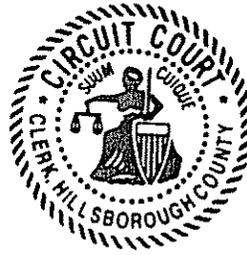


Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



Clerk to Board of  
County Commissioners  
Room # 214-F  
P.O. Box 1110  
Tampa, Florida 33601  
Telephone 272-5845

April 22, 1993

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

Re: Resolution No. R93-0072 - Amending the Development Order for Lands  
End Marina (DRI #186)

Dear Ms. Cooper:

Attached is a certified copy of referenced resolution, which was adopted  
by the Hillsborough County Board of County Commissioners on March 23, 1993.

We are providing this copy for your files.

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

By: Linda Fryman  
Linda Fryman  
Manager, BOCC Records

mailed 4/23/93  
received 4/27/93

LF:ADF  
Attachment  
Certified Mail

cc: Board files (1 orig.)  
J. Thomas Beck, Florida Department of Community Affairs  
Lands End Marina & Scarola Associates, Apollo Beach, FL  
Jeanie E. Hanna, Assistant County Attorney  
Gene Boles, Director, Planning and Development Management

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and  
Ex Officio Clerk of the Board of County Commissioners of  
Hillsborough County, Florida, do hereby certify that the  
above and foregoing is a true and correct copy of \_\_\_\_\_  
Resolution No. R93-0072 Amending the Development Order for Lands End  
Marina (DRI #186)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

approved by the Board in its \_\_\_\_\_ regular meeting  
of \_\_\_\_\_ March 23 \_\_\_\_\_, 19 93 \_\_\_\_\_, as the same  
appears of record in MINUTE BOOK \_\_\_\_\_ 202 \_\_\_\_\_ of the  
Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 22nd  
day of April \_\_\_\_\_, 19 93 .

RICHARD AKE, CLERK

By: Judith M. Nichols  
Deputy Clerk

RESOLUTION NO. R- 93-0072

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF HILLSBOROUGH COUNTY, FLORIDA  
AMENDING DRI #186 DEVELOPMENT ORDER FOR  
LANDS END MARINA

Upon motion of Commissioner Busansky, seconded by Commissioner Miller, the following Resolution was adopted on this 23rd day of March, 1993, by a vote of 6 to 0, with Commissioner(s) \_\_\_\_\_ voting "No."

WHEREAS, in 1979, the Hillsborough County Board of County Commissioners approved a Development Order for the Apollo Beach Development of Regional impact ("DRI #59"); and

WHEREAS, on November 30, 1989, the Board of County Commissioners approved an amendment to the Development Order, Resolution #R89-0282, (Development Order to Amend DRI #59), DRI #186 known as Lands End Marina pursuant to the provision of Section 380.06, Florida Statutes; and

WHEREAS, in February, 1993, First Florida Bank, N.A. filed a Notification of Proposed Change To A Previously Approved Development of Regional Impact (DRI) for the Lands End Marina DRI (NOPC #1) in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, NOPC #1 as amended, proposed to extend the dates for commencement of physical construction and build-out of the project by two years, eight months and 20 days.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, in Regular Meeting assembled this 23rd day of March, 1993.**

1. The following findings of fact are made:

A. First Florida Bank, N.A. submitted to Hillsborough County NOPC #1, which requested approval of an extension of the dates for commencement of physical construction and build-out of the project by two years, eight months and 20 days. The date of build-out would be extended from April 10, 1995 to December 30, 1997. The date of the required commencement of physical construction would be extended from April 10, 1992 to December 30, 1994.

B. A review of the impacts generated by NOPC #1 has been conducted by the Hillsborough County, Tampa Bay Regional Planning Council and the Department of Community Affairs.

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

D. The Developer's Certification, attached hereto as Exhibit "A", affirms that copies of NOPC #1 have been delivered to all persons as required by law.

2. That the following Conclusions of Law are made:

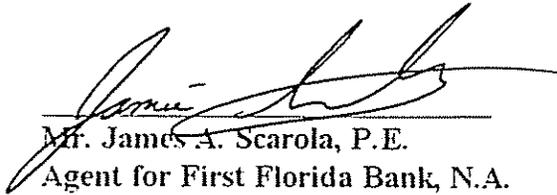


AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

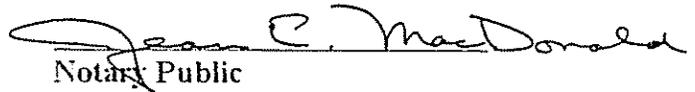
I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared James A. Scarola, P.E., as Agent for First Florida Bank, N.A., the applicant for the Lands End Marina DRI Notice of Proposed Change No.1, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. First Florida Bank, N.A. filed its Notice of Proposed Change No. 1 for the Lands End Marina DRI in February of 1993.
2. The aforementioned application was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.

  
Mr. James A. Scarola, P.E.  
Agent for First Florida Bank, N.A.

Sworn to and subscribed before me this 21<sup>st</sup> day of April, 1993.

*Personally known.  
Did not take oath.*

  
Notary Public



OFFICIAL SEAL  
Jean E. MacDonald  
My Commission Expires  
Dec. 14, 1995

EXHIBIT A

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



*file copy*  
NR-186

Clerk to Board of  
County Commissioners  
Room # 214-H  
P. O. Box 1110  
Tampa, Florida 33601  
Telephone 272-5845

April 10, 1990

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

Re: Resolution No. R89-0282 - Development Order to Amend DRI #59 -  
Lands End Marina DRI #186

Dear Ms. Cooper:

Enclosed please find a certified executed copy of the referenced resolution,  
with attachments, adopted by the Hillsborough County Board of County  
Commissioners on November 30, 1989.

We are providing this copy for your official files.

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

By: *Judith M. Nichols*  
Judith M. Nichols  
Manager, BOCC Records

JMN:CS  
Enclosure  
Certified Mail

cc: Board files (1 orig.)  
Tom Beck, Department of Community Affairs  
Mike Nelson, Attorney for Lands End Marina  
John D. Wall, Assistant County Attorney  
David Smith, Planning Manager, Planning and Zoning

*revised 4/10/90*

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and  
Ex Officio Clerk of the Board of County Commissioners of  
Hillsborough County, Florida, do hereby certify that the  
above and foregoing is a true and correct copy of \_\_\_\_\_  
Resolution No. R89-0282 - Development Order to Amend DRI #59 -  
Lands End Marina DRI #186

adopted by the Board in its regular meeting of  
November 30, 1989, as the same appears of  
record in MINUTE BOOK 162 of the Public Records of  
Hillsborough County, Florida.

WITNESS my hand and official seal this 10th  
day of April, 1990.

RICHARD AKE, CLERK

By: Judith M. Nichols  
Deputy Clerk

Resolution No. R 89-0282

Resolution of the Board of County  
Commissioners of Hillsborough County, Florida  
Lands End Marina  
DRI #186 Development Order  
To Amend DRI #59

Upon motion by Commissioner Rodney Colson, seconded by Commissioner Haven Poe, the following Resolution was adopted by a vote of 6 to 0.

WHEREAS, in 1979, the Hillsborough County Board of County Commissioners approved a Development Order for the Apollo Beach Development of Regional Impact ("DRI #59"); and

WHEREAS, in a letter to Frandorsen Properties dated February 12, 1988, the Department of Community Affairs (the "DCA") advised that the construction of a marina comprised of 99 wet slips with a 400-rack dry storage building would constitute a substantial deviation to DRI #59 and would require further Development of Regional Impact ("DRI") review; and

WHEREAS, on June 27, 1988, Walt Walters (the "Developer") filed an Application for Amendment (the "Amendment") of a Previously Approved Development of Regional Impact (which together with later filed sufficiency responses is hereinafter referred to as the "Application") with Hillsborough County, the Tampa Bay Regional Planning Council, and the Florida Department of Community Affairs, pursuant to the provisions of Section 380.06, Florida Statutes (1988 Supp.), as amended ("Chapter 380"); and

WHEREAS, except as specifically amended by this Development Order, all the terms, conditions and provisions of DRI #59 shall remain unchanged and in full force and effect; and

WHEREAS, said Application proposed construction of a MARINA on approximately six and 22/100 acres of land, located in and adjacent to Bal Harbor Waterway in unincorporated Hillsborough County, Florida, (hereinafter referred to as the "LANDS END MARINA") and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Chapter 380, is authorized and empowered to consider Applications for Amendments to Previously Approved Developments of Regional Impact; and

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

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

WHEREAS, the Developer has deleted from the application the request for approval of a 400 rack dry storage building and has amended the application to reduce the upland portion of the Lands End Marina to 1.9 acres, as shown on Exhibit "B", attached hereto; and

WHEREAS, the Board of County Commissioners of Hillsborough County has on November 30, 1989 held a duly noticed public hearing on said Application and 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 and County agencies as well as the review and report of Hillsborough County Administration.

