992

SENT: VIA CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Dear Ms. Greene:

Please find enclosed a certified copy of the following resolution which was approved by the Manatee County Board of County Commissioners in open session on March 26, 1992:

Resolution R-92-27, adopting an amendment to the Development Order for the River Club Development of Regional Impact.

This copy is hereby rendered pursuant to Rule 9J-2.025, Florida Administrative Code.

If you have any questions, please call (813) 748-4501, extension 3070. Thank you for your attention to this matter.

Sincerely,

Betsy Benac
Community Planning Administrator

BB/im
Enclosure

mailed 6/2/92
received 6/4/92

RESOLUTION R-92-27

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY ADOPTING AN AMENDMENT TO R-89-243, AN AMENDMENT TO THE DEVELOPMENT ORDER FOR THE RIVER CLUB DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, on November 28, 1989, the Board of County Commissioners of Manatee County (Board) issued a Development of Regional Impact (DRI) Development Order (the Development Order) to Manatee Joint Ventures, a Florida General Partnership, and River Club Golf Course, Inc.

WHEREAS, the applicant has requested that the Development Order be amended to allow a change to condition G.(8);

WHEREAS, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT, the Board finds that the proposed change to Condition G.(8) is not a substantial deviation and that the amended condition adequately addresses the impact of the proposed change to Condition G.(8). Condition G.(8) of the River Club DRI is hereby amended as follows:

1. Condition G.(8):

The Developer* shall assure that all necessary right-of-way is dedicated to Manatee County and shall design and complete the construction of the south entrance to River Club* from the River Club* project to an easterly extension of University Parkway prior to approval of a Final Subdivision Plat for the 95th unit for Residential South* and prior to any Final Plat Approval for the 376th unit in River Club. This condition also includes the extension of University Parkway from I-75 to the River Club South* entrance, which shall be located at least one-half (1/2) mile from the I-75/University Parkway Interchange in accordance with Section 5.1.5.3 of the Manatee County Comprehensive Plan. Construction of these two roadways will perform the following functions:

- (a) Provide needed access to both River Club* and Braden Woods* for the thirty-six percent (36%) of project generated trips;
- (b) Provide an alternate route to the project in the event the multi-laning of SR 70 is delayed for an indeterminate time;
- (c) Provide a second means of access to River Club South* as required by the Manatee County Land Development Code before Final Plat Approval for the first 101 units south of the Braden River;
- (d) Provide access for the Fire Department and other public safety services;
- (e) Provide a portion of the Transportation System;
- (f) Provide a secondary means of access for the General Public from University Parkway to State Road 70, especially in the event of problems with the I-75 bridge over the Braden River;

541-1104

- (g) This roadway shall be considered to serve the function of an Operational Use as set forth in the Manatee County Ordinance 86-09.

Construction shall be of 2 lanes and shall be in conformance with Manatee County standards for the roadway classification. Construction plans for all of these roadways shall be approved by the Manatee County Public Works Department.

Upon completion of construction of the roadways set forth in this Stipulation G.(8), Developer* shall pay to Manatee County a sum equal to the projected impact fees for the Transportation component for all units of River Club* that have not yet paid impact fees to Manatee County less sums paid pursuant to Stipulation G.(3), less that portion of the costs to construct the roadways set forth in this stipulation G.(8) that is creditable under Manatee County Ordinance 86-09. Manatee County shall utilize this payment to construct or obtain the construction of one (1) or more improvements to State Road 70 in the area between U.S. 301 and Interstate 75 or to a parallel roadway designed to relieve traffic on State Road 70.

Any payments due Manatee County shall be paid in cash or by certified check and shall be paid within thirty (30) days after notice to make payment from the County, which notice shall be given no earlier than ninety (90) days prior to the first advertising for bid(s) related to the selected Transportation Projects.

If payment has not been made previously, on or before the approval by the County of the first Final Development Plan, Developer* shall post an irrevocable letter of credit acceptable to County, to secure the full amount of the payment which shall be subject to being reduced to cash at such time as payments are required to be made for the State Road 70 project(s) as set forth above. Such letter of credit shall be from a federally insured bank or saving and loan association within one hundred (100) miles of Bradenton, Florida. The amount of the irrevocable letter of credit shall not have the effect of establishing the payment amount as being equal to the then existing impact fees due under Manatee County Ordinance 86-09. Revisions in the impact fee schedule set forth in said Ordinance shall apply to impact fees due herein, unless the impact fees are paid in cash pursuant to a Fee Agreement prior to any such revisions becoming effective.

Manatee County shall rely upon payments made and shall make financial, construction, and other commitments once payments are made by the Developer*. Prior to any payment made under this section, the Developer* shall enter into a written agreement with Manatee County, in a form acceptable to Manatee County, which shall provide that the Developer* understands, and agrees that, provided said payments are used as set forth in the written agreement, such payments made shall be at Developer's risk and shall not be refundable regardless of the enforceability of any other provision contained herein. In the event that the Developer* has posted a Letter of Credit, and no payment has been paid pursuant to this section, and if the Developer* is legally prohibited from utilizing the mitigation option set forth in subparagraph G.(3).b.2. herein, then Manatee County shall release said irrevocable Letter of Credit. The County may withhold any development orders which may be issued in accordance with this subsection until said agreement has been executed by the Developer*, approved by the Board of County Commissioners, and recorded in the Public Records of Manatee County.

Any payments provided by the Developer* to the County shall receive credits toward transportation component impact fees subsequently due Manatee County if such credits are allowed under Manatee County Ordinance 86-09, as it may be amended from time to time. Such payments shall not prevent Manatee County from revising or increasing the impact fees due from the Developer* to which applicable advance sums shall be applied, unless the impact fees have been paid pursuant to a fee agreement pursuant to Manatee County Ordinance 86-09.

- 2. All other provisions of Development Order Resolution No. R-89-243 shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolution referred to above, the terms of this Resolution shall control.

ADOPTED AND APPROVED with a quorum present and voting this 26th day of March, 1992.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Kathy A. Suel
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

[Signature]

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of RESOLUTION NO. R-92-27 adopted by the Board of County Commissioners of said County on the 26 day of March, 1992, this 22 day of May, 1992, in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: [Signature]

MANATEE COUNTY
PLANNING, PERMITTING & INSPECTIONS DEPARTMENT
1112 Manatee Avenue West • Suite 803
P.O. Box 1000 • Bradenton, Florida 34206-1000



Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702





MANATEE COUNTY
GOVERNMENT

PLANNING & ZONING DEPARTMENT

RECEIVED
JAN 12 1990

Tampa Bay Regional
Planning Council

January 10, 1990

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Dear Ms. Greene:

Please find enclosed a certified copy of Resolution No. R-89-243 which was approved by the Manatee County Board of County Commissioners in open session on November 30, 1989, for the River Club DRI #18. This copy is hereby rendered pursuant to Rule 9J-2.025, Florida Administrative Code. We regret the erroneous transmittal of the previous copy of the certified development order, and have replaced the previously submitted copy with a development order with original certification.

Please note that Water Quality Exhibits "A" and "B" are also included, which were inadvertently left out of the original submittal.

We apologize for any problems or delays resulting from the errors/omissions. If you have any questions, I can be reached at (813) 748-4501, extension 3070.

Sincerely,

Betsy Benac
Community Planning Administrator

BB/kac

Enclosure (1)

cc: Central Files
Steven A. Logan, AICP, Assistant County Administrator/SGM
Mark P. Barnebey, Senior Assistant County Attorney

185
1112 Manatee Avenue West, Suite 804 - P.O. Box 1000, Bradenton, FL 34206

Tel. (813) 748-4501

FAX- (813) 747-7651

RESOLUTION NO. R-89-243

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY MANATEE JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP, AND RIVER CLUB GOLF COURSE, INC., FOR RIVER CLUB DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS DRI #18; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Upon motion by Commissioner Snell, seconded by Commissioner Hooper, the following resolution was adopted by a vote of 5 to 0.

WHEREAS, on September 13, 1988, Manatee Joint venture filed an Application for Development Approval of a Development of Regional Impact with the Manatee County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application proposed construction of a MULTI-USE PROJECT on approximately NINE HUNDRED AND SIXTY FOUR ACRES, located in East Manatee County, hereinafter referred to as "River Club", and, covered for limited purposes, an adjacent FIVE HUNDRED SEVENTY-FIVE acres referred to as "Braden Woods"; and

WHEREAS, River Club and Braden Woods are jointly referred to as the "Development"; and

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

WHEREAS, a Settlement Agreement was entered into between the Florida Department of Community Affairs, Tampa Bay Regional Planning Council, Manatee Joint Venture, Pursley Properties, Inc., and D'Urso Communities concerning aggregation and development of River Club, and a small parcel on SR 70; and

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

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

WHEREAS, the Planning Commission has reviewed the Application for Development Approval and has filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Manatee County has on November 30, 1989, held a duly noticed public hearing on said Application for Development Approval and has heard and considered testimony and other documents and evidence; and

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

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

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NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 30th DAY OF November, 1989, AS FOLLOWS:

SECTION 2: FINDINGS OF FACT. The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission of Manatee County as well as all other matters presented to said Board at the Public Hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the Development of Regional Impact and the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 6 of this Resolution of an Application for Development Approval pursuant to Section 380.06, Florida Statutes (FS).
- B. The said Board of County Commissioners held a Public Hearing on November 30, 1989, regarding said Development of Regional Impact and the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE and has further considered the information received at said Public Hearing.
- C. The proposed Development of Regional Impact regarding the property described in Section 6 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, THE MANATEE COUNTY COMPREHENSIVE PLAN, with the Development Conditions specified in Section 5.
- D. Manatee Joint Venture, a Florida General Partnership, submitted to Manatee County, Florida, an Application for Development Approval ("ADA"), Sufficiency Responses and the Master Development Plan which are attached hereto and marked Exhibit "A" and incorporated herein by reference. Hereinafter, the word "Application" shall mean the ADA, the Sufficiency Responses filed and other exhibits duly submitted and recorded for a project to be known as River Club Development of Regional Impact (DRI).
- E. The real property which is the subject of this application is legally described as set forth in Section 6 of this Development Order.
- F. The proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- G. The authorized agent for River Club DRI is Larry D'Urso, as President of Pursley, Inc., 5803 Braden Run, Bradenton, Florida 34202.
- H. The owners of the property are Manatee Joint Venture, a Florida General Partnership, River Club Golf Club, Inc., and the owners of the platted lots previously sold in Braden Woods and River Club.
- I. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County and Tampa Bay Regional Planning Council (TBRPC).
- J. Based on information submitted by the Developer in the Settlement Agreement, and in various requests for development approvals, the Development timing and subphasing is described in Exhibits A and C.
- K. With the Braden River as the boundary between them, both the Braden River Fire Control and Rescue District (north of

River) and the Oneco-Tallevast Fire Department (south of the River) currently serve the Development.

L. The Board of County Commissioners of Manatee County has on November 1, 1989, concluded in VRD-89-03 that River Club* has Special Exception status through vested rights under the Manatee County Comprehensive Plan ("Plan") to the extent set forth below:

1. River Club North* Phases I through V have Special Exception status under Chapter 1, Section 4.B.1.(b) of the Plan;
2. The nine (9) holes of the golf course approved by Administrative Permit AP-86-06 have Special Exception status under Chapter 1, Section 4.B.1.(b) of the Plan;
3. The remainder of River Club North*, which was not discussed in Paragraph 1. above, as shown on the Preliminary Development Plan/Plat PDR-86-05(P)/86-S-18(P) has Special Exception status to the limited extent that development shall not be subject to the provisions of Sections 3.2.1.1, 3.2.1.4, and 3.2.1.5 of the Plan. All other requirements of Chapters 2 through 14 of the Plan shall apply to the remainder of River Club North*; and
4. The remainder of River Club South*, located south of the Braden River, which is not discussed in Paragraph 2 above, does not have any further vested rights and shall be subject to the requirements of Chapters 2 through 14 of the Plan.

Special Exception Status as set forth above is subject to the following conditions:

- a) This approval of Special Exception status is subject to those provisions of Chapter 1, Section 4B of the Plan which limit or may terminate Special Exception status.
- b) All projects, phases, or any portion thereof, which are recognized to have Special Exception status as set forth herein shall be subject to any relevant provisions in existence under regulations in effect prior to the adoption of the Plan.
- c) Nothing herein shall limit conditions which may be placed on the River Club DRI, if approved, which relate to regional impacts caused by that development.
- d) Transfer of any ownership rights of any portion of this project, prior to Preliminary Development Plan, Preliminary Subdivision Plat, or Preliminary Site Plan, or DRI Development Order approval, shall divest that portion of the Project of any Special Exception status and shall divest any other section of the Project to the extent that the Project is not inconsistent with the applicable rules and regulations of Manatee County.

M. Braden Woods* has Special Exception status under Chapter 1, Section 4 of the Plan.

N. The four-acre parcel, located on SR 70, does not have Special Exception status under the Plan.

SECTION 3: CONCLUSIONS OF LAW:

A. Based upon the previous findings of fact and the following conditions of development approval, the Board of County Commissioners of Manatee County concluded that:

1. The Development will not unreasonably interfere with the achievement of the objectives of the Adopted State Land Development Plan applicable to the area.
2. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, and the Manatee County Comprehensive Plan.
3. The Development is consistent with the report and recommendations of Tampa Bay Regional Planning Council issued on August 14, 1989.
4. The provisions of Florida Statutes (FS) Section 163.3202 and the provisions of the Manatee County Comprehensive Plan implementing this section, go into effect in Manatee County on December 1, 1989.

B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.

C. That the review by the County, 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, FS, within the terms and conditions of this Order and the Application. To the extent that the Application is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

SECTION 4: DEVELOPMENT COMPONENTS

The Application for the River Club DRI and its Master Development Plan* are hereby approved to allow the following development, subject to the conditions of Sections 2.3.1.3, 2.3.2.4, and 2.3.4.7 of the Manatee County Comprehensive Plan, and other conditions listed in this Development Order**:

492	single-family residences in Braden Woods
1,000	single-family residences and cluster homes and/or villas in River Club
1	18-hole golf course and associated amenities

** Some of this development has already occurred
See exhibit C for build-out dates for not yet completed sub-phases.

SECTION 5: DEFINITIONS AND DEVELOPMENT CONDITIONS

DEFINITIONS

Note: An asterisk (*) indicates that the word is defined.

- A.(1) "Acceptable Level of Service*" shall be Level of Service D, peak hour on urban roads, and Level of Service C, peak hour on rural roads, or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service for links and intersections in Sarasota County, Florida, shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan, or Level of Service D, peak hour on urban roads, and Level of Service C, peak hour on rural roads, whichever is more restrictive.
- A.(2) "County Transportation Authority*" shall be defined as the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.