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

#### I. FINDINGS OF FACT

- A. Walt Walters, hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, an Application for Amendment of a Previously Approved Development of Regional Impact and Sufficiency Responses marked "Exhibit A" which were filed with the Tampa Bay Regional Planning Council and those other governmental agencies listed in the applicant's affidavit attached hereto as Attachment "A" and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Application to Amend a Previously Approved Development of Regional Impact, the Sufficiency Responses and other exhibits duly submitted and recorded.
- B. The real property which is the subject of the Application is legally described as set forth in Exhibit "B" attached hereto and made a part hereof by reference.
- C. The proposed Amendment is not an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes (1988 Supp.)
- D. All development shall occur in accordance with this Development Order and Application.
- E. A comprehensive review of the impact generated by the Amendment has been conducted by Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, and the Tampa Bay Regional Planning Council and other affected agencies.
- F. The Developer's authorized agent is Tom Corr, President Frandorsen Properties, Post Office Box 3176, Apollo Beach, Florida, 33570.

#### II. CONCLUSIONS OF LAW

- A. Based upon the compliance with the terms and conditions of this Development Order, provisions of the Application as set forth in Exhibit "A", the reports, recommendations and testimony heard and considered by the Zoning Hearing Master, it is concluded that:
  - 1. The Amendment will not unreasonably interfere with the achievement of the objectives of the State Comprehensive Plan applicable to the area.
  - 2. The Amendment is consistent with local land development regulations and the Hillsborough County Comprehensive Plan.
  - 3. The Amendment is consistent with the report and recommendation of the Tampa Bay Regional Planning Council ("TBRPC").
- B. In considering whether the Amendment should be approved subject to conditions, restrictions, and limitations, Hillsborough County has considered the criteria stated in Subsection 380.06(14), Florida Statutes (1988 Supp.).

- C. The review by Hillsborough County Administration, the Hillsborough County City-County Planning Commission, the Tampa Bay Regional Planning Council, and other participating agencies and interested citizens indicates that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes (1988 Supp.), within the terms and conditions of this Development Order and the Application.
- D. The Application to Amend a Previously Approved Development of Regional Impact to permit a marina consisting of 99 wet slips, 12,000 square feet of retail use, 1,200 square feet of office use, and 1,200 square feet for a shower/laundry building is approved subject to all terms and conditions of this Development Order. The application was amended to delete the request for approval of the 400 rack dry storage building and to reduce the upland portion of the Lands End Marina to 1.9 acres as shown on Exhibit "B", attached hereto.
- E. The 2010 Land Use Plan Map for Hillsborough County designates the area within which this land lies as Low Density Residential.

### III. GENERAL PROVISIONS

- A. This resolution shall constitute the Development Order of Hillsborough County in response to the Application to Amend a Development of Regional Impact for the LANDS END MARINA.
- B. The legal description set forth in Exhibit "B" is hereby incorporated into and by reference made a part of this Development Order.
- C. All provisions contained within the Application and Sufficiency Responses shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.
- D. The definitions contained in Chapter 380, Florida Statutes, as amended, shall govern and apply to this Development Order.
- E. This Development Order shall be binding upon the Developer and his heirs, assignees or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to include any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the powers and duties of any branch of government or governmental agency.
- F. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.
- G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.
- H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at LANDS END MARINA, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such

responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility will be transferred must be approved by the County, which approval may not be unreasonably withheld, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order as defined by the criteria of Subsection 380.06(19)(b) Florida Statutes, as amended, or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by Hillsborough County and the Tampa Bay Regional Planning Council shall result in further Development of Regional Impact review pursuant to Section 380.06, Florida Statutes. Any dredging proposed beyond the quantity allowed by DER permit 291409743, except maintenance dredging, shall require a substantial deviation determination.

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

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

1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes as amended; and
2. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following the submittal of the annual report; and
3. A statement listing all Applications for Incremental Review required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report; and

*Translated  
by the  
County  
as of  
effective  
date  
per S.C.*

4. A statement setting forth the name(s) and address(es) of any heir, assignee or successor in interest to this Development Order; and
  5. A statement describing how the Developer has complied with each term and condition of this Development Order applicable when the Annual Report was prepared.
- L. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of Hillsborough County, its agencies and commissions, and to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable laws, rules, regulations and ordinances in effect at the time of the review unless otherwise stated in this Development Order.
- M. This Development Order shall become effective upon the date of transmittal to the parties specified in Subsection 380.07(2), Florida Statutes, as amended.

#### IV. SPECIFIC CONDITIONS

##### A. Deadlines

1. This Development Order shall remain in effect for a period up to and including December 31, 1997. No new construction shall be commenced after expiration of the Development Order except as authorized pursuant to an amendment of this Development Order. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of the Development Order, if approved. This Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County a minimum of thirty (30) days prior to the expiration date of this Order.
2. The developer shall not be subject to down-zoning, or intensity reduction until December 31, 1997, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.
3. The physical development of LANDS END MARINA shall begin within two (2) years of the effective date of this Development Order.

##### B. Stormwater Management and Water Quality

1. To the extent not already exempted, the Developer has elected to be bound by and shall comply with the rules adopted pursuant to Chapters 403 and 373, Florida Statutes (1988 Supp.), in effect at the time of adoption of this Development Order. Accordingly, all applications for permits pursuant to these Chapters and which are necessary for and consistent with the development authorized by this Development Order shall to the extent not already exempted, be subject to the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time of issuance of this Development Order.

2. Prior to construction plan approval and the subsequent issuance of site alteration/building permits, the Master Stormwater Management (Drainage) Plan for LANDS END MARINA shall be submitted to the Florida Department of Environmental Regulation ("DER") and TBRPC for review and to Hillsborough County and the Southwest Florida Water Management District for approval. The following parameters shall be included in the Master Stormwater Management Plan:
  - a. The stormwater management system shall be designed, constructed, and maintained to meet or exceed the requirements of Hillsborough County's Stormwater Technical Manual. The appropriate design criteria to be used is that which is in effect at the time of construction plan submittal and review for a particular phase of the project.
  - b. Stormwater treatment shall be accomplished using Best Management Practices, including biological filtration, wherever feasible.
  - c. Best Management Practices for reducing water quality impacts, as recommended by Hillsborough County, DER and SWFWMD, shall be implemented, including a cleaning program for parking areas within the development.
  - d. Runoff containment and treatment within the specific areas where sewage pump-out, fueling activity, allowed minor upland boat maintenance, and cleaning are conducted shall be required, utilizing appropriate methods for treatment of runoff generated by these activities, as committed by the developer and required by DER under Dredge and Fill Permit No. 291409743. This runoff shall be treated for removal of oil and greases prior to discharge to the stormwater treatment facility. All sewage pumpout will be discharged to the sanitary sewer system. The design of the runoff quarantine area shall be included in the Master Drainage Plan submittal.
3. The proposed stormwater management systems shall be designed, constructed and maintained to meet or exceed Chapters 17-25, Florida Administrative Code. Treatment shall be provided by biological filtration wherever feasible.
4. The Developer shall operate and maintain all on-site stormwater management facilities unless otherwise required or approved by the County.
5. Finished floor elevations for all habitable structures shall be at or above the applicable base (100 year) flood elevation. Special requirements, outlined in the most current version of Hillsborough County's Flood Damage Control Ordinance (#87-5, as amended), for construction in Coastal High Hazard Zones are applicable to this Development.
6. All drainage and associated access easements necessary to accommodate any and all of the impacts of the Development shall be dedicated by the Developer to the County, as required, and in accordance with the appropriate County policy in effect at the time of construction plan submittal and review. All easement documents associated with a particular parcel or phase must be fully executed and recorded prior to, or concurrent with, the issuance of Certificates of Occupancy or plat approval, whichever is applicable, for the particular parcel or phase.