- A.(3) "Developer*" shall mean Manatee Joint Venture, a Florida General Partnership, their heirs, assigns, agents, and successors in interest as to the River Club Development and all stipulations and shall mean Manatee Joint Venture and River Club Golf Course, Inc., their respective heirs, assigns, agents and successors in interest as to stipulations affecting the golf course.
- A.(4) "Development Approval*" shall mean any approval for development granted through the DRI/ADA, Preliminary Development Plan, Final Development Plan, Preliminary Plat, Preliminary Site Plan, and Final Site Plan process and/or construction drawing approval where site plans are not required, for this and other developments.
- A.(5) "Master Development Plan*" shall be defined as Exhibit A and made a part hereof. This Plan depicts the development described in the ADA.
- A.(6) "Preliminary Development Plan*" (PDP) shall mean a Preliminary Development Plan for a phase or subphase as defined in the Manatee County Comprehensive Zoning and Land Development Code (LDC).
- A.(7) "Final Development Plan*" (FDP) shall mean a Final Development Plan for a phase or subphase as defined in the Manatee County Comprehensive Zoning and Land Development Code (LDC).
- A.(8) "Traffic Study*" shall mean a report presented by the Developer*; using a methodology acceptable to the County Transportation Authority. Such study shall be designed to determine if the proposed development will reduce the peak hour Level of Service, on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified on Exhibit B, to below an Acceptable Level of Service*. Any such Traffic Study* shall consider traffic to be generated by the proposed phase, existing traffic and traffic anticipated from prior Development Approvals* for this DRI and for all other developments impacting the same roadway.
- A.(9) "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PDP in combination with prior approvals of this project will be 5% or more of the Level of Service C or D Peak Hour traffic. This area is generally depicted in Exhibit B, which was based on data submitted with the ADA.
- A.(10) "Vertical Development*" shall mean and shall be deemed to include the use of land for construction of new residential units and new commercial units; the reconstruction of commercial units; and additions to existing commercial units.
- A.(11) "Warranted*" shall mean a determination by the County Transportation Department based on generally accepted transportation engineering practices that the Acceptable Level of Service * cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination not merely the trips generated by this development.
- A.(12) "Phase*" shall mean stage or subphase. Exhibits A and C define the subphasing for the DRI.

- A.(13) The River Club Development consists of distinct land uses, some of which are either currently developed or currently partially developed. As the conditions herein affect the various land use areas differently, the following definitions are intended to clarify which areas are affected.
- a) Braden Woods* shall mean Braden Woods, Phase I through VI, as shown on Exhibit A-1.
 - b) "River Club North*" shall mean the area north of the Braden River and set forth in Manatee County Zoning Ordinance No. 7-85-95, less the School Site contained therein, as shown on Exhibit A-2.
 - c) "River Club South*" shall mean the area south of the Braden River, as shown on Exhibit A-3.
 - d) "Single Family North*" shall mean the property in River Club North* consisting of that property identified as Phases 1 through 5, as shown on Exhibit A-2, and approved with PDR-86-05.
 - e) "Cluster North*" shall mean the property in River Club North*, which is not part of Single Family North*.
 - f) "Residential South*" shall mean all of the property in River Club South* except for the Golf Course South*.
 - g) "Golf Course South*" shall consist of the Golf Course approved in Administrative Permit AP-86-06.
 - h) Outparcel Site* shall consist of the 4-acre site adjacent to SR 70 and Braden Woods.
 - i) "River Club*" shall consist of River Club North*, River Club South*, the Outparcel Site*, and "Golf Course South*".

DEVELOPMENT CONDITIONS

- B.(1) River Club* shall be developed as one continuous development consisting of one phase. As the development is composed of separate and distinct land uses, separate development plans applications shall be submitted as follows:
- a) One Preliminary Development Plan* for the single family residential portion of Residential South* shall be submitted within one year of approval of the conceptual plan for River Club South*. Final Development Plan application may be submitted in up to five stages for subphases, as set forth in Exhibit C.
 - b) Separate Preliminary Development Plans may be submitted for each separate cluster development subphase. The last Preliminary Development Plan for such subphase shall be submitted within four years of approval of this Development Order. Each Final Development Plan* shall cover the Preliminary Development Plan* and shall not be in increments.
 - c) All Final Development Plans* shall be submitted within five years of approval of this Development Order.
 - d) Construction of all infrastructure for single family lots and construction of cluster/villas shall be completed by November 30, 1995.

- e) Failure to meet this schedule shall not affect approvals for those portions of River Club* that have met the schedule.
- B.(2) This Development Order grants approval of the Application for Development Approval (ADA) of the River Club Development as depicted on the Master Development Plan*, incorporated and made a part hereof as Exhibit A, subject to the conditions contained herein. At such time that the Developer* submits an application for Preliminary or Final (if not shown at Preliminary) Development Plan* (PDP) approval for any portion of the project, the Developer* shall satisfy the Manatee County Transportation and Planning and Zoning Departments that the Traffic Study* for that Phase* reflects the conditions at the time of PDP application. In the event that the County staff finds that the previous traffic analysis does not accurately reflect the conditions at the time of such submittal, a revision of that traffic study must be completed. No Phase* shall be carried out if such development would result in a degradation of the Acceptable Level of Service* on any roadway segments or intersections within the Transportation Impact Area*, except as may be provided for in Paragraph G(3). However nothing set forth in this Development Order shall require the County to issue any Development Approvals* in violation of Chapter 163, Florida Statutes. The Developer* may, at his option, update and verify the existing traffic study when it can be shown that the conditions described in the Traffic Study have not substantially changed.
- B.(3) Demonstrated available roadway capacity as described under the Transportation Conditions herein shall be one of the criteria for approval of the PDP and FDP (if not demonstrated at PDP) for subsequent submittals.
- B.(4) A geographic delineation of the Subphasing Plan for Residential South* shall be submitted for approval prior to the approval of the next Residential South* Preliminary Development Plan*.
- B.(5) Subdivision platting shall be a condition for Development Approval* of each Subphase. Upon completion of the project, all property within the project boundaries shall have been platted. Project, as herein defined, shall mean the nine hundred sixty-four-acre project referred to as River Club*.
- B.(6) As part of the submission of the next application for Development Approval*, the Developer* shall provide the information necessary for Manatee County to determine if the transfer of residential or non-residential potential from jurisdictional wetlands to upland portions of the development should be limited in accordance with Sections 2.5.1.3, 2.3.2.4, and 2.3.4.7. Approval of the Final Development Plan* shall be contingent upon the provisions of Section 2.3.4.7 of the Comprehensive Plan being met. This condition applies to Residential South* and Cluster North*.

ENVIRONMENTAL CONDITIONS

- C.(1) The applicable portions of the River Club site which meet the definition of preservation and conservation areas, as defined in the TBRPC's adopted growth policy, Future of the Region, Sections 2.701 and 2.702, as shown in the ADA Sufficiency Response, shall be designated on each Preliminary and Final Development Plan* submittal to Manatee County.

In order to protect the natural values of preserved/conserved wetland areas, the following shall be required, at minimum, except as already permitted by SWFWMD (Permits MSW 491585.0 through MSW 491585.5, inclusive), Army Corps of Engineers (ACOE) and FDER (Permits 411208233 and 411266623):

- a) No hydroperiod alteration shall be permitted in conservation or preservation areas as identified on the Master Development Plan*.
- b) Dredging, filling and development activities within preservation areas shall be prohibited except at road crossings and boardwalks at locations approved by SWFWMD, ACOE, FDER, and Manatee County. Activities within the conservation areas shall be limited to stormwater management outfall structures and boardwalks.
- c) All wetland losses, except for those areas having Special Exception Status pursuant to Section 4.B.1(b) of the Comprehensive Plan, shall require in-kind wetland replacement pursuant to the Plan and as allowed by the BOCC, which shall be determined at the time of Preliminary Development Plan* Approval. Areas having Special Exception Status shall at a minimum have 1:1 in-kind/wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with the wetlands being disturbed.
- d) All mitigation areas and littoral shelves shall be monitored semiannually for a period of four years. Monitoring shall include species diversity and composition and efforts to control nuisance species encroachment. Additional planting shall be required to maintain an 85 percent survival of planted species at the end of three year

- C.(2) The Developer* shall submit a wetland management plan, as previously approved by SWFWMD, to TBRPC, Florida Department of Environmental Regulation, and Manatee County for review. This plan shall address, but not be limited to, wetlands to be preserved, proposed wetland alterations, mitigation for lost wetlands, control of onsite water quality, maintenance of hydroperiods and methods or wetland restoration/enhancement.
- C.(3) The Developer* shall submit a wetland management plan to TBRPC, Florida Department of Environmental Regulation (DER), and Manatee County for review, as part of the application for Preliminary Development Plan* for each Subphase. This plan shall address, but not be limited to, wetlands to be preserved, proposed wetland alterations, mitigation for lost wetlands, control of onsite water quality, maintenance of hydroperiods and methods for wetland restoration/enhancement. However, in addition, mitigation for all wetland impacts shall be in accordance with the Comprehensive Plan (Sections 2.3.1.1 and 3.3.6.8). This condition shall apply to Residential South* and Cluster North*.
- C.(4) In accordance with Sections 2.3.1.1 and 3.3.6.1 of the Plan, the Developer* shall submit as part of any wetlands management plan required under C.(3) above, a survey or other appropriate delineation of all pre-development wetland areas within Residential South* and Cluster North* to Manatee County. Post-development wetland surveys or certification of delineation for each Phase* shall also be performed and submitted to Manatee County in order to verify actual wetland

impacts when application for certification of all required improvements is made to Manatee County Public Works Department. A copy shall also be submitted to the Director of Manatee County Planning Department. Failure of the Developer* to include the survey or delineation with said letter of certification to the Public Works Department shall not waive the right of Manatee County to require submittal of same. All wetland surveys or delineations must be signed-and-sealed or be accompanied by a certification of the delineation by a professional qualified for this purpose in accordance with Policy 2.3.1.1. in the Manatee County Comprehensive Plan.

C.(5) The Developer* shall reevaluate Table 12.B.1 from the ADA to reflect the findings of the Jurisdictional Wetland Delineation or survey and resubmit the revised table to Manatee County to serve as a basis for wetland mitigation under Sections 2.3.1.1 and 3.3.6.8 of the Comprehensive Plan with each Preliminary Development Plan Application. This condition shall apply to Residential South* and Cluster North*. In no event shall Table 12.B.1. be revised to limit or reduce areas previously designated as conservation or preservation areas.

C.(6) Buffer requirements around wetlands are as follows:

- A. As required by policies numbered 2.3.1.2, 2.3.4.6, 3.2.1.9, and 3.3.6.4 in the Manatee County Comprehensive Plan, the Developer* shall provide the appropriate buffer around all wetlands except for those areas having Special Exception Status, pursuant to Section 4.B.1.(b) of the Comprehensive Plan. All building setbacks shall be measured from the buffer zone. All buffers and included wetlands shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on the Preliminary* and Final Development Plans and Subdivision Plats. The location of said easement shall be physically identified on site where property lines cross the easement. Each development subphase shall include deed restrictions that prohibit development activity and removal of native vegetation in the conservation easement. Any replanting within the buffer shall be with flora native to Manatee County. The buffer areas and inclusive wetlands shall be considered preservation areas as defined by TBRPC. Activities in the buffers from the jurisdictional lines shall be restricted to stormwater outfall structures and approved boardwalks; no other development or alteration of the natural environment shall be allowed. This condition shall apply to Residential South* and Cluster North*.
- B. For all areas having Special Exception Status pursuant to Section 4.B. of the Comprehensive Plan, the Developer* shall provide a 50-foot natural buffer around the DER jurisdictional areas of the Braden River, Cooper Creek (indicated as North Tributary on Figure 1, Exhibit 23B, SR) and the unnamed tributary south of Cooper Creek (South Tributary, Ibid). This will provide an upland transition into the wetland areas and protect the natural systems from development impact. The buffer areas and inclusive wetlands shall be considered preservation areas as defined by TBRPC. Activities in the 50-foot setbacks from the DER jurisdictional line shall be restricted to passive

recreation uses; no construction or alteration of the natural environment shall be allowed.

- C.(7) The Developer* shall insure that the mitigation scheme for all impacted wetlands, unless excepted by VRD-89-03, complies with policy 2.3.1.1 and policy 3.3.6.8, as set forth in the Manatee County Comprehensive Plan. Evidence of this compliance shall be submitted prior to any Final Plat Approval.
- C.(8) All Department of Environmental Regulation, jurisdictional wetlands and streams shall be preserved physically and functionally. The only exception may be those areas in which Federal and/or State environmental permits are obtained for such activities or alteration of marginal wetland areas where mitigative measures will substantially outweigh the effect of the activities. The County shall require the dedication of a Conservation Easement over the jurisdictional areas to Manatee County Pollution Control and other appropriate jurisdictions, in order to place future property owners on notice of the jurisdictional status of the wetlands, except where jurisdictional lands have been mitigated. This condition shall apply to River Club*. Conservation easements, which were submitted with subphases, in River Club North* are hereby recognized.
- C.(9) The Developer* shall develop a wildlife management plan, which shall include proper protection or mitigation measures, for all species listed in Rules 39-27.004, 39-27.005, and 39-27.006 FAC, which have been observed, frequenting, nesting, feeding, or breeding in the undeveloped areas of Braden Woods*, River Club North*, and River Club South*, including, but not limited to, those species listed in Table 18.D.1 of the ADA. This wildlife management plan shall be coordinated with the Florida Game and Fresh Water Fish Commission.
- C.(10) The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services the relocation of any plant species listed in Sections 581.185(a) and (b), Florida Statutes and found onsite, if appropriate and approved through an amendment to the Development Order, which amendment shall not constitute a substantial deviation. This condition shall apply to River Club*.
- C.(11) Where feasible, the Developer* shall preserve and otherwise utilize native and low-maintenance vegetation to reduce fertilizing and watering requirements. At least 60 percent of replacement plantings and new landscape materials shall be indigenous to the region and drought hardy. This condition shall apply to River Club*.
- C.(12) Any future crossing of Cooper's Creek and the unnamed tributary south of Cooper Creek shall be identified in all applications for Development Approval* and shall be designed to maintain channel profile, flood conveyance character, and ensure the ecological integrity of the buffer zone.
- C.(13) Representative tracts of the pine flatwoods vegetative community, and any other community as determined by the required wildlife coordination in C.(10), shall be preserved onsite in a manner which will ensure their continued natural function and value. Provision of the 50-foot buffers from the Department of Environmental Regulations jurisdictional line may constitute compliance with this condition. This condition shall apply to River Club*.

- C.(14) The removal of naturally-occurring vegetation shall be limited in accordance with Section 2.3.4.6, 2.3.4.10, and 2.3.4.11 of the Comprehensive Plan. This limitation shall not be construed to preclude the removal of diseased trees or vegetation, or exotic species (i.e., Brazilian pepper, mealeuca, or Australian pine), or other species approved by the Planning Department consistent with the provisions of the Comprehensive Plan, prior to Final Development Plan* approval, or the minimal removal of vegetation allowed in conjunction with boardwalks. This condition shall apply to Residential South* and Cluster North*.
- C.(15) The Developer* shall grant the conservation easement outlined in C.(8) to the Manatee County Pollution Control Department. It shall specifically preclude the construction of any structures, dumping of any materials, destruction of any vegetation or excavation of any substance within its limits, except for those activities for which a dredge and fill permit has been obtained from the Department of Environmental Regulation, except where jurisdictional lands have been mitigated. Submittal for recording of the applicable easement in the Subphase shall be with the Final Subdivision Plat for that Subphase.
- C.(16) Manatee County shall reserve 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 expected from any changes to the project which causes additional regional impact, pursuant to Subsection 380.06(19), FS.
- C.(17) The Developer* shall be required, at minimum, to employ the fugitive dust abatement procedures indicated on page 13-1 of the ADA.
- C.(18) The soil conservation measures referenced on pages 14-4 and 14-7 of the ADA and the measures to reduce erosion and fugitive dust referenced on page 13-1 of the ADA, at minimum, shall be implemented.

WATER QUALITY AND SUPPLY CONDITIONS

- D.(1) In order to protect water quality in the Braden River watershed and to protect the source of potable water for the City of Bradenton, stormwater shall be treated in the manner required by the Comprehensive Plan, except where special exception status has been granted. The water quality monitoring program as spelled out in Water Quality Monitoring Exhibits A and B shall be continued by the Developer*. This program shall be expanded as follows:
- i) the herbicides and pesticides being monitored shall be revised to check for those specific herbicides and pesticides used on the golf course and in River Club*;
 - ii) during active construction of the infrastructure and until such time as the stormwater system is functional, the monitoring frequency of turbidity, pH and dissolved oxygen shall be expanded at the monitoring sites in the subbasin where the construction is taking place;
 - iii) components of the water quality monitoring should include biotic parameters, as recommended by the Florida Game and Fresh Water Fish Commission (FGFWFC), which will reflect any changes in the primary trophic structure of the onsite streams and downstream reservoir; and

- iv) the number of monitoring sites shall be expanded to include the existing groundwater monitoring sites at Braden Woods* (as spelled out in the TBRPC Settlement Agreement). The parametric coverage shall be that spelled out in Water Quality Monitoring Exhibits A & B. Sampling frequency shall be approved by Manatee County Pollution Control Department and the Environmental Coordinator.