*pertains  
to  
deleted  
dry storage*

7. The design of containment devices for the underground storage tanks, and for the fuel pumps, as well as the U.S. Coast Guard Spill Prevention, Control and Countermeasure Control Plan shall be provided to the Department of Natural Resources ("DNR"), DER, TBRPC and Hillsborough County prior to the issuance of any building permits for the LANDS END MARINA. A water quality monitoring program shall be developed prior to the issuance of any slip leases for the marina, to be initiated in the event of a petroleum spill in Bal Harbor which is attributable to the operations and/or activities of LANDS END MARINA. The program, which is to include the time of initiation, length and schedule of monitoring, as well as the monitoring parameters, shall be approved by DNR, DER, Tampa Port Authority, and Hillsborough County, with review by TBRPC. All water quality analytical methods and procedures shall be thoroughly documented and comply with EPA/DER quality control standards and requirements.
8. A licensed Pollutant Storage System Specialty Contractor shall oversee installation of any underground storage tanks.
9. All underground storage tanks shall be registered with DER ten days prior to installation.
10. A licensed contractor shall be responsible for the appropriate disposal of the waste oil in the on-site oil waste disposal containers.
11. In order to minimize the potential for water quality degradation, the fueling and sewage pump-out facilities shall only be operated by trained marina staff and shall be properly illuminated during operation. Such facilities shall be locked or otherwise inoperative whenever a trained staff person is not operating them.
12. Any fill necessary for the LANDS END MARINA shall be obtained from a site approved by Hillsborough County, and shall be clean fill. Design percolation rates for retention ponds shall be based on the characteristics of the actual material through which the stormwater will percolate.
13. No boat cleaning materials containing phosphates shall be utilized on-site. No activities requiring the use of toxic chemicals shall be conducted on-site, except for boat fueling and minor sanding and painting.

*pertains  
to deleted  
dry slips*

#### C. Wetlands

1. Seagrass beds located in LANDS END MARINA shall be designated as preservation areas, pursuant to Policy 10.3.1, Future of the Region: A Comprehensive Regional Policy Plan for the Tampa Bay Region, (1988) (F.R.), and shall not be disturbed by LANDS END MARINA operations and/or leaseholder activities. No dredging, filling or development activities shall be allowed within these preservation areas except to the extent, if any, that such activities have been previously authorized by Dredge and Fill Permit No. 291409743.
2. The Developer shall be responsible for maintaining all landscaped and open space areas within the project site other than those for which Hillsborough County has assumed maintenance responsibilities.

#### D. Public Facilities

1. Prior to, or simultaneous with construction plan or commercial site plan approval for the development, the Developer shall stipulate to the satisfaction of

Hillsborough County the manner by which the Developer will participate in the provision of internal water supply lines and facilities to service LANDS END MARINA. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for that portion of the building construction.

2. Prior to or simultaneous with construction plan or commercial site plan approval for the development, the Developer shall ensure the provision of fire flows acceptable to Hillsborough County. The installation of a sprinkler system, fire hydrants or fire plan shall be options to ensure the provision of acceptable fire flows. No Zoning Compliance Permits shall be approved without verification from the Hillsborough County Fire Department that sufficient fire flow required to serve the project is available.
3. Prior to construction plan approval for the development, the Developer shall provide documentation to the Department of Development Review that a master plan for wastewater collection, treatment and effluent disposal facilities has been approved by the applicable entity. No Zoning Compliance Permits shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.
4. The applicant shall obtain wastewater service in accordance with County procedures with the appropriate regional or sub-regional plant as determined by Hillsborough County.
5. Prior to the issuance of Certificates of Zoning Compliance for the development, the Developer shall establish a plan and schedule whereby LANDS END MARINA sewer lines shall be monitored for leaks and ruptures. The plan shall designate the entity(ies) to carry out the monitoring and shall include a time schedule which outlines dates or frequency of the monitoring program. Faulty lines shall be replaced as quickly as possible.
6. Prior to issuance of Certificates of Zoning Compliance for the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate emergency management services, solid waste disposal, electricity, fire, and police/capabilities and facilities are available to service the development.
7. The Developer shall be required to provide for recovered wastewater disposal in accordance with any uniformly applicable Hillsborough County ordinance or take-back policy in effect prior to detailed site plan approval.
8. The Developer shall use non-potable water for landscape and open space irrigation if economically feasible. If both potable and non-potable water will be used for irrigation purposes, a reduced pressure zone back flow prevention device shall be installed.
9. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.
10. The permanent sewage pump-out station shall be operational prior to the storage of boats at LANDS END MARINA, and shall be located on uplands. The sewage shall be discharged into the sanitary sewer system. Slip leases shall require vessels to be equipped with only U.S. Coast Guard-approved marine sanitation devices.

*pertain to dredging slip*  
*pertain to all slips*

11. To the extent practicable, water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 533.14, F.S., 1985) and native vegetation shall be used in landscaping to the greatest extent possible.
12. Any excess infrastructure capacity constructed to serve development beyond the quantities herewith approved shall be at the Developer's risk and shall not vest additional development rights.

E. Solid and Hazardous Waste

1. The regular litter clean-up program for LANDS END MARINA shall be immediately instituted by Developer upon issuance of any slip lease agreements.
2. The Developer shall provide to all LANDS END MARINA boat slip lessees information that indicates the types of materials that are considered to be hazardous and are to be stored or disposed of only in specially-designated containers/areas to be located on-site. The methods by which the Developer shall handle and dispose of hazardous wastes generated by LANDS END MARINA activities shall be provided to Hillsborough County and to TBRPC in the first annual report after Development Order approval.

F. Energy

1. The following energy conservation measures shall be utilized where economically feasible.
  - a. Establishment of energy policies, energy use monitoring and energy conservation by a qualified energy use analyst.
  - b. Programs to promote energy conservation by employees, tenants and the public.
  - c. Programs to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours.
  - d. Establishment of recycling programs.
  - e. Elimination of advertising requiring lighting after business hours.
  - f. Utilization of innovative energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration.
  - g. Use landscaping and building orientation to reduce heat gain where feasible for all construction.

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

G. Hurricane Evacuation

1. The site-specific hurricane procedure plan committed to by the Developer shall be completed and approved by the responsible entities prior to the issuance of any slip leases at the LANDS END MARINA. A copy of this plan shall be included in the first annual report following the issuance of slip lease agreements for LANDS END MARINA, and shall be included with all slip lease agreements. All evacuation plans and procedures should be coordinated

through the Hillsborough County Bureau of Emergency Management. The supervised evacuation shall be conducted prior to a hurricane warning.

2. All rental agreement contracts as well as deeds for sale of land and/or structures for the LANDS END MARINA must be accompanied by a hazard disclosure statement generally describing the property's relative probability of damage from hurricane surge.

#### H. Vegetation and Wildlife

1. In the event that any species listed in Sections 39-27.003-.005, Florida Administrative Code, are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission ("FGFWFC").
2. There shall be no covered wet slips constructed at the LANDS END MARINA.

#### I. Archaeological and Historical Resources

1. The discovery of any historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Hillsborough County. Treatment of these resources shall be determined prior to the continuance of ground-disturbing activities at the resource site.

#### J. Economy

1. The Developer is encouraged to promote non-discriminatory employment opportunities within the development. A report on equal opportunity employment programs utilized by project business and the programs' effect shall be incorporated into the annual reports following issuance of the first Certificates of Occupancy for project businesses.

#### K. Recreation and Open Space

1. The designated recreation and open space areas on the LANDS END MARINA site shall not be diverted to other uses, and shall be accessible to the handicapped.