These changes in the programs shall be approved by the Manatee County Pollution Control Department (MCPCD), and the Manatee County Environmental Coordinator. The monitoring program shall continue through project buildout, and for five years after buildout. All water quality analytical methods and procedures shall be documented and comply with Environmental Protection Agency/Department of Environmental Regulation Quality Control standards and requirements. Monitoring shall be particularly sensitive to the discharges from the golf course. Should the monitoring indicate that applicable water quality standards are not being met as a result of the project, all construction within the subbasin where the violation is noted shall cease until the violation is corrected, or if specific construction or development can be identified as causing the violation, all such activity responsible for exceeding the regulated limits shall cease until the violation is corrected. Violations shall be subject to appropriate enforcement action. The monitoring results obtained, as specified in the monitoring plan, shall be submitted by the Developer* to Manatee County, the City of Bradenton, SWFWMD, the Florida Game and Fresh Water Fish Commission (FGFWFC) and TBRPC for their information.

The monitoring station location, sampling frequency and reporting schedules for the new expanded program shall be approved by the Manatee County Pollution Control Department (MCPCD) and the Environmental Coordinator and submitted to FGFWFC and FDER. The County's Pollution Control Department shall maintain control of the monitoring program to the extent they shall have the right of approval as to the consultant hired by the Developer*.

- D.(2) At a minimum, "Best Management Practices", as outlined in the Reservoir Protection Practices Appendix of the Areawide Water Quality Management Plan (Tampa Bay Regional Planning Council), shall be demonstrated as part of the submittals of each Final Development Plan* to ensure that the existing water quality of the Lake Evers Reservoir Watershed is maintained.
- D.(3) Prior to each Final Development Plan*, the Developer* shall submit construction drawings acceptable to the Manatee County Pollution Control Department and Manatee County Public Works Department, which show plans to control erosion and turbid run-off.
- D.(4) At all discharge points, water quality must meet state and local pollution control standards. The water quality system must be approved by Manatee County.
- D.(5) The standard flow rates for potable water, sanitary sewer, and fire protection must meet or exceed those established below:
 - a) Potable Water -- 135 gallons per day, per capita of the total population served.

- b) Sanitary Sewer -- 115 gallons of waste water treatment and disposal per day, per capita.
- c) Fire Protection -- for residential land uses 1 to 3 du/ga requires 750 gallons per minute (GPM); 3+ to 6 du/ga requires 1,000 GPM; 6+ to 9 du/ga requires 1,500 gpm; 9+ du/ga requires 2,000 gpm.

The flow rates apply to the entire DRI.

- D.(6) The application of fertilizers, herbicides or pesticides within the required buffer zones, as identified through the requirements of C.(6) above, shall be prohibited.
- D.(7) The potable water supply shall be constructed by the Developer*, as each subphase is developed, in accordance with Sections 11.7.1.1 and 11.7.1.2 of the Comprehensive Plan. Upon completion of each portion, the system (any lines located within County right-of-way or approved County easements) shall be dedicated to the County for maintenance.
- D.(8) The Developer* shall submit an irrigation plan to Manatee County and the TBRPC for using non-potable water for irrigation in the first annual report following issuance of the first Certificate of Occupancy. The irrigation plan shall stipulate the time of implementation of the plan, which shall require completion within three (3) years of Approval of this Development Order. The owners of the Golf Course shall be responsible for the maintenance and operation of the wells used by the golf course. The Homeowners Association shall be responsible for wells commonly used by residential units and the individual homeowner shall be responsible for wells used on individual lots.
- D.(9) Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, FS, 1985), and native vegetation shall be used in landscaping wherever feasible.
- D.(10) Prior to Development Approval* for any subphase, an adequate water supply capacity shall be assured by recalculation of demands using rates established in D.(6) above.
- D.(11) The Developer* shall use wellwater or other non-potable water sources acceptable to Manatee County to meet non-potable water demands.
- D.(12) The Developer* shall minimize the amount of impervious surface within the development in accordance with Sections 2.3.4.2 and 2.3.4.3. of the Comprehensive Plan. This condition applies to Residential South* and Cluster North*.

WASTE WATER CONDITIONS

- E.(1) The Developer* shall recalculate all wastewater management requirements for the entire DRI, including Braden Woods, based on the most recent Manatee County Comprehensive Plan and resubmit with the next application for Development Approval* in order to assure that adequate wastewater treatment capacity will be available.
- E.(2) The Developer* shall continue and expand, as specified in D.(1) and D.(2) above, the program currently underway to monitor shallow ground water quality associated with Braden Woods until the expiration of

this Development Order, unless the Developer* demonstrates such monitoring is not allowed by the Settlement Agreement for River Club. Results shall be provided to the City of Bradenton, Manatee County and TBRPC. Should the monitoring reveal contamination of ground water due to any septic tanks of Braden Woods, Manatee County shall inspect and cause any violation to be corrected by the violator or Manatee County, using the method the County deems most appropriate.

- E.(3) No proposed sewer lift stations shall be built where emergency discharges have the potential for direct discharge into the Braden River, its tributaries, or Evers Reservoir.
- E.(4) The internal waste water collection system and various pumping stations within River Club* and located within dedicated County right-of-way or approved easements shall be provided by the Developer* and dedicated to Manatee County Public Works Department. All facilities accepted for perpetual maintenance and operation must be constructed to meet design standards in effect at the time of construction plan approval.
- E.(5) Proposed sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Utilities Department guidelines with several means of backup, to provide assurance against equipment failure and discharge to the environment. These shall include:
- a) Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box;
 - b) Stations with greater than 35HP motors shall include an onsite stationary generator set with remote transfer capability;
 - c) Wet wells to contain sewage line surcharges/overflows;
 - d) Emergency bypass pumpouts for tank trucks; and
 - e) 100 percent redundancy in lift station pumping equipment.
- E.(6) Manatee County shall monitor project sewer lines within public right-of-way for leaks and ruptures. Faulty lines shall be replaced as quickly as possible.
- E.(7) River Club* shall cooperate with the implementation of a wastewater re-use system when feasible and with the concurrence of Manatee County and, where appropriate, the City of Bradenton.
- E.(8) Disposal of hazardous waste into the sewer system shall be prohibited.

DRAINAGE CONDITIONS

- F.(1) All surface water management appurtenances shall be constructed in accordance with the Manatee County Comprehensive Plan, Manatee County Drainage Criteria and other applicable jurisdictional regulations, except for those portions of the project identified as Braden Woods Phases I-VI and River Club North Phases 1-5 for which all surface water management systems shall be constructed in accordance with Chapter 17-25, F.A.C., SWFWMD Rule 40-D-4, and Manatee County Drainage Criteria in effect at the time the systems were approved; and in accordance with the Developer's* Commitments as stated in the ADA, the Developer* shall construct the stormwater systems for River Club*

phases 4&5 of Single Family North* and Cluster North* to add an additional 50% stormwater treatment within 500 feet of the Braden River and it's major tributaries.

- F.(2) Existing net water flow (groundwater and surface water) contributions from the site to the Braden River watershed shall be maintained and their natural seasonal fluctuations preserved during all phases of development subject to minor variances approved by the County prior to the next Preliminary Development Plan* approval. The Developer* shall provide the County Pollution Control Department and Public Works Department, for their approval, with a wet season/dry season water budget which calculates pre-development and post-development flows to the Braden River Watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done separately for normal and ten-year drought conditions. Should there be a design modification proposed to the stormwater system which may change the approved water budget or an increase in impervious surfaces or modifications of direction of flow, the water budget will be revised and resubmitted for approval by Manatee County Pollution Control Department and Public Works Department. Should the County's Pollution Control Department and Public Works Department analysis of the data provided indicate that groundwater and surface contributions from the site to the Braden River watershed are not being maintained, then the County may require the Developer* to prepare a detailed analysis of the drainage system and a revised drainage plan which includes all appropriate remedial measures.
- F.(3) The Developer* shall warrant, by bond or other mechanism acceptable to the County, the performance of the stormwater management system in compliance with County and State standards for five (5) years beyond the buildout period of development within each hydrologic unit. This condition applies to River Club*.
- F.(4) Beginning within the five-year period and continuing in perpetuity, the Homeowners Association or Special District if established by the County shall be responsible for stormwater monitoring data collection and reporting, operation and maintenance, and renewal and replacement of the stormwater management systems as required in the development approval.
- The County shall have the authority to assess the property owners' Homeowners Association, or create a Special District as an option for continuing performance of the systems in compliance with the standards set forth in the monitoring program. This condition applies to River Club*.
- F.(5) There shall be no net loss of hydrologic storage and conveyance capacity caused by this development within the 100-year floodplain, or an increase in flood elevations as defined by the referenced SWFWMD study. This condition applies to River Club*.

- F.(6) All construction plans must comply with all quality and quantity requirements of the Manatee County Comprehensive Plan, including Section 3.2.1.1, except to the extent that in Braden Woods* and in those areas which have special exception status under VRD-89-03 (approved by the BOCC on November 2, 1989), in which case construction plans must comply with all quality and quantity requirements of the Evers Reservoir Watershed Plan and as stated in Condition F.(1) above.
- F.(7) Prior to the construction plan approval for each Subphase, the Developer* shall demonstrate that it has the right to utilize all off-site areas which are needed for stormwater run-off and to maintain and install such systems as required in the stipulation herein. In the event that such rights are not obtained, the Developer* shall be required to revise its preliminary development plan/subdivision plat to indicate an onsite stormwater management system. This condition applies to River Club*.
- F.(8) Open ditches which carry stormwater drainage from public roads shall be piped to the extent required by Manatee County Department of Public Works, Transportation Division, and approved by the Department of Environmental Regulations, if applicable. This condition applies to River Club*.
- F.(9) As-built topographic data for the golf course drainage basins shall be provided to Manatee County Department of Public Works, Transportation Division prior to Development Approvals* for Residential South*.
- F.(10) Construction of a second means of access, as required in G.(8) herein, shall include provision for stormwater treatment for any impervious surface within the right of way where the second means of access is to be located using design standards set forth in the Manatee County Comprehensive Plan.
- F.(11) Elevations for all habitable structures shall be built in accordance with FEMA regulations.
- F.(12) Best Management Practices for reducing water quality impacts, as recommended by Manatee County and SWFWMD, shall be implemented, including a street cleaning program for parking and roadway areas within the development. Stormwater treatment shall be provided by biological filtration wherever feasible. This condition applies to River Club*.

TRANSPORTATION CONDITIONS

- G.(1) The Acceptable Level of Service*, in accordance with the technical guidelines acceptable to the Tampa Bay Regional Planning Council, the Department of Community Affairs and the Manatee County Comprehensive Plan, Section 5.1.6.1, shall be maintained on all of the roadway segments and intersections located within the River Club* Transportation Impact Area* as provided for in Paragraphs A.(9) and Exhibit B.
- G.(2) Traffic Studies* shall be required with either Preliminary or Final Development Plan* Approval, whichever comes first, pursuant to the Manatee County Land Development Code for each phase of the Development in the event the project is no longer a one phase project. Such studies shall be designed to determine the specific roadway improvements required for Development Approval of the submitted phase to determine if the traffic generated by the proposed phase in combination with prior approvals of this project will reduce the Acceptable Level of Service* on

any roadway segment or intersection in the Transportation Impact Area* and generally depicted on Exhibit B. Such studies shall use a methodology consistent with generally accepted transportation engineering practices, and be acceptable to the County Transportation Authority* and TBRPC. Any such Traffic Study* shall consider traffic to be generated by the proposed PDP, existing traffic and traffic anticipated from all prior Development Approvals* for this DRI and for all other developments impacting the same roadway.

The Developer*, at his option, may update and verify to the Manatee County Transportation and Planning and Zoning Departments that the existing traffic study continues to represent the traffic situation as it exists at the time of Preliminary Development Plan* application approval. The Traffic Study* that will be verified and updated must represent the Subphase of development in which the portion of the project referenced is part.

G.(3) Approval of each Preliminary Development Plan* for each and every Subphase of the project shall be contingent upon satisfaction of one of the following:

- a) Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to the degradation of the Acceptable Level of Service* on any roadway segments or intersections within the Transportation Impact Area*. Prior to approval of each additional Preliminary Development Plan*, the County shall insure in a written finding of fact that the regional roadways within the Transportation Impact Area* are operating at an Acceptable Level of Service* and that the expected trips to be generated by such approval will not cause the roadways to operate below an Acceptable Level of Service*; OR
- b) If approval and development of a Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:
 1. All of the Warranted* improvements to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area* including, but not limited to, the improvements identified on Exhibit B, shall be scheduled for construction commensurate with the buildout schedule for the applicable subphase of River Club* through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a five-year capital improvement program, other local government programming of construction of the improvements within a five-year capital improvements program, or local development agreements pursuant to Section 5.1.6.2 of the Manatee County Comprehensive Plan; OR

2. The Developer* may elect, within thirty (30) days of the Development Order approval, to mitigate the transportation impacts of River Club* through the payment to Manatee County of \$800,000.00 for the construction of transportation projects designed to mitigate the development's impact on transportation as set forth below. This payment has been determined to be in excess of the development's proportionate share for transportation impacts which has been calculated pursuant to approved Subsection 380.06, Florida Statutes methodology.

Manatee County shall utilize this payment to construct or obtain the construction of one or more improvements to State Road 70 in the area between U.S. 301 and Interstate 75. The completion of construction of the project (s) shall be by November 30, 1994.

Any payments due Manatee County shall be paid in cash or by certified check under this subparagraph G.(3).b.2. and shall be paid within thirty (30) days after notice to make payment from the County, which notice shall be given no earlier than ninety (90) days prior to the first advertising for bid(s) related to the selected Transportation Projects under subparagraph G.(3).b.2.

If payment has not been made previously, on or before the approval by the County of the first Final Development Plan*, Developer* shall post an irrevocable letter of credit acceptable to County, to secure the full amount of the payment which shall be subject to being reduced to cash at such time as payments are required to be made for the State Road 70 project (s) as set forth above. Such letter of credit shall be from a federally insured bank or savings and loan association within one hundred (100) miles of Bradenton, Florida. The amount of the irrevocable letter of credit shall not have the effect of establishing the payment amount as being equal to the then existing impact fees due under Manatee County ordinance 86-09. Revisions in the impact fee schedule set forth in said Ordinance shall apply to impact fees due herein, unless the impact fees are paid in cash pursuant to a Fee Agreement prior to any such revisions becoming effective.

- c) Manatee County shall rely upon payments made and shall make financial, construction, and other commitments once payments are made by the Developer*. Prior to any payment made under subparagraph G.(3).b.2, the Developer* shall enter into a written agreement with Manatee County, in a form acceptable to Manatee County, which shall provide that the Developer* understands and agrees that, provided said payments are used as set forth in the written agreement, such payments made pursuant to G.(3).b.2., above, shall be at Developer's risk and shall not be refundable regardless of the enforceability of any other provision contained herein. In the event that the Developer* has posted a Letter of Credit, and no payment has been paid pursuant to subparagraph G.(3).b.2., above, and provided that no more than

2. The Developer* may elect, within thirty (30) days of the Development Order approval, to mitigate the transportation impacts of River Club* through the payment to Manatee County of \$8,000,000.00 for the construction of transportation projects designed to mitigate the development's impact on transportation as set forth below. This payment has been determined to be in excess of the development's proportionate share for transportation impacts which has been calculated pursuant to approved Subsection 380.06, Florida Statutes methodology.