#### L. Port Facilities

1. "No-wake" speeds shall be enforced within Bal Harbor, where required by County ordinance and by the permitting agencies. Each slip lease agreement shall include information regarding "no-wake" requirements and enforcement measures.
2. The Developer shall accommodate the use of the marina by the Florida Marine Patrol, if DNR requests, to assist in enforcing manatee protection and speed zones.

#### M. Site and Operation Conditions

1. No fueling or servicing of boats shall occur at the marina after 7:00 p.m. or before 7:00 a.m.
2. All buildings shall be architecturally finished on all sides and shall not exceed 35 feet in height.
3. The Developer shall provide a minimum ten foot landscaped buffer along the north and south property lines, except along the staging and quarantine area adjacent to Bal Harbor. A minimum twenty foot landscaped buffer shall be

provided along the eastern property boundary adjacent to Pocket 80. The screening within the buffer yard shall include canopy trees a minimum of ten feet in height at time of planting and spaced not more than twenty feet apart. The balance of the buffer yard shall consist of lawn, low-growing evergreen shrubs, evergreen ground cover or rock mulch.

N. General Conditions

1. The first annual report, after occupancy of the marina, shall include a copy of the slip lease agreement containing information regarding, at minimum, the hurricane evacuation procedure plan, hazard disclosure statement, sanitation devices, "no-wake" requirements, and hazardous materials, as described above. A copy of the internal marina rules shall also be provided in the first annual report, containing information regarding, at minimum, prohibition of raw sewage pump-out into Bal Harbor and allowable repair and maintenance activities on-site. Any revised lease agreements or internal marina rules shall be provided in the upcoming annual report after drafting of the revision(s).
2. Specific conditions 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 28, 30, and 31 listed in the DER permit number 291409743 shall remain in effect for the duration of the project, unless modified by permitting agencies. A copy of this permit is attached hereto as Exhibit "C". Notice of any proposed permit modification shall be provided to Hillsborough County, DCA and TBRPC for review prior to submittal to the permitting agencies. During construction of the marina, all of the specific conditions listed within this DER permit shall be in effect, unless modified by permitting agencies.
3. Any change to the project which meets the criteria set forth in Subsection 380.06(19), Florida Statutes shall constitute a substantial deviation.
4. All of the final Developer's commitments set forth in the Application, and as summarized in Exhibit "D" entitled "Developer Commitments" shall be honored, except as they may be superseded by specific terms of the Development Order.
5. Construction of the project shall be contingent upon developer obtaining a submerged land lease for the marina from the Tampa Port Authority.

STATE OF FLORIDA                    )  
  )  
COUNTY OF HILLSBOROUGH        )

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of November 30, 1989, as same appears of record in Minute Book 162 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 10th day of April, 1990.

ATTEST: RICHARD AKE,  
CLERK OF CIRCUIT COURT

BY: Judith M. Nichols  
Deputy Clerk

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

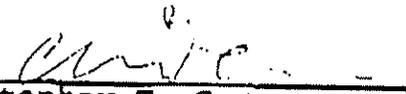
ATTACHMENT A  
Applicant's Affidavit

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared Christopher T. Corr, as the property owner for the Lands End Marina DRI, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Lands End Marina Development, Inc. filed its Application for Development Approval (ADA) for Lands End Marina on June 27, 1988.
2. The aforementioned document was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), the Tampa Bay Regional Planning Council ("TBRPC") and those other governmental agencies described in the distribution list attached to this Affidavit as Attachment A-1 and the aforementioned document is on file for public review at the Hillsborough County Planning and Zoning Department and TBRPC.

  
\_\_\_\_\_  
Christopher T. Corr  
Development Manager  
Frandsen Properties

Sworn to and subscribed before me this 16 day of March, 1990.



\_\_\_\_\_  
Notary Public  
My Commission Expires

Notary Public, State of Florida  
My Commission Expires Dec. 29, 1991  
Bound by True Faith Insurance Inc.

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 DISTRIBUTION
 

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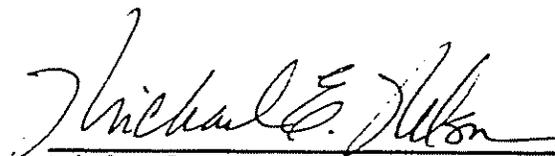
Ms. Terry Porter Mr. Louis Fernandez Department of Environmental Regulation 7401 Highway 301 North Tampa, Florida 33610	[2]	Suzanne T. Cooper, AICP DRI Coordinator Tampa Bay Regional Planning Council 9455 Koger Blvd. St. Petersburg, Florida 33702-2491	[10]
Gene Heath General Manager West Coast Regional Water Supply Authority Suite 211 2535 Landmark Dr. Clearwater, Florida 33519	[1]	David Smith Planning Manager Hillsborough County Planning and Zoning Department 800 Twiggs Street Tampa, Florida 33602	[20]
Rick Gooch Office of Environmental Services Florida Game and Fresh Water Fish Commission 29200 Tucker's Grade Punta Gorda, Florida 33955	[1]	Dennis Harmon, Chief Bureau of Economic Analysis Florida Department of Commerce 406 Fletcher Building Tallahassee, Florida 32399-0132	[1]
Clark Hull Senior Environmental Scientist Resource Regulation Department Southwest Florida Water Management District 2379 Broad Street Brooksville, Florida 33512-9712	[5]	Tom Beck, Chief Department of Community Affairs Bureau of State Planning Rhyne Building 2740 Centerview Drive Tallahassee, Florida 32399	[1]
Bill Howell Bureau of Biological and Interpretive Services Department of Natural Resources Room 508 3900 Commonwealth Blvd. Tallahassee, Florida 32303	[3]	George W. Percy State Historic Preservation Officer Division of Historical Resources Department of State The Capitol Tallahassee, Florida 32399	[1]
Richard Adair Florida Department of Transportation Suite 500 4950 W. Kennedy Blvd. Tampa, Florida 33609	[1]	A. J. Salem Planning Division U. S. Army Corps of Engineers P. O. Box 4970 Jacksonville, Florida 32232-0019	[1]
Connor Davis Marine Fisheries Commission Suite 211 2562 Executive Center Circle, E. Tallahassee, Florida 32399	[1]	William Saalman, III U. S. Department of Agriculture Soil Conservation Service 5118 N. 56th St. Suite 250 Tampa, Florida 33610	[1]
Jim Muller Florida Natural Areas Inventory 254 E. 6th Ave. Tallahassee, Florida 32303	[1]	Joseph D. Carroll, Jr. U. S. Fish and Wildlife Service P. O. Box 2676 Vero Beach, Florida 32960	[1]
Robert Hunter Executive Director Hillsborough County-City Planning Commission Suite 600 201 E. Kennedy Boulevard Tampa Florida 33602	[1]	David Carpenter Tampa Port Authority P. O. Box 2192 Tampa, Florida 33601	[1]

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared Michael E. Nelson, as Consultant/Project Manager for Lands End Marina Development, Inc., the applicant for Lands End Marina, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Lands End Marina Development, Inc. filed its first sufficiency response was on February 15, 1989. The second sufficiency response was filed on April 6, 1989.
2. The aforementioned documents were filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), the Tampa Bay Regional Planning Council ("TBRPC") and those other governmental agencies described in the distribution list attached to this Affidavit as Attachment A-1 and the aforementioned documents are on file for public review at the Planning and Zoning Department of Hillsborough County and TBRPC.

  
Michael E. Nelson  
Project Manager

Sworn to and subscribed before me this 11th day of March, 1990.

  
Candace A. Curtis  
Notary Public  
My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA  
COMMISSION EXPIRES 12/31/1991  
OFFICE OF THE CLERK OF HILLSBOROUGH COUNTY

DOCUMENT # 1

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## DISTRIBUTION

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Ms. Terry Porter Mr. Louis Fernandez Department of Environmental Regulation 7601 Highway 301 North Tampa, Florida 33610	[2]	Suzanne T. Cooper, AICP DRI Coordinator Tampa Bay Regional Planning Council 9455 Koger Blvd. St. Petersburg, Florida 33702-2491	[10]
Gene Heath General Manager West Coast Regional Water Supply Authority Suite 211 2535 Landmark Dr. Clearwater, Florida 33519	[1]	David Smith Planning Manager Hillsborough County Planning and Zoning Department 600 Twiggs Street Tampa, Florida 33602	[20]
Rick Gooch Office of Environmental Services Florida Game and Fresh Water Fish Commission 29200 Tucker's Grade Punta Gorda, Florida 33955	[1]	Dennis Harmon, Chief Bureau of Economic Analysis Florida Department of Commerce 406 Fletcher Building Tallahassee, Florida 32399-0132	[1]
Clark Hull Senior Environmental Scientist Resource Regulation Department Southwest Florida Water Management District 2379 Broad Street Brooksville, Florida 33512-9712	[5]	Tom Beck, Chief Department of Community Affairs Bureau of State Planning Rhyne Building 2740 Centerview Drive Tallahassee, Florida 32399	[1]
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Robert Hunter Executive Director Hillsborough County-City Planning Commission Suite 600 201 E. Kennedy Boulevard Tampa Florida 33602	[1]	David Carpenter Tampa Port Authority P. O. Box 2192 Tampa, Florida 33601	[1]

EXHIBIT B  
Legal Description

LEGAL DESCRIPTION:

A parcel of land located Westerly of Fractional Section 16, Township 31 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

From the Northeast corner of said Section 16, run thence N  $88^{\circ}56'28''$  W, along the North boundary and the Westerly extension of said Section 16, a distance of 5,900.00 feet; thence S  $34^{\circ}59'22''$  W, along the bulkhead line as shown in Plat Book 35, Page 16 of the Public Records of Hillsborough County, Florida, a distance of 2,288.40 feet; thence S  $45^{\circ}37'51''$  W, a distance of 1,640.09 feet; thence departing said bulkhead line S  $44^{\circ}22'09''$  E, a distance of 1,645.60 feet to a point on the Southerly right-of-way boundary of the left lane of Apollo Beach Boulevard as recorded in Official Record Book 1896, Page 75 of the Public Records of Hillsborough County, Florida, said point being the beginning of a curve, concave Southwesterly, having a radius of 1021.17 feet and a central angle of  $13^{\circ}14'11''$ , thence on said right-of-way boundary in a Southeasterly direction along the arc of said curve to the right, a distance of 235.91 feet, said arc subtended by a chord which bears S  $58^{\circ}44'15''$  E, a distance of 235.38 feet to the curve's end, and the POINT OF BEGINNING; thence continue on said right-of-way boundary and said curve, concave Southwesterly, having a radius of 1021.17 feet and a central angle of  $12^{\circ}56'17''$ , thence in a Southeasterly direction along the arc of said curve to the right, a distance of 230.59 feet, said arc subtended by a chord which bears S  $45^{\circ}39'01''$  E, a distance of 230.10 feet to the point of intersection with a non-tangent line; thence departing said right-of-way boundary, S  $42^{\circ}37'55''$  W, a distance of 372.65 feet; thence N  $47^{\circ}22'09''$  W, a distance of 114.81 feet; thence N  $44^{\circ}22'09''$  W, a distance of 115.35 feet; thence N  $42^{\circ}37'55''$  E, a distance of 373.51 feet, to the POINT OF BEGINNING.

Containing 1.90 acres, more or less.

-

EXHIBIT C

DER Permit to Construct (No. 291409743)

---

DEPARTMENT OF ENVIRONMENTAL REGULATION

SOUTHWEST DISTRICT

3300 ONE FIVE SIX VO  
TAMPA FLORIDA 33616 PM1

011-000-0001  
011-000-0001



BOB WATKINS

DALE WALCOTT

ROBERTA

DA ROBERTO D. QUINCY

PERMITTEE: Walt Walters  
File NO: 291409743

GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Section 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agent, employees, servants or representatives.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the department.
3. As provided in Subsections 403.087(6) and 403.712(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and department rules, unless specifically authorized by any order from the department.

PERMITTEE

Walt Walters  
Land End Marinas Development, Inc.  
1616 Athens Street  
Lakeland, FL 33803

PERMIT/CERTIFICATION

Permit No: 291409743  
Date of Issue: MAY 13 1988  
Expiration Date: 05/01/96  
County: Hillsborough  
Project: Marina

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 17-3, 17-4 and 17-6. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with department and made a part hereof and specifically described as follows:

To construct a 99 slip marina with live aboards and refueling facilities, as indicated in the permit submittals and attachments, in (and adjacent to) Gal Harbour and Tampa Bay a natural (and man altered) Class II waterbody, in Section 17, Township 15S, Range 19E, near Apollo Beach, Hillsborough County.

PERMITTEE: Walt Walters  
File NO: 291409743

GENERAL CONDITIONS (con't):

6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized department personnel, upon presentation of credential or other documents as maybe required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purposes of:
  - a. Having access to and copying any records that must be kept under the conditions of the permit;
  - b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
  - c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or department rules.Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify and provide the department (17-6.130) with the following information:
  - (a) a description of and cause of non-compliance; and
  - (b) the period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is

PERMITTEE: Walt Walters  
File NO: 291409743

expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the department for penalties or revocation of this permit.

GENERAL CONDITIONS (con't):

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the department, may be used by the department as evidence in any enforcement case arising under the Florida Statutes or department rules, except where such use is prescribed by Section 403.73 and 403.111, Florida Statutes.
10. The permittee agrees to comply with changes in department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or department rules.
11. This permit is transferable only upon department approval in accordance with Florida Administrative Code Rules 17-4.12 and 17-30.30, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the department.
12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.
13. This permit also constitutes:
  - ( ) Determination of Best Available Control Technology (BACT)
  - ( ) Determination of Prevention of Significant Deterioration (PSD)



5. "If historical or archeological artifacts, such as Indian canoes, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R.A. Gray Building, Tallahassee, Florida 32301."

6. No dredging is allowed by this permit except for that necessary to install pilings associated with this project, as proposed.

7. This permit specifically excludes in-the-water maintenance of boat hulls unless otherwise approved by the Department.

8. The permittee shall provide the Department with a copy of the rental agreement contract used to reserve boating space and including liveboard agreements at this facility. Further, the permittee shall provide the Department with a copy of each newly executed rental agreement for boat slips for the time period covered by this permit.

9. The number of liveboards shall not exceed 20 at any one time.

10. The permittee assures the Department that no additional boat slips shall be requested for this marina, and dock alignment and dimensions shall remain unchanged.

11. The sea grass beds & littoral zone as demarcated by DER and EPC south of the sea wall are to be clearly posted as a no access conservation zone.

12. The floating stage fueling facility shall be of a spill secure design, incorporating a spill retention/containment design and spill pump-out removal systems and the pump shall be located at the approved quarantine dry land site.

13. All fuel pump nozzles shall be equipped with back-pressure, automatic shutoff nozzles to prevent fuel overflow.

14. A spill-secure land-side fueling area shall be made available to all dry rack tenants.

15. Safety cut-offs and alarms shall be provided for all petroleum equipment.

16. A run-off quarantine area shall be provided to receive all bilge water drained from boats before dry storage. The quarantine area shall be specifically designed to separate the petroleum fraction, which must be disposed of, at an acceptable off site facility.

17. The entire boat handling area, between Bal Harbour and the dry stack storage building shall be designed as a quarantine runoff area in accordance with Specific Condition 09 and it will intercept all bilge drainage, detergent residue and any potential petroleum spills for separation and filtration for all-site disposal.

18. Sewage pump-out service is to be provided to all wet and dry slip tenants on a regularly scheduled basis.

19. Sewage pump-out and fueling shall be made available to the general public.

20. All sewage pump-out shall be disposed of through the available municipal sanitary sewage system.

21. Shoreside restrooms shall be made available and conveniently located for wet slip tenants, dry rack users, and the general boating public.

22. The permittee agrees that the contractor will instruct all personnel associated with the project of the presence of manatees and the need to avoid collisions with manatees.