Manatee County shall utilize this payment to construct or obtain the construction of one or more improvements to State Road 70 in the area between U.S. 301 and Interstate 75. The completion of construction of the project (s) shall be by November 30, 1994.

Any payments due Manatee County shall be paid in cash or by certified check under this subparagraph G.(3).b.2. and shall be paid within thirty (30) days after notice to make payment from the County, which notice shall be given no earlier than ninety (90) days prior to the first advertising for bid(s) related to the selected Transportation Projects under subparagraph G.(3).b.2.

If payment has not been made previously, on or before the approval by the County of the first Final Development Plan*, Developer* shall post an irrevocable letter of credit acceptable to County, to secure the full amount of the payment which shall be subject to being reduced to cash at such time as payments are required to be made for the State Road 70 project (s) as set forth above. Such letter of credit shall be from a federally insured bank or savings and loan association within one hundred (100) miles of Bradenton, Florida. The amount of the irrevocable letter of credit shall not have the effect of establishing the payment amount as being equal to the then existing impact fees due under Manatee County ordinance 86-09. Revisions in the impact fee schedule set forth in said Ordinance shall apply to impact fees due herein, unless the impact fees are paid in cash pursuant to a Fee Agreement prior to any such revisions becoming effective.

- c) Manatee County shall rely upon payments made and shall make financial, construction, and other commitments once payments are made by the Developer*. Prior to any payment made under subparagraph G.(3),b.2, the Developer* shall enter into a written agreement with Manatee County, in a form acceptable to Manatee County, which shall provide that the Developer* understands, and agrees that, provided said payments are used as set forth in the written agreement, such payments made pursuant to G.(3).b.2., above, shall be at Developer's risk and shall not be refundable regardless of the enforceability of any other provision contained herein. In the event that the Developer* has posted a Letter of Credit, and no payment has been paid pursuant to subparagraph G.(3).b.2., above, and provided that no more than

250 units have been constructed in River Club* and if the Developer* is legally prohibited from utilizing the mitigation option set forth in subparagraph G.(3).b.2 above, then Manatee County shall release said irrevocable Letter of Credit. The County may withhold any development orders which may be issued in accordance with this subsection until said agreement has been executed by the Developer*, approved by the Board of County Commissioners, and recorded in the Public Records of Manatee County.

In the event Manatee County fails to construct or have constructed the Transportation Project(s) pursuant to the approved construction timing all development activity, including the issuance of building permits and certificates of occupancy, development shall cease in River Club* and no development may proceed under this Development Order unless the requirements of either subparagraphs G.(3).a. or G.(3).b.1 of stipulation G.(3) are met. This paragraph shall not be construed as a waiver or granting of any rights by or to the Developer* against Manatee County for Manatee County's failure to construct the Transportation Project(s).

In the event the Developer* fails to pay his proportionate share as defined in subparagraph G.(3).b.2 in a timely manner set forth therein, the options to the Developer* under subparagraph G.(3).b.2 shall terminate.

G.(4) If the Traffic Studies* required in paragraph G.(2) above show that Acceptable Levels of Service* are not being maintained on the roadway segments listed in Exhibit B-2, or if the provisions of paragraph G(3) above are not met, then Manatee County shall withhold Development Approval*. Development Approval* shall be withheld until the provisions of paragraph G(3) are met. This provision shall not be construed so as to obligate Manatee County to participate in the construction or funding for construction of said improvements except when said improvements are identified in the County's Transportation Improvement Plan.

G.(5) The River Club development will have substantial negative impact on several regionally significant highway facilities within the primary impact area. Transportation system improvements required to mitigate the negative impact of this proposed development have been identified in the ADA and by TBRPC in this report. It may be unreasonable to expect that necessary roadway improvements, to meet the needs generated by this development, can be implemented within the existing funding and capital improvements programs for this area of the region. Impact fees, coupled with other revenue sources, are appropriate funding sources for capital improvements but are normally inadequate to address impacts of this magnitude. To approve this development the significant transportation system deficiencies must be mitigated.

Because of the deficiencies of the existing transportation system, and negative impacts of this project, the following measures are necessary as a condition of any approval.

When Certificates of Occupancy have been issued for 500 dwelling units (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 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 total trips exceed projected counts by more than 15 percent, a substantial deviation shall be presumed and Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and may amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the developer or reviewing agencies to request Development Order amendments.

- G.(6) Collector alignment, cross section and right-of-way criteria, as established by Manatee County, must be followed for the development of Linger Lodge Road and for the stubs which will form connectors to the ultimate easterly and westerly extensions of this road.
- G.(7) All roads and structures within future public rights-of-way shall be constructed in accordance with the latest applicable standards of the appropriate public entity.
- G.(8) The Developer* shall assure that all necessary right-of-way is dedicated to Manatee County and shall design and complete the construction of the south entrance to River Club* from the River Club* project to an easterly extension of University Parkway prior to approval of any Final Subdivision Plat for Residential South* and prior to any Final Plat Approval for the 251st* unit in River Club*. This condition also includes the extension of University Parkway from I-75 to the River Club South* entrance, which shall be located at least one-half (1/2) mile from the I-75/University Parkway Interchange in accordance with Section 5.1.5.3 of the Manatee County Comprehensive Plan. Construction of these two roadways will perform the following functions:
- a) Provide needed access to both River Club* and Braden Woods* for the thirty-six percent (36%) of project generated trips;
 - b) Provide an alternate route to the project in the event the multi-laning of SR 70 is delayed for an indeterminate time;
 - c) Provide a second means of access to River Club South* as required by the Manatee County Land Development Code before Final Plat Approval for the first 50 units south of the Braden River;
 - d) Provide access for the Fire Department and other public safety services;
 - e) Provide a portion of the Transportation System;
 - f) Provide a secondary means of access for the General Public from University Parkway to State Road 70, especially in the event of problems with the I-75 bridge over the Braden River.
 - g) This roadway shall be considered to serve the function of an Operational Use as set forth in Manatee County Ordinance 86-09.

Construction shall be of 2 lanes and shall be in conformance with Manatee County standards for the

roadway classification. Construction plans for all of these roadways shall be approved by the Manatee County Public Works Department.

Upon completion of construction of the roadways set forth in this Stipulation G.(8), Developer* shall pay to Manatee County a sum equal to the projected impact fees for the Transportation component for all units of River Club* that have not yet paid impact fees to Manatee County less sums paid pursuant to Stipulation G.(3), less that portion of the costs to construct the roadways set forth in this stipulation G.(8) that is creditable under Manatee County Ordinance 86-09. Manatee County shall utilize this payment to construct or obtain the construction of one (1) or more improvements to State Road 70 in the area between U.S. 301 and Interstate 75 or to a parallel roadway designed to relieve traffic on State Road 70.

Any payments due Manatee County shall be paid in cash or by certified check and shall be paid within thirty (30) days after notice to make payment from the County, which notice shall be given no earlier than ninety (90) days prior to the first advertising for bid(s) related to the selected Transportation Projects.

If payment has not been made previously, on or before the approval by the County of the first Final Development Plan, Developer* shall post an irrevocable letter of credit acceptable to County, to secure the full amount of the payment which shall be subject to being reduced to cash at such time as payments are required to be made for the State Road 70 project(s) as set forth above. Such letter of credit shall be from a federally insured bank or saving and loan association within one hundred (100) miles of Bradenton, Florida. The amount of the irrevocable letter of credit shall not have the effect of establishing the payment amount as being equal to the then existing impact fees due under Manatee County Ordinance 86-09. Revisions in the impact fee schedule set forth in said Ordinance shall apply to impact fees due herein, unless the impact fees are paid in cash pursuant to a Fee Agreement prior to any such revisions becoming effective.

Manatee County shall rely upon payments made and shall make financial, construction, and other commitments once payments are made by the Developer*. Prior to any payment made under this section, the Developer* shall enter into a written agreement with Manatee County, in a form acceptable to Manatee County, which shall provide that the Developer* understands, and agrees that, provided said payments are used as set forth in the written agreement, such payments made shall be at Developer's risk and shall not be refundable regardless of the enforceability of any other provision contained herein. In the event that the Developer* has posted a Letter of Credit, and no payment has been paid pursuant to this section, and if the Developer* is legally prohibited from utilizing the mitigation option set forth in subparagraph G.(3).b.2. herein, then Manatee County shall release said irrevocable Letter of Credit. The County may withhold any development orders which may be issued in accordance with this subsection until said agreement has been executed by the Developer*, approved by the Board of County Commissioners, and recorded in the Public Records of Manatee County.

Any payments provided by the Developer* to the County shall receive credits toward transportation component impact fees subsequently due Manatee County if such credits are allowed under Manatee County Ordinance 86-09, as it may be amended from time to time. Such payments shall not prevent Manatee County from revising

or increasing the impact fees due from the Developer* to which applicable advance sums shall be applied, unless the impact fees have been paid pursuant to a fee agreement pursuant to Manatee County Ordinance 86-09.

- G.(9) Golf cart crossings on River Club Boulevard shall be located at intersections with proper signage and/or traffic control devices at Developer's* expense, at all golf cart crossings.
- G.(10) Inter-neighborhood ties shall be provided in River Club*. Specifically, one stubout road to the east (north of the Braden River), and two stubouts to both the east and west (south of the Braden River) shall be provided. At the time of Preliminary Development Plan* approval of Residential South*, the Developer* shall coordinate stubout roads to the east to connect with the roadway system proposed within Cypress Banks.
- G.(11) In River Club*, Developer* may substitute cluster and/or villas for single family residential units or single family residential units for cluster and/or villas at the following ratios:
- a. One single family residential unit shall be equal to each 1.76 cluster and/or villas.
 - b. One cluster or villa shall be equal to each .57 single family residential units.

Nothing herein shall allow more than 1,000 residential units in River Club*.

- G.(12) Any payments provided by the Developer* to the County under stipulation G.(3) above shall receive credits toward transportation component impact fees subsequently due Manatee County if such credits are allowed under Manatee County Ordinance 86-09, as it may be amended from time to time. Such payments shall not prevent Manatee County from revising or increasing the impact fees due from the Developer* to which applicable advance sums shall be applied, unless the impact fees have been paid pursuant to a fee agreement pursuant to Manatee County Ordinance 86-09.

PUBLIC FACILITIES CONDITIONS

- H.(1) The Developer* shall negotiate and enter into agreement with the Manatee County School Board for the dedication of a ten-acre school site, either on or off the River Club site, with an option for an additional five (5) acres contiguous to the school site to be purchased for school/local park use. These negotiations shall be complete prior to Preliminary Development Plan* approval of Residential South*.
- H.(2) The Developer* shall establish one or more Homeowners Associations for the project for the maintenance and preservation of all areas identified in the Final Development Plan* as common, landscaped, and recreational open space. This condition applies to River Club*.
- The golf course shall remain as a golf course or open space in perpetuity.
- H.(3) The Developer* shall develop and implement an overall pedestrian circulation plan for the River Club* development in accordance with the standard in the Manatee County Comprehensive Plan and shall be submitted with next Preliminary or Final Development Plan* Approval. Regardless of the prior waiver granted with the Preliminary Development Plan* for

Residential North* PDR-86-5(P)/86-S-18(P), sidewalks shall be constructed from the school property south along River Club Boulevard to the southern boundary of the project.

- H.(4) The Developer* shall insure that the buffer along jurisdictional areas, as required in condition C.(6), shall be kept clear of debris and other litter, including lawn clippings or cuttings, at all times.
- H.(5) An area of 10.8 acres of recreational open space shall be provided by the Developer* located within the boundaries of the Development or on adjoining or nearby land, in accordance with Section 10.3 of the Comprehensive Plan. The Preliminary Development Plan* shall reflect this requirement. The designated recreation and open space areas on the River Club* site shall be accessible by the handicapped and shall be held inviolate against diversion to other uses.
- H.(6) The Developer* shall contribute a pro rata share of the cost to construct and equip the Sheriff Department's portion of a new Public Services Building to serve this portion of the Southeast Sector. The timing and amount of the required financial contribution shall be determined before the next Preliminary Development Approval* for this project, unless extended by County.
- H.(7) The Developer* shall contribute a pro rata share of the cost of all capital improvements/facilities necessary to offset the impact of River Club* on fire protection services. Such pro rata share shall include, but not be limited to the cost to construct and equip a fire station on a site to be negotiated between the applicant and the Braden River Fire and Rescue District. If applicable, such pro rata share shall include an amount to be negotiated between the applicant and the Oneco-Tallevast Fire Control District recognizing any credits due for contribution of a site. The timing and amount of the required financial contributions to both fire districts shall be determined before the next Preliminary Development Plan Approval*.
- H.(8) The Developer* shall contribute a pro rata share of the cost of providing emergency medical service (EMS) to the development. The timing and amount of the required financial contribution shall be determined before the next Preliminary Development Plan Approval* for this project, unless extended by the County.
- H.(9) River Club* shall be designed and constructed to meet or exceed state and local fire codes and regulations.
- H.(10) Assurances shall be required when application is made for Development Approval* of each Phase* that adequate electrical service be available to serve the project development.
- H.(11) The following energy conservation measures shall be utilized as economically feasible.
- a) Recycling programs shall be instituted.
 - b) Innovative energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration shall be employed, as feasible.
 - c) Progress on these energy conservation measures shall be included in each annual report.

- H.(12) Residential areas of River Club shall be located and designed to protect life and property from natural and manmade hazards such as flooding, excess traffic, subsidence, noxious odors and noise.
- H.(13) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer* shall, prior to Final Development Plan* Approval for Residential South*, conduct an analysis of housing needs to be created by the development and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the development. This analysis and determination shall be accomplished using a methodology approved by the Department of Community Affairs. If such analysis indicates that the development will create substantial need for adequate housing that is not being provided by other residential developments proximate to the development or if such analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer* shall prepare a Housing Affordability and Implementation Plan (HAIP) and adopt the HAIP as an amendment to this Development Order. The HAIP shall comply with the goals and standards established by the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, Manatee County's Comprehensive Plan, and all applicable rules and policies established by the state land planning agency prior to the Final Development Plan* approval for Residential South*.

At a minimum, the HAIP shall contain:

- a) Specific provisions for onsite housing delivery, including housing delivery alternatives;
- b) Specific provisions for offsite housing in addition to onsite housing or when onsite housing would be impracticable;
- c) Specific mechanisms for HAIP implementation;
- d) Provisions to ensure continued adequacy of units provided;
- e) Monitoring provisions;
- f) Location and placement of adequate housing units; and
- g) An assessment of the HAIP and its relationship to the local Comprehensive Plan in regard to the need for adequate housing.

The HAIP may also contain:

- h) Proposed provisions for crediting the Developer* for activities that address adequate housing opportunities; or
- i) Proposed Developer* incentives for providing adequate housing opportunities such as density bonuses, density transfers, alternative or expedited development review, or partial or full fee waivers.

GENERAL CONDITIONS

- I.(1) The Developer* shall be required to adhere to any and all commitments made in the ADA and subsequent

sufficiency responses listed in Exhibit D attached hereto, and by reference incorporated herein, unless that commitment is specifically superseded by a Development Order Condition.

- I.(2) The Developer* shall adhere to the following soil, wind, and water erosion abatement methods:
- a) Preserve existing trees as buffers between adjacent developed areas and these areas and roads to the maximum extent possible;
 - b) Control development progress so that a minimal amount of acreage is cleared at any one time;
 - c) Control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal;
 - d) Preserve natural land cover by selectively clearing of site;
 - e) Sod or seed and fertilize cleared areas immediately upon completion of grading activities;
 - f) Utilize water spray trucks to suppress and control dust generation in heavy construction areas;
 - g) Design swales, ditches and culverts for a maximum velocity of 2.0 feet per second for a non-sodded area (may include existing drainage ways) and 4.0 feet per second for sodded areas.
 - h) Preserve the existing natural vegetation along the Braden River, and tributaries, to minimize the potential for erosion during construction.
- I.(3) The Developer* shall submit a plan to Manatee County and the TBRPC for using non-potable water for landscape and open space irrigation with each Preliminary Development Plan*.
- I.(4) The Developer* shall maintain all water lines and appurtenances not dedicated to the County.
- I.(5) 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 Manatee County.
- I.(6) The availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire, and EMS service shall be demonstrated with all Preliminary Development Plan* submittals.
- I.(7) Manatee Joint Venture, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), FS, to Manatee County, and the Tampa Bay Regional Planning Council, the State Land Planning Agency and other agencies, as may be appropriate, on the anniversary of the effective date of this Order and each year thereafter until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of Manatee County Planning and Zoning Department, or the Director's designee, whoshall review the report for compliance with the terms and conditions of this Order and may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are

necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of conditions as to any terms or conditions of this Order. The annual report shall contain the following:

- a) Any changes in the plan of development, or in the representation contained in the ADA, or in the phasing for the reporting year and for the next year;
- b) A summary comparison of development activity proposed and actually conducted for the year;
- c) Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;
- d) Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
- e) An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council or the Department of Community Affairs as being significant.
- f) Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
- g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the Development Order was issued;
- h) A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
- i) A statement that all persons have been sent copies of the annual report in conformance with Subsections 380-06(14) and (16), Florida Statutes; and
- j) 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(14)(d), Florida Statutes.

I.(8) Should the Developer* fail to conduct monitoring or maintenance in accordance with the provisions of this Development Order, all construction within River Club* shall cease until monitoring or maintenance as required herein has been performed in accordance with all applicable time schedules and conditions.

I.(9) All commitments made in the Developer's* August 16, 1989 letter to Manatee County, as set forth on Exhibit D, and ADA must be adhered to.

- I.(10) All federal and all state permits required for each Subphase must be obtained in advance of approval of the Final Subdivision Plat or Final Development Plan*, whichever is later, for that Subphase by Manatee County. This condition applies to Residential South* and Cluster North*.
- I.(11) The Developer* shall establish homeowners associations for the residential portion of River Club*. The homeowners associations shall warrant, by bond or other mechanism acceptable to the County, in accordance with the requirements of the Watershed Overlay District in the Manatee County Comprehensive Plan, the performance of the stormwater management system in compliance with County and State standards, for five (5) years beyond the buildout period of development within each hydrologic unit. After buildout, the homeowners associations or districts shall be responsible for stormwater monitoring data collection and reporting, operation and maintenance, and renewal and replacement of the stormwater management systems as required in this development approval. The County shall have the authority to inspect such systems and assess the associations, individual properties, or special district for continuing performance of the systems in compliance with the standards set forth in the monitoring program.
- I.(12) Prior to the next Preliminary Development Plan Approval* for Residential South*, the applicant shall provide the conceptual permit for the entire site from the Southwest Florida Water Management District and submit a copy of same to Manatee County Pollution Control.
- I.(13) Prior to approval of Final Development Plans* or Final Subdivision Plat*, whichever is later, for each Subphase, the applicant must obtain a construction permit from the Southwest Florida Water Management District and a copy of same submitted to Manatee County Pollution Control.
- I.(14) The final platting of the golf course shall be accomplished concurrently with the final platting of adjacent residential subphases of River Club* and shall be completed by the time of final platting of the last Subphase of River Club*.
- I.(15) Any approval of this development resulting in excess infrastructure capacity constructed to potentially serve later development shall be at the Developer's risk and shall not vest later Subphase development rights, subject to the rights recognized in VRD-89-03.
- I.(16) The Outparcel Site* shall remain vacant and is not approved for any development, unless and until an amendment of the Development Order is approved by the Board of County Commissioners.
- I.(17) This Development Order shall expire on December 31, 1995, except for the provisions relating to monitoring and maintaining the stormwater and groundwater quantity and quality and for the construction of single family homes by individual lot owners.
- I.(18) This Resolution shall constitute a Development Order issued in accordance with Chapter 380, FS (TBRPC and Chapter 380.06 FS).
- I.(19) All development of the single family lots in Braden Woods* is completed and Developer* proposes no development for this land. Braden Woods* has been

included in this DRI so that the regional impact of all the lands contained herein can be reviewed in connection with development of River Club*. Therefore, individual lot owners' lands, lands owned by Homeowners Associations, and construction of homes in Braden Woods* are not subject to the conditions of development contained herein. For the purposes of considering substantial deviations or other amendments, the Developer* shall consider all of the River Club* DRI project, including Braden Woods*.

- I.(20) The Developer* shall within sixty (60) days after notice by Manatee County of the amount of fees due and owing, pay all fees owed to Manatee County for the review of the River Club* DRI. (This Development Order will terminate automatically if payment is not received.)

SECTION 6. LEGAL DESCRIPTION:

A parcel of land lying in Sections 18, 19, 30 and 31, Township 35 South, Range 19 East, Manatee County, Florida, being described as follows:

Begin at the N.E. corner of said Section 30; Thence S 00°21'40", along the east line of said Section 30, a distance of 420 feet, more or less, to the southerly ordinary high water line of the Braden River; Thence northwesterly along the said ordinary high water line, a distance of 5000 feet, more or less, to the occupied east line of the S.W. 1/4 of the S.W. 1/4 of aforesaid Section 19; Thence N 00°13'51" W, along said east line, a distance of 1000 feet, more or less, to the S.E. corner of Tract "D" of Braden Woods Subdivision, Phase VI, as recorded in Plat Book 23, Page 3 of the Public Records of Manatee County, Florida, said point also being a point on the arc of a curve to the left whose radius point bears N 66°36'02" E, at a distance of 700.00 feet; Thence along the boundary of said subdivision the following twenty courses; southeasterly along the arc of said curve through a central angle of 00°28'30", a distance of 5.80 feet; Thence N 67°21'12" E, a distance of 268.30 feet; Thence S 89°32'48" E, a distance of 401.49 feet; Thence N 31°27'00" E, a distance of 634.04 feet; Thence N 83°27'00" E, a distance of 230.00 feet; Thence S 06°33'00" E, a distance of 293.93 feet; Thence S 51°33'00" E, a distance of 150.00 feet; Thence N 78°48'07" E, a distance of 271.92 feet; Thence N 41°42'20" E, a distance of 572.09 feet; Thence N 58°33'50" W, a distance of 945.24 feet; Thence S 74°57'00" W, a distance of 393.25 feet; Thence S 31°57'00" W, a distance of 662.40 feet; Thence S 07°03'00" E, a distance of 478.24 feet; Thence N 89°32'48" W, a distance of 284.00 feet; Thence S 67°21'12" W, a distance of 3.33 feet to a point on the arc of a curve to the right whose radius point bears N 67°21'12" E, at a distance of 431.80 feet; Thence northerly along the arc of said curve through a central angle of 23°06'00", a distance of 174.09 feet to the P.T. of said curve; Thence N 00°27'12" E, a distance of 165.72 feet to the P.C. of a curve to the right having a radius of 1181.80 feet; Thence northerly along the arc of said curve, through a central angle of 21°24'32", a distance of 441.58 feet to the P.R.C. of a curve to the left having a radius of 1618.20 feet; Thence northerly along the arc of said curve through a central angle of 21°24'32", a distance of 604.65 feet to the P.T. of said curve; Thence N 00°27½'12" E, a distance of 3808.61 feet to the southerly right of way line of State Road 70 (Section 13075-2402); Thence along said right of way line the following six courses; S 70°20'03" E, a distance of 921.35 feet; and S 70°25'18" E, a distance of 257.11 feet to the P.C. of a curve to the left having a radius of 2996.79 feet; and easterly along the arc of said curve through a central angle of 03°37'01", a distance of 189.18 feet to the P.T. of said curve; and S 74°02'19" E, a distance of 421.41 feet to the P.C. of a curve to the right having a radius of 2732.79 feet; and easterly along the arc of said curve through a central angle of 03°37'01", a distance of 172.51 feet to the P.T. of said curve; and S

70°25'18" E, a distance of 237.68 feet; Thence S 19°34'42" W, a distance of 725.90 feet to the P.C. of a curve to the left having a radius of 1862.66 feet; Thence southerly along the arc of said curve through a central angle of 42°32'22", a distance of 1382.94 feet; Thence N 67°02'20" E, a distance of 512.66 feet to the P.C. of a curve to the right having a radius of 750.00 feet; Thence easterly along the arc of said curve through a central angle of 23°32'30", a distance of 308.16 feet to the P.T. of said curve; Thence S 89°25'10" E, a distance of 368.57 feet to the east line of aforesaid Section 19; Thence S 00°34'50" W, along said east line, a distance of 3999.43 feet to the point of beginning.

Together with and including the following described parcel:

Begin at the S.E. corner of said Section 30; Thence N 89°39'07" W, a distance of 4603.90 feet to the S.W. corner of said Section 30; Thence N 00°21'32" E, a distance of 2698.55 feet to the west 1/4 corner of said Section 30; Thence N 01°22'25" E, along the west line of said Section 30, a distance of 1050 feet, more or less, to the southerly ordinary high water line of the Braden River; Thence northeasterly and southeasterly along said ordinary high water line, a distance of 8400 feet, more or less, to the east line of aforesaid Section 30; Thence S 00°21'40" W, a distance of 4894 feet, more or less to the point of beginning.

Together with the N.W. 1/4 of the N.W. 1/4 and the west 1/4 of the N.E. 1/4 of the N.W. 1/4 of Section 31, Township 35 South, Range 19 East, Manatee County, Florida.

Together with and including the following described parcel:

Commence at the N.W. corner of Lot 1, Block 2 of Braden Woods Subdivision, Phase I, as recorded in Plat Book 21, Page 5 of the Public Records of Manatee County, Florida; Thence along the east right of way line of Braden Run, as shown on said subdivision the following two courses; N 00°27'12" E, a distance of 29.27 feet to the P.C. of a curve to the right having a radius of 558.00 feet; and northerly along the arc of said curve through a central angle of 28°03'19", a distance of 273.23 feet to the point of beginning; Thence continue along said east right of way line the following three courses; northeasterly along the arc of said curve through a central angle of 04°01'59", a distance of 39.28 feet to the P.T. of said curve; and N 32°32'30" E, a distance of 227.04 feet to the P.C. of a curve to the left having a radius of 642.00 feet; and northeasterly along the arc of said curve through a central angle of 12°52'33" a distance of 144.28 feet to the southerly right of way line of State Road 70; Thence S 70°20'03" E, along said right of way line, a distance of 392.15 feet; Thence S 19°39'57" W, a distance of 431.80 feet; Thence N 70°20'03" W, a distance of 441.58 feet to the P.C. of a curve to the right having a radius of 25.00 feet; Thence northerly along the arc of said curve through a central angle of 98°50'34", a distance of 43.13 feet to the point of beginning. Lying and being in Section 18, Township 35 South, Range 19 East, Manatee County, Florida.

All of the above described land subject to pertinent easements, rights of way, and restrictions of record.

All of the above containing 964.22 acres, more or less.

Braden Woods Phases I through VI description included for limited purposes:

Braden Woods Subdivision, Phase I as recorded in Plat Book 21, Page 5 of the Public Records of Manatee County, Florida; and together with Braden Woods Subdivision, Phase II as recorded in Plat Book 21, Page 59 of the Public Records of Manatee County, Florida; and together with Braden Woods Subdivision, Phase III as recorded in Plat Book 21, Page 129 of the Public Records of Manatee County, Florida; and together with Braden Woods Subdivision Phase IV as recorded in Plat Book 21, Page 159 of the

Public Records of Manatee County, Florida; and together with Braden Woods Subdivision, Phase V as recorded in Plat Book 22, Page 97 of the Public Records of Manatee County, Florida; and together with Braden Woods Subdivision, Phase VI as recorded in Plat Book 23, Page 35 of the Public Records of Manatee County, Florida. Lying and being in Sections 18 and 19, Township 35 South, Range 19 East, and Sections 13 and 24, Township 35 South, Range 18 East, Manatee County, Florida.

Subject to pertinent easements, rights of way, and restrictions of record.

Containing 575.46 acres, more or less.

SECTION 7. SEVERABILITY. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE. This Resolution shall take effect upon being adopted by the Board of County Commissioners.

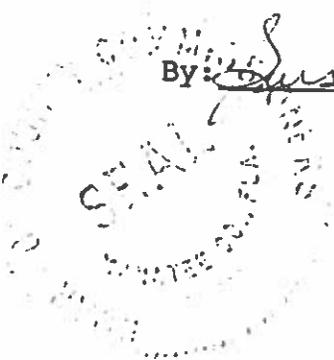
PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida this 30th day of November, 1989.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Pamela M. Glass*
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

BY: *Susan G. French* DC



AFFIDAVIT OF POSTING OF PUBLIC NOTICE SIGN, AND
NOTIFICATION BY MAIL TO CONTIGUOUS PROPERTY OWNERS

STATE OF FLORIDA
COUNTY OF MANATEE

BEFORE ME, the undersigned authority, personally appeared Larry J. D'Urso, Jr., who, after having been first duly sworn and

put upon oath, says as follows:

1. That he is the President of Pursley, Inc. the Managing Partner of Manatee Joint Venture the owner (owner, agent for owner), attorney in fact for owner, etc.) of the property identified in the application for

DRI No. 18, to be heard on

October 4, 1989

and as such, is authorized to execute and make this Affidavit and is familiar with the matters set forth herein and they are true to the best of his knowledge, information and belief.

2.. That the Affiant has caused the required public notice sign to be posted pursuant to Manatee County Ordinance No. 81-4 on the property identified in said application and said sign was conspicuously posted 5 feet from the front property line on the 14th day of August, 1989.

3. That the Affiant has caused the mailing of the required letter of notification to contiguous property owners pursuant to Manatee County Ordinance 81-4, by 1st Class Mail, on the 15th day of September, 1989, and attaches hereto as part of and incorporated herein, copies of said letters of notification.

4: That Affiant is aware of and understands that failure to adhere to the provisions of Manatee County Ordinance No. 81-4 as it relates to the above matters may cause the above-identified application and any public hearing held thereon to be ineffective and a nullity.

FURTHER YOUR AFFIANT SAITH NOT.