23. The permittee agrees that all personnel will be advised that there are civil and criminal penalties for harming, harassing or killing manatees which are protected under the Endangered Species Act of 1973, the Marine Mammal Protection Act of 1972, and the Florida Manatee Sanctuary Act of 1978. The permittee and or contractor will be held responsible for any manatee harmed, harassed or killed as a result of construction of the project.

24. The permittee agrees that all vessels associated with the project will operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than four foot clearance from the bottom, and that vessels will follow routes of deep water whenever possible.

25. The permittee agrees to install and maintain a minimum of two manatee awareness signs at prominent locations within the construction area/facility. Photo of signs in place, must be sent to the Florida Department of Natural Resources (FDNR) Marine Mammal Recovery Program (100 Eighth Ave., SE, St. Petersburg, FL 33701-5095) prior to construction or use of the facility. Temporary construction signs will be removed by the permittee upon completion of construction.

26. The permittee shall ensure that all construction activities in

open water will cease upon the sighting of manatees within 100 yards of the project area. Construction activities will not resume until the manatees have departed the project area.

27. The permittee agrees that any collision with a manatee shall be reported immediately on the "Manatee Hotline" (1-800-342-1821) and to the U. S. Fish and Wildlife Service, Jacksonville Endangered Species Field Station (904-791-2580).

28. The permittee agrees that the contractor shall keep a log detailing sightings, collisions, or injury to manatees which have occurred during the contract period.

29. The permittee agrees that following project completion, a report summarizing the above incidents and sightings will be submitted to the FWS Marine Mammal Recovery Program (address above and to the U.S. Fish and Wildlife Service (2747 Art Museum Drive, Jacksonville, FL 32207)).

30. A minimum of two manatee awareness signs (minimum 3' x 4' ) shall be installed and maintained at the navigation channel entrance.

31. A permanent educational display shall be established and maintained by the permittee in a prominent location to increase boater awareness of manatees and the threat from boats. This display shall include the location of speed zones and dangerous practices and the "manatee hotline" number (1-800-342-1821). Every operator using the facility shall be made aware of this information.

32. A copy of the stormwater management plan approved by the Southwest Florida Water Management District pursuant to 17-25, F.A.C. shall be submitted to the Florida Department of Environmental Regulation, Dredge and Fill, Southeast District Office prior to initiation of any construction approved by this permit.

33. Prior to the expiration date of this permit, the permittee shall provide a narrative report to the Department explaining the compliance with specific Conditions 1 thru 32. If the Department determines that the permit site is out of compliance with these conditions, the permittee shall then be required to apply to the Department for an operating permit for the facility.

Issued this 19th day of May 1988  
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

  
Richard D. Garrity, PhD  
District Manager  
Southwest District  
7601 Highway 301 North  
Tampa, FL 33637

RDS/kjf  
cc: William Kutash, Enforcement  
Richard Donelan, OGC  
U.S. Corp. of Engineers  
Billsborough County Environmental  
Protection Commission, Eric Leannett

PERMITTEE: Walt Walters  
File NO: 291409743

CERTIFICATE OF SERVICE  
The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF INTENT and all copies were mailed before the close of business on MAY 13 1988 to the listed persons.

Clerk Stamp  
FILING AND ACKNOWLEDGEMENT  
FILED, on this date, pursuant  
to §120.60 (3), Florida  
Statutes, with the Department  
Clerk, receipt of which is  
hereby acknowledged.

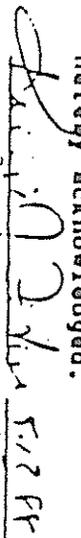
  
5/12/88

EXHIBIT D  
Developer Commitments

DRI #186, LANDS END MARINA (APOLLO BEACH S/D)

DEVELOPER COMMITMENTS

The following are developer commitments set forth in the Application for Development Approval (ADA) and Sufficiency Responses which shall be honored by the developer, except as they may be superceded by specific terms of the Development Order.

GENERAL PROJECT DESCRIPTION

The entire Lands End Marina will be appropriately landscaped. (Page 14, ADA\*)

The proposed dry-rack storage facility will be completely enclosed, thereby eliminating adverse visibility impact of open, stored boats on the surrounding land uses. This enclosed facility will also include landscaping features which will exceed all landscaping requirements. (Page 4, SR\*\*)

The dry rack storage building will not exceed 40 feet in height above the A-1/2 minimum floor elevation. (Page 10, SR2\*\*\*)

ENVIRONMENT AND NATURAL RESOURCES

Water

Potential oil spills will be minimized by equipping fuel pumps with back-pressured, automatic shut-off nozzles, which prevent fuel overflow. Spill-secure land-side fueling location will be available to all dry rack tenants, who will be encouraged by discounted prices to refuel before launching in a state-of-the-art runoff quarantine area. Other precautions will include safety cut-offs and alarms for all petroleum equipment, as well as overflow protection and a leak detection system for the glass fiber reinforced plastic tanks. Only qualified personnel will operate the fueling facilities. (Page 16, ADA)

Run-off from boats being lifted out of the water will be contained in the run-off quarantine area, which will intercept all bilge drain, detergent residue and any petroleum spills into an automatic separation and filtration system, which will isolate potential contaminants for removal to an off-site disposal location. The boat staging area will be centrally sloped toward the drain the same as the quarantine area. (Page 35, SR)

Repair and maintenance activities, such as boat outfitting and engine tuning will be performed within the storage building by the boat dealer. Only petroleum spillage and detergent from boat wash-downs will enter the quarantine area runoff system. (Page 7, SR2)

Automatic shut-off devices on the fuel hoses will serve as a preventative measure for overfill spillage. All upland refueling will occur in the runoff quarantine area. (Page 7, SR)

The fueling facility is to be located where it is protected from boat wakes and waves. (Page 8, SR)

The two underground fuel tanks will be constructed of glass fiber reinforced plastic, and will be equipped with safety cut-offs and an alarm system, (also for all petroleum equipment) as well as an overfill protection and a leak detection system. (Page 9, SR)

The Dockmaster will supervise all fueling activities and "qualified" fueling personnel ... The "qualified" personnel, who will be trained by the Dockmaster, will operate the fueling facilities, including the fuel pumps. (Page 15, SR)

The applicant intends to discourage wastewater discharge into the harbor by providing free pump-out service and through enforcement of internal marina rules prohibiting raw sewage pump-out into the harbor. (Page 20, SR)

The applicant will require that, prior to dry storage, all boats have the drain plug removed in the runoff quarantine area specifically designed to segregate the drainage for off-site disposal. (Pages 16 and 17, ADA) (Developer Clarification: ... designed to separate the oil for offsite drainage.)

The applicant will isolate potential contaminants in an automatic separation and filtration system for removal to an off-site disposal location. (Page 17, ADA)

The fueling area will drain to a continuous trench drain system which will connect to an oil separator. Waste oils will be collected in an underground holding tank which will be pumped out periodically, as needed, by an approved waste oil recycling company. (Page 20, SR; Page 15, SR2)

Potential adverse impacts on surface water quality in Bal Harbor will be minimized and/or mitigated by the following provisions:

- A land-side sanitary pump-out station will be provided for the removal of domestic sewage from holding tanks in vessels using the marina facility.
- The design of the docks will maintain existing tidal flushing and circulation characteristics.
- The use of land-side sanitary facilities will be available to marina users 24 hours a day.
- No marine repair or maintenance facilities will be provided at the marina that would affect the water quality. (Developer

Clarification: ... that would significantly affect the water quality.)

- Except for pilings, nothing in the proposed design of the facility will affect the existing subsurface tidal flow or flushing characteristics of the harbor.
- There will be no dredging or filling during the construction phase of the development, and turbidity curtains will be used during piling placement to minimize any temporary water quality degradation.
- Decking around the proposed fuel pumps at the dry storage area will be sloped landward to collect all extraneous spills. All fueling activity will be supervised by the dockmaster. (Page 18, ADA)

Lands End Marina agrees not to reverse the natural sedimentation process and will take steps to eliminate boat traffic in those areas where the water depth is less than four feet at MLW [Mean Low Water]. (Page 18, ADA) (Developer Clarification: ... to restrict boat traffic...)