Sworn to and subscribed before me this 15th day of September, 1989



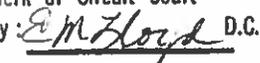
Notary Public



Notary Public State of Florida at Large

My Commission Expires: NOTARY PUBLIC, State of Florida at Large
My Commission Expires October 22, 1991
BONDED BY AUTO OWNERS INSURANCE CO

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of RESOLUTION NO. _____ adopted by the Board of County Commissioners of said County on the _____ day of _____, 1989, this _____ day of _____, 1989, in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: 

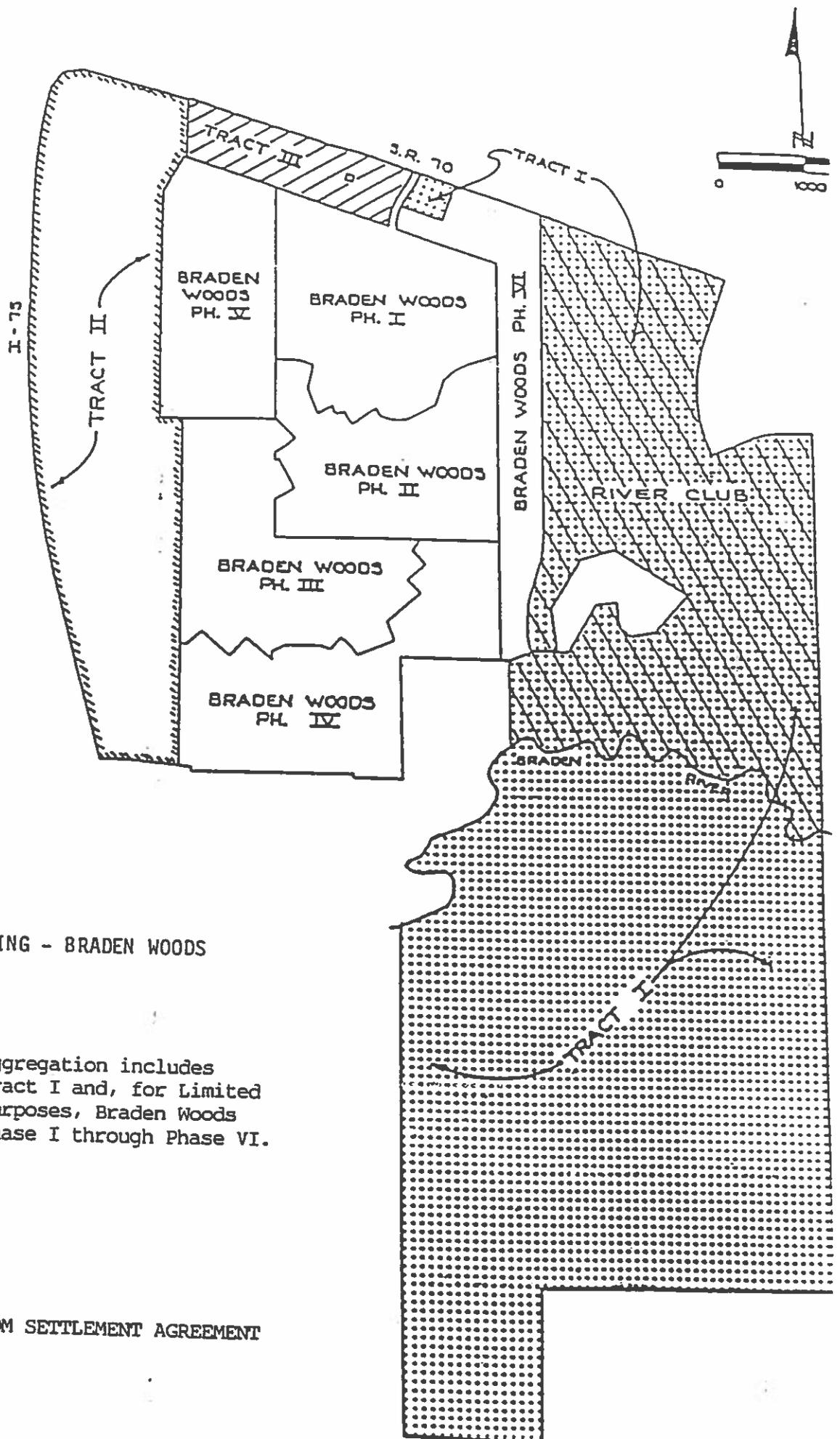
D.C.

EXHIBIT A

Master Development Plan

Application for Development Approval (free standing documents)

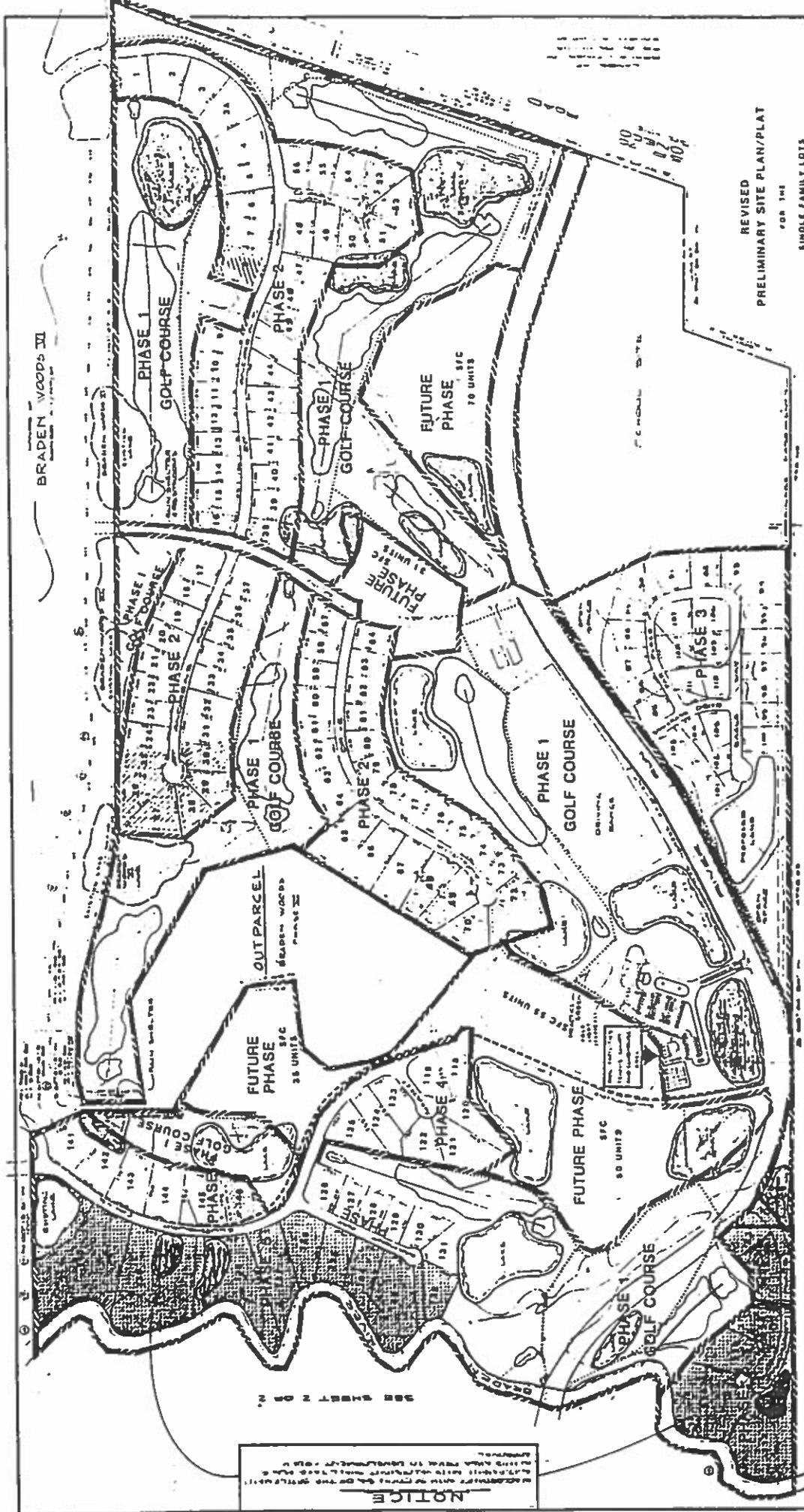
Sufficiency Responses (free standing)



PHASING - BRADEN WOODS

NOTE: Aggregation includes Tract I and, for Limited Purposes, Braden Woods Phase I through Phase VI.

MAP FROM SETTLEMENT AGREEMENT



REVISED
PRELIMINARY SITE PLAN/PLAT
FOR THE
SINGLE FAMILY LOTS
AND
SINGLE FAMILY CLUSTER (SFC) UNITS
AT
RIVER CLUB NORTH
LOCATED IN
SECTIONS 10, 11 & 20, TWP. 20 - S., RGE. 10 - E.,
MANASSAS COUNTY, FLORIDA
88889 0 0 0

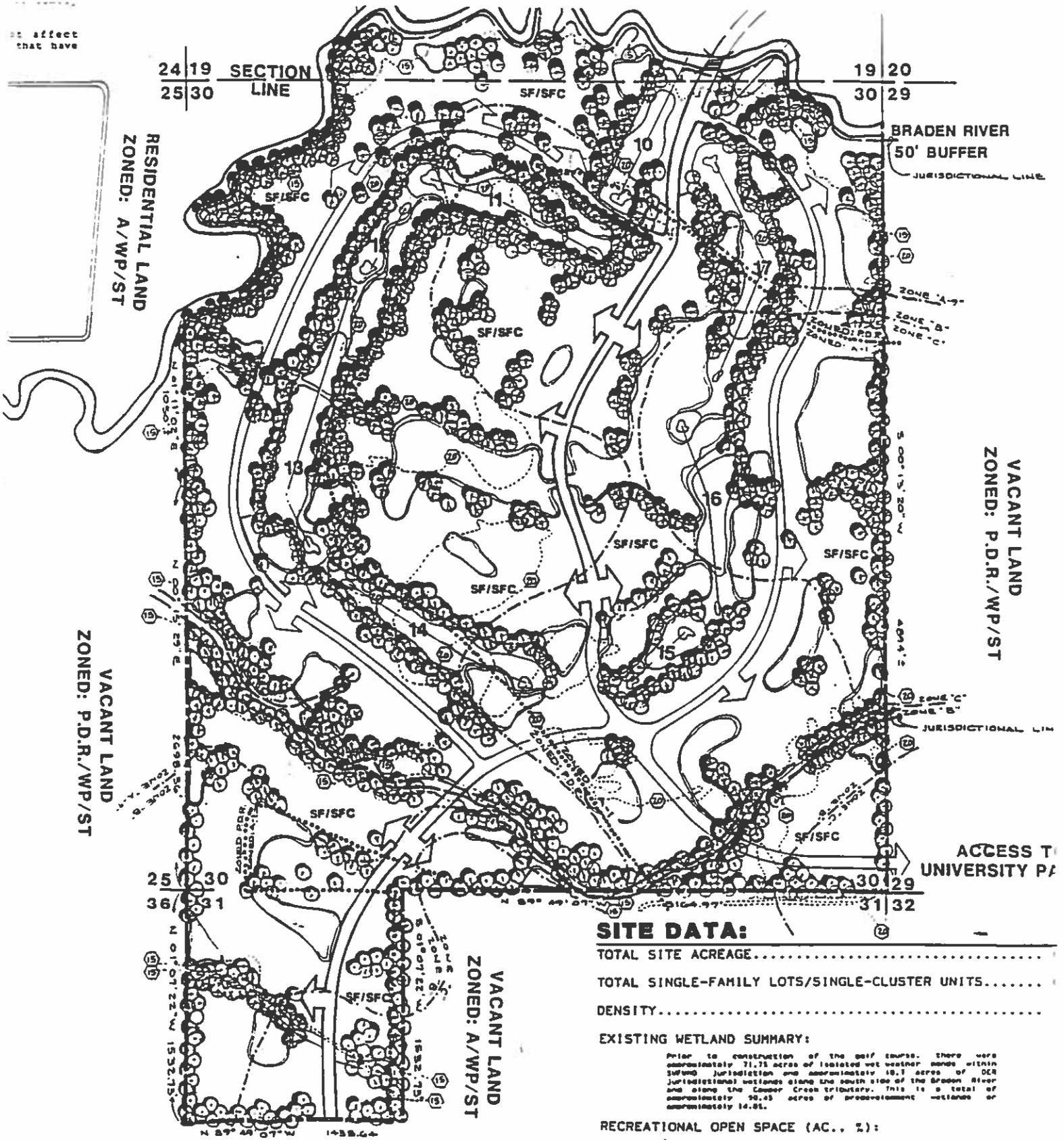


Loftis, Chapoy & Shroyer, Inc.
Engineers, Architects, Surveyors, Planners
10000 W. 11th Street, Suite 100
Manassas, Virginia 20108
Tel: (703) 790-1111
Fax: (703) 790-1112

- NOTES:**
1. SEE SECTIONS 10, 11, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

NOTICE
RECORDING THIS PLAN SHALL CONSTITUTE ACCEPTANCE BY THE PLANNING BOARD OF THE PRELIMINARY SITE PLAN AND THE PLANNING BOARD'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION THEREON. THE PLANNING BOARD'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION THEREON.

to affect that have



SITE DATA:

TOTAL SITE ACREAGE.....
 TOTAL SINGLE-FAMILY LOTS/SINGLE-CLUSTER UNITS.....
 DENSITY.....

EXISTING WETLAND SUMMARY:

Prior to construction of the golf course, there were approximately 71.75 acres of isolated wet water ponds within subunit jurisdiction and approximately 16.1 acres of DEC jurisdictional wetlands along the south side of the Braden River and along the Cammer Creek tributary. This is a total of approximately 87.85 acres of predevelopment wetlands of approximately 14.85.

RECREATIONAL OPEN SPACE (AC., %):

The common recreational open space is provided for both River Club South and North on River Club North in the area reserved for the existing clubhouse and parking lot, tennis courts and pool, the driving range and jogging paths. The recreational open space area reserved for both River Club South and North is approximately 28 acres or 23. Required recreational area for River Club South and North
 = (252 lots x 723.7) + 741 units = 567.13(1) = 16.89 acres or 1.9%
 41.500

**POTENTIAL SITE PLAN
 FOR
 RIVER CLUB SOUTH**

LOCATED IN
 TOWNSHIP 25 SOUTH, RANGE 19 EAST

REVISIONS

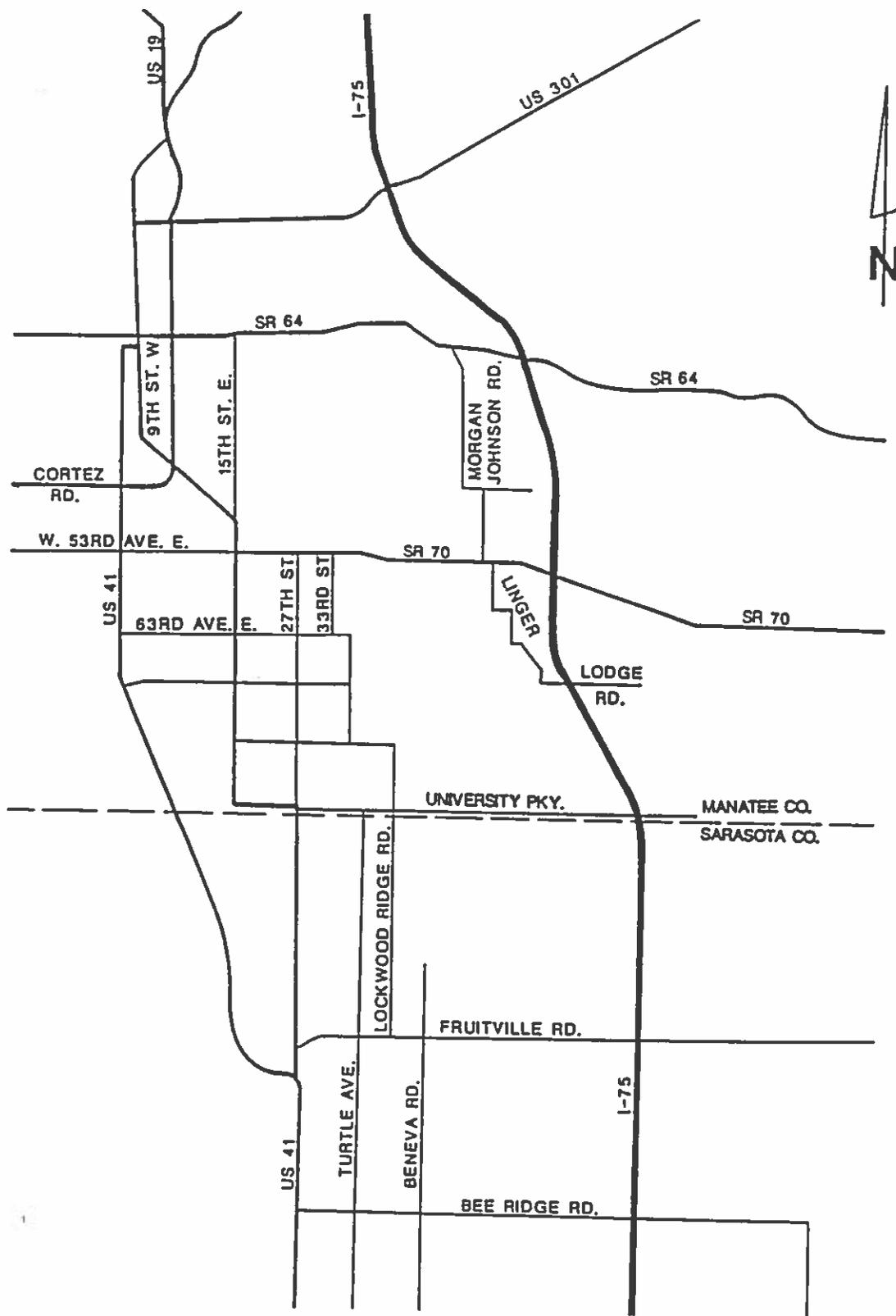
1	_____
2	_____
3	_____
4	_____
5	_____
6	_____
7	_____

Zoller, Najjar & Shroyer, Inc.
 Engineers, Planners, Surveyors & Landscape Architects

DESIGNED 3/13/85 CHECKED _____ DATE 11/13/85
 DRAWN A.P. COMP _____ JOB NO 155-10285 FILE NO _____

EXHIBIT B

Transportation Impact Area



TRANSPORTATION IMPACT AREA

EXHIBIT B TABLE
AFFECTED TRANSPORTATION FACILITIES

SR 64

- I-75 to Morgan Johnson Road
- Morgan Johnson Road to US 301

SR 70

- River Club Entrance to Braden Woods Entrance
- Braden Woods Entrance to I-75
- I-75 to Morgan Johnson Road
- Morgan Johnson Road to 33rd Street
- 33rd Street to new US 301
- New US 301 to SR 683 (15th Street East)

LINGER LODGE ROAD

- SR 70 to River Club

UPPER MANATEE RIVER ROAD (EXTENSION)

- River Club Boulevard to University Parkway (Extension)

UNIVERSITY PARKWAY

- Upper Manatee River Road Extension to I-75
- I-75 to Lockwood Ridge Road
- Lockwood Ridge Road to US 301

INTERSECTIONS

- SR 70/Linger Lodge
- I-75/SR 70
- Project Entrance/SR 70
- Project Entrance/University Parkway (extended)

Table 1

BUILD-OUT (1998) REQUIRED LINK IMPROVEMENTS FOR RIVER CLUB
 BA&?N 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Road	Segment	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvement
SR 70	Braden Woods entrance to I-75	F	92.4	Construct 4- lane divided arterial
	I-75 to Morgan Johnson	F	22.0	Construct 6- lane divided arterial
	Morgan Johnson to 33rd St.	F	20.7	Construct 6- lane divided arterial
	33rd St. to US 301	F	18.3	Construct 4- lane divided arterial
	US 301 to SR 683	F	6.0	Construct 4- lane divided arterial
University Pkwy	I-75 to Whitfield	F	12.4	Construct 4- lane divided arterial
	Whitfield to Lockwood Ridge	F	12.4	Construct 4- lane divided arterial
	Lockwood Ridge to Tuttle	F	10.7	Construct 4- lane divided arterial
	Tuttle to US 301	F	10.7	Construct 4- lane divided arterial

Table 2

**BUILD-OUT (1998) REQUIRED INTERSECTION IMPROVEMENTS FOR RIVER CLUB
BASED ON 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES**

<u>Intersection</u>	<u>Total Traffic LOS Prior to Improvements</u>	<u>Development Contribution (Percent)</u>	<u>Required Improvement</u>
SR 70/Linger Lodge	F	10.8	Signalize when warranted by MUTCD.
I-75/SR 70 Westside off Ramp	F	15.0	Signalize when warranted by MUTCD.
<u>Site Accesses</u>			
Project Entrance at Braden Woods/SR 70	N/A	N/A	Signalize when warranted by MUTCD and approved by Manatee County. Provide two EB and two WB thru lanes
Project Entrance* at River Club/SR 70	N/A	N/A	Signalize when warranted by MUTCD. Constr EB right turn lane. Provide two EB and two thru lanes.
Project Access at University Parkway	N/A	N/A	Construct EB 1 turn lane.

N/A: Indicates that the developer is fully responsible for the improvement.

* Improvement has been constructed.

EXHIBIT C

Subphasing Schedule

RIVER CLUB DRI (#185) PHASING SCHEDULES
(Braden Woods and River Club)

PHASING SCHEDULE
BRADEN WOODS

Phase	Development	Status	Completion Date
1	Single-Family	Completed	N/A
2	Single-Family	Completed	N/A
3	Single-Family	Completed	N/A
4	Single-Family	Completed	N/A
5	Single-Family	Completed	N/A
6	Single-Family	Completed	N/A

RIVER CLUB DRI (#185) SUBPHASING SCHEDULES
(Braden Woods and River Club)
 continued

SUBPHASING SCHEDULE,
 RIVER CLUB

SubPhase	Development	Status	Completion Date
1	Golf Course ¹ (north and south)	Completed	N/A
2	85 Single-family Units (north)	Completed	N/A
3	27 Single-Family Units (north)	Final Development Plan Approval	1993
4	20 Single-Family Units (north)	Prelim. Development Plan Approval	1993
5	15 Single-Family Units (north)	Prelim. Development Plan Approval	1993
6	241 Cluster Units (north)	Not Approved	1995
7-I	138 Single-Family Units (south)	Not Approved	1995
7-II	109 Single-Family Units (south)	Not Approved	1995
7-III	123 Single-Family Units (south)	Not Approved	1995
7-IV	110 Single-Family Units (south)	Not Approved	1995
7-V	132 Single-Family Units (south)	Not Approved	1995
8	4-Acre out parcel ²	Not Approved	1995

¹ Includes clubhouse, tennis courts, and associated improvements.

² Indicated for professional office use in pre-application submissions.

EXHIBIT D

Developer Commitments

EXHIBIT D

DEVELOPER COMMITMENTS

The following items have been committed to by the developer in the ADA submittal and subsequent sufficiency responses. Note: Brackets [] indicate additional specific information not appearing in original ADA.

GENERAL PROJECT

1. Best Management Practices will be utilized throughout the balance of the River Club development (S.R., Page 1-14).
2. Surplus fill material from golf course and lake construction will be used throughout the development for buildings and roadway construction (ADA, Page 14-4).
3. During construction roadway soil conditions will be stabilized using soil cement, shell base, or by placement of underdrains when necessary (ADA, Page 14-4).
4. The golf course will be irrigated by the deep artesian well (S.R., Page 2-4).
5. Golf course irrigation will not be on the day of the wet season which receives about 1/4 inch or more of rainfall (S.R., Page 1-30).
6. The tank which is being used to facilitate a rest room at the golf course will be abandoned at such time as a sewer system is constructed for the adjacent residential area by the developer (S.R., Page 2-3).
7. Withdrawal from on-site lakes for lawn irrigation will not be permitted (S.R., Page 2-4).

DEVELOPMENT

1. The River Club development will be completed ten (10) years from the date of DRI approval (ADA, Page 12-2).

2. All first floor elevations will be above the 100-year flood prone level established by FEMA (ADA, page 17-1).
3. The number of units per cluster may vary, but the total will not exceed 241 (S.R., page 2-9).

ENVIRONMENT

1. An air quality analysis will be completed as requested by FDER (ADA questions addendum) if finalized transportation studies warrant such an analysis (ADA, page 13-1).
2. Appropriate watering procedures, as required by Manatee County land development regulations, will be employed to control fugitive dusts and wind erosion (ADA, Page 13-1).
3. Vegetative cover will be added upon initial completion of construction (grassing, vegetative landscaping). Permanent erosion control practices will be implemented as soon as practical upon construction completion and will include grassing and permanent landscaping design (ADA, Page 14-7).
4. The major portion of the Braden River floodplain, which traverses the River Club site, will be maintained in a natural condition (ADA, Page 15-4).
5. Wherever feasible, aquatic littoral zone vegetation will be planted to improve the quality of runoff and to stabilize the banks of the detention basins (ADA, Page 15-7).
6. Encroachment [by applicant] into FDER wetlands will be limited to road crossings and the construction of a bridge over the Braden River (ADA, Page 16-1).

7. All wetlands under the jurisdiction of FDER are to be preserved except for road crossings [unless permitted to individual landowners]. (ADA, Page 16-2).
8. A 50-foot conservation easement will be granted along the river, maintaining the natural vegetation (ADA, Page 17-1).
9. Habitat where commercially exploited plants occur will be protected from development (ADA, Page 18-14).
10. The "preservation area" will remain as open space to the residents of the River club [and Braden Woods] community, as will two DER jurisdictional streams and associated wetlands (ADA, Page 27-1).
11. Activities permitted within the buffer area will be restricted to passive uses and will not include construction of structures other than approved docks and walkways (S.R., Page 1-7).
12. Open burning will be utilized during the development of the River Club. Appropriate permits will be secured from Manatee County prior to burning (S.R., Page 1-8).
13. Natural and aquatic vegetation will be permitted to colonize the banks and shallows of wet detention basins (S.R., page 1-16).
14. Only USDA approved fertilizers, pesticides and herbicides will be applied to the golf course and associated development (S.R., Page 1-17).
15. Development will not take place in the areas DER has claimed jurisdictional which appear as Mixed Wetland Hardwoods on Map F (S.R., Page 2-9).
16. All solid waste generated within the project will be stored in residential/commercial containers before removal to the County landfill (ADA, Page 24-2).

WATER QUALITY AND SUPPLY

1. The potable demand will be obtained from the off-site public supply while the non-potable irrigation demands will be obtained from on-site sources (ADA, Page 23-2).
2. The potable water supply will be constructed by the developers, as each specific parcel of land is developed. Upon completion of each portion, the system [the main lines within public rights-of-way] will be dedicated to MCPWD for maintenance (ADA, Page 23-4).
3. In addition to existing water quality data, the applicant will commit to a surface water quality monitoring program (S.R., Page 2-3).
4. Surface water quality monitoring will be conducted at stations SW-1, SW-2, SW-3, SW-4, and SW-5 (for River Club South upon completion of the stormwater management system (S.R., Page 2-3). [Water Quality Monitoring Program will expand current program to include construction monitoring, additional sampling locations, parameters, and frequencies].
5. In addition to hay bales, future construction will also include silt barriers, as required by SWFWMD (S.r., Page 2-18).
6. Any additional wells requiring permits from SWFWMD will be permitted (S.R., Page 2-23).
7. As required by the County, waterlines will be stubbed out to both the south end of the property as well as the west end and east end for future extension and connection to future waterlines (S.R., Page 2-24).

WASTE WATER

1. The internal wastewater collection system's various pumping stations will be provided by the developer and dedicated to the Manatee County Public Utilities Department (ADA, Page 21-1).
2. The stormwater management system will provide additional treatment for the residential homesites, over and above the criteria described

heretofore. The additional treatment will be accomplished by providing 50% more detention of the residential areas for all lakes which are located within the low intensity zone final discharge point to the Braden River (ADA, page 22-2).

DRAINAGE

1. Existing drainage patterns will be maintained in order to preserve the site's current hydrological regime (ADA, page 15-7).
2. To further enhance stormwater runoff, sediment sumps and grease traps will be utilized in conjunction with water control structures, wherever applicable (ADA, page 15-8).
3. Development within the 100-year floodplain will be designed to minimize any loss of 100-year net storage (ADA, page 17-1).
4. All interior and minor drainage systems will be designed based on a 10-year storm event (ADA, page 22-2).
5. Bleed down devices will be utilized to drain down the first one-half inch of run-off in 5 days. Sediment sumps will be provided at influent pipe locations to accumulate sediment and provide easy maintenance for sediment removal (ADA, Page 22-2).
6. Easements for conveyance systems of all public road drainage will be reserved for Manatee County (S.R., Page 2-19).

TRANSPORTATION

1. Traffic mitigation techniques will be employed to alleviate the impacts of vehicular traffic on pedestrian movement (2nd S.R., Page 3-10).
2. The north-south roadway (between University Parkway and the River Club DRI) will be constructed at the appropriate time and in place prior to buildout (S.R., page 1-39).

3. All of Linger Lodge Road within the River Club project boundaries will be built by the developer (2nd S.R., Page 3-10).

PUBLIC FACILITIES

1. Sidewalks, as required by Manatee County, will be provided throughout the River Club development (S.R., Page 2-33).

GRIMES, GOEBEL, GRIMES AND HAWKINS
ATTORNEYS AT LAW
THE PROFESSIONAL BUILDING
P.O. DRAWER 1550
BRADENTON, FLORIDA 34208

WILLIAM C. GRIMES
CLYDE C. GOEBEL
CALEB J. GRIMES
JOHN D. HAWKINS
LESLIE J. PAUGH
JOHN GLASSMAN

August 16, 1989

MANATEE COUNTY
PLANNING & DEVELOPMENT DEPT.

AUG 16 1989

RECEIVED

TELEPHONE
AREA CODE 813-748-0151
FAX 813-748-0158

Ms. Karen Jackson-Sims
Director, Planning and Zoning
212 6th Avenue East
Bradenton, Florida 34208

Re: H. W. Lochner, Inc. / Third Sufficiency Review of
River Club

Dear Karen:

This letter is in response to the Specific Comments and General Conditions raised by Lochner in its May 24, 1989 submittal to the Tampa Bay Regional Planning Council. We hope this information will assist you in the review of the DRI and the preparation of the Development Order.

Section 3.0 SPECIFIC COMMENTS

Section 14 - Land:

As requested, Table 12.B.1 reflects the existing conditions at the time of preparation of the table. It therefore is the situation in the partially developed state; that is, after the golf course had been constructed. Secondly, Table 12.B.1 is based on the FLUCCS Vegetative Code and is premeasured from aerial photographs estimating the acreage. Table 12.B.1 therefore does not reflect the jurisdictional lines which are more accurately set forth in responses to other questions, and more particularly in Revised Maps 11 and 12. The figures reflecting the wetlands in Revised Maps 11 and 12 are in fact accurate.

Section 15 - Water Quality:

The River Club development prepared a Water Monitoring Program that was approved by the Manatee County Pollution Control Department. This water monitoring program was instituted and has been followed since its approval. Considerable sums were spent in reliance upon this program and it should be continued.

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The test wells for Braden Woods were installed as part of the Settlement Agreement and were for a very specific and limited purpose to assist the TBRPC in review of an existing septic tank area. This limited purpose use should not be combined with the approved River Club monitoring program.

Section 16 - Wetlands:

1. As explained under Section 14 above, Exhibits 11 and 12 accurately reflect the pre-development jurisdictional wetlands, as covering 98.42 acres of the River Club tract. This is in the pre-development situation; that is, prior to construction of the golf course. It does not conform with Table 12.B.1, because Table 12.B.1 was of the existing conditions and is based on the FLUCCS Vegetative Maps, as opposed to the true wetland determination. In the pre-development situation, 98.42 acres of pre-development jurisdictional wetlands actually existed.
2. As previously explained, 102.5 acres of wetlands have not been lost. The apparent discrepancy was the result of the way the questions were outlined and the use of the FLUCCS categories, as opposed to actual determinations of jurisdictional wetlands.
3. SWFWMD Conceptual Permit Number 491585 allows impacts to 71.69 acres of wetlands in River Club South. The permit also allows impacts to 7.01 acres of wetlands in River Club North. The River Club North acreage figures were not calculated for SWFWMD, but the wetlands to be impacted were actually shown on Exhibit "K" to the application for the Conceptual Plan submitted to and approved by SWFWMD. SWFWMD did not require a calculation of these acreages but did approve the Conceptual Permit and the subsequent Construction Permit. Please note that Table 16.2.A. reflects the actual acreage of wetlands in River Club North as being 5.72, rather than the 7.01 that was actually permitted. As can be seen, there are actually less acres of wetlands in the field than were permitted by SWFWMD for receiving impacts.
5. SWFWMD accepted as mitigation the 17.28 acres of land identified as a conservation area for SWFWMD purposes. These acreages were, and can be, considered in mitigation of wetland impacts. The mitigation ratio is well in excess of 1 to 1 for the overall River Club tract.
6. The aerial survey signed by Richard Kantrel was, in fact, the result of a formal jurisdictional delineation. It was not based on an informal jurisdictional delineation. The DER jurisdictional lines has been established on an aerial and River Club has been and will continue to grant conservation easements over these DER jurisdictional areas.