Small upland spills can be cleaned up through the use of absorbent materials. The marina will be equipped with at least one of the following clean-up mediums: sawdust, sand, oil, absorbent cloth, straw or polyurethane foam. Following clean-up, this material will be properly disposed of. (Page 7, SR)

The Applicant will only allow and sell bio-degradable detergents for use in the pressure-wash area. Bilge drain areas will be available and oil disposal containers will be prominent and waste disposed of off-site. (Page 17, ADA)

Sanding and painting will be allowed, but spray painting will be specifically prohibited. Hauling for hull repair will also be prohibited. (Page 16, SR)

Minor sanding such as hand sanding, painting, polishing of railings and varnishing of teak trim will be allowed. (Page 5, SR2)

#### Wetlands

There will be no alterations or disturbances to wetlands. (Page 19, ADA)

There will be no filling, dredging or alterations of existing conditions to seagrass areas. (Page 5, SR)

#### Floodplains/Disaster Preparedness

The tops of all anchor pilings for the floating dock system, as well as all floor elevations of upland habitable structures, will be set at or above the base flood elevation of 12 feet. (Page 19, ADA)

All boats berthed in the wet slips will be required to vacate upon notification of hurricane warnings. (Page 19, ADA)

A flotilla plan will be developed for the safe and timely removal of all wet slipped boats to a safe harbor. Lands End Marina private security personnel will provide full cooperation and integration with the Hillsborough County Sheriffs' Office on all security and law enforcement matters, including hurricane events through radio and telephone communication. All security personnel hired by Lands End Marina will be from a professional certified agency and will be required to be trained and continually updated in all hurricane preparedness procedures. A site specific hurricane procedure plan will be developed with input from all appropriate agencies, and will be distributed to all marina tenants. (Page 36, SR)

The Applicant has committed to a planned evacuation in case of hurricanes and cooperation with civil defense authorities, and no vessels are anticipated to ride out hurricanes within the marina. The size of the pilings of the proposed marina piers used are equally effective to most anchoring systems, if there is failure to provide evacuation. (Page 5, SR2)

#### Vegetation and Wildlife

Existing seagrass beds along the existing seawall will be protected from boat traffic. (Page 19, ADA)

The Applicant intends, through management procedures, to inform marina tenants to avoid seagrass beds and other identified shallow water habitats. (Page 4, SR)

Float rope" barriers will be provided around the seagrass areas or "no access conservation zone" signs will be installed, as required by the DER permit. (Page 3, SR2)

The extension of the Tampa Sailing Squadron pier will not affect measures to protect the seagrass areas. (Page 5, SR2)

#### PUBLIC FACILITIES

##### Wastewater Management

All tenants will be furnished pump-out service, free of charge. Pump-out will be available to the general public at the fueling stage by trained, qualified personnel. Sewage will be disposed of through the available municipal sanitary sewer. Shore-side restrooms will also be available and conveniently located for wet slip tenants, dry rack users and the general boating public. (Page 17, ADA)

The Applicant and/or successors in interest will operate and maintain the internal collection facilities for the development, including the land-side sewage pump-out facility. (Page 24, ADA)

There will be no septic tanks used on-site. (Page 24, ADA)

Individual receptacles for pump-out facilities will be within reach of all boat wet slips. (Page 36, SR)

The 99 wet slips will be located convenient to the receptacles in order to provide all tenants with free sanitary pump-out service. (Page 9, SR2)

The Applicant will provide Coast Guard approved pump-out equipment, which will include a portable macerator pump that attaches to pump-out sockets on each vessel. The portable pump will empty sewage from the vessels through an approved distribution system consisting of a four-inch PVC sanitary sewer line directly into the municipal wastewater system. The pump-out service will be operated by trained marina personnel under the dockmaster's supervision. (Page 6, SR2)

#### Drainage

One of the detention ponds will be designed as an amenity capable of acting as a wet-bottom pond for extended detention with biological assimilation. There will be littoral plantings within the side slope areas. (Page 25, ADA) (Developer Clarification: Delete this commitment, see clarification below.)

Runoff from the impervious surfaces will be retained on-site. There will be no degradation of water quality from any marina functions other than typical parking lot petroleum film ... The site receives no off-site runoff but presently has considerable erosion runoff directly into Bal Harbor. This will be corrected. (Page 26, ADA) (Developer Clarification: The site will meet standards set forth in F.A.C. Chapter 17-25. Since the project is located adjacent to Bal Harbor, stormwater attenuation will not be required. It is intended to capture the first 1/2 inch of run-off from the entire site in the proposed ponds. This volume will percolate to groundwater. Volumes in excess of first 1/2 inch will discharge directly to Bal Harbor by use of a weir structure and pipe system.

Operations and maintenance of drainage areas will rest with the property owner. (Page 26, ADA)

The first one-half inch of stormwater runoff will be detained in the detention ponds. The outfall from the detention ponds will discharge runoff in excess of one-half inch to Bal Harbor. (Page 7, SR2)

#### Water Supply

Potable water will be used to meet non-potable needs, but will include conservation measures and/or techniques. (Page 21, SR)

Landscape irrigation will come from the retention areas. Potable water will be used only when non-potable water is neither readily available or economical. (Page 35, SR)

The applicant intends to utilize some native plant species including palm trees and some drought resistant species. Some xeriscaping techniques will be used for the proposed project in conjunction with other landscaping techniques to provide for landscaping compatibility with the surrounding neighborhoods. (Page 34, SR)

#### Solid Waste and Hazardous Waste

No solid waste will be disposed of on-site. All solid waste generated within the marina will be stored in centrally-located receptacles for removal by the County. (Page 28, ADA)

Employees of the marina will be responsible for cleanup and removal of litter, including floating debris. The method and frequency of cleanup will include manual debris pickup on land and "dip net" pickup in the water, daily. (Page 9, SR2)

All solid waste will be subject to a hazardous waste determination. (Page 2, SR)

Because there has not been a determination that any hazardous waste is generated by this development, the Applicant cannot identify disposal plans. However, should said determination be made, the Applicant will manage the disposal in accordance with 40 CFR, Parts 260 to 265, as adopted by Chapter 17-30, FAC and will cooperate with all regulatory agencies. (Page 6, SR2)

#### Energy

The proposed project will incorporate solar hot water heaters, low wattage bulbs and low water usage fixtures. (Page 23, SR)

#### Recreation and Open Space

The marina will maintain all owned land, as well as the bottom-land leased from Tampa Port Authority. (Page 29, ADA)

#### Police

On-site security personnel will be employed by Lands End Marina. (Page 30, ADA)

The marina will have 24-hour electronic surveillance and scheduled security patrol. Other supervision will be provided by the Harbormaster. (Page 24, SR)

#### Fire

On-site portable fire equipment will be furnished and maintained by Lands End Marina. (Page 30, ADA)

The applicant intends to follow the standards for fire protection at the refueling station, as well as the entire marina, set forth by the

SPECIFIC DRI CATEGORIES

Port Facilities

While the Applicant has no "police powers" to enforce internal marina rules, any tenant(s) found violating these rules will be subject to eviction from the marina. (Page 5, SR2)

Lease arrangements for only 20 live-aboard tenants will be allowed . . . The harbormaster will ensure that additional live-aboards are prohibited. (Page 32, SR)

The Applicant has committed to limit the number of live-aboards to 20, and that this number will be enforced through tenant leases and by the harbormaster and is the maximum allowed by the DER permit. (Page 2, SR2)

Because the proposed marina will be a fully-supervised facility, staffed 24 hours daily, the tenant rules and regulations regarding boat repair and maintenance will be strictly enforced. (Page 33, SR)

The types of repair and maintenance activities to be allowed at the marina will include minor engine maintenance, such as carburetor adjusting, teak, trim, and brightwork, at the slips by tenants. These minor repair and maintenance activities, as well as boat outfitting and set-up, will be allowed inside the dry rack storage building by the boat dealer. No major sanding or painting on hulls from gunwale to gunwale will be allowed, nor will be hauling for major repair work for fiberglass, steel, wood or aluminum hulls (minor patching will be allowed); no hauling to do barnacle scraping and no anti-foulant painting will be permitted. No maintenance activities will be performed on the upland portion of the marina outside the dry rack storage building except for fueling, boat hose down, and minor engine adjustments such as carburetor tuning. (Page 12, SR2)

2)

All maintenance associated with boat outfitting and set-up will be conducted indoors. (Page 9, SR2)

The Applicant will post "no-wake/idle" signs on leased property, if the proper authorities determine that there are "no-wake" areas. (Page 2, SR2; Page 1, SR3\*\*\*\*)

There will be no passenger service or cargo handling at Lands End Marina. (Page 33, ADA)

There is no dredging or filling required. (Page 33, ADA)

The boat sales and maintenance associated with outfitting and sales of boats will occur indoors. (Page 5, SR)

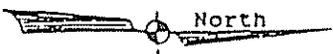
Although a few boats will be located outdoors as "displays", no boats for sale will be stored in parking spaces. (Page 32, SR)

The existing boat ramps will remain, but will be restricted to use by the marina staff only. No public access will be provided to the boat ramp. (Page 34, SR)

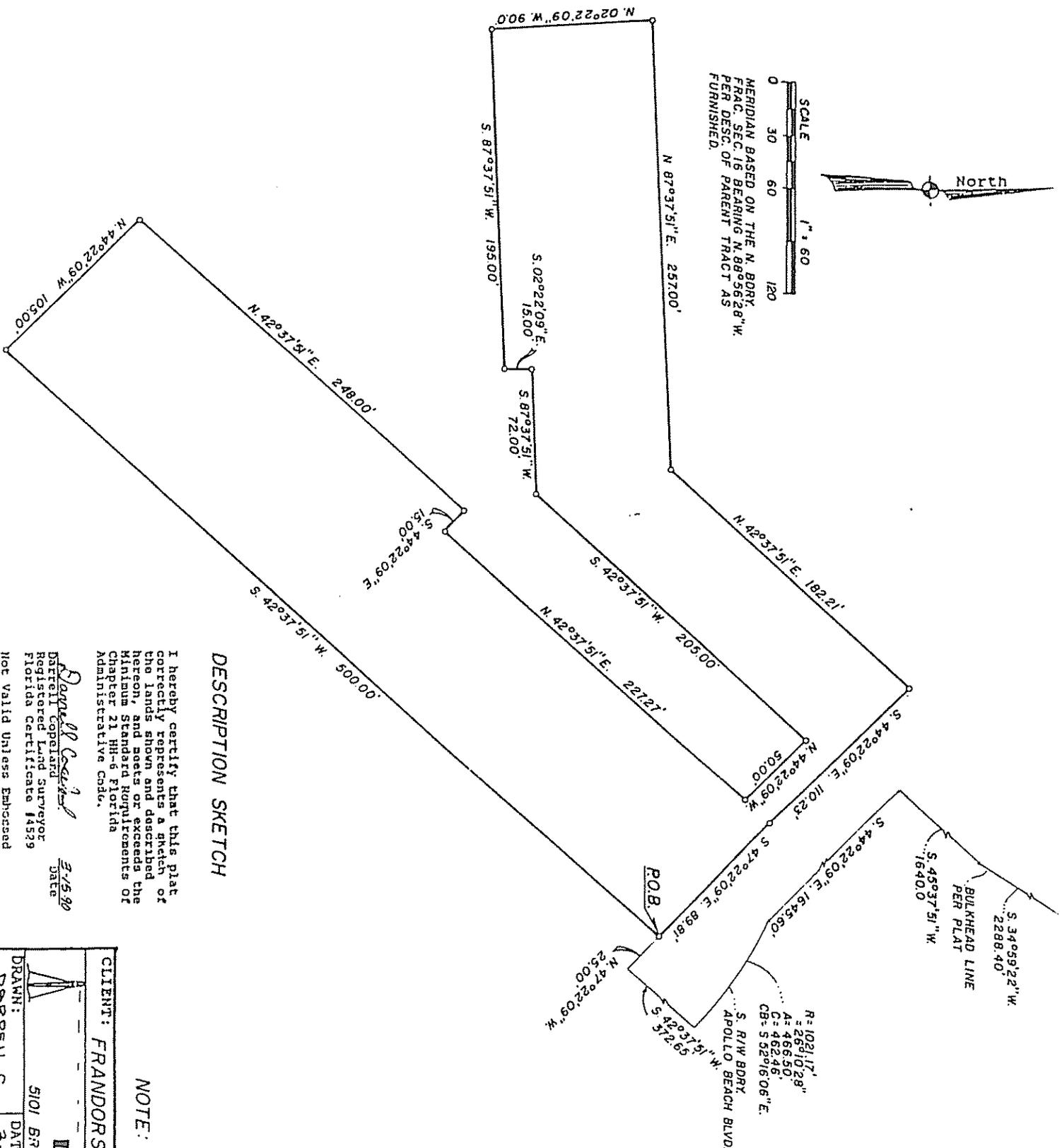
Marina users will not be allowed to park trailers at the marina. (Page 32, SR)

The applicant has determined a monthly and annual lease rate for the wet slips, which will be competitive with most upscale marinas on the Florida West Coast. Dry slip lease rates will be within the price range of most recreational boaters. (Page 18, SR)

- \* ADA - Application for Development Approval
- \*\* SR - First Sufficiency Response
- \*\*\* SR2 - Second Sufficiency Response
- \*\*\*\*SR3 - Third Sufficiency Response



SCALE  
0 30 60 120  
1" = 60'  
MERIDIAN BASED ON THE N. BDRY  
FRAC. SEC. 16 BEARING N. 89°56'28" W.  
PER. DESC. OF PARENT TRACT AS  
FURNISHED.



DESCRIPTION SKETCH

I hereby certify that this plat correctly represents a sketch of the lands shown and described hereon, and does not exceed the Minimum Standard Requirements of Chapter 21 HH-6 Florida Administrative Code.

*Darrell Copeland*  
Darrell Copeland  
Registered Land Surveyor  
Florida Certificate #4529  
Not Valid Unless Embossed With Surveyors Seal  
3-15-90  
DATE

NOTE: THIS IS NOT A BOUNDARY SURVEY

CLIENT: FRANDORSON PROPERTIES JOB NO. 90-011

D & E SURVEYING, INC.

5101 BRUTON ROAD PLANT CITY FL. 33565 (813) 752-6032

DRAWN:	DATE	FIELD BOOK:	C of P
DARRELL C.	3-15-90		
CHECKED:	PAGE:		
ELLIOTT P.			

DESCRIPTION:  
A parcel of land located westerly of Fractional Section 16, Township 31 South, Range 13 East, Hillsborough County, Florida, explicitly described as follows:  
Commence at the northeast corner of said section 16; thence on the north boundary and the westerly extension thereof N. 89°56'28" W., a distance of 5900.00 feet; thence on the bulkhead line as shown in Plat Book 35, Page 16 of the Public Records of Hillsborough County, Florida, S. 34°59'22" W., a distance of 2288.40 feet; thence S. 45°37'51" W., a distance of 1640.00 feet; thence S. 47°02'20" E., a distance of 89.81 feet; thence S. 42°37'51" W., a distance of 25.00 feet; thence S. 47°02'20" E., a distance of 1645.60 feet; thence S. 44°22'09" E., a distance of 110.23 feet; thence S. 42°37'51" W., a distance of 205.00 feet; thence N. 42°37'51" E., a distance of 182.21 feet; thence S. 42°37'51" W., a distance of 227.27 feet; thence N. 42°37'51" E., a distance of 500.00 feet; thence S. 87°37'51" W., a distance of 195.00 feet; thence S. 02°22'09" E., a distance of 15.00 feet; thence S. 87°37'51" W., a distance of 72.00 feet; thence S. 42°37'51" E., a distance of 257.00 feet; thence N. 42°37'51" W., a distance of 248.00 feet; thence S. 44°22'09" E., a distance of 15.00 feet; thence S. 42°37'51" W., a distance of 500.00 feet; thence N. 44°22'09" W., a distance of 105.00 feet.

N. 89°56'28" W. 5900.00  
N.E. COR.  
FRACTIONAL  
SEC. 16-31-13