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7. The 1.7 acre parcel is not considered jurisdictional on the DER jurisdictional map.

8. In order to prove that the wetland delineations resulted from a request for a formal jurisdictional determination, we have attached the formal determination letter from the DER. The signed jurisdictional determination is available for your review upon reasonable request.

Section 20 - Employment and Economic Characteristics:

This question concerns the 4-acre tract that has been included in the River Club DRI. For purposes of the Settlement Agreement, the Developer agreed to complete a DRI on the River Club tract. Such a DRI would have left a 4-acre outparcel under the same ownership to be developed later and, therefore, it made sense to include the 4-acre tract in this DRI. At the time, it appeared the most appropriate use in the future, though none had or as yet has been specifically planned, would be for a continuation of office use as currently exists immediately to the west. However, based on the new Manatee County Comprehensive Plan, it is unclear as to whether or not such an office use will even be allowed. As you will note, no request has been submitted to rezone this 4 acre tract at this time. It has merely been outlined in the DRI. It may very well be that due to Manatee County zoning ordinances, the tract will have to be used for residential purposes in the future. With these problems in mind, the Developer feels that it is appropriate to require an updated traffic analysis at such time as the use for the 4 acre tract can be determined and approved by Manatee County. To identify the tract as "office" at this time would be impractical, as it is very questionable as to whether or not it can be zoned for such use.

Section 21 - Wastewater Management:

This portion of the Comprehensive Plan is a mandate to be placed on Manatee County, not on this Developer. Braden Woods was aggregated in the DRI for very limited purposes. It was for information gathering to see if septic has an impact on the river to help evaluate the River Club development and to determine what conditions should be placed on River Club, not Braden Woods. The Developer is not obligated, nor should the Developer provide sewer for Braden Woods.

Section 22 - Drainage:

1. This information is not available as SWFWMD does not have 25-year flood elevations in this area.

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2. Table 22.C.2 was extracted from the approved SWFWMD Conceptual Stormwater Permit. The table included only basin areas which provided runoff directly to on-site receiving streams. Interior basin areas which did not contribute direct runoff were not included. Those basins not contributing runoff directly to onsite receiving streams, included Basin Number 60-70, 90-110, 140, 170-190, 210-230, 250-270, 8 and 9 as identified on the Conceptual Stormwater Permit. These basin areas include an approximate additional 268.8 acres or a total of approximately 605.8 acres for River Club South.

3. The Developer has received a Conceptual Permit for the entire project outlining the treatment criteria that would be used for this project. It was reviewed extensively by SWFWMD over an extended period of time, with changes to assure protection of water quality and quantity. In reliance on this Conceptual Permit, considerable sums of money were spent in the construction of most of the Stormwater Treatment system. The system works as a whole and it is therefore not practical or economically feasible to make wholesale changes in the system at this time.

4. Some of the pre- and post-development discharge calculations submitted to SWFWMD and Manatee County for the Stormwater Construction Permit represent smaller drainage basin areas than are shown on the Conceptual Permit and are, therefore, not necessarily identical in runoff rates to the overall. The SWFWMD Conceptual Permit indicates a total pre-development runoff rate of 334.6 CFS and 909.0 CFS runoff for River Club North and River Club South, respectively. Although there may be some minor increase or decrease from basin to basin, the total runoff for the project after development will not exceed 1243.6 CFS using the same design criteria used during the Conceptual Permit.

5. This information is traditionally done at the time of submittal of and approval of construction plans. The treatment of these ditches is handled at that time, and will continue to be done in this manner.

6. Enclosed for your review is a letter from the golf course architect, Ron Garl, confirming that the construction of the golf course was in substantial compliance with the approved construction plans.

Section 23 - Water Supply:

This information is noted, but will result in no change in the project or the approval process.

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Section 26 - Education:

The Developer has been and will continue to work with the School Board on a determination of fair-share calculations. Please note that the School Board figures contain no backup, showing how these figures were arrived at. The Developer continues to feel that they have provided their fair-share contribution to the School Board to assure that educational facilities are available for their development. Please understand that no matter what facilities are built in the area, if the School Board chooses to bus students to the area, they can always contend that there are inadequate facilities. The inadequate facilities may, in fact, be in other areas that do not show up because the students are bussed.

Section 27 - Recreation and Open Space:

1. In Manatee County, this information has traditionally been shown at the Preliminary Development Plan stage and will continue to be so noted.

2. Attached for your review is a letter to you, Karen, explaining the use of the golf course as open space recreational requirements.

3. As previously indicated, the Developer is granting conservation easements of the River and tributaries which will assure that these areas remain open. The Developer will not hinder the continued use of the River by the public; however, the Developer will not be providing access to the River from its property to the general public.

Section 30 - Fire:

This comment is noted.

Section 31 - Transportation:

1. Thirty-third Street was defined by the TBRPC as a regionally significant facility, and it was so included at the Traffic Methodology meeting. If such a roadway is a reasonably significant facility, it is functioning at more than a collector, which is why it was treated as an arterial. However, if it is treated as a collector and since only two percent (2%) of the project traffic is using this facility, the percent of capacity is still less than five percent (5%). The percentage has been determined to be approximately 3.4%.

2. Please note that the intersection at this point was, in fact, analyzed separately to determine the type of improvements

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Page Six

that would be necessary. The link is a four-lane divided with the taper part of this intersection. Therefore, the analysis correctly shows what improvements will be needed in this area.

3. The tables that were used for service volume capacities were those that were accepted at the Traffic Methodology meeting. The FDOT, since the Traffic Methodology meeting, apparently came out with new service volume tables. However, a review shows that the same roadway improvements would be necessary using either figures.

4. As explained earlier, the Developer is not sure of what use can be made of this 4-acre tract at this time, which is why we suggest that the 4-acre tract be subject to an updated traffic study at such time as the use can be determined.

5. The alignment for the Linger Lodge Road through River Club was worked out with Manatee County staff at the time of Conceptual approval with the rezoning. In fact, at the Manatee County staff's request, the alignment was changed considerably from that that was requested. Stubs at both ends of the roadway will allow for the easterly and westerly extensions beyond River Club. Platting requirements will assure that this roadway will be open to the public for the extension of Linger Lodge Road.

6a. Table 31F-1. is correct and the deletions are not necessary. The referrals to the 4LD and 6LD improvements merely show merely show an "indicated" improvement by the end of the project and are not there to suggest that those improvements are in place.

6b. This section of Table 31F-1 is correct as shown. Traffic from Braden Woods was not assigned to this roadway link.

7. This request is merely transforming information that is clearly and accurately available on a table to a map. The information is adequately provided for review purposes, and it is not necessary to place it on a map.

8. The links were included since the ADA's of the mentioned projects only did link analysis. These developers did no intersection analysis and, therefore, such information was not available to be used in this DRI. The net effect, however, is really irrelevant, since the roadways on State Road 64 are completed. The roadways and associated intersections are committed for University Parkway and we have shown the improvements to be necessary on State Road 70.

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SECTION 4.0 PRELIMINARY RECOMMENDATIONS
FOR DEVELOPMENT ORDER CONDITIONS

Section 4.1 - General Conditions:

- 4.1.1 This stipulation is part of the law and is not necessary to be included in the Development Order.
- 4.1.2 As to this stipulation, we would suggest that it read, "unless superseded by revised commitments or by other development order conditions".
- 4.1.3 This stipulation should more properly read "All federal and state permits required for the project must be obtained in advance of construction in areas to be constructed".
- 4.1.4 This is not an appropriate Development Order condition. If Manatee County does not feel they have adequate information, I am sure that Manatee County will not approve the project. This is not an appropriate stipulation to run forward after approval of a Development Order.
- 4.1.5 The statutory requirements for DRI's require annual reporting, which is outlined by law. This is, therefore, covered by statutes and should not be a stipulation.
- 4.1.6 This stipulation is already included in the preceding development orders on River Club and we only request that the reading be consistent with those development orders already received for the project.
- 4.1.7 This development is planned to be continually constructed and done so in one (1) phase. The annual report will adequately cover the project and it is not necessary to submit two (2) reports. This stipulation should not be included.
- 4.1.8 All the information outlined herein has been completed and therefore the stipulation is not necessary.
- 4.1.9 Such construction permit is required by law and the Developer has no objection to submitting a copy to Manatee County Pollution Control, as they have done in the past.
- 4.1.10 Any questions regarding this would be worked out prior to the Development Order approval by Manatee County and, therefore, it is not appropriate as a condition to run forward after Development Order approval.

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4.1.11 This requirement is being worked out with the County Attorney and the exact language as to how it should be approved should be included in the Development Order.

Section 4.2 - Wetlands:

4.2.1 A formal jurisdictional wetlands delineation has been received by the Florida Department of Environmental Regulation and therefore this stipulation is not necessary.

4.2.2 This information has previously been done under the then existing Comprehensive Plan and this stipulation is not appropriate.

4.2.3 A re-evaluation of Table 12.B.1 is not necessary. The information that is being requested is set forth on Exhibits 11 and 12, which should be used for purposes of jurisdictional wetland delineations.

4.2.4 The buffer zone has previously been approved and provided for on the Braden River and in all DER jurisdictional areas of River Club South. On River Club North where we currently have existing preliminary approvals, the buffer zone cannot be used except along the Braden River. The stipulation should reflect such situation.

4.2.5 The applicant has already received approvals for mitigation for the entire project and has expended considerable sums on reliance on this mitigation scheme. It is not appropriate to change the mitigation rules in the middle of the development.

4.2.6 The Developer intends to preserve physically and functionally all wetlands and streams except those areas where mitigative measures will offset the effects of the activities. The Developer has been granting conservation easements over these areas and would request that the stipulation reflect this situation.

4.2.7 This is an ongoing process that has been completed and the stipulation is appropriate, with the exception of the timing of when the easement is recorded. The recording should go along with the platting and the development of the properties, as it will enable the County to better review exactly where the conservation easement is located relative to the lots.

4.2.8 The Developer has no objection to this stipulation.

4.2.9 The Developer has no objection to this stipulation.

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Section 4.3 - Water Quality:

4.3.1 As explained earlier, the applicant has an approved Water Quality Monitoring Program and has expended considerable sums in reliance on this program. It should be continued.

4.3.3 The golf course has been completed and constructed in reliance on all permits and approvals in place at the time of its construction. It is inappropriate to request future construction to go back and review and perhaps change the construction of the golf course.

4.3.4 These requirements were generally provided for in the original rezone and the stipulations concerning the original rezone. We would only request that the language be consistent with that as approved in the rezone for River Club.

4.3.5 The Developer has no objection to this stipulation.

4.3.6 As to the first portion of this stipulation, we have previously explained the Developer's position as to the monitoring program. As to the latter portions of this stipulation, the Developer recognizes that if the parameters are violated, the County may issue a stop work order.

4.3.7 The Developer agrees that water quality must meet state and local pollution control standards in accordance with approved plans. It is inappropriate to check water at all discharge points, but it is appropriate to check the water quality of the receiving body.

4.3.8 The Developer has no objection to this stipulation.

4.3.9 The Developer has no objection to this stipulation.

4.3.10 This is basically a repeat of 4.2.7, and the Developer has been granting conservation easements and will continue to do so.

Section 4.4 - Wastewater Management:

4.4.1 There is no reason to complete these calculations, as it is necessary for the DRI to have wastewater facilities available, no matter how it is calculated.

4.4.2 As explained previously, it is inappropriate to require the replacement of septic tanks in Braden Woods, which were approved and are operating under appropriate permits.

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4.4.3 Again, this is an inappropriate stipulation for the River Club development.

Section 4.5 - Drainage:

4.5.1 This stipulation is appropriate if it includes those areas that have special exemption status, and in those areas that are vested.

4.5.2 The Developer has no objection to this stipulation.

4.5.3 This basically reflects Manatee County policy now, and the Developer has no objection; however, the stipulation should be clarified to except out roadside swales as approved by Manatee County Department of Public Works.

4.5.4 As explained earlier, this information has been provided and, therefore, it is not necessary to be included as a development order stipulation.

4.5.5 The Developer has no objection to this stipulation.

Section 4.6 - Water Supply:

4.6.1 The Developer has no objection to this stipulation.

4.6.2 The Developer has no objection to this stipulation.

Section 4.7 - Education:

4.7.1 The Developer has no objection to a stipulation requiring negotiation with the Manatee County School Board for its fair-share contribution to education facility. However, we feel it is inappropriate to outline what that fair-share contribution would be.

Section 4.8 - Recreation and Open Space:

4.8.1 This stipulation should be tailored to reflect the requirements of the maintenance and preservation of the areas under the control of the golf course to be under their control and the areas under the control of the homeowners' association to be under their control.

4.8.2 This protection has been provided in the rezoning of the property. However, in general, the Developer has no objection to the stipulation.

Ms. Karen Jackson-Sims
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Page Eleven

4.8.3 This pedestrian way was, in fact, completed and it is therefore not necessary to include it as a stipulation in the Development Order. In fact, it should not be included as the stabilized pedestrian way is being replaced by a sidewalk, and this stipulation could, in fact, confuse future development order approvals.

4.8.4 The Developer has no objection to this stipulation.

4.8.5 The first part of this stipulation is appropriate. The second part is inappropriate, as the approvals have already been granted by Manatee County relative to River Club Boulevard.

Section 4.9 - Police and Fire:

4.9.1 The Developer has no objection to this stipulation.

4.9.2 This negotiation has been completed between the applicant and the Braden River Fire District and the stipulation is therefore not necessary.

4.9.3 The Developer has no objection to this stipulation.

Section 4.10 - Transportation:

4.10.1 The information necessary to properly evaluate these roadways is included in the link analysis. The study was completed in accordance with the rules set forth in the Traffic Methodology meeting, and any review would not extend the study area and is therefore not necessary. Please note, however, that we have revised, as included, the link between State Road 70 and I-75. Again, it is not necessary to reanalyze the 4-acre parcel, as it is not being rezoned and its use is not yet adequately determined. An updated traffic study should be done at such time.

4.10.2 The alignment of the extension of Linger Lodge Road was worked out at the time of the rezoning for River Club and it is being stubbed to each side of the property as part of its construction for River Club North. This stipulation is not appropriate.

4.10.3 As set forth in our sufficiency response, it is appropriate to require River Club to have adequate access and two (2) means of access. This is being planned by a connection south to University Parkway. If it is necessary to proceed in a different direction, it would be appropriate to have an updated traffic study pursuant to the rules of the Traffic Methodology meeting. However, a stipulation requiring the connection to the south is not appropriate.

EXHIBIT A

APR 1 1987
AM 8:30 AM 11:12 1:21 3:41 5:2
P

**SUMMARY OF BASELINE MONITORING
FOR RIVER CLUB DEVELOPMENT
NORTH OF BRADEN RIVER**

Prepared for
PURSLEY COMMUNITIES
For Presentation to
MANATEE COUNTY

Prepared by
SEABURN AND ROBERTSON, INC.

*Sent
copy
C.T.B.*

January 1987

EXHIBIT B

11/11/86

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**SUMMARY OF BASELINE MONITORING
FOR RIVER CLUB DEVELOPMENT
SOUTH OF BRADEN RIVER**

Prepared for

PURSLEY COMMUNITIES

For Presentation to
MANATEE COUNTY

Prepared by

SEABURN AND ROBERTSON, INC.
Tampa, Florida

*sent
copy*

